

**CITY OF MILPITAS
RECYCLING AND SOURCE REDUCTION ADVISORY COMMISSION MEETING
OCTOBER 23, 2012, 6:00 P.M.
CITY HALL COMMITTEE MEETING ROOM
455 E. CALAVERAS BLVD, MILPITAS CA 95035**

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. SEATING OF ALTERNATES

IV. APPROVAL OF THE MINUTES OF THE JULY 24, 2012 MEETING

V. PUBLIC FORUM

Members of the audience are invited to address the Recycling and Source Reduction Advisory Commission on any subject not on tonight's agenda. Speakers must state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an item not on the agenda, no response is required of City staff or the Commission; however, the Commission may place the item on the agenda for a future meeting.

VI. ANNOUNCEMENTS

VII. COUNCIL LIAISON REPORT

VIII. APPROVAL OF AGENDA

IX. NEW BUSINESS

1. NEWBY ISLAND LANDFILL EXPANSION AND ODOR DISCUSSION

2. POST-2017 LANDFILL OPTIONS DISCUSSION

X. STATUS OF DIVERSION PROGRAM ACTIVITIES

XI. REQUEST FOR FUTURE AGENDA ITEMS

XII. ESTABLISH NEXT MEETING DATE

XIII. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Recycling and Source Reduction Advisory Commission after initial distribution of the agenda packet are available for public inspection at the Utility Engineering department at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035
E-mail: mogaz@ci.milpitas.ca.gov / Fax 408/586-3030 / Phone 408/586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

IX. NEW BUSINESS

1. NEWBY ISLAND LANDFILL EXPANSION AND ODOR DISCUSSION

At the last RSRAC meeting, there was a request to discuss the Newby Island landfill expansion project and its odor impacts.

On January 3, 2007, City of San Jose issued the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Newby Island Sanitary Landfill Project. On September 15, 2009, San Jose released the DEIR for public comment and held a scoping meeting attended by Milpitas staff. The project consisted of rezoning of approximately 352 acres from the R-M - Residential, HI – Heavy Industrial, and A(PD) Planned Development Zoning Districts to an A(PD) Planned Development Zoning District to recognize the current landfill and related operations and practices and increase the permitted top elevation of the landfill from 150 to 245 feet mean sea level to allow an increase in the capacity of the landfill by approximately 15.12 million cubic yards.

Milpitas staff reviewed the DEIR and submitted the attached comment letter on November 5, 2009, noting that:

The Newby Island Rezoning Project DEIR failed to sufficiently analyze the significant odor impacts the project would have on the Milpitas community. The odor impacts discussed in the DEIR are identified as less than significant with no mitigation required. Yet the project's Odor Assessment (Appendix C of the DEIR) concluded that the project would increase the possibility of odors being transported off site and that mitigation measures are needed.

Milpitas staff then negotiated with Allied Waste, now Republic Services, for the next three years to develop an agreement for mitigation of odors, but was ultimately unsuccessful.

On June 6, 2012, the San Jose Planning Commission held a public hearing before certifying the final EIR. The vote was 4 to 2 with 2 commissioners absent and 1 recused. The Milpitas City Manager, Acting Public Works Director, and Planning Director all submitted comment letters to the San Jose Planning Commission urging that they not certify the EIR and deny the rezoning and planned development permit application.

On June 11, 2012, the Milpitas City Attorney filed a Notice of Environmental Appeal with the San Jose Planning Department. On August 14, 2012, the San Jose City Council held a public hearing and upheld the Planning Commission certification. On September 27, 2012, the City of Milpitas filed a lawsuit against City of San Jose for critical errors in the EIR related to odor impacts governing the planned expansion of Newby Island Landfill and Resource Recovery Park. In this filing, the City Attorney's statement noted that:

The draft EIR gave very little attention to the massive increase in odors that would emanate from the landfill, composting and recycling operations

at Newby Island if the proposed changes were implemented. Remarkably, the report falsely claimed that odors currently emanating from the Newby Island Sanitary Landfill are insignificant and that the odor impact from the huge expansion and change of planned operations would go unnoticed by the community.

This item has been placed on the agenda for discussion. No action is required.

RECOMMENDATION: Receive report.

2. POST-2017 LANDFILL OPTION DISCUSSION

On September 5, 2017, the solid waste collection and landfill disposal contracts with Republic Services will terminate. The City will need to negotiate contract extensions with Republic Services or go out for bid for these services. This item has been placed on the agenda for discussion based upon a request from the commission.

RECOMMENDATION: Discuss as needed.

X. STATUS OF DIVERSION PROGRAM ACTIVITIES

Highlights of August – October program activities:

- a. Single Family Recycling & Waste Reduction: Promoted Yard Trims Recycling Program and Composting Workshops.
- b. Multi-family Recycling & Waste Reduction: Completed mailing to 6,000 multi-family dwellings (MFD) regarding mandatory recycling requirement per AB341 and included recycling program promotion. Completed AB341 tracking and found that all MFDs participate in the recycling program!
- c. Commercial Recycling & Waste Reduction: Completed mailing to over 2,000 businesses regarding mandatory recycling requirement per AB341 and included recycling program promotion. Completed AB341 tracking and found 160 businesses in non-compliance with AB341. Set methodology to reach these businesses and continued support of Republic Services field marketing.
- d. Bottles & Cans Recycling: Using the “Easy Money” design, implemented the following advertising and promotions for the State’s Bottles & Cans Recycling Program: Bus tail and interior advertisements on VTA bus lines in Milpitas; placed ads in *The Milpitas Post* and *Milpitas Post Online*; placed public service announcements on the City’s website and KMLP-15.
- e. Creek Cleanups and Resource Fair, Sept. 15: Milpitas residents received a doorhanger on September 4 with an invitation to participate in creek cleanups at two sites and attend a Resource Fair at the Barbara Lee Senior Center. Creek Cleanups are in conjunction with Coastal Cleanup Day and the Resource Fair accepted medicines for drop-off and offered an exchange of mercury thermometers. Information also appeared in *The Milpitas Post* and *Milpitas Post Online*, City website and KMLP-15. Milpitas residents collected almost two tons of litter (heaviest items were scrap wood and metal, bottles and cans; lightest

items were plastic bags and convenience food cups and wrappers). At the Resource Fair, Milpitas residents turned in 284 pounds of pharmaceuticals, of which 14 pounds were controlled substances, and exchanged 45 mercury thermometers.

- f. Reusable Bags: The City continued offering one free bag per household on the City's website. Residents may request that a bag be mailed by calling the "Reuse Line" at 586-2680.

RECOMMENDATION: Note receipt and file.

XI. REQUEST FOR FUTURE AGENDA ITEMS

XII. ESTABLISH NEXT MEETING DATE

The next regular meeting of the Commission is January 22, 2013 at 6 pm.

XIII. ADJOURNMENT