

**CERTIFIED
COPY**

**BEFORE THE
CALIFORNIA WASTE MANAGEMENT BOARD
FOR THE STATE OF CALIFORNIA**

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
JUNE 8, 1988)
-----)

DATE AND TIME: THURSDAY, JUNE 8, 1989, 10:00 A.M.

**PLACE: MUSEUM OF SCIENCE & INDUSTRY
HALL OF ECONOMICS & FINANCE
700 STATE DRIVE
LOS ANGELES, CALIFORNIA**

**REPORTER: LUCIE PREECE
SHORTHAND REPORTER**

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APPEARANCES

MR. JOHN E. GALLAGHER, CHAIRMAN
MR. JOHN C. MOSCONE
MS. GINGER BREMBERG
MR. E. L. VARNER
MR. LES BROWN
MR. JAMES LOCKINGTON
DR. GEORGE TCHOBANOGLOUS

STAFF PRESENT

MR. GEORGE EOWAN, CHIEF EXECUTIVE OFFICER
MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE
OFFICER
MR. ALAN OLDALL, DEPUTY EXECUTIVE OFFICER
MS. JOELLEN JACKSON, DIRECTOR OF LEGISLATION
AND PUBLIC AFFAIRS
MR. ROBERT F. CONHEIM, GENERAL COUNSEL



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1 JUNE 8, 1989

2
3 CHAIRMAN GALLAGHER: CALL THE MEETING OF THE
4 WASTE MANAGEMENT BOARD BACK TO ORDER.

5 WE ENDED YESTERDAY'S SESSION ON 1-D OF THE
6 AGENDA. WE WILL MOVE TO A DISCUSSION OF DRAFT
7 REGULATIONS; ITEM 2.

8 MR. OLDALL: YES, MR. CHAIRMAN. GOOD MORNING.

9 MR. CHAIRMAN, MEMBERS OF THE BOARD, WHAT
10 WE'RE MOVING TO TODAY IS AWAY FROM THOSE EMERGENCY
11 REGULATIONS THAT WE DEALT WITH YESTERDAY INTO THE REALM
12 OF SOME REGULATIONS THAT ARE EITHER REQUIRED BY STATUE OR
13 WE'RE JUST REVISING OURSELVES. SO WE HAVE A LITTLE BIT
14 MORE LATITUDE IN TERMS OF THE TIME FRAME.

15 WHAT WE'RE LOOKING AT HERE IS SOME
16 REGULATIONS IN THE VERY FIRST AREA, HOUSEHOLD HAZARDOUS
17 WASTE AREA, WHERE, I'M PLEASSED TO REPORT, WE'RE AHEAD OF
18 THE CURVE IN TERMS OF OUR PLANNING ON TIMING. STAFF HAS
19 BEEN WORKING EXTENSIVELY.

20 I THINK IN THIS CASE YOU NEED TO KNOW THAT
21 THE ADVISORY COMMITTEE THAT WAS ALLUDED TO YESTERDAY,
22 THAT WAS SET UP FOR THE 2448 PROCESS, ALSO HAD A
23 STATUTORY RESPONSIBILITY IN THE AREA OF THIS HOUSEHOLD
24 HAZARDOUS WASTE GRANTS PROGRAM, PART OF 2448, AND THEY
25 WORKED EXTENSIVELY WITH OUR STAFF, TOGETHER WITH A NUMBER



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1 OF OTHER PEOPLE WHO HAVE BEEN ACTIVE IN THE HOUSEHOLD
2 HAZARDOUS WASTE AREA, IN DEVELOPING THE REGULATIONS THAT
3 WE'RE BRINGING TO YOU TODAY FOR THE VERY FIRST TIME, AND
4 WE'RE BRINGING THEM IN DRAFT FORMAT.

5 SO, AGAIN, THIS IS THE FIRST IN THE
6 INITIATIVE PROCESS WHERE WE WILL BE TAKING YOUR COMMENTS
7 INTO CONSIDERATION, BRINGING THEM BACK AT DIFFERENT
8 POINTS IN TIME. THE MONEYS FOR THIS PARTICULAR PROGRAM
9 WILL NOT BE RECEIVED BY THE BOARD AS PART OF ITS 2448
10 MONEYS UNTIL AT LEAST THIS TIME NEXT YEAR. SO WE'RE
11 EMBARKING ON A PROCESS THAT WILL OBVIOUSLY GO THROUGH A
12 NUMBER OF HEARINGS, GO THROUGH THE OFFICE OF
13 ADMINISTRATIVE LAW PROCESS, AND THEN EVENTUALLY HAVE THE
14 REGULATIONS IN PLACE BY THE TIME THAT WE GET THE MONEY SO
15 THAT WE CAN ACCEPT THE APPLICATIONS AND THEN START MAKING
16 THE GRANTS AWARDS.

17 SO AT THIS POINT IN TIME, WHAT I'D LIKE TO
18 DO IS HAND THE PRESENTATION OF THIS PARTICULAR ITEM OVER
19 TO THE STAFF MOST RESPONSIBLE FOR WORKING ON THESE
20 PARTICULAR REGULATIONS, AND THAT'S MR. HERB BERTON.

21 HERB.

22 MR. BERTON: THANK YOU, ALAN. MY NAME IS HERB
23 BERTON WITH THE WASTE MANAGEMENT BOARD.

24 GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF
25 THE BOARD. A PORTION OF AB 2448 PROVIDES FOR GRANTS TO



1 CITIES AND COUNTIES. SPECIFICALLY GOVERNMENT CODE
2 SECTION 66799.40 STATES THAT THE BOARD MAY MAKE GRANTS OF
3 FUNDS TO A CITY OR COUNTY TO SUPPORT ESTABLISHING
4 PROGRAMS WHICH DIVERT HAZARDOUS WASTE FROM LANDFILLS.
5 THE AMOUNT AVAILABLE FOR HOUSEHOLD HAZARDOUS WASTE GRANTS
6 IS \$4 MILLION ANNUALLY.

7 GOVERNMENT CODE SECTION 66796.26 REQUIRES
8 THE BOARD TO ADOPT THE REGULATIONS FOR THE ADMINISTRATION
9 OF THE GRANTS. TWO LEVELS OF FUNDING ARE DELINEATED FOR
10 CITIES AND COUNTIES. NONDISCRETIONARY GRANTS ARE FOR
11 THOSE CITIES AND COUNTIES WHICH HAVE FUNDED A COLLECTION
12 PROGRAM ONE YEAR PRIOR TO THE GRANT APPLICATION. THE
13 AMOUNT OF THE GRANT WOULD EQUAL 20 PERCENT OF THE FEES
14 GENERATED INTO THE ACCOUNT OR THE ACTUAL COST OF THE
15 PROGRAM, WHICHEVER IS LESS.

16 DISCRETIONARY GRANTS ARE FOR THOSE CITIES
17 AND -- DISCRETIONARY GRANTS ARE FOR THOSE CITIES AND
18 COUNTIES WHICH WANT TO ESTABLISH A PROGRAM FOR HOUSEHOLD
19 HAZARDOUS WASTE COLLECTION, A NEW PROGRAM.

20 THE DISCRETIONARY GRANTS WILL BE FUNDED BY
21 ANY REMAINING REVENUES FROM THE NONDISCRETIONARY FUND.
22 THE AMOUNT AVAILABLE FOR THIS TYPE OF GRANT IS
23 EXCLUSIVELY DEPENDENT ON HOW MUCH MONEY IS LEFT OVER
24 AFTER THE NONDISCRETIONARY GRANTS ARE DISTRIBUTED.

25 WE HAVE SEPARATED THE REGULATIONS INTO



1 THREE ARTICLES. ARTICLE 1 IS ENTITLED "GENERAL
2 PROVISIONS AND DEFINITIONS."

3 THE SECTIONS WITHIN THE ARTICLES ARE SCOPE
4 AND AUTHORITY, DEFINITIONS, MAILING, PROGRAMS ELIGIBLE
5 FOR FUNDING, AND GRANT APPLICATION PROCESS.

6 ARTICLE 2 COVERS THE NONDISCRETIONARY
7 GRANTS. THE SECTIONS THAT WE'LL BE DISCUSSING ARE GRANT
8 ELIGIBILITY, GRANT APPLICATION PERIOD, GRANT AMOUNT,
9 GRANT APPLICATION CRITERIA, REVIEW OF GRANT APPLICATION,
10 AND AUDITING REQUIREMENTS.

11 ARTICLE 3 COVERS DISCRETIONARY GRANTS. THE
12 SECTIONS THAT WE WILL DISCUSS WILL BE GRANT ELIGIBILITY,
13 GRANT APPLICATION PERIOD, GRANT AMOUNT, GRANT PROPOSAL
14 CRITERIA, THE REVIEW OF GRANT APPLICATION, GRANT AWARDS
15 PROCEDURE, GRANT AGREEMENT, GRANT TERMS AND CONDITIONS,
16 WHICH INCLUDE THE FOLLOWING -- THE SUBSECTIONS LISTED ON
17 THE SLIDE. THOSE ARE QUARTERLY PROGRESS REPORTS, WRITTEN
18 APPROVAL OF PROGRAM CHANGES, COMPLIANCE, AUDITING, GRANT
19 TERMINATION, AND FINAL REPORT.

20 WHAT I WOULD LIKE TO DO IS DISCUSS EACH
21 ARTICLE AND SECTIONS WITHIN THE ARTICLES AND THEN ANSWER
22 ANY QUESTIONS YOU MAY HAVE AFTER WE DISCUSS EACH ARTICLE.

23 WITH THAT IN MIND, ON PAGE 148 AND --
24 BEGINNING WITH PAGE 148, ARTICLE 1, SECTION 18500, SCOPE
25 AND AUTHORITY, SIMPLY TALKS ABOUT THE SCOPE OF THE



1 REGULATIONS AND THE AUTHORITY BY WHICH THE REGULATIONS
2 ARE WRITTEN.

3 ON PAGE 150 OF YOUR BOARD PACKET, SECTION
4 18501, ARE THE DEFINITIONS WHICH DETERMINE WHAT
5 ACTIVITIES ARE GOVERNED BY THESE REGULATIONS THAT WE'VE
6 WRITTEN.

7 MOVING ON TO PAGE 153 OF THE BOARD PACKET,
8 SECTION 18502 STATES THAT THE APPLICANT SHALL MAIL
9 APPLICATIONS TO THE PRINCIPAL PLACE OF BUSINESS FOR THE
10 BOARD. WE'VE ORDERED IT THAT WAY SO THAT IF WE -- IF THE
11 BOARD EVER MOVED PHYSICAL LOCATION, WE WOULD AVOID
12 SECTION 100 CHANGES THAT WOULD BE NECESSARY. AND THE
13 GUIDELINES THAT WE DRAFT FOR THE REGULATIONS WOULD GIVE
14 THE MAILING ADDRESS.

15 ON PAGE 154 OF THE BOARD PACKET, SECTION
16 18503 SPECIFIES THE TYPES OF HOUSEHOLD HAZARDOUS WASTE
17 COLLECTION PROGRAMS THAT ARE ELIGIBLE FOR GRANTS.

18 THE PROGRAMS ELIGIBLE FOR FUNDING ARE LOAD
19 SCREENING PROGRAMS, PERMANENT AND PERIODIC COLLECTION
20 EVENTS, MOBILE PICKUP SERVICES, AND OTHER PROGRAMS THAT
21 INCORPORATE RECYCLING, REUSE, AND REDUCTION ACTIVITIES.

22 THE ESSENCE OF THIS REGULATION IS TO -- TO
23 REQUIRE PROGRAMS THAT WILL REDUCE AND HOPEFULLY ELIMINATE
24 THE AMOUNT OF HOUSEHOLD HAZARDOUS WASTE ENTERING A
25 LANDFILL.



1 SECTION 18504 ON PAGE 155, GRANT
2 APPLICATION PROCESS, SPECIFIES THE PROCEDURES TO BE USED
3 BY AN APPLICANT IN ORDER TO APPLY FOR A GRANT.

4 AT THIS POINT, IF THERE ARE ANY QUESTIONS
5 ON ARTICLE 1, I WOULD BE HAPPY TO ANSWER THEM.

6 CHAIRMAN GALLAGHER: ARE THERE ANY QUESTIONS?

7 GO AHEAD.

8 MR. BERTON: OKAY. ANNA PALUMBO WILL BE
9 DISCUSSING ARTICLE 2 AND THE SECTIONS WITHIN THAT
10 ARTICLE.

11 MS. PALUMBO: GOOD MORNING, MR. CHAIRMAN AND
12 OTHER BOARD MEMBERS. CAN YOU HEAR ME?

13 AGAIN, I WILL BE DISCUSSING THE NECESSARY
14 COMPONENTS FOR THE NONDISCRETIONARY GRANT AWARD PROCESS.
15 THE NONDISCRETIONARY GRANT ARE FOR THOSE CITIES AND/OR
16 COUNTIES WHICH HAVE FUNDED A HOUSEHOLD HAZARDOUS
17 COLLECTION PROGRAM IN THE YEAR PRIOR TO THE GRANT
18 APPLICATION. THE AMOUNT OF THE GRANT WILL EQUAL 20
19 PERCENT OF THE FEE GENERATED INTO THE ACCOUNT OR THE COST
20 OF THE PROGRAM, WHICHEVER IS LESS.

21 THE CRITERIA FOR GRANT ELIGIBILITY POSED
22 WITHIN SECTION 18510, WHICH IS ON PAGE 157 OF THE BOARD'S
23 PACKET AND PAGE 2 OF ARTICLE 2 FOR THE AUDIENCE, AND THIS
24 IS WHERE THE BOARD SHOULD AWARD A NONDISCRETIONARY GRANT
25 TO SUPPORT THE EXISTENCE OF A HOUSEHOLD HAZARDOUS WASTE



1 COLLECTION PROGRAM IF THE FOLLOWING ELIGIBILITY CRITERIA
2 ARE MET:

3 A, THE APPLICANT GENERATED FEES TO THE
4 ACCOUNT IN THE CALENDAR YEAR PRIOR TO THE GRANT
5 APPLICATION;

6 AND, B, THE APPLICANT SPONSORED A
7 COLLECTION PROGRAM IN THE FISCAL YEAR PRIOR TO THE GRANT
8 APPLICATION.

9 THE USAGE OF CALENDAR YEAR AND FISCAL YEAR
10 IS TAKEN FROM STATUTE.

11 IN ADDITION, STAFF IS ALSO PRESENTING TWO
12 ALTERNATIVES FOR ELIGIBILITY. ALTERNATIVE NO. 1 IS TO
13 REQUIRE THAT A CITY OR COUNTY HAVE OPERATED A LANDFILL IN
14 ORDER TO BE ELIGIBLE FOR A NONDISCRETIONARY GRANT; OR,
15 TWO, NOT TO REQUIRE A CITY OR COUNTY TO HAVE OPERATED A
16 LANDFILL IN ORDER TO BE ELIGIBLE FOR THE NONDISCRETIONARY
17 GRANT.

18 ALTERNATIVE 1 IS IMPRACTICAL BECAUSE IT
19 WOULD REQUIRE A CITY OR COUNTY WITH AN IMPLEMENTED
20 PROGRAM TO HAVE ALSO OPERATED A LANDFILL IN ORDER TO BE
21 ELIGIBLE FOR A NONDISCRETIONARY GRANT. THIS WOULD
22 PRECLUDE AT LEAST 14 COUNTIES AND 10 CITIES THAT HAD.
23 IMPLEMENTED PROGRAMS FROM BEING ELIGIBLE FOR GRANTS, AS
24 FAR AS WE KNOW, SO FAR.

25 FINALLY, IF A CITY OR COUNTY DOES OPERATE A



1 LANDFILL, THEY WOULD NOT BE ELIGIBLE TO RECEIVE ANY MORE
2 GRANT MONEYS THAN IF THEY HAD NOT OPERATED A LANDFILL.

3 ALTERNATIVE 2 WOULD NOT REQUIRE A CITY OR
4 COUNTY WITH AN IMPLEMENTED PROGRAM TO HAVE OPERATED A
5 LANDFILL.

6 SINCE THE ELIGIBLE CITIES AND COUNTIES
7 WOULD HAVE GENERATED FUNDS ANYWAY, THIS ALTERNATIVE WOULD
8 BE THE MOST EQUITABLE WAY OF DISTRIBUTING THE GRANT
9 FUNDS. IT WOULD ALSO BE MORE EFFICIENT FOR THE BOARD TO
10 DISTRIBUTE FUNDS THROUGH THE NONDISCRETIONARY GRANT.
11 STAFF REVIEW TIME WOULD BE REDUCED BECAUSE MORE
12 APPLICANTS, THEN, WOULD BE ELIGIBLE FOR THIS GRANT, WHICH
13 REQUIRES A LESSER DEGREE OF REVIEW THAN THOSE FOR THE
14 DISCRETIONARY GRANT.

15 STAFF REGARDS ALTERNATIVE 2 AS THE
16 ALTERNATIVE CHOICE BECAUSE IT FOLLOWS THE INTENT OF THE
17 STATUTE. THIS IS FROM SECTION 66799.4, SUBSECTION C.

18 WE HAVE ADDRESSED THIS AND SEEK THE BOARD'S
19 COMMENTS BECAUSE CONFUSION HAS REMAINED ON THIS POINT ON
20 THE PART OF THE PUBLIC.

21 CONTAINED WITHIN THE ORIGINAL STATUTE
22 SECTION, THE LANGUAGE MANDATED FUNDS BEING PAID INTO THE
23 ACCOUNT. CLEANUP LEGISLATION THROUGH AB 3071 CHANGED THE
24 WORD "PAID" TO GENERATED INTO THE ACCOUNT.

25 STAFF INTERPRETS THIS CHANGE AS THE



1 LANDFILL OPERATOR IS NOW NOT PAYING DIRECTLY FROM HIS OWN
2 FUNDS INTO THE ACCOUNT, BUT INSTEAD THE LANDFILL OPERATOR
3 IS PAYING FOR SOLID WASTE DISPOSAL BASED UPON THE FEES
4 GENERATED BY THE CITIES AND COUNTIES.

5 LASTLY ON THIS SECTION, ON BOARD PACKET
6 PAGE 158, THE PROPOSED ADDITIONAL REGULATORY LANGUAGE FOR
7 ALTERNATIVE 1 IN SUBSECTION C WOULD HAVE BEEN THE
8 PROPOSED ADDITIONAL LANGUAGE, BUT -- BUT IF THE BOARD
9 CONCURS WITH STAFF'S INTERPRETATION WITH THE CLEANUP
10 LANGUAGE, THE RECOMMENDED -- WITH THE RECOMMENDED
11 ALTERNATIVE 2, NO ADDITIONAL LANGUAGE WILL BE ADDED TO
12 THE REGULATION.

13 THE GRANT APPLICATION PERIOD PROPOSED
14 WITHIN SECTION 18511 IS ON THE BOARD PACKET PAGE 159 AND
15 THE AUDIENCE'S PAGE 4. THIS IS WHERE THE GRANT
16 APPLICATIONS WILL BE ACCEPTED BEGINNING ON THE FIRST
17 MONDAY IN JULY UNTIL THE LAST FRIDAY IN SEPTEMBER OF EACH
18 YEAR.

19 THIS BEGINNING DATE FOR THE ACCEPTANCE OF
20 THE APPLICATIONS WAS SELECTED BECAUSE THE END OF JUNE
21 ENDS THE FISCAL YEAR, AFTER WHICH A CITY OR COUNTY WILL
22 BE ELIGIBLE TO RECEIVE A GRANT. ALSO, JULY 1ST IS THE
23 DEADLINE FOR THE MONEYS TO BE PAID TO THE STATE BOARD OF
24 EQUALIZATION INTO THE ACCOUNT. SO NO FUNDS AT ALL WOULD
25 BE AVAILABLE BEFORE THIS DATE.



1 SO FOR THE FIRST YEAR, JULY 2ND, 1990, WILL
2 BEGIN THE APPLICATION SUBMITTAL PERIOD WITH SEPTEMBER
3 28TH, 1990, ENDING IT.

4 THE GRANT AMOUNT PROPOSED WITHIN SECTION
5 18512 ON PAGE 160 OF THE BOARD PACKET IS BASED UPON A
6 MATHEMATICAL EQUATION. THE AMOUNT OF WASTE GENERATED
7 MINUS THE WASTE DIVERTED IS MULTIPLIED BY THE PER-TON FEE
8 CHARGED AND IS MULTIPLIED BY 20 PERCENT OF THE FEES
9 GENERATED.

10 ON PAGE 169 OF THE BOARD PACKET, THE
11 APPLICANT SHALL DEMONSTRATE TO THE BOARD THE AMOUNT OF
12 WASTE GENERATED FOR THE CALENDAR YEAR IN ONE OR MORE OF
13 THE FOLLOWING MANNERS:

14 ONE IS TO SUBMIT A COPY OF THAT PORTION OF
15 THE COSWMP THAT CONTAINS WASTE GENERATION AND DIVERSION
16 INFORMATION.

17 TWO IS -- OR TO SUBMIT A COPY OF WEIGHT AND
18 VOLUME RECORDS RETAINED BY THE SITE OPERATOR OR TO SUBMIT
19 A STATEMENT ESTIMATING PER CAPITA GENERATION.

20 THE GRANT APPLICATION CRITERIA IS PROPOSED
21 WITHIN SECTION 18515 ON PAGE 170 OF THE BOARD PACKET.

22 A CITY OR COUNTY SUBMITS A DESCRIPTION OF
23 ITS IMPLEMENTED PROGRAM IN WHICH A NUMBER OF ITEMS ARE
24 ADDRESSED, INCLUDING DESCRIPTION OF THE PROGRAM AS PART
25 OF THE CRITERIA.



1 ON PAGE 172 OF THE BOARD PACKET, SECTION
2 18520 IS WHERE THE REVIEW OF THE GRANT APPLICATION -- THE
3 BOARD WILL REVIEW AN APPLICATION TO VERIFY ITS
4 COMPLETENESS WITH RESPONSIVENESS TO THE GRANT APPLICATION
5 CONTAINED WITHIN THE PREVIOUSLY MENTIONED GRANT
6 APPLICATION CRITERIA.

7 THE FINAL ITEM FOR THIS ARTICLE IS THE
8 AUDITING REQUIREMENTS PROPOSED WITHIN SECTION 18521 ON
9 PAGE 173 OF THE BOARD PACKET. THE BOARD OR OTHER
10 DESIGNATED AGENCIES HAVE THE RIGHT OF ACCESS TO ALL
11 FACILITIES, PREMISES, AND RECORDS RELATED TO THE
12 NONDISCRETIONARY GRANT FOR AUDITING PURPOSES.

13 THIS CONCLUDES ARTICLE 2.

14 IF YOU HAVE ANY QUESTIONS ON A
15 NONDISCRETIONARY GRANT, I WILL BE HAPPY TO HELP YOU.

16 CHAIRMAN GALLAGHER: ANY QUESTIONS BY BOARD
17 MEMBERS?

18 BOARD MEMBER MOSCONE: YES, MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: MR. MOSCONE.

20 BOARD MEMBER MOSCONE: I'VE BEEN GOING OVER THIS
21 BEFORE THE MEETING LAST WEEK. WHAT HAPPENS TO CITIES
22 AND/OR COUNTIES WHO TRANSFER OUT OF THE COUNTY AND WHO
23 HAVE THESE HAZARDOUS WASTE PROGRAMS? WHAT CAN THEY GET?

24 MS. PALUMBO: WHAT DO YOU MEAN BY TRANSFER OUT
25 OF THE COUNTY?



1 BOARD MEMBER MOSCONE: SAN FRANCISCO, FOR
2 EXAMPLE, HAS A TRANSFER STATION, BUT HAS NO DISPOSAL
3 SITE. SAN FRANCISCO HAS A HAZARDOUS WASTE PROGRAM?

4 MS. PALUMBO: RIGHT. OKAY.

5 BOARD MEMBER MOSCONE: WHAT CAN SAN FRANCISCO
6 EXPECT TO GET OUT THIS?

7 MS. PALUMBO: THEY CAN APPLY FOR THE
8 NONDISCRETIONARY GRANT BECAUSE THEY HAVE GENERATED FUNDS
9 TO THE LANDFILL OPERATOR BY PAYING FEES TO THEM, AND SO
10 THEY ARE ELIGIBLE.

11 BOARD MEMBER MOSCONE: WELL, THIS IS WHAT I
12 THOUGHT IT -- I WAS JUST WONDERING --

13 MS. PALUMBO: THAT WOULD BE ON THE ALTERNATIVE 2
14 CHOICE THAT WE HAVE RECOMMENDED FOR THE GRANT CRITERIA,
15 THE ELIGIBILITY.

16 BOARD MEMBER MOSCONE: IT SEEMS TO ME THAT -- I
17 THOUGHT THEY WOULD BE COVERED UNDER THAT
18 NONDISCRETIONARY, BUT I WANTED TO BE SURE OF IT. IF THEY
19 WERE NOT COVERED -- IF PEOPLE IN THAT SITUATION WERE NOT
20 COVERED AND THEY WERE OPERATING HAZARDOUS -- HOUSEHOLD
21 HAZARDOUS WASTE PROGRAMS, AND THEN THEY TOOK IT TO
22 ANOTHER LANDFILL, AND YET GET NO RETURN FOR ALL THAT THEY
23 HAVE PUT INTO IT, WELL, IT DIDN'T SEEM TO BE FAIR TO ME.

24 MR. BERTON: MR. MOSCONE, THE REASON WE DRAFTED
25 THAT SECTION THE WAY IT IS NOW, AND THE WAY WE ARE



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1 PROPOSING, WAS TO TAKE INTO ACCOUNT THOSE SITUATIONS,
2 SUCH AS SAN FRANCISCO AND SANTA MONICA -- CITY OF SAN
3 MONICA IS ANOTHER EXAMPLE WHERE THEY DO NOT HAVE A
4 LANDFILL, YET THEY STILL HAVE A PROGRESSIVE PROGRAM. AND
5 WE FELT THAT IT WOULD BE UNFAIR TO PRECLUDE THEM. SO BY
6 NOT REQUIRING THEM TO OPERATE A LANDFILL WOULD MAKE THEM
7 ELIGIBLE. ALL THEY WOULD HAVE TO DO IS DEMONSTRATE TO US
8 HOW MUCH WASTE THAT THEY GENERATED, AND THEY WOULD BE
9 ELIGIBLE FOR THAT PROPORTIONAL AMOUNT.

10 BOARD MEMBER MOSCONE: WELL, IT SEEMS TO ME IN
11 CASES WHERE THERE'S A TRANSFER STATION WHICH THEN HAULS
12 IT TO A LANDFILL, THAT STUFF MAY BE CHECKED MORE
13 FREQUENTLY THAN IF IT WERE GOING DIRECTLY TO A LANDFILL.
14 IT'S GOING TO BE WATCHED. IT'S GOING TO BE CHECKED AT
15 THE TRANSFER STATION AND THEN AGAIN AT THE DISPOSAL SITE.

16 CHAIRMAN GALLAGHER: ANYTHING ELSE?

17 MR. BERTON: MOVING ON TO ARTICLE 3 ON PAGE 174
18 OF THE BOARD PACKET, FOR THE AUDIENCE IT'S PAGE NO. 1
19 UNDER ARTICLE 3.

20 AS I'VE DISCUSSED EARLIER, DISCRETIONARY
21 GRANTS ARE FOR THOSE CITIES AND COUNTIES WHICH WANT TO
22 ESTABLISH A NEW HOUSEHOLD HAZARDOUS WASTE COLLECTION
23 PROGRAM. BEGINNING WITH SECTION 18530, GRANT ELIGIBILITY
24 SIMPLY STATES THAT A CITY OR COUNTY THAT SUBMITS A
25 PROPOSAL FOR A COLLECTION PROGRAM IS ELIGIBLE FOR A



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1 DISCRETIONARY GRANT.

2 SECTION 18531 SPECIFIES THE PERIOD IN WHICH
3 APPLICATIONS FOR DISCRETIONARY GRANTS WILL BE ACCEPTED.
4 THE APPLICATION PERIOD WILL FALL AFTER THE -- AFTER THE
5 PERIOD FOR THE NONDISCRETIONARY GRANTS SO THAT WAY WE
6 WOULD KNOW SOMEWHAT WHAT AMOUNT WOULD BE AVAILABLE FOR
7 DISCRETIONARY GRANTS.

8 SECTION 18532, GRANT AMOUNT, REFERS TO THE
9 AMOUNT AN APPLICANT MAY RECEIVE FOR A DISCRETIONARY
10 GRANT. AGAIN, IT WOULD BE DIFFICULT TO DETERMINE THE
11 EXACT AMOUNT BECAUSE THAT WOULD DEPEND UPON HOW MUCH IS
12 LEFT OVER AFTER THE NONDISCRETIONARY GRANTS ARE
13 DISTRIBUTED. SO THAT NUMBER MAY CHANGE FROM YEAR TO
14 YEAR.

15 WHAT WE WOULD ENVISION WOULD BE THAT FOR
16 THE FIRST FEW YEARS THERE WOULD BE MORE DISCRETIONARY
17 GRANTS; THEN AS MORE PROGRAMS BEGIN TO DEVELOP, THEY
18 WOULD BECOME ELIGIBLE FOR NONDISCRETIONARY GRANTS BECAUSE
19 THEY HAVE FUNDED THE PROGRAM PREVIOUSLY THROUGH A
20 DISCRETIONARY GRANT. SO WE WOULD SEE THE SCALES TIPPING
21 SOMEWHAT.

22 SECTION 18533, GRANT PROPOSAL CRITERIA,
23 WOULD SPECIFY THE MINIMUM ELEMENTS A GRANT PROPOSAL MUST
24 CONTAIN. THE CRITERIA IN THIS SECTION REFLECTS THE
25 GENERAL CONSENSUS OF THE SOLID WASTE MAINTENANCE AND



1 CLEANUP COMMITTEE. THE INDIVIDUAL ELEMENTS REQUIRED IN
2 THE PROPOSAL ARE SOMEWHAT -- ARE SELF-EXPLANATORY.

3 SECTION 18534, PAGE 180 OF THE BOARD
4 PACKET, PAGE 7 FOR THE AUDIENCE, REVIEW OF GRANT
5 APPLICATION SIMPLY STATES THAT THE BOARD SHALL REVIEW A
6 GRANT APPLICATION TO VERIFY THAT THE APPLICATION IS
7 COMPLETE, AND ALSO TO VERIFY THAT THE PROPOSAL
8 INCORPORATES THE PROPOSAL CRITERIA DISCUSSED IN THE
9 PREVIOUS SECTION. IT IS AT THIS POINT THAT THE GRANT
10 PROPOSAL WILL BE SCORED ON A POINT SYSTEM THAT WILL BE
11 DEVELOPED.

12 ON PAGE 181 OF THE BOARD PACKET, PAGE 8 FOR
13 THE AUDIENCE, GRANT AWARDS PROCEDURE, SECTION 18535,
14 STATES THAT THE RECIPIENT WILL RECEIVE FUNDING AFTER THE
15 CLOSE OF THE APPLICATION PERIOD FOR THE DISCRETIONARY
16 GRANTS AND THAT THE AWARDS WILL BE DISTRIBUTED IN ADVANCE
17 OF THE PROJECT IMPLEMENTATION.

18 SECTION 18536 ON PAGE 182 OF THE BOARD
19 PACKET, PAGE 9 FOR THE AUDIENCE, GRANT AGREEMENT, STATES
20 THAT THE RECIPIENT OF A DISCRETIONARY GRANT WILL ENTER
21 INTO A WRITTEN CONTRACT WITH THE BOARD THAT SPECIFIES
22 TERMS AND CONDITIONS PLACED ON A GRANT AWARD.

23 AND, FINALLY, ON PAGE 183 OF THE BOARD
24 PACKET, SECTION 18537, THE GRANT TERMS AND CONDITIONS,
25 SPECIFY THE ACTUAL TERMS AND CONDITIONS THAT WOULD BE



1 PLACED ON A GRANT AGREEMENT. AND, AGAIN, THOSE INCLUDE
2 QUARTERLY PROGRESS REPORTS, SECTION 18537.1:

3 WRITTEN APPROVAL OF CHANGES, 18537.2, ON
4 PAGE 184.

5 COMPLIANCE, SECTION 18537.3.

6 SECTION 18537.4 IS AUDITING.

7 SECTION 18537.5 IS GRANT TERMINATION.

8 AND SECTION 18537.6 IS A FINAL REPORT THAT
9 WOULD BE REQUIRED.

10 AT THIS POINT, IF THERE ARE ANY
11 QUESTIONS --

12 BOARD MEMBER TCHOBANOGLIOUS: YOU MENTIONED
13 SCORING. HOW -- WHAT'S THE FOLLOW-THROUGH ON THAT?

14 MR. BERTON: WHAT WE WILL DO IS WE'LL DEVELOP A
15 SELECTION CRITERIA THAT WOULD FOLLOW THE PROPOSAL
16 CRITERIA, AND WE WOULD WEIGH -- PUT A SCORE ON DIFFERENT
17 ELEMENTS OF THOSE, SO THAT WE COULD DETERMINE WHO WE
18 WOULD FEEL WOULD BE MOST ELIGIBLE DEPENDING ON THEIR
19 PROPOSAL AND HOW THEY DEVELOP THEIR PROPOSAL BASED ON THE
20 CRITERIA.

21 BOARD MEMBER TCHOBANOGLIOUS: AND IS THE SCORING
22 GOING TO BE PART OF THE REGULATIONS SO EVERYONE KNOWS
23 WHAT THE RULES ARE?

24 MR. BERTON: THEY WILL BE PART OF THE GUIDELINES
25 THAT WE WILL DRAFT FOR THE REGULATIONS.



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1 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?

2 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

3 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

4 BOARD MEMBER MOSCONE: THAT'S A FINE REPORT. I

5 TAKE IT THAT THE GRANTS WILL BE GIVEN EACH YEAR?

6 MR. BERTON: THAT'S CORRECT.

7 BOARD MEMBER MOSCONE: AND SO THESE REPORTS WILL

8 BE REQUIRED EACH YEAR?

9 MR. BERTON: YES.

10 BOARD MEMBER MOSCONE: WILL THESE BE ON THE

11 FISCAL YEAR OR CALENDAR YEAR, OR WOULD IT BE FROM THE

12 YEAR THAT THEY CAME INTO THE PROGRAM UNTIL THE FOLLOWING

13 YEAR?

14 MR. BERTON: THE FUNDING WOULD BE FOR THE FISCAL

15 YEAR AS STATED IN THE STATUTE, SO IT WOULD BE FOR THAT

16 FISCAL YEAR THAT THE FUNDING IS FOR.

17 BOARD MEMBER MOSCONE: THANK YOU.

18 BOARD MEMBER VARNER: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: YES, MR. VARNER.

20 BOARD MEMBER VARNER: I HAVE ONE QUESTION.

21 IT MAY BE TOO EARLY TO EVEN ASK THE

22 QUESTION, BUT WHAT HAPPENS IF YOU HAVE MORE REQUESTS AND

23 MORE APPLICANTS THAN YOU HAVE FUNDS TO -- TO HANDLE THEM?

24 WHEN THEY ALL GET THEIR THINGS IN ON TIME, ARE YOU GOING

25 TO GIVE THEM OUT PROPORTIONATELY, THEN, OR IS IT A FIRST



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1 COME FIRST SERVE, OR WHAT'S GOING TO BE THE CRITERIA?

2 MR. BERTON: AT THAT POINT, AGAIN, THE GRANT
3 AMOUNT -- THE AMOUNT THAT'S AVAILABLE FOR DISCRETIONARY
4 GRANTS, OF COURSE, WOULD BE DEPENDENT ON HOW MUCH IS LEFT
5 OVER AFTER WE DISTRIBUTE THE NONDISCRETIONARY GRANTS. SO
6 WE WOULD HAVE TO BASE IT ON A MORE -- ON A COMPETITIVE
7 BASIS.

8 BOARD MEMBER VARNER: EVEN ASSUME THAT
9 NONDISCRETIONARY GRANTS, LET'S SAY YOU USE UP ALL THE
10 MONEY AND YOU HAVE MORE REQUESTS THAN YOU'VE GOT FUNDS,
11 NOW HOW ARE YOU GOING TO DISTRIBUTE IT?

12 MR. BERTON: WELL --

13 CHAIRMAN GALLAGHER: HERB.

14 MR. OLDALL: PERHAPS I CAN RESPOND TO THAT
15 SPEECH, AGAIN. IN THE STATUTE -- WHAT IT DOES, IT STATES
16 THAT IF YOU RUN A PROGRAM, YOU CAN GET THE AMOUNT OF FEES
17 THAT YOU PUT IN DIVIDED BY 20 PERCENT, WHICH IS THE FOUR
18 MILLION MAX THAT WOULD GO FOR THE HOUSEHOLD HAZARDOUS
19 WASTE PROGRAM. IT'S A \$20 MILLION PROGRAM. 20 PERCENT
20 GOES TO HOUSEHOLD HAZARDOUS WASTE. SO A MAXIMUM OF FOUR
21 MILLION.

22 SO IF EVERYBODY SPENT THEIR PROGRAM ON
23 HOUSEHOLD HAZARDOUS WASTE, WE COULD GIVE THEM NO MORE
24 THAN THAT FOUR MILLION, OKAY? SO THEY GET WHAT THEY
25 SPENT OR 20 PERCENT, WHICHEVER IS THE LESSER. SO IF ALL



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1 NUMBER OF PROGRAMS ARE SET UP THERE, WE WOULD JUST DIVIDE
2 THE AMOUNT AND DISTRIBUTE IT ACCORDING TO WHATEVER SHARE
3 THEY'VE GIVEN INTO THE FUND IN THE FIRST PLACE.

4 THE NONDISCRETIONARY PART IS ON OUR PART.
5 WE HAVE NO DISCRETION ABOUT THOSE FUNDS. WE HAVE TO GIVE
6 THEM BACK TO THE PROGRAMS AS THEY HAVE BEEN ESTABLISHED,
7 AND ONLY THAT WHICH IS LEFT OVER WOULD GO INTO THIS
8 DISCRETIONARY AREA. IN LATER YEARS, THAT MAY INDEED BE
9 ZERO, SKEET, BECAUSE ALL OF THE MONEYS WILL HAVE BEEN
10 USED UP, BUT NOBODY CAN GET MORE.

11 BOARD MEMBER VARNER: WHAT I AM GETTING AT IS
12 THAT IT MIGHT NOT ONLY BE ZERO, BUT THAT THERE MIGHT BE A
13 MINUS ON YOUR NONDISCRETIONARY.

14 MR. OLDALL: WELL, NOT REALLY BECAUSE WE CAN
15 ONLY GIVE OUT FOUR MILLION TO THE LOCAL -- TO THE LOCALS.

16 BOARD MEMBER VARNER: OKAY. MY QUESTION IS THAT
17 IF YOU HAVE MORE APPLICATIONS THAN FOUR MILLION THAT ARE
18 LEGITIMATE ON NONDISCRETIONARY, IT SEEMS TO ME THAT'S
19 ENTIRELY A POSSIBILITY.

20 MR. OLDALL: WE WILL GET A LOT OF APPLICATIONS
21 IN ON THE NONDISCRETIONARY; BUT GIVEN THE FACT THAT WE
22 CAN ONLY GIVE THEM 20 PERCENT FOR WHAT THEY SPENT,
23 WHICHEVER IS THE LESSER -- WHICHEVER IS THE LESSER IS
24 THE KEY. BECAUSE IF WE HAVE TO GIVE THEM WHAT THEY
25 SPENT, THEN, INDEED, WE WOULD HAVE MORE REQUESTS -- THE



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1 MONEY GOING OUT WOULD BE MORE THAN THE FOUR MILLION. BUT
2 SINCE WE ONLY CAN GIVE THEM BACK 20 PERCENT OF WHAT THEY
3 PAID INTO THE FUND OR WHAT THEY SPENT ON THEIR PROGRAM,
4 WHICHEVER IS THE LESSER, WE CAN NEVER GIVE OUT MORE THAN
5 WE GET INTO THE FUND.

6 BOARD MEMBER VARNER: YEAH, BUT YOU MIGHT BE
7 GIVING SOME LESS THAN WHAT THEY'RE ENTITLED TO. THAT'S
8 WHAT I'M TALKING ABOUT.

9 MR. LARSON: MR. CHAIRMAN.

10 CHAIRMAN GALLAGHER: THE ONE THING THAT OCCURRED
11 TO ME IS THAT IF YOU GIVE OUT ALL OF YOUR
12 NONDISCRETIONARY GRANT MONEY AND THERE IS MONEY LEFT
13 OVER, AND YOU GET MORE REQUESTS FOR NONDISCRETIONARY
14 GRANTS THAN THE MONEY THAT IS AVAILABLE OR LEFT OVER, HOW
15 DO YOU DIVIDE IT? DO YOU TAKE --

16 MR. OLDALL: THAT PERHAPS IS THE BIGGER ISSUE,
17 JOHN, YES.

18 BOARD MEMBER VARNER: THAT'S MY QUESTION.

19 MR. OLDALL: OKAY, SKEET. OKAY.

20 MR. LARSON: MR. CHAIRMAN, MAY I --

21 MR. OLDALL: WELL, I THINK BASICALLY, GEORGE,
22 WE'VE WORKED OUT THAT PARTICULAR PROCESS, AND IT'S --
23 WHAT WE DO IS LOOK AT, JUST LIKE WE DO WITH AN IFB, WE
24 HAVE DEVELOPED THE SCORING SYSTEM AND, FROM THOSE
25 CRITERIA, WE WILL ESTABLISH AN ELIGIBILITY PRIORITY LIST.



1 CHAIRMAN GALLAGHER: WELL, I THINK THAT OUGHT TO
2 BE IN THE REGS THEN.

3 MR. OLDALL: GEORGE, HAVE WE THOUGHT ABOUT THAT
4 IN THE REGS THEMSELVES?

5 MR. LARSON: YEAH, WE'VE THOUGHT ABOUT IT
6 EXTENSIVELY, AND I'D LIKE TO COMMENT ON THE QUESTION
7 BECAUSE WE'VE LABORED OVER THAT PROBLEM THAT YOU ASKED,
8 MR. VARNER.

9 BY PROCESS OF ELIMINATION, LET'S START BY
10 SAYING, THERE'S NO PROBLEM WITH THE DISCRETIONARY GRANTS
11 BECAUSE WE CAN MAKE THAT DECISION WHEN THE POINT COMES.
12 THE PROBLEM IS WITH THE NONDISCRETIONARY GRANTS AND HOW
13 MUCH MONEY IS AVAILABLE.

14 AND AS YOU SAW IN THE REFERENCE SECTION 3
15 CRITERIA THAT NEED TO BE DEMONSTRATED BY THE LOCAL
16 JURISDICTION, THAT CLAIMS TO HAVE GENERATED X AMOUNT OF
17 WASTE UPON WHICH THEY BASE THEIR DEMAND, IF YOU WILL,
18 SINCE IT'S AN ENTITLEMENT GRANT FOR SO MUCH MONEY BACK,
19 IT'S OUR OPINION THAT WE CANNOT GIVE OUT THE FIRST DOLLAR
20 IN THE NONDISCRETIONARY GRANT CATEGORY UNTIL ALL OF THE
21 APPLICANTS HAVE STATED THEIR DEMANDS.

22 BECAUSE OF THAT QUESTION AND THE PROBLEM
23 THAT YOU RAISE, WE DON'T WANT TO GET THREE-QUARTERS
24 THROUGH THE PROCESS AND SAY, GEE, WE'RE OUT OF MONEY
25 BECAUSE SOMEBODY CLAIMED MORE THAN THEY REALLY GENERATED



1 WASTE TO -- ON THE BASIS TO CLAIM THEM FOR THE
2 NONDISCRETIONARY GRANT FOR MONEYS SPENT LAST YEAR.

3 SO UNTIL WE GET ALL OF THE GRANT
4 APPLICATIONS FOR NONDISCRETIONARY GRANTS, WE CAN'T DIVIDE
5 UP AND SAY THAT IT'S -- THAT THIS IS A LEGITIMATE CLAIM.

6 DOES THAT MAKE SENSE IN TERMS OF --

7 BOARD MEMBER VARNER: I UNDERSTAND THAT, BUT MY
8 QUESTION IS BASICALLY THIS, AND I THINK ALAN ANSWERED IT:
9 LET'S ASSUME YOU HAVE LEGITIMATE CLAIMS OF THE
10 NONDISCRETIONARY TYPE AND THEY'RE ALL PROCESSED PROPERLY,
11 AND THEY AMOUNT TO MORE THAN FOUR MILLION, THEN HOW ARE
12 YOU GOING TO DIVIDE IT, OR DO YOU HAVE ANY CRITERIA THERE
13 TO DIVIDE IT OTHER THAN THIS 20 PERCENT OR THE LESSER
14 AMOUNT?

15 MR. LARSON: IF THAT SITUATION ARISES, SOMEBODY
16 IS SUBMITTING FALSE INFORMATION BECAUSE THERE --
17 MATHEMATICALLY THEY CANNOT, IN THE STATE OF CALIFORNIA
18 ALL OF THE APPLICANTS REQUEST MORE MONEY THAN THEY PAID
19 IN BASED UPON THE WASTE THEY GENERATED, WHICH IS THE
20 PLAYING FIELD FROM WHICH REVENUES WERE PUT INTO THE FUND.
21 WE NEED TO BE VERY, VERY CAREFUL WHEN APPLICANTS SUBMIT
22 CLAIMS THAT IT'S BASED UPON ACCURATE WASTE GENERATION
23 FIGURES. YOU KNOW, THERE --

24 BOARD MEMBER VARNER: MAYBE I DON'T UNDERSTAND
25 BECAUSE I ASSUME THAT THIS WOULD BE COSTING THE HOUSEHOLD



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1 PROGRAMS, BUT THAT'S NOT THE CRITERIA?

2 MR. CONHEIM: MR. CHAIRMAN, LET ME TAKE A STAB
3 AT IT.

4 IT IS THE COST OF HOUSEHOLD PROGRAMS OR A
5 LESSER FIGURE CONSISTING OF 20 PERCENT OF THE FEES
6 GENERATED. IT CAN'T GO HIGHER THAN 20 PERCENT OF THE
7 FEES GENERATED EVEN IF THE COST IS HIGHER SO THAT IT CAN
8 NEVER, AS GEORGE SAYS, EXCEED THE AMOUNT OF MONEY IN THE
9 FUND.

10 BOARD MEMBER VARNER: I UNDERSTAND -- BECAUSE I
11 WAS THINKING THE COST OF THESE PROGRAMS, AND I KNOW WHAT
12 THEY ARE AND THEY'RE CERTAINLY ARE GOING -- YOU WOULDN'T
13 HAVE TO HAVE VERY MANY OF THEM TO AMOUNT TO FOUR MILLION.

14 MR. CONHEIM: THE FUND IS NOT FUNDED VERY HIGH.
15 IT'S FUNDED AT THIS \$4 MILLION LEVEL, AND THE FIGURE THAT
16 WE'RE ALLOWED TO GRANT IS THAT LESSER FIGURE, NOT THE
17 GREATER FIGURE.

18 BOARD MEMBER VARNER: THE 20 PERCENT OF FEES,
19 OKAY.

20 BOARD MEMBER MOSCONE: NOW, IT MADE ME THINK --
21 WHILE SKEET BROUGHT THIS UP, IT MADE ME THINK OF OUR
22 LITTER PROGRAM, WHEN THERE WAS SO LITTLE MONEY FOR SOME
23 OF THESE. AND I HOPE THAT IT DOESN'T GET TO A POSITION
24 WHERE THE GRANTS WOULD BE SO LOW THAT IT WOULD DISCOURAGE
25 ANYONE WHO IS ELIGIBLE FOR NOT PARTICIPATING. AND SAY,



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1 WELL, WE'RE GOING HAVE TO GET -- WE'RE GOING TO HAVE TO
2 GO THROUGH ALL OF THIS WORK, AND MAKE UP ALL OF THESE
3 REPORTS AND EVERYTHING, AND WE'RE GOING TO REALIZE A
4 COUPLE HUNDRED DOLLARS. IT'S NOT WORTH IT.

5 MR. LARSON: I RECALL THAT EXPERIENCE VERY WELL
6 WITH THE LITTER GRANTS, AND I'M CERTAINLY NOT IN A
7 POSITION TO PASS JUDGMENT ON LEGISLATION ENACTED, BUT WE
8 ARE -- ARE DEFINITELY TRYING TO MAKE SURE THAT THE
9 DOLLARS CAN BE EFFECTIVELY SPENT.

10 AND TWO OF THESE CITIES WHICH WE -- CITIES
11 AND COUNTIES, IN THE CASE OF SAN FRANCISCO, CITY AND
12 COUNTY OF SAN FRANCISCO AND THE CITY OF SANTA MONICA WERE
13 TWO POLAR -- OR BASE CITIES THAT WE HAD IN MIND ALL THE
14 TIME BECAUSE NEITHER HAS A LANDFILL AND BOTH HAVE VERY
15 AGGRESSIVE AND POSITIVE PROGRAMS THAT WE DIDN'T WANT THIS
16 LEGISLATION NOR OUR PROGRAM TO GO OUT AS A PENALTY TO
17 THOSE WHO HAVE TAKEN THE INITIATIVE, BUT, RATHER, TO MAKE
18 IT AVAILABLE EQUITABLY THAT, YOU KNOW, HELPS AS MANY
19 PROGRAMS AS WE CAN, BUT NOT IN THE HUNDREDS-OF-DOLLARS
20 CATEGORY WHERE THE ADMINISTRATIVE COST OF GETTING THE
21 MONEY IS MORE THAN IT'S WORTH.

22 IT'S A COMPLEX PROGRAM IN THE SENSE THAT
23 THIS RETROACTIVE NATURE OR THE ENTITLEMENTS GRANTS FOR
24 WHAT WAS SPENT LAST YEAR PUTS US IN A POSITION OF NOT
25 HAVING A LOT OF CONTROL OVER THE MONEY. IF THE CITY



1 WALKS IN, WE VIRTUALLY, BY THE LAW, HAVE TO GIVE THEM THE
2 MONEY IF THEY CAN DEMONSTRATE THEY'VE SPENT IT UP TO 20
3 PERCENT, BUT CAP OF ALL THE MONEYS THAT WENT INTO THE
4 FUND.

5 CHAIRMAN GALLAGHER: IS THAT FOUR MILLION BOGEY,
6 I DON'T RECALL THE LONGEST, WHAT WAS THAT, FOUR MILLION
7 BOGEY STATUTORY?

8 MR. LARSON: YES, SIR.

9 CHAIRMAN GALLAGHER: SO WE HAVE NO DISCRETION AS
10 TO --

11 MR. LARSON: ABSOLUTELY NONE.

12 CHAIRMAN GALLAGHER: IT'S JUST A MATTER OF
13 DISTRIBUTION FROM THAT POINT ON?

14 MR. LARSON: YEAH. IF THE FOUR MILLION IS GONE
15 AFTER THE NONDISCRETIONARIES, THEN WE HAVE NO
16 DISCRETIONARY GRANTS PROGRAM.

17 YOU KNOW, IF WE -- IT'S GOING TO BE -- THAT
18 WILL BE DETERMINED IN THE PROCESS. IT'S -- THERE ARE
19 CONDITIONS OF UNCERTAINTY WHEN YOU HAVE THIS TYPE OF
20 BIFURCATED PROGRAM.

21 MR. OLDALL: YES, MR. CHAIRMAN, JUST ONE POINT
22 OF CLARIFICATION HERE. THE STATUTE DOES STATE 20 PERCENT
23 OF THE FUND. SO IF EVERYBODY PAYS UP IN THE FUND, WE GET
24 THE \$20 MILLION, AND 20 PERCENT THEREOF IS FOUR MILLION.
25 TO THE EXTENT WE HAVE SOME DEFAULTS, WE WOULD HAVE A



1 SLIGHTER LESSER AMOUNT TO DISTRIBUTE.

2 CHAIRMAN GALLAGHER: WELL, SINCE WE HAVE NO
3 DISCRETION ON THE AMOUNT OF THE MONEY AVAILABLE, THE ONLY
4 THING WE CAN DO IS TRY TO WORK WITHIN THAT AND SEE HOW IT
5 WORKS OUT.

6 OKAY. ANYTHING ELSE FROM THE BOARD? IS
7 THIS MIKE WORKING?

8 BOARD MEMBER BREMBERG: IT IS IF YOU BRING IT UP
9 CLOSE. OKAY.

10 CHAIRMAN GALLAGHER: WELL, I CAN'T GET IT TOO
11 MUCH CLOSER, I'LL BE EATING IT.

12 OKAY. YOU NEED GUIDANCE FROM THE BOARD.
13 IS THAT WHAT YOU'RE LOOKING FOR?

14 MR. LARSON: MR. CHAIRMAN, YES, SIR. THIS IS
15 THE FIRST TIME THAT THESE REGULATIONS HAVE BEEN ON THE
16 STREET. WHAT WE'D LIKE TO DO IS OBVIOUSLY GET THE
17 GUIDANCE FROM THE BOARD. I UNDERSTAND THERE MAY BE SOME
18 PEOPLE IN THE AUDIENCE WHO WISH TO EXPRESS CONCERNS ON
19 THE ISSUE. WE WILL TAKE THAT GUIDANCE BACK AND MAKE ANY
20 REVISIONS TO THESE REGULATIONS.

21 AND, AGAIN, WE WILL PROPOSE TO GO INTO THE
22 FORMAL OFFICE OF ADMINISTRATIVE LAW PROCEDURES FOR
23 DEVELOPING THE REGULATIONS AND HOLDING PUBLIC WORKSHOPS
24 FOR FORMAL ADOPTION OF REGULATIONS. SO THIS IS THE FIRST
25 CUT ON THIS, AND WHAT WE ARE SEEKING IS JUST GUIDANCE AND



1 INPUT.

2 CHAIRMAN GALLAGHER: I THINK THE ONE
3 ADMONISHMENT IS THINK SERIOUSLY ABOUT THE ISSUE RAISED BY
4 MR. VARNER AND TRY TO WRITE THAT IN SUCH A WAY SO THAT
5 THERE IS NO QUESTION IN THE MINDS OF THE PEOPLE OUT THERE
6 AS TO HOW THEY ARE GOING TO BE AFFECTED.

7 WITH THAT, IF THE BOARD HAS NOTHING MORE,
8 WE HAVE A REQUEST FROM MR. JACK MICHAEL TO ADDRESS THE
9 BOARD ON THIS ISSUE. IS MR. MICHAEL IN THE ROOM?

10 MR. MICHAEL: MR. CHAIRMAN, MEMBERS OF THE
11 BOARD, JACK MICHAEL, LOS ANGELES COUNTY. ONLY WANTED TO
12 MAKE A COUPLE OF COMMENTS IN GENERAL WITH REGARD TO THESE
13 REGULATIONS AND PROGRAM.

14 CLEARLY, FROM THE QUESTIONS AND SOME OF THE
15 DISCUSSION HERE, WE RECOGNIZE THERE ARE SOME PROBLEMS IN
16 THE DRAFTING OF THE LAW. AS WE FOUND THROUGH THE WHOLE
17 2448 IMPLEMENTATION PROCESS HERE, SOME OF THE SECTIONS OF
18 THE LAW WERE WRITTEN QUICKLY IN THE HALLWAY TO ACHIEVE
19 COMPROMISES; AND AS WE GET INTO IMPLEMENTATION, WE
20 RECOGNIZE PROBLEMS. AND AT LEAST FROM OUR STANDPOINT, WE
21 INTEND TO WORK ON THOSE IN TERMS OF CLEANUP LEGISLATION.

22 I'D SIMPLY ASK THAT THE BOARD AUTHORIZE
23 YOUR STAFF TO WORK WITH US IN MAKING THOSE CHANGES THAT
24 WILL MAKE THIS PROBLEM MORE WORKABLE AND MORE EQUITABLE
25 FOR THE INTENT OF THE MONEY IN THE FIRST PLACE.



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1 THE SECOND THING IS THAT I WOULD CERTAINLY
2 HOPE AND WILL COMMENT MORE SPECIFICALLY THROUGH THIS
3 PROCESS ON DETAILS OF THE REGULATIONS, BUT THAT WE DON'T
4 GET INTO A SITUATION WHERE WE'RE OVERKILL, OVERREGULATING
5 IN TERMS OF REGULATIONS TO ADMINISTER PARTICULARLY
6 NONDISCRETIONARY GRANTS.

7 IF A PROGRAM CAN BE IDENTIFIED AS HAVING
8 BEEN CONDUCTED, AND WITH THE COST OF THESE PROGRAMS SUCH
9 AS IT IS, I DOUBT THAT THERE'S ANY AGENCY THAT IS GOING
10 TO BE SPENDING ANY OF THIS GRANT MONEY ON ANYTHING OTHER
11 THAN THE PROGRAM THEY'VE CONDUCTED ALREADY. SO TO HAVE A
12 BURDENSOME AUDIT PROCESS AND REGULATORY PROCESS TO
13 ACCOUNT FOR THAT, I THINK, MIGHT BE COUNTERPRODUCTIVE.
14 SO I JUST SUGGEST WE DON'T OVERKILL ON THE REGULATORY END
15 OF IT. THANK YOU.

16 CHAIRMAN GALLAGHER: THANK YOU, MR. MICHAEL.

17 BOARD MEMBER VARNER: MR. CHAIRMAN.

18 CHAIRMAN GALLAGHER: YES.

19 BOARD MEMBER VARNER: MR. MICHAEL, I'D LIKE TO
20 SAY ONE THING BEFORE YOU GET AWAY. I THINK THIS IS AN
21 EXCELLENT THING YOU'RE SAYING. AND AS FAR AS I'M
22 CONCERNED, I CERTAINLY WOULD LIKE TO SEE THE STAFF WORK
23 WITH YOU. AND I TAKE IT YOU'RE TALKING ABOUT MORE IN
24 REGARD TO REGULATIONS HERE THAN JUST THE HOUSEHOLD
25 HAZARDOUS AND AS FAR AS 2448, BUT WHAT I WOULD LIKE TO



1 ALSO SEE IN THAT, THAT WHATEVER PROGRESS OR SO FORTH THAT
2 YOU'RE MAKING, THAT YOU WOULD IN WRITING KEEP US ON THE
3 BOARD INFORMED.

4 I THINK ALL THE MEMBERS OF THE BOARD WOULD
5 CERTAINLY WANT TO KNOW WHAT'S TAKING PLACE AS IT GOES.
6 NOT -- THAT WAY IT MAKES OUR JOB A LITTLE BIT BETTER
7 BECAUSE IT WOULD BE RATHER DIFFICULT, THEN, TO COME HERE
8 AND RULE ON CERTAIN THINGS THAT WE'RE NOT KEPT INFORMED
9 ON WHAT'S HAPPENING.

10 SO IN THAT RESPECT, I THINK THIS IS AN
11 EXCELLENT SUGGESTION, AND ONE THAT, AS FAR AS I'M
12 CONCERNED, I'M SURE THE REST OF THE BOARD WOULD AGREE
13 WITH THIS, AND WE'RE VERY WILLING TO COOPERATE WITH YOU
14 AND ANYONE ELSE THAT'S GOING TO BE HIGHLY AFFECTED IN
15 THIS LEGISLATION BECAUSE THERE IS A LOT OF NEW GROUND,
16 AND THERE IS A LOT OF THINGS THAT WERE NOT THOUGHT OF
17 WHEN THE LEGISLATION WAS PASSED.

18 SO THE MORE COMMUNICATION THAT CAN BE KEPT,
19 THE BETTER, AND SO THAT WOULD BE MY SUGGESTION. I WOULD
20 WHOLEHEARTEDLY AGREE WITH THIS IF YOU KEEP ME AND THE
21 OTHER MEMBERS OF THE BOARD INFORMED ON WHAT'S TAKING
22 PLACE.

23 MR. MICHAEL: I'D BE HAPPY TO DO THAT.

24 ANY OTHER QUESTIONS? THANK YOU.

25 CHAIRMAN GALLAGHER: THANK YOU, AGAIN, MR.



1 MICHAEL.

2 BOARD MEMBER MOSCONE: MR. CHAIRMAN, I HAVE A
3 PERSONAL REMARK. IF THERE WAS NO OVERKILL AS FAR AS
4 PUTTING THIS THING TOGETHER, IT WAS -- EVEN FOR ME, IT
5 WAS EASY TO READ. I HAD NO PROBLEM WITH IT.

6 AND JUST A CLARIFICATION, I THINK, THAT MR.
7 VARNER BROUGHT OUT. AND WHEN WE GET STARTED ON
8 SOMETHING, I LIKE TO SEE IT ALL WORK AND NOT HAVE
9 EVERYBODY THROWING UP THEIR HANDS AND SAYING, "IT ISN'T
10 WORTH IT. WHY ARE WE FOOLING AROUND WITH THIS?"

11 BUT I THINK THAT, AT LEAST AS FAR AS I'M
12 CONCERNED, EVERYTHING WAS ADEQUATELY EXPLAINED ON WHAT
13 YOU PUT TOGETHER HERE.

14 CHAIRMAN GALLAGHER: ANYTHING ELSE?

15 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

16 CHAIRMAN GALLAGHER: MRS. BREMBERG.

17 BOARD MEMBER BREMBERG: I DON'T THINK -- I MEAN
18 JUST BECAUSE THEY'RE EASY TO READ DOESN'T NECESSARILY
19 MEAN THERE ISN'T OVERKILL ON HOW MANY FORMS TO FILL OUT,
20 HOW MANY QUESTIONS TO ANSWER AND VOLUMINOUS THINGS. SO
21 LET'S MAKE IT EASY TO READ, A LIMITED NUMBER OF
22 WHAT-WAS-YOUR-GRANDMOTHER'S-MAIDEN-NAME-TYPE QUESTIONS,
23 AND HAVE A -- AS MR. MICHAEL POINTED OUT, A CITY DOESN'T
24 PUT OUT \$350,000 FOR THE SHEER JOY OF GATHERING HOUSEHOLD
25 HAZARDOUS WASTE AND THEN HAVE TO SIT DOWN AND SPEND



1 10,000 FILLING OUT A FORM TO GET BACK LESS THAN 20
2 PERCENT OF THE \$350,000. SO JUST BECAUSE THESE ARE EASY
3 TO READ, DOESN'T MEAN THEY'RE NOT CUMBERSOME IN SOME OF
4 THE INSTANCES.

5 MR. LARSON: MR. CHAIRMAN, THAT ADVICE IS TAKEN
6 SERIOUSLY, AND I ENSURE YOU THE FORMS TO BE FILLED OUT
7 WILL BE AT THE ABSOLUTE MINIMUM NECESSARY TO SATISFY
8 THOSE WHO WOULD COME BACK AND ASK HOW WE SPENT THE MONEY.

9 CHAIRMAN GALLAGHER: ANYTHING ELSE FROM THE
10 BOARD?

11 I THINK YOU CAN SEE BY THE SENSE OF
12 QUESTIONS THAT YOU HAVE SUPPORT FROM THE BOARD TO GO
13 AHEAD AND PURSUE THE THING FURTHER AND COME BACK TO US
14 WHEN YOU'RE READY FOR THE SECOND GO-AROUND.

15 AND MR. EOWAN.

16 MR. EOWAN: WELL, I DON'T KNOW, I GUESS, I HAVE
17 A LITTLE BIT OF A COUNTERPOINT. THERE'S TWO ISSUES
18 THAT -- THAT ARE IMPORTANT WHENEVER YOU GIVE AWAY MONEY.

19 THE FIRST ONE IS EQUITABLE DISTRIBUTION.
20 AND THE SECOND ONE IS A WAY OF MEASURING THE VALUE OF
21 THAT DISTRIBUTION IN THE OUT YEARS. AND I THINK THAT
22 REQUIRES A LOT OF ABILITY TO TRACK THE MONEY, AND TO MAKE
23 SURE THAT WE UNDERSTAND HOW IT WAS SPENT AND WHAT IT WAS
24 SPENT FOR; IN OTHER WORDS, WHAT DIFFERENCE IT MADE.

25 THAT WAS THE PROBLEM I THINK THE BOARD



1 EXPERIENCED WITH THE SB 650 GRANTS. WE ALWAYS HAD A
2 DIFFICULT TIME TRYING TO FIGURE OUT WHAT DIFFERENCE IT
3 MADE. DID IT HELP RECYCLING? AND I WANT TO MAKE SURE
4 THAT WE SET UP A SYSTEM THAT CAN ANSWER THAT QUESTION AND
5 ALLOW US TO MODIFY THE PROGRAM IF WE FIND OUT THAT, YOU
6 KNOW, IT'S NOT MAKING A DIFFERENCE IN SOME WAY.

7 SO WE DO WANT TO HAVE AN EFFICIENT SYSTEM,
8 BUT WE WANT TO MAKE SURE THAT IT'S GOT THE ELEMENTS IN IT
9 TO ALLOW FOR THAT EVALUATION.

10 BOARD MEMBER VARNER: MR. CHAIRMAN.

11 CHAIRMAN GALLAGHER: YES, MR. VARNER.

12 BOARD MEMBER VARNER: YOU MAKE A GOOD POINT,
13 GEORGE; BUT HERE, AGAIN, I WELCOME MR. MICHAEL'S REQUEST
14 HERE BECAUSE A GREAT DEAL OF THE WAY IN WHICH YOU AVOID
15 THESE THINGS IS NOT GETTING LEGISLATION PASSED, IT
16 DOESN'T DO WHAT IT IS SUPPOSED TO DO. AND THAT'S WHAT
17 HAPPENS QUITE OFTEN. THE IDEA IS GREAT, BUT JUST BECAUSE
18 THEY PASS A BILL THAT MANDATES SO AND SO AND SO, DOESN'T
19 MEAN THAT IT'S GOING TO WORK. IN A LOT OF CASES --

20 MR. EOWAN: THAT'S EXACTLY RIGHT.

21 BOARD MEMBER VARNER: -- IT'S DONE IN SUCH A WAY
22 THAT IT CAN'T WORK, AND I THINK THAT'S ESSENTIALLY WHAT
23 YOU'RE TALKING ABOUT. AND SO, THEREFORE, THAT'S WHY I
24 WELCOME THE OPPORTUNITY TO WORK WITH ALL THE DIFFERENT
25 PLAYERS IN THE GAME THAT ARE HIGHLY AFFECTED HERE THAT WE



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1 HAVE A RESPONSIBILITY TO REGULATE.

2 AND THE WAY IN WHICH THIS IS GOING TO WORK
3 EFFECTIVELY IS TO GET THE LEGISLATION PASSED IN SUCH A
4 WAY THAT IT'S WORKABLE TO START WITH AND NOT GET LAWS
5 PASSED THAT ARE UNENFORCEABLE. AND WE HAVE A GREAT DEAL
6 OF THOSE THAT ARE JUST EXACTLY THAT. AT LEAST, THEY'RE
7 UNENFORCEABLE IN THE PRACTICAL SENSE OF THE WORD.

8 AND I THINK THAT'S WHAT MR. MICHAEL IS
9 SAYING AND I AGREE WITH HIM 100 PERCENT, AND I ALSO
10 AGREE WITH WHAT YOU'RE SAYING BECAUSE YOU'RE TALKING
11 ABOUT THE RESULTS OF THESE THINGS AS THEY HAPPEN.

12 MR. EOWAN: YEAH.

13 BOARD MEMBER VARNER: AND QUITE OFTEN THE
14 LEGISLATOR THAT PASSES THE THING THEN JUMPS ON US, THE
15 BOARD, WHY DON'T YOU MAKE THIS THING WORK. BUT MAYBE
16 THERE'S ELEMENTS IN IT THAT ARE UNWORKABLE, AND THAT'S
17 WHAT WE NEED TO GET STRAIGHTENED OUT.

18 CHAIRMAN GALLAGHER: IT'S IN THE FRAMEWORK OF
19 THE LAW THAT WE HAVE NOW. I THINK IT -- THE BOARD WOULD
20 LIKE TO SEE YOU GO AHEAD AND DEVELOP THESE A LITTLE BIT
21 FURTHER, BRING THEM DOWN TO A FINER POINT, TAKING INTO
22 ACCOUNT THE COMMENTS THAT HAVE BEEN MADE HERE BY MEMBERS
23 OF THE BOARD AND BY THE PUBLIC.

24 AND I'D LIKE TO ASK IS THERE ANYONE ELSE IN
25 THE AUDIENCE THAT WISHES TO EXPRESS AN OPINION ON ITEM



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1 2-A ON THE AGENDA?

2 IF NOT, WE CAN MOVE ON TO ITEM 2-B.

3 MR. IWAHRO: MR. CHAIRMAN, ITEM 2-B IS WITH
4 REGARD TO EFFORT TO CLEAN UP AND TO REVISE, IF NECESSARY,
5 ANY OF OUR EXISTING REGULATIONS. AND THIS ONE HERE
6 HAPPENS TO BE THE PROCEDURE FOR OUR SOLID WASTE
7 FACILITIES PERMIT, THE APPLICATION, THE REVIEW, AND THE
8 ISSUANCE OF THOSE PERMITS.

9 I THINK IF YOU LOOK AT OUR KEY ISSUES, WE
10 ARE ASKING, BASICALLY, FOR GUIDANCE ON A COUPLE OF
11 THINGS, BUT WE ARE GOING TO GIVE YOU A STATUS ON ALL THE
12 OTHER THINGS THAT WE'VE BEEN WORKING ON IN TERMS OF THIS
13 PROCESS. WE'RE TRYING TO WORK IN THE 2448 REQUIREMENTS,
14 IF NECESSARY. ALSO, WE'RE TAKING A STAB AT OUR INFAMOUS
15 SIGNIFICANT CHANGE ISSUE.

16 SO LET'S HAVE MARY COYLE GIVE US A SUMMARY
17 AND PERHAPS ELICIT SOME COMMENTS AND SOME GUIDANCE FROM
18 THE BOARD. WE REVIEW THIS AS KIND OF A STATUS REPORT ON
19 OUR EFFORT HERE.

20 MS. COYLE: YES. GOOD MORNING, MR. CHAIRMAN AND
21 MEMBERS.

22 WHAT WE'RE DISCUSSING NOW IS THE PROPOSED
23 CHANGES TO CHAPTER 5, ARTICLE 3, WHICH DEAL WITH THE
24 SOLID WASTE FACILITY PERMITTING PROCESS.

25 AS YOU KNOW, THE GOVERNMENT CODE DOES



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1 REQUIRE, BEFORE ANYONE OPENS A SOLID WASTE FACILITY, THAT
2 A PERMIT -- SOLID WASTE FACILITY PERMIT OR AN EXEMPTION
3 BE ISSUED FOR THAT OPERATION.

4 THE CURRENT REGULATIONS HAVE BEEN ON THE
5 BOOKS SINCE 1977 AND IN SOME CASES ARE VAGUE, AND WE ARE
6 LOOKING AT THE TIME LINES AND PROCEDURES GOVERNING THE
7 APPLICATION, THE REVIEW, AND REVISION WHICH NEED TO BE
8 LOOKED AT AND LAID OUT MORE CLEARLY.

9 THIS INITIAL PACKAGE WAS BROUGHT TO YOU FOR
10 GUIDANCE IN JUNE OF 1988; AND SINCE THAT TIME, WE HAVE
11 MADE SOME MINOR CHANGES BASED ON SOME COMMENTS WE
12 RECEIVED; AND WE'RE BRINGING IT BACK TO YOU SEEKING SOME
13 SPECIFIC GUIDANCE IN THREE AREAS WHICH I'LL BE GOING OVER
14 WITH YOU WHEN WE GET TO THOSE SECTIONS.

15 CHAIRMAN GALLAGHER: YES -- EXCUSE ME, MARY.

16 MR. VARNER.

17 BOARD MEMBER VARNER: I CAN HARDLY HEAR YOU,
18 MARY.

19 MS. COYLE: OKAY. BEGINNING ON PAGE 191 OF THE
20 BOARD PACKET AND PAGE 4 FOR THE --

21 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

22 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

23 BOARD MEMBER MOSCONE: JUST FOR CLARIFICATION,
24 ON PAGE 187, BOARD ACTION, "OVERALL GUIDANCE AND
25 DIRECTION TO STAFF. GUIDANCE IS SPECIFICALLY NEEDED IN



1 THE FOLLOWING AREAS: REQUIRING PERMITS FOR LANDFILL
2 CLOSURE/POSTCLOSURE MAINTENANCE."

3 ARE THEY GOING TO BE REQUIRED TO HAVE
4 ANOTHER PERMIT FOR THIS CLOSURE AND POSTCLOSURE IN
5 ADDITION TO THE OTHER PERMITS TO OPERATE?

6 MS. COYLE: THAT IS AN AREA THAT WE'RE BRINGING
7 TO YOUR ATTENTION FOR SEEKING GUIDANCE. . SOME OF THE
8 COMMENTS RECEIVED -- COMMENTERS STATED THAT THAT MIGHT BE
9 SOMETHING WE MIGHT WANT TO PURSUE, BUT WE'RE COMING TO
10 THE BOARD SEEKING GUIDANCE. AND I'LL --

11 BOARD MEMBER MOSCONE: IT'S MANDATED. WHY
12 SHOULDN'T THEY HAVE TO GO THROUGH ALL OF THE PERMIT
13 PROCEDURES TO FOLLOW THROUGH WHAT HAS BEEN MANDATED TO
14 THEM?

15 MS. COYLE: WELL, THERE'S A COUPLE DIFFERENT
16 THEORIES. ONE THEORY IS MANY OF THE ACTIONS TIED TO THE
17 CLOSURE/POSTCLOSURE REPORT REFER BACK TO THE FIVE-YEAR
18 REVIEW PERIOD, WHICH IS TIED TO THE PERMITTING PROCESS.

19 IF THERE IS NOT A SOLID WASTE FACILITY
20 PERMIT IN EFFECT FOR A CLOSED LANDFILL, WHAT WOULD BE --
21 THE FIVE-YEAR REVIEW PERIOD WOULD BE MOOT. THAT'S ONE
22 ISSUE.

23 ANOTHER ISSUE IS SAY YOU HAVE A LANDFILL
24 THAT SUBMITS A 10-VOLUME CLOSURE REPORT AND THAT IS
25 ADOPTED AND ACCEPTED AS THE APPROVED PLAN. IF LOCAL



1 ENFORCEMENT AGENCY STAFF OR OUR OWN BOARD STAFF GO OUT
2 AND DO AN INSPECTION, THEY HAVE TO BECOME VERY FAMILIAR
3 WITH THAT 10-VOLUME REPORT, AND MAYBE IT WOULD BE EASIER
4 TO SUMMARIZE THOSE MITIGATING MEASURES THAT MUST BE IN
5 PLACE IN A COVER DOCUMENT WHICH WE WOULD -- PROBABLY BE
6 MOST USEFUL AS A SOLID WASTE FACILITY PERMIT.

7 THOSE ARE THE TWO IDEAS THAT THIS GUIDANCE
8 IS BEING REQUESTED TODAY.

9 BOARD MEMBER VARNER: I DON'T QUITE UNDERSTAND
10 THAT EITHER, AS JOHN IS SAYING. WHERE DOES REQUIRING AN
11 ADDITIONAL PERMIT -- REQUIRING AN ADDITIONAL PERMIT, IS
12 THAT WHAT THIS IS SAYING?

13 MS. COYLE: WHAT IT WOULD BE IS THE LANDFILLS
14 UNDER OPERATION, THEY WOULD HAVE AN OPERATING SOLID WASTE
15 FACILITY PERMIT; AND UPON CLOSURE, THEY MAY REQUIRE A
16 REVISION TO THAT PERMIT TO REFLECT THE CLOSURE
17 MAINTENANCE THAT'S REQUIRED.

18 BOARD MEMBER VARNER: WELL, IS THAT AN
19 ADDITIONAL PERMIT?

20 MS. COYLE: IT'S AN ADDITIONAL STAGE OF THE
21 PERMIT, YES.

22 BOARD MEMBER VARNER: OF THE SAME PERMIT?

23 MS. COYLE: IT WOULD REQUIRE A REVISION, THOUGH.

24 MR. EOWAN: YEAH, SAME PURPOSE.

25 CHAIRMAN GALLAGHER: I THINK WHAT THEY'RE



1 SAYING, MR. VARNER, IS THAT THE PERMIT THAT'S IN EFFECT
2 WHEN THEY CLOSE WOULD HAVE TO BE REVISED TO REFLECT THEIR
3 PLAN FOR MAINTENANCE AFTER CLOSURE; IS THAT CORRECT?

4 MS. COYLE: YES.

5 MR. IWAHIRO: IF I MAY, JUST SEE IF I CAN
6 ADDRESS THIS A LITTLE BIT MORE; AND, THAT IS, THAT
7 CURRENTLY THERE'S A POSSIBILITY THAT YOU DO NOT HAVE A
8 PERMIT FOR THE FACILITY AFTER IT'S CLOSED. THAT PERMIT
9 MAY BE JUST -- THERE'S JUST NOT A PERMIT AFTER THE
10 FACILITY IS CLOSED. WE'RE SUGGESTING THAT THERE IS A
11 POSSIBILITY THAT YOU MIGHT WANT TO CONTINUE THAT PERMIT
12 TO INCLUDE A LOT OF THESE CONDITIONS AND WHATEVER
13 REQUIRED BY THE CLOSURE PLAN. I THINK THAT'S PART OF THE
14 ISSUE HERE.

15 I THINK THAT MARY WAS TRYING -- WHEN WE GET
16 TO THIS PARTICULAR SECTION, I THINK WE CAN SHOW MORE
17 SPECIFICALLY WHAT WE MEAN.

18 BOARD MEMBER VARNER: OKAY. SO WHAT YOU'RE
19 SAYING, THEN, IS THAT YOU WANT TO MAKE SURE THAT THE
20 PERMIT IS REVISED TO INCLUDE ALL THE THINGS THAT ARE
21 NECESSARY? THAT'S WHAT I'M TRYING TO FIND OUT, IF WE'RE
22 TALKING ABOUT AN ADDITIONAL PERMIT TO THEIR SOLID WASTE
23 FACILITIES PERMIT.

24 HERB MAKES A POINT THAT I UNDERSTAND, THAT
25 MAY BE CANCELED UNDER THE PRESENT SITUATION WHEN THE



1 FACILITY IS CLOSED.

2 SO WHAT YOU'RE ASKING FOR IS NOT ANOTHER
3 PERMIT, BUT A REVISION OF THE PERMIT. OKAY. IT DOESN'T
4 STATE THAT. IT SAYS REQUIRING A PERMIT. SO WHAT YOU
5 WANT IS A REVISION OF THAT PERMIT TO REFLECT THE CHANGE
6 THAT'S GOING TO OCCUR WHEN THEY CLOSE IT?

7 MR. COYLE: RIGHT. THAT IS THE GUIDANCE THAT
8 WE'RE SEEKING.

9 BOARD MEMBER MOSCONE: THAT WOULD BE FIVE-YEAR
10 INTERVALS FOR PLANNED REVISION?

11 MR. COYLE: WELL, IT WOULD BE DONE UPON THE TIME
12 WE -- THEY HAVE INSTITUTED CLOSURE OF THE FACILITY.

13 CHAIRMAN GALLAGHER: EFFECTIVE DATE OF CLOSURE.

14 MR. CONHEIM.

15 MR. CONHEIM: MR. CHAIRMAN, MR. VARNER, MEMBERS,
16 THE CLOSURE PLAN AND THE POSTCLOSURE PLAN IS AN
17 ENFORCEABLE DOCUMENT. THERE'S NO QUESTION ABOUT THAT.
18 THAT'S ONE POINT I WANTED TO JUST REMIND YOU OF.

19 NO. 2, ANOTHER POINT I WANT TO REMIND YOU
20 OF OR BRING TO YOUR ATTENTION IS THAT, ESPECIALLY IN A
21 SITUATION WHERE A LANDFILL IS CLOSING AS IT GOES, THERE
22 WOULD HAVE TO BE SOME MODIFICATIONS TO AN OPERATING
23 PERMIT BECAUSE THERE WOULD BE A LOT OF ACTIVITIES GOING
24 ON AT THAT LANDFILL. SO THAT'S ANOTHER SCENARIO
25 SITUATION THAT YOU SHOULD BE AWARE OF.



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1 AND GOING BACK TO NO. 1, AS YOU CONSIDER
2 THE ADVISABILITY OF SOME KIND OF A SOLID WASTE FACILITIES
3 PERMIT DURING THE CLOSED POSTCLOSURE MAINTENANCE PERIOD,
4 REMEMBER THAT YOU DO NOT NEED TO HAVE ONE IN ORDER TO
5 ENFORCE THE POSTCLOSURE MAINTENANCE PLAN. IT'S JUST A
6 FACT THAT MAY -- YOU MAY STILL WANT TO DECIDE SOMETHING
7 ELSE, BUT I WANTED TO LET YOU KNOW.

8 BOARD MEMBER VARNER: WELL, THANK YOU, BOB,
9 THAT'S AN IMPORTANT POINT.

10 HERE, I THINK, THOUGH, ~~THE KEY ISSUE HERE,~~
11 AND IT GETS INTO THIS BUSINESS OF SIGNIFICANT CHANGE
12 AGAIN, AND I THINK WHERE YOU'LL RUN INTO THE OPPOSITION
13 IS IF IT'S GOING TO BE A TREMENDOUSLY BURDENSOME THING TO
14 REVISE A PERMIT. AND AS SOME OF THEM CLAIM, IT'S ALMOST
15 THE SAME THING AS GETTING A NEW PERMIT, THEN IS THERE
16 SOME WAY THAT WE CAN MAKE THESE REVISIONS TO AN ORIGINAL
17 THING SUCH THAT IT'S NOT A TREMENDOUSLY BURDENSOME THING
18 TO THE PERSON THAT'S DOING IT, OVERLY BURDENSOME. IN
19 OTHER WORDS, WHAT WE WANT TO DO IS KEEP THE THING IN A
20 LEGAL SITUATION SO IT CAN BE ADMINISTERED PROPERLY.
21 THAT'S WHAT I UNDERSTAND YOU'RE SAYING.

22 CAN WE COME UP WITH SOME CRITERIA THAT IS
23 GOING TO MAKE IT A REVISION THAT'S JUST A MATTER OF
24 PROCEDURE RATHER THAN A WHOLE NEW TRAUMATIC EXPERIENCE
25 FOR THE GUY THAT'S TRYING TO DO IT? THAT BECOMES MY



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1 CONCERN.

2 CHAIRMAN GALLAGHER: I THINK MAYBE THAT'S
3 COVERED AS WE GET DOWN INTO THE POINT -- WE HAVEN'T
4 GOTTEN DOWN TO WHAT THEY'RE PROPOSING YET.

5 BOARD MEMBER VARNER: ALL RIGHT.

6 MR. IWAHIRO: WELL, THAT SPECIFICALLY, I THINK,
7 IS A GOOD POINT, FRANKLY. SO I THINK WE'LL, OF COURSE,
8 TAKE THAT INTO CONSIDERATION, YEAH.

9 BOARD MEMBER LOCKINGTON: MR. CHAIRMAN.

10 CHAIRMAN GALLAGHER: YES.

11 BOARD MEMBER LOCKINGTON: MARY, DID YOU SAY
12 THAT THERE WERE SOME FACILITIES WITHOUT A PERMIT?

13 MS. COYLE: THERE ARE SOME FACILITIES THAT ARE
14 ABLE TO GET PERMIT EXEMPTIONS RIGHT NOW. BECAUSE OF
15 THEIR TYPES OF WASTE THEY RECEIVE, THEY ARE GRANTED
16 EXEMPTIONS FROM HAVING TO HAVE SOLID WASTE FACILITY
17 PERMITS.

18 BOARD MEMBER LOCKINGTON: SO THAT WAS ONE OF THE
19 THINGS YOU WANTED TO MAKE YOUR PRESENTATION ON IS WHAT DO
20 WE DO ABOUT THEM?

21 MS. COYLE: RIGHT.

22 OKAY. BEGINNING INTO THE ACTUAL TEXT ON
23 PAGE 191 OF THE BOARD PACKET, PAGE 4 FOR THE AUDIENCE,
24 THE WORDING TO 18200 HAS BEEN UNCHANGED SINCE WE BROUGHT
25 IT TO YOUR ATTENTION.



1 ON THE NEXT PAGE, SECTION 18201, THIS IS
2 THE MINOR WORDING WE'VE ADDED THAT WOULD REQUIRE A
3 CLOSURE PERMIT. THE WORDING IS "NO PERSON OR AGENCY
4 SHALL ENGAGE IN THE TRANSFER, PROCESSING OR DISPOSAL OF
5 SOLID WASTE OR THE CLOSURE AND MAINTENANCE OF A SOLID
6 WASTE DISPOSAL SITE WITHOUT FIRST HAVING OBTAINED A SOLID
7 WASTE FACILITIES PERMIT FROM THE APPROPRIATE AGENCY."

8 NOW, THAT WORDING "OR THE CLOSURE AND
9 MAINTENANCE OF A SOLID WASTE DISPOSAL SITE" IS THE NEW
10 WORDING WE HAVE INSERTED. WE DID NOT GO ON AND WRITE THE
11 TOTAL PROCEDURES FOR HOW TO APPLY FOR CLOSURE PERMITS.
12 WE WERE JUST MERELY SEEKING GUIDANCE IN WHAT DIRECTION
13 THE BOARD WOULD LIKE TO GO IN THIS AREA. THAT IS THE
14 ONLY WORDING IN THIS PACKAGE THAT REFERS TO CLOSURE
15 PERMITS THE WAY IT STANDS TODAY.

16 IF THERE'S NO MORE GUIDANCE ON THE CLOSURE
17 PERMIT ISSUE, THIS WOULD BE AN OPPORTUNITY TO DISCUSS
18 THAT FURTHER IF YOU HAVE MORE COMMENTS.

19 BOARD MEMBER BROWN: MR. CHAIRMAN.

20 CHAIRMAN GALLAGHER: YES, MR. BROWN.

21 BOARD MEMBER BROWN: SOUNDS TO ME LIKE THAT'S
22 THE PLACE WHERE WE WANT TO PUT IN SOMETHING ABOUT "OR
23 PERMIT REVISION," LANGUAGE THAT -- BECAUSE IF WE LEAVE IT
24 LIKE IT IS, IT'S GOING TO SAY TO SOMEONE A WHOLE NEW
25 PERMIT FOR JUST THAT PARTICULAR FUNCTION, WHICH, I THINK,



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1 IF I LISTEN TO THE BOARD CORRECTLY, WE'RE TRYING TO AVOID
2 OR AT LEAST TRYING TO MODIFY; AM I CORRECT?

3 CHAIRMAN GALLAGHER: WELL, I THINK VERY MUCH ON
4 TRACK, MR. BROWN.

5 I'D JUST LIKE TO ADD TO MR. BROWN'S
6 COMMENTS, THAT THE POINT THAT MR. VARNER MADE, THAT I
7 THINK SHOULD BE EMPHASIZED, IS THE FACT THAT SOLID WASTE
8 DISPOSAL FACILITIES ARE NOT JUST GOING TO COME UP TO AN
9 ABRUPT HALT. THEY'RE GOING TO BE CLOSING IN STAGES AS
10 THEY GO ALONG AND, CERTAINLY, IN MOST CASES. AND THERE
11 WILL BE SOME REVISIONS TO PERMITS REQUIRED AS YOU GO
12 THROUGH THE PROCESS, IT WOULD SEEM TO ME, AND I THINK
13 THAT OUGHT TO BE RECOGNIZED IN WHATEVER LANGUAGE YOU COME
14 UP WITH.

15 MS. COYLE: WE DIDN'T -- BECAUSE THIS ISSUE WAS
16 SO NEW AND WE DIDN'T REALLY GO INTO THE EXTENSIVE
17 DETAILED SUBMITTAL OF WORDING ON WHAT PROCESS TO GO
18 THROUGH, WE JUST MERELY WANTED TO BRING THE ISSUE TO THE
19 BOARD AND SEE WHAT THE OVERALL GUIDANCE WAS, WHETHER YOU
20 FELT CLOSURE PERMIT WAS EVEN APPROPRIATE. IF CLOSURE
21 PERMIT, IN YOUR GUIDANCE, IS NOT APPROPRIATE, WE WOULD
22 STRIKE THAT PART OF THAT SENTENCE.

23 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

24 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

25 BOARD MEMBER BREMBERG: I THINK SOME FORM OF



1 ONGOING ADDENDUM, MITIGATING MEASURES, OR SOMETHING
2 REALLY HAVE TO BE ENFORCED BECAUSE IF THEY JUST CLOSE THE
3 DOOR ONE DAY AND WALK AWAY, THIS IS WHERE THE WHOLE
4 SYSTEM BREAKS DOWN: AND IF THERE'S NO LINE OF
5 RESPONSIBILITY OR CHAIN OF COMMAND OR SOMEBODY WATCHING
6 OVER THEM, THEY'RE JUST GOING TO COME AROUND AND SAY,
7 "WELL, YOU DIDN'T TELL US WHAT WE HAD TO DO, SO NOW YOU
8 CLEAN IT UP. YOU CLOSE IT. YOU MAINTAIN IT."

9 I THINK THERE'S GOT TO BE SOME FORM WHEN
10 THEY GET THEIR ORIGINAL PERMIT THAT INDICATES VERY
11 CLEARLY IN BOLD PRINT, "NOW YOU TELL US WHAT YOU'RE GOING
12 TO DO AND SO FORTH" ALL AT THE SAME TIME AND GIVE A LINE
13 OF RESPONSIBILITY AND NAME, SERIAL NUMBER, AND TELEPHONE
14 NUMBER, OR WHATEVER. BECAUSE I CAN SEE, IF THERE'S
15 NOTHING, AND IT'S JUST CHOPPED OFF, THEN THERE'S A WHOLE
16 BUNCH OUT THERE, 50 OR SO A YEAR, THAT JUST QUIETLY WALK
17 AWAY WITHOUT A PLAN.

18 CHAIRMAN GALLAGHER: MR. ORR, YOU HAVE A
19 COMMENT?

20 MR. ORR: YEAH. I THINK THAT I AGREE WITH MS.
21 BREMBERG IN TERMS OF THE NEED FOR THOSE KINDS OF THINGS.
22 WHAT MR. CONHEIM INDICATED IS THAT, IN GENERAL, THE
23 CLOSURE PLANS AND THE POSTCLOSURE PLANS MAY SUFFICE IN
24 LIEU OF HAVING A PERMIT.

25 BOARD MEMBER BREMBERG: WITH ENFORCEMENT WOULD



1 INDICATE A VIOLATION OF A PERMIT. IT MAKES IT A LOT
2 EASIER THEN. BECAUSE A PLAN IS A PLAN IS A PLAN, AS
3 WE'VE ALL SEEN IT ARGUED IN COURT THAT THE PLAN WAS NOT
4 ENFORCEABLE BECAUSE IT REALLY WASN'T STATUTORY OR IT
5 WASN'T AN ORDINANCE OF A CITY OR SOMETHING.

6 MR. ORR: ONE THING I MIGHT WANT TO ADD, AS SORT
7 OF A MINIMUM, WHAT WE CURRENTLY SEE QUITE OFTEN IS A
8 LANDFILL WILL CLOSE AND WALK AWAY OR CLOSE PROPERLY AND
9 CONTINUE, BUT THERE'S NEVER ANYTHING REALLY DONE WITH THE
10 OPERATING PERMIT. AND I THINK CLEARLY, ONE WAY OR
11 ANOTHER, THAT THAT OPERATING PHASE OF THE PERMIT NEEDS TO
12 COME TO AN END.

13 IN TERMS OF WORKING OUT EXACTLY WHAT TO DO
14 ABOUT A CLOSURE PERMIT, THAT'S AN ISSUE THAT WE CAN GIVE
15 FURTHER ATTENTION TO. BUT I THINK, FOR SURE, THAT THE
16 DESCRIPTION OF HOW THE LANDFILL IS TO OPERATE, WHEN THAT
17 LANDFILL CLOSES, IT'S NEVER GOING TO RESUME OPERATION.

18 BOARD MEMBER TCHOBANOGLIOUS: COULDN'T WE
19 INCORPORATE SOMETHING THAT WOULD SUGGEST THAT, LET'S SAY,
20 WHEN A CERTAIN FRACTION OR CAPACITY IS REACHED, THAT THEY
21 WOULD THEN HAVE TO APPLY FOR EITHER A MODIFICATION OR A
22 CLOSURE PERMIT?

23 MR. IWAHIRO: YEAH. I THINK THAT --

24 CHAIRMAN GALLAGHER: MR. IWAHIRO.

25 MR. IWAHIRO: I THINK THAT'S POSSIBLE, MYSELF.



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1 I THINK, THOUGH, THE POINT THAT MR. VARNER MADE WITH
2 REGARD TO ANY KIND OF CHANGE IN A PERMIT, YOU'VE GOT TO
3 MAKE SURE THAT YOU CAN TO DO IT WITHOUT PERHAPS A CEQA
4 EVENT, FOR INSTANCE UNLESS IT'S REALLY REQUIRED, WHICH I
5 DON'T THINK, YOU KNOW, IN TERMS OF A CLOSURE SITUATION
6 BECAUSE YOU HAVE DEVELOPED PLANS IN THOSE THINGS. YOU
7 KNOW, IT SEEMS TO ME A STEP BACKWARDS IN TERMS OF TRYING
8 TO GET A CLOSURE PLAN AND STILL HAVE TO GO THROUGH CEQA.

9 CHAIRMAN GALLAGHER: MR. CONHEIM.

10 MR. CONHEIM: MR. CHAIRMAN, MEMBERS, THE ISSUE
11 OF CEQA, I KNEW THAT'S WHAT YOU WERE DRIVING AT. YOU
12 DON'T WANT THE SAME PLANNING AND CEQA PROBLEMS BECAUSE
13 YOU'RE SHUTTING A FACILITY DOWN. YOU'RE NOT TRYING TO
14 ESTABLISH ONE. THAT MAKES COMMON SENSE.

15 BUT THAT BEGS THE WHOLE ISSUE OF HOW
16 DIFFICULT IT IS WHEN THIS BOARD DOES NOT HAVE WHAT WE
17 CALL A CERTIFIED REGULATORY PROGRAM IN LIEU OF CEQA. IF
18 WE DID, THEN OUR PERMIT REGULATORY PLANNING STRUCTURE
19 WOULD SUFFICE IN EVERY EVENT FOR ALL CEQA COMPLIANCE.

20 WE'RE TRYING TO GET THESE REGULATIONS IN
21 PLACE, AND WE'RE JOCKEYING OUR AUTHORITY WITH DIFFERENT
22 AGENCIES. AND WHEN THAT'S IN PLACE, I THINK WE NEED TO
23 TURN OUR SERIOUS ATTENTION TO -- TO SIMPLIFYING CEQA
24 COMPLIANCE BY ATTEMPTING TO DEVELOP WHAT THEY CALL A
25 CERTIFIED REGULATORY PROGRAM UNDER CEQA.



1 THE DIFFICULTY, OF COURSE, HAS ALWAYS BEEN
2 THAT 120 LOCAL ENFORCEMENT AGENCIES ADMINISTER, WE'RE NOT
3 THE ONLY ONES. THAT'S ONE ISSUE.

4 DR. TCHOBANOGLOUS' SUGGESTION RAISES THE
5 NEED TO REMIND YOU THAT THE TIME WHEN CLOSURE PLANS MUST
6 BE SUBMITTED IS FIXED IN THE STATUTE. THE DATES ARE
7 FIXED IN THE STATUTE. SO THE ACTUAL BEGINNING OF CLOSURE
8 PLANNING AND THE FINAL PLANS ARE DUE AT SOME POINT AFTER
9 THE IMPLEMENTATION OF THIS LAW AND BEFORE THE FACILITY
10 CLOSES, AND IT'S FIXED IN THE STATUTE. SO THAT'S TAKEN
11 CARE OF IN ONE SENSE. WE DON'T NEED ANOTHER
12 SUPERSTRUCTURE ON TOP OF THAT THAT MIGHT BE
13 MISINTERPRETED. SO I WANTED TO LET YOU KNOW.

14 AND I THINK -- I THINK THE STAFF IS REALLY
15 ASKING FOR POLICY GUIDANCE, AND I -- GEORGE LAUGHED AT
16 ME. HE SAYS, "WELL, WHY DON'T YOU SAY WHAT YOU WANT TO
17 SAY?" AND I SAID, "WELL, I DON'T WANT TO MAKE A POLICY
18 RECOMMENDATION." AND I STILL WON'T. BUT I THINK WE HAVE
19 RAISED THE ISSUE OF WHETHER, AS A POLICY MATTER, WE WANT
20 TO BEGIN TO TRY AND CONSTRUCT A PERMIT REQUIREMENT TO
21 OVERLAY UPON THE CLOSURE PLANNING REQUIREMENT. AND I
22 THINK YOU CAN HEAR MY BIAS COMING OUT.

23 I SEE IT AS A POTENTIAL DUPLICATE
24 STRUCTURE, AND I'VE SAID TO YOU THAT YOU DON'T NEED IT IN
25 ORDER TO ENFORCE CLOSURE PLANS. BECAUSE AS MRS. BREMBERG



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1 RAISED THE ISSUE, I'D LIKE TO SAY THAT THE CLOSURE PLANS
2 ARE VERY WELL-DEFINED IN STATUTE. THE REGULATIONS NOW
3 DICTATE THE CONTENTS OF CLOSURE PLANS AND WHAT THEY'RE
4 SUPPOSED TO CONTAIN, AND THEY ARE ENFORCEABLE IN A
5 SLIGHTLY DIFFERENT MODE, A LITTLE FEW WARNING LETTERS AND
6 THEN A LAWSUIT OR A NOTICE AND ORDER IN A LAWSUIT. I
7 THINK THEY'RE, IN EVERY RESPECT, ENFORCEABLE.

8 THE ISSUE THAT I SEE IN TRYING TO CONDENSE
9 THE KEY POINTS OF A 10-VOLUME CLOSURE PLAN TO A
10 THREE-PAGE PERMIT, I SEE A TRAP FOR THE UNWEARY. I DON'T
11 THINK YOU CAN CONDENSE A CLOSURE PLAN THAT WAS MEANT TO
12 BE TEN VOLUMES INTO A THREE-PAGE PERMIT; AND THEREFORE,
13 YOU MAY OVERSIMPLIFY CLOSURE REQUIREMENTS.

14 SO THOSE ARE OTHER ISSUES I WANT TO PUT OUT
15 THERE. AND STAFF IS OPEN TO RECOMMENDATION. MAYBE WE
16 DON'T HAVE TO SOLVE THE LANGUAGE PROBLEM TODAY, BUT IT IS
17 A SIGNIFICANT ISSUE THAT'S BEEN PRESENTED TO YOU.

18 CHAIRMAN GALLAGHER: I HAVE TO ASK A QUESTION,
19 MR. CONHEIM; AND, THAT IS, IF ALL OF WHAT YOU SAY, AND
20 I'M SURE IT IS ACCURATE, THE STAFF MUST HAVE FELT THAT
21 THEY NEEDED SOMETHING IN ADDITION TO ASKING US TO TELL
22 THEM THAT THEY NEEDED SOMETHING IN ORDER TO PROPERLY
23 ADMINISTER THE CLOSURE/POSTCLOSURE ACTIVITIES.

24 NOW, IF THE STAFF FEELS THAT THEY CAN DO AN
25 ADEQUATE JOB ALONG THE LINES YOU HAVE JUST LAID OUT, WHY



1 WOULD WE NEED TO EVEN HAVE BROUGHT THIS UP?

2 MS. COYLE: MR. CHAIRMAN, IF I MAY ADDRESS THAT,
3 THERE ARE SOME LOCAL ENFORCEMENT AGENCIES CURRENTLY THAT
4 ARE ISSUING CLOSURE PERMITS FOR LANDFILLS. AND THERE ARE
5 OTHERS THAT ARE SEEKING GUIDANCE ON WHETHER OR NOT THOSE
6 ARE NEEDED. SO THERE IS SOMEWHAT OF AN INCONSISTENCY
7 BEING CREATED BY LOCAL ENFORCEMENT AGENCIES NOW, AND I
8 JUST MERELY WANTED TO BRING IT TO YOUR ATTENTION.

9 CHAIRMAN GALLAGHER: DO THEY THINK THEY NEED
10 THEM AND HAVE THEY EXPRESSED A REASON AS TO WHY THEY
11 THINK THEY NEED THEM?

12 MS. COYLE: AT ONE TIME I THINK THE BOARD STAFF
13 WAS ISSUING THAT AS A RECOMMENDATION FOR ISSUANCE OF A
14 CLOSURE PERMIT WHEN LANDFILLS CLOSED, BUT THAT WAS PRIOR
15 TO THE CLOSURE PLAN REQUIREMENT.

16 BOARD MEMBER VARNER: MR. CHAIRMAN.

17 CHAIRMAN GALLAGHER: YES.

18 BOARD MEMBER VARNER: KIND OF THE WAY IN WHICH I
19 SEE THIS, HERE WHEN A LOT OF THESE PERMITS WERE
20 ORIGINALLY PUT INTO USE, A LOT OF THE THINGS THAT ARE
21 HAPPENING NOW WAS NOT ENVISIONED. SO WHAT SEEMS TO ME
22 THAT WE NEED, AND I DON'T KNOW WHETHER IT'S POSSIBLE TO
23 DO OR NOT, IS YOU NEED A PERMIT THAT SPELLS OUT IN AN
24 ORDERLY PROCESS OF WHAT THAT FACILITY IS TO DO FROM START
25 TO FINISH. AND NOW THE FINISH WOULD BE CLOSURE AND



1 POSTCLOSURE.

2 AND, OBVIOUSLY, WHEN A LOT OF THESE PERMITS
3 WERE ORIGINALLY ISSUED, THEY DIDN'T EVEN ENVISION WHAT
4 WAS GOING TO TAKE PLACE NOW AND IN THE
5 CLOSURE/POSTCLOSURE THINGS. AND THAT'S SO -- WE KIND OF
6 GOT FRAGMENTED OF THINGS. SO WHAT WE NEED IS AN ORDERLY
7 PROCESS SO THAT THE PERSON -- EVERYONE, CONSISTENT ONE
8 THROUGHOUT THE STATE SO THAT THERE ISN'T THIS SITUATION
9 THAT THEY DON'T REALLY KNOW WHAT THEY'RE SUPPOSED TO DO
10 NEXT, AND EVERYBODY'S GOT A DIFFERENT IDEA OF WHAT THEY
11 WOULD LIKE TO DO.

12 WE NEED SOME TYPE OF AN ORDERLY PROCESS
13 FROM BEGINNING TO END. SO MAYBE THE WHOLE THING NEEDS TO
14 BE OVERHAULED, IF THAT'S A POSSIBILITY.

15 MR. EOWAN: MR. CHAIRMAN.

16 CHAIRMAN GALLAGHER: MR. EOWAN.

17 MR. EOWAN: I THINK YOU PUT YOUR FINGER RIGHT ON
18 IT, ON A GOOD POINT THERE. HISTORICALLY, IN LIEU OF A
19 CLOSURE LAW, WHAT WE DID WAS REVISE THE OPERATING PERMIT
20 TO CLOSE THE FACILITY. SO I THINK WE HAVE, WITHIN OUR
21 FILES, ESSENTIALLY CLOSURE PERMITS. WE HAD NO LAW TO DO
22 THAT REALLY. SO WHAT WE SAID WAS IF YOU'RE GOING TO
23 CLOSE A FACILITY, ESSENTIALLY YOU'RE UNDERGOING A
24 SIGNIFICANT CHANGE. THERE'S THAT WORD AGAIN. AND IF
25 YOU'RE GOING TO UNDERGO A SIGNIFICANT CHANGE FROM



1 OPERATION TO CLOSURE, THEN YOU HAVE TO REVISE YOUR
2 PERMIT.

3 I THINK THAT OLD PRACTICE IS PART OF THE
4 REASON WHY IT'S BEEN RAISED HERE BECAUSE IT WAS A KIND OF
5 DE FACTO POLICY. IT WASN'T CONSISTENTLY CARRIED OUT AS
6 WELL AS IT WOULD HAVE BEEN IF IT HAD BEEN THE LAW AND IN
7 REGULATION IN AN EXPLICIT WAY.

8 AND I THINK WHAT WE'RE TRYING TO DO HERE IS
9 INCORPORATE THAT PRACTICE, WHICH TENDED TO WORK FAIRLY
10 WELL, ACTUALLY, WHEN IT WAS IN PLACE, WITH THE EXISTING
11 LAW. AND I THINK WE CAN DO THAT, AND I THINK DR.
12 TCHOBANOGLIOUS' SUGGESTION OF TYING IT TO WHEN THE CLOSURE
13 PLANS ARE DUE, AS WE GET CLOSER -- AS A FACILITY GETS
14 CLOSER AND CLOSER TO THE ACTUAL DATE, YOU COULD THEN
15 STILL HAVE A SIGNIFICANT CHANGE IN THE OPERATION, PER SE,
16 AND REQUIRE -- BUT THIS WOULD MAKE IT EVEN BETTER, AND
17 REQUIRE A CHANGE IN THE PERMIT BY -- AND THEN BY
18 REFERENCE INCORPORATE A CLOSURE PLAN AND YOU'D HAVE BOTH.
19 AND THEN YOU WOULD HAVE AN ENFORCEABLE PERMIT THAT HAD
20 ALL THE DETAIL OF THE CLOSURE PLAN IN IT. I THINK THAT'S
21 WHAT WE'RE SHOOTING AT.

22 CHAIRMAN GALLAGHER: MR. BROWN, DID YOU WANT --

23 BOARD MEMBER BROWN: WELL, YEAH. GEORGE HAD
24 COVERED WHERE I WAS HEADED, TOO, EXCEPT THAT I WAS
25 THINKING OF IT MORE IN TERMS OF WORKING WITHIN THE



1 FRAMEWORK OF THE EIGHT-YEAR CAPACITY IDEA. AS YOU BEGAN
2 TO FALL BELOW EIGHT YEARS OF CAPACITY, THAT THEN BEGAN TO
3 TRIGGER AN ADDED REQUIREMENT IN YOUR PERMIT THAT FORCED
4 YOU TO START THINKING ABOUT A CLOSURE PLAN AND, THEREBY,
5 COUPLING IT WITH SOME EXISTING THINGS THAT ARE GOING ON
6 ALREADY THAT HELPS YOU TO UNDERSTAND WHAT'S TAKING PLACE
7 THERE.

8 CHAIRMAN GALLAGHER: GEORGE, IN ORDER TO GET
9 THIS OFF DEAD CENTER --

10 MR. EOWAN: YEAH.

11 CHAIRMAN GALLAGHER: -- AND WE ACTUALLY HAVE
12 SOME OTHER THINGS TO DO BESIDES THIS, I THINK WE'VE GOT
13 THE CART BEFORE THE HORSE.

14 I THINK YOU, ON STAFF, RATHER THAN ASKING
15 US TO TELL YOU WHETHER OR NOT YOU NEED A PERMIT OR NOT,
16 THAT YOU SHOULD THINK THE THING THROUGH A LITTLE BIT MORE
17 CLEARLY AND COME BACK TO US WITH A RECOMMENDATION FOR
18 POLICY.

19 MR. IWAHIRO: FINE. UH-HUH, YES.

20 CHAIRMAN GALLAGHER: SO CAN WE MOVE ALONG ON
21 THAT NOTE?

22 MR. IWAHIRO: YES.

23 CHAIRMAN GALLAGHER: THANK YOU.

24 MS. COYLE: WE MOVE ON TO 193 OR PAGE 6 FOR THE
25 AUDIENCE, SECTION 18202. THE CHANGE THAT WE'VE MADE



1 SINCE YOUR LAST REVIEW OF THIS PACKAGE IS A. WE ADDED
2 IN -- THAT A USED TO BE THE COMMENT THAT WAS CONTAINED
3 BELOW THE ACTUAL REGULATIONS. AND ONE OF THE COMMENTS
4 THAT WE RECEIVED WAS TO INCORPORATE THE COMMENTS OF THE
5 REGULATION INTO THE REGULATION SO THAT THEY'RE MORE
6 ENFORCEABLE.

7 THE OTHER CHANGE THAT WE MADE IS WE'RE
8 CHANGING THE REFERENCE TO PERMIT HOLDER OR PERMITTEE TO
9 FACILITY OPERATOR, AND THAT CHANGE IS REFLECTED IN
10 SECTION D.

11 WE ALSO -- THIS SECTION INITIALLY CONTAINED
12 A LOT OF REQUIREMENTS THAT WERE SUPPOSED TO BE SUBMITTED
13 IN A REPORT OF FACILITY INFORMATION, AND WE'VE TAKEN
14 THOSE REQUIREMENTS OUT, AND WE WILL BE INSERTING THEM IN
15 THE REPORT OF FACILITY INFORMATION SECTION.

16 THE NEXT CHANGE IS ON PAGE 196 OF THE BOARD
17 PACKET, SECTION 18203. WE HAVE PUT IN THE CASE OF
18 30-CALENDAR-DAY PERIOD INSTEAD OF JUST A 30-DAY PERIOD,
19 AND WE ALSO HAVE MODIFIED THIS SECTION TO REFLECT -- THE
20 WORDING USED TO BE "THAT LOCAL ENFORCEMENT AGENCY WILL
21 ACCEPT THE APPLICATION AS COMPLETE AND IT SHALL BE DEEMED
22 FILED."

23 TO US, THAT WORDING WAS UNNECESSARY, AND WE
24 TOOK OUT "AND DEEMED FILED," AND JUST -- WE'LL LEAVE THE
25 SENTENCE "THE APPLICATION SHALL BE ACCEPTED AS COMPLETE,"



1 PERIOD.

2 THE NEXT SECTION IS ON PAGE 198 OF THE
3 BOARD PACKET, SECTION 18204. THE ADDITION TO THAT
4 SECTION IS MERELY THE ADDING OF A, WHICH WAS THE COMMENT
5 INITIALLY AND WE'VE ADDED IT INTO THE ACTUAL REGULATION.

6 SECTION 18205 AND 206 HAVE NO CHANGE.

7 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

9 BOARD MEMBER BREMBERG: MAY I -- GEORGE AND I
10 WERE TALKING HERE. WHAT IS THE DIFFERENCE BETWEEN 30
11 DAYS AND 30 CALENDAR DAYS? DO YOU MEAN WORKING DAYS?

12 MS. COYLE: YES. IT SOMETIMES CAN BE
13 MISUNDERSTOOD WHETHER IT'S WORKING DAYS, CALENDAR DAYS.

14 BOARD MEMBER BREMBERG: YES. ALL RIGHT. SO WHY
15 DON'T YOU JUST PUT IN WORKING DAYS? THIRTY-CALENDAR
16 DAYS, IN MY OPINION, GOES FROM THE FIRST OF THE MONTH TO
17 THE 30TH OF THE MONTH --

18 MS. COYLE: WELL; CALENDAR DAYS --

19 BOARD MEMBER BREMBERG: -- BY THE CALENDAR?

20 MS. COYLE: IN THIS INSTANCE, WE DO MEAN
21 CALENDAR DAYS.

22 BOARD MEMBER BREMBERG: ALL RIGHT. THEN PUT
23 WORKING CALENDAR DAYS.

24 MR. CONHEIM: THAT WOULD BE MORE CONFUSING.
25 IT'S EITHER WORKING DAYS, BUSINESS DAYS, OR CALENDAR



1 DAYS. AND THE TREND IN REGULATION WITH OAL IS TO CLARIFY
2 WHAT YOU MEAN. THE TWO TERMS OF ART ARE CALENDAR DAYS,
3 WHICH MEANS CONSECUTIVE DAYS WITH NO BREAKS FOR WEEKENDS
4 OR HOLIDAYS, OR BUSINESS DAYS, WORKING DAYS, WHICH
5 INCLUDES THE BREAKS. YOU CAN'T COMBINE THE TWO, AND
6 THAT'S WHY THIS EFFORT --

7 BOARD MEMBER BREMBERG: WELL, THAT'S WHY I ASKED
8 HER DID SHE MEAN BY CALENDAR DAYS, WORKING DAYS.

9 MR. CONHEIM: AND SHE INDICATED CALENDAR DAYS,
10 MRS. BREMBERG.

11 MS. COYLE: CALENDAR DAYS --

12 CHAIRMAN GALLAGHER: IN THIS CASE?

13 MS. COYLE: -- IS WHAT WE MEAN IN THIS CASE.

14 BOARD MEMBER BREMBERG: THIRTY FROM THE FIRST OF
15 THE MONTH TO THE 30TH OF THE MONTH.

16 WELL, I DIDN'T HEAR YOUR ANSWER PROPERLY
17 THEN, BECAUSE I THOUGHT YOU INDICATED WORKING DAYS?

18 MS. COYLE: I THINK I DID INDICATE THAT TO YOU
19 AT FIRST.

20 BOARD MEMBER BREMBERG: UH-HUH.

21 BOARD MEMBER BROWN: SO IT COULD BE --

22 MS. COYLE: BUT IT'S CALENDAR DAYS THAT WE ARE
23 SPECIFICALLY LOOKING FOR.

24 BOARD MEMBER BREMBERG: ALL RIGHT. I DON'T
25 CARE, BUT IT'S GOT TO BE ONE OR THE OTHER.



1 BOARD MEMBER MOSCONE: CALENDAR DAYS COULD WIND
2 UP WITH BEING 25 WORKING DAYS IF YOU GET HOLIDAYS IN
3 BETWEEN. BESIDES THE WEEKENDS, YOU'RE GOING TO WIND UP
4 SOMEWHERE BETWEEN 20 AND 30 WORKING DAYS, SO THEY GOT TO
5 WATCH A CALENDAR.

6 MS. COYLE: RIGHT. THE EXISTING REGULATION ONLY
7 ALLOWS THE LOCAL ENFORCEMENT AGENCIES TO TAKE SEVEN DAYS
8 TO REVIEW THE APPLICATION AND TO DEEM IT TO BE ACCEPTED,
9 AND SO WE'VE ADDED ON THIS 30-CALENDAR-DAY PERIOD.

10 SECTIONS -- ON BOARD PACKET PAGE 199,
11 SECTIONS 18207 AND 18208 HAVE BEEN UNCHANGED.

12 ON BOARD PACKET PAGE 201, SECTION 18205,
13 AMENDMENTS TO APPLICATION, STAFF IS GOING TO BE REVIEWING
14 AND REVISING THIS TEXT SOME MORE, AND THIS WILL BE
15 REVIEWED AND BROUGHT TO YOUR ATTENTION AT THE NEXT
16 PRESENTATION OF THIS ITEM.

17 SECTION 18206 HAS NOT BEEN CHANGED.
18 HOWEVER, WHAT WE ARE LOOKING FOR -- THIS IS ANOTHER AREA
19 THAT I INDICATED ON THE AGENDA ITEM THAT WE ARE SEEKING
20 GUIDANCE. THE CURRENT REGULATIONS DO NOT STIPULATE WHAT
21 THE PERMIT CONTENT OR PERMIT FORMAT WILL CONTAIN.

22 AND LOCAL ENFORCEMENT AGENCIES HAVE BEEN
23 GIVEN GUIDANCE DOCUMENTS ON WHAT THE PERMIT FORMAT SHOULD
24 CONTAIN, AND WE'RE ASKING GUIDANCE ON WHETHER YOU FEEL
25 THAT THIS IS SOMETHING WE SHOULD BE REGULATING AND PUT



1 FORTH IN THE REGULATIONS. AND THAT'S THE TEXT THAT'S
2 PROPOSED FOR 18206.

3 THERE'S BEEN -- OUR PROBLEM WITH THIS IS
4 CURRENTLY THE ONLY THING THAT'S REQUIRED IN THE
5 GOVERNMENT CODE TO BE PUT IN THE PERMIT IS THE NAME OF
6 THE OPERATOR, THE NAME OF THE FACILITY, AND THE LOCATION
7 OF THE FACILITY, AND SOME FINDINGS THAT ARE REQUIRED BY
8 THE LOCAL ENFORCEMENT AGENCY. AND WE'RE ALSO ASKING THAT
9 THE PERMIT GO INTO SPECIFICATIONS, PROHIBITIONS, RECORD
10 REQUIREMENTS, AND SO WE'RE LOOKING AT PROPOSING THAT TEXT
11 AND PUTTING IT INTO THE REQUIREMENTS AND THE REGULATIONS.

12 THE NEXT SECTION, 18207, THERE HAS BEEN NO
13 CHANGE.

14 18208, THERE HAVE BEEN NO CHANGE.

15 WHAT STAFF DOES PROPOSE TO DO, HOWEVER, TO
16 SECTION 18208 IS INCORPORATE THE COMMENT THAT IS
17 CONTAINED IN THE CURRENT REGULATION.

18 SECTION 18210, BASED ON DISCUSSIONS THAT
19 THE BOARD GUIDED US THROUGH IN JUNE OF LAST YEAR, WE HAVE
20 ENTIRELY STRUCK OUT THAT SECTION BECAUSE IT RELATES TO
21 GRANDFATHER PERMITTING WHICH IS NO LONGER APPLICABLE.

22 ON PAGE 207 OF THE BOARD PACKET, 18211, THE
23 CHANGE THAT WE HAVE DONE IN THIS SECTION IS TO ADD
24 SECTION A, WHICH WAS THE COMMENT OF THE OLD REGULATION.
25 WE'VE ALSO CHANGED SOME OF THE WORDING TO REFLECT



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1 OPERATOR INSTEAD OF PERMIT HOLDER. AND THIS IS A SECTION
2 THAT GETS INTO THE SIGNIFICANT CHANGE.

3 PRIOR, WHEN WE DISCUSSED WITH YOU IN JUNE,
4 WE HAD A LISTING OF VARIOUS -- ABOUT 20 DIFFERENT KINDS
5 OF CHANGES TO YOUR FACILITY THAT MAY BE DEEMED TO BE
6 SIGNIFICANT. IN THIS PROPOSAL WE HAVE TAKEN THAT LISTING
7 OUT, AND WE HAVE REPLACED IT WITH THE WORDS, AS YOU WILL
8 SEE IN B ON PAGE 208, "ANY PERMIT HOLDER -- SHOULD BE
9 OPERATOR -- "PROPOSING TO MAKE A CHANGE IN THE FACILITIES
10 DESIGN OR OPERATION -- THE NEW WORDS ARE -- "WHICH DOES
11 NOT CONFORM TO THE TERMS OR CONDITIONS OF THE EXISTING
12 PERMIT."

13 NOW, THE OLD REGULATION, THAT WAS WHERE IT
14 SAID "WHICH PROPOSES A CHANGE WHICH IS SIGNIFICANT," AND
15 WE'RE REPLACING THE WORDS "WHICH DOES NOT CONFORM WITH
16 THE TERMS OR CONDITIONS OF EXISTING PERMIT" WITH THE
17 WORD "SIGNIFICANT."

18 I DON'T KNOW IF THAT'S -- I HOPE THAT HELPS
19 IN THE FUTURE WITH OUR PROBLEMS WITH SIGNIFICANT CHANGE.
20 IT MAY END UP BEING ALMOST AS BAD AS SIGNIFICANT CHANGE,
21 BUT WE HAVE RECOMMENDED THIS TO REPLACE THAT WORD.

22 YES.

23 BOARD MEMBER TCHOBANOGLIOUS: JUST A QUICK
24 QUESTION ON THE CURRENT REGULATIONS ON PAGE 206. JUST
25 FOR MY POINT OF CLARIFICATION. WHENEVER IT SAYS 120



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1 DAYS, IS THAT IMPLIED A 120 CALENDAR DAYS, OR SHOULD WE
2 INCLUDE THAT, JUST FOR POINT OF CLARITY?

3 MS. COYLE: IT IS 120 DAYS; AND FOR OAL'S
4 REQUIREMENTS, WE SHOULD INCLUDE CALENDAR AND WE WILL.

5 BOARD MEMBER TCHOBANOGLIOUS: OKAY.

6 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

7 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

8 BOARD MEMBER MOSCONE: MARY, DOES THIS CHANGE --
9 I HAVE A CHECKMARK ON THE COMMENT -- THE SECOND PARAGRAPH
10 OF THE COMMENT ON PAGE 206, "AN OPERATOR FILING A NOTICE
11 OF OPERATION WILL, IN THE NOTICE, INDICATE BOTH THE
12 NATURE OF THE FACILITY'S DESIGN AND OPERATION, AND THE
13 EXTENT TO WHICH HE BELIEVES THE DESIGN AND OPERATION CAN
14 BE CHANGED WITHOUT HAVING A SIGNIFICANT EFFECT ON THE
15 ENVIRONMENT."

16 SO ARE YOU GOING TO BE -- YOU LOOK -- GOING
17 TO BE -- IT'S NOT ONLY A CHANGE IN OPERATION, FOR
18 EXAMPLE, OR IT'S ALSO GOING TO HAVE -- HAVE TO SHOW
19 CHANGES THAT MIGHT AFFECT THE ENVIRONMENT?

20 MS. COYLE: WELL, TO ANSWER YOUR QUESTION, I
21 THINK THE REAL GIST OF THE SITUATION IS IS THE CHANGE
22 ALREADY ACCOMMODATED IN YOUR EXISTING PERMIT?. AND IF
23 IT'S NOT ACCOMMODATED AND IT MAY AFFECT THE ENVIRONMENT
24 OR THE PUBLIC HEALTH, THE CHANGE MAY BE DEEMED, TO USE
25 THE OLD WORD, SIGNIFICANT.



1 DOES THAT ANSWER YOUR QUESTION, MR.
2 MOSCONE?

3 BOARD MEMBER MOSCONE: I THINK I KNOW WHAT
4 YOU'RE --

5 MR. IWAHIRO: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: YES, MR. IWAHIRO.

7 MR. IWAHIRO: I THINK IN THIS PARTICULAR SECTION
8 WHAT I'M GOING TO SUGGEST TO THE STAFF IS TAKE A LOOK AT
9 SOME OF OUR PERMITS AND SEE IF THIS WILL WORK OR NOT. I
10 THINK, YOU KNOW, IN MY REVIEW OF THIS, IT SOUNDED PRETTY
11 GOOD, BUT IN RETROSPECT I THINK WHAT WE NEED TO DO IS TO
12 TAKE A LOOK AND SEE -- TAKE A LOOK AT SPECIFIC PERMITS
13 AND ASSUME THAT WE DO CERTAIN THINGS, AND THEN SEE IF
14 THIS WILL TAKE CARE OF IT OR NOT. I THINK THAT'S KIND OF
15 A TRIAL THING THAT WE MAY NEED TO DO BEFORE WE REALLY
16 COME UP WITH SOMETHING THAT --

17 CHAIRMAN GALLAGHER: DO A TEST RUN.

18 MR. IWAHIRO: GIVE IT A TEST RUN, RIGHT.

19 MS. COYLE: WHERE THIS WORDING CAME FROM IS, IF
20 YOU LOOK BACK ON PAGE 206, THE CURRENT REGULATION C, IT
21 SAYS, "A CHANGE SHALL BE DEEMED SIGNIFICANT FOR PURPOSES
22 OF THIS SECTION IF AND ONLY IF IT DOES NOT CONFORM TO
23 TERMS OR CONDITIONS OF THE PERMIT."

24 SO THAT'S WHERE WE REPLACED THAT WORDING
25 THAT'S ALREADY IN EXISTING REGULATIONS.



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1 THE NEXT CHANGE IS ON PAGE 210 OF THE BOARD
2 PACKET, SECTION 18212. THE BEGINNING PART OF THAT
3 REGULATION WAS THE COMMENT. AND THAT IS WHAT IS
4 INCORPORATED BEFORE THE A SECTION.

5 THE NEXT PAGE 2 -- PAGE 212, SECTION 18213,
6 THIS IS AN AREA THAT DISCUSSES THE FIVE-YEAR REVIEW OF
7 SOLID WASTE FACILITY PERMITS, AND WE AREN'T TOTALLY
8 SATISFIED WITH THE WORDING AS IT EXISTS IN THE PROPOSAL
9 TODAY, AND STAFF WILL BE REWRITING THAT BASED ON SOME
10 GUIDELINES THAT OUR PERMIT STAFF HAS ISSUED TO ACCOMPLISH
11 FIVE-YEAR REVIEWS.

12 ON PAGE 214 OF THE BOARD PACKET, SECTION
13 18215 DISCUSSES THE TYPES OF FACILITIES THAT CAN BE
14 EXEMPTED FROM NEED OF SOLID WASTE FACILITY PERMITS, AND
15 WE HAVE ADDRESSED SEVERAL OTHER FACILITIES -- TYPES OF
16 FACILITIES THAT NEED TO BE INCORPORATED IN THOSE LISTS.
17 SOME OF THEM ARE COMPOSTING OPERATIONS THAT MAY BE OF
18 CERTAIN SIZE OR OF SMALLER AMOUNTS OF WASTE THAT MAY BE
19 ELIGIBLE FOR EXEMPTIONS.

20 ANOTHER ONE IS DISPOSAL SITES THAT TAKE
21 PRIMARILY WOOD WASTE. WE NEED TO INCORPORATE THOSE TYPES
22 OF FACILITIES AND THE LIST OF FACILITIES THAT COULD
23 OBTAIN EXEMPTIONS. THERE ARE OTHER AREAS THAT WE -- WE,
24 AS STAFF, WOULD ALSO LIKE TO LOOK INTO TO SEE IF IT IS
25 APPROPRIATE TO ADD TO THIS SECTION.



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1 ON PAGE 216 OF THE BOARD PACKET, SECTION
2 18216, THE CHANGE WE MADE HERE IS THE CURRENT REGULATION
3 SAYS -- THE LAST SENTENCE SAYS "NOTICE SHALL BE GIVEN NO
4 MORE THAN SEVEN DAYS AFTER THE CHANGE IS EFFECTIVE AND
5 SHALL BE GIVEN ON A FORM SPECIFIED BY THE BOARD."

6 WE HAVE DELETED THAT "AND SHALL BE GIVEN ON
7 A FORM SPECIFIED BY THE BOARD." IT'S MERELY A LETTER OF
8 THAT NOTICE TO THE BOARD.

9 AND THE ONLY -- THE LAST CHANGE THAT WE DID
10 SINCE YOUR LAST REVIEW WAS IN SECTION 18217, THE
11 UNDERLINED PART OF THAT TEXT "IF THE CHANGE IN OWNERSHIP
12 ALSO CHANGES THE OPERATOR, THE SITE SHALL CEASE OPERATION
13 UNTIL SUCH TIME AS A PERMIT IS ISSUED TO THE NEW
14 OPERATOR." THAT IS NEW TEXT WE'VE ADDED.

15 THAT COMPLETES MY REVIEW OF THE ACTUAL
16 PROPOSED TEXT. WHAT WE WOULD LIKE TO DO IS, BASED ON
17 YOUR GUIDANCE TODAY, IS GO BACK AND WORK ON SOME OF THE
18 AREAS AND GO OUT FOR INFORMAL HEARING WITH LOCAL
19 ENFORCEMENT AGENCIES AS WE FEEL THEY WILL BE THE MOST
20 IMPACTED ON THESE REGULATIONS AND COME BACK TO THE BOARD
21 AFTER THAT WORKSHOP.

22 CHAIRMAN GALLAGHER: THANK YOU, MARY.

23 ANY QUESTIONS OF MARY BEFORE WE CALL OUR
24 RECESS?

25 BOARD MEMBER VARNER: MR. CHAIRMAN. I JUST WANT



1 TO MAKE ONE STATEMENT, AND I'LL TRY TO MAKE IT BRIEF.

2 ONE THING THAT I WOULD LIKE TO SEE -- AND
3 PROBABLY GEORGE CAN RESPOND ON THIS BETTER THAN ANYONE
4 ELSE -- IS THIS THING, YOU KNOW, IT GETS BACK WITH THE
5 SIGNIFICANT CHANGE. AND FROM THE THINGS -- THE COMMENTS
6 I GET FROM PEOPLE THAT ARE HIGHLY AFFECTED BY IT.

7 IS THERE SOME WAY IN WHICH WE CAN -- THE
8 STAFF CAN COME UP WITH SOME RECOMMENDATIONS TO US THAT
9 WILL GET THIS ORDERLY PROCESS WITHOUT PUTTING THE
10 OPERATOR IN DOUBLE JEOPARDY THAT HE HAS TO GO THROUGH THE
11 SAME RIGMAROLE THAT HE WENT THROUGH OVER AND OVER AND
12 OVER AT GREAT EXPENSE AND TIME AND SO ON AND SO FORTH,
13 THAT HE IS CONTINUALLY PUT TO THE SAME TESTS THAT HE'S
14 ALREADY PASSED? THAT IS AN ISSUE THAT'S AN ONGOING ONE
15 THAT I GET QUITE A BIT OF COMPLAINTS FROM IN THE INDUSTRY
16 IN GENERAL.

17 MR. EOWAN: I'D LOVE TO BE ABLE TO ACCOMPLISH
18 THAT.

19 BOARD MEMBER VARNER: IT MIGHT NOT HAPPEN,
20 BUT --

21 MR. EOWAN: WE SPEND A LOT OF TIME -- I
22 PERSONALLY SPEND A LOT OF TIME, ESPECIALLY IN THE LAST
23 YEAR, ON THIS EXACT ISSUE. PERMITS COME TO ME, ALL
24 VARIETIES OF PERMITS, EVERYTHING FROM WASTE-TO-ENERGY
25 FACILITIES TO TRANSFER STATIONS TO LANDFILLS, SMALL



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1 LANDFILLS, LARGE LANDFILLS. THIS ISN'T A SIGNIFICANT
2 CHANGE; THIS IS A SIGNIFICANT CHANGE.

3 AND WE ARE TRYING REAL HARD TO DEAL WITH
4 THAT AND MAKE IT AT LEAST CLEAR IN THE REGULATION WHAT WE
5 MEAN AND HOW -- HOW TO DO THAT, THOUGH, IS REAL HARD, AS
6 MR. BROWN KNOWS. HE TRIED TO DO IT THROUGH A COMMITTEE,
7 AND WE'VE BEEN TRYING TO FOLLOW THAT. NOW IS THE TIME,
8 THOUGH. NOW IS THE TIME FOR BRILLIANT INSIGHT.

9 BOARD MEMBER MOSCONE: WELL, ARE YOU GOING TO
10 HAVE A PROBLEM WITH OAL?

11 MR. EOWAN: NO. WELL, I MEAN -- WHY DID I SAY
12 NO? I PROBABLY -- PROBABLY.

13 MR. IWAHIRO: I MEAN, ANY MORE THAN NORMAL.

14 BOARD MEMBER MOSCONE: I SAY THAT BECAUSE WHEN
15 WE FIRST DREW UP THE POLICIES AND REGULATIONS AND
16 EVERYTHING, WE ALMOST GOT TO THE PART WHERE WE HAD TO
17 DRAW PICTURES TO MAKE SOME OF THESE PEOPLE UNDERSTAND.
18 AND TODAY THEY'RE TELLING ME -- THEY'RE TELLING US, YOU
19 KNOW, THEY COME TO YOU AND TELL YOU THEY DON'T UNDERSTAND
20 THIS, THEY DON'T UNDERSTAND THAT, BUT THEY STILL THEY
21 DON'T WANT YOU TO DO IT. THEY WANT YOU TO WRITE NUMBERS
22 AT THE END OF -- AND THEN YOU'VE GOT TO GO BACK AND LOOK
23 AT ALL THESE OTHER NUMBERS AND SEE WHAT THAT SAYS INSTEAD
24 OF EXPLAINING WHAT YOU'RE TALKING ABOUT RIGHT THERE,
25 INSTEAD OF MAKING YOU GO THROUGH ANOTHER VOLUME OR



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1 SOMETHING ELSE.

2 CHAIRMAN GALLAGHER: WELL, WE'LL WAIT AND SEE
3 WHAT YOU COME UP WITH IN THE SECOND CUT.

4 WE'RE GOING TO DECLARE A RECESS AT THE
5 MOMENT IN DEFERENCE TO OUR REPORTERS. WE WILL RECONVENE
6 AT A QUARTER TO ELEVEN, AND WE WILL THEN MAKE AN
7 ADJUSTMENT TO THE CALENDAR OR TO THE AGENDA IN ORDER TO
8 ACCOMMODATE PEOPLE FROM OUT OF TOWN.

9 WE WILL HEAR, IMMEDIATELY UPON RETURN, ITEM
10 NO. 6, HAVING TO DO WITH THE SAN MATEO COUNTY PLAN.

11 (RECESS TAKEN)

12 CHAIRMAN GALLAGHER: AS I INDICATED, WE'RE
13 ATTEMPTING TO ACCOMMODATE OUR GUESTS. AND WE WANT TO
14 MOVE TO ITEM 6, CONSIDERATION OF THE ACCEPTANCE OF THE
15 SAN MATEO COUNTY SOLID WASTE MANAGEMENT PLAN REVISION.

16 ARE WE READY TO MOVE FORWARD?

17 MR. OLDALL: YES, MR. CHAIRMAN, WE CERTAINLY
18 ARE.

19 THIS IS ONE OF THE COUNTIES, MR. CHAIRMAN,
20 THAT HAS BEEN ON OUR DELINQUENCY LIST, IN FACT, ON THAT
21 LIST SINCE, I THINK, DECEMBER OF LAST YEAR. AND WE DID
22 PURSUE ACTION WITH THE ATTORNEY GENERAL, AND I'M PLEASED
23 TO REPORT, AT LEAST AT THIS POINT IN TIME, WE ARE READY
24 TO PRESENT THE ITEM TO THE BOARD.

25 AND MICHAEL LEON IS THE ANALYST FROM OUR



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1 LOCAL PLANNING DIVISION WHO WILL BE PRESENTING THE ITEM.

2 MR. LEON: GOOD MORNING, MR. CHAIRMAN, BOARD
3 MEMBERS.

4 THE ORIGINAL SAN MATEO COUNTY SOLID WASTE
5 MANAGEMENT PLAN WAS APPROVED BY THE BOARD IN NOVEMBER OF
6 1977. THE FIRST REVISION TO THAT PLAN WAS APPROVED IN
7 DECEMBER OF 1984. SUBSEQUENTLY, BOARD STAFF RECEIVED THE
8 TRIENNIAL PLAN REVIEW REPORT ON NOVEMBER 5TH, 1987.

9 AT THE BOARD'S MARCH 10TH THROUGH 11TH,
10 1988, MEETING, THE BOARD ACCEPTED THE PLAN REVIEW REPORT
11 AND DIRECTED THE COUNTY TO REVISE ITS PLAN IN THE AREAS
12 INDICATED ON PAGE 288 AND 289 OF YOUR AGENDA PACKET.

13 THE PRELIMINARY DRAFT OF THE COSWMP
14 REVISION WAS RECEIVED BY BOARD STAFF ON OCTOBER 3RD,
15 1988. BOARD STAFF REVIEWED THE DRAFT AND SENT WRITTEN
16 COMMENTS TO THE COUNTY ON NOVEMBER 15TH, 1988. THE FINAL
17 COSWMP WAS DUE TO THE BOARD ON DECEMBER 4TH, 1988;
18 HOWEVER, THE COUNTY WAS UNABLE TO MEET THAT SUBMITTAL
19 DATE AND THE DELINQUENT COSWMP WAS, THEREFORE, REFERRED
20 TO THE ATTORNEY GENERAL'S OFFICE FOR ENFORCEMENT.

21 TWENTY COPIES OF THE FINAL PLAN REVISION
22 WERE NOT RECEIVED UNTIL APRIL 17TH, 1989, MORE THAN FOUR
23 MONTHS LATE. THE PLAN REVISION WAS APPROVED BY A
24 MAJORITY OF THE CITIES REPRESENTING A MAJORITY OF THE
25 POPULATION IN THE COUNTY. FOR DISCUSSING THE SIGNIFICANT



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1 FEATURES OF THE PLAN REVISION, I'D LIKE TO PROVIDE A
2 BRIEF SUMMARY OF THE EXISTING SOLID WASTE MANAGEMENT
3 SYSTEM IN THE COUNTY.

4 THE COUNTY DEPARTMENT OF PUBLIC WORKS IS
5 RESPONSIBLE FOR PLAN ADMINISTRATION, AND THE COUNTY
6 PUBLIC HEALTH DEPARTMENT -- PUBLIC HEALTH AND WELFARE
7 DEPARTMENT IS THE SOLE LOCAL ENFORCEMENT AGENCY FOR THE
8 COUNTY.

9 FUNDING FOR ADMINISTRATION AND ENFORCEMENT
10 ACTIVITIES ARE PROVIDED THROUGH A SURCHARGE ON TIPPING
11 FEES AT THE COUNTY'S MAIN LANDFILL. THE COUNTY ESTIMATES
12 THAT IT IS CURRENTLY GENERATING OVER -- CURRENTLY
13 GENERATING APPROXIMATELY 1,100,000 TONS PER YEAR OF SOLID
14 WASTE. COLLECTION IS PROVIDED BY SIX PRIVATE COMPANIES
15 UNDER 23 PUBLIC FRANCHISES. THERE ARE CURRENTLY FIVE
16 TRANSFER STATIONS OPERATING IN THE COUNTY, AND THESE FIVE
17 STATIONS COMBINED HAVE A THROUGHPUT OF APPROXIMATELY
18 500,000 TONS PER YEAR.

19 THE DISPOSAL NEEDS ARE MET BY TWO LANDFILLS
20 IN THE COUNTY, THE OX MOUNTAIN LANDFILL AND THE HILLSIDE
21 LANDFILL. THE OX MOUNTAIN LANDFILL IS THE MAIN DISPOSAL
22 SITE FOR THE COUNTY. IT RECEIVES OVER 700,000 TONS PER
23 YEAR OF SOLID WASTE, WHICH IS ROUGHLY EQUIVALENT TO 90
24 PERCENT OF THE WASTE DISPOSED OF IN THE COUNTY. IT IS
25 ANTICIPATED THAT THIS FACILITY WILL REACH CAPACITY IN



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1 AUGUST OF 1990.

2 THERE IS A PROPOSED EXPANSION OF THIS
3 FACILITY INTO AN ADJACENT CANYON; HOWEVER, THIS EXPANSION
4 IS AWAITING THE ARMY CORP OF ENGINEERS 404 WETLANDS
5 MITIGATION PERMIT AND THE REGIONAL AND WASTE DISCHARGE
6 REQUIREMENTS FROM THE REGIONAL WATER QUALITY CONTROL
7 BOARD BEFORE CONSTRUCTION CAN BEGIN AT THAT SITE.

8 THE OTHER LANDFILL IN THE COUNTY, THE
9 HILLSIDE LANDFILL, IS ONLY RECEIVING LIMITED AMOUNTS OF
10 WASTE, MOSTLY RUBBISH AND YARD WASTE. NO WET WASTE IS
11 ACCEPTED AT THIS FACILITY. IT RECEIVES APPROXIMATELY
12 55,000 TONS PER YEAR OF SOLID WASTE. IT IS ANTICIPATED
13 THAT THIS FACILITY WILL REACH CAPACITY SOMETIME IN 1998.

14 THE COUNTY ESTIMATES THAT IT IS CURRENTLY
15 RECYCLING 22 PERCENT OF ITS WASTE STREAM. THIS IS
16 ROUGHLY 240,000 TONS PER YEAR. EXISTING PROGRAMS INCLUDE
17 BUYBACK/DROPOFF CENTERS, CURBSIDE COLLECTION, SEPARATION
18 AT THE TRANSFER STATIONS, COMPOSTING, RECYCLING OF
19 CONSTRUCTION/DEMOLITION WASTE.

20 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

22 BOARD MEMBER BREMBERG: DID YOU SAY 240,000 TONS
23 WAS RECYCLED?

24 MR. LEAON: YES. THE COUNTY GENERATES OVER ONE
25 MILLION TONS PER YEAR OF SOLID WASTE AND IS RECYCLING



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1 ABOUT 22 PERCENT OF THAT, SO THAT WOULD BE ABOUT 240,000
2 TONS.

3 BOARD MEMBER BREMBERG: THANK YOU.

4 BOARD MEMBER BROWN: MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: YES.

6 BOARD MEMBER BROWN: THAT'S WHERE I WAS GETTING
7 HUNG UP ALSO, EXCEPT THAT MY DOCUMENT HERE SAYS 600 --
8 765,000 TONS. WHAT'S THE DIFFERENCE?

9 MR. LEAON: YES. THAT WAS A STAFF ERROR ON MY
10 PART. THAT FIGURE REFLECTS DISPOSAL AT THE OX MOUNTAIN
11 LANDFILL AND NOT THE TOTAL GENERATION FIGURE.

12 BOARD MEMBER BROWN: OKAY.

13 MR. LEAON: THAT CONCLUDES MY BRIEF SUMMARY OF
14 THE EXISTING SOLID WASTE MANAGEMENT SYSTEM. I'D LIKE TO
15 DISCUSS SOME SIGNIFICANT FEATURES OF THE PLAN REVISION.

16 THE PLAN REVISION DISCUSSES THE HANDLING
17 AND DISPOSAL OF SEVERAL CATEGORIES OF SPECIAL WASTE
18 INCLUDING ASBESTOS, SEWAGE SLUDGE, USED TIRES, USED OIL,
19 JUNKED AUTOMOBILES, AGRICULTURAL WASTE, AND LITTER.

20 SEWAGE SLUDGE IS EITHER LANDFILLED, LAND
21 SPREAD OR INCINERATED. IN REGARD TO LITTER -- IN
22 NOVEMBER OF 1988, THE COUNTY BOARD OF SUPERVISORS PASSED
23 AN ORDINANCE WHICH ALLOWS THE PLANNING DIRECTOR TO ABATE
24 LITTER NUISANCES ON PRIVATE PROPERTY.

25 CONCERNING WASTE EXPORT, THE COUNTY IS



1 EXPORTING APPROXIMATELY 9100 TONS PER YEAR OF SOLID WASTE
2 TO SANTA CLARA COUNTY FROM THE COMMUNITIES OF WOODSIDE
3 AND PORTOLA VALLEY. IN ADDITION, APPROXIMATELY 4400 TONS
4 PER YEAR OF SEWAGE SLUDGE IS EXPORTED TO MARIN, SAN
5 BENITO, AND SANTA CLARA COUNTIES.

6 IN REGARD TO RECYCLING, THE COUNTY HAS
7 ESTABLISHED SORT-TERM RECYCLING GOALS OF 30 AND 35
8 PERCENT. COUNTY INTENDS TO MEET THESE GOALS THROUGH A
9 COUNTYWIDE RESIDENTIAL CURBSIDE COLLECTION PROGRAM,
10 ESTABLISHMENT OF A MULTIMATERIAL BUYBACK CENTER,
11 INCREASED RETRIEVAL AT THE TRANSFER STATIONS, AND THROUGH
12 THE IMPLEMENTATION OF COMPOSTING PROJECTS.

13 CONCERNING HOUSEHOLD HAZARDOUS WASTE, THE
14 COUNTY ESTIMATES THAT IN 1986 OVER 6,000 TONS OF
15 HOUSEHOLD HAZARDOUS WASTE WERE GENERATED. IN ADDITION,
16 THE PLAN REVISION ESTIMATES THAT BY THE YEAR 2000, THE
17 COUNTY WILL BE GENERATING OVER 7,000 TONS OF HOUSEHOLD
18 HAZARDOUS WASTE.

19 IN ORDER TO PROPERLY DISPOSE OF THIS WASTE,
20 THE COUNTY IS PROPOSING TO CONDUCT REGULAR COLLECTION DAY
21 EVENTS AND ESTABLISH A PERMANENT TRANSFER STATION FOR THE
22 RECEIPT OF HOUSEHOLD HAZARDOUS WASTE AND TO INCREASE
23 PUBLIC AWARENESS OF THE PROBLEM THROUGH BROCHURES AND
24 POTENTIALLY A TELEPHONE REFERRAL SERVICE.

25 BOARD STAFF HAS REVIEWED THE PLAN REVISION



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1 TO DETERMINE THAT IT INCLUDES ALL OF THE REVISION AREAS
2 IDENTIFIED AT THE TIME THE PLAN REVIEW REPORT WAS
3 ACCEPTED AND ALSO IF THE PLAN REVISION COMPLIES WITH
4 STATE LAW AND PLANNING GUIDELINES FOR PREPARING,
5 REVISING, AND AMENDING COUNTY SOLID WASTE MANAGEMENT
6 PLANS.

7 BOARD STAFF HAS DETERMINED THE COUNTY HAS
8 ADDRESSED ALL BUT TWO OF THE REVISION AREAS. THESE TWO
9 AREAS ARE DEMONSTRATION THAT THE COUNTY HAS EIGHT YEARS
10 OF PERMITTED DISPOSAL CAPACITY AS REQUIRED BY THE
11 GOVERNMENT CODE, AND ALSO THE ADEQUACY OF THE
12 IMPLEMENTATION SCHEDULE.

13 IN REGARD TO THE EIGHT YEARS PERMITTED
14 DISPOSAL CAPACITY REQUIREMENT, THE CURRENT OX MOUNTAIN
15 LANDFILL IS ANTICIPATED TO REACH CAPACITY IN AUGUST OF
16 1990. THE PLAN REVISION INCLUDES A TIME SCHEDULE FOR THE
17 ESTABLISHMENT OF A REPLACEMENT LANDFILL; HOWEVER, THE
18 REPLACEMENT FACILITY HAS NOT RECEIVED REQUIRED PERMITS
19 FROM EITHER THE REGIONAL WATER QUALITY CONTROL BOARD OR
20 THE ARMY CORP OF ENGINEERS.

21 NOW, THE COUNTY ANTICIPATED THAT THESE
22 PERMITS WOULD HAVE BEEN ISSUED BY MARCH OF THIS YEAR.
23 CONSEQUENTLY, THE CONSTRUCTION PHASE FOR THE REPLACEMENT
24 FACILITY HAS BEEN PUSHED BACK, AND THERE'S A POTENTIAL
25 THAT THE COUNTY MAY RUN OUT OF CAPACITY AT OX MOUNTAIN



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1 BEFORE IT CAN COMPLETE CONSTRUCTION OF THE REPLACEMENT
2 FACILITY.

3 IN ADDITION, IF THEIR PERMITS FOR THIS
4 FACILITY ARE NOT ISSUED, THE COUNTY COULD FACE A DISPOSAL
5 CRISIS IN THAT IT WOULD HAVE NO PERMITTED FACILITY,
6 EITHER IN COUNTY OR OUT OF COUNTY, WHICH COULD RECEIVE
7 THE VAST MAJORITY OF WASTE GENERATED IN THE COUNTY.

8 CONCERNING THE IMPLEMENTATION SCHEDULE, THE
9 IMPLEMENTATION SCHEDULE ONLY INCLUDES TASKS FOR
10 IMPLEMENTING PROPOSED SOLID WASTE FACILITIES; HOWEVER,
11 THIS SCHEDULE SHOULD INCLUDE KEY TASKS FOR IMPLEMENTING
12 ALL PLAN ELEMENTS. THE SCHEDULE SHOULD IDENTIFY THE
13 AGENCIES RESPONSIBLE FOR IMPLEMENTING KEY TASKS AND ALSO
14 SHOULD INCLUDE SPECIFIC DATES FOR IMPLEMENTING SHORT-TERM
15 TASKS.

16 BECAUSE OF THESE TWO CONCERNS, BOARD STAFF
17 RECOMMENDS THAT THE BOARD PARTIALLY APPROVE THE SAN MATEO
18 COUNTY SOLID WASTE MANAGEMENT PLAN REVISION AND DIRECT
19 THE COUNTY TO RESUBMIT ITS PLAN WITHIN 120 DAYS THE
20 REVISED IMPLEMENTATION SCHEDULE AND A CONTINGENCY
21 DISPOSAL PLAN, DEMONSTRATING THAT THE COUNTY WILL HAVE
22 EIGHT YEARS OF PERMITTED DISPOSAL CAPACITY.

23 THIS CONCLUDES MY PRESENTATION. IF THERE
24 ARE NO QUESTIONS OF ME AT THIS TIME, I WOULD LIKE TO
25 INTRODUCE MISS MARY GRIFFIN, PRESIDENT OF THE SAN MATEO



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1 COUNTY BOARD OF SUPERVISORS, AND MR. DON WILLIAMS OF THE
2 COUNTY PUBLIC WORKS DEPARTMENT.

3 ARE THERE ANY QUESTIONS?

4 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: YES, MRS. BREMBERG.

6 BOARD MEMBER BREMBERG: I KNOW THAT THE COUNTY
7 PEOPLE WILL BE ABLE TO ANSWER THIS QUESTION, BUT I WANT
8 TO ASK YOU. ARE ACME FILL AND RICHMOND PERMITTED BY US
9 TO ACCEPT ASBESTOS WASTE? I NOTICE THAT 88 PERCENT OF
10 THEIR --

11 BOARD MEMBER BROWN: THAT'S THE WRONG AGENDA.

12 BOARD MEMBER BREMBERG: NO, IT'S SAN MATEO.
13 RIGHT HERE, IT SAYS "SPECIAL HANDLING OF WASTE."

14 BOARD MEMBER BROWN: ACME AND RICHMOND?

15 MR. CONHEIM: THEY ARE IN CONTRA COSTA COUNTY.

16 BOARD MEMBER BREMBERG: I UNDERSTAND THAT, BUT
17 THEY'RE IN THE SAN MATEO WASTE MANAGEMENT PLAN AS
18 ACCEPTING THE ASBESTOS WASTE.

19 MR. LEAON: I BELIEVE THEY ARE PERMITTED TO
20 RECEIVE SPECIAL WASTES.

21 CHAIRMAN GALLAGHER: SPECIAL WASTE.

22 BOARD MEMBER BREMBERG: SPECIAL WASTE. AND SAN
23 MATEO, THEN, HAS AN EXPORT LICENSE, AND THE IMPORT IS
24 WITH ACME AND RICHMOND. THAT'S ALL I'M ASKING.

25 CHAIRMAN GALLAGHER: I THINK YOU INDICATED AN



1 ANSWER TO THAT, YES, THEY DO THAT?

2 MR. LEAON: YES, BUT WE WILL VERIFY THAT.

3 BOARD MEMBER BREMBERG: THANK YOU.

4 CHAIRMAN GALLAGHER: ANY OTHER QUESTIONS?

5 I'D LIKE TO ASK ONE. IS IT INTENDED THAT
6 THE EXPANSION OF OX MOUNTAIN INTO THAT OTHER CANYON THAT
7 WE LOOKED AT, WILL THAT BRING THEM UP TO AN EIGHT-YEAR
8 CAPACITY IF THAT'S PERMITTED?

9 MR. LEAON: YES. IF THAT FACILITY IS PERMITTED,
10 THE COUNTY WILL HAVE APPROXIMATELY EIGHTY YEARS OF
11 DISPOSAL CAPACITY. YES.

12 CHAIRMAN GALLAGHER: THANK YOU. IT'S A PLEASURE
13 FOR ME TO WELCOME MS. MARY GRIFFIN, WHO IS PRESIDENT OF
14 THE SAN MATEO COUNTY BOARD OF SUPERVISORS.

15 MS. GRIFFIN.

16 MS. GRIFFIN: THANK YOU, CHAIRMAN GALLAGHER. I
17 APPRECIATE YOUR COURTESY IN EXPEDITING OUR TESTIMONY THIS
18 MORNING. I HAVE WITH ME DON WILLIAMS, AS IS NOTED, WHO
19 IS A SENIOR CIVIL ENGINEER WITH THE COUNTY'S DEPARTMENT
20 OF PUBLIC WORKS. AND NEEDLESS TO SAY, WE'RE HERE TODAY
21 TO SEEK APPROVAL OF THE 1989 EDITION OF OUR SOLID WASTE
22 MANAGEMENT PLAN.

23 I BELIEVE IT'S VERY IMPORTANT FOR YOU TO
24 UNDERSTAND OUR POSITION ON THESE ISSUES THAT HAVE BEEN
25 DISCUSSED TODAY, AS WELL AS TO UPDATE YOU ON THINGS THAT



1 HAVE HAPPENED BECAUSE WE HAVE CONTINUED TO WORK WITH THE
2 THINGS THAT WE PROMISED TO DO, AND THINGS SUCH AS OUR
3 HOUSEHOLD HAZARDOUS WASTE PICKUP. WE HAVE ALREADY
4 APPROVED BY THE BOARD OF SUPERVISORS; WE ALREADY HAVE
5 DATES AND TIMES FOR DOING THAT. THE PLAN IS ALREADY
6 UNDERWAY SINCE YOUR STAFF HAS MADE ITS FINDINGS.

7 YOUR STAFF HAS INDICATED THAT WE WERE
8 DELINQUENT IN PRESENTING OUR REPORT TO YOU. I THINK WHEN
9 YOU HEAR THAT THERE ARE 26 AGENCIES FRANCHISING ALL OF
10 THE SCAVENGER COMPANIES IN THE COUNTY AND THAT WE HAD TO
11 HAVE PERMISSION FROM MORE THAN HALF OF THE CITIES,
12 REPRESENTING MORE THAN HALF OF THE POPULATION, THAT WILL
13 PUT EVERYTHING IN PERSPECTIVE A LITTLE MORE. YOU KNOW,
14 WHEN YOU'RE TALKING ABOUT 20 CITIES, THAT'S A FORMIDABLE
15 TASK.

16 WE DID EXCEED THE 270-DAY TIME LIMIT, BUT
17 WE WEREN'T RECALCITRANT IN PREPARING OUR REVISION. WE
18 WERE VERY DILIGENT IN PURSUING THE PLAN REVISION AND
19 AFFORDING THE MAXIMUM AMOUNT OF INPUT FROM THE PUBLIC,
20 WHICH IS REQUIRED, FROM THE WASTE INDUSTRY AND FROM OTHER
21 AFFECTED AGENCIES.

22 WE FORMED A SOLID WASTE ADVISORY COMMITTEE
23 WHICH WAS COMPRISED OF GOVERNMENT, INDUSTRY
24 REPRESENTATIVES, AND CITIZENS. IT REVIEWED THE PLAN
25 CHAPTER BY CHAPTER. I CHAIRED THE TASK FORCE. I ASSURE



1 YOU WE REALLY SLUGGED IT OUT THERE AFTERNOON, AFTERNOON.

2 IT WAS THEN REVIEWED BY THE REGIONAL
3 PLANNING COMMITTEE, WHICH IS COMPOSED OF CITIZENS AND
4 REPRESENTATIVES FROM EACH OF OUR 20 CITIES. WE THEN
5 SUBMITTED THE DRAFT TO THE PUBLIC AND THE CITIES FOR
6 COMMENTS, AND WE REVISED THE PLAN TO ADDRESS THEIR
7 COMMENTS, AND THEN WE SUBMITTED THE PLAN TO THE CITIES
8 FOR THEIR FINAL APPROVAL.

9 NOW, OUR BOARD ATTEMPTED TO EXPEDITE THE
10 APPROVAL PROCESS AND ENCOURAGED THE CITIES TO ACT IN A
11 SHORTER PERIOD OF TIME THAN THE 90 DAYS THAT'S ALLOWED BY
12 LAW; BUT GIVEN THE MAGNITUDE OF THE REVISIONS AND THE
13 20 -- THE NUMBER OF CITIES, 20, THAT HAD TO REVIEW THE
14 REPORT AND THE PROCESS THAT WAS USED TO ENSURE PUBLIC
15 COMMENT, I BELIEVE WE COMPLIED WITH THE SPIRIT OF THE
16 LAW.

17 I'M SURE THAT ANY OF YOU WHO HAVE BEEN IN
18 PUBLIC OFFICE UNDERSTAND ABOUT PUBLIC HEARINGS, ABOUT
19 GETTING 20 SEPARATE AGENCIES TO COOPERATE. I FEEL THAT
20 WE REALLY ACHIEVED A GREAT DEAL BY BRINGING THEM ALL
21 TOGETHER. WHEN YOU THINK OF NOVEMBER 15TH BEING THE TIME
22 WHEN WE GOT IT AND BEING GIVEN ONLY TILL DECEMBER 5TH TO
23 COMPLY WAS REALLY A MOST DIFFICULT TASK FOR US TO MEET.

24 YOUR SECOND ISSUE, WHICH IS THE PLAN BEING
25 INADEQUATE IN THE AREA OF CONTINGENCY DISPOSAL, BECAUSE



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1 THE ADJACENT CANYON HAS NOT BEEN PERMITTED AND THAT A
2 CONTINGENCY PLAN SHOULD BE PROVIDED, OUR STAFF FINDS NO
3 PROVISION IN THE LAW REQUIRES THAT THE EIGHT YEARS BE A
4 PERMITTED, UNDERSCORE PERMITTED, CAPACITY MENTIONED BY
5 YOUR STAFF.

6 SECTION 66780.2 OF THE GOVERNMENT CODE
7 REQUIRES THAT THE COUNTY DESIGNATE A SITE THAT HAS AT
8 LEAST EIGHT YEARS OF CAPACITY. WE HAVE DONE THAT.
9 APANOLIO CANYON HAS OVER 90 YEARS OF CAPACITY AND HAS
10 BEEN APPROVED BY THE COUNTY AS A DISPOSAL SITE.

11 UNFORTUNATELY, WE ARE STILL GOING THROUGH
12 THE PERMIT PROCESS WITH BOTH THE STATE AND THE FEDERAL
13 AGENCIES WHO, AS YOU KNOW, CURRENTLY CONTROL OUR SOLID
14 WASTE DESTINY.

15 WITH REGARD TO A CONTINGENCY, WE KNOW OF NO
16 PRACTICAL DOABLE ALTERNATIVE AVAILABLE TO US. THE OX
17 MOUNTAIN FACILITY WAS SELECTED, AS YOUR STAFF NOTED,
18 PRIOR TO 1976. AFTER A SCREENING PROCESS, WE HAD A
19 COUNTYWIDE TASK FORCE TO IDENTIFY THIS AREA. SINCE THAT
20 TIME, WE'VE BEEN IMPACTED BY STATE AND FEDERAL DECISIONS,
21 AND THEY HAVE NARROWED ANY POSSIBILITY OF AN ALTERNATIVE
22 DISPOSAL SITE WITHIN OUR COUNTY.

23 JUST TO GIVE YOU AN EXAMPLE OF THE
24 SINGLE-PURPOSE AGENCIES THAT HAVE AN IMPACT ON OUR
25 SITING, WE HAVE LISTED THE BAY CONSERVATION AND



1 DEVELOPMENT COMMISSION, STATE COASTAL COMMISSION, FEDERAL
2 FISH AND WILDLIFE, STATE FISH AND GAME, AND THE ARMY CORP
3 OF ENGINEERS. THAT'S JUST A PARTIAL LISTING OF THOSE
4 AGENCIES. IN SHORT, THERE'S NO ALTERNATIVE SITE IN THE
5 COUNTY OF SAN MATEO COUNTY THAT MEETS ALL OF THE CRITERIA
6 OF ALL OF THE SINGLE-PURPOSE REGULATORY AGENCIES THAT
7 HAVE PERMITTING CONTROL. IT'S THE DILEMMA THAT WE FACE.

8 I BELIEVE THAT WE'VE MET THE REQUIREMENT OF
9 THE APPLICABLE CODE SECTIONS OF THE LAW, AND WE HAVE
10 IDENTIFIED A SITE THAT HAS MORE THAN EIGHT YEARS OF
11 CAPACITY. WE'RE HOPEFUL THAT APANOLIO CANYON WILL BE
12 PERMITTED. AND WE BELIEVE THERE'S STILL SUFFICIENT TIME
13 TO OPEN APANOLIO BEFORE THE CORINDA LOS TRANCOS CANYON
14 CLOSES. AND THERE IS NO OTHER OPTION. I REPEAT, THERE
15 IS NO OTHER OPTION THAT'S PRACTICAL THAT IS OPEN TO THE
16 COUNTY AT THIS TIME. POSTPONING THE APPROVAL OF OUR
17 SOLID WASTE PLAN WILL NOT EXPEDITE THE OPENING OF
18 APANOLIO CANYON DISPOSAL SITE.

19 THE THIRD ISSUE THAT WAS RAISED WAS THE
20 NEED FOR A MORE CONCISE IMPLEMENTATION SCHEDULE. WE
21 DISAGREE THAT THERE IS A MORE PRECISE TIME SCHEDULE
22 NEEDED. THE ELEMENTS IN THE SOLID WASTE PLAN ARE BOTH
23 FLUID AND ONGOING, AS I MENTIONED WITH OUR HOUSEHOLD
24 HAZARDOUS WASTE PROGRAM THAT IS NOW UNDERWAY THAT WAS NOT
25 YET WHEN YOUR STAFF MADE ITS REPORT.



1 AS THE CHAIR OF THE COUNTY'S RECYCLING TASK
2 FORCE AND PRESIDENT OF THE BOARD OF SUPERVISORS, I HAVE
3 PERSONAL KNOWLEDGE OF THE ACTIONS WE'VE BEEN TAKING TO
4 IMPLEMENT THIS COMPREHENSIVE SOLID WASTE PLAN IN SAN
5 MATEO COUNTY.

6 BOB SANDS, WHO IS THE DIRECTOR OF PUBLIC
7 WORKS, WROTE A LETTER IN -- LET ME CHECK ON THE DATE --
8 IT WAS DECEMBER 15TH, 1988, TO ALAN OLDALL OF YOUR BOARD,
9 AND HE HIGHLIGHTED SOME OF OUR MOST RECENT ACTIONS. I'D
10 LIKE TO MENTION A FEW BECAUSE I'M VERY, VERY PROUD OF OUR
11 CURBSIDE RECYCLING PROGRAM WHEN YOU THINK OF ALL THE
12 DIFFERENT SCAVENGER COMPANIES THAT WE HAVE AND THE
13 DIFFERENT AGENCIES THAT FRANCHISE THEM.

14 WE HAVE A MANDATORY -- EXCUSE ME -- WE HAVE
15 A VOLUNTARY RECYCLING, CURBSIDE RECYCLING PLAN, AND IT'S
16 NOW GOING ON IN 14 OF OUR 20 CITIES, WHICH REPRESENT MORE
17 THAN 70 PERCENT OF OUR POPULATION. I FEEL THAT WE ARE AN
18 EXEMPLARY COUNTY IN THE STATE. IN FACT, TO MY KNOWLEDGE,
19 WE ARE FOREMOST IN THE CURBSIDE RECYCLING ACTIVITIES. I
20 KNOW OF NO OTHER COUNTY THAT CAN SPEAK OF THIS MAGNITUDE
21 OF CURBSIDE RECYCLING.

22 OUR BOARD HAS AUTHORIZED \$350,000 IN GRANTS
23 TO ENCOURAGE RECYCLING, WHICH COMES FROM OUR TIPPING FEE.
24 WE HAVE A \$3 MILLION RECYCLING FACILITY THAT HAS BEEN
25 OPEN TO HANDLE THE MATERIALS COLLECTED BY A NEW FLEET OF



1 CURBSIDE PICKUP TRUCKS. TWO WEEKS AGO, OUR BOARD ENTERED
2 INTO AN AGREEMENT TO FINANCE STAFF AND OPERATE A
3 HOUSEHOLD HAZARDOUS WASTE DROPOFF STATION. AND THIS PAST
4 TUESDAY, WE AUTHORIZED THE RESUBMITTAL OF THE COUNTY'S
5 DRAFT HAZARDOUS WASTE PLAN TO THE 20 CITIES.

6 IN CONCLUSION, I BELIEVE THAT SAN MATEO
7 COUNTY HAS PROVIDED YOUR BOARD WITH A COMPREHENSIVE
8 REVISED SOLID WASTE MANAGEMENT PLAN THAT MEETS YOUR
9 REQUIREMENTS AND THE REQUIREMENTS OF THE LAW.

10 I BELIEVE THAT OUR PLAN AND OUR CONTINUING
11 ACTIONS TO HANDLE SOLID WASTE IN THE COUNTY THROUGH
12 RESPONSIBLE PROGRAMS THAT I'VE MENTIONED -- WE'RE
13 PURSUING A LONG-TERM DISPOSAL SITE. WE HAVE IMPLEMENTED
14 CURBSIDE RECYCLING WHICH WILL CUT DOWN DRAMATICALLY ON
15 THE AMOUNT OF SOLID WASTE THAT IS ENTERING OUR LANDFILL
16 SITE. FINANCING A HOUSEHOLD HAZARDOUS WASTE DROPOFF
17 STATION AND AUTHORIZING A HOUSEHOLD HAZARDOUS WASTE
18 MANAGEMENT PLAN. ALL OF THOSE THINGS, I BELIEVE, VERY
19 DRAMATICALLY DEMONSTRATE OUR COMMITMENT TO ADDRESS SOLID
20 WASTE ISSUES IN OUR COUNTY.

21 WHEN YOU TALK ABOUT EXPORTING, THERE IS A
22 NONIMPORT POLICY IN THE ADJACENT COUNTIES, THE ONES THAT
23 ARE CONTIGUOUS TO US. IT'S VERY DIFFICULT TO GET ANY
24 KIND OF AN IMPORT POLICY FROM ANOTHER COUNTY UNLESS YOU
25 CAN PROVIDE A RECIPROCAL AGREEMENT. IT'S DIFFICULT FOR



1 US TO GIVE THEM ANY KIND OF A RECIPROCAL AGREEMENT.
2 WE'RE IN THIS CATCH 22 SITUATION WHERE WE DON'T HAVE THE
3 OPPORTUNITY TO PROVIDE THAT.

4 I REALLY URGE YOUR BOARD TO APPROVE OUR
5 PLAN. IT WILL CERTAINLY HELP US TO CONTINUE WITH OUR
6 WORTHWHILE PROGRAMS, AND IT WILL KEEP US FROM LOOKING FOR
7 BARGES.

8 CHAIRMAN GALLAGHER: THANK YOU, MS. GRIFFIN.

9 ANY QUESTIONS?

10 BOARD MEMBER BREMBERG: MR. CHAIRMAN. I JUST
11 HAVE ONE. MARY, IF THE ARMY CORP OF ENGINEERS DECIDES TO
12 DELAY FOR ANOTHER THREE YEARS PERMITTING THE EXPANSION OF
13 OX MOUNTAIN, WHAT ARE YOU GOING TO DO?

14 MS. GRIFFIN: WELL, COUNCILMEMBER BREMBERG, I
15 MUST SAY I WAS JUST ON THE PHONE WITH COLONEL YANAGAHARA
16 THIS MORNING. I DON'T -- I'M VERY -- I CAN'T SAY
17 DEFINITELY THAT THAT'S NOT GOING TO HAPPEN, BUT I
18 CERTAINLY CAN ASSURE YOU THAT THAT DOES NOT SEEM TO BE
19 WHAT I'M HEARING FROM THE ARMY CORP OF ENGINEERS.

20 BOARD MEMBER BREMBERG: WELL, THAT'S THIS YEAR'S
21 COLONEL, BUT WHAT ABOUT NEXT YEAR'S SERGEANT WHO CHANGES
22 HIS MIND? I'M DEAD SERIOUS. WHAT ARE YOU GOING TO DO?
23 I KNOW THERE ARE NO IMPORT AGREEMENTS THAT ARE AVAILABLE
24 TO YOU. WHAT ARE YOU PLANNING TO DO WITH THE TONNAGE
25 THAT YOU GENERATE IN YOUR COUNTY IF BY AUGUST OF 1990



1 THERE'S NO ALTERNATIVE?

2 MS. GRIFFIN: WELL, I --

3 BOARD MEMBER BREMBERG: I MEAN, I JUST -- I READ
4 YOUR PLAN VERY CAREFULLY, PROBABLY BECAUSE I KNOW YOU,
5 AND I DIDN'T SEE A WHAT-IF PARAGRAPH.

6 MS. GRIFFIN: THERE IS -- I THINK I'LL DEFER TO
7 MR. WILLIAMS, BUT THERE IS ALWAYS, I SUPPOSE -- I DON'T
8 KNOW IF THEY'RE ACCEPTING ANY MORE GOING OVER INTO
9 ALTAMONT PASS, WHICH IS A VERY, VERY LONG HAUL AND WHICH
10 DRAMATICALLY INCREASES, OF COURSE, THE COST. I KNOW THAT
11 IT'S SOMETHING LIKE \$8 A TON FOR OUR COUNTY, AND IT'S \$47
12 FOR SAN FRANCISCO COUNTY TO GO THAT FAR. THAT IS A
13 CONTINGENCY THAT I FEEL WOULD BE VERY DIFFICULT AND WOULD
14 BE A LAST RESORT KIND OF THING.

15 BOARD MEMBER BREMBERG: I THINK WHAT I AM SAYING
16 IS THAT I THINK YOU SHOULD HAVE INCLUDED A WHAT-IF, WORSE
17 CASE, WE PULL THE PLUG. DO WE LEAVE IT ON THE CURB? DO
18 WE ASK THEM TO BURY IT IN THEIR YARDS, YOU KNOW?

19 MS. GRIFFIN: OF COURSE, I'M TEMPTED TO SAY
20 THAT, GINGER, LEAVE IT ON THE CURB AND MAYBE WE COULD
21 INVITE THE COLONEL -- THE CURRENT COLONEL OUT TO OBSERVE.

22 BOARD MEMBER BREMBERG: NO. TELL HIM TO BRING
23 IT -- TELL HIM TO BRING A BIG TRUCK.

24 MS. GRIFFIN: BUT, GIN -- EXCUSE ME, FOR BEING
25 SO INFORMAL AS TO CALL YOU GINGER.



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1 BOARD MEMBER BREMBERG: THAT'S ALL RIGHT. I
2 CALLED YOU MARY. THAT'S WHAT I WAS HOPING YOU WOULD DO.

3 MS. GRIFFIN: BUT I MUST SAY I WOULD NOT MAKE
4 THE STATEMENT A YEAR AGO, BUT THE OPTIMISM ABOUT THE ARMY
5 CORP OF ENGINEERS IS EXTREMELY HIGH. AND I ASSURE YOU
6 THAT I THINK WITHIN THIS COLONEL'S TENURE THAT WE WILL --

7 CHAIRMAN GALLAGHER: ARE YOU AS OPTIMISTIC ABOUT
8 THE WATER QUALITY CONTROL BOARD? I UNDERSTAND THEY'RE
9 STILL HOLDING IT UP, TOO.

10 MS. GRIFFIN: WELL, WE HAVE MITIGATED -- WE
11 HAVE CONVINCED THEM THAT THE STEELHEAD TROUT THAT THEY
12 THOUGHT THAT WERE MIGRATORY FROM THE OCEAN WERE SOMEHOW
13 DAMPENED IN THEIR SPIRITS THROUGH THE TWO CONCRETE DAMS
14 THAT WERE BETWEEN THEM AND THE OCEAN, WHICH SOMEONE HAD
15 NOT NOTED.

16 WE ALSO HAVE -- YOU KNOW -- YOU KNOW HOW
17 THAT HAPPENS ALONG THE WAY. THERE ARE SOMETIMES ZEALOUS
18 PEOPLE WHO MANAGE TO GET EXTRANEOUS INFORMATION THAT'S
19 NOT TERRIBLY ACCURATE.

20 CHAIRMAN GALLAGHER: MR. MOSCONE HAS A QUESTION.

21 MS. GRIFFIN: YES, MR. MOSCONE.

22 BOARD MEMBER MOSCONE: I WOULD LIKE MR. CONHEIM
23 TO ANSWER THAT QUESTION ON THE EIGHT-YEAR REQUIREMENT.
24 WHAT PRECISELY DOES THAT SAY?

25 ATTORNEY CONHEIM: THE WORDS ARE MORE OR LESS AS



1 THE SUPERVISOR HAS SAID, BUT WE HAVE BEEN TO THE ATTORNEY
2 GENERAL AND WE HAVE FILED LAWSUITS. WE HAVE NO DOUBT
3 THAT IT IS A VERY DEFENSIBLE POSITION, A VERY ADVOCATABLE
4 POSITION ON OUR PART THAT CAPACITY MEANS AVAILABLE
5 CAPACITY, AND CAPACITY ISN'T AVAILABLE UNLESS IT'S
6 PERMITTED. IT IS NOT CAPACITY UNLESS IT'S PERMITTED.
7 AND SO THAT, I THINK, IF THE COUNTY CONTINUES TO
8 DISAGREE -- WELL, I'M NOT ANXIOUS TO LITIGATE. IF WE ARE
9 FORCED INTO IT, AND IF YOU TAKE THAT POSITION, I THEN
10 WOULD BE RATHER ANXIOUS TO GO BEFORE A JUDGE WITH THE
11 COUNTY'S ASSERTION. I DON'T THINK IT WILL HOLD UP.

12 CHAIRMAN GALLAGHER: IT'S EXTREMELY IMPORTANT,
13 MR. CONHEIM, BECAUSE WE'RE REQUIRING ALL COUNTIES. IT
14 WILL NOT JUST PERTAIN TO SAN MATEO COUNTY.

15 ATTORNEY CONHEIM: IT IS THE POSITION THAT WE
16 HAVE TAKEN, THAT WE HAVE ADVOCATED, THAT WE HAVE CLEARED
17 THROUGH THE ATTORNEY GENERAL. WE ARE CONFIDENT. AND WE
18 ADVISE YOU THAT CAPACITY MEANS AVAILABLE CAPACITY, AND IT
19 IS NOT AVAILABLE UNLESS IT IS PERMITTED. AND I JUST HAVE
20 EVERY CONFIDENCE THAT THAT IS A PROPER POSITION TO TAKE.
21 AND IT IS THE BASIS ON WHICH WE HAVE ADVISED YOU ON MANY
22 PLANS, ON MANY DELINQUENT PLANS, ON VIRTUALLY EVERY PLAN
23 THAT HAS COME BEFORE YOU WHERE THAT HAS BEEN A QUESTION
24 SINCE THAT LAW WAS PASSED.

25 BOARD MEMBER MOSCONE: THIS ONE EXIST -- IS THE



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1 REDWOOD CITY PROJECT BURIED?

2 MR. WILLIAMS: THE WASTE-TO-ENERGY PROJECT?

3 BOARD MEMBER MOSCONE: YEAH.

4 MR. WILLIAMS: YES. AT THIS TIME IT'S -- THE
5 PROPONENTS OF IT HAVE WITHDRAWN ALL THEIR PERMITS,
6 APPLICATIONS, AND THEY'VE TAKEN ACTION TO DISPOSE OF THE
7 INTEREST THEY HAVE IN THE SITE.

8 BOARD MEMBER MOSCONE: WELL, MY HEART GOES OUT
9 HAVING COME FROM SAN FRANCISCO AND HAVING HAD THE
10 RESPONSIBILITY OF DISPOSAL AND ALL OF THAT FROM SAN
11 FRANCISCO, AND I KNOW WHAT YOU'RE GOING THROUGH. SAN
12 FRANCISCO HAVING DUMPED ON SAN MATEO COUNTY FOR ALL THOSE
13 MANY YEARS UNTIL THE NEIGHBORS TO THE SOUTH CHANGED
14 THINGS A LITTLE BIT FOR US. UNFORTUNATELY -- THE THOUGHT
15 JUST STRUCK ME. I KNOW THAT YOU'VE CLOSED UP WASHGROVE
16 AND SOME OF THE OTHER SITES. ARE THERE ANY POSSIBILITIES
17 OF EXTENDING OR PUTTING ADDED LIFTS ON THESE SITES?

18 MR. WILLIAMS: THERE'S NO HOPE FOR DOING THAT ON
19 THE BAY LAND SITES.

20 MS. GRIFFIN: THE BC/DC AND THE, YOU KNOW, THE
21 BAY CONSERVATION DEVELOPMENT COMMISSION --

22 BOARD MEMBER MOSCONE: WELL, ONE TIME THE ARMY
23 CORP WAS RESTRICTED TO NAVIGABLE WATERS, BUT NOW --

24 MS. GRIFFIN: THAT'S WHY WE'RE SO --

25 BOARD MEMBER MOSCONE: -- IT'S IN THE MOHAVE

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1 DESERT AND THERE'S A STREAM THERE, THEY'VE GOT
2 JURISDICTION, I UNDERSTAND.

3 MS. GRIFFIN: THAT'S WHY WE'RE SO OPTIMISTIC,
4 MR. MOSCONE, THAT THIS WILL -- AS FAR AS THE ARMY CORP OF
5 ENGINEERS IS CONCERNED, THAT THIS ISSUE WILL BE RESOLVED
6 VERY QUICKLY BECAUSE COLONEL YANAGAHARA IS A VERY
7 REASONABLE MAN.

8 BOARD MEMBER MOSCONE: WELL, I WAS ON THAT SITE
9 EVEN BEFORE IT WAS DEVELOPED, AND I'VE BEEN OVER THAT
10 SITE, AND I DON'T RECALL EVER SEEING ANY STREAMS OF WATER
11 UP IN THOSE MOUNTAINS OR ANYTHING.

12 MR. WILLIAMS: IT WAS A VERY BORDERLINE
13 MEASUREMENT TO DETERMINE THAT IT WAS WET ENOUGH TO
14 QUALIFY.

15 BOARD MEMBER MOSCONE: SAME KIND OF THING THAT
16 WE HAD DOWN IN MOUNTAINVIEW WHERE IT WAS WET ONLY WHEN IT
17 RAINED.

18 MS. GRIFFIN: THAT'S RIGHT. AND SOMEBODY
19 DETERMINED THAT THERE WAS A SPOT THAT LOOKED LIKE A PLACE
20 WHERE SNAKES MIGHT WANT TO LIVE. NO ONE FOUND A SNAKE
21 THERE; BUT BECAUSE IT WAS A PLACE THAT LOOKED LIKE A
22 PLACE THAT SNAKES MIGHT WANT TO LIVE, WE WERE -- WE
23 WERE -- WE HAD -- WE WERE REQUIRED TO WAIT THROUGH THE
24 DIFFERENT LIFECYCLES OF THE SNAKE TO BE SURE THAT NO
25 SNAKE APPEARED. I'M SERIOUS.



1 CHAIRMAN GALLAGHER: I'M SURE YOU ARE.

2 MS. GRIFFIN: AND WE DIDN'T FIND ONE.

3 CHAIRMAN GALLAGHER: WELL, THANK YOU. WE'LL --

4 BOARD MEMBER VARNER: MR. CHAIRMAN, I JUST FEEL
5 I HAVE TO COMMENT ON THIS. I CERTAINLY SYMPATHIZE WITH
6 YOUR POSITION. HERE AGAIN, WE HAVE ANOTHER ONE OF THESE
7 CATCH 22 SITUATIONS. AND THE THOUGHT KEEPS OCCURRING
8 THROUGH MY MIND AS THERE'S HUNDREDS OF BILLS AND
9 LEGISLATION WANTING TO MANDATE OTHER THINGS ON LOCAL
10 GOVERNMENT WHEN THEY ALREADY HAVE MANDATORY THINGS THAT
11 THEY CAN'T POSSIBLY -- CAN'T DO.

12 MS. GRIFFIN: THANK YOU, MR. VARNER.

13 BOARD MEMBER VARNER: UNFORTUNATELY, THE WAY IN
14 WHICH THE LAWS ARE WRITTEN, THERE IS NO QUESTION THAT,
15 LEGALLY SPEAKING, YOU'RE OUT OF COMPLIANCE AND SO ON AND
16 SO FORTH, OR VERY CLOSE TO THAT.

17 I DON'T KNOW WHAT THE REMEDY IS TO THIS,
18 OTHER THAN I WOULD HOPE THAT YOU PEOPLE, AS LOCAL
19 GOVERNMENT PEOPLE, WOULD MAKE YOUR FEELINGS KNOWN TO
20 SACRAMENTO, TO THE LEGISLATIVE BODY, THAT THE PROBLEMS
21 OUGHT TO BE SOLVED ON A LOCAL LEVEL RATHER THAN ANOTHER
22 MANDATORY PROGRAM FROM SACRAMENTO THAT SAYS YOU HAVE TO
23 DO SUCH AND SUCH AND SUCH, WHEN YOU CAN'T DO WHAT THEY'RE
24 TELLING YOU TO DO ALREADY.

25 MS. GRIFFIN: MR. VARNER, I COULDN'T AGREE WITH



1 YOU MORE. I'VE BEEN AN ADAMANT OPPONENT TO MANDATORY
2 CURBSIDE RECYCLING, AND I THREW MY ENERGY BEHIND HAVING
3 OUR VOLUNTARY CURBSIDE RECYCLING BE EXEMPLARY IN THE
4 STATE. SO I THINK I'VE PROVED ONE POINT AND ONE ISSUE
5 AND WILL CONTINUE TO LOBBY AGAINST MANDATORY CURBSIDE
6 RECYCLING LEGISLATION THAT IMPOSES UNREALISTIC --
7 UNREALISTIC STANDARDS, UNREALISTIC QUOTAS, UNREALISTIC
8 TIME SCHEDULES.

9 I FEEL THAT WE HAVE PROVEN WITH 20 CITIES,
10 26 AGENCIES ISSUING FRANCHISES WE CAN DO IT. AND WE'VE
11 DONE IT VERY WELL. I THINK THAT IT'S TAKING OFF, AND I
12 PREDICT THAT BY THIS TIME NEXT YEAR, WE WILL HAVE TWO OR
13 THREE MORE CITIES IN FULL COMPLIANCE WITH CURBSIDE
14 RECYCLING WITHOUT MANDATING ANYTHING.

15 BOARD MEMBER BREMBERG: IT'S UNENFORCEABLE IF
16 IT'S MANDATED ANYWAY.

17 BOARD MEMBER VARNER: WELL, YOU SEE IT BRINGS
18 ANOTHER THING -- AND I'M SURE THAT I DON'T HAVE TO REMIND
19 YOU OF THIS -- IF YOU ACHIEVE YOUR GOAL AT 35 PERCENT,
20 AND USING JUST A MILLION TONS AS AN EXAMPLE, YOU STILL
21 GOT 650,000 TONS TO DO SOMETHING WITH, AND THAT REALLY IS
22 THE BOTTOM LINE. AND IT'S ONE THAT CONSISTENTLY JUST
23 BOGGLES MY MIND WHEN THIS ISN'T RECOGNIZED BY THOSE
24 FORCES THAT ARE STILL TRYING TO MANDATE THINGS IN SUCH A
25 WAY THAT YOU CANNOT WORK WITH. SO IF -- I JUST HAD TO



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1 MAKE THIS STATEMENT AGAIN.

2 MS. GRIFFIN: THANK YOU, MR. VARNER. I ASSURE
3 YOU, WE ARE VERY ACTIVELY LETTING SACRAMENTO KNOW.

4 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

5 CHAIRMAN GALLAGHER: YES, MR. MOSCONE.

6 BOARD MEMBER MOSCONE: IS NEWBY ISLAND OUT AS
7 FAR AS ANY KEY TO THIS PROBLEM?

8 MS. GRIFFIN: AS FAR AS I KNOW IT IS.

9 MR. WILLIAMS: IT'S -- IT'S IN THE CONTEXT OF
10 GETTING AROUND THE NONIMPORT CLAUSES IN SANTA CLARA
11 COUNTY. IT'S NOT -- I DON'T THINK IT'S OUT OTHER THAN
12 THAT.

13 CHAIRMAN GALLAGHER: WELL, I HOPE YOU'LL
14 UNDERSTAND THAT WE HAVE ONLY CERTAIN LEEWAY WITHIN THE
15 STATUTES WITH ALL THE SYMPATHY THAT WE'VE EXPRESSED. I
16 APPRECIATE YOUR COMING AND PRESENTING YOUR POINT OF VIEW.

17 AND I'D LIKE TO ASK: IS THERE ANYONE ELSE
18 OUT THERE THAT WANTS TO TALK TO THE SAN MATEO COUNTY
19 PLAN?

20 IF NOT, YOU HAVE A RECOMMENDATION BEFORE
21 YOU, BOARD, RECOMMENDING THAT WE PARTIALLY APPROVE THE
22 SAN MATEO COUNTY SOLID WASTE MANAGEMENT PLAN AND DIRECT
23 THE COUNTY TO RESUBMIT THE PLAN IN 120 DAYS WITH COMPLETE
24 WASTE DISPOSAL AND PROCESSING AND PLANT IMPLEMENTATION
25 ELEMENTS, CORRECTING THE IDENTIFIED AREAS OF THE



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1 DEFICIENCY.

2 WHAT IS YOUR PLEASURE?

3 BOARD MEMBER BREMBERG: MR. CHAIRMAN, MAY I ASK
4 MR. CONHEIM. IF THE COUNTY RESUBMITS IN 120 DAYS, AND
5 ABSOLUTELY NOT ONE THING HAS CHANGED WITH THE CORP OF
6 ENGINEERS OR THE WATER QUALITY BOARD, DO WE MAKE THEM GO
7 BACK AND GIVE THEM ANOTHER 120 DAYS AND MAKE THEM GO
8 THROUGH THIS EXERCISE EVERY 120 DAYS UNTIL THE CORP AND
9 THE WATER QUALITY BOARD DECIDE TO RESOLVE THE ISSUE?

10 ATTORNEY CONHEIM: MRS. BREMBERG, THE -- YOU
11 HAVE SOME DISCRETION; HOWEVER, IF THE FACTS ARE THE SAME,
12 HYPOTHETICALLY, YOU WOULD BE GIVEN A RECOMMENDATION BY
13 STAFF THAT, HAVING ALREADY BEEN TO THE ATTORNEY GENERAL
14 WITH A WARNING, THAT WE NOW PROCEED TO LITIGATION.
15 PERHAPS THAT MIGHT BE A RECOMMENDATION. THERE MIGHT BE
16 SOME EXTENUATING CIRCUMSTANCES WHERE YOU MIGHT DECIDE TO
17 EXTEND THE CORRECTION -- THE DEFICIENCY PERIOD FOR A
18 MAXIMUM OF 150 OR 180 DAYS. THE LAW THERE SAYS THAT --
19 THAT 120 AND THEN WITH A MAXIMUM OF 150 OR 180 FOR GOOD
20 CAUSE. SO YOU HAVE A LITTLE FLEXIBILITY; HOWEVER, YOU'RE
21 NOT BOUND TO CONTINUE TO EXTEND.

22 THIS IS A ONETIME -- BASICALLY, THE
23 REGULATION INTENDS THIS TO BE A ONETIME RETURN OF THE
24 PLAN TO CORRECT THE PARTIAL DEFICIENCY. IN THIS CASE, IT
25 REALLY -- THIS REGULATION IS BEING APPLIED IN THE MANNER



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1 IT WAS INTENDED. PART OF THE PLAN IS OKAY; PART OF PLAN
2 IS NOT OKAY. AND THIS IS A ONETIME RETURN BASED ON OUR
3 HELPFUL GUIDANCE TO THE COUNTY ON WHAT THEY NEED TO DO;
4 AND, HOPEFULLY, THEY WILL COMPLY EITHER WITH EIGHT YEARS
5 OF CAPACITY OR CONTINGENCY PLAN.

6 BOARD MEMBER BROWN: MR. CHAIRMAN.

7 CHAIRMAN GALLAGHER: YES, MR. BROWN.

8 BOARD MEMBER BROWN: I MIGHT SUGGEST THAT OUR
9 ACTION, IF WE WERE TO DIRECT -- TO GO WITH THE BOARD --
10 OR THE STAFF'S RECOMMENDATION, WOULD BE MORE OF A HELP TO
11 SAN MATEO -- I'M TRYING TO BE POSITIVE HERE -- THAN A
12 HINDRANCE.

13 I THINK THESE OTHER AGENCIES NEED TO KNOW
14 SOME OF THE SEVERITY OF THE PROBLEM; AND IF WE CONTINUE
15 TO BACK OFF, THAT JUST TAKES ONE MORE ELEMENT OF PRESSURE
16 AWAY FROM THOSE OTHER AGENCIES. AND I WOULD --
17 UNFORTUNATELY, USING SAN MATEO COUNTY AS A PAWN IN
18 THIS -- FEEL THAT WE NEED TO PRESS FORWARD WITHIN THE
19 CONFINES THAT WE MUST OPERATE UNDER IN ORDER TO KEEP THIS
20 FRESH IN THOSE OTHER AGENCY MINDS. IT'S A TOUGH
21 SITUATION YOU'RE UP AGAINST.

22 HOWEVER, IN MANY INSTANCES, IT'S NOT UNLIKE
23 OTHER COUNTIES THAT ARE BEGINNING TO COME FORWARD WITH
24 SIMILARLY UNIQUE PROBLEMS. SO THIS BOARD IS BEGINNING TO
25 GRAPPLE WITH A WIDE RANGE OF SEEMINGLY UNSOLVABLE



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1 PROBLEMS.

2 WE NEED TO CONTINUE TO EXERT OURSELVES, I
3 BELIEVE, WITHIN THE FRAMEWORK OF OUR RESPONSIBILITY AND
4 OUR CHARGE, IN ORDER TO PRESS THE CASE BEFORE THESE OTHER
5 AGENCIES AND GET THEM TO MOVE.

6 CHAIRMAN GALLAGHER: I'D LIKE TO ASK A QUESTION
7 OF YOU, MS. GRIFFIN. ARE WE, THE WASTE MANAGEMENT BOARD,
8 IN THE RECORD WITH THE U.S. CORP OF ENGINEERS AS TO THE
9 IMPORTANCE OF EARLY APPROVAL OF THIS REQUEST?

10 MS. GRIFFIN: I CAN'T SAY HOW MUCH -- CERTAINLY
11 SHOULD BE, BUT I COULD NOT --

12 CHAIRMAN GALLAGHER: I DON'T EVEN KNOW IF WE'RE
13 ALLOWED TO LEGALLY, BUT I THINK THAT WE SHOULD, IF WE
14 CAN, LET EVERYONE KNOW HOW IMPORTANT THAT DECISION IS TO
15 YOUR COUNTY AND TO THE APPROVAL OF THIS PLAN.

16 MS. GRIFFIN: ARE YOU SAYING THAT WERE THE ARMY
17 CORP OF ENGINEERS TO HAVE APPROVED IT ALREADY, THAT THAT
18 WOULD HAVE TAKEN CARE OF OUR PERMITTING PROCESS
19 BECAUSE -- AND, OF COURSE, I WOULD LIKE TO ADD, ALSO, MR.
20 GALLAGHER, THAT WE ARE UNIQUE TO SOME OTHER COUNTIES, TO
21 CITE CONTRA COSTA, FOR INSTANCE, THAT WE DO HAVE A SITE.
22 WE DO HAVE A PLACE WHERE NO ONE IN THE COUNTY IS FIGHTING
23 ABOUT. WE DON'T HAVE VOTERS GETTING UP INITIATIVES
24 AGAINST THAT SITE. IT'S SITTING THERE; IT'S A PERFECTLY
25 GOOD, VALID SITE. WE JUST HAVE TO JUMP THOSE LAST



1 HURDLES.

2 CHAIRMAN GALLAGHER: WELL, I THINK IF THEY HAD
3 APPROVED IT, IT CERTAINLY WOULD HAVE GONE A LONG WAY TO
4 MITIGATING THEIR COMPLAINT ABOUT THE EIGHT-YEAR CAPACITY,
5 AND THAT IS THE MAJOR ELEMENT THAT EVERYONE SEEMS TO BE
6 DISAGREEING ON.

7 MR. CONHEIM.

8 ATTORNEY CONHEIM: MR. GALLAGHER, MEMBERS,
9 STAFF, WHISPERING ACROSS THE TABLE, TRYING TO REMEMBER
10 THE ANSWER TO YOUR QUESTION, HAS AN ANSWER.

11 APPARENTLY AT THE TIME WHEN THE BOARD
12 CONCURRED IN THE PERMIT, THE CONDITIONAL CONCURRENCE FOR
13 OX MOUNTAIN, THE FORMER CHAIRMAN SIGNED A LETTER TO THE
14 CORP WITH SOME MEASURE OF ADVOCACY IN IT ASKING FOR QUICK
15 APPROVAL BECAUSE -- BECAUSE THE PERMIT THAT THE BOARD
16 CONCURRED IN WAS CONDITIONAL; AND, AS YOU KNOW, THE BOARD
17 IS ALWAYS UNCOMFORTABLE WITH CONDITIONAL PERMITS UNLESS
18 WE HAVE SOME ASSURANCE THAT THE CONDITIONS ARE GOING TO
19 BE MET. SO THAT WAS COMMUNICATED, BUT NOT RECENTLY.

20 CHAIRMAN GALLAGHER: SHOWS YOU HOW MUCH POWER WE
21 HAVE.

22 MS. GRIFFIN: MR. GALLAGHER, I MIGHT ADD THAT UP
23 UNTIL 1987 THE ARMY CORP OF ENGINEERS HAD NOT EVER BEEN A
24 PLAYER IN THE PERMITTING PROCESS UNTIL WE WERE JUST READY
25 TO MOVE INTO THE NEW LANDFILL SITE. AND SO THAT IS WHAT



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1 ADDED TO OUR DILEMMA.

2 I'M SORRY THAT THAT DIDN'T COME TO THE TOP
3 OF MY MIND TO SAY, THAT NEVER BEFORE SINCE WE SITED THIS
4 PLACE IN 1976, NEVER BEFORE HAD THE ARMY CORP OF
5 ENGINEERS FOUND THAT THEY COULD RUN THEIR NAVIGABLE SHIPS
6 IN THAT CANYON. AND IF YOU'VE EVER BEEN TO HALF MOON
7 BAY, YOU'LL KNOW THAT THAT'S A REALLY PREPOSTEROUS --
8 PREPOSTEROUS THOUGHT. CAN YOU IMAGINE?

9 BUT ALL OF A SUDDEN, BECAUSE OF A STAFF
10 REPORT, BECAUSE OF SOMEONE THINKING THEY HAD SIGHTED
11 STEELHEAD IN A STREAM, WE WERE THROWN INTO THIS DILEMMA
12 FROM WHICH WE'VE BEEN TRYING TO EXTRICATE OURSELVES.

13 BOARD MEMBER BREMBERG: AND DIDN'T THE CORP
14 BUILD THE DAMS?

15 MS. GRIFFIN: I DOUBT IT.

16 BOARD MEMBER BREMBERG: OH, BECAUSE I WOULD SAY
17 OFTEN THEY BUILD THE DAMS AND FORGET THEY'RE THERE?

18 MR. GRIFFIN: WELL, NO, THEY WOULD HAVE NO
19 REASON TO BECAUSE IT WASN'T A NAVIGABLE STREAM.

20 CHAIRMAN GALLAGHER: WELL, WE MUST MAKE A
21 DECISION. WE HAVE TO MOVE ON. YOU'VE STAFF
22 RECOMMENDATION?

23 BOARD MEMBER BROWN: YES, MR. CHAIRMAN, I'LL
24 MOVE IN THE CONSIDERATION OF THE SAN MATEO COUNTY SOLID
25 WASTE MANAGEMENT PLAN REVISION. I MOVE THE STAFF



1 RECOMMENDATION.

2 CHAIRMAN GALLAGHER: DO I HAVE A SECOND?

3 BOARD MEMBER LOCKINGTON: SECOND.

4 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
5 ADOPT STAFF RECOMMENDATION 88-16. CALL THE ROLE, PLEASE.

6 WE ADOPT 89-43, STAFF RECOMMENDATION.

7 SECRETARY DUNN: BREMBERG?

8 BOARD MEMBER BREMBERG: AYE.

9 SECRETARY DUNN: BROWN?

10 BOARD MEMBER BROWN: YES.

11 SECRETARY DUNN: LOCKINGTON?

12 BOARD MEMBER LOCKINGTON: YES.

13 SECRETARY DUNN: MOSCONE?

14 BOARD MEMBER MOSCONE: I'M SORRY. I SHOULD NOT
15 HAVE GOTTEN INTO THE -- INTO THE CONVERSATION OR THE
16 DISCUSSION; BUT BECAUSE OF -- I THINK TO CUT IT SHORT, I
17 WILL ABSTAIN BECAUSE OF THE FACT THAT THE COMPANY THAT I
18 WORKED WITH BEFORE HAS OPERATIONS IN SAN MATEO COUNTY,
19 AND HAVING GONE THROUGH WHAT I JUST WENT THROUGH EARLIER
20 LAST MONTH, I -- I -- ENOUGH SAID. I WILL ABSTAIN.

21 SECRETARY DUNN: TCHOBANOGLIOUS?

22 BOARD MEMBER TCHOBANOGLIOUS: YES.

23 SECRETARY DUNN: VARNER?

24 BOARD MEMBER VARNER: RELUCTANTLY, AYE.

25 CHAIRMAN GALLAGHER: CHAIRMAN VOTES RELUCTANTLY



1 AYE, ALSO.

2 MS. GRIFFIN: MR. CHAIRMAN.

3 CHAIRMAN GALLAGHER: YES, MA'AM.

4 MS. GRIFFIN: IF THIS MEANS THAT WE HAVE TO
5 CIRCULATE IT THROUGH ALL THE CITIES AGAIN, ARE WE GOING
6 TO THEN BE THREATENED WITH LAWSUIT BY THE -- I MEAN, THIS
7 IS LUDI -- EXCUSE ME, BUT, TO ME, IT DOESN'T MAKE MUCH
8 SENSE. IF WE HAVE 20 CITIES, AND WE HAVE TO HAVE THE
9 APPROVAL OF THE MAJORITY OF THE 20 CITIES REPRESENTING --
10 MAJORITY OF THE POPULATION, WE ONLY HAVE 120 DAYS. AND
11 TO BE THREATENED -- AND TO THREATEN US WITH LITIGATION
12 AND -- WHAT DOES THAT ACCOMPLISH?

13 BOARD MEMBER BREMBERG: JUSTIFIED BY THE --

14 MS. GRIFFIN: THIS IS ONE OF THE THINGS THAT
15 JUST I FIND SO LUDICROUS IN THE WHOLE SITUATION, THAT
16 WE'RE GIVEN TWO OR THREE WEEKS AT THE CHRISTMAS SEASON TO
17 COMPLY, AND WHEN MOST CITIES -- A TIME WHEN MOST CITIES
18 ARE GOING DARK AND THAT WE HAVE BEEN GIVEN THIS SHARP
19 REPRIMAND WHEN WE WERE TRYING -- YOU KNOW, TRYING TO
20 COMPLY WITH THE LAW. I JUST THOUGHT I WOULD LIKE TO KNOW
21 WHAT I'M CARRYING BACK TO MY BOARD AND TO MY STAFF.

22 CHAIRMAN GALLAGHER: WELL, YOU ASKED A QUESTION
23 AND I DIDN'T HEAR AN ANSWER. I SAW COUNSEL SHAKING HIS
24 HEAD LIKE A CHICKEN PECKING CORN, BUT I DON'T REALLY KNOW
25 WHAT THAT MEANS.



1 ATTORNEY CONHEIM: SUPERVISOR, MR. CHAIRMAN, AND
2 MEMBERS, OBVIOUSLY, AT THE END OF THE 120 DAYS, IF THE
3 COUNTY HASN'T COMPLIED, WE WOULD COME BACK TO YOU AND AT
4 THAT POINT, IN CLOSED SESSION, WE WOULD LAY OUT THE
5 FACTS, AND WE WOULD ASK FOR YOUR DECISION ON WHETHER TO
6 PROCEED AT THAT POINT WITH LITIGATION.

7 BUT I THINK THE MESSAGE THAT SUPERVISOR
8 SHOULD CARRY BACK IS THAT, BASED ON YOUR RELUCTANT AYE
9 VOTE AND YOUR UNDERSTANDING OF THE SITUATION, THAT THE
10 LAW IS THE LAW. AND, SUPERVISOR, YOU'VE CHARACTERIZED IT
11 CORRECTLY, THAT YOU DO RUN THE RISK NOW, IF YOU DON'T
12 COMPLY, OF OUR ESCALATING THIS INTO FORMAL LITIGATION,
13 AND YOU NEED TO CARRY THAT MESSAGE BACK IF THAT -- AT
14 LEAST YOU NEED TO HEAR THAT FROM ME. AND WHAT THE BOARD
15 DECIDES IS WITHIN THE BOARD'S DISCRETION AT THE END OF
16 THE 120 DAYS, AND I'M CERTAIN THAT THIS BOARD WILL GIVE
17 IT ALL DUE CONSIDERATION.

18 CHAIRMAN GALLAGHER: MR. CONHEIM, I'D LIKE TO
19 ASK A LITTLE FURTHER CLARIFICATION, SPECIFICALLY ON THE
20 SUBJECT IF DURING THIS 120 DAYS, EARLY IN IT, SOME OF
21 THESE PROBLEMS WERE IRONED OUT, IS IT NECESSARY TO TAKE
22 IT BACK TO THE BOARD FOR JUST THESE -- BACK TO ALL THE
23 CITIES FOR JUST THESE TWO ITEMS?

24 ATTORNEY CONHEIM: IF OX MOUNTAIN IS COMPLETED
25 WITHIN 120 DAYS, I THINK THAT ELIMINATES OR ALMOST



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1 ELIMINATES THAT ISSUE. HOWEVER, THE ACTION THAT YOU HAVE
2 TAKEN ALSO REQUIRES REPREPARATION OF THE IMPLEMENTATION
3 SCHEDULE. YOU WILL MAKE THE DETERMINATION, I'M CERTAIN,
4 AS TO THE SERIOUSNESS, THE LEVEL OF NEED FOR ACTION OF
5 THE ISSUES THAT ARE REMAINING.

6 BUT THE ONE ISSUE COULD BE MORE OR LESS
7 TAKEN CARE OF -- I DON'T KNOW THE EXACT TIMING, BUT OX
8 MOUNTAIN EIGHT-YEAR CAPACITY ISSUE MAY OR MAY NOT BE
9 MOVED ALONG.

10 AND, SUPERVISOR, LITIGATION -- THIS BOARD
11 IS VERY RELUCTANT TO TAKE A LITIGIOUS POSITION AND SO IS
12 STAFF TO RECOMMEND IT. AND THE ONLY REASON WHY WE EVER
13 GO FORWARD WITH A RECOMMENDATION IS, NO. 1, TO COMPLY
14 WITH THE LAW; AND, NO. 2, TO USE IT AS THE LEGITIMATE
15 HAMMER THAT IT IS TO ASSIST YOU IN COMPLYING WITH THE LAW
16 AND TO FOCUS THE ISSUE AND TO GET COMPLIANCE, NOT TO
17 LITIGATE JUST FOR LITIGATION SAKE. NOBODY WANTS TO DO
18 THAT. SO I HOPE I'VE ANSWERED YOUR QUESTION.

19 CHAIRMAN GALLAGHER: YES. I THINK, ALSO, WE'RE
20 HAVING TO BE CONSISTENT IN OUR APPLICATION OF THE LAW
21 ACROSS THE BOARD REGARDLESS OF --

22 ATTORNEY CONHEIM: WITH MANY COUNTIES.

23 CHAIRMAN GALLAGHER: -- THE WITH INDIVIDUAL
24 CONDITIONS.

25 WELL, THANK YOU, AGAIN.



1 MS. GRIFFIN: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: YES, MA'AM.

3 MS. GRIFFIN: MR. CHAIRMAN, IF I MAY, THANK YOU
4 VERY MUCH FOR YOUR TIME. I MUST SAY THAT I FEEL THAT WE
5 HAVE EXHIBITED EVERY GOOD ATTEMPT AND DESIRE AND
6 INNOVATION THAT WE CAN. WE WERE LITIGATED ABOUT BEING
7 RECALCITRANT, AND YET THERE WAS NO REASON FOR YOU OR FOR
8 YOUR STAFF TO FEEL THAT WE WERE RECALCITRANT UNDER THE
9 SITUATION.

10 AND THAT IS WHY I RAISE THE ISSUE BECAUSE I
11 FEEL THAT THE PURPOSE OF THIS BOARD AND THE PURPOSE OF
12 THIS LAW IS TO TRY TO ADDRESS THE SOLID WASTE MANAGEMENT
13 DIFFICULTIES IN THIS STATE, NOT TO BE PUNITIVE, NOT TO
14 MAKE PEOPLE BE EXAMPLES. AND TO THE EXTENT THAT WE CAN
15 ADDRESS THE SOLID WASTE MANAGEMENT CRISES IN THIS STATE
16 AND THAT OUR COUNTY IS DILIGENTLY, EARNESTLY TRYING TO
17 ADDRESS THEM, THEN I FEEL THAT THERE NEEDS TO BE SOME
18 CONSIDERATION FOR THAT ALSO, AND NOT ONE OF SETTING AN
19 EXAMPLE OF US OR BEING LITIGIOUS OR BEING PUNITIVE. AND
20 I FEEL THAT I WOULD BE REMISS IN NOT MAKING THAT POINT
21 BEFORE I LEAVE TODAY.

22 CHAIRMAN GALLAGHER: WELL, THANK YOU. I THINK
23 YOU SEE, BY THE RELUCTANCE OF SOME MEMBERS TO VOTE FOR
24 THE RESOLUTION, THAT THERE'S A RECOGNITION OF THE FACT
25 THAT YOU'VE DONE JUST ABOUT ALL YOU CAN DO UNDER THE LAW



1 TO DO WHAT IS RIGHT. AND I'M SURE THAT IN THE NEXT
2 CLOSED SESSION, WE'LL GET AMPLE CONSIDERATION.

3 MS. GRIFFIN: THANK YOU VERY MUCH, CHAIRMAN
4 GALLAGHER.

5 BOARD MEMBER BROWN: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: MR. BROWN.

7 BOARD MEMBER BROWN: ONE FINAL COMMENT.

8 I'M WONDERING ABOUT THIS. AT SOME POINT
9 ALONG THE WAY, WHETHER IT'S WITH SAN MATEO COUNTY OR SOME
10 OTHER COUNTY, THIS BOARD IS GOING TO BUTT HEADS AGAIN
11 WITH ANOTHER AGENCY SOMEWHERE ALONG THE WAY THAT, FOR
12 WHATEVER REASON, IS STANDING IN THE WAY OF WHAT WE
13 CONSIDER TO BE THE RIGHT COURSE.

14 AND AT WHAT POINT WOULD WE, AS A BOARD,
15 FILE SUIT ON THAT OTHER AGENCY? IT SOUNDS KIND OF
16 STRANGE, BUT IN THIS PARTICULAR CASE WE HAVE THE ARMY
17 CORP OF ENGINEERS IN A HIGHLY QUESTIONABLE SITUATION, A
18 POSITION THAT THEY'VE TAKEN AND HAS COMPLETELY STOPPED
19 EVERYTHING. AND SOMEBODY HAS TO SOLVE THAT ISSUE. WHAT
20 WOULD YOU THINK ABOUT THAT?

21 MS. GRIFFIN: THANK YOU, MR. BROWN, YOU MAKE A
22 GOOD POINT.

23 ATTORNEY CONHEIM: I THINK THAT AT SOME POINT,
24 AS THIS BOARD COMES TO GRIPS WITH ITS RESPONSIBILITY
25 STATEWIDE, THAT I WOULD LIKE TO STUDY THE POSSIBILITY OF



1 A CASE BEING MADE THAT AN AGENCY IS COMPLETELY BLOCKING A
2 STATE PROGRAM. AND, OBVIOUSLY, IF YOU FILE A WRIT OF
3 MANDATE, AND THIS WOULD BE IN FEDERAL COURT, AGAINST THE
4 CORP OF ENGINEERS, YOU'VE GOT TO COME UP WITH ENOUGH
5 LEGAL THEORY AND ENOUGH FACTS TO PROVE ARBITRARY AND
6 CAPRICIOUS. AND ON ONE HAND, WE DON'T WANT TO CALL THE
7 COLONEL ARBITRARY AND CAPRICIOUS BECAUSE HE'S NOW BEING
8 REASONABLE. ON THE OTHER HAND, THE AGENCY HAS GONE AHEAD
9 AND DISCOVERED NAVIGABLE WATERS BASED ON THE HIGHLY
10 QUESTIONABLE REPORT OF A -- AND THIS IS WHERE THE RUB
11 IS -- OF A SISTER STATE AGENCY'S WILDLIFE BIOLOGIST.

12 I THINK THAT THAT IS SOMETHING THAT WE
13 COULD EXPLORE. HOWEVER, I WOULD RECOMMEND TO THE BOARD
14 THAT, IN THE FACE OF OUR NOT HAVING ADDRESSED THE CORP
15 FORMALLY, EVEN IN WRITING, SINCE CHAIRMAN ROODZANT WROTE
16 A LETTER AFTER THE CONDITIONAL PERMIT WAS CONCURRED IN,
17 THAT YOU GIVE US DIRECTION TO EXPLORE ALL POSSIBILITIES
18 AND TO PREPARE A RECOMMENDATION FOR THE CHAIRMAN SO THAT
19 WE ESTABLISH A RECORD WHICH MIGHT PRECEDE OUR FILING A
20 LAWSUIT WITH THE COURT.

21 WE DON'T HAVE THE FACTS YET TO DO THAT, MR.
22 BROWN; BUT I SUSPECT THAT IF WE START A PAPER TRAIL AND
23 WE MAKE SOME COMMUNICATION, WE GET SOME DIALOGUE GOING,
24 THAT WE MIGHT DEVELOP FACTS THAT WOULD SUPPORT THAT. BUT
25 I THINK IT'S A GOOD -- GOOD THING TO EXPLORE.



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1 BOARD MEMBER BROWN: WELL, IT CERTAINLY PRESENTS
2 MORE OF A POSITIVE APPROACH TO THIS ISSUE THAN FILING
3 WITH THE ATTORNEY GENERAL AGAIN WITH SAN MATEO COUNTY.
4 IT HAS MORE SUBSTANCE TO IT.

5 MS. GRIFFIN: AM I PERMITTED A QUESTION?

6 CHAIRMAN GALLAGHER: YES, MA'AM.

7 MS. GRIFFIN: AM I HEARING, MR. CONHEIM, THAT
8 PERHAPS THERE WILL BE ANOTHER LETTER SENT TO THE ARMY
9 CORP OF ENGINEERS URGING THEIR APPROVAL OF THIS PROCESS?

10 CHAIRMAN GALLAGHER: I CAN ANSWER THAT DIRECTLY.
11 I'M THE CHAIRMAN. YES.

12 BOARD MEMBER BROWN: AT THE VERY LEAST.

13 CHAIRMAN GALLAGHER: THAT WILL BE, AS MR. BROWN
14 SAID, THE VERY LEAST.

15 MS. GRIFFIN: I WOULD APPRECIATE THAT AT THE
16 EARLIEST POSSIBLE OPPORTUNITY BECAUSE IT MIGHT VERY WELL
17 GET THE LITTLE MOMENTUM THAT'S NEEDED TO THE SEEMINGLY
18 MORE COOPERATIVE COLONEL THAT HAS APPEARED ON THE SCENE
19 IN THE LAST YEAR AND A HALF.

20 CHAIRMAN GALLAGHER: EARLY NEXT WEEK.

21 MS. GRIFFIN: THANK YOU VERY MUCH, MR. CHAIRMAN.

22 BOARD MEMBER LOCKINGTON: MR. CHAIRMAN.

23 CHAIRMAN GALLAGHER: YES.

24 BOARD MEMBER LOCKINGTON: IS THIS SOLELY THE
25 COLONEL'S DECISION? DO YOU KNOW?



1 MS. GRIFFIN: IT ISN'T SOLELY, BUT -- IS IT
2 REALLY SOLELY?

3 ATTORNEY CONHEIM: HE HAS A LOT OF DISCRETION.

4 MS. GRIFFIN: I WAS GOING TO SAY, BUT HE SEEMS
5 TO HAVE A LOT OF DISCRETION. I'VE BEEN WORKING WITH
6 HIM --

7 BOARD MEMBER LOCKINGTON: ISN'T THERE A GENERAL
8 SOMEPLACE?

9 BOARD MEMBER BREMBERG: YEAH, GENERAL NUISANCE.

10 BOARD MEMBER LOCKINGTON: I THINK THE POINT THAT
11 I WANT TO MAKE IS THAT PART OF THE FEDERAL SYSTEM, THERE
12 ARE FEDERAL PEOPLE THAT YOU HAVE ACCESS TO. I HOPE THAT
13 IN THAT MANNER, YOU'VE DONE EVERYTHING NECESSARY.

14 MS. GRIFFIN: WE HAVE -- EXCUSE ME. I DIDN'T
15 MEAN TO INTERRUPT YOU, MR. LOCKINGTON.

16 BOARD MEMBER LOCKINGTON: THAT'S ALL RIGHT. I
17 JUST ASKED A QUESTION.

18 MS. GRIFFIN: THERE ARE CERTAIN PROTOCOL THINGS
19 THAT YOU DO, AND YOU DON'T JUMP OVER SOMEONE'S HEAD WHEN
20 THE PERSON SEEMS TO BE COOPERATIVE AT THE TIME. AND I
21 MUST SAY HE HAS BEEN. HE'S BEEN EXPEDITIOUS IN ANOTHER
22 ISSUE CONCERNING LAND DEVELOPMENT.

23 AS I SAID, I WAS JUST SPEAKING TO HIM ON
24 THE PHONE THIS MORNING, AND HE HAS BEEN WILLING TO GO TO
25 HIS STAFF AND JIGGLE A FEW CAGES ON THAT ISSUE AND SEEMS



1 TO BE MOVING FORWARD IN THE APANOLIO CANYON ISSUE. SO I
2 WOULD BE RELUCTANT TO ANTAGONIZE HIM AT THIS POINT.

3 BOARD MEMBER LOCKINGTON: AT THIS POINT, BUT
4 IT'S GETTING TO THE CRISIS STAGE.

5 MS. GRIFFIN: RIGHT. YOU'RE RIGHT. ABSOLUTELY.
6 I'M NOT BEYOND IT -- I WOULD NOT PUT THAT BEYOND THE
7 REALM OF POSSIBILITY.

8 CHAIRMAN GALLAGHER: THANK YOU, AGAIN, VERY
9 MUCH.

10 MS. GRIFFIN: THANK YOU, MR. CHAIRMAN. THANK
11 YOU FOR YOUR TIME.

12 BOARD MEMBER VARNER: YOU KNOW, IN THE AREA OF
13 DISCRETION, THE POINT THAT SEEMS TO BE IMPORTANT TO ME AT
14 THIS POINT THAT I WANT TO MAKE WITH YOU, MRS. GRIFFIN,
15 AND THAT IS THAT WE REALLY DO NOT HAVE THE DISCRETION TO
16 MAKE ANY DECISION OTHER THAN WHAT WE MADE TODAY. THAT IS
17 THE ADVICE FROM OUR COUNSEL, AT LEAST, AS FAR AS I'M
18 CONCERNED. IF WE HAD DISCRETION TO DO OTHERWISE, WE
19 WOULD DO IT.

20 MS. GRIFFIN: WELL, WHEN YOU HIRE COUNSEL, ONE
21 LISTENS TO THE COUNSEL. I UNDERSTAND THAT. I DO IT AT
22 THE COUNTY LEVEL.

23 ATTORNEY CONHEIM: SAY THAT AGAIN, SUPERVISOR.

24 MS. GRIFFIN: BUT OUR COUNTY LEVEL COUNSEL
25 DISAGREES WITH YOUR COUNSEL.



1 ATTORNEY CONHEIM: WE HAVE DIFFERENT CLIENTS.

2 BOARD MEMBER VARNER: I WANT YOU TO KNOW THAT
3 OUR ACTIONS ARE CERTAINLY NOT PUNITIVE, NOR ARE THEY
4 INTENDED TO BE IN ANY WAY ANTAGONISTIC, BUT I DON'T THINK
5 WE HAVE ANY CHOICE.

6 MS. GRIFFIN: MR. VARNER, I APPRECIATE YOUR
7 SAYING THAT; AND AS I'VE NOTED IN THE PAST, THERE WAS A
8 SLIGHT TINGE OF, PERHAPS, OVERLY ZEALOUS LITIGATION. WE
9 JUST HOPE THAT MAYBE YOU WOULD TAKE THAT INTO
10 CONSIDERATION FOR THE FUTURE AND UNDERSTAND OUR PLIGHT[?]
11 THE SIZE OF OUR COUNTY. WHEN IT COMES TO AGENCIES, I
12 THINK 20 CITIES AND SEVERAL UNINCORPORATED AREAS THAT
13 ALSO HAVE FRANCHISABILITY, YOU WILL UNDERSTAND THAT THAT
14 DOES TEND TO SLOW THE WHEELS OF PROGRESS WHEN IT COMES TO
15 MOVING QUICKLY.

16 BOARD MEMBER BROWN: THANK YOU.

17 MS. GRIFFIN: THANK YOU.

18 CHAIRMAN GALLAGHER: MR. CONHEIM, ARE YOU READY
19 FOR ITEM 8?

20 ATTORNEY CONHEIM: YES. MR. CHAIRMAN, COULD I
21 MAKE ONE STATEMENT FOR THE RECORD ABOUT THE VOTE. I
22 UNDERSTAND THAT MR. MOSCONE ABSTAINED. HAVING BEEN
23 SOMEWHAT FAMILIAR WITH THIS, I THINK IT SHOULD BE CLEAR
24 THAT THE APPEARANCE OF CONFLICT THAT MR. MOSCONE WAS
25 STATING THAT HE WAS TRYING TO AVOID INVOLVED HIS FORMER



1 COMPANY OWNING A COLLECTION COMPANY IN THE AREA, NOT ONE
2 THAT IS DIRECTLY AFFECTED BY THE COSWMP. SO I JUST
3 WANTED TO MAKE IT VERY CLEAR THAT, AS I VIEW THIS, MR.
4 MOSCONE OVERCONSERVATIVELY RECUSED HIMSELF TO AVOID AN
5 APPEARANCE OF CONFLICT.

6 CHAIRMAN GALLAGHER: THANK YOU. ARE YOU READY
7 NOW FOR ITEM 8, THE UPDATE ON THE CONTRA COSTA COUNTY?

8 ATTORNEY CONHEIM: I'M SORRY, MR. CHAIRMAN, YES,
9 WE ARE READY AND I'M CERTAIN THE COUNTY BEHIND ME IS
10 READY AS WELL.

11 MR. CHAIRMAN, ITEM 8 IS THE MONTHLY UPDATE
12 BY THE COUNTY ADMINISTRATIVE OFFICER OF CONTRA COSTA
13 COUNTY, MR. PHIL BATCHELOR, ON THE COUNTY'S COMPLIANCE
14 WITH THE STIPULATED WRIT OF MANDATE IN EFFECT IN
15 LITIGATION FILED BY THE STATE, THIS BOARD, AGAINST CONTRA
16 COSTA COUNTY TO COMPEL COMPLIANCE WITH THE SUBMISSION OF
17 THE REVISION OF THE COUNTY'S SOLID WASTE MANAGEMENT PLAN.

18 AND WE NOTE THAT THERE WERE NO MAJOR
19 OUTPUTS THAT WERE REQUIRED OF THE COUNTY DURING THIS
20 PERIOD OF TIME. THERE HAS BEEN SOME DEVELOPMENT BY THE
21 COUNTY ON THE DRAFT EIR FOR THE LANDFILL GENERAL PLAN
22 AMENDMENTS, AND WE ALSO NOTE THAT THE COUNTY -- WE WILL
23 ASK THE COUNTY TO REPORT ON EXPORT AGREEMENTS. WE WILL
24 ALSO RAISE ISSUES THAT WE HAVE IDENTIFIED AS POTENTIAL
25 PUBLIC CONTROVERSIES WHICH COULD DELAY THE FINAL APPROVAL



1 OF THE COUNTY SOLID WASTE MANAGEMENT PLAN; NAMELY, A
2 GROWING ARTICULATION OF A CONCERN BY BOTH PUBLIC AND
3 PRIVATE ENTITIES THAT WISH TO ESTABLISH TRANSFER STATIONS
4 TO IMPLEMENT THIS EXPORT OF WASTE.

5 THESE PUBLIC AND PRIVATE ENTITIES,
6 APPARENTLY FEELING THAT THE CURRENT DRAFT OF THE PLAN,
7 WHICH I UNDERSTAND -- I THINK YOU'VE JUST BEEN HANDED,
8 DOESN'T PROVIDE FOR FURTHER TRANSFER STATIONS. I KNOW
9 THE COUNTY IS PREPARED TO ADDRESS THAT.

10 WHAT I WOULD LIKE TO DO, IN SETTING THE
11 STAGE, IS TO ASK JOHN SMITH, THE MANAGER OF THE LOCAL
12 PLANNING SECTION, TO ADD ANY HIGHLIGHTS THAT HE FEELS WE
13 SHOULD SET AS BACKGROUND OR THAT WE SHOULD FOCUS FOR YOUR
14 OR THE COUNTY'S ATTENTION.

15 MR. SMITH: I DON'T THINK I HAVE ANYTHING
16 FURTHER.

17 ATTORNEY CONHEIM: JOHN INDICATES THAT THERE
18 AREN'T OTHER ISSUES THAT I THINK WE NEED TO FOCUS ON AT
19 THIS TIME. AT THIS POINT, THEN, IF YOU HAVE NO QUESTIONS
20 OF ME, WE CAN ASK MR. PHIL BATCHELOR, THE COUNTY
21 ADMINISTRATIVE OFFICER OF CONTRA COSTA COUNTY, WHO HAS
22 COME WITH HIS ENTOURAGE, TO MAKE HIS REPORTS. SEATED TO
23 HIS RIGHT IS SALVANO MARCHESI, THE ASSISTANT COUNTY
24 COUNSEL.

25 MR. BATCHELOR: MR. CHAIRMAN, MEMBERS OF THE



1 BOARD, WE APPRECIATE THE OPPORTUNITY OF HAVING A FEW
2 MINUTES TO REVIEW WITH YOU. AS MR. CONHEIM SAYS, THERE'S
3 NO DRAMATIC MILESTONES THAT HAD TO BE REACHED SINCE WE
4 LAST MET.

5 AS WE TALKED ABOUT LAST TIME, ON PAGE 2 OF
6 THE DOCUMENT THAT WE HANDED YOU, THE SUMMARY SCHEDULE, WE
7 HAD THE DOCUMENT THAT YOU HAVE IN FRONT OF YOU, THE LARGE
8 ONE, THE ADMINISTRATIVE DRAFT TO THE EIR PREPARED BY THE
9 CONSULTANT. WE HAD SIX OF OUR PEOPLE SPEND FULL TIME ON
10 IT INITIALLY WHEN IT CAME BACK, REVIEWING IT. AND WE DID
11 A REVISION ON IT. AND WE GOT IT TO THE PRINTER AND
12 DISTRIBUTED IT TO YOUR STAFF, TO THE CLEARINGHOUSE, TO
13 THE WATER BOARD, AND TO THE CITIES AND SANITATION
14 DISTRICTS ON SCHEDULE.

15 WE BROUGHT YOU A COPY. WE WOULD RECOMMEND
16 IT TO YOU HIGHLY IF YOU HAVE INSOMNIA, BUT WE WANT YOU TO
17 KNOW THAT WE ARE ON SCHEDULE. THINGS ARE IN ORDER.
18 THOSE THINGS THAT WE PROMISED YOU HAVE BEEN COMPLETED AND
19 ON TIME.

20 SINCE LAST WE MET, WE'VE ALSO ISSUED
21 CONTRACTS FOR EIR CONSULTANTS TO DO THE WORK ON TWO OF
22 THE LARGE LANDFILLS. THE LANDFILLS TOGETHER WILL HAVE A
23 CAPACITY OF 100 YEARS. AND WE AWARDED ONE EIR CONSULTANT
24 CONTRACT ON MAY THE 9TH, AND THE SECOND ONE ON MAY THE
25 16TH. AND WE ARE ON SCHEDULE.



1 IF YOU'D LIKE ME TO, I COULD ADDRESS THE
2 ISSUE THAT MR. CONHEIM BROUGHT UP ABOUT THE TRANSFER
3 STATION. WOULD THAT BE HELPFUL?

4 IN THE DOCUMENT THAT YOU HAVE, I THINK IT'S
5 PAGE 5-5, IT TALKS ABOUT TRANSFER STATIONS.

6 BOARD MEMBER BREMBERG: WHICH OF THE SEVERAL
7 THINGS THAT YOU GAVE US?

8 MR. BATCHELOR: THE INSOMNIA DOCUMENT, THE DRAFT
9 EIR.

10 BOARD MEMBER BREMBERG: SAY THAT AGAIN, FIVE
11 DASH WHAT?

12 MR. BATCHELOR: THE ISSUE IS ONE OF WHAT DO WE
13 DO ABOUT THE TRANSFER STATIONS. WE HAVE HAD ONLY ONE
14 APPLICATION COME BEFORE US FOR A TRANSFER STATION, AND
15 THAT IS INCLUDED SPECIFICALLY BECAUSE IT'S SUPPOSED TO BE
16 BECAUSE WE HAVE AN APPLICATION. WE HAVE PROVIDED FOR
17 TRANSFER STATIONS IN EAST COUNTY, IN WEST COUNTY, AND ONE
18 THAT CAN BE PUT INTO SOUTH CENTRAL COUNTY.

19 RIGHT NOW, WE HAVE ONE THAT HAS COME IN
20 WITH AN APPLICATION, AND THAT IS THE ACME ONE, AND THAT
21 IS INCLUDED. CENTRAL SANITATION DISTRICT AND OUR SOLID
22 WASTE BOARD HAS ASKED THAT WE INCLUDE ANOTHER TRANSFER
23 STATION, OR AT LEAST THE LANGUAGE TO ALLOW ANOTHER ONE IN
24 NORTH CENTRAL COUNTY.

25 OUR BOARD CONSIDERED THIS LAST TUESDAY AND



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LOS ANGELES 213-622-8511 ORANGE COUNTY 714-953-4447 SAN DIEGO 619-455-1997

Barristers'
reporting service

1 INDICATED THAT THEY WANTED TO MEET WITH THE SOLID WASTE
2 COMMISSION. THEY HAVE THEIR NEXT MEETING ON THE 21ST,
3 AND TO TALK TO THE CITIES AND OUR COUNSEL. THE REASON I
4 HAVE THE COUNSEL HERE TODAY IS OUR PRIMARY FOCUS IS TO
5 NOT DEVIATE FROM THIS SCHEDULE.

6 IF ALLOWING ANOTHER TRANSFER STATION WOULD,
7 IN ANY WAY, REQUIRE US TO RENOTICE, WE ARE NOT INTERESTED
8 IN DOING THAT. WE DON'T WANT TO FALL BEHIND. WE WOULD
9 ALLOW ANYBODY WHO WANTS TO SUBMIT AN APPLICATION FOR
10 ANYTHING, WE CERTAINLY WILL TAKE THAT. THAT IS SOMETHING
11 THAT WE WOULD REVIEW. WE JUST DON'T WANT ANYTHING TO
12 MESS UP THE SCHEDULE. WE DON'T WANT TO HAVE TO REDRAFT
13 OR RECIRCULATE OUR MATERIAL. WE ARE MOST CONCERNED ABOUT
14 THAT. WE ARE GOING TO CONSIDER IT AGAIN AT THE BOARD OF
15 SUPERVISORS ON THE 27TH AND SEE IF WE THINK THAT THAT
16 WILL CREATE ANY PROBLEM FOR US IN MEETING OUR SCHEDULE.

17 WE CAN BRING YOU BACK A REPORT NEXT MONTH
18 ON WHAT'S HAPPENING WITH THAT.

19 ATTORNEY CONHEIM: THE CONCERN THAT I WOULD LIKE
20 TO RECOMMEND THAT THE BOARD KEEP IN MIND IS, HAVING HEARD
21 WHAT MR. BATCHELOR SAID, I THINK THE BOARD HAS INDICATED
22 CONCERN IN THE PAST THAT AT LEAST THE LANGUAGE IN THE
23 PLAN NOT PRECLUDE OTHER TRANSFER STATIONS FROM BEING
24 AMENDED INTO THE PLAN.

25 AND I THINK OUR STAFF MAY HAVE AN OPINION



1 ON THAT LANGUAGE, AND MR. BATCHELOR AND THE COUNTY
2 COUNSEL MAY BE ABLE TO, AT LEAST, MAKE A STATEMENT ON
3 THAT ISSUE.

4 DOES THE CURRENT DRAFT LANGUAGE PRECLUDE
5 SOME OF THESE OTHER POTENTIAL PROJECT PROPONENTS FROM
6 COMING IN?

7 MR. MARCHESI: MR. CHAIRMAN, MEMBERS OF THE
8 BOARD, IN RESPONSE TO MR. CONHEIM, AS AGAIN INTRODUCED,
9 I'M SILVANO MARCHESI, ASSISTANT COUNTY COUNSEL FOR CONTRA
10 COSTA COUNTY.

11 IN RESPONSE TO MR. CONHEIM'S INQUIRY, THE
12 COSWMP TALKS ABOUT PROPOSED TRANSFER STATIONS IN VARIOUS
13 PARTS OF THE COUNTY. IN ONE INSTANCE IN ONE PART OF THE
14 COUNTY A REQUEST AND APPLICATION WAS FILED AND PERMIT WAS
15 ISSUED FOR THE DEVELOPMENT OF A TRANSFER STATION, AND YOU
16 KNOW THAT'S THE ACME TRANSFER STATION.

17 WE HAVE NOT RECEIVED ANY OTHER APPLICATION
18 FOR A TRANSFER STATION. THEREFORE, NO PARTICULAR SITE,
19 ALTERNATIVE SITE OR ADDITIONAL SITE IS MENTIONED IN THE
20 PLAN. THE PLAN DOES NOT ADDRESS WHETHER THE COUNTY SHALL
21 HAVE ONE OR ONLY ONE. IN FACT, IT CONTEMPLATES
22 ADDITIONAL TRANSFER STATIONS IN SEVERAL PARTS OF THE
23 COUNTY. IT IS OPENENDED AS TO THE NUMBER.

24 SO I THINK THE BOTTOM LINE -- ULTIMATE
25 ANSWER IS IT DOES NOT PRECLUDE ANYONE FROM COMING IN



1 APPLYING FOR A PERMIT TO ESTABLISH A TRANSFER STATION.

2 CHAIRMAN GALLAGHER: IS THERE DISAGREEMENT ON
3 THE PART OF OUR STAFF WITH THAT?

4 MR. SMITH: PRETTY MUCH AS WHAT HE -- MR.
5 CHAIRMAN, LIKE HE'S SAYING, THERE IS ONE DEFINITELY
6 IDENTIFIED IN YOUR NOTES --

7 CHAIRMAN GALLAGHER: JUST PULL IT -- PULL IT
8 RIGHT UP TO YOUR MOUTH.

9 MR. SMITH: -- AS THE ASSISTANT COUNTY COUNSEL
10 STATED, THAT THERE IS ONE FACILITY RIGHT NOW IDENTIFIED
11 IN THE PLAN. THERE ISN'T LANGUAGE IN THE PLAN THAT WOULD
12 EXCLUDE OTHER FACILITIES. BUT OTHER FACILITIES WOULD
13 EVENTUALLY HAVE TO BE AMENDED INTO THAT PLAN, BUT THERE
14 ISN'T STATEMENTS IN THE PLAN THAT THAT SHALL BE THE ONLY
15 TRANSFER STATION IN THE COUNTY.

16 CHAIRMAN GALLAGHER: MR. CONHEIM.

17 ATTORNEY CONHEIM: AS I UNDERSTAND IT, POTENTIAL
18 LANGUAGE THAT'S BEING SUBMITTED WOULDN'T SPECIFY
19 ADDITIONAL TRANSFER STATIONS EITHER, BUT WOULD SIMPLY
20 ARTICULATE THAT POTENTIAL. THAT MEANS THAT WHEN A
21 PROJECT WAS PROPOSED, THE SAME AMENDMENT PROCESS WOULD
22 HAVE TO BE UNDERTAKEN AS IF SOME KIND OF EXPLANATORY
23 LANGUAGE ABOUT FURTHER TRANSFER STATIONS WAS NOT IN THE
24 PLAN.

25 WHETHER IT IS OR IT ISN'T, THERE STILL



1 WOULD HAVE TO BE AN AMENDMENT PROCESS TO INCLUDE SPECIFIC
2 PROJECTS IN THE PLAN UNLESS SOME PROJECT PROPONENT NOW IS
3 ASKING FOR SPECIFIC DESIGNATION, AND I'M NOT -- I'M NOT
4 AWARE OF THAT.

5 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

6 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

7 BOARD MEMBER BREMBERG: MR. CONHEIM, WHEN DID
8 THAT CONDITIONAL TEMPORARY PERMIT FOR ACME EXPIRE?

9 ATTORNEY CONHEIM: WE ADVISED YOU AT ONE POINT
10 INCORRECTLY AND, I THINK, AFTER THE MEETING VERIFIED THAT
11 WE GO UNTIL JUNE 1990 WITH THE TEMPORARY PERMIT FOR ACME.
12 I BELIEVE THAT'S THE ANSWER TO THAT. SO THAT'S IN EFFECT
13 NOW FOR QUITE A WHILE, ANOTHER YEAR.

14 BOARD MEMBER BREMBERG: WE'VE GOTTEN ABOUT FOUR
15 OR FIVE DIFFERENT DAYS, AS I RECALL IT.

16 ATTORNEY CONHEIM: YEAH. THE CORRECT DATE IS
17 JUNE 1990.

18 BOARD MEMBER BREMBERG: THANK YOU.

19 BOARD MEMBER VARNER: MR. CHAIRMAN.

20 CHAIRMAN GALLAGHER: YES, MR. VARNER.

21 BOARD MEMBER VARNER: I THINK THE QUESTION THAT
22 MR. BATCHELOR ROSE OR PROPOSED IS THIS: THAT WOULD THIS
23 BE AN AMENDMENT THAT WOULD FURTHER COMPLICATE THE ISSUE
24 THAT WE ALREADY HAVE BEFORE US? I THINK THAT'S
25 ESSENTIALLY WHAT YOU'RE SAYING BECAUSE WITH THE -- WITH



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barristers'
reporting service

1 THEIR COSWMP BEING OUT OF COMPLIANCE AND THE LAW SAYS YOU
2 CAN'T AMEND IT OR REVISE IT OR ANYTHING ELSE, I THINK
3 WHAT THEY'RE SAYING THAT THEY DO NOT WANT TO COMPLICATE
4 THIS ISSUE FURTHER; BUT IF THERE'S A WAY IN WHICH THEY
5 CAN MITIGATE THEIR PROBLEM BY ADDING SOME OTHER TRANSFER
6 STATIONS AND SO FORTH, CAN WE UNDER, OUR AGREEMENTS WITH
7 THEM, ALLOW THEM TO DO THAT, OR DO THEY HAVE TO GO BACK
8 THROUGH THE WHOLE NINE YARDS?

9 ATTORNEY CONHEIM: I THINK THAT THEY ARE
10 STUDYING THIS AND WE WILL ALSO. THIS ISSUE HAS JELLED
11 MORE RECENTLY, MORE SPECIFICALLY. I THINK THE CONCERN
12 THAT THE COUNTY IS EXPRESSING TO YOU IS THAT IF THEY PUT
13 IN PROJECT ORIENTED LANGUAGE THAT HASN'T BEEN IN THERE
14 BEFORE, THAT IT COULD INDICATE A NEED TO REWRITE PORTIONS
15 OF THE EIR BECAUSE THE ENVIRONMENTAL QUALITY LAW AND THE
16 CASES SURROUNDING THAT REQUIRE THAT EIR'S BE WRITTEN
17 VERY, VERY EARLY IN THE STAGE OF A PROJECT WHEN YOU HAVE
18 A DOCUMENT LIKE A PLAN.

19 SO THIS DOES NOT PRECLUDE -- IF THEY DON'T
20 PUT THE LANGUAGE IN NOW, THEY'RE SAYING TO YOU THAT THEIR
21 COSWMP DOES NOT PRECLUDE THE ADDITION OF SITES LATER, AT
22 WHICH TIME BOTH THEIR COSWMP AMENDMENT AND THE PROJECT
23 ITSELF SPECIFICALLY WOULD BE THE SUBJECTS OF
24 ENVIRONMENTAL REVIEW.

25 BUT IT'S BECAUSE OF THE ENVIRONMENTAL



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1 QUALITY LAW WHICH PULLS BACK TO AN EARLY STAGE SPECIFIC
2 ENVIRONMENTAL ANALYSIS OF LANGUAGE THAT CONTEMPLATES
3 PROJECTS WITH ENVIRONMENTAL EFFECT. THEY'RE CONCERNED
4 ABOUT THIS. WE TEND ON A GENERAL BASIS TO AGREE WITH
5 THEM, AND THEY HAVE MADE THEIR LEGAL ANALYSIS OF THIS.
6 I HAVE NO INFORMATION TO COUNTER WHAT THEY'RE SAYING.

7 AND WHAT I'M TELLING YOU, TO BE VERY
8 ONE-SENTENCE CLEAR, IF I CAN, IS THAT I THINK THEY'RE
9 RIGHT. I THINK THAT IT WOULD CAUSE A DEVASTATING EFFECT
10 ON THAT PORTION OF THE TIMETABLE.

11 BOARD MEMBER VARNER: OKAY. THAT'S WHAT I
12 WANTED TO KNOW, AS BEING A BOARD MEMBER, TO MAKE
13 DECISIONS HERE. THEN YOU'VE ANSWERED IT ON THE LAST
14 SENTENCE.

15 THANK YOU.

16 CHAIRMAN GALLAGHER: ONE FURTHER COMPLICATION --
17 EXCUSE ME -- CHANGING THE COSWMP AS IT'S NOW PREPARED
18 WOULD ALSO REQUIRE YOU TO TAKE IT BACK TO THE CITIES,
19 WOULD IT NOT?

20 MR. BATCHELOR: YES. IT'S CIRCULATED RIGHT NOW
21 IN THE DRAFT. WE WOULD AGAIN HAVE TO GO THROUGH THE
22 ORIGINAL NOTIFICATION PERIOD. THE OFFICIAL 90-DAY PERIOD
23 FOR IT TO GO TO THE CITIES HASN'T STARTED TO RUN YET, BUT
24 WE WOULD BE CONCERNED ABOUT LOSING THE TIMETABLE. WE
25 FEEL THAT THERE'S GOING TO BE OPPONENTS. NO MATTER WHAT



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1 SITE WE SELECT OR PROCESS APPLICATIONS ON, THERE'S GOING
2 TO BE SOMEBODY THAT'S AGAINST IT. AND BECAUSE OF THAT,
3 THEY'RE GOING TO LOOK FOR ANY FLAW, NO MATTER HOW SMALL,
4 TO TRY TO STOP US. AND THAT IS OUR CONCERN.

5 CHAIRMAN GALLAGHER: WELL, AS IT'S CURRENTLY
6 WRITTEN, IF YOU ARE COMFORTABLE THAT IT DOES NOT PRECLUDE
7 YOU FROM COMING IN LATER WITH OTHER SITES, I DON'T KNOW
8 WHY WE SHOULD CHALLENGE YOU AT THIS STAGE.

9 MR. CONHEIM.

10 ATTORNEY CONHEIM: MR. GALLAGHER, I RAISE THE
11 ISSUE BECAUSE I HAVE DISCUSSED IT WITH THEM IN
12 PREMEETINGS SIMPLY BECAUSE I THOUGHT IT WAS A SIGNIFICANT
13 PUBLIC CONTROVERSY. THEY'VE HAD A SUPERVISORS' MEETING
14 EVEN THIS WEEK ON THE SUBJECT. WE'RE DOING IT IN THE
15 SPIRIT OF OPEN COMMUNICATION.

16 I'M NOT ADVISING YOU TO CHALLENGE THEM.
17 I'M MERELY RAISING THE ISSUE BECAUSE THERE ARE PEOPLE WHO
18 WISH TO SPEAK TO YOU TODAY WHO WILL ALSO RAISE THE ISSUE
19 FROM AN ADVOCACY STANDPOINT. I RAISE THE ISSUE THE SAME
20 WAY. I'M GOING TO ASK YOU TO LET ME ASK SOME QUESTIONS
21 ABOUT ACME CAPACITY AND THE REPORT FROM SAN MATEO THAT
22 WASTE IS BEING IMPORTED SIMPLY TO GET OUT ISSUES WHICH
23 COULD POSSIBLY LATER ON, IF WE'RE NOT AWARE OF THEM,
24 DELAY THE COMPLETION OF COSWMP PROCESS.

25 IN THIS CASE THE COUNTY HAS A THOUGHT-OUT,



1 THOUGHTFUL ANSWER, AT LEAST AT THIS TIME, TO THIS
2 PROBLEM. AND AS WE -- WE'RE NOT AS SUCCESSFUL WITH SAN
3 MATEO, WE ARE REALLY TRYING TO HELP AND WE'RE TRYING TO
4 GIVE YOU AS MUCH INFORMATION SO THAT YOU CAN GIVE
5 LEADERSHIP AND HELP THE COUNTY COMPLY WITH THIS MANDATE.

6 CHAIRMAN GALLAGHER: DO YOU WANT TO MOVE AHEAD?
7 WE'LL CONSIDER ALL OF THIS AS WE GO.

8 MR. BATCHELOR: WE -- WE'VE BEEN ASKED THE
9 QUESTION PREVIOUSLY WHAT IS HAPPENING AS FAR AS CLOSURE
10 DATES, PARTICULARLY ON ACME; AND WE HAVE HAD SOME
11 INFORMATION, WE THINK, THAT HELPS UPDATE THAT SITUATION.

12 ACME HAS THREE PARCELS; TWO ARE THE MAIN
13 PARCELS. THE NORTH PARCEL'S 125 ACRES. RECENTLY THE
14 STATE OFFICE OF HEALTH SERVICES HAS ISSUED A CLOSURE
15 LETTER INDICATING THAT THE NORTH PARCEL MUST CLOSE WITHIN
16 120 DAYS. THAT MEANS THAT, UNLESS AN EXTENSION IS GIVEN,
17 THEY WILL LOSE ONE OF THE TWO MAIN PARCELS BY SEPTEMBER
18 THE 27TH. THAT GIVES US A FINITE DATE, PERHAPS FOR THE
19 FIRST TIME.

20 THE SECOND MAIN PARCEL IS THE EAST PARCEL,
21 97 ACRES, A 60-FOOT HEIGHT LIMIT ON IT. WE HAVE A CORP
22 OF ENGINEERS PERMIT THAT EXPIRES JUNE 15TH.

23 BOARD MEMBER BREMBERG: NEXT WEEK OR A YEAR FROM
24 NOW?

25 MR. BATCHELOR: NO.



1 BOARD MEMBER BREMBERG: NEXT WEEK?

2 MR. BATCHELOR: YES, NEXT WEEK.

3 THEREFORE, UNLESS AN EXTENSION IS GIVEN BY
4 EITHER THE HEALTH SERVICES ON THE NORTH PARCEL OR BY THE
5 CORP OF ENGINEERS ON THE EAST PARCEL, THEY VIRTUALLY WILL
6 BE OUT OF BUSINESS, WE WOULD SAY, PROBABLY BY THE END OF
7 OCTOBER BECAUSE THEY HAVE ONE SMALL PARCEL AT 22 ACRES
8 WHICH IS A SOUTH PARCEL, WHICH THEY MAY HAVE A LITTLE
9 CAPACITY DUE TO SETTLING. SO THEY ARE ABOUT TO BE OUT OF
10 BUSINESS AS FAR AS TAKING ANY WASTE THAT THEY CAN RETAIN
11 ON THE SITE.

12 THEY WILL THEN BE FORCED TO USE THE
13 TRANSFER STATION TO EXPORT. WOULD AN UPDATE ON THE
14 EXPORT AGREEMENTS BE HELPFUL?

15 TWO THAT WE'VE BEEN EXPLORING CONCURRENTLY.
16 GOING TO ALAMEDA COUNTY, 1100 ACRES, WE HAVE GOT THE
17 NEGATIVE DECLARATION SIGNED BY THE PRIVATE COMPANIES, THE
18 ONE THAT WE'VE BEEN WAITING FOR, THE ONE THAT WE
19 EXPRESSED FRUSTRATION IN THE PAST WAITING FOR. WE'VE GOT
20 THE PRIVATE COMPANIES NOW TO SIGN. WE FEEL THAT THAT IS
21 ABLE TO MOVE AHEAD NOW.

22 WE HAVE HAD VERBAL ENCOURAGEMENT FROM THE
23 JPA IN ALAMEDA COUNTY. THEY NEED TO NOW MOVE AHEAD WITH
24 THE PERMITS AND TO CIRCULATE THE COSWMP WITH THE
25 AMENDMENTS IN IT AND GET THE CITIES TO APPROVE IT. WE



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1 FEEL THAT THAT WILL MOVE AHEAD AND THAT WILL BE APPROVED.
2 AND WITH THE ASSISTANCE OF YOUR STAFF, WE FEEL THAT WE'LL
3 BE ABLE TO EXPORT SOMETIME BETWEEN OCTOBER AND DECEMBER
4 OF THIS YEAR.

5 THE SOLANO ONE, WE HAVE A MEETING WITH
6 SOLANO COUNTY OFFICIALS, PUBLIC OFFICIALS, ON MONDAY
7 MORNING. THAT ONE, WE THINK, WILL MOVE AHEAD EVEN
8 FASTER. THERE'S LESS CITIES; THERE'S NOT A JPA. AGAIN,
9 THEY HAVE WORKED OUT AN ARRANGEMENT. THE THING THAT WAS
10 HOLDING THAT UP IS HOW MUCH MONEY DO THE CITIES GET
11 VERSUS THE COUNTY. THEY'VE WORKED OUT AN AGREEMENT ON
12 THAT AS TO HOW THE REVENUES WOULD BE SPLIT, AND NOW IT'S
13 A MATTER OF TAKING CARE OF THE TECHNICAL ASPECTS OF THE
14 PERMITS AND THE SOLID WASTE PLAN. WE FEEL THAT THAT
15 COULD BE OPTIMISTICALLY AVAILABLE BY SEPTEMBER. SO WE'RE
16 ENCOURAGED BY THE EXPORT AGREEMENTS.

17 CHAIRMAN GALLAGHER: ANY QUESTIONS?

18 BOARD MEMBER BREMBERG: YEAH. I HAVE A LOT OF
19 QUESTIONS, BUT I DON'T THINK THERE ARE ANY ANSWERS.

20 CHAIRMAN GALLAGHER: DON'T ASK THEM.

21 MR. CONHEIM.

22 ATTORNEY CONHEIM: ONE POINT THAT I'D LIKE TO
23 KIND OF INTEGRATE IN THIS IS THAT THE STAFF HAS SUBMITTED
24 COMMENTS ON THE DRAFT COSWMP TO THE COUNTY IN A NUMBER OF
25 AREAS, AND WE HAVE ADVISED YOU OF THAT. SO THAT I'D JUST



1 LIKE TO KNOW WHETHER THE COUNTY IS ACKNOWLEDGING THOSE,
2 AND I'D LIKE IT TO BE ON THE RECORD THAT WE HAVE
3 SUBMITTED THEM. AND I'M PRETTY SURE THAT YOU'RE AWARE
4 THAT WE HAVE SUBMITTED THE COMMENTS.

5 MR. BATCHELOR: YES. WE ARE AWARE THAT YOU HAVE
6 SUBMITTED THE COMMENTS. OUR STAFF IS REVIEWING IT NOW.
7 WE WILL HAVE MEETINGS WITH YOU PRIOR TO OUR NEXT MEETING
8 HERE, AND I THINK WE CAN MAKE PROGRESS IN ADDRESSING YOUR
9 CONCERNS.

10 ATTORNEY CONHEIM: THE OTHER ISSUE THAT I WOULD
11 SIMPLY LIKE TO ADDRESS, BECAUSE IT CAME UP IN THE SAN
12 MATEO PRESENTATION, IS THAT WE LEARNED FOR THE FIRST TIME
13 THAT SAN MATEO WAS EXPORTING SOME WASTE TO RICHMOND AND
14 TO ACME. AND I -- IS THAT A SIGNIFICANT ISSUE THAT WILL
15 AFFECT THIS PROGRESS, OR IS THIS JUST A PART OF WHAT
16 YOU'VE BEEN HANDLING?

17 MR. BATCHELOR: THIS IS A PART OF A PROCESS THAT
18 WE'VE BEEN GOING THROUGH FOR THE LAST THREE YEARS. THE
19 QUESTION WAS HOW DO WE MAKE THE LANDFILL SITES THAT WE
20 HAVE LAST LONGER. AND ONE OF THE WAYS WAS TO CUT OFF THE
21 EXPORT THAT OTHER COUNTIES HAVE BEEN EXERCISING. SAN
22 MATEO, SOLANO, AND ALAMEDA COUNTY HAVE BEEN IMPORTING
23 INTO OUR COUNTY WASTE. WE ARE, OF COURSE, EXPLORING WITH
24 TWO OF THOSE COUNTIES AN EXPORT AGREEMENT, SO WE HAD TO
25 BE SOMEWHAT JUDICIOUS OR DIPLOMATIC IN NOT CUTTING THEM



1 OFF, BUT AT THE SAME TIME WE WERE ABLE TO REDUCE THE
2 AMOUNT OF WASTE THAT WE'RE TAKING. FROM BERKELEY WE WERE
3 TAKING ABOUT 90 TONS A DAY. WE'VE REDUCED THAT
4 SIGNIFICANTLY.

5 WE WERE TAKING VENETIA GARBAGE FROM SOLANO
6 COUNTY. AND SO OVER THE LAST FEW YEARS WE HAVE REDUCED
7 THE AMOUNT THAT COMES IN FROM SAN MATEO, FROM MARIN
8 COUNTY, FROM ALAMEDA COUNTY, FROM SOLANO. WE NOW HAVE
9 CUT OFF ABOUT 100 TONS A DAY FROM MARIN, WE'VE REDUCED
10 ALAMEDA COUNTY TO ABOUT 36 TONS A DAY, AND WE'RE TAKING
11 ABOUT 20 TONS A DAY FROM SOLANO COUNTY. IT IS
12 SIGNIFICANTLY DOWN FROM WHAT IT WAS A FEW YEARS AGO.

13 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?
14 ANYTHING FURTHER? THANK YOU, AGAIN, MR. BATCHELOR, FOR
15 COMING.

16 WE HAVE A REQUEST FROM A PAUL MORSEN FROM
17 MARTINEZ, CONTRA COSTA SANITATION DISTRICT, WHO WOULD
18 LIKE TO ADDRESS THE BOARD.

19 MR. MORSEN: THANK YOU, MR. CHAIRMAN, LADIES AND
20 GENTLEMEN. MY NAME IS PAUL MORSEN. I'M WITH THE CENTRAL
21 CONTRA COSTA SANITARY DISTRICT. CENTRAL SAN, AS WE'RE
22 CALLED, IS THE LARGEST FRANCHISE -- GARBAGE FRANCHISING
23 AGENCY IN CONTRA COSTA COUNTY. I'M HERE TODAY ON BEHALF
24 OF OUR RATEPAYERS, REPRESENTING RATEPAYERS IN THE CITIES
25 OF ORINDA, MORAGA, LAFAYETTE, DANVILLE, AND FIVE



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1 UNINCORPORATED COMMUNITIES.

2 THE CITY MANAGER OF WALNUT CREEK, A
3 SEPARATE FRANCHISING AGENCY WANTED TO BE HERE, BUT COULD
4 NOT TODAY, AND ASKED THAT I TELL YOU THAT MY COMMENTS
5 REPRESENT HIS AS WELL.

6 AS FRANCHISING AGENCIES, WE PASS ON THE
7 PLANNING DECISIONS IN TERMS OF RATES TO THE RATEPAYERS
8 OUT THERE. NATURALLY, THEREFORE, WE ARE VERY CONCERNED
9 WITH THE PLANNING PROCESS AND THE SOLID WASTE MANAGEMENT
10 PLAN THAT RESULTS. OUR DISTRICT HAS HAD SEVERAL CONCERNS
11 REGARDING SOLID WASTE IN THE PAST SINCE STARTING IN 1984,
12 AND WE HAVE NOT BEEN SUCCESSFUL IN GETTING OUR IDEAS
13 THROUGH TO ANY SOLID WASTE PLAN IN THE COUNTY THUS FAR.

14 TODAY, HOWEVER, I WOULD LIKE TO ADDRESS ONE
15 ISSUE AND THAT IS TRANSFER STATIONS. FOR OVER A YEAR
16 CENTRAL SAN HAS SOUGHT TO HAVE THE DRAFT PLAN AMENDED TO
17 PROVIDE AN ALTERNATIVE TO THE ACME TRANSFER STATION TO
18 PROVIDE COMPETITION, WHICH WE BELIEVE WILL RESULT IN
19 LOWER RATES TO THE RATEPAYER, AND HAVE A TRANSFER STATION
20 THAT CAN BE PUBLICLY CONTROLLED.

21 IN TWO PAST ATTEMPTS, THE COUNTY STAFF HAS
22 REFUSED TO INSERT LANGUAGE, THE NECESSARY LANGUAGE, IN
23 THE SOLID WASTE MANAGEMENT PLANS, AND SUBSEQUENT APPEALS
24 TO THE BOARD OF SUPERVISORS BY THE DISTRICT HAS RESULTED
25 IN ONE INSTANCE A TWO/TWO SPLIT WITH ONE ABSTENTION AND



1 REFUSAL IN ANOTHER INSTANCE TO ALLOW US TO HAVE AN
2 ALTERNATIVE SITE. IN ONE CASE, THAT WAS SITE SPECIFIC
3 AND IN A SECOND CASE IT WAS SIMPLY TO ALLOW A SITE
4 SOMEWHERE IN THE COUNTY.

5 IN OUR MOST RECENT ATTEMPT, OUR THIRD
6 ATTEMPT, WE ASKED FOR AND RECEIVED THE SUPPORT OF THE
7 SOLID WASTE COMMISSION OF THE COUNTY, AND THEY
8 OVERWHELMINGLY VOTED TO SUPPORT THE NOTION OF AN
9 ALTERNATIVE IN CENTRAL COUNTY FOR TRANSFER.

10 FURTHERMORE, THE MAYOR'S CONFERENCE
11 OVERWHELMINGLY VOTED TO ASK THE BOARD OF SUPERVISORS TO
12 MAKE SOME CHANGES TO THE PLAN WHICH WOULD ALLOW FOR AN
13 ALTERNATIVE TRANSFER STATION. AND WE EVEN RECEIVED AN
14 EDITORIAL IN OUR LOCAL PAPER, THE TIMES, WHICH ASKED THAT
15 THE COUNTY BOARD OF SUPERVISORS DID THIS.

16 I HAVE PROVIDED YOUR SECRETARY WITH A
17 PACKET OF PAPERS WHICH SPECIFICALLY OUTLINES THE LANGUAGE
18 AND THE CHANGES THAT WE WANTED MADE AND ARE SOME
19 DOCUMENTS THAT THE BOARD CONSIDERED. THESE DOCUMENTS ARE
20 FROM THE SOLID WASTE MANAGEMENT COMMISSION, ONE CITY WHO
21 MADE A PRESENTATION BEFORE THE BOARD, AND FROM OUR
22 CHAIRMAN OF OUR BOARD OF DIRECTORS.

23 HOWEVER, WHEN THIS MATTER CAME BEFORE THE
24 BOARD OF SUPERVISORS LAST TUESDAY, THEY CONTINUED THE
25 ITEM TWO WEEKS FOR MORE STUDY BASICALLY. FRANKLY, BASED



1 ON THEIR REMARKS, IT APPEARS TO US THAT WE WILL BE NO
2 MORE SUCCESSFUL IN THIS BID THAN WE HAVE IN ALL THE REST
3 OF THEM. WE WERE TOLD THAT THE CHANGE THAT WE ARE ASKING
4 FOR IN LANGUAGE WILL KEEP THE COUNTY FROM MEETING THE
5 TIME DEADLINES POSED BY THIS BOARD, AND THAT ADDITIONAL
6 EIR WORK MUST BE DONE TO CHANGE THE LANGUAGE.

7 I WANT TO GO ON RECORD BY SAYING WE REALIZE
8 HOW IMPORTANT THIS PLAN IS, AND IN NO WAY DO WE WISH TO
9 DO ANYTHING THAT WOULD MESS UP THE TIME LINES. WE NEED A
10 SOLID WASTE MANAGEMENT PLAN.

11 SO BEING MINDFUL OF THIS, WE ASKED OUR
12 DISTRICT COUNSEL FOR HIS OPINION AND HIS ADVICE WITH
13 REGARD TO DELAYS IN EIR'S. HIS OPINION IS ATTACHED TO
14 THE PACKET OF PAPERS THAT I'VE PROVIDED TO YOU.
15 BASICALLY, HE SAID THERE IS NOT A PROBLEM WITH MAKING THE
16 CHANGE THAT WE ASKED.

17 AND SO TODAY WE COME BEFORE YOUR BOARD
18 TODAY REALLY FOR THREE THINGS. FIRST, WE WOULD LIKE YOU
19 TO BE AWARE OF OUR CONCERNS WHICH COME FROM THE POINT OF
20 VIEW OF THE RATEPAYERS WHO ULTIMATELY ARE GOING TO PAY
21 FOR THE DECISIONS MADE IN THIS PLAN.

22 SECOND, WE'D LIKE TO ASK THIS BOARD, SINCE
23 THIS IS WHERE THE TIME LINES COME FROM AND THIS IS WHERE
24 THE CONSENT DEGREE REALLY -- THAT THEY'RE COMPLYING TO
25 THIS BOARD, WE WOULD LIKE TO ASK YOUR BOARD ARE THE



1 CHANGES THAT WE DESIRE, INDEED WOULD THEY KEEP THE COUNTY
2 FROM MEETING THE TIME LINES IMPOSED IN THE WRIT OF
3 MANDATE?

4 AND, THIRD AND FINALLY, WE ASK THIS BODY
5 THAT CAN THIS BODY OR ITS STAFF BE OF ANY ASSISTANCE TO
6 US IN CENTRAL COUNTY IN OUR EFFORTS TO BE HEARD AND BE
7 EFFECTIVE IN A SOLID WASTE PLANNING PROCESS THAT EXISTS
8 IN THE COUNTY?

9 THANK YOU FOR YOUR TIME. I APPRECIATE IT.
10 WE WILL BE HAPPY TO TRY TO ANSWER ANY QUESTIONS THAT YOU
11 MIGHT HAVE.

12 CHAIRMAN GALLAGHER: ANY QUESTIONS?

13 MS. BREMBERG.

14 BOARD MEMBER BREMBERG: MR. MORSEN, WHY WERE YOU
15 REJECTED IN '84?

16 MR. MORSEN: IN '84, WE DIDN'T ASK FOR A
17 TRANSFER STATION AT THAT TIME. WE ASKED AT THAT TIME --
18 WE HAVE A NUMBER OF ISSUES, MA'AM. AND OUR ISSUE AT THE
19 TIME WAS A PUBLIC FACILITY WHICH WE WERE REJECTED ON.

20 BOARD MEMBER BREMBERG: OH, OKAY. WHAT
21 REASONING OR RHETORIC WERE YOU GIVEN AS TO THE REJECTION
22 OF A PROPOSAL FOR A TRANSFER STATION, AT LEAST, TO BE
23 INCLUDED AS ONE OF THE WHAT-IFS?

24 MR. MORSEN: THEY HAVE TOLD US THAT BY HAVING AN
25 ALTERNATIVE TRANSFER STATION, IT WOULD -- THEY WOULD NOT



1 BE ABLE TO CLOSE ACME FILL AND HAVE THE FUNDS TO DO SO.
2 THE COUNTY HAS MADE A DECISION TO PASS THROUGH THE COST
3 OF THE CLOSURE AT ACME FILL ON THOSE THAT ARE USING IT.

4 THE UNFORTUNATE STATE OF AFFAIRS IS IS THAT
5 THE PRIVATE INTERESTS IN CONTRA COSTA COUNTY HAVE, FOR
6 THE MOST PART, ARE SENDING THEIR CENTRAL COUNTY WASTES TO
7 THE OTHER TWO LANDFILLS IN THE COUNTY, LEAVING JUST THE
8 FRANCHISEE -- OUR FRANCHISE CITIES AND WALNUT CREEK AND
9 SAN RAMON GOING TO ACME; AND, THEREFORE, PAYING THOSE
10 EXCESS FEES WHICH RIGHT NOW AMOUNT TO SOMETHING LIKE 27
11 TO 30 SOME ODD DOLLARS A TON, IN ADDITION TO THE TIPPING
12 FEE. SO THEY SAID THAT THAT WILL CAUSE -- THEY WON'T BE
13 ABLE TO HAVE THE MONEY TO CLOSE, NO. 1.

14 NO. 2, THEY SAID THAT THEY DON'T WANT --
15 WHEN WE ASKED FOR ONE SITE NEXT TO OUR TREATMENT PLANT --
16 IN NORTH COUNTY WE HAVE A PARCEL, A LARGE PARCEL, 22
17 ACRES ZONED HEAVY INDUSTRIAL. AND NEXT TO OUR TREATMENT
18 PLANT WE WANTED TO -- WE ASKED THEM ONCE IF WE COULD PUT
19 A PUBLICALLY OWNED TRANSFER STATION THERE. THEY SAID,
20 NO, BECAUSE IT'S TOO CLOSE TO ACME'S TRANSFER STATION.

21 AND THEN THEY HAVE TOLD US FINALLY HERE
22 THAT OUR APPLICATION TO CHANGE THE LANGUAGE, WHICH NOW
23 YOU SEE IN FRONT OF YOU, WOULD JUST PROVIDE THE
24 OPPORTUNITY FOR A TRANSFER STATION, WOULD NOT -- WOULD
25 GOOF UP THE PROCESS AND CAUSE EVERYBODY TO BE LATE.



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1 PERHAPS, IF YOU DON'T MIND ME GOING ON FOR
2 JUST A MINUTE TO EXPLAIN, YOU SAY, WHY DON'T WE JUST GO
3 AHEAD AND FILE FOR A PERMIT? WE'RE A PUBLIC AGENCY, AND
4 WE DON'T FEEL THAT WE CAN EXPEND PUBLIC FUNDS UNLESS WE
5 HAVE A PRETTY GOOD CHANCE OF GETTING IN.

6 SO IF WE'RE NOT IN THE PLAN AND WE FILE FOR
7 A PERMIT, THEY SAY "YOU'RE NOT IN THE PLAN, SORRY." AND
8 SO WE FEEL THAT THE VERY FIRST STEP IS TO HAVE SOMETHING
9 IN THE PLAN THAT WOULD PROVIDE US SOME COMFORT LEVEL IN
10 GOING AND SPENDING PUBLIC MONEY TO BEGIN THE PLANNING
11 PROCESS FOR A TRANSFER STATION.

12 SORT OF A LONGWINDED ANSWER. I'M SORRY.

13 BOARD MEMBER BREMBERG: NO. NO.

14 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?

15 YES, MR. VARNER.

16 BOARD MEMBER VARNER: MR. CONHEIM, I AM GOING TO
17 ADDRESS THIS AGAIN BECAUSE IT SEEMS TO ME THAT WHAT THIS
18 GENTLEMAN IS ASKING IS AN AMENDMENT TO THE COUNTY SOLID
19 WASTE MANAGEMENT PLAN, WHICH AT THIS TIME, BECAUSE THE
20 PLAN WAS DELINQUENT, CANNOT BE AMENDED ANY FURTHER; IS
21 THIS TRUE OR UNTRUE?

22 ATTORNEY CONHEIM: MR. VARNER. MR. VARNER --
23 I'M NOT SURE WHY THAT'S NOT WORKING. WE'LL TRY AGAIN.

24 I DON'T THINK THAT'S THE CORRECT
25 ARTICULATION OF THE ISSUE. AS I UNDERSTAND, THE LEGAL



1 DEBATE THAT'S GOING ON IS THAT WHEN YOU ADD LANGUAGE TO
2 THIS COSWMP, WHICH HAS ALREADY BEEN THE SUBJECT OF AN
3 ENVIRONMENTAL IMPACT REPORT, THAT THERE'S CASE LAW THAT
4 REQUIRES, UNDER CERTAIN CIRCUMSTANCES, THAT THERE BE A
5 SUPPLEMENTAL ENVIRONMENTAL REVIEW WHEN YOU ADD PROJECT
6 ORIENTED LANGUAGE.

7 YOU HAVE THE COUNTY COUNSEL ON THE ONE
8 HAND, I UNDERSTAND, WHO HAS OPINED THAT THERE'S A RISK
9 THAT THE CASE LAW WOULD REQUIRE FURTHER REVIEW, AND THEN,
10 OF COURSE, THAT WOULD CAUSE THE DELAY, AND ALSO THE FACT
11 THAT THERE MIGHT HAVE TO BE A RECIRCULATION OF THE COSWMP
12 ITSELF.

13 ON THE OTHER HAND, YOU HAVE THE DISTRICT
14 COUNSEL, RETAINED COUNSEL FROM THE LAW FIRM SAYING, "OH,
15 NO, THIS IS MINOR LANGUAGE." CASE LAW SAYS THAT "THIS
16 WOULDN'T REQUIRE A NEW EIR." YOU'VE GOT TWO DIFFERENT
17 LEGAL OPINIONS, AND IT IS THE COUNTY'S CALL BECAUSE
18 THEY'RE THE ONES WHO ARE THE LEAD AGENCY.

19 I'M NOT IN A POSITION TO SUBSTITUTE MY
20 JUDGMENT FOR EITHER OF THOSE OPINIONS, EXCEPT THAT I
21 WOULD BE CONSERVATIVE ALSO BECAUSE I DON'T WANT TO SEE
22 THE PLAN DEFEATED BECAUSE IT DIDN'T HAVE PROPER
23 ENVIRONMENTAL REVIEW. YOU'VE GOT TWO OPINIONS BECAUSE OF
24 TWO DIFFERENT SETS OF INTEREST.

25 MR. MORSEN: MR. CHAIRMAN, MAY I SPEAK TO THAT



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1 FOR A MOMENT?

2 CHAIRMAN GALLAGHER: YOU MAY.

3 MR. MORSEN: IT'S WHETHER IT'S A SUBSTANTIVE
4 CHANGE OR NOT. IF IT'S A SUBSTANTIVE CHANGE, INDEED,
5 ENVIRONMENTAL WORK IS NEEDED. IF IT IS NOT, IT IS NOT
6 NEEDED.

7 MY UNDERSTANDING, HAVING READ THE COUNTY
8 COUNSEL'S OPINION, WAS HE SAID IF IT'S SUBSTANTIVE, YES;
9 IF IT'S NOT, NO. AND IT'S UP TO THE STAFF OF THE COUNTY
10 TO MAKE THAT DECISION, AND THE STAFF OF THE COUNTY HAS
11 MADE THE DECISION THAT IT WOULD BE SUBSTANTIVE. AND WE
12 DO NOT BELIEVE THAT'S THE CASE AT THIS LATE DATE. IF
13 THIS WAS OUR FIRST TIME THAT WE HAD TRIED TO GET THIS
14 CHANGE IN, IT MIGHT BE BELIEVABLE; BUT HAVING WORKED FOR
15 OVER A YEAR TO TRY TO FIND AN ALTERNATIVE TRANSFER
16 STATION, FINDING A RED LIGHT EVERY TIME WE'VE TRIED TO
17 APPROACH THE COUNTY, WE JUST HAVE A PROBLEM WITH THAT.
18 THANK YOU.

19 BOARD MEMBER VARNER: WELL, I WANT TO ASK THE
20 QUESTION AGAIN. IS THIS AN AMENDMENT TO THE PLAN?

21 CHAIRMAN GALLAGHER: MR. CONHEIM.

22 BOARD MEMBER VARNER: WOULD THIS BE AN AMENDMENT
23 TO THE COUNTY SOLID WASTE MANAGEMENT PLAN?

24 ATTORNEY CONHEIM: IT WOULD BE ADDING OF
25 ADDITIONAL LANGUAGE THAT WAS POINTING TOWARDS ALTERNATIVE



1 PROJECTS WHICH HAVE NOT BEEN INCLUDED IN THE PLAN UP TO
2 THIS POINT. THIS IS A DRAFT PLAN OUT HERE.

3 BOARD MEMBER VARNER: CAN YOU GIVE ME A YES OR A
4 NO ANSWER? IS IT AN AMENDMENT OR IS IT NOT AN AMENDMENT?

5 ATTORNEY CONHEIM: THE TERM "AMENDMENT" IS A
6 TECHNICAL TERM THAT WOULD APPLY AGAINST A PLAN THAT HAD
7 ALREADY BEEN ADOPTED. SO YOU ARE ASKING -- THE QUESTION,
8 MR. VARNER, IS INAPPOSITE. MY ANSWER TO IT WOULD ONLY
9 CONFOUND AND CONFUSE. IF I SAID SAID YES, IT WOULD NOT
10 ANSWER YOUR QUESTION. IF I SAID NO, IT WOULD NOT ANSWER
11 YOUR QUESTION.

12 BOARD MEMBER VARNER: YOU'VE GOT ME CONFUSED.

13 BOARD MEMBER BREMBERG: THEN HE WAS SUCCESSFUL.

14 BOARD MEMBER MOSCONE: THE ANSWER IS, YES, I
15 DON'T THINK SO.

16 ATTORNEY CONHEIM: THE ANSWER IS IT IS A CHANGE
17 TO THE DRAFT THAT HAS BEEN PREPARED AND THAT HAS BEEN
18 ANALYZED THROUGH CEQA. THE COUNTY ADMINISTRATIVE OFFICER
19 LEANED OVER MY SHOULDER, WHEN I WAS UNABLE TO PAY
20 ATTENTION TO YOU DIRECTLY, AND INDICATED THAT IN THEIR
21 OPINION INFORMATION, WHICH IS NOT BEFORE US NOW, WOULD BE
22 IMPORTANT TO YOU, THAT THE PROJECTS THAT THEY KNOW ARE
23 DIRECTED -- ARE REFERRED TO BY THE REQUESTED LANGUAGE
24 HAVE ENVIRONMENTAL CONSEQUENCES. THEY'RE ON FAULT LINES,
25 THEY'RE -- SO IN THEIR OPINION, THE ADDITIONAL LANGUAGE



1 TO THE PLAN THAT IS ALREADY IN PROGRESS WOULD CAUSE THE
2 NEED FOR ENVIRONMENTAL REVIEW.

3 AND IN ANSWER TO YOUR QUESTION, IT WOULD BE
4 A CHANGE TO THE PLAN AS ALREADY ANALYZED UNDER CEQA, AND
5 THE COUNTY BELIEVES THAT THAT WOULD BE A SUBSTANTIAL
6 CHANGE, AND THE CENTRAL SANITARY DISTRICT BELIEVES THAT
7 IT WOULD NOT BE A SUBSTANTIAL CHANGE.

8 I'M NOT IN A POSITION, RECEIVING SOME OF
9 THE SAME INFORMATION THAT YOU HAVE TODAY, TO TELL YOU
10 WHICH IS CORRECT.

11 BOARD MEMBER BREMBERG: BOB, WHY -- DID THE
12 ALLWISE ADMINISTRATIVE OFFICER TELL YOU WHY THEY HAVE
13 NEGLECTED OR REFUSED TO INCLUDE THE POTENTIAL OR THE
14 POSSIBILITY OF ADDITIONAL TRANSFER STATIONS?

15 ATTORNEY CONHEIM: NO.

16 BOARD MEMBER BREMBERG: THANK YOU.

17 MR. BATCHELOR: DO YOU WANT ME TO?

18 BOARD MEMBER BREMBERG: YEAH.

19 MR. BATCHELOR: MR. CHAIRMAN, AGAIN, THE ISSUE
20 IS THE PLAN ALLOWS FOR ADDITIONAL TRANSFER STATIONS. TO
21 TALK ABOUT A SINGLE TRANSFER STATION OR MONOPOLY IS
22 SIMPLY NOT ACCURATE. IT CAN PROVIDE FOR --

23 BOARD MEMBER BREMBERG: YOU ALREADY HAVE A
24 MONOPOLY OF ONE.

25 MR. BATCHELOR: -- THEM. WE HAVE ONE THAT'S



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1 BEEN PERMITTED. IT PROVIDES FOR ONE IN EVERY AREA OF THE
2 COUNTY. THE ONE THAT MR. MORSEN IS TALKING ABOUT ON THE
3 LAND BEHIND HIS FACILITY IS ABOUT A MILE AWAY FROM THE
4 ONE THAT'S ALREADY PERMITTED. WE HAVE CONCERNS ABOUT A
5 FAULT LINE. IT'S IN THE FLIGHT PLAN. WE ARE ALSO
6 CONCERNED ABOUT THE FACT THAT IT'S UNSTABLE GROUND AND
7 THERE'S HIGH WATER LEVEL. WE DON'T HAVE THE FULL PICTURE
8 HERE.

9 CHAIRMAN GALLAGHER: MAY I ASK A QUESTION AT
10 THIS STAGE? WAS A REQUEST FOR THIS SECOND TRANSFER
11 STATION BROUGHT UP AT THE TIME THE PLAN WAS SUBMITTED TO
12 THE CITIES FOR THEIR APPROVAL?

13 MR. MORSEN: YES, IT WAS, SIR. WE BROUGHT IT UP
14 AT THAT TIME AND SUBSEQUENT TO THAT TIME AS WELL.

15 MAY I COMMENT -- MAY I COMMENT ON THE
16 COUNTY ADMINISTRATOR'S REMARKS?

17 CHAIRMAN GALLAGHER: YES.

18 MR. MORSEN: THE LANGUAGE CURRENTLY READS FOR
19 CENTRAL AND SOUTH COUNTY. THE ACME TRANSFER STATION IS
20 CONSISTENT WITH THIS PLAN. LATER, THE COUNTY ADDED A
21 SOUTH COUNTY TRANSFER STATION MAY BE NEEDED AND WOULD BE
22 CONSISTENT WITH THIS PLAN. OUR ONLY CHANGE IS TO SAY A
23 SOUTH AND/OR CENTRAL COUNTY TRANSFER STATION MAY BE
24 NEEDED TO BE CONSISTENT WITH THIS PLAN, AND TO STRIKE
25 LANGUAGE THAT WOULD PUT ACME IN THE DRIVER'S SEAT. AND,



1 BASICALLY, IT ONLY ALLOWED THESE IF ACME FAILED, AND THE
2 WAY IT'S WRITTEN NOW IS ACME DECIDES WHETHER IT FAILS OR
3 NOT.

4 WE ARE NOT NECESSARILY PLANNING TO JUST PUT
5 A TRANSFER STATION ON OUR LAND. WE WANT THE FLEXIBILITY
6 TO BE ABLE TO PUT ONE ANYWHERE IN CENTRAL COUNTY FROM SAN
7 RAMON IN THE SOUTH TO MARTINEZ IN THE NORTH.

8 IT'S VERY DIFFICULT TO SITE LOCATIONS, AS
9 I'M SURE THIS BOARD KNOWS, AND TO JUST GO AFTER ONE SITE,
10 PROBABLY YOU'D FAIL. BUT TO BE ABLE TO SEARCH AROUND FOR
11 THE BEST SITE ON THE 680 FREEWAY CORRIDOR, IN ORDER TO
12 SITE A TRANSFER STATION TO SERVE CENTRAL COUNTY, WE THINK
13 IS IN THE BEST INTEREST OF RATEPAYERS.

14 RIGHT NOW, WHEN THE TRANSFER STATION OPENS
15 AT ACME, MORE THAN \$47 A TON WILL BE CHARGED. ESTIMATED
16 AT THIS TIME SOMETHING BETWEEN \$65 A TON AND MORE. ONE
17 OF OUR COLLECTORS HAS ESTIMATED IN THE RATE APPLICATION
18 \$89 A TON. IF THAT'S TRUE, WE WOULD PAY THE HIGHEST
19 RATES OUTSIDE OF NEW YORK CITY OF ANY JURISDICTION IN THE
20 UNITED STATES THAT WE KNOW OF.

21 AND WE DO NOT BELIEVE THAT MAKING THESE
22 CHANGES -- WE THINK THEY'RE VERY MINOR. IF THEY CAN HAVE
23 ONE CURRENTLY AT ACME AND ONE IN THE SOUTH, IF IT'S
24 NEEDED, WHY NOT ONE SOMEWHERE EITHER IN THE SOUTH OR
25 ELSEWHERE IN CENTRAL COUNTY?



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1 MR. BATCHELOR: MR. CHAIRMAN.

2 CHAIRMAN GALLAGHER: AS I UNDERSTAND IT --

3 YES, MR. BATCHELOR, GO AHEAD.

4 MR. BATCHELOR: THE CITY COUNCIL OF SAN RAMON IS
5 ALREADY LOOKING FOR A SITE IN CENTRAL COUNTY. WE'VE
6 ENCOURAGED THEM; WE'D LIKE TO SEE ANOTHER ONE.

7 OUR CONCERN ABOUT THE ONE THAT HE'S TALKING
8 ABOUT A MILE AWAY IS IF YOU PUT TWO TRANSFER STATIONS
9 WITHIN A MILE OF EACH OTHER, THEN WE'VE GOT THE
10 RATEPAYERS HAVING TO PAY DOUBLE THE COST. DOESN'T MAKE
11 SENSE.

12 THE ISSUE OF WHAT HAS TO BE PAID IS AN
13 ISSUE THAT GOES BACK TO CLOSURE ON ACME. WE'VE HAD ALL
14 THE CENTRAL CITIES DUMPING AT ACME SINCE 1954.

15 THE QUESTION NOW IS IF THERE'S A \$41
16 MILLION CLOSURE FEE BASED ON WHAT THE HEALTH DEPARTMENT
17 SAYS IS NEEDED, OF 9 FEET OF COVER AND LINERS AND
18 EVERYTHING, THE QUESTION IS WHO PAYS THAT?

19 WHAT WE ARE DOING NOW IS AN EXTENSIVE RATE
20 REVIEW. WE HAVE HIRED AN OUTSIDE ACCOUNTING FIRM TO COME
21 IN THERE AND TO LOOK AT THAT, TO OPEN THE BOOKS, TO LOOK
22 AT THE PROFIT AND LOSS STATEMENTS, TO TRY TO DETERMINE
23 WHAT WAS COLLECTED IN THE PAST, WHO SHOULD PAY IT, WHOSE
24 RESPONSIBILITY IT IS.

25 REGARDLESS OF WHETHER THE TRANSFER STATION



1 IS CITED AT ACME OR IN SAN RAMON OR SOMEWHERE ELSE IN
2 CENTRAL COUNTY, THOSE FEES STILL HAVE TO BE PICKED UP, OR
3 WE WILL BE LEFT WITH A SITE THAT WILL NOT BE TAKEN CARE
4 OF. IT WILL BE A PUBLIC HAZARD.

5 MR. MORSEN: MR. CHAIRMAN --

6 CHAIRMAN GALLAGHER: YES.

7 MR. MORSEN: -- WITH REGARD TO THE CLOSURE OF
8 ACME, RIGHT NOW THE COUNTY -- MR. BATCHELOR IS RIGHT.
9 ALL THE CITIES IN THE CENTRAL COUNTY PUT TRASH IN THERE.
10 AND IF THE PUBLIC POLICY IS THEY SHOULD ALL PAY FOR IT,
11 THEY SHOULD. RIGHT NOW ONLY A FEW OF THE CITIES, BECAUSE
12 OF THE COUNTY'S PLANNING PROCESS, ARE PAYING FOR IT.

13 IF, IN FACT, WE SHOULD PAY FOR IT OR IF NO
14 ONE PAYS FOR IT, IF ACME ISN'T ALLOWED TO RECOUP THIS,
15 WHAT HAPPENS IS UNDER -- IT WOULD BECOME A PUBLIC
16 OBLIGATION TO PAY FOR IT. ACME'S ASSETS WOULD BE TAKEN
17 AND THE REST WOULD BE PARCELED OUT.

18 WELL, THAT'S WHAT THE COUNTY IS DOING NOW
19 EXCEPT ONLY FOR A SMALL NUMBER OF FRANCHISE COMMUNITIES
20 ARE PAYING FOR IT. WE DO NOT FEEL THIS IS FAIR, AND
21 THAT'S AMONG THE REASONS WHY WE WOULD LIKE AN ALTERNATIVE
22 TRANSFER STATION.

23 WE BELIEVE THAT THERE ARE OTHER MORE
24 RESPONSIBLE MECHANISMS TO BE DEVELOPED WITHIN THE COUNTY
25 TO PAY NOT ONLY FOR THE CLOSURE OF ACME, WHICH IS RIGHT



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1 NOW'S PROBLEM, BUT THE CLOSURE OF TWO OTHER LANDFILLS.
2 AND WHATEVER IS DONE TODAY FOR ACME WILL SET THE STAGE
3 FOR THE REST OF THE COUNTY AND WHAT HAPPENS THERE.

4 CHAIRMAN GALLAGHER: MR. TCHOBANOGLOUS.

5 BOARD MEMBER TCHOBANOGLOUS: I'D JUST LIKE TO
6 ASK BOB. THE LANGUAGE THAT WAS POSED DOESN'T SEEM TO ME
7 TO ALTER -- IN OTHER WORDS, THERE'S ALREADY LANGUAGE THAT
8 SAYS PROJECTS WOULD BE LOOKED AT. DOES IT REALLY ALTER
9 IT THAT SIGNIFICANTLY, I MEAN, THE LANGUAGE THAT WAS JUST
10 PROPOSED?

11 ATTORNEY CONHEIM: THE ADDITION OF THE WORDS "OR
12 CENTRAL"?

13 BOARD MEMBER TCHOBANOGLOUS: YES.

14 ATTORNEY CONHEIM: OKAY. I ALSO HAD A QUESTION
15 ABOUT THAT.

16 PROFESSOR, I'M NOT -- I DON'T FEEL IT'S
17 APPROPRIATE FOR ME TO GIVE YOU AN OPINION ON THAT BECAUSE
18 I HONESTLY DON'T KNOW THE ANSWER. BUT THE QUESTION THAT
19 I THINK THE BOARD MAY WANT TO KNOW THE ANSWER TO IS HOW
20 LONG, IN THE COUNTY'S OPINION, IF IT WERE WILLING TO MAKE
21 THE DECISION TO ADD THE WORDS "OR CENTRAL," WOULD IT TAKE
22 TO RECIRCULATE THE EIR AND THE COSWMP, IF NEEDED?

23 AT LEAST, WE COULD GET A BENCH MARK ON BOTH
24 EXTREMES TO KNOW HOW LONG THAT WOULD DELAY THE FINAL
25 OUTPUT, IF YOU'RE INTERESTED IN KNOWING THAT, I CERTAINLY



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1 WOULD.

2 CHAIRMAN GALLAGHER: WELL, THERE ARE TWO THINGS
3 THAT ARE UNANSWERED. ONE IS HOW DID WE GET THE DATES?
4 GENTLEMAN ASKED ARE THOSE OUR DATES? ARE THEY COUNTY
5 DATES? WERE THEY MANDATED BY THE COURT? WHO SET THESE
6 DATES THAT THEY HAD TO MEET IN THEIR WRIT OF MANDATE?

7 ATTORNEY CONHEIM: THEY'RE STIPULATED AND
8 THEY'RE PART OF A COURT ORDER NOW.

9 CHAIRMAN GALLAGHER: SO THEY'RE PART OF THE
10 COURT ORDER. WE CAN'T ALLOW THIS TO BE ARGUED BACK AND
11 FORTH HERE LIKE A COUPLE OF KIDS.

12 ATTORNEY CONHEIM: I UNDERSTAND.

13 CHAIRMAN GALLAGHER: I THINK WE'VE HEARD ENOUGH
14 TESTIMONY THIS MORNING THAT WE WILL HAVE TO SEE WHAT WE
15 CAN DO. THE STAFF CAN INQUIRE FURTHER IN THIS, AND WE
16 WOULD LIKE AN ANSWER TO THE QUESTION THAT YOU JUST
17 RAISED. HOW LONG WOULD IT TAKE TO DO THIS RECIRCULATION,
18 AND HOW FAR WOULD YOU FALL BEHIND ON THE TIME SCHEDULE
19 THAT IS INVOLVED?

20 I DON'T KNOW IF THEY'RE IN A POSITION TO
21 GIVE AN ANSWER TO THAT THIS MORNING; BUT IF NOT, WE
22 SHOULD LIKE TO HAVE THAT BACK FROM THEM.

23 ATTORNEY CONHEIM: AND THERE MAY BE OTHER
24 ALTERNATIVES. FOR INSTANCE, INSTEAD OF RECIRCULATING THE
25 EIR, EXTENDING THE COMMENT PERIOD. THERE MAY BE OTHER



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1 WAYS TO HANDLE THIS IF THEY MADE -- IF THE BOARD OF
2 SUPERVISORS MADE THE DECISION OR WERE WILLING TO MAKE THE
3 DECISION TO INCLUDE SOME KIND OF LANGUAGE.

4 I JUST WANT TO GET A SENSE, IF NOT THIS
5 MEETING, THEN THE NEXT MEETING OR DURING THE INTERIM OF
6 THE EXTREMES ON EITHER SIDE OF THIS ISSUE. AND BY THAT
7 TIME, MAYBE I CAN LOOK AT THIS THING AND, YOU KNOW, GIVE
8 YOU, OBVIOUSLY, A NONBINDING OPINION ON THE -- BECAUSE IT
9 IS THE LEAD AGENCY'S CALL AS TO WHETHER THEY NEED TO DO A
10 SUPPLEMENTAL EIR OR ADD TO THEIR EIR. IT ISN'T MY CALL.

11 BOARD MEMBER VARNER: MR. CHAIRMAN.

12 CHAIRMAN GALLAGHER: MR. VARNER.

13 BOARD MEMBER VARNER: THE QUESTION THAT SEEMS TO
14 ME HERE, AND I WOULD LIKE TO ASK MR. CONHEIM, WHO IS
15 PROBABLY THE ONLY ONE THAT CAN ANSWER, IT SEEMS TO ME
16 THAT THE CONTROVERSY THAT THESE GENTLEMEN HAVE HERE IS
17 ONE THAT ISN'T REALLY AN ISSUE THAT WE CAN SETTLE HERE.
18 IT'S ONE THAT THEY HAVE TO SETTLE THE ISSUES WITHIN THEIR
19 COUNTY, AND IT ISN'T ONE THAT WE CAN MITIGATE THIS
20 MATTER.

21 I UNDERSTAND YOUR CONCERNS ON THE RATEPAYER
22 THING AND SO FORTH, BUT THERE'S SO MANY ISSUES THAT ARE
23 INVOLVED IN THIS AND SO MUCH HISTORY THAT -- TWO THINGS.
24 I DON'T THINK WE HAVE THE JURISDICTION TO SETTLE THAT
25 ARGUMENT, NOR DO WE HAVE ENOUGH KNOWLEDGE TO REALLY KNOW



1 THE WHOLE SITUATION.

2 SO IT'S ONE THAT YOU'RE GOING TO HAVE TO
3 RECONCILE WITHIN YOUR OWN AREA. AND I DON'T -- WHILE I
4 CAN UNDERSTAND THE SYMPATHY THAT WE MIGHT HAVE WITH SOME
5 OF YOUR PROBLEMS, I DON'T THINK IT'S A SITUATION THAT WE
6 CAN SOLVE.

7 CHAIRMAN GALLAGHER: MR. CONHEIM.

8 ATTORNEY CONHEIM: I'LL TRY TO BE BRIEF. THE
9 BOARD DID DECIDE IN THE CASE OF THE MARIN COUNTY SOLID
10 WASTE MANAGEMENT PLAN REVISION THAT CAME BEFORE THE BOARD
11 TWO YEARS AGO, MAYBE YEAR AND A HALF, THAT THERE WAS AN
12 ANTICOMPETITIVE SITUATION; AND, IN FACT, YOU DISAPPROVED
13 A PORTION OF THE PLAN FOR RESOLUTION OF THAT ISSUE.

14 I DON'T THINK YOU DICTATED HOW TO RESOLVE
15 IT, AND I THINK MR. VARNER IS CORRECT IN SAYING THAT THE
16 ULTIMATE RESOLUTION IS A DECISION TO BE MADE BY LOCAL
17 GOVERNMENT.

18 HOWEVER, YOU HAVE ESTABLISHED, BY
19 IMPLEMENTING STATE LAW, THAT YOU ARE CONCERNED ABOUT
20 ANTICOMPETITIVE OR COMPETITIVE ISSUES, AND THAT'S WHY I
21 WANTED TO BRING THIS TO YOUR ATTENTION BECAUSE YOU HAVE
22 ALREADY INDICATED A DESIRE TO ANALYZE THOSE ASPECTS OF
23 COSWMP'S. SO YOU HAVE SOME JURISDICTION. YOU DON'T
24 DICTATE THE SOLUTION, BUT YOU DO HAVE THE JURISDICTION TO
25 DETERMINE WHAT'S AN APPROPRIATE WAY TO PLAN.



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1 BOARD MEMBER VARNER: OKAY. I AGREE WITH THAT.

2 BUT WHEN THIS DILEMMA THAT CONTRA COSTA
3 COUNTY IS IN IS FINALLY SOLVED, THEN I THINK THAT WOULD
4 BE THE APPROPRIATE TIME TO BRING THIS ISSUE UP AGAIN AND
5 PROBABLY IN A MANNER IN WHICH WE, THEN, WOULD HAVE SOME
6 JURISDICTION OVER IT. BUT I THINK, AS OF NOW, I DON'T
7 SEE HOW WE CAN MAKE ANY DECISION ON THIS MATTER.

8 CHAIRMAN GALLAGHER: THANK YOU, GENTLEMEN. THIS
9 MEETING STANDS RECESSED UNTIL 1:45 FOR LUNCH.

10 (LUNCH BREAK TAKEN.)

11 CHAIRMAN GALLAGHER: BRING THE MEETING BACK TO
12 ORDER, PLEASE.

13 WE'RE READY NOW TO TAKE UP ITEM NO. 4.

14 MR. OLDALL: YES, MR. CHAIRMAN. THIS IS THE
15 PRESENTATION BY THE MUSEUM OF SCIENCE AND INDUSTRY IN
16 WHOSE WONDERFUL FACILITY WE NOW RESIDE ON THEIR URBAN
17 ENVIRONMENT EXHIBIT.

18 I GUESS FROM TIME TO TIME, AS WE'VE SEEN --
19 AS WE WALKED THROUGH THE ESTABLISHMENT HERE, THEY DO HAVE
20 A NUMBER OF VERY EXTENSIVE AND THOUGHT PROVOKING
21 EXHIBITS, AND WE UNDERSTAND THAT THEY ARE ABOUT TO EMBARK
22 ON A NEW PROJECT ABOUT THE URBAN ENVIRONMENT THAT WOULD
23 INVOLVE ENVIRONMENTAL ISSUES SUCH AS TRANSPORTATION. AND
24 I THINK THEY'RE ALSO GOING TO BE LOOKING AT THE WHOLE
25 SOLID WASTE ISSUE.



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1 SO PERHAPS WITHOUT FURTHER ADO, I WOULD
2 PREFER THAT THE PEOPLE FROM THE MUSEUM MAKE THEIR OWN
3 PRESENTATION TO THE BOARD.

4 CHAIRMAN GALLAGHER: THANK YOU.

5 MR. RUDOLPH: THANK YOU VERY MUCH. I'M JEFF
6 RUDOLPH, MANAGING DIRECTOR OF THE MUSEUM. AND FIRST I'D
7 LIKE TO EXTEND A FORMAL WELCOME TO YOU TO OUR FACILITY
8 AND HOPE THAT YOU'RE ENJOYING YOUR MEETING HERE AND
9 FINDING THE FACILITY TO BE USEFUL AND HELPFUL FOR YOU.

10 I'D LIKE TO TAKE JUST ABOUT TWO OR THREE
11 MINUTES TO TELL YOU A LITTLE BIT IN GENERAL ABOUT THE
12 MUSEUM AND THEN ASK ANN MUSCAT, OUR SCIENCE CURATOR, TO
13 GIVE YOU SOME MORE DETAILS ON THE URBAN ENVIRONMENT
14 EXHIBIT, SPECIFICALLY.

15 MUSEUM OF SCIENCE AND INDUSTRY IS A STATE
16 MUSEUM. WE ARE THE STATE MUSEUM, A SEPARATE DEPARTMENT
17 OF THE STATE OF CALIFORNIA. WE ALSO HAVE A NONPROFIT
18 FOUNDATION OF PUBLIC AND PRIVATE PARTNERSHIP IN WHICH THE
19 STATE PROVIDES OPERATING SUPPORT. MOST OF OUR EXHIBITS
20 AND PROGRAMS ARE FUNDED PRIVATELY. WE ARE ONE OF THE
21 LARGEST SCIENCE AND INDUSTRY MUSEUMS IN THE COUNTRY, WE
22 THINK ONE OF THE BEST, AS WELL AS IS APPROPRIATE FOR
23 CALIFORNIA.

24 THE GOAL OF OUR MUSEUM AND OUR MISSION IS
25 VERY CLEARLY TO MOTIVATE AND TO INSPIRE CALIFORNIANS,



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1 PARTICULARLY YOUNG CALIFORNIANS, TO PURSUE FURTHER
2 EDUCATION AND, HOPEFULLY, CAREERS IN SCIENTIFIC AND
3 TECHNOLOGICAL FIELDS, TO FEEL MORE COMFORTABLE AND
4 UNDERSTAND THE WORLD AROUND THEM AS A SOCIETY. AND OUR
5 WHOLE ECONOMY IS BECOMING INCREASINGLY SCIENTIFICALLY AND
6 TECHNOLOGICALLY ORIENTED BASED. TO DO THAT, WE PRIMARILY
7 USE EXHIBITS AS OUR MEDIA.

8 THE MUSEUM HAS, AS YOU'VE HAD A CHANCE, I
9 HOPE, TO WALK AROUND A NUMBER OF EXHIBITS, BOTH PERMANENT
10 AND TEMPORARY. THE CORE OF OUR EXHIBIT PROGRAMS ARE WHAT
11 WE CONSIDER PERMANENT EXHIBITS, EXHIBITS THAT ARE HERE
12 FOR AT LEAST A FIVE-YEAR PERIOD, FOCUSING ON MAJOR
13 LONG-TERM ISSUES, BASIC SCIENCES, TECHNOLOGY, AND,
14 INCREASINGLY, AS EVIDENCED BY THE URBAN ENVIRONMENT
15 EXHIBIT, BEGINNING TO LOOK AT ISSUES THAT INVOLVE OUR
16 SOCIETY AND CONFRONT OUR SOCIETY AS A WHOLE, BUT ARE
17 BASED ON KNOWLEDGE OF SCIENCE AND TECHNOLOGY WHERE OUR
18 CITIZENS TEND TO NOT HAVE MUCH UNDERSTANDING AND FEAR OF
19 THE SCIENCE AND TECHNOLOGY ITSELF.

20 EXHIBITS ARE VERY EFFECTIVE IN AFFECTING
21 ATTITUDES AND BEHAVIOR. MOST OF THE RESEARCH HAS BEEN
22 DONE. THE EXHIBITS SHOW THAT THAT BEHAVIORAL AREA IS
23 WHERE THEY HAVE THE MOST IMPACT, AND SO WE, AT THIS
24 POINT, WE BELIEVE THAT WE'VE PROVIDED A UNIQUE FORUM FOR
25 ADDRESSING ISSUES SUCH AS THE URBAN ENVIRONMENT.



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1 VISITORSHIP TO THE MUSEUM HAS OVER THREE
 2 MILLION VISITORS A YEAR. OUR MUSEUM HERE AND THE CHICAGO
 3 MUSEUM OF SCIENCE AND INDUSTRY ARE THE TWO LARGEST IN
 4 ATTENDANCE OF ALL THE SCIENCE MUSEUMS IN THE COUNTRY.

5 THE URBAN ENVIRONMENT PROJECT THAT WE'RE
 6 TALKING ABOUT IS ONE WHICH IS NOW UNDERWAY. WE ARE IN
 7 THE PRELIMINARY PLANNING PHASES AND ARE HOLDING A SERIES
 8 OF MEETINGS TO HEAR FROM A NUMBER OF PEOPLE THEIR IDEAS
 9 AND THOUGHTS ON WHAT SHOULD BE INCLUDED IN THE EXHIBIT.

10 IT'S A VERY AMBITIOUS PROJECT IN WHICH
 11 WE'RE ATTEMPTING TO LOOK AT THE WHOLE SERIES OF ISSUES
 12 RELATING TO THE URBAN ENVIRONMENT, AND WE'LL TELL YOU
 13 MORE ABOUT IT -- WHAT I WOULD LIKE TO SAY IS THAT AFTER
 14 YOU'VE HEARD, WE'D CERTAINLY WELCOME ANY COMMENTS FROM
 15 YOU EITHER NOW OR IN THE FUTURE. WE HOPE THAT YOU'LL BE
 16 INTERESTED IN THE PROJECT AND PARTICIPATE WITH US IN THE
 17 DEVELOPMENT OF THE PROJECT. WE'D SEEK YOUR ASSISTANCE,
 18 INPUT, AND SUPPORT FOR THE PROJECT.

19 FINALLY, BEFORE I TURN IT OVER TO ANN, I
 20 WOULD LIKE TO INDICATE THAT FOR THE MEMBERS OF THE BOARD,
 21 IF YOU FINISH YOUR MEETING A LITTLE EARLY THIS EVENING,
 22 WE HAVE TONIGHT AN OPENING FOR OUR MEMBERSHIP OF A SERIES
 23 OF SUMMER EXHIBITS WE'RE DOING ON THE THEME OF ART AND
 24 SCIENCE. THESE ARE TEMPORARY EXHIBIT PROGRAMS WHICH WE
 25 DO CHANGING THROUGHOUT THE YEAR. WE HAVE AN EXCITING



1 ARRAY OF EXHIBITS RELATING TO SCIENCE AND ART AND SCIENCE
2 AND MUSIC, AND WE'LL HAVE AN OPENING TONIGHT STARTING AT
3 SIX, AND YOU'RE ALL CERTAINLY WELCOME TO JOIN US, WHICH
4 WILL GIVE YOU A CHANCE TO LOOK AT THE MUSEUM A LITTLE
5 BIT, IF YOU HAVEN'T HAD THAT YET.

6 DR. ANN MUSCAT, OUR SCIENCE CURATOR.

7 DR. MUSCAT: THANK YOU, JEFF. THANK YOU FOR THE
8 TIME TO TELL YOU ABOUT THIS EXHIBIT.

9 I THINK WE'RE ALL AWARE THAT THERE IS
10 WIDESPREAD CONCERN AMONG GOVERNMENT OFFICIALS, BUSINESS
11 LEADERS, AND PRIVATE CITIZENS ABOUT THE STATE OF OUR
12 ENVIRONMENT. YOU HEAR PHRASES SUCH AS OZONE DEPLETION,
13 GREENHOUSE EFFECT, DEFORESTATION. THEY CONFRONT US EVERY
14 DAY, THEY DEMAND OUR ATTENTION AND OUR RESPONSE, AND
15 THERE IS WIDESPREAD CONCERN THAT THE EARTH'S GLOBAL
16 ECOSYSTEM IS BEING IRREPARABLY HARMED AND THAT OUR
17 QUALITY OF LIFE IS, PERHAPS, CHANGING.

18 SO IT IS IN THIS CLIMATE OF HEIGHTENED
19 AWARENESS AND CONCERN THAT THE MUSEUM IS COMMITTED TO THE
20 DEVELOPMENT OF AN EXHIBIT ON THE URBAN ENVIRONMENT WHICH
21 WILL EXAMINE ENVIRONMENTAL ISSUES AND PARTICULAR CONCERN
22 TO THE CITIZENS OF CALIFORNIA AND THE NATION.

23 IN KEEPING WITH OUR MISSION, WE HOPE TO
24 EDUCATE, ENGAGE, AND INFORM CITIZENS, PARTICULARLY THE
25 NEXT GENERATION. ABOUT ENVIRONMENTAL ISSUES THAT ARE



1 DIRECTLY CONNECTED TO THEIR EVERYDAY LIVES. A SUCCESSFUL
2 SOLUTION, WE BELIEVE, TO THE STATE'S ENVIRONMENTAL
3 PROBLEMS WILL REQUIRE THE COOPERATION AND ACTIVE SUPPORT
4 OF INDIVIDUAL CITIZENS. AND THIS EXHIBIT IS INTENDED TO
5 STIMULATE INTEREST IN ENVIRONMENTAL SCIENCE AND TO
6 PROVIDE LEARNING OPPORTUNITIES THAT WILL PREPARE
7 CALIFORNIANS TO COPE WITH THE INCREASING IMPACT OF
8 SCIENCE AND TECHNOLOGY ON THEIR LIVES.

9 THE BASIC SCIENTIFIC PRINCIPLES AND
10 PROCESSES THAT PLAY A ROLE IN SUCH ISSUES AS AIR QUALITY,
11 SOLID AND LIQUID WASTE MANAGEMENT, AND URBAN GROWTH WILL
12 BE EXAMINED. IN ADDITION, THE APPLICATIONS AND
13 IMPLICATIONS OF TECHNOLOGY IN OUR URBAN ENVIRONMENT WILL
14 BE PRESENTED IN A SOCIAL AND ECONOMIC CONTEXT.

15 WE HOPE THAT THE EXHIBIT WILL RAISE THE
16 VISITOR'S LEVEL OF AWARENESS OF THE SCIENTIFIC AND SOCIAL
17 ISSUES WHICH SURROUND RESOURCE MANAGEMENT AND PROVIDE
18 THEM WITH UNBIASED INFORMATION THAT THEY CAN USE AS THEY
19 ATTEMPT TO MAKE BOTH PERSONAL AND POLITICAL DECISIONS
20 ABOUT THE INCREASINGLY COMPLEX ENVIRONMENTAL ISSUES THAT
21 FACE US TODAY.

22 NOW, THE EXHIBIT WILL BE ORGANIZED AROUND
23 THREE MAIN THEMES. THE FIRST IS -- WE CALL IT OUR
24 FREEWAY SOCIETY. IS IT REALLY FREE? AND IN THIS SECTION
25 WE WANT TO EXAMINE THE ENVIRONMENTAL ISSUES THAT SURROUND



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1 AIR QUALITY AND TRANSPORTATION, IN PARTICULAR THE CAUSES
2 OF AIR POLLUTION AND THE POSSIBLE SOLUTIONS WILL BE
3 PRESENTED. WE WILL FOCUS ON LOS ANGELES' TRANSPORTATION
4 SYSTEM AND USE IT AS A CASE STUDY, BUT WE WILL ALSO, IN
5 ADDITION TO DISCUSSING CAR EMISSIONS, TALK ABOUT OTHER
6 SOURCES OF AIR POLLUTION IN THE BASIN AND HOW THESE
7 INTERACT.

8 A SECOND MAJOR AREA OF EMPHASIS, WE'RE SORT
9 OF -- WE'RE CALLING OUR THROWAWAY SOCIETY, OUT OF SIGHT,
10 OUT OF MIND, OR IS IT? AND IN THIS SECTION WE'RE GOING
11 TO TALK ABOUT SOLID AND LIQUID WASTE MANAGEMENT ISSUES,
12 SUCH THINGS AS RECYCLING, LEVELS OF TREATMENT, OFFSHORE
13 DISCHARGING. THESE ARE SOME OF THE CONCEPTS THAT WILL BE
14 PRESENTED UNDER THIS CONTEXT.

15 AND THEN, FINALLY, WE WANT TO LOOK AT THE
16 ISSUE OF GROWTH IN URBAN SOCIETIES. AND HERE WE WILL
17 DEAL WITH SOME OF THE IMPLICATIONS OF GROWTH, SUCH AS
18 LAND AND WATER USE, ACID RAIN, THE GREENHOUSE EFFECT, AND
19 ALSO LOOK AT SUCH THINGS AS URBAN RENEWAL.

20 THESE ARE CONCEPTUAL CATEGORIES, AND THAT
21 DOESN'T NECESSARILY MEAN THAT THEY WILL BE PRESENTED IN
22 EXACTLY THAT PRESENTATION, BUT THESE ARE THE MAIN THREE
23 AREAS THAT WE WISH TO ADDRESS.

24 THE TREATMENT IN THE EXHIBIT WILL BE
25 APPLICATIONS ORIENTED AND INTERDISCIPLINARY IN NATURE,



1 AND WE'RE GOING TO ILLUSTRATE SCIENTIFIC PROCESSES AND
2 PRINCIPLES ALONG WITH AN EXPLANATION OF THE TECHNOLOGY
3 THAT'S INVOLVED.

4 WE TRY, WHENEVER POSSIBLE, TO USE
5 INTERACTIVE EXHIBIT UNITS. AND IF YOU HAVE A CHANCE TO
6 WALK THROUGH THE MUSEUM, YOU'LL SEE WHAT SOME OF THESE
7 UNITS ARE LIKE. AND REAL OBJECTS, ALSO, WHENEVER
8 POSSIBLE.

9 WITHIN EACH THEME AREA, WE LIKE TO HAVE AN
10 EXHIBIT SETTING WHICH IS EVOCATIVE OF THE SUBJECT MATTER
11 SO THAT IT BECOMES PART OF THE INTERPRETED TECHNIQUE.
12 AND WE BUILD IN DEGREES OF INFORMATION AND SOPHISTICATION
13 SO THAT AUDIENCES OF DIFFERENT AGES CAN ENJOY THE EXHIBIT
14 SIMULTANEOUSLY.

15 AND WHEN WE DO AN EXHIBIT, IN ADDITION TO
16 THE EXHIBIT THAT YOU SEE IN THE MUSEUM, WE ALSO DEVELOP
17 EDUCATIONAL MATERIALS AND ACTIVITIES AROUND THE EXHIBITS,
18 INCLUDING CAREER INFORMATION FOR YOUNG PEOPLE, AND WE
19 WILL BE DOING THAT WITH THIS EXHIBIT.

20 I'M VERY PLEASED TO TELL YOU THAT THERE
21 ALREADY IS AN ACTIVE GROUP THAT HAS FORMED TO DEVELOP AN
22 ENVIRONMENTAL CURRICULUM WHICH WILL GO ALONG WITH THIS
23 EXHIBIT. THE GROUP IS A VERY INTERESTING CONGLOMERATION
24 OF AGENCIES AND COMPANIES. THE MUSEUM, OF COURSE, IS
25 INVOLVED, THE SOUTH COAST AIR QUALITY MANAGEMENT



1 DISTRICT, ORANGE COUNTY SANITATION DISTRICT, ARCO,
2 METROPOLITAN WATER DISTRICT, SOUTHERN CALIFORNIA EDISON,
3 L.A. DEPARTMENT OF WATER AND POWER, AND CITY OF L.A.
4 SANITATION. AND IT'S UNUSUAL, I THINK, FOR THIS GROUP OF
5 PEOPLE TO COME TOGETHER ANYWAY TO WORK ON SOMETHING, AND
6 THEY REALIZE THE IMPORTANCE OF DEALING WITH THESE ISSUES
7 IN TOTO, LOOKING AT LAND, WATER, AND AIR PROBLEMS RATHER
8 THAN SEPARATELY, WHICH IS WHAT TYPICALLY MANY OF THEM
9 HAVE DONE.

10 AND SO WE'RE ALL WORKING TOGETHER TO
11 DEVELOP A CURRICULUM THAT WILL GO ALONG WITH THE EXHIBIT
12 SO THAT A TEACHER CAN HAVE MATERIALS TO USE BEFORE THEY
13 BRING THEIR KIDS TO THE MUSEUM AND THEN AFTER, AND MAKE
14 IT AN EVEN, WE BELIEVE, MORE WORTHWHILE EXPERIENCE. SO
15 WE'RE VERY EXCITED THAT THAT PROJECT IS MOVING ALONG.

16 I THINK IF YOU -- IF YOU ASK WHAT ARE THE
17 TWO MAJOR THINGS THAT WE WANTED TO ACCOMPLISH WITH THIS
18 EXHIBIT, I'D HAVE TO SAY, ONE, WE REALLY WANT PEOPLE TO
19 UNDERSTAND THE INTERCONNECTIONS, HOW YOU CAN'T REALLY
20 CONSIDER ONE ISSUE IN SEPARATION FROM ANOTHER; THAT IF WE
21 DO SOMETHING IN THE TRANSPORTATION AREA THAT AFFECTS THE
22 AIR, IT'S PROBABLY GOING TO HAVE IMPACTS IN OTHER AREAS
23 AS WELL. AND I THINK PEOPLE SOMETIMES FAIL TO UNDERSTAND
24 THOSE INTERCONNECTIONS AND THE INTENDED AND UNINTENDED
25 CONSEQUENCES SOMETIMES BECAUSE WE DON'T ALWAYS UNDERSTAND



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1 THE INTERCONNECTIONS VERY WELL OF DECISIONS THAT ARE
2 MADE.

3 AND THE SECOND MAJOR THING THAT WE WANT TO
4 GET ACROSS WITH THE EXHIBIT IS THAT THERE IS INDIVIDUAL
5 RESPONSIBILITY HERE. JUST AS ALL OF US ARE PART OF THE
6 PROBLEM, WE CAN ALSO BE PART OF THE SOLUTION. AND WE
7 WANT TO PRESENT PEOPLE WITH EXAMPLES OF THINGS THAT THEY
8 CAN DO, MANY OF THEM WITHOUT A GREAT DEAL OF DISRUPTION
9 TO THE LIVES THAT THEY KNOW RIGHT NOW, TO MAKE A
10 DIFFERENCE IN THE ENVIRONMENTAL ISSUES AND THE PROBLEMS
11 THAT WE HAVE TO DO WITH.

12 OFTENTIMES PEOPLE TEND TO THINK, YOU KNOW,
13 THAT IT'S SOMEONE ELSE'S PROBLEM OR THEIR CAR ISN'T
14 REALLY CONTRIBUTING TO THE OVERALL PROBLEM THAT WE HAVE
15 WITH AIR QUALITY, AND HOW CAN WHAT THEY DO MAKE A
16 DIFFERENCE. AND WE WANT TO IMPRESS UPON PEOPLE THAT IT'S
17 OUR COLLECTIVE EFFORTS, AND ONLY OUR COLLECTIVE EFFORTS
18 THAT WILL REALLY BRING A SOLUTION TO THESE PROBLEMS. AND
19 WE WANT TO GIVE PEOPLE HOPE AND ENCOURAGEMENT THAT, IN
20 FACT, THERE ARE SOLUTIONS AND THAT THEY CAN BE ACTIVE
21 PARTICIPANTS IN THOSE SOLUTIONS.

22 SO I THINK THAT'S A BRIEF SUMMARY OF WHAT
23 WE'RE TRYING TO ACCOMPLISH. AS JEFF SAID, WE'RE IN THE
24 PLANNING STAGES RIGHT NOW. WE'RE GETTING A LOT OF INPUT
25 FROM PEOPLE WORKING IN AGENCIES AND PRIVATE INDUSTRY, AT



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1 UNIVERSITIES, DEALING WITH THESE PROBLEMS ON AN EVERYDAY
2 BASIS, AND WE'RE TAKING THAT INPUT AND TRYING TO BRING IT
3 TOGETHER AND REALLY SELECT OUT THE IMPORTANT ISSUES AND
4 THEN THINK OF ENGAGING IN A FUN WAY TO PRESENT IT TO THE
5 PUBLIC SO THAT THEY'LL WALK HOME WITH SOME NEW IDEAS AND
6 SOME NEW MESSAGES.

7 WE'D BE HAPPY TO ENTERTAIN ANY QUESTIONS
8 YOU MIGHT HAVE.

9 CHAIRMAN GALLAGHER: YES. THANK YOU, MS.
10 MUSCAT.

11 MS. BREMBERG.

12 BOARD MEMBER BREMBERG: I THINK THIS IS A SUPER
13 IDEA. I JUST HOPE THAT YOU DON'T TRY TO FOCUS IT ON TOO
14 MANY SPECIFICS THAT ARE A PARTICULAR AGENCY'S AXE TO
15 GRIND.

16 IN THE -- IN THE EDUCATIONAL MATERIAL, AND
17 I ASSUME THAT A GREAT PORTION OF IT WILL BE GEARED TOWARD
18 YOUNG PEOPLE AS YOUR MAIN GOAL. WE FOUND IN OUR CITY,
19 WHICH IS GLENDALE, THAT A CARTOON-TYPE THING FOR CHILDREN
20 SHOWING THEM THAT IN L.A. COUNTY WE FILL UP DODGER
21 STADIUM EVERY NINE DAYS WITH GARBAGE, AND JUST A PICTURE
22 OF DODGER STADIUM WAS BUILT WITH HANDLES ON IT LIKE IT'S
23 A BIG GARBAGE CAN, AND THAT 18 BILLION DISPOSABLE DIAPERS
24 ARE GOING TO TAKE 500 YEARS TO EVEN STOP.

25 SO, YOU KNOW, ALL THESE LITTLE DRAWINGS AND



1 YOU FOLD IT OUT, AND IT'S YOUR RESPONSIBILITY TO DECIDE
2 DO YOU WANT TO THROW AWAY STYROFOAM, OR DO YOU WANT THIS
3 OR DO YOU WANT THAT. AND I THINK THE CARTOON APPROACH TO
4 KIDS IS -- MAYBE EVEN A COLORING BOOK. BUT WHEN YOU TALK
5 ABOUT AIR QUALITY, DON'T JUST TALK CARS. TRY TRUCKS,
6 BUSES, AND AIRPLANES.

7 AND WHEN YOU TALK ABOUT GROWTH, DON'T JUST
8 WORRY ABOUT SOME OF THE THINGS. WORRY ABOUT THE BASICS
9 OF STREETS, BRIDGES, SCHOOLS, AND THE IMPACT AND THE
10 ATTEMPTS OF A GREAT MANY CITIES WITHIN THE STATE TO
11 CONTROL WHAT'S HAPPENING TO THEM UNTIL THEY CAN CATCH UP.

12 DR. MUSCAT: YES. I FAILED TO MENTION THE
13 CURRICULUM IS BEING DEVELOPED FOR K THROUGH SIX, SO WE'RE
14 GOING FOR YOUNG PEOPLE. AND PART OF WHAT WE'RE TRYING TO
15 DO IS DEVELOP TAKE-HOME ACTIVITIES SO THAT THEY CAN GET
16 THEIR PARENTS INVOLVED IN SOMETHING THAT THEY LEARNED IN
17 THE CLASSROOM, AND IT CAN BECOME A REAL FAMILY ACTIVITY.

18 BOARD MEMBER BREMBERG: IN THE RECYCLING ETHIC
19 AND THE GREEN WASTE ETHIC AND ALL THOSE THINGS THAT COME
20 ALONG BECAUSE IT'S EVERYONE -- AND I LISTENED TO YOUR
21 LIST, AND I THINK IT'S VERY INTERESTING THAT THE
22 SANITATION DISTRICT, THAT ONLY HAS ONE LANDFILL IN A
23 COUNTY OF 14 MILLION, SHOULD BE WILLING TO PARTICIPATE AS
24 AN EXPERT. AND IF THAT SOUNDS MEAN, IT'S MEANT TO BE.

25 BOARD MEMBER BROWN: MR. CHAIRMAN.



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1 CHAIRMAN GALLAGHER: YES, MR. BROWN.

2 BOARD MEMBER TCHOBANOGLOUS: MS. BREMBERG,
3 THEY'RE PARTICIPATING ON WASTE WATER TREATMENT.

4 BOARD MEMBER BREMBERG: THEY'RE WONDERFUL ON
5 THAT, TOO. WE JUST FILED A \$50 MILLION LAWSUIT AGAINST
6 THEM FOR THEIR INABILITY TO COPE WITH THAT, PERIOD.

7 BOARD MEMBER BROWN: MR. CHAIRMAN.

8 CHAIRMAN GALLAGHER: MR. BROWN.

9 BOARD MEMBER BROWN: I'M CURIOUS AS TO YOUR
10 OUTREACH PROGRAM. HOW DO YOU GET PEOPLE TO COME HERE?
11 OBVIOUSLY, IF THOSE THAT COME ARE MOTIVATED ON THEIR OWN,
12 THEY'RE PROBABLY NOT THE ONES YOU'RE REALLY LOOKING TO
13 REACH. THERE'S A LOT MORE OUT THERE. HOW DO YOU GET
14 FOLKS TO COME IN AND PARTICIPATE IN THIS?

15 MR. RUDOLPH: IT'S REALLY THROUGH A WIDE RANGE
16 OF ALL SORTS OF MEDIA AND OUTREACH EFFORTS. WE DO
17 EXTENSIVE PUBLIC RELATION ACTIVITIES OF OUR OWN TO BRING
18 IN ALL PARTS OF THE COMMUNITY. WE DO -- WE DO QUITE
19 WELL. YESTERDAY, FOR EXAMPLE, WE HAD NANCY REAGAN HERE
20 FOR A LUNCHEON DEDICATING OUR NEW EXHIBIT ON SUBSTANCE
21 ABUSE THAT BROUGHT WIDE TELEVISION COVERAGE LAST NIGHT,
22 IF YOU HAPPENED TO SEE THE NEWS, AS WELL AS SOME PRINT
23 COVERAGE WILL FOLLOW.

24 WE TEND TO GET GOOD ATTENTION FROM MEDIA
25 AND GOOD RELATIONSHIPS. WE DO MAILINGS, AS WELL. WE DO



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1 DIRECT COMMUNITY OUTREACH PROGRAMS. OUTREACH THROUGH THE
2 SCHOOLS IS A BIG PART OF IT BECAUSE WE GET A FAMILY
3 AUDIENCE. IT'S MOSTLY FREE. WE DO SOME LIMITED
4 ADVERTISING FOR OUR IMAX THEATER, WHICH WE CHARGE
5 ADMISSION FOR, AND THAT INCLUDES CARRYING MESSAGES FOR
6 THE MUSEUM.

7 BUT GENERALLY WE HAVE BEEN VERY FORTUNATE
8 AND SUCCESSFUL IN GETTING IN A BROAD RANGE OF
9 PARTICIPANTS. OUR SURVEYS SHOW THAT OUR VISITORSHIP IS
10 ABOUT 50 PERCENT MINORITY, BLACK AND HISPANIC, PRIMARILY.
11 AGAIN, OUR LOCATION IN THIS COMMUNITY IS PARTICULARLY
12 HELPFUL BECAUSE WE'RE IN AN AREA WHERE WE DRAW WELL FROM
13 THAT COMMUNITY. WE'RE FUNDED BY THE U.S. DEPARTMENT OF
14 EDUCATION. WE'RE DOING AN OUTREACH -- YOU MIGHT NOTICE
15 SOME OF OUR PROGRAMS NOW WE'RE DOING BY LENGTHENING TO
16 FURTHER REACH INTO THAT COMMUNITY, WHICH IS THE LARGEST
17 GROWING OF THE LOS ANGELES COMMUNITY.

18 WE ALSO HAVE A LOT OF WORK WE DO WITH
19 VARIOUS SPONSORS. WE HAVE A LOT OF CORPORATE SPONSORSHIP
20 INVOLVED IN THE MUSEUM AND USE INCREASINGLY VEHICLES SUCH
21 AS THE NEWSLETTERS OF THE VARIOUS AEROSPACE COMPANIES AND
22 WORK WITH THEM FOR THEIR PARTICULARLY LARGE NUMBERS OF
23 EMPLOYEES. WE'RE WORKING WITH ARCO AM/PM NOW, WHO'S ONE
24 OF THE SPONSORS ON OUR SUBSTANCE ABUSE EXHIBIT, TO
25 DISTRIBUTE THROUGH THEIR RETAIL OUTLETS.



1 SO IT'S A WIDE RANGE OF MATERIALS AND
2 DIFFERENT TECHNIQUES WE USE. WE HAVE OUR OWN PUBLIC
3 RELATIONS DEPARTMENT WITH A MARKETING PERSON AS WELL AS A
4 PUBLIC RELATIONS COMMUNICATIONS PERSON. SO THAT IT'S --
5 IT'S AN ONGOING EFFORT. WE CAN NEVER GIVE UP, BUT WE DO
6 GET MORE PEOPLE THAN ALMOST ANY MUSEUM IN THE COUNTRY AND
7 CERTAINLY MORE THAN ANY OTHER MUSEUM IN THE LOS ANGELES
8 COUNTY, SO WE DO QUITE WELL.

9 CHAIRMAN GALLAGHER: I WOULD ONLY TAKE ISSUE ON
10 ONE THING. IT'S NOT JUST ONE OF THE BEST; IT IS THE
11 BEST.

12 MR. RUDOLPH: THANK YOU.

13 CHAIRMAN GALLAGHER: AND I'VE KNOWN THAT FOR
14 MANY YEARS, BEING NATIVE OF HERE, SO YOU DON'T HAVE TO
15 SELL ME. I KNOW THAT MR. EOWAN AND I ARE SCHEDULED
16 SOMETIME LATER THIS MONTH TO MEET WITH YOU ALL TO DISCUSS
17 THIS.

18 MR. EOWAN: THE 29TH.

19 CHAIRMAN GALLAGHER: BUT IT SEEMS TO ME IT'S
20 KIND OF A NEW AND UNUSUAL PROJECT FOR A MUSEUM. WHEN YOU
21 THINK IN TERMS OF MUSEUM, YOU ALWAYS TEND TO THINK OF
22 THINGS -- A HISTORICAL RECORD OF THINGS PAST, AND RARELY
23 DO YOU THINK OF A MUSEUM PROMOTING SOMETHING THAT IS
24 CURRENT OR TO THE FUTURE. IS THIS SOMETHING NEW IN THE
25 MUSEUM INDUSTRY THAT WE'RE SEEING TAKE PLACE, OR --



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1 MR. RUDOLPH: YES, IT IS. FIRST, THE WHOLE
2 FIELD OF SCIENCE AND INDUSTRY OR SCIENCE AND TECHNOLOGY
3 MUSEUMS IS QUITE NEW AND IS REALLY FOCUSED MORE ON PUBLIC
4 UNDERSTANDING OF SCIENCE AND, AGAIN, DEVELOPING INTEREST
5 AMONG PEOPLE IN SCIENCE THAN IT IS ON THE HISTORY OF
6 SCIENCE. IT'S A NEW TREND THAT NOT -- IT'S BEEN 10 TO 15
7 YEARS IN THE MAKING. WE'RE REALLY AMONG THOSE IN THE
8 FOREFRONT, THIS MUSEUM IS.

9 THIS PROJECT, IN PARTICULAR, IS VERY,
10 UNIQUE, AND IT'S SOMETHING THAT THIS MUSEUM IS TAKING A
11 LEADERSHIP ROLE IN AND BEGINNING TO LOOK AT -- WE LOOKED
12 AT THE RESEARCH OF WHAT MUSEUMS DO WELL, AS I INDICATED,
13 AND SAW THAT THE BEHAVIORAL AND MOTIVATIONAL
14 CHARACTERISTICS ARE WHAT MUSEUMS PARTICULARLY EFFECT
15 WELL.

16 THEY REALLY -- THEY CAN INSPIRE SOMEONE TO
17 BE INTERESTED IN SCIENCE, BUT WE DON'T DO A LOT OF GOOD
18 COGNITIVE TEACHING ABOUT SCIENCE, NOT LIKE THE TEXTBOOK
19 WILL, AND WE SHOULDN'T TRY TO. AND WITH THAT IN MIND, WE
20 LOOKED AT SOME OF THE AREAS WHERE WE COULD HAVE AN IMPACT
21 AND COULD DO SOME GOOD THINGS, AS WELL AS HOW WE COULD
22 DRAW INTEREST INTO THE SCIENCES. AND THIS IS A RESULT OF
23 SOME EXTENSIVE MASTERPLANNING WE'VE DONE OVER THE LAST
24 COUPLE OF YEARS. THIS IS OUR FIRST REALLY MAJOR PROJECT
25 RESULTING FROM THAT.



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1 THERE'S ALSO A BIG PUBLIC INTEREST IN THESE
2 ISSUES, AND SO IT'S A MESHING OF US DOING SOMETHING GOOD
3 IN ISSUES WHERE WE CAN HELP INFORM PEOPLE ABOUT URBAN
4 ENVIRONMENT, BUT ALSO HELP PEOPLE GET INTERESTED IN
5 SCIENCE BECAUSE PEOPLE WHO HAVE AN INTEREST IN THE URBAN
6 ENVIRONMENT -- AND THIS HELPS BRING PEOPLE IN WHEN WE
7 ADDRESS ISSUES OF PUBLIC INTEREST, AND SHOW THEM THAT
8 THERE'S SCIENCE IN IT AND THERE'S CAREERS IN SCIENCE AND
9 THERE'S A VALUE TO PURSUING EDUCATION IN SCIENCE BECAUSE
10 IT CAN HELP YOU DEAL WITH ISSUES LIKE THIS.

11 CHAIRMAN GALLAGHER: IT'S AN INTERESTING CONCEPT
12 TO SEE TYING THE PRESENT WITH THE PAST, AND I THINK IT'S
13 GOING TO BE REAL GOOD.

14 DR. MUSCAT: ANOTHER UNIQUE THING ABOUT THIS
15 EXHIBIT, TOO, IS I THINK WE'RE TRYING TO LOOK AT THE --
16 THE TOTAL -- THE TOTAL ENVIRONMENT, IF YOU WILL. A LOT
17 OF -- THERE HAVE BEEN EXHIBITS THAT HAVE BEEN DONE, FOR
18 INSTANCE, JUST ON WASTE MANAGEMENT OR JUST ON WATER USE
19 OR CONSERVATION OR JUST ON SOMETHING TO DO WITH AIR
20 QUALITY OR TRANSPORTATION, AND WE MADE A VERY CONSCIOUS
21 EFFORT NOT TO TAKE THAT APPROACH. WE WANTED TO TRY TO
22 SHOW ALL OF THESE THINGS AND HOW THEY INTERRELATE BECAUSE
23 THAT'S REALLY HOW WE NEED TO BE THINKING ABOUT ALL THESE
24 THINGS WHEN WE'RE TRYING TO SOLVE THE PROBLEMS. AND I
25 THINK WHERE -- THE APPROACH OF THE CURRICULUM, AS WELL AS



1 THE EXHIBIT, IS UNIQUE IN THAT ASPECT AS WELL.

2 CHAIRMAN GALLAGHER: WELL, THANK YOU VERY MUCH
3 AND THANK YOU FOR PROVIDING THESE NICE QUARTERS FOR US.
4 IT'S BEEN AN INTERESTING EXPERIENCE, AND I HAVE SAID AT
5 BOTH LUNCHESES, "GEE, IT'S TOO BAD THAT YOU HAVEN'T HAD
6 TIME TO REALLY GET OUT THERE AND GO THROUGH THE MUSEUM
7 BECAUSE IT'S REALLY OUTSTANDING."

8 MR. RUDOLPH: WELL, YOU'RE WELCOME TONIGHT IF
9 YOU HAVE A CHANCE THIS EVENING. AS I SAID, WE HAVE
10 THIS -- IT'S NOT A FANCY RECEPTION, BUT CERTAINLY WILL
11 GIVE YOU A CHANCE TO LOOK AROUND THE MUSEUM A LITTLE AND
12 HOPE TO SEE SOME OF YOU UP THERE.

13 THANK YOU FOR TAKING THE TIME ON YOUR
14 SCHEDULE TO HEAR FROM US. WE LOOK FORWARD TO WORKING
15 WITH YOU AND SEEING YOU ON THE 29TH, I BELIEVE IT IS.

16 CHAIRMAN GALLAGHER: YES. AND I DON'T THINK
17 YOU'LL HAVE ANY TROUBLE IN GETTING OUR COOPERATION.

18 MR. RUDOLPH: GREAT.

19 DR. MUSCAT: THANK YOU VERY MUCH.

20 MR. RUDOLPH: THANK YOU VERY MUCH.

21 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH FOR
22 COMING IN.

23 WE'RE NOW READY TO MOVE TO ITEM 5.

24 MR. OLDALL: YES, MR. CHAIRMAN. THIS IS THE
25 CONSIDERATION OF ACCEPTANCE OF THE LOS ANGELES COUNTY



1 SOLID WASTE MANAGEMENT PLAN REVIEW REPORT, AND I WILL
2 EMPHASIZE THAT THIS IS THE PLAN REVIEW REPORT. THIS
3 PARTICULAR DOCUMENT, YOU WILL RECALL, COMES THREE YEARS
4 FOLLOWING BOARD ACCEPTANCE OF THEIR COUNTY PLAN. THE
5 COUNTY CAREFULLY REVIEWS ALL ELEMENTS OF ITS COSWMP AND
6 DECIDES WHICH AREAS IT NEEDS TO REVISE. IT IDENTIFIES
7 THOSE AREAS, SUBMITS THEM TO THE BOARD IN THE PLAN REVIEW
8 REPORT, THE BOARD STAFF REVIEW THAT DOCUMENT, AND BOARD
9 ACCEPTANCE, THEN, TRIGGERS THE 270-DAY CLOCK IN WHICH THE
10 COUNTY COMES BACK TO US WITH, WE HOPE, A COMPLETED
11 DOCUMENT THAT WE THEN CALL THE NEW COSWMP.

12 WITHOUT FURTHER ADO, I THINK JOHN SMITH
13 WILL BE PRESENTING THE ITEM. JOHN.

14 CHAIRMAN GALLAGHER: JOHN, BEFORE YOU TAKE OVER,
15 LET ME REMIND THOSE IN THE AUDIENCE WHO WISH TO MAKE A
16 COMMENT REGARDING THIS ITEM, TO PLEASE MAKE OUT A SHEET
17 AT THE BACK OF THE ROOM AND HAND IT TO THE SECRETARY SO
18 WE WILL BE KNOWLEDGEABLE OF THE FACT THAT YOU WANT TO
19 EXPRESS YOURSELF ON THIS ITEM. THANK YOU. JOHN.

20 MR. SMITH: MR. CHAIRMAN, BOARD MEMBERS, LIKE
21 MR. OLDALL SAID, THE PLAN REVIEW REPORT SIMPLY COVERS THE
22 COUNTY'S EVALUATION OF THE PLAN AND THE AREAS THAT THEY
23 INTEND TO REVISE. WE WON'T BE DEALING WITH, AT THIS
24 POINT, THE SPECIFIC LANGUAGE, CHAPTER, OR PROJECTS THAT
25 NEED TO BE CONSIDERED IN THAT PLAN REVISION. THAT WILL



1 COME 270 DAYS HENCE.

2 I'D LIKE TO PROCEED WITH THIS PRESENTATION
3 THE FOLLOWING WAY: I'D LIKE TO FIRST PRESENT SOME
4 INFORMATION ON THE COUNTY SOLID WASTE SYSTEM, THEN
5 IDENTIFY THE CURRENT ISSUES, AND THEN GET INTO THE
6 DISCUSSION OF THE PLAN REVIEW REPORT AND STAFF'S
7 EVALUATION OF THAT PLAN REVIEW REPORT.

8 LOS ANGELES COUNTY IS 4100 SQUARE MILES IN
9 AREA. THERE ARE TWO DISTINCT GEOGRAPHIC REGIONS, THE
10 HIGHLY URBANIZED REGION BELOW THE SANTA SUSANNA AND SAN
11 GABRIEL MOUNTAIN RANGES -- IT'S ALSO KNOWN AS THE L.A.
12 BASIN -- AND THE MORE ARID, LESS POPULATED AREA NORTH OF
13 THOSE MOUNTAIN RANGES.

14 THE CURRENT POPULATION OF THE COUNTY,
15 ACCORDING TO THE DEPARTMENT OF FINANCE'S FIGURES, IS
16 ABOUT 8.7 MILLION. ONE MILLION OF THAT POPULATION LIVES
17 IN THE UNINCORPORATED AREA, THE REMAINING SEVEN MILLION
18 RESIDE IN 86 OF THE INCORPORATED CITIES. THE CITY OF LOS
19 ANGELES IS THE LARGEST CITY WITH APPROXIMATELY 300 -- 3.5
20 MILLION PEOPLE. IT ALSO SERVES AS THE COUNTY SEAT.

21 THE ADMINISTRATIVE RESPONSIBILITIES IN THE
22 COUNTY, THE BOARD OF SUPERVISORS ESTABLISHES SOLID WASTE
23 POLICIES AND ENACTS ORDINANCES, ENSURES THAT ADEQUATE
24 COLLECTION AND DISPOSAL SERVICES ARE AVAILABLE TO THE
25 RESIDENTS. THEY ARE ALSO RESPONSIBLE FOR APPROVING AND



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1 PREPARING THE COUNTY SOLID WASTE MANAGEMENT PLAN.

2 THE PUBLIC AGENCIES AND THE COUNTY
3 ASSISTING THEM IN THOSE DUTIES WOULD BE THE DEPARTMENT OF
4 PUBLIC WORKS, WHICH PREPARES THE COUNTY'S SOLID WASTE
5 MANAGEMENT PLAN; THE SOLID WASTE -- THE LOS ANGELES SOLID
6 WASTE ADVISORY COMMITTEE, WHICH ADVISES THE BOARD OF
7 SUPERVISORS ON ALL SOLID WASTE ISSUES, AND THAT COMMITTEE
8 ALSO FINDS FACILITIES -- PROPOSED FACILITIES IN
9 CONFORMANCE WITH THE PLAN; THE DEPARTMENT OF HEALTH
10 SERVICES, COUNTY DEPARTMENT OF HEALTH SERVICES THAT
11 LICENSES THE REFUSE HAULERS, THAT SUPERVISES THE REFUSE
12 COLLECTION CONTRACTS IN THE COUNTY'S SIX GARBAGE DISPOSAL
13 DISTRICTS, AND SERVES AS THE LEA, NOT ONLY FOR THE
14 UNINCORPORATED AREAS OF THE COUNTY, BUT SHARES THAT
15 RESPONSIBILITY WITH OVER 70 CITIES.

16 THE INCORPORATED CITIES SET POLICY IN SOLID
17 WASTE PROGRAMS FOR RESIDENTS IN THE INCORPORATED AREA.
18 THEY ARE THERE TO MAKE SURE THAT COLLECTION AND DISPOSAL
19 SERVICES ARE ADEQUATE AND ARE CONDUCTED IN AN
20 ENVIRONMENTALLY SOUND FASHION.

21 IN LOS ANGELES COUNTY, THREE CITIES OPERATE
22 LANDFILLS. ONE CITY OPERATES A WASTE-TO-ENERGY FACILITY,
23 A NUMBER OF CITIES SHARE, AS I SAID BEFORE, THE LEA
24 FUNCTION WITH THE COUNTY HEALTH DEPARTMENT. IN THE
25 COUNTY OF L.A., IT'S UNIQUE THAT THERE ARE TWO CITIES



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1 THAT SERVE AS THEIR OWN LEA'S.

2 IN TERMS OF THE FINANCING OF THE SOLID
3 WASTE PROGRAMS, COLLECTION, TRANSFER, AND DISPOSAL
4 PROGRAMS ARE FINANCED BY A COMBINATION OF USER FEES,
5 GENERAL FUND MONEYS, AND PERMIT FEES. THE COUNTY HAS A
6 3.5 CENT PER TON LANDFILL FEE TO FINANCE THEIR SOLID
7 WASTE MANAGEMENT PLAN. LOS ANGELES COUNTY WAS ONE OF THE
8 FIRST TO IMPLEMENT THAT FUNDING SYSTEM.

9 THE LEA PROGRAMS ARE FUNDED BY HAULER
10 PERMIT -- HAULER FEES, PERMIT FEES, AND OPERATOR FEES,
11 SOLID WASTE OPERATOR FEES.

12 NOW TURNING TO THE SLIDES, AS I GO ALONG
13 HERE, THE COUNTY GENERATES APPROXIMATELY 19 MILLION TONS
14 OF WASTE ANNUALLY. THE COUNTY HAS ONE OF THE HIGHEST
15 WASTE GENERATION RATES IN THE STATE WITH OVER TWO TONS
16 PER PERSON GENERATED EACH YEAR.

17 ACCORDING TO THE COUNTY SOURCES, THE WASTE
18 IS COMPOSED OF ONE-THIRD RESIDENTIAL, ONE-THIRD
19 COMMERCIAL, AND A THIRD CONSTRUCTION AND DEMOLITION.
20 ALSO OUT OF THAT 19 MILLION TONS, APPROXIMATELY 270,000
21 TONS OF SEWAGE SLUDGE IS GENERATED ANNUALLY.

22 LOOKING AT THE COLLECTION SYSTEM IN THE
23 COUNTY, LOOKING FIRST AT RESIDENTIAL, THE LARGER CITIES
24 OF THE COUNTY PROVIDE THEIR OWN RESIDENTIAL COLLECTION
25 SERVICE. THE REMAINING MAJORITY OF THE CITIES, EITHER



1 THROUGH CONTRACT FRANCHISE OR PERMIT, ALLOW PRIVATE FIRMS
2 TO COLLECT THE WASTE.

3 IN THE GARBAGE DISPOSAL DISTRICTS IN THE
4 COUNTY, THE COUNTY CONTRACTS WITH A PRIVATE FIRM FOR THE
5 COLLECTION OF RESIDENTIAL WASTE.

6 IN TERMS OF THE COLLECTION OF THE
7 COMMERCIAL WASTE, THE PRIVATE SECTOR COLLECTS THE WASTE
8 BOTH IN THE UNINCORPORATED AREAS AND THE -- MOST OF THE
9 INCORPORATED AREAS. THE PREVALENT SYSTEM IS -- ALTHOUGH
10 THERE IS SOME FRANCHISING, THE PREVALENT SYSTEM RIGHT NOW
11 IS A PERMIT SYSTEM.

12 TRENDS IN COLLECTION INCLUDE MORE
13 AUTOMATION OF RESIDENTIAL. ALSO, THERE'S INCREASING
14 INTEREST BY LOCAL OFFICIALS AND COLLECTION FIRMS TO
15 INCORPORATE CURBSIDE PROGRAMS IN WITH THE CURBSIDE
16 COLLECTION OF WASTE.

17 LOOKING AT THE TRANSFER SYSTEM, THERE ARE A
18 LARGE NUMBER OF SMALL PUBLICALLY OPERATED TRANSFER
19 STATIONS. TYPICALLY THESE ARE FACILITIES THAT ARE
20 LOCATED IN CITY MAINTENANCE YARDS. THERE'RE ALSO 12
21 LARGE VOLUME FACILITIES THAT PROCESS UP TO 16 PERCENT OF
22 THE WASTE LANDFILL IN THE COUNTY. THOSE FACILITIES ARE
23 IDENTIFIED ON A MAP ON PAGE 282 OF YOUR BOARD PACKET, AND
24 YOU CAN SEE BY LOOKING ON THE MAP THAT THESE MAJOR
25 FACILITIES ARE LOCATED IN THE CENTRAL AND SOUTH CENTRAL



1 PORTION OF THE COUNTY.

2 TREND AT TRANSFER STATIONS NOW IS THAT MUCH
3 MORE SALVAGING IS TAKING PLACE. IN FACT, WITH THE
4 FACILITY THAT THIS BOARD RECENTLY PERMITTED, THE MISSION
5 ROAD TRANSFER STATION, IN THE FIRST THREE MONTHS OF THEIR
6 OPERATION WITH A HIGH AMOUNT OF COMMERCIAL WASTE,
7 APPROXIMATELY 50 PERCENT OF THAT WASTE IS BEING RECYCLED.
8 THAT MAY NOT BE TYPICAL AS THE FACILITY BECOMES MORE
9 OPERATIONAL, HOWEVER.

10 LOOKING AT DISPOSAL, THERE ARE 14 MAJOR AND
11 5 MINOR LANDFILLS IN THE COUNTY THAT RECEIVE OVER 15
12 MILLION TONS OF WASTE ANNUALLY. THE LOCATION OF THOSE
13 SITES ARE LOCATED ON PAGE 283 OF YOUR BOARD PACKET.

14 THE TREND IN THE COUNTY HAS BEEN FOR THOSE
15 FACILITIES TO BECOME MORE -- BECOME CONSOLIDATED WITH
16 YOUR SITES BEING AVAILABLE FOR DISPOSAL. AND THE
17 FACILITIES IN THE PAST -- I MEAN, HISTORICALLY ARE TAKING
18 MORE AND MORE WASTE. THREE OF THESE FACILITIES RECEIVE
19 OVER HALF OF THE WASTE LANDFILLED IN THE COUNTY. THOSE
20 WOULD INCLUDE SUNSHINE CANYON, BKK, AND THE PUENTE HILLS
21 LANDFILL.

22 THE UNIQUE FEATURE OF THE DISPOSAL SYSTEM
23 IN LOS ANGELES COUNTY IS THAT ALMOST TWO AND A HALF
24 MILLION TONS OF INERT WASTE ARE LANDFILLED AT TEN
25 UNCLASSIFIED SITES. THAT'S QUITE PHENOMENAL FOR A



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1 COUNTY. IN THE COUNTY RIGHT NOW, THERE'S APPROXIMATELY
2 FIVE YEARS OF REMAINING DISPOSAL CAPACITY -- EXCUSE ME.

3 BOARD MEMBER TCHOBANOGLOUS: JUST ONE QUESTION.

4 CHAIRMAN GALLAGHER: YES.

5 BOARD MEMBER TCHOBANOGLOUS: IS THAT TWO AND A
6 HALF MILLION PART OF THE 19 MILLION?

7 MR. SMITH: IT'S PART OF THE -- NO. NO.
8 THERE'S 15 -- IF YOU'D ADD THE 15 MILLION AND THE 2.5
9 MILLION TO GET TOTAL AMOUNT LANDFILLED.

10 BOARD MEMBER TCHOBANOGLOUS: OKAY. I'M NOT
11 ASKING THAT.

12 MR. SMITH: NO. GENERATED, YES. OF THE 19
13 MILLION GENERATED.

14 BOARD MEMBER TCHOBANOGLOUS: IT IS PART OF THE
15 19 MILLION?

16 MR. SMITH: RIGHT. I WAS FIGURING THAT, RIGHT.

17 BOARD MEMBER BREMBERG: GENERATED.

18 BOARD MEMBER TCHOBANOGLOUS: GENERATED.

19 MR. SMITH: SORRY. I DIDN'T MEAN TO CONFUSE
20 YOU.

21 IN TERMS OF THE SPECIAL WASTE IN THE
22 COUNTY, ASBESTOS WASTE IS LANDFILLED AT BKK, AND SEWAGE
23 SLUDGE IS DISPOSED OF AT BOTH THE PUENTE HILLS LANDFILL
24 AND THE BKK LANDFILL.

25 TURNING TO THE NEXT SLIDE, IT SHOULDN'T BE



1 RECYCLING AS THE TITLE; IT WOULD BE RESOURCE RECOVERY.

2 LOOKING AT RESOURCE RECOVERY, RIGHT NOW THE
3 COUNTY HAS NOT BEEN ABLE TO ACCURATELY DETERMINE THE
4 AMOUNTS OF MATERIALS BEING RECYCLED. HOWEVER, IN
5 DISCUSSIONS WITH MANY PEOPLE, I DO GET THE INDICATION
6 THAT THERE IS QUITE A BIT GOING ON. THAT WILL HAVE TO
7 BE, HOWEVER, VERIFIED WHEN THEY PREPARE THE PLAN
8 REVISION.

9 THERE ARE A WIDE VARIETY OF RECYCLING
10 ACTIVITIES TAKING PLACE IN THE COUNTY, INCLUDING
11 COMMERCIAL AND INSTITUTIONAL -- COMMERCIAL, INSTITUTION,
12 AND INDUSTRIAL SOURCE SEPARATION PROGRAMS. THERE ARE
13 SALVAGE PROGRAMS AT THE MAJOR LANDFILLS.

14 THERE ARE 15 CITIES RIGHT NOW THAT HAVE
15 CURBSIDE COLLECTION PROGRAMS. IT IS ANTICIPATED THAT IN
16 THE NEAR FUTURE AN ADDITIONAL TEN WILL ADOPT PROGRAMS.
17 ONE OF THEM MOST NOTABLE IS THE CITY OF LOS ANGELES.
18 THEY ARE LOOKING AT A MULTIPLE MATERIAL CURBSIDE PROGRAM
19 WHICH THEY HOPE TO DIVERT ONE-THIRD OF ALL RESIDENTIAL
20 WASTE GENERATED. THAT PROGRAM IS IN ITS FIRST PHASE. I
21 BELIEVE IS SCHEDULED TO BE IMPLEMENTED SOMETIME THIS
22 YEAR.

23 THERE ARE A NUMBER OF YARD COMPOSTING,
24 GREEN WASTE OR YARD COMPOSTING PROJECTS BEING PROPOSED.
25 PART OF THE CITY OF LOS ANGELES' CURBSIDE PROGRAM WOULD



1 INCLUDE THE COLLECTION OF THOSE MATERIALS FOR COMPOSTING.
2 TWO OTHER CITIES ARE LOOKING AT MAKING COMPOST PART OF
3 THE CURBSIDE COLLECTION PROGRAM, TOO.

4 ALSO, THE COUNTY SANITATION DISTRICT IS
5 LOOKING AT ESTABLISHING GREEN WASTE OPERATIONS AT EACH OF
6 THE FOUR -- THEIR FOUR MAJOR LANDFILLS OR THE LANDFILLS
7 THAT THEY OPERATE.

8 IN TERMS OF WASTE-TO-ENERGY, THERE ARE TWO
9 WASTE-TO-ENERGY FACILITIES NOW OPERATING, WHICH ARE
10 PROCESSING UP TO 2 PERCENT OF THE WASTE GENERATED IN THE
11 COUNTY. BOTH OF THOSE FACILITIES ARE GOING THROUGH
12 DESIGN AND OPERATION CHANGES TO MAKE THEM WORK MORE
13 EFFICIENTLY AND TO BETTER MEET AIR EMISSION STANDARDS.

14 IN TERMS OF FUTURE FACILITIES IN THE
15 COUNTY, IN SOME LEVEL OF REVIEW BEGINNING WITH THE
16 INITIAL ENVIRONMENTAL WORK AND UP TO BEING ISSUED FINAL
17 PERMITS, THERE ARE LANDFILL PROJECTS WHICH WOULD PROVIDE
18 OVER 500 MILLION TONS OF ADDED CAPACITY. NOW, IT IS
19 UNCERTAIN HOW MUCH OF THAT ADDED CAPACITY WILL ACTUALLY
20 BE PERMITTED BECAUSE WITH EVERY ONE OF THE MAJOR SITES
21 THERE IS SIGNIFICANT OPPOSITION. BUT THERE ARE SOME
22 PROJECTS THAT -- FOR EXAMPLE, SCHOLL CANYON, WHERE A
23 CHANGE IN THE JOINT POWERS AGREEMENT COULD QUICKLY ADD
24 CAPACITY. THERE ARE THE AZUSA WESTERN LANDFILL, IF THE
25 THE WASTE DISCHARGE REQUIREMENTS ARE NOT OVERTURNED,



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1 COULD PROVIDE AN ADDITIONAL 25 MILLION, BUT IT'S STILL
2 VERY, VERY CRITICAL THAT THE COUNTY GETS THIS CAPACITY ON
3 LINE IN TIME.

4 ALSO, LOOKING AT PROPOSED FACILITIES, THERE
5 ARE TWO TRANSFER STATIONS THAT WOULD PROCESS OVER 2,000
6 TONS A DAY. THAT'S THE METROPOLITAN WASTE TRANSFER
7 STATION IN PARAMOUNT AND THE LAIDLAW TRANSFER STATION IN
8 THE CITY OF COMMERCE.

9 THE JOINT COUNTY STAFFS OF THE DEPARTMENT
10 OF PUBLIC WORKS AND THE COUNTY SANITATION DISTRICTS ARE
11 INVOLVED IN A MAJOR SITING STUDY TO PROVIDE A MAJOR
12 REPLACEMENT SITE WITHIN FIVE YEARS. AT THIS STAGE, THEY
13 ARE DOING THE FIRST LEVEL OF ENVIRONMENTAL REVIEW AT --
14 THE FIRST EIR TO IDENTIFY WHICH WOULD BE THE MOST
15 SUITABLE.

16 THE COUNTY IN THE LAST COUPLE OF YEARS HAS
17 ALSO BEEN LOOKING INTO THE DISPOSAL OF -- ALTERNATIVE OF
18 HAULING AN UNSPECIFIED AMOUNT OF WASTE BY RAIL OUT OF THE
19 BASIN. A FEASIBILITY STUDY WAS DONE BY SCAG, AND THE
20 COUNTY SANITATION DISTRICTS ARE FOLLOWING UP ON THE STUDY
21 RECOMMENDATIONS AND JUST RECEIVED RESPONSES TO AN RFP
22 WHICH WOULD REQUIRE AN OPERATOR TO COME UP WITH A FULL
23 SERVICE AGREEMENT FOR IMPLEMENTING THAT PROPOSAL.

24 NOW, I'D LIKE TO TURN TO THE SYSTEM
25 IMPROVEMENTS SINCE THE LAST PLAN WAS APPROVED. THOSE



1 INCLUDE MORE EFFICIENT WASTE COLLECTION EQUIPMENT.
2 TRUCKS ARE NOW CARRYING MORE GARBAGE AND THEIR SYSTEMS
3 ARE BECOMING MORE AUTOMATED.

4 THERE'S ALSO BEEN GREATER AUTOMATION OF
5 RESIDENTIAL COLLECTION, AND THAT PROBABLY WILL INCREASE
6 IN THE NEAR FUTURE.

7 THERE HAVE BEEN INCREASED RECYCLING
8 ACTIVITIES IN TERMS OF COMMERCIAL, INDUSTRIAL, AND
9 RESIDENTIAL.

10 IN THE LAST THREE YEARS THERE'S BEEN
11 SIGNIFICANT INCREASE IN COOPERATION BETWEEN THE STAFFS OF
12 THE COUNTY PUBLIC WORKS DEPARTMENT, THE COUNTY SANITATION
13 DISTRICTS, AND A CITY BUREAU OF -- CITY OF LOS ANGELES
14 BUREAU OF SANITATION IN TRYING TO COME TOGETHER AND
15 DEVELOPING A SOLUTION FOR LONG-TERM DISPOSAL IN THE
16 COUNTY.

17 ALSO, IN THE LAST THREE YEARS THERE HAS
18 BEEN AN INCREASE IN COLLECTION PROGRAMS FOR HOUSEHOLD
19 HAZARDOUS WASTE. STAFFS OF THE COUNTY DEPARTMENT OF
20 PUBLIC WORKS, THE COUNTY SANITATION DISTRICTS, AND THE
21 CITY'S BUREAU OF PUBLIC WORKS HAVE PREPARED A JOINT SOLID
22 WASTE MANAGEMENT ACTION PLAN.

23 THE TWO IMPORTANT RECOMMENDATIONS IN THAT
24 PLAN INCLUDE DEVELOPING A 50-YEAR RESERVE OF DISPOSAL
25 CAPACITY AND IMPLEMENTING A WASTE DIVERSION PROGRAM THAT



1 COULD DIVERT 27 PERCENT OF THE WASTE BEING LANDFILLED.

2 AND, FINALLY -- OH, I MISSED ONE IMPORTANT
3 ONE, THE FACT THAT THE COUNTY HAS CONSTRUCTED AND
4 OPERATED TWO WASTE-TO-ENERGY FACILITIES. THAT'S A MAJOR
5 ACCOMPLISHMENT.

6 ALSO, FOR ALL NEW AND EXPANDED SOLID WASTE
7 FACILITIES, THOSE FACILITIES MUST HAVE PROGRAMS WHICH
8 ENSURE THAT TRUCKS ARE PROPERLY TARPED BEFORE COMING INTO
9 THE FACILITY.

10 NOW THAT I'VE GIVEN YOU AN OVERVIEW OF THE
11 SYSTEM, I'D LIKE TO SPEND SOME TIME ON THE CURRENT SOLID
12 WASTE ISSUES IN THE COUNTY. PERHAPS THE MOST IMPORTANT
13 IS SITING ADDITIONAL LANDFILL CAPACITY. AS I PREVIOUSLY
14 STATED, THE COUNTY WILL BE OUT OF CAPACITY IN FIVE YEARS
15 IF NO NEW FACILITIES ARE SITED OR NO EXISTING SITES
16 EXPANDED. SO THERE HAS BEEN A LOT OF ACTIVITY, BOTH ON
17 THE PART OF THE COUNTY, THE CITIES, AND THE PRIVATE
18 SECTOR, TO DEVELOP LANDFILL PROPOSALS TO BRING THAT ADDED
19 CAPACITY ON LINE.

20 THE SECOND IMPORTANT ISSUE IS THE COUNTY'S
21 IMPLEMENTING AGGRESSIVE WASTE DIVERSION PROGRAMS. AS I
22 INDICATED ALREADY, THERE ARE A NUMBER OF CURBSIDE
23 PROGRAMS BEING PROPOSED, A MAJOR ONE IN THE CITY OF LOS
24 ANGELES. INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL
25 SOURCE SEPARATION IS INCREASING. MANY SOLID WASTE



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1 FACILITY OPERATORS ARE LOOKING AT EITHER ESTABLISHING NEW
2 SALVAGING PROGRAMS OR EXPANDING EXISTING.

3 ALSO, THERE IS -- THE COUNTY SANITATION
4 DISTRICT IS CONSIDERING A PILOT PROJECT AT ONE OF THEIR
5 LANDFILLS WHERE THEY WOULD TARGET CERTAIN COMMERCIAL
6 LOADS, BRING THEM THROUGH THEIR FACILITY, THAT WOULD THEN
7 SORT OUT THE LOADS WITH A HIGH AMOUNT OF RECYCLABLES IN
8 THE ATTEMPT TO GET SOME IDEA OF WHAT IS IN THE COMMERCIAL
9 WASTESTREAM SO THEY CAN DEVELOP APPROPRIATE PROGRAMS.

10 ANOTHER IMPORTANT ISSUE IS THE LONG-TERM
11 DISPOSAL OF SLUDGE. RIGHT NOW THE MAJORITY OF THAT
12 MATERIAL IS LANDFILLED. SO BOTH THE CITY OF LOS ANGELES
13 AND THE COUNTY SANITATION DISTRICTS ARE LOOKING AT
14 SEVERAL ALTERNATIVES, INCLUDING EXTRACTING ADDITIONAL
15 MOISTURE OUT OF THE MATERIAL, LANDSPREADING, COMPOSTING,
16 AND INCINERATION. SOME OF THOSE PROJECTS DO CALL FOR, AT
17 LEAST WITH THE CITY OF LOS ANGELES, EXPORTING A PORTION
18 OF THAT SLUDGE THAT WILL BE LANDSPREAD OUT OF COUNTY.

19 ANOTHER VERY IMPORTANT ISSUE THE COUNTY
20 FACES DEVELOPING DURING THEIR PLAN REVISION A PROGRAM FOR
21 THE MORE EQUITABLE DISTRIBUTION OF DISPOSAL SITES. THIS
22 ISSUE HAS BECOME MORE ACUTE AS FEWER -- AS THE COUNTY IS
23 GETTING FEWER AND FEWER FACILITIES AND THOSE FACILITIES
24 ARE LOCATED AT KIND OF THE NORTHERN RIM OF THE BASIN.
25 AND THE CITIZENS AND PUBLIC OFFICIALS IN THOSE AREAS THAT



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1 HAVE THOSE FACILITIES ARE GETTING CONCERNED THAT THEY'RE
2 BEARING AN UNFAIR BURDEN OF DISPOSAL.

3 ANOTHER IMPORTANT ISSUE IS REASSESSING THE
4 ROLE OF WASTE-TO-ENERGY. THREE YEARS AGO THERE WERE MORE
5 THAN A DOZEN WASTE-TO-ENERGY PROJECTS. A NUMBER OF THOSE
6 WERE QUITE A LONG WAYS ALONG. THE EIR'S WERE BEING
7 CONSIDERED. RIGHT NOW THERE ARE, BECAUSE OF CHANGED
8 ECONOMICS, PUBLIC OPPOSITION AND INCREASED AIR EMISSION
9 STANDARDS IN THIS BASIN OR AT LEAST TRYING TO OBTAIN
10 STRICTER AIR EMISSION IN THIS BASIN. WE HAVE NO
11 PROPOSAL -- NO REAL SIGNIFICANT PROPOSALS AT THIS TIME.
12 SO DURING THE PLAN THE COUNTY WILL BE LOOKING AT WHAT,
13 YOU KNOW, SHORT OR LONG-TERM ROLE WASTE-TO-ENERGY WILL
14 PLAY.

15 AND THE LAST ISSUE I'VE IDENTIFIED UP THERE
16 WOULD BE FURTHER DEVELOPMENT OF WASTE BY RAIL PROPOSAL.
17 AS I JUST INDICATED, THE COUNTY SANITATION DISTRICTS HAS
18 RECEIVED RESPONSES TO AN RFP WHICH WOULD PROVIDE A
19 FULL-SERVICE AGREEMENT TO DIVERT AN UNSPECIFIED AMOUNT OF
20 WASTE -- NOT DIVERT, TO TAKE BY RAIL AN UNSPECIFIED
21 AMOUNT OF WASTE OUT OF THE BASIN.

22 BOARD MEMBER VARNER: MR. CHAIRMAN.

23 CHAIRMAN GALLAGHER: YES, MR. VARNER.

24 BOARD MEMBER VARNER: JOHN, I BELIEVE YOU JUMPED
25 OVER TALKING ABOUT INACTIVE LANDFILLS, AND I HAD A



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1 QUESTION ABOUT THAT.

2 MR. SMITH: OH, I'M SORRY. I APOLOGIZE, MR. --
3 I KEEP SWITCHING.

4 BOARD MEMBER VARNER: THAT'S ALL RIGHT.

5 MR. SMITH: YES. THERE ARE ABOUT EIGHT INACTIVE
6 LANDFILLS THAT WERE PLACED ON THE OPEN DUMP -- THE RCRA
7 OPEN DUMP LIST IN THE EARLY 1980S, AND THOSE FACILITIES
8 ARE STILL ON THAT LIST. AND THERE'S ALSO ONE THAT WAS
9 ALSO LISTED ON THE STATE LIST OF NONCOMPLYING FACILITIES.
10 THAT'S THE OPERATING INDUSTRY LANDFILL.

11 A NUMBER OF THOSE, LIKE I SAY, ARE STILL ON
12 AND THE PROGRESS HAS BEEN VERY SLOW IN GETTING THEM OFF
13 THAT LIST. SO WE ARE ASKING -- WHEN I GET ON TO IT
14 LATER -- THE COUNTY TO FULLY ADDRESS THAT ISSUE IN THE
15 PLAN AND MAKE SURE THESE FACILITIES ARE BROUGHT OFF.

16 BOARD MEMBER VARNER: I'D LIKE TO ASK A
17 QUESTION.

18 CHAIRMAN GALLAGHER: YES, MR. VARNER.

19 BOARD MEMBER VARNER: ARE THESE INACTIVE
20 LANDFILLS, ARE THEY PERMITTED LANDFILLS?

21 MR. SMITH: SOME OF THEM WERE AND MAYBE SOME OF
22 THEM WEREN'T BECAUSE THEY MAY HAVE BEEN JUST OLD INACTIVE
23 LANDFILLS TO BEGIN WITH WHEN WE DID THE RCRA INSPECTION.

24 BOARD MEMBER VARNER: ARE THEY --

25 MR. SMITH: MANY ARE SMALL.



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1 BOARD MEMBER VARNER: ARE THEY ONES THAT COULD
2 BE BROUGHT INTO VIABLE SITES?

3 MR. SMITH: I THINK THE MAIN THING THAT HAS TO
4 BE DONE THEY HAVE TO, YOU KNOW, EITHER PUT GAS CONTROL
5 SYSTEMS IN, APPLY MORE COVER. IT'S JUST THAT THEY'VE
6 BEEN SLOW IN GETTING, YOU KNOW, THE GAS CONTROL SYSTEMS
7 APPROVED, GETTING THE FUNDS TO PROPERLY CLOSE THEM.

8 BOARD MEMBER VARNER: THESE ARE ALL PRIVATELY
9 OWNED SITES?

10 MR. SMITH: NO. I THINK THERE'S ONE COUNTY SITE
11 ALSO. IT'S A COMBINATION.

12 NOW, I'D LIKE TO TURN TO THE PLAN REVIEW
13 REPORT. THE COUNTY SUBMITTED THEIR SECOND PLAN REVIEW
14 REPORT BEFORE THEIR MARCH DUE DATE. THE COUNTY IN THAT
15 REPORT, AFTER TAKING INPUT FROM VARIOUS INVOLVED PARTIES,
16 AND THAT REPORT INDICATED THAT THE PLAN WAS INADEQUATE IN
17 SEVERAL AREAS AND THEY INTENDED TO REVISE IT. THE AREAS
18 ARE IDENTIFIED ON PAGE 247 AND 248 OF YOUR BOARD PACKET,
19 AND I'D JUST LIKE TO HIGHLIGHT SOME OF THOSE REVISION
20 AREAS FOR YOU.

21 UNDER WASTE GENERATION, THEY WOULD UPDATE
22 CURRENT AND PROJECTED QUANTITIES.

23 UNDER DISPOSAL, THEY'D UPDATE AND INCLUDE
24 NEW INFORMATION ON EXISTING, PROPOSED, AND PLANNED
25 FACILITIES. THEY'D INCLUDE ANY OF THE NEW PROJECTS THAT



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WEREN'T INCLUDED LAST TIME.

THEY WOULD VERIFY THE REMAINING DISPOSAL CAPACITY, VERIFY WHETHER OR NOT THEY HAVE EIGHT YEARS, AND AT THIS POINT, IT ISN'T.

THEY WOULD ALSO IN THE PLAN IDENTIFY A PROGRAM FOR SECURING THE MINIMUM OF EIGHT YEARS DISPOSAL CAPACITY.

ALSO, IN THE ELEMENT, THEY WOULD BE LOOKING AT A PROGRAM FOR THE EQUITABLE DISTRIBUTION OF DISPOSAL SITES.

THEY ARE ALSO COMMITTED TO DOING A HOUSEHOLD HAZARDOUS WASTE PROGRAM AND A PROGRAM FOR THE PROPER DISPOSAL OF ASBESTOS WASTE.

THEY'LL BE DOING A LOT OF WORK IN RESOURCE RECOVERY, AND ONE OF THE MOST IMPORTANT THINGS WOULD BE IDENTIFYING WHAT THE CURRENT PROGRAMS ARE AND HOW MUCH MATERIAL IS BEING DIVERTED.

THEY WILL ALSO LOOK AT -- THEY WILL INCLUDE A 20-PERCENT RECYCLING GOAL AND PROGRAMS TO IMPLEMENT THAT MINIMUM OF 20 PERCENT.

THEY WILL ALSO UPDATE THE COST FOR RESOURCE RECOVERY, AND THEY'LL ALSO LOOK AT HOW WASTE-TO-ENERGY HAS BEEN CHANGED BY THE NEW POLITICAL ENVIRONMENT.

BOARD STAFF REVIEWED THAT PLAN REVIEW REPORT AND FOUND THAT, FOR THE MOST PART, IT WAS QUITE



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1 ADEQUATE. THE BOARD FOUND ONE ADDITIONAL AREA, THAT
2 WOULD BE THE HANDLING AND DISPOSAL OF PORT AND SHIPBOARD
3 WASTE, AND WE ASKED THE COUNTY TO EXPAND IN TWO AREAS
4 THAT THEY HAVE ALREADY IDENTIFIED, THAT WOULD BE THE
5 ENFORCEMENT AND PLAN ADMINISTRATION SECTIONS OF THE PLAN.

6 AND FOR THOSE TWO, IN ENFORCEMENT, WE ASKED
7 THAT THE PLAN INCLUDE MEASURES TO BRING THE NONCOMPLYING
8 FACILITIES INTO COMPLIANCE AND ALSO INCLUDE MEASURES TO
9 ENSURE THAT FIVE-YEAR PERMIT REVIEWS WERE DONE IN A
10 TIMELY FASHION.

11 UNDER THE PLAN ADMINISTRATION, WE ASKED THE
12 COUNTY TO LOOK AT METHODS TO ENSURE THAT CITIES IMPLEMENT
13 THESE TASK THAT ARE ASSIGNED TO THEM. IT'S VERY
14 DIFFICULT DOWN HERE WHERE YOU HAVE, YOU KNOW, 86
15 CITIES -- WE HAVE 86 CITIES IN THE COUNTY IMPLEMENTING
16 THIS PLAN, AND I THINK THERE HAS TO BE A BETTER WAY TO
17 CHECK THAT EVERYBODY'S DOING THEIR FAIR SHARE IN
18 IMPLEMENTING THAT PLAN.

19 I DISCUSSED THE ADDITIONAL AREAS WITH THE
20 COUNTY, AND THEY SEEMED WILLING TO -- TO COMPLY WITH OUR
21 REQUESTS. THERE WAS ONE ISSUE BEFORE -- AT THE TIME I
22 WROTE THE ITEM, THAT THE COUNTY ONLY WISHED TO SUBMIT A
23 PLAN DOCUMENT THAT JUST INCLUDED UPDATED INFORMATION. IN
24 RECENT CONVERSATIONS WITH THE COUNTY STAFF, THEY SAID
25 THAT THEY ARE WILLING TO PROVIDE A STAND-ALONE DOCUMENT



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TO US.

IF YOU HAVE NO QUESTIONS OF ME, THEN IF JACK MICHAEL IS HERE TO SAY A LITTLE BIT ABOUT THE PLAN REVIEW REPORT AND PLAN REVISION PROCESS. AS BACKUP, THERE IS DAVE YAMAHARA, WHO IS THE ASSISTANT PUBLIC WORKS DIRECTOR, AND ALICE CHUNG, WHO'S ALSO WITH THE PUBLIC WORKS DEPARTMENT.

SO ARE THERE ANY QUESTIONS?

CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR. SMITH?

BOARD MEMBER BREMBERG: JUST ONE.

CHAIRMAN GALLAGHER: YES.

BOARD MEMBER BREMBERG: EDITORIAL COMMENT, JOHN. I THINK IT WOULD HAVE BEEN POLITIC TO HAVE NAMED SOME OF THE CITIES THAT HAD MARVELOUS HOUSEHOLD HAZARDOUS WASTE COLLECTION AND THE CITIES THAT WON THE CLEAN CITIES AWARD INSTEAD OF MENTIONING OTHERS OF LESSER STATUTE.

MR. SMITH: ALL RIGHT. I'LL APOLOGIZE FOR THAT OMISSION.

CHAIRMAN GALLAGHER: THANK YOU, MS. BREMBERG.

MR. MICHAEL.

MR. MICHAEL: MR. CHAIRMAN, MEMBERS OF THE BOARD, I'M JACK MICHAEL REPRESENTING LOS ANGELES COUNTY. I MIGHT ADD THAT DAVID YAMAHARA AND ALICE CHUNG WERE HERE AS BACKUP EARLIER, BUT HAD TO LEAVE FOR ANOTHER MEETING, IN FACT, A MEETING TO FURTHER ALONG THE IMPLEMENTATION OF



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OUR RECYCLING PROGRAM IN THE UNINCORPORATED AREA.

I APPRECIATE THE OPPORTUNITY TO SPEAK. I APPRECIATE THE BOARD'S AUTHORIZATION FOR YOUR STAFF TO SPEND SO MUCH TIME IN HELPING US AND REVIEWING WHAT WE'RE DOING TO ADDRESS SOLID WASTE ISSUES IN L.A. COUNTY. I MIGHT ADD, THOUGH, WE'VE GOT 87 CITIES NOW JUST AFTER RECENT ELECTION. THAT'S NOT TO PUT YOU ON THE SPOT, JOHN. WE HAVE TROUBLE KEEPING TRACK, TOO, OF HOW MANY WE HAVE.

I WANTED TO POINT OUT, MAYBE WITH A LITTLE DIFFERENT EMPHASIS, WHAT WE'RE DOING IN THE COUNTY THAT JOHN HAS COVERED, BUT I THINK, MAYBE WITH A LITTLE DIFFERENT EMPHASIS, THE BOARD WOULD GET A BETTER FEEL FOR THE CONCERN THAT WE HAVE FOR DEALING WITH OUR WASTE ISSUES. THAT REALLY REVOLVES AROUND OUR ACTION PLAN THAT WAS ADOPTED BY OUR BOARD AND THE VARIOUS SAN DISTRICT BOARDS AND THE CITY BOARD OF PUBLIC WORKS A YEAR AGO.

MY RECOLLECTION IS THAT STEVEN MAGUIN AND I HAVE MADE PRESENTATIONS TO THE BOARD REGARDING THAT PLAN IN THE PAST. THE TWO NEW MEMBERS OF YOUR BOARD PROBABLY MAY NOT BE AS AWARE OF IT, HOWEVER.

THE ACTION PLAN IS REALLY A DOCUMENT AND A PROGRAM WITHIN THE FRAMEWORK OF OUR COSWMP THAT WE DETERMINED WOULD BE NECESSARY IF WE'RE GOING TO FIND OUR WAY OUT OF WHAT WE CONSIDER TO BE A CRISIS NOW. WE DO



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1 HAVE SUBSTANTIAL REMAINING CAPACITY IN TERMS OF DISPOSAL
2 CAPACITY; BUT WHEN LINKED WITH VARIOUS PERMIT LIMITS, WE
3 ACTUALLY -- IF NOTHING OCCURS OTHER THAN WHAT WE HAVE
4 TODAY BY 1992, LATE '91, WE'LL HAVE APPROXIMATELY 6,000
5 TONS OF TRASH ROAMING THE STREETS AT NIGHT WITH NO PLACE
6 TO GO. BY THE YEAR 2000, IF NOTHING IS DONE, FROM WHAT
7 WE HAVE RIGHT NOW, THAT GROWS TO ABOUT 50,000 TONS A DAY.

8 THAT COMES ABOUT BECAUSE THROUGH LAND
9 USE -- CONDITIONS IN THE LAND USE PERMITS, THERE ARE
10 DAILY LIMITS ON SEVERAL OF OUR LARGE SITES. BECAUSE OF
11 THAT, WE DEVELOPED THE ACTION PLAN THAT HAS SEVERAL
12 CRITICAL ELEMENTS AND ALL ARE OF EQUAL IMPORT.

13 GENERALLY, THE PUBLIC PERCEPTION IS THAT L.A. COUNTY IS
14 ONLY INTERESTED IN SITING LANDFILLS AND NOT CONSIDERING
15 OTHER WASTE MANAGEMENT OPTIONS. AND THAT, I CAN ASSURE
16 YOU, IS NOT THE POSITION OF THE BOARD OF SUPERVISORS, IS
17 NOT THE POSITION OF THE SANITATION DISTRICT BOARDS.

18 WE ARE VERY CONCERNED THAT WE DO HAVE A
19 BALANCED PROGRAM, AND THAT BALANCE INCLUDES A BALANCE
20 BETWEEN PUBLIC AND PRIVATE SECTOR OPERATION IN OUR
21 COUNTY. SO THE MAJOR CRITICAL ELEMENTS, RECYCLING WASTE
22 DIVERSION COUNTYWIDE, IS AN EXTREMELY IMPORTANT PROGRAM;
23 AND AS I MENTIONED IN THE BEGINNING OF MY PRESENTATION,
24 WE'RE WORKING VERY HARD TO IMPLEMENT THAT IN THE
25 UNINCORPORATED AREAS AND WORKING WITH CITIES THROUGHOUT



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1 THE COUNTY TO MAXIMIZE OUR WASTE DIVERSION.

2 THE THING THAT'S INTERESTING, HOWEVER, IS
3 THAT IN ALL THE STUDIES WE HAVE DONE, WE DON'T BELIEVE
4 THAT THERE IS MORE THAN ABOUT 27 PERCENT OF OUR CURRENT
5 WASTESTREAM THAT IS BEING DISPOSED IN LANDFILLS THAT CAN
6 BE RECYCLED, THAT IS EVEN RECYCLABLE MATERIAL. OUR
7 ESTIMATES WOULD SHOW THAT IF WE MAXIMIZE OUR RECYCLING
8 EFFORTS WITHIN THE COUNTY, ABOUT THE BEST WE'LL BE ABLE
9 TO DO IS KEEP UP WITH THE INCREASED WASTE STREAM JUST DUE
10 TO INTERNAL GROWTH IN THE COUNTY.

11 SO WE CAN HAVE DISCUSSIONS, WHICH WE HAVE
12 MANY, WITH FOLKS THAT DON'T THINK THAT WE'RE DOING ENOUGH
13 TO RECYCLE AND DIVERT FROM THE LANDFILLS, AND I'M WILLING
14 IN ALL CASES TO SAY THAT WE'RE WRONG AND THAT WE CAN
15 RECYCLE 50 PERCENT OF OUR WASTE STREAM. AND IF, IN FACT,
16 THAT'S THE CASE, WE STILL HAVE A WHOLE LOT OF WASTE THAT
17 NEEDS TO BE DEALT WITH SOME WAY OR ANOTHER.

18 SO THE OTHER PART OF OUR PLAN WAS TO SECURE
19 IN PUBLIC OWNERSHIP 50 YEARS OF LANDFILL CAPACITY
20 PERMITTED FOR LAND -- FOR LANDFILL PURPOSES AND PROTECTED
21 IN TERMS OF LAND USE ENCROACHMENT IN THE LONG RUN. THE
22 DETERMINATION IS TO HOW THOSE SITES WOULD BE OPERATED,
23 WHETHER IT BE PRIVATELY OPERATED, PUBLICALLY OPERATED, OR
24 SOME JOINT VENTURE, WOULD BE A DECISION THAT WOULD BE
25 DEALT WITH IN THE FUTURE.



1 OUR EFFORT IN LOOKING FOR NEW SITES IS NOT
2 LOOKING FOR A NEW SITE, IS LOOKING FOR AS MANY NEW SITES
3 AS WE CAN FIND AND GET PERMITTED TO PROVIDE THIS 50 YEARS
4 OF RESERVE CAPACITY. WE LOOKED AT 101 POTENTIAL LANDFILL
5 LOCATIONS WITHIN THE COUNTY AND DETERMINED, BASED ON A
6 VERY COMPLEX SET OF CRITERIA, THAT THERE WERE SIX THAT
7 WERE ON THE TOP OF THE LIST, AND THOSE WERE THE SIX SITES
8 THAT WE ARE NOW PURSUING.

9 AS PART OF THIS PROGRAM, WE ARE INVOLVED IN
10 A PROGRAM EIR, WHICH IS GOING TO BE A PROJECT SPECIFIC
11 DETAILED LEVEL EIR ON ALL SIX SITES AS WELL AS OUR WASTE
12 DIVERSION PROGRAMS, OUR RAIL HAUL, AND BASICALLY OUR
13 WHOLE WASTE MANAGEMENT ACTION PLAN. THAT DOCUMENT WILL
14 BE COMPLETE ABOUT 13 OR 14 MONTHS FROM NOW. THAT WILL
15 THEN SERVE AS THE BASIS FOR THE ELECTED OFFICIALS TO MAKE
16 THE NEXT STEP OF DECISIONS ON ACTUALLY ACQUIRING SITES.

17 WE'RE SPENDING APPROXIMATELY \$5 MILLION ON
18 THAT EIR. IN ADDITION, IN OUR PROGRAM HAS AN EXPENDITURE
19 OF TWO OR THREE ADDITIONAL MILLIONS OF DOLLARS IN TERMS
20 OF SECURING PURCHASE OPTIONS AND DOING OTHER STUDIES TO
21 RESOLVE OUR PROBLEM.

22 WE, AS PART OF THE ACTION PLAN, HAVE
23 DEVELOPED THIS JOINT PARTNERSHIP WITH THE CITIES AND THE
24 SANITATION DISTRICTS, AND ARE WORKING MAYBE A LITTLE
25 SLOWLY, BUT WE THINK VERY SURELY IN DEALING WITH WHAT



1 HAVE BEEN A LOT OF POLITICAL ISSUES AND PROBLEMS OVER THE
2 PAST MANY YEARS.

3 IN TERMS OF OUR PLAN REVIEW, ACTUALLY THE
4 BASIS OF OUR PLAN REVIEW IS LARGELY CENTERED AROUND THE
5 ADOPTION OF THE ACTION PLAN AND THOSE THINGS THAT ARE
6 NECESSARY IN THE COSWMP IN TERMS OF REVISIONS AS A RESULT
7 OF THESE ACTIVITIES. IN ADDITION TO THAT, OF COURSE,
8 THERE IS A WHOLE SERIES OF NEW LAWS THAT REQUIRE THAT
9 CERTAIN ELEMENTS BE REVISED. SO THAT'S PRIMARILY WHAT
10 WAS THE BASIS FOR OUR PLAN REVIEW.

11 WE THINK WE HAVE A VERY AGGRESSIVE PROGRAM
12 GOING, AND THOSE OF US THAT ARE DIRECTLY INVOLVED IN IT
13 ARE VERY CONFIDENT THAT WE'LL BE ABLE TO ACHIEVE SOME
14 SUCCESS. WE ARE NOT SO NAIVE, HOWEVER, TO NOT REALIZE
15 THAT IT'S NOT AN EASY ROAD THAT WE'RE TAKING HERE, BUT WE
16 ARE CONFIDENT AND WE ARE PUTTING A CONSIDERABLE EFFORT
17 INTO SOLVING THE WASTE PROBLEM FOR LOS ANGELES COUNTY.

18 I'D BE HAPPY TO ANSWER ANY QUESTIONS THAT I
19 MAY BE ABLE TO ANSWER.

20 CHAIRMAN GALLAGHER: THANK YOU, MR. MICHAEL.
21 ANY QUESTIONS? MR. LOCKINGTON.

22 BOARD MEMBER LOCKINGTON: HOW ARE YOU COMING
23 ALONG WITH THE EXPANSION IN THE SECOND CANYON IN PUENTE
24 HILLS?

25 MR. MICHAEL: WE'RE NOT. ACTUALLY, THE ONE



1 THING I DIDN'T MENTION IN OUR PLAN, AS WELL AS THE
2 EXPANSION OF ALL EXISTING SITES TO THE MAXIMUM EXTENT
3 TECHNICALLY AND ENVIRONMENTALLY FEASIBLE, AT THIS
4 PARTICULAR TIME, WE HAVE BEEN DEVOTING, IN TERMS OF THE
5 SANITATION DISTRICT'S STAFF AND OURSELVES, OUR EFFORTS ON
6 WORKING TOWARD THE NEW SITES AND HAVE NOT PROCEEDED WITH
7 ANY ADDITIONAL EXPANSION AT PUENTE HILLS.

8 WE'VE BEEN WORKING WITH THE CITY OF
9 GLENDALE TO TAKE CARE OF OUR JOINT POWERS AGREEMENT FOR
10 CONTINUED OPERATION THERE AND DEVOTING MOST OF OUR STAFF
11 EFFORTS TO DOING THE STUDIES NECESSARY TO MAKE DECISIONS
12 ON POTENTIAL NEW SITES.

13 BOARD MEMBER LOCKINGTON: AT THE RISK OF ASKING
14 A BAD QUESTION, IS THAT YOUR FALL-BACK POSITION?

15 MR. MICHAEL: NO. THAT'S NOT A FALL-BACK
16 POSITION. IT'S A MATTER OF HOW MANY -- HOW MUCH YOU HAVE
17 IN TERMS OF RESOURCES TO DEVOTE TO SOLVING THE PROBLEM.

18 BOARD MEMBER LOCKINGTON: BECAUSE IF YOU FLY
19 OVER THERE, IT LOOKS LIKE AN AWFUL BIG AREA WITH A LOT OF
20 POTENTIAL CLOSE BY, AND YOU'VE ALREADY GOT MANY THINGS IN
21 PLACE, INCLUDING YOUR OFFICES.

22 MR. MICHAEL: THE PERMIT AT PUENTE HILLS, I
23 BELIEVE, IS UP FOR RENEWAL IN 1992, I THINK IT IS, AND WE
24 WILL BE MOVING TO PURSUE THAT, BUT AT THIS POINT, THAT
25 HAS NOT BEEN A PRIORITY.



1 CHAIRMAN GALLAGHER: THANK YOU. ANY FURTHER
2 QUESTIONS OF MR. MICHAEL?

3 MR. MICHAEL: I WOULD JUST LIKE TO SAY, AGAIN, I
4 APPRECIATE THE STAFF'S TIME AND WOULD CERTAINLY URGE THAT
5 YOUR BOARD ADOPT THE STAFF'S RECOMMENDATION ON OUR PLAN
6 REVIEW.

7 CHAIRMAN GALLAGHER: THANK YOU, AGAIN.

8 ANYONE IN THE AUDIENCE THAT WISHES TO SPEAK
9 ON THE LOS ANGELES COUNTY PLAN REVIEW REPORT?

10 THANK YOU. WE HAVE A RECOMMENDATION THAT
11 WE ADOPT RESOLUTION 89-42.

12 BOARD MEMBER VARNER: AYE.

13 BOARD MEMBER BROWN: SECOND.

14 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
15 SECONDED. WOULD YOU PLEASE CALL THE ROLE.

16 SECRETARY DUNN: BREMBERG?

17 BOARD MEMBER BREMBERG: AYE.

18 SECRETARY DUNN: BROWN?

19 BOARD MEMBER BROWN: YES.

20 SECRETARY DUNN: LOCKINGTON?

21 BOARD MEMBER LOCKINGTON: YES.

22 SECRETARY DUNN: MOSCONE?

23 BOARD MEMBER MOSCONE: AYE.

24 SECRETARY DUNN: TCHOBANOGLOUS?

25 BOARD MEMBER TCHOBANOGLOUS: YES.



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1 SECRETARY DUNN: VARNER?

2 BOARD MEMBER VARNER: AYE.

3 CHAIRMAN GALLAGHER: CHAIRMAN VOTES AYE.

4 THANK YOU. WE'RE NOW READY TO MOVE TO ITEM
5 9 ON THE AGENDA.

6 MR. IWAHRO: MR. CHAIRMAN, NO. 9 IS AN ISSUE ON
7 A NUMBER OF TRANSFER STATIONS UP IN TRINITY COUNTY.
8 THESE WERE BROUGHT BEFORE YOU AWHILE BACK, AND THERE WAS
9 A PROBLEM WITH THEM IN TERMS OF CEQA COMPLIANCE OF THE
10 COUNTY PLAN.

11 JOHN SMITH AND DON DIER WILL EXPLAIN MORE
12 SPECIFICALLY ABOUT THAT AND ASK YOU TO TAKE AN ACTION TO
13 ISSUE THESE PERMITS.

14 MR. DIER: MR. CHAIRMAN, BOARD MEMBERS, HERB
15 JUST ABOUT SAID IT ALL RIGHT THERE. THESE ITEMS WERE
16 BEFORE YOU IN JANUARY, AND THEY HAD A COUPLE OF PROBLEMS
17 THAT PRIMARILY FOCUSED AROUND THE ENVIRONMENTAL REVIEW
18 AND COUNTY SOLID WASTE PLAN. JOHN WILL DISCUSS THOSE IN
19 A MOMENT.

20 I WOULD JUST LIKE TO POINT OUT THAT STAFF
21 HAS PROVIDED YOU FACT SHEETS IN ATTACHMENT 1 TO DESCRIBE
22 SOME FACTS ABOUT EACH OF THE FACILITIES. THAT BEGINS ON
23 PAGE 323 OF YOUR PACKET -- 324 OF YOUR PACKET.

24 AFTER ADDRESSING THE PROBLEMS THAT WERE
25 RAISED ON THE JANUARY MEETING, THE COUNTY HAS



1 RECONSIDERED THE MATTER AND SUBMITTED THE MATERIALS, AND
2 JOHN WILL DISCUSS THOSE NOW.

3 MR. SMITH: MR. CHAIRMAN AND BOARD MEMBERS, THE
4 COUNTY DID AS REQUESTED AND DID CIRCULATE THEIR MITIGATED
5 NEGATIVE DECLARATIONS THROUGH THE CLEARINGHOUSE SO THAT
6 WE'D HAVE A PROPER REVIEW OF THOSE DOCUMENTS. WE DID
7 LOOK AT THOSE DOCUMENTS AND FOUND THAT THEY WERE
8 APPROPRIATE.

9 THE MITIGATION MEASURES THAT WERE ADDED TO
10 THE PROJECT, THAT WERE ADDRESSED IN THE NEGATIVE
11 DECLARATION, INCLUDED FIRE PROTECTION MEASURES AND
12 MEASURES FOR THE PROPER IDENTIFICATION, HANDLING, AND
13 DISPOSAL OF HAZARDOUS MATERIALS THAT MIGHT INADVERTENTLY
14 BE -- OR PURPOSELY BE PUT IN THE WASTESTREAM.

15 LIKE I SAID, STAFF REVIEWED THOSE DOCUMENTS
16 AND FOUND THEM ADEQUATE AND APPROPRIATE FOR THIS BOARD'S
17 USE.

18 REGARDING THE OTHER PROBLEM WE HAD WITH THE
19 PROJECTS, THE COUNTY DID NOT WISH TO COMPLY WITH CHAPTER
20 4 OF OUR GUIDELINES. THOSE GUIDELINES SPELL OUT THE
21 PROCEDURES FOR OBTAINING A DETERMINATION OF CONFORMANCE
22 WITH THE COUNTY PLAN.

23 THE COUNTY DEPARTMENT OF PLANNING --
24 DEPARTMENT OF PLANNING AND TRANSPORTATION, WHICH IS BOTH
25 THE COUNTY PLAN LIAISON AND OPERATOR, HAS PROVIDED THE



1 REQUIRED DOCUMENTS SO THAT WE COULD EVALUATE THESE
2 PROJECTS FOR THEIR CONFORMANCE FOR THE PLAN.

3 IN CONCLUSION, WE FOUND THAT THE PROPOSED
4 PROJECTS DID MEET ALL FOUR OF THE BOARD ESTABLISHED
5 CRITERIA FOR MAKING A DETERMINATION OF CONFORMANCE, AND
6 THOSE INCLUDE THE PROJECTS' CONSISTENCY WITH STATE
7 POLICY, WITH THE GOALS AND OBJECTIVES OF THE PLAN,
8 IDENTIFICATION OF THE PLAN, AND CONSISTENT WITH LOCAL
9 SOLID WASTE ORDINANCES.

10 DON.

11 MR. DIER: I GUESS FOR THE RECORD, I SHOULD
12 INDICATE THE NAMES OF THESE FACILITIES. THESE ARE ALL
13 SMALL VOLUME TRANSFER STATIONS IN TRINITY COUNTY. IT'S
14 BIG BAR, BURNT RANCH, HOBEL, JUNCTION CITY, VAN DUZEN,
15 AND HYAMPOM.

16 THE LOCAL ENFORCEMENT AGENCY HAS
17 RESUBMITTED THE PERMITS ESSENTIALLY IN THE SAME FORM AND
18 CONTEXT AS WERE CONSIDERED IN THE JANUARY MEETING. STAFF
19 REALLY DIDN'T HAVE A PROBLEM WITH THE PERMITS. IT WAS
20 JUST THE MATTERS PRECEDING THE PERMIT ACTION THAT WE HAD
21 A PROBLEM WITH. SO STAFF IS STILL OF THE SAME OPINION WE
22 WERE IN JANUARY, THAT WITH THESE MATTERS TAKEN CARE OF,
23 WE'RE ABLE TO RECOMMEND THAT THE BOARD CONCUR IN THE
24 ISSUANCE OF THE PERMITS.

25 SO WHAT WE HAVE DONE IS INCLUDED THE



1 CONCURRENCE RECOMMENDATION IN A SINGLE RESOLUTION NUMBER
2 FOR EACH ACTION. SO STAFF IS ABLE TO RECOMMEND THE BOARD
3 ADOPT DETERMINATION OF CONFORMANCE 89-1, FINDING THE
4 PROJECTS IN CONFORMANCE WITH THE COUNTY PLAN, AND PERMIT
5 DECISION NO. 89-9, CONCURRING IN THE ISSUANCE OF THE SIX
6 FACILITIES PERMITS.

7 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS?

8 YOU'VE HEARD STAFF RECOMMENDATION. HAVE A
9 MOTION, PLEASE?

10 BOARD MEMBER MOSCONE: MOVE ADOPTION OF
11 DETERMINATION OF CONFORMATION NO. 89-1 SOLID WASTE
12 FACILITIES PERMIT DECISION 89-9.

13 BOARD MEMBER TCHOBANOGLIOUS: SECOND.

14 CHAIRMAN GALLAGHER: MOVED AND SECONDED THAT WE
15 ADOPT STAFF RECOMMENDATION APPROVING WASTE FACILITIES
16 PERMIT 89-9, AND SOLID WASTE -- AND DETERMINATION OF
17 CONFORMANCE NO. 89-1.

18 WILL YOU CALL THE ROLE, SECRETARY, PLEASE.

19 SECRETARY DUNN: BREMBERG?

20 BOARD MEMBER BREMBERG: AYE.

21 SECRETARY DUNN: BROWN?

22 BOARD MEMBER BROWN: AYE.

23 SECRETARY DUNN: LOCKINGTON?

24 BOARD MEMBER LOCKINGTON: AYE.

25 SECRETARY DUNN: MOSCONE?



1 BOARD MEMBER MOSCONE: AYE.

2 SECRETARY DUNN: TCHOBANOGLIOUS?

3 BOARD MEMBER TCHOBANOGLIOUS: YES.

4 SECRETARY DUNN: VARNER?

5 BOARD MEMBER VARNER: AYE.

6 CHAIRMAN GALLAGHER: THE CHAIRMAN VOTES AYE.

7 THANK YOU, GENTLEMEN.

8 MOVING RIGHT ALONG, WE WILL MOVE TO ITEM
9 10, CONSIDERATION OF REMOVAL OF THE CALIFORNIA STREET
10 LANDFILL, SAN BERNARDINO COUNTY, FROM THE FEDERAL
11 RESOURCE, CONSERVATION, AND RECOVERY ACT, RCRA, OPEN DUMP
12 INVENTORY.

13 MR. IWAHIRO: YES, MR. CHAIRMAN. QUITE SOME
14 TIME AGO, ACTUALLY, A NUMBER OF YEARS, I THINK PROBABLY
15 EIGHT OR TEN YEARS -- EIGHT OR NINE YEARS AGO, THERE WAS
16 A PROGRAM WHERE UNDER THE AUSPICES OF THE EPA, WHERE WE
17 REVIEWED SITES IN CALIFORNIA AND DETERMINED WHETHER OR
18 NOT THEY WERE SO-CALLED AN OPEN DUMP OR NOT, AND THEY HAD
19 CERTAIN VIOLATIONS -- IF THEY HAD CERTAIN VIOLATIONS,
20 THEN THEY WERE CONSIDERED AN OPEN DUMP, AND WE'RE TRYING
21 TO CLEAR THESE OFF OF THE OPEN DUMP LIST BY GETTING THEM
22 CLEANED UP.

23 YOU HEARD JUST A FEW MINUTES AGO ABOUT THE
24 SITES IN LOS ANGELES COUNTY AND THAT THEY ARE MAKING AN
25 EFFORT TO CLEAR THOSE UP ALSO. THIS ONE HAPPENS TO BE IN



1 SAN BERNARDINO COUNTY.

2 OUR SOUTHERN CALIFORNIA MANAGER -- OFFICE
3 MANAGER GARY KING AND JOHN BOUCHER ARE HERE TO EXPLAIN
4 THIS ITEM TO US.

5 MR. BOUCHER: THANK YOU, MR. IWAHIRO. MR.
6 CHAIRMAN, MEMBERS OF THE BOARD, GOOD AFTERNOON. MY NAME
7 IS JOHN BOUCHER. I WORK AT THE SOUTHERN CALIFORNIA
8 OFFICE FOR MR. GARY KING.

9 THE CALIFORNIA STREET LANDFILL IS LOCATED
10 IN THE CITY OF REDLANDS IN SAN BERNARDINO COUNTY. THE
11 SITE IS SITUATED ADJACENT TO THE SANTA ANA RIVER. THE
12 LANDFILL IS CURRENTLY ACTIVE IN A PERMITTED FACILITY.
13 IT'S OWNED AND OPERATED BY THE CITY OF REDLANDS. THE
14 SITE IS EXCLUSIVELY FOR WASTE GENERATED WITHIN THE CITY
15 OF REDLANDS AND IS USED BY ONLY CITY VEHICLES. THE SITE
16 IS NOT OPEN TO THE PUBLIC.

17 BOARD STAFF INSPECTED THE SITE BACK IN JUNE
18 OF 1981, AS MANDATED BY THE FEDERAL RESOURCE CONSERVATION
19 AND RECOVERY ACT, SUBTITLE D. THE FACILITY WAS FOUND TO
20 BE IN NONCOMPLIANCE WITH THE ACCESS PORTION OF THE SAFETY
21 CRITERION.

22 ON THE DAY OF THE INSPECTION, BOARD STAFF
23 OBSERVED UNAUTHORIZED DUMPING AFTER THE 5 P.M. CLOSING
24 TIME. ALSO, OFF-ROAD VEHICLES WERE OBSERVED DRIVING FROM
25 THE ADJACENT RIVERBED ONTO THE NORTHERN SLOPES OF THE



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FACILITY.

THE OPERATOR WAS NOTIFIED AFTER THAT OF THE BOARD'S INTENT TO INCLUDE THE FACILITY ON THE RCRA OPEN DUMP LIST; AND, SUBSEQUENTLY, THE OPERATOR INFORMED BOARD STAFF THAT COMPLYING WITH THE ACCESS CRITERION OF SUBTITLE D WOULD BE COST PROHIBITIVE TO THE CITY OF REDLANDS AS WELL AS IMPRACTICAL DUE TO THE SITE DESIGN.

AFTER THE 90-DAY GRACE PERIOD, WHICH ALLOWS THE OPERATOR TO CORRECT ANY OUTSTANDING VIOLATIONS NOTED, STAFF REINSPECTED THE SITE AND FOUND THAT IT WAS STILL IN NONCOMPLIANCE.

ON OCTOBER 30, 1981, THE BOARD ADOPTED RESOLUTION 81-120 AND PLACED THE CALIFORNIA STREET LANDFILL ON THE RCRA OPEN DUMP LIST.

SITE MANAGEMENT CHANGED IN 1986, AND THE NEW SITE MANAGER WAS ABLE TO NEGOTIATE, THROUGH THE PERIOD OF 1987 AND '88, WITH THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT. HE WAS ABLE TO OBTAIN PERMISSION TO TIE INTO A SECTION OF THEIR FENCE BETWEEN THE SOUTH BANK OF THE SANTA ANA RIVER AND THE NORTHERN BOUNDARY OF THE FACILITY.

THE WORK WAS COMPLETED IN LATE OF THE YEAR OF 1988, AND HE INFORMED STAFF IN JANUARY OF 1989 THAT THE VIOLATION HAD BEEN CORRECTED. ON MAY 5TH, STAFF INSPECTED THE FACILITY AND FOUND THAT IT WAS IN



1 COMPLIANCE WITH THE ACCESS CRITERION AND ALL OTHER
2 SPECIFICATIONS OF SUBTITLE D.

3 IT'S RECOMMENDED THAT THE BOARD ADOPT
4 RESOLUTION 89-44 AND REMOVE THE CALIFORNIA STREET
5 LANDFILL FROM THE RCRA OPEN DUMP INVENTORY AND TO
6 CONTINUE MONITORING THE SITE TO ENSURE ONGOING COMPLIANCE
7 WITH STATE MINIMUM STANDARDS.

8 CHAIRMAN GALLAGHER: THANK YOU, JOHN.

9 ANY QUESTIONS OF MR. BOUCHER?

10 FIRST, STAFF RECOMMENDATION IS THAT WE
11 ADOPT 89-44.

12 BOARD MEMBER MOSCONE: SO MOVED.

13 CHAIRMAN GALLAGHER: IT'S BEEN MOVED.

14 BOARD MEMBER VARNER: SECOND.

15 CHAIRMAN GALLAGHER: WE HAVE A SECOND THAT WE
16 ADOPT RESOLUTION 89-44, REMOVING THE CALIFORNIA STREET
17 LANDFILL FROM THE RCRA OPEN DUMP INVENTORY AND TO
18 CONTINUE TO MONITOR THE SITE TO ENSURE ONGOING COMPLIANCE
19 WITH STATE MINIMUM STANDARDS.

20 WILL YOU CALL THE ROLE, PLEASE.

21 SECRETARY DUNN: BREMBERG?

22 BOARD MEMBER BREMBERG: AYE.

23 SECRETARY DUNN: BROWN?

24 BOARD MEMBER BROWN: AYE.

25 SECRETARY DUNN: LOCKINGTON?



1 BOARD MEMBER LOCKINGTON: AYE.

2 SECRETARY DUNN: MOSCONE?

3 BOARD MEMBER MOSCONE: AYE.

4 SECRETARY DUNN: TCHOBANOGLOUS?

5 BOARD MEMBER TCHOBANOGLOUS: YES.

6 SECRETARY DUNN: VARNER?

7 BOARD MEMBER VARNER: AYE.

8 CHAIRMAN GALLAGHER: CHAIRMAN VOTES AYE.

9 NEXT ITEM ON THE AGENDA WE WILL TAKE UP AS
10 ITEM NO. 11, WHICH IS A CONSIDERATION OF THE RENEWAL OF
11 THE CONTRACT FOR COURT REPORTERS SERVICES WITH
12 BARRISTERS' REPORTING SERVICE.

13 AFTER THE WORKOUT THAT WE'VE GIVEN THIS
14 YOUNG LADY ON HER FIRST TRIP TO THE BOARD, THEY MAY
15 WITHDRAW THEIR WILLINGNESS TO BE RENEWED.

16 MR. CONHEIM.

17 ATTORNEY CONHEIM: THANK YOU, MR. CHAIRMAN.

18 WE ARE BRINGING THIS ITEM TO YOU EVEN
19 THOUGH IT IS A HOUSEKEEPING ITEM BECAUSE THE AMOUNT OF
20 MONEY INVOLVED EXCEEDS THE DELEGATION OF AUTHORITY TO THE
21 CHIEF EXECUTIVE OFFICER FOR APPROVAL OF HOUSEKEEPING
22 CONTRACTS. INFLATION HAS NOT -- HAS EXCEEDED THAT
23 DELEGATION, WHICH IS ABOUT \$25,000. AND YOU WILL SEE
24 FROM THIS ITEM THAT I AM ASKING YOUR APPROVAL TO GO AHEAD
25 AND WRITE A CONTRACT COMMITTING A MAXIMUM OF \$33,000 FOR



1 COURT REPORTING SERVICES.

2 THE OTHER UNIQUE ISSUE ABOUT THIS CONTRACT
3 IS THAT WE ARE PROPOSING TO RENEW THIS CONTRACT WITHOUT
4 REBIDDING. THE REASON IS THAT IN THE BID LAST YEAR, WE
5 INCLUDED IN THE REQUEST FOR PROPOSALS A SPECIFIC
6 STATEMENT THAT, BASED ON AN EVALUATION PERFORMANCE OF THE
7 SUCCESSFUL BIDDING, THIS CONTRACT MIGHT BE RENEWED FOR UP
8 TO THREE SUCCESSIVE YEARS WITHOUT GOING OUT TO FURTHER
9 BID. AND THE REASON FOR THAT IS THAT WE FELT THAT IT WAS
10 IN THE STATE'S BEST INTEREST TO KEEP THE CONTRACTOR WHO
11 HAD DEVELOPED FAMILIARITY AND EXPERTISE WITH
12 TECHNICALITIES AND INTRICACIES OF THE BOARD'S
13 PROCEEDINGS.

14 AND IF -- IN THAT VEIN, WE PROPOSED TO GO
15 AHEAD AND TRY AND NEGOTIATE WITH THE CONTRACTOR,
16 BARRISTERS' REPORTING SERVICES, BETH DRAIN, SOME RATES
17 THAT WOULD NOT BE TOO HIGH AND WOULD ALLOW US TO BRING TO
18 YOU A RECOMMENDATION THAT IT WAS NOT ONLY IN THE STATE'S
19 BEST INTEREST TO KEEP HER, BUT THAT WE HAD A GOOD DEAL TO
20 BEAT.

21 SO ON PAGE 378 OF YOUR BOARD PACKET, I'VE
22 COMPARED LAST YEAR'S RATES WITH THIS YEAR'S RATES AND YOU
23 WILL SEE THAT I WAS ABLE -- AND BETH DRIVES A HARD
24 BARGAIN -- BUT I WAS ABLE TO KEEP THE INCREASE AT ABOUT
25 5.2 PERCENT, WHICH IS THE CONSUMER PRICE INDEX FOR



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1 NORTHERN CALIFORNIA, WHICH IS WHAT MOST CONTRACTS WRITTEN
2 IN SACRAMENTO ARE BASED ON, MANY CONTRACTS ARE. IT'S
3 ACTUALLY HIGHER -- A LITTLE HIGHER THAN THE SOUTHERN
4 CALIFORNIA RATE, BUT WHAT I'VE DONE IS I'VE EXTRAPOLATED
5 THOSE PAGE RATES AND APPEARANCE FEES TO AN ESTIMATED
6 NUMBER OF BOARD MEETINGS AND HEARINGS IN VARIOUS
7 LOCATIONS AROUND THE STATE.

8 WHAT I'VE PROPOSED TO DO, IF YOU APPROVE MY
9 GOING AHEAD, IS TO DRAFT THE CONTRACT AND ALSO DRAFT THE
10 SO-CALLED SOLE SOURCE JUSTIFICATION, REFERRING TO LAST
11 YEAR'S INVITATION FOR BIDS AND EXPLAINING WHY WE ARE
12 GOING AHEAD THIS YEAR WITH A RENEGOTIATION AND RENEWAL OF
13 THIS CONTRACT WITHOUT REBIDDING.

14 THOSE ARE THE ESSENTIAL POINTS, I THINK, OF
15 THIS ITEM THAT I WOULD LIKE TO SHARE WITH YOU, AND THEN I
16 WOULD LIKE TO ASK YOU IF YOU HAVE ANY QUESTIONS OR JUST
17 PRESENT THE ITEM TO YOU.

18 CHAIRMAN GALLAGHER: HAVE ANY QUESTIONS?

19 WELL, YOUR CHAIR JOINS MR. CONHEIM IN
20 RECOMMENDING WE GO AHEAD WITH THIS. I THINK WE'VE HAD
21 OUTSTANDING SERVICE FROM MS. DRAIN AND HER CREW, AND WE
22 SHOULD NOT ATTEMPT TO BREAK IN SOMEBODY NEW. I THINK
23 JUST THE EXPERIENCE OF THE LAST COUPLE OF DAYS IS AN
24 INDICATION OF HOW GOOD THE SERVICE HAS BEEN. SO I HOPE
25 YOU WILL JOIN ME IN APPROVING IT.



1 ATTORNEY CONHEIM: IF WE HAD ANOTHER REPORTER
2 BACKING UP OUR CURRENT REPORTER, I MIGHT ASK THIS ONE TO
3 TESTIFY ABOUT JUST HOW DIFFICULT IT IS TO COME IN AND DO
4 A SUSTAINED DICTATION, WHICH THIS IS KNOWN AS IN THE
5 TRADE. IT'S NOT LIKE DEPOSITIONS WHERE YOU GET A BREAK.
6 IT'S NOT LIKE COURT PROCEEDINGS WHERE THERE'S LOTS OF
7 INTERRUPTIONS AND LOTS OF BREAKS. AND TO COMPOUND THAT
8 DIFFICULTY, AS YOU WELL KNOW, THERE IS THE FACT THAT WE
9 TALK IN, NOT ONLY GREEK, BUT IRISH --

10 CHAIRMAN GALLAGHER: STRANGE TALKS.

11 ATTORNEY CONHEIM: -- AND ARMENIAN AND OTHER
12 STRANGE TONGUES AS WELL AS GARBAGESE AND INAPPOSITE
13 LEGALESE. I MEAN, I MEANT TO APOLOGIZE TO YOU PRIVATELY,
14 BUT I'LL DO IT PUBLICLY.

15 IN ANY EVENT, THE QUESTION IS THAT THE ITEM
16 IS PRESENTED TO YOU. AND I ALSO VERY HIGHLY RECOMMEND
17 CONTINUING WITH BARRISTERS' BECAUSE OF THE SERVICE, THE
18 ATTITUDE, THE CONFIDENCE THAT I CAN HAVE AS A LAWYER THAT
19 THESE TRANSCRIPTS ARE JUST ABOUT AS ACCURATE AS THEY CAN
20 BE IS VERY IMPORTANT. AND WE HAD NO FEWER THAN AT LEAST
21 THREE ITEMS ON THE AGENDA TODAY THAT EITHER ARE OR COULD
22 RESULT IN LITIGATION FOR WHICH MOST JUDGES AND MOST
23 COURTS WANT CERTIFIED RECORDS BY CALIFORNIA CERTIFIED
24 SHORTHAND REPORTERS.

25 THE OTHER ALTERNATIVE IS, AT SOME POINT, TO



1 CONSIDER GOING OUT TO BID FOR ONE OF THESE ELECTRONIC
2 RECORDING DEALS THAT'S NOT CERTIFIED IN THE SAME MANNER,
3 AND I REALLY DON'T KNOW THE VAGARIES OF THE VARIOUS RULES
4 OF COURT. THEY MAY NOT EVEN BE CERTIFIABLE OR USABLE AS
5 AN ADMINISTRATIVE RECORD IN AN ADMINISTRATIVE MANDAMUS
6 PROCEEDING.

7 MAYBE SOMEDAY, WHEN BETH DECIDES SHE
8 DOESN'T WANT THIS JOB AND SHE'S NOT QUITE AS GENEROUS, WE
9 MAY BE FORCED INTO THAT. BUT AT THIS POINT, WE'VE GOT A
10 GOOD DEAL, AND SHE'S HAPPY TO TRY TO CONTINUE THE JOB.

11 CHAIRMAN GALLAGHER: MAY I HAVE A MOTION TO
12 AUTHORIZE --

13 GO AHEAD.

14 BOARD MEMBER VARNER: I'D MOVE FOR ACCEPTANCE OF
15 THE BID.

16 BOARD MEMBER MOSCONE: I SECOND IT.

17 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
18 SECONDED THAT WE AUTHORIZE MR. CONHEIM TO CONTINUE
19 NEGOTIATION WITH BARRISTERS' REPORTING SERVICE TO
20 CONTINUE THE COURT REPORTING FOR THIS BOARD FOR THE NEXT
21 YEAR.

22 MAY WE HAVE A ROLE CALL, PLEASE, MS. DUNN.

23 SECRETARY DUNN: BREMBERG?

24 BOARD MEMBER BREMBERG: AYE.

25 SECRETARY DUNN: BROWN?



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1 BOARD MEMBER BROWN: ABSTAIN.

2 SECRETARY DUNN: LOCKINGTON?

3 BOARD MEMBER LOCKINGTON: AYE.

4 SECRETARY DUNN: MOSCONE?

5 BOARD MEMBER MOSCONE: AYE.

6 SECRETARY DUNN: TCHOBANOGLOUS?

7 BOARD MEMBER TCHOBANOGLOUS: AYE.

8 SECRETARY DUNN: VARNER?

9 BOARD MEMBER VARNER: AYE.

10 CHAIRMAN GALLAGHER: CHAIRMAN VOTES AYE.

11 THANK YOU.

12 CHAIRMAN GALLAGHER: CAN YOU GO AHEAD WITH 14?

13 MR. OLDALL: WHATEVER YOUR PLEASURE IS, MR.

14 CHAIRMAN.

15 CHAIRMAN GALLAGHER: I THINK WE CAN TAKE 14.

16 THERE'S STILL ENOUGH TIME.

17 MR. OLDALL: WE MOST CERTAINLY WILL GIVE IT A
18 TRY ANYWAY.

19 AGENDA ITEM 14 IS A CONSIDERATION OF DRAFT
20 REPORT ON RECYCLED MATERIALS MARKETS. THIS REPORT HAS
21 BEEN AROUND IN VARIOUS ITERATIONS WITH STAFF AND THE
22 BOARD MEMBERS PROBABLY FOR ABOUT THE LAST MONTH OR SO.
23 WE DID TAKE THE OPPORTUNITY TO SEND YOU A COPY OF IT LAST
24 WEEK. IF BY ANY CHANCE ANY OF YOU HAVE THAT, THAT WOULD
25 POSSIBLY ASSIST US IN EXPEDITING THE ISSUE TODAY. IF YOU



1 DON'T, I THINK THAT WE DO HAVE ONE OR TWO SPARE COPIES --
2 FOUR COPIES THAT BRIAN HAS, BUT HOPEFULLY, IN YOUR
3 EARLIER REVIEW, WE GOT A LOT OF INPUT.

4 WHAT TRANSPIRED IN THE MEANTIME WAS THAT WE
5 TRANSMITTED IT TO AGENCY. IT WAS HELD UP IN AGENCY AS
6 WAS A NUMBER OF OTHER DOCUMENTS PENDING SOME REMOVAL IN
7 THE INTEGRATED WASTE MANAGEMENT PROPOSAL AREA FROM THE
8 GOVERNOR'S OFFICE. THERE WERE A FEW ISSUES IN THERE THAT
9 TOUCHED UPON THE ISSUE OF TAX CREDITS WHICH WE
10 SUBSEQUENTLY REMOVED FROM THE DOCUMENT. AND AT THIS
11 POINT IN TIME, WE FEEL THAT WE HAVE A PRETTY SUBSTANTIAL
12 DOCUMENT THAT COVERS VIRTUALLY ALL OF THE AREAS THAT WE
13 THOUGHT SHOULD HAVE BEEN COVERED INITIALLY.

14 PERHAPS IF WE DO HAVE A COUPLE OF THOSE
15 EXTRA COPIES, WE COULD SHARE THEM WITH SOME OF THE BOARD
16 MEMBERS WHO DIDN'T HAVE. OKAY?

17 OTHER THAN THAT, I THINK BRIAN CAN WALK US
18 THROUGH THE ITEM; AND, HOPEFULLY, EVERYBODY WILL FEEL
19 SATISFIED THAT WE CAN THEN TURN THE DRAFT REPORT INTO A
20 FINAL REPORT AND THEN GO THROUGH THE SUBMITTAL PROCESS
21 ALL OVER AGAIN THROUGH AGENCY AND THE LEGISLATURE.

22 CHAIRMAN GALLAGHER: THANK YOU.

23 BRIAN.

24 MR. FORAN: THANK YOU, MR. CHAIRMAN, MEMBERS OF
25 THE BOARD. I'M HERE TODAY TO PRESENT TO YOU THE STAFF'S



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1 REPORT ON RECYCLING -- CALIFORNIA'S RECYCLING MARKETS.
2 THIS REPORT WAS REQUIRED BY SECTION 66786.8 OF THE
3 CALIFORNIA GOVERNMENT CODE. THE STATUTE REQUIRED THE
4 BOARD TO IDENTIFY MARKETS AND ENCOURAGE DEVELOPMENT OF
5 USES FOR SECONDARY MATERIALS. THE BOARD IS TO REPORT
6 EVERY OTHER YEAR TO THE GOVERNOR AND THE LEGISLATURE THE
7 FINDINGS, RECOMMENDATIONS, AND ACTIONS TAKEN TO DEVELOP
8 SECONDARY MATERIALS MARKETS.

9 THIS REPORT HAS THREE PRIMARY OBJECTIVES AS
10 REQUIRED BY THE STATUTE. THEY ARE TO IDENTIFY EXISTING
11 AND POTENTIAL MARKETS FOR SECONDARY MATERIALS; IDENTIFY
12 ECONOMIC, TECHNICAL, INSTITUTIONAL, AND SOCIAL BARRIERS
13 TO THE USE OF SECONDARY MATERIALS BY MANUFACTURERS; AND
14 TO SUMMARIZE THE FINDINGS AND TO MAKE RECOMMENDATIONS FOR
15 APPROPRIATE STATE ACTIONS TO INCREASE DEMAND FOR
16 SECONDARY MATERIALS.

17 THERE ARE FOUR BASIC SECTIONS TO THIS
18 REPORT. THE INTRODUCTION DESCRIBES THE BASICS OF THE
19 RECYCLING CHAIN AND GIVES AN OVERVIEW OF HOW AB 2020 HAS
20 IMPACTED CALIFORNIA'S SECONDARY MATERIALS MARKETS.

21 CHAPTER 1 DESCRIBES THE STATUS OF
22 CALIFORNIA'S MARKETS FOR THE FOLLOWING SECONDARY
23 MATERIALS: WASTEPAPER, GLASS, ALUMINUM, FERROUS METALS,
24 AND PLASTICS.

25 CHAPTER 2 DISCUSSES THE EXPANSION POTENTIAL



1 FOR CALIFORNIA SECONDARY MATERIALS MARKETS, AND CHAPTER 3
2 MAKES RECOMMENDATIONS TO INCREASE DEMAND FOR SECONDARY
3 MATERIALS.

4 THE INTRODUCTION IS PRIMARILY DESIGNED TO
5 PROVIDE BACKGROUND INFORMATION TO THE LAY PERSON, SO I
6 WON'T BELABOR THE BOARD TOO LONG OVER THIS SECTION.

7 HOWEVER, I WOULD LIKE TO DISCUSS AN ISSUE
8 THAT IS ESSENTIAL TO THE ENTIRE REPORT, AND THAT'S THE
9 ISSUE OF SUPPLY VERSUS DEMAND. A GREAT DEAL OF ATTENTION
10 HAS BEEN MADE OVER THE SITUATION ON THE EAST COAST WHERE
11 THERE'S BEEN AN OVERSUPPLY OF NEWSPAPERS TO THAT MARKET,
12 WHICH HAS CONSEQUENTLY DRIVEN DOWN THE PRICE FOR OLD NEWS
13 TO THE POINT WHERE THE ONLY WAY DEALERS CAN MAKE ANY TYPE
14 OF PROFIT MARGIN IS TO ACTUALLY CHARGE MUNICIPALITIES TO
15 RECEIVE THE PAPERS THERE.

16 NOW, THAT KIND OF OVERSUPPLY SITUATION HAS
17 YET TO STRIKE THE WEST COAST; HOWEVER, WHAT WE WANT TO DO
18 IS TRY TO HEAD OFF THAT SITUATION BY TAKING A MARKET'S
19 FIRST ATTITUDE, AND THAT IS ESSENTIALLY THE THRUST OF
20 THIS REPORT.

21 IT IS HOPED THAT THE RECOMMENDATIONS IN
22 THIS REPORT WILL WORK TOWARDS THE END OF STIMULATING
23 SECONDARY MATERIALS MARKETS IN THIS STATE.

24 I WILL NOW SUMMARIZE THE MARKET STATUS AND
25 POTENTIAL FOR EACH OF THE SECONDARY MATERIALS MARKETS



1 COVERED IN THE REPORT AND THEN PRESENT THE
2 RECOMMENDATIONS TO INCREASE THE DEMAND FOR THE MATERIALS.

3 IF YOU HAVE QUESTIONS ALONG THE WAY, PLEASE
4 FEEL FREE TO ASK THEM.

5 FOR WASTEPAPER, THE ONLY MATERIAL WITH A
6 PARTICULARLY STRONG IN-STATE MARKET IS OLD CORRUGATED
7 CARDBOARD. THERE ARE AT LEAST FIVE OCC CONSUMING MILLS
8 IN CALIFORNIA. THROUGH 1987, NEARLY 70 PERCENT OF THE
9 OCC RECOVERED IN CALIFORNIA WAS RECYCLED IN THE STATE.

10 MARKETS FOR OLD NEWS, HIGH-GRADE AND
11 MIX-GRADE WASTEPAPERS, HOWEVER, ARE NOT AS STRONG.
12 CALIFORNIA EXPORTS AT LEAST 60 PERCENT OF EACH OF THESE
13 GRADES PRIMARILY TO PACIFIC RIM COUNTRIES. THERE IS ONLY
14 ONE NEWSPRINT MILL IN CALIFORNIA THAT CONSUMES OLD
15 NEWSPRINT AND ONLY THREE ON THE WEST COAST. THERE IS
16 ONLY ONE PRINTING AND WRITING PAPER MILL IN THE STATE
17 THAT CONSUMES HIGH-GRADE WASTEPAPER.

18 OVERALL CONSUMPTION OF HIGH-GRADE
19 WASTEPAPER HAS ACTUALLY DECLINED BY FOUR AND A HALF
20 PERCENT BETWEEN 1981 TO 1987. CONSUMPTION OF MIXED-GRADE
21 WASTEPAPERS BY IN-STATE MILLS HAS INCREASED BY ONLY 19
22 PERCENT BETWEEN 1981 TO 1987. THE LONG-TERM OUTLOOK FOR
23 WASTEPAPER IN THE STATE IS THAT THERE IS LITTLE PLANNED
24 EXPANSION FOR THE CONSUMPTION OF THE WASTEPAPER GRADES
25 THAT I JUST MENTIONED WITH THE EXCEPTION OF OLD



1 CORRUGATED, WHICH MEANS THAT THERE WILL BE A CONTINUED
2 RELIANCE OF VOLATILE FOREIGN MARKETS TO CONSUME THESE
3 WASTEPAPER GRADES COLLECTED IN CALIFORNIA, WHICH IS A --
4 IT'S NOT REALLY A PROMISING SCENARIO.

5 THE CALIFORNIA MARKETS FOR GLASS AND
6 ALUMINUM ARE STRONG AT PRESENT AND WILL LIKELY REMAIN SO
7 IN THE FORESEEABLE FUTURE. CALIFORNIA HAS A STRONG
8 IN-STATE MARKET FOR GLASS WITH APPROXIMATELY 15 GLASS
9 CONTAINER MANUFACTURING FACILITIES IN THE STATE, ALL OF
10 WHICH CONSUME SCRAP GLASS OR CULLET.

11 MOST ALUMINUM CANS ARE SENT TO MILLS IN THE
12 MIDWEST OR SOUTHERN STATES. AND EVEN THOUGH WE DON'T
13 HAVE ALUMINUM CAN STOCKED MILLS HERE IN THE STATE,
14 SENDING THESE TO THE MIDWEST AND THE SOUTH IS STILL A
15 PROFITABLE VENTURE BECAUSE OF THE HIGH PRICE OF ALUMINUM.
16 IN FACT, THE AVERAGE PRICE PAID TO COLLECTORS FOR
17 ALUMINUM CANS IN THE FIRST QUARTER OF THIS YEAR WAS OVER
18 A DOLLAR A POUND, AND IT'S REMAINED FAIRLY HIGH FOR ABOUT
19 THE LAST YEAR.

20 THE OUTLOOK FOR CONTAINER GLASS AND
21 ALUMINUM CANS IS GOOD IN THAT THE SUPPLY FOR BOTH THESE
22 MATERIALS BY MANUFACTURERS WILL CONTINUE TO EXCEED THE
23 SUPPLY IN THE FORESEEABLE FUTURE. ALSO, OF COURSE, WE
24 HAVE THE AB 2020 MANDATED PRICE SUBSIDIES FOR THE
25 BEVERAGE CONTAINER TIES WITH THE CA REDEMPTION VALUES,



1 BUT THIS DOESN'T REALLY ADDRESS MARKETS; RATHER, IT
2 ADDRESSES THE RECOVERY EFFORTS. IT MAKES THOSE MORE --
3 IT ASSURES THE FINANCIAL VIABILITY OF THE RECOVERY
4 EFFORTS. IT DOESN'T REALLY ADDRESS THE MARKETS.

5 THE PRESENT STATUS FOR THE FERROUS METALS
6 MARKETS IS -- IS FAIR AT BEST. THE FERROUS SCRAP MARKET
7 FOR CALIFORNIA IS PREDOMINANTLY AN EXPORT MARKET. IN
8 FACT, 92 PERCENT OF THE FERROUS METAL RECOVERED IN
9 CALIFORNIA IN 1987 WAS EXPORTED PRIMARILY TO THE PACIFIC
10 RIM COUNTRIES OF SOUTH KOREA AND JAPAN.

11 THE OUTLOOK FOR THE SCRAP METAL MARKET IS
12 PROBABLY -- WELL, IT'S ABOUT THE SAME. IT'S NOT GOING TO
13 CHANGE TOO MUCH. THERE WILL BE A CONTINUED RELIANCE ON
14 THE FOREIGN MARKET; AND ALTHOUGH THAT MARKET AT PRESENT
15 IS STRONG, IT FLUCTUATES QUITE A BIT, AND IT'S
16 PARTICULARLY SENSITIVE TO SHIPPING WEIGHT CHANGES BECAUSE
17 OF THE HEAVY WEIGHT OF FERROUS SCRAP.

18 THERE IS A FAIRLY STRONG WEST COAST MARKET
19 FOR TIN CANS; HOWEVER, IT'S BEEN REPORTED THAT TIN CANS
20 COMPOSE ABOUT 50 PERCENT OF FERROUS SCRAP WITHIN
21 MUNICIPAL SOLID WASTE; THIS IS, OF COURSE, EXCLUDING
22 HEAVY SCRAP SUCH AS AUTOMOBILE BODIES AND ET CETERA. AND
23 THE TIN CAN MARKET APPEARS TO BE IMPROVING, WHICH IS A
24 GOOD SIGN WHEN YOU CONSIDER THAT A LOT OF MUNICIPALITIES
25 THAT ARE COMING ALONG WITH CURBSIDE PROGRAMS ARE



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1 CONSIDERING INCLUDING THIS MATERIAL AS ONE OF THE
2 MATERIALS RECOVERED.

3 THE MARKETS FOR PLASTICS ARE RATHER VARIED.
4 IT'S NOT SO EASY TO JUST SAY, WELL, THE MARKET IS GOOD OR
5 THE MARKET IS BAD FOR PLASTICS BECAUSE THERE IS ABOUT AS
6 MANY MARKETS FOR PLASTICS AS THERE ARE RESIN TYPES, WHICH
7 ARE TOO NUMEROUS TO MENTION.

8 ESSENTIALLY, THERE ARE TWO MARKET
9 CATEGORIES FOR PLASTICS AND SCRAP. THERE'S CLEAN
10 COMMERCIAL GRADE SCRAP AND POSTCONSUMER PLASTIC SCRAP.
11 THE MARKETS FOR THE CLEAN COMMERCIAL GRADE SCRAP HAVE --
12 ARE STRONG AND HAVE BEEN SO FOR QUITE SOME TIME. IT'S
13 ESSENTIALLY AN INVISIBLE MARKET. WE'RE NOT REALLY AWARE
14 OF THE VOLUMES OF SCRAP PLASTICS THAT ARE RECOVERED AND
15 RECYCLED, NOT ONLY HERE IN THIS STATE, BUT IN OTHER
16 STATES AS WELL.

17 HOWEVER, THIS DOESN'T -- IS NOT A VISIBLE
18 SECTOR; THAT IS, THE COMMERCIAL SCRAP IS THE MUNICIPAL
19 PLASTICS THAT ARE BEING PUT INTO OUR STATE'S LANDFILLS.
20 BUT AT LEAST FOR THE COMMERCIAL GRADE SCRAP MARKET, IT IS
21 STRONG. THERE ARE A LARGE NUMBER OF COMMERCIAL GRADE
22 REPROCESSORS IN THE STATE, AND THERE'S ALSO A STRONG
23 FOREIGN DEMAND FOR THIS MATERIAL.

24 THE SITUATION FOR POSTCONSUMER PLASTICS,
25 HOWEVER, IS ENTIRELY DIFFERENT. THERE ARE A NUMBER OF



1 BARRIERS TO THE UTILIZATION OF POST CONSUMER PLASTICS BY
2 PLASTICS MANUFACTURERS. THE PRIMARY BARRIER BEING THE
3 CONTAMINATION OF THE MATERIAL BY FOOD PRODUCT RESIDUES
4 AND THE LIKE, LABELS, CAPS, MIXTURE WITH OTHER MATERIALS.

5 ALSO, THERE'S THE PROBLEM OF THE MULTITUDE
6 OF RESINS THAT CONSTITUTE CONSUMER -- PRODUCTS MADE OF
7 PLASTICS, MOST OF THESE WHICH ARE NONCOMPATIBLE TO MIX
8 WITH IN RECYCLING OPERATIONS.

9 I WILL -- I WILL JUST BRIEFLY GO OVER THE
10 STATUS AND OUTLOOK FOR THE TWO MAJOR CONTAINER-TYPE
11 PLASTICS, POLYETHYLENE TEREPHTHALATE OR PET FOR SHORT,
12 WHICH IS YOUR CLEAR BEVERAGE CONTAINERS, AND HIGH DENSITY
13 POLYETHYLENE OR HDPE, WHICH IS THE TYPE OF PLASTIC THAT
14 YOU FIND IN GALLON MILK JUGS AND HOUSEHOLD PRODUCT
15 CLEANERS, LIKE BLEACH CONTAINERS AND, MORE COMMONLY, IN
16 FOOD PRODUCTS LIKE CATSUP BOTTLES AND STUFF.

17 FOR PET, THE MARKET STATUS IS FAIR AT BEST,
18 ALTHOUGH THEY'RE INCLUDED IN THE STATE'S BEVERAGE
19 CONTAINER RECYCLING -- I'M SORRY, IN THE STATE'S
20 REDEMPTION VALUE PROGRAM ADMINISTERED BY THE DEPARTMENT
21 OF CONSERVATION. THERE ARE NO MAJOR REPROCESSORS FOR
22 THIS MATERIAL IN CALIFORNIA, MOST OF WHICH IS RECOVERED
23 THROUGH THE BEVERAGE CONTAINER RECYCLING PROGRAM AND IS
24 SHIPPED OVERSEAS TO CHINA. THERE ARE ALSO NO MAJOR
25 CONSUMERS OF THIS MATERIAL IN CALIFORNIA; THAT IS, NO



1 MAJOR END-USE MANUFACTURERS THAT WOULD CONSUME IT.

2 TRANSPORTATION TO MAJOR EAST COAST MARKETS
3 WHICH IS -- WHICH IS WHERE THE MAJOR MARKETS ARE FOR PET /
4 REDUCE THE PROFIT MARGIN, SO IT'S SENT OVERSEAS. THE
5 OUTLOOK FOR PET IS BETTER THAN IT IS RIGHT NOW. THERE IS
6 A NUMBER OF MAJOR PLAYERS EXPRESSING INTERESTS IN
7 BUILDING A REPROCESSING AND/OR RECYCLING FACILITY TO
8 HANDLE PET IN THE STATE. HOWEVER, THE VOLUMES THAT
9 THEY'RE TALKING ABOUT THAT WOULD BE NECESSARY TO MAKE
10 SUCH AN OPERATION VIABLE ARE CONSIDERABLY MORE THAN THE
11 STATE IS PRESENTLY RECOVERING FOR PET. SO IT STILL
12 REMAINS TO BE SEEN JUST HOW MUCH THE MARKET WILL IMPROVE.

13 FOR HIGH DENSITY POLYETHYLENE, THE STATUS
14 OF THE MARKET AT PRESENT IS VERY POOR EVEN THOUGH HIGH
15 DENSITY POLYETHYLENE REPRESENTS ABOUT 70 PERCENT OF THE
16 PLASTIC CONTAINER MARKET. LESS THAN 1 PERCENT IS
17 PRESENTLY RECOVERED HERE IN CALIFORNIA. MOST OF THE
18 POSTCONSUMER HDP THAT IS RECOVERED IS SENT OUT OF STATE.
19 I ONLY KNOW OF ONE PLASTICS MANUFACTURER IN THE STATE
20 THAT IS USING AN APPRECIABLE AMOUNT OF POSTCONSUMER HIGH
21 DENSITY POLYETHYLENE, ALTHOUGH THERE ARE MAJOR OPERATIONS
22 FOR RECYCLING HIGH DENSITY POLYETHYLENE ON THE EAST COAST
23 OR NEAR THE EAST COAST.

24 SO THE TECHNOLOGIES ARE THERE. THEY SIMPLY
25 HAVEN'T FOUND THEIR WAY OUT TO THE WEST COAST YET. AND,



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1 OF COURSE, THE RECOVERY PROGRAMS AREN'T THERE. IT'S LIKE
2 A CHICKEN AND THE EGG THING. THE MANUFACTURERS BACK
3 THERE ARE SAYING, "WELL, THERE'S NO SUPPLY OUT ON THE
4 WEST COAST." AND WE'RE SAYING, "WELL, YOU KNOW, IF WE
5 HAVE A FACILITY OUT HERE THAT CAN TAKE IT, WE CAN SET UP
6 THOSE PROGRAMS IN NO TIME." AND I DON'T KNOW WHICH IS
7 RIGHT.

8 THE OUTLOOK FOR HIGH DENSITY POLYETHYLENE
9 IS A LITTLE BIT BRIGHTER THAN IT IS RIGHT NOW BECAUSE,
10 AGAIN, THERE ARE SOME MAJOR PLASTICS MANUFACTURERS AND
11 RECYCLING COMPANIES THAT HAVE EXPRESSED AN INTEREST IN
12 BUILDING RECOVERY -- I'M SORRY -- A REPROCESSING AND/OR
13 RECYCLING FACILITY IN THE STATE TO RECYCLE HIGH DENSITY
14 POLYETHYLENE. AND THE EXPORT MARKET FOR THIS MATERIAL,
15 ALTHOUGH AT TIMES IT HAS BEEN ERRATIC, IS STRONG AND
16 GROWING.

17 OKAY. THE PREVIOUS REVIEW OF THE SECONDARY
18 MATERIAL MARKETS WAS MADE TO IDENTIFY THOSE MARKETS MOST
19 IN NEED OF FURTHER DEVELOPMENT. A QUICK SUMMARY FOR
20 WASTEPAPER -- OF MARKETS MOST IN NEED OF DEVELOPMENT, ALL
21 THE WASTEPAPER GRADES, WITH THE EXCEPTION OF OLD
22 CORRUGATED, ARE IN NEED OF MARKETS DEVELOPMENT. GLASS
23 AND ALUMINUM ARE PRETTY GOOD RIGHT NOW HERE IN THIS
24 STATE. FERROUS MARKET AND PLASTICS MARKET ARE VERY MUCH
25 IN NEED OF MARKET DEVELOPMENT.



1 THE PRIMARY FOCUS OF THIS REPORT IS TO MAKE
 2 RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE FOR
 3 ACTIONS THAT CAN BE TAKEN TO STRENGTHEN THE DEMAND FOR
 4 SECONDARY MATERIALS. IT IS HOPED THAT THESE
 5 RECOMMENDATIONS WILL EFFECT STATUTORY CHANGES TO GIVE THE
 6 BOARD RESOURCES TO CARRY OUT THESE ACTIONS.

7 RECOMMENDATIONS ARE ORGANIZED INTO THREE
 8 MAJOR CATEGORIES: GOVERNMENT PROCUREMENT ACTIVITIES,
 9 STATE ECONOMIC DEVELOPMENT ASSISTANCE, AND RESEARCH AND
 10 DEVELOPMENT ACTIVITIES.

11 I'LL ADDRESS THE SPECIFIC RECOMMENDATIONS
 12 WITHIN EACH CATEGORY. UNDER STATE -- I'M SORRY --
 13 GOVERNMENT PROCUREMENT ACTIVITIES, IT IS RECOMMENDED THAT
 14 THE STATE EXPAND THE RANGE OF RECYCLED PRODUCTS COVERED
 15 UNDER EXISTING PROCUREMENT LAWS. PRESENTLY THE ONLY
 16 MATERIALS THAT ARE COVERED UNDER RECYCLED PRODUCTS
 17 PROCUREMENT LAWS ARE PAPER AND COMPOST. WE ARE
 18 RECOMMENDING THAT THAT RANGE OF MATERIALS BE EXPANDED TO
 19 INCLUDE OIL, TIRES, AND PLASTICS AS WELL.

20 IT IS RECOMMENDED THAT THE STATE -- THE
 21 STATE SET QUOTAS FOR RECYCLED PRODUCTS PURCHASES AND TO
 22 HAVE THESE QUOTAS MONITORED BY THE CALIFORNIA WASTE
 23 MANAGEMENT BOARD.

24 I'M SORRY. I'M GOING TO BACK UP A STEP.
 25 REALLY THE FIRST RECOMMENDATION WE WOULD LIKE TO MAKE FOR



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1 GOVERNMENT PROCUREMENT ACTIVITIES IS THAT THE DEPARTMENT
2 OF GENERAL SERVICES AGGRESSIVELY IMPLEMENT THE EXISTING
3 RECYCLED PROCUREMENT STATUTES WHICH ARE ALREADY IN PLACE,
4 WHICH THERE HAS BEEN SOME DISCUSSION THAT THEY HAVE NOT
5 BEEN AS AGGRESSIVELY ENFORCED AS THEY COULD BE.

6 THE STATE SHOULD REQUIRE THE HIGHEST
7 PERCENTAGE OF SECONDARY MATERIALS AVAILABLE IN RECYCLED
8 PRODUCTS PURCHASED AND TO REQUIRE A SIGNIFICANT
9 PERCENTAGE OF POSTCONSUMER MATERIALS TO PROVIDE A MARKET
10 FOR THOSE MATERIALS THAT ARE RECOVERED THROUGH THE
11 INCREASING NUMBER OF MUNICIPAL PROGRAMS.

12 AND A LOT OF THIS ALWAYS COMES BACK TO THE
13 MUNICIPAL PROGRAMS BECAUSE THEY ARE COMING ON LINE FASTER
14 THAN WE CAN KEEP UP WITH. AND NO AMOUNT OF FOREWARNING
15 OF SATURATION OF MARKETS IS GOING TO STEM THAT, THAT
16 INCREASE IN THE RECOVERY PROGRAMS. IN FACT, THAT'S,
17 AGAIN, THE WHOLE THRUST BEHIND MAKING RECOMMENDATIONS FOR
18 MARKETS DEVELOPMENT TO TAKE THE MARKETS FOR ITS APPROACH.

19 THE CALIFORNIA WASTE MANAGEMENT BOARD
20 SHOULD INFORM LOCAL GOVERNMENTS OF PROVISIONS IN EXISTING
21 PROCUREMENT STATUTES. THEY DO ALLOW FOR LOCAL
22 GOVERNMENTS TO GIVE PREFERENCES -- OR PURCHASE
23 PREFERENCES TO RECYCLED PRODUCTS AS LONG AS THEY DON'T
24 EXCEED THE PRICE OF THE VIRGIN PRODUCTS, BUT MOST LOCAL
25 GOVERNMENTS ARE NOT AWARE OF THAT.



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1 THE STATE SHOULD DEVELOP AND PROMOTE THE
2 DEPARTMENT OF GENERAL SERVICES COOPERATIVE PURCHASING
3 PROGRAM TO ASSIST LOCAL GOVERNMENTS IN OBTAINING
4 DISCOUNTS ON RECYCLED PRODUCTS THROUGH THE STATE'S VOLUME
5 PURCHASING POWER.

6 THE BOARD SHOULD DEVELOP A RECYCLED
7 PRODUCTS DIRECTORY. ACTUALLY, SUCH A DIRECTORY JUST CAME
8 OUT, A NATIONAL DIRECTORY. IT WOULD BE NICE TO SEE US DO
9 THE SAME TYPE OF THING WITH OUR NAME ON IT. THE BOARD
10 SHOULD PROMOTE PURCHASING OF RECYCLED PRODUCTS TO
11 INDUSTRIES, BUSINESSES, AND THE PUBLIC THROUGH A "BUY
12 RECYCLED PROGRAM."

13 AND, FINALLY, THE BOARD SHOULD ENCOURAGE
14 MANUFACTURERS TO VISIBLY IDENTIFY RECYCLED PRODUCTS WHERE
15 THIS WOULD NOT PRESENT AN UNFAVORABLE SALES IMAGE.

16 THE SECOND CATEGORY OF MARKETS DEVELOPMENT
17 RECOMMENDATIONS IS STATE ECONOMIC DEVELOPMENT ASSISTANCE.
18 AT PRESENT THE ONLY STATE FINANCIAL ASSISTANCE AVAILABLE
19 SPECIFICALLY TO THE RECYCLING COMMUNITY IS THE DEPARTMENT
20 OF CONSERVATION'S GRANTS PROGRAMS FOR LITTER REDUCTION
21 AND BEVERAGE CONTAINER RECOVERY ACTIVITIES.

22 IN ORDER TO MAKE FINANCING MORE ACCESSIBLE
23 TO THE RECYCLING COMMUNITY, THE FOLLOWING RECOMMENDATIONS
24 ARE MADE: THE LEGISLATURE SHOULD PROVIDE FOR THE
25 ESTABLISHMENT OF A RECYCLING ECONOMIC DEVELOPMENT



1 DIVISION WITHIN THE WASTE MANAGEMENT BOARD. THIS
2 DIVISION WOULD WORK IN COOPERATION WITH THE DEPARTMENT OF
3 COMMERCE TO PROVIDE INFORMATION ON EXISTING STATE
4 FINANCIAL ASSISTANCE PROGRAMS AND COULD ADMINISTER ANY
5 NEW PROGRAMS CREATED SPECIFICALLY FOR RECYCLING PROGRAMS
6 IF THEY WERE TO BE CREATED BY THE LEGISLATURE.

7 THE RECYCLING ECONOMIC DEVELOPMENT DIVISION
8 COULD ESTABLISH RECYCLING ENTERPRISE ZONES SIMILAR TO
9 EXISTING ECONOMIC ENTERPRISE ZONES TO FACILITATE
10 RECRUITMENT AND SITING OF PARTICULAR RECYCLING
11 INDUSTRIES. AND THE STATE SHOULD PROVIDE SEED MONEY FOR
12 PRELIMINARY PERMITS WHICH ARE REQUIRED FOR SUBMISSION OF
13 PLANS FOR CONSTRUCTION OF RECYCLING PROJECTS.

14 THE THIRD CATEGORY OF MARKETS DEVELOPMENT
15 RECOMMENDATIONS IS RESEARCH AND DEVELOPMENT ACTIVITIES.
16 THE DEMAND FOR SECONDARY MATERIALS IS LIMITED BY
17 MANUFACTURING PROCESSES THAT CAN UTILIZE THESE MATERIALS.
18 DEVELOPMENT OF RECYCLING TECHNOLOGIES WILL INCREASE
19 DEMANDS FOR SECONDARY MATERIALS. RESEARCH, OF COURSE, IS
20 NECESSARY FOR SUCH DEVELOPMENT.

21 IT IS RECOMMENDED THAT THE STATE ASSIST IN
22 RECYCLING RESEARCH AND DEVELOPMENT IN THE FOLLOWING WAYS:
23 DEVELOP COLLEGE LEVEL CURRICULA IN INTEGRATED WASTE
24 MANAGEMENT, EMPHASIZING THE ROLE OF RECYCLING WASTE
25 REDUCTION; DESIGNATE STATE COLLEGES AS RESEARCH



1 FACILITIES TO DEVELOP INNOVATIVE RECYCLING PROCESSES IN
2 MARKETING TECHNOLOGIES; PROVIDE SMALL BUSINESS RECYCLING
3 RESEARCH GRANTS TO PRIVATE INDUSTRY; AND, FINALLY,
4 ESTABLISH A RECYCLING EXTENSION SERVICE TO SERVICE AS AN
5 INFORMATION CLEARINGHOUSE FOR STATE FUNDED RECYCLING
6 RESEARCH.

7 IT IS HOPED THAT THESE RECOMMENDATIONS WILL
8 SEND A MESSAGE TO THE RECYCLING COMMUNITY THAT CALIFORNIA
9 IS INTERESTED IN HAVING THEIR BUSINESS HERE; AND IF SO,
10 IF WE DO GET MORE RECYCLING BUSINESSES TO SITE IN THIS
11 STATE, IT WOULD CLEARLY HELP US STEM OFF SOME OF THE
12 WASTE DISPOSAL ISSUES WE'VE BEEN HEADING INTO BY
13 CONSUMING THE SECONDARY MATERIALS THAT ARE BEING
14 RECOVERED THROUGH THE STATE'S PROGRAMS.

15 I'D LIKE TO ENTERTAIN ANY QUESTIONS YOU
16 HAVE NOW.

17 CHAIRMAN GALLAGHER: THANK YOU, BRIAN.

18 MR. BROWN.

19 BOARD MEMBER BROWN: I'D LIKE TO DEVOTE A LITTLE
20 BIT OF OUR ATTENTION, TO BACK UP A LITTLE BIT, TO MARKET
21 DEVELOPMENT BECAUSE THAT WAS ONE OF THE THRUSTS OF THE
22 REPORT, AS I RECALL. AND I THINK IN YOUR LONG LIST OF
23 THINGS THAT WE SHOULD DO AND CAN DO, YOU DID TOUCH UPON
24 SOME AREAS WHERE IT COULD BE CONSIDERED MARKET
25 DEVELOPMENT.



1 HOWEVER, FOR THE MOST PART, IT SEEMS AS
2 THOUGH WE'RE TALKING ABOUT EDUCATION, GETTING PEOPLE TO
3 RECYCLE, GETTING IN TUNE, WHICH IS VERY, VERY IMPORTANT,
4 OF COURSE; HOWEVER, IN ORDER TO BE OUT AND AHEAD OF,
5 QUOTE, THE COMPETITION, IF YOU WILL, I'M JUST WONDERING
6 HOW FAR THE STATE OF CALIFORNIA -- MORE POINTEDLY THE
7 WASTE MANAGEMENT BOARD -- HOW FAR AHEAD SHOULD WE GET?
8 HOW ACTIVE SHOULD A STATE AGENCY GET IN MARKET
9 DEVELOPMENT WHICH SOMETIMES COULD BE CONSIDERED A PRIVATE
10 ENTERPRISE RESPONSIBILITY AND THEY SHOULD MOVE FORWARD ON
11 THAT FRONT. HOWEVER, IF WE DON'T PUSH IT OR SEED IT, IF
12 YOU WILL, OR BEGIN TO BREAK SOME GROUND, MAYBE THAT
13 EFFORT WON'T TAKE PLACE, IN WHICH CASE RECYCLING IN
14 ITSELF WILL FAIL. DO YOU HAVE SOME THOUGHTS ON THAT?

15 MR. FORAN: YES, I HAVE ONE THOUGHT. ONE OF
16 THE -- THE MAJOR IMPEDIMENTS TO INCREASING THE
17 CONSUMPTION OF SECONDARY MATERIALS BY MANUFACTURING
18 INDUSTRIES IS THAT YOU'RE COMPETING WITH VIRGIN
19 MATERIALS. AND AS THE -- YOU KNOW -- IT'S REALLY -- THE
20 CONSUMPTION OF SECONDARY MATERIALS WILL INCREASE AS THE
21 PRICE DIFFERENTIAL INCREASES BETWEEN VIRGIN AND SECONDARY
22 MATERIALS.

23 ONE OF THE THINGS THAT VIRGIN MATERIALS
24 HAVE ENJOYED OVER THE YEARS IS KIND OF BUILT-IN PRICE
25 SUPPORTS THROUGH SUCH MECHANISMS AS DEPLETION ALLOWANCES



1 FOR THE MINING INDUSTRY, BELOW-COST TIMBER SALES BY THE
2 TIMBER INDUSTRY. AND ONE OF THE RATIONALES FOR SUCH
3 THINGS AS PROVIDING PRICE PREFERENCES ON RECYCLED
4 PRODUCTS IS THAT IT WOULD BE SETTING THE RECYCLED
5 PRODUCTS AND, CONSEQUENTLY, THE SECONDARY MATERIALS ON
6 EQUAL FOOTING WITH VIRGIN MATERIALS, AND THAT CAN'T BE
7 DONE AT ANY OTHER LEVEL BUT THE STATE AND FEDERAL LEVEL.

8 AS FAR AS THE APPROPRIATENESS OF THE STATE
9 GETTING INVOLVED, I CAN ONLY LOOK AT OTHER STATES, AND
10 THERE HAVE BEEN A NUMBER OF STATES THAT HAVE BECOME VERY
11 ACTIVE IN THIS AREA AS FAR AS EXPANDING PROCUREMENT
12 PROGRAMS AND PROVIDING FUNDING FOR GRANTS, FOR RESEARCH
13 AND WHAT HAVE YOU.

14 BOARD MEMBER BROWN: I GUESS MY THOUGHTS WERE
15 GOING MORE TOWARD THE MARKET DEVELOPMENT IN TERMS OF
16 GOING OVER TO THE -- VISITING THE PACIFIC RIM. TALKING
17 TO THOSE FOLKS ABOUT TAKING OUR MATERIALS THAT WE'RE
18 GOING TO BE PRODUCING HERE ON OUR SIDE OF THAT RIM AND
19 THE APPROPRIATENESS OF THE STATE OF CALIFORNIA, THE WASTE
20 MANAGEMENT BOARD OR WHATEVER DEVELOPING A PLAN IN THAT
21 REGARD.

22 MR. FORAN: WELL, I SEE IT HAPPENING AT THE
23 LOCAL LEVEL. I DON'T KNOW IF YOU'RE AWARE OF THE PROGRAM
24 THAT THE CITY OF LOS ANGELES IS STARTING TO UNDERTAKE,
25 AND WHETHER THEY'RE DOING A CITYWIDE OFFICE PAPER



1 COLLECTED PROGRAM, AND WHAT THEY'VE DONE, IF THEY'VE
2 CONTRACTED WITH A FIRM CALLED CONSERVATREE HERE IN THE
3 STATE, WHICH HAS FORMED A PARTNERSHIP WITH A BUSINESS AND
4 GOVERNMENT INTEREST IN CHINA TO BUILD PAPER MILLS OVER
5 THERE TO CONSUME LOS ANGELES' OFFICE WASTEPAPER. IT'S AN
6 ENTERPRISE CALLED CHINA PAPER PARTNERS.

7 IT'S A GOOD EXAMPLE OF A PRIVATE -- PUBLIC
8 SECTOR MERGE THERE TO BUILD A MARKET FOR THE SECONDARY
9 MATERIALS WHICH ARE COLLECTED, IN THIS CASE AT THE LOCAL
10 LEVEL. I DON'T SEE WHY THAT CAN'T ALSO BE DONE ON A
11 LARGER SCALE AT THE STATE LEVEL, ALTHOUGH I'M NOT AWARE
12 OF SUCH A SIMILAR PROGRAM BEING DONE AT THIS LEVEL.

13 CHAIRMAN GALLAGHER: I'M SORRY. I'M GOING TO
14 HAVE TO HOLD THIS FOR A MOMENT WHILE OUR YOUNG RECORDER
15 GETS HER WIND AND MAYBE CHANGE PAPER.

16 MS. BROWN: WELL, WE CERTAINLY HAVE OUR WIND.

17 CHAIRMAN GALLAGHER: GLAD YOU BROUGHT THAT UP.

18 (RECESS TAKEN)

19 CHAIRMAN GALLAGHER: WE'RE BACK IN SESSION.

20 BOARD MEMBER MOSCONE: I'M NOT SURE, BRIAN, THAT
21 WHEN YOU MENTIONED THIS L.A. WITH THE PACIFIC RIM OR
22 SOMEONE IN CHINA, A SHORT TIME AGO THE MAYORS OF SAN
23 FRANCISCO AND SAN JOSE MADE A TRIP TO CHINA AND ALL, AND
24 IT WAS NOTED IN THE SAN FRANCISCO PAPER THAT WEST COAST
25 SALVAGE COMPANY, OUR COMPANY, THE WEST COAST SALVAGE



1 RECYCLING -- RECYCLING AND SALVAGE OR WHATEVER, HAD
2 SIGNED AN AGREEMENT WITH ONE OF THE COMPANIES THERE.

3 NOW, I HAVEN'T BEEN ABLE TO TALK TO ANYONE
4 TO FIND OUT WHAT IT WAS ALL ABOUT, BUT I KNOW IN THE
5 PAST, THROUGH ONE OF THE PAPER COMPANIES IN SAN
6 FRANCISCO, THAT WE HAD SENT SAMPLES OF OFFICE WASTEPAPER
7 TO THE ORIENT AND ALL ON SEVERAL OCCASIONS, AND THEY WERE
8 TO BE SAMPLED. AND, OF COURSE, WHAT THEY INTENDED TO DO
9 IS TO PICK OUT THE HIGH GRADES IN THE MIXED WASTE OVER
10 THERE. WHAT THIS NEW THING IS ABOUT, I AM NOT SURE, AS I
11 SAY, I HAVE NOT HAD THE OPPORTUNITY TO TALK TO ANYONE
12 ABOUT IT.

13 MR. FORAN: MR. MOSCONE, I WOULD NOT BE
14 SURPRISED IF THAT'S THE SAME PROGRAM, OR AT LEAST THE
15 SAME COMPANY, CONSERVATREE PAPER COMPANY, THAT'S
16 COORDINATING THE EFFORT WITH WEST COAST SALVAGE AS IS THE
17 COMPANY THAT'S COORDINATING THE EVENT WITH THE CITY OF
18 LOS ANGELES. THEY ARE PLANNING ON BUILDING, OH, GEE, I
19 BELIEVE, SIX OR SEVEN MILLS IS THEIR MASTER PLAN IN
20 CHINA. ONE HAS ALREADY BEGUN CONSTRUCTION, AND CERTAINLY
21 THEY WILL BE LOOKING FOR SUPPLY UP AND DOWN THE WEST
22 COAST TO SUPPLY THOSE MILLS.

23 CHAIRMAN GALLAGHER: IS THIS BEFORE OR AFTER THE
24 REVOLUTION?

25 MR. FORAN: THAT'S A REAL GOOD POINT TO NOTE



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1 ABOUT OUR RELIANCE ON FOREIGN MARKETS. IT'S -- ANY TYPE
2 OF POLITICAL REPERCUSSIONS OVERSEAS IS GOING TO WAVE BACK
3 THROUGH RIGHT ONTO THE WEST COAST. AND IF -- IN FACT,
4 IT'S HAPPENED WITH -- THERE WAS A RECENT STRIKE, IN FACT,
5 MY MOST RECENT QUARTERLY MARKETS REPORT I NOTED THAT
6 THERE WAS A STRIKE IN THE KOREAN MILLS, AND IT WAS A
7 POLITICALLY STIMULATED STRIKE AND IT JUST -- IT REALLY
8 HURT THE PAPER MARKET FOR THAT PERIOD WHEN -- IT WAS A
9 DOCK STRIKE, AND THEY WERE NOT ABLE TO UNLOAD PAPER. AND
10 WE'RE ALWAYS AT THE MERCY OF THOSE TYPE OF POLITICAL
11 HAPPENINGS WHEN WE RELY ON THE FOREIGN MARKET.

12 CHAIRMAN GALLAGHER: MR. BROWN, YOU WERE IN THE
13 MIDDLE OF QUESTIONING AND WE WERE -- WE INTERRUPTED. DO
14 YOU HAVE ANYTHING MORE?

15 BOARD MEMBER LOCKINGTON: I HAVE.

16 CHAIRMAN GALLAGHER: MR. LOCKINGTON.

17 BOARD MEMBER LOCKINGTON: BRIAN, I WANTED TO ASK
18 YOU A QUESTION. ONE OF THE THINGS THAT I THINK THAT
19 STIMULATES THIS PAPER THING IS THAT IT'S AVAILABLE. AND
20 I'M NOT SURE THAT IN THE OVERALL LOOKING AT THE RECYCLING
21 MARKETS, WE KEEP LOOKING AT THE SAME OLD THINGS. WE KEEP
22 TALKING ABOUT THE SAME OLD THINGS. I'M NOT SURE THERE
23 ISN'T SOMETHING ELSE OUT THERE.

24 SO I JUST DRAW A LITTLE GRAPH HERE, AND I
25 FIND PERHAPS A GENERIC AREA WHERE WE COULD LOOK AT HOW



1 MUCH PLASTIC THERE IS, HOW MUCH THIS, HOW MUCH THAT, SORT
2 OF BREAK DOWN WHAT'S GENERATED, WHAT'S PRESENTLY BEING
3 USED, WHAT'S GOING TO THE LANDFILL, WHAT OUR POTENTIAL IS
4 IF WE SOLD 20 PERCENT. SOME KIND OF AN OVERALL THING
5 BECAUSE THERE'S INTREPID LURES OUT, I'LL TELL YOU, EVERY
6 DAY LURKING AROUND, BUT THEY REALLY DON'T HAVE THE
7 KNOWLEDGE OF WHAT'S AVAILABLE. OKAY.

8 AND WE TALK ALL THE TIME ABOUT COMPOST.
9 FROM WHAT I CAN SEE, THERE'S SO MUCH COMPOST, I DON'T
10 KNOW WHAT ANYBODY WOULD EVER DO WITH IT. BUT IF WE COULD
11 PUT THIS TOGETHER AND COME OUT WITH SOME SORT OF
12 TOTALIZED LOOK, SOMEBODY IS LIABLE TO COME UP WITH AN
13 IDEA TO UTILIZE ONE OF THOSE THINGS YOU MENTIONED. OIL.
14 I'M SURE THERE'S ALL KINDS OF OTHER THINGS LIKE THAT, AND
15 SOMEBODY -- THERE'S A SCIENTIST OUT THERE SOMEPLACE JUST
16 WAITING TO KNOW THAT THERE'S A POTENTIAL TO MAKE MONEY
17 AND TO DO SOMETHING.

18 DOES THAT MAKE SENSE TO YOU?

19 MS. BROW: YES, THAT'S A VERY GOOD IDEA. YOU
20 SAY YOU'VE COME UP WITH SOME KIND OF A GRAPH. WE'D LIKE
21 TO --

22 BOARD MEMBER LOCKINGTON: I JUST JOTTED IT DOWN
23 HERE.

24 MS. BROW: JUST SORT OF AN IDEA.

25 BOARD MEMBER LOCKINGTON: SEE, NOBODY SEEMS TO



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1 KNOW WHAT'S PRESENTLY BEING USED. I THINK THERE'S A LOT
2 OF STUFF THAT COMES OUT OF THE WASTESTREAM THAT WE REALLY
3 DON'T EVEN KNOW ABOUT, THAT NEVER HIT THE LANDFILLS,
4 THEY'RE ARE NOT PART OF THE SOLID WASTE PROBLEM. AND I
5 THINK WE DO A LOT BETTER JOB THAN WE THINK OF UTILIZATION
6 WHERE IT MAKES SENSE.

7 NOW, THE QUESTION IS WHAT'S LEFT OVER, AND
8 DOES IT MAKE ANY SENSE? AND THEN WE GO RIGHT IN WITH
9 WHAT -- LESS SAID. I'VE BEEN TO FOUR OR FIVE
10 CONFERENCES, AND THEY TALK ABOUT MARKETS, MARKETS,
11 MARKETS, AND THE SAME THING IS BEING DONE. YOU KNOW, THE
12 MINUTE THE DOLLAR GOES UP, SOMETHING HAPPENS; AND THE
13 MINUTE THE DOLLAR GOES DOWN, SOMETHING ELSE HAPPENS. AND
14 WE CERTAINLY SHOULD ENDEAVOR -- I CAN NEVER FIGURE OUT
15 WHY WE CAN'T USE IT HERE AND THEY CAN.

16 MS. BROW: WELL, THAT'S WHY WE HAVE A COUPLE OF
17 SPECIFIC RECOMMENDATIONS THAT DEAL -- THAT GET JUST AT
18 THE SORTS OF THINGS YOU'RE MENTIONING. FOR EXAMPLE, IN
19 THE RESEARCH AND DEVELOPMENT ACTIVITIES, ACTUALLY WORK AT
20 TRYING TO FIND NEW PRODUCTS, NOT JUST DO SOMETHING WITH
21 THE OLD PRODUCTS AND OLD PRODUCT MANUFACTURERS, BUT COME
22 UP WITH SOME NEW THINGS. EVERY WEEK OR SO I COME ACROSS
23 SOMETHING BRAND NEW THAT A YEAR AGO YOU COULD NOT HAVE
24 EVEN CONCEIVED OF.

25 THERE'S A COMPANY DOWN HERE IN SOUTHERN



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1 CALIFORNIA THAT'S USING STYROFOAM AND CONCRETE TO MAKE A
2 WHOLE NEW BUILDING MATERIAL THAT PROMISES TO
3 REVOLUTIONIZE THE CONSTRUCTION INDUSTRY. WHO WOULD HAVE
4 THOUGHT, I MEAN, YOUR COFFEE CUP COULD BECOME A WALL.

5 SO I -- YEAH, WE'RE REAL COGNIZANT OF THE
6 ISSUES YOU RAISE, AND I THINK THAT IS THE WAY TO GO.
7 AND, OF COURSE, THE OTHER THING IS IT'S NOT ENOUGH JUST
8 TO KNOW IT INTERNALLY, BUT THE IDEA WE HAVE OF HAVING THE
9 CLEARINGHOUSE FOR INFORMATION.

10 TO SOME EXTENT, WE'RE ALREADY DOING THIS.
11 WE WORK FAIRLY CLOSELY WITH DEPARTMENT OF COMMERCE.
12 PEOPLE APPROACH US WITH SUGGESTIONS THAT THEY MIGHT
13 LOCATE HERE. YOU KNOW, WE WORK WITH THEM AND THEY CALL
14 US AND THEY SAY, YOU KNOW, WE HAVE SOMEBODY WHO'S TALKING
15 ABOUT COMING TO CALIFORNIA AND, YOU KNOW, WHAT DO WE NEED
16 TO TELL THEM ABOUT PRODUCTS AND SUPPLIES AND SO ON. SO
17 IT'S HAPPENING ALREADY. WE'D LIKE IT TO HAPPEN A LOT
18 FASTER.

19 CHAIRMAN GALLAGHER: MR. MOSCONE, YOU HAD A
20 QUESTION?

21 BOARD MEMBER MOSCONE: YES. WHEN THIS REPORT
22 COMES OUT, I'M SURE YOU WILL GO OVER -- THIS REPORT WAS
23 WRITTEN A LITTLE TIME AGO. I THINK WE SHOULD BE SURE
24 THAT WHATEVER YOU MIGHT WRITE ABOUT MARKETS, THAT THEY BE
25 VERY CLOSE TO -- WE'RE TALKING ABOUT, YOU KNOW, PRETTY



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1 MUCH THE SAME PERIOD, NOT WHAT IT WAS SIX MONTHS OR LAST
2 YEAR. SO THAT SOMEBODY WILL SAY, WHAT ARE YOU GUYS
3 TRYING TO DO -- SO THAT OUR INFORMATION IS PRETTY MUCH --
4 IS UP TO DATE AS WE CAN POSSIBLY GET IT, CONSIDERING IT
5 TAKES TIME TO PRINT ALL OF THESE THINGS.

6 I HAD SOME OTHER -- YOU MENTIONED -- I'M
7 TALKING ABOUT MIXED WASTEPAPER. WHAT USES -- AND I DON'T
8 HAVE MY PAPER WITH ME, BUT WHAT USES IS THIS
9 PREDOMINANTLY BEING PUT TO, THIS MIXED WASTE?

10 MR. FORAN: IT'S ONE AREA I'M NOT AS WELL
11 VERSED IN AS SOME OF THE OTHER FIBERS FOR THE SECONDARY
12 FIBERS. I BELIEVE IT'S FOR -- AMONG OTHER PRODUCTS,
13 PACKAGING PAPERS, LIKE BROWN PACKAGING PAPERS, NOT
14 NECESSARILY CRAFT, BUT -- NOT ONLY THE --

15 BOARD MEMBER MOSCONE: CHIPBOARD.

16 MR. FORAN: -- CHIPBOARD, YES, THE LOWER GRADE
17 BOX BOARD AND THE CRUMPLED UP PACKAGING PAPERS THAT ARE
18 OFTEN USED IN SHIPPING THINGS OVERSEAS. THAT'S -- WHEN
19 YOU'RE TALKING ABOUT NONUPGRADED MIXED WASTE, I BELIEVE
20 THOSE ARE TWO OF THE PRODUCTS.

21 BOARD MEMBER MOSCONE: RIGHT, YEAH. BECAUSE
22 SOME PEOPLE SAY WHAT CAN YOU USE THIS IN? WELL, I JUST
23 REMEMBERED THAT OUR CONTRACT WITH THE -- WHEN WE USED TO
24 SELL THIS MIXED OFFICE PAPER THAT WE'RE GETTING NOW, THE
25 PRICE OF OUR PAPER WAS PREDICATED UPON THE SALE PRICE OF



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1 CHIPBOARD. IF CHIPBOARD WENT TO HELL, SO DID OUR SALES.
2 AND THEN THEY'RE USED FOR PARTITION PURPOSES, SOME OF
3 THAT WAS USED FOR PARTITION PURPOSES FOR SEPARATING
4 BOTTLES AND CONTAINERS AND THAT KIND OF STUFF.

5 CHAIRMAN GALLAGHER: MUCH OF IT'S USED IN PULP
6 BOARD, ISN'T IT, FOR EGG CRATES AND THAT KIND OF THING?

7 MS. BROW: UH-HUH. THAT'S A BIG ONE HERE.

8 MR. FORAN: IN FACT, THAT'S A STRONG MARKET FOR
9 OLD NEWSPRINT AS WELL.

10 BOARD MEMBER MOSCONE: UNFORTUNATELY, SOME OF
11 THIS MATERIAL IS LEGALLY FORBIDDEN FOR WHEREVER IT'S
12 GOING TO BE -- FOR FOOD PRODUCTS. FOR EXAMPLE, JOHN
13 MENTIONED EGG CONTAINERS AND ALL OF THAT. WELL, THE EGG
14 HAS A SHELL AND ALL, SO I GUESS THAT'S PROTECTED, BUT
15 WHEREVER SOME OF THIS MATERIAL MIGHT COME IN CONTACT WITH
16 FOODS, IT'S PROHIBITED. IF THAT'S STILL THE LAW, I'M NOT
17 SURE.

18 CHAIRMAN GALLAGHER: YES, IT STILL IS.

19 BOARD MEMBER MOSCONE: AND YOU MENTIONED THAT
20 THE USE OF TIN CANS WAS ON THE UPGRADE. WHERE ARE THEY
21 USING THIS? IS IT GOING TO SMELTING -- YOU KNOW, A GOOD
22 DEAL -- MOST OF IT, I KNOW, USED TO GO INTO THE MINING
23 AND COPPER SMELTING AND ALL OF THAT, BUT WHERE IS IT
24 GOING NOW IF THE MARKET HAS IMPROVED?

25 MR. FORAN: THE FACILITIES I WAS MENTIONING,



1 EVEN THE WESTERN STATES ARE DETINNING FACILITIES, AND SO
2 IT IS PRIMARILY TO RECOVER THE TIN CONTENT OF THE TIN
3 CANS. THE REMAINING STEEL CANS ARE BEING SENT TO
4 SMELTERS BACK EAST AND USED IN -- I'M NOT SURE IF THEY'RE
5 BEING USED TO BE MELTED DOWN INTO PRODUCT OR AS A --
6 SOMETIMES THEY'VE BEEN USED TO ACTUALLY STROKE THE
7 FURNACES. I'M NOT SURE WHAT THE RESULTANT CANS HAVE BEEN
8 USED FOR.

9 BOARD MEMBER MOSCONE: I THINK THEY BETTER BE
10 SURE THAT THE INFORMATION IS CORRECT BECAUSE I KNOW THAT
11 WE'VE GOT A PLANT UP IN SAN FRANCISCO WHERE WE USED TO
12 SORT -- THE TIN CANS WERE TAKEN OUT AND FOLDED AND
13 UNIVERSAL BY-PRODUCTS, THE OPERATORS THEN WERE TAKING OUT
14 THE TIN CANS; AND WHEN THEY FOUND A NEW METHOD FOR COPPER
15 PRECIPITATION, THAT WENT OUT THE WINDOW.

16 AND I WAS KIND OF SURPRISED IN SOUTHERN
17 CALIFORNIA THEY WERE STILL PICKING UP THE TIN CANS AND
18 WONDERING WHERE IT WAS GOING TO, AND I DIDN'T THINK -- I
19 COULD NEVER FIND THAT THERE WAS A MARKET ENOUGH FOR IT TO
20 GO TO THE SCRAP YARDS FOR MELTING AND ALL OF THAT.

21 CHAIRMAN GALLAGHER: I'D LIKE TO TELL YOU THAT
22 THE TIN CAN RECYCLING CORPORATION, WHICH IS A NEW UNIT
23 AND IS BEING OPERATED IN CONJUNCTION WITH WERTON AND SOME
24 OF THE OTHER STEEL COMPANIES ON THE EAST HAVE A VERY
25 AGGRESSIVE PROGRAM NOW FOR THE RECYCLING OF FERROUS METAL



1 CANS.

2 AND I CAN TELL YOU THAT THE PERCENT OF TIN
3 ON A CAN TODAY AS COMPARED TO WHEN IT WAS DURING THE
4 HEYDAY OF DETINNING IS SO LOW THAT IT'S GOING TO MAKE IT
5 RELATIVELY UNECONOMICAL TO DETIN. YOU'VE ONLY GOT ABOUT
6 A TENTH OF A POUND OF TIN TO A BASE BOX OF STEEL SHEET.
7 IT USED TO BE A POUND AND A QUARTER. SO YOU SEE THERE'S
8 BEEN A GRADUAL DECLINE IN THE AMOUNT OF TIN ON FERROUS
9 METAL SHEET FOR CAN MANUFACTURING.

10 THAT'S BROUGHT ABOUT LARGELY BECAUSE OF THE
11 CHANGE IN TECHNOLOGY AND THE CAN INDUSTRY GOING FROM
12 INTERLOCKED AND LAP SOLDERED SITE SEAMS TO WELDED SITE
13 SEAMS NOT REQUIRING ANY TIN IN ORDER TO ASSIST IN THE
14 SOLDERING OPERATION, CUTTING DOWN THE AMOUNT OF METAL
15 THAT'S USED IN THE CAN.

16 BUT NOTWITHSTANDING THAT, FLORIDA STEEL
17 COMPANY IN FLORIDA HAS OPENED A VERY MASSIVE OPPORTUNITY
18 FOR TIN CAN RECYCLING IN THE REBAR MANUFACTURING PRODUCTS
19 THAT THEY HAVE AND MERCHANT BAR. SO THERE IS -- WHEREVER
20 THERE IS AN ELECTRIC FURNACE AVAILABLE, AND THIS CAN'T BE
21 DONE IN BLAST FURNACE BECAUSE THE STEEL WOULD HAVE TO BE
22 COMPRESSED TO 175 POUNDS PER SQUARE FOOT IN ORDER TO GET
23 SECONDARY METAL -- SECONDARY GRADE MELTING METAL.

24 AND SO THEY HAVE TO DROP IT IN AN ELECTRIC
25 FURNACE, WHICH CAN USE IT VERY COMFORTABLY, AND IT DOES



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1 PROVIDE A GOOD FEED STOCK FOR REBAR, SOME WIRE, AND
 2 MERCHANT BAR. SO THERE'S A MARKET THERE, AND IT'S NOW A
 3 MATTER OF GETTING BACK TO COLLECTING IT AND GETTING IT TO
 4 THE MARKET. WE DON'T JUST HAVE THAT MANY ELECTRIC
 5 FURNACES IN CALIFORNIA.

6 BOARD MEMBER MOSCONE: WELL, SOME OF THESE
 7 PEOPLE WEREN'T AROUND, JOHN, WEREN'T BORN YET PROBABLY
 8 WHEN WE HAD THE BLACK PLAGUE.

9 AND I WANTED TO MENTION THAT I DON'T RECALL
 10 WHETHER YOU DID OR NOT, THAT YOU DISTINGUISH IN SCRAPS --
 11 SCRAP MATERIAL, THAT WHEN YOU TALK ABOUT SCRAPS, YOU'RE
 12 TALKING ABOUT SCRAPS OF NEW MATERIAL?

13 MR. FORAN: YES. THAT WAS THE -- THAT WAS
 14 THE -- WHAT I WAS REFERRING TO -- IN PLASTICS OR IN
 15 FERROUS SCRAP?

16 BOARD MEMBER MOSCONE: WHATEVER THEY MIGHT BE
 17 FOR.

18 MR. FORAN: YEAH. IT'S -- SCRAP HAS BEEN A TERM
 19 COMMONLY ASSOCIATED WITH CLEAN COMMERCIAL GRADE MATERIAL
 20 AND A --

21 BOARD MEMBER MOSCONE: WELL, JUST LIKE STUFF
 22 WITH THE GRADE PAPER, YOU KNOW, YOU'LL GET IT IN THE
 23 PRINTING HOUSE AND ALL, AND, YOU KNOW, YOU'VE GOT -- IT'S
 24 CUT OFF AND ALL. THAT'S STILL, YOU KNOW, IT'S NOT
 25 POSTCONSUMER.



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1 MR. FORAN: RIGHT.

2 BOARD MEMBER MOSCONE: AND SO THERE IS A
3 DIFFERENCE BETWEEN NEWS SCRAP, YOU MIGHT SAY, AND
4 CONSUMING USEABLE -- SOMETHING THAT'S BEEN TO THE
5 CONSUMER AGAIN.

6 MR. FORAN: RIGHT. IN-HOUSE SCRAP. I BELIEVE
7 THERE'S MENTION --

8 BOARD MEMBER MOSCONE: AND I THINK THAT'S -- AS
9 I SAID, I DIDN'T HAVE MINE AND I COULDN'T FLIP BACK TO
10 LOOK AND SEE, BUT I THINK IT SHOULD BE DISTINGUISHED, I
11 THINK IT IS, SO THAT PEOPLE DON'T GET SCRAP -- THEY
12 DISREGARD ANYTHING AS SCRAP, ANYTHING THAT WE MIGHT THROW
13 AWAY HERE MIGHT BE SCRAP, BUT ACTUALLY THAT'S NOT THE WAY
14 IT'S REGARDED. SCRAP IS FROM GOING THROUGH AND SAVING
15 WHATEVER STUFF THAT HAS NOT BEEN PUT TO USE YET.

16 CHAIRMAN GALLAGHER: THAT'S AN IMPORTANT
17 DISTINCTION. IN-HOUSE SCRAP, THE CAN INDUSTRY GENERATES
18 A TREMENDOUS AMOUNT OF IN-HOUSE SCRAP WITH SCROSER
19 BUTTS, SKELETONS FROM END MAKING AND THAT SORT OF THING.
20 THAT'S HANDLED QUITE DIFFERENTLY THAN POSTCONSUMER TIN
21 CANS THAT WOULD BE PULLED OUT OF THE GARBAGE CAN AT HOME.
22 THE END USE CAN BE THE SAME, BUT THE HANDLING, THE
23 AVAILABILITY OF IT, THE ABILITY TO SHIP IT, ALL OF THAT
24 SORT OF THING IS QUITE DIFFERENT. AND SOMEWHERE ALONG
25 THE LINE, AS WE REDEFINE OUR REPORT, I THINK THOSE KIND



1 OF DISTINCTIONS CAN BE MADE.

2 BOARD MEMBER VARNER: ANOTHER THING IS THE
3 CONTAMINATION OF MATERIALS. WHEN YOU GET THIS
4 UNCONTAMINATED SCRAP THAT COMES IN-HOUSE, THAT'S ONE
5 THING; BUT ONCE YOU GET IT CONTAMINATED WITH CERTAIN
6 MATERIALS, THEN IT BECOMES -- IT BECOMES WORTHLESS.
7 ECONOMICALLY IT IS -- TECHNICALLY YOU CAN PROBABLY
8 SALVAGE IT, BUT ECONOMICALLY IT'S NOT FEASIBLE BECAUSE OF
9 THE CONTAMINATION ONCE IT GETS OUT IN THE WASTE --

10 CHAIRMAN GALLAGHER: I THINK IT ALSO SHOULD BE
11 BORNE IN MIND, AND I DON'T THINK IT CAN GO IN THIS
12 REPORT, BUT THESE VERY RECENT CONSOLIDATIONS AND JOINT
13 VENTURES BETWEEN DUPONT AND WASTE MANAGEMENT AND BROWNING
14 FERRIS AND WELLMAN ARE GOING TO HAVE A TREMENDOUS IMPACT
15 IN A SHORT PERIOD OF TIME ON THE PLASTICS MARKET BECAUSE
16 RIGHT NOW WE'RE FINDING THAT ONE OF THE BIG PROBLEMS
17 ISN'T THAT THERE ISN'T ENOUGH SCRAP. IT'S OUR ABILITY TO
18 COLLECT IT AND GET IT INTO A CENTRAL PLACE. THAT IS ONE
19 OF THE BIG PROBLEMS. THAT'S WHERE BFI AND WASTE
20 MANAGEMENT'S EXPERTISE WILL COME IN.

21 MS. BROW: YOU'RE ABSOLUTELY RIGHT. IN FACT,
22 IT'S REAL INTERESTING EARLIER TODAY I WAS READING A BACK
23 ISSUE OF THIS NEW WASTE AGE PAPER RECYCLING TIMES, IT WAS
24 THE MAY 9TH ISSUE, AND THERE ARE 28 ARTICLES IN THAT
25 ISSUE. TEN OF THEM HAVE TO DO WITH NEW DEVELOPMENTS IN



1 THE PLASTICS MARKETS. I MEAN, IT'S JUST -- AS WE SPEAK,
2 THE SITUATION IS CHANGING.

3 BUT THIS REPORT COMES UP EVERY TWO YEARS,
4 SO WE'LL HAVE AMPLE OPPORTUNITY TO TALK ABOUT IT NEXT
5 TIME.

6 CHAIRMAN GALLAGHER: WHEN DOES THE NEXT ONE COME
7 UP, '91?

8 MS. BROW: OOPS! IT'S DUE IN DECEMBER 1ST. ODD
9 NUMBER YEARS.

10 CHAIRMAN GALLAGHER: DECEMBER OF '91.

11 MR. OLDALL: YEAH, CORRECT.

12 CHAIRMAN GALLAGHER: IF WE ADOPT THE ONE TODAY,
13 IT WOULD BE DECEMBER '91 BEFORE THE NEXT ONE --

14 MS. BROW: IS DUE. WE DON'T HAVE TO WAIT UNTIL
15 IT'S DUE TO GIVE THEM ONE.

16 MR. OLDALL: WE MIGHT BE AHEAD OF THE GAME NEXT
17 TIME.

18 CHAIRMAN GALLAGHER: WELL, IT WOULD SURE BE NICE
19 TO HAVE A REPORT GO OUT AND SAY WE'LL BACK ON TRACK.

20 MS. BROW: YES.

21 MR. OLDALL: IT WASN'T ENTIRELY OUR FAULT, MR.
22 CHAIRMAN.

23 CHAIRMAN GALLAGHER: WHAT?

24 MR. OLDALL: THAT WASN'T ENTIRELY OUR FAULT.

25 CHAIRMAN GALLAGHER: WELL, I UNDERSTAND THAT,



1 BUT I THINK THE PRESSURE THAT WE'RE BRINGING UP TO BEAR
2 ABOVE MAY BEAR SOME FRUIT YET.

3 BOARD MEMBER LOCKINGTON: MR. CHAIRMAN.

4 CHAIRMAN GALLAGHER: YES.

5 BOARD MEMBER LOCKINGTON: I WOULD JUST ADMONISH
6 THESE FINE PEOPLE THAT YOU'RE DEALING WITH THE GLAMOUR
7 ISSUE WE'VE BEEN FIGHTING WITH LAWSUITS AND EVERY DAY FOR
8 A DAY AND A HALF THAT NOBODY'S GOING TO GIVE US ANY
9 CREDIT FOR, BUT YOU GUYS IN THE FOREFRONT, YOU'RE THE
10 ONES THAT THE LEGISLATURE -- RECYCLING IS THE GLAMOUR
11 ISSUE. AND THE BETTER JOB YOU DO, BOY, WE NEED IT.

12 WHAT YOU'RE GOING TO DO IS GOING TO BEAR
13 FRUIT BECAUSE EVERYBODY IN THE WORLD IS OUT THERE SAYING
14 LET'S RECYCLE 90 PERCENT OF THIS, LET'S GET RID OF IT.

15 BOARD MEMBER BREMBERG: BUT, JIM, EVERYBODY'S
16 OUT THERE SAYING RECYCLE ACCORDING TO MY PLAN. EVERYBODY
17 ELSE'S IS ROTTEN IN THE LEGISLATURE.

18 BOARD MEMBER LOCKINGTON: LISTEN, I'LL EVEN TAKE
19 YOUR PLAN IF IT GOES 60 PERCENT.

20 BOARD MEMBER BREMBERG: I DON'T HAVE A PLAN.
21 THE BOARD HAS A PLAN. A LOT OF LEGISLATURES THINK THEY
22 HAVE PLANS.

23 BOARD MEMBER LOCKINGTON: VERY IMPORTANT.

24 CHAIRMAN GALLAGHER: ARE THERE ANY MORE
25 QUESTIONS OF BRIAN AND CAROL?



1 BOARD MEMBER BROWN: THAT'S A GOOD REPORT.

2 CHAIRMAN GALLAGHER: ARE WE READY TO HAVE A
3 MOTION TO ADOPT IT AND PUT IT IN THE FORM TO GO TO THE
4 LEGISLATURE? ARE YOU READY TO MOVE?

5 BOARD MEMBER VARNER: YES.

6 BOARD MEMBER MOSCONE: YES.

7 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
8 SECONDED THAT WE APPROVE THE REPORT AS PRESENTED BY STAFF
9 AND THAT FORTHWITH IT BE PUT IN SHAPE TO GO TO THE
10 LEGISLATURE.

11 MR. FORAN: WE'LL PUT IT IN SHAPE.

12 MS. BROW: THANK YOU.

13 CHAIRMAN GALLAGHER: WILL YOU CALL THE ROLE,
14 PLEASE.

15 SECRETARY DUNN: BREMBERG?

16 BOARD MEMBER BREMBERG: AYE.

17 SECRETARY DUNN: BROWN?

18 BOARD MEMBER BROWN: YES.

19 SECRETARY DUNN: LOCKINGTON?

20 BOARD MEMBER LOCKINGTON: AYE.

21 SECRETARY DUNN: MOSCONE?

22 BOARD MEMBER MOSCONE: AYE.

23 SECRETARY DUNN: TCHOBANOGLOUS?

24 BOARD MEMBER TCHOBANOGLOUS: YES.

25 SECRETARY DUNN: VARNER?



1 BOARD MEMBER VARNER: AYE.

2 CHAIRMAN GALLAHER: CHAIRMAN, AYE.

3 THANK YOU AGAIN. NICE REPORT AND --

4 MR. FORAN: THANK YOU.

5 MS. BROW: THANK YOU.

6 CHAIRMAN GALLAGHER: WE ARE NOW APPROACHING THE
7 WITCHING HOUR. I DON'T KNOW WHERE CONHEIM'S WATCH IS,
8 BUT -- I DON'T WANT TO ADJOURN THIS MEETING ONE MINUTE
9 BEFORE CONHEIM GIVES ME THE OKAY.

10 MR. OLDALL: I'VE GOT ABOUT FIVE MINUTES TILL --
11 FIVE MINUTES TILL FOUR.

12 CHAIRMAN GALLAGHER: WELL, THERE ARE ENOUGH --

13 MR. EOWAN: THERE ARE A NUMBER OF ISSUES, MR.
14 CHAIRMAN, WE COULD DO A QUICK -- THERE ARE A NUMBER OF
15 ISSUES. FOLLOWING ON THIS LAST ITEM, IF YOU WANTED A
16 QUICK FIVE-MINUTE ITEM, WE COULD GO TO NO. 17 AND HAVE
17 MR. FORAN FOLLOW UP ON WHAT HE JUST DID.

18 CHAIRMAN GALLAGHER: WELL, THAT'S FINE. LET'S
19 TAKE ITEM 17. AND IMMEDIATELY ON COMPLETION OF THAT, WE
20 WILL RECESS UNTIL IN THE MORNING. THE BOARD WILL
21 RECONVENE HERE IN THE MORNING AT 9 O'CLOCK.

22 MR. FORAN: DO WE HAVE THE SLIDES? THE SLIDES
23 FOR THIS ONE. I NEED TO SET UP -- IT SAYS 14 SLASH 17.

24 MR. EOWAN: DO IT WITHOUT SLIDES. JUST GO.

25 MR. OLDALL: FIRE AWAY, BRIAN.



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1 MR. FORAN: OKAY. HERE WE GO.

2 MR. CHAIRMAN, MEMBERS OF THE BOARDS, I'M
3 GOING TO GIVE A QUICK AND DIRTY SUMMARY OF THE QUARTERLY
4 REPORT ON CALIFORNIA'S RECYCLING MARKETS FOR THE FIRST
5 QUARTER OF 1989.

6 THE SUMMARY -- THE PAPER MARKETS WERE
7 STRONGER FOR THE HIGH GRADES, AND OLD CORRUGATED
8 CONTAINERS REMAINED WEAK FOR OLD NEWSPAPERS. THE MARKET
9 HAD INCREASED FOR ALUMINUM CONTAINERS, REMAINS STABLE FOR
10 GLASS AND PET BEVERAGE CONTAINERS, WHICH ARE PRICED
11 SUBSIDIZED BY AB 2020.

12 THE MARKET INCREASED FOR USED MOTOR OIL
13 BECAUSE OF THE INCREASED PRICE IN CRUDE OIL.

14 I'VE INCLUDED A SECTION OVERLOOKING
15 HIGH-GRADE PAPERS FOR THE FIRST TIME IN THE QUARTERLY
16 MARKETS REPORT. THIS IS BECAUSE OF THE VALUE OF THESE
17 MATERIALS TO COLLECTORS. IT'S OFTEN MANY COLLECTOR'S
18 BREAD AND BUTTER, BY FAR THE HIGHEST VALUE MATERIALS, SO
19 I WON'T REALLY MENTION ANYTHING ABOUT THE PRICES ON THERE
20 BECAUSE I CAN'T COMPARE IT WITH ANYTHING THAT I'VE DONE
21 THE PREVIOUS QUARTER.

22 WE'LL HAVE A SUMMARY REPORT ON THE HIGH
23 GRADES IN THE NEXT QUARTER MARKETS REPORT AS WELL AS A
24 COMPARISON OF THE -- OF THE PRICES FROM -- HOPEFULLY
25 PREVIOUS QUARTERS. I'LL TRY TO DIG UP SOME HISTORY ON



1 THEM.

2 THE CORRUGATED CONTAINER MARKET, AGAIN, WAS
3 STRONG. IT HAD STABILIZED FROM A DOWNTREND IN THE FOURTH
4 QUARTER. PRIMARY REASON FOR THE PRICE INCREASE WAS
5 OVERSEAS DEMAND, PARTICULARLY FROM TAIWAN. SO FAR THIS
6 QUARTER THERE'S BEEN A SLIGHT SOFTENING OF THE MARKET IN
7 CORRUGATED, BUT IT LOOKS LIKE IT'S STABILIZED AND THERE
8 IS SOME ADDITIONAL CAPACITY COMING ON LINE IN THE WEST
9 COAST.

10 NEWSPAPER, MORE BAD NEWS, OVERSUPPLY. EAST
11 COAST COLLECTIONS PICKING UP AFTER THE WINTER MONTHS, THE
12 SATURATION ON THE FOREIGN MARKETS, AGAIN, NO DEVELOPMENT
13 IN DOMESTIC MARKETS. NEWS IS A REAL TROUBLE ITEM RIGHT
14 NOW WITH NO ANSWERS, NO SHORT-TERM ANSWERS. JUST --
15 WE'LL BE LUCKY IF THE PRICE HOLDS STABLE WHERE IT IS AT
16 ABOUT \$20 A TON TO COLLECTORS. IT'S NOT A PROFITABLE
17 ITEM.

18 GLASS AND PET BEVERAGE CONTAINERS, AGAIN,
19 SAME PRICES AS LAST QUARTER. IT'S AN AB 2020 SUBSIDIZED
20 ITEM FOR ITS REDEMPTION VALUE, AND THAT'S ABOUT ALL THAT,
21 AT LEAST, THE PUBLIC IS RECEIVING. THERE'S NO CHANGE IN
22 THE PRICES TO COLLECTORS. THE ONLY CHANGE WILL BE
23 BECAUSE OF AN INCREASE IN THE BONUS VALUE WHICH WILL TAKE
24 EFFECT -- ACTUALLY, IT BEGAN TO TAKE EFFECT AS OF APRIL
25 OF THIS YEAR.



1 AND USED MOTOR OIL, WE HAD -- IT'S BEEN --
2 IT HAS BEEN A PROBLEM AREA. BECAUSE OF THE SIGNIFICANT
3 DECREASES IN THE PRICE OF CRUDE OIL HAS MADE IT LESS
4 ECONOMICAL OF A MATERIAL FOR THE USED OIL REPROCESSORS TO
5 HANDLE; CONSEQUENTLY, THEY CAN ONLY PAY LESS TO THE
6 HAULERS. THE HAULERS HAVE TO CHARGE THE SERVICE STATIONS
7 JUST TO RECOUP THE COST OF THEIR OPERATIONS.

8 WELL, WITH THE COMING UP OF THE PRICE OF
9 CRUDE, THE REPROCESSORS WERE ABLE TO PAY A LITTLE BIT
10 MORE TO THE HAULERS. THE HAULERS WERE ABLE TO PAY -- OR
11 TO CHARGE LESS OR NOT CHARGE THE SERVICE STATIONS AT ALL.
12 AND, FORTUNATELY, WE'VE BEEN SEEING MORE SERVICE STATIONS
13 ACCEPTING USED MOTOR OIL FROM THE PUBLIC AND NOT -- OR
14 NOT CHARGING THEM QUITE AS MUCH AS THEY HAD BEEN BEFORE.

15 THAT'S A QUICK SUMMARY OF THE QUARTERLY
16 MARKETS REPORT.

17 I WILL TAKE ANY QUESTIONS NOW, IF YOU HAVE
18 THEM.

19 CHAIRMAN GALLAGHER: ANY QUESTIONS OF BRIAN?

20 BRIAN, THERE IS ONLY ONE COMMENT THAT I'D
21 LIKE TO MAKE THAT MIGHT HELP YOU; AND, THAT IS, IF YOU
22 WILL REMIND ME, I'LL GIVE YOU THE NAMES OF SOME PEOPLE IN
23 THE FERROUS METAL CAN RECYCLING CORPORATION THAT CAN
24 PROVIDE YOU VERY CURRENT INFORMATION ON THE FERROUS METAL
25 MARKET, PARTICULARLY AS IT RELATES TO CANS AND CAN SCRAP.



1 THERE IS A RESURGENCE OF THE USE OF
2 TWO-PIECE DRUM AND WALLER (PHONETIC) IN CANS OF FERROUS
3 METAL IN THE BEVERAGE INDUSTRY BECAUSE OF THE TREMENDOUS
4 SQUEEZE IN PRICE BETWEEN FERROUS METAL AND ALUMINUM. AND
5 IT HAS NOT SHOWN UP IN CALIFORNIA YET, BUT THOSE ARE THE
6 KINDS OF TRENDS THAT HAVE A LOT TO DO WITH AVAILABILITY
7 OF SCRAP AND THE AMOUNT OF IT. AND I'LL TELL YOU THE
8 NAMES OF PEOPLE THAT YOU CAN CALL THAT WILL WORK WITH YOU
9 AND TELL YOU WHERE THOSE MARKETS ARE GOING.

10 MR. FORAN: OKAY. THANK YOU, MR. CHAIRMAN.

11 MR. EOWAN: I CAN GUARANTEE, IF YOU GIVE BRIAN
12 THOSE NAMES, THEY WILL BE CONTACTED. HE IS A ONE-MAN
13 DYNAMO WHEN IT COMES TO DATABANKS ON ANY OF THIS
14 INFORMATION.

15 CHAIRMAN GALLAGHER: REMIND ME THE NEXT TIME YOU
16 SEE ME IN SACRAMENTO, BRIAN.

17 MR. FORAN: OKAY. THANK YOU, MR. GALLAGHER.

18 CHAIRMAN GALLAGHER: THANK YOU VERY MUCH.

19 WHERE'S YOUR CLOCK?

20 ATTORNEY CONHEIM: MR. CHAIRMAN, IT IS 30
21 SECONDS AFTER 4 O'CLOCK.

22 CHAIRMAN GALLAGHER: GOD, I WORKED YOU OVERTIME.
23 I DIDN'T INTEND TO DO THAT, CONHEIM, BUT I DID.

24 WE STAND IN RECESS UNTIL TOMORROW MORNING
25 AT 9 O'CLOCK. THANK YOU ALL FOR COMING.



REPORTER'S CERTIFICATE

I, Lucie Preece, HEREBY CERTIFY THAT ON THE
6th DAY OF July, 1989, I DID REPORT
IN SHORTHAND THE TESTIMONY OF THE FOREGOING PROCEEDINGS;

THAT AT THE CONCLUSION OF THE ABOVE ENTITLED MATTER, I
DID TRANSCRIBE MY SHORTHAND NOTES INTO TYPEWRITING, AND THAT
THE FOREGOING TRANSCRIPT IS A TRUE AND CORRECT RECORD OF MY
SHORTHAND NOTES THEREOF.


SHORTHAND REPORTER



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