

MINUTES

**DEL NORTE SOLID WASTE MANAGEMENT AUTHORITY
CITY OF CRESCENT CITY
COUNTY OF DEL NORTE
STATE OF CALIFORNIA
Regular Session, Wednesday, November 13, 2013, 3:15 PM**

PRESENT: Commissioner Rich Enea, Chair
Commissioner Roger Gitlin
Commissioner Rick Holley
Commissioner Mike Sullivan
Commissioner Mary Wilson
Legal Counsel Martha Rice
Acting Director/Program Manager Tedd Ward
Treasurer/Controller Richard Taylor

ABSENT: None

ALSO PRESENT: Bill Cochran, Redwoods Leavitt Insurance Agency
Karen Phillips, PS Business Services
Jay Sarina, CAO Del Norte County
Dave Slagle, Hambro/WSG
Clinton Schaad, County Auditor
Tommy Sparrow, Recology
Joel Wallen, Hambro/WSG

3:15 PM CALL MEETING TO ORDER

Chairman Enea called the meeting to order in regular open session at 3:15 p.m.

3:15 PM PUBLIC COMMENTS

The following person(s) addressed the Authority: None.

1. REPORT FROM DEL NORTE SOLID WASTE TASK FORCE – no items

Note: Solid Waste Task Force Meeting of 10 October 2013 did not have a quorum present, and so no official meeting was held.

The following report was made: No meeting was held on October 10th; however, November 25th is the next meeting date. Commissioner Wilson noted that the Task Force had been discussing Authority Ordinances, and she asked staff to place this item on the agenda for the next Authority meeting for discussion.

2. CONSENT AGENDA

- 2.1 Approve minutes, Special Session, Wednesday October 23, 2013
- 2.2 Approve Budget Transfers from Payroll to Treasurer and Auto Insurance.
- 2.3 Approve payment of Invoice 1000153069 from Clean Harbors Environmental Services in the amount of \$29,048.00 for the annual household hazardous waste collection event of 21 September 2013.
- 2.4 Approve payment of Invoice 111247 from North Coast Laboratories in the amount of \$5,369.00 for landfill water sample analysis services. 10671 20232

END CONSENT AGENDA

There were no public comments regarding the consent agenda. Commissioner Wilson noted that in Item 2.1- Minutes there were two typographical errors on page 4 that should be corrected to “known” and “forensic”. Commissioner Gitlin asked to have 2.3 and 2.4 pulled for separate action to allow discussion and explanation. Acting Director Ward explained items 2.3 and 2.4 and the reason for those requests for payment. Commissioner Gitlin thanked staff for explaining the items and helping to make items transparent.

On a motion by Commissioner Gitlin, seconded by Commissioner Holley, and unanimously carried on a polled vote, with Commissioner Sullivan absent, the Del Norte Solid Waste Management Authority approved and adopted the consent agenda, consisting of items 2.1-2.4, as listed above.

URGENCY AGENDA ITEM

Acting Director Ward asked that an item be added to the agenda for this meeting to discuss and possibly take action on approval of a budget transfer and payment of the waste discharge requirements (WDR) fee to the State Water Resources Control Board in the amount of \$64,817.00, as this invoice was received at the Authority office after the agenda was posted, and action is required before the next meeting as the due date for this fee is before the next regular Authority Meeting.

On a motion by Commissioner Gitlin, seconded by Commissioner Wilson, and unanimously carried, with Commissioner Sullivan absent, the Del Norte Solid Waste Management Authority found that this matter arose subsequent to the

posting of the agenda and action was necessary prior to the next regularly scheduled meeting, and so was added to the agenda for this meeting for discussion and possible action.

Acting Director Ward reported that a budget transfer would be needed to cover the full cost of the annual waste discharge requirements permit fee of \$64,817 to the State Water Quality Control Board for fiscal year 13/14. This is a substantial increase over the amount budgeted for this fee (\$55+ was budgeted for this year) based on the figures paid last year. Staff is attempting to get the landfill rating lowered by drilling investigation wells at the Crescent City Landfill, which are hoped to demonstrate a relatively lower threat that would justify a reduction in the Threat/Complexity rating and a lower WDR Fee. Staff noted that the North Coast Regional Water Quality Control Board sets the Threat/Complexity rating, and the State Water Quality Board adopts a fee schedule and collects fees. Staff noted that this fee is not based on any newly discovered threat posed by the landfill, nor is it based on any actions, errors, or omissions at the Crescent City Landfill.

Once the monitoring wells get installed there is a chance that the rating could be lowered and the fees reduced. Acting Director Ward discussed the negotiation process that has occurred to date and the protest of the Threat/Complexity rating and associated fee.

Commissioner Sullivan entered the meeting at 3:33 p.m.

On a motion by Commissioner Wilson, seconded by Commissioner Gitlin, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority approved partial payment of up to \$32,500.00 for the WDR Fee and directed that a letter protesting the fee be sent with partial payment, noting the previous negotiations, costs, and delays in drilling the investigation wells.

Discussion was held regarding delivering the protest in person to the Regional Water Quality Board and asking them to work with the Authority. By consensus, staff was directed to deliver the protest to the Regional Water Quality Control Board in person.

3. DIRECTOR'S & TREASURER'S REPORTS

Agenda items 3.1 through 3.7 are provided for information only

- 3.1 Acting Director's Report 231501
- 3.2 Request for Proposals for Assessment of the Del Norte Solid Waste Management Authority, as disseminated. 130101
- 3.3 Copy of letter to Hambro/WSG acknowledging donation and delivery of materials valued at \$17,410.00 to the Crescent City Landfill for repairs and erosion control. 080104 040901
- 3.4 Treasurer/Controller Report for September 2013
- 3.5 Claims approved by Treasurer & Director for October 2013

- 3.6 Monthly Cash and Charge Reports for October 2013
- 3.7 Earned Revenue Comparisons between FY11/12 and FY12/13

END DIRECTOR'S & TREASURER'S REPORTS

The above reports, which were included in the agenda packet, were reviewed by Acting Director Ward, including noting that the first round of gate attendant interviews will be held November 14th. Mr. Ward reported that America Recycles Day is November 15th and Recology Del Norte is presenting *Trashed*, the movie at College of the Redwoods that evening, and that he would be offering a free compost workshop at the Family Resource Center as part of their Food Day activities. Commissioner Wilson noted that she met with staff prior to the Board meeting to address how monthly expenses were being tracked and reported. Item 3.4 was corrected and the previous reports were revised with the help of the County Auditor. The donation of "dirty fines" by Hambro may be worthy of the "Green Ribbon Award" for community service. No action was taken.

DISCUSSION/ACTION ITEMS

4. LANDFILL POSTCLOSURE

- 4.1 Discussion and possible action regarding quote(s) for environmental liability insurance for the Crescent City Landfill. 091401

Acting Director Ward reported on the quotes for environmental liability insurance. Another quote came in from the Leavitt Group with the lowest quote being \$5,710 and going up from there. Staff recommended that the Authority hold off on purchasing the insurance at this time. Commissioners concurred with staff even though there were four years of audit recommendations supporting the purchase of the insurance in light of no reserve funding set aside for this purpose. Commissioner Gitlin wants to put aside an amount of \$12,000 per year (\$1,000 per month) to establish an account for future claims.

A motion by Commissioner Gitlin to set aside \$1,000 per month to establish an environmental liability reserve fund died for lack of a second.

Mr. Cochran from Redwoods Leavitt Insurance explained the insurance coverage under the proposals, which do not include first party coverage. When asked if there were other claims paid by other communities, staff noted that there was one claim found, but staff was unsure why it was paid when the contract appeared to exclude the act that they paid on. Chairman Enea asked that staff request the outside auditor check on claims that might have been filed and who would pay if there is a claim from the landfill.

- 4.2 Discussion and possible action regarding a letter of 26 September 2013 from the California Department of Resources Recycling and Recovery (CalRecycle) regarding financial assurance demonstrations for corrective action costs. 060901

Acting Director Ward reported on the September 26th letter and pledge of revenue agreement as proposed in the agenda packet, and the addition of an expiration date (expiring Feb 2036, unless revised or amended by the Authority). Commissioner Wilson read a portion of the letter from Cal Recycle for the record. She noted that she found it to be very confusing.

Consensus was given by the Del Norte Solid Waste Management Authority to have staff continue negotiation with Cal Recycle, including a sunset clause.

- 4.3 Discussion and possible action regarding potential to improve a road at the landfill to enable access for a drill rig to drill two investigative wells at the Crescent City Landfill. 230102

Acting Director Ward reported on the landfill access and possible roadway improvements. Approval has been given by the appropriate agencies to get the road improved for the placement of the investigation wells. Four hundred feet of road improvements will be installed by the County Road Department. A geo textile will be laid with approximately 4 inches of gravel on top to form the base of the roadway. The investigation wells are needed to provide data to justify a reduction in the threat rating of the Crescent City Landfill issued by the North Coast Regional Water Quality Control Board and save the Authority money by reducing WDR fees based on this rating.

On a motion by Commissioner Holley, seconded by Commissioner Sullivan, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority approved and directed staff to continue pursuit of the most cost and time-effective method to install the investigation wells at the Crescent City Landfill, including up to \$7,500.00 in costs to improve an access road and potential additional costs for project support from the Del Norte County Engineering Department.

5. COLLECTIONS FRANCHISE – No Items

6. TRANSFER STATION

- 6.1 Discussion and possible action regarding possible participation with Cal Recycle's 2014 Statewide Waste Characterization study.

Acting Director Ward reported on the opportunity to participate in a Statewide Waste Characterization Study organized and paid for by CalRecycle. The last time such a study was completed was 1997. Acting Director Ward

recommended that the Authority participate in the study this next year to provide valuable waste stream information for future program planning, though such a study is not required at this time by any law or regulation.

A motion by Commissioner Holley to participate in the study died for lack of a second. No action was taken.

7. GENERAL SOLID WASTE AUTHORITY MATTERS

7.1 Discussion and possible action regarding Authority staffing needs and opportunities.

Discussion was held regarding staffing needs and opportunities. There is no additional information other than the staffing report above.

7.2 Discussion and possible action regarding a letter from Senator Alex Padilla requesting support for Senate Bill 405. 120502

Discussion was held regarding a letter of support for SB 405 forwarded from the City of Crescent City, phasing out the use of single-use plastic bags. Commissioner Gitlin opposed the bill based on our weather and the function that plastic bags give to our residents. Commissioner Wilson noted that Safeway is opposed to this bill and noted that other areas are charging for bags. She is also personally opposed to the bill. Commissioner Holley noted that there are other issues that are surfacing with the use of these bags. No action was taken.

7.3 Discussion and possible action regarding direction for the potential deployment of the remaining Authority-directed complimentary bin pulls for Community Cleanup. 031205

Discussion was held regarding the use of the remaining complimentary trash bins. Staff recommended: 1) authorize the delivery and pickup of a complimentary bin from Recology Del Norte; 2) request that Hambro/WSG waive their portion of the disposal fees for the mixed solid waste from this cleanup disposed in that bin; and 3) authorize the waiving of the Authority portion of the fees for solid waste for the material placed in that bin.

Commissioner Gitlin gave the background for this request and the selection of the site. County Code Enforcement Officer Dave Mason noted that the County's Code Enforcement program has followed the Union Street (old Ruth compound) and Broad Street property for some time; it has experienced some illegal dumping in the unimproved county right of way. Staff feels that this is the most appropriate use of the bin this year. The Board of Supervisors approved this matter yesterday at their meeting. This request is the same as the City's recent clean-up; the County would pay for/absorb the fees of the per unit charges onto their account. Commissioner Sullivan asked what the plan was to make sure

that there are no more funds spent in this area. He sees people taking advantage of others using this as an opportunity to dump in the area. Mr. Mason suggested putting a gate at the end of Union Street and Maiden Lane to keep people out of that area since there are no residences. Commissioner Wilson thanked Mr. Mason for his work in cleaning up the city and county. A meeting will be held in early December to discuss blight clean up in the community with the assistance of county staff

On a motion by Commissioner Sullivan, seconded by Commissioner Wilson, and unanimously carried on a polled vote, the Del Norte Solid Waste Management Authority approved the recommendations of staff listed above (1-3).

Commissioner Sullivan left at 4:56 p.m.

- 7.4 Discussion and possible action regarding communications with Spencer Fine of the California Department of Resources Recycling and Recovery (CalRecycle) regarding Authority compliance with State mandatory commercial recycling requirements. 180501

Acting Director Ward reported on communications with Spencer Fine. Commissioner Wilson wanted to know why the exemption to the program was not included in the letter and the enforcement issues were. Staff noted they felt the items had been addressed and so they were left out. No action was taken.

- 7.5 Discussion regarding the formation, responsibilities and history of the Del Norte Solid Waste Management Authority with respect to compliance with the California Integrated Waste Management Act of 1989, as amended, including programs related to used motor oil, oil filters, household hazardous wastes and other materials and products banned from mixed waste disposal. 101503

Acting Director Ward reported on the Authority's history and compliance with State recycling and household hazardous waste management planning requirements, mandates and reporting. Commissioner Wilson noted that the total disposal tonnage amount was up from previous years, the biomass reporting. Other changes included the closure of Hambro's Eco-store and halting local composting operations. Commissioners thanked staff for giving these updates. Commissioner Gitlin would like to have a bulleted sheet for his information in the future.

ADJOURN

There being no further business to come before the Authority, Chairman Enea adjourned the meeting at 5:11 p.m., until the next regularly scheduled meeting on December 11, 2013.

Richard Enea, Chair
Del Norte Solid Waste Management Authority

Date / /

ATTEST:

Richard Holley, Clerk of the Board

Date / /