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ASST. GENERAL MANAGERRICHARD SHEDDEN, P.E.
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ADMIN. SERVICES MGR.ROBERT WELLINGTON
COUNSEL

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT REGULAR MEETING MINUTES

9:30 a.m., Friday
March 21, 2008Boardroom
Monterey Peninsula Landfill
Marina, CA

MEMBERS PRESENT: Leo Laska, Chair
Sue McCloud, Vice Chair
Gary Bales
David Pendergrass
Don Jordan
Joseph P. Russell
Libby Downey (seated at 9:50 a.m.)
Ken Gray

MEMBERS ABSENT: Dave Potter

STAFF PRESENT: William Merry, General Manager
Tim Flanagan, Assistant General Manager
Rob Wellington, Legal Counsel
Richard Norton, Administrative Services Manager
Richard Shedden, Senior Engineer
Charles Rees, Finance Manager
Don Prescott, Information Systems Manager
Jeff Lindenthal, Public Education & Recycling Manager
Jack Cook, Safety Manager
Glen Evett, Last Chance Mercantile/Household Hazardous Manager
Harry Hunzie, Materials Recovery Facility Manager
Ron Mooneyham, Equipment Maintenance Manager
Richard Pettitt, Site Manager
Rebecca Aguilar, Administrative Support Supervisor
Sonia Haro, Administrative Support Specialist
Kimberle Herring, Public Education Coordinator
Mike Perry, Public Education Intern
Steve Montgomery, Industrial Electrician/OE3 Operations Shop Steward
Alex Montejano, Laborer II/SEIU Shop Steward
Jimmy Perez, Senior Hazardous Waste Technician
Abram Meza, Hazardous Waste Technician
Savelio Tupai, Hazardous Waste Technician
James Morris, Laborer II

OTHERS PRESENT: Ryan Kenny, American Chemistry Council
Kristina Wyatt, Armanasco Public Relations
Ashley Milton, City of Monterey
Bjorn Lundegard, City of Seaside
Christine Xavier, D.A.R.T.
John Ramirez, Monterey County Environmental Health Department
Tom Buell, Monterey Regional Waste Pollution Control Agency
Suha Kilic, Pebble Beach Community Services District
Joy Colangelo, Sustainable Pacific Grove
Felipe Melchor, Waste Management, Inc.
Kristi Carriveau, Waste Management, Inc.
Monica Devincenzi, Waste Management, Inc.
Jay Ramos, Waste Management, Inc.
Linda Laska
Lewis Leader
Cindy Walter

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the March 21, 2008, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Laska at 9:30 a.m.

CONSENT AGENDA

With regard to Consent Agenda Item 3, Chair Laska expressed condolences to Steve Morrison's widow Leilani, who was present at the meeting. General Manager stated he was always impressed with Steve's craftsman skills and his ability to fix anything. He worked for the District for over 10 years and was a dedicated and spirited individual, an excellent employee, well liked by everyone, and will be missed. The meeting would be adjourned in his memory.

3) Adopt Resolution (2008-02) of Appreciation and in Memory of District Employee Steve Morrison.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Adopt Resolution (2008-02) of Appreciation and in Memory of District Employee Steve Morrison

Following a motion by Director Russell, and seconded, the Board approved the following actions, also on the Consent Agenda:

- 1) **Approve Minutes of February 15, 2008 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

PUBLIC COMMUNICATIONS

Felipe Melchor, new District Manager for Waste Management, Inc. (WMI), addressed the Board and stated he was available to meet with cities serviced by WMI. He stated he was familiar with many facets of WMI having worked in different positions during his seven years with WMI. He introduced Recycling Manager Jay Ramos, Contracts

Compliance Manager Kristi Carriveau, and Public Relations Coordinator, Monica Denincenzi. Mr. Ramos addressed the Board and stated he would be transferring from the Oakland facility and looked forward to his new position and working with District staff.

PUBLIC HEARING TO CONSIDER ADOPTION OF PUNITIVE MEASURES FOR NON-COMPLIANCE WITH DISTRICT'S HAZARDOUS MATERIALS POLICY AND UPGRADED WASTE SCREENING PROGRAM

Chair Laska stated the Public Hearing would be held following the presentation on Household Hazardous Waste Operations and during Agenda Item 5. (See below)

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

4) Presentation on Household Hazardous Waste (HHW) Operations

Glen Evett, Manager of the Household Hazardous Waste (HHW) and Last Chance Mercantile Programs gave the Board a brief presentation on the household hazardous waste and related waste screening programs. The District's permanent HHW Program was one of the first in the state when it opened in 1987. In 1996, the District built the new HHW which had a drive through customer service area, a larger materials processing area, a secondary containment storage area, and an expanded processing and repacking area. The District conducted one-day mobile collections events, but due to the high costs, it was determined that having customers come to the District site was more cost effective. Staffing levels have remained consistent over the last eight years dropping to three for a short period, but now back to four due to increased load checks as part of the upgraded waste screening program. The paint reuse program, which started in 1990, has been very successful within the community with approximately 65% of materials that are turned in being recycled. The program now serves over 10,000 District residential customers annually, processes over 580,000 pounds of material with an annual program cost of nearly \$500,000.

Glen provided the Board information regarding the changes that have been implemented with the Upgraded Waste Screening Program which include 25 documented load checks and 50 visual load checks at the landfill and the materials recovery facility. Of the 610 documented load checks, 38 contained hazardous waste, 24 contained household hazardous waste, and 14 contained electronic wastes. None of the inspections have been serious enough to report to the Local Enforcement Agency (LEA). He stated that challenges for the future were continued unfunded state mandated bans, higher operating costs, and minimal producer responsibility. Glen proudly introduced the hardworking staff from the HHW.

Board discussion followed regarding out of District customers, pharmaceuticals, fluorescent tubes, and batteries. General Manager commented that the County has undertaken discussions regarding a collection or take-back program for fluorescent tubes and he hoped that any programs undertaken would be conducted regionally.

No Action Taken.

5) Adopt Resolution 2008-03 Establishing Punitive Measures for Non-Compliance with District's Hazardous Materials Policy and Upgraded Waste Screening Program

The Board reviewed a memorandum from Assistant General Manager Tim Flanagan regarding establishment of punitive measures for District charge account customers who have not signed a certification stating they will comply with the District's Hazardous Materials Policy and Upgraded Waste Screening Program with regard to

the procedures for handling and disposing of hazardous materials at District facilities. Assistant General Manager stated that as requested by the Board at their February meeting, all customers were sent a letter notifying them of the public hearing and the proposed punitive measures. The measures include assessment of a higher disposal fee up to the Problem Waste rate of \$90 per ton, loss of charge account privileges at the District, loads subject to targeted waste screening, and transferring names of non-compliant customers to the Monterey County Department of Environmental Health, acting as the LEA on behalf of the California Integrated Waste Management Board.

Legal Counsel stated that after further discussions with staff, he recommended the resolution contain language stating the implementation of the punitive measures would be “applied on a case-by-case basis within the discretion of the General Manager or his designee”.

Board discussion was held regarding the process undertaken to notify customers of the upgraded waste screening requirements and the establishment of punitive measures. Finance Manager stated the certification notice was mailed over a period of three months and repeatedly to those customers who did not return the certification.

Chair Laska opened the public hearing at 10:13 a.m., and there being no comments, he closed the public hearing.

Board discussion followed regarding arbitrarily applying any punitive measures and allowing staff to make selective decisions with regards to the implementation and allowing customers lenience and not complying with the waste screening program. General Manager stated staff would continue to educate customers and it was the District’s intent to work with them.

It was moved by Director Downey, seconded, and Unanimously Carried To: Adopt Resolution 2008-03, Establishing Punitive Measures for Non-Compliance with District’s Hazardous Materials Policy and Upgraded Waste Screening Program As Modified by Legal Counsel to Include Language that the Punitive Measures Would be Applied on a Case-By-Case Basis Within the Discretion of the General Manager or His Designee; and Report Back to the Board in Six Months.

6) Support a Draft Model Environmentally Acceptable Food Packaging Ordinance and Forward Model Ordinance to Member Agencies for Their Consideration

The Board reviewed a memorandum from Public Education and Recycling Manager requesting support of the Board for a draft Model Environmentally Acceptable Food Packaging Ordinance banning the use of polystyrene. If supported by the Board, staff would forward it to member agencies for their consideration. Public Education and Recycling Manager stated the draft ordinance was a product of the sub-committee for the District’s Litter Abatement Task Force (LATF) which had directed staff to develop a model ordinance policy for Board consideration. The sub-committee had several meetings and met with a variety of stakeholders in the development of the ordinance including American Chemistry Council’s Plastics Foodservice Packaging Group, Armanasco Public Relations, California Grocers Association, California Restaurant Association, Surfrider Foundation – local chapter and Sustainable Pacific Grove. The model ordinance specifically addressed fast food and take-out packaging for prepared foods and applied to all food providers utilizing disposal food service ware. The subcommittee also reviewed approved polices of other cities. He stated there were several restaurants that have already implemented a self-imposed ban. He continued that the real issue was litter; it was pervasive on the beaches and polystyrene was not recyclable and did not break down, which added to the litter problem. Public Education and Recycling Manager stated language would be included in the ordinance that the ban would be phased in so that existing containers could be used and that restaurant owners could file an exemption if the cost was not effective.

Board discussion followed regarding the proposed ban on polystyrene. Vice Chair McCloud stated that although there might be opposition to the draft model ordinance, resolving the litter issue needed to start somewhere. Director Russell requested clarification on what and who the ban impacted and Public Education and Recycling Manager responded the model ordinance focused only on fast food packaging, which each individual city could consider and adopt within their city. Director Pendergrass expressed concern regarding the proposed ordinance; imposing a ban when there was such strong opposition to it, and stated that all sides needed to be heard, especially since polystyrene was recyclable. Director Downey stated polystyrene was recyclable, just not in our area and it was not cost effective to ship it elsewhere.

Several community members were in attendance at the meeting and addressed the Board. Joy Colangelo from Sustainable Pacific Grove stated that not all litter was created equal and polystyrene did not decompose, instead it broke into several pieces therefore creating more litter. Carolyn Swanson, owner of Passion Purveyors, which was a local distributor of environmentally products, spoke in favor of the model ordinance. Cindy Walters, co-owner of the Passion Fish Restaurant, stated that in a community that was blessed with so many natural resources, the consideration of banning polystyrene for take out food containers was the right thing to do especially since there were so many affordable options that were compostable and biodegradable.

Christina Wyatt of Armanasco Public Relations spoke in opposition of the proposed model ordinance, in particular since it could set a precedence for banning other materials such as other plastic products therefore affecting the group she represented which was the Central Coast Young Farmers and Ranchers, a subcommittee of the Monterey and San Benito County Farm Bureau. She stated that there were also no Monterey County agricultural business members on the District's LATF. Christine Xavier with Dart Containers stated she had conducted a survey locally and the results were there were many restaurant owners who were in favor of implementing a polystyrene recycling program instead of banning the use of it. Ryan Kenny, American Chemistry Council provided the Board with items in need of further exploration and clarification to include polystyrene's contribution to litter, its non-recyclability, harmful health effects, and biodegradable packaging availability locally.

Amelia Chamorro, Director of Local Government Affairs for the California Restaurants Association (CRA), stated the CRA would not take a position on the model ordinance, although they would work with the communities to assist them should an ordinance be implemented. She stated the CRA was active in the area and will work with the District on the issue of litter. Lewis Leader, District Public Outreach Consultant, addressed the Board and stated he had been asked to conduct a survey and shared with the Board the comments he received, mostly in favor of the proposed ordinance.

Vice Chair McCloud and Director Downey strongly supported the draft model ordinance. Director Pendergrass expressed concern regarding the enforcement of the policy.

It was moved by Director Downey, seconded, and Unanimously Carried To: Support Draft Model Environmentally Acceptable Food Packaging Ordinance and Forward Model Ordinance to Member Agencies for Their Consideration.

7) Award 10-Year Contract to The Don Chapin Company to Provide Sand Excavation and Marketing Services, and Concrete and Asphalt Rubble Recycling Services

The Board reviewed a memorandum from Senior Engineer Rick Shedden requesting Board authorization to award a 10-year contract to The Don Chapin Company (Chapin) to provide sand excavation and marketing services, and concrete and asphalt rubble recycling services for the District. Senior Engineer stated that as discussed in the memorandum, the primary objective in the partnership arrangement was to excavate and market at least 250,000

tons of sand annually over the next 10 years in preparation for construction of landfill Module 6 liner. The District anticipates \$315,000 annually in revenue as a result of the agreement. The agreement was reviewed by District Legal Counsel.

Don Chapin, President of Chapin, addressed the Board and stated that the partnership to provide these services would benefit the District and Chapin. He expressed appreciation for the opportunity to work with the District.

Board discussion followed regarding the long 10-year contract, with an option to extend for 5 years, and prevailing wages. General Manager responded that due to the substantial capital investment required for this project, a longer term contract was anticipated for all respondents to the Request for Proposals. Assistant General Manager also stated that it would take approximately 10 years to move the amount of sand needed for preparation of Module 6. Legal Counsel responded that the issue of prevailing wages was discussed in great detail and the agreement before the Board adequately addressed the labor code relative to prevailing wages and provides protection to the District.

It was moved by Vice Chair McCloud, seconded, and Unanimously Carried To: Award 10-Year Contract to The Don Chapin Company to Provide Sand Excavation and Marketing Services, and Concrete and Asphalt Rubble Recycling Services.

Chair Laska retired from the meeting at 11:35 a.m. and relinquished the chair to Vice Chair McCloud.

STAFF REPORTS

8) Finance, Operating and Recycling Reports, Including Final AB 939 Recycling Rates by Jurisdiction

The financial statements for February 2008 were reviewed by the Board. Finance Manager stated there was an adjustment to the Operating Income of \$4,468 resulting in a total for the month of \$95,712 and \$1,080,747 year-to-date. The year-to-date total Operating Expenses were below budget levels at \$10,844,770.89. The year-to-date Operating Revenues are \$11,929,986.35, above last year, but below budget levels.

The Operating Report for February 2008 was also reviewed. The Total Solid Waste Accepted into the site (excluding regional waste from Santa Cruz County) during February 2008 was 24,462 tons, a decrease of 4,498 tons from January and down 167 tons from February of last year. The tonnage from Santa Cruz County was 1,646 in February.

The Board reviewed the AB 939 Recycling Rates, as of March 10, 2008. The final numbers for 2006 have been calculated by District staff on behalf of the District member agencies and have been forwarded to the State. Member agencies did very well on diversion efforts in 2006 and most of the diversion numbers improved to well over 60% in 2007, due in part to declining tonnages to the landfill (a lower number in the denominator of the calculation).

9) Report on Public Education, Recycling, and Litter

The Board reviewed a memorandum from Public Education and Recycling Manager. The 3rd Annual Monterey County Clean-Up Day will be held in conjunction with Earth Day on April 19th, from 8 a.m. to noon.

John Ramirez addressed the Board to thank the District for contributing to the clean up day event in the form of gloves, two banners and promotional items, plus staff time. He provided a brief status report of upcoming activities for the event.

The District will also be participating in the clean up event by having a fluorescent and battery drop off site at the Home Depot parking lot in Seaside. Staff is working closely with City of Seaside staff to minimize potential traffic concerns.

Christina Wyatt addressed the Board and stated that she was the site coordinator for Whole Foods in Monterey and encouraged community member to contact her with any areas of litter concern. Mr. Ramirez stated that several press releases would be distributed to the community regarding the event.

10) Report on SWANA Legislative Task Force Activity

The Board reviewed a memorandum from General Manager summarizing legislative and regulatory efforts related to recycling and waste management, including an update on proposed legislation to increase statewide diversion from 50% to 75%.

OTHER CORRESPONDENCE

11) Letter Dated February 11, 2008, to California Regional Water Quality Control Board RE: Report on Financial Assurance for Corrective Action, Closure and Postclosure Maintenance and Environmental Impairment

The Board reviewed a letter dated from February 11, 2008, to the California Regional Water Quality Control Board reporting on the Financial Assurance for Corrective Action, Closure and Postclosure Maintenance and Environmental Impairment.

12) Letter Dated February 27, 2008 From Sunland Garden Products RE: Change Of Company Ownership To Bella Carlo, LLC, Salinas, California

The Board reviewed a letter dated February 27, 2008 From Sunland Garden Products notifying the District that Sunland Garden Products would be purchased by Bella Carlo, a Salinas firm. Sunland Garden has been a tenant on District property for over 20 years, operating on a month-to-month lease, and currently rent 60 acres for the purpose of composting District green waste material. Staff will contact Sunland to determine if any impacts may result from the change in ownership.

13) Notice from Monterey County Weekly RE: Selection of Monterey Regional Waste Management District as 2008 Best Environmentally Friendly Business in Monterey County

General Manager expressed appreciation to the Board and District employees for the District's recognition as Monterey County Weekly's Best Environmentally Friendly Service Business in Monterey County for 2008. This is the first year for this category and having people in Monterey County recognize and vote for the District was an honor and tribute of the Board's support and the fine work of all District employees. General Manager expressed appreciation to the community who would consider and vote for the District as the Best Environmentally Friendly Business in Monterey County

In 1998, the Last Chance Mercantile was selected as the "Best Place to go Panning for Gold." The March 13th edition of the Monterey weekly listed all of the "Best of" winners. To express the District's appreciation to District residents and in conjunction with Clean Monterey County Day on April 19th, the District will have a promotional offer through the *Weekly* of \$5 off the purchase price for a load of landscape material, offer good through Earth Day, April 22, 2008.

GENERAL MANAGER COMMUNICATIONS

General Manager reported in his manager's report on the status of the Proposed County Landfill Buffer Zone Ordinance, Monterey Regional Bio-solids Management Plan, and the Feasibility Study with the Salinas Valley Solid Waste Authority (SVSWA) on North Monterey County Waste Flow, the Monterey County Regional Plenary Oversight Group (REPOG), and the Watsonville Disposal Agreement. The Board requested that any presentations made by REPOG focus on the District's role since most had received a presentation at their respective city council meetings.

CLOSED SESSION

The Board went into closed session at 11:50 a.m. regarding the following:


- 1) Conference with Legal Council: Significant Exposure to Litigation Pursuant to Subdivision (b) Section 54956.9 (1 case)
- 2) Conference with Labor Negotiators:
District Negotiators: William Merry, Richard Norton and Tim Flanagan
Employee Organizations: Operating Engineers, Service Employees International Union, Management Employees

The Board came back into open session at 12:24 p.m. Legal Counsel Wellington announced that with regard to the Item 1, the Board directed staff to deny the claim. With regard to Item 2, the Board received information and direction was given to the negotiators; no other action was taken.

ADJOURNMENT

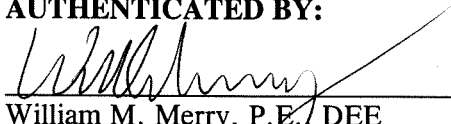
There being no further business to come before the Board at this time, the March 21, 2008 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to April 18, 2008, and in memory of Steve Morrison, by Vice Chair McCloud at 12:25 a.m.

RECORDED BY:



Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:



William M. Merry, P.E. DEE
General Manager/Secretary