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MEETING  
STATE OF CALIFORNIA  
CALIFORNIA WASTE MANAGEMENT BOARD

COPY

RIVER CITY BANK BUILDING  
1020 NINTH STREET  
SUITE 300  
SACRAMENTO, CALIFORNIA

FRIDAY, MARCH 11, 1988  
9:00 A.M.

Eileen Jennings, C.S.R.  
License No. 5122

BOARD MEMBERS PRESENT

1  
2  
3 Mr. Sherman E. Roodzant, Chairman  
4 Mr. John P. Moscone, Vice-Chairman  
5 Mr. Sam Arakalian  
6 Mr. Phillip A. Beautrow  
7 Ms. Ginger Bremberg  
8 Mr. Les Brown  
9 Mr. James W. Calloway  
10 Mr. John E. Gallagher  
11 Mr. E. L. "Skeet" Varner

STAFF PRESENT

12  
13 Mr. George T. Eowan, Chief Executive Officer  
14 Mr. Herbert Iwahiro, Chief Deputy Executive Officer  
15 Mr. Alan A. Oldall, Deputy Executive Officer  
16 Ms. Jo-Ellen Jackson, Director of Legislation and Public  
17 Affairs  
18 Mr. Robert F. Conheim, General Counsel  
19 Mr. George Larson, Manager of Planning and Resource  
20 Conservation and Development Divisions  
21 Mr. Bill Orr, Standards and Regulations Division  
22 Ms. Connie Dunn, Board Secretary  
23 Ms. Kay Wilson, Secretary  
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P R O C E E D I N G S

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3 CHAIRMAN ROODZANT: Call the meeting of the Board  
4 back to order.

5 First item this morning is Item 10, Consideration of  
6 Awards Recycling Program.

7 MR. OLDALL: Yes, Mr. Chairman, I think George  
8 Larson will be presenting this item.

9 MR. LARSON: Mr. Chairman, members. George Larson,  
10 Resource Conservation Division. This item is on for  
11 consideration for the Board for the establishment by the  
12 California Waste Management Board of a recycling awards  
13 program.

14 The Board has recognized in the recent past several  
15 years recycling activities have taken on an increasingly  
16 important role in solid waste management. The Board's direct  
17 participation is exemplified by co-sponsorship of three recent  
18 recycling conferences -- the Duarte conference, the markets  
19 development conference in Los Angeles, and we are  
20 co-sponsoring the California Resource Recovery Association's  
21 San Diego conference on May 1, 2 and 3.

22 Many local communities, private solid waste industry  
23 people, and environmental groups have directed their  
24 ingenuity, energies, and resources towards individual and  
25 joint efforts to enhance recycling activities at the local

1 level.

2 The trend is really prompted by a number of reasons.  
3 One is cited as a dwindling landfill capacity has brought the  
4 search for alternatives to the forefront. And, secondly,  
5 waste-to-energy really thought as to be a technology that was  
6 going to provide some relief for the pressure on landfills  
7 has not proven to be what it was expected to be at least in  
8 the short term.

9 Since the Board is recognized as a lead agency in  
10 solid waste management in the state, it's in a position to  
11 provide a great deal of incentives towards the development  
12 and expansion of recycling. So it's an appropriate role for  
13 this state agency.

14 The recommendation under this item is to provide a  
15 general suggestion as to the development of this recycling  
16 awards program and seek guidance from the Board, if the Board  
17 feels it's a good idea, to discuss some possible alternatives  
18 of how it might be focused, how it might be organized, and  
19 generally seeking to see if the Board feels that it's a good  
20 idea and an appropriate activity for the California Waste  
21 Management Board to be involved in.

22 CHAIRMAN ROODZANT: Any comments or questions?

23 Mrs. Bremberg.

24 BOARD MEMBER BREMBERG: I think it's an excellent  
25 idea. You know, a lot of thank yous go a long ways and it is

1 not a high budget item, but it's a great way to say thank you  
2 to an awful lot of people. And I think it's an excellent  
3 idea.

4 While I'm here, I would like to say that Candy came  
5 down to Glendale to our Clean Cities Committee and they were  
6 extraordinarily impressed. I've gotten several calls from  
7 people on the committee about the depth of her presentation,  
8 the way it was handled, and the opportunities that a lot of  
9 people didn't really know we had that they can avail  
10 themselves of. So I think it's an excellent idea.

11 BOARD MEMBER BROWN: Mr. Chairman.

12 CHAIRMAN ROODZANT: Mr. Calloway.

13 BOARD MEMBER CALLOWAY: Yes, Mr. Chairman, I would  
14 agree with Mrs. Bremberg that we can get an awful lot of  
15 mileage out of this. I think by going in and appearing in  
16 front of city councils, being on the agendas, being a regular  
17 item on the agenda, present the resolution or proclamation,  
18 whatever we decide it's going to be to the cities for their  
19 efforts in recycling, I think we can get a lot of -- if we  
20 notify the press, we can certainly get a lot of mileage out  
21 of it.

22 I certainly would agree with Ginger that you can  
23 gain an awful lot with just a few thanks rather than  
24 completely ignoring the people. I think a lot of people who  
25 have been recycling for so long and have more or less

1 pioneered this have not had the recognition that I think they  
2 rightly deserve. I think this is a very good way to do it  
3 and I'm very delighted to see it on the agenda and I  
4 certainly compliment the Chairman or whoever's idea it was to  
5 come up with this idea. Certainly a good one.

6 I wholeheartedly support it. I'd like to see the  
7 Board members going around over the state and present these  
8 to -- rather than to send a staff member there, to have the  
9 Board members to go and present these to the cities. I think  
10 it has more impact on it.

11 So thank you very much.

12 CHAIRMAN ROODZANT: Mr. Brown.

13 BOARD MEMBER BROWN: I'm sure you didn't leave  
14 counties out purposely.

15 BOARD MEMBER CALLOWAY: Oh, no. Well, we say cities  
16 simply because they run the counties.

17 BOARD MEMBER BREMBERG: Oh, boy. And on that cheery  
18 note.

19 BOARD MEMBER BROWN: To not respond will get more  
20 applause than if I respond. However, it crosses my mind that  
21 you might find yourself involved in categories maybe. These  
22 are just thoughts off the top of my mind. Categories of  
23 awards. Rewarding municipalities is one thing. Maybe you're  
24 talking also about rewarding individuals or rewarding private  
25 enterprises. I'm not so sure that -- maybe one award for all

1 of those is fine. I'm just throwing out those ideas. There  
2 might be some reasons for segmenting that stuff.

3 MR. LARSON: Mr. Brown, if I may. That's an  
4 excellent point and I've given some thought to this myself.  
5 Since it may be difficult to make direct comparisons, if I  
6 can use an example like the Marin recycling facility. It  
7 handles great volumes of waste coming through and does a  
8 great deal of recycling. It would be unfair probably to  
9 compare a very sincere effort in the City of Placerville, for  
10 example.

11 So with the Board's approval, I'll try to structure  
12 a framework, if you will, which will provide the latitude so  
13 that we can consider different scope and size activities so  
14 that they can be equally considered for an award within a  
15 particular category, and also to differentiate maybe not  
16 necessarily between cities and counties, because I don't want  
17 to get in the middle of that one, but local government would  
18 cover that possibly and private sector and maybe  
19 environmental organizations, private non-profits.

20 BOARD MEMBER BROWN: I think one of the difficulties  
21 you might have is that as you begin to get more and more  
22 compartments, so to speak, it begins to dilute out the effect  
23 or the punch of the thing. "And now in Category X we have  
24 ..." And then you've got 15 more categories and everybody  
25 begins to wonder just what they've been awarded.

1           In your thinking you can kind of draw a balance  
2 there. Maybe we want to have just one that we give to  
3 everybody.

4           MR. LARSON: Perhaps I can develop, say, three  
5 scenarios and present them to the Board and then you can  
6 review and select the one that appears to most appropriately  
7 hit the nail on the head.

8           VICE CHAIRMAN MOSCONE: Mr. Chairman.

9           CHAIRMAN ROODZANT: Mr. Moscone.

10          VICE CHAIRMAN MOSCONE: Mr. Brown and George  
11 mentioned exactly what I was going to -- what I was thinking  
12 about.

13          I think there should be awards for those who handle  
14 more than just the three basic recyclable items. Also, I  
15 think there are the forgotten people in this thing, people  
16 who have been in this business and not doing it the way it's  
17 being done now. The National -- well, it used to be the  
18 National Waste Material Dealers and all. They've been in  
19 this business a long time and they can help you and they can  
20 hurt you. I think in some way they should get some type of  
21 recognition.

22          CHAIRMAN ROODZANT: Mr. Calloway.

23          BOARD MEMBER CALLOWAY: I just wanted to say exactly  
24 what Mr. Brown was saying there, that I think if you try to  
25 dilute it out to the point where you've got an award for

1 every category there is, it's not going to be very  
2 meaningful. But I do think you can design an award that  
3 would fit into everybody's category.

4 In other words, take the Garbarino operation in  
5 Marin. Without the cooperation of the Board of Supervisors  
6 in Marin County, that could have never been successful. I  
7 think you present it to the Board of Supervisors there with  
8 Garbarino there as an example and to both of them literally.  
9 It is Garbarino and the county working together. I think all  
10 of these things are involved with the government. I don't  
11 know of any recycling operation that it doesn't operate with  
12 the sanction of a city or a county.

13 So I think to go through the government and present  
14 it to the government with the recycling operator there, I  
15 think that's the proper thing to do, I would think.

16 BOARD MEMBER BEAUTROW: Mr. Chairman.

17 CHAIRMAN ROODZANT: Mr. Beautrow.

18 BOARD MEMBER BEAUTROW: Has there been any thought  
19 about getting industry to have some kind of a fund or maybe  
20 also instead of just a plaque or a document of appreciation,  
21 that maybe there's some monetary awards? I mean, is this  
22 something that might --

23 MR. LARSON: Mr. Beautrow, we discussed not private  
24 industry's contribution to this. What we did was scour  
25 through that meager amount of money which we have available

1 for such things as contracts and came to the conclusion that  
2 we didn't have enough money as an agency to put any cash  
3 value behind this.

4 But if it's deemed a good idea, I would ask for your  
5 guidance on how do we approach the industry to make sure that  
6 we're equitable in the sense of how we approach them,  
7 possibly through an association of the industry rather than  
8 individual companies or --

9 MR. BEAUTROW: Yeah, that's what I was thinking  
10 about. As we've heard in these conferences, apparently the  
11 plastics area is just really getting started in this and  
12 they've formed a new association and so forth. I would think  
13 that maybe these associations, to further their interests,  
14 might be willing to consider.

15 It's just something that I'm just bringing it up for  
16 discussion, and maybe that could play a part in this.

17 MR. LARSON: I think we certainly should check that  
18 option out to see if that's an acceptable suggestion to them.

19 CHAIRMAN ROODZANT: Mr. Oldall.

20 MR. OLDALL: Yes, I would like to point out,  
21 Mr. Beautrow, that we are not allowed to use any of our  
22 currently appropriated funds for those kinds of purposes  
23 unless we got it specifically in a piece of legislation or  
24 something. -- So we would have to go out to the private sector  
25 to come up with some of those cash awards.

1 BOARD MEMBER BEAUTROW: That's what I'm talking  
2 about only.

3 VICE CHAIRMAN MOSCONE: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mr. Moscone.

5 VICE CHAIRMAN MOSCONE: This brought me back to the  
6 recycling deal that was held last week. And I was to have  
7 been in that panel with non-ferrous metal. And I think that  
8 Alan was supposed to have taken it all. I was a little  
9 curious as to what these people in non-ferrous, what interest  
10 they have, if any, if they're trying to work this into a part  
11 of the recycling effort.

12 Because you don't hear about -- I know that there  
13 are some stations that will pick up -- they'll pick up scrap  
14 iron and everything else and they'll pick up the non-ferrous  
15 and all. I was just wondering to what extent this is going  
16 on. Did any of this come up at the --

17 MR. OLDALL: The area that got the main focus in  
18 that respect, Mr. Moscone, was the overseas market. And  
19 there was a gentleman there from Taiwan and he did make a  
20 presentation as to how they do bring in quite a considerable  
21 amount of non-ferrous and recycle that in Taiwan. But in  
22 terms of the domestic, their major focus was totally on  
23 aluminum.

24 CHAIRMAN ROODZANT: Any other comments or questions?  
25 Thank you, George.

1           Item No. 11, Consideration of Resolution Commending  
2 John R. Rowden.

3           You've all seen and signed Resolution 88-19 in honor  
4 of John Francis Rowden, which reads as follows:

5                         "WHEREAS, the California Waste  
6 Management Board, public agencies  
7 and private industry rely on a  
8 dedicated staff to fathom the  
9 depths of the bureaucratic maze and  
10 chart a clear course for the safe  
11 and sane disposal of more than  
12 100,000 tons of trash each day; and

13                         "WHEREAS, John Francis Rowden  
14 joined the Board's staff as a young  
15 impressionable student in May 1976  
16 and soon developed a reputation for  
17 his vision, vocalism and vices; and

18                         "WHEREAS, over the years, John  
19 played a key role in promoting the  
20 successful introduction of  
21 waste-to-energy technology to  
22 California, conceptualizing the  
23 Board's comprehensive plan and  
24 creating a demonstration program  
25 for advanced technology; and

1                   "WHEREAS, during his tenure of  
2                   the Board's Advanced Technology  
3                   Division, John saw the number of  
4                   viable waste-to-energy in the state  
5                   dwindle from thirty-five to just  
6                   three, placing on even heavier load  
7                   on the state's already overburdened  
8                   landfills; and

9                   "WHEREAS, John recognized a  
10                  golden opportunity when he saw one  
11                  and accepted the challenge to  
12                  attempt the siting of a new  
13                  disposal site for private industry  
14                  in Contra Costa County;

15                  "NOW, THEREFORE, BE IT  
16                  RESOLVED that the California Waste  
17                  Management Board and its staff will  
18                  remember John Francis Rowden as a  
19                  creative thinker, able manager and  
20                  compassionate confederate; and

21                  "BE IT FURTHER RESOLVED that  
22                  the Board extends its sincerest  
23                  best wishes and hearty 'Good Luck'  
24                  to John in his new endeavor."

25                  Mr. Rowden.

1 (Applause.)

2 MR. ROWDEN: Thank you.

3 CHAIRMAN ROODZANT: You've got to talk now.

4 MR. ROWDEN: I mean, everything is true. What can I  
5 say.

6 (Laughter.)

7 MR. ROWDEN: Thank you very much. I tell you, I  
8 grew up in this agency, and there's been good times and bad  
9 times, but they've all been worthwhile and they're all going  
10 to be very useful from here on out. And thank you very much  
11 for all the years.

12 (Applause.)

13 CHAIRMAN ROODZANT: Item 16, Report on Significant  
14 Staff Activities.

15 EXECUTIVE OFFICER EOWAN: You want to do that now,  
16 or do you want to go to the regs?

17 CHAIRMAN ROODZANT: You want to go to the regs  
18 first?

19 Item 19, Discussion of Preliminary Review of Board  
20 Regulations.

21 EXECUTIVE OFFICER EOWAN: Thank you, Mr. Chairman.

22 As you all will remember, in December we sent you a  
23 document that was our first cut at analyzing all of our  
24 regulations. And at the last Board meeting we all agreed  
25 that we would begin devoting Board meeting days for the

1 review of this book. And since we had time on our agenda  
2 today to devote a significant block of time, we thought we  
3 might as well just go ahead and begin.

4 Now, we spent a good deal of time looking through  
5 the book again before selecting the items that are in front  
6 of you today, and we came up with a conclusion that we ought  
7 to begin with the statutory requirements for changes first,  
8 which is what you're seeing here today. Then there's the  
9 financial assurances one, and then going into the 2448  
10 regulations.

11 So that's how we're proceeding. Now, it won't be  
12 chronological through the book, but we're intending to use  
13 the statutory requirements first, get through those, and then  
14 proceed through the document as it's laid out in front of  
15 you.

16 So it will be a long process. It's one that we will  
17 all learn about as we go through. That is, what the best  
18 process is for pursuing all these things.

19 I think -- well, I'll just stop right there and then  
20 Mr. Orr will go ahead and begin --

21 Do you want to go first, or do you want Bob to go  
22 first?

23 MR. ORR: I will go first.

24 EXECUTIVE OFFICER EOWAN: So Mr. Orr will go ahead  
25 and give you a very brief overview. Then we'll go right into

1 the financial operations regulation.

2 MR. ORR: Thank you. My name's Bill Orr, and I'm  
3 currently leading the Regulations Unit funded out of 2448,  
4 and we'll also be looking at the other statutory regulations  
5 that are required.

6 About a year ago the Board instructed the staff to  
7 review and revise the regulations affecting solid waste.  
8 There's been a lot of staff activity that sort of culminated  
9 in the beginning of the process with the book that you've  
10 received.

11 Recognize that existing regulations cover many  
12 diverse subject areas, we're trying to approach this by  
13 giving a few of the items at a time. As Mr. Eowan indicated,  
14 the first of those items is a statutory mandate that is  
15 outstanding and goes back to a Calderon piece of legislation  
16 in 1984.

17 Bob Conheim will be presenting the material on  
18 financial assurances for liability at operating landfills,  
19 and this information can be found in the Board packet in  
20 Section 19A. And with that I'll turn the mike over to Bob.

21 MR. CONHEIM: Mr. Chairman and members, the  
22 financial liability regulations that Bill has referred to  
23 are -- represent an attempt by staff to draft regulations to  
24 cover financial assurance for liability at operating  
25 landfills. This was mandated by a bill by Assemblyman

1 Calderon enacted in 1984 as Chapter 1408, and it enacted  
2 Government Code Section 66771.7. And that statute, if I can  
3 paraphrase, said the Board shall adopt standards and  
4 regulations before January 1, 1986 requiring that as a  
5 condition of a permit, a solid waste facilities permit, that  
6 a disposal facility shall provide assurance of adequate  
7 financial ability to respond to personal injury claims and  
8 public or private property damage claims resulting from the  
9 operations of the disposal facility.

10 Several people on staff worked on this during that  
11 first year and at the April 1987 meeting of this Board I  
12 presented a set of draft regulations that was based on an  
13 insurance coverage for this type of liability and we  
14 discussed these regulations.

15 They're brought back to you today in substantially  
16 the same form; because at the time of the April meeting the  
17 Board requested that a task force of industry be convened to  
18 discuss the sticking issues that couldn't be resolved in just  
19 our discussion, since none of us has that type of casualty  
20 expertise, with perhaps the exception of Mr. Calloway.

21 The issues that we were going to discuss in the task  
22 force were the perception that such environmental and  
23 liability insurance is unavailable. The second issue was the  
24 financial means test for substituting for insurance appeared  
25 in the regulations only to apply to the private sector, yet

1 there's very real need to provide alternatives to insurance  
2 to the public sector operators. The third issue that is  
3 still a sticking issue that we have been unable to resolve is  
4 the adequacy of the coverage limits that we specified in  
5 these draft regulations.

6 The Board requested and the Chairman ordered that a  
7 task force be convened. It was not convened, and that issue  
8 essentially languished for awhile; although during the period  
9 of time that we -- since April we had tried over several  
10 months to get information from the State Department of  
11 Insurance and the insurance industry.

12 Well, this is a very fortuitous time to bring this  
13 issue back to you, because just this last week information  
14 from papers from the proceedings of a hearing on more or less  
15 hazardous waste aspects of environmental and pollution  
16 insurance became available from a hearing that was held by  
17 the State Insurance Commissioner in October.

18 So what I'd like to do today is to quickly -- very  
19 quickly -- run through the -- summarize what our draft  
20 regulations, which are still in the same form that they were  
21 when we presented them to you in April, what they say. And  
22 then to offer you some of the information that we have been  
23 able to glean from these proceedings that were held in  
24 October by the Department of Insurance, and from contacts  
25 that we have just recently been able to identify in the

1 insurance industry.

2 The regulations are based on a -- draft regulations  
3 are based on a model that is almost identical to regulations  
4 that were adopted some years ago in the hazardous waste  
5 regulations in Title 22 of the California Code of  
6 Regulations. The basic coverage requirements are for sudden  
7 accidents and non-sudden accidents. Sudden accidents, the  
8 proposed coverage is in the amount of \$1 million per  
9 occurrence, with a \$2 million overall policy limit for the  
10 facility. For non-sudden accidents, the draft regulations  
11 require a \$3 million per occurrence limit, with an aggregate  
12 of at least \$5 million for the facility.

13 The real major issue involved in using insurance as  
14 a primary means of meeting liability assurance is that some  
15 recent court decisions have held that the non-sudden accident  
16 really is coverable under the sudden accident rubric. Over  
17 the years since this insurance was -- began to be available  
18 since the early 1970's, a policy exclusion for non-sudden  
19 accidents, accidents that couldn't be predicted, was written  
20 into these policies. So that non-sudden accidents began not  
21 to be covered by this insurance.

22 Well, there have been recent court decisions in 1986  
23 and 1987 that held on both sides of this issue. But the  
24 insurance industry, I think, sees an alarming trend, or the  
25 beginning of an alarming trend that non-sudden accidents,

1 which policies in the early 80's began to exclude, would be  
2 required by court decision to be covered.

3 This has a major impact on the underwriting theory  
4 of all insurance companies. Underwriting is based on three  
5 basic premises. They call them fortuity. That is, the  
6 actual risk of occurrence of an accident. Predictability.  
7 That is, to predict how much each one of those risks on an  
8 average is going to cost over a period of time. And  
9 capacity. That is, the capacity of insurance companies to  
10 recapitalize and withstand the loss.

11 These are not just theoretical criteria. The  
12 insurance industry, as we've been able to talk to them,  
13 really feel that those three criteria are not very easily  
14 measurable for both hazardous and to a certain extent  
15 non-hazardous waste issues.

16 So that at the current time, as we move towards this  
17 issue this week, we find ourselves with pretty much the same  
18 our prediction that we told you about in April. That is,  
19 that basically liability insurance for operating landfills is  
20 still not available.

21 Now, that brings us to the crucial issue is we have  
22 to adopt some liability regulations, financial assurance  
23 regulations for liability at operating landfills. How do we  
24 do that? The picture is bleak, but it is not black. In  
25 contacts that staff has had with the insurance industry, we

1 have found that several risk pool arrangements do exist in  
2 the midwest and the east and that the insurance industry is  
3 willing to consider, beginning to be willing to consider  
4 insuring what they call Subtitle D -- that's a federal RCRA  
5 terminology that's non-hazardous waste facilities -- but only  
6 under very, very limited circumstances.

7 One of the people that staff talked to indicated,  
8 speaking basically for the industry, that Subtitle -- no old  
9 Subtitle D facilities would be covered, only new ones. When  
10 asked what the criteria were, our staff member was told there  
11 are no criteria, it's a case-by-case situation. The question  
12 I asked was, well, does new in California mean those that  
13 were built under the new Subtitle 15 Water Board liner  
14 requirements? There was no straight answer for that.

15 Basically, this is almost an embryonic  
16 reconsciousness, new consciousness, that this issue has to be  
17 addressed again. So that even though we have not met our  
18 statutory burden to adopt regulations, the delay may be --  
19 may have a serendipity effect, because we are now at a point  
20 where we may really get accurate information from the  
21 insurance industry.

22 So what I am proposing -- and I've really glossed  
23 over a lot of these, because there's a lot more details that  
24 I could give you and some of them may come out in the  
25 questions -- is that I really still feel that it is necessary

1 to convene a task force not only of public and private  
2 industry members, but also of insurance industry  
3 representatives; people who'd be interested in coming and  
4 trying to help us understand their problem and then also  
5 letting us tell them what our world is in California.  
6 Because I think we still have to meet this statutory burden.

7 Secondly, one of the --

8 EXECUTIVE OFFICER EOWAN: Bob, just hold on.

9 In lieu of doing that, the other option, it seems to  
10 me, is for us to take what we have here and begin the OAL  
11 process; which is essentially what we did with the Palm  
12 Desert regulations. Okay? Then what you're doing is  
13 notifying all the affected people and industries that come on  
14 in and tell us what your problems are and concerns are with  
15 this particular language. Because in this situation you do  
16 have language that could go right into the regulation.

17 So you have the option of doing what Bob is saying,  
18 convening a task force and nurturing the language along  
19 through a process like that, or taking this language and  
20 jumping right into the process that we all experienced with  
21 Palm Desert, which would essentially mean a committee of the  
22 whole.

23 CHAIRMAN ROODZANT: Mr. Brown.

24 BOARD MEMBER BROWN: In an OAL-process atmosphere,  
25 which let's call it Option 2, do they become players at the

1 table then in terms of guidance or at least input?

2 EXECUTIVE OFFICER EOWAN: Yes.

3 BOARD MEMBER BROWN: If that were the case, it would  
4 seem like, since you go there anyway, why not have them at  
5 the table to begin with rather than sitting down here without  
6 them and then going back over there and possibly creating the  
7 same thing again? Am I right there, or am I oversimplifying?

8 EXECUTIVE OFFICER EOWAN: No, I think you're on  
9 track. I think what Bob was suggesting was that you try and  
10 select individuals representing the proper industries and  
11 meeting as a task force; is that right?

12 MR. CONHEIM: Yes. Once you go to OAL, you lose  
13 control of the process; because you're bound by timelines and  
14 very rigid procedural requirements.

15 EXECUTIVE OFFICER EOWAN: So you have a little more  
16 flexibility.

17 MR. CONHEIM: You have more flexibility the other  
18 way, but there's more delay because you repeat coming to the  
19 table formally with OAL.

20 My own opinion is that you should go to OAL when  
21 you're prepared. And I don't feel that we're absolutely  
22 prepared. We never did convene the task force and we have  
23 not answered the sticking issues and there is information out  
24 there that we would need in any event to bring to the table  
25 for OAL, which was my second suggestion is that the Insurance

1 Commissioner's Office did suggest that the first thing we  
2 should have done is to have done a survey of availability and  
3 they could have helped us with that. That may cost -- as I  
4 understand, it may cost some contract money, inter-agency  
5 contract money, next year. But that's a suggestion that we  
6 could further pursue. I don't think they'd do it for free  
7 for us.

8 BOARD MEMBER BROWN: It's one of those topics that  
9 it just seems to be that all these players have to have a  
10 chance at being at the table. If that requires time, I guess  
11 so be it. But it's almost an impossible subject.

12 MR. CONHEIM: To me going to the OAL process is like  
13 trying to cross-examine somebody without knowing the answers  
14 to the questions.

15 BOARD MEMBER BROWN: I don't know the process, but  
16 that sounds possible.

17 MR. CONHEIM: You will be sandbagged and blindsided.  
18 That's my advice as your lawyer, and I'm just one staff  
19 person suggesting that.

20 CHAIRMAN ROODZANT: Mr. Beautrow.

21 BOARD MEMBER BEAUTROW: At the outset, Mr. Orr,  
22 didn't you say that this was supposed to have been in place  
23 in '86 or by -- will you reiterate those dates?

24 MR. ORR: Yeah. Mr. Conheim did indicate that they  
25 were due in '86.

1           BOARD MEMBER BEAUTROW: So we're really behind times  
2 here with this whole program and we've got to do something  
3 dramatic to get it back on course. But, of course, we don't  
4 want to blow the whole thing either.

5           So I would be more in favor -- it was already set up  
6 or originally anticipated that you'd do it with this task  
7 force with all these people. And you're saying, Bob, if you  
8 go to OAL and you're not prepared, it's all structured and  
9 you --

10           EXECUTIVE OFFICER EOWAN: Well, when he says go to  
11 OAL, he means go through the process that we just went  
12 through with Palm Desert. It's not that you pick up and walk  
13 out of this building. You still have hearings here that we  
14 conduct.

15           BOARD MEMBER BEAUTROW: But something could be in  
16 progress with OAL while you're meanwhile back at the ranch  
17 still orchestrating or not? Or do you lose control of it?

18           EXECUTIVE OFFICER EOWAN: Well, you lose control of  
19 the timelines. That's the problem. You then get into a  
20 rigid timeframe.

21           BOARD MEMBER BEAUTROW: Well, I'm suggesting that  
22 maybe we better get into the rigid timeframe, because the old  
23 timeframe is shot. I'm just seeking a way to get this thing  
24 on the griddle here.

25           BOARD MEMBER BREMBERG: Mr. Chairman.

1 CHAIRMAN ROODZANT: Mrs. Bremberg.

2 BOARD MEMBER BREMBERG: When you discussed the  
3 formation of risk pools, are you thinking of something along  
4 the line of the CAL FAIR Plan on homeowners insurance? Would  
5 this be a full resource thing, compulsory insurance provider,  
6 or collection of providers in order to see that somebody was  
7 covered?

8 MR. CONHEIM: Let me see if I can't address that.  
9 At the April meeting Mr. Gallagher addressed the issue of  
10 assigned risk. And the insurance industry, as we've been  
11 able to ferret out from people we've talked to and the papers  
12 that we've been able to read, is deadly opposed to assigned  
13 risk. They feel that that would seriously affect their  
14 capacity. Remember the three criteria. It would seriously  
15 undermine their financial solvency.

16 So what I'm talking about is trying to get  
17 information, trying to get a sense of the schema that has  
18 been created by two voluntary risk pools that have been  
19 formed in the midwest and the east. The one that we've had  
20 the most contact with is a pool risk out of Downers Grove,  
21 Illinois called PLIA. And they are a pool formed by 15  
22 insurance companies who were willing to provide the capital  
23 for reinsurance plans for this type of liability.

24 So it's voluntary that we are -- we have been told  
25 the insurance industry would support. The insurance industry

1 we are told would not support assigned risk. The insurance  
2 industry also would not, I don't think, be opposed to state  
3 insurance fund for secondary or for excess insurance.

4 BOARD MEMBER BREMBERG: Well, the insurance industry  
5 isn't the most popular in the State of California at the  
6 present time because -- for instance, seven initiatives out  
7 to do them in, or improve their business practices, depending  
8 upon who you're talking to.

9 I really think that the assigned risk should be one  
10 of the components to be discussed and either laid to rest or  
11 not laid. But it shouldn't be left out of the discussion and  
12 the options that are available. I have no idea if it's  
13 worthwhile, but I think it ought to be one of the dishes in  
14 the cafeteria that are going to be either picked up or put  
15 back down.

16 CHAIRMAN ROODZANT: Mr. Calloway.

17 BOARD MEMBER CALLOWAY: Mr. Chairman, members. If  
18 you really want to get any insurance business, do away with  
19 the insurance companies and take it on yourself. That's  
20 maybe a good thing for government to do.

21 I just talk about assigned risk. Have you had any  
22 experience with the automobile assigned risk? In other  
23 words, if you're a bad driver in California, you try to go  
24 through that pool and so forth. This is what Bob is talking  
25 about. It's absolutely a disaster.

1           You can do it if you want, or the Legislature can do  
2 anything they want. They can tie the insurance hands and so  
3 forth. But you know who's going to pay for it?

4           John Q. Public. Yes. If you let the insurance companies do  
5 their thing through their competitive process, which is very  
6 fierce, believe me -- there isn't an industry in the world  
7 that isn't more competitive than the insurance industry. I  
8 think that's one of the reasons that they do very well.

9           But this assigned risk business is probably the  
10 poorest way that you can go. But if that's what the  
11 Legislature wants, then I pity the poor people of California.  
12 They're going to have to pay for it. And you're not going to  
13 solve the problem by going to assigned risk.

14           There is ways to do it. There is pooling. I think  
15 the industry is willing to take these hazardous material  
16 risks and so forth, these high risk things, and pool them.  
17 There's no problem in that. But when you talk about the  
18 assigned risk thing such as you have in the automobile thing,  
19 you're really just skirting on some disastrous areas, I  
20 think.

21           BOARD MEMBER BREMBERG: Mr. Chairman.

22           CHAIRMAN ROODZANT: Mrs. Bremberg.

23           BOARD MEMBER BREMBERG: I didn't mean to imply that  
24 we should adopt that. I just felt that unless it is  
25 discussed and the pros and cons are laid out and it is

1 clearly understood that we have addressed that option,  
2 somebody's going to come back around and say, well, why  
3 didn't you do something about assigned risk?

4 BOARD MEMBER CALLOWAY: I misunderstood you. I  
5 agree. As a matter of fact, I think that is very good that  
6 they discuss it, Ginger, and understand what the problem is  
7 with it. I misunderstood. Thank you.

8 CHAIRMAN ROODZANT: Mr. Conheim, what kind of  
9 timeframe are we talking about to get this through? We're  
10 talking about a task force. Can you give us a ballpark  
11 figure?

12 MR. CONHEIM: My thought was based on the task force  
13 that former member Mr. Stevens suggested at the April meeting  
14 was one or two meetings of a task force to really ferret out  
15 the issues and as an action concomitant to that, that we  
16 would also investigate the possibility of doing a survey  
17 through the State Insurance Commissioner on the availability  
18 of insurance.

19 So I'm talking about a three, four month period in  
20 which we would gather -- say a four-month period in which we  
21 would gather information. By that time we would know what  
22 was available and we could then at that point fairly quickly  
23 prepare some regulations to start through the formal process.  
24 That's my thought.

25 I don't think it's as long as six months. I'm

1 talking about working informally outside the OAL process for  
2 maybe four months. Through the summer at this point and then  
3 right at the fall being able to go more formally. That's  
4 just my thought, but I don't know whether -- Mr. Orr is lead  
5 on this whole process and I don't know whether that's doable.

6 CHAIRMAN ROODZANT: Yes, Mr. Orr.

7 MR. ORR: Well, we are trying to address the issues  
8 really in the priorities that we're bringing to you now. I  
9 think that something on that order, the majority of the  
10 people that are currently involved in the regulations area  
11 are more in technical areas and we're working right now in  
12 terms of obtaining additional expertise in more the financial  
13 ends. So I think that that would allow us time to get some  
14 more backup personnel here at the staff and also to  
15 investigate some of those possibilities.

16 But in that it's the first item we're bringing to  
17 you, I think that that does represent the highest priority  
18 that we have, and we'll try to deal with the other priorities  
19 that we'll be talking about later that also have timelines  
20 associated with those to meet them all. I think it's  
21 reasonable though.

22 CHAIRMAN ROODZANT: You think four months is  
23 reasonable?

24 MR. ORR: Yes.

25 CHAIRMAN ROODZANT: Any other comments or questions?

1 BOARD MEMBER BEAUTROW: Let's get started.

2 CHAIRMAN ROODZANT: Any objections?

3 Hearing none, we'll proceed then.

4 MR. CONHEIM: Mr. Chairman, that will require some  
5 further direction on --

6 EXECUTIVE OFFICER EOWAN: On who you want the task  
7 force --

8 MR. CONHEIM: Who you want the task force to be  
9 comprised of. There's no need to do that now, but we broke  
10 down the last time because we never got a task force.

11 BOARD MEMBER BREMBERG: We lost it the last time  
12 when it wasn't set up right on the spot.

13 CHAIRMAN ROODZANT: Has staff made recommendations  
14 on who they think it should be comprised of?

15 MR. CONHEIM: No, Mr. Chairman.

16 CHAIRMAN ROODZANT: Did Mr. Stevens when he  
17 recommended it last April?

18 MR. CONHEIM: Mr. Stevens made some general  
19 recommendations about having waste management industry  
20 representatives from both the public sector and the private  
21 sector, and I'm suggesting that we need some insurance  
22 involvement as well. And I think we have some contacts that  
23 we can contact -- some people we can contact who may be  
24 willing to participate, maybe one or two people who represent  
25 the insurance industry.

1           We have made contact with the American Insurance  
2 Industry Association. So we know that we can contact them.  
3 But public waste, private waste, and some insurance. And  
4 that would be five to seven people to sit around the table  
5 maybe twice.

6           BOARD MEMBER BREMBERG: Mr. Chairman.

7           CHAIRMAN ROODZANT: Mrs. Bremberg.

8           BOARD MEMBER BREMBERG: I would just off the top of  
9 my head like to suggest that you have in the public sector  
10 someone from the largest public dealer in waste and a rural  
11 county where the problems, the solutions, and the whole  
12 structure is entirely different. I think that they could  
13 represent the big side and the problems.

14           I'm thinking of the poor county with Yosemite, for  
15 instance. Absolutely unique problem. Or Modoc County. Some  
16 rural county that has an entirely different concept of waste  
17 management and they have to have.

18           MR. CONHEIM: I think the insurance industry  
19 couldn't even come to the table with us without that type of  
20 waste management public sector representation, because they  
21 have a very definite view, which I haven't discussed with  
22 you, of municipal financial ability. So I agree with you and  
23 we've got those notes taken down.

24           BOARD MEMBER BEAUTROW: Mr. Chairman.

25           CHAIRMAN ROODZANT: Mr. Beautrow.

1           BOARD MEMBER BEAUTROW: Why don't you say just hold  
2 it to a maximum of seven people and get the representation  
3 like you suggested. Get somebody from the CRRC, which  
4 represents the private sector, and you can get it from the  
5 north or the south; somebody from GRCDA through their  
6 organization that they could suggest that represents the  
7 governmental sector; and someone from the insurance industry.  
8 And that should do it. Those are the players in this thing.

9           MR. CONHEIM: Mr. Beautrow, then if I could  
10 paraphrase just to get what you're suggesting clear, that we  
11 should seek the representation through the major trade  
12 associations.

13           BOARD MEMBER BEAUTROW: Yes.

14           MR. CONHEIM: CRRC, GRCDA, and the AIA, the American  
15 Insurance Association. Fine.

16           BOARD MEMBER BREMBERG: Mr. Chairman.

17           CHAIRMAN ROODZANT: Mrs. Bremberg.

18           BOARD MEMBER BREMBERG: Perhaps if any of us have  
19 any names of people that we know that are very skilled that  
20 are members of or do represent those various things, it would  
21 be a starting point. I don't have anybody in mind. I'm just  
22 thinking that perhaps somebody at the table knows people who  
23 are particularly skilled in this area.

24           MR. CONHEIM: Mrs. Bremberg, Mr. Chairman, could I  
25 suggest that we set ourselves a -- staff sets a limit of

1 about ten days before we in earnest really start -- we bring  
2 names to the Chairman for approval?

3 So that within that time if you have suggestions,  
4 we'll be glad to receive them. At the end of that time, ten  
5 days to two weeks, we will have a list of names presented to  
6 the Chairman for approval and we'll be moving. So it will  
7 take two weeks to do this part of it.

8 BOARD MEMBER BREMBERG: I understand.

9 CHAIRMAN ROODZANT: Mrs. Bremberg

10 BOARD MEMBER BREMBERG: But very often associations  
11 will pick somebody that's willing to do it rather than  
12 someone who brings a certain expertise to the table. And I  
13 don't believe we have time to bring someone up to speed on  
14 the issue. We need someone who understands the issue and  
15 hits the ground running. This eleven-month delay already has  
16 put us a long ways behind the curb and I don't think that it  
17 should be someone from any group, whether it's municipal or  
18 private, that is just available and has the time and, why  
19 not, I'll do it.

20 CHAIRMAN ROODZANT: Mr. Calloway.

21 BOARD MEMBER CALLOWAY: Mr. Chairman, I have just  
22 two short suggestions. I think it should be a member -- we  
23 should have a member of this Board on the task force. Who  
24 that's up to --

25 CHAIRMAN ROODZANT: I just heard a volunteer.

1           BOARD MEMBER CALLOWAY: All right. The second thing  
2 is I would say that in order to move this thing along, that  
3 the Chairman be authorized to go ahead and appoint the  
4 members once the staff has selected them. I see no reason  
5 why they have to come back to us in April and have this Board  
6 to go through the formality of stamping it. Why can't the  
7 Chair just go ahead and do this and appoint them? If there's  
8 no objection, that's what I'd like to see done.

9           CHAIRMAN ROODZANT: Anybody else like to volunteer?

10          BOARD MEMBER CALLOWAY: You've got to be kidding.

11          CHAIRMAN ROODZANT: I think it's important we have  
12 another Board member on that committee. I would ask for  
13 another volunteer.

14          BOARD MEMBER BREMBERG: Why do we need the Board --

15          BOARD MEMBER CALLOWAY: Why do you need two?

16          CHAIRMAN ROODZANT: Well, we have always had two in  
17 the past on these committees. I'm not saying we have to, but  
18 we always have had.

19          BOARD MEMBER GALLAGHER: I trust Ginger implicitly.  
20 So anything she says, I do automatically.

21          BOARD MEMBER BREMBERG: Get out of the way,  
22 lightning's going to strike.

23          BOARD MEMBER CALLOWAY: If that's what you would  
24 like --

25          CHAIRMAN ROODZANT: No, in addition to you. It's

1 not that I don't think you're capable of handling it.  
2 Obviously, you are very in tune and knowledgeable in these  
3 issues. But all task forces we've had here before have  
4 included more than one Board member, as many as two and  
5 sometimes three. The figure of seven was made earlier.

6 MR. CONHEIM: Mr. Chairman, since the issues involve  
7 public and private and since there's such a very different  
8 issue at least perceived by the insurance industry about the  
9 insurability, as well as the financial capability of public  
10 agencies, I might suggest that that's an issue that we ought  
11 to continually remember to address throughout these  
12 discussions.

13 EXECUTIVE OFFICER EOWAN: You know, it occurs to  
14 me -- I just want to keep in mind here that we're still  
15 working on a process to go through all these regulations and  
16 we're trying to do this in a public setting. So let me think  
17 out loud with you for a minute here.

18 We initially decided that we weren't going to have a  
19 task force, that we were going to be an entire Board looking  
20 at every single regulation. Now we've decided that we're  
21 going to have a task force, because we need some special  
22 expertise to come in and give us some advice and guidance on  
23 a particular topic, which is appropriate and something we  
24 didn't anticipate.

25 Why not have a combination of both of these ideas?

1 And rather than seek volunteers from two or three members of  
2 the Board, let's bring in these experts that we've  
3 identified, still have a meeting where all of the Board  
4 attends as a regular Board meeting to go through these ideas.  
5 We're still accomplishing the task force idea, but we're also  
6 convening an entire Board meeting on this where we can all  
7 hear the expertise that we're seeking. Then you don't have  
8 to worry about looking for volunteers. Everybody can  
9 participate.

10 CHAIRMAN ROODZANT: That would be a separate special  
11 Board meeting?

12 EXECUTIVE OFFICER EOWAN: Yes, sir.

13 CHAIRMAN ROODZANT: Any objection?

14 BOARD MEMBER BROWN: That kind of makes sense.

15 CHAIRMAN ROODZANT: Hearing none, so ordered.

16 19B.

17 --oOo--

18 MR. ORR: Thank you, Mr. Chairman, Board members.  
19 We're going to move on now to really the first item that is  
20 addressed as part of the formal standards and regulations  
21 unit.

22 Before I actually get into the item, I just wanted  
23 to go through and give you an idea of how we have organized  
24 the material in Section 19B. The section will be the first  
25 one to be considered under the Assembly Bill 2448 and is

1 initial concepts regarding closure/post-closure plans.

2 Basically, the way that we have approached all of  
3 the items that are included in the book is by laying out the  
4 statutory authority for that item, and to follow-up that with  
5 a problem statement which would define the universe of a  
6 given problem.

7 Now, this can be in both a general context of an  
8 overall problem that needs to be addressed. Or on a  
9 section-by-section basis, it can be the problem that we're --  
10 the specific problem that we're trying to deal with.

11 The next item that would be found would be the  
12 current regulation, if there is one. If there isn't, then we  
13 would move on down the list. If there is a current  
14 regulation, then we would go to the problem with the current  
15 regulation if a portion of the problem is not being currently  
16 addressed based on legislative mandates, our response from  
17 operators, Local Enforcement Agencies, and staff trying to  
18 implement the various regulations.

19 Out of that would come a need for additional  
20 regulation. And, basically, that's where we are now; that  
21 most of the information in the book is presented as concepts  
22 and is at least carried out to this extent where we've  
23 identified the need for additional regulation and outlined  
24 some of these concepts. In this whole process what we're  
25 seeking is guidance in moving forward with these concepts,

1 validating that these are real concepts, and if there are  
2 additional areas that we need to address, to have those  
3 brought to our attention.

4 Now, in some of the areas where staff has previously  
5 examined the regulations, there may be areas where they were  
6 able to go ahead and create an outline of a regulation so  
7 that you get a systematic idea of the various types of  
8 problems that would be addressed. Finally, in some cases  
9 there is some proposed language, and that depends on the  
10 development of that individual topic.

11 --oOo--

12 So with that I'll give you an idea of the timeline  
13 that we're trying to deal with in this first item as it  
14 relates to the deadlines in Assembly Bill 2448.

15 In terms of the general applicability of this  
16 section, these regulations will apply to any landfill  
17 operator that was operating a landfill on January 1st of  
18 1988. And to give you an idea of what lies in store for us  
19 in the coming months, January 1st of 1989 operators are to  
20 certify to this Board and the Local Enforcement Agency that  
21 they've established a trust fund and that they've got cost  
22 estimates to support the establishment of that trust fund.

23 A Solid Waste Clean-Up and Maintenance Advisory  
24 Committee convened for the first time on Wednesday and  
25 discussed the issues to which they're mandated to advise the

1 Board. And those specifically would be in regard to  
2 non-duplication or conflict with the existing Water Board  
3 regulations in Subchapter 15, and to ensure coordination with  
4 other state and federal regulations.

5 Those will all feed into the need for the Board to  
6 adopt regulations in the area of closure and post-closure by  
7 July of 1989.

8 --oOo--

9 So with that, that's why we bring to you as the  
10 second priority closure and post-closure maintenance plans.

11 To go over real briefly what is included in the  
12 plan, I've mentioned that these plans would be applicable to  
13 any operator of a landfill as of January 1st, 1988. And  
14 there are a number of timeframes that have been established  
15 for the submission of these plans. So these are all things  
16 that are laid out in the statute and the information that's  
17 included in Section 19B essentially details our initial  
18 concepts in those areas and actually does go ahead with some  
19 proposed language.

20 The timeframe for the plans to be submitted is  
21 linked in large part to the five year permit review cycle and  
22 kicks in for the first time in July of 1990. Any plan or any  
23 permit that's due to be reviewed at that time would be  
24 subject to submission of a closure and post-closure plan. In  
25 addition, any landfill that is scheduled to close or would

1 run out of capacity before 1993 would also be required to  
2 submit a closure plan at that time.

3 If there are facilities that are not scheduled to be  
4 reviewed under the five year permit review at that time, the  
5 submission of the closure plan would be linked to when the  
6 next five year permit review would be due.

7 The next element would be revision of the plans. As  
8 the site develops through time and as the cost estimates are  
9 further refined, those plans would again be linked to being  
10 revised or reviewed for revision every five years along with  
11 the rest of the permit.

12 In terms of the maintenance of the plans, that would  
13 indicate where all of those plans are to be left, where  
14 they're to be located in accessible -- for review and after  
15 the closure of the land, where they could be found if there  
16 are no facilities remaining on site.

17 The main issues that we have at this time is in  
18 terms of what new plans -- or plans for new facilities. The  
19 bill currently does not address when and how plans need to be  
20 submitted for new facilities.

21 The second thing is in terms of being able to  
22 establish a cost estimate and include the appropriate amount  
23 of money in a trust fund, the relationship between these  
24 plans and the trust fund that's due to be established before  
25 the plans are due is sort of a difficult relationship.

1 BOARD MEMBER BEAUTROW: Excuse me. Could I ask a  
2 question?

3 MR. ORR: Sure.

4 BOARD MEMBER BEAUTROW: Under the current  
5 regulations -- that is, Subchapter 15 -- an operator is  
6 supposed to -- I think it's six months before closing they're  
7 supposed to submit a closure plan, right?

8 MR. ORR: That's correct.

9 BOARD MEMBER BEAUTROW: This is the existing  
10 regulations, but it's -- and I think it's, you might say,  
11 acceptable to the agency or something. But it's nonspecific,  
12 right? They've just got to use their creativity. Now we're  
13 trying to get more specific. Is that a correct statement or  
14 what?

15 EXECUTIVE OFFICER EOWAN: Yes, that is. But it  
16 doesn't mean that it's going to -- Subchapter 15 is very  
17 specific as well. So we're not trying to replace the  
18 Subchapter 15 process. This process would include that.

19 BOARD MEMBER BEAUTROW: Okay. But, I mean, there  
20 is -- closure plans are required now six months before  
21 closure.

22 EXECUTIVE OFFICER EOWAN: For water.

23 BOARD MEMBER BEAUTROW: For the water.

24 EXECUTIVE OFFICER EOWAN: Yeah. Now, what this  
25 would be would be an all-inclusive closure plan, one

1 component of which would be water.

2 BOARD MEMBER BEAUTROW: The second thing is you  
3 mentioned there's no provision for new sites, right?

4 MR. ORR: That's correct.

5 BOARD MEMBER BEAUTROW: But in the Report of  
6 Disposal Site Information, if you're going to make an  
7 application for a permit for a new site, aren't you supposed  
8 to as one of the elements of that indicate your closure and  
9 post-closure plans in the Report of Disposal Site  
10 Information? That's supposed to be all-encompassing.

11 MR. ORR: That's correct.

12 BOARD MEMBER BEAUTROW: You said there's nothing in  
13 effect now. But there really is, is there not?

14 MR. ORR: In terms of the specifics of these new  
15 statutory requirements, that's an area that's not addressed,  
16 as Mr. Eowan indicated, both because of the specifics of the  
17 statute and our existing authority. One of the important  
18 issues that's going to need to be resolved is how to include  
19 current requirements and make it make sense within the  
20 context of this new program.

21 So as we address these additional topics, you'll see  
22 that we raise what our current regulations are, including the  
23 RDSI, and the existing regulations. Although our regulations  
24 are not currently broken up into a section that says closure  
25 plan, there are a lot of the standards that do apply to

1 closure.

2 BOARD MEMBER BEAUTROW: You're saying that there is  
3 a mechanism that is already in place.

4 BOARD MEMBER BREMBERG: Mr. Chairman.

5 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

6 BOARD MEMBER BREMBERG: It is obvious that -- I  
7 think Mr. Beautrow mentioned the word "creativity". I do  
8 believe that that's gotten to be the name of the game.  
9 They're fulfilling their obligation by presenting a piece of  
10 paper.

11 Now, I have read several times the  
12 closure/post-closure plan for Toyon. There's a couple of  
13 paragraphs in there that casually mention that they're  
14 probably going to be closing Lopez, too.

15 You know, it's a joke. Because there is no plan.  
16 It's rhetoric and it's just gobbledygook paragraph after  
17 paragraph we're going to save the world for sunshine and  
18 clean water or something. But it really is not a plan.

19 Aren't there or do we have the opportunity now to  
20 make specific requirements that must be addressed?

21 EXECUTIVE OFFICER EOWAN: Yes, you do. That's  
22 exactly right.

23 BOARD MEMBER BREMBERG: Good.

24 --oOo--

25 MR. ORR: Following up on that, we do plan on having

1 specific requirements for what's to be included in the plan.  
2 And as Ms. Bremberg indicated, we've commented regarding that  
3 particular closure plan. I think that's an excellent example  
4 of something that sort of is an outline of what we promise to  
5 do rather than an actual closure plan. So that is the kind  
6 of thing that we are looking for guidance from the Board in  
7 how to require that information and how to be creative in  
8 obtaining it.

9 BOARD MEMBER BREMBERG: Mr. Chairman.

10 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

11 BOARD MEMBER BREMBERG: The one thing that is not on  
12 that list that I think is terribly important because of the  
13 Toyan plan, there is no enforcement of even their promises.  
14 There's no follow-up on have you done what you promised to  
15 do. It is just accepted and filed and nothing happens unless  
16 their feet are kept to the fire. I think there should be  
17 some, if necessary, structured procedure for following  
18 through on their creativity and their promises.

19 I'm not just picking on that one. That's the one  
20 that I'm the most familiar with. But I think all of them  
21 have to have in writing. Because if it isn't in writing,  
22 then it suddenly gets lost. So add enforcement of plan  
23 content.

24 MR. ORR: Okay. I hope that in some of the  
25 specifics we can address that further, also, as these

1 discussions continue.

2 Now, in terms of the general performance standard,  
3 the overall intent with any closure plan is to protect the  
4 public health and safety and the environment. So from a  
5 general standpoint, all of the things that are included in  
6 the plan should contribute to that end.

7 In terms of the closure plan criteria, that would be  
8 a number of elements that would be similar to the information  
9 that's contained in an RDSI. It might include things like a  
10 physical description of each of the units that make up the  
11 disposal site, record of waste types accepted, the current  
12 monitoring and collection programs, tasks necessary to close  
13 the facility, the timeframes to implement and carry out those  
14 tasks, the current surrounding land uses proposed for  
15 post-closure use of the site, and for the plans that are  
16 developed well in advance of closure the estimated year of  
17 the site closure. An important interface with these items  
18 would be cost estimates.

19 In terms of the post-closure plan, that's  
20 essentially how to continue to monitor and maintain the  
21 landfill after you've physically gone through the process of  
22 closing the facility. And that plan would include a  
23 description of the monitoring and collection systems, the  
24 monitoring tasks, frequency and types of analysis that would  
25 be necessary and continue for some time into the future.

1           The current -- the monies that are to be set aside  
2     in the closure trust fund is for a time period of 15 years'  
3     worth of these monitoring activities. Although the plans  
4     themselves are supposed to address 30 years of closure,  
5     they're to set aside 15 years' worth of money.

6           It would also describe how the various collection  
7     systems operate; include a summary of the various reporting  
8     requirements to our agency and to other agencies; include the  
9     ongoing maintenance procedures, whether that be regrading or  
10    looking at the site for settlement; and would also include  
11    notification procedures related to the maintenance of the  
12    landfill. Finally -- and this would also feed into the  
13    establishment of the correct amount in the trust fund --  
14    would be cost estimates for all of those activities.

15           Another element of the requirements under the  
16    statutes is that a process be developed to approve the plans.  
17    There can be various states of approval. Those might include  
18    interim approvals which might be in sufficient detail to  
19    actually allow for the development of cost estimates. And  
20    that would go on until such time that the closure plan is  
21    finished in the detail that would actually allow  
22    implementation. And at that time it may receive a final  
23    approval to go ahead with the plan.

24           Another type of approval that we would look at  
25    stressing in this process would be a partial closure. Where

1 if you have a phased development of a particular site, that  
2 you would close certain units within the overall facility as  
3 you go. And one of the advantages to that is that you  
4 wouldn't be putting off all of the closure activities until  
5 the very end of the site. The other would be that the  
6 statute indicates that after a landfill is closed according  
7 to an approved plan, they will not be subject to future  
8 changes in standards and regulations.

9 So if you have units that are closed under the  
10 current state of the art, someone couldn't come along 20  
11 years down the road and say, well, now you have to close this  
12 unit using these rules. So that would be an incentive for  
13 encouraging partial closure rather than deferring it all to  
14 the very end of the site's life.

15 Then finally -- and I think this touches a little  
16 bit on what Ms. Bremberg also indicated -- is certification  
17 of closure; that closure is not one day when you stop  
18 accepting trash, but is actually a physical process that you  
19 go through by placing final cover and installing any  
20 additional monitoring systems and establishing maintenance  
21 procedures. So it would be a process by which you can  
22 actually certify that that landfill was closed according to  
23 the plan.

24 I think that's a very important element for us to  
25 deal with and that would need to be certified by a duly

1 registered professional directly involved in the  
2 implementation of the plan. So that it's not somebody  
3 saying, well, yeah, that looks like a good plan. We actually  
4 want that certification to indicate that those activities  
5 were performed as they were specified in the plan.

6 Then in addition to those types of approval, there  
7 will need to be the process laid out by which the plans are  
8 actually submitted to the Local Enforcement Agencies and the  
9 Board for approval according to the regulations. That will  
10 be something that we'll need to develop here in the future.

11 Are there any questions regarding any of these  
12 issues that we've raised?

13 If you'd like, we could go through the specific  
14 language that we've proposed. As I indicated in the initial  
15 slide, not all of the sections are that far advanced. But in  
16 that we have specific statutory requirements and this is  
17 largely a procedural type of thing in terms of laying out  
18 what needs to be in the plan and then the engineering and the  
19 professional things are what comes back as a result of these  
20 procedural requirements, we have gone ahead and developed  
21 some proposed language in this area.

22 BOARD MEMBER BREMBERG: Which page?

23 EXECUTIVE OFFICER EOWAN: 185, I believe is the  
24 first --

25 MR. ORR: Yeah, it would be Section 19B. And the

1 first page that would have actual language would be --

2 MR. OLDALL: 185.

3 MR. ORR: -- 185.

4 Now, as I mentioned, the authority for this whole  
5 section is related to the new part of the Government Code  
6 that resulted from the Assembly Bill 2448. And as a general  
7 performance standard, it indicates that permitted solid waste  
8 disposal landfills will be closed in such a manner as to  
9 protect human health and the environment and assure that  
10 adequate resources have been planned for to properly  
11 accomplish closure and to maintain that facility in the  
12 post-closure period.

13 Essentially, that's the broad scope of who this  
14 particular section applies to. That specifically does target  
15 all facilities that are permitted. But then in terms of the  
16 applicability of the particular section, it's limited to only  
17 those operators that were operating on January 1st of this  
18 year.

19 BOARD MEMBER BREMBERG: Mr. Chairman.

20 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

21 BOARD MEMBER BREMBERG: I hate to be picky, but in  
22 your last line of your proposed language: "... maintain that  
23 facility during ..." and it should be "the post-closure care  
24 period" instead of "a". Because "the" is clearly defined, as  
25 you said, for 30 years and so forth and it would fit the

1 regulatory -- or the statutory language.

2 EXECUTIVE OFFICER EOWAN: This is the time to be  
3 picky.

4 MR. ORR: Yes.

5 VICE CHAIRMAN MOSCONE: At the bottom of page 185,  
6 Proposed Regulatory Language, the last sentence reads: "In  
7 addition, the plans required by this article shall cover all  
8 other operations located at the site of the solid waste  
9 landfill."

10 Now, this would preclude a recycling operation or  
11 whatever might be going on?

12 MR. ORR: That is intended to be more in terms of  
13 pertinent facilities like drying beds or leachate ponds,  
14 those types of things; not intended to be something that may  
15 be permitted separately.

16 VICE CHAIRMAN MOSCONE: I think there should be more  
17 detail there.

18 MR. ORR: Okay.

19 MR. IWAHIRO: That could be changed from "all" to  
20 then maybe "pertinent operations" or something like that  
21 instead of "all".

22 BOARD MEMBER BEAUTROW: Page 186.

23 BOARD MEMBER BREMBERG: Let's get this language that  
24 they proposed.

25 Would you reiterate that? I'm sorry, Herb.

1 MR. IWAHIRO: Yeah, "shall cover pertinent  
2 facilities", I guess, to the operation located at the site  
3 instead of "all".

4 EXECUTIVE OFFICER EOWAN: I'm not sure that does it.

5 BOARD MEMBER BREMBERG: Well, if you don't think  
6 that that's appropriate, how would you word it?

7 EXECUTIVE OFFICER EOWAN: I think what Mr. Orr was  
8 intending was all disposal-related operations. I think that  
9 makes it a little more specific.

10 MR. IWAHIRO: All right.

11 BOARD MEMBER BREMBERG: Instead of other.

12 EXECUTIVE OFFICER EOWAN: Instead of other or the  
13 generic word "pertinent". Disposal then would encompass the  
14 leachate activity, the gas collection activity.

15 BOARD MEMBER BREMBERG: Well, how about doing what  
16 they always do over at the Legislature: Including, but not  
17 limited to.

18 EXECUTIVE OFFICER EOWAN: Uh-huh.

19 BOARD MEMBER BREMBERG: And actually list. That's a  
20 wonderful phrase.

21 EXECUTIVE OFFICER EOWAN: Yes, it is. It includes,  
22 but doesn't limit.

23 CHAIRMAN ROODZANT: Mr. Gallagher.

24 BOARD MEMBER GALLAGHER: On the subject we've been  
25 discussing about things other than the landfill itself being

1 covered by the regulation, perhaps it's going to be covered  
2 further down, but I'd ask the question at this particular  
3 time: What about things that occur at the landfill well  
4 after the closure/post-closure plan has been submitted? Are  
5 they going to have to amend the closure/post-closure thing to  
6 include that facility?

7 MR. ORR: Now, are you talking about things -- like  
8 these plans would be submitted initially during the operation  
9 of the landfill and would be periodically revised during the  
10 life of the landfill. Are you talking about something that  
11 may be developed after the landfill closes, or during the  
12 operation?

13 BOARD MEMBER GALLAGHER: No, I haven't seen yet in  
14 here where what you said is proposed, that there be a  
15 continual updating of the plan. That's what I was trying to  
16 get to, I guess.

17 MR. ORR: Yes, there is a periodic update to the  
18 plan and also a corresponding revision in the cost estimates.

19 BOARD MEMBER GALLAGHER: If I understand this  
20 correctly, this closure/post-closure plan must be submitted  
21 as you open the landfill. You know, some of those landfills  
22 will have a 30-year life. An awful lot of things can happen  
23 in 30 years. You know, our whole concept of things could  
24 change. I just think there has to be some language in here  
25 somewhere. And you may have it. I'm not sure that you

1 don't. But just a suggestion that that be included that we  
2 have an updating of everything as it goes along.

3 MR. ORR: As we proceed through, we'll see if we get  
4 to it and we'll add that, if necessary.

5 BOARD MEMBER GALLAGHER: Thank you.

6 BOARD MEMBER BEAUTROW: Mr. Chairman.

7 CHAIRMAN ROODZANT: Mr. Beautrow.

8 BOARD MEMBER BEAUTROW: Page 186 c) (a), Existing  
9 Facilities. "Submittal of the plans shall be 120 days ..."  
10 I would suggest it be 180 days and it will make the six  
11 months consistent with what the current requirements are. As  
12 you keep working through this, you keep using six months. I  
13 don't know where the 120 days came from.

14 MR. ORR: I think the precedent for the 120 days is  
15 related to our current permit process and five year permit  
16 review. That's a number that's included.

17 BOARD MEMBER BEAUTROW: It seems to me that six  
18 months is a more appropriate number.

19 MR. ORR: I'm sure the staff could use the  
20 additional time to review the plan as well.

21 EXECUTIVE OFFICER ECWAN: Excuse me. Back to  
22 Mr. Gallagher's point.

23 Did you intend then to add something to the scope  
24 language on the top of page 185 where it says: "during the  
25 post-closure care period"? Did you want to add more language

1 that would specify the revisions? We have it in a separate  
2 spot, but I know that your question was keyed from that.

3 BOARD MEMBER GALLAGHER: No, I just hadn't gone far  
4 enough to see the separate spot and I just wondered if it was  
5 going to be in there. If it was not, then I was going to  
6 suggest that that be amended to include something. But as  
7 long as it's covered later on, I think that's sufficient.

8 EXECUTIVE OFFICER EOWAN: All right.

9 Now, is there any other -- on the applicability  
10 section on page 185, we've gone through that language there  
11 in Item c). Before we proceed then to the next one, which is  
12 timeframes, do you have any other comments? If not, we'll  
13 then go ahead and go through the language then in the  
14 timeframes.

15 MR. ORR: Sure.

16 "Section 18255, Timeframes for Submittal of Closure  
17 and Post-Closure Maintenance Plans.

18 "(a) Existing Facilities. Submittal of the plans  
19 shall be ..." and then as Mr. Beautrow indicated "... 180  
20 days prior to the review of the solid waste facilities  
21 permit. Notice of this requirement shall be made by the  
22 Board." And the authority is cited.

23 "(b) Except that if a facility will close within  
24 five years of the effective date of Section 66796.22, the  
25 plan must be submitted by July 1, 1990." And the authority

1 is also indicated.

2 "New Facilities. Plan submittal shall be at the  
3 time of the application for a solid waste facilities permit."

4 Basically, that would be submitted with all other  
5 documentation required along with that permit application.

6 VICE CHAIRMAN MOSCONE: Suppose it's a revision to  
7 the permit? That wouldn't change anything, would it?

8 MR. ORR: I don't believe so. Because if a plan was  
9 already in place, it wouldn't be considered -- like if it was  
10 an expansion or something like that, it would have a plan in  
11 place and through the revision process it would need to be  
12 revised to include, you know, the new facilities.

13 Are there any additional comments on this section?

14 VICE CHAIRMAN MOSCONE: I had -- I had checked in  
15 a), Problem Statement. "Without initial planning, closure  
16 design may conflict with the operational design of the  
17 facility and result in significant expenditures to retrofit a  
18 facility to be compatible with closure."

19 Would you explain that?

20 MR. ORR: I think that that speaks largely to the  
21 fact that as you develop a facility, I think it needs to be  
22 developed with closure eventually in mind. Sometimes in  
23 developing a facility, you can exclude the possibility of  
24 installing certain types of monitoring or control systems at  
25 a later date. Also, for example, sometimes if you're not

1 proceeding according to what ultimately will be your final  
2 plan, you might have to, say, regrade the facility, change  
3 the top of the slope, or something along those lines just to  
4 make sure that that operation is consistent with the final  
5 configuration of the facility.

6 EXECUTIVE OFFICER EOWAN: Okay. If there's nothing  
7 else on timeframes, then we can move on to the revision  
8 section on page 187.

9 MR. ORR: Okay. The proposed language for this  
10 section: "Section 18256. Revision of Closure and  
11 Postclosure Maintenance Plans."

12 "(a) Plans shall be revised upon each review of the  
13 solid waste facility permit required by Title 7.3, Section  
14 18213."

15 "(b) Six months prior ..."

16 MR. IWAHIRO: You might explain that.

17 MR. ORR: Essentially, that would be the five year  
18 permit review. And as we indicated to Mr. Gallagher, that  
19 would be the time at which any new contemplated modifications  
20 to the operation that may affect closure -- new facilities  
21 added -- would be done. And also at that time the cost  
22 estimates would be adjusted to reflect those changes.

23 "(b) Six months prior to the date that the facility  
24 will cease accepting solid waste, the closure plan shall be  
25 reviewed, and if necessary, amended."

1           As I indicated in the slides, the initial plans  
2 would be of lesser detail and would be primarily directed at  
3 ensuring that adequate monies could be determined to put in  
4 the trust fund. And that before the closure of the facility,  
5 that would be the time that it would be required that the  
6 plan be finalized, and would go from an interim authorization  
7 to a final authorization.

8           The option would also be with an operator, if he so  
9 choose, to have a comprehensive or a fully implementable plan  
10 early on rather than have to go through the process over  
11 again.

12           But, basically, we want to maintain the flexibility  
13 to be able to modify and develop a facility through time  
14 without requiring that they be able to anticipate every  
15 aspect of the final configuration of the landfill 30 or 40  
16 years in advance, but that the money would be there to  
17 provide for the closure.

18           "(c) The owner or operator shall adhere to the  
19 closure and post-closure maintenance plan approved six months  
20 prior to the final acceptance of waste ..."

21           VICE CHAIRMAN MOSCONE: You stumped me there.

22           MR. ORR: Yes.

23           VICE CHAIRMAN MOSCONE: What's the unless?

24           BOARD MEMBER BREMBERG: Unless period.

25           VICE CHAIRMAN MOSCONE: Waste comma or small C in

1 changes or what? I went over that sentence I don't know how  
2 many times.

3 BOARD MEMBER BREMBERG: And the first time I read  
4 it, it made sense. So that should tell you something. And I  
5 went back and it didn't make sense.

6 EXECUTIVE OFFICER EOWAN: Unless previously  
7 approved?

8 MR. ORR: We'll work on that.

9 BOARD MEMBER BREMBERG: Unless the sky is falling.

10 MR. OLDALL: Nobody's perfect.

11 EXECUTIVE OFFICER EOWAN: Or else.

12 MR. ORR: "Changes to the closure and post-closure  
13 maintenance plans shall be limited to those events which the  
14 owner or operator reasonably could not have expected."

15 "(d) Post-closure maintenance plans may be modified  
16 during the post-closure care period if the following  
17 conditions exist: (a) the modification is either to enhance  
18 environmental control at the facility, or; (b) to reduce the  
19 amount of control necessary provided that documentation  
20 identifying why a particular level of control is no longer  
21 necessary."

22 EXECUTIVE OFFICER EOWAN: So, Mr. Gallagher, then  
23 does this section in here, particularly the (d) section  
24 talking about when modification may occur, does that go far  
25 enough for you? Or do you think we ought to get more

1 specific in that area?

2 BOARD MEMBER GALLAGHER: No, I think everything is  
3 fine.

4 EXECUTIVE OFFICER EOWAN: Okay.

5 BOARD MEMBER BREMBERG: Mr. Chairman.

6 CHAIRMAN ROODZANT: Mrs. Bremberg.

7 BOARD MEMBER BREMBERG: While there's a break.

8 What -- and this is just for my information, not  
9 necessarily to change the language. But when a post-closure  
10 plan is modified, is there any requirement or anything that  
11 even if they don't think it's necessary and if they think  
12 it's to enhance the environment, is there any check that we  
13 have to be sure that that's what the case is? Because I keep  
14 going back to my favorite rotten landfill, Toyon. Because  
15 they went ahead and changed the grading, changed the whole  
16 natural drainage of the entire area and called it a slight  
17 modification. They said it enhanced the environment. Well,  
18 it certainly did not, according to the opinion of the people  
19 affected by the drainage.

20 So, the only -- should they just mail it in even  
21 though they think it's complying just so somebody else can  
22 evaluate whether the opinion is valid or not?

23 MR. ORR: I think that documentation in either of  
24 these two cases under section (b) and -- in the (b) case  
25 where they want to actually remove something, it's pretty

1 clear that documentation would be required. But under the  
2 (a) section, we could include some additional language so  
3 that that determination is confirmed that, you know, what may  
4 be improvement to one person may not be that to someone else.  
5 So we could look at putting in some kind of a documentation  
6 type of clause there as well.

7 BOARD MEMBER BREMBERG: I'd like to suggest that  
8 most of the operators are certainly very conscientious and  
9 follow the rules. But for the stray that decides to beat the  
10 system, I think there should be some check.

11 EXECUTIVE OFFICER EOWAN: Changes must be approved  
12 by the Board prior to implementing them, something to that  
13 effect. Okay.

14 MR. CONHEIM: Mr. Chairman, but you can't require  
15 changes in a post-closure maintenance plan to reflect new  
16 standards adopted by the Board.

17 MR. ORR: This is different. Like, for example, if  
18 a post-closure land use was to change and the operator or the  
19 former operator was to determine that some additional  
20 protections were required on their behalf, it wouldn't be a  
21 regulatory required change.

22 MR. CONHEIM: I see. But needs to be approved.

23 BOARD MEMBER GALLAGHER: I think you could beef the  
24 language up a little bit in (d) that may serve an important  
25 point if you just added "on approval of the Board."

1 "Post-closure maintenance plans may, with approval of the  
2 Board, be modified during the post-closure care period if the  
3 following conditions exist:"

4 EXECUTIVE OFFICER EOWAN: Okay.

5 MR. ORR: Are there any comments on this section?

6 Then we'll proceed to the maintenance of closure and  
7 post-closure plans.

8 "Section 18257, Maintenance of Closure and  
9 Post-Closure Maintenance Plans. The approved plan shall be  
10 maintained at the facility whenever possible. When no  
11 offices are located at the facility, the plan may be  
12 maintained at an alternate designated location which is  
13 accessible on a daily basis to the owner and operator."

14 As I indicated in the overview, this is largely  
15 after the closure of a facility when there may be no scale  
16 house or no maintenance buildings directly on the site, there  
17 may be the need to, on an alternate basis, establish a base  
18 where the plan is available to be viewed.

19 BOARD MEMBER GALLAGHER: Mr. Chairman.

20 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

21 BOARD MEMBER GALLAGHER: I think there needs to be  
22 in that language -- and I'm not necessarily going to propose  
23 it. It's just an idea -- that there would be at the facility  
24 a sign or notice where that plan is located so that there is  
25 no confusion. If someone is involved in regulation or if

1 someone is involved in enforcement, they wouldn't be running  
2 around like a bunch of crazy people trying to locate where  
3 the hell the plan is. I know it's very simplistic, but maybe  
4 a sign or notice or something that the closure/post-closure  
5 plan is located at X place.

6 MR. ORR: I think that's an excellent suggestion.

7 VICE CHAIRMAN MOSCONE: It might keep off some real  
8 estate developers who, when they read that -- they might  
9 think it's prime land, not knowing that a garbage fill was  
10 there before. But if they see that sign that this is under a  
11 closure or post-closure for a solid waste facility, then  
12 they'll probably back off and not bother the owner.

13 MR. ORR: Are there any comments on this section?

14 VICE CHAIRMAN MOSCONE: I don't have any.

15 MR. ORR: Now we'll move into the closure and  
16 post-closure plan general performance standard.

17 The proposed language for that is Section 18260,  
18 Closure and Post-Closure General Performance Standard.

19 "(a) To identify the steps necessary to close a  
20 facility at any given point during its intended life or at  
21 the end of its intended life."

22 "(b) To minimize the extent of post-closure care  
23 necessary."

24 "(c) To provide a third party with specific tasks  
25 and cost estimates for the closure of a facility and the

1 post-closure maintenance of that facility in the event that a  
2 third party must assume the responsibility for closure."

3 "(d) To comply with the closure requirements of  
4 this Article and Article 3."

5 Article 3 is the closure standards that go along  
6 with this.

7 BOARD MEMBER BREMBERG: Mr. Chairman.

8 VICE CHAIRMAN MOSCONE: Ms. Bremberg.

9 BOARD MEMBER BREMBERG: Maybe I just don't  
10 understand what you're trying to say. But when I read under  
11 problem statement a) where plans must be developed and so  
12 forth: "None of these goals, however, may be in the best  
13 interest of the public health and the environment." Is that  
14 meant to -- explain it.

15 MR. ORR: It's not intended to be inconsistent with  
16 that overall guidance to protect the public health and safety  
17 and the environment.

18 Basically what that's saying is -- I think that we  
19 do want to add the statement into the reg that that's while  
20 achieving the protection of public health and safety and the  
21 environment, not -- for example, in (b): "To minimize the  
22 extent of post-closure care where necessary." But that would  
23 be while protecting the public health and safety and the  
24 environment, not simply the most efficient or simplest.

25 So I think that we do need to add that. Because the

1 environmental goal is laid out in the problem statement and I  
2 think we need to reinforce that better in the language.

3 BOARD MEMBER BREMBERG: Well, you've created a  
4 problem with that statement as far as I'm concerned. Under a  
5 problem statement you've created another problem and your  
6 explanation didn't satisfy my lack of understanding of what  
7 you're trying to say with that sentence.

8 BOARD MEMBER BEAUTROW: Why don't you include it in  
9 the very first sentence there: "Environmental goals to  
10 protect the best interests in the public health and safety."  
11 That's what you're trying to do.

12 EXECUTIVE OFFICER EOWAN: That's right.

13 BOARD MEMBER BEAUTROW: Take out that last sentence  
14 and just incorporate it into the first.

15 EXECUTIVE OFFICER EOWAN: Good idea.

16 MR. ORR: Are there any other comments on this  
17 section?

18 The next section is Section 18261, Contents of the  
19 Closure Plan.

20 "All estimates required under this section shall be  
21 based upon the maximum allowable inventory of waste specified  
22 in the solid waste facility permit. At a minimum, the  
23 following items shall be included in the plan. The Local  
24 Enforcement Agency or the Board may require additional items  
25 as necessary."

1 "a. Physical description of each operating unit."

2 VICE CHAIRMAN MOSCONE: What is a unit?

3 MR. ORR: A unit would include all sections of a  
4 phased development of a landfill site, plus as we -- the  
5 list, going back to the section that we've already talked  
6 about, would include all of the pertinent or disposal-related  
7 facilities that we'll list. So we'll sort of make that list  
8 appear here, as well as in the other section that we've  
9 already talked about.

10 VICE CHAIRMAN MOSCONE: I don't know. It should be  
11 more descriptive, I think.

12 MR. ORR: We may just go ahead then and include a  
13 definition of what units are for the purposes of the section.

14 "This shall include a map of the facility indicating  
15 all units, structures, and boundaries at the facility. The  
16 description shall also state what the proposed final  
17 elevations, slopes, et cetera are to be."

18 VICE CHAIRMAN MOSCONE: At what point in time? Ten  
19 years after closure, five years after closure, one year after  
20 closure?

21 BOARD MEMBER BREMBERG: Thirty?

22 MR. ORR: At the time of closure.

23 Now, in terms of --

24 VICE CHAIRMAN MOSCONE: Proposed final elevations.  
25 Now, are you saying that this is at closure?

1           MR. ORR: That would be at closure. For example, if  
2 you are trying to accommodate settlement or something like  
3 that, that should be addressed as well. But essentially  
4 where you leave it, what elevation, you know, at the closure  
5 of the facility with the placement of the cover and the  
6 grading or whatever at that time.

7           VICE CHAIRMAN MOSCONE: That wouldn't create any  
8 problems later on, would it?

9           MR. ORR: This section, or some of the things that  
10 may occur with the elevation?

11          VICE CHAIRMAN MOSCONE: If you're saying that the  
12 elevation at closure is going to be at a certain point and  
13 then it settles and all of that, you're not going to have any  
14 problem with that with anyone, are you?

15          MR. IWAHIRO: Mr. Chairman.

16                 There is another section that follows this that's  
17 the contents of the post-closure maintenance plan. I think  
18 that's a good point and could be included in there. That's a  
19 possibility. But that is a good point that there is  
20 settlement. So when we say that it's a specific point at  
21 closure, then we do have to state what it's going to be  
22 during maintenance period.

23          VICE CHAIRMAN MOSCONE: What brought this to my mind  
24 was the fact there's been some sites that I'm aware of that  
25 at a particular point in time the elevation of that, taking

1 into consideration settlements and everything, that, for  
2 example, the site shall be not more than ten feet above the  
3 level of Highway 101 or whatever it might be if it's close to  
4 a freeway or highway or whatever it might be.

5 So if it were -- I don't know how legally if there  
6 would be any problems with anyone.

7 MR. IWAHIRO: No, there should be no problem with  
8 that to actually -- you really refer to like a USGS data,  
9 which is the typical engineering data that they use for the  
10 elevation.

11 BOARD MEMBER BEAUTROW: I've got a question.

12 CHAIRMAN ROODZANT: Mr. Beautrow.

13 BOARD MEMBER BEAUTROW: This is a clarification. I  
14 think that this shall include a topographic map and plot  
15 plans of adequate scale. You're not being anywheres near  
16 specific enough here as to what -- unless you're going to do  
17 that someplace else.

18 MR. ORR: Do you have a suggested scale?

19 BOARD MEMBER BEAUTROW: Well, a USGS quad map. I  
20 mean, it depends on how big the site is, if it's 100 acres or  
21 1,000, when I say adequate scale. But a quad sheet is -- you  
22 know, the US -- I don't think you'd want it on a USGS quad  
23 sheet. That's 2,000. But you might have a 100 scale.

24 But I think you'd better be more specific. But it  
25 would depend on how large the property is and what is the

1 contour interval, whether it's five feet or one foot. So I  
2 say adequate scale.

3 MR. ORR: I think we'll work further on defining  
4 that scale.

5 MR. CONHEIM: We'll have to define it. You'll lose  
6 a regulation at OAL with the word "adequate" in it.

7 BOARD MEMBER BEAUTROW: But I want it to include the  
8 topographic map and a plot plan, which are two different  
9 things.

10 All right. I'll give you a scale then. No less  
11 than one inch equals 200 feet. That would be for a really  
12 large -- and a contour interval of five feet. One inch  
13 equals 200 feet.

14 MR. CONHEIM: Mr. Chairman, this may be a good place  
15 to use Mr. Beautrow's statement of a developing standard as a  
16 way to illustrate the ultimate review process at OAL.

17 If such a standard is reasonable and is empirically  
18 verifiable and we'll take testimony at a public hearing that  
19 this is doable, that it's reasonable, et cetera, then that  
20 would be enough to establish this type of standard.

21 But they would -- they meaning OAL -- would reject a  
22 regulation that didn't have a specific standard.

23 Furthermore, for which that standard didn't have  
24 absolute --

25 BOARD MEMBER BEAUTROW: What I'm telling you is

1 doable, one inch equals 200 with a five-foot contour. No  
2 less than.

3 MR. ORR: "b. A record of waste for each unit at  
4 the facility. This record shall not include proposed waste  
5 types, but only those which have been actually incorporated  
6 into the units. The plan shall include a general list of all  
7 waste types that may be included in the units."

8 "c." --

9 BOARD MEMBER BREMBERG: Why the delineation, shall  
10 actually and may have been? I don't understand why you  
11 worded it that particular way. We want two sets of records?  
12 One, a hands-on, we actually took in this, this, this and  
13 this, or we may have taken that, that, that and that? The  
14 wording is --

15 MR. ORR: Okay. The explanation for that is from  
16 now on basically we would want to know what actually was in  
17 the facility. But in terms of sites where records may not  
18 exist and that you would have to make some general  
19 statements, that's what the second one would indicate.

20 BOARD MEMBER BREMBERG: All right. But define that.  
21 Because -- or, you know, make it clear that they are not on  
22 the same plan. And some of the plans that are presently  
23 extant that will be revised really need to know that.  
24 Because if you make it that broad, you've got somebody just  
25 sitting there writing from now on through eternity.

1 EXECUTIVE OFFICER EOWAN: Yeah.

2 MR. ORR: "c. Description of the current monitoring  
3 and collection systems at the facility. Provide a complete  
4 list of all supporting documents for these systems." And  
5 those essentially would be conceptual design documents.  
6 "Provide a map of the systems and their components."

7 BOARD MEMBER BEAUTROW: And a scale of no less than  
8 one inch equals 200 feet.

9 MR. ORR: "d. Description of the specific tasks  
10 necessary to close each operation. This should include  
11 related final cover placement; final slope engineering;  
12 installation of additional leachate gas monitoring or  
13 collection systems; decontamination and removal of equipment  
14 and structures; and, installation of any security measures at  
15 the facility. Each task shall be accompanied with a cost  
16 estimate for that task. A cost estimate shall reflect all  
17 necessary equipment, permits, personnel, and materials to  
18 complete the particular task. The total estimated cost  
19 consists of the cost of each individual task."

20 "1. The final cover design shall at a minimum meet  
21 the requirements of Section 2581(a) of Subchapter 15 of Title  
22 23."

23 "2. The final grading design shall at a minimum  
24 meet the requirement of Section 2581(b) of Subchapter 15 of  
25 Title 23."

1           Now, we may develop our own performance-oriented  
2 standard in this area. We'll get further into actual  
3 standards at a later time.

4           MR. IWAHIRO: As a matter of fact, I think we might  
5 move these to the standards. These are specific standards.  
6 So we might want to try to move those to the standards  
7 portion of it.

8           MR. ORR: Okay. We will talk about those further.  
9 So it may be more appropriate to discuss them in that  
10 context.

11           CHAIRMAN ROODZANT: Mr. Beautrow.

12           BOARD MEMBER BEAUTROW: When you talk about cost,  
13 are we talking about costs in the dollars of the year that  
14 they prepare this closure? In other words, future costs or  
15 what -- you better clarify that somehow.

16           MR. ORR: Yeah, I think that's a good point. In  
17 that we're looking at revising these plans every five years  
18 and modifying the cost estimates, I would say that the cost  
19 estimates should be for the year that they're done as if it  
20 was going to be done tomorrow.

21           BOARD MEMBER BEAUTROW: You can say the cost  
22 estimates in dollars at the year -- some kind of  
23 clarification.

24           MR. ORR: "e. Estimated time frames for each of the  
25 tasks under Section 18261(d), above."

1            "f. Description of the current land uses within one  
2 mile of the permitted area."

3            That one mile --

4            BOARD MEMBER GALLAGHER: The question mark is in  
5 parenthesis?

6            MR. ORR: That question mark is there because that  
7 number is a number for discussion at this point in time.

8            BOARD MEMBER GALLAGHER: It's not fixed at one mile.

9            MR. ORR: Right. There's no regulation that we  
10 could reference that to.

11           "This should include the zoning and specific  
12 industries."

13           BOARD MEMBER BREMBERG: Mr. Chairman.

14           CHAIRMAN ROODZANT: Mrs. Bremberg.

15           BOARD MEMBER BREMBERG: Bill, on that last sentence,  
16 the one mile, I think, is out of Calderon, is it not?

17           MR. ORR: That number is in Calderon. Yes, it is.

18           BOARD MEMBER BREMBERG: "This should include the  
19 zoning and specific industries." Also, just a frame of  
20 reference to a General Plan of the community, county, city,  
21 wherever. Just a frame of reference to a page or something.  
22 Because sometimes what is actually the zoning and specific  
23 use, whether it be industrial, commercial or residential, in  
24 your General Plan land use element will not be what is  
25 proposed down the line.

1 I think that you can cover yourself very well by  
2 seeing what that governmental entity has proposed for that  
3 given area, which may or may not be what is extant.

4 MR. ORR: I think that's an excellent suggestion.

5 "g. Proposed post-closure use at the site. The  
6 proposed use is to be compatible with any monitoring and/or  
7 collection systems at the site. The proposed use shall not  
8 destroy the integrity of the final cover and shall be  
9 compatible with the surrounding uses identified in Section  
10 18261(f), above."

11 BOARD MEMBER GALLAGHER: I think I have a little  
12 concern about that. It seems to me that that's asking an  
13 awful lot. I don't think that somebody 30 years down the  
14 line can predict what the site's going to be used for, or 15  
15 years or 10 years. And I think some language should be  
16 developed that the proposed use will be in accordance with  
17 the county/city General Plan for that specific area.

18 You know, the city/county General Plan may designate  
19 that particular area as open space for golf courses or  
20 something like that, and that should be sufficient. It seems  
21 to me that to just allow the owner/operator to conjecture as  
22 to what the end use might be isn't sufficient.

23 MR. ORR: So, it really doesn't reflect a commitment  
24 to a particular land use, just --

25 BOARD MEMBER GALLAGHER: Right. It will be in

1 accordance with the General Plan for that county.

2 MR. ORR: I think that's good. I might just  
3 interject that part of the thing that we're trying to address  
4 here is possible proposed RCRA language. So as that  
5 proceeds, we'll try to deal with that, also.

6 BOARD MEMBER GALLAGHER: Yeah.

7 VICE CHAIRMAN MOSCONE: I could give you an example.  
8 When they closed Mountain View Landfill, for example, and  
9 built a golf course, they had to put in -- so it just  
10 wouldn't be a flat golf course, they put in all the dips and  
11 valleys and everything else. And then they had to move some  
12 of the garbage around and then recover it all.

13 BOARD MEMBER GALLAGHER: Everybody wants to make a  
14 golf course out of a garbage dump.

15 BOARD MEMBER CALLOWAY: It's a good use for it.

16 BOARD MEMBER GALLAGHER: I'm all for that.

17 BOARD MEMBER CALLOWAY: Maybe they'll get the rates  
18 down.

19 BOARD MEMBER GALLAGHER: I doubt it.

20 MR. ORR: Then finally: "h. Estimated year of  
21 closure."

22 Are there any other comments on this section?

23 Now we'll be moving from the closure plan, which  
24 essentially would describe the processes and so forth to  
25 actually close the facility, on to the more maintenance and

1 monitoring related aspects of the post-closure maintenance  
2 plan.

3 "Section 18265. Contents of the Post-Closure  
4 Maintenance Plan."

5 "At a minimum the following items shall be included  
6 in the post-closure maintenance plan. The Local Enforcement  
7 Agency or the Board may require additional items as  
8 necessary."

9 "a. A description of current monitoring and  
10 collection systems at the facility. This description shall  
11 be kept current throughout the postclosure care period ..."

12 BOARD MEMBER BREMBERG: You've got "this section".  
13 That isn't what you said. You've got "this section".

14 BOARD MEMBER BROWN: You said description. It's  
15 section.

16 MR. ORR: Excuse me.

17 BOARD MEMBER BREMBERG: Just wanted you to know  
18 we're listening.

19 MR. ORR: Okay. Thank you.

20 "A description of current monitoring and collection  
21 systems at the facility shall be kept current throughout the  
22 post-closure care period of the facility."

23 "b. The specific monitoring tasks and frequencies  
24 of those tasks that are to take place and the methods of  
25 analysis for each of these tasks."

1 "c. A description of how each collection system is  
2 to be operated and the frequency of operation. This  
3 description shall also include the method of storage,  
4 treatment, or disposal for all materials collected."

5 "d. A short summary of reporting requirements for  
6 the monitoring and collection systems described under Section  
7 18262(a)." These may include requirements of other agencies  
8 such as the Water Board or air districts."

9 "e. A description of the maintenance procedures  
10 required for any of the remaining structures at the facility,  
11 the final cover, monitoring and collection systems, security  
12 measures, and procedures related to the post-closure use of  
13 the facility."

14 "f. The name, address, and telephone number of the  
15 person or firm which is to be responsible for each of the  
16 items above."

17 VICE CHAIRMAN MOSCONE: So we keep this updated?

18 MR. ORR: Yes.

19 BOARD MEMBER BREMBERG: Updated as necessary.

20 MR. ORR: "g. Cost estimates for all items  
21 summarized under subsections (b), (c), (d) and (e) above to  
22 cover a period of not less than thirty (30) years. The cost  
23 estimates shall be itemized by task and listed in not more  
24 than ten year increments."

25 VICE CHAIRMAN MOSCONE: Suppose this site is

1 developed after five years?

2 MR. ORR: Suppose the site is developed five years  
3 after closure?

4 VICE CHAIRMAN MOSCONE: After closure.

5 MR. ORR: Uh-huh.

6 VICE CHAIRMAN MOSCONE: I don't know why I wrote  
7 that, but I just can't think of --

8 MR. ORR: As we diagnosed maybe in the overall  
9 context, that may require some changes in the control systems  
10 or whatever to be compatible with that land use to maintain  
11 the integrity of the systems and so forth.

12 That was one of the situations that I alluded to  
13 earlier where it may not be a new statutory requirement that  
14 you would be subject to, but simply something that would be  
15 compatible with a particular use that was envisioned for the  
16 facility or development.

17 Are there any additional comments on this section?

18 BOARD MEMBER BREMBERG: Mr. Chairman.

19 CHAIRMAN ROODZANT: Mrs. Bremberg.

20 BOARD MEMBER BREMBERG: I think this is fine, but  
21 I'm getting back to enforcement thereof. I mean, if it's  
22 just a letter or a description or somebody calls in and says  
23 there's somebody new in charge of the responsibility or so  
24 forth. What type of enforcement do we envision?

25 MR. ORR: I think that that can be addressed both in

1 terms of our current authority in regulations and also some  
2 additional authority.

3 Currently there is a standard in the minimum  
4 standards inspection upon completion which would say that the  
5 Local Enforcement Agency would need to go out at a specified  
6 time to ensure that certain activities would be done.

7 What we would be looking at adding to that would be  
8 more of either a self-monitoring or a supervised construction  
9 control that actually people would be actually doing things  
10 according to the plan and would be recording, documenting  
11 that information that would be periodically reviewed by the  
12 Local Enforcement Agency or the Board to ensure that those  
13 are being achieved.

14 BOARD MEMBER BREMBERG: I hate to go back to Toyan  
15 again. But when we had a state inspection that I went along  
16 with, the guy said, well, it's so much better than it was.  
17 But it was 20 years later that they had not complied with  
18 regulations. I understand that the City of Los Angeles, as  
19 the 8,000-pound gorilla, sort of behaves as it wishes. But  
20 everybody else in this state complies or tries to diligently  
21 and in my opinion there has to be some line, some  
22 clearly-printed enforcement procedure for the few that do not  
23 comply.

24 The fact that somebody can inspect and should  
25 monitor isn't going to do it for the ones that deliberately

1       defy the conditions that were put upon them.

2               MR. ORR: I agree. And part of the reason that  
3 we've created the unit, the Regulations Unit that we have  
4 now, is that we are bringing in people that are qualified in  
5 various technical specialties -- engineers, geologists, and  
6 waste management specialists. And I hope in the process of  
7 finalizing these regulations to come up with that kind of  
8 procedural approach to ensure that the plans are implemented.

9               BOARD MEMBER BREMBERG: Would it be on a complaint  
10 basis, or would it be on a self-starting basis from this end?  
11 Because very often things like housing code violations or so  
12 forth, because of the lack of staff or time or being on site,  
13 it's only done on a complaint basis, not on a regularly  
14 scheduled or unscheduled monitoring.

15              MR. ORR: I would envision it not to be on a  
16 complaint basis, but to be a routine procedure that is  
17 spelled out in the regulations.

18              BOARD MEMBER BREMBERG: Thank you.

19              MR. ORR: The next section is Section 18270,  
20 Approval of Closure and Post-Closure Maintenance Plans.

21              "The closure and post-closure maintenance plans  
22 shall be approved of by both the Board and the enforcement  
23 agency."

24              "(a) Interim approval shall be granted to those  
25 plans meeting the minimum criteria set forth in this article,

1 but which do not contain sufficient detail so as to implement  
2 closure activities at the solid waste landfill."

3 "(b) Final approval shall be initiated for those  
4 plans which have been amended in the most recent review  
5 pursuant to Section 18213 ..." Which is the five year permit  
6 review. "... prior to closure. Closure activities at the  
7 landfill shall not commence without final approval of the  
8 closure and post-closure maintenance plans from both the  
9 Board and the enforcement agency."

10 "(c) However, incremental closure of discreet units  
11 shall obtain final approval for each unit during the most  
12 recent review pursuant to Section 18213 prior to closure of  
13 that unit. Closure of such a unit shall not commence until  
14 final approval has been granted. For those facilities  
15 operating in this manner, the specific closure details for  
16 each unit shall be compatible with closure of the entire  
17 facility."

18 As I previously indicated, this would be to  
19 encourage the close-as-you-go type of situation where you  
20 wouldn't have one massive closure operation at the end of the  
21 facility's life.

22 BOARD MEMBER BREMBERG: This is just whimsical, but  
23 what is a discreet unit at a landfill?

24 MR. ORR: For example, in the -- well, you like the  
25 choice of words. But in terms of what we envision for that,

1 it would be conceivably if you had a site that was made up of  
2 multiple canyons, one of the canyons may be a discreet unit.  
3 If you were in a cut-and-fill operation, conceivably each of  
4 these cut operations could be closed as a discreet unit as  
5 well.

6 BOARD MEMBER BREMBERG: It wouldn't be discreet as a  
7 cell?

8 MR. ORR: No, not as a cell. It would be something  
9 that would be, hopefully, able to define its containment  
10 ability separately or somehow identify it in the phased  
11 development plan. So you would have to be able to determine  
12 that it was in fact something that could be intricately  
13 closed and wouldn't be subject to adjacent operations.

14 Are there any additional comments on this section?

15 The final section in this article is Section 18265,  
16 Certification of Closure.

17 "The owner or operator shall submit, via registered  
18 mail, a certification that the solid waste facility has been  
19 closed in accordance with the approved specifications in the  
20 closure plan. The certification shall include a summary by a  
21 registered civil engineer that describes any deviation from  
22 the approved plan and that all closure design features were  
23 inspected and approved by him/her. Any documentation  
24 supporting the independent registered professional engineer's  
25 certification must be furnished to the Board or the

1 enforcement agency upon request."

2 I think that that could be further developed to  
3 address Ms. Bremberg's concerns in terms of not this being  
4 simply a paper certification, but it being a true indication  
5 that the closure has occurred.

6 BOARD MEMBER BEAUTROW: Mr. Chairman.

7 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

8 BOARD MEMBER BEAUTROW: The statement about the need  
9 for the regulation, you've got it very succinctly. But when  
10 you start in the actual regulation where you say: "...  
11 include a summary by a registered civil engineer that  
12 describes any deviation ..." We're not talking about  
13 deviation, we're talking about the whole closure document  
14 itself should be --

15 MR. ORR: I think that's an excellent point. If  
16 you'll look at the need for regulations, it may be more  
17 appropriate under the second sentence: "The engineer should  
18 conduct and maintain records of inspection, quality control  
19 and quality assurance demonstrations ..." I think that  
20 probably should be directly included as the primary focus of  
21 the certification.

22 BOARD MEMBER BEAUTROW: Really it's the  
23 certification or the closure plan shall be certified by a  
24 registered civil engineer. If you use the term "professional  
25 engineers", you know, now they've got under the Business and

2  
1 Professions Code anybody -- I think they've even got an  
2 environmental engineer or something. But really the civil  
3 engineering profession is the one that really should be the  
4 one to work on these, not just a professional engineer. So  
5 you better clarify it.

6 MR. ORR: We've obtained from the registration board  
7 for professional engineers and surveyors their legislation  
8 that specifies all of the various specialties of engineers.  
9 So we have the information by which to make that change.

10 BOARD MEMBER BEAUTROW: Okay.

11 EXECUTIVE OFFICER EOWAN: You're saying that you  
12 want to have a registered civil engineer certify it.

13 MR. ORR: Right.

14 EXECUTIVE OFFICER EOWAN: We're not taking issue  
15 with that.

16 MR. ORR: No, we're not. No.

17 BOARD MEMBER BEAUTROW: Okay. But the need for the  
18 regulation with that -- when you bring this stuff forward,  
19 are you just going to leave "professional engineer"? Do you  
20 need this as backup?

21 MR. CONHEIM: Mr. Chairman, if you picked something  
22 like -- Mr. Beautrow, if you picked something like registered  
23 civil engineer, you'd have to justify that. So that the need  
24 statement as it goes to OAL would have to be modified to  
25 backup why you picked registered civil engineer. I suspect

1 that the engineering community will come out and comment on  
2 that. So that we'll have to summarize those comments and it  
3 will go into whatever statement and backup documentation.

4 BOARD MEMBER BEAUTROW: Right now on the five year  
5 review, I think, of a facility permit you have to have a  
6 statement by a registered civil engineer.

7 EXECUTIVE OFFICER EOWAN: Sure.

8 BOARD MEMBER BEAUTROW: I'm just saying for the  
9 continuity. But I don't agree with this include a summary by  
10 a registered civil engineer. I think the terminology should  
11 be the plan is certified by a registered civil engineer, not  
12 a summary. In other words, he's putting his professional  
13 stamp that this plan, who could have been prepared by anybody  
14 in that office, meets all of the engineering profession  
15 standards. You see the difference?

16 MR. ORR: The difference -- let me just mention this  
17 and see how this is. What we're certifying with this is not  
18 the plan itself, but the plan has been implemented.

19 MR. IWAHIRO: That the closure is in conformance.  
20 But I think that's still okay. It's still okay. We can  
21 still certify that it's closed according to the plan.

22 EXECUTIVE OFFICER EOWAN: According to the plan,  
23 rather than a summary.

24 MR. IWAHIRO: I think it's okay. I want to clarify  
25 that I think that's okay, that what Mr. Beautrow is saying is

1 correct. We'll change it.

2 EXECUTIVE OFFICER EOWAN: I think that gets through  
3 that Section 19B, Article 3.4.

4 MR. CONHEIM: Mr. Chairman, we need a break for the  
5 reporter.

6 VICE CHAIRMAN MOSCONE: Very good. Five-minute  
7 break.

8 (Thereupon a brief recess was taken.)

9 CHAIRMAN ROODZANT: Call the meeting back to order.  
10 We're up to 19C now. Can the staff give me some  
11 idea of what kind of time we're looking at to consider this  
12 matter?

13 EXECUTIVE OFFICER EOWAN: I think at least two hours  
14 to get through Article 7, if not more.

15 CHAIRMAN ROODZANT: Since we're approaching the  
16 lunch hour and Mr. Beautrow has to leave here within the  
17 hour, I propose we delay this until a future date certain so  
18 that everybody can have opportunity to have adequate time to  
19 go through this issue.

20 Is there any objection?

21 BOARD MEMBER BEAUTROW: Excuse me. But I don't want  
22 to be a -- don't delay it because of me.

23 BOARD MEMBER ARAKALIAN: You already have. So what  
24 are you going to do now?

25 CHAIRMAN ROODZANT: We're not delaying it just

1 because of you. I want you to be --

2 BOARD MEMBER ARAKALIAN: Say we are so he can feel  
3 guilty.

4 CHAIRMAN ROODZANT: My colleagues would also feel  
5 that. Otherwise we're going to have to break now to go or in  
6 the middle of this to go to lunch and then come back again.  
7 There's others that have commitments a little later this  
8 afternoon. So it's not just you, Phil.

9 We've got to meet again on other regulation matters.  
10 So if there's no objection, we will delay it. And that  
11 leaves then a discussion of when we'd like to get together  
12 again.

13 BOARD MEMBER BREMBERG: Mr. Chairman, didn't we  
14 earlier suggest that we would be having a special meeting?

15 EXECUTIVE OFFICER EOWAN: Yes.

16 BOARD MEMBER BREMBERG: And I would suggest that  
17 this would be number one on the agenda for a special meeting  
18 to resolve it before it gets lost again and people have to  
19 depart for the airport. Because I think this is going to  
20 require, as you say, time and thoughtfulness and so forth.  
21 So let's pick a date for this special --

22 CHAIRMAN ROODZANT: Does the staff have an idea of  
23 what they'd like for a future meeting date?

24 EXECUTIVE OFFICER EOWAN: About two weeks from now  
25 would be good for us.

1           CHAIRMAN ROODZANT: Two weeks from now.

2           VICE CHAIRMAN MOSCONE: So that would change this  
3 April 6th and 7th.

4           BOARD MEMBER BREMBERG: Not necessarily.

5           EXECUTIVE OFFICER EOWAN: No it would be in addition  
6 to the regularly scheduled Board meetings.

7           VICE CHAIRMAN MOSCONE: Very good.

8           EXECUTIVE OFFICER EOWAN: That's what we agreed last  
9 time.

10          BOARD MEMBER CALLOWAY: Could we make that a  
11 three-day meeting? Instead of 6th and 7th, could we have  
12 it -- well, we could have it on the 5th.

13          BOARD MEMBER ARAKALIAN: When's your next  
14 regularly-scheduled meeting?

15          BOARD MEMBER CALLOWAY: You say you're going to need  
16 some additional time for this other than the regular meeting.  
17 I assume that the 6th and the 7th are already taken up with a  
18 heavy agenda. So there's no time on that agenda. What I'm  
19 suggesting is why don't we do it on the 5th of April.

20          BOARD MEMBER BREMBERG: Well, you can count me out  
21 on the 5th. That's a Tuesday.

22          CHAIRMAN ROODZANT: Is there a problem with two  
23 weeks from --

24          BOARD MEMBER CALLOWAY: Well, you want to make it on  
25 the 8th then? I mean, you've got 6th and 7th for the regular

1 meeting. You want to continue it to Friday?

2 BOARD MEMBER ARAKALIAN: Extend it on to Friday.

3 BOARD MEMBER BEAUTROW: What is the 6th and 7th?

4 BOARD MEMBER CALLOWAY: That's a Wednesday and  
5 Thursday. And the trash bash is on Tuesday night.

6 BOARD MEMBER ARAKALIAN: Continue it on to Friday,  
7 if you want to make it three days. I can figure that one out  
8 one, two, three.

9 BOARD MEMBER CALLOWAY: I think that's probably the  
10 best thing.

11 BOARD MEMBER BEAUTROW: Say this again?

12 BOARD MEMBER BREMBERG: Add the 8th.

13 BOARD MEMBER CALLOWAY: Add the 8th to it. So now  
14 you've got a three-day meeting.

15 BOARD MEMBER BREMBERG: And have the 8th  
16 specifically --

17 EXECUTIVE OFFICER EOWAN: If we did that, we may  
18 have time on the 7th as well for some additional --

19 BOARD MEMBER CALLOWAY: If we do, we'll get some of  
20 it done and then carry the balance over to the 8th and finish  
21 it off on the 8th. All right?

22 CHAIRMAN ROODZANT: Is there any objection?

23 Hearing none, so ordered.

24 That concludes Item 19 today.

25 Item 16, Report on Significant Staff Activities.

1 EXECUTIVE OFFICER EOWAN: Thank you, Mr. Chairman,  
2 members. Mr. Iwahiro is going to report on his activities,  
3 and then Mr. Oldall will follow.

4 MR. IWAHIRO: Yes, Mr. Chairman, just real briefly.  
5 There were 19 sites that were investigated by our enforcement  
6 staff since the last meeting and 12 in this -- not 12 of the  
7 19. But in the process of reviewing these, 12 have been  
8 basically deemed in compliance.

9 I just might want to report on the waste-to-energy  
10 demonstration project we talked about a little bit yesterday  
11 on the \$1 million. We will be having a meeting of the  
12 Technical Advisory Committee meeting on the 22nd to really  
13 develop that program for the testing.

14 On another issue, as you may recall, we have a  
15 contract with SCS Engineers to develop a guideline manual on  
16 gas and leachate. These will be -- we're expecting a draft  
17 of it by March 21st.

18 I'm looking around to see if our new members of our  
19 staff are here. They were here earlier. We have two new  
20 members of our staff that were in the audience before, a lady  
21 by the name of Kim Schwab, who comes from the oil industry  
22 and also worked with the Soil Conservation Service. And Mark  
23 Hamilton is from private industry. They are basically going  
24 to be helping Bill Orr with the regulations. They left. I'm  
25 sorry.

1 MR. OLDALL: On the subject --

2 CHAIRMAN ROODZANT: Nguen is still here. Is  
3 somebody going to introduce Nguen?

4 MR. OLDALL: I was just going to do that.

5 CHAIRMAN ROODZANT: I'm sorry.

6 MR. OLDALL: Yes, I would like to introduce at this  
7 time a new member of our staff that in the past has amongst  
8 his varied careers been the Director General of Economic  
9 Planning for the Republic of South Viet Nam. And he is here  
10 to assist us in our implementation of AB 2448, particularly  
11 in the financial area. And I would like to introduce  
12 Mr. Nguen Van Hanh.

13 CHAIRMAN ROODZANT: Welcome, Nguen.

14 MR. OLDALL: Very briefly, I would like to point out  
15 a couple other things. We have been contacted by the Prison  
16 Industries Authority concerning a study that Dr.  
17 Tchobanoglous has completed about the possibility of a  
18 recyclery type facility going in at one or two of the state  
19 prisons.

20 I think that's probably related to something that  
21 was in the newspaper yesterday that the Governor announced  
22 that he's starting to try to make prisons more  
23 self-supporting by making inmates work for government  
24 agencies and private industry, or establish more industries  
25 at the prisons. There will be a gentleman coming to address

1 the Board at the next Board meeting on that particular issue  
2 from the Prison Industries Authority.

3 The litter program staff have been researching  
4 locations in the Bay Area for our annual litter conference.  
5 I think that's going to be held in November and they're  
6 examining various facilities in the San Francisco Bay Area  
7 for that particular point right now.

8 The majority of the Board were at that meeting in  
9 Southern California where we had the recycling markets  
10 conference. Virtually all the feedback that staff has  
11 received has been very complimentary in that respect.  
12 Primarily, I think, that's due to the quality of the  
13 attendance, the fact that we got a different group of people  
14 to show up. Obviously, there were some old faces, but there  
15 were many, many new faces. And I think the numbers look like  
16 about just over 352 or 353, I think, were attendees at that  
17 conference.

18 That ends my presentation at this time.

19 EXECUTIVE OFFICER EOWAN: Bob.

20 MR. CONHEIM: I have just one item to share with  
21 you.

22 The County of San Bernardino filed many months ago  
23 and it's just come to hearing what we used to call an SB 90  
24 claim against the state. This is the type of claim where  
25 local government claims that the state has mandated a new

1 program or a higher level of service. And under Prop 13 they  
2 get to be paid for it or else they don't have to do it.

3 This particular claim involves the solid waste  
4 assessment testing, the SWAT testing, that is mandated of all  
5 operators of landfills for air and water quality toxic  
6 assessments. This is one of the Calderon bills of several  
7 years ago of the three bills, one of which was the financial  
8 assurances.

9 But this requirement is applied to -- the SWAT tests  
10 are applied, as you will recall, to all operators of  
11 landfills, public and private. But San Bernardino is  
12 claiming that because they operate all of their landfills, or  
13 95 percent of their landfills, that they consider this a  
14 mandate against local government and they want to be paid by  
15 the state for conducting the SWAT tests.

16 This has just come to a hearing before an  
17 administrative law judge. For many, many months -- a year --  
18 it languished over at the new Commission on State Mandates,  
19 which replaces the SB 90 Board of Control. We used to  
20 understand the process before the SB 90 Board of Control.  
21 You'd go to a hearing, they'd make a decision, and that would  
22 be it. The Commission on State Mandates toyed around with  
23 this for a number of months and then decided to put it out to  
24 hearing.

25 That hearing was just held this week on Tuesday, and

1 it was submitted on a stipulated statement of facts, one  
2 significant part of which was that the county stipulated that  
3 statewide in California there are approximately 45 percent  
4 privately-operated sites, 45 percent local  
5 government-operated sites, and 10 percent federal. So  
6 they've stipulated to that percentage of sites.

7 The issues that the judge will decide are whether  
8 this is a mandate that's unique to local government; or  
9 whether, as a recent case about a year ago said, that this is  
10 a mandate that applies equally to public and private and it  
11 just happens in the case of San Bernardino to fall on them  
12 and on no other solid waste operators in the county because  
13 there are no other solid waste operators.

14 So we appeared -- I appeared on behalf of the Board  
15 in a passive role, because the actual mandate to conduct the  
16 testing -- although it applies to solid waste landfills, the  
17 mandate is stated in the Air Board's law and in the Water  
18 Board's law, but not in the solid waste law, in the  
19 Government Code. Only part of that Calderon bill is in the  
20 Government Code, but not the part that's being claimed.

21 So I appeared just simply to protect the Board's  
22 interests and to monitor the proceedings. And the matter is  
23 now submitted. It's on a briefing schedule that will end in  
24 ten weeks. We will receive San Bernardino County's brief in  
25 one month, and the agencies will have a month to respond, and

1 then there will be two weeks for rebuttal. I will keep you  
2 advised of how this proceeds.

3 BOARD MEMBER BROWN: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mr. --

5 BOARD MEMBER BROWN: Was there a monetary amount  
6 spoken to by San Bernardino County?

7 MR. CONHEIM: They claimed for three fiscal years.  
8 The first year was five figures, but the other years were six  
9 figures, the mid six figures, for three fiscal years. And I  
10 don't exactly have the figures, but it runs over a million  
11 dollars about.

12 CHAIRMAN ROODZANT: Mr. Beautrow.

13 BOARD MEMBER BEAUTROW: You made the statement  
14 initially that San Bernardino County operates their landfill.  
15 I don't know if this had anything to do with it, but the  
16 major landfills are contract operations with that Wolfe  
17 outfit if I'm not mistaken.

18 MR. CONHEIM: They are the named permit holders, I  
19 understand. Or at least they're stating that they are in  
20 this --

21 BOARD MEMBER BEAUTROW: That's probably true.

22 MR. CONHEIM: As you understand, many times contract  
23 operators' names do not appear on the permits, but the  
24 operating entity, the one that takes out the permit, appears.  
25 And in this case I believe that most of San Bernardino's

1 landfills, while contracted, still are operated in name by  
2 the county.

3 The reason that they are making this claim is that  
4 even though there is a fee mechanism to support this, they  
5 are saying that it's virtually impossible as a public  
6 operator, because of the politics of it, to raise fees to  
7 support the SWAT testing. So they're saying that while the  
8 law provides for fees to support this, they can't  
9 realistically do this.

10 That also is part of a legal issue that's stated in  
11 another case that says that where the fee may exist  
12 theoretically, but can't really be raised, that there may be  
13 a local mandate found.

14 But I will share with you the summary of their brief  
15 when it occurs in a month, and then all the agencies,  
16 including this agency if we care to, can file a responsive  
17 brief. So I will get that information out to you immediately  
18 when I receive it. You may have some comments which our  
19 sister agencies, the Air Board and the Water Board, would  
20 appreciate having from us since they're kind of in the dark  
21 on a lot of this. They're conducting the testing, but they  
22 really don't understand solid waste sites as well as you and  
23 the staff does. Thank you.

24 CHAIRMAN ROODZANT: Any other significant staff  
25 activities?

1 EXECUTIVE OFFICER EOWAN: That concludes our  
2 comments.

3 CHAIRMAN ROODZANT: Item 17, Review of Future Board  
4 Agenda Items.

5 Before you is a proposed agenda for the next  
6 meeting. As in the past, if you have any requested changes  
7 or additions to it, if you'll please communicate those to the  
8 staff or myself, we'd be happy to add them to the agenda.

9 Item 18, Open Discussion.

10 CHAIRMAN ROODZANT: Mr. Beautrow.

11 BOARD MEMBER BEAUTROW: One last thing. The  
12 conference that was held in L.A., I guess we shouldn't rest  
13 on our laurels. I mean, this was a very significant thing.

14 Would anybody say -- what did we really get out of  
15 it? I mean, the market question is so complex and there's so  
16 many forces at work. Could we generally say that everybody  
17 that went there had maybe a better understanding of what are  
18 all of the forces that go into play? But I don't really see  
19 that we can do anything about the marketplace. I mean, there  
20 was some suggestions about how states could stimulate things  
21 by tax credits and so forth.

22 But in general I thought it was very well received,  
23 very professionally done. And all I'm saying is that it  
24 would appear to me that we need to move forward and use this  
25 as a stepping stone. We need to publicize that we did this

1 and really on the forefront and the next thing is -- I guess  
2 a follow-up is this legislation that we're talking about,  
3 Killea's legislation. Am I being correct when I say that  
4 this is a progressive thing, that we need to keep moving  
5 forward?

6 CHAIRMAN ROODZANT: Mr. Brown.

7 BOARD MEMBER BROWN: Yeah. I share Phil's -- I  
8 don't know if you have a discomfort or what you have there.  
9 I'm somewhat the same way.

10 BOARD MEMBER BEAUTROW: Perplexed

11 BOARD MEMBER BROWN: First of all, it was an  
12 excellent conference. I got a lot out of it. But I got a  
13 lot out of it because I'm in local government and I'm looking  
14 for these markets.

15 I looked around me and I saw a lot of industry folks  
16 and market-oriented people who were having a lot of  
17 difficulty in some respects understanding what local  
18 government was trying to find out. Local government wasn't  
19 necessarily sure what it was trying to find out except it  
20 knew that it was having some mandates fall down upon it about  
21 recycling and they were down there, as few as they were --  
22 that's kind of where we fell short -- maybe looking around  
23 for a market. I don't know.

24 In a sense it was somewhat the industry singing to  
25 the choir. On the other hand, that's important. They have

1 to understand the State of California's beginning to talk  
2 more and more about recycling.

3 I'm not making a lot of sense here. There was just  
4 an ingredient missing there. Not devastating to the  
5 conference by any stretch of the imagination.

6 BOARD MEMBER ARAKALIAN: Ironically -- Mr. Chairman.

7 CHAIRMAN ROODZANT: Mr. Arakalian.

8 BOARD MEMBER ARAKALIAN: Ironically, the subject  
9 that I was monitoring -- or what do you call it?

10 BOARD MEMBER BEAUTROW: Moderating.

11 BOARD MEMBER ARAKALIAN: Moderately. It was  
12 probably the subject that government, if we're part of the  
13 government, had the most to do about to effect in any way  
14 more so than any other market. And ironically it had such a  
15 small audience because it must not have been a  
16 popular-sounding subject on the ferrous metals.

17 The two persons speaking on my panel were in the  
18 auto shredding and auto dismantling subject and they were  
19 talking about the markets being fixed not at their -- they  
20 had nothing to say about the markets so much as the price is  
21 set by world markets and they were competing in some of the  
22 world markets and yet they couldn't compete fairly because  
23 they were being hampered by primarily the shredder waste  
24 thing and they were being priced out of a world market in  
25 steel.

1           If this continues, they will in fact be out of the  
2 world market. If they get out of the world market and not  
3 competitive, what in the heck is going to happen to these  
4 jillions of cars that are being dismantled, crushed and  
5 shipped? If they go out of the market, they're the only game  
6 in town that can get rid of the cars. And he said all you're  
7 going to see is no market, which would mean what? The cars  
8 are going to be parked on the side of the street. They  
9 are -- literally they explained -- it was very interesting.  
10 I knew a little bit, and I got even more enlightened how  
11 their cost is being escalated and escalated. And you can  
12 understand that when shredder waste becomes hazardous, they  
13 can no longer take in a car and dismantle it and crush it and  
14 sell it. If they can't do that profitably -- obviously,  
15 they're business people -- they are going to say, tick the  
16 lock, my door is closed, I can no longer crush cars and sell  
17 them on the world market for scrap item.

18           Well, when this happens, when you hear the numbers  
19 they say of the number of cars they crush, what is physically  
20 going to happen to those cars in the state of California?

21           CHAIRMAN ROODZANT: Mr. Gallagher.

22           BOARD MEMBER ARAKALIAN: And we, a government  
23 agency, have to somehow or other impress other agencies  
24 and/or persons in the government to get involved.

25           I wish that everybody could have heard that. I was

1 thoroughly impressed. In fact, we should conceivably,  
2 George, get the man's speech. He had it written, the one  
3 person. And the other person was interesting. He had a  
4 copy. He gave it to someone. I think that speech should be  
5 given to this Board. I think our whole Board should have  
6 heard that.

6  
7 Because, as Phil just said, what do we do about it?  
8 Okay, we talked about and then there's really nothing we can  
9 do. This is something that should be addressed by  
10 government.

11 CHAIRMAN ROODZANT: My understanding is that all the  
12 papers were being compiled by the contractor; is that not  
13 correct?

14 EXECUTIVE OFFICER EOWAN: Yes, we need to do that.  
15 That wasn't part of his original contract. So that we may  
16 have to adjust it a bit. I've got a lot of requests from  
17 people to produce a document that summarizes the conference  
18 in a way that addresses some of the issues that were raised  
19 here and tries to make some sense out of all of the sessions  
20 that occurred.

21 CHAIRMAN ROODZANT: Mr. Gallagher.

22 BOARD MEMBER GALLAGHER: Just a caution having to do  
23 with the next meeting. You've already sent out an advanced  
24 agenda. I think it should be adjusted to show that it's  
25 going to be a three-day meeting.

1 EXECUTIVE OFFICER EOWAN: Oh, thank you. Yeah. No,  
2 that hasn't gone out yet. We sent one out for next week's  
3 meeting, but not for the April meeting.

4 BOARD MEMBER GALLAGHER: Just be sure that it shows  
5 three days. I thought I saw one that shows only two.

6 EXECUTIVE OFFICER EOWAN: Yes.

7 CHAIRMAN ROODZANT: Mr. Varner.

8 BOARD MEMBER VARNER: Mr. Chairman, in relationship  
9 to the things that Sam and Phil were talking about, I  
10 wholeheartedly concur with them. It was my understanding  
11 that there would be a synopsis. And you've just alluded to  
12 that.

13 This goes right along with what was being talked  
14 about yesterday on this public awareness, or making them  
15 aware of conditions. If we don't use these type of things  
16 when we have a conference, then there isn't any reason to  
17 have them. Just the 300 or 400 people that come to it, which  
18 is a good audience, if it doesn't go beyond that group, then  
19 we haven't accomplished anything.

20 But I would think that we could use the material  
21 that's compiled here as evidence to prove a point whenever  
22 these different points come up with the Legislature, with the  
23 public, with local officials, with anyone that's going to be  
24 involved in this waste disposal issue. Because it is a much  
25 more complicated thing than most people realize. Just as Sam

1 pointed out, he wasn't aware, obviously, before about this  
2 problem with the automobile shredders.

3 BOARD MEMBER ARAKALIAN: Somewhat, but not as  
4 detailed. And I knew it pretty well. I think everybody  
5 should --

6 BOARD MEMBER VARNER: Okay. That's just one issue.  
7 There's literally hundreds. Every way you turn in the waste  
8 disposal business, you find some monumental problems that  
9 there are not easy solutions for.

10 This is the kind of thing that we really need to get  
11 out in this public awareness thing that we're talking about.  
12 I think it's an excellent way to go. Using the information  
13 like that, they would really have gotten some good as what's  
14 intended with these type of things.

15 CHAIRMAN ROODZANT: Any other comments or --

16 VICE CHAIRMAN MOSCONE: Mr. Chairman.

17 CHAIRMAN ROODZANT: Mr. Moscone.

18 VICE CHAIRMAN MOSCONE: John, did you have the glass  
19 portion of that?

20 BOARD MEMBER GALLAGHER: Yes.

21 VICE CHAIRMAN MOSCONE: Was any mention made of --  
22 is any glass being exported, any cullet?

23 BOARD MEMBER GALLAGHER: Just in passing there was  
24 some, but not very much. There's an ample market in  
25 California for all the glass that they can collect. As a

1 matter of fact, there's a shortage of it, particularly in  
2 flint. And, of course, that covers all of your fruit and  
3 vegetable containers.

4 A great deal of concern about green and amber and  
5 why they have to be separated. But they stated categorically  
6 that there's a shortage of flint cullet and they can use  
7 every bit that they can find. We don't have any need to  
8 worry about an export market.

9 BOARD MEMBER BEAUTROW: One last.

10 CHAIRMAN ROODZANT: Mr. Beautrow.

11 BOARD MEMBER BEAUTROW: One of the best kept secrets  
12 at least that I had revealed was Dennis Stone, when he made  
13 his presentation about the bottle bill. And I'm not sure  
14 everybody knows that the real thing that drives this bottle  
15 bill is an artificial market manipulation called a processing  
16 fee, where they agree to set the scrap value of these  
17 materials.

18 All we ever hear about is this penny redemption.  
19 Did everybody know that? I've talked to people that are  
20 fairly knowledgeable about the bottle bill and nobody's ever  
21 heard -- and, of course, it's in the bill about this --

22 BOARD MEMBER ARAKALIAN: It was one-cent or  
23 something redemption.

24 BOARD MEMBER BEAUTROW: The processing fee that they  
25 originally for the plastic bottles -- they set this thing at

1 4.9 cents per bottle. That's not what the distributors pay,  
2 but what the manufacturers pay to the state. And if they  
3 demonstrate that they will raise the scrap value that they're  
4 going to buy this stuff for, then they'll do away with that  
5 processing fee.

6 But Dennis says that this is the mechanism that  
7 drives the whole thing. And I don't think that we really  
8 understood that. I didn't. I never even -- it must have  
9 gone by me. All we hear is the one penny.

10 CHAIRMAN ROODZANT: Mr. Moscone.

11 BOARD MEMBER ARAKALIAN: All of a sudden that has a  
12 heck of a lot bigger impact on that cost factor. It's a  
13 penny for the bottle, but four cents to process the sucker.

14 BOARD MEMBER BREMBERG: Five.

15 BOARD MEMBER ARAKALIAN: Or five cents. Now all of  
16 a sudden there's a little bit different economical impact on  
17 the public. Because down the line we can sit and listen all  
18 we want. That's going to get down to Joe Public when he buys  
19 that bottle of soda pop.

20 VICE CHAIRMAN MOSCONE: I've got some kids working  
21 picking up bottles, picking up just to help out. And I go  
22 and I give the money to the kids, because they pick the stuff  
23 up. I even give them the stuff that I have.

24 But if people take these cans and put them through a  
25 machine, they get a penny a piece. Well, last week two of

1 the centers that I go by, aluminum was selling at 55 cents a  
2 pound.

3 EXECUTIVE OFFICER EOWAN: It's 60 here.

4 VICE CHAIRMAN MOSCONE: You know, it discourages --  
5 I would think it would discourage anybody who's going to put  
6 them through -- unless they drink that stuff all day long --  
7 putting it through a one cent machine.

8 CHAIRMAN ROODZANT: Mrs. Bremberg.

9 BOARD MEMBER BREMBERG: Speaking of your price on  
10 your recycling center, a week ago driving through either  
11 Monrovia or somewhere in that area on the way to Monterey  
12 Park, I saw one that was 67 cents a pound. And we almost  
13 went off the road. I literally could not believe that. And  
14 it was a great huge sign on top of a recycling center  
15 building, 67 cents a pound.

16 Now, whether that was for the half hour or not, but  
17 there it was. That's kind of outrageous.

18 CHAIRMAN ROODZANT: Any further discussion?

19 Hearing none, we'll adjourn this meeting.

20 (Thereupon the meeting of the California Waste  
21 Management Board was adjourned at 11:55 a.m.)

22 --oOo--

23

24

25

CERTIFICATE OF SHORTHAND REPORTER

I, EILEEN JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing meeting was reported in shorthand by me, Eileen Jennings, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 31st day of March, 1988.

  
EILEEN JENNINGS  
Certified Shorthand Reporter  
License No. 5122