

APPEARANCES

MR. PAUL RELIS, CHAIRMAN
MR. SAM EGIGIAN
MS. KATHY NEAL
MR. JESSE HUFF

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MR. DON WALLACE, CHIEF DEPUTY EXECUTIVE OFFICER
MR. ROBERT CONHEIM, GENERAL COUNSEL
MS. MAUREEN MORRISON, ASSISTANT GENERAL COUNSEL

ADVISORS PRESENT

MR. HOWARD LEVENSON
MS. MARTHA VALDES
MR. BYRON FITZGERALD



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1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
2 INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE

3 TUESDAY, JANUARY 7, 1992

4 1:30 P.M.

5
6 CHAIRMAN RELIS: CALL TO ORDER THE PLANNING
7 COMMITTEE.

8 CALL THE ROLL.

9 COMMITTEE SECRETARY: BOARD MEMBER KATHY NEAL?

10 BOARD MEMBER NEAL: HERE.

11 COMMITTEE SECRETARY: CHAIRMAN PAUL RELIS?

12 CHAIRMAN RELIS: HERE.

13 MR. EGIGIAN, I THINK, WILL BE JOINING US
14 SHORTLY.

15 WELCOME, EVERYONE, AS WE CONTINUE ON IN OUR
16 939 ANALYSIS AND COUNTING AND DIVERSION QUESTIONS, AMONG
17 OTHER THINGS. THIS IS THE THIRD SESSION THAT HAS FOCUSED
18 ON COUNTING-RELATED ISSUES, DATA, TRENDS. WE'VE HAD TWO
19 WORKSHOPS PRECEDING THIS MEETING.

20 BEFORE WE GET INTO THE CONTENT OF TODAY,
21 I'D LIKE TO MAKE AN ANNOUNCEMENT THAT THERE IS A REPORT
22 THAT HAS BEEN PREPARED FOR THIS MEETING THAT WAS NOT
23 AVAILABLE IN TIME TO MAKE QUANTITIES OF IT, SO WE WILL
24 ASK THAT YOU SIGN THE SHEET AT THE BACK OF THE ROOM THAT
25 WILL ENABLE US TO SEND YOU A COPY. THIS IS CALLED "WASTE



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1 DISPOSAL SUMMARY AND NORMALLY DISPOSED THRESHOLD
2 ANALYSIS," AND IT'S DATED JANUARY 7TH. SO IT'S HOT OFF
3 THE XEROX MACHINE.

4 LET'S SEE. ARE THERE ANY OTHER
5 ANNOUNCEMENTS? WE'RE ALSO GOING TO REVERSE ITEMS 1 AND
6 2, AND THAT MAKES A BETTER SEQUENCE, WE THINK, FOR
7 TODAY'S MEETING.

8 I'D LIKE TO GIVE A LITTLE BIT OF BACKGROUND
9 AND PREFACE FOR TODAY. OUR FIRST WORKSHOP BACK IN
10 OCTOBER WAS TO GET ISSUES ON THE TABLE ON COUNTING
11 MATTERS. IT ALSO INCLUDED A REPORT ON LEGISLATION FROM
12 BYRON SHER'S OFFICE, KIP LIPPER MAKING THAT PRESENTATION.

13 OUR SECOND WORKSHOP WAS THE PRESENTATION OF
14 OUR PRELIMINARY DATA BASE INVOLVING A LITTLE MORE THAN
15 120 JURISDICTIONS THAT HAD SUBMITTED TO DATE. THIS HAS
16 BEEN PRESENTED, AND WE WANT TO UNDERSCORE THIS AS A TREND
17 ANALYSIS ONLY. IT IS NOT THE FULL-BLOWN DATA BASE THAT
18 WE WILL HAVE FURTHER DOWN THE LINE.

19 IN THIS ANALYSIS WE TOOK A LOOK AT HOW
20 INERTS ARE, IN FACT, BEING COUNTED. AMONG OTHER THINGS,
21 WE ALSO HAVE PRESENTLY A PROFILE FROM THE 120 SOME
22 JURISDICTIONS OF WHAT KINDS OF COMPOST PROGRAMS ARE BEING
23 PROPOSED, THE MRF'S, THE MATERIALS RECOVERY FACILITIES,
24 THE TYPE, AND WE ALSO ARE BEGINNING TO PUT TOGETHER VERY
25 DETAILED DATA BASE ON THE MATERIALS THAT ARE IDENTIFIED



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1 FOR RECOVERY AND THEIR QUANTITIES FOR MARKET RELATED
2 DEVELOPMENT.

3 AT THAT MEETING WE ALSO TOOK UP THE BOARD
4 POLICY STATEMENT, WHICH YOU -- MANY OF YOU, I KNOW, HAVE
5 BEEN AT THE PREVIOUS MEETINGS. WE'VE RECOMMENDED THAT IT
6 BE PASSED ON FOR APPROVAL BY THE FULL BOARD, WHICH IT WAS
7 ON -- AT OUR DECEMBER BOARD MEETING.

8 WE HEARD, AS WELL, ADDITIONAL PRESENTATIONS
9 ON THE LEGISLATIVE UPDATE FROM KIP LIPPER ON THE THINKING
10 OF THE AUTHOR OF AB 939 CONCERNING THE COUNTING ISSUES
11 FOR US. ALL OF THESE ACTIVITIES HAVE RAISED A RANGE OF
12 PERSPECTIVES ON THE DIVERSION QUESTION AND THEIR
13 IMPLICATIONS FOR LOCAL JURISDICTIONS.

14 SINCE THE LAST MONTH'S MEETING, WE HAVE
15 RECEIVED SEVERAL WRITTEN RESPONSES. -- AND I'D LIKE TO --
16 THANK ALL OF YOU. SEVERAL ARE NOT RECORDED YET IN THE
17 MATERIALS THAT YOU HAVE TODAY IN THE MATRIX. SOME HAVE
18 COME IN IN THE LAST FEW DAYS. WE RECEIVED ONE FROM --
19 LET'S SEE -- THE ORANGE COUNTY, BUT REPRESENTATIVE OF
20 SOME SIX COUNTIES. I BELIEVE IT'S SIX. AND THEN WE HAVE
21 ALSO RECEIVED FROM L.A. COUNTY THEIR DETAILED ANALYSIS.

22 WE DIDN'T RELEASE THAT IN OUR MATRIX
23 BECAUSE WE -- THE DRAFT WAS STILL BEING ANALYZED, AND
24 WE'D BEEN ASKED NOT TO RELEASE IT.

25 IN PREPARATION FOR THIS MEETING, WE'VE



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ASKED OUR LOCAL ASSISTANCE BRANCH TO PREPARE A MATRIX OF THE COMMENTS RECEIVED TO DATE, WHICH I JUST REFERRED TO. AND WE HAVE BEGUN AN ANALYSIS OF HOW CHANGES IN THE DEFINITION OF WHAT IS NORMALLY DISPOSED OF WOULD AFFECT DIVERSION CREDITS AND IMPACT PLANNING DONE TO DATE. SO WE HAVE AN EXERCISE THAT WE'VE DONE TO TAKE YOU THROUGH. THIS IS NEW TO ME, TOO. WE'RE JUST SEEING IT FOR THE FIRST TIME TODAY.

TODAY'S MEETING FOCUSES ON TWO ITEMS: THE ANALYSIS OF NORMALLY DISPOSED OF; THAT IS, STAFF ANALYSIS, AND A PRELIMINARY COMPARISON OF PROPOSALS THAT HAVE BEEN SUBMITTED BY YOU.

WE'D LIKE TO WELCOME SAM TO THE MEETING. SO WE NOW HAVE OUR FULL COMPLEMENT HERE.

REGARDING THE FIRST MATTER, ANALYSIS OF NORMALLY DISPOSED OF, WE WILL HAVE A PRESENTATION BY THE WASTE GENERATION ANALYSIS BRANCH ON THAT NORMALLY DISPOSED OF QUESTION. THEY WILL ALSO PRESENT THE COMPARISON OF PROGRAMS. WE'LL ALSO HEAR FROM OUR LEGAL OFFICE IN A PRELIMINARY WAY THOSE ITEMS THAT ARE LISTED WHICH ARE SUBJECT TO OUR REGULATORY PURVIEW, AND WE'LL FOCUS ON THOSE BECAUSE WE DON'T HAVE A LEGISLATIVE FUNCTION HERE IN THAT SENSE.

WE ALSO, AS THE AGENDA SHOWS, WILL RECEIVE A STATUS REPORT ON THE SITING ELEMENTS BY THE LOCAL



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1 ASSISTANCE BRANCH.

2 AFTER EACH PRESENTATION, WE WOULD LIKE TO
3 INVITE YOU TO SUBMIT COMMENTS. I'VE RECEIVED A NUMBER OF
4 REQUESTS TO SPEAK, AND WE HAVE THE FORMS AT THE BACK OF
5 THE TABLE. SO WE WOULD ASK THAT YOU FILL THOSE OUT AND
6 MOVE THOSE FORWARD AS SOON AS POSSIBLE.

7 THE GOAL OF TODAY'S MEETING, THEN, WOULD BE
8 TO SOLICIT FURTHER COMMENT. WE WOULD PROCEED WITH STAFF
9 ANALYSIS AND RECOMMENDATIONS WITH A FOCUS, AGAIN, ON
10 REGULATORY CHANGES. WE'LL ASK OUR STAFF TO FOLLOW UP
11 OVER THE NEXT MONTH TO PREPARE WRITTEN ANALYSES WITH
12 RECOMMENDATIONS. WE'LL SEND THESE OUT FOR COMMENT TO
13 YOU.

14 AND THIS BECOMES A VERY IMPORTANT COMMENT
15 PERIOD BECAUSE WE WOULD BE LOOKING IN THIS ANALYSIS FOR
16 THE STRENGTHS AND WEAKNESSES OF EACH PROPOSAL THAT'S BEEN
17 PUT FORTH, AND WE WILL THEN MOVE TOWARDS BOARD DECISION
18 POINT ON REGULATORY CHANGES. WE WOULD HOPE FOR A MARCH
19 DATE. THAT'S WHAT WE'LL SHOOT FOR. THAT IS A DATE FOR
20 THIS BOARD MAKING A DECISION REGARDING ANY SPECIFIC NEED
21 FOR REGULATORY CHANGES. ANY ACTUAL CHANGES WOULD, OF
22 COURSE, REQUIRE THE BOARD TO FOLLOW THE RULEMAKING
23 PROCESS, WHICH IS MUCH LONGER. BUT THE DECISION POINT
24 WE'RE LOOKING AT, WE'LL TRY TO MAKE A MARCH DATE IF WE
25 CAN.



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1 AND THEN, FINALLY, IT'S RECOMMENDATION
2 THAT, EVEN THOUGH WE HAVE A REFERENCE TO A WORKSHOP ITEM
3 BEFORE US; THAT IS, SHOULD WE TAKE THESE MATTERS UP AGAIN
4 IN WORKSHOP FORMAT, WE HAVE BELIEVED THAT WE'RE PROBABLY
5 AT A POINT NOW WHERE WE'RE BEYOND THE WORKSHOP FORMAT.
6 WE REALLY ARE LOOKING FOR FORMAL RESPONSES, YOUR BEST
7 SHOT AT THIS ISSUE, SO WE CAN DIGEST IT AND COME BACK
8 WITH OUR WRITTEN RECOMMENDATIONS TO YOU FOR FINAL
9 COMMENT.

10 SO WITHOUT FURTHER DELAY, THEN, WE'LL MOVE
11 INTO DISCUSSION OF ITEM 2, THE DISCUSSION OF REVISION OF
12 DEFINITION OF NORMALLY DEPOSED OF AND RELATED IMPACTS ON
13 ACHIEVEMENT OF DIVERSION GOALS TO AB 939.

14 AND, GEORGE, WILL YOU BE LEADING THIS
15 DISCUSSION?

16 MR. LARSON: YES, I WILL, CHAIRMAN RELIS.

17 CHAIRMAN RELIS: WOULD YOU PROCEED?

18 MR. LARSON: YES. GOOD AFTERNOON, CHAIRMAN
19 RELIS AND COMMITTEE BOARD MEMBERS. AS HAS BEEN DESCRIBED
20 IN THE BACKGROUND INTRODUCTION BY CHAIRMAN RELIS, THE
21 FOCUS OF TODAY'S ACTIVITIES AND PRESENTATION OF THIS ITEM
22 IS TO TAKE A CLOSE EXAMINATION OF OUR REGULATIONS. AND
23 IN PARTICULAR, THIS ITEM DIRECTS ATTENTION TO THE
24 DEFINITION OF "NORMALLY DISPOSED OF" AS IT IMPACTS AB 939
25 DIVERSION GOALS.



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1 IT HAS BEEN OVER TWO YEARS SINCE THE
2 ENABLING LEGISLATION, AB 939, WAS ENACTED. AND AMONG
3 SEVERAL UNRESOLVED ISSUES THAT ARE BEING DEALT WITH BY
4 THE AUTHOR, THIS BOARD, CITY AND COUNTY JURISDICTIONS,
5 ENVIRONMENTAL ORGANIZATIONS, AND THE INTERESTED PUBLIC AT
6 LARGE, IS THE IMPACT OF THE CURRENT DEFINITION OF
7 NORMALLY DISPOSED OF AND THE MEANS OR MANNER IN WHICH IT
8 IMPACTS WHAT COUNTS OR, AS WE SAY, COUNTS OR DOESN'T
9 COUNT TOWARDS THE 25- AND 50-PERCENT DIVERSION GOALS.

10 IN TERMS OF BACKGROUND, THE LOCAL
11 GOVERNMENT ENTITIES ARGUED STRONGLY AND SUCCESSFULLY THAT
12 RECYCLING ACTIVITIES THAT HAD TAKEN PLACE PRIOR TO AB 939
13 SHOULD BE CREDITED AND COUNTED TOWARDS THEIR DIVERSION
14 GOALS.

15 WHILE THERE CERTAINLY IS A COMPELLING
16 ARGUMENT FOR THIS, AND AB 939, IN FACT, DOES AUTHORIZE
17 AND PROVIDE FOR THE COUNTING OF PREVIOUS RECYCLING
18 ACTIVITIES, COMPOSTING ALSO, IT PUT THE BOARD AND STAFF
19 IN A DIFFICULT SITUATION OF TRYING TO ACKNOWLEDGE
20 PREVIOUS RECYCLING ACTIVITIES, WHILE SIMULTANEOUSLY
21 PROMOTING THE CREATION OF NEW AVENUES FOR DIVERSION OF
22 MATERIALS FROM THE WASTESTREAM.

23 NOW, THE DEFINITION OF AB -- EXCUSE ME --
24 THE DEFINITION OF NORMALLY DISPOSED OF IS CONTAINED IN
25 THE CALIFORNIA CODE OF REGULATIONS UNDER THE SECTION



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1 18720, SECTION 44. WHILE I WILL NOT READ IT IN ITS
2 ENTIRETY, I WOULD LIKE TO HIGHLIGHT THE THREE CRITERIA BY
3 WHICH A MATERIAL IS DEEMED TO BE NORMALLY DISPOSED OF
4 AND, THEREFORE, COUNTABLE TOWARDS THE GOAL.

5 THE FIRST IS THAT IT MUST CONSTITUTE AT
6 LEAST .001 OF THE TOTAL WEIGHT OF THE WASTE AS
7 CHARACTERIZED IN A WASTE CHARACTERIZATION STUDY OR
8 ESTABLISHED BASELINE YEAR OF 1990.

9 IT MUST BE -- THE SECOND CRITERIA, IT MUST
10 BE DEPOSITED IN A PERMITTED SOLID WASTE LANDFILL OR
11 TRANSFORMATION FACILITY.

12 AND, THIRDLY, IT MUST BE ALLOWED TO BE
13 CONSIDERED UNDER PROVISIONS THAT ARE SPECIFIED IN LAW,
14 AND I WILL GET INTO THOSE.

15 THIS DEFINITION AND CODE COMES FROM THE
16 PUBLIC RESOURCES CODE STATUTES WHICH IN SECTION 41781
17 DOES SPECIFY THAT IN ORDER TO BE CALCULATED AS SOLID
18 WASTE OR TO BE CALCULATED TOWARDS DIVERSION, THE MATERIAL
19 MUST BE DISPOSED OF AT A SOLID WASTE FACILITY; HENCE,
20 THERE IS STATUTORY BASIS FOR THE REGULATORY REQUIREMENT.
21 AND THE AMOUNT OF SOLID WASTE COUNTED MUST BE DERIVED
22 FROM THAT BASELINE DATE OF 1990, JANUARY 1 OF 1990. SO
23 THOSE TWO SPECIFIC ITEMS COME DIRECTLY FROM STATUTE AND
24 ARE TRANSLATED INTO REGULATIONS.

25 THE THIRD ITEM WHICH WILL RECEIVE A



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1 CONSIDERABLE AMOUNT OF DISCUSSION TODAY IS THE THIRD
2 CRITERIA OF .001 EVIDENCE IN A WASTE CHARACTERIZATION
3 STUDY.

4 I SHOULD NOTE, TOO, THAT IN ORDER TO COUNT
5 OR BE CREDITED, THE MATERIAL NORMALLY DISPOSED OF MUST
6 MEET ALL -- IS INCLUSIVE OF ALL THESE THREE CRITERIA, NOT
7 JUST ONE OR TWO.

8 SUBSEQUENTLY, AS ISSUES BEGAN TO MANIFEST
9 THEMSELVES THAT APPEARED TO NEGATIVELY IMPACT THE INTENT
10 OF AB 939, CLEANUP LEGISLATION, AB 1820, SUBSEQUENTLY
11 AMENDED BY AB 1392, SPECIFIED CERTAIN MATERIALS WHICH
12 WERE EXCLUDED FROM BEING COUNTED TOWARDS THE DIVERSION
13 GOALS UNTIL SEVERAL SIGNIFICANT ISSUES BE RESOLVED.

14 AND THE MATERIALS THAT WERE LISTED UNDER
15 AB 1820 AND THE SUBSEQUENT BILL WERE AGRICULTURAL WASTES,
16 INERT SOLIDS, SCRAP METALS, WHITE GOODS, SLUDGE, AND I
17 NOTE HERE THAT A STUDY WAS ALSO MANDATED WHICH HAS BEEN
18 COMPLETED, AND OTHER WASTE NOT NORMALLY DISPOSED OF AT
19 PERMITTED LANDFILLS AND TRANSFORMATION FACILITIES.

20 WE WILL SEE AS THE ITEM AND DISCUSSION
21 UNFOLDS TODAY THAT IT IS INERT MATERIALS OFF OF THAT LIST
22 WHICH HAS RECEIVED THE MOST ATTENTION. AS IT APPEARS IN
23 CERTAIN INSTANCES, JURISDICTIONS MAY BE TRYING TO ATTAIN
24 A SIGNIFICANT PORTION OF THEIR DIVERSION THROUGH INERT
25 MATERIALS. WE'RE GOING TO INVESTIGATE THAT.



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1 AB 1820 AND SUBSEQUENT BILL, WHILE IT
2 CONTAINED EXCLUSIONARY LANGUAGE, HAD A CONDITION OR HAD
3 SOME CONDITIONAL LANGUAGE ON THE EXCLUSION. I'D LIKE TO
4 TAKE NOTE OF THAT. 1820 REVISED PUBLIC RESOURCES CODE
5 41781, SECTION B, AND STATES, "FOR THE PURPOSE OF THIS
6 SECTION SOLID WASTE DOES NOT -- DOES NOT INCLUDE ANY OF
7 THE FOLLOWING." AND IT LISTS THOSE SIX MATERIALS. AND
8 I'M GOING TO FOCUS ON INERTS FOR THIS PURPOSE.

9 AND WITHIN THE DEFINITION OR DESCRIPTION OF
10 INERTS, IT SAYS, "YOU SHALL NOT INCLUDE INERTS, INCLUDING
11 INERTS USED FOR STRUCTURAL FILL, EXCEPT INERTS WHICH WERE
12 DISPOSED OF AT A PERMITTED SOLID WASTE FACILITY AS OF
13 JANUARY 1, 1990, AND WHICH WERE DIVERTED AND USED FOR
14 RECYCLING OR REUSED FOR PAVING MATERIALS OR OTHER
15 CONSTRUCTION-RELATED MATERIALS."

16 SO WE SEE THAT THAT LANGUAGE, WHICH REFERS
17 BACK TO A PERMITTED SOLID WASTE FACILITY, AND NEW
18 DIVERSION ACTIVITIES WAS CARRIED FORWARD IN AB 1820 AND
19 3992. THIS WILL BECOME IMPORTANT AS THE SEVERAL POINTS
20 ARE MADE LATER.

21 AS CHAIRMAN RELIS ALLUDED TO, BOARD STAFF
22 BEGAN AN INITIAL STUDY, WHAT WE'VE TERMED A TREND
23 ANALYSIS OF 124 JURISDICTIONS TO FIND OUT, IN FACT, IF
24 THE CLAIMING OF INERTS FOR THE PURPOSES OF DIVERSION
25 GOALS WAS, IN FACT, CIRCUMVENTING THE INTENT OF AB 939



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1 AND, IN FACT, INSTITUTIONALIZING OR STATING THAT THE
2 STATUS QUO WAS SUFFICIENT TO BE FULLY IN COMPLIANCE WITH
3 AB 939.

4 WHILE CERTAIN INSTANCES DID OCCUR AND THEY
5 ARE -- THERE IS, BY OUR DEFINITION, STAFF'S ANALYSIS,
6 ARE SOME PROBLEMS. WE FOUND THAT APPROXIMATELY
7 TWO-THIRDS OF THE JURISDICTIONS THAT HAD SUBMITTED SRRE'S
8 INCLUDED IN OUR STUDY DID NOT INCLUDE INERTS IN THEIR
9 DIVERSION.

10 CITING THE EXCLUSIONARY LANGUAGE OF
11 AB 1820 AS THE REASON AND THAT AS A GENERAL TREND WHERE
12 WE FOUND WHAT I'LL TERM BLATANT USES OF CERTAIN MATERIALS
13 TO ATTAIN GOALS. THEY WERE CLOSELY SCRUTINIZED AND STAFF
14 ANALYSES -- WE FELT THAT, AT LEAST FOR THE PURPOSE OF
15 INTERPRETING THE CURRENT CODE, THAT THE BOARD HAD
16 SUFFICIENT MEANS TO RECOMMEND CHANGES TO THE SRRE'S THAT
17 WOULD COME BACK IN IN A FINAL FORM.

18 ALL OF THAT INFORMATION WAS PRESENTED AT
19 THE COMMITTEE MEETING ALLUDED TO BY CHAIRMAN RELIS ON
20 DECEMBER 4TH. WHILE THAT INFORMATION WE FOUND VERY
21 INFORMATIVE AND USEFUL, IT'S CONDITIONED BY A COUPLE OF
22 CONSIDERATIONS THAT I WANT TO RESTATE TODAY SO THAT WE
23 ARE CLEAR THAT POLICY WHICH MIGHT BE DEVELOPED OUT OF
24 THIS PRELIMINARY DATA MUST BE CAUTIONED.

25 IT IS BASED UPON PRELIMINARY DRAFT SRRE'S



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1 WHICH ARE SUBJECT TO SIGNIFICANT CHANGE BY LOCAL
2 JURISDICTIONS AFTER RECEIVING OUR COMMENTS AND BEING
3 RESUBMITTED IN THE INTEGRATED WASTE MANAGEMENT PLAN.

4 AND, SECONDLY, THE INFORMATION IS BASED
5 UPON ONLY A SAMPLE, 124 OF 518 JURISDICTIONS, WHICH
6 REPRESENT ABOUT 18 -- I THINK IT'S BETWEEN 18 AND 20
7 PERCENT OF THE POPULATION. SO WHILE IT GIVES US A GOOD
8 PICTURE, WE MUST KEEP THOSE TWO POINTS IN MIND AS WE USE
9 THAT INFORMATION.

10 THE NEXT SIGNIFICANT ACTIVITY THAT LEADS TO
11 TODAY'S MEETING WAS ON DECEMBER 11TH THE BOARD APPROVED A
12 POLICY STATEMENT CONCERNING THE REVIEW OF SRRE'S, IN
13 WHICH -- AND A COPY IS ATTACHED TO THE BOARD AGENDA
14 ITEM -- THE POLICY STATEMENT STATES THE BOARD'S VIEW THAT
15 IT WAS THE INTENT OF AB 939, AND IS THE INTENT OF THE
16 BOARD IN CARRYING OUT THAT LAW, THAT NEW AVENUES OF
17 DIVERSION OF WASTE FROM DISPOSAL FACILITIES BE THE
18 HIGHEST PRIORITY.

19 AND FURTHER, IT STATES THAT THE POLICY
20 STATEMENT -- EXCUSE ME -- THE BOARD IS IN THE PROCESS OF
21 IDENTIFYING PROVISIONS OF THE BOARD'S REGULATIONS WHICH
22 MAY NEED CLARIFICATION TO ACHIEVE THE GOALS OF THAT
23 POLICY STATEMENT. THAT'S THE PURPOSE OF THIS AGENDA
24 ITEM.

25 IN TERMS OF ANALYSIS, WE HAVE TAKEN A LOOK



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1 AT THE DEFINITION OF NORMALLY DISPOSED OF, AND I'VE
2 IDENTIFIED THE THREE CRITERIA THAT ARE CURRENTLY IN THE
3 DEFINITION IN ORDER FOR A MATERIAL TO BE DEEMED NORMALLY
4 DISPOSED OF. AND THEN WE'VE APPROACHED, AS IN TERMS OF
5 PROCEDURE, WHAT COULD WE DO IN REVISING THAT DEFINITION
6 OR REVISING THOSE CRITERIA. AND THERE ARE THREE ACTIONS
7 POSSIBLE, AS WE OBSERVE.

8 ONE IS TO REVISE A CRITERION TO BETTER
9 ACHIEVE THE GOAL.

10 SECONDLY, WOULD BE TO DELETE A CRITERION
11 THAT IMPEDES THE ABILITY OF ATTAINMENT OF THE BOARD'S
12 GOALS.

13 OR, THIRDLY, WE COULD ADD NEW CRITERIA THAT
14 ARE CURRENTLY NOT IN REGULATION.

15 I'D LIKE TO NOW GO OVER A SUMMARY
16 BACKGROUND OF THE CRITERIA THAT ARE INCLUDED. AND WE
17 WILL BE PROVIDING SOME INFORMATION, I THINK, WILL BE
18 INFORMATIVE AS HAS BEEN NOTED IN A DOCUMENT THAT'S BEEN
19 COMPILED FOR TODAY'S MEETING.

20 MUCH DISCUSSION HAS CENTERED AT THE .001
21 THRESHOLD THAT WAS ESTABLISHED FOR THE LOWER LIMIT OF
22 MATERIALS THAT MUST BE COUNTED IN LOCAL WASTE
23 CHARACTERIZATION STUDIES; IN OTHER WORDS, IF IT'S IN
24 THERE AT .001, IT IS TO BE QUANTIFIED.

25 THE CONCERN AS TO WHETHER LOCAL



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1 JURISDICTIONS WOULD BE ABLE TO CARRY OUT THIS MANDATE
2 WITHOUT CARRYING ON VERY EXTENSIVE AND VERY EXPENSIVE
3 CHARACTERIZATION STUDIES BECAME AN ISSUE QUICKLY. AND IN
4 RESPONSE TO THAT, AB 3992, A CLEANUP BILL TO AB 939,
5 ALLOWED OR MODIFIED THE LOCAL PLANNING PROCESS SO THAT
6 THE INITIAL WASTE CHARACTERIZATION STUDY OF A LOCAL
7 JURISDICTION NEED ONLY ADDRESS THOSE CATEGORIES OF WASTE
8 NECESSARY TO ACHIEVE THE SOURCE REDUCTION AND RECYCLING
9 AND COMPOSTING REQUIREMENTS FOR AB 939; IN OTHER WORDS,
10 THE 25 PERCENT FOR THE FIRST GO-AROUND. AND THAT
11 SUBSEQUENT REVISIONS ON THE FIVE-YEAR CYCLE WOULD BE
12 REQUIRED TO CHARACTERIZE ALL WASTES.

13 ANOTHER ISSUE THAT HAS -- IS VERY CENTRAL
14 TO THE .001 AND ANY REVISIONS TO THAT THRESHOLD ARE WHAT
15 MATERIALS WOULD BE IMPACTED BY CHANGING IT. AND I WILL
16 DEFER DETAILED DISCUSSION NOW BECAUSE WE'LL HAVE SOME
17 CHARTS THAT WILL PROVIDE SOME INFORMATION IN A BIT, BUT
18 WE FIND THERE ARE A NUMBER OF MATERIALS THAT ARE IN THE
19 WASTESTREAM THAT ARE THERE IN VERY LOW OR LOW QUANTITIES
20 IN TERMS OF PERCENTAGE OF WEIGHT. HOUSEHOLD HAZARDOUS
21 WASTE IS A GOOD EXAMPLE AND VARIOUS RESINS OF PLASTIC.

22 HOWEVER, WE'RE STATING TODAY, FOR THE
23 PURPOSES OF EXAMINING OUR REGULATIONS, THAT THE .001
24 THRESHOLD CAN BE REVISED IN ANY MANNER THAT THE BOARD
25 COMMITTEE AND THE BOARD FEEL APPROPRIATE IN ORDER TO



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1 ACHIEVE STATED GOALS. WE'LL TRY TO PAINT SOME DIFFERENT
2 SCENARIOS OF HOW THAT MIGHT BE ACCOMPLISHED.

3 CRITERION NO. 2 IS WHETHER OR NOT A
4 MATERIAL IS DEPOSITED IN A SOLID WASTE -- PERMITTED SOLID
5 WASTE FACILITY OR TRANSFORMATION FACILITY. AND I HAVE
6 NOT ENCOUNTERED ANY RESISTANCE OR OPPOSITION TO THAT.

7 THE ONLY ISSUE THAT HAS COME UP IN TERMS OF
8 THAT CRITERIA -- CRITERION IS WHETHER OR NOT INERTS,
9 WHICH ARE CLAIMED TO HAVE BEEN DIVERTED, ARE, IN FACT,
10 BEING DEPOSITED AT PERMITTED FACILITIES. AND OUR STAFF,
11 AS THEY EXAMINED THE SRRE'S IN THE WASTE GENERATION
12 STUDIES, ARE TAKING SPECIAL CARE WHERE INERTS ARE CLAIMED
13 TO SEE IF THEY ARE.

14 THIRD CRITERIA IS TO BE CONSIDERED IN THE
15 BASE AMOUNT. WHETHER OR NOT THE CHARACTERIZATION
16 INDICATED THAT THE MATERIAL WAS PRESENT IN THE ANALYSIS
17 WOULD DICTATE WHETHER OR NOT IT COULD BE COUNTED FOR
18 DIVERSION.

19 AND THE EXCLUSIONARY LANGUAGE WITH
20 CONDITIONS IN AB 1820 IS FELT TO BE A SOURCE OF, AT
21 LEAST, THE PERCEIVED ABILITY FOR CLAIMING CERTAIN
22 DIVERSIONS.

23 I'VE GONE OVER A KIND OF A DEVELOPMENTAL
24 STAGE OF HOW WE GOT TO WHERE WE ARE TODAY WITH THE
25 NORMALLY DISPOSED OF ISSUE. WE'VE DISCUSSED A COUPLE OF



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1 OPTIONS. AND NOW WITH THE CONCURRENCE OF THE COMMITTEE
2 CHAIR AND MEMBERS, WE HAVE FOR DISCUSSION ABOUT SIX ITEMS
3 WHICH WE COULD CONSIDER FOR DISCUSSION TODAY AMONGST
4 BOARD MEMBERS AND ADVISORS OR THE GENERAL PUBLIC.

5 I'D LIKE TO START OFF -- THE TOPIC IS THE
6 DECISION TO REVISE THE .001 THRESHOLD FOR NORMALLY
7 DISPOSED OF. AND JOHN SITTS OF OUR STAFF WILL --

8 CHAIRMAN RELIS: EXCUSE ME, GEORGE. WE HAVE A
9 QUESTION.

10 MR. LARSON: PARDON ME.

11 BOARD MEMBER EGIGIAN: MR. LARSON, WE'RE READING
12 .001. AND I'M NOT SURE I UNDERSTAND HOW THIS RELATES TO
13 WHAT WE'RE TALKING ABOUT. WHAT WOULD FALL INTO THIS
14 CATEGORY? AND IF IT WAS 006, WHAT DIFFERENCE WOULD IT
15 MAKE? IF YOU COULD HELP CLEAR THAT UP TO ME, THEN I
16 COULD UNDERSTAND.

17 MR. LARSON: CERTAINLY, AND I -- THAT IS
18 PRECISELY THE ISSUE THAT WE'RE ABOUT TO ENTER INTO IS IF
19 WE OBSERVE THE CURRENT REGULATIONS THAT ESTABLISHED THE
20 .001 LEVEL, IF WE CHANGE THAT TO .05 OR .01 OR .3 OR 5,
21 CERTAIN MATERIALS ARE GOING TO FALL OUT OF THE INCLUSION
22 IN THE DEFINITION OF WHAT'S NORMALLY DISPOSED OF.

23 THE REASON THAT WE ARE GOING THROUGH THIS
24 EXERCISE IS, ONE, TO PROVIDE THE KIND OF INFORMATION I
25 THINK YOU ARE AFTER, WHAT'S GOING TO BE AFFECTED BY



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1 CHANGING THIS.

2 SECONDLY IS MORE POLICY ORIENTED AS TO
3 WHETHER, AS YOU SEE A MATERIAL FALL OUT, DO YOU THINK
4 THAT YOU WANT THAT MATERIAL OUT OF WHAT THIS BOARD AND
5 THIS PROGRAM SHOULD BE ADDRESSING. AND I THINK IF WE
6 HAVE AN OPPORTUNITY TO GO THROUGH THE VARIETY -- THE
7 VARIOUS REESTABLISHED LEVELS, THEN THAT QUESTION, I
8 BELIEVE, WILL BE FULLY ANSWERED OR WE CAN RETURN TO IT IF
9 IT IS NOT.

10 BOARD MEMBER HUFF: YES. I DON'T RECALL THAT
11 YOU MENTIONED IT, MR. LARSON. YOU TOOK A LOOK AT A
12 NUMBER OF THE SRRE'S, 100 AND -- WHAT DID YOU SAY -- 20?

13 MR. LARSON: THERE'S 124 IN THE PRELIMINARY DATA
14 BASE. THIS DOCUMENT ADDRESSES 146.

15 BOARD MEMBER HUFF: AND WHAT LEVEL DIVERSION DID
16 YOU FIND AS OF JANUARY 1, 1990?

17 MR. LARSON: IS THIS CUMULATIVE DIVERSION OF ALL
18 PROGRAMS?

19 BOARD MEMBER HUFF: CUMULATIVE FOR THE ENTIRE
20 STATE.

21 MR. LARSON: I'LL NEED SOME SUPPORT.

22 BOARD MEMBER HUFF: MY IMPRESSION WAS IT WAS
23 ABOUT 17 PERCENT. AM I WRONG?

24 CHAIRMAN RELIS: JUST A MOMENT. WE'LL PULL
25 THAT.



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1 WHY DON'T YOU KEEP GOING AND WE'LL COME
2 BACK -- OR DO YOU HAVE --

3 BOARD MEMBER HUFF: WELL, THAT'S REALLY --
4 BECAUSE I THINK THAT'S IMPORTANT TO DEVELOP YOUR -- I
5 REALIZE THAT EACH COMMUNITY HAS GOALS. BUT IN THE
6 AGGREGATE FOR THE STATE, I THINK THAT SAMPLE CAME UP WITH
7 ABOUT 17 PERCENT DIVERSION. AND IT'S MY IMPRESSION THAT
8 THE DRAFTERS OF AB 939 DIDN'T THINK THAT WE WERE THAT
9 HIGH. AND THAT, OF COURSE, IS A POLITICAL SITUATION FOR
10 US TO CONSIDER. THE TELLUS REPORT INDICATED THAT WE WERE
11 IN THE AGGREGATE AT ABOUT 11 PERCENT.

12 MR. LARSON: I MIGHT NOTE THAT --

13 MR. AULT: YES. THE NUMBER FOR THE 124
14 JURISDICTIONS WAS 18 PERCENT DIVERSION.

15 BOARD MEMBER HUFF: 18 PERCENT DIVERSION. SO
16 IF -- IF THOSE 124 ENTITIES ARE REPRESENTATIVE, AND WE
17 THINK STATEWIDE FOR A MOMENT, THEN IN THE AGGREGATE ALL
18 WE NEED TO DO TO GET TO THE 25-PERCENT GOAL IS ANOTHER 7
19 PERCENT DIVERSION.

20 MR. LARSON: THAT, IF I MAY RESPOND, WOULD BE
21 COMPLETELY FACTUAL IF WE WERE TALKING ABOUT THE STATE IN
22 THE AGGREGATE, BUT I BELIEVE THE WAY THE LAW IS WRITTEN
23 IS EACH JURISDICTION IS INDEPENDENTLY HELD RESPONSIBLE
24 FOR ATTAINING THOSE GOALS.

25 BOARD MEMBER HUFF: UNDERSTOOD. AND SOME



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1 JURISDICTIONS WOULD EXCEED IN THE AGGREGATE THAN MAYBE
2 THE STATE WOULD. BUT I'M THINKING IN TERMS OF HOW PEOPLE
3 FRAME ISSUES IN THE MEDIA AND IN THE LEGISLATURE. THEY
4 DON'T TALK ABOUT 430 CITIES AND 58 COUNTIES. THEY TALK
5 ABOUT WHAT CALIFORNIA IS DOING.

6 MR. LARSON: ONE OF THE PROPOSALS OR ISSUES FOR
7 DISCUSSION SUGGESTS A CONSIDERATION OF JUST THAT, WHICH
8 WILL COME A LITTLE BIT LATER IN THE ITEM.

9 CHAIRMAN RELIS: ARE THERE ANY OTHER QUESTIONS
10 BEFORE PRESENTATION?

11 OKAY. GO AHEAD, GEORGE.

12 MR. LARSON: JOHN SITTS, WOULD YOU PLEASE MAKE
13 YOUR PRESENTATION?

14 MR. SITTS: GOOD AFTERNOON, CHAIRMAN RELIS AND
15 BOARD MEMBERS. I'VE GOT A FEW OVERHEADS ON RUNNING
16 THE --

17 MR. LARSON: YES. BY WAY OF INTRODUCTION, JOHN
18 SITTS IS ONE OF OUR ANALYSTS IN THE WASTE GENERATION
19 ANALYSIS BRANCH AND IS RESPONSIBLE, ALONG WITH OTHER
20 STAFF, TO CULL OUT FROM THE SOURCE REDUCTION/RECYCLING
21 ELEMENTS THAT COMPONENT WHICH ADDRESSES WASTE
22 COMPOSITION. AND HE, ALONG WITH MR. AULT, HAVE BEEN
23 PRINCIPALLY RESPONSIBLE OF PUTTING TOGETHER A GREAT DEAL
24 OF DETAILED INFORMATION AND HAS BEEN PROVEN TO BE VERY
25 INSTRUMENTAL AND INFORMATIVE IN OUR EFFORTS.



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1 MR. SITTS: GOOD AFTERNOON, BOARD MEMBER
2 RELIS -- CHAIRMAN RELIS AND BOARD MEMBERS. I'D FIRST
3 LIKE TO JUST GIVE A LITTLE INTRO ON THIS DOCUMENT AND LET
4 YOU KNOW THAT THE FIRST SIX PAGES ARE THE OVERHEADS THAT
5 I'M GOING TO BE USING ON THE DOCUMENT VIEWER HERE, AND
6 THEN THIS TABLE OF CONTENTS.

7 AND THE FIRST PART IS WASTE DISPOSAL
8 SUMMARY, WHICH SAYS WHAT THESE 146 JURISDICTIONS HAVE
9 DONE AS FAR AS WASTE DISPOSAL IN THE BASE YEAR. AND THE
10 SECOND PART IS MORE OF THE NORMALLY DISPOSED OF THRESHOLD
11 ANALYSIS, WHICH WILL HELP -- HOPEFULLY HELP PEOPLE
12 DETERMINE WHAT KINDS OF LEVELS AND WHAT EFFECTS THOSE
13 LEVELS WILL HAVE IF THE LEVEL OF NORMALLY DISPOSED OF IS
14 CHANGED.

15 FIRST, I'M GOING TO SAY WHERE THE NUMBERS
16 IN THE DATA BASE CAME FROM. THEN I'M GOING TO GIVE A
17 REAL BRIEF SUMMARY OF THE DISPOSED WASTESTREAM. THEN
18 WE'LL TALK A LITTLE BIT MORE ABOUT NORMALLY DISPOSED AND
19 THE EFFECTS AT DIFFERENT LEVELS.

20 AS FAR AS THE JURISDICTIONS THAT WERE
21 SELECTED, WE'VE GOT 146 JURISDICTIONS IN THIS DATA
22 SAMPLE. IT'S MORE THAN 124 BECAUSE WE CLEANED UP A FEW
23 THAT HAD SOME DATA PROBLEMS. AND WE ALSO WENT THROUGH
24 AND SOME HAVE GOOD DISPOSAL DATA, BUT NOT GOOD DIVERSION
25 DATA. AND SINCE WE DEALING WITH ONLY DISPOSAL DATA RIGHT



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1 NOW, WE WERE ABLE TO DO OTHERS.

2 OF THOSE 146, 30 ARE RURAL AND 116 WERE
3 NONRURAL. THE POPULATION REPRESENTED BY THE WHOLE SET IS
4 ABOUT 6.2 MILLION, WHICH IS APPROXIMATELY 20 PERCENT OF
5 THE STATE. AND THE NUMBER OF JURISDICTIONS IS ABOUT 28
6 PERCENT OF THE STATE.

7 AS GEORGE SAID, THE BASIS FOR THIS DATA SET
8 ARE THE PRELIMINARY SRRE'S FROM THESE 146 JURISDICTIONS,
9 AND IT REPRESENTS THE BASE YEAR, WHICH IS 1990 OR 1991,
10 DEPENDING ON WHAT THE JURISDICTIONS HAVE PROVIDED US.

11 NOW, FOR DISPOSAL PERCENTAGES, I'M GOING TO
12 BE TALKING A LOT ABOUT THIS WHEN WE TALK ABOUT NORMALLY
13 DISPOSED OF LEVEL, THE .001 PERCENT, WHAT DOES THAT MEAN?

14 WELL, WHEN WE'RE CALCULATING DISPOSAL
15 PERCENTAGES, AND THAT'S WHAT THIS DOCUMENT IS ABOUT AND
16 THAT'S WHAT I'M GOING TO BE TALKING ABOUT, WE'RE TALKING
17 ABOUT THE TOTAL TONS OF A WASTE TYPE THAT'S DISPOSED,
18 DIVIDED BY THE TOTAL TONS OF WASTE DISPOSED BY THE
19 JURISDICTION.

20 SO IN THE EXAMPLE HERE, IF 3 TONS OF HDPE
21 ARE DISPOSED BY A JURISDICTION IN 1990, AND YOU DIVIDE
22 THAT BY 100 TONS OF WASTE DISPOSED BY A JURISDICTION
23 OVERALL, AND YOU COME UP WITH .03 OR 3 PERCENT HDPE FOR
24 THAT JURISDICTION, WHICH IS ABOVE THE .001 NORMALLY
25 DISPOSED LEVEL.



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1 SO AS LONG AS THE WASTE TYPE IS ABOVE THAT
2 NORMALLY DISPOSED LEVEL, IT CAN BE DIVERTED. IF IT'S
3 BELOW, THEN IT DOES NOT QUALIFY FOR DIVERSION.

4 BOARD MEMBER EGIGIAN: CAN I ASK YOU TO GO OVER
5 THAT JUST ONCE AGAIN?

6 MR. SITTS: YES. THE EXAMPLE HERE IS HDPE. AND
7 SO IF THE JURISDICTION DISPOSED OF 3 TONS OF HDPE IN
8 1990, AND THEIR TOTAL WASTESTREAM DISPOSED WAS 100 TONS,
9 THEN YOU WOULD DIVIDE THAT 3 TONS OF HDPE BY 100 TONS OF
10 TOTAL WASTE, AND YOU GET .03 OR 3 PERCENT, WHICH WOULD BE
11 THE DISPOSAL PERCENTAGE FOR HDPE.

12 NOW, FOR NORMALLY DISPOSED, THE KEY IS
13 COMPARING THAT NUMBER TO .001. IF THAT NUMBER IS ABOVE
14 .001, THEN YOU CAN COUNT THAT WASTE TYPE FOR DIVERSION.
15 IF THAT NUMBER IS BELOW .001, THEN IT WOULD NOT QUALIFY
16 FOR -- YOU COULDN'T COUNT IT TOWARD THE DIVERSION MANDATE
17 BECAUSE IT WOULDN'T BE QUALIFIED AS NORMALLY DISPOSED.

18 CHAIRMAN RELIS: YEAH. BEFORE WE GO FURTHER ON
19 THIS POINT, A QUESTION WAS RAISED THAT I THINK PROBABLY
20 WE OUGHT TO GET OUT OF THE WAY BEFORE PROCEEDING.

21 IT'S A QUESTION THAT SAYS -- AND I'LL
22 DIRECT THIS TO OUR LEGAL STAFF -- DOES THE BOARD HAVE THE
23 ABILITY TO SET DIFFERENT THRESHOLDS ON THIS PERCENTAGE
24 BASIS? IS THAT WITHIN OUR JURISDICTION OR --

25 ATTORNEY CONHEIM: NORMALLY?



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1 CHAIRMAN RELIS: YES.

2 ATTORNEY CONHEIM: YES, I THINK SO. YEAH. YOU
3 ARE TALKING ABOUT THE THOUSANDTH OF 1 PERCENT?

4 CHAIRMAN RELIS: YES. QUESTION HAS BEEN RAISED
5 DO WE HAVE THAT AUTHORITY?

6 ATTORNEY CONHEIM: YES.

7 CHAIRMAN RELIS: AND YOU'RE SAYING YES?

8 BOARD MEMBER EGIGIAN: SO IT COULD BE COUNTED IN
9 ONE AREA AND NOT IN ANOTHER AREA, DEPENDING ON WHAT THEY
10 ORIGINALLY -- TOTAL TONS OF WASTE THAT THEY COME OUT
11 WITH. AM I UNDERSTANDING THIS RIGHT?

12 MR. SITTS: YES. BASED ON THE SPECIFIC
13 WASTESTREAM THAT'S DISPOSED IN THAT JURISDICTION. SO ONE
14 JURISDICTION MAY BE ABLE TO COUNT ONE SET OF WASTE TYPES
15 AND ANOTHER JURISDICTION MAY BE ABLE TO COUNT A DIFFERENT
16 SET OF WASTE TYPES.

17 BOARD MEMBER HUFF: THE COUNTING IS ONLY WITH
18 REGARD TO WHETHER YOU COUNT DIVERSION OF IT, RIGHT?

19 MR. SITTS: YES.

20 CHAIRMAN RELIS: OKAY. PROCEED.

21 MR. SITTS: JUST A COUPLE OF NOTES ABOUT THE
22 NUMBERS IN THE DATA BASE. I THINK THEY'RE PRETTY GOOD.
23 BUT DUE TO THINGS LIKE ROUNDING OF NUMBERS, WHICH
24 JURISDICTIONS USUALLY ROUND TO THE NEAREST TON OR THE
25 NEAREST 10 TONS. AND WE ROUNDED IT TO THE NEAREST TON OF



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1 THE DATA BASE. SOME OF THE PERCENTAGES ARE A LITTLE
2 DIFFERENT.

3 THE OTHER PROBLEMS THAT WE ENCOUNTERED WERE
4 THAT JURISDICTIONS MAKE UP THEIR OWN WASTE TYPES, WHICH
5 ARE OKAY. THEY WOULD INCLUDE ONE CALLED WASTE TYPE
6 CONCRETE. AND FOR THOSE MATERIALS WHICH HAVE A WASTE
7 TYPE ALREADY IN REGULATION, WE WOULD PUT CONCRETE INTO
8 INERT SOLIDS AND COMBINE THEM SO THAT WHEN WE COMPARE
9 INERT SOLIDS ACROSS THE BOARD, WE WOULD HAVE GOOD
10 COMPARISONS.

11 SOME JURISDICTIONS COMBINED WASTE TYPES
12 WHICH IS A LITTLE MORE PROBLEMATIC. THEY WOULD SAY ALL
13 PLASTIC CONTAINERS, WHICH WOULD INCLUDE PET AND HDPE.
14 AND WE HAVE TWO SEPARATE CATEGORIES FOR THOSE. SO IN
15 THOSE CASES, WE HAVE TO PUT THOSE IN OTHER PLASTICS.

16 AND THIS IS ALSO IN THE DOCUMENT, SO YOU
17 CAN READ IT AT YOUR LEISURE LATER.

18 CHAIRMAN RELIS: AND ISN'T IT ALSO TRUE, JUST TO
19 REITERATE, I THINK, THE POINT MADE AT THE LAST MEETING,
20 WE DO NOT HAVE ANY OF THE MAJOR METROPOLITAN AREAS
21 REPRESENTED AS YET?

22 MR. SITTS: WE HAVE SEVERAL CITIES FROM THE
23 COUNTY OF L.A., BUT WE DO NOT HAVE THE MAJOR CITIES OF
24 L.A., SAN DIEGO, SAN FRANCISCO.

25 CHAIRMAN RELIS: OKAY.



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1 MR. SITTS: NOW, FOR A LITTLE BIT OF A SUMMARY
2 OF THE WASTESTREAM, WHICH WILL BE VERY BRIEF, THE BASE
3 YEAR DISPOSAL COMPOSITION FOR 1990/'91, DEPENDING ON WHAT
4 JURISDICTION REPORTED, IS BEFORE YOU.

5 THE LARGEST CATEGORIES ARE PAPER, OTHER
6 ORGANICS, AND THEN YARD WASTE. AS YOU CAN SEE AT THE
7 BOTTOM, I ALSO INCLUDED ALL THE 1820 WASTES COMBINED, AND
8 THEY MAKE UP ON AVERAGE 13 PERCENT OF THE WASTESTREAM --
9 FOR THE DISPOSED WASTESTREAM. THAT'S -- AGAIN, THAT'S
10 WHAT I'M TALKING ABOUT THROUGH THIS WHOLE PRESENTATION IS
11 THE PERCENT DISPOSAL. I'M NOT TALKING ABOUT PERCENT
12 GENERATION. AND THEN ALSO THE ATTENDANT RANGES WITH EACH
13 OF THOSE WASTE TYPES.

14 JUST A VISUAL REPRESENTATION OF THAT IS THE
15 AVERAGE DISPOSAL COMPOSITION BY CATEGORY. AND AGAIN, IF
16 YOU CAN SEE, PAPER IS THE LARGEST FOLLOWED BY ORGANICS,
17 YARD WASTE, OTHER WASTE, AND THEN PLASTIC, METAL, GLASS,
18 AND THEN SPECIAL WASTES ARE ALL SMALLER AMOUNTS. AND
19 THIS IS --

20 CHAIRMAN RELIS: I THINK WE HAVE A QUESTION.

21 BOARD MEMBER NEAL: WHAT'S INCLUDED IN THE
22 CATEGORY "OTHER ORGANIC"?

23 MR. SITTS: OTHER ORGANIC HAS FOOD WASTE,
24 WOODWASTE, LEATHER AND TEXTILES, AND SOME SMALLER
25 CATEGORIES AS WELL OR TYPES.



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1 THEN THAT WAS PAGE 2 IN THE BOOKLET THAT WE
2 HANDED OUT. AND FOR EACH OF THOSE CATEGORIES, THERE IS
3 ALSO A PIE CHART SHOWING THE BREAKDOWN OF TYPES WITHIN
4 THAT CATEGORY ON THE FOLLOWING PAGES.

5 AS FAR AS THE 1820 WASTES GO, WHICH AGAIN
6 MADE UP APPROXIMATELY 13 PERCENT OF THE OVERALL
7 WASTESTREAM, AS YOU CAN SEE, FOR THE DISPOSED
8 WASTESTREAM, ABOUT HALF OF THOSE 1820 WASTES ARE INERT
9 SOLIDS. ABOUT A THIRD OF THE DISPOSED 1820 WASTE IS
10 SCRAP METALS AND THEN WHITE GOODS, AG WASTE, AND SLUDGE
11 ARE BROKEN DOWN IN SMALLER AMOUNTS.

12 NOW, TO GET AN IDEA OF VARIABILITY IN THE
13 SRRE'S AND TO INTRODUCE YOU TO ONE OF THE KINDS OF BAR
14 CHART THAT ARE IN THIS REPORT, THIS RIGHT HERE IS PAGE 19
15 OF THE DOCUMENT, AND IT IS THE BREAKDOWN OF THE -- AND I
16 REALIZE YOU CAN'T SEE IT TOO WELL ON THE SCREEN, BUT I
17 CAN DESCRIBE WHAT'S GOING ON HERE FAIRLY WELL.

18 THIS IS THE 1820 WASTE SUMMARY. AND EACH
19 LINE THAT RUNS HORIZONTALLY, THE DARK BOLD LINES THAT
20 MAKE UP THE DARK SHAPE HERE, EACH ONE OF THOSE LINES
21 REPRESENTS ONE JURISDICTION. SO THAT IN -- THE
22 JURISDICTIONS RANGE BETWEEN APPROXIMATELY 4 PERCENT 1820
23 WASTES ALL THE WAY UP TO, LOOKS LIKE, ABOUT 33 PERCENT
24 1820 WASTES.

25 AND THEN THE BOTTOM AXIS ON THIS CHART IS



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1 THE PERCENT DISPOSAL AGAIN. SO -- AND THE -- EACH LINE
2 IS A -- REPRESENTS A JURISDICTION. AND I'LL SHOW A FEW
3 MORE OF THOSE.

4 THIS ONE IS INERT SOLIDS. AND THIS RAISES
5 ONE OF THE PROBLEMS OF USING NORMALLY DISPOSED OF TO GET
6 RID OF INERT SOLIDS, QUOTE, UNQUOTE. THIS IS PAGE 66.

7 THERE ARE TWO SETS OF BAR CHARTS IN THE
8 DOCUMENT. PAGES ABOUT 20 TO 70 HAVE THESE BAR CHARTS ON
9 A SCALE OF 0 TO 25 PERCENT; AND THEN FROM ABOUT 71 TO
10 110, THE SCALE IS FROM 0 TO 1 PERCENT, SO YOU CAN SEE
11 THOSE WASTE TYPES THAT HAVE A LOT OF VARIABILITY BELOW 1
12 PERCENT OR THOSE WASTE TYPES WHICH DON'T GO ABOVE 1
13 PERCENT VERY MUCH.

14 SO IN THIS GRAPH YOU CAN SEE THAT INERT
15 SOLIDS RANGE FROM MAYBE LESS THAN 1 PERCENT ALL THE WAY
16 UP TO ABOUT 23 PERCENT DISPOSED. THIS IS A DISPOSED AT
17 LANDFILLS IN THE JURISDICTION. AND AGAIN, EACH ONE OF
18 THESE HORIZONTAL BLACK LINES IS A JURISDICTION. SO YOU
19 CAN SEE THAT THROUGHOUT THE STATE THERE'S QUITE A BIT OF
20 VARIATION BETWEEN JURISDICTION TO JURISDICTION ABOUT WHAT
21 IS BEING -- HOW MANY INERTS ARE BEING DISPOSED. AGAIN,
22 THIS IS PERCENTAGE.

23 AND JUST BY LOOKING AT THIS, YOU CAN START
24 THINKING OF IF YOU DREW A NORMALLY DISPOSED LINE
25 SOMEWHERE IN THERE TO GET TO -- EXCLUDE INERT SOLIDS BY



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1 REDEFINING NORMALLY DISPOSED. YOU WOULD HAVE TO DRAW IT
2 25 PERCENT BASICALLY TO GET RID OF ALL OF THEM. AND
3 LOWER LEVELS WOULD EXCLUDE DIFFERENT NUMBERS OF
4 JURISDICTIONS.

5 AT 5 PERCENT YOU CAN SEE ABOUT A THIRD OF
6 THE JURISDICTIONS ARE TO THE LEFT OF 5 PERCENT, AND THOSE
7 WOULD DROP OUT IF YOU MADE THE NORMALLY DISPOSED OF LEVEL
8 AT 5 PERCENT.

9 BUT THERE ARE OTHER PROBLEMS ATTENDANT WITH
10 CHANGING THE NORMALLY DISPOSED OF LEVEL, MAINLY THE
11 EFFECT ON OTHER WASTE TYPES AS WELL. SO THIS TABLE IS
12 ONE OF THE FIRST PAGES IN THE BOOK AS WELL.

13 CHAIRMAN RELIS: JUST BEFORE WE PASS, ARE WE
14 GOING TO PASS ON FROM THIS PARTICULAR SUBJECT?

15 MR. SITTS: THIS IS -- NO, WE'RE STILL TALKING
16 ABOUT THE EFFECT OF NORMALLY DISPOSED AND CHANGING THAT
17 LEVEL.

18 BOARD MEMBER HUFF: I'M SEEKING CONFIRMATION OR
19 VERIFICATION OF SOMETHING THAT OCCURRED TO ME.

20 IF YOU DO RAISE THE THRESHOLD, SAY, OF
21 INERTS UP TO 5 PERCENT, THE PRACTICAL EFFECT OF THAT IS
22 TO NOT ALLOW MANY COMMUNITIES WHERE INERTS DON'T REALLY
23 MAKE THAT MUCH DIFFERENCE ANYWAY TO NOT COUNT THEM;
24 WHEREAS, THOSE COMMUNITIES WHERE THEY HAVE A LARGE CHUNK
25 OF INERTS STILL WILL BE ABLE TO COUNT MOST OF THE INERTS



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1 ANYWAY, WHICH IS, I THINK, SORT OF BACKWARDS OF
2 EVERYONE'S CONCERN. SO JUST MOVING THE THRESHOLD REALLY,
3 AM I MISUNDERSTANDING OR IS THAT CORRECT?

4 MR. SITTS: THAT'S CORRECT.

5 BOARD MEMBER HUFF: SO IF YOU JUST MOVE THE
6 THRESHOLD AROUND, YOU PROBABLY HAVE WHAT MR. CHESBRO
7 CALLS THE LAW OF UNINTENDED CONSEQUENCES.

8 MR. SITTS: AND WITH THE CURRENT WAY THAT WE
9 DEFINE NORMALLY DISPOSED IS FOR ALL THE WASTE TYPES AT
10 ONCE.

11 OKAY. THIS NEXT TABLE DETAILS A NUMBER OF
12 JURISDICTIONS WHICH WOULD BE ABLE TO COUNT -- OR WHICH
13 WOULD NOT BE ABLE TO COUNT THE FOLLOWING WASTE TYPES AT
14 DIFFERENT LEVELS NORMALLY DISPOSED.

15 WHAT I'VE DONE IS I'VE TAKEN EIGHT OR TEN
16 WASTE TYPES AND INCLUDED THOSE, WHICH SOME OF THEM HAVE
17 HIGH RECYCLING POTENTIAL AND SOME OF THEM HAVE ALREADY
18 BEEN DIVERTED AT HIGH AMOUNTS, AND THEN I'VE ALSO
19 INCLUDED FERROUS METALS AND INERT SOLIDS AT THE BOTTOM.

20 CURRENTLY, THE LEVEL FOR NORMALLY DISPOSED
21 OF IS .001. AND IN THIS DATA BASE ONLY THREE WASTE TYPES
22 EVER FELL BELOW THAT LEVEL.

23 IN ONE JURISDICTION BIMETAL CONTAINERS WAS
24 BELOW .001. IN ONE JURISDICTION OTHER METALS WAS BELOW
25 NORMALLY DISPOSED, AND IN ANOTHER DISPOSABLE DIAPERS WAS



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1 DISPOSED AT BELOW THE NORMALLY DISPOSED OF LEVEL. SO FOR
2 THOSE THREE JURISDICTIONS AND THOSE THREE WASTE TYPES,
3 THEY WOULD NOT BE ABLE TO COUNT THE DIVERSION IF THEY HAD
4 ANY FOR THOSE WASTE TYPES.

5 NOW, CHANGING THE LEVEL WOULD HAVE A NUMBER
6 OF EFFECTS. IN THE FIRST COLUMN ARE LISTED THE DIFFERENT
7 WASTE TYPES FROM OCC, WHICH, BY THE WAY, STANDS FOR
8 CORRUGATED CARDBOARD. IT'S KIND OF A STANDARD
9 ABBREVIATION.

10 SECOND COLUMN OVER SHOWS WHAT WOULD HAPPEN
11 IF YOU MADE THE LEVEL .01, SO JUST MOVED IT AN ORDER OF
12 MAGNITUDE UP. IN THAT CASE ONE JURISDICTION WOULD NOT BE
13 ABLE TO COUNT HIGH-GRADE LEDGER, ONE JURISDICTION WOULD
14 NOT BE ABLE TO COUNT FILM PLASTICS, AND ONE WOULD NOT BE
15 ABLE TO COUNT ALUMINUM CANS WITH NO EFFECTS ON FERROUS OR
16 INERTS.

17 AS YOU CAN SEE, EACH COLUMN FOR THE
18 PROPOSED LEVEL OF NORMALLY DISPOSED HAS THE SAME EFFECT
19 OF EXCLUDING DIFFERENT WASTE TYPES OR MORE WASTE TYPES.
20 SO AT .5, IF YOU MOVE THE LEVEL FOR NORMALLY DISPOSED TO
21 .5, 20 JURISDICTIONS WOULD LOSE HIGH-GRADE PAPER, 50
22 WOULD LOSE HDPE, 127 WOULD LOSE PET, ONE WOULD LOSE FILM,
23 ETC. AND THEN, FINALLY, YOU'RE SEEING ONE FERROUS AND
24 ONE -- OR THREE INERTS, AS WELL, BEING KNOCKED OUT.

25 EVEN IF YOU GO UP TO AS HIGH AS 5 PERCENT,



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1 YOU SEE SOME REALLY STAGGERING IMPACTS BECAUSE MOST OF
2 THE MATERIALS THAT HAD BEEN OR ARE BEING TARGETED FOR
3 DIVERSION, THE CONTAINERS, NEWSPAPERS, AND THAT TYPE OF
4 THING, ARE ALREADY BEING DIVERTED OUT OF THE DISPOSED
5 WASTESTREAM QUITE A BIT. SO VIRTUALLY ALL THE PET, ALL
6 THE FILM PLASTIC, ALL THE CALIFORNIA REDEMPTION GLASS,
7 ALUMINUM CANS, AND HIGH-GRADE PAPER, AND HDPE WOULD BE
8 EXCLUDED IF YOU MADE THE NORMALLY DISPOSED OF LEVEL 5
9 PERCENT, AT WHICH POINT YOU WOULD ALSO EXCLUDE 53
10 JURISDICTIONS AS FAR AS INERTS GO AND 123 AS FAR AS
11 FERROUS METALS GO.

12 WHAT THIS SHOULD BE SHOWING SOMEWHAT IS
13 THAT THERE'S A LOT OF VARIABILITY BETWEEN WASTE TYPES.
14 SOME WASTE TYPES ARE AT VERY LOW LEVELS NORMALLY FOR
15 DISPOSAL. PET IS A VERY GOOD EXAMPLE THAT HARDLY EVER
16 GETS ABOVE 1 PERCENT. SO IT MAKES IT VERY DIFFICULT TO
17 HAVE ONE LEVEL FOR NORMALLY DISPOSED ACROSS THE BOARD
18 BECAUSE IT'S VERY HARD TO ADJUST FOR SOME OF THESE VERY
19 LOW QUANTITIES.

20 THE NEXT CHART OR TABLE, I SUPPOSE, ARE
21 LEVELS FOR NORMALLY DISPOSED AT WHICH AT LEAST A TENTH, A
22 FOURTH, OR A HALF OF THE JURISDICTIONS CAN NO LONGER
23 COUNT THE WASTE TYPES TOWARD DIVERSION.

24 THIS IS KIND OF A DIFFERENT WAY OF LOOKING
25 AT THE PREVIOUS TABLE. SO ACROSS THE TOP, WE -- WELL,



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1 FIRST, YOU SEE THE WASTE TYPES IN THE FIRST COLUMN, AS
2 USUAL. THE SECOND COLUMN SAYS THE NORMAL -- THE DISPOSAL
3 RANGE THAT WE FOUND IN THESE 146 JURISDICTIONS, IT MAY BE
4 DIFFERENT OVERALL, BUT THOSE ARE THE ONES WE FOUND HERE.
5 SO FOR CORRUGATED CARDBOARD, IT RANGED FROM BETWEEN .5 TO
6 25 PERCENT DISPOSAL.

7 THE THIRD, FOURTH, AND FIFTH COLUMN ARE THE
8 PERCENTAGE LEVELS THAT YOU WOULD HAVE TO SET NORMALLY
9 DISPOSED OF AT TO EXCLUDE THE -- THAT PROPORTION OF THE
10 JURISDICTION.

11 SO THE THIRD COLUMN IS ONE-TENTH OUT IS
12 WHAT I CALL IT. AND THAT WOULD BE THE PERCENTAGE LEVEL
13 AT WHICH YOU HAVE TO SET NORMALLY DISPOSED TO MAKE 10
14 PERCENT OF THE JURISDICTIONS NOT BE ABLE TO COUNT A
15 PARTICULAR WASTE TYPE.

16 SO FOR -- IF YOU SET CORRUGATED CARDBOARD
17 AT 6 PERCENT, A TENTH OF THE JURISDICTIONS COULD NOT
18 COUNT CORRUGATED CARDBOARD. IF YOU SET -- AND THE FOURTH
19 OUT IS THE POINT AT WHICH A QUARTER OF THE JURISDICTIONS
20 COULD NOT COUNT THAT WASTE TYPE.

21 SO IF THE NORMALLY DISPOSED LEVEL FOR ALL
22 WASTE TYPES WAS SET AT 7 PERCENT, 25 PERCENT OF THE
23 JURISDICTIONS COULDN'T CLAIM CORRUGATED CARDBOARD FOR
24 DIVERSION. AND THEN THE HALF OUT IS THE MORE EXTREME
25 EXAMPLE OF WHAT PERCENTAGE OR WHAT -- YES, WHAT



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1 PERCENTAGE OF NORMALLY DISPOSED WOULD YOU HAVE TO SET TO
2 EXCLUDE HALF THE JURISDICTIONS FROM COUNTING A PARTICULAR
3 WASTE TYPE.

4 SO FOR CORRUGATED CARDBOARD, IF YOU SET THE
5 NORMALLY DISPOSED LEVEL FOR ALL WASTE TYPES AT 9 PERCENT,
6 HALF THE JURISDICTIONS COULD NOT COUNT CORRUGATED
7 CARDBOARD TOWARD DIVERSION.

8 AND IF YOU LOOK AT SOME OF THESE OTHERS,
9 HALF OF THE JURISDICTIONS ARE EXCLUDED FROM COUNTING
10 ALUMINUM CANS EVEN AT .3 PERCENT NORMALLY DISPOSED, SO
11 THIS, AGAIN, SHOULD SHOW THAT THERE'S A LOT OF
12 VARIABILITY WITHIN THE -- BETWEEN WASTE TYPES. SO THAT
13 ONE NORMALLY DISPOSED STANDARD IS VERY DIFFICULT TO SET
14 ONE LEVEL THAT WOULD ACCOMPLISH ANY PARTICULAR GOAL
15 BECAUSE ALL THE WASTE TYPES ARE VERY VARIED.

16 AND THAT'S PRETTY MUCH THE DATA. I'VE
17 REALLY COMPRESSED A LOT OF THIS DATA FROM THIS WASTE OR
18 THIS DOCUMENT.

19 ALTHOUGH ON PAGE 22 THERE'S A LISTING OF
20 THE WASTE TYPES WHICH WOULD BE AFFECTED, NOT A NUMERICAL
21 DISSERTATION OR ANYTHING. IT'S JUST A LIST OF WASTE
22 TYPES THAT WOULD BE AFFECTED.

23 AND AS I SAID BEFORE, AT .001, THE ONLY
24 WASTE TYPES THAT ARE AFFECTED ARE BIMETAL CONTAINERS,
25 OTHER METALS, AND DISPOSABLE DIAPERS. AS YOU MOVE



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1 FARTHER UP THE LINE, YOU START TO SEE A LOT MORE WASTE
2 TYPES AFFECTED. FOR EXAMPLE, AT 1 PERCENT, ALL 34 -- 34
3 OF THE WASTE TYPES ARE AFFECTED. THAT'S OUT OF A TOTAL
4 OF 40, AND THAT'S A PRETTY GOOD PERCENTAGE THERE.

5 AND THAT'S ABOUT IT EXCEPT FOR QUESTIONS.

6 CHAIRMAN RELIS: DO WE HAVE ANY QUESTIONS FROM
7 THE BOARD?

8 BOARD MEMBER HUFF: GIVE US A SECOND TO THINK
9 ABOUT IT.

10 BOARD MEMBER EGIGIAN: THERE'S NO TWO CITIES, NO
11 TWO COMMUNITIES ARE GOING TO BE ABLE TO RUN THEIR PROJECT
12 THE SAME WAY?

13 MR. SITTS: WITH THE DIFFERENT LEVELS OF
14 NORMALLY DISPOSED, IF -- WELL, AS IT IS NOW, BECAUSE ONLY
15 THREE WASTE TYPES ARE EXCLUDED AND THOSE ARE ONLY IN
16 THREE JURISDICTIONS, THE BIMETAL CONTAINERS, OTHER
17 METALS, AND DISPOSABLE DIAPERS, BECAUSE IT'S AN INCLUSIVE
18 DEFINITION RIGHT NOT, WHICH INCLUDES ALMOST EVERYTHING,
19 MOST JURISDICTIONS WILL BE ABLE TO RUN THEIR PROGRAMS
20 VERY SIMILARLY UNLESS THEY HAPPEN TO HAVE SOMETHING THAT
21 FALLS BELOW THAT LEVEL.

22 BUT, YES, IT'S TRUE. IF YOU MOVE IT UP
23 HIGHER, IT WOULD BE DIFFERENT FOR EACH JURISDICTION.

24 BOARD MEMBER EGIGIAN: HOW WOULD SOMETHING LIKE
25 THIS -- LET'S SEE. LET'S TAKE PALM SPRINGS, WHERE GRASS



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1 AND CLIPPINGS IS THE GREATEST TYPE OF REFUSE THAT'S PUT
2 OUT AND DISPOSED OF, HOW WOULD THEY BE -- HOW WOULD THEY
3 WORK ON THIS PARTICULAR SCALE?

4 MR. SITTS: WELL, I'VE NOTICED THAT IN SOME
5 JURISDICTIONS THAT HAVE ONE WASTE TYPE THAT'S REALLY
6 LARGE AMOUNTS, IT DOES MAKE ALL THE OTHER WASTE TYPES A
7 LOWER PERCENTAGE OF THE WASTESTREAM, IF THAT'S WHAT
8 YOU'RE GETTING AT.

9 BOARD MEMBER EGIGIAN: I MEAN, COULD THEY EVER
10 REACH 25 PERCENT ACCORDING TO 939?

11 MR. SITTS: IF THEY DIVERT A LOT OF THE YARD
12 WASTE, YES. I MEAN, IF YOU 60 PERCENT YARD WASTE AND
13 DIVERT 50 PERCENT YARD WASTE, YOU'D MEET THE GOALS.

14 BOARD MEMBER HUFF: BUT YOU REALLY GET INTO
15 CHANGING THE RULES OF THE GAME A LOT IF YOU MOVE -- IF
16 YOU HAVE DIFFERENT THRESHOLDS FOR DIFFERENT TYPES OF
17 MATERIAL.

18 LET ME UNDERSTAND THE CALCULATION. DO YOU
19 THROW OUT, THEN, OF THE DENOMINATOR THE MATERIAL THAT
20 DOESN'T MEET THE THRESHOLD? I'M NOT MAKING MY QUESTION
21 VERY CLEAR, AM I?

22 MR. SITTS: I SEE WHAT YOU'RE SAYING.

23 BOARD MEMBER HUFF: YOU RECALCULATE ALL THE
24 PERCENTAGES OF EVERYTHING ELSE, DOES YOUR PERCENTAGE ADD
25 UP TO 100 PERCENT?



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1 MR. SITTS: THE PERCENTAGE WILL ADD UP TO 100
2 PERCENT. AND BECAUSE IT'S NOT -- IT'S NOT TAKEN OUT OF
3 THE DISPOSAL CHARACTERIZATION; IT'S JUST EXCLUDED FROM
4 THE DIVERSION.

5 BOARD MEMBER HUFF: I SEE. OKAY. OKAY.

6 SO THE HIGHER THE THRESHOLD, THE MORE YOU
7 HAVE TO MEET YOUR DIVERSION WITH FEWER MATERIALS IN YOUR
8 UNIVERSE?

9 MR. SITTS: YES. AND FOR THE MOST PART, YEAH.
10 AND IF YOU GET VERY HIGH, A LOT OF THE COMMONLY DIVERTED
11 MATERIALS WILL BE KICKED OUT.

12 BOARD MEMBER HUFF: THAT IS ONE REASON TO HAVE
13 IT AT LEAST LOW ENOUGH THAT YOU CAN CATCH ALUMINUM.

14 MR. SITTS: AND IF YOU REFER TO THE TABLES IN
15 THIS DOCUMENT, YOU CAN SEE, FOR EXAMPLE, PAGE 84 IS
16 ALUMINUM CANS. AND FOR THAT, THAT'S ON THE 0 TO 1
17 PERCENT SCALE. AND FOR THAT, IF YOU CHANGE THE LEVEL
18 NORMALLY DISPOSED TO 1 PERCENT, YOU WOULD ELIMINATE ALL
19 BUT EIGHT JURISDICTIONS FROM COUNTING ALUMINUM CANS.

20 BOARD MEMBER HUFF: MR. CHAIRMAN, I'M ONLY AN
21 OBSERVER HERE, NOT A MEMBER OF THIS COMMITTEE. IF WE GO
22 ABOUT FASHIONING THINGS THAT DON'T ALLOW PEOPLE TO COUNT
23 DIVERSION OF ALUMINUM CANS, PEOPLE ARE GOING TO THINK
24 WE'RE SILLY.

25 CHAIRMAN RELIS: WELL, THE WHOLE PURPOSE OF THIS



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1 EXERCISE IS TO -- IN TRYING TO INTERPRET WHAT WE DID WITH
2 OUR RESOLUTION. WE HAVE TO TAKE A LOOK AT OUR ANALYTICAL
3 APPROACHES, WHAT MAKES SENSE AND WHAT DOESN'T. WHEN WE
4 LAY THIS OUT, WE REALLY CAN'T SEE WHETHER THERE'S ANY
5 POSSIBILITIES IN ADJUSTING THESE NUMBERS OR NOT. AND SO
6 WE NOW HAVE A FAIR AMOUNT OF EVIDENCE. IT TIES IN --
7 THERE ARE FURTHER POINTS TO BE MADE AS WELL.

8 BOARD MEMBER NEAL: LET ME ASK ANOTHER QUESTION.

9 WHAT IF THE LANDFILL IN PALM SPRINGS THAT
10 IS ACCEPTING ALL THIS YARD WASTE CLOSES? AND THEN
11 THEY -- ALL THE HAULERS NEED TO START THEN DISPOSING IN A
12 DIFFERENT JURISDICTION THAT HAS A DIFFERENT WASTE
13 CHARACTERIZATION FROM THEIR BASE YEAR, HOW DOES THAT
14 IMPACT SUBSEQUENT ACTIVITIES?

15 MR. SITTS: THE DISPOSAL CHARACTERIZATION IS
16 SPECIFIC FOR PALM SPRINGS, LET'S SAY. NO MATTER WHERE
17 THEY HAUL THEIR WASTE TO, THEY WILL USE THEIR BASE YEAR
18 CALCULATION, AND THEY WILL TRACK THE WASTE THAT THEY
19 GENERATE BECAUSE IT'S THE WASTE THAT YOU GENERATE IN YOUR
20 JURISDICTION, NOT THE WASTE THAT YOU DISPOSE.

21 BOARD MEMBER NEAL: SO AS LONG AS IT DIDN'T
22 IMPACT -- I MEAN, THERE WILL BE NO --

23 MR. SITTS: THAT WILL NOT CHANGE. IT MIGHT MAKE
24 IT HARD FOR THEM TO DO THEIR WASTE CHARACTERIZATION
25 BECAUSE THEY'LL HAVE TO DRIVE OVER TO ANOTHER CITY.



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1 ATTORNEY CONHEIM: MR. CHAIRMAN AND MS. NEAL,
2 THE LAW CURRENTLY REQUIRES THAT THE WASTE
3 CHARACTERIZATION BE ON WASTE GENERATED, AND THEN
4 EVERYTHING FLOWS FROM THAT. I MEAN, YOU INEXORABLY GET
5 TO WASTE DISPOSED IN A REAL WORLD ANALYSIS, BUT THE LAW
6 REQUIRES THAT YOU START FROM EACH JURISDICTION'S WASTE
7 GENERATED, SO THAT'S WHY THAT NUMBER CHANGES. AND THAT'S
8 ONE OF THE SUGGESTIONS TO CHANGE IN THIS LIST OF
9 SUGGESTIONS THAT I'VE SEEN RECENTLY.

10 BOARD MEMBER NEAL: SO WE NEED TO MOVE FROM THE
11 LAW TO THE REAL WORLD.

12 CHAIRMAN RELIS: GEORGE.

13 MR. LARSON: MR. CHAIRMAN, I'D LIKE TO OBSERVE,
14 WHILE THE INTENT OF THE -- OF THIS AGENDA ITEM IS TO LOOK
15 AT OUR REGULATIONS AND THIS PARTICULAR DEFINITION OF
16 NORMALLY DISPOSED OF, THERE IS WOVEN THROUGH THE FABRIC
17 OF THE AGENDA ITEM THE ISSUE OF INERTS.

18 AND BY HAVING GONE THROUGH THIS EXERCISE,
19 ONE POINT WE WISH TO ILLUSTRATE IS THAT THROUGH
20 ALTERATION OF THE .001 THRESHOLD WILL NOT RESOLVE THE
21 PROBLEM OF INERTS. WHAT WE WANTED TO ILLUSTRATE, IN
22 ADDITION, WAS BY CHANGING THAT THRESHOLD, WHAT OTHER
23 MATERIALS AND HOW DOES THAT IMPACT OTHER PRIORITIES OF
24 THE BOARD.

25 SO I THINK THAT THIS IS CENTRAL TO WHAT



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1 WE'RE TRYING TO ILLUSTRATE BY ALL THESE COMPLEX GRAPHS
2 AND CHARTS.

3 BOARD MEMBER HUFF: LET ME SEE IF I UNDERSTAND.

4 THE ONLY REASON I HAVE A .001 OR .00
5 ANYTHING IS A MATTER OF CONVENIENCE SO THAT YOU AREN'T
6 COUNTING OUNCES. WHY HAVE IT AT ALL IS THE QUESTION?

7 MR. LARSON: WELL, I DON'T KNOW THAT --

8 (INTERRUPTION IN PROCEEDINGS.)

9 MR. LARSON: IT'S A VERY PIERCING QUESTION IN
10 THAT SOMETIMES IT IS DIFFICULT TO DETERMINE WHETHER THE
11 .001 AS A THRESHOLD SHOULD BE THE ONE THAT WE DEFINED.

12 I GUESS YOU COULD GET TO THE CASE OF THE
13 PARTS PER WHATEVER THEY'RE MEASURING THEM IN NOW AS BEING
14 A THRESHOLD. SO WE WERE TRYING, I THINK, TO STRIVE
15 TOWARDS SOMETHING THAT HAD APPLICATION IN THE REAL WORLD
16 SO THAT THINGS LIKE HOUSEHOLD HAZARDOUS WASTE, IN
17 PARTICULAR, WHICH I THINK WAS A VERY POINTED TARGET FOR
18 THE .001, WERE INCLUDED, BUT NOT GO DOWN TO NUMBERS OF
19 ZEROS IN FRONT OF THE ONE.

20 BOARD MEMBER HUFF: AGAIN, TO NOT GO DOWN TO
21 NUMBERS WITH ZEROS IN FRONT OF ONE IS SIMPLY A MATTER OF
22 CONVENIENCE.

23 MR. LARSON: CONVENIENCE AND I HOPE
24 REASONABLENESS.

25 BOARD MEMBER HUFF: WHICH BECOMES THE SAME



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1 THING.

2 MR. LARSON: YES.

3 CHAIRMAN RELIS: GEORGE, DO YOU WANT TO GO ON.

4 MR. LARSON: YES. WELL, WE SPENT QUITE A BIT OF
5 TIME ON THAT, AND I THINK IT WAS BENEFICIAL SO THAT WE
6 HAVE A VERY GOOD UNDERSTANDING OF WHERE WE CAME FROM TO
7 GET TO .001 AND WHAT SOME IMPACTS WOULD BE IF WE CHOOSE
8 TO REVISE IT.

9 IN ADDITION, I'D LIKE TO CONTINUE ON WITH
10 SOME OTHER POSSIBLE REGULATORY AND, I WOULD SAY,
11 POTENTIALLY STATUTORY CHANGES, AND THIS IS WHERE I HOPE
12 THAT AS WE DISCUSS THESE, LEGAL COUNSEL MAY BE ABLE TO
13 OFFER SOME OPINION AS STAFF HAVE TRIED TO THINK OF AS
14 MANY CREATIVE WAYS TO DEAL WITH THE ISSUE AT HAND.

15 AND THE NEXT PROPOSAL WHICH I'LL DESCRIBE
16 IS ESTABLISHMENT OF A CREDIT CAP BY MATERIAL. NOW, THIS
17 IS SOMETHING TO WHICH BOARD MEMBER HUFF ALLUDED TO, I
18 BELIEVE, AS TO TAKE MATERIALS WHICH THE BOARD WOULD
19 SELECTIVELY PICK OUT AND ESTABLISH A CAP ON THAT TYPE OF
20 MATERIAL BY MATERIAL TYPE SUCH THAT NO SINGLE MATERIAL
21 COULD BE ELIGIBLE TO FULLY SKEW OR MISREPRESENT DIVERSION
22 ACTIVITIES.

23 NOW, FOR DISCUSSION PURPOSES HERE, I'VE
24 SUGGESTED FOR THAT DISCUSSION THAT WE MIGHT CONSIDER A
25 5-PERCENT CAP ON INERTS, WHICH, OF COURSE, MEANS THAT



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1 ACROSS THE BOARD WE SAW, THROUGH SOME OF THE INFORMATION
2 PROVIDED, THAT ALMOST ALL WASTE DISPOSED INFORMATION
3 INDICATED MORE THAN 5 PERCENT INERTS DISPOSED, BUT NO
4 JURISDICTION COULD CLAIM MORE THAN FIVE UNDER THIS
5 PROPOSAL.

6 NOW, WHETHER OR NOT OUR STATUTE IS FLEXIBLE
7 ENOUGH TO ALLOW US TO WRITE A REGULATION THAT SPECIFIES
8 CAPS ON MATERIAL BY TYPE TO ACHIEVE THE GOALS THAT THE
9 BOARD STATED IN ITS POLICY STATEMENT IS, I THINK, WHAT
10 NEEDS DISCUSSION NOW.

11 CHAIRMAN RELIS: MR. CONHEIM, DO YOU HAVE ANY
12 IDEA ABOUT THE CONCEPT OF A CREDIT CAP BEING WITHIN OUR
13 DOMAIN?

14 ATTORNEY CONHEIM: MR. CHAIRMAN, THIS IS REALLY
15 WINGING IT BECAUSE THE CONCEPT IS FAIRLY -- CONCEPT IS
16 SIMPLE, BUT ITS APPLICATION THROUGH THE LAW MAY BE A
17 LITTLE COMPLEX. I THINK THAT WE HAVE THE POWER BY
18 REGULATION TO GO QUITE FAR TOWARDS REDEFINING THE
19 THRESHOLD OR CREATING SOME OTHER MEASURE.

20 HOWEVER, THE FURTHER OUT YOU GET, THE MORE
21 SUSCEPTIBLE OF CRITICISM OR LACK OF UNDERSTANDING. AT
22 SOME POINT YOU HAVE TO GO BACK TO THE STATUTE AND ASK
23 THAT THERE BE SOME CLARIFICATION.

24 MY BELIEF, AND I THINK I'LL BE ABLE TO
25 UPHOLD THIS ON MORE THOROUGH REVIEW, IS THAT YOU PROBABLY



1 HAVE THE ABILITY IN THE REGULATION TO DO WHAT YOU ARE
2 TRYING TO DO. HAVING SAID THAT, I THINK THIS REQUIRES
3 SOME MORE STUDY ON OUR PART, BUT I THINK YOU COULD DO
4 THAT.

5 GEORGE, DO YOU HAVE ANY -- DO YOU STRONGLY
6 DISAGREE WITH WHAT I'VE SAID SO FAR?

7 MR. LARSON: I HAVE TO QUALIFY, FIRST OF ALL, MY
8 ABILITY TO PASS ON A LEGAL MATTER, BUT MY OPINION IS THAT
9 IT WOULD -- WE WOULD QUICKLY RUN INTO A SITUATION THAT
10 JUSTIFYING A REGULATION BEFORE THE OFFICE OF
11 ADMINISTRATIVE LAW PROCEDURE MIGHT NOT SUCCEED. I THINK
12 IT MIGHT HAVE LIMITED APPLICATION.

13 ATTORNEY CONHEIM: WE CAN ARGUE THIS POINT, AND
14 WE CAN GO A LOT FURTHER THAN PERHAPS WE HAVE. WE HAVE
15 THE ABILITY TO IMPLEMENT SECTIONS 41780 AND 41781, ETC.
16 OF THE PUBLIC RESOURCES CODE, WHICH SET FORTH THE
17 DIVERSION REQUIREMENTS AND, THENCE, ALSO SET FORTH A
18 DEFINITION OF WASTE DISPOSED.

19 AND SO I THINK THAT WE HAVE THE ABILITY TO
20 ADOPT SOME FAIRLY COMPLEX REGULATIONS IN THAT AREA EVEN
21 THOUGH THEY MAY BE DIFFERENT FROM WHAT WE HAVE DONE UP
22 TILL NOW, IF NOW DOESN'T WORK.

23 BUT, AGAIN, GEORGE IS CORRECT. WHEN YOU
24 RUN AFOUL OF THE OFFICE OF ADMINISTRATIVE LAW, IT MAY NOT
25 ALWAYS BE FOR LEGAL REASONS. IT MAY BE BECAUSE THEY



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1 DON'T UNDERSTAND. AND SO OUR JOB IS NOT WHETHER WE PUSH
2 THE OUTER EDGE OF THE ENVELOPE; BUT WHEN WE PUSH THAT
3 THAT ENVELOPE, WHETHER WE'VE EXPLAINED IT WELL ENOUGH TO
4 OAL, SO IT'S A NONLEGAL DEFENSE.

5 SHORT ANSWER IS, YEAH, I THINK WE CAN GO
6 FURTHER.

7 MR. LARSON: NEXT, IF I MAY PROCEED, A
8 PROPOSAL --

9 CHAIRMAN RELIS: WE'LL STOP AFTER YOUR
10 PRESENTATION, AND WE'LL -- IF ANYONE'S GOT AN IMMEDIATE
11 COMMENT.

12 KEEP IN MIND WHAT WE'RE DOING HERE IS WE'RE
13 FOLLOWING UP AN ACTION THAT WE TOOK AS A BOARD TO LOOK AT
14 OUR REGULATORY OPTIONS. THIS IS NOT -- PRESENTATION OF
15 ANY OF THIS MATERIAL DOES NOT MEAN THE BOARD'S DECIDED,
16 THIS COMMITTEE HAS DECIDED AN APPROACH. IT'S WE HAVE TO
17 LOOK AT OUR AVENUES OF POTENTIAL ACTION. AND SO IF YOU
18 KEEP THAT IN MIND, I THINK YOU'LL BETTER UNDERSTAND WHAT
19 THE PROCESS OF THIS MEETING IS. IT'S AN ITERATIVE EFFORT
20 HERE.

21 GO AHEAD, GEORGE.

22 BOARD MEMBER HUFF: I HAVE A QUESTION HERE.

23 IF YOU CAP -- LET'S SAY YOU CAP INERTS, CAP
24 5 PERCENT. NOW, THERE'S -- IN OUR DATA BASE THERE'S ONE
25 COMMUNITY OUT THERE, WHATEVER IT IS, THAT HAS INERTS UP



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1 AT ABOUT 23 PERCENT NOW. SO THEY'D HAVE TO GET THEIR 25
2 PERCENT, USING 5 PERCENT OF THE INERTS AND 20 PERCENT OUT
3 OF THE OTHER 77, RIGHT?

4 MR. LARSON: THAT'S CORRECT. AND THAT, AS I
5 UNDERSTAND THE INTENT OF THE LAW AND THE INTENT OF THE
6 POLICY STATEMENT, IS CONSISTENT WITH PLACING THAT
7 RESTRICTION SO THAT NEW AVENUES FOR DIVERSION OF OTHER
8 MATERIALS WOULD ACHIEVE THE 25-PERCENT GOAL RATHER THAN
9 GETTING 23 PERCENT THROUGH INERTS IF THEY WERE THAT
10 SUCCESSFUL.

11 BOARD MEMBER HUFF: IT'S ALSO POSSIBLE TO FIND A
12 COMMUNITY THAT WOULDN'T BE ABLE TO ACHIEVE 50 PERCENT IF
13 YOU CAPPED, SAY, INERTS AND THEIR PORTION OF INERTS WAS
14 HIGH ENOUGH. LET'S SAY YOU HAD A COMMUNITY, INSTEAD OF
15 THE 23 PERCENT, YOU HAD A COMMUNITY THAT WAS AT 50
16 PERCENT INERTS.

17 MR. LARSON: IT CERTAINLY IS A SCENARIO THAT
18 COULD EXIST. ALL OF THESE SUGGESTIONS CERTAINLY NEED
19 THOROUGH DISCUSSION SO THAT WE CAN GET THE FULL
20 RAMIFICATIONS AT THE 50 PERCENT LEVEL AS WELL AS THE 1995
21 LEVEL.

22 THE NEXT ITEM PROPOSAL IS SORT OF A
23 WEIGHTED VALUE FOR WHAT WAS RECYCLED OR DIVERTED PRIOR TO
24 AB 939 VERSUS WHAT WAS DIVERTED AFTERWARDS.

25 THE BASIS OF THIS, LET'S USE SAN FRANCISCO



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1 FOR AN EXAMPLE, HAS BY THEIR CLAIMS ALREADY ACHIEVED A
2 25-PERCENT DIVERSION RATE. WELL, I BELIEVE THERE'S SOME
3 STRONG ECONOMIC AND PROBABLY ENVIRONMENTAL DRIVING FORCES
4 BEHIND THAT SINCE THEIR CLOSEST LANDFILL IS 54 MILES AWAY
5 IN ALAMEDA COUNTY. SO CERTAINLY SOME ECONOMIC FACTORS
6 HAVE DRIVEN SUCCESSFUL RECYCLING IN SAN FRANCISCO COUNTY.

7 WHILE -- IF THOSE ECONOMIC AND
8 ENVIRONMENTAL FACTORS EXISTED AND MOTIVATED LOCAL
9 DECISION MAKERS PRIOR TO AB 939, THEY STILL WILL EXIST
10 AFTER 939.

11 THIS PROPOSAL, IF CONSIDERED, WOULD PROVIDE
12 FOR CREDITING OF WHAT WAS RECYCLED BEFORE BUT WEIGHTED ON
13 NOT A ONE-FOR-ONE BASIS. SUCH THAT, FOR EXAMPLE, THEY
14 GET HALF CREDIT OR ONE-HALF FOR ONE OR ONE FOR TWO PRIOR
15 TO 939, AND MAYBE TWO FOR ONE OF CREDIT AFTER 939, SO
16 THAT THOSE JURISDICTIONS THAT ARE AT OR CLOSE TO 25
17 PERCENT HAVE INCENTIVE TO DO MORE.

18 AND YOU KNOW, AGAIN, WE -- THIS IS AN
19 APPROACH. I THINK YOU WILL SEE, AS WE GO THROUGH THESE,
20 IT BECOMES A LITTLE BIT CLEARER MAYBE LEGALLY THAT WE'RE
21 GETTING MORE INTO THE STATUTORY RATHER THAN REGULATORY
22 ARENA. BUT I MEAN IT IS AN IDEA THAT I -- STAFF OFFER AS
23 JUST A DISCUSSION POINT.

24 CHAIRMAN RELIS: QUESTIONS? GO AHEAD.

25 MR. LARSON: REDEFINING SOLID WASTE, AS WE HAVE



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1 SEEN FOR VARIOUS PURPOSES AND VARIOUS LAWS THAT ARE
2 WRITTEN TO ADDRESS A SPECIFIC ISSUE, ANY DEFINITION OF
3 ANY TERM CAN BE WRITTEN TO DEFINE FOR THE PURPOSES OF
4 THIS SECTION. AND UNDER THIS, WHICH IS MORE CLEARLY A
5 STATUTORY REVISION TO THE DEFINITION, THE BOARD CAN INPUT
6 AND CERTAINLY THE LEGISLATURE DEFINE THOSE MATERIALS THAT
7 THEY WANT INCLUDED IN THE TERM OR DEFINITION OF SOLID
8 WASTE FOR THE PURPOSES OF ACHIEVING THE DIVERSION GOALS
9 OF AB 939. I THINK IT'S MORE CLEARLY STATUTORY.

10 NEXT, MAKE DIVERSION GOALS REGION SPECIFIC
11 BY MATERIAL TYPE. THIS SORT OF ADDRESSES THE ISSUE THAT
12 A LAW IN SACRAMENTO NEVER PLAYS AS WELL IN POMONA AS IT
13 DOES IN EUREKA.

14 THIS PROVIDES AN OPPORTUNITY TO STRUCTURE
15 DIVERSION GOALS AND OTHER ACTIVITIES RELATED TO DIVERSION
16 ON A REGION-BY-REGION BASIS, ACCOMMODATING SUCH THINGS AS
17 DIFFERENCES BETWEEN RURAL AND URBAN SITUATIONS, THE NEED
18 FOR MARKET DEVELOPMENT ACTIVITIES, MATERIALS FLOW, AND
19 CAPACITY NEEDS. THESE COULD BE VARIABLES THAT WOULD
20 IMPACT THE ESTABLISHMENT OF REGIONAL GOALS.

21 GETTING BACK TO ANOTHER POINT TO WHICH
22 BOARD MEMBER HUFF ALLUDED TO EARLIER, IN THIS CASE ON A
23 REGIONAL BASIS, THE BOARD COULD MEASURE IN THE AGGREGATE
24 TO WHERE AT THE END OF THIS -- IF THIS WERE THE SYSTEM IN
25 PLACE, THE BOARD WOULD BE ABLE, BASED UPON HOWEVER MANY



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1 REGIONS WERE ESTABLISHED, TO COME UP WITH A PRETTY
2 RELIABLE MACRO DATA OF WHAT'S GOING ON IN THE STATE OF
3 CALIFORNIA, AND THEN MAYBE HAVE ONLY FIVE, SIX, OR EIGHT
4 REGIONS TO WHICH IT BREAKS INFORMATION DOWN.

5 AND, ALSO, I MIGHT ADD FROM AN ECONOMIC
6 PERSPECTIVE, THAT'S ONLY EIGHT OR LESS WASTE
7 CHARACTERIZATION, DISPOSAL ANALYSES, AND OTHER CONSULTANT
8 SECURITY ACTIVITIES THAT HAVE TAKEN PLACE THUS FAR.

9 THE LAST ONE WHICH THE REASON I ASKED IF IT
10 WOULD BE OKAY IF WE REVERSED THESE ITEMS, ONE AND TWO, IS
11 REALLY A REFLECTION OF SOME PROPOSALS THAT YOU WILL SEE
12 IN THE NEXT AGENDA ITEM.

13 AND THIS I HAVE LISTED AND CREDIT OTHERS
14 FOR HAVING CREATED, BUT BASICALLY IT STATES THAT WE COULD
15 MEASURE DIVERSION BASED UPON DISPOSAL CHARACTERIZATION,
16 IGNORE WASTE GENERATION DATA FOR THESE PURPOSES, IGNORE
17 DIVERSION DATA, GO TO THE DISPOSED MATERIALS THROUGHOUT
18 THE JURISDICTIONS IN CALIFORNIA AT THE LANDFILLS, AND
19 CHARACTERIZE THAT, FIND OUT WHAT IS IN THAT WASTESTREAM.

20 THEN THE BOARD, IN THIS CASE, WOULD BE ONE
21 OPPORTUNITY TO ESTABLISH VARIABLE GOALS FOR VARIOUS AREAS
22 OF THE STATE, SUCH THAT, IF SUCCESSFUL RECYCLING IS GOING
23 ON PRIOR TO REACHING THAT LANDFILL, THERE SHOULD NOT BE A
24 LOT OF MATERIALS OF A RECYCLABLE NATURE COMPARED TO AN
25 AREA WHERE DISPOSAL IS TAKING PLACE WHERE NO DIVERSION OR



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1 RECYCLING IS GOING ON, THEREFORE ESTABLISHING A HIGHER
2 PERCENTAGE GOAL FOR THAT JURISDICTION WHERE IT IS RICH
3 WITH RECYCLABLES OR DIVERTABLES.

4 SO THAT IS SOMETHING THAT I BELIEVE IS OUT
5 ON THE TABLE FROM VARIOUS SOURCES OUTSIDE THIS BOARD THAT
6 WILL BE SUMMARIZED IN THE NEXT AGENDA ITEM.

7 CHAIRMAN RELIS: WELL, WE COULD STOP HERE. AND
8 IF THERE ARE PEOPLE IN THE AUDIENCE WHO WANT TO SPEAK TO
9 THIS PARTICULAR ITEM, ITEM NO. 2, WE COULD HEAR FROM YOU
10 NOW, AND THEN WE'LL MOVE INTO -- WE'LL TAKE A BREAK AND
11 THEN MOVE INTO ITEM NO. 1.

12 SO I'VE GOT SOME -- YVONNE HUNTER, DO YOU
13 WANT TO SPEAK ON THIS, ON WHAT WE'VE COVERED NOW? OKAY.

14 MS. HUNTER: THANK YOU, MR. CHAIRMAN. I'M
15 YVONNE HUNTER WITH THE LEAGUE OF CALIFORNIA CITIES. AND
16 I GOT THE STACK OF -- I WAS ONE OF THE LUCKY ONES TO GET
17 THE DATA. AND THANK YOU TO ALL WHO PUT THE DATA IN AND
18 FIGURED OUT THE BEST WAY TO MANIPULATE IT. I THINK IT
19 CERTAINLY RESPONDED TO A LOT OF QUESTIONS WE HAD THE LAST
20 TIME, WHAT SORT OF COMMUNITIES ARE REFLECTED IN THE DATA,
21 AND PROBABLY GIVES US MORE INFORMATION THAN WE POSSIBLY
22 KNEW WE EVER WANTED.

23 BUT I THINK IT WILL BE VERY, VERY USEFUL IN
24 ALLOWING US TO KNOW WHAT'S REALLY GOING ON IN THE REAL
25 WORLD. AND THEN IF YOU -- AS WAS DISCUSSED, AS YOU



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1 CHANGE THE THRESHOLD, WHAT DOES THAT DO.

2 JUST A COUPLE OF POINTS OF CLARIFICATION.
3 IF I HEARD CORRECTLY, THE BOARD DOES HAVE THE AUTHORITY
4 NOT ONLY TO CHANGE -- I WANT TO MAKE SURE I UNDERSTAND
5 THIS CORRECTLY -- NOT ONLY TO CHANGE THE THRESHOLD, BUT
6 TO MAKE IT DIFFERENT FOR DIFFERENT MATERIALS; IS THAT
7 CORRECT? I MEAN THAT'S WHAT I ASSUMED.

8 ATTORNEY CONHEIM: THE THRESHOLD CONCEPT ITSELF
9 IS A REGULATORY CREATURE.

10 MS. HUNTER: RIGHT. SO YOU CAN CREATE IT ANY
11 WAY YOU WANT.

12 ATTORNEY CONHEIM: AND, YOU KNOW, JUST FROM A --
13 PLAYING THE ODDS WITH OAL, SINCE THEY'VE ALREADY APPROVED
14 OF THE CONCEPT OF OUR SETTING A THRESHOLD, I THINK WE CAN
15 SET IT ANY WAY THAT IT WORKS. WE HAVE THE POWER TO
16 IMPLEMENT THIS LAW. I'M NOT SO SURE ABOUT THE CREDIT
17 CAPS, BUT WE'LL HAVE TO LOOK AT THAT. THERE ARE OTHER
18 WAYS AROUND IT.

19 MS. HUNTER: WE WOULD AGREE WITH YOU, I THINK,
20 ON CREDIT CAPS, BUT I'M NOT SURE WHAT THAT -- THAT'S A
21 REAL TRICKY ONE. I DON'T KNOW ABOUT THAT ONE.

22 BUT I ALSO HAVE A QUESTION. I THINK MR.
23 LARSON STATED THAT -- IF I HEARD YOU CORRECTLY -- IN
24 REVIEWING THE 124 OR 146, MAYBE IT WAS ONE OF THE OTHER
25 STAFF PEOPLE THAT SAID IT, YOU FELT THAT FOR THOSE THAT



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1 WERE -- WHERE THERE WERE BLATANT -- I THINK THAT WAS THE
2 TERM THAT WAS USED -- NUMBERS OUT THERE CLAIMING LARGE
3 DIVERSION CREDITS BASED ON INERTS OR SOME OTHER MATERIAL,
4 THAT YOU THOUGHT YOU HAD THE REGULATORY AUTHORITY TO
5 ADDRESS THOSE ON A CASE-BY-CASE BASIS? DID I HEAR YOU
6 CORRECTLY? AND THEN CAN YOU JUST GIVE US AN EXAMPLE OF
7 HOW YOU MIGHT ADDRESS THAT?

8 MR. LARSON: GLAD YOU BROUGHT THAT UP BECAUSE I
9 THINK IT NEEDS MORE CLARIFICATION.

10 WHAT MY INTENT IN THAT WAS THAT IN THE
11 BOARD STAFF'S REVIEW OF AN SRRE THAT ARRIVES HERE FOR
12 ANALYSIS CLAIMING 35 PERCENT INERT DIVERSION, WHERE THERE
13 IS NO SUBSTANTIATION OF WHAT THEY'RE DOING OR HOW THEY'RE
14 DOING IT, IT IS AS AN ANALYTICAL RECOMMENDATION IN STAFF
15 COMMENTS BACK TO THE JURISDICTION THAT THIS IS
16 UNACCEPTABLE AND UNSUBSTANTIATED INFORMATION THAT
17 NEEDS -- YOU EITHER NEED TO BRING FORTH TO THE BOARD
18 ULTIMATELY TO APPROVE HOW ARE YOU DIVERTING THIS 35
19 PERCENT OR THE BOARD ISN'T -- WE'RE GOING TO RECOMMEND TO
20 THE BOARD THAT IT'S NOT GOING TO BE AN ACCEPTABLE PLAN.

21 MS. HUNTER: THAT'S REASONABLE.

22 MR. LARSON: AND WHERE I NEED -- WANTED TO
23 CLARIFY IS THAT THAT IS NOT A REGULATORY ISSUE.

24 MS. HUNTER: OKAY. IT SEEMS TO ME, LISTENING TO
25 THE DISCUSSION ON CHANGING THE THRESHOLDS, IN THE



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1 BEGINNING I THOUGHT, BOY, THIS IS IT. DO IT THIS WAY AND
2 WE CAN AVOID THE LEGISLATIVE BATTLE. BUT AS WAS
3 DISCUSSED FURTHER ON, IT MAY NOT GET -- LET'S JUST FOCUS
4 IT ON INERTS.

5 IF THE QUESTION -- AND I'M SPEAKING
6 HYPOTHETICALLY. THIS IS NOT A LEAGUE POSITION OR
7 ANYTHING, JUST TRYING TO CLARIFY. IF WE'RE TRYING TO
8 DIFFERENTIATE, FOR EXAMPLE, A COMMUNITY THAT HAS SET UP A
9 PROGRAM AT THE LANDFILL TO PUT INERTS ON THE SIDE, DON'T
10 LANDFILL THEM, GRIND THEM UP, USE THEM FOR ROAD BASE,
11 ETC., IF YOU WANT TO DIFFERENTIATE THAT COMMUNITY FROM
12 A -- AND THEY ARE TAKING CREDIT -- LET'S SAY THEY'RE
13 TAKING 10-PERCENT CREDIT OR WHATEVER -- YOU WANT TO
14 DIFFERENTIATE THAT FROM A COMMUNITY WHERE SOMEBODY ON THE
15 PHONE TO ME SAID HAS -- THE WASTESTREAM HAS ITS OWN
16 PRIVATE SORT OF DIVERSION RECYCLING HISTORY BECAUSE WHEN
17 BUILDINGS ARE DEMOLISHED, THEY SELL THE MATERIAL THAT
18 GETS PUT TO SOME OTHER USE AND IT NEVER GOES TO A
19 LANDFILL. AND A COMMUNITY IS TAKING CREDIT FOR THAT,
20 LET'S SAY, 5 PERCENT.

21 IF YOU SIMPLY CHANGE THE THRESHOLD LEVEL,
22 YOU ARE NOT GOING TO BE DIFFERENTIATING BETWEEN THOSE TWO
23 TYPES OF ACTIVITIES, AND I THINK THERE WERE THOSE THAT
24 WOULD DIFFERENTIATE THE VALIDITY OR THE APPROPRIATENESS
25 OF THOSE TWO TYPES OF ACTIVITY.



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1 SO I DON'T KNOW HOW THAT WORKS. IT'S
2 CERTAINLY SOMETHING TO THINK ABOUT. BUT LOOKING AT THE
3 THRESHOLD LEVELS CERTAINLY IS IMPORTANT.

4 I'D ALSO JUST LIKE TO SHARE WITH YOU A
5 COUPLE OF REAL WORLD INSTANCES LAST COUPLE OF DAYS ON THE
6 PHONE. I TALKED TO ONE CITY THAT, SORT OF AT A DILEMMA,
7 THEY HAD DECIDED NOT TO INCLUDE INERTS AT ALL BECAUSE
8 THEY FIGURED IT WAS NOT APPROPRIATE, WASN'T WITH THE
9 INTENT OF 939, THEIR NUMBERS WOULD BE SKEWED MUCH TOO
10 HIGH. SO THEY'VE TAKEN OUT OF THE NUMERATOR AND
11 DENOMINATOR. THEY ARE NOW -- AND THEY PUT THAT IN THEIR
12 ELEMENT. I THINK THEY'RE EXISTING CONDITIONS, THEY THINK
13 THEY'RE AT 13 PERCENT.

14 THEY ARE NOW HEARING, AND THEY HAVE HEARD
15 FROM THEIR PRIVATE SECTOR AT SOME OF THEIR PUBLIC
16 HEARINGS, THAT THERE IS A LOT OF DIVERSION GOING ON IN
17 THE INERT AREA THAT THE CITY SHOULD INCLUDE -- I THINK
18 YOU PROBABLY TALKED TO THE CITY -- THAT THE CITY SHOULD
19 INCLUDE AND WOULD INCREASE THE NUMBERS TO 44 PERCENT, AND
20 THE PRIVATE SECTOR IS VERY UNHAPPY BECAUSE THE CITY IS
21 ONLY AT 13 PERCENT. THEY'RE GOING TO BEGIN TO GET INTO
22 COMMERCIAL RECYCLING IN A BIG WAY AND PUT BURDENS ON THE
23 COMMERCIAL SECTOR AND ALL OF THIS, SO THE CITY IS CAUGHT
24 IN BETWEEN.

25 ANOTHER COMMUNITY I TALKED TO TODAY IS SORT



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1 OF CONFUSED, AND ACTUALLY I TALKED JUST BEFORE I LEFT THE
2 OFFICE, SORT OF CONFUSED WHAT TO DO WITH AG WASTE. THEY
3 INITIALLY THOUGHT NOT TO INCLUDE AG WASTE IN THEIR
4 PRELIMINARY SRRE BECAUSE THEY THOUGHT IT WAS, AGAIN, ONE
5 OF THESE SORT OF EXISTING WASTE DIVERSION CYCLES,
6 RECYCLING CYCLES, AND THEY DIDN'T WANT TO INCLUDE IT.

7 THEY GOT COMMENTS BACK FROM THE LOCAL TASK
8 FORCE AND THE WASTE BOARD, AND I HAVE TO GIVE A CAVEAT ON
9 THE COMMENTS FROM THE WASTE BOARD, HE WAS GOING TO GO
10 BACK AND LOOK SPECIFICALLY AT THE COMMENTS, WHETHER THEY
11 SAID THEM SPECIFICALLY OR HE WAS INFERRING IT, BUT
12 SUGGESTED THAT THEY TAKE ANOTHER LOOK AT THE DIVERSION
13 POTENTIAL FROM THE AG WASTE BECAUSE THEY WERE MISSING
14 SOME POTENTIAL TO INCLUDE IN THEIR EXISTING CONDITIONS
15 THAT WOULD INCREASE THE NUMBERS WAY BEYOND WHAT THEY HAD.
16 AND THEY WERE CONCERNED THAT THEY MIGHT HAVE A
17 DISAPPROVED ELEMENT BECAUSE THEY WEREN'T COUNTING AS MUCH
18 DIVERSION AS THEY SHOULD HAVE.

19 SO THERE'S A FAIR AMOUNT OF CONFUSION OUT
20 THERE. I ASSURED THEM I DID NOT THINK THAT THE WASTE
21 BOARD WOULD DISAPPROVE THEIR ELEMENT BECAUSE THEY DECIDED
22 NOT TO INCLUDE A CERTAIN MATERIAL.

23 ANYWAY, THERE IS SOME CONFUSION. WE HAVE A
24 POLICY COMMITTEE MEETING THIS THURSDAY TO TRY TO CLARIFY,
25 FINALIZE, OR GET MORE FINAL A LEAGUE POSITION.



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1 LET ME JUST SAY, BECAUSE I DO HAVE TO LEAVE
2 FOR AN APPOINTMENT IN A FEW MINUTES, I WON'T BE HERE FOR
3 THE DISPOSAL CALCULATION CONCEPT. WE ARE VERY INTRIGUED
4 WITH IT. NOW, I'M SPEAKING OFFICIAL LEAGUE POSITION. WE
5 ARE VERY INTRIGUED WITH IT. WE THINK IT STANDS A LOT OF
6 MERIT.

7 WE DO, HOWEVER, AT THIS POINT, AND I THINK
8 WE WILL IN THE FUTURE, IF ANY SWITCH TO CHANGING TO A
9 DISPOSAL BASED CALCULATION, WE THINK YOU NEED TO BE ABLE
10 TO INCORPORATE CREDIT FOR EXISTING CONDITIONS BECAUSE
11 OTHERWISE YOU'RE PUTTING A CITY LIKE SAN JOSE AND DAVIS,
12 WHICH HAD YEARS OF DOING GOOD BASIC RECYCLING, IN THE
13 SAME POSITION AS WOODLAND AND WINTERS. AND TO HAVE BOTH
14 OF THOSE HAVE TO REDUCE THEIR DISPOSAL CAPACITY BY 25
15 PERCENT DOES NOT MAKE SENSE.

16 SO THANK YOU VERY MUCH.

17 CHAIRMAN RELIS: ANYONE ELSE WISH TO SPEAK ON
18 ITEM 2? BERNIE MEYERSON.

19 MR. MEYERSON: MY NAME IS BERNIE MEYERSON. I'M
20 A PARTNER IN MULTIMATERIAL MANAGEMENT AND MARKETING.
21 WHAT I'D LIKE -- THE COMMENT I HAVE TODAY IS I'D LIKE TO
22 MAKE SOME SPECIFIC COMMENTS IN TERMS OF THE REGULATORY
23 AUTHORITY OF THE BOARD WITH REGARD TO THIS. BUT ALSO I'D
24 LIKE TO ENTER THE CAVEAT THAT IF WE KEEP TALKING WITHIN
25 FALSE PARAMETERS, WE JUST GET INCREASINGLY BOGGED DOWN IN



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1 SOMETHING WHICH I THINK IS INHERENTLY WRONG.

2 AND I THINK -- I'M NOT JUST AS A
3 PROFESSIONAL, BUT AS A CITIZEN OF THE STATE OF CALIFORNIA
4 AND AS A CITIZEN OF A LOCAL ENTITY, WE'RE ALL FACED WITH
5 SERIOUS BUDGETARY PROBLEMS. I THINK WE CAN'T, IN GOOD
6 CONSCIENCE, CONTINUE TO PURSUE THINGS WHICH ARE
7 FUNDAMENTALLY WRONG AND COSTLY AND WON'T YIELD WHAT WE
8 WANT.

9 I'M QUITE CONCERNED THAT IN ALL THE
10 DISCUSSION THIS MORNING, WE REALLY DIDN'T DEAL WITH THE
11 ISSUE OF WHY ARE WE CONCERNED WITH THE DEFINITION OF WHAT
12 IS NORMALLY DISPOSED AND WHAT COUNTS AND WHAT DOESN'T
13 COUNT?

14 BECAUSE THAT, TO ME, IS KEY TO HOW YOU WANT
15 TO CHANGE THE DEFINITION. WE'RE CONCERNED WITH THOSE
16 ISSUES, I THINK, BECAUSE FUNDAMENTALLY WE WANT TO REDUCE
17 WHAT'S GOING INTO OUR LANDFILLS. AND I THINK THAT WAS
18 ONE OF THE BASIC REASONS FOR 939. IF I'M WRONG ABOUT
19 THAT, THEN WE'RE WAY OFF ON A WHOLE VARIETY OF THINGS.

20 BUT FOR ME, THE ISSUE OF WHAT IS NORMALLY
21 DISPOSED IN THAT CONTEXT IS A VERY SIMPLE ONE. WHAT IS
22 DISPOSED IS WHAT IS. IN OTHER WORDS, WHAT IS GOING INTO
23 THE LANDFILL IS WHAT IS NORMALLY DISPOSED. THE ISSUE
24 COMES UP BECAUSE YOU'RE MEASURING WHAT'S INSIDE TO
25 DETERMINE WHETHER YOU CAN COUNT WHAT'S OUTSIDE. AND THAT



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1 IS WHERE YOU RUN INTO THE PROBLEM.

2 SO I WANT TO THROW OUT SOMETHING HERE WHICH
3 IS JUST AN IDEA THAT I'VE HAD AFTER A LOT OF HOURS OF
4 THINKING ABOUT THIS. AND IT MAY FALL MORE INTO THE
5 LEGISLATIVE AREA, BUT HERE AGAIN, I SAY WE DON'T WANT TO
6 GET TOO BOGGED DOWN IN THE WHAT IS IF IT'S FUNDAMENTALLY
7 WRONG. AND THAT IS TO OFFER -- I APPRECIATE THE NEED
8 THAT CITIES AND THAT LOCAL JURISDICTIONS NEED TO COUNT
9 WHAT THEY'VE ALREADY BEEN DOING, THEY NEED TO GET CREDIT
10 FOR IT. WHAT DOES THAT CREDIT MEAN? THAT'S WHAT'S OF
11 CONCERN TO ME.

12 FOR EXAMPLE, YOU MIGHT GET A COMMUNITY
13 THAT'S DOING 60 PERCENT DIVERSION, BUT THEY HAVE LANDFILL
14 CAPACITY OF FOUR YEARS. THEN YOU MIGHT GET ANOTHER
15 COMMUNITY THAT HAS 5 PERCENT DIVERSION, AND THEY MAY HAVE
16 LANDFILL CAPACITY OF 60 YEARS. NOW, WHICH ONE HAS THE
17 BIGGER PROBLEM IN TERMS OF THE STATE'S CONCERN?

18 IT SEEMS TO ME THAT THE ONE WITH FOUR YEARS
19 CAPACITY, EVEN THOUGH THEY'RE DOING 60 PERCENT DIVERSION,
20 HAS A MUCH LARGER PROBLEM THAN THE OTHER COMMUNITY.

21 AND I DON'T SEE THAT RELATIONSHIP BETWEEN
22 LANDFILL CAPACITY AND THE AMOUNT OF DIVERSION. SO WHAT
23 I'M SUGGESTING IS THIS IN VERY SIMPLE TERMS.

24 WHEN WE TALK ABOUT EXISTING CONDITIONS,
25 EXISTING DIVERSION, WHAT IS IMPORTANT IS TO CHARACTERIZE



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1 IT, NOT TO COUNT IT. WE NEED TO DESCRIBE IN EVERY
2 COMMUNITY WHAT STRUCTURES EXIST, BOTH PRIVATE SECTOR AND
3 PUBLIC SECTOR, FOR THE STORAGE, COLLECTION, PROCESSING,
4 MARKETING, AND END USE OF A WHOLE VARIETY OF MATERIALS
5 WHICH ARE DEFINED.

6 HAVING DONE THAT, AND ONLY TO DESCRIBE IT
7 IN TERMS OF -- WITHOUT SAYING WHAT -- HOW MANY POUNDS OF
8 THIS OR HOW MANY TONS OF THAT. IF WE ONLY HAD TO DO
9 THAT, WE WOULD HAVE THE FULL COOPERATION OF BOTH THE
10 PUBLIC AND PRIVATE SECTOR IN GETTING THE RIGHT
11 INFORMATION.

12 THEN WE NEED TO GO TO SAY, OKAY, NOW THAT
13 WE'VE DESCRIBED ALL THIS -- AND OBVIOUSLY, THE
14 COMMUNITIES LIKE SAN JOSE THAT HAVE DONE A LOT OF WORK
15 WILL HAVE A-MAJOR STRUCTURE TO DESCRIBE. IT WILL HAVE
16 CHARACTERIZED A VERY SUBSTANTIAL STRUCTURE. AND OTHER
17 COMMUNITIES THAT HAVEN'T DONE ANYTHING WON'T HAVE TOO
18 MUCH OF A STRUCTURE TO DESCRIBE.

19 THEN WE GO TO THE SECOND PART. THE SECOND
20 PART IS, OKAY, GIVEN ALL THAT, WHAT ARE WE NOW DISPOSING?
21 THAT'S YOUR BASELINE YEAR. OKAY. YOU CHARACTERIZE THAT
22 IN TERMS OF WHAT'S IN IT AND HOW MUCH OF IT. AND THEN
23 YOUR GOAL, AND MAYBE BASED ON HOW MUCH LANDFILL CAPACITY
24 IS LEFT IN COMMUNITY BY COMMUNITY, MAYBE THEN YOU SAY,
25 OKAY, YOUR GOAL, THEN, IS TO REDUCE -- IF YOU'RE PUTTING



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1 100,000 TONS A YEAR IN IN 1990, MAYBE THE NEXT YEAR
2 COMMUNITY A, WHICH HAS A SHORT-TERM SPAN, HAS TO REDUCE
3 THAT BY 10 PERCENT. COMMUNITY B, WHICH HAS A LONGER
4 CAPACITY, MIGHT ONLY HAVE TO REDUCE THAT NEXT SHOT BY 5
5 PERCENT.

6 BUT THEN YOU'RE FOCUSING IN STRICTLY ON
7 WHAT IS DISPOSED, AND YOU DON'T HAVE TO GO THROUGH THIS
8 WHOLE BUSINESS OF TRACKING AND COUNTING AND ALL THE STUFF
9 THAT'S OUT THERE.

10 IT SEEMS TO ME THAT'S A MUCH MORE RATIONAL
11 APPROACH TO WHAT WE'RE TRYING TO DO AND WILL RESULT,
12 ULTIMATELY, IN A NET REDUCTION OF WHAT'S GOING INTO THE
13 LANDFILL.

14 BECAUSE THE BOTTOM LINE OF THE EXISTING
15 SYSTEM IS YOU CAN END UP WITH 50 PERCENT DIVERSION AND BE
16 PUTTING AS MUCH TONS INTO YOUR LANDFILL WITH THE
17 50-PERCENT DIVERSION IN THE YEAR 2000 AS YOU ARE TODAY
18 WITH NO REAL GREAT RELIEF FOR YOUR LANDFILL CRISIS.

19 CHAIRMAN RELIS: THANKS. IF I'M NOT MISTAKEN, I
20 THINK IN OUR 939 PLANS, THE FIRST PART OF YOUR SUGGESTION
21 IS COVERED. WE HAVE ASKED FOR EVERY JURISDICTION FOR A
22 VERY DETAILED DESCRIPTION. AM I NOT MISTAKEN IN THE
23 SRRE'S EXISTING CONDITIONS, SO WE HAVE THAT
24 INFRASTRUCTURE.

25 MR. MEYERSON: BUT I THINK IT'S NOT REALLY BEING



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1 DONE WITH THE SPECIFICITY THAT NEEDS TO BE DONE BECAUSE
2 WE HAVEN'T REALLY FOCUSED IN ON WHAT MATERIAL
3 SPECIFICATIONS EXIST OUT THERE FOR GIVEN SPECIFIC
4 MATERIALS. YOU KNOW, WE JUST SAY, YES, YOU KNOW, WE'RE
5 RECOVERING X AMOUNT OF FERROUS SCRAP OR WE'RE RECOVERING
6 Y AMOUNT OF GLASS.

7 CHAIRMAN RELIS: YOU'RE SAYING MORE DETAILED?

8 MR. MEYERSON: YES. BECAUSE THE REALITY OF THE
9 MARKETPLACE. WHAT'S HAPPENED NOW, FOR EXAMPLE, IS THAT
10 EVERYBODY SAYS, OH, LOOK AT ALL THIS MIXED PAPER WE HAVE
11 OUT IN THE WASTESTREAM. SO THAT'S -- PUT THAT INTO OUR
12 PROGRAM WITHOUT REALLY SEEING WHETHER THERE IS A
13 STRUCTURE, AN EXISTING STRUCTURE, THAT CAN ACCOMMODATE
14 THE KIND OF MIXED PAPER THAT THEY'RE TALKING ABOUT.

15 SO IN THAT SENSE WE NEED TO GET MUCH MORE
16 SPECIFIC IN OUR CHARACTERIZATIONS SO THAT OUR STRUCTURE
17 IS DEFINED MUCH MORE SPECIFICALLY. BUT THEN NOT GET
18 INVOLVED IN QUANTIFICATION, WHICH IS THE BIG PROBLEM.

19 CHAIRMAN RELIS: OKAY. WE HAVE TWO OTHER PEOPLE
20 WHO HAVE ASKED TO SPEAK ON THIS ITEM. FRANK BOWERMAN.
21 YOU WANT TO SPEAK NOW, FRANK?

22 MR. BOWERMAN: I THINK I SHOULD ADDRESS THE
23 AGENDA ITEM 1. I THINK THAT WAS WHAT I PROBABLY INTENDED
24 TO DO.

25 CHAIRMAN RELIS: OKAY. AND DID I MISS ANYONE



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1 ELSE WHO WANTED TO -- WILSON HUBBELL, YES, SANTA BARBARA
2 COUNTY.

3 MR. HUBBELL: HELLO. MY NAME IS WILSON HUBBELL.
4 I'M THE MANAGER OF SOLID WASTE OPERATIONS FOR THE COUNTY
5 OF SANTA BARBARA. I DO LANDFILLS AND RECYCLING. I GET
6 TO WEAR BOTH A BLACK HAT AND A WHITE HAT IN THAT
7 CAPACITY.

8 I'M HERE TODAY TO PLEAD GUILTY TO RECYCLING
9 OF INERTS, WHITE GOODS, AND AG WASTE, AND TRYING TO CLAIM
10 CREDIT FOR IT, BUT I'D LIKE TO GIVE AN EXPLANATION OF ALL
11 OF THIS.

12 SOMETIME AGO, QUITE BEFORE AB 939, WE WOULD
13 WATCH GARBAGE TRUCKS COME AND GO FROM THE LANDFILL ALL
14 DAY LONG. AND WE NOTICED THAT THERE WAS A SUBSTANTIAL
15 AMOUNT OF INERT MATERIAL, SOME OF THIS -- IN FACT, A GOOD
16 PORTION OF THIS COMING FROM CALTRANS. WE BECAME VERY
17 CONCERNED, OBVIOUSLY.

18 WE WERE TEARING DOWN OAK TREES IN SANTA
19 BARBARA COUNTY TO BURY ASPHALT AND CONCRETE. AND QUITE
20 FRANKLY, TO AN OAK WOODLAND HABITAT, IT DOESN'T MATTER
21 WHETHER IT'S HOUSEHOLD GARBAGE OR CONCRETE OR ASPHALT.
22 IF YOU'RE GOING TO DESTROY A HABITAT TO BURY SOMETHING,
23 YOU'RE GOING TO DESTROY THE HABITAT.

24 THE COUNTY DECIDED TO DO SOMETHING ABOUT
25 THIS. OUR PUBLIC WORKS DIRECTOR AT THE TIME, WHO'S NOW



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1 THE CHIEF ADMINISTRATIVE OFFICER FOR THE COUNTY, ACTUALLY
2 TRIED TO INSTALL A PRIVATE CHIPPING OPERATION ON COUNTY
3 LAND TO RECYCLE CONCRETE AND ASPHALT. IT WAS INCREDIBLY
4 CONTROVERSIAL, AND IT WAS EVENTUALLY TURNED DOWN. BUT
5 THAT SAME CONCRETE AND ASPHALT RECYCLING OPERATION WAS
6 ABLE TO LOCATE ELSEWHERE IN THE COUNTY.

7 AT THE SAME TIME WE RAISED OUR TIPPING FEES
8 AT THE LANDFILL. WE'RE CURRENTLY CHARGING \$65 A TON IF
9 YOU BRING ME INERT MATERIAL TO ONE OF OUR SOLID WASTE
10 TRANSFER STATIONS.

11 LAST, BUT NOT LEAST, THE CITY OF SANTA
12 BARBARA BEGAN TO OFFER REBATES ON LOW FLOW TOILETS
13 BECAUSE, AS YOU'VE HEARD IN THE PRESS, WE'VE GOT A LITTLE
14 BIT OF A WATER PROBLEM DOWN IN THE SANTA BARBARA AREA.
15 AS A CONSEQUENCE, I STARTED TO SEE LARGE NUMBERS OF OLD
16 TOILETS SHOWING UP AT THE LANDFILL.

17 WE PROCEEDED TO INTRODUCE A RATHER NOVEL
18 PROGRAM TO CRUSH TOILETS AND CREATE ROAD BASE OUT OF IT,
19 AND IT WAS PICKED UP BY THE ASSOCIATED PRESS AND WE GOT
20 INK IN THE WALL STREET JOURNAL AND THE L.A. TIMES,
21 NATIONAL GEOGRAPHIC, AND EVEN ROAD AND TRACK.

22 UNFORTUNATELY, OUR NOVEL TOILET RECYCLING
23 PROGRAM, WHICH WE JUST GOT A VERY LARGE AWARD FROM CSAC
24 FOR, IS NOT COUNTABLE BECAUSE TOILETS ARE INERT MATERIAL.
25 GLASS THAT IS NOT RECYCLED, BUT IS PUT IN A ROAD BASE AS



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1 GLASSPHALT AS DONE IN NEW YORK CITY, THAT IS NOW -- GLASS
2 THEN BECOMES INERT MATERIAL RATHER THAN RECYCLABLE
3 MATERIAL, AND IT'S NOT COUNTABLE.

4 I GUESS MY POINT HERE, AND I THINK IT
5 CORRESPONDS VERY CLOSELY WITH WHAT YVONNE WAS SAYING FROM
6 THE LEAGUE OF CALIFORNIA CITIES, IS THAT INERT RECYCLING
7 IS NOT A SLAM-DUNK TYPE OF OPERATION. WE'RE NOT JUST
8 TAKING CREDITS FOR THESE THINGS BECAUSE IT WAS AN EASY
9 THING TO DO. SOME OF US PUT A LOT OF SWEAT INTO GETTING
10 THESE PROGRAMS TOGETHER.

11 THE OTHER THING, AND IT REALLY KIND OF BEGS
12 THE QUESTION, IF WILSON HUBBELL DOWN IN SANTA BARBARA CAN
13 DO A GOOD JOB RECYCLING INERT MATERIALS, WHAT I WANT TO
14 KNOW IS WHAT ABOUT THESE PEOPLE THAT ARE ONLY CLAIMING 1
15 PERCENT AND 2 PERCENT INERTS RECYCLED?

16 IF I'VE GOT THAT MANY INERTS AND CALTRANS
17 IS WORKING IN THEIR NEIGHBORHOOD, THE QUESTION THAT OUGHT
18 TO BE ASKED IS WHAT ARE YOU DOING ABOUT YOUR INERTS? HOW
19 COME YOUR NUMBERS AREN'T AS HIGH AS SANTA BARBARA AND
20 SOME OF THESE OTHER PLACES?

21 BECAUSE AS WE SIT HERE TODAY, I WILL TELL
22 YOU THAT THERE ARE LITERALLY THOUSANDS OF TONS OF INERT
23 MATERIALS THAT ARE BEING BURIED IN THIS STATE TODAY AND
24 EVERY OTHER DAY.

25 LAST, BUT NOT LEAST, I JUST WANT TO IMPRESS



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1 THIS UPON YOU. THOSE OF US WHO DID GET ONBOARD WITH
2 RECYCLING EARLY ON AND CAME UP WITH INNOVATIVE PROGRAMS,
3 I REALLY DON'T THINK WE OUGHT TO BE PENALIZED JUST
4 BECAUSE WE CAME UP WITH THOSE BEFORE AB 939 CAME INTO
5 EFFECT.

6 THAT'S ALL I HAVE TO SAY. THANKS.

7 CHAIRMAN RELIS: DENISE.

8 MS. DELMATIER: THANK YOU. DENISE DELMATIER
9 WITH GUALCO GROUP ON BEHALF OF NORCAL WASTE SYSTEMS.

10 TO FOLLOW UP WITH THE GENTLEMAN THAT
11 PRECEDED ME, OBVIOUSLY I'VE BEEN HERE BEFORE AND HAVE
12 BEEN HARPING ON THE QUESTION THAT'S BEFORE US TODAY,
13 PREEXISTING PROGRAMS, SHOULD THEY RECEIVE CREDIT.

14 THAT WAS ONE OF THE FUNDAMENTAL NEGOTIATING
15 POINTS THAT WE PURSUED DURING THE DISCUSSIONS ON 939 AND
16 THEN CENTRAL TO THE DISCUSSIONS WHEN THE .001 THRESHOLD
17 WAS ESTABLISHED.

18 WHEN WE TALKED ABOUT -- MR. HUFF TALKED
19 ABOUT THE CALCULATIONS THAT WERE BEING PRESENTED WITH THE
20 BAR GRAPHS PREVIOUSLY, HE TALKED ABOUT THE FACT THAT SOME
21 PROGRAMS THAT ARE OUT THERE, THERE ARE SOME DISPOSAL
22 BASES THAT ARE OUT THERE, 0 TO 15 PERCENT, THERE MAY BE A
23 VERY HIGH RESIDUAL MATERIAL IF YOU ARE NOT DOING
24 PREEXISTING PROGRAMS; THEREFORE, YOU WOULD BE AWARDED
25 BASICALLY AND -- AGAIN, GOING FURTHER ON THE POINT MADE



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1 BEFORE -- WOULD BE AWARDING, BASICALLY, THOSE COMMUNITIES
2 WHO DID NOTHING AND HAVE A VERY HIGH LEVEL OF INERT
3 MATERIAL IN THEIR WASTE CHARACTERIZATION STUDY.

4 CONVERSELY, IF YOU HAVE A VERY LOW NUMBER
5 AND ZERO -- .001 TO .5 PERCENT OR WHATEVER, AND YOU SET
6 THAT THRESHOLD TO EXCLUDE THOSE COMMUNITIES WHO HAVE A
7 LOW RESIDUAL SIMPLY FROM THE FACT THAT THEY WERE DOING
8 DIVERSION ACTIVITIES PRIOR TO THE IMPLEMENTATION OF 939,
9 THEN AGAIN YOU'RE PENALIZING THOSE COMMUNITIES FOR THEIR
10 PREEXISTING PROGRAMS.

11 IT WAS A FUNDAMENTAL POINT THAT WAS
12 NEGOTIATED DURING THE DISCUSSIONS ON 939. IT WAS
13 NEGOTIATED IN GOOD FAITH, THAT IT WAS AN ONE-FOR-ONE
14 TRADE, THAT PREEXISTING PROGRAMS WOULD NOT BE PENALIZED.
15 ENCOURAGE NEW PROGRAMS, BUT NOT TO PENALIZE THOSE
16 PROGRAMS THAT EXISTED PRIOR TO IMPLEMENTATION OF 939.

17 SO I JUST WANT TO MAKE SURE THAT YOU
18 UNDERSTAND THAT THE CONVERSE IS TRUE AS WELL.

19 BE HAPPY TO ANSWER ANY QUESTIONS.

20 CHAIRMAN RELIS: QUESTIONS? OKAY.

21 UNLESS THERE'S SOMEONE ELSE WHO WANTS TO
22 SPEAK ON ITEM 2, WE'LL TAKE A BREAK OF TEN MINUTES -- NO,
23 WE'LL TAKE 15 MINUTES, AND THEN WE'LL TAKE UP ITEM 1 AND
24 ITEM 3.

25 (A BREAK WAS TAKEN.)



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1 CHAIRMAN RELIS: OKAY. WE WANT TO RESUME.

2 AND I GUESS I'D LIKE TO START THE REST OF
3 THE SESSION BY JUST TRYING TO GET CLOSURE ON ITEM 1 FROM
4 THE STANDPOINT OF WHAT HAPPENS NEXT. WE'VE HEARD QUITE A
5 RANGE OF COMMENT. I THINK WE'VE SENSED THAT THE WAY
6 WE'VE ANALYZED THINGS TODAY; THAT IS, THE THRESHOLD
7 ANALYSIS, WHERE TO DRAW A LINE WOULD BE COMPLEX, AND IT
8 HAS A LOT OF PROBLEMS WITH IT.

9 NOW, BUT JUST TO FOLLOW IT THROUGH AS PART
10 OF OUR ANALYSIS, I WOULD WANT TO KNOW WHETHER WE COULD
11 GET SOME FURTHER WORK FROM STAFF FOR THE NEXT MONTH AS
12 PART OF WHAT WE WERE -- WHAT I SUMMARIZED EARLIER AT THE
13 BEGINNING OF THE MEETING SO THAT WE COULD -- IN LIGHT OF
14 WHAT WE'VE HEARD TODAY IN TERMS OF CONCERNS RAISED, ARE
15 THERE -- IS THERE ANY PROMISE OF USING THAT APPROACH OR
16 NOT? WILL WE END UP DISCARDING IT, OR IS THERE A WAY OF
17 MAKING EFFECTIVE USE WITHIN THE PARAMETERS THAT WE'VE
18 HEARD?

19 MR. LARSON: IF I MAY MAKE AN EFFORT TO RESPOND
20 TO THAT, I HAVE SEVERAL THOUGHTS.

21 ONE IS IN REPEATING THE REQUEST TO TAKE
22 ITEM NO. 2 BEFORE ITEM NO. 1 WAS TO SET THIS BASIS OF
23 BROAD DISCUSSION BASE BEFORE WE GOT INTO SOME OF THE
24 OTHER PROPOSALS THAT HAVE BEEN MADE, SOME OF WHICH ARE
25 REGULATORY AND SOME OF WHICH ARE STATUTORY.



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1 IF IT PLEASERS THE COMMITTEE, WE MIGHT
2 CONSIDER AGENDA ITEM NO. 1. GO THROUGH, AND I BELIEVE
3 THERE'S SOME LEGAL OPINIONS HAVE BEEN OFFERED ON WHAT IS
4 REGULATORY AND WHAT'S STATUTORY AND WHAT APPEARS TO BE IN
5 THE MIDDLE. WE COULD INCLUDE THE DISCUSSIONS THAT HAVE
6 COME OUT OF AGENDA ITEM NO. 2 INTO WHATEVER DIRECTION THE
7 COMMITTEE GIVES US FOR ITEM NO. 1.

8 I KNOW THIS IS GETTING A LITTLE CONFUSING,
9 BUT I THINK WE CAN WRAP THIS INTO WHATEVER THE DIRECTION
10 OF THE COMMITTEE IS FOR REGULATORY EVALUATIONS TO BRING
11 BACK TO THE COMMITTEE AT A FUTURE DATE.

12 ALSO, UNDERSTANDING NOW THAT THE WAY THE
13 AGENDA ITEM IS WRITTEN RECOMMENDING A WORKSHOP IS NOT THE
14 ROUTE WE WILL GO.

15 CHAIRMAN RELIS: RIGHT.

16 MR. LARSON: BUT WE WOULD SEEK CLARIFICATION --

17 CHAIRMAN RELIS: WE'RE NOT PREPARING FOR A
18 WORKSHOP. WE'RE DOING FURTHER ANALYSIS.

19 MR. LARSON: WE WOULD NEED, I BELIEVE, SOME
20 ADDITIONAL CLARIFICATION ON WHETHER THERE'S A DATE AFTER
21 WHICH WE DO NOT ACCEPT ANY ADDITIONAL PROPOSALS OR SHOULD
22 WE SOLICIT ADDITIONAL PROPOSALS OR SHOULD, YOU KNOW, WE
23 TAKE WHAT WE'VE GOT IN AGENDA ITEM NO. 1 AND LIMIT IT TO
24 THAT UNIVERSE FOR RIGHT NOW.

25 CHAIRMAN RELIS: WELL, THE IDEA, I BELIEVE, WAS



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1 IF WE WERE TO WRITE UP OUR ANALYSIS AND INDICATE A
2 COURSE, A DIRECTION, A RECOMMENDATION, THEN THE -- AS
3 PART OF THE ANALYSIS, THE PARTIES HERE AND MORE BROADLY
4 WOULD UNDERSTAND OUR THINKING AND BE ABLE TO COMMENT ON
5 THAT RATHER THAN -- AT THIS POINT, IT'S SUCH A WIDE
6 UNIVERSE THAT I THINK, AS WE WILL HEAR SHORTLY IN ITEM 1,
7 WE HAVE A VERY WIDE RANGE OF RESPONSES TO CONCERN BY
8 LOCAL COMMUNITY, PRIVATE SECTOR, ETC., AS TO WHAT OUR
9 COURSE OF ACTION MIGHT BE, BOTH OF THE LEGISLATIVE AND
10 REGULATORY NATURE.

11 WE'LL BE ASKING COUNSEL IN A MOMENT TO TELL
12 US WHICH OF THOSE ARE REGULATORY. WE WOULD STICK WITH
13 THOSE FOR OUR PURPOSES. WE'RE NOT INTERESTED IN THE --
14 WE'RE NOT INTERESTED IN THE LEGISLATIVE, BUT WE CAN'T DO
15 ANYTHING ABOUT.

16 MR. LARSON: CORRECT.

17 CHAIRMAN RELIS: SO PERHAPS, THEN, WHAT WE'LL DO
18 IS JUST DEFER THIS, TAKE UP ITEMS 1 AND 2 AS A SINGULAR
19 DISCUSSION AT THE END OF THE MEETING AS TO NEXT STEPS.
20 IF THAT'S -- THAT'S WHAT I HEAR YOU SAYING.

21 MR. LARSON: YES. THAT SEEMS TO BE A LOGICAL
22 WAY TO PROCEED. AND MAYBE AFTER WE HEAR ITEM 1, IT WILL
23 BECOME EVEN MORE CLEAR.

24 CHAIRMAN RELIS: OKAY. WELL, LET'S THEN MOVE TO
25 ITEM 1. AND WHO'S GOING TO CARRY THIS?



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1 MR. LARSON: I WILL INTRODUCE IF YOU SO DESIRE.
2 CHAIRMAN RELIS: AND THEN WE'LL WANT TO REFER TO
3 COUNSEL FOR THEIR ANALYSIS.

4 MR. LARSON: THANK YOU. BEING BRIEF, WE'VE
5 HEARD THAT OTHER PROPOSALS HAVE BEEN OFFERED. LORRAINE
6 VAN KEKERIX OF OUR WASTE GENERATION ANALYSIS BRANCH HAS
7 MADE AN EFFORT TO DEVELOP A CHART WHICH EMBODIES SOME OF
8 THE MAIN PRINCIPAL THOUGHTS OF THESE VARIOUS PROPOSALS.
9 I'D LIKE TO INTRODUCE LORRAINE TO MAKE HER
10 PRESENTATION.

11 MS. VAN KEKERIX: GOOD AFTERNOON. THE BOARD
12 MEMBERS HAVE RECEIVED A NUMBER OF PROPOSALS. THEY HAVE
13 COME FROM SANTA CLARA COUNTY, CALIFORNIANS AGAINST WASTE,
14 VENTURA REGIONAL SANITATION DISTRICT, ORANGE COUNTY, AND
15 KEVIN MCCARTHY, WHO IS WITH CH2M HILL.

16 AND COPIES OF THESE PROPOSALS WERE
17 DELIVERED TO STAFF, AND I WAS ASKED TO SUMMARIZE THE
18 MAJOR PROPOSALS WHICH WERE -- OR THE MAJOR POINTS WITHIN
19 THOSE PROPOSALS.

20 I PREPARED A CHART AND I HAVE COPIES
21 AVAILABLE ON THE BACK TABLE. THERE ARE 25 COPIES THAT
22 WERE PLACED BACK THERE. IF PEOPLE AREN'T ABLE TO GET ONE
23 THIS AFTERNOON, THEY CAN SHARE THEM DURING THE
24 PRESENTATION HERE, AND I HAVE A SIGN-UP SHEET FOR PEOPLE
25 TO GET ADDITIONAL COPIES, WHICH WE'LL MAIL OUT AS SOON AS



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1 WE CAN MAKE THOSE COPIES.

2 CHAIRMAN RELIS: YES. WE NOW HAVE TWO OTHER
3 WHICH OBVIOUSLY WEREN'T AVAILABLE IN TIME FOR THIS FROM
4 FRANK BOWERMAN AND THE COUNTIES THAT HE'S REPRESENTING
5 HERE TODAY AND ALSO FROM L.A. COUNTY. SO THOSE WILL BE
6 ENTERED INTO THE ANALYSIS AS WELL.

7 MS. VAN KEKERIX: OKAY. I'LL BE HAPPY TO
8 PREPARE EITHER A SUMMARY TABLE OR -- AND/OR A MORE
9 DETAILED ANALYSIS FOR THE COMMITTEE WHEN I GET THOSE
10 PROPOSALS IN HAND.

11 I HAVE TO FIND MY NOTES HERE. BRIEFLY, I
12 TRIED TO CATEGORIZE SOME OF THESE DIFFERENT PROPOSALS,
13 AND THERE IS A VERY WIDE RANGE OF PROPOSALS OUT THERE.

14 FIRST CATEGORY THAT WAS INCLUDED IN THESE
15 PROPOSALS RELATE TO DIVERSION CALCULATIONS. AND THERE
16 ARE SEVERAL DIFFERENT TYPES OF PROPOSALS. MOST OF THEM
17 SEEM TO BE BASED ON WASTE DISPOSAL AND MEASURING
18 DIVERSION BASED ON WASTE DISPOSALS.

19 THERE ARE SEVERAL DIFFERENT WAYS THAT HAVE
20 BEEN PROPOSED BY THE DIFFERENT AGENCIES AND INTEREST
21 GROUPS. SOME OF THEM HAVE SUGGESTED THAT ONLY SELECTED
22 WASTES BE COUNTED. ALL OF THE LOCAL JURISDICTIONS HAVE
23 SAID THAT ALL DIVERSION SHOULD BE COUNTED, NOT JUST THOSE
24 THAT ARE RELATED TO CITY AND COUNTY ACTIVITIES.

25 YOU WOULD NEED TO LOOK AT THE PROPOSALS TO



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1 GET MORE OF THE SPECIFICS ON THOSE DIVERSION
2 CALCULATIONS. SOME PEOPLE PROPOSE THAT WE HAVE DIFFERENT
3 CALCULATIONS FOR RESIDENTIAL AS COMPARED TO COMMERCIAL
4 AND INDUSTRIAL. THERE'S JUST A REAL RANGE.

5 THE SECOND CATEGORY THAT I DETERMINED WAS
6 MONITORING FOR COMPLIANCE WITH THE GOALS OF AB 939. AND,
7 AGAIN, THERE WERE MANY CHANGES PROPOSED. SEVERAL OF THEM
8 DEALT WITH THE ANNUAL MONITORING REPORTS THAT ARE NOW
9 REQUIRED AND REQUESTED, EITHER THAT THE ANNUAL REPORTS BE
10 ELIMINATED ENTIRELY AND REPLACED WITH A MORE GENERAL
11 PROGRESS-TYPE REPORT OR MODIFIED THE ANNUAL REPORTS TO
12 REQUIRE THAT THEY ONLY REPORT DISPOSAL CHARACTERIZATION
13 INFORMATION RATHER THAN UPDATING THE SOLID WASTE
14 GENERATION STUDIES.

15 AND, AGAIN, OTHER PEOPLE SUGGESTED THAT THE
16 WAY TO GET AROUND SOME OF THE REPORTING REQUIREMENTS
17 WOULD BE TO ONLY LOOK AT THOSE MATERIALS WHICH THE BOARD
18 HAD SELECTED AS WANTING TO PROMOTE DIVERSION

19 THE THIRD AREA THAT HAD PROPOSALS ON WAS
20 MARKET DEVELOPMENT. MOST OF THESE COMMENTS CAME FROM
21 LOCAL JURISDICTIONS. AND ALL OF THE LOCAL JURISDICTIONS
22 WANTED TO SEE AN INCREASE IN THE BOARD'S ROLE AND
23 RESPONSIBILITY FOR MARKET DEVELOPMENT.

24 AND ONE PROPOSED THAT THE REDUCTION IN
25 DIVERSION WOULD ONLY BE SUSTAINABLE AND ECONOMICALLY



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1 VIABLE IF THEY WEREN'T TAXED.

2 BOARD MEMBER NEAL: EXCUSE ME. THAT CAUGHT MY
3 INTEREST, AND I WONDER IF YOU CAN JUST ELABORATE A LITTLE
4 BIT ON WHAT THEIR PROPOSAL STATED.

5 MS. VAN KEKERIX: BASICALLY, THAT'S ABOUT WHAT
6 THE PROPOSAL STATED BECAUSE IT WAS A SET OF HANDWRITTEN
7 NOTES, AND MOST OF THEM WERE ONLY A LINE OR TWO LONG. SO
8 THAT'S BASICALLY A DIRECT QUOTE FROM IT, AND THEY DIDN'T
9 HAVE ANY ADDITIONAL INFORMATION IN WHAT I WAS GIVEN. SO
10 I THINK WE NEED TO ASK THE VENTURA REGIONAL SANITATION
11 DISTRICT EXACTLY WHAT THEY MEANT BY THAT.

12 THERE WERE SEVERAL ADDITIONAL BOARD
13 PROGRAMS, AND THESE WERE, AGAIN, MOSTLY PROPOSED BY THE
14 LOCAL JURISDICTIONS. LOCAL JURISDICTIONS WOULD LIKE TO
15 SEE AN INCREASED BOARD ROLE IN EDUCATION. AND THEY --
16 SOME OF THEM WOULD ALSO LIKE TO HAVE THE BOARD GIVEN
17 PRIMARY RESPONSIBILITY FOR PROMOTING WASTE REDUCTION,
18 PARTICULARLY IN AGENCIES, LOCAL AND STATE AGENCIES.

19 BOARD MEMBER NEAL: LET ME JUST COMMENT, SINCE
20 WE DO HAVE THE CHAIR OF THE PERMIT COMMITTEE THAT'S
21 GETTING READY TO WALK OUT THE DOOR.

22 BOARD MEMBER HUFF: TIMING IS EVERYTHING.

23 BOARD MEMBER NEAL: ISN'T IT?

24 ONE OF THE COMMENTS THAT ALSO INTERESTED ME
25 UNDER THIS PARTICULAR SECTION WAS THE ALTERNATIVE PERMIT



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1 PROCESS FOR SMALL PROCESSORS. AND THAT'S, AT LEAST, AN
2 IDEA THAT I WOULD LIKE TO RECOMMEND THAT THE PERMITTING
3 COMMITTEE EXPLORE FOR THE SMALL PROCESSORS AND OTHER
4 TYPES OF SOLID WASTE ACTIVITIES THAT MAY NOT REALLY, BY
5 THE NATURE OF THEIR ACTIVITIES, I THINK, REQUIRE A
6 FULL-BLOWN SOLID WASTE FACILITIES PERMIT. BECAUSE FOR
7 SOME OF THE PROCESSES I THINK THAT'S PUTTING REALLY UNDUE
8 BURDEN ON AND I WOULD JUST LIKE TO RECOMMEND --

9 BOARD MEMBER HUFF: WORTHY OF A LOOK.

10 BOARD MEMBER NEAL: THANK YOU. OKAY. YOU CAN
11 LEAVE.

12 BOARD MEMBER HUFF: THANK YOU.

13 MS. VAN KEKERIX: I CAN MAKE SURE THAT THE
14 PERMITS COMMITTEE HAS THAT PROPOSAL TO REVIEW. I CAN
15 CONTACT THE PROPER PEOPLE AS TO ADDITIONAL INFORMATION ON
16 THAT IDEA.

17 THE LOCAL AGENCIES ALSO SAID THAT THEY
18 THOUGHT THAT THERE SHOULD BE AN INCREASED ROLE FOR THE
19 LOCAL JURISDICTION. AND THEY THOUGHT THAT THE ROLE OF
20 LOCAL JURISDICTIONS SHOULD BE STRENGTHENED AND THERE
21 SHOULD BE -- WASN'T EXACTLY CLEAR AS TO WHO WOULD DO THE
22 PROMOTING, BUT I WOULD ASSUME IT WOULD BE THE BOARD. THE
23 BOARD SHOULD PROMOTE JOINT IMPLEMENTATION OF VARIOUS
24 TYPES OF PROGRAMMING AND MULTIJURISDICTIONAL ACTIVITIES
25 TO HELP DIVERT WASTES.



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1 ANOTHER CATEGORY THAT WAS FOUND IN THESE
2 PROPOSALS WERE ALTERNATIVES TO CURRENT GOALS. AND SOME
3 OF THESE WERE PROPOSED BY LOCAL JURISDICTIONS, BUT MORE
4 OF THEM WERE PROPOSED BY INTEREST GROUPS AND OTHER
5 PARTIES.

6 THE LOCAL JURISDICTIONS, AT LEAST ONE, SAID
7 THAT THEY WOULD LIKE TO SEE MORE OF AN EMPHASIS BY THE
8 BOARD ON SOURCE REDUCTION, WHICH IS A FRONT-END APPROACH
9 RATHER THAN A BACK-END APPROACH BY EMPHASIZING RECYCLING.

10 THE INTEREST GROUPS AND OTHER PEOPLE
11 RECOMMENDED THAT THE BOARD ESTABLISH ALTERNATIVE HIGHER
12 DIVERSION GOALS, AND THAT THE BOARD COULD ALSO ESTABLISH
13 ALTERNATIVE GOALS WHICH WERE BASED ON WASTESHED
14 CHARACTERISTICS.

15 BOARD MEMBER NEAL: LET ME ASK YOU ANOTHER
16 QUESTION.

17 ORANGE COUNTY, AT LEAST IN THIS SYNOPSIS,
18 MADE THE STATEMENT THAT THERE IS NO IMMEDIATE LANDFILL
19 CRISIS. WAS THAT DIRECT?

20 MS. VAN KEKERIX: YES, I BELIEVE THAT THAT IS A
21 DIRECT QUOTE. I DID NOT WANT TO TRY TO PARAPHRASE WHAT
22 THEY SAID.

23 BASICALLY, THEY SAID BECAUSE 43 COUNTIES
24 HAVE AT LEAST EIGHT YEARS OF LANDFILL LIFE, THERE IS NOT
25 AN IMMEDIATE CRISIS. AND WE SHOULD DETERMINE WHAT WAS



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1 GOING ON NOW, AND IT WAS PREMATURE TO BEGIN CHANGING WHEN
2 WE DON'T KNOW WHAT THE CURRENT PROBLEMS ARE.

3 BOARD MEMBER NEAL: PERHAPS WE NEED TO SHARE
4 WITH ORANGE COUNTY A COPY OF OUR RECENTLY PASSED LANDFILL
5 RESOLUTION. AND MAYBE SOME OF THE SOUTHERN CALIFORNIA
6 WASTE HAULERS MIGHT WANT TO GO AND EDUCATE THEM.

7 MS. VAN KEKERIX: AND --

8 BOARD MEMBER NEAL: SAM, THAT'S YOUR AREA. WHY
9 DO YOU THINK THEY CAME UP WITH THAT?

10 BOARD MEMBER EGIGIAN: WELL, BECAUSE THEY HAVE
11 ENOUGH LANDFILL SPACE IN ORANGE COUNTY. SOUTHERN
12 CALIFORNIA AND THE LOS ANGELES COUNTY AREA, THEY HAVE A
13 PROBLEM. ORANGE COUNTY DOES NOT TAKE L.A. COUNTY TRASH
14 OR CONSEQUENTLY ORANGE COUNTY DOESN'T BRING THEIR TRASH
15 INTO L.A. COUNTY.

16 BOARD MEMBER NEAL: YEAH. BUT THEY'RE
17 COMMENTING ON STATEWIDE DATA, SO MAYBE WE SHOULD MAKE
18 SURE THAT THEY'VE GOT TO GET OUT OF THEIR -- WELL, THAT
19 WAS AN ORANGE COUNTY COMMENT.

20 MS. VAN KEKERIX: ORANGE COUNTY MADE THE COMMENT
21 THAT 43 COUNTIES HAD AT LEAST EIGHT YEARS OF LANDFILL
22 CAPACITY, SO THERE WASN'T A CRISIS.

23 BOARD MEMBER EGIGIAN: WELL, FRANK BOWERMAN IS
24 HERE. WE CAN ASK FRANK TO TELL US ABOUT IT.

25 BOARD MEMBER NEAL: I JUST THOUGHT THAT THAT WAS



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1 AN INTERESTING COMMENT FOR THEM TO MAKE.

2 MS. VAN KEKERIX: AND THEN THERE WERE SEVERAL
3 OTHER KINDS OF PROPOSED CHANGES THAT I COULDN'T COME UP
4 WITH ANY PARTICULAR CATEGORY FOR A NUMBER OF MINOR ONES,
5 WHICH I ALSO DIDN'T INCLUDE IN THE TABLE.

6 TWO OF THEM WERE MAJOR COMMENTS. ONE
7 RELATED MUCH MORE TO MITIGATION FOR THE CALIFORNIA
8 ENVIRONMENTAL QUALITY ACT AND WHETHER OR NOT LANDFILL
9 CLOSURE WAS A MITIGATION MEASURE.

10 AND THE SECOND ONE WAS THAT LOCAL
11 JURISDICTIONS WOULD BE BURDENED WITH ADDITIONAL COSTS IF
12 THEY WERE REQUIRED TO DEMONSTRATE THAT DIVERSION
13 ACTIVITIES WERE OCCURRING THROUGH SPECIFIC JURISDICTION
14 ACTIONS.

15 AND THAT'S A BRIEF SUMMARY OF THE ITEMS
16 THAT WERE IN THE PROPOSALS. MAUREEN MORRISON WAS ASKED
17 TO GO OVER THE PROPOSALS AND DETERMINE WHICH OF THE
18 PROPOSED CHANGES WOULD BE REGULATORY AND WHICH WOULD BE
19 STATUTORY, AND I WOULD DEFER TO HER ON THAT TYPE OF
20 INFORMATION.

21 MS. MORRISON: YESTERDAY MR. CONHEIM AND I WENT
22 OVER THIS CHART OR TABLE VERY QUICKLY. BUT BASICALLY THE
23 CONCLUSION THAT WE CAME TO WAS THAT OF THE 24
24 SUGGESTIONS, IT APPEARS THAT APPROXIMATELY 13 OF THEM
25 WILL NEED STATUTORY CHANGES, SIX WILL NEED REGULATORY



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1 CHANGES, THREE WILL NEED EITHER STATUTORY OR REGULATORY
2 OR BOTH.

3 SOME OF THE -- SEVEN OF THE SUGGESTIONS ARE
4 ALREADY COVERED BY CURRENT STATUTE, AND FIVE OF THEM ARE
5 ALREADY COVERED BY CURRENT REGULATION.

6 SO THAT'S SORT OF A CURSORY SUMMARY RATHER
7 THAN GOING THROUGH AND SAYING SPECIFICALLY FOR EACH ONE
8 WHAT IT MIGHT NEED. I DON'T KNOW IF ANYBODY WANTS THAT
9 MUCH DETAIL. WE WEREN'T ASKED TO PROVIDE THAT MUCH
10 DETAIL.

11 MS. VAN KEKERIX: I WOULD THINK THAT STAFF COULD
12 WORK CLOSELY WITH LEGAL AND INCLUDE THAT IN THE STAFF
13 ANALYSIS, WHICH WE HAVE ALREADY BEEN ASKED TO PREPARE BY
14 CHAIRMAN RELIS EARLIER TODAY.

15 AT THIS POINT I THINK WE NEED TO GET SOME
16 COMMITTEE DIRECTION IN TERMS OF WHETHER ADDITIONAL
17 PROPOSALS WILL BE ACCEPTED FOR STAFF ANALYSIS AND, IF SO,
18 WHEN THOSE PROPOSALS SHOULD BE DELIVERED TO THE STAFF IN
19 ORDER FOR US TO HAVE TIME TO ANALYZE THEM FOR YOU.

20 BOARD MEMBER EGIGIAN: WHEN PROPOSALS WERE ASKED
21 FOR, DID WE PUT ANY TIME LIMIT ON THEM?

22 MS. VAN KEKERIX: I'M NOT CERTAIN THAT THESE
23 PROPOSALS WERE SOLICITED OR WHETHER THEY SIMPLY WERE
24 GIVEN TO THE COMMITTEE BY PERSONS WHO WISH TO SUBMIT
25 COMMENTS.



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1 MR. LARSON: I CAN SHED SOME LIGHT IS THAT WE
2 DIDN'T SOLICIT SPECIFICALLY THESE PROPOSALS; HOWEVER, AS
3 NUMBERS OF PROPOSALS MADE THEMSELVES EVIDENT, IT BECAME
4 EVIDENT TO US THAT WE SHOULD BE TAKING A LOOK AT THEM.
5 AND I THINK THAT'S HOW --

6 MR. FITZGERALD: MR. CHAIRMAN, THE PROPOSALS
7 WERE GENERATED BY DIFFERENT INDIVIDUALS BASED ON THE
8 WORKSHOPS, TWO PREVIOUS WORKSHOPS WE'VE HAD. THEY WERE
9 NOT SOLICITED PROPOSALS. THERE WAS, AS YOU CAN SEE FROM
10 THE LISTING, A CONSIDERABLE NUMBER THAT DID COME IN, BUT
11 THEY WERE NOT SOLICITED.

12 BOARD MEMBER EGIGIAN: FITZ, DO YOU HAVE ANY
13 IDEA WHAT PAUL'S INTENTIONS WERE? DOES HE WANT TO
14 CONTINUE TO RECEIVE THOSE?

15 MR. FITZGERALD: NO. FOLLOWING THIS, THE
16 INTENTION IS TO GO OUT WITH FURTHER STAFF ANALYSIS AND
17 PROPOSALS AND EVALUATIONS AND SOLICIT AT THAT TIME
18 ADDITIONAL PROPOSALS FROM THE AUDIENCE HERE AND OTHER
19 INDIVIDUALS THAT ARE INTERESTED IN THIS PARTICULAR
20 PROCESS.

21 MR. LARSON: IF I MIGHT, FOR MY OWN
22 CLARIFICATION, UNDERSTAND, I BELIEVE CHAIRMAN RELIS
23 WANTED TO FOCUS AT THIS POINT IN TIME ON REGULATORY
24 CHANGES SO THAT WE WOULD TAKE THE EVALUATION OF LEGAL
25 STAFF AS TO WHETHER THESE PROPOSALS ARE ELEMENTS THEREOF,



1 WERE STATUTORY OR REGULATORY, AND RESTRICT OURSELVES AT
2 THIS POINT IN TIME TO THE REGULATORY PROPOSALS AND
3 SUMMARIZE, ANALYZE, AND DISTRIBUTE FOR COMMENT, FOR
4 WRITTEN COMMENT OUR ANALYSIS OF EACH OF THOSE PROPOSALS.

5 AND IT WOULD COME BACK, I BELIEVE, AT THE
6 MARCH BOARD MEETING; IS THAT CORRECT?

7 MR. LEVENSON: THAT IS CORRECT. THAT WAS THE
8 INTENT.

9 BOARD MEMBER EGIGIAN: NOT KNOWING WHAT CHAIRMAN
10 RELIS HAD IN MIND, IF THIS CONCLUDES THE STAFF'S REPORT,
11 WE CAN GO AHEAD AND LISTEN TO SOME OF THE PEOPLE THAT
12 WANT TO TALK TO THIS ISSUE.

13 MR. LARSON: IT DOES CONCLUDE.

14 BOARD MEMBER EGIGIAN: AND BY THAT TIME PAUL
15 WILL BE BACK.

16 MR. FRANK BOWERMAN ON ITEM 1.

17 MR. BOWERMAN: BOARD MEMBERS AND STAFF, I'M
18 FRANK BOWERMAN. I'M THE DIRECTOR AND CHIEF ENGINEER FOR
19 THE ORANGE COUNTY WASTE MANAGEMENT DEPARTMENT. I'M
20 REALLY WEARING TWO HATS.

21 IN THE FIRST PLACE, I MIGHT PUT MY HAT BACK
22 ON FOR BOARD MEMBER NEAL AS DIRECTOR OF THE ORANGE COUNTY
23 ACTIVITY BECAUSE LATER I'LL BE TALKING FOR SIX COUNTIES.
24 I WANT TO BE SURE I'M TALKING FOR THEM, INCLUDING ORANGE
25 COUNTY. BUT I'D LIKE TO MAKE A STATEMENT IN RESPONSE TO



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1 YOUR QUESTION ON MY OWN. THIS IS NOT -- I'M NOT SPEAKING
2 FOR THE SIX COUNTIES IN THIS RESPECT.

3 YOU HAVE RECEIVED TWO STATEMENTS. ONE WAS
4 A PERSONAL OPINION AND WAS CLEARLY STATED THAT AND CAME
5 TO YOU AS A DOCUMENT CONVEYING TO YOU HOW I FEEL ABOUT
6 THE SITUATION WITH RESPECT TO AB 939 AND THE PRESENT
7 STATE OF THE SITUATION OF WASTE MANAGEMENT IN CALIFORNIA.

8 AND I JUST DISTRIBUTED TO YOU AND TO STAFF
9 A COPY OF A CONSENSUS OF SIX COUNTIES. THEY'RE QUITE
10 DIFFERENT.

11 LET ME SPEAK TO THE QUESTION THAT YOU
12 RAISED ABOUT IS THERE A LANDFILL CRISIS IN CALIFORNIA.
13 THE ONLY LANDFILL CRISIS IN CALIFORNIA IS A SELF-INDUCED
14 POLITICAL CRISIS. THERE IS NO SHORTAGE OF LANDFILL SPACE
15 IN CALIFORNIA.

16 I COULD SHOW YOU ON A MAP, TAKE ANYPLACE
17 WHERE THERE'S PRESUMABLY A SHORTAGE OF LANDFILL CAPACITY,
18 DRAW A CIRCLE OF A 100-MILE RADIUS, AND YOU'VE GOT IN
19 MANY CASES DOZENS OF PLACES WHERE LANDFILLS COULD BE
20 LOCATED, PROVIDED THE SYSTEM WOULD PERMIT IT POLITICALLY.

21 PERMITS ARE DIFFICULT TO COME BY, BUT
22 THEY'RE POSSIBLE AND PHYSICAL CONSTRAINTS ARE NOT THERE.
23 THE CONSTRAINTS ARE POLITICAL. AND I THINK YOU CAN HELP
24 CHANGE THAT.

25 BUT IN TERMS OF LOS ANGELES COUNTY AND THE



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1 PROBLEM THAT THEY HAVE THERE OF LACK OF LANDFILL
2 CAPACITY, IT'S BECAUSE THEY HAVE A LACK OF URBAN LANDFILL
3 CAPACITY. THEY DON'T HAVE LANDFILLS DOWNTOWN ANYMORE,
4 BUT THEY'RE NOT BEING PERMITTED DOWNTOWN ANYMORE.
5 THEY'RE BEING PERMITTED OUT WHERE YOU HAVE TO REACH THEM
6 BY LONG-HAUL TRUCKS OR BY LONG-HAUL TRAINS.

7 AND SO MY POSITION IS THAT I CAN'T REALLY
8 CONSIDER THAT WE'RE GOING INTO THIS BUSINESS OF RECYCLING
9 JUST TO CONSERVE LANDFILL CAPACITY BECAUSE WE HAVE REALLY
10 AN ABUNDANCE OF LANDFILL CAPACITY AVAILABLE IN CALIFORNIA
11 IF WE USE IT. AND I'D BE GLAD TO DEFEND THAT IF YOU
12 LIKE.

13 BOARD MEMBER EGIGIAN: MRS. NEAL, DOES THIS
14 CHANGE THE SUBJECT AT ALL?

15 BOARD MEMBER NEAL: WELL, IT'S MS. NEAL.

16 BOARD MEMBER EGIGIAN: MS. NEAL, EXCUSE ME.

17 BOARD MEMBER NEAL: BUT I -- AS I SAID, IT WAS A
18 STATEMENT THAT WAS HERE ON THE PAPER. I THOUGHT IT WAS
19 VERY STRANGE THAT THEY WOULD MAKE IT. WE HAVE JUST
20 FINISHED PASSING A RESOLUTION ON THIS BOARD SAYING THAT
21 THERE WAS A CRISIS AND THIS SEEMED TO FLY IN THE FACE OF
22 THAT, AND I JUST WANTED TO TRY TO SORT THAT OUT SOME KIND
23 OF WAY.

24 MR. BOWERMAN: MS. NEAL, I THINK THERE ARE A LOT
25 OF STATEMENTS BEING DONE EITHER -- MANY OF WHICH HAVE



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1 POLITICAL SIGNIFICANCE. AND THE ONE THAT YOU ARE
2 REFERRING TO, WHICH CAME FROM THE GROUP OF HAULERS IN LOS
3 ANGELES COUNTY, IS, INDEED, A POLITICAL STATEMENT. AND I
4 THINK YOU SHOULD READ IT THAT WAY. THANK YOU.

5 NOW, CAN I TAKE OFF THAT HAT AND WEAR A
6 DIFFERENT ONE? I WOULD LIKE TO REPRESENT TO YOU THE
7 POSITION OF SIX COUNTIES IN SOUTHERN CALIFORNIA. THEY'RE
8 THE COUNTIES OF SANTA BARBARA, VENTURA, ORANGE,
9 RIVERSIDE, SAN BERNARDINO, AND SAN DIEGO.

10 NOW, I'M GOING TO STICK REAL CLOSE TO THE
11 SCRIPT HERE BECAUSE I DON'T WANT TO PUT MY OWN THOUGHTS
12 INTO THIS THING. I WANT TO SPEAK FOR THE SIX COUNTIES.
13 SO BEAR WITH ME, AND IT'S ONLY A TWO-PAGE SUMMARY. AND
14 I'D LIKE TO JUST GET THESE POINTS ACROSS TO YOU.

15 GIVEN THAT THESE COUNTIES CONTAIN A LARGE
16 PORTION OF THE OVERALL STATE POPULATION AND SUBSEQUENT
17 HIGH LEVEL OF RESPONSIBILITY FOR IMPLEMENTATION OF
18 AB 939, I WISH TO BRING TO THIS HONORABLE COMMITTEE'S
19 ATTENTION THE SPECIAL ISSUES AND RECOMMENDATIONS OF THESE
20 SOUTHERN CALIFORNIA COUNTIES.

21 AS YOU ARE AWARE, MOST COUNTIES HAVE WORKED
22 VIGOROUSLY TO MEET THE MANDATES OF THE NEW LAWS. IN MANY
23 INSTANCES COUNTIES HAVE FOSTERED, ENCOURAGED, AND
24 REQUIRED DIVERSION PROGRAMS FOR MANY YEARS PRIOR TO
25 ASSEMBLY BILL 939.



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1 ONCE AB 939 AND SUBSEQUENT LEGISLATION WAS
2 PASSED, COUNTIES AND THEIR CITIES BEGAN IMPLEMENTING THE
3 LAWS. AS A RESULT OF THESE EFFORTS, CERTAIN ISSUES AND
4 CONCERNS HAVE EMERGED.

5 FIRST, THE INITIAL PLANNING PROCESS HAS
6 BEEN COSTLY. HOWEVER, THE PROCESS HAS AWAKENED THE
7 PUBLIC AND THE ELECTED OFFICIALS TO THE COMPREHENSIVE
8 NATURE OF AB 939.

9 NEXT, ALL COUNTIES ARE PLANNING
10 SIGNIFICANT, NEW MULTIMILLION DOLLAR PROGRAMS, SUCH AS
11 INTEGRATED DIVERSION FACILITIES AND PUBLIC EDUCATION
12 PROGRAMS.

13 I'LL DIVERT MY COMMENTS FROM THE SCRIPT
14 HERE TO POINT OUT THAT ORANGE COUNTY, WHICH HAS SOMEWHAT
15 OVER TWO MILLION, ABOUT 2.2 MILLION, PEOPLE, IS CURRENTLY
16 SPENDING, IN RESPONSE TO AB 939, FOR RECYCLING \$50
17 MILLION EACH YEAR, WHICH IS NEW MONEY. THEY WEREN'T
18 SPENDING IT A YEAR AGO. BUT THIS YEAR THEY'RE SPENDING
19 AN ADDITIONAL \$50 MILLION TO IMPLEMENT AB 939 IN TERMS OF
20 COLLECTION SERVICES AND IN TERMS OF SEPARATION SYSTEMS.
21 THAT'S AN ANNUAL EXPENSE.

22 NEXT, COUNTY WASTE GENERATION SURVEYS HAVE
23 REVEALED HIGH DIVERSION RATES FROM EXISTING DIVERSION
24 PROGRAMS. AND IN ORDER TO ACHIEVE THE 50-PERCENT GOAL,
25 COMPOST, WHICH WILL BE PRODUCED IN LARGE QUANTITIES, MUST



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1 BE ALLOWED TO BE BENEFICIALLY REUSED ON PUBLICLY OWNED
2 LANDS.

3 THE LOCAL POLITICAL STRUCTURE WILL DEMAND
4 COST BENEFIT ANALYSIS OF NEW PROGRAMS IN ORDER TO SUPPORT
5 THEM. AGAIN, LET ME DIVERT BRIEFLY FROM THAT.

6 MY OWN BOARD OF SUPERVISORS, ALL FIVE OF
7 THEM, HAVE ASKED ME TO APPEAR BEFORE THEM. AND I DID SO
8 A WEEK AGO AND EXPLAINED TO THEM WHAT WE'RE GETTING FOR
9 OUR \$50 MILLION A YEAR. AND I TOLD THEM WE GET A WARM
10 GLOW THAT MAKES US FEEL GOOD ABOUT BEING A PART OF A
11 RECYCLE PROGRAM. AND I SAID DOWN THE ROAD WE'LL PROBABLY
12 REAP SOME TRUE BENEFITS. I'M CONVINCED OF IT. I THINK
13 RECYCLING IS AN IMPORTANT PART OF OUR SOCIAL STRUCTURE.

14 BUT THE BOARD OF SUPERVISORS IN ORANGE
15 COUNTY ARE FACED WITH DEFICITS. THEY'VE GOT A \$56
16 MILLION DEFICIT THIS YEAR. AND THEY'RE SHUTTING DOWN
17 MENTAL HEALTH CLINICS. THEY'RE SHUTTING DOWN AID FOR
18 SUPPORT TO CHILDREN AND SINGLE PARENTS. THEY'RE SHUTTING
19 DOWN ALL KINDS OF PUBLIC HEALTH PROGRAMS IN ORANGE COUNTY
20 BECAUSE THEY DON'T HAVE THE MONEY TO PAY FOR IT. AND
21 THEY'RE VERY CONCERNED ABOUT SPENDING ANOTHER \$50 MILLION
22 FOR THIS PURPOSE IN THE FACE OF THE DECREASING ABILITY TO
23 FINANCE THESE OTHER PROGRAMS.

24 I'LL GET BACK TO THE TEXT.

25 IN ORDER TO ENSURE THAT THE MOST



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1 COST-EFFECTIVE AND EFFICIENT WASTE MANAGEMENT SYSTEMS ARE
2 DEVELOPED, THE COUNTIES IN THIS SIX-COUNTY GROUP ARE
3 GUIDED BY THE FOLLOWING CRITERIA:

4 FIRST, ADHERENCE TO THE AB 939 WASTE
5 MANAGEMENT HIERARCHY. I THINK WE HAVE TO KEEP THAT IN
6 MIND. WE SHOULD RETURN TO THAT QUITE FREQUENTLY IN OUR
7 THINKING.

8 ATTAINMENT OF DIVERSION GOALS THAT PRESERVE
9 LANDFILL CAPACITY. I THINK THAT'S AN IMPORTANT THING,
10 AND NOT USE OUR LANDFILLS WASTEFULLY.

11 CREATION AND IDENTIFICATION OF MARKETS FOR
12 MATERIALS TARGETED FOR LANDFILL DIVERSION.

13 AND DOCUMENTATION OF THE COST BENEFIT FOR
14 EACH WASTE MANAGEMENT ALTERNATIVE.

15 THE COUNTIES BELIEVE THAT THIS APPROACH
16 WILL YIELD THE BEST RESULTS FOR THE TAXPAYER IN THE SHORT
17 AND THE LONG TERM AND MEDIUM TERM.

18 I'LL GIVE YOU A SUMMARY OF RECOMMENDATIONS
19 AND THEN A CLOSING STATEMENT.

20 ALL MATERIALS, INCLUDING INERTS, THAT ARE
21 DIVERTED FROM LANDFILLS SHOULD COUNT TOWARD THE OVERALL
22 DIVERSION GOAL.

23 I'LL DEVIATE FROM THE SCRIPT BRIEFLY HERE.

24 IF WE LOOK AT COUNTIES INSTEAD OF CITIES,
25 WE FIND A LOT MORE UNIFORMITY; BUT IF YOU LOOK AT



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1 INDIVIDUAL CITIES BECAUSE THEY VARY TREMENDOUSLY. WE
2 HAVE A BEDROOM CITY, VILLA PARK, IN ORANGE COUNTY THAT
3 COMPRISES ABOUT 5,000 RESIDENCES, AND THEY HAVE ONLY A
4 FEW MOM AND POP SHOPS IN THAT BEDROOM COMMUNITY. NO
5 INDUSTRY, NO COMMERCIAL ACTIVITIES. THEY'RE JUST A
6 BEDROOM COMMUNITY. THEIR CHARACTERISTICS ARE SO
7 DIFFERENT FROM THE CITY OF INDUSTRY IN LOS ANGELES
8 COUNTY, WHICH HAS VIRTUALLY NO HOMES, NO RESIDENCES, AND
9 ALL COMMERCIAL AND INDUSTRIAL ACTIVITIES.

10 SO WE CAN'T REALLY MAKE A POINT OUT OF
11 TRYING TO DEAL WITH CITY-BY-CITY ON THESE DIVERSION
12 CRITERIA, BUT WE HAVE TO LOOK AT THEM COUNTYWIDE. IT
13 MAKES A LOT MORE SENSE TO US.

14 BACK TO THE SCRIPT.

15 BOTH PUBLIC AND PRIVATE SECTOR, AS WELL AS
16 NONPROFIT DIVERSION ACTIVITIES AND PROGRAMS, SHOULD BE
17 ALLOWED TO COUNT TOWARDS DIVERSION GOALS. I DON'T THINK
18 WE SHOULD OVERLOOK THE FACT THAT THE PRIVATE SECTOR HAS
19 DONE A MAGNIFICENT JOB FAR EARLIER THAN MOST OF OUR
20 PUBLIC ACTIVITIES HAVE.

21 NEXT, COUNTIES THAT INITIATED PRE-AB 939
22 DIVERSION PROGRAMS SHOULD BE ALLOWED TO COUNT THIS
23 DIVERSION.

24 NEXT ITEM. A STRONG EFFORT ON THE PART OF
25 THE STATE NEEDS TO BE MADE TO DEVELOP MARKETS FOR



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1 SECONDARY MATERIALS. WE'RE LOOKING FOR YOU TO GIVE US
2 HELP ON THAT. WE CAN'T DO THAT ALONE.

3 FLEXIBILITY NEEDS TO BE GIVEN TO ALLOW FOR
4 CREATIVE USES OF MATERIALS, SUCH AS COMPOST, MULCH, AND
5 SHREDDED GREEN WASTE. SOME OF THESE THINGS ARE
6 DIFFICULT, ALMOST IMPOSSIBLE TO MARKET. THIS WOULD
7 INCLUDE USING SUCH MATERIALS TO COUNT TOWARD DIVERSION
8 WHEN USED AS A LANDFILL COVER OR SOME OTHER VALUABLE
9 APPLICATION.

10 WE BELIEVE THE ESTABLISHMENT OF 1990 AS A
11 BASE YEAR SHOULD REMAIN. FURTHER, ALL NEW DIVERSION
12 COUNTED AFTER 1990 SHOULD BE MEASURED FROM MATERIAL
13 DISPOSED OF AT THE LANDFILL.

14 FINALLY, THE LEGISLATURE SHOULD REQUIRE THE
15 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO ASSESS
16 THE COST BENEFIT OF THE PROGRAM ONCE ALL OF THE COUNTY
17 INTEGRATED WASTE MANAGEMENT PLANS ARE SUBMITTED AND
18 PROGRAMS HAVE BEEN INITIATED.

19 I THINK THAT'S GOING TO BE AN IMPORTANT
20 CONTRIBUTION BY YOUR BOARD BECAUSE UNLESS AND UNTIL WE
21 HAVE A CLEAR-CUT FEELING FOR WHAT WE'RE GETTING FOR OUR
22 MONEY, I THINK WE'RE GOING TO HAVE RELUCTANCE ON THE PART
23 OF SOME PUBLIC OFFICIALS AND THE GENERAL PUBLIC TO
24 CONTRIBUTE ADDITIONAL FUNDS, AND WE DON'T WANT THAT TO
25 HAPPEN. WE WOULD LIKE THE PROGRAM TO CONTINUE AND ROLL



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1 AHEAD AS IT HAS BEEN.

2 THANK YOU. GLAD TO ANSWER QUESTIONS, IF I
3 MAY.

4 CHAIRMAN RELIS: ANY QUESTIONS?

5 BOARD MEMBER EGIGIAN: MR. BOWERMAN, THIS IS A
6 CONCERN OF SANTA BARBARA, VENTURA, ORANGE, RIVERSIDE, SAN
7 BERNARDINO, AND SAN DIEGO COUNTIES.

8 MR. BOWERMAN: IT IS, SIR.

9 BOARD MEMBER EGIGIAN: WHAT POPULATION -- WHAT
10 PART OF THE STATE DO -- DOES THE POPULATION LIVE IN THESE
11 AREAS? IS THERE 60, 70 PERCENT?

12 MR. BOWERMAN: NO, THERE ISN'T THAT MUCH. LOS
13 ANGELES AND LOS ANGELES COUNTY HAVE SUCH A HEAVY
14 POPULATION, THAT WOULDN'T -- IT'S PROBABLY ABOUT SIX
15 MILLION, SEVEN MILLION. IT'S SIGNIFICANT.

16 BUT MORE IMPORTANT, IT'S PROBABLY
17 REPRESENTATIVE MORE OF THE COUNTIES THROUGHOUT THE STATE
18 THAN LOS ANGELES COUNTY WOULD BE. LOS ANGELES COUNTY HAS
19 UNIQUE PROBLEMS WHICH ARE CREATED BY ITS VERY SIZE.

20 CHAIRMAN RELIS: FEW QUESTIONS. IS THE POINT
21 THAT BASICALLY YOU'VE BEGUN AND THIS STATEMENT STATES AT
22 THE OUTSET THAT IT'S YOUR BELIEF AND THE BELIEF OF THE
23 SIX COUNTIES THAT THE LETTER AND SPIRIT OF AB 939 HAVE
24 BEEN ADHERED TO?

25 THAT THIS \$50 MILLION IN INVESTMENT THAT



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1 YOU REFER TO IS DEMONSTRATED PROOF THAT THIS ISN'T AN
2 IDLE COMMITMENT? IS THAT THE REASON BEHIND THE SUMMARY
3 OF RECOMMENDATIONS THAT -- BECAUSE WE'RE -- YOU KNOW,
4 WE'RE GETTING TWO BASIC CURRENTS HERE.

5 ONE IS THAT THE PRELIMINARY DATA IS SHOWING
6 THAT INERTS ARE HIGH IN CERTAIN AREAS AND COMMUNITIES,
7 THEY ARE NOT GOING TO CREATE THIS NEW DIVERSION, WAS THE
8 BASIS FOR THE LAW. AND YET WHAT WE'RE HEARING YOU SAY IS
9 THAT ISN'T HAPPENING BECAUSE -- AND HERE'S THE MONEY AND
10 THE FACILITIES TO SHOW THAT.

11 MR. BOWERMAN: MR. CHAIRMAN, I THINK IT'S AN
12 EXAMPLE OF PUTTING YOUR MONEY WHERE YOUR MOUTH IS.

13 ORANGE COUNTY AND, I BELIEVE, THE OTHER
14 FIVE COUNTIES IN SOUTHERN CALIFORNIA THAT JOINED IN THIS
15 CONSENSUS OPINION HAVE CARRIED -- ARE CARRYING ON
16 EXTENSIVE PROGRAMS. AND I JUST USE A 50 MILLION ANNUAL.
17 IT'S NOT AN INVESTMENT. THIS IS AN ANNUAL COST. AND
18 THAT IS BEING SPENT BY THE PEOPLE IN ORANGE COUNTY TO
19 RESPOND TO AB 939, NOT JUST ON GOOD FAITH, BUT BECAUSE
20 THEY BELIEVE IN IT IN SPITE OF THE FACT THAT AN EARLY-ON
21 ASSESSMENT THAT WE MADE OF OUR WASTE CHARACTERIZATION
22 SHOWED THAT IF WE COUNTED ALL THE INERTS, WE'D HAVE
23 SOMETHING LIKE 43 PERCENT. THAT DIDN'T SLOW US DOWN.

24 IF WE ELIMINATE THOSE, WE'RE RIGHT AT ABOUT
25 13 PERCENT. AND I THINK WITH AN ACTIVE PROGRAM, SUCH AS



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1 WE'RE CONDUCTING NOW, WE CAN GET TO 25 PERCENT BY 1995.

2 CHAIRMAN RELIS: IS THAT MONEY THAT'S ALREADY
3 COMMITTED OR IS THAT PROPOSED?

4 MR. BOWERMAN: THAT'S MONEY THAT -- MOST OF THE
5 CITIES, THERE MAY BE ONE OR TWO CITIES OUT OF THE 30
6 CITIES IN ORANGE COUNTY, HAVE ALREADY INITIATED
7 COLLECTION AND RECYCLING PROGRAMS WHICH ARE COSTING ON
8 THE AVERAGE AN INCREASE IN DISPOSAL FEES TO EACH
9 HOMEOWNER OF TWO AND A HALF DOLLARS A MONTH. AND THAT'S
10 JUST THE RESIDENTIAL. AND THE COMMERCIAL AND INDUSTRIAL
11 COSTS THAT ARE INCREASING, TOO.

12 SO THAT'S ALREADY DONE, PAUL, AND WE DON'T
13 HAVE TO SET THESE PROGRAMS IN MOTION. BUT OUR NEXT STEP
14 IS GOING TO BE WHAT TO DO WITH THOSE MONUMENTAL
15 QUANTITIES OF MATERIALS THAT WE'RE GOING TO BE TAKING OUT
16 OF THOSE MRF'S.

17 CHAIRMAN RELIS: AND THAT'S WHERE WE HEAR
18 THIS -- I GUESS, IN THE SUMMARY OF THE RESPONSES TO DATE,
19 THERE'S MORE DIRECTION TO THIS BOARD TO DEVELOP THOSE
20 OUTLETS OR PLACES WHERE THE MATERIAL CAN GO. IS THAT
21 FAIR STATEMENT FROM STAFF, AND YOU'RE ECHOING THAT AS
22 WELL?

23 MR. BOWERMAN: COULD I MAKE A COMMENT, JUST A
24 GENERAL COMMENT?

25 CHAIRMAN RELIS: SURE.



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1 MR. BOWERMAN: I AM JUST TICKLED TO DEATH TO SEE
2 THE STAFF HERE IN SUCH NUMBERS AND SUCH ENTHUSIASTIC
3 RESPONSE AND PARTICIPATION. I SAT ON THAT BOARD YEARS
4 AGO, AND IT WASN'T THAT WAY. THE BOARD WAS IT. THAT'S
5 WHERE IT WAS AT.

6 BUT WHEN I SEE YOU INVOLVING THE STAFF HERE
7 IN YOUR CONSULTATION ACTIVITIES, IN REACHING DECISIONS,
8 I'M REALLY QUITE THRILLED WITH THE WAY YOU'RE OPERATING.
9 I JUST WANTED TO PASS THAT WORD TO YOU BECAUSE IT'S
10 DIFFERENT. IT'S REALLY NOT THE SAME AS WE DID IT 15
11 YEARS AGO.

12 CHAIRMAN RELIS: ARE THERE OTHER QUESTIONS?

13 THANK YOU.

14 MR. BOWERMAN: THANK YOU.

15 CHAIRMAN RELIS: YOU KNOW, I'M NOT SURE -- WAS
16 THERE ANOTHER SPEAKER? ARE THERE ANY OTHER SPEAKERS ON
17 ITEM 1? JACK MICHAEL, L.A. COUNTY.

18 MR. MICHAEL: THANK YOU, MR. CHAIRMAN, MEMBERS
19 OF THE COMMITTEE. I'M JACK MICHAEL REPRESENTING LOS
20 ANGELES COUNTY.

21 I ACTUALLY PUT DOWN THERE ITEMS 1 AND 2,
22 AND I WAITED SIMPLY TO LISTEN TO THE DISCUSSION. AND IF
23 I MIGHT, FOR THE MOMENT, REFLECT ON THE DIRECTION THAT
24 YOU HAVE SET HERE AS IT RELATES TO ITEM 1 MAYBE
25 PRIMARILY.



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1 CERTAINLY, I UNDERSTAND THE BOARD'S
2 POSITION IN TERMS OF THAT THAT THEY CAN DIRECTLY AFFECT
3 AND THAT IS REGULATION. I WOULD LIKE TO SAY, HAVING BEEN
4 VERY INVOLVED FOR TWO YEARS PRIOR TO AB 939 AND THE
5 DISCUSSIONS THAT LED TO THIS LEGISLATION, THAT CLEARLY I
6 DON'T BELIEVE THE BOARD HAS MUCH OPPORTUNITY FOR
7 REGULATORY VARIATION OR FLEXIBILITY.

8 THE LAW WAS VERY PURPOSELY WRITTEN ON TWO
9 BASES. ONE, MISTRUST OF LOCAL GOVERNMENT AND THE FACT
10 THAT LOCAL GOVERNMENT HAD FAILED TO DEAL WITH THE WASTE
11 PROBLEM. AND, NO. 2, MISTRUST OF THE WASTE BOARD AND
12 WHAT A NEW WASTE BOARD MAY BE, AND ALSO FAILURE OF THAT
13 FORMER WASTE BOARD TO DEAL WITH THE WASTE PROBLEM.

14 SO IN DEALING WITH THAT SORT OF A
15 PERCEPTION OR IDEA, THE LAW WAS WRITTEN VERY STRINGENTLY,
16 IN FACT, WRITTEN STATUTORILY ALMOST AS REGULATION. AND I
17 DON'T BELIEVE THAT THE BOARD HAS ANY REGULATORY ABILITY
18 TO MAKE MUCH CHANGE.

19 CERTAINLY, AS THE STAFF POINTED OUT, THEY
20 CAN MAYBE DEAL WITH THE DEFINITION OF NORMALLY DISPOSED
21 AND THE THRESHOLD THAT WAS ESTABLISHED IN REGULATION.
22 BUT IN TERMS OF DEALING WITH THE BASIC ISSUE THAT HAS
23 BEEN DISCUSSED AT THIS COMMITTEE PREVIOUSLY THROUGH
24 WORKSHOPS AND AS AN ISSUE THAT IS BEING DISCUSSED AND
25 WILL BE DISCUSSED AT THE LEGISLATIVE LEVEL, I DON'T



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1 BELIEVE THERE'S MUCH OPPORTUNITY TO DEAL WITH THE WHAT
2 COUNTS ISSUE OTHER THAN STATUTORILY.

3 I THINK THE PROPOSALS HAVE BEEN SUBMITTED,
4 TO THE EXTENT THAT YOU CAN INTERPRET REGULATORY CHANGE,
5 PARTIALLY DEAL WITH THE PROBLEM. I THINK THEY HAVE BEEN
6 SUBMITTED TO TRY TO DEAL WITH THE OVERALL ISSUE. AND I
7 THINK -- I WOULD HOPE IT WOULD BECOME CLEAR THROUGH THE
8 STAFF PRESENTATION TODAY THAT THE ISSUE MUST BE DEALT
9 WITH AT THE LEGISLATURE.

10 AND I THINK THE ISSUE IS HOW WE CAN BEST
11 IMPLEMENT THE BASIC OBJECTIVES OF AB 939. AND I THINK
12 THE BOARD, ALTHOUGH I UNDERSTAND THAT YOU WOULD LIKE TO
13 TRY TO DEAL WITH IT AS YOU CAN STATUTORILY, NEEDS TO SAY
14 THAT OUR PROBLEM IS A LEGISLATIVE PROBLEM.

15 WE NEED TO WORK WITH THOSE THAT ARE
16 RESPONSIBLE FOR IMPLEMENTING THIS LAW ALONG WITH US. AND
17 LET'S GO FIX THIS LAW SO THAT WE CAN DEAL WITH THE
18 PROBLEM THAT WE'RE ALL HERE TO DEAL WITH.

19 SO I WOULD REALLY ENCOURAGE THIS COMMITTEE
20 AND THE BOARD, AND I'LL CONTINUE TO MAKE THESE
21 STATEMENTS, THAT I THINK YOU NEED TO PROVIDE LEADERSHIP,
22 PROVIDE THAT IN COOPERATION WITH THE PRIVATE SECTOR AND
23 THOSE THAT ARE HERE CONCERNED AND RESPONSIBLE TO DEAL
24 WITH THE ISSUE TO MAKE THE CHANGES THAT WILL MAKE THIS
25 LAW WORK.



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1 IN THE STAFF SUMMARY OF PROPOSALS, L.A.
2 COUNTY'S PROPOSAL, ALTHOUGH SUBMITTED IN OUTLINE FORM
3 BEGINNING IN AUGUST, WAS NOT INCLUDED IN THAT. AND I
4 UNDERSTAND WHY. WE HAD SUBMITTED SOME PRELIMINARY DRAFT
5 LANGUAGE AND ASKED THAT IT NOT BE MADE PUBLIC. AND I
6 APPRECIATE THAT.

7 OUR PROPOSAL. I WOULD RATHER CHARACTERIZE
8 AS NOT ONE THAT BE PICKED APART, AND THOSE -- THOSE PARTS
9 THAT COULD BE DONE REGULATORILY BE DONE THAT WAY. I
10 WOULD PREFER THAT, IF ANYTHING IS DONE WITH THAT PROPOSAL
11 AT THE BOARD LEVEL, THAT, AGAIN, IT BE IN TERMS OF
12 JOINING WITH US AND OTHERS TO CORRECT THIS THROUGH
13 STATUTORY CHANGE.

14 I THINK THE SIX-COUNTY PROPOSAL THAT MR.
15 BOWERMAN PRESENTED, WHEN YOUR STAFF LOOKS AT THAT
16 ALONGSIDE OF L.A. COUNTY'S PROPOSAL, THAT THEY'RE
17 BASICALLY THE SAME.

18 I THINK THE ISSUE, AS I SAID BEFORE, IS
19 CERTAINLY THE COSTS ARE A CONCERN, A GREAT CONCERN TO
20 LOCAL GOVERNMENT. I THINK THERE'S A WAY TO IMPLEMENT
21 THIS ACT AT LESS COST TO LOCAL GOVERNMENT AND TO THE
22 STATE, MORE INVOLVEMENT OF THE PRIVATE SECTOR IN DEALING
23 WITH THIS PROBLEM, IN FINDING THE SOLUTIONS, AND MORE
24 IMPORTANTLY PROVIDING FOR THE STATE TO HAVE A MORE DIRECT
25 ROLE AND RESPONSIBILITY IN SOLVING THE PROBLEM OTHER THAN



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1 AN OVERSIGHT OR ENFORCER SORT OF ROLE.

2 I THINK THERE'S A KEY RESPONSIBILITY THAT
3 THE STATE CAN PLAY IN ENCOURAGING -- HELPING TO IDENTIFY
4 MARKETS, ENCOURAGING RESEARCH WITH THE PRIVATE SECTOR TO
5 ENABLE US TO HOPEFULLY DEVELOP SOME VALUE FOR MATERIALS
6 THAT ARE NOW BEING DISPOSED AND, BY DEVELOPING THAT
7 VALUE, COULD BE USED FOR SOME OTHER PURPOSE.

8 SO, AGAIN, I WON'T GO INTO MY PROPOSAL NOW
9 BECAUSE IT IS, I THINK, A LEGISLATIVE PROPOSAL. BUT I
10 CERTAINLY WOULD BE AVAILABLE TO WORK WITH YOUR STAFF TO
11 BETTER UNDERSTAND WHAT WE ARE PROPOSING.

12 AND, AGAIN, MY PRIMARY PURPOSE FOR SPEAKING
13 NOW IS TO ASK THAT THE BOARD TAKE LEADERSHIP AND WORK
14 WITH US TO MAKE A LEGISLATIVE CORRECTION TO THE LAW THAT
15 I THINK WE'RE COMMITTED TO, BUT WE NEED TO MAKE CHANGES
16 TO MAKE IT WORK BETTER.

17 THANK YOU. I'LL BE HAPPY TO ANSWER
18 QUESTIONS IF YOU HAVE ANY.

19 CHAIRMAN RELIS: QUESTIONS? THANK YOU, JACK.

20 ANY OTHER PRESENTATIONS?

21 I'D LIKE TO CALL ON OUR COUNSEL. MR.
22 CONHEIM, IF YOU COULD -- HAS THERE BEEN A SUMMARY DONE AS
23 YET? I WAS AWAY, SO I WAS --

24 ATTORNEY CONHEIM: YES. WHILE I WAS OUT OF THE
25 ROOM, MAUREEN WENT OVER THE LIST.



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1 CHAIRMAN RELIS: OKAY. THEN WE WILL NOT NEED TO
2 TAKE THAT UP ANYMORE.

3 STAFF HAVE ANYTHING ELSE?

4 MR. LARSON: I WOULD LIKE TO -- SINCE YOU WERE
5 OUT OF THE ROOM, WE TRIED TO EXPRESS WHAT WE FELT YOU HAD
6 STATED CONCEPTUALLY BEFORE YOU LEFT. I THINK FOR OUR
7 CLEAR DIRECTION, PERHAPS, YOU OR I COULD RESTATE WHAT I
8 UNDERSTOOD OUR DIRECTION TO BE.

9 CHAIRMAN RELIS: WHY DON'T YOU GIVE IT FIRST
10 SHOT?

11 MR. LARSON: OKAY, FINE.

12 AS WE REVIEWED THE AGENDA ITEM NO. 2 FIRST,
13 WE WERE TO TAKE ANY INFORMATION FOR FURTHER CONSIDERATION
14 AND FOLD IT INTO AGENDA ITEM NO. 1.

15 WE DID GET SOME DIRECTION FROM LEGAL STAFF
16 OF THE MATRIX, WHICH PROPOSALS OR PORTIONS THEREOF WERE
17 REGULATORY AND WHICH WERE STATUTORY. AND THERE WERE A
18 CERTAIN NUMBER THAT WERE DEBATABLE IN THE MIDDLE.

19 WE WOULD FOCUS IN ON THE REGULATORY CHANGES
20 THAT ARE PROPOSED AND EVALUATE THOSE THAT ARE -- COULD BE
21 INTERPRETED ONE WAY OR ANOTHER.

22 AND THE INFORMATION THAT WAS SUBMITTED IN
23 AGENDA -- THROUGH AGENDA ITEM NO. 2 ON THE NORMALLY
24 DISPOSED OF ISSUE, PERFORM AN ANALYSIS OF THESE
25 PROPOSALS, CIRCULATE IT TO AN AUDIENCE THAT I WOULD LIKE



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1 TO GET SOME FURTHER CLARIFICATION ON THAT BEING DEFINED.
2 AND THAT IN MARCH BRING BACK TO THE BOARD, I UNDERSTAND
3 THE DIRECTION TO BE TO THE BOARD, STAFF ANALYSIS OF THESE
4 PROPOSALS THAT AFFECT THE REGULATORY FRAMEWORK OF AB 939.

5 CHAIRMAN RELIS: SEEMS LIKE A FAIR STATEMENT.

6 ATTORNEY CONHEIM: MR. CHAIRMAN, I APOLOGIZE
7 THAT I WAS CALLED OUT OF THE ROOM. BUT, GEORGE, BEFORE
8 WE TRUNDLE OFF PAYING ATTENTION TO THE CAN-DO PROVISIONS,
9 THE REGULATORY PROVISIONS, I THINK THAT YOU NEED TO MAKE
10 AN ASSESSMENT OF WHAT'S BEING LEFT OUT BY YOUR NOT BEING
11 ABLE TO DO CERTAIN THINGS BECAUSE THEY CLEARLY WERE NOT
12 WITHIN THE PURVIEW OF THE BOARD, BUT WERE STATUTORY
13 CHANGES.

14 IN OTHER WORDS, PUTTING A REGULATORY
15 BANDAID ON SOME OF THIS STUFF OR CREATE OR SUGGESTING
16 REGULATORY FIXES FOR ONLY THOSE THINGS THAT CAN BE FIXED
17 REGULATORILY -- THANK YOU, BETH -- WOULD -- COULD LEAVE
18 YOU IN A SITUATION WHERE YOU REALLY DON'T ADDRESS
19 SIGNIFICANT PROBLEMS.

20 SO AS LONG AS WHEN WE COME BACK TO YOU WITH
21 WHATEVER WE COME BACK TO YOU WITH, IT'S UNDERSTOOD THAT
22 IT'S IN THE CONTEXT OR IT'S OUT OF CONTEXT BECAUSE SOME
23 THINGS WE CAN'T FIX. AND THE THINGS THAT MAY NEED
24 FIXING, IN PROGRAM STAFF'S AND YOUR JUDGMENT, MAY BE
25 THOSE VERY THINGS THAT ARE STATUTORY AND REALLY THE



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1 REGULATORY THINGS ARE THE MINOR THINGS.

2 MR. LARSON: PERHAPS MAYBE, BY CLOSING A LOOP,
3 IF WHAT THAT GROUP OF SUGGESTIONS OR RECOMMENDATIONS THAT
4 ARE DEEMED STATUTORY, PERHAPS WE COULD JUST SUMMARIZE
5 THEM BY TOPIC, SOMETHING SIMILAR TO THIS CHART. AND IS
6 THAT SOMETHING MAYBE THAT COULD BE REFERRED TO THE
7 LEGISLATIVE COMMITTEE. I MEAN, IT'S A QUESTION THAT IF
8 YOU'RE LOOKING FOR A WAY TO MAKE SURE THAT BASE IS
9 COVERED, I'M JUST SUGGESTING THAT AS AN OPTION.

10 CHAIRMAN RELIS: I THINK WE'VE HEARD CLEAR
11 THAT -- I MEAN, THERE ARE LIMITS, THERE MAY BE TORTURED
12 LIMITS TO WHAT WE CAN DO REGULATORILY. I THINK THAT'S
13 CLEARLY BEEN EXPRESSED TODAY. WE HAVE TO GO DOWN THAT
14 ROAD, THOUGH, TO SEE WHETHER IT IS SO TORTUOUS THAT IT
15 DOESN'T MAKE SENSE. AND THAT IN ITSELF WOULD HAVE A
16 BEARING ON OUR INPUT INTO THE LEGISLATIVE PROCESS, BUT WE
17 HAVE THE CHAIR OF THE LEGISLATIVE COMMITTEE.

18 BOARD MEMBER NEAL: YEAH. AT SOME POINT I THINK
19 IF WE ARE LOOKING AT SOME OF THESE THINGS THAT DO REQUIRE
20 SOME KIND OF LEGISLATIVE CHANGES, IT NEEDS TO GO THROUGH
21 THE COMMITTEE BECAUSE THEN WE'RE NOT JUST LOOKING AT ANY
22 OF THE ISSUES WITH A SINGLE FOCUS. AND WE NEED TO BE
23 ABLE TO ASSESS AND ANALYZE. FIRST OF ALL, WHAT OUR
24 POTENTIAL OF ACCOMPLISHING THESE THINGS WOULD BE IN THE
25 LEGISLATURE AND ALSO HOW WE NEED TO FRAME THEM.



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1 SO I WOULD STRONGLY RECOMMEND THAT IF WE
2 COME UP WITH ANYTHING THAT REQUIRES LEGISLATIVE ACTIVITY,
3 IT GO THROUGH THE COMMITTEE.

4 CHAIRMAN RELIS: AND THEN I'M ASSUMING THAT YOUR
5 ANALYSIS WOULD INCLUDE A RECOMMENDATION BECAUSE WE NEED
6 TO BRING THIS REGULATORY MATTER TO A HEAD. WE'VE GOT TO
7 NARROW THE FIELD OR DECIDE WHETHER THIS IS A FRUITFUL WAY
8 TO GO OR NOT.

9 MR. LARSON: I CAN STATE CLEARLY THAT THAT IS
10 CERTAINLY THE INTENT OF WHAT I'M SUGGESTING WE CAN DO.
11 I, UNFORTUNATELY, HAVEN'T HAD A CHANCE TO REVIEW THOSE
12 SECTIONS OF THE MATRIX THAT HAVE BEEN DEEMED BY LEGAL
13 REVIEW TO BE REGULATORY, BUT CERTAINLY IT WILL BE OUR
14 INTENT TO REVIEW THEM AND MAKE A RECOMMENDATION.

15 AND WHAT LEVEL THE RECOMMENDATION AS
16 DETAILED IS ANOTHER ISSUE. IT COULD BE FROM THE THIS
17 DOESN'T APPEAR IT WILL WORK TO BY CHANGING THIS
18 REGULATION IN THIS MANNER WE CAN ACHIEVE THIS STATED
19 GOAL.

20 I'M KIND OF GROPING HERE A LITTLE BIT FOR
21 THE IDEAS, BUT I THINK ONCE WE HAVE THEM LAID OUT IN
22 FRONT OF US, WE'LL HAVE A BETTER CONCEPT AND WORK WITH
23 THE ADVISORS ON HOW TO PROCEED.

24 CHAIRMAN RELIS: I THINK THE BOTTOM LINE IS DO
25 WE SEE LIGHT? I MEAN. IS THERE A WAY TO ADDRESS -- WE'VE



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1 BEEN DOWN, OH, A THREE-, FOUR-MONTH PROCESS OF DISCUSSING
2 THE ISSUES RELATED TO COUNTING PRIMARILY THAT WE'VE BEEN
3 DEALING WITH. IS THERE A WAY OUT OF THIS BOX THAT MAKES
4 SENSE REGULATORILY, THAT ANSWERS SOME OF THE CONCERNS OF
5 LOCAL GOVERNMENT THAT HAVE BEEN STATED IN INDUSTRY VERY
6 CLEARLY HERE IN THE ENVIRONMENTAL COMMUNITY.

7 BOARD MEMBER NEAL: JUST AS AN OBSERVATION, AND
8 I'M NOT GOING TO MAKE ANY VALUE JUDGMENTS ON ANY OF THE
9 PROPOSALS THAT HAVE BEEN PRESENTED HERE BECAUSE THEY'RE
10 JUST PRESENTED BASICALLY AS STATEMENTS WITH NOT A LOT OF
11 DETAIL. SO I DON'T FEEL PREPARED TO COMMENT ON THEM WITH
12 ANY KIND OF VALUE.

13 BUT WHAT I GET FROM SOME OF THESE IS AT
14 LEAST A SUGGESTION THAT THERE'S SOME FUNDAMENTAL FLAWS IN
15 939, AND WHAT I WOULD RECOMMEND THAT YOU DO AS YOU
16 ANALYZE THESE IS IF, IN FACT, YOU COME TO THAT SAME
17 CONCLUSION, LET'S NOT WASTE A LOT OF TIME TRYING TO PATCH
18 UP A REGULATION IN SOME PLACES WHERE MAYBE WE THINK WE
19 CAN, IF, IN FACT, IT'S REALLY NOT WHAT NEEDS TO BE DONE.

20 MR. LARSON: I FOLLOW YOUR LINE OF REASONING. I
21 THINK WHAT OUR PREVAILING EFFORT WOULD BE TO PURSUE THIS
22 REGULATORY ROAD AS VIGOROUSLY AND AS FAR AS WE CAN. AND
23 THEN IF THAT ROAD COMES TO A ROADBLOCK, OUR STAFF AND
24 RECOMMENDATION SHOULD BE BASED ON AN ANALYSIS THAT SAYS
25 HERE'S WHY WE CAN'T GO ANY FURTHER THIS WAY.



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1 CHAIRMAN RELIS: EXACTLY.

2 BOARD MEMBER NEAL: I FEEL A NEED TO MOVE WITH
3 THIS IN ALL DUE HASTE.

4 BOARD MEMBER EGIGIAN: LET'S KEEP IN MIND THAT
5 WE HEARD THAT IT'S COSTING LARGE AMOUNTS OF MONEY IN THE
6 FIELD IN THESE VARIOUS AREAS AND PEOPLE ARE NOT GETTING
7 ANYTHING BACK FOR IT.

8 BOARD MEMBER NEAL: BECAUSE OF THE DOLLARS THAT
9 ARE BEING SPENT, THAT'S WHY WE NEED TO MOVE ON THIS AS
10 EXPEDITIOUSLY AS POSSIBLE.

11 MR. LARSON: I'D LIKE TO MENTION, TOO, I DON'T
12 THINK THAT THAT ISSUE RECEIVED ITS FAIR SHARE OF
13 ATTENTION IN OUR STAFF PRESENTATION, THAT WHILE WE'RE
14 ENTERTAINING POSSIBLE CHANGES, THAT WE SHOULD
15 SIMULTANEOUSLY BE TRYING TO EVALUATE WHAT THE ECONOMIC
16 IMPACTS OF THESE CHANGES ARE, NOT JUST THE PROGRAMMATIC
17 OUTPUTS.

18 CHAIRMAN RELIS: SO I THINK WE'VE COVERED THAT
19 AS FAR AS WE CAN GO NOW, AND STAFF KNOWS WHAT WE NEED FOR
20 OUR SUBSEQUENT MEETING.

21 SO THAT CONCLUDES ITEM 1. AND THEN OUR
22 LAST ITEM IS ITEM 3. WE GET A STAFF PRESENTATION ON
23 THAT. JOHN -- JOHN SMITH. ARE YOU LEADING THIS?

24 MR. SMITH: I'M JOHN SMITH, MANAGER OF THE LOCAL
25 ASSISTANCE BRANCH. I ALSO HAVE HERE JUDY FRIEDMAN, WHO



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1 IS THE SECTION MANAGER FOR THE SOUTHERN SECTION OF THE
2 LOCAL ASSISTANCE BRANCH.

3 THE TIME THAT IT IS NOW, I'D LIKE TO JUST
4 MAKE SOME VERY BRIEF COMMENTS AND THEN TURN THE
5 PRESENTATION OVER TO JUDY.

6 I WANT TO SAY THAT FOR THE LAST TWO YEARS
7 WE HAVE BEEN FOCUSING ON GETTING THE FIRST TWO ELEMENTS
8 OF THE PLAN, THE HOUSEHOLD HAZARDOUS WASTE ELEMENT AND
9 SOURCE REDUCTION/RECYCLING ELEMENTS, GETTING THOSE
10 ELEMENTS PREPARED AND ADOPTED BY THE LOCAL JURISDICTIONS.

11 NOW, WE'RE AT -- WITH 70 PERCENT OF THOSE
12 IN-HOUSE ALREADY, WE'RE NOW TURNING OUR EFFORTS ON THE
13 THIRD ELEMENT OF THE PLAN, SITING ELEMENT AND THE COUNTY
14 INTEGRATED WASTE MANAGEMENT PLAN ITSELF.

15 WE NOW HAVE REGULATIONS OUT THERE THAT DO
16 ADDRESS THE CONTENTS ON THE SITING ELEMENT AND THE PLAN,
17 AND WE'RE HOPING SHORTLY TO GET THOSE REGULATIONS MOVING
18 AND ADOPTED AND GETTING THE GUIDANCE OUT.

19 SO WITHOUT ANY FURTHER ADO, I'D LIKE TO
20 TURN -- WELL, THE LAST THING I WANTED TO SAY IS THIS IS
21 THE COMMITTEE'S FIRST OPPORTUNITY TO HEAR ABOUT OUR
22 PROGRESS IN THE PREPARATION OF THE SITING ELEMENT AND THE
23 PLANS. SO WITH THAT, I'LL TURN IT OVER TO JUDY, AND
24 SHE'LL GO OVER THIS UPDATED ITEM.

25 MS. FRIEDMAN: THANK YOU. GOOD AFTERNOON,



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1 CHAIRMAN RELIS AND COMMITTEE MEMBERS. THE ITEM BEFORE
2 YOU IS A STATUS REPORT OF THE COUNTYWIDE INTEGRATED WASTE
3 MANAGEMENT PLAN OR PLANS COMMONLY REFERRED TO AS A SITING
4 ELEMENT.

5 AS YOU KNOW, EACH COUNTY MUST PREPARE AND
6 ADOPT THE COUNTYWIDE PLAN AND PLANNING ELEMENT PURSUANT
7 TO THE INTEGRATED WASTE MANAGEMENT ACT OF 1989.

8 BASED UPON FINDINGS SUBMITTED TO THE BOARD
9 BY THE LOCAL TASK FORCES, 11 COUNTIES MUST SUBMIT THEIR
10 ELEMENTS AND PLANS TO THE BOARD BY JANUARY 1, 1992. THIS
11 IS BECAUSE THEY HAVE LESS THAN FIVE YEARS' CAPACITY.

12 THESE COUNTIES ARE ALPINE, CONTRA COSTA,
13 DEL NORTE, KINGS, LOS ANGELES, MEDERA, MERCED, NAPA,
14 NEVADA, SAN MATEO, AND TUOLUMNE.

15 PLEASE NOTE THAT WE INCLUDED CALAVERAS
16 COUNTY IN THE AGENDA ITEM IN ERROR. THAT IS NOT TO BE
17 INCLUDED IN THOSE COUNTIES. SO IT SAYS 12 IN THE AGENDA
18 ITEM, BUT IT'S REALLY 11.

19 OF THOSE COUNTIES THAT I MENTIONED, NEVADA
20 COUNTY HAS SUBMITTED THEIR PLAN AS OF JANUARY 1, 1992,
21 AND STAFF ARE CURRENTLY REVIEWING THIS PLAN. WE
22 ANTICIPATE THAT MERCED AND TUOLUMNE WILL SUBMIT THEIR
23 PLANS BETWEEN NOW AND JUNE OF THIS YEAR.

24 THE REST OF THE COUNTIES, BASED ON THE
25 INFORMATION THAT WE HAVE RECEIVED TO DATE, WILL BE



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1 DELAYED, AND IT IS NOT KNOWN WHEN THESE COUNTIES WILL
2 SUBMIT THEIR PLANS.

3 TWO REASONS FOR DELAYS THAT HAVE BEEN
4 PRESENTED ARE THE LACK OF LOCALLY ADOPTED CITY SOURCE
5 REDUCTION/RECYCLING AND HOUSEHOLD HAZARDOUS WASTE
6 ELEMENTS THAT ARE TO BE SUBMITTED TO THE COUNTIES AND A
7 LACK OF FINAL OFFICE OF ADMINISTRATIVE LAW ADOPTED
8 REGULATIONS FOR THE SITING ELEMENT AND THE PLAN.

9 PLEASE NOTE THAT WE HAVE RECEIVED JUST
10 UNDER 400 SOURCE REDUCTION/RECYCLING ELEMENTS AND JUST
11 OVER 300 HOUSEHOLD HAZARDOUS WASTE ELEMENTS TO DATE.

12 NOW, I'D LIKE TO RUN THROUGH THE PROCEDURES
13 FOR REVIEWING THE SITING ELEMENTS AND PLANS ONCE THEY ARE
14 RECEIVED HERE. THESE PROCEDURES ARE BASED UPON THE
15 REGULATIONS AND ARTICLE 8.0., SECTION 18779 THROUGH 18785.

16 PLEASE NOTE THAT WHERE THE DISCUSSION
17 STATES THE BOARD, THIS MEANS THE COMMITTEE AND BOARD,
18 CONSISTENT WITH CURRENT AGENDA PROCEDURES.

19 PROCEDURES ARE AS FOLLOWS: STAFF WILL
20 REVIEW AND PROVIDE COMMENTS ON PRELIMINARY DRAFT SITING
21 ELEMENT AND THE PLAN WITHIN 45 DAYS OF RECEIPT.

22 ONCE THE PLAN AND ELEMENT IS LOCALLY
23 ADOPTED, IT WILL BE SUBMITTED TO US FOR A 120-DAY REVIEW
24 PERIOD. DURING THE 120-DAY PERIOD, STAFF WILL REVIEW THE
25 PLAN AND PREPARE AN AGENDA ITEM FOR PRESENTATION AT A



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1 PUBLIC HEARING.

2 THE HEARING -- AT THE HEARING IT WILL BE
3 DETERMINED WHETHER THE PLAN MEETS THE REQUIREMENTS OF THE
4 INTEGRATED WASTE MANAGEMENT ACT AND WILL RESULT IN AN
5 APPROVAL OR DISAPPROVAL OF THE PLAN. THIS DETERMINATION
6 WILL BE TRANSMITTED TO THE COUNTY WITHIN 30 DAYS.

7 IF THE BOARD DISAPPROVES OF THE PLAN AND
8 ADOPTS THE NOTICE OF DEFICIENCY, THEN THE COUNTY WILL
9 REVISE THE PLAN, AND WE WILL RESUBMIT IT TO THE BOARD FOR
10 REVIEW AND APPROVAL.

11 AT THIS TIME THAT'S BASICALLY THE
12 PROCEDURES IN VERY ABBREVIATED FORM, CONSIDERING THE TIME
13 AND HOW MANY DISCUSSIONS WE'VE HAD TODAY. BUT IF THERE
14 ARE ANY QUESTIONS, I'D BE GLAD TO ANSWER THEM.

15 BOARD MEMBER NEAL: WHY DOES IT TAKE STAFF FOUR
16 MONTHS TO REVIEW THE FINAL PLANS?

17 MS. FRIEDMAN: IF YOU RECALL, THE FINAL PLAN
18 CONSISTS OF SITING ELEMENT, INTEGRATED SUMMARY PORTIONS,
19 AND ALL OF THE SOURCE REDUCTION/RECYCLING AND HOUSEHOLD
20 HAZARDOUS WASTE ELEMENTS WITHIN THE JURISDICTION, WITHIN
21 THE COUNTY, INCLUDING THE COUNTY'S PLAN.

22 WE NEED TO GO BACK THROUGH ALL THOSE
23 DOCUMENTS AND DETERMINE WHETHER OR NOT THE LOCALLY
24 ADOPTED ELEMENTS COMPLY WITH THE REGULATIONS.

25 BOARD MEMBER NEAL: WOULDN'T STAFF HAVE SEEN



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1 SOME OF THIS IN THE PRELIMINARY PLANS?

2 MS. FRIEDMAN: STAFF WILL SEE THE -- YES. WE'RE
3 CURRENTLY REVIEWING THE PRELIMINARY DRAFTS OF THE SOURCE
4 REDUCTION/RECYCLING AND ALSO HOUSEHOLD HAZARDOUS WASTE
5 ELEMENTS, BUT WE NEED TO CHECK THE FINAL LOCALLY ADOPTED
6 PLANS AGAINST WHAT OUR COMMENTS WERE.

7 BOARD MEMBER NEAL: AND IT TAKES FOUR MONTHS TO
8 CHECK TO SEE WHAT CHANGES HAVE BEEN DONE?

9 MR. SMITH: THE CODE ALLOWS THE BOARD UP TO 120
10 DAYS TO -- WHETHER THAT'S GOING TO TAKE 120 DAYS, WE'LL
11 HAVE TO SEE. I MEAN, FOR VERY SMALL JURISDICTIONS, LIKE
12 NEVADA COUNTY, WHERE THEY'RE ONLY TWO CITIES EACH, THAT
13 MAY BE A VERY EASY TASK AT HUMBOLDT COUNTY WHERE THERE'S
14 JUST A FEW JURISDICTIONS. BUT WHERE YOU HAVE THE COUNTY
15 OF LOS ANGELES WITH 89 JURISDICTIONS, THAT PROBABLY WOULD
16 REQUIRE, YOU KNOW, TWO AND A HALF TO THREE MONTHS OF
17 STAFF TIME.

18 BOARD MEMBER NEAL: WHAT DO WE DO OR DO WE NEED
19 TO DO ANYTHING FOR, SAY, THOSE COUNTIES, THE SMALL ONES,
20 TO MAKE SURE THAT WE DON'T JUST GET THEM AND SAY WE'VE
21 GOT 120-DAY CLOCK AND FEEL THAT WE DON'T REALLY NEED TO
22 TURN THOSE AROUND QUICK? IT JUST SEEMS TO ME THAT FOUR
23 MONTHS IS A VERY LONG TIME TO TAKE TO REVIEW SOME FINAL
24 PLANS WHEN YOU REVIEWED SOME OF THE PRELIMINARY ONES.
25 MAYBE THERE'S SOMETHING I'M NOT GETTING IN TERMS OF WHAT



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1 HAS TO HAPPEN IN THIS REVIEW.

2 MR. SMITH: AGAIN, THAT IS A MAXIMUM. AND THE
3 ITEMS WILL GO TO A COMMITTEE AND THEN TO THE BOARD. AND
4 MAYBE WITH A LOOK BY THE COMMITTEE AT SOME OF THE STAFF
5 RECOMMENDATIONS, WE'LL BE ASKED TO GO BACK --

6 BOARD MEMBER NEAL: MY UNDERSTANDING IS THE
7 COMMITTEE AND BOARD REVIEW IS OUTSIDE THIS 120 DAYS?

8 MR. SMITH: NO. IT'S WITHIN. THAT'S FROM THE
9 TIME THE BOARD GETS IT, IT NEEDS TO EITHER APPROVE,
10 PARTIALLY APPROVE, OR DISAPPROVE WITHIN 120 DAYS OF
11 RECEIPT. THAT INCLUDES ALL THAT TIME.

12 CHAIRMAN RELIS: COUPLE OF QUESTIONS.

13 ONE IS THE STATUS OF REGULATIONS FOR THE
14 SITING ELEMENTS. AND THERE'S A REFERENCE HERE TO THE
15 OFFICE OF ADMINISTRATIVE LAW AND THIS APPARENT HANG-UP,
16 OR IS THIS A HANG-UP?

17 MS. FRIEDMAN: I'M NOT SURE WHICH PARTICULAR
18 REFERENCE, BUT I CAN GIVE YOU A --

19 CHAIRMAN RELIS: ITEM 2 UNDER ANALYSIS.

20 MS. FRIEDMAN: OH, OKAY.

21 CHAIRMAN RELIS: PAGE 17.

22 MS. FRIEDMAN: OKAY. YOU KNOW THAT THE
23 PROCEDURE IS WE HAVE REGULATIONS, DRAFT REGULATIONS, THAT
24 WE PROPOSE, SUBMIT TO THE OFFICE OF ADMINISTRATIVE LAW,
25 AND WE GO THROUGH A CERTAIN SET PROCESS. I CAN GIVE YOU



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1 THE STATUS OF WHERE WE'RE AT WITH THOSE.

2 CHAIRMAN RELIS: WOULD YOU, PLEASE?

3 MS. FRIEDMAN: OKAY.

4 CHAIRMAN RELIS: I GUESS THAT'S WHAT I MEANT.

5 MS. FRIEDMAN: ON NOVEMBER 26TH WE FILED THE
6 PROPOSED REGULATIONS FOR THE SITING ELEMENT, COUNTYWIDE
7 SITING ELEMENT REGULATIONS. AND ON DECEMBER 24TH WE
8 FILED THOSE REGULATIONS WITH THE INTEGRATED WASTE
9 MANAGEMENT PLAN.

10 WE MAILED OUT THE COPIES OF THE REGULATIONS
11 TO ALL INTERESTED PARTIES ON THE 28TH FOR THE SITING
12 ELEMENT AND THAT WAS OF NOVEMBER AND ON THE 2D OF THIS
13 YEAR FOR THE PLAN REGULATIONS.

14 WE WILL BE HOLDING WORKSHOPS AT THE END OF
15 THIS MONTH AND EARLY IN FEBRUARY TO DISCUSS THE COMMENTS
16 ON THOSE REGULATIONS AT BASICALLY THE CLOSE OF THE 45-DAY
17 COMMENT PERIOD.

18 ONCE WE HAVE COMPLETED THOSE INFORMAL
19 WORKSHOPS, WE WILL BE COMING BACK TO THE COMMITTEE WITH
20 PROPOSED CHANGES IN THOSE REGULATIONS, IF THEY ARE
21 NECESSARY. AND IF THERE ARE NO PROPOSED CHANGES, WE
22 WOULD COME TO YOU WITH RECOMMENDATIONS FOR ADOPTION.

23 FOLLOWING THE COMMITTEE'S DELIBERATION, IT
24 WOULD GO ON TO THE BOARD FOR THEIR FINAL APPROVAL. ONCE
25 THAT OCCURS, IT CAN THEN BE SUBMITTED TO THE OFFICE OF



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1 ADMINISTRATIVE LAW FOR THEIR APPROVAL AND THEN ON TO THE
2 SECRETARY OF STATE FOR RECORDATION.

3 ANY CHANGES THAT ARE DISCUSSED IN EACH OF
4 THESE HEARINGS MUST GO OUT FOR ANOTHER 15-DAY NOTICE
5 PERIOD PER THE OFFICE OF ADMINISTRATIVE LAW PROCEDURES.

6 CHAIRMAN RELIS: ALSO, I NOTE THAT WE HAVE 518
7 JURISDICTIONS OUT THERE: 377 HAVE BEEN RECEIVED AND 335
8 HOUSEHOLD HAZARDOUS WASTE -- I THINK THAT'S REAL GOOD. I
9 THINK WE SHOULD LOOK AT THAT AS VERY POSITIVE.

10 BOARD MEMBER NEAL: WHAT DOES SACRAMENTO KNOW
11 THAT NO ONE ELSE DOES? THEIRS IS DUE IN '94 AND THEY'RE
12 TURNING IT IN IN '92?

13 MR. SMITH: NO. THE SACRAMENTO COUNTY, I THINK,
14 WAS ONE OF THE FEW JURISDICTIONS THAT, ONCE THE
15 REGULATIONS WERE BEING PROPOSED AS EMERGENCY REGULATIONS,
16 WANTED TO GET THE PROCESS COMPLETED. I JUST TALKED WITH
17 THE COUNTY. IT MAY BE A LITTLE LATER. THEY MAY NOT BE
18 THAT AMBITIOUS; BUT ONCE OUR REGULATIONS ARE FINALIZED,
19 THEY CERTAINLY WILL GO AT TOP SPEED TO GET THEIR PLAN IN.
20 THEY ARE SPEEDING GETTING IT IN BEFORE THEIR DUE DATE, SO
21 I THINK THEY NEED TO BE COMMENDED FOR THAT.

22 BOARD MEMBER NEAL: I THINK WE NEED TO MAKE THEM
23 OUR POSTER CHILD.

24 CHAIRMAN RELIS: I'D JUST LIKE TO MAKE AN
25 OBSERVATION. I KNOW WE'RE CAUGHT IN A LOT OF SORT OF



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1 DREADFUL ANALYSIS OF COUNTING, AND IT CAN ALL GET VERY
2 TEDIOUS AND OLD AND CAUSE US TO LOSE SIGHT OF THE FACT
3 THAT THERE ARE 300 PLUS -- ALMOST 400 JURISDICTIONS THAT
4 HAVE FULFILLED OR CLOSE TO FULFILLING THEIR MANDATES
5 HERE, AT LEAST IN THE PLANNING STAGE.

6 AND I SUSPECT WHEN WE LOOK AT WHAT'S ON THE
7 BOOKS, WE'LL HEAR MORE OF THE TYPE OF INVESTMENTS THAT WE
8 HEARD FROM MR. BOWERMAN, AT LEAST, BEING MADE. AND WE
9 CAN'T LOSE SIGHT AS WE SORT OF JERK THE -- TRY TO FIND
10 THE REGULATORY FIX OR THE LEGISLATIVE FIX THAT A LOT IS
11 BEING DONE.

12 AND I THINK IT WOULD BE A REAL MISTAKE FOR
13 THIS BOARD AND FOR THE AUDIENCE AND PEOPLE HERE TO --
14 THAT WE REALLY NEED TO GIVE CREDIT. THERE'S A LOT OF
15 GOOD WORK GOING ON OUT THERE.

16 AND I, FOR ONE, WOULD LIKE TO KNOW MORE.
17 SPECIFICALLY, AS OUR DATA BASE COMES IN, WE GET FIGURES
18 ON THE NUMBER, THE AMOUNT BEING SPENT, WHAT KINDS OF
19 IMPLEMENTATION IS UNDER WAY. AND SO LET'S JUST KEEP IT
20 IN PERSPECTIVE.

21 WE'VE GOT A GOOD THING GOING HERE, AND WE
22 DON'T WANT TO LOSE PERSPECTIVE ON THAT.

23 ARE THERE ANY QUESTIONS ON ITEM 3 FROM THE
24 AUDIENCE? FROM THE OTHER BOARD MEMBERS? STAFF?

25 OKAY. THEN I WOULD SAY THAT OUR BUSINESS



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FOR THE DAY IS DONE. AND THANK YOU VERY MUCH AND THANK
YOU IN THE AUDIENCE FOR HANGING IN THERE.

(END OF PROCEEDINGS.)



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Reporter's Certificate

* * * * *

I, BETH C. DRAIN hereby certify:

that on the 7th of
JANUARY 1992, 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

Certificate No. 7152

