

**CERTIFIED  
COPY**

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

**IN THE MATTER OF THE:                    )**  
**)**  
**REGULATIONS WORKSHOP                )**  
**JULY 8, 1991                        )**  
**\_\_\_\_\_ )**

**DATE AND TIME:   MONDAY, JULY 8, 1991, 10 A.M.**

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

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

**BRS FILE NO.:        9391**

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1600 EAST FOURTH STREET, SUITE 220  
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TELEPHONE (714) 953-4447

## APPEARANCES

MR. JESSE R. HUFF, CHAIRMAN  
MR. WESLEY CHESBRO

## STAFF PRESENT

MR. HERBERT IWAHIRO, CHIEF DEPUTY EXECUTIVE  
OFFICER  
MR. STEVEN SPHAR, ASSISTENT GENERAL COUNSEL

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## PUBLIC TESTIMONY

JACK MICHAEL	7, 18, 35
TONY PACHECO	11, 14, 28, 40
BRIAN ZAMORA	13, 32, 49
DIANE EVANS	17, 22, 33, 50, 64
TOM PITTMAN	20
RON DALEDONI	37
ED PADILLA	39
TRENT CAVE	44, 57, 65
RICHARD DICKSON	47
KEN STUART	48, 55
TIM SNELLINGS	60

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WORKSHOP ON REGULATIONS FOR  
DESIGNATION AND CERTIFICATION OF LEA'S  
SACRAMENTO, CALIFORNIA

10 A.M.

CHAIRMAN HUFF: WE'LL CONVENE THE PUBLIC HEARING  
ON THE MATTER OF THE REGULATIONS FOR OUR LOCAL  
ENFORCEMENT AGENCY DESIGNATION AND CERTIFICATION.

MS. COYLE: MR. CHAIRMAN AND MEMBERS, AS A  
MATTER OF AN INTRODUCTORY INTO THE ITEM, I WOULD LIKE TO  
ESTABLISH STATEMENTS ABOUT WHERE -- HOW WE GOT TO WHERE  
WE ARE. THIS IS -- THERE ARE SOME REQUIREMENTS IN THE  
PUBLIC RESOURCES CODE THAT WILL REQUIRE REGULATIONS FOR  
LEA DESIGNATION AND CERTIFICATION.

REQUIREMENTS ARE THAT THE BOARD ADOPT THEM  
BY AUGUST 1, 1991, AND THAT THE LOCAL ENFORCEMENT  
AGENCIES BE CERTIFIED BY AUGUST 1, '92. THE STATUTE  
FURTHER GOES ON TO REQUIRE AREAS IN THE FOLLOWING AREAS:  
TECHNICAL EXPERTISE, ADEQUACY OF STAFF RESOURCES,  
ADEQUACY OF BUDGET, TRAINING REQUIREMENTS, EXISTENCE OF  
AT LEAST ONE PERMITTED SOLID WASTE FACILITY WITHIN THE  
JURISDICTION, AND NO OPERATIONAL INVOLVEMENT OF ANY TYPE  
OF FACILITY IT ENFORCES.

FURTHERMORE, LEA'S CAN BE DESIGNATED INTO  
FOUR SEPARATE TYPES, ONE FOR LANDFILLS, ONE INCINERATORS,

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1 ONE'S FOR TRANSFER AND PROCESSING STATIONS, AND, FINALLY,  
2 LITTER, ODOR, AND NUISANCE REGULATIONS AT SOLID WASTE  
3 LANDFILLS.

4 WE HAVE -- BY PAST COMMITTEE MEETING, WE  
5 HAVE NOTICED THE REGULATIONS, AND THIS IS THE END OF THE  
6 45-DAY COMMENT PERIOD, AND THIS IS OUR OFFICIAL PUBLIC  
7 HEARING ON THE REGULATIONS. AT THIS TIME I'D LIKE TO  
8 TURN IT OVER TO MIKE FINCH TO FILL IN A LITTLE BIT MORE  
9 OF THE DETAILS OF THE PROCEDURES AND THEN OFFER IT UP FOR  
10 COMMENTS.

11 CHAIRMAN HUFF: LET ME ALSO STATE, SINCE THIS IS  
12 BEING RECORDED, THAT THE HEARING IS BEING CONDUCTED BY  
13 MYSELF AND MR. CHESBRO. WE DON'T NEED TO TAKE ROLL, BUT  
14 WE DO NEED TO NOTE FOR THE RECORD WHO'S HERE.

15 MR. FINCH: GOOD MORNING, MR. CHAIRMAN AND  
16 MEMBERS OF THE BOARD. MY NAME IS MICHAEL FINCH WITH THE  
17 BOARD STAFF. WE'RE HERE TODAY TO RECEIVE TESTIMONY FROM  
18 THE PUBLIC ON THESE PROPOSED REGULATIONS. I ANTICIPATE  
19 THAT IT WILL RUN SIMILAR TO THE WORKSHOP THAT WE HELD IN  
20 BURBANK ON JUNE THE 12TH. SO THAT I ASK THAT MEMBERS OF  
21 THE PUBLIC WHO WISH TO GIVE TESTIMONY STEP UP TO THE  
22 MICROPHONE AND IDENTIFY THEMSELVES. AND I WOULD REMIND  
23 EVERYONE THAT THE TESTIMONY IS BEING RECORDED BOTH ON  
24 VIDEO CAMERA AND BY TRANSCRIPTS. AND ALL COMMENTS THAT  
25 ARE GIVEN WILL BE RESPONDED TO, AND STAFF ANTICIPATES

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1 THAT SHORTLY WE WILL BE ABLE TO HAVE ALL OF THE COMMENTS  
2 RESPONDED TO IN WRITING.

3 I ALSO ASK THAT THE CHAIRMAN HAVE THE  
4 SECTIONS OR GO BY SECTION BY SECTION RATHER THAN HAVE  
5 INDIVIDUALS COME UP. I THINK THIS WOULD HELP FACILITATE  
6 OUR GETTING THROUGH THIS WORKSHOP. SO DOES THAT SOUND  
7 AGREEABLE?

8 CHAIRMAN HUFF: YES. I HAD INDICATED EARLIER  
9 THAT IT WAS MY DESIRE THAT WE WOULD PROCEED GOING SECTION  
10 BY SECTION, SO THAT MEANS THAT PEOPLE WHO HAVE COMMENTS  
11 TO OFFER, IF YOU COULD OFFER THE COMMENTS RELATIVE TO THE  
12 SECTION BEING DISCUSSED. NOW, THAT MEANS THAT PEOPLE MAY  
13 HAVE TO COME BACK TO THE MICROPHONE TWO, THREE, FOUR  
14 TIMES CONCEIVABLY FOR DIFFERENT SECTIONS AS THEY ARE  
15 INTERSPERSED THROUGH THE REGULATIONS, BUT THERE IS A  
16 GREATER LOGIC FOR DOING THINGS THAT WAY WITH REGARD TO  
17 HOW WE ARE COMPILING THESE REGULATIONS THAN THERE IS TO  
18 HAVE PEOPLE COME UP TO THE MICROPHONE AND SORT OF SKIP  
19 THROUGH THE REGULATIONS AS THEY RATTLE OFF VARIOUS  
20 SECTIONS.

21 SO IF I COULD ASK ANYONE MAKING COMMENTS  
22 THAT YOU ADDRESS YOUR COMMENTS TO THE SECTION BEING  
23 DISCUSSED, AND I'LL HAVE STAFF INTRODUCE EACH SECTION.  
24 GIVE ME A ONE-SENTENCE DESCRIPTION OF THE -- ONE-SENTENCE  
25 DESCRIPTION OF THE SECTION. AND THEN WE'LL TAKE THE

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1 COMMENTS.

2 MR. FINCH: OKAY. ONE OTHER THING THAT I WOULD  
3 ASK THAT EACH TIME SOMEONE GETS UP TO THE PODIUM THAT  
4 THEY REIDENTIFY THEMSELF FOR THE RECORD.

5 CHAIRMAN HUFF: YEAH.

6 MR. FINCH: WITHOUT FURTHER ADO, WHY DON'T WE  
7 BEGIN WITH SECTION 18010, WHICH COVERS THE SCOPE OF THESE  
8 REGULATIONS.

9 CHAIRMAN HUFF: ANYONE HERE ON THAT ONE? WE'RE  
10 ON A ROLL.

11 MR. FINCH: OKAY. WHY DON'T WE MOVE ON TO THE  
12 DEFINITIONS FOUND IN SECTION 18011.

13 CHAIRMAN HUFF: STILL ON A ROLL.

14 MR. MICHAEL: SORRY TO INTERFERE WITH THE ROLL.  
15 I'M JACK MICHAEL REPRESENTING LOS ANGELES COUNTY  
16 DEPARTMENT OF PUBLIC WORKS.

17 UNDER DEFINITIONS WE HAVE A CONCERN THAT  
18 THERE MAY BE A NEED FOR ADDITIONAL DEFINITION. WE  
19 MENTIONED THIS IN GENERAL, I THINK, AT A PREVIOUS  
20 SESSION. CONFUSION COMES ABOUT, I BELIEVE, IN THE FACT  
21 THAT JURISDICTION IS MENTIONED THROUGHOUT THE  
22 REGULATIONS, AND THERE'S NO SPECIFIC DEFINITION OF  
23 JURISDICTION FOR THE PURPOSE OF THESE REGULATIONS.

24 JURISDICTION CAN BE THE LEGAL JURISDICTION  
25 OF A CITY OR COUNTY. IN THE CASE OF A COUNTY THAT HAS

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1 CITIES, WHICH ALL DO, THE LEGAL JURISDICTION OF A COUNTY,  
2 FOR INSTANCE, IS ITS UNINCORPORATED AREA. CITY'S  
3 JURISDICTION IS WITHIN THEIR INCORPORATED AREA.

4 AS YOU GO THROUGH THE REGULATIONS, AT ONE  
5 POINT THERE IS THE TERM "TERRITORIAL JURISDICTION" USED.  
6 AGAIN, THAT ISN'T DEFINED. I THINK THE PRESUMPTION IN  
7 READING THE REGS IS THAT AN LEA WOULD ASSUME SOME  
8 TERRITORIAL JURISDICTION THAT WOULD CONSIST OF ALL THOSE  
9 LOCAL AGENCIES THAT MAY HAVE DESIGNATED THEM AS THE LEA,  
10 BUT ISN'T CLEAR AS YOU USE THE DEFINITION OR THE TERM  
11 "JURISDICTION" THROUGHOUT. IT CAN BE BECOME CONFUSING.

12 WE'RE RECOMMENDING THAT A DEFINITION BE  
13 INCLUDED IN THE REGULATIONS FOR TERRITORIAL JURISDICTION  
14 THAT WOULD READ SOMETHING LIKE "TERRITORIAL JURISDICTION  
15 MEANS, FOR THE PURPOSES OF THIS CHAPTER, THE GEOGRAPHICAL  
16 AREA OF THE LEA WHICH ENCOMPASSES THE TERRITORY OF ALL  
17 THE LOCAL AGENCIES THAT HAVE DESIGNATED THE LEA AND IN  
18 WHICH AREA THE LEA SHALL HAVE LEGAL JURISDICTION TO  
19 PERFORM ITS RESPONSIBILITIES PURSUANT TO THIS CHAPTER."

20 IN ADDITION, UNDER DEFINITION --

21 BOARD MEMBER CHESBRO: JACK, IS THE PROBLEM THAT  
22 THERE ARE SEVERAL POSSIBLE INTERPRETATIONS OF THAT. OR IS  
23 THAT A TERM THAT -- THE SECOND PART OF THE QUESTION IS  
24 AIMED AT COUNSEL -- IS THAT A TERM THAT IS DEFINED IN LAW  
25 GENERALLY ENOUGH TO SOLVE THE PROBLEM?

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1 MR. MICHAEL: I'M NOT CERTAIN WHETHER  
2 JURISDICTION, AS SUCH, IS DEFINED IN THE CODE. IT LIKELY  
3 IS. AND IF NOT SPECIFICALLY DEFINED, IT'S USED IN THE  
4 CODE TO MEAN THE LEGAL JURISDICTION OF EITHER A COUNTY OR  
5 A CITY OR OTHER LOCAL AGENCY.

6 WHAT BECOMES CONFUSING IS THAT ANY LOCAL  
7 AGENCY GOVERNING BODY CAN DESIGNATE A LOCAL AGENCY AS ITS  
8 LEA, AND SO A CITY CAN DESIGNATE A CITY ITSELF, THE  
9 COUNTY, ANY OF THOSE ENTITIES DEFINED AS LOCAL AGENCIES  
10 SO LONG AS THEY ULTIMATELY BECOME CERTIFIED AND THE  
11 DESIGNATION APPROVED BY THE BOARD.

12 IT GETS CONFUSING WHEN YOU READ THROUGH  
13 HERE, THEN, WHICH JURISDICTION ULTIMATELY IS BEING  
14 REFERENCED. THE JURISDICTION OF THE GOVERNING BODY  
15 THAT -- OF THE LOCAL AGENCY THAT HAS MADE THE  
16 DESIGNATION; OR ULTIMATELY, IF AN LEA IS DESIGNATED AND  
17 CERTIFIED, IT, I BELIEVE, DEVELOPS ITS OWN NEW  
18 JURISDICTION. AND IN OUR CASE IN LOS ANGELES COUNTY,  
19 CURRENTLY THERE'S, I THINK, APPROXIMATELY SEVEN CITIES --  
20 70 CITIES, EXCUSE ME, THAT HAVE DESIGNATED OUR LOCAL  
21 HEALTH OFFICER, OUR HEALTH DEPARTMENT AS THE LEA.

22 IF YOU READ THROUGH HERE, THE JURISDICTION  
23 OF THE LEA AND ITS GOVERNING BODY, WHICH IS OUR BOARD OF  
24 SUPERVISORS, IS ONLY THE UNINCORPORATED AREA; BUT AS  
25 OTHER CITIES DESIGNATE OUR HEALTH OFFICER, THEIR

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1 JURISDICTION THEN CHANGES. AND SO I THINK IT WOULD ADD  
2 THE CLARITY IN THE REGULATIONS IF THEY WERE INCLUDED.

3 CHAIRMAN HUFF: STAFF WILL TAKE A LOOK AT THAT.  
4 YOU MAY HAVE A POINT THERE. WHAT IS JURISDICTION AND HOW  
5 DO YOU DETERMINE IT?

6 MR. MICHAEL: FURTHER, IN DEFINITIONS UNDER THE  
7 DEFINITION OF LOCAL ENFORCEMENT AGENCY, I'VE DISCUSSED  
8 THIS WITH STAFF, AND I BELIEVE I UNDERSTAND WHAT THE  
9 INTENT IS. I'M NOT SURE IF THE WORDS NECESSARILY FOLLOW  
10 THAT. ON LINE -- IT'S DEFINITION 14 ON LINE 104. IT  
11 SAYS, "AN LEA IS SOLELY RESPONSIBLE FOR CARRYING OUT  
12 SOLID WASTE MANAGEMENT IN ITS JURISDICTION" -- AGAIN, THE  
13 DEFINITION OF JURISDICTION MAY BE CONFUSING THERE -- "AS  
14 DEFINED IN 14 CCR 17225.70 AND DIVISION 30 OF THE PUBLIC  
15 RESOURCES CODE."

16 I THINK THE INTENT IS THAT THE LEA BE THE  
17 SOLE LEA FOR ENFORCEMENT PURPOSES AND THOSE OTHER  
18 FUNCTIONS PROSCRIBED FOR AN LEA; BUT BY INCLUDING  
19 DIVISION 30 OF THE PUBLIC RESOURCES CODE, WHICH COVERS  
20 ALL THE SOLID WASTE MANAGEMENT -- INTEGRATED WASTE  
21 MANAGEMENT ACT, IT BASICALLY SAYS THAT THE LEA IS SOLELY  
22 RESPONSIBLE FOR ALL THE PLANNING. ALL THE OPERATING, ALL  
23 THE ENFORCEMENT. ALL THE -- EVERYTHING HAVING TO DO WITH  
24 SOLID WASTE. AND IF THAT IS THE INTENT. THEN THAT CLERLY  
25 IS IN CONFLICT WITH OTHER SECTIONS WHERE THE LEA CAN'T BE

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1 AN ENFORCEMENT AGENCY FOR ANY SITE THAT IT ALSO OPERATES.  
2 SO I THINK THERE NEEDS TO BE SOME  
3 CLARIFICATION OF LANGUAGE TO MAYBE POINT OUT THOSE  
4 SECTIONS OF DIVISION 30 OF THE PUBLIC RESOURCES CODE THAT  
5 SPECIFICALLY DESIGNATE THOSE FUNCTIONS OF THE LEA.

6 CHAIRMAN HUFF: STAFF WILL READ THE LANGUAGE AND  
7 COME TO A CONCLUSION ON THAT.

8 MR. MICHAEL: THANK YOU.

9 MR. FINCH: THANK YOU. WE WILL RESPOND.

10 MOVING ON TO --

11 CHAIRMAN HUFF: SOMEONE ELSE.

12 MR. PACHECO: MR. CHAIRMAN, BOARD MEMBER, I'M  
13 TONY PACHECO. I'M SOLID WASTE ENFORCEMENT PROGRAM  
14 MANAGER FOR THE DIVISION OF ENVIRONMENTAL HEALTH IN SANTA  
15 CLARA COUNTY.

16 I HAVE A COMMENT AND I GUESS IT'S  
17 APPROPRIATE TO MAKE IT NOW UNDER THE DEFINITION  
18 CONSIDERATION AND THE DEFINITION NO. 14, LOCAL  
19 ENFORCEMENT AGENCY. WE HAVE AN INTEREST IN CONVINCING  
20 THE BOARD AND STAFF THAT CO-LEA'S SHOULD BE RETAINED. SO  
21 THAT WOULD NECESSITATE A CHANGE IN THE DEFINITION OF  
22 LOCAL ENFORCEMENT AGENCY. SO I JUST WANTED THAT TO GO ON  
23 THE RECORD, AND I'LL SAY A LITTLE BIT MORE ABOUT THAT AS  
24 WE PROCEED.

25 CHAIRMAN HUFF: VERY GOOD. THAT'S IN KEEPING

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1 WITH DEALING WITH EACH SECTION. IN FACT, EVERYONE HERE  
2 WHO IS DESIROUS OF SPEAKING CAN ANTICIPATE BECAUSE WE'RE  
3 JUST GOING THROUGH THIS CHRONOLOGICALLY. YOU CAN BE  
4 POISED AND READY TO SPRING TO THE MIKE SO WE CAN EXPEDITE  
5 THIS HEARING.

6 MR. FINCH: OKAY. IF THERE'S NO OTHER COMMENTS,  
7 I'LL MOVE ON TO SECTION 18021, WHICH COVERS THE MAILING  
8 AND DELIVERY OF DOCUMENTS TO THE BOARD.

9 CHAIRMAN HUFF: ANYONE HERE ON THAT ONE?

10 MR. PACHECO: MR. CHAIRMAN, BOARD MEMBERS, I'M  
11 NOT GOING TO MAKE A HABIT OF THIS. MY NAME IS TONY  
12 PACHECO, SANTA CLARA COUNTY DIVISION OF ENVIRONMENTAL  
13 HEALTH.

14 IN SOME DISCUSSIONS WE'VE HAD WITH THE  
15 TECHNICAL ADVISORY COMMITTEE IN OUR COUNTY, WE WERE  
16 WONDERING WHY FAX WAS NOT INCLUDED AS PART OF THE  
17 MECHANISM FOR NOTIFYING THE BOARD ON VARIOUS ISSUES. A  
18 FAX MAYBE FOLLOWED BY A CERTIFIED COPY MIGHT BE  
19 APPROPRIATE IN SOME SITUATIONS. THERE MAY BE SOME LEGAL  
20 RAMIFICATIONS WHY FAX WAS NOT INCLUDED THAT WE'RE NOT  
21 AWARE OF, BUT WE'D LIKE SOME CONSIDERATION GIVEN TO THAT  
22 AS WELL.

23 CHAIRMAN HUFF: GOOD QUESTION. UNLESS WE HAVE A  
24 SNAP ANSWER, WE'LL GET BACK TO YOU.

25 MR. FINCH: WE'LL GET BACK.

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1 CHAIRMAN HUFF: 18013.

2 MR. FINCH: 18013, WHICH IS A DELETED SECTION  
3 CONCERNING MAILING OF DOCUMENTS TO THE BOARD.

4 CHAIRMAN HUFF: OKAY. NEXT.

5 MR. FINCH: NEXT IS SECTION 18020, WHICH  
6 CONCERNS THE MAINTENANCE OF FILES BY THE LEA.

7 CHAIRMAN HUFF: NO ONE HERE ON THAT.

8 MR. ZAMORA: MORNING, CHAIRMAN HUFF, MEMBER  
9 CHESBRO. MY NAME IS BRIAN ZAMORA. I'M THE DIRECTOR OF  
10 ENVIRONMENTAL HEALTH FOR SAN MATEO COUNTY.

11 I HAVE A PARTICULAR CONCERN WITH SECTION  
12 18020(E). THIS IS A SECTION WHERE YOU ARE ASKING THE LEA  
13 TO MAINTAIN A SEPARATE AND CURRENT CHRONOLOGY LOG OF  
14 ENFORCEMENT AND LEGAL ACTIONS. I ASK YOU WHY DO WE NEED  
15 TO GENERATE MORE PAPERWORK? THAT INFORMATION IS IN OUR  
16 FILE. IF YOU WANT A YEARLY REPORT, QUARTERLY REPORT ON  
17 THE ACTIVITIES SPECIFIC TO A FILE, WE'D BE HAPPY TO  
18 PROVIDE THAT.

19 IT SEEMS -- I'M GOING TO SAY THIS ON  
20 SEVERAL OCCASIONS -- WE HAVE A LOT OF WHAT I CONSIDER  
21 UNNECESSARY ACTIVITIES IN THESE REGULATIONS. WE KEEP  
22 FILES. THESE FILES CONTAIN ALL THE NECESSARY LEGAL  
23 INFORMATION YOU NEED. IF YOU WOULD LIKE REPORTS ON THOSE  
24 FILES, IF YOU WOULD LIKE TO AUDIT THE FILES, WE'D BE  
25 HAPPY TO PROVIDE THAT. TO MAINTAIN A SEPARATE FILE SEEMS

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1 UNNECESSARY AND CERTAINLY REDUNDANT.

2 CHAIRMAN HUFF: IS THERE A STATUTORY REQUIREMENT  
3 FOR A SEPARATE FILE?

4 MR. SPHAR: NO.

5 CHAIRMAN HUFF: OKAY. WE'LL HAVE TO RESPOND.

6 MR. FINCH: WE'LL RESPOND LATER. I'M UNAWARE OF  
7 ANY OFFHAND.

8 CHAIRMAN HUFF: SO, REALLY, IT'S A CHOICE THAT'S  
9 BEEN MADE IN THE PROCESS OF THE REGULATIONS AND NOT A  
10 LEGAL REQUIREMENT. THAT'S A QUESTION I WILL ASK BECAUSE  
11 FREQUENTLY THESE THINGS DO TURN OUT TO BE LEGAL  
12 REQUIREMENTS. IN THIS INSTANCE IT PERHAPS IS NOT.

13 OKAY. ANYONE ELSE? NEXT.

14 MR. FINCH: MOVE ON TO SECTION 18050, WHICH  
15 COVERS THE SCOPE OF DESIGNATION OF AN LEA AND THE  
16 APPOINTMENT OF HEARING PANELS.

17 CHAIRMAN HUFF: YES. I SAID BE POISED.

18 MR. PACHECO: MR. CHAIRMAN, BOARD MEMBER  
19 CHESBRO, TONY PACHECO, SANTA CLARA COUNTY HEALTH  
20 DEPARTMENT. I'M NOT SURE, SINCE THE LACK OF THE CO-LEA  
21 REALLY GOES THROUGHOUT THE DOCUMENT, WHERE I NEED TO  
22 ADDRESS IT. I HATE TO POP UP EACH TIME.

23 CHAIRMAN HUFF: OKAY. WELL. WE'LL MAKE A  
24 DETERMINATION. WHEN'S THE BEST TIME FOR HIM TO MAKE HIS  
25 PITCH ON CO-LEA?



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1 MR. FINCH: HE COULD MAKE IT ANY TIME HE WISHES.

2 CHAIRMAN HUFF: MAKE IT NOW.

3 MR. PACHECO: THANK YOU.

4 CHAIRMAN HUFF: THAT WAY WE CUT THROUGH THE  
5 SUSPENSE.

6 MR. PACHECO: DID I CREATE SOME SUSPENSE?

7 I KNOW THE BOARD STAFF HAS WORKED REAL HARD  
8 ON THESE REGULATIONS AND BY IN LARGE THE REGULATIONS ARE  
9 GOOD AND NEEDED. HOWEVER, WE FEEL THAT THERE IS ONE VERY  
10 INAPPROPRIATE PORTION OF THE REGULATIONS, AND THAT HAS TO  
11 DO WITH THE ELIMINATION FOR THE POTENTIAL FOR CO-LEA.

12 BY WAY OF BACKGROUND, SANTA CLARA COUNTY  
13 DIVISION OF ENVIRONMENTAL HEALTH ENFORCES THE HEALTH  
14 STANDARDS ON A COUNTYWIDE BASIS. AND WE DO THAT BY  
15 SERVING AS CO-LEA FOR THE HEALTH STANDARDS IN 13 OF THE  
16 JURISDICTIONS IN OUR COUNTY. WE'RE SOLE LEA IN THREE  
17 OF THE JURISDICTIONS. ONE OF THE 13 HAS JUST RECENTLY  
18 ASKED US TO BECOME SOLE LEA. WE HAVE GOTTEN WORD FROM  
19 FOUR OTHER JURISDICTIONS THAT DON'T HAVE FACILITIES THAT  
20 THEY'RE GOING TO REQUEST THAT WE BECOME SOLE LEA.

21 BUT, REGARDLESS, WE STILL FUNCTION IN A  
22 WORKABLE SYSTEM AS A CO-LEA IN SANTA CLARA COUNTY. THE  
23 DIVISIONS OF ENVIRONMENTAL HEALTH HAVE A RESPONSIBILITY  
24 TO ENFORCE STATUTES RELATING TO SOLID WASTE AND  
25 REGULATIONS RELATING TO SOLID WASTE, AND WE FEEL THAT

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1 IT'S APPROPRIATE TO CONTINUE IN THAT VEIN.

2 THE NEW REGULATIONS, THE DRAFT REGULATIONS,  
3 ARE WANTING TO CREATE A SOLE LEA SYSTEM WHEREBY A  
4 JURISDICTION THAT DOESN'T HAVE AN ENVIRONMENTAL HEALTH  
5 PROGRAM CAN HIRE A FREELANCE REGISTERED ENVIRONMENTAL  
6 HEALTH SPECIALIST TO ENFORCE THESE REGULATIONS. THIS  
7 WILL CREATE A DUPLICATION OF EFFORT AND AN UNNECESSARY  
8 EXPENSE TO THE PUBLIC BECAUSE OF THIS DUPLICATION.

9 AND WE'D LIKE TO REQUEST THAT, BEFORE THESE  
10 REGULATIONS ARE ADOPTED, THAT THEY BE AMENDED TO ALLOW  
11 FOR CONTINUANCE OF THE CO-LEA SYSTEM, AND THAT WOULD  
12 ALLOW A CITY TO BE AN LEA, IF IT SO DESIRED, BUT IT WOULD  
13 ALSO ALLOW THE DIVISIONS OR ENVIRONMENTAL HEALTH PROGRAMS  
14 TO FULFILL THEIR RESPONSIBILITIES. AND ADDITIONALLY, IF  
15 A CITY WISHES TO DESIGNATE A CO-LEA -- I MEAN A SOLE LEA  
16 OUTSIDE OF ITSELF, THEN WE FEEL THAT THAT SHOULD RESIDE  
17 WITHIN ENVIRONMENTAL HEALTH PROGRAMS WHO ALREADY HAVE  
18 RESPONSIBILITY.

19 THANK YOU FOR THE OPPORTUNITY.

20 BOARD MEMBER CHESBRO: JUST TO CLARIFY, IT'S MY  
21 UNDERSTANDING THAT A NONHEALTH LEA, CO-LEA, PRESUMABLY A  
22 CITY, WOULD HAVE SEVERAL OPTIONS IN RESPONSE TO THIS.  
23 THEY COULD EITHER BROADEN THE EXPERTISE AND ATTEMPT TO  
24 GET CERTIFIED FOR THE BROADER DESIGNATION, OR THEY COULD  
25 TURN TO THE COUNTY WHO HAS THE ENVIRONMENTAL HEALTH

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1 CAPABILITY AND SUBCONTRACT. SO IT COULD GO EITHER WAY.  
2 IT COULD RESULT, PERHAPS, IN SOME CASES IN THE KIND OF  
3 DUPLICATION YOU'RE TALKING ABOUT, BUT IT COULD ALSO  
4 RESULT IN FEWER LEA'S. IS THAT --

5 MR. PACHECO: IT COULD RESULT -- GO EITHER WAY,  
6 BUT IT DOES OPEN THE DOOR FOR PROLIFERATION OF LEA'S, IN  
7 OUR OPINION.

8 BOARD MEMBER CHESBRO: THANKS.

9 CHAIRMAN HUFF: OKAY.

10 MR. FINCH: THAT WAS NUMBER 50. ARE THERE ANY  
11 OTHER COMMENTS? IF NOT, WE'LL MOVE ON TO SECTION 18051,  
12 WHICH CONCERNS THE DESIGNATION OF A LOCAL AGENCY.

13 CHAIRMAN HUFF: NO ONE HERE.

14 MR. FINCH: OKAY. WE'LL THEN MOVE ON TO SECTION  
15 18052, WHICH CONCERNS DESIGNATION IN COUNTY SOLID WASTE  
16 MANAGEMENT PLANS. WE'RE STRIKING THAT ENTIRE SECTION.

17 CHAIRMAN HUFF: OKAY.

18 MR. FINCH: OKAY. THEN MOVING ON TO THE NEW  
19 18052, WHICH CONCERNS THE REDESIGNATION OF EXISTING  
20 LEA'S.

21 MS. EVANS: GOOD MORNING. I'M DIANE EVANS, THE  
22 DIRECTOR OF ENVIRONMENTAL HEALTH FOR SANTA CRUZ COUNTY.  
23 SANTA CRUZ COUNTY IS THE LEA FOR THE COUNTY AND ITS FOUR  
24 CITIES.

25 I WOULD RECOMMEND THAT SUBSECTION B BE

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1 REVISED TO ALLOW FOR 60 DAYS FROM THE EFFECTIVE DATE OF  
2 THE REGULATION FOR AN LEA TO SUBMIT A LETTER. THE REASON  
3 I RECOMMEND THIS BECAUSE -- IS BECAUSE I BELIEVE MANY  
4 LEA'S ARE WAITING TO SEE THE FINAL FORM OF THE  
5 REGULATIONS BEFORE THEY MAKE THEIR DECISION AND ARE  
6 PROBABLY GOING TO EVALUATE OTHER WAYS OF DOING BUSINESS  
7 OTHER THAN REMAINING IN THE LEA BUSINESS AND WOULD LIKELY  
8 NEED 60 DAYS TO MAKE THAT KIND OF EVALUATION.

9 BOARD MEMBER CHESBRO: THAT SEEMS LIKE A FAIR  
10 POINT. IS THERE ANY STAFF RESPONSE TO THAT? IS THERE  
11 ANY PROBLEM WHY 30 IS BETTER THAN 60 FROM THE BOARD  
12 STANDPOINT?

13 MR. FINCH: I HESITATE TO RESPOND AT THIS TIME.  
14 WE REALLY NEED TO STUDY ALL THE COMMENTS BEFORE WE CAN  
15 RESPOND.

16 MR. IWAHIRO: IT'S NOT A LEGAL REQUIREMENT.

17 MR. FINCH: NO, NOT TO MY KNOWLEDGE.

18 BOARD MEMBER CHESBRO: WE'RE NOT IN A POSITION,  
19 OBVIOUSLY, TO GIVE ANY DIRECTION TODAY EITHER, BUT IT  
20 DOES SEEM THAT THE NECESSITY OF CONSIDERATION BY THE  
21 LOCAL AGENCY AND ITS POLICY BODY IS AN ISSUE THAT WE  
22 OUGHT TO CONSIDER BECAUSE THEY'LL NEED SOME TIME TO  
23 DECIDE WHETHER THEY WANT TO PROCEED.

24 MR. FINCH: ANYONE ELSE?

25 MR. MICHAEL: JACK MICHAEL. COUNTY OF LOS



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1 ANGELES. AGAIN, THE QUESTION OF JURISDICTION MAY COME  
2 INTO PLAY HERE OR THE LACK OF DEFINITION; BUT AS WE READ  
3 THIS SECTION, IT INDICATES LEA'S EXISTING ON AUGUST 1,  
4 '91, WHICH ARE THE SOLE LEA IN THEIR JURISDICTION, WOULD  
5 BE ELIGIBLE FOR THIS EXPEDITED PROCESS, WHICH UNDER THE  
6 INITIAL STATEMENT OF REASONS WAS INDICATED AS NEEDED SO  
7 THAT THERE COULD BE A SMOOTH AND QUICKER TRANSITION IN  
8 ENFORCEMENT RESPONSIBILITIES.

9 IF, IN FACT, THE DEFINITION OF JURISDICTION  
10 HERE MEANS THAT AN EXISTING LEA HAS TO BE THE SOLE LEA  
11 FOR ALL THE CITIES AND THE UNINCORPORATED AREA THEY NOW  
12 SERVE, THEN CLEARLY LOS ANGELES COUNTY'S LEA WOULD NOT BE  
13 ELIGIBLE FOR THIS EXPEDITED PROCESS.

14 I'M NOT SURE IF THAT WAS SPECIFICALLY  
15 INTENDED OR NOT. WE WOULD ASK THAT AT LEAST, IF THE SOLE  
16 LEA ISSUE IS GOING TO REMAIN, THAT AN LEA COULD USE THIS  
17 PROCESS AT LEAST FOR THAT JURISDICTION OR ALL THOSE  
18 AGENCIES FOR WHICH IT IS THE SOLE LEA CURRENTLY. MAYBE  
19 I'M NOT MAKING MYSELF CLEAR.

20 THERE'S ABOUT, I BELIEVE, AND I DON'T  
21 REMEMBER THE NUMBER NOW, EIGHT OR TEN CITIES OF THE 70 IN  
22 OUR COUNTY WHERE THEY ARE THE LEA AND OUR COUNTY LEA IS  
23 THE CO-LEA. SO WHAT I'M SUGGESTING, AT LEAST AT THE VERY  
24 LEAST, THAT IF YOU CARVE OUT THOSE JURISDICTIONS WHERE  
25 THEY'RE THE CO-LEA, THEY COULD USE THE EXPEDITED PROCESS

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1 FOR THE REMAINDER.

2 CHAIRMAN HUFF: NO ONE ELSE. 53.

3 MR. FINCH: MOVE ON TO 18053, WHICH CONCERNS THE  
4 DISTRIBUTION OF NOTICE OF DESIGNATION, A STRICKEN  
5 SECTION.

6 CHAIRMAN HUFF: 54.

7 MR. FINCH: MOVING ON TO 18054, WHICH CONCERNS A  
8 REVIEW OF THE DESIGNATIONS.

9 CHAIRMAN HUFF: THERE'S NO ONE HERE. ALL RIGHT.  
10 55.

11 MR. FINCH: OKAY. 18055, WHICH COVERS THE  
12 EFFECTIVE DATE OF THE DESIGNATION.

13 CHAIRMAN HUFF: SHOULDN'T BE VERY CONTROVERSIAL.  
14 56.

15 MR. FINCH: MOVING ON TO SECTION 18056, WHICH  
16 COVERS THE WITHDRAWAL OF DESIGNATION.

17 SECTION 18060, WHICH COVERS THE APPOINTMENT  
18 OF HEARING PANELS.

19 SECTION 18070, WHICH COVERS THE DIRECTORY  
20 OF ENFORCEMENT AGENCIES AND HEARING PANELS.

21 CHAIRMAN HUFF: JUST PICKING THE WHOLE THING UP  
22 VERBATIM AND MOVING IT?

23 MR. FINCH: PART OF IT WAS. AND THE REST WAS  
24 STRICKEN.

25 MR. PITTMAN: TOM PITTMAN, SAN DIEGO COUNTY LEA.

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1 WE 'VE APPRECIATED THE EFFORTS THAT MARY  
2 COYLE'S STAFF HAS MADE IN DRAFTING THESE THINGS AND IT'S  
3 BEEN VERY COOPERATIVE AND A LOT OF HELP. WE 'VE SUBMITTED  
4 MOST OF OUR COMMENTS IN WRITING ALREADY, AND I WON'T  
5 REITERATE THOSE, BUT WE DO HAVE A LITTLE BIT OF A CONCERN  
6 WITH THE SCOPE HERE WHERE IT SAYS THE LEA SHALL ENFORCE  
7 STATE AND LOCAL MINIMUM STANDARDS FOR SOLID WASTE  
8 COLLECTION, HANDLING, AND SO ON AND SO FORTH AS THE SOLE  
9 LEA.

10 WE WERE WONDERING, SOMETIMES SOME OF THE  
11 LOCAL CITIES AND JURISDICTIONS MAY COME UP WITH THINGS  
12 THAT AREN'T NECESSARILY APPROPRIATE FOR OUR FUNCTION, I  
13 WOULD THINK. FOR INSTANCE, WE HAVE ONE CITY WHERE THEY  
14 HAVE A CONCERN FOR THE DIRECTION A TRASH TRUCK TAKES IF  
15 THEY HAVE TO MAKE LEFT TURNS AT A CERTAIN INTERSECTION OR  
16 SOMETHING. WE'RE WONDERING IF MAYBE THAT COULD BE  
17 CHANGED, EITHER THE LOCAL STRICKEN, AS THE STATE  
18 STANDARDS ARE PRETTY COMPREHENSIVE, OR ELSE POSSIBLY  
19 CHANGE IT TO WHERE IT WOULD SAY LOCAL MINIMUM STANDARDS  
20 AS OUTLINED IN THE APPROVED PROGRAM PLAN.

21 CHAIRMAN HUFF: WHAT LINE ARE WE ON?

22 MR. PITTMAN: LINE 547.

23 MR. FINCH: I SEE YOU ACTUALLY JUMPED AHEAD OF  
24 US HERE. WE WERE TALKING ABOUT THE STRICKEN SECTION  
25 18070.

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1 CHAIRMAN HUFF: THAT'S OKAY. WE WERE THROUGH  
2 WITH THAT ONE ANYWAY. NOW WE'RE AT 18070 AND THAT'S  
3 WHERE YOUR COMMENTS WERE.

4 MR. FINCH: WHICH LINES SPECIFICALLY AGAIN WAS  
5 THAT?

6 MR. PITTMAN: 547.

7 CHAIRMAN HUFF: OKAY. THANK YOU. ANYONE ELSE  
8 ON 70?

9 MR. FINCH: IF NOT, WE'LL MOVE ON TO SECTION  
10 18071, WHICH COVERS THE TYPES OF CERTIFICATIONS.

11 MS. EVANS: DIANE EVANS, COUNTY OF SANTA CRUZ.

12 IT'S MY UNDERSTANDING THAT THIS SECTION  
13 WOULD ALLOW AN LEA TO APPLY FOR CERTIFICATION ONLY FOR  
14 THOSE TYPES OF FACILITIES PHYSICALLY IN EXISTENCE IN  
15 THEIR COUNTY OR JURISDICTION ON THE DATE OF SUBMISSION OF  
16 THEIR APPLICATION.

17 I THINK IT MIGHT BE APPROPRIATE TO ALLOW A  
18 COUNTY, HOWEVER, TO APPLY FOR CERTIFICATION FOR THOSE  
19 TYPES OF FACILITIES THAT ARE ALSO BEING PROPOSED FOR  
20 THEIR COUNTY ALTHOUGH NOT PRESENTLY IN EXISTENCE. IN  
21 THIS WAY THEY WOULD NOT BE SUBJECTED TO HAVING TO SUBMIT  
22 A DUPLICATORY TYPE OF APPLICATION SOME 30 OR 60 OR TWO  
23 YEARS DOWN THE ROAD IF IT DOES TURN OUT THAT THE  
24 APPLICATION THAT'S PENDING FOR A NEW TYPE OF FACILITY IS  
25 APPROVED.

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1 CHAIRMAN HUFF: OKAY.

2 BOARD MEMBER CHESBRO: THAT RAISES A REAL  
3 INTERESTING QUESTION. WHAT HAPPENS IF AN LEA IS NOT  
4 CERTIFIED FOR A TYPE OF FACILITY THEN AND A PERMIT IS  
5 RECEIVED OR PERMIT APPLICATION IS RECEIVED FOR THAT  
6 FACILITY?

7 MR. FINCH: IT'S MY UNDERSTANDING I THINK THE  
8 BOARD WOULD BECOME LEA.

9 BOARD MEMBER CHESBRO: WOULD THE LEA BE -- HAVE  
10 THE OPPORTUNITY TO APPLY -- WOULD THE TIME LINES FOR  
11 PERMITS BE SUCH THAT AN LEA COULD ATTEMPT TO GET  
12 CERTIFICATION?

13 MR. FINCH: I BELIEVE SO.

14 MR. VLACH: MY UNDERSTANDING OF THE REGULATIONS  
15 IS THAT THE LEA WOULD PROPOSE TO BE CERTIFIED FOR THE NEW  
16 TYPE OF FACILITY IN A TIME FRAME THAT'S CONSISTENT WITH  
17 THE PROCESSING OF THE PERMIT SO THAT THE BOARD WOULD  
18 ACTUALLY ACCEPT THE PERMIT APPLICATION BECAUSE THERE  
19 NEEDS TO BE SOMEONE TO DO THAT. BUT AT THE TIME THAT THE  
20 FACILITY WAS ACTUALLY PERMITTED, THEN AT THAT VERY SAME  
21 TIME THE NEW LEA WOULD BE CERTIFIED, AND THEY WOULD THEN  
22 PROCEED TO ENFORCE THE PERMIT.

23 BOARD MEMBER CHESBRO: NOW, AN LEA'S PERMIT THAT  
24 WE CONCUR OR DON'T CONCUR IN AT THIS BOARD IS, IN  
25 ESSENCE, AN OPERATING PERMIT: IS THAT CORRECT? SO

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1 PRESUMABLY THE DEVELOPMENT OF THE PROJECT ITSELF WOULD  
2 HAVE PRECEDED THE APPLICATION BY SOME TIME PERIOD, SO  
3 THERE WOULD ALSO HAVE BEEN -- I'M SORT OF THINKING THIS  
4 THROUGH OUT LOUD, TRYING TO FIGURE IT OUT -- BUT ALSO  
5 WOULD HAVE BEEN SOME TIME AVAILABLE FOR THE LEA TO BECOME  
6 AWARE AND THEN PROCEED WITH THE UPGRADING OF THEIR  
7 STAFFING CAPABILITY TO RESPOND TO SUCH A PERMIT IF THE  
8 LOCAL GOVERNMENT WANTED TO.

9 MR. VLACH: THAT'S ABSOLUTELY RIGHT. THERE'S NO  
10 REASON THAT SOMEONE LOCALLY SHOULD BE CAUGHT IN A  
11 POSITION WHERE THEY ARE SUDDENLY NOT THE LEA IF THEY WANT  
12 TO BE. THESE THINGS TAKE YEARS, AND I'M SURE THEY WOULD  
13 BE AWARE OF.

14 CHAIRMAN HUFF: IN FACT, I THINK WE OUGHT TO  
15 ENCOURAGE THEM TO WANT TO BE.

16 BOARD MEMBER CHESBRO: IS THERE A PROHIBITION IN  
17 THESE REGULATIONS AGAINST AN LEA BEING CERTIFIED FOR  
18 SOMETHING THAT'S NOT CURRENTLY OPERATING?

19 MR. VLACH: NO, THAT'S NOT AT ALL. AN LEA --  
20 THEY JUST NEED TO HAVE AN OPERATING FACILITY IN THEIR  
21 JURISDICTION, AND THEN AT THAT POINT THEY CAN BECOME  
22 CERTIFIED OR PROPOSE TO BE CERTIFIED FOR ANY TYPE OF  
23 FACILITY. ANTICIPATING SOMETHING DOWN THE ROAD.

24 BOARD MEMBER CHESBRO: WAIT A MINUTE. YOU ARE  
25 CONFUSING ME. THE QUESTION WAS WHETHER OR NOT IT IS

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1 POSSIBLE FOR AN LEA THAT DOESN'T CURRENTLY HAVE A  
2 FACILITY OF A CERTAIN TYPE OPERATING TO BE CERTIFIED FOR  
3 THAT TYPE OF FACILITY.

4 MR. VLACH: YES, PROVIDED THAT THEY HAVE AT  
5 LEAST A FACILITY WITHIN THEIR JURISDICTION.

6 CHAIRMAN HUFF: YOU'RE CONFUSING BOTH OF US.

7 MR. VLACH: THE PUBLIC RESOURCES CODE ONLY  
8 ALLOWS LEA'S TO BE CERTIFIED IF THEY HAVE AT LEAST ONE  
9 OPERATING FACILITY IN THEIR JURISDICTION. SO IF A CITY,  
10 FOR EXAMPLE, HAS NO FACILITIES AND THEY'RE GOING TO  
11 ESTABLISH --

12 CHAIRMAN HUFF: OF ANY TYPE.

13 BOARD MEMBER CHESBRO: SO THAT DOESN'T REFER TO  
14 THE SPECIFIC TYPE OF FACILITY THAT THEY'D BE CERTIFIED  
15 FOR. IT JUST MEANS THEY HAVE TO HAVE AT LEAST ONE.

16 LET'S TAKE A CITY THAT WANTS TO BECOME AN  
17 LEA, THEN, WHEN A PROJECT APPEARS TO BE POSSIBLE FOR  
18 THE -- TO BE PROPOSED IN THEIR JURISDICTION. WOULD THEY  
19 HAVE -- THEY WOULD -- THEY COULDN'T FOR THE INITIAL  
20 PROJECT THAT WAS COMING ON-LINE BECOME THE LEA FOR THAT  
21 SITUATION?

22 MR. VLACH: THE STAFF -- IF IT'S NOT IN THIS  
23 VERSION OF THE REGULATIONS. WE ARE LOOKING AT A CHANGE  
24 THAT WOULD ALLOW THEM TO SUBMIT AN APPLICATION FOR  
25 CERTIFICATION PRIOR TO THE FACILITY ACTUALLY BEING

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1 APPROVED SUCH THAT THEY COULD BE APPROVED CONCURRENTLY  
2 WITH THE PERMIT PROCESSING. IT'S A DIFFICULT -- I  
3 UNDERSTAND THE DIFFICULTY, BUT WE ARE CONSTRAINED BY THE  
4 PUBLIC RESOURCES CODE. UNLESS THERE'S A LEGISLATIVE FIX,  
5 THE LAW IS VERY CLEAR THAT THEY HAVE TO HAVE AT LEAST ONE  
6 OPERATING FACILITY. WE DON'T LIKE IT EITHER AS A STAFF.

7 CHAIRMAN HUFF: WHAT DO YOU DO WITH A NEW CITY?  
8 I MEAN, WE COULD CREATE A WHOLE NEW CITY SOMEWHERE, AND  
9 THEY WOULDN'T HAVE -- YOU KNOW, AND IN THE CREATION  
10 PROCESS OF A WHOLE NEW CITY, THERE MIGHT BE A FACILITY,  
11 AND WE'RE GOING TO HAVE TO RUN IT FROM SACRAMENTO; THAT  
12 IS, RUN THE PROCESS FROM SACRAMENTO UNTIL --

13 MR. VLACH: I SUSPECT THAT WHEN A NEW CITY IS  
14 BEING ESTABLISHED, HOPEFULLY, THROUGH EARLY CONSULTATION  
15 WITH STAFF, WE'LL ADVISE THEM ABOUT THE NECESSITY TO  
16 CONSIDER WHO WOULD BE THEIR LEA. IN THOSE INSTANCES  
17 WHERE THERE'S A MAJORITY OF THE CITIES IN THAT COUNTY  
18 THAT HAVE ALREADY DESIGNATED, LET'S SAY, ANOTHER LEA, IT  
19 WOULD BE VERY EASY FOR THEM TO JUST DESIGNATE THAT OTHER  
20 ENTITY TO BE THE LEA, OR THEY COULD DESIGNATE THEMSELVES,  
21 PROVIDED THAT THEY HAD A PARTICULAR FACILITY IN MIND AND  
22 THAT DESIGNATION WILL BECOME EFFECTIVE CONCURRENT WITH  
23 THE ESTABLISHMENT OF THAT FACILITY.

24 CHAIRMAN HUFF: THIS IS A FEATURE OF THE PUBLIC  
25 RESOURCES CODE ITSELF.

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1 MR. VLACH: I BELIEVE SO. LEGAL COUNSEL IS  
2 HERE, BUT MY UNDERSTANDING IS THAT WE'RE CONSTRAINED BY  
3 THE LAW.

4 MR. SPHAR: ONE OF THE STATUTORY REQUIREMENTS  
5 SPECIFICALLY LISTED IS THE REQUIREMENT THAT THERE BE  
6 EXISTENCE OF AT LEAST ONE PERMITTED WASTE FACILITY WITHIN  
7 THE JURISDICTION OF THE LOCAL AGENCY. SO IN THOSE  
8 INSTANCES WHERE YOU HAVE A BRAND NEW FACILITY COMING INTO  
9 AN AREA, THIS IS THE REQUIREMENT IF THEY DON'T ALREADY  
10 HAVE A PERMITTED FACILITY. THEY CANNOT MEET THE  
11 REQUIREMENTS FOR BEING AN LEA FIRST. AND THAT'S WHAT LED  
12 TO BERNIE'S DISCUSSION OF TRYING TO DO A CONCURRENT  
13 PROCESS.

14 CHAIRMAN HUFF: I THINK THAT THE DRIFT OF BOTH  
15 MR. CHESBRO AND MYSELF IS THAT WE WOULD LIKE TO SEE  
16 WITHIN THE LAW AT LEAST AS MUCH LATITUDE GIVEN TO HAVING  
17 LOCAL LEA'S BEING ABLE TO DEAL WITH THE FACILITIES. IF  
18 THAT MEANS THAT THEY CAN, IF THEY ALREADY HAVE A FACILITY  
19 IN THEIR JURISDICTION, WHATEVER JURISDICTION MEANS, THAT  
20 THEY CAN ANTICIPATE A NEW FACILITY, OKAY. WHATEVER  
21 MECHANISMS. WE CAN BE CREATIVE HERE AND STILL JUST  
22 RESPECT THE EXISTING FACILITY REQUIREMENT.

23 AND I THINK THAT'S MUCH MORE EFFICIENT IN  
24 THE LONG RUN THAN SOMEHOW GETTING THIS BOARD MIXED UP IN  
25 SOME OF THE PROCESS ISSUES.

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1 BOARD MEMBER CHESBRO: THE OTHER SUGGESTION I  
2 WOULD MAKE IS THAT STAFF, ONCE WE'VE COMPLETED THIS  
3 PROCESS AND HAVE A MOMENT TO CATCH YOUR BREATH, LOOK AT  
4 THE QUESTION OF WHETHER ANY LEGISLATIVE CLARIFICATION  
5 WOULD BE HELPFUL AND PERHAPS MAKE A SUGGESTION TO THE  
6 LEGISLATIVE COMMITTEE AS TO SOME LEGISLATIVE IMPROVEMENT  
7 THAT COULD RESOLVE THE QUESTION. BECAUSE IT DOES SEEM TO  
8 ME THAT AN ENTITY THAT ANTICIPATES HAVING A FACILITY IN  
9 ITS COMMUNITY SHOULD HAVE THE OPPORTUNITY TO AT LEAST  
10 PROVISIONALLY BE DESIGNATED AS AN LEA IF THEY MEET THE  
11 STANDARDS IN ANTICIPATION OF THAT APPLICATION.

12 MR. VLACH: I WOULD JUST LIKE TO SAY FOR THE  
13 RECORD THAT MY UNDERSTANDING THAT THE REGULATIONS AS YOU  
14 SEE THEM BEFORE YOU DO NOT PRECLUDE AN LEA OR AN ENTITY  
15 FROM SEEKING CERTIFICATION FOR ANY TYPE OF FACILITY  
16 PROVIDED THEY HAVE AT LEAST ONE FACILITY WITHIN THEIR  
17 JURISDICTION.

18 CHAIRMAN HUFF: THAT NEEDS TO BE A CONVERSATION,  
19 I THINK, BETWEEN YOU AND THE REPRESENTATIVE OF SANTA  
20 CLARA -- SANTA CRUZ. I'M SORRY. BECAUSE I THINK I WAS  
21 HEARING A DIFFERENT IMPRESSION. AND SINCE THE WORDS ARE  
22 WRITTEN DOWN ON A PIECE OF PAPER, WE ALL OUGHT TO AGREE  
23 WITH WHAT THEY MEAN.

24 MR. VLACH: WE'LL CONFER WITH SANTA CRUZ.

25 CHAIRMAN HUFF: OKAY. THAT WAS 71. SOMEONE

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1 ELSE?

2 MR. PACHECO: TONY PACHECO, SANTA CLARA COUNTY  
3 HEALTH DEPARTMENT.

4 ALONG THOSE SAME LINES, LET'S PRESUME THAT  
5 THERE ARE CITIES THAT CONTAIN ALL THE FACILITIES WITHIN  
6 THE COUNTY, THE COUNTY IN THE UNINCORPORATED AREAS HAS  
7 NONE, THE CITIES WANT TO DESIGNATE, SAY, THE DIVISION OF  
8 ENVIRONMENTAL HEALTH AS THE SOLE LEA FOR THE COUNTY, THAT  
9 WOULD THEN PRECLUDE, I GUESS, THE COUNTY DIVISION OF  
10 ENVIRONMENTAL HEALTH FROM BECOMING AN LEA. OR ARE THEY  
11 CONSIDERED TO HAVE ALL OF THESE FACILITIES WITHIN THEIR  
12 JURISDICTIONS?

13 BOARD MEMBER CHESBRO: GOOD QUESTION.

14 MR. PACHECO: I THINK THAT NEEDS TO BE  
15 CONSIDERED.

16 MS. COYLE: THERE'S ALSO NOTHING IN THE  
17 REGULATIONS THAT WOULD PRECLUDE THE CITY FROM DESIGNATING  
18 A COUNTY IN THAT INSTANCE.

19 BOARD MEMBER CHESBRO: THE QUESTION, I THINK, IS  
20 HOW COULD THE COUNTY BE AN LEA IF IT DOESN'T HAVE A  
21 FACILITY IN THE COUNTY JURISDICTION.

22 MS. COYLE: THE JURISDICTION WOULD BE THE ENTIRE  
23 COUNTY JURISDICTION.

24 BOARD MEMBER CHESBRO: SO IN THE LAW THE  
25 DEFINITION OF FACILITIES IN THE COUNTY'S JURISDICTION

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1 WOULD INCLUDE THE AREAS INSIDE INCORPORATED CITIES OR  
2 ONLY WHEN THE CITIES HAVE DESIGNATED THE COUNTY?

3 MR. VLACH: THAT'S JACK'S ISSUE. THE  
4 JURISDICTION BECOMES THE CITIES -- THE JURISDICTION OF  
5 THE CITIES AND THE COUNTIES AT THAT POINT.

6 CHAIRMAN HUFF: WHEN THE CITY DESIGNATES THE  
7 COUNTY, THE JURISDICTION OF THE COUNTY INCLUDES THE  
8 FACILITIES THAT ARE WITHIN INCORPORATED BOUNDARIES OF THE  
9 CITY.

10 BOARD MEMBER CHESBRO: NOT BEFORE. WITHOUT THE  
11 DESIGNATION OF A CITY WITH NO FACILITIES IN THE  
12 UNINCORPORATED AREA, THE COUNTY IS NOT ELIGIBLE TO BE AN  
13 LEA UNTIL SUCH DESIGNATION.

14 MR. VLACH: I BELIEVE THE IDEA IS THAT ONLY  
15 THOSE JURISDICTIONS THAT HAVE A FACILITY CAN ACTUALLY  
16 COME FORWARD TO SEEK A CERTIFICATION AND DESIGNATION.  
17 THE COUNTY ITSELF COULDN'T COME FORWARD WITH A  
18 DESIGNATION PACKAGE. THE CITIES COULD DESIGNATE THE  
19 COUNTY, BUT THE COUNTY COULDN'T COME FORWARD. IT HAS  
20 NO --

21 BOARD MEMBER CHESBRO: ONCE IT IS DESIGNATED,  
22 THEN IT APPLIES FOR CERTIFICATION? ONCE THE CITIES HAVE  
23 DESIGNATED -- A CITY HAS DESIGNATED THE COUNTY. THEN THE  
24 COUNTY WOULD COME AND APPLY FOR CERTIFICATION FROM US.

25 CHAIRMAN HUFF: YEAH.

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1 MR. VLACH: THERE WOULD BE --

2 BOARD MEMBER CHESBRO: GO BACK TO THE SCENARIO  
3 WHERE WE'VE GOT A COUNTY WITH NO FACILITIES IN THE  
4 UNINCORPORATED AREA, FACILITIES WITHIN CITY LIMITS, SO  
5 THE COUNTY IS NOT AN LEA. MAYBE THIS IS A HYPOTHETICAL  
6 OR IS THIS WHAT EXISTS IN SANTA CLARA COUNTY.

7 MR. PACHECO: I'M THINKING, TOO, IF ANOTHER  
8 JURISDICTION WANTS TO APPOINT A NEIGHBORING COUNTY'S  
9 ENVIRONMENTAL HEALTH AS LEA.

10 BOARD MEMBER CHESBRO: SO A COUNTY DOESN'T MEET  
11 THE REQUIREMENTS TO BE AN LEA, CERTIFIED AS LEA, BUT THE  
12 CITY THAT HAS A FACILITY IN IT SAYS, "WE WANT THAT COUNTY  
13 TO BE OUR LEA. WE HEREBY DESIGNATE," THAT STEP TAKES  
14 PLACE, AND CAN THE COUNTY THEN TURN AROUND AND APPLY TO  
15 US FOR CERTIFICATION UPON DESIGNATION BY THE CITY? IS  
16 THAT THE ORDER OF THINGS?

17 MR. VLACH: THERE IS A RECIPROCAL PROCESS.  
18 OBVIOUSLY, IF SOMEONE DESIGNATED THEM, THE DESIGNEE MUST  
19 ACCEPT THE DESIGNATION, SO THERE WOULD BE RESOLUTIONS OF  
20 THE VARIOUS LOCAL GOVERNING BODIES. AND ONCE THEY'VE  
21 ACCEPTED IT, THEN THEY'RE EMPOWERED, THEN, TO COME  
22 FORWARD, HAVING ESTABLISHED A JURISDICTION. TO SEEK A  
23 DESIGNATION.

24 CHAIRMAN HUFF: BUT MOST OF THAT IS A FEATURE OF  
25 HAVING THE REQUIREMENT IN THE PUBLIC RESOURCES CODE THAT

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1 YOU HAVE A FACILITY --

2 MR. VLACH: WITHIN THE JURISDICTION.

3 CHAIRMAN HUFF: -- WITHIN YOUR JURISDICTION.

4 OKAY.

5 MR. VLACH: THAT'S JACK'S POINT IS THAT WE NEED  
6 TO MAKE THAT CLEAR AS TO WHAT THAT -- THAT'S A VERY GOOD  
7 POINT.

8 MR. PACHECO: I WOULD SUPPORT SEEKING  
9 LEGISLATIVE CHANGE FOR THAT SECTION THEN AS WELL.

10 BOARD MEMBER CHESBRO: IF YOU WANT TO SUBMIT ANY  
11 SUGGESTION, SPECIFIC SUGGESTIONS, TO OUR STAFF FOR THEIR  
12 DISCUSSION AND REFERRAL TO THE LEGISLATIVE COMMITTEE,  
13 FEEL FREE.

14 CHAIRMAN HUFF: OKAY. MORE.

15 MR. ZAMORA: CHAIRMAN HUFF, MEMBER CHESBRO,  
16 SECTION 18071(C) REQUIRES THE LEA TO SUBMIT A NEW  
17 COMPLETE ENFORCEMENT PROGRAM PLAN EACH TIME IT REQUESTS  
18 ISSUANCE OF NEW ADDITIONAL CERTIFICATION.

19 MR. FINCH: I ASKED THAT YOU IDENTIFY YOURSELF  
20 EACH TIME YOU GET UP, PLEASE, FOR THE RECORD.

21 MR. ZAMORA: BRIAN ZAMORA, SAN MATEO COUNTY. I  
22 WOULD SUBMIT THAT -- WHY DON'T WE JUST MODIFY THE  
23 EXISTING APPROVED PLAN TO ADD THE NEW SECTION OR AREA  
24 CERTIFICATION. I DON'T KNOW WHY YOU NEED A NEW COMPLETE  
25 EPP EVERY TIME YOU WANT TO ADD A LEVEL OF CERTIFICATION

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1 TO YOUR PROGRAM.

2 CHAIRMAN HUFF: WE'LL TAKE A LOOK AT THAT. I'M  
3 SURE THERE'S NO STATUTORY REQUIREMENT. I THINK THAT,  
4 REALLY, STAFF WANT TO MAKE SURE THEY HAD ALL THE LATEST.  
5 WE'LL TAKE A LOOK AND RESPOND TO YOU.

6 ANYONE ELSE?

7 MR. FINCH: IF NOT, I'LL MOVE ON TO SECTION  
8 18072, WHICH CONCERNS TECHNICAL EXPERTISE.

9 MS. EVANS: DIANE EVANS, SANTA CRUZ COUNTY.

10 NORMALLY, WHERE I SEE A DIFFERENCE BETWEEN  
11 THE REGULATIONS AND SOME OF THE SUPPORTING INFORMATION, I  
12 WOULDN'T BRING IT TO YOUR ATTENTION AT THIS LEVEL, BUT I  
13 THINK THERE IS A CLARIFICATION HERE THAT'S FAIRLY  
14 SIGNIFICANTLY NEEDED.

15 THE INITIAL STATEMENT OF REASONS THAT  
16 SUPPORT THIS SECTION, AND I'LL REFER SPECIFICALLY TO  
17 PAGES 29 AND 31, BOTH USE THE VERBIAGE THAT THE BOARD  
18 SHALL APPROVE CONTRACTS BETWEEN LEA'S AND THEIR  
19 CONSULTANTS. I WOULD HOPE THIS IS NOT THE ACTUAL INTENT  
20 BECAUSE CONTRACTS, AS YOU KNOW, ARE NEGOTIATED BETWEEN  
21 THE PERSON PAYING FOR SERVICE AND THE PERSON PERFORMING  
22 THE SERVICE.

23 AND I DON'T BELIEVE THAT THE BOARD ITSELF  
24 HAS JURISDICTION OR AUTHORITY TO BE PART OF THAT  
25 CONTRACTUAL PROCESS OR TO BE A THIRD PARTY TO THAT

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1 PROCESS. AND SO IF THAT'S NOT THE INTENT, AT LEAST I  
2 WANT ON THE RECORD TO SHOW THAT THE INITIAL STATEMENT OF  
3 REASONS WERE NOT THE ACTUAL INTENT OF THE BOARD.

4 MR. VLACH: I DON'T THINK WE INTENDED TO BE --  
5 HAVE THE BOARD BE A SIGNATORY TO ANY CONTRACTS, BUT  
6 MERELY TO REVIEW THE RELATIONSHIP AND DECIDE WHETHER IT'S  
7 CONSISTENT WITH THE PUBLIC RESOURCES CODE.

8 MS. EVANS: DOES THAT MEAN YOU WOULD EXPECT THE  
9 BOARD TO HAVE ACCESS TO REVIEW OF DRAFT CONTRACTS BEFORE  
10 THEY'RE FINALIZED BETWEEN THE LEA AND THEIR CONSULTANTS?

11 MR. SPHAR: I WOULD EXPECT NOT. THE BOARD  
12 CANNOT, HOWEVER, ABBROGATE ITS DUTY TO DO THE  
13 CERTIFICATION AND HAS TO MAKE SURE THAT THE LOCALS ARE  
14 MEETING ALL OF THE NECESSARY REQUIREMENTS. IF YOU HAVE  
15 TO MEET ONE OF THE TECHNICAL REQUIREMENTS BY CONTRACT,  
16 THEN THAT HAS TO BE SUBMITTED, AND WE HAVE TO MAKE SURE  
17 THAT THAT TECHNICAL REQUIREMENT IS BEING MET. I THINK  
18 THAT'S WHAT IS MEANT BY APPROVAL. NOT APPROVAL OF EACH  
19 INDIVIDUAL CLAUSE OF A CONTRACT, BUT MAKING SURE ALL THE  
20 TECHNICAL REQUIREMENTS OR OTHER REQUIREMENTS ARE BEING  
21 MET.

22 MS. EVANS: IT DOES SOUND TO ME LIKE YOU WOULD  
23 IN SOME INSTANCES EXPECT TO SEE DRAFT CONTRACTS BEFORE  
24 THEY ARE SIGNED BETWEEN THE TWO PARTIES.

25 MR. SPHAR: I WOULD NOT ANTICIPATE SO. AND IT'S

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1 CERTAINLY NOT SET UP IN THE APPLICATION PROCESS. YOU ARE  
2 GOING TO COME AND DEMONSTRATE THAT YOU'VE MET EACH OF THE  
3 REQUIREMENTS, HOWEVER YOU MEET IT, EITHER BECAUSE YOU'VE  
4 HIRED A STAFF PERSON, YOU'VE MET THIS NEED BY  
5 CONTRACTING, ETC., AND WE'RE GOING TO SEE ALL OF THAT AT  
6 THE END OF THE APPLICATION PROCESS. THAT'S HOW I  
7 ENVISION THE PAPERWORK UNLESS I'M WRONG ON THAT, MIKE.

8 MS. EVANS: GOOD. THANK YOU.

9 CHAIRMAN HUFF: STAFF WILL TAKE A LOOK AT THE  
10 LANGUAGE TO MAKE SURE THE WORDS SAY WHAT WE THINK THEY'RE  
11 SAYING.

12 MR. MICHAEL: JACK MICHAEL, LOS ANGELES COUNTY.  
13 ALONG THE SAME LINES OR THE SAME ISSUE, LINES 637 THROUGH  
14 640 WOULD READ THAT IF AN LEA IS USING CONSULTING  
15 PROFESSIONALS, THEY CAN'T USE A CONSULTANT WHO IS  
16 ENGAGED, IN ESSENCE, BY ANY FACILITY OPERATOR WITHIN  
17 THEIR JURISDICTION. AGAIN, THE ISSUE OF JURISDICTION  
18 ARISES. BUT WE HAVE NUMEROUS FACILITIES IN LOS ANGELES  
19 COUNTY THAT, ALTHOUGH THERE ARE MANY CONSULTANTS, IN MANY  
20 CASES THERE AREN'T MANY QUALIFIED CONSULTANTS IN THIS  
21 WHOLE SOLID WASTE ISSUE.

22 THE WAY I READ THIS IS THAT ALL THE  
23 CONSULTANTS AVAILABLE MAY BE ENGAGED BY ONE OF THE MANY  
24 FACILITIES IN OUR COUNTY. AND OUR LEA WOULD HAVE NO  
25 ABILITY TO RETAIN THE CONSULTING HELP. WE MIGHT SUGGEST

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1 THAT ON ANY PARTICULAR FACILITY THAT THE LEA COULD NOT  
2 ENGAGE THE CONSULTING SERVICES OF A CONSULTANT THAT WAS  
3 OTHERWISE ENGAGED BY THAT OWNER OR OPERATOR OF THAT  
4 PARTICULAR FACILITY SO THAT IT WOULD ALLOW SOME  
5 FLEXIBILITY IN BEING ABLE TO SECURE THE MOST QUALIFIED  
6 CONSULTANTS AVAILABLE.

7 BOARD MEMBER CHESBRO: JACK, I UNDERSTAND THE  
8 BASIS FOR YOUR ARGUMENT BECAUSE YOU DON'T WANT TO LIMIT  
9 THE RANGE OF CHOICES THAT LOCAL ENFORCEMENT AGENCY WOULD  
10 HAVE IN TERMS OF SELECTING A CONTRACTOR. ON THE OTHER  
11 HAND, WOULD IT NOT BE EQUALLY A CONFLICT TO WORK FOR A  
12 COMPETITOR OF THE COMPANY THAT IS DOING BUSINESS PERHAPS  
13 IN ANOTHER COUNTY BUT STILL COULD PERHAPS COLOR THE  
14 PERSON'S DECISION MAKING PROCESS?

15 MR. MICHAEL: I'M NOT SURE IF I FOLLOW THAT, BUT  
16 I BELIEVE -- BUT I'M NOT A CONSULTANT, NOR AM I A  
17 PROFESSIONAL ENGINEER, BUT I BELIEVE YOU MIGHT HAVE  
18 SUGGESTED THAT A PROFESSIONAL ENGINEER WOULD DO SOMETHING  
19 FOR ONE CLIENT RELATIVE TO HIS INTEREST WITH ANOTHER  
20 CLIENT, AND I BELIEVE THAT'S AGAINST CODE OF ETHICS OF  
21 PROFESSIONALS.

22 BOARD MEMBER CHESBRO: CONFLICT OF INTEREST  
23 PROVISIONS AT ALL BECAUSE PROFESSIONALS ARE GOING TO BE  
24 PROFESSIONAL UNDER ALL CIRCUMSTANCES AND YOU DON'T NEED  
25 TO WORRY ABOUT THEM BEING COLORED BY THEIR INCOME COMING

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1 FROM SOME OTHER SOURCE. I THINK IN REALITY IT'S AN  
2 ACCEPTED FACT IN CALIFORNIA LAW AND REGULATORY PROCESS  
3 THAT BEING PAID BY SOMEONE THAT MIGHT -- OTHER THAN --  
4 BEING IN TWO DIFFERENT FINANCIAL ARRANGEMENTS CAN CREATE  
5 A CONFLICT OF INTEREST. IF IT CUTS ONE WAY, IT SEEMS  
6 LIKE IT COULD CUT THE OTHER. I'M NOT ARGUING WITH YOU.  
7 I'M JUST TRYING TO GET CLEAR IN MY MIND.

8 MR. MICHAEL: I MAY HAVE A LITTLE TROUBLE  
9 FOLLOWING EXACTLY WHAT YOU ARE SAYING, BUT WHAT I'M  
10 HEARING IS THAT IF YOU ARE A CONSULTANT FOR ANYBODY, YOU  
11 COULDN'T BE A CONSULTANT FOR ANYBODY ELSE. AND ALL I'M  
12 SUGGESTING IS THAT IF YOU HAVE A FACILITY X, THERE'S A  
13 CONSULTANT WHO'S NOT EMPLOYED BY FACILITY X OR THE OWNER  
14 IN ANY WAY, BUT IS WITHIN THE JURISDICTION OF THE LEA, SO  
15 LONG AS THERE ISN'T THAT ENGAGEMENT BETWEEN THAT  
16 PARTICULAR CONSULTANT AND THAT FACILITY, THE LEA COULD  
17 USE THAT PROFESSIONAL OPINION FOR THAT PARTICULAR  
18 FACILITY.

19 CHAIRMAN HUFF: OKAY. I THINK THAT STAFF  
20 UNDERSTANDS THE ARGUMENT PRETTY WELL. I THINK IT'S  
21 PRETTY CLEAR. SO WE'LL HAVE TO RESPOND TO THAT ONE.  
22 YES. SAME SECTION.

23 MR. DALEDONI: I'M RON DALEDONI, DIRECTOR OF  
24 ENVIRONMENTAL HEALTH FOR SAN JOAQUIN COUNTY. AND I WAS A  
25 LITTLE SURPRISED AND SHOCKED ON LINE 612 THROUGH 628 WHEN

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1 I LEARNED THAT AFTER 20 SOME YEARS EXPERIENCE IN THE  
2 FIELD AS A REGISTERED ENVIRONMENTAL HEALTH SPECIALIST, I  
3 CANNOT CONDUCT DESIGN ENGINEERING REVIEWS.

4 SOMEONE SHOULD TELL US THAT BECAUSE WE'VE  
5 BEEN DOING IT NOW FOR OVER 20 YEARS, AND I SEE THREE  
6 OTHER DIRECTORS HERE. AND I THINK BETWEEN ALL OF US WE  
7 PROBABLY HAVE IN EXCESS OF 80 YEARS EXPERIENCE IN THAT  
8 FIELD.

9 I THINK IT'S SOMEWHAT SHORTSIGHTED TO LIMIT  
10 THIS TO THE ENGINEERING PROFESSION. I THINK YOU HAVE A  
11 PROFESSION THAT'S BEEN CONDUCTING THESE SERVICES, NOT  
12 ONLY SOLID WASTE, BUT 17 OTHER PROGRAMS, THAT SHOULD  
13 CONTINUE TO BE RECOGNIZED IN THIS FIELD. I WOULD  
14 RECOMMEND THAT EITHER THAT BE ADDED TO THE REGULATIONS OR  
15 THAT THE OTHER REQUIREMENT BE DROPPED.

16 CHAIRMAN HUFF: ANY STAFF COMMENT NOW OR LATER?

17 MR. VLACH: WELL, I WOULD JUST LIKE TO POINT OUT  
18 THAT THERE WAS NO INTENT TO BESMIRCH ANY OF THE  
19 PROFESSIONALS. I THINK ON LINE 615, IT SIMPLY SAYS THAT  
20 IF THE EXPERTISE IS BEYOND THE TECHNICAL ABILITIES OF A  
21 PARTICULAR LEA STAFF, THEN THIS PROVIDES AN OPTION TO  
22 CONTRACT FOR THOSE KINDS OF SERVICES. THERE'S NOTHING  
23 HERE THAT SAYS THAT EXPERTISE CAN'T LIE WITHIN REGISTERED  
24 ENVIRONMENTAL HEALTH FIELD.

25 CHAIRMAN HUFF: SO LINES 15 THROUGH 23 ARE

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1 PERMISSIVE IN NATURE?

2 MR. VLACH: YES.

3 CHAIRMAN HUFF: LINES 24 THROUGH BECAUSE I THINK  
4 THE GENTLEMAN'S COMMENTS WERE DIRECTED AT --

5 MR. VLACH: 612 THROUGH 628.

6 CHAIRMAN HUFF: ALL RIGHT. NOW, 623 THROUGH  
7 630, WE'LL GO BACK TO 612 IN A MINUTE. THIS IS FOR B AND  
8 C CERTIFICATIONS.

9 MR. DALEDONI: PRETTY SPECIFIC UNDER SECTION  
10 17761(A)(640) AND (51).

11 MS. COYLE: I WOULD JUST LIKE TO REFER YOU BACK  
12 TO THE STATEMENT IN 615 THAT SAYS "BEYOND THE TECHNICAL  
13 CAPABILITIES." IF YOU HAVE EXPERTISE BEYOND YOUR  
14 TECHNICAL ABILITY, THEN YOU NEED TO COMPLY WITH THOSE  
15 SECTIONS THAT YOU JUST NOTED.

16 MR. DALEDONI: I THINK THAT'S VERY UNCLEAR. I'D  
17 LIKE TO SEE IT CLARIFIED.

18 MR. PADILLA: I'M ED PADILLA, REGISTERED  
19 ENVIRONMENTAL HEALTH SPECIALIST. VICKIE EBERLY, THE  
20 PRESIDENT OF CEHA, WAS UNABLE TO ATTEND TODAY'S MEETING,  
21 SO SHE ASKED ME TO REPRESENT CEHA.

22 WE HAVE THE SIMILAR CONCERNS WITH LINES 612  
23 THROUGH 628, AND WE FELT THAT THE REVISED LANGUAGE WAS  
24 VERY UNCLEAR AND AMBIGUOUS. AND IF YOU LOOK AT IT, IT  
25 CAN BE INTERPRETED A DIFFERENT WAY. WE FEEL IT COULD

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1 POSSIBLY BE USED TO EFFECTIVELY PREVENT AN ENTIRE  
2 PROFESSION PERFORMING SPECIFIED DUTIES THAT THEY ARE MORE  
3 THAN QUALIFIED TO PERFORM.

4 THEY HAVE BEEN DOING THESE FUNCTIONS SINCE  
5 1976. I KNOW THIS SECTION HAS BEEN REWRITTEN, BUT WE  
6 STILL FEEL THAT IT IS UNCLEAR. MANY MEMBERS CALLED 'IN  
7 WHEN THEY REVIEWED THE REVISED SECTION, AND THEY WERE NOT  
8 SATISFIED WITH THE NEW LANGUAGE.

9 WE WOULD LIKE FOR THE LANGUAGE TO SIMPLY  
10 SAY THAT REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS MAY  
11 PERFORM ENGINEERING REVIEWS FOR ALL TYPES OF  
12 CERTIFICATION.

13 IT'S ALSO NOTED THAT THE SECTION 43209 OF  
14 AB 939 REQUIRES THE LOCAL HEALTH DEPARTMENT TO BE A  
15 CONSULTANT WHEN HEALTH STANDARDS ARE INVOLVED; HOWEVER,  
16 WE DO NOT SEE THIS NOTED IN THE TECHNICAL EXPERTISE  
17 SECTION. AND I THINK THAT'S THE ONLY SECTION IN AB 939  
18 THAT HAD REFERENCE TO A CONSULTANT.

19 CHAIRMAN HUFF: THANK YOU.

20 MR. PACHECO: MR. CHAIRMAN, BOARD MEMBER  
21 CHESBRO, TONY PACHECO, SANTA CLARA COUNTY DIVISION OF  
22 ENVIRONMENTAL HEALTH. I'D LIKE TO REFERENCE BEGINNING  
23 LINES 604. "THE LEA SHALL HAVE ONE OR MORE FULL-TIME  
24 STAFF MEMBERS DEDICATED SOLELY FOR SOLID WASTE ISSUES."  
25 WE FEEL THAT THAT SHOULD BE BASED ON WORKLOAD ANALYSIS

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1 AND THAT, IN FACT, THERE MAY BE SOME JURISDICTION FOR A  
2 HALF- OR THREE-QUARTER TIME FULL-TIME EQUIVALENT WOULD BE  
3 APPROPRIATE. AND THAT'S LIMITING FOR CASES SUCH AS THAT.

4 WE UNDERSTAND THERE IS LOTS OF WORK  
5 INVOLVED IN BEING LEA'S, NO QUESTION, BUT THERE COULD BE  
6 JURISDICTIONS THERE THAT COULD GET BY WITH LESS THAN ONE  
7 FULL-TIME EQUIVALENT AND IT WOULD BE A BURDEN ON THE  
8 JURISDICTION.

9 BOARD MEMBER CHESBRO: CAN I ASK STAFF: IT'S MY  
10 UNDERSTANDING THAT THAT ONE TIME -- THAT FULL-TIME  
11 EQUIVALENT MEANS THAT THAT PERSON WOULD BE PUTTING FULL  
12 TIME IN FOR THIS PURPOSE, BUT NOT NECESSARILY IN THE ONE  
13 JURISDICTION; IS THAT CORRECT? SO THAT THROUGH JOINT  
14 POWERS AGREEMENTS OR CONTRACTS, IT WOULD BE POSSIBLE, FOR  
15 EXAMPLE, FOR TWO ENTITIES TO SPLIT A PERSON AND HAVE THEM  
16 SPEND HALF THEIR TIME OR WHATEVER PERCENTAGE OF THEIR  
17 TIME IN ONE JURISDICTION AND A CERTAIN PERCENTAGE IN  
18 ANOTHER?

19 MR. FINCH: THAT IS CORRECT.

20 BOARD MEMBER CHESBRO: NOW, DOES IT ALSO  
21 ALLOW -- AND I SKIMMED THROUGH THE RESPONSES TO THE  
22 VARIOUS COMMENTS WE'VE GOTTEN SO FAR: SO IF I  
23 MISINTERPRETED SOMETHING I READ. PLEASE CORRECT ME --  
24 DOES IT ALSO ALLOW FOR CONTRACTING?

25 MR. FINCH: YES. IT DOES.



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1 BOARD MEMBER CHESBRO: I MEAN FOR THE PRIVATE,  
2 SOME SORT OF PRIVATE PROVIDER SO THAT IF A NUMBER OF --  
3 IF THERE WAS A FIRM THAT HAD FULL-TIME STAFF PEOPLE  
4 DEDICATED TO THIS, THAT THEY COULD BE CONTRACT EMPLOYEES  
5 ON A PART-TIME BASIS FOR A PARTICULAR --

6 MR. FINCH: I THINK THEORETICALLY IT COULD BE:  
7 I'D HAVE TO STUDY THAT.

8 CHAIRMAN HUFF: THE LANGUAGE HERE DOESN'T REALLY  
9 DEVELOP THAT.

10 BOARD MEMBER CHESBRO: THE REASON I'M ASKING IS  
11 BECAUSE I THINK THERE'S ARGUMENTS CAN BE MADE ON BOTH  
12 SIDES OF THIS. THE -- IT'S CLEAR THAT WHAT THE  
13 LEGISLATURE WANTED US TO DO WAS TO UPGRADE THE LEA'S.  
14 AND WHEN YOU HAVE LESS THAN A FULL-TIME PERSON, I THINK  
15 THAT WHAT STAFF HAS BASED THIS ON IS THAT IT'S HARDER TO  
16 BE ASSURED THAT THAT PERSON HAS THE ABILITY TO GET THE  
17 ONGOING TRAINING AND EXPERTISE AND PROFESSIONAL CONTACTS  
18 TO BE CONSIDERED FULLY CAPABLE.

19 AND SO THE OTHER SIDE OF IT, OF COURSE, IS  
20 WHAT YOU'VE ARGUED, THAT A FULL-TIME PERSON MAY NOT BE  
21 JUSTIFIED FOR AN ENTITY. WHAT I'M PURSUING IS THE  
22 QUESTION OF WHETHER OR NOT THERE ARE OTHER WAYS FOR A  
23 JURISDICTION WHO MAY NOT HAVE THE JUSTIFICATION AND  
24 WORKLOAD FOR A FULL-TIME PERSON TO STILL GET SOMEBODY  
25 WHO'S ON A FULL-TIME BASIS PROFESSIONALLY DEDICATED TO

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1 ENFORCEMENT AND WHETHER THERE ARE ENOUGH CHOICES  
2 AVAILABLE TO MEET THE NEEDS OF THE SMALLER ENTITIES WITH  
3 FEWER FACILITIES.

4 MR. PACHECO: I THINK IF IT WAS CLARIFIED  
5 LANGUAGE IN THE REGULATIONS THAT THERE COULD BE THE SPLIT  
6 IN TIME, GIVING ONE FULL-TIME PERSON, BUT SPLITTING TIME  
7 BETWEEN MULTIPLE JURISDICTIONS MIGHT CLARIFY THAT.

8 ANOTHER COMMENT, IN KEEPING WITH OUR  
9 REQUEST TO HAVE CO-LEA'S REINSTATED, BEGINNING LINE 606,  
10 "FOR ALL CERTIFICATION TYPES DEDICATED STAFF SHALL BE  
11 COMPOSED OF AT LEAST ONE REGISTERED ENVIRONMENTAL  
12 SPECIALIST." WE'D LIKE TO SEE LANGUAGE PUT IN THAT WOULD  
13 REQUIRE THE ENVIRONMENTAL HEALTH SPECIALIST TO BE PART OF  
14 A LOCAL ENVIRONMENTAL HEALTH PROGRAM.

15 ON LINE 611, ENDS UP BY SAYING, "THE  
16 CERTIFIED LEA PROGRAM DIRECTOR OR MANAGER," REFERENCING  
17 THAT SOME DECISION WAS MADE THAT A NONREGISTERED HEALTH  
18 PERSON HAVE THE COURSE REQUIREMENTS. THAT'S ALREADY A  
19 SERVICE PROVIDED BY THE STATE DEPARTMENT OF HEALTH  
20 SERVICES. IT WOULD BE A DUPLICATION TO HAVE A MANAGER OF  
21 AN LEA PROGRAM MAKE THAT DETERMINATION, AND THERE COULD  
22 BE SOME MISTAKES MADE IN THAT REGARD AS WELL. IT'S NOT A  
23 STRAIGHTFORWARD ISSUE ALL THE TIME.

24 SO WE WOULD LIKE TO SEE LEA PROGRAM  
25 DIRECTOR OR MANAGER STRICKEN AND REPLACE THAT WITH STATE

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1 DEPARTMENT OF HEALTH SERVICES. THANK YOU.

2 MR. CAVE: GOOD MORNING. TRENT CAVE, DIRECTOR  
3 OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT FOR NAPA  
4 COUNTY. WE'RE A SMALL COUNTY OF ABOUT 10,000 PEOPLE.  
5 OUR DEPARTMENT FUNCTIONS AS THE LEA AND THE PLANNING  
6 FUNCTION FOR SOLID WASTE. WE HAVE THREE PERMITTED  
7 FACILITIES. WE'RE A GOOD NEIGHBOR, AND WE ACCEPT WASTE  
8 FROM OUTSIDE OUR JURISDICTION FROM THE CITY OF VALEJO.

9 I'D LIKE TO TAKE THIS OPPORTUNITY TO --  
10 SINCE THIS IS MY FIRST TRIP UP HERE, TO MAKE AN OPENING  
11 COMMENT. I'D LIKE TO TAKE THE OPPORTUNITY TO THANK THE  
12 BOARD STAFF AND ENFORCEMENT ADVISORY COMMITTEE FOR THEIR  
13 EFFORTS IN BRINGING FORWARD FOR YOUR CONSIDERATION  
14 PROPOSED REGULATIONS THAT ARE GENERALLY ACCEPTABLE.

15 I AM DISAPPOINTED THAT THE REGULATIONS  
16 FOCUS ON HOW LEA'S WILL MANAGE THEIR PROGRAM RATHER THAN  
17 THE RESULTS IN THE PERFORMANCE OF THE LEA. MOST  
18 SUCCESSFUL BUSINESSES HAVE LEARNED A GREATER SUCCESS CAN  
19 BE ACHIEVED BY SETTING GOALS AND OBJECTIVES AND GIVING  
20 THEIR EMPLOYEES FLEXIBILITY IN ACHIEVING THOSE GOALS AND  
21 OBJECTIVES. BUSINESSES THAT FAIL OFTEN TRY TO MANAGE  
22 EVEN THE SMALLEST DETAILS AS THEIR EMPLOYEES SEEK TO  
23 ACHIEVE THEIR GOALS.

24 IF THE BOARD IS GOING TO MICROMANAGE THE  
25 LEA'S. NAPA COUNTY AND THE DEPARTMENT OF ENVIRONMENTAL

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1 MANAGEMENT HAS NO INTEREST IN CONTINUING AS AN LEA.

2 NOW, SPEAKING TO SECTION 18072(A), I WOULD  
3 REQUEST THAT LEA'S, THE STATEMENT THAT LEA'S SHALL HAVE  
4 ONE OR MORE FULL-TIME STAFF MEMBERS DEDICATED SOLELY FOR  
5 SOLID WASTE ISSUES BE DELETED. THE STATEMENT -- THE  
6 INITIAL STATEMENT OF REASONS INDICATES THAT THIS IS  
7 NECESSARY FOR CONTINUITY AND CONSISTENCY. I WOULD ARGUE  
8 THAT IT'S THE OPPOSITE.

9 IN RELYING ON ONE INDIVIDUAL, IF YOU RELY  
10 ON ONE INDIVIDUAL, YOU PUT BASICALLY ALL YOUR EGGS IN ONE  
11 BASKET. LOCAL GOVERNMENTS HAVE A LOT OF TURNOVER. WHEN  
12 WE TRAIN OUR STAFF, THERE ARE LUCRATIVE POSITIONS WITH  
13 STATE AGENCIES, THEY LEAVE. AND WHEN THEY LEAVE, THEY  
14 LEAVE A HOLE IN OUR PROGRAM.

15 I PREFER TO SPREAD OUT AMONGST SEVERAL  
16 INDIVIDUALS THE FUNCTION OF SOLID WASTE MANAGEMENT.  
17 CURRENTLY, WE HAVE FOUR STAFF PEOPLE ASSIGNED TO  
18 DIFFERENT FUNCTIONS, AND WE HAVE TWO MANAGEMENT STAFF  
19 ASSIGNED TO THE SOLID WASTE FUNCTION.

20 I BELIEVE THAT STATE STAFF MAY AGREE WITH  
21 THAT POSITION BECAUSE CURRENTLY MY UNDERSTANDING IS WE  
22 HAVE 13 DIFFERENT INDIVIDUALS ASSIGNED TO NAPA COUNTY  
23 BASED ON FUNCTION. WE DO NOT DEAL WITH -- SOLELY WITH  
24 ONE INDIVIDUAL.

25 THE OTHER AREA -- MY OTHER OBJECTION IS IN

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1 18073 ADEQUATELY DEALS WITH STAFF. IT IS BASED ON  
2 WORKLOAD, AND WE BELIEVE THAT THIS LANGUAGE SHOULD BE  
3 STRICKEN AND THAT SECTION 18073 WOULD ADEQUATELY APPLY  
4 BECAUSE IT DICTATES STAFFING LEVELS BASED ON WORKLOAD.

5 THE OTHER -- I HAVE ONE OTHER COMMENT ON  
6 THAT PARTICULAR SECTION, AND THAT'S THE ISSUE OF  
7 REQUIRING AT LEAST ONE REGISTERED ENVIRONMENTAL HEALTH  
8 SPECIALIST PURSUANT TO SECTION 514 THROUGH 520. AND I'D  
9 LIKE TO DELETE THAT SECTION. IN OUR COUNTY IT WOULD  
10 CREATE AN UNDUE HARDSHIP TO OUR COUNTY AND TO OUR  
11 EMPLOYEES CURRENTLY ASSIGNED TO SOLID WASTE.

12 WE DO NOT UTILIZE REGISTERED ENVIRONMENTAL  
13 HEALTH SPECIALISTS IN OUR SOLID WASTE PROGRAM. WE HAVE  
14 VERY QUALIFIED PEOPLE. THEY'RE COLLEGE GRADUATES. THEY  
15 MEET MOST OF THE REQUIREMENTS OF 520 OF THE HEALTH AND  
16 SAFETY CODE, BUT GENERALLY ARE LACKING IN AREAS SUCH AS  
17 MICROBIOLOGY. AGAIN, MANY OF THESE PEOPLE HAVE BEEN  
18 WORKING IN THIS AREA FOR FOUR OR FIVE YEARS. THEY'RE  
19 QUALIFIED. I DON'T THINK THE STATE STAFF WOULD ARGUE  
20 WITH THEIR QUALIFICATIONS. AND I WOULD SUGGEST THAT THAT  
21 LANGUAGE BE DELETED.

22 AN ALTERNATIVE MIGHT BE -- I DON'T KNOW IF  
23 ANYBODY -- IF YOU'VE READ THE SECTION 520 OF THE HEALTH  
24 AND SAFETY CODE. IT IS VERY SPECIFIC. IT WOULD BE VERY  
25 HARD TO EVALUATE, AND I DON'T BELIEVE. AS A PROGRAM

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1 DIRECTOR, THAT I WOULD BE ABLE TO CERTIFY INDIVIDUALS  
2 WITHOUT EXTENSIVE RESEARCH ON THEIR TRANSCRIPTS AND EVEN  
3 MAYBE RESEARCH INTO THE COLLEGE COURSES THAT WERE TAKEN  
4 AT THAT PARTICULAR COLLEGE.

5 WHAT I MIGHT BE ABLE TO DO IS IF THERE WAS  
6 LANGUAGE THAT SAID EQUIVALENT TO SECTION 520, I BELIEVE  
7 THAT MOST OF THE PEOPLE WORKING FOR US HAVE EQUIVALENCY  
8 TO 520, BUT THEY CANNOT OR DON'T CURRENTLY MEET THE  
9 SPECIFIC REQUIREMENTS OF 520. THANK YOU.

10 MR. DICKSON: MY NAME IS RICHARD DICKSON, COLUSA  
11 COUNTY ENVIRONMENTAL HEALTH. AT ONE OF THE OTHER  
12 MEETINGS THAT WE HAD, I VOICED MY DISAGREEMENT WITH LINE  
13 604 ON THE REQUIREMENT OF THE ONE FULL-TIME STAFF FOR THE  
14 LEA TO BE CERTIFIED.

15 COLUSA COUNTY ENVIRONMENTAL HEALTH HAS BEEN  
16 THE LEA FOR QUITE SOME TIME. WE'VE DONE MORE THAN AN  
17 ADEQUATE JOB OF ENFORCING THE PROGRAMS OF SOLID WASTE,  
18 AND WE FEEL THAT OUR EXPERTISE IS GOOD ENOUGH TO QUALIFY  
19 FOR THIS WITHOUT REQUIRING ONE FULL-TIME PERSONNEL.

20 CHAIRMAN HUFF: THANK YOU. ANYONE ELSE? THAT  
21 TAKES CARE OF 72.

22 BOARD MEMBER CHESBRO: BEFORE WE LEAVE IT, JUST  
23 LET ME SAY IN TERMS OF THE RANGE OF OPTIONS AND GETTING  
24 THOSE AS CLEAR AS POSSIBLE WHAT'S ACCEPTABLE AND WHAT'S  
25 NOT, THAT SEEMS LIKE AN AREA THAT WE SHOULD FOCUS IN ON

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1 BECAUSE I THINK THAT IF THE COMMITTEE AND THE BOARD  
2 CHOOSE TO PROCEED WITH THIS, AS RECOMMENDED BY STAFF,  
3 WE'RE GOING TO HAVE TO ALSO BE ABLE TO TELL THE CITIES  
4 AND COUNTIES EXACTLY HOW THEY CAN COMPLY IN SITUATIONS  
5 WHERE THE WORKLOAD DOESN'T JUSTIFY A FULL-TIME PERSON.

6 CHAIRMAN HUFF: THERE DOES SEEM TO BE SOME  
7 CONFUSION OVER WHAT THESE WORDS MEAN FROM THE TESTIMONY.

8 73, ADEQUACY OF STAFF RESOURCES. THERE'S  
9 NO ONE HERE ON THAT.

10 74, BUDGET, I EXPECT SOMEONE.

11 MR. FINCH: ADEQUACY OF BUDGET RESOURCES,  
12 SECTION 18074.

13 MR. STUART: I'M KEN STUART, DIRECTOR OF  
14 ENVIRONMENTAL HEALTH, SACRAMENTO COUNTY ENVIRONMENTAL  
15 MANAGEMENT DEPARTMENT.

16 I WILL SUBMIT TODAY COMMENTS ON SEVERAL  
17 PARTS OF THIS PROPOSED REGULATION, BUT SPECIFICALLY TO  
18 18074. WE ARE STILL NOT COMFORTABLE WITH THE CONCEPT OF  
19 THE LINE-ITEM BUDGET. IT IS MY BELIEF THAT A DEPARTMENT  
20 SHOULD BE ABLE TO MAINTAIN THEIRSELVES WITHOUT HAVING TO  
21 GO TO SPECIFIC ITEMS ON SOLID WASTE. I FEEL THAT IF WE  
22 CAN DELIVER A PROGRAM THAT IS CERTIFIED THAT IT SHOULD  
23 NOT BE THE CONCERN OF THE BOARD ON WHAT OUR REVENUES AND  
24 EXPENDITURES ARE.

25 AND BASICALLY WE USE PROGRAM PLANS IN THE

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1 AB 8, ASSEMBLY BILL 8, REPORTING PROCESS WHERE WE TALK  
2 ABOUT STAFFING, TRAINING, INSPECTIONS, AND SO FORTH.  
3 WE'RE NOT REQUIRED TO REPORT TO THE SOLID WASTE DIVISION  
4 LEVEL ON A LINE-ITEM BUDGET, AND I OPPOSE THAT CONCEPT.  
5 THANK YOU.

6 CHAIRMAN HUFF: ANYONE ELSE?

7 MR. ZAMORA: CHAIRMAN HUFF, MEMBER CHESBRO,  
8 BRIAN ZAMORA, SAN MATEO COUNTY.

9 I'D CERTAINLY LIKE TO ECHO THE COMMENTS  
10 THAT YOU JUST HEARD FROM TRENT CAVE AND KEN STUART  
11 RELATIVE TO MICROMANAGING. LET ME JUST OFFER A SUGGESTED  
12 CHANGE. WHY DON'T YOU JUST ALLOW US TO SUBMIT WHATEVER  
13 BUDGET PROCESS IS APPROVED IN OUR PARTICULAR COUNTY?

14 MR. CHESBRO, HAVING BEEN A BOARD MEMBER  
15 YOURSELF, YOU REALIZE THAT WE DON'T BUDGET DOWN TO THE  
16 LINE ITEM BY PROGRAM. WHAT I WOULD RATHER SEE IS A  
17 COOPERATIVE PROFESSIONAL RELATIONSHIP THAT SUGGESTS THAT  
18 WE WORK OUT PERFORMANCE MEASURES, THAT WE HAVE TRAINING  
19 STANDARDS, AND WE WORK AS PARTNERS RATHER THAN NICKEL AND  
20 DIMING ME TO DEATH WORRYING ABOUT WHAT PARTICULAR CLASS  
21 MY STAFF GOES TO OR WHETHER THEY WENT TO THAT CLASS.

22 SO I'D LIKE TO SUGGEST THAT WE NEED A MAJOR  
23 CHANGE IN TONE OF THIS SECTION TO BE GEARED MORE TOWARD  
24 PERFORMANCE MEASURES BECAUSE I REALLY BELIEVE THAT THE  
25 SPIRIT OF 939 WAS TO GET OUT AND MAKE LANDFILL

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1 INSPECTIONS, TO PERMIT THESE FACILITIES. IF YOU REQUIRE  
2 US TO PAY ATTENTION TO THIS KIND OF DETAIL, WHAT I CAN  
3 PROMISE YOU IS I'LL SPEND ONE FULL-TIME EQUIVALENT DOING  
4 THE PAPERWORK ALONE AND THEN MAYBE, IF I HAVE AN EXTRA  
5 PERSON, WE'LL GET OUT AND DO SOME INSPECTIONS OF  
6 LANDFILLS. THANK YOU.

7 MS. EVANS: DIANE EVANS, SANTA CRUZ COUNTY. I  
8 MUST ALSO ECHO MY CONCERN ABOUT THIS SECTION. IN FACT,  
9 IT'S THIS SECTION THAT DOES ILLUSTRATE A GENERAL TONE TO  
10 THE REGULATIONS WHICH WE FIND OBJECTIONABLE, ONE THAT IS  
11 INDICATING THAT THERE IS A DISTRUST THAT LEA'S CAN DO THE  
12 JOB. AND SO RATHER THAN GOING BY THE PERFORMANCE  
13 STANDARDS, WHICH ARE REFERRED TO IN THE INITIAL STATEMENT  
14 OF REASONS, WE INSTEAD HAVE AN ATTEMPT TO MANAGE THE  
15 PROGRAMS FOR US BY GIVING US VERY LITTLE DISCRETION IN  
16 WHAT WE DO, HOW WE BUDGET, AND HOW WE MANAGE.

17 I DO NOT BELIEVE A LINE-ITEM BUDGET IS  
18 EITHER PROPER IN THE LINE OF A PERFORMANCE STANDARD, NOR  
19 IS IT DOABLE WITHIN THE WAY LOCAL BUDGETS ARE SET. IF I  
20 HAD TO SET A PROGRAM BUDGET FOR EVERY ONE OF MY PROGRAMS,  
21 I WOULD HAVE A MINIMUM OF 15 DIFFERENT SEPARATE BUDGETS  
22 WHEN I RUN EVERYTHING OUT OF A POOL OF RESOURCES. AND IF  
23 THAT'S THE INTENT OF THIS SECTION. THEN I DON'T BELIEVE  
24 THAT LEA'S ARE GOING TO BE THAT INTERESTED IN BEING PART  
25 OF THE PROCESS.

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1 BOARD MEMBER CHESBRO: CAN I ASK THE STAFF, IN  
2 REGARDS TO READING THIS, I CAN'T REALLY CLEARLY IDENTIFY,  
3 IS THE INTENT HERE TO HAVE THIS BE REVIEWED AND SOMEHOW  
4 APPROVED, OR IS IT SIMPLY A REPORTING MECHANISM? AS I  
5 READ IT, IT SAYS, UPON ADOPTION OF THE COUNTY -- LET'S  
6 SEE; I CAN'T FIND THE RIGHT LANGUAGE HERE -- IN ESSENCE,  
7 THAT THE COUNTY ADOPTS THE BUDGET AND THEN THIS  
8 INFORMATION BE SUBMITTED TO THE STATE BOARD AS OPPOSED TO  
9 SOME SORT OF AN APPROVAL PROCESS THAT SAYS THAT, YOU  
10 KNOW, THIS LINE SHOULD BE SHIFTED A LITTLE BIT THAT WAY  
11 OR THE OTHER WAY.

12 MS. COYLE: WHAT THE INTENT IS THAT IT WILL BE  
13 SUBMITTED ANNUALLY UPON THE ADOPTION OF THE BUDGET, BUT  
14 ALSO THAT IT DOES INCLUDE A LINE-ITEM ALLOCATION  
15 IDENTIFYING THE LOCAL ENFORCEMENT AGENCY PROGRAM.

16 BOARD MEMBER CHESBRO: I UNDERSTAND THAT. BUT  
17 IT'S A REPORTING REQUIREMENT AS OPPOSED TO AN APPROVAL  
18 PROCESS.

19 MS. COYLE: RIGHT. EXACTLY.

20 MR. VLACH: WE'RE GOING TO BE DOING ANNUAL  
21 EVALUATIONS OF THE LEA'S, AND THESE ARE THE KINDS OF  
22 THINGS THAT WE'LL BE LOOKING AT.

23 CHAIRMAN HUFF: I'M NOT SURE WHAT GENERALLY  
24 ACCEPTED LINE-ITEM ACCOUNTING METHODS --

25 MS. EVANS: I THINK THAT'S WHAT WE NEED IS WHAT



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1 DOES THE BOARD UNDERSTAND THAT TO MEAN? IF YOU'RE  
2 INTERESTED IN SEEING MY OVERALL BUDGET, AS ADOPTED BY THE  
3 BOARD, THAT HAS ONE LINE IN IT FOR THE REVENUES I RECEIVE  
4 AS THE SOLID WASTE LEA, THAT'S FINE; BUT IF YOU ARE ALSO  
5 EXPECTING TO SEE A SEPARATE SERVICES AND SUPPLIES BUDGET  
6 SPECIFICALLY FOR SOLID WASTE IN WHICH I IDENTIFY  
7 SPECIFICALLY FOR SOLID WASTE AND NOT FOR ANY OF MY OTHER  
8 PROGRAMS, THAT I HAVE THIS MUCH STAFF TIME, THIS MUCH  
9 CLERICAL TIME, THIS MUCH PRINTING, DUPLICATION,  
10 TRANSPORTATION, I CANNOT PROVIDE THAT FOR YOU.

11 BOARD MEMBER CHESBRO: WHAT IS THE STAFF'S  
12 INTENT WITH REGARDS TO THE LEVEL OF DETAIL?

13 MR. VLACH: I BELIEVE THE REGULATIONS IN PART  
14 (A)(1) SHOW UNDER A, B, C, AND D THE KINDS OF COST  
15 CENTERS THAT THE STAFF WOULD BE LOOKING TO SEE THAT THERE  
16 WAS ADEQUACY OF BUDGET. I GUESS IT GOES E THROUGH H ON  
17 THE NEXT PAGE.

18 CHAIRMAN HUFF: YEAH.

19 MR. VLACH: MY -- OUR FEELING IS THAT, WHILE  
20 SOME LEA'S ARE DESIGNATED AS PART OF AN ENVIRONMENTAL  
21 HEALTH PROGRAM, OTHERS ARE NOT.

22 BOARD MEMBER CHESBRO: LIKE ANY LAW, I HAVE REAL  
23 MIXED EMOTIONS ABOUT THIS BECAUSE. AS SOMEBODY POINTED  
24 OUT, I COME FROM A COUNTY LEVEL AND HAVE ALWAYS BEEN  
25 INTERESTED IN PROTECTING COUNTY PREROGATIVES.

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1 CHAIRMAN HUFF: I POINT THAT OUT ALL THE TIME.

2 BOARD MEMBER CHESBRO: YOU DO. THE OTHER SIDE  
3 OF IT IS THAT THERE ARE -- THERE'S A WIDE VARIATION IN  
4 LEA'S AROUND THE STATE IN TERMS OF COMMITMENT OF  
5 RESOURCES AND THE ASSURANCE THAT THE PROGRAM IS GOING TO  
6 BE ADEQUATELY CARRIED OUT. AND I THINK, CLEARLY, THE  
7 LEGISLATURE -- AND YOU'VE HEARD THIS SPEECH ABOUT FIVE  
8 TIMES. SOME OF YOU HAVE HEARD IT AT LEAST THREE OR  
9 FOUR -- BUT THE DEBATE OVER THIS LAW ENGAGED A SERIOUS --  
10 INCLUDED A SERIOUS ASSAULT ON THE WHOLE QUESTION OF  
11 HAVING LEA'S.

12 AND WHAT I THINK WAS AGREED TO WAS THAT  
13 SOME SORT OF AN EQUALIZATION PROCESS TO ASSURE A BASELINE  
14 OF ADEQUACY OF LEA'S WAS NECESSARY IN ORDER FOR LEA'S TO  
15 BE LEFT INTACT AND TO NOT TRANSFER THAT TO SOME NEW  
16 REGULATORY PROCESS OPERATING OUT OF SACRAMENTO, STRICTLY  
17 OUT OF SACRAMENTO. AND TRYING TO FIND THAT BALANCE, I  
18 THINK, IS WHAT WE'RE AT HERE IS HOW TO PRESERVE LEA'S AND  
19 AT THE SAME TIME MAKE SURE THAT WE CAN DEMONSTRATE THAT  
20 THEY'RE MEETING THE REQUIREMENTS.

21 HEALTH DEPARTMENTS PERHAPS ARE BUDGETED A  
22 LITTLE DIFFERENTLY THAN OTHER PARTS OF COUNTY GOVERNMENT,  
23 BUT I CAN TELL YOU THERE ARE MANY STATE REGULATED  
24 PROGRAMS WHERE GREATER BUDGETING DETAIL IS REQUIRED OF A  
25 PROGRAM BECAUSE IT IS A PROCESS THAT IS DIRECTED AND

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1 REGULATED BY STATE. WHETHER THIS LEVEL OF DETAIL IS  
2 JUSTIFIED OR NOT, I'M CERTAINLY OPEN-MINDED ABOUT, BUT I  
3 THINK THAT THERE IS A JUSTIFICATION TO ASK FOR ASSURANCE  
4 THAT RESOURCES HAVE BEEN COMMITTED AND GUARANTEED FOR A  
5 PARTICULAR PURPOSE.

6 CHAIRMAN HUFF: THERE, I THINK, THERE IS A  
7 DIFFERENCE. IF MEMORY SERVES ME CORRECTLY, FREQUENTLY  
8 THE LEVEL OF DETAIL THAT THE STATE GETS INTO IN TERMS OF  
9 COUNTY HEALTH PROGRAMS COMES AFTER THE FACT. OKAY. WE  
10 GO BACK AND WE AUDIT PROGRAMS AND THE FEDS AUDIT PROGRAMS  
11 AND TRY TO DETERMINE WHAT THE MONEY WAS SPENT FOR.

12 HERE WE'RE ASKING FOR A BUDGET ON, YOU  
13 KNOW, FORECAST. I THINK THAT'S A DIFFERENT CREATURE  
14 HERE. PEOPLE, WHEN THEY ACCOUNT FOR THINGS, CAN ALWAYS  
15 CHARGE PROGRAM X OR PROGRAM Y OR PROGRAM Z WITH AN  
16 EXPENDITURE, BUT THE BILLED EXPENDITURE PLANS TO HAVE TO  
17 ACTUALLY CREATE AN EXPENDITURE PLANNING THAT DOESN'T  
18 EXIST.

19 AND I SUSPECT THAT WHEN YOU GO THROUGH  
20 BUDGET BUILDING AT THE COUNTY LEVEL, AT LEAST IN SOME  
21 COUNTIES, YOU ARE NOT GOING TO BUILD THE HEALTH BUDGET  
22 OUT OF 16 INDIVIDUAL PROGRAMS. YOU ARE GOING TO BUILD IT  
23 INCREMENTALLY. YOU'RE GOING TO TAKE WHAT YOU SPENT LAST  
24 YEAR.

25 BOARD MEMBER CHESBRO: THE ARGUMENT THAT IS

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1           MADE, AND I THINK I CAN ATTEST THERE ARE EXAMPLES WHERE  
2           IT'S JUSTIFIED, IS THAT WITHIN A NUMBER OF COUNTY HEALTH  
3           DEPARTMENTS, THIS FUNCTION IS NOT A PRIORITY BECAUSE  
4           COUNTIES ARE UNDER EXTREME FINANCIAL DURESS. AND THAT IS  
5           AN UNDERSTANDABLE CONSIDERATION. YOU KNOW, THERE'S A  
6           SORT OF TRIAGE DECISION MAKING PROCESS THAT'S GOING ON AT  
7           THE LOCAL LEVEL ABOUT WHAT TO SPEND RESOURCES ON.

8                         BUT WHAT I THINK THE LEGISLATURE WAS SAYING  
9           TO US WAS IF YOU WANT TO HAVE LOCAL LEA'S AND YOU WANT  
10          CERTIFICATION, THEN YOU NEED TO BE ABLE TO DEMONSTRATE  
11          THAT THE RESOURCES ARE COMMITTED OR THE STATE NEEDS TO  
12          RUN THE PROGRAM.

13                        NOW, THE QUESTION IS HOW DO YOU BEST  
14          DEMONSTRATE THAT. I'M OPEN TO SUGGESTION AS TO WHAT  
15          INFORMATION PROVIDES THAT ASSURANCE AND WHETHER OR NOT  
16          THESE PARTICULAR REQUIREMENTS ARE THAT MECHANISM OR NOT.  
17          I DON'T KNOW, BUT I DO THINK, THOUGH, THAT THERE IS,  
18          ASSUMING THE COUNTIES AND HEALTH DEPARTMENTS WANT TO  
19          CONTINUE TO HAVE LEA'S, THERE IS SOME NECESSITY OF US  
20          FINDING A MECHANISM TO PROVIDE THAT DEMONSTRATION.

21                        CHAIRMAN HUFF: DO WE NEED TO SEPARATE TRAVEL  
22          FROM EQUIPMENT?

23                        MR. STUART: LET ME PUT ONE THING OUT. KEN  
24          STUART WITH SACRAMENTO COUNTY AGAIN.

25                        I GUESS AS WE'RE LOOKING AT BUDGETING, I

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1 ALSO HAVE TO LOOK AT WHAT'S FAIR FOR EVERYBODY. ONE OF  
2 THE PROBLEMS WE RUN INTO STATE VERSUS LOCAL GOVERNMENT IS  
3 IF YOU EXPECT US TO DEAL WITH THIS, THE STATE SHOULD BE  
4 ABLE TO DO IT ALSO. I SUBMIT THAT THERE WILL BE MANY  
5 COUNTIES AND CITIES THAT WILL ALLOW THE STATE TO BE THEIR  
6 LEA'S. THOSE COUNTIES, THE PEOPLE IN THAT COUNTY WILL BE  
7 PAYING THE STATE FEES. I DON'T THINK YOU HAVE THE  
8 ACCOUNTING SYSTEM RIGHT NOW TO ACCOUNT FOR THE TIME YOUR  
9 STAFF PAYS IN THAT COUNTY OR IN THAT CITY.

10 AND THIS IS WHAT WE'RE COMING FROM IS, YOU  
11 KNOW, YOU EXPECT US TO DO A FULL SYSTEM AND YET YOU  
12 CANNOT ALWAYS TELL US HOW MUCH TIME YOUR STAFF IS  
13 SPENDING IN SACRAMENTO COUNTY AND WHAT THE COST IS AND  
14 HOW THE \$3 MILLION A YEAR OUR COUNTY PUTS IN THROUGH  
15 TIPPING FEES IS SPENT. AND THIS IS PART OF WHAT WE'RE  
16 LOOKING AT AS FAR AS WHAT IS FAIR AND WHAT'S JUSTIFIABLE.

17 MR. VLACH: MR. CHAIRMAN, I WOULD LIKE TO POINT  
18 OUT FOR THE RECORD THAT THIS SECTION DOESN'T REQUIRE A  
19 LINE-ITEM BUDGET IN EACH OF THESE AREAS. IT REQUIRES AN  
20 ACCOUNTING METHOD, SIMPLY. IN OTHER WORDS, THEY DON'T  
21 HAVE TO REPROGRAM THEIR COMPUTER TO GO INTO THIS LEVEL OF  
22 DETAIL AT THE LINE-ITEM BUDGET LEVEL. THAT THEY NEED TO,  
23 WHEN WE AUDIT AND REVIEW THEIR EXPENDITURES, BE ABLE TO  
24 ACCOUNT FOR THEIR EXPENDITURES AT THAT LEVEL.

25 CHAIRMAN HUFF: THAT'S NOT HOW I READ THE

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1 LANGUAGE.

2 MS. COYLE: THE LANGUAGE REQUIRES THAT THE  
3 ENFORCEMENT PROGRAM BE IDENTIFIED AS A LINE-ITEM ELEMENT,  
4 BUT EACH ONE OF THESE A THROUGH H CATEGORIES DOESN'T HAVE  
5 TO BE SEPARATE LINE-ITEM ENTRIES, BUT MUST BE PART OF THE  
6 MATERIAL THAT BACKS UP THE BUDGET IN THE LINE-ITEM AMOUNT  
7 THAT THEY CAME UP WITH.

8 CHAIRMAN HUFF: DO YOU HAVE TO HAVE SEPARATE  
9 AMOUNTS FOR EACH ONE OF A THROUGH E?

10 MR. VLACH: NOT IN THE OFFICIAL COUNTY BUDGET OR  
11 CITY BUDGET.

12 CHAIRMAN HUFF: IN THE SUPPORTING DOCUMENTS?

13 MR. VLACH: THE LEVEL OF DETAIL WILL BE REQUIRED  
14 TO BE MAINTAINED BY THE PROGRAM MANAGER AT THIS LEVEL OF  
15 DETAIL.

16 MR. CAVE: TRENT CAVE, NAPA COUNTY. I HEARD  
17 SOME DISCUSSION ABOUT SEPARATE BUDGETS AND AUDITS FOR  
18 FEDERAL AND STATE PROGRAMS AND IN OTHER AREAS OF COUNTY  
19 BUDGETS. MY DEPARTMENT DOES HAVE SEVERAL BUDGET UNITS,  
20 BUT GENERALLY YOU GET INVOLVED IN AUDITS AND SEPARATE  
21 BUDGET UNITS WHEN THE FULL FUNDING IS COMING DIRECTLY  
22 FROM THE STATE OR THE FEDERAL GOVERNMENT TO THE COUNTY,  
23 AND WE HAVE VERY SPECIFIC AUDIT REQUIREMENTS. OFTEN WE  
24 ENTER INTO CONTRACTS WHERE WE HAVE SPECIFIC REQUIREMENTS.  
25 BUT THESE ARE ALWAYS FULLY FUNDED BY FEDERAL AND STATE

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1 GOVERNMENT. THIS PROGRAM IS GOING TO BE FUNDED THROUGH  
2 LOCAL FEES AND LOCAL FUNDS.

3 CHAIRMAN HUFF: MY REFERENCE TO AUDITS -- THAT  
4 WAS MY REFERENCE -- IS THAT IT STRIKES ME AS BEING FAR  
5 MORE POSSIBLE, NOT THAT IT WAS DESIRABLE, FAR MORE  
6 POSSIBLE TO HAVE THIS LEVEL OF DETAIL AFTER THE FACT WHEN  
7 PEOPLE ACTUALLY MAKE PURCHASES TO CHARGE THEM TO ONE  
8 PROGRAM OR ANOTHER. I WASN'T SUGGESTING NECESSARILY EVEN  
9 THAT WE NEED TO DO THAT. IT WAS MY IMPRESSION THAT TO  
10 CONSTRUCT DATA THAT FULFILLS WHATEVER, A THROUGH E, WHEN  
11 NONE EXISTS WHEN YOU BUILD YOUR BUDGET IS ONE MATTER.

12 THAT DATA MAY EXIST. WHETHER WE REQUIRE IT  
13 OR NOT IS A DIFFERENT QUESTION. THAT DATA MAY BE ABLE TO  
14 BE DETERMINED AFTER THE FACT RATHER THAN BEFORE THE FACT.  
15 THEN YOU GET INTO A QUESTION AS TO WHETHER WE SHOULD BE  
16 DOING THAT.

17 MR. CAVE: I THINK, YOU KNOW, WE'RE GOING TO  
18 HAVE AN EPP WHICH IS GOING TO OUTLINE WHAT WE INTEND TO  
19 DO, THE STATE IS GOING TO EVALUATE US EVERY YEAR, I HOPE  
20 BASED ON THAT EPP, AND AT THAT TIME THEY CAN DECIDE  
21 WHETHER WE'RE PUTTING THE EFFORT INTO IT OR NOT, AND WE  
22 CAN COME UP WITH THE DATA TO JUSTIFY THAT.

23 THIS BUDGETING. YOU KNOW. IT'S REALLY --  
24 THE BUDGET IS MAINLY STAFF AND THE MONEY THAT GOES TO  
25 STAFF. THIS OTHER STUFF IS PRETTY SMALL POTATOES. WHAT

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1 I THINK IS REALLY NEEDED, AND I THINK MOST LOCAL  
2 ENVIRONMENTAL HEALTH UNITS HAVE THIS, IS A TIME  
3 ACCOUNTING SYSTEM WHERE WE CAN DEMONSTRATE TO YOU EXACTLY  
4 HOW MANY HOURS WE'RE PUTTING INTO THE PROGRAM. AND I  
5 THINK THAT THAT WOULD BE IMPORTANT TO THE BOARD, NOT SO  
6 MUCH HOW MUCH MONEY WE SPEND, BUT HOW MUCH TIME WE'RE  
7 PUTTING INTO THE PROGRAM, HOW MUCH EFFORT, AND WHETHER  
8 WE'RE ACHIEVING THE RESULTS THAT WE SAY WE CAN ACHIEVE.

9 BOARD MEMBER CHESBRO: POINT'S WELL TAKEN AND I  
10 THINK IT'S ONE I THINK WE'RE GOING TO HAVE TO LOOK AT.  
11 BUT I GO BACK TO MY POINT THAT I THINK WE'RE TRYING TO  
12 BALANCE NEEDS HERE AND MAKE SURE THAT WE COME UP WITH THE  
13 ADEQUATE TOOLS TO BE ABLE TO POINT TO LEA'S AND SHOW THAT  
14 ENFORCEMENT IN ONE PART OF THE STATE IS RELATIVELY EQUAL  
15 TO ENFORCEMENT IN ANOTHER PART OF THE STATE.

16 IN THE ABSENCE OF THAT, I THINK WE ARE  
17 FACING IN THE VERY NEAR FUTURE A MOVE TO CENTRALIZE, AND,  
18 BELIEVE ME, THAT'S NOT SOMETHING THAT I THINK IS A GOOD  
19 IDEA. I THINK THE LEA SYSTEM HAS A LOT OF VALUE AND  
20 MERIT, AND WE NEED TO FIND WAYS TO BEEF IT UP IN ORDER TO  
21 DEFEND IT WHEN THE ATTACKS BEGIN ANEW BECAUSE I THINK  
22 THEY WILL.

23 CHAIRMAN HUFF: I AGREE. I THINK THAT WHAT  
24 WE'RE HEARING HERE IS THAT BOTH MR. CHESBRO AND MYSELF  
25 AND I THINK THE MAJORITY OF THE BOARD WANT THE LEA SYSTEM

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1 TO WORK. THE ISSUE WITH THIS PARTICULAR SECTION OF  
2 REGULATIONS IS WHAT IS THE BEST PROXY TO MEASURE LEVEL OF  
3 EFFORT.

4 I TEND TO THINK, HAVING SOME EXPERIENCE  
5 WITH BUDGETS AND HOW YOU CAN HIDE THINGS IN BUDGETS, THAT  
6 HOURS AND RESULTS ARE BETTER PROXIES THAN WHAT PEOPLE ARE  
7 ACTUALLY TENDING TO CHARGE. YOU CAN CHARGE OFF ALL SORTS  
8 OF NONSENSE TO BUDGETS. YOU CAN SPEND THE MONEY AT THE  
9 END OF THE FISCAL YEAR AND NOT HAVE ANYTHING TO SHOW FOR  
10 IT. OKAY. SO THAT'S MY IMPRESSION.

11 MR. SNELLINGS: MR. CHAIRMAN, MR. CHESBRO, TIM  
12 SNELLINGS, NEVADA COUNTY ENVIRONMENTAL HEALTH DIRECTOR.

13 MY CONCERN IS FROM A LITTLE DIFFERENT  
14 PERSPECTIVE IN REGARDING TO SECTION E, ENFORCEMENT  
15 ACTIONS, INCLUDING STAFF TIME AND INDEPENDENT LEGAL  
16 COUNSEL COSTS. MY MAIN QUESTION IS THE INTENT OF  
17 INDEPENDENT LEGAL COUNSEL. WE HAVE, AS YOU KNOW, GONE  
18 THROUGH A BIT OF A CONFLICT OF INTEREST IN NEVADA COUNTY  
19 AND A STIPULATED JUDGMENT BETWEEN THE COUNTY AND THE  
20 STATE.

21 AND I'VE DONE QUITE A BIT OF RESEARCH INTO  
22 THIS SECTION AND WHAT THE INTENT OF AND REALLY WHAT THE  
23 COUNSEL OPTIONS ARE FOR THE LEA WHERE THE COUNTY OWNS AND  
24 OPERATES THE LANDFILL AS WELL AS IS THE LEA. IN THE  
25 SHORT OF IT. MY COUNTY COUNSEL SAYS THAT HE IS UNABLE TO

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1 REPRESENT ME. MY DISTRICT ATTORNEY SAYS THAT HE IS  
2 UNABLE TO REPRESENT ME. HE CITES GOVERNMENT CODE  
3 SECTIONS 26520, 26529, AND 27642.

4 I'M LOOKING AT WHAT OTHER OPTIONS ARE  
5 AVAILABLE. INDEPENDENT COUNSEL, THAT'S REALLY NOT MUCH  
6 OF AN OPTION FROM THE COST PERSPECTIVE, AS I'VE BEEN  
7 PRICING PRIVATE ATTORNEYS AND TRYING TO EDUCATE THEM AS  
8 TO WHAT OUR PROCESS AND OUR PROGRAM NEEDS ARE.

9 I WOULD, I GUESS, REQUEST THAT YOU CONSIDER  
10 MAKING SOME PROVISION FOR ACCESS TO THE ATTORNEY  
11 GENERAL'S OFFICE OR INTEGRATED WASTE BOARD LEGAL COUNSEL  
12 FOR THE PURPOSES OF ENFORCEMENT ACTION SHOULD IT COME TO  
13 THAT.

14 BOARD MEMBER CHESBRO: CAN I ASK: DOES THE  
15 COUNTY NOT HAVE A CONFLICT COUNSEL CONTRACT FOR OTHER  
16 PURPOSES WHEN THERE'S -- IT'S NOT POSSIBLE FOR THE COUNTY  
17 COUNSEL TO REPRESENT THE COUNTY IN AN ACTION?

18 MR. SNELLINGS: THEN GO OUT AND HIRE OUTSIDE  
19 COUNSEL.

20 BOARD MEMBER CHESBRO: THE COUNTY I'M MOST  
21 FAMILIAR WITH AND I BELIEVE A NUMBER OF OTHER COUNTIES  
22 HAVE ON RETAINER ESSENTIALLY BY CONTRACT WHAT'S CALLED  
23 CONFLICT COUNSEL. WHICH MEANS ATTORNEYS THAT REPRESENT  
24 THE COUNTY WHEN THERE'S A CONFLICT BECAUSE THEY CAN'T  
25 REPRESENT TWO DEPARTMENTS. FOR EXAMPLE. OR SOME OTHER

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1 SITUATION WHERE A COURT WOULD FIND A CONFLICT. THERE'S  
2 ALL KINDS OF DIFFERENT SITUATIONS WHERE IT COMES UP.

3 MR. SNELLINGS: THE CODE SECTIONS THAT MY  
4 DISTRICT ATTORNEY CITED ARE REALLY REFERENCING THE  
5 COUNTY'S ABILITY TO TAKE ACTION AGAINST THE COUNTY AND  
6 REALLY THE GOVERNMENT CODE SECTIONS THAT PROHIBIT THAT.  
7 I'M SURE THIS IS NOT A PROBLEM --

8 BOARD MEMBER CHESBRO: -- ARGUMENT THAT WE HEAR  
9 IN THE LEGISLATURE ABOUT WHY LEA'S SHOULDN'T EXIST. AND  
10 THAT'S WHAT WE'RE TRYING TO FIND A WAY TO STRUCTURE THAT  
11 THING SO THERE IS THAT INDEPENDENCE.

12 MR. SNELLINGS: FROM MY PERSPECTIVE, IF I CAN'T  
13 SATISFY THIS ONE ELEMENT, I'M OUT IN MY PURSUIT OF  
14 BECOMING REDESIGNATED AS AN LEA. I THINK THIS IS A  
15 LARGER ISSUE THAN POSSIBLY IS GIVEN THE ATTENTION IN THE  
16 REGS BECAUSE I KNOW NEVADA COUNTY IS NOT THE ONLY COUNTY  
17 THAT OPERATES A LANDFILL AS WELL AS REGULATES THOSE  
18 THROUGH SEPARATE DEPARTMENTS. AND I DON'T KNOW. I JUST  
19 WOULD LIKE THIS ADDRESSED IN SOME RESPONSE AS TO WHAT THE  
20 REAL DIRECTION IS FOR AN LEA TO TAKE AS FAR AS PURSUING  
21 LEGAL COUNSEL.

22 BOARD MEMBER CHESBRO: WELL. BECAUSE OF THE  
23 UNIQUE CONFIGURATION OF COUNTIES AND THEIR MULTITUDE OF  
24 PROGRAMS, THIS IS ONE EXAMPLE OF MANY WHERE COUNTIES OR  
25 COUNTY DEPARTMENTS HAVE CONFLICTING ROLES. IT'S A

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1 FREQUENT OCCURRENCE AND ONE THAT IS MUCH MORE GENERIC  
2 THAN I THINK THE SITUATION WE HAVE BEFORE US TODAY. AND  
3 IF WE ARE GOING TO -- IF COUNTIES DO WANT TO BE LEA'S, WE  
4 HAVE TO FIND A WAY TO MAKE SURE THAT THEY CAN GET LEGAL  
5 REPRESENTATION WHEN THEY BELIEVE THAT THERE'S A VIOLATION  
6 THAT NEEDS TO BE ENFORCED.

7 MR. SNELLINGS: IS THERE THE POSSIBILITY OF THE  
8 ATTORNEY GENERAL'S OFFICE BECOMING AVAILABLE?

9 CHAIRMAN HUFF: THAT'S A QUESTION BEYOND THE  
10 SCOPE OF THESE REGULATIONS REALLY.

11 MR. SPHAR: I DON'T KNOW THE ANSWER TO THAT,  
12 WHETHER OR NOT THEY CAN COME INTO THAT OR NOT. THEY CAN  
13 CERTAINLY BRING THEIR OWN ACTIONS. WHETHER OR NOT THEY  
14 WOULD ACCEPT COUNTY REQUESTS, I DON'T KNOW.

15 CHAIRMAN HUFF: THAT IS AN ISSUE THAT TRANSCENDS  
16 THESE REGULATIONS IN A MAJOR WAY, NOT THAT IT'S NOT  
17 WORTHY OF PURSUING. IT IS WORTHY OF PURSUING.

18 MR. SNELLINGS: THIS COMES UP LATER ON IN  
19 SECTION 18084 AGAIN WHEN YOU TALK ABOUT LEGAL COUNSEL AND  
20 ENFORCEMENT. AND WHAT I SEE MYSELF FACED WITH IS A LOT  
21 OF NONOPTION OPTIONS. I'M TOLD TO GET LEGAL COUNSEL, BUT  
22 I'M NOT SEEING A PRACTICAL OR ANY PROVISION FOR COMPLYING  
23 WITH THESE SECTIONS.

24 CHAIRMAN HUFF: I DON'T THINK BY REGULATION  
25 WE'RE GOING TO EMPOWER YOU TO GET SOMETHING WHICH YOU ARE

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1 NOT ALREADY EMPOWERED TO GET.

2 MR. SNELLINGS: I THINK IT'S A BIG PROBLEM, SO I  
3 WOULD LIKE YOU TO ADDRESS IT. THANK YOU.

4 CHAIRMAN HUFF: ANYONE ELSE ON THIS SECTION?  
5 CAN WE GO TO TRAINING REQUIREMENTS, 75. 75 GOING ONCE.

6 76, REQUEST FOR AND REVIEW OF  
7 CERTIFICATION.

8 77, EPP.

9 MS. EVANS: DIANE EVANS, SANTA CRUZ COUNTY. I  
10 WOULD RECOMMEND THAT UNDER SECTIONS 8, 9, AND 10, HERE  
11 THE RECOMMENDATIONAL REQUIREMENT WOULD BE FOR EVERY LEA  
12 TO PREPARE THREE PROCEDURE MANUALS. INDEPENDENT -- EACH  
13 MANUAL INDEPENDENT OF EACH OTHER AS WELL AS ALL THREE  
14 MANUALS BY THAT LEA INDEPENDENT OF ALL OTHER LEA MANUALS  
15 IN CALIFORNIA.

16 IF THE INTENT IS TO FOSTER A MORE UNIFORM  
17 APPROACH, IT MIGHT BE MORE APPROPRIATE TO CONSIDER THAT  
18 THE WASTE MANAGEMENT BOARD STAFF PREPARE MANUALS TO SERVE  
19 AS GUIDES FOR LEA'S AND THEN HAVE THE LEA HAVE THE  
20 ABILITY TO ADOPT THOSE MANUALS WITH ADJUSTMENTS FOR  
21 SPECIFIC LOCAL CIRCUMSTANCES AS APPROPRIATE AND AS  
22 SUBJECT TO APPROVAL BY THE BOARD STAFF.

23 BOARD MEMBER CHESBRO: I THINK THAT'S AN  
24 EXCELLENT SUGGESTION AND ONE THAT -- I DON'T KNOW IF IT  
25 MAY BE OUTSIDE THE SCOPE OF THE REGS. BUT IT'S SOMETHING

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1 THAT WE OUGHT TO, PERHAPS, REVIEW AS A PROGRAM FOR EITHER  
 2 STAFF OR BY CONTRACT TO DEVELOP SOME DOCUMENTATION THAT  
 3 WILL ASSIST THE LEA'S IN THAT WAY.

4 CHAIRMAN HUFF: I AGREE. THAT TAKES CARE OF 77.

5 78. TAKING CARE OF 78, WE GO TO 80, LEA  
 6 PERFORMANCE STANDARDS EVALUATION CRITERIA AND DUTIES AND  
 7 RESPONSIBILITIES. NOTHING ON THE SCOPE.

8 81, PERFORMANCE STANDARDS AND EVALUATION  
 9 CRITERIA.

10 82.

11 83, INSPECTIONS.

12 MR. CAVE: TRENT CAVE, NAPA COUNTY. (A)(5)  
 13 THROUGH (7) INDICATES CLOSED SITES, ABANDONED SITES,  
 14 EXEMPT SITES, ILLEGAL SITES SHOULD BE INSPECTED -- ARE  
 15 REQUIRED TO BE INSPECTED QUARTERLY OR MONTHLY. I WOULD  
 16 SUGGEST THAT THIS ISN'T ALWAYS NECESSARILY TRUE.  
 17 SOMETIMES THEY HAVE TO BE INSPECTED MORE OFTEN; SOMETIMES  
 18 THEY HAVE TO BE INSPECTED LESS.

19 I'LL GIVE YOU A FOR INSTANCE ON AN ILLEGAL  
 20 SITE. IF THE REQUIREMENT IS MONTHLY, IF THAT SITE IS  
 21 SECURED, FENCED, OFTEN THESE SITES ARE FAIRLY REMOVED  
 22 FROM -- OR OUT IN THE BOONDOCKS AND TAKE QUITE A BIT OF  
 23 TRAVEL TIME TO GET TO. I THINK OUR RESOURCES WOULD BE  
 24 BETTER SPENT DOING OTHER ACTIVITIES.

25 AGAIN, IF IT'S AN ILLEGAL SITE. WHICH

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1           THERE'S LEACHATE DISCHARGING AND THERE'S HEALTH PROBLEMS  
2           PRESENT, MUCH MORE FREQUENT INSPECTIONS WOULD BE  
3           REQUIRED. AND I WOULD SUGGEST THAT THERE BE SOME  
4           FLEXIBILITY INSERTED IN THIS SECTION TO ALLOW THOSE  
5           FREQUENCIES TO BE DECREASED OR INCREASED BASED ON THE  
6           LOCAL ENFORCEMENT-AGENCY WITH CONCURRENCE FROM THE BOARD  
7           STAFF.

8                         CHAIRMAN HUFF: ANYONE ELSE? OKAY. THAT WAS  
9           83.

10                        84, ENFORCEMENT. IS THAT NOT THE LAST  
11           SECTION? IT IS THE LAST SECTION. OKAY. THAT'S IT.  
12           ANYONE HAVE ANYTHING ELSE TO OFFER? STAFF HAVE ANY OTHER  
13           MATTERS TO PRESENT? HEARING NONE, WE STAND ADJOURNED.

14  
15                                 (END OF PROCEEDINGS.)  
16  
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\* \* \* \* \*

I, BETH C. DRAIN hereby certify:

that on the 8th of  
JULY 1991, 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;

that the foregoing transcript is a true and correct  
copy of my shorthand notes thereof.

*Beth C. Drain*

Certified Shorthand Reporter  
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