

South Bay Odor Stakeholders' Group

Meeting Minutes

Date: January 18, 2018

Time: 11:30 am – 1:30 pm

Location: Sonesta Silicon Valley (1820 Barber Lane, Milpitas)

Attendees: See Sign-in Sheet

Recorder: Republic Services

Discussion

Evan Boyd	<p>Agenda Item # 1: Call to Order and Introductions</p> <p>Introductions,</p>
Evan Boyd	<p>Agenda Item # 2: Overview of Meeting Minutes</p> <p>Evan: Asked everyone to sign in, reviewed the last meeting minutes, inquired if anyone needed modifications to the minutes or any action items that were not addressed and distributed current agenda. Minutes were reviewed – no comments were suggested. All of the previous meeting minutes are posted on the SBOSG website for reference.</p>
Evan Boyd, Kathy Cote, Achaya Kelapanda, Chris Moylan,	<p>Agenda Item #3: Newby Island CASP Update</p> <p>Evan Boyd: The site was in transition from open windrow composting to CASP. The project was slated to be complete by Jan 1st, 2018. After Jan 1, 2018 all feedstock is being ground and placed in the CASP and the project has gone well. The project is 60% complete; we have four bunkers and we are in a position to manage all material in the CASP going forward. Full completion of the system is expected by March'18. It has been a smooth transition; we are running the system on generators as we are waiting on PG&E to supply permanent power. We expect to have PG&E power in the next four to five months.</p> <p>Kathy Cote: Will there no windrows by the end of March'18.</p> <p>Achaya: That is correct.</p> <p>Ms. Cote: Will there be a reduction in volumes after the CASP is operational.</p> <p>Achaya: There will be no reduction in volume but there is expected to be about a 90% reduction in emissions.</p> <p>Evan: There will not be a reduction of volume.</p> <p>Chris Moylan: Would there be a reduction in volume on-site?</p> <p>Evan: We are still learning residence time; we may have less residence time and less finished product but overall we do not expect to see an overall reduction in volume. We have not seen the first batch from the process and we will continue to evaluate the system.</p> <p>Chris: I am very optimistic about the process.</p> <p>Evan: We have about 15 windrows and this material came from feedstock that was processed before Jan 2nd. If we run 60 -75 days, we will deplete all the windrows by the end to middle part of March'18. As we get closer to the Feb – March date we expect to see the</p>

	<p>number of windrows drop.</p> <p>Chris: Would we expect to see fewer personnel/hours.</p> <p>Evan: We are still evaluating needs, we might need less folks for loading the material but we may need more personnel to remove the material from the CASP.</p>
<p>Evan Boyd-Juan Ortellado-Kathy Cote-Chris Moylan- Ryan Ford- Minh Lee- Bob Nunez- Anurag Pal-Tracy Lee- Tim Orozco</p>	<p>Item #4: Odor Study Discussion/Action Items</p> <p>Evan: In the last meeting we had agreed to bring odor consultants to help scope the regional odor study. There were suggestions that Republic keep out of the process in order to ensure there was no potential for bias. Jeanne Serpa had reached out to the group to solicit names of consultants that should be taking part in the odor study. Jeanne did not receive any feedback from the group. There was no progress made scoping the study. Republic had offered to gather the information from the group and get the information out.</p> <p>Juan: Can you explain the genesis of the study for the benefit of the folks who are new to the group.</p> <p>Evan: The reason for the study was a permit condition that was included in the Planned Development Permit as part of the expansion of the Newby Island LF. The condition wanted this group to complete a regional study, funded by Republic, scoped by this group and administered by a Public Agency. During the last two meetings discussions were held as to what the study would look like, who would be responsible for it and how to get participation. In the last meeting it was suggested that consultants would come to this meeting and help define the scope of the study. We did not get any recommendations from the group on which consultants to bring and we are at the same place as the October meeting.</p> <p>Kathy: It was suggested that discussions be held between Republic staff and the City of San Jose staff to understand the expectations of the study in order to meet the permit conditions. San Jose staff would seem to be the appropriate public agency to oversee this study.</p> <p>Evan: There was some discussion and we have reached out to San Jose staff. Their position has not changed and they are pointing to this group to come out with a scope. Based on some discussions, there is feeling that this condition may already have been met by previous studies that have been conducted. I cannot speak for them since they don't have a representative here.</p> <p>Chris: How many odor studies have been done?</p> <p>Evan: Two or three. There was one conducted by Republic in 2014 and another conducted by the City in 2015.</p> <p>Chris: The reason why another study was being proposed was because the previous studies had a very narrow focus. The odor study was to be a regional odor study and we could probably rule out 60% of the sites. Wasn't that the reason why they wanted a regional odor study as a condition of the expansion??</p> <p>Ryan: Republic funded a regional odor study that the public rejected because Republic conducted the study by itself. The City then conducted a site specific odor study. The difference between the two studies was that the site specific odor study was administered by a Public Agency; the City then wanted to do the Regional Odor Study whose scope would be defined by this group and administered by a Public Agency. Republic had already completed a regional odor study and had identified that the majority of odor was coming from natural sources in the bay.</p> <p>Bob: I apologize for coming to the process late, but who has been coming from Milpitas?</p>

Evan: You have had the Finance Director attend, a Council appointed resident Min attend and Ling attend. We typically have a City appointed resident and City Staff attend.

Bob: The current council has not appointed anybody to represent them. We don't mind anybody attending these meetings; we have not heard anybody come back and report to us. Who did the letter asking for suggestions on consultants go to??

Evan: It went to the typical attendees who attended these meetings. The request came from Jeanne. There is a website for this group and people can subscribe to it and they are included in the distribution list.

Rob: I would not describe it from Milpitas point of view the way you described it. It is not as easy and simple as you just described it from our point of view. Moving forward we are looking for a different level of participation. We think the study is necessary; we don't think the next step is the City of San Jose. We need to step up and be true partners; we are going to do our best to catch up quickly. It sounded as if the study was further along than I was lead to believe.

Evan: Further along the line in which sense??

Rob: It sounded like we were ready to do something and just because we got no responses it is given that the City of San Jose will carry the last part of it. I don't want to move forward because nobody responded and San Jose gets to pick the consultant – I want to be a part of that conversation.

Evan: I think that you are. This group is not that far along; the recommendation on who to bring to talk about scope needs to come from this group. This was supposed to be a starting point on who to bring and the permit condition does not specify the City of San Jose. The City can remove this permit condition if they want to.

Kathy: Do you recall when Jean sent the last request??

Evan: I will check but it was shortly after the Oct'19th meeting. I will check with her.

Kathy: I am not familiar with firms who do this kind of work. Does BAAQMD have any firms that do this kind of work??

Juan: I am not familiar with this type of study; our position is that we cannot put one firm over another as it would look like we are favoring one firm. We excuse ourselves from providing any names.

Chris: You told me that the last study was a regional one – did it include the 10 possible sites that were on our list?

Ryan: Most if not all odor sources were included in the study.

Chris: In our last meeting we were asked to scope this study, come up with a potential list of sites. In July we voted to let the consultant come up with a scope, we did not want Republic to pick the consultant. The Air District has said it is not appropriate for us to do it. We all voted that we would pick the consultant in July. What we all voted to do was not do anything. Perhaps what we need to do is to say that the scope of the study is to look at those ten sites. We lost three months, six months let's not lose nine.

Juan: It will be good to have the City here in order to understand their permit condition.

Ryan: Without speaking for the City, it is their position that the SBSOG should scope the study. The City of San Jose is satisfied with the study.

Chris: It would be nice to have the City here but we should do our job.

Tracy: The City should be an active participant in this group.

Ryan: I agree with you. The City will not be an active participant in this process.

Anurag: We have something significant for you. Evan, can any Agency oversee the study?

Evan: What the condition says is a Public Agency.

Anurag: Will the City of Milpitas be interested in overseeing it?? It seems like most of the

problems relate to the city.

Ryan: Absolutely not. The City of San Jose will have a problem with the City of Milpitas overseeing the problem.

Juan: You are contradicting yourself. You said the City wanted this group to decide – which one is it??

Ryan: Seeing as the City of Milpitas has sued the City of San Jose on multiple occasions on this item, I would think there might be a legal conflict. If the City of San Jose does have a problem, I would put forward the position of a legal conflict of the City of Milpitas overseeing the contract.

Evan: I think Ryan's point and from Republic's perspective, that permit condition may have been put in place by the AQMD. I am not entirely sure.

Ryan: It may have been. I think their coordination with BAAQMD may have led to the City including this in the permit. The huge interest by the public from the City of Milpitas may have also contributed to this permit condition. The City of San Jose has made clear to us that they don't want an active role in completing this requirement and it is up to the stake holder group.

Bob: How has the City communicated this?

Evan: I don't know that they have other than what the condition says.

Comm. Bob: How has San Jose told us that they do not want to be in this room?

Evan: I don't know that they have to this group or to me directly. They know that the group exists, they have been invited to attend.

Bob: If they have not told us no, I would take the fact that they are not here as a no. I would like to have Sam tell me no. Some of the elected officials here should go ask him and give him a chance to come.

Chris: Are you saying we do nothing for another three months??

Bob: No, I think the fact that the City is not here should not stop us from moving ahead. But we should still ask them to attend. I have not seen the 10 spots but trust this group has vetted them all. I would like the opportunity to find some consultants and experts to do this study for us.

Nimrat: Who from the City of San Jose are you expecting??

Evan: I would defer that to the folks that feel like they want those folks here.

Chris: That's a good question. Because the LEA used to send a representative.

Nimrat: I took over from Bob and the LEA has been at all these meetings.

Evan: I would agree with you that the LEA has been here at every meeting.

Tracy: I remember a name at the last quarterly meeting – Rosalyn??

Nimrat: I do know that Rachael has another meeting today and I can convey the message to the City.

Juan: My understanding was that since this was the City of San Jose's permit and not the LEA's permit.

Tim: I think this group has evolved over time. The cities are represented by a department or an agency. What I am hearing now is that Councils get involved and appoint representatives to represent them – not to discount the City of Fremont. I think City Councils are not aware what this group is doing and it is partly our fault for not getting the word out to them – the mayors should be aware. We have the agencies involved but maybe they are not getting the word back. So for the City of Fremont – do you go to City Council and report back??

Kathy: I send it to my supervisor and he sends it out through the City Manager.

Tim: I don't think the Council members are getting this information.

Bob: I can tell you for the City of Milpitas – we are not.

Chris: I think the Council should be able to decide if they want one of their members here.

Bob: Lucky for all of you, I will be coming.

Kathy: One way to proceed will be to prepare a Request for Proposal. That work is typically done at the staff level. I could put together a work group; I would reach out to San Jose, Milpitas and prepare some qualifications and send it out. I would probably coordinate with my Planning Department; I am willing to take the lead on that for the group if that is an acceptable way to move forward? We would want to see who responds, try and get at least three firms to present. To me somebody who does this work would have a better sense on how to proceed.

Evan: To your point Kathy that is how we moved from the identification of the ten or so sites, trying to get a consulting group involved as I think there was a concern about willing participants, I can go back and check my notes.

Chris: We will have to do what Kathy suggested, we define the scope and then we got out for proposals, get a consultant and they do the study. The group decided the last time around to go in the opposite order – let's get the consultant first and make them help us do the scope.

Tim: Part of the rationale behind that was because I am no expert and we are not experts in the field; to hear from the consultants what matters. I would want to hear that first and then make a decision because I don't specialize in that area.

Kathy: I believe the question we are trying to solve is - are there still odor issues, what are the parameters like certain days, certain locations, and what are the likely sources. I would look to an expert and say - how do we answer that question. There are ten locations, maybe there are more than ten locations and maybe the locations we came up with are not the best ones, I don't know.

Chris: We were trying to define what regional meant and the idea to do it by site; where exactly did that come from?? In about May, we said we were supposed to do it by site. That's what I am a little fuzzy about where that came from. Otherwise all we are supposed do is what's the region over which to do the study.

Evan: I think the group was trying to define the region and the best way the group knew how to define the region was to identify the potential sources in the general area and that would essentially define the region. From a common sense perspective, if we said the region was Santa Clara County or Southern Santa Clara County trying to do an odor study over this massive landscape was going to be improbable, inefficient and not the answers that we were looking for. That's how it went from region to site; there was enough knowledge in the room that the folks who were at the table were knowledgeable enough to identify the potential sites that might be involved.

Chris: Since Fremont is willing to step up, we must acknowledge that this is not only Santa Clara County, it is a little piece of Santa Clara County and a little piece of Alameda County. Let's have the County do it which is another public agency that does not have skin in any disputes the game but we have two Counties involved which makes it a little more complicated.

Kathy: I am willing to coordinate the effort. I would like to coordinate with somebody from San Jose, staff person from Milpitas.

Chris: You might or may not want to include Santa Clara.

Kathy: Do you have a staff contact at Santa Clara??

Chris: Not a staff but I know the Mayor. If you want me to, I can flip that to you.

Evan Boyd-Annie
Pham-Tracy Lee-
Chris Moylan

Item #5: 2018 Legislative Solution

Annie: From the members, I wanted to share this with you. I realize this is my second meeting and I may not have enough background but I don't think we have enough stakeholders here. I think it is unfair for Republic to take on this burden, of having to hold this stakeholder group and the other folks don't show up. So we want it to be more formal and for it to be a mandate that we can force people to be here. That's our goal, we want to have the right people in the room to really discuss where are the potential sources. We don't to have just Republic here getting beat over the head with a lot of stuff. We want to be able to solve this issue and help all the residents and the four cities we have identified that have the odor issues to make it more manageable. This is the language, this is draft and we have asked our counsel to draft it. It is similar to what we have done before, forming a stakeholder group, very concise and more regional and not focus on one source but look at all the sources. The language is asking Cal-Recycle to form this stakeholder group and we have enough information to decide who should be here in terms of the different facility representatives. One of the issues that came up was that although the Air District has jurisdiction over all the other odor sources, they don't have jurisdiction over composting facilities. We want the Air District to coordinate with the local LEA.

Tracy: We do refer confirmed complaints to the LEA as soon as we confirm or within a 24 hour period of when we confirm a complaint. We send emails to Rachel Roberts and Bryan Sousa and to Bob Bates as well. So they do know when a confirmed complaint is traced to compost.

Chris: How do you trace it to compost right now?

Tracy: Our typical complaint policy when we receive a complaint, the complaint is passed on to our inspector. The inspector contacts the complainant as long as they are not anonymous, and we try and meet with them face to face and try and identify the odor together. If the odor is present, we try and identify the odor and then try and trace it back to a source. We use metrological, wind date, sources upwind, doing patrols and monitoring within the community and try and pick up the odor trace it to a source. Once to identify the odor at the fence line, we then goes into the facility and does an investigation and traces it to a source.

Chris: So you got the wind direction that tells you where it is coming from, but there could be several sources along that direction, some of which might be compost which Cal-recycle is in charge of and some might be something else that you are in charge of. That of course is the rationale as you like to say " Put some science behind it"

Tracy: Our inspectors are very knowledgeable with what odors are in the area and so we are on-site at Newby several times a week and we go onsite and we go directly to the source to the composting site, to the active cell, to the MRF, we go inside the MRF, we go to ZWED, we go to the STP. We go to the bio-solids pond when they are harvesting and so we know exactly what the odors are.

Chris: What's the status of Eric's GCMS?

Tracy: That is something we are still in the process of testing. I think we went out in October; we are experiencing some technical challenges. At this point it is not as easy as one may think. We went out with our chemist up to Richmond, to the south bay area here and at this point I am not able to comment exactly where it's at but it is still in the testing phase.

Chris: Given the information that you have, you can come up with a reasonable guess as to what the source might be. If it reasonably appears to be a composting source you then

report it to the local enforcement authority who is supposed to enforce odor standards. What fraction of the time when you get an odor complaint does it seem to you to be from a composting source?

Tracy: I have an update

Annie: Let me finish first. Our overall approach is not to look at one source but to look at all the sources, different time of year, where are they coming from, and wanted to cover all of our bases. It makes sense for the LEA to coordinate more of that back and forth with the Air District and then come up with a protocol on how to handle these things. That's our goal; this is the first draft, we are open to feedback and if you have any comments on how they can work better, how we can improve just let us know.

Tim: The first thing that comes to my mind is that you say you will establish a taskforce with a specified membership. What is the specified membership?

Annie: If you look on the back on Page 2. You will see the membership. We are asking all the cities to participate. And the facilities.

Tim: Ever since they started this, Zanker Recycling, ZWED never showed up. They should be a part of this. I drove by their facility and you can smell their compost. Facilities are important as well.

Annie: Yes, that's why we want them there. We are going to ask Cal Recycle to identify these facilities and ask them to be here. If you have any comments, feedback, please let me know. It is going to be introduced pretty soon, and it is going to go through its process, there is plenty of time for us to talk about language.

Tim: Just to remind everybody, the Assembly member offered a bill just like this a couple of years ago. My boss did not support the bill initially. He chairs the Environmental Quality Committee, so it would go to his committee. Part of it was because this group was just getting started, Bob did not want to interfere and wanted Republic Services to end Stakeholder group, start something initiate something hopefully become successfully and did not want to codify it in statue. Obviously he will see it at some point, if it is exactly the same that he authored in the first place, what's to say we should continue?

Chris: The answer will be the experiment that Bob wanted to see happened. Let's see what this group can get accomplished has been completed. And the answer is not much. So maybe something else needs to be done.

Annie: And the folks who are supposed to be here are not here.

Tim. Yeah, I see what you are saying.

Kathy: What would this provide above what we currently have? Participation from some stakeholders, is that the primary thing this would result in?

Annie: Yes, and I think that's very important because I think one of the things that we have discussed is that the Regional Study, we can have the scope but really unless we have an enforcement Agency overseeing it, Republic just can't go into another facility and do the testing and ask them to participate. We can say ten facilities have to be a part of the study but wants to say those ten facilities have to comply and to have something that is more codified and to be overseen by a state Agency will have more authority. And later on, we might put a little more language in terms of if there is a study they would have to comply with the study and have to participate. But that would be a later amendment.

Chris: So you would deal with two of things that took up a lot of our conversation last quarter which was "What about unwilling participants and I wish Agency X was here. If that goes through Agency X has to be here and it doesn't matter whether they are willing or unwilling participants.

Annie: Yes That's our goal to have people participate. I really do appreciate Republic taking

on the task but we cannot force people to be here if they don't want to be here.

Evan: Whether folks are supportive of the bill or not, I appreciate the recognition. This group has unfortunately tuned into a Republic Group and I don't think that was ever really the intent. Republic is one of the only parties that shows, so appreciate the recognition there. For me, one point of clarification to a comment Tracy made about inspectors being at Newby, at Republic site multiple times – I think your inspectors are hopefully at other sites multiple times a week in the south bay as well, correct? I don't know what the other sites are but maybe you can share with the group so folks know for the record as they are getting more involved, it not just Newby.

Tracy: I have six inspectors, in the south bay from Newark to Gilroy including San Jose. I have an inspector dedicated in the Milpitas area each week and they rotate – one inspector per week. While my inspectors are doing their investigations, if we receive complaints my other inspectors are inspecting other sites and doing compliance verification inspections. If they receive complaints, they are going to the sites and doing investigations as well.

Evan: And some of the other sites are..

Tracy: In the Milpitas Area? There are so many. In the Milpitas area, I have already named them. It's the STP, ZWED, Newby Island; potentially some of the satellite chip and grind operations, whatever might have odor on any given day. People call in about tar pods, people doing a roofing job, we are there and we investigate their complaints.

Juan: One clarification with regard to the participants, you mention representation from the environmental enforcement agencies, it is a little confusing when it says one representative from the enforcement agency or the City of San Jose, that does not include the LEA, right?

Annie: Yes, so that's a drafting error. I want representatives from the City but also the LEA. I was told there are two; there is also the Santa Clara County LEA. Are they ever involved?

Juan: No

Annie: SO it's just San Jose that is involved.

Tracy: Although the Santa Clara LEA Paul Tavares, he used to work for the City LEA.

Annie: Do they have jurisdiction?

Evan: Not over Newby because it is within the City of San Jose limits. If it was in the unincorporated areas, it would be. The enforcement agency is the City of San Jose LEA and not the County.

Annie: Is the ponds in the county of Santa Clara area or

Evan: That's the City of San Jose.

Chris: SO is ZWED, because the former LEA guy said he had been out to ZWED

Annie: Are any of the potential sources, under the Santa Clara County LEA?? No?? So it is just the City of San Jose. I am going to include the LEA but I was told there were two by Cal Recycle.

Kathy: I was hoping to clarify on the language; on here it says develop and implement a protocol for joint inspections by the Bay Area Air Quality Management District and the enforcement agency represented on the Task Force. It then lists the different cities. Does that mean that the cities would provide staffing to participate in these inspections?

Annie: No, it's going to be the LEA. It's a drafting error. It's going to be the Air District.

Ryan: Can I make a suggestion? Based upon the Regional Odor Study that Republic did commission, I am not going to pretend like I really know the results except that I was impressed by how much of the odor came from natural sources on bay lands and if we could include agencies that oversee those bay lands.

Chris: Don Edwards National Wildlife Refuge – that's Federal Govt.

	<p>Ryan: We have added the South Bay Salt Restoration Project. I know a little bit about that project to know that it's a multi-agency effort and that might be a good place to start by identifying who has what authority and who might be the interested party to this.</p> <p>Evan: I think the Don Edwards project, it is the US Fish and Wildlife is responsible for that.</p> <p>Chris: And the particular project also involves the Army Corp of Engineers</p> <p>Ryan: And I know Sen. Feinstein's Office has been a key player in that and they might be able to provide us with some insight as to the players.</p> <p>Evan: Just for the sake of time, we are about 3 minutes shy of 1:30. Just want to be sure everyone gets their comments in for Item #5 for the draft legislative solution here.</p>
<p>Evan Boyd-Tracy Lee- Chris Moylan-Juan Ortellado-Tracy Lee- Nimrat Sandhu</p>	<p>Item #6: Round table update</p> <p>Evan: Any more comments to Item #5? We will move on to Item #6. Does anyone have any other updates that we have not discussed today?</p> <p>Tracy: I have an update. Looking at 2017 numbers, for the south bay area which would include the Milpitas, San Jose Fremont area, complaints have continued to decrease since 2015 when we were getting the bulk of our complaints. Just to give you an idea in 2015, we received 3500 complaints, 2016 approx. 2800 complaints, and 2017 approx. 1750 complaints. So it continues to decrease which is good and we attribute it to facilities making continuous improvements. And to answer your question on compost complaints as best as I can on compost odors it looks like approximately 75% of our confirmations have been traced to green waste and compost odors.</p> <p>Chris: That prompts another question to the LEA. We have approximately 2000 complaints coming in; approximately three quarters are traced by the air district??</p> <p>Tracy: Its confirmed complaints.</p> <p>Chris: How many confirmed complaints do you have?</p> <p>Tracy: Not very many.</p> <p>Juan: Why don't you describe what a confirmed complaint is?</p> <p>Tracy: When we meet with the complainant we ask them if they still smell the odor. If the complainant says yes then inspector will ask the complainant to describe the odor. The inspector will then tell them if they either smell the odor or if they don't. The face to face meeting is important because people have different sensitivities, different ways of characterizing the odor, so it is really important for us to detect the odor together. Once that happens, because my inspectors are the odor experts, because we are familiar with the odor sources in the area, if we do smell something, we patrol the area and see if we can trace the odor back to a source. Sometimes that is possible, sometimes it is not. There are challenges, the odor could be on a windy day, the odor can be fleeting and intermittent, it is not always like a lingering odor and it is not as easy as you think. The odor travels and can go as far as the Great Mall area and gets fainter as it goes out and we do our best to try and identify and trace the odor to the source and it is not always possible and that's the reason why you get not as many confirmations as we would like. With every complaint we receive, we do treat them as official complaints, do our investigations and if we confirm we do onsite investigations and if it is outside the air district's jurisdiction, we refer it to the agency that has jurisdiction.</p> <p>Chris: So a confirmed complaint is one that not only could the inspector smell but trace it to a source?</p> <p>Juan: Correct.</p> <p>Chris: So if an inspector can smell it but cannot prove the source what source that counts as</p>

an unconfirmed complaint.

Juan: Correct. The complainant has to be present, the inspector has to make contact with the complainant and both have to smell the odor at the same time.

Chris: Alright. Approximately how many confirmed complaints traced to compost sites happened last year?

Tracy: I don't have the exact number, we looked at a year's worth and I believe it was only 2%.

Chris: 2% of roughly 2000 or 1700.

Nimrat: A major factor is the fleeting nature of these complaints. Sometime when you go onsite it has already dissipated.

Chris: So 75% of the confirmed ones are traced to compost but that is only 2% of the overall complaints. So let's see, 1% is 20, 2% is 40. So we have 40 in year confirmed complaints traced to compost in a year. So from the LEA what enforcement action has been taken for the 40 complaints?

Nimrat: I really don't know, I just started. But they have been given Notices of Violation

Chris: They get a letter but nothing ever gets shutdown, or they have to cutback till they mitigate it?

Nimrat: No they have to mitigate it. They have to cover up their windrows with wood chips; there are several ways of mitigating odors. They have to take care of odors within 24 hours or even immediately. But they are served with Notices of Violation. I don't know if there is a fine associated with it or not.

Chris: What follow up does the LEA do to make sure they mitigated it?

Nimrat: Follow up is usually site visits, and we will see if it is still there. I have been with the City for a little over a month and I have been to the Newby Landfill almost ten times and up until now I have not smelled it. I have seen the CASP go up and I have worked at other major composting facilities for more than three years and I know what bad compost smells like. They have had a good operation at least since I have been here. And about the question you asked, as far as I know we do serve Notices of Violations.

Evan: Of the 1750 complaints, 2% is about 35 complaints. How many composting facilities are in that area?

Tracy: We are just looking at Milpitas, San Jose and Fremont. So we have one facility, Newby Island that it has been traced to.

Evan: So you are not including ZWED as a composting facility?

Tracy: ZWED is a dry anaerobic digestion and they do not have compost windrows outside any more.

Chris: Or at least you have not traced anything to them so far?

Tracy: It is a different smell, it really is. It is not what you would describe as a traditional compost odor. It is a rancid food waste odor.

75% of the odor is prevalent to compost and credit to you guys. You guys are doing your job to improve it. You saw the numbers 3500 and two years later 1750 got cut in half. With the new operation hopefully, it will improve even further right? Everything traces back to Newby and but I feel every time it goes to the LEA nothing happens. So that is the frustrating part, right? Because they confirm, you call the LEA and it is always like a voicemail – nobody will answer the phone. So it kind of died there

Chris: And what about after hours?

Minh: They have some agency that takes the calls after hours. If they have over X number of phone calls, they would get one of their representatives to come out there on overtime.

Juan: We have been spending quite a bit of our resources on overtime over the years.

Tracy: We have on call staffing – holidays, weekends, answering service that communicates
Minh: when you go back to the LEA, sorry we are short staffed. We don't have the manpower.
Tracy: I think it is staff resource issue at the LEA and Nimrat is new.
Minh: And when you complain to Cal Recycle, it's like Oh, sorry. It's one of those things – Chicken and Egg.
Juan: Cal Recycle's position is that they are not the enforcement agency.
Nimrat: But any confirmed complaint that we get from BAAQMD, we do submit a copy of what our finding was to Cal Recycle.
Minh: Even after two years there are still issues – we still have ongoing complaints
Chris: Who can waive a magic wand – what we would like to see is a whole lot more of what your inspector can actually smell and trace and dramatically increase the confirmed complaints. This is what I am holding out on your instrumentation. I know it is difficult, but then you wouldn't even need to know what the wind direction was right. If you have a signature from each possible source, there is amazing tuff that can be done that is much harder than that. Like pulling groundwater out and finding the tetrachloroethylene from a dry cleaner from the 1950's and identify which chemical company made the TCE. That's the kind of stuff that can be done. So hopefully once Eric can get the kinks worked out of his instrumentation you might be able to increase the number of things that can at least be confirmed. Because they cannot do anything unless it is confirmed, right?
Nimrat: Just a question for you Tracy, were you looking at portable GCMS?
Chris: Yes.
Tracy: Our technical division is looking into it.
Nimrat: How big is it?
Juan: It's pretty heavy.
Tracy: Forty five pounds each and that is not including the batteries. Its bulky, it's not portable like this.
Nimrat: I have worked with those but you mentioned it in one of your meeting minutes that you will be using them so I was thinking of something compact.
Tracy: There are a lot of technical challenges we are experiencing and we are trying to work through those. It is not as simple as one may think.
Evan: Okay. Any other roundtable updates. Moving on to Item #7, Public comments? Not seeing any, before we adjourn lets establish a meeting date for our next quarterly meeting. Typically Thursdays have worked for everybody. We are looking at April around the 19th.

Next Meeting

Thursday, April 19, 2018, 11:30am to 1:30pm, Sonesta Silicon Valley (1820 Barber Lane, Milpitas)