

DRAFT

**MINUTES OF THE MEETING
OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)**

**And
THE ENERGY COUNCIL (EC)**

Wednesday, January 25, 2017

3:00 P.M.

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

I. CALL TO ORDER

Dan Kalb, President, WMA, called the meeting to order at 3.02 p.m.

II. ROLL CALL

WMA & EC:

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Kriss Worthington, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorin Ellis, WMA, EC
City of Fremont	Vacant

ABSENT:

City of Hayward	Al Mendall, WMA, EC
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Staff Participating:

Wendy Sommer, Executive Director
Debra Kaufman, Senior Program Manager
Karen Kho, Senior Program Manager
Richard Taylor, Legal Counsel, Authority Board
Arliss Dunn, Clerk of the Board

Others Present:

Ken Lewis, Waste Management, Inc.
Peter Slote, City of Oakland
Donna Cabanne, City of Livermore Resident
Antoinette Stein, City of Berkeley Resident

III. ANNOUNCEMENTS BY THE PRESIDENTS

President Kalb announced that the State of California Environmental Protection Agency (CalEPA) awarded StopWaste one of its 2016 Governor’s Environmental and Economic Leadership (GEELA) Awards for its multi-step school program. President Kalb along with staff from the schools program was present to accept the award. President Kalb thanked staff for years of dedicated work to make this program a successful asset to schools in Alameda County.

Executive Director Wendy Sommer announced that staff Wes Sullens is leaving StopWaste to accept a position at the US Green Building Council in Washington, DC. Mr. Sullens will be working as the Director of Codes Technical Development. Ms. Sommer acknowledged Mr. Sullens for his contributions to the agency in the area of green policy and codes development. He also recently received the prestigious LEED Fellow designation. Ms. Sommer welcomed Todd High as the new Financial Services Manager. Mr. High was the Regional Financial Operations Manager and Controller for Recology and brings a wealth of experience in tracking and analyzing recycled commodities, budgeting process, rate reviews, etc. He also brings experience from the private sector working for Arthur Andersen and Hewlett Packard.

Board member Young introduced Rita Duncan as the new alternate from Oro Loma Sanitary District. Board member Duncan is the newly elected Director for the Oro Loma Sanitary District Board and the second woman elected in 100 years.

IV. CONSENT CALENDAR

- | | |
|---|--------------------|
| 1. Approval of the Draft Minutes of December 21, 2016 (Wendy Sommer) | Action |
| 2. ACWMA Property: Grazing License Amendment (Brian Mathews) | |
| The Programs & Administration Committee recommends that the Authority Board adopt Resolution #WMA 2017-01 to authorize the Executive Director to amend the Grazing License between the Authority and Joseph and Charlene Paulo to change the rent collection mechanism from “in-advance” rent payment to “in arrears” rent payment. | |
| 3. ACWMA Property Lease: Sprint, AT&T, T-Mobile, and Others (Brian Mathews) | |
| The Programs & Administration Committee recommends that the Authority Board adopt Resolution #WMA 2017-02 to authorize the Executive Director to: | |
| <ul style="list-style-type: none">• Amend the Sprint electrical trench lease to reduce the rent by the terms described herein if and when new tenants sub-lease the electrical power-line trench; and• Enter into a lease agreement based on the terms described herein with AT&T for use of the electrical power-line trench operated by Sprint; and• Enter into a lease agreement based on the terms described herein with T-Mobile for use of the electrical power-line trench operated by Sprint; and• Enter into a lease agreement(s) based on the terms described herein with tenant(s) as may be identified in the future for use of the electrical power-line trench operated by Sprint. | |
| 2. Minutes of the January 18, 2017 Technical Advisory Group (Karen Kho) | Information |

There was no public comment on the consent calendar.

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Board member Worthington made the motion to approve the Consent calendar. Board member Young seconded and the motion carried 18-0.

(Ayes: Biddle, Carling, Carson, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Mendall. Vacant: Fremont).

V. OPEN PUBLIC DISCUSSION

Toni Stein, City of Berkeley resident, commented on the recent roll backs of environmental regulations and asked that the Board remain committed to keeping the environment safe.

VI. REGULAR CALENDAR

**1. Second Reading and Consideration of Adoption for Ordinance 2017-01: Action
Amendment to the Alameda County Integrated Waste Management Plan to include
the Altamont Compost Facility in the unincorporated area of Livermore (Debra Kaufman)**

It is recommended that the Waste Management Authority waive the requirement to read the full text of the Ordinance, read by title only, and adopt Ordinance 2017-01.

Debra Kaufman provided an overview of the staff report and presented a PowerPoint presentation. The combined report and presentation is available here: [Altamont-CoIWMP-memo-01-25-17.pdf](#)

President Kalb opened the floor for public comment. Donna Cabanne, City of Livermore resident, requested that the Board postpone the public hearing. Ms. Cabanne also provided written comments on behalf of the residents on Dyer Road. The comments as Attachment A are included as a matter of record. Peter Slote, City of Oakland, spoke in support of approval of the ordinance. Antoinette Stein, City of Berkeley resident, spoke in opposition to the project and asked that the Board postpone the public hearing. There were no further public speakers. President Kalb closed the public hearing.

Board member Pentin stated that the residents on Dyer Road claimed that they were notified of the public hearing only this week. He is concerned that adequate time is provided to the residents for public comment and therefore asks that the Board continue the item for one month. Board member Martinez inquired about the consequences of postponing the public hearing. Ms. Sommer stated that the Board directed staff at the December 21, 2016 to request that County of Alameda Planning Department notify the residents on Dyer Road of the January 25, 2017 public hearing and second reading. Staff received confirmation from the County Planning staff that notifications were sent to the Dyer Road residents on December 29, 2017 and were sent again on Friday, January 20, 2017. Ms. Kaufman added that on December 29 the notices were sent to addresses within a 3,000 feet radius and on January 20 they included addresses within a 6,000 feet radius. Ken Lewis, Operations Manager for the Altamont Landfill stated that the closest residence is within a mile and a quarter of the facility. Ms. Sommer stated that in order for Waste Management to complete the permitting process and move on to the next phase this Board would need to issue a conformance finding.

Board member Hannon inquired if all of the residents on Dyer Road were notified of the County permitting process in 2013. Mr. Lewis stated yes. He added that some members on the Community Monitor Committee, Altamont Landfill Settlement Agreement are also members of ALARM (Altamont Landowners Against Rural Mismanagement), and minutes from meetings during that timeframe confirm that there were discussions regarding the composting facility. Board member Hannon asked for clarification on the issues of truck traffic and wood pile violations as expressed by the residents. Mr. Lewis stated that the landfill is permitted for 11,000 tons per day and they are currently at 4,000 tons per day which is well below the truck limits per the use permit. With respect to the wood piles, the wood waste is a result of recycled wood accepted by a 3rd party that leases the property. The waste to energy plants were shut down for a while but have since reopened and wood piles are returning to their normal levels.

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Board member Oddie stated that he shares the concern that all of the residents of Dyer Road may not have been noticed and supports continuing the item for one month. Board member Worthington stated that he hasn't seen evidence that continuing the item would result in a different outcome and added the environmental benefits are immense and therefore supports approval of the item. Board member Biddle stated that an in-county composting facility has been in the agency's plans for many years and therefore supports moving ahead with the project. Board member Martinez stated that tabling the decision may send a message to Dyer Road residents that this Board has the authority to address their concerns regarding the composting facility. However, we are not the lead agency for this project but are solely charged with a finding of conformance as it applies to the CoIWMP. President Kalb stated that he concurs with Board member Worthington that he doesn't find evidence that supports continuing the project and supports moving forward. Board member Carling stated that he is not convinced about the December 29, 2017 notification to residents and supports continuing the project another month to allow the Dyer Road residents the opportunity to provide public comment. Ms. Kaufman added the WMA Board is only obligated to notice the public hearing in newspapers and there is no obligation for the WMA to notify residents. President Rood stated that he is sympathetic to going above and beyond the requirement to give people an opportunity to comment but he is not supportive of delaying the process.

Board member Biddle made the motion to approve the staff recommendation. Board member Worthington seconded and the motion carried 15-3.

(Ayes: Biddle, Carson, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Rood, Sadoff, Worthington, Young. Nays: Carling, Oddie, Pentin. Abstain: None. Absent: Mendall. Vacant: Fremont).

The Board adjourned to closed session at 3:53 p.m.

2. CLOSED SESSION (WMA only)

CONFERENCE WITH LABOR NEGOTIATOR

Pursuant to Government Code Section 54957.6(a)

Agency Negotiator: Wendy Sommer

Unrepresented Employees: (all Agency employees; position titles available upon request)

Confidential materials mailed separately

There were no reportable items from the closed session.

**3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend Action
future Board Meeting(s) (Wendy Sommer)**

(P&O and Recycling Board meeting, February 9, 2017 - 7:00 pm – San Leandro Public Library – Karp Room, 300 Estudillo Avenue, San Leandro, CA)

Board member Pentin requested an interim appointment for the February 9, 2017 meeting P&O/RB meeting. Board member Biddle volunteered to attend as the interim appointment. Board member Pentin made the motion to approve the interim appointment of Board member Biddle. Board member Cox seconded and the motion carried 16-0.

(Ayes: Biddle, Carling, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Worthington, Young. Nays: None. Abstain: None. Absent: Carson, Mendall. Vacant: Fremont).

4. 2017 BayREN Contract (Karen Kho) (EC only) Action

Adopt the attached Resolution authorizing the Executive Director to enter into a 2017 contract for Bay Area Regional Energy Network (BayREN) and other related actions.

Karen Kho provided an overview of the staff report. The report is available here:

[2017-BayREN-Contract-01-25-17.pdf](#)

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Energy Council President Ellis asked for public comment on this item. There was no public comment on this item.

Board member Kalb made a motion to approve the staff recommendation. Board member Oddie seconded and the motion carried 14-0.

(Ayes: Biddle, Carling, Cox, Ellis, Hannon, Kalb, Maass, Martinez, Oddie, Pentin, Rood, Worthington. Nays: None. Abstain: None. Absent: Carson, Mendall. Vacant: Fremont).

5. CCA Status Report (Karen Kho) (EC only)

Information

Karen Kho presented a PowerPoint presentation, available here:

[EC-CCA-status update-1.25.17.pdf](#)

Board member Kalb stated that some of the Board members present were on the temporary CCA steering committee. Two of the cities have not joined. There is hope that Contra Costa County and a few more cities might join. Board member Kalb added the first East Bay Clean Energy (CCA) meeting is on Monday, January 30, 2017.

VII. COMMUNICATION/MEMBER COMMENTS

Information

There were none.

VIII. ADJOURNMENT

The meeting adjourned at 4:53 p.m.

Alameda County Waste Management Authority Board Members

January 25, 2017

Dear Board Members:

Please postpone adoption of ordinance 2017-11(Item VI.1 Regular Calendar) concerning the composting facility at Altamont landfill. It is premature to add this facility to the County Integrated Waste Plan.

This item should be postponed until the following steps have been completed:

- 1. Dyer Road residents ---who live adjacent to the landfill---need to be notified in writing about this ordinance and be given a chance at a future meeting to voice concerns to the Board. (Residents were supposed to be notified in December 2016 but this did not occur.)**
- 2. Altamont Landfill needs to clear several Notices of Violation issued by LEA and the Water Board concerning noncompliance of current recycling mandates. Violations include stockpiling wood since January 2016---time limit is 7 days--; storing wood in areas disallowed by waste discharge requirements, and placing pallets in Fill Area 2 that is not allowed to receive wastes yet.**
- 3. Altamont Landfill still needs composting permits from Air and Water Boards.**
- 4. Altamont Landfill must acquire a regulatory permit from Alameda County Department of Environmental Health. (Hearings required by the Department of Environmental Health for this facility have not yet been held).**
- 5. Another proposed composting facility---J Ranch--- ¼ mile from the Altamont Landfill--- is currently working to obtain composting permits. It would be advantageous for this Board to compare the merits of each facility before placing either one in the Integrated Waste Plan.**
- 6. This Board posted a full reading of this ordinance for Jan. 25th hearing. However, staff is asking the Board to waive the second reading, just as the first reading was waived. Does waiving both readings comply with CEQA and due process ???**

Why is the adoption of this ordinance being rushed without adequate input from the public and the Dyer Road residents who will be most impacted ???

For all of the above reasons, it is necessary for this Board to postpone approving the ordinance for the Altamont Composting Facility at the January 25th meeting.

Sincerely,

Donna Cabanne
Donna Cabanne

Altamont Education Advisory Board Committee Member

Altamont Community Monitor Committee Member

Tri-Valley Sierra Club Executive Committee Member

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Subject: composting project

Date: Tue 01/24/17 07:32 PM

Attachments		
Name	Type	Save View
Part 1	text/plain	Save
Part 2	text/html	Save

I spent some time this afternoon reading the various documents we have obtained. Comments are below.

I think that the Dyer Rd residents are all disturbed that we were not informed during the process. A letter received less than 48 hrs before the meeting at which this will likely be approved is, to say the least, too little and too late.

Throughout the documents I've read, the Dyer Rd residents are repeatedly dismissed because there are too few of us and we are too far away to be significant. Obviously, we have a different perspective.

One of the more serious impacts will be increased truck traffic on Altamont Pass Rd. The estimate is 225 additional trucks per day. If I read the report correctly, the claim is that this will be mitigated by encouraging landfill employees to share rides. I think we can all agree that is absurd. More material going to the landfill means more trucks, and there is no way to mitigate that. It would help us to put this increase into perspective to know how many trucks per day currently deliver to the landfill. I was surprised that the report did not include history of truck accidents on Altamont Pass Rd. The report presents volume:capacity ratios at intersections, but

does not give actual numbers of garbage trucks, specifically, currently on the road or projected. Time of day of truck traffic is also relevant. I think this needs to be included.

The report states that landfill activity, including lights, will be visible to the Dyer Rd residents. This is already the case, and I'd like a more detail regarding this.

How much water will be required for composting operations? And from what source?

One of our concerns is smell (section IIIe). There was some description of how the process works, implying that there will be no odor. However, if I understood the report correctly, the impact of objectionable odors is measured based on the number of complaints, and not on the actual odor. The report concludes that because there is not a "substantial number" of people who would be affected, the impact will be insignificant. In other words, it doesn't matter how nasty it smells because only a few of us will smell it. I hope you can understand why we don't agree.

Aside from the composting plan itself, there were a few other items in the documents I read that raise concerns. The permit was issued in March, 2013, valid for 3 years. So it seems to me the permit is no longer valid, correct?

The community monitor report reveals a disturbing number of violations, with the number and severity of violations being noticeably higher in 2016 than previous years. The landfill has been cited every month for a year for a large pile of wood that is in violation of regulations. Why are regulations not enforced? Why is the landfill being allowed to expand into this new area, given their track record? I think you can understand why we don't have much confidence in the assurances we are being given regarding this new project, if existing requirements are not honored or enforced.

In conclusion, we would like a decision on this project to be postponed until we have an opportunity to discuss this and have questions answered.

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