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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

SIERRA HEARING ROOM

SACRAMENTO, CALIFORNIA

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1:30 P.M.

JAMES F. PETERS, CSR, RPR
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APPEARANCES

COMMITTEE MEMBERS

Michael Paparian, Chairperson

Steven R. Jones

Jose Medina

David A. Roberti

STAFF

Julie Nauman, Deputy Director

Mark De Bie

Bridget Brown

Mindy Fox

Tadese Gebre-Hawariat

Christine Karl

Wes Minderman

Leslie Newton-Reed

Robert Holmes

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1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good morning, everybody.

3 Welcome to the Permitting and Enforcement Committee

4 meeting.

5 We'll start out with a roll call.

6 SECRETARY FARRELL: Jones?

7 COMMITTEE MEMBER JONES: Here.

8 SECRETARY FARRELL: Medina?

9 COMMITTEE MEMBER MEDINA. Here.

10 SECRETARY FARRELL: Roberti?

11 Paparian?

12 CHAIRPERSON PAPARIAN: Here.

13 And then before we get going, any ex partes, Mr.

14 Jones?

15 COMMITTEE MEMBER JONES: Just a hello to Mr. Gene

16 Cola from Orange County.

17 CHAIRPERSON PAPARIAN: Mr. Medina?

18 COMMITTEE MEMBER MEDINA: None to report.

19 CHAIRPERSON PAPARIAN: And I have none to report.

20 We are hopefully expecting Senator Roberti

21 shortly. So I think as we take votes, we may hold open

22 the roll call in anticipation of his getting here.

23 As I mentioned at the May board meeting, we're

24 planning on having some informational workshops over the

25 next few months. And I think we have an agenda item to

1 talk about that at the end of our agenda here today.
2 This month Julie and her staff have prepared an
3 agenda item on landfill capacity. And that's the first of
4 these sort of informational items about things that are
5 going on.
6 I think I'll just move things along and turn it
7 over, Julie.
8 DEPUTY DIRECTOR NAUMAN: Thank you.
9 Good morning, Mr. Chairman and Committee members.
10 Julie Nauman with the Permitting and Enforcement Division.
11 Let me start with giving you kind of my deputy
12 report for the month of June, some updates and then some
13 information about some activities that the division is
14 currently involved with.
15 With respect to the Committee's workload, we're
16 looking at about 22 permits coming before you in the
17 July-August timeframe. We're also expecting a lot of
18 activity in the regulatory area.
19 In February you directed us to implement options
20 to address alternative daily cover. And so we're going to
21 be starting some informal workshops in that effort. Those
22 are tentatively scheduled now for June 26th and July 11th.
23 And as I said, that will start the informal rule-making
24 process addressing EDC State minimum standards. We
25 anticipate coming back to the Committee to ask for

1 direction to start the formal 45-day comment period
2 probably later this summer or early fall.
3 Another package to give you an update on is the
4 construction demolition and the inert debris processing or
5 Phase 1 of our C&D regs. These were noticed on May 31st
6 and the comment period will end on July 15th. Staff will
7 bring the regulations to the Committee on August 8th
8 asking for a 15-day notice. This will also act as the
9 public hearing for that package. Workshops for this
10 package are tentatively scheduled for July 22nd in
11 Sacramento and on July 31st in Diamond Bar to give
12 stakeholders another opportunity to provide comments to
13 the staff prior to the August 8th Committee meeting.
14 We expect the tire monofill regulations to be
15 noticed by the middle of the month.
16 And, finally, the nonhazardous, nonputrescible
17 regulations were approved by the Office of Administrative
18 Law on May 23rd and the regulations were immediately put
19 into effect.
20 I also wanted to bring to the Committee's
21 attention and to the attention of the public a regulations
22 status report that we have posted on our web site. And we
23 have copies for the Committee members that Bob can make
24 available to you today. And the public can access this at
25 the Board's web page under LEA Central Regs Status.

1 And this gives you the list of regulatory
2 packages that we're currently working on and some
3 projected dates of activity from June through November.
4 And on this chart you will see that there is a
5 lot of activity that we're projecting beginning in August
6 and then continuing into September and October, where
7 you'll be seeing packages coming back for a 15-day comment
8 period, coming back for public hearings, and ultimately
9 coming back for your review prior to going to the Board
10 for adoption.
11 I seem to be fading. So I'll just talk louder.
12 Okay. So that's it on regulations.
13 A couple of other things of note.
14 Our cleanup program. On May 29th, the Solid
15 Waste Cleanup Program staff participated in a meeting with
16 CalEPA Border Zone Office, Board Member Medina, the Water
17 Board and the City of San Diego regarding the problem of
18 trash accumulation in the Tijuana River Valley. Program
19 staff continues to work with agencies on targeted outreach
20 for cleanup of illegal disposal sites in the area.
21 In addition, the program is providing limited
22 technical assistance to Border Zone coordinators in their
23 efforts to improve solid waste management in Tijuana. And
24 as you all know, this area is a major source of trash
25 accumulation on the California side due to storm water

1 runoff.

2 Another issue related to border environmental

3 compliance activity is our involvement with various

4 meetings that have been held over the last several months

5 involving three different groups addressing environmental

6 compliance at the Board.

7 The first of these is the Border Environmental

8 Compliance Workshops. This is a group that meets annually

9 and includes U.S. and Mexican Federal and State government

10 officials.

11 There is the California Border Environmental

12 Enforcement Task Force, which meets quarterly. This group

13 is comprised of U.S. and State enforcement officials

14 discussing specific enforcement cases.

15 The final group is the California Baja California

16 Subworking Group for Hazardous and Solid Waste. This

17 group meets quarterly and involves CalEPA and our BDOs

18 along with officials from San Diego, Tijuana and Mexicali.

19 One of the issues that they are discussing

20 currently is the concern over tire piles in the -- on the

21 Mexican side of the Mexican side of the border.

22 Obviously, this falls into our tire program purview. But

23 through the Permitting and Enforcement Division, our staff

24 has become involved in these working groups addressing the

25 enforcement side of these issues.

1 So actually as we talk a little bit later about
2 issues for workshop discussion with the Board, this whole
3 area of border enforcement compliance may be of interest
4 to the Committee in hearing more about.
5 Related also to enforcement I wanted to mention
6 to you that there is a CalEPA enforcement web site. And
7 CalEPA has established this enforcement web site, and each
8 of the BDOs is working to link our on-line enforcement
9 data to that site. Staff is evaluating the various
10 enforcement web pages on our current Board web site and
11 will be providing recommendations on how to best meet the
12 expectations of the agency to provide the link back to the
13 CalEPA enforcement web site.
14 The final things I'd like to mention this morning
15 is this year's annual LEA-CIWMB Conference, which is
16 scheduled for August of this year. We're ready to go.
17 Registration is open. I believe your offices have been
18 notified and we'll continue to work with you to
19 accommodate your participation. We're pleased with the
20 venue and we're hoping that this year's conference will
21 be, of course, better than ever. The Steering Committee
22 has worked very hard over the last few months and put
23 together a full agenda. In addition, we'll be bringing in
24 new keynote speakers who will present informative and
25 entertaining topics.

1 Not only will the conference focus on regulatory
2 issues, as it traditionally does, but we're seeking to
3 bring in new and informative topics to the conference such
4 as a session on bioterrorism and another on conversion
5 technologies.
6 We're also looking to try something different
7 this year and plan to host a two-hour exhibitor show on
8 the first day of the conference following the opening
9 luncheon. And this will be a great opportunity to
10 discover new and the latest landfill-related products and
11 services that are available. We're still receiving
12 responses from vendors and are open to any suggestions and
13 contacts you board members or the public may be able to
14 help us make with such vendors.
15 And always I have to give ourselves a plug for
16 this one. We continue to support our theme of a
17 paper-less conference. The Board may recall that the LEA
18 Conference was the first Board-sponsored conference that
19 went paperless a couple of years ago and that we don't
20 produce a conference binder; we provide all the materials
21 available to conference attendees on the web site for
22 their review prior to attending the conference and for
23 their self determination whether to print or not to print
24 those documents to bring with them.
25 So we know that others have followed that lead

1 and we continue to support the paperless conference
2 concept.
3 So with that, if there aren't any questions, I
4 think we're probably ready to begin the Board's -- or the
5 Committee's agenda.
6 CHAIRPERSON PAPARIAN: Any questions of Ms.
7 Nauman?
8 No.
9 I think we're planning to take one item out of
10 order.
11 DEPUTY DIRECTOR NAUMAN: Yes. We would like --
12 with the Committee's indulgence, we would like to take up
13 Item J, which is Board Item 73. And this is an Update on
14 the Permit Application Submittal Schedule Pilot Program.
15 And Mark De Bie will make the presentation.
16 CHAIRPERSON PAPARIAN: And then after this we'll
17 go back to the order as originally on the agenda.
18 MR. De BIE: Good morning, Board Members --
19 Committee Members. This is Mark De Bie with the
20 Permitting and Inspection Branch.
21 This item is an update. It's a discussion item.
22 There is no action required of the Committee today.
23 As you may recall, in December of 2001 the Board
24 adopted a pilot program, which we're now referring to as
25 PASS or Permit Application Submittal Schedule.

1 And the basic parameters of this pilot were to
2 affect some change relative to the permit process and how
3 applications are processed relative to milestones' time
4 frames.
5 The basic parameters of the pilot was to indicate
6 to operators and LEA's that it was the desire of the Board
7 to have applications submitted by applicants to the LEAs
8 on the last Monday of each month. In doing so, working
9 out the permit processing time frames with the calendar
10 and the Board's meeting schedule, more often than not this
11 would allow the Board to have close to the 60 days that is
12 allowed them through statute to review and process the
13 permit for Board action.
14 The pilot program was put into place in January
15 and staff began tracking the milestones relative to
16 applications that were submitted in January.
17 In that tracking, we didn't just track the
18 submittal dates of the application, but what were also
19 tracking time frames throughout the permit process because
20 the pilot also spoke to other aspects of the permitting
21 process; for example, the pilot program indicated that
22 LEAs should try as best they could to time their submittal
23 of proposed permits to the Board so that close to the 60
24 days would be allowed the Board as well as continuing to
25 encourage LEAs to submit draft permits as early as

1 possible to Board staff so they could begin their review
2 of the proposed permit in a draft form.
3 And then also one of the main parameters was to
4 encourage LEAs to continue to submit complete packages to
5 the Board and try to do that as early as possible.
6 The 60 days time frame for the Board is timed on
7 receipt of a proposed permit. So the pilot encouraged the
8 LEAs to submit all of the supporting documentation to the
9 Board earlier than when the proposed permit came up so
10 that the review could be again.
11 So today I'd like to report on what we've seen
12 occur since January.
13 Since January, we've been tracking 14
14 applications that have been submitted. Of the 14, only
15 three were actually received in and around the last Monday
16 of the month.
17 However, LEAs have been able to find flexibility
18 in their process to ensure that the proposed permits are
19 submitted to the Board in a timely fashion. And of all of
20 the permits that were scheduled to be heard at this
21 Committee meeting, permits that were scheduled to be heard
22 at this Committee meeting, all of them were submitted --
23 the proposed permits were submitted by the LEAs within
24 four business days of the 60-day date set out by the
25 Board.

1 So what we're seeing is that not all the
2 applicants are participating fully in the pilot in terms
3 of timing their submittal, but certainly the LEAs are
4 making an effort to ensure that the proposed permits are
5 submitted in a fashion that gives the Board maximum time.
6 All of the LEAs that submitted proposed permits
7 for June also made an effort to submit draft permits in a
8 timely fashion as well as submitting the permit packages,
9 the report of facility information and their findings
10 early on, too.
11 So in summary or in conclusion, I want to
12 indicate that we're not finding full participation among
13 applicants or operators submitting applications. Board
14 staff will send a message out again through the LEAs to
15 applicants that the Board does have a pilot program and
16 encourage them to participate.
17 But we are finding LEAs for the most part are
18 fully participating in the pilot program at this time.
19 In terms of benefits, I personally perceive some
20 benefit. In the packages or the agenda items that I've
21 seen, at least for this month, which is the first month
22 that we have packages coming through, based on the pilot
23 they tend to be much more complete than in the past, and I
24 think that's a sign that staff are getting the information
25 early and are able to complete their review and put

1 together a complete agenda item in a more timely fashion.
2 Any questions?
3 CHAIRPERSON PAPARIAN: Mr. Jones.
4 COMMITTEE MEMBER JONES: I have a question, Mr.
5 Paparian.
6 You said that the LEAs are submitting theirs on
7 time, but operators aren't? I mean the LEA is the one
8 that submits a permit, right?
9 MR. De BIE: Correct. The pilot program was set
10 up to start with the submittal of an application to the
11 LEA on the last Monday of the month. That's how the
12 calendar starts. And what we're finding is applications
13 are not being submitted on that last Monday. But LEAs are
14 finding some flexibility in their process. So even if
15 they get them in some other time during the month, they're
16 able to either shrink their time frame or work with the
17 operator to expand their time frame in such a way that
18 they submit the proposed permit in a timely fashion.
19 So in some cases time frames have been waived
20 because if there are still discussions going on with the
21 LEA and the operator, incomplete packages, those sorts of
22 things. So the proposed permits are coming in on time.
23 COMMITTEE MEMBER JONES: The operator when he's
24 working with an LEA may give them part of that as a
25 heads-up. Are you saying that it's that part of the

1 process that there's a problem?

2 You're confusing me, Mark, because as an operator

3 it's an ongoing system with the LEA. And it's when that

4 LEA has all the information clarified that they feel that

5 that's when they've accepted a completed package. But

6 that may take three or four months of work between the LEA

7 and the operator. But the message I'm getting from you is

8 that somehow that part is not working locally.

9 MR. De BIE: I don't want to say it's not

10 working. I'm just looking at time frames. Again, the

11 pilot was based on a submittal of an application. It's

12 just the application form and all the supporting

13 documentation on the last Monday of the month we're not

14 seeing that happening. I can't tell you how operators and

15 LEAs are able to work out the process so that the LEAs are

16 able to submit the proposed permit. I'm sure it various

17 in cases. As you know, that once the application is

18 submitted to the LEA, they are to receive it and then

19 within 30 days deem it complete or not.

20 And so that process, sometimes applications are

21 being deemed complete within a matter of days because the

22 LEA and the operator have been working out details

23 informally. And so the LEA doesn't need to take a full 30

24 days to deem it complete. And in that way they're gaining

25 some efficiency in their process.

1 So I'm sure in many cases there are informal
2 things going on between LEA's and operators to work out
3 the time frames. So I don't think the fact that
4 applications are not being submitted on the last Monday of
5 the month is an indication that the pilot isn't being
6 adhered to. I think the true measure is that whatever
7 system the LEAs and operators have worked out, it has
8 resulted in the LEA's ability to submit proposed permits
9 in such a way that the Board gets very close to the 60
10 days. And I think that was pretty much the intent of the
11 pilot program was to --
12 COMMITTEE MEMBER JONES: It was, but that's not
13 what I understood from your report or your summary of the
14 report.
15 So that makes sense.
16 MR. De BIE: Okay.
17 CHAIRPERSON PAPARIAN: Now, this is a pilot
18 program. Presumably at some point then we determine
19 whether we want to establish this as an ongoing program.
20 MR. De BIE: Yes. The way the presentation was
21 made when the Board adopted this pilot program was that we
22 would run through a pilot for a year, analyze the results
23 of the pilot, and then potentially come back to the Board
24 with a recommendation on whether to continue it, modify
25 it. But there was also discussion about potentially

1 modifying regulations to incorporate at least some aspects
2 of the pilot, the successful aspects.
3 CHAIRPERSON PAPARIAN: Right. The thing that
4 struck me is that if we wait until after the full year and
5 then analyze the pilot, then we'll be operating it some
6 time without this sort of schedule in place and available
7 to the LEAs.
8 So my question is: Do we want to somehow
9 establish an early 2003 schedule to continue the pilot as
10 we're evaluating the one year's worth of information?
11 MR. De BIE: I think that's a viable option.
12 And, you know, it would be up to the desire of the Board
13 on how formal or informal they want to do that. But it
14 will take some time for staff to assist to figure out the
15 success of the pilot, you know, because there are -- we're
16 seeing permits in June that were submitted in January. So
17 you can see there's time frames, you know, that are
18 extended.
19 So certainly, we can bring an item forward
20 towards the end of the year that speaks to extending the
21 pilot for an additional amount of time to fill the gap.
22 CHAIRPERSON PAPARIAN: Yeah, I think you might
23 actually want to come forward a few months from that,
24 because the last deadline in here is December for
25 acceptance of an application from an operator. I would

1 imagine the operators might need a little lead time for
2 their planning purposes. So that if we wanted to have,
3 you know, a continuation of this without a gap, you might
4 be thinking about September or October.
5 DEPUTY DIRECTOR NAUMAN: I would tend to agree
6 with him. I think it would be helpful to provide an
7 opportunity, too, for the operators and the LEAs to enter
8 into a dialogue with the Board so that you can get the
9 benefit of their thoughts on how this pilot has worked or
10 what obstacles they see in it. So that as we're planning
11 for 2003, we can take those comments into account even if
12 we decide to kind of continue the pilot while we're
13 formalizing it.
14 Certainly it would be helpful to get some
15 feedback from the stakeholders and the operators and the
16 LEAs.
17 CHAIRPERSON PAPARIAN: Mr. Jones.
18 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.
19 Maybe between you and Justin, you can find some
20 time at the LEA conference to at least talk about this.
21 Because if you're getting -- if you, as staff, are getting
22 a completed permit in a timely fashion, then that was the
23 intent of this policy.
24 DEPUTY DIRECTOR NAUMAN: It certainly was, to get
25 a more complete package and to get the additional time.

1 And then in order to do that, we established this calendar
2 that then set a date. But the date of submittal isn't the
3 critical point.
4 COMMITTEE MEMBER JONES: Yeah. I mean, I'd
5 really like to hear from the LEAs at some point because
6 this is -- I mean I see Dave Albin sitting out there. He
7 and I only did about five or six permits together. They
8 take time to work through. And what I'm getting is that
9 somehow we're not recognizing that, you know, irregardless
10 of when that first contact is or the permit application is
11 with the LEA, in most cases it's a process that's taken a
12 lot of time to get there and in some cases maybe it
13 hasn't. And that's -- and that would be information that
14 would be valuable, but -- I mean permits take a long time
15 to work out locally before they ever get to a position
16 where an LEA has deemed it complete, because the LEA does
17 have that opportunity to deem an application complete
18 prior to acceptance. That takes a lot of pieces. And I'm
19 just worried about, you know, part of what I've heard in
20 this summary that somehow there's an impression that that
21 local interaction isn't working because of some deadline
22 and not taking into account the work that goes into one of
23 these ahead of time.
24 DEPUTY DIRECTOR NAUMAN: Yeah. No, I think, you
25 know, the staff shares your appreciation that it does take

1 a considerable amount of time to get to that point. I
2 think, you know, in Mark's report he was attempting to
3 report back, you know, objective numbers of points of
4 activity based on the schedule that we reported. But I
5 don't think he meant to imply that, you know, in some way
6 there was less cooperation going on between the LEAs and
7 the operators; but just merely the observation that if
8 you'd just look at the calendar itself, many of the
9 applications were not submitted on that day. But that
10 tells us something about the pilot project that we've set
11 up. And those kinds of things are instructive to us as we
12 look to the future. And maybe we don't put as much
13 emphasis on the day the LEA gets the application from the
14 operator. And as you said earlier, the real objective was
15 to ensure that we had more time.
16 MR. De BIE: Yes, I agree. And I think having
17 something at the conference if possible might give us an
18 opportunity to interview LEAs that have gone through the
19 pilot and better understand what the local process is that
20 allows them to submit things timely given that they didn't
21 get them necessarily in a timely fashion just looking at
22 dates.
23 So I think we can explore that and develop that
24 side of things so that when we do bring something forward
25 to potentially extend the pilot, we can maybe better focus

1 on what worked and didn't work and have that as an aspect
2 of even the extension.
3 DEPUTY DIRECTOR NAUMAN: Okay. So we'll plan to
4 bring something back to you for further discussion around
5 September.
6 CHAIRPERSON PAPARIAN: Good.
7 Mr. Medina.
8 COMMITTEE MEMBER MEDINA: Yes. Of the 14
9 applications that have been received since -- I mean 14
10 applications since January and three received, have you
11 done follow-up on the remaining 11 to find out why they
12 did not come forth?
13 MR. De BIE: We have not, no. We can do that
14 perhaps in conjunction with the LEAs to sort that out.
15 Basically, we've been tracking just the time frames as
16 things come through the process, the different milestones,
17 but haven't had an opportunity to sort of examine each
18 case to find out what the particulars were relative to
19 them that resulted in the timing. But we can explore that
20 I think with the LEAs.
21 COMMITTEE MEMBER MEDINA: I think we need to do
22 that.
23 MR. De BIE: And if we can't get an explanation
24 through the LEAs, which I think we can, then we can extend
25 that out to operators and see what their thinking was,

1 certainly.

2 COMMITTEE MEMBER MEDINA: And since we've gone to

3 the committee system, has staff had sufficient time to do

4 a thorough review of these applications?

5 MR. De BIE: There has been some shrinking of our

6 time frames to get items to the Board. The pilot has

7 certainly helped us in compensating for the shortening of

8 the time frames to some extent. Again, in my view, based

9 on what I'm seeing coming through me for my review, is the

10 items first time through seem to be more complete than

11 they have been in the past.

12 CHAIRPERSON PAPARIAN: Okay. Thank you.

13 DEPUTY DIRECTOR NAUMAN: Okay. That will take us

14 back to Item B on our agenda. And this is consideration

15 of a revised full solid waste facility permit transfer

16 processing station for the Western Placer Waste Management

17 Authority Materials Recovery Facility located in Placer

18 County.

19 And Christie Karl will make the presentation.

20 MS. KARL: Good morning.

21 The Western Placer Waste Management Authority is

22 proposing to change the hours of waste processing and

23 receipt for their materials recovery facility in

24 Roseville.

25 All findings that are within the power and

1 authority of the Board have been made by staff. And the
2 permit is consistent with State minimum standards.
3 Therefore, Board staff recommend the Board concurrence on
4 Solid Waste Facility Permit 31-AA-0001, Resolution Number
5 2002-278.
6 The LEA is here if you have any questions.
7 And this concludes staff presentation.
8 CHAIRPERSON PAPARIAN: Questions from members?
9 Mr. Jones.
10 COMMITTEE MEMBER JONES: I'll move that the
11 Committee concur -- I don't want to screw this up the way
12 I say this.
13 What is it? We're concurring with the
14 resolution?
15 DEPUTY DIRECTOR NAUMAN: It could be recommending
16 to the Board.
17 COMMITTEE MEMBER JONES: And recommending.
18 Okay. We're concurring -- I move that we concur
19 with this permit application and move it forward to the
20 Board.
21 CHAIRPERSON PAPARIAN: On consent.
22 COMMITTEE MEMBER JONES: On consent.
23 CHAIRPERSON PAPARIAN: Is there a second?
24 COMMITTEE MEMBER MEDINA: Second.
25 CHAIRPERSON PAPARIAN: Okay. Secretary, call the

1 roll.

2 SECRETARY FARRELL: Jones?

3 COMMITTEE MEMBER JONES: Aye.

4 SECRETARY FARRELL: Medina?

5 COMMITTEE MEMBER MEDINA: Aye.

6 SECRETARY FARRELL: Paparian?

7 CHAIRPERSON PAPARIAN: Aye.

8 And let's hold that roll open for Senator Roberti

9 when we arrives.

10 The next item, Item C, 66 on the agenda, has been

11 pulled. So we'll --

12 DEPUTY DIRECTOR NAUMAN: That's correct, at the

13 request of the operator and LEA.

14 CHAIRPERSON PAPARIAN: So we'll move to D.

15 DEPUTY DIRECTOR NAUMAN: Item D is consideration

16 a revised full solid waste facility permit disposal

17 facility for the Allied Imperial Landfill located in

18 Imperial County.

19 And Leslee Newton Reed will make the

20 presentation.

21 MS. REED: Good morning.

22 The Allied Imperial Landfill has proposed a

23 permit that would allow an increase in the tonnage from

24 699 peak tons per day to 1,135 tons per day, an increase

25 in the traffic volume from 123 vehicles per day to 274

1 vehicles per day, and allow a shredder on-site for
2 shredding green waste for use as alternate daily cover.
3 It has been brought to my attention that there
4 has been a mistake on Page 1 of the agenda item. The
5 proposed traffic volume shows 257 vehicles. It should be
6 274 vehicles.
7 Board staff has determined that all the
8 requirements have been met. Therefore, staff recommends
9 that the Board adopt Solid Waste Facility Permit Decision
10 2002-282 concurring in the issuance of Solid Waste
11 Facility Permit Number 13-AA-0019.
12 Representatives from the Imperial County LEA and
13 the operator are here to answer any of your questions.
14 That concludes staff presentation.
15 CHAIRPERSON PAPARIAN: Any questions?
16 Is there a question?
17 COMMITTEE MEMBER JONES: No.
18 CHAIRPERSON PAPARIAN: Mr. Medina, any questions?
19 COMMITTEE MEMBER MEDINA: No questions.
20 CHAIRPERSON PAPARIAN: I had a couple quick
21 questions, just out of curiosity.
22 There's an indication in the agenda item that
23 there's a certain amount of waste which must be returned
24 to the United States from cross-border commerce. What
25 does that mean?

1 MS REED: Mikela Doros.

2 Those are U.S. companies that do business in

3 Mexico. And because of that, they have to return the

4 waste to the California side.

5 CHAIRPERSON PAPARIAN: Is that some sort of

6 requirement in the cross-border commerce, that the waste

7 they generate in the Mexican side has to be returned to

8 the U.S. side?

9 MS. REED: Yes.

10 CHAIRPERSON PAPARIAN: Okay. And then part of

11 the increase in tonnage was for C&D waste. Is there an

12 active effort to recover some of the C&D for recycling?

13 MS. REED: I don't know.

14 MR. QUICK: Good morning, Committee Members. My

15 name is Gerald Quick, contact person for the Imperial

16 County LEA.

17 In answer to your specific question, most C&D

18 waste, particularly in concrete, is being recycled in

19 Imperial County at the present time. Some of the lumber,

20 whether it's -- the traded lumbers aren't recycled at all.

21 And quite a bit of usable lumber is taken back across the

22 border for construction purposes in Mexicali.

23 Does that answer your question?

24 CHAIRPERSON PAPARIAN: So what's winding up for

25 disposal is pretty much stuff that is unrecycled -- after

it's been culled through for recycled materials?

MR. QUICK: For recyclable materials. Of course a lot of lumber is broken up into such sizes that it can't be recycled for any beneficial use.

CHAIRPERSON PAPARIAN. Okay. Thank you.

Anything else?

Mr. Jones.

COMMITTEE MEMBER JONES: Mr. Paparian, I'll move that we concur with Resolution 2002-282 for the Revised Solid Waste Facility Permit for Allied Imperial Landfill, with the corrected car count.

COMMITTEE MEMBER MEDINA: Second.

CHAIRPERSON PAPARIAN: I have a motion and a second.

Secretary, call the roll.

SECRETARY FARRELL: Jones?

COMMITTEE MEMBER JONES: Aye.

SECRETARY FARRELL: Medina?

COMMITTEE MEMBER MEDINA: Aye.

SECRETARY FARRELL: Paparian?

CHAIRPERSON PAPARIAN: Aye.

We'll hold that roll open with the intention that that be for consent --

COMMITTEE MEMBER JONES: Mr. Chairman, if the members so desire, I think we ought to put it on consent.

1 CHAIRPERSON PAPARIAN: Okay. We'll wait for
2 Senator Roberti's vote.
3 Next.
4 DEPUTY DIRECTOR NAUMAN: Okay. Our next item,
5 Item E, is consideration of a revised full solid waste
6 facilities permit for disposal facility for the Frank R.
7 Bowerman Landfill located in Orange County.
8 And Tad Gebrehawariat will make the presentation.
9 MR. GEBREHAWARIAT: Good morning.
10 The proposed revised permit is to allow for the
11 following changes:
12 Increase the landfill footprint by 15 acres from
13 326 to 341 acres;
14 Increase the landfill permitted capacity by 10
15 million cubic yards, to a total permitted site capacity of
16 127 million cubic yards;
17 And change the estimate of the landfill closure
18 period from 2024 to 2022.
19 At the time the item was prepared the
20 presentation was as we have it in the table on page 68-4
21 of the agenda item, but all of the requirements for the
22 proposed permit were met. Since then, on May 30th, 2002,
23 we had information from the LEA that the special report
24 for the month of June 2002 will indicate a violation of
25 the terms and conditions of the permit because on May 29,

1 2002, the operator reported to them that the facility
2 operation received 8,947 tons of solid waste, which is 447
3 tons above the permitted level of 8,500 tons per day.
4 The LEA continues to monitor the tonnage level at
5 the landfill. We understand that there is a procedure in
6 place that was proposed by the operator and approved by
7 the LEA which aims at preventing the daily tonnage from
8 being exceeded.
9 The procedure apparently has been effective since
10 September 2001, the last time the facility operation was
11 cited by the LEA for violation of terms and conditions of
12 the permit for exceeding the daily tonnage.
13 Because the LEA will continue to monitor and take
14 all necessary enforcement measures for effective
15 compliance and because the procedure the operator has in
16 place has otherwise been effective, staff recommends that
17 the Board adopt Solid Waste Facility Permit Decision
18 Number 2002-281, concurring with the issuance of Solid
19 Waste Facility Permit Number 30-AB-0360, Mr. Osama
20 Abusheban, the LEA engineer, and Mr. Mike Genecola, the
21 facility manager, are present to answer any questions you
22 may have.
23 This concludes staff presentation.
24 CHAIRPERSON PAPARIAN: Any questions?
25 Mr. Jones.

1 COMMITTEE MEMBER JONES: Thanks, Mr. Chair.
2 I'd move concurrence with Resolution 2002-281 for
3 a revised full solid waste facilities permit for the Frank
4 Bowerman Landfill; and would suggest, if the members feel
5 so, to put it on consent at the Board meeting.
6 COMMITTEE MEMBER MEDINA: Second.
7 CHAIRPERSON PAPARIAN: We have a motion and a
8 second.
9 Secretary, call the roll.
10 SECRETARY FARRELL: Jones?
11 COMMITTEE MEMBER JONES: Aye.
12 SECRETARY FARRELL: Medina?
13 COMMITTEE MEMBER MEDINA: Aye.
14 SECRETARY FARRELL: Paparian?
15 CHAIRPERSON PAPARIAN: Aye.
16 We'll leave that roll open.
17 Next.
18 DEPUTY DIRECTOR NAUMAN: Next is Item F. This is
19 consideration of Grant awards for the Farm and Ranch Solid
20 Waste Grant Program for Fiscal Year 2001-2.
21 Wes Mindermann will make the presentation.
22 MR. MINDERMANN: Good morning, Mr. Chairman and
23 Members of the Committee.
24 This item presents consideration of Board staff
25 recommendation to award Farm and Ranch Solid Waste Cleanup

1 and Abatement Grant Program funds in the amount of
2 $111,279 to four grantees for the 4th and final quarter of
3 Fiscal Year 2001/2002.
4 You may recall the Board adopted application and
5 scoring criteria and approved the grant award process for
6 the program back in January of 2002.
7 Regulations to implement the program were
8 approved by the Office of Administrative Law on June 29th,
9 2000.
10 Let's see here. I want to just outline the
11 scoring process briefly here.
12 Program staff first reviewed these applications
13 for completeness and eligibility. Only complete and
14 eligible applications are then scored using the
15 Board-approved scoring criteria by a panel consisting of
16 three Board staff.
17 A summary of the grant applications is presented
18 in Attachment 2 and can be summarized as follows:
19 A grant to the City of San Diego Solid Waste
20 Local Enforcement Agency to up four sites within the
21 Tijuana Valley River Regional Park. The cleanup will
22 result in picking up and disposing 3,000 to 4,000 cubic
23 yards of solid waste. The estimated grant is $37,915.
24 Just as a note, the grant is within the defined
25 southern California by the Board and is within the Border

1 Zone.

2 The second grant is a grant to Humboldt County to
3 clean up two agricultural properties resulting in the
4 cleanup of 170 to 275 cubic yards of solid waste. The
5 grant amount would be $15,793.

6 The third grant is a grant to the Yolo County
7 Planning and Public Works Department. This grant -- this
8 proposal is to clean up approximately 760 miles of public
9 rights-of-way adjacent to agricultural property within
10 rural Yolo County. The County is estimating that they
11 will pick up 3,400 cubic yards of waste. And the grant
12 amount is about $50,000. One unique aspect of this
13 proposal is the use of surveillance cameras to hopefully
14 record and prosecute illegal dumpers throughout the
15 county.

16 The fourth and final grant is to the Siskiyou
17 County Planning Department. It's to clean up one site,
18 one rural agricultural site in the county resulting in a
19 cleanup of 90 cubic yards plus 65 abandoned vehicles. The
20 grant request is $7,571.

21 That concludes my presentation. Board staff are
22 recommending that the Board adopt -- let me see here, so I
23 get my resolution number -- Resolution Number 2002-293 to
24 award the grants for the cleanup of the sites pursuant to
25 the Farm and Ranch Solid Waste Cleanup and Abatement Grant

1 Program.

2 That concludes my presentation. I'd be happy to

3 answer any questions.

4 CHAIRPERSON PAPARIAN: Any questions?

5 Mr. Medina.

6 COMMITTEE MEMBER MEDINA: Of the 760 mile public

7 rights-of-way, are there any of them along side State

8 highways?

9 MR. MINDERMANN: No. Primarily they're the rural

10 and agricultural counties in -- rural and agricultural

11 areas in Yolo County. There's two -- or three State

12 highways. There's U.S. Highway 80. There's also I-5

13 through Yolo County. And then there's also State Highway

14 113. But these are primarily the agricultural roads off

15 to the side of those.

16 COMMITTEE MEMBER MEDINA: Yeah.

17 CHAIRPERSON PAPARIAN: The surveillance equipment

18 you mentioned, will that belong to the county then or

19 would that be ours?

20 MR. MINDERMANN: What we had proposed is that the

21 county buy it using the grant funds, and then it'd be

22 returned to us for the use by other grantees under this

23 program.

24 CHAIRPERSON PAPARIAN: Excellent.

25 Mr. Jones.

1 COMMITTEE MEMBER JONES: Mr. Paparian, now I know
2 this is going to end up going on our -- what did Mr. Eaton
3 call it?
4 EXECUTIVE DIRECTOR LEARY: Committee consent.
5 COMMITTEE MEMBER JONES: Committee -- there was
6 another --
7 EXECUTIVE DIRECTOR LEARY: Fiscal consent.
8 COMMITTEE MEMBER JONES: All right. And that
9 will be a little presentation to the whole Board.
10 Okay. Mr. Chair, I'd move that we concur with
11 Resolution 2002-293 for the consideration of grant awards
12 for the Farm and Ranch Solid Waste Cleanup, and if the
13 members so agree, put it on fiscal whatever -- consent.
14 CHAIRPERSON PAPARIAN: Is there a second?
15 COMMITTEE MEMBER MEDINA: Second.
16 CHAIRPERSON PAPARIAN: Motion and a second.
17 Secretary, call the roll.
18 SECRETARY FARRELL: Jones?
19 BOARD MEMBER JONES: Aye.
20 SECRETARY FARRELL: Medina?
21 COMMITTEE MEMBER MEDINA: Aye.
22 SECRETARY FARRELL: Paparian?
23 CHAIRPERSON PAPARIAN: Aye.
24 We'll hold that roll open, too.
25 Next.

1 DEPUTY DIRECTOR NAUMAN: Okay. That brings us to
2 Item G, which is consideration of the adoption of negative
3 declaration (State Clearinghouse Number 2002042146) and
4 the proposed regulations for the transfer processing of
5 putrescible wastes, or discussion and request for
6 direction on noticing revisions to the proposed
7 regulations for an additional 15-day comment period.
8 Bob Holmes will make the presentation.
9 MR. HOLMES: Good morning, Mr. Chair, Members of
10 the Committee.
11 (Thereupon an overhead presentation was
12 presented as follows.)
13 MR. HOLMES: Back before you this month on this
14 rule making. Last month you held a public hearing and
15 directed staff to notice the regulations for an additional
16 15-day comment period. So I'm here today just to give you
17 a real quick background on the regs, and then let you know
18 what we found out during that 15-day comment period.
19 --o0o--
20 MR. HOLMES: This rule making regards the
21 acceptance of putrescible waste. About two years ago the
22 Board heard an issue -- an issue came to the Board's
23 attention on appeal of a proposed permit having to do with
24 the receipt of restaurant wastes. And it was argued at
25 the time that the receipt of that waste could pass the

1 Board's two-part test which is used to differentiate
2 between a recycling center, that is not subject to Board
3 Regulation, and a waste handler, who would be subject to
4 regulation.
5 And the Board determined that it was not the
6 intent of that test or those regulations to allow the
7 receipt of restaurant type waste, food wastes, putrescible
8 waste as we've come to refer to them, at a recycling
9 center. In other words, they wanted to have some level of
10 regulatory oversight over that kind of activity.
11 So it was the Board's direction to staff to adopt
12 emergency regulations.
13 --o0o--
14 MR. HOLMES: Those emergency regulations add a
15 third part to the two-part test.
16 The first part being the material must be
17 separated for reuse. Second part, less than ten percent
18 residual. And now the third part, less than one percent
19 putrescible waste -- of the entire amount of material
20 received, less than one percent of it can be putrescible
21 waste.
22 --o0o--
23 MR. HOLMES: Putrescible waste is defined -- this
24 is an existing definition. It's been on the books since
25 the seventies. And the emergency regulations did not

1 amend that definition.

2 --o0o--

3 MR. HOLMES: The Board adopted the emergency

4 regulations in April 2001. There was a six-month delayed

5 effective date. So they became effective on April 13th

6 and are in effect now.

7 --o0o--

8 MR. HOLMES: Emergency regulations are valid only

9 for a limited time unless we make them permanent. So we

10 have begun the permanent rule making.

11 One of the changes between the permanent rule

12 making and the emergency regulations is this language in

13 red on the bottom here. We are saying now in addition to

14 having it being less than one percent putrescible wastes,

15 that putrescible waste cannot cause a nuisance as

16 determined by the EA.

17 This was put in comments during the 45-day

18 comment period, mostly from the local enforcement arena,

19 local enforcement agencies saying sometimes they have

20 difficulty in verifying that one percent, either the

21 physical measurement of that or, in fact, getting access

22 to the activity and cooperation on part of that activity.

23 So now in any case, if they cannot verify the one

24 percent through measurement, if there is a nuisance caused

25 by that material, they would also fail the test. And they

1 would be subjected to regulation.

2 CHAIRPERSON PAPARIAN: Can I just ask a question

3 on that point?

4 MR. HOLMES: Sure.

5 CHAIRPERSON PAPARIAN: I think I've got it

6 straight, but just to be sure.

7 Under that definition you couldn't have, say,

8 five -- you couldn't argue that you have five percent but

9 it's not a nuisance. You still would have -- you'd have

10 to meet the one percent?

11 MR. HOLMES: Correct.

12 CHAIRPERSON PAPARIAN: Okay.

13 MR. HOLMES: Correct.

14 Also, one other point of clarification in the

15 definition of putrescible waste in the permanent rule

16 making, we are including language that specifies that the

17 enforcement agency shall determine on a case-by-case basis

18 what is putrescible wastes. That's because this

19 definition has some subjectivity inherent in it, and so

20 somebody needs to make the conclusive determination. And

21 so we are relying on the EA's to make that determination.

22 --o0o--

23 MR. HOLMES: The inclusion of the one-percent

24 language is the largest change. There are a few others

25 within the package that we're doing. We're trying to

1 clarify the relationship between chipping and grinding
2 operations in a separate rule making. We have included
3 it -- definition of regional produce distribution center
4 that is not subject to regulation. This is a grocery
5 store callback situation. We are cleaning up language
6 having to do with the separation of activities at --
7 operations that are not subject to Board regulation and
8 also with regard to the burden of proof on passing the
9 three-part test.
10 --o0o--
11 MR. HOLMES: The 45-day comment period for this
12 permanent set of rule making began on March 1st and ran
13 through April 15th. You heard the public hearing last
14 month, and directed staff to go out for additional 15-day
15 comment period. That began on the 20th and ended on June
16 4th.
17 We received two comment letters during this
18 subsequent 15-day comment period. One was from a
19 manufacturer and was more of a request to determine
20 whether or not they would be subject to the regulations.
21 And so we were able to discuss that with them and assure
22 them that they would not be subject to regulation, that
23 they made the current definition of manufacturer.
24 And the other was a letter of support, as the
25 regulations were noticed for the 15-day comment period.

1 --o0o--

2 MR. HOLMES: So we are prepared -- one other

3 thing. On CEQA, we circulated the negative declaration

4 from May 1st through May 31st and received no comment.

5 --o0o--

6 MR. HOLMES: The options before you are to adopt

7 the Neg Dec and the proposed regs, direct us to make

8 additional revisions to the regs, and go out for an

9 additional notice period or other actions consistent with

10 your direction.

11 --o0o--

12 MR. HOLMES: So we are in a position -- your

13 staff report does not contain a recommendation because the

14 comment period was still open at the time that went to

15 print. But we are now in a position to recommend adoption

16 of the Negative Declaration and the regulations. Those

17 are Resolution Numbers 2002-276 for the Neg Dec and

18 2002-277 for the regulations.

19 That concludes my comments.

20 CHAIRPERSON PAPARIAN: I didn't mention at the

21 beginning of this hearing that there are speakers slips in

22 the back of the room. I haven't received any on this

23 item. But just to be sure, are there any public comments

24 on this item before we move forward?

25 Okay. Any questions?

1 Mr. Jones.

2 COMMITTEE MEMBER JONES: Mr. Paparian, first, I

3 want to congratulate our staff for working through this

4 and getting it done. And you did a good job of bringing

5 everybody together.

6 I want to move concurrence with Resolution

7 2002-276, which is a consideration of adoption of a Neg

8 Dec through the State Clearinghouse, 2002042146, and the

9 proposed regs. And request for -- okay. So that's --

10 this is on the regs, right?

11 Anyway, 276.

12 And also move concurrence with Resolution

13 2002-277.

14 And would ask that, if the Committee feels

15 comfortable, put it on consent.

16 CHAIRPERSON PAPARIAN: Okay. We have a motion on

17 two resolutions.

18 Is there a second?

19 COMMITTEE MEMBER MEDINA: Second.

20 CHAIRPERSON PAPARIAN: Second on both of them.

21 CHIEF COUNSEL TOBIAS: Mr. Paparian?

22 CHAIRPERSON PAPARIAN: Yes.

23 COMMITTEE MEMBER JONES: And if we can't put it

24 on a consent, we won't.

25 CHIEF COUNSEL TOBIAS: Right.

1 I just wanted to make sure that you were going to
2 take two separate votes, one for the Neg Dec and one for
3 moving the item ahead and then these wouldn't be on
4 consent.
5 CHAIRPERSON PAPARIAN: Okay. Let's do those --
6 we'll just do them one at a time here.
7 First --
8 COMMITTEE MEMBER JONES: I move concurrence of
9 Resolution 2002-276.
10 COMMITTEE MEMBER MEDINA: Second.
11 CHAIRPERSON PAPARIAN: Okay. On 2002-276,
12 Secretary, call the roll.
13 SECRETARY FARRELL: Jones?
14 COMMITTEE MEMBER JONES: Aye.
15 SECRETARY FARRELL: Medina?
16 COMMITTEE MEMBER MEDINA: Aye.
17 SECRETARY FARRELL: Paparian?
18 CHAIRPERSON PAPARIAN: Aye.
19 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
20 adoption of Resolution 2002-277.
21 COMMITTEE MEMBER MEDINA: Second.
22 CHAIRPERSON PAPARIAN: A motion and a second on
23 2002-277.
24 Secretary, call the roll.
25 SECRETARY FARRELL: Jones?

1 COMMITTEE MEMBER JONES: Aye.
2 SECRETARY FARRELL: Medina?
3 COMMITTEE MEMBER MEDINA: Aye.
4 SECRETARY FARRELL: Paparian?
5 CHAIRPERSON PAPARIAN: Aye.
6 COMMITTEE MEMBER JONES: And it's obviously got
7 to get heard at the Board meeting. But I would like to
8 suggest that it go forward with a 3-0 recommendation from
9 this Committee, and maybe 4-0 if Roberti shows up.
10 CHAIRPERSON PAPARIAN: Right. Very good.
11 Next item.
12 DEPUTY DIRECTOR NAUMAN: Next item is Item H.
13 And this is consideration of scope of work for a Native
14 American/local enforcement agency cross training on
15 Illegal Waste Dumping Contract for Fiscal Year 2001-2,
16 Reallocation Contract Concept 79.
17 And Mindy Fox will make the presentation on this
18 item as well as the companion item, Item I, which is the
19 consideration of the contractor for the contract concept.
20 LEA TRAINING SECTION MANAGER FOX: Good morning,
21 Board Members.
22 For the record, I'm Mindy fox. I'm with the
23 Permit and Enforcement Division, and I'm the Manager of
24 LEA Training Section.
25 And this scope of work is titled "The Native

1 American/local enforcement agency cross training on
2 illegal waste dumping." And the purpose of the contract
3 is to prevent illegal waste dumping on Native American
4 lands by nontribal members.
5 And currently many tribes don't have the
6 authority or the resources to effectively regulate the
7 conduct of nonmembers when it comes to illegal waste
8 dumping on their tribal lands. And this causes some
9 significant health and safety problems on their tribal
10 lands and incurs some significant cleanup costs.
11 Proactive enforcement through cooperative efforts
12 by tribes, local enforcement jurisdictions, State and
13 Federal agencies can help to alleviate this problem.
14 In order to promote and achieve the needed
15 interagency cooperation and joint enforcement, this
16 contract provides for the native American and local
17 enforcement agency cross training on this topic.
18 And the contractor's role is to research the
19 issue, develop California-specific training materials on
20 this topic, and conduct the training events in cooperation
21 with the CIWMB and others that we have already identified.
22 In order to effectively address the illegal
23 dumping on tribal lands, the course material and speakers
24 must incorporate a multicultural perspective. And the
25 curriculum must be based upon awareness of native American

1 customs, laws, and waste management practices.
2 The scope of work is divided into three broad
3 tasks. The first is to conduct the literature review to
4 identify key laws on tribal, local, federal, and
5 California laws that impact enforcement of illegal waste
6 disposal on tribal lands.
7 Task two is to develop the training materials.
8 And task three is the big chunk of it; that is,
9 to conduct the actual training.
10 And we are envisioning up to ten venues, based on
11 need, after we identify where they should be located in
12 the State.
13 We have currently already contacted several
14 different agencies that we can network with so we are not
15 recreating the wheel. I've talked to Deb Barnes at U.S.
16 EPA last week after the advisors' meeting. We have been
17 in contact with Indian Health Services that have done some
18 somewhat similar kinds of training in the past, and Desert
19 Land Management staff, and there are others actually.
20 So this will be quite a cooperative effort to
21 network with the folks who already are kind of in the know
22 and have some very, you know, good strong relationships
23 with tribes in California.
24 So that's basically in a nutshell. And I could
25 segue way into Item I, which is the award of the contract.

1 And you can take two separate actions at the end or choose
2 to act on each now.
3 CHAIRPERSON PAPARIAN: Why don't we just go over
4 the scope of work. And then we can do the other.
5 Any questions on the scope of work?
6 Mr. Medina.
7 COMMITTEE MEMBER MEDINA: Yes. I'd like to, at
8 this time, move the scope of work that's being proposed.
9 COMMITTEE MEMBER JONES: Second.
10 CHAIRPERSON PAPARIAN: There's been a motion on
11 Resolution the 2002-284 and a second.
12 Ms. Secretary, call the roll.
13 SECRETARY FARRELL: Jones?
14 COMMITTEE MEMBER JONES: Aye.
15 SECRETARY FARRELL: Medina?
16 COMMITTEE MEMBER MEDINA: Aye.
17 SECRETARY FARRELL: Paparian?
18 CHAIRPERSON PAPARIAN: Aye.
19 And presumably that would be recommended for
20 consent as well.
21 Okay. Next will be the interagency agreement.
22 LEA TRAINING SECTION MANAGER FOX: Okay. This is
23 Committee Item I, and it's consideration of an interagency
24 agreement with the University of California Los Angeles as
25 contractor for Native American/local enforcement agency

1 cross training on the illegal waste dumping.
2 And we have been in contact with some professors
3 from UCLA, the Indian -- I get their name wrong -- I have
4 to check this out -- the American Indian Study Center at
5 UCLA. And these are two professors that have extensive
6 impeccable relationships with numerous tribes across
7 California. And in addition to being law professors and
8 working at an indian health clinic affiliated with UCLA,
9 they've done a variety of training across the State.
10 They're very interested in entering into this interagency
11 agreement with us, and their credentials are incredible.
12 We're lucky to hook up with these folks actually.
13 So I would like to enter into this interagency
14 agreement with UCLA.
15 CHAIRPERSON PAPARIAN: Any questions?
16 Mr. Medina.
17 COMMITTEE MEMBER MEDINA: Thank you, Mr. Chair.
18 I would like to concur and move resolution
19 2002-283, and forward on consent.
20 COMMITTEE MEMBER JONES: I'll second.
21 CHAIRPERSON PAPARIAN: Actually that would be on
22 fiscal consent.
23 Secretary, call the roll.
24 SECRETARY FARRELL: Jones?
25 COMMITTEE MEMBER JONES: Aye.

1 SECRETARY FARRELL: Medina?
2 COMMITTEE MEMBER MEDINA: Aye.
3 SECRETARY FARRELL: Paparian?
4 CHAIRPERSON PAPARIAN: Aye.
5 Next item --
6 DEPUTY DIRECTOR NAUMAN: Just back on 71, I don't
7 know that I heard anyone mention consent for the scope.
8 CHAIRPERSON PAPARIAN: Yes.
9 DEPUTY DIRECTOR NAUMAN: Okay. I just missed it.
10 Thanks.
11 Okay. That brings us to Item K, which is
12 consideration of remaining landfill capacity reporting.
13 Bridget Brown will make the presentation.
14 MS. BROWN: Good morning.
15 Last year's California State Auditor's report
16 recommended that the Board update its database and require
17 local governments to report accurate landfill capacity
18 information on an annual basis in a consistent manner.
19 At the February 19th, 2002, Board meeting, staff
20 recommended drafting new regulations addressing the
21 collection and maintenance of remaining landfill capacity
22 information to be used in preparing accurate and
23 consistent statewide landfill capacity data.
24 At that time, the Board directed staff to review
25 data currently compiled by other Board programs to use as

1 possible sources of remaining landfill capacity
2 information and bring an update item back to the Board.
3 In addition, the Board directed staff to look at
4 the potential for using existing information in lieu of
5 promulgating additional regulatory requirements.
6 Staff obtained and reviewed documents from
7 several Board programs containing remaining landfill
8 capacity information. The documents included solid waste
9 facility permits, permit applications, permit reviews,
10 RFI's, closure plans, trust fund and enterprise fund
11 information, and a recent LEA survey conducted by the
12 Management Reporting Systems Unit.
13 Staff looked into the possibility of using the
14 Board Commission Landfill Capacity Facility Study as a
15 source of statewide remaining landfill capacity
16 information.
17 According to the project manager, this
18 information will not be available for several months. We
19 will review the data as soon it becomes available.
20 Staff determined that the best source for
21 obtaining remaining landfill capacity data from existing
22 Board programs was the permit application. One portion of
23 the application is intended to collect remaining landfill
24 capacity information and would enable staff to compile
25 statewide remaining landfill capacity data.

1 Unfortunately, the items on the permit
2 application form are not supported by clear instructions
3 or definitions. As written, the instructions on how to
4 complete the permit application are not consistent with
5 the application itself and may be a source of confusion
6 for staff, the LEA's and the landfill operators.
7 The regulations for the permit application and
8 associated instructions would need to be amended to
9 provide clarity and consistency between the form and the
10 instructions.
11 The Permitting and Enforcement Division is
12 looking at updating the solid waste facility permit
13 application.
14 Staff recommends having those sections pertaining
15 to remaining capacity in the permit application and at the
16 associated instructions changed at that time.
17 As part of the regulatory process staff will
18 provide opportunities to operators, LEAs, and other
19 interested parties to provide input through workshops, LEA
20 roundtables, the upcoming LEA conference, the CCDEH, and
21 operator certification training sessions.
22 Staff recommends that the Board revise the
23 existing permit application form and its instructions to
24 create a more consistent method of reporting and compiling
25 remaining landfill capacity information for California.

1 Staff is requesting the Committee place this item
2 on the Board's consent calendar for June.
3 This completes my presentation. We're available
4 to answer questions.
5 CHAIRPERSON PAPARIAN: Mr. Jones.
6 COMMITTEE MEMBER JONES: Mr. Paparian, just a
7 couple things.
8 First, I appreciate Mr. Paparian's efforts in
9 working with this thing.
10 But I did talk with Harry at the Water Board and
11 let him know what some of our problems were. And he said
12 it shouldn't be any issue at all getting those resolved.
13 So he was going to be available to direct his staff to
14 work with him. So -- you know who Harry is? Okay.
15 And I'll leave it at that if others have
16 comments.
17 CHAIRPERSON PAPARIAN: I just want to thank the
18 staff for the hard work that they have done on this item.
19 I know it's been a very tricky area to get into. And I
20 think that what staff has developed is, you know, workable
21 and will be quite useful for us in the future.
22 DEPUTY DIRECTOR NAUMAN: Thank you. And we, too,
23 appreciate your help, Mr. Chair and Mr. Jones, in helping
24 us work through some of these options.
25 CHAIRPERSON PAPARIAN: Are there any public

1 comments on this item?

2 Okay. We don't have a resolution. So in terms

3 of moving this forward --

4 DEPUTY DIRECTOR NAUMAN: I would defer to counsel

5 on this. Because we crafted it as a consideration item,

6 but we don't have a resolution. So how this moves forward

7 to the Board is --

8 CHIEF COUNSEL TOBIAS: I guess it depends on what

9 the action is that the Board is taking. If they're

10 simply --

11 DEPUTY DIRECTOR NAUMAN: I think what we're

12 asking is direction to begin the development of a

13 regulation package. And I would suggest that -- the

14 Committee may want to talk a little bit about how you want

15 to handle the various aspects of the regulation package

16 development.

17 My recommendation would be that you give some

18 consideration to having the Committee and then the Board

19 take action to initiate a regulation package and then have

20 the Committee manage the various steps through that

21 process, such as initiating the 45-day comment period,

22 giving us direction on the 15-day comment period; and then

23 when it comes time for a final adoption of the package,

24 have the Committee make a recommendation to the full Board

25 to adopt the package.

1 At least that's one approach to dealing with
2 regulation packages.
3 CHAIRPERSON PAPARIAN: Okay. So I guess the
4 immediate question is, do we provide the direction from
5 the Committee or do we have a full Board provide the
6 direction.
7 CHIEF COUNSEL TOBIAS: No, you can go ahead as
8 the Committee and do that. That's all right. That's been
9 the way the Board has handled that, and you don't need a
10 resolution because you're really instructing staff to move
11 this ahead.
12 DEPUTY DIRECTOR NAUMAN: You know, I guess the
13 only question that that raises is -- and maybe it's
14 handled, Mr. Chairman, through your report to the full
15 Board that you've directed staff to undertake the
16 development of a regulation package, because it is a
17 significant commitment of staff resources and time. So I
18 think that's the only maybe point of difference in the
19 approach that Kathryn's suggesting versus my approach.
20 Because I would like to see the full Board aware of that,
21 you know, we are embarking upon a new regulation package.
22 So I agree that it's direction from the Committee, but I'm
23 looking for that link back to the Board so that they're
24 informed. And if it's not an action that we're asking
25 them to take, then perhaps it's just part of your report

1 of the Committee's actions.

2 CHAIRPERSON PAPARIAN: It would be my intention

3 to provide this as part of my report. But I think we can

4 provide the direction from here, it sounds like. So why

5 don't we go ahead and do that, if there is concurrence

6 from the Committee members.

7 Mr. Jones, are you fine with that?

8 COMMITTEE MEMBER JONES: I'm fine with it, Mr.

9 Paparian.

10 I do have one question though. We're talking a

11 lot about just adding definitions to existing boxes,

12 right? Now, while I understand that's going to take

13 regulation -- I mean did I miss something? Because I

14 think that's where we were at, right?

15 DEPUTY DIRECTOR NAUMAN: Basically, I mean I

16 think we have to step back and ask ourselves, and very

17 deliberately, what question are we trying to answer and

18 does the question that's stated in the box clearly ask the

19 question we want to ask? So I think we have to look at

20 both the box and the instructions and be sure that they

21 are seeking the exact information that the Board needs in

22 order to establish and maintain a statewide or a capacity

23 number.

24 COMMITTEE MEMBER JONES: Okay. I would suggest

25 that we make the direction to start this process to add

1 those definitions, do what we have to do.

2 CHAIRPERSON PAPARIAN: Okay. Mr. Medina, are you

3 fine with that also?

4 COMMITTEE MEMBER MEDINA: Yes, I am.

5 CHAIRPERSON PAPARIAN: And, Senator Roberti,

6 welcome.

7 COMMITTEE MEMBER ROBERTI: Thank you. Sorry I'm

8 late.

9 CHAIRPERSON PAPARIAN: You've missed some of this

10 discussion. But basically it's to direct staff to go

11 forward with developing regulations to implement their

12 suggestions regarding reporting of landfill capacity.

13 While you're nodding, I assume you're okay with

14 that. And I'm fine with that, too. So that I think

15 provides the direction that you need.

16 DEPUTY DIRECTOR NAUMAN: Thank you.

17 Could I also ask you to clarify your direction on

18 our first item, the one that we took up, Item J, which was

19 looking at the permit application submittal schedule pilot

20 program. Again, just looking for what the next step is,

21 whether this will be part of your report to the Board or

22 whether you would like the staff to make any kind of a

23 presentation at the Board meeting on that pilot program.

24 We agreed that we would come back to the Committee in

25 September, but --

1 CHAIRPERSON PAPARIAN: No, I understand. I was
2 just thinking.
3 I'm not sure the Board -- I think the Board would
4 be more interested in some of the results than the details
5 at this point. I think they have the background in the
6 binder. Does that seem fine?
7 Okay. Before we move on.
8 Senator, do you have any ex partes that you'd
9 like to make?
10 COMMITTEE MEMBER ROBERTI: I have one ex parte
11 which --
12 CHAIRPERSON PAPARIAN: Okay. And then we
13 actually left the role open on a number of items. And I
14 can go through those fairly quickly.
15 COMMITTEE MEMBER ROBERTI: Please do, yes.
16 CHAIRPERSON PAPARIAN: Okay. Agenda Item B
17 was -- and all these, by the way, were 3-0 votes before we
18 get to you.
19 Agenda Item B was the Western Placer Waste
20 Management Authority Materials Recovery Facility.
21 COMMITTEE MEMBER ROBERTI: Aye.
22 CHAIRPERSON PAPARIAN: Aye on that one.
23 Agenda Item D was the Allied Imperial Landfill
24 item.
25 COMMITTEE MEMBER ROBERTI: Aye.

1 CHAIRPERSON PAPARIAN: Aye on that one.
2 And Agenda Item E was the Frank Bowerman Landfill
3 in Orange County.
4 COMMITTEE MEMBER ROBERTI: Aye.
5 CHAIRPERSON PAPARIAN: Aye on that one.
6 Agenda Item F was the Farm and Ranch Cleanup
7 Grant Program.
8 COMMITTEE MEMBER ROBERTI: Aye.
9 CHAIRPERSON PAPARIAN: Aye on that one.
10 Agenda Item G was the adoption of the Negative
11 Declaration related to the putrescible regulations.
12 COMMITTEE MEMBER ROBERTI: Aye.
13 CHAIRPERSON PAPARIAN: Aye on that one.
14 Agenda Item H -- excuse me. Back on Agenda Item
15 G, there are actually two votes on that one, and let me
16 make that clear.
17 Yeah, one was the Neg Dec and one was the item.
18 Here we go.
19 The Negative Declaration was Resolution 2002-276.
20 COMMITTEE MEMBER ROBERTI: Aye.
21 CHAIRPERSON PAPARIAN: Aye on that one.
22 And the regulations were 2002-277.
23 COMMITTEE MEMBER ROBERTI: Aye.
24 CHAIRPERSON PAPARIAN: Aye on that one.
25 Agenda Item H was the scope of work for the

1 Native American/local enforcement agency cross training.
2 COMMITTEE MEMBER ROBERTI: Aye.
3 CHAIRPERSON PAPARIAN: Aye on that one.
4 And Agenda Item I was the selection of University
5 of California Los Angeles as the contractor for the native
6 American/local enforcement agency cross training.
7 COMMITTEE MEMBER ROBERTI: Aye.
8 CHAIRPERSON PAPARIAN: Aye on that one.
9 Okay. So that brings -- I think that was all the
10 ones we had votes open on, is that right?
11 So this brings us to our final item on the
12 agenda. And why don't you go ahead.
13 DEPUTY DIRECTOR NAUMAN: Okay. That final item
14 is Item L. And it's a discussion of future Permitting and
15 Enforcement Committee workshops. This is intended to be a
16 discussion just with the Committee members, not looking to
17 bring this forward to the Board this month. When the
18 decision was made to go to committees, one of the benefits
19 that at least executive staff saw in that process was that
20 the Committee structure would afford us an opportunity to
21 have some policy discussions, give us a forum to look at
22 things other than just processing agenda items as they
23 moved forward to the Board.
24 And so the Chairman and I have had a couple of
25 discussions about how we might structure the Committee's

1 time in order to both complete our work on agenda items
2 moving forward to the Board and having time to explore
3 emerging issues or other policy items.
4 So the purpose of this morning's discussion is to
5 broaden that to the other members of the Committee and to
6 the public to help us brainstorm a bit about the coming
7 several months, at least the remainder of this year, so
8 that staff can begin to look at the Committee's workload
9 with respect to the number of items that you have to
10 process as agenda items and then available time in our
11 Monday morning time slot that we might then be able to
12 devote to some of these discussion items. So we're
13 looking for your ideas and perhaps some feedback on some
14 initial ideas that we have talked about so that we can
15 begin as early as next month bringing forward to you these
16 types of workshops.
17 Some of the issue areas that we've talked about
18 among ourselves include things like our relationship, our
19 partnership with the LEA community. You know, we have the
20 Enforcement Advisory Council, we have the Council of
21 Environmental Health Directors that we meet with
22 regularly, and of course our ongoing relationship with our
23 LEAs.
24 We're winding down our third cycle of LEA
25 evaluations. And we'll shortly be going into the process

1 of kind of evaluating the evaluation process in
2 determining what it will look like for the next cycle.
3 So there are a number of issues related to LEAs,
4 our partnership with them and their evaluation process.
5 So we thought perhaps one workshop might look something
6 like a panel discussion with some of our LEA partners to
7 give them an opportunity outside the context of regular
8 agenda items to dialogue with you a bit about things that
9 are working, some ideas they may have for, for instance,
10 the pilot project that we talked about this morning. I
11 know some of the LEA community is present this morning,
12 and hopefully they'll have some suggestions for you about
13 how that might work.
14 We've also talked about doing a session on
15 enforcement. I reported this morning to you on things
16 like the CalEPA enforcement web page and some of the
17 activities the staff is participating in with CalEPA on
18 border compliance issues.
19 The Committee and the Board has talked on
20 numerous occasions about the Board's role in again our
21 partnership with the LEAs in enforcing State minimum
22 standards. So you might be interested in having a
23 workshop on enforcement authority, how our authority
24 compares with other CalEPA BDOs and others outside. And
25 just how we exercise our enforcement authority and track

1 our progress.

2 So those are a couple of the ideas that we've

3 talked about. And I hope that that frames the issue well

4 enough for you to begin a dialogue among yourselves and

5 hopefully some of the members of the audience. And then

6 we can determine the exact topics and perhaps even some of

7 the timing of prioritizing what items you might want to

8 consider as workshop items in the coming months.

9 CHAIRPERSON PAPARIAN: Comments, Members? Other

10 ideas of possible topics to cover in the Committee?

11 Mr. Jones.

12 COMMITTEE MEMBER JONES: Thanks, Mr. Paparian.

13 Just a couple of things. I think that -- it

14 would be pretty hard for the LEAs to do this, but maybe

15 some would have the courage. While we're talking about

16 the LEA evaluations, I think we need to hear from LEAs

17 where the roadblocks are in working with the Waste Board

18 staff. It is a two-way street.

19 DEPUTY DIRECTOR NAUMAN: And we would welcome

20 that.

21 COMMITTEE MEMBER JONES: And I think that needs

22 to be part of it. Because there are roadblocks that go up

23 all the time, that when people aren't made aware of it,

24 they think everything is pretty chunky.

25 The other thing I'd like to see a discussion on

1 is CEQA and what our staff thinks. I mean we have permits
2 all the time that get into the operations and not into
3 CEQA that create, you know, major problems. And I think
4 there needs to be a good discussion about what is the role
5 of the Waste Board staff in CEQA. I mean when they start
6 looking at the operations of the placement of a windrow, I
7 think they've gone a little bit too far outside of their
8 scope of authority. It is not a CEQA issue.
9 So I mean we need to take a look at how we're
10 doing it, because it clearly is frustrating to not only
11 some Board members, but I'm sure a lot of local government
12 people and a lot of industry and a lot of LEAs.
13 CHAIRPERSON PAPARIAN: If we did something like
14 that, I'd almost like to see something more broad about,
15 you know, why an entity like ours would be applying CEQA?
16 What are the purposes of applying CEQA in the context of
17 our authority? And, you know, as well as some of the
18 specifics that you're talking about.
19 COMMITTEE MEMBER JONES: My concern is a
20 definition from staff as to, you know, how far they go
21 into the operations in determining CEQA.
22 DEPUTY DIRECTOR NAUMAN: CEQA had been a topic on
23 my short list of things to discuss with the Committee.
24 I think there are some -- there's some
25 preliminary work that I would like to do with some of the

1 stakeholders prior to actually scheduling that as a
2 workshop with the Committee members, with something coming
3 out of the new strategic plan that I had identified as a
4 work effort that needed to be undertaken by the division.
5 I've had some preliminary conversations with some members
6 of the industry and others about how we might grapple with
7 that issue.
8 So it's certainly on my radar screen. And I
9 think it's just a matter of allowing me a little time to
10 do some initial work before we actually present a workshop
11 to you.
12 CHAIRPERSON PAPARIAN: I had a couple of other
13 thoughts for possible workshop topics as well.
14 One would be an update on the Geosentech report.
15 I know that there've been a couple of public presentations
16 in recent weeks from staff about the report. I think it
17 would be nice for us to get a presentation about where
18 things stand with the report.
19 The other thought I had was something that's been
20 in the news recently, is the issue of radioactive waste
21 going to landfills. This has been a touchy topic, I know.
22 But I think at some point it would be worth us gaining an
23 understanding of how we conduct load checks for
24 radioactive waste, specifically how the radioactive waste
25 monitoring system works, and whether there's anything

1 additional we want to suggest to LEAs or operators in this
2 area.
3 I have one public comment slip from Justin Malan
4 on this -- Justin, you have two comment slips here. One I
5 think is more the public -- in the public comment phase,
6 which we'll get to in a minute.
7 But on this item.
8 MR. MALAN: Mr. Chair, Members, thank you. Good
9 morning. Justin Malan with CCDH.
10 I just want to compliment Julie. I think she's
11 got some excellent suggestions for these workshops. And,
12 specifically, if I could just emphasize the two that she
13 mentioned.
14 I think part of the difficulty, and Board Member
15 Jones mentioned, that part of the difficulty the LEAs have
16 is defining their scope of responsibility, what they are
17 actually responsible for enforcing, reporting back to.
18 We're grappling a little bit of that with the Romero bill
19 right now, 1587. And I think that it's important to go
20 back to 1220 and look at the idea of what is an LEAs
21 responsibility. The whole issue of chronic violations
22 comes up in that. And having a workshop in that to
23 clarify exactly what is expected of the LEA's to enforce,
24 what is their job to report back to the Board is very,
25 very important.

1 I think 90 percent -- from my experience, 90
2 percent of the differences that emerge between the LEAs,
3 the staff, and the Board normally revolve around these
4 sort of gray areas of whether it's really our -- whether
5 it's the dot on the map, whether it's CEQA responsibility,
6 whether it's capacity, all those sort of things.
7 And the other thing is very much to urge a
8 really, really thorough discussion of the whole
9 enforcement package. Ms. Barnes is here from CalEPA. I
10 know she's been working tremendously hard to consolidate
11 and to coordinate the enforcement in CalEPA. We've made a
12 major step with the KUPA program in enforcement. And
13 there you have six hazardous waste programs that have been
14 brought together some eight years ago. But we've got
15 disparate administrative civil penalties for these six
16 programs. So one inspector goes in. And if he's doing an
17 underground storage tank, he or she has to follow a
18 different process -- enforcement process if they're doing
19 a generator program, for example.
20 We also question why do we need a separate
21 administrative enforcement process for an LEA program?
22 Why don't we use the most effective, efficient,
23 streamlined powerful process that we have in CalEPA, which
24 is essentially -- will be the KUPA process, and give the
25 same authority to the LEAs? We're enforcing a CalEPA

1 program. Just have it all the same so we don't have this
2 confusion about hearing panels and this time line and that
3 time line and this penalty and that penalty. It's
4 basically -- we would encourage consolidating CalEPA
5 enforcement authority across the Board with all the CalEPA
6 programs. And I think that will warrant a very, very good
7 and exciting discussion.
8 So I just wanted to reiterate what Julie says.
9 Those are great topics.
10 Thank you.
11 CHAIRPERSON PAPARIAN: Thank you.
12 Mr. Mike Schmaeling.
13 MR. SCHMAELING: Good day. Good to see you all
14 again. Mike Schmaeling with the Enforcement Advisory
15 Council.
16 The evaluation process it's worked very well in
17 the past. CIWMB staff has worked very closely with us,
18 give us all the opportunity we need to -- we welcome their
19 reviews. They give us plenty of time to adequately
20 address the issues if they find issues.
21 It also works both ways. They may be missing
22 some of our paperwork. We can help clarify their records.
23 So I'm encouraged with the workshops. I mean,
24 it's always great to improve anyway we can. And I've
25 really enjoyed working with the staff.

1 There always are a lot issues that we need to
2 work on, interpretation of CEQA issues. The biggest one
3 that I've been struggling with is going from the
4 legislation to the regulation to the implementation
5 process. And with all that's been going on, I think we
6 need to put a lot of work into figuring out the smoothest,
7 best way that we can implement the regulations that are
8 being ratified.
9 Some of the issues coming up recently were, you
10 know -- we've got a whole bunch of new C&D facilities that
11 are going to be -- are they in the NDFE? Well, we can't
12 give them their permits until they are in that NDFE. So
13 how do we streamline that process.
14 There's several different agencies that need to
15 be coming together. And so what I'm thinking of here is
16 interagency issues, our scope of authority, and how we can
17 meld those interagency communications in the most
18 expedient way.
19 And then the other issues as far as scope of
20 authority go deal with regulatory overlap. The LEAs need
21 to have clear guidelines as far as what our scope of
22 authority is, how far can we go into water issues, how far
23 can we not go into water issues? Safety issues, how far
24 can we ride up vests and how far can we not ride up load
25 checking? A lot of different issues like that.

1 I look forward to working with the Board staff.
2 They've always been head and shoulders up above any of the
3 other agencies, state agencies that we deal with as LEAs.
4 Thank you.
5 CHAIRPERSON PAPARIAN: Thank you.
6 Actually, I heard a couple things there that
7 might be worthy of short workshops. One was the issue of
8 where our authority ends and where the Water Board begins,
9 how that differentiates.
10 And then, you know, perhaps on the question of
11 load checking that was brought up, maybe that would be
12 part of the radioactive waste discussion. Maybe more
13 broadly load checking and keeping hazardous materials out
14 of landfills.
15 Any other comments?
16 Public comment. I have one public comment slip
17 from Justin Malan.
18 MR. MALAN: Mr. Chair, Board Members, thank you
19 for the indulgence. I know it's sort of out of sequence
20 here. But I'm going to miss a little function on the 13th
21 when Heidi Sanborn is going to be acknowledged for her
22 service to the Board. And I'm really sorry I'm going to
23 miss it. So I wanted to take an opportunity publicly to
24 thank her for all her support over the past however many
25 years it's been. I don't really know Heidi. But she's

been a great conduit, particularly with the new Board, new process and everything else. She's always been tolerant enough to accept our E-mails and telephone calls and to listen to the plight of the LEA's. And I'd like to publicly commend her and wish her well in her new endeavors.

Thank you.

(Applause.)

CHAIRPERSON PAPARIAN: Thank you, Justin. That was very nice.

Any other public comments?

If not, this meeting is adjourned.

(Thereupon the California Integrated Waste Management Board, Permitting and Enforcement Committee meeting adjourned at 10:30 a.m.)

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:
5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Managemebt Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.
11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.
14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 24th day of June, 2002.
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