

Minutes For March 11, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m. The meeting was called to order by Chairman Kromm. All members were present.

ADDITION TO THE AGENDA

PROPERTY NEGOTIATIONS RE SOLANO COUNTY FAIRGROUNDS ADDED TO CLOSED SESSION

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to add an additional item to the Closed Session regarding Property Negotiations: Solano County Fairgrounds, Under Negotiation: price and terms of payment. So ordered by a vote of 4-0.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Meet and Confer: All Bargaining Units with Josie Jenkins, Agency Negotiator; Meet and Confer: Deputy Sheriff's Association, Units 3 & 4, and Correctional Officers, Unit 13 with Craig Jory, Chief Negotiator; Property Negotiations: 355 Tuolumne Street, Vallejo, Negotiating Parties: City of Vallejo, Triad Development, Michael D. Johnson, County Administrator, Under Negotiation: price and terms of payment; Property Negotiations: Courage Drive, Fairfield (APN 028-782-090), Negotiating Parties: Solano Park Partners, Michael D. Johnson, County Administrator, Under Negotiation: price and terms of payment; Property Negotiations: Solano County Fairgrounds, Under Negotiation: price and terms of payment. The Board moved out of Closed Session at 9:24 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:28 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7A) RESOLUTION NO. 2003-050 RECOGNIZING THE MONTH OF MARCH, 2003 AS VANDEN JUNIOR RESERVE OFFICERS TRAINING CORPS (ROTC) MONTH IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-050 Recognizing the month of March, 2003 as Vanden Junior Reserve Officers Training Corps (ROTC) Month in Solano County. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Chairman Kromm presented the resolution to Retired Lt. Colonel Billy Lakes and Cadets Ryan Eberle, Sean McBride, and Aser Tolentino.

(Item 7B) RESOLUTION NO. 2003-051 RECOGNIZING THE WEEK OF

MARCH 10TH THROUGH MARCH 14TH, 2003 AS VANDEN ACADEMIC
DECATHLON TEAM WEEK, ADOPTED

On motion of Chairman Kromm and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2003-051 Recognizing the week of March 10th through March 14th, 2003 as Vanden Academic Decathlon Team Week. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Chairman Kromm presented Coach Kenyon, Vanden Academic Decathlon Team Coach with the resolution.

Coach Kenyon commended all team members and the great progress of the team, and Team Captain Milton Solorzano on behalf of team members thanked the Board, teachers, family, and friends for their support.

(Item 7C) RESOLUTION NO. 2003-052 PROCLAIMING THE WEEK OF
MARCH 16 -22, 2003 AS "WOMEN'S MILITARY HISTORY WEEK", ADOPTED

On motion of Supervisor Vasquez and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-052 Proclaiming the week of March 16 -22, 2003 as "Women's Military History Week". So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Vasquez presented Kathleen Heeren, Commander American Legion Post 165, with the resolution.

Commander Heeren presented a Blue Star Service Banner to the Board, and gave a brief history of the banner as outlined in a fact sheet, incorporated herein by reference.

(Item 7D) RESOLUTION NO. 2003-053 PROCLAIMING MARCH 10-16, 2003
AS "COVER THE UNINSURED WEEK" IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-053 proclaiming March 10-16, 2003 as "Cover the Uninsured Week" in Solano County. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Silva presented Deborah Sugiyama, Vice-President Solano Coalition for Better Health, with the resolution.

Ms. Sugiyama reviewed State and Federal statistics outlining the positive results in Solano County and the need to continue the programs to ensure health care for the uninsured in the County.

(Item 7E) RESOLUTION NO. 2003-054 PROCLAIMING MARCH 21, 2003 AS
AGRICULTURE DAY IN SOLANO COUNTY, ADOPTED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-054 Proclaiming March 21, 2003 as Agriculture Day in Solano County. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented Jay Seslowe, Assistant Ag Commissioner/Sealer and Susan Travers of the Solano County Fair

Association.

Mr. Seslowe discussed the importance of agriculture in the County and Ms. Travers discussed the program that will be held at the Solano County Fairgrounds to educate many young County students about agriculture.

ITEMS FROM THE FLOOR

APPEARANCE BY DONALD TIPTON RE CODE COMPLIANCE

Donald Tipton, Vallejo, voiced his concerns regarding responses from the Department of Environmental Management regarding code compliance issues in the Homeacres area.

INTRODUCTION OF MARK TONNESON, ASSISTANT ASSESSOR/RECORDER

Skip Thomson, Assessor/Recorder introduced his new Assistant Assessor/Recorder Mark Tonneson, and gave a brief background of Mr. Tonneson's qualifications.

PUBLIC COMMENT ON CONSENT CALENDAR

Donald Tipton, Vallejo, commented regarding Item 17 - Military leave and Benefits, feels war should cost so much no one would go to war, war should be the last choice, and feels the Federal government should pay the supplement costs for County staff on active duty.

APPROVAL OF AGENDA

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 4-0.

CONSENT CALENDAR

On motion of Supervisor Silva and seconded by Chairman Kromm, the Board acted to approve the following Consent Calendar items by a vote of 4-0.

(Item 13) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF FEBRUARY 5, 2003 AND FEBRUARY 1, 2003, as outlined in the Agenda Submittal from the Clerk of the Board dated March 11, 2003, incorporated herein by reference, approved.

(Item 14) RESOLUTION NO. 2003-055 AUTHORIZING THE APPLICATION FOR A REUSE ASSISTANCE GRANT FROM THE STATE WASTE MANAGEMENT BOARD, adopted. (see Resolution Book)

(Item 15) PUBLIC HEARING RE ADOPTION OF THE FY2003/04 BOOKING FEES, set for May 6, 2003 at 9:00 a.m.

(Item 16A) 3-YEAR LEASE AGREEMENT FOR OFFICE SPACE LOCATED AT 1745 ENTERPRISE DRIVE, BUILDING 2, FAIRFIELD FOR MENTAL HEALTH DIVISION OF HEALTH AND SOCIAL SERVICES, as outlined in the Agenda Submittal from General Services dated March 11, 2003, incorporated herein by reference, approved and County Administrator authorized to sign said contract on behalf of Solano County.

(Item 16B) NOTICE OF COMPLETION RE ABATEMENT-DEMOLITION PROJECT AT 2100 WEST TEXAS STREET, FAIRFIELD BY R.C. KNAPP, INC., as outlined in the Agenda Submittal from General Services dated March 11, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 17) AFFIRM SUPPLEMENTAL PAID MILITARY LEAVE AND MILITARY MEDICAL BENEFITS PROGRAM POLICY, as outlined in the Agenda Submittal from Human Resources dated March 11, 2003, incorporated herein by reference, approved.

(Item 18) CONTRACT AMENDMENTS WITH EAGLE RECOVERY PROGRAMS & TRANSITION HOMES AND HEALTHY PARTNERSHIPS, INC. RE ALCOHOL AND DRUG TREATMENT SERVICES, as outlined in the Agenda Submittal from Health and Social Services dated March 11, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

(Item 19A) RESOLUTION NO. 2003-056 RESCINDING TRAFFIC ORDER NUMBER 16 AND APPROVING TRAFFIC ORDER NUMBER 383 ESTABLISHING PARKING RESTRICTIONS ON A PORTION OF PUTAH CREEK ROAD, adopted. (see Resolution Book)

(Item 19B) NOTICE OF COMPLETION OF THE 2002 OVERLAY PROJECT COMPLETED BY TEICHERT CONSTRUCTION, as outlined in the Agenda Submittal from the Department of Transportation dated March 11, 2003, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:

Rural North Vacaville Water District

(Item 20) Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book

ORDERS

(Item 22) BOARD EXPRESSED OPPOSITION TO THE CONCEPT TO MERGE METROPOLITAN TRANSPORTATION COMMISSION (MTC) WITH THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) INTO ONE AGENCY

The Board was provided with an Agenda Submittal dated March 11, 2003, incorporated herein by reference, regarding the need for direction regarding the proposed merger of MTC and ABAG.

Supervisor Kondylis provided a background for the introduction of the resolution, the universal agreement that landuse planning and transportation planning should be done together, and the need for input from the local counties and cities relative to the concept that ABAG and MTC should be integrated. The next question would be to determine how the integration would be accomplished. A critical issue is the governance structure, which in the ABAG proposal the structure would be defined later, and Supervisor Kondylis feels the structure should be determined first. Equitable representation needs to be ensured for the smaller communities and counties.

Supervisor Silva noted opposition to the merger concept, feels if there is a merger it will weaken Napa, Solano and Sonoma counties, and there will not be equal representation.

Chairman Kromm noted the Bay Area is the only area in the State with separate transportation and landuse commissions, and feels development and transportation need to be considered as a whole.

There was a brief discussion regarding regional government, local control, and how to deal with landuse and transportation.

Supervisor Kondylis noted she would support a new organization only if the governance were clearly defined.

Supervisor Vasquez voiced concern with the merger of the two groups.

Chairman Kromm feels the initial question of the concept needs to be answered before further planning is done, and understands that it would take a while to figure out the governance.

There was a motion by Supervisor Kondylis and seconded by Chairman Kromm, for agreement with the concept that landuse and transportation planning should be integrated, however that it only be done with protection over local control. The motion failed for a lack of a majority on a vote of 2-2, Supervisors Silva and Vasquez voted no.

(Item 23) RESOLUTION NO. 2003-057 PROCLAIMING IT'S SUPPORT FOR ASSEMBLY BILL 1411 (WOLK) MODIFYING THE EDUCATION CODE TO INCLUDE HAZING AS A SUSPENDABLE OFFENSE, ADOPTED

The Board was provided with an Agenda Submittal from County Counsel dated March 11, 2003, incorporated herein by reference, regarding the proposed legislation.

Jennifer Barton, representing Assemblywoman Wolk, along with other staff members attending the meeting encouraged support for this legislation.

Shanna Levine, Dixon Unified School District Board Member, outlined the incident that spurred the introduction of this legislation to change the school code. This legislation would give administrators the authority to impose consequences on those students who choose to treat their fellow students with disrespect.

There was a brief discussion regarding criminal penalties, other local agency support, double jeopardy penalties, and other suspendable offenses.

On motion of Supervisor Kondylis and seconded by Chairman Kromm, the Board acted to adopt Resolution No. 2003-057 Proclaiming it's Support for Assembly Bill 1411 (Wolk) Modifying the Education Code to Include Hazing as a Suspendable Offense. So ordered by a vote of 4-0. (see Resolution Book)

(Item 24) RESOLUTION NO. 2003-058 AMENDING THE ALPHABETICAL LISTING OF CLASSES AND SALARIES (GENERAL SERVICES), ADOPTED

RESOLUTION NO. 2003-059 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (GENERAL SERVICES), ADOPTED

Steve Janice, Personal Analyst Human Resources, reviewed the information contained in the Agenda Submittal from his department dated March 11, 2003, incorporated herein by reference, regarding the organizational changes for General Services.

Chairman Kromm feels the concept is good, but is concerned regarding the added cost of an additional management position at this time.

Assistant County Administrator Darby Hayes noted the new position is vacant and the intent is to consider filling the position at budget time. Work is increasing in the parks division and there is a need for a full time person to manage that function.

On motion of Chairman Kromm and seconded by Supervisor Silva , the Board acted to adopt Resolution No. 2003-058 Amending the Alphabetical Listing of Classes and Salaries (General Services), and Resolution No. 2003-059 Amending the List of Numbers and Classifications of Positions (General Services). So ordered by a vote of 3-1; Supervisor Kondylis voted no. (see Resolution Book)

(Item 25A) GLEN WINTERS REAPPOINTED TO THE RIO VISTA-MONTEZUMA CEMETERY DISTRICT

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to reappoint Glen Winters to the Rio Vista-Montezuma Cemetery District for a term to expire July 30, 2006. So ordered by a vote of 4-0.

(Item 25B) KATHLEEN HULL APPOINTED TO THE ELDER ABUSE PREVENTION COUNCIL

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to appoint Kathleen Hull to the Elder Abuse Prevention Council for a term to expire March 11, 2005. So ordered by a vote of 4-0.

(Item 25C) DOROTHY HAWKES REAPPOINTED TO THE SOLANO COUNTY PLANNING COMMISSION

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to reappoint Dorothy Hawkes to the Solano County Planning Commission for a term to expire January 31, 2007. So ordered by a vote of 4-0.

(Item 25D) RESIGNATIONS ACCEPTED OF JANE AJERO, HEIDI ANNA GARCIA, LT. REGGIE GARCIA AND JAN MAKOWSKI FROM THE CHILD ABUSE PREVENTION COUNCIL

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to accept the resignations of Jane Ajero, Heidi Anna Garcia, Lt. Reggie Garcia and Jan Makowski from the Child Abuse Prevention Council. So ordered by a vote of 4-0.

(Item 26) AMENDMENTS TO BIOSOLIDS ORDINANCE TO BE INTRODUCED APRIL 8, 2003

Dennis Kalson, Environmental Health Program Manager Department of Environmental Management, gave a brief staff presentation of the information contained in the Agenda Submittal from his department dated March 11, 2003, incorporated herein by reference. There was a brief visual presentation starting with a map depicting the permitted sites where biosolids could be spread; Federal, State and County regulation comparisons; and a summary of the special meetings regarding biosolids.

Marci Coglianese, Mayor City of Rio Vista, read a letter dated March 11, 2003, incorporated herein by reference, reiterating the request that the Board suspend land application of biosolids in the County until further scientific research assuring the safety of the practice is completed. Mayor Coglianese reviewed a history of the meetings, requested the Board consider points regarding the direction for EPA to develop regulations for an alternative waste disposal practice, gaps in the research used to develop the 1993 EPA regulations, great concern with the public health impacts of bioaerosols, impacts to water, and asked the Board to decide what is safe and what risks they are willing to take before EPA updates the regulations.

Fred Kogler, Solano Citizens Against Biosolids, reviewed a visual presentation, incorporated herein by reference, titled Land Application of Class B "Biosolids" (Sewage Sludge). The presentation began with the sources of the biosolids being spread in the County; map of the wind currents over Rio Vista; map overlay of where people live; growth in Rio Vista; Is it Safe?; Suspension of spreading; series of studies scheduled; Study Session I January 21, 2003; Study Session II January 30, 2003; Study Session III February 5, 2003; Overview of the Official Spreading Season; no limit restrictions on tonnage, operating hours or enforcement of high wind spreading restrictions; Just a Little Sludge?; Delta Wind; Night Staging; Secured & Restrict Access?; Transferring Staged Sludge and explained how a spreader truck operates; road

Use; County Costs; Traffic jam; No Stockpiling; Setbacks from Denverton Creek; sludge and Wildlife; Due West of Rio Vista; Grazing Pastures; Untilled fields; December 13th The Rain Began; Until the Fields Flooded; Then the Rain Fell Some More; Ag Alert Farm Policy #112; March 11, 2003 conclusions. Dean DeCourcy, Western Region Vice President Synagro, reviewed a visual presentation titled "Biosolids Land Application in Solano County", beginning with Synagro Discussion; Some Messages from the Workshops; Community concerns; quality of Living interrupted by Odors; Migrating Pathogens Might Cause Illness; Possible Metals Impacts on Soils; Increased Truck Traffic is Annoying; why No Land Application in Alameda County?; Land Application Looks like Dumping; Synagro Land Application Procedures; Permit Process; Site and Field Characterization; Operations Set Up; Residuals Management System; Monitoring and Reporting; What Safeguards are Working in Solano County; Solano Ordinance; Synagro Compliance Staff; Is it "Safe"?; Workshop content; Background; Absence of Harm; NAS Committee Chairman Burke; Dr. Burke's Clarification; Dr. Davis Lewis; Additional Information, Dr. Lewis and His co-authors also Wrote; And they continued; and Synagro Recommends. Mr. Kogler provided the Board with a CD that included additional information, a printed copy of that information is incorporated herein by reference.

Maura Bonnarens, East Bay Municipal Utilities District (EBMUD), gave a brief visual presentation, incorporated herein by reference, beginning with a commitment statement of EBMUD, Biosolids recycling poses negligible risk; Comparisons of Limits of San Francisco Public Utilities Commission (SFPUC) & EBMUD Biosolids of metals, No documented scientific evidence that the Part 503 rule has failed to protect public health; Agrees continued testing is needed; Recognizes there are nuisances association with land application; EMS concept of continuous improvement; and a map where land application is permitted.

Herb Dang, SFPUC, reviewed the Generators' commitments, and discussed the desire to work with the County to come up with solutions. Mr. Kalson briefly reviewed the options listed in the Agenda Submittal, and amendments to the backup information for the Board. Michael Mortenson, Rio Vista, voiced concern for a potential conflict of interest with the scientists since programs they are involved with receive funding from companies like Synagro, noted scientists that opposed biosolids had no backing from the biosolids generators, voiced concern with contradictory statements from scientists, with the rapid leaching of materials into the ground and the potential for drinking water contamination, feels Class A and B biosolids need to be banned. Mr. Mortenson also noted the need for increased setbacks, questioned the corporate profit structure, and voiced concern that potential homebuyers are not being informed of the spreading of biosolids in the area. Robert West, Rio Vista, showed some photos of the area, discussed the difficult decision the Board has to make, voiced concern with the risks of this practice, the vacancy of the District 5 Supervisorial seat, with contamination of the planet, and feels the spreading should stop. Herbert Dan, SFPUC, read a statement from Bonnie Jones dated March 11, 2003, incorporated herein by reference, discussing the care and caution that is

taken by SFPUC, feels the current ordinance is sufficient to protect public health, and working with staff to minimize the risks to the public.

Steve Bissell, Rio Vista, questioned that if this practice is dangerous why continue, noted more knowledge is needed, placing the public in danger and compared the danger to the Love Canal, and the damage to the environment. Lorraine McGee, Solano County Citizens Against BS, encouraged the Board to enact an indefinite ban of the spreading of all sewage sludge, and to pass restrictions on the purchase of land for the purpose of spreading/disposal of sewage sludge in the County. Dr. McGee outlined her concerns leading this request, such as faults with the 503 regulations, with environmental liability, research funding, and other contaminants contained in the biosolids.

Pat Stokes, Solano County Citizens Against Biosolids, voiced concern with poisoning of humans, that the real effects will be discovered when it is too late, contaminated wells, endangered species and habitat, feels there are other alternatives to spreading. Ms. Stokes outlined reasons why rural America is demanding the end of land spreading of class B sewage sludge.

Chloe Boettcher, Ph.D., Solano County Citizens Against BS, provided the Board with an article titled "Rural America Demands an End to the Land spreading of Class B Sewage Sludge for the Following Reasons, incorporated herein by reference. Ms. Boettcher discussed the situation and illnesses facing Casandra Dana and her family, and submitted a letter from Ms. Dana dated March 11, 2003, incorporated herein by reference, noting her opposition to the spreading of biosolids.

David Hempstead, Rio Vista, noted his opposition to the spreading and voiced concern regarding the increased truck traffic.

Irene Hempstead, Solano Committee Against Sewage Sludge, noted the problems and harmful effects with odors from the sludge, bans against the sludge industry across the country, and voiced concern with gaps in the EPA research, health problems, heavy truck traffic, road damage, and the dumping of hazardous sewage in the County.

David Hamilton, Rio Vista, recipient of Class A and B biosolids, noted the beneficial affects to his land, everyone creates the problem, and feels this area is good for recycling of the biosolids.

Bill Petersen, Suisun, noted good results from the use of the biosolids as a soil amendment, there have been no adverse effects to his livestock, his water supply, or his health. Mr. Petersen emphasized that he does not receive any compensation for receiving biosolids, discussed the Right to Farm, feels realtors should inform potential buyers of the effects in rural farming areas, and wants to continue the practice of recycling the biosolids.

Joan Stelma, Rio Vista, noted the growth changes in Rio Vista, feels Synagro has a conflict of interest, the residents are worried about their future, and encouraged the Board to ban spreading.

David Marianno, Solano County Farm Bureau, read section No. 112 of the State Farm Bureau Policies for 2003, incorporated herein by reference, opposing the use of biosolids. Mr. Marianno noted problems with improper spreading near his property, voiced concern with the lack of representation for the 5th District and requested any decision be delayed until the seat is filled. Mr. Marianno

feels a cautious approach should be taken until more scientific data is available and long-term health assessments are completed, and feels stricter guidelines with enforced penalties for violations are needed.

Rod Dupont, Rio Vista, noted the Fairfield/Suisun Water Treatment Plant disposes of biosolids at the landfill for safety reasons, the use of 30-year old study information to say the product was safe, study information from a university that is funded by biosolid disposal companies, many of the experts feel more studies need to be done, the health issues of livestock and humans since spreading began, and requested Class A and B biosolids be banned until proven safe. If application is allowed, Mr. Dupont requested stricter regulations to include additional setbacks, additional spreading notifications, and to expand the area to one mile to allow for filing of a dispute application.

Duncan McCormack, III, McCormack Ranch, indicated receipt of biosolids, the very positive results to the land where applied, and has experienced no adverse health effects to family, employees or animals. Mr. McCormick discussed the benefits of biosolids, and requested the application of biosolids continue.

June Guidotti, Suisun, provided the Board with two articles, A Land Protection Plan for the Suisun Marsh from the Department of Fish and Game and Land Use Protection for the Suisun Marsh by J.C. Fraser, Regional Manager Department of Fish and Game, incorporated herein by reference. Ms. Guidotti voiced concern with flies, dust, odors, close proximity of her residence to the Potrero Hills Landfill, health problems, protection of the Suisun Marsh, noted alternative uses in Europe, and questioned how the smell is going to be eliminated.

Dale Posey, Chief Plant Operator San Francisco Water Pollution Control District, noted the districts dedication to protect the environment, continued work to increase the quality of the biosolids, feels the product is safe, metals in the product are far below set limits, the benefits to improve land production, and continued study is necessary. Mr. Posey feels the product from SFPUC is about the cleanest in the State, never heard of anyone that has had health problems due to biosolids, noted the importance of farming to the County, the increased crop production after the use of biosolids as a soil amendment, and encouraged continuing the program.

Mayor Coglianese, speaking in response to the proponents, referred to comments by Dr. Allen Rubin from January 21, 2003 that further research is needed on public health impacts, and feels that since the research is not complete no one can say what is a safe distance from human receptors.

Referring to comments by Dr. Hale on February 5, 2003 that when you smell something you are being exposed to a chemical. Mayor Coglianese feels generators will continue to take advantage of the cheapest alternative to dispose of this product, and hopes the Board adopt regulations based on the precautionary principle.

Robert Cattey, Rio Vista, previously had provided a letter to the Board relating to the loading of excess nitrogen, feels interpretations of information provided by Synagro shows excessive application of up to 200 pounds of nitrogen per acre when the Western Fertilizer Handbook recommends only 60 to 80 pounds

of nitrogen per acre. Mr. Cattey voiced concern regarding overloading and the potential of putting nitrates in the ground water, and with the way many of the tests are being reported.

Kristin Bruce, Biologist Suisun Resource Conservation District, voiced concern with the many unknown pollutants that are contained in biosolids, potential runoff into the Suisun Marsh, feels biosolids should not be used on agricultural lands until studies on all the pollutants and accumulation effects are completed. Tony Pirondini, Chemist with City of Vacaville, has worked with biosolids for over 20 years, noted differences between Class A and B biosolids, scientists opinions differ due to their level of expertise, has not seen any health problems, ocean dumping was stopped mainly due to dissolved oxygen, biosolids is a soil amendment that improves the clay soils in the area, the fly problem is a best management practices issue, other forms of aerosols are being spread on agricultural land, and urged the continued use of biosolids to be land spread focusing on best management practices to reduce flies, odors and aerosols. Mr. Pirondini noted biosolids need to be applied to the land based on the needs of the crop being planted, and that if too much nitrogen is placed on the land nitrate in the ground water will result.

William Kelly, Councilman City of Rio Vista, noted his extensive experience with winds in Rio Vista, winds in the area are termed "nuclear winds", daily wind speeds/bursts are in excess of 25 mph, feels the ingredients in biosolids pose a risk to the public health and safety, the current level of risk is unknown, EPA needs to do further studies to determine the health and safety risks, noted the lack of protection methods from biosolids, and feels the Board needs to protect the citizens of Rio Vista by blocking the future land application of biosolids until the risks are quantified through further study and regulated at the Federal level.

Letters, incorporated herein by reference, from the following people were submitted in support of continuing the practice of land applying biosolids: E. Dexter Mayhood, III, Wes Stewart, Hugh Hagan, Douglas W. Tingey, Martin Emigh, and William C. Petersen.

Letters were submitted from the Redwood Chapter – Solano Group of the Sierra Club and Jane Bogner dated March 10, 2003, incorporated herein by reference requesting the spreading be stopped.

Synagro West, Inc. provided a packet of information concerning the science and safety of the land application of biosolids, incorporated herein by reference.

Supervisor Kondylis indicated the need to consider the other things included in biosolids, discussed the precautionary principle, feels strongly about subjecting County residents to chemical hazards, had considered soil injection requirements, feels that until better methods of treatment are developed, or, as in Europe, the United States should eliminate products that are considered dangerous, bioaccumulative, or endocrine disruptive or require they be replaced with alternative substances that are safe, and will not support further spreading in the County.

Supervisor Kondylis made a motion for alternative 3 that would suspend spreading of biosolids until further scientific study and research is completed,

but the motion died for lack of a second.

Supervisor Silva discussed the extensive amount of information, the public information workshops, personal experience with wastewater treatment plants, licensed sites through 2007 for spreading biosolids, County liability, conflicts of interest, the responsibility of each Supervisor to all County constituents, responsibilities of the realtors to inform potential buyers. Supervisor Silva is considering an option where conditions could be set on what is being applied to the land, the need for Best Management Practices, and the need to closely monitor the contractor. Supervisor Silva will support the continuation of the application with some strict conditions. There would be a full time field inspector on site to monitor each load that would be paid for by the contractor, and the development of a host fee. Last year the 2-mile rule was instituted for setbacks around cities, and feels that setbacks for homes adjoining fields that are being spread should be increased. The winds are usually calm in the evenings and during the night, so the best time for spreading needs to be reviewed, and to have a realistic cap of wind speed. There should also be a strict piling restriction that would not allow dumping a big pile and letting it sit for a few days that would draw flies and create odors. After spreading the material needs to be tilled in within 36 hours, which would allow for some exposure to the sun. Windsocks need to be put up around the area to help judge wind speed. Hours of operation need to be determined that will not impact the traffic, Supervisor Silva suggested reports to the County on the routes the trucks will be using, when they will be coming in, and to what fields they will be going to. There should be some financial cooperation on the maintenance of the County roads that the trucks are using. Agriculture in Solano County is important, and farmers are having a tough time. If we can put the product on the ground and manage it properly, it can be beneficial to the farmers. In our ordinance we have misdemeanor penalties, we also need to add civil penalties. There needs to be funding for research possibly through U. C. Davis to work with the farmers on managing their fields. The best practices need to be used for odor control techniques here and for wastewater treatment plants. The detailed records need to be reviewed, a dedicated field representative will be able to go over those records in off spreading times, and there needs to be funding for the Rio Vista High School science class to study biosolids.

Chairman Kromm feels the fundamental issue is public health, we need to be responsible for taking care of our own waste, noted the odor can be less with different techniques, feels the landfill process is a good way to handle biosolids, long-term soil impacts is a major issue, agrees with the need for a full time inspector funded by generators to look at the health issues, to manage and monitor the soils indefinitely. Chairman Kromm voiced concern regarding the runoff issue in the marsh, intake for the North Bay Aqueduct at the Barker Slough, and the drinking well setback issues. Some other issues of concern are regarding people that feel the biosolids are making them sick, a two to three mile setback would provide additional safety for the cities, we need increased setbacks for neighboring homes. Chairman Kromm suggested the incoming loaded trucks be restricted from stopping anywhere other than

the scales, and after dumping and hosed out they could stop. Monitoring needs to be done on when the product can be spread in terms of wind speed, 25 mph is too high and the 15 to 20 mph is a better range.

Supervisor Vasquez understands the benefits to the farmers, the health concerns of residents, feels there needs to be more restrictions, odors need to be mitigated, there should be fines and/or penalties if applicators do not adhere to the rules, setbacks need to be greater, roadway impacts need to be mitigated, would like a significant setback off Highway 12, wind speed is a concern, hours of operation need to be established, a full time inspector could have a phone line to deal with immediate problems, we need to look at limiting the number of trucks coming into the County on any given day, the trucks need to be washed out after dumping their load, that the staging area is manned, and areas around vernal pools needs to be mitigated to ensure there is no runoff into these pools, and incorporation of the biosolids should be based on the best practice for the surrounding elements.

There was a brief discussion regarding the 2 and 3 mile setback around cities and for ½ mile to 1-mile setbacks for neighboring individual farmhouses. Staff will bring back recommendations.

Supervisor Kondylis discussed banning biosolids until a new ordinance is developed, and noted the growth of the organic food production industry which can not be grown in areas where biosolids are used.

Supervisor Silva discussed getting assurances from the applicators and generators to abide by the amendments until the law becomes effective and noted that EBMUD has agreed to that.

Mr. Kalson understands the issue of setbacks and will work with Synagro to determine how reasonable it is for them to meet the most protective stance. Synagro and the generators have indicated they would work aggressively on working towards agreement on all points.

Staff to return April 8, 2003 with recommendations for amending the biosolids ordinance.

Chairman Kromm discussed a "Host Fee" to fund programs at Rio Vista High School is appealing, and Supervisor Silva feels this would be a good tool to encourage the students to monitor what is going on in their city, the effects of biosolids on their city, and to keep the issue in the forefront and keep people aware.

Supervisor Vasquez suggested a ½ mile setback off centerline on Highway 12. Responding to questions posed by Chairman Kromm regarding crafting language, and agreement by the generators, Director of Environmental Management Birgitta Corsello noted staff would be bringing back a draft ordinance with a table outlining the requested changes as part of the first reading of the ordinance. If the generators and Synagro do not agree to these restrictions an emergency ordinance will have to be adopted instituting a moratorium.

Chairman Kromm directed staff to work with Suisun Resource Conservation District on the water way setbacks to ensure issues with the marsh are covered, with the Solano County Water Agency (SCWA) for the North Bay Aqueduct issues, and Ms. Corsello noted staff would also work with the

Regional Water Control Board.

Fred Kogler requested clarification if the Board is proposing that the kids would actually go out onto the biosolids fields for the studies, Supervisor Silva noted the proposal is to establish a class, there maybe fields trips but would not want any students on site during spreading. There are many possibilities for data gathering for plant take-up, loads, runoff studies, and others.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Don Richmond at
5:46 p.m.

Duane Kromm, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors