

Approved

**MINUTES OF THE REGULAR MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY**

April 25, 2007, Wednesday, 3:00 p.m.

**1537 Webster Street
Oakland, CA 94612
510-891-6500**

I. CALL TO ORDER

President Henson called the meeting to order at 3:00 p.m.

II. ROLL CALL

County of Alameda	Scott Haggerty	
City of Albany	Robert Lieber	
City of Berkeley	Dona Spring	
Castro Valley San. Dist.	Dennis Waespi	
City of Dublin	Janet Lockhart	
City of Emeryville	Ken Bukowski	
City of Fremont	Bob Wasserman	
City of Hayward	Olden Henson	
City of Livermore	Marjorie Leider	(arrived 3:20 p.m.)
City of Newark	Luis Freitas	
Oro Loma San. Dist.	Laython Landis	
City of Piedmont	Garrett Keating	
City of San Leandro	Tony Santos	
City of Union City	Mark Green	

Staff Participating:

Karen Smith
Tamara Galanter, Authority Counsel

III. ANNOUNCEMENTS BY THE PRESIDENT

There were no announcements.

IV. CONSENT CALENDAR

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| 1. | Approval of the minutes of March 28, 2007 | Motion |
| 2. | Status Report on 2007 State Legislation
Recommendation from the Adm/Org Committee to adopt the
positions outlined and recommended principles on green building | Motion |
| 3. | Parking and Public Transit Reimbursement | Resolution |

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- Recommendation from the Adm/Org Committee to amend the Expense Reimbursement Policy to include reimbursement for parking and public transportation for Board Members attending Board and Committee meetings
4. Albany Parks Bay Friendly Landscaping Grant – Ohlone Campus Green Building and Bay Friendly Landscaping Grant
Recommendation from the Programs/Planning Committee to approve grants **Motion**
 5. Bay Roc CIWMB Reuse Assistance Grant Resolution
Recommendation from the Programs/Planning Committee to adopt resolution authorizing grant application **Resolution**
 6. Waste Import Mitigation Funding to Member Agencies - Continuing commitment, Allocation Formula and Eligibility Criteria
Recommendation from the Programs/Planning Committee to approve **Motion**
 7. City and County of San Francisco – Plastic Bag Program **Information**
- Mr. Wasserman stated he wanted to comment on item 6 because he was unable to attend the Programs/Planning Committee meeting. He pointed out he felt that there needs to be some flexibility in the way a city approaches their goals as long as they are productive.

Mr. Landis added that he can't agree with the food and green waste. He stated that being responsible for a treatment plant his recommendation to his customers is to put the food waste down the garbage disposal, it goes into the digesters and methane gas is made to drive the engines. He described the size and process used in the digesters for the production of the methane gas. He explained the more food waste in the disposals the more methane gas and the less natural gas purchased. He noted he would also like to see an exception to the criteria.

Mr. Keating explained that in Piedmont, you can have green waste pick-up if you pay for it. He asked if that would meet the criteria. Ms. Smith stated that everyone needs to have the ability to have it.

Ms. Smith responded to Mr. Wasserman's concerns stating that there was a misunderstanding with a city staff member. She stated that the only item Fremont does not have is the C&D Ordinance and there are a number of options.

Mr. Green asked how the process would work in Oro Loma's case since they are covered by city and the county. Ms. Smith stated they would not be penalized for something they have no control over. She indicated they are in preliminary discussions with the County for C&D in unincorporated areas.

Ms. Lockhart explained that there was a good discussion at the committee and she believes that staff is trying to assist the cities that are a little resistance. She added that maybe the available funds might help move things along.

Ms. Leider stated that she supports individual cases along with being flexible enough to address the various issues.

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Mr. Haggerty asked about funds for the county and Ms. Smith indicated that the County Planning Department receives the funds. Ms. Smith noted that the county still needs to adopt a C&D Ordinance. Mr. Haggerty asked if Ms. Smith knew what the Planning Department did with the funds. Mr. Padia stated the funds have been used mostly for community cleanups in the unincorporated areas for illegally dumped appliances. The materials are collected for recycling.

President Henson noted that the discussions in the Programs/Planning Committee did attempt to provide some flexibility in the process. It was felt that if we are going to try to reach the 75% goal, there should be some kind of consistency. We need to move forward and can attend to the flexibility. He stated that what he is hearing is that the members would like some kind of process for a good faith effort. He asked Ms. Smith to comment.

Ms. Smith stated she did not think that staff should make the decision. Any appeal should be to the Board.

President Henson commented that the Board would like to add an appeal process.

Mr. Green stated he wanted it taken into consideration that everybody is going to make up some excuse about why they did not do something and did not adopt something. He stated he agreed that if a jurisdiction can get to 75% and only adopts one or two of these that makes sense.

President Henson stated a motion would be appreciated.

Mr. Wasserman asked for a separate vote on item 6.

Ms. Spring asked about item 3, Parking and Transit Reimbursement. She asked if she would be reimbursed for her fees to get to the meeting. The only way she can make it is with a wheelchair accessible cab. Taking Bart she has to wait too long.

President Henson asked the attorney for input.

Ms. Galanter stated she thought it would come under "actual and necessary expenses". So there are no questions, she recommended that Section 3.1.5 stated "actual and necessary expenses shall include transportation expenses". Mr. Haggerty suggested paratransit be added. Ms. Galanter stated where it says "parking and/or transit" she recommended it say "parking, public transit and paratransit".

Mr. Green asked about another portion of the policy where it discusses the mileage reimbursement. He stated the rate used in the document is not the 2007 IRS rate. Ms. Galanter stated no amendment would be needed for the rate because the reimbursed rate is the current rate set by the IRS.

President Henson stated he would request a separate vote on item 6. Mr. Wasserman moved the consent calendar items 1 through 5 and item 7, with the amendment to item 3 for paratransit. Mr. Bukowski seconded. Items approved (15-0).

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Mr. Wasserman stated on item 6, he would to move the staff recommendations with the addition that the jurisdiction that demonstrates a good faith effort to comply and can demonstrate that their level of compliance is as high as the highest jurisdiction that they could have an appeal.

President Henson asked Mr. Wasserman to restate the motion. Mr. Wasserman stated that he moves the staff recommendations with the addition that if a jurisdiction can demonstrate an effort towards compliance and can demonstrate that they are as close to the 75% goal as anyone else, that they could appeal it.

Mr. Bukowski seconded.

Mr. Waespi asked who the appeal would go to and President Henson stated the Board.

Mr. Green stated the only way he would support the motion is if it said the Agency had to reach 75%. Mr. Wasserman asked if anyone had reached it. Mr. Green stated no, the Board is trying to get everybody to try harder. Mr. Wasserman stated that if no one has made it why should one jurisdiction not be able to take advantage of that if nobody else has met it either. Mr. Green stated because if you are not adopting four or five things you are not making the effort.

President Henson asked for a clarification and Mr. Wasserman and Mr. Green continued to discuss.

Ms. Lockhart stated she thinks that staff believes these five things will help get us as close to 75% as we can. They would like to see every jurisdiction moving forward with these five issues. She stated that if you don't there should be some penalty for not moving forward and she did not think it should be appealed.

President Henson stated there is a motion and second on the floor to amend the committee recommendation. There was some discussion, with President Henson clarifying the motion was the amendment.

Motion carried 8-7 (Lieber, Waespi, Lockhart, Leider, Grant, Green, Henson)

President Henson called for a vote on the recommendation with appeals process. Vote carried 8-7 (Lieber, Waespi, Lockhart, Leider, Grant, Green, Henson)

Mr. Santos asked if San Leandro was the only city with two transfer stations. He stated he will make every effort to get the city to 75% by 2010, but San Leandro has a unique problem with waste coming to it from every community.

V. OPEN PUBLIC DISCUSSION

Mr. Arthur Boone indicated he had three issues to bring before the Board. The first issue is in regard to the bill AB904 on marine debris, which the Agency supports. He stated that everyone in the world is against the bill except the nice green organizations and the City of Santa Cruz.

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He stated what he wants is the reconsideration of the timetable use by the Agency on legislation. He stated it needs to be moved up.

Mr. Boone stated the second item is an agreement entered into by the Altamont Landfill and five cities in Santa Clara County. The cities will be sending their shredded green materials to Altamont, to be used as ADC, instead of going to Gilroy for composting. The cities are saving money as Altamont will charge them \$19 a ton and Gilroy charges \$29 a ton. Mr. Boone noted he has talked to Mr. Padia and there is nothing in Measure D to prevent the Recycling Board from assessing a fee on ADC material. Mr. Boone stated the landfill is getting filled up with somebody else's green waste. He stated he would like to get this item on the agenda of the Recycling Board as they need to discourage those cities from using up Alameda County's landfill space.

Mr. Boone third item has to do with a claim that the Executive Director of the National Recycling Coalition (NRC) met privately with the author of a bill in Connecticut regarding the bottle bill. He stated the Board of Directors of the NRC has done nothing. He noted that something is not right but he does not have enough information. He stated he would recommend to the Recycling Board that it stop supporting the NRC until there is some kind of security that they are not trying to undermine the bottle bills. He would also like the Authority Board not to support them too until he has more information.

Ms. Spring thanked Mr. Boone for all the work he does for recycling.

Mr. Bukowski noted that he had raised the issue of the timing of the legislative work the Agency does. He explained that it takes too long to go through the process and come up with positions.

Ms. Smith explained that she and Ms. Kaufman have discussed this issue. It is an issue of timing. The bills come in the end of February and within four days there is not time to analyze the bills and bring them to the March A/O Committee so they are brought to the April meeting. It may be possible that the March meeting could potentially be reschedule for later in the month.

Mr. Smith noted that she has not heard about the shredder waste and if Mr. Boone is correct it will have to be put on the Recycling Board agenda and discussed. She said she had only heard about the NRC issue today. She said the Agency belongs to lots of organizations and would be very concerned if something like Mr. Boone described happened. She added that the Agency has not yet sponsored the next conference so this issue will be researched.

Mr. Haggerty asked if the Agency has a legislative advocate in Sacramento. Ms. Smith replied yes. Mr. Haggerty suggested that the legislative advocate should analyze the bills for the Agency as four days is too short a time frame. Ms. Smith noted that the advocate is not paid to perform that duty.

Mr. Haggerty pointed out on the issue on the landfill, the agreement negotiated with Waste Management does not allow Waste Management to accept waste from Santa Clara County. By accepting this waste it lessens the life of the landfill. He stated he would look into the permit and the fees being paid.

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VI. REGULAR CALENDAR

1. Committee Minutes **Information**
 - a. Admin & Org Committee of April 4, 2007
 - b. Programs/Planning Committee of April 10, 2007

No comment.

2. Interim appointment(s) to the Recycling Board for WMA appointees unable to attend future Board Meeting(s) **Motion**

Ms. Smith stated that Mr. Sullivan may need an interim appointment and Mr. Bukowski volunteered. Mr. Bukowski moved the appointment and Mr. Wasserman seconded. Motion approved (15-0). The meeting is scheduled for May 10, Thursday at 4:00 p.m.

3. Composting Project **Motion**

Recommendation from the Programs/Planning Committee to agree with the recommended steps

Ms. Smith stated that the committee has worked over the last couple of months talking with proposers, asking questions and evaluating the information provided. Two proposers are recommended to have their proposals put on hold, Biogas Energy and the City of Hayward. If there is a change they will get back to staff. More staff work needs to be completed on the other proposals especially those requiring transfer stations as the composting would be done out of county.

Ms. Smith suggested holding the June 27 WMA meeting in Livermore. The proposers with the proposals that are located in the East County area can make a short presentation regarding their site. After their presentations the Board can ask questions as well as the audience. More information may be needed or a different analysis, etc.

The proposal of EBMUD is being taken separately. The committee recommended that President Henson, Vice President Waespi and Boardmember Quan meet with EBMUD for discussions on how to move forward with the proposal of processing commercial food scraps in EBMUD digesters. Mr. Bukowski asked if he could be included in this meeting.

Mr. Haggerty asked about the previous proposer, MRI. Ms. Smith stated they are still in the running but with different proposals.

Mr. Haggerty noted that his office has had meetings with some of the residents of the Altamont. He stated he believes those meeting have been relatively successful. Ms. Smith stated that was great.

Mr. Santos asked about the process and Ms. Smith stated at this point, the Board needs to find out how the neighbors feel about the possibility of a facility in East County. Mr. Santos asked if the various problems will be studied and if there will be an environmental impact report (EIR). Ms. Smith stated that the sites needs to be narrowed down and an EIR would eventually be completed. Mr. Santos asked the length of the process and Ms. Smith indicted a year, year an a

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half. Some of the other proposals may move faster. EBMUD is already operating in a small capacity and they want to increase their capacity.

Mr. Keating asked what percentage of green waste EBMUD will take. Ms. Smith stated 200 tons of food waste only and turns it into energy. Mr. Keating suggested working with EBMUD first that way the Board would be able to determine the size of the other facilities that may be needed.

Mr. Green asked about pursuing additional information and Ms. Smith stated that it needs to be determined if anyone in South County is interested in a transfer station in their area. She also stated that she had hoped to see if Ms. Quan would provide assistance with the Port of Oakland regarding that proposal.

Mr. Green asked when the Board would be hearing more on the proposals. Ms. Smith stated at the June meeting and then a decision would need to be made. That could be done at the July meeting.

Ms. Leider stated that the reports indicate there is only one resident nearby the Mulqueeney property and that is the Tesla power station. Is it inhabited or just a power station. Ms. Smith stated all the information is from the proposers and it will need to be checked out.

Mr. Haggerty moved the recommendations of the Programs/Planning Committee and Mr. Landis seconded. Motion approved (15-0).

VII. COMMUNICATIONS/MEMBER COMMENTS

Mr. Landis invited the Board Members to Oro Loma 13th annual poster awards banquet, May 22 at the San Leandro Community Center. He stated 24 children submitted posters. Another invitation is for June 2 as Oro Loma and Castro Valley are jointly holding an open house. It is for the expansion and upgrade of the treatment plant. If you attend, you can see what a digester looks like.

Mr. Landis asked counsel about the quorum concern he had brought up about the committee meetings and Ms. Galenter stated it would be on the Administration/Organization agenda.

Mr. Bukowski stated his council took a unanimous vote to have the board by the Bay Bridge/Port of Oakland removed. There have been a number of complaints about its blinking and being too bright.

Mr. Lieber noted that he and Ms. Wile are working for Albany to join a green power cooperative in the next couple of months. He also mentioned his meetings with EBMUD regarding their power generation and how it affects his city.

President Henson noted an invitation to an awards ceremony in Hayward for a Green Point rated development. The award is named after Sarah Connor, a real champion of the consumer and housing advocate. Ms. Smith stated Green Point rated developments receive a certificate. There is an open house. This helps gets the press there.

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President Henson asked if there is a way of recognizing members with longevity on the Board. Ms. Smith stated that recognition is done when there is turnover on the board.

VIII. OPEN PUBLIC DISCUSSION

Mr. Boone reported that in November he went to Toronto. They have very little green waste except in the fall. Their food waste goes into digesters and becomes green power. Berkeley and Oakland are a couple months away from discussing green power. PG&E is locked into old style power plants. He suggested for the cities of Fremont and Hayward that there is lots of room for composting at ZBest in Gilroy. He went on to explain why Hayward did not have a transfer station.

IX. ADJOURNMENT

The meeting adjourned at 4:07 p.m.