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STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING

CENTRAL VALLEY AUDITORIUM

1001 I STREET, SECOND FLOOR

SACRAMENTO, CALIFORNIA

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9:35 A.M.

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

DAN EATON

STEVEN R. JONES

JOSE MEDINA

MICHAEL PAPARIAN

STAFF PRESENT:

BONNIE BRUCE, Interim Executive Director

KARIN FISH, Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

DEBORAH MCKEE, Board Administrative Assistant

YVONNE VILLA, Board Secretary

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P R O C E E D I N G S

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(Thereupon the Agenda Briefing Workshop was concluded and the Board Meeting Agenda items commenced.)

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BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you. Okay. Public comments?

Seeing none, it's my intent to go ahead and start with the discussion items two, three, four. At some point the Board will be having a closed session, and also we have a consideration item. So I think we'll just continue.

And Doris, you can let me know, and we'll just go ahead with number two, discussion and presentation of landfill gas to energy.

INTERIM EXECUTIVE DIRECTOR BRUCE: If we could just take a ten minute break so, that's the way we're intending it, we'll go to the discussion items, then take our closed session, and then have the consideration item.

(Thereupon there was a brief recess.)

BOARD CHAIR MOULTON-PATTERSON: We're going to continue with the discussion on the landfill gas to energy item, number two.

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1 MS. NAUMAN: Board members, Julie Nauman,
2 Permitting and Enforcement.
3 This item continues the Board's opportunity to
4 discuss various aspects of landfill operations and other
5 activities the Board is involved with, and the
6 relationship to the energy challenge that we face in
7 California.
8 We've had some presentations on an overview,
9 you're looking at tires, and this is an opportunity to
10 look at the whole issue of landfill gas to energy.
11 And our expert in this area is Scott Walker, and
12 he'll be walking you through this item.
13 MR. WALKER: Thank you. Again, landfill gas to
14 energy is a significant energy source in California that
15 has direct relation to the Board's programs, and
16 specifically in this presentation I will present to you
17 the context of landfill gas to energy as a renewable
18 electricity source in California.
19 And then I'll talk briefly about just an
20 overview of landfill gas and landfill gas to energy
21 systems, what they are, what their characteristics are.
22 Then I'll talk about issues and barriers to
23 landfill gas to energy, and current state efforts to
24 facilitate these projects.
25 And then finally I'll talk about the bioreactor

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1 conversion technology in landfill gas to energy. In each
2 of those areas I'll try to focus on Board programs as
3 they directly relate.
4 In terms of renewable sources of electricity,
5 approximately twelve percent of the electricity supply in
6 California is from renewables. And this slide shows the
7 breakdown of renewables.
8 And the category of most direct connection to
9 the Board is the category of biomass in waste, and that's
10 approximately 16 percent of renewables.
11 And looking at this biomass and waste category,
12 essentially biogas, which is essentially primarily
13 landfill gas to energy, is about 30 percent of this
14 biomass and waste source of electricity. Biomass is
15 basically biomass combustion, facilities that the Board
16 has discussed, and also waste combustion which is mass
17 waste burning, waste to energy plants.
18 And so this is about 250 megawatts or 250,
19 enough to supply about 250,000 homes. That's
20 approximately the current capacity. And again, the
21 majority of it is landfill gas to energy.
22 Some of the other types of biogas are anaerobic
23 digestion of sewage sludge, certain plants, and then
24 there's also some newer facilities in line that are
25 coming up.

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1 A brief discussion of landfill gas. Essentially
2 landfill gas is created when readily degradeable organic
3 waste, and this is approximately 60 percent of waste
4 that's landfilled, the residual waste that's landfilled,
5 biodegrades in the absence of oxygen, anaerobic
6 fermentation it's called. And this is where the most,
7 majority of landfill gas is produced during this stage.
8 And this gas is composed primarily of equal
9 proportion of methane, which is essentially equivalent to
10 natural gas, and carbon dioxide. There are minor amounts
11 of other principal and trace gases, and some of these
12 gases are concerns with regard to odors and also
13 toxicity.
14 And essentially the landfill gas can be a
15 significant cross media environmental problem if not
16 properly controlled. And again, we have a potential
17 explosion hazard, and that's the focus of the Board's
18 regulatory authority.
19 We also have odors, trace gas toxicity, and
20 impacts to groundwater from VOC contaminations. That is
21 another area that can be tied to landfill gas if it's not
22 properly controlled.
23 Another aspect, although it's not really
24 regulated now, that landfill gas is a major component of
25 greenhouse gas emissions. It's 21 times as potent as

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1 carbon dioxide.
2 And also, in terms of the emissions that are
3 feasible or relatively easy to control with regard to the
4 greenhouse issue, landfill gas is a particularly
5 attractive target for that because, should the United
6 States ever be subject to reductions in those emissions,
7 one really relatively easy area to focus on is landfill
8 gas because it is a significant component of greenhouse
9 gas, and there are existing technologies to deal with it.
10 Landfill gas to energy systems. The term that's
11 used to describe landfill gas to energy systems and also
12 control technologies is best available control
13 technologies. And these consist of combustion devices
14 which are flares, and also landfill gas to energy
15 systems; both acknowledged by U.S. EPA as best available
16 control technologies.
17 Landfill gas to energy systems recover energy as
18 a resource that would otherwise be destroyed in a flare.
19 So that's the difference between, the significant
20 difference between the landfill gas to energy system and
21 a flare.
22 The types of systems we see are most commonly on
23 site reciprocating engines and turbines which basically
24 burn the gas and turns the mechanical device and
25 generates electricity.

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1 There's also direct use where landfill gas is
2 piped to an off-site user. There's liquified natural gas
3 from landfill gas, or there's pretreatment and then
4 injection into natural gas pipelines.
5 There's a couple of areas of some active
6 research, and those include what's called microturbines
7 which are very efficient, small turbines that can use
8 relatively low grade landfill gas, and are very, very low
9 emission according to the research.
10 And there's also fuel cells where the landfill
11 gas is essentially the fuel, essentially the hydrogen
12 source to operate the fuel cell.
13 To give you a couple of examples, local
14 examples, Kiefer Landfill has reciprocating engines, and
15 they generate a fairly significant amount of landfill gas
16 to electricity, and they sell that to grid, to SMUD.
17 Liquified natural gas, there's a couple of
18 examples. One of those being Puente Hills which produces
19 a purified, liquified natural gas to use as a fuel for
20 trucks.
21 Also there is, at the Miramar Landfill in the
22 City of San Diego, they just approved a project where
23 they would produce liquified natural gas from landfill
24 gas, and then use that to fuel refuse haul trucks. And
25 essentially they would gain credit, pollution credits,

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and sell those pollution credits. So liquified natural gas is one of those that is starting to gain ground.

And another example of direct use would be here at the 28th Street closed landfill which is in Sacramento City. They pipe the landfill gas over to the Blue Diamond Almond facility, and they use that directly to fuel the manufacturing facility there.

Again, fuel cells are relatively few. I believe there's one down in Southern California, a fairly small scale project. There's a couple of larger projects back East that are being evaluated and researched.

In the agenda item we have provided an attachment which summarizes basically all of the disposal sites in the state of the ones that have significant potential just generally.

And that includes about 60 sites that have actual landfill gas to energy projects in place; there's approximately 21 planned; and there's another 112 sites that have significant potential. And those are based on, they may have a flare in place or they may have a very large quantity of waste in place, relatively large quantity, which is on the order of 500,000 tons of waste in place where they can produce a pretty good level of gas.

Some of the issues and barriers to landfill gas

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1 to energy in California is, one of the things that's
2 really been, I believe, is a barrier in discussing with
3 the Energy Commission is clearly that the complexity of
4 the current energy situation has created a lot of
5 uncertainty amongst the practitioners out there.
6 And also the contracts, contractual arrangement
7 between landfill operators, and sometimes there's a third
8 party that owns the gas rights and then sells that energy
9 to a utility, and then also the contract with a utility,
10 those are very complex, there's a lot of uncertainty now,
11 and that is a major barrier or potential barrier to new
12 projects on line.
13 Another major barrier is regulatory. And this
14 is primarily air emissions permitting. And although
15 landfill gas to energy systems are considered the best
16 available technology, some of them, especially the
17 engines, produce an exhaust that has NOx, nitrogen
18 oxides. And this NOx is an ozone precursor. And it's
19 not a tremendous quantity, however, because the state,
20 most of the state is a severe non-attainment area for
21 ozone, and because landfills are regulated under the
22 Clean Air Act as specific major sources, this is an area
23 that can hold up a project or at least slow down a
24 project.
25 Now, one thing to keep in mind is that, you

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1 know, in terms of emissions, you may have a generator in
2 an off site that is not even connected with the landfill,
3 it's going to be regulated differently than if it is on
4 site for the landfill. So you may have a equivalent
5 emissions, but because it's at the landfill, it's
6 regulated much more stringently.
7 And again, as an air emission permitting issue,
8 this is primarily the Air Board through their local air
9 districts that are responsible for that in the Cal EPA
10 framework.
11 The other area is the federal tax credit, and
12 REPI subsidies. And REPI is Renewable Energy Production
13 Incentive. And these are at the federal level.
14 And the federal tax credit which expired in 1998
15 was the basis for a lot of the landfill gas to energy
16 projects we see today. It expired and there's been a lot
17 of effort to try to get that back in. And there's
18 current legislation going at the federal level at which
19 they're trying to do that.
20 In addition, the REPI subsidy, they're trying
21 to, as an incentive, put landfill gas to energy in a
22 higher tier category so it would potentially qualify for
23 more of a subsidy.
24 And I wanted to point out that the County of
25 Riverside sent a letter in on this item requesting the

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1 Board's support on the current legislative effort at the
2 federal level for the reinstating the federal tax credit,
3 and also including a REPI subsidy support for landfill
4 gas to energy.
5 BOARD CHAIR MOULTON-PATTERSON: Scott, is this
6 federal legislation, is this Congresswoman Bono's bill?
7 MR. WALKER: I believe it's Bono's bill, and
8 there's some other bills also. But yes, I believe
9 that's, that's the specific bill that the county was
10 referring to.
11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thanks.
12 MR. WALKER: The other barrier, another barrier
13 is essentially, it's called qualifying facilities. And
14 these are small independent energy producers that under
15 the Public Utilities Commission program, PERPA,
16 established what's called qualifying facilities. And
17 although that subsidy essentially was gone, it's no
18 longer in place, there are still some aspects of
19 qualifying facilities in which, in which could affect
20 landfill gas to energy projects.
21 And basically what that means is that
22 essentially the problems with PG&E, primarily PG&E and
23 Southern California Edison, also San Diego Gas and
24 Electric, is that the third, we've had, heard some
25 reports of some of the third party gas to energy,

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1 landfill gas to energy producers are perhaps, possibly
2 not getting paid from these utilities.
3 And that has a ripple effect, because if the
4 landfill operators, say a public operator frequently may
5 have a separate company they sell the landfill gas
6 rights, and they get a, they get a subsidy or payment
7 from that energy producer. If the energy producer is not
8 getting paid, well then the local government operator is,
9 is, may not be getting their payment from that third
10 party. We've heard some of that in a couple cases.
11 Another barrier is the technical aspects. And
12 landfill gas is complex. It varies quite a bit in
13 quality and quantity, and it sometimes is a little
14 difficult to predict. And so that's a technical issue
15 that is a challenge.
16 And then finally, research needs is an area
17 where there's been some issues with regard to barriers.
18 And one of the areas that we'll talk about in a later
19 slide is bioreactor conversion technologies, it's an area
20 where there's active need for research and development.
21 And also cost effective and efficient devices
22 for low emissions. And this adds back in or goes forward
23 from the discussion of the air regulatory issues with
24 regard to NOx. Well there need, we need to have more
25 technologies that are cost effective that can be

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1 implemented quickly that really limit that NOx emission
2 primarily.
3 Agency efforts to facilitate landfill gas to
4 energy. And there is an effort ongoing right now that is
5 established by the California Energy Commission to
6 facilitate landfill gas to energy products in
7 California. And this task force is primarily as a
8 partner with U.S. EPA.
9 They have a specific program called the Landfill
10 Methane Outreach Program, but they brought in other
11 stakeholders, and also Cal EPA agencies are now involved
12 in that, and that includes staff from the Waste Board,
13 the Air Board and the Water Board that are directly
14 involved in this effort.
15 And so some of the things that we are doing are
16 preparing a California specific guidance document which,
17 and the Cal EPA agencies are putting together more of the
18 regulatory framework as to facilitate landfill gas to
19 energy projects.
20 Also, the Waste Board is essentially the primary
21 regulator of landfills, is kind of the repository of the
22 basic information, and that's why we track that and we
23 provide that to this group to make sure that they're
24 focusing on the facilities that have the most, the most
25 potential.

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1 There's a strike force component to this in
2 which the task force is attempting to facilitate site
3 specific projects where there's technical and regulatory
4 barriers. So we're looking at specific cases where we're
5 trying to help facilitate whatever that may be.
6 And finally there's a conference with the
7 stakeholders with U.S. EPA that's planned, probably in
8 July or August of this year, and that's scheduled.
9 BOARD CHAIR MOULTON-PATTERSON: Scott, if I
10 could just interrupt for just a second?
11 MR. WALKER: Yes.
12 BOARD CHAIR MOULTON-PATTERSON: Because of the,
13 you know, the timeliness of this, is this on the fast
14 track? I mean are we really trying to get it going as
15 fast as possible?
16 MR. WALKER: We are trying as best we can with
17 the available resources. And I think this summer we'll
18 find out a lot more of some of the things that we can do
19 and some of the more specific actions that we can take
20 other than what we're doing now.
21 Because what we hear out there are certain areas
22 of need, you know, technical assistance, regulatory
23 guidance in terms of the process. And then given cases
24 where it may help resolve some issue, whether it's a
25 technical issue or a regulatory issue.

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1 And right now that plus the support for the
2 federal tax credit and incentives would seem to be the
3 main areas that we're getting the need requested from us.
4 The Energy Commission has a funding program for
5 renewables right now that there are some landfill gas to
6 energy renewable projects that are applying for the
7 funding through that. And at this point we don't know if
8 there are any other funding needs that might be suggested
9 or pursued.
10 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
11 you.
12 MR. WALKER: I wanted to get into, we had the
13 conference on reactor, bio, bioreactor -- I'm sorry, we
14 had the conference on conversion technologies, and I
15 wanted to point out that bioreactors are a conversion
16 technology.
17 Essentially the conversion technology for
18 organic wastes essentially not used as feedstock for
19 compost or biomass, this would be the residual waste.
20 It's for this material that's destined for landfilling to
21 operate that landfill as a bioreactor. And that's the
22 conversion technology that's in the area that's got a lot
23 of potential.
24 And the key potential with regard to landfill
25 gas to energy is that the anaerobic bioreactor landfill

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1 can increase landfill gas to energy production by on the
2 order of five to ten times of a conventional landfill.
3 Much more efficient in collecting gas and utilizing it.
4 There's other benefits too that we're looking at
5 in this. And this is reduction of the long-term risk to
6 the environment, because as the material is accelerated
7 and controlled degradation, then it's essentially
8 relatively inert, and it's much less of a threat to the
9 environment and the future from generation of gas or
10 leachate.
11 The second is the increased landfill capacity
12 because of the accelerated decomposition and settlement.
13 There is a significant increase in the available capacity
14 that would be realized.
15 It's also a beneficial, potentially beneficial
16 return for some liquid wastes and sludges that would
17 otherwise be landfilled, but by utilizing the liquid
18 component of those wastes, you can use this as
19 essentially an amendment to operate the bioreactor, which
20 needs a lot of liquids.
21 And then the final benefit is, is in terms of
22 air emissions with regard to compounds called non-methane
23 organic chemicals, hazardous air pollutants, these are
24 the two categories of the air emissions that these are
25 particularly suited for. And then finally it's the

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1 greenhouse gas reduction aspect of this.
2 And in this particular case the Board is the
3 leader in facilitating this technology which there is a
4 lot of interest in, and the Energy Commission is very
5 interested in.
6 And Yolo County is now implementing a full scale
7 project. They still have a small pilot phase, but
8 they're implementing a full scale project with a four
9 hundred thousand dollar contract support from the Waste
10 Board that, I believe, was just granted the year before
11 last.
12 In addition, the Board staff are working with
13 the Association of State Territorial Solid Waste
14 Management officials that have a bioreactor landfill work
15 group. And throughout the U.S. we were trying to make
16 sure if this is done it's done right, and we also
17 interface with the EPA to try to get more flexibility
18 from the EPA.
19 The current process is very difficult because
20 you have to get a site specific waiver from the EPA to
21 allow for the addition of bulk liquids from outside the
22 unit, which in most cases is what's required to operate a
23 landfill as a bioreactor, especially in California.
24 And what we're looking at with the U.S. EPA, is
25 the U.S. EPA has what's called a RD&D rule that we

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1 anticipate will probably be an issue by the end of this
2 year that will allow the states, approve states under
3 Subtitle D to grant some site specific flexibility that
4 would help facilitate landfill bioreactor projects where
5 they would be suitable.
6 I don't want to bog down too much on this. I
7 just love graphs and I had to throw a graph out to kind
8 of illustrate that. And this kind of illustrates a
9 landfill life in terms of gas generation. And we have
10 the rate of generation on the Y axis, and then time and
11 years on the X axis. We look at the green -- or the
12 blue, it's anaerobic bioreactor. And what you'll notice
13 is the expected breakdown and generation of gasses
14 predicted to be within a ten year timeframe.
15 So essentially you produce a lot of gas very
16 efficiently within that short timeframe, which is very
17 advantaged to landfill gas to energy.
18 But in addition, if you compare it to the red
19 curve which is a conventional landfill where we keep it
20 as dry as possible, the gas, although it doesn't rise as
21 fast, it gradually declines for years. We don't know how
22 long that will occur, maybe it was here the 30 year post
23 closure maintenance period, it may be 250 years; in most
24 cases we don't know.
25 So by concentrating it and controlling it in

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that short timeframe, it reduces the potential threat should there be a containment failure.

And I noted on the graph a little blip there down around twenty to thirty years after the landfill closes, that would be essentially if the landfill failed and you had liquids and generational leachate, you're starting over the decomposition process, and so you're going to get a blip of production of gas and leachate. And you may not have controls at that time. And that could be thirty, greater than thirty years after the landfill closes.

The other point is that the worst leachate that you get is the most problematical with regard to pollution. It is kind of on the upward initial part of the curves. So that's another area that would be anaerobic bioreactor that you would get through that period, so that in the future if there is a containment failure you won't restart that phase of leachate generation where it's particularly strong and has a lot of pollutants in it.

So that's basically just an illustration of kind of how that ties in what we are looking at with regard to conventional landfills.

And that's, and that concludes the presentation. And staff are available to answer questions and any

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1 comments.
2 BOARD CHAIR MOULTON-PATTERSON: Thank you.
3 Questions? Arturo.
4 MR. ALEMAN: Scott, could you go back to the bar
5 graph? No, the second or third slide.
6 MR. WALKER: Yeah, I'll get it.
7 MR. ALEMAN: No, next one, number three.
8 MR. WALKER: Yeah.
9 MR. ALEMAN: What effect would waste combustion
10 have on the other two bar graphs; an increase in waste
11 combustion, well, an increase in waste combustion?
12 MR. WALKER: Essentially you have two forms of
13 waste combustion. One is the biomass with agricultural
14 waste residue, etcetera; and the other is the mass waste,
15 like tire to energy, tire derived fuels, and the
16 municipal solid waste incinerators or combusters like the
17 three that we have in the state.
18 And so clearly those are, those two are an
19 integral part of our renewable energy source clearly, but
20 they're kind of looked at separately from the gas to
21 energy source. It really wouldn't be an effect.
22 You could increase really all three, you know.
23 And there are significant potential to increase all three
24 actually, although waste combustion is a little more
25 difficult because mass waste, municipal solid waste

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consideration is somewhat controversial and it's difficult to site those facilities.

MR. ALEMAN: So waste combustion would not have an adverse impact on any of the other biomass combustion or landfill gas?

MR. WALKER: I wouldn't expect that it would. It's a small fraction, and it's not really, you know, a major factor in renewables at this time.

MR. ALEMAN: Okay. Thanks.

BOARD CHAIR MOULTON-PATTERSON: Okay. Mike.

BOARD MEMBER PAPARIAN: Scott, you mentioned the microturbines coming on line. Can you give us a sense of the relative size to traditional turbines? And my follow-up question is going to be whether you're seeing, you know, a tremendous increase in the number of facilities where this could be economically viable as a result of microturbines being available?

MR. WALKER: Microturbines generally come in two sizes; one is a 30 kilowatt, and the other that they're working right now for landfill operations is 60 kilowatt. And they're both about the size of a refrigerator. And you can also hook 'em up in parallel, which means you could line up ten of 'em and get, you know, six hundred kilowatts or point six megawatts.

What I've been, at least what I've been told by

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1 some of the manufacturers is that you can use the same
2 footprint as a reciprocating engine and actually get more
3 energy out if you hooked up a series or a parallel of a
4 group of microturbines.
5 And so they have a very good potential. There's
6 a couple of other factors. One is that they can, you can
7 operate those on a small landfill. And you can also get
8 what's kind of low BTU gas which is very low grade
9 landfill gas, sometimes landfills, they just don't
10 produce the very good gas like some of the small
11 landfills. And at least the claims are that you can use
12 these poor quality fuels in these microturbines.
13 And then also the emissions factors as far as
14 NOx that have been coming out and looked at are
15 potentially, are very, very low, and that's very
16 attractive.
17 So, you know, microturbines are both probably,
18 you know, if they're cost effective they have potential
19 for clearly increasing landfill gas to energy projects
20 throughout the state, whether it's a large landfill or
21 small landfill.
22 They also have potential for biogas. And
23 there's talk for biogas applications that are not really
24 landfills where these could be used to generate
25 electricity from the biogas. But that is the area that's

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1 an active research area.
2 And there are a couple of landfills that are
3 using microturbines. One of those is Puente Hills is
4 testing microturbines right now, and they've been pretty
5 successful. And there's a couple of other projects on
6 line that are getting going.
7 BOARD CHAIR MOULTON-PATTERSON: Scott, perhaps,
8 and you know, staff and Board members, but we want to ask
9 that an item be placed on our July or August agenda for
10 an update on the task force effort, and any specific
11 options that the Board could take to increase and
12 encourage more landfill to gas, landfill gas to energy
13 projects.
14 I think, you know, as the Integrated Waste
15 Management Board we should be a leader in pushing, you
16 know, writing letters, as far as encouraging the federal
17 tax credits, but I don't want to get ahead of the energy
18 commission or the Cal EPA.
19 So would it possible, or Michael, do you have
20 any suggestions here about bringing this back? Because,
21 you know, there is a time factor too, we want to be
22 timely.
23 MR. WALKER: Yes, we can, we can do that. And
24 if, you know, I think we do have this letter from the
25 County of Riverside requesting our, requesting the Board

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1 to write a letter of support for that, and that's
2 something that if the Board directs we can work with our
3 leg group and prepare a letter and work with the Energy
4 Commission on that letter.
5 BOARD CHAIR MOULTON-PATTERSON: I'd like to see
6 that happen as long as we're being consistent with the
7 Energy Commission and Cal EPA. Okay.
8 BOARD MEMBER JONES: Madam chair.
9 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
10 BOARD MEMBER JONES: I absolutely support your
11 suggestion and just, when the federal government started
12 taking away those tax credits, it impacted the building
13 of this infrastructure tremendously because there's only
14 so many dollars to go around. I mean, you only have so
15 much money to operate a landfill, and without those
16 certain types of equalizing benefits it's just not
17 practical. I mean, you just cannot afford, you know, I
18 mean we're listening to, we're listening about
19 microturbines and the different reciprocating engines and
20 all of those things, and that is a huge part of this.
21 But it's that infrastructure to collect this, to
22 understand where the gas is even coming from, so that you
23 can put collection systems in place. That that's where
24 the expense is, that's where the science comes in.
25 Putting in a turbine or a motor at the end of that

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1 pipeline is the easiest part of this whole project.
2 So I think that it's clearly getting
3 Congresswoman Bono's language, I haven't seen it, maybe
4 we really need to look at that and see what we can do to
5 support it. Because without that benefit then it becomes
6 an issue of when do I hit the clean air requirement? And
7 I'll postpone having to put that infrastructure in until
8 I get close enough to that problem because I'm going to
9 have to give up doing something else. And that's just
10 the reality of the economics of running the facility.
11 So if we can do anything to help, you know, move
12 that along through that legislation. And the time is
13 right. I mean the current administration is getting
14 hammered on this stuff at the federal level, and we need
15 to get our voice in there that, you know, try to get the
16 source.
17 BOARD CHAIR MOULTON-PATTERSON: Thank you,
18 Steve. And you know, I think we're in agreement that we
19 need to move on this in concert with other agencies.
20 BOARD MEMBER MEDINA: Madam chair.
21 BOARD CHAIR MOULTON-PATTERSON: Yes.
22 BOARD MEMBER MEDINA: Yes. I had a question in
23 regard to the conference with stakeholders that's planned
24 for August the 1st. Who's putting the conference on, and
25 what is the Waste Board's role in that conference?

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1 MR. WALKER: Well the coordinator of that is the
2 California Energy Commission and U.S. EPA. And as the
3 Board is part of the interagency task force, the staff's
4 been working on that, so we are, have been requested to
5 be part of that and prepare some information and guidance
6 documents for that conference.
7 BOARD MEMBER MEDINA: I'd appreciate it if you
8 would give us an ongoing update on how the conference is
9 developing.
10 MR. WALKER: We anticipate probably within the
11 next couple of weeks that we'll actually have the
12 schedule come out, so at that time we'll notify the Board
13 and bring that to their attention. I believe it's going
14 to be in Sacramento.
15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
16 you. And thanks, Jose, yeah, I think we want to be as
17 involved as we can. Okay.
18 At this time we're going to move to our
19 consideration item that I tried to get to much earlier
20 this morning by mistake. Consideration of approval of
21 Proposed Distribution of Funds, Applicant and Project
22 Eligibility Scoring Criteria and Evaluation Process for
23 Fiscal Year 2001-2002 Park Playground Accessibility and
24 Grant Program.
25 And before we do that I believe we need to call

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1 the roll.

2 BOARD SECRETARY VILLA: Eaton.

3 BOARD MEMBER EATON: Here.

4 BOARD SECRETARY VILLA: Jones.

5 BOARD MEMBER JONES: Here.

6 BOARD SECRETARY VILLA: Medina.

7 BOARD MEMBER MEDINA: Here.

8 BOARD SECRETARY VILLA: Paparian.

9 BOARD MEMBER PAPARIAN: Here.

10 BOARD SECRETARY VILLA: Roberti.

11 (Not present.)

12 BOARD SECRETARY VILLA: Moulton-Patterson.

13 BOARD CHAIR MOULTON-PATTERSON: Here. Do we

14 need, Kathryn, do we need to declare ex-partes at this

15 time also?

16 LEGAL COUNSEL TOBIAS: If you have any relevant

17 to the agenda item.

18 BOARD CHAIR MOULTON-PATTERSON: I have none.

19 Mr. Eaton.

20 BOARD MEMBER EATON: None.

21 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: None.

23 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

24 BOARD MEMBER MEDINA: None to report.

25 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

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1 BOARD MEMBER PAPARIAN: None.
2 BOARD CHAIR MOULTON-PATTERSON: And I have
3 none. Okay. Mr. Leary.
4 MR. LEARY: Thank you, Madam Chair, members of
5 the Board.
6 Agenda item one is Consideration of Approval of
7 Proposed Distribution of Funds for the Park Playground
8 Accessibility and Recycling Grant Program. It's a
9 continued item from the last Board meeting where the
10 Board requested further research into the extreme
11 financial hardship issue that was a criteria for a point
12 award in our application process.
13 To bring the Board up to speed on our research
14 that's been conducted since this item was continued, I'll
15 turn it over to Martha Gildart.
16 MS. GILDART: Good morning, Chair and members,
17 Martha Gildart with the Special Waste Division. As you
18 may recall and as Mark has said, the Board requested some
19 changes to the economic hardship criteria.
20 If you'll look at page 1-5, on your packet it
21 says revised, you'll note under the second bullet under
22 eligible applicant, we have defined extreme financial
23 hardship as being, "Counties or zip code areas for which
24 the median household income is equal to 64 percent or
25 less of the state's median household income."

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1 If you turn to the next page we have a small
2 chart, trying to show an example of what that would mean.
3 As background, the Department of Finance lists
4 median income for each and every zip code area in the
5 state. If you look at the 50 percent level you come out
6 with 35,798.
7 The staff took that list and tried out different
8 cuts on the list to see what percentage would fall above
9 or below that number. And we've come up with a proposal
10 that we're asking for approval. If the Board wishes, you
11 can shift this cut on the list up or down.
12 The 64 percent yields about 18 percent of the
13 zip codes being below, and therefore qualifying for
14 extreme economic hardship, which means they would only
15 need to provide a 25 percent match to receive the Board's
16 funding. It also would award them ten points under our
17 program criteria of economic hardship.
18 And then we have distributed points, if you will
19 look at page 1-8, we've also distributed points for this
20 economic need. If you're in the 70 to 75 percent range,
21 you would receive five points.
22 If you are in the 65 to 70 percent range, you
23 would receive seven points.
24 And if you're below 65, so actually when we say
25 64 we mean below 65, you would receive ten points as well

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as being eligible for the 25 percent match.

If you want any discussion on the numbers or the math we're more than willing to take questions now.

BOARD CHAIR MOULTON-PATTERSON: Mike.

BOARD MEMBER PAPARIAN: Thank you. Would this be a good time to get into the north south issue, or are you going to bring that up separately?

MR. LEARY: This is as fine a time as any.

MS. GILDART: We could discuss it now if no one has questions though on how this set of ranges were cut out of the list though.

BOARD MEMBER MEDINA: I think you did a really good job of putting that together.

MS. GILDART: Fine.

BOARD CHAIR MOULTON-PATTERSON: Any questions on the range? I don't see any. So Mike, did you want to talk about that?

BOARD MEMBER PAPARIAN: Do you want me to talk about the north south split, or do you want me to just ask about it?

MR. LEARY: Well I think your discussion about the, as discussed in the earlier item, about enhancing the number of applications, successful applications in Southern California was certainly something we can explore as we go forward with this.

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1 I don't know, I talked very briefly with staff
2 during the break and we didn't come up with much in terms
3 of the brainstorming. Because we are the evaluators of
4 these proposals, we can't go too far in assisting on the
5 completion of the application. But what we can do, as
6 you mentioned, is extend our outreach efforts, and
7 attempt to be more successful in recruiting more
8 applicants' participation from the Southern California
9 regions.
10 Specifically for park districts, I'm not sure I
11 understand the park district superstructure in the State
12 of California well enough to describe what those efforts
13 might be, but certainly I have staff within my program
14 that may have better ideas.
15 BOARD MEMBER PAPARIAN: One of the suggestions I
16 would have would be to perhaps work, in fact they're
17 here, Mr. Miller and Mr. Simpson perhaps could get
18 together and brainstorm a little bit about some outreach
19 through the legislative offices, and in a lot of cases
20 the legislative offices will assist in having
21 constituents come up with proposals for stuff like this,
22 and I'm sure Mr. Simpson might have some ideas as well.
23 Now, in the other item we actually had a
24 recommended 60/40 split, but we didn't achieve it --
25 MR. LEARY: That's right.

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1 BOARD MEMBER PAPARIAN: -- we actually achieved
2 it in the opposite direction. Do we have a recommended
3 split here where we give some preference to Southern
4 California if it's underrepresented in the applications
5 that we receive?
6 MS. GILDART: Not precisely. In this one we
7 were basing our recommended split on the 2000 census data
8 which have just become available. They were not
9 available when the Board approved criteria for the first
10 award. And we were actually going to shift it in the
11 opposite direction where it would be a 61/39 percent for
12 the south versus the north, and that's based on
13 population, if you draw a line across just north of Kern
14 County.
15 The fact that the earlier grant only achieved a
16 reverse, we're not sure how much that has to do with
17 outreach or need.
18 My staff did ask to remind the Board that we
19 have just, in between the two cycles, participated in the
20 California Parks and Recreation Society statewide
21 conference. We had a booth there, and we had a lot of
22 people coming by asking questions. So we think that, as
23 far as outreach, that we've gotten the word out there
24 much farther, a lot more people are aware of this now.
25 We could try to find additional names, perhaps,

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1 to add to our mailing list for the notice of funds
2 available. We were going to use the same list as we had
3 done earlier, but we're open to adding if there are
4 suggested --
5 BOARD CHAIR MOULTON-PATTERSON: Could you
6 clarify for me again, and I think we talked a little bit
7 about this at the beginning of the meeting. We're
8 getting the applications from Southern California, but
9 they're just not qualifying, is that correct? Or we're
10 just not getting 'em?
11 MS. GILDART: We're getting fewer than we had
12 anticipated, yes.
13 BOARD CHAIR MOULTON-PATTERSON: Okay.
14 MS. GILDART: And there was also a slight
15 decrease in the number that passed versus the northern
16 part of the state.
17 BOARD CHAIR MOULTON-PATTERSON: So it's still
18 outreach?
19 MS. GILDART: Yes.
20 BOARD CHAIR MOULTON-PATTERSON: Not just that
21 they don't know how to fill out the forms?
22 MS. GILDART: Well what --
23 BOARD CHAIR MOULTON-PATTERSON: Okay.
24 MS. GILDART: -- what Mark pointed out in the
25 earlier one was that about 60 percent of the Southern

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1 California applications passed while the passing rate for
2 Northern California was 75 percent.
3 So that shows that perhaps there was a little
4 bit less, I don't know, effort or understanding put into
5 filling out the applications.
6 We have to be very careful that we make the same
7 amount of information available to all applicants. We
8 can't preferentially aid one group over another.
9 However, we can make sure that the word has been gotten
10 out to areas of the state.
11 If there are organizations that people are aware
12 of in Southern California that deal with parks or
13 playgrounds we will be happy to add them to our mailing
14 list if we don't have them already.
15 BOARD MEMBER PAPARIAN: Are you going to let the
16 people know who had grants that didn't pass last time,
17 let them know why and what they might do to improve their
18 applications?
19 MS. GILDART: In some instances if they want to
20 call and talk to staff we do provide some information.
21 We do have to be careful, you know. We can't spell out
22 step by step, you know, exactly how to fill out the
23 application. They have to follow the instructions that
24 are available to everyone. We have to be very careful to
25 treat each applicant equally. So if someone calls up and

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1 starts going through every line in an earlier
2 application, we have to be a bit careful on what we give
3 them as information.
4 BOARD MEMBER PAPARIAN: Okay. In addition to,
5 you know, the Legislative and Public Affairs staffs, I'd
6 also suggest perhaps, if we have the opportunity,
7 briefing our Southern California office staff just
8 generally on this availability, so just as they're making
9 their regular contacts with folks in Southern California,
10 they have in the back of their mind that there's this
11 substantial pot of money that might be available to some
12 of the communities that they're dealing with.
13 Thanks.
14 MS. GILDART: We can do that.
15 BOARD CHAIR MOULTON-PATTERSON: Okay. We
16 appreciate your efforts.
17 BOARD MEMBER JONES: Madam Chair.
18 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
19 BOARD MEMBER JONES: Maybe in the future a
20 discussion with SKAG since they're, you know, maybe they
21 can provide these services. I mean clearly I understand
22 your problem, I mean you can't help, you can't show 'em
23 how to do it because you're going to jeopardize it for
24 others, and so, but SKAG may be, you know, may be an
25 outlet that, you know, they've got a staff, they can

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1 probably help figure it out.
2 BOARD CHAIR MOULTON-PATTERSON: That's a real
3 good suggestion. Thank you.
4 Arturo.
5 MR. ALEMAN: Martha, have you contacted the
6 California Park and Recreation Society to get their
7 addresses?
8 MS. GILDART: Yes, I've been working very
9 closely with them. In fact, one of our employees is a
10 very former Parks Department employee who has many useful
11 contacts.
12 MR. ALEMAN: Well the Department of Parks and
13 Recreation is currently pursuing the grants on their own
14 with regard to this very same act. Is there a partnering
15 going on with them, local services of park and
16 recreation?
17 MS. GILDART: You mean to make our grant
18 available to an entity that's also receiveing a grant
19 through this? No, we haven't done that.
20 MR. ALEMAN: That possibility might exist of
21 partnering on some of the granting processes. They have
22 an extensive program. They have forty people they hired
23 to do this, I wish we could do that.
24 MS. GILDART: We've got one permanent and three
25 part-time -- or limited term, sorry.

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BOARD MEMBER JONES: Madam chair.

BOARD CHAIR MOULTON-PATTERSON: Thank you.

Mr. Jones.

BOARD MEMBER JONES: I want to move adoption of Resolution 2001-95, Consideration of Approval of the Proposed Distribution of Funds, Applicant and Project Eligibility Scoring Criteria and Evaluation Process for Fiscal Year 2001/2002, Park Playground Accessibility and Recycling Grants Program.

BOARD MEMBER MEDINA: Second.

BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you.

We have a motion by Mr. Jones to approve Resolution 2001-95 seconded by Mr. Medina.

Please call the roll.

BOARD SECRETARY VILLA: Eaton.

BOARD MEMBER EATON: Aye.

BOARD SECRETARY VILLA: Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY VILLA: Medina.

BOARD MEMBER MEDINA: Aye.

BOARD SECRETARY VILLA: Paparian.

BOARD MEMBER PAPARIAN: Aye.

BOARD SECRETARY VILLA: Roberti.

(Not present.)

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BOARD SECRETARY VILLA: Moulton-Patterson.

BOARD CHAIR MOULTON-PATTERSON: Aye. Okay. At this time the Board will go into a brief closed session, and we'll resume discussion of items three and four at approximately 1:30 after a lunch break.

(Thereupon the closed session was held, followed by the luncheon recess.)

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1 AFTERNOON SESSION

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: We're back on
4 the record at 1:30 as we mentioned. I wanted to ask Ms.
5 Tobias a question here. And certainly if there's people
6 in the audience that want to address these two items,
7 number three and number four, we will certainly take
8 testimony today. But unfortunately Mr. Jones had to
9 leave due to a doctor's appointment, Senator Roberti is
10 not here, and I'm unsure if Mr. Eaton is going to be back
11 or not.
12 My thought was that we put these discussions
13 over till our June Board meeting. Is there any problem
14 with that?
15 LEGAL COUNSEL TOBIAS: No, you can basically
16 move an agenda to that, either to a scheduled meeting or
17 just to an unnamed meeting. So if you want to move them
18 to June, they just move as continued business.
19 BOARD CHAIR MOULTON-PATTERSON: I think I'd like
20 to do that. I talked to Julie and that's fine with she
21 and her staff.
22 I'm sorry that you were all prepared to do this,
23 but rather than do it with a, you know, a short Board, I
24 thought we would just do that.
25 Is there anyone in the audience that came to

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1 speak to items number three and four? And that was
2 discussion for direction on Bureau of State Audits
3 report, recommendations regarding landfill capacity,
4 recommendations number one and two. And then we had
5 number four, discussion of and request for direction on
6 Bureau of State Audits report, recommendations regarding
7 the Board's eighteen month landfill inspection program,
8 recommendation number seven.
9 Would you like to come forward and -- oh, did
10 you wish to speak?
11 UNIDENTIFIED SPEAKER: I'll come back.
12 BOARD CHAIR MOULTON-PATTERSON: Excuse me?
13 UNIDENTIFIED SPEAKER: I'll come back.
14 BOARD CHAIR MOULTON-PATTERSON: Okay. And I'm
15 sorry, I hope we haven't inconvenienced you, because
16 we're certainly here to hear public comment if you'd like
17 to. Just know that there's going to be a much fuller
18 discussion in our, at our June Board meeting here in
19 Sacramento.
20 Mr. Cupps.
21 MR. CUPPS: I guess I had a procedural
22 question. As I understood the schedule that was set
23 forth, I guess back in February, particularly the
24 landfill capacity item was scheduled for, if you will, a
25 consideration item, and a decision in terms of that

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1 issue, and if, I just guess would like to --
2 BOARD CHAIR MOULTON-PATTERSON: Get a
3 clarification.
4 MR. CUPPS: Understand that, in fact, if we're
5 going to put over the discussion, will the discussion and
6 consideration item then, in fact, be occurring at that
7 same meeting?
8 BOARD CHAIR MOULTON-PATTERSON: No, I don't
9 think so. I mean that's not my intent.
10 MR. CUPPS: That's fine, I guess I would be --
11 BOARD CHAIR MOULTON-PATTERSON: My intent is to
12 have a discussion only in June, and then if the Board
13 wishes to make some changes -- is that our executive
14 staff's understanding?
15 INTERIM EXECUTIVE DIRECTOR BRUCE: That's
16 correct.
17 BOARD CHAIR MOULTON-PATTERSON: So that will
18 give the public plenty of time for testimony before any
19 changes or decisions are made. Does that answer your
20 question?
21 MR. CUPPS: Yes, it does. And I do think it's a
22 fundamentally important policy question --
23 BOARD CHAIR MOULTON-PATTERSON: Right.
24 MR. CUPPS: -- and should not be made lightly.
25 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank

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you.

MR. CUPPS: Thank you.

BOARD CHAIR MOULTON-PATTERSON: Okay. Anything else, Ms. Bruce?

INTERIM EXECUTIVE DIRECTOR BRUCE: I just think that it will then be, what we will have to do is make sure that when we send our report over, that we will just indicate, that we do the scheduling changes that we've changed in that piece of the report.

BOARD CHAIR MOULTON-PATTERSON: In our six month report?

INTERIM EXECUTIVE DIRECTOR BRUCE: That's correct.

BOARD CHAIR MOULTON-PATTERSON: Okay. Great. Anything else, Board members?

Okay. Then thank you for your time, and thanks for coming back from lunch early.

(Thereupon the foregoing was concluded at 1:45 p.m.)

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I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 28th day of May, 2001.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751