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MEETING
CALIFORNIA WASTE MANAGEMENT BOARD

HEARING ROOM
RIVER CITY BANK BUILDING
1020 NINTH STREET
SACRAMENTO, CALIFORNIA

COPY

FRIDAY, JUNE 24, 1988
9:00 A.M.

Nadine J. Parks
Shorthand Reporter

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MEMBERS PRESENT

John P. Moscone, Chairman
Sam Arakalian
Philip Beautrow
Ginger Bremberg
Les Brown
John F. Gallagher
E. L. "Skeet" Varner

STAFF PRESENT

George T. Eowan
Herbert Iwahiro
Alan Oldall
Joellen Jackson
Robert F. Conheim

Other Participants

Ed Wosika
Water Resources Control Board

Frank Bowerman
Orange County

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P R O C E E D I N G S

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3 CHAIRMAN MOSCONE: We do finally have a quorum.
4 We will proceed with the meeting, which was recessed
5 yesterday on Item No. 2, discussion of regulations.

6 Item No. 2C, report of facility information.

7 MR. IWAHIRO: Yes, Mr. Chairman, Board members.
8 Is this thing on? (Speaking of microphone)

9 Okay. Item 2C is regarding a new area; actually,
10 it's a combination of a couple of things that were required
11 in the past. It's kind of a disposal site information
12 and what we call a report-side information. These were
13 parts of requirements for permit and parts of requirements
14 for minimum standards. We're combining the two.

15 BOARD MEMBER ARAKALIAN: Excuse me. Where are
16 you?

17 MR. IWAHIRO: Page 51.

18 BOARD MEMBER ARAKALIAN: Okay. I didn't hear
19 you. Thank you. Got it.

20 MR. IWAHIRO: We're combining the two and
21 making it into one section. And we're also adding into
22 it, as noted in our key issues, waste to energy requirements.

23 So, Martha and Bill Orr will be presenting this
24 item. Going through, we have stated our format in the past
25 has been like, what are some of the problems, what are

1 the current regulations, and what's proposed. And we'll
2 go through it in that fashion.

3 Bill Orr and Martha.

4 MS. GILDART: Good morning, Mr. Chairman and
5 members of the Board.

6 As Herb said, what we propose to do here is
7 a consolidation of existing regulations and the addition
8 of some new regulations.

9 The report of station information and report of
10 disposal site information are required documents to
11 accompany your permit. One is for a transfer or processing
12 station and the other is for landfills. We hadn't any kind
13 of report requirements for waste to energy or resource
14 recovery facilities.

15 What we are proposing to do is move the
16 regulations for the report from the Chapter 3 minimum
17 standards to Chapter 5, which contains the permit
18 requirements, the ones we went over yesterday.

19 The report will now be referred to as report
20 of facility information, a generic title, with specific
21 descriptions of information required for each kind of
22 technology.

23 And I'd like to go over now the intent. The
24 reason for having the report is to furnish the review --
25 the local enforcement agency and the Board, the people

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1 responsible for the review of the permit -- with the
2 technical information required for them to develop permit
3 conditions.

4 And the report is to be a very technical document
5 that completely covers the operation and the design of the
6 facility. Any amendments, any changes to the facility have
7 to be made to the report and must be kept current onsite,
8 so that any enforcement people coming to inspect the
9 facility can have a document to refer to to see how
10 they are actually doing what they are permitted to do,
11 what they are required to do.

12 The document should also be reviewed in the
13 process of the five-year permit review. And if it has been
14 kept current as any changes to the station were made, then
15 the changes should be there, you know, easily identifiable
16 when reviewing the permit.

17 Staff is proposing to create a new article
18 in Chapter 5, Article 3.2, report of facility information.
19 The requirement for report will be combined for all types
20 of waste handling facilities.

21 What I have done is to refer waste to energy
22 in the resource recovery category. So there will be a
23 category that will be titled for transfer stations, a
24 category for landfill sites, disposal site, and a category
25 for resource recovery, which would cover waste to energy,

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1 recycling centers, composting centers, whatever we'd want
2 to put under that term.

3 So, I'll start now going through the actual
4 regulations. So, what page is that?

5 You can turn to page 58 of your packet. And
6 I'll do as I did yesterday. I'll just go through the
7 proposed language and explain the background of the
8 changes. I think that makes it a little simpler than
9 doing it separately.

10 MR. IWAHIRO: Was that 58?

11 MS. GILDART: Yes, 58. Article 3.2,
12 report of facility information is the title on the top of
13 the page.

14 MR. IWAHIRO: I think it's page 52 in your
15 packet, right?

16 MS. GILDART: I'm skipping the problem
17 statement discussion.

18 MR. IWAHIRO: Oh, okay.

19 MS. GILDART: And I'm combining it with the
20 proposed language changes and give background as I go
21 through it.

22 MR. EOWAN: The Board understands.

23 MS. GILDART: Okay. The first section, you'll
24 notice a strike out. They originally occurred in Chapter
25 3. That's why the numbers are so vastly different from the

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1 changes.

2 So, the new number will be 18220, and it follows
3 the permit information essentially.

4 Section 18220, report of facility information.
5 In order to obtain a solid waste facilities permit, each
6 operator of a transfer/processing station, a disposal site
7 or facility, or a resource recovery facility must file
8 with the enforcement agency a report of facility information.

9 The information contained in the report shall
10 accompany the permit application and shall be used by the
11 enforcement agency to determine whether the facility's
12 design and operation can comply with the State minimum
13 standards and what conditions must be placed in the solid
14 waste facilities permit.

15 In order to maintain the permit, the operator
16 must file amendments to the report in the manner specified
17 in Section 18228. Such amendments or lack thereof may
18 become the basis for revision of the permit or for
19 revocation of the permit.

20 Are there any questions or comments?

21 All right. Then I'll move on to the next
22 section.

23 Now, this section is -- most of it is a repeat
24 of the existing requirements under the transfer station
25 report. We've deleted a couple and added a couple. I'll

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1 read through the way it stands now.

2 Section 18221. A report of facility information
3 for a transfer station shall contain the following:

4 (a) Plans and specifications for the station,
5 to include a site location map, a site plan, and
6 identification of adjacent land uses and distances to
7 nearby residences or structures.

8 (b) An engineering report describing processes
9 to be used, including proposed pollution control devices
10 and estimated quantities and types of solid wastes to be
11 processed. Information of a proprietary nature need not
12 be disclosed.

13 (c) A descriptive statement of the operations
14 conducted at the station.

15 (d) A schematic drawing of buildings and other
16 structures showing layout and general dimensions for
17 unloading, storage, compaction, processing, parking, and
18 loading areas.

19 (e) A descriptive statement, including the
20 means to control litter, odors, rodents, and insects;
21 emergency provisions for equipment breakdown or power
22 failure; and the maximum length of time solid waste will be
23 stored in the station.

24 (f) The description of transfer equipment,
25 including type, capacity, and number of units.

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1 (g) An estimate of the design capacity and
2 current daily capacity of the station in tons.

3 (h) A description of provisions to handle
4 unusual peak loadings.

5 (i) Anticipated volume of quench or process
6 water required and planned method of treatment and disposal
7 of any wastewater.

8 (j) Resume of the management organization which
9 will operate the station.

10 (k) A compilation of the conditions, criteria,
11 and requirements reestablished by the various approval
12 agencies having jurisdiction over the station.

13 That should be (l).

14 A description of monitoring equipment or
15 methods required by the agencies having regulatory
16 jurisdiction over the facility.

17 If the station meets the definition of small
18 volume transfer station in Section 17225.68, the report need
19 only include the plan of operations as defined by
20 Section 17423 and paragraphs (a), (f), and (g) above.

21 Are there any comments or questions?

22 BOARD MEMBER BREMBERG: Mr. Chairman?

23 CHAIRMAN MOSCONE: Mrs. Bremberg.

24 BOARD MEMBER BREMBERG: On (j), where you say,
25 "Resume of the management organization," is the assumption

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1 made, or should it be clearly defined that there should
2 be an emergency telephone number where people can be
3 contacted?

4 MS. GILDART: Okay. Yes, that's good. We can
5 add that.

6 BOARD MEMBER BREMBERG: I don't -- I mean you
7 think it would be on, but not necessarily. And I think
8 it's essential that we have this, because that's one of
9 the things that we've been carrying through on the others.

10 MS. GILDART: You're right. That's a good
11 point.

12 BOARD MEMBER VARNER: Mr. Chairman?

13 CHAIRMAN MOSCONE: Mr. Varner.

14 BOARD MEMBER VARNER: I want to ask one
15 question. On these small volume transfer stations, it
16 says, "Plan of operations as defined by Section 17423,"
17 you know what those plan of operations are?

18 MS. GILDART: Yes. I had a copy of it with
19 me. I thought someone might ask. Here it is.

20 Okay. Plan of operations. Each operator of a
21 small volume transfer station shall prepare and submit
22 to the enforcement agency a plan of operation for the
23 station summarizing procedures for handling complaints,
24 maintenance, health and safety, site controls, and
25 frequency of removal of the wastes from the station.

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1 So, by adding (a), which describes what kinds
2 of plan, site maps, and descriptions; and then, (f), the
3 description of transfer equipment; and then, (g), an
4 estimate of design capacity and current daily capacity
5 of the station in tons, we're trying to get a complete
6 picture of what will go on there and not create an
7 undue burden.

8 A small volume transfer station is a station
9 that handles a hundred cubic yards a day or less of waste.

10 BOARD MEMBER BEAUTROW: Mr. Chairman?

11 CHAIRMAN MOSCONE: Mr. Beautrow.

12 BOARD MEMBER BEAUTROW: A couple of things.

13 On (g), an estimate of the design capacity. I don't know
14 why you want an estimate of the design capacity.

15 First of all, there's two things. One is the
16 current design capacity, which is -- could be the
17 throughput. And a lot of transfer stations, they may be --
18 for their first phase or their current operation a thousand
19 tons a day, and they may have provisions for a second
20 slot or whatever to hold 2,000. So, there's a couple of
21 things. So, it's not an estimate. You should have the
22 design capacity and present throughput. And to standardize
23 this is the comment I made yesterday. Everybody uses a
24 different -- well, not everybody -- there's a different
25 measure. Is it a five-day basis? Is it a seven-day basis?

1 Is it a monthly basis?

2 I would say the average daily capacity on a
3 five-day basis ought to be some kind of a standard that
4 we ought to use. And when you get to the landfill, we
5 ought to use the same thing for the throughput.

6 Maybe other people -- you could use whatever
7 you want to when you design it, but convert it back to
8 that so we all know what we're talking about.

9 MS. GILDART: That's a good point.

10 BOARD MEMBER ARAKALIAN: Mr. Chairman?

11 CHAIRMAN MOSCONE: Sam?

12 BOARD MEMBER ARAKALIAN: When you say so much,
13 you know, per day on a five-day basis, does that mean
14 that that transfer station wanted to work six days, they
15 couldn't?

16 BOARD MEMBER BEAUTROW: It doesn't mean that
17 at all. Whatever they -- one way to do it would be to
18 have, when they design the thing, to do it on a seven-day --
19 like a 2,000 tons a day, seven days a week times 365 days
20 a year, and then convert that all back, and say, on the
21 average, if I did it on a five-day basis, it would be this
22 much.

23 And it still leaves them with the prerogative
24 to do whatever they want to in the design of it. I'm just
25 saying the way they report it ought to be some kind of

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1 a standardized thing. Just because they exceeded the
2 average on one day, doesn't mean they couldn't operate on
3 Saturdays or go twice as much on the next day. I think
4 it's an average thing.

5 MS. GILDART: You would average -- what they
6 would put in as the daily capacity is an average figure
7 for what they would receive.

8 BOARD MEMBER BEAUTROW: Something that we
9 could understand or relate to, because everybody -- well,
10 there is a lot of different ways of doing it.

11 The average daily capacity on a five-day basis --

12 MS. GILDART: (Interjecting) That might be
13 something we could define.

14 BOARD MEMBER ARAKALIAN: Or do we have a weekly
15 limit on it?

16 BOARD MEMBER BEAUTROW: It would make a
17 difference in that we don't have an understanding of what
18 they're talking about.

19 If it's a 2,000 ton a day transfer station, what
20 does that mean?

21 BOARD MEMBER ARAKALIAN: That would mean they're
22 capable of doing 2,000 tons a day.

23 Is it their prerogative how many days they
24 operate? Or do they have to --

25 BOARD MEMBER BEAUTROW: I'm saying we should say

1 that it's on a fiye-day basis.

2 BOARD MEMBER ARAKALIAN: (Beginning of comments
3 were not heard by reporter). When they say how many
4 days, are they bound by that? Well, if they're not,
5 they'd still have the flexibility of doing as many days
6 as they want.

7 It wouldn't tell us anything if they put it in
8 as five days, and decided to run three or seven, unless
9 they put in with that a weekly number.

10 BOARD MEMBER BEAUTROW: Well, I don't think we
11 want to get into that.

12 (Thereupon both Board members spoke
13 at the same time, untranslatable to
14 reporter.)

15 BOARD MEMBER BEAUTROW: (Beginning of comment
16 obscured by both members speaking at once) -- landfill,
17 they can only handle so much on the average, so many tons --
18 so many tons during that --

19 BOARD MEMBER ARAKALIAN: That's what it sounds
20 like we're doing. If we put the number of days, then if
21 the days become important enough to write in, then their
22 impact should be important. So that would mean that you
23 have to say a thousand tons a day, 7,000 a week, or
24 something to limit it.

25 If you wanted to limit it weekly, then the

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1 thousand ton a day is fine, and they can run it as many
2 damn days as they want.

3 BOARD MEMBER BEAUTROW: I'm not trying to make
4 a limita-- I'm just saying the way that it's stated right,
5 now doesn't mean too much.

6 I'm trying to clarify it.

7 CHAIRMAN MOSCONE: Well, if it's too much
8 trouble to have each one of them tell you what the tonnage
9 is over five days or six days or whatever -- for example,
10 in the case of San Francisco, you might say, it's a
11 five and a half day -- well, in San Francisco, they get
12 Monday through Friday, let's say. On Saturday, both
13 companies have reduced their work. They've combined some
14 of the routes, and they handle just stuff -- apartment
15 houses and commercial that needs service.

16 On Sundays, they also give service to
17 restaurants, hotels, Fishermen's Wharf, and all that kind
18 of stuff. So, they're going seven days. But I don't know
19 if they're telling you in San Francisco's plan -- I don't
20 know what they're telling you what the volume is at the
21 transfer stations.

22 MS. GILDART: I see two points here. One is,
23 when we're talking about current conditions, we would have
24 specified a maximum capacity limit. Let's say a thousand
25 tons per day. They could take in 800, or 900, or 600, or

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1 even a thousand, but they couldn't go over the thousand.

2 And that's one number, would be the permitted
3 capacity. Okay.

4 And the other thing is that they need to specify
5 is that one thousand, like each day only?

6 I think that Mr. Beautrow's question was that
7 if you take a facility that operates five days a week
8 and it's allowed a thousand tons a day, that's 5,000 tons
9 in a week. But let's say it opens up for seven days, are
10 they allowed an additional thousand tons each day, or
11 do they have to keep it that week?

12 Is that where your concern is? The days of
13 operation?

14 BOARD MEMBER BEAUTROW: No, that's not my
15 concern at all.

16 The only one that -- Puente Hills is the
17 classic example, because when they reach -- they can
18 only take so much in, and when they reach that during the
19 day, they close the gates. That's a very classic example.

20 I don't think we want to do that. I believe --
21 I mean I don't think we want to tie their hands, but we
22 ought to have some better understanding of what it means
23 when you say that it's a 2,000 ton a day transfer station.

24 The only point I'm trying to get across is that
25 there's going to be peaks. They might have to handle

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1 3,000 tons a day during an Olympic event or something.

2 MR. EOWAN: That's a different situation. What
3 you want to do is you want to permit it according to the
4 design capacity on a daily basis, and you want to know
5 how often that facility is in operation.

6 So, it will say the design capacity is a thousand
7 tons a day, and it is permitted to operate five days a
8 week or seven days a week, whatever the number is. That's
9 up to them to tell us. And that's how the permit is
10 based.

11 To exceed that would be beyond the bounds of the
12 permit.

13 MS. GILDART: We could recommend in developing
14 a permit that they look at their maximum expected peak
15 and say, "Get your facility designed and permitted for that
16 amount. You may not operate at that level on a daily
17 basis. . ." --

18 BOARD MEMBER BEAUTROW: That's what I would
19 prefer.

20 BOARD MEMBER BROWN: Mr. Chairman?

21 CHAIRMAN MOSCONE: Mr. Brown.

22 BOARD MEMBER ARAKALIAN: But then, again, I keep
23 maintaining --

24 BOARD MEMBER BROWN: That's okay. Go ahead.

25 BOARD MEMBER ARAKALIAN: Excuse me.

1 BOARD MEMBER BROWN: I think your last point
2 was a good one.

3 Everybody comes in at a thousand tons a day for
4 seven days a week. And yesterday, we talked about 20
5 percent on the increase side only. This would tend to
6 follow that same idea. So if they drop below a thousand
7 tons for seven days a week, fine.

8 However, in looking at State landfill capacity,
9 you'll get a distorted picture, because some are going to
10 operate three and five. I don't know whether Phil was
11 headed towards some way of looking at landfill capacity
12 based on an average figure per day or not. I wasn't quite
13 sure about that.

14 George, your -- your, of course, comments are
15 exactly the way it should work. If somebody's going to
16 operate five days a week, then they write it down and say
17 so. If they exceed that, they have a significant change,
18 they have to go on accordingly.

19 But then, when you look at the State's flow and
20 capacity, you'll get an accurate number.

21 CHAIRMAN MOSCONE: I think actually we have two
22 statements at once or maybe three. An estimate of the
23 design capacity. Well, when you get your permit, you
24 know what your design capacity is.

25 MR. EOWAN: That's true.

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1 CHAIRMAN MOSCONE: And current daily capacity
2 of the station in tons. So, you're talking about -- I
3 really don't think you need the estimate. The design
4 capacity is designed to handle a thousand tons a day, and
5 the current daily capacity -- well, what are you getting
6 on Monday; what are you getting on Tuesday; what are you
7 getting on Friday?

8 And the capacity is the same whether it's on
9 Monday or Friday. And the daily capacity is still the
10 same. You can handle -- the station hasn't changed, so
11 that -- unless we're talking about this, does this
12 cover -- no, I don't think this covers the small volume.

13 MS. GILDART: We could change that section to
14 just say the design capacity of the facility. One of the
15 permit conditions is a requirement for recordkeeping of
16 the actual amount of waste received.

17 And that is a requirement in the permit. So,
18 there will be a design capacity. And you're right, it
19 shouldn't be an estimate. It should be accurate. An
20 estimate, you know -- we should have the actual design
21 capacity and then daily amounts received. And you can
22 compare how the two fit.

23 BOARD MEMBER BEAUTROW: I've got to say it
24 again. If you're going to say daily capacity on -- based
25 upon what kind of a week? Is it a five-day week? A six-day

1 week, or a seven? You've got to have some kind of a
2 statement in there on the basis of the design, not just the
3 design capacity.

4 MS. GILDART: We can require that data in the
5 report so that we know what days. You know, each
6 station may choose to do it differently.

7 But we can make a requirement that they
8 specify.

9 CHAIRMAN MOSCONE: Current daily capacity. The
10 capacity is not going to change. The current daily input
11 or whatever I think makes more sense. Because the
12 capacity of the station doesn't change. They can still
13 handle a thousand tons a day whether they bring in a
14 hundred tons or a thousand.

15 They still have the same capacity. What we're
16 interested in knowing is how much goes into that place and
17 how much goes out of it.

18 MR. EOWAN: Sure.

19 CHAIRMAN MOSCONE: Not how much it'll hold. Not
20 how much the pit will hold or whatever.

21 MS. GILDART: We need both, both of those.

22 BOARD MEMBER ARAKALIAN: Mr. Chairman?

23 CHAIRMAN MOSCONE: Mr. Arakalian.

24 BOARD MEMBER ARAKALIAN: Wouldn't it behoove us
25 to just say, unless they otherwise do it, I mean, say, make-

1 if you want to know the capacity of that station for the
2 long scope of the thing to see what the capacity is of
3 handling our waste stream, base it on seven days. If they
4 want to use it less, they can. And you know, they can't go
5 more than seven, because that'd be real hard to do.

6 And permits -- what do you call that permit?
7 The land use permit might vary on various ones and
8 restrain them from doing seven, because in a particular
9 area we say, we don't want you working Saturday or a
10 Sunday. But as far as their permit, it's good for seven.
11 And they can specify differently, when necessary,
12 commensurate to the land use permit.

13 Because that way you're giving them the whole
14 damn thing. They can go up to seven and anything less than
15 they want.

16 Otherwise, every time a guy wants to change,
17 he'll be coming back for an amendment or whatever you want
18 to call it.

19 You certainly can't amend it up, and you don't
20 need an amendment to go down, so seven would be the logical
21 number to put in.

22 CHAIRMAN MOSCONE: Could we cover some of this
23 under (c)? A descriptive statement of the operations
24 conducted at the station? So they could say the
25 station is conducted and operates six days a week, five

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1 days a week, or whatever.

2 MR. EOWAN: So we would add a statement that
3 says the facility intends to operate seven days a week
4 or we would ask for that information --

5 MS. GILDART: Ask for it in the --

6 MR. EOWAN: -- at that point.

7 BOARD MEMBER BREMBERG: In (c).

8 MR. EOWAN: In (c). Okay.

9 BOARD MEMBER BEAUTROW: Could you add one more
10 thing there? And I didn't mention this, but always -- not
11 always -- but usually in the permit is how often do they
12 clean it out.

13 In other words, is it a 12-hour or 24-hour, or
14 whatever, because, you know, you have to stop receiving the
15 waste and clean the station out. You just don't operate --
16 is it anyplace in there?

17 MR. EOWAN: I think it's in the standards, yeah.

18 MR. IWAHIRO: I think it's in the minimum
19 standards themselves.

20 MS. GILDART: But you do bring up the point,
21 because I believe I added it for the resource recovery. I
22 did add it in the report of station information for
23 resource recovery. So to be consistent, maybe we should
24 look at it -- we don't yet have the standards developed
25 for the waste to energy resource recovery projects.

1 I'll look into that.

2 BOARD MEMBER ARAKALIAN: Mr. Chairman?

3 CHAIRMAN MOSCONE: Mr. Arakalian.

4 BOARD MEMBER ARAKALIAN: Are we later --

5 CHAIRMAN MOSCONE: Would you speak up?

6 BOARD MEMBER ARAKALIAN: -- have we agreed or
7 come to a stipulation as to what the maximum amount they
8 can store? For example, a one-day supply or a two-day
9 supply, or whatever -- is there a limitation to that,
10 what they can store up?

11 MS. GILDART: In the minimum standards, that
12 requires 48 hours for --

13 BOARD MEMBER ARAKALIAN: 48 hours?

14 MS. GILDART: -- it to be --

15 BOARD MEMBER ARAKALIAN: (Interjecting) That's
16 already in there. Okay. I don't know if it was in there.

17 MR. EOWAN: And on the cleaning, 17426 for
18 small volume transfer stations, it says that the small
19 volume transfer stations shall be thoroughly cleaned
20 weekly or as required in the solid waste facility permit.

21 So, it's a weekly standard.

22 MS. GILDART: For small volume.

23 MR. EOWAN: For small volume.

24 MS. GILDART: For large volume, it's 48 hours.

25 So that's in minimum standards.

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1 BOARD MEMBER VARNER: Mr. Chairman?

2 CHAIRMAN MOSCONE: Mr. Varner.

3 BOARD MEMBER VARNER: This raises a question.

4 When you say weekly, what is it for a large volume
5 transfer station?

6 MR. IWAHIRO: 48.

7 MS. GILDART: 48 hours for a large volume and
8 a week for a small under the minimum standards.

9 BOARD MEMBER VARNER: Now, the planned
10 capacity, let's say, is a thousand ton. So, that means
11 if they don't clean it out that day, are they able to take
12 a thousand ton and then not do anything with it, and another
13 thousand ton on top of it? I don't think that's intended,
14 is it?

15 MR. EOWAN: A thousand would be a large volume.

16 BOARD MEMBER VARNER: A thousand ton --

17 MS. GILDART: (Interjecting) That would be a
18 48-hour limit.

19 BOARD MEMBER VARNER: Say they had a thousand
20 ton in today and they didn't take it away. Could they
21 handle another thousand ton before they removed it? No.
22 So, it seems like you've got a contradiction there.

23 Why isn't it just should be removed? In other
24 words, they can't have more than a thousand ton at any one
25 time in their facility if that's their capacity.

1 MR. ARAKALIAN: Oh, yes, they can. That's the
2 capacity to operate. But they can have as much as a 48-
3 hour stockpile.

4 You might bring in hypothetically 1500 tons a
5 day, but only process a thousand of it, and then only
6 bring in -- hopefully, only bring in -- then you'd only
7 be able to bring in a thousand -- 500 tomorrow and process
8 that thousand. You might have brought it in in increments
9 of 1500 at a time, but you process a thousand.

10 And that's where the 48-hour storage stops
11 them for going more than two days.

12 BOARD MEMBER VARNER: Well, then, I don't
13 understand the term "capacity." You say it's a thousand-
14 ton capacity, that means the maximum amount they can
15 handle.

16 BOARD MEMBER ARAKALIAN: It means the maximum
17 amount that they can process, if you want to call it
18 process or whatever.

19 In other words --

20 BOARD MEMBER VARNER: Is that what it means?

21 BOARD MEMBER ARAKALIAN: Yeah, that's how it's
22 been all along. You can process a thousand tons.

23 BOARD MEMBER VARNER: I think you're wrong
24 there.

25 BOARD MEMBER ARAKALIAN: Let's say a lot of

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1 trucks come in and bring you 1500 ton. That's why we
2 give them -- they've been given that 48-hour thing, because
3 they might only be able to process -- their equipment
4 processes and moves out a thousand ton of it, and 500
5 would remain there.

6 But they certainly can't have it remain more
7 than 48 hours.

8 In other words, if they left some today,
9 tomorrow they better get it all cleaned up. Don't bring
10 in more than 500 tomorrow, because you're going to have to
11 get the whole thousand out of there. Your 500 can only
12 lay over one day.

13 BOARD MEMBER VARNER: Mr. Chairman?

14 CHAIRMAN MOSCONE: Mr. Varner.

15 BOARD MEMBER VARNER: I think you're wrong
16 there.

17 CHAIRMAN MOSCONE: Mr. Gallagher.

18 BOARD MEMBER GALLAGHER: I think what Sam is
19 saying, if I understand you correctly -- and if I do, then
20 I believe that there has to be some change made in the
21 language. There is a difference between the design
22 capacity insofar as storage is concerned and process is
23 concerned.

24 A station may only be able to process a
25 thousand tons a day, but they might be able to store more

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1 than that. And they have 48 hours in which to clean out
2 whatever it is that they store.

3 Now, am I understanding you correctly?

4 BOARD MEMBER ARAKALIAN: That's how I've
5 seen it in the past.

6 MR. EOWAN: What I think he has come upon is
7 a weakness in the language. I think that when we say
8 design capacity and current daily capacity, my sense is
9 the way that was originally written was to handle exactly
10 the issue you're talking about.

11 It's not clear that there is an intended storage
12 within the design capacity that's a different number than
13 the throughput number, which would be the daily throughput.

14 So, I think you put your finger on the right --

15 BOARD MEMBER VARNER: You're going to run into
16 some serious problems if you do that. I don't -- when you
17 say the design capacity is for a thousand tons, that's the
18 maximum it can handle; otherwise, you're going to have to
19 have a design capacity and a storage capacity.

20 Do you have any such terminology in your language
21 that gives them an additional thousand tons for storage
22 capacity?

23 MR. EOWAN: We don't specify it that way.

24 BOARD MEMBER VARNER: I don't think so.

25 BOARD MEMBER ARAKALIAN: We may not, but I'll

1 tell you something. That's how the operators of all
2 the transfer stations I've seen around L. A. mostly
3 operate. I mean, then we have been remiss in doing it,
4 because I've seen where the guys of the transfer station
5 will say, "Boy! We're really -- our pit is overflowing.
6 We had a bunch of stuff come. We'd better cut back the
7 trucks tomorrow, because we can't bring in as much," because
8 they brought too many in that day.

9 And they're all operating that way. And maybe
10 we're not telling them they have to do it that way. Maybe
11 we don't have a wording that says to do it that way. But
12 by the same token, their argument would be, I assume,
13 we also don't have wording that says they can't.

14 Our capacity tells them how much they can,
15 you know, ship, and do, and process, or whatever the devil
16 the words may be.

17 But we do not stipulate and never have what
18 is their containment, you know. So, if we're not giving
19 them a containment, then they can, in fact, operate that
20 way.

21 Because in their influx -- if you didn't do it
22 that way, it would be very impractical and probably
23 impossible for a thousand-ton station to do a thousand
24 tons. Because you certainly can't monitor those trucks
25 coming in to make sure they bring in one thousand. They

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1 could bring in a little more, a little less, as long as
2 you're taking it away at the rate of a thousand a day.

3 Because, otherwise, what are you going to do?
4 Cut off a truck in the middle of a load and say, "I'm
5 sorry," you did your thousand? Of course, they wouldn't
6 do that, but by the same token, four trucks are lined up
7 there to unload today, and you say, "I'm sorry. We hit our
8 thousand."

9 No. You take it in, and tomorrow, you know,
10 you start cutting back. And as long as the thousand is
11 going out, and that's probably why, originally, whoever
12 the wise people were that made the regulation was, that
13 no more than 48 hours storage.

14 So you can't bring in 3,000 ton and take it out
15 in three days. You better never exceed the amount you can
16 get rid of in 48 hours. But you can have the flexibility.
17 Otherwise, you have to know -- no way in heck can a guy
18 bring in exactly a thousand ton, period.

19 He has to bring in over a thousand in order to
20 ship out a thousand, doesn't he?

21 BOARD MEMBER VARNER: Not necessarily.

22 BOARD MEMBER ARAKALIAN: No?

23 BOARD MEMBER VARNER: Sam --

24 BOARD MEMBER ARAKALIAN: How does he stop it
25 off a thousand?

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1 BOARD MEMBER VARNER: -- when you say
2 capacity -- all right. Let's take a five-gallon bucket,
3 you know, when you say capacity --

4 BOARD MEMBER ARAKALIAN: Five gallons of water.

5 BOARD MEMBER VARNER: -- when you put more
6 than five gallons, it won't hold it.

7 BOARD MEMBER ARAKALIAN: Unless you use a
8 nonlinear method.

9 BOARD MEMBER VARNER: That's my point.

10 (Thereupon both members spoke at the
11 same time.)

12 BOARD MEMBER ARAKALIAN: We're not talking about
13 the capacity of how much they can hold. We're talking
14 about what they can process.

15 BOARD MEMBER VARNER: Where are they going to
16 put it?

17 BOARD MEMBER ARAKALIAN: Wherever they dump it.
18 Whether it's a pit method or the type that goes in with
19 those log methods, the tipping --

20 MR. EOWAN: Mr. Chairman. I think I hear an
21 agreement --

22 (Laughter.)

23 MR. EOWAN: -- in the description of the
24 problem. So, what I think our task is, is to try and write
25 some language that describes how it works in the real

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1 world and see if we can design permits around that.

2 We will go ahead and write some language and
3 bring that back to you in the next iteration.

4 BOARD MEMBER VARNER: Okay.

5 CHAIRMAN MOSCONE: There are several things to
6 think about --

7 MR. EOWAN: Yes.

8 CHAIRMAN MOSCONE: -- that could happen.

9 BOARD MEMBER BREMBERG: An awful lot more than
10 you really needed or wanted.

11 (Laughter.)

12 MR. EOWAN: Yes.

13 CHAIRMAN MOSCONE: Proceed.

14 MS. GILDART: Are there any other comments on
15 other portions of this?

16 MR. EOWAN: Don't ask.

17 BOARD MEMBER BEAUTROW: That's a rather bold
18 question.

19 MS. GILDART: The next section is for landfills.
20 Section 18222 --

21 CHAIRMAN MOSCONE: Excuse me. May I? (k) --

22 MS. GILDART: Okay.

23 CHAIRMAN MOSCONE: "A compilation of the
24 conditions, criteria, and requirements reestablished by the
25 various approval agencies having jurisdiction over the

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1 station."

2 That could be pretty lengthy, could it not?

3 MS. GILDART: As part of the permit requirement,
4 they are to submit copies of other permits, documents,
5 monitoring requirements. This would be a summary of those
6 documents. We want them contained in the report, because
7 the report is used. You don't usually trot around with
8 all the volumes of the permits. But the report is supposed
9 to be a stand-alone document that an enforcement personnel
10 can refer to when inspecting the station. We wanted a
11 summary.

12 Hopefully, it won't be too terribly long, but
13 there are several other permits.

14 CHAIRMAN MOSCONE: Well, this is in the present
15 standards --

16 MS. GILDART: Yeah.

17 CHAIRMAN MOSCONE: -- so, I don't know if it's
18 been any problem.

19 MS. GILDART: Is that all the comments on --
20 okay.

21 Section 18222, a report of facility information
22 for a landfill shall contain the following:

23 (a) A descriptive statement of the manner of
24 operation to be conducted at the site.

25 (b) Information shall be supplied showing the

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1 types and relative quantities of wastes to be received.
2 Specific mention shall be made concerning the receipt of
3 liquid or hazardous wastes.

4 The next paragraph, I have a change that's not
5 in your copy.

6 (c) Indication of the total acreage contained
7 in the site and either the total estimated capacity in
8 tons indicated in place densities assumed, or the
9 capacity in cubic yards. Also include a projection of the
10 life expectancy of the site based on current and/or
11 anticipated loadings.

12 BOARD MEMBER BREMBERG: You have eliminated the
13 approximate.

14 MS. GILDART: Yes, we have eliminated
15 "approximate" from that requirement.

16 (d) The general location of the proposed
17 disposal site shown on a map of at least the scale size
18 equivalent to a 1:24,000 USGS topographical quadrangle.
19 Such map shall show points of access to the site.

20 (e) A plot plan which delineates the legal
21 boundaries for which clear title is held by the applicant
22 and/or any parcels which are leased. For all new sites,
23 copies of lease agreements shall be submitted and
24 substantiation shall be shown that the disposal site owner
25 is cognizant of the disposal operations and of the

1 responsibilities assigned to the site owner by the
2 standards.

3 (f) Identification on the plot plan of the
4 specific limits of the existing and planned disposal areas
5 showing relationships to the property boundary lines and
6 adjacent land uses surrounding the site; distances to the
7 nearest structures shall be identified.

8 (g) A description of the sequence of development
9 stages of the disposal site operation, giving tentative
10 implementation schedules for development, usage, site
11 completion, and closure. Describe the extent of change
12 which will occur in areas which will be excavated for the
13 placement of wastes or for the mining of cover materials.

14 (h) A map showing the existing topographical
15 contours of the property and proposed final elevations of
16 the completed disposal site.

17 (i) Information on the underlying soils,
18 geology, and ground water occurrence based on test borings
19 conducted on the property.

20 (j) Plans drawn to scale showing cross-
21 sections and baseline profiles of existing surfaces,
22 bedrock, seasonal high water table, limit of excavation,
23 drainage, and wells.

24 (k) Description of all surface and subsurface
25 drains which are to be used to control water from areas

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1 on or adjacent to the disposal site. The location and
2 type of protective dikes, berms, and levees shall be
3 described.

4 (l) If leachate generation is anticipated,
5 describe the method of monitoring, collection, treatment,
6 and necessary disposal.

7 (m) Description of the location and type of
8 monitoring wells which have been determined necessary to
9 ascertain ground water quality.

10 (n) Description of the system proposed to
11 provide for venting control, monitoring, and possible use
12 of landfill decomposition gases.

13 (o) Resume of management organization which
14 will operate the disposal site.

15 BOARD MEMBER BREMBERG: Add telephone numbers
16 to be consistent through the whole thing.

17 MS. GILDART: (p) Compilation of the conditions,
18 criteria, and requirements established by the various
19 approval agencies having jurisdiction over the disposal
20 site, including written proof of permission for encroachment
21 on flood plains or tidelines (sic) -- tidelands. Identify
22 zoning of all adjacent parcels and whether the site or
23 adjacent parcels are within an agricultural preserve.

24 (q) A description of monitoring equipment or
25 methods required by agencies having regulatory jurisdiction

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1 over the facility.

2 Any questions or comments?

3 BOARD MEMBER BEAUTROW: Yes. Mr. Chairman?

4 CHAIRMAN MOSCONE: Mr. Beautrow?

5 BOARD MEMBER BEAUTROW: You don't have anything

6 about the end use of the site. In other words, there

7 ought to be some indication like, I think it's (g).

8 Yeah, I don't understand why -- that you would want
9 to do that.

10 MR. ORR: That's an excellent point. That goes
11 along with two of the other elements that are currently
12 contained in the report of facility information.

13 One thing that this does not do is integrate
14 the closure plan that we'll be developing resulting from
15 AB 2448.

16 And in the closure plan proper, the post-
17 closure land uses will be one thing that will need to be
18 described in more detail than we currently have. And so,
19 what we'll probably do is modify this between now and when
20 we notice this to reference the closure plan and the
21 postclosure plan, and deal probably, in addition to the
22 element that we have deleted, in terms of the land use,
23 but also the one that deals with the closure. And the
24 final elevation and so forth will all be things that will
25 probably be dealt with in the closure plan as well.

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1 BOARD MEMBER BEAUTROW: But why would you not
2 want to deal with this -- excuse me. Why would you not
3 want to deal with this in one document rather than have
4 another one?

5 MR. ORR: I believe that the reason is that --
6 as I interpret it from the Legislature, they want a
7 discrete document called a closure plan. We have the
8 option of having a preliminary closure plan, which would
9 then be submitted with the application and this report of
10 facility information.

11 But it's something that will sort of maintained
12 along with the report of facility information, but as a
13 discrete document.

14 BOARD MEMBER BEAUTROW: Yeah, but when you say
15 the Legislature, really the Legislature is not -- we're
16 the ones that are supposed to be carrying this program out,
17 not the Legislature.

18 And it seems to me that you ought to at least
19 have a mention of that coordinated approach by another one --
20 that closure, postclosure monitoring plan or whatever it
21 is that will be required as supplemental to this or
22 something --

23 MR. EOWAN: That will be covered.

24 BOARD MEMBER BEAUTROW: Not now. That's my --

25 MR. EOWAN: It's really not necessary to do it

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1 here, because it's in the law that you have to have a closure
2 plan.

3 But a reference here is really adding to that.
4 That's why it's not there. We could put it in.

5 MS. GILDART: One of the things to consider is
6 the size of the documents we're talking about. The closure
7 plan is going to be a very large document. And we may be
8 able to develop a way of summarizing it for the report.
9 Is that what you're referring to?

10 BOARD MEMBER BEAUTROW: When somebody comes in
11 for a major modification or a significant change to a
12 landfill or whatever, they're going to ask you, "What are
13 your current requirements?" You know, everybody wants to
14 know a check-off list of what -- so, you ought to make
15 sure that you have everything here that they need to know.
16 That's my only point.

17 Again, the issue about the throughput or
18 daily tonnage needs to be addressed here to be consistent
19 with what we just talked about with the transfer station.

20 All you really seem to be concerned about is
21 the capacity in cubic yards and the projection of the
22 life based upon the current or anticipated loadings. It
23 doesn't say anything at all about what is -- is it a
24 5,000 or 10,000 ton or a 2 million ton a day landfill,
25 in other words?

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1 CHAIRMAN MOSCONE: I know that this will be
2 treated in some other part of the documents. And I have
3 to go along with Phil. I don't see why we can't leave --
4 I don't see why one sentence is going to make a difference
5 in the volume of it that we have to -- and I would think
6 it would be of interest, for example, if for the planning
7 for all of this, and give -- if it's known, they describe
8 the future use of the site. It might be interesting to
9 know maybe 20, 30 years down the line that they intended
10 to use it for a park or whatever and it wound up being
11 something else.

12 MR. ORR: I think that's a good point. One of
13 the things that I've seen in the existing report of
14 disposal site information that we have on file is it's
15 like, we sort of like to do it like this, but when they
16 get closer and closer to closure, it's sort of like
17 somebody's wish list as to what they might like to have
18 done with the facility. And sometimes there's not a very
19 good match there.

20 So, that could be very constructive or -- what
21 I think we're going to look at in the closure plan is --
22 in more detail -- is designing a facility looking more
23 toward closure.

24 So, I think in deleting it in this section --
25 and we can leave it there, that's fine -- we're actually

1 looking at getting people to look more toward what they're
2 going to do with the site, rather than less.

3 CHAIRMAN MOSCONE: That reminds me that, our
4 thoughts were maybe somewhere down the line, maybe an
5 executive airport or something, but then the air people
6 told us, no, we can't take the chance. We've got all the
7 aircraft around here, and you got too many Italian
8 turkeys flying around here. So, we had to forget about
9 that plan.

10 BOARD MEMBER VARNER: Is that a special breed?

11 CHAIRMAN MOSCONE: That's the fat ones.

12 MS. GILDART: Is it the will of the Board that
13 we leave in Section (n) that I had deleted, or should we
14 try a different phrasing that would reference the
15 closure plan? Is there a consensus?

16 BOARD MEMBER GALLAGHER: Mr. Chairman?

17 CHAIRMAN MOSCONE: Mr. Gallagher.

18 BOARD MEMBER GALLAGHER: It seems to me that if
19 we just had a statement as another item that postclosure
20 plans will require a very definitive description of plans
21 for future use for the site so they can be ready for it,
22 and you can leave it out of here, and then reference over
23 into the closure/postclosure regulations. It would seem
24 to me that ought to adequately cover it.

25 MR. EOWAN: Is that okay with everybody then?

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1 Mr. Beautrow?

2 CHAIRMAN MOSCONE: I don't know whether
3 Mr. Beautrow heard that.

4 BOARD MEMBER BEAUTROW: I'm sorry. Would you
5 repeat that, please?

6 CHAIRMAN MOSCONE: Mr. Gallagher?

7 BOARD MEMBER GALLAGHER: I just suggested that
8 rather than just completely ignoring it, put another item
9 saying that a definitive future use of the site will be
10 required in the closure/postclosure document, and that
11 they should be prepared for it at that point.

12 MS. GILDART: I can make the addition, specific
13 requirements of design capacity throughput, and we'll
14 work out the same language for the transfer station
15 disposal site. Okay.

16 Okay. Going now into the wholly new section,
17 18224, a report of facility information for a resource
18 recovery facility shall contain the following:

19 (a) Plans and specifications for the plant,
20 including a site location map, a plan drawn to scale of
21 the plant layout, identification of adjacent land uses,
22 and location and number of residences, schools, or health
23 care facilities within a quarter mile.

24 (b) An engineering report describing equipment
25 and processes to be used, including any energy generation

1 equipment or pollution control equipment.

2 (c) The design, peak, and storage capacities
3 of the facility including weekend processing or operation.

4 (e) -- (d) A description of the means employed
5 to control dust, odor, litter, rodents, and insects.

6 (e) Anticipated amount and methods of handling,
7 containing, storing, and disposing of nonrecoverable or
8 nonmarketable residues or ashes.

9 (f) Anticipated volume of quench or process
10 water required and method of treatment and disposal of any
11 waste water.

12 (g) Emergency provisions for equipment
13 breakdown, power failure, air pollution episodes, fire,
14 or earthquake and how wastes will be handled, stored, or
15 diverted during emergency periods.

16 (h) Proposed method of ensuring that no wastes
17 are allowed to remain unprocessed in a pit or receiving
18 area for over 96 hours.

19 (i) Description of traffic flow, waiting, and
20 parking areas.

21 (j) Resumes of plant management personnel and
22 phone numbers.

23 There were one or two proposed changes that I
24 had made that were not in your packet. One was to insert
25 a section that would say, "Records of types and quantities

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1 of wastes received."

2 I'd already noted that before our discussions
3 earlier. And that discussion with other staff, they were
4 concerned about the 96 hours that I had proposed, and
5 that would certainly be open for discussion here as to
6 whether that's appropriate.

7 BOARD MEMBER ARAKALIAN: Mr. Chairman?

8 CHAIRMAN MOSCONE: Mr. Arakalian.

9 BOARD MEMBER ARAKALIAN: Okay. Now, this one
10 is called a --

11 BOARD MEMBER BREMBERG: Resource recovery.

12 BOARD MEMBER ARAKALIAN: -- resource recovery
13 facility. And then at the bottom, obviously it's
14 necessary, it says here --

15 (Thereupon the reporter requested
16 the Board member to speak into the
17 microphone.)

18 BOARD MEMBER ARAKALIAN: Certainly, young lady.
19 It says here, proposed method of ensuring that no wastes
20 are allowed to remain unprocessed for over 96 hours, which
21 means that this resource recovery center is going to have
22 nonusable things -- excess trash, obviously, is what that
23 means.

24 MS. GILDART: There are two things. A waste to
25 energy facility in that particular category, resource

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1 recovery, will also receive waste five days a week only,
2 but they're burning waste seven days a week. And they
3 need sufficient fuel to operate over the weekend.

4 So, we didn't want to preclude them -- have
5 them have to shut down over on a Sunday because they
6 didn't have, you know, enough waste or something.

7 So, we had to extend that period. As far as
8 recycling centers, the amount of time they store material
9 after it's been separated is addressed separately. This is
10 the waste coming in, you know un--

11 BOARD MEMBER ARAKALIAN: In a recycling center,
12 when it has wastes, is there any percentage of waste
13 commensurate to what comes in to differentiate it from an
14 almost transfer station?

15 In other words, the guy could have a resource
16 recovery come out of a recovery station and not call it a
17 transfer station, but he might have 15 percent or 20
18 percent that isn't -- say half and half. His primary
19 objective is resource recovery, but he has a certain
20 percentage left over that we want to make sure that
21 percentage isn't great enough that we can qualify -- make
22 him qualify to become a transfer station.

23 MS. GILDART: That's a very good point. I hadn't
24 thought about it yet, but it should be addressed when we're
25 revising the minimum standards, where we define these

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1 kinds of facilities, it would be a very good point to --

2 BOARD MEMBER ARAKALIAN: (Interjecting) This
3 isn't a transfer station. I'm recycling. Yeah, but you've
4 got 20 percent or 30 percent of trash, now you're a
5 transfer station.

6 BOARD MEMBER VARNER: Mr. Chairman?

7 CHAIRMAN MOSCONE: Mr. Varner.

8 BOARD MEMBER VARNER: Sam has an excellent point.
9 And recycling things are defined in all the areas. These
10 are things that are pretty separated. So, there hasn't
11 been any percentage there. But the supposition is that
12 it's already pre-separated and so, therefore, they're not
13 in the business of hauling trash.

14 So, from my perspective, I don't -- wouldn't
15 want to see any -- to keep it to pre-separated. They're
16 not hauling trash --

17 BOARD MEMBER ARAKALIAN: Not --

18 BOARD MEMBER VARNER: -- separate out something,
19 and then haul the trash out. Because I'll guarantee --

20 BOARD MEMBER ARAKALIAN: Not trash separation,
21 in other words.

22 BOARD MEMBER VARNER: Right.

23 BOARD MEMBER ARAKALIAN: Otherwise, the guy
24 could bring it in and source separate it and call it a
25 recycling thing.

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1 BOARD MEMBER VARNER: There's another reason
2 why if there's going to be recycling on the curbside,
3 that's exactly -- it's a rubbish haul. And I don't care
4 whether you call it recycled materials or what have you.
5 And that's the only way it's going to work. And that's an
6 excellent point.

7 MS. GILDART: Yeah, a recycling center --
8 (Thereupon Ms. Gildart spoke over
9 Mr. Varner's final statement.)

10 MS. GILDART: A recycling center that receives
11 only separated wastes would not fall under this. But the
12 facility which processes and recycles wastes itself would.
13 And, as Sam pointed out, we'd have to have a definition
14 which should be included in the minimum standards where
15 these definitions occur, to separate a transfer station,
16 which may do some minimal amount of separation versus a
17 full-scale center that receives waste and does large-scale
18 recycling.

19 BOARD MEMBER ARAKALIAN: That might do. You
20 know, the average transfer station I've seen, frankly,
21 it's almost a joke in most them -- they're recycling. They
22 put it in because they need it for their permit. And
23 they've got a little conveyor over here that couldn't handle
24 two percent of it, and it doesn't work 99 percent of the
25 time, because they don't really give a damn. That isn't

1 their primary objective. They merely inserted it to get
2 their stinking permit.

3 And they're kidding us, you know? So, another
4 guy could come in and say, "Hey. I'm interested in a, you
5 know, source separation. I'm going to pull a lot of it
6 out, 50 percent out. And I've only got 50 percent left.
7 So, I'm a recycling station."

8 But, as a matter of fact, that's why I say,
9 where is the -- where do we draw the line and transfer it
10 into a transfer station?

11 CHAIRMAN MOSCONE: There's a difference as to
12 the type of plant you have. Whether you have a receiving
13 area or whether you dump directly into a pit.

14 If you're dumping directly into a pit, you don't
15 want anybody out there fooling around trying to sort,
16 because there . won't be anything.

17 If you're dumping onto -- onto an area, and then
18 it's pushed into the transfer trailers, that's one thing.
19 But if these trucks are dumping directly into a pit, you
20 don't want anybody around there that shouldn't be there.

21 BOARD MEMBER ARAKALIAN: But with the new
22 methods, though, John, the pit, conceivably, from what I've
23 seen, should come by and probably will come by and fall
24 by the wayside and be a thing of the past. You're seeing
25 so much of this stuff with these things -- they have the

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1 big hopper, then the truck dumps right into that. And
2 then they, you know, compact it and shove it into the truck,
3 that kind of thing? Well, these guys aren't using pits.
4 So, they're directly dumping into a hopper, and this kind
5 of goes along and they do their resource recovery act, take
6 out what they can, and the remainder goes into this big
7 machine that compacts it.

8 CHAIRMAN MOSCONE: You're talking about a
9 transfer station as opposed to resource recovery plants.

10 BOARD MEMBER ARAKALIAN: I know that. That's
11 why I say, but a person could do that, John. That's what
12 I'm trying to stop. You know, put in that not to call
13 that recycling, because he may recycle a very high
14 percentage, but he's still going to get a darn good
15 percentage shoved in.

16 It's just that I don't want someone to be able
17 to interpret that transfer station with the little
18 shenanigans and call it a recycling station.

19 BOARD MEMBER VARNER: You're right, Sam. All the
20 new -- all the larger ones that are being done now, those
21 that have transfer stations, they obviously are starting
22 to put recycling along with it. There's two different
23 things.

24 You still have to have your pit or some method
25 to get rid of your trash that is not recyclable. The ones

1 that are recycling centers also are not to take trash
2 into it. And that should be clearly defined.

3 And that's a good point.

4 BOARD MEMBER GALLAGHER: Mr. Chairman?

5 CHAIRMAN MOSCONE: Mr. Gallagher.

6 BOARD MEMBER GALLAGHER: I have a question, not
7 a suggestion.

8 Recycling centers that are established under
9 the State Recycling Act for beverage containers, are we
10 going to have any legal requirement to permit those
11 centers?

12 I mean, it seems to me, our charge is rather
13 poorly defined or not defined. And the kind of recycling
14 centers that are involved in the 2020 are not like the ones
15 that Mr. Varner or Mr. Arakalian are talking about. They're
16 entirely different.

17 And yet, it seems to me, that they're going to
18 have to be permitted by somebody. I know in the local
19 areas, you know, the zoning ordinances take over whether
20 or not they can be located. But I'm just wondering if
21 we're not going to have a legal responsibility to consider
22 those permits like we would consider any others -- recycling
23 centers.

24 MR. EOWAN: I think that 2020 centers go
25 through some kind of certification process, for which does

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1 address some of the thing of what you're talking about.

2 And we've, as a policy matter, have not made
3 a decision about whether or not we want to get into the
4 permitting of those. So --

5 BOARD MEMBER GALLAGHER: I brought that up,
6 because I think it is an appropriate time to consider it,
7 and I'm not suggesting we do nor that we don't.

8 But as long as we're writing new regulations
9 and going through everything, since this is a rather new
10 law, it seems to me that now's the time we ought to take
11 a look at the statute and determine whether or not we have
12 a legal requirement or have any interest in doing it.

13 And if we do, it would seem to me that, then,
14 Martha has to -- or this is the appropriate place for
15 Martha to include it, would be in this resource recovery
16 section.

17 MR. EOWAN: I think -- excuse me.

18 CHAIRMAN MOSCONE: Mr. Arakalian.

19 BOARD MEMBER ARAKALIAN: Now that I'm thinking
20 about it, I'm sort of reversing my field. Maybe -- as I
21 think about this type of thing -- as I say, I just
22 recently watched some movies and stuff on these supposedly,
23 quote, unquote, new state-of-the-art transfer stations,
24 getting rid of transfer station stuff with better methods
25 of recycling.

1 Well, maybe we should look into that. After
2 all, recycling is a criteria, of taking a transfer station,
3 for example, if they put in the proper equipment, and set it
4 up in such a manner that they can -- what do you call it --
5 recycle over a certain percentage. That they could have
6 some either break and/or leniency in order to stipulate
7 them to do it.

8 Because a transfer station, if the operator
9 wanted to, with the state of the art today, can bring in
10 40, 50 percent recycling on the spot realistically, of
11 course, if he finds the market to sell it.

12 But they aren't going to go through this exercise
13 maybe, unless they have some motivation and if we had a
14 different criteria.

15 In other words, here is a transfer station,
16 but when does -- 50 percent, I'm just using that number.
17 I don't know if that could be, but some real high number
18 like that of recycling out of it. Then he gets a break
19 by this category being a little bit different.

20 Does that make any sense?

21 BOARD MEMBER BREMBERG: No.

22 BOARD MEMBER ARAKALIAN: Okay.

23 BOARD MEMBER VARNER: Mr. Chairman?

24 CHAIRMAN MOSCONE: Mr. Varner?

25 BOARD MEMBER VARNER: Number one, the transfer

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1 stations, a lot of the larger ones, have always recycled.
2 This is one of the myths that's out there, that recycling
3 is now a new thing.

4 BOARD MEMBER ARAKALIAN: Oh, I'm aware. I'm
5 just saying a percentage --

6 BOARD MEMBER VARNER: Well, naturally, markets
7 have always driven that, as has been pointed out over and
8 over and over.

9 If there's a market for it out there, the people
10 that run transfer stations or rubbish businesses, or anything
11 else, have always taken out the material that they could
12 get rid of in the most economical manner.

13 So, there isn't anything new about transfer
14 stations recycling.

15 Now, the thing that John Gallagher was talking
16 about on the 2020, these are separated materials. We're
17 not talking about trash there that has to be separated.
18 It's already separated.

19 So, that's clearly defined and it's separated
20 100 percent that they bring the things in.

21 I agree with John. I think that maybe somewhere
22 along the line, as this starts to blend in, we are going
23 to need to regulate these things. And in view of the
24 uncertain conditions that 2020 is in right now, I think
25 you're going to see a tremendous amount of change in what's

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1 going to be done, one of them being that in some areas
2 you've got -- you've got a recycling center on every block.

3 And obviously, these guys -- some of them are
4 going to go broke. In fact, all of them are going to go
5 broke, because they can't -- there's too many of them in
6 one area, then, maybe none in some other area.

7 So, we don't know yet what's going to happen
8 in this, but there's obviously going to be some changes
9 made in the recycling thing.

10 But I think it's already clearly defined that
11 those recycling centers that were set up under 2020 are
12 clearly separated materials, just as the junk yards and
13 things like that have been. They don't take trash into
14 their thing. They take material in there they intend to
15 reuse or resell.

16 So, I think that part's clearly defined. And
17 I think that all we need to do is reiterate that a transfer
18 station, that it isn't anything new for them to recycle
19 materials.

20 And so, the only thing of it is, I think in the
21 future, you will see them recycling more and more and more.
22 If there's a place where they can economically be put,
23 they'll take a hundred percent of it out if there's a
24 hundred percent to be gotten rid of.

25 When you start setting arbitrary percentages that

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1 somebody has to do, then you create problems.

2 But I think that they will take out the maximum
3 amount of material that you can get rid of in an economic
4 manner.

5 And, you know, we need to clearly define that
6 a transfer station is one thing to handle rubbish. A
7 recycling center, as such, is defined as being totally
8 separated materials. And so, therefore, I think you have
9 a clear definition between the two.

10 BOARD MEMBER GALLAGHER: Mr. Chairman?

11 CHAIRMAN MOSCONE: Mr. Gallagher.

12 BOARD MEMBER GALLAGHER: Well, I certainly
13 couldn't agree more with Mr. Varner. But as I watch
14 this thing evolve, it seems to me that the whole permitting
15 procedure is intended to bring some sense of responsibility
16 to the operator.

17 He has to address such things as how do you
18 control litter, and what do you do with waste, and what
19 have you.

20 Now, I'm particularly concerned not with the
21 transfer station in this statement, but purely and simply
22 recycling centers which accept so-called separated materials.
23 And they do not all just involve such things as covered
24 by AB 2020.

25 In the community in the area where I live, there

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1 is, as an example, a half a dozen trailers manned through
2 part of the day that are for Goodwill Industries, St.
3 Vincent DePaul. They take in materials which I think could
4 technically be defined as being recycled material. They
5 take in clothing, television sets, lawn furniture, you
6 name it.

7 And those places are not always manned. And
8 sometimes you go into the parking lot and you can find an
9 overstuffed couch, a couple of chairs, somebody's -- really
10 trash that's been left there with the idea that it's going
11 to be recycled.

12 Now, my only concern is that we don't ignore
13 that. Because it's my feeling that, as we rewrite
14 regulations, we want to try to allow our imagination to
15 run a little bit wild and try to include all those things
16 which are truly intended to be controlled.

17 And I'm really concerned about it from the
18 responsibility point of view. Already, in the area where
19 I live, where they are trying to meet the mandates -- and
20 I think trying successfully -- to meet the mandates of
21 AB 2020 of having a recycling center every so close
22 together; in order to try to make do, they're not always
23 manned.

24 And I pulled into a shopping center the other
25 day in a very highly respected community, and there was a

1 little bit of a Santa Ana wind going.

2 And people had been dumping newspapers in an
3 area designed for newsprint. And let me tell you, it was
4 blowing all over Orange County. Now, somebody had to be
5 permitted to operate that center. They may have had a
6 greater sense of responsibility on what to do to contain,
7 you know, newsprint under those kinds of conditions. And
8 that's just an example of some of the things that I'm
9 concerned with.

10 And I don't want to pursue it or belabor the
11 point, but I just hope that you all will kind of give that
12 some consideration in this particular section, which is
13 new as I understand it.

14 MR. EOWAN: Okay. But then, do I then take it
15 that the direction would be for us to make a stab at
16 writing something that would address the recycling centers
17 specifically as a separate regulation?

18 BOARD MEMBER GALLAGHER: I'm not suggesting
19 you write anything, George. I'm suggesting that, for the
20 time being, that you consider it. Check the law. See if
21 we have a responsibility. And then you come back to us
22 and say, "Yes, we think it's a good idea," with some
23 language, or, "No, we don't think it's necessary," you
24 know, and forget it.

25 CHAIRMAN MOSCONE: Well, they're shown as

1 exemptions, I mean the things that we're talking about. The
2 type under 2020 would be exemptions, which we show as not
3 requiring permits and all.

4 And somewhere along the line, it may be a good
5 idea to include what Mr. Gallagher has been referring to.

6 MR. EOWAN: We'll take a look at it.

7 BOARD MEMBER VARNER: Mr. Chairman?

8 CHAIRMAN MOSCONE: Mr. Varner.

9 BOARD MEMBER VARNER: I'd just like to say one
10 more thing. I think we ought to keep our options open
11 as this area starts to become blurred.

12 I thought maybe John was going to allude to
13 another thing -- and it's not new where materials -- say
14 there's a bin set out at a supermarket to give to the
15 Boy Scouts or whatever charitable organization. A lot of
16 people take that opportunity to go and dump their garbage
17 in there, particularly if they have to pay to have it hauled
18 off, which is illegal.

19 And we need to recognize that. And naturally,
20 those people, the Goodwill Industries or the Boy Scouts,
21 or whoever, doesn't want that. They have to do something
22 to get rid of it. And it's sort of been overlooked. It's
23 much like the hazardous waste issue that we're talking
24 about where people take that and illegally dump it in
25 somebody's rubbish bin.

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1 It's a reverse thing. We have newspaper bins
2 out there, so people come and put their garbage, or some-
3 times they bring their old couches or anything else they
4 can get away with.

5 This is -- and if this starts to become an issue,
6 we ought to keep our options open and start to regulate it.

7 CHAIRMAN MOSCONE: I think these -- I think
8 they try -- I've seen a number of places where you're
9 talking about, Skeet, about, say, open containers where
10 people can go and put their newspapers and everything.

11 Some people say, well, "I'll get rid of my
12 garbage at the same time." So they dump their newspapers
13 and then they put their garbage there. And if they're a
14 little considerate, they might separate their garbage and
15 not throw the garbage into the bin.

16 But some of them will throw everything in.
17 I've seen Goodwill and organizations that have vans or
18 anything out there, and they have signs that one -- If
19 this is in operation, if there are no attendants here,
20 please do not leave any material.

21 And so they try. Some of those organizations
22 do try to avoid all of this litter. They can't control
23 people.

24 BOARD MEMBER VARNER: What happens in that area,
25 too, and I'm sure John will agree with this, is that

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1 usually the local rubbish company will assist these people
2 in getting rid of their problem, because it's a minimal
3 thing. But it could become a major problem.

4 And then, if it is, then it's solid waste
5 disposal, and we'll -- I would suggest then that when we
6 do, let's keep our options open and do something about it.

7 MS. GILDART: Yesterday, Mr. Beautrow made a
8 suggestion that we define clearly what kinds of facilities
9 must apply for a solid waste facilities permit right up
10 front.

11 And this whole discussion seems to tie into
12 that as to, you know, what other kinds of facilities,
13 what are wastes? You know, what would qualify as a solid
14 waste? I guess we're going to have to look at that a
15 little more closely, particularly when we're revising the
16 minimum standards. That's the section of the regulations
17 where a lot of the definitions are placed. And we have
18 not covered that yet in front of the Board.

19 I think we'll have to look at some of those
20 definitions very clearly.

21 CHAIRMAN MOSCONE: I think, as far as I'm
22 concerned, at least I understand the definitions and all,
23 and I think I have a pretty good idea of what we have.
24 Unfortunately, we have some people in the collection
25 business who have the roll offs, take these roll offs to

1 someplace, dump them, and sort, under the guise of
2 recycling, they sort the stuff out. And they do recycle
3 some of the stuff. But they are not permitted to do this.
4 And I think they are required to have a permit.

5 MR. CONHEIM: Mr. Chairman? You've raised --
6 you and Mr. Gallagher raised one and Mr. Varner has raised
7 another.

8 If I can just relate, hopefully, by way of
9 summary and bringing this to a close, what each of you has
10 said with regard to the existing law and regulations.

11 Mr. Varner's issue is an issue of -- that is now
12 regulated or now regulatable under existing
13 collection regulations by the Board. The whole series of
14 regulations that included the one involving the Palm
15 Desert situation have always been on the books. But no
16 facilities or none of these operations are permitted.

17 These are just Health and Safety regulations
18 that LEAs are supposed to look at to make sure that mixed
19 waste is not deposited inappropriately in containers that
20 are not designed for it.

21 And on the other hand, what Mr. Moscone is
22 mentioning is a situation that occurs occasionally around
23 the State. And there's one celebrated case in the East
24 Bay where a company called by a number of names, including
25 East Bay Recycling, Vinci Enterprises, went on a large scale

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1 recycling -- supposed recycling operation by going and
2 raiding the commercial contracts, saying, "We're recyclers.
3 We have these big 30-yard boxes, 40-yard boxes, and we'll
4 take all your recyclables. And by the by, we'll also take
5 the rest of your trash, because we can do it cheaper,
6 because we recycle."

7 And that -- I don't know the result of that
8 litigation. It's been going on for years. But -- so,
9 that's a situation that also doesn't really need a whole
10 lot of new regulation by the Board.

11 Neither one of the situations that you've
12 described need a whole lot of new regulations by the
13 Board. Maybe restated. But we're not in new areas.

14 These are areas that we've known before. Just
15 so we're not off on a new situation that we can't
16 handle. Even if problems occur with 2020-type recycling
17 centers, we have mechanisms or we can use existing
18 mechanisms, however they're rewritten, to handle some of
19 those issues.

20 BOARD MEMBER VARNER: Mr. Chairman?

21 CHAIRMAN MOSCONE: Mr. Varner.

22 BOARD MEMBER VARNER: This very issue is --
23 it's prevalent all over the place. In Kern County, the
24 issue is handled very nicely by the local enforcement
25 agency. And we had people that were doing exactly the

1 thing you're talking about. They came in from out of
2 town with roll offs. And said, "Hey, we're going to be
3 recyclers. And you put your trash and everything, and
4 we're going to take care of it."

5 And they take it somewhere, they dump it.
6 And we let them get into that area, and we just nail 'em.
7 Because they actually were operating an illegal transfer
8 station.

9 And in this case, we just went to the local
10 people, showed them they're violating the law, and they put
11 'em out of business quickly.

12 And they start it up again every once in a while.
13 And I guess the difference here is how different local
14 agencies handle the problem, because sometimes it becomes
15 somewhat of a political problem.

16 But I think that we do have the tools to handle
17 that sort of thing. If we don't, let's strengthen them.
18 But this part of the issue we're talking about gets into
19 some gray areas.

20 CHAIRMAN MOSCONE: I think a good many of these
21 problems could be handled with local ordinances. I know
22 that's the case in San Francisco. They don't enforce it,
23 because you've got -- everybody owns a pickup truck or a
24 van of some kind and are in the basement cleaning business
25 or something else, and it's strictly against the law for

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1 anyone, other than a licensed refuse collector, to haul
2 any of this stuff.

3 Aw, but they tell you, "Let the guy make a
4 living. Let him do his -- " So, everybody's out there,
5 everybody's got a pickup truck and everybody's going out
6 picking up, cleaning basements and everything, or stealing
7 cardboard, and everything else.

8 MR. CONHEIM: Mr. Chairman, I think that
9 Mr. Varner has hit on one of the problems. There is
10 adequate local authority in terms of franchising and
11 providing for the services. But when it becomes really
12 political and local government doesn't want to step in
13 and do something, then they take a look at the LEA and
14 State regulations, that will stop this as an illegal
15 transfer station.

16 So, it gets ping-ponged back and forth. I
17 guess the only reason I wanted to make remarks at this
18 time is that I'm a little concerned that we do a diligent
19 exploration of new areas without being too tantalized or
20 titillated in getting into new areas of regulation. I knew
21 you'd like that, Mr. Beautrow.

22 (Laughter.)

23 MR. CONHEIM: Because I think we will have
24 problems going to OAL with wholly new areas of regulations,
25 unless they're -- unless we can really tie them into the

1 existing statutory reference.

2 And I just want to urge a sense of restraint.
3 On the other hand, I think that that restraint should not
4 go so far as to not asking the questions.

5 The questions are all good. Let us go back and
6 as your last direction to us was, Mr. Gallagher, and
7 thoroughly look at the law and see whether these areas
8 need or should be regulated.

9 And that's the kind of policy direction and
10 inquiry that we should be doing for you. And I encourage
11 that. I'm just a little gun shy about ultimately jumping
12 in to grabbing new areas without being able to tell you
13 with certainty that we have the statutory reference to
14 regulate in those areas.

15 CHAIRMAN MOSCONE: Proceed.

16 MS. GILDART: The last section I'd like to
17 discuss with you today covers the method of amending the
18 report of facility information.

19 And there is also a change to the language
20 that you'll have in your packet.

21 The new section, 18228, review and amendment
22 of report of facility information.

23 I think your packet says "modification."

24 The report of facility information must be kept
25 current at all times. When any process, operation, or

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1 design feature is altered, the change must be incorporated
2 in the report by amendment within 30 days of the change.

3 The LEA must approve all amendments to the
4 report. If the LEA determines that a significant change
5 has occurred, a permit revision may be required under
6 Section 18211. A report amendment must be verified by an
7 engineer registered in the State of California.

8 Any questions or comments?

9 BOARD MEMBER BEAUTROW: Yes.

10 CHAIRMAN MOSCONE: Mr. Beautrow.

11 BOARD MEMBER BEAUTROW: An engineer registered
12 in the State of California could be a registered electrical
13 engineer or some -- any kind of engineer at all if he's
14 registered.

15 And I don't -- I think the earlier one said
16 civil engineer. And I don't see why that should be
17 changed, because those are the -- I think there's also
18 registration for an environmental engineer now, or I'm not
19 quite sure. That's one comment I think that --

20 The other thing is, I can see all kinds of
21 problems with the LEAs who are off on other things, and
22 there is changes, and shouldn't we do this on a cycle rather
23 than on any time, like we do the five-year, maybe
24 annually, or something. I don't know.

25 MR. ORR: I'll try to respond to both of those

1 points.

2 In terms of what's currently there as proposed
3 regulatory language, we have -- since this language was
4 written -- received from the State Board of Registration
5 for Engineers and Surveyors their packet defining the
6 different specialties of engineers.

7 And we will revise this language to reference
8 that appropriately.

9 In terms of the specialties of engineers, in
10 terms of a landfill, for example, it may be most
11 appropriate to have a civil engineer or in some cases
12 a geotechnical engineer verify something.

13 In the case of some of the other technologies
14 that we've talked about here, it's possible that one of the
15 other specialties, such as a mechanical engineer, may be
16 most appropriate to deal with that particular modification
17 in the report.

18 So, we'll look into that in more detail and
19 try to make that clear who should look at what appropriately.

20 BOARD MEMBER BEAUTROW: Yeah. Maybe you should
21 say, ". . . verified by an engineer registered in the State
22 of California with recognized specialty in that field,"
23 or something.

24 MR. ORR: We'll take care of that. I think
25 that's a good point.

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1 In terms of the second point -- oh, okay.
2 Currently in the regulations, there is an indication that
3 amendments should be made to a report of disposal site
4 information or a report of station information on almost a
5 routine basis.

6 However, that's currently not been done. Usually
7 what will happen is in that periodic cycle Mr. Beautrow
8 referred to, will realize that a number of changes have
9 occurred and those routine amendments have not been made.

10 So that the choices are to totally eliminate
11 the as-you-go approach, where you would just say every
12 five years, revise your report. But there may be
13 something significant enough during that period that a
14 revision might be in order.

15 The other thing is to try to pin down the LEAs
16 and let them know what they're supposed to do when they
17 receive these amendments.

18 The current regulations, all they really do
19 is say is that the LEA is to receive the amendments. And
20 I guess, in many cases, they just end up filing them. And
21 so what happens in this new section here is that you're
22 saying, you know, these amendments need to be filed, and
23 that somebody has to look at them and deal with them.

24 And that's pretty much why it's proposed in
25 that manner.

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1 MS. GILDART: Another reason for keeping the
2 report up to date is that as inspections are conducted,
3 it's useful to have a report that reflects the actual
4 conditions that the inspector will be seeing.

5 Quite often, the report will be quite out of
6 date, and they can't compare what's going on with what
7 they're supposed to be doing.

8 So, we want a mechanism to show a timely
9 updating of that report.

10 BOARD MEMBER BEAUTROW: I understand what you
11 want. I'm just saying from a practical standpoint, I wanted
12 to make sure that it -- you know, they'll get it and they
13 don't say, "I don't want to be bothered at this point."

14 CHAIRMAN MOSCONE: Mr. Gallagher?

15 BOARD MEMBER GALLAGHER: I had been going to
16 raise the same two issues that Phil did. And I'm glad I
17 didn't, because I think we have a tendency to think only
18 of landfills, which we would probably want a civil
19 engineer. And we're trying to cover a broader spectrum
20 of things there.

21 And I can understand the need for different
22 engineering skills.

23 With regards to the other issue, though, I think
24 it is important to keep a time frame in the regulation that
25 things have to be done. But I just wondered if 30 days

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1 sense for the different circumstances.

2 CHAIRMAN MOSCONE: Any other comments?

3 Is there anyone in the audience who would like
4 to make any comments or suggestions on these regs?

5 Hearing none, we'll proceed to Item 2D.

6 (Thereupon the reporter requested
7 time to replenish her stenograph
8 paper.)

9 CHAIRMAN MOSCONE: Yes. We'll take a five-
10 minute break.

11 (Thereupon an extended recess
12 was taken.)

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1 was enough. 30 days might be okay in someplace, but
2 certainly wouldn't in another.

3 And I do know that in some areas, counties don't
4 have the luxury or the cities, or whomever is assuming
5 the LEA responsibilities, don't have the luxury of having
6 somebody just pay attention to that.

7 They've got a variety of other duties to take
8 care of. So, I wasn't questioning anything, except is
9 30 days the right number? Maybe it should be 45 or, you
10 know, something like that.

11 But I do think, in order to mandate
12 responsibility, you just can't leave it open-ended. There
13 has to be some definitive time in which people have to
14 operate.

15 Thank you.

16 MR. ORR: That's a good point.

17 In terms of the number of days, I think part of
18 it would be -- if you're going to make a certain change,
19 you're going to have to plan for that in advance of the
20 change.

21 And so, in some cases, you may have a plan
22 saying, "Well, this is how we're going to change it," and
23 then you could actually, in a sense, have it the day the
24 change occurs.

25 So, we'll look in to making something that makes

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MIDMORNING SESSION

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3 CHAIRMAN MOSCONE: The short break is over.

4 We'll proceed to Item 2D, disposal site
5 standards, closure and postclosure.

6 MR. IWAHIRO: These are basically the standards
7 I think that some of us have been alluding to in terms of
8 closure/postclosure.

9 Those items include the use of the site after
10 it's closed. But these are basically all new, a lot of
11 additional standards to make sure that the landfill is
12 closed up properly as a requirement of 2448. Bill, I
13 guess --

14 CHAIRMAN MOSCONE: Could we -- or maybe we can
15 discuss this later on. I was wondering about the
16 committee. And maybe we can discuss this later. That's
17 the Cleanup and Maintenance Advisory Committee.

18 MR. EOWAN: I can give you a very brief --

19 CHAIRMAN MOSCONE: Go ahead and do it now.

20 MR. EOWAN: Okay. The committee has met once.
21 And I believe it was about a month, two months ago probably.
22 March 9th. And they scheduled their second meeting July
23 13th, at which time they will review the criteria and
24 guidelines for loan guarantees. The -- this group will
25 review that and should be giving a recommendation to the

1 Board as is required by AB 2448.

2 Which meeting?

3 MR. OLDALL: Probably October or November.

4 MR. EOWAN: October or November meeting. So,
5 we're on track.

6 We've had good attendance at the meeting. There
7 are two members that are not appointed as far as I know.
8 One is the Governor's appointee and one is the Senate
9 appointee, I believe, right?

10 Everybody else has been appointed to the
11 committee. And we're working closely with the Governor's
12 Office to hopefully have somebody in place by the 13th.

13 Very briefly, that's what it is.

14 CHAIRMAN MOSCONE: Any questions?

15 Thank you, George. Proceed.

16 MR. ORR: Thank you, Mr. Chairman, and members.
17 Before we actually get into details of the regulations,
18 I'd like to make a few points about how we've structured
19 separating the existing minimum standards from the closure
20 standards we'll be discussing today.

21 A number of the existing minimum standards
22 continue to apply or specifically apply during closure.
23 And so, basically, the way we approached this new article
24 is to separate out from the existing standards those parts
25 that apply to closure. So, there may be a standard like

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1 landfill gas, where a portion of that standard will remain
2 in the minimum standards for operation, and then we'll
3 have an additional standard created that will deal with
4 that process during closure.

5 And similarly, leachate control and so forth,
6 those standards, there will be a portion of that that
7 will be in the operations area of the standards. And
8 then the new one that will be specifically dealing with the
9 effects of closure.

10 So, with that in mind, what we'll be doing,
11 we'll be continuing the discussion that was initiated at
12 the April meeting. We left off with the final site phase
13 standards.

14 So, we'll be resuming that discussion with
15 final grading, which starts on page 82 of your packet.
16 And the way we'd like to discuss this is by bringing up
17 some of the issues and options, some of the problems and
18 so forth.

19 And because these are somewhat lengthy, we'd
20 like to -- after we've made the initial presentation and
21 comments have been received by the Board, we'd like to
22 open it up to the public to make comments on those
23 individual standards if anyone would like to make a
24 comment.

25 And so, with that, I'll turn it over to Kim

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1 Schwab, who will be discussing the final grading.

2 MS. SCHWAB: Good morning, Mr. Chairman, members
3 of the Board. I have some slides to show you today.

4 As Bill said, I'm starting on page 82, the
5 proposed section, No. 17776, for final grading.

6 Staff believes regulations should specify
7 the design and construction of the final grade to promote
8 lateral runoff to drainage conveyances.

9 The design criteria should address the anticipated
10 overall and localized differential settlement that may
11 reverse the overall grade of the landfill or cause ponding
12 on the surface of the landfill.

13 There should be a provision to verify grading
14 design and construction assurances.

15 Subchapter 15 of Title 23 currently requires that
16 a minimum grade of three percent is required to anticipate
17 future settlement. There may be cases where a grade steeper
18 than three percent should be required to abate the
19 anticipated settlement. A grading minimum of three percent
20 will allow surface water to drain off the landfill, thus
21 minimizing infiltration.

22 Regulations concerning minimum grades are
23 designed to accommodate overall settlement of the landfill
24 which will prevent ponding and leachate collection.

25 Construction of slopes greater than 10 percent

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1 may accelerate erosion of the landfill, depending on the
2 soil type and extent of vegetative cover. Grades that
3 are designed to be greater than 10 percent should therefore
4 be subject to erosion and slope protection requirements
5 pursuant to Section 17779, which is our new proposed
6 section titled, "Slope Protection and Erosion Control."

7 Factors that may affect specific grading design
8 are: available soils, site configuration, and fill type,
9 whether it be canyon, area, or trench.

10 The final grades will need to be checked and
11 documented during construction by contractor personnel
12 and verified by the local enforcement agency and -- and
13 Board inspections.

14 This is the end of final grading. Are there
15 any questions from the Board or from the audience?

16 Okay.

17 The next section is proposed Section 17778,
18 final drainage.

19 Surface water diversion systems are designed to
20 minimize infiltration and protect against erosion of the
21 final cover. Gullying caused by concentrated flow of
22 surface water runoff is a major problem on landfill side
23 slopes. Roads and benches on and around the perimeter of
24 the landfill site become major conduits for rainfall
25 runoff as sheet and rill erosion.

1 Local streams, lakes, channels, or wetlands may
2 become choked with eroded suspended solids from the land-
3 fill thus affecting aquatic plants and animals.

4 These erosion problems may jeopardize the
5 integrity of the final cover; infiltration may occur, thus
6 causing leachate formation; waste may become exposed, and
7 the uncontrolled release of gases and odors may occur.

8 The Board's technical staff believes drainage
9 conveyances should be designed to accommodate anticipated
10 runoff and runoff. The primary drainage features may
11 include perimeter diversion ditches, surface collection
12 areas, downdrains, benches, culverts, V-ditches, and
13 channels.

14 Benches shorten the run of the slope and will
15 serve as collection areas to transport runoff to
16 perimeter diversion ditches or downdrains.

17 Drainage facilities may also include energy
18 dissipaters to decrease the velocity of runoff and
19 siltation basins to capture suspended solids.

20 The drainage improvements may require interim
21 drainage measures, including drainage measures for
22 diversion during the operational life of the landfill and
23 final drainage structures.

24 Earthen drainage structures should be designed
25 to accommodate the amount of surface erosion based on local

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1 climatic conditions, land uses, soil erodibility, and length
2 and steepness of slope. This --

3 BOARD MEMBER BEAUTROW: Excuse me. Could you
4 give us -- before you start reading, tell us where you are,
5 because we're kind of trying --

6 MS. SCHWAB: Page 85, regulatory issues and
7 options. I'm just trying to cut this as short as
8 possible.

9 BOARD MEMBER ARAKALIAN: You're doing a good
10 job. Just let us know.

11 MS. SCHWAB: Okay. I'm on the second paragraph
12 of (e), regulatory issues and options.

13 And I'm talking about the earthen drainage
14 structures.

15 What we're concerned with here is to make sure
16 that any type of water that can run on or run off the
17 landfill can be diverted and not create any gullies or
18 sheet rill erosion of any kind to protect the final cover.

19 One of the issues that we've put in here
20 concerns the ban of underdrains used in lieu of surface
21 diversion features in landfills to prevent leachate and
22 landfill gas migration when failure occurs.

23 Now, underdrains, for an example, would be in a
24 canyon area that would be initially built underneath the
25 landfill, which precludes any repairs. If there were any

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1 problems with that, you'd have to dig down through the
2 waste. So, we'd like to ban that type of diversion.

3 And last, but not least, landfill owners or
4 operators should consider the connection with and capacity
5 of drainage facilities on adjacent properties.

6 For instance, if there is a park nearby and
7 there was a lake where people would be boating or walking
8 or swimming, there may be a possibility of leachate getting
9 into that system. So, we want to consider that also when
10 we're writing the regulations.

11 BOARD MEMBER BREMBERG: Mr. Chairman?

12 CHAIRMAN MOSCONE: Mrs. Bremberg?

13 BOARD MEMBER BREMBERG: Is there a place in
14 here or maybe in another section where we are demanding
15 landscaping plans and the execution of those plans?

16 MS. SCHWAB: Yes. I cover that on slope
17 protection and erosion control. I remember your comments
18 from a previous meeting.

19 We didn't put pretty in there, but we made sure
20 it was covered.

21 BOARD MEMBER BREMBERG: Okay.

22 MS. SCHWAB: Any comments from the audience?

23 MR. ORR: Just to further elaborate on the last
24 issue that we raised. In terms of the capacity of the
25 runoff, if you have a landfill that's designed to

1 accommodate the runoff from a hundred-year storm, and then
2 the adjacent drainage facilities are designed to a city or
3 county code -- maybe a 25-year storm -- what you're going
4 to have is this great landfill runoff going into a
5 facility that can't accommodate that flow.

6 And so, that's the other aspect that is included
7 in that issue.

8 BOARD MEMBER BREMBERG: One thought. Excuse
9 me, Mr. Chairman.

10 CHAIRMAN MOSCONE: Mrs. Bremberg.

11 BOARD MEMBER BREMBERG: One thought that did
12 cross my mind on a hundred-year flow. I agree with you
13 totally.

14 However, on your picture there, is that what you
15 assume is a drain collector, runoff collection point?

16 MS. SCHWAB: Yes, it's a --

17 BOARD MEMBER BREMBERG: Okay. You have no
18 protection there. And I think you will find in State law,
19 if not in an awful lot of local laws, that you must have
20 some type of maybe a fence with open mesh or something to
21 allow the water to go through. You can't allow an
22 untended or unprotected pond like that for liability
23 purposes.

24 It has absolutely nothing to do with helping
25 the drainage or anything else. But it sure as heck has a

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1 lot to do with liability of the person, company, or
2 municipality that is responsible for that.

3 MS. SCHWAB: I think in this particular slide,
4 this is a siltation pond within the landfill itself.

5 BOARD MEMBER BREMBERG: Well, but it wouldn't
6 necessarily always be that way, particularly on a closure
7 plan where you had a landfill in operation for 20, 25,
8 or 40 years. You'd have to put it someplace else and
9 regrade and do a lot of things. And there again, it's a
10 matter of trying to eliminate liability.

11 MR. ORR: We'll look into that. That's a good
12 point.

13 BOARD MEMBER GALLAGHER: Mr. Chairman?

14 CHAIRMAN MOSCONE: Mr. Gallagher?

15 BOARD MEMBER GALLAGHER: There's somebody in
16 the audience that's trying to draw your attention.

17 CHAIRMAN MOSCONE: Yes, sir.

18 MR. WOSIKA: (From the audience) I'm Ed
19 Wosika.

20 CHAIRMAN MOSCONE: Would you give your name,
21 please.

22 MR. WOSIKA: (At microphone) Is this better?

23 I'm Ed Wosika from the Water Resources Control
24 Board. I was wondering if the proposed banning of
25 underdrains, how that would affect a place like Apanolia

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1 Canyon where the whole stream, a major stream, is
2 underrunning the length of a major landfill that should
3 serve the Bay Area for quite a long time?

4 I was wondering how that was being addressed.

5 MR. ORR: From a generic standpoint, there's
6 two types of drainage facilities that can be involved in a
7 canyon. The one would be a drainage where you're
8 actually routing the water that comes from above the
9 landfill through the landfill underneath it and then out
10 the bottom.

11 The other type of underdrain that's involved
12 sometimes is if you have springs or seeps that come out into
13 the sides of the landfill, you may have to route them
14 from where they come out out to the exterior of the
15 landfill. It's my understanding that in the Apanolia
16 Canyon, the type that they have, where they may have
17 springs or seeps that they're trying to route out of the
18 landfill rather than actually running a channel or a
19 culvert actually all the way through the landfill.

20 MR. WOSIKA: I haven't studied that site
21 specifically, but it was my understanding that it was a
22 live stream, perennial stream running the length of the
23 canyon. I may be wrong on that. It just seemed like --

24 MR. ORR: I can look into that.

25 But that's my understanding, that they're

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1 actually routing things that actually crop out under the
2 footprint of the landfill.

3 MR. WASIKO: Oh, okay.

4 MS. SCHWAB: Any other questions on the
5 subject?

6 Okay. At this point, I'll go on to proposed
7 Section 17779, which is on page 85, slope protection and
8 erosion control.

9 I'm going to start with section (d) on page 86,
10 need for regulation.

11 Staff proposes a phased reclamation plan for
12 revegetation of the final cover will improve both erosion
13 control and appearances during the operations, closure,
14 and postclosure periods.

15 Because of the great variations in California's
16 geology, soils, climates, and plant communities, it is not
17 possible to make specific recommendations for
18 revegetation requirements that would be effective at all
19 locations.

20 For an example, the desert areas and alpine
21 areas.

22 Also, nonliving mulching material, inorganic
23 material, and chemical stabilizers may be considered as
24 slope protection alternatives combined with revegetation
25 efforts.

1 The Board's technical staff believes a runoff
2 analysis for sheet and rill erosion should be performed
3 to determine the amount of surface erosion based on
4 local climatic conditions, land uses, soil erodibility,
5 and length and steepness of slope. This analysis should be
6 based on -- upon site-specific data and the engineering
7 design of the facility.

8 On this slide here, you can see a gully that's
9 exposing waste.

10 This is a prime example. It does have some
11 natural vegetation on it, but yet it's still getting
12 erosion. We want to make sure that in postclosure this is
13 taken care of.

14 Plants provide cover and canopy protection from
15 the impact of raindrops. This is where your sheet and rill
16 erosion calculation comes in.

17 The roots bind the soil together, and the root
18 system and plant residues reduce such runoff. Evapo-
19 transpiration by plants may play a significant role in
20 the revegetation scheme.

21 As ground cover and plant diversity increase,
22 there will be greater protection of the soil and water,
23 improved appearance, and enhanced wildlife habitat and
24 variety.

25 Desirable traits in the plant species, which I

1 put in here because of the different climates in
2 California -- number one, minimizes erosion; resistance
3 to fire, insects, diseases, and other pests; self-
4 propagating; persistence of the plants themselves; adapted
5 to the climate; low long-term maintenance needs; rapid
6 germination and development; shallow rooted to prevent
7 them going into the foundation layer; and high percentage
8 of surface coverage.

9 Landscaping of all exterior side slopes should
10 be done upon completion of each lift to reduce erosion
11 and improve appearance.

12 What I'm proposing here is that they not wait
13 to close every unit as they go along, to try to close --
14 partial closure, get vegetation on the site as soon as
15 possible.

16 BOARD MEMBER BREMBERG: Mr. Chairman?

17 CHAIRMAN MOSCONE: Mrs. Bremberg.

18 BOARD MEMBER BREMBERG: Why then don't you
19 "must"?

20 MS. SCHWAB: Must?

21 BOARD MEMBER BREMBERG: Make it mandatory. We
22 have seen people who keep saying, "Yes, I should have. I
23 should have. I know I should, but we haven't for 25
24 years."

25 MS. SCHWAB: Okay. I'll put that down, include

1 that. Okay.

2 Also, a combination of mulching and planting can
3 provide erosion control and promote revegetation. Some
4 examples of nonliving organic mulching material include
5 straw, hay, wood chips, wood fibers, standing plant
6 stubble, and jute nets, which Caltrans has used extensively
7 along some of the road cuts, very effective.

8 Artificial materials, processes, and structures
9 may also be a consideration for slope protection. Some
10 options include riprap, sacked concrete, concrete, concreted
11 rock, slope paving, geotextile nets or grids, or chemical
12 stabilizers.

13 Site-specific performance variables may depend
14 on specific criteria, such as maintenance, future use,
15 ease of construction, environmental and visual considera-
16 tions, and availability of materials.

17 Optional resources to consider when searching
18 for adaptable vegetation are existing resource agencies,
19 including USDA. You can contact Agricultural Research
20 Service, the Forest Service, Soil Conservation Service,
21 California Experiment Station, some commercial seed
22 suppliers, and last but not least, local nurseries in the
23 area.

24 Existing literature on revegetation of
25 disturbed slopes are available through the agencies listed

1 above, in addition to State agencies and a lot of
2 universities.

3 California Waste Management Board does hire them
4 as consultants to do surveys for us.

5 At this point, I'd like to ask if there are
6 any questions from the Board or comments, if there's
7 anything extra that you'd like to add to this section?

8 BOARD MEMBER BREMBERG: Mr. Chairman?

9 CHAIRMAN MOSCONE: Mrs. Bremberg?

10 BOARD MEMBER BREMBERG: I see absolutely
11 nothing in here about enforcement of nonperformance. I
12 see nothing in here that requires. It's all -- it's all
13 optional and none of it is mandatory.

14 And I get back to my parochial interest, which
15 is what I see everyday, Toyon still sits there, 25, 27
16 years later. There is a smattering of a few valiant weeds
17 that have grown. There has been no landscaping applied.

18 There has been no designated plan implemented.
19 It's a stark, staring, bald raw clay face. And the
20 citizens of Glendale are getting a little tired looking at
21 it. They know very well it doesn't have to be that way.
22 We do our benches as we go along. They are all landscaped
23 as we go. We've planted some 30,000 trees, bushes, and
24 various grasses. And we don't have the breakdown of the
25 benches even with violent storms and so forth.

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1 It's a matter of forcing the political body
2 that controls it to appropriate enough money instead of
3 diverting money that should be used to follow the law into
4 other activities.

5 And that's precisely what's happened for the
6 last 25 to 27 years. And when you go up there and you
7 continue -- even now after inspections, you continue to
8 see breakdown of benches and leachate running down into a
9 little creek that goes through a public picnic area and
10 so forth. It's rather frightening.

11 And they just don't seem to be willing or able
12 to bite the bullet and do the landscaping. And I think
13 there's got to be something in here about a time frame
14 where they can't pull this type of stuff and where they
15 absolutely must present a plan and follow the plan instead
16 of allowing something like that to persist.

17 In light of the density of the population and
18 the fact that it's in a park, indicates to me that it's
19 really got to be taken care of. Our little ten-acre
20 park's landfill for branches, trees, the lawn clippings --
21 we have four ground water monitoring wells. They have
22 one for 16 million tons and 60 acres.

23 And it's -- they're just not performing. There's
24 got to be somewhere somebody sometime has got to put into
25 some regulations what they have to do on that closure and

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1 postclosure.

2 BOARD MEMBER ARAKALIAN: Who owns that?

3 BOARD MEMBER BREMBERG: The City of Los Angeles.

4 BOARD MEMBER ARAKALIAN: I rest my case.

5 BOARD MEMBER BREMBERG: I rest mine, too, but
6 it's extraordinarily visible from our city. It just stares
7 right at us.

8 MR. ORR: We'll definitely, when we develop
9 language, put that in a more mandatory context. Basically,
10 the way these are presented is elements of a plan should
11 be this way.

12 BOARD MEMBER BREMBERG: I understand.

13 MR. ORR: When we go to writing the regulations,
14 we'll definitely --

15 BOARD MEMBER BREMBERG: They must.

16 MR. ORR: -- we'll take care of it.

17 BOARD MEMBER BREMBERG: I was dedicating a
18 building, a 22-story building in Glendale from a helipad,
19 and the owners of the building said, "You know, we've been
20 wondering and a lot of our prospective tenants have been
21 wondering, what is that funny looking thing over there?"

22 And I said, "Don't tell them it's a landfill.
23 Just say it's a future park."

24 (Laughter.)

25 BOARD MEMBER BREMBERG: Well, they said, "But

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1 that'd be lying." -

2 And I said, "Well, you tell them you're looking
3 at a garbage dump, and how many tenants are you going to
4 get in your building? So, take your pick."

5 MS. SCHWAB: At this time, I'll hand it over
6 to Bill. He'll go over the next section for you.

7 MR. ORR: As I mentioned earlier, some of
8 these standards are important during closure, but then
9 they continue to have importance after closure. And
10 leachate control, which I'll be discussing starting on page
11 88, is one of those topics.

12 For the purposes of this discussion, let's
13 start at Item No. (d) under need for regulation on page 89.

14 There's a need to establish an ongoing leachate
15 monitoring program that will address the potential
16 migration from the fill area and upgradient sources which
17 may contribute to the overall water quality of the --
18 underlying the facility.

19 This -- the need for this ongoing program would
20 begin as a landfill is developed and then continue during
21 operation and then during the postclosure maintenance
22 period as well.

23 This program should be based on specific
24 hydrogeologic data from the site and the engineering
25 design of the facility.

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1 The current standard describes things in terms
2 of adequate. We've mentioned that several times throughout
3 the meeting. And what we would seek to do in terms of
4 revising the regulation would be to define what adequate
5 means in terms of monitoring, in terms of collection,
6 treatment, and effective disposal of leachates.

7 And as we then move on into the regulatory
8 issues in option section (e), I'll describe some of our
9 thoughts how refining adequacy would be.

10 In terms of monitoring, probably the most
11 important thing in terms of leachate would be determining
12 exactly what point are you going to start looking for
13 leachate.

14 Are you going to look for leachate in terms of
15 finding fluid in a collection system or subdrain and
16 simply the presence of liquid would be leachate detection,
17 and then you would need to do something resulting from that?

18 Would you want to look for leachate below a
19 liner, if there is one, or in the geologic material
20 immediately below that, which would be the vadose zone
21 or the unsaturated zone before you actually get to the
22 ground water?

23 Or would you like to wait until it's actually
24 entered the ground water? And by then, in some ways, it's
25 already too late, because you've already got a problem.

1 And so, one of the important things that we'll need
2 to be doing in the coming months is determining exactly
3 at what point are we going to want to look for leachate.

4 BOARD MEMBER VARNER: Mr. Chairman?

5 CHAIRMAN MOSCONE: Mr. Varner.

6 BOARD MEMBER VARNER: Bill, can I ask a
7 question? Is there always a leachate problem at every
8 landfill or are there some that you don't have that
9 problem?

10 MR. ORR: There are some that you do not have
11 that problem.

12 BOARD MEMBER VARNER: Okay. How do you go about
13 determining that?

14 MR. ORR: Well, that's sort of going to get
15 into one of our other issues. But you can try to predict
16 that based on rainfall of the area; in some cases, either
17 by direct observation of the trash or, in some cases, by
18 trying to use a computer model to estimate whether you
19 think that liquid would actually be produced.

20 This is sort of a backup thing. Once you've
21 determined through your computation you don't think leachate
22 will be produced -- this is sort of saying, well, just in
23 case, we want to do this, this, or this to make sure
24 that nothing's being produced.

25 Another thing is, in terms of your final cover

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1 for your landfill, if you keep water from infiltrating
2 into the waste or limit that, that's also going to further
3 reduce the amount of water available that could produce
4 leachate.

5 So those are some of the ways that you can
6 look at it. Not all landfills do produce leachate.

7 BOARD MEMBER VARNER: Okay. So, if they
8 don't, would this have a determination on whether they
9 needed a liner or not?

10 MR. ORR: A liner would be -- if you look at
11 the next section -- would be one collection or containment
12 facility. The reason I don't talk about liners too much
13 in the context of this discussion is you really can't put
14 in a liner when you're closing the facility. So that would
15 be something that would determine that.

16 BOARD MEMBER VARNER: I'm just trying to get for
17 my own edification -- but would you have a liner for any
18 problem other than leachate?

19 MR. ORR: In one of the new areas that could
20 call for some kind of a liner would be actually gas
21 movement. And there is some -- whether a clay liner would
22 be effective in those instances has been questioned. It
23 may be that for gas migration, you may have to look at a
24 synthetic material versus a clay material.

25 Gas migration is another reason you could have a

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1 call for a liner.

2 BOARD MEMBER VARNER: In view of that, would a
3 gas collection system -- is it possible to put in a methane
4 gas collection system that you could drain the gas off
5 or collect the gas, and you would need a liner also to
6 keep it from --

7 MR. ORR: Those could be an integrated kind of
8 thing, where you --

9 BOARD MEMBER VARNER: I may be getting into
10 too many technical things. But some of these areas I
11 need to know in greater detail, because I'm asked questions
12 myself.

13 Thank you.

14 BOARD MEMBER GALLAGHER: Mr. Chairman?

15 CHAIRMAN MOSCONE: Mr. Gallagher.

16 BOARD MEMBER GALLAGHER: I have some concern
17 along the same line that Mr. Varner has raised. And I'm
18 wondering how we're going to approach it.

19 I'll use as an example a landfill in Riverside
20 County in the Palm Springs area. Now, we've got real
21 low rainfall. The material that goes in there has a low
22 moisture content by and large, and probably would be the
23 kind of landfill where you could declare almost
24 categorically that there would not be any leachate.

25 Now, in the development of their plan, are we

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1 going to be satisfied that the operator, when he files, if
2 the closure/postclosure plan says there is no leachate
3 problem in this landfill?

4 Are we going to be satisfied with that or are
5 we going to have some way that we have to determine
6 ourselves whether or not there was a leachate consideration?

7 I'm not trying to say what it ought to be. I'm
8 just asking that question.

9 MR. ORR: Sort of connecting this item with the
10 item on the report of facility information that we just
11 heard, one of the elements of the report of facility
12 information said if leachate generation is anticipated,
13 then a description of the treatment, collection, and so
14 forth -- what we would say in terms of anticipating
15 leachate, you would have to do some kind of process to
16 document why you did not believe there would be leachate
17 generated.

18 I know of some facilities where leachate is
19 generated where the contention is that, no, there's no
20 leachate here when you can see it coming out. Well, so,
21 just saying that it's not there is one thing. But in
22 terms of documentation and in your report of facility
23 information or in your closure plan, why it is that you
24 don't believe leachate is generated, whether it be the
25 climate and doing this model, or whether it be observing

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1 the character of the trash or whatever it is, but the
2 documentation should show to the staff and should
3 provide confidence to the Board that there is not a
4 leachate problem.

5 BOARD MEMBER GALLAGHER: As you write the regs,
6 that's the kind of thing that will be in it --

7 MR. ORR: Definitely.

8 BOARD MEMBER GALLAGHER: -- that they'll have to
9 provide some kind of documentation --

10 MR. ORR: Right.

11 BOARD MEMBER GALLAGHER: -- that there is no
12 leachate problem.

13 Thank you, Bill.

14 MR. ORR: I might like to just mention at this
15 point that there are several of the items that we'll be
16 discussing today that will have some relationship to the
17 coordination activities involved in the Solid Waste
18 Maintenance and Cleanup Advisory Committee, some more than
19 others.

20 I would say in the ground water monitoring
21 area, you would expect quite a bit of involvement by the
22 Water Boards, State and Regional Water Boards in the area
23 of leachate control. That would be another area that you
24 would expect the Water Board to be very interested in as
25 well.

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1 And also, in terms of developing the process,
2 you can expect that we'll be coordinating this with the
3 Water Boards to make sure that their concerns in this area
4 are addressed as well.

5 Moving on to the second element of leachate
6 control, collection, which would include liners, subdrains,
7 drainage blankets, and other collection features, I'll just
8 mention that a manual for evaluating leachate control systems
9 is currently being prepared by SCS Engineers under contract
10 with the Board. I believe that the final text of that or
11 the final draft has been received by Board staff.

12 And this manual should be extremely helpful
13 currently by local enforcement agencies and using the
14 current regulations, but hopefully will also assist us as
15 we finalize our revised regulations.

16 Moving on to treatment and disposal. The
17 necessity for treatment and the options for disposal will
18 vary from leachate to leachate-affected ground water to
19 landfill gas condensate.

20 The criteria for treatment and disposal will be
21 based largely on the composition, quality, quantity, and
22 the ultimate fate of these different liquids.

23 And just to let you know briefly what some of
24 the alternatives may be, it would include treatment
25 categories such as biologic treatment where you may have

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1 some microbe or something that may be processed with the
2 leachate materials; physical processes, which would
3 include air stripping, where, simply, you're bubbling
4 a leachate liquid through a device that removes the
5 volatile organic compounds from that; and a chemical
6 treatment you're adding certain chemical things you may
7 neutralize the leachate compounds.

8 Disposal options would fall into a number of
9 categories, which would include direct discharge, which
10 would indicate that the concentration of any compound in it
11 would be very, very low. There would not be the need for
12 any additional treatment or for discharge to another
13 option.

14 Discharge to a publicly owned treatment works
15 or sewerage it would be an option if it was treated to a
16 certain level or if it initially was not contaminated, say,
17 below that which they can treat in the -- in the treatment
18 works.

19 Another option that is falling out of favor
20 currently would be recirculation back into the landfill.
21 This commonly occurs either in drip legs or condensate
22 traps at -- related to the landfill gas collection system.

23 A number of the Regional Boards in the State
24 down in Southern California have banned recycling, and
25 the current EPA draft regs are asking for comments on this

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1 particular issue.

2 So, that's something that I mention, because
3 it's something that's currently being done in some areas
4 and it's being currently banned in other areas, and is
5 under consideration by the EPA.

6 Another type of disposal option is the land
7 application. This may include irrigation or dust suppression
8 either on the landfill site or in other adjacent properties.
9 And, again, the liquid that's being disposed of would either
10 have to be such concentration in terms of contamination
11 that that would be an appropriate option, or was cleaned up
12 to the point where it could be used for that purpose.

13 Another couple of options that are down there,
14 deep well injection, just for completeness, is listed
15 there. I think that you'll see that a very limited number
16 of cases, because injection wells are being closely
17 scrutinized. And a lot of those uses are being banned.

18 And finally, evaporation, and that would
19 probably be in your typical leachate pond. And one of the
20 comments that Mrs. Bremberg made earlier regarding open
21 ponds would probably apply to this as well.

22 Moving on to --

23 CHAIRMAN MOSCONE: Bill, you've answered some
24 of the questions that I've had, particularly about the
25 recirculation and land applications. And could we get --

1 would this committee possibly give us some direction on
2 these?

3 MR. ORR: I think that would be possible. At
4 this point in time, we're looking at more generic issues.
5 And as some of the issues that we've identified, one of
6 them would be for some kind of a technical liaison between
7 agencies where more specific issues like that could be
8 addressed.

9 And so, sort of as a recommendation of the
10 committee for a process, those kinds of issues could be
11 dealt with, definitely.

12 CHAIRMAN MOSCONE: Would you repeat what you
13 mentioned about EPA?

14 MR. ORR: Yeah. The EPA, in their most recent
15 version of the subtitle (d) rules, is soliciting input
16 regarding leachate recirculation, which would include
17 gas condensate and other materials.

18 So, in terms of the status of those EPA rules,
19 it's our current hope that they may be released sometime
20 this summer. Every month when we come to you, we have a
21 new updated date which puts it off further.

22 Mr. Iwahiro was in Washington earlier this week,
23 and he may be able to tell you a little bit more about that.

24 MR. IWAHIRO: On that specific requirement,
25 they are banning the recirculation of leachate as well as

1 condensate from gas production, as well as, like Bill
2 says, so they are soliciting comments, particularly on
3 that, because they're thinking of banning it.

4 CHAIRMAN MOSCONE: It would look to me, if
5 they're thinking of banning that -- it looks to me like
6 they would probably abandon four of these other options,
7 four of these options. If they're going to do away with
8 recirculation, land application, you're going to have
9 pretty much the same thing. And also deep well injection,
10 you put in deep well injection, what's the difference
11 between deep well injection and recirculating it back
12 into the landfill?

13 And evaporation. After it -- after this is no
14 longer a liquid, what are you going to do with that as it
15 lays out there? Or is there anything laying out there yet?

16 MR. ORR: It would depend in part on what
17 exactly is contained in the leachate. If it was mostly
18 volatile organic compounds, they would have evaporated
19 probably long before the water did.

20 If it was heavy metals or iron, there may be
21 some residues in that area. You raise an excellent point.
22 In fact, the other day, I was at a workshop with the
23 Santa Ana Regional Water Board, where it was discussed --
24 where that very issue was discussed. Where a landfill --
25 down in Orange County I believe it was -- was banned from

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1 recirculating their leachate, but they were told that they
2 had to dispose of it on the ground right next to the
3 landfill.

4 So, rather than putting it into the top of the
5 trash, they said, dispose of it on virgin ground. So,
6 you know -- whatever that we ultimately end up, hopefully
7 it will be more common sense than that kind of approach.

8 CHAIRMAN MOSCONE: Frank, did you want to
9 comment on this?

10 MR. BOWERMAN: I'm Frank Bowerman from Orange
11 County.

12 Is this on? (Speaking of microphone)

13 Thank you, Mr. Chairman, members of the Board.
14 The operation that Bill Orr is talking about was conducted
15 by a private developer under contract with the county.

16 The county sold the gas rights to GSF, who
17 developed the piping system and the gas recovery and the
18 energy production facility.

19 The Santa Ana Regional Water Quality Control
20 Board ruled that they could not put the condensate from
21 the recovered gas back into the landfill. However, they
22 decided it could be put into a leaching field in native
23 soil adjacent to the landfill. Well, that didn't make
24 good sense to me at the time.

25 And it later turned out it wasn't good sense for

1 the Board to allow that. And so, the Regional Board
2 later rescinded its permission to discharge into the
3 leaching bed and required it be put into the sewer, and
4 that's being done at the present time.

5 MRS. BREMBERG: Where is the treatment plant
6 that it goes to?

7 MR. BOWERMAN: In Fountain Valley, about 20
8 miles distant.

9 CHAIRMAN MOSCONE: Thank you, Mr. Bowerman.

10 BOARD MEMBER BREMBERG: So the solution is
11 dilution.

12 MR. ORR: Are there any other comments on
13 interested parties on this particular topic?

14 Okay. Then with that, I'll move on to ground
15 water monitoring during closure and postclosure.

16 I'll start with the need for regulation section
17 on the bottom of page 91.

18 Again, an ongoing ground water monitoring
19 program is needed to address the potential for migration
20 from the landfill area and upgradient sources which may
21 contribute to the overall water quality underlying the
22 facility.

23 A ground water monitoring program should be
24 based on site-specific data and the engineering design of
25 the facility. This program should be continued throughout

1 the closure and postclosure periods.

2 State regulations under Title 23, subchapter 15
3 of the California Code of Regulations currently require
4 ongoing monitoring at closed solid waste landfills.

5 Proposed EPA regulations in subtitle (d)
6 requires indefinite monitoring of closed landfills.

7 So, with that, I'll now move on to Section (e),
8 regulatory issues and options.

9 Under program development, the ground water
10 monitoring program to be developed for the operational
11 portion of the minimum standards must continue likewise
12 through the close and postclosure periods.

13 Due to the time that may elapse before the
14 potential breakthrough of containment structures and the
15 relatively slow rate of ground water movement, it may be
16 many years before a ground water contamination problem
17 develops or is detected.

18 Currently, the report of disposal site
19 information or the report of facility information that we
20 discussed earlier today requires information regarding the
21 monitoring of ground water and so forth.

22 However, there is no standard in the minimum
23 standards to accompany that information request. And so,
24 although we're talking specifically about closure ground
25 water monitoring here, I would like to point out there

1 is really no minimum standard at all regarding ground water
2 monitoring in the operational standards as well.

3 Some of the options that we may consider for
4 structuring a program would be adopting verbatim, or very
5 close to that, the EPA revised RCRA subtitle D criteria
6 language, the final form of which we can only surmise at
7 this time.

8 A second option would be to develop a ground
9 water monitoring program that does not duplicate or
10 conflict with Subchapter 15 and at least is -- is at least
11 as stringent as the revised subtitle D criteria when
12 they're finalized.

13 This would meet the goals of both AB 2448, not
14 to conflict with or duplicate Subchapter 15 and our
15 obligation as a State agency to be at least as stringent
16 as the federal requirements.

17 The third option would be, in a sense, to defer
18 in large part to the State and Regional Water Boards by
19 relying on a formal determination and notification procedure
20 from the Regional Water Quality Control Board regarding
21 the adequacy of site ground water monitoring programs. And
22 that we would include as an element the incorporation of
23 local enforcement agencies or board comments on the
24 development of such a program.

25 Basically, there are several regulations in the

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1 minimum standards currently, specifically contact with
2 water, where it suggests that there should be some
3 determination by a Regional Board if it's to be allowed.

4 However, an actual formal determination is not
5 required. So, it's like -- well, if we're going to
6 defer to them, we have to know that, in fact, they have
7 given some kind of approval, and that we can, in a sense,
8 put that, along with the other information in the file,
9 so if someone asks, "Why aren't you doing that," well,
10 you can have your determination that you have and say,
11 "Well, here is the process that we went through," rather
12 than just sort of letting -- the Regional Board will take
13 care of that, and just sort of letting go of it.

14 We want to make sure that we are meeting the
15 primary mandate of the statutes to protect public health
16 and safety related to air, water, and land.

17 And to do that, we want to have assurances that
18 if we're not going to specifically do something, that
19 another agency will be doing that to our satisfaction.

20 CHAIRMAN MOSCONE: I don't think we want to
21 get hung up on regulations that would require, for example,
22 spending a lot of unnecessary money or effort into desert
23 areas where there's no water or whatever.

24 MR. ORR: That should all be dealt with on a
25 site-specific level for sure, and input from Regional

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1 Boards and from your local enforcement agencies, and the
2 information that's included in the application for a solid
3 waste facility, and with the closure plan should form
4 the basis for those kinds of decisions.

5 CHAIRMAN MOSCONE: Do you want any of this --

6 MR. ORR: If you have any inclination regarding
7 these options as to where in that scheme you would like for
8 us to proceed, I would appreciate that.

9 CHAIRMAN MOSCONE: Mrs. Bremberg?

10 BOARD MEMBER BREMBERG: Mr. Chairman. Bill,
11 if we -- and I would not choose number one, because I
12 don't know that a standard that is suitable for 50 states
13 and 70,000 landfills should be imposed on what's in
14 California.

15 I think number two is probably the best. And
16 then, remember the information that's going to come from
17 the experts on the other boards to fold in. I really think
18 that we've got to do one that is recognizing what we know
19 about the differences and so forth. I have no objection
20 to the EPA regulations. They're going to write them anyway
21 they want to regardless of public comments.

22 So, let's just do our own and develop them
23 very carefully just for our State, because bigness doesn't
24 necessarily mean efficiency. That's my opinion.

25 CHAIRMAN MOSCONE: I was looking towards a

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1 combination of number two and three.

2 BOARD MEMBER BREMBERG: Yeah.

3 BOARD MEMBER BROWN: That's exactly what I was
4 thinking.

5 CHAIRMAN MOSCONE: What happened to the rest
6 of these?

7 Mr. Varner?

8 BOARD MEMBER VARNER: I would agree with that.
9 And I see we need to have some responsibility in the area
10 of knowing, you know, I like that approach to it.

11 Obviously, with the Regional Water Quality
12 Control Board, we would have to work very close with them
13 and rely on their knowledge and information to be able to
14 discharge our responsibilities.

15 So, I think a combination of two and three
16 is an appropriate way.

17 MR. ORR: Okay. Thank you.

18 CHAIRMAN MOSCONE: What effect would -- I
19 suppose you'll be getting -- well, go ahead. Why don't
20 you go ahead.

21 MR. ORR: Go ahead and ask.

22 CHAIRMAN MOSCONE: Of course, the development
23 of this standard, as you mentioned here, would -- we will
24 have input from the Cleanup and Maintenance Advisory
25 Committee. My question was going to be, and maybe you --

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1 the monitoring types for cost estimates.

2 MR. ORR: Okay.

3 If you want me to move on to --

4 CHAIRMAN MOSCONE: Why don't you go ahead. You
5 might answer my question.

6 MR. ORR: Okay. The monitoring types for
7 cost estimates, as an issue, relates to the language of
8 AB 2448, where it calls for, on the one hand, that routine
9 activities related to the closure and postclosure
10 care of facilities should be accomplished on an individual
11 site basis.

12 And it reserves the statewide fund that's
13 created by AB 2448 for more cleanup or remedial-type
14 activities. And so, the reason for this particular issue
15 is to try to differentiate what would be considered
16 routine activities that would be considered for monitoring
17 of ground water from those which would be more in the
18 remedial or site characterization mode that might be
19 better taken care of through the State fund.

20 And in terms of what that would mean for the
21 closure plans, is that we would count on the costing
22 estimated for those routine types of monitoring and would
23 alleviate them from considering the other monitoring.

24 The three current types of monitoring -- and
25 there are several different schemes, depending on who

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1 you're talking to. There's detection monitoring, which
2 essentially is sort of a screening tool where you're looking
3 for indicator parameters that would show something in
4 excess of ground water protection standards.

5 In some instances, if you find something that
6 exceeds that, you may look at more individual compounds
7 through some kind of compliance or verification monitoring
8 scheme.

9 Now, the new EPA revised rule is looking at
10 throwing another name for those two terms, which would be
11 like Phase 1 and Phase 2 and Phase 3 monitoring.

12 So, I'll mention that, but we'll just go on
13 this for now.

14 The compliance monitoring would be where you
15 look at specific compounds, but probably would be using
16 largely existing wells. And you're just trying to get an
17 idea that they're complying with the ground water criteria
18 and also that you can verify that -- that on a certain
19 well spacing.

20 Now, when you look at something like the third
21 type of ground water monitoring, which I call here
22 assessment monitoring, you're looking to fully
23 characterize a site because you detected a problem through
24 the compliance and detection monitoring phases. And so
25 you're actually looking toward some remedial measure that

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1 you'll adopt by doing this characterization.

2 And I would submit to the Board that this type
3 of activity is not really a routine activity, because at
4 this point you're responding to a problem rather than some
5 kind of a routine monitoring effort that is required of
6 every site.

7 And so, along with that, if you would like --
8 if you have any comments on that, that would be my
9 recommendation for the difference between a routine thing
10 that should be considered along with the closure cost
11 estimates versus something that should be considered as a
12 remedial action.

13 Okay. Now, the next issue that we raised
14 is the length of the monitoring period after closure. And
15 this is one that we can't probably solve here today, but
16 I'd like to raise this for your attention.

17 The first one is under AB 2448, there is a
18 closure/postclosure period -- is to continue for 30 years
19 for routine monitoring costs. And that would include
20 other things aside from ground water monitoring, but along
21 with that, it requires that 15 years worth of money be
22 available during that period to cover those costs, which
23 some people said, well, on the one hand, it's a 15-year
24 period, but on the other hand, it's a 30-year period.

25 Well, it's always a 30-year period, but you're

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1 always supposed to keep at least 15 years of money
2 available until you get to the end of that period.

3 So, that's one way of looking at the length
4 of the monitoring period.

5 Subchapter 15 considers that monitoring should
6 continue until no threat to beneficial uses of water may
7 occur. Well, that's sort of hard from a cost-estimating
8 standpoint just how many years that may be, and so --

9 BOARD MEMBER BREMBERG: By whose definition is
10 until no threat to beneficial water. I'm very sure that
11 each person knows someone who could say that's infinity.

12 MR. ORR: That's possible, or at least
13 something beyond any given person's lifetime.

14 BOARD MEMBER BREMBERG: We all know two or
15 three maybe.

16 MR. ORR: And leading into infinity, the
17 proposed RCRA rule would call for indefinite monitoring
18 with the possibility of a demonstration it's no threat may
19 be considered.

20 So, essentially, you're on the hook forever
21 unless you can prove otherwise. And so, just in terms of
22 bringing up some of the different ways that the closure
23 or postclosure period may be viewed and how long this
24 monitoring is going to have to go on, I think it's an
25 important thing for us to at least recognize.

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1 Are there any other comments at this time?

2 BOARD MEMBER BROWN: Excuse me. Under an
3 indefinite scenario, what would you think an appropriate
4 monetary reserve then would be and for what length of time?

5 MR. ORR: I would say that the way we're looking
6 at trying to accommodate both of those, is that
7 currently the federal requirements don't require the
8 set asides that the State law does under these financial
9 assurances.

10 And how we were sort of looking at it is we know
11 we have to, because of the State law, have to provide for
12 the 30-year period. After that 30-year period, we may not --
13 we don't have maybe the authority at that point under
14 State law to require the financial assurances. But that
15 would be the period of time when we would say, at the end
16 of 30 years, there might be -- in order to have a
17 demonstration at that time whether monitoring should
18 continue.

19 Now, in terms of providing the money at that
20 time, that's -- that's way down the road. It may be that
21 at that time we could lengthen the period and require
22 that it continue.

23 BOARD MEMBER BROWN: Okay.

24 CHAIRMAN MOSCONE: We have to go along with
25 whatever EPA or whichever is more stringent.

1 MR. ORR: More stringent, yes. That's correct.

2 CHAIRMAN MOSCONE: So, would the requirement
3 under 2448 of 30 years, would that be more stringent than
4 possibly what RCRA would have?

5 MR. ORR: In terms of financial assurances,
6 I think it would be more stringent, that they'd definitely
7 have to provide the money. And after that money requirement
8 lapses, then you may fall back on the other.

9 MR. IWAHIRO: Mr. Chairman?

10 CHAIRMAN MOSCONE: Yeah. Herb?

11 MR. IWAHIRO: The latest on RCRA right now
12 is they're going back to the 30 years. So, I think we're
13 fairly okay there.

14 There is a Phase 2, and there's a mandatory,
15 more or less, on 30 years. And I think on the remainder,
16 it's like demonstration of no threat.

17 MR. ORR: Okay. I'll turn the mike over at this
18 time to Kim Schwab, who will be discussing gas control
19 during the closure/postclosure periods.

20 MS. SCHWAB: Proposed Section 17783, gas
21 control during closure and postclosure. I'm going to
22 start reading from page 94, section (c), problem with
23 current regulation.

24 The present standard does not specify levels
25 of methane gas above which action must be addressed.

1 Present wording implies the owner is not in violation
2 until notified by the local enforcement agency, fire
3 authority, or Board, and that the operator is not a
4 responsible party.

5 The existing standard does not require mandatory
6 monitoring, even if only for certain cases. If a site is
7 not monitored, it is not possible or impossible to determine
8 whether a hazard exists.

9 Monitoring is currently up to the individual
10 agencies mentioned, which makes for widely varied treatment
11 of a possibly universal problem.

12 The existing standard does not address trace
13 gases in any way, or the monitoring or collection of gases
14 in enclosed areas in onsite or nearby buildings. Neither
15 does it state monitoring, control, or recovery program
16 objectives.

17 I want to reiterate what Bill mentioned in the
18 beginning of the discussion today. We are splitting this
19 section off from the existing 17705 gas monitoring standard
20 that now exists to make sure that necessary gas control
21 systems are in place during closure of a landfill, and
22 shall continue to be monitored or operated during the
23 postclosure period.

24 The need for regulation --

25 CHAIRMAN MOSCONE: Excuse me.

1 MS. SCHWAB: Yes?

2 CHAIRMAN MOSCONE: In your problem with the
3 current regulations, the standard does not specify levels
4 of methane gas above which action must be addressed. I
5 thought we had this five percent, or what is it --

6 MS. SCHWAB: That will be considered when we
7 write the regulation.

8 MR. ORR: It's actually not in our current
9 regulation. It has been an adopted standard. I believe
10 it's in RCRA. But it's physically not in our existing
11 regulation.

12 CHAIRMAN MOSCONE: Very good.

13 MS. SCHWAB: Regulations need to be developed
14 to ensure gas monitoring programs and necessary gas control
15 systems will be in place.

16 Section (e), proposed revised regulatory
17 language, 17783, gas control.

18 (a) The landfill site owner or operator shall
19 provide for continuation of a landfill gas program after
20 the closure of the landfill pursuant to Section 17705.

21 The monitoring program shall continue for a
22 minimum of 30 years and shall not be discontinued until
23 authorized to do so in writing by the requiring agency.

24 Results of the monitoring shall be submitted
25 to the appropriate local enforcement agency and the Board.

1 If monitoring indicates methane or trace gas movement away
2 from the site, the owner or operator shall construct a
3 gas control system in accordance with Section 17705.

4 If a gas control system is already in operation
5 prior to the closure of the landfill, the owner or
6 operator shall take necessary action to ensure the system
7 will continue to operate. Additional gas control systems
8 may be necessary for the closure of the landfill.

9 According to Section 17705, monitoring and control
10 systems shall be modified as necessary during the post-
11 closure period to reflect monitoring results of changing
12 onsite and adjacent land uses.

13 Subsection (b). After 15 years, the owner or
14 operator may request reduction of monitoring or control
15 activities based upon the monitoring data collected.

16 The request for reduction of monitoring or
17 control activities should be submitted to the local
18 enforcement agency. A reduction may be granted by the
19 local enforcement agency with concurrence of the Board.

20 Subsection (c). After 30 years of postclosure
21 care, the owner or operator may request to cease the
22 monitoring or control programs. The owner or operator
23 shall demonstrate to the local enforcement agency and
24 concurrence by the Board that there is no potential for
25 migration of methane or trace gases beyond the property

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1 boundary or into onsite structures where they exist.

2 Demonstration of this proposal shall be based
3 upon the data collected and any additional studies.

4 Are there any comments on this language from
5 the Board or the audience? At this point --

6 CHAIRMAN MOSCONE: Mr. Bowerman.

7 MR. BOWERMAN: Mr. Chairman, members of the
8 Board, I think this section should take cognizance of
9 the gas monitoring program that's been developed by the
10 South Coast Air Quality Management District and which, in
11 my belief, will be expanded into other air quality
12 management or air pollution control districts.

13 The rules that have been adopted not only
14 require that the active landfills be furnished with
15 internal pipes to collect gases and directed by
16 vacuum pumps to control points where the gases are either
17 flared to control the discharge to the atmosphere, or
18 to be used in the generation of electrical energy, which
19 acts in a similar manner to control the air quality.

20 I would think that you could adopt this program
21 for air quality management districts or air pollution
22 control districts that don't have those types of programs.

23 But believe me, the program that the Air
24 Quality Management District has adopted in the South Coast
25 area is so extreme and so elaborate, involving taking

1 measurements with sniffing devices near surface at
2 frequent intervals throughout the year to detect whether
3 or not there are emissions which are coming out of the
4 landfill.

5 And that has to continue until such time as the
6 landfill has reached a point of quiescence, where it no
7 longer generates enough gas to cause these very low
8 concentrations to be detected near the ground surface.

9 But I think if you adopt a parallel standard in
10 the existing -- in those areas of more rigorous standards,
11 that you'd just be duplicating a lot of effort.

12 CHAIRMAN MOSCONE: Staff have any --

13 MR. ORR: Yeah. I do have one brief comment.
14 I'm familiar with the Rule 1150.1 and .2 that Mr. Bowerman's
15 referring to.

16 I also am aware that several other air districts
17 within the State, specifically the Bay Area Air District,
18 has their Rule 34. And the San Diego Air District has
19 just recently adopted their own rule. I don't recall the
20 number right now.

21 All three of these rules are attempting to
22 address a similar kind of issue. However, they all do it
23 in a different manner. And so, in terms of duplication of
24 effort, I personally believe that the duplication of effort
25 is currently happening in the individual air districts. As

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1 a State agency, I believe what we're required to do is look
2 at things from statewide perspective and see what common
3 level would make sense for the entire State. And if
4 individual air districts need to have more stringent
5 requirements for whatever their reasons are, that they're
6 free to do that under their own authority.

7 And we do have copies of all of these rules.
8 And we have made an attempt to pick a common denominator
9 out of that, which is practically impossible to do,
10 because, simply, what it applies to is very different from
11 air district to air district.

12 This is not something that we're mandated to
13 do as part of the Solid Waste Management and Cleanup
14 Advisory Committee; however, the Air Board does have a
15 representative on that committee. And we hope that they'll
16 provide some input in that area to us as well.

17 BOARD MEMBER VARNER: Mr. Chairman?

18 CHAIRMAN MOSCONE: Mr. Varner.

19 BOARD MEMBER VARNER: Is it possible, Bill,
20 that in each one of these different districts, that they
21 have unique problems that do not necessarily have a
22 common denominator, but they might have problems that have
23 to be addressed in a certain way in a certain area.

24 MR. ORR: That's true.

25 BOARD MEMBER VARNER: If that is true, then why

1 don't we, as a consistent policy on this Board, we try to
2 accommodate the local communities and local governments,
3 because they are best qualified to know what their
4 problems are and what is best for them? Then, what is
5 wrong with taking a look at this and using those criteria
6 that's already been developed in each area, and maybe have
7 it on a regional concept or whatever number of different
8 areas we have, rather than try to make one rule that would
9 fit everybody and maybe possibly not satisfy anyone?

10 MR. ORR: I think that that can work for the
11 local enforcement agencies.. But what we're required to do
12 is basically set minimum standards for the State. And
13 individual LEAs can put into place additional conditions,
14 for example, on the solid waste facilities permit which may
15 be parallel to those of some of those local area rules.

16 BOARD MEMBER VARNER: And you do it in such
17 a way that you're not going to abrogate the local person or
18 conflict with them. Is that possible?

19 MR. ORR: From a State point of view, hopefully
20 the process can be worked out that all of the requirements
21 can be accommodated and that you don't put an operator
22 into a position of conflict where they're trying to meet
23 one people's requirements that precludes them from
24 meeting someone else's requirements.

25 And that is definitely something that we're

1 sensitive to, that we don't want to put them in that bind.

2 BOARD MEMBER VARNER: Okay. And conversely,
3 you don't want to impose something on one district that
4 really doesn't apply to them that would be one that would
5 apply to someone else. That's really what I'm saying.

6 MR. ORR: So, we're looking at something that
7 makes sense for the State. And if they want to go beyond
8 that, they can.

9 BOARD MEMBER VARNER: Okay.

10 CHAIRMAN MOSCONE: Mr. Conheim, did you want to
11 make any remarks?

12 MR. CONHEIM: Not at this time, Mr. Chairman.
13 I think the discussion is going along nicely. Thank you.

14 CHAIRMAN MOSCONE: Mr. Bowerman?

15 MR. BOWERMAN: Mr. Chairman, members of the
16 Board. My concern is that we might find ourselves with
17 two systems installed at our landfill, one for your
18 purposes and one for the South Coast Air Quality Management
19 District's purposes, collecting two sets of data and making
20 two different reporting procedures.

21 And I really think in the interest of economy,
22 that if indeed there is in the local air quality management
23 district a gas monitoring and gas control rule in effect
24 which is as good or better than the one that you propose
25 to install as a minimum throughout the State, that that

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1 becomes the approved reporting system and that we don't
2 have to go through the hoops of doing it twice.

3 CHAIRMAN MOSCONE: That makes sense.

4 BOARD MEMBER VARNER: That's essentially --
5 he's saying better the same thing that I'm saying.

6 We don't want to develop some standards that
7 we impose on somebody that they don't need when they've
8 already got -- this may take some thinking about how to
9 write these sort of things. But somehow we have to do this,
10 because everybody's needs are not exactly the same. So,
11 why impose something that they don't need? But yet, we
12 want to make sure that we protect the health and welfare
13 of the people in every community.

14 BOARD MEMBER BROWN: And we need also to be
15 able to have some base by which to judge everyone.

16 In other words, if we have a wide range of
17 reports because of certain air quality district's rules
18 and regulations, we're not going to get a consistent picture
19 of what's happening.

20 MR. ORR: I'd like to make two points. The
21 first is that in terms of what the air districts are
22 looking for, they're looking largely for the effect of
23 methane or trace gases on the ambient air quality, which
24 is very different from our charge in terms of regulating
25 the landfill operators to protect public health and safety,

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1 particularly in the area of lateral gas migration.

2 So, jurisdiction can be very different in terms
3 of what they're looking to protect from. And as an
4 artifact of that, you may help in the other area as well.
5 But that's not their primary intent.

6 The second is, in terms of what our local
7 enforcement agencies can enforce and what the Board can
8 enforce, we simply can't enforce their district rules.
9 And so, we have to be happy that we have something that we
10 can live with.

11 If the air districts want to enforce their
12 rules, we'll try to be coordinated with them. But our
13 local enforcement agencies cannot enforce Rule 1150.1,
14 for example. They can only enforce Title 14.

15 So, in terms of providing a tool for our
16 local enforcement agencies, I think that's something else
17 that we need to consider.

18 BOARD MEMBER VARNER: Okay.

19 CHAIRMAN MOSCONE: Very good.

20 MR. BOWERMAN: Mr. Chairman?

21 CHAIRMAN MOSCONE: Frank?

22 MR. BOWERMAN: Bill, I'd like to correct
23 something.

24 The rule, 1150.1, very clearly is concerned about
25 migration of methane and other gases -- vinyl chloride,

1 benzene, toluene -- in the soil.

2 We are required to put in gas wells at the
3 perimeter of our landfills. They are as much concerned
4 about the movement of landfill gases in the soil as you
5 are.

6 I really kind of take issue with the concept
7 that you need a different set of rules to cause enforcement
8 when there's a local authority that has enforcement
9 responsibilities on the same issue.

10 I think there ought to be enough mutual
11 trust and confidence between State agencies and local
12 districts to the effect that if they have a gas -- a
13 landfill gas migration control, emission control program
14 in effect, that they are going to be doing an honest,
15 earnest effort to protect the public.

16 I don't think you need to have weapons or tools
17 in your local enforcement agency to duplicate that.
18 I think they're going to be as serious about their enforce-
19 ment as you would be.

20 BOARD MEMBER BREMBERG: Mr. Chairman?

21 CHAIRMAN MOSCONE: Mrs. Bremberg.

22 BOARD MEMBER BREMBERG: Well, I would go
23 further in stating, though, that because of SB 151 and
24 the subsequent 2285, that the South Coast is unique, if not
25 unusual, in its authority. And I think the State has

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1 really got to watchdog that, because the authority it has
2 within the first six months of operating under the new
3 rule has almost destroyed the South Coast Air Quality
4 District people trying to comply with it, because the rules
5 are being thrown at us so rapidly that everyone in the
6 whole four-county area's out of compliance and subject to
7 enforcement.

8 All of a sudden in six months, with those six
9 people just tap dancing on our tonsils, and I think that
10 we've got to have something in there for monitoring so
11 that they don't run hogwild.

12 I have no doubt that in their motivation, they
13 think they're protecting the public. But in the meantime,
14 they're destroying a city's financial structure.

15 Every other kind of an agency that has anything
16 to do with it, their will shall be done, and you can just
17 forget it. You're having to rewrite budgets and everything
18 else as municipalities to comply with their traffic
19 management goals, and their fleet controls, and so forth,
20 and so on, and installing methane tanks for fuel, exotic
21 fuels.

22 I think we've got to -- somebody has got to
23 watch them so that they don't get completely out of
24 control. Because they're darn near out of control right
25 now.

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1 MR. BOWERMAN: If I may respectfully submit,
2 I think you reinforce my argument.

3 Your controls will be, I would personally
4 consider, much more reasonable. I think they would be
5 recognizing the reality of the issues and the problems and
6 dealing with it on a fair and honest basis.

7 But I'll be faced in the South Coast Air
8 Quality Management District with these unreasonable,
9 overprotective rules, and I'll have to meet them
10 regardless.

11 (Thereupon both Board Member Bremberg
12 and Mr. Bowerman spoke at once,
13 untranslatable by reporter.)

14 MR. BOWERMAN: All I'm suggesting is that if
15 that situation exists, will you please recognize it and
16 then not make us do two sets of data and two sets of
17 reporting.

18 MR. CONHEIM: Mr. Chairman?

19 CHAIRMAN MOSCONE: Mr. Conheim.

20 MR. CONHEIM: As a threshold matter, Mr. Chairman
21 and members, Frank, the South Coast Air District has
22 probably exceeded its authority. They're not subject to
23 OAL. And they probably exceeded their authority by
24 adopting lateral migration standards.

25 We have to adopt those standards. That's what

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1 we have to do.

2 Now, as a practical matter, treading on Bill's
3 ground, the implementation of the standards that the
4 State would implement would be in cooperation with the
5 other requirements. It's unlikely that the standard would
6 be applied so as to require any -- a duplicate set of
7 pipes and valves and -- it just never works that way.

8 But I want to make the point that notwithstanding
9 what we have to do, the air district has probably exceeded
10 its authority. That's a separate issue to address.

11 BOARD MEMBER VARNER: Mr. Chairman?

12 CHAIRMAN MOSCONE: Mr. Varner.

13 BOARD MEMBER VARNER: I'm always the one that
14 does not want overregulation, and I appreciate the things
15 that Frank was saying.

16 But there comes to mind, at least a couple of
17 recent instances, where the local enforcement agencies have
18 not done their job at all. And I don't know where the
19 balance is between looking over the local people's
20 shoulder too much, you know, I really always take the
21 position to give the local people the right and so forth
22 to take care of their own problems.

23 But I was shocked in a couple of cases that
24 have come before this Board where the local enforcement
25 agencies, for whatever reason, absolutely did not do their

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1 job, period. And some of these problems went on for a
2 long period of time. And at least, in one case, there's
3 going to be some devastating effects from it.

4 So, hopefully, we can find some kind of
5 common ground where we don't duplicate things or impose
6 something on a local entity that ought not to be, but at
7 the same time, have the authority to be there to find out
8 when the local people are absolutely not doing their job.

9 So, you have these two extremes. In this case,
10 in Frank's area, they may be too stringent. In some
11 other areas, they don't do anything at all.

12 And where's the common ground? This is just an
13 issue that has to somehow be addressed.

14 CHAIRMAN MOSCONE: Do you believe that we can
15 put something together that -- whether it be minimum or --
16 standards or whatever that would take care of Frank's
17 thoughts?

18 MR. ORR: Definitely. I think it's going to
19 be a combination of regulatory language. And then, after
20 that, the implementation, as Mr. Conheim mentioned.

21 CHAIRMAN MOSCONE: So then we'll have to see
22 what the air people have to say.

23 MR. ORR: Yeah.

24 CHAIRMAN MOSCONE: Very good.

25 MR. ORR: Okay. We'll move on now to the next

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1 section, which is proposed section 17785.

2 CHAIRMAN MOSCONE: We'll take a break for
3 lunch, and we'll return at one o'clock. 1:15.

4 (Thereupon the luncheon recess
5 was taken.)

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1 requirements to document the development of the actual
2 closure.

3 I'm going to go through real briefly some of
4 the elements that should be included in a plan such as
5 this. I'll start on the second paragraph on page 97 with
6 the proposed regulatory issues and options.

7 One of the first issues is basically the
8 mixture, the frequency, and the timing of the various
9 monitoring efforts that are all tied together in this
10 plan.

11 This would include self-monitoring by the
12 contractor or the operator of the activities as they're
13 being done, plus the possibility of independent
14 consultants or hired personnel to observe on a periodic
15 basis the closure proceedings; and finally, regulatory
16 inspection by either State, local enforcement agency
17 personnel.

18 And so, the mixing, the frequency, and so
19 forth of all of these inspections needs to be determined.
20 And we'll be working on developing some mix that makes
21 sense for these plans.

22 In addition to that, the actual inspection
23 components for each of these entities needs to be
24 determined. And it can be broken down generally into
25 three major areas. One, which would precede the actual

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1 closure, and may actually, in some of the cases, occur
2 while the landfill is still operating. These preconstruction
3 activities may include a general review of the closure
4 plan that hopefully will be approved well in advance of
5 the day the landfill closes.

6 In addition, it would include inspection of
7 materials at, say, a borrow area that will be the source
8 of the final cover material. That could be done while the
9 landfill is still operating.

10 And also, the establishment of test pads, which
11 would be the areas to test how the design actually is
12 implemented on a pilot scale. Again, it would be best
13 if some of these activities would be done in advance of
14 closure so that the whole closure process isn't held up
15 waiting for these kind of determinations and studies to be
16 made.

17 The second area would actually be during the
18 construction phase of the closure and would include testing
19 and inspections at various intervals. That would include
20 observing the material as it's being compacted in the
21 field, would include periodic testing, on some frequency
22 to be determined, of the compacted cover material.

23 And there'd have to be some unit in terms of
24 surface area or in terms of quantity of material processed
25 to determine how frequent this would be.

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1 And then a field test to confirm the
2 preconstruction testing in terms of the borrow areas,
3 in terms of the test pads to make sure that the design
4 is implemented, both according to the specifications in
5 the closure plan, but also as it was conceived in these --
6 in these pilot test areas.

7 And one important area is that approval of
8 the placement of these various materials of the final
9 cover and so forth needs to be done before they're buried
10 by other layers by other materials or other activities.
11 Because it's a very difficult position to complete
12 everything and then go and test it to find out that you
13 have a problem five feet down, and that you're going to
14 have to tear it out or start all over or something.

15 And so, basically, an approval mechanism before
16 you proceed is an important element of this construction
17 phase.

18 Finally, after the cover and the other systems
19 are installed related to the closure, there needs to be a
20 series of postconstruction inspections to verify that
21 everything is in its final configuration, and that the
22 final slopes are as they can be measured on the outside.
23 Certain activities, such as the final cover specifications,
24 really can't be verified at this time.

25 So, a simple visual check of the completed

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1 final cover, along with some minor instrumentation, might
2 be sufficient for that.

3 Some of the sampling activities that might go
4 along with that would include specifications for the
5 methods to be employed; the size, location, frequency
6 of the samples. And the really important thing is the
7 criteria for the rejection or acceptance of a given test
8 or inspection.

9 Basically, what we see out in the field
10 commonly is a consultant or a contractor will test a
11 particular thing, and it doesn't meet the test that it was
12 supposed to meet.

13 Well, then it becomes a discussion or an
14 argument out in the field. "Well, now what do we do? Do
15 we just test until it passes? Do we make you tear it
16 out and start over?"

17 Or what exactly do we do? And so, what we
18 would propose for this construction quality assurance
19 provision is that those elements of what do we do if it
20 passes; what do we do if it fails, would be laid out
21 in advance so that you don't get into those heated
22 discussions in the field, but would already be agreed
23 upon in advance.

24 Then, along with that, there is the need to
25 record the various activities that occur during all of

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1 these phases of the construction quality assurance. This
2 include daily summary reports of what occurred each day
3 while the contractors were working, and so forth; would
4 note any difficulties that were encountered, include
5 tabulated data sheets of the various tests and locations
6 and so forth that were done. Would include any
7 corrective measures either resulting from failed tests
8 or simply things that didn't go right and they chose to do
9 over.

10 Would also include a design acceptance reports,
11 which would indicate that that design had been bought off
12 on. Would include final documentation of -- that the
13 closure was completed. And that would go hand in hand
14 with something that we considered several months ago
15 regarding the certification that the closure had actually
16 been completed as it was intended to be.

17 And then on the long term, there would have
18 to be provisions for the submittal, storage, and retrieval
19 of these records either during the process, the local
20 enforcement agency would request documents be sent to
21 them on a certain frequency. Or after the fact, if a
22 problem would crop up at some point down the road, it may
23 be necessary to go back and look at how things were done.

24 And so provisions will need to be covered in
25 this section dealing with that.

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1 So, that pretty much deals with the elements of
2 what needs to be considered in the construction quality
3 assurance section.

4 Are there any comments?

5 BOARD MEMBER BREMBERG: Mr. Chairman?

6 CHAIRMAN MOSCONE: Mrs. Bremberg?

7 BOARD MEMBER BREMBERG: On page 97, 2(e),
8 permeability, wouldn't that be established prior to --
9 wouldn't they know what kind of soil they were using or
10 what kind of -- it's a little late for -- you know, if
11 it's terribly porous after it's in, it would seem to me
12 you'd know ahead of time what you were going to cover
13 with. And if it weren't right, you'd have to mix in clay.
14 And those criteria should be pretty well established.

15 Maybe you mean it that way, but it sounds like
16 you're going to check permeability after the cover is on.

17 And on page 98, 1(c), field permeability, I
18 feel -- there again, maybe I'm wrong, but that should be
19 established before the whole thing happens.

20 MR. ORR: You're exactly right that that should
21 be established before that actually happens.

22 (Thereupon Mr. Orr spoke over
23 Mrs. Bremberg's added statement.)

24 MR. ORR: That's why in the preconstruction
25 phase, they would determine that. And you pointed out

1 exactly the right feature in Item (c) on the next page,
2 because the field permeability that's called for there
3 would be to correlate with what you thought you were going
4 to have beforehand, just to verify that that's what you --
5 what you have, in fact, got. You're right on track.

6 BOARD MEMBER BREMBERG: That's a switch.

7 MR. ORR: The next section will be recording.
8 And Karen Turgavich will present that section.

9 MS. TURGAVICH: Good afternoon, Mr. Chairman,
10 and members. Recording is an issue that we hit upon in
11 numerous discussions over the last few days.

12 This issue deals with the knowledge of a site
13 owner or future site owner of the conditions of the site
14 at the time of purchase.

15 The current regulation which we have, which is
16 found at Section 17734 of the existing regulations, is
17 proposed to be incorporated into a new section, Section
18 17788.

19 Under this new section, we have made one very
20 important change which we feel will complete the issue of
21 the recording of a site at the time of closure. And this is
22 to add the sentence or statement that the postclosure
23 maintenance plan must be made a part of that recording
24 procedure.

25 The current or existing regulation requires

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1 that a site description be filed with the county
2 recorder. This does not, however, state what restrictions
3 may be placed on that facility after closure has been
4 completed in terms of postclosure land use, nor does the
5 detailed site description require that existing monitoring
6 systems or ongoing monitoring requirements be described.

7 And therefore, the new owner, when conducting
8 his title search or whatever activity, would bring
9 about this filing with the county recorder, would become
10 aware of these requirements.

11 The new language, the new draft language
12 which we have proposed for you basically identifies the
13 time, identifies the postclosure maintenance plan and that
14 it must be included in the description that is filed with
15 the county recorder.

16 And I'd like to read the section for you
17 now.

18 It's on page 99 of your packet. And it's
19 proposed section -- I'm sorry. I misread the section
20 prior to that.

21 But it's Section 17735, recording.

22 The owner or operator, at the beginning of
23 site use and upon completion of closure of the site, shall
24 file a detailed description of the site, including a map,
25 the date that closure was completed, where the

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1 postclosure maintenance plan can be obtained, and a
2 statement that the site use is restricted in accordance
3 with the postclosure maintenance plan with recorder of the
4 county in which the site is located, the local enforcement
5 agency, the Board, and with the local agency that has been
6 selected to maintain the county solid waste management
7 plan. What staff hopes will be accomplished by including
8 this additional wording in the regulation is to provide
9 potential buyers of these pieces of property with the
10 information on what monitoring requirements must be
11 carried out and what postclosure uses may or may not be
12 prohibited at that site.

13 Are there any questions on this section?

14 BOARD MEMBER BREMBERG: Mr. Chairman?

15 CHAIRMAN MOSCONE: Mrs. Bremberg.

16 BOARD MEMBER BREMBERG: It's not a question,
17 but it's just a thought that it might be an excellent
18 idea in the future training sessions that you have with
19 the LEAs, that the new sections be given most of the
20 emphasis, particularly on proposed Section 17785 and 17787.
21 I think that those are two that may come as a surprise
22 to some of the LEAs.

23 And I think not only advance written
24 information, but a thorough explanation, as you have given
25 us, might seem to make a smooth implementation. Because

1 your presentation is so clear that we all understand it.
2 Now, if we can, they certainly ought to be able to; they're
3 in the business.

4 MS. TURGAVICH: I think that's a very good
5 suggestion. And, in fact, what we're hoping to do is
6 during the months -- the month of September is to conduct
7 workshops -- in Northern California and the other in
8 Southern California -- to go over the proposed requirements
9 with them. And it's to do two things. The first is to get
10 their input on these regulations prior to them becoming
11 final regulations.

12 We can hold hearings here in Sacramento, but
13 the LEA in Redding and the LEA in Mono County might not
14 be able to attend.

15 BOARD MEMBER BREMBERG: Obviously they can't.
16 They're not here.

17 MS. TURGAVICH: They're not here. That's right.
18 And the second reason is to give them information on what
19 they have to look forward to, and perhaps any
20 programmatic changes that they might need to make in order
21 to implement these regulations.

22 BOARD MEMBER BREMBERG: And give them a chance
23 at budget changes.

24 MS. TURGAVICH: Thank you for that comment. Any--

25 CHAIRMAN MOSCONE: Mr. Bowerman?

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1 MR. BOWERMAN: Mr. Chairman, and members of
2 the Board, I think it's an excellent section, but I'm not
3 clear on what is intended in the first sentence where it
4 says, "The owner or operator at the beginning of site use."

5 MS. TURGAVICH: That is part of the existing
6 section, and I believe what the intent was is that for
7 anyone doing research on a piece of property or investigat-
8 ing a piece of property, that there is a legal document,
9 something on file, a paper trail with the county recorder
10 to indicate that this piece of property is a solid waste
11 landfill.

12 And the description of that facility, and the
13 purpose of having it filed both at the beginning of site
14 use and upon completion is for any changes that may have
15 been made in the description of the site.

16 MR. BOWERMAN: But at the beginning of the site
17 use you can't include the date the closure was completed
18 and where the postclosure maintenance plan can be
19 obtained and, et cetera. That all -- that only can be
20 done after you have achieved a closure plan.

21 MS. TURGAVICH: That's correct. That's correct.
22 When we added this sentence, we didn't anticipate that.
23 We'll add in a clause in there stating that after the
24 postclosure maintenance plan has been filed, that this
25 information will be available. Thank you.

1 The next section that I'd like to discuss
2 is postclosure maintenance. And this is perhaps an
3 overall description or definition as far as the extent
4 of the standards that we have been talking about.

5 How long they must be carried out and in what
6 manner -- we've talked so far about ground water
7 monitoring standards, gas control standards. We've talked
8 or we will be talking about postclosure use, and various
9 other standards specifically relating to the postclosure
10 phase of that landfill facility.

11 Staff feels it's necessary to develop a
12 section which specifically states the extent of the period
13 in which the postclosure maintenance activities must be
14 carried out.

15 We have a current regulation, which is found
16 in Section 17734, and that's entitled, "Completed Site
17 Maintenance," which somewhat deals with the issue of
18 postclosure maintenance.

19 The current monitoring period in our current
20 regulation is for a period of five years after completion
21 of the site. There is currently not any empirical data
22 on the timing of releases associated with solid waste
23 landfills. And thus, the five-year postclosure care
24 period, which is discussed in Section 17734, may not allow
25 sufficient time to monitor the site to ensure that there not

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1 be any releases associated with that site in the future.

2 The current EPA regulation is -- or draft
3 regulation, as far as postclosure maintenance is
4 concerned, specify a postclosure maintenance period of
5 30 years or longer. And at that 30-year interval, it's then
6 up to the State to make a determination as to whether or
7 not the site no longer presents a threat to the public
8 health and the environment.

9 If the determination is made that that threat
10 still exists, then the State, and thus the local
11 agencies, may require a more lengthy postclosure maintenance
12 period.

13 I'd like to read to you the draft language
14 under subsection (e) of page 100 of your packet for
15 postclosure maintenance. And this will be a new
16 section, 17788.

17 Subsection (a). The owner and operator of
18 a solid waste landfill shall cause that landfill to be
19 maintained and monitored for a period of not less than
20 30 years after the completion of closure pursuant to
21 Section 18265 of Article 5.

22 For your reference, that is the section on
23 closure and postclosure maintenance plans.

24 Maintenance and monitoring shall include, but
25 not be limited to, the following:

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1 Subsection (1). Final site face as
2 specified in the closure plan and developed pursuant to
3 Section 17679 of this article.

4 Subsection (2). Final cover as specified in the
5 closure plan and developed pursuant to Section 17685 of
6 this article.

7 (3) Site security.

8 (4) Ground water monitoring and maintenance
9 of the components of this system as specified in the
10 closure and postclosure maintenance plans and developed
11 pursuant to Section 17704 of this article.

12 And Subsection (5), gas monitoring and
13 maintenance of the components of this system as specified
14 in the closure and postclosure maintenance plans and
15 developed pursuant to Section 17705 of this article.

16 Subsection (b). If, at the end of 30 years of
17 postclosure maintenance, the owner or operator demonstrates
18 to the satisfaction of the Board and the local
19 enforcement agency that, based upon site hydrogeology,
20 design characteristics, and actual field data collected
21 pursuant to Sections 17704 and 17705, there is no further
22 potential for migration of hazardous constituents from the
23 units at the facility to the uppermost aquifer, then the
24 postclosure care maintenance period may be discontinued.

25 I'd like to point out two items here. And the

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1 first is that the reason for the dual references for
2 ground water monitoring and gas monitoring is in order to
3 require the owner or operator the time to not only look
4 at the postclosure maintenance plan, but to ensure that
5 the components of that plan were developed pursuant to the
6 standard. Because what we will have is a standard which
7 describes what must be done, and then the plan in which the
8 operator says what he is going to do.

9 And we wanted to be able to bring those two
10 together.

11 The second point I'd like to make is that this
12 30 years of postclosure maintenance with the demonstration
13 after that is currently the language that EPA is operating
14 under under their draft regulations, and is the language
15 which is utilized under AB 2448, which specifies that
16 we will require a minimum of 30 years of postclosure
17 maintenance.

18 Is there any further comment on this section?

19 BOARD MEMBER BREMBERG: It's very clear.

20 MR. ORR: Let us then proceed to the next
21 section, which would be proposed Section 17789 on page 101
22 of the Board's packet.

23 This is in there as sort of an indication of the
24 direction that landfills may go in the future. It would
25 be to look at expanding upon the concept of, say, landfill

1 gas recovery, to actually utilizing some of the solid
2 materials that have been disposed of in the landfill at some
3 point in the future.

4 The possibility that the cost of various
5 articles -- commodities, such as ferrous metals, plastics,
6 the cost -- raising the cost of fuel at some point in the
7 future may necessitate some criteria for the consideration
8 of opening up old landfills for those commodities.

9 I don't know that this is a viable alternative,
10 because there are other criteria, such as air district
11 rules, which we heard a little bit about this morning, that
12 require special permits for excavation of landfills and
13 so forth.

14 But to give you an idea of some of the
15 technologies that may occur in the future, the State of
16 Florida has been studying this recently, and they've been
17 studying the recovery of, first of all, soil from the
18 landfill.

19 As the landfill decomposes over time and it
20 decomposes and gas is generated and so forth, the percentage
21 of cover soil increases and increases as the decomposition
22 process increases. So, what may have been a 25 percent
23 soil in the landfill initially will be enriched through
24 time, and so one of the materials that they recover is
25 soil.

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1 Some of the other things that they looked at
2 are recovering ferrous metals, various recyclable
3 materials used in either fuel or to recycle the materials
4 proper.

5 And so this is just sort of there for your
6 consideration, that this may be a possibility at some point
7 in the future, and maybe we should sort of try to plan for
8 that a little bit.

9 Are there any comments on this?

10 BOARD MEMBER BREMBERG: Mr. Chairman?

11 CHAIRMAN MOSCONE: Mrs. Bremberg?

12 BOARD MEMBER BREMBERG: Where did I read an
13 article about someplace in Florida that's mining their
14 landfills?

15 MR. ORR: It's in Waste Age a few months back.

16 BOARD MEMBER BREMBERG: Yeah, where they get
17 another ten years or five years out of them by rearranging
18 the contents of a closed landfill.

19 MR. ORR: We've obtained the full report that
20 was referenced in --

21 BOARD MEMBER BREMBERG: What kind of
22 environmental controls were put on them before they
23 started? Just curiosity.

24 MR. ORR: I really can't answer that right now.
25 I'd be glad to look into that.

1 BOARD MEMBER BREMBERG: Do they have the same
2 types of standards that we do here?

3 MR. ORR: I would say that in some ways they
4 have more stringent standards. For example, their ground
5 water quality standards are -- because of the close
6 proximity of the ground water to the surface in Florida,
7 they have very stringent ground water standards.

8 But in terms of air quality and so forth, I
9 can't say that they've got as well-developed standards in
10 those areas.

11 BOARD MEMBER BREMBERG: That's kind of an
12 interesting concept.

13 MS. TURGAVICH: The next section, if there are
14 no further comments on using landfills as a resource, is
15 the section entitled, "Change in Ownership." And that's
16 on page 102 of your packet.

17 Based upon the discussion that Martha Gildart
18 had with you yesterday under the revised permit
19 regulations, it is possible that this section may be
20 incorporated into that area.

21 However, at this time, we have left in its
22 original form as a separate section as a change of owner-
23 ship outside the permit regulations.

24 The current problem with regulation is that
25 there is no requirement for the change in ownership to be

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1 made a part of the permit record, the official record.

2 However, some of the requirements that Martha
3 went through with you yesterday may, in fact, alleviate
4 that.

5 The requirements, however, are only -- as far as
6 the solid waste facilities permit are concerned, are only
7 for the active portion of that landfill. Once the landfill
8 enters into closure, thus postclosure maintenance period,
9 there is no current mechanism for requiring that the
10 change of ownership be brought to the attention of the
11 Board and the local enforcement agency or any other agency
12 which is assisting in that postclosure maintenance plan.

13 With this section intends to do is to make that
14 change in ownership not only a part of the official permit
15 record, but also a part of the postclosure care period.

16 I'll read you the proposed regulatory language
17 for that section now under subsection (e), proposed
18 regulatory language.

19 This is new Section 17792. Change in Ownership.
20 When the title to a disposal site during closure or
21 postclosure care is transferred to another person, the new
22 owner shall be notified by the previous owner or his
23 agent of the existence of these standards and of the
24 conditions and agreements assigned to assure compliance.

25 Specific notice shall be made of Sections 17705,

1 17715, 17731, 17733, 17734, and 17735.

2 The previous owner shall notify the Board and
3 the local enforcement agency of the change in title and
4 shall provide the name, firm, and mailing address, and
5 telephone number of the new owner.

6 I'd like to just make one note here, and that is
7 the section numbers that are cited in this proposed
8 regulation may, in fact, change as development of the
9 regulations proceed. We may, in fact, delete or move
10 sections or add new sections which will affect the numbers.

11 Are there any comments on this section?

12 If not, then, we'll proceed to the next
13 section, which is notification of problems during
14 postclosure care.

15 During the postclosure period, which would
16 extend in many cases for a minimum of 30 years, if not
17 longer, there may be incidents which occur during this
18 time frame which may involve a release of or migration
19 of landfill gas, and other incidents which may affect
20 the ground water or surface water surrounding the
21 facility. Containment structures may collapse, excessive
22 erosion may occur and, thus, the final cover's integrity
23 may be affected as a result of these incidents.

24 There needs to be a standard which requires
25 that the current operator of the facility, or owner, or

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1 designated agent be required to report these incidents
2 to the appropriate authorities.

3 While we can include this as a part of the
4 postclosure maintenance plan, staff feels that it's
5 necessary to have a standard and, thus, if the postclosure
6 maintenance plans for some reason may turn out to be
7 inconsistent in their application, there is a standard to
8 fall back upon which applies to everyone.

9 I'd like to read you the proposed language
10 for that section now under subsection (e). And there's
11 a new Section 17793, notification during postclosure care.

12 The owner or designated agent of a solid waste
13 landfill shall notify the local enforcement agency as soon
14 as possible of the occurrence of any event which causes or
15 threatens to cause the implementation of corrective
16 action outlined under Sections 17782, 17704, 17705, and
17 17766.

18 Once again, these section numbers may change as
19 a result of the further development of these regulations.

20 Are there any comments on this section?
21 Or additional comments from the audience?

22 MR. ORR: Okay. Let us proceed then to the
23 next section, proposed Section 17796, which deals with
24 postclosure land use.

25 There are currently problems associated with

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1 building on landfills due to such things as settlement,
2 methane gas migration, and loss of integrity of environmental
3 control systems, including the final cover.

4 Construction on top of completed sites needs
5 to be reviewed by the regulating agencies for public (sic)
6 hazards to the public health and safety.

7 The current standards found in 17734 does not
8 provide the enforcement agencies with the basis for review-
9 ing construction projects.

10 For example, a project which disturbs the
11 integrity of the final cover could increase potential
12 leachate migration and gas migration. Disruption of the
13 ground water monitoring systems may prevent the timely
14 detection of ground water contamination.

15 The implications of building on top of
16 closed landfills are significant and warrant a requirement
17 for approval rather than the review and comment that's
18 currently included in the regulation.

19 So, then, let's move on to Section (d), which
20 is found about the middle of page 104. I would like to
21 point out that we are splitting this off of the existing
22 Section 17734, completed site maintenance, and creating a
23 new section, 17796 to follow along with that.

24 All construction of improvements on completed
25 sites shall be submitted to the Board and the enforcement

1 agency for review and comment concerning possible
2 construction problems, hazards to health and safety, and
3 factors which might affect the improvements.

4 These comments shall pertain to the
5 appropriateness of the project and controls. The owner of
6 the facility shall not allow construction which (a)
7 affects the integrity of the final cover or liners, or (b)
8 affects the integrity of any components of the containment
9 systems or functions of the monitoring systems, unless
10 the Board and the local enforcement agency determines
11 that the activities will not increase the potential
12 threat to human health or the environment or that the
13 activities are necessary to reduce the threat to human
14 health or the environment.

15 Are there any comments on that?

16 CHAIRMAN MOSCONE: Mrs. Bremberg?

17 BOARD MEMBER BREMBERG: Mr. Chairman, let me
18 give you a what if.

19 What if at Shell Canyon, as we close more and
20 more of it as we're going along, and we decide to put
21 a waste to energy plant up there to extend the life of the
22 landfill, would these plans run concurrently or would
23 they have to be bounced separately and have an impact and
24 delays? Or what type of procedure would that come -- how
25 would that be handled under this new section? That's a

1 what if.

2 MR. ORR: I'll answer part of that.

3 In terms of what we would be looking to review
4 at all, it would be largely something that would be built
5 on the refuse.

6 BOARD MEMBER BREMBERG: Well, that's where it
7 would be.

8 MR. ORR: Okay. If it's on refuse, then one --
9 we have run into these situations where somebody submitted
10 a plan. And they've said, "Well, how long is it going to
11 take you to, you know, approve the plan?"

12 One thing we might look at doing is coming up
13 with some kind of a time frame by which we would review
14 and approve that plan.

15 BOARD MEMBER BREMBERG: But we wouldn't be the
16 only ones that would review it, would we?

17 MR. ORR: No.

18 BOARD MEMBER BREMBERG: You have to have
19 approval from one before you go to the next, before you go
20 to the next?

21 MR. ORR: Is it concurrent or is it a successive
22 process?

23 Well, I would say it's not successive. I would
24 say that you could submit it. And we would only look at
25 it for certain things. So, we're not really looking to

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1 approve the plant, per se, under this section. We would
2 just be looking at the potential problems associated with
3 this.

4 BOARD MEMBER BREMBERG: Construction.

5 MR. ORR: Right. So, we wouldn't want to, say,
6 for example, approve that as a good plant. We just want
7 to make sure that there were no disruptions to the cover
8 and so forth.

9 So, I would say that it would be a fairly small
10 component in the overall process and hopefully would not
11 delay a project like that.

12 BOARD MEMBER BREMBERG: Well, we have already
13 done a golf course and tennis courts, and ball diamonds,
14 and pro shop, all those things.

15 If we were to start anticipating doing that
16 now, and these rules were in effect, would the design,
17 the land use permitting, and so forth that we went through
18 in the past -- let's just say we're just going to go --
19 would that come under this regulation to you?

20 MR. ORR: Yes, it would. In fact, I believe
21 it currently could. We have made a number of comments --

22 BOARD MEMBER BREMBERG: I know it could. But
23 I mean I just wondered if it would be mandated.

24 MR. ORR: Yes, it would be.

25 BOARD MEMBER BREMBERG: I don't object. I just

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1 want a clarification.

2 BOARD MEMBER VARNER: Mr. Chairman?

3 CHAIRMAN MOSCONE: Mr. Varner.

4 BOARD MEMBER VARNER: I'm wondering how, in view
5 of what you've written here, how it would affect such
6 things as this concert hall in Mountain View and so
7 forth.

8 And in that situation, obviously, they're still
9 in the process of having a landfill there, so how do you --
10 how do you view that?

11 MR. ORR: I think that's a prime example of the
12 need for this kind of thing. And hopefully, you would
13 take care -- you would -- with the expertise that the
14 Board staff and the local enforcement agencies have in some
15 of these areas, that concert promoters or certain
16 construction firms, or whatever may not have, it would be
17 a way of anticipating some of these problems beforehand,
18 rather than having to try to mitigate them after you've
19 got the structure there.

20 BOARD MEMBER VARNER: That's what I'm kind of
21 wondering, too, being that that facility is still in
22 operation --

23 MS. TURGAVICH: It wouldn't be a retroactive
24 standard. I don't believe that we could put forth a
25 regulation that would call back all of the construction

1 that's occurred previous.

2 However, if there was a proposal to expand that
3 amphitheater, that new construction would fall under this
4 section.

5 And we would, therefore, review that new
6 construction.

7 BOARD MEMBER VARNER: I didn't anticipate it
8 as being retroactive. But I was thinking along the terms
9 that they may already have plans to do some things or
10 expansion, but that would sort of put a crimp in that; is
11 that correct?

12 MS. TURGAVICH: In terms of the new? Yes.

13 BOARD MEMBER BREMBERG: Not wanting to prejudge
14 the efficacy of their application.

15 MR. EOWAN: That's true. Maybe they'll build
16 a mini-Ferrari site.

17 (Laughter.)

18 CHAIRMAN MOSCONE: Any other comments? Anyone
19 in the audience have any comments?

20 Frank, we appreciate your input. So, this
21 will complete the discussion of the regulations.

22 BOARD MEMBER BREMBERG: Mr. Chairman?

23 CHAIRMAN MOSCONE: Mrs. Bremberg.

24 BOARD MEMBER BREMBERG: Before we go on, I would
25 like to, as I'm sure we all would, compliment you and your

1 presentation, your clarity, your patience, and your
2 willingness to listen and be flexible without seeming
3 to resent it. Whether you do or not, you carried it off
4 beautifully, and I, for one, want to thank you all for the
5 splendid way you prepared the information and presented it.

6 BOARD MEMBER VARNER: I second that. Amen.

7 CHAIRMAN MOSCONE: I think we -- at noon, the
8 four of us had lunch together, and we all, I think at about
9 the same time, all popped up with the same statement.

10 So, all of us feel the same about your work.

11 MR. EOWAN: On behalf of staff, I know they
12 really appreciate that. They have worked very, very hard
13 at it. And I think they also appreciate your diligence
14 in going through this line by line and giving it the
15 attention. This is the first time we've gone through
16 this kind of process, and I think we should all be pleased
17 with how it's going so far.

18 We're on schedule and doing a good job.

19 CHAIRMAN MOSCONE: Well, I think -- I don't know
20 who's responsible for the setup or the way that we went
21 through this. They outlined to us the problems of the
22 present regulations, the need for regulations, whether it
23 was changing old or new regulations. And personally,
24 there was a lot of reading, but as far as I'm concerned,
25 let's say it was enjoyable reading for me, having been here

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1 from -- Mr. Bowerman was one of our original Board
2 members, too. And looking back and all, I think that
3 probably -- I know that I do and probably Frank, too, thinking
4 back on when we got started on all of these minimum
5 standards and all of this stuff, and to see at the point
6 that we've come to now, where we've had all of these newer
7 problems.

8 MR. EOWAN: Thank you.

9 CHAIRMAN MOSCONE: So, if there's no further
10 discussion on the regulations, when will this come back to
11 us?

12 MR. EOWAN: We will meet again on June 6th --
13 I'm sorry.

14 MR. OLDALL: July 6th through 8th.

15 CHAIRMAN MOSCONE: No, I meant this particular --
16 these particular regulations and standards and all.

17 MR. EOWAN: I don't have the schedule in front
18 of me. Does anybody?

19 MR. ORR: This probably won't come back until
20 the very end of the year when we plan on entering the more
21 formal process. So, it would be like December -- November,
22 December.

23 CHAIRMAN MOSCONE: Will this be after we have
24 received input from this committee?

25 MR. EOWAN: Hopefully, yes.

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1 MR. ORR: Yes.

2 MR. EOWAN: Absolutely.

3 CHAIRMAN MOSCONE: All right. We'll move on
4 to open discussion.

5 So, our meeting is July 6, 7, and 8, right?

6 MR. EOWAN: July 6, 7, and 8. And the way we
7 had it scheduled now -- I don't know if you have the agenda
8 in front of you for that meeting?

9 MR. OLDALL: The first item is going to be
10 regulations.

11 MR. EOWAN: The first day we're going to go
12 through regulations. This is a three-day meeting, intending
13 to use one of the days as a regulation day. And we were
14 going to do the first day that way, and then move into a
15 more typical Board meeting after that.

16 So, that's what we have got scheduled at this
17 point. So, that would be Wednesday, the 6th.

18 And typically, when we do have a three-day
19 meeting, we're putting the regulations first.

20 BOARD MEMBER BREMBERG: Mr. Chairman, may I --

21 CHAIRMAN MOSCONE: Mrs. Bremberg.

22 BOARD MEMBER BREMBERG: -- request that perhaps
23 the time has come to have an updating report from Dr. Green
24 from the University of Laverne as just an informational
25 item on July 7th perhaps?

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1 MR. EOWAN: Okay. We will.

2 BOARD MEMBER BREMBERG: And the letter that we
3 all received from Rubber Research Elastomerics, the
4 gentleman with the tire process from Minnesota. At the
5 time he made the presentation, there was some talk of
6 a field trip. And I would like to suggest that, considering
7 the present financial climate and the budget crunch and
8 everything, that the Board itself not go on a junket which
9 would cost between probably between 18 and \$20,000, that
10 just Mr. Eowan and Mr. Iwahiro go, who are technically
11 qualified to evaluate and see it.

12 And I will volunteer to talk to the Minnesota
13 Waste Board in the next three weeks when I am in
14 Minnesota, and find out what their participation was, what
15 regulations they imposed upon -- which I think is probably
16 always the other side of the coin -- and I will make a
17 report, a written report upon my return.

18 But I think that the money to be spent and the
19 information to be gathered by we amateurs is just
20 incidental. I think that professionals should go. And
21 if Herb doesn't want to go or George doesn't want to go,
22 neither one of you has to, but I would suggest that two
23 experts, staff people, instead of the Board members go.
24 If that is all right with the rest of the Board?

25 BOARD MEMBER VARNER: We don't have a quorum, so

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1 CHAIRMAN MOSCONE: I had the same feeling.

2 BOARD MEMBER BREMBERG: Maybe somebody highly
3 technical who would understand it, not just go and admire
4 the North Shore of Lake Superior, which is gorgeous in the
5 fall, but --

6 MR. EOWAN: We are definitely in a budget
7 crunch. Next year is going to be a very, very tight year.

8 And we are in the process of communicating by
9 letter to a number of State agencies in Minnesota as well
10 as Mr. Stark, and when we get a --

11 BOARD MEMBER BREMBERG: Maybe nobody has to go.

12 MR. EOWAN: Well, that's one possibility. When
13 all of that gets collated into something, we'll present
14 to you some kind of picture of what we're talking about,
15 if the trip is necessary, and we'll let you know before
16 we do that.

17 BOARD MEMBER BREMBERG: I plan to go and make
18 an appointment to just sit down and talk to him.

19 MR. EOWAN: Okay.

20 CHAIRMAN MOSCONE: Any other business to come
21 before this august body? If not, we stand adjourned.

22 (Thereupon the meeting was
23 adjourned at 2:06 p.m.)

24 --o0o--

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