

**CERTIFIED
COPY**

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

**IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
APRIL 18, 1990)
_____)**

DATE AND TIME: WEDNESDAY, APRIL 18, 1990, 9:00 A.M.

**PLACE: BOARD HEARING ROOM
1020 NINTH STREET
SACRAMENTO, CALIFORNIA**

**REPORTER: BETH C. DRAIN, RPR, CSR
CERTIFICATE NO. 7152**

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TELEPHONE (714) 953-4447

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
 DR. RICHARD GEARHEART (NOT PRESENT)

STAFF PRESENT

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

MR. BILL ORR
 MR. MICHAEL FINCH
 MS. MICHELLE MARCONI
 MR. GARTH ADAM
 MR. JOHN SMITH
 MR. HAL GJERMANN
 MR. JIM CROPPER
 MS. MARTHA GILDART
 MS. CAROLE BROW
 MR. HERB BERTON
 MS. BRENDA SALDANA
 MR. BRIAN FORAN

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RECOGNITION FOR 25 YEARS OF SERVICE WITH
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1 APRIL 18, 1990

2
3 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

4
5 CHAIRMAN GALLAGHER: BRING THE MEETING OF THE
6 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ORDER,
7 PLEASE. THOSE OF YOU WHO INTEND AT SOME POINT IN TIME TO
8 SPEAK ON AN ISSUE THAT WILL COME BEFORE THIS BOARD TODAY
9 PLEASE FILL OUT THE REQUESTS AT THE BACK OF THE ROOM AND
10 PRESENT IT TO OUR SECRETARIES, AND WE WILL ATTEMPT TO
11 CALL YOU AT THE APPROPRIATE TIME.

12 ONE OTHER HOUSEKEEPING ITEM THAT WE HAVE AT
13 SOME POINT IN TIME THIS MORNING, WHEN ONE OF OUR LEGAL
14 REPRESENTATIVES IS AVAILABLE, WE WILL RECESS THIS MEETING
15 FOR A CLOSED SESSION TO DISCUSS PENDING LITIGATION.

16 WITH THAT, MR. OLDALL, IS THERE ANY CHANGES
17 TO THE AGENDA?

18 MR. OLDALL: I THINK MR. IWAHIRO HAS A FEW
19 CHANGES, MR. CHAIRMAN.

20 MR. IWAHIRO: ITEM NO. 5 HAS BEEN PULLED. SOME
21 OF THESE ARE ON BECAUSE OF THE POSSIBILITY THAT THE
22 40-DAY CLOCK WILL START. WE JUST WANT TO PROTECT THE
23 BOARD AGAINST THAT PARTICULAR EVENT.

24 CHAIRMAN GALLAGHER: FIVE IS OUT.

25 MR. IWAHIRO: CORRECT. SIX IS OFF. THERE'S A

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1 REQUEST THAT NO. 7 BE HEARD ON THURSDAY IN THE MORNING
2 THERE, AS WELL AS NO. 8 ON THURSDAY. ACTUALLY, NO. 7, 8,
3 AND 9 ARE ALL REQUESTED FOR THURSDAY. NO. 10 IS OFF
4 AGAIN. WE'RE HAVING A LITTLE DIFFICULTY GETTING MR.
5 TAKALLOU TO COME UP HERE TO GIVE US HIS PRESENTATION.

6 NO. 15 IF YOU COULD CONSIDER THAT
7 RESOLUTION COMMENDING AL STRICKMAN AROUND 10:30 HE'LL BE
8 HERE IS MY UNDERSTANDING.

9 CHAIRMAN GALLAGHER: 10:30 THIS MORNING.

10 MR. IWAHIRO: THAT'S CORRECT. IF WE COULD
11 ACCOMMODATE THAT, THAT WOULD BE PROBABLY APPRECIATED BY
12 MR. STRICKMAN. AND THOSE ARE THE CHANGES.

13 CHAIRMAN GALLAGHER: THOSE ARE THE CHANGES.
14 THANK YOU VERY MUCH, HERB. ARE WE READY TO PROCEED NOW
15 WITH ITEM NO. 1? MR. CONHEIM.

16 ATTORNEY CONHEIM: PURSUANT TO PUBLIC RESOURCES
17 CODE SECTION 40412, THE NOW FAMOUS EX PARTE COMMUNICATION
18 RULE, I WOULD LIKE TO ENTER INTO THE RECORD ON BEHALF OF
19 THE CHAIRMAN AND BOARD MEMBERS A NUMBER OF LETTERS AND
20 COMMUNICATIONS WHICH WERE RECEIVED AT BOARD HEADQUARTERS
21 DURING THE LAST MONTH.

22 THESE, I THINK, INCLUDE SOME THAT PRECEDED
23 THE LAST MEETING BUT WERE NOT OF RECORD BECAUSE OF THE
24 INABILITY OF OUR -- OF US TO PUT IT TOGETHER BECAUSE
25 CONNIE WAS OUT OF THE OFFICE, AND WE'RE COMPLETELY

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1 DEPENDENT ON HER TO KEEP US ALL OUT OF TROUBLE.

2 SO LET ME AGAIN READ FROM THE LIST, NOT THE
3 ACTUAL COMMUNICATIONS, AND LET'S JUST TAKE THE TIME TO DO
4 IT SO THAT WE COMPLY WITH THE LAW. I'M GOING TO READ
5 INTO THE RECORD A DESCRIPTION OF COMMUNICATIONS THAT WE
6 FEEL FIT THE UNDER THE RUBRIC OF EX PARTE COMMUNICATIONS
7 FOR PURPOSES OF THIS STATUTE:

8 MARCH 12, 1990, LETTER TO THE CHAIRMAN FROM
9 DONALD KOEPP, COUNTY OF VENTURA, REGARDING THE
10 ENFORCEMENT ADVISORY COUNCIL;

11 MARCH 14, 1990, LETTER TO THE CHAIRMAN FROM
12 MARTY WINSTON, LAKE COUNTY, REGARDING THE ENFORCEMENT
13 ADVISORY COUNCIL;

14 MARCH 19 LETTER FROM DON KOEPP, COUNTY OF
15 VENTURA, REGARDING THE PERMIT ENFORCEMENT POLICY;

16 MARCH 20, 1990 LETTER TO THE CHAIRMAN FROM
17 ROBERT L. KENNEDY, INYO COUNTY, REGARDING ENFORCEMENT
18 ADVISORY COUNCIL;

19 MARCH 20 LETTER TO BOARD MEMBERS FROM
20 RICHARD H. SWENSON, COUNTY OF PLACER, REGARDING BOARD
21 POLICY ENFORCEMENT OF SOLID WASTE FACILITIES PERMITS;

22 MARCH 22 MEETING WITH THE CHAIRMAN, ROBERT
23 P. HOUSTON, MR. TERNES, AND MR. DARRYL BARTOLOTTI
24 REGARDING RECYCLING USED STEEL 55 GALLON DRUMS;

25 MARCH 26, 1990, LETTER TO THE CHAIRMAN FROM

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1 TRENT CAVE, NAPA COUNTY. REGARDING SOLID WASTE FACILITIES
2 PERMIT ENFORCEMENT POLICY;

3 MARCH 29 MEETING WITH CHAIRMAN AND MARY
4 JANE DRAUDT AND JAMES R. TURNER, MEAD PACKAGING,
5 REGARDING HISTORY OF BOARD AND AB 939;

6 MARCH 29 LETTER TO BOARD MEMBERS FROM JAMES
7 MURRAY, IMPERIAL COUNTY HEALTH SERVICES, REGARDING PERMIT
8 ENFORCEMENT POLICY;

9 MARCH 29 LETTER TO THE CHAIRMAN FROM WALTER
10 L. KRUSE, TEHAMA COUNTY HEALTH DEPARTMENT, REGARDING THE
11 SAME;

12 APRIL 2 LETTER TO THE CHAIRMAN FROM KEN
13 STUART, COUNTY OF SACRAMENTO, REGARDING THE SAME POLICY;

14 APRIL 2 LETTER TO THE CHAIRMAN FROM RUSS
15 MULL, SHASTA COUNTY, REGARDING CHANGES TO THE SAME PERMIT
16 ENFORCEMENT POLICY;

17 APRIL 4 LETTER TO THE CHAIRMAN FROM ED
18 PADILLA, SAN JOAQUIN COUNTY, REGARDING THE SAME PERMIT
19 ENFORCEMENT POLICY;

20 APRIL 9 LETTER TO THE CHAIRMAN FROM FRANK
21 BOWERMAN, ORANGE COUNTY, REGARDING DESIGNATION OF LOCAL
22 TASK FORCE FOR AB 939.

23 THIS ONE IS AN OLD ONE. CONNIE, FROM THE
24 YEAR 1190.

25 APRIL 11 LETTER TO BOARD MEMBERS FROM TIM



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1 TUNE, CITY OF BRISBANE, REGARDING MODIFICATIONS TO TEXT
2 OF CLOSURE/POSTCLOSURE REGULATIONS. AND THAT LETTER, OF
3 COURSE, WILL BE ENTERED INTO THE ADMINISTRATIVE LAW
4 RULEMAKING FILE AS WELL. BUT BECAUSE LETTERS LIKE THIS
5 COME IN BETWEEN BOARD MEETINGS AND ADDRESSED TO BOARD
6 MEMBERS, THEY HAVE TO ALSO BE CONSIDERED, BECAUSE OF THE
7 NATURE OF THIS LAW, AS EX PARTE COMMUNICATIONS. OUR
8 FAILURE TO DISCLOSE THEM, EVEN THOUGH THEY'LL BE PUT IN A
9 PUBLIC RECORD, COULD SUBJECT THE BOARD MEMBERS TO, YOU
10 KNOW, RANDOM EXPOSURE TO LIABILITY THAT WE COULDN'T
11 PROTECT YOU FROM UNLESS WE DISCLOSE THEM.

12 APRIL 12 LETTER TO BOARD MEMBERS FROM
13 THOMAS F. WINFIELD, III FROM THE FIRM OF BROWN, WINFIELD
14 & CANZONERI REGARDING THE SAME MODIFICATIONS TO TEXT OF
15 CLOSURE AND POSTCLOSURE REGULATIONS;

16 APRIL 13 LETTER TO BOARD MEMBERS FROM
17 DONALD ANDRES, EMCON REGARDING THE PROPOSED MODIFICATIONS
18 TO THE TEXT OF CLOSURE AND POSTCLOSURE REGULATIONS;

19 APRIL 13 LETTER SENT VIA FAX TO BOARD
20 MEMBERS FROM GENE ALBAUGH, COUNTY OF NEVADA, REGARDING
21 REQUEST FOR AMENDMENT TO NOTICE AND ORDER 89-01;

22 APRIL 16 LETTER TO THE CHAIRMAN FROM FRANK
23 BOWERMAN, ORANGE COUNTY, REGARDING POLICY ON ENFORCEMENT
24 OF SOLID WASTE FACILITIES PERMITS;

25 AND ONE MORE. APRIL 16 LETTER TO BOARD



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1 MEMBERS FROM DENNIS L. COTE, SAN BENITO COUNTY PUBLIC
2 WORKS DEPARTMENT, REGARDING PROPOSED MODIFICATIONS TO THE
3 TEXT OF THE CLOSURE AND POSTCLOSURE REGULATIONS.

4 AND THAT'S THE LIST OF MEETINGS, WOULD BE
5 PHONE CALLS, IF THERE WERE ANY, AND LETTERS THAT HAVE
6 BEEN RECEIVED BETWEEN BOARD MEETINGS. LETTERS LIKE THIS,
7 WHICH WOULD BE SUBMITTED AT A BOARD MEETING, WOULD NOT
8 HAVE TO BE DISCLOSED AS EX PARTE COMMUNICATIONS BECAUSE
9 THEY WOULD BE MADE OF RECORD WHILE THE RECORD WAS OPEN.
10 ANYTHING THAT'S SUBMITTED WHILE THE RECORD IS CLOSED OR
11 IN BETWEEN THE OPENING OF RECORDS HAVE TO BE DISCLOSED.

12 THANK YOU, MR. CHAIRMAN.

13 CHAIRMAN GALLAGHER: THANK YOU, MR. CONHEIM.
14 AND I APOLOGIZE FOR NOT CALLING ON YOU. I'M NOT YET
15 QUITE ACCUSTOMED TO EX PARTE COMMUNICATION RULES, AND I
16 NEGLECTED TO CALL FOR IT.

17 ATTORNEY CONHEIM: MR. CHAIRMAN, I'M NOT EITHER.
18 IF CONNIE WEREN'T SO DILIGENT ABOUT THIS, WE WOULD ALL BE
19 ABSOLUTELY QUOTING MS. BREMBERG.

20 CHAIRMAN GALLAGHER: WE'RE GOING TO GET
21 SOMETHING DONE ABOUT YOUR GLASSES. CONNIE'S OVER THERE,
22 NOT OVER THERE.

23 ATTORNEY CONHEIM: I'M LOOK AT YOU AND TALKING
24 TO YOU.

25 CHAIRMAN GALLAGHER: THANK YOU, BOB. WE'RE NOW



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1 READY FOR ITEM 1.

2 ATTORNEY CONHEIM: MR. CHAIRMAN, WE ARE NOT USED
3 TO THIS. I WOULD LIKE YOU TO GIVE THE OPPORTUNITY TO
4 BOARD MEMBERS TO DISCLOSE ANY EX PARTE COMMUNICATIONS AT
5 THIS POINT THAT THEY MIGHT HAVE THAT HAVE NOT YET BEEN
6 DISCLOSED.

7 CHAIRMAN GALLAGHER: THANK YOU. DO YOU HAVE
8 ANY, BOARD MEMBERS?

9 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I WENT TO
10 TWO MEETINGS OF THE CITY OF GLENDALE INTEGRATED WASTE
11 MANAGEMENT TASK FORCE MEETING.

12 CHAIRMAN GALLAGHER: ARE THERE ANY OTHERS FROM
13 BOARD MEMBERS? MR. VARNER.

14 BOARD MEMBER VARNER: MR. CHAIRMAN, I ATTENDED,
15 ALONG WITH SOME OTHERS, THE TRASH BASH THAT'S PUT ON BY
16 THE RUBBISH INDUSTRY. ALSO A LUNCHEON WHERE JUST GENERAL
17 ISSUES WERE TALKED ABOUT, NOTHING OF ANY SPECIFIC NATURE.
18 THINGS LIKE WHO'S GOING -- WHEN'S THE NEW BOARD GOING TO
19 BE APPOINTED. ANYWAY, JUST FOR THE RECORD, I ATTENDED
20 THAT ON MONDAY.

21 BOARD MEMBER TCHOBANOGLOUS: I ATTENDED THE YOLO
22 COUNTY SOLID WASTE ADVISORY COMMITTEE MEETING THIS PAST
23 WEEK.

24 CHAIRMAN GALLAGHER: ANY FURTHER ONES? I, TOO,
25 ATTENDED THE TRASH BASH. I HAD INTENDED TO GIVE CONNIE A

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1 NOTE ON IT BEFORE WE WERE RUN OUT OF TOWN. AS LONG AS WE
2 HAVE BROUGHT THAT ONE UP, YOU CAN ENTER THAT IN THE
3 RECORD. THERE WERE NO ISSUES DISCUSSED. AND IF THERE
4 WERE, I WOULD HAVE RAN LIKE HELL. NOTHING CAME UP WHILE
5 WE WERE THERE. MET WITH A VARIETY OF LEGISLATORS AND
6 REPRESENTATIVES OF THE REFUSE REMOVAL COUNCIL.

7 NOW, MR. CONHEIM?

8 ATTORNEY CONHEIM: I THINK WE'RE ALL KOSHER.

9 CHAIRMAN GALLAGHER: THANK YOU. ITEM 1 ON THE
10 AGENDA, PLEASE.

11 MR. IWAHIRO: MR. CHAIRMAN, ITEM NO. 1, AS YOU
12 RECALL, WE HAVE EMERGENCY REGULATIONS CONCERNING OUR
13 CLOSURE/POSTCLOSURE PROGRAM. WE ARE IN THE PROCESS OF
14 MAKING THOSE PERMANENT REGULATIONS AND WORKING WITH OAL.

15 OAL HAS IDENTIFIED SOME AREAS THAT NEEDED
16 SOME CLARITY AND SOME ADDITIONAL INFORMATION, SO WE
17 NEEDED TO PUT OUT FOR PUBLIC COMMENT PERIOD AND THAT
18 PERIOD IS NOW OVER. AND BILL ORR AND HIS STAFF ARE READY
19 TO GIVE US A SUMMARY OF WHAT HAS HAPPENED DURING THAT
20 TIME AND SOME SUGGESTED CHANGES THAT WERE BROUGHT TO OUR
21 ATTENTION.

22 CHAIRMAN GALLAGHER: THANK YOU. MR. ORR.

23 MR. ORR: THANK YOU. MR. CHAIRMAN. GOOD
24 MORNING, BOARD MEMBERS.

25 WHAT I'D LIKE TO DO THIS MORNING IS UPDATE

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1 YOU ON WHAT'S TRANSPIRED SINCE THE LAST BOARD MEETING IN
2 DECEMBER WHERE THE BOARD ADOPTED EMERGENCY REGULATIONS
3 AND DIRECTED THE BOARD STAFF TO SUBMIT THE RULEMAKING
4 FILE TO THE OFFICE OF ADMINISTRATIVE LAW FOR
5 CONSIDERATION. WE DID, IN FACT, DO THAT.

6 FIRST, BEFORE WE SUBMITTED THE RULEMAKING
7 FILE, WE MADE A 15-DAY RENOTICE BASED ON SOME CHANGES
8 THAT WERE IDENTIFIED AT THE DECEMBER 15 MEETING. AND
9 THEN WE RESPONDED TO THOSE COMMENTS AND SUBMITTED THE
10 RULEMAKING FILE TO THE OFFICE OF ADMINISTRATIVE LAW ON
11 FEBRUARY THE 9TH.

12 THE OFFICE OF ADMINISTRATIVE LAW HAS 30
13 DAYS WITH WHICH TO REVIEW THE RULEMAKING FILE; AND
14 BECAUSE OF A WEEKEND, ON MARCH 12 WE WERE CONTACTED BY
15 THE OFFICE OF ADMINISTRATIVE LAW AND GIVEN THE
16 OPPORTUNITY TO WITHDRAW THE RULEMAKING FILE TO CLARIFY
17 AND MAKE SOME CHANGES IN THE REGULATORY LANGUAGE BASED ON
18 THEIR REVIEW. THAT WOULD BE IN LIEU OF THEM ACTUALLY
19 DISAPPROVING THE RULEMAKING FILE.

20 AND SO WE OPTED TO DO THAT, AND WE HAD
21 DISCUSSIONS WITH THE OFFICE OF ADMINISTRATIVE LAW
22 REVIEWING ATTORNEY REGARDING THE CHANGES THAT THEY WERE
23 REQUESTING. AND BASED ON THOSE DISCUSSIONS, WE NOTICED
24 SOME MODIFICATIONS TO THE REGULATIONS THAT WERE MAILED
25 OUT TO ALL OF THE INTERESTED PARTIES, COMMENTERS, LOCAL

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1 ENFORCEMENT AGENCIES. LANDFILL OWNERS AND OPERATORS ON
2 MARCH 30.

3 AND THAT COMMENCED A MINIMUM 15-DAY COMMENT
4 PERIOD THAT CLOSED ON APRIL 16. WITH THAT, WE RECEIVED
5 EIGHT SETS OF COMMENTS DURING THAT 15-DAY PERIOD, AND I'D
6 LIKE TO TURN THE MICROPHONE OVER TO MICHAEL FINCH OF THE
7 STANDARDS AND REGULATIONS DIVISION WHO WILL GO THROUGH
8 THE ACTUAL CHANGES THAT WERE REQUESTED BY THE OFFICE OF
9 ADMINISTRATIVE LAW AND WERE INCORPORATED INTO THE TEXT.
10 AND HE WILL ALSO HIGHLIGHT THE COMMENTS THAT WERE
11 RECEIVED AND ANY CHANGES THAT MIGHT BE WARRANTED BASED ON
12 THOSE COMMENTS. SO WITH THAT, I'LL TURN IT OVER TO MIKE.

13 MR. FINCH: GOOD MORNING, MR. CHAIRMAN AND
14 MEMBERS OF THE BOARD.

15 OAL STAFF SUGGESTED A LIMITED NUMBER OF
16 CHANGES TO THE PROPOSED LANGUAGE TO IMPROVE REGULATORY
17 CLARITY, THE -- EXPRESS THE BOARD'S INTENT BASED ON THE
18 FINAL STATEMENT OF REASONS, AND FOR CONSISTENCY WITH
19 OTHER FORMS OF LAW, INCLUDING THE PERMIT REFORM ACT, THE
20 DEVELOPMENT PERMIT ACT.

21 IN YOUR BOARD PACKET, BEGINNING ON PAGE 8,
22 YOU HAVE A COPY OF THE TEXT WITH THE CHANGES ONLY SO THAT
23 THE REMAINDER OF THE REGULATIONS ARE NOT INCLUDED. THE
24 CODES TO SHOW YOU WHERE THE CHANGES ARE MADE. CHANGES
25 MADE REFLECTING OAL COMMENTS ARE WHERE YOU HAVE

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1 ADDITIONAL TEXT, THEY'RE IN RED LINE AND DOUBLE
2 UNDERLINED; AND WHERE LANGUAGE WAS STRICKEN, IT IS IN
3 BRACKETS AND THEN STRUCK OUT.

4 NOW, THE FIRST CHANGE IS FOUND ON PAGE 9 OF
5 YOUR BOARD PACKET. I'LL GO THROUGH THESE BRIEFLY AND
6 POINT OUT WHAT THE CHANGES WERE REFLECTANT. TOWARDS THE
7 TOP OF THE PAGE ON BOARD PACKET PAGE 9, WE HAVE A CLARITY
8 CHANGE TO EXPRESS WHEN SITES ALREADY HAVE APPROVED PLANS,
9 TO ENCOMPASS THAT CHANGE.

10 ON THE NEXT PAGE, PAGE 10, WE ALSO HAVE A
11 CLARITY CHANGE TO MORE FULLY DESCRIBE WHAT WE WERE
12 INTENDING TO MEAN. THAT'S LOCATED RIGHT AT ABOUT THE
13 MID-POINT OF THE PAGE ON CAPITAL B, (7)(B).

14 NEXT CHANGE CAN BE FOUND ON PAGE 13 WHERE
15 YOU HAVE A CHANGE IN STATUTE USING THE PUBLIC RESOURCES
16 CODE. THEN -- WE'RE LOOKING UNDER -- RIGHT NOW UNDER THE
17 DEFINITIONS, WHICH IS SECTION 17761 ON -- TWO CHANGES ARE
18 ON RUNOFF AND RUN-ON.

19 NEXT CHANGE IS FOUND ON PAGE 16, CLOSURE OF
20 TREATMENT UNITS, SMALL LETTER B. THAT'S SECTION 17765.
21 THIS CHANGE WAS BASED ON THE INTENT THE BOARD HAD AS
22 EXPRESSED IN THE FINAL STATEMENT OF REASONS FOR WHEN A
23 TREATMENT UNIT IS TO BE CLOSED AS A WASTE FACILITY, WASTE
24 DISPOSAL FACILITY.

25 NEXT CHANGE CAN BE FOUND IN SITE SECURITY

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1 AT CLOSED SITES, WHICH IS SECTION 17767, PAGE 18 OF YOUR
2 BOARD PACKET. RIGHT UNDER SMALL LETTER B, THE LANGUAGE
3 IS ADDED CONCERNING PARTIAL CLOSURE FOR CLARITY THERE.
4 AND THEN THE IN SECTION (C), "ARTICLE" IS STRICKEN AND
5 "SECTION" IS ADDED, ADDRESSING TO THIS SECTION RATHER
6 THAN THE WHOLE ARTICLE.

7 ON THE NEXT PAGE YOU HAVE A TIME THAT'S
8 ADDED UNDER SECTION (G) OF THIS SAME CLOSURE SECURITY
9 SECTION. SAYS "WITHIN SEVEN DAYS," AND THAT WAS
10 REFLECTANT OF THE PERMIT REFORM ACT.

11 NEXT CHANGE CAN BE FOUND ON PAGE 25 OF YOUR
12 BOARD PACKET, WHICH IS CONSTRUCTION QUALITY ASSURANCE,
13 SECTION 17774, AND TOWARDS THE TOP, PERFORMANCE
14 REQUIREMENTS. ONE AGAIN, THIS IS INTENT BASED ON THE
15 FINAL STATEMENT OF REASONS AND TO IMPROVE CLARITY.

16 NEXT CHANGE CAN BE FOUND ON PAGE 30 UNDER
17 FINAL DRAINAGE, SECTION 17778, AND TOWARDS THE TOP OF THE
18 PAGE UNDER NO. 5, "ISOLATE UNCONTAMINATED SURFACE
19 WATERS." ONCE AGAIN, A CLARITY CHANGE.

20 THEN TOWARDS THE BOTTOM OF THAT SAME UNDER
21 SECTION 17779, SLOPE PROTECTION AND EROSION CONTROL,
22 SMALL LETTER C HAS BEEN ADDED, "TO THE EXTENT FEASIBLE."
23 ONCE AGAIN, A CLARITY ERROR OR CLARITY SUGGESTION.

24 THEN ON PAGE 32 OF YOUR BOARD PACKET,
25 SECTION 17781, LEACHATE CONTROL AND MONITORING DURING

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1 CLOSURE AND POSTCLOSURE. WE HAVE A CLARITY ADDITION
 2 UNDER NUMBER (B)(1) WHERE THE REGIONAL BOARD HAS BEEN
 3 ADDED BASED ON OUR FINAL STATEMENT OF REASONS.

4 THEN UNDER -- ABOUT THE MIDDLE OF THE PAGE
 5 UNDER SMALL LETTER C, "LEACHATE SHALL BE MONITORED."
 6 "CONTROLLED" IS STRICKEN. ONCE AGAIN, INTENT BASED ON
 7 THE FINAL STATEMENT OF REASONS.

8 THEN TOWARDS THE BOTTOM OF THE PAGE, THE
 9 WORD "CONTROL" IS STRICKEN UNDER CAPITAL B AND "CONTAIN"
 10 ADDED, AND THEN THE PHRASE "FROM THE WASTE" IS ADDED TO
 11 ITEM NO. 2, ONCE AGAIN, FOR CLARITY.

12 ON THE NEXT PAGE, PAGE 33 OF YOUR BOARD
 13 PACKET, SMALL LETTER E TOWARDS THE MIDDLE OF THE PAGE,
 14 "LEACHATE CONTROL" IS ADDED AND "COLLECTION" IS STRICKEN.
 15 ONCE AGAIN, IT'S INTENT BASED ON THE FINAL STATEMENTS OF
 16 REASONS.

17 THEN ON PAGE 36 OF YOUR BOARD PACKET UNDER
 18 MONITORING, 17783.3, THIS IS FOR GAS MONITORING, LANDFILL
 19 GAS. THE ITEM 3 IS STRICKEN BECAUSE IT'S UNNECESSARY
 20 BASED ON CURRENT LAW.

21 NEXT SECTION CHANGES, PAGE 45 OF YOUR BOARD
 22 PACKET, 44 AND 45. 44, WE HAVE SECTION 17792. CHANGE OF
 23 OWNERSHIP DURING CLOSURE/POSTCLOSURE MAINTENANCE. UNDER
 24 (A), SMALL LETTER A, "BEFORE" IS CHANGED FROM "WHEN." AND
 25 THAT'S FOR CLARITY. AND THEN TIME FRAMES. ABOUT THE



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1 MIDDLE OF PAGE UNDER (B), "WITHIN 30 DAYS." AND THAT'S
2 REFLECTANT ON THE PERMIT REFORM ACT.

3 THEN UNDER SECTION 17796, CLOSURE --
4 POSTCLOSURE LAND USE, WE HAVE THE "LOCAL ENFORCEMENT
5 AGENCY'S AND THE BOARD'S COMMENTS" ADDED AND THE WORD
6 "THESE" STRICKEN, ONCE AGAIN FOR CLARITY.

7 ON THE VERY NEXT PAGE, PAGE 45 OF THE BOARD
8 PACKET, WE HAVE ADDITIONS, AGAIN, BASED ON CLARITY.
9 OPERATORS ADDED AT THE TOP OF THE PAGE AND THE LANGUAGE
10 OF "ANY PROPOSED MODIFICATIONS, REPLACEMENT OF FINAL
11 COVER SHALL BE SUBMITTED FOR CONSIDERATION AND APPROVAL
12 BY BOTH THE LOCAL ENFORCEMENT AGENCY AND THE BOARD ON A
13 CASE-BY-CASE BASIS AND IN ACCORDANCE WITH EITHER SECTION
14 17773, SMALL LETTER (B) OR SMALL LETTER (C). ONCE AGAIN,
15 ADDED FOR CLARITY AND INTENT BASED ON THE FINAL STATEMENT
16 OF REASONS.

17 THEN ON PAGE 50 OF YOUR BOARD PACKET,
18 MOVING INTO ARTICLE 3.4, PLAN APPROVAL ARTICLE. WE HAVE,
19 UNDER THE DEFINITIONS, THE DEFINITION OF SOLID WASTE
20 LANDFILL HAS SOME MODIFICATIONS WHERE PUBLIC RESOURCES
21 CODE WAS ADDED AND GOVERNMENT CODE STRICKEN. AND THEN
22 CLARITY CHANGES TO THE DEFINITION OF SOLID WASTE
23 LANDFILL, INCLUDING BOTH CLASS II AND CLASS III
24 LANDFILLS. ALSO, ONCE AGAIN, BASED ON OUR INTENT AS
25 EXPRESSED IN THE FINAL STATEMENT OF REASONS.

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1 AND THEN ITEMS CAPITAL LETTER (B) AND (C)
2 WERE ADDED FOR CLARITY AND CONSISTENCY WITH THE LAW.

3 THEN MOVING ON, PAGE 54 OF YOUR BOARD
4 PACKET, THIS IS UNDER SECTION 18261.3, CONTENTS OF
5 PRELIMINARY CLOSURE PLAN. VERY BOTTOM OF PAGE 54, NO. 9
6 IS ADDED FOR CLARITY, "WHERE AN ABOVE REQUIREMENT
7 IDENTIFIES A STANDARD OF PERFORMANCE FOR SOLID WASTE
8 LANDFILLS, THE PRELIMINARY CLOSURE PLAN SHALL DESCRIBE
9 HOW A PROPOSED DESIGN, MONITORING, OR CONTROL METHOD
10 SUPPORTS THE PERFORMANCE STANDARD. ONCE AGAIN, A CLARITY
11 CHANGE AND BASED ON OUR INTENT AS EXPRESSED IN THE FINAL
12 STATEMENT OF THE REASONS.

13 THEN ON PAGE 56 OF YOUR BOARD PACKET,
14 CONTENTS OF FINAL CLOSURE PLAN, WE HAVE A CLARITY CHANGE
15 ADDED ON NO. 8, VERY TOP OF THE PAGE, "WHERE AN ABOVE
16 REQUIREMENT IDENTIFIES A STANDARD OF PERFORMANCE FOR
17 SOLID WASTE LANDFILLS, THE FINAL CLOSURE PLAN SHALL
18 DESCRIBE HOW A PROPOSED DESIGN, MONITORING, OR CONTROL
19 METHOD SUPPORTS THE PERFORMANCE STANDARD."

20 THEN MOVING ON TO PAGE 59 IN YOUR BOARD
21 PACKET UNDER SECTION 18264.3, CONTENTS OF PRELIMINARY
22 CLOSURE/POSTCLOSURE MAINTENANCE PLAN. AT THE TOP OF THE
23 PAGE, ITEM NO. 5 IS ADDED FOR CLARITY. ONCE AGAIN, "WHERE
24 AN ABOVE REQUIREMENT IDENTIFIES A STANDARD." SAME
25 LANGUAGE AS LAST TIME.

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1 THEN ON THE VERY NEXT PAGE. PAGE 60 FOR
 2 SECTION 18265.3, CONTENTS OF THE FINAL POSTCLOSURE
 3 MAINTENANCE PLAN, WE HAVE THE SAME LANGUAGE, ONCE AGAIN,
 4 ADDED FOR CLARITY.

5 THEN PAGE 62, SECTION 18268, FILING OF
 6 APPLICATION AND TRANSMITTAL OF COPIES. AT THE BOTTOM OF
 7 THE PAGE UNDER SMALL LETTER B, WE HAVE LANGUAGE THAT'S
 8 CHANGED REFLECTANT ON THE PERMIT REFORM ACT AND
 9 DEVELOPMENT PERMIT ACT WHERE "WRITTEN NOTIFICATION OF
 10 RESULTS SHALL BE PROVIDED TO THE OPERATOR AND THE
 11 APPROVING AGENCIES, AND NOTIFICATION SHALL INCLUDE A
 12 FINDING OF WHETHER AN APPLICATION IS COMPLETE FOR FILING
 13 OR INCOMPLETE IF AN APPROVING AGENCY," GOES ON FROM THERE
 14 AND ON TO THE NEXT PAGE.

15 THEN UNDER SECTION 18269 OF PAGE 63 OF YOUR
 16 BOARD PACKET, "PUBLIC NOTICE" HAS BEEN CHANGED FROM THE
 17 TITLE OF THAT SECTION, WHICH USED TO BE "NOTICE FOR
 18 FILING." AND TOWARDS THE BOTTOM OF THE PAGE, WE HAVE,
 19 AGAIN, CHANGES REFLECTING COMPLIANCE WITH THE LAW AND
 20 WITH CLARITY CHANGES WHERE YOU HAVE SECTION --
 21 SUBSECTIONS SMALL LETTER (B) AND (C) ARE ADDED.

22 AND CONTINUE ON TO THE NEXT PAGE 64. SMALL
 23 LETTER (D), CONCERNING, ONCE AGAIN, THE SAME COMPLIANCE
 24 WITH THE LAW ADDRESSING WRITTEN COMMENTS.

25 THEN UNDER SECTION 18270. VALUE OF CLOSURE



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1 AND POSTCLOSURE MAINTENANCE PLAN, YOU HAVE CHANGES IN --
2 UNDER SMALL LETTER (A) WHERE LANGUAGE HAS BEEN ADDED AND
3 STRICKEN, INCLUDING CLOSURE AND POSTCLOSURE MAINTENANCE
4 PLANS COMPLY WITH THE REGULATIONS FOUND IN TITLE 14 CCR
5 CHAPTER 3 ARTICLE 7.8 AND THIS CHAPTER. THAT IS ADDED
6 AND THEN THE REMAINDER IS STRICKEN UNTIL WHERE IT
7 CONTINUES WHERE STATING, "THE BOARD SHALL INSURE THAT AN
8 ENVIRONMENTAL DOCUMENT HAS BEEN PREPARED AND IS ADEQUATE
9 AND APPROPRIATE FOR THE PROJECT AND REFLECTS FULL
10 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT,
11 CEQA." ONCE AGAIN, THIS IS CHANGES REFLECTANT OF THE
12 LAW.

13 THEN UNDER SMALL LETTER (B) AT THE END, WE
14 HAVE ADDITIONAL LANGUAGE ADDED, AGAIN, REFLECTANT TO THE
15 LAW CONCERNING CEQA.

16 THEN UNDER BOARD PAGE -- BOARD PAGE PACKET
17 PAGE 66, WHICH IS SECTION 18271, APPROVAL OF CLOSURE AND
18 POSTCLOSURE MAINTENANCE PLANS. BEFORE THAT ON PAGE 65,
19 NO. 4 IS STRICKEN, AND WE HAVE ADDITIONS ON THE FOLLOWING
20 PAGE 66 WHERE THE LOCAL ENFORCEMENT AGENCY OR THE BOARD
21 IS ADDED. ONCE AGAIN, WE HAVE SECTION UNDER (6) IS
22 STRICKEN AT THE BOTTOM OF THE PAGE. ONCE AGAIN, CLARITY
23 CHANGES.

24 AND MOVING ON TO PAGE 68 OF YOUR BOARD
25 PACKET, SECTION 18275, CERTIFICATION OF CLOSURE, THE

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1 PHRASE "UNDER PENALTY OF PERJURY" IS ADDED AND "FINAL
2 CLOSURE PLAN." ONCE AGAIN, TO BE FOR COMPLIANCE WITH THE
3 LAW.

4 AND THEN WE HAVE -- WE MOVE ON TO ARTICLE
5 3.5, WHICH IS PAGE 73 OF YOUR BOARD PACKET. ONLY ONE
6 CHANGE WAS IDENTIFIED IN THIS ARTICLE, AND THE REST OF
7 THAT ARTICLE IS -- WAS OKAY AS FAR AS OAL WAS CONCERNED
8 AND IS NOT INCLUDED IN YOUR BOARD PACKET.

9 THE CHANGE CONCERNED REGULATORY CLARITY
10 WHERE WE CHANGED THE LANGUAGE TO STATE THAT THE STATUS OF
11 A SURETY COMPANY ISSUING A SURETY BOND SHALL BE AMONG
12 THOSE LISTED AS HOLDING CERTIFICATES OF AUTHORITY AS
13 ACCEPTABLE SECURITIES ON FEDERAL BONDS AND AS ACCEPTABLE
14 REINSURING AGENCIES. THAT LANGUAGE HAS BEEN CHANGED
15 THERE.

16 AS STATED BEFORE, WE RENOTICED THE
17 REGULATIONS ON MARCH 30 FOR A 15-DAY SUFFICIENTLY RELATED
18 PUBLIC COMMENT PERIOD, AND EIGHT RESPONSES WERE RECEIVED.
19 THESE RESPONSES MOSTLY DEALT WITH CLARITY-TYPE ISSUES.
20 AND THE STAFF WILL FORMALLY RESPOND TO THESE COMMENTS AS
21 A PART OF THE RULEMAKING FILE.

22 BASED ON THESE COMMENTS AND ADDITIONAL
23 STAFF TIME, A FEW MINOR CHANGES WERE IDENTIFIED. THESE
24 CHANGES ARE OF GRAMMATICAL OR NONSUBSTANTIAL NATURE AND
25 REQUIRE NO FURTHER PUBLIC COMMENT.



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1 THE OAL DEFINITION FOR NONSUBSTANTIAL
2 REFERS TO NO MATERIAL CHANGE TO THE REGULATION. I'LL
3 BRIEFLY GO OVER THESE SUGGESTED CHANGES. THEY ARE
4 FOUND -- THIS WILL BE ON PAGE 16, STARTING ON PAGE 16 OF
5 YOUR BOARD PACKET.

6 THIS WILL NOT BE IN THE LANGUAGE OF THE
7 BOARD PACKET. THESE ARE CHANGES WE'RE NOW SUGGESTING.
8 UNDER SECTION 17765, CLOSURE OF TREATMENT UNITS, UNDER
9 SMALL LETTER (B)(2), THE WORD "SHALL" WE WOULD LIKE TO
10 SEE DELETED SINCE THE SHALL IS ALREADY REFERRED TO UNDER
11 THE COLON ABOVE.

12 THEN UNDER PAGE 24 OF YOUR BOARD PACKET,
13 WHICH IS SECTION 17774, CONSTRUCTION QUALITY ASSURANCE,
14 UNDER ITEM NUMBER (C), CAPITAL (C)(1), WHERE IT REFERS TO
15 STANDARD TEST METHOD FOR INFILTRATION RATE OF SOILS IN
16 FIELD USING DOUBLE-RING INFILTROMETERS, THAT SHOULD BE IN
17 QUOTATIONS.

18 THEN UNDER PAGE 33 OF YOUR BOARD PACKET,
19 WHICH IS SECTION 17781, LEACHATE CONTROL AND MONITORING
20 DURING CLOSURE AND POSTCLOSURE, UNDER ITEM (E), SMALL
21 LETTER (E)(1), TOWARDS THE BOTTOM OF THE PAGE, THE
22 WORD -- (E)(1) SHOULD HAVE THE WORD "BE" ADDED TO IT AND
23 READ: THE OPERATOR SHALL COLLECT LEACHATE IN ACCORDANCE
24 WITH TITLE 23 CCR SUBCHAPTER 15 SECTION 2543 AND BE
25 APPROVED BY THE LOCAL ENFORCEMENT AGENCY AND THE BOARD.

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1 ONCE AGAIN, A CHANGE PURELY FOR CLARITY.

2 AND ON PAGE 44 OF YOUR BOARD PACKET, UNDER
3 SECTION 17796, POSTCLOSURE LAND USE, UNDER SMALL LETTER
4 (A), TOWARDS THE BOTTOM OF THE PAGE, THE WORD "THEIR" IS
5 CHANGED TO "ITS" AND WOULD READ: THE SITE DESIGN SHALL
6 SHOW ONE OR MORE PROPOSED USES OF THE SITE TOWARDS WHICH
7 THE OPERATOR WILL DIRECT ITS EFFORTS OR SHALL," AND GO ON
8 THERE FROM.

9 THEN ON THE VERY NEXT PAGE, PAGE 45 OF YOUR
10 BOARD PACKET, A CHANGE WAS SUGGESTED BASED ON PUBLIC
11 COMMENT RECEIVED. AND UNDER -- AT THE TOP OF THE PAGE
12 UNDER NO. 2 SHOULD READ: WHERE THE ADDITIONAL LANGUAGE
13 WAS ADDED TO THE LAST TIME, IT WOULD READ: ANY PROPOSED
14 MODIFICATION OR REPLACEMENT OF THE," AND THEN ADDED,
15 "BARRIER LAYER OF THE FINAL COVER SHALL BE SUBMITTED FOR
16 CONSIDERATION AND APPROVAL BY BOTH THE LOCAL ENFORCEMENT
17 AGENCY AND THE BOARD ON A CASE-BY-CASE BASIS IN
18 ACCORDANCE WITH EITHER SECTION 17773 SMALL LETTER (B) OR
19 SMALL LETTER "C."

20 NEXT CHANGE IS ON PAGE 54 OF YOUR BOARD
21 PACKET, CONTENTS OF THE PRELIMINARY CLOSURE PLAN, WHICH
22 IS SECTION 18261.3, BOTTOM OF THE PAGE, NO. 9, WHERE THE
23 LANGUAGE IS ADDED SINCE THE LAST TIME. WE'RE CHANGING
24 THE WORD "AND" AND ADDING "ONE OF THE." SO IT WOULD
25 READ: "WHERE ONE OF THE ABOVE REQUIREMENTS IDENTIFIES A

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1 STANDARD OF PERFORMANCE." AND GOING ON FROM THERE.

2 THEN ON PAGE 56 OF YOUR BOARD PACKET, YOU
3 HAVE THE SAME CHANGE AS THE LAST TIME.

4 AND ON PAGE 59 UNDER SECTION 18264.3
5 TOWARDS THE TOP OF PAGE 59, YOU HAVE, ONCE AGAIN, THE
6 SAME CHANGE AS ABOVE.

7 AND, ONCE AGAIN, PAGE 60 OF YOUR BOARD
8 PACKET, WHICH IS SECTION 18265.3, NO. 10, YOU HAVE THE
9 SAME CHANGE SUGGESTED AS BEFORE.

10 FINALLY, UNDER PAGE 63 OF YOUR BOARD
11 PACKET, SECTION 18269, PUBLIC NOTICE, UNDER LETTER (B),
12 THE WORD "THE" IS DELETED IN THREE CASES AND SHOULD READ:
13 THE NOTICE OF RECEIPT SHALL STATE TO WHOM COMMENTS ARE TO
14 BE ADDRESSED AND THE LOCATIONS WHERE THE PLANS ARE
15 AVAILABLE FOR REVIEW, THE MAILING ADDRESS TO WHICH
16 COMMENTS ARE TO BE SENT, AND THE DATE BY WHICH COMMENTS
17 MUST BE RECEIVED.

18 WE'RE RECOMMENDING THAT -- I'LL TURN THE
19 MICROPHONE OVER TO MR. ORR.

20 MR. ORR: BEFORE WE GET ON TO THE
21 RECOMMENDATIONS, I THOUGHT IT WOULD BE APPROPRIATE TO
22 ENTER THE COMMENTS INTO THE RECORD, AND I'LL HIGHLIGHT
23 VERY BRIEFLY THE MAIN AREAS THAT WE RECEIVED COMMENTS ON.

24 MIKE WENT THROUGH CHANGES THAT WERE PART OF
25 THE NOTICE CHANGES THAT WERE BASED ON STAFF WORK AND JUST



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1 ONE COMMENT THAT -- OR ONE CHANGE BASED ON A COMMENT
2 RECEIVED. BUT FOR YOUR INFORMATION, I THOUGHT IT MIGHT
3 BE HELPFUL JUST TO MENTION THE MAIN AREAS COMMENTED ON.

4 FIRST OF ALL, WE MODIFIED THE SCOPE AND
5 APPLICABILITY SECTION OF THE REGULATIONS BASED ON A
6 CONCERN BY THE OFFICE OF ADMINISTRATIVE LAW ON WHAT SITES
7 WOULD BE SUBJECT TO THESE NEW REGULATIONS. AND WHAT THE
8 PREVIOUS SECTION HAD SAID IS THAT IT WOULD NOT APPLY TO
9 SITES THAT HAD PREVIOUSLY CLOSED.

10 THERE WAS A CONCERN: WHAT ABOUT A SITE
11 THAT ALREADY HAD AN APPROVED PLAN TO CLOSE UNDER, HOW
12 WOULD YOU DEAL WITH THAT PARTICULAR ISSUE? AND SO WE
13 BASICALLY CHANGED IT TO SAY THAT A SITE THAT WAS
14 IMPLEMENTING CLOSURE BEFORE THESE EMERGENCY REGULATIONS
15 WENT INTO EFFECT LAST AUGUST, IN ACCORDANCE WITH ALL
16 APPLICABLE REQUIREMENTS, AND WHICH THE IMPLEMENTATION OF
17 THAT CLOSURE IS FINISHED WITHIN 15 MONTHS LATER, WHICH
18 UNDER THE OLD REGULATIONS WAS THE MAXIMUM TIME THAT WAS
19 ALLOWED FOR THE PLACEMENT OF FINAL COVER, THOSE SITES
20 WOULD NOT BE SUBJECT TO THESE NEW REGULATIONS.

21 SO WE MADE THAT CHANGE, AND WE DID RECEIVE
22 SEVERAL COMMENTS FROM PEOPLE ABOUT THAT CHANGE TO THAT
23 PREVIOUS LANGUAGE. THEY WERE WANTING MAYBE -- SOME
24 PEOPLE SUGGESTED THAT THERE JUST BE A CUTOFF DATE FOR THE
25 BEGINNING OF CLOSURE. OTHER PEOPLE SUGGESTED THAT THERE

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1 BE A WAY TO GET EXCEPTIONS FROM THAT. BUT BASED ON THE
2 PREVIOUS REGULATIONS, WE FELT THAT IT WOULD BE
3 APPROPRIATE TO LEAVE THE LANGUAGE AS IS, BUT WE DID
4 RECEIVE SEVERAL COMMENTS ABOUT THAT.

5 THE SECOND AREA, AS YOU MAY HAVE
6 ANTICIPATED, THAT WE RECEIVED SEVERAL COMMENTS ON WAS THE
7 LANGUAGE TO THE POSTCLOSURE LAND USE SECTION, SECTION
8 17796, SPECIFICALLY REGARDING DRIVING PILES OR INSTALLING
9 PILES THROUGH THE BARRIER LAYER OF FINAL COVER.

10 WE HAD MADE A CHANGE TO INDICATE WHAT
11 PROCESS THAT WE WANTED PEOPLE TO USE TO GET AN APPROVAL
12 FOR A REPLACEMENT OF FINAL COVER. AND MIKE INDICATED THE
13 LANGUAGE THAT WAS INCLUDED, BASICALLY SAID THAT ANY
14 MODIFICATION OR REPLACEMENT OF FINAL COVER HAD TO BE
15 CONSIDERED USING THE FINAL COVER STANDARD.

16 AND BASED ON THE COMMENTS WE RECEIVED, WE
17 RECEIVED SEVERAL ON THAT AS WELL, ONE OF THE COMMENTS WAS
18 THAT IF ANYBODY WAS PLANNING ON BUILDING SOMETHING ON A
19 LANDFILL AND THEY HAD TO MODIFY THE FINAL COVER AT ALL,
20 THEN THEY WOULD HAVE TO UPGRADE THE FINAL COVER IN A
21 MANDATORY FASHION PURSUANT TO THESE NEW REGULATIONS, AND
22 WE FELT THAT THAT WAS BEYOND WHAT WE HAD INTENDED.

23 WHAT WE WERE INTENDING WAS THAT IF SOMEBODY
24 WAS MODIFYING THE BARRIER LAYER OF THE FINAL COVER, FOR
25 EXAMPLE, THEY WANTED TO INSTALL PILES, BUT THEY COULD

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1 REPLACE THE FINAL COVER BARRIER LAYER UP ABOVE THE PILES.
2 THAT THAT'S REALLY WHAT WE WERE TRYING TO TARGET, TO GIVE
3 PEOPLE THE INFORMATION ON WHAT APPROVAL PROCESS THEY
4 WOULD HAVE TO GO THROUGH TO MODIFY THE BARRIER LAYER OF
5 THE FINAL COVER. AND SO THAT'S WHY WE SUGGESTED ADDING
6 THAT ONE PHRASE INTO THE NOTICED LANGUAGE CONSISTENT WITH
7 THE CHANGE THAT WE HAD INITIALLY INTENDED.

8 THE THIRD AREA THAT I WANTED TO MENTION
9 THAT WE RECEIVED COMMENTS ON IS THAT WE ARE PURSUING, AS
10 PART OF THIS REGULATORY PROCESS, AFTER THE REGS ARE
11 FINAL, WE PLAN ON PURSUING THE CLOSURE/POSTCLOSURE PLAN
12 APPROVAL PROCESS AS A CEQA EQUIVALENT PROGRAM. AND THE
13 EFFECT OF THAT WOULD BE THAT IF WE GET IT APPROVED BY THE
14 RESOURCES AGENCY, THERE WILL NOT BE THE REQUIREMENT TO GO
15 THROUGH A SEPARATE CEQA LOOP OR PROCESS TO PURSUE THE
16 APPROVAL OF A CLOSURE PLAN.

17 IT WOULD BE INTERNAL TO THE APPROVAL OF THE
18 CLOSURE/POSTCLOSURE PLAN ITSELF. AND SO WE ADDED SOME
19 ADDITIONAL LANGUAGE IN THE NOTICE TO MAKE SURE THAT IT
20 WAS A CEQA-LIKE PROCESS. AND THE TWO AREAS THAT WE DID
21 THAT ON WERE IN TERMS OF PUBLIC NOTICE AND PARTICIPATION.

22 WE EXPANDED THE OPPORTUNITIES FOR THE
23 PUBLIC TO PARTICIPATE, AND WE ALSO MADE SOME CHANGES
24 CONSISTENT WITH THE PERMIT REFORM ACT AND THE DEVELOPMENT
25 PERMIT ACT THAT WOULD ALSO BE CRITICAL IN THIS BEING

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1 CONSIDERED AS A CEQA EQUIVALENT PROGRAM.

2 WE DID RECEIVE ONE LETTER REGARDING CHANGES
3 THAT WE HAD MADE ABOUT THIS CEQA PROCESS TO THE EFFECT
4 THAT THEY, THE COMMENTER, FELT THAT CLOSURE WAS NOT A
5 SEPARATE DISCRETIONARY ACTION, AND THAT THEY FELT THAT IT
6 WAS UNNECESSARY TO INCLUDE SOME OF THE THINGS THAT WE
7 HAD.

8 WE DON'T BELIEVE THAT THE COMMENTER
9 APPRECIATED FULLY THE FACT THAT WE'RE TRYING TO
10 INTERNALIZE CEQA EQUIVALENCE AND NOT REQUIRE PEOPLE TO GO
11 THROUGH A SEPARATE CEQA PROCESS, AND WE WILL PREPARE
12 COMMENTS TO REFLECT THAT.

13 SO WITH THAT, I'D LIKE TO ENTER THE
14 COMMENTS INTO THE RECORD. SOME OF THEM WERE ALREADY
15 MENTIONED AS EX PARTE COMMUNICATIONS, BUT FOR
16 COMPLETENESS, I'LL JUST GO AHEAD AND MENTION WHO LETTERS
17 WERE RECEIVED FROM.

18 A LETTER WAS RECEIVED FROM THE CITY OF
19 BRISBANE; FROM THE LESLIE SALT COMPANY; FROM SULLIVAN
20 ROCHE & JOHNSON, ATTORNEYS AT LAW, AND THAT WOULD BE
21 REPRESENTING THE KOLL COMPANY, WHO WE'VE HEARD FROM AT
22 OUR PREVIOUS BOARD MEETINGS. WE RECEIVED A LETTER FROM
23 THE IRVINE COMPANY; WE RECEIVED A LETTER FROM BROWN,
24 WINFIELD & CANZONERI; WE RECEIVED A LETTER FROM EMCON
25 ASSOCIATES; WE RECEIVED A LETTER FROM TIMOTHY S. WAGNER;



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1 AND WE RECEIVED A LETTER FROM SAN BENITO COUNTY PUBLIC
2 WORKS DEPARTMENT.

3 ATTORNEY CONHEIM: MR. CHAIRMAN.

4 CHAIRMAN GALLAGHER: MR. CONHEIM.

5 ATTORNEY CONHEIM: I THINK IT'S IMPORTANT TO
6 NOTE AT THIS TIME, AND YOU'VE KIND OF FLIRTED WITH THIS,
7 THAT AS WE HAVE NARROWED THE FOCUS OF THESE REGULATIONS
8 AS THEY'VE GONE FOR APPROVAL AND COME BACK AND GONE FOR
9 APPROVAL AND COME BACK, THE RANGE OF ISSUES THAT IS OPEN
10 TO DISCUSSION HAS NARROWED ALSO. AND ALL THAT WAS OPEN
11 FOR DISCUSSION DURING THIS LAST PERIOD WERE THE SO-CALLED
12 15-DAY CHANGES THAT WERE SUGGESTED BY OAL. SO THAT ALL
13 OF THE DISCUSSION OF POSTCLOSURE LAND USE WAS NOT OPEN
14 FOR DISCUSSION.

15 AND TO A LARGE EXTENT, I THINK THE COMMENTS
16 RESPECTED THE NARROWING OF THOSE ISSUES. SO THAT THE JOB
17 AT THIS POINT IS REALLY TO TIE UP ALL THE LOOSE ENDS AND
18 TO SIMPLY RESPOND TO COMMENTS BASED ON THESE CHANGES, NOT
19 THE WHOLE REGULATORY PACKAGE ANYMORE, SO THAT WHEN THE
20 FINAL RULEMAKING PACKAGE IS SUBMITTED, THERE WILL BE SOME
21 ADDITIONS TO THE FINAL STATEMENT OF REASONS WHICH RESPOND
22 TO THESE COMMENTS.

23 NOW, THEY WILL NOT BE ANY DIFFERENT FROM
24 THE THINGS THAT YOU HAVE HEARD HERE TODAY AND THE REASONS
25 WHY STAFF HAS MADE CERTAIN CHANGES AND NOT MADE OTHERS.

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1 BUT THE ISSUES ARE MUCH NARROWER NOW, AND WE ARE, I
2 THINK, REACHING, WITH OAL'S REVIEW AND APPROVAL, THE END
3 OF THIS LONG, LONG PROCESS.

4 MR. ORR: THANK YOU, BOB. I THINK THAT IS
5 IMPORTANT FOR THIS CONSIDERATION. AND ONE OTHER
6 DIFFERENCE THAT I MIGHT MENTION BETWEEN THIS PARTICULAR
7 BOARD MEETING AND THE PREVIOUS HEARINGS IS THAT AS FAR AS
8 THE PUBLIC RECORD FOR PUBLIC TESTIMONY, THIS PARTICULAR
9 ONE WAS -- REQUIRED WRITTEN COMMENTS ONLY AND THAT PUBLIC
10 COMMENT PERIOD CLOSED ON APRIL 16.

11 SO IN TERMS OF TRANSCRIBING ALL OF THE
12 COMMENTS AND ENTERING THEM INTO THE RECORD LIKE WE'VE
13 DONE DURING THE PREVIOUS BOARD MEETINGS THAT WERE, IN
14 FACT, PUBLIC RULEMAKING HEARINGS, THIS BOARD MEETING
15 TODAY IS DIFFERENT. WE WILL NOT BE REQUIRED TO RESPOND
16 IN DETAIL TO ANY TESTIMONY THAT'S PRESENTED HERE TODAY.
17 IT'S ONLY THESE WRITTEN COMMENTS THAT I'VE ENTERED INTO
18 THE RECORD THAT WILL NEED TO BE RESPONDED TO AS PART OF
19 THE RULEMAKING FILE.

20 ATTORNEY CONHEIM: WITH THE ONE EXCEPTION, MR.
21 CHAIRMAN AND MEMBERS, OF THE FACT THAT AS A BOARD OR
22 COMMISSION MEETING IN PUBLIC SESSION, WE HAVE TWO SETS OF
23 RULES THAT WE FOLLOW IN TERMS OF RULEMAKING. ONE IS THE
24 GENERAL BOARD MEETING RULES AND OPEN MEETING RULES. AND
25 EVERYBODY CAN GET UP AND SPEAK AT YOUR DISCRETION ON



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1 ITEMS WHERE YOU CALL FOR COMMENTS.

2 BUT WHAT BILL IS SAYING IS THAT THE LAW
3 DOES NOT ALLOW FOR NEW COMMENTS TO BE RAISED BEYOND THE
4 NOTICED COMMENT PERIOD, WHICH ENDED ON APRIL 16. SO I
5 REALLY DO THINK THAT WE'RE AT THE END -- WE SHOULD BE AT
6 THE END OF THE ROPE ON THIS ONE, AND I HOPE THAT THERE
7 ARE NO SURPRISES WAITING FOR US OUT THERE.

8 MR. ORR: I THINK IT WOULD BE APPROPRIATE FOR
9 ANY BOARD DISCUSSION AT THIS POINT BEFORE WE WOULD MOVE
10 ON TO THE STAFF RECOMMENDATION.

11 CHAIRMAN GALLAGHER: ARE THERE ANY COMMENTS OR
12 QUESTIONS OF BILL AND MIKE?

13 BOARD MEMBER MOSCONE: MR. CHAIRMAN.

14 CHAIRMAN GALLAGHER: MR. MOSCONE.

15 BOARD MEMBER MOSCONE: A GOOD DEAL OF
16 INFORMATION WAS PRESENTED TO US AS WAS MENTIONED EARLIER.
17 I WAS A LITTLE CURIOUS. I PICKED UP THE LETTER FROM
18 EMCON, ANDRES, AND IT HAS TO DO WITH CEQA, AND IF I
19 REMEMBER CORRECTLY, REGARDING AS A PROJECT OR SOMETHING.
20 I DON'T GET THE FULL SIGNIFICANCE OF THIS, AND I TRIED TO
21 GO THROUGH THAT SECTION, BUT I DON'T REALLY GET THE
22 CONNECTION.

23 MR. ORR: OKAY. IN TERMS OF THE CEQA PROCESS,
24 IT'S FAIRLY INVOLVED, BUT I THINK THAT WE'VE ALREADY BEEN
25 EXPOSED ENOUGH TO IT ON THE CLOSURE PLANS THAT WE'VE



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1 RECEIVED THAT WE'VE ALREADY STARTED TO ESTABLISH SOME
2 EXPERIENCE IN THIS PARTICULAR AREA. BASICALLY, WHAT THE
3 COMMENT IS SAYING IS THAT THE APPROVAL OF A CLOSURE PLAN
4 IN THE COMMENTER'S EYES DOES NOT REPRESENT A SEPARATE
5 PROJECT WITHIN THE MEANING OF CEQA, WHICH THEREFORE WOULD
6 REQUIRE AN ADDITIONAL ENVIRONMENTAL REVIEW.

7 WHAT THE COMMENTER IS INDICATING IS THAT
8 WHEN YOU SITE A LANDFILL AND YOU DO CEQA, THEN THAT
9 BASICALLY SHOULD COVER ALL ASPECTS OF A PROJECT. AND
10 THEY SPECIFICALLY KEYED IN ON ONE OF THE FINDINGS THAT
11 HAD TO BE MADE BY THE BOARD AND THE LEA, THAT THERE WAS
12 AN ENVIRONMENTAL DOCUMENT THAT WAS APPROPRIATE --
13 ADEQUATE AND APPROPRIATE FOR THE PROJECT.

14 BASICALLY, WHAT WE HAVE SAID IN LETTERS AND
15 CORRESPONDENCE AND WILL SAY IN THE RULEMAKING FILE IS
16 THAT WE FEEL THAT THE NEW APPROVAL OF THE CLOSURE AND
17 POSTCLOSURE MAINTENANCE PLANS BY THE CALIFORNIA WASTE
18 MANAGEMENT BOARD, THE CALIFORNIA INTEGRATED WASTE
19 MANAGEMENT BOARD NOW, THE REGIONAL WATER BOARD, AND THE
20 LOCAL ENFORCEMENT AGENCY REPRESENTS AN EXPANDED SCOPE
21 THAT COULD BE A NEW PROJECT UNDER CEQA.

22 NOW, IF SOMEBODY HAD PREPARED AN
23 ENVIRONMENTAL DOCUMENT FOR A PROJECT THAT INCORPORATED OR
24 ENCOMPASSED THE CLOSURE/POSTCLOSURE MAINTENANCE PLAN
25 APPROVAL AND WAS ADEQUATE AND APPROPRIATE FOR THAT USE,

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1 THAT DOCUMENT COULD BE USED BOTH FOR THE START-UP OF THE
2 PROJECT AS WELL AS THE CLOSURE/POSTCLOSURE MAINTENANCE
3 PLAN APPROVAL.

4 SO IN TERMS OF THE SPECIFIC COMMENT, A
5 PREVIOUSLY PREPARED DOCUMENT, AS LONG AS IT REPRESENTED
6 THE SAME PROJECT, COULD BE USED, IN FACT, FOR COMPLIANCE
7 WITH THAT REQUIREMENT.

8 THE SECOND ASPECT OF THE COMMENT THAT WAS
9 MENTIONED, AND THIS IS ONE THAT WE VEHEMENTLY DISAGREE
10 WITH, IS IT'S INDICATED THAT THE APPROVAL BY THE BOARD,
11 BY THE LOCAL ENFORCEMENT AGENCY, AND SO FORTH IS NOT A
12 DISCRETIONARY ACTION BUT, RATHER, IS A MINISTERIAL
13 ACTION.

14 AND THAT'S SOMETHING THAT WE HAVE ALREADY
15 CORRESPONDED WITH OTHER COUNTIES AND SO FORTH ABOUT, BUT
16 WHAT IT COMES DOWN TO IS A MINISTERIAL ACTION WOULD BE
17 SOMETHING WHERE, IF YOU PAID YOUR MONEY AND YOU FILLED
18 OUT THE APPLICATION, THEN THAT AGENCY WOULD HAVE NO
19 DISCRETION AS TO WHETHER TO GRANT YOU THE PERMIT OR
20 WHATEVER IT WAS THAT YOU SOUGHT.

21 NOW, WE VEHEMENTLY DISAGREE THAT THE
22 APPROVAL OF A CLOSURE OR POSTCLOSURE MAINTENANCE PLAN IS
23 LIKE OBTAINING A DOG LICENSE OR SOMETHING TO THAT END.
24 THERE ARE MANY OPPORTUNITIES, BOTH WITHIN THE CONTEXT OF
25 THE REGS AS WELL AS THE BOARD AND LEA'S RESPONSIBILITIES



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1 TO EXERCISE DISCRETION IN REQUIRING ADDITIONAL MEASURES.
2 ADDITIONAL MITIGATION-TYPE ACTIVITIES, AND ULTIMATELY IN
3 TERMS OF WHETHER OR NOT TO APPROVE A PROJECT IN THE FORM
4 THAT IT'S PRESENTED, AND WE FEEL THAT IT IS A
5 DISCRETIONARY ACTION.

6 SO I THINK THOSE ARE THE TWO MAIN ISSUES
7 THAT WERE IDENTIFIED IN THAT CEQA COMMENT, AND WE'RE VERY
8 COMFORTABLE WITH OUR POSITION ON THAT.

9 BOARD MEMBER MOSCONE: THANK YOU.

10 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS OF
11 BILL AND MIKE? IF NOT, YOU WANT TO MOVE ON.

12 MR. IWAHRO: MR. CHAIRMAN, I JUST MIGHT ADD AND
13 I THINK I WANT TO MAKE IT CLEAR THAT WE ARE PURSUING
14 WHAT'S TERMED EQUIVALENCY -- WHAT DO WE CALL IT EXACTLY?

15 MR. ORR: CERTIFIED CEQA PROGRAM OR CERTIFIED --

16 ATTORNEY CONHEIM: CERTIFIED REGULATORY PROGRAM
17 UNDER CEQA REGS WHICH, SINCE WE ACCEPT THE FACT THAT
18 THERE IS A CEQA ISSUE TO BE DEALT WITH, THAT WE CAN DEAL
19 WITH IT INTERNALLY THROUGH OUR OWN APPLICATION AND
20 ANALYSIS PROCESS AS OPPOSED TO THE EXTERNAL CEQA PROCESS.

21 MR. IWAHRO: THANK YOU, BOB.

22 CHAIRMAN GALLAGHER: ALL SET? YOU WANT TO
23 PROCEED NOW, BILL?

24 MR. FINCH: YES. MOVING ON TO THE STAFF
25 RECOMMENDATION, WE ARE RECOMMENDING, AS SEEN ON PAGE 7 OF

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1 YOUR BOARD PACKET, THAT OPTION 2, NOT OPTION 1, AS STATED
 2 ON YOUR BOARD PACKET, BE ADOPTED BECAUSE OF THE
 3 NONSUBSTANTIAL CHANGES THAT I DISCUSSED EARLIER. AND
 4 OPTION 2 WOULD BE ADOPT THE REGULATIONS WITH
 5 NONSUBSTANTIAL CHANGES. THE BOARD WOULD ADOPT THE
 6 REGULATION PACKET WITH NONSUBSTANTIAL CHANGES FOR
 7 SUBMITTAL TO OAL.

8 AND THEN THE RESOLUTION, WHICH IS FOUND ON
 9 PAGE 77 OF YOUR BOARD PACKET, ALSO REFLECTS THAT OPTION
 10 AS WELL AS OPTION NO. 1.

11 CHAIRMAN GALLAGHER: YOU'VE HEARD STAFF
 12 RECOMMEND THAT WE ADOPT OPTION 2 AND APPROVE THE
 13 SUBMISSION OF THESE TO OAL AND APPROVE RESOLUTION 90-20.
 14 DO I HAVE A MOTION?

15 BOARD MEMBER BREMBERG: SO MOVED, MR. CHAIRMAN.

16 BOARD MEMBER TCHOBANOGLOUS: SECOND.

17 CHAIRMAN GALLAGHER: MOTION AND A SECOND THAT WE
 18 ADOPT OPTION 2 ON PAGE 7 OF THE BOARD PACKET AND ADOPT
 19 REGULATIONS WITH NONSUBSTANTIAL CHANGES. THE BOARD WILL
 20 ADOPT THE REGULATION PACKAGE WITH NONSUBSTANTIAL CHANGES
 21 FOR SUBMITTAL TO OAL AND, COINCIDENTAL WITH THAT, WE
 22 APPROVE AND ADOPT RESOLUTION 90-20 WHICH AUTHORIZES THAT.

23 ARE THERE ANY OTHER FURTHER DISCUSSION? IF
 24 NOT, PLEASE CALL THE ROLL.

25 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

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1 BOARD MEMBER BREMBERG: AYE.
 2 SECRETARY DUNN: BROWN?
 3 BOARD MEMBER BROWN: YES.
 4 SECRETARY DUNN: GEARHEART? ABSENT.
 5 LOCKINGTON?
 6 BOARD MEMBER LOCKINGTON: YES.
 7 SECRETARY DUNN: MOSCONE?
 8 BOARD MEMBER MOSCONE: YES.
 9 SECRETARY DUNN: TCHOBANOGLIOUS?
 10 BOARD MEMBER TCHOBANOGLIOUS: YES.
 11 SECRETARY DUNN: VARNER?
 12 BOARD MEMBER VARNER: AYE.
 13 SECRETARY DUNN: CHAIRMAN GALLAGHER?
 14 CHAIRMAN GALLAGHER: YES.

15 CAN WE MOVE TO ITEM 2, PLEASE.

16 MR. IWAHIRO: MR. CHAIRMAN, ITEM 2 CONTINUES ON
 17 THE SUBJECT OF THE CLOSURE/POSTCLOSURE PROGRAM, BUT THIS
 18 DEALS WITH, BASICALLY, THE CERTIFICATION THAT NEEDS TO BE
 19 SUBMITTED TO THE BOARD REGARDING CLOSURE AND POSTCLOSURE.
 20 AND THAT IS THERE ARE THREE ITEMS THAT NEED TO BE
 21 SUBMITTED BY OPERATORS: INITIAL COST ESTIMATE, A
 22 FINANCIAL MECHANISM, AND FUNDING OF THAT FINANCIAL
 23 MECHANISM HAS TO BE CERTIFIED BY THE OPERATOR.

24 THERE'S SOME APPROVALS OF THOSE
 25 CERTIFICATIONS REQUIRED. WE ARE GOING TO BE UPDATING YOU

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1 ON THE SUBMITTALS OF THOSE CERTIFICATIONS, PLUS WE ARE
2 GOING TO BE ASKING A DELEGATION OF AUTHORITY TO THE CHIEF
3 EXECUTIVE OFFICER REGARDING APPROVAL OF THE
4 CERTIFICATIONS. THOSE ARE SO-CALLED NONCONTROVERSIAL,
5 BUT BILL ORR AND HIS STAFF, SPECIFICALLY MICHELLE
6 MARCONI, WILL BE DOING THIS ITEM.

7 CHAIRMAN GALLAGHER: THANK YOU.

8 MR. ORR: THANK YOU, MR. CHAIRMAN, BOARD
9 MEMBERS.

10 I JUST WANTED TO SAY ONE OR TWO WORDS
11 BEFORE I TURN THE MICROPHONE OVER TO MICHELLE.
12 SPECIFICALLY, THIS HAS BEEN A VERY BUSY LAST MONTH OR SO
13 SINCE THE LAST STATUS REPORT AND REFLECTS A LOT OF STAFF
14 ACTIVITY. IN THE TIME THAT THE REGULATIONS WERE OVER AT
15 THE OFFICE OF ADMINISTRATIVE LAW, IT GAVE US AN
16 OPPORTUNITY TO DO A LOT OF WORK TO GAIN ADDITIONAL
17 COMPLIANCE WITH THE CERTIFICATION PROCESS. AND I THINK
18 THAT THE DISCUSSION THAT MICHELLE WILL HAVE TODAY WILL
19 HIGHLIGHT ALL THE WORK THAT'S BEEN DONE IN THE LAST MONTH
20 OR SO AND A LOT OF MOVEMENT IN TERMS OF THE CERTIFICATION
21 MATERIALS.

22 WITH THAT, I'LL TURN THE MICROPHONE OVER TO
23 MICHELLE MARCONI.

24 MS. MARCONI: GOOD MORNING. MR. CHAIRMAN AND
25 MEMBERS OF THE BOARD. ACTUALLY. IT'S BEEN THREE MONTHS

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1 SINCE MY LAST PRESENTATION.

2 AT THE JANUARY MEETING I NOTED THAT THE
3 CERTIFICATIONS FOR SCHOLL CANYON, PUENTE HILLS, BEE
4 CANYON, AND CALABASAS LANDFILL HAD BEEN REVIEWED AND
5 WOULD BE BROUGHT TO THE BOARD FOR CONSIDERATION OF
6 APPROVAL ONCE EXECUTED AGREEMENTS HAD BEEN RECEIVED.

7 AT THIS TIME I'D JUST LIKE TO UPDATE YOU ON
8 THOSE.

9 FOR SCHOLL CANYON, THE CLOSURE MECHANISM
10 HAS BEEN RECEIVED. WE HAD NOT RECEIVED A COMPLETE
11 POSTCLOSURE FINANCIAL MECHANISM.

12 FOR PUENTE HILLS WE SENT OUT A LETTER TO
13 THE COUNTY SANITATION DISTRICTS DATED APRIL 10. WE
14 REMINDED THEM THAT THEIR PERMIT FOR THE FACILITY WAS
15 CONDITIONED UPON THEIR ESTABLISHMENT OF AN ACCEPTABLE
16 FINANCIAL ASSURANCE MECHANISM AND THAT IT MUST BE
17 RECEIVED IN A TIMELY MANNER.

18 A COPY OF THE DRAFT PLEDGE OF REVENUE
19 AGREEMENT WITH FINAL COMMENTS FROM THE BOARD'S LEGAL
20 COUNSEL WAS SENT TO THE OPERATOR ON JANUARY 24, 1990.
21 BOARD STAFF FEELS THAT SUFFICIENT TIME HAS LAPSED SINCE
22 THE PERMIT WAS ISSUED, AND THEY HAVE NOT SUBMITTED A
23 FINAL VERSION.

24 BEE CANYON HAS COMPLETED THEIR FINANCIAL
25 MECHANISM, BUT THE REVIEW OF THE COST ESTIMATES HAS NOT

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1 BEEN COMPLETED BY STANDARDS AND REGULATIONS AT THIS TIME.
2 AND CALABASAS, I THINK, WE HAVE A
3 POSTCLOSURE MECHANISM -- A CLOSURE AND POSTCLOSURE
4 MECHANISM.

5 DO YOU HAVE ANY QUESTIONS AT THIS TIME?

6 CHAIRMAN GALLAGHER: ARE THERE ANY QUESTIONS OF
7 MICHELLE BY BOARD MEMBERS? MR. LOCKINGTON.

8 BOARD MEMBER LOCKINGTON: HAVE YOU BEEN IN
9 CONTACT WITH THESE PEOPLE? I MEAN HAVE THEY REPLIED?

10 MS. MARCONI: GARTH, DO YOU TRUST ME TO ANSWER
11 THAT?

12 MR. ADAM: CORRESPONDENCE WAS JUST SENT. WE
13 HAVEN'T GOTTEN A REPLY YET FROM STEVE MAGUIN OF THE SAN
14 DISTRICT.

15 BOARD MEMBER LOCKINGTON: SEEMS LIKE 90 DAYS IS
16 90 DAYS. IF I REMEMBER THE DISCUSSION AT THE MEETING, WE
17 WERE FAIRLY VEHEMENT. WE WERE SOMEWHAT DIVIDED ON
18 EXACTLY WHAT TO DO. IT WAS CONTINGENT UPON THESE THINGS
19 GETTING DONE. I WOULD HOPE THAT MAYBE WE PICK UP THE
20 PHONE AND SPEND A NICKEL AND FIND OUT WHAT'S GOING ON.

21 MS. MARCONI: WE'VE INITIATED CORRESPONDENCE ON
22 THE OTHER LANDFILLS, AND WE'VE ACTUALLY SENT SOMETHING TO
23 PUENTE HILLS.

24 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?

25 BOARD MEMBER LOCKINGTON: IS CALABASAS INVOLVED



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1 THERE, TOO?

2 MR. ADAM: I BELIEVE THEIR MECHANISMS HAVE BEEN
3 ESTABLISHED.

4 BOARD MEMBER LOCKINGTON: SPADRA?

5 MR. ADAM: SPADRA AS WELL.

6 BOARD MEMBER LOCKINGTON: THANK YOU.

7 MS. MARCONI: DURING THE LAST MONTH, WE'VE DONE
8 MOST OF OUR WORK. WE'VE BEEN CONTINUING TO REVIEW THE
9 CERTIFICATIONS, GIVING PRIORITY TO CERTIFICATIONS IN
10 CONJUNCTION WITH PERMIT ACTIONS.

11 THE REVIEW HAS CONSISTED OF VERIFYING THE
12 REASONABLENESS OF THE INITIAL COST ESTIMATES AND
13 EVALUATING THE ESTABLISHMENT AND FUNDING OF THE SELECTED
14 FINANCIAL MECHANISM.

15 CERTIFICATIONS FOR MARIPOSA COUNTY, YOLO
16 COUNTY, AND UNIVERSITY OF CALIFORNIA AT DAVIS LANDFILLS
17 HAVE BEEN DEEMED COMPLETE, WERE REVIEWED, AND FOUND
18 EFFICIENT.

19 STAFF HAS WRITTEN 40 LETTERS TO FACILITIES
20 THAT HAD INCOMPLETE CERTIFICATIONS. AT THIS TIME I'D
21 LIKE TO REFER YOU TO THE CERTIFICATION LOG THAT BEGINS ON
22 PAGE 84.

23 WE'VE GOT A NEW AND IMPROVED FORMAT FOR THE
24 CERTIFICATION LOG, AND UNDER STATUS AND REMARKS WE'VE GOT
25 THE LAST TIME LETTERS WERE SENT OUT. AND AS BILL SAID, I



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1 THINK YOU WILL FIND 40 OF THOSE, AND WE'VE DONE SEVERAL
2 MORE SINCE THE AGENDA ITEM WAS PRINTED OUT.

3 FACILITIES THAT WERE PREVIOUSLY CONTACTED
4 BY THE ATTORNEY GENERAL WERE NOTIFIED THAT FAILURE TO
5 COMPLY WILL RESULT IN ACTIONS LEADING UP TO FINES OF
6 \$10,000 PER DAY.

7 FACILITIES THAT HAVE NOT BEEN PREVIOUSLY
8 CONTACTED BY THE ATTORNEY GENERAL WERE NOTIFIED THAT
9 FAILURE TO COMPLY WILL RESULT IN REFERRAL TO THE ATTORNEY
10 GENERAL'S OFFICE.

11 CERTIFICATIONS FOR ROCK CREEK, ARCO
12 DISPOSAL, HARWOOD DISPOSAL, TWIN BRIDGES, CHARTER
13 EVAPORATION, AND CHESTNUT AVENUE LANDFILL HAVE BEEN
14 PREVIOUSLY APPROVED.

15 NEW INFORMATION HAS BEEN SUBMITTED FOR THE,
16 CHESTNUT AVENUE LANDFILL PURSUANT TO THE REGULATIONS AND
17 MUST BE REAPPROVED.

18 BASED ON ALTERNATE CERTIFICATION, CALMAT
19 CLASS III DISPOSAL SITE HAS BEEN DETERMINED TO BE
20 EXCLUDED FROM THE CERTIFICATION REQUIREMENTS.

21 AT THE FEBRUARY 1989 MEETING, THE BOARD
22 DIRECTED THE STAFF TO BRING ALL CLOSURE AND POSTCLOSURE
23 CERTIFICATIONS TO THE BOARD FOR APPROVAL. AS I SAID
24 BEFORE, THE CERTIFICATION INCLUDED THREE ELEMENTS: THE
25 CERTIFICATION, THE REASONABLENESS OF THE COST ESTIMATES,

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1 AND THEIR FINANCIAL MECHANISM.

2 BECAUSE WE'VE REVIEWED SO MANY IN THE LAST
3 MONTH, STAFF HAS REALIZED THAT BRINGING EVERY SINGLE
4 CERTIFICATION TO THE BOARD FOR APPROVAL WILL BE
5 TIME-CONSUMING FOR BOTH THE STAFF AND FOR THE BOARD. SO
6 AT THIS TIME WE'D LIKE TO REVIEW THE APPROVAL PROCESS.

7 WE'RE PRESENTING THREE OPTIONS TO THE
8 BOARD. THE FIRST IS TO DELEGATE AUTHORITY TO APPROVE
9 NONCONTROVERSIAL CERTIFICATIONS TO THE BOARD'S CHIEF
10 EXECUTIVE OFFICER. BY ADOPTING RESOLUTION 90-20, THE
11 BOARD WOULD DELEGATE AUTHORITY TO APPROVE
12 NONCONTROVERSIAL CERTIFICATIONS AND, HOPEFULLY, EXPEDITE
13 APPROVAL OF THESE CERTIFICATIONS AND PERMIT ACTIONS.

14 BY NONCONTROVERSIAL CERTIFICATIONS, WE
15 WOULD INCLUDE CLOSURE/POSTCLOSURE CERTIFICATIONS THAT
16 EITHER DEMONSTRATE FINANCIAL RESPONSIBILITY USING
17 STANDARD FORMS INCLUDED IN THE CLOSURE/POSTCLOSURE
18 REGULATIONS THAT INCLUDE COMPLETE AND REASONABLE COST
19 ESTIMATES AND ARE RECOMMENDED BY THE STAFF FOR APPROVAL
20 OR ARE CLEARLY EXCLUDED FROM THE CLOSURE/POSTCLOSURE
21 REQUIREMENTS.

22 SUBMITTALS NOT CLASSIFIED AS
23 NONCONTROVERSIAL WOULD CONTINUE TO BE BROUGHT BEFORE THE
24 BOARD FOR REVIEW. THAT WOULD INCLUDE FACILITIES LIKE
25 PUENTE HILLS.

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1 IF THE BOARD DOES ADOPT THIS RESOLUTION,
2 STAFF WOULD REPORT ANY USE OF THE DELEGATED AUTHORITY AT
3 THE NEXT MEETING DURING MY REPORT OF THE
4 CLOSURE/POSTCLOSURE CERTIFICATION STATUS.

5 OPTION 2 WOULD BE TO CONTINUE TO BRING
6 CERTIFICATIONS TO THE BOARD FOR THEIR APPROVAL OR
7 CONSIDERATION.

8 AND OPTION 3 IS TO DISCONTINUE
9 CERTIFICATION APPROVALS ALTOGETHER. THE
10 CLOSURE/POSTCLOSURE CERTIFICATION INCLUDED THE THREE
11 ELEMENTS I MENTIONED; HOWEVER, ONLY THE FINANCIAL
12 MECHANISM MUST BE APPROVED, AND IT MUST BE APPROVED AS
13 PART OF THE APPROVAL OF THE CLOSURE/POSTCLOSURE PLAN.

14 INSTEAD OF APPROVING THESE CERTIFICATIONS
15 INDIVIDUALLY, THE BOARD COULD JUST APPROVE THE MECHANISMS
16 WHEN THE PLANS ARE APPROVED. CERTIFICATION STATEMENTS
17 WOULD STILL BE REQUIRED BUT WOULD NOT BE SUBJECT BOARD
18 APPROVAL, AND STAFF WOULD CONTINUE TO EVALUATE THE
19 COMPLETENESS OF THE CERTIFICATIONS.

20 DO YOU HAVE ANY QUESTIONS AT THIS TIME?

21 CHAIRMAN GALLAGHER: ARE THERE ANY QUESTIONS OF
22 MICHELLE AS FAR AS THE RESOLUTION AND THE OPTIONS THE
23 BOARD HAS?

24 MS. MARCONI: STAFF RECOMMENDS THAT THE BOARD
25 ADOPT OPTION 1.

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Barristers'
reporting service

1 CHAIRMAN GALLAGHER: YOU'VE HEARD STAFF
2 RECOMMEND THAT WE ADOPT OPTION 1. DO YOU HAVE ANY
3 FURTHER DISCUSSION OR COMMENTS OR MAY I HAVE A MOTION?

4 BOARD MEMBER LOCKINGTON: SO MOVED.

5 CHAIRMAN GALLAGHER: IT'S BEEN --

6 BOARD MEMBER BREMBERG: SECOND.

7 CHAIRMAN GALLAGHER: -- MOVED AND SECONDED THAT
8 WE APPROVE RESOLUTION 90-21 AND OPTION NO. 1 IN THE BOARD
9 PACKET. CALL THE ROLL, PLEASE.

10 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

11 BOARD MEMBER BREMBERG: AYE.

12 BROWN?

13 BOARD MEMBER BROWN: YES.

14 GEARHEART? ABSENT.

15 LOCKINGTON?

16 BOARD MEMBER LOCKINGTON: YES.

17 SECRETARY DUNN: MOSCONE?

18 BOARD MEMBER MOSCONE: YES.

19 SECRETARY DUNN: TCHOBANOGLOUS?

20 BOARD MEMBER TCHOBANOGLOUS: YES.

21 SECRETARY DUNN: VARNER?

22 BOARD MEMBER VARNER: AYE.

23 SECRETARY DUNN: CHAIRMAN GALLAGHER.

24 CHAIRMAN GALLAGHER: AYE.

25 SO MOVED.

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1 WE'RE NOW GOING TO CHANGE THE AGENDA, AND
 2 WE HAVE TO BECAUSE OF THE URGENCY OF SOME PENDING
 3 LITIGATION. WE'RE GOING TO GO INTO CLOSED SESSION.
 4 WE'LL TRY TO GET IT DONE AS QUICKLY AS WE CAN. THIS IS
 5 TO DISCUSS LITIGATION WITH NEVADA COUNTY AND MCCOURTNEY
 6 LANDFILL IN NEVADA COUNTY.

7 I ASK YOU TO PLEASE CLEAR THE ROOM. WE'LL
 8 TRY TO DO THIS AS EXPEDITIOUSLY AS POSSIBLE AND GET YOU
 9 BACK IN HERE FOR THE REGULAR MEETING RIGHT AWAY.

10 (THE BOARD THEN WENT INTO CLOSED SESSION.)

11 (ITEM NO. 15 WAS BEGUN BEFORE THE OFFICIAL
 12 REPORTER WAS RECALLED TO THE BOARD ROOM AFTER THE CLOSED
 13 SESSION.)

14 CHAIRMAN GALLAGHER: -- DISPOSED TO GIVE A
 15 COMMENDATION TO HIM AND TO RECOGNIZE HIM AND HIS LOVELY
 16 WIFE. AND SO IT IS THE PLEASURE OF THE CHAIRMAN ALWAYS
 17 TO DO THIS, AND I'D LIKE TO READ A COMMENDATION TO MR.
 18 STRICKMAN.

19 THE CALIFORNIA INTEGRATED WASTE MANAGEMENT
 20 BOARD RESOLUTION 90-24, COMMENDING AL STRICKMAN:

21 "WHEREAS,

22 CALIFORNIANS WILL SEND 40

23 MILLIONS OF SOLID WASTE

24 TO LANDFILL IN 1990; AND

25 WHEREAS,

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CONSERVING NATURAL
RESOURCES THROUGH SOURCE
REDUCTION AND RECYCLING
AND MINIMIZING THE BURDEN
OF WASTE ON PUBLIC HEALTH
AND THE ENVIRONMENT ARE
THE CHIEF GOALS OF THE
CALIFORNIA INTEGRATED
WASTE MANAGEMENT BOARD;
AND WHEREAS,
THE SUCCESS OF
CALIFORNIA'S WASTE
REDUCTION STRATEGY WILL
DEPEND GREATLY ON THE
COMMITMENT OF LOCAL
RECYCLING PROFESSIONALS
AND ON THE AVAILABILITY
OF STABLE MARKETS FOR
MATERIALS SEPARATED FROM
THE WASTESTREAM; AND
WHEREAS,
AL STRICKMAN IS A THIRD
GENERATION RECYCLER, HAS
BEEN A LONG TIME FRIEND
OF THE BOARD, AND WAS

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NAMED RECYCLER OF THE
YEAR IN 1989 BY THE
CALIFORNIA RESOURCE
RECOVERY ASSOCIATION; AND
WHEREAS,
AL IS RETIRING AS
GOVERNMENTAL AFFAIRS
MANAGER FOR GOLDEN STATE
NEWSPRINT AFTER DEVOTING
OVER 40 YEARS TO
IMPROVING MARKETS FOR
RECYCLED PAPER,
NOW
THEREFORE BE IT RESOLVED
THAT THE CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD COMMENDS
AL STRICKMAN FOR HIS
LIFETIME ACHIEVEMENTS IN
RECYCLING;
AND BE IT
FURTHER RESOLVED THAT THE
BOARD EXTENDS ITS BEST
WISHES TO AL FOR A
LENGTHY AND REWARDING

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1 RETIREMENT AND HOPES THAT
2 HE WILL MAINTAIN AN
3 ACTIVE ROLE IN
4 CALIFORNIA'S RECYCLING
5 FUTURE.

6 AL, IT IS A GREAT PLEASURE FOR ME AS
7 CHAIRMAN OF THIS BOARD TO GIVE YOU THIS RESOLUTION.
8 (APPLAUSE.)

9 CHAIRMAN GALLAGHER: I HOPE YOU WILL NOTICE THE
10 FACT THAT WE ARE USING RECYCLED CORRUGATED BOARD AS THE
11 FRAME. AL, BEST OF LUCK AND CONGRATULATIONS.

12 MR. STRICKMAN: THANK YOU VERY MUCH.

13 CHAIRMAN GALLAGHER: BEFORE YOU ALL GET SET DOWN
14 AGAIN, LET ME SAY THAT THE SECOND BIT OF SUNSHINE COMES
15 INTO OUR LIFE WITH BEING ABLE TO RECOGNIZE LENGTH OF
16 SERVICE OF ONE OF OUR STAFF WHO HAS WORKED VERY, VERY
17 HARD, MS. DARLENE FALCONER. ON APRIL 1 SHE COMPLETED 25
18 YEARS OF CALIFORNIA STATE SERVICE.

19 I'VE ONLY HAD A COUPLE AND, BOY, YOU GOT TO
20 HAVE COURAGE TO GET THROUGH 25. DARLENE BEGAN HER WORK
21 AT THE WASTE MANAGEMENT BOARD ON APRIL 1, 1985, AS A
22 PERSONNEL ASSISTANT ONE. PRIOR TO EMPLOYMENT AT THE
23 WASTE MANAGEMENT BOARD. DARLENE WAS EMPLOYED WITH THE
24 DEPARTMENT OF HEALTH SERVICES AND THE AIR RESOURCES
25 BOARD. THAT'S WHAT I CALL GRAVITATING RIGHT TO THE TOP.

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1 SHE CAME TO THE WASTE MANAGEMENT BOARD.

2 DARLENE'S PRESENT ASSIGNMENT INCLUDES CIVIL
3 SERVICE TESTING AND RECRUITMENT. SHE ALSO SERVES AS THE
4 BOARD'S AFFIRMATIVE ACTION OFFICER.

5 IT'S A REAL PLEASURE FOR ME, BECAUSE I DO
6 HAVE AN OPPORTUNITY TO SEE HER IN ACTION AND TO WORK WITH
7 HER, TO PRESENT HER WITH HER SERVICE PIN FOR 25 YEARS OF
8 SERVICE AND THE RESOLUTION THAT GOES WITH IT.

9 SO, DARLENE --

10 (APPLAUSE.)

11 CHAIRMAN GALLAGHER: -- THIS IS ONE OF THE REAL
12 NICE THINGS ABOUT BEING CHAIRMAN, AND YOUR CERTIFICATE IS
13 ON THE INSIDE.

14 MS. FALCONER: JUST PROVES I HAVE STAYING POWER.

15 CHAIRMAN GALLAGHER: COURAGE, TOO. THANK YOU
16 YOU ALL AND GOOD LUCK.

17 CAN WE MOVE NOW TO AGENDA ITEM 3?

18 MR. IWAHIRO: CERTAINLY MAY. ITEM NO. 3 IS THE
19 CONSIDERATION OF ADOPTION OF POLICY ON ENFORCEMENT OF
20 PERMITS, WHICH, I THINK, LAST TIME I TERMED THIS PEP. IT
21 TURNS OUT I THINK MAYBE PEP MIGHT BE A PIP. NONETHELESS,
22 LET ME JUST BRIEFLY GO OVER AND SUMMARIZE THE DISCUSSION
23 ON THIS IN TERMS OF WHAT HAS TRANSPIRED IN THE PAST.

24 THIS PROPOSAL FOR A POLICY WAS BROUGHT TO
25 YOU AWHILE BACK AND BASICALLY WAS BECAUSE OF OUR



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1 EXPERIENCE WITH THE REVIEW OF PERMITS.

2 IN THE LAST COUPLE OF YEARS, WE'VE NOTED
3 THAT THE NUMBER OF PERMITS, ESPECIALLY THE OLDER PERMITS,
4 SHOWED THAT THEY WERE OUT OF COMPLIANCE. AND SO THERE
5 WAS A LIMIT ON TONNAGE, FOR INSTANCE, LIMITS ON AREAS,
6 LIMITS ON TYPES OF MATERIALS THAT COULD BE TAKEN. AND
7 MANY OF THESE OUT OF COMPLIANCE WERE NOT BEING ADDRESSED.

8 WE NOTICED, IN FACT, SOME THAT WERE TAKING
9 MAYBE TWO AND 300 PERCENT MORE THAN WAS SHOWN ON THEIR
10 PERMITS, AND THE LEA HAD NOT IDENTIFIED THOSE AS
11 SIGNIFICANT CHANGES.

12 ON THE OTHER HAND, THERE WERE SEVERAL LEA'S
13 THAT HAD ACKNOWLEDGED THESE CHANGES AND DID, IN FACT,
14 DEVELOP COMPLIANCE SCHEDULES, ALBEIT THEY -- RECOGNIZING
15 THE FACT THAT THEY ARE -- CEQA HAD TO BE COMPLIED WITH,
16 THAT IT COULD TAKE MAYBE A YEAR, YEAR AND A HALF, PERHAPS
17 TWO YEARS.

18 WE BROUGHT THIS POLICY BEFORE YOU, AS I
19 SAID, IN THE PAST, AND WE HAVE SENT IT OUT TO THE LEA'S.
20 LAST BOARD MEETING YOU REQUESTED THAT THE STAFF AGAIN
21 SEND IT OUT TO THE LEA'S, AND SO WE HAVE HAD A NUMBER OF
22 COMMENT LETTERS FROM VARIOUS LEA'S. IN FACT, I THINK
23 THIS PLUS THE OTHER ITEM REGARDING THE ADVISORY COUNCIL
24 HAS PROBABLY GENERATED MORE RESPONSES FROM LEA'S THAN
25 WE'VE EVER SEEN BEFORE.

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1 WE HAVE APPROXIMATELY 26 LETTERS FROM LEA'S
2 REGARDING THIS POLICY. THE SUMMARIZATION OF THEIR
3 CONCERNS ARE SHOWN ON THE BOTTOM OF PAGE 103, AND THEY
4 ARE THAT THE MATTER BEING ADDRESSED IS OF LOCAL CONCERN.
5 IN OTHER WORDS, LEA'S SHOULD BE ALLOWED TO HANDLE THESE
6 THINGS. THE LEA'S GENERALLY SOLVE THE PROBLEMS AT LOCAL
7 LEVEL, REQUIRING PERMANENT REVISIONS ACCORDING TO A
8 COMPLIANCE SCHEDULE.

9 AS I SAID PREVIOUSLY, THAT THERE'S NOT TOO
10 MANY OF THOSE OUT THERE. A POINT BEING MADE WAS THAT THE
11 PROCESS IS COUNTERPRODUCTIVE BECAUSE IT DOES REQUIRE
12 STAFF TIME ON OUR PART, STAFF TIME ON THE LEA'S PART, AND
13 POSSIBLY MORE, JUST AS IMPORTANTLY, TIME THAT THE
14 OPERATOR HAS TO PUT IN TO DEVELOP A FORBEARANCE CASE.

15 THE ADVISORY COUNCIL, THE LEA ADVISORY
16 COUNCIL, THEY FEEL HAS NOT BEEN GIVEN THE OPPORTUNITY TO
17 REVIEW IT AND, THEREFORE, THAT WAS A CONCERN.

18 HAVING ALL THIS BEFORE US, THE STAFF HAS A
19 NUMBER OF ALTERNATIVES THAT WERE THOUGHT ABOUT AND WE'RE
20 PRESENTING TO THE BOARD.

21 NO. 1 IS THAT WE DO NOT FORBEAR AT ALL,
22 THAT BUSINESS SHOULD BE CARRIED ON AS. IN STAFF'S VIEW,
23 AS IT SHOULD BE IN THE CORRECT FORM AS OUR REGULATIONS
24 REQUIRE, AS THE LAW REQUIRES; AND THAT IS, TO ISSUE A
25 NOTICE AND ORDER AS SOON AS THERE'S A FINDING THAT

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1 THERE'S A VIOLATION BEING MADE AND TO CORRECT THAT
2 VIOLATION WITHIN A REASONABLE TIME LIMIT OF, LET'S SAY,
3 90 DAYS.

4 THE SECOND OPTION WOULD BE TO GIVE THE
5 FORBEARANCE, I WON'T SAY AUTHORITY, BUT LET THE LEA'S
6 ISSUE A NOTICE AND ORDER AND SET THEIR OWN TIME LIMITS IN
7 TERMS OF FORBEARANCE, LET THEM DETERMINE THE APPROPRIATE
8 TIME WHEN THE PERMIT HAS TO BE COMPLIED WITH.

9 AGAIN, WE HAVE FOUND SOME LEA'S DOING THAT.
10 VERY FEW. THIS WOULD BRING THE MATTER AND THE
11 RESPONSIBILITIES TO THE LOCAL LEVEL.

12 THE THIRD OPTION THAT WE IDENTIFIED WAS
13 BASICALLY OUR POLICY THAT WE HAVE BEFORE YOU, AND THAT IS
14 THAT THE BOARD DETERMINE WHETHER OR NOT FORBEARANCE
15 SHOULD BE GIVEN, WITH CONCURRENCE BY THE LEA, OF COURSE;
16 BUT IN THIS MANNER WE THOUGHT THAT IT WOULD BE MORE
17 CONSISTENT THROUGHOUT THE STATE IN TERMS OF APPLYING THE
18 CRITERIA FOR FORBEARANCE.

19 AND THEN WE THOUGHT OF A FOURTH COURSE IN
20 LIGHT OF ALL THE LETTERS THAT WE'VE GOTTEN FROM THE
21 LEA'S, THAT THE DEVELOPMENT OF THE POLICY BE TAKEN BACK,
22 THAT THE -- WITH THE -- BY STAFF AND GONE OVER WITH THE
23 LEA ADVISORY COUNCIL. THAT -- HOWEVER. IN DOING THAT,
24 THAT WE FELT THAT CERTAIN GUIDELINES MIGHT BE APPROPRIATE
25 FOR DIRECTION TO STAFF AS WELL AS TO THE LEA'S.



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1 AND THOSE POLICY GUIDELINES ARE LISTED ON
2 PAGE 105. SO THIS OPTION WOULD BASICALLY SAY, "STAFF, GO
3 BACK AND WORK WITH THE LEA'S, COME BACK WITHIN A CERTAIN
4 TIME LIMIT." I BELIEVE IN OUR RECOMMENDATION WE'LL
5 BASICALLY IDENTIFY 120 DAYS, WHICH WOULD REALLY AMOUNT TO
6 90 DAYS OF WORKING TIME AND THEN 30 DAYS FOR THE
7 PREPARATION OF THE ITEM FOR THE AGENDA FOR A BOARD
8 HEARING.

9 LET ME JUST --

10 BOARD MEMBER TCHOBANOGLIOUS: LET ME JUST ASK A
11 QUESTION ON THAT. IF WE DID GO ALONG WITH THAT, CAN WE
12 MAKE IT CLEAR THAT THIS IS IT? I MEAN, YOU KNOW, ALL
13 THESE LETTERS KEEP COMING IN EVERY MONTH. I MEAN, IT'S
14 LIKE THEY JUST DISCOVERED IT. AND, YOU KNOW, I READ SOME
15 OF THEM, YOU KNOW, MARCH 26. IT'S AS THOUGH THEY JUST
16 HEARD ABOUT THIS, THAT THIS WAS SOMEHOW A SECRET AND THEY
17 JUST GOT HOLD OF IT.

18 WHAT I'M WONDERING IS IF WE GO WITH THIS
19 120 DAYS, SHOULDN'T WE JUST SEND OUT A LETTER AND SAY,
20 "THIS IS IT. ACTION IS GOING TO BE TAKEN. GET YOUR BEST
21 SHOT IN THERE. MEET WITH OUR STAFF NOW"?

22 MR. IWAHIRO: THAT WOULD BE FINE WITH US. IN
23 FACT, IN OUR RECOMMENDATION WE WOULD SAY THAT YOU DIRECT
24 BOARD STAFF TO COME BACK WITH A POLICY OR THOSE POLICIES
25 AT THE AUGUST MEETING, PERIOD. NOW, THAT IS WORKING WITH

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1 THE LEA'S; BUT IF WE CAN'T. WE AS STAFF WOULD BE BOUND TO
2 BRING BACK SOMETHING, HOPEFULLY, THAT THE LEA WOULD AGREE
3 UPON.

4 CHAIRMAN GALLAGHER: EXCUSE ME. I'M NOT SURE I
5 UNDERSTAND. THE RESOLUTION SAYS AUGUST. YOU ARE TALKING
6 A 120 DAYS. IS THAT CONSISTENT?

7 MR. IWAHIRO: IT MIGHT NOT BE.

8 CHAIRMAN GALLAGHER: I JUST WANT TO BE SURE IT'S
9 CLEAR IN THE RECORD BECAUSE DR. TCHOBANOGLOUS' SUGGESTION
10 IS PRETTY STRONG. IF WE HAVEN'T GOT IT, GET YOUR BEST
11 SHOT IN. THAT'S IT. I WANT TO BE SURE THEY UNDERSTAND
12 EXACTLY WHAT TIME FRAME THEY'RE WORKING TO.

13 MR. IWAHIRO: MY UNDERSTANDING WOULD BE THAT,
14 YES, GET IT IN, BEST SHOT DURING THE AUGUST BOARD
15 MEETING, 130 DAYS OR 120 DAYS.

16 CHAIRMAN GALLAGHER: IS THAT AGREEABLE TO YOU?

17 BOARD MEMBER BREMBERG: YOU SAY OPTION 5, BUT
18 YOU ONLY GIVE US FOUR.

19 BOARD MEMBER TCHOBANOGLOUS: THEY KEEP COMING
20 BACK AND SAY THEY JUST HEARD ABOUT ALL THIS. MOST OF THE
21 LETTERS WANTED ANOTHER MONTH.

22 CHAIRMAN GALLAGHER: I'M TRYING TO GET VERY
23 SPECIFIC SO THERE IS NO QUESTION. HERB. ANYTHING ELSE,
24 SIR?

25 MR. IWAHIRO: I WANT TO JUST RESPOND, I GUESS.

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1 OR COMMENT ON WHAT MS. BREMBERG HAS POINTED OUT TO THE
2 FACT THAT IN OUR RECOMMENDATIONS WE SAY ADOPT OPTION NO.
3 5. THE FACT IS THAT WE HAVE GONE -- I MEAN, THIS TOOK
4 CONSIDERABLE TIME, AND WE DID HAVE AN OPTION 5 AT ONE
5 TIME, WHICH WE -- SO WE FORGOT TO CHANGE THAT ONE THING.

6 BOARD MEMBER BREMBERG: WE COULD VOTE ON FIVE.

7 MR. IWAHIRO: I WOULD LIKE TO JUST KIND OF
8 FINISH UP ON THE OPTION NO. 4 BECAUSE I THINK IT'S FAIRLY
9 IMPORTANT THAT WE KIND OF GO OVER THE GENERAL POLICY
10 GUIDELINES UNDER THAT OPTION, IF YOU SHOULD CONSIDER
11 ADOPTING THAT PARTICULAR OPTION. AND THAT IS THAT THERE
12 ON PAGE 105, LISTED ONE THROUGH SIX. ALL SOLID WASTE
13 FACILITY PERMITS WERE AND ARE INTENDED TO ESTABLISH
14 LIMITS ON THE DESIGN AND OPERATION OF THE FACILITIES.

15 WE SAY THAT BECAUSE THERE ARE SOME LEA'S
16 OUT THERE THAT FEEL LIMITS ARE NOT REALLY PART OF A
17 PERMIT. I THINK THE MAJORITY, HOWEVER, WILL CONCEDE TO
18 THAT, THAT ALL PERMIT REVIEWS THAT ARE DUE OR OVERDUE
19 SHOULD BE COMPLETED BY SOME DATE CERTAIN, NOT JUST LEAVE
20 THAT OPEN-ENDED, THAT WE WANT TO DEVELOP A CERTAIN DATE.

21 THAT EXCEEDING THE LIMITS OF A PERMIT IS A
22 VIOLATION OF A PERMIT REQUIRING ENFORCEMENT ACTION, THAT
23 ONLY APPROPRIATE ACTION BY ENFORCEMENT AGENCY TO REMEDY
24 PERMIT VIOLATION IS TO ISSUE A NOTICE AND ORDER THAT
25 WOULD BRING THE FACILITY INTO COMPLIANCE.

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1 AGAIN. ON THIS WE HAVE A LITTLE FOOTNOTE
2 THAT TESTIMONY WE TOOK THE LAST TIME THAT THEY WERE
3 TALKING ABOUT MINIMUM STANDARDS AS BEING SOMETHING THAT
4 WE SHOULD NOT BE ADDRESSING IN THIS PERMIT POLICY AND WE
5 AGREE WITH THAT. SO WE WERE NOT ADDRESSING MINIMUM
6 STANDARDS. WE'RE REALLY ADDRESSING CONDITIONS SUCH AS
7 AREA, TYPES OF WASTE, AND TONNAGE.

8 FOUR, THAT NO PROTRACTED COMPLIANCE
9 SCHEDULE BE INCORPORATED INTO ANY NOTICE AND ORDER FOR
10 ANY FACILITY THAT HAS KNOWN A ENVIRONMENTAL OR PUBLIC
11 HEALTH OR SAFETY PROBLEM. THAT MAY BE A LITTLE BIT
12 DIFFICULT TO IDENTIFY, BUT BASICALLY WHAT WE'RE SAYING
13 THERE IS THAT WE DON'T WANT TO GO WITH THE LONG
14 PROTRACTED COMPLIANCE SCHEDULE THAT FACILITIES THAT HAVE
15 GOT A REAL PROBLEM. THAT MAY -- THAT WILL REQUIRE A
16 LITTLE BIT OF NEGOTIATING, I FEEL.

17 THAT A NOTICE AND ORDER SHOULD BE SCHEDULED
18 THAT WOULD BRING THE FACILITY IN COMPLIANCE WITHIN A
19 REASONABLE TIME, IN NO CASE BEYOND AUGUST 1, 1992. THAT
20 GIVES TWO YEARS. THAT HAPPENS TO BE KIND OF
21 COINCIDENTAL, THE TWO YEARS, IN THAT AT THAT TIME WE'LL
22 BE -- THERE'S A REQUIREMENT THAT ALL LEA'S BE CERTIFIED
23 BY THIS BOARD.

24 SO THAT'S KIND OF THE TIME LIMIT THAT WE'RE
25 LOOKING AT IS THAT, IN ORDER TO BE CERTIFIED BY THIS

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1 BOARD, YOU MUST HAVE EVERYTHING IN SHAPE. BASICALLY, IS
2 WHAT WE'RE SAYING.

3 JUST AS AN ASIDE, THE CERTIFICATION
4 REGULATIONS, WE'LL BE WORKING ON THOSE AND BRINGING THOSE
5 TO THE BOARD IN THE COURSE OF TIME HERE. THAT IS A 939
6 REQUIREMENT.

7 CHAIRMAN GALLAGHER: YOU ARE REFERRING TO THE
8 939 REQUIREMENT THAT WE DO THAT?

9 MR. IWAHIRO: THAT'S RIGHT. 939 REQUIREMENT
10 THAT WE CERTIFY LEA'S.

11 AND THE LAST ITEM IS THAT THE NOTICE AND
12 ORDER SHALL PROHIBIT THE OPERATOR FROM FURTHER VIOLATING
13 THE SAME OR DIFFERENT PERMIT CONDITIONS, SPECIFICATIONS,
14 OR PROHIBITIONS. IN OTHER WORDS, ONCE WE'VE ESTABLISHED
15 THAT THEY'RE TAKING IN X TONS, THAT THEY WILL NOT GO OVER
16 THAT, THAT THE LEA'S WILL NOT GO OVER THAT OR CONTINUE TO
17 EXPAND ON THAT VIOLATION.

18 SO WITH THAT, I THINK OUR -- THE STAFF'S
19 FEELING IS THAT THE LEA'S HAVE GOTTEN THE MESSAGE THAT
20 THE BOARD IS VERY SERIOUS ABOUT THIS POLICY OR SOME TYPE
21 OF POLICY TO TRY TO GET THESE PERMITS INTO SHAPE. AND WE
22 ACKNOWLEDGE THAT. I THINK, FRANKLY, THAT THE STAFF HAS
23 GOTTEN THE MESSAGE ALSO FROM THE BOARD FROM WORKING WITH
24 THE LEA'S.

25 SO THE OPTIONS, AS I SAID, ONE, ADOPT THE



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1 POLICY FOR ENFORCEMENT OF SOLID WASTE FACILITIES. IN
2 OTHER WORDS, NO ACTION, NO FORBEARANCE.

3 TWO, ADOPT -- I'M SORRY. THESE ARE IN
4 DIFFERENT ORDER -- DIRECT THE LEA'S TO IMMEDIATELY
5 ENFORCE THE TERMS AND CONDITIONS OF THE EXISTING SOLID
6 WASTE FACILITIES PERMITS WITH NO FORBEARANCE. THAT'S
7 OPTION 2.

8 OPTION 3, DIRECT THE LEA'S TO IMMEDIATELY
9 ENFORCE THE TERMS AND CONDITIONS OF THE EXISTING SOLID
10 WASTE FACILITIES PERMIT AND ALLOW THEM THE DISCRETION TO
11 FORBEAR.

12 AND THEN 4 IS TO DIRECT THE STAFF TO WORK
13 WITH THE ENFORCEMENT ADVISORY COUNCIL AND COME BACK BY
14 AUGUST 1990.

15 THAT IS OUR RECOMMENDATION IS NO. 4 AS 5.
16 THAT IS OUR RECOMMENDATION, TO DIRECT US TO COME BACK
17 WITH A BOARD POLICY BY THE AUGUST 1990 MEETING BY WORKING
18 WITH THE LEA'S.

19 CHAIRMAN GALLAGHER: WE HAVE HEARD STAFF
20 RECOMMENDATION, AND WE'VE HAD AN OPPORTUNITY -- IS THERE
21 ANY FURTHER QUESTIONS THAT YOU WANT TO ASK OF HERB ABOUT
22 THIS?

23 BOARD MEMBER BROWN: I'LL MOVE THE STAFF
24 RECOMMENDATION.

25 CHAIRMAN GALLAGHER: MOVE STAFF RECOMMENDATION.



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1 BOARD MEMBER VARNER: SECOND.

2 CHAIRMAN GALLAGHER: IT'S BEEN MOVED AND
3 SECONDED THAT WE ADOPT STAFF RECOMMENDATION AND DIRECT
4 THE STAFF TO WORK WITH THE ENFORCEMENT ADVISORY COUNCIL
5 TO DEVELOP A PERMIT ENFORCEMENT POLICY BASED ON THE
6 GUIDELINES WHICH ARE PRESENTED WITHIN THE BOARD -- STAFF
7 RECOMMENDATION AND BRING THE PROPOSED POLICY BACK BY THE
8 AUGUST 1990 MEETING FOR CONSIDERATION.

9 ALL -- I BEG YOUR PARDON. WILL YOU PLEASE
10 CALL THE ROLL.

11 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

12 BOARD MEMBER BREMBERG: AYE.

13 SECRETARY DUNN: BROWN?

14 BOARD MEMBER BROWN: YES.

15 SECRETARY DUNN: GEARHEART? ABSENT.

16 LOCKINGTON? ABSENT.

17 SECRETARY DUNN: MOSCONE?

18 BOARD MEMBER MOSCONE: YES.

19 SECRETARY DUNN: TCHOBANOGLIOUS?

20 BOARD MEMBER TCHOBANOGLIOUS: YES.

21 SECRETARY DUNN: VARNER?

22 BOARD MEMBER VARNER: AYE.

23 SECRETARY DUNN: CHAIRMAN GALLAGHER.

24 CHAIRMAN GALLAGHER: AYE.

25 BOARD MEMBER BREMBERG: MR. CHAIRMAN, MAY I ASK



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1 ONE QUESTION.

2 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

3 BOARD MEMBER BREMBERG: IS THE ADVISORY BOARD AT
4 ITS FULL COMPLEMENT?

5 MR. IWAHIRO: WE WILL BE MEETING WITH A
6 SUBCOMMITTEE OF THE BOARD REGARDING THAT, AND WE HAVE A
7 RECOMMENDATION. AND SO AS SOON AS WE GET THAT DONE -- IN
8 FACT, THIS AFTERNOON WE'LL BE MEETING WITH THEM. AS SOON
9 AS WE NOTIFY THE MEMBERS, PROPOSED MEMBERS, AND GET
10 CONCURRENCE, WE'LL BE READY TO GO. OUR HOPE IS WE WOULD
11 MEET IN MAY, SOMETIME IN MAY.

12 CHAIRMAN GALLAGHER: WE NOW READY TO GO TO ITEM
13 NO. 4?

14 ATTORNEY CONHEIM: YES, MR. CHAIRMAN.

15 MR. CHAIRMAN AND MEMBERS, ITEM NO. 4 IS THE
16 CONSIDERATION OF VACATING THE BOARD'S JULY 14, 1989,
17 DECISION IN WHICH IT CONCURRED IN A SOLID WASTE
18 FACILITIES PERMIT FOR THE LOPEZ CANYON LANDFILL.

19 THE REASON WE'RE BRINGING THIS ITEM IS
20 THAT, AS YOU KNOW, ON SEPTEMBER 26, 1989. AND THEN IN
21 WRITING APPROXIMATELY DECEMBER 4TH, THE COURT IN THE
22 LOPEZ CANYON MATTER ORDERED THE BOARD TO DO TWO THINGS:

23 IT ORDERED THE BOARD TO VACATE ITS JULY 14
24 PERMIT CONCURRENCE DECISION, AND IT ALSO ORDERED THE
25 BOARD TO THEN RECONSIDER THAT CONCURRENCE DECISION FOR

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1 THAT PERMIT THAT WAS SUBMITTED TO THE BOARD IN LIGHT OF
2 THE 1983 REPORT OF DISPOSAL SITE INFORMATION AND OTHER
3 FACTORS.

4 LAST MONTH A DETERMINATION WAS MADE, AFTER
5 FINALLY BEING SERVED WITH THIS ORDER BY THE JUDGE ON
6 FEBRUARY 20, TO GO AHEAD AND COMPLY WITH THE JUDGE'S
7 ORDER. AS A FIRST STEP IN THAT COMPLIANCE, WE'RE
8 BRINGING TO YOU THE ITEM OF VACATING YOUR JULY 14
9 DECISION.

10 WE PLAN ON BRINGING BACK TO YOU IN MAY OF
11 1990 A PERMIT ITEM IN WHICH WE CONSIDER THE PERMIT THAT
12 WAS SUBMITTED LAST YEAR IN LIGHT OF THE 1983 RDSI AND
13 OTHER DOCUMENTS, BUT THAT WILL TAKE SOME ANALYSIS AND
14 WRITING, AND WE FELT THAT WE DIDN'T WANT TO DELAY
15 COMPLIANCE WITH THE JUDGE'S ORDER ANY LONGER THAN WE HAD
16 TO.

17 WE'RE ASKING YOU TO CONSIDER THE FIRST PART
18 OF THIS COMPLIANCE TODAY. AND WE FEEL -- STAFF FEELS
19 THAT THE CITY HAS, OVER THE MONTHS, BEGUN TO OPERATE THIS
20 SITE IN SUBSTANTIAL COMPLIANCE WITH THE TERMS AND
21 CONDITIONS OF THAT PERMIT THAT WE ATTEMPTED TO CONCUR IN.
22 THERE ARE SOME EXCEEDANCES STILL. BUT THE COURT HAS ALSO
23 ENJOINED US FROM ENFORCING ANY VIOLATIONS OF THAT.

24 FURTHERMORE, WE'RE EXPECTING A REVISED
25 PERMIT APPLICATION TO BE SUBMITTED TO THE BOARD FOR LOPEZ

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1 CANYON, NOT ON THE EXPANSION, WHICH I UNDERSTAND HAS BEEN
2 AT LEAST TEMPORARILY DELAYED. THANK YOU, MRS. BREMBERG,
3 FOR THAT NEWS.

4 CHAIRMAN GALLAGHER: EXCUSE ME, BOB. IS THE
5 ARTICLE I WAS JUST PERUSING WHEN WE OPENED THIS MEETING
6 ON LOPEZ CANYON, IS THAT CONSISTENT WITH YOUR LAST
7 COMMENT, THAT THE LANDFILL IS NOW BEING OPERATED IN A
8 REASONABLY GOOD CONDITION?

9 I NOTICE THAT APPARENTLY THERE'S BEEN
10 ANOTHER ACCIDENT OUT THERE, ANOTHER PERSON OVERCOME BY
11 GAS FUMES AND THINGS LIKE THAT. ARE WE BEING CONSISTENT
12 HERE? THAT WOULDN'T, I DON'T THINK FOLLOW, WHAT YOU JUST
13 SAID.

14 ATTORNEY CONHEIM: WELL, I THINK EVEN IN A
15 WELL-OPERATED LANDFILL THERE'S GOING TO BE AN INCIDENT.
16 BUT BASED ON THE PARAMETERS THAT WE WERE ANALYZING IN
17 THAT JULY '89 PERMIT, IN TERMS OF TRUCK LIMIT AND TONNAGE
18 AND ELEVATION, THOSE FACTORS ARE BASICALLY BEING COMPLIED
19 WITH.

20 THERE HAS BEEN ANOTHER INCIDENT OUT THERE
21 SOME WEEKS AGO, AND OUR PEOPLE HAVE BEEN OUT THERE AND
22 TAKEN A LOOK AT IT. AND I SEE -- I THOUGHT I SAW MR.
23 HANSON FROM LOS ANGELES COUNTY HERE. WE HAVE AN ITEM ON
24 THE AGENDA IN WHICH WE CAN HEAR A REPORT ON THAT.

25 BUT THE FACT THAT YOU BRING UP, I THINK, IS



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1 EXCLUSIVE OF WHAT I'M TRYING TO STATE IS THAT, AT LEAST
2 THE ITEMS THAT WE WERE MOST CONCERNED ABOUT ON THAT
3 PERMIT; THAT IS, TO REPEAT, TRUCK LIMIT, TONNAGE,
4 ELEVATION, AREA OF DISPOSAL, FOOTPRINT, THAT THERE ARE
5 SOME EXCEEDANCES. I CAN'T TELL YOU WE CAN ENFORCE THOSE
6 NOW, BUT THEY'VE MOVED SO MUCH CLOSER TO BRINGING THE
7 OPERATION DOWN BELOW THAT CONTESTED ELEVATION, AND THE
8 TRUCK LIMIT IS HOVERING AROUND 400 OR LESS, AND I THINK
9 WE'LL HEAR A FULL REPORT ON THAT.

10 NONETHELESS, I THINK THAT THE JUDGE'S ORDER
11 DIDN'T ORDER THE BOARD TO DO ANYTHING THAT IT COULDN'T
12 DO. AND THE WISDOM IN COMPLYING WITH THE JUDGE'S ORDER,
13 AS WE DISCUSSED LAST MONTH, IS TO MOVE AHEAD AND TRY AND
14 CONCENTRATE ON THE CURRENT ACTIVITIES THAT WILL BRING
15 THIS FACILITY -- NUMBER ONE, BRING THIS FACILITY INTO
16 LINE AND ALSO ALLOW US, FROM OUR STATE PERSPECTIVE, TO
17 CONCENTRATE ON THE DEVELOPMENT OR ASSISTING LOS ANGELES
18 IN DEVELOPING ALTERNATIVES TO THIS LANDFILL SO THAT IT IS
19 ULTIMATELY NO LONGER NECESSARY.

20 SO WHAT I'M ASKING YOU TO DO TODAY IS TO
21 TAKE A VOTE, BASED ON RESOLUTION 90-23, TO VACATE YOUR
22 JULY 14, 1989, PERMIT CONCURRENCE DECISION AND TO DIRECT
23 STAFF TO COMPLETE THE COMPLIANCE WITH THE COURT'S ORDER
24 BY RETURNING FOR THE RECONSIDERATION PORTION OF THIS
25 MATTER AT THE MAY 1990 MEETING.

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1 THE EFFECT OF DOING THIS. MR. CHAIRMAN AND
2 MEMBERS, IS MINIMAL. THAT PERMIT WHICH YOU CONCURRED IN
3 IN JULY OF 1989 WAS NEVER SERVED UPON OR DELIVERED TO THE
4 CITY OF LOS ANGELES. IT NEVER WENT INTO EFFECT IN ANY
5 EVENT.

6 SO THEY HAVE BEEN OPERATING UNDER TWO
7 THINGS: THE ORIGINAL PERMIT. THE CITY OF LOS ANGELES
8 HAS BEEN OPERATING UNDER THE ORIGINAL 1978 PERMIT AS WELL
9 AS PORTIONS OF THE COURTS' ORDER, INJUNCTIVE ORDER,
10 PROHIBITING US AND THE COUNTY FROM IMPOSING MORE
11 STRINGENT CONDITIONS.

12 SO THE EFFECT OF YOUR VACATING YOUR ORDER
13 IS LIMITED BECAUSE THAT PERMIT WAS NEVER ALLOWED TO GO
14 INTO EFFECT.

15 CHAIRMAN GALLAGHER: THANK YOU. ANY QUESTIONS
16 OF MR. CONHEIM?

17 BOARD MEMBER TCHOBANOGLOUS: BOB, QUICK
18 QUESTION. EVEN THOUGH WE CAN'T ENFORCE ANY STRICTER
19 REQUIREMENTS, THAT PERMIT ACTUALLY HAS TO COME UP FOR
20 REREVIEW SINCE IT'S LONG PAST DUE, ISN'T IT? IS THAT NOT
21 CORRECT?

22 ATTORNEY CONHEIM: YES, PROFESSOR TCHOBANOGLOUS.
23 AND, IN FACT, I UNDERSTAND THAT THE COUNTY AND THE CITY
24 ARE WORKING ON A PERMIT APPLICATION AND REVISED PERMIT
25 NOW FOR THE EXISTING OPERATION. NOT THE ULTIMATE

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1 EXPANSION.

2 BOARD MEMBER TCHOBANOGLOUS: THE JUDGE'S ORDER
3 DOES NOT COVER FUTURE ACTIONS?

4 ATTORNEY CONHEIM: NO. IT ONLY ASKS US WHAT WE
5 ARE ALLOWED TO DO BY LAW. IT DOES NOT ASK US TO DO
6 ANYTHING WE ARE NOT ALLOWED TO DO BY LAW.

7 THE CITY OF LOS ANGELES, THE MOVING PARTY,
8 WROTE THE ORDER FOR THE JUDGE'S SIGNATURE AND, USING SOME
9 WISDOM, DID NOT PUT RHETORIC OR DICTA OR OTHER
10 REQUIREMENTS INTO THAT ORDER WHICH MIGHT HAVE COMPLETELY
11 EXCEEDED WHAT OUR LEGAL ABILITY WAS TO DO.

12 SO WE'RE IN A POSITION WHERE, BY DOING
13 THIS, WE ARE SIMPLY MOVING THE ISSUE FORWARD. THERE'S
14 BEEN SOME PUBLIC COMMENT TO ME THAT, "DOESN'T THIS
15 INDICATE THAT WE'RE BACKING DOWN?"

16 IN FACT, WE'VE ACCOMPLISHED VIRTUALLY
17 EVERYTHING FROM BOTH THE BOARD AND STAFF PERSPECTIVE THAT
18 WE HAD ATTEMPTED TO DO IN GETTING INVOLVED IN THE MATTER
19 IN THE FIRST PLACE. SO NOW THERE IS STATE STAFF
20 INVOLVEMENT AT THE LANDFILL ON A PERIODIC BASIS, AND
21 THERE IS COUNTY STAFF INVOLVEMENT AT THE LANDFILL ON A
22 PERIODIC BASIS AND BASIC COMPLIANCE BY THE CITY.

23 CHAIRMAN GALLAGHER: THANK YOU. YOU'VE HEARD
24 STAFF RECOMMENDATION.

25 BOARD MEMBER BREMBERG: MR. CHAIRMAN, I MOVE WE



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1 ACCEPT THE STAFF RECOMMEND AND RESOLUTION 90-23.

2 CHAIRMAN GALLAGHER: IS THERE A SECOND?

3 BOARD MEMBER BROWN: SECOND.

4 CHAIRMAN GALLAGHER: MOVED AND SECONDED WE ADOPT
5 STAFF RECOMMENDATION AND ADOPT RESOLUTION 90-23. PLEASE
6 CALL THE ROLL.

7 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

8 BOARD MEMBER BREMBERG: AYE.

9 SECRETARY DUNN: BROWN?

10 BOARD MEMBER BROWN: YES.

11 SECRETARY DUNN: GEARHEART? ABSENT.

12 LOCKINGTON?

13 BOARD MEMBER LOCKINGTON: YES.

14 SECRETARY DUNN: MOSCONE?

15 BOARD MEMBER MOSCONE: YES.

16 SECRETARY DUNN: TCHOBANOGLIOUS?

17 BOARD MEMBER TCHOBANOGLIOUS: YES.

18 SECRETARY DUNN: VARNER?

19 BOARD MEMBER VARNER: AYE.

20 SECRETARY DUNN: CHAIRMAN GALLAGHER?

21 CHAIRMAN GALLAGHER: AYE.

22 CARRIED AND SO ORDERED.

23 AND MAY WE MOVE NOW TO ITEM 11.

24 MR. OLDALL: YES, WE MAY, MR. CHAIRMAN.

25 ITEM NO. 11 IS THE STATUS REPORT ON



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1 SELECTION OF LOCAL TASK FORCES FOR THE COUNTY INTEGRATED
2 WASTE MANAGEMENT PLANS. AND ALL OF US THAT HAVE READ AB
3 939 AD NAUSEUM ARE PRETTY WELL AWARE THAT ONE OF THE MAIN
4 SIGNIFICANT PARTS OF THAT STATUTE WAS A REQUIREMENT FOR
5 THE PREPARATION OF THE COUNTY INTEGRATED WASTE MANAGEMENT
6 PLANS AND THE VERY IMPORTANT REQUIREMENT THAT EACH AND
7 EVERY ONE OF THE COUNTIES ESTABLISH A COUNTY TASK FORCE
8 TO ASSIST IN THE PREPARATION OF THOSE PLAN ELEMENTS.

9 THESE TASK FORCES IN THE STATUTE WERE
10 REQUIRED TO BE ESTABLISHED BY MARCH 1 OF THIS CURRENT
11 YEAR. THE BOARD STAFF HAS BEEN, AS USUAL, IN VERY CLOSE
12 CONTACT WITH ALL THE COUNTIES, SENT OUT A NUMBER OF
13 LETTERS IN THE EARLY PART OF THE YEAR, AS WELL AS PAID AN
14 EXCEEDINGLY LARGE NUMBER OF VISITS TO THOSE COUNTIES.

15 AT THIS POINT IN TIME, I'D LIKE TO HAVE
16 JOHN SMITH, THE MANAGER OF THE LOCAL PLANNING DIVISION,
17 PRESENT AN UPDATE TO THE BOARD ON EXACTLY WHICH ONES WE
18 RECEIVED FROM WHICH COUNTIES AND WHERE EACH COUNTY IS IN
19 THIS PARTICULAR STATUS PROCESS. JOHN.

20 CHAIRMAN GALLAGHER: THANK YOU, ALAN.

21 MR. SMITH: MR. CHAIRMAN AND BOARD MEMBERS,
22 FORMATION OF THE LOCAL TASK FORCE IS ONE OF THE FIRST
23 REQUIREMENTS THAT LOCAL GOVERNMENTS MUST MEET IN
24 PREPARING THE COUNTY INTEGRATED WASTE MANAGEMENT PLANS.
25 AS ALAN OLDALL INDICATED, THOSE TASK FORCES WERE TO BE

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1 ESTABLISHED BY MARCH 1.

2 THE PUBLIC RESOURCES CODE SECTION 40950
3 DOES REQUIRE THE ESTABLISHMENT OF LOCAL TASK FORCE IN
4 EVERY COUNTY EXCEPT THE CITY AND COUNTY OF SAN FRANCISCO.
5 THE COUNTIES AND CITIES, IN SELECTING THEIR MEMBERSHIP,
6 CAN CHOOSE FROM THE FOLLOWING CATEGORIES: THE GENERAL
7 PUBLIC, ENVIRONMENTAL GROUPS, SOLID WASTE INDUSTRY,
8 GOVERNMENTAL AGENCIES, AND OTHER AFFECTED PARTIES.

9 THE PURPOSES OF THE LOCAL TASK FORCE ARE TO
10 ENSURE CLOSE COORDINATION BETWEEN THE CITIES IN PREPARING
11 THE SOURCE REDUCTION AND RECYCLING ELEMENTS. THE TASK
12 FORCE IS ALSO TO IDENTIFY SOLID WASTE ISSUES OF REGIONAL
13 CONCERNS, LIKE REGIONAL WASTE HANDLING FACILITIES OR
14 REGIONAL RECYCLING FACILITIES. THEY ARE ALSO SUPPOSED TO
15 IDENTIFY SUCH THINGS AS REGIONAL MARKETS FOR RECYCLABLES.

16 THE TASK FORCES ARE ALSO REQUIRED TO
17 IDENTIFY THE GOALS, POLICIES, AND OBJECTIVES FOR THE
18 SECOND ELEMENT OF THE COUNTY INTEGRATED WASTE MANAGEMENT
19 PLAN AND THAT IS THE SITING ELEMENT.

20 ALSO, OUR REGULATIONS REQUIRE THAT THE
21 LOCAL TASK FORCES PROVIDE ASSISTANCE TO LOCAL GOVERNMENTS
22 IN PREPARING BOTH ELEMENTS OF THE PLAN. THE REGULATIONS
23 AND ALSO REQUIRE THAT THE LOCAL TASK FORCES REVIEW THE
24 INDIVIDUAL SOURCE REDUCTION AND RECYCLING ELEMENTS AND
25 THE SITING ELEMENT.

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1 THE LOCAL TASK FORCES WERE SUPPOSED TO BE
2 JOINTLY ESTABLISHED BY THE BOARD OF SUPERVISORS AND A
3 MAJORITY OF THE CITIES WITH A MAJORITY OF THE POPULATION.

4 TO COMMUNICATE THESE FINDINGS TO THE
5 COUNTY, BOARD STAFF HAD THE EXECUTIVE OFFICER SEND OUT A
6 LETTER TO ALL CHAIRMANS OF THE BOARD OF SUPERVISORS,
7 INDICATING TO THEM -- THAT WAS IN FEBRUARY -- INDICATING
8 TO THEM THE REQUIREMENTS OF THE LOCAL TASK FORCE, AND WE
9 ALSO REQUESTED THAT THEY SEND VERIFICATION ONCE THOSE
10 LOCAL TASK FORCES WERE FORMED.

11 ALSO, STAFF HAS VISITED A NUMBER OF
12 COUNTIES SPECIFICALLY DISCUSSING THE REQUIREMENTS OF THE
13 LOCAL TASK FORCE. THE COUNTIES THAT WE VISITED, WHICH
14 WERE 27, ARE INDICATED ON THE BOTTOM OF PAGE 329 OF YOUR
15 BOARD PACKET.

16 ALSO, WE GOT SOME ASSISTANCE FROM THE
17 LEAGUE OF CITIES. THEY INFORMED ALL THEIR MEMBERS OF THE
18 REQUIREMENTS, AND THEY URGED THEIR MEMBERS TO GET
19 INVOLVED IN THE SELECTION OF THOSE TASK FORCES.

20 FOR THIS ITEM THE BOARD STAFF REVIEWED --
21 TO PROVIDE YOU WITH AN UPDATE OF WHO HAS SELECTED, BOARD
22 STAFF HAS REVIEWED ALL THE WRITTEN CORRESPONDENCE WE'VE
23 RECEIVED FROM THE COUNTIES. ALSO, WE PHONE SURVEYED
24 THOSE FROM WHICH WE DID NOT HAVE WRITTEN COMMUNICATIONS
25 TO DETERMINE HOW MANY COUNTIES HAD COMPLETED THE PROCESS.

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1 COMPLETION OF THE FORMATION OF THE TASK
2 FORCE WOULD INCLUDE BOTH BOARD OF SUPERVISOR APPROVAL AND
3 CONCURRENCE BY A MAJORITY OF THE CITIES WITH A MAJORITY
4 OF THE POPULATION.

5 WHAT INFORMATION I'LL GIVE YOU FIRST IS
6 WHAT INFORMATION WE HAD AT THE TIME OF WRITING, AND I'D
7 ALSO LIKE TO PRESENT YOU WITH AN UPDATE SINCE THE TIME OF
8 WRITING.

9 IN THE AGENDA WE INDICATED THAT NINE
10 COUNTIES HAD COMPLETED THE FORMATION OF THE LOCAL TASK
11 FORCES. AN ADDITIONAL 15 COUNTIES HAD JUST OBTAINED
12 BOARD OF SUPERVISORS' APPROVAL. THE REMAINING 32
13 COUNTIES WERE IN THE PROCESS OF SELECTING MEMBERS FOR THE
14 TASK FORCES. AND IT SEEMS THAT EVERY COUNTY NOW IS AWARE
15 OF THESE REQUIREMENTS, AND THEY ARE WORKING ON SELECTING
16 THE MEMBERS.

17 SINCE THE ITEM WAS PRINTED, THE NUMBER OF
18 COUNTIES THAT HAVE COMPLETED THE PROCESS HAS GONE FROM
19 NINE TO TEN COUNTIES. THAT'S APPROXIMATELY 18 PERCENT OF
20 ALL THE COUNTIES THAT WERE REQUIRED TO APPOINT. BOARD OF
21 SUPERVISORS HAVE -- THE NUMBER OF COUNTIES THAT HAVE HAD
22 JUST BOARD OF SUPERVISORS APPROVAL OF THE TASK FORCE HAS
23 INCREASED FROM 15 TO 18. THAT'S APPROXIMATELY 32 PERCENT
24 OF ALL THE COUNTIES. AND AS A REMAINING, 28 COUNTIES
25 THAT ARE STILL IN THE PROCESS OF SELECTING THE MEMBERS.

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1 THE -- IN LOOKING AT THE INFORMATION WE
 2 RECEIVED ALREADY ON THE TASK FORCES. THEY'RE GENERALLY
 3 MADE UP OF MEMBERS OF THE CITIES, A MEMBER FROM THE BOARD
 4 OF SUPERVISORS, A MEMBER FROM SOLID WASTE INDUSTRY, AND A
 5 MEMBER FROM AN ENVIRONMENTAL GROUP. THERE IS ONE AGENCY
 6 SO FAR THAT HAS FORMED A BICOUNTY LOCAL TASK FORCE. THAT
 7 IS SUTTER AND YUBA. THAT'S A JOINT POWERS AGREEMENT.
 8 THAT JOINT POWERS AGREEMENT IS ALSO PREPARING THE PLAN.

9 WITH SO MANY COUNTIES STILL YET TO HAVE
 10 SELECTED, BOARD STAFF RIGHT NOW IS DRAFTING A LETTER,
 11 WITH CHIEF EXECUTIVE OFFICER'S SIGNATURE, TO THE BOARD OF
 12 SUPERVISORS -- CHAIRMANS OF BOARD OF SUPERVISORS
 13 REQUESTING THAT THEY DESIGNATE -- THEY COMPLETE THE
 14 FORMATION OF THE LOCAL TASK FORCE WITHIN 30 DAYS. AND WE
 15 WOULD BE GLAD TO REPORT BACK TO YOU ON THE PROGRESS WE'RE
 16 HAVING IN FUTURE SELECTIONS OF TASK FORCES AT THE NEXT
 17 MEETING.

18 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

19 CHAIRMAN GALLAGHER: MS. BREMBERG.

20 BOARD MEMBER BREMBERG: ISN'T -- YOU SAID YOU
 21 ADDED ONE COUNTY. TO THE BEST OF MY KNOWLEDGE, LOS
 22 ANGELES COUNTY HAS HAD CITY APPROVAL.

23 MR. SMITH: THEY'RE STILL -- I TALKED TO LOS
 24 ANGELES COUNTY THIS MORNING. THEY THINK THEY HAVE IT,
 25 BUT THEY'RE STILL VERIFYING IT. SO THAT WOULD BRING IT

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1 TO --

2 BOARD MEMBER BREMBERG: AT LEAGUE OF CITIES
3 DIVISION MEETING THE INDICATION WAS THAT THE CITIES THAT
4 HADN'T RESPONDED, THEREBY GIVING TACIT APPROVAL, HAD GONE
5 WAY OVER THE NUMBERS NEEDED.

6 MR. SMITH: I KNEW THAT QUESTION WOULD COME UP.
7 I DID TALK TO STAFF AND THEY WERE CAUTIOUS ABOUT IT. BUT
8 THEY'RE PRETTY SURE THAT THEY HAVE IT.

9 ARE THERE ANY FURTHER QUESTIONS?

10 CHAIRMAN GALLAGHER: THANK YOU FOR THAT REPORT,
11 JOHN. IT'S BEEN A GOOD GREAT CONCERN TO ME, AND I HOPE
12 YOU WILL KEEP US POSTED IF THERE'S ANYTHING YOU WANT ANY
13 OF THE BOARD MEMBERS TO DO WITHIN THEIR OWN RESPECTIVE
14 COUNTIES.

15 MR. SMITH: I WILL KEEP YOU POSTED, MR.
16 CHAIRMAN.

17 CHAIRMAN GALLAGHER: GOING TO MOVE NOW TO ITEM
18 NO. 12.

19 MR. IWAHIRO: MR. CHAIRMAN, ITEM NO. 12 IS, AS
20 THE AGENDA READS, REPORT ON OUR LEA ENFORCEMENT -- THE
21 LEA TRAINING PROGRAM THAT WE'VE JUST RECENTLY COMPLETED.

22 AS YOU KNOW, WE FROM TIME TO TIME DO GIVE
23 THESE TRAINING SESSIONS, AND THIS ONE HERE WE HAD A
24 CONTRACT WITH RMI, WHICH HAL GJERMANN WILL TELL US ABOUT.
25 ALONG WITH HIS OTHER DUTIES, HE'S BEEN MORE OR LESS

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1 RAMRODDING THE SET OF SEMINARS. HE'LL GIVE YOU A
2 BRIEFING AS TO THE TYPES OF TRAINING AND THE RESULTS AS
3 WE SEE THEM.

4 MR. GJERMANN: MR. CHAIRMAN, BOARD MEMBERS, AS
5 IT STATES HERE, THIS IS A REPORT ON THE RECENT LEA DEAL
6 THAT WAS PUT ON BY THE CONTRACTOR, RESOURCES MANAGEMENT
7 INCORPORATED.

8 THE ATTENDANCE WAS UP CONSIDERABLY, 17
9 PERCENT OVER THE PREVIOUS SEMINAR. THE LAST ONE WAS IN
10 '88. AND ACCORDING TO THE SEMINAR EVALUATIONS, WE
11 RECEIVED 130 FROM THE 268 PARTICIPANTS. 15 PERCENT SAID
12 THEY WERE EXCELLENT, 60 PERCENT GOOD, 23 PERCENT
13 SATISFACTORY, AND 2 PERCENT POOR.

14 THE PARTICIPANTS WOULD LIKE TO SEE THE
15 SEMINARS REPEATED AS CONFIRMED BY -- THERE WERE TEN KIND
16 OF MAJOR SUBJECTS FOR THE FUTURE SEMINARS AND 19 TOTAL,
17 AND PROBABLY WE PUT ON SEVEN OR EIGHT SEMINARS TOTAL OVER
18 THE YEARS.

19 AT ONE POINT COUPLE THREE MONTHS AGO, I HAD
20 THAT INFORMATION, AND I WANTED TO GET THE EXACT NUMBER
21 FOR YOU. I WAS UNABLE TO FIND IT. WE ONLY HAVE THE
22 DETAILED INFORMATION LEFT ON THE LAST THREE SEMINARS,
23 WHICH WERE '86, '88, AND THEN THIS '89-90 SESSION WE JUST
24 COMPLETED.

25 THE SUGGESTIONS FOR THE FUTURE TOPICS ARE



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1 LISTED ON THE SECOND PAGE. I DON'T KNOW IF YOU WANT ME
2 TO GO INTO DETAIL ON THEM. YOU HAD A CHANCE TO READ
3 THEM. ARE THERE ANY SPECIFIC QUESTIONS?

4 BOARD MEMBER LOCKINGTON: ARE THESE LISTED IN
5 ORDER OF HOW MANY PEOPLE SAID --

6 MR. GJERMANN: NO, THEY'RE NOT.

7 BOARD MEMBER LOCKINGTON: THEY'RE JUST AT
8 RANDOM?

9 MR. GJERMANN: JUST KIND OF A RANDOM LISTING.

10 MR. IWAHIRO: WE'LL ADDRESS THAT IN OUR PERMIT
11 POLICY, MS. BREMBERG.

12 MR. GJERMANN: THE FIRST DAY THERE WERE A NUMBER
13 OF WRITTEN QUESTIONS. MORE THAN 40 PEOPLE SUBMITTED OVER
14 A HUNDRED QUESTIONS. THEY'RE LISTED ON PAGE 3 OF THE
15 ITEM.

16 SEVERAL OF THESE SEVEN WERE ALSO LISTED IN
17 FUTURE TOPICS, SHOWING A DOUBLE INTEREST BY PEOPLE. THE
18 FIRST ONE, EXCEEDING PERMIT TONNAGE, WATER BOARD, WASTE
19 MANAGEMENT BOARD COORDINATION, IMPACT OF 939. THERE WERE
20 A NUMBER OF QUESTIONS ON, OF COURSE, 939 THAT STAFF WAS
21 UNABLE TO REALLY ANSWER BECAUSE WE WERE SO EARLY IN THE
22 PROCESS AT THAT POINT.

23 THERE WERE A NUMBER OF QUESTIONS ON
24 PERMITS, AS WOULD BE EXPECTED, BECAUSE THIS WAS THE FIRST
25 DAY AND THIS WAS A PRESENTATION BY THE PERMIT STAFF.

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1 THERE WAS QUITE A CONCERN ABOUT HOW FEES
2 WOULD COME TO THE LEA'S AND IF THERE WERE PENALTIES, AS
3 IT STATES HERE. WOULD THEY SPLIT WITH THE LEA'S? THAT
4 WAS ONE THAT WAS IN FUTURE TOPICS.

5 THE SIGNIFICANT CHANGE, THERE WERE A NUMBER
6 OF SWAT REPORTS SIGNIFICANCE IN OUR PROCESS AND SOME
7 ABOUT MINIMUM STANDARDS.

8 DON DIER TELLS ME THAT THEY'LL PROBABLY
9 SUMMARIZE ANSWERS TO ALL THESE QUESTIONS AND SUBMIT THEM
10 TO ANYONE THAT'S INTERESTED. PLANNING RECENTLY DID A
11 SIMILAR THING, I UNDERSTAND.

12 SECOND DAY QUESTIONS WERE PRETTY MUCH
13 ANSWERED AS THEY CAME UP. THEY WERE MORE TECHNICAL IN
14 MOST CASES AND VERY BROAD. WE RECEIVED 40 WRITTEN ONES,
15 BUT THEY DIDN'T HAVE THE -- YOU KNOW, THEY WEREN'T KIND
16 OF TUNED IN ON SUBJECTS NEARLY AS MUCH AS THE FIRST DAY'S
17 QUESTIONS.

18 UNLESS THERE'S QUESTIONS, THAT'S ALL I
19 HAVE. IT'S JUST AN INFORMATION ITEM.

20 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

21 CHAIRMAN GALLAGHER: MS. BREMBERG.

22 BOARD MEMBER BREMBERG: NO. 7, UNDER MOST
23 WRITTEN QUESTIONS, WILL FEES ON PENALTIES BE SPLIT WITH
24 THE LEA'S? IF WE WOULD DECIDE TO DO THAT, DO YOU THINK
25 THAT THE ENFORCEMENT WOULD BE STEPPED UP IF THEY THOUGHT

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1 THEY COULD AMPLIFY THEIR BUDGETS? PARTICULARLY IN THE
2 SMALLER COUNTIES WHERE THE BUDGETS ARE EXTRAORDINARILY
3 LIMITED, WOULD THAT BE THE CARROT APPROACH TO STEPPED UP
4 ENFORCEMENT BY THE LOCAL ENFORCEMENT AGENTS?

5 MR. GJERMANN: I WOULD THINK IT WOULD BE.
6 ALMOST ALWAYS THAT'S A REAL STRONG INCENTIVE. IF YOU ARE
7 FURNISHING THE FUNDING, WHY, YOU CAN INSIST ON THE END
8 PRODUCT.

9 BOARD MEMBER BREMBERG: I JUST THOUGHT IT MIGHT
10 HELP.

11 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?
12 THANK YOU VERY MUCH.

13 DO I UNDERSTAND YOU THAT WE WILL PLAN ON
14 ANOTHER SEMINAR LATER THIS YEAR SOMEWHERE?

15 MR. GJERMANN: IF IT'S IN THE BUDGET. I DON'T
16 KNOW. HERB IS NODDING HIS HEAD YES.

17 CHAIRMAN GALLAGHER: DO YOU HAVE -- I NOTICE IN
18 THE COMMENTS THAT, BECAUSE OF THE LOW ATTENDANCE IN THE
19 BAY AREA, THERE WAS A RECOMMENDATION THAT SAN FRANCISCO
20 BE EXCLUDED FROM THE NEXT SEMINAR. WOULD THAT STILL BE A
21 RECOMMENDATION?

22 MR. IWAHIRO: I BELIEVE THAT WAS IN REFERENCE TO
23 THE TIME BEFORE, AND WHAT HE WAS POINTING OUT IS THAT WE
24 HELD IT IN LIVERMORE, AND WE HAD A GREAT TURNOUT.

25 MR. GJERMANN: THE '88 SEMINAR WAS LOW. IT WAS

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1 IN OAKLAND AND IT WAS LOW IN ATTENDANCE. THIS LAST ONE
2 WE HELD IN LIVERMORE, AND IT HAD THE HIGHEST ATTENDANCE
3 OF ANY SINGLE SEMINAR.

4 CHAIRMAN GALLAGHER: IS THERE ANY SIGNIFICANCE
5 OF HOLDING IT IN LIVERMORE?

6 MR. GJERMANN: WE FELT THE TRANSPORTATION WOULD
7 BE EASIER FOR PEOPLE.

8 ALSO, WE HAD KIND OF SELECTED REDDING AND
9 FRESNO, AND WE THOUGHT THAT WOULD ALLOW SACRAMENTO AND
10 MODESTO PEOPLE TO GET INTO LIVERMORE EASIER THAN GETTING
11 INTO THE BAY AREA.

12 BOARD MEMBER MOSCONE: I WAS JUST WONDERING IF
13 THAT LIVERMORE MEETING INCLUDED A VISIT TO ALTAMONT.

14 MR. GJERMANN: NO, IT DID NOT. IT WAS STRICTLY
15 TIME IN THE CLASSROOM.

16 CHAIRMAN GALLAGHER: THANK YOU. IT'S A NICE
17 REPORT, AND WE'LL LOOK FORWARD TO HEARING ABOUT THE NEXT
18 ONE.

19 MR. IWAHIRO: I JUST MIGHT WANT TO MAKE A
20 COMMENT HERE IN THAT THE ATTENDANCE WAS UP, AND I THINK
21 THAT'S REFLECTIVE OF THE FACT THAT THE LEA'S ARE PAYING
22 MORE ATTENTION, AND THEY REALIZE THAT THEY'VE GOT TO GET
23 SOME OF THIS TRAINING. AND I BELIEVE THAT OUR --
24 PROBABLY ONE OF THE GREATEST SERVICES WE COULD DO IS TO
25 HAVE THESE ON A REGULAR BASIS.

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1 WHEN WE PUT THE PRESSURE ON THE LEA'S. THEN
2 I THINK IT'S INCUMBENT UPON US TO GET THEM TRAINED AS
3 WELL, AND THEY'RE RESPONDING BY THE FACT THAT THEY'RE
4 INCREASING THEIR PARTICIPATION.

5 BOARD MEMBER TCHOBANOGLOUS: JOHN.

6 CHAIRMAN GALLAGHER: MR. TCHOBANOGLOUS.

7 BOARD MEMBER TCHOBANOGLOUS: I WAS JUST GOING TO
8 COMMENT THAT IT SEEMS TO ME THAT IF WE PUT THIS ON A MORE
9 REGULAR BASIS, DESCRIBING CHANGES IN REGULATIONS AND
10 THINKING, THAT IT WOULD GO A LONG WAY TOWARDS ELIMINATING
11 THESE LONG LETTERS THAT WE'VE HAD ABOUT DELAYS AND ALL
12 THE REST OF IT. AND THE FACT THAT WE HAVE NOT DONE IT ON
13 A REGULAR BASIS, I THINK, IF WE'RE GOING TO GET THESE
14 AGENCIES UP TO RUNNING SPEED AND LET THEM KNOW THAT WE'RE
15 SUPPORTING THEM, I WOULD SUGGEST THAT WE DO IT TWICE A
16 YEAR.

17 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

18 CHAIRMAN GALLAGHER: YES, MS. BREMBERG.

19 BOARD MEMBER BREMBERG: THIS IS A QUESTION THAT
20 I ASKED YOU PRIVATELY, BUT I WOULD LIKE TO KNOW THE
21 ANSWER. DID LOS ANGELES COUNTY ATTEND ANY OF THE
22 SEMINARS?

23 MR. GJERMANN: YES. THERE WERE A GREAT NUMBER
24 OF PEOPLE FROM LOS ANGELES COUNTY.

25 ONE INTERESTING LITTLE THING I'D LIKE TO

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1 ADD ON HERB'S COMMENT, IF I MAY, NEARLY HALF THE PEOPLE
2 THAT ATTENDED HAD LESS THAN THREE YEARS SOLID WASTE
3 EXPERIENCE. SO THERE WAS A GREAT NUMBER OF NEW PEOPLE IN
4 THE INDUSTRY THAT WERE THERE.

5 BOARD MEMBER LOCKINGTON: I WANTED TO SUPPORT
6 WHAT GEORGE SAID. IT'S INTERESTING, YOU SEND OUT ALL
7 KIND OF PAPER, NOBODY READS THEM; BUT IF YOU'VE GOT THEM
8 STANDING THERE IN FRONT OF YOU, THEY GOT TO LISTEN.

9 BUT WAS NEVADA COUNTY, DID THEY
10 PARTICIPATE?

11 MR. GJERMANN: YES. AT LEAST ONE MEMBER, I'M
12 SURE, DID, MAYBE MORE.

13 CHAIRMAN GALLAGHER: THANK YOU. THANKS AGAIN
14 FOR THE REPORT.

15 IT'S APPROPRIATE TIME TO RECESS FOR LUNCH.
16 WE WILL RECONVENE THIS MEETING AGAIN AT 1:30.

17 (A BREAK WAS TAKEN.)

18 CHAIRMAN GALLAGHER: BRING THE MEETING OF THE
19 WASTE MANAGEMENT BOARD BACK TO ORDER, PLEASE. WE ARE
20 GOING TO HEAR ITEM 9 ON THE AGENDA.

21 MR. OLDALL: I THINK WE CAN POSSIBLY HEAR THAT
22 THIS AFTERNOON, MR. CHAIRMAN. I THINK WE'RE STILL ONE
23 PERSON SHORT FROM THE STAFF. WE'RE EXPECTING THEM
24 PERHAPS IN THE NEXT 15 MINUTES OR SO.

25 CHAIRMAN GALLAGHER: CAN WE MOVE TO ITEM 13.



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1 MR. OLDALL: MOST CERTAINLY. AS MR. LOCKINGTON
2 KNOWS, LUCKY 13 IS INDEED LUCKY WHEN IT'S CONNECTED WITH
3 WASTE TIRE STOCKPILES. AND THIS PARTICULAR ITEM IS THE
4 STAFF REPORT ON THE WASTE TIRE STOCKPILE REGISTRATION
5 PROGRAM.

6 AND I'LL JUST POINT OUT THAT LAST YEAR OR
7 SO THE BOARD MEMBERS WILL REMEMBER THAT ASSEMBLYMAN WILLY
8 BROWN HAD HIS AB 1843 PIECE OF LEGISLATION THAT PUT ABOUT
9 25 CENTS ON THE USED TIRE WHEN IT WAS PUT IN FOR EXCHANGE
10 FOR A NEW TIRE. AND AS PART OF THAT PARTICULAR PROGRAM,
11 ANYBODY WHO IS OPERATING A TIRE STOCKPILE, I THINK, WITH
12 OVER 500 TIRES WAS REQUIRED TO REGISTER THOSE STOCKPILES
13 WITH THE BOARD.

14 AND AS PART OF OUR IMPLEMENTATION IN THE
15 EARLY PART OF THIS YEAR FOR AB 939 AND ALL THE OTHER IWM
16 LEGISLATION, I'M PLEASED TO REPORT THAT WE HAVE STARTED
17 TO GET QUITE A FEW REGISTRATION FORMS IN ON THOSE
18 STOCKPILES, AND IT'S TIME THAT WE MADE A REPORT TO THE
19 BOARD.

20 JIM CROPPER FROM THE RESOURCE CONSERVATION
21 DIVISION HAS BEEN LARGELY IN CHARGE OF PUTTING THIS
22 PROGRAM TOGETHER. I'LL PASS THE REST OF THE PRESENTATION
23 OVER TO JIM.

24 MR. CROPPER: GOOD AFTERNOON, MR. CHAIRMAN,
25 MEMBERS OF THE BOARD.

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1 UNDER GOVERNMENT CODE SECTION 66799.70,
2 REQUIRES ALL OWNERS AND OPERATORS OF WASTE TIRE
3 STOCKPILES THAT HAVE GREATER THAN 500 WASTE TIRES TO
4 REGISTER WITH THE BOARD ON A FORM PROVIDED BY THE BOARD.

5 I JUST WANTED TO REVIEW, TO GO OVER SOME OF
6 STEPS THAT WE TOOK TO REGISTER FACILITIES, AND ALSO I
7 PROVIDED YOU A PHOTO THAT THE STATE DEPARTMENT OF
8 FORESTRY SENT TO US TO SHOW YOU WHAT A WASTE TIRE
9 STOCKPILE LOOKS LIKE.

10 FIRST THING THAT WE DID WAS DEVELOP A WHITE
11 WASTE TIRE REGISTRATION FORM THAT I PROVIDED IN THE
12 PACKET.

13 SECONDLY, WE SENT LETTERS TO VARIOUS
14 JURISDICTIONS THAT WE THOUGHT MIGHT HAVE INFORMATION ON
15 WASTE TIRE STOCKPILES. AMONGST THOSE WERE PLANNING
16 DEPARTMENTS, CODE ENFORCEMENT DEPARTMENT, MOSQUITO
17 ABATEMENT DISTRICTS, STATE DEPARTMENT OF FORESTRY. ALSO,
18 WE SENT OUT PUBLIC SERVICE ANNOUNCEMENTS TO DIFFERENT
19 MAGAZINES, TO DIFFERENT NEWSLETTERS THAT WE THOUGHT MIGHT
20 HAVE INFORMATION ON WASTE TIRE STOCKPILES.

21 AND AMONGST THE -- OF THE DIFFERENT
22 DEPARTMENTS THAT SENT OUT RESPONSES TO US EITHER BY PHONE
23 OR BY LETTER, 261 SAID THAT THEY DIDN'T KNOW OF ANY WASTE
24 TIRE STOCKPILES IN THEIR JURISDICTION: 77 DIFFERENT
25 JURISDICTIONS SAID THAT THEY KNEW OF WASTE TIRE

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1 STOCKPILES. AND OF THOSE -- WE PUT THOSE ON A COMPUTER
2 AND THEN SENT THOSE PEOPLE REGISTRATION FORMS AND A
3 LETTER TELLING THEM TO REGISTER WITH THE BOARD.

4 OF THOSE, 83 MET THE REQUIREMENTS OF HAVING
5 GREATER THAN 500 WASTE TIRES, AND 182 DIDN'T MEET THOSE
6 REQUIREMENTS. THEY HAD LESS THAN 500.

7 AND OF THE WASTE TIRES STORED, WE ADDED
8 THOSE UP ON THE COMPUTER, AND THERE'RE 45 MILLION WASTE
9 TIRES STORED, LITTLE BIT OVER TWO MILLION WASTE TIRES ARE
10 STOCKPILED, AND ABOUT 850,000 ARE DISPOSED OF EACH MONTH.

11 OF THE 45 MILLION, 30 MILLION OF THOSE WERE
12 AT THE WESTLEY FACILITY. AND SO OTHER FACILITIES BESIDES
13 THE WESTLEY, THERE'S ABOUT 15 MILLION IN OTHER WASTE TIRE
14 STOCKPILES. I THINK THAT THERE ARE MANY OTHER WASTE TIRE
15 STOCKPILES THAT WE HAVEN'T IDENTIFIED. ALSO, AMONGST
16 THOSE ARE DAIRY FARMS IN WHICH A LOT OF PEOPLE USE -- A
17 LOT OF FARMERS USE THE WASTE TIRES TO COVER SILAGE WITH.

18 THIS IS JUST MY ESTIMATION, AND I THINK
19 THAT THERE ARE MANY MORE WASTE TIRE STOCKPILES OUT THERE.
20 AND THIS IS JUST AN INFORMATIONAL ITEM. IF YOU HAVE ANY
21 QUESTIONS OF ME, I'LL BE HAPPY TO ANSWER THEM.

22 CHAIRMAN GALLAGHER: OKAY. MS. BREMBERG.

23 BOARD MEMBER BREMBERG: THANK YOU, MR. CHAIRMAN.

24 JIM, THE STANISLAUS COUNTY PLANT IS THE
25 ONLY ONE THAT IS REALLY CONSISTENTLY DISPOSING OF A

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1 SPECIFIC AMOUNT ON A DAILY BASIS. AM I RIGHT OR WRONG?

2 MR. CROPPER: THAT ARE USING THEM TO GENERATE
3 ELECTRICITY. DISPOSING, ON THE FORM IT TALKS ABOUT
4 DIFFERENT METHODS -- DIFFERENT WAYS OF DISPOSING.
5 DISPOSING CAN BE SHREDDING THEM AND PUTTING THEM IN
6 LANDFILL, AND THAT WAY YOU COULD SAY YOU ARE DISPOSING
7 THEM, OR IN SOME INSTANCES, JUST COVERING THEM WITH
8 EARTH.

9 BOARD MEMBER BREMBERG: DID YOU GET ANY
10 RESPONSES ABOUT RECYCLING THE CRUMB RUBBER CONCEPT AND
11 THE REUSE OF TIRES? I DIDN'T SEE ANYTHING.

12 MR. CROPPER: NOT THAT I CAN REMEMBER.

13 BOARD MEMBER BREMBERG: THAT SEEMS TO BE
14 DEVELOPING INTO QUITE AN INDUSTRY.

15 MR. CROPPER: THERE WEREN'T ANY THAT I SAW, THAT
16 I REMEMBER THAT WERE DOING THAT.

17 BOARD MEMBER LOCKINGTON: JIM, THE REDDING
18 PLANT. YOU ARE BURNING THEM FOR CEMENT FUEL.

19 MR. CROPPER: OF THAT ONE, WE DIDN'T -- PERHAPS
20 I JUST DIDN'T REMEMBER -- I DON'T REMEMBER INDIVIDUAL
21 ONES.

22 BOARD MEMBER LOCKINGTON: 2500 TIRES A DAY BEING
23 USED IN REDDING, CALIFORNIA, FOR FUEL ENHANCEMENT.
24 THAT'S ABOUT THE ONLY TWO PLACES IN THE STATE ARE DOING
25 ANYTHING.

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1 MR. OLDALL: OF COURSE, I THINK THAT WOULD BE
2 DEPENDENT ON WHETHER WE ACTUALLY GOT A RESPONSE FROM
3 THOSE, JIM. WE COULD TAKE A LOOK AT THAT.

4 CHAIRMAN GALLAGHER: THE TROUBLING THING ABOUT
5 IT TO ME IS THAT THERE SEEMS TO BE NO RHYME OR REASON TO
6 HOW IT'S OCCURRING, BUT I THINK WE'RE GOING TO SEE AN
7 AWFUL LOT OF ILLEGAL TIRE PILES DEVELOP AND DEVELOP SO
8 QUICKLY YOU WON'T HARDLY EVEN KNOW THEY'RE BEING
9 DEVELOPED.

10 JIM AND I WENT LOOKING FOR SOME WHAT WE
11 THOUGHT MIGHT BE ILLEGAL TIRE PILES THE OTHER DAY ON
12 FRIDAY. AND WE CRUISED AROUND FOR TWO HOURS LOOKING FOR
13 THE PILE. IT WAS BEAUTIFULLY HIDDEN ON THE GROUNDS OF
14 THE OLD KAISER STEEL MILL IN FONTANA. GOD, EVEN WITH AN
15 ADDRESS WE COULDN'T FIND THEM.

16 SO YOU CAN IMAGINE WHAT IT'S GOING TO LOOK
17 LIKE IN THE MIDDLE OF SAN BERNARDINO COUNTY OUT AROUND
18 VICTORVILLE OR BLYTHE OR PLACES LIKE THAT OR UNLESS
19 THERE'S A CONSTANT SURVEILLANCE GOING ON.

20 I DON'T SEE ANYTHING WHICH -- IN THE LAW
21 WHICH IS GOING TO PREVENT SOMEBODY FROM TAKING TRUCK
22 AFTER TRUCK OF TIRES AND DUMPING THEM OUT ON THE DESERT
23 AND WALKING AWAY FROM THEM AND PUT THE 25 CENTS IN THEIR
24 POCKET.

25 IT'S A VERY WORRISOME THING. AND I THINK

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1 UNTIL WE CAN DEVELOP SOME MEANS OF INCLUDING MORE OF THEM
2 IN CEMENT KILNS AS SUPPLEMENTAL FUEL OR OTHER RECOVERY
3 PROCESSES, WE ARE REALLY STANDING TO BE INUNDATED IN USED
4 TIRES.

5 I DON'T HAVE ANY ANSWER FOR MY OWN DILEMMA,
6 BUT I THINK WE'RE GOING TO HAVE TO ALL OF US BE SERIOUSLY
7 CONCERNED ABOUT IT.

8 MR. OLDALL: WE WOULD LIKE TO THINK THAT THE
9 OTHER SIDE OF THAT PROGRAM, IF IT INDEED DOES GENERATE
10 SUFFICIENT FUNDS FOR US TO ACTUALLY DEVELOP A PROGRAM AS
11 IT WAS ORIGINALLY DESIGNED TO, WE WOULD HAVE CONSIDERABLE
12 AMOUNT OF DOLLARS TO LOOK AT ALL OF THESE VARIOUS
13 ALTERNATIVE METHODS, SPECIFICALLY INCLUDING THE CEMENT
14 KILN PROCESS. AND THAT IS ONE OF THE FIRST AREAS THAT I
15 KNOW STAFF IS LOOKING AT AND, AGAIN, SPREADING THE WORD
16 ON.

17 IN TERMS OF THE OTHER POINT THAT THE
18 CHAIRMAN MADE, I THINK, IS VALID AND THAT PERHAPS GETS
19 BACK TO WHAT ENFORCEMENT RECOURSE WE HAVE IF SOME OF
20 THESE OPERATORS DO NOT REGISTER WITH US. AND I NOTICE
21 THAT LEARNED COUNSEL ISN'T HERE AT THIS PARTICULAR POINT
22 IN TIME. I DON'T KNOW IF JIM OR CAROLE. PERHAPS, KNOW IF
23 IN THE BILL WE WERE GIVEN ANY SPECIFIC ENFORCEMENT POWERS
24 WITH RESPECT TO THAT. BECAUSE OTHERWISE. LIKE YOU SAY,
25 YOU ARE GOING TO HAVE THESE OTHER GUYS WHO CAN JUST SIT

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1 OUT THERE AND NOT REGISTER THEMSELVES.. IF THERE'S NO
2 THREAT OF PUNITIVE DAMAGE, WHY NEED THEY REGISTER
3 THEMSELVES WITH US?

4 CHAIRMAN GALLAGHER: IT'S REALLY A PROBLEM, AND
5 I'M SURE -- WE WERE JUST DISCUSSING IT ON OUR WAY BACK
6 INTO TOWN FROM FONTANA. I'D GIVE YOU SIX TO AN EVEN THEY
7 DIDN'T HAVE A FIRE PERMIT TO DO WHAT THEY WERE DOING.
8 THEY CERTAINLY WERE NOT OBSERVING ANY NORMAL KIND OF FIRE
9 PREVENTION THINGS BY LEAVING FIRE ROADS OR ANYTHING ELSE.

10 I DOUBT IF THEY HAD A CONDITIONAL LAND USE
11 PERMIT FOR STORING THEM. KAISER STEEL IS IN BANKRUPTCY,
12 AND THEY'RE BEING REPRESENTED BY A LEASING AGENT, WHICH
13 IS NOT ON THE PROPERTY NECESSARILY, SO THEY PROBABLY
14 DON'T KNOW WHAT THE HELL IS GOING IN THERE. YOU KNOW,
15 IT'S A REALLY WORRISOME THING.

16 MR. OLDALL: I THINK IF SERFF, IF MY MEMORY
17 ISN'T CORRECT, I THINK THAT WITHIN A YEAR OR TWO WE ARE
18 GOING TO SET UP A PERMIT PROGRAM FOR THESE PARTICULAR
19 FACILITIES. THEN I THINK THAT WOULD PUT THEM SOMEWHAT ON
20 A PAR WITH LANDFILLS AS REGARDS OUR ENFORCEMENT ASPECT.

21 BOARD MEMBER BREMBERG: HOW DO WE FIND THEM?

22 MR. OLDALL: HOW WE HAVE THE STAFF TO DO THAT IN
23 THE FIRST PLACE WHEN THERE ISN'T ANY MONEY IN THE BILL
24 FOR US TO DO THAT.

25 CHAIRMAN GALLAGHER: I WAS GETTING TO THAT POINT



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1 BECAUSE, IF I UNDERSTAND CORRECTLY, THE LEA OUT IN THAT
2 COUNTY SOMEHOW GOT THAT MESSAGE TO DON BOUCHER. I THINK
3 WHAT WE'RE GOING TO HAVE TO DO IS TO COMMUNICATE WITH
4 EVERY LEA AS A FIRST STEP IN THIS STATE, ASKING THEM --
5 POSING THE DILEMMA, ASKING THEM TO BE EVER VIGILANT IN
6 LOOKING AROUND FOR THAT KIND OF THING DEVELOPING IN THEIR
7 AREA SO WE CAN SEE IF WE CAN GET ON TOP OF IT BEFORE IT
8 GETS OUT OF HAND.

9 BOARD MEMBER LOCKINGTON: JOHN.

10 CHAIRMAN GALLAGHER: YES, JIM.

11 BOARD MEMBER LOCKINGTON: IF I COULD MAKE A
12 COUPLE OF COMMENTS. ONE, I THINK YOU ARE GOING TO HAVE A
13 LOT WHEN YOU WRITE THE REGULATIONS TO BACK THIS UP. MY
14 SUGGESTION IS 95 PERCENT OF ALL THE TIRE DEALERS ARE GOOD
15 PEOPLE AND THEY LIVE IN THE WORLD THE SAME AS WE DO, AND
16 THEY WANT TO DO THINGS RIGHT.

17 I THINK IT WOULD BEHOOVE US TO PUT TOGETHER
18 SOME KIND OF A LETTER TO GO TO THE CALIFORNIA TIRE
19 DEALERS NORTH AND SOUTH, WHICH ARE PRIMARILY INDEPENDENT
20 ORGANIZATIONS, AND THEN THE LARGE GUYS, THE GOODYEARS,
21 THE FIRESTONES, THE BRIDGESTONES, THESE VARIOUS PEOPLE,
22 ASKING THEM TO SEND OUT SOME KIND OF A COMMUNICATION TO
23 BOTH THEIR COMPANY OWNED STORES AND THEIR ASSOCIATE
24 DEALERS, THEY CALL THEM.

25 IN MOST OF THE STATES, THEY HAVE LOOKED AT



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1 SOME KIND OF A SYSTEM CONTROLLING THIS AT THE LEVEL OF
2 THE TIRE DEALER. OUR BILL WAS VERY REMISS IN NOT DEALING
3 WITH THAT. SO WHAT WE'RE TRYING TO DO IS HONE IN ON
4 ABOUT THE CENTER OF THIS WASTESTREAM WHEN IT SHOULD BE
5 CONTROLLED FROM THE VERY BEGINNING. SO IN YOUR REGS, IF
6 YOU CAN DO THAT, WOULD BE A SUGGESTION.

7 THE OTHER THING IS THAT'S A CONCERN TO ME
8 AND WHY I TOOK JOHN OUT THERE IS WE SAW FOUR MILLION
9 TIRES ROUGHLY WITHIN A 20-MINUTE DRIVE ONCE WE FOUND WHAT
10 THE HELL WE WERE LOOKING FOR. AND THERE'S FOUR MILLION
11 TIRES.

12 NOW, WHAT'S GOING TO HAPPEN TO THESE?
13 FIRST OF ALL, THE LAW SAYS THAT VERY QUICKLY SOMEBODY
14 MUST DETERMINE THAT THEY HAVE FISCAL RESPONSIBILITY FOR
15 THESE TIRES. IN OTHER WORDS, THESE PEOPLE GOT ENOUGH
16 MONEY IN THE CASE THAT SOMETHING HAD TO HAPPEN TO GET RID
17 OF THEM.

18 WE NEED TO ESTABLISH ON A PER TIRE OR PER
19 TON BASIS WHAT THAT NUMBER IS. BECAUSE HOW YOU ARE GOING
20 TO SMOKE THESE PEOPLE OUT FROM STOPPING THIS? IF YOU ASK
21 THEM IF THEY'VE GOT TWO MILLION TIRES ON THE GROUND, TO
22 PUT UP A BOND FOR \$2 MILLION, THEY'RE EITHER GOING TO
23 STOP OR GO GET THE \$2 MILLION BOND. AND THEN YOU ARE
24 HAPPY BECAUSE YOU'VE GOT THE MONEY TO TAKE CARE OF THEM
25 IF SOMETHING HAPPENS. LEGITIMATE PEOPLE CAN DO THAT.

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1 MY CONCERN IS AND WHAT'S HAPPENED ALL OVER
2 THE COUNTRY IS A PERSON GOES OUT. ROUGHLY IT COSTS ABOUT
3 50 CENTS TO GET RID OF A SCRAP TIRE NOW, MAYBE 35, MAYBE
4 65, MAYBE 50, BUT LET'S USE THE NUMBER 50 CENTS. THESE
5 PEOPLE GO OUT AND LEASE SOME LAND, NOT OWN IT, REMEMBER,
6 THEY LEASE IT. THEY PUT TWO AND A HALF, THREE MILLION
7 TIRES ON THE LAND, AVOID A 50-CENT CHARGE TO DO IT RIGHT,
8 AND THEREBY MAY BE AVOIDING 35 CENTS A TIRE. ON THREE
9 MILLION TIRES, THAT'S A MILLION DOLLARS IN THREE YEARS.

10 AND THEN THEY SAY, "WELL, OUR PROJECT TO
11 MAKE JIM BEAM WHISKEY OUT OF THESE TIRES BY POURING AN
12 ACID ON IT JUST ISN'T WORKING OUT, SO WE'RE BANKRUPT."
13 NOW YOU GOT WHOEVER OWNS THE PROPERTY SITTING THERE WITH
14 THREE MILLION TIRES; YOU GOT THE COUNTY SITTING THERE
15 WITH THREE MILLION TIRES; AND IF I READ THE LAW
16 CORRECTLY, THIS BOARD IS SITTING THERE WITH THE
17 RESPONSIBILITY FOR THREE MILLION TIRES.

18 AND I WOULD ONLY SAY TO THE ENFORCEMENT
19 SECTION, IN MY OPINION, UNLESS WE GET SOME REGULATIONS
20 THAT ARE MEANINGFUL, AS QUICKLY AS YOU ARE COLLECTING
21 MONEY, THERE ARE GOING TO BE PEOPLE OUT THERE STACKING UP
22 THE TIRES AT ABOUT A BUCK APIECE. SO FOR EVERY FIVE
23 20-CENT PIECES YOU GET, THIS GUY IS GOING TO BE PUTTING
24 UP ONE TIRE, AND THERE'S GOING TO BE NO MONEY FOR
25 ADMINISTRATION. THERE'S GOING TO BE NO MONEY FOR



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1 MARKETS. THERE'S GOING TO BE NO MONEY FOR LOANS AND NO
2 MONEY FOR THAT GRANT UNLESS YOU HAVE AN ENFORCEMENT
3 PROGRAM TO MAKE SURE THAT THESE THINGS DON'T HAPPEN.

4 AND I SAY THIS TO YOU: IT'S HAPPENED IN
5 OTHER STATES. WE HAD A PLANT IN DENVER. IN DENVER THEY
6 FINALLY GOT TO THE POINT -- OR IN COLORADO, THEY GOT TO
7 THE POINT WHERE IF YOU WANTED A FACILITY AND YOU WERE
8 GOING TO HAVE OVER 500 TIRES, YOU HAD TO GET A PERMIT AND
9 TELL THEM, "I WANT TO PUT TWO MILLION TIRES ON THE
10 GROUND." YOU HAD TO COME UP WITH A FINANCIAL MECHANISM,
11 COULD HAVE BEEN THE PLEDGE OF THE LAND, COULD HAVE BEEN
12 THE PLEDGE OF INCOME, ALL THESE DIFFERENT THINGS AT 35
13 CENTS A TIRE. THAT'S UP TO 60 CENTS NOW.

14 SO IF YOU WANT TO START A RECYCLING PROJECT
15 THAT'S GOING TO STACK UP TWO MILLION TIRES, BECAUSE YOU
16 NEED THAT AS FEEDSTOCK TO DO X, Y, OR Z, YOU BETTER COUGH
17 UP THAT KIND OF MONEY. UNLESS WE DO THIS RIGHT, WE'RE
18 GOING TO BE CHASING OUR TAIL. WE'RE GOING TO HAVE MORE
19 LIABILITY THAN WE HAVE FUTURE ASSETS, AND THAT'S AS
20 SIMPLE AS I KNOW HOW TO PUT IT. I WILL GUARANTEE YOU
21 THAT'S GOING TO HAPPEN UNLESS WE GET ON THIS.

22 I TOOK JOHN TO THREE PLACES WHERE I CAN
23 TELL YOU THEY ARE NEVER GOING TO PUT OUT ONE PENNY TO DO
24 ANYTHING WITH THESE TIRES BECAUSE THEY'RE LOOKING AT
25 ROUGHLY FROM 80 TO A DOLLAR A TIRE FOR TWO MILLION TIRES.

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1 THESE PEOPLE DON'T HAVE THAT MONEY. THEY'RE GOING TO BK
2 AND WALK AWAY.

3 AND IF I READ THE LAW, WE'RE GOING TO FOOT
4 THE BILL FOR THAT. BY THE WAY, THE LAW DOES PROVIDE FOR
5 ENFORCEMENT, COURT ACTION AND SO ON, BUT WE NEED -- MY
6 OPINION IS YOU OUGHT TO SAY TO THE COUNTY, "LISTEN, IF
7 YOU HAVEN'T GRANTED THEM A CONDITIONAL USE PERMIT, THIS
8 IS GOING TO BE YOUR PROBLEM. YOU ARE GOING TO PAY THE
9 DOLLAR, NOT THE SOLID WASTE BOARD."

10 I THINK ALL OF THOSE THINGS HAVE TO BE
11 CONSIDERED WHEN YOU ARE WRITING YOUR REGULATIONS, AND I
12 THINK THE LEA'S, BECAUSE THEY BELONG TO A COUNTY, SHOULD
13 UNDERSTAND THAT SOME OF THAT RESPONSIBILITY IS GOING TO
14 FALL BACK ON THEM, NOT JUST IN TERMS OF ADMINISTRATIVE
15 RESPONSIBILITY, BUT FINANCIAL RESPONSIBILITY AS FALLBACK
16 ON THAT COUNTY. I'LL TELL YOU, IN MY OPINION, IN SAN
17 BERNARDINO COUNTY, YOU ARE LOOKING AT A LIABILITY OF
18 SOMEPLACE BETWEEN 4 AND \$10 MILLION TODAY.

19 BOARD MEMBER MOSCONE: I WANTED TO ASK: IS THAT
20 OPERATION IN SACRAMENTO STILL IN EXISTENCE?

21 MR. IWAHIRO: THE TIRE GRINDER? YES, IT IS.
22 THAT'S THE ONE THAT'S FEEDING REDDING.

23 BOARD MEMBER LOCKINGTON: YES. IT'S OWNED BY
24 OXFORD NOW. IT USED TO BE GRANULAR SYSTEMS, AND IT'S
25 NOW --

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1 BOARD MEMBER MOSCONE: I THOUGHT THEY WERE GOING
2 TO L & P.

3 BOARD MEMBER LOCKINGTON: THAT STOPPED A COUPLE
4 YEARS AGO. WHEN THE JAPANESE BOUGHT IT, THEY SAID NO
5 MORE. IT WAS KIND OF OPEN BURNING, JOHN. AGAIN, THEY
6 DON'T WANT TO FACE THE SLINGS AND ARROWS OF PUBLIC
7 OUTCRY.

8 CHAIRMAN GALLAGHER: WE HAVE FOR A LONG WHILE
9 BEEN EXPLORING THE IDEA OF THEM AS A SUPPLEMENTAL FUEL IN
10 CEMENT KILNS. I THINK WE SHOULD ACCELERATE LOOKING AT
11 THAT BECAUSE, IF I UNDERSTAND CORRECTLY, THE CEMENT
12 INDUSTRY WOULD LOVE TO GET INVOLVED AND THEY COULD USE
13 ALL OF THE SCRAP TIRES THAT ARE PRODUCED IN THIS STATE BY
14 TWICE.

15 SO IF WE HAVE THE CAPABILITY OF DISPOSING
16 OF THEM IN A LEGITIMATE RECYCLING OPERATION AS
17 SUPPLEMENTAL FUEL, I THINK WE SHOULD REALLY BE
18 ACCELERATING OUR EFFORTS IN THAT REGARD. I DON'T KNOW
19 WHAT WE NEED TO DO TO DO THAT, BUT THAT'S SOMETHING
20 TECHNICALLY I THINK WE SHOULD BE TAKING A REAL HARD LOOK
21 AT.

22 MR. IWAHIRO: YES. ABOUT TWO WEEKS AGO, I
23 BELIEVE IT WAS, MARTHA GILDART OF OUR STAFF HAD CALLED A
24 MEETING OF PEOPLE THAT WERE INTERESTED IN THIS PARTICULAR
25 TYPE OF TESTING. SO WE HAD A NUMBER OF PEOPLE FROM THE

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1 TIRE INDUSTRY HERE. AS WELL AS THE ARB. WHO IS INTERESTED
2 IN TESTING SOME OF THESE BURNERS.

3 ACTUALLY, IT'S A CEMENT KILN WHICH WOULD
4 INGEST, I GUESS, COAL AS WELL AS TIRES FOR FUEL AND
5 INCORPORATES IT WITHIN THE CEMENT THAT IT MANUFACTURES.

6 AND MY UNDERSTANDING IN THE DEBRIEFING I
7 HAD RECEIVED FROM MARTHA IS BASICALLY THAT IT SOUNDS LIKE
8 WE ARE GOING TO REALLY TRY TO FOCUS IT IN IS THAT THERE
9 IS SOME RELUCTANCE ON THE PART OF THE DISTRICTS TO
10 SANCTION SUCH TESTS. AND SO WE ARE -- WE HAVE ARB TRYING
11 TO ARRANGE SOME MEETINGS WITH US WITH THE DISTRICTS TO
12 TRY TO SEE IF THAT'S REALLY TRUE OR NOT, SEE IF WE CAN
13 GET SOME MOVEMENT ON THOSE LINES. BUT THAT'S OUR
14 UNDERSTANDING OF THE MEETING THAT WE HELD.

15 LOOKS LIKE THE TIRE FOLKS ARE ALL SET TO
16 GO. THE CEMENT KILN PEOPLE ARE VERY INTERESTED. IT DOES
17 APPEAR THAT THE DISTRICTS ARE RELUCTANT FOR WHATEVER
18 REASON. I CAN ONLY GUESS WHAT MIGHT BE THE REASONING.
19 IT COULD BE ONE OF TWO THINGS. ONE IS A LACK OF STAFF,
20 POSSIBLY, BUT THE OTHER IS ALSO THAT THEY HAVE THE EPA
21 BREATHING DOWN THEIR BACK FOR THE CLEAN AIR ACT SO THAT
22 THEY CANNOT REALLY GENERATE MORE POLLUTANTS INTO THE AIR.

23 OTHERWISE, THEY HAVE A DIFFICULT TIME
24 MEETING THEIR ATTAINMENT GOALS. BUT WE WILL BE MEETING
25 AS SOON AS THE ARB SETS IT UP. IN FACT, MARTHA MAY HAVE

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1 SOME LATER INFORMATION. BUT I DID TALK TO HER COUPLE OF
2 DAYS AGO, AND MARTHA WAS SAYING THAT THEY'RE WORKING ON
3 THE MEETING THAT WE CAN ATTEND AND TRY TO FERRET THAT
4 OUT.

5 CHAIRMAN GALLAGHER: MY UNDERSTANDING IS THAT
6 THEY'RE NOT ATTEMPTING TO SHUT ANY CEMENT PLANTS DOWN.
7 IF TIRES ARE BURNED, THEY ARE BURNED IN PLACE OF A
8 DIFFERENT FUEL. THERE'S NO EVIDENCE THAT I CAN DETERMINE
9 OR DISCOVER THAT SAYS THERE'S ANY MORE POLLUTION COMES
10 FROM BURNING TIRES IN THE KILN THAN THERE IS FROM BURNING
11 THAT MUCH MORE COAL OR FUEL OIL OR WHATEVER. IT'S JUST A
12 COMPLETE WASH, MAYBE EVEN LESS.

13 AND THERE IS AN ADDED -- I'M AN INSTANT
14 EXPERT AFTER RIDING FOR TWO HOURS WITH JIM LOCKINGTON. I
15 UNDERSTAND THAT THERE'S ALSO THE FACT THAT THEY CAN
16 RELIEVE THEMSELVES OF HAVING TO PUT IRON ORE IN THE KILN
17 IN ORDER TO GET THE FERRIC OXIDE BECAUSE THE STEEL AND
18 THE BELTS AND IN THE BEADS PROVIDE FOR THEM. SO THEY
19 HAVE A DOUBLE ADVANTAGE. AND, YOU KNOW, IT'S ONE THING
20 IF YOU ARE ADDING TO THE POLLUTION. THIS MAY NOT ADD; IT
21 MAY IN FACT DETRACT SOME.

22 MR. IWAHIRO: MAYBE MARTHA COULD ADD TO SOME OF
23 MORE OF YOUR EXPERTISE, MR. CHAIRMAN, AND GIVE US A
24 LITTLE BIT -- LITTLE RUNDOWN ON WHATEVER YOU KNOW ABOUT
25 THAT PARTICULAR SITUATION.

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1 MS. GILDART: AS FAR AS CRITERIA POLLUTANTS ARE
2 CONCERNED, IT APPEARS THE CEMENT KILNS BURNING TIRES ARE
3 NOT INCREASING EMISSIONS IN ANY WAY. THE PROBLEM IS WITH
4 SOME OF THE HEAVY METALS AND ORGANICS THAT NO ONE HAS
5 TESTED FOR EXTENSIVELY, AND THE DISTRICTS ARE LEERY OF
6 ALLOWING SOMETHING THAT THEY DON'T ALREADY KNOW THE
7 RESULTS FOR.

8 THE WHOLE IDEA OF TESTING IS TO FIND OUT
9 WHAT IS THE INFORMATION. SO WE'RE TRYING TO WORK WITH
10 THE AIR BOARD AND THE DISTRICTS TO SET UP A TEST WHERE WE
11 LOOK AT THINGS LIKE ZINC, SOME OF THE HEAVY METAL
12 EMISSIONS, SOME OF THE DIOXINS, FURANS, WHAT WE CALL PAH,
13 POLYCYCLIC AROMATIC HYDROCARBONS, TO SEE IF THERE ARE ANY
14 AT ALL. WE DON'T KNOW IF THERE ARE.

15 AND ONE OF THE REASONS THIS IS OF CONCERN
16 IS THAT THE PROCESS OF DOING HEALTH RISK ASSESSMENTS, IF
17 YOU'RE FAMILIAR WITH THAT, IT'S ONE OF THE THINGS MOST OF
18 THE DISTRICTS WANT FOR A NEW PROJECT SUCH AS THIS WOULD
19 BE A HEALTH RISK ASSESSMENT AND NO ONE HAS EMISSIONS
20 DATA. SO WE'RE SORT OF IN A CATCH 22. WE NEED THE DATA
21 FOR THE HEALTH RISK ASSESSMENT, BUT THEY'RE AFRAID TO DO
22 THE TEST TO GET THE DATA BECAUSE THEY DON'T KNOW WHAT THE
23 HEALTH RISK IS.

24 BOARD MEMBER LOCKINGTON: MARTHA, COULDN'T WE
25 GET THAT FROM REDDING WHERE THEY'VE BEEN BURNING FOR FIVE

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1 YEARS?

2 MS. GILDART: THEY ARE IN THE PROCESS OF TRYING
3 TO GET SOME DATA FOR THE DISTRICT UP THERE, SHASTA
4 COUNTY.

5 BOARD MEMBER LOCKINGTON: THEY'RE GRANDFATHERED
6 BEFORE THE NEED FOR HEALTH RISK ASSESSMENT, I THINK. AND
7 THE TANNER BILL SAYS YOU WILL HAVE A HEALTH RISK
8 ASSESSMENT. IT ISN'T THAT THEY WANT; THEY HAVE TO HAVE
9 IT.

10 MS. GILDART: AS I UNDERSTAND, THEY ARE -- THEY
11 HAVE SET UP ONE TEST DATE AND HAD TO POSTPONE IT, AND
12 THEY'RE GOING TO DO SOME OTHER TESTING, SO THERE MAY BE
13 DATA THERE. AT THE SAME TIME, THE LONE STAR CEMENT PLANT
14 IN MONTEREY IS VERY CLOSE TO DOING SOME TESTING. THE
15 DISTRICTS HAVE JUST BEEN VERY, VERY SLOW AND VERY
16 CAUTIOUS; AND WE WERE HOPING WE MIGHT BE ABLE TO
17 ENCOURAGE THEM TO ACT, GET INVOLVED, WORK WITH AIR BOARD,
18 WHATEVER TO GET SOME OF THE DATA THAT WOULD ANSWER THEIR
19 QUESTIONS.

20 BOARD MEMBER LOCKINGTON: JOHN, BY DECEMBER 1,
21 1991, IN THE BILL WE HAVE TO PRODUCE AS A BOARD THE
22 TESTING RESULTS OR WHATEVER ALL THIS IS AND GIVE A REPORT
23 TO THE LEGISLATURE BY THAT TIME, AND MY FEELING WAS IT
24 WAS NEVER MORE AN ADVANTAGEOUS TIME TO GET INVOLVED IN
25 THIS BECAUSE YOU HAVE PRIVATE INDUSTRIES HOT TO GO THAT

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1 WILL FOOT THE BILL FOR THIS.

2 CHAIRMAN GALLAGHER: THANK YOU, MARTHA.
3 ANYTHING ELSE ON THE TIRE THING? MR. MOSCONE.

4 BOARD MEMBER MOSCONE: I DON'T KNOW WHETHER JIM
5 OR WHOEVER STAFF CAN ANSWER. IS THERE ANY SIGNIFICANT
6 AMOUNT OF SCRAP TIRES GOING INTO FOR ROAD PURPOSES
7 NATIONALLY?

8 MR. IWAHIRO: FOR BUILDING ROADS? THERE WAS
9 ACTUALLY A TEST STRETCH -- LET ME ANSWER YOUR QUESTION.
10 I DON'T KNOW. I GUESS THAT'S THE ONLY WAY I CAN ANSWER
11 IT.

12 I DON'T KNOW IF THERE'S THAT MUCH IN
13 NATIONWIDE, BUT I DO KNOW THAT THERE'S BEEN TEST STRIPS
14 OR SECTIONS IN CALIFORNIA. IN FACT, ON HIGHWAY 50, I
15 BELIEVE, THERE'S A STRETCH, MAYBE POSSIBLY ANOTHER PLACE
16 OR TWO. CALTRANS HAS, IN FACT, GOTTEN INVOLVED IN IT.
17 THERE'S A COMPANY IN ARIZONA THAT WAS PUSHING IT AT ONE
18 TIME. I DON'T KNOW IF THEY'RE STILL -- PROBABLY MR.
19 LOCKINGTON PROBABLY KNOWS. THEY'RE PUSHING IT. SO THERE
20 IS SOME ACTIVITY; BUT, FRANKLY, I PERSONALLY AM NOT AWARE
21 OF WHAT THE LATEST IS. MAYBE THOSE FOLKS DO.

22 MR. OLDALL: I THINK CAROLE BROW MAY HAVE SOME
23 INFORMATION ON THAT, MR. CHAIRMAN.

24 MS. BROW: YES, MR. CHAIRMAN, MEMBERS OF THE
25 BOARD. UNFORTUNATELY, THE PERSON WHO WAS GOING TO GIVE



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1 US ITEM 10 TODAY HAS THE FULL SCOOP ON THAT, BUT I GUESS
2 THAT'S BEEN POSTPONED. I WAS PRIVILEGED TO HEAR THIS
3 TALK FROM MR. TAKALLOU A COUPLE WEEKS AGO.

4 AND ACCORDING TO HIM, THE AMOUNT OF
5 RUBBERIZED ASPHALT USED IN THIS COUNTRY IS ACTUALLY
6 INCREASING, PARTICULARLY IN SOME PLACES LIKE IN ALASKA
7 WHERE THERE ARE SOME PARTICULARLY GOOD QUALITIES TO THE
8 RUBBER, RUBBERIZED ASPHALT. FOR EXAMPLE, IT HAS A
9 TENDENCY TO MAKE THE ROAD LESS SLICK. IT RESISTS
10 FREEZING UP BETTER.

11 SO IT IS INCREASING, AND THE COMPANY THAT
12 HE'S ASSOCIATED WITH HAS A NONPROPRIETARY PROCESS WHICH
13 THEY'RE GOING FULL SPEED AHEAD WITH HERE IN CALIFORNIA.
14 AND THE ECONOMICS ARE CERTAINLY THERE, SO I THINK IT'S
15 SOMETHING WE'RE GOING TO SEE A LOT MORE OF.

16 BOARD MEMBER BREMBERG: MR. CHAIRMAN.

17 CHAIRMAN GALLAGHER: MS. BREMBERG.

18 BOARD MEMBER BREMBERG: I KNOW IN MINNESOTA THEY
19 USE IT BECAUSE THE FROST BOILS ARE SO MUCH SLOWER TO
20 OCCUR, AND THE ROAD MAINTENANCE EACH SPRING, THE COST HAS
21 DIMINISHED CONSIDERABLY BECAUSE OF THE MIX OF THE RUBBER
22 AND THE ASPHALT. AND PARTICULARLY WHEN THEY OVERLAY OLD
23 CONCRETE WITH NEW RUBBERIZED ASPHALT, THE MAINTENANCE
24 COSTS OF THE HIGHWAY DEPARTMENT ARE INCREDIBLY -- THEY
25 JUST DROP WONDERFULLY WELL.

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1 AND IT'S BECOMING MORE AND MORE AS MORE AND
2 MORE COUNTIES SIGN ON WITH THE STATE HIGHWAY DEPARTMENT.
3 EVEN COUNTY RURAL FARM ROADS WHERE THEY'RE PULLING --
4 DRIVING TRACTORS AND COMBINES AND THINGS THAT HAVE A
5 DIFFERENT VIBRATION SET ON THE ROAD AND SO FORTH. WITH
6 THE RUBBERIZED ASPHALT, THEY'RE LASTING THREE TO FOUR
7 TIMES AS AS LONG.

8 SO I DON'T KNOW THAT IT'S NECESSARILY
9 ADVERTISED MUCH, BUT I REALLY THINK IN THE MIDDLE WEST
10 AND THE NORTHERN TIER OF STATES, IT IS BECOMING VERY,
11 VERY FEASIBLE AND VERY, VERY ECONOMICAL AND EFFICIENT.

12 BOARD MEMBER LOCKINGTON: CAN I COMMENT ON THAT?

13 CHAIRMAN GALLAGHER: MR. LOCKINGTON.

14 BOARD MEMBER LOCKINGTON: I'VE HEARD MR.
15 TAKALLOU'S SPEECH PROBABLY FIVE TIMES. EVERYTHING YOU
16 SAY IS TRUE. THIS STUFF IS TERRIFIC. IT IS NOT EASY TO
17 MANUFACTURE. IT IS NOT EASY TO APPLY. IT'S VERY
18 TECHNICAL IF IT WILL WORK RIGHT.

19 THE PROBLEM IS THAT ALL THE NUMBERS THAT
20 ARE QUOTED TODAY ARE BASED ON THE FACT THAT THE RUBBER
21 FOR THIS IS COMING AS A BY-PRODUCT OF OTHER INDUSTRIES.
22 IT IS NOT COMING FROM THE UTILIZATION OF WASTE TIRES.
23 IT'S COMING FROM BUFFING COMPOUND THAT COMES FROM THE
24 RETREAD INDUSTRY. IT'S COMING FROM VARIOUS PLACES, AND
25 VERY LIMITED SUPPLY OF THAT.

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1 IT IS NOT ECONOMICAL; IT'S MORE EXPENSIVE.
2 BUT IT IS TERRIFIC STUFF. AND I SEE OVER A PERIOD OF
3 YEARS SCIENTIFIC BREAKTHROUGHS, IN ALL PROBABILITY, TO
4 GET THIS COST DOWN SO IT WILL BE COST EFFICIENT, BUT IT'S
5 NOT GOING TO BE EASY.

6 WHEN YOU TALK TO THESE PEOPLE, THEY'RE ALL
7 LOOKING FOR IMMENSE GOVERNMENT SUBSIDIES AND LOANS FOR
8 THE CAPITALIZATION OF THE EQUIPMENT AND THE RUNNING OF
9 THEIR PLANTS. IT'S REALLY NO DIFFERENT THAN THE
10 PRESENTATION YOU HAD MADE TO YOU A YEAR OR SO AGO FROM
11 THIS FELLOW IN MINNESOTA WHO WENT BELLY UP.

12 WHEN THE SUBSIDIES STOPPED COMING IN FROM
13 THE STATE AND HE HAD TO STAND ON HIS OWN, HE COULDN'T
14 MAKE IT. I TELL YOU, I'VE SEEN RUBBERIZED ASPHALT. IN
15 THE STATE OF MASSACHUSETTS, THEY DID A PART OF A FREEWAY.
16 ONE SIDE THEY PUT IN THIS STUFF THAT WAS MADE CORRECTLY
17 BY A REPUTABLE MANUFACTURER OF THE STUFF. THE OTHER
18 SIDE, IN FOUR YEARS, THE OTHER SIDE, THEY WERE UP DIGGING
19 UP THE POTHOLES. IT'S BEEN 11 YEARS AND THE OTHER SIDE
20 OF THE FREEWAY HAS NEVER BEEN TOUCHED. IT IS GREAT
21 STUFF. IT'S VERY EXPENSIVE.

22 THE OTHER BAD THING EVERYBODY SHOULD KNOW
23 IS IF YOU TOOK EVERY TIRE THAT COULD BE RECYCLED IN THE
24 UNITED STATES AND PUT IT TO RUBBERIZED ASPHALT, IT WOULD
25 GIVE YOU 15 PERCENT OF THE RUBBERIZED ASPHALT. ARE YOU

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1 GOING TO LET THE MARKET DECIDE WHO GETS THE 15 PERCENT?
2 IT'S LIABLE TO DRIVE THE PRICE UP ASTRONOMICALLY. IT IS
3 NOT WITHOUT PROBLEMS, BUT IT CERTAINLY IS A WONDERFUL
4 LONG-TERM SOLUTION. AND I WANT TO PUT IN QUOTATIONS
5 MARKS LONG-TERM SOLUTION.

6 A VERY SHORT-TERM CONCLUSION OF GETTING RID,
7 OF THIS PROBLEM REALLY IS WHAT JOHN SAID IN THE CEMENT
8 PLANTS. AND I THINK YOU ARE GOING TO SEE AN EVOLUTIONARY
9 PROCESS OF THIS STUFF GOING TO A HIGHER AND HIGHER AND
10 HIGHER USE UNTIL MY PERSONAL OPINION IS YOU'LL SEE IT
11 USED IN THE RUBBERIZED ASPHALT. THE PROBLEM IS NOT THAT
12 IT DOESN'T WORK. THE PROBLEM IS IN THE NUMBERS, IN THE
13 ECONOMICS. BUT, YOU KNOW, WE DON'T HAVE A GARBAGE
14 PROBLEM; WE GOT A MONEY PROBLEM. WE CAN DO MOST
15 ANYTHING.

16 CHAIRMAN GALLAGHER: I'VE HAD THAT ALL MY LIFE,
17 SO I'M FAMILIAR WITH THAT.

18 MR. BEAUTROW FROM THE AUDIENCE WOULD LIKE
19 TO MAKE A COMMENT.

20 MR. BEAUTROW: I COULDN'T RESIST SAYING
21 SOMETHING ON THIS TOPIC. MY NAME IS PHIL BEAUTROW WITH
22 WASTE MANAGEMENT.

23 PRIOR TO JOINING WASTE GENERAL, I WORKED
24 FOR GENSTAR. I WAS INVOLVED IN THE CEMENT COMPANY, AND
25 SPECIFICALLY THE REDDING PLANT. AND I WANT TO JUST TO

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1 GIVE ANOTHER PERSPECTIVE OF THIS.

2 THE CEMENT MANUFACTURING PROCESS IS VERY
3 ENERGY INTENSIVE. THEY ARE LOOKING FOR BTU'S AND HOW TO
4 BUY BTU'S AT THE LOWEST POSSIBLE COST. RUBBER HAS A LOT
5 OF BTU'S, AND SO THEY USE COAL. AND IF THEY CAN PUT IN A
6 CERTAIN PERCENTAGE OF RUBBER, IT'S FINE.

7 WHAT I HEAR HERE IS THIS EXACTLY PORTRAYED
8 AS MARTHA INDICATED. THERE'S -- YOU KNOW, WE CAN GO ON
9 FOR YEARS AND DO TESTS AND TESTS AND VERIFY. THAT PLANT
10 HAS BEEN UP AND RUNNING. THEY'RE BURNING PRACTICALLY ALL
11 OF THE TIRES IN NORTHERN CALIFORNIA, FROM WHAT I
12 UNDERSTOOD, FOR AT LEAST FIVE YEARS.

13 THERE'S PLENTY OF DATA, BUT IT'S A
14 POLITICAL FOOTBALL. AND EACH AIR DISTRICT DOESN'T WANT
15 TO EVEN ALLOW THESE TEST BURNS. THE CEMENT COMPANIES,
16 QUITE HONESTLY, DON'T LIKE THEIR PRODUCT ADULTERATED, BUT
17 THIS HAS BEEN PROVEN. AND IT CAN WORK. IT'S LOW COST
18 BTU'S. AND THEY'RE INTERESTED IN COMPETING AGAINST
19 JAPANESE AND MEXICAN CEMENT WHICH IS BEING SOLD IN THIS
20 COUNTRY.

21 THEY'RE LOOKING FOR AN ECONOMIC EDGE. THIS
22 CAN BE IT IF YOU CAN ONLY OVERCOME THIS PERMITTING ISSUE
23 AND ALLOWING THE TEST BURNS TO PROCEED. THAT'S WHERE YOU
24 OUGHT TO FOCUS YOUR ENERGY, TO TRY TO OVERCOME THE
25 RELUCTANCE ON THE PART OF THESE PEOPLE TO ALLOW THIS TO

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1 TAKE PLACE BECAUSE IT WILL BE PROVEN. THANK YOU.

2 CHAIRMAN GALLAGHER: THANK YOU, PHIL.

3 BOARD MEMBER LOCKINGTON: JOHN, AND IF IT'S
4 WRONG, IT WILL BE PROVEN, TOO. ALL I'D LIKE TO SEE IS --
5 I DON'T HAVE A PRECONCEIVED IDEA. I REALLY DON'T. I'D
6 JUST LIKE TO GET TO IT TO DO IT. AND THEN IF IT'S BAD,
7 IN SIX MONTHS WE KNOW IT AND WE GO OUT AND, INSTEAD OF
8 THINKING ABOUT THIS FOREVER, WE GO ON LOOKING FOR ANOTHER
9 SOLUTION. OR TAKING ONE OF THE SOLUTIONS THAT MAYBE
10 DOESN'T MAKE QUITE AS MUCH SENSE AND MAKE IT MAKE MORE
11 SENSE.

12 CHAIRMAN GALLAGHER: CAROLE, MAYBE YOU CAN FILL
13 ME IN ON A QUESTION THAT I HAD ON MY MIND SINCE WE
14 STARTED TALKING ABOUT THIS. ON A LOT OF GRADE CROSSINGS
15 IN SOUTHERN CALIFORNIA, NOW THEY ARE SUBSTITUTING SOME
16 KIND OF A RUBBERIZED MAT FOR WOOD THAT USED TO BE AT A
17 GRADE CROSSING. IS THAT A MARKET FOR USED TIRES? IS
18 THAT WHAT'S BEING USED ON THAT?

19 MS. BROW: I'M TOLD IT IS. I DON'T KNOW
20 FIRSTHAND. I'VE NEVER ACTUALLY SEEN THEM; I'VE ONLY
21 HEARD ABOUT THEM.

22 CHAIRMAN GALLAGHER: OH, THEY'RE TERRIFIC.

23 MS. BROW: RAILROAD CROSSINGS. PEOPLE SWEAR BY
24 THEM.

25 CHAIRMAN GALLAGHER: MAN, I'LL TELL YOU, SOME OF



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1 THOSE ROADS DOWN THERE. IT'S JUST LIKE RIDING ACROSS ON A
2 FEATHER WHERE USUALLY YOU HAD TO HAVE YOUR SEATBELT ON TO
3 KEEP FROM GETTING THROWN THROUGH THE ROOF OF YOUR CAR.

4 BOARD MEMBER LOCKINGTON: THEY USE TRUCK TIRES,
5 JOHN, AND THEY'RE MADE OUT OF THAT. THERE'S ABOUT TWO OR
6 THREE COMPANIES IN THE UNITED STATES, AND THEY ARE
7 TERRIFIC.

8 CHAIRMAN GALLAGHER: THEY'RE REALLY GOOD, AND
9 THAT SHOULD BE A TERRIFIC MARKET, CONSIDERING ALL THE
10 GRADE CROSSINGS WE HAVE.

11 MS. BROW: BUT I THINK, AS MR. LOCKINGTON SAYS,
12 YOU COULD DO ALL THOSE THINGS AND YOU'RE STILL NOT GOING
13 TO USE UP VERY MANY OF THE TIRES. WE CAN CHEW AWAY AT
14 THE PROBLEM.

15 CHAIRMAN GALLAGHER: ANY FURTHER COMMENTS ON
16 USED TIRES AND STOCKPILING AND ALL THAT? THANK YOU VERY
17 MUCH.

18 WE WILL MOVE ON TO ITEM 9.

19 MR. OLDALL: YES, MR. CHAIRMAN. I DO SEE THE
20 TWO MEMBERS OF OUR STAFF READY TO DO THAT PARTICULAR
21 ITEM. THIS IS CONSIDERATION OF APPROVAL OF DRAFT
22 DOCUMENT RECOMMENDATIONS FOR DEVELOPING PERMANENT
23 HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES. AND
24 WITHOUT FURTHER ADO, I'LL PASS OVER TO HERB BERTON ON
25 BRENDA SALDANA.

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1 MR. BERTON: GOOD AFTERNOON, MR. CHAIRMAN AND
2 MEMBERS OF THE BOARD.

3 AS YOU KNOW, THE BOARD IS THE LEAD AGENCY
4 FOR PROVIDING TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS
5 DEVELOPING HOUSEHOLD HAZARDOUS WASTE PROGRAMS. IN
6 ADDITION, THE BOARD, PURSUANT TO PUBLIC RESOURCES CODE
7 SECTION 47102, IS REQUIRED TO PROVIDE GUIDELINES TO LOCAL
8 AGENCIES TO HELP THEM IMPLEMENT SERVICES RELATED TO SAFE
9 DISPOSAL OF HAZARDOUS SUBSTANCES COMMONLY FOUND IN AND
10 AROUND THE HOMES.

11 THIS DOCUMENT, ALONG WITH THE PERIODIC
12 COLLECTION DAY GUIDELINES THE BOARD APPROVED IN JANUARY
13 OF 1989, WILL BECOME PART OF THE MODEL OPERATION PLAN
14 REQUIRED PURSUANT TO PUBLIC RESOURCES CODE SECTION 47103.

15 ONE THING THAT SHOULD BE STRESSED IS THAT
16 THESE GUIDELINES ARE IN NO WAY MANDATORY. THE INTENT OF
17 THE GUIDELINES IS TO ALLOW COMMUNITIES TO FOLLOW A
18 STEP-BY-STEP PROCEDURE IN ORGANIZING AND ESTABLISHING A
19 PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY.

20 IN ADDITION, THE DOCUMENT WILL BE UPDATED
21 PERIODICALLY TO REFLECT NEW TECHNOLOGIES AND CURRENT
22 LAWS.

23 WITH THAT IN MIND, I'LL TURN THE REMAINDER
24 OF THE PRESENTATION OVER TO BRENDA SALDANA OF THE
25 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAM, WHO WILL

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1 DESCRIBE THE CONTENTS OF THE DOCUMENT.

2 MS. SALDANA: GOOD AFTERNOON, MR. CHAIRMAN,
3 BOARD MEMBERS.

4 AS THE HOUSEHOLD HAZARDOUS WASTE UNIT
5 OBSERVES AND PARTICIPATES IN THE EVOLUTION OF LOCAL
6 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PROGRAMS, WE HAVE
7 FOUND THAT PERMANENT COLLECTION FACILITIES AFTER THE
8 INITIAL INVESTMENT ARE MUCH MORE COST-EFFECTIVE AND
9 EFFICIENT THAN PERIODIC ONE-DAY COLLECTION EVENTS.

10 THERE ARE TWO GENERAL REASONS FOR THIS.
11 AND NUMBER ONE BEING THAT PERMANENT FACILITIES ARE MUCH
12 MORE CONVENIENT FOR THE PUBLIC BECAUSE THEY ARE OPEN
13 REGULAR HOURS ON A CONSISTENT BASIS AND ARE LOCATED AT A
14 FIXED VICINITY.

15 NO. 2 IS THAT THERE IS NO RUSH FOR THE
16 OPERATORS TO GET THE WASTE OFF SITE; THEREFORE, MONEY IS
17 SAVED BECAUSE WORKERS ARE ABLE TO TAKE THEIR TIME TO
18 CONSOLIDATE AS MUCH MATERIAL AS POSSIBLE FOR RECYCLING,
19 AND THEY'RE ALSO ABLE TO USE UP ALL THE VALUABLE DRUM
20 SPACE RATHER THAN PAYING FOR DISPOSAL OF HALF EMPTY
21 DRUMS.

22 SINCE PERMANENT FACILITIES ARE ELIGIBLE FOR
23 GRANT FUNDING UNDER THE AB 2448 GRANT PROGRAM, WE FELT
24 THAT SOME SORT OF GUIDANCE FOR PLANNING PERMANENT
25 FACILITIES WAS NECESSARY. THUS, WE CAME UP WITH

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1 RECOMMENDATIONS FOR DEVELOPING PERMANENT HOUSEHOLD
2 HAZARDOUS WASTE COLLECTION FACILITIES, WHICH BEGINS IN
3 YOUR BOARD PACKET ON PAGE 309.

4 THESE RECOMMENDATIONS ARE JUST THAT,
5 RECOMMENDATIONS. THEY ARE NOT MANDATORY, AND THEY SIMPLY
6 INTEND TO PROVIDE GUIDANCE ON REGULATORY REQUIREMENTS AND
7 ALSO TO PROVIDE HELPFUL HINTS TO LOCAL GOVERNMENTS.

8 AS YOU CAN SEE FROM THE TABLE OF CONTENTS
9 ON PAGE 311, THE INFORMATION CONTAINED IN THIS HANDBOOK
10 RANGES FROM REGULATORY REQUIREMENTS REGARDING THE
11 HAZARDOUS WASTE FACILITIES PERMITS TO EQUIPMENT NEEDED TO
12 RECYCLING AND REUSE TO SAFETY CONCERNS.

13 MOST OF THIS INFORMATION WAS OBTAINED FROM
14 REGULATIONS AND OTHER WRITTEN MATERIALS ON THE SUBJECT OF
15 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT. STAFF FROM THE
16 DEPARTMENT OF HEALTH SERVICES REGIONAL PERMIT OFFICES
17 HAVE ALSO REVIEWED THESE RECOMMENDATIONS AND HAVE
18 CONTRIBUTED THEIR POLICIES AND SUGGESTIONS.

19 THIS TEXT WILL BE PERIODICALLY UPDATED TO
20 REFLECT CHANGES IN LAW AND DEVELOPMENT OF NEW TECHNOLOGY.
21 FOR EXAMPLE, IN THE SECTION TITLED "REGULATORY CONCERNS,"
22 BEGINNING ON PAGE 314, PERMIT REQUIREMENTS FROM THE
23 DEPARTMENT OF HEALTH SERVICES WILL BE CHANGING AS SOON AS
24 THEY ADOPT THEIR NEW PERMIT BY RULE REGULATIONS.

25 THESE REGULATIONS WILL GREATLY STREAMLINE

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1 THE CURRENT PERMIT PROCESS REQUIRED FOR HOUSEHOLD
2 HAZARDOUS WASTE PROGRAMS. AS SOON AS THESE NEW
3 REGULATIONS ARE ON THE BOOKS, WHICH SHOULD BE
4 APPROXIMATELY ONE YEAR FROM NOW, WE WILL UPDATE OUR
5 DOCUMENT TO REFLECT THOSE CHANGES.

6 IN SUMMARY, WE WILL DISTRIBUTE THESE
7 RECOMMENDATIONS TO LOCAL AGENCIES WHICH ARE PLANNING
8 PERMANENT FACILITIES. IT IS NOT MANDATORY AND IT WILL BE
9 UPDATED PERIODICALLY.

10 AND WITH THAT, I WILL TURN THE PRESENTATION
11 BACK TO HERB BERTON FOR BOARD OPTIONS, AND THEN WE WILL
12 ANSWER ANY QUESTIONS YOU MIGHT HAVE. THANK YOU.

13 MR. BERTON: YES, MR. CHAIRMAN AND MEMBERS.

14 THERE ARE TWO OPTIONS AVAILABLE TO THE
15 BOARD. OPTION 1 IS TO APPROVE THE DRAFT DOCUMENT AND
16 ALLOW US TO DISSEMINATE IT TO THE LOCAL AGENCIES.

17 OPTION NO. 2 IS TO TAKE NO ACTION.

18 BOARD STAFF DOES RECOMMEND THAT THE BOARD
19 GO WITH OPTION NO. 1. IF YOU HAVE ANY QUESTIONS, WE'D BE
20 MORE THAN HAPPY TO ANSWER THEM.

21 CHAIRMAN GALLAGHER: ANY QUESTIONS OF HERB?

22 BOARD MEMBER BREMBERG: I DO HAVE ONE QUESTION.

23 CHAIRMAN GALLAGHER: MS. BREMBERG.

24 BOARD MEMBER BREMBERG: ON PAGE 14 OF THE BOARD
25 PACKET, PAGE 6 OF THE PROPOSED GUIDELINES, IT SAYS TO

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1 OPERATE A PERMANENT FACILITY. THE SPONSOR MUST APPLY FOR
2 A HAZARDOUS WASTE FACILITY PERMIT AND SUBMIT AN OPERATION
3 PLAN. THEN YOU GO ON AND YOU LIST FOUR REGIONS. ARE
4 THOSE PERMITS REQUIRED FROM THOSE FOUR -- I MEAN, WE'RE
5 REGION 3. DOES REGION 3 HAVE TO GIVE US A PERMIT OR IS
6 IT A LOCAL PERMIT?

7 MR. BERTON: REGION 3 WOULD HAVE TO GIVE YOU A
8 PERMIT, AND THE PERMIT USUALLY IS CONTINGENT ON ACQUIRING
9 ANY LOCAL PERMITS ALSO.

10 BOARD MEMBER BREMBERG: I HOPE THAT OUR STAFF
11 DID THIS BECAUSE WE'RE BUILDING ONE RIGHT NOW. WE
12 PERMITTED IT, SITED IT, WENT THROUGH PUBLIC HEARINGS ON
13 IT, AND IT'S UNDERWAY. I SINCERELY HOPE THAT SOMEBODY
14 KNEW THEY WERE SUPPOSED TO GET ANOTHER PERMIT.

15 MR. BERTON: ONE QUESTION THAT HAS COME UP, IN
16 TERMS OF PERMANENT FACILITIES, HAS BEEN THE TANNER SITING
17 PROCESS THAT'S REQUIRED WITH THE COUNTY HAZARDOUS WASTE
18 MANAGEMENT PLANS.

19 BOARD MEMBER BREMBERG: WE'RE IN THAT. I'M
20 NOT -- BUT I DIDN'T -- I KNEW NOTHING ABOUT THIS TILL I
21 JUST READ IT NOW.

22 MR. BERTON: YES. AS YOU MAY BE AWARE, THEN,
23 THAT LOCAL -- IN ORDER FOR THE TANNER SITING PROCESS TO
24 TAKE PLACE, A LOCAL PERMIT DECISION IS REQUIRED.

25 BOARD MEMBER BREMBERG: WE'VE DONE ALL THAT. BUT



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1 I WASN'T AWARE THAT THERE WAS A REGION IN THE MIDDLE.

2 MR. BERTON: YES, THERE IS.

3 CHAIRMAN GALLAGHER: THANK YOU. MR. BEAUTROW
4 FROM WASTE MANAGEMENT NORTH AMERICA HAS ASKED TO SPEAK ON
5 THIS ISSUE.

6 MR. BEAUTROW: THANK YOU. I'M PHIL BEAUTROW,
7 REPRESENTING HERE WASTE MANAGEMENT AND ITS SISTER COMPANY
8 CHEMICAL WASTE MANAGEMENT.

9 YOU HAVE A LETTER IN FRONT OF YOU, WHICH
10 I'M NOT GOING TO READ, BUT I WANT TO PARAPHRASE IT.
11 ALTHOUGH THE REPORT IS ENTITLED "PERMANENT SOLID WASTE
12 FACILITIES," WE REALLY FEEL THERE OUGHT TO BE SOME
13 MENTION IN HERE OF A PERMANENT PROGRAM AS OPPOSED TO A
14 PERMANENT FACILITY BECAUSE THERE ARE INSTANCES WHERE YOU
15 MAY NOT BE ABLE TO SITE OR THE GEOGRAPHIC MAKEUP MIGHT
16 NOT LEND ITSELF TOWARDS LOCATING A PERMANENT FACILITY.

17 WHAT YOU DO WANT IS A PERMANENT PROGRAM,
18 HOWEVER, TO TAKE CARE OF THIS. SO THE IDEA WOULD BE TO
19 SOMEHOW INSERT IN THE LANGUAGE THAT THERE IS THE
20 OPPORTUNITY TO HAVE PERMANENT PROGRAMS AS WELL AS
21 FACILITIES IF YOU ARE NOT ABLE TO CARRY THIS OUT.

22 THE SECOND POINT HAS TO DO WITH A FUNDING
23 MECHANISM. THE GENESIS FOR ALL OF THIS CONCERN ABOUT
24 HOUSEHOLD HAZARDOUS WASTE WAS TO GET IT OUT OF THE
25 GARBAGE TRUCKS AND KEEP IT OUT OF THE LANDFILLS AND HAVE

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1 SOME KIND OF WAY OF MITIGATING THIS CONCERN ON THE PART
2 OF THE PUBLIC. IT'S STILL MISUNDERSTOOD, I GUESS, OR NOT
3 CLEAR AS TO IF THE REFUSE CAN ASSIMILATE ALL THIS
4 MATERIAL. NEVERTHELESS, WE'RE IN THIS MODE.

5 WE WOULD ASK THAT YOU GIVE SOME
6 CONSIDERATION, SINCE IT'S AN UP-FRONT PROCESS, TO MENTION
7 AS A POSSIBLE FUNDING MECHANISM THAT IT BE INCLUDED IN
8 COLLECTION FEES.

9 EVERYTHING SEEMS TO BE ADDED THESE DAYS TO
10 THE DISPOSAL END AND JUST PUT ANOTHER LITTLE TARIFF ON
11 THE DISPOSAL FEE. AND, QUITE HONESTLY, IT'S BECOMING
12 VERY DIFFICULT TO JUSTIFY THIS CONTINUED RISE IN DISPOSAL
13 FEES; BUT AS AN ALTERNATIVE OR CERTAINLY SOMETHING THAT
14 SHOULD BE CONSIDERED, BECAUSE IT'S AT THE FRONT END, IS
15 AT LEAST INDICATE THAT AN OPTION IS TO INCREASE THE
16 COLLECTION FEES ACCORDINGLY TO COVER THESE KIND OF EITHER
17 PERMANENT PROGRAMS OR PERMANENT FACILITIES.

18 CHAIRMAN GALLAGHER: ANY QUESTIONS OF MR.
19 BEAUTROW?

20 BOARD MEMBER MOSCONE: MR. CHAIRMAN, I GET A
21 LITTLE UPSET ABOUT EVERY BILL THAT'S PASSED THAT HAS TO
22 DO WITH WASTE AND EVERYTHING. WE TACK AN EXTRA FEE ON
23 THE DUMP OR WHATEVER IT MIGHT BE.

24 PEOPLE DON'T REALIZE WHO'S GOING TO PAY FOR
25 THAT, WHETHER IT BE AT THE DUMP OR WHETHER IT BE

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1 COLLECTION. THE GUY WHO GENERATES THAT STUFF IS GOING TO
2 PAY.

3 NOW, THERE'S -- IN SAN FRANCISCO, FOR
4 EXAMPLE, THERE'S GOING TO BE AN INVESTIGATION ABOUT THE
5 COLLECTION FEES. AND ONE OF THE GUYS WHO REPRESENTS PART
6 OF SAN FRANCISCO IS DOWN THE STREET HERE, AND SOMEBODY
7 HAS PUT A BUG IN HIS EAR. BUT HE DOESN'T KNOW, I'M SURE,
8 HOW MUCH OF SAN FRANCISCO'S RATE. BECAUSE OF THE FACT
9 THEY ARE NOW GOING TO ALTAMONT, THEY DON'T KNOW HOW MUCH
10 OF THAT RATE IS GOING TO COVER ALL OF THE RECYCLING
11 PROGRAMS AND ALL OF THE OTHER PROGRAMS THAT THEY'VE
12 TAXED.

13 AND THEY JUST KEEP ADDING AND ADDING, AND
14 PEOPLE DON'T KNOW THIS. THEY SAY, "THAT DAMN GARBAGE
15 MAY. HE RAISES MY -- EVERY YEAR OR SO HE'S RAISING MY
16 DAMN RATE." THEY DON'T KNOW WHAT'S GOING ON UP HERE,
17 THAT THEY ARE FORCED TO DO THAT IN ORDER TO BREAK EVEN OR
18 TO GET SOME OF THAT MONEY BACK. THEY DON'T KNOW THAT
19 THEY'RE PAYING THIS. ONE WAY OR ANOTHER IT SHOULD BE
20 MADE KNOWN TO THESE PEOPLE WHERE THAT MONEY IS GOING.

21 AND ANOTHER POINT THAT -- WHILE I'M
22 TALKING, SO I DON'T HAVE TO GET THE FLOOR AGAIN. AS FAR
23 AS HOUSEHOLD HAZARDOUS WASTE, I KNOW THAT, FOR EXAMPLE,
24 WE'VE GOT -- PHIL, DON'T LEAVE. THEN YOU CAN FINISH UP.
25 I WANTED TO SAY THIS WHILE I'M TALKING.

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1 ALL OF OUR DISPOSAL SITES. THEY HAVE TO
2 HAVE AN INSPECTION OCCASIONALLY. THE DUMP GOES AND
3 EVERYTHING ELSE. AND SO WHO'S RESPONSIBLE? WHO GETS
4 BLAME? THE COLLECTION COMPANY, NOT THE PEOPLE WHO ARE
5 RESPONSIBLE FOR GETTING IT INTO THAT TRUCK BECAUSE THE
6 COLLECTOR CAN'T BE LOOKING AT EVERY CAN HE DUMPS. HE
7 CAN'T BE LOOKING AT EVERY CONTAINER THAT HE DUMPS. HE
8 CAN'T BE LOOKING TO SEE IF THERE'S A PAINT CAN OR IF
9 THERE'S SOME OTHER -- ONE OF THESE OTHER MATERIALS IN
10 THERE.

11 BUT, YOU KNOW, HE GETS ON THE SCALE, HE
12 DUMPS HIS LOAD, AND I DON'T KNOW WHETHER IF THEY FIND
13 SOMETHING AFTER HE'S DUMPED HIS LOAD AND THEY FIND SOME
14 OF THESE HOUSEHOLD HAZARDOUS WASTES, IF THEY GRAB HIM BY
15 THE NECK AND SAY, "HEY, YOU HAD THIS STUFF IN HERE. GET
16 IT OUT OF HERE." I KNOW THAT THEY DON'T DO THAT, BUT IT
17 SEEMS LIKE THAT'S THE PROCEDURE. BUT I THINK THE BLAME
18 SHOULD GO WHERE THE BLAME SHOULD GO THAT WANT TO DISPOSE
19 OF THAT STUFF.

20 MR. BEAUTROW: I THINK IT'S UNDERSTOOD IN
21 CALIFORNIA, AT LEAST, THAT CURBSIDE COLLECTION IS QUITE
22 POPULAR. AND I REMEMBER WHEN JOE GARBORINO WAS UP HERE
23 SEVERAL YEARS AGO. HE SAYS IT'S GOING TO COST 80 CENTS
24 MORE A MONTH IN MARIN COUNTY TO DO THIS. AND HE WENT TO
25 ALL THE DISTRICTS THAT THEY COLLECT AND THEY PASSED IT.

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1 I'M JUST SAYING THAT. LIKEWISE, WITH THE
2 HOUSEHOLD HAZARDOUS WASTE, IT MIGHT BE AT LEAST A
3 MECHANISM THAT SHOULD BE MENTIONED IN HERE -- IT WOULDN'T
4 REQUIRE DRASTIC EDITING -- AS A MEANS TO HANDLE THIS
5 RATHER THAN JUST PUT IT -- I DON'T KNOW HOW MUCH YOU
6 WOULD SAY AS FAR AS THE TONNAGE FEE. AND BELIEVE ME,
7 IT'S GOING TO BE DISTORTED SOMEHOW OR OTHER IF IT'S
8 APPLIED AT THE OTHER END. SO THAT WAS THE POINT.

9 BOARD MEMBER MOSCONE: TOO, PHIL, A LOT YOU
10 SAID, BECAUSE I KNOW MORE ABOUT IT THAN OTHER PLACES.
11 SAN FRANCISCO -- I'LL USE SAN FRANCISCO AS AN EXAMPLE.
12 WE'RE LOADED WITH APARTMENT HOUSES. THOSE TENANTS DON'T
13 EVEN DO WHAT THEY'RE SUPPOSED TO BE DOING. YOU'RE LUCKY
14 IF THEY THROW THE GARBAGE IN THE SHOOT AND NOT GO OUT ON
15 THE BACK STEPS AND THEN THROW THEIR BAGS DOWN AS THEY DO
16 IN SOME PLACES.

17 AS FAR AS RECYCLING AND ALL OF THAT, THE
18 MANAGER OF THAT APARTMENT DON'T TELL THE PEOPLE THAT.
19 YOU CAN PUT NOTES UNDER THE DOORS, RECYCLE YOUR
20 NEWSPAPERS, GLASS, AND EVERYTHING ELSE. NO WAY.

21 YOU KNOW, WHO'S RESPONSIBLE IF THEY DON'T?
22 YOU CAN'T BLAME THE APARTMENT HOUSE OWNER IF THEY DON'T.
23 THEY CAN'T BE DOWN THERE WATCHING OR OUT ON EACH FLOOR OF
24 THE APARTMENT BUILDING TO SEE WHAT THE PEOPLE ARE
25 THROWING DOWN THE GARBAGE SHOOT OR PUTTING INTO THE CAN

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1 DOWN AT THE FLOOR LEVEL. AND THOSE ARE THE PEOPLE WHO
2 CARE THE LEAST. THEY'RE THE ONES WHO GO OUT AND
3 DEMONSTRATE AND ALL OF THAT, BUT THEY'RE THE ONES WHO --

4 MR. BEAUTROW: I FOUND THE PROBLEM. IT'S ME.

5 CHAIRMAN GALLAGHER: PHIL, BEFORE YOU LEAVE,
6 THOUGH, THERE'S ONE THING THAT HAS CONCERNED ME. IT
7 SEEMS ALWAYS OVERLOOKED. AND THAT IS THAT THROUGHOUT OUR
8 STATE, WE HAVE A FAIRLY HIGH PERCENT OF AREA THAT DOES
9 NOT HAVE MANDATORY COLLECTION. AND AS I HAVE THOUGHT
10 ABOUT IT, THE ONLY WAY I SEE THAT YOU CAN COLLECT FOR THE
11 SERVICE IS THEY BRING IT TO A TRANSFER STATION OR BRING
12 IT TO A PLACE IS EITHER HAVE A FEE SCHEDULE THAT YOU
13 CHARGE THEM AS THEY COME IN OR THAT IT BE PICKED UP AT
14 THE LANDFILL THROUGH SOME KIND OF AN INCREASED TIPPING
15 FEE.

16 I DON'T THINK WE'RE GOING TO HAVE MANDATORY
17 COLLECTION OVERNIGHT. I THINK BEFORE LONG WE WILL HAVE
18 IT, BUT NOT REAL SOON BECAUSE, IN ORDER TO FIT INTO THE
19 RECYCLING PROGRAMS, YOU'VE ALMOST GOT TO HAVE IT AT SOME
20 POINT IN TIME.

21 HOW WOULD YOUR COMPANY SUGGEST, IN VIEW OF
22 WHAT I'VE SAID, HOW WE CHARGE FOR THE COLLECTION OR
23 DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE FROM NONMANDATORY
24 PICKUP AREAS?

25 MR. BEAUTROW: WELL. JOHN, MR. GALLAGHER, I



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1 THINK THAT IT'S A MIX. I BELIEVE THERE'S CERTAIN PARTS
2 OF THE STATE WHERE ONE WILL WORK AND ONE WON'T. AND SO I
3 BELIEVE THAT IT'S JUST LIKE IN MANY OF THE RURAL
4 COUNTIES, THEY ADOPTED THIS LAND USE FEE -- WELL, ANOTHER
5 FEE ON YOUR TAXES -- TO PAY FOR REFUSE DISPOSAL. I THINK
6 THAT A LOT OF THE RURAL COUNTIES DID THAT, SO THERE'S A
7 MECHANISM THERE.

8 BUT I'M NOT SAYING ACROSS THE BOARD, BUT I
9 THINK THAT -- I DON'T KNOW THE ANSWER TO YOUR QUESTION
10 OTHER THAN IT APPEARS TO ME IT SEEMS TO BE A MIX OF FEES
11 AT THE LANDFILLS AND PROBABLY IN THE MORE URBAN AREAS
12 ADDED ON TO THE COLLECTION. AT LEAST PEOPLE WILL KNOW
13 WHERE IT'S GOING AND SO FORTH AND PUT IT RIGHT BACK ON
14 THEM. SO I THINK IT SHOULD BE INCLUDED AS AN OPTION.

15 CHAIRMAN GALLAGHER: THANK YOU. ANY FURTHER
16 QUESTIONS OF MR. BEAUTROW? THANKS, PHIL.

17 MR. OLDALL: WHAT EXACTLY WOULD THE BOARD
18 PREFER, MR. CHAIRMAN? WOULD YOU LIKE US TO GO BACK TO, I
19 THINK, THE FIRST POINT THAT MR. BEAUTROW MADE THAT WAS
20 COMPLETELY VALID ABOUT EXTENDING TO PROGRAMS AS WELL AS
21 TO FACILITIES?

22 THE PROBLEM WITH ANY FUNDING MECHANISM
23 BECOMES A POLITICAL ISSUE, PARTICULARLY IF WE RECOMMEND
24 ONE PARTICULAR MECHANISM. PERHAPS WHAT WE MIGHT DO IS
25 JUST SAY THE OPTIONS FOR FUNDING WILL RANGE FROM OR

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1 SOMETHING AND GIVE A VARIETY OF FUNDING SOURCES BECAUSE
2 THE BOARD MAY BE A LITTLE BIT IN HOT WATER IF WE JUST
3 ACTUALLY PICK ONE OR LEAN HEAVILY IN THE FAVOR OF ONE
4 UNLESS THAT IS THE BOARD'S WISH.

5 BOARD MEMBER BROWN: I AGREE. AFTER ALL, THESE
6 RECOMMENDATIONS ARE JUST THAT. AS, IN FACT, INSIDE THE
7 FIRST COVER, YOU MAKE QUITE AN ISSUE OF THAT THESE ARE
8 JUST GUIDELINES AND NOT MANDATORY. SO YOU CAN DO A WIDE
9 RANGE OF THINGS WITH RESPECT TO MAKING RECOMMENDATIONS
10 WITH -- TO LOCAL GOVERNMENTS, I ASSUME, WOULD BE THE
11 USERS OF SOMETHING LIKE THIS. YEAH, I THINK IT COULD BE
12 BROAD, MORE BROAD ABOUT THE RECOMMENDATIONS OR THE
13 OPTIONS AVAILABLE.

14 MR. BERTON: MR. CHAIRMAN, ANOTHER THING, TOO,
15 THE WORDING AS STATED SAYS, "THERE ARE A VARIETY OF WAYS
16 CITED," AND WE HAVE THE CLAUSE "INCLUDING BUT NOT LIMITED
17 TO." SO IT DOES PROVIDE FOR A BROAD SPECTRUM OF OPTIONS.

18 CHAIRMAN GALLAGHER: ANY FURTHER QUESTIONS?

19 BOARD MEMBER VARNER: I STARTED TO, BUT I THINK
20 THEY'VE COVERED IT. HERE AGAIN, THIS IS A LOCAL
21 GOVERNMENT ISSUE, AND THERE'S BEEN A NUMBER OF THINGS
22 BROUGHT UP.

23 YOU HAVE A LOT OF AREAS WHERE YOU DON'T
24 HAVE MANDATORY SERVICE, AND SOME OF THE REAL RURAL AREAS
25 I DOUBT YOU ARE GOING TO HAVE MANDATORY SERVICE, SO YOU

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1 HAVE TO HAVE SOME OTHER MECHANISM.

2 I THINK THAT YOU NEED TO LEAVE THAT
3 OPEN-ENDED AND LEAVE IT UP TO LOCAL GOVERNMENTS TO DECIDE
4 HOW BEST TO FUND THEIR LOCAL PROGRAMS, AND THAT'S WHAT
5 IT'S GOING TO BE.

6 CHAIRMAN GALLAGHER: WHAT ABOUT THE FIRST POINT
7 THAT MR. BEAUTROW MADE ABOUT HAVING A PERMANENT PROGRAM
8 RATHER THAN NECESSARILY FOCUSING ON A PERMANENT LOCATION?

9 BOARD MEMBER VARNER: I WOULD LIKE TO COMMENT ON
10 THAT. I THINK IT'S VERY WELL TAKEN. AGAIN, TO SAY THAT
11 YOU SHOULD HAVE A PERMANENT FACILITY IN EVERY AREA IS
12 JUST ABSURD BECAUSE THE COST OF IT IS GOING TO BE
13 ASTRONOMICAL.

14 I DON'T THINK THAT PEOPLE, IN GENERAL, HAVE
15 ANY IDEA WHAT IT IS PER PERSON THAT A HOUSEHOLD HAZARDOUS
16 PROGRAM COSTS BECAUSE IT'S QUITE HIGH. THE WAY IN WHICH
17 IT'S ALWAYS BEEN CHARACTERIZED IS SOMEBODY WILL SAY IT
18 ONLY COST ONE CENT PER PERSON OR DAY OR SOME SUCH OF A
19 NONSENSICAL THING AS THAT.

20 BUT THE TRUTH OF THE MATTER IS FOR PEOPLE
21 THAT PARTICIPATE IN THESE THINGS, IT RUNS FROM ABOUT A
22 \$100 PER PERSON THAT PARTICIPATES IN IT UP. SO THE THING
23 IS QUITE EXPENSIVE. IN A HIGHLY POPULATED AREA, YOU CAN
24 HAVE A PERMANENT FACILITY AND IT MAKES SENSE. IN A LESS
25 POPULATED AREA, TO HAVE A PERMANENT FACILITY, IT WOULD BE

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1 SO EXPENSIVE THAT YOU CAN'T AFFORD IT. SO, THEREFORE, IN
2 ORDER TO FULFILL THE LAW, YOU HAVE PERIODIC PROGRAMS.
3 BUT AS PHIL POINTED OUT, THEY CAN BE PERMANENT TYPE OF
4 PROGRAMS, BUT ONLY PERIODICALLY USED.

5 MR. BERTON: IF I MAY COMMENT ON THAT. THE
6 DEPARTMENT OF HEALTH SERVICES IN THEIR PROPOSED
7 REGULATIONS FOR PERMIT BY RULE HAVE, THEIR ONLY DRAFT,
8 HAVE A DEFINITION FOR A PERMANENT PROGRAM. AND IF I'M
9 HEARING THIS CORRECTLY, THAT WHAT THESE -- INSTEAD OF
10 PERMANENT FACILITIES, BUT HAVING INTERMITTENT PROGRAMS ON
11 A PERMANENT BASIS, THAT MAY FALL UNDER WHAT DEPARTMENT OF
12 HEALTH SERVICES IS CLASSIFYING AS A ONE-DAY EVENT.

13 AND AS SUCH, THEY WOULD HAVE TO REMOVE THE
14 WASTE WITHIN 24 HOURS. AND THAT MAY CAUSE A LITTLE
15 DIFFICULTY THERE BECAUSE IT'S VERY LABOR INTENSIVE AND
16 IT'S VERY EXPENSIVE. THAT'S WHERE YOU COME INTO THE HIGH
17 COST OF \$250,000 PROGRAMS FOR ONE DAY.

18 WHAT THIS IS AN ATTEMPT TO IS TO EDUCATE
19 THE LOCAL GOVERNMENT AS TO WHAT A PERMANENT FACILITY,
20 WHAT IT WOULD ENTAIL TO ESTABLISH A PERMANENT FACILITY
21 AND PERHAPS WE COULD EXPAND ON THE COST-EFFECTIVE
22 BENEFITS OF IT.

23 BOARD MEMBER BROWN: I THINK YOU'VE TOUCHED ON
24 THE REAL ISSUE AND THAT HAS TO DO WITH THE LABOR
25 INTENSIVENESS OF THESE PROGRAMS. WHETHER IT'S PERMANENT

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1 OR NONPERMANENT, WITH RESPECT TO A FACILITY OR
2 DRIVE-THROUGH OR WHATEVER REALLY ISN'T THE ISSUE. THE
3 ISSUE IS THE COST OF THE TECHNICAL PEOPLE THAT MUST BE
4 THERE TO MONITOR WHAT'S BROUGHT IN AND HOW TO SEPARATE
5 IT, HOW TO NEUTRALIZE IT, OR WHATEVER THEY DO.

6 ONCE AGAIN, IN THAT THESE ARE JUST
7 RECOMMENDATIONS AND GUIDELINES, AN EXPOSE OF ALL THOSE
8 PROBLEMS PROBABLY IS NECESSARY SO AS NOT TO LEAD SOME
9 COMMUNITIES INTO THE IDEA THAT JUST BY BUILDING A
10 BUILDING THEY'RE GOING TO SOLVE THEIR PROBLEM. I DON'T
11 THINK THAT'S THE COST THAT WE'RE TALKING ABOUT.

12 MR. BERTON: AND THESE GO -- THESE
13 RECOMMENDATIONS GO HAND IN HAND WITH OUR RECOMMENDATIONS
14 FOR ONE-DAY COLLECTION EVENTS, WHICH IS ALL A PART OF OUR
15 MODEL OPERATION PLAN THAT WE'RE COMING UP WITH.

16 BOARD MEMBER VARNER: JUST TO CLARIFY THAT, YOU
17 ARE CORRECT IN THAT YOU SAY THESE ONE-DAY COLLECTION
18 EVENTS ARE VERY COSTLY BECAUSE YOU GOT TO HAVE SEVERAL
19 CHEMISTS ON SITE AND SO ON AND SO FORTH. I KNOW BECAUSE
20 I'VE DONE SEVERAL OF THEM.

21 BUT IF YOU ARE GOING TO HAVE A PERMANENT
22 FACILITY, YOU HAVE TO HAVE THESE TYPE OF PEOPLE THERE ON
23 A PERMANENT BASIS, SO YOU GOT TO HAVE ENOUGH FOR THEM TO
24 DO TO JUSTIFY IT. THE THING OF IT IS THAT EVERYONE'S
25 GOING TO HAVE TO UNDERSTAND THAT THIS IS A NOT A CHEAP

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1 WAY TO DO ANYTHING. IT'S GOING TO BE VERY EXPENSIVE, BUT
2 YOU GOT TO HAVE ENOUGH TO COME THROUGH THERE ON A REGULAR
3 BASIS TO JUSTIFY A PERMANENT FACILITY. OTHERWISE THE
4 COST REALLY BECOMES HIGH.

5 MR. BERTON: THAT'S CORRECT TOO. ONE THING THAT
6 THE DEPARTMENT OF HEALTH SERVICES HAS NOTICED ALSO AND
7 THEY'VE ALLOWED FOR WITH THESE PERMANENT FACILITIES IS
8 THEY ALLOW THE WASTE TO BE STORED FOR 90 DAYS SO THAT
9 THEY CAN -- THERE WILL BE AN ACCUMULATION OF WASTE. AND
10 QUITE OFTEN, THE LOCAL AGENCY HAS THE CHEMIST ON STAFF OR
11 THE FIRE DEPARTMENT HAS A HAZMAT UNIT, AND THEY HAVE --
12 THERE'S A JOINT POWERS OR AN MOU OR SOMETHING BETWEEN
13 THESE AGENCIES AND THEY ALLOW FOR THAT.

14 CHAIRMAN GALLAGHER: ALL RIGHT. ANY FURTHER
15 QUESTIONS? MR. MOSCONE.

16 BOARD MEMBER MOSCONE: ONE REMARK THAT I THOUGHT
17 THEY DID A VERY GOOD JOB ON PUTTING THIS TOGETHER.

18 CHAIRMAN GALLAGHER: THANK YOU. I'M SURE STAFF
19 APPRECIATES THAT.

20 BOARD MEMBER BROWN: THEY WERE PROBABLY
21 BEGINNING TO WONDER.

22 CHAIRMAN GALLAGHER: AS I UNDERSTAND OUR
23 PROCEDURE HERE, YOU WANT US TO GIVE YOU APPROVAL TO
24 CIRCULATE THOSE DOCUMENTS OUT TO THE COUNTIES?

25 MR. BERTON: THAT'S CORRECT.

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1 CHAIRMAN GALLAGHER: WITH OUR BLESSINGS.

2 MR. BERTON: YES. AND IF YOU WOULD LIKE THE
3 CHANGES MADE, WE WOULD BE MORE THAN HAPPY TO MAKE ANY
4 CHANGES.

5 CHAIRMAN GALLAGHER: WELL, I DON'T THINK THAT
6 THERE WERE ANY CHANGES MADE OR SUGGESTED THAT WOULD BE --
7 MAKE IT NECESSARY SINCE YOU SAY THESE ARE ONLY GUIDELINES
8 AND NOTHING MANDATORY ABOUT THEM. SO I'D ENTERTAIN A
9 MOTION FOR STAFF'S RECOMMENDATION THAT WE ADOPT OPTION 1
10 AND GIVE THEM AUTHORITY TO SEND THESE GUIDELINES OUT.

11 BOARD MEMBER VARNER: I'LL MAKE THAT MOTION.

12 BOARD MEMBER MOSCONE: SECOND.

13 CHAIRMAN GALLAGHER: I HAVE A MOTION AND A
14 SECOND THAT WE APPROVE STAFF'S WORK AND AUTHORIZE THEM TO
15 COMPLETE IT AND SEND IT OUT TO THE COUNTIES. WILL YOU
16 CALL THE ROLE, PLEASE.

17 SECRETARY DUNN: BOARD MEMBERS BREMBERG?

18 BOARD MEMBER BREMBERG: AYE.

19 SECRETARY DUNN: BROWN?

20 BOARD MEMBER BROWN: YES.

21 SECRETARY DUNN: GEARHEART? ABSENT.

22 LOCKINGTON?

23 BOARD MEMBER LOCKINGTON: YES.

24 SECRETARY DUNN: MOSCONE?

25 BOARD MEMBER MOSCONE: YES.

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1 SECRETARY DUNN: TCHOBANOGLOUS? ABSENT.

2 VARNER?

3 BOARD MEMBER VARNER: AYE.

4 SECRETARY DUNN: CHAIRMAN GALLAGHER.

5 CHAIRMAN GALLAGHER: AYE.

6 THANK YOU. CARRIED AND SO ORDERED.

7 WE'RE GOING TO TAKE ONE MORE ITEM BEFORE
8 ADJOURNMENT, ITEM 14.

9 MR. OLDALL: YES, MR. CHAIRMAN. ITEM 14 IS
10 ENTITLED "REPORT ON CALIFORNIA RECYCLING MARKETS FOR
11 JULY-DECEMBER 1989." AND AS USUAL, THIS IS THE REGULAR
12 QUARTERLY ITEM ALSO THAT BRIAN FORAN PRESENTS TO THE
13 BOARD ON -- PARTICULARLY ON PAPERS AND BEVERAGE
14 CONTAINERS AND HIGHLIGHTS ANY PARTICULAR POINTS THAT HE
15 WANTS TO DRAW TO THE BOARD'S ATTENTION. BRIAN.

16 MR. FORAN: THANK YOU, MR. OLDALL. GOOD
17 AFTERNOON, MR. CHAIRMAN, MEMBERS OF THE BOARD. I'M HERE
18 TODAY TO PRESENT TO YOU BOARD STAFF'S REPORT ON
19 CALIFORNIA'S RECYCLING MARKETS FOR THE MONTHS OF JULY
20 THROUGH DECEMBER 1989.

21 I'LL BE REVIEWING THE MARKETS STATUS FOR
22 HIGH-GRADE WASTE PAPERS, OLD CORRUGATED CONTAINERS, OLD
23 NEWSPAPERS, AND ALUMINUM, GLASS, AND PET PLASTIC BEVERAGE
24 CONTAINERS.

25 I'LL BEGIN MY REVIEW OF CALIFORNIA'S

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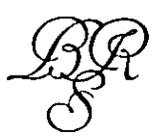
1 RECYCLING MARKETS WITH HIGH-GRADE WASTE PAPERS. THE
 2 MARKET REMAINED VERY STRONG DURING BOTH THE THIRD AND
 3 FOURTH QUARTERS FOR ALL OF THE HIGH-GRADES. PRICES FOR
 4 CPO AND WHITE LEDGER, WE HAVE THE GRAPH HERE FOR COMPUTER
 5 PRINTOUT, CPO, INCREASED SIGNIFICANTLY DURING THE
 6 SIX-MONTH PERIOD, WHILE COLORED LEDGER PRICES, WHICH I'LL
 7 FOLLOW AFTER THIS GRAPH, DECREASED SOMEWHAT.

8 BUT WE'RE STILL RELATIVELY HIGH. AS YOU
 9 CAN SEE, PRICES AT THE FOURTH QUARTER -- I'LL SIMPLY TALK
 10 ABOUT THE PRICES THAT ARE PAID, THE MARKET PRICES PAID TO
 11 DEALERS AND RECYCLING CENTERS, WHICH IS THE UPPER LINE OF
 12 THE GRAPH. THE LOWER LINE REPRESENTS THE PRICES, THE
 13 DOOR PRICES PAID TO THE PUBLIC. THE PRICES I TALK ABOUT,
 14 AGAIN, WILL STRICTLY BE THOSE PAID TO RECYCLING CENTERS
 15 AND LARGER DEALERS.

16 THE PRICES FOR COMPUTER PRINTOUT BEGAN ON
 17 THAT GRAPH IN THE FIRST QUARTER AT \$270 A TON, AND BY THE
 18 END OF THE FOURTH QUARTER, IT REACHED \$365 A TON.

19 WHITE LEDGER PRICES FOLLOWED THE SAME
 20 TREND. THEY HAD BEGUN THE YEAR AT \$190 AND ENDED THE
 21 FOURTH QUARTER AT \$238 A TON.

22 COLORED LEDGER PRICES, WITH THE EXCEPTION
 23 OF THAT SLIGHT DROP DURING THE THIRD QUARTER, ENDED UP AT
 24 \$138 A TON, SLIGHTLY HIGHER THAN WHERE THEY BEGAN AT THE
 25 BEGINNING OF THE YEAR.



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1 SOME OF THE MARKET FACTORS THAT WERE
2 INVOLVED IN THE STRONG MARKET FOR HIGH-GRADE WASTE PAPERS
3 WERE PRIMARILY THE HIGH PRICES FOR MARKET PULP, WHICH IS
4 WHAT IS USED TO MAKE THE HIGH-GRADE PAPERS AND OTHER
5 PAPERS AS WELL. THE HIGH-GRADE WASTE PAPERS ARE USED AS
6 SUBSTITUTES FOR THIS MARKET PULP, AND THE PRICE FOR
7 MARKET PULP HAD ACTUALLY PEAKED DURING THE SECOND
8 QUARTER, BUT PRICES DIDN'T REALLY START GOING DOWN ON
9 MARKET PULP UNTIL LATER ON DURING THE YEAR. SO THE
10 PRICES FOR HIGH-GRADE WASTE PAPERS REMAINED VERY HIGH.

11 ALSO, THERE WAS NO INCREASES IN FREIGHT
12 RATES DURING THE THIRD AND FOURTH QUARTERS, AND THERE WAS
13 VERY STRONG OVERSEAS DEMAND FOR THE HIGH-GRADES, WITH A
14 LOT OF SPOT PURCHASES BEING MADE -- SPOT PURCHASES BEING
15 MADE HIGHER THAN AT THE PRESENT VALUE, WHICH WOULD DRIVE
16 UP THE AVERAGE PRICE.

17 COLORED LEDGER DROPPED A LITTLE BIT DURING
18 THE QUARTER, PRIMARILY BECAUSE IT'S A LITTLE BIT LESS
19 SUITABLE AS A PULP SUBSTITUTE BECAUSE OF THE HIGHER
20 DEINKING REQUIREMENTS.

21 THE NEXT MATERIAL I'LL COVER IS OLD
22 CORRUGATED CONTAINERS. THE MARKET WAS SOMEWHAT WEAKER
23 DURING THE THIRD AND FOURTH QUARTERS FOR OLD CORRUGATED,
24 ALTHOUGH IT DID STABILIZE SOMEWHAT NEAR THE END OF THE
25 QUARTER. IF YOU LOOK AT THE UPPER LINE TOWARDS THE END,

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1 YOU'LL SEE THAT IT'S STARTING TO LEVEL OUT. THIS BEING
2 THE MARKET PRICE.

3 FOR QUITE A WHILE OLD CORRUGATED PRICES HAD
4 BEEN COMING DOWN QUITE A BIT; AND EVEN THOUGH THERE WAS
5 STILL SOME SLIGHT DROP, JUST THE FACT THAT THE PRICES ARE
6 STABILIZING IS INDICATING A STRENGTHENING OF THE MARKET.
7 AND AS A HISTORICAL LOOK, THE PRICES FOR OLD CORRUGATED
8 ENDED THE FOURTH QUARTER OF 1988 AT \$60.50 A TON AND
9 ENDED THE FOURTH QUARTER OF LAST YEAR AT 53.50. SO THERE
10 WAS ABOUT A \$6.50 PER TON DROP, BUT THERE HAS BEEN
11 STABILIZATION IN THE MARKET.

12 SOME OF THE MARKET FACTORS AFFECTING THE
13 PRICES FOR OLD CORRUGATED ON THE POSITIVE SIDE WAS A
14 STRONG PREHOLIDAY MILL DEMAND. THIS IS A TRADITIONAL
15 SEASONAL FACTOR WHERE THE MILLS ARE GEARING UP TO BE
16 SHIPPING OUT ALL THESE SHIPPING CARTONS; HOWEVER, ON THE
17 DOWNSIDE WAS IN THE FOURTH QUARTER, ONCE A LOT OF THE
18 RETAIL OUTLETS HAVE UNPACKED THESE CARTONS, THERE'S ALL
19 OF A SUDDEN A GREATER AVAILABILITY OF OLD CORRUGATED,
20 WHICH TENDS TO GLUT THE MARKET AND DRIVE THE PRICE DOWN.

21 ALSO, THE U.S. HOUSING INDUSTRY HAS BEEN
22 DOWN FOR AT LEAST A YEAR NOW, AND THE CONSTRUCTION PAPER
23 INDUSTRY, WHICH USES QUITE A BIT OF OLD CORRUGATED, AT
24 LEAST HAS TRADITIONALLY, REFLECTED THAT DOWNTURN IN THE
25 HOUSING MARKET BY USING LESS OF THE OLD CORRUGATED.

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1 THE MARKET FOR OLD NEWSPAPER HAS STABILIZED
2 SOMEWHAT DURING THE THIRD AND FOURTH QUARTERS, WHICH IS
3 ACTUALLY SOMETHING TO CHEER ABOUT BECAUSE IT HAD, AS YOU
4 CAN SEE FROM THE UPPER TWO LINES WHERE THEY MERGE AND
5 THEN CONTINUING ON DOWN, BEEN A DRAMATIC DECLINE OF
6 PRICES SINCE BEGINNING OF 1988. THE PRICE ENDED AT --
7 THE MARKET PRICE ENDED AT THE FOURTH QUARTER OF LAST YEAR
8 AT \$30 A TON.

9 JUST AS A HISTORICAL LOOK, IT ENDED AT THE
10 FOURTH QUARTER OF THE PREVIOUS YEAR AT \$40 A TON, SO
11 THERE WAS A \$10 DROP; BUT AGAIN, CLEARLY A STABILIZATION
12 OF PRICES.

13 SOME OF THE MARKET FACTORS FOR THE
14 STABILIZATION IN THE MARKET PRICES FOR OLD NEWS WAS THAT
15 LESS MATERIAL HAS BEEN COLLECTED BY NONMUNICIPAL
16 PROGRAMS, SUCH AS YOUR BOY SCOUT TROOPS, MOM AND POP
17 RECYCLING CENTERS, BECAUSE THAT DOOR PRICE SIMPLY COULD
18 NOT COVER THEIR COST OF OPERATION. I'VE BEEN TOLD THAT A
19 DOOR PRICE TO KEEP THESE SHOPS IN OPERATION JUST AT A
20 BREAKEVEN LEVEL WOULD BE ABOUT \$30 A TON; WHEREAS, IF YOU
21 LOOK AT THE LOWER GRAPH, THE AVERAGE PRICE FOR -- PAID TO
22 THE PUBLIC ENDING THE FOURTH QUARTER OF LAST YEAR WAS
23 9.50 A TON, SO WELL BELOW THAT BREAKEVEN POINT. LESS
24 MATERIAL BEING COLLECTED -- WITH LESS MATERIAL BEING
25 COLLECTED, THERE'S LESS AVAILABLE ON THE MARKET. AND

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1 THAT ACTUALLY HELPS STABILIZE IT.

2 THERE WAS ALSO AN INCREASED OVERSEAS DEMAND
3 FOR OLD NEWS, PARTICULARLY FROM SOUTH KOREA. AND,
4 FINALLY, THE PRICE FOR OLD NEWS HAD PRETTY MUCH REACHED
5 ROCK BOTTOM WHERE IT HAD GOTTEN TO THE POINT AT ABOUT \$30
6 A TON WHERE IF IT WENT ANY FURTHER THAN THAT, THE BROKERS
7 WHO MOVE THE MATERIAL TO THE OVERSEAS MARKETS WERE JUST
8 GOING TO SAY, "WE CAN'T HANDLE IT BECAUSE THE DEALERS
9 CAN'T ACCEPT ANY LESS THAN THAT, AND WE JUST CAN'T
10 PROVIDE YOU WITH MATERIAL." SO THERE'S BEEN SPECULATION
11 THAT THE OVERSEAS MILLS FINALLY STOPPED LOWERING THEIR
12 PRICES BECAUSE THEY KNEW IF THEY WENT ANY FURTHER, THEY
13 WOULDN'T HAVE SUPPLY.

14 I'LL SWITCH NOW TO BEVERAGE CONTAINERS, AND
15 I'LL START WITH ALUMINUM BEVERAGE CONTAINERS. I'LL GIVE
16 YOU A LITTLE PREVIEW RIGHT NOW OF SOMETHING WHICH HAS
17 AFFECTED PRICES WHICH WON'T BE INDICATED ON THESE GRAPHS
18 BECAUSE IT BECAME EFFECTIVE JANUARY 1. YOU ARE PROBABLY
19 AWARE THAT THE REDEMPTION VALUE FOR THE BEVERAGE
20 CONTAINERS INCLUDED IN THE REDEMPTION VALUE PROGRAM HAD
21 INCREASED. SO WHAT WE'LL BE SEEING FROM JANUARY 1 ON
22 WILL BE MUCH HIGHER PRICES BEING PAID TO THE PUBLIC
23 BECAUSE THE REDEMPTION VALUE HAS GONE UP FROM A PENNY PER
24 CONTAINER TO TWO FOR A NICKEL FOR CONTAINERS LESS THAN 24
25 OUNCES AND A NICKEL FOR CONTAINERS LARGER THAN 24 OUNCES.

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1 HOWEVER. THIS INCREASE IN THE REDEMPTION VALUE WILL ONLY
2 INCREASE THE PRICES PAID TO THE PUBLIC, WHICH IS THE
3 LOWER LINE, AND WILL NOT IMPACT THE ACTUAL MARKET.

4 THE ALUMINUM BEVERAGE CONTAINER MARKET IN
5 THE THIRD AND FOURTH QUARTER CONTINUED ITS DECLINE. THE
6 PRICES ENDED UP AT THE FOURTH QUARTER OF '89 AT 87 CENTS
7 PER POUND; WHEREAS, IN THE FOURTH QUARTER OF 1988, THEY
8 HAD BEEN AT ABOUT 93 CENTS A POUND. OF THAT 87 CENTS A
9 POUND, ACTUALLY ONLY ABOUT 50 PERCENT IS THE TRUE SCRAP
10 VALUE OR THE MARKET VALUE. THE REMAINDER IS THE
11 REDEMPTION VALUE TACKED ONTO IT. SO THERE'S BEEN, SINCE
12 THE START OF THE -- SINCE THE START OF 1989, THERE WAS
13 ABOUT AN 11 CENTS PER POUND DECLINE IN THE MARKET PRICE
14 FOR ALUMINUM BEVERAGE CONTAINERS, AND THAT'S PRETTY
15 SIGNIFICANT.

16 SOME OF THE MARKET FACTORS FOR THE DECLINE
17 IN THE PRICE OF ALUMINUM BEVERAGE CONTAINERS PRIMARILY
18 WAS THE SLOWDOWN IN THE ECONOMY, WHICH LOWERED THE DEMAND
19 BY THE AUTOMOTIVE AND CONSTRUCTION INDUSTRIES FOR PRIMARY
20 ALUMINUM, AND THE PRICE FOR USED ALUMINUM BEVERAGE
21 CONTAINERS ALMOST ALWAYS TRACKS THE PRICE OF PRIMARY
22 ALUMINUM.

23 THERE'S ALSO BEEN A SLOWDOWN IN THE GROWTH
24 OF THE ALUMINUM BEVERAGE CONTAINER MARKET. THEY'VE
25 PRETTY MUCH SATURATED THE BEVERAGE CONTAINER MARKET, AND

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1 WE'RE STARTING TO SEE SCME BEVERAGE CONTAINERS -- I'M
2 SORRY -- SOME BOTTLERS NOW CONSIDERING SWITCHING TO STEEL
3 AS THE PRICE FOR THAT PRODUCT IS BECOMING A LITTLE BIT
4 MORE COMPETITIVE.

5 ALSO, THE PRIMARY ALUMINUM INDUSTRY FAILED
6 TO SCALE BACK THEIR PRODUCTION AS THERE WAS LESS DEMAND
7 FOR THEIR PRODUCT. SO THERE WAS REAL STRONG INVENTORIES
8 OF PRIMARY ALUMINUM, AND SO THERE WAS LESS DEMAND FOR THE
9 ALUMINUM BEVERAGE CONTAINERS WHICH REPLACED THE VIRGIN
10 MATERIALS IN THE MANUFACTURE OF PRIMARY.

11 FINALLY, THERE WAS A SEASONALITY FACTOR,
12 WHICH ALWAYS KICKS IN IN THE SUMMER AND FALL MONTHS WHERE
13 YOU HAVE MORE SUPPLY OF THE CANS. AND SO CONSEQUENTLY,
14 THERE'S LESS PRICE BEING PAID FOR THE CANS.

15 THE GLASS CONTAINER MARKET WAS PRETTY
16 INTERESTING. I'M SURE YOU'VE PROBABLY HEARD THERE'S LOTS
17 OF PROBLEMS GOING ON WITH GLASS HERE IN THE STATE. IT'S
18 NOT REALLY REFLECTED BY THE PRICE GRAPHS UP HERE BECAUSE
19 THESE SIMPLY REFLECT -- WELL, THE PRICE FOR GLASS, AS IT
20 IS FOR THE OTHER BEVERAGE CONTAINERS, IS BASICALLY
21 CONTROLLED BY THE BEVERAGE CONTAINER REDEMPTION PROGRAM,
22 AND IT'S NOT REALLY REFLECTING WHAT'S GOING ON WITH THE
23 TRUE MARKET.

24 THERE WAS A SPECIAL REPORT IN YOUR PACKET
25 ON THE GLASS CONTAINER MARKET. I'LL HIGHLIGHT SOME OF



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1 THE FACTORS WHICH HAVE DISRUPTED THE GLASS MARKET THAT
2 ARE IN THAT REPORT. THERE WAS A VERY HIGH INCIDENCE OF
3 LOAD REJECTIONS GOING ON THROUGHOUT 1989, PARTICULARLY IN
4 THE THIRD AND FOURTH QUARTERS. MOST OF THE RECYCLING
5 CENTERS AND PROCESSORS WHO WOULD BUY FROM THE RECYCLING
6 CENTERS -- PARDON ME -- MOST OF THE GLASS BENEFICIATION
7 FACILITIES, WHICH ARE BASICALLY YOUR GLASS CONTAINER
8 MANUFACTURERS WHO WERE BUYING FROM THE PROCESSORS, WERE
9 REJECTING LOADS, SAYING THAT THEY CONTAINED EXCESSIVE
10 CONTAMINATION. HOWEVER, THIS WAS HAPPENING TO RECYCLING
11 CENTERS AND PROCESSORS WHO HAD BEEN SHIPPING LOADS FOR
12 YEARS WITHOUT CONTAMINATION PROBLEMS.

13 MOST OFTENTIMES THE REJECTIONS WERE FOR
14 MIXED-COLOR LOADS WITH EITHER TWO- OR THREE- COLOR MIXED
15 GLASS.

16 THERE WERE ALSO CONTINUED DELAYS IN
17 DELIVERIES TO THE BENEFICIATION FACILITIES. YOU WILL SEE
18 A SLIGHT DECLINE IN THE PRICES BEING PAID FOR GLASS
19 CONTAINERS. THERE REALLY SHOULDN'T HAVE BEEN ANY DECLINE
20 SINCE THERE WAS NO CHANGE IN THE REDEMPTION VALUE OR
21 REDEMPTION BONUS DURING THE THIRD AND FOURTH QUARTERS,
22 AND THE REASON FOR THE DECLINE IS TIED INTO SOME OF THESE
23 OTHER FACTORS THAT WERE GOING ON.

24 WHAT THE GLASS MANUFACTURERS HAVE DONE IS
25 THEY TIERED THEIR PRICES FOR THE TWO- AND THREE-COLOR

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1 MIXED GLASS, WHICH IS REALLY LESS DESIRABLE TO THEM IN
2 THAT GLASS MANUFACTURING PROCESS. THERE'S VERY LIMITED
3 CAPACITY TO USE MIXED COLORED GLASS IN THE GLASS
4 MANUFACTURING PROCESS. IN FACT, AMBER GLASS CAN ONLY USE
5 UP TO 10 PERCENT MIXED COLOR. GREEN, ONLY UP TO ABOUT 20
6 PERCENT. AGAIN, THIS WHOLE -- THIS PROBLEM IS IN THAT
7 SPECIAL REPORT THAT'S IN YOUR PACKET.

8 BECAUSE OF THE LESS DESIRABLE NATURE OF THE
9 MIXED COLORED GLASS, THE MANUFACTURERS WERE GETTING KIND
10 OF SNEAKY, REALLY, AND THEY'RE REJECTING LOADS, SAYING
11 THAT, WELL, THERE'S EXCESSIVE CONTAMINATION WHEN, IN
12 FACT, THE PROBLEM REALLY BOILS DOWN TO THAT THEY JUST
13 CAN'T USE THE STUFF. THAT'S NOT REALLY ALL THE
14 MANUFACTURERS' FAULT. THEY'VE BEEN FORCED TO BUY THAT
15 GLASS BACK AT A MINIMUM AVERAGE SCRAP VALUE, SET BY AB
16 2020, WHICH IS WELL ABOVE THE MARKET VALUE. AND THAT
17 MINIMUM AVERAGE SCRAP VALUE GOES FOR WHETHER THE GLASS IS
18 TWO- OR THREE-COLOR OR WHATEVER.

19 SO THEY'VE PRETTY MUCH TAKEN MATTERS INTO
20 THEIR OWN HANDS AND SAID, "WELL, WE'LL PAY LESS FOR THE
21 TWO- AND THREE-COLOR MIXED GLASS AND ABOUT THE SAME PRICE
22 FOR THE CLEAR GLASS, ONE COLOR." WHAT THAT HAS CAUSED,
23 THOUGH, IS FOR THE DEPARTMENT OF CONSERVATION TO KICK IN
24 THE PROCESSING FEE. YOU MAY ALSO HAVE HEARD ABOUT THAT.

25 PROCESSING FEE IS GOING TO BE IN LIEU OF



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1 THE MINIMUM AVERAGE SCRAP VALUE: THAT IS. THE GLASS
2 CONTAINER MANUFACTURERS NOW WILL ONLY HAVE TO MARKET
3 VALUE FOR THE GLASS AS OPPOSED TO DOC IMPOSED PRICE.
4 HOWEVER, THEY WILL HAVE TO PAY A SIX-THOUSANDTHS OF A
5 CENT PROCESSING FEE PER CONTAINER THAT THEY SELL HERE IN
6 THE STATE. THAT'S, AGAIN, NOT GOING TO REALLY -- WHAT
7 THIS WILL DO, IT'S NOT GOING TO AFFECT THE ACTUAL MARKET
8 PRICE, BUT IT WILL AT LEAST ASSURE THAT RECYCLING CENTERS
9 AND PROCESSORS, THAT THEY'LL BE ABLE TO SELL THE MATERIAL
10 AND GET THEIR MONEY FOR IT.

11 HOWEVER, THE PROBLEM HASN'T CHANGED ABOUT
12 THE TWO- AND THREE-COLOR MIX CAPACITY FOR MANUFACTURERS
13 TO HANDLE THAT. WE'LL HAVE TO WAIT AND SEE WHAT HAPPENS
14 THERE. THERE'S BEEN SOME -- THERE'S BEEN SOME IDEAS
15 BEING KICKED AROUND FOR INCREASING USE OF CULLET IN
16 ASPHALT AND PERHAPS GOING TO AN ECOLOGY GLASS. ECOLOGY
17 GLASS BEING JUST KIND OF A MODEL COLORED GLASS THAT CAN
18 USE A VERY HIGH PERCENTAGE OF THE TWO- AND THREE-COLOR
19 MIX.

20 WHAT YOU HAVE TO UNDERSTAND IS A LOT OF THE
21 CURBSIDE PROGRAMS HERE IN THE STATE COLLECT GLASS JUST
22 ALL MIXED TOGETHER. THE BUY-BACK CENTERS WILL OFTEN
23 COLLECT IT, AT LEAST SEPARATING THE CLEAR OUT FROM THE
24 COLORED, BUT EVEN THE TWO-COLOR MIX CREATES PROBLEMS. I
25 THINK WHAT WE'LL BE SEEING IS MORE RECYCLING, MORE

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1 CURBSIDE PROGRAMS AS WELL AS BUY-BACK CENTERS SWITCHING
2 TO A COLOR-SEPARATED SYSTEM. IN FACT, THAT'S WHAT MOST
3 OTHER STATES USE. AND CALIFORNIA -- I JUST -- I GUESS
4 THEY DIDN'T ANTICIPATE THE PROBLEM WITH INCREASING
5 LOADS -- INCREASING VOLUMES OF THE TWO- AND THREE-COLOR
6 MIXED GLASS GETTING TO THE POINT WHERE THEY JUST CAN'T
7 HANDLE IT ANYMORE. THAT'S ESSENTIALLY WHAT'S HAPPENED.

8 THE LAST MATERIAL I'LL COVER IS PET PLASTIC
9 BEVERAGE CONTAINERS. THE PRICES FOR THOSE CONTAINERS --
10 WELL, THE AB 2020 CONTROL PRICES INCREASED ONLY SLIGHTLY
11 DURING THE THIRD AND FOURTH QUARTERS; HOWEVER, THE TRUE
12 MARKET FOR THE PET, WHICH IS -- THAT IS, THE MARKET VALUE
13 WHICH THE MANUFACTURERS RECEIVE ON THE OPEN MARKET SHOWED
14 SOME SIGNIFICANT GAINS DURING THE THIRD AND FOURTH
15 QUARTER, AND THAT'S NOT REFLECTED HERE BECAUSE THIS IS
16 SIMPLY THE PRICE MANUFACTURERS ARE REQUIRED TO PAY TO
17 COLLECTORS FROM THE AB 2020 CONTROL PRICES.

18 SOME OF THE REASONS FOR THE INCREASED OPEN
19 MARKET VALUE FOR PET WAS AN INCREASED DEMAND FROM CHINA,
20 WHICH HAS BEEN THE TRADITIONAL MARKET FOR THE PET
21 COLLECTED HERE IN CALIFORNIA AND ALSO SOME INCREASED
22 INTEREST IN PURCHASING FROM SOME OF THE MAJOR
23 REPROCESSORS OF PET ON THE EAST COAST.

24 ALSO, THERE'S BEEN SOME NEW PLAYERS INTO
25 THE PET RECYCLING MARKET, ESTABLISHING FACILITIES IN THE

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1 MIDWEST AND ON THE EAST COAST. SO WE'RE SEEING
2 INCREASING COMPETITION NOW FOR THE PET AND THE TRUE
3 MARKET ACTUALLY INCREASING.

4 THAT CONCLUDES MY REPORT ON CALIFORNIA'S
5 RECYCLING MARKETS FOR THE THIRD AND FOURTH QUARTERS OF
6 1989. I'LL BE GLAD TO TAKE ANY QUESTIONS YOU HAVE RIGHT
7 NOW.

8 CHAIRMAN GALLAGHER: THANK YOU, BRIAN, CAROLE.
9 JOHN.

10 BOARD MEMBER MOSCONE: INTERESTING CONSTELLATION
11 OF STARS YOU PUT UP THERE. DO YOU EVER GET ANY QUOTES OR
12 ANYTHING ON MIXED WASTE PAPER?

13 MR. FORAN: YES. DID YOU WANT TO KNOW WHAT THE
14 PRESENT MARKET IS?

15 BOARD MEMBER MOSCONE: I WASN'T SURE WHETHER YOU
16 WERE DOING IT OR HOW MUCH OF IT WAS BEING COLLECTED OR IF
17 THERE WAS ANY DEMAND FOR IT. WHAT IS THE CURRENT PRICE?

18 MR. FORAN: I'VE BEEN QUOTED -- THERE'S VERY FEW
19 PROGRAMS COLLECTING MIXED WASTE HERE IN CALIFORNIA. IN
20 FACT, THROUGHOUT THE WEST COAST, MAYBE MORE ON THE EAST
21 COAST BECAUSE THEY'RE MANDATORY PROGRAMS. CITY OF SAN
22 FRANCISCO WAS REPORTEDLY RECEIVING ABOUT \$10 PER TON ON
23 THE DOCK FOR THEIR MIXED WASTE.

24 THERE IS A VERY LIMITED DEMAND FOR THE
25 MATERIAL, PARTICULARLY HERE DOMESTICALLY. MOST MIXED

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1 PAPER COLLECTED ON THE WEST COAST IS GOING OVERSEAS.
2 THERE USED TO BE A STRONGER DEMAND FOR MIXED WASTE WHEN
3 THE HOUSING INDUSTRY -- I'M SORRY -- THE CONSTRUCTION
4 MATERIALS INDUSTRY WAS USING MORE OF THE MIXED WASTE IN
5 PARTICULARLY THE ORGANIC SHINGLES. MOST SHINGLES NOW ARE
6 BEING MADE OUT OF FIBERGLASS, SO THAT TOOK A BIG CHUNK OF
7 THE MIXED WASTE MARKET. IT JUST DISAPPEARED.

8 SEATTLE IS COLLECTING MIXED WASTE THROUGH
9 THEIR CURBSIDE PROGRAM. THEY'RE GETTING SLIGHTLY LESS
10 THAN \$10 A TON. I UNDERSTAND THAT THE MIXED WASTE
11 COLLECTED THROUGH CURBSIDE PROGRAMS IS ACTUALLY A LITTLE
12 BIT CLEANER THAN SOME OF THE MIXED WASTE BEING COLLECTED
13 THROUGH OFFICE PROGRAMS; BUT, NONETHELESS, THERE'S STILL
14 VERY LIMITED DEMAND AND LOW PRICE FOR IT. IT'S THE KIND
15 OF MATERIAL THAT WILL BE COLLECTED TO KEEP IT OUT OF THE
16 LANDFILL AND NOT MAKE A MUNICIPALITY ANY MONEY.

17 BOARD MEMBER MOSCONE: I THINK THAT'S THE ANSWER
18 THERE AS FAR AS COLLECTING. AND THROUGHOUT THE STATE, AS
19 YOU MENTIONED, I DON'T THINK THERE ARE TOO MANY WHO
20 COLLECT THE MIXED WASTE. I KNOW THAT WE IN SAN
21 FRANCISCO, IT'S A BIG DEAL TO DO IT. IT REQUIRES A LOT
22 OF WORK; BUT WITH THE DISPOSAL COST THAT SAN FRANCISCO
23 NOW HAS TO PAY, IT REALLY PAYS EVEN WITH WHAT IT COSTS.
24 FOR EXAMPLE, YOU KNOW, SAN FRANCISCO COMPANY, GOLDEN
25 GATE, AND THE OFFICE BUILDINGS DOWNTOWN AND, OF COURSE,

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1 THERE'S A GREAT DEAL OF CONTAMINATION. AND I KNOW THAT
2 EVERY ONCE IN A WHILE WE'LL GET DEALS FROM THE ORIENT TO
3 TAKE THIS MIXED WASTE. OF COURSE, THEY EXPECT YOU, WHILE
4 YOU ARE BALING IT, TO TRY TO KEEP IT CLEAN, BUT THEIR
5 OBJECT IS, ONCE THEY GET IT OVER THERE, IS TO GO THROUGH
6 THAT AGAIN AND TAKE OUT ALL OF THE MORE EXPENSIVE OR THE
7 HIGHER GRADE PAPERS.

8 SOMETIMES IT WORKS OUT; SOMETIMES IT
9 DOESN'T BECAUSE THERE'S TOO MUCH CONTAMINATION. BUT IN
10 THE CONTAMINATION, I DON'T THINK THEY'RE GETTING MOTOR
11 BLOCKS OR BATTERIES AND ALL OF THAT KIND OF STUFF THAT WE
12 USED TO GET OUT OF OUR COLLECTIONS DOWNTOWN.

13 THE SAME CONDITION, I THINK, IS -- I JUST
14 KEEP SEEING THE SAME THINGS GOING ON NOW THAT I
15 EXPERIENCED SINCE I WAS IN THE BUSINESS, AND THAT GOES
16 BACK TO 1933. THE SAME THINGS. I CLIMBED SO MANY
17 MOUNTAINS OF GLASS BREAKING GLASS BOTTLES AND EVERYTHING
18 ELSE AND PUTTING IT IN DOUBLE SACKS AND DELIVERING IT TO
19 THE DOCKS FOR \$4 A TON. WE THEN GOT OWENS ILLINOIS AND
20 SOME OF THE OTHER COMPANIES WOULD TAKE IT IF WE DELIVERED
21 IT.

22 WELL, ONCE YOU GOT TO THE GLASS PLANT,
23 CAN'T USE IT TODAY, AND SO EITHER YOU BRING IT BACK TO
24 SAN FRANCISCO OR IF YOU HAD SOME OTHER -- SOMEBODY WOULD
25 TAKE IT TO THE DUMP. SO A LOT OF IT WOUND UP AND SO THEY

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1 WERE JUST DOING. YOU MIGHT SAY. TO SHOW THAT THEY WERE
2 BEHIND THE RECYCLING PROJECT. AND I CAN SEE THE PROBLEMS
3 THAT THEY WOULD HAVE WITH THE GLASS MIXTURES, AND THEY
4 USED TO GIVE US THAT TOO.

5 FLINT, WELL, THEY'D TAKE A LITTLE FLINT AND
6 MIXED A LITTLE GEORGIA GREEN IN WITH THE FLINT, WELL,
7 THEY'D KIND OF OVERLOOK IT. IN THE OTHERS YOU ARE
8 GETTING, YOU KNOW, BETWEEN THE AMBER AND THE GREENS AND
9 THE OTHER -- I GOT A NAME FOR IT, BUT I WON'T MENTION
10 IT -- BUT YOU WOULD SEE -- I DON'T KNOW PEOPLE HERE -- OF
11 COURSE, SOMETIMES YOU WILL GET SOME IMPORTED WINES IN
12 BOTTLES PRETTY MUCH, IT'S NOT AN AMBER; IT'S NOT A GREEN
13 AND IT'S A MIXTURE OF ALL THAT. IN RUSSIA YOU WILL SEE
14 IT. THEIR WATERS AND EVERYTHING ELSE.

15 I DON'T KNOW. PEOPLE ARE SPOILED AND I
16 DON'T KNOW WHETHER THEY WOULD LIKE IT. I THINK THEY WANT
17 TO SEE WHAT THEY'RE BUYING. AND THAT'S WHY WE HAVE THE
18 GEORGIA GREEN FOR THE WHITE WINES. AND, ANYHOW, BUT
19 THE -- WE'RE BACK TO THE POINT, WHEREAS I SAY, I'VE BEEN
20 IN THIS PROBLEM SINCE 1933, AND I REALLY -- SO IT DOESN'T
21 SURPRISE ME THAT YOU GET ALL OF THESE PEAKS AND VALLEYS
22 OF DEMAND AND NO DEMAND AND DUMPING.

23 MR. FORAN: THAT'S A VERY ACCURATE OBSERVATION
24 ABOUT THE INCREASING REJECTIONS OR THE DEMAND FOR HIGHER
25 QUALITY MATERIALS. THERE'S A PARALLEL BETWEEN THE MIXED

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1 WASTE PAPER MARKET EVEN THOUGH VERY LITTLE IS BEING
2 COLLECTED IN THE GLASS MARKET. IT'S A BUYER'S MARKET
3 BECAUSE SUPPLY HAS EXCEEDED DEMAND, SO THEY CAN PRETTY
4 MUCH PICK AND CHOOSE WHAT THEY WANT. THERE'S NOT MUCH
5 MIXED WASTE PAPER BEING COLLECTED, BUT THERE'S NOT MANY
6 MILLS OUT THERE USING THE STUFF, SO THAT THEY CAN SAY,
7 "WE'LL PAY FOR IT WHAT WE WANT TO PAY FOR IT, AND WE'LL
8 DEMAND HIGH QUALITY OF THE PRODUCT."

9 BOARD MEMBER MOSCONE: IN THE CASE OF GLASS, IF
10 THEY DEMAND THAT THE PEOPLE WASH OFF THE LABELS AND ALL
11 OF THAT, ESPECIALLY WITH THE WATER SITUATION BEING WHAT
12 IT IS, PEOPLE ARE JUST NOT GOING TO DO IT.

13 MR. FORAN: IT WON'T GET TO THAT POINT WITH
14 GLASS. LABELS DON'T REALLY CREATE A PROBLEM IN THE
15 RECYCLING PROCESS.

16 CHAIRMAN GALLAGHER: THANK YOU, BRIAN. THANK
17 YOU VERY MUCH. ANY FURTHER QUESTIONS YOU WANT TO ASK OF
18 BRIAN OR CAROLE? VERY NICE.

19 THERE'S MANY, MANY THINGS THAT CAN BE SAID
20 ON RECYCLING AND MARKETS. ONLY ADMONITION IS THAT I
21 THINK, IN THE CASE OF GLASS, WE HAVE ALLOWED OURSELVES TO
22 KIND OF SLIP INTO THE SAME TRAP THAT THE INDUSTRY HAS,
23 THAT WE THINK OF GLASS AS ONLY BEING ABLE TO BE RECYCLED
24 IF YOU PUT IT BACK IN NEW GLASS. AND I THINK WE ARE
25 CUTTING OURSELVES SHORT IF WE LIMIT OUR VISION TO JUST

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THAT.

I THINK WE SHOULD BE LOOKING AT WHAT
SECONDARY USES CAN BE MADE OF THAT USED GLASS BECAUSE
THERE'S GOING TO BE AN INCREASING SUPPLY OF CULLET AND A
DIMINISHING DEMAND FOR NEW GLASS. WE NEED SOME MORE
SECONDARY MARKETS, SO I THINK WE SHOULD BE LOOKING AT
THAT AND NOT FALL INTO THE SAME TRAP AS THE DEPARTMENT OF
CONSERVATION AND THEIR AB 2020 PROGRAM.

MR. FORAN: GOOD POINT.

CHAIRMAN GALLAGHER: THANK YOU. ARE THERE ANY
FURTHER COMMENTS BY THE BOARD OR ANY FURTHER COMMENTS BY
STAFF BEFORE WE ADJOURN?

THEN I DECLARE THIS MEETING IS ADJOURNED.
WE WILL RECONVENE AT 9 O'CLOCK IN THE MORNING.

(END OF PROCEEDINGS.)

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REPORTER'S CERTIFICATE

I, Beth C. Drain HEREBY CERTIFY THAT ON THE
18th OF April, 1990, I DID REPORT IN
SHORTHAND THE TESTIMONY AND PROCEEDINGS OF THE FOREGOING
HEARING;

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 COPY OF
MY SHORTHAND NOTES THEREOF.

Beth C. Drain
CERTIFIED SHORTHAND REPORTER
CERTIFICATE NO. 7152



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