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MEETING
STATE OF CALIFORNIA
CALIFORNIA WASTE MANAGEMENT BOARD

COPY

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

THURSDAY, APRIL 7, 1988
9:15 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. Phillip A. Beautrow
6 Ms. Ginger Bremberg
7 Mr. James W. Calloway
8 Mr. John E. Gallagher
9 Mr. E. L. "Skeet" Varner

BOARD MEMBERS ABSENT

10
11 Mr. Sam Arakalian
12 Mr. Les Brown

STAFF PRESENT

13
14 Mr. George T. Eowan, Chief Executive Officer
15 Mr. Herbert Iwahiro, Chief Deputy Executive Officer
16 Mr. Alan A. Oldall, Deputy Executive Officer
17 Ms. Jo-Ellen Jackson, Director of Legislation and Public
18 Affairs
19 Mr. Robert F. Conheim, General Counsel
20 Mr. George Larson, Manager of Planning and Resource
21 Conservation and Development Divisions
22 Mr. Bernie Vlach, Chief, Enforcement Division
23 Mr. Bill Orr, Standards and Regulations Division
24 Ms. Karen Schwab, Advanced Technologies Division
25 Mr. Caren Trgovcich, Enforcement Division

STAFF PRESENT (Continued)

Ms. Connie Dunn, Board Secretary

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 Board back to order
4 this morning. First item up for consideration is Item 9,
5 Update and Consideration of Legislation.

6 MS. JACKSON: Good morning, Mr. Chairman, Board
7 members.

8 The first item I'm going to take up today will be
9 2748.

10 This is a Condit bill and this is the bill that
11 created a 24-member tire disposal task force with certain
12 duties that they were to perform and then submit a study to
13 the Legislature January 1, 1990.

14 The bill has not been set for a hearing and at this
15 point we're not sure if this bill is going to move or not.
16 It looks like they're holding it up, and they have one week
17 left. If this bill is not set by next week, we can consider
18 this bill dead.

19 BOARD MEMBER BREMBERG: Excuse me, Mr. Chairman.

20 CHAIRMAN ROODZANT: Mrs. Bremberg.

21 BOARD MEMBER BREMBERG: Jo-Ellen, is that because of
22 who is the author?

23 MS. JACKSON: It's because of the deadline for
24 out-of-policy committee originating -- the bill would go to
25 its first policy hearing. They have until the 15th of April.

1 And unless that deadline is extended -- which right now I
2 feel that it will be because they cancelled Ways and Means
3 next week, which is an indication that they'll move the
4 deadline up one extra week.

5 BOARD MEMBER BREMBERG: Thank you.

6 MS. JACKSON: The next bill is AB 2790, a Chandler
7 bill. And this bill is up next week for a hearing in
8 Assembly Natural Resources on the 11th, which is next Monday.
9 And this is a bill that Bob's been working very closely with
10 the author, as well as the two counties. So I'd like to turn
11 it over to him for 2790.

12 MR. CONHEIM: Mr. Chairman, Board members. AB 2790,
13 which as you'll recall related to the Yuba-Sutter disposal
14 siting deadlock, was amended March 14th, as I thought it
15 would be. Now the bill does three things: It no longer
16 refers to the Yuba Sutter Bicity Solid Waste Authority.
17 It's not that narrow anymore. What it does now is it
18 provides that original CoSWMPs and amendments and revisions
19 can be approved in two-city -- in all two-city counties in
20 California by approval of the city which contains a majority
21 of the population of the incorporated area.

22 That represents a relaxation of the current city
23 approval requirements, which as you will recall from the law
24 in every county says that plans must be approved by a
25 majority of the cities which contain a majority of the

1 population. But in a two-city county that means unanimous,
2 not majority.

3 The bill also provides that where more than one
4 county wants to form a bi-county or a multi-county regional
5 planning authority, the setting up of such an authority, the
6 approval of such an authority in a two-city county is, quote,
7 "subject to the agreement of the city which contains a
8 majority of the population of the incorporated area of the
9 county."

10 Then once that regional planning authority of two or
11 more counties is formed, then it is considered by this
12 amended version of the bill as a county-like entity. So that
13 now it contains two, four -- it contains four or six cities.
14 So the voting requirement for approval of plans is a majority
15 of the cities within the authority which contain a majority
16 of the population. So those are the three things that the
17 bill does.

18 I was concerned at the last meeting in reporting
19 this to you that I thought that the League of Cities might
20 have some concerns about the dilution of the smallest city's
21 vote in two-city counties if this bill were made to apply to
22 all two-city counties.

23 Based on the best contact that I can make right now,
24 I am led to believe that neither CSAC, nor the League has
25 objections to this bill. What I understand from the League

1 is that they are having such a problem staffing and handling
2 the major bills that they need to handle, that they are not
3 going to take a position or analyze this bill.

4 So I can now report to you that the one objection
5 that I thought might occur doesn't appear to be there. And
6 this bill does take care of the two-city county voting
7 requirement. Although, as I reported to you at the last
8 meeting, this has never been a problem or stated as a problem
9 in eight of the ten two-city counties. But that's what the
10 bill does now. And turn it back to you.

11 MS. JACKSON: The next two bills, AB 2818 and 2831,
12 are Mrs. La Follette bills. They're up in Natural Resources
13 next Monday as well. She was not in town this past Monday
14 during the time this meeting was being held. So, therefore,
15 she put both of these bills over until next week, at which
16 time she can take them up.

17 MR. CONHEIM: I was still thinking about the last
18 bill, because I forgot to tell you something about it.
19 Yesterday on 2790 the sponsor of the bill, Heron, Burchette,
20 which represents NorCal Solid Waste Systems, a parent of the
21 Yuba-Sutter Disposal, was here and wanted to make a statement
22 in support of the bill and wanted to report to you that they
23 had verified that the League of Cities would not object to
24 the bill. So they were here to try and get your support
25 yesterday, but they couldn't come back this morning.

1 BOARD MEMBER BREMBERG: Mr. Chairman.

2 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

3 BOARD MEMBER BREMBERG: You know, I know where
4 Marian La Follette was last week. She made the news all over
5 the country. She was down in Panama watching the riots and
6 watching news people get beat up and carried off in the Black
7 Marias and so forth. So even though she was out of town, she
8 managed to make coast-to-coast coverage.

9 MR. CONHEIM: I think I'll report now on what
10 AB 2818 does. AB 2818 started off as a bill that would have
11 commanded the Secretary of Environmental Affairs to play a
12 very specific role in coordinating all enforcement actions,
13 remedial actions by listed agencies -- the Waste Board, State
14 Health, State Water, State Air Board, et cetera. Then the
15 bill also provided that remedial actions at sites that were
16 caused by enforcement orders of these listed agencies would
17 be eligible for loan guarantees under the AB 2448 program
18 that was established within the Board.

19 Our concern last month was that we felt that the
20 formal role for the Secretary of Environmental Affairs was
21 unnecessary, because there already are legal requirements for
22 agencies mutually to notify each other in remedial actions.
23 There furthermore already is defacto coordination by
24 interagency steering committees in major enforcement actions
25 like BKK and Operating Industries.

1 Also, the advisory committee already in place under
2 AB 2448 will fulfill -- in its advice in establishing
3 standards for closure and post-closure, will fulfill some of
4 the coordination functions.

5 The other provision of the bill that we had some
6 concern about -- that is, forcing the Board to accept the
7 highest priority for SWAT-type enforcement orders -- still
8 remains in the bill, although they did take our suggested
9 amendment and put in a section, an amended section from 2448,
10 which would make the consideration of these types of remedial
11 actions discretionary with the Board.

12 So now they've got two conflicting provisions in the
13 bill. They didn't really listen to what we told them. So
14 we've got one section of the bill that says you've got to
15 give these types of actions loan guarantees; and the other
16 one which I suggested was that these types of actions, along
17 with anything else that comes to the Board, should be within
18 the Board's discretion to establish the priorities. So now
19 these two things are opposing. And they left in the
20 Environmental Affairs coordination.

21 So that's the state of that bill. It was taken off
22 calendar. It will be heard next Monday. And I suppose we
23 can still work on it. But our support if amended -- or our
24 recommendation didn't result in their doing what we
25 suggested, although at one point the staff person said he

1 would do it and then he didn't.

2 The next bill is AB 2831. This was not heard
3 either, right?

4 MS. JACKSON: No.

5 MR. CONHEIM: This was also not heard, although it
6 stayed on the calendar and was held over until next Monday
7 for lack of time.

8 This is the bill that would limit the enforcement
9 agency's ability to issue a landfill permit unless there is a
10 community recycling program, quote, "in place" for the area
11 to be served by this landfill that has a 20 percent goal.

12 There was an attempt -- and I think Mr. Sher said
13 this at the hearing, even though the bill wasn't fully taken
14 up. There was an attempt to make this bill parallel to the
15 AB 1462 Cortese provision of last year, which enacted into
16 law and requires County Solid Waste Management Plans to have
17 a recycling goal of 20 percent.

18 This bill still does two things that are far in
19 excess of what the Cortese legislation did. This bill
20 doesn't just merely reiterate the requirement of establishing
21 a goal in the CoSWMP, it requires that an actual plan be,
22 quote, "in place". And we don't know what in place means.
23 Nobody knows what that means yet. And it talks about
24 community plans. We don't know what community plans are,
25 because what we've been telling the author's staff and the

1 committee is that the way you do integrated comprehensive
2 solid waste planning is through the CoSWMP process.

3 So those are the two continuing problems with the
4 bill. In concept the Board has taken a -- you have taken a
5 supportive or an open-minded view about further mandatory
6 recycling provisions of some kind or another. But this is a
7 bill that has these two provisions which start off in
8 conflicting directions from existing law and what we the
9 staff have recommended to you will work. So that's the
10 problem with 2831, and that is held over until next Monday.

11 BOARD MEMBER BREMBERG: Mr. Chairman.

12 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

13 BOARD MEMBER BREMBERG: Bob, this bill as it
14 presently is written, I would find it totally unenforceable
15 either by any LEA or anybody else. But what it does, it
16 authorizes a community of 1,000 people to block a landfill by
17 saying we do not have a waste reduction plan in place, we
18 have no intention of putting a waste reduction plan in place;
19 so, therefore, move your landfill somewhere else, whether it
20 is a landfill to serve a million people or five million
21 people.

22 I'm thinking of the City of Bell or Bell Gardens or
23 Hacienda Heights or somebody who could block any kind of a
24 landfill because they refuse to put in a recycling plan.

25 MR. CONHEIM: We've expressed concerns like this to

1 the author's staff. We've tried to tell them that the bill
2 is based on the premise that landfills serve only one
3 community, which is a false premise. It is unenforceable
4 because service areas for landfills not only are in different
5 cities and spheres of influence, but in different counties as
6 well.

7 So our suggested amendment was to twist this thing
8 around and make the requirement for a plan or a goal
9 reiterate the Cortese requirement in terms of CoSWMPs again,
10 CoSWMPs for the counties that will be sending their waste to
11 this landfill. That's what we've suggested, but they've so
12 far -- you talk to the author's staff and he's having --
13 getting a lot of input and he's working on it, but he didn't
14 do what we asked.

15 BOARD MEMBER BREMBERG: Well, then he's ignoring
16 input from anyone except the listed support on this. And
17 they are firmly convinced -- because I talked to one of the
18 young men. They're firmly convinced that recycling can reach
19 100 percent and there's no need for landfills and so forth,
20 which is just wonderful if it would work.

21 However, I don't believe that support if amended is
22 the proper position, because I don't see how we can support
23 it as it is. I would say oppose unless amended. That's just
24 my personal approach to it.

25 Because it is a very dangerous bill. It would stop

1 all permitting regardless of whether 99 percent of the
2 communities served -- and with the present-day transfer
3 system, I don't know how you can find out which communities
4 are served. Because before we instituted our new ordinance
5 restricting the clients of Scholl Canyon, we found on a
6 hands-on search 52 cities had trash that was coming-into
7 Scholl Canyon; including cities in Riverside County, in
8 Orange County, and in -- from as far away as Huntington Beach
9 into Scholl Canyon. Because of the transfer station
10 procedure, there is no way that you can literally do this
11 type of thing. How do you know? And just as sure-shooting
12 if the permit were denied, then we're right back behind
13 square one in my opinion.

14 MR. CONHEIM: As this bill developed -- you know, a
15 month ago we weren't sure how far it would go. The longer
16 the bill stays this way and if it gets through policy
17 committee this way, the more dangerous it appears to become.
18 The County of Los Angeles and the County Engineers through
19 Jack Michael will also have a similar position as we at staff
20 have recommended to you. So they'll also be advocating at
21 the hearing the unenforceability and the conflicting and
22 confusing nature of this bill.

23 BOARD MEMBER BREMBERG: It's quite dangerous.
24 Unenforceable it is. But the danger comes in my opinion that
25 no permit would ever be granted then. Everything would go

1 along and then, whump, it would be chopped off. Because it
2 would be incumbent upon the applicant to prove that 89 cities
3 have a 20 percent recycling -- I mean, a goal of 20 percent
4 recycling program in place before the permit was granted.

5 BOARD MEMBER VARNER: Mr. Chairman.

6 VICE CHAIRMAN MOSCONE: Skeet.

7 BOARD MEMBER VARNER: I would suggest that at least
8 in dialogue with them to reverse this process and say instead
9 of cancelling a permit for a landfill -- if they wanted to
10 enforce something like this, to say any community that
11 doesn't do such and such according to the CoSWMP can't use
12 that landfill and let them do something else with their
13 rubbish. Instead of shutting off the landfill opportunities
14 for the majority of people, of which this would attempt to
15 do, just reverse the procedure.

16 EXECUTIVE OFFICER EOWAN: That's a good idea.

17 MR. CONHEIM: That's a good idea, Mr. Varner. We
18 have not articulated that option. I'm sure it's been
19 floating around here.

20 BOARD MEMBER VARNER: Everybody's afraid to say
21 something like that.

22 MR. CONHEIM: We'll communicate that.

23 BOARD MEMBER BREMBERG: That's exactly the way our
24 ordinance is written. That is, if the clients don't have a
25 waste reduction plan, they are not our clients.

4 1. MS. JACKSON: Actually, we may not have to worry
2 about this bill. A couple of weeks ago eleven or twelve of
3 us got together and met with Mrs. La Follette on this bill,
4 and no one seemed to agree on anything. So there are enough
5 problems with it and she can't seem to get support or
6 opposition, just a lot of mixed feelings. So they may not
7 take it up next week. We'll see.

8 Now I'm going to move on to AB 2877 and I'd like to
9 group three bills together; which is not something I usually
10 do, but these three bills will become the major recycling
11 bill this year.

12 At this past meeting at Natural Resources Calderon's
13 bill, 2877, Killea's bill, 3298, and the Cortese bill, 3662,
14 were all grouped together as one recycling bill in the
15 committee. And what happened, since there wasn't a general
16 consensus one way or another -- and it probably was up for an
17 hour and a half. They could not come to agreement on
18 anything.

19 So what the Chair decided to do was go back to the
20 drawing board and have the consultant draft a recycling bill.
21 We had an impromptu meeting with him the other day in the
22 hall, again a dozen of us that got together and went over,
23 and what we understood to be was this coming Monday it would
24 probably be a bill with multiple choices; whether it's the
25 Waste Management Board, DOC, how much the procurement should

1 be, should it be cities and counties both or just counties.
2 And if that doesn't work, then what they're going to do is
3 they're going to use Sher's spot bill and put all the stuff
4 into that spot bill that he would want a recycling bill to
5 carry.

6 However, Sher does not want to author this bill. He
7 just more or less wants to orchestrate what's going to happen
8 with recycling this year.

9 So that's where that is. So those three bills at
10 this time I have nothing to report to you that's concrete,
11 because at this moment I don't know and I'm not sure the
12 committee does either. I'll be checking back in with the
13 authors, as well as the committee, tomorrow and find out if
14 they have made any decisions on any of the language.

15 BOARD MEMBER CALLOWAY: Jo-Ellen, excuse me.

16 Mr. Chairman.

17 MS. JACKSON: Yes, Mr. Calloway.

18 BOARD MEMBER CALLOWAY: I'm sorry, I had to call my
19 office and I had to go out. But I'd like to -- I suppose
20 you've gone over Katz' 3012?

21 EXECUTIVE OFFICER EOWAN: No, not yet.

22 MS. JACKSON: Not yet.

23 BOARD MEMBER CALLOWAY: Okay.

24 EXECUTIVE OFFICER EOWAN: One other thing that I
25 wanted to add on to Jo-Ellen. I haven't even had a chance to

1 mention this to her yet this morning. I did hear that they
2 may have a draft today. I heard this last night late. So
3 maybe we'll have a chance tomorrow to reopen this item and at
4 least take a look at it. We'll try and get our hands on
5 something.

6 MS. JACKSON: Anything that we can find or anything
7 we hear, I will be glad to share with you tomorrow. It's not
8 that we're not attempting to get in touch with them, it's
9 just that they're telling us they're not ready yet. If
10 George feels there's something available today, we'll go find
11 it. All right?

12 BOARD MEMBER BREMBERG: Mr. Chairman.

13 BOARD MEMBER GALLAGHER: Can I ask a question,
14 Mr. Chairman?

15 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

16 BOARD MEMBER BREMBERG: John was first.

17 Oh, I was just going to say it's -- why aren't they
18 amending Mrs. Killea's bill instead of throwing everything
19 out and starting over again? Are they including her staff
20 and her --

21 EXECUTIVE OFFICER EOWAN: I think what -- and,
22 Jo-Ellen, correct me if I'm wrong. But I think what the
23 Chairman said he was going to do was attempt to bring all of
24 the points of agreement from the Calderon bill, the Killea
25 bill and the Cortese bill into a bill, since there were

1 three -- what he considered to be three major recycling
2 bills. He's going to find those points where everybody
3 agrees, all sides, put those in a bill. He didn't say which
4 bill it would be or who the author would be, I don't think.

5 MS. JACKSON: No. We asked.

6 EXECUTIVE OFFICER EOWAN: And then any additional
7 points that he wanted in there, he would put it in the bill
8 as well and the committee would vote on those points next
9 Monday.

10 BOARD MEMBER BREMBERG: Well, I know that at least
11 two of those bills are in opposition as to who should
12 control, and I'm just curious as to how they anticipate
13 reconciling that.

14 EXECUTIVE OFFICER EOWAN: They would put one or the
15 other in the bill and then the committee would vote on
16 approving that section or not. That's how he said he would
17 reconcile that. Now, which one he puts in, he hasn't said.

18 BOARD MEMBER BREMBERG: Well, I know which one he's
19 going to put in; but that would go in opposition to everybody
20 else.

21 CHAIRMAN ROODZANT: Mr. Gallagher.

22 BOARD MEMBER GALLAGHER: I'd just like to ask a
23 question from a strategy point of view as far as that
24 committee is concerned. They're facing an April 15 deadline
25 to get it out of first policy committee. Aren't they running

1 pretty short of time in order to get that? Or will they just
2 pass it out and expect amendments down the line?

3 MS. JACKSON: No, at this point, Mr. Gallagher, they
4 may have an extra week. Because they've cancelled Ways and
5 Means next week, which is always an indication they're going
6 to move the deadline up. That may be what's going on as far
7 as the time frame in the process.

8 EXECUTIVE OFFICER EOWAN: The policy deadline is
9 what?

10 MS. JACKSON: The 15th.

11 BOARD MEMBER GALLAGHER: It would seem to me as a
12 strategy that we ought to be accelerating our efforts,
13 talking to committee members even without a bill before us,
14 talking about those things which we really support, could
15 support, keeping us as the lead agency and that sort of
16 thing. Even though there isn't a bill for any of those
17 members to look at right now, we should certainly be working.
18 That's an opinion.

19 MS. JACKSON: I agree.

20 EXECUTIVE OFFICER EOWAN: I would also recommend
21 that we work -- in doing that we work through the Governor's
22 office as much as possible. Because they have a strong
23 interest in making sure that these issues are dealt with by
24 them. Because they are organizational issues and they feel
25 that being the executive branch of government, that they

1 ought to have a strong say in that. So we want to make sure
2 that we work with them. They've expressed an interest to us
3 to do that.

4 BOARD MEMBER GALLAGHER: I could certainly never
5 disagree with that. I think that should be paramount in
6 almost everything that we do, after all. I think that would
7 be irresponsible for us not to do. But do we have the kind
8 of liaison with their people that we can sit down and set
9 forward a strategy like this? Because I assume that they
10 back us as the lead agency, although there's no document to
11 prove it.

12 So, you know, we're kind of exposing ourselves. If
13 we go in there asking to coordinate with them, they may
14 decide that, well, we'll coordinate with you all right, we'll
15 give it all to the Department of Conservation. I just would
16 like to feel a little bit more comfortable with the liaison.

17 EXECUTIVE OFFICER EOWAN: That's a good point.

18 BOARD MEMBER GALLAGHER: I just think it's not
19 prudent to wait until there is a printed document before us
20 before we start to really work the members of that committee.
21 Because I think we have a pretty good idea of what we want to
22 do and what this Board has mandated in the past as the
23 elements that we could support. Thank you.

24 MS. JACKSON: Thank you, Mr. Gallagher.

25 CHAIRMAN ROODZANT: Mr. Beautrow.

1 BOARD MEMBER BEAUTROW: Last month we suggested a
2 lot of amendments to the Killea bill and her aide was here
3 and we talked to him and everything was seemingly agreeable.
4 Did they actually take her bill and make changes in it at
5 all?

6 Was there any of those changes --

7 MS. JACKSON: It was amended very closely to what
8 our needs were. Not completely, but very closely. We're
9 continuing to work with her. But at this point it doesn't
10 seem to be only her show. They're all --

11 BOARD MEMBER BEAUTROW: No. But, I mean, seemingly
12 I thought that she was one of the first out of box, out of
13 the starting gate, and progressed further and then these
14 other ones all said me too. So I thought that maybe because
15 of the advance, that maybe strategically there would be a
16 better chance. Maybe that's not in reality the way it works.

17 MS. JACKSON: Normally it would have worked that
18 way. But the chair of the committee chose to hear all three
19 of them at the same time, and 2877 was not in an amended
20 form. What it did is it reflected very closely 3298 as
21 amended, which were many of our changes. However, the lead
22 agency was Department of Conservation throughout the bill.

23 Any more questions on the recycling issue?

24 I'll move on to AB 3012, which is the Katz which was
25 heard last night in Water, Parks and Wildlife.

1 This is a bill that would adopt regulations on new
2 or expanded landfills having to do with gas migration,
3 groundwater systems, liners, leachate collections. This bill
4 was so controversial at last night's hearing that they
5 decided to not put the bill out, but to bring it up next week
6 for reconsideration; which is a courtesy to the author of the
7 bill. Instead of killing it the first time around, they
8 allow them to gather more support and give them another week.
9 But at this point it looks like it's up for reconsideration.
10 And the Board opposed this bill at our last hearing.

11 Did you have any questions on that, Mr. Calloway?

12 BOARD MEMBER CALLOWAY: The only question I had on
13 it was if we had talked to the author and if there was
14 anything he could do to amend it to be more in line with, you
15 know, our requirements, you know. I realize that it's
16 primarily designed to satisfy those gravel pit things. Isn't
17 this what Waters objected to, that they're worried about --
18 even with liners and --

19 MS. JACKSON: It was one of their concerns. George
20 and a staff person met at Mr. Katz' request earlier this week
21 and Skeet and talked to Mr. Katz about the bill and we agreed
22 to work with them.

23 BOARD MEMBER CALLOWAY: Skeet, excuse me. Could I
24 ask you what did you find out with Katz? Does it look like
25 this thing's going to be killed, or does it have a chance?

1 BOARD MEMBER VARNER: I agreed to meet with Mr. Katz
2 just to let him know that we were willing to listen to his
3 concerns. And, also, I asked George and another staff member
4 to go along to take care of the technical aspects.

5 As it turned out, we didn't have enough time to
6 really get into a discussion. So we agreed to meet further
7 and that they were willing to hear our concerns, we were
8 willing to listen to what they had to say.

6
9 I had one specific suggestion on this that I've been
10 trying to get for 30 years. And that's instead of saying you
11 can't build a landfill within -- so close to houses --
12 because they always start way out -- that we ought to reverse
13 that procedure and say that no houses can be built within a
14 certain distance of any landfill or any site that's set
15 aside. I think this reversal of procedures has got to be
16 done in order to stop -- and it's very much the same thing as
17 I was talking about the other.

18 My involvement in this was to try to help reconcile
19 the issue and at least see what points of agreement we have
20 in reconciling the landfill issue, because we certainly need
21 it. In that respect I'm willing to further work and look
22 forward to working on this.

23 BOARD MEMBER CALLOWAY: That's what I was going to
24 ask you. You're going to continue to follow up on this then.
25 Good. Appreciate anything you find out about it and let us

1 know about it. Because I think this really affects us here
2 very much. What Mrs. Bremberg just gave us here this
3 morning, this newspaper article of Lopez Canyon, I think it
4 is, now they're building houses right next to it. And this
5 is something that I think is absolutely idiotic. And I think
6 the author -- this should be pointed out to the author of
7 this and maybe he would understand the wisdom that you're
8 trying to point out to him.

9 BOARD MEMBER VARNER: He indicated that he did
10 understand that and was certainly willing to consider it.
11 Isn't that the understanding you had, George?

12 EXECUTIVE OFFICER EOWAN: Yes, it is.

13 BOARD MEMBER VARNER: So we're working on that.

14 BOARD MEMBER CALLOWAY: Good. Sounds good. Thanks.

15 MS. JACKSON: The next bill is 3071, which is an
16 Eastin bill, which is the 2448 clean-up bill between the
17 Water Board and Waste Management Board. This bill went out
18 of Natural Resources this past Monday and went to Ways and
19 Means. There isn't any opposition to this bill at all.

20 The next bill, AB 3297, is a real similar bill to
21 another bill in the packet, AB 4498, which is a Sher bill.
22 Both these bills have container requirements on carrying oil.
23 The only difference is the Sher bill has a five percent
24 procurement clause in that bill.

25 BOARD MEMBER BREMBERG: Excuse me, which number was

1 that?

2 MS. JACKSON: 4498. It's No. 19.

3 VICE CHAIRMAN MOSCONE: We don't have numbers.

4 BOARD MEMBER BREMBERG: 4498.

5 BOARD MEMBER VARNER: What page?

6 EXECUTIVE OFFICER EOWAN: 327.

7 MS. JACKSON: 327.

8 BOARD MEMBER BREMBERG: No, it's 321.

9 EXECUTIVE OFFICER EOWAN: The analysis on 327, the
10 bill on 321, right.

11 MS. JACKSON: Both bills are very similar. Sher was
12 probably one step ahead of Mrs. Killea, because his bill has
13 already gone out of Environmental Safety this past Tuesday
14 and her bill is not set until this following Tuesday.

15 We have support if amended on these two bills and
16 mostly because we'd like to see the continued requirement and
17 have some exemption for a home container a person could
18 carry, as well as some reference to a toll free number that
19 we would have for recycled oil. We feel we'd like to have
20 some funding to continue with that line. So those are the
21 two bills and that's where we are on both those positions and
22 why.

23 BOARD MEMBER CALLOWAY: Mr. Chairman.

24 CHAIRMAN ROODZANT: Mr. Calloway.

25 BOARD MEMBER CALLOWAY: On the second paragraph on

1 page 327 I had marked this to ask you. It says that the
2 California Waste Management Board maintained primary
3 authority over used oil recycling from '78 until '87 when all
4 responsible haulers, transfer stations, recyclers are
5 transferred to the Department of Health Services. Can you
6 give me some history on it? Why did that happen? I mean,
7 why did it transfer to Health Services from us?

8 EXECUTIVE OFFICER EOWAN: That goes back to SB 86,
9 which I think was 1984 legislation, two-year bill. Got out
10 in '86. That was a bill initially that this Board -- this is
11 a little bit before my time, so I'm a little sketchy on it,
12 Mr. Calloway. But I think we got involved with it --

13 BOARD MEMBER CALLOWAY: It says something here,
14 George -- any maybe this would help you -- Statutes of '86,
15 Chapter 871.

16 EXECUTIVE OFFICER EOWAN: What happened is the
17 bottom line of the bill after two years -- and it was Senator
18 Robert Presley carried the bill -- gave a lot of the
19 authority for used oil to the Department of Health Services.
20 It was a long hard battle and Health Services took over a lot
21 of responsibility at the end of it.

22 BOARD MEMBER CALLOWAY: In other words, another one
23 lost, huh?

24 EXECUTIVE OFFICER EOWAN: Not completely. The
25 hazardous waste nature of the material gave Health

1 Services --

2 BOARD MEMBER VARNER: I was just going to say,
3 George, the reason this happened, Jim, is because used oil is
4 considered hazardous material.

5 BOARD MEMBER CALLOWAY: Okay. Yeah, that's out of
6 our domain. I didn't realize it.

7 BOARD MEMBER VARNER: When it isn't recycled, when
8 it's handled in any other manner, it's considered hazardous
9 waste and it goes under Department of Health Services.

10 BOARD MEMBER CALLOWAY: Right. Thank you. That's
11 the reason. Thank you very much.

12 EXECUTIVE OFFICER EOWAN: On this bill, I just
13 wanted to point out on page 329 staff tried to in a pictorial
14 way show you what the label would look like in its actual
15 size on the can. I just wanted to point that out to you to
16 be aware that it would require this label on cans sold in
17 California. You need to be aware of that, and it may be
18 something that we should also try and work with the author
19 and proponents of the bill on. Because that could create
20 problems from a variety of standpoints, everything from cost
21 to whether or not it's the appropriate label, if the label is
22 necessary at all, and many other issues.

23 So I wanted to point that out, and we'll be happy to
24 hear your comments on it. But we'll also try and work with
25 them.

1 BOARD MEMBER BEAUTROW: I've got a comment. You
2 know, what seems to be popular is all of these things with a
3 bar through it that you don't do it. So maybe something with
4 an oil can tipped up like with stuff coming out of the spout
5 with a cross through it would be visually more aware rather
6 than some written notice which nobody would pay attention to.

7 BOARD MEMBER GALLAGHER: Mr. Chairman.

8 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

9 BOARD MEMBER GALLAGHER: I hate to appear to be
10 controversial, but I question whether or not the labeling
11 requirements --

12 (Thereupon a short discussion was held off the
13 record.)

14 BOARD MEMBER GALLAGHER: I wonder, frankly, whether
15 or not we don't sometimes spin our wheels challenging or
16 questioning or lobbying against things which really aren't
17 within our jurisdiction. I don't think we should care what
18 kind of a label is required. That's up to the oil
19 manufacturer, the guy who recycles it, the container people.
20 Let them worry about how big the letters are and where the
21 thing appears. I don't really think that's our concern.

22 I think, you know, we have to think a little bit
23 about that. Because we may be picking up chips over there
24 questioning things and trying to get votes lined up our way
25 which are really not germane to us. That's the only thing.

1 I think we should just be a little bit more selective.

2 MS. JACKSON: Thank you.

3 BOARD MEMBER VARNER: Mr. Chairman.

4 VICE CHAIRMAN MOSCONE: Mr. Varner.

5 BOARD MEMBER VARNER: Along that same line that John
6 is talking about, and also Phil sort of alluded to a
7 different area. This is digressing to a different subject.
8 It's called household hazardous waste.

9 Here it sort of gets mixed up. Because once the
10 thing becomes hazardous waste, it goes under all the rules of
11 the Department of Health Services. So sometimes you have
12 some conflicting things.

13 The same thing is true as was talked about with the
14 waste oil awhile ago. Under one condition it's not
15 hazardous. Then when it is put in a different situation, it
16 comes under a whole different set of rules. And this creates
17 some problems at times. I just bring it up that this is one
18 we have to kind of keep in mind as we go through some of
19 these things where the authority and so forth has been
20 fragmented. It always creates a tremendous problem not only
21 for how we view the thing, but for the people out there that
22 have to contend with it. For the public or private sector it
23 creates an even bigger dilemma.

24 MS. JACKSON: Okay. The next bill is 3462. That's
25 a Cortese bill. That bill was set this past Monday, but was

1 put over also until next week. This bill is basically a
2 clean-up bill to AB 1462 last year and it's a language
3 clean-up. They're changing it from site to area to be
4 consistent with existing law.

5 EXECUTIVE OFFICER EOWAN: That bill is located on
6 page 253.

7 MS. JACKSON: The next bill, AB 3645, is a bill
8 that, when it was put into your packet, was a bill that
9 looked as if it might go somewhere or at least be set, which
10 it was April the 4th. But since that time the author has
11 taken it off calendar and at this time has no further plans
12 to do anything with this bill. This is a Peace bill. I
13 think they're busy doing other things besides hearing their
14 bills. So this one is not going to be set.

15 Then if you'll move to page 272.

16 BOARD MEMBER GALLAGHER: 217?

17 MS. JACKSON: 272.

18 BOARD MEMBER GALLAGHER: Thank you.

19 MS. JACKSON: This is AB 3745 by Delaine Eastin.
20 This bill got out of Natural Resources Monday, the 4th, and
21 it's gone to Ways and Means.

22 This is the SWIS bill. We've met with the author
23 twice on this bill and had many conversations with staff.
24 We, as well as the county and cities. And we've suggested to
25 them areas that might be helpful in that we have certain

1 things that we already do in our SWIS system, certain things
2 that the county already does. Some of this is redundant.
3 They're working all of this out and they're very willing to
4 do so with all parties involved.

5 So at this point support is amended. And the
6 amended part is if they expect us to expand this SWIS system
7 to the degree that they want to expand it, we would need some
8 sort of funding for staff, as well as software. The author
9 is aware of that.

10 BOARD MEMBER BREMBERG: Mr. Chairman.

11 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

12 BOARD MEMBER BREMBERG: Jo-Ellen, as this is
13 written, there is no funding. If it is enacted without
14 funding, we as a board would only be able to do as much as
15 the existing data that we have and so forth.

16 MS. JACKSON: Right.

17 BOARD MEMBER BREMBERG: We couldn't actually fulfill
18 all of the requirements of this Board without an
19 appropriation attached to this.

20 MS. JACKSON: That's correct. But Mrs. Eastin has
21 asked us to give her some sort of a ballpoint figure --

22 BOARD MEMBER BREMBERG: Ballpoint?

23 MS. JACKSON: Well, not ballpoint. Ballpark figure.

24 BOARD MEMBER BREMBERG: Just wanted you to know I
25 was listening.

1 MS. JACKSON: -- of how many people we would need
2 and how many more additions we would need to the existing
3 system that we have here, the data system, in order to be
4 able to do this. But before that figure is given to her, she
5 is going to be meeting with the counties to find out what
6 they currently do, what they're capable of doing, and how
7 often. So maybe this reporting won't be done on a yearly
8 basis. Some of it will be done on an every-three-year basis
9 if they want, for example, the waste stream composition.

10 BOARD MEMBER BREMBERG: Thank you.

11 MS. JACKSON: So that's where we are with that one.

12 The next bill, AB 3746, is also an Eastin bill.
13 This bill is going to be heard next Tuesday in looks like
14 Government Efficiency. This is a procurement bill. This may
15 become the procurement bill instead of the procurement
16 figures right now that are in the recycling bills that I told
17 you about, the three. That section may come out and it may
18 be moved to this bill.

19 The next bill is AB 3804, Mountjoy. This bill is
20 set in Natural Resources April the 11th. I'll let
21 Bob Conheim give you an update on this bill.

22 MR. CONHEIM: AB 3804 is the bill that would
23 prohibit the acceptance of solid waste at a disposal site if
24 the groundwater level over a 50-year historical period would
25 be less than 50 feet below the fill. That would be a

1 condition of the permit.

2 My contact with the author's office was that they
3 didn't know anything about this bill. I tried very hard to
4 get a staff person --

5 BOARD MEMBER BREMBERG: That doesn't surprise me.

6 MR. CONHEIM: I'm not being facetious. I was
7 frustrated, because I could not get the assigned staff person
8 to tell me anything about this bill.

9 But the Water Board will be opposed to it. I
10 haven't been able to update my support in opposition. But my
11 initial contacts -- everybody who's thought about this bill
12 would be opposed to it, because it is unworkable,
13 unnecessary, it duplicates existing law, and is another
14 devastating bill. It's one of those bad bills that can't be
15 fixed.

16 BOARD MEMBER BREMBERG: Mr. Chairman.

17 CHAIRMAN ROODZANT: Mrs. Bremberg.

18 BOARD MEMBER BREMBERG: The L.A. County Division of
19 the League, we went over this, because Mr. Mountjoy is within
20 our area of responsibility. And the more we looked at it, it
21 kind of turned into a comedy show. Because really it is --
22 there isn't a sole alive who can give you data as to the
23 historic level of groundwater.

24 MR. CONHEIM: If they could --

25 BOARD MEMBER BREMBERG: Because it can fluctuate

1 from 10 feet to 200 feet, depending upon who's drawing down
2 and at which point and recharge it. I mean, it is
3 absolutely -- I'm sure that the motivation was noble, but the
4 result is something that should really be lost.

5 MR. CONHEIM: There's some indication that this bill
6 is aimed at the gravel pit --

7 BOARD MEMBER BREMBERG: Sure it is. But they missed
8 the target.

9 MR. CONHEIM: The problem with this bill, as
10 Mrs. Bremberg has stated, is that there's varying fluctuating
11 levels of groundwater. If you can get someone to give you
12 the historical readings, it would mean that virtually every
13 single landfill in the state would be out of business.

14 BOARD MEMBER BREMBERG: Right.

15 MR. CONHEIM: The Water Board conservatively
16 estimated 350 based on the data that they get from us and
17 their own waste discharge permits. But it's -- I've listed
18 BFI and CRRC North as opposed at the time I wrote the
19 analysis and the others were considering an opposed position.

20 BOARD MEMBER BREMBERG: Our division took an opposed
21 position. But that's just our division, not the whole
22 League. I don't think the whole League is even considering
23 any kind of support at all. There's no way it can be
24 amended.

25 CHAIRMAN ROODZANT: Mr. Beautrow.

1 BOARD MEMBER BEAUTROW: Specifically, I think this
2 is addressed to the Azusa landfill.

3 MR. CONHEIM: Yes.

4 BOARD MEMBER BEAUTROW: Which BFI is trying to get
5 permitted. And it all has to do with the height above the
6 groundwater, because that's permitted capacity.

7 BOARD MEMBER BREMBERG: Mr. Chairman.

8 BOARD MEMBER BEAUTROW: Too bad we don't have an
9 unequivocally opposed position.

10 CHAIRMAN ROODZANT: Mr. Gallagher.

11 BOARD MEMBER GALLAGHER: I just have a simple
12 question. Who's he carrying the bill for? Can we identify
13 who?

14 MS. JACKSON: City of Irwindale.

15 BOARD MEMBER GALLAGHER: To me it can't be Mountjoy
16 on his own carrying a bill. I don't think he knows that much
17 about it.

18 MS. JACKSON: The City of Irwindale.

19 BOARD MEMBER GALLAGHER: Pardon me?

20 MS. JACKSON: The City of Irwindale.

21 BOARD MEMBER GALLAGHER: The City of Irwindale?

22 BOARD MEMBER BREMBERG: 1,012 people.

23 CHAIRMAN ROODZANT: Mrs. Bremberg.

24 BOARD MEMBER BREMBERG: Mr. Chairman, to answer
25 Mr. Beautrow. The Regional Water Quality Board rejected the

1 permit for Azusa six to one last week.

2 BOARD MEMBER BEAUTROW: They did?

3 BOARD MEMBER BREMBERG: Yes. One of our
4 councilmembers sits on that board. He was the one. But the
5 hearing was held and it was rejected six to one. So that
6 particular landfill did not receive its step beyond -- it
7 stopped at Regional Water Quality Board.

8 BOARD MEMBER BEAUTROW: This would mean also another
9 impact on the disposal capacity in the southern area of
10 California. Because that potentially was a very big one that
11 would serve that whole area out there. That's interesting.

12 BOARD MEMBER GALLAGHER: Is that tied in with the
13 Raiders' stadium move?

14 BOARD MEMBER BEAUTROW: No, but the Irwindale and
15 Azusa have been always going at it like that. And I believe
16 that part of this landfill was in Irwindale and part of it
17 was in Azusa. So that explains -- now it's all coming clear
18 what this Mountjoy was up to.

19 CHAIRMAN ROODZANT: Mr. Varner.

20 BOARD MEMBER VARNER: Mr. Chairman. Just for my own
21 information, I'm not really greatly familiar with this area.
22 Has there been any problem as far as water quality problems
23 are concerned?

24 BOARD MEMBER BREMBERG: Not that I know of.

25 BOARD MEMBER VARNER: But there hasn't been any?

1 BOARD MEMBER BEAUTROW: No.

2 BOARD MEMBER VARNER: Okay.

3 MR. CONHEIM: Mr. Varner, this bill also doesn't
4 distinguish between useable, unuseable, perched aquifers. It
5 makes no distinctions about groundwater. So it's just a
6 blanket prohibition. If there was a little trickle within a
7 50-foot distance, you're out of business.

8 BOARD MEMBER VARNER: Mr. Conheim, I wasn't really
9 thinking about this bill in particular, but about what
10 created this issue. In relationship to the Katz bill, also,
11 you have the same issue there. So I was trying to get some
12 information for my own particular knowledge.

13 MS. JACKSON: Okay. The next bill is AB 3817 by
14 Assemblyman Bader. This is a bill that would pay Legislative
15 Analyst \$200,000 to prepare a model regional plan for the
16 rail hauling of solid waste from five counties to the desert
17 for incineration.

18 I met with the author this week and discussed this
19 bill with him, as has many others, and he recognized the fact
20 that the bill does have problems, as does Natural Resources
21 when he took the bill up on Monday. The bill is there again
22 up for reconsideration this following week because he
23 couldn't get a vote.

24 BOARD MEMBER CALLOWAY: Mr. Chairman.

25 CHAIRMAN ROODZANT: Mr. Calloway.

1 BOARD MEMBER CALLOWAY: I think probably the author
2 is ahead of his time. Just what we saw here with the
3 Irwindale/Azusa thing. You're going to have to do something
4 with it, you know, sometime. You can sit around and wait
5 forever. Because nobody wants the landfills and they're
6 always opposing to them and everything else.

7 So they're going to have to do something with it.
8 So I think this author is a little ahead of his time. Give
9 him about another five or ten years and they're going to be
10 on bending knees let's ship this stuff out of here, let's get
11 it to New York or the desert or wherever, but get it out of
12 the L.A. area. So I think the poor guy's ahead of his time.

13 MS. JACKSON: The next bill is AB 3847 by Sally
14 Tanner. This bill is up next week in her own committee on
15 Tuesday. This is the bill that would take the household
16 hazardous waste away from the California Waste Management
17 Board and give it to DOHS and implement with a public
18 information system.

19 CHAIRMAN ROODZANT: Mrs. Bremberg.

20 BOARD MEMBER BREMBERG: Jo-Ellen --

21 Thank you, Mr. Chairman.

22 Jo-Ellen, has anybody gotten a rational reason from
23 Mrs. Tanner for this removal from our authority to Health
24 Services?

25 MS. JACKSON: We met with the author's office this

1 week and they indicated to us that they felt that we needed
2 to do more to implement 1809, which was put into statute,
3 which is our household hazardous waste program, as you know.
4 Until that was done, they're going to continue with this
5 bill. I think after our meeting yesterday I will be able to
6 talk to the author's office and request that they drop this
7 bill, because we're going ahead with our program.

8 BOARD MEMBER BREMBERG: The only reason I ask is
9 that Conservation has done such a splendid job with 2020, I
10 really don't know how they can cope with additional
11 responsibility.

12 MS. JACKSON: This is Health Services.

13 BOARD MEMBER BREMBERG: Health Services. Okay.
14 Right, DOHS. One of these days I'll learn all the numbers.
15 But they don't have a position or a system in place to do
16 this either, do they?

17 MS. JACKSON: No.

18 The next bill is AB 4234. It's a Clute bill. It's
19 up next week in Natural Resources. Here again, I'm going to
20 group two bills together. I'm going to group this with
21 AB 4607, Willie Brown bill on page 330.

22 These are two tire bills that were written by
23 Kent Stoddard, one for Assemblyman Clute, who, as you know,
24 last year had the Garb Oil problem in his district and ran
25 two bills last year in order to get rid of it and none of the

1 bills ended up going anywhere.

2 So what they've done this year is he's written a
3 bill for Clute to resolve this problem. And, basically, this
4 is not a bad bill, because it reflects very much what our
5 tire bill proposal was a year ago to you with a dollar
6 surcharge, shredding, different options, studies being done.

7 The only problem we have with this bill is that it,
8 of course, does not allow you to incinerate tires for
9 waste-to-energy or any other reason. So because of the
10 existing facility that's currently in operation -- I'm losing
11 the name of it here. What is that? -- Oxford Energy that we
12 visited on our landfill tour, we want them to take this
13 incineration clause out of the bill.

14 Now, the Brown bill is a little bit different in
15 that what it does is it requires us as a board to register
16 facilities that stockpile more than 500 waste tires. And
17 they have a different set of regulations for the tire
18 facilities that would store more than 5,000 tires. They
19 would all have to be certified and registered.

20 Our position on this bill is support if amended;
21 because we like the bill, but it doesn't give us any funding
22 in order to carry out all of these regulations and
23 certification that we're supposed to be doing.

24 I understand from talking to Kent Stoddard in the
25 Speaker's office this week that they plan to down the road

1 put both of the bills together. So that the funding will be
2 there. But we will probably still have the problem with the
3 incineration. That's their course of action right now.

4 BOARD MEMBER CALLOWAY: But you don't think he'll
5 take the incineration out?

6 MS. JACKSON: I don't know. We're working towards
7 that end, as is, of course, Oxford Energy and some of the
8 other tire dealers in the state. Because I've talked to many
9 of them in the last two weeks, because they did have concerns
10 in case it was feasible for them at some point down the road
11 to consider doing a facility of that type.

12 BOARD MEMBER CALLOWAY: You talked about 5,000
13 tires. Now, you just said tires. I assume that means used
14 tires. Certainly it's not referring to new.

15 MS. JACKSON: Yes.

16 BOARD MEMBER BEAUTROW: Mr. Chairman.

17 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

18 BOARD MEMBER BEAUTROW: We got this report yesterday
19 "Putting a Lid on the Garbage Overload" by the Assembly --

20 MS. JACKSON: Assembly Office of Research report.

21 BOARD MEMBER BEAUTROW: Does this -- documents like
22 this mean anything as far as the Assemblymen buying into
23 things? Because you'll notice that: "Expand the authority
24 and fiscal resources of the Waste Management Board to
25 effectively regulate solid waste landfills and tire

1 stockpiles." You know, they feel that this is something that
2 we're going to do. And strengthen us and clarify the role as
3 far as this problem with Sher and Killea, the recycling.

4 My question is: Does this really mean anything as
5 far as substance that we could say, uh-huh, look it, your own
6 Assembly Research put out this document and we go along with
7 at least parts of it. I don't know what our stance is on a
8 lot of the elements. But would you comment on that?

9 MS. JACKSON: The group that requested this report
10 to be written is Kent Stoddard, Kip Lipper from Sher's
11 office. And they requested the Assembly Office of Research.
12 So the bills that they have written -- or at least Kent
13 Stoddard -- the same as reflected in that report is what he's
14 trying to do with the bills. Maybe George wants to add
15 something.

16 EXECUTIVE OFFICER EOWAN: I was just going to add to
17 that that I think as far as the recycling legislation that we
18 see this year, you can expect a lot of the recycling portions
19 of that report to go into the new version of the bill that we
20 will see by next Monday.

21 BOARD MEMBER BREMBERG: Perhaps.

22 MS. JACKSON: Yes, it's the same --

23 BOARD MEMBER VARNER: Mr. Chairman.

24 VICE CHAIRMAN MOSCONE: Mr. Varner.

25 BOARD MEMBER VARNER: I'd like to comment on that

1 bill. There are a lot of things -- I read that document very
2 thoroughly and studied it. There's a lot of things in there
3 that are accurate and are good. But the key to the thing is
4 what they propose to do with it. Here again, they insist
5 that everything should be under Conservation and the Waste
6 Management Board's role would be subjective to the Department
7 of Conservation. In fact, they could even hold up your
8 CoSWMPs. They could hold you up in almost every area with
9 the way in which they would want to implement this.

10 So, therefore, I don't think we as a board could
11 subscribe to what they propose to do when it comes to what
12 their recommendations are in the back of that document.
13 There's a lot of information in there that's good, because a
14 great deal of it came from our own Board.

15 MS. JACKSON: The next bill I'm going to move to is
16 page 343, which is Senate Bill 188. This is the Alquist bill
17 with the ten percent tax credit on secondary materials. This
18 is an old bill that's been with us a long time. It's going
19 to be heard in Assembly Rev and Tax. They've set it for
20 April the 18th. Same analysis, same bill. Nothing has
21 changed for many, many months now with this item.

22 The one after that, Senate Bill 2304, is the bill to
23 make the Chairman of the Waste Management Board a fulltime
24 position at a compensating salary. This bill was in Senate
25 GO last week and went out on consent nine to zero to Senate

1 Appropriations. This is the exact same bill that was run
2 last year.

3 BOARD MEMBER CALLOWAY: That wasn't amended in any
4 way?

5 MS. JACKSON: Nothing.

6 BOARD MEMBER CALLOWAY: The same as it was a year
7 ago.

8 MS. JACKSON: It went out on consent exactly as it
9 was a year ago. Same bill.

10 VICE CHAIRMAN MOSCONE: Shouldn't the -- didn't the
11 Governor veto that bill because of the salary portion of it?
12 He wanted it down in another -- the salary portion of it in
13 another area of compensation?

14 MS. JACKSON: That's correct, Mr. Moscone.

15 BOARD MEMBER CALLOWAY: And we're going through
16 exactly the same thing, John. That was my point. I mean,
17 that hasn't been resolved.

18 BOARD MEMBER BEAUTROW: Can I add something to that?

19 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

20 BOARD MEMBER BEAUTROW: It had to do with the salary
21 here was pegged as the same as the Chairman of the Water
22 Board. And it was hard to say that somebody overseeing a
23 budget of \$200 million or whatever it is and 1,000 employees
24 was the same as -- that's where the hangup was. It was tied
25 to the salary of the Water Board Chairman. That's

1 specifically what the problem was, and the Governor didn't
2 like that.

3 VICE CHAIRMAN MOSCONE: Are they changing that?

4 BOARD MEMBER BEAUTROW: I don't know what they're
5 doing.

6 EXECUTIVE OFFICER EOWAN: It was tied to the Water
7 Board Chairman, you're correct. But the Water Board
8 Chairman's salary was lower than the salary of the Waste
9 Management Board Chairman.

10 BOARD MEMBER BEAUTROW: It was?

11 EXECUTIVE OFFICER EOWAN: Yeah. The issue was that
12 the Waste Management Board Chairman's salary should be the
13 same as the Water Board Chairman.

14 So now this bill is identical to last year's bill,
15 but there is another bill somewhere in the system that would
16 raise the level of the Water Board Chairman to the level of
17 the Waste Board Chairman, as well as a number of other --
18 like the Chairman of the Energy Commission, et cetera, are
19 all that same level. I think that parity would then make the
20 bill acceptable by the Governor's Office.

21 MS. JACKSON: The last bill is Senate Resolution 33
22 by Senator Roberti, which is on Senate third reading right
23 now. This bill has really moved through the system quickly
24 this session.

25 What this resolution would do is it would create a

1 Senate task force on waste management to research, conduct
2 hearings, and evaluate alternative solutions and developments
3 for comprehensive legislative programs to address the solid
4 waste problem.

5 I'm just surprised that it's moved along as quickly
6 as it has. This was in your packet last month and there
7 really hasn't been any substantial changes at all. It's the
8 same bill analysis, the same bill. And right now we're just
9 waiting for it to be heard on third reading. And if it
10 doesn't happen today, it will next week.

11 BOARD MEMBER BREMBERG: Mr. Chairman.

12 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

13 BOARD MEMBER BREMBERG: Jo-Ellen, I, having read
14 this, find that it puts an unconscionable burden on these
15 particular people. Because it must be resolved within six
16 months or seven months, and I can see precisely what would
17 happen. Everybody will go in with their own self-interests
18 in mind and block everybody else's self-interests and the
19 report that comes out is that we're in favor of a rational
20 approach to solid waste and something must be done period,
21 end of report.

22 MS. JACKSON: It does. The sunset date is
23 December 1, 1988; which hardly seems an allowable time for a
24 report of this magnitude.

25 BOARD MEMBER BREMBERG: It would take at least a

1 month to find some of the people to serve. Some of them are
2 clearly defined. But one representative of a health
3 organization. Well, if there were but one health
4 organization in the state, it would be relatively simple.
5 But is this an anti-sin and in favor of motherhood type bill
6 that they really don't expect much?

7 MS. JACKSON: This is Senator Roberti's blue ribbon
8 panel that's going to report.

9 VICE CHAIRMAN MOSCONE: Mr. Chairman, I had the same
10 reaction, I think, that Mrs. Bremberg had. Here they have
11 three representatives of environmental organizations and only
12 one representative from health organizations. I just
13 don't -- I'm not opposed to having environmental
14 organizations certainly, but it would seem to me that there
15 should be more representation from health. Who am I to
16 question?

17 CHAIRMAN ROODZANT: Mr. Beautrow.

18 BOARD MEMBER BEAUTROW: It's ironic that there are
19 20 Assembly bills that we just went through and only two from
20 the Senate. Why this imbalance this year? Just focus on
21 other things. I'm surprised there isn't more working over in
22 the other house.

23 MS. JACKSON: Solid waste seems to be an issue on
24 the Assembly this year, Mr. Beautrow, rather than on the
25 Senate. There are bills in your package that we are tracking

1 that are Senate bills, but none of them significant enough
2 right now.

3 BOARD MEMBER GALLAGHER: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mr. Gallagher.

5 BOARD MEMBER GALLAGHER: I would like to suggest
6 that we do a lot of gumshoe work, if you will. I had a long
7 talk -- as a matter of fact, it spoiled my dinner -- Tuesday
8 night with James Pardau, who was --

9 MS. JACKSON: He's the consultant to this.

10 BOARD MEMBER GALLAGHER: -- beating my ear on this
11 resolution. Jim has been active in this field for a long
12 while as Ed Z'Berg's consultant when we put SB 5 together.
13 Let me tell you the full aim and objective of this resolution
14 is to put this Board out of business. That is pure and
15 simple fact and that's boiling down all of the BS into what
16 the real objective is.

17 There's enough -- to my mind there's absolutely no
18 question now, as an example, for the Department of
19 Conservation to be on this blue ribbon panel, but they're
20 there, and there's a number of others that have absolutely no
21 reason to be involved in this issue other than to dilute the
22 direct influence that the people in the industry and the
23 people on this Board might very well have on the
24 deliberations of a panel that was more honestly and evenly
25 constructed.

12

1 So we've got to build some allies somewhere along
2 the line and we've got to know the selfish interests and
3 where some of these other people stand in this thing. But
4 mark my words -- and this was very direct. The thing is not
5 to solve the issues, the thing is to put this Board out of
6 business and be able to dilute it and redistribute it in such
7 a fashion that the industry has less influence and the
8 environmentalists have more, simply stated.

9 And I bode we've got a lot of problems with this. I
10 think it will prevent any really major solid waste bills from
11 ever getting through the Governor's office for this session,
12 because I believe that it will be held up on the basis of
13 this committee that's studying the whole thing. But
14 carefully watch this one.

15 BOARD MEMBER CALLOWAY: Mr. Chairman.

16 CHAIRMAN ROODZANT: Mr. Calloway.

17 BOARD MEMBER CALLOWAY: I agree with Mr. Gallagher.
18 It's actually designed -- it's a plan. It couldn't be more
19 plain if they wrote it out in a report and handed it to you.

20 When they lost the reorganization question, which
21 was to do away with this Board, when they lost on that, then
22 they fell back to the other plan. And there's a plan in the
23 Assembly and there's a plan in the Senate. This is the
24 Senate side of doing away with this Board. It's their
25 approach.

1 The Assembly side is the same thing, only they are
2 just going about it to chip away and take a little bit of
3 this. They've taken 2020, and next thing's the recycling
4 bill, and then the next thing's household hazardous, and the
5 next thing's litter, and we wind up with nothing. Then they
6 say, well, there's no sense of keeping the Board in
7 operation, they're not doing anything. So out they go.

8 That's their design. And they can sell that when
9 they say the Board is not doing anything, or any
10 organization, it's spending money up here and not doing
11 anything, they get rid of it. It's good PR to the public.
12 And it's a design. Believe me if they wrote you a report, it
13 couldn't be more plain than what they're trying to do. I
14 couldn't agree more with Mr. Gallagher.

15 CHAIRMAN ROODZANT: Any other comments?

16 Please proceed. Is that the end of the legislation?

17 MS. JACKSON: I want to know if you want to go over
18 positions on all the bills that we just discussed? I told
19 you what we felt on some of them. But perhaps to make it as
20 clear on all of them, would you like to go over positions
21 again?

22 CHAIRMAN ROODZANT: What's the pleasure of the
23 Board?

24 BOARD MEMBER GALLAGHER: I think I understand.

25 MR. JACKSON: Okay.

1 CHAIRMAN ROODZANT: Thank you very much.

2 MS. JACKSON: Thank you.

3 CHAIRMAN ROODZANT: Item 10, Update on
4 Implementation of AB 2448, Solid Waste Disposal Site Hazard
5 Reduction Act of 1987.

6 MR. OLDALL: Yes, Mr. Chairman, members of the
7 Board. I'd like to bring the Board up to date on going over
8 some of the major components of the bill and where we are on
9 those major components. I would like to remind everybody
10 that, of course, it was an urgency measure signed by the
11 Governor last year. It established the Solid Waste Disposal
12 Site Cleanup and Maintenance Account through the collection
13 of landfill operators of annual fees on the disposal of
14 waste.

15 Prior to us getting any money out of this, we did
16 get a \$2 million loan from the General Fund to get started
17 with the basic implementation. I think on page 457 and 458
18 of your Board package we summarized for you the major actions
19 that the Board and its staff will be doing over the next
20 couple of years.

21 Of course, the major aspect evolves around the
22 regulations. And some of those we're going to even be
23 bringing up later on today and tomorrow, particularly for the
24 loan guarantees and corrective actions and
25 closure/post-closure plans. Also, the closure/post-closure

1 plans will be coming in that the staff will have to be
2 reviewing.

3 The breakdown of that \$20 million, again, annually
4 I'll remind you, as outlined at the top of 458, starts out
5 with about \$5 million, which is 25 percent of the fund. We
6 will be spending that for the loan guarantees for the owners
7 and operators. About \$2 million will go out to the LEAs and
8 the Regional Water Boards for their support of their
9 inspection programs.

10 The major part of the fund, the \$8 million that
11 serves something like a mini-superfund, in fact, that we will
12 administer, that is for corrective action; primarily
13 contracts. The other amount, the 20 percent of the fund for
14 \$4 million, will be for the household hazardous waste grants
15 program that we brought up in discussion yesterday. So that
16 leaves approximately the \$1 million out of the 20 that's
17 covered for the Board's staffing, roughly about 20 positions.

18 The act also created this Advisory Committee
19 consisting of the Chairpersons of our Board, the Water Board,
20 the Air Board, the Director of Health Services, and three
21 other members appointed by the Governor, Senate Rules
22 Committee, and the Speaker of the Assembly.

23 I would like to report that on March the 9th we did
24 have the first meeting of this Advisory Committee. No
25 representatives, however, were present from the Legislature

13

1 or the Governor's Office. But we did outline the major
2 tasks, the authority of each agency, go over some of the
3 initial coordination issues that we would have to be
4 discussing and the major task for this particular group,
5 which is to come up with recommendations to our Board on the
6 criteria for selecting who gets the loan guarantees and also
7 for the grants.

8 So I'd like to remind everybody again that it's this
9 Advisory Committee's job to come up, with our staff
10 assistance, with the recommendations which would then
11 subsequently be brought back to our Board before we get into
12 the regulations process in those particular areas.

13 We have been, as I mentioned, hiring. I think if
14 you look at page 461, you'll see that we were hoping to hire
15 eleven positions in the current year. And I mentioned before
16 we were getting 20 new positions; eleven this year, nine
17 after July 1. We have in fact hired, according to the
18 document here, seven. But I think those of you that attended
19 the Trash Bash may have also met our upcoming addition to our
20 legal staff, Miss Catherine Close, who will be assisting Bob
21 Conheim. And she will be commencing work here, I think, in
22 May.

23 So that will give us eight of the eleven positions
24 currently filled in the current year. Hopefully, we can hire
25 a few more engineers. We're having a little bit of

1 difficulty finding enough engineers to put in with our
2 closure group working on those regulations with Bill Orr. As
3 I mentioned before, the nine new positions will be coming on
4 in July.

5 With respect to those issues around the loan
6 guarantees, I would like to report, I think, at the last
7 Board meeting we did introduce Mr. Nguyen Van Hanh, who's
8 going to be leading up that particular program area. And we
9 have been discussing with members of the banking and savings
10 and loan industry the kinds of issues that concern them.
11 Because we realize that it's difficult to develop these
12 regulations and criteria in a vacuum if we don't go to the
13 industry, who indeed will end up having to do work with the
14 landfill operators to do the loan guarantees. If they don't
15 buy into the program, it's no good us having the program if
16 they're not going to make it work.

17 So what we found out from discussing with people
18 like the World Trade Commission, the Department of Commerce,
19 who already have similar loan guarantee programs up and
20 operating, is that those are the key people to involve in the
21 early discussions. So right now staff is working with these
22 particular people and I think we'll have them come and report
23 to the Advisory Committee at the next Advisory Committee
24 meeting, which I think we're shooting for sometime in late
25 June or early July to meet one more time again.

1 As I briefly mentioned before, the regulation issues
2 efforts are underway and I think we've already seen some of
3 those at our last Board meeting. And I know the disposal
4 site standards, the closure/post-closure, and financial
5 assurance are scheduled to be heard at this Board meeting.

6 BOARD MEMBER BEAUTROW: Because this is one of the
7 most important programs that we've ever had, I would ask that
8 it be a regular agenda item and that the progress report be
9 made. We can't afford to slip on this at all or somewhere
10 along down the line have to make excuses of why we didn't
11 meet certain timelines. I looked at the proposed agenda and
12 I don't see it on here. So could you please have just a
13 progress report at every Board meeting on the status of this
14 and maybe any important elements?

15 EXECUTIVE OFFICER EOWAN: Yes, we'd welcome that. I
16 just wanted to remind you that the major thing that we're
17 doing right now besides staffing up for it is developing the
18 regulations. So you're going to be seeing that, also, on a
19 regular Board meeting basis. So you'll get two shots at what
20 we're doing.

21 BOARD MEMBER BREMBERG: Mr. Chairman.

22 CHAIRMAN ROODZANT: Mrs. Bremberg.

23 BOARD MEMBER BREMBERG: George or Bob, I thank you
24 for the update report. But as I read some of these proposed
25 bills -- and I have no idea if they're going to pass or

1 not -- there are contradictory provisions in some of the new
2 bills that are coming down on closure/post-closure
3 particularly and responsibility and so forth.

4 Maybe I am reading more into some of these bills
5 than the authors intended, and I meant to pick them off as I
6 went along. But I would assume that this takes pre-eminence
7 over any new bill, or would a new bill undercut the -- or
8 dilute the responsibility?

9 EXECUTIVE OFFICER EOWAN: That's a legal question.
10 I'll let him answer it. There are two specific bills that I
11 know of off the top of my head that have an impact. One was
12 the La Follette bill -- 2817? -- which dealt with the
13 financing portion. Then there is a closure issue in the 3012
14 bill, Katz bill. Those are the two that I know of. Do you
15 know of other --

16 BOARD MEMBER BREMBERG: No, those are the -- kind of
17 hit me.

18 EXECUTIVE OFFICER EOWAN: Now, which takes
19 pre-eminence, I'll let Bob answer that question. That's a
20 legal precedent issue.

21 MR. CONHEIM: If the two bills or any of these bills
22 amend or add different sections of the law, not the existing
23 2448 sections, then you've got two equally effective
24 statutory mandates.

25 BOARD MEMBER BREMBERG: But they're contradictory.

1 MR. CONHEIM: Absolutely. That happens all the
2 time. I don't know how that gets resolved. There's lots of
3 law that is -- it's supposed to be prevented by Leg. Counsel,
4 but it doesn't always happen.

5 But if the bills that you're concerned about were to
6 amend the provisions of 2448, then the later-chaptered
7 version would be the one that would survive. But where they
8 adopt new provisions, they remain equal and contradictory.

9 BOARD MEMBER BREMBERG: Gosh, isn't it nice that
10 they pay attention to what existing law is and then they pass
11 new ones or propose new ones? Thank you.

12 CHAIRMAN ROODZANT: Is there any further discussion
13 on the item?

14 Hearing none, we'll move on to Item No. 11, Staff
15 Presentation of Recycling Awards Options.

16 MR. OLDALL: Yes, Mr. Chairman. George Larson from
17 the Resource Conservation Division will be presenting this
18 item.

19 MR. LARSON: Mr. Chairman, members. George Larson
20 with Resource Conservation Division.

21 This item is a further discussion of a proposal to
22 develop a recycling awards program for the Board. At the
23 March 10-11 Board meeting, an initial proposal was presented
24 to the Board to attempt to raise the visibility of recycling
25 in California and bring recognition to successful recycling

1 programs.

2 The Board endorsed that concept and directed staff
3 to bring back at this Board meeting options that the Board
4 may consider in this program. This agenda item addresses
5 that direction of the Board.

6 In consideration of the most desirable structure for
7 a recycling program that the Board may accept, several key
8 factors were considered and are discussed in the agenda item.
9 The key factors are: One, the types of recycling programs or
10 award categories that may be developed; two, the frequency of
11 award presentation; and three, the nature of the awards.
12 Each of these factors are discussed and I'll present them.

13 The types of recycling in California -- the types of
14 recycling programs are varied across a broad spectrum. They
15 include such origin and operational type considerations as
16 whether they're run by public agencies, private industry
17 programs, private nonprofit programs, or some combination of
18 those.

19 In terms of methodology, they may vary in such
20 things as drop-off programs. And as a subset of that, they
21 may be multi-material or single. Also, buy-back programs,
22 curbside programs, transfer station programs, landfill
23 programs, all of which may be multi-material or single, also,
24 and what we call for this purpose in-house programs. These
25 are things like maybe in-house office paper recycling

1 programs or where manufacturing companies take their
2 manufacturing scrap and recycle it into new products.

3 Other conditions which may exist which add to the
4 variety of programs relate to whether the source of the waste
5 is from the commercial or residential waste stream, the level
6 of subsidy that may be evident for any recycling program,
7 volume of waste received, distance to markets, potential
8 impact of last year's Assembly Bill 2020 on certain
9 commodities, and the impending impact of recycling
10 legislation currently in the Legislature.

11 Staff's recommendation is that it's best not to
12 award each type in each category, since we'll end up with a
13 very complex and multi-tiered, multi-level award program and
14 that really the fewer the awards, the more significance they
15 carry for the recipient.

16 Under item two, which deals with the frequency of
17 the award presentations, several factors were considered,
18 also. The time requirements necessary to develop necessary
19 criteria to perform the evaluation of various programs and to
20 select and recommend to the Board for awards will take a
21 considerable amount of time. Also, there has been an
22 expressed wish, which we'll give an example of at the end of
23 this agenda item, that from time to time the Board may want
24 to just present an ad hoc type of award possibly for a new
25 recycling program that's started in California. This gives

1 the opportunity to provide positive incentive and recognition
2 in and, shall we say, a best wishes type of approach to
3 success for new programs.

4 The third major factor is the nature of the awards.
5 Staff feels that at a minimum professionally-designed printed
6 and posted certificates, plaques and resolutions are
7 appropriate. Another option would be to seek monetary awards
8 in addition to any plaques or presentations.

9 While the certificates or plaques are most
10 appropriate for a state agency, state law does prohibit the
11 utilization of money from the General Fund for presentation
12 awards of this type unless it's specifically specified in the
13 law, such as the budget language.

14 Under the option of raising money from the private
15 sector, two considerations or obstacles may exist. One is,
16 obviously, it's difficult to raise this money since many
17 different interest groups are vying for public support from
18 private industry. Secondly, the impact of acceptance of
19 private contributions would be difficult to estimate. The
20 acceptance of such funds, in other words, may cause some to
21 misinterpret the influence, whether valid or not, of the role
22 of the contributor in the program.

23 So, in summary, I think the intent of the Board is
24 to provide positive reinforcement incentives to recycling
25 programs and using the recycling awards program as a

1 mechanism to do this without getting mired in too complex of
2 a multi-tiered type of awards program.

3 We've pointed out or I've tried to discuss what I
4 consider to be the three major factors and would like to
5 recommend a structure that I believe brings the highest
6 visibility to the Board's involvement in this type of
7 recognition, and also to discuss briefly the opportunity to
8 provide ad hoc type awards to new programs.

9 So the recommendation of the staff is under the
10 three major categories or factors to discuss, that one award
11 be provided for each of the following types of programs. And
12 they're listed on page 467. One for a curbside program, be
13 it private or public; one for a multi-material recycling
14 program, private or public; one for a large volume transfer
15 station and landfill operating recycling programs; one for a
16 best integrated community recycling system, which would be
17 able to consider various types of recycling; and then another
18 category for innovative programs that may use new
19 technologies or new approaches.

20 The frequency of the awards program, staff
21 recommendation is to make it an annual presentation at a
22 Board meeting, and that staff would develop criteria for
23 evaluation of programs over a period of time and bring the
24 candidates -- what we would consider the final staff
25 candidates to the Board for their consideration and actual

1 selection of the final awardees.

2 The nature of the awards, staff recommends that they
3 consist of professionally-developed certificates and
4 resolutions which would be presented at this Board meeting.

5 In the separate category of new programs, as an
6 example, it was brought to the Board's attention a program
7 that was recently initiated in the City of San Bruno. I'd
8 like to give you a little bit of background about the new
9 program. It has been recommended and staff has developed a
10 resolution to both the City of San Bruno and the San Bruno
11 Garbage Company, the private collector in that city who in
12 joint effort with the city has recently initiated a curbside
13 program in 10,000 homes.

14 We feel that they really put some ground work into
15 this. They developed a very comprehensive information
16 program including utilization of media through TV, newspaper,
17 printed materials. They involved the local communities, the
18 school systems in such things as a recyclathon, which brought
19 the new program to a high state of visibility, had panels of
20 logical experts and speakers.

21 So with the Board's approval, this resolution will
22 be provided to you to review and approve and it would be
23 signed by each of the Board members and presented --
24 actually, two resolutions; one to the City of San Bruno and
25 one to the San Bruno Garbage Company.

1 Essentially, that is the Board's presentation on a
2 potential recycling awards program. And I'd like to accept
3 any questions the Board may have or recommendations for
4 alterations to the proposal.

5 BOARD MEMBER CALLOWAY: Mr. Chairman.

6 CHAIRMAN ROODZANT: Mr. Calloway.

7 BOARD MEMBER CALLOWAY: I think this is fantastic.
8 I don't know whose idea it was, the Chairman's idea or the
9 staff's idea or whoever it was. I think it's absolutely
10 fantastic. I think to recognize people for something as
11 important as helping clean up the environment and conserve
12 things, landfills, resources through recycling, I think
13 that's a fantastic idea.

14 I would just like to offer you another suggestion.
15 Rather than to have the people to come to Sacramento to
16 receive the award, I would rather see a Board member go to
17 the community and get on the city council agenda and present
18 it to the city at their city council meeting with the local
19 press and so forth involved in this. Because it is the
20 community that you're trying to recognize and reward for
21 their effort. But to just bring one person to Sacramento and
22 to do it -- in other words, the community is not going to
23 hear as much about it. If it gets up here, it kind of gets
24 lost in the shuffle. So I think it defeats your purpose of
25 trying to do that.

1 The second suggestion I would have to add -- and I
2 like your categories, George, that you've done here very much
3 on the awards. I think you've thought that out very well.
4 There's only one other category that I would like to offer
5 for consideration is like the award for the -- call it the
6 best environmental award. This would be for the litter
7 clean-up, going along with the California Cleanin' program.

8 In other words, let's say take -- well, let's pick
9 on Glendale. They're always nice and squeaky clean. So if
10 they go out and do an extra special job of cleaning up their
11 city and getting rid of all of the garbage on their streets
12 and their highways and everything and they put out a lot of
13 cans for the public to use and so forth, they should be
14 recognized for this. And this is what I think the purpose of
15 the reward for it. I think those things catch in with
16 communities. I think there is a lot of competition between
17 communities and I think when they see one community do it, I
18 think it's catching and it goes on to others.

19 So that's a suggestion. I just want to compliment
20 you again, whoever did it. I think it's a fantastic idea.
21 We should do more of this. Thank you.

22 CHAIRMAN ROODZANT: Mrs. Bremberg.

23 BOARD MEMBER BREMBERG: George, I just want you to
24 know that the City of Glendale is implementing a -- we've had
25 a pilot program and we're going citywide. We have

1 appropriated \$511,000 to implement this program, which will
2 include four new collection vehicles, \$112,000 for
3 containers. We're appropriating \$55,000 for marketing and
4 the recycling coordinator incidentals. That includes a desk
5 and a chair. But we are going to -- and we are in the
6 process of hiring a recycling coordinator whose only task
7 will be --

8 And that will cover 52,000 single family homes
9 across the city. It is not mandatory. But each home will
10 receive two pails. The collections will be once a week. And
11 we're buying the vehicles. We're out to bid now. We're
12 buying the vehicles presently. We do not anticipate that
13 we'll be able to start it before August, but that's just a
14 matter of logistics on delivery of the vehicles. If they
15 come sooner, we'll start sooner. But giving our staff time
16 enough for the marketing and the hoopla and Danny the Trash
17 Man or whatever to go in.

18 I'll have them make a copy of this so that you can
19 have it. I don't know if my enthusiasm for the program
20 caught on, but my colleagues agreed and it was a unanimous
21 vote to go into this program and to appropriate that much
22 money.

23 That's the first year. We anticipate that the
24 subsidy will be \$250,000 a year. That's because we tell the
25 truth and we don't say that it's not subsidized by using

1 terms. We recognize it that it requires a quarter of a
2 million subsidy every year.

3 BOARD MEMBER CALLOWAY: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mr. Moscone.

5 BOARD MEMBER CALLOWAY: I think that's a fantastic
6 commitment and certainly Glendale should be congratulated for
7 it, and your efforts are certainly, I think, fantastic.

8 CHAIRMAN ROODZANT: Mr. Moscone.

9 VICE CHAIRMAN MOSCONE: I don't disagree with
10 Mr. Calloway's remarks, but I would not want to see that
11 litter portion of it duplicated, as we already have that and
12 it's been ongoing for years that litter -- all those litter
13 awards and all of that. If there's a different way to do it,
14 I don't know. But we have done that for years. We've
15 recognized cities and groups and everything else as far as
16 litter goes.

17 MR. LARSON: Mr. Moscone, Mr. Chairman, if I may
18 address that. Yes, we do have proposed and the Board has
19 endorsed the presentation of awards to members of our CLEAN,
20 the California Litter Education Action Network, communities
21 that are participating in the CLEAN program. We will have an
22 awards program separate and directed at innovative and new
23 and successful litter clean-up programs. The awards are
24 scheduled to be given in November, November 7th in Westin --
25 the Westin Hotel, very close to the San Francisco Airport.

1 So your point is well taken, Mr. Calloway, and I think they
2 need to be awarded, too. But there is a system and we do
3 have an awards program to recognize those types of programs.

4 BOARD MEMBER CALLOWAY: But, here again, George, I
5 go back. Now, you say it's going to be done at the Westin
6 Hotel and you're going to bring, let's say, XYZ little
7 community in from Alpine County or wherever, San Mateo
8 County, anything you want to say. They don't even know about
9 it. I mean, the community doesn't know about it. They don't
10 know that their leaders have been out there working putting
11 all of this effort and time into it.

12 If you go to the community and present it in the
13 community, this becomes local news in a community and those
14 who have worked so hard to put these programs on and they've
15 cooperated, they will get the recognition for it. Of course,
16 it's the whole purpose of it.

17 But I think if you do it at a hotel in Los Angeles
18 or you bring somebody up here, I think you lose the whole
19 purpose of the award. I mean, that's what I think.

20 CHAIRMAN ROODZANT: Mr. Calloway, you're exactly
21 right. If I can just add, in the past it's happened at both
22 venues, at the awards conference and oftentimes at the city
23 council level, either when it was requested by the local body
24 or we determined it was in the best interests of the Board
25 and had somebody available to go down and present it. I know

1 I've done it a couple times in front of council meetings.
2 And that was a proposal that I told you with this one with
3 San Bruno to do that. Just a matter of availability of
4 people to do it.

5 BOARD MEMBER CALLOWAY: Sure.

6 CHAIRMAN ROODZANT: I thank the staff for putting
7 this package together. If there isn't any further discussion
8 on it, I would suggest, if there's no objection, the staff go
9 ahead and implement the concepts.

10 Hearing no objection other than the ones that have
11 been voiced to you, we'll proceed.

12 VICE CHAIRMAN MOSCONE: Mr. Chairman. Just to add a
13 sad part here. You mentioned San Bruno. The company's
14 manager down at San Bruno passed away suddenly on Easter
15 Sunday, massive heart attack.

16 CHAIRMAN ROODZANT: What was he, 40 --

17 VICE CHAIRMAN MOSCONE: Forty years old.

18 We've been requested to take a five-minute break.

19 (Thereupon a brief recess was taken.)

20 CHAIRMAN ROODZANT: Call the meeting back to order.

21 Next item for consideration today is Item 13, Staff
22 Presentation on the Enforcement Advisory Council Meeting.

23 MR. IWAHIRO: Mr. Chairman, Bernie Vlach, who's in
24 charge of our Enforcement --

25 CHAIRMAN ROODZANT: I'm sorry, I missed it. I got

1 the wrong number. Item 12, Update on the Board's Solid Waste
2 Facilities Inspection Program. We did 13 yesterday.

3 MR. IWAHIRO: I was going to do 12 anyway, I guess.

4 CHAIRMAN ROODZANT: You weren't listening to me is
5 what that told me.

6 MR. IWAHIRO: That's right.

7 CHAIRMAN ROODZANT: You were just being kind.

8 MR. IWAHIRO: Bernie Vlach, who is our Division
9 Chief for Enforcement, will give a rundown on where we are at
10 on our inspection program. So I'll just turn it over to
11 Bernie on this.

12 MR. VLACH: Mr. Chairman, members of the Board.
13 Today I'd like to share with you in two parts an update on
14 the Board's solid waste facilities inspection program.

15 In the first part I would just like to present some
16 of the statistics that have evolved from the program since
17 its inception and show you some of the fine work the staff
18 has done.

19 In the second part I would like to go over
20 conceptually some of the day-to-day activities that the staff
21 is involved in in their charge to evaluate more than 600
22 permitted landfills in the state on a periodic basis.

23 In the agenda item you have before you, you will see
24 that the staff is required to evaluate these 600 facilities
25 on a recurring basis. Since July of 1985 approximately 200

1 of these 600 facilities have been placed into the evaluation
2 queue. Of those 200, approximately 74 have been completed.
3 The process has been completed for 74. And in only one case
4 was a facility found to be in noncompliance.

5 Of the other 123, 100 are still under active
6 evaluation. Meaning that there are more inspections needed
7 out in the field, there are still meetings going on, and the
8 exact status has not -- the process has not been completed.

9 Twenty-three of the 123 have entered into agreements
10 with Board staff to have any mitigation work that needed to
11 be completed resolved within a reasonable time period.

12 So, if there are any questions about that. If not,
13 I'd like to move on to the second part of my presentation,
14 which discusses the activities that are involved in the
15 evaluation program.

16 In recent months, the past six months, the program
17 has been administered not only out of the headquarters office
18 here in Sacramento, but out of the Southern California office
19 as well. There are currently six field evaluation staff in
20 Sacramento and four in the Southern California office.
21 Recently two additional staff have been assigned to the
22 Southern California office, or their have been positions
23 assigned to that office for additional field evaluation work.
24 And those two positions are currently being -- there are
25 interviews going on to hire two additional staff people to

1 beef up that program in the Southern California area.

2 I'd like to emphasize that -- or share with you a
3 little bit about how the program is being administered. Each
4 of the field evaluation people is assigned a number of
5 counties or to work with a number of Local Enforcement
6 Agencies so that they will always be working with the same
7 Local Enforcement Agencies in the same counties on a periodic
8 or on a regular basis. This is done to maintain some
9 familiarity between the field evaluation staff person and the
10 Local Enforcement Agency.

11 This is a little bit of a change from what we had
12 been doing previously whereby there was sort of a random
13 staff assignment and in some cases LEAs were dealing with
14 three, four or five different staff people and they weren't
15 feeling real comfortable with that situation. So now each
16 staff person has a specific number of counties that they're
17 assigned.

18 My charge to the staff has been that they should
19 meet with these LEAs, get to know them, get to know the
20 environment that they're working in, try to understand the
21 problems that the LEA has in the same way that the Local
22 Enforcement Agency sees them.

23 Then typically a field evaluation staff person will
24 meet with the LEA, go over their records with them, their
25 permits, their files, look at their previous inspection

1 reports, and then develop a priority schedule for evaluating
2 facilities within that LEA's jurisdiction. The LEA seems to
3 know best which facilities -- and, of course, our staff do
4 their own homework here in Sacramento. We have our own
5 records. So we work with them.

6 We find this situation to be agreeable to both the
7 LEA and our staff. They develop a priority schedule based on
8 facilities that they feel may be causing the most significant
9 problems or threats to the public health or safety, although
10 we haven't found in working with the LEAs that those
11 situations arise very frequently.

12 After the priority list has been developed, the
13 staff notify the LEA or work out a timeframe, a time
14 schedule, with the LEA for conducting the evaluations.
15 Usually the operator is not notified in advance of when these
16 inspections are going to take place. The LEA definitely
17 knows when they're going to take place, because that's been
18 worked out in these meetings prior to the inspection.

19 Sometimes the LEA, in consultation with our staff,
20 will feel that it's important that certain key people from
21 the organization that's being evaluated be present at the
22 facility during the evaluation. And we try to work with the
23 LEA and feel if that's their judgment, then we find that that
24 in fact does help during the compliance phase of the program.
25 So we may notify the operator a day or two in advance that

1 we're coming down. We don't feel that that's a problem in
2 that giving them advance notice is going to jeopardize the
3 evaluation. Because if they have problems, a day or two
4 advance notice is not going to allow them to correct those
5 problems.

6 After the evaluation, the LEA and the Board staff
7 complete a parallel evaluation process. They take parallel
8 notes. Our staff comes back to the office. There's some
9 discussion of the problems at the site with the operator and
10 the LEA at the time of the evaluation so that there's no
11 mystery about what our -- the interpretation of our
12 standards. If there's an explanation about why certain
13 things are occurring, that's discussed. If there needs to be
14 an explanation, for example, why there -- it may look like a
15 problem and there may not be a problem, or there's some
16 misunderstanding. Those things can all be brought forward at
17 the time of the evaluation. That's why it's so important to
18 have sometimes in most cases a key person from the operator
19 there.

20 In the past we've found that by making strictly
21 surprise evaluations, there many times will not be anyone
22 there representing the operator. Perhaps a site supervisor
23 or sometimes only an equipment operator. They don't know
24 where records are, for example, or don't know their way
25 around the site as well as a more key person in the

1 organization.

2 After the evaluation the Board staff comes back to
3 Sacramento or the Orange County office, the Southern
4 California office, and prepares the -- finalizes their field
5 notes, and a transmittal letter goes out to the operator and
6 to the Local Enforcement Agency advising them as to whether
7 or not there have been any problems found at the landfill and
8 then a scenario of how to proceed with the mitigation of
9 those problems.

10 If there were violations found at the landfill and
11 they are of the nature that it's felt that the staff needs to
12 continue in working with the LEA and the staff wants to
13 remain involved in the mitigation of those problems, staff
14 will prepare a letter that requests that the LEA and the
15 operator jointly prepare a compliance agreement which will
16 resolve the problems in a reasonable time.

17 This is done in a -- the development of this
18 compliance agreement is done in a subsequent meeting at the
19 LEA's office among the LEA, the operator, a Board field
20 evaluation staff, the Regional Water Quality Control Board,
21 and in some cases the Air Quality Management District. These
22 people get together in the LEA's office and they talk about
23 the problems, they discuss how they can solve the problems of
24 the management of that landfill without causing additional
25 concerns by another regulatory agency and resolving our

1 concerns, as well as the other boards and other regulatory
2 agencies. We've had good success with this approach and hope
3 to continue to use that approach.

4 The compliance agreements that are developed
5 subsequently, the staff has requested during these meetings
6 that the compliance agreements be sent back to the Board
7 within a certain timeframe. Usually there's 30 days in which
8 they can develop these compliance agreements and return them
9 to the Board.

10 The agreements are really between the LEA and the
11 operator. This is a requirement of the Government Code. And
12 they give timeframes in which the problem will be mitigated.
13 These timeframes are agreed upon by the Board and the LEA and
14 they are reasonable times. For example, if a Report of
15 Disposal Site Information is not complete, 30 days might be a
16 reasonable time to get that up to date. If there's
17 additional grading that needs to be done, there are other
18 considerations such as if it's during the wet part of the
19 year, maybe grading is not a good time. So all these issues
20 are worked out at these meetings and the idea is, of course,
21 reasonableness.

22 Sometimes if there are serious violations or the
23 cooperation of the Local Enforcement Agency or the operator
24 is not what staff feels we should be getting, then staff will
25 recommend that a letter be prepared under the signature of

1 the Executive Officer to the local governing body such as the
2 chairman of the board of supervisors or a mayor of a city
3 explaining that there is a peculiar problem at one or more of
4 their landfills and asking them for their support to resolve
5 the problems. This also has been an effective compliance
6 tool.

7 This approach that we've been using in recent times
8 has we found to be most effective in that many of the
9 violations that formerly we would have to bring before the
10 Board listing a facility or giving them a 90-day notice, we
11 have not had to do this. The violations have been corrected
12 during the compliance phase.

13 EXECUTIVE OFFICER EOWAN: And it's at this point I
14 want to interject in Bernie's comments here. It's an
15 effective approach and it's one that we've evolved to over
16 the last few months, and I think it's working well.

17 But one thing it's done is take away some focus from
18 the Board on these problems. Because we're solving them at a
19 staff level. Now, that's good, but it sort of takes you out
20 of the loop a little bit.

21 One of the thoughts that we had was maybe we ought
22 to be updating you as we get to this compliance agreement
23 stage in letting you know what we're doing at that point.
24 And we could make Board items out of these compliance
25 agreements. Now, that would add a significant amount. In

1 some cases we're doing about five or six a month maybe.

2 MR. VLACH: Currently we have 40 compliance
3 agreements that have been entered into and some of them have
4 been completed.

5 EXECUTIVE OFFICER EOWAN: But I think it would be
6 valuable time spent. We could capsulize these things fairly
7 well and let you know. But if you're interested in that, we
8 will put that on the agenda over the next few months and see
9 how it works.

10 MR. VLACH: I'd like to finish up quickly by
11 saying --

12 CHAIRMAN ROODZANT: Mrs. Bremberg had a question.

13 BOARD MEMBER BREMBERG: No, I was just going to add
14 to what -- couldn't you just put a sentence or two and say
15 litter, grading, so forth in the compliance agreement,
16 expected compliance?

17 I was just thinking back as you were talking,
18 Bernie, about how many real nasty confrontations will be
19 avoided because of the willingness -- or, shall we say, the
20 forced willingness of the operators to comply or be
21 publically embarrassed.

22 EXECUTIVE OFFICER EOWAN: That's, of course, what
23 we're trying to avoid happening.

24 BOARD MEMBER BREMBERG: But there is always that
25 option and they know it.

1 MR. VLACH: A little more on that same issue. If we
2 do have problems getting a compliance agreement or the terms
3 of the compliance agreement have not been met, that does not
4 preclude the Board from entering onto the same course as
5 previously where we could bring a facility before the Board
6 either as an information item or ask them why they're having
7 these problems, or we could use even more stronger kinds of
8 agenda items such as an action item to include the Board --
9 include the facility on the List of Noncomplying Facilities,
10 or possibly even issuing the facility a notice and order.

11 So this particular course does not preclude any of
12 the other opportunities that we have for more severe
13 enforcement kinds of actions.

14 So I was -- I'm glad George mentioned that point.
15 Because I was going to suggest something similar that we
16 could, if you wish, bring these kinds of compliance
17 agreements to the Board in a little more detail. Because I
18 think the staff has done an awful lot of work here that isn't
19 really apparent sometimes to keep these things from even
20 becoming a serious issue, and they deserve that credit.

21 So if there are any questions, I'd be happy to
22 answer them.

23 CHAIRMAN ROODZANT: Any questions or comments?

24 I would just like to state, Mr. Vlach, that we've
25 been receiving an increasing number of compliments about the

1 enforcement program around the state. Recently received a
2 letter from Mr. Bowerman. I think I circulated it to all the
3 Board members about the program in Southern California.

4 I notice Mr. Isbell is out there, too, this morning.
5 Either one of you gentlemen care to comment on the change and
6 enforcement of the Board?

7 MR. BOWERMAN: Mr. Chairman, members of the Board.
8 I would like to make a comment to follow up on the letter I
9 wrote to you about the recent Presley inspections on our
10 landfills in Orange County. I'm responsible, as the Director
11 and Chief Engineer for the Waste Management Program in Orange
12 County, for four large landfills. One of them was inspected
13 according to the Presley requirements about six months ago.
14 That's a large landfill running around 8,000 tons a day.
15 That's a good-sized operation. About two months ago the
16 Presley inspection was completed on another one of my
17 landfills that's currently running around 4,500 tons a day.

18 Now, as I have indicated to some of you, I don't
19 think that's the Board's primary responsibility, enforcement.
20 But it's a tool that you use in order to get improved systems
21 around this state. I think your basic charter is to assist
22 us in doing a better job at the local level in collecting and
23 disposing of solid waste.

24 But I think these inspections are an absolute must
25 and I'd like to commend the Board and the staff on the manner

1 in which the Presley inspections are being conducted.

2 Now, I'm inspected by a lot of people -- health
3 departments, air quality districts, water quality control
4 districts. And most of the time the attitude is, if they
5 find something wrong, I got you. It's like they're looking
6 for something and they're just happy as a clam if they find
7 something.

8 Now, I think a regulator has to have a little bit of
9 a policeman's mentality, because they're enforcing the law.
10 But a lot of the times the regulators get carried away and
11 they think that their whole purpose is to find as long a list
12 as possible of violations and that's the end of it.

13 Now, the way your inspections are being conducted is
14 you get as long a list as possible, but it doesn't stop
15 there. Your inspectors are working with my people in the
16 field to tell us how to change our method of operation so as
17 to not create those violations.

18 I really endorse your program and I'd like to
19 commend you on it and keep it up. It's good business.

20 CHAIRMAN ROODZANT: Thank you, Mr. Bowerman.

21 Any other comments about the enforcement item,
22 inspection item?

23 It's fast approaching the lunch hour and I hesitate
24 to get involved in the next item. Why don't we go to the
25 Update on Significant Staff Activities, Item 15.

1 BOARD MEMBER BEAUTROW: Mr. Chairman.

2 CHAIRMAN ROODZANT: Mr. Beautrow.

3 BOARD MEMBER BEAUTROW: Maybe this is for George.
4 You know, on this previous item we talked about the
5 100-ton-a-day break point.

6 EXECUTIVE OFFICER EOWAN: Yes.

7 BOARD MEMBER BEAUTROW: But that's the only
8 distinction that we really look for. We don't care if it's a
9 2,000-ton-a-day site.

10 EXECUTIVE OFFICER EOWAN: That's in the law.

11 BOARD MEMBER BEAUTROW: I mean, that's why the
12 distinction is strictly it's either one or the other.

13 EXECUTIVE OFFICER EOWAN: Yeah.

14 CHAIRMAN ROODZANT: Mr. Eowan, Item 15.

15 EXECUTIVE OFFICER EOWAN: Thank you, Mr. Chairman.
16 Mr. Iwahiro is going to lead off here.

17 MR. IWAHIRO: Yes, Mr. Chairman, there's four items
18 I'd like to kind of bring to your attention.

19 One is that we do have underway currently our LEA
20 training seminars for this year. And we've scheduled four of
21 them. Primarily they are two days of training for LEAs and
22 for operators. The first day is conducted by our own staff,
23 primarily our enforcement staff, and it's given on monitoring
24 and permitting. The second day is contracted out to
25 Eljumaily-Butler. And they have been working and talking

1 about special wastes.

2 So these two-day sessions have been held up at
3 Redding and down in Oakland this past month. They have had
4 48 participants up at Redding and about 35 down in Oakland.
5 These have both been more than we've had in terms of
6 participation with them before.

7 This month on April 19th and 20th we'll have a
8 session here in Sacramento. Then our last one will be in
9 Riverside on April 26th and 27th.

10 We do have an evaluation after the program, and I'm
11 pleased to report that most of the evaluations have been very
12 positive and very good.

13 I think that's about all I wanted to say on that.
14 Just real happy to report that it's been going so well this
15 year.

16 Also, I think credit should be given to Pam Badger,
17 who has been our contract administrator on this. She's been
18 doing a good job, a yeoman's job.

19 The second item --

20 MS. JACKSON: Yeoperson.

21 MR. IWAHIRO: Yeah, yeoperson.

22 BOARD MEMBER BEAUTROW: Could you ask her to stand
23 up again?

24 MR. IWAHIRO: Pam, are you here? She is here.
25 Stand up, Pam, so they can see who you are at least.

1 (Applause.)

2 MR. IWAHIRO: In terms of investigations of sites,
3 which Mr. Vlach just talked about, we did 18 sites in the
4 last month. You recall that we have a set of guidelines for
5 landfill gas and leachate that the SCS consultants have been
6 developing. We have now gotten a draft of the manual and we
7 are going to be looking it over and hopefully have something
8 in another couple of months.

9 We've had some technical assistance work with
10 Sacramento County with regards to a closed -- an old landfill
11 and a gas problem that they have had there. That's my
12 report.

13 MR. OLDALL: Very quickly, I'd like to remind the
14 Board of an item that Mr. Larson raised earlier that the
15 Airport Westin Hotel just outside San Francisco has been
16 selected as the location for the CLEAN Annual Awards
17 Conference, which will be held in November.

18 Also, we have finally received the used oil
19 information from the Department of Health Services. The
20 Board is required to do an annual report. That's one of the
21 last remaining functions that we still have in addition to
22 our hotline, of course.

23 There was some difficulty last year in getting some
24 information from the Department of Health Services. So this
25 year they have provided us with two years' worth of

1 information. So staff is currently putting together that
2 required report to the Legislature. Hopefully, that will be
3 done sometime in May and then sent out to the Board members
4 and, hopefully, brought up perhaps as early as the June Board
5 meeting.

6 In terms of quantity of calls we're getting on our
7 hotline now, we're up to about 1,256 calls on the average
8 now. That was the average over the last couple of months.
9 Seventy-three percent on the latest tally are related to used
10 oil. So you can still see that's the majority of calls we
11 get. That's due to newspaper articles and an occasional TV
12 show giving us some publicity in that area.

13 Those of you that remember about a year or so ago
14 the issue in Calaveras County between the new landfill that
15 they wanted to site and that Farmington Canal that Stockton
16 East wanted to put through the property, that finally is
17 coming to a mediation and I am participating at
18 Senator Garamendi's request on a panel made up of a number of
19 state agencies and local entities involved. We did meet for
20 the first time this Monday and we're scheduled to go out on a
21 site visit there, I think, May 3rd to have a look at the
22 site, I think, primarily to come up with mediation measures
23 so that, hopefully, there can be some agreement between the
24 two entities.

25 Lastly, but not leastly from my perspective, I would

1 like to point out that after the Board meeting tomorrow I'm
2 taking off for England for three weeks. But during my visit,
3 I will be visiting some operating rail haul facilities; one a
4 large new transfer station downtown, together with the
5 disposal end of the process, also, and hopefully will come
6 back and make some reports on that. That may tie in also -
7 with the May Board meeting where we're hearing the SCAG
8 report on rail haul, also. But I'd like to make some kind of
9 presentation, take some pictures and report back to the
10 Board.

11 BOARD MEMBER BREMBERG: Mr. Chairman.

12 CHAIRMAN ROODZANT: Mrs. Bremberg.

13 BOARD MEMBER BREMBERG: Alan, I hope you don't try
14 to tell us that what is effective in a country as
15 magnificent, but small as England is that it would suit
16 the -- you could overlay it and make it work on what the
17 Los Angeles/Riverside/Orange venture and San Bernardino
18 County proposal might do. I think it's wonderful that you're
19 going to do that. And that way you can write off the trip,
20 I'm sure.

21 (Laughter.)

22 MR. OLDALL: Not under the new tax laws,
23 unfortunately.

24 BOARD MEMBER BREMBERG: Oh, rats. Nice try.

25 BOARD MEMBER BEAUTROW: Strike that.

1 BOARD MEMBER BREMBERG: Bear in mind that I don't
2 think SCAG will probably be terribly receptive to your
3 information, but we will.

4 MR. OLDALL: I appreciate that. I think both you
5 and I know very well that good things come in small packages.
6 So I will go with my usual eyes and ears to learn and
7 hopefully can now be in a good position to interpret what
8 makes sense over here. Thank you.

9 EXECUTIVE OFFICER EOWAN: Herb.

10 MR. IWAHIRO: There was another item that
11 Mrs. Bremberg had brought to our attention in terms of Lopez
12 Canyon. I think we talked just a little bit about it. I'd
13 just kind of like to briefly describe it for you. I think we
14 do have some recommendations as to what we might want to
15 consider doing.

16 We have handed out to you something like this that's
17 a map, plus additional information. The map basically shows
18 in green the Lopez Canyon boundary. In the red *-- there's a
19 couple of red areas in there which delineate approximately
20 where the houses are going to be constructed. Some of them
21 are constructed already.

22 The issue here is how come there's houses going up
23 so closely to a landfill? We talked to the LEA down in Los
24 Angeles. They apparently were not aware until fairly lately
25 that these houses were going to go in. A negative

1 declaration was issued, but they had not had a chance to
2 review it.

3 When they did find out about it, they did go to the
4 city attorney to find out what they could do. And appended
5 to what I have handed out are the two bits of things that
6 they have gotten in terms of concessions, you might say. I
7 don't think one is a concession, because it -- the first
8 sheet, the long legal sheet size, is basically a disclosure
9 form that's probably required of all home sellers. First
10 time home sellers at least. Buried back in Item No. 9,
11 second page, is one sentence that says: "Lopez Canyon
12 Sanitary Landfill is to the northwest."

13 BOARD MEMBER BREMBERG: Northeast.

14 MR. IWAHIRO: Northeast. Somebody told me I needed
15 trifocals.

16 Those homes that are right adjacent to the landfill
17 will be asked to be required to sign off on another sheet,
18 which is the very last sheet, which basically says about the
19 same thing, we know that there's a landfill there.

20 Those are the kind of concessions, I guess you might
21 say, that was given to the Bureau of Sanitation.

22 I think it's rather appalling to all of us that this
23 sort of thing goes on where a landfill that's in existence
24 and has been in existence and you put a subdivision in this
25 case around 50, 60 feet to the edge of the boundary of the

1 landfill.

2 So our lawyer's looking at some of our laws on this.
3 There's a couple of things here. One of them -- maybe I
4 should turn it over to our lawyer. But one of the provisions
5 in our laws says basically that a planning department cannot
6 rezone land adjacent to a landfill where it would preclude
7 expansion of that landfill. So our suggestion for
8 consideration would be that we write, frankly, the planning
9 department of Los Angeles saying that we believe that this is
10 in violation of this law.

11 BOARD MEMBER BREMBERG: Mr. Chairman.

12 CHAIRMAN ROODZANT: Mrs. Bremberg.

13 BOARD MEMBER BREMBERG: I talked to -- as a matter
14 of fact, I was the one who brought it to the attention of the
15 staff member to the council. And I don't know why, but they
16 don't take the newspaper where I saw the article. But they
17 followed through.

18 It's one of those things in a zoo like with that
19 many people, it just went through the cracks and a particular
20 clerk at the counter accepted the negative dec and the zone
21 change, signed off on it, and it was accomplished before
22 anybody knew anything about it at all anywhere. It was one
23 person dealing with the Eastern whatever name of the company
24 is that's on the negative dec, Eastern Pacific Rim. I don't
25 know.

1 They were absolutely appalled and embarrassed and
2 they fully expect some type of action. And I suspect that
3 that there's somebody that's now emptying trash instead of
4 making decisions like that. But it was a zone change and a
5 permitting for 58 homes all in one negative declaration where
6 they only declared three things -- possible seismic, possible
7 flooding, and changing the contours of the land. They
8 neglected to mention anywhere in the negative dec that the
9 Lopez Canyon Landfill was right there and that it was
10 visible.

11 I drove out there last week just to check them out.
12 And anybody who would buy a house -- I understand that the
13 price is right, the houses are big, they have zero foot
14 set-back on the sides so that they have bigger side yards
15 than front yards. But they're a foot apart. They go in
16 pairs.

17 It's scary. I mean, I watched that working face
18 just standing on the lot. You can watch the working --
19 that's the view that those people are going to have. And I
20 don't know what we can do about it. I don't know if you can
21 stop the building. But I think we ought to cover our buns,
22 as well as discipline L.A.

23 CHAIRMAN ROODZANT: Mr. Beautrow.

24 BOARD MEMBER BEAUTROW: This is kind of a different
25 kind of a situation than we've seen in the past where like

1 Calabasas, for instance, where the track was already there
2 and all of a sudden they start complaining. They're
3 attempting to get the homeowners to sign off by a waiver.
4 And the waiver says something -- you understand that there's
5 a landfill and there's traffic. It doesn't say anything
6 about other aspects of it.

7 I think at the very least -- and, Bob, maybe you can
8 comment on this. But isn't there some kind of a principle
9 involved where people just can't sign away? In other words,
10 I've understood that there's certain things that you could
11 waive, but you really can't waive certain rights.

12 They're just setting themselves up for big problems.
13 At the very least we should point out to the city on our
14 letterhead, I would guess, or maybe signed by the Chairman
15 that this is a circumstance that should have never been
16 allowed to happen and they better figure out some way of
17 rectifying it before it's too late.

18 MR. CONHEIM: Mr. Chairman.

19 CHAIRMAN ROODZANT: Mr. Conheim.

20 MR. CONHEIM: In response to Mr. Beautrow. Nothing
21 that these people are being asked to sign would represent any
22 kind of knowledgeable consent, because there's not enough
23 information to start with. Number two, it's coming late
24 after the contract and sale has been executed.

25 But one comment I want to make about the status of

1 our law is that this provision that Herb correctly
2 paraphrased to you was a part of the original Chacon-Kapiloff
3 legislation, which put extreme burdens on the siting of
4 landfills and transfer stations; that they had to get into
5 general plans so that they would be compatible with adjacent
6 land uses.

7 But the corollary provision of that was this
8 provision, which in turn would restrict a city government
9 from encroaching back upon a properly-sited solid waste
10 facility. This is a provision of law under our title.
11 Although I haven't spent any time on it, I don't know what
12 the statute of limitations and how they would play into this;
13 but we could even enforce this provision in a legal action
14 against the City of Los Angeles, statutes of limitation
15 dependent. Because I'm not -- we've missed every statute of
16 limitation on the CEQA, even though we didn't know anything
17 about it.

18 So I'd have to really look into that. If you ever
19 wanted to go further on this, then I could look into that.
20 But at a minimum we're prepared to craft a proper letter
21 advising of the law, raising this issue, seeing what kind of
22 response we get. But we could enforce this provision just
23 the same as we can enforce a provision of our standards
24 against a landfill operator.

25 BOARD MEMBER BEAUTROW: Can we craft such a letter?

1 Could we just request that that be done at least at the
2 start?

3 CHAIRMAN ROODZANT: You can request a letter be
4 crafted, yes. The Chair would be happy to entertain --

5 BOARD MEMBER CALLOWAY: Sure. Let's do it.

6 MR. CONHEIM: We're pretty crafty.

7 BOARD MEMBER BEAUTROW: If it's necessary, I will
8 make a motion that we do respond to the City of Los Angeles
9 expressing our concern about this situation and cite sections
10 of the law which we believe are being violated.

11 BOARD MEMBER CALLOWAY: Second.

12 BOARD MEMBER VARNER: I would like to add something
13 more to that. In the strongest possible terms. I think we
14 need to take a stand on this issue very strongly.

15 CHAIRMAN ROODZANT: Motion has been made and
16 seconded to take the appropriate action with the letter. Is
17 there any further discussion?

18 All those in favor say aye.

19 (Ayes.)

20 CHAIRMAN ROODZANT: Opposed?

21 Carried and so ordered.

22 MR. IWAHIRO: Mr. Chairman, if I may. I don't think
23 this needs any kind of motion, but our feeling is that we
24 should notify all the planning departments in the state and
25 remind them of this particular provision. I think we ought

1 to write a letter with the Executive Officer or the
2 Chairman's signature reminding them of this provision.

3 BOARD MEMBER BREMBERG: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mrs. Bremberg.

5 BOARD MEMBER BREMBERG: May I ask isn't there a
6 bill, Jo-Ellen, presently working its way through that would
7 require homes to be built 2,000 feet from --

8 MS. JACKSON: That was the Katz bill that we talked
9 about this morning, AB 3012. That had a 2,000-foot provision
10 in it. However, that's the bill that also did not get out of
11 committee yesterday and is up again next week.

12 BOARD MEMBER BREMBERG: But doesn't the EPA demand
13 1,000 feet?

14 MR. CONHEIM: There are no mandatory solid waste or
15 Subtitle D standards. That may be a hazardous waste buffer
16 rule.

17 BOARD MEMBER CALLOWAY: Mr. Chairman, I think that
18 Herb's idea was a good one to send to the cities.

19 CHAIRMAN ROODZANT: Any objection?

20 BOARD MEMBER CALLOWAY: I have none. I think it's a
21 good idea.

22 CHAIRMAN ROODZANT: Hearing none, so ordered.

23 Next?

24 EXECUTIVE OFFICER EOWAN: That concludes significant
25 staff activities, Mr. Chairman.

1 CHAIRMAN ROODZANT: There being no further business
2 to come before the Board this morning, we'll recess until
3 1:30.

4 (Thereupon the luncheon recess was taken.)
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1 finished document. This is a start towards approaching
2 minimum standards for solid waste for closure and
3 post-closure. We realize there are some holes in it.
4 However, we need some direction in certain areas and staff is
5 wanting some direction along those lines.

6 So Bill Orr and Caren Trgovcich and Kim Schwab have
7 been working on this and will present the item. Bill Orr is
8 the lead person. So let me just turn it over to them.

9 Bill.

10 MR. ORR: Thank you, Mr. Chairman and Board members.
11 For the record, I'm Bill Orr, in charge of the standards and
12 regulations section developing the 2448 regulations.

13 Before we get into some specifics in terms of
14 sections to be addressed in the closure article, I thought I
15 might discuss for a few minutes some of the factors that are
16 going to affect how the individual sections are developed.
17 These include that we're still in the process of staffing up
18 for this program. Secondly, that we're still in sort of the
19 learning curve in terms of developing regulations and
20 learning about the administrative law process and developing
21 the technical background necessary to finally come out with
22 regulations. Third thing is that a number of these issues,
23 especially landfill gas and leachate control, including final
24 cover design, represent major areas of long-term
25 environmental concern related to solid waste landfills and

1 due to the complex nature of potential environmental and
2 fiscal ramifications of these issues, they're probably going
3 to need to be discussed in more detail probably at single
4 meetings over a period of time in a workshop setting similar
5 to how we're going to be presenting the other elements of
6 this agenda item.

7 The emphasis as we've presented it to you today on
8 these standards regarding landfill gas and leachate control
9 is to ensure that the required monitoring and control systems
10 are in place upon closure. We will later on be looking at
11 operational minimum standards relating to landfill gas
12 control, leachate control, groundwater monitoring and other
13 provisions.

14 But as far as the closure aspect goes, we want to
15 ensure that these systems are in place upon closure, that
16 monitoring programs and control systems are installed,
17 adjusted or modified in response to changing conditions that
18 may occur during the post-closure period. That may be based
19 upon the evaluation of data or changing on-site or adjacent
20 land uses. And that monitoring programs and the operation of
21 the control systems that are instituted are not prematurely
22 discontinued.

23 So, essentially, what we're going to be looking at
24 in these major issue areas is simply perpetuating those
25 things that may have been instituted during the operational

1 phase of the landfill.

2 In addition, as Herb mentioned, several new
3 standards are proposed, and these areas are -- these
4 regulations are in areas that are not currently addressed in
5 the minimum standards. Some of these we discussed a little
6 bit at the last meeting and would particularly assure that
7 the implementation of the closure plans would be done through
8 quality assurance and also through groundwater monitoring,
9 which we currently don't have a standard in.

10 Now, these new standards are equally complex and may
11 be more challenging than revising the existing standards in
12 the area of leachate control, landfill gas, and final cover.
13 So they'll probably require a separate more detailed
14 evaluation later on. But for now we're bringing up in the
15 context of this item some of the issues and options that are
16 available, the directions that may be available for the staff
17 to proceed in these different standards.

18 When we finally combine all of these together, we
19 plan on putting the revised standards and the new standards
20 into one single comprehensive article on closure and
21 post-closure care instead of having them disseminated
22 throughout the minimum standards like is currently the case.

23 Another major thing that's going to affect the final
24 form and direction of the standards are going to be
25 recommendations forthcoming from the AB 2448 Solid Waste

1 Clean-up and Maintenance Advisory Committee. They're due to
2 have guidelines to the Board to specify procedures and
3 policies necessary for this Board and other agencies to
4 coordinate their regulations and to ensure that all different
5 regulations are met.

6 In addition, the regulations that we're to adopt are
7 not to conflict with or duplicate the regulations found in
8 Title 23 of the California Code of Regulations, Subchapter
9 15, in the specific area of closure and post-closure. Some
10 of the specific regulations that may be affected by this
11 committee would be groundwater monitoring, leachate control,
12 and to a lesser extent final cover.

13 In addition, the minimum standards, including those
14 for closure and post-closure and financial assurance, will
15 need to be revised to be at least as stringent as the RCRA
16 Subtitle D criteria when they are finalized. The proposed
17 revised criteria are currently expected to be released
18 sometime in late April or early May. It will be a minimum of
19 six months before the criteria can be finalized. So that we
20 can be in contact with the Environmental Protection Agency
21 and up on the direction that they're going, but we won't be
22 ultimately able to decide how to evaluate our standards until
23 the federal standards are finalized.

24 In addition to these general reasons why some of the
25 things can't be done right now, there are a number of general

1 issues and options that will need to be considered by the
2 staff in being guided by the Board. A couple of these major
3 issues would include the type of standard that we may want to
4 implement. And the major types would be a performance
5 standard versus a proscriptive standard. To give you an idea
6 of what the difference between those two types are is that in
7 general Title 14's minimum standards tend to be performance
8 oriented. The thing that it currently lacks would be what
9 specific level of performance is intended for each of the
10 standards.

11 On the other hand, a more proscriptive standard
12 oriented regulation would be those found in Subchapter 15
13 where they specify a certain design that must be followed.
14 Where Subchapter 15 tends to be lacking currently is that
15 there are no standard methods found in the regulations to
16 evaluate whether in fact that specific design is being met.

17 A second major issue that we'll need to delve into
18 is the owner versus operator responsibilities for
19 implementing the standards. Currently solid waste facilities
20 permits are issued to operators and in general most of the
21 regulations are enforced through the operator. However,
22 there is a current standard regarding the relationship
23 between the owner and operator that indicates if it's
24 specified, the operator has prime responsibility; but this
25 does not relieve the owner from responsibility under the

1 standards.

2 There are some additional factors that might be
3 considered in this that might color the relationship between
4 the owner and operator. And these factors might include
5 lease agreements between an operator and an owner; a change
6 in an operator that would require a new permit and then would
7 bring into question the responsibility of previous operators
8 for any of these standards; changes in ownership either
9 through sale of property or through inheritance; liability
10 questions, particularly in relation to joint and several
11 liability; subdivision of a parcel, which would be sort of a
12 subset or a change of ownership that may also reflect the
13 sale or inheritance; and then finally something that may be
14 considered in terms of developing some kind of a
15 responsibility for owners versus operators is a pecking order
16 of responsibility.

17 Such a pecking order was contained in a bill last
18 year that modified the Calderon bill, AB 1897, which sort of
19 indicated the people and the order in which you would apply
20 certain standards. The order that was in that particular
21 bill included a person who operates or manages the solid
22 waste facility; secondly, a person who has operated or
23 managed the solid waste facility. So a former operator. If
24 the operator no longer exists, then a person who owns the
25 solid waste facility, or a person who has previously owned

1 the solid waste facility. And then finally you might even
2 consider someone that has owned the property prior to the
3 operation as a landfill.

4 Now, this pecking order really does not address the
5 joint and several liability concept, but these are some of
6 the things that we're going to need to clear up. Because as
7 we look at the specific standards today, the way that we've
8 generally presented them would be to say owner or operator.
9 As we actually come up with the specific language to submit
10 to the Office of Administrative Law, we'll need to decide
11 exactly how it is that we want to proceed in terms of
12 specifying responsibility and then in turn who else may
13 become responsible if certain conditions aren't met.

14 In terms of how we've tried to look at the revision
15 or the development of new standards, our effort has
16 emphasized a number of things. That would include primarily
17 the protection of public health, safety, and the environment;
18 which is the primary mandate in the Government Code for the
19 development of the regulations. Secondly would be in terms
20 of operations to provide additional clarity for
21 implementation at a site and by consultants and so forth that
22 implement the various standards on a site specific basis.

23 Another area that we're looking at improving is in
24 the area of various technologies and utilizing the
25 appropriate monitoring and control technologies, many of

1 which have come onto the scene in the last ten years since
2 the regulations were originally promulgated.

3 Finally for the sake of everyone, we would like to
4 increase the enforceability of the regulations to provide
5 equability to operators and to provide ease of interpretation
6 for the Local Enforcement Agency and for Board staff members.

7 As Mr. Iwahiro mentioned, the approach that we're
8 going to use today in looking at the regulations, we're going
9 to turn the microphone over to the various staff members who
10 have been working on the individual standards. They'll
11 present that material on that standard. And then we would
12 propose after the completion of that material that the --
13 after the Board members ask whatever questions they may have
14 or make whatever comments may be in order at that time, that
15 we open the forum to the public to make specific questions or
16 comments regarding that particular section. If there are
17 more general comments or questions, those should be reserved
18 for the conclusion of the item.

19 In some cases there will be specific regulatory
20 language. When that language is presented, the strikeout of
21 the existing sections won't be read. In other cases there
22 will be a section that indicates the regulatory issues and
23 options, and we'll get into those in more specific detail by
24 section.

25 The first item that we'll be looking at in detail

1 will be the definition changes. That can be found starting
2 on page 486 of the Board packet. The specific definitions
3 that we are looking at relate to how to implement these
4 closure standards.

5 One of the main things that has come up in trying to
6 decide how this should be implemented has to do with the
7 operational status of a landfill. Some of the operational
8 status that might be considered in defining would be an
9 operation -- a landfill that is currently operating, an
10 inactive landfill, a closed landfill, and an abandoned
11 landfill.

12 In terms of operation, many solid waste bills that
13 have been passed over the last few sessions have had their
14 very own definition as to what entails operation. AB 2448
15 indicates that the sections shall apply if any person
16 operates a landfill on January 1st, 1988. Other bills such
17 as the Calderon bill set up definitions based on particular
18 days and times such as, say, January 1st, 1984 any facility
19 that has accepted waste is considered to be an operating
20 landfill. This might work for implementing a particular
21 piece of legislation, but is not a very helpful general
22 definition.

23 Some of the other considerations that may be
24 important in defining operation would include the acceptance
25 of waste; whether the facility has a current solid waste

1 facilities permit; whether the facility is actually operating
2 consistent with a site development plan; and whether or not
3 it may have in some cases a particular, say, closure permit
4 that has been issued from time to time.

5 An inactive landfill, similarly, should be
6 consistent with a site development plan, may include special
7 measures to be implemented to be considered inactive -- for
8 example, using intermediate cover instead of simply having
9 daily cover over a waste area -- and should specifically
10 indicate an intent to reactivate at some future time and
11 shouldn't be a reflection of an attempt to avoid implementing
12 closure.

13 A closed landfill, some of the considerations that
14 may be considered for that would be that it's a facility that
15 has undergone the closure process according to an approved
16 closure plan that will ultimately be done by the Local
17 Enforcement Agency and the Board, and that this would
18 indicate that it is a fully implemented and certified
19 closure.

20 Now, for sites that don't fall under the AB 2448
21 definition of closure or the applicability of these closure
22 standards, there may be the need for several subdefinitions
23 to include previous sites closed under other state closure
24 plans or under the existing minimum standards or conceivably
25 local implemented plans.

1 Then finally some definition for an abandoned site,
2 which would be an indication that there had been an operator
3 that had walked away from a facility and may come into play
4 in terms of the availability of certain of the monies that
5 are going to be generated into the state fund.

6 Some other definitions unrelated to operational
7 status would be post-closure maintenance. And that will need
8 to be fleshed out based on some of the standards we'll be
9 looking at today.

10 In addition, per the discussion we had at the last
11 Board meeting, a unit or the various types of structures and
12 impoundments and so forth related to a landfill will need to
13 be defined.

14 The final cover definition will probably need to be
15 revised and included in the closure section, the closure
16 article. There may be the need to also revise the definition
17 for final site face and various other things that may be
18 developed during the regulation process.

19 Are there any comments at this point in regard to
20 additional definitions or any types of things that we may
21 need to consider in terms of these definitions?

22 CHAIRMAN ROODZANT: Mrs. Bremberg.

23 BOARD MEMBER BREMBERG: Mr. Chairman, I read in
24 here, but I didn't hear you discuss much about the
25 definitions and the need for regulation on post-closure

7
1 maintenance, the landscaping and the aesthetics. Just gently
2 tapped on in here. And that is one of the biggest -- it's
3 the visible one, it's the one that the day-to-day person
4 knows they really aren't terribly interested in what's
5 underneath, as long as it's not leaking out. But when you
6 look at the face of a landfill and it's raw dirt for 20
7 years, it certainly gets your attention.

8 I would like to see you expand the language in there
9 and make it very specific. Because we can and the local
10 governments should be -- it should be mandated that landfill
11 cover be landscaped and maintained, not just stick a couple
12 of twigs in and say I've landscaped it. Because that is --
13 of course, I must admit I'm a little biased; because I look
14 at Toyon every day of my life. But there are others around
15 the state that do the same thing. That's where you get your
16 flak.

17 MR. ORR: Thank you. We are actively working in
18 that area and in fact Ms. Schwab will be discussing that
19 later on in this same meeting.

20 BOARD MEMBER BREMBERG: It was just that the
21 language presented didn't go far enough.

22 MR. ORR: Okay.

23 MS. TRGOVCICH: For the record, my name is Caren
24 Trgovcich.

25 I'd like you to look at the next section in your

1 packet, which is timeframes for closure. This is the section
2 that we'll be discussing now. That begins on page 486 of
3 your packet.

4 Our current regulations do not really state a
5 specific timeframe for what closure is intended to be
6 accomplished within. The current regulations include a final
7 cover standard, which is the only regulation which addresses
8 a specific timeframe for closure. This regulation, however,
9 only addresses the maximum allowable timeframe for the
10 placement of the final cover. It doesn't address the
11 completion of security measures, the installation of
12 groundwater monitoring and control systems, the installation
13 of gas monitoring and control systems, or the implementation
14 of erosion control measures.

15 The timeframe established within this regulation
16 does not necessarily address the need for final cover, which
17 is the placement of a protective barrier which will minimize
18 moisture infiltration and prevent the profligation of vectors
19 and fire.

20 Staff believes that there is a need to establish a
21 maximum time period allowable to properly complete closure.
22 This will also enable preparers of closure plans to develop
23 schedules within an overall specified timeframe. We believe
24 that this standard should also address the intended goals of
25 closure and specify a timeframe in which to achieve them.

1 I'd like to draw your attention now to subsection
2 (e) and I'd like to read through for you the proposed draft
3 regulatory language that we have. If you have any comments
4 as I go along, please let me know if you have any questions
5 or if there are any issues which you would like us to expand
6 on.

7 CHAIRMAN ROODZANT: Excuse me, where are you at,
8 subsection (b)?

9 MS. TRGOVICICH: Subsection (e), which is on page 487
10 of the packet.

11 CHAIRMAN ROODZANT: Thank you.

12 MS. TRGOVICICH: "Section 17763. Timeframes for
13 Closure.

14 "(a) Within thirty (30) days of receipt of the
15 final shipment of waste, the owner or operator shall begin
16 implementation of the closure activities as specified in the
17 closure plan approved pursuant to Section 18270 of Chapter
18 v."

19 I'd like to just remind you that at the last Board
20 meeting we went through those regulations on closure plans
21 and this relates to those regulations.

22 "(b) Closure activity shall adhere to the
23 timeframes specified in the closure plan approved pursuant to
24 Section 18270 of Chapter V.

25 "(c) In the event that the timeframes for

1 completion of specific activities cannot be adhered to due to
2 adverse weather or other factors not in the control of the
3 owner or operator, then the timeframes may be lengthened
4 based upon those specific factors.

5 "(1) The owner or operator shall notify ..."

6 CHAIRMAN ROODZANT: Mr. Gallagher.

7 BOARD MEMBER GALLAGHER: You asked us to interrupt
8 you as you were going along.

9 MS. TRGOVCICH: Please do.

10 BOARD MEMBER GALLAGHER: It occurs to me that in (a)
11 of Section 17763, timeframes on closure, that there should be
12 some language added in there which would say that within 30
13 days of receipt of the final shipment of waste, the owner or
14 operator shall notify the Local Enforcement Agency that the
15 landfill is closed and start implementing the closure
16 program.

17 I think that it is possible, I would imagine, that a
18 landfill could be in a position where they'd start the
19 closure procedure and the Local Enforcement Agency wouldn't
20 even know the landfill was closed.

21 MS. TRGOVCICH: You're right. We try to deal with
22 that in a coming section, which I'll be reading shortly. Let
23 me just quickly explain what that does. That is, it states
24 that before the landfill can begin closure activities, it has
25 to notify the Local Enforcement Agency and the Board. And

1 that section also requires the Local Enforcement Agency to do
2 a site inspection at that time to make sure that the landfill
3 is in compliance with all of the current operational criteria
4 before they can begin closure.

5 BOARD MEMBER GALLAGHER: That's good.

6 MS. TRGOVCICH: So when we get to that section, we
7 can go through and see if that satisfies your concerns.

8 BOARD MEMBER GALLAGHER: Well, my concerns, I think,
9 are satisfied already in that I just believe that somewhere
10 when this thing starts, the enforcement agency's got to be
11 notified and take an active role in pursuing it from that
12 point on.

13 MS. TRGOVCICH: We agree.

14 BOARD MEMBER BREMBERG: Mr. Chairman.

15 CHAIRMAN ROODZANT: Mrs. Bremberg.

16 BOARD MEMBER BREMBERG: I think Mr. Gallagher's
17 absolutely correct in that as many times as you can
18 throughout the regs you should put this in, maybe in
19 parentheses see subsection so and so. Because you and I both
20 know that not everyone reads all of the regulations. And a
21 little cross-reference -- because when they come in and say,
22 well, I didn't know that was there, I read this. Then if
23 you've got a cross-reference, they have no excuse.

24 I think John's very wise to wish to include that as
25 we go along.

1 MS. TRGOVCICH: Okay. We will make that change.

2 I think I was on subsection (1) below. I'll start
3 from the beginning there.

4 "The owner or operator shall notify the Local
5 Enforcement Agency of any change in schedule due to adverse
6 weather or other factors not in their control. The
7 notification shall be made as soon as the owner or operator
8 becomes aware of a needed change.

9 "(2) The Local Enforcement Agency may deny the
10 change requested if the notification pursuant to Subsection
11 (c)(1) above does not specify those factors requiring the
12 change, the factors justifying the change are in the control
13 of the owner or operator, or the timeframe for extension
14 continues beyond the impact of the adverse condition."

15 Are there any comments or questions on that part?

16 At this time I'd like to request if there is any
17 comments from any member of the audience?

18 MR. ISBELL: Board, I'm Doug Isbell. I'm the
19 Director of Waste Management for Riverside County. I'm here
20 today not only representing the county, but representing the
21 Solid Waste Committee of the County Engineers Association.

22 I would like to interject as we go through this
23 document. I received a copy of the document Monday and have
24 only given it a cursory review, but I've noted several points
25 that I think should be brought up. We look forward to

1 participating in detail and in more workshops.

2 So with that, on this particular section I think
3 that the -- not always when you close a landfill do you have
4 a closure plan in place. I mean, we're moving towards that
5 and we're attempting to get there. With all the new
6 regulations and the -- we are not going to be for the next
7 several years having closure plans in place when the last
8 load of refuse comes in.

9 So I think the section must address that closure
10 should begin within a certain number of days with the
11 approval of a closure plan. I don't know of the language,
12 but I think that issue should be addressed.

13 We have in existence landfills throughout the state,
14 I'm sure -- because I know we have some in our county --
15 where the waste has stopped being accepted one, two years ago
16 and we're still working with the Water Board trying to come
17 up with closure plans. So there would be no way. We have to
18 have a grandfathering in of some of the old landfills.

19 Finally, I don't think the 30 days is probably a
20 reasonable number. The planning on your last load coming in
21 is usually dictated on the last space you have to fill under
22 your current permit. It's not always totally predictable and
23 that depending upon the time of the year and what have you,
24 it may not coincide with the time you want to begin issuing
25 contracts for closures. That's a complex process in itself

1 and would take some time.

2 So I'm certain that 30 days would be burdensome and
3 would be one date that would not be met on a normal -- many
4 times. It would be some idealistic conditions where
5 everything goes down like clockwork and you've got your
6 contractors on board that you could meet that. So we would
7 look to have a modification in that area.

8 BOARD MEMBER GALLAGHER: Mr. Chairman.

9 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

10 BOARD MEMBER GALLAGHER: May I ask the witness a
11 question?

12 Do you have a suggestion as to the amount of time
13 you'd like to see in there?

14 MR. ISBELL: Well, from a practical point of view, I
15 think it would be almost like 180 days would probably be more
16 practical. It would take a public agency such as ourselves
17 that long once the landfill is closed to award the contracts,
18 to do the actual closure grading work if that is what we had
19 in mind in terms of closure.

20 That's what I've got in mind is when we really
21 physically get in and start doing things other than putting
22 up the signs saying the site's closed. I mean the real work
23 of grading and placing final cover I would think would
24 probably take as long as that.

25 BOARD MEMBER GALLAGHER: Thank you for your comment.

1 BOARD MEMBER CALLOWAY: Mr. Chairman.

2 VICE CHAIRMAN MOSCONE: Mr. Calloway.

3 BOARD MEMBER CALLOWAY: Doug, excuse me. I'm sorry.
4 I didn't see you. I was watching the Chair.

5 I don't know, just trying to talk about the
6 procedures with you, you know that you are getting down to
7 the last -- the space left in the landfill. Then you would
8 certainly probably start to prepare your specs and so forth,
9 start to do this maybe six months before you even put your
10 last load in there. I mean, is this possible? What are the
11 mechanical problems that --

12 MR. ISBELL: That's definitely possible and it is
13 the ideal situation. I'm just saying we don't always end up
14 that way.

15 Another issue would be, say, a landfill in Southern
16 California accepts its last load of waste in November. The
17 last thing anybody wants to be doing is a major grading
18 project through the wintertime on that landfill.

19 So it's a site-specific condition. And putting a
20 very short time in a set of regs just is going to give us
21 problems. Maybe we can work together and find some words
22 that that date could be agreed on when the closure plan is
23 developed and approved. You could agree that within X number
24 of days. That would be the implementation of the closure
25 plan would have that start date built into it.

1 MR. CONHEIM: Mr. Chairman, Mr. Calloway and Doug.
2 I think that this regulation and the comments that you're
3 making need to be considered in light of the statute, which
4 sets forth precise timelines when closure plans are to be
5 submitted. So they're already in place. If you read 2448,
6 they're already in place at some specific date after
7 July 1, 1990. These are all -- the regulations are moving in
8 concert with when you have to have a closure plan under the
9 statute.

10 MR. ISBELL: I just see here that you must begin
11 closure operations within 30 days after final shipment. I
12 can tell you there will be landfills closing in the next two
13 to three years that have not got approved closure plans when
14 the waste stops coming in. At some point in time we're going
15 to get caught up. We're not caught up now in the industry.

16 MR. CONHEIM: That shouldn't last too long. The
17 regs have to be adopted as emergency regs on or before
18 July 1, 1989. There's a short gap.

19 But it's not a lengthy problem that you're facing,
20 and you've got to read these regs in concert with the
21 statute. So there won't be closure plans that are not
22 developed for a very long period of time. And any landfill
23 that is closing before its next five year review has to have
24 the closure plan completed by July 1, 1990. So if it closes
25 July 2nd, 1990, it's violating the law if it hasn't had a

1 closure plan.

2 MR. ISBELL: Well, getting a closure plan completed
3 and getting a closure plan approved may be two different
4 animals. In just our experience that is not -- we have
5 closure plans that are complete from our perspective as the
6 operator; but they certainly are not approved, something you
7 could not award contracts to begin construction on.

8 MR. CONHEIM: But what you're running up against is
9 a statutory command. And the regulations must follow the
10 authority and the limits of the statute. It would be -- and
11 there's still room to work on language. But as a threshold
12 matter, it would be inappropriate for a regulation to extend
13 a timeline in contravention of the statute. So that's an
14 issue we need to face when you're working with staff on
15 these.

16 MR. ISBELL: I totally understand that, and that's
17 why I think we can work with that as long as we realize
18 existing conditions and we are going to have a time lag
19 before we get everything on track. Hopefully once we have
20 everything on track, we can stay in compliance.

21 BOARD MEMBER BREMBERG: Mr. Chairman.

22 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

23 BOARD MEMBER BREMBERG: Mr. Isbell, it seems to me
24 that you're kind of mixing closure/post-closure in some of
25 your requests. I do think that as your closure plan is

1 dated -- and whether or not the Water Board or anybody else
2 acts upon it, if you have it in place, you certainly know
3 what you're going to do. It shouldn't come as any great
4 surprise what the plans are for post-closure or even closure.
5 They're very clearly delineated. And if somebody chooses not
6 to participate, there are enforcement procedures.

7 I think if you write the language that you suggested
8 into the regulations, it's going to be used as an excuse by
9 those who do not wish to comply with the law to avoid and
10 evade the existing regulations.

11 I would hate to go too far beyond recognizing that
12 there has to be some flexibility. But to proceed as though
13 you're going to go to jail if you didn't do it on a time
14 certain and then the flexibility comes into play. But if you
15 keep extending and extending, everybody's going to go right
16 to the max to the last day possible and then nothing will be
17 approved.

18 MR. ISBELL: Well, we may be talking about semantics
19 in that you say within 30 days the implementation of the
20 closure plan. And the closure plan in itself might have a
21 timeline in it that allows 180 days before the actual
22 construction shall begin. Maybe we're talking about
23 semantics. And those kinds of things can be worked out.

24 I'm not saying -- I know exactly what you're saying.
25 We've got to keep things tight, keep things moving along. By

1 the same token, the definition of what that closure is and
2 what that, quote, "activity" is is very important. If that
3 activity is envisioned as a fleet of earthmovers out there
4 putting final cover down within 30 days, that's not likely to
5 happen.

6 BOARD MEMBER BREMBERG: I don't think that's what it
7 says.

8 VICE CHAIRMAN MOSCONE: I have to -- excuse me, Mr.
9 Gallagher.

10 BOARD MEMBER GALLAGHER: Go ahead.

11 VICE CHAIRMAN MOSCONE: "Shall begin implementation
12 of the closure activities as specified." What are the
13 closure activities that one should begin implementing?

14 MS. TRGOVCICH: Okay. Mr. Moscone, those closure
15 activities were in the closure plan regulations that we
16 discussed last time. Those activities were listed. And I
17 believe there were approximately ten -- we went through, I
18 guess, (h). So ten, twelve, however many items that is.

19 But it's very specific as to what needs to be in
20 that closure plan and it's very specific as to how each task
21 for completion of closure has to be outlined down to
22 equipment and the type of work that has to be performed. And
23 those cost estimates also go along with the description of
24 each of those tasks.

25 So in the section where it says "... shall begin

1 implementation of the closure activities as specified in the
2 closure plan approved pursuant to Section ..." whatever, that
3 is that closure plan that specifies each of those activities,
4 the time frames, and the cost estimates.

5 VICE CHAIRMAN MOSCONE: This is what I was talking
6 about. The time element -- say, for example, one of the
7 implementation closure activities was to bring needed
8 equipment. So they bring needed equipment on the -- they say
9 they're going to close come May 1st. So they move some
10 earthmoving equipment on the site. Thirty days later they do
11 something else. Is there time limits in between all of these
12 things that are closure activities? Are they all laid out in
13 the plan?

14 MS. TRGOVICICH: That's all laid out in the plan.

15 MR. ISBELL: And I apologize. I stand before you --
16 I did not get copies of last month's articles that you talked
17 about. So in my presentation today I may be repeating
18 something that you solved last month. And I will pick up a
19 copy of that. But if you'll just recognize I stand here
20 without that information. But I will continue to raise
21 issues based on that knowledge.

22 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

23 BOARD MEMBER GALLAGHER: Of course, the mechanics
24 are -- our presentation says 30 days. I specifically asked
25 this question for a reason. The gentleman who spoke

1 suggested 180 days. Where did we get the 30 days? Is that
2 something that came out as a staff recommendation, or did
3 that come out of statute?

4 MS. TRGOVCICH: That is a staff recommendation.
5 It's not a statute. The reason why we limited it to 30 days
6 was because the timeframe -- the final closure plan must be
7 submitted and approved 180 days prior to closure. So we felt
8 that there would be a sufficient amount of time from
9 submittal of that final closure plan to the time that they
10 accept their final shipment of waste. We felt that 30 days
11 was a sufficient allotment of time to be able to begin the
12 implementation of those closure activities.

13 I'd just like to point out that within that closure
14 plan, the first task under closure activities may not
15 necessarily be a major earthmoving project. The first month
16 in that closure plan may be taken up with administrative
17 details.

18 So it's not necessarily the case -- and this is how
19 the operator or owner develops their closure plan, that's
20 what this will depend upon. But actual earthmoving or
21 contracts that need to be let may not actually need to occur
22 for, let's say, four to six months into that closure plan.

23 BOARD MEMBER GALLAGHER: I want to follow-up the
24 question. Because, Bob, I know that there are -- and I don't
25 remember the language of 2448 in detail. There are some

1 statutory timeframes in it. And I was going to ask you if
2 this 30 days was one of them. But you've answered that.

3 But I think as a suggestion as to how we might
4 proceed to make it more clear where statutory timeframes are
5 used in our regulatory language, can you asterisk that so
6 that we will know that we're talking about something that we
7 can't contravene?

8 MS. TRGOVCICH: What we can do and what is generally
9 done --

10 EXECUTIVE OFFICER EOWAN: Yes first.

11 MS. TRGOVCICH: Yes. What we can do and what's
12 generally done in regulation is that once you have stated
13 your regulation, underneath it you'll reference the authority
14 that you've used. And we can under those references or we
15 can even utilize notes underneath there to specify that that
16 was based upon a statutory mandate.

17 BOARD MEMBER GALLAGHER: I think that would help us
18 immensely if we could add that, because it would prevent what
19 we're seeing here. I'm neither approving the 30 days or
20 criticizing the 180. But where we don't have any latitude, I
21 think we ought to know that.

22 MR. CONHEIM: Mr. Chairman.

23 VICE CHAIRMAN MOSCONE: Mr. Conheim.

24 MR. CONHEIM: Mr. Gallagher, as a matter of
25 Administrative Procedure Act form, you shouldn't be seeing

1 too many regulations which contain a mandate which repeats a
2 statutory mandate. You're not allowed to do that. So that
3 most of the timelines you should be seeing in regulations
4 like this should be, or will ultimately be before they go to
5 OAL, the kinds of things that you are allowed to implement
6 based on the broad statutory guidelines.

7 But in the occasional case where something for
8 clarity has to be repeated or it makes sense to note what
9 you're talking about, we can do that. But you shouldn't
10 routinely be seeing statutory timelines repeated in
11 regulations.

12 As we discuss these issues on an issue basis, some
13 of them may creep up. But by the time we get around to
14 proposing final regulations, I will have sharpened my
15 penknife on things like that.

16 Unfortunately in California you do not get to look
17 at a set of regulations that describes or defines your whole
18 program. The way the California Administrative Procedure Act
19 is is that you've got to carry the statutes in one hand, in
20 one briefcase, and the regulations in another; unlike the
21 federal regulations where you can design and define your
22 whole program in the Code of Federal Regulations. You can't
23 do that in these. So you shouldn't see too many of what
24 you're talking about.

25 BOARD MEMBER BEAUTROW: Mr. Chairman.

1 BOARD MEMBER GALLAGHER: Okay. Thank you for your
2 comment.

3 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

4 BOARD MEMBER BEAUTROW: I've got a suggested change
5 here that might help. In Section 17763 it says: "Within
6 thirty (30) days ..." blah, blah, blah, "... the
7 owner/operator shall begin implementation of the ..." Strike
8 out the "closure" there and make it -- instead of
9 "activities", make it "activities" and then insert
10 "schedule".

11 So that very clearly indicates that they have to
12 begin doing this schedule, which could include earthmoving as
13 one of the things that could take nine months or whatever.
14 Then we're talking about adhering to a schedule within 30
15 days. That certainly seems reasonable.

16 MS. TRGOVICICH: Yeah, that would seem to make it
17 very specific and would tell you exactly where to go to look
18 and figure out what that schedule is.

19 Any other comments or questions on this section?

20 I'd like to move on now to partial closure, which is
21 the next section in your packet on page 488.

22 Staff feels that regulations that we're currently
23 developing for closure should allow for partial closure.
24 Partial closure is the incremental closure of discrete units
25 at a facility. This method of closure is sometimes

1 characterized as the close-as-you-go approach. I'd just like
2 to state right here though that partial closure is something
3 that would be included as a definition as well. So for
4 purposes of what I'm reading to you right here, I just
5 defined it. But for clarity sake, we will be including it as
6 a definition as well.

7 Staff feels that the regulation should also
8 emphasize though that the planning requirements for partial
9 closure are just as important and should be just as detailed
10 and that the monitoring and control systems should elaborate
11 on the relationships between these discrete units and the
12 overall facility.

13 I'd like to direct your attention now to subsection
14 (e) on that same page, 488, to the proposed regulatory
15 language.

16 "Section 17764, Partial Closure. An owner or
17 operator of a solid waste landfill may close a facility in
18 incremental units providing that each unit is individually
19 supported by its own leachate collection system, groundwater
20 monitoring system, and gas monitoring system. This method of
21 closure would not require units previously closed under an
22 approved closure plan pursuant to Section 18270 to comply
23 with new regulations or order to requirements ..." "... or be
24 ordered to implement requirements governing closure plans or
25 closure standards."

1 We'll have to clarify that last sentence there.

2 The intent of this section is to allow for partial
3 closure. We feel that it is important and we should in fact
4 emphasize the close-as-you-go approach. But we also feel
5 that the planning process needs to be just as detailed and
6 needs to be incorporated into the overall facility planning.

7 Any comments or questions on this section?

8 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

9 BOARD MEMBER BEAUTROW: You've got leachate,
10 groundwater monitoring, and gas monitoring. When you're very
11 specific about the three things, is there anything else that
12 we've overlooked? You're specifically calling out those
13 three things. But is there other kinds of peripheral things
14 that --

15 MS. TRGOVCICH: Yes. The other kinds of peripheral
16 things which relate would be addressed in the closure plan.
17 Maybe we need to be more specific. But what we would
18 envision is that the closure plan would address each of those
19 units. Specifically, the final cover, liners, security
20 measures, vegetation, erosion control measures.

21 The reason why we mention these three items in the
22 regulation was because these items could feasibly be
23 connected to other units at the facility and it would be
24 possible for a facility to state that a leachate collection
25 system for another unit would support this unit as well.

1 BOARD MEMBER BEAUTROW: See, by being very precise
2 about this, you can overlook something else. One obvious
3 thing is erosion control. We know about certain pieces of
4 landfills that have been closed and they're depending upon an
5 overall drainage structure. Yet you're going to say, uh-huh,
6 we're going to do this. So you've got to be careful about
7 just calling out something specifically that you're not
8 leaving out something that's just as important.

9 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

10 BOARD MEMBER BREMBERG: I think that this could be
11 solved, as all astute legislators or local elected officials
12 do, by putting: "Including, but not limited to."

13 MR. IWAHIRO: Yes.

14 BOARD MEMBER GALLAGHER: Mr. Chairman.

15 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

16 BOARD MEMBER GALLAGHER: I think while you're doing
17 some rewriting there or taking suggestions, that there should
18 be some reference in the partial closure section to require
19 not only that this be individually supported by its own
20 groundwater monitoring system, et cetera, et cetera, but
21 assume that proper final cover is in place with controlled
22 drainage and erosion control.

23 MS. TRGOVICICH: When we go back and do the rewrite,
24 we will try to coordinate this very closely with the closure
25 plan requirements and have this reference that requirement so

1 that's very visible that all of those items must be adhered
2 to.

3 I believe we have a comment.

4 MR. ISBELL: I just have a quick comment. I think
5 that the best approach is to tie this back into an approved
6 closure plan and, if unitization is going to be a method of
7 closure, that be addressed in the closure plan.

8 I don't think you could presume that all landfills
9 will have leachate control systems in place. We have many,
10 many landfills in existence that do not have leachate control
11 systems and most of them it's not practical to put one on
12 after the fact. So I don't think you want to prescribe that
13 everyone shall have that.

14 I can easily see cases where an overall groundwater
15 monitoring program for the entire landfill would be
16 sufficient if you want to close -- if you built the landfill
17 in four phases and you want to close in four phases, but you
18 want to make sure that the entire basin is protected, the
19 groundwater monitoring system will be designed for the entire
20 landfill.

21 So I think just go back and let us address that in
22 the closure documents, let that get approved and then say we
23 can implement it in accordance with the --

24 BOARD MEMBER BEAUTROW: In phases.

25 MR. ISBELL: In phases if the closure plan provides

1 therefor. I think you'll be much safer than trying to get
2 into very specific items in any one particular section.

3 MS. TRGOVCICH: I agree.

4 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

5 BOARD MEMBER GALLAGHER: In Riverside County would
6 you feel, as a manager of solid waste there, that you would
7 even need a leachate control system with the dry climate and
8 what have you that you have there? You see, I believe that
9 2448 was written not for site specific, but lumps all
10 landfills together in one thing.

11 MR. ISBELL: I'm not sure that 2448 requires that
12 you have a leachate control system. I do not remember that
13 language precisely.

14 BOARD MEMBER GALLAGHER: I'm assuming that there
15 must be something, because it's --

16 MR. ISBELL: I think in light of today's
17 requirements and the engineering that are going into new
18 sites, I'm a realist to say that we are going to have to
19 control and manage any potential for leachate.

20 Would I agree that that's necessary for out in
21 Desert Hot Springs? Probably not. But I think that between
22 the current regulations in California and the federal
23 regulations, I think we're headed that direction and that's
24 the way new landfills will be designed. But we certainly
25 have an awful lot of existing landfills that do not have

1 leachate control systems, nor is there any evidence that
2 they're needed at this time.

3 MS. TRGOVCICH: Are there any other comments or
4 questions on this section?

5 Okay. We'd like to move on now to the bottom of
6 page 488, closure of treatment units. Landfills may coexist
7 with many other facilities with other solid waste treatment
8 units. These treatment units may include composting, sludge
9 drying beds, septage ponds, and leachate evaporation ponds.

10 Existence of these units at a facility where a
11 landfill is located may affect monitoring results and thus
12 lead to incorrect conclusions regarding those results. By
13 not including these units in the planning and closure
14 process, they may also contribute to erosion problems, dust
15 and odor problems, safety hazards, and health hazards.

16 Staff believes that it's necessary to devise
17 regulations which specify standards for closure of these
18 units. Also, closure of these units should be required as a
19 part of the closure and post-closure maintenance plans.

20 I'd like to direct your attention to subparagraph
21 (e), proposed regulatory text, page 489.

22 "Section 17765, Closure of Treatment Units. All
23 treatment units which are located within the property
24 boundary of a solid waste landfill shall be subject to the
25 requirements of Section 18250, et.seq." Those are the

1 closure plan requirements. "Each unit shall be incorporated
2 into both the closure and the post-closure maintenance plans
3 required under that section. For purposes of this part,
4 treatment units include, but are not limited to the
5 following: Sludge drying beds, composting facilities, and
6 leachate evaporation ponds.

7 "Where existing regulations of agencies other than
8 the Board are in effect, the owner or operator shall prepare
9 the closure and post-closure maintenance plans in accordance
10 with the criteria specified in those regulations. Other
11 agencies may include the State Water Resources Control Board,
12 Air Quality Management Districts, Local Air Pollution Control
13 Districts, the Department of Health Services, and local land
14 use authorities."

15 VICE CHAIRMAN MOSCONE: Could you give me a for
16 instance on that first paragraph, please? If you have all of
17 these other things going on on the same piece of property,
18 what am I required to do? If I have a composting operation
19 going on and it will be ongoing, the landfill portion of it I
20 will have to close because I've reached saturation point, the
21 composting can continue. The drying process can continue.
22 What do I do?

23 MS. TRGOVCICH: That in fact is a very good
24 question. That's one that a member of our staff brought up
25 approximately two weeks ago when we were reviewing these

1 draft regulations and we realized that we had not
2 specifically addressed those types of operations which will
3 continue past closure of the landfill.

4 Currently those units which will cease to operate at
5 the time of closure, what we're saying here is that be it our
6 regulations or be it another agency's regulations, your plan
7 shall include procedures for closure of those units in
8 accordance with those regulations.

9 For these facilities which will continue operation
10 past the closure of a landfill, we currently do not have any
11 text on that subject. However, what we have discussed was
12 including an element in the closure plan which specifies
13 those activities and any agencies that will be continuing to
14 monitor those activities and whatever operational
15 requirements are necessary.

16 If you have any suggestions in that area for those
17 types of units that will continue operating, we would
18 appreciate that.

19 VICE CHAIRMAN MOSCONE: So if one of these other
20 operations, say, are going to continue for five years, do I
21 have to now tell you what I'm going to do about closing those
22 up when the time comes five years in advance of probably the
23 closure of --

24 MS. TRGOVCICH: Of those units? What I just
25 mentioned -- the procedure that I just mentioned would

1 require, yes, that you tell us how long you anticipate to
2 continue operating them. That would all be included in the
3 closure plan.

4 I'd just like to explain the reasons on the closure
5 plan. That may help you out in this area.

6 VICE CHAIRMAN MOSCONE: Five years down the line
7 doesn't mean closure to me. You've got five years -- in five
8 years we've got some landfills that are going to start to go
9 out of existence in five years. So I don't know. I just
10 don't see it that if we've got five more years of operation
11 and one of the units where you also have a landfill included,
12 that I now have to tell what you I'm going to do five years
13 from now.

14 MR. ORR: I'll try to address part of that. First
15 of all, you might look at some of those units as being sort
16 of a phased development plan of their own. There's a number
17 of types of facilities -- like in some cases transfer
18 stations will be built on or adjacent to old landfills,
19 composting operations may be built on or adjacent to
20 landfills. There may be the need to continue, say, a solid
21 waste facilities permit on some of those units.

22 So that's one area that the Board directly -- or in
23 concurrence has some control. They would be subject to
24 another process that, you know, ultimately when the permit
25 is -- I don't know -- is completed, they would have their own

1 process.

2 The things that we would be more concerned with with
3 this are those things which are sort of just left there and
4 nobody really does anything with them. But for the ones that
5 already have their own process like composting or a transfer
6 station or something like that, they sort of have a life of
7 their own. We can try to deal with that issue. I think it
8 is an important one.

9 VICE CHAIRMAN MOSCONE: Uh-huh.

10 MS. TRGOVICICH: Are there any other comments or
11 questions on this section?

12 I'd like to continue at the bottom of page 489,
13 contingency plans.

14 Staff feels that there may be unforeseen emergencies
15 and catastrophic events which may occur at a facility. These
16 events, which may not have been planned for, may leave a
17 facility without the necessary plans or equipment to mitigate
18 the damage which may have occurred due to these incidents.

19 Staff feels that it's necessary to establish
20 requirements for the development of a contingency plan
21 element within the post-closure maintenance plans. This
22 element would cover disposal, sampling, and containment
23 alternatives in the event of an emergency.

24 Under subsection (e), proposed regulatory text, the
25 following draft regulatory language is presented:

1 "Section 17766. Post-closure Contingency Action
2 Plan. An owner or operator of a solid waste landfill shall
3 prepare and maintain a post-closure contingency action plan
4 at the solid waste landfill, or at an alternate designated
5 location. The contingency action plan must identify
6 occurrences which may endanger the human health or the
7 environment and establish procedures that will minimize these
8 hazards. The events that the plan should address include,
9 but are not limited to: Vandalism, fires, explosions,
10 failure or collapse of artificial or natural dikes, liners,
11 surface drainage problems, and other releases.

12 "(a) The plan shall contain the following:

13 "(1) Identification of possible unforeseen events
14 which would require the implementation of corrective action
15 measures. This section does not apply to corrective action
16 measures under the groundwater monitoring provisions of
17 Section 17782, or the gas monitoring provisions of
18 Section 17783;

19 "(2) A description of the actions and the sequence
20 and timetable that they will be taken in to mitigate the
21 condition; and,

22 "(3) The equipment needed to repair each condition
23 and its on-site and off-site availability.

24 "(b) The owner or operator shall amend the
25 contingency action plan under the following conditions:

1 "(1) Whenever a failure or release occurs for which
2 the plan did not provide an appropriate response; or,

3 "(2) When the post-closure use and/or structures on
4 the facility change which are either not addressed in the
5 plan or require changes in the response action identified in
6 the plan."

7 BOARD MEMBER BREMBERG: Mr. Chairman.

8 CHAIRMAN ROODZANT: Mrs. Bremberg.

9 BOARD MEMBER BREMBERG: You've done a super job, but
10 I would suggest that in line 5 you remove "which may endanger
11 the". Remove "the".

12 MS. TRGOVCICH: Okay.

13 BOARD MEMBER BREMBERG: As though there were just
14 one human. I mean, that's quite clearly definitive.

15 I would like to ask -- this is a very
16 well-thought-out thing, but does it -- would it make any
17 difference to include earthquake?

18 MS. TRGOVCICH: We should include earthquake.

19 BOARD MEMBER BREMBERG: I'm thinking in my own
20 neighborhood. I realize you're not subject to them, but we
21 rattle around quite a bit where I live, and I just think it
22 might be --

23 MS. TRGOVCICH: Right. Because that will have an
24 impact on the liners --

25 BOARD MEMBER CALLOWAY: That's the noise from the

1 City Council.

2 BOARD MEMBER BREMBERG: You're absolutely right,
3 Jim. But we've got to repair it if we cause it. So it might
4 be nice to put it in.

5 MS. TRGOVCICH: That's changed.

6 BOARD MEMBER BREMBERG: Thank you.

7 MS. TRGOVCICH: Are there any other questions or
8 comments?

9 The next section is Section 17767, site security.
10 Staff feels that regulations should be developed to control
11 access to closed facilities and to protect the integrity of
12 the environmental containment and control systems at the
13 site. The regulation should also address the identification
14 of where the closure and post-closure plans reside.

15 Under proposed regulatory language, subsection (e):

16 "Section 17767. Site Security.

17 "(a) The owner or operator shall place a sign at
18 all points of access to a facility sixty (60) days prior to
19 closure of that facility. The sign shall include the
20 intended date of closure of the facility and shall provide
21 the location of permitted alternative solid waste management
22 facilities. The posted signs shall remain for a period of
23 not less than 180 days after receipt of the final shipment of
24 waste. A similar notification shall be placed in the local
25 newspaper thirty (30) days prior to closure indicating the

1 intended date of closure and identify alternative solid waste
2 management facilities."

3 BOARD MEMBER BREMBERG: Mr. Chairman.

4 CHAIRMAN ROODZANT: Mrs. Bremberg.

5 BOARD MEMBER BREMBERG: I think because of the way
6 waste is transported for hundreds of miles, quite literally,
7 around and shifted from transfer stations and so forth, maybe
8 you should put "newspaper(s)" so that if it's -- if
9 there's -- for instance, I'm thinking of our local newspaper
10 would not reach anybody, yet the landfill is totally within
11 our boundaries. I think it should be "newspaper(s)" of -- a
12 variety of newspapers.

13 MS. TRGOVCICH: We should probably go on to specify
14 that or state that the Local Enforcement Agency should --

15 MR. IWAHIRO: Maybe a legal notice. Isn't there a
16 standard phrase on that?

17 BOARD MEMBER CALLOWAY: Well, newspapers of general
18 circulation.

19 BOARD MEMBER BREMBERG: Yeah, there you are, Jim.
20 That's it.

21 BOARD MEMBER CALLOWAY: Well, when you need any
22 legal advice, just ask us down here on this end. We'll
23 straighten you out. In fact, we don't have an attorney now.

24 BOARD MEMBER GALLAGHER: That will solve Ginger's
25 problem, because they even let the Los Angeles Times be

1 circulated in Glendale.

2 BOARD MEMBER BREMBERG: That's true. The Daily
3 News, L.A. Times, Herald Examiner even.

4 MS. TRGOVCICH: Okay. Any other comments on this
5 section?

6 "(b) The owner or operator shall ensure that within
7 ten (10) days of the receipt of the final shipment of waste,
8 all points of access to the facility shall be restricted to
9 unauthorized entry. Components of any monitoring, control or
10 recovery systems at the facility shall be restricted to
11 access by others than authorized personnel. Access shall
12 only be allowed in accordance with the closure and
13 post-closure maintenance plans approved pursuant to Section
14 18270."

15 BOARD MEMBER BEAUTROW: I got a question.

16 CHAIRMAN ROODZANT: Mr. Beautrow.

17 BOARD MEMBER GALLAGHER: I'd like to ask another
18 question, Mr. Chairman.

19 CHAIRMAN ROODZANT: Mr. Gallagher.

20 BOARD MEMBER GALLAGHER: I'm a little bit uncertain
21 about this "identify alternative solid waste management
22 facilities."

23 MS. TRGOVCICH: Other landfills, other permitted
24 solid waste landfills. Or potentially transfer stations if
25 there are none within the vicinity.

1 BOARD MEMBER GALLAGHER: I guess then it becomes
2 kind of a judgment call on the part of the owner/operator as
3 to what he wants to put on that sign. Because if as an
4 example they closed a landfill in Los Angeles County and
5 listed -- or Los Angeles city and listed Scholl Canyon, we'd
6 have our Mayor having apoplexy, because she's already said
7 they can't go there.

8 MS. TRGOVCICH: Perhaps we need an element in here
9 stating that the Local Enforcement Agency shall be
10 involved -- would be involved in what facilities are placed
11 on that sign based upon the permitting conditions of those
12 facilities? So then the Local Enforcement --

13 BOARD MEMBER GALLAGHER: I'm not trying to make it
14 complicated, but --

15 MS. TRGOVCICH: But they would be aware of any
16 restrictions in the permit as far as incoming waste, and they
17 would also be able to ensure that the facility does state
18 those landfills that are within the area that are permitted.

19 BOARD MEMBER GALLAGHER: I guess I'm trying to work
20 back to where maybe there should be something in the
21 closure/post-closure plan which indicates that these will be
22 the sites that are alternate to this one at the time of
23 closure.

24 MS. TRGOVCICH: That's a very good suggestion.

25 BOARD MEMBER BEAUTROW: Mr. Chairman.

1 VICE CHAIRMAN MOSCONE: Mr. Beautrow.

2 BOARD MEMBER BEAUTROW: The title of this is site
3 security, yet apparently it deals mostly with signs. Somehow
4 or other there ought to be some identification here about
5 fencing, or is it concertina wire or three strands of barbed
6 wire or, you know, whatever.

7 But somehow or other you've got it all oriented
8 towards signing and nothing to do with the physical
9 properties. There ought to be some kind of a tie-in there
10 somehow or other, or change the title.

11 MR. ORR: I think that part of that would be that
12 there is an existing standard for site security in the
13 operational part, and we've tended here to address the things
14 that would, for example, discourage illegal dumping after
15 closure and so forth. We would also want to perpetuate the
16 site security measures that are already in place during the
17 operational phase and any new ones that may specifically come
18 up upon closure.

19 BOARD MEMBER BEAUTROW: Then make a reference to the
20 other section somehow.

21 MS. TRGOVICICH: Okay.

22 Any comments on that subsection, additional
23 comments?

24 BOARD MEMBER BREMBERG: Mr. Chairman, just remember
25 the Modoc signs? I don't think they would have complied with

1 this regulation.

2 BOARD MEMBER GALLAGHER: I doubt it.

3 MS. TRGOVICICH: "(c) A sign shall be posted within
4 ten (10) days of the final shipment of waste indicating where
5 the closure and post-closure maintenance plan are maintained
6 and can be viewed for public inspection. The signs shall be
7 placed in a visible location at a main point of access. This
8 sign shall remain for the duration of the post-closure
9 maintenance period and shall be maintained in a legible and
10 upright position."

11 We didn't know how else to say keep it intact. Any
12 comments or questions?

13 On page 492, inspection upon completion. Current
14 regulation requires that the enforcement agency and the local
15 health entity be notified ten days prior to the completion or
16 suspension of work at a disposal site in order that an
17 inspection may be conducted prior to the removal of the
18 earthmoving equipment.

19 Staff feels that regulations are needed to require
20 that the solid waste landfill notify the Board and the
21 enforcement agency after the last shipment of waste is
22 received and before implementation of closure activities. We
23 feel that this regulation in addition to what is in current
24 regulation should specify what criteria must be specifically
25 evaluated during the inspection. This should address

1 Mr. Gallagher's concerns earlier.

2 Proposed revised regulatory language:

3 "17768. Inspection Upon Completion.

4 "(a) The Enforcement Agency and the local health
5 entity shall be notified by the owner or operator of a solid
6 waste landfill at least ten (10) days ..." That prior to
7 should be crosshatched out. "... at least ten (10) days
8 after the last shipment of waste has been received at a
9 landfill or unit subject to partial closure. This
10 notification shall occur prior to the removal of any landfill
11 operation equipment and the commencement of closure
12 activities. The local enforcement agency shall inspect the
13 facility upon notification to determine if the requirements
14 of Section 17767 have been met."

15 That section was the previous site security section
16 that we just read.

17 "(b) The local enforcement agency shall inspect a
18 closed facility a minimum of semi-annually during the
19 post-closure care period. These inspections shall determine
20 if the site is in compliance with all aspects of the
21 post-closure maintenance plan approved pursuant to Section
22 18270."

23 Staff feels that we should also add an additional
24 section here to reference compliance with all applicable
25 operational standards prior to the implementation of closure

1 activities.

2 BOARD MEMBER BREMBERG: Mr. Chairman.

3 VICE CHAIRMAN MOSCONE: Mrs. Bremberg.

4 BOARD MEMBER BREMBERG: This may or may not be the
5 proper place to ask this, but I don't remember if in 2448
6 there is any contingency for grant monies to train people in
7 the new regulations so that everyone knows precisely what
8 they mean, how they are to be interpreted and enforced.
9 Because I think that the LEAs certainly have a lot to say
10 grace over presently, and this additional burden is going to
11 require at least a day's training program. We go through
12 other training programs and I just wondered if in 2448 any of
13 that money should be assigned that way as a preliminary grant
14 type thing.

15 MR. IWAHIRO: Mrs. Bremberg, actually there is some
16 money that can be given to the LEAs, and we could make that a
17 particular purpose that they should use that for. But there
18 is a grant program in 2448.

19 BOARD MEMBER BREMBERG: I know. I just wondered if
20 that could be part of it.

21 MR. IWAHIRO: I believe so. There's nothing that
22 says specifically -- well, it says it's to enforce, local
23 enforce. So that's part of it, I believe.

24 BOARD MEMBER BREMBERG: I really think that
25 particularly the smaller counties that are traditionally

1 having (a) budget problems and (b) staffing problems should
2 be giving a boost up so that their operators and they
3 themselves don't get into trouble because of the additional
4 burden of these new regulations.

5 MR. IWAHIRO: In addition, I think our training
6 program could focus in on that from time to time, yeah.

7 BOARD MEMBER BREMBERG: Thank you.

8 MS. TRGOVCICH: Are there any other comments on this
9 section?

10 VICE CHAIRMAN MOSCONE: Mr. Gallagher.

11 BOARD MEMBER GALLAGHER: It's not absolutely
12 necessary, but I'm wondering if in that section there might
13 not be some language which gives the -- or makes the
14 requirement that the Local Enforcement Agency, as they are
15 doing these semi-annual inspections, if they find out that
16 the organization is not living up to the timeframes or any
17 other thing having to do with the post-closure plan, some
18 means of notification of the Board so that we can be
19 involving ourselves in it.

20 I don't have any specific language, but you see what
21 I'm saying?

22 MS. TRGOVCICH: I see what you're saying. I think
23 there can be an element put in here that states what the
24 Local Enforcement Agency needs to look for and that they'll
25 notify the Board when the plans are not being followed. We

1 can add that element.

2 BOARD MEMBER GALLAGHER: It would seem to me that
3 would put us on notice and we'd have little to fall back on
4 and the LEA would be protected.

5 MS. TRGOVCICH: As it is, we would receive copies of
6 the inspection reports. But that would be no formal
7 notification that the plan's requirements were not being met.

8 Any other comments or questions?

9 VICE CHAIRMAN MOSCONE: Before you go on to what you
10 have as 17770, is there a reason for passing 69? You've
11 jumped from 68 to 70.

12 MS. TRGOVCICH: To give us space in case we want to
13 add anything.

14 VICE CHAIRMAN MOSCONE: That's what I thought.

15 MS. SCHWAB: My name is Kim Schwab for the record.
16 I will be continuing with proposed Section 17770, removal of
17 landfill operation equipment at the time of closure.

18 Staff feels regulations should be developed to
19 require that equipment leaving a facility at the time of
20 closure or structures or environmental control measures that
21 are to be dismantled at the time of closure are to be
22 decontaminated, if necessary, so that no cross-contamination
23 will occur. This should apply to equipment and structures
24 that will be left at the site after closure as well.

25 Proposed draft regulatory language is on page 493.

1 "(e) 17770. Removal of landfill operation
2 equipment. The owner or operator of a solid waste landfill
3 shall ensure that any equipment leaving a facility which had
4 been in contact with solid waste shall be decontaminated in
5 accordance with procedures which correspond to potential
6 levels of contamination. These procedures shall be developed
7 such that no cross-contamination of solid waste to areas
8 beyond the property boundary shall occur."

9 Are there any questions at this time from the Board?

10 CHAIRMAN ROODZANT: Any questions?

11 Mr. Isbell.

12 BOARD MEMBER CALLOWAY: Mr. Chairman.

13 CHAIRMAN ROODZANT: Mr. Calloway.

14 BOARD MEMBER CALLOWAY: You know, for a regular
15 landfill, I kind of hate to use that word "decontaminated",
16 you know. Because ordinary citizens like myself -- you know,
17 I'm getting so toxic happy and, you know, contaminated happy
18 that I'm not sure I even want to take a drink of water
19 anymore.

20 BOARD MEMBER GALLAGHER: Try it. It's great.

21 BOARD MEMBER CALLOWAY: John's drinking this stuff.
22 He'll drink my share.

23 I understand what you're saying. In other words,
24 before that equipment gets out in some other area, it
25 certainly should be cleaned, it should be washed down or

1 steam-cleaned or whatever it takes to get the dirt or
2 whatever off of it before -- or the garbage or whatever it
3 is. But is there some other word that we could use besides
4 that? Doug is shaking his head there.

5 MR. ISBELL: I agree. That's a very red flag type
6 word. I think should be properly cleaned to ensure that no
7 cross-contamination occurs. Something like that would be
8 much more appropriate.

9 BOARD MEMBER CALLOWAY: I like that word much
10 better, properly cleaned so it doesn't cross-contaminate
11 other areas.

12 CHAIRMAN ROODZANT: Mr. Beautrow.

13 BOARD MEMBER BEAUTROW: I would also support that.
14 I think that in actuality though one of the things that would
15 occur is that if there's a sludge operation going on and the
16 tractors are working in that sludge, which could really be
17 nasty, that's more likely to occur than maybe stuff from
18 infectious waste, which is supposed to be incinerated anyway.
19 I don't think there's too many of the red bags going in the
20 landfills.

21 But, anyway, properly cleansed before being removed
22 would be more appropriate.

23 MR. ORR: I think that that's a point well taken.
24 We're also going to be talking about the decontamination
25 issue a couple of sections down and I'll talk more about

1 having appropriate levels of decontamination; or in the case
2 of this item, maybe a less sensitive word. But I will be
3 talking a little bit more about appropriate levels of
4 decontamination being more like washing or steam-cleaning and
5 then getting to various other levels. And we'll talk about
6 that in a few minutes.

7 MS. SCHWAB: Any other questions on this point?

8 To continue on proposed Section 17771, structure
9 removal. Staff feels regulations are needed to require
10 either the maintenance or removal of structures which will
11 remain after the site has completed closure. On page 494,
12 subsection (e), proposed draft regulatory language.

13 "Section 17771. Structure Removal. All ancillary
14 structures at a solid waste landfill shall be dismantled at
15 the time of closure unless the closure plan approved pursuant
16 to Section 18270 ..." which is our closure and post-closure
17 maintenance plans "... authorizes the maintenance and
18 monitoring of those structures throughout the post-closure
19 care period. Ancillary structures include, but are not
20 limited to the following: scale houses, offices, sanitary
21 facilities, equipment storage buildings, maintenance and
22 repair buildings, and recycling facilities."

23 Are there any comments or questions at this time?

24 BOARD MEMBER BEAUTROW: Yeah.

25 CHAIRMAN ROODZANT: Mr. Beautrow.

1 BOARD MEMBER BEAUTROW: To simplify all of this, we
2 talked earlier about having an implementation schedule. I
3 assume that on that implementation schedule one of the things
4 that will be on there is removal of structures or whatever.

5 I think this is much too detailed. Instead of
6 saying "dismantled at the time of closure", what does that
7 really mean? Just shall be dismantled in accordance with the
8 implementation schedule of the approved closure plan or
9 something. I believe it could be simplified.

10 MS. TRGOVICICH: I agree it can be simplified. The
11 closure plan requirements as they currently are ask the
12 owner/operator to include in that plan a description of what
13 they're going to do. The plan requirements themselves though
14 don't say what you can and what you can't do or what you can
15 leave intact and what you must dismantle.

16 We tried to put this into a standard separate from
17 the closure plan. We feel that it is necessary to keep a
18 separate element saying that structures have to be removed.
19 Then they can address the removal within that closure plan
20 element.

21 We can simplify this and we can reference that
22 closure plan element. But we feel that there should remain a
23 standard separate from that element on structures.

24 CHAIRMAN ROODZANT: Mr. Gallagher.

25 BOARD MEMBER GALLAGHER: Question. Does the

1 closure/post-closure plan require that the buildings or
2 ancillary things be listed in the plan so that whatever's
3 torn down is consistent with what's listed in the plan?

4 MS. TRGOVCICH: I don't believe that the current --
5 what we went through last time includes that as a specific
6 item. That's a very good element to include though.

7 What we tried to do was to keep the plan element,
8 the regulation, fairly simple so that each item that was to
9 be included could be understood, and then to rely on these
10 standards as what needed to go into it. But I think we
11 should reference that and we should require that there be a
12 listing of those structures.

13 BOARD MEMBER GALLAGHER: The ancillary equipment or
14 structures that will be removed at the time of closure.

15 MR. ORR: Okay. We'll move on now then to
16 Section 17772, decommissioning of environmental controls.

17 There are several instances during the operation and
18 then during the closure of a landfill in the post-closure
19 period when environmental control systems at the site may be
20 dismantled or removed. These instances may include the
21 establishment of monitoring well locations, placement of new
22 gas monitoring probes, and the removal of the antiquated
23 recovery or collection system.

24 Many of these units may have come into contact with
25 contaminated leachate, gas condensate, and other waste

1 constituents. Their removal from the site as is may be a
2 potential threat to the public health and contaminations of
3 clean areas.

4 I'll now direct your attention to the proposed
5 regulatory options. And this is what I mentioned a few
6 minutes ago. We'll discuss some of the things that we may be
7 able to pursue in developing the appropriate approach to
8 decontamination and cleaning.

9 The first approach would be to develop various
10 categories of systems or equipment requiring corresponding
11 levels of cleaning or decontamination. There are two major
12 factors that can control this. The first one would be the
13 release of those equipment or systems. The two types will be
14 an unconditional release where you have no idea or no
15 restriction on the future use of that equipment or pipe or
16 whatever it is. Therefore, you might want to have a better
17 sense that you knew that that material was absolutely clean.

18 The other type of release would be a conditional
19 release where you knew that the particular piece of equipment
20 or pipe or containment vessel, you knew what it was going to
21 be used for. And that may not require full cleaning or
22 decontamination if it was going to be used for the same
23 purpose again, or at another similar site that would be the
24 same kind of considerations. So that's the first major
25 consideration.

1 The second would be the types of cleaning or
2 decontamination processes that could be permitted. Those
3 would include chemical cleaning, which could simply mean
4 using soap and water, using some other kind of product, a
5 solvent or whatever, that might be appropriate for that
6 particular type of equipment to clean it for the appropriate
7 release.

8 The second type of cleaning would be physical
9 cleaning, which could mean scrubbing. On the other hand, it
10 could mean something like steam-cleaning, sandblasting or
11 something along those lines.

12 Then the third kind of cleaning or decontamination
13 that we will be considering would be chemical degradation
14 where if you had something that came into contact with, say,
15 gas condensate or something, you may apply some compound to
16 that to make the material less toxic in that instance. But,
17 as you can see, I think the first two categories are largely
18 the types of things that you might do in washing off or
19 cleaning many types of equipment to ensure that you don't
20 cross-contaminate things, depending on its intended use.

21 BOARD MEMBER GALLAGHER: Excuse me.

22 MR. ORR: Sure.

23 BOARD MEMBER GALLAGHER: Could we ask the
24 professionals what do you consider to be the highest level of
25 cleaning you could use, steam-cleaning? In the old days

1 around machinery we also figured that if you couldn't get it
2 cleaned with steam, you weren't ever going to get it cleaned.

3 BOARD MEMBER CALLOWAY: I think it's still that way.

4 MR. BOWERMAN: Mr. Gallagher, I'm Frank Bowerman
5 from Orange County. I'm kind of disturbed about the use of
6 the word "decontamination" in several of these instances.

7 BOARD MEMBER GALLAGHER: So am I.

8 MR. BOWERMAN: It sounds as though we're running
9 hazardous waste sites.

10 I understand what Board Member Beautrow is saying
11 about sewage sludge. But sewage sludge, you can dry it out,
12 you put it on your lawn. You don't have to decontaminate,
13 you have to just wash it off.

14 We steam-clean our vehicles, because steam is the
15 more effective cleaner than just the water. The temperature
16 takes and washes off greasy substances along with the hot
17 water.

18 I don't think we should use the word "contaminate"
19 in this context or in the previous context. I think what we
20 should say is: "Material used at the landfill, including
21 earthmoving equipment, shall be cleansed in accordance with
22 good health practices." And just leave it go at that.

23 We oftentimes rent equipment, use it in our
24 landfills, it goes back to the rental yards. They clean it
25 just to make sure it isn't dirty and they can rent it to the

1 next person. But we're not really dealing with stuff that's
2 hazardous and toxic.

3 As far as the infectious wastes are concerned, we
4 don't allow those at our landfills unless they're burned or
5 autoclaved. So there's no infectious waste that comes in
6 contact with our equipment, and I think it would be poor
7 practice to allow it to be done otherwise.

8 So I really think that probably the level of
9 protection you need is good rinsing or steam-cleaning. And
10 steam-cleaning would certainly be the safer of the two.

11 BOARD MEMBER CALLOWAY: Would you like wording
12 something like "Safe health practices"?

13 MR. BOWERMAN: Yes, I would.

14 BOARD MEMBER CALLOWAY: I mean, in other words, it's
15 safe.

16 MR. BOWERMAN: I think it has the proper
17 connotation. I really think what you're doing is giving
18 people the opportunity to substantiate a claim that they now
19 make to the effect that we're operating hazardous waste sites
20 and not landfills. We're not. We're operating landfills
21 that deal with trash.

22 BOARD MEMBER CALLOWAY: I would agree. I'd like to
23 see all the words as far as contamination and that type of
24 language taken out completely and use words like "safe health
25 practices" and so forth so that you are not spreading disease

1 or something like that.

2 MR. BOWERMAN: With respect to the consideration of
3 gas piping or wells that you might pull out of the ground,
4 these could be rinsed. I seriously doubt if anybody's going
5 to take any pipe out of the ground and put it into a water
6 supply system to distribute potable water for people to
7 drink. You don't use waste pipe for those purposes.

8 But by and large we're not dealing, even with the
9 condensate from landfill gases, with anything that needs to
10 be purged or treated or triple rinsing and the kind of
11 condensations that go with toxic and hazardous waste.
12 Generally those solutions that are being handled in the
13 condensates or being removed by way of leachate from
14 groundwaters are very dilute solutions. They're very
15 marginal with respect to toxicity and they could be readily
16 rinsed. I think these sections are overkill.

17 BOARD MEMBER GALLAGHER: Well, that's my -- the
18 reason I asked you, Frank, was the fact that I believe there
19 should be certainly some language in here having to do with
20 the proper cleaning of equipment that is removed from a
21 landfill, but I don't like the waving of a red flag in front
22 of the bull. I'd like to keep it simply that it has to be
23 properly cleaned.

24 I thought maybe just requiring that everything be
25 steam-cleaned would be the simplest thing that could be done.

1 Because that was always in my judgment and around my can
2 shops -- when we wanted to clean anything in final cleaning
3 form, they always steam-cleaned it.

4 MR. BOWERMAN: Sure. We keep steam genies on our
5 landfills for that very purpose.

6 VICE CHAIRMAN MOSCONE: Suppose -- excuse me, John.

7 BOARD MEMBER GALLAGHER: Go ahead, John.

8 VICE CHAIRMAN MOSCONE: Suppose the site doesn't
9 have any of this equipment available? The closest
10 steam-cleaning operation may be 100 miles from them.

11 BOARD MEMBER CALLOWAY: Yeah, but you can rent these
12 portable ones. So you go down to the rental place and rent
13 them.

14 VICE CHAIRMAN MOSCONE: So you've got to travel 100
15 miles up and 100 miles back to rent a --

16 BOARD MEMBER CALLOWAY: I mean, they can have them.
17 I mean, they can rent those. No big deal.

18 MR. BOWERMAN: Members of the Board, I really
19 believe you could say either carefully rinsed or
20 steam-cleaned. I think you'd really cover the whole thing
21 that way.

22 BOARD MEMBER VARNER: Mr. Chairman.

23 VICE CHAIRMAN MOSCONE: Mr. Varner.

24 BOARD MEMBER VARNER: I really appreciate
25 Mr. Gallagher and Mr. Calloway's bringing this subject up,

1 and Frank has covered it quite well. Because the very nature
2 of saying decontaminate gives the understanding that it's
3 somehow contaminated with something. This is a problem that
4 we're probably going to run into with those -- and here I'll
5 talk about the rubbish industry. In my own case I have two
6 wash racks and we use high-pressure hot-water washers, and we
7 also have steam-cleaners. But the high-pressure hot-water
8 washer is a very effective thing. And we catch them in traps
9 and so forth. We send the material that's in there off to
10 hazardous waste things just for our own protection at this
11 point.

12 But as they keep going further and further and
13 further and with the Proposition 65 things, you're almost
14 into a situation that even the water you wash off of these
15 things to try to keep the trucks clean becomes a tremendous
16 problem. One, it's not only overkill, but it's to the point
17 of absurdity.

18 BOARD MEMBER GALLAGHER: I think you can see we need
19 a little rewrite.

20 (Thereupon a brief recess was taken.)

21 VICE CHAIRMAN MOSCONE: Okay. Give it the gas,
22 Dynamite.

23 MR. ORR: I think we'll move on now to --

24 VICE CHAIRMAN MOSCONE: Yeah, I think we better.

25 MR. ORR: Yeah. -- to the next section regarding

1 final cover.

2 The current text in Title 14 gives no criteria for
3 evaluating the composition or engineering properties of the
4 cover materials tailored to various types of site reuse.
5 There is no criteria for reuse by the Local Enforcement
6 Agency to determine what intended reuse of the site would
7 warrant a thicker final cover. The spatial relationship
8 between the existing final cover standard and the operational
9 standards of daily and intermediate cover are unclear. The
10 basic two-foot thick of compacted cover material on the
11 surface seems to have been supplanted by the three-foot
12 thick -- try that again. Three layer, four-foot thick cover
13 located in the Title 23, Subchapter 15 standard.

14 However, in practice very few landfills, if any,
15 have actually been closed using this design. There has been
16 no specific field permeability test adopted as a standard to
17 evaluate the performance of the low permeability middle layer
18 under the Subchapter 15 standard.

19 The necessity and difficulty of placing this
20 one-foot thick layer on the sideslopes of the landfill is
21 also commonly an issue. In addition, the Subchapter 15 final
22 cover is intended only to minimize water infiltration and
23 does not incorporate a gas control function.

24 Many times a thicker mono-layer cover alternative
25 constructed out of a lesser quality locally available

1 material is proposed, especially in more arid areas of the
2 state. I'm sure -- well, I don't see Frank Bowerman. But
3 I'm sure that he would have a thing or two to say about that.

4 Although there are a number of computer models that
5 can stimulate the performance of these alternative designs,
6 there are also limitations to the use of these models. Many
7 of them were developed on the east coast and don't really
8 deal with the kind of climatic conditions that we have here
9 in California. Also, there is no adopted standard level of
10 performance for these final cover alternatives to achieve.

11 The staff believes that regulations should be
12 developed which establish general criteria for the final
13 cover based on prevention of the propagation of flies,
14 rodents and other vectors, control of landfill fires and
15 erosion, minimizing water infiltration, control of landfill
16 gas emission, preventing the creation of nuisances, as well
17 as the compatability with the proposed post-closure use. The
18 functions of the various layers of a final cover should be
19 stated. Thickness and compaction or levels of performance of
20 the various layers should be specified.

21 Now we're going to go into the regulatory issues and
22 options. We're going to talk specifically about how we can
23 choose to structure our final cover standard. We need to
24 recognize at the same time that the mandate under AB 2448 may
25 affect how we develop this standard. As I mentioned earlier,

1 a proscriptive standard specifies a particular design. And
2 currently the existing Subchapter 15 standard is a
3 proscriptive standard.

4 If you'll look on the top of page 497, you'll see a
5 bunch of different types of layers that could be included in
6 a final cover proscriptive standard. These layers are sort
7 of a composite of different resources that I have looked at.
8 And the asterisk layers are ones that are currently included
9 in the Subchapter 15 design.

10 Just to go through real quickly on the types and
11 functions of these various layers from top to bottom, exposed
12 to the air, the surface layer, would be a vegetative layer.
13 The thickness of that under Subchapter 15 is a minimum of
14 twelve inches. However, a more appropriate thickness should
15 be geared to the particular plants that are intended to
16 revegetate that area and should be tailored to the rooting
17 depth of those plants or revegetation schemes.

18 Another possible layer below that that is not
19 currently in the Subchapter 15 layer design is a combination
20 of a geofabric, which essentially filters the fine clay
21 particles that are found in the vegetative layer from going
22 into what's called the biotic layer, which essentially keeps
23 the squirrels and the rats or whatever from going down into
24 lower layers in the cover.

25 This is particularly important if at some point in

1 time a synthetic cover material is included in a cover
2 design. Because apparently squirrels and mice and so forth
3 love to eat the plastic that the synthetic layers are made
4 out of. So quite often a biotic layer will be composed of
5 large-sized gravel, or in some cases rodenticide to kill
6 anything that might be trying get into the cover layer.

7 Below that is another layer that's not currently
8 found in the Subchapter 15 design. That's a drainage layer
9 that would be of increased permeability that it would
10 encourage and, opposed to a surface drainage scheme like we
11 currently have in regulation, actually drainage of material
12 inside the cover system.

13 Then directly below that you would have a hydraulic
14 barrier layer, which currently is in Subchapter 15 as a
15 minimum of a one-foot thick clay layer that's compacted to
16 meet a permeability of one times ten to the minus six
17 centimeters per second.

18 Another possibility in addition to a clay layer
19 would be a synthetic layer alternative. For example, AB 3012
20 that you heard about earlier today requires the adoption of
21 regulations that would include the design for a synthetic
22 clay layer within a final cover design.

23 Below that the next layer is the foundation layer,
24 which serves both to buffer the waste and also to form a good
25 foundation or a good hard surface by which to compact the

1 hydraulic barrier and achieve that permeability requirement.
2 It also serves to help minimize differential settlement of
3 the waste by having sort of a hard cap that might be somewhat
4 less subject to variations that might cause ponding.

5 Below that -- and this is an area that we may
6 consider if we decide to go with a proscriptive standard --
7 would be an element that would make some attempt at
8 controlling landfill gas, which is something that the Water
9 Board does not regulate. It's sort of the reverse of a
10 drainage layer, that it would be a venting layer again of
11 gravel or some material that would be maybe tied into a gas
12 collection system and form sort of the entire gas control
13 mechanism together.

14 Below that is something that we're investigating
15 currently in the U.C. Davis landfill gas study. That's the
16 possibility that there may be ways of having some kind of
17 selective waste or other material that might be used as a
18 treatment layer between the waste and the other elements of
19 the final cover that may help control the trace gases that
20 may be emitted through the cover otherwise. There are
21 laboratory studies that are going on right now related to our
22 U.C. Davis gas study.

23 Then simply below that is waste material.

24 So, as you see, there is one, two, three, four,
25 five, six, seven, eight, nine -- nine layers that are a

1 possibility here. It looks quite a bit like a sandwich.

2 BOARD MEMBER BEAUTROW: Mr. Chairman.

3 MR. ORR: Go ahead.

4 BOARD MEMBER BEAUTROW: I'd like to comment on this.

5 I had the opportunity to testify at the Water Board on a
6 number of occasions when they were adopting the Subchapter 15
7 regulations and there was this debate going on on these
8 prescriptive standards versus performance standards.

9 I for one would like the performance standards.
10 Because you're trying to achieve results and the way that you
11 get there varies. But I'm scared to death of this. I can't
12 think of -- because of the complexity of what you're
13 proposing here is the main thing. It's all theoretical.

14 Unfortunately, when you construct a landfill, it's
15 an imperfect process. You can't achieve the same degree of
16 compaction and you're going to get differential settlement
17 that could practically destroy whatever nice little thing
18 that you're putting down here.

19 So I think that this is a case of -- a theoretical
20 approach that you're suggesting to be implied to an imperfect
21 situation. And I believe that we could save a lot of
22 dialogue here if we could decide do we want the
23 prescriptive -- and is it proscriptive or prescriptive?

24 MR. ORR: It's proscriptive.

25 BOARD MEMBER BEAUTROW: Okay. I thought it was

1 prescription versus the performance standards.

2 I don't know whether he's prepared to make a
3 statement here, but there's a gentleman sitting back there in
4 the back, Gil Torres from the Water Board, and he's very much
5 familiar with this whole issue of cover. This is the single
6 most costly item that all of the governmental agencies are
7 involved in and complaining about now and it varies all over
8 the place. Nobody knows what to do. Whatever we decide to
9 do here has got to be very carefully thought out and given
10 the practical latitude that we can. That's my general
11 comment on this whole issue here.

12 MR. ORR: I would just like to say that I'm not
13 presenting this information to imply that I'm endorsing this
14 as a cover design. Like I indicated, all the layers that you
15 see there are composite of sources. The majority of them are
16 from the Subchapter 15 design, plus some that are listed in a
17 recent article out of Waste Age Magazine that had some
18 additional layers.

19 I think that there are some major engineering
20 problems in simply being able to construct, you know, a
21 two-inch layer and an eight-inch layer and a five-inch layer
22 with the types of equipment that we're looking at. So I
23 think there's theoretical.

24 There's also implementation problems as well.
25 Another one related to that is if you're constructing a final

1 cover, do you need to have all of these individual layers on
2 the sideslopes of the landfill as well as on the top deck,
3 which is flatter and more subject to infiltration of water.

4 So, I'm presenting this information simply so that
5 you know the range of possibilities from, say, one very thick
6 layer of material that would have some level of performance
7 to some combination of layers. And I'm not really promoting
8 one over the other, I'm just trying to present both of the
9 options.

10 BOARD MEMBER BEAUTROW: I noticed you don't --
11 unlike everything that we've talked about before, you don't
12 have any suggested regulations yet. But shouldn't we discuss
13 this in the context that we ought to be talking about? Let's
14 decide are we talking about performance or proscriptive.

15 MR. ORR: Exactly. That's what we're here for.

16 BOARD MEMBER BEAUTROW: And decide one way or the
17 other. It's going to make a difference of how much detail
18 you want to get into it, or do you want to defer that whole
19 thing.

20 EXECUTIVE OFFICER EOWAN: That's why we put both of
21 them there.

22 MR. ORR: In practice I think what we've seen is
23 that in Subchapter 15 you have a specific design that's laid
24 out. But as I had previously mentioned, very few landfills
25 have actually closed using that rigorous design.

1 But what we don't have is the level of performance
2 that a cover should achieve. So, if we want to go into the
3 proscriptive standard at this point, I think that that will
4 come out more.

5 But we are definitely here today to say, well, we're
6 interested in you going this direction, we're more interested
7 in the performance type of standard and developing that
8 regulation rather than having us go through the motions of
9 coming up with some, you know, detailed layer scheme that is
10 very difficult to implement. So that is why we're here.

11 VICE CHAIRMAN MOSCONE: Would you give me that
12 drainage again?

13 MR. ORR: The drainage layer?

14 VICE CHAIRMAN MOSCONE: Yeah.

15 MR. ORR: Okay. The way that we rely on it
16 currently in our regulations is that we rely on surface
17 drainage where you essentially have runoff on top of the
18 cover. This is actually a drainage layer that's actually
19 physically one of the layers within the cover. So instead of
20 using culverts or having sheet flow across the landfill, you
21 actually are sort of collecting water that may infiltrate
22 through the vegetative layer and the biotic layer. And
23 before it gets to this low-permeability layer, you give it a
24 chance to sort of run off to the side through this drainage
25 layer.

1 VICE CHAIRMAN MOSCONE: How would it run off?

2 MR. ORR: It would go through a blanket, a drainage
3 blanket. Or in some cases there are geofabrics that will
4 wick the water away.

5 VICE CHAIRMAN MOSCONE: So it would not include
6 gravel?

7 MR. ORR: It could.

8 VICE CHAIRMAN MOSCONE: It could.

9 MR. ORR: Yes.

10 VICE CHAIRMAN MOSCONE: Well, my thought was that,
11 well, water -- liquid could seep through the gravel unless
12 you have a layer of something underneath.

13 MR. ORR: That's where the hydraulic barrier
14 immediately below it comes in. So it's trapped there and
15 gives it the chance to go off to the side.

16 BOARD MEMBER BREMBERG: Mr. Chairman.

17 CHAIRMAN ROODZANT: Mrs. Bremberg.

18 BOARD MEMBER BREMBERG: I haven't read Subchapter 15
19 since it was enacted and I've forgotten. But is there a
20 variance procedure option?

21 MR. ORR: Is there an alternative in there?

22 BOARD MEMBER BREMBERG: No, I didn't say that. Is
23 there a variance procedure option for an area of closure in
24 a, shall we say, sparsely settled area where it has an inch a
25 year of rainfall and all of these things?

1 I'm getting back to my friendly Modoc County and
2 Mariposa and places like that where the granite of the
3 bedrock that the landfill is on by the nature of the
4 geological strata is -- it would be absolutely absurd for
5 someone to expend millions of dollars to put on a fancy layer
6 when there's no way in the world that all of these things are
7 necessary.

8 I just wondered if there's a variance where someone
9 can come in and be excused and prove that the closure plan is
10 reliable, it's non-polluting, it's non-contaminating, and all
11 of those things and they're given a permit to close without
12 having to go through these incredible exercises.

13 MR. ORR: There is a variance procedure in
14 Subchapter 15. It has to do with a combination of technical
15 feasibility and economic burdensome. There's a finding that
16 has to be made. It's a generic one that applies to all of
17 the Subchapter 15 standards, I believe, and not specifically
18 the final cover standard.

19 BOARD MEMBER BEAUTROW: I can explain it --

20 MR. ORR: It's the Regional Water Board that makes
21 that determination.

22 BOARD MEMBER BEAUTROW: It's the Regional Water
23 Board in its cover standard, because I went through it
24 myself. You can apply and present your models or whatever
25 and it's up to them to waive it or change it. You can appeal

1 it to the state boards, whatever. There is a way, a
2 mechanism.

3 BOARD MEMBER BREMBERG: Thank you.

4 MR. ISBELL: Doug Isbell again. As an operator who
5 is attempting to cover a landfill, 37-acre landfill, using
6 Subchapter 15 and the layered approach, I plead with you to
7 use a performance-based standard and let us engineer a system
8 for closure of landfills. This small landfill we've spent
9 almost a million and a quarter just on the top surface alone
10 trying to construct this perfect sandwich, which all of us
11 know with the settlement will not be a perfect sandwich for
12 very long.

13 I think, also, following up on the comments, I think
14 that we need -- when we start talking about closure and final
15 cover of landfills, we look at the total landfill picture,
16 the total mass of waste. If you have a leachate collection
17 system in there, I think there's different standards could be
18 applied on the amount of precipitation or moisture allowed
19 into the landfill. I just do not, being an operator of
20 desert landfills where all you have for miles and miles is
21 sand, see how we're ever going to perfectly seal such a
22 landfill no matter what you proscribe to be done.

23 So we need performance-based standards and we need
24 some research done and the agencies, whether it's this Board
25 or the Water Board, to agree on some methods by which we can

1 do water balanced analysis, what we can design so we can get
2 someplace.

3 Because one of the things that is facing us as
4 operators is by January of this year we're supposed to have
5 to you a proposed closure plan with cost estimates. Boy,
6 that is an impossibility when you have no comprehension of
7 how you are going to close some of the landfills. So we
8 really need in this state to get with that and come up with
9 some criteria.

10 But, please, go towards the -- we plead with you go
11 to the performance standards and we in the industry will work
12 hand in hand with your Board and your staff to try to develop
13 things that make sense and accomplish the goal. The goal is
14 to protect the groundwaters of the state of California. I
15 think there's some real ingenuity that can go in and
16 accomplish that task.

17 BOARD MEMBER BREMBERG: Mr. Chairman.

18 CHAIRMAN ROODZANT: Mrs. Bremberg.

19 BOARD MEMBER BREMBERG: Don't sit down.

20 CHAIRMAN ROODZANT: That's an order.

21 BOARD MEMBER CALLOWAY: Your mother just spoke.

22 BOARD MEMBER BREMBERG: Please don't sit down.

23 Is there something in the wording that could say
24 performance -- verifiable performance standards which would
25 indicate that through the inspections they could see that

1 your engineering and everything works so that you wouldn't be
2 put back into the system where you're going to be pounded
3 because you didn't conform to a perfect sandwich type thing?

4 I agree with you totally. I'm just wondering if
5 performance standards are enough, or should they have a
6 fallback or something that will protect you or us or the
7 Water Board.

8 MR. ISBELL: I think there are definitely ways to
9 verify and monitor what goes through a cover in terms of
10 precipitation. But the bottom-line monitoring is what comes
11 in the groundwater monitoring wells immediately downstream of
12 the landfill. That's a little after the fact. Or in the
13 vadose zone monitoring in those landfills when you have that.
14 I think our engineering is progressing to the point where we
15 can do a lot more sophisticated work in the cover aspects
16 rather than being proscribed exactly how to construct the
17 sandwich.

18 MR. ORR: Maybe with that we'll move on to the
19 performance type of approach.

20 A performance standard would essentially establish a
21 number of performance criteria that need to be achieved. The
22 specific design of the cover system would be left up to the
23 operator to propose. It would be necessary to establish
24 minimum levels of performance for each of these criteria,
25 which has not really been done up until this point. Then

1 along with that -- and I think maybe this is what we were
2 alluding to a bit earlier -- to provide a standard method to
3 evaluate whether the submitted design actually achieves that
4 level of performance.

5 The Subtitle D, the current proposal does have sort
6 of a performance goal, which is to prevent infiltration of
7 liquid into the waste.

8 The existing Title 14 final cover standard is
9 largely a performance standard, but it doesn't have this
10 follow-up mechanism in terms of evaluating whether the cover
11 is performing.

12 Some of the goals that are outlined in Subtitle D or
13 some of the things that are to be considered would include
14 the hydrogeologic characteristics of a facility, climatic
15 factors, the volume and characteristics of any leachate that
16 might be generated, the proximity of groundwater users and
17 groundwater quality.

18 A water balanced computer model that Mr. Isbell just
19 mentioned is commonly used to evaluate the performance of
20 final cover with respect to infiltration. The use of such a
21 model should be directly linked to achieving a given level of
22 performance.

23 Currently one of the shortcomings is that you do a
24 water balance and you design a final cover, but then that
25 link is never really made to say, well, okay, this final

1 cover design and this water balance meet this level of
2 performance.

3 In addition, as I mentioned, these water balanced
4 models have theoretical limitations that may limit their
5 application in California. This would include the fact that
6 in California we have very seasonal rainfalls. So there's
7 only a very short period of time that a cover may become
8 saturated, which is sort of the condition that's evaluated
9 using a water balanced model.

10 I've heard agencies such as the Los Angeles County
11 Sanitation Districts propose in their own in-house research
12 activities that to perform sort of activities to customize
13 research, to customize these kinds of water balanced models
14 for California to evaluate their applicability and therefore
15 more closely link that to the performance of the final cover
16 designs.

17 Along with that, various test plots can be used to
18 evaluate infiltration. That would be the kind of a thing
19 where you would take your computer simulation and you'd say,
20 well, okay, we're going to build a 20 or 50-foot square plot
21 to test how our design works in application.

22 In addition to water based models, the University of
23 California at Davis under contract with the Board is in the
24 process of developing a series of computer models that may
25 prove useful in evaluating the performance of final cover

1 with respect to methane and trace gas migration or emissions.
2 Those things are not currently covered within the water
3 balanced models that are used under Subchapter 15.

4 This standard may also be affected by the guidelines
5 developed by the Solid Waste Clean-up and Maintenance
6 Advisory Committee. We are establishing currently the
7 beginnings of a working relationship with the Water Board to
8 work in some of these areas and we're hoping that over the
9 next couple of months to be able to work some of these things
10 out. Because the bottom line is that when you go to close a
11 landfill, you can only put one cover there. You can't put,
12 well, okay, we're having our Subchapter 15 cover on this part
13 and we're going to have our Title 14 cover over here.

14 So there has to be some way of working out, making
15 sure that the performance is there. In practice most of the
16 Subchapter 15 covers have been performance-oriented anyway
17 and to get that down actually as part of our regulations, the
18 performance orientations.

19 Are there any other comments at this point?

20 Let us move now to final site face, which we're
21 proposing here is a revision to the existing standard.

22 Regulations need to be adopted to require that the
23 final site slopes be directly linked to slope stability
24 information. New regulations should elucidate the criteria
25 that would be applied and the technical documentation

1 necessary to allow a waiver of the maximum slope, or require
2 the establishment of flatter slopes or benches.

3 Now, before I get into item (e) with the proposed
4 revised regulatory language, I might just mention that the
5 current EPA red border draft of the revised rules is on the
6 surface of things more stringent than what we currently have
7 proposed here. However, the regulation as we have it
8 structured here is intended to be a tiered regulation that
9 meets the intent of the EPA standard as it currently is. We
10 hope to work in the future with EPA to have them come more to
11 our way of thinking rather than having to change our standard
12 to become more stringent than it needs to be.

13 I think this is particularly important in noting
14 that there aren't very many states aside from California
15 where you have the consulting expertise, the regulatory
16 experience, and the standards already in existence that
17 dictate performance during earthquakes. What basically the
18 EPA currently proposes would mean that the entire state of
19 California would be zoned as one seismic zone and would be
20 subject to the same kind of design criteria statewide.

21 Rather than deal with what's known as a maximum
22 probable earthquake, which is an earthquake that essentially
23 has a 100-year recurrence interval, the EPA is proposing
24 dealing with a much larger kind of earthquake that's called a
25 maximum credible earthquake or, for the purposes of the EPA,

1 a 250-year recurrence interval.

2 Now, that kind of a standard is currently more
3 stringent than the hazardous waste RCRA Subtitle C standard.
4 In addition to that is the kind of thing that would be looked
5 at in siting a dam or nuclear power plant, that kind of a
6 thing; although I guess nuclear power plants look at a
7 1,000-year earthquake. But we're approaching that direction.

8 So with that, let me direct your attention to:
9 "Section 17679. Final Site Face. The slope of those
10 portions of the fill which will be the final exterior surface
11 in accordance with the approved final grading plan shall have
12 a neat finished appearance, and shall not be steeper than a
13 horizontal to vertical ratio of three to one. Waivers of
14 maximum slope may be granted to a maximum horizontal to
15 vertical ratio of one and three-quarters to one by the Board
16 upon submittal of substantiating engineering documentation
17 and the concurrence of the enforcement agency. Flatter
18 slopes are more desirable for improved appearances of
19 surfaces which face residential property and roads and other
20 property frequented by the public. The enforcement agency or
21 Board may require flatter slopes or benches where necessary
22 to ensure preservation of the integrity of the final cover
23 and environmental control systems under static and dynamic
24 conditions or for a successful establishment of ground cover
25 or erosion control.

1 "A slope stability report prepared under the direct
2 supervision of a registered civil engineer or certified
3 engineering geologist shall be considered substantiating
4 engineering documentation. The report must indicate a factor
5 of safety for the critical slope of at least 1.5 ..."

6 Let me just interject here that a critical slope is
7 after you go around and you look at the entire landfill, you
8 sort of look for the slope that is most prone to being -- to
9 failing. It's not always the steepest slope. There may be
10 some other reasons, including the material that underlies the
11 landfill, that may mean a flatter slope. It may in reality
12 be the critical slope for an analysis.

13 So rather than saying the steepest slope, the
14 critical slope must have a factor of safety of at least 1.5
15 under static, which is normal, conditions and dynamic, which
16 is earthquake conditions.

17 "The report shall include, but is not limited to the
18 following elements:

19 "a. The location of the critical slope and other
20 slopes analyzed to determine the critical slope shall be
21 shown in map view.

22 "b. The results of other slopes analyzed to
23 determine the critical slope shall be presented.

24 "c. Delineation of the geometry of the critical
25 slope showing the various layers in the profile including the

1 proposed fill surface, final cover, mitigation berms, lifts
2 or cells, fluid levels, or any feature that may serve to
3 reduce the stability of the slope or may represent a
4 potential failure surface; and the proposed ground surface,
5 soil or rock layers, and structural features.

6 "d. The engineering properties of the refuse and
7 other layers making up the landfill, analyzed for the
8 critical slope. These properties shall include a
9 site-specific assessment of the strength parameters, the unit
10 weight and the shear wave velocity of each of these layers.

11 "e. An assessment of the engineering properties of
12 the underlying foundation materials based on site-specific
13 field and laboratory tests performed in accordance with the
14 corresponding ASTM methods.

15 "f. The maximum expected horizontal acceleration in
16 rock at the site determined for the Maximum Probable
17 Earthquake (MPE) as defined in the California Division of
18 Mines and Geology Note Number 43. The maximum expected
19 acceleration in rock for the maximum credible earthquake may
20 be used instead of the maximum probable earthquake." And I
21 reversed one phrase there.

22 "g. Documentation of any peer-review reduction
23 factor for acceleration applied to attenuate the acceleration
24 through the soil column or fill materials.

25 "h. In lieu of achieving a factor of safety of 1.5

1 under dynamic conditions, a more rigorous analytical method
2 that provides a quantified estimate of the magnitude of
3 movement may be employed. In this case, the report shall
4 demonstrate that this amount of movement can be accommodated
5 without jeopardizing the integrity of the final cover or the
6 environmental control systems."

7 With that mouthful, are there any questions?

8 BOARD MEMBER BREMBERG: I have one, Mr. Chairman.

9 CHAIRMAN ROODZANT: Mrs. Bremberg.

10 BOARD MEMBER BREMBERG: This goes back to what I
11 brought up originally on landscaping and so forth. At the
12 top of page 499, the first sentence. A neat finished
13 appearance is not an aesthetically-pleasing appearance.

14 MR. ORR: Right.

15 BOARD MEMBER BREMBERG: I'm back to my old friend,
16 Toyan. It certainly was neat. And it was pure dirt. Just
17 absolute clay staring at you for 60 acres or whatever on a
18 one-to-one slope. That's neat, but it certainly is not, as
19 indicated in other sections, aesthetically pleasing,
20 desirable, or anything else.

21 So I don't know how you would reword that, but I
22 think that gives somebody who doesn't want to do landscaping
23 and mulching or whatever an out by saying, well, I complied,
24 it's neat.

25 MR. ORR: What I might suggest doing there is maybe

1 making one of these cross-references to the section regarding
2 revegetation and aesthetics.

3 BOARD MEMBER BREMBERG: Thank you.

4 BOARD MEMBER BEAUTROW: Mr. Chairman.

5 CHAIRMAN ROODZANT: Mr. Beautrow.

6 BOARD MEMBER BEAUTROW: You want a competent
7 geologist to prepare a slope stability report and you've got
8 all of these elements that are not necessarily limited. Not
9 being a geologist, I assume that you must have had a
10 geologist make sure that these are the practical elements
11 that needed to be included?

12 I mean, this is the most complex thing that we've
13 run across here, and we don't have this level of detail so
14 far that I've heard. So why do we -- do we really want to
15 get into this precise contents of a slope stability report?

16 MR. ORR: Let me just indicate how -- I guess the
17 reason that this one is further advanced is the fact that I
18 personally have a fair amount of familiarity with that.
19 Since I've been with the Board, I've made two technical
20 presentations on this topic and I've actually talked to the
21 Board -- I think it was when I was first came here -- to show
22 a slope stability computer program.

23 In terms of how the criteria is intended to be
24 applied is that there are actually three tiers on it. The
25 first one doesn't require any kind of analysis at all. All

1 it says is that the slope shall be flatter than three to one.
2 That's to accommodate not only the static conditions, but the
3 possibility that there might be some kind of a problem -- a
4 cover failure or something -- during an earthquake. So if
5 you want to stop at three to one and not put any more
6 engineering into it than that, you can do that.

7 Now, if you want to make your slopes steeper than
8 three to one, you can do that by doing a slope stability
9 report. And I think the most important thing that's in here
10 is that it includes both a field component and then a
11 computer component. As an engineer or as a geologist, I
12 believe that the actual acquisition of the data for that site
13 is equally as important as cranking it through this detailed
14 thing in the office on a computer.

15 If you want -- you have an easier slope stability
16 report and a more difficult one. If you want to go with the
17 easier one, you can go to a map that was produced by the
18 California Division of Mines and Geology and just pick your
19 acceleration off there and sort of plug it into your program.
20 If you want to go more beyond that and be more precise, then
21 you can go to the next step that requires this more detailed
22 analytical method.

23 The reason that I've done it this way is to --
24 basically, it's going to be an economic thing. Is the slope
25 design going to be more cost effective than putting more

1 money into the engineering? I guess that's the concept is
2 that if you've got a larger landfill, you've got an in-house
3 engineering staff or a consultant on a retainer, you might
4 have more access to doing this kind of a report. But if
5 you're a small guy back there and you just wanted to build
6 your landfill, you can build it on a three-to-one slope and
7 that's it.

8 BOARD MEMBER BEAUTROW: Okay. But I want to put you
9 in our shoes. You really groove on this stuff and you know
10 all of the elements here that go into a proper engineering
11 analysis. And I think it's unfair to impose statewide
12 regulations in this much detail unless -- you know, we have
13 to have overall a balanced set of regulations. I think it
14 may be unfair for us to look at everything else with a
15 binocular and then this one we're going to look in a
16 microscope. I think we have to have a balanced approach and
17 that's all I'm saying is let's be careful we don't use too
18 much of a magnifying glass on something. We need to have --

19 I agree that three to one on a fill slope is
20 probably adequate. When we start getting steeper, there
21 could be problems. You've got to demonstrate that.

22 MR. ORR: Right. I guess there's two things that
23 I'm trying to get --

24 BOARD MEMBER BEAUTROW: Don't be too defensive.

25 MR. ORR: No, I'm not. There's two things that I'm

6
1 trying to address here. The first one is that one of the
2 things that we're trying to do in getting these regulations
3 through at this particular time in history is that we have to
4 deal with the OAL process. And one of the things we're
5 trying to avoid is underground regulations that -- from our
6 understanding that your regulations essentially have to stand
7 on their own and that guidance documents and other things
8 like that that might be passed out or things that might be
9 given out on occasion can be construed to be illegal and
10 underground regulations. So that's the one thing.

11 The other thing is that I mentioned before I got
12 into the actual language here that I'm trying to come up with
13 a system that would make more sense for California instead of
14 the broad brush that the EPA is using with their federal
15 standard that is on the surface much more stringent than
16 what's called for here.

17 So those are the two things that I'm trying to deal
18 with. If I can back off a little bit and still cover those
19 two bases, that's what I'm really looking at achieving.

20 BOARD MEMBER BEAUTROW: Well, let me put it this way
21 very bluntly. I'm unwilling to accept this as it's written
22 versus the most important thing, which is the final cover
23 regs, of which we haven't even suggested language yet and we
24 haven't decided whether it's performance. So I think I would
25 rather hold this in abeyance rather than try to get into a

1 very complicated thing on slope stability and not even
2 address the details of how we want to deal with the final
3 cover. That's my --

4 MR. ORR: I guess that reflects the fact that we're
5 not of an equal level of depth and examination of all of the
6 topics. I would think that when we do get to the point where
7 we're going ahead, there's going to be that kind of balance
8 between the regulations that you're indicating.

9 EXECUTIVE OFFICER EOWAN: But you're not suggesting,
10 Mr. Beautrow, that we not have this level of detail; you're
11 saying that you want to have the level of detail on cover
12 first?

13 BOARD MEMBER BEAUTROW: No, I'm just saying that
14 it's totally unbalanced from everything that we've considered
15 so far because Bill Orr happens to be interested in this
16 subject.

17 MR. ORR: I'm interested in a lot of subjects.

18 EXECUTIVE OFFICER EOWAN: No, that's not the
19 question I'm asking. Let me try that again. The level of
20 detail that you eventually want in a regulation has to meet
21 certain standards of its own. For example, has to be
22 compatible -- at least compatible, if not exceed in some way
23 or be better than in some way what EPA is coming out with
24 with RCRA Subtitle D, for example. If they have very
25 stringent standards for seismicity and we have something else

1 that in some way appears to be lesser in some way, stringent
2 maybe, then the regulation itself loses impact. You're not
3 suggesting that?

4 BOARD MEMBER BEAUTROW: No, but I'm just saying I'm
5 not a competent geologist and I don't know whether that --
6 here's the recipe that if you prepare a slope stability
7 analysis, this is all the ingredients. I'm not competent to
8 say that this is good or bad. But on the surface it looks
9 like it's awfully complex at this stage of the game, but I'll
10 just reserve my judgment until later. I just wanted to make
11 you aware of my concerns.

12 MR. ORR: What I hear you saying is that it sort of
13 stands out like a sore thumb.

14 BOARD MEMBER BEAUTROW: Yeah.

15 MR. ORR: What you're saying is that you want it to
16 sort of look like a package in that we've looked at all of
17 the issues in a similar level of detail.

18 CHAIRMAN RODZANT: Mr. Bowerman.

19 MR. BOWERMAN: Members of the Board, Frank Bowerman,
20 Orange County. I'll defer to Bill Orr in matters of geology
21 and seismic issues. But with respect to engineering, I
22 really have to introduce some other factors that we must
23 consider, also.

24 The system of canyon-type landfills that I developed
25 many years ago in Los Angeles County and is still being

1 conducted with those same criteria called for 40-foot lifts,
2 15-foot wide benches, and two-to-one intermediate slopes.
3 Now, that system -- I'm currently using that in Orange County
4 and it's also still being conducted in Los Angeles County.
5 That averages out to about a three-to-one average slope.

6 If the intermediate slopes between benches was
7 flattened out to three to one, we would lose not only a
8 tremendous amount of capacity, but our landfills, when they
9 were finally generated, would have very limited surfaces on
10 the top in a canyon.

11 We're building park sites, as well as landfills.
12 When I can generate a steep enough slope at the front of the
13 landfill with the benches and the two-to-one intermediate
14 slopes, I can generate two to three times as much surface
15 area at the top of that landfill than if I bench it back at
16 that flatter slope. If I bench it back too flat, I don't end
17 up with any park surface.

18 The truth of the matter is we've got a lot of
19 landfills in Southern California, which is a highly active
20 seismic area, as all of you can testify to, that has survived
21 a lot of shaking and doesn't show any physical effects.

22 A week after the San Fernando earthquake, I visited
23 San Fernando Valley for the express purpose of studying those
24 landfills. I stood on the top of the Lopez Canyon Landfill
25 and looked over towards the Veterans Administration building

1 about a mile away that fell over on its side -- you all
2 remember that picture you saw in the newspapers. I saw at
3 the upper end of the canyon looking over the top of the box
4 canyon down the other side a three-foot vertical
5 displacement. The earth had shaken so badly that that earth
6 had risen by three feet with reference to where the landfill
7 is located in the canyon.

8 The rock which comprised the side walls of the
9 canyon was shattered. It was granite and it was shattered
10 badly. The landfill didn't show any signs of disturbance.
11 There weren't any cracks, fissures, slumps.

12 I think the conclusion is the same conclusion that
13 Bill and I have talked about. The shear strength of this
14 rubbish is fantastically high. It does not rip or tear. It
15 has the opposite of granite, which resists movement. It
16 yields like a bowl of Jello. The motions are not transmitted
17 in a disruptive manner. These landfills don't settle or
18 subside or split or slide out. And we've got a lot of
19 empirical information that says that that's so.

20 Now, Bill traveled to these landfills near Whittier
21 subsequent to the more recent shaking, along with some of my
22 people from Orange County and some from Los Angeles County.
23 We invited the people from Washington that are putting
24 together those regs under Subtitle D to come out here. Would
25 you believe it, they told me they didn't have the budget.

1 They didn't have the travel budget to come out here and study
2 these landfills and yet they're writing the regulations for
3 earthquakes.

4 BOARD MEMBER BREMBERG: Did you take pictures,
5 Frank?

6 MR. BOWERMAN: I wasn't there. I wasn't able to go
7 on the trip.

8 MR. ORR: Paul did.

9 MR. BOWERMAN: So I'd like to just suggest to you
10 that a three-to-one intermediate slope would be terribly
11 disabling and I'd really rather not see that in here as a
12 criterion, an average of three-to-one on an overall slope.
13 Mind you, you have to have benches. You cannot have a long
14 continuous slope, because you need to drain the water off and
15 prevent it from building up and eroding.

16 So landfills will continue to be built with slopes,
17 benches, slopes, and benches. I think the average of
18 three-to-one is a livable compromise.

19 BOARD MEMBER BEAUTROW: If we insert the word
20 "average" in there -- steeper than an average
21 horizontal-to-vertical ratio of three-to-one.

22 MR. BOWERMAN: That would help a lot. Thank you.

23 MR. ORR: I might just add, now that Frank reminded
24 me, that in addition to the tour that he alluded to after the
25 Whittier earthquake, the Los Angeles County Sanitation

1 Districts have also been actively addressing this issue and
2 have just completed a report for their landfills, I believe,
3 the five landfills that they operate. I have been promised a
4 copy of their report and it should be a very interesting
5 document where they've actually done some of the things that
6 are outlined in the elements of this standard in their study.
7 So it should give us some good field data to take a look at.

8 BOARD MEMBER BREMBERG: Mr. Chairman.

9 BOARD MEMBER GALLAGHER: Excuse me, Mr. Chairman,
10 let me ask a question.

11 What is --

12 CHAIRMAN ROODZANT: Mrs. Bremberg.

13 BOARD MEMBER BREMBERG: I was just going to ask
14 Bill -- or suggest that we as a board combine with L.A.
15 County San Districts and all interested people, alert our
16 congressional representatives, both the Senate and Congress,
17 to that report and indicate that the Environmental Protection
18 Agency, which is formulating regulations, were unable, after
19 being invited, to attend and witness that the pictures had
20 been sent and document that we have the accurate information,
21 and that it would certainly benefit their constituents if
22 they and/or their staffs would pay very close attention to
23 what was happening and bring it around through the political
24 process. Because, first of all, if their budgets -- I've
25 noticed their budgets enable them to fritter off to look at a

1 wood burning process in Austria or something. So I kind of
2 doubt that that -- I mean, I don't believe that that was a
3 legitimate excuse.

4 But I don't think they want to be confused with the
5 facts. They've made up their minds that this is the way
6 they're going to go. But I do think that we have enough
7 votes in Congress and they each have enough staff interest to
8 really get their attention and tell them that these are the
9 facts and this is what has been proven and it's as of
10 October 1st, 1987.

11 CHAIRMAN ROODZANT: Mr. Gallagher.

12 BOARD MEMBER GALLAGHER: I was just going to ask
13 Bill, Frank and I talked right after that Whittier earthquake
14 about the fact that there was no displacement in Puente
15 Hills, as I recall. That's a pretty substantial landfill
16 operation there. If there was none as evidenced -- and I'm
17 sure Steve Maguin, who I talked to later about it -- I'm sure
18 the report will show that. What do they use? Do they use
19 40-foot lifts, 15-foot benches, what have you?

20 MR. ORR: They use a very similar kind of a design.
21 I'm not sure if it's exactly. But I'm pretty sure that most
22 of theirs are -- I know that Scholl Canyon, for example, I
23 think, is one-and-three-quarters-to-one that settles to
24 two-to-one. So it would have that general three-to-one
25 overall slope. I believe that a similar thing would be true

1 for Puente Hills as well.

2 BOARD MEMBER GALLAGHER: I ask the question because
3 we're in public record here and I think the public record
4 ought to indicate what the experience was.

5 MR. ORR: Right.

6 BOARD MEMBER GALLAGHER: And I think it supports the
7 fact that, based on public testimony, that we could adopt, as
8 Mr. Beautrow has suggested, language which would put us at an
9 average of three-to-one without any fear of criticism.

10 MR. ORR: That's fine.

11 The report goes beyond the field observations due to
12 that earthquake and actually goes through the analysis that
13 I've outlined here. And what it basically came up with is
14 that at the base of the landfill during the design earthquake
15 that they used, they came up with a couple of inches of
16 displacement. And at the very top of the landfill they got
17 on the order of several feet of displacement, mostly as
18 settlement; which is something that most of their systems,
19 such as the landfill gas system, is designed to accommodate
20 on a daily basis due to expansion and contraction of those
21 various lines.

22 Those are the kind of things that if you look at
23 that criteria that that is calling for and they've already
24 done that, then combined with that you see the empirical data
25 for how in fact these landfills perform during that

1 earthquake. It was a moderately-sized earthquake. It had
2 accelerations well in excess of that which is called for in
3 the EPA criteria. The accelerations were about .4 Gs, which
4 is quite a bit higher than you have to design for. There was
5 really -- well, the operators on the landfill didn't even
6 notice that there was an earthquake over the D-8s driving by.

7 BOARD MEMBER GALLAGHER: You would have a hell of a
8 time convincing the guy in Whittier that that was a moderate
9 earthquake.

10 BOARD MEMBER BREMBERG: But I think the historical
11 data should be included in what was said -- the '71 quake,
12 Bowerman's experience, and the whole thing. Because I think
13 this is where push comes to shove.

14 CHAIRMAN ROODZANT: Mr. Beautrow.

15 BOARD MEMBER BEAUTROW: Last thing. Since Frank
16 brought it up and it's not even mentioned about the benches
17 at all and heights, should we -- is this the appropriate
18 place to make some -- I mean, that is some kind of a criteria
19 that --

20 MR. ORR: I think if we're looking at trying to look
21 at performance standards, there is the provision in here that
22 could call for benches and so forth. I guess we could give
23 benches, you know -- height of lift and bench width and then
24 provide for some other design.

25 I guess what I was trying to avoid here is lock

1 somebody into a particular height for their particular
2 landfill.

3 BOARD MEMBER BEAUTROW: No, no. But you could say
4 something that the average height, including -- making
5 reference with the benches and everything, or benches shall
6 be included as appropriate for drainage.

7 MR. ORR: Right. Okay.

8 VICE CHAIRMAN MOSCONE: Next.

9 EXECUTIVE OFFICER EOWAN: That would conclude our
10 discussion for today, Mr. Chairman. Then tomorrow morning we
11 could carry on with Items 14A and C. And then the rest of
12 this we would propose to take up next time, next Board
13 meeting.

14 VICE CHAIRMAN MOSCONE: We could knock it off at
15 this point and take this at our next meeting?

16 EXECUTIVE OFFICER EOWAN: Yes, sir.

17 VICE CHAIRMAN MOSCONE: I guess I thought that if we
18 take as long with A and C tomorrow and finish this off, why
19 we've got a couple of long days.

20 EXECUTIVE OFFICER EOWAN: Yeah. Tomorrow we have a
21 number of individuals, as I pointed out to you earlier, that
22 have indicated they wish to speak. So we expect a lot of
23 testimony on both A and C tomorrow.

24 VICE CHAIRMAN MOSCONE: Let's not put ourselves in a
25 position where we're going to have to lose some of our

1 members because of it being Friday and making their flights
2 home.

3 BOARD MEMBER CALLOWAY: Mine is at 3:45, if you want
4 to know what time mine is. I don't know what time anybody
5 else's is.

6 BOARD MEMBER BREMBERG: 5:00.

7 BOARD MEMBER CALLOWAY: 5:00. I can change it if
8 that's necessary.

9 EXECUTIVE OFFICER EOWAN: We've tried to budget it
10 for about a three-hour meeting tomorrow. So I think we'll be
11 okay.

12 VICE CHAIRMAN MOSCONE: If it's three hours, there's
13 no problem.

14 BOARD MEMBER CALLOWAY: We should be done by noon
15 then tomorrow.

16 BOARD MEMBER GALLAGHER: Let me ask a question at
17 that point: Do you feel that we've been through some of the
18 really heavy stuff this afternoon, or is the stuff coming
19 going to be even heavier?

20 MR. ORR: I'd say the one heavy that we've been
21 through today has been the final cover. But we have several
22 major items -- groundwater monitoring, leachate and gas.
23 Several left to go.

24 BOARD MEMBER GALLAGHER: Based upon your experience
25 here this afternoon, what would you say we're looking at to

1 finish up B in terms of time? Don't be hesitant to make a --

2 EXECUTIVE OFFICER EOWAN: Probably about two hours.

3 BOARD MEMBER GALLAGHER: How do you figure A and C
4 to go, George?

5 EXECUTIVE OFFICER EOWAN: About three.

6 BOARD MEMBER GALLAGHER: About three hours. So
7 we're talking a five-hour day then.

8 EXECUTIVE OFFICER EOWAN: Well, we would propose to
9 do the rest of B at the next Board meeting in May, or
10 whenever we schedule another meeting. So we would put this
11 part off and you'd see this again in your next Board packet.

12 BOARD MEMBER GALLAGHER: Would that keep us within
13 the timeframe to get this to --

14 EXECUTIVE OFFICER EOWAN: Yes. If we just keep
15 moving, we're okay. Yeah, I think we're all right.

16 BOARD MEMBER BEAUTROW: Would you reiterate the
17 schedule?

18 EXECUTIVE OFFICER EOWAN: Tomorrow morning we would
19 begin --

20 BOARD MEMBER BEAUTROW: No, no, no. I mean the
21 overall schedule to complete this and get it to OAL is what?

22 MR. IWAHIRO: The final date that we have to have
23 this done is by July 1989. Sometime prior to January of 1989
24 the Advisory Committee is supposed to give us some guidelines
25 for developing these regulations.

1 So it's kind of like we're going hand in hand. Of
2 course, we're working with the Advisory Committee. So I
3 don't have the exact schedule. The hope is that by
4 January 1st we'll have pretty much nailed down everything.
5 Because we'll be working in tandem with them. We will
6 hopefully have the federal Subtitle D criteria in hand so
7 that we can coordinate with that. I think we'll hopefully be
8 well on our way in January.

9 VICE CHAIRMAN MOSCONE: Would going through Sections
10 776 and 778 now be lengthy?

11 EXECUTIVE OFFICER EOWAN: Yeah. They're saying yes.

12 BOARD MEMBER CALLOWAY: Yeah, it's been a long day.
13 I mean, we've been here quite a while today, since 9:00 this
14 morning. I'd just as soon --

15 CHAIRMAN ROODZANT: What's the pleasure of the
16 Board?

17 BOARD MEMBER CALLOWAY: Let's start tomorrow morning
18 fresh at 9 o'clock.

19 CHAIRMAN ROODZANT: On this item or Item A and C?

20 EXECUTIVE OFFICER EOWAN: No, we have to do A and C
21 because we've asked speakers.

22 CHAIRMAN ROODZANT: Any objection?

23 Hearing none. So ordered.

24 Before we recess, the Board will meet in executive
25 session at 8 o'clock tomorrow morning to discuss personnel,

1 reconvene at 9:00 in public session.

2 (Thereupon the meeting of the California Waste
3 Management Board was adjourned at 4:20 p.m.)

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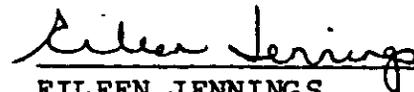
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I, EILEEN JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

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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 28th day of April, 1988.



EILEEN JENNINGS
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