Please note: These transcripts are not individually approved and reviewed for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)

TRANSCRIPT OF PROCEEDINGS

September 21, 1999

9:30 A.M.

8800 Cal Center Drive
Sacramento, California

REPORTED BY:
Tern L. Emery,
CSR No. 11598
Our File No. 3-59051

APPEARANCES:

MR. DANIEL EATON, CHAIRMAN
MR. STEVEN R. JONES, MEMBER
MS. LINDA MOULTON-PATTERSON, MEMBER
MR. DANIEL G. PENNINGTON, MEMBER

STAFF PRESENT:

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. LISA DOMINGUEZ, BOARD SECRETARY

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SACRAMENTO, CALIFORNIA, SEPTEMBER 21, 1999 - 9:30 A.M.

* * * * *

CHAIRMAN EATON: Good morning, everyone. Kindly take your seats so we can get started. A long agenda today as you can see, packed room, full house. Welcome to those of you who may have not ever been here before to the September 21st and 22nd California Integrated Waste Management Board meeting. As you can see from today's agenda, it's quite a long one, but before we get into it, Madam Secretary, would you please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Here.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: •Here.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Here.

BOARD SECRETARY: Roberti.

CHAIRMAN EATON: Senator Roberti has an excused absence today.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Here. Quorum is present. Okay. For those of you who have been here before and for those of you who may be new, try not to take too much direction from the person

seated next to you. He or she may not have the most accurate information, and by that I mean with regard to the speaker slips that are in the back of the room. If any of the agenda items you desire to speak on, would you kindly fill out a form and bring it up to the front at the appropriate time and we'll make sure that Ms. Dominguez on my left, and probably to most of you on your right, will make sure that your name is put in at the proper agenda item go that you can be heard.

Before I begin on the ex parte communications, I think for the convenience of the Board Members, I would like to read a list of ex parte communications that have come in that were not part of the system. And therefore, if each and every one of you would look at the list that I have presented you with, and if there are any additions, then you can add them to the list at the appropriate time. Otherwise, we'll just submit this list that something that each and every BOARD MEMBER received, and therefore, for convenience purposes and efficiency, it will happen.

First letter is from Mark Arsenault, BFI, regarding ADC Newby Island Landfill; Rick Best, CAW, RAC Equipment Grants; Charles Graham regarding Tahegus Landfill; T. Jeffrey Boese, California League of Food Processors regarding SB 1210; Joseph Curran, City of Daly

City, SRRE; Mayor Omar Bradley from City of Compton regarding diversion and base year; Assemblymember Sam Aanestad regarding the City of Chico; Mayor Judy Chu, City of Monterey Park regarding C&D regs; Peter Weiner from the law firm of Paul, Hastings, Janofsky and Walker regarding Safety-Kleene; Jeffrey Parker from the City of Walnut, C&D regs; Frederick Latham, City of Santa Fe Springs, C&D regs; Gus Navarro from San Pedro Electric Sign Company, C&D regs; Paul Icono from Memorial Park Engineering and Construction regarding C&D regs; Kenneth Ehrlich regarding Peck Road and SB 515, Senator Chesbro; Patrick Ryan from Ryco Construction regarding C&D regs; Mayor Laura Abrams, City of Orinda, regarding Class II Special Waste; John Ballas, City of Industry, C&D regs; John Schoenfeld from the J. Alexander Company, C&D regs; Richard Rose, Accurate Concrete Sign, C&D regs; Ronald Hammerton, Pipe Line Equipment Rental, C&D regs; Thomas Powell, Southdown California Aggregates, Inc., C&D regs; Nancy Myers, JMC Construction, C&D regs; Michael Gross from the Zanker Road Landfill, ADC; and finally, Linda Falasco, CMAC, C&D regs. I’ll start with Mr. Pennington.

Mr. Pennington, anything to add?

BOARD MEMBER PENNINGTON: Unfortunately, Mr. Chairman, I do.

I had a letter from Jack Yoshino, Senior

Management Assistant with the City of Walnut. I have a -- let's see. You did the letter from Weiner. I met with Mr. Weiner yesterday on Safety-Kleene. I met with Chuck Helget and Gill Chesso, Mark Arsenault on the alternate daily cover. I met with them yesterday. On Agenda Item 56, biennial review for the City of San Gabriel, P. Michael Paules, City Manager; 58, biennial review, City of Duarte, letter from Jesse Duff, City Manager; Agenda Item 75, the proposed C&D inert debris regs, letter from Steven Bledsoe, President of the Southern California Rock Products Association and Southern California Ready Mixed Concrete Association; a joint letter from Yvonne Hunter from the League of California Cities and Karen Keene of the California State Association of Counties; Paul Yoder, Solid Waste Association of North America; letter from Craig Nealis, City Manager of City of Rolling Hills; joint letter from Harry Stone, Director, and Donald Wolfe, Assistant Director of Public Works for the County of Los Angeles; letter from Robert Griego, City Manager of the City of Irwindale; letter from Chris Christiansen, Mayor of the City of Covina; letter from John Sibley, Director of Orange County Integrated Waste Management; letter from Charles Helget on behalf of Allied Waste on C&D regs; letter from John Robertson of Chandler's Sand and Gravel in Rolling Hills Estates.

And I also got on Agenda Item B, alternate daily cover, a letter from Chuck Helget and Denise Delmatier of Norcal Waste Systems; Paul Yoder; Kent Stoddard of Waste Management; Yvonne Hunter; Item 5, biennial review for the City of Millbrae from Louis Sandrini with the City of Millbrae; Item 28, biennial review, City of Martinez, letter from Laura Abrams. Let’s see. Item 29, biennial review, City of Chico, letter from Thomas Lando; item -- you covered that. Item 46, a letter from John Cupps; Item 55, letter from Ken Duran; and Item 73, a letter from Robert Engel, Vice President, Engel and Gray, on composting facility. I think that completes what I need to enter into the record, Mr. Chairman.

CHAIRMAN EATON: Thank you, Mr. Pennington. Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, your letters and Mr. Pennington’s letters I’ve received, and I may have a couple that are duplicates here. Michael Paules, City of San Gabriel; Ken Duran, City of San Dimas; Chris Christiansen, John Robertson, Robert Griego, Michael Miller, and Chuck Helget on C&D regs; and Jack Lidyard from the City of Pasadena on C&D regs.

CHAIRMAN EATON: Ms. Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Just the

ones that were noted by you, Mr. Chairman.

CHAIRMAN EATON: And I have just one final one. George Larson this morning, a quick hello, and also a brief conversation regarding the RPPC scheduling item in this schedule. All right.

Board Members, any reports that you would like to share with your colleagues or the public at this time?

Mr. Pennington.

BOARD MEMBER PENNINGTON: No, sir.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, just real briefly.

Friday afternoon at an unveiling press conference with Tosco, as well as the Secretary and myself, Tosco unveiled new packaging for all their motor oils all over the United States that has our 1-800-CLEANUP number on it, which I think is pretty monumental for an oil company to step forward. Besides, this is made of 20-percent post-consumer plastic and you can even get rerefined oil. But it was a good event. It made sense. It’s a partnership between the government and industry. This sends a message out to everybody that buys this product as to the number to call. And in California, we’ve got 2700 permitted facilities. Most of them are in

your jurisdictions that are sitting here or a lot of them are in your jurisdictions.

This was a big step and I think it deserves some recognition.

CHAIRMAN EATON: Ms. Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Thank you, Mr. Chair.

I had the pleasure of visiting the Brand Landfill in Glendale with Senator Roberti on September 13th, and I also had the pleasure of attending a Buy Recycle workshop that you put together, Mr. Chairman, along with Senator Roberti in Santa Monica. I very much enjoyed that, and Secretary Adams was also present. Thank you.

CHAIRMAN EATON: All right. I have something, but in the interest of time I'll wait, perhaps, and make -- kind of give you a short glimpse.

Mr. Chandler, anything to report?

MR. CHANDLER: Thank you, Mr. Chairman.

Yes, I do. Members, good morning. In light of the extremely full agenda we have today, I'll keep my remarks brief.

First of all, you may be aware that the Board has committed $1.3 million to help make the new Ca1EPA building as green as possible. One important part

of this process is the new building carpeting, and in a landmark effort, the Department of General Services has allowed the Board access to the California Master Award Schedule to select a manufacturer who can meet the Board's goals, the Board's specific goals, and that is we want to buy carpeting that is high in recycled content, low in weight, and manufactured in such a way to provide no hazardous off-gasses.

On Friday, I asked four prequalified manufacturers to prepare information containing the makeup of their carpet as well as their manufacturing process. From this information, staff and the Board, Department of General Services, the City of Sacramento, and the construction company to select a manufacturer. It's our hope this test case will serve as a model for other construction projects to further our goals to provide sustainable green building design.

Second, staff in the Special Waste Division is revising the regulations in the used oil recycling program. The proposed regulations are intended to streamline the program even further, provide more clarity to entities and address changes in the law. The draft regulations are available for review and comment on the Board's web site. We are hosting two workshops as outlined as to the proposed changes in the regulations and

to receive comments. They are scheduled for October 4th in Dublin and October 8th in Long Beach.

Third, our clean up work is under way on what is now the State's second largest waste tire pile, the Brewer waste tire site in Tulare County, containing roughly half a million tires before work began a couple weeks ago. The tires will be shredded and hauled to the Kettleman Hills Landfill for disposal and the work should be completed by early October. As most of you will recall, some of the tires caught fire in 1994 and the Board issued Notice and Orders in '94 and again in '96. Current property owners granted our staff access, and the Board approved the clean up project last September.

Finally, the Board, in partnership with jurisdictions in Santa Cruz, Monterey and San Benito Counties, is hosting a construction and demolition workshop on September 28th in Marina. The workshop is designed to inform contractors of changes in bid specifications to help contractors plan projects so they can meet the changing requirements, complete projects on time, and save money through avoiding disposal costs, also to provide strategies to local government to target C&D waste and provide information regarding the use of recycled content products. Chairman Eaton and Board Member Jones will attend the workshop, and the Chairman

will also give introductory remarks.
Thank you, Members. That concludes my report today. If you have any questions.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: I would like to comment that since I'm the John Madden of the Waste Board and I'm the one who takes the train to southern California, I was able to see this tire property cleaned up from my train as I went by. And you guys that fly down there never get to see these wonderful things. They're doing a good job.
Thank you.

CHAIRMAN EATON: Thank you, Mr. Pennington. All right. Before we begin, I have a couple of announcements about today's agenda, and before we'll be starting, I would also like to announce that under continued business, Item B, which deals with the alternative daily cover usage. Even though Senator Roberti is not here, we've all pledged not to use acronyms. We will use "alternative daily cover." Item Number B, that will be heard at the end of today's meeting as we move through the agenda. As relates to Item I, the Lionudakis standardized compost permit, as well as Item C, the 1997 rigid plastic rate,

1 those will be heard tomorrow as opposed to today.
2 There is no consent calendar today. The
3 only item that was on consent calendar was pulled at the
4 request of a Member. So therefore, I believe that was
5 Item Number 68, and that will be in the regular course of
6 business.
7 Regarding Items Number 64 and 65, as you
8 look at your agenda, those are two items that are
9 tire-related hearings. Those items were scheduled to be
10 taken up today at 1:30 p.m. Through the agreement of the
11 parties, a presettlement conference will be held at 1:30,
12 and if there’s no resolution at that time, there may or
13 may not be hearing depending upon the parties and the
14 Administrative Law Judge and his particular desire.
15 What that means for those of you who have
16 come here looking, perhaps, maybe for an hour or hour and
17 a half break at 1:30, that means that we will continue
18 right with the agenda items as scheduled until such time
19 as the tire-related hearing issue has either been
20 postponed by the agreement of parties or some other
21 agreement has been reached.
22 Lastly, the AB 59 appeal by Safety-Kleene
23 which was scheduled for 9:30 tomorrow morning has been
24 continued by agreement of the parties and will be
25 postponed to another date in the future through agreement

between the parties. The request from Safety-Kleene came in late yesterday, and the Board has agreed that postponement was justified given the circumstances relating to one of the parties. This concludes my announcements.

Before I begin and move and start with Item Number 2, I would like to talk a little bit about today's agenda. As you can see, for those of you who have experience here, it's quite a long agenda. And I would ask each and every one of you to be considerate of your colleagues in the audience, as well as us as colleagues be considerate to you.

I want to at least let everyone know that we will be limiting presentations in the biennial review agenda items to five minutes each. The possibility of time limits was explicitly mentioned in our agenda notice, and given the fact we have some 60 biennial review items on the agenda, not to mention other numerous items, I think it's appropriate that we use a time limit today.

I understand that prior to today that our staff here verbally communicated this possibility to those jurisdictions so it would not come as a surprise. Let me emphasize that we want each and every one of you to have an opportunity to be heard, but we would also like to have your comments focused and concisely deal with the issue at

hand. We as a Board will try and do the same. That being the case, I believe if we take a total of five minutes for each of the agenda items, it will take us some five hours to complete just that portion. If we go beyond any of those, at ten minutes say hypothetically, it will take us some ten hours to complete that. We just ask that you try and remain focused and limit your comments to the issue at hand as opposed to other comments that may not be relevant. If they do get on a tangent or any of us, Board Members will remind each other and we will remind you.

With that in mind, I will thank you for your cooperation and courtesy in advance, and I believe we're ready to start with Item Number 2.

MR. SCHIAVO: Good morning, Board Members. I'm Pat Schiavo of the Office of Local Assistance, and we're here today to present Item Numbers 2 through 61 which deal with the source reduction biennial review findings and source reduction and recycling elements. What I would like to do before we start is just give you a real brief overview of what the biennial review process is. The biennial review process is the Board's determination on whether or not the jurisdiction is meeting both its program requirements as expressed in the source recycling elements and its numeric goal. So

the biennial review process is two-pronged, dealing both with diversion goal attainment as well as program implementation.

Today we're going to have 14 presentations representing the 60 jurisdictions, and as you can see in the audience, that there are speakers to address any of your questions both from Board staff as well as the jurisdictions.

Agenda Items 2 through 6 are what we would consider standard biennial reviews, and this includes the cities of Belmont, Foster City, Menlo Park Millbrae and San Carlos. Staff requests that the Board find jurisdictions presented in Agenda Items 2 through 6 be found as making progress in implementing their source reduction recycling elements, and they are adequately meeting their diversion requirements.

That concludes my presentation on that group of items.

CHAIRMAN EATON: Board Members, any questions?

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 1999-410, City of Belmont; 1999-411, Foster City; 1999-412, Menlo Park; 1999-413,

Millbrae; and 1999-414, City of San Carlos.

BOARD MEMBER PENNINGTON: I'll second it.

CHAIRMAN EATON: All right. Mr. Jones moves and Mr. Pennington second we adopt Resolution 1999-410 through 1999-414.

Madam Secretary, please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Just real briefly, because sometimes we don't -- not everybody always listens. Our next items don't require compliance orders, but I think all of the Board Members have been addressed, spoken to, about the idea of compliance order. I have read these compliance orders, and I think that it is important for the audience and for the Board Members to understand that the compliance order is not the hammer being pulled back, ready for the trigger to

be squeezed. It is a mechanism to help a jurisdiction move on to the next step.

It is clearly a time-sensitive issue. We are in 1999 and we are looking at reviews of 1995. And in a lot of these agenda items, we have negative numbers. You know, a jurisdiction has negative 414 percent, negative 60 percent, negative 70 percent. It is impossible, with those kinds of negative numbers, for anybody to make a determination whether or not a jurisdiction is meeting its mandate. Part of a compliance order is to give both this jurisdiction and Board staff time to work through this thing to come up with a plan.

Now, a lot of the letters that I had talk about inadequacies in the local disposal reporting system. That’s an item that the Chairman has asked staff to put together an agenda item in the next couple of months to deal with.

So I want the audience to understand, and I think all the Board Members have gone along -- have always understood this, that in fact the compliance order is a formal notice to help jurisdictions work through the next step. It is not -- if you read the compliance orders, it says at the end of the compliance order the Board shall hold a public hearing to determine if the efforts in the compliance orders were met, and it’s only at that time

that you go on to the next step, which would be the fines. I think that needs to be clearly stated. Sometimes people don't listen to staff, and I want to thank you, Mr. Chairman, for allowing me to expound on that a little bit because I think people need to know that there should not be a fear in these compliance orders, that it is strictly a time issue that will help us get to the next step.

Thank you.

CHAIRMAN EATON: Thank you, Mr. Jones, and thank you. That was under five minutes and you are to be commended.

(Laughter)

BOARD MEMBER JONES: Which is kind of hard for me with a belly full of words.

CHAIRMAN EATON: All right. Mr. Schiavo.

MR. SCHIAVO: Agenda Items 7 through 17 are new generation studies reflecting new base years. Staff is requesting that the Board approve the requested base year changes described in Agenda Items 7 through 17 and accept staff findings that the jurisdictions are making progress in implementing their source reduction recycling elements and are meeting the diversion requirements. These include the jurisdictions of Oroville, Pittsburg,

Firebaugh, Kerman, Alturas, Modoc unincorporated, Redwood City, Santa Barbara, Benicia, Solano County and Suisun City.

That concludes my presentation.

CHAIRMAN EATON: Any questions?

BOARD MEMBER JONES: I would like to -- I'd like to make a motion, but I'm going to have to pull Item 16 from that agenda item.

In reading the agenda package of how this jurisdiction got 57 percent, I asked for the background. One of the things I have a problem with is on counting waste that is being assigned by population percentages to cities within the jurisdiction when there isn't a JPA. There is no JPA in place there, so cities are getting either disposal or diversion credit based on population without really knowing the source.

And I also had a question of one of them on -- well, actually I had a couple of questions, but one was -- I think can be worked out on with Solano County, but there is a real problem when we start assigning that without a JPA.

So I would like to make a motion that we adopt resolutions that approve the base year changes and accept staff findings that the jurisdiction is making progress in implementing the SRREs, meeting the diversion

requirement -- Resolution 1999-415, City of Oroville; 9-416, Pittsburg; 99-417, Firebaugh; 99-418, Kerman; 99-419, Alturas; 99-420, unincorporated Modoc; 99-421, Redwood City; 99-422, Santa Barbara; 99-423, Benicia; and 99-425, Suisun.

CHAIRMAN EATON: Before we have a second, I have Item Number 15, Mr. Gant from City of Benicia. Do you wish to speak, or perhaps maybe we forgot to mention that. I didn't think so.

(Laughter)

CHAIRMAN EATON: Silence is golden. I may have forgotten to mention, but if you've seen the item and you agree with it or don't have any comments, greatly appreciate it. Mr. Gant, we greatly appreciate it.

All right. Second?

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolutions 1999-415 through 1999-423 and 1999-425. Without objection, we'll substitute the previous roll call. Hearing no objection, so shall be ordered.

Having said that, Item Number 16, if I'm not mistaken which is the --

BOARD MEMBER JONES: Solano County.

CHAIRMAN EATON: Solano County. Mr. Schiavo or Mr. Jones, do you want to start or ask a couple of questions?

BOARD MEMBER JONES: I guess my question --

CHAIRMAN EATON: In the interest of time, maybe staff can clear it up, or I do have a slip from Ms. Catherine McCarthy -- welcome -- who might be able to clear up any questions or concerns. Just go and state your name that would be great. Thank you.

MS. MC CARTHY: My name is Catherine McCarthy from Solano County Department of Environmental Management.

BOARD MEMBER JONES: Mr. Chairman, my questions are -- I look at diversion for different products, and they're allocated to cities by a percentage of the population. Does the County of Solano have a JPA within all of its jurisdictions?

MS. MC CARTHY: We don't have a JPA for the seven cities and unincorporated county. We work together as a group to redevelop our base years, four of us did -- actually, five of us did. What we did was we tried to gather information. Whenever we had origin data, we used it. But in many cases we didn't have origin data for it, we had county-wide data.

So what we did was we tried to split up the data based on the most fair amount as possible. So we use population data rather than disposal data in the sense of we could have used disposal data for each different jurisdiction, but the problem then is you penalize cities that have programs in place.

BOARD MEMBER JONES: But if you -- there are a few here that -- asphalt, you know the source of where the asphalt came from. An operator knows where the majority of the material is coming from.

MS. MC CARTHY: For some of the materials we knew, but some of the facilities don’t collect origin data on it.

BOARD MEMBER JONES: The problem is that there are huge diversion credits going to cities that may have not generated the material.

MS. MC CARTHY: Right. And that’s --

BOARD MEMBER JONES: That’s a problem.

MS. MC CARTHY: What we did, we thought it was as fair as possible, and all the cities participating agreed that this was the method that they thought was as fair as possible. The real problem is it’s true that in one year, one city might have had much more C&D projects going on than another, but then it’s really difficult to allocate it since several of the facilities don’t keep

track of origin data for the C&D materials.

BOARD MEMBER JONES: Mr. Chairman, I would like to see our staff work through these issues because I can’t vote for this in compliance, only because there’s too many -- because of the population base, Vallejo, Vacaville, those areas, if the material is in one part of the county and it’s arbitrarily given as diversion or disposal, it could be real unfair to some of these cities that might have less population but are doing programs that could get them there. And I think we just need to work through the methodology, in my mind, to try to get this thing straightened out.

MS. MC CARTHY: Just to clarify, two of our cities who just got approved, we all used the same data.

BOARD MEMBER JONES: Should we pull them?

(Laughter)

BOARD MEMBER JONES: Is that what you want me to do?

MS. MC CARTHY: But we all have the same issue since we share this. We collected the data together and we split it together.

BOARD MEMBER JONES: The -- I don’t want to see those two cities necessarily back here. Suisun, pretty good diversion rate through this method up to 58 percent, but they are only generating eight pounds per

person per day. So I'm pretty comfortable with that. Benicia has a high industrial rate. I simply need to -- I don't really want to pull the other two, but I think we need to work on the methodology for fairness.

CHAIRMAN EATON: Mr. Schiavo, any comments?

MR. SCHIAVO: Just for the record, staff will work with the City to complete the diversion requirements as requested by BOARD MEMBER Jones.

CHAIRMAN EATON: Okay. Members, any comments? Need for a motion? No? All right. Do we want to continue this matter and bring it back when it's appropriate? Mr. Schiavo.

MR. SCHIAVO: Probably in a month or two.

CHAIRMAN EATON: All right. So what we'll do is when you're ready, come back and we'll kind of go through that rather than continue it. Okay.

MS. MC CARTHY: Thank you.

CHAIRMAN EATON: Thank you, Ms. McCarthy. Next item.

MR. SCHIAVO: Agenda Items Number 18 and 19 are new generation studies reflecting new base years, and staff is requesting the Board approve the base year changes described in Agenda Items Number 18 and 19 and

accept staff findings that the jurisdictions are not making adequate progress in implementing their source reduction and recycling programs, and that the attached compliance orders be issued. And this is the City of Atherton and the City of East Palo Alto.

That concludes my presentation.

CHAIRMAN EATON: Any questions, comments? All right.

BOARD MEMBER JONES: Speakers?

CHAIRMAN EATON: None.

Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, I'll move adoption of Resolution 1999-426 for the City of Atherton, and 1999-427 for the City of East Palo Alto, which approves the base year change issuing a compliance order to make sure we've got adequacy in the programs.

CHAIRMAN EATON: All right.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolutions 1999-426 and 1999-427.

Without objection, substitute the previous roll call. Hearing no objection, such shall be ordered.

Agenda Items 20 through 25, Mr. Schiavo.

MR. SCHIAVO: Agenda Item Numbers 20

through 25 reflect base year corrections, and staff is requesting that the Board approve the base year and/or reporting year adjustments described in Agenda Items 20 through 25 and accept staff findings that the jurisdictions are making progress in implementing their source reduction recycling elements and are meeting the diversion requirements. And 20 through 25 include the City of Brisbane, Burlingame, San Mateo, South San Francisco, Redding and Shasta Lake.

And that concludes my presentation.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: Mr. Chairman, I'll move adoption of Agenda Items 20 through 25, reflecting Resolutions 1999-428 through 1999-433 with the appropriate findings to indicate that the Board approves the requested base year and/or reporting year adjustments, accepts the staff finding that the jurisdiction is making progress in implementing its source reduction and recycling element and meeting diversion requirements and is not issuing a compliance order.

BOARD MEMBER MOULTON-PATTERSON: Second.

CHAIRMAN EATON: All right. Mr. Pennington moves we adopt Resolutions 1999-428 through and inclusive of 1999-433 and Ms. Moulton-Patterson seconds.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. All right. Mr. Schiavo.

MR. SCHIAVO: Agenda Item Number 26 is a base year correction, and staff is requesting that the Board approve the base year adjustment described in Agenda Item Number 26 and accept staff findings that the jurisdiction is not making adequate progress in implementing its source reduction recycling program element programs, and that the attached compliance order be issued. And Item Number 26 is the City of Hillsborough.

That concludes my presentation.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, I'll move for adoption of Resolution 1999-434.

CHAIRMAN EATON: 434?

BOARD MEMBER PENNINGTON: 434.

CHAIRMAN EATON: 434. I'm sorry.

BOARD MEMBER JONES: That approves the base year adjustment and issue a compliance order so that staff and the City can work out the adequate progress in implementing the SRRE programs.

CHAIRMAN EATON: All right.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: All right. Mr. Jones moves, Mr. Pennington seconds that we adopt Resolution 1999-434.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered.

Item Numbers 27 and 28. Mr. Schiavo.

MR. SCHIAVO: Agenda Items Number 27 and 29 are reporting year corrections, and staff is requesting that the Board approve the reporting year adjustments described in Agenda Items Number 27 and 28 and accept staff findings that the jurisdictions are not making adequate progress in implementing their source reduction recycling element programs, and that the attached compliance orders be issued.

Number 27 is Portola and Agenda Item 28 is the City of Martinez.

CHAIRMAN EATON: Okay.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: I'll move --

CHAIRMAN EATON: Before we do, Mr. Pennington, I do have at least two individuals who would like to speak on Item Number 28 with Martinez. If you want, we can take Item Number 27 up, which we have no speaker slip for, and we can move into the discussion on

28.

BOARD MEMBER PENNINGTON: We can do them together. That's fine.

CHAIRMAN EATON: That's fine. I have slips from Mr. Rob Schroder, Vice Mayor of City of Martinez and Patty Friesen, I believe, from the City of Martinez. I'll leave it up to each of you who wants to go first.

MS. FRIESEN: Good morning. My name is Patty Friesen. I work for the City of Martinez as the Solid Waste and Recycling Manager, and I have Rob Schroder with me, our Vice Mayor. I just briefly would like to explain some of the special circumstances for the City of Martinez because of its industrial generator base and specifically address Class II special waste.

In 1995, the City of Martinez discovered that a large industrial generator had generated 30,000 tons of Class II special waste and 1700 tons of demolition waste in the closure of two evaporation ponds. The next year, their generation went down to 1100 tons of special waste, but the city still saw about 5,000 tons of Class II special waste; 7,000 in 1997; and 13,000 in 1998. So these variations wreak havoc on our annual report to you and affect not only our jurisdiction, but many other jurisdictions.

In the future we will still see some Class

II special waste being generated due to special projects. This particular company that generated the 30,000 tons, Rodia, is located on an old copper smelter, and the waste has been classified by the Regional Water Control Board as Class B mining waste, so it must be landfilled. It was hazardous waste and they built a treatment plant. Now they've rendered it non-hazardous industrial, but it still needs to be landfilled.

Some of the future projects are -- the first one, the Benicia Bridge project. Caltrans is going to be building a second span on the Benicia Bridge, and they're moving all the toll booths, six or seven, to the Martinez side, and it's going to be expanded to about a 15-toll booth plaza. It's on this company's property. Every single tone of earth dug up for this project will be cinder contaminated soil, Class II special waste, and will have to be landfilled.

There's a second project controlled by the Mosquito Abasement District of Contra Costa County. It's a slough project. It will also generate significant tonnage of Class II special waste.

We have a second large generator, Martinez Refining Company, MRC, which is formerly Shell Oil Company. They generate biosolids from settling ponds and soil remediation. This type of material, biosolids, are

1 also landfilled, although they can be used as AIDC. We
2 were looking for some alternative use, and found that the
3 company prohibits any alternative uses of industrial waste
4 that they generate that may enter the food chain, such as
5 land application, because the liability is too great.
6 So when we were researching some of the
7 problems with this Class II special waste and found these
8 significant tonnages being generated in our city, we went
9 to the landfills for the reporting information.
10 Fortunately, in Contra Costa County, Kaller Canyon
11 Landfill does report separately its Class II and Class III
12 waste, so we're able to see that.
13 But looking for other sources in Alameda
14 County, for example, where MRC sends its waste, there is
15 no differentiation between Class II and Class III waste.
16 When I contacted the Alameda Solid Waste Management
17 Authority, they just receive a lump sum, total tons
18 generated at that landfill. So it's a very difficult
19 process to find out how much of your wastestream is
20 special waste, especially if it's not a requirement of the
21 reporting facility.
22 We also received recently the letter from
23 San Joaquin County which did separate out special waste
24 for 1997 and 1998, but we really don't know where the
25 waste -- we can't verify where the waste came from or

which company hauled it or what type of waste it was. So there aren't real reporting requirements at the landfill to differentiate specialized waste Class I or Class II and Class III.

So fixing our numbers -- if Class II specialized waste is excluded from our wastestream, you can see the difference in 1995, negative 86 percent. It would be negative 2 percent without special waste. 1996 goes from 9 percent to 20 percent; 1997, zero percent to 16 percent; in 1998, negative 5 percent to 22 percent.

So it's our request for the Board to consider excluding Class II special waste from the AB 939 disposal reporting system. It was not counted in our 1990 base year, we have no AB 939 programs targeted, and there's no local control over a lot of these one-time special projects that are sponsored by other agencies.

To turn to the positive side, I'd like to take a look at -- but even though we still have the negative 2, I would like to address that just briefly.

CHAIRMAN EATON: We would really like to stay basically on what has been the issues for you, and then we can have staff respond if that would be okay.

MS. FRIESEN: Okay.

CHAIRMAN EATON: Does staff have any with regard to the issues raised by Ms. Friesen, with regard to

the issues she raised?

MR. SORELLE: Steve Sorelle with the Office of Local Assistance.

Even though we're sympathetic with their plight and we've discussed it with them in detail, at the same time, we're recommending compliance order because even with elimination of the Class II as a consideration, their numbers are low. So we want to use the compliance order as an opportunity to look at their program implementation, as well as continue to study the ramifications of Class II and look at program implementation for their more typical wastestream.

CHAIRMAN EATON: Okay.

MS. FRIESEN: Okay. The reason we're still at negative 2 percent in 1995, we had some special one-time projects. Our high school was completely renovated, our county hospital was demolished and a new wing was built, city hail had a demolition and renovation, and we had about 250 homes built. So that significantly added to our wastestream in 1995.

To look at our AB 939 plan, we have been working very diligently with our technical assistance plan of the seven activities that they have recommended. We have implemented four, and we have three in place. We're adding mixed paper to our curb-side program. We're

negotiating with our new service provider for a green waste collection program. We're emphasizing commercial recycling. We've increased our public education. We have a procurement policy in place at city hail for the public works department to grass recycle in public parks and use grass mulch as compost on city property. We have a variable can rate that is a punitive rate for seven can service and encourages recycling, and have a ten- and 20-gallon mini-can rate.

So we are focusing on our AB 939 programs and have implemented some programs. We had some difficulties with our previous service provider, and now that we have a new service provider; we're looking forward to negotiating with them to get new services to keep us on track.

CHAIRMAN EATON: Thank you.

Any questions?

MR. SCHRODER: Good morning. My name is Rob Schroder. I'm the Vice Mayor of the City of Martinez, and I want to reemphasize some of the last things that Patty mentioned.

Martinez is very committed to meeting and exceeding our AB 939 goals, and we feel that we can get -- can implement these new programs in the winter of 2000. We're in the process of working with our present waste

hauler on a rate review process, a rate review as well as implementing these new green waste and mixed paper programs.

And as I say, we're serious about this issue, and more than just meeting these goals, the important thing is the recycling and reducing our wastestream.

Those are the only comments I have, and thank you very much.

CHAIRMAN EATON: Any questions? Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, City of Portola, I read they're in the middle of doing a generation study, looking at their diversion program, and I think that the compliance order works good there. And I think the City of Martinez, when I looked at the programs they had and the fact that they're still minus 2 and 20, maybe one of the issues we can work on with them is like C&D ordinances, things like that, that could better help to get that material into the recycling stream so it doesn't go on diversion.

But I think the special waste issue, obviously it's an issue in San Joaquin County. It's an issue in a lot of places. It can't be dealt with. A policy issue like that I don't think can be dealt with in this forum, and I'm not even sure that we have the

authority to deal with some of those things. I think the legislature didn't preclude it. So we've got some work to do on that because clearly we can't do it today, make a policy on special waste.

San Joaquin County has been working diligently because of their forward site which accepts a lot of that material. Those were my only comments.

I'll move adoption of Resolution 199-435, City of Portola; and 1999-436, City of Martinez, which approves the requested reporting year adjustment and issuance of a compliance order to help work through the issues that we need to work through.

CHAIRMAN EATON: Okay.

BOARD MEMBER PENNINGTON: I'll second.

CHAIRMAN EATON: Sure. Before we go, Ms. Moulton-Patterson has a question.

BOARD MEMBER MOULTON-PATTERSON: Obviously I'm brand-new, so I just want to make sure that our staff is working with the cities and is doing everything that they can to help our cities. I'm sure you are, but I just -- for the record, I know that there are different situations and different cities, and I would very much like to see extra care taken with the cities. And I'm sure there has been, and I don't know all the past history, but just for the record, I really, coming from

local government, would very much like to see that done. Thank you.

CHAIRMAN EATON: All right. Without objection, substitute the previous roll call. Hearing no objection, so shall be the order. Just for your information, with regard to the Class II, and I think Mr. Jones mentioned it, that there is a group from the forward site that has made some substantial progress in some of their proposals, that they're coming forward and I think will be, in the next couple of months, sitting down with Board Members individually and coming here. And I think there may finally be at least some reconciliation which will not only help that particular jurisdiction, but others such as Martinez. But I am very concerned about how we move this quickly, and I think those individuals have been pushing the Class II and finally have made great strides. I look forward to hopefully getting that resolved in the next year, which should provide to some of the local jurisdictions as well. Mr. Schiavo.

MR. SCHIAVO: Okay. Agenda Items 29 through 52 plus 54 are those jurisdictions that have not submitted their base year adjustments or changes to date, and what we mean by non-submittal is some of them are

1 works in progress, they're nearing completion. Some
2 haven't been commenced; and others I think may have just
3 recently submitted a change to us, but we haven't analyzed
4 it in the last week or so, and that will be brought
5 forward in the near future.
6 Staff is requesting that the Board accept
7 the findings that the jurisdictions are making progress in
8 implementing their source reduction recycling elements and
9 diversion requirements, but cannot determine that they're
10 meeting the diversion requirements due to incalculable or
11 inaccurate data and that the attached compliance orders be
12 issued. And there's a long list here -- Cities of Chico,
13 South El Monte, San Clemente, Capitola, Woodside, Biggs,
14 Paradise, Clearlake, Lakeport, Compton, Montebello,
15 Gonzales, Greenfield, King City, San Benito, Adelanto, Big
16 Bear Lake; next page -- San Luis Obispo unincorporated,
17 Portola Valley, Anderson, Antioch, Colfax, Daly City, Rio
18 Vista, and Pico Rivera. And San Benito is the regional
19 area.
20 And that concludes my presentation.
21 CHAIRMAN EATON: Okay. Members, I have
22 numerous slips with regard to particular agenda items.
23 What I would like to be able to do is that, I believe, I
24 have seven jurisdictions out of approximately, I think,
25 23. What I would like to do is take up those 16 where we

don’t have any speakers, get those out of the way, and then return to those particular agenda items wherein individuals either want to speak or make some additional comments or present additional data or a presentation. If that’s okay with everyone, give me just a second and I’ll try and go through and make the motion.

BOARD MEMBER JONES: And make the motion.

CHAIRMAN EATON: Absolutely. Give me one second here and I’ll try and figure out --

BOARD MEMBER JONES: Was there anybody else --

CHAIRMAN EATON: -- the resolution numbers.

BOARD MEMBER JONES: Was there anybody else that forgot to put in a slip in this group of 20 or 30? There’s always --

AUDIENCE MEMBER: I think my name is in there for the City of Coil ax. If it is, you can withdraw it. I have no comment.

CHAIRMAN EATON: Nope.

AUDIENCE MEMBER: How about for Lakeport? I have nothing for Lakeport.

CHAIRMAN EATON: I have nothing for Lakeport. Okay.

MR. PROPHET: Mr. Chairman, City of Rio

Vista, we just got a copy of the order about 30 minutes ago. We're trying to get through it now. As it looks now, I'm not sure I'm going to speak. I haven't submitted a card. If you can hold that in abeyance for a moment or two.

CHAIRMAN EATON: That's how long it's going to take me probably to get through this. I think it would probably be okay if we take a short five-minute break and we'll come back and try and get the numbers straightened out.

(Brief recess taken.)

CHAIRMAN EATON: Ladies and gentlemen, will you get back, and we've got a long, long agenda. Appreciate your cooperation. You've been great so far. Mr. Jones, per your original challenge, are you prepared to make a motion?

I move that we adopt the following resolutions -- 1999-438, 1999-441, 1999-442, 99-443, 99-444, 99-445, Resolution 1999-447, Resolution -448, Resolution -449, Resolution 1999-450, Resolution 1999-451, Resolution 1999-455, Resolution 1999-456, Resolution 1999-457, Resolution 1999-458, and I believe Resolution 1999-462.

Those I believe are the items that I do not have speaker slips on and that seem to be ready to be

voted on, so I'll entertain a second.

BOARD MEMBER PENNINGTON: I'll second.

CHAIRMAN EATON: Mr. Eaton moves and Mr. Pennington seconds that we adopt the following resolutions -- 1999-438, 441 --

BOARD MEMBER PENNINGTON: Excuse me. Let me check one thing here.

CHAIRMAN EATON: Sure.

BOARD MEMBER PENNINGTON: Did you say -- I think we have one in there that we weren't intending to adopt.

CHAIRMAN EATON: Which one?

BOARD MEMBER PENNINGTON: That's 454.

CHAIRMAN EATON: No.

BOARD MEMBER PENNINGTON: You're right. It's not. Okay. Second.

CHAIRMAN EATON: All right. Mr. Eaton moves and Mr. Pennington seconds that we adopt the following resolutions -- 1999-438, 441, 442, 443, 444, 445, 447, 448, 449, 450, 451, 455, 456, 457, 458, 462. Without objection, we'll substitute the previous roll call for those items. Hearing no objection, 50 shall be the order.

I'll give you this slip here. I'll hold it for the time being. Okay. Then going in order, those

remaining in the category for Agenda Items 29 through 52 would be -- the first one is Agenda Item 29. I have a slip from Linda Herman from the City of Chico. Welcome.

MS. HERMAN: Thank you.

CHAIRMAN EATON: Again, I would remind those who are going to speak to deal with the issues that staff has raised as it relates to the compliance order. That would be very helpful to focus on what issues, if any, are in dispute.

MS. HERMAN: Linda Herman with the City of Chico. I appreciate BOARD MEMBER Jones's comments about how a compliance order is not a hammer and is merely a tool to work through these issues. Unfortunately, our local press, as well as our council members, see it as a hammer. In fact, the article said "City facing fines because State doesn't like recycling effort," that was the headline, so much so that Assemblyman Amstead's office called us and said, "Boy, what's going on? You guys are really in a lot of trouble. Can we help?"

So for those reasons, we have a unique situation in Chico. We have about 92,000 people in our unincorporated Chico area. Half of them are city residents, half of them are unincorporated county residents. It's like a patchwork quilt of in and out of city—county. We are serviced by two non-franchised solid

waste collectors who service both Chico city residents as well as unincorporated county. We have non-mandatory waste service. I only say those because those are the challenges we face in meeting AB 939 requirements.

In 1990 when the base year was developed, there weren’t scales at the landfill. We had five haulers, I believe, maybe six haulers at that time servicing the unincorporated county as well as the City of Chico. We have different compaction ratios, different types of trucks.

The conversion method that-we used to convert cubic yards to tonnage was the best that we had at that time. We know now that that probably was an inaccurate conversion factor, and because of the different compaction ratios, that the base year may be overstated.

Chico is unique in the situation that we have agreed to change our base year for those inaccurate numbers, but in our particular case, when we change our base year, it is going to decrease our diversion numbers. It’s not going to help us in the sense of raising our diversion numbers. We’re going to actually see a significant decrease in diversion.

Even with the preliminary figures of changing the base year to 1995, and again, we haven’t gone out and measured everything, we still are showing that we

are pretty close to the goal of 25 percent; that we believe that even despite the elevated numbers for diversion, that we have shown a steady progress by increasing diversion every year, and that progress and trend will be there despite what the numbers are.

We have been very aggressive in the county, more so than most communities around us, in implementing our programs. We have implemented almost all. We have implemented some alternative programs such as the curbside yard waste program and commercial drop-off, which is diverting about 90,000 tons of yard waste a year. We've implemented telephone books, Christmas trees.

We feel that we have been a leader in the community. We feel that we have been committed to the waste diversion goals, have implemented curbside recycling before many of the jurisdictions have, and for those reasons, we believe that we are showing good faith effort and would like the Board to consider not issuing a compliance order and then showing we are a good faith effort with the idea that we would change our base year to correct the diversion numbers.

And at this time that's all I would really have to say.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Just a quick question.

If in the time that you are on the compliance order you got the numbers changed, you know you can come back here; right?

MS. HERMAN: That’s correct. We were just trying to avoid the compliance order part.

BOARD MEMBER JONES: One of my problems is that when you look at Butte County -- and by the way, my son is a student at Chico State, but I know he doesn’t generate -- he and his roommates don’t generate 13 pounds of waste per person per day. That is a high -- that’s a ii high rate, which is an indicator that number is probably flawed.

CHAIRMAN EATON: -- keggers.

(Laughter)

BOARD MEMBER JONES: It’s a good thing they can return the kegs.

(Laughter)

BOARD MEMBER JONES: I’m not even sure if those guys use cups.

(Laughter)

CHAIRMAN EATON: Well, that’s waste reduction.

BOARD MEMBER JONES: But honestly, I understand the plight. But I think if we can work through those number changes as quickly as possible, then

1 obviously you're making good faith effort, but it's -- you
2 know, we go to a lot of places. We talk to people a lot.
3 They're worried about the numbers. It's my view, and only
4 my view that -- I mean, I think I share it, but I'm only
5 going to speak for myself.
6 The numbers are what the law says. We have
7 always looked at the programs to make sure the programs
8 match the numbers, that the number is an indicator. It's
9 the programs that really matter.
10 And Chico is half there. They've got
11 programs, but the numbers can be so flawed that it -- for
12 the sake of fairness, trying to keep this as easy as we
13 can, hopefully this compliance order will only be in place
14 for a matter of months while we get those numbers fixed.
15 That would be my hope because I know -- I
16 know the programs that you guys are doing. They're good
17 programs, but without the numbers, and I have a hard time
18 when I look at pounds per person per day. That's always
19 one of my indicators and this one is clearly anywhere from
20 two to three times, and in one case three pounds higher
21 per person per day, without an industrial base to support
22 it. But I think we'll just have to fix it and use the
23 time on compliance order to do it in my resolution to the
24 issue.
25 CHAIRMAN EATON: Ms. Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Thank you, Mr. Chairman. I just had a quick question this morning. And also I have a daughter who's a graduate and I have a real special place in my heart for Chico. Does the University work with the City in this regard?

MS. HERMAN: They have, but that's only been in the last recent year that they've hired a recycling coordinator and they're working with us very cooperatively now. But in 1995 and 1996, they really hadn't and it is a big chunk of our wastestream, the University is, but they're working cooperatively with us.

BOARD MEMBER MOULTON-PATTERSON: Thank you very much.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, I would like to move adoption of Resolution Number 1999-437 for the consideration of a staff recommendation on the biennial review finding for the source reduction recycling element and the compliance order relative to those findings for the City of Chico.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds we adopt Resolution 1999-437. Without objection, substitute the previous

roll call. Hearing no objection, so shall be ordered.
Item Number 31, City of San Clemente. I think it's Mr. John Bressan. Hopefully I pronounced that correctly.

MR. BRESSAN: Very close. Good morning, Mr. Chairman and Members of the Board. We don't have any really serious issues with your staff's report. As a matter of fact, we have been working very closely with your staff and do appreciate their help.
We kind of fall into the category of submitted our report, but it hasn't been reviewed, and we apologize for it being late. However, we were having Dr. Eugene Seng rework over it with us, and as a result of his help, we have moved from a minus 19 percent in 1997 to a positive 37.2 percent diversion in 1998.
I assure you the City of San Clemente is very serious about meeting the AB 939 goals. We have been working, we believe, in very good faith toward that end.
We have now virtually completed everything on our SRRE, and in some cases we have gone beyond it.
By way of example, we are now composting all of our waste water treatment plants, biosolids, rather than landfilling them as we have in the past. It amounts to a small but not insignificant 4,000 tons a year.
At the last city council meeting on the

15th, the city council approved a procurement policy which we will be enforcing rigorously to purchase recyclable goods, and not only enforcing it for all of the City departments, but also for all of the City's contractors. At the next council meeting, I will be going before the city council for approval of a green waste program that will be implemented by the last part of October or first part of November, and our hauler, So-Lag, is also increasing their commercial recycling program and we expect to see very good results from that.

In addition, we are increasing our public awareness. We are actively working with the Orange County Integrated Waste Management staff on landscape maintenance outreach program. I am on the steering committee for that and will be talking to all of the major homeowner association boards of directors in the next two months, encouraging them to bring their landscape staffs on board, get them certified, and work towards grasscycling and water conservation and cutting back, keeping the waste on-site.

With all of those, I feel that we are making significant progress towards meeting our diversion goals and would request that the Board not issue a compliance order. We feel that we basically have met all of the points of the compliance order.

Thank you.

CHAIRMAN EATON: Comments or questions?

BOARD MEMBER JONES: Question of staff, Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Patrick, if on these compliance orders -- 7 because I had talked to the operator of these programs and he 8 had indicated that they were in the middle of the generation study. And I told him, you know, that that would be part of the compliance order. The quicker you get it done, the quicker you're off the compliance order. And he understood that and didn't really say one way or another, but in my mind, if these cities -- and there's a few of them that are in the middle of these processes -- that as soon as they're done, and as soon as you have approved them, will you bring them right back to us so we can get them off the compliance orders?

MR. SCHIAVO: Yes. That's our plan. The compliance order is through April 3rd, but if they're completed before that time, we would bring them back before you for immediate review.

BOARD MEMBER JONES: Okay.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 1999-439 for the consideration of

staff recommendation on the biennial review findings on the SRRE and consideration of adoption of the compliance order relative to the biennial findings for the City of San Clemente.

CHAIRMAN EATON: I'll second the motion. Mr. Jones moves, Mr. Eaton seconds that we adopt Resolution 1999-439. Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Item Number 32, Mr. Mark White I have one slip for, and I believe the City of Capitola.

MR. WHITE: Mr. Chairman, Members of the Board. I'm kind of seeing a pattern so I don't know if I should be up here, but I'm going to try it anyway.

(Laughter)

BOARD MEMBER JONES: It's got to be better than the last time.

MR. WHITE: I come bearing gifts. I've been here less than five minutes and I want to return some tons. So everything is good here. The City of Capitola want to just send a message that they, too, don't really think we need a compliance order. We have a plan. We're working the plan. We communicated the plan to your staff at some length a few days ago. We had them down in Capitola where

they actually observed the things that we're doing. One the key points I think to raise is that in 1995, we had a different waste hauler than we do now. In 1998, we got a new waste hauler, we got a new accounting system. We find now that our diversion numbers really don't justify the base year that we have. They're not that high, but they're much higher than they calculate with your model when you just look at the tons. So our diversion numbers are much like what they ought to be and what they should be in our programs. 42 percent, in fact, is the number we're looking at for '98.

So I think that with the accounting system we have now -- we're also looking -- we're going to do the base year, the new base year. We have everything in place to be fully compliant by about January of this year. We don't really think the compliance schedule is needed. Our city council has gotten the message, and they moved the department of public works and ourselves forward expeditiously to bring you some good numbers.

Happy to answer any questions.

CHAIRMAN EATON: Questions of Mr. White? Okay.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move

adoption of Resolution 1999 --

(Laughter)

BOARD MEMBER JONES: Always upholding the highest regard for cities and counties, and I do. And these are the last 60 or 80 of 532, and I think that the city council will feel good that you guys didn't give them information that was erroneous, that the Board in fact meant to do this. So that covers you.

I would like to move Resolution 1999-440 consideration of staff recommendation on the biennial review findings for the SRRE and consideration of adoption of a compliance order relative to the biennial finding for the City of Capitola in Santa Clara County.

BOARD MEMBER PENNINGTON: I'll second.

CHAIRMAN EATON: Mr. Jones moves, Mr. Pennington seconds that we adopt Resolution 1999-440. Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Item Number 38.

BOARD MEMBER JONES: Good news. We're in a new book.

(Laughter)

CHAIRMAN EATON: Item Number 38.

MS. DARDEN: Good morning to the honorable Chairman and Board Members. My name is Lillie Darden

representing the City of Compton. J. Michael Huls is our consultant and he will address the Board on our behalf today.

CHAIRMAN EATON: Thank you.

MR. HULS: Does the Chairman have any comments before we begin our just a couple of comments that we did have? Any comments from the Chair? Basically the City of Compton feels that the compliance order is unnecessary. The City disagrees with staff's recommendation on the basis of information identified in the agenda item itself and new information recently submitted to the Board. We ask the Board to find in favor of the City and to approve the biennial review for two basic reasons.

First, the City has made a good faith effort. It's implemented, according to staff, nearly all of its identified SRRE programs. And in fact, the only two programs that weren't implemented, one the City has no control over, which is curriculum in the schools. And actually, in the City of Compton, the school district has been taken over by the State of California.

Secondly, commingled curbside recycling was replaced by materials recovery as an alternative. And in addition, other programs were implemented to help shore up the loss of diversion.

I can talk about the curbside -- the reason for dropping the curbside program or delaying its implementation. I can talk about that in a little more detail later if you do desire that, but one thing that is obviously the question at hand, what constitutes a good faith effort. If it’s the numbers, the City has recently submitted new numbers to the Board, which was unfortunately not given to the Board until early in September. The City has been conducting an extensive two-year waste generation and waste auditing analysis, which we have performed by Dr. Eugene Seng. Recently the research was completed and supplied to the Board. The diversion rate documented is about 56 percent for the City, and that’s something that the City has known, you might say, in anecdotal evidence, but we didn’t have the hard evidence to prove it. Now we do.

We’re going to continue to conduct the waste generation analysis through the year 2000. We feel consequently it’s unnecessary for compliance order to be issued on this matter at this time.

As a result, we respectfully request that the Board select Option 3, to find Compton adequately implementing its SRRE and to approve the biennial review. Thank you very much.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Schiavo, do you have a comment? I'm sorry.

MR. SCHIAVO: The only comment I wanted to make, we did receive submittal of the new generation study, and as I mentioned in the prior item, as we get the review completed, we'll bring it forward to the Board to make a recommendation.

BOARD MEMBER PENNINGTON: How long will it take for you to do that?

MR. SCHIAVO: Approximately a month, just because the October Board meeting we have quite a large amount to complete.

BOARD MEMBER PENNINGTON: Thank you.

CHAIRMAN EATON: Mr. Jones. I'm sorry.

BOARD MEMBER JONES: Mr. Chairman, one of the letters we read today was from the Mayor, Omar Bradley, where they're having a real problem with the disposal reporting system, which I think a lot of people in southern California and all over the state are having a problem with, and one of the reasons that had you asked for the agenda items to deal with that.

I think that the base year numbers and stuff -- right now we're at minus 79 percent. So I think this in the time period that this compliance order, if it's adopted, is in place, would give us the time to work

through those numbers and look at those things and see how we go from minus 79 up to 56, and I'm sure the majority of it is the disposal reporting system.

And we're going to need your help in dealing with the landfills and the cities in trying to put the mechanism in place so that waste isn't being assigned to the City of Compton when it should be assigned somewhere else. Because programs and the numbers are indicators. We had one in here today that the numbers were high because there was a lot of C&D activity. There was a lot of activity that went on in that jurisdiction and went to landfills.

The sad part of that fact is that is disposal and didn't go through an infrastructure that could have done other things with it. We need the time to be able to work through the compliance orders and with the information that Dr. Seng brings forward, and you, Michael, I'm sure, to see where we need to -- where this city really is at the end of the day and where we have to go.

But I do appreciate the letter and the councilwoman coming up and being here because it's critical. We're going to need the City's help when we start getting into the disposal reporting system inaccuracies because clearly they provide an unfair set of

circumstances for all of the cities that get that tonnage put to them.

But having said that, unfortunately, I'm going to move adoption of Resolution 1999-446, which is consideration of staff recommendation on the biennial review findings for the SRRE and consideration of adoption of a compliance order relative to the biennial review findings for the City of Compton in L.A. County.

CHAIRMAN EATON: All right. I'll second that motion.

Mr. Jones moves and Mr. Eaton seconds that we adopt Resolution 1999-446.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered.

Item Number 44, City of Adelanto. Paul Ryan, I believe.

MR. RYAN: Honorable Chairman and Board Members, Paul Ryan representing the City of Adelanto and also Burtec Waste Industries. With me today I have Mike Sakomoto, the City Manager of the City of Adelanto, who will make some comments as well.

Prior to receiving the notice for the public hearing today, the City of Adelanto recognized it had some real problems with its numbers. We tried to use the policies provided in Item 32 and none of them worked.

So the staff, your staff, and the City decided that the only way to demonstrate to the Board that the City was compliant with 939 was to undertake a new generation study, which they undertook prior to the notice. And they've retained Claremont McKenna College, who is doing the study right now, and hopefully they'll be back to the Board prior to the April compliance date.

I would like to ask the Board to consider helping the City of Adelanto in terms of meeting the goals of 939 because they're a unique city. They're one of the few cities in this state that at the present time have three private community correction facilities. That's going to be a new wrinkle when we talk about SB 1066 and how SB 75 is going to fit in. So I think this is an opportunity for the staff to work with the City and see what we do to come up with reasonable policies and goals for that particular eventuality.

With that, I would like to turn it over to Mr. Sakomoto.

CHAIRMAN EATON: Thank you, Mr. Ryan.

MR. SAKOMOTO: Mr. Chairman and Members, thank you for the opportunity to speak to you this morning.

We understand the necessity of the compliance order. There's no cause for an objection at

that point. I would like to put several things on the record, however, for our community. One, we have grown from 9,838 people in 1990 to 14,960 people in 1998, so a 50 percent increase in our population has created a problem.

As Mr. Ryan has indicated, we have commissioned a new study to try and ascertain exactly where we are at. We have also just recently implemented a tire recycling program with a company that has moved to our community that will be disposing of tires.

And lastly, we have a particular problem in our community. Our city is 54 square miles with a population of a little under 15,000, and as a result of being in the high desert, we are a local dumping ground. So we have programs where we go out into the desert and do clean up. It makes a particular problem because what we're doing is cleaning up the desert and adding to our own misery, and that's a particular problem for us.

Mr. Ryan has indicated that we now have three community correctional facilities which exacerbates the problem a little more. And just to let you know, we're doing the best we can. We have a curbside recycling program. We're going to implement a composting program for the City in the year 2000. So we're doing the best we can to make it better.

Thank you.

CHAIRMAN EATON: Thank you. Mr. Jones.

BOARD MEMBER JONES: Question for Mr. Sakomoto.

MR. SAKOMOTO: Yes.

BOARD MEMBER JONES: The minus 36 and the minus 28, do you think that's due to the population explosion --

MR. SAKOMOTO: Absolutely.

BOARD MEMBER JONES: -- as opposed to -- and some of the illegal dumping.

MR. SAKOMOTO: A lot of it is the illegal dumping, but the greatest majority is that we've increased by 50 percent in the last eight years.

BOARD MEMBER JONES: Because your pounds per person per day is -- it's right there. So I think we've got to fix the numbers and hopefully take this time to get there. And I think we need to -- and I know we did it in the City of Redding, I think, or some others where there was illegal dumping that was coming to a jurisdiction from other areas and we can verify that. We probably -- I'm sure as part of your program when you work with them, try to get some kind of a handle on what's there, because it is unfair.

It's similar to the contaminated dirts and

stuff, but here I think it's a little more egregious. People are coming out to your community you clean it up to keep a nice community and it goes against your disposal. I think we need to work on some methodology on that, and I appreciate the fact that you understand the compliance orders and hopefully it will give you the time.

CHAIRMAN EATON: Ms. Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Just very briefly, Mr. Chair. I certainly agree with Mr. Eaton. If a community is doing a public service in cleaning up an area, I think there should be some sort of exceptions made, and so I hope that would be made.

CHAIRMAN EATON: One of the things I would like to ask either Mr. Ryan or Mr. Sakomoto. Is part of the study going to include the Department of Corrections in the three facilities there or some kind of indication? The reason why I ask is not to add more burden to make you meet your requirement. That's not my intention, but it is one of the things that we confront, not only that particular department, but a few other large departments that are situated in various municipalities or in the general geographical region on which have to date caused us much grief in our own state programs. I was just wondering, is that part of it that we might be able to piggyback on as we go through this?

MR. RYAN: We would hope that you would work with us on those issues. As part of the survey, we have visited the prisons and gone through their programs, in particular Adelanto, and next month I'll bring you another one of similar problems.

But one of the things that we need to carefully look at is both in Adelanto and also the city of Blythe, which will be next month, the prisons aren't at the same level as the diversion activities in the City itself and so we need to get some understanding in how the Board is going to look at that because when you include the prisons, as an example, in the total diversion calculations, the numbers go down because like in one situation -- not Adelanto, but another -- the City itself is over the 25 percent, upwards around 28, 29 percent, but when you add the prisons, it drops down because the prison is only doing 18 percent diversion. So it's a tremendous impact, these state facilities.

CHAIRMAN EATON: Have you had any problem getting information from the facilities?

MR. RYAN: Not to date. They've been very cooperative. It's just that it's difficult to go through the bureaucracy to get their numbers up. That's where the truth lies.

CHAIRMAN EATON: Thank you.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 1999-452, consideration of staff recommendation of biennial review findings for the SRRE, and consideration of adoption of a compliance order relative to the biennial review for the City of Adelanto, San Bernardino County.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves, Mr. Pennington seconds that we adopt resolution 1999-452. Without objection, substitute the previous roll call. Hearing and seeing no objection, such shall be ordered.

Item number 45, John Davis, consultant, Big Bear Lake.

MR. DAVIS: Mr. Chair and Board Members, I was pleased to hear your comments about our friends from Adelanto. Big Bear has a similar situation and in even a greater magnitude. I believe at one time Adelanto had a public bin drop-off location for people to bring their waste. They've abandoned that over the years, and Big Bear continues to operate that, and they have multiple bin sites. In fact, the volume at one of those sites has required the site be moved, and it's going to be coming to

1 you on a limited transfer station for that magnitude.
2 The City of Big Bear Lake, just to give you
3 an idea of what we're talking about, has a population of
4 about 6,000. There are 10,000 people in the surrounding
5 unincorporated area, and the volume of disposal from the
6 city exceeds that of the surrounding unincorporated area.
7 I think we've got a combination of base
8 year problems, disposal reporting problems, and then
9 allocation of the waste from these bin sites, there's
10 nearly -- actually over a third of the City's disposal
11 comes from the bin sites after adjusting for what we think
12 is the use by city residents.
13 The City has mandatory commercial service.
14 City residents can either use curbside programs or they
15 can use the bin sites. So if you adjust out the expected
16 use by the city residents, the volume from the bin sites
17 is over a third of the City's volume. It's there to
18 provide an outlet for visitors.
19 The City has permanent housing units of
20 about 2,500, and there's almost 10,000 -- over 10,000 in
21 the city. The rest of those are occasional use, visitor
22 use. On a busy weekend in Big Bear, it's nothing to have
23 up to 50,000 people there documented, skiing, using the
24 lake and other amenities. So it's a year-round resort.
25 It's close to a metropolitan area, and because of that,

there's a huge influx of material that the City simply cannot control.

Those bin sites have recycling opportunities. There's material diverted from those bin sites, but it's a huge volume of disposal at the end of the day. And I think it's going to present a particular problem, challenge for us to come to grips with in terms of a local policy standpoint and a numbers standpoint.

It's an ideal situation. If you could describe a regional agency, it's an isolated mountain community sitting in a valley, yet the unincorporated area is part of San Bernardino County. I think the way the statute is written, it precludes is as being addressed as a regional agency.

We look forward to working with you and your staff to try to resolve these problems, and any guidance you might have would be very helpful to us as we enter into it.

CHAIRMAN EATON: Thank you.

BOARD MEMBER JONES: Mr. Chairman, as I understand, the bins are there for those people that come into town to utilize the facilities, ski, do whatever, party, and then as they leave town, they drop it off there as opposed to -- the alternative is they leave it in a garbage can in front of some facilities.

MR. DAVIS: Hopefully. Or on the side of the road.

BOARD MEMBER JONES: It’s not illegal, it’s a service that accommodates the --

MR. DAVIS: That’s correct.

BOARD MEMBER JONES: -- tourist trade which Big Bear Lake survives on.

MR. DAVIS: And the second home, the visitor homes, the rental properties --

BOARD MEMBER JONES: Right.

MR. DAVIS: -- that comprise the vast majority, 80 percent of the housing.

BOARD MEMBER JONES: Okay. Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I’ll move Resolution 1999-453, consideration of staff recommendation on the biennial review findings for the source reduction and recycling element, and consideration of the adoption of the compliance order relative to biennial review findings for the City of Big Bear Lake in San Bernardino County.

BOARD MEMBER MOULTON-PATTERSON: I’ll second.

CHAIRMAN EATON: Mr. Jones moves and Ms. Moulton-Patterson seconds we adopt Resolution 1999-453.

Without objection, substitute the previous roll call. Hearing no objection, such shall be the order. Item Number 46, San Luis Obispo. Mr. John Cupps.

MR. CUPPS: Mr. Chairman and Members of the Board, for the record, my name is John Cupps. I appear today before you on behalf of the San Luis Obispo County Integrated Waste Management Authority. The authority is a regional entity that is comprised of the unincorporated area of the county and six of the seven incorporated cities within the county.

We would respectfully request that you defer action on the proposed compliance order today. We base that request on the following: First, the County has, as acknowledged by your staff in the written analysis, implemented essentially all of its SRRE programs with one exception; secondly, the County has, through the offices of the Integrated Waste Management Authority, been diligently pursuing resolution of the underlying base year number problems.

In a September 15th letter submitted to all of the Board offices, I detailed the actions that the authority has taken to try to resolve that. I won’t go into those details here today, simply state or just simply add that we are now in the position that we have completed

a draft new base year study. We are prepared to submit that within the next month. We also will be submitting a request to create a new regional agency which will provide for measurement of the AB 939 goals on a regional basis which is currently not provided under the existing regional authority.

With that, I would just request that you give us an additional month to get those documents in, and I'd be happy to answer any questions.

CHAIRMAN EATON: Mr. Schiavo, any comments or responses?

MR. SCHIAVO: Not at this time. We submitted responses to that 15th letter.

BOARD MEMBER PENNINGTON: Mr. Chairman, I would just like to ask. What -- you're reforming your regional agency; is that right? Or you're creating a new one?

MR. CUPPS: We're restructuring the region -- under the existing regional agency agreement, it provides for, I guess, what would be described as the oversight and coordination of 939 implementation efforts. It does not -- the existing agreement, however, does not provide for measuring achievement of the 939 goals, the diversion goals on a regional basis.

Currently each individual jurisdiction, the

unincorporated county and the six cities, all are individually responsible for achieving the goals and they are measured as separate entities. The new regional agency will provide that you measure the diversion on a regional basis.

CHAIRMAN EATON: But that hasn't been completed yet; correct?

MR. CUPPS: Well, we have submitted a proposed new regional agency agreement to staff for informal review. They have informally advised us that it was okay.

CHAIRMAN EATON: I'm just saying -- we had a previous situation here wherein there's already in-house a correction or a series of documents that we're just waiting for staff to approve based upon work. I think that was one or two cities ago. That is not the case here, though.

MR. SCHIAVO: I'm not aware of the document myself.

MS. CARDOZA: It's my understanding -- Catherine Cardoza, Office of Local Assistance. It's my understanding that what was submitted to staff for preliminary review was their existing JPA. It was not a proposed revision, and we have not seen the draft base year study.

CHAIRMAN EATON: Okay.

MS. CARDOZA: So I have no comments on --

MR. CUPPS: We're basically saying that we will have those documents. We will have a new base year study for the proposed region submitted to this Board within the next month, and we will have a formal request to create a new regional entity that provides for -- a new regional agency agreement that provides for measurement on a regional basis to this Board within the next month. And in light of that, in light of the efforts that we have made to correct these underlying problems, would request that you give us an additional month.

CHAIRMAN EATON: Questions of Mr. Cupps?

BOARD MEMBER JONES: Mr. Chairman, I know Mr. Cupps and I have spoken and I know the efforts they're trying to make, but it's consistent with everything we've done all day today.

I'm going to move adoption of Resolution 1999-454, the consideration of staff recommendations on the biennial review findings for the source reduction recycling element, and consideration of adoption of the compliance order relative to the biennial review findings for the unincorporated San Luis Obispo County.

CHAIRMAN EATON: I'll second. Okay. Any objection to substituting the previous

roll call? Hearing no objection, so shall be ordered.
Next item, Item Number 51, City of Daly City. Mr. Curran.
Just before Mr. Curran's walking up, my understanding is that Item Number 52, which was the City of Rio Vista, who have previously spoken, I have not received a slip. If you want to, would you please -- I'm sorry, Mr. Curran.

MR. CURRAN: Good morning, Mr. Chairman and Members of the Board.
I'm not here to dispute the compliance order today, rather to report to you that we have undertaken a waste generation study and anticipate we will have that completed before April. And we've also looked at expanding some residential and commercial recycling programs. We do now have a pretty successful curbside recycling program in residential. We do have an established commercial recycling program, but we hope to expand that to improve our numbers.
I do have one concern that I feel compelled to share with the Board. Daly City, even after we complete our waste generation study and make up for any anomalies in the numbers, we do have a landfill adjacent to our jurisdiction in Colma, the Hillside landfill. Its reporting is a little bit dubious. There is not a scale

there, and the tonnage reported as attributed to Daly City is very high. And since all of our residential and commercial garbage is taken to Ox Mountain landfill, the only other materials that would go there from Daly City would be cell fall, and the numbers don't seem to indicate that it's only cell fall that they're reporting. So that's one of the concerns I wanted to share with the Board this morning.

CHAIRMAN EATON: Mr. Curran, I don't know if you heard. Maybe you came in late. Mr. Jones, this is sort of a host jurisdiction kind of problem. This is the kind of use we referred to where a particular jurisdiction is situated in close proximity to a landfill and that there seems to be some allocation problems in addition to the problems you've mentioned. And that is one of the items we will take up in the next couple of months as we prepare that item, I hope, at that time. We know that there are problems in southern California. This is a problem in northern California. It would be most helpful if I could have you, Mr. Schiavo, just remember Mr. Curran, and we will make sure that we get you in plenty of time to let you know some of the things that we might need in terms of preparing the item, but also your own views and anyone else in that area that has that problem because it would be most helpful.

It is a host jurisdiction problem and recognized, and I think one that needs to be resolved, or reconciled, I should say.

MR. CURRAN: We have met with several jurisdictions in the surrounding area, and several of them have the same concerns that we have.

CHAIRMAN EATON: Good.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I think -- I'm pretty familiar with this facility, having lived down in that area for quite a few years. You may want to talk -- I've gotten phone calls from other jurisdictions in the area worried about the tonnage going into Colma. Maybe during the disposal reporting system, if the City, maybe the haulers, those affected parties could get a staffer at the site. And I know that's a burden, but if you're at the site and as they come in they identify where they're coming from, have your staffer put an address down because a couple things might be happening.

People may be in areas that are exclusive franchises. People may be coming from another jurisdiction and assigning it to you. There's a whole lot of things, but with that kind of verification, then as part of the compliance order and part of that, that

1 becomes part of the underlying documentation that there's
2 a real problem there and may be able to set the parameters
3 of what really should be assigned to each of those
4 jurisdictions.
5 I know it's more of a burden, but it may be
6 helpful for the week to get somebody out there. And talk
7 to your hauler. Maybe he'll put somebody out there.
8 MR. CURRAN: We've actually approached
9 Hillside landfill to do exactly that as several
10 jurisdictions got together, and the landfill operator
11 refused entry to the premises and would not allow us to do
12 a survey.
13 BOARD MEMBER JONES: In that case, then,
14 Mr. Chairman, I would like to suggest to our staff that
15 during the compliance order, during that reporting time in
16 there, I think we need to do a little work at the Colma
17 dump and help these jurisdictions out do what you can and
18 let's talk about it, but that's -- we need to do that. We
19 need to be able to help you get accurate numbers.
20 We're going to have the same problem in
21 southern California, and I think through the agenda items
22 there's going to have to be some changes in the way
23 landfills report tonnage, to be fair to all the cities and
24 counties. I would like that to be a part of that, this,
25 that our staff through -- whatever, camp.

(Laughter)

CHAIRMAN EATON: It's near the coast. That ought to entice a few.

(Laughter)

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 1999-459, consideration of staff recommendation on the biennial review findings for the source reduction recycling element, and consideration of adoption of the compliance order relative to the biennial review findings for the City of Daly City in San Mateo County.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-459. Without objection, we'll substitute the previous roll call. Hearing no objection, so shall be ordered.

The remaining item in that category of Items 29 through 52 is Item Number 52 and is the City of Rio Vista ready?

MR. PROPHET: We had two concerns that have been resolved at staff level. Thank you, Mr. Chair. Rio Vista has no further comment.

CHAIRMAN EATON: Just for the record, could you please state your name for the court reporter?

MR. PROPHET: I'm sorry. My name is Larry Prophet.

CHAIRMAN EATON: Thank you very much, sir. All right.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution Number 1999-460 in consideration of the staff recommendation of the biennial review findings for the SRRE, and consideration of adoption of a compliance order relative to the biennial review findings for the City of Rio Vista in Solano County.

BOARD MEMBER MOULTON-PATTERSON: Second.

CHAIRMAN EATON: Mr. Jones moves and Ms. Moulton-Patterson seconds that we adopt Resolution 1999-460.

Without objection, we'll substitute the previous roll call. Hearing no objection, so shall be ordered.

Mr. Schiavo.

MR. SCHIAVO: Okay. Agenda Item Number 53 is Butte unincorporated. That's Butte unincorporated. Staff is requesting that the Board accept the finding that

Butte unincorporated is making a good faith effort to comply with its source reduction recycling implementation requirements.

And that concludes my presentation.

CHAIRMAN EATON: All right.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: I'll move adoption of Resolution 1999-461 with the appropriate findings to indicate that the Board accepts the staff finding that the jurisdiction is making a good faith effort to comply with its source reduction recycling element requirements and is not issuing a compliance order. We're issuing a compliance order.

BOARD MEMBER JONES: No, we're not.

BOARD MEMBER PENNINGTON: No, we're not.

CHAIRMAN EATON: Mr. Pennington, I've just been handed what I understand is a revised resolution. Is that correct, Mr. Schiavo?

BOARD MEMBER JONES: 461.

CHAIRMAN EATON: Just for the record so that we get the right resolution in.

MR. SCHIAVO: Butte unincorporated.

CHAIRMAN EATON: As revised.

Mr. Pennington, would you mind stating your motion?

BOARD MEMBER PENNINGTON: I'll move adoption of Resolution 1999-461 as revised with the appropriate findings to indicate that the Board accepts the staff finding that the jurisdiction is making a good faith effort to comply with its resource reduction element and is not issuing a compliance order.

BOARD MEMBER MOULTON-PATTERSON: Second.

CHAIRMAN EATON: All right. Mr. Pennington moves and Ms. Moulton-Patterson second that we adopt Resolution 1999-461 as revised.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Thank you. All right. Mr. Schiavo.

MR. SCHIAVO: Okay. Agenda Items Number 55 through 57 are new generation studies for new base years, and staff is requesting that the Board not approve the base year changes as requested and accept staff findings that the jurisdictions are making progress in implementing their source reduction recycling element diversion requirements but cannot determine that they're meeting the diversion requirements due to incalculable or inaccurate data and that the attached compliance orders be issued. The cities in question are San Dimas, San Gabriel and La Verne.

And that concludes my presentation.

CHAIRMAN EATON: All right. We have a series of speakers on Item Number 55, Mr. Ken Duran, City of San Dimas, and Mr. J. Michael Huls of J. Michael Huls. Gentlemen.

MR. DURAN: Yes, Mr. Chairman and Members of the Board. My name is Ken Duran, the City Manager with the City of San Dimas. I sent you a letter respectfully requesting that the Board approve a proposal for a change in San Dimas's base year to 1995, and as the Board staff report indicates, the City has essentially implemented all of the programs identified in its SRRE, and therefore a finding of a good faith effort should be made and a compliance order not be issued.

San Dimas has been working for the past three years with Michael Huls and Board staff to correct the base year inaccuracies. In addition, we have retained the services of Dr. Eugene Seng, who is in the process of conducting a full fledged waste generation study.

I would like to ask Michael Huls to give you a little bit more information regarding our proposal.

MR. HULS: At the risk of sounding redundant, I'll try to make that good faith effort.

The programs that have been implemented within the City of San Dimas constitute everything that's identified in the SRRE with only two exceptions. One of

1 them was educational programs and the school curriculum.
2 A program was the item in question, and that alternative
3 will be removed by the city five-year revision of the SRRE
4 although we will continue working with the school
5 districts on a variety of different educational programs.
6 The City has studied the feasibility of
7 quantity rate-based structures instead of a weight-based
8 system. Because of certain issues with the existing
9 hauler I felt that maybe a volume rate-based system would
10 be a better approach. And so it is considering that at
11 the present time.
12 I think on the test of reasonableness on
13 these two programs, we show that the City has made a good
14 faith effort to comply by implementing the SRRE's
15 programs. In fact, there have been additional programs
16 implemented by the City that staff recognized, so there
17 have been additional contingencies to increase diversion.
18 At a minimum, the Board should find in
19 favor of the City that it has made all reasonable and
20 feasible efforts to implement its SRRE, regardless of
21 certain numerical discrepancies, because that's what
22 constitutes a good faith effort on implementation of the
23 SRRE.
24 With regards to the waste generation
25 analysis, Mr. Duran had indicated that we had been working

with the staff, and in fact in 1997, the City conducted a waste generation—based study which was conducted on the basis of the existing PRC Code and Board policy at the time. We understand that because of the amount of time that has now -- has occurred, that some aspects of the study might not be acceptable to the Board.

But we feel that while there is that standard of disagreement and while we can -- I think, if we're forced to go to a compliance order, if we can't agree with certain aspects that staff has now identified, we still feel that the Board should consider that we have made that effort to revise our numbers, and in fact, our revisions of the numbers indicated that the City documented demonstrating compliance with numeric targets as well.

So on that basis, we feel that the Board should select option one, adoption the proposed new base year as 1995, find that San Dimas is adequately implementing its SRRE and approve its biennial review.

We also want to make a couple of notes for the Board to review. One is that in the letter to the Chairman and to the other members of the Board, we noted that there is a lack of enforcement in the law present for the DRS system, and that is a very large hurdle, I'm sure, for other jurisdictions as well as in southern California.

1 The only recourse that we have for basically incessant
2 lying and misreporting (inaudible) found in the DRS is
3 civil action. And it’s very difficult to find a lot of
4 the folks because they’re not even reporting phone numbers
5 and addresses correctly. So we have a severe problem and
6 civil action is not going to do the trick. We need an
7 administrative tool.
8 The City, as well as all the other smaller
9 jurisdictions in southern California, especially in L.A.
10 County, need your support and assistance in helping
ii getting some type of revision of the DRS system because at
12 present the current system is really only useful for a
13 rural-type jurisdiction. It’s not really acceptable for
14 the complex, urban wastescape that we have within the Los
15 Angeles County area. So we would need your assistance for
16 to develop such a system.
17 Also, there’s -- I think we’re here in
18 front of you, requesting a good faith effort. We’re
19 obviously here in front of you because our numbers don’t
20 match the 25 percent, but it’s not because of the
21 inability of the City to do the program or the citizens or
22 businesses, but we have severe problems with the DRS, and
23 until those survey issues are resolved, I think we’re
24 probably going to be up here every single year addressing
25 these issues.

So with that I'll conclude. Thank you very much.

CHAIRMAN EATON: Mr. Schiavo?

MR. SCHMIDLE: I'm Chris Schmidle. I'm Supervisor for Southern California. First, I would like to agree that the SRRE, the PERIS system reports they do have a good mix of programs. However, staff has some significant problems with both the 1997 and the 1995 base years as the choice to do a numerical analysis. We're very glad to hear that they are doing a waste generation study, and we're hopeful this will solve the problem. Once again, if they can get this study done early, we'll be more than happy to try to bring them back early and get them off compliance as quickly as possible.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, I know in my briefing, and I've talked to people down there, they are in fact doing a good job at the program. I went a little bit crazy when I went into my briefing and saw that we assigned 25 tons of manure to each horse. That just seemed like an awful lot of manure, because that's about 139 pounds a day.

(Laughter)

BOARD MEMBER JONES: I'm not sure they

would eat that much hay or sleep on that much hay. I think we do need to fix the numbers.

CHAIRMAN EATON: What's the national average, Mr. Jones?

(Laughter)

BOARD MEMBER JONES: I think this is an experimental issue. We need to get down to the University of Davis and find out what's the number. But there's two different numbers. I mean, you look at this item, it's 50. You look at another number, it's 25. So they eat less in the other city.

(Laughter)

BOARD MEMBER PENNINGTON: I know just the guy at Davis for you.

(Laughter)

MR. SCHMIDLE: They were all Clydesdales.

BOARD MEMBER JONES: They've got to be.

(Laughter)

BOARD MEMBER JONES: But I think we do have to work on the disposal reporting system, and the fact that you're here, we need you here when we have the agenda item. This wasn't set up for rural counties. Part of the open process, part of the process of how this Board does business, a large contingency came forward, and a lot of them from southern California, minimizing the reporting

dates. So sometimes you get what you want and it -- I'm not saying you, but the region gets what it wants and it doesn't work. So when we have this item, I know it's expensive to come up here, but we need your input. We need to figure out how to fix it so you're not getting assigned the other waste, and you know right after that statement I'm going to make the compliance order.

Mr. Chairman, I'd like to move adoption of Resolution 1999-463, consideration of staff recommendation of change in base year to 1997 -- we're not accepting base year.

CHAIRMAN EATON: Item Number 56, that would be Resolution 1999-464.

BOARD MEMBER JONES: No. 463, San Dimas.

CHAIRMAN EATON: You're right. I'm one ahead of you.

BOARD MEMBER JONES: 463. Here's the resolution. I'm sorry. We have multiple choices here. I've got to go through this.

Mr. Chairman, I move adoption of Resolution 1999-463 reflecting that the Board does not approve the requested base year change, accepts the staff finding that the jurisdiction is making progress in implementing the SRRE program, but cannot determine that it is meeting the diversion requirement due to incalculable or inaccurate

data, and is issuing a proposed compliance order with the necessary numerical changes.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-463. Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Item Number 56 now. Mr. Huls, welcome back.

MR. HULS: I feel like a salmon swimming upstream.

For the City of San Gabriel, they respectfully disagree with staff’s recommendation with issuing a compliance order and obviously request that a compliance order not be approved and that alternatively, the Board find in favor of the City and vote approval of option one, approve the City of San Gabriel base year change and accept the biennial review findings. Alternatively, you could defer any action on this item for a period of 60 days or November 21st, 1999, so the City may submit corroborating evidence that adequately documents specific deductions in the disposal wastestream and enable the City to meet the 25 percent diversion rate.

In effect, the City was working with staff

and we just ran up against the deadline of submittal of the agenda item. Everything up to that point had been -- or basically was approvable by staff, and the City had a diversion rate document of at least 23 percent. The things that we're looking at right now in terms of deducting from the wastestream is that the City of San Gabriel has two adjacent communities that are unincorporated county, one is South San Gabriel, the community of South San Gabriel, which consists of about 6,000 homes, and also immediately to the east and adjacent to the City is a community of -- unincorporated community but also called San Gabriel. And both of those areas have mailing addresses at each postal location, San Gabriel. So we know that we have a tremendous amount of material being miscounted and in effect it's actually close to about 30 or 40 percent. We feel that within a very short time, we could keep working on this with the haulers, with the County, with the facility as well, to document an additional 2- to 5-percent reduction in disposal -- excuse me, a much greater reduction in disposal that when calculated in the diversion calculation would result in no less than 2 to 5 percent diversion for the City.

So we're asking that you do find in favor of the City and give us that additional maybe 30 to 60

days before you went with the compliance order because the program, the waste generation analysis is in essence approvable by staff, and they've agreed with 99 percent of all the items that are in there. It's just that we ran out of time, and we would like to maybe defer this item for at least 60 days or find in favor of the City. Thank you very much.

BOARD MEMBER JONES: Mr. Chairman, I spoke to the hauler out there. They are adding green waste, they do MRF it. When they get the base year generation done, it's going to fix it, but I think that's part of what the compliance order is about, is giving you the time to get that thing fixed.

With that, I'm going to move adoption of Resolution 1999-464 where we do not approve the requested base year change, we do accept staff's finding that the jurisdiction is making progress in implementing the SRRE program, but cannot determine that it is meeting the diversion requirements due to incalculable or inaccurate data and is issuing the compliance order with the necessary changes.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: All right. Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-464.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Item Number 57, last item in this particular category. Mr. Huls.

CHAIRMAN EATON: Thank you again for your patience.

The City of Duarte, located in the East San Gabriel Valley as well as some of the other cities, has some particular disagreements with staff's recommendation, and I'll make this very brief.

In the compliance order, the proposed staff recommendation for the compliance order, it is identified that the -- excuse me. I wasn't planning to speak at all on Item Number 57. Is that City of La Verne? My apologies. The City of La Verne is not objecting to this specific order.

CHAIRMAN EATON: We're at Item 57.

BOARD MEMBER JONES: Which is the City of La Verne.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I hate taking all of this.

BOARD MEMBER PENNINGTON: I'll move it.

(Laughter)

BOARD MEMBER PENNINGTON: We're being so consistent.

BOARD MEMBER JONES: We were.

BOARD MEMBER PENNINGTON: I'll move adoption of Resolution 1999-465 with the appropriate findings to indicate the Board does not approve the requested base year change, accepts the staff finding that the jurisdiction is making progress in implementing its source reduction recycling element programs, but cannot determine that it is meeting the diversion requirements due to incalculable or inaccurate data, and is issuing a compliance order relative to the biennial review findings.

BOARD MEMBER MOULTON-PATTERSON: Second.

CHAIRMAN EATON: All right. Mr. Pennington moves and Ms. Moulton-Patterson seconds that we adopt Resolution 1999-465.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered.

Next category, Item Number 58. I'm going to announce, too, that I believe at least with regard to the items that remain dealing with the compliance, we have 58, 59, 60, 61, I believe. Is that correct?

MR. SCHIAVO: Right.

CHAIRMAN EATON: How long do you believe that the update with regard to the quarterly reports on

that will - -

MR. SCHIAVO: Three to five minutes.

CHAIRMAN EATON And upon completion of Item Number 62, we will then break for lunch and then see what time we'll reconvene. So my understanding is I have no speaker slips for the following -- just one.

MR. SCHIAVO: Pat Schiavo. Agenda Item Number 58 is a base year correction, and staff is requesting that the Board not approve the base year correction and accept staff findings that the jurisdiction is making progress in implementing its source reduction recycling element programs, but cannot determine that they are meeting the diversion requirements due to incalculable or inaccurate data, and that the attached compliance order be issued. This is the City of Duarte.

That concludes my presentation.

CHAIRMAN EATON: Mr. Huls.

MR. HULS: Where was I?

CHAIRMAN EATON: Swimming upstream, the last time I checked.

(Laughter)

BOARD MEMBER JONES: Somewhere between San Dimas and --

MR. HULS: Making me think about these stories about I just flew in from Los Angeles and my arms

are just really tired.

The basic issue, I guess, that we have on Item Number 58, there is a staff recommendation that the L.A. Fix method used to calculate the reporting years has not been adequately documented and is not (inaudible) consistent with previous Board (inaudible) for accuracy. The City raised the question about since it did not generate the L.A. Fix numbers and was asked to sign information and submit that to the State, how can that now be rescinded by the state, the L.A. Fix? The diversion rate that was generated as a result of the L.A. Fix revision of the base year, which the City felt that it was comfortable with that number because in all of the years it works, except for 1995 when there was a very large solitary disposal event. In other words, there was a major renovation that occurred and supposedly it was to be recycled and they took it to the recycle site that unfortunately had a disposal permit rather than one that did not have a disposal permit. And obviously that’s something that we’re considering under Item 75 probably tomorrow.

We felt that that material should be discounted, at least taken into consideration because in the years after that, the City does exceed in 1996 and 1997, does exceed the 25 percent threshold, and as a

consequence we feel that a compliance order is not at all appropriate for the City and that, in fact, good faith effort should be at least at a minimum, and in fact, it should be easily document able with the L.A. Fix, which is a previously approved methodology, one that the City did not generate but rather the State generated. It should be easy to approve this item for good faith effort within an American standard.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: You said that the stuff was going to be recycled but it was taken to a facility that had a disposal permit.

MR. HULS: Out of the 50 gravel pits that are located within the state, we have --

BOARD MEMBER JONES: So you're saying that the dirt and rock that went into a gravel pit is counted as recycling.

MR. HULS: Actually, when you go to the gravel pits and talk with the operators, they record everything coming in as quote, unquote, disposal because they feel that's what they're supposed to do. In effect, most of the material actually leaves the site as ground material to be used in road construction and other types of construction products according to the operational

manager of the facility.
Some of the material is used in effect refilling the site to bring it up to the original specifications as ordered by the Department of the Interior, which is a federal agency, which gives them a permit to operate as a mining location. So in effect it is a beneficial use of material. In other words, it's offsetting having to import other types of items like dirt and rock from other areas, reducing the environmental impact by using the material. But in effect the operators have stated and have provided documentation to me that 80 percent of what they take in ultimately leaves the site as a recycled product.

BOARD MEMBER JONES: And they didn't give you that for this stuff?

MR. HULS: No. At this point they refuse to cooperate anymore as of -- basically two years ago, 1996-97. They decided not to cooperate anymore, that any requests for information were not going to be honored. And in effect, they have no scales. Anything that comes in, they automatically record because they think that's what they're supposed to do.

BOARD MEMBER JONES: One of the pieces of legislation that's at the Governor's desk treats inert material that goes into one of these facilities as

counting not as disposal or diversion, just so you know. Mr. Chairman.

CHAIRMAN EATON: Mr. Schiavo had a comment, Mr. Jones.

MR. SCHIAVO: If you're going to do a motion.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move Resolution 1999-466, that we do not approve -- that the Board does not approve the requested base year adjustment, accepts the staff finding that the jurisdiction is making progress in implementing the SRRE programs, but cannot determine that they are meeting the diversion requirements due to incalculable or inaccurate data, and is issuing a compliance order.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-466. Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Next item, I believe Number 59.

MR. SCHIAVO: Agenda Item Number 59 is Lassen Regional Solid Waste Management Authority which is not meeting the program implementation requirements for 1995 and is subsequently showing a decrease in 1996.

Although the Authority is meeting diversion goal, staff believe all reasonable and feasible efforts to implement programs have not been met, and staff recommends adoption of the compliance order.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I'll move adoption of Resolution 1999-467, consideration of staff recommendation on the biennial review findings for the source reduction and recycling element, and consideration of adoption of a compliance order relative to the biennial review findings for the Lassen Regional Solid Waste Management Authority.

BOARD MEMBER PENNINGTON: Second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-467. Without objection, substitute the previous roll call. Hearing no objection, so shall be the order. Next item, I believe Item Number 60.

MR. SCHIAVO: Agenda Item 60 is Azusa. Staff is requesting that the previously approved source reduction and recycling element be approved and approve the base year change requested and accept staff findings that the jurisdiction is making a good faith effort to comply with the source reduction and recycling implementation requirements.

And that concludes my presentation.

CHAIRMAN EATON: All right. Three speaker slips. I think Mr. All, the manager --

MR. SCHIAVO: I believe they don't want to.

BOARD MEMBER PENNINGTON: Mr. Chairman, I'll move adoption of Resolution 1999-468 with the appropriate findings to include that the Board approves the previously conditioned source reduction and recycling element, approves the requested base year change, accepts the staff finding that the jurisdiction is making a good faith effort to comply with the source reduction and recycling element requirements and is -- and we are not issuing a proposed compliance order.

CHAIRMAN EATON: All right. Should have got that one, Mr. Jones.

BOARD MEMBER JONES: I was thinking about the same thing, but that's all right.

(Laughter)

CHAIRMAN EATON: Thank you, Mr. Pennington. Mr. Pennington moves and Mr. Eaton seconds that we adopt Resolution 1999-468. Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered. Item Number 61. Mr. Schiavo.

MR. SCHIAVO: Agenda Item Number 61 is the

City of Vallejo, and this deals with a good faith effort attempt about 90 days ago, and we sent them a letter requesting that the City signs an implementation plan and work closely with our target implementation assistance group. As of the date of this agenda item, it had not been signed.

This morning, staff worked closely with City of Vallejo. It signed a plan in which the City of Vallejo actually recommended adding four additional programs that we weren't recommending, that they added. So we would like to recommend rescission of the compliance order based on the agreement being finalized this morning.

BOARD MEMBER JONES: So you're in a compliance schedule basically.

MR. SCHIAVO: The Board recommended that come back before the Board if the order is not signed. It wasn't signed at that point in time, and it's signed as of now.

CHAIRMAN EATON: Mr. Schneider, would you like to make any comments? Thank you. Mr. Schneider is Senior Planner for the City of Vallejo.

MR. SCHNEIDER: We obviously support staff's recommendation. However, I would like to talk about one other item. We are also reworking our numbers, but the numbers aren't really what's important. In the

long run, it’s the programs that we can implement, and that’s what I want to talk to you about this morning. One of our biggest problems, probably our largest employer in Vallejo are the schools. And as you know, the Governor has indicated that while he’s ready to make the state agencies comply with the recycling policy, schools should be exempt. We think that’s the wrong message to give to the schools. It’s going to interfere with our ability to get them to cooperate with us in our programs, and if there’s anything this Board can do to make the Governor change his mind, please do it.

In discussing this matter before the council, the mayor asked whether or not the City of Vallejo could at least adopt an ordinance requiring the school district to report to us how much material they’re hauling to the landfill. And our city attorney, I think, correctly advised the mayor that no, because the school districts and our colleges are state agencies, we cannot require them to do anything.

So my request is that if we can’t get the Governor to include the schools in the mandate to recycle and divert, can we at least get something through to require them to report so we can come back to you and tell you that our major employers are hauling this many tons of trash to the landfill and we can’t do a darn thing about

it.

That would conclude my comments. Thank you.

CHAIRMAN EATON: Thank you, Mr. Schneider. You're heard. Believe me, you're heard.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: I was going to say in some of our grant programs, we are trying to require that they show that they're trying to work in the diversion programs, and we certainly should withhold any money for playground mats or tracks or anything like that from the school system that certainly isn't cooperating.

CHAIRMAN EATON: I think that's an excellent idea. Would you like to --

BOARD MEMBER PENNINGTON: If you'd like me to move adoption of --

CHAIRMAN EATON: Mr. Schiavo, we would just be -- because you have now switched, based on this morning's agreement with the City, and that the current resolution is not pertinent or --

MR. SCHIAVO: Right.

CHAIRMAN EATON: -- to the issue at hand --

BOARD MEMBER PENNINGTON: So I can move the adoption of staff's recommendation to rescind the

compliance order; is that correct?

MR. SCHIAVO: Elliot, is that appropriate?

MR. BLOCK: To get clarification, we didn't actually issue a compliance order?

MR. SCHIAVO: No. We're just rescinding the proposed --

MR. BLOCK: One or two months, this came forward with the staff recommendation for finding a good faith effort, and the Board was not amenable to that at that time. So what you would be recommending is that based on what we have documented in terms of what they've done plus the agreement itself, you're recommending that the Board find a good faith effort.

MR. SCHIAVO: Right.

BOARD MEMBER PENNINGTON: I'll move adoption of staff's recommendation that we find that the City of Vallejo is in good faith effort and withdraw the proposal to issue a compliance order.

CHAIRMAN EATON: I'll second that motion. Okay.

Mr. Pennington moves and Mr. Eaton seconds that we adopt the resolution that would make a finding of Vallejo making a good faith effort and that the compliance order should not go forward.

Without objection, we'll substitute the

previous roll call. Hearing no objection, so shall be the order.

Mr. Schiavo, Item Number 62, I believe.

MR. SCHIAVO: Right. Before we start that, I want to thank publicly, thank staff for all the hard work and hours put into this as modified in a short period of time. Chris Schmidle of the Office of Local Assistance will be making this presentation.

MR. SCHMIDLE: Mr. Chairman, there are four cities currently on compliance orders. Part of their compliance order is that they report back to the city -- back to the Board, and this is basically just an information item to let you know how those jurisdictions are doing based on their last quarterly report which was for August 1st, 1999. It covers the period from April 1st, 1999 through June 30th, 1999.

The first city is Hawaiian Gardens. Their quarterly report was submitted a little bit late, in on September 16th. However, this is the first quarterly report due from the City. According to the report, the City of Hawaiian Gardens is currently performing a majority of the programs included in their performance plan and they are continuing to work diligently on implementing the remainder of the programs included in their performance plan.

One condition of the performance plan is that the City implement the programs selected in the City of Hawaiian Gardens's SRRE. The City has currently implemented all three of these programs and is working towards full implementation of all programs by January 1st, 2000 as required by the Local Assistance Plan.

The second city on compliance is the City of Hawthorne. According to their August 31st, 1999 quarterly report, the City has met all of the requirements listed in their performance plan with one exception. According to the performance plan, the City of Hawthorne was supposed to begin implementation of a bag and tag program for their multifamily recycling program by September 1st, 1999.

Since June, the City's hauler has been source separating recyclables at all multifamily units within the city. The hauler estimates that they are diverting 30 tons of recyclables per month. On August 31st, 1999, the City requested a two—week extension in implementing the bag and tag program due to financial considerations. Because the new implementation date was only for two weeks and prior to the Board meeting, Board legal staff determined that the extension was a reasonable request. Therefore, Board staff granted this extension request for the extension to September 15th, 1999.

On September 15th, the City of Hawthorne submitted in a letter to the Board stating that they have begun the educational portion of the bag and tag program for multifamily recycling which meets the minimum requirements for beginning the implementation of their program. The City expects to begin the actual collection portion by October 1st, 1999 and extend the program to all multifamily dwellings within the city by January of 2000. Currently, the program is being funded by the City and will be limited to the small portion of the City's multifamily units. In November, funding for the multifamily program will be addressed by the voters. If the funding issue fails, Board staff and the City of Hawthorne will need to work together to develop alternative programs or alternative financing opportunities for servicing the multifamily units. The third city is La Habra Heights. This city's first quarterly report is not due until November 1st, 1999. The City has been working with the Board's TS staff and is in the final stage of developing their assistance plan. The City is negotiating with its two haulers to implement residential green waste and commingled recyclable pickup. TN anticipates these programs will be operating by March 2000. The city anticipates that they will sign their Local Assistance

Plan by September 30th, 1999.
The last city is City of Coachella. All the annual reports have now been submitted, and staff has determined that the reports adequately document the City's implementation of the SRRE. The City is continuing to follow the compliance order by submitting two quarterly reports on time in implementing all provisions of the Local Assistance Plan.
In summary, all the jurisdictions state they are implementing programs as promised in their Local Assistance Plans, and staff believes that despite minor problems, all the jurisdictions are acting in good faith.

CHAIRMAN EATON: Thank you. I would like to just thank the staff for the updates.
I think for those of you who remained in the audience, either on items related to the compliance or whatever, we just heard a report wherein these cities also came before you and made some adjustments in their programs and in the way that they do business, and it became a partnership. I think the three reports thus far indicate that the partnership can work and it is not the black mark that some may think it is.
On the other hand, I think today we have done a lot of work in issuing a lot of compliance orders for those remaining jurisdictions, and next month we have

some more. I think on behalf of at least my colleagues, and I'll let them speak if they desire, but I would like to say thank you, also to all of you in the audience, for the way that you allowed us to move through very, very -- 60-some items at least related to these and could be very Contentious as well, but it does work.

The other thing I think that needs to be done is if the staff needs help, because you're going to have quite a few more jurisdictions to do the partnership and your resources will be taxed to the max, at the same time the cities and counties will be asking for more. And you have to raise your hand, both those who are under the compliance order and as well as staff. If you need help, we as a Board have to respond to that. And I think that's very, very important.

These are the ones I think that if we show it can be done, will provide a benefit to all of us who believe in it. And I think they all came today and believe in the law as well, and we ought to be prepared to do it. If we fail, then it should be on our shoulders.

With that, I want to say thank you, thank you, and thank you. And I guess you probably don't want to see us anymore, Mr. Schiavo. So I'll let you do Item Number 63, last one, and you don't have to. How is that? Is there any objection?

(Laughter)

Go ahead. Item 63, and we'll break for lunch. It's household hazardous waste biennial review findings.

MR. SCHIAVO: Oh, shoot. I don't know about that one.

CHAIRMAN EATON: You can come back after lunch, I just figured you didn't want to.

(Laughter)

MR. SCHIAVO: No, no. We don't want to.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 470 -

(Laughter)

BOARD MEMBER JONES: -- which is the consideration of staff recommendation for biennial review findings for household hazardous waste elements for the following jurisdictions: L.A. County -- Azusa, La Puente, La Verne, Montebello, Rolling Hills, Rolling Hills Estates, San Dimas; in Mono County -- Mono County unincorporated; San Bernardino County -- Apple Valley, Fontana, and Loma Linda.

BOARD MEMBER PENNINGTON: I'll second that.

CHAIRMAN EATON: All right. Mr. Jones

moves and Mr. Pennington second we adopt Resolution 1999-470.

Without objection, substitute the previous roll call. Hearing no objection, so shall be ordered.

We'll stand adjourned for lunch and how about 2:00 p.m. My understanding is that the presettlement conference for the tires is going to take place at 1:30. 2:00. That should be enough.

(Lunch recess taken)

CHAIRMAN EATON: Welcome back, everyone. Hopefully you had a long enough lunch hour. We're going to start in with, as I mentioned earlier this morning, Item 64 and 65. The two tire hearings which were scheduled at 1:30, presettlement conference, is still going on next door. So as that continues, we will go ahead and continue with our regular agenda. First on the agenda will be Item 66 under Special Waste and that will be consideration and approval of the 1999/2000 California Tire Recycling Fund Allocation. Welcome.

MR. FITZGERALD: Mr. Chairman, Board Members. Byron Fitzgerald, Special Waste Division. We're going to take the second half of the tire allocation. The first half was in Quincy last month, so this time we're going to be working with the market and development side

of the program.

As an overview, as you notice, the program is about $10.5 million. And we went through the $5.2 in Quincy for the clean up and enforcement, and today we're going to cover the operational expenses and staffing of OES, mandatory services, and the market development. My presentation will dwell strictly on the market development side. There are very few changes to the OES and mandatory services, but we can cover them if you so desire them.

When staff developed this item, what we've done is develop some options for the Board, ranges of recommended allocations for the different subjects you see here. I'll go through each one of them individually.

The total amount of funds available is the $2.7 million, and the options we've laid out are from $2.5 to $3.1. Can you see it all right on your monitors? Is it clear enough?

CHAIRMAN EATON: Yes. It just fits.

(Laughter)

BOARD MEMBER PENNINGTON: Mr. Chairman, where did you have lunch?

CHAIRMAN EATON: Took a while for you all to catch that one.

MR. FITZGERALD: The first item is the northern California RAC center, and the reason we're

1 interested in the northern California RAC center is
2 because the local agencies in northern California have
3 expressed an increased interest, and were very much
4 interested in moving the PAC program to a greater degree
5 into northern California.
6 Now, the services are being recommended are
7 the ones you see laid out there -- training tech
8 assistance, web site, and education, but the big thing
9 that this particular center is advocating is, if you will,
10 purchasing in scale, large scale of buying of the RAC
11 materials and encouraging the local governments around
12 Sacramento -- this is a Sacramento County proposal to
13 us -- to have the local communities around here buy into
14 the program to increase the size of the purchases. And
15 the more money the local communities buy, the lower the
16 cost will be to them. And the Sacramento proposal was for
17 $275,000.
18 The southern California RAC center, the
19 previous two years we've put out half a million dollars
20 each year to these centers. They provide the same
21 services that we talked about in the northern California
22 center. In their case what they do is primarily site
23 testing, go to a particular location, determine if it's a
24 good candidate for a RAC project. And if it is, then it
25 will provide a quality assurance and quality control for

the job as is done at the site. And it’s been very cost effective for those sites that they’ve done in quality assurance and quality control. For every dollar they’ve spent in those functions, they use three tires.

Now, along with the northern California development of rubberized asphalt concrete, or RAC, is the proposal to give a grant for a half million dollars to make blending equipment available in northern California. This would be a one-time grant and we would provide half the funds, and whoever would respond to our proposal would provide the other half of it. And staff is recommending this be available to a public, a private, or a public/private partnership in order to get maximum utilization of the equipment.

That’s what a RAC blender looks like. The center tank is a RAC blender. It is road transportable. I’ve never been behind one yet. It costs a considerable amount of money to move it and set it up, and for that reason, there’s been a lack of RAC availability or low-cost RAC in northern California.

Environmental services, this is sort of the tech services for our field work and initial work for research projects and we’re advocating $100,000, $150,000 this year. Last year we had $100,000 in there. This was the Dana Humphrey contract in previous years. This will

go out f or bid again this year. And the Humphrey contract is not extendable, so this will be a clean bid.

This is something we think is a little innovative. Green tire products. It’s part of the program we think should be set aside for state and local procurement. Instead of going out for bid on this one, this money would be made available for projects as they develop throughout the year, and it could be purchased for any type of recycled rubber products --- mats, tires, roofing, whatever comes up -- to promote and buy recycle. It would also have an information and educational module to it.

And the main idea is it would be very flexible in how an individual project is selected. The project would be brought before the Board individually, and the Board would decide to fund projects at that time. The example is the $200,000 we used last year for the Mather project.

Commercialization is the moving of a particular type of product from the laboratory or developed laboratory to the commercialization, or the expansion of existing commercial operation. Again, we could use flexibility in this as we go through the year, but primarily this would be an RFP-type operation. And last year, the end result of this was $400,000 we put into

this program. An example of a couple of years ago, we bought the grant for the press you see here to make the playground tiles.

One of the most promising areas in the waste tire business is its use of tires for lightweight fill. It’s a very inexpensive way to process the tires, and once it’s been processed, they can use millions of them as road fill. And we’re working with Caltrans right now, identified two projects, one for 150,000 tires up along Highway 101 in northern California. The second would potentially use a million tires in the San Francisco Bay area. We haven’t done this in California yet, so this would be a first-time shot. And this would be in conjunction with a clean up program. So the full amount you see would not be completely for the whole project. It would be for the portion of it to prepare the tire so it can be used as a lightweight fill.

The other program we’ve had for several years is the playground and track surfaces. We’ve done this in several locations around the state as either mats like you saw before in the press or a pour in place surface. In conjunction with this, we would also like to integrate a new information and education program, and last year we had over $1 million worth of requests come in for jurisdictions all over the state and we funded a

little over $500,000. This is an example of the playground before and after.

The last recommendation we have is in the area of a documentary video for public education, outreach-type thing for the general public.

That completes my presentation. Any questions?

CHAIRMAN EATON: Any questions of Mr. Fitzgerald?

BOARD MEMBER JONES: I have a few. On the northern California RAC center, is there going to be a commitment from other local governments? $320,000, or whatever the number was to do that, are we going to actively go after these jurisdictions to make sure it’s being used.

MR. FITZGERALD: The answer is yes. Sacramento County is going to pony up money also for this center. It’s their proposal anyway. We would only be providing a portion of the funding for it.

BOARD MEMBER JONES: The Dana Humphrey work that’s been done, first I know we had Terry Grand and then I know we had Dr. Humphrey. Are the things that he put in place -- we’ve had two different experts and we have gone huge strides in where we’re going. Is the next RFP going to build off of that? If we’ve got some provisions in

there to make sure we're not reteaching or trying to reinvent the wheel every time we put a bid out for a new expert.

MR. FITZGERALD: The answer is yes. We're going to build on what we've already spent. The two projects that are identified with Caltrans, one for 150,000 tires and one for a million, those were based on his designs and his assistance and he's been working with us, with Caltrans, on moving from the conceptual stage into the final construction. And by the way, we had a meeting with him last week and it's looking very promising for the Highway 101 project. It's definitely moving forward and it's beyond just a paperwork shuffle thing.

BOARD MEMBER JONES: His expertise in heat generation and lightweight fills, I'm assuming that work has been done as part of this design criteria for these projects.

MR. FITZGERALD: Yes.

BOARD MEMBER JONES: And then on the playground surfacing grants, we're allowing buffings and chrome?

MR. FITZGERALD: In the past we have, yes.

BOARD MEMBER JONES: That's not what I'm asking.

MR. FITZGERALD: Yes.

BOARD MEMBER JONES: On this one, too?

MR. FITZGERALD: Unless the Board wants to change it.

BOARD MEMBER JONES: It has come up before and we had a policy that they were both able to be used, and one time we did not include that specific language and a competitor wanted everybody else wiped out -- not wiped out, but not used.

MR. FITZGERALD: I remember the incident, and yes, we will make sure that both of them are in that.

BOARD MEMBER JONES: Just for the record.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: That’s the $200,000, that we are allocating for the RAC center?

MR. FITZGERALD: That’s correct, yes.

BOARD MEMBER PENNINGTON: How much of the $500,000 that we allocated last year is still available? Do you know?

MR. FITZGERALD: Yes, I do. The first year $500,000 is completely gone. The second year $500,000, it’s committed to jurisdictions. We have a schedule of jurisdictions that we’re going to provide the services to. I have a listing of where they’re located. So the $500,000 has commitments against it. It has not been

expended. Something like $35,000 has actually been spent, but the remainder of it is programmed right on through the year.

BOARD MEMBER PENNINGTON: And playground surfacing grants, they go to school systems as well as park industries?

MR. FITZGERALD: That's correct. One thing I missed in my presentation -- I meant to bring that up. AB 1055, it's $2 million coming to the Board, if the Governor signs it, coming to the Board for use of recycling materials in playgrounds. Again, this grant program will be to public playgrounds, park districts, things of that nature, and we will integrate that within this other program if and when the Governor signs it.

BOARD MEMBER PENNINGTON: $2 million, it's coming from the Department of Education.

MR. FITZGERALD: Department of Education yes.

BOARD MEMBER PENNINGTON: It wouldn't be earmarked just for education, school systems?

MR. FITZGERALD: I've been told it's for schools, not just public schools.

BOARD MEMBER PENNINGTON: Okay. But so we could almost virtually have 454 parks and city projects and that sort of thing.

MR. FITZGERALD: That's correct.

BOARD MEMBER PENNINGTON: If there's no other questions, I've got a motion.

CHAIRMAN EATON: Okay. I just have a couple of issues. Well, with regard to the technology commercialization, last Friday, Board Members Moulton-Patterson, Roberti, and myself were in Santa Monica as previously mentioned. They had this block of -- they looked like bricks, but they were from where sidewalks had been broken up, if I'm not mistaken, and instead of playground mats, they were sort of almost -- looked like bricks, and trees had uprooted sidewalks in particular local jurisdictions.

This particular jurisdiction had gone in there and used these recycled tire mats. Would that be something -- that would fall into which category, if a local jurisdiction wanted to?

MR. FITZGERALD: It could fall into two categories. it could fall into the green tire products. If we wanted to work with a local jurisdiction to replace sidewalks in a certain area, it could go into there or it could go to a manufacturer. If there's a manufacturer that's going to produce that type of material, we could work with them and then it would be on the commercialization side. It would depend on how we wanted

to attack it.

CHAIRMAN EATON: Okay. And this morning, one other final comment. As I noticed from reading some of the periodicals and literature, I believe it was North Carolina or one of the other states that had just given a grant of $1.2 million, although they have the tire manufacturer, I believe, in their state -- I think it may have been General -- that, at least for Senator's Roberti's purposes, used nothing but recycled tires in their fleets and development of that. I think if you look around at that kind of opportunity, they obviously have a way to manufacture, but these are the type of grants that you're looking at, someone in the state who might be able to utilize for tires some of the other technology; is that correct?

MR. FITZGERALD: That's correct.

CHAIRMAN EATON: I'm sorry. Mr. Pennington. Ms. Moulton-Patterson.

BOARD MEMBER PENNINGTON: Mr. Chairman, I would like to move adoption of the fiscal year 1999/2000 California Recycling Management Fund Allocation as follows --

CHAIRMAN EATON: Okay.

BOARD MEMBER PENNINGTON: -- Northern California RAC center, $320,000; Los Angeles RAC center,

$200,000; RAC equipment blender, $500,000; Environmental Services, $103,826; tire-related green building grants, $300,000; technology commercialization, $300,000; Caltrans lightweight fill projects, $400,000; playground surfacing grants, $450,000; educational outreach activities for $150,000; totaling $2,723,826.

CHAIRMAN EATON: I'll second that motion.

BOARD MEMBER PENNINGTON: I will add that I can spend money just like a Democrat.

(Laughter)

CHAIRMAN EATON: Welcome to our side.

(Laughter)

CHAIRMAN EATON: And you notice that I heeded your words of last year that the playground surface grants have continually gone down.

BOARD MEMBER PENNINGTON: Right.

CHAIRMAN EATON: And Mr. Fitzgerald, would you see that we have educational outreach activities, because the video that was up there, this is just a whole category Board Members want to discuss about what would be the best way to put that money into education-type programs, if I'm not mistaken.

MR. FITZGERALD: Yes, Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington moves and Mr. Eaton seconds that we adopt the tire fund market

development allocation as set forth by Mr. Pennington.

I think we need to have a roll call. Madam Secretary, would you please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

And if we could just also -- this is, as you mentioned earlier, the second half of the allocation that the LEO, the particular budget committees, appropriate committees of each of the legislative houses, as well as our own Secretary of Ca1EPA and the Governor’s office, can we see that this document in the proper form and in the proper process could be forwarded to them by the end of the week so that they have it and (inaudible) category.

And Members, I understand that we’re probably going to come back sometime in November with another look at next year’s allocation prior to the budget hearings that we begin, and that should put us, I believe, right on track with the LEA recommendation.

Thank you.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Before we leave this item, I want to offer words of encouragement to Sacramento County, who’s sitting out in the audience. t was their proposal that came forward. I think it makes a lot of sense to get into northern California. I feel real good about the acceptance of a blender idea. One of the issues was subsidizing RAC projects or buying equipment, and I think you’ve made the right choice to buy the equipment as a one-time expenditure as opposed to trying to rely every year on subsidies. And I wish you nothing but the best of luck. I hope you are successful because we need to keep moving this thing forward.

CHAIRMAN EATON: Mr. Pennington, I should correct myself. The way the budget item just played is more like a Green Party, I believe, expenditure of funds.

(Laughter)

CHAIRMAN EATON: So perhaps you may want to reconsider the statement. All right.

BOARD MEMBER PENNINGTON: You guys are always trying to blame it on somebody else.

(Laughter)

CHAIRMAN EATON: That’s our nature.

Item Number 67, consideration and approval of recycling market development revolving loan program for Timbron International.

MS. TRGOVCICH: Good morning, Chairman Eaton and Members, or good afternoon. I'm Caren Trgovcich, Deputy Director for the Waste Prevention and Market Development Division. This afternoon you have before you another loan for the recycling market development low interest loan program. Just by brief introduction, I'd like to point out that we have funded to date 74 loans totaling $34.6 million in this program, and I just like to continue to point out what I think is a significant accomplishment o1 the part of our loan staff as we continue to come before you every month. Today's loan is a very exciting loan, I think, for this program. It represents, I believe, breakthrough technology for building products. Jim La Tanner will present that loan.

MR. LA TANNER: Good afternoon, Chairman Eaton and Board Members. My name is Jim La Tanner. I'm the Supervisor of the RMDZ loan program. Today, Agenda Item 67 presents for your consideration and approval a loan for Timbron International, Inc. in the amount of $1 million. The company takes polystyrene and manufactures wood-simulated products which we show you, basically wood

trim around doors and so forth.
The Loan Committee did meet on September 9th and approved the loan as presented without any special considerations or added conditions to it.
The Permitting and Enforcement Division has reviewed the project itself and determined that it's not a solid waste facility. Thus, no solid waste permit is issued. We did indeed check with the Local Enforcement Agency which stated that no additional permits are needed as a result of this project because the company is currently in business.
As a result of this loan, it would be an additional diversion of polystyrene from the local landfills of 3,900 tons per year, so the company total next year would divert 7,800 tons per year.
Staff recommends that the Board approve the loan containing Resolution Number 1999-487 to Timbron International, Inc. in the amount of $1 million.
That concludes my presentation.

CHAIRMAN EATON: Any questions?

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: During my briefing, they brought samples of this material and it's very impressive material. I was just really taken by its

quality and certainly -- at least the samples. It looks like wood, feels like wood, sounds like wood. Anybody that can get rid of Styrofoam and turn it into a product like that I think we should support.

I would like to move adoption of Resolution 1999-487 to approve the recycling market and development revolving loan in the amount of $1 million to Timbron International, Inc.

BOARD MEMBER MOULTON-PATTERSON: Second.

CHAIRMAN EATON: Mr. Pennington moves and Ms. Moulton-Patterson seconds that we adopt Resolution 1999-487.

Since we're allocating dollars, I think we can do -- Madam Secretary, please call the role roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

Okay. Now, Item Number 68, consideration of the proposed 1999 Waste Reduction Awards Program (WRAP) "WRAP-of-the-Year" winners.

1 BOARD MEMBER PENNINGTON: Mr. Chairman.

2 CHAIRMAN EATON: Mr. Pennington.

3 BOARD MEMBER PENNINGTON: I'm the one that

4 asked to have this taken off the consent calendar. I did

S that because there was some information that I had not

6 received yet. I've received that information and I would

7 move to adopt the resolution as proposed by the staff.

8 CHAIRMAN EATON: Great. Any objection?

9 Second? I'll second that.

10 So Mr. Pennington moves and Mr. Eaton

11 seconds that we adopt Resolution 1999-395.

12 Without objection, we'll substitute the

13 previous roll call. Hearing no objection, so shall be

14 ordered.

15 Item Number 69, which was the Safety-Kleene

16 appeal which was mentioned earlier, has been postponed by

17 agreement of the parties.

18 We'll move into Item Number 70, which

19 is captive insurers, that will be heard tomorrow morning

20 as individuals were trying to get here, and we've been

21 informed that they wanted to have an opportunity, as well

22 as the Senator, if he's able to make it, would also like

23 to participate in this since he was here early on in

24 discussions as well.

25 We'll move to Item Number 71, consideration

of the issuance of a new major waste tire facility permit for Pete's Road Service, Inc. in Riverside County. Is our Permits Division here?

MS. NAUMAN: Staff is not here because I thought --

CHAIRMAN EATON: I sure wouldn't want you betting my horses.

MS. NAUMAN: I think staff was under the impression that those would all be heard tomorrow. If you could give us a moment, we could get them over here or we could go to ADC, whatever is your pleasure.

CHAIRMAN EATON: In which case would it be helpful -- legal counsel has asked that we go into closed session regarding the items that were scheduled for 1:30. At this time we could go into closed session.

MS. TOBIAS: And if you give me a minute to clear the room. So if you would like to take a break for maybe just a couple minutes and then do closed session.

CHAIRMAN EATON: And then we can come back. Will that be enough time?

BOARD MEMBER PENNINGTON: Was this noticed for tomorrow?

MS. TOBIAS: Noticed for tomorrow item, I think that's just the first one.

BOARD MEMBER JONES: So we can hear this.

CHAIRMAN EATON: We can do that. What we'll do is take a short break, clear the room where the parties are, and go into closed session regarding Items 64 and 65 which were scheduled for 1:30 and we'll hopefully go into Item 71.

Thank you.

(Brief recess taken)

CHAIRMAN EATON: Mr. Jones will be right here, but I know some of you have made a request what the rest of the day will look like. I think it appears the layout to be -- the schedule, Items 64 and 65, the public hearing in which the closed session just took place, will not be part of today's action.

Items 71, 72, possibly 73, will be -- those are the permits. Upon completing the permits, which are three, we will then go into the ADC item and that will be the only item that we will hear today. So that means that tomorrow we will go back and hear Item A under continued business, which would be the Lionudakis item, the rigid plastic packaging container issue, and then captive insurer, the 2136 regs, and proposed C&D as well as the newspaper for tomorrow. Did everyone kind of get that or was it not clear?

In other words, we finish the permits up

today and go right into the ADC item, which was scheduled, and the only issue will be whether or not one of the permits will be ripe. And I think I will have that in a second. We will just hear Item 71 and 72. Those permits, the permits will have to be tomorrow. Apparently the applicant is not here and there are some issues. Without --

BOARD MEMBER PENNINGTON: Excuse me.

CHAIRMAN EATON: I'm sorry. Mr. Pennington.

BOARD MEMBER PENNINGTON: Tell me again, tomorrow. We've got RPPC --

CHAIRMAN EATON: I will go through. We've got -- continued business items would be the Lionudakis wood and green recycling compost facility item, the 1997 rigid plastic packaging container item, and then we would have consideration of captive insurer, the consideration of standardized composting permit for Engel and Gray, consideration and adoption of the AB 2136 regs, the construction and demolition regs, and then the hearing, public hearing and consideration of the newsprint. So that would be four -- I believe six items, if I'm not mistaken, for tomorrow.

BOARD MEMBER PENNINGTON: Okay. Fine. Thank you.

CHAIRMAN EATON: And if my understanding -- if the Board wanted to hear 2136 today, if there are any outstanding comments that were received during that period of time, we could dispense with that quickly if that was something the Board wanted and allow more time tomorrow for RPPC, perhaps newspaper, perhaps captive insurer, and that kind of thing. That would really be -- we can knock through the two, 71 and 72 --

BOARD MEMBER PENNINGTON: That’s fine.

CHAIRMAN EATON: -- and then go directly into ADC and wrap up the day, and that should be enough for everyone to grapple with. So without any further delay.

MR. FITZGERALD: Item 71, Pete’s Road Service. Pete is a major waste tire facility in Corona, California. He’s a used tire dealer primarily and he has a fairly small lot. He has about 40,000 tires on his lot. He voluntarily said, “I will go forward and get a waste tire facility permit,” because he didn’t have sufficient room on the lot to store them in the way that we’re going to expect a used tire dealer to store his tires. So he has voluntarily gone forward with this permit and he’s met all of the requirements.

CHAIRMAN EATON: All right. Any questions of Mr. Fitzgerald?

BOARD MEMBER PENNINGTON: Mr. Chairman, I'll move adoption of Resolution 1999-476 to approve the issuance of a major waste tire facility permit for Pete's Road Service.

BOARD MEMBER JONES: I'll second.

CHAIRMAN EATON: Mr. Pennington moves and Mr. Jones seconds that we adopt Resolution 1999-476. Madam Secretary, would you please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

Item Number 72, which is consideration of a revised solid waste facility permit for the Chicago Grade landfill.

MS. KIGER: Good afternoon, Chairman Eaton and Board Members. I'm Jennifer Kiger with the Permitting and Inspections Branch.

Item 72 regards consideration of a revised solid waste facility permit for the Chicago Grade Landfill

in San Luis Obispo County. The proposed permit is for the revision of the January 1996 Chicago Grade Landfill. This site has been used as a solid waste facility continuously since 1970 and is currently owned by Chicago Grade Landfill and Recycling and operated by Chicago Grade Landfill, Incorporated.

The proposed permit identifies a change in the accepted waste types at the facility by removing the prohibition on waste tires. This revision will allow the acceptance of waste tires into the landfill for the purpose of shredding for use as alternative daily cover and other beneficial uses.

The proposed permit also reflects the recent change in ownership June 1st, 1999 and a recent report of facility information amendment allowing the use of green waste and construction demolition debris as ADC.

Staff reviewed the proposed permit and supporting documentation and found that it meets all requirements on page 4 and 5 of this item and is acceptable for consideration by the Board. At the time the agenda item was prepared, consistency with the state minimum standards had not been determined. Board staff since then have inspected the site on September 8th, 1999 and found the facility's operations comply with state minimum standards.

In conclusion, staff recommend that the Board adopt Resolution Number 1999-478, concurring in the issuance of Solid Waste Facility Permit Number 40-AA-0008. This concludes staff's presentation.

CHAIRMAN EATON: Okay. Any questions of staff?

Mr. Cupps, I have a speaker slip. Do you wish to be heard?

MR. CUPPS: Just here to answer questions.

CHAIRMAN EATON: Thank you very much.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to do a positive one. I did all those compliance ones this morning.

I would like to move adoption of Resolution 1999-478, consideration of a revised •Solid Waste Facility Permit for the Chicago Grade Landfill, and I am assuming that because you made all the findings, we don't need the alternative language; right? Right. Okay.

BOARD MEMBER PENNINGTON: I'll second.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-478 with the appropriate findings to indicate that the Board finds the proposed permit to be consistent with the

California Environmental Quality Act, in conformance with the intent of the California Integrated Waste Management Plan, meeting all local and state minimum standards, and therefore concurs in the proposed permit.

Madam Secretary, please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

Okay. That takes care of the permits for today. We are going to do the 2136, as long as there is no outstanding comments, to my understanding. Is that correct? Okay. Ms. Nauman, if we can go, people have been waiting all day for the alternative daily cover discussion, not just for this, I’m sure.

MR. WALKER: Good afternoon, Chairman Eaton and Members of the Board. Scott Walker, Permitting and Enforcement Division.

The Board approved a 15-day comment period for proposed regulations to implement the solid waste disposal and codisposal site cleanup program. We use the

acronym AB 2136 program quite frequently on that. The comment period concluded this past Friday. No comments were received.

In addition, the Board -- or staff submitted an initial study and proposed negative declaration with State Clearing House Number 98032027 that was submitted in March of 1998. The initial study determined that the proposed regulations have no significant impact on the environment. No public comments were received on the proposed negative declaration.

The proposed rulemaking package must be adopted by the Board and submitted to the Office of Administrative Law no later than October 8th, 1999 to comply with Administrative Procedures Act requirements.

In conclusion, staff recommend adoption of Resolution 1999-484, approving the proposed negative declaration, State Clearing House Number 98032027; and adoption of Resolution 1999-486, approving the proposed regulations to implement the AB 2136 program.

That concludes staff’s presentation.

CHAIRMAN EATON: Resolution 1999-484; correct?

MR. WALKER: Correct.

CHAIRMAN EATON: Okay. Two resolutions, Members, on this item.

BOARD MEMBER PENNINGTON: Mr. Chairman.

CHAIRMAN EATON: Mr. Pennington.

BOARD MEMBER PENNINGTON: I'll move adoption of Resolution 1999-484, approving the negative declaration for the proposed regulations for the solid waste disposal and codisposal cleanup program.

BOARD MEMBER JONES: Second.

CHAIRMAN EATON: Mr. Pennington moves and Mr. Jones seconds that we adopt Resolution 1999-484. Madam Secretary, please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: I would like to move adoption of Resolution 1999-486, the adoption of proposed regulations for solid waste disposal codisposal site cleanup program.

BOARD MEMBER PENNINGTON: I'll second it.

CHAIRMAN EATON: Mr. Jones moves and Mr. Pennington seconds that we adopt Resolution 1999-486. Madam Secretary, please call the roll.

BOARD SECRETARY: Board Members Jones.

BOARD MEMBER JONES: Aye.

BOARD SECRETARY: Moulton-Patterson.

BOARD MEMBER MOULTON-PATTERSON: Aye.

BOARD SECRETARY: Pennington.

BOARD MEMBER PENNINGTON: Aye.

BOARD SECRETARY: Chairman Eaton.

CHAIRMAN EATON: Aye.

Okay. Ladies and gentlemen, that completes my understanding of consideration items, at least as it relates to Board votes.

We will now go back to the beginning of the agenda, Item B, the last item of the day for the Board until tomorrow, and that will be a discussion, according to CRRC, of the long-term storage and potential waste derived materials as alternative daily cover.

I think before we begin if any of the Members would like to make comments, they should feel free to. I would like to say as a bit of history that this issue of alternative daily cover has arisen in the Board context in many arenas. Therefore, such as the inability or ability of markets to prosper, potential overuse or

abuse issues that are on the horizon as we approach diversion. As a result, the Board has undertaken, at Mr. Jones's request, an opportunity which may or may not end today regarding alternative daily cover and how best this Board can deal with an issue and separate fact from fiction, and also perhaps actually improve upon what's already been an item that has created a lot of concern by some and a lot of advantage for others.

With that, I will ask if any of my fellow colleagues have anything they want to add at the beginning before we open it up. We have a number of speaker slips here. Mr. Pennington? Mr. Jones?

BOARD MEMBER PENNINGTON: No, Mr. Chairman. Thank you.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, my reason for asking this to come forward was real simple. think everybody at this Board knows I'm a believer in the use of ADC and we have periodically over the last three years gotten reports of abuse. Every time it seems like we go out and speak to different groups, it's an issue. We felt like it was time, or I felt like it was time, that we heard the item, and then more coincidentally, we have another issue dealing with the storage of lots and lots of

material that is part of another permit that creates some health and safety issues for me, for everybody, I think, that we really need to talk about and understand what is reasonable and what isn't reasonable.

That is why I asked for this item, and I think it's important we have the discussion and hear everybody's views.

CHAIRMAN EATON: All right. With that, Mr. Brian Mathews, Alameda County Waste Management Authority, California Organics Recycling and Composting.

Mr. Mathews, before we begin, I think staff has comments as well.

MR. WALKER: Good afternoon, Chairman Eaton and Members of the Board. Scott Walker, Permitting and Enforcement Division.

I wanted to just bring a few comments of overview here to get started. First thing, this is a discussion item, and it's to seek public discussion and then further direction and guidance from the Board.

In general, alternative daily cover -- and this is another one with an acronym, ADC, we'll keep hearing frequently the ADC term which comes up -- is defined in Title 27 of the California Code of Regulation as alternative materials and thicknesses other than at

1 least six inches of earthen material placed over the
2 working face of a solid waste landfill at the end of each
3 operating day to control vectors, fires, odors, blowing
4 litter and scavenging without presenting a threat to human
5 health and the environment.
6 Approximately one half of all municipal
7 solid waste landfills are using alternative daily covers.
8 Most common is the geosynthetic blanket or tarp product.
9 But waste-derived materials, which is the primary issue
10 today, are also used quite frequently, and they include
11 processed green material, biosolids, ash, treated auto
12 shredder residue, construction and demolition debris,
13 compost, dredge spoils, and shredded tires.
14 There’s a number of benefits to landfill
15 operators from the use of ADC including saving landfill
16 capacity, reducing operations costs, also providing an
17 environmentally beneficial alternative to the impacts of
18 soil cover use. It’s a potential market for recycled
19 materials and also provides landfills the ability to
20 discount tip fees for waste-derived materials. Used as
21 ADC, that would not count towards disposal tonnage limits.
22 But on the other hand, of which we’ll hear
23 concerns expressed by the composting and recycling
24 facility operators primarily, with potential negative
25 impacts of waste-derived ADC on feed stock supply and

1 competition with discounted tipping fees. Again, AIDC used
2 as waste diversion has been subject to significant debate
3 and controversy since the development of Board policy in
4 1990.
5 Without getting into that, it would be
6 beyond the scope here, in 1996, AB 1647 clarified the
7 legislative intent that the use of waste-derived
8 alternative daily cover and other beneficial uses of waste
9 at landfills constitutes diversion through recycling. The
10 bill added Section 41781.3 to the Public Resources Code
11 which required the Board to adopt regulations for the use
12 of ADC, considering one, those conditions established in
13 past policies on ADC; two, those conditions necessary to
14 provide for the continued economic development, economic
15 viability, and employment opportunities provided by the
16 composting industry in the state; and three, those
17 performance standards on limitations on maximum functional
18 thickness necessary to ensure protection of public health
19 and safety and the environment.
20 The regulations, these regulations were
21 adopted by the Board and became effective in late 1997 and
22 early 1998, and guidance was provided by Solid Waste Local
23 Enforcement Agency Advisory Number 48.
24 Brief comment on long-term storage --
25 long-term storage of ADC or alternative daily cover

generally refers to one or more commingled waste-derived ADC materials that are accumulated and stored in large quantities beyond what would normally be used on a short-term basis. The long-term storage area would generally be managed similar to a landfill unit with potential mining and reuse of the waste-derived materials for use as ADC in the future, perhaps decades in the future.

There is a proposed project which may -- is being pursued and may be brought before the Board for consideration in the near future which incorporates this operational practice which is proposed as a waste diversion activity.

There’s a number of questions about long-term storage of ADC. For one thing, it was not considered as part of the adoption of the alternative daily cover regulations. The practice has not been tested to evaluate that it would be protective of the public health and safety and the environment.

There’s a number of other questions because the use of ADC as diversion, does this mean that as waste-derived materials cross the landfill entrance and are directed to the long-term storage area, would they count as disposal and be subject to the applicable disposal fees and permitted disposal limits? Would the

material mined later and then be considered diversion at that time? If so, is it possible to count the diversion and credit it back to the jurisdiction of origin? If it was not used in the future, it is possible to revoke the credit and collect the disposal fees retroactively? Could this new practice jeopardize the economic viability of composting and other recycling facilities?

Regarding potential overuse of ADC, a couple of brief comments. The applicable regulations and the Board’s current program provide the framework of the current checks and balances on monitoring control of potential overuse of ADC. The regulations enforced by the Solid Waste Local Enforcement Agencies placed numerical thickness limits on ADC types including green waste, and also a performance standard that no more ADC be used than necessary to function as suitable cover.

The Board’s Permitting and Enforcement Division provides technical assistance on alternative daily cover. We track a minimum standard compliance and enforcement, and we also conduct inspections at solid waste landfills to evaluate the performance of solid waste local enforcement agencies.

The other entity which is heavily involved at the Board is the Diversion Planning and Local Assistance Division, based on their oversight of the

disposal reporting requirements and their biennial review process.

In addition, the Board's Administration and Finance Division oversees a contract with the State Board of Equalization for collection of solid waste disposal fees. Should fee payment not meet legal requirements, the BOE, or Board of Equalization, would be notified and requested to proceed with an audit and/or enforcement process to collect those fees in accordance with that contract.

On a statewide basis, the reported waste-derived ADC use has been below maximum amounts projected during the alternative daily cover rulemaking, and that was 2 million tons of green material equivalent, but it has been increasing. In 1998, the total reported alternative daily cover use was approximately 1.7 million tons including approximately 1.1 million tons of green material. 1997, the total was approximately 1.3 million tons total with 625,000 tons as green material -- increasing, but still below the maximum amounts projected.

Board staff are currently evaluating specific facilities for potential overuse as requested with the combination of the Administration and Finance Division and Diversion Planning and Local Assistance. We found several factors which we would like to report.

1 One is many facilities are reporting as
2 alternative daily cover other beneficial uses of waste
3 materials at landfills. In particular, the use of mulch
4 on intermediate cover slopes for erosion control purposes
5 and also the use of construction and demolition debris for
6 wet weather tipping pads and roads. This results in the
7 appearance of overuse when the actual use is probably
8 acceptable.
9 Number two, there is some short-term
10 storage of accumulated alternative daily cover that may
11 extend over more than one quarterly reporting period, and
12 this also results in the appearance of overuse.
13 Three, it has been suggested by some
14 stakeholders that a limit, a percent limit, of ADC tonnage
15 as compared to disposal tonnage, be used as a criteria for
16 the maximum functional amount of ADC at which above that
17 there would be overuse. That number has ranged from about
18 approximately 9 to 12 percent of the disposal tonnage.
19 One of the problems with using that, a
20 strict number like that, is that there are site-specific
21 factors which reflect the amount of cover which would
22 normally be used at a facility. For example, small
23 landfills tend to have a lower waste-to-cover soil
24 equivalent volume ratio which would result in more
25 material used to provide suitable cover. So we found that

there are site-specific factors that need to be taken into account within the analysis.

We've also evaluated minimum standards violations issued by LEAs and we've had -- we've not confirmed that any have been solely due to overuse or violation of maximum thickness of ADC. There was about ten facilities that have been issued violations for alternative daily cover, but primarily this is due to standard problems that we see with cover in general including providing sufficient or complete coverage over the disposal waste.

We've not concluded yet that -- or determined conclusively from the Board staff standpoint that a landfill facility has overused ADC. However, investigations are ongoing and all facilities have not been completely evaluated for alternative daily cover reporting in 1998.

Alternative daily cover reporting and data input for the first and second quarters of 1999 in the disposal reporting system is not yet completed.

That concludes staff presentation, and again, there's no action required here other than public discussion and further direction and guidance.

Thank you.

CHAIRMAN EATON: Thank you. Any questions

of staff before we begin the public testimony?
Okay. Mr. Mathews.
MR. MATHEWS: Good afternoon, Members of the Board, Chairman Eaton, Scott. I'm here today. My name is Brian Mathews from Alameda County Waste Management Authority representing local government and also as an executive member of the Organics Recycling Council. I would like to just thank you for taking up this discussion about ADC storage and ADC overuse. I think that it's an important issue. I think there's a lot of questions. Scott has brought up quite a few of them.
I think other members of the public will bring up other issues. My main point I guess I would like to make up here is that ADC use is starting to grow, particularly the use of green waste, in almost exponential growth, and we see this as a back-door diversion. If you'll look in a letter that we sent to the Chairman, green material ADC is the second highly most diverted material of our wastestream that's being recycled.
As a local government representative, we in Alameda County are trying to develop compost options for food waste and contaminated paper, and we found that we do not have the composting infrastructure available to do this because ADC is a much cheaper option. And so we're up against a wall as we're trying to increase the amount

1 of diversion by going to other materials, including food
2 waste and contaminated paper. We have a local referendum
3 to divert 75 percent of our wastestream by 2010, and we're
4 finding this is a wall that we can't get over often times
5 in our local jurisdictions because the cost of ADC, green
6 material ABC, is much cheaper.
7 So I think that as you look at this issue
8 and look at the economics about the Bustamante Bill, I
9 think this would be something you would consider. Another
10 member of our Council of CRRC, John Emerson of Redondo
11 Beach, has also testified that because of ABC's
12 inexpensive or the cheap disposal option or reuse option
13 of green waste, they have not been able to develop
14 composting infrastructure down in that area of the state.
15 It's not just northern California and the Bay area, but
16 also down in Redondo Beach. And I think that should be
17 something that staff should examine closely about how this
18 affects the composting infrastructure.
19 Finally, although the Resource Code or
20 Bustamante Bill, 1164, did not get into other industries,
21 I think that our earlier discussion today regarding RAC,
22 rubberized asphalt concrete, I think that we'll find that
23 also as we look at higher and better uses for tires and
24 other materials, C&D, that these cheap disposal options of
25 using this material as ABC, these new market development

programs will be difficult to implement because of the cost, and we'll find we're subsidizing these programs at a much greater rate versus just amending our current regulations saying these cannot count as diversion. Thank you.

CHAIRMAN EATON: Any questions of Mr. Mathews? Okay.

Next speaker is Ricardo Serrano from Solano County Environmental Management, I believe.

Is Mr. Serrano still here? Yes.

MR. SERRANO: Mr. Chair, Board Members. Ricardo Serrano with Solano County, the Local Enforcement Agency. My director sent a letter to you which doesn't appear to be listed in the list of correspondence this morning.

CHAIRMAN EATON: Sometimes, Mr. Serrano, just for your information, if we receive a letter and the Board itself has responded to that letter prior to the Board meeting, by the previous evening, that means put into the system, that is recorded. These are letters that arrived late. And so we may very well have received it, but it's not an ex parte.

MS. TOBIAS: I would also note that it is better, if you have something, that you refer to the letter. Because what they are doing is they're not saying

what they're considering for purposes of an administrative hearing. They're giving an ex parte report which is a totally different function.

MR. SERRANO: As a Local Enforcement Agency for Solano County, we want to encourage your thorough and prompt consideration of issues surrounding the long-term stockpiling of commingled materials for use as ADO. Since the concept of long-term storage of mixed ADO is untested and its impacts unknown, close scrutiny of the issues by the California Integrated Waste Management Board is imperative.

Our agency is in the process of revising a permit for B and J, which is proposing the long-term, up to ten years, storage of unspecified quantities of a mixture of wood chips, sewage sludge, designated construction and demolition waste, non-hazardous ash, compost cover, and non-hazardous contaminated soil. Since the landfill is in need of 3.7 million cubic yards of daily cover, very large stockpiles are conceivable.

This LEA has identified a number of questions regarding the new concept which fall in three broad categories.

Number one, management and regulation of large stockpiles; number two, unknown effects of commingling of various waste-derived materials; number

1 three, diversion of materials versus classifications as
2 waste.
3 Let me expand a little bit in this concept.
4 As far as the management in regulatory issues, what are
S going to be the state minimum standards that are going to
6 apply to large stockpiles of commingled materials? We
7 don’t know. Which standards are not going to apply?
8 Given the size and the time frame of the proposed storage,
9 is it considered a stockpile or a temporary landfill which
10 is going to be subject to additional design, monitoring
11 and inspection requirements? What type of controls for
12 gas management and leeching are going to be required?
13 What are going to be the limits in terms of
14 time and quantity that are going to be established by the
15 statute and regulations? What is the potential for fire
16 in mixed stock piles? What are the potential health and
17 safety effects when the stockpiles are going to be mined
18 for reuse after long-term storage?
19 What are going to be the appropriate
20 landfill areas for placement of these stockpiles? Should
21 the stockpiles be placed over lined waste cells and should
22 intermediate covers be required?
23 As far as the impacts from commingling of
24 these ADC materials, the existing California statutes and
25 regulations in guidance documents have clearly

1 characterized the performance of homogenous streams of
2 waste-derived materials over the active phase. However,
3 none of the Waste Board documents nor demonstration
4 projects have clearly outlined performance aspects of
5 mixed ADC materials in landfills.
6 Lastly, is the long-term storage of ADC
7 considered diversion or waste? At what point does the
8 diversion of waste for storage of ADC occur, as Scott
9 Walker explained. Is it going to be at the entrance to
10 the landfill, at the time of the placement for use as A]DC?
11 Who knows. Ten years from now?
12 Under existing regulations materials
13 accepted by landfills as ADC are normally considered as
14 diversion, not waste, and therefore are not subject to
15 tonnage limitations specified by existing permits, nor are
16 they subject to certain fees and reporting requirements.
17 How should materials stored for the long-term be tracked
18 to ensure that they are ultimately diverted? Can the LEA
19 tipping fees and state surcharges apply to stockpiled
20 materials entering the landfill?
21 As a responsible LEA, we are eager to
22 fulfill our role in cooperating with the Waste Board in
23 the uniform implementation of the state law. We are
24 committed to our mission for ensuring the safe and healthy
25 management of solid waste, and we thank you for helping us

in that mission through a full and prompt consideration of policy for the long-term storage of mixed ADC. Thanks.

CHAIRMAN EATON: Thank you, Mr. Serrano. Any questions of Mr. Serrano?

BOARD MEMBER JONES: I want to thank Mr. Serrano because I think you framed the issues perfectly. This is -- the original proposal that we saw was for 45 years of material. I don’t know -- there’s landfills that don’t last 45 years. So clearly the gas issues in what is that material commingled going to look like when we mine it out, and clearly there are parts of the state where when you’re dealing with inerts and organic materials and going to do a clean closure, that you’ve got to have air permits just to move any of that material.

MR. SERRANO: That’s correct.

BOARD MEMBER JONES: We don’t know what this is going to look like. We don’t know what it’s going to look like three years from now. So you framed the issue perfectly. You’re going to need to be part of an awful lot of ongoing dialogue, I think, because there has to be an appropriate level.

I think the other question is when is the diversion? When it’s used or when it crosses the gate?

1 We have always viewed it as when it crossed the gate when
2 we were dealing with manageable storage issues.
3 When you look at biosolids, which have a
4 lot of water and have to be dried to be used, diversion
5 credit is given for that 22 tons that dries, even though 4
6 tons is ultimately used as cover. That’s reasonable,
7 that’s part of the operating standard.
8 But when does it become beneficial use if
9 it’s stockpiled? Most green material takes two years to
10 dry at the outside. There are places that are keeping
11 material for a year, two years, get it dry, get it
12 chipped, get it ground, and put it on, but ten years and
13 what’s it going to look like, I think, is the heart of
14 this issue that is raised. Plus, it’s pretty easy
15 diversion and could conceivably be used to -- for
16 competitive -- to put people at competitive disadvantages,
17 not so much about ADC use, but going after a whole lot of
18 wastestream stockpiling for long periods of time under the
19 guise that you’re going to get diversion credit.
20 The policy issues are huge. So thanks for
21 framing your discussion.
22 MR. SERRANO: You’re very welcome.
23 CHAIRMAN EATON: Thank you, Mr. Serrano.
24 Michael Gross of the Zanker Road Landfill.
25 Is he still here? Mr. Gross.

MR. GROSS: I'm still here. Good afternoon.

In the staff analysis, the potential abuse of ADC, regarding the potential abuse of ADC, staff states that ADC usage is well below the maximum amounts projected. This may be true. However, the projected tonnage of 2 million green tons takes into consideration all landfills in the state who will be using ADC. Many facilities do not and will not use AIX because of ethical reasons and environmental reasons, also. Therefore, the maximum amounts projected may be far less than anticipated.

Some facilities may be reporting AIX tonnage as a beneficial use of waste. If this is true, their requirements for reporting should be changed. New requirements for depth of mulch on slopes and depth of construction materials will need to be established. If not, facilities may continue to abuse the system by calling their materials mulch or construction materials.

The major benefit to the operators in using ADC is not only the use of the material, but elimination of taxes and fees. The slide I'm showing you right here is 1997 and 1998 and the first two quarters of 1999. We have two facilities in Santa Clara County, the Kirby County Landfill and Newby Island Landfill. Currently

Newby Island Landfill is at 27.86 percent uses of ADC compared to disposed tons. Kirby Canyon is at 20.62 percent. So when we're talking 9 to 12 percent, this seems to be a little bit high.

More importantly is the tax and the fee ramifications of the ADC abuse. For 1998 and the first two quarters of 1999, when you take into consideration the City of San Jose business tax fees, AB 939 fees, planning fees, and AB 1220 fees, we're talking $6,676,000 in fee and tax savings to the landfill operators. This is not being used because it's going to help benefit the landfill. It's being used to save money, plain and simple, and that's what it comes down to.

I feel that it's really inappropriate for residents to separate their green waste to be placed at the curbside for collection with the impression it will be recycled into compost when, in fact, it's merely going to be ground, in some cases not even ground, and deposited into the landfill. Clearly this is not the highest and best end use of materials which should be the priority. Thank you.

CHAIRMAN EATON: Any questions for Mr. Gross? Okay.

Mr. Chuck Helget.

MR. HELGET: Thank you, Mr. Chairman,

Members of the Committee. Chuck Helget (inaudible) representing Allied Waste Industries. I'm not going to take up a bunch of your time today, just would again add our support to the letter that was submitted to the Board the coalition letter that you saw, I think, the end of last week.

Just one very quick issue that I want to bring to the Board's attention, and that's the issue of an industry standard or, quote, industry standard. I don't believe that anyone has ever established an industry standard for the use of ABC, and the 9 to 12 percent is certainly something that we would not acknowledge or recognize as an industry standard.

You have all visited landfills in your tenure on the Board and you've seen that there is a great deal of difference from one facility to another -- climate changes, local conditions change, local wastestreams are different. Each facility has a different requirement and to set an industry standard or statewide industry standard I think would be a mistake for the Board to do.

That's the only issue I'm going to highlight. If there's any questions.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, just

real quickly. I was briefed yesterday by the folks, by Chuck and some of the folks of that letter VFI, whatever they call that facility. I think it's important that one of the issues that was in my briefing came out in the testimony because Newby Island has operated as a 24-hour-a-day facility for a long time and then it went to a 16-hour facility, meaning it had to be covered every day. There is a difference in the amount of cover being used if you operate 24 hours a day as opposed to shutting down every day and putting cover on. It's going to have an impact on these numbers:

The issue of the abuse, things like that, I think that at any given facility, some days it may be a little too deep. But in talking with Scott and talking with others, I think statewide it's being managed, you know, in a reasonably appropriate manner.

But I think it's important that you bring out, as you brought out in my briefing, the use of this for side slopes, the use of it for growth, for vegetation issues, erosion control, and ADC that goes on every 16 hours now as opposed to the cycle that could be considered longer than that because that's going to impact the number.

MR. HELGET: Yes.

BOARD MEMBER JONES: And I bring that up

because if in your county you can only call that material ADC as opposed to a beneficial use that you would -- like when you use cement and concrete for road base or for winter pack construction, a lot of landfills call that diversion and they don't call it AIDC.

Are there issues with how the reporting mechanisms are in each county that look at those materials, commingle them, commingle all those different uses and put them under the term ADC, or do they break them out as beneficial use for certain structural things and ADC as a separate line?

MR. HELGET: In our case, obviously at the Newby Landfill, it has varied from year to year as we showed you in the materials that we've submitted. As we've perfected the reporting system there, we've identified more specifically the types of waste that are truly ADC and used for that type of operation at the facility or items that are used for mulch.

That facility is a very good example of a facility that uses a lot of mulch. We're right on an estuary. There are a lot of considerations that have to be taken for visibility of the site, and a lot of care is taken at the site. An incredible amount of composting is done at the facility as well. So it is definitely -- as I was saying, the site specific considerations of the

performance standards that the Board has already adopted I think take into consideration very well, a very effective tool to use as they inspect these facilities.

BOARD MEMBER JONES: One other quick question, Mr. Chairman.

CHAIRMAN EATON: Sure.

BOARD MEMBER JONES: The letter from the coalition dealt with ADC abuse and ADC use. Did it deal with ADC stockpiling?

MR. HELGET: No. We did not deal with that issue.

BOARD MEMBER JONES: Okay. I'm trying to get that on the record. Different issues.

MR. HELGET: As you raise that question, a reminder as well, Denise Delmatier could not be here. She left a message for me to ditto her on the letter add her support as well.

CHAIRMAN EATON: As I had mentioned, she had asked that we kick it over one time before, but everyone else had showed up today from out of town. And if she comes tomorrow, she will have time. I promise. All right.

MR. HELGET: Thank you again.

CHAIRMAN EATON: All right. Ms. Yvonne Hunter. As you see, I'm going in no specific order, as

they come.

MS. HUNTER: Seems like a fine order to me.

CHAIRMAN EATON: I'm not trying to do point-counterpoint here.

MS. HUNTER: And I have been asked by my colleagues from CSAC and SWANA, I have their proxy. I am speaking for the League, CSAC and SWANA.

Yvonne Hunter, League of California Cities.

And Mr. Jones, you must have read one of the items in my notes because I'm here to talk about the alleged ADC abuse. We have no position on long-term storage for ADC, and I think it's appropriate to separate out the two issues. They are very much different.

As the Chairman said, I think part of what we're talking about, and I think the staff report was quite good, how do we separate out fact from fiction. And I think there's been a fair amount of fiction previously, and it's great that the Board is having a hearing so we can try to sift through a lot of this.

From our perspective, it is appropriate to use ADC towards AB 939 credit. I forget who said it's deja vu all over again. From some of the comments from the previous speakers, we could have time warped back six months hearings and negotiations on the Bustamante Bill, hearings here at the Board on what functional equivalent

is. We've dealt with all of that. The legislature has spoken.

The Board's own regulations, you can use alternative daily cover and receive AB 939 credit up to the functional equivalent of dirt. And I think from what I've heard, the LEAs and the Board are appropriately evaluating sites on a case-by-case basis. If there is inappropriate use, then it ought to be dealt with appropriately. From what I hear, you're still in the process, but for the most part you haven't found any abuse.

It's rather curious that one of the landfills that previously had been cited as a terrible abuser I take great personal exception with. It was Yolo County, and I am the Vice Chair of the Yolo County Waste Advisory Committee, the former Chair, and I'm delighted that Yolo County is not called out anymore as a potential abuser. They sent a letter, but curiously I got minutes this weekend from the last Waste Advisory Committee meeting. These are minutes from the July 22nd meeting, and if indeed the compost industry is in such dire straits, then why in the world did we spend about a half an hour discussing the request of environmental reclaiming solutions to amend our non-disposal facility element so that they could increase their composting facility by --

let’s see, 10,000 to 100,000 cubic yards.
So this is an industry that is thriving, or this one company. They want to expand it at the landfill that supposedly, until the numbers were provided to those that are accusing Yolo of abusing the process, composting is alive and well. So I agree with the Chairman. Let’s separate out the fact from the fiction. I think this is a competitive issue, and if it’s appropriate for the Board to continue to monitor and ask LEAs to enforce, by all means, go ahead and do it.
I’ll be happy to answer any questions.

CHAIRMAN EATON: Thank you very, very much.
I’m going to butcher this name. Paul, and it looks like Desrochers. Being a Cubs fan, I ought to know this. It’s spelled differently.

MR. DESROCHERS: Thank you. You did a great job.
My name is Paul Desrochers. I’m with Thermoecotech. We have three biomass facilities in the state of California -- one at Delano just north of Bakersfield, Mendota just west of Fresno, and one at the Woodland facility or in Woodland. Our total usage of what we call urban wood waste, which has about a third component of green waste, last year it was over 600,000

1 tons of material that’s actually being diverted from the
2 landfills, going to what we consider a beneficial use into
3 the production of energy.
4 Our economics are dramatically changing as
5 of January of this year. Because of SB 1890, the
6 deregulation bill, we are going to be forced to sell our
7 energy on the open market for -- and competing against
8 natural gas. Natural gas is currently very plentiful
9 nationwide. It has some concerns about its ability on CO
10 production, but at the same time, everybody in the state
11 of California is asking for lower cost energy. That puts
12 our facilities at economic disadvantage because we feel
13 that our waste, we’re another waste disposal option for
14 both agricultural waste and urban wood waste.
15 With the fact that ADC now is being
16 incentivized, going into landfills at lower than their
17 normal tipping fees, it has impacted our feed stock supply
18 substantially. I’m still working on the numbers because
19 they’re very difficult to kind of come up with a
20 statistically sound number, but it looks like it’s going
21 to be in the neighborhood of about 25 percent. That
22 impacts us next year because that’s our lowest fuel cost,
23 and we -- our plans were to operate primarily on urban
24 wood fuels. And with it being taken, and we’re actually
25 competing against the landfill for that material, it puts

us at a further disadvantage in that we're having feed stock taken away from our potential low cost fuel supply. So it's going to force us to probably operate during the summer months, which is the higher price of energy because everybody is turning their air conditioners on, and probably not operate during the winter months.

That has a negative effect in two things. One our fixed costs per unit because we're operating less time; and the second, we're not providing the state the benefit of an alternative to disposal in inert landfills. That's all I had, and if had you any questions.

CHAIRMAN EATON: Where were your facilities? Woodland, Delano, and --

MR. DESROCHERS: Woodland, Delano, and Mendota just west of Fresno.

CHAIRMAN EATON: You say urban wood waste, but can you use agricultural prunings? Is that what you include as part of urban wood waste?

MR. DESROCHERS: We're actually not going to utilize agricultural fuel in the future or -- some of our plants are permitted. We have to burn a certain percentage, but agricultural fuels currently are too expensive under the deregulated -- you and I as ratepayers

paid for us to be able to utilize agricultural waste. After year 2000, or after January of 2000, the ratepayer is not willing to pay anymore. We've looked at cost shifting measures, but still currently the ag still has the option of piling it and burning it. So our competition basically is the matchbook. Our only low cost fuel supply currently, right now, is urban wood fuel and we do get a lot of byproducts from the ag community, not a lot but about five percent, peach pits, olive pits, some rice hulls, those type of -- some grape pumice. Those are relatively low cost, but again they only equal about five or six percent of our ag fuel. We are going to shift away from ag fuel after this year because we can't afford it.

BOARD MEMBER JONES: Mr. Desrochers.

MR. DESROCHERS: Yes, sir.

BOARD MEMBER JONES: You were at Biocycle Industries. Weren't you in the room when Mr. Eaton and I spoke?

MR. DESROCHERS: I was the first one.

BOARD MEMBER JONES: And we told everybody in the room that day that we would have this discussion, because ironically, among all the composters, it was split. There were some folks in there that wanted ADC because they said that it took away the more -- the

dirtier material that they didn't really want to see in their product, and there were others that absolutely insisted it should all go to compost. And you were there talking about energy.

Do you have any plans to look at the ethanol issues?

MR. DESROCHERS: There is -- first of all, ethanol technology in getting gas out of wood is not a proven technology. It is out of corn, but not wood. Whole different ball game.

So we're in the process of looking at the potential of co-siting, but we're probably five or six years away from that. We're within three months of viability right now, so five years is a long ways for the stockholders to lose money.

BOARD MEMBER JONES: Right. Understood.

CHAIRMAN EATON: One other thing. Have you been involved in any discussions in the Governor's office regarding the issue of the agricultural byproduct as a fuel stock?

MR. DESROCHERS: Yes.

CHAIRMAN EATON: Because I know that issue involves the open burning issue, and I thought there may be at least they way that would relieve some of the pressure that you're feeling right now, at least in

regard --

MR. DESROCHERS: Yes. In fact, we had a meeting with Ca1EPA yesterday, and Brian Hendrix, and we had a meeting -- and Chad Condit (phonetic) from the Governor's office was in our facility in Delano a month ago. And there are ongoing discussions and it's primarily around the use of ag waste, but that's still in the process. And like I say, we're almost 11th hour on our viability.

CHAIRMAN EATON: Thank you.

MR. DESROCHERS: Any questions?

CHAIRMAN EATON: No.

MR. DESROCHERS: Thank you.

CHAIRMAN EATON: Mr. Rick Best.

MR. BEST: I've got to figure out a way to put my leg that's sticking out a little bit here. The doctor says one more week, so I hope to be -- next time I'm here, I'm not going to have this heavy metal leg sticking out.

Mr. Chairman and Board Members, I appreciate the opportunity to speak here today on this issue and for you to bring this issue forward. I think as all of you know, we have been actively involved in this issue ever since the inception.

When this first came before the Board in

1993, and I won't go through the entire history, but our policy has been that we don't believe that there ultimately should be diversion credit, that this is ultimately going into the landfill and opposed legislation. That being said, we're not here to urge the Board to initiate a change in that policy. What we believe is what's necessary is a close look at that policy and how it's being implemented and making sure that there isn't abuse.

I think it's been suggested by a couple of speakers that this is purely a competitive issue. I certainly would grant there is a competitive nature to it, but I think there really is a policy issue with how this is impacting diversion rates, how it's impacting the development of recycling and composting, and I think that warrants further discussion by the Board.

Before I get into the ADC, I think a couple of folks have highlighted there is a separate ADC storage issue, and I think the representative from Solano County LEA has certainly raised, I think, some compelling issues. We haven't really gotten involved in looking at that issue once the permit that was in question was pulled. We haven't really had a chance to consider these issues, but I think there really is an appropriate role for the Board of looking at having a policy on what standards. If we're

1 going to be doing this and we're going to be doing it for
2 10, 15, 45 years, that there really ought to be standards
3 for doing it. So I think that's an important discussion
4 for the Board to have.
5 Back on the ADC abuse issue, we submitted a
6 letter to the Board back in November of last year. In
7 that, we raised -- we analyzed the numbers that had come
8 into the Board from 1995 to 1997, and we found at least
9 six landfills that we felt where there's potential
10 examples of excessive use of ADC. They ranged -- they
11 included both public landfills, private landfills, City of
12 Lompoc had been using 17 to 56 percent since 1995.
13 Fontana Disposal had been using over 15 percent. Newby
14 Island had been using over 15 percent, Redwood Landfill,
15 Sholo Canyon, Yolo County. There was a number of examples
16 where running our initial run of the numbers showed a
17 potential excessive use of ADC.
18 obviously there's certain issues that need
19 to be considered. It may not be on a specific quarter,
20 that there may be temporary storage issues and that kind
21 of thing, but we were looking specifically at a year's
22 worth of numbers and what was going on. And we felt that
23 based upon those numbers -- we're talking about numbers
24 that are much higher than the 7 to 12 percent industry
25 standard that had been discussed. So we believe that

1 really warrants a further in-depth investigation by the
2 Board.
3 I think someone suggested that what we're
4 asking for is that be the standard, that a percentage
5 amount be the standard. And we're not suggesting that.
6 That ought to be the threshold for the Board to take an
7 in-depth look, that you're not necessarily going to
8 investigate every single landfill that's using ADC, but
9 certainly one that's over the generally accepted
10 threshold. There ought to be a case-by-case analysis to
11 ensure the standards that the Board has put in place,
12 whether it's thickness requirements or something else,
13 that the standard is truly be considered.
14 I think the impact is -- it can be
15 significant and I think there's four areas that we see,
16 certainly the impact on AB 939 diversion rates. It's been
17 suggested that well, this is only less than 2 million
18 tons, but when you're talking about a wastestream that's
19 45, 50 million tons, that could be as much as 5 percent of
20 the wastestream. So that's definitely a significant
21 amount. And the fact is we're seeing, from 1997 to 1998
22 alone, a 73-percent increase in the amount of ABC. It's
23 going up. If you add two years from '98 to 2000, you can
24 be talking about some significant tonnages and a
25 significant impact on AB 939 diversion rates.

1 Certainly the impact on composting and
2 recycling operations, while I .understand my good friend,
3 Yvonne Hunter, you know, based on her example in Yolo
4 County, there may in fact be a composting operation that’s
5 looking to expand. I think the evidence has been -- you
6 take a look at L.A. There isn’t a composting facility in
7 the greater L.A. area. It’s having to be trucked
8 significant distances to places outside of L.A. So the
9 fact is I think there is an impact on the development of
10 composting operations.
11 Certainly the avoidance of fees is a huge,
12 huge issue in terms of the incentive for avoiding millions
13 of dollars’ worth of fees, and certainly the fact that as
14 this term is classified as ADC, it’s not calculated in
15 terms of the daily tonnage requirements for a landfill.
16 I think those four things are clearly
17 things that are cause for concern in terms of things that
18 can lead to abuse. And I think it’s important for the
19 Board to have a policy and process for evaluating that.
20 So what should the Board do? I think
21 there’s kind of four things that we would like to see the
22 Board do in doing this. And all these -- I forgot to
23 mention at the beginning we did submit in a letter to the
24 Secretary and I think (inaudible) folks, and if not, I’d
25 be happy to give you a copy at a later date.

1 Four things: Number one, I think,
2 improving ADC standards. We've been, I think,
3 disappointed in some of the standards that were
4 established, whether it has been thickness requirements
5 that have been set for some materials, there's other
6 materials like sludge where there hasn't been a thickness
7 requirement. But I think more importantly is a number of
8 landfills that are combining materials, and we're not
9 aware of any standards by the Board as to what the policy
10 is on that. And I think that's clearly something that
11 needs to be addressed.
12 Certainly the level of processing, you
13 know. I think when it was initially proposed there was
14 going to be ADC, it was stated this is -- there's a formal
15 process for processing this material and making sure it
16 meets performance standards, but we're hearing a lot of
17 examples where it's just run over with a tractor or
18 something like that. I think looking at making sure that
19 there are performance standards out there and those are
20 being followed by landfills is be appropriate.
21 And I think there needs to be a look at is
22 there a need perhaps changing how the monies -- excuse me,
23 how the numbers are brought in. Right now, as Mr. Jones
24 pointed out, ADC is the only column we need to be looking
25 at, what are the other materials that are going on, and

1 should there be perhaps standards or at least an
2 evaluation for those other uses. So things like ABC
3 storage or things like landscaping, that kind of thing, at
4 least there’s a way of tracking and know whether we’re
5 talking about reasonable quantities there. That’s number
6 one, is ABC standards.
7 I think the second is the Board needs a
8 process for ABC monitoring in terms of looking at the
9 numbers on a periodic basis and looking at whether or not
10 these -- looking at what the site-by-site specific
11 conditions are at the landfill.
12 The third issue is then actually having a
13 threshold for detailed analysis so that the Board can
14 actually take a look at a specific landfill. If it seems
15 there is an excessive use, the Board can actually take
16 that investigation. And finally, if the Board finds the
17 landfill is not in conformance with the standards that are
18 out there, the Board can make that determination and those
19 tonnages be considered disposal and pay the tipping fee.
20 I think those four points are really a
21 basic process that the Board can do. I don’t think
22 they’re really in conflict with what anyone else has said.
23 I think it’s a process the Board should do and
24 unfortunately hasn’t done ever since this policy went into
25 place. And I think that’s where we would like to see the

Board.

It's imperative the Board take action on this issue because I think that the potential impact, as we get closer and closer to the year 2000 and the tonnages increase, I think you're going to see a greater impact on the kind of things we want to see happen, recycling and composting.

So with that, appreciate the opportunity to comment.

CHAIRMAN EATON: Thank you. Any questions for Mr. Best?

Jim Sullivan.

MR. SULLIVAN: Mr. Chair, Members of the Board, I thank you for the opportunity to meet and speak with you this afternoon. My name is Jim Sullivan. I'm the operator of Woodland Composting in Colton, California. I'm also here representing the Association of Compost Producers.

As the other individuals have, I'm going to divide my -- this really is two issues. One is the abuse of ABC, and the other is the proposal of ABC for long-term storage.

We feel that the concept in using composted green waste materials as alternate daily cover in landfills has been shown to effectively be beneficial for

both the landfill and the organic green waste recycling facilities. That this program has been successful to date is reason to be certain that there is no further abuse or unwarranted use of these types of things. The fact that many of the people spoke today that there needs to be careful review and approaches to this is indicative of something is working, but it may not be working the best. And I think that you're aware of that.

The proposed change in policy, however, would open the gates to degration of the program and possible corruption of what has been achieved by the recycling industry and green waste diversion over the past 11 years, and that under this Board's direction and guidance as mandated by AB 939, we've come a long way. Our industry is young. it is thriving in most areas, but certainly more markets and more opportunities which this Board is making available to us need to be looked at and garnered as we move forward. If this proposal for the long-term storage were passed, the owners and operators of California's permitted green waste and organic recycling facilities would face loss of markets, both in feed stocks and in end markets, and this would be a misplaced purpose. Only now, after a very difficult decade of development and education, has the industry gained a level of expertise

and acceptance by most of the industry in waste management. This will end with what has been achieved and which has been a long and hard one.

My concern is that the reaction to this request could harm the beneficial effects that have been generated by utilizing green materials for AIX and that you look carefully at this in future proposals.

Thank you.

CHAIRMAN EATON: Thank you. Any questions of Mr. Sullivan?

BOARD MEMBER JONES: No, but thanks for waiting.

CHAIRMAN EATON: We have just three slips left.

Mr. Matt Cotton.

MR. COTTON: And I'll be brief. Matt Cotton, Integrated Waste Management Consulting. I'm submitting some paperwork on behalf of Will Box (phonetic) and several composting (inaudible) who couldn't be here. He's got a letter to the Board.

Mr. Chairman and Members of the Board, I do appreciate and I've heard a lot of conflicting discussion today and I have mixed feelings about it myself. I think I was also in that room with Mr. Jones and Mr. Eaton talking about ADC. I think where I stand on that issue is

pretty clear.
I think it’s important -- I think it’s
interesting that we have this opportunity to look at it.
I don’t think anybody, having heard the presentations
today, could think that storage is something we could go
forward with without having a real hard look at it.
I want to make the Board aware that the use
of ADC, green waste specifically, is actually banned or
prohibited in other states. I want to sort of let that
sink in. I’m not sure we’ve really taken a long look at
that as far as a performance standard with respect to the
work Scott’s done. I don’t know that we’ve really taken a
hard scientific, analytical look at the performance
standards proposed to meet how that all comes together
with all the other materials, will it mixed or stored for
a long time.
I don’t think I have to go into how we’re
going to figure out the distinction between Pacific
Southwest Farms storing a lot of green waste for a long
time and having all sorts of violations for mulch
facilities or composting. Oh, no. Wait. It’s ADC
storage. It opens up a can of worms. We don’t want it.
We don’t want to go down that road. I don’t think anybody
on this Board wants to go down this road.
Further, just getting it on the record, and

it’s been said before, I believe Michael Gross said it earlier, I truly think we’ve got an opportunity here, or the Board, is with particularly storage, but even with additional use of ADC, particularly with green waste. I think you’re really at risk in jading a public at a time when we’re really trying to get the public behind recycling. We’re coming up to the fourth quarter of AB 939. Do we want the public to come forward and find out that they paid the $5 extra a month to pad the landfill operators? I don’t think so.

I work for composting facilities. I’ve certainly been in situations where Facility A is going to pay a little bit more for composting. Facility B isn’t. Both the residents get the same public relations information from the same company about what’s happening to the material. I think when that story gets out, I think it’s going to be very unfortunate.

Item two, I think it’s going to be -- I think we need to look down the road again at the performance standards at a time when President Clinton is looking at long-term usage of biomass, and there was the executive order that came out. Do we really want to be the state that is actually stockpiling those?

I guess you could look at it two ways. We’re putting them in a place where we can get to them

later, to mine them perhaps for other uses. But I think this is a time when those materials, carbon (inaudible) is coming forward. We need to be looking for alternative uses. We need to be looking at biomass. We need to be looking at composting, looking at methanol, which we are, but I think putting into the landfills, storing on the landfills, is really a bad idea.

And with that, I'll stop, unless you have questions.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: A quick response. I hate to keep doing this, but Matt and I don't agree on some of those issues. We agree on an awful lot, but you know when we talk about information and we talk about how this thing has to be talked about, when we look at landfills and the gas that they generate, long-term, we have a system in place right now that puts a cover of dirt that kind of contains that gas. It doesn't allow it to break down, because we're doing it in these incremental stages where we put these barriers of dirt that help elongate the time it takes to generate gas.

But it's going to be interesting as we get into the landfill study and other things that the use of ADC, the use of green material that's organic, may

actually have a benefit to us because it may allow gas to be generated at a quicker rate at a landfill while still taking care of the health and safety issues where that gas gets generated quicker, gets extrapolated quicker, and our long-term liability goes down because we're going to see gas generated quicker.

And I just put it out there as -- not to spin what you're saying, but to kind of take the discussion out a little bit further, that there are real positives, if we start looking at what the overall environmental impacts are, and this may be a way to help do that.

So I just throw it out there because I don't think it's a waste. I don't think it's bad, because there are some good things that come in gas generation.

MR. COTTON: Can I respond to that?

BOARD MEMBER JONES: Sure.

MR. COTTON: I couldn't agree more in the sense that yes, you're putting a barrier. In fact, I would rather say let's get the organics out of the landfill. In putting more green waste in, yeah, ah-ha, you're right. It does increase gas generation. L.A. San figured that out in 1993. That's why they've been a premiere, a premiere of ADC for years. To me the reality is, again, scientifically, the best gas generation system

can get 50 percent of that. If it’s really well installed, you get 50 percent of that.

So where are we going to look? Where are the federal agencies start to look at carbon sequestration and methane generation, where are we going to be then? We’ve added so much more to this. Yeah, we’re collecting it and we can generate more, and let’s get more food waste in there while we’re at it. We can generate more, but we’re only collecting, at very best, half of that. So I think that’s really like an opposite argument. It’s another thing we can disagree on.

BOARD MEMBER JONES: But we’re looking at that 50 percent of what’s being generated now. That gas is going to be generating for the next 80 to 100 years.

MR. COTTON: In those situations where we have added extra green waste, extra organics --

BOARD MEMBER JONES: Just the regular wastestream in the landfill. Look at the data. So when you can start compacting that, it’s worth discussion and it’s worth thinking about.

MR. COTTON: I applaud this discussion. hope it goes on. I think Mr. Mathews’s point -- he’s left, was that he’s trying to get some of the food waste, trying to get that out of the landfill to a beneficial use so it doesn’t create it. Once we get those organics out,

what's left to create methane? Not much. There's some in there from before, sure.

But the mandate of this Board is to get half of that material out. If it was the organic half, I would be satisfied. Hopefully we'll continue the conversation.

BOARD MEMBER JONES: Always.

MR. COTTON: Thank you.

CHAIRMAN EATON: It should come as no surprise for those of you who regularly attend Board meetings that it generally comes down to two individuals, and last time I was chastised for having the environmental community go last. So Mr. Evan Edgar, you will go second to last this time.

(Laughter)

CHAIRMAN EATON: I'll leave it to the others to figure out who's last.

MR. EDGAR: Thank you, Chairman and Board Members. My name is Evan Edgar, Edgar and Associates on behalf of the California Refuse Removal Council. Thanks for having this hearing today. It's been in the making for quite a while from biocycle and before. It's been in the making for a lot of reasons because we haven't really followed up on any type of policy discussions since the regulations were adopted in

1 February of 1997, and we did have extensive conversations
2 about the level of ADC monitoring in the Board package on
3 February 11th, 1997. I attached it to my presentation
4 today.
5 As part of it, we talked about maintaining
6 and strengthening the AIX monitoring programs, we talked
7 about the level of AIX monitoring needed, the
8 responsibility of who’s going to do it, and the nature of
9 it. So I think we’ve had a lot of discussions over the
10 last two and a half years, a lot of allegations in the
11 field, a lot of different parameters, what is good, what
12 is bad. But we brought on nine different types of ADCs.
13 Before, when the policy was first discussed
14 in the early ‘90s, it was about green waste. And we have
15 a lot of good energy standards and information just on
16 green waste. Today we brought on nine different types of
17 additional AIX types that we haven’t had the level of
18 demonstration projects that we had on green waste.
19 So I think that one thing we need to follow
20 up on, and today was impetus to suggest that, was to have
21 an LEA advisory to come out to talk about some of these
22 issues today, to get some type of standard record keeping
23 and standard information out to the LEA. They’re on the
24 front line.
25 I’m not here today to offer to change any

laws. We're not here to change any regulations. We're not even here to change any real policies other than implementing AB 1647 and intended -- who is going to implement it. The LEAs and LEA advisory would be an ideal system.

I have an extended Board package today.

I'm not going to go through that. A lot of issues were brought up so I don't want to be redundant, but some of the key issues that could be part of the statewide ADC monitoring program was one of them the technical parameters. We heard some parameters as low as 10 percent, which was the industry standard in the mid-'90s, to today, up to 25 to 30. Nobody really knows. We have all different types of materials.

The Waste Board has done other Tellis Institute studies on compaction densities, on densities for different ended trucks at the landfill. It's something the Waste Board has done before as an overarching responsibility of a state agency, and I believe that there's some typical ADC densities for different types of materials would be warranted to follow-up on some previous work this Board has done.

Another aspect of LEA advisory could be the processing levels. Some people may want to back up a truck and doze it. Some may want to chip, grind it and

screen it. But what we have are a bunch of performance standards without any specifications for each material type, and one thing this Waste Board has done on all other types of commodities was specifications. You should do specifications, and I believe there’s opportunities to do specifications on different types of materials as they get a thickness for performance standards. The performance standards about thickness helps function, but to get there on what type of specifications to perform has been the subject of debate.

I believe that the Waste Board in - conjunction with LEAS, should put together some typical densities, some typical standards for each material type. And the biggest one, I think, that we can have consistent record keeping because to this date, we have record keeping without accountability.

I find it a maze as a landfill operator working in the gatehouse for many years that we can’t put things in the right column as ADC green waste to alternative intermediate cover to mulch to erosion control. Back in the early ‘90s, I figured that out. A lot of people figured that out, that there’s a lot of good waste works in different computer software that breaks out different line items per material types, but if we could develop some type of consistent record keeping procedures

so people don’t commingle all the different types of beneficial reuse items, I think that little (inaudible) could go a long way because apparently we had some problems out there, and some of the misrepresentations on ADC allocations may come from the fact that we are commingling our numbers. I think it’s real easy to break those numbers out.

One of the key aspects we heard today was that AB 1647 was a competition issue. People say this is a competitive issue. Why should the Waste Board be involved? Well, part of 1647 was rather evident that the Waste Board should consider conditions necessary to provide continued economic development, economic viability, plenty of opportunity to provide to the compost industry in the state today got mixed reviews, whether it be northern California, southern California.

It’s not a statewide issue. As I said before, it goes back to a local market zone. We have an increasing use of green waste at the landfills for ADC, from 600,000 tons to 1 million tons. We have an increased collection of green waste. And the main reason why I’m pushing LEA advisory today and have it deliverable by December 1999 is that we are on the eve of 2000, on the mandate years in front of us. And everything up to this point has been good record keeping or bad record keeping

or a tracking of information, but before the year 2000, there's opportunities there for a lot of jurisdictions to clammer for cheap diversion. We heard that word used quite a few times today. Is it cheap diversion? It is overused ADC? Is it ADC storage? What is that? So before the year 2000, I believe an LEA advisory could be put together. I think we heard a lot of good ideas today in order to have good record keeping with accountability, to have performance standards with specifications.

And that's what I have today. Some of my information and my slides are available. I've worked before with staff before on many issues and will continue to work with staff in order to issue the LEA advisory.

CHAIRMAN EATON: Thank you. Any questions of Mr. Edgar?

MR. EDGAR: And on the storage issue, I have my information in writing and I think we have said enough today about that. I won't take up any more time on the storage issue.

CHAIRMAN EATON: Our last speaker slip is Mr. Chuck White.

MR. WHITE: Thank you, Mr. Chairman and Members of the Board. Chuck White with Waste Management. In the interest of time, I will try to be brief.

1 There clearly -- I'm here to speak on the
2 abuse issue, ADC abuse issue solely. There clearly have
3 been a lot of statements made about alleged ADC abuse.
4 However, it's been our experience that whenever an
5 objective third party looks at the allegations regarding
6 abuse, there doesn't seem to be any major problem, or if
7 there is a problem, it's relatively minor in nature and
8 can be readily fixed and addressed.
9 I really want to compliment Scott and the
10 Board. I think they've done an excellent job in coming up
11 with the staff report. In fact, I think the Board does
12 play an excellent role as that objective third party to
13 take a look at allegations of ABC abuse, and I think we
14 would encourage you to continue in that role.
15 We believe that the standards for ABC are
16 reasonably clear and reasonably well developed and that
17 the LEAs are doing a good job enforcing those standards.
18 I would urge caution to not rush headlong into ever more
19 complicated specific standards, how much green material
20 you can use over here, how much you can use over there,
21 and this very complex regulatory framework for the use of
22 material. I think a little bit of common sense applied to
23 how much is reasonable is appropriate.
24 Operators are aware that there are limits
25 on how much ABC can be used. Operators are aware there's

a lot of people looking over everybody's shoulders, making sure you don't get too far out of line, including LEAs, the Board, and competitors. There a myriad of site specific differences between facilities that are very difficult to boil down to one simple formula.

I think that really the conclusion I would reach after listening to Scott's testimony and reading the report is that really things are moving along. The kind of debate you hear today is no different than you heard some months ago or some years ago on this very same issue. I think we are making progress. I don't think there are any horrific problems out there with ADC abuse. I certainly urge the Board and the LEAs to keep their eyes open and keep working on this issue, but I don't think there needs to be any major mid-course adjustment at this point in time.

Thank you.

CHAIRMAN EATON: Thank you. Any questions for Mr. White? I had one other slip for Mr. Schreeder, but I believe that was only in the event of (inaudible) Members, any questions, comments? I have just one, I think, for Ms. Nauman. With regard to the LEAs, have we ever taken any training on some of the issues surrounding ADC, or is that part of the ongoing process? I know we did have a little discussion recently

at Granlibaakan where some of those issues arose. I think just for our own information.

MR. WALKER: We've had two rounds of state minimum standards training and each round included -- incorporated ADC. We recently concluded one a few months ago where ADC was also incorporated into that, and we will continue to do that.

BOARD MEMBER JONES: Mr. Chairman.

CHAIRMAN EATON: Mr. Jones.

BOARD MEMBER JONES: Mr. Chairman, I think that it's clear that there are some different views on ADC use and abuse. I'm glad that we had this item because I always worry that when you have a good thing and you do too much of it, you lose it. And I never wanted to see that because ADC is critical to the operation in an awful lot of sites.

I've said it too many times, that when you have to go out and buy a mountain, you start to understand the impacts that ADC has. I don't have a problem with the ADC uses.

I think we do, as a Board, though, need to talk about some of the reporting issues where if everything is lumped as ADC when in fact it's used on slopes, it's used as vegetation and those types of things, that we figure out a way to accurately account for that

1 without creating a big burden, just so that the perception
2 doesn’t continue to go.
3 But I do think that we need to really have
4 a discussion about the long-term storage issues around the
5 B and J proposal. If for no other reason -- for a whole
6 host of reasons. My view is that there’s some significant
7 health and safety issues, potential health and safety
8 issues, and there are some significant diversion issues
9 that, you know, maybe we ought to hear the item in three
10 years, you know, but that’s not fair to anybody.
11 That’s not fair to anybody, but
12 Mr. Chairman, I think at some point we need to either have
13 the item or assign a work -- a task group together to
14 figure out what the appropriate standards are because I
15 can’t go along with the idea of stockpiling that kind of
16 material. I don’t want -- there’s clearly a shortfall of
17 3.7 million cubic yards of cover material, and to bring
18 that in in a two-year time frame when closure is 45 years
19 away may not be the perfect -- the perfect solution to
20 their closure needs. I don’t want to see them be in a
21 position where they can’t use A]DC somewhere down the road.
22 Maybe we need to develop -- well, I’ll leave it at that.
23 I think a task force with the LEAs and of
24 course with the Solano LEA and whoever you and staff
25 determine needs to go together, to at least start working

on what the appropriate standards are. I've been at this site. I viewed the site with the operators. I have a little bit of history at that site. I suggest that maybe we ought to take a small amount of material -- and I mean small -- of the commingled, bury it the way that they are proposing, and deal with the ABC issues on a day-to-day basis which they get today, and then let's dig it up in five years and see what it looks like. That might be a way to deal with this issue, to take care of the health and safety.

I only throw it out there as a -- and when I'm talking about a small amount, I'm not talking -- I think they had proposed one storage was 198,000 yards. I don't know what that translates to in usage at that site on a yearly basis, but that's something I think we need to work out. But we don't know what that's going to look like in three years. We don't know what it's going to look like in five years. So to not at least do that and look at it five years down the road when they're looking at using this material 45 years from now, I think that at a minimum is a way to deal with this.

But Mr. Chairman, I'm not sure how you want to give direction on this or what the other Board Members feel.

CHAIRMAN EATON: First and foremost, I

1 would just like to thank each and every one of you in the
2 audience whose eyes are falling after a long, long day.
3 think that you truly should be commended first and
4 foremost for hanging out with us for a day and really
5 going over the issue because it is an important issue and
6 I know how much it means.
7 I think today’s comments were tremendous.
8 I think the presentations were excellent and considerate
9 of one another given some of the hot button issues. I
10 think we have to be forward thinking. One of the guiding
11 principals as people have depended upon this, whether it
12 be for economic reasons or 939 reasons, we have to be
13 cautious about how we change in the middle of the stream.
14 So I wouldn’t want us to do anything.
15 What I would like to be able to do is, Ms.
16 Nauman, think about preparing either a workshop or series
17 of workshops along some of the lines we’ve talked about,
18 separating certain issues, be they the standards and new
19 performance standards of some of the other products, but
20 working in the industry groups, the environmental
21 community, as well as the LEAs in a much more productive
22 way and exploring these issues and seeing if they really
23 are.
24 We also need to look at how do we count and
25 are we looking at some of the issues raised by Mr. Best.

Once you have those issues, then you can go forward.
At the same time, I'm disappointed, not in
anyone here, but for those of you who have come here and
I'll raise it, we have heard many, many things about --
there was nothing raised about planning. If you go into
southern California, one of the big issues in Orange
County when we were down there was how do you cite these
facilities. There was no testimony there. I think that's
an important overall aspect that will relieve some of the
pressures that everyone feels that are directed either at
one particular type of operation, be it landfill or
composting facility. That was not brought up by the
individuals who have in past given us some of that,
whether it's a transportation reason or not, a regional
market which was touched on.
And the other thing is the tire industry.
I can't tell you how many times I've sat up here and heard
about how if we only had the availability of tires that
were going to A]DC, we would be able to solve our tire
problem. And not one individual has come before us today,
at least that I heard, that dealt with that issue. So I'm
a little disappointed in that, and I think that was part
of the reason for trying to flush out, as Ms. Hunter sort
of repeated what I said back, separate fact from fiction,
if that truly is the case, and we've taken it upon

ourselves to kind of beat up on some individuals with regard to tires. None of that was brought up. Hopefully in the future we will not have to contend with that issue, because I think this hearing represented, if it was well noticed, and hopefully -- I don’t even think I received a bit of correspondence with regard to that issue. So I don’t know if it’s put to bed, but it’s definitely been prepared for the grade. At least if we can just look at it, but I would like to explore, if we could, those issues as it relates to the ADC as pointed out by speakers on both sides of the issue, and I don’t really know if they’re on both sides of the issue, but like I say, around the globe from each other, as well as the storage issue and then come back and see what might be well worked as a piecemeal, but not try to overreach, especially at a critical time when we’re turning the corner and finding out where we are. And so only after we know where we’ve been and where we are, then we’ll know where we’re going. With that, I’d like to recess the Board meeting until 10:00 a.m. I know I said 9:30 a.m. in the morning, but in order to be able to move, we’ll start at 10:00 a.m.

Thank you very much. Thank staff and we’ll thank you, and we will see you at 10:00 a.m. tomorrow

morning.

* * *

STATE OF CALIFORNIA

I, Tern L. Emery, CSR 11598, a Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing proceedings were taken down by me in shorthand at the time and place named therein and was thereafter transcribed under my supervision; that this transcript contains a full, true and correct record of the proceedings which took place at the time and place set forth in the caption hereto.

I further certify that I have no interest in the event of the action.

EXECUTED this 31st day of October, 1999.

Terri Emery

Tern L. Emery