

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
POLICY, RESEARCH AND TECHNICAL)
ASSISTANCE COMMITTEE MEETING)
_____)

DATE AND TIME: THURSDAY, FEBRUARY 20, 1992, 9:30 A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA

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

BRS FILE NO.: 10791

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APPEARANCES

MR. SAM EGIGIAN, CHAIRMAN
MR. JESSE HUFF
MR. PAUL RELIS (NOT PRESENT)

STAFF PRESENT

JUDITH FRIEDMAN
TRACEY HARPER
JOHN NUFFER

ADVISORS PRESENT

AL LIPSON
JEFFREY DANZINGER
HOWARD LEVENSON
ROB SAROYAN

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1 POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE

2 LANDFILL CAPACITY WORKSHOP

3 THURSDAY, FEBRUARY 20, 1992

4 9:30 A.M.

5
6 CHAIRMAN EGIGIAN: GOOD MORNING. WE WERE
7 STALLING JUST A LITTLE BIT BECAUSE, AS YOU SEE, I'M THE
8 ONLY COMMITTEE MEMBER HERE. AND ALTHOUGH IT'S NOT
9 NECESSARY TO HAVE A QUORUM ON THIS WORKSHOP, WE WILL
10 PROCEED; AND AS OUR PEOPLE ARRIVE, WE WILL JUST CONTINUE
11 FROM THERE.

12 JUST -- PATTI, I THINK WE SHOULD HAVE A
13 ROLL CALL JUST TO ESTABLISH WHO'S HERE.

14 COMMITTEE SECRETARY: BOARD MEMBER RELIS?

15 ABSENT.

16 BOARD MEMBER HUFF?

17 CHAIRMAN EGIGIAN: LATE.

18 COMMITTEE SECRETARY: AND CHAIRMAN EGIGIAN?

19 CHAIRMAN EGIGIAN: HERE.

20 GOOD MORNING AND WELCOME. I AM SAM
21 EGIGIAN, THE PRIVATE INDUSTRY REPRESENTATIVE OF THE WASTE
22 MANAGEMENT BOARD AND CHAIRMAN OF THE BOARD'S POLICY,
23 RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE.

24 OUR FIRST PRIORITY IN PURSUING THE GOALS OF
25 THE LAW IS TO USE FEASIBLE RESOURCE REDUCTION, RECYCLING,

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1 AND COMPOSTING OPTIONS. THESE METHODS HELP TO REDUCE THE
2 AMOUNT OF SOLID WASTE THAT WOULD OTHERWISE BE DISPOSED OF
3 BY TRANSFORMATION OR LAND DISPOSAL.

4 BUT ESCALATING THE STRINGS ON THE WASTE
5 INFRASTRUCTURE FROM POPULATION GROWTH TO WASTE GENERATION
6 INCREASES MEAN THAT WE CAN STILL EXPECT A GOOD DEAL OF
7 WASTE THAT WILL HAVE TO BE DISPOSED OF.

8 THEREFORE, IT IS VERY IMPORTANT THAT THE
9 BOARD PAY CLOSE ATTENTION TO THE THIRD COMPONENT OF
10 AB 939 HIERARCHY, THE ENVIRONMENTALLY SAFE TRANSFORMATION
11 AND DISPOSAL. ADJOINING OUR COMMITMENT TO THE INTEGRATED
12 WASTE MANAGEMENT LAW IS AN OBLIGATION TO MEET OUR GOALS
13 THROUGH A BALANCED APPROACH.

14 TODAY'S WORKSHOP IS ANOTHER STEP IN THE
15 BOARD'S ONGOING EFFORT TO LEARN MORE ABOUT THE STATUS OF
16 LANDFILL CAPACITY AND ITS RELATING FACTORS.

17 LAST YEAR THE BOARD ADOPTED MY PROPOSED
18 RESOLUTION OFFICIALLY ACKNOWLEDGING THE LANDFILL CAPACITY
19 SHORTAGE, THE POTENTIAL CRISIS IN SOME PARTS OF OUR
20 STATE.

21 THE RESOLUTION SET THE STAGE FOR LANDFILL
22 CAPACITY STUDY CONDUCTED BY THE BOARD TO PROVIDE US WITH
23 AN ACCOUNT OF REMAINING DISPOSAL CAPACITY THROUGHOUT
24 CALIFORNIA. THIS INTERIM DRAFT REPORT HAS BEEN COMPLETED
25 AND IS -- AND ITS PRESENTATION IS INCLUDED IN OUR AGENDA

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1 TODAY.

2 THE NUMBERS ARE SOBERING. MANY COUNTIES
3 POSSESS LESS THAN TEN YEARS OF CAPACITY, WHICH IS VIEWED
4 AS THE AVERAGE TIME IT TAKES TO SITE A NEW FACILITY.

5 MORE DISTRESSING IS THE FACT THAT SEVERAL
6 COUNTIES ARE DEFINED AS HAVING A VERY CRITICAL SHORTAGE
7 CAPACITY WITH LESS THAN FIVE YEARS REMAINING. ALL
8 TOTALED, ONLY ABOUT HALF OF CALIFORNIA'S 58 COUNTIES
9 POSSESS 15 OR MORE YEARS OF CAPACITY, WHICH AB 939
10 DEFINES AS ADEQUATE.

11 WE MUST BE CAREFUL TO REMEMBER THAT AS WE
12 PURSUE THE DIVERSION GOALS OF AB 939, WE DO NOT FORGET
13 THAT ASSURING 15 YEARS OF DISPOSAL CAPACITY IS ALSO
14 MANDATED GOAL FOR LOCALS.

15 THE REPORT'S FINDINGS ARE A FIRST STEP.
16 AND WITH THE INPUT WE RECEIVE HERE TODAY, WE WILL BE ABLE
17 TO FINISH DEFINING THE SCOPE FOR A CONTRACT LET BY THE
18 BOARD TO ACQUIRE MORE IN-DEPTH KNOWLEDGE ON TECHNIQUES ON
19 THIS ISSUE.

20 LAST JUNE IN LONG BEACH WE HELD OUR FIRST
21 LANDFILL CAPACITY WORKSHOP. WE RECEIVED INPUT FROM THE
22 INDUSTRY LEADERS, GOVERNMENT OFFICIALS, ENVIRONMENTAL
23 GROUPS, AND OTHER CONCERNED PARTIES. WE ADDRESSED THE
24 MANY CONTRIBUTING FACTORS TO THE CAPACITY SHORTAGE AND
25 HEARD A NUMBER OF OPINIONS ON HOW WE SHOULD DEAL WITH THE

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1 PROBLEM.

2 CLEARLY, ONE OF THE MOST IMPORTANT OF THESE
3 FACTORS IS THE SITING OF FACILITIES. IT IS MY HOPE THAT
4 THIS SECOND FORUM WILL HELP US TO GAIN A BETTER
5 UNDERSTANDING OF ISSUES THAT MUST BE RESOLVED IF WE ARE
6 TO SITE THE FACILITIES NEEDED TO ACCOMMODATE EXPANDING
7 WASTE GENERATION AND TO HANDLE THIS WASTE IN AN
8 EFFICIENT, ENVIRONMENTALLY SAFE MANNER.

9 ONE FACT THAT IS COMING MORE TO LIGHT IS
10 THE LANDFILL CAPACITY DILEMMA IS AS MUCH A POLITICAL
11 PROBLEM AS A CAPACITY PROBLEM. THERE MAY BE NO SHORTAGE
12 OF SPACE TO ACCOMMODATE LANDFILLS OR MRF'S OR
13 WASTE-TO-ENERGY FACILITIES, BUT POLITICAL OBSTACLES,
14 ALONG WITH UNDUE REGULATORY BURDENS AND OTHER FACTORS,
15 CAN HAVE A TREMENDOUSLY ADVERSE EFFECT ON THE SITING
16 PROCESS.

17 AND SO IF WE ARE GOING TO LOOK TO THESE
18 FACILITIES TO HELP US SOLVE THE CRISIS, WE MUST HAVE A
19 CLEAR UNDERSTANDING OF HOW THE SITING PROCESS CAN BE
20 IMPROVED AND HOW THE REGULATORY BURDEN CAN BE RELIEVED
21 WITHOUT SACRIFICING ENVIRONMENTAL PROTECTION.

22 BY MEETING THE HIGHEST STANDARDS OF SAFETY
23 AND EFFICIENCY, TODAY'S LANDFILLS ARE NO LONGER THE
24 COMMUNITY VILLAIN. THEY ARE NECESSARY. AND THEY ARE
25 HELPFUL TOOLS IN HANDLING WASTE IN A SAFE, RESPONSIBLE

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1 MANNER.

2 BUT PERHAPS IT IS MORE IMPORTANT TO
3 RECOGNIZE THAT TODAY'S LANDFILLS AREN'T -- WHAT TODAY'S
4 LANDFILLS AREN'T. THEY AREN'T DANGEROUS AND AREN'T AN
5 EYESORE AND THEY AREN'T HARMFUL TO SURROUNDING PROPERTY
6 VALUES.

7 TODAY WE WILL LEARN FROM THOSE WHO HAVE
8 ENCOUNTERED PITFALLS IN THE SITING PROCESS AND THOSE WHO
9 HAVE SUCCESSFULLY TRANSVERSED IT, ALL WITH STRONG
10 OPINIONS, I AM SURE.

11 HOPEFULLY, YOUR INPUT, ALONG WITH THE
12 FINDINGS OF OUR INTERIM CAPACITY STUDY, WILL TAKE US
13 ANOTHER STEP CLOSER TO REFORMING A MUCH MALIGNED PROCESS.

14 IN THE MIDST OF THIS QUIET REVOLUTION IN
15 WASTE MANAGEMENT, WE CANNOT AFFORD TO LOSE SIGHT OF THE
16 SITING ISSUE TO BE SURE THE BOARD IS SUFFICIENT AUTHORITY
17 TO INFLUENCE ACTION, BUT ENFORCEMENT TOOLS SUCH AS
18 IMPOSING FINES ARE NOT ALWAYS THE BEST WAY TO DO THE JOB.

19 IN THIS STATE -- IF THE STATE IS TO PROVIDE
20 DIRECTION AND LEADERSHIP, IT MUST DO MORE THAN EXPECT
21 ACTION FROM LOCALS; IT MUST TAKE ACTION ITSELF.

22 WORKSHOPS SUCH AS THIS WILL GENERATE
23 CREATIVE, INNOVATIVE WAYS TO ALLEVIATE THE PROBLEM AND TO
24 HELP THE KEEP THE BOARD'S ROLE POSITIVE, NOT PUNITIVE.

25 TODAY'S WORKSHOP WILL OPEN WITH A

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1 PRESENTATION OF THE BOARD'S INTERIM CAPACITY STUDY AND
2 WILL GIVE US A SNAPSHOT LOOK AT THE CURRENT SITUATION
3 BASED ON THE NUMBERS AVAILABLE AT THIS TIME.

4 WE WILL THEN HEAR FROM CHUCK ZAHN OF CONTRA
5 COSTA COUNTY AND STEVE MAGUIN OF LOS ANGELES COUNTY,
6 LOCAL OFFICIALS FROM COUNTIES THAT ARE EXPERIENCING A
7 SEVERE SHORTAGE IN CAPACITY. THEY WILL INFORM US OF WHAT
8 THEY ARE DOING TO MEET THE CHALLENGE.

9 AND FINALLY, WE WILL HEAR FROM THOSE WHO
10 HAVE BEEN THROUGH THE SITING PROCESS. THEY INCLUDE TOM
11 WRIGHT, FORMERLY OF ORANGE COUNTY; DOUG LANDON OF KERN
12 COUNTY; TOM HORTON OF SAN JOAQUIN COUNTY; AND MARC APREA
13 OF BFI. THESE LOCAL OFFICIALS WILL SHARE THEIR
14 EXPERIENCE WITH US AND OFFER THEIR THOUGHTS AND IDEAS.

15 FOLLOWING THESE PRESENTATIONS, TIME
16 PERMITTING, WE WILL HAVE SOME PUBLIC COMMENT AND
17 COMMITTEE DISCUSSIONS.

18 BEFORE WE BEGIN TODAY'S WORKSHOP, I WOULD
19 LIKE YOU TO SEE A SHORT PROGRAM. THIS IS FROM A RECENT
20 EPISODE ON TELEVISION PROGRAM 20/20. IT DEALS WITH AN
21 EMERGING DEVELOPMENT OF LANDFILL ISSUES, AND I THINK YOU
22 WILL FIND IT EDUCATIONAL.

23 LET'S HAVE THE FILM NOW.

24 AND LET THE RECORD SHOW THAT OUR MR. JESSE
25 HUFF IS HERE.

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1 (THE VIDEO WAS THEN PRESENTED.)

2 CHAIRMAN EGIGIAN: AND, NOW, I WOULD LIKE TO
3 BEGIN TODAY'S WORKSHOP BY INTRODUCING YOU TO JOHN NUFFER
4 AND TRACEY HARPER OF THE BOARD'S LOCAL ASSISTANCE BRANCH,
5 SOUTH SECTION. JOHN AND TRACEY WILL PRESENT TO YOU THE
6 DRAFT LANDFILL CAPACITY REPORT.

7 MR. NUFFER: THANK YOU. GOOD MORNING, MR.
8 CHAIRMAN. HOW'S THAT. MY NAME IS JOHN NUFFER. THIS IS
9 MY SUPERVISOR, JUDY FRIEDMAN, AND NEXT TO HER IS TRACEY
10 HARPER. TRACEY AND I WORKED ON THE REPORT TOGETHER. ALL
11 OF US WORK IN THE LOCAL ASSISTANCE BRANCH, AS YOU SAID,
12 OF THE PLANNING AND ASSISTANCE DIVISION.

13 BEFORE I BEGIN, I WOULD LIKE TO SAY THAT
14 THERE ARE COPIES OF THE REPORT AVAILABLE IN THE FOYER, IF
15 ANYONE DOES NOT HAVE ONE YET. MIGHT BE USEFUL TO FOLLOW
16 ALONG AS TRACEY GIVES HER PART OF THE PRESENTATION.

17 ALSO, THE FINAL REPORT WILL BE PREPARED
18 ONCE THE COMMITTEE AND THE BOARD HAVE ADOPTED IT. AND
19 WE'LL MAIL THAT OUT TO THOSE PEOPLE WHO HAVE EXPRESSED AN
20 INTEREST IN RECEIVING THE DRAFT AND ANYBODY ELSE WHO
21 WOULD LIKE TO LET US KNOW TODAY OR IN THE FUTURE.

22 ALSO, COMMENTS ABOUT OUR REPORT. THERE
23 WILL BE SOME TIME AFTER TRACEY'S PRESENTATION FOR
24 TECHNICAL COMMENTS ON THE REPORT. AND ALSO AT THE END OF
25 THE WORKSHOP, THERE WILL BE TIME FOR COMMENTS ON ANYTHING

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1 WE'VE DISCUSSED DURING THE DAY.

2 I'D LIKE TO DIVIDE OUR PRESENTATION INTO
3 TWO PARTS. FIRST, I'D LIKE TO TALK ABOUT WHY WE DID THE
4 STUDY, HOW WE DID THE STUDY, AND WHAT THE LIMITATIONS ARE
5 OF THE STUDY. ONCE I'M THROUGH, TRACEY WILL DISCUSS THE
6 FINDINGS OF THE REPORT.

7 TO START MY PORTION OF THE PRESENTATION,
8 I'D LIKE TO RECAP FIRST THE HISTORY OF THE REPORT FOR
9 THOSE WHO ARE NOT FAMILIAR WITH IT. AND I'D ALSO LIKE TO
10 LET THE COMMITTEE KNOW HOW WE'D LIKE TO PROCEED AFTER
11 TODAY.

12 FIRST, THE HISTORY. THE COMMITTEE BACK ON
13 SEPTEMBER 12TH DISCUSSED PREPARING A REPORT ON REMAINING
14 LANDFILL CAPACITY STATEWIDE AT ITS COMMITTEE MEETING AND
15 AT THAT MEETING STAFF WAS DIRECTED TO PREPARE A WORK PLAN
16 FOR SUCH A REPORT.

17 WE DID SO. AND THE WORK PLAN THAT WE
18 DEVELOPED WAS SUBMITTED TO THE COMMITTEE ON OCTOBER 8TH
19 AND WAS APPROVED BY THE COMMITTEE. IT'S IMPORTANT TO
20 NOTE, I THINK, THAT THE WORK PLAN IDENTIFIED SEVERAL
21 BASIC TASKS.

22 THE FIRST WAS SIMPLY TO COMPILE EXISTING
23 LOCAL TASK FORCE FINDINGS OF REMAINING PERMITTED DISPOSAL
24 CAPACITY IN EACH OF THE COUNTIES, THE SECOND WAS TO
25 SUMMARIZE THOSE FINDINGS, AND THE THIRD WAS TO ORGANIZE



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1 THOSE FINDINGS BY COUNTY, REGION, AND THE STATE.

2 AFTER THIS WORKSHOP, AS I INDICATED
3 PREVIOUSLY, WE'D LIKE TO TAKE THE REPORT TO THE
4 COMMITTEE'S MARCH 10TH MEETING FOR YOUR CONSIDERATION AND
5 SUBMITTAL TO THE FULL BOARD. AND THEN IF YOU CONCUR, THE
6 FULL BOARD THEN COULD CONSIDER IT AT ITS APRIL 29TH
7 MEETING IN OAKLAND.

8 NOW, ABOUT THE REPORT.

9 INITIALLY, I SAID THAT I WANTED TO TALK
10 ABOUT WHY WE DID THE REPORT, HOW WE DID THE REPORT, AND
11 THE LIMITATIONS OF THE REPORT. FIRST, LET'S LOOK AT THE
12 WHY. AND I WANT TO TALK ABOUT THE WHY IN TERMS OF THE
13 OVERALL GOAL, THE OBJECTIVES, AND THE BENEFITS OF THIS
14 STUDY AND REPORT.

15 FIRST, THE OVERALL GOAL WAS TO DETERMINE
16 WHERE IN CALIFORNIA REMAINING PERMITTED LANDFILL DISPOSAL
17 CAPACITY MIGHT BE CRITICALLY SHORT, AND THAT WAS THE
18 OVERALL GOAL. AND WE BROKE THAT DOWN INTO TWO MORE
19 SPECIFIC OBJECTIVES, THE FIRST TO DETERMINE THE EXTENT OF
20 NEED FOR LANDFILL CAPACITY THROUGHOUT THE STATE, MEASURED
21 IN YEARS, AND THE SECOND WAS TO IDENTIFY COUNTIES AND
22 REGIONS WHICH MIGHT BE CRITICALLY SHORT OF LANDFILL
23 CAPACITY.

24 AND WE'LL GET TO THE MAPS, THE MAP BEHIND
25 YOU, A LITTLE LATER ON.



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1 IN DOING THIS STUDY, WE BELIEVE THERE ARE
2 SOME BENEFITS. FIRST, IT PROVIDES THE COMMITTEE WITH A
3 PRELIMINARY INDICATION OF HOW SERIOUS THE PROBLEM MIGHT
4 BE.

5 SECOND, IT PROVIDES A BENCH MARK FOR FUTURE
6 REFERENCE. THE STUDY IS SIMPLY A SNAPSHOT OF LANDFILL
7 CAPACITY AS OF JANUARY 1, 1990, WHEN THIS WHOLE AB 939
8 PROCESS BEGAN. SO WE CAN USE IT AS WE GO THROUGH THE
9 PROCESS AS A BENCH MARK OR REFERENCE.

10 THE THIRD BENEFIT IS THAT IT PROVIDES THE
11 FOUNDATION FOR MORE EXTENSIVE STUDY OF THE LANDFILL
12 CAPACITY ISSUE AND THE UPCOMING CONTRACT, WHICH IS --
13 WE'RE DEVELOPING NOW.

14 OKAY. SO I'VE TALKED ABOUT WHY WE DID THE
15 STUDY. NOW I'D LIKE TO TALK ABOUT HOW WE DID THE STUDY
16 OR THE METHODOLOGY.

17 THE DATA WE USED WAS SUBMITTED BY THE LOCAL
18 TASK FORCES IN EACH OF THE COUNTIES. AS BACKGROUND, THE
19 LOCAL TASK FORCES WERE REQUIRED BY -- WERE ESTABLISHED
20 INITIALLY BY AB 939 AND WERE REQUIRED BY THE STATUTE AND
21 REGULATIONS TO DETERMINE AND VERIFY THEIR OWN REMAINING
22 PERMITTED CAPACITY IN EACH COUNTY AND THEN TO DEVELOP A
23 FINDING OF WHAT THAT MEANT IN TERMS OF YEARS LEFT, AND
24 THEN THEY WERE TO SEND THAT TO THE BOARD AS THEIR
25 OFFICIAL FINDING.

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1 TO FACILITATE THIS PROCESS, THE BOARD SENT
2 OUT A LETTER TO THEM, WHICH WE ASKED THEM A NUMBER OF
3 QUESTIONS, INCLUDING THE QUESTION: HOW MANY YEARS
4 CAPACITY DO YOU HAVE LEFT, BASICALLY, COUNTYWIDE?

5 SO FROM THE STAFF'S PERSPECTIVE, OUR FIRST
6 TASK WAS TO COMPILE THE EXISTING LOCAL TASK FORCE
7 FINDINGS; HOWEVER, IN ORDER TO MAKE THE STUDY MORE
8 MEANINGFUL, WE GATHERED AND COMPILED ADDITIONAL
9 INFORMATION ON TWO OTHER AREAS ON ANNUAL DISPOSAL, BOTH
10 IN TERMS OF TONS AND CUBIC YARDS, AND COUNTYWIDE
11 REMAINING PERMITTED DISPOSAL CAPACITY IN TONS AND CUBIC
12 YARDS, AS WELL AS YEARS.

13 TO DO THIS, WE EXAMINED THE FILES WE HAD IN
14 THE OFFICE. IF OUR FILES DID NOT CONTAIN THE DATA WE
15 WANTED, WE EITHER CALLED THE COUNTIES TO REQUEST THE
16 INFORMATION OR WE TOOK THE INFORMATION THAT WE HAD FROM
17 THE COUNTY FILES.

18 AND, FOR EXAMPLE, IF WE HAD TONS OF ANNUAL
19 DISPOSAL, WE WANTED CUBIC YARDS OF ANNUAL DISPOSAL, WE
20 SIMPLY CONVERTED THE TONS TO CUBIC YARDS USING THE
21 COUNTY'S COMPACTION RATE. IF THEY HAD NOT GIVEN US A
22 COMPACTION RATE, WE USED THE STANDARD OF 1200 POUNDS PER
23 SQUARE FOOT.

24 OUR SECOND TASK WAS TO SUMMARIZE AND
25 ORGANIZE THAT DATA THAT WE HAD COMPILED. IN ORDER TO DO

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1 THIS, WE ESTABLISHED CATEGORIES, AND WE'LL TALK ABOUT THE
2 CATEGORIES A LITTLE LATER. WE'LL SHOW YOU THE CATEGORIES
3 ON THE MAPS A LITTLE LATER.

4 THE CATEGORIES WERE LESS THAN FIVE YEARS OF
5 CAPACITY REMAINING, FIVE TO EIGHT YEARS, NINE TO 15
6 YEARS, AND MORE THAN 15 YEARS OF REMAINING PERMITTED
7 DISPOSAL CAPACITY.

8 AND ALL OF THOSE CATEGORIES RELATE TO THE
9 PROVISIONS OF AB 939. THE FIRST TWO CATEGORIES, LESS
10 THAN FIVE AND FIVE TO EIGHT YEARS, RELATE TO WHEN THE
11 COUNTIES HAVE TO HAVE THEIR COUNTYWIDE INTEGRATED WASTE
12 MANAGEMENT PLANS TO THE BOARD.

13 THE NINE TO 15 AND MORE THAN 15 YEARS
14 CATEGORIES RELATE TO THE REQUIREMENT IN THE REGULATIONS
15 IN THE STATUTE THAT EACH COUNTY ESTIMATE ITS NEEDED
16 DISPOSAL CAPACITY FOR 15 YEARS.

17 I'VE TALKED ABOUT WHY AND HOW WE DID THE
18 STUDY. NOW I'D LIKE TO TALK LITTLE BIT ABOUT THE
19 LIMITATIONS OF THE STUDY.

20 THE NO. 1 IS THE DATA -- THE DATA WAS
21 CURRENT AS OF JANUARY 1, 1990. THAT'S WHEN THE LOCAL
22 TASK FORCES WERE REQUIRED TO GIVE US INFORMATION AS OF
23 THAT DATE. SO THE TWO YEARS HAVE PASSED SINCE THAT DATE
24 OCCURRED, AND SOME PROGRESS HAS BEEN MADE IN CERTAIN
25 COUNTIES. OTHER COUNTIES HAVE USED UP MORE OF THEIR



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1 CAPACITY, SO WE DON'T KNOW SOME OF WHAT'S GONE ON FOR THE
2 PAST TWO YEARS.

3 NOW, THE SECOND IS THE EFFECTIVE DIVERSION
4 PROGRAM. THE EFFECT THAT DIVERSION PROGRAMS MIGHT HAVE
5 ON CAPACITY IS UNKNOWN TO A CERTAIN EXTENT BECAUSE
6 COUNTIES WEREN'T REQUIRED BY THE REGULATIONS OR THE
7 STATUTE TO TELL US HOW THE DIVERSION PROGRAMS WERE
8 INCLUDED IN THEIR FINDINGS.

9 THE THIRD RELATES TO TWO COUNTIES', ALPINE
10 AND SAN FRANCISCO COUNTIES, EXPORT ALL OF THEIR WASTE, SO
11 WE'VE EXCLUDED THEM FROM OUR ANALYSIS.

12 SAN FRANCISCO WAS NOT REQUIRED BY AB 939 TO
13 SEND THE BOARD FINDINGS OF CAPACITY. SO FOR THE PURPOSES
14 OF THIS STUDY, WE'VE CONSIDERED THAT THEY HAD MORE THAN
15 15 YEARS OF CAPACITY.

16 THE LAST LIMITATION RELATES TO YOLO COUNTY.
17 YOLO COUNTY IN PREVIOUS STUDIES WAS INCLUDED IN THE
18 CENTRAL CALIFORNIA REGION UP ON THAT MAP. AS YOU CAN
19 SEE, IT DOESN'T BELONG THERE.

20 THIS STUDY IS CONSISTENT WITH THE PREVIOUS
21 STUDIES THAT THE BOARD HAS DONE. I THINK IN THE DRAFT,
22 IN THE FINAL REPORT WE WILL MAKE WHATEVER CHANGES ARE
23 NECESSARY TO INCLUDE YOLO IN NORTHERN CALIFORNIA -- IN
24 THE DATA WE ACCUMULATE FOR NORTHERN CALIFORNIA.

25 BEFORE I TURN THE PRESENTATION OVER TO

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1 TRACEY, I WOULD LIKE TO SUMMARIZE WHAT I'VE TALKED ABOUT.
2 I TALKED FIRST ABOUT WHY WE DID THE STUDY AND HOW AND
3 THEN THE LIMITATIONS.

4 TO RECAP, WE DID THE STUDY PRIMARILY TO
5 DETERMINE WHERE IN CALIFORNIA LANDFILL DISPOSAL CAPACITY
6 WAS CRITICAL, WHERE THE NEED WAS GREATEST. WE DID THE
7 STUDY SIMPLY BY COMPILING EXISTING LOCAL TASK FORCE
8 FINDINGS WHICH WERE IN THE OFFICE AND WHICH THEY HAD
9 GIVEN US.

10 AND ALSO WE DESCRIBED THE EXTENT OF NEED BY
11 USING THOSE FOUR CATEGORIES I TALKED ABOUT ABOVE. THE
12 PRIMARY LIMITATION OF THE STUDY IS THAT THE DATA IS AS OF
13 JANUARY 1, 1990, TWO YEARS OLD.

14 NOW, TRACEY.

15 MS. HARPER: GOOD MORNING, CHAIRMAN EGIGIAN.

16 THIS MORNING I'LL BE PRESENTING THE
17 FINDINGS OF THE LANDFILL CAPACITY REPORT. FIRST, I'LL
18 PRESENT SOME STATEWIDE FACTS AND FIGURES. THEN I'LL GO
19 INTO MORE DETAIL IN THE REGIONAL AND COUNTYWIDE LEVEL.

20 THE FIRST SET OF FACTS AND FIGURES HAVE TO
21 DO WITH WASTE LOADING OR THE AMOUNT OF WASTE DISPOSED OF
22 IN LANDFILLS. THEN I'LL TALK ABOUT REMAINING LANDFILL
23 CAPACITY.

24 SOME GENERAL OBSERVATIONS CAN BE MADE BY
25 LOOKING AT THIS REPORT. FIRST, THE SHORTAGE OF LANDFILL



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1 CAPACITY IS BOTH A RURAL AND URBAN PROBLEM. ALSO, THE
2 SHORTAGE OF LANDFILL CAPACITY AFFECTS COUNTIES FROM
3 THE OREGON BORDER ALL THE WAY TO THE MEXICAN BORDER.
4 IT'S NOT CONFINED TO ONE REGION OF THE STATE.

5 SEVENTY PERCENT OF THE POPULATION RESIDES
6 IN THE COUNTY WITH LESS THAN 15 YEARS REMAINING LANDFILL
7 DISPOSAL CAPACITY.

8 NOW I'LL PRESENT SOME STATISTICS FOR
9 PURPOSES OF COMPARISON. DAILY, THE AMOUNT OF SOLID WASTE
10 DISPOSED OF PER PERSON IN THE STATE ROSE TO 7.9 POUNDS
11 PER PERSON AS OF JANUARY 1990, WHICH IS UP FROM 7.4
12 POUNDS PER PERSON AS OF JUNE 1985.

13 STATEWIDE WE ARE EXCEEDING PAST PROJECTIONS
14 FOR THE AMOUNT OF WASTE WHICH IS DISPOSED OF ANNUALLY.
15 FOR EXAMPLE, A 1987 REPORT PROJECTED THE ANNUAL DISPOSAL
16 WOULD BE 39 MILLION TONS STATEWIDE IN 1991; HOWEVER, WE
17 FOUND THAT THE TOTAL AMOUNT OF SOLID WASTE DISPOSED WAS
18 42 AND A HALF MILLION TONS AS OF JANUARY 1990. THIS IS 9
19 PERCENT OR THREE AND A HALF TONS MORE THAN EXPECTED, SO,
20 AS YOU CAN SEE, WASTE DISPOSAL IS GROWING FASTER THAN
21 PROJECTED.

22 CHAIRMAN EGIGIAN: YOU MEAN THREE AND A HALF
23 MILLION TONS, DON'T YOU?

24 MS. HARPER: THREE AND A HALF -- OH, I'M SORRY,
25 THREE AND A HALF MILLION TONS.

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1 IN 1985 THE REPORT INDICATED THAT 30
2 MILLION TONS WERE BEING DISPOSED OF ANNUALLY AT THAT
3 TIME. THAT MEANS THAT IN FIVE YEARS THE AMOUNT OF WASTE
4 DISPOSED HAS RISEN 12 AND A HALF MILLION TONS OR 40
5 PERCENT. PAGE 2 OF THE EXECUTIVE SUMMARY PRESENTS THESE
6 STATISTICS.

7 NOW, I'LL BE TALKING ABOUT REMAINING
8 PERMITTED LANDFILL DISPOSAL CAPACITY. FIRST, WE'LL GO
9 OVER SOME STATEWIDE NUMBERS. THEN WE'LL TAKE A CLOSER
10 LOOK AT REGIONAL STATISTICS.

11 THE TOTAL AMOUNT OF REMAINING PERMITTED
12 LANDFILL DISPOSAL CAPACITY IN CALIFORNIA WAS
13 APPROXIMATELY 670 MILLION TONS AS OF JANUARY 1990. IN
14 1986, 587 MILLION TONS OF CAPACITY EXISTED. CAPACITY,
15 THEREFORE, INCREASED BY 82 MILLION TONS OR 14 PERCENT
16 WHILE DISPOSAL GREW BY ALMOST 15 PERCENT.

17 IN TERMS OF YEARS REMAINING, WE LOOKED AT
18 THREE POSSIBLE SCENARIOS. USING THE ACTUAL POPULATION
19 GROWTH RATE WHICH OCCURRED BETWEEN THE YEARS OF 1989 AND
20 1991, WHICH WAS 2.7 PERCENT, AND APPLYING THAT TO GROWTH
21 AND DISPOSAL, WE CALCULATED THAT THERE WERE 13 YEARS
22 REMAINING LANDFILL CAPACITY STATEWIDE.

23 USING THE DEPARTMENT OF FINANCE PROJECTIONS
24 FOR STATEWIDE POPULATION GROWTH OR 2 PERCENT. AND
25 APPLYING THAT TO ANNUAL GROWTH AND DISPOSAL, WE FOUND 13



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1 AND A HALF YEARS REMAINING CAPACITY. NOW, AS A BASELINE,
2 ASSUMING THE ANNUAL DISPOSAL REMAINS CONSTANT, WE'VE GOT
3 16 YEARS REMAINING CAPACITY STATEWIDE.

4 NOW, WE'LL GO AND LOOK AT THE MAP.

5 FOR THIS REPORT, AND TO BE CONSISTENT WITH
6 PREVIOUS REPORTS, WE DIVIDED THE STATE INTO FOUR REGIONS.
7 REGION 1 IS NORTHERN CALIFORNIA. THAT CONTAINS
8 SACRAMENTO COUNTIES AND ALL COUNTIES NORTH TO THE OREGON
9 BORDER.

10 REGION 2 IS THE BAY AREA. THAT CONTAINS
11 CONTRA COSTA COUNTY, SAN FRANCISCO COUNTY, AMONG OTHERS.

12 REGION 3 IS CENTRAL CALIFORNIA. THAT
13 CONTAINS THE CENTRAL VALLEY BEGINNING SOUTH OF
14 SACRAMENTO, SAN JOAQUIN VALLEY SOUTH ALL THE WAY TO LOS
15 ANGELES.

16 REGION 4 IS SOUTHERN CALIFORNIA, AND THAT
17 CONTAINS LOS ANGELES COUNTY AND SAN DIEGO.

18 ON PAGE 4 OF THE EXECUTIVE SUMMARY OF THE
19 REPORT, TABLE 1 LISTS THE REMAINING PERMITTED LANDFILL
20 DISPOSAL CAPACITY BY COUNTY AND REGION IN ORDER OF THE
21 YEARS REMAINING.

22 YOU CAN SEE THAT THE NEED FOR LANDFILL
23 CAPACITY AFFECTED BOTH URBAN AND RURAL COUNTIES. ALSO,
24 IT CERTAINLY WASN'T AN ISOLATED PHENOMENON.

25 ON PAGE 6 OF THE EXECUTIVE SUMMARY, TABLE 2

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IS AN ALPHABETICAL LISTING OF THAT SAME INFORMATION.

NOW, WE ALSO LOOKED AT HOW EACH REGION OF THE REMAINING LANDFILL CAPACITY COMPARED TO ITS POPULATION.

THE NORTHERN REGION OF THE STATE REPRESENTS 7.8 PERCENT OF THE POPULATION AND CONTAINS 8 PERCENT OF THE REMAINING DISPOSAL CAPACITY.

THE BAY AREA REPRESENTS 20 PERCENT OF THE STATE, WHILE ACCOUNTING FOR ONLY 12 AND A HALF PERCENT OF THE REMAINING CAPACITY.

CENTRAL CALIFORNIA ACCOUNTS FOR 14 PERCENT OF THE STATE'S TOTAL POPULATION, AND IT CONTAINS 21 PERCENT OF THE STATE'S REMAINING CAPACITY.

LASTLY, SOUTHERN CALIFORNIA ACCOUNTS FOR 58 PERCENT OF THE POPULATION AND 58 PERCENT OF THE STATE'S REMAINING CAPACITY.

NOW, JOHN HAS PUT UP THE FIRST OVERLAY OF OUR MAP. AND THESE ARE COUNTIES, THEY'RE SHADED RED, WHICH HAVE LESS THAN FIVE YEARS REMAINING. AND THE RED COUNTIES, THOSE COUNTIES HAVING LESS THAN FIVE YEARS REMAINING CAPACITY, INCLUDE NEVADA WITH ZERO, MEDERA WITH ONE, DEL NORTE WITH TWO, KINGS WITH TWO, CONTRA COSTA WITH THREE, TUOLUMNE WITH THREE, LOS ANGELES WITH FOUR, MERCED WITH FOUR, NAPA FOUR, AND SAN MATEO WITH FOUR.

AGAIN, THIS DATA WAS CURRENT AS OF JANUARY



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1 1990.

2 ON THAT MAP THERE'S ONE COUNTY THAT'S
3 SHADED YELLOW, AND THAT IS A COUNTY IN THE CATEGORY WITH
4 FIVE TO EIGHT YEARS REMAINING CAPACITY. AND THAT COUNTY
5 IS EL DORADO, WHICH HAS FIVE YEARS REMAINING CAPACITY.

6 AND, NOW WE'LL LOOK AT THOSE COUNTIES THAT
7 HAVE FROM NINE TO 15 YEARS REMAINING CAPACITY. AND THOSE
8 COUNTIES ARE SHADED PURPLE. THERE ARE 18 COUNTIES WITH
9 NINE TO 15 YEARS OF REMAINING CAPACITY. THESE COUNTIES
10 REPRESENT ALMOST A THIRD OF THE STATE'S COUNTIES.

11 AS YOU CAN SEE, THESE COUNTIES INCLUDE
12 HUMBOLDT, SACRAMENTO, AND VENTURA. BOTH RURAL AND URBAN
13 COUNTIES ARE REPRESENTED IN THIS CATEGORY. AND FROM ALL
14 THESE COUNTIES THAT ARE SHADED ON THE MAP, THESE ARE 29
15 COUNTIES OR ONE-HALF OF THE STATE'S COUNTIES WHICH HAVE
16 15 YEARS OR LESS OF CAPACITY REMAINING AS OF JANUARY
17 1990. THESE 29 COUNTIES CONTAIN ABOUT 70 PERCENT OF
18 STATE'S POPULATION.

19 FIGURE 2 OF THE EXECUTIVE SUMMARY ON PAGE 8
20 IS A REPRESENTATION OF THE STATISTIC.

21 NOW, THE GREEN OVERLAY SHOWS THOSE COUNTIES
22 WITH MORE THAN 15 YEARS CAPACITY. THESE COUNTIES INCLUDE
23 SAN JOAQUIN WITH 25 YEARS, AND SANTA BARBARA WITH 30
24 YEARS, AMONG OTHERS.

25 IN SUMMARY, WE FOUND THE SHORTAGE OF



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1 LANDFILL DISPOSAL CAPACITY IS NOT AN ISOLATED PHENOMENON.
 2 IT AFFECTS LARGE AND SMALL COUNTIES, URBAN OR RURAL,
 3 LOCATED THROUGHOUT THE STATE. AGAIN, THIS DATA WAS
 4 CURRENT AS OF JANUARY 1, 1990.

5 AS YOU MENTIONED IN YOUR OPENING REMARKS,
 6 STAFF IS WORKING ON A CONTRACT PROPOSAL UNDER YOUR
 7 DIRECTION WHICH WILL BRING THIS INFORMATION UP-TO-DATE
 8 AND EXPAND UPON THE WORK THAT STAFF HAS COMPLETED.

9 WE HOPE TO RECEIVE SUGGESTIONS TODAY WHICH
 10 WE CAN THEN INCORPORATE INTO THE CONTRACT PROPOSAL.
 11 SUGGESTIONS WOULD BE WELCOME AS TO WHAT AREAS THE BOARD
 12 SHOULD BE LOOKING INTO WHICH COULD HELP ALLEVIATE THE
 13 LANDFILL CAPACITY SHORTAGE, WHAT AREAS NEED FURTHER
 14 STUDY, WHAT POLICIES SHOULD THE BOARD BE DEVELOPING, AND
 15 WHAT COULD THE BOARD DO UNDER ITS CURRENT AUTHORITY.
 16 THESE IDEAS WILL ALL BE COVERED IN THE UPCOMING CONTRACT.

17 THAT CONCLUDES OUR PRESENTATION. WE'D BE
 18 HAPPY TO ENTERTAIN ANY QUESTIONS.

19 CHAIRMAN EGIGIAN: THANK YOU. ANY QUESTIONS
 20 FROM THE COMMITTEE MEMBERS?

21 INASMUCH AS WE STARTED A LITTLE BIT LATE
 22 AND PROBABLY WE'VE ALREADY GONE THROUGH THE BREAK THAT WE
 23 PLANNED, WE WON'T BE TAKING A BREAK. AND WE'LL GO RIGHT
 24 ON TO 11:45 WHERE WE CAN BREAK FOR LUNCH.

25 ARE THERE ANY COMMENTS FROM ANYBODY IN THE

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1 AUDIENCE ON THIS?

2 YES, SIR.

3 MR. GAY: MAY I ASK ONE QUESTION AS TO --

4 BOARD MEMBER EGIGIAN: WOULD YOU MIND COMING
5 HERE AND STATING YOUR NAME SO --

6 MR. GAY: SURE.

7 BOARD MEMBER EGIGIAN: -- WE'LL KNOW WHO YOU
8 ARE?

9 MR. GAY: MY NAME IS BILL GAY. I'M WITH WASTE
10 SOLUTIONS GROUP IN SAN FRANCISCO.

11 ONE CALCULATION QUESTION, IF I COULD, ON
12 PAGE 5, FOR EXAMPLE, ON TABLE 3, YOU HAVE THE POPULATION
13 ANNUAL DISPOSAL AND REMAINING PERMITTED CAPACITY, THEN
14 YOU COME UP WITH THE YEARS THAT ARE LEFT.

15 FOR INSTANCE, LET'S JUST TAKE LOS ANGELES,
16 ON WHICH YOU'VE COME UP WITH 13 AND A HALF MILLION TONS A
17 YEAR OF DISPOSAL, ANNUAL DISPOSAL, AND YOU SHOW A HUNDRED
18 MILLION TONS OF REMAINING CAPACITY, YET YOU SHOW FOUR
19 YEARS OF LIFE.

20 HOW DID YOU CALCULATE THAT, AND WHY AM I
21 COMING UP WITH A DIFFERENT NUMBER?

22 MR. NUFFER: I'D BE HAPPY TO RESPOND.

23 THE REASON IS THAT WE USED -- IN ORDER TO
24 MAKE THOSE YEARLY FIGURES CONSISTENT THROUGHOUT THE
25 REPORT, WE USED THE YEAR FIGURE THAT THE COUNTY GAVE US.



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1 AND THAT'S THE FIGURE THAT THE COUNTY GAVE US.

2 MR. GAY: OKAY. SO IN OTHER WORDS, FOR EXAMPLE,
3 IN L.A. COUNTY, IT'S POSSIBLE THEY HAVE MORE CAPACITY
4 THAN THEY ACTUALLY HAVE PERMITTED LIVES LEFT IN THEIR
5 LANDFILLS? IN OTHER WORDS, THOSE LANDFILLS MAY BE
6 SCHEDULED TO CLOSE BEFORE THEY ACTUALLY REACH CAPACITY?

7 MS. FRIEDMAN: LOS ANGELES MADE A DECISION TO
8 STATE THAT THEY HAD LESS THAN FOUR YEARS CAPACITY, LESS
9 THAN FIVE YEARS CAPACITY IN ORDER -- FOR THE PURPOSE OF
10 PLANNING AND GETTING THEIR PLAN IN. IT MAY NOT BE
11 SPECIFIC TO THE ACTUAL NUMBERS. AND LOS ANGELES IS AN
12 EXCEPTION. SO TO ANSWER YOUR QUESTION, YES.

13 MR. GAY: OKAY. AND ONE LAST THING, JUST A
14 SUGGESTION ON THE FUTURE ONES. I THINK THIS IS A
15 GREAT -- A VERY GOOD STUDY FROM WHAT I SAW.

16 TO THE EXTENT THAT YOU CAN SOMEHOW CAPTURE
17 IN YOUR NEXT STUDY HOW MANY YARDS OR TONS ARE ACTUALLY
18 PENDING IN TERMS OF PERMITTED EXPANSIONS OR NEW
19 LANDFILLS, THAT WOULD ALSO GIVE US A SENSE OF PERSPECTIVE
20 AS TO WHAT THE CRISIS MIGHT BE. SO TO THE EXTENT YOU CAN
21 COVER THAT, I KNOW IT'S A VERY DIFFICULT THING AND GET TO
22 THERE AND APPLY PROBABILITIES AS TO SUCCESS OF THOSE
23 PERMITTING EFFORTS, THAT WOULD ALSO BE HELPFUL IN THE
24 ANALYSIS. THANK YOU.

25 MS. FRIEDMAN: THANK YOU.

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1 CHAIRMAN EGIGIAN: THANK YOU, MR. GAY.

2 ANY OTHER COMMENTS? IF NOT, WE'LL MOVE ON
3 TO THE COUNTY -- CONTRA COSTA COUNTY PRESENTATION, MR.
4 CHUCK ZAHN, COMMUNITY DEVELOPMENT DEPARTMENT.

5 GO RIGHT AHEAD, MR. ZAHN.

6 MR. ZAHN: CHAIRMAN EGIGIAN, MEMBERS OF THE
7 COMMITTEE, MY NAME IS CHARLES ZAHN. I'M ASSISTANT
8 PLANNING DIRECTOR OF CONTRA COSTA COUNTY.

9 MY COUNTY RIGHT NOW IS A CROSSROADS. WE
10 CAN IN APPROXIMATELY SIX WEEKS OPEN A NEW LANDFILL,
11 PROCEED TO PERHAPS A SECOND LANDFILL BY THE END OF THE
12 YEAR OR NEXT YEAR, HAVE THREE TRANSFER STATION, MRF'S, IN
13 OPERATION BEGINNING THE NEXT YEAR.

14 PERHAPS ONE, TWO, THREE, YEAR BY YEAR, GET
15 ON TO COMPOSTING FACILITIES AND ALL THE REFINEMENTS THAT
16 WE'RE GOING TO NEED TO MEET THE AB 939 GOALS IN THE
17 DISTANT FUTURE, OR THE WHOLE THING COULD FALL APART.

18 THESE DELAYS COULD RESULT IN THE FIRST
19 LANDFILL NOT OPENING. COULD BE PROBLEMS WITH THE SECOND
20 LANDFILL. COULD BE CUTTHROAT COMPETITION FOR THE MRF'S
21 AND TRANSFER STATIONS THAT, IN MY VIEW, WOULD DELAY WORK
22 ON COMPOSTING FACILITIES AND OTHER REFINEMENTS SUCH AS WE
23 HAD DURING THE LAST TEN YEARS AS A RESULT OF THE LANDFILL
24 SITUATION.

25 HOW THIS GOES, I DON'T KNOW. I THOUGHT I



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1 WOULD GIVE YOU MY CONCLUSIONS BEFORE I STARTED MY
2 PRESENTATION.

3 I'M ONE OF THE HIGHLY OPINIONATED PEOPLE
4 REFERRED TO EARLIER. 1981 I WAS GIVEN A TEMPORARY
5 ASSIGNMENT, SIX WEEKS -- OR SIX MONTHS, RATHER, TO
6 PRODUCE AN ENVIRONMENTAL IMPACT REPORT FOR THE EXPANSION
7 OF ACME LANDFILL. I'VE BEEN ON IT EVER SINCE.

8 IF I WANTED TO DISPEL SOMETHING FROM YOUR
9 MINDS, IT WOULD BE IF WE ONLY HAD BETTER FACTS. IF WE
10 ONLY HAD SAT DOWN AND REASONED TOGETHER, IF WE ONLY HAD
11 BEEN A LITTLE MORE ATTENTIVE TO THE ENVIRONMENTALISTS, IF
12 STAFF HAD DONE A BETTER FLOW CHART, THIS WOULDN'T HAVE
13 HAPPENED.

14 GO THROUGH A HISTORY THAT I REFERRED TO IN
15 A TALK IN DECEMBER AS "GARBAGE WARS." I WAS GOING TO TRY
16 TO MAKE THIS LESS ENTERTAINING AND MORE FACTUAL FOR YOUR
17 PURPOSES, BUT I'M GOING TO, FIRST OF ALL, DISCUSS A
18 12-YEAR HISTORY OF EVOLUTION.

19 EVOLUTION OF A PROBLEM IN WHICH THERE ARE
20 ISSUES, PLAYERS, FACILITIES, POSITIONS, AND ROLES, LAWS,
21 REGULATIONS, POLICIES, PLANS, TECHNOLOGY, WHAT'S
22 ACCEPTABLE, ALL IN THE STATE OF FLUX, ALL CONTINUING TO
23 CHANGE. I'VE REFERRED TO THIS UNDER ONE HEADING AS
24 POLITICS.

25 SECONDLY, I'M GOING TO ADJUST THESE -- SOME

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1 OF THESE, RATHER, TO SEVERAL DIFFERENT PERIODS. I'LL
2 CALL ONE PREWAR, NEXT ONE HOLY WAR. CIVIL WAR, AND THEN
3 GLOBAL OR TOTAL WAR.

4 GO BACK TO PREWAR. THIS IS THE SITUATION
5 THAT BASICALLY EXISTED BEFORE DECEMBER 1980. COUNTY WAS
6 PRODUCING ABOUT 2,500 TONS A DAY OF WASTE. LANDFILLING
7 WAS THE MEANS OF DISPOSAL. THERE WERE THREE SUBREGIONAL
8 LANDFILLS IN THE COUNTY BASICALLY CORRESPONDING TO THREE
9 DIFFERENT AREAS OF DEVELOPMENT, AREAS OF DEVELOPMENT
10 BROKEN BY TOPOGRAPHY.

11 THE WEST CONTRA COSTA SANITARY LANDFILL HAD
12 ROOM FOR EXPANSION. THERE WAS WATER. ACME LANDFILL
13 SERVING ABOUT 425,000 PEOPLE. CENTRAL COUNTY ALSO HAD
14 AREA FOR EXPANSION, BECAME WETLAND, EAST CONTRA COSTA
15 COUNTY.

16 EAST CONTRA COSTA DID NOT GET ITS ACT
17 TOGETHER AND PRODUCE A SUBREGIONAL LANDFILL IN THE 1950S,
18 COBBLED TOGETHER A FACILITY KNOWN AS THE CONTRA COSTA
19 SANITARY LANDFILL; OTHERWISE KNOWN AS THE GFI PITTSBURG
20 SITE, WHICH ENCAPSULATED AN OLD TOXIC WASTE SITE.

21 BUT BASICALLY, THE COUNTY HAD CAPACITY IN
22 ITS PLANS IN SITES ACQUIRED TO LAST INTO THE NEXT
23 CENTURY. THERE WERE FOUR MAIN HAULERS, SEVERAL SMALLER.
24 BASIC POLITICAL SITUATION WAS RATES WERE MODERATE, SO THE
25 CITIZENS WERE HAPPY.

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1 FRANCHISE FEES WENT TO THE CITIES; CITIES
2 WERE HAPPY. CONTRIBUTIONS WENT TO POLITICAL CAMPAIGNS;
3 POLITICIANS WERE HAPPY. THERE WERE GOOD PROFITS; THE
4 OPERATORS WERE HAPPY. AND THERE WERE ENOUGH PLAYERS AND
5 PEACEMAKERS AMONG THEM TO LIMIT CUTTHROAT COMPETITION.

6 FOR SOME, CLOUDS ON THE HORIZON. ACME
7 WOULD NEED AN IMMINENT EXPANSION. AS I SAID, IT WAS ON
8 AN AREA THAT BECAME REGARDED AS WETLANDS. BUT IN THE
9 1970S THE WETLAND REGULATIONS BEGIN TO DEVELOP IN THE
10 FIRST HALF OF THE DECADE. THEY WEREN'T THERE BEFORE.
11 BUT THE SITUATION WAS NOT TO WORRY BECAUSE THE AREA HAD
12 BEEN FARMED. IT WAS BEHIND FLOOD -- CORPS OF ENGINEERS
13 FLOOD CONTROL LEVEES. JUST A MATTER OF GETTING A PERMIT.

14 THERE'S ACCESS ROAD PROBLEMS. TRAFFIC WAS
15 GOING THROUGH A RESIDENTIAL AREA, BUT THAT WAS THEN
16 RESOLVED BY A CONSENSUS THAT THE ACME FILL CORPORATION,
17 OTHERS IN THE AREA, IT CORPORATION, SHELL OIL, WHICH
18 CONTRIBUTE SOME MONEY TO BUILD A NEW ROAD INTO THE
19 FACILITY. AND EVERYTHING APPEARED TO BE FINE FROM THAT
20 STANDPOINT.

21 THERE'S SOME CONCERN ABOUT TOXICS DISPOSAL...
22 CONTRA COSTA COUNTY HAS BEEN AN INDUSTRIAL COUNTY FOR
23 SEVERAL REFINERIES, PETRO CHEMICAL INDUSTRIES, STEEL
24 INDUSTRY, AND THEY PRODUCED A CERTAIN AMOUNT OF TOXICS,
25 USUALLY NOT EXTREMELY TOXICS. AND THE EXISTING



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1 REGULATIONS SAID YOU COULD DISPOSE THESE THROUGHOUT THE
2 LANDFILL WITH OTHER FORMS OF WASTE.

3 GROWING INTEREST IN RECYCLING, BUT WHO
4 COULD AFFORD IT. IT COULD ADD 50 CENTS A MONTH TO THE
5 BILL, AND THAT WAS NOT CONSIDERED TO BE ACCEPTABLE AT THE
6 TIME. THERE'S A GROWING INTEREST IN WASTE-TO-ENERGY AS A
7 RESULT OF THE OIL CRISIS.

8 THE CLIMAX TO THIS PERIOD CAME RATHER
9 QUIETLY IN DECEMBER OF 1980, WHEN U.S. ARMY CORPS OF
10 ENGINEERS TURNED DOWN ACME'S EXPANSION REQUEST THAT HAD
11 BEEN FILED IN 1978.

12 WELL, LOOK, YOU ARE TALKING ABOUT A
13 200-ACRE EXPANSION GOOD FOR ABOUT 12 YEARS. LOOKS LIKE
14 YOU HAVE 500 ACRES ON THE SITE. SURELY THERE MUST BE
15 SOMEWHERE ELSE ON THE SITE THAT YOU COULD PUT A LANDFILL,
16 EXCEPT OTHER THAN THE WETLANDS. OF COURSE, THERE WASN'T.

17 BY TURNING DOWN THE REQUEST, SUDDENLY THE
18 COUNTY FOR THE MIDDLE -- FOR THE CENTRAL PART OF THE
19 COUNTY IS LEFT WITH A YEAR'S CAPACITY LANDFILL AND
20 POPULATION ABOUT 425,000 USING THAT. SO THE COUNTY
21 PROCEEDED TO PROCESS A VERY SMALL STOPGAP, 20-ACRE
22 EXPANSION ON THE ACME SITE USING A NEGATIVE DECLARATION.

23 THIS ANNOYED THE ENVIRONMENTALISTS AND
24 RECYCLERS AND OTHERS THAT HAD SET OFF A PERIOD I WOULD
25 REFER TO AS THE HOLY WAR, WHICH FROM ABOUT 1981 THROUGH

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1 DEFINITELY 1984, BUT TRAILING OFF TO AS LATE AS 1988. IT
2 ENDED WITH ONLY A PARTIAL TWO-YEAR EXPANSION OF THE
3 LANDFILL BY THE CORPS OF ENGINEERS IN 1984 THAT WAS LATER
4 EXTENDED ANOTHER TWO PLUS YEARS.

5 SO IN OTHER WORDS, WE WERE GUARANTEED A
6 CONTINUING CRISIS IN CENTRAL COUNTY. AND THE APPROVAL
7 WAS NOT SO MUCH AN APPROVAL AS IT WAS AN EVICTION NOTICE
8 FROM BEING ABLE TO USE THE SHORELINE LANDFILL INTO THE
9 FUTURE.

10 A CRISIS, IN MY VIEW, WAS BASICALLY
11 PROVOKED BY THE REGULATORY AGENCIES, WHO DID NOT SEE
12 AHEAD AS TO THE CONSEQUENCES OF THEIR ACTIONS. THEY'RE
13 LOOKING VERY NARROWLY AT WETLANDS.

14 AND COMPLICATED BY SITUATION THAT THERE WAS
15 WHAT I REFER TO AS THE MYTH OF THE LESS ENVIRONMENTALLY
16 IMPACTING UPLAND SITE. IF ONE ONLY WENT TO THE SHORELINE
17 INTO THE HILLS, YOUR PROBLEMS WOULD BE SOLVED. YOU
18 WOULDN'T HAVE THESE SHORELINE WETLANDS. YOU WOULDN'T
19 HAVE THESE ENDANGERED SPECIES.

20 OF COURSE, WHAT HAPPENED LATER IS WHEN ONE
21 BEGAN TO PROCESS SITES IN THESE HILL AREAS, YOU FOUND
22 THAT THERE WERE EVEN RARER UPLAND WETLANDS TO CONTEND
23 WITH. THERE WERE NEW ENDANGERED SPECIES. PROBLEMS OF
24 INFRASTRUCTURE. THAT REALLY WASN'T APPRECIATED AT THE
25 TIME. SO PERIOD OF ISSUES EXPLOSION.

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1 THE WETLAND ADVOCATES TOOK HARD-LINE
2 POSITIONS THAT BASICALLY OPPOSED FILLING WETLAND ANYWHERE
3 OF ANY KIND FOR ANY PURPOSE. THERE'S A PARADOX WHERE THE
4 BIG CONSERVATION DEVELOPMENT COMMISSION STEPPED IN.

5 THEY SAID THAT EVEN THOUGH THESE WETLANDS
6 ARE NOT COLORED GREEN ON THEIR MAPS OR PLANS FOR WETLAND
7 AND OPEN SPACE, THEY'RE COLORED BLUE FOR WATER-RELATED
8 INDUSTRY. ONE IS GOING TO NEED THAT LAND IN THE FUTURE
9 FOR NEW REFINERIES AND OTHER LARGE AREA WATERFRONT USES
10 THAT ARE BOUND TO COME IN IN THE FUTURE.

11 A STRONG POSSIBILITY IN 1965 WHEN THE PLAN
12 WAS DRAWN UP, PRACTICALLY SOMETHING THAT'S NOT GOING TO
13 HAPPEN BY THE 1980S.

14 RECYCLING ADVOCATES, THE CONSERVATIVES WHO
15 WANTED TO HOLD THE LANDFILLS HOSTAGE. NO NEW LANDFILLS
16 UNTIL THE RECYCLING PROGRAM IS PUT IN. OTHERS WANTED TO
17 DO AWAY WITH LANDFILLS TO BEGIN WITH. NEW CONCERN OVER
18 THE DISPOSAL OF TOXIC WASTES.

19 A POLITICAL SITUATION INCLUDED THE KNOT IN
20 MY SPHERE OF INFLUENCE, CITY OF MARTINEZ IN THIS CASE,
21 WHICH HAD ONLY RECENTLY APPROVED A NEW SOLID WASTE
22 MANAGEMENT PLAN THAT CALLED FOR THE EXPANSION OF ACME
23 BEGAN TO LEAD THE FIGHT AGAINST THE ACME EXPANSION ON
24 ENVIRONMENTAL GROUNDS. OF COURSE, THEY WERE ALSO TRYING
25 TO GET MARINE WORLD AFRICA USA INTO AN ADJOINING WETLAND.



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1 THE OTHER CITIES WHICH HAD STARTED THE
2 PERIOD WITH A CONCERN OVER "WE NEED A LANDFILL," ENDED UP
3 WITH "THIS IS VERY CONTROVERSIAL; IT'S A COUNTY PROBLEM."

4 SANITARY DISTRICTS ALSO STARTED WITH THE
5 SAME CONCERN AND BEGAN TO BELIEVE THAT WE COULD HAVE DONE
6 IT BETTER. THE COLLECTORS WERE PERPLEXED; NOTHING SEEMED
7 TO WORK. ONE DEVELOPED INFORMATION, ONE DID
8 ENVIRONMENTAL IMPACT REPORTS. ONE DID ALL THE RIGHT
9 THINGS, BUT THE EXPANSION DIDN'T COME ABOUT.

10 THE RESULTS OF THIS WERE, FIRST OF ALL,
11 THE -- WHAT YOU MIGHT CALL THE ESTABLISHMENT, THE COUNTY
12 AND THE COLLECTORS, LOST CREDIBILITY INSIDE THE COUNTY.
13 IT BASICALLY OPENED THE FLOODGATES OF OPPORTUNISM.
14 SITING PROCESS IS LONG, BUT THERE ARE OPPORTUNITIES TO
15 OPPOSE LANDFILLS. THOSE ARE SHORT.

16 THE COUNTY WAS DESTABILIZED, GUARANTEEING A
17 CONTINUING CRISIS. I REFER TO IT AS THE START OF THE
18 ALIZA ON THE ICE BLOCKS SCENARIO FROM UNCLE TOM'S CABIN.
19 TOOK ONE EXECUTIVE AWAY FROM ONE ICE BLOCK TO THE NEXT TO
20 THE NEXT, NEVER HAVING THAT LONG ASSURED CAPACITY IN THE
21 FUTURE.

22 JUST FOR CONVENIENCE HERE, IF ACME COULD
23 NOT BE EXPANDED ON DRY WETLAND, WEST CONTRA COSTA
24 SANITARY LANDFILL CERTAINLY COULDN'T BE. AND THAT
25 FACILITY IS NOW DUE TO CLOSE IN ABOUT 1994, PROBABLY

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1 CLOSED SOONER HAD IT NOT BEEN FOR THE RECESSION.

2 THE CONTRA COSTA SANITARY LANDFILL, THE ONE
3 I REFERRED TO, IS HAVING -- IN CLOSING THE TOXICS WASTE
4 LANDFILL IS SUBJECT TO A STIPULATED JUDGMENT TO CLOSE ON
5 THE 31ST OF MARCH.

6 WITH THE WINDING DOWN OF THAT PERIOD, WE
7 GET INTO THE PERIOD I WOULD CALL THE CIVIL WARS. THIS IS
8 BASICALLY WHEN THE LOCAL COLLECTORS AND SOME DEVELOPERS
9 INITIATE NEW LANDFILL PROJECTS, UPLAND LANDFILL PROJECTS.
10 ENDS WITH THE LOCALS FAILING AND STARTING TO SELL OUT TO
11 THE NATIONAL FIRMS.

12 WE SEEM TO DO THINGS BY THREES IN CONTRA
13 COSTA COUNTY. THERE ARE THREE LANDFILLS THAT CAME UP AT
14 THIS TIME. ONE WAS THE KIRKER PASS MANAGEMENT LANDFILL
15 BETWEEN CONCORD AND PITTSBURG, PROPOSED BY A LOCAL
16 DEVELOPER. IT'S A RATHER SMALL LANDFILL AND NEARLY
17 SUCCEEDED IN BEING ADOPTED, ALONG WITH ONE OTHER
18 LANDFILL, IN 1987 WHEN THE FAIR POLITICAL PRACTICES
19 COMMITTEE RULED THAT ONE OF OUR SUPERVISORS COULD NOT
20 VOTE ON THE PROJECT BECAUSE HE INSURED A FIRM -- HIS
21 INSURANCE COMPANY HAD FOR 50 YEARS INSURED A FIRM THAT
22 WAS INVOLVED IN THE PARTNERSHIP TO CREATE THE LANDFILL.
23 SO IT TOOK OUT ONE OF THE THREE VOTES FOR THIS LANDFILL
24 AND FOR THE OTHER.

25 THE LANDFILL CAME BACK AGAIN WHEN THE

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1 PREDECESSOR TO YOUR BOARD PUT OUR COUNTY UNDER STIPULATED
2 JUDGMENT TO COME UP WITH A NEW SOLID WASTE MANAGEMENT
3 PLAN AND TAKE STEPS TOWARD CREATING NEW LANDFILLS IN
4 1989.

5 IT FINALLY DIED IN 1990, WHEN THE BOARD OF
6 SUPERVISORS DECLINED TO PLACE IT ON THE BALLOT IN
7 RESPONSE TO A PITTSBURG REFERENDUM. IT'S NOT ENTIRELY
8 DEAD BECAUSE THE COUNTY IS STILL BEING SUED BY THE
9 APPLICANT.

10 EAST CONTRA COSTA SANITARY LANDFILL WAS
11 SPONSORED BY THE GARAVENTA FAMILY, THE FAMILY THAT
12 COLLECTS REFUSE IN MOST OF EASTERN CONTRA COSTA COUNTY.

13 IT'S A MODERATELY GOOD SIZED LANDFILL
14 LOCATED SOUTH OF ANTIOCH. IT BECAME BITTERLY OPPOSED BY
15 THE REGIONAL PARK DISTRICT BOARD, WHOSE STAFF HAD
16 ORIGINALLY SUGGESTED IT. THERE WAS A SHIFT IN THE
17 POLITICAL SITUATION OF THE BOARD.

18 ITS HISTORY PARALLELS THAT OF THE KIRKER
19 PASS LANDFILL, STALEMATED IN 1988, CAME BACK, WAS PUT
20 INTO THE GENERAL PLAN. ITS SPONSOR TWICE PUT IT ON THE
21 BALLOT AS A REFERENDUM MEASURE TO HAVE THE PUBLIC, RATHER
22 THAN GOVERNMENT, APPROVE THE GENERAL PLAN. AND BOTH OF
23 THOSE FAILED. SO AFTER THE SECOND FAILURE IN 1990, IT
24 WAS WITHDRAWN.

25 CENTRAL LANDFILL WAS SPONSORED BY A



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1 COALITION OF ALMOST ALL OF THE OPERATORS IN THE COUNTY.
2 IT WAS THEN A UNIFYING FORCE. IT WAS WITHDRAWN IN
3 DECEMBER OF 1986 FOR LACK OF POLITICAL SUPPORT, WHICH
4 GOES BACK TO THE FACT THAT ONE OF THE SUPERVISORS
5 SPONSORING IT WAS TAKEN OUT OF THE ABILITY TO VOTE.

6 POLITICS OF THE SITUATION, THE
7 ESTABLISHMENT LOSES FURTHER CREDIBILITY WITHIN THE
8 COUNTY. THE COUNTY IS LEFT OUT ON A LIMB WITH RESPECT TO
9 HAVING DEMONSTRATABLE CAPACITY IN THE SOLID WASTE
10 MANAGEMENT PLAN.

11 THE CITIES THAT ARE DIRECTLY AFFECTED
12 VIOLENTLY OPPOSED THE NEW LANDFILLS; THE MAJORITY ARE
13 SILENT. REGIONAL PARK DISTRICT, BAY AREA, REGIONAL
14 TRANSIT DISTRICT, CONTRA COSTA WATER DISTRICT ALL JOINED
15 IN FIGHTS AGAIN THE LANDFILLS.

16 SANITATION DISTRICTS TRIED TO TAKE THE
17 INITIATIVE. THEY FIND OUT THAT THE HEAT IS GREATER THAN
18 THEY REALLY WANT TO BEAR. THEY PREGNANT PAUSED IN THE
19 MIDDLE OF PERMITTING BY THE BLUE RIBBON TASK FORCE
20 CREATED BY THE BOARD TRYING TO LOOK AT WHAT MIGHT BE NEW
21 SITES, HOW CAN WE RANK THESE SITES, AND ESSENTIALLY THAT
22 LOSES SEVERAL MONTHS IN THE PERMITTING PROCESS.

23 WE HAVE WANT-TO-BE POLITICAL CANDIDATES,
24 WHO RUN FOR OFFICE ON THE BASIS OF OPPOSING LANDFILLS.
25 WE HAVE WANT-TO-BE NEWSPAPERS TRYING TO GET INTO THE



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1 BLACK BY OPPOSING LANDFILLS. INCUMBENT SUPERVISORS FIND
2 THAT THEY CAN DO NO RIGHT ON THIS LANDFILL. IF THEY
3 ADVOCATE THIS ONE, THEY'LL BE ATTACKED. IF THEY ADVOCATE
4 THAT ONE, THEY WILL BE ATTACKED.

5 THE LOCAL COLLECTORS, WHO WERE ORIGINALLY
6 IN THE SAME BOAT, BECOME OPPONENTS OF ONE ANOTHER.
7 CURIOUS NEW ALLIANCES ARE FORMED. COOPERATION TURNS INTO
8 ANIMOSITY. AND HAVING SHOT THEIR WAD, ECONOMICALLY, THE
9 SELL-OUT BEGINS TO THE NATIONAL REFUSE ORGANIZATIONS.

10 THERE'S SOME POSITIVE LEGACIES OF THE
11 PERIOD DECIDED THAT THE COUNTY WILL REQUIRE NEW LANDFILLS
12 TO BE BUILT TO CLASS II STANDARDS. LINERS AND THE WORKS.
13 HAVE TO BE AESTHETIC AS WELL AS PROPERLY ENGINEERED,
14 PROPER BUFFERING, LANDSCAPING.

15 TRANSFER STATIONS, WHICH LATER BECOME
16 MATERIAL RECOVERY FACILITIES, BECOME STANDARDS, NOT ONLY
17 FOR THE ECONOMICS OF THE HAUL, BUT TO REDUCE THE NUMBER
18 OF VEHICLES GOING TO LANDFILLS BY AS MUCH AS A FACTOR OF
19 TEN.

20 INTERIM TRANSFER STATIONS BUILT TO ACME,
21 WHICH BECOMES INDISPENSABLE LATER FOR EXPORT TO OTHER
22 COUNTIES. RECYCLING OBJECTIVES BECOME PART OF THE
23 REQUIREMENTS FOR NEW LANDFILL SITING. BUT AS I SAID, THE
24 LOCALS HAVE BASICALLY FAILED.

25 BEGINNING IN 1987, THE NATIONAL



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1 ORGANIZATIONS ENTER THE PICTURE. AND INCREASINGLY, THE
2 LANDFILL SITING SITUATION BECOMES A COMPETITION BETWEEN
3 THE TWO INDUSTRY GIANTS, WASTE MANAGEMENT INCORPORATED,
4 BROWNING-FERRIS INDUSTRIES, AND THEIR LOCAL ALLIES.

5 THE CONFLICT, I CALL IT GLOBAL WAR, SPILLS
6 OVER COUNTY LINES. YOUR PREDECESSOR ORGANIZATION PUTS US
7 UNDER STIPULATED JUDGMENT. REGIONAL WATER QUALITY
8 CONTROL BOARD IS ASKING US TO MEET CERTAIN DEADLINES AND
9 REPORT BACK TO THEM.

10 WE HAVE EXPORT AGREEMENTS IN OTHER
11 COUNTIES. ACME FINALLY RUNS OUT OF MAJORITY CAPACITY AND
12 HAVE TO GET INTERIM ARRANGEMENTS WITH ALAMEDA AND SOLANO
13 COUNTIES TO SURVIVE.

14 SUPPOSEDLY, THIS ENDS WITH TWO LANDFILLS
15 RECEIVING LOCAL PLANNING APPROVALS IN 1990 AT A BOARD
16 SPONSORED TRUCE BETWEEN THE LARGE COMPETITORS HERE. WE
17 HAVE THREE LANDFILLS INVOLVED.

18 BAY POINT, WHICH IS BETWEEN PITTSBURG AND
19 CONCORD, AGAIN, BUT ON THE WEST SIDE OF BAILEY ROAD, IS
20 NO. 1. THE BLUE RIBBON TASK FORCE STUDY IS ORIGINATED BY
21 LOCAL DEVELOPERS, BFI FOR A TIME, DECIDED IT WOULD
22 SPONSOR, DROPPED OUT. LAIDLAW THEN CAME INTO THE
23 PICTURE.

24 THIS IS PUT IN THE GENERAL PLAN AND SOLID
25 WASTE MANAGEMENT PLAN IN 1989. APPLICATION FOR

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1 PERMITTING WAS NEVER COMPLETED. THERE'S SOME FATAL
2 FLAWS. TURNED OUT ONE COULD NOT USE A NAVY EXPLOSIVE
3 EASEMENT FOR LANDFILLING. THE FACILITY IS NEXT TO THE
4 CONCORD NAVAL WEAPONS STATION. AND THE SPONSORS NEVER
5 COULD GET THE PROPERTIES BETWEEN THOSE LANDFILLS AND THE
6 FREEWAY WHERE AN INTERCHANGE WOULD HAVE TO BE BUILT.

7 MARSH CANYON, THIS IS THE QUINTESSENTIAL
8 REMOTE SITE. DELTA DIABLO SANITARY DISTRICT WANTED TO
9 SPONSOR IT. WASTE MANAGEMENT INCORPORATED ENDED UP
10 GETTING IT. SURVIVED THE LOCAL PERMITTING PROCESS BY
11 BEING PERMITTED IN MARCH OF 1980. SURVIVED AN INDIRECT
12 REFERENDUM IN 1990. IT SURVIVED ITS FIRST LAWSUIT. IT
13 NOW HAS MOST OF ITS REGULATORY AGENCY PERMITS, AND IT'S
14 IN CONSTRUCTION DRAWINGS PHASE.

15 THE KELLER CANYON LANDFILL IS A VERSION OF
16 THE OLD CENTRAL LANDFILL THAT WAS ORIGINALLY WITHDRAWN.
17 SO LITTLE STORY HERE WHERE COUNTY WAS -- AND THE
18 OPERATOR, ACME, WAS TRYING TO GET ANOTHER EXTENSION.
19 ACME, USING PART OF THAT WETLAND. IT WAS AN ACTION
20 BEFORE THE REGIONAL WATER QUALITY CONTROL BOARD, AND THE
21 EXPANSION WAS OPPOSED BY THE SIERRA CLUB AND OTHER
22 ENVIRONMENTALISTS.

23 ONE OF OUR SUPERVISORS CORNERED ONE OF THE
24 SIERRA CLUB MEMBERS IN THE LOBBY AND COMMENTED THAT YOU
25 PEOPLE ARE AGAINST THIS AND THAT. WHAT ARE YOU FOR? AND



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1 HE BLURTED OUT, WELL, WE SORT OF LIKE THE CENTRAL
2 LANDFILL. SO ON THE WAY BACK FROM THAT MEETING, SHE
3 STOPPED OFF AT THE ACME ATTORNEY'S OFFICE, CALLED THE
4 ATTORNEY OUT IN THE STREET AND TOLD HIM TO GET IT BACK
5 INTO THE HOPPER.

6 IT STARTED BY THE LOCAL PARTIES BECAME A
7 BROWNING-FERRIS SITE. IT SURVIVED A REFERENDUM ATTACK IN
8 JUNE 1990, WHERE IT WAS PUT ON THE BALLOT BY THE CITY OF
9 PITTSBURG. IT'S SINCE SURVIVED THREE LAWSUITS. STILL
10 FACES A FOURTH.

11 THERE ARE APPEALS ON THE LAWSUITS AND
12 THERE'S A PENDING APPEAL OF THE WASTE DISCHARGE
13 REQUIREMENTS TO THE STATE WATER RESOURCES CONTROL BOARD.
14 IT IS WITHIN ABOUT SIX WEEKS OF BEING ABLE TO OPEN. NOT
15 STOPPED.

16 POLITICS, BASICALLY THE PERIOD WAS A COUNTY
17 SHOW. WE'RE THE ONES WHO BORE THE BURDEN OF THE
18 STIPULATED JUDGMENT OF THE SOLID WASTE MANAGEMENT PLAN
19 AMENDMENTS AND THE GENERAL PLAN AMENDMENTS AND THE LOCAL
20 PLANNING PERMITS.

21 POLARIZATION, PUBLIC POLITICIANS,
22 COLLECTORS, TENDED TO LINE UP BEHIND EITHER THE MARSH
23 CREEK SITE OR KELLER CANYON SITE.

24 COST ESCALATION. THE REFERENDA CAMPAIGNS,
25 FOR EXAMPLE, COST, I WOULD SAY, ESTIMATED ABOUT \$1.5

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1 MILLION IN NOVEMBER 1988, PROBABLY OVER 2.7 MILLION IN
2 JUNE OF 1990. WHEN VIDEOTAPES WERE TWICE SENT TO EVERY
3 HOUSEHOLD IN THE COUNTY, IT ADDS UP. AND THAT MEANS THAT
4 THERE ARE PROFESSIONAL IMAGE MAKERS THAT ARE AT WORK.

5 ALREADY MENTIONED THE INTERVENTION PROCESS
6 RATHER PERVERSELY. THE SOLVING OF THE LANDFILL PROBLEM,
7 IF INDEED IT IS SOLVED, HAS OPENED -- NOW OPENED THE DOOR
8 FOR THE CITIES AND SANITARY DISTRICTS TO START PUSHING
9 FOR CONTROL OF THE TRANSFER STATIONS.

10 AND THERE ARE -- WE HAVE THREE TRANSFER
11 STATIONS. THE ACME INTERIM TRANSFER STATION HAS BEEN
12 BUILT. THE PERMANENT TRANSFER STATION SHOULD HAVE BEEN
13 BUILT BY THIS TIME, BUT A COALITION OF A JOINT POWERS
14 AGENCY IN THE COUNTY ARE THINKING OF BUYING IT, AND ITS
15 CONSTRUCTION -- FINAL CONSTRUCTION HAS BEEN PUT OFF.

16 WE'LL START HEARINGS ON THE WEST COUNTY
17 STATION WITHIN A MONTH. WE'RE STARTING THE ENVIRONMENTAL
18 PROCESS ON ONE IN EAST COUNTY SPONSORED BY THE DELTA
19 DIABLO SANITATION DISTRICT. THERE ARE, HOWEVER, OTHER
20 PARTIES, PUBLIC AND PRIVATE, WHO WANT TO GET INTO THE
21 ACT.

22 CLOSE, OUR HISTORY, AS I SAID EARLIER ON,
23 THE VERGE OF SUCCESS OR FAILURE. AND I DON'T KNOW WHICH
24 WAY IT'S GOING TO GO.

25 YOUR PROGRAM ASKED TO GIVE SOME



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1 RECOMMENDATIONS TO YOUR BOARD. LET ME START WITH TWO
2 THAT ARE PROBABLY ARE GRATUITOUS, BUT I THINK NEED TO BE
3 SAID ANYWAY.

4 ONE IS THAT YOUR BOARD HAS AN EVEN-HANDED
5 REPUTATION. YOUR STAFF HAS A REPUTATION OF PERHAPS BEING
6 VERY NEW AND MAYBE MOVED AROUND TOO OFTEN; NEVERTHELESS,
7 TRYING VERY HARD, WORKING VERY HARD AT IT. AND WE ARE
8 VERY SATISFIED WITH THEM. PLEASE RETAIN THOSE
9 SITUATIONS. THERE ARE ENOUGH PARTIES IN THE POLITICAL
10 REALM THE WAY IT GOES.

11 SECONDLY, NO. 1 FACILITIES PROBLEM, IN MY
12 VIEW, ISN'T LANDFILLS, NOT EVEN MATERIAL RECOVERY
13 FACILITIES OR RECYCLING FACILITIES. IT'S FACILITIES TO
14 PRODUCE MARKETABLE PRODUCTS FROM THE RECYCLED MATERIALS.
15 IF WE DON'T COME UP WITH FACILITIES OF THAT KIND AND
16 MARKETS, I THINK THE 939 PROGRAM IS GOING TO RUN INTO A
17 BRICK WALL.

18 ONE THING YOU CAN DO AND THAT IS PROMOTE
19 REGULATORY AGENCY COORDINATION, BOTH BETWEEN THE STATE
20 AND THE FEDERAL GOVERNMENT. WE HAVE SITUATIONS AT SOME
21 OF THESE LANDFILLS, FOR EXAMPLE, WHERE U.S. FISH AND
22 WILDLIFE SERVICE DID NOT PARTICIPATE IN THE CEQA PROCESS,
23 ONLY TO START ASKING QUESTIONS AND MAKING DEMANDS AFTER
24 THE PERMITS HAD BEEN LET.

25 IN THE ORIGINAL ACME SITUATION, WE COULD

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1 HAVE GOTTEN ALL OF THE AGENCIES TOGETHER ON AN EXPANSION
2 SITUATION AT ONE AGENCY. U.S. ENVIRONMENTAL PROTECTION
3 AGENCY AT THAT TIME HELD OUT, SO WE COULDN'T GET THAT
4 AGREEMENT.

5 WE CAN USE BETTER COORDINATION. THE
6 STATE'S IN THE POSITION OF DOING IT. A BETTER REGULATORY
7 COORDINATION PROCESS THAT COULD BE INSTITUTED AT STATE
8 LEVEL.

9 I WAS JUST GIVEN YESTERDAY A COPY OF AN
10 ARTICLE IN ENVIRONMENTAL LAW REVIEW, WHICH IS WRITTEN BY
11 BROWNING-FERRIS' LAW FIRM THAT'S BEEN WORKING WITH KELLER
12 CANYON LANDFILL. AND THEY ARE PROPOSING, IN EFFECT, A
13 SINGLE REGULATORY PERMIT PROCESS, APPLICATION PROCESS, BE
14 SET UP AT THE STATE. THAT KIND OF THING, I THINK, IS
15 WORTH CONSIDERING.

16 WORK ON THE AB 939 PROGRAM IS, I THINK, ONE
17 OF YOUR MOST IMPORTANT THINGS. THERE ARE DETAILS TO BE
18 SORTED OUT. FOR EXAMPLE, AT THE PRESENT TIME, FOR THE
19 SITING ELEMENT, IT IS UNCLEAR WHO REALLY HAS
20 RESPONSIBILITY, LOCALLY.

21 UNDER THE OLD COSWMP PROCESS, IT WAS CLEAR
22 THE COUNTY HAD THE RESPONSIBILITY OF DRAFTING THE PLAN
23 AND GETTING IT INITIATED. RIGHT NOW A COUNTY COULD BE
24 DEFINED AS CIVIL COUNTY AND ITS CITIES. OTHER PARTIES
25 WANT TO GET INVOLVED. IT'S REALLY DIFFICULT TO PIN DOWN



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1 RESPONSIBILITY.

2 I THINK JUST REFINING THE AB 939 PROCESS
3 WOULD BE A TREMENDOUS HELP. BEYOND THAT, I'D SIMPLY HAVE
4 TO SAY THAT OUR EXPERIENCE WAS UNIQUE FOR THE AREA. SOME
5 GENERALITIES TO BE GAINED, BUT EVERY AREA IS GOING TO GO
6 THROUGH ITS OWN SERIES OF PROBLEMS. HOPE WE CAN LEARN
7 SOMETHING FROM OUR PROCESS, BUT I WOULDN'T TRY TO
8 GENERALIZE TOO FAR.

9 THANK YOU VERY MUCH.

10 BOARD MEMBER EGIGIAN: THANK YOU. ANY QUESTIONS
11 OF MR. ZAHN?

12 THANK YOU VERY MUCH, MR. ZAHN. IT APPEARS
13 THAT YOU'VE GOT AN EDUCATION IN YOUR COUNTY OR CITY
14 THAT'S WORTHWHILE PASSING OFF TO OTHERS. AS YOU CAN SEE,
15 OUR PEOPLE WERE TAKING DOWN NOTES AND THIS IS BEING
16 TRANSCRIBED. SO IN OUR FINAL ANALYSIS, A LOT OF WHAT YOU
17 SAID WILL BE IN THERE.

18 THANK YOU AGAIN.

19 WE WILL MOVE ON WITH LOS ANGELES COUNTY
20 PRESENTATION. WE HAVE MR. STEVE MAGUIN. PROGRAM MIGHT
21 SAY JACK MICHAEL, BUT THAT HAS BEEN CHANGED.

22 MR. MAGUIN: THIS IS GREAT. MY OPENING
23 INSTRUCTIONS: DON'T TOUCH ANYTHING.

24 CHAIRMAN EGIGIAN, MY NAME IS STEVE MAGUIN.
25 I APPRECIATE BEING HERE. I'M HERE AT THE REQUEST OF LOS



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1 ANGELES COUNTY, REPRESENTING THE LOS ANGELES COUNTY
2 INTEGRATED WASTE MANAGEMENT TASK FORCE, OF WHICH I AM A
3 MEMBER.

4 I'M GLAD I GOT HERE EARLY AND SAW THE VIDEO
5 BECAUSE I LEARNED SOMETHING NEW. I'VE DISCOVERED WHAT
6 OUR PROBLEM IN LOS ANGELES REALLY IS. WE DON'T HAVE
7 SNOW. ALL WE CAN PROVIDE ARE PARKS AND GOLF COURSES AND
8 GARDENS AND UNIVERSITY RESEARCH FACILITIES. IF WE HAD
9 SNOW, WE COULD PROVIDE A SKI LIFT.

10 FIRST, I'D LIKE TO COMMENT ON THE REPORT
11 YOUR STAFF PRESENTED, AND, IN GENERAL, I WANT TO
12 CONGRATULATE THE STAFF ON ACCUMULATING A TREMENDOUS
13 AMOUNT OF DATA.

14 I'D LIKE TO POINT OUT, THOUGH, THAT THE
15 INFORMATION OF ABOUT FOUR YEARS CAPACITY, WITH WHICH I
16 AGREE FOR LOS ANGELES WITHIN A FEW MONTHS, WAS AS OF
17 JANUARY 1990. WE'RE NOW MORE THAN TWO YEARS DOWN THAT
18 ROAD, SO WE CAN ALL AGREE, AS OF THIS MOMENT, THE
19 CAPACITY IN LOS ANGELES COUNTY IS ABOUT A YEAR AND A
20 HALF. AND THAT HAS CERTAIN ASSUMPTIONS.

21 ONE IS THAT THE RECESSION WILL NOT RECOVER
22 TOO QUICKLY. AND IT SHOULD ALSO BE POINTED OUT THAT
23 THOSE CALCULATIONS INCLUDE THE ASSUMPTION THAT THE
24 BROWNING-FERRIS FACILITY AT SUNSHINE CANYON HAS A PERMIT.
25 AND OUR HOPE IS THAT THE COURTS DON'T REVERSE THAT

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1 SITUATION. IF THEY DO, OUR SITUATION IS WORSE AND OUR
2 CAPACITY IS SUBSTANTIALLY LESS.

3 TO SPEAK TO THE HISTORY OF THE SITUATION IN
4 LOS ANGELES COUNTY, I DO NEED TO VERY, VERY BRIEFLY
5 RECOUNT TO YOU THE LAST COUPLE DECADES OF HISTORY OF WHAT
6 OUR PROBLEMS HAVE BEEN, HOW THEY DEVELOPED, AND HOW WE
7 MIGHT OVERCOME THEM.

8 FIRST, IN CASE THERE'S ANYONE HERE WHO
9 DOESN'T KNOW, LOS ANGELES IS SOMEWHAT UNIQUE AMONG THE
10 COUNTIES OF THE STATE WITH A POPULATION OF APPROXIMATELY
11 NINE MILLION, WHICH MEANS THAT, FIRST, WE HAVE A VERY
12 LARGE RESIDENTIAL WASTE FLOW.

13 BUT THE COUNTY IS ALSO UNIQUE BECAUSE OF
14 THE EXTENT OF ITS ECONOMY, WHICH MEANS THAT MORE THAN
15 TWO-THIRDS OF OUR WASTESTREAM IS NONRESIDENTIAL IN
16 ORIGIN.

17 NOW, UNTIL ABOUT THE MID-1970S, LOS ANGELES
18 COUNTY HAD A VERY LARGE CONVENIENT REGIONAL SYSTEM OF
19 LANDFILLS SUPPLEMENTED BY ECONOMICALLY DRIVEN RECYCLING,
20 PRIMARILY IN THE PRIVATE SECTOR. THAT SERVED THE COUNTY
21 VERY WELL. WE HAD ABOUT, AS OF THE LATE '70S, SOME 16
22 REGIONAL FACILITIES HANDLING ON THE ORDER OF 30,000 TONS
23 PER DAY, OR LESS THAN 2000 TONS PER DAY PER OPERATING
24 LANDFILL.

25 BY THE LATE 1980S, THE NUMBER OF LANDFILLS

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1 HAD SHRUNK TO NINE AND OUR WASTESTREAM HAD GROWN TO
2 GREATER THAN 45,000 TONS PER DAY, OR MORE THAN 5,000 TONS
3 PER OPERATING LANDFILL. MORE THAN A TWO-AND-A-HALF TIME
4 INCREASE IN EACH INDIVIDUAL FACILITY.

5 NOW, WHAT HAPPENED? AS WE FORESAW THE
6 UPCOMING CLOSURES, WHICH WERE DUE TO REACHING ULTIMATE
7 CAPACITY, WE, IN LOS ANGELES COUNTY, TRIED TO DEVELOP A
8 PLAN TO FORESTALL THAT CRISIS THAT COULD BE PREDICTED.

9 WE LOOKED FIRST TO THE STATE OF CALIFORNIA,
10 AND WE SAW A VERY LOUD AND CLEAR POLICY FROM THE STATE
11 REQUESTING THAT LOCAL GOVERNMENT MOVE TOWARDS THE
12 DEVELOPMENT OF TECHNOLOGY, SUCH AS WASTE-TO-ENERGY, TO
13 SLOW DOWN THE CONSUMPTION OF OUR VALUABLE LANDFILL
14 CAPACITY AND TO PLAY A ROLE IN SOLVING THE NATION'S
15 ENERGY CRISIS.

16 THAT CALL FROM THE STATE OF CALIFORNIA WAS
17 FOLLOWED BY LOCAL SUPPORT. AGAIN, NEAR UNANIMOUS AND
18 VERY LOUD, THAT WE DON'T WANT NEAR TOTAL DEPENDENCE ON
19 LANDFILLS TO CONTINUE. WE WANT TO INVOLVE MORE
20 TECHNOLOGIES, GREATER AMOUNTS OF RECYCLING, AND THE
21 DEVELOPMENT OF WASTE-TO-ENERGY TO DIVERT MATERIALS FROM
22 OUR LANDFILL CAPACITY.

23 THAT DROVE US. THOSE TWO FACTORS DROVE US
24 TO DEVELOP A PLAN BY THE YEAR 1980, WHICH WE DIDN'T HAVE
25 THE WORDS "INTEGRATED WASTE MANAGEMENT." WE CALLED IT AN

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1 ARRAY OF TECHNOLOGY OR A MATRIX OF SOLUTIONS THAT
2 INVOLVED A MUCH MORE AGGRESSIVE APPROACH TOWARDS
3 RECYCLING, AS WELL AS OUR MAJOR EMPHASIS ON THE
4 DEVELOPMENT OF WASTE-TO-ENERGY TECHNOLOGY FOR THE LOS
5 ANGELES AREA.

6 WHAT HAPPENED? BY THE MID-1980S, OF
7 COURSE, DEVELOPMENT OF WASTE-TO-ENERGY HAD BECOME A VERY
8 CONTROVERSIAL ISSUE. THE LEGISLATURE OF THIS STATE
9 REVERSED ITSELF AND BECAME AN OPPONENT OF WASTE-TO-ENERGY
10 AS DID THE PUBLIC. THAT LEFT LOS ANGELES COUNTY BY
11 1985-'86, WHICH WE CONSIDER THE OFFICIAL DEATH OF
12 WASTE-TO-ENERGY, CRITICALLY SHORT OF LANDFILL CAPACITY
13 BECAUSE OUR EFFORTS HAD BEEN PUT WHERE THEY WERE ASKED TO
14 BE, ON THE DEVELOPMENT OF ALTERNATIVE TECHNOLOGIES. WE
15 WERE LEFT CRITICALLY SHORT OF LANDFILL CAPACITY AT THAT
16 POINT.

17 NOW, LONG BEFORE THE DEVELOPMENT OF AB 939,
18 THE MAJOR PUBLIC PLAYERS IN LOS ANGELES COUNTY, WHICH
19 INVOLVED THE COUNTY OF LOS ANGELES, THE CITY OF LOS
20 ANGELES, AND THE SANITATION DISTRICTS, ATTACKED THAT
21 PROGRAM TO DEFINE A PATH TO GET OUT OF THE PENDING
22 CRISIS.

23 IT WAS A COMPLICATED PROGRAM KNOWN TODAY AS
24 THE ACTION PLAN FOR LOS ANGELES COUNTY, BUT IT HAD TWO
25 MAJOR THRUSTS. ONE WAS MAXIMIZE DIVERSION FROM LANDFILLS

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1 WITHOUT USING WASTE-TO-ENERGY TO THE HIGHEST FEASIBLE
2 LEVEL. SECONDLY, SUBSTANTIALLY INCREASE LANDFILL
3 CAPACITY SUCH THAT THE COUNTY WOULD BE SERVED WITH
4 LONG-TERM SECURE CAPACITY.

5 TO ACHIEVE THAT INCREASE IN CAPACITY, WE
6 LOOKED AT TWO TIME FRAMES. THE SHORT TERM, IN WHICH OUR
7 CRISIS COULD BE AVERTED BY THE EXPANSION OF THE EXISTING
8 LANDFILLS WHICH HAD ADDITIONAL CAPACITY, AND THERE ARE
9 SIX. TWO OF THE MOST CRITICAL OF THOSE ARE THE SUNSHINE
10 CANYON LANDFILL, OWNED AND OPERATED BY BROWNING-FERRIS
11 INDUSTRIES, AND THE PUENTE HILLS LANDFILL, OWNED AND
12 OPERATED BY THE SANITATION DISTRICTS.

13 YOU KNOW ALL ABOUT SUNSHINE CANYON. THAT'S
14 GOING TO BE ON YOUR AGENDA NEXT WEEK. AND I THINK IT'S A
15 SUCCESS STORY THAT THE LOCAL GOVERNMENT, THE BOARD OF
16 SUPERVISORS, HAVE ISSUED THE PERMIT NECESSARY FOR THE
17 EXPANSION OF THAT LANDFILL. IT WAS NOT WITHOUT MAJOR
18 OPPOSITION THROUGH THAT PROCESS. AND IT WAS A VERY LONG
19 AND TEDIOUS PROCESS FOR THE SITE DEVELOPER.

20 IN OUR CASE, THE PUENTE HILLS, WE HAVEN'T
21 EVEN PUBLISHED THE DRAFT EIR OR FILED AN APPLICATION.
22 ALREADY WE HAVE SUBSTANTIAL OPPOSITION TO THE CONCEPT
23 THAT WE MIGHT ATTEMPT TO EXPAND IT. AND, AGAIN, ON THE
24 STATE LEVEL, LAST YEAR'S LEGISLATURE CONSIDERED A PIECE
25 OF LEGISLATION TO OPPOSE THE LANDFILL BEFORE IT HAD EVEN



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1 BEEN PROPOSED.

2 AS FAR AS THE STATUS, WE'RE HEAVILY
3 INVOLVED IN THE CEQA DOCUMENTATION, WHICH WE HOPE TO
4 PUBLISH IN JUNE OR JULY OF THIS YEAR, SO WE CAN MOVE
5 FORWARD WITH THE PERMIT APPLICATIONS TO CREATE THAT
6 CAPACITY. AND THAT SITE ALONE COULD PROVIDE ON THE ORDER
7 OF 75 MILLION TONS OF ADDITIONAL CAPACITY TO LOS ANGELES
8 COUNTY.

9 AS FAR AS NEW CAPACITY, WHICH IS THE
10 LONG-TERM SOLUTION FOR LOS ANGELES COUNTY, BECAUSE EVEN
11 IF WE GET ALL SIX EXPANSIONS, THAT WILL ONLY SERVE FOR
12 THE REMAINDER OF THIS DECADE. IT PUSHES THE CRISIS BACK
13 SIX OR SEVEN YEARS. TO GO BEYOND THAT, WE MUST HAVE NEW
14 CAPACITY AND SUBSTANTIAL NEW CAPACITY.

15 AND, AGAIN, WE'VE TAKEN A TWO-PRONG
16 APPROACH. FIRST, TO LOOK FOR NEW CAPACITY WITHIN THE
17 BOUNDARIES OF LOS ANGELES COUNTY; AND, SECONDLY, TO SEE
18 HOW MUCH CAPACITY WE CAN SECURE OUTSIDE THE BOUNDARIES OF
19 LOS ANGELES COUNTY.

20 ON THE IN-COUNTY CAPACITY, WE CONDUCTED IN
21 1987 A SURVEY OF POTENTIAL LANDFILL SITES IN L.A. AND
22 IDENTIFIED 101 POTENTIAL FACILITIES. THROUGH A RANKING
23 PROCESS OF ENVIRONMENTAL AND SOCIAL CRITERIA, WHICH WERE
24 DEVELOPED WITH THE ASSISTANCE OF CITIZENS AND
25 ENVIRONMENTAL GROUPS, WE PARED THAT LIST DOWN TO THE SIX

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1 POTENTIALLY BEST LANDFILL SITES FOR NEW CAPACITY.

2 ALL SIX HAVE BEEN THE SUBJECT OF
3 ENVIRONMENTAL ANALYSES. FIVE WERE CONDUCTED BY US IN A
4 PROGRAMMATIC EIR. THAT RESULTED IN TWO OF THEM BEING
5 VOLUNTARILY DROPPED OUT AS BEING INFERIOR FROM THE
6 ENVIRONMENTAL STANDPOINT, LEAVING US WITH THREE
7 SUCCESSFUL SITES SURVIVING THE ENVIRONMENTAL PROCESS.

8 THE FOURTH FACILITY IS BEING PRIVATELY
9 PURSUED BY BKK CORPORATION AND IS CURRENTLY IN A CEQA AND
10 NEPA PROCESS, INVOLVES BOTH THE FEDERAL AND LOCAL
11 AGENCIES.

12 NOW, AS FAR AS THE THREE SITES THAT
13 SURVIVED OUR PROCESS, IT'S INTERESTING TO NOTE THAT TWO
14 OF THEM HAVE BEEN VIGOROUSLY ATTACKED AND BLOCKED BY AN
15 AGENCY OF THE STATE OF CALIFORNIA, WHICH HAS BEEN
16 PURCHASING PROPERTY WHERE THE PROPOSED ACCESS WOULD BE
17 AND IN KEY AREAS OF FILL CAPACITY.

18 THE JURY IS STILL OUT, BUT AT THIS POINT I
19 WOULD SAY IT LOOKS LIKE THAT AGENCY MAY HAVE BEEN
20 SUCCESSFUL IN, AT LEAST, DIMINISHING THE CAPACITY OF
21 SITES AND MAY HAVE TAKEN THEM OFF THE BOARD ALL TOGETHER.
22 IT'S THE SANTA MONICA MOUNTAINS CONSERVANCY.

23 BOARD MEMBER HUFF: THEY'RE MARGINALLY AN AGENCY
24 OF THE STATE.

25 MR. MAGUIN: THEY WERE CREATED BY THE STATE.

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1 BOARD MEMBER HUFF: THEY WERE CREATED BY THE
2 STATE AND THEY ARE FREELANCING.

3 MR. MAGUIN: WHEN WE GET THE LIST OF THINGS THAT
4 CAN BE DONE, REMIND ME OF THAT ONE.

5 AS FAR AS THE THIRD OF THOSE SITES, THAT
6 IS, THE MISSION RUSTIC SULLIVAN LANDFILL COMPLEX, WHICH
7 IS IN THE CITY OF LOS ANGELES, AND I'D BE THE FIRST TO
8 ADMIT FROM A POLITICAL FEASIBILITY STANDPOINT, IT'S
9 QUESTIONABLE AT BEST.

10 SO IT'S NOT LOOKING VERY POSITIVE FOR ANY
11 OF THE THREE -- FOR THOSE SITES THAT SURVIVED FROM AN
12 ENVIRONMENTAL STANDPOINT. THERE ARE OTHER ROADBLOCKS
13 WHICH MAY OR MAY NOT END UP IN PREVENTING THEIR
14 DEVELOPMENT.

15 THE FOURTH FACILITY THAT IS BEING PURSUED
16 BY THE BKK CORPORATION IS STILL IN THE ENVIRONMENTAL
17 ANALYSIS, BUT IT HAS ALREADY DEVELOPED SUBSTANTIAL
18 OPPOSITION TO ITS DEVELOPMENT.

19 THE OTHER AREA OF NEW CAPACITY THAT WE'RE
20 PURSUING IS -- THE FULL TITLE IS "LONG DISTANCE TRANSPORT
21 TO REMOTE SITES," COMMONLY KNOWN AS RAIL HAUL. THAT NAME
22 COMES ABOUT BECAUSE ONCE YOU DECIDE TO TRANSPORT WASTE
23 SUBSTANTIALLY MORE THAN 100 MILES, THE MOST EFFICIENT
24 MEANS OF TRANSPORT IS BY RAIL.

25 WE'RE NOW ENTERING OUR SIXTH YEAR OF TRYING



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1 TO ACCOMPLISH SOME AMOUNT OF CAPACITY BY RAIL. I SHOULD
2 TELL YOU THE STORY VERY, VERY BRIEFLY. THAT REALLY HAD
3 ITS ORIGIN WITH AN ORGANIZATION KNOWN AS THE SAN GABRIEL
4 VALLEY ASSOCIATION OF CITIES, WHICH HAD FORMED A SOLID
5 WASTE TASK FORCE STAFFED BY THE SANITATION DISTRICTS,
6 DOING AN INDEPENDENT REVIEW OF THE WASTE MANAGEMENT
7 OPTIONS.

8 BUT THEY FOCUSED ON THE RAIL HAUL CONCEPT
9 AS AN AVENUE THAT MIGHT ACCOMPLISH SOME ADDITIONAL
10 CAPACITY. THEY HAVE GONE A LONG WAY TO PUSH FORWARD THE
11 POLITICAL FEASIBILITY OF LOS ANGELES COUNTY ACTUALLY
12 UTILIZING EXPORT AS A MEANS OF LANDFILL CAPACITY.

13 LAST YEAR THAT GROUP CAME TO THE SANITATION
14 DISTRICTS AND, FACED WITH THE TECHNICAL AND
15 ADMINISTRATIVE COMPLEXITIES OF MAKING IT COME ABOUT,
16 ASKED OUR AGENCY TO BECOME THE SOLE AND LEAD AGENCY TO
17 MOVE FORWARD AGGRESSIVELY ON MAKING RAIL HAUL HAPPEN FOR
18 LOS ANGELES COUNTY.

19 OUR BOARD OF DIRECTORS ACCEPTED THAT CHARGE
20 AND CREATED AN AD HOC COMMITTEE, A MIXTURE OF ELECTED
21 OFFICIALS FROM ACROSS THE COUNTY AND CITY MANAGERS, SO
22 THAT WE HAD THE DUAL INPUT OF PROFESSIONAL MUNICIPAL
23 MANAGEMENT AS WELL AS THE ELECTED OFFICIALS TO GUIDE OUR
24 EFFORT.

25 THAT COMMITTEE PRODUCED A REPORT IN

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1 DECEMBER OF 1991, WHICH HAD FOUR KEY RECOMMENDATIONS
2 RELATED TO THE SANITATION DISTRICTS MAKING RAIL HAUL A
3 REALITY. WE JUST, AS OF YESTERDAY, COMPLETED A ROUND OF
4 BRIEFING TO THE BOARDS, SINCE WE HAVE 24 BOARDS AMONG
5 THEM THE SANITATION DISTRICTS.

6 AND I'M HAPPY TO TELL YOU THAT ALL OF THE
7 BOARDS TO WHOM THAT REPORT HAS BEEN PRESENTED DID
8 UNANIMOUSLY, WITHOUT ANY OPPOSITION, ENDORSE ALL FOUR OF
9 THOSE POLICY RECOMMENDATIONS DIRECTED AT MAKING, AT
10 LEAST, THE INITIAL RAIL HAUL PROJECT A REALITY FOR LOS
11 ANGELES COUNTY.

12 VERY, VERY BRIEFLY THE COMMITTEE'S VIEW OF
13 THE WHOLE MATTER WAS THAT THERE ARE THREE SUBSTANTIAL
14 OBSTACLES TO MAKING THIS OUT-OF-COUNTY CAPACITY AVAILABLE
15 TO US.

16 FIRST, THE HURDLE OF GETTING ANOTHER
17 JURISDICTION TO VOLUNTARILY PERMIT A FACILITY TO ACCEPT
18 WASTE FROM LOS ANGELES COUNTY. THAT'S A TOUGH ONE.
19 THAT'S -- ESPECIALLY FOR A LOCAL GOVERNMENT TO ADDRESS AN
20 AREA OF ANOTHER LOCAL GOVERNMENT'S TOTAL DISCRETION.

21 BUT THEY DID ADDRESS TWO OTHER HURDLES THAT
22 ARE AT HOME IN L.A. ONE, THE DIFFICULTY IN SITING NEW
23 FACILITIES TO ACCOMPLISH THE LOADING OF WASTE ONTO THE
24 RAIL IN THE FIRST PLACE.

25 WHEN WE FIRST INVITED THE PRIVATE SECTOR



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1 INTO OUR COUNTY TO PROPOSE THIS IDEA, EVERY LOADING SITE
2 WHICH WAS PROPOSED BY THE PRIVATE SECTOR IMMEDIATELY WAS
3 MET WITH OPPOSITION IN THE LOCAL AREAS.

4 THE THIRD MAJOR HURDLE WAS THE COST.
5 SHOULD COME AS NO SURPRISE TO YOU THAT THE COST OF MOVING
6 WASTE A GREAT DISTANCE IS HIGH. AND JUST TO PUT AN ORDER
7 OF MAGNITUDE, A RAIL HAUL PROJECT WOULD COST THE AVERAGE
8 FAMILY ABOUT \$70 PER HOUSEHOLD.

9 IN CURRENT ECONOMY AND UNEMPLOYMENT, THAT'S
10 NOT EASILY ACCEPTED. AND WE'VE HAD A GREAT DEAL OF
11 CONCERN AMONG THE LOCAL ELECTED OFFICIALS ABOUT HOW DO WE
12 MAKE THIS PROJECT HAPPEN WITHOUT THAT KIND OF HIT ON
13 INDIVIDUAL FAMILIES.

14 TO OVERCOME THOSE TWO HURDLES, SITING AND
15 THE COST, OUR COMMITTEE MADE TWO SUBSTANTIAL
16 RECOMMENDATIONS. ONE, THAT SINCE WE'RE IN A PERMITTING
17 PROCESS FOR PUENTE HILLS, WE INCORPORATE AND COMMIT TO
18 DEVELOPING THE RAIL LOADING CAPABILITY AT THAT FACILITY.
19 NOT ONLY BECAUSE IT'S IN A PERMITTING PROCESS ANYWAY OR
20 SOON WILL BE, BUT BECAUSE OF THE INHERENT LOGISTICAL AND
21 ENVIRONMENTAL ADVANTAGES AT PUENTE HILLS.

22 IT HAS -- IT'S A LARGE REGIONAL SITE
23 ALREADY. IT HAS FREEWAY DIRECT ACCESS SO WE CAN
24 ACCOMPLISH THE DELIVERY OF WASTE WITHOUT TRAFFIC OR AIR
25 IMPACTS. AND THE OPERATION OF THE FACILITY IS QUITE



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1 GOOD, AND SO THE OPPORTUNITY TO DEVELOP A NEW SITE
2 WITHOUT ANY ADDITIONAL IMPACTS TO LOCAL AREA IS
3 AVAILABLE.

4 IN ADDITION, TO OVERCOME THE COST IMPACT OF
5 RAIL HAUL, THE COMMITTEE RECOMMENDED THAT WE LEVELIZE THE
6 COST OF THE RAIL HAUL FACILITY WITH THE LOW COST OF
7 LANDFILL. OUR TIPPING FEE AT PUENTE HILLS IS STILL ABOUT
8 \$12.25 PLUS THE FIVE FEES AND TAXES. BUT WE'RE LOOKING
9 AT RAISING ON THE ORDER OF SOMETHING LIKE A 40- TO
10 50-PERCENT INCREASE IN THAT -- MORE THAN THAT, ABOUT 70
11 PERCENT INCREASE IN THE COST TO ABOUT \$25 A TON IN ORDER
12 THAT THE USERS OF THE FACILITY ARE NEUTRAL, WHETHER THEIR
13 WASTE GOES TO A LOCAL LANDFILL OR IS LOADED ONTO A RAIL
14 FACILITY TO GO TO A REMOTE SITE.

15 THOSE TWO KEY POLICIES HAVE BEEN ENDORSED
16 BY EVERY BOARD OF SANITATION DISTRICTS AND WE'RE NOW
17 MOVING FORWARD ON MAKING THEM A REALITY.

18 WE HAVE INCORPORATED THE RAIL LOADING
19 FACILITY INTO THE CEQA DOCUMENT BEING DEVELOPED AT THE
20 PUENTE HILLS EXPANSION, SO THIS SINGLE DOCUMENT CAN MOVE
21 FORWARD EXPEDITIOUSLY. WE'LL ACTUALLY BE ABLE TO PUBLISH
22 THE EIR FOR THE RAIL LOADING FACILITY IN JUNE OR JULY
23 ALONG WITH THE LANDFILL.

24 OKAY. SO WHY IS SITING SO DIFFICULT?

25 I, ON THE PLANE HERE THIS MORNING, RAN OVER

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1 MY NOTES TRYING TO FIGURE OUT WHY WE HAD SO MANY
2 PROBLEMS. LET ME GIVE YOU A FEW THOUGHTS THAT I'VE SEEN
3 OVER THE LAST TWO DECADES WHEN IT HAS BECOME ESPECIALLY
4 DIFFICULT TO SITE ANYTHING.

5 TELL YOU FIRST WHAT'S IT'S NOT. IT'S NOT A
6 LACK OF TECHNICALLY AND ENVIRONMENTALLY GOOD CANDIDATE
7 SITES. EVEN IN LOS ANGELES COUNTY WITH NINE MILLION
8 PEOPLE, WE STARTED OUT WITH A LIST OF MORE THAN A HUNDRED
9 POTENTIAL LANDFILL SITES IN THE COUNTY. THERE ARE LOTS
10 OF GOOD POTENTIAL SITES.

11 IT'S NOT FOR A LACK OF GOOD, STRONG
12 ENVIRONMENTALLY PROTECTIVE REGULATIONS. AGENCIES SUCH AS
13 YOURSELVES, THE WATER BOARD, THE EPA HAVE DONE A
14 REMARKABLE JOB OVER THE LAST DECADE TO REALLY STRENGTHEN
15 THE PROTECTION OF THE ENVIRONMENT FROM SOLID WASTE
16 FACILITIES.

17 WHAT IS IT, THOUGH?

18 TWO THINGS THAT I'D LIKE TO HIGHLIGHT FOR
19 YOU. FIRST, A GENERAL PUBLIC ATTITUDE -- AND I COULDN'T
20 COME UP WITH A BETTER DESCRIPTION OF IT -- BUT THERE IS
21 AN ATTITUDE IN THE STATE OF CALIFORNIA THAT COMMUNITIES
22 SHOULD NOT HAVE TO HAVE ANY FACILITY WHICH THEY CHOOSE
23 NOT TO HAVE.

24 I THINK A GOOD CASE STUDY IS THE STATE'S
25 ATTEMPT TO SITE PRISONS WHICH WERE NOT WANTED AND

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1 COULDN'T GET SITED. AND WE'RE FACED WITH EXACTLY THE
2 SAME ATTITUDE. THE COMMUNITIES DECIDE THEY DON'T WANT
3 THE LANDFILLS.

4 ANOTHER IMPACT IS THE ACTIVIST GROUPS WHICH
5 HAVE BEEN -- HAVE BECOME CONVINCED AND ESPOUSE THE
6 ATTITUDE THAT WE WON'T REALLY GET THE LEVEL OF RECYCLING
7 WE WANT UNLESS PEOPLE HAVE TO RECYCLE FOR LACK OF
8 LANDFILLS.

9 NEXT, AND SHOULD BE PROBABLY HIGHER ON MY
10 LIST, IS THE MEDIA WHICH IS ASSURED ANY ELECTED OFFICIAL
11 OF EXCEPTIONALLY GOOD COVERAGE IF THEY'LL JUST OPPOSE A
12 PROPOSED PUBLIC FACILITY, SUCH AS LANDFILL.

13 COMBINING THE POTENTIAL MEDIA COVERAGE WITH
14 INTENSE COMMUNITY PRESSURE ON THE ELECTED OFFICIALS, IT'S
15 JUST ABOUT A GIVEN THAT ELECTED OFFICIALS WILL OPPOSE THE
16 SITING OF A LANDFILL IN ANY AREA IN SPITE OF ITS
17 POTENTIAL OVERALL IMPORTANCE TO THE BULK OF THAT ELECTED
18 OFFICIAL'S TOTAL ELECTORATE.

19 AND THEN THERE'S THE AREAS THAT ARE VERY
20 REAL IN THAT THERE ARE FEARS, SPECIFIC FEARS, UPON THE
21 GENERAL POPULATION, AND THESE CHANGE OVER TIME. I'D SAY
22 IN THE RECENT HISTORY IT IS SPECIFICALLY A WATER ISSUE IN
23 SOUTHERN CALIFORNIA. AND KEEP IN MIND THAT ONE OF THE
24 MAJOR SOURCES OF GROUNDWATER IN SOUTHERN CALIFORNIA IS
25 NOW A SUPERFUND SITE DUE TO INDUSTRIAL POLLUTION OF THAT

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1 GROUNDWATER.

2 SO IT HAS CREATED A -- ALMOST A PARANOIA OF
3 ANY FACILITY THAT COULD POTENTIALLY CONTAMINATE FURTHER A
4 VERY PRECIOUS GROUNDWATER SOURCE. WE'VE HAD SIX YEARS OF
5 DROUGHT WHICH HAS EXACERBATED THE FEAR OF ANY LOSS OF THE
6 GROUNDWATER SUPPLY. WE ARE MORE DEPENDENT ON IT THAN
7 WE'VE EVER BEEN IN OUR HISTORY.

8 AND THE LAST TWO PLAY INTO YOUR REQUEST FOR
9 RECOMMENDATIONS ON STATE ROLES. I THINK THERE'S ALSO
10 BEEN A LACK OF A STATE EXPERT OR AUTHORITY TO CERTIFY THE
11 QUALITY OF PERFORMANCE THAT THE PUBLIC CAN BE EXPECTED
12 FROM A MODERN, WELL DESIGNED, AND OPERATED LANDFILL.

13 SECONDLY, I THINK THERE'S BEEN A LACK OF A
14 STATE EXPERT OR AUTHORITY TO CERTIFY THAT, EVEN AS WE
15 MOVE FORWARD AND IMPLEMENT AND INCREASE IN OUR DIVERSION
16 TO THE REQUIRED 50-PERCENT LEVEL AND HOPEFULLY EVEN
17 HIGHER, THAT IT'S CLEAR TO THIS AGENCY AND SHOULD BE MADE
18 CLEAR TO EVERYONE ELSE THAT WE STILL WILL NEED MORE
19 LANDFILL CAPACITY FOR THE REMAINDER OF THE WASTE.

20 BECAUSE OF THIS LACK OF THAT CLEAR MESSAGE,
21 IT LEAVES THE LOCAL OPPOSITION ANOTHER POINT OF ATTACK;
22 THAT IS, TO CREATE CONFUSION AS TO WHETHER ANY PROPOSED
23 FACILITY IS REALLY NEEDED. LEADS ME TO MY TWO
24 RECOMMENDATIONS AS TO A ROLE THE INTEGRATED WASTE BOARD
25 MIGHT PLAY TO HELP US LOCALLY SOLVE THE PROBLEM.

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1 FIRST, I'D LIKE TO SEE THIS AGENCY DIRECT A
2 FACT-BASED PUBLIC EDUCATION PROGRAM RELATED TO DISPOSAL
3 CAPACITY NEEDS AND SOLUTIONS. THAT WILL GO A LONG WAY TO
4 HELP US MAINTAIN WHAT POLITICAL ROLE WE HAVE LEFT TO MAKE
5 THE RIGHT DECISIONS.

6 SECONDLY, I WOULD LIKE THE WASTE BOARD TO
7 EFFECTIVELY FILL THE ROLE OF THAT STATE AUTHORITY WHICH
8 CAN CERTIFY THE NEED FOR LONG-TERM SECURED DISPOSAL
9 CAPACITY AS WELL AS THE ENVIRONMENTALLY SAFE PERFORMANCE
10 THAT CAN BE ANTICIPATED FROM A PROPERLY MANAGED LANDFILL
11 FACILITY. THANK YOU.

12 CHAIRMAN EGIGIAN: THANK YOU, MR. MAGUIN.

13 ANY OF THE COMMITTEE MEMBERS HAVE ANY
14 QUESTIONS? JESS, ANY QUESTIONS OF MR. MAGUIN?

15 THANK YOU.

16 BOARD MEMBER HUFF: I MIGHT HAVE A FEW, STEVE,
17 BUT I'LL SAVE THEM.

18 CHAIRMAN EGIGIAN: AFTER LISTENING TO THE PAST
19 TWO SPEAKERS, I'M JUST WONDERING HOW MANY OF YOU WERE
20 LOOKING AT THE WALL STREET JOURNAL THIS MORNING AND THE
21 "PEPPER AND SALT" AND SEEN THIS LITTLE CLIPPING SAYS,
22 "T.V. SAYS SAVE THE PLANET," AND THIS FELLOW SITTING IN
23 THE CHAIR SAYS, "IF GOD HAD MEANT FOR THE PLANET TO BE
24 SAVED, HE WOULDN'T HAVE CREATED MANKIND."

25 SO WE DO HAVE A PROBLEM; THERE'S NO

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1 QUESTION.

2 ACCORDING TO OUR PROGRAM, WE'RE CLOSE TO
3 LUNCH, BUT WE HAVE QUITE A BIT OF TIME. SO I WOULD LIKE
4 TO MOVE ON TO THE ORANGE COUNTY PRESENTATION OF MR. TOM
5 WRIGHT AND HARDING LAWSON. ARE YOU HERE?

6 EXCUSE ME. IS MR. TOM WRIGHT HERE? HE'S
7 NOT HERE YET? OKAY. WELL, I DON'T BLAME HIM. IT WAS 1
8 O'CLOCK.

9 WELL, THEN, DO WE HAVE ANY QUESTIONS FROM
10 THE PEOPLE IN THE AUDIENCE? IF NONE, WE'LL STOP AND
11 BREAK FOR AN EARLY LUNCH. AND WE WILL BE BACK HERE AT
12 12:15? -- I'VE BEEN CORRECTED AGAIN -- 1 O'CLOCK. THANK
13 YOU.

14 (A BREAK WAS TAKEN.)

15 CHAIRMAN EGIGIAN: WE'RE NOT RUNNING ON TIME, SO
16 I'M -- I'M ONLY TO BLAME, NOBODY ELSE. BESIDES JESS,
17 AND HE'LL BE IN IN A FEW MINUTES.

18 THIS PART OF OUR MEETING WE'RE GOING TO BE
19 LISTENING TO PEOPLE THAT HAVE GONE THROUGH THE PERMITTING
20 PROCEDURES; AND, IN SOME CASES, THEY MAY EVEN SHOW THE
21 EFFECTS OF IT, I DON'T KNOW. I DON'T KNOW HOW TOUGH IT
22 WAS FOR THEM.

23 BUT WE'LL START OFF BY ASKING MR. TOM
24 WRIGHT FROM HARDING LAWSON, ORANGE COUNTY -- FROM ORANGE
25 COUNTY, FORMERLY.



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1 MR. WRIGHT: THANK YOU, SAM.

2 MR. EGIGIAN, MY NAME IS TOM WRIGHT. I
3 CURRENTLY WORK FOR HARDING LAWSON ASSOCIATES, BUT RIGHT
4 NOW I'M STANDING IN FOR FRANK BOWERMAN, COUNTY OF ORANGE
5 INTEGRATED WASTE MANAGEMENT DEPARTMENT, BECAUSE A COUPLE
6 OF YEARS AGO I WORKED FOR THE COUNTY OF ORANGE. AND I
7 WAS RESPONSIBLE FOR GETTING THE BEE CANYON SITED OR
8 PERMITTED FOR OPENING. SO I'M VERY FAMILIAR WITH
9 EVERYTHING THAT THE COUNTY HAD TO GO THROUGH TO GET THE
10 SITE PERMITTED.

11 FIRST OF ALL, THIS SITE IS OWNED BY THE
12 COUNTY OF ORANGE, AND IT'S OPERATED BY THE INTEGRATED
13 WASTE MANAGEMENT DEPARTMENT. IT'S LOCATED IN THE COUNTY
14 OF ORANGE IN THE FOOTHILLS IN THE CENTRAL COUNTY NEAR THE
15 INTERSECTIONS OF THE I-5 AND THE 405 FREEWAYS, FOR
16 ANYBODY WHO'S FAMILIAR WHAT THE AREA, TWO MAJOR FREEWAY
17 INTERSECTIONS. AND SO IT HAS -- IT HAS PRETTY CLOSE
18 ACCESSIBILITY TO MAJOR FREEWAYS.

19 IT'S ALSO LOCATED NEAR THE EL TORO MARINE
20 BASE AND NEAR THE CITY OF IRVINE, AFFLUENT AREA IN
21 SOUTHERN CALIFORNIA.

22 IT'S A 725-ACRE SITE, OF WHICH 362 ACRES
23 WERE PERMITTED FOR LANDFILLING, AND IT HAS A CAPACITY OF
24 109 MILLION CUBIC YARDS OF AIR SPACE. AND IT'S PROJECTED
25 SITE LIFE WAS 25 TO 30 YEARS.

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1 IN 1970 THE COUNTY RECOGNIZED THAT THEIR
2 LANDFILL SITES WERE REACHING CAPACITY. ONE OF THE MAJOR
3 SITES, THE COYOTE CANYON SITE, WAS -- THEY COULD SEE THEY
4 WOULD BE REACHING CAPACITY, SO THEY STARTED INVESTIGATING
5 SITES. AND THEY INVESTIGATED 50 SITES. THEY
6 PRELIMINARILY LOOKED AT 50 SITES, BUT THEN THEY NARROWED
7 THE NUMBER OF SITES DOWN BECAUSE THEY LOOKED FOR SITES
8 THAT HAD A CAPACITY OF A HUNDRED MILLION YARDS OR MORE,
9 SO THAT WAS THE CRITERIA THAT THE BOARD OF SUPERVISORS
10 CHOSE TO BE THE CUTOFF.

11 AND AMONG THOSE SITES, BEE CANYON TURNED
12 OUT TO BE THE -- SEEMED TO BE THE BEST POSSIBILITY
13 BECAUSE THERE'S ALSO AN ADJACENT CANYON, AND WE MIGHT BE
14 ABLE TO -- THEY WERE THINKING THEY MIGHT BE ABLE TO SPILL
15 OVER ONTO, ALSO.

16 SO IN 1976, AN EIR WAS PREPARED. IT WAS
17 REVISED IN 1979, CERTIFIED IN '79. IT WAS RECERTIFIED IN
18 1983; IT WAS AMENDED IN 1988, AND RECERTIFIED IN 1988.
19 AND THE MAIN REASON FOR THE DELAY IS BECAUSE, LIKE I
20 SAID, THE CITY OF IRVINE IS LOCATED RIGHT NEXT -- WELL,
21 YOU CAN'T SEE THE SITE FROM THE CITY OF IRVINE, BUT IT'S
22 NEAR THE CITY OF IRVINE OR WITHIN THEIR SPHERE OF
23 INFLUENCE.

24 AND SO THEY FILED A LAWSUIT AGAINST THE
25 COUNTY TO STOP THE LANDFILL SITE FROM GOING IN. AND IT

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1 TOOK FOUR YEARS, FOUR OR FIVE YEARS BEFORE A SETTLEMENT
2 AGREEMENT. THE LAWSUIT WAS DROPPED AND A SETTLEMENT
3 AGREEMENT WAS REACHED BETWEEN THE COUNTY AND THE CITY OF
4 IRVINE.

5 AND THE MAJOR RESTRICTIONS OF THE
6 SETTLEMENT AGREEMENT WERE BASICALLY THAT THE SITE WOULD
7 FOLLOW THE EXISTING REGULATIONS. SOME OF THE OTHER
8 THINGS WERE THEY RESTRICTED THE TONNAGE THAT COULD COME
9 INTO THE SITE.

10 THERE WAS A -- THE TONNAGE WAS RESTRICTED
11 TO 6,000 TONS A DAY INITIALLY, AND THEN IT COULD ONLY
12 INCREASE AT A RATE OF ONE AND THREE-QUARTER PERCENT PER
13 YEAR, WHICH CORRESPONDED TO THE PROJECTED POPULATION
14 INCREASE FOR THE CITY OF IRVINE.

15 AND AT NO TIME COULD THE LANDFILL RECEIVE
16 ANY MORE THAN 8500 TONS A DAY. THAT WAS THE CAP THAT WAS
17 PUT ON, NO MATTER WHAT HAPPENED IN THE CITY OF IRVINE
18 POPULATION.

19 ALSO, THERE WAS AN ACCESS RESTRICTION. THE
20 CITY DIDN'T WANT TRASH TRUCKS COMING FROM ALL DIRECTIONS,
21 SO THERE WAS A VERY DEFINED ACCESS ROUTE. AND THE ACCESS
22 ROAD WAS A MILE FROM THE HOUSING DEVELOPMENT, AND THEY
23 WANTED THAT -- THAT HAD TO BE SCREENED. THE WHOLE ACCESS
24 ROUTE HAD TO BE SCREENED SO IT COULDN'T BE SEEN FROM THE
25 RESIDENCES.

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1 THE SITE WAS PURCHASED ACTUALLY IN 1984
2 AFTER THIS WAS RESOLVED. AND IT COST \$8.4 MILLION FOR
3 THE SITE -- FOR THE PROPERTY. AND LIKE I SAY, IT'S A
4 725-ACRE SITE, AND THAT ALSO INCLUDED THE ACCESS ROUTE,
5 THE ROAD TO THE PROPERTY TO GET ACCESS TO THE SITE.

6 AND THE ACCESS ROAD IS A THREE MILE LONG
7 ACCESS ROAD. IT HAS TWO -- IT'S PAVED AND IT HAS TWO
8 LANES IN AND ONE LANE OUT. CONSTRUCTION WAS COMPLETED IN
9 1988, AND IT COST \$7 MILLION TO DESIGN AND CONSTRUCT THAT
10 ACCESS ROAD.

11 TO PERMIT THE SITE, THERE WERE SIX MAJOR
12 PERMITS OR APPROVALS THAT WERE REQUIRED. GO OVER THEM
13 AND TELL YOU WHAT THEY ARE, AND I'LL KIND OF JUST BRIEFLY
14 DESCRIBE WHAT WE DID WITH EACH ONE.

15 FIRST ONE IS CONDITIONAL USE PERMIT, THE
16 ARMY CORPS OF ENGINEERS 404 PERMIT, THE CALIFORNIA
17 DEPARTMENT OF FISH AND GAME 1601 PERMIT, THE WASTE
18 DISCHARGE PERMIT FROM THE WATER BOARD, THE FACILITIES
19 PERMIT FROM THE INTEGRATED WASTE MANAGEMENT BOARD, AND
20 ALSO THE AIR QUALITY COMPLIANCE, WHICH IN OUR AREA, THE
21 BEE CANYON AREA, IS THE SOUTH COAST AIR QUALITY
22 MANAGEMENT DISTRICT.

23 THE CONDITIONAL USE PERMIT WAS ISSUED IN
24 '88 BY THE PLANNING COMMISSION. IT WAS REQUIRED BECAUSE
25 THE SITE IS ZONED GENERAL AGRICULTURE; AND IN ORDER TO

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1 HAVE A LANDFILL IN A GENERAL AGRICULTURAL AREA, YOU HAD
2 TO GET A USE PERMIT SO THAT -- AFTER THE EIR WAS
3 PREPARED, THEN THE PLANNING COMMISSION APPROVED IT AND
4 ISSUED THE CONDITIONAL USE PERMIT.

5 THE TWO PERMITS -- THERE WERE TWO PERMITS
6 THAT WERE REQUIRED BECAUSE IT'S A CANYON LANDFILL, LIKE I
7 SAID, AND THERE'S NO WATER IN IT NORMALLY. I MEAN,
8 THERE'S NO STREAM COURSE, REALLY, OR ANY WATER IN THE
9 STREAM COURSE, BUT ON THE USGS MAP IT HAS A BLUE LINE.
10 AND SO THAT'S CONSIDERED A WATER OF UNITED STATES OR A
11 STREAM COURSE BY DEFINITION OF THE CORPS OF ENGINEERS AND
12 THE DEPARTMENT OF FISH AND GAME.

13 SO THAT MEANT THE 404 PERMIT HAD TO BE
14 OBTAINED FROM THE ARMY CORPS OF ENGINEERS, WHICH THAT
15 PERMIT AUTHORIZED BY SECTION 404 OF THE U.S. CLEAN WATER
16 ACT, AND IT ADDRESSES DISCHARGE OF DREDGED OR FILL
17 MATERIALS INTO THE WATERS OF THE UNITED STATES.

18 AND THE 1601 AGREEMENT IS -- THAT PERMIT'S
19 AUTHORIZED UNDER THE CALIFORNIA DEPARTMENT OF FISH AND
20 GAME CODE SECTION 1601, AND THAT ADDRESSES ALTERATION OF
21 A STREAMBED. AND IN BOTH CASES WE WERE GOING TO BE
22 FILLING IN A CANYON, SO THAT MEANT WE WERE COVERED BY THE
23 404 PERMIT. AND WE DID ALTER THE STREAMBED BECAUSE WE PUT
24 A FILL IN IT AND WE ALSO DID A LOT OF EXCAVATION.

25 TO FILL -- WELL, I'LL SHOW YOU SOME SLIDES

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1 LATER AT THE END JUST TO KIND OF REINFORCE WHAT I WAS
2 TRYING TO SAY NOW. BUT THERE WAS A RIPARIAN -- IN THIS
3 CANYON BOTTOM, THERE WAS A RIPARIAN HABITAT. THERE WERE
4 SOME SYCAMORE TREES AND -- WHICH ARE CONSIDERED RIPARIAN.
5 THERE WERE ALSO SOME OAK TREES. AND IT IMPACTED THESE.
6 IT WAS A PRETTY BIG, PRETTY NICE CLUSTER OF OAKS AND
7 SYCAMORES AND WILLOWS AND THINGS IN THE CANYON BOTTOM.

8 SO BECAUSE THOSE WERE GOING TO BE
9 DESTROYED, WE HAD TO MITIGATE. AND THE TERM WAS
10 "BIOLOGICAL MITIGATION." SO FOR EVERY TREE THAT WAS
11 GOING TO BE DESTROYED, SYCAMORE OR OAK TREE, THE FISH AND
12 GAME -- DEPARTMENT OF FISH AND GAME AND THE U.S.
13 DEPARTMENT OF FISH AND WILDLIFE, THEY'RE THE ONES THAT
14 HANDLE THE BIOLOGICAL ASPECT FOR THE ARMY CORPS OF
15 ENGINEERS.

16 ANYWAY, THEY WANTED US TO MITIGATE A RATIO
17 OF TEN TO ONE, SO FOR EVERY OAK TREE THAT WE DESTROYED,
18 THEY WANTED US TO REPLACE IT WITH TEN OAK TREES. AND
19 SYCAMORES THE SAME WAY. WE CAME BACK WITH -- WE
20 CONSIDERED THAT TO BE UNREASONABLE, SO WE HAD A
21 CONSULTANT. WE PROPOSED SOMETHING ON THE ORDER OF THREE
22 TO FIVE TO ONE, AND WE ENDED UP SEVEN TO ONE RATIO.

23 AND -- BUT THE -- THERE WAS 900 --- WE HAD
24 TO MITIGATE WITH 901 SYCAMORE TREES, PLUS 5- AND
25 15-GALLON TREES; 152 OAK TREES, 5 GALLONS; 320 WILLOW

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1 TREES, 1 GALLON; AND 50 COTTONWOOD, 5-GALLON TREES.

2 THE COST FOR THAT WAS ABOUT -- TO PUT THOSE
3 IN PLACE WAS ABOUT HALF A MILLION BUCKS. SO TO DO THE
4 ENGINEERING AND EVERYTHING, IT WAS BETWEEN ONE-HALF TO
5 THREE-QUARTER MILLION DOLLARS TO MITIGATE.

6 AND ONE OF THE BIGGER PROBLEMS IS TO FIND
7 AN AREA THAT YOU CAN PUT THESE TREES. IT'S A LOT OF
8 TREES. IF YOU DON'T WANT TO PUT THEM ON TOP OF EACH
9 OTHER AND GOOD SPACING.

10 SO WE HAD TO FIND -- THERE'S AN AREA
11 THAT -- THE CANYON HAD AN AREA DOWNSTREAM OF WHERE THE
12 LANDFILL WOULD END, IT WAS ABOUT A 10-ACRE AREA THAT HAD
13 TREES STILL, OAK TREES AND SYCAMORES THAT WOULDN'T BE
14 IMPACTED. SO WE HAD TO PRESERVE THAT AREA, GUARANTEE
15 THAT WE'D PRESERVE THAT AREA.

16 AND THEN WE ALSO HAD TO FIND TWO OFF-SITE
17 AREAS THAT HAD BEEN DISTURBED AND THAT THESE TREES COULD
18 BE REPLACED AND TO UPGRADE IT. AND SO THOSE SITES
19 WERE -- THERE WAS 28 ACRES, BASICALLY, OF SITES. AND
20 IT'S NOT EASY TO FIND THOSE SITES BECAUSE, LIKE I SAY,
21 YOU CAN'T JUST GO UP TO A PARK AND SAY WE'RE GOING TO PUT
22 IN SOME TREES HERE. YOU HAVE TO FIND AN AREA THAT'S
23 ALREADY DISTURBED BY EITHER ACTS OF GOD OR ACTS OF MAN.

24 ANYWAY, THAT TOOK AWHILE TO FIND THOSE
25 SITES AND THEN WORK OUT ARRANGEMENTS TO EITHER PURCHASE



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1 THEM OR GET THEM.

2 ONE OF THE OTHER REQUIREMENTS, THERE'S A
3 FIVE-YEAR -- AFTER THESE TREES WERE PLANTED, THERE'S A
4 FIVE-YEAR MAINTENANCE PERIOD. AND YOU HAVE TO HAVE AN
5 80-PERCENT SURVIVAL RATE OF THE TREES.

6 AND THE SYCAMORES HAD TO BE 20 FOOT. THEY
7 HAD TO HAVE GROWN TO A HEIGHT OF 20 FOOT WITHIN THE FIVE
8 YEARS; OTHERWISE, I DON'T KNOW WHAT HAPPENED, BUT HAVE TO
9 START ALL OVER ON THOSE TREES. AND THEY'RE MONITORED
10 ROUTINELY BY THE CONSULTANT.

11 THE WASTE DISCHARGE PERMIT ISSUED BY THE
12 SANTA ANA WATER QUALITY CONTROL BOARD, THEIR OBJECTIVE,
13 AS YOU KNOW, IS TO PRESERVE REGIONAL GROUNDWATER QUALITY.
14 AND THE GROUNDWATER UNDER THE SITE WAS HIGHLY
15 MINERALIZED, BUT DOWNSTREAM -- A FEW MILES DOWNSTREAM,
16 THERE'S A MAJOR GROUNDWATER BASIN, SO THEY WERE PRETTY
17 CONCERNED WITH THIS SITE, EVEN THOUGH THE WATER WAS --
18 USEFUL WATER WAS QUITE A WAYS AWAY FROM THE SITE.

19 INITIALLY, WE DID A MAJOR GEOTECHNICAL
20 INVESTIGATION WHICH SEEMED TO INDICATE THAT THE BOTTOM
21 HAD MET THE -- THE ONE TIMES TEN TO THE MINUS SIX
22 PERMEABILITY REQUIREMENTS USING NATIVE SOIL.

23 BUT THEN WHEN WE STARTED DOING EXCAVATIONS,
24 WE FOUND OUT, LIKE PROBABLY EVERYBODY WILL, THAT IT'S
25 IMPOSSIBLE TO FIND A SITE LIKE THAT. THERE WAS SOME

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1 FRACTURES AND THERE WAS OTHER PROBLEMS. SO THE -- WE
2 WERE REQUIRED, THEN, TO COME UP WITH A LINER SYSTEM OR A
3 SOLUTION TO LINE THE SITE OR MAKING IT MEET THE ONE TIMES
4 TEN TO THE MINUS SIX REQUIREMENTS. AND WE ENDED UP
5 PUTTING A COMPOSITE LINER ON THE BOTTOM, A CLAY LINER ON
6 THE BOTTOM OF THE LANDFILL, AND ON TOP OF THAT A HIGH
7 DENSITY POLYETHYLENE LINER. AND THEN ON THE SIDE WALLS,
8 WE JUST LINED WITH HIGH DENSITY POLYETHYLENE.

9 AND AFTER I'LL SHOW YOU SOME SLIDES, AND
10 YOU CAN GET A PICTURE OF WHAT THE SITE LOOKS LIKE OR WHAT
11 THIS LINER LOOKS LIKE IN PLACE.

12 WE ALSO, IN ORDER TO MAKE SURE THAT THE
13 GROUNDWATER -- THE BOTTOM OF THE CANYON HAD APPROXIMATELY
14 50 FOOT OF ALLUVIUM BEFORE WE GOT TO BEDROCK. SO WE
15 INSTALLED A SUBDRAIN SYSTEM DOWN THE CENTER OF THE CANYON
16 AND THEN ALL THE SIDE CANYONS, SO WHEN WATER LEVEL ROSE
17 UP TO A CERTAIN HEIGHT, IT WOULD BE DIRECTED QUICKLY AWAY
18 FROM THE BOTTOM OF THE LANDFILL.

19 AND THEN ON TOP OF THAT WE WENT AHEAD AND
20 INSTALLED THE CLAY LINER, THE HIGH DENSITY POLYETHYLENE
21 LINER. AND THEN ON THE SIDE SLOPES HIGH DENSITY
22 POLYETHYLENE, AND ON TOP OF THE LINER WE PUT DRAINAGE
23 LAYER WITH A DENDRITIC PIPING SYSTEM TO COLLECT LEACHATE
24 IF THERE WAS ANY.

25 ALSO, THE BOARD WAS WORRIED ABOUT SEEPS

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1 THAT MAY COME IN FROM THE SIDE BEHIND THE LINER, SO WE
2 HAD TO INSTALL FRENCH DRAIN -- TOE DRAINS, FRENCH DRAINS
3 AT THE TOES OF ALL THE SIDE SLOPES, AND THEN BRING THOSE
4 DOWN TO THE MOUTH OF THE CANYON AND THEY WOULD BLEND WITH
5 THE SUBDRAIN SYSTEM.

6 ALSO, THIS SITE IS PROBABLY MAYBE JUST
7 UNIQUE TO BEE CANYON, BUT WHAT HAPPENED IS THAT THE MOUTH
8 OF THE CANYON, BECAUSE OF THE ALLUVIUM, WE EXCAVATED A
9 LARGE SUBSURFACE BARRIER ABOUT 60 FOOT -- 65 FOOT DEEP,
10 EXCAVATED ALL THE ALLUVIUM OUT OF THE MOUTH OF THE CANYON
11 AND LINED IT DOWN THE DOWNSTREAM FACE AND THE BOTTOM WITH
12 HIGH DENSITY POLYETHYLENE SO THAT ANY GROUNDWATER TRYING
13 TO LEAVE THE SITE WOULD BE CAPTURED IN THIS BARRIER. AND
14 IT WAS A GRAVEL LAYER AND SOME PUMPS AND PIPES. WE
15 PUMPED THE WATER CONTINUALLY OUT OF THE -- THAT BARRIER.

16 ANOTHER REASON -- ANOTHER EXCUSE FOR
17 PUTTING THAT IN WAS BECAUSE IT WAS A PERCEIVED FAULT DOWN
18 THE CENTER OF THE LANDFILL. AND THIS WAS A WAY TO EXPOSE
19 THE BEDROCK AND SEE IF THIS FAULT EXISTED OR IF IT HAD
20 PERMEABILITY. IT TURNED OUT THAT THE FAULT WAS
21 PERCEIVED, BUT NOT EXISTENT. SO ANYWAY, THE BARRIER WILL
22 BE GOOD INSURANCE.

23 WE ALSO INSTALLED 13 GROUNDWATER MONITORING
24 WELLS AROUND THE SITE, YOU KNOW, DID THE UP-FRONT
25 MONITORING, THE EARLY MONITORING OF THE STREAM WELLS.



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1 THEN WE ALSO INSTALLED LYSIMETERS. ACCORDING TO
2 REGULATIONS, THERE'S FIVE LYSIMETERS INSTALLED. OUR
3 EXPERIENCE IS THEY DON'T WORK VERY WELL. THEY DON'T WORK
4 VERY WELL. VERY DIFFICULT TO GET ANY MOISTURE OUT OF
5 THEM.

6 LIKE I MENTIONED, THE -- WE ALSO HAD TO GET
7 IN OUR -- IN OUR -- IN THE BASIN DOWN THERE, THE AIR
8 QUALITY DISTRICT IS THE SOUTH COAST AIR QUALITY
9 MANAGEMENT DISTRICT. THEY'RE LIKE THE IRS, I THINK OF IT
10 AS. THEY HAVE TOTAL CONTROL OVER GAS CONTROL AT
11 LANDFILLS.

12 AND SO WE -- BASICALLY TO GET COMPLIANCE,
13 WE HAD TO ENSURE THAT WE WOULD -- WE GIVE THEM A PLAN
14 THAT WE WERE GOING TO PUT IN THE HORIZONTAL LANDFILL GAS
15 COLLECTOR PIPES AND THE PERIMETER MONITORING PROBES THAT
16 WENT RIGHT UP TO THE EDGE OF THE LANDFILL SITE. AND THEY
17 HAD TO BE MOVED OUT AS IT EXPANDED SO YOU COULD TELL IF
18 THERE WAS GAS MIGRATING ROUTINELY.

19 AND THEN, FINALLY, WE HAD TO GET THE WASTE
20 FACILITIES PERMIT. AND THE INTEGRATED WASTE MANAGEMENT
21 BOARD, THEY MADE IT SO THAT THEY WERE THE -- THEY WERE
22 LIKE THE FINAL AGENCY.

23 SO WE HAD TO GET ALL THE OTHER PERMITS
24 APPROVED BEFORE WE COULD GET THEIR PERMIT, WHICH MADE
25 IT -- BECAUSE COYOTE CANYON LANDFILL, WHICH WAS THE

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1 LANDFILL THAT BEE CANYON WAS REPLACING, WAS FILLING UP
2 AND WE WERE FINDING LITTLE AREAS TO FILL, SO THEY
3 COULD -- ANYWAY, THE BOARD DID WORK WITH US SO THAT WE
4 SUBMITTED DRAFTS OF THINGS SO THEY COULD LOOK AT THEM
5 PRELIMINARILY.

6 SO WHEN THEY FINALLY GOT THEIR PERMIT OR WE
7 SUBMITTED OUR PERMIT APPLICATION IN FINAL, THEY WOULD
8 HAVE ALREADY HAD A CHANCE TO REVIEW THE MATERIAL. AND
9 THEY COULD APPROVE IT QUICKLY INSTEAD OF GOING THROUGH
10 THE REJECTION AND THE WHOLE PROCESS ALL OVER AGAIN. SO
11 THAT WAS A BIG HELP.

12 THE CONSTRUCTION AND PURCHASE COST WAS
13 ABOUT \$50 MILLION JUST FOR THE FIRST PHASE. WELL, IT
14 INCLUDED ALL THE LAND AND -- BUT IT -- AND IT ALSO
15 INCLUDED DEVELOPMENT OF THE FIRST PHASE OF THE LANDFILL,
16 WHICH WAS ABOUT 45 ACRES ONLY AND GAVE TWO TO THREE YEARS
17 LIFE CAPACITY. COULD HAVE BEEN TWO YEARS, BUT THE WASTE
18 LOADING IS DOWN SO IT'S EXPANDED.

19 AND THE LAND -- WE BEGAN LANDFILLING IN
20 JANUARY OF 1990. MAYBE I COULD RUN OVER THE SLIDES REAL
21 QUICK. DO I HAVE TIME TO SHOW A FEW SLIDES?

22 CHAIRMAN EGIGIAN: YES.

23 MR. WRIGHT: OKAY. THIS IS KIND OF AN OVERALL
24 PICTURE OF THE -- WELL, DOESN'T EVEN COVER THE WHOLE
25 PHASE I AREA. BUT THIS IS THE BOTTOM PORTION OF THE

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1 LANDFILL SITE. THE SUBSURFACE BARRIER WOULD BE IN THE
2 LEFT-HAND PART OF THE SLIDE, RIGHT HERE.

3 AND THE AREA -- THE ENTRANCE AREA WOULD BE
4 UP IN THE UPPER RIGHT-HAND CORNER. AND THEN YOU CAN SEE
5 THE ROAD COMING DOWN INTO THE LANDFILL AREA. THAT'S THE
6 MAIN ACCESS ROAD DOWN INTO THE -- WELL, THAT'S THE
7 ON-SITE ACCESS ROAD.

8 AND THE CANYON YOU FIRST COME TO WHEN
9 YOU'RE COMING DOWN THAT ROAD WOULD BE THE WET WEATHER
10 AREA CANYON THAT WE USE FOR WET WEATHER FILLING BECAUSE
11 OF IT'S CLOSE PROXIMITY.

12 AND THEN THE -- AS YOU COME DOWN THAT ROAD,
13 YOU COME INTO THE DRY WEATHER AREA. THAT WAS THE
14 MAJORITY OF THE 45 ACRES.

15 THEN YOU CAN SEE -- THIS SLIDE HAPPENS TO
16 SHOW THE LINING. YOU CAN SEE THE LINING, THE HIGH
17 DENSITY POLYETHYLENE LINING, THAT COVERED THE FIRST
18 PHASE. AND THERE'S THE DRAINAGE LAYER AND THE PROTECTIVE
19 SOIL LAYER YOU CAN SEE ALSO.

20 THIS IS ANOTHER PICTURE OF THE MAIN CANYON.
21 THIS WOULD BE AT THE NORTHERLY PART OF THE PHASE I AREA.
22 AND YOU WOULD BE LOOKING DOWN THE CANYON TOWARDS THE
23 MOUTH AND TOWARDS THE SUBSURFACE BARRIER.

24 IN THE IMMEDIATE AREA, LOOKS LIKE A LITTLE
25 TURN-OUT AREA, TURN-AROUND AREA UP THERE, THAT WAS THE

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1 PROCESSING PAD FOR THE CLAY. THE CLAY LINER WAS -- WE
2 USED ON-SITE MATERIALS FOR THE CLAY LINER. WE FOUND IT
3 HAD NOT A WHOLE LOT OF CLAY CONTENT, BUT IT HAD GOOD
4 FINES AND SUFFICIENT CLAY TO MEET THE ONE TIMES TEN TO
5 THE MINUS SIX PERMEABILITY REQUIREMENTS.

6 WELL, LESS EXPENSIVE, OBVIOUSLY, TO USE IT,
7 AND IT WAS KIND OF NICE BECAUSE IT DIDN'T CRACK. BECAUSE
8 IT DIDN'T HAVE A WHOLE LOT OF CLAY CONTENT, IT COULD BE
9 OUT EXPOSED TO THE WEATHER FOR A WHILE, AND IT DIDN'T --
10 THERE WASN'T A LOT OF CRACKING. SO IT WAS GOOD FOR THAT.

11 AND WE DO -- WE WERE REQUIRED TO DO A SEAL
12 DOUBLE RING INFILTROMETER TEST WITH THAT MATERIAL. AND
13 IT WAS PERFORMED, AND WE MET THE PERMEABILITY
14 REQUIREMENTS OF -- WELL, IT SURPASSED THEM. WE GOT LIKE
15 FIVE TIMES TEN TO THE MINUS EIGHT PERMEABILITY ON THE
16 TEST. SO IT WAS A GOOD MATERIAL.

17 THIS IS A SUBSURFACE BARRIER. THIS IS A --
18 WE'RE LOOKING AT THE DOWNSTREAM FACE THAT'S LINED AND THE
19 BOTTOM IS LINED ALSO. YOU CAN SEE THERE'S A ROCK THAT'S
20 BEING PLACED, AND THAT ROCK WILL GO UP ANOTHER 15 FEET
21 AND THAT'S THE DRAINAGE ROCK.

22 AT THE VERY TOP OF THE SLIDE, IT'S PROBABLY
23 HARD TO SEE, YOU CAN SEE SOME SYCAMORES AND OAKS AND
24 THINGS. AND THAT AREA PROJECTED ON DOWN THERE, THAT WAS
25 ONE OF THE AREAS FOR THE BIOLOGIC MITIGATIONS.

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1 THIS IS THE SUBSURFACE BARRIER BEFORE IT
2 WAS LINED. YOU CAN SEE THAT SOME WATER GOT INTO IT. IT
3 RAINED A FEW TIMES. THE REASON I PUT THIS SLIDE IN THERE
4 IS YOU CAN SEE SOME MORE OF THE TREES BACK THERE. THAT
5 WAS -- THE WHOLE CANYON LOOKED LIKE THAT BASICALLY.
6 WELL, AT LEAST THE LOWER PORTION OF THE CANYON THAT WE
7 HAD TO MITIGATE.

8 THIS IS ONE OTHER PICTURE. THIS SHOWS THE
9 LINER BEING INSTALLED ON THE SUBSURFACE BARRIER. IT WAS
10 INSTALLED ON A VERY STEEP SLOPE, ONE AND A HALF TO ONE,
11 BUT YOU CAN SEE THE PEOPLE SITTING OFF ON THE SIDE IN THE
12 WHITE THERE. THEY HAVE ROPES -- THEY'RE ATTACHED TO
13 ROPES SO THEY DON'T SLIDE DOWN. IT'S VERY SLIPPERY,
14 ESPECIALLY ON THE PLASTIC TO THE SLOPES. THAT'S A SAFETY
15 MEASURE.

16 THIS IS JUST A PICTURE OF THE CANYON. I
17 JUST PUT THIS IN SO YOU CAN SEE THE LINER, AND YOU CAN
18 SEE THE DRAINAGE LAYER BEING PUT ON TOP OF THE LINER.
19 THE INSPECTION OF THESE THINGS IS VERY CRITICAL BECAUSE
20 TO KEEP THE -- IT'S VERY CRITICAL BECAUSE YOU CAN SEE
21 THAT THEY'RE PLACING WITH DOZERS AND THINGS, AND SO YOU
22 HAVE TO HAVE PEOPLE WATCHING THE INSTALLATION VERY
23 CAREFULLY BECAUSE SOMETIMES THE DOZERS SLIP OFF, AND
24 THEY'RE NOT GOING TO TELL YOU. SEEN SOME PRETTY NICE
25 RIPS IN THE LINERS.

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1 THIS IS ANOTHER PICTURE OF A SLOPE BEING
2 LINED. YOU CAN SEE THE SUBGRADE AS TO BE WELL PREPARED,
3 VERY SMOOTH SURFACE.

4 THIS IS A PICTURE OF THE EQUIPMENT THAT WE
5 USE TO PROCESS THE -- AFTER WE PLACE THE CLAY ON THE
6 BOTTOM, THEN WE PROCESS IT AND TAKE OUT ANY ROCKS AND
7 UNACCEPTABLE MATERIALS USING SOME DISKS AND SOME SCREENS,
8 AND THEN THEY WOULD WINDROW THE ROCKS OFF TO THE SIDE AND
9 THEN BE REMOVED. AND THEN WE WOULD GO BACK AND DISK IT,
10 AND THEN WE WOULD COMPACT IT.

11 WE USED A BACT TESTER WHICH IS A QUICK TEST
12 APPROXIMATION OF PERMEABILITIES OF THE CLAY, AND WE GOT A
13 FEEL RIGHT AWAY IF IT WAS GOING TO PASS OR NOT. WE GAVE
14 OURSELVES AN ORDER OF MAGNITUDE PLAY; SO IF IT DIDN'T GET
15 A ONE TIMES TEN TO THE MINUS SEVEN OR BETTER -- OR LESS,
16 THEN WE WOULD REJECT IT AND HAVE THE CONTRACTOR REWORK
17 IT.

18 AND BY DOING THAT, THE LINER WENT IN VERY
19 QUICKLY, AND ALL THE PERMEABILITIES THAT WERE CONDUCTED
20 BY THE LAB, YOU KNOW, SHOWED ONE TIMES TEN TO THE MINUS
21 SIX OR LESS.

22 THIS IS A PICTURE LOOKING FROM THE
23 SUBSURFACE BARRIER, BASICALLY, BACK UP THE CANYON. AND
24 THE RIGHT-HAND SIDE THERE, MAYBE IT'S HARD TO SEE. LOOKS
25 LIKE A CONCRETE MANHOLE ABOVEGROUND. THAT'S THE LEACHATE

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1 COLLECTION, SO THAT'S -- THERE'S A SUMP WHERE ALL THE
2 LEACHATE LINES COME IN AND AT THE BOTTOM OF THAT. AND
3 THIS IS THE ACCESS TO THAT SUMP.

4 THAT'S IT. THERE WAS SOME QUESTIONS HERE
5 THAT MAYBE -- WELL, I TRIED TO ANSWER MOST OF THE
6 QUESTIONS WITH THE PRESENTATION, BUT I -- FRANK AND I
7 TALKED YESTERDAY. HE HAD A COUPLE OF THINGS THAT WE
8 OUGHT TO BRING OUT OR DO YOU HAVE ANY QUESTIONS?.

9 CHAIRMAN EGIGIAN: I WOULD LIKE TO FIND OUT
10 MORE, IN FACT, ABOUT HOW YOU WENT ABOUT DOING -- GETTING
11 THE REGULATIONS GOING THROUGH THE VARIOUS AGENCIES AND
12 WHY WERE YOU SUCCESSFUL WHERE EVERYBODY ELSE WASN'T.

13 MR. WRIGHT: OKAY. LET'S START WITH THE --
14 WELL, THE CONDITIONAL USE PERMIT WAS -- THEY WERE
15 AWARE -- THE PLANNING COMMISSION WAS AWARE THAT WE HAD
16 LOOKED AT A LOT OF SITES AND DONE A LOT OF HOMEWORK TO --
17 BEFORE BEE CANYON WAS SELECTED.

18 THEY STARTED IN 1970, AND THERE WAS A LOT
19 OF SITES THAT HAD BEEN REVIEWED AND REJECTED. AND SOME
20 PRELIMINARY GEOTECHNICAL INVESTIGATIONS, THERE WERE SOME
21 PRELIMINARY ARCHAEOLOGICAL INVESTIGATIONS, AND A LOT OF
22 OTHER THINGS FOR THE -- INITIALLY FOR THE EIR, SO IT WAS
23 A PRETTY GOOD INVESTIGATION OF THE SITE BEFORE THEY
24 REALLY PURSUED IT.

25 AND SO THE PLANNING COMMISSION WAS AWARE OF

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1 ALL THAT EFFORT. AND SO THEY -- BY THE TIME THEY GOT THE
2 FINAL EIR, THE AMENDED EIR, WHICH JUST BASICALLY UPDATED
3 THE EARLIER ONE TO THE FACT THAT THE TRAFFIC CONDITIONS
4 HAD CHANGED AND THE GROUNDWATER CONDITIONS AND SURFACE
5 RUNOFF AND OTHER THINGS HAD CHANGED, ONCE IT WAS AMENDED
6 TO UPDATE, THEY WERE READY TO APPROVE THE SITE.

7 CHAIRMAN EGIGIAN: WHAT ATTITUDE AND HOW DID YOU
8 GET AROUND THE ORGANIZATIONS THAT THOUGHT IT SHOULDN'T BE
9 THERE?

10 MR. WRIGHT: OKAY. THAT -- I WASN'T AT THE
11 COUNTY WHEN THEY WORKED OUT THE SETTLEMENT AGREEMENT, BUT
12 I THINK PERSISTENCE. IT TOOK, I THINK, ABOUT FOUR OR
13 FIVE YEARS OF COUNTY LAWYERS AND ALSO TECHNICAL PEOPLE
14 CONVERSING WITH -- WELL, THERE WAS A LOT OF HOMEOWNERS
15 GROUPS. THERE WERE SOME MAJOR HOMEOWNERS' GROUP CALLED
16 THE NORTHWOODS VILLAGE, I THINK, OR NORTHWOODS HOMEOWNERS
17 ASSOCIATION. AND THEY WERE THE ONES -- THEY'RE THE
18 CLOSEST TO THE LANDFILL, AND THEY WERE THE ONES THAT WERE
19 MOST INTERESTED IN HAVING THE LANDFILL NOT BE THERE.

20 AND WHEN I CAME ON BOARD, WHAT WE DID WE
21 KEPT THEM APPRAISED OF EVERYTHING WE WERE DOING. THE
22 CITY HAD A REPRESENTATIVE THAT WE HAD TO KEEP IN CONTACT
23 WITH; SO WHENEVER WE MADE A MOVE DOING ANYTHING, I WAS TO
24 KEEP HER INFORMED.

25 I WOULD TELL HER THE ACCESS ROAD IS UNDER



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1 CONSTRUCTION. WE WOULD GO UP AND LOOK AT THE ACCESS
2 ROAD. WE'D BE -- STATUS REPORTS OF HOW FAR ALONG WE
3 WERE. IF THERE WAS ANY PROBLEMS WITH DRAINAGE OR MUD
4 RUNOFF OR ANYTHING, SHE WOULD GO UP AND LOOK AT IT AND
5 MAKE SURE IT WASN'T IMPACTING.

6 WHEN WE STARTED CONSTRUCTION IN THE CANYON
7 OR WHEN WE WERE DEALING WITH ALL THE AGENCIES, WE KEPT
8 HER INFORMED. ALSO, WE MET WITH THE HOMEOWNERS
9 ASSOCIATION, SHOWING THEM HOW WE WERE GOING TO SCREEN THE
10 ACCESS ROAD. AND WE GOT THEIR APPROVAL ON THE SCREENING
11 MECHANISM. ON THE PLANTING, THERE WAS SOME SIDE SLOPES
12 WHICH FACED THE HOMEOWNERS, AND THEY WERE INTERESTED IN
13 THE WAY THEY WERE GOING TO BE LANDSCAPED.

14 WE GAVE THEM THE PLAN. WE DIDN'T ACQUIESCE
15 TO EVERYTHING THAT THEY REQUESTED, BUT WE JUST TALKED TO
16 THEM IN A FRANK WAY, SAYING TO PUT A WALL UP THERE, IT'S
17 GOING TO COST A LOT OF MONEY. IT ALSO WON'T SERVE ANY
18 BETTER PURPOSE THAN TO PUT, SAY, A CHAINLINK FENCE WITH
19 THE REDWOOD SLATS, AND THEN GIVE IT TIME FOR THE
20 LANDSCAPING TO GROW UP THE FENCE.

21 SO THEY WERE REASONABLE WHEN THEY SAW THAT
22 WE WERE WILLING TO COOPERATE WITH THEM.

23 CHAIRMAN EGIGIAN: HOW DID THE ELECTED OFFICIALS
24 RESPOND AT THIS TIME?

25 MR. WRIGHT: AFTER THE SETTLEMENT AGREEMENT WAS

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1 REACHED, THERE WAS NO PROBLEM. WHEN THEY KNEW THAT THEY
2 HAD SOME LEGAL RECOURSE TO THE COUNTY, THEN THEY WERE
3 VERY COMFORTABLE.

4 THEY HAD ACCESS -- PART OF THE SETTLEMENT
5 AGREEMENT GAVE THEM ACCESS TO ALL THE COUNTY'S RECORDS,
6 YOU KNOW, WHAT CAME INTO THE SITE, TONNAGES, ANY TIME
7 THEY WANTED. SO THEY HAD -- IT WAS PROBABLY ABOUT A
8 TEN-PAGE AGREEMENT, FINALLY, OF CONDITIONS.

9 CHAIRMAN EGIGIAN: FROM DAY ONE WHEN THE PROJECT
10 STARTED, HOW LONG BEFORE YOU WERE ABLE TO HAVE AN
11 OPERATING FACILITY?

12 MR. WRIGHT: WELL, THEY REALLY STARTED IN
13 EARNEST TRYING TO GET THE SITE PERMITTED, I THINK, IN
14 '76. YEAH. THE EIR WAS PREPARED IN '76. THEY PROBABLY
15 STARTED PREPARING IT IN 1975. AND THEN AFTER THE EIR WAS
16 PREPARED AND CERTIFIED, THEN THAT'S WHEN THE CITY
17 INTERVENED AND SAID WE DON'T WANT THE LANDFILL HERE. AND
18 I DON'T KNOW MUCH MORE ABOUT THE HISTORY. THERE WAS A
19 LOT OF LEGAL --

20 CHAIRMAN EGIGIAN: IT STARTED IN '75. WHEN WERE
21 THEY ABLE TO TAKE THEIR FIRST LOAD IN THERE?

22 MR. WRIGHT: 1990, 15 YEARS, YEAH.

23 WHEN I CAME ON BOARD IN 1987, THEN WE WERE
24 AWARE THAT WE WOULD HAVE TO GET THE 1601 AND THE 404
25 PERMITS, BUT -- AND WE HAD HIRED A CONSULTANT TO DEVELOP

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1 THE PRELIMINARY PLAN TO PRESENT TO THOSE AGENCIES. AND
2 THAT -- BUT NO OTHER WORK HAD REALLY BEEN DONE ON
3 PERMITTING UP TO THAT POINT.

4 CHAIRMAN EGIGIAN: HAVING GONE THROUGH THIS,
5 HAVE YOU ANY SUGGESTIONS ON HOW THE PROCESS COULD BE
6 SHORTENED FROM 15 YEARS DOWN TO SOMETHING THAT MIGHT BE
7 REASONABLE?

8 MR. WRIGHT: WELL, I'M NOT SURE WHY THEY WAITED
9 SO LONG TO APPROACH THE CITY OF IRVINE BECAUSE THAT WAS
10 THE LONGEST DELAY ITEM, I WOULD SAY, WOULD BE THE CITY.
11 SO I WOULD -- WELL, FOR EXAMPLE, THE EXPANSION OF THE
12 BREA OLINDA LANDFILLS, THE COUNTY HAS BEEN IN ONGOING
13 COMMUNICATIONS WITH THEM.

14 AND WE DID ALTERNATE STUDIES FOR OTHER
15 SITES, TOO, AND THEY WERE PRESENTED WITH THE COSTS AND
16 EVERYTHING. AND SO THEY -- AND ALSO, WE HAVE TO WORK
17 WITH THEM. I MEAN, IF THEY DON'T WANT A CERTAIN ROUTE
18 USED AND IF THERE'S A WAY TO AVOID THAT ROUTE, YOU AVOID
19 IT. IT'S A GIVE AND TAKE SITUATION.

20 BUT EVEN WITH THE CITY, I THINK THEIR
21 PRIMARY CONCERN WAS THAT THEY DIDN'T WANT TO SEE THE
22 LANDFILL TOO MUCH. AND THEY DIDN'T WANT TO SEE TRASH
23 TRUCKS. AND SO TO THE BEST OF THE COUNTY'S ABILITY, WE
24 DID THAT. WE REROUTED TRASH TRUCKS SO THERE WAS ONLY TWO
25 MAJOR ACCESSSES -- ONE MAJOR ACCESS, REALLY, TO THE SITE.

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1 AND ALSO, WE DID EVERYTHING WE COULD DO TO
2 SCREEN THE SITES AND ALSO MEET ALL THE CURRENT
3 REGULATIONS. THE REGULATIONS ARE SUCH NOW THAT THE
4 CITIES, I THINK, ARE MORE COMFORTABLE. THEY WERE MORE
5 COMFORTABLE WHEN THEY HAD SEEN THE REQUIREMENTS IMPOSED
6 BY THE WATER QUALITY BOARD, BY THE INTEGRATED WASTE
7 MANAGEMENT BOARD, THAT ALL OF THEIR -- MANY OF THEIR
8 CONCERNS WERE MOOT BECAUSE THE REGULATIONS ALREADY
9 COVERED THEIR CONCERNS. BUT THEY WEREN'T AWARE OF THAT,
10 SO THEY HAD TO BE EDUCATED TO THAT EFFECT -- THAT
11 STANDPOINT. SO TO MEET WITH HOMEOWNERS GROUPS WAS VERY
12 IMPORTANT BECAUSE THERE WAS ONE GROUP WHERE THEY WERE THE
13 MOST VOCAL. THE OTHER PEOPLE WERE FARTHER AWAY FROM THE
14 SITE. THEY DIDN'T REALLY CARE SO MUCH.

15 CHAIRMAN EGIGIAN: YOU JUST MENTIONED BREA
16 OLINDA. HAS THAT GONE THROUGH YET?

17 MR. WRIGHT: YEAH, GONE THROUGH.

18 CHAIRMAN EGIGIAN: I READ ABOUT IT IN THE PAPER
19 A MONTH OR TWO AGO. THE CITY OF BREA WAS OBJECTING TO
20 IT. WHAT WAS THEIR OBJECTION ON IT?

21 MR. WRIGHT: WELL, THEY WERE BASICALLY SAYING
22 YOU'VE BEEN PUTTING THE COUNTY'S TRASH IN OUR BACKYARD
23 FOR X NUMBER OF YEARS, AND WE WANT YOU TO MOVE IT
24 SOMEWHERE ELSE. IT'S ONLY FAIR TO SHARE THE BURDEN.

25 BUT, AGAIN, THE REASON PREVAILED, AND I'M



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1 SURE THERE WAS SOME COMPROMISES REACHED AS FAR AS ACCESS
2 OR WHATEVER. MAYBE THE -- UNFORTUNATELY, I DON'T KNOW
3 TOO MUCH ABOUT THE BREA OLINDA SITE AS FAR AS --

4 CHAIRMAN EGIGIAN: I DON'T SEE HOW THEY COULD
5 CHANGE THAT ACCESS VERY MUCH THE WAY IT IS. IT'S ALREADY
6 OUT WHERE NOBODY LIVES.

7 MR. WRIGHT: THAT'S TRUE. IT GOES RIGHT UP BY
8 THE OIL FIELDS, YEAH, SO MAYBE JUST HAD TO CONVINCED THEM
9 THAT IT JUST DIDN'T MAKE SENSE TO CHANGE IT. AND I'M
10 SURE THEY GAVE THEM PARKS OR SOMETHING.

11 CHAIRMAN EGIGIAN: SO IF WE GOT RID OF ALL THE
12 ELECTED OFFICIALS, YOU THINK WE COULD DO THIS IN ABOUT 10
13 YEARS INSTEAD OF 15?

14 MR. WRIGHT: WELL, IF YOU GOT RID OF THE
15 REGULATORY AGENCIES, RIGHT.

16 BOARD MEMBER HUFF: SOUNDS LIKE I CAME IN JUST
17 AT THE RIGHT TIME.

18 CHAIRMAN EGIGIAN: WE'RE REALLY LOOKING FOR A
19 WAY TO HELP THOSE AGENCIES THAT ARE INVOLVED IN MAKING
20 SURE THAT SITING GOES AHEAD AND IT BECOMES A SUCCESSFUL
21 FACILITY.

22 AND WE'RE LOOKING FOR WAYS TO CUT DOWN ON
23 THE TIME BECAUSE, IF YOU WERE HERE EARLIER THIS MORNING
24 IN THE REPORT, YOU COULD SEE THAT SO MANY OF THE COUNTIES
25 ARE IN TROUBLE. AND IF IT TAKES 15 YEARS OR TAKES 11

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1 YEARS, THEY'RE IN REAL BIG TROUBLE, YOU KNOW.

2 SO IF WE COULD CUT THIS SITING SITUATION
3 DOWN TO, SAY, 36 MONTHS OR SOMETHING IN THAT AREA, AND IF
4 WE HAVE ANY SUGGESTIONS TO HELP IMPLEMENT SOMETHING IN
5 THAT AREA, WE'D LIKE TO HEAR IT.

6 MR. WRIGHT: WELL, AS FAR AS THE PERMITTING
7 GOES, IT'S GOOD TO BE AWARE OF ALL THE PERMITS THAT ARE
8 REQUIRED UP-FRONT, ALL THE AGENCIES THAT ARE GOING TO BE
9 INVOLVED. AND THEN IMMEDIATELY YOU APPROACH THEM TO WHAT
10 ARE GOING TO BE THEIR REQUIREMENTS.

11 I MEAN, FOR EXAMPLE, IT WAS -- NO ONE WAS
12 REALLY AWARE THAT THE 404 PERMIT OR 1601 PERMIT WERE
13 GOING TO BE REQUIRED UNTIL STARTED GETTING INTO IT. AND
14 I'M NOT EXACTLY SURE WHEN THEY FOUND OUT OR HOW THEY
15 FOUND OUT, BUT SOMEHOW SOMEBODY IN ANOTHER AGENCY, I
16 THINK, TOLD THEM, "I THINK YOU'RE GOING TO HAVE TO GET
17 ONE OF THESE PERMITS." AND THEY GO, "WHY?"

18 AND SO TO BE AWARE OF THAT AND APPROACH
19 THEM UP-FRONT AND FIND OUT IF IT REALLY IS AN IMPACT. IF
20 IT'S A CANYON FILL, IT PROBABLY WILL BE IMPACTED. IT
21 WILL BE IN ONE OF THOSE WATER COURSES. HAVE TO GET A
22 PERMIT. AND THEN AS PART OF THE EIR PROCESS, YOU WILL
23 DETERMINE IF THERE'S ANY MAJOR BIOLOGICAL RESOURCES THAT
24 WILL BE IMPACTED. AND THEN YOU CAN START DEALING WITH THE
25 AGENCIES AS TO HOW YOU ARE GOING TO MITIGATE THOSE. SO

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1 THAT HELPS.

2 ALSO, IF -- LIKE WITH THE -- IT HELPED A
3 LOT WITH INTEGRATED WASTE MANAGEMENT BOARD THAT WE COULD
4 TURN IN DRAFT OR PRELIMINARY INFORMATION BECAUSE THE WAY
5 IT WAS SUPPOSED TO WORK WAS THAT -- AT LEAST THE WAY THE
6 BOARD LIKED IT TO BE WAS THEY WOULD BE THE LAST AGENCY.
7 OKAY.

8 SO YOU HAVE TO GET ALL THESE OTHER PERMITS,
9 AND THEN YOU CAN COME TO THE WASTE MANAGEMENT BOARD, AND
10 THEN YOU GO THROUGH THEIR PROCEDURE, SO THAT ADDS TIME
11 ON, TOO.

12 SO IF THERE'S -- LIKE FRANK WAS SAYING, IF
13 THERE CAN BE LIKE AN INTERCOMMUNICATION AND COOPERATION
14 BETWEEN THE AGENCIES TO -- WELL, BE HELPFUL, OBVIOUSLY,
15 SOMEBODY IS GOING TO HAVE TO MAKE SURE THAT ALL THE
16 PERMITS ARE IN PLACE. BUT THE FACT THAT INFORMATION CAN
17 BE DISTRIBUTED TO THE BOARD AS IT'S DEVELOPED AND
18 REVIEWED ALONG WITH THE REST OF THE AGENCIES, SO THAT
19 WHEN IT'S TIME TO ISSUE THE PERMIT, THE BOARD'S AWARE OF
20 THE STATUS OF EVERYTHING AND THEY'VE APPROVED EVERYTHING
21 ONGOING, THEN THAT SLOWS THE PROCESS -- I MEAN, THAT
22 SPEEDS THE PROCESS UP.

23 CHAIRMAN EGIGIAN: DO YOU FEEL THAT YOU -- AND I
24 DON'T KNOW WHETHER YOU DID OR NOT -- DID YOU GET ANY
25 SUPPORT FROM THE WASTE BOARD DURING THE TIME THAT YOU



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1 WERE WORKING ON THIS? DID YOU ASK FOR ANY?

2 MR. WRIGHT: I BELIEVE WE DID.

3 CHAIRMAN EGIGIAN: DID YOU GET THEIR SUPPORT?
4 WAS IT SATISFACTORY?

5 MR. WRIGHT: YEAH. I DON'T KNOW IF IT HAD TO DO
6 WITH THE FACT THAT FRANK KNEW PEOPLE OR NOT, BUT WE DID
7 GET COOPERATION THROUGH DON DIER AND HIS GROUP. AND THEN
8 A LOCAL ENFORCEMENT AGENCY, TOO, SO, YEAH, WE DID.

9 BY DOING THAT PROCESS, LIKE I SAID, BY
10 ALLOWING US TO TURN IN PRELIMINARY OR INFORMATION FOR
11 THEIR REVIEW SO THEY WOULD BE UP TO SPEED, YEAH. BUT
12 THAT WAS KIND OF AN INFORMAL THING. I THINK IT MAYBE
13 HAPPENS BECAUSE PEOPLE IN THE BOARD ARE AWARE THAT THAT'S
14 A GOOD IDEA, BUT IT'S NOTHING FORMALIZED TO BE ABLE TO BE
15 DOING. BUT IT WAS HELPFUL.

16 CHAIRMAN EGIGIAN: GOOD. ANY QUESTIONS FROM
17 ANY -- AL, DID YOU HAVE ANY QUESTIONS?

18 ANYBODY FROM THE CONGREGATION HERE MIGHT
19 WANT TO ASK A QUESTION?

20 THANK YOU VERY MUCH. AND TELL MR. BOWERMAN
21 WE APPRECIATE THE FACT THAT HE SENT YOU. AND IF HE HAD
22 COME, WE WOULD HAVE ASKED HIM A LOT OF QUESTIONS HE MIGHT
23 NOT WANT TO ANSWER. SO THANK YOU FOR COMING UP.

24 KERN COUNTY PRESENTATION BY DOUG LANDON.

25 MR. LANDON: GOOD AFTERNOON. THANK YOU, MR.

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1 EGIKIAN, AND WE APPRECIATE THE OPPORTUNITY TO SHARE OUR
2 EXPERIENCES WITH OUR LANDFILL SITING WITH THE BOARD. AND
3 I HOPE THE EFFORT IN INVESTIGATING THIS TURNS OUT TO BE
4 HELPFUL TO US ALL.

5 WHAT I'D LIKE TO DO FIRST IS -- BEFORE
6 STARTING INTO THE SPECIFICS OF SITING AND PERMITTING OUR
7 BENA LANDFILL IS BRIEFLY GIVE SOME BACKGROUND, A LITTLE
8 IDEA OF KERN COUNTY, AND WHAT OUR OVERALL SITUATION
9 HISTORICALLY AND NOW IS.

10 IN THE EARLY '70S, WHEN THEY WERE
11 CONVERTING FROM BURNING DUMPS TO LANDFILLS, THE COUNTY,
12 BEING VERY LARGE, 8,000 SQUARE MILES, THE POLITICIANS
13 BASICALLY TOOK THE POINT OF VIEW THAT THERE WOULD BE A
14 LANDFILL IN EVERY COMMUNITY. SO WE ENDED UP WITH 14
15 LANDFILLS IN THE COUNTY, SOME OF THEM AS SMALL AS A
16 COUPLE OF TONS A DAY AND OTHERS -- AND THEN LARGER FROM
17 THERE.

18 AND AT THE TIME LANDFILLING WAS CHEAP AND
19 EASY. AND IT WAS PAID FOR OUT OF THE GENERAL FUND, AND
20 IT WAS FELT TO BE NO NEED FOR TIPPING FEES OR ANY OTHER
21 FUNDING MECHANISM OTHER THAN JUST PAYING FOR IT OUT OF
22 THE GENERAL FUND.

23 AND THAT'S THAT'S HOW THINGS HAVE BEEN DONE
24 IN KERN COUNTY UP UNTIL ABOUT 1987. WAS JUST SIMPLE
25 STRAIGHTFORWARD LANDFILLING AND PAYMENT OUT OF THE

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1 GENERAL FUND.

2 IN EARLY THE '80S SOME PIECES OF
3 LEGISLATION CAME THROUGH THAT STARTED TO CHANGE THE
4 ATTITUDE TOWARD LANDFILLING. AND THE STAFF AT THE TIME
5 STARTED TO BECOME AWARE THAT WE NEEDED TO BECOME MORE ON
6 TOP OF OUR LANDFILL SITUATION.

7 AND THEY WENT TO WORK ON PREPARING A
8 1988 -- WELL, A COSWMP REVISION, THE OLD SOLID WASTE
9 MANAGEMENT PLAN REVISION THAT WE FINALLY GOT COMPLETE IN
10 1988.

11 AND THAT ADDRESSED A LOT OF THE THINGS --
12 BRINGING THE LANDFILLS UP TO MORE CURRENT REGULATIONS AND
13 REPERMITTING LANDFILLS THAT HADN'T BEEN REPERMITTED FOR A
14 LONG TIME. IT KIND OF SET FORTH A SCHEDULE.

15 IT ALSO ESTABLISHED THAT WE PROBABLY NEEDED
16 TO BE TURNING AWAY FROM THE SMALL RURAL LANDFILL AND
17 START LOOKING AT CONSOLIDATING, SAY, FOUR OR FIVE
18 REGIONAL LANDFILLS WITH TRANSFER STATIONS TO CONTINUE THE
19 LEVEL OF SERVICE.

20 WITH THAT MUCH BACKGROUND, TO GO BACK THEN
21 TO JUST PRIOR TO 1980, THE COUNTY AND THE CITY OF
22 BAKERSFIELD REALIZED WE PROBABLY STARTED -- THEY NEEDED
23 TO START TAKING A LOOK AT THE LANDFILL CAPACITY AND WHAT
24 THEY NEEDED TO DO BECAUSE THEY REALIZED THAT IT WOULD BE
25 A LONG PROCESS TO GET SOMETHING NEW SITED.

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1 AND THE FIRST STEP WAS TO LOOK INTO
2 WASTE-TO-ENERGY, SEE IF THAT WOULD HAVE APPLICATIONS FOR
3 THE AREA. IT SEEMED A NATURAL WITH THE OIL INDUSTRY SO
4 CLOSE BY, AND THAT THEY OUGHT TO BE ABLE TO UTILIZE THE
5 ENERGY OR THE STEAM AND THINGS LIKE THAT.

6 AFTER A COUPLE OF YEARS OF STUDY, IT WAS
7 REALIZED THAT, FOR ECONOMIC AND ENVIRONMENTAL REASONS,
8 THAT WASN'T GOING TO BE APPROPRIATE FOR OUR AREA. AND AT
9 THAT POINT, JUST ABOUT 1980, THE DETERMINATION -- THAT
10 WOULD MARK WHEN WE STARTED ACTIVELY PURSUING A NEW
11 LANDFILL SITE FOR THE METROPOLITAN BAKERSFIELD AREA.

12 IT STARTED WITH OUR OWN PLANNING DEPARTMENT
13 IDENTIFYING 26 SITES TO BE INVESTIGATED, INITIALLY
14 IDENTIFYING 26 SITES. AND SO IT WAS BASICALLY LOCAL
15 SITING AND LAND USE PERMITTING WAS ABOUT A SIX-YEAR
16 EFFORT. AND IT WAS DEFINITELY THE HARDEST AND SLOWEST
17 PART OF THE EFFORT WAS OVERCOMING THE LOCAL OPPOSITION.

18 WE STUDIED THOSE 26 SITES AND HAD A COUPLE
19 PRETTY PROMINENT ONES THAT WERE PRETTY MUCH READY TO GO
20 WITH BY '85, WHEN WE PRETTY MUCH REACHED AN IMPASSE. AND
21 ACTUALLY OUT OF THOSE 26 ORIGINAL SITES, NONE OF THE
22 FINAL THREE THAT WERE CONSIDERED IN 1987 WERE ON THE
23 ORIGINAL LIST OF 26.

24 AND IN '86 WE WERE DIRECTED -- THE
25 DEPARTMENT WAS DIRECTED TO LOOK AT OTHER SITES, GO BACK

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1 TO THE DRAWING BOARD A LITTLE BIT, AND CAME UP WITH THREE
 2 MORE SITES. AND AN ENVIRONMENTAL IMPACT REPORT WAS
 3 ACTUALLY PERFORMED COVERING ALL THREE SITES SO THAT WE
 4 WOULDN'T GET TO ANOTHER IMPASSE AND HAVE TO START OVER
 5 WITH AN ENVIRONMENTAL DOCUMENT. WE DID THE DOCUMENT TO
 6 COVER ALL THREE SITES, AT THE SAME TIME WORKING TOWARD A
 7 CONDITIONAL USE -- WELL, A GENERAL PLAN AMENDMENT WAS
 8 REQUIRED AND CONDITIONAL USE PERMIT.

9 AND THE WAY THAT THE FINAL SITE WAS
 10 SELECTED WAS ACTUALLY BY PUTTING IT ON AS A BALLOT
 11 INITIATIVE IN 1987 TO GET THE VOTERS' APPROVAL FOR THE
 12 SITE. AND THE BALLOT MEASURE DID PASS. AND THE CURRENT
 13 SITE, BENA SITE, WAS FINALLY SELECTED AT THAT TIME.

14 AND THEN WITHIN -- AFTER THAT ELECTION, THE
 15 OTHER PERMITTING DOCUMENTS FELL RIGHT INTO PLACE BECAUSE
 16 NOW THE POLITICIANS HAD THE SUPPORT THEY NEEDED. AND
 17 WITHIN -- BY THE END OF '87, I BELIEVE, THE CONDITIONAL
 18 USE PERMIT AND THE GENERAL PLAN AMENDMENT WERE IN PLACE.

19 THE NEXT STUMBLING BLOCK -- WELL -- WELL,
 20 OKAY. THE NEXT STUMBLING BLOCK WE HIT WAS IN THE
 21 ACQUISITION ITSELF. WE -- I -- I STILL DON'T KNOW
 22 WHETHER IT WAS A MISTAKE THAT WE COULD HAVE AVOIDED OR
 23 NOT, BUT WE SUCCEEDED IN GETTING THE LAND USE FEE OR THE
 24 LOCAL LAND USE PERMITS BEFORE WE ACTUALLY ACQUIRED THE
 25 SITE.

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1 AND WHEN WE WENT TO MAKE FINAL ARRANGEMENTS
2 ON THE ACQUISITION OF THE SITE, A NEW OWNER HAD GOTTEN IN
3 AND BOUGHT THE SITE AND REAPPRAISED IT AS A LANDFILL AS
4 ITS BEST USE RATHER THAN AS A GRAZING LAND AND UPPED THE
5 PRICE TAG ABOUT TENFOLD FROM WHAT WE ORIGINALLY PLANNED.
6 AND WE ENDED UP IN TWO YEARS OF -- ABOUT TWO YEARS OF
7 COURT OVER CONDEMNATION PROCEEDINGS THAT ULTIMATELY ENDED
8 UP IN A COST TO THE COUNTY OF ABOUT TWO AND A HALF
9 MILLION MORE DOLLARS THAN WE ORIGINALLY EXPECTED TO PAY
10 ON THE SITE.

11 I'LL GIVE SOME OF THE SPECIFICS, THEN,
12 ABOUT THE SITE THAT WE DID END UP ACQUIRING. IT'S 2,000
13 ACRES IS HOW MUCH WE PURCHASED. ABOUT -- ACTUALLY OVER
14 2,000 ACRES. MORE THAN 1,000 OF THOSE ACRES ARE
15 INTENDED -- WILL BE USED FOR LANDFILL ACTIVITIES, AND THE
16 OTHER 1,000 ACRES IS A 1200 FOOT BUFFER ZONE AROUND THE
17 ENTIRE SITE THAT PROVIDES PROTECTION FROM ENCROACHMENT,
18 AS WELL AS AN OPPORTUNITY FOR SOME ENVIRONMENTAL
19 MITIGATION, SUCH AS -- WE HAVE AN ENDANGERED SAN JOAQUIN
20 KIT FOX IN THE AREA. AND WE WORKED OUT WITHIN THE
21 ENVIRONMENTAL DOCUMENTATION AS MITIGATION THAT WE COULD
22 UTILIZE THE BUFFER ZONE FOR HABITAT FOR THE SAN JOAQUIN
23 KIT FOX.

24 THE SITE IS -- ENDED UP 17 MILES OUTSIDE
25 OF -- 17 MILES FROM THE CENTROID OF BAKERSFIELD, WHICH IN

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1 CONTRAST TO THE EXISTING LANDFILL WAS ONLY 6 MILES FROM
2 THE CENTROID.

3 SO EVEN BEFORE WE ACTUALLY STARTED
4 OPERATIONS OUT AT THE NEW LANDFILL, WE'RE ALREADY HEARING
5 FROM EVERYONE THAT DIDN'T WANT THE LANDFILL TOO CLOSE TO
6 THE CITY. NOW WE'RE HEARING FROM THEM THAT IT'S TOO FAR
7 AWAY AND TOO COSTLY TO GO OUT THERE, AND THERE SHOULD BE
8 SOME KIND OF TRANSFER FACILITY IN TOWN SOMEPLACE.

9 WE CALCULATE THE CAPACITY FOR THE
10 METROPOLITAN AREA TO BE 65-YEAR CAPACITY. WE ORIGINALLY
11 STARTED TO DESIGN THE SITE WITHOUT A LINER. IT'S A VERY
12 WELL-SITED FACILITY. WE'VE GOT OVER 500 FOOT TO
13 GROUNDWATER. THE GROUNDWATER THAT IS PRESENT ISN'T
14 PARTICULARLY HIGH QUALITY.

15 THERE'S LAYERS OF VERY HIGH IMPERMEABLE
16 CLAY LAYERS NATURALLY OCCURRING. AND WITH THE LOW
17 RAINFALL IN THE AREA, WE FELT WE COULD PROCEED WITHOUT A
18 LINER. THAT DID NOT WORK OUT, AND WE ENDED UP WITH THE
19 DESIGN AS A TWO-FOOT THICK TEN TO THE MINUS SIX CLAY
20 LINER WITH LEACHATE COLLECTION AND METHANE GAS COLLECTION
21 ALSO.

22 AND ALL THE CLAY, FROM OUR GEOTECHNICAL
23 REPORTS, IT APPEARS THAT WE HAVE ALL THE CLAY WE NEED FOR
24 THE ENTIRE LIFE OF THE SITE ON SITE THAT WE CAN BORROW
25 FROM. SO WE WERE PRETTY FORTUNATE IN THAT REGARD.

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1 THAT PRETTY MUCH BRINGS US TO THE STATE
2 PERMITS AT THAT POINT. ONCE WE HANDLED THE LOCAL ISSUES
3 AND WERE PAST THE LOCAL LAND USE PERMITTING AND ACQUIRED
4 THE SITE, WE COULD CONCENTRATE ON THE STATE PERMITS,
5 WHICH WERE BASICALLY THE WASTE DISCHARGE REQUIREMENTS
6 FROM THE WATER BOARD AND SOLID WASTE FACILITY PERMIT FROM
7 THE WASTE BOARD.

8 AND THAT PROCESS TOOK ABOUT THREE AND A
9 HALF YEARS, AND I'D HAVE TO SAY THAT IT WAS SOMEWHAT POOR
10 TIMING WHEN WE HAPPENED TO BE PERMITTING WITH THE STATE
11 BECAUSE THAT WAS AT THE SAME TIME THAT A LOT OF NEW STATE
12 LEGISLATION WAS COMING DOWN, A LOT OF NEW REGULATIONS,
13 AND OUR RULES WERE CHANGING EVERY MONTH.

14 AND I DON'T HOLD THE STATE AGENCIES
15 NECESSARILY RESPONSIBLE FOR THAT BECAUSE IT WAS
16 LEGISLATION THAT WAS DRIVING IT, I THINK, BUT THAT WAS
17 THE -- THE IMPACT BACK TO THE LOCAL AGENCY WAS IT WAS
18 VERY HARD, VERY DIFFICULT FOR US TO PROCEED BECAUSE WE
19 GET A SET OF DOCUMENTS IN AND THEN FIND OUT THAT NOW
20 THERE'S PRELIMINARY CLOSURE PLANS THAT NEED TO BE
21 SUBMITTED THAT HADN'T BEEN ANTICIPATED BEFORE.

22 THERE WAS A CHANGE ON THE WASTE BOARD'S
23 PART THROUGH THAT TIME ON ENVIRONMENTAL, THE DEPTH OF
24 ENVIRONMENTAL DOCUMENTATION. AND WE KIND OF HAD TO
25 ADJUST TO THAT SOME.

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1 BUT MAYBE THE THING THAT WAS HARDEST AT
2 TIMES TO DEAL WITH, THAT CERTAINLY SHOULD BE SOMETHING
3 THAT WE CAN OVERCOME, WAS COOPERATION AND INTEGRATION
4 BETWEEN THE WASTE BOARD AND THE WATER BOARD AND BEING
5 HELD UP, BEING ABLE TO PROCEED FORWARD WITH THE PERMIT
6 BEFORE THE WASTE BOARD BECAUSE THE WATER BOARD HADN'T
7 MADE A FINDING ON SOMETHING. AND THEY MIGHT NOT EVEN
8 HAVE A PARTICULAR TIME FRAME THAT THEY HAVE TO ACT
9 WITHIN, AND IT COULD END UP DELAYING US UNNECESSARILY
10 WHILE ONE AGENCY WAITS FOR THE OTHER.

11 THROUGH THAT PROCESS, I WOULD LIKE TO SAY
12 ALSO THAT OUR LOCAL ENFORCEMENT AGENCY, I THINK, WAS VERY
13 RESPONSIVE AND VERY HELPFUL THROUGH THE PROCESS. AND WE
14 FOUND AT TIMES THAT ONE OF THE OTHER PROBLEMS, THOUGH,
15 WAS COMMUNICATION AND AUTHORITY BETWEEN THE LEA AND THE
16 STATE.

17 I THINK AT TIMES THE LEA WAS OVER -- TOO
18 MUCH OVERSIGHT OR TOO DETAILED OF OVERSIGHT FROM THE
19 WASTE BOARD STAFF. AND WE'D GET A RULING FROM OUR LEA
20 THAT MIGHT BE REVERSED A WEEK LATER OR A MONTH LATER BY A
21 DECISION BY THE STATE STAFF. SO THAT HURT THE PROCESS A
22 LITTLE BIT.

23 ULTIMATELY, THOUGH -- WELL, AND THEN THE
24 FINAL -- THE FINAL OCCURRENCE REGARDING THE STATE PERMITS
25 WAS WE SUCCEEDED IN GETTING THE WASTE DISCHARGE

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barristers'
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1 REQUIREMENTS, AND WE WAITED ABOUT SIX MONTHS BEFORE
2 PROCEEDING WITH THE SOLID WASTE FACILITY PERMIT. NOT
3 ENTIRELY DUE TO DELAYS FROM ANYONE OTHER THAN JUST THE
4 FACT THAT A NEW BOARD WAS BEING CREATED.

5 AND WE ATTENDED THREE OR FOUR MONTHS OF
6 MEETINGS TO SEE HOW THINGS WERE PROCEEDING WITH THE NEW
7 BOARD BEFORE WE FINALLY TOOK THE STEP AND WENT BEFORE THE
8 BOARD FOR CONCURRENCE.

9 THOSE WERE -- SO SOME OF THOSE THINGS I
10 DESCRIBED THAT WE HAD TO DEAL WITH ARE PRESUMABLY ONLY --
11 ARE ONE TIME ONLY, JUST THE CIRCUMSTANCES OF THE TIME.

12 TO FINISH OFF, AS FAR AS THE SITE, THE BENA
13 SITE, COSTWISE WHAT WAS FOUND IS WE'VE SPENT 15 --
14 SLIGHTLY OVER \$15 MILLION. AND WE HAVE YET TO TAKE IN
15 OUR FIRST TON INTO THE NEW SITE. WE EXPECT ACTUALLY TO
16 START OPERATIONS IN MAY. AND BY THAT TIME WE WILL HAVE
17 SPENT OVER \$15 MILLION THROUGH THE ENTIRE PROCESS,
18 INCLUDING ACQUISITION, A 1.7-MILE ENTRANCE ROAD, AND THE
19 VERY SMALL FIRST SUBPHASE OF LINER AND LEACHATE
20 COLLECTION SYSTEM.

21 BEFORE I WRAP UP, I'D LIKE TO THEN --
22 THAT'S JUST ONE EXPERIENCE WE'VE HAD, AND I WON'T GO INTO
23 DETAIL ON ANY OF THE OTHERS. BUT TO -- REGARDING THE
24 OTHER 14 SITES, AS MAYBE AN EXAMPLE OF HOW DRAWN OUT THIS
25 PROCESS TENDS TO BE, WHEN I FIRST STARTED WITH THE

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1 COUNTY, I STARTED IN 1981 IN THE SOLID WASTE DIVISION.
2 AND SO I WAS KIND OF IN THE GROUND FLOOR OF STARTING ON
3 THE NEW SITE OF BENA AS WELL AS TWO OTHER EXPANSIONS OF
4 OUR OTHER LANDFILLS.

5 I MOVED ON TO OTHER DIVISIONS AFTER TWO
6 YEARS AND THEN CAME BACK AS SOLID WASTE MANAGER IN EARLY
7 '89. AND NONE OF THE PROJECTS THAT HAD BEEN STARTED IN
8 '81 WHEN I WAS THERE HAD BEEN COMPLETED.

9 BENA, WE FINALLY PERMITTED IN EARLY '90.
10 RECEIVED THE SOLID WASTE FACILITY PERMIT. THE OTHER TWO
11 DROPPED OFF COMPLETELY AND HAVE NEVER PROGRESSED. ONE OF
12 THEM DROPPED COMPLETELY; THERE WILL BE NO EXPANSION. THE
13 OTHER ONE WENT TO A TRANSFER STATION INSTEAD BECAUSE
14 RESITING A LANDFILL WAS JUST PROVING IMPOSSIBLE.

15 AND THEN ALSO -- WE'RE ALSO IN A SITUATION
16 NOW WHERE WE'VE GOT A GREAT DEAL OF REPERMITTING TO DO.
17 AGAIN, THE NUMBER OF SITES WE HAVE AND THE PERMITS ARE
18 FIVE YEARS, AND SO WE'RE -- IN FACT, THAT'S ONE OF THE
19 THINGS THE 1988 COSWMP REVISION THAT WE HAD IDENTIFIED
20 WAS SET FORTH A PROGRAM FOR REPERMITTING THE LANDFILL AND
21 WE -- THAT SCHEDULE SHOWED THAT OUR LANDFILLS WOULD BE
22 REPERMITTED BY SOMETIME IN 1990. WE WOULD COMPLETE
23 REPERMITTING ALL OF OUR LANDFILLS.

24 BECAUSE OF ALL THE LEGISLATION CHANGES AND
25 THE REGULATION CHANGES AND THAT MOVING TARGET, OUR -- WE

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1 HAD TO MOVE BACK THAT SCHEDULE IN 1990 TO SHOW THAT WE'D
2 BE COMPLETE IN 1992. WELL, HERE WE ARE IN 1992. NOT ONE
3 OF THOSE REPERMITS HAS BEEN DONE YET. AND WE'RE LOOKING
4 AT STILL ABOUT A TWO-YEAR STAGGERED SCHEDULE IN GETTING
5 THEM AND NOW HOPE TO HAVE ALL OF OUR LANDFILLS
6 REPERMITTED BY 1994.

7 AND THAT'S MOSTLY A RESULT, AGAIN, OF THE
8 MOVING TARGET OF WE GET HALFWAY INTO THE PERMITTING
9 PROCESS AND THE NEW ARTICLE 5 WOULD COME UP OR CHANGES IN
10 REGULATIONS DUE TO EASTIN REGARDING THE CLOSURE
11 REQUIREMENTS OR THE PRELIMINARY CLOSURE PLANS, JUST A
12 CHANGEOVER OF BOARD STAFF, OF WASTE BOARD STAFF, WANTING
13 THINGS MAYBE DIFFERENT THAN THE -- REGARDING
14 ENVIRONMENTAL DOCUMENTATION THAN WE HAD BEEN PREPARING IN
15 THE PAST. SO THOSE KINDS OF THINGS HAVE BEEN A PROBLEM
16 TO US.

17 AND TO GIVE -- MAYBE TO WRAP UP WITH SOME
18 SPECIFIC SUGGESTIONS OR RECOMMENDATIONS THAT I WOULD LIKE
19 TO PUT FORTH THAT WE COULD -- MAYBE COULD -- ADJUSTMENTS
20 THAT COULD BE MADE TO AID THE PROCESS, I DON'T THINK IT'S
21 A NEW CONCEPT, BUT -- AND I DON'T KNOW HOW MUCH IT'S BEEN
22 HEARD BEFORE, BUT IT WOULD MAKE A LOT OF SENSE TO US TO
23 HAVE A SINGLE APPLICATION WITH THE STATE, RATHER THAN A
24 DIFFERENT REPORTING PRODUCT FOR EACH DEPARTMENT, FOR EACH
25 AGENCY.



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1 FOR INSTANCE, WE SUBMIT A WASTE DISCHARGE
 2 REPORT TO THE WATER BOARD FOR WASTE DISCHARGE
 3 REQUIREMENTS AND THE REPORT OF DISPOSAL SITE INFORMATION
 4 TO THE WASTE BOARD FOR THE SOLID WASTE FACILITY PERMIT,
 5 AND 70 PERCENT OF WHAT'S IN THOSE DOCUMENTS IS THE SAME.
 6 IT'S JUST FORMATTED DIFFERENTLY. AND THESE ARE VERY
 7 THICK AND LENGTHY PRODUCTS TO PRODUCE.

8 SO ONE SUGGESTION THAT I WOULD HAVE WOULD
 9 BE IF IT COULD BE WORKED TOWARD A SINGLE APPLICATION, ONE
 10 REPORT, ONE SET OF DOCUMENTS THAT THE STATE AGENCIES
 11 WOULD BE ABLE TO SHARE AND HOPEFULLY INCREASE THEIR
 12 COMMUNICATION, THEIR INTEGRATION AMONGST THEMSELVES, SO
 13 THAT THEY COULD PROCEED SO THAT WE COULD PROCEED IN A
 14 MORE TIMELY FASHION, BETTER COMMUNICATION BETWEEN THEM.

15 REGARDING THESE REPERMITTINGS, ONE OF THE
 16 THINGS THAT'S BINDING US UP IS WE ARE OVERDUE ON THE
 17 FIVE-YEAR PERMIT ON A NUMBER OF OUR SITES. AND AS PART
 18 OF THE REPERMITTING PROCESS, WE'RE HAVING TO PREPARE A
 19 REPORT OF DISPOSAL SITE INFORMATION.

20 WHAT WE'VE ALSO BEEN REQUESTED BY THE LEA
 21 FROM DIRECTION FROM STATE STAFF IS TO ALSO GET RIGHT
 22 AWAY -- GET IN A PERIODIC SITE REVIEW. AGAIN, THIS IS A
 23 REDUNDANT REQUIREMENT. EVERYTHING IN THE PERIODIC SITE
 24 REVIEW IS IN A REPORT OF DISPOSAL SITE INFORMATION, YET
 25 WE'RE HAVING TO TAKE ANYWHERE FROM A MONTH TO THREE

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1 MONTHS, ASIDE FROM OUR PERMITTING EFFORTS, TO STOP AND
2 PREPARE, FIRST, A PERIODIC SITE REVIEW THAT BASICALLY IS
3 JUST, AGAIN, A REFORMAT OF BASICALLY THE SAME INFORMATION
4 AS IS IN A REPORT OF DISPOSAL SITE INFORMATION. AND THE
5 REDUNDANCY DOESN'T SEEM NECESSARY.

6 AND WE COULD GET THE SITES REPERMITTED AND
7 ADDRESS ALL THE CONCERNS THAT THE REGULATORY AGENCIES
8 HAVE OVER THESE FASTER IF WE COULD JUST CONCENTRATE ON
9 THE REPERMITTING PROCESS.

10 ONE FINAL COMMENT IS IN REGARDS TO THE NEW
11 REGS COMING OUT FOR THE SITING ELEMENT. AGAIN, THE
12 LENGTHIEST AND MOST DIFFICULT PART OF THE SITING PROCESS
13 WAS ACTUALLY GOING THROUGH THE LOCAL POLITICS AND GETTING
14 THE COMMUNITY AND THE POLITICIANS TO SETTLE ON A SITE.

15 AS I UNDERSTAND THE DRAFT REGULATIONS FOR
16 THE SITING ELEMENT, IT'S BASICALLY REQUIRING THAT
17 SPECIFIC SITES BE LOCATED IN THE PLAN. THAT IS NOT VERY
18 PRACTICAL. AS YOU SAW, IT WAS A SIX-MONTH -- OR A
19 SIX-YEAR PROCESS FOR US TO COME UP WITH A SITE.

20 TRYING TO IDENTIFY WHERE SPECIFICALLY SITES
21 ARE GOING TO BE OVER THE NEXT 15-YEAR PLANNING PERIOD, IT
22 WOULD BE MEANINGLESS TO PUT SOMETHING IN THERE BECAUSE
23 THERE'S NO TELLING WHEN YOU REALLY GET DOWN TO IT WHETHER
24 THAT'S GOING TO BE SUCCESSFUL OR TO HAVE ALL THE
25 NECESSARY WORK DONE PRIOR TO THAT. IT'S NOT GOING TO BE

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1 DONE IN A ONE- OR TWO-YEAR PERIOD. IT TAKES A LOT LONGER
2 THAN THAT.

3 I'LL CONCLUDE MY COMMENTS WITH THAT AND ASK
4 FOR ANY QUESTIONS.

5 CHAIRMAN EGIGIAN: WELL, WHAT I PICKED UP OFF OF
6 WHAT YOU'VE BEEN TELLING US HERE IS WHERE TO CUT SOME
7 CORNERS HERE IS, FIRST OF ALL, IS SITE THESE LOCATIONS;
8 SECOND, NOT TO IDENTIFY THESE LOCATIONS BECAUSE SOMEBODY
9 IS GOING TO BUY THEM AND RAISE THE PRICE UP ON YOU.

10 SO YOU SHOULD HAVE AN OPTION ON THE
11 PROPERTY AT A GIVEN FIGURE, SO YOU COULD HOLD THE PRICE
12 CONSTANT WITH WHAT YOU STARTED WITH.

13 AND THE THIRD THING IS TO PUT IT ON A
14 BALLOT SO THE LOCAL POLITICIANS WON'T HAVE TO STICK THEIR
15 NECKS OUT DURING THEIR TERM ON THIS THING.

16 MR. LANDON: WELL, THAT WAS VERY -- THAT WAS A
17 VERY NECESSARY PART OF THE PROCESS. AS FAR AS THE
18 OPTION, OUR COUNSEL ADVISED US AT THE TIME THAT WE COULD
19 NOT DO THAT. AND WE HAD TO PROCEED THE WAY WE DO. AS WE
20 APPROACH -- WHENEVER WE DO OUR NEXT ONE, I'M SURE WE CAN
21 CONVINCED COUNSEL TO HAVE A DIFFERENT VIEWPOINT ON THAT.
22 WE DEFINITELY ARE LOOKING AT THE POSSIBILITY THAT AN
23 OPTION COULD BE PUT ON TO HOLD THAT BETTER FOR US.

24 CHAIRMAN EGIGIAN: THEN YOU'VE ALREADY FOUND ONE
25 THING. YOU'VE A EIR ON THREE LOCATIONS AT THE SAME TIME,

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1 SO THAT SAVED YOU SOME TIME AND MONEY RIGHT THERE.

2 AND THEN THE LAST, BUT NOT LEAST, YOU'RE
3 NOT GETTING THE PROPER DIRECTION FROM THE BOARD DURING
4 THIS PERIOD OF TIME FROM OUR STAFF HERE. AND WE HAVE TO
5 SHARPEN UP OUR OPERATION HERE TO MAKE SURE THAT WE DON'T
6 PROLONG THE PERIOD OF TIME THAT YOU'RE GOING THROUGH TO
7 EVENTUALLY GET BACK TO US ON THE FINAL OKAY ON THIS
8 THING.

9 MR. LANDON: YEAH. IT WAS KIND OF A SPECIAL
10 TIME WHEN WE WERE GOING THROUGH THAT. AND WE'VE BEEN
11 DOING A LOT OF REPERMITTING WORK SO WE CAN STILL
12 CONSTANTLY DEAL WITH THE STAFF, AND WE FEEL MORE
13 COMFORTABLE WITH THE DIRECTION WE'RE GETTING THAN WHEN WE
14 WENT THROUGH THE BENA PROCESS.

15 MORE THAN GETTING FIRM DIRECTION FROM THE
16 WASTE BOARD STAFF TO ME, RIGHT NOW, IS THAT THE
17 COORDINATION BETWEEN THE WASTE BOARD AND THE WATER BOARD
18 BE DEVELOPED SUCH THAT -- WHAT CAN HAPPEN IS YOU CANNOT
19 MOVE FORWARD ON THE PROCEEDING ON THE SOLID WASTE
20 FACILITY PERMIT BECAUSE THE WATER BOARD IS STILL
21 REVIEWING SOMETHING OR YOU HAVE TO SUBMIT THE PRELIMINARY
22 CLOSURE PLANS TO BOTH AGENCIES AT THE SAME TIME, AND ONE
23 WON'T GIVE THEIR APPROVAL KIND OF UNTIL THE OTHER ONE HAS
24 SUBMITTED TO THE APPROVAL.

25 SO THROUGH OUR LEA AND THE STATE STAFF, I

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1 FEEL LIKE -- I FEEL PRETTY COMFORTABLE WITH THE DIRECTION
2 WE GET FROM THE WASTE BOARD. IT'S MORE THE COORDINATION
3 AND COMMUNICATION WITH THE OTHER STATE AGENCIES.

4 CHAIRMAN EGIGIAN: I'M LEFT TO BELIEVE THAT MR.
5 STROCK, EPA -- LOCAL EPA HERE IS WORKING ON GETTING THESE
6 AGENCIES CLOSER TOGETHER. I DON'T KNOW WHETHER IT WILL
7 BE A ONE-PERMIT TYPE DEAL OR NOT, BUT THERE IS WORK BEING
8 DONE ON THAT. SO I THINK IF THEY PROGRESS, WE'LL BE
9 HEARING ABOUT THAT SOON.

10 MR. HUFF, DO YOU HAVE ANY QUESTIONS?

11 BOARD MEMBER HUFF: NO, I DON'T.

12 CHAIRMAN EGIGIAN: ANY QUESTIONS FROM ANYBODY
13 ELSE HERE THAT MIGHT SHED SOME LIGHT ON THIS?

14 IF NOT, THANK YOU, SIR, FOR COMING IN.

15 MR. LANDON: THANK YOU.

16 CHAIRMAN EGIGIAN: WE APPRECIATE YOUR COMMENTS,
17 MR. LANDON.

18 TIME OUT. WE'LL TAKE A FIVE-MINUTE TIME
19 OUT. WE HAVE TO RESTOCK THE PAPER.

20 (A BREAK WAS TAKEN.)

21 CHAIRMAN EGIGIAN: OKAY. WE'RE ON SAN JOAQUIN,
22 RIGHT?

23 WE HAVE FROM SAN JOAQUIN COUNTY, MR. EUGENE
24 DELUCCHI? DELUCCHI? DID I SAY THAT RIGHT? I WAS RIGHT
25 THE FIRST TIME.

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1 MR. DELUCCHI: THANK YOU, CHAIRMAN EGIGIAN AND
2 MEMBERS OF THE COMMITTEE AND THE STAFF. I'M WITH SAN
3 JOAQUIN COUNTY DEPARTMENT OF PUBLIC WORKS. THE
4 DEPARTMENT IS RESPONSIBLE FOR INTEGRATED WASTE MANAGEMENT
5 PLANNING IN THE COUNTY. WE OPERATE TWO LANDFILLS, ONE
6 TRANSFER STATION. WE ADMINISTER A CONTRACT FOR OPERATION
7 OF A THIRD LANDFILL WHICH WE OWN AND DO THE ENGINEERING
8 FOR. WE ADMINISTER THE FRANCHISE COLLECTION CONTRACTS.

9 SAN JOAQUIN COUNTY IS JUST SOUTH OF
10 SACRAMENTO COUNTY AND THE CENTER OF THE CENTRAL VALLEY
11 AND EXTENDS FROM THE DELTA TO THE FOOTHILLS.

12 WE HAVE THREE WASTESHEDS WITHIN THE COUNTY,
13 ACTUALLY NORTH, CENTRAL, AND SOUTH. THERE ARE FOUR
14 LANDFILLS, CLASS III LANDFILLS IN THE COUNTY. IN THE
15 CENTRAL WASTESHED, THERE'S A COUNTY LANDFILL WHICH
16 HANDLES THE INCORPORATED AREA AND THE -- MUCH OF THE
17 COMMERCIAL AND SOUTH HAUL OUT OF THE CITY OF STOCKTON.
18 THE CITY OF STOCKTON HAS A LANDFILL, WHICH IS CONTRACTED
19 TO A PRIVATE OPERATOR, WHICH HANDLES THEIR FRANCHISE
20 COLLECTION.

21 WE STARTED, AS FAR AS OUR PERMITTING
22 EXPERIENCE, AND WE ARE -- WE DID PERMIT A LANDFILL WITH
23 THE INTEGRATED WASTE MANAGEMENT BOARD; IN FACT, I BELIEVE
24 IT WAS THE FIRST LANDFILL PERMITTED BY THE BOARD IN, I
25 THINK IT WAS, NOVEMBER 1990.

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1 THAT LANDFILL STARTED ACCEPTING WASTE IN
2 NOVEMBER OF LAST YEAR, THE DAY AFTER OUR PREVIOUSLY
3 PERMITTED LANDFILL PERMIT RAN OUT. SO WE WERE ABLE TO
4 COMPLETE IT ON TIME.

5 THE ON-SITE MAINTENANCE FACILITY AND
6 ON-SITE MATERIALS RECOVERY FACILITY WERE COMPLETED AND
7 TURNED OVER TO US EARLIER THIS WEEK.

8 THE LANDFILL PROCESS OF REPLACING THE
9 EXISTING HARNEY LANE SITE STARTED IN THE EARLY '70S. AND
10 ACTUALLY IF SOMEBODY WOULD HAVE COME AROUND IN 1986, THEY
11 WOULD HAVE THOUGHT THAT IT WAS AN EASY TASK TO GET THE
12 LAND USE PERMIT FOR THE LANDFILL, BUT IT WASN'T.

13 IT WAS A LONG SEARCH. SOME 20 SITES WERE
14 IDENTIFIED. ONE SITE WAS SELECTED. THAT SITE WAS FOUR
15 MILES TO THE EAST ON THE SAME ROAD AS THE THEN EXISTING
16 HARNEY LANE LANDFILL.

17 AND THE PLANNING COMMISSION, EXTREMELY
18 LARGE AMOUNT OF OPPOSITION AND EMOTIONAL HEARING,
19 LITERALLY ONE HEART ATTACK DURING THE PUBLIC HEARING AND
20 THAT PROCESS DIED.

21 THE NEXT --- THERE WAS A SITE IDENTIFIED
22 ADJACENT TO IN THE EARLY '80S -- NOT ADJACENT TO IT,
23 ABOUT TWO MILES EAST OF THE EXISTING LANDFILL ON THE SAME
24 ROAD. THE PROPERTY OWNER WAS NOT A WILLING SELLER.
25 ENDED UP GOING INTO CONDEMNATION ACTION. ACTUALLY THE

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1 BOARD DROPPED THAT SITE PRIMARILY BECAUSE OF THE
2 CONDEMNATION PROCESS AND THE THREAT OF LAWSUIT ON THE
3 ENVIRONMENTAL DOCUMENTATION WOULD HAVE PROBABLY EXTENDED
4 ANY DEVELOPMENT AND PERMITTING BEYOND THE USEFUL LIFE OF
5 THE EXISTING LANDFILL.

6 PRIOR TO 1983 THE LANDFILLS WERE OPERATED
7 BY THE PEOPLE AT THE LANDFILLS. THERE WAS NO SOLID WASTE
8 STAFF IN 1983. THE BOARD OF SUPERVISORS DID AUTHORIZE
9 THE DEVELOPMENT OF A SOLID WASTE OFFICE AND A MANAGER WAS
10 HIRED IN 1984.

11 WHEN WE DECIDED -- OR THE BOARD DECIDED NOT
12 TO PROCEED WITH THE CONDEMNATION, THAT WAS BECAUSE WE HAD
13 A WILLING SELLER ADJACENT TO THE EXISTING LANDFILL. SO
14 THE PROCESS WAS TO EXTEND THE LIFE OF THAT LANDFILL BY
15 USING THAT PROPERTY FOR COVER MATERIAL FOR A VERTICAL
16 EXPANSION OF THE LANDFILL AND ALSO A HORIZONTAL
17 EXPANSION.

18 THAT PURCHASE WAS TAKEN TO COURT BY THE
19 ADJOINING PROPERTY OWNERS AND THE NEIGHBORS OF THE
20 EXISTING LANDFILL, WHO HAD ENOUGH OF IT. IT HAD BEEN
21 THERE FOR A NUMBER OF YEARS AND, I WOULD SAY, MOST OF
22 THOSE YEARS WAS NOT OPERATED IN WHAT WE WOULD CONSIDER A
23 PROPER MANNER TODAY, AND THEY HAD SOME REASON TO OPPOSE.

24 THROUGH A SETTLEMENT AGREEMENT, WE WERE
25 ALLOWED TO PURCHASE THE SITE, TO UTILIZE COVER MATERIAL



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1 FOR THE VERTICAL EXPANSION, BUT WE COULD NOT PUT ANY
2 WASTE ON THE NEWLY ACQUIRED SITE.

3 THAT DECISION WAS MADE EASY BY ANOTHER
4 PROPERTY OWNER TWO MILES TO THE EAST AND IMMEDIATELY TO
5 THE EAST OF THE PROPERTY WE TRIED TO CONDEMN, OFFERING
6 THEIR LAND FOR SALE.

7 WE PURCHASED THAT PROPERTY IN 1986 AND THEN
8 PROCEEDED TO GO THROUGH A LAND USE PERMIT APPLICATION;
9 AND, IN FACT, WHAT WE DID IS WE WENT THROUGH A
10 PRELIMINARY DESIGN. WE DID ENVIRONMENTAL DOCUMENTATION,
11 AND WE WENT THROUGH THE PUBLIC HEARING AT THE PLANNING
12 COMMISSION FOR THE LAND USE PERMIT.

13 THERE WAS ACTUALLY VERY LITTLE OPPOSITION.
14 IT WAS NOT AN EMOTIONAL HEARING. I THINK THE REASON WHY
15 IS THAT WE HAD A PRELIMINARY DESIGN. WE HAD DONE
16 ENVIRONMENTAL DOCUMENTATION WHICH ANTICIPATED THE RED
17 HERRINGS THAT WOULD BE THROWN UP BY THE NEIGHBORS WHO
18 DIDN'T WANT A LANDFILL. WE ANTICIPATED WHAT THE
19 ENVIRONMENTAL GROUPS WOULD COME UP AND BRING UP, AND WE
20 HAD ANSWERS OR MITIGATION MEASURES.

21 SO THE PROCESS WENT FAIRLY EASILY. AND
22 LIKE I SAY, IF ANYBODY HAD COME IN IN 1986, THEY WOULD
23 HAVE THOUGHT SITING A LANDFILL IN SAN JOAQUIN COUNTY WAS
24 VERY EASY. AND I'M HERE TO TELL YOU IT WASN'T AND IT
25 WON'T BE. SITING OF ANY TYPE OF FACILITY IS NOT GOING TO



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1 BE EASY IN THE SOUTH COUNTY.

2 THE COLLECTOR -- FRANCHISE COLLECTOR FOR
3 BOTH THE CITY OF TRACEY AND THE COUNTY, WHO'S A LOCAL
4 FRANCHISE COLLECTOR, NOT ANYBODY WHO COMES IN FROM OUT OF
5 TOWN IS A BIG BAD GUY, TRIED TO SITE THE MRF AND COULD
6 NOT GET IT THROUGH THE LOCAL PLANNING COMMISSION.

7 SO YOU KNOW ANY FACILITY IS GOING TO BE
8 HARD, AND IT'S A MOVING -- A MOVING TARGET THAT WE'VE GOT
9 TO BE VERY CAREFUL OF. BUT, YOU KNOW, WE DID IT. WE DID
10 IT. WE APPROACHED THE LANDFILL DESIGN MUCH DIFFERENTLY,
11 I THINK.

12 THE FIRST TWO ATTEMPTS WERE GOING TO PUT A
13 LANDFILL HERE WITHOUT HAVING THE DESIGN TO SHOW PEOPLE
14 WHAT THEY'RE GOING TO GET WITHOUT HAVING THE SAFEGUARDS
15 OF THE CURRENT STANDARDS. AND SO I THINK THAT'S -- A BIG
16 STEP IS TO HAVE AS MUCH INFORMATION AND GIVEN IT AS MUCH
17 THOUGHT AS POSSIBLE.

18 IN FACT, WE HAD TO CONSTRUCT A COUPLE MILES
19 OF ROADWAY, WIDEN AN EXISTING ROAD INTO THE NEW LANDFILL
20 SITE. WE HAD TO ACQUIRE RIGHT-OF-WAY FROM THE PROPERTY
21 OWNER. WE ORIGINALLY CONDEMNED OR TRIED TO CONDEMN HIS
22 PROPERTY; AND WHEN HE CAME IN AND HE WAS READY TO SAY I'M
23 NOT GOING TO SELL, AND ONCE HE REVIEWED THE PLANS AND SAW
24 WHAT WE WERE BUILDING, HE WAS VERY PLEASED AND SIGNED THE
25 RIGHT-OF-WAY DOCUMENTS.

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1 YOU KNOW, IT'S NOT THE CLASSIC LANDFILL. I
2 THINK THIS IS A LEGACY WE HAVE TO OVERCOME, PEOPLE WHO
3 REMEMBER THE WORST LANDFILL THEY SAW, NOT THE BEST ONE
4 THAT THEY HAVEN'T SEEN.

5 WE'VE GONE FROM NO STAFF TO A STAFF OF A
6 SOLID WASTE MANAGER, THREE ENGINEERS, TWO MANAGEMENT
7 ANALYSTS JUST IN THE OFFICE, IN ADDITION TO CLERICAL
8 STAFF.

9 SO WE WORKED VERY HARD IN PUTTING THE IMAGE
10 ACROSS. WE WORKED VERY HARD AT TAKING THE EXISTING
11 LANDFILL ON HARNEY LANE AND CONVERTING IT TO WHAT WE FELT
12 WAS A SANITARY LANDFILL AND SO THAT IT WAS SOMETHING
13 THAT, WHEN PEOPLE GO IN AND SEE IT, THEY DON'T COME UP
14 WITH A BAD IMPRESSION.

15 AS WAS SAID EARLIER TODAY, THERE'S MANY
16 SITES IN OUR COUNTY THAT ARE TECHNICALLY SUITABLE FOR A
17 LANDFILL, BUT GETTING IT PAST THE PEOPLE PROBLEMS IS THE
18 BIG THING. AND SO YOU KNOW THE ONLY STRATEGY IS, WELL,
19 LET'S GET OUT AWAY, GET AWAY FROM THE PEOPLE. THAT'S ONE
20 STRATEGY IN OUR COUNTY. AVOIDING PRIME AG LAND IS A
21 STRATEGY.

22 THIS, HOWEVER, BRINGS ABOUT ANOTHER
23 PROBLEM. IF THERE'S NO PEOPLE THERE AND IT'S NOT PRIME
24 AG LAND WHICH HAS NOT BEEN CULTIVATED, NOW YOU'RE DEALING
25 WITH ENDANGERED SPECIES AND WETLANDS. AND SO, YOU KNOW,

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1 IT'S A MIX. YOU GET AWAY FROM THE PEOPLE ASPECT, YOU GET
2 INTO THE ENVIRONMENTAL ASPECT IN THESE ISSUES.

3 WE TRIED THIS SITE IN THE MID-'80S AND
4 EARLY '80S. A NEW CENTRAL COUNTY LANDFILL BECAUSE OF A
5 40-MILE TRANSFER TO THE EXISTING LANDFILL, THAT WE WERE
6 ABLE -- WE ARE NOT ABLE TO SITE A FACILITY MAINLY BECAUSE
7 OF A LOT OF OPPOSITION; HOWEVER, WE DEVELOPED A REPORT
8 AND, EVEN THOUGH THE COST OF TRANSPORT, YOU KNOW, IS A
9 MILLION DOLLARS A YEAR, YOU BREAK THAT DOWN TO THE COST
10 PER CAN PER MONTH, AND IT WAS 10 CENTS A CAN IN THE
11 DIFFERENCE BETWEEN A 40-MILE TRANSFER AND DEVELOPING A
12 NEW LANDFILL.

13 AND WITH THAT INFORMATION, IT WAS VERY EASY
14 FOR THE BOARD TO MAKE THE DECISION WE'RE NOT GOING TO
15 SITE A CLOSE-IN LANDFILL. WE'RE GOING TO CONTINUE
16 TRANSFERRING.

17 SO THE PROCESS IS A TWO-STEP PROCESS. IT'S
18 THE SITING PROCESS, WHICH IS A LOCAL ISSUE AND HAS TO BE
19 HANDLED VERY CAREFULLY AND INTELLIGENTLY, AND THEN THERE
20 IS THE PERMITTING ISSUE.

21 AND WE WERE THE FIRST ONE IN THE HOPPER
22 WITH THE NEW BOARD, THE NEW STAFF, NEW REGULATIONS, NEW
23 STAFF COMING ON BOARD VIRTUALLY EVERY DAY, NEW
24 RESPONSIBILITIES FOR THE LOCAL ENFORCEMENT AGENCY.

25 I THINK IT WAS FRUSTRATING. I THINK THERE

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1 WAS A LOT OF FALSE STARTS. I HOPE THAT A LOT OF THESE
2 PROBLEMS WE EXPERIENCED WERE ALSO FELT TO BE PROBLEMS BY
3 THE STAFF. AND THOSE PROBLEMS ARE BEING CORRECTED
4 THROUGH EXPERIENCE.

5 AND WE DON'T -- WE HAD A PROBLEM EARLY ON,
6 AND I THINK IT WAS THE PERCEPTION OF THE LOCAL
7 ENFORCEMENT AGENCY THAT WE COULD NOT DEAL DIRECTLY WITH
8 INTEGRATED WASTE MANAGEMENT BOARD STAFF, THAT WE WOULD
9 HAVE TO GIVE THEM SOMETHING. THEY WOULD GO TO THE BOARD
10 AND PRESENT THE CASE AND BE AWARDED AND GO BACK AND
11 FORTH, AND THEY WERE NOT COMMUNICATING WELL.

12 AND FINALLY, I THINK WE BROKE THROUGH THAT
13 AND WERE ABLE TO MEET WITH THE INTEGRATED BOARD STAFF AND
14 THE LOCAL ENFORCEMENT AGENCY AT THE SAME TIME.

15 I THINK THAT ALONE MUST HAVE COST US SIX OR
16 EIGHT MONTHS OF TRYING TO BREAK THROUGH THAT, BUT ONCE WE
17 GOT THROUGH THAT, THE PERMIT SEEMED TO MOVE FAIRLY WELL.

18 AS WAS SAID EARLIER, THERE'S A GROUP OF
19 PERMITS YOU HAVE TO GET AND YOU HAVE TO DEAL WITH, AND
20 I'M NOT GOING TO GO OVER THEM. THEY'RE THE SAME ONES THE
21 OTHER SPEAKERS SPOKE TO.

22 WE DID RUN INTO AN EXPERIENCE ON THE
23 WETLANDS ISSUE. WE BOUGHT A 320-ACRE SITE. WE CAN ONLY
24 USE 190 ACRES OF IT, AS THE REST IS EITHER USED FOR
25 WETLANDS OR AVOIDANCE FOR MITIGATION. WE HAD MITIGATION

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1 FOR THE ONE. WE AVOIDED, SO WE WERE UNDER 10 ACRES, SO
2 WE CAN GET A NATIONAL PERMIT. U.S. EPA, FISH AND GAME,
3 FISH AND WILDLIFE, EVEN THOUGH WE ADDRESSED WETLANDS AND
4 WETLAND'S MITIGATION TO THE EI.

5 ENVIRONMENTAL DOCUMENTS RECOMMENDED TO
6 EPA -- EXCUSE ME -- TO THE CORPS OF ENGINEERS THAT WE NOT
7 BE GIVEN A NATIONAL PERMIT AND THAT WE BE MADE TO GO TO
8 AN INDIVIDUAL PERMIT, WHICH WOULD HAVE PROBABLY DELAYED
9 THE WHOLE PROCESS ANOTHER YEAR AND COST US HALF A MILLION
10 TO A MILLION DOLLARS OF ENVIRONMENTAL STUDIES.

11 ACTUALLY, WHAT THEY WERE DOING IS THEY
12 TRIED TO BLACKMAIL US INTO BUYING 300 -- THE ADJOINING
13 320 ACRES WHICH WE COULDN'T CONDEMN FOR A LANDFILL SITE
14 FOR A WILDLIFE PRESERVE.

15 WELL, FORTUNATELY, THE CORPS OF ENGINEERS
16 OVERRULED THEIR REQUEST, SAYING THEY WERE BASELESS AND WE
17 WENT FORWARD ON THAT ASPECT.

18 BUT I THINK, AS I SAID EARLIER, AS YOU GET
19 FAR AWAY IN UNCULTIVATED AND UNDEVELOPED LANDS, YOU'RE
20 GOING TO GET INTO WETLANDS, AND IT'S AN ISSUE TO BE
21 RECKONED WITH.

22 WE HAVE SOME LONG-RANGE PLANS. YOU KNOW,
23 WE WILL BE COMING -- WE HAVE AN EXISTING FOOTHILLS SITE
24 ON 600 ACRES. ONLY 40 ACRES ARE PERMITTED NOW. WE WILL
25 BE COMING FORWARD WITH THAT. WE WILL BE COMING FORWARD

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1 WITH THE EXPANSION AND CONVERSION OF THE EXISTING
2 LOVELACE TRANSFER STATION TO A MRF.

3 WE WILL PROBABLY BE COMING FOR A SECOND MRF
4 IN THE STOCKTON AREA. WE WILL BE COMING WITH A SOUTH
5 COUNTY MRF AND, HOPEFULLY, A DISPOSAL SITE IN THE SOUTH
6 COUNTY AREA SO WE CAN AVOID 100 MILE ROUND-TRIP TRANSFER.

7 HOWEVER, IF WE MEET THE CRITERIA OF AWAY
8 FROM PEOPLE AND OUT OF PRIME AG LAND, WE'RE INTO THE
9 CALIFORNIA KIT FOX, WHICH IS AN ENDANGERED SPECIES ALL
10 THE WAY FROM KERN COUNTY TO SAN JOAQUIN COUNTY.

11 WE FEEL THAT WE WILL EITHER -- WE WILL HAVE
12 TO ASSIST PRIVATE OPERATORS IN THE PERMITTING PROCESS
13 EITHER IN A PASSIVE ASSISTANCE OR, IN FACT, MAYBE WE WILL
14 HAVE TO ACQUIRE PROPERTIES, PERMIT THE SITES, AND THEN,
15 THROUGH AN RFP PROCESS, GO FOR A TURNKEY OPERATION. THE
16 DESIGN -- NOT OPERATION.

17 BUT WE FEEL THAT, YOU KNOW, THE CRITICAL
18 THING IS THE LAND USE. AND WE FEEL WE MUST BE HEAVILY
19 INVOLVED IN THAT. THE LOCAL AGENCIES MUST HAVE CONTROL
20 ON THOSE AREAS. AND WE'RE COMMITTED TO DOING THAT.

21 AS FAR AS RECOMMENDATIONS, ACTUALLY I THINK
22 I'VE HEARD OTHER PEOPLE MAKE THE SAME RECOMMENDATIONS I
23 HAVE TODAY, AND SO THAT MAKES ME FEEL THAT THEY MUST BE A
24 VALID ONE.

25 I THINK THAT THE INTEGRATED WASTE



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1 MANAGEMENT BOARD STAFF SHOULD AND THE INTEGRATED WASTE
2 MANAGEMENT BOARD SHOULD DEVELOP AN ADMINISTRATIVE AND
3 EDUCATION PROGRAM WHICH BOTH DEMONSTRATES THAT THERE IS A
4 NEED, EVEN THOUGH LANDFILLS ARE THE LOWEST IN THE
5 HIERARCHY, THERE IS A NEED FOR LANDFILLS NOW AND IN THE
6 FUTURE.

7 ALSO, THAT LANDFILLS ARE SAFE AND CAN BE
8 DESIGNED SAFELY BECAUSE OF THE REGULATIONS, AND THAT --
9 TO OVERCOME THE PERCEPTION THAT MOST PEOPLE HAVE, AND I
10 THINK THAT PERCEPTION IS SOMEWHAT DESERVED THROUGH --
11 BECAUSE OF POOR OPERATIONS IN THE PAST.

12 THE SECOND IS THE LOCAL CONTROL OF SITING.
13 WE ARE CONCERNED, REGARDING THE SITING ELEMENT AND WHAT
14 WE PERCEIVE AS THE SITING ELEMENT WHICH HAS TO BE
15 DEVELOPED BY THE COUNTY, WE'LL HAVE TO SPECIFICALLY
16 LOCATE SITES. YOU KNOW, IT'S NOT GOING TO WORK. WE'RE
17 NOT GOING TO GET AN APPROVED PLAN.

18 THE CITIES WILL NOT -- THERE'S NO WAY
19 THEY'RE GOING TO LET US LOCATE A SITE WITHIN THEIR CITY.
20 AGAIN, IT'S GOING TO INFRINGE ON THE LOCAL PLANNING
21 PROCESS. I THINK A GENERAL LOCATION OF SITES; A SET OF
22 CRITERIA WHICH COULD LIMIT SITES. BUT TO SPECIFICALLY
23 LOCATE SITES WILL BE VERY DIFFICULT. I THINK THAT'S
24 SOMETHING THAT SHOULD BE LEFT UP TO THE LOCALS. IT'S
25 DIFFICULT. AND IT'S NOT GOING TO WORK BY PUTTING IT INTO

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1 A PLAN BECAUSE I DON'T THINK WE'LL GET A PLAN.

2 WE'LL RUN INTO THE SAME PROCESS WE RAN INTO
3 ON THE HAZARDOUS WASTE MANAGEMENT PLAN, WHICH WE DO NOT
4 HAVE ONE THAT IS -- HAS BEEN APPROVED BY HEALTH SERVICES
5 YET. WE NEVER WILL GET ONE. NOBODY WOULD VOTE FOR ONE
6 WHICH WOULD LOCATE SPECIFICALLY THE SITES AS THEY DID IT.

7 AND THE THIRD RECOMMENDATION IS A
8 STREAMLINING -- WHATEVER CAN BE DONE TO STREAMLINE THE
9 PERMIT PROCESS, PARTICULARLY THE INTERACTION BETWEEN
10 INTEGRATED WASTE MANAGEMENT BOARD AND THE REGIONAL WATER
11 QUALITY CONTROL BOARD.

12 IF THAT COULD BE ONE PERMIT WITH, YOU KNOW,
13 ADDRESSING THE NEEDS OF BOTH AGENCIES. REPORTS THAT HAVE
14 TO BE SUBMITTED TO THE TWO AGENCIES ARE NOT ONLY
15 REDUNDANT AND HAVE A LOT OF THE SAME MATERIAL, THEY HAVE
16 TO BE PRESENTED IN A DIFFERENT FORMAT. YOU CAN'T EVEN
17 SUBMIT THE SAME MATERIAL AND SAY WHAT'S ALL IN THERE.
18 NO, YOU'VE GOT TO FOLLOW OUR GUIDELINES.

19 SO WE FEEL THAT THAT WOULD BE VERY
20 IMPORTANT. AND JUST AS A CASE IN POINT, WHEN WE
21 PERMITTED THE NORTH COUNTY FACILITY, WE HAD GOTTEN --- THE
22 REGIONAL BOARD HAD APPROVED THE PERMIT FOR A COMPACTED
23 CLAY LINER. BETWEEN THE TIME THAT WE GOT THE REGIONAL
24 BOARD PERMITTING AND WERE COMING TO THE INTEGRATED BOARD,
25 WE MADE A DECISION BASED ON THE BETTER PERFORMANCE

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1 CAPABILITIES OF A COMPOSITE LINER.

2 AND WE CAME TO THE INTEGRATED WASTE
3 MANAGEMENT BOARD, BUT WE COULD NOT PROCESS THE COMPOSITE
4 LINER TO THE INTEGRATED BOARD BECAUSE THE REGIONAL BOARD
5 HAD THE COMPACTED CLAY LINER.

6 WELL, IF WE WOULD HAVE WENT BACK TO THE
7 REGIONAL BOARD, IT WOULD HAVE DELAYED THE PROCESS ABOUT
8 FOUR OR FIVE MONTHS. AND WE NEEDED TO GET A PERMIT SO WE
9 COULD GET THE FINANCING SO WE COULD BEGIN CONSTRUCTION.

10 SO AS YOU RECALL, MR. EGIGIAN WAS ON THE
11 BOARD AT THAT TIME, THAT WE GOT THE PERMIT FOR A
12 COMPACTED CLAY LINER, ALSO TELLING THE BOARD THAT WE WERE
13 COMING BACK AS SOON AS WE COULD GET THE REGIONAL BOARD
14 PERMIT. EVEN THOUGH THE STAFF HAD APPROVED THE COMPOSITE
15 LINER, WE COULD COME BACK.

16 AND SO WE HAD TO GO TO THE REGIONAL BOARD,
17 GET THEM TO CHANGE THE PERMIT TO A COMPOSITE LINER, THEN
18 WE CAME BACK SEVERAL MONTHS LATER TO THE INTEGRATED
19 BOARD. SO I MEAN THIS WAS A PROCESS THAT TOOK SOME TIME.
20 I THINK IT WAS NEEDLESS. IF WE HAD ONE AGENCY DOING THE
21 PERMIT SATISFYING THE STAFF.

22 IT DIDN'T HURT US BECAUSE WE WENT AHEAD AND
23 BID THE PROJECT FOR A SET OF PLANS THAT WEREN'T -- DIDN'T
24 CONFORM TO THE PERMIT, BUT WE WERE PRETTY SURE THAT WE
25 WOULD GET THE PERMIT. WE JUST HAD TO JUMP THROUGH THE

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1 HOOPS. THAT'S ALL I HAVE.

2 CHAIRMAN EGIGIAN: WELL, IT SEEMS AS THOUGH
3 WE'RE HEARING THE SAME STORY FROM ALL AREAS, AND IT'S NOT
4 COMFORTING TO KNOW THAT YOU HAVE TO GO THROUGH ALL OF
5 THESE HOOPS AND THE BLACKMAIL TO GET TO THE POINT WHERE
6 YOU WANT TO GET TO.

7 AS YOU MENTIONED, THESE LANDFILLS TODAY ARE
8 NOT LIKE THEY WERE IN THE PAST. THEY'RE SAFE.
9 THEY'RE -- THEY DON'T TAKE AWAY FROM THE AREA THAT
10 THEY'RE IN, AND THEY'RE RUN PROPERLY.

11 SO WE APPRECIATE YOUR REMARKS.

12 MR. DELUCCHI: WELL, I APPRECIATE THE SCRUTINY
13 OF BOTH THE STAFF OF THE INTEGRATED BOARD AND THE
14 REGIONAL BOARD. I THINK THAT'S WHAT WILL ALLOW US TO
15 SELL THE LAND USE PERMITS IS THAT THERE IS HEAVY SCRUTINY
16 THAT, YOU KNOW, WE'RE NOT GETTING AWAY WITH ANYTHING.

17 I'M SORRY I CAN'T QUITE SAY THE SAME ON
18 WETLANDS--AND SOME OF THESE OTHER ISSUES, BUT I THINK THAT
19 IT IS A NECESSARY THING THAT WE GO THROUGH THE PERMIT
20 PROCESS, THAT WE HAVE THESE REGULATIONS, JUST KEEP THE
21 STREAMLINE. THAT IS ALL THAT WOULD BE HELPFUL.

22 CHAIRMAN EGIGIAN: NOW, YOU'RE SUGGESTING THAT A
23 CRITERIA TO LOCATE SITES, I'M CERTAINLY GOING TO GET INTO
24 THAT WITH OUR PEOPLE HERE AND SEE WHERE OUR -- HOW OUR
25 INTEREST IS, WHERE OUR ABILITY IS TO DO SOMETHING LIKE

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1 THIS. SO WE APPRECIATE THAT COMMENT.

2 WE THANK YOU ONCE AGAIN.

3 OKAY. WE'VE TAKEN A BREAK ALREADY, SO
4 WE'RE GOING TO MOVE TO 3 O'CLOCK. AND NOW WE'RE AHEAD OF
5 SCHEDULE SIX MINUTES.

6 SO BROWNING-FERRIS INDUSTRIES WILL MAKE A
7 PRESENTATION, MR. MARC APREA, DIRECTOR OF EXTERNAL
8 AFFAIRS. AND I'M SURE YOU BROUGHT SOMEBODY ELSE WITH HIM
9 HERE TO HELP OUT. MARC.

10 MR. APREA: GOOD AFTERNOON, MR. CHAIRMAN,
11 MEMBERS OF THE BOARD, STAFF. MY NAME IS MARC APREA, AND
12 I'M THE DIRECTOR OF EXTERNAL AFFAIRS FOR BFI, THE PACIFIC
13 REGION. WE WISH TO THANK YOU FOR INVITING US TO
14 PARTICIPATE IN YOUR WORKSHOP ON LANDFILL CAPACITY.

15 BFI'S HEADQUARTERS IS IN HOUSTON, TEXAS,
16 WITH OUR PACIFIC REGION OFFICE LOCATED IN SAN JOSE.

17 WE'RE ONE OF THE LARGEST PUBLICLY HELD
18 COMPANIES WHOSE SUBSIDIARIES AND AFFILIATES COLLECT,
19 PROCESS FOR RECYCLING, TRANSPORT, AND DISPOSE OF A WIDE
20 RANGE OF COMMERCIAL, INDUSTRIAL, AND MEDICAL AND
21 RESIDENTIAL SOLID WASTE.

22 BFI SUBSIDIARIES AND AFFILIATES EMPLOY
23 APPROXIMATELY 27,000 EMPLOYEES INVOLVED IN OPERATIONS IN
24 APPROXIMATELY 470 DISTRICTS THROUGHOUT NORTH AMERICA,
25 WITH 155 DISTRICTS OUTSIDE OF NORTH AMERICA AND

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1 AUSTRALIA, HONG KONG, ITALY, NEW ZEALAND, SPAIN, UNITED
2 KINGDOM, AND VENEZUELA.

3 OVER THE PAST TWO YEARS, RECYCLING WAS
4 STARTED OUT ON A SMALL BASIS. HAS BEEN THE FASTEST
5 GROWING PART OF OUR BUSINESS. PUBLIC DEMAND FOR
6 RECYCLING REMAINS UNDIMINISHED. WE CURRENTLY SERVICE
7 OVER 450 CURBSIDE PROGRAMS WITH SOME 200 -- EXCUSE ME --
8 2.5 MILLION HOUSEHOLDS, UP FROM ONLY 40,000 THREE YEARS
9 AGO. THE NUMBER OF RECYCLERIES OR PROCESSING CENTERS HAS
10 REACHED 53 THIS YEAR, UP FROM 16 IN 1990.

11 RECYCLING OPERATIONS ARE BEGINNING TO
12 IMPROVE, BUT PROFITABILITY OF THAT LINE OF BUSINESS
13 REMAINS A REAL CHALLENGE. NONETHELESS, OUR GOAL, QUITE
14 SIMPLY, IS TO BE THE PREMIERE RECYCLING COMPANY IN THE
15 COUNTRY.

16 THIS PAST YEAR ONE OF OUR CRITICAL
17 ACQUISITIONS WAS RESOURCE CONSERVATION SERVICES, KEEPING
18 BFI IN THE FOREFRONT OF NEW WASTE MANAGEMENT SERVICES.

19 RCS IS A LEADER IN PROVIDING TREATMENT AND
20 COMPOSTING OF ORGANIC WASTE FROM COMMERCIAL AND
21 INDUSTRIAL ESTABLISHMENT. DESPITE ALL THE EFFORTS OF
22 PEOPLE, GOVERNMENT, COMPANIES LIKE BFI, AND OTHERS TO
23 RECYCLE, LANDFILLS WILL CONTINUE TO PLAY A MAJOR ROLE IN
24 THE SAFE AND EFFICIENT MANAGEMENT OF SOLID WASTE IN THE
25 FUTURE.

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1 WE FULLY ANTICIPATE GREATER ENVIRONMENTAL
 2 REGULATION OF LANDFILLS, WHICH IN TURN WILL INCREASE THE
 3 COST OF OPERATIONS AND REDUCE THE NUMBER OF LANDFILLS
 4 AVAILABLE TO MEET SOCIETY'S NEEDS.

5 TODAY BFI OPERATES 100 LANDFILLS IN THE
 6 UNITED STATES, WHERE WE DISPOSED OF APPROXIMATELY 24
 7 MILLION TONS OF WASTE LAST YEAR. MANY OF THE LANDFILLS
 8 ARE SERVED BY OUR NETWORK OF 72 TRANSFER STATIONS.

9 IN CALIFORNIA WE HAVE SEVEN ACTIVE
 10 LANDFILLS, ONE IN LIVERMORE, HALF MOON BAY, SAN JOSE, TWO
 11 IN FRESNO, AND TWO IN LOS ANGELES. ONE IS THE AZUSA
 12 LANDFILL, WHICH IS CURRENTLY RECEIVING ONLY INERT WASTE,
 13 AND THE SUNSHINE CANYON LANDFILL, WHICH IS BEFORE THIS
 14 BOARD FOR A -- AN EXPANSION PERMIT.

15 WE ALSO, AS YOU MAY KNOW, ARE LOOKING AT
 16 SITING A LANDFILL IN CONTRA COSTA COUNTY CALLED KELLER
 17 CANYON. AND THAT, TOO, SHOULD BE BEFORE THIS BOARD
 18 SOMETIME SHORTLY:

19 WHAT I'D LIKE TO DO, HOWEVER, NOW IS TO
 20 READ FOR YOU BFI'S MISSION STATEMENT:

21 "OUR MISSION IS TO PROVIDE THE HIGHEST
 22 QUALITY WASTE COLLECTION, TRANSPORTATION, PROCESSING,
 23 DISPOSAL, AND RELATED SERVICES TO BOTH PUBLIC AND PRIVATE
 24 CUSTOMERS WORLDWIDE. WE WILL CARRY OUT OUR MISSION IN AN
 25 EFFICIENTLY, SAFELY, AND ENVIRONMENTALLY RESPONSIBLE

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1 MANNER WITH RESPECT FOR THE ROLE OF GOVERNMENT IN
2 PROTECTING THE PUBLIC INTEREST."

3 THAT MISSION STATEMENT, WHICH DICTATES OUR
4 LONG-TERM GOALS, AS WELL AS OUR DAY-TO-DAY OPERATIONS,
5 CLEARLY INDICATES THAT WE RECOGNIZE THAT THE SUCCESS OF
6 OUR BUSINESSES, WHETHER THEY BE RECYCLING CENTERS,
7 TRANSFER STATIONS OR COLLECTION COMPANIES OR LANDFILLS,
8 REQUIRES TWO THINGS VERY IMPORTANTLY.

9 ONE IS THE APPROPRIATE ENVIRONMENTAL
10 SCRUTINY, AS WELL AS APPROPRIATE PUBLIC INPUT AND
11 SCRUTINY TO DETERMINE WHETHER OR NOT A FACILITY MEETS THE
12 LOCAL NEEDS IN THE FASHION THAT WE'VE PROPOSED.

13 BUT NONETHELESS, AT THE SAME TIME, WE HAVE
14 FOUND IN OUR EXPERIENCE THAT THE ENVIRONMENTAL SCRUTINIES
15 PROVIDED AND THE PUBLIC INPUT DON'T ALWAYS NECESSARILY
16 RESULT IN A BETTER PROCESS OR BETTER FACILITY.

17 FROM TIME TO TIME WE'VE RECOGNIZED, AND WE
18 WILL DESCRIBE FOR YOU IN SOME DETAIL LATER, THAT THERE
19 BECOMES A REDUNDANCY. WHEREAS, AS OPPOSED TO GETTING TO
20 THE ANSWER OF YES OR NO, WE KEEP ASKING THE SAME
21 QUESTIONS AND PROVIDING VIRTUALLY THE SAME ANSWERS
22 WITHOUT EVER GETTING TO AN IMPROVED FACILITY OR GREATER
23 PUBLIC UNDERSTANDING OR APPRECIATION OR ABILITY TO MAKE A
24 JUDGMENT.

25 WITH ME TODAY IS SHARON RUBALCAVA. SHE IS

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1 A PARTNER IN THE MCCLINTOCK WESTON LAW FIRM IN LOS
2 ANGELES. SHE SPECIALIZES IN ENVIRONMENTAL PERMIT
3 APPLICATIONS.

4 MS. RUBALCAVA HAS REPRESENTED BFI FOR MORE
5 THAN FIVE YEARS AND HAS REPRESENTED OUR SUNSHINE CANYON
6 LANDFILL BEFORE THE SOUTH COAST AIR QUALITY MANAGEMENT
7 DISTRICT, THE REGIONAL WATER QUALITY CONTROL BOARD, AND
8 RECENTLY TESTIFIED BEFORE THE PERMITTING AND ENFORCEMENT
9 COMMITTEE OF THE INTEGRATED WASTE BOARD.

10 MS. RUBALCAVA'S PRESENTATION WILL UTILIZE
11 HER EXPERIENCE WITH SUNSHINE CANYON LANDFILL AS AN
12 EXAMPLE OF THE PERMITTING PROCESS OF THE LANDFILL
13 EXPANSION OR, FOR THAT MATTER, A NEW LANDFILL. NOT IN
14 THEORY, BUT TO PROVIDE YOU A REAL WORLD EXAMPLE OF WHAT
15 IT TAKES TO GET A LANDFILL SITED.

16 AT THE CONCLUSION OF HER REMARKS, I WILL
17 SEEK TO OFFER TO YOU RECOMMENDATIONS WHICH ARE THE RESULT
18 OF OUR EXPERIENCE IN CALIFORNIA AND IN OTHER STATES.

19 WITH THAT, I'D LIKE TO TURN IT OVER TO MS.
20 RUBALCAVA, AND I'LL COME BACK TO YOU LATER.

21 MS. RUBALCAVA: THANK YOU VERY MUCH. APPRECIATE
22 THE OPPORTUNITY TO ADDRESS YOU TODAY.

23 BFI HAS ASKED ME TO JUST DESCRIBE, I GUESS,
24 KIND OF THE LITANY OF HORRORS THAT WE WENT THROUGH IN
25 TRYING TO GET THE PERMITS THAT WE'VE SUCCEEDED IN GETTING

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1 TO DATE FOR SUNSHINE CANYON. AND I'LL KIND OF BE GIVING
2 YOU SOME OF MY THOUGHTS ON THE DELAYS AND WHY WE
3 ENCOUNTERED THEM.

4 WHAT I'D LIKE TO DO IS KIND OF BRIEFLY
5 DISCUSS THE CUP PROCESS. IT SOUNDS TO ME LIKE YOU'VE
6 HEARD QUITE A BIT ABOUT THAT TODAY. AND THEN I'D LIKE TO
7 GET INTO SOME OF THE DELAYS WE ENCOUNTERED IN THE
8 PERMITTING PROCESSES FOR BOTH THE AIR QUALITY MANAGEMENT
9 DISTRICT PERMITS FOR THE LANDFILL GAS COLLECTION SYSTEM
10 AND THE FLARE AND ALSO TALK ABOUT THE WASTE DISCHARGE
11 REQUIREMENTS. AND PERHAPS YOU HAVEN'T HEARD QUITE SO
12 MUCH ON THOSE.

13 I GUESS THE BASIC THEME OF MY TALK TODAY
14 WILL BE TO GIVE YOU SOME SPECIFIC EXAMPLES OF HOW THESE
15 ENVIRONMENTAL PROTECTION STATUTES ARE REALLY USED TO SLOW
16 DOWN THE PROCESS.

17 BEGINNING WITH THE CUP, THE APPLICATION FOR
18 THE CUP WAS FILED IN JULY, JULY 9, 1986, AND THE CUP WAS
19 ACTUALLY ISSUED IN FEBRUARY OF 1991, SO WE HAVE ABOUT
20 FIVE YEARS FROM START TO FINISH THERE.

21 I'VE GOT A LONG LIST OF WHAT HAPPENED IN
22 THAT PARTICULAR PROCESS, WHICH I COULD GO THROUGH FOR
23 YOU, BUT I'VE ALREADY SUBMITTED A CHRONOLOGY IN THE
24 MATERIALS I SUBMITTED TO EACH BOARD MEMBER BEFORE.

25 I THINK I'LL JUST REFER YOU TO THAT AND



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1 SUMMARIZE THE CHRONOLOGY I SUBMITTED IN PREPARATION FOR
2 THE HEARING ON TUESDAY. WHAT I'D LIKE TO DO IS SUMMARIZE
3 SOME OF THE HIGH OR LOW POINTS, DEPENDING ON HOW YOU LOOK
4 AT IT, OF THAT PARTICULAR PROCESS.

5 BECAUSE IT WAS KNOWN THAT THIS WAS GOING TO
6 BE A CONTROVERSIAL PROCESS FROM THE BEGINNING, WE STARTED
7 VERY CAREFULLY AND HAD EXTENSIVE MEETINGS WITH THE COUNTY
8 OF LOS ANGELES TO DEVELOP THE SCOPE OF THE EIR.

9 IT RESULTED IN A DOCUMENT CALLED A
10 "PRELIMINARY DRAFT EIR," WHICH WAS EVENTUALLY CIRCULATED
11 TO THE LOCAL AGENCIES AND THE PUBLIC, EVEN IN ADVANCE OF
12 THE DRAFT EIR. AND WE HAD A 40-DAY COMMENT PERIOD ON THE
13 PUBLIC -- OR THE PRELIMINARY DRAFT EIR, WHICH WAS
14 SUBSEQUENTLY FOLLOWED BY A LATER 30-DAY COMMENT PERIOD.

15 THE EIR WAS EXTENSIVELY REVISED IN EFFECT
16 OF RECEIVING THE PUBLIC COMMENTS ON THE PRELIMINARY
17 DRAFT, AND THE DRAFT EIR WAS CIRCULATED AND RECEIVED 180
18 DAYS OF PUBLIC COMMENT.

19 BASICALLY, THROUGHOUT THE PROCESS THE
20 PUBLIC WAS ASKING FOR MORE AND MORE TIME TO COMMENT ON
21 THE DOCUMENT, AND THE DEADLINE KEPT GETTING EXTENDED. SO
22 WE ENDED UP WITH A FULL 180 DAYS OF PUBLIC COMMENT.

23 INTERESTINGLY ENOUGH, IN THIS PARTICULAR
24 INSTANCE, WHEN THE EIR WAS FINALIZED, THE FINAL DOCUMENT
25 WAS SUBMITTED TO A 45-DAY PUBLIC COMMENT PERIOD, WHICH IS

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1 NOT EVEN REQUIRED BY CEQA. CEQA CALLS FOR BASICALLY A
2 45-DAY COMMENT PERIOD ON THE DRAFT, AND NO COMMENT PERIOD
3 ON THE FINAL.

4 SO YOU CAN SEE WE HAD ALMOST A YEAR PERIOD
5 OF COMMENT PERIOD ON THIS. WE HAD A VERY ACTIVE CITIZENS
6 GROUP CALLED THE NORTH VALLEY COALITION, PRIMARILY
7 HOMEOWNERS IN THE ADJACENT AREA TO THE LANDFILL.

8 I WANT TO STRESS HERE THAT WHEN WE TALK
9 ABOUT AN AREA TO THE LANDFILL, THIS IS NOT A SITUATION
10 WHERE YOU HAVE HOMES PERCHED ON THE EDGE LOOKING DOWN ON
11 THE LANDFILL.

12 THE CLOSEST HOME HERE IS APPROXIMATELY HALF
13 A MILE AWAY, AND THERE'S A SUBSTANTIAL ELEVATION
14 DIFFERENCE. THE LANDFILL'S ABOUT 1,000 FEET HIGHER. SO
15 IT'S -- THERE IS A SIGNIFICANT NATURAL BUFFERING BETWEEN
16 THE EXISTING LANDFILL AND THE HOMES.

17 THE PROPOSED EXPANSION, WHICH WAS THE
18 SUBJECT OF THE ENVIRONMENTAL IMPACT REPORT, IS EVEN
19 FURTHER AWAY. IT'S ANOTHER HALF MILE TO A MILE AWAY. SO
20 THESE HOMES ARE NOT ALL THAT CLOSE; BUT, NONETHELESS, THE
21 CITIZENS GROUP DOESN'T WANT THE LANDFILL THERE, AND
22 THEY'RE VERY ACTIVELY VOCAL AND VERY ORGANIZED IN THEIR
23 OPPOSITION.

24 THE END RESULT OF THE ENVIRONMENTAL IMPACT
25 REVIEW PROCESS WAS THAT WE HAVE AN EIR THAT'S ABOUT 4,000



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1 PAGES IN LENGTH. IT INCLUDES EVERYTHING YOU CAN THINK
2 OF, ALL THE PERMIT APPLICATIONS THAT WERE FILED WITH THE
3 VARIOUS AGENCIES, RESPONSES TO COMMENTS. AND I WANT TO
4 STRESS HERE THAT WHEN -- THAT DURING THESE COMMENT
5 PERIODS, WE GOT HUNDREDS OF PAGES OF COMMENTS FROM THE
6 VARIOUS GROUPS INVOLVED AND ESPECIALLY THE NORTH VALLEY
7 COALITION.

8 EACH COMMENT WAS PAINSTAKINGLY REPLIED TO,
9 AND IN MANY CASES THE SAME COMMENT WAS REPLIED TO OVER
10 AND OVER AGAIN BECAUSE WE KEPT GETTING THE SAME COMMENT
11 EACH TIME THE DOCUMENT WAS CIRCULATED. SO FREQUENTLY,
12 COMMENTS WOULD SAY, WELL, YOU RAISED THIS COMMENT BEFORE.
13 THIS IS WHAT WE SAID AND HERE'S OUR RESPONSE.

14 THE ADMINISTRATIVE RECORD IN THIS ACTION
15 WAS OVER 21,000 PAGES LONG. IT'S AN ENORMOUS
16 UNDERTAKING. IN ADDITION TO THE PUBLIC COMMENT PERIODS,
17 THIS PARTICULAR PROJECT WENT THROUGH TEN PUBLIC HEARINGS.

18 THERE WAS AN INITIAL SCOPING MEETING TO
19 DISCUSS THE SCOPE OF THE EIR AND WHAT SHOULD BE INCLUDED
20 IN IT. WE HAD SIX MEETINGS OR SEVEN MEETINGS BEFORE THE
21 REGIONAL PLANNING COMMISSION, ONE OF WHICH WAS A CONSENT
22 CALENDAR, SO THERE WAS ACTUALLY SIX PUBLIC HEARINGS
23 ASSOCIATED WITH IT, THE CERTIFICATION OF THE EIR AND THE
24 CUP BEFORE THE REGIONAL PLANNING COMMISSION. AND THERE
25 WERE THREE SEPARATE HEARINGS BEFORE THE LOS ANGELES

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1 COUNTY BOARD OF SUPERVISORS. AND THAT WAS BEFORE THE
2 PERMIT WAS FINALLY ISSUED.

3 FOR BFI AND THE COUNTY OF LOS ANGELES'
4 EFFORTS, WE WERE SUED BY BOTH THE NORTH VALLEY COALITION
5 AND THE CITY OF LOS ANGELES. AND THE PRIMARY FOCUS OF
6 THEIR COMPLAINT WAS THAT THE EIR WAS TOO LONG AND
7 CONFUSING. SIMPLY COULDN'T BE REVIEWED.

8 THAT PARTICULAR ACTION WAS BROUGHT A MONTH
9 AFTER THE CUP WAS GRANTED BECAUSE THE RECORD WAS SO LONG
10 AND THEY HIRED OUTSIDE COUNSEL. IT TOOK ALMOST EIGHT
11 MONTHS TO BRIEF. THE TRIAL BEGAN OCTOBER 16TH; IT
12 CONCLUDED FEBRUARY 4TH; IT'S STILL UNDER SUBMISSION.
13 WE'RE WAITING WITH BATED BREATH FOR THAT.

14 IN ADDITION TO THIS ENVIRONMENTAL REVIEW
15 PROCESS, YOU SHOULD ALSO BE AWARE OF THE SIGNIFICANT
16 CONCESSIONS THAT BFI WAS FORCED TO MAKE IN ORDER TO GET
17 THEIR CUP. AMONG THE CONCESSIONS WHICH WERE MADE AND
18 PROMPTLY FORGOTTEN WAS THE DEEDING OF 542 ACRES AS
19 PERMANENT OPEN SPACE ADJACENT TO THE LANDFILL. THAT'S
20 ROUGHLY THE SAME SIZE AS THE PROPOSED EXPANSION.

21 WE HAD A WETLANDS ISSUE, AS A PREVIOUS
22 SPEAKER MENTIONED, AND OFFERED THIS AS A WETLANDS. IT'S
23 NOT. IT'S A LOS ANGELES WETLANDS. IT'S OCCASIONALLY WET
24 AND VERY RARELY. ALTHOUGH, LAST WEEK IT WAS PRETTY WET.

25 AND WE OFFERED TWO TO ONE MITIGATION FOR

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1 THAT WETLAND. IT'S LOCATED IN THE ARROYO SECTION OF
2 PASADENA WHERE WE'RE RESTORING AN AREA THAT HAD BEEN
3 CHANGED INTO A LOVELY CONCRETE CHANNEL, AND IT'S NOW
4 RESTORED TO NATURAL WETLANDS. IT'S A VERY GOOD PROJECT
5 AND VERY INTERESTING. WE'LL BE TALKING TO YOU MORE ABOUT
6 THAT AT THE HEARING NEXT WEEK.

7 ALSO, LOS ANGELES HAS AN OAK TREE
8 ORDINANCE. AND AS PART OF OAK TREE MITIGATION PLAN, WE
9 HAD TO REPLACE OAK TREES AT A TWO TO ONE RATIO. EVERY
10 OAK TREE REMOVED, IT'S REPLACED TWO TO ONE, GUARANTEED
11 FIVE-YEAR SURVIVAL RATE AND MONITORING OF THAT.

12 THE DOUGLAS FIRS ON THE PROPERTY ARE BEING
13 MITIGATED AT A RATE OF FIVE TO ONE. THEY'RE GETTING A
14 FIVE-YEAR MONITORING, GUARANTEED SURVIVAL.

15 IN ADDITION, PART OF THE LAND THAT WAS --
16 THAT WILL BE USED FOR THE LANDFILL IS AN AREA CALLED A
17 SIGNIFICANT ECOLOGICAL AREA, SEA. THERE WAS OPPOSITION
18 TO THE DEEDING OF THAT LAND, ALTHOUGH IT WAS MORE THAN
19 REPLACED BY THE OPEN SPACE THAT WAS GIVEN TO THE COUNTY
20 BY BFI OR DEEDED TO THE COUNTY.

21 THAT PARTICULAR ISSUE RESULTED IN THE
22 COUNTY ASKING BFI TO FUND A STUDY OF SEA'S AND WHAT HAD
23 HAPPENED TO THEM, THE FATE OF SEA'S.

24 IN ADDITION, THERE WAS SUBSTANTIAL
25 FINANCIAL CONCESSIONS THAT I'M SURE GO ALONG WITH MOST OF



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1 THE LANDFILLS THESE DAYS. SO IT WAS A VERY LONG
2 DRAWN-OUT PROCESS. SIGNIFICANT CONCESSIONS HAD TO BE
3 GIVEN IN ORDER TO GET THE CUP.

4 NOW, I'D LIKE TO TALK BRIEFLY ALSO ABOUT
5 THE AIR PERMIT. AND I DON'T KNOW WHETHER THESE -- IF YOU
6 HAVE LANDFILL GAS CONTROL SYSTEMS IN ALL THE COUNTIES. I
7 WOULD GUESS THAT THIS IS SOMETHING THAT STARTED IN THE
8 SOUTH COAST AND IS PROBABLY SPREADING TO OTHER AREAS OF
9 THE STATE.

10 BUT IN THE SOUTH COAST AIR QUALITY
11 MANAGEMENT DISTRICT, THERE'S A RULE 1150.1 WHICH CALLS
12 FOR THE COLLECTION OF LANDFILL GAS. AND IT'S EITHER SALE
13 OR DESTRUCTION BECAUSE OF THE LOCATION OF THE LANDFILL.
14 THEY HAVE NOT BEEN ABLE TO FIND A BUYER FOR THE GAS, AND
15 SO THEY CHOSE TO FLARE THE GAS OFF THAT WAS COLLECTED BY
16 THEIR SYSTEM.

17 I'D LIKE TO TALK TO YOU BRIEFLY ABOUT SOME
18 PROBLEMS WE HAD WITH PUTTING IN THE SYSTEM AT THE
19 EXISTING LANDFILL BECAUSE IT'S PART AND PARCEL OF THE
20 OPPOSITION TO THE EXPANSION.

21 AND THE TWO THINGS WERE GOING ALONG
22 RELATED, AND IT WAS THE WHOLE DELAYING TACTICS THAT WE
23 EXPERIENCED WITH REGARD TO THE EIR COMMENTS ALSO CAME UP
24 WHEN WE TALKED ABOUT PERMITTING THE LANDFILL GAS SYSTEM.

25 I WANT TO STRESS HERE THAT THE LANDFILL GAS

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1 SYSTEM AT THE EXISTING LANDFILL, I'M NOT TALKING NOW
2 ABOUT THE EXPANSION, WAS REQUIRED BY A RULE OF THE SOUTH
3 COAST AIR QUALITY MANAGEMENT DISTRICT AND HAD NOTHING TO
4 DO WITH THE EXPANSION, BUT IT WAS A SUBJECT OF VIGOROUS
5 OPPOSITION BY THE CITIZENS GROUP AND PARTLY -- AND PART
6 AND PARCEL OF THEIR EFFORT TO BLOCK THE EXPANSION.

7 AGAIN, THAT -- THE APPLICATION FOR THAT
8 EXISTING LANDFILL GAS COLLECTION SYSTEM WAS FILED IN
9 1986. AND BECAUSE WE MISSED THE FIRST COMPLIANCE DATES
10 OF RULE 1150.1, WE HAD TO FILE FOR A VARIANCE IN OCTOBER
11 OF 1986. BY THE SUMMER OF '87, THE DISTRICT HAD FINISHED
12 IT'S PROCESSING OF THE PERMIT, AND THEY WERE PROPOSING TO
13 ISSUE A PERMIT FOR THE CONSTRUCTION OF THE LANDFILL GAS
14 COLLECTION SYSTEM AND FLARE.

15 THE NORTH VALLEY COALITION BECAME AWARE OF
16 THE ISSUANCE OR THE PROPOSED ISSUANCE OF THIS PARTICULAR
17 PERMIT AND SCHEDULED A MEETING WITH THE DISTRICT, AT
18 WHICH TIME THERE WAS A MEETING HELD WITH THE DISTRICT,
19 BFI, AND NORTH VALLEY COALITION.

20 THEY OBJECTED TO THE LOCATION OF THE FLARE.
21 THEY WANTED IT MOVED FARTHER AWAY FROM THE HOMES. THEY
22 OBJECTED TO THE COMPUTER MODELING DONE OF THE EMISSIONS
23 OF THE FLARE.

24 AND I WORKED IN THIS AREA FOR YEARS, AND I
25 WOULDN'T PRESUME TO BE ABLE TO OFFER MUCH INTELLIGENCE

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1 ABOUT COMPUTER MODELING, BUT IT'S AN ART MORE THAN A
2 SCIENCE, IF ANYTHING. BUT THEY HAD LOTS OF OPINIONS
3 ABOUT WHETHER IT WAS DONE PROPERLY OR NOT AND LOTS OF
4 QUESTIONS ABOUT THE TOXIC EMISSIONS FROM THE FLARE.

5 IN RESPONSE TO THEIR COMMENTS, THE DISTRICT
6 MADE SOME MINOR CHANGES TO THE PERMIT TO CONSTRUCT AND BY
7 SEPTEMBER THEY WERE READY TO ISSUE IT AGAIN. AT THAT
8 TIME THE NORTH VALLEY COALITION AVAILED THEMSELVES OF A
9 REMEDY CALLED A REGULATION 12 PUBLIC HEARING BEFORE THE
10 GOVERNING BOARD OF THE SOUTH COAST AIR QUALITY MANAGEMENT
11 DISTRICT. AND, BASICALLY, THEY ASKED FOR AN OPPORTUNITY
12 TO OBJECT TO THE ISSUANCE OF THIS PERMIT FOR A PIECE OF
13 AIR POLLUTION CONTROL EQUIPMENT.

14 THE HEARING WAS EVENTUALLY HELD IN DECEMBER
15 OF 1987 BEFORE THE GOVERNING BOARD. THEY RAISED ISSUES
16 THAT REALLY RELATED TO COMMENTS ON THE EIR SITING ISSUES
17 AS MUCH AS ANYTHING ELSE.

18 AND AT THAT POINT THE CITY OF LOS ANGELES
19 CAME IN AND SAID THAT THEY WERE CONCERNED ABOUT THIS
20 FLARE, AND THEY WANTED TO BE THE LEAD AGENCY, TAKE OVER
21 THE PERMITTING, THEY'D BE THE LEAD AGENCY AND PREPARE AN
22 ENVIRONMENTAL IMPACT REPORT ON JUST THE FLARE.

23 YOU SHOULD BE AWARE THAT DURING THE PROCESS
24 OF -- THE PERMITTING PROCESS FOR THE EXPANSION, THE
25 FLARES FOR THE EXPANSION HAD BEEN DISCUSSED IN DETAIL.



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1 THEY'D BEEN MODELED WITH THE EMISSIONS FROM THE EXISTING
2 PROPOSED FLARE, SO THERE WAS A FULL ENVIRONMENTAL
3 DISCUSSION IN THE EIR FOR THE EXPANSION OF THE LANDFILL
4 FLARES.

5 THE SOUTH COAST DISTRICT, RECOGNIZING THAT
6 AN AUTHORITY THAT HAD ISSUES OF LAND USE PERMIT OR
7 BUILDING PERMIT GENERALLY IS THE LEAD AGENCY, SAID FINE,
8 IF YOU WANT TO BE THE LEAD AGENCY, YOU DO IT. WE'RE
9 PLANNING TO GO A NEGATIVE DEC, BUT YOU CAN TAKE IT OVER.

10 THE CITY TOOK IT OVER SOMETIME IN THE --
11 PROBABLY IN THE FALL OF '89 -- I'M SORRY -- '87. THEY
12 REACHED THE DECISION THAT, NO, THE PLANNING -- AT LEAST
13 THE PLANNING DEPARTMENT OF THE CITY OF LOS ANGELES SAID,
14 "GEE, I DON'T KNOW WHY AN EIR IS REQUIRED FOR THIS. IT'S
15 A PIECE OF AIR POLLUTION CONTROL EQUIPMENT. WE'LL JUST
16 ISSUE A NEGATIVE DEC."

17 WE LOST SIX TO NINE MONTHS JUST ON THAT
18 LITTLE GO-AROUND. BY OCTOBER THE PERMIT TO CONSTRUCT HAD
19 ISSUED, AND WE WERE READY TO BEGIN CONSTRUCTION OF THE
20 FLARE; HOWEVER, BY THAT TIME, THE ZONING ADMINISTRATOR OF
21 THE CITY HAD DECIDED THAT MAYBE THE GRADING PLANS WEREN'T
22 OKAY. WE LOST ANOTHER SIX MONTHS WHILE ALL THE GRADING
23 PLANS FOR THE PERMIT WERE MONKEYED AROUND WITH.

24 FINALLY, CONSTRUCTION BEGAN, AND WE
25 COMPLETED THE PERMIT MARCH 23RD OF 1990 -- I'M SORRY --



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1 WE COMPLETED CONSTRUCTION OF THE FLARE ON MARCH 23RD.

2 THE TOTAL ELAPSED TIME TO PERMIT AND
3 INSTALL THIS PIECE OF AIR POLLUTION CONTROL EQUIPMENT
4 REQUIRED BY A VALIDLY ADOPTED RULE OF THE DISTRICT WAS
5 FOUR YEARS.

6 THE NORTH VALLEY COALITION AND THE CITY OF
7 LOS ANGELES TACTICS HAD DELAYED COMPLIANCE 16 MONTHS PAST
8 THE COMPLIANCE DATE SET FORTH IN THE RULE. BFI HAD
9 APPLIED IN PLENTY OF TIME TO HAVE A PERMIT -- HAVE THIS
10 FLARE IN AND OPERATING.

11 THERE WAS OVER ONE-YEAR DELAY JUST IN THE
12 PERMITTING PROCESS, AND THE EIR THAT THE CITY OF LOS
13 ANGELES ASKED TO DO WAS NEVER PREPARED.

14 WHAT DID THIS ALL COST BFI? THEY ENDED UP
15 RELOCATING THE FLARE AS AN EVENTUAL WAY TO BREAK THROUGH
16 THE STALEMATE. BECAUSE THEY RELOCATED THE FLARE, THEY
17 HAD TO DO NEW COMPUTER AIR MODELING IN ORDER TO GET THE
18 PERMIT. COMPUTERIZED AIR MODELING IS EXPENSIVE. I CAN'T
19 TELL YOU WHAT IT COSTS, BUT IT WAS TENS OF THOUSANDS OF
20 DOLLARS.

21 WE HAD SIX TO EIGHT VARIANCE HEARINGS TO
22 EXTEND THE VARIANCE DURING THIS DELAY TIME. AT ABOUT
23 HALF OF THOSE VARIANCE HEARINGS, WE HAD SUBSTANTIAL
24 PUBLIC TESTIMONY FROM THE NORTH VALLEY COALITION
25 OBJECTING PRIMARILY TO BLOWING DUST, SOMETHING WHICH HAD

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1 NOTHING TO DO WITH THE COMPLIANCE WITH RULE 1150.1.

2 SO ALL IN ALL, IT MADE THE WHOLE EXPERIENCE
3 MUCH LONGER, MUCH MORE TIME CONSUMING THAN IT SHOULD HAVE
4 BEEN AND MUCH MORE EXPENSIVE. AND THE END RESULT WAS WE
5 HAD THE FLARE IN THAT WAS REQUIRED BY DISTRICT RULES.

6 NOW, THE NEW LANDFILL WENT A LITTLE
7 SMOOTHER, WHICH WAS VERY GOOD. WE HAVE A LOT LESS
8 PARTICIPATION BY THE NORTH VALLEY COALITION. BUT THERE
9 WAS A SIGNIFICANT DELAY IN THAT, AND I'D LIKE TO ADDRESS
10 THAT DELAY BECAUSE I THINK IT'S IMPORTANT.

11 THE APPLICATION FOR THE GAS COLLECTION
12 SYSTEM FOR THE FLARE AND THE LEACHATE CONTROL SYSTEM AND
13 ALL OF THE OTHER PERMITS THAT WERE NECESSARY WERE FILED
14 IN MARCH OF 1989.

15 IN FEBRUARY OF 1991, TWO YEARS LATER, THE
16 EIR WAS CERTIFIED. NOW, THAT'S THE EIR FOR THE CUP. THE
17 DISTRICT DID NOTHING ON THE PERMIT APPLICATION FOR TWO
18 YEARS. THE REASON BEING THAT THEY SAID THAT THE PERMIT
19 APPLICATION WAS NOT COMPLETE UNTIL THE EIR WAS CERTIFIED.

20 SO THE APPLICATION JUST SAT THERE UNTIL WE
21 HAD THE CUP. ONCE THE CUP WAS ISSUED, THEY STARTED
22 PROCESSING THE PERMIT. AND THEY, AT THAT POINT, SAID
23 THEY WERE SUBJECT TO THE PERMIT STREAMLINING ACT WITH ITS
24 180-DAY CLOCK. JULY 19TH THE 180-DAY CLOCK RAN. WE HAD
25 NO PROPOSED PERMIT.

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1 SEPTEMBER 3RD, THEY ISSUED A PUBLIC NOTICE
2 OF THEIR INTENT TO ISSUE A PROPOSED PERMIT. THIS IS A
3 NEW REQUIREMENT OF THE DISTRICT WHEN THEY HAVE A
4 CONTROVERSIAL PERMIT AT -- OR ONE THAT INVOLVES TOXICS,
5 THEY ISSUE A PUBLIC NOTICE. AND THEY GIVE THE PUBLIC 30
6 DAYS TO RESPOND.

7 ON THE 30TH DAY, NORTH VALLEY COALITION
8 SUBMITTED AN EXTENSIVE PACKET OF COMMENTS THAT WAS CUT
9 AND PASTED OF SOME OF THEIR OLD EIR COMMENTS. NOW, THEY
10 REALLY HAD NOTHING TO SAY ABOUT THE PERMIT FOR THE
11 DISTRICT BECAUSE THEY DIDN'T KNOW MUCH ABOUT THE FLARE.

12 AND EVENTUALLY WE WERE ABLE TO RESPOND TO
13 THEIR COMMENTS, AND THE PERMIT WAS ISSUED ON NOVEMBER
14 19TH OF 1991. TOTAL ELAPSED TIME FOR THE PERMIT FOR THE
15 EXPANSION FLARE, TWO AND A HALF YEARS. THAT'S FOUR
16 MONTHS OVER THE 180 DAYS REQUIRED BY THE PERMIT
17 STREAMLINING ACT, IF YOU BUY THE DISTRICT'S CONTENTION
18 THAT THE PERMIT APPLICATION WAS NOT COMPLETE UNTIL THE
19 EIR WAS CERTIFIED. SOMETHING I REALLY DON'T SEE IN CEQA.

20 IF THE APPLICATION -- DISTRICT'S
21 APPLICATION FOR THE FLARE HAD BEEN PROCESSED AND WAS
22 READY TO GO WHEN THE CUP WAS ISSUED AND EIR WAS
23 CERTIFIED, AND I REALIZE THEY HAVE TO WAIT UNTIL THE EIR
24 IS CERTIFIED, WE COULD HAVE HAD THAT PERMIT ABOUT SEVEN
25 MONTHS EARLIER.

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1 SO IN MY VIEW, THAT WAS AN UNNECESSARY
2 DELAY. THAT WOULD HAVE BEEN GIVING THEM 30 DAYS FOR
3 PUBLIC COMMENT PERIOD AND ANOTHER 30 DAYS TO GET THE
4 PERMIT OUT.

5 JUST FOR YOUR INFORMATION, CONSTRUCTION OF
6 THE LANDFILL GAS FLARE AND COLLECTION SYSTEM HAS NOT
7 BEGUN YET, EVEN THOUGH WE'VE HAD THAT PERMIT NOW FOR
8 QUITE A WHILE. IT'S BEEN ENJOINED AS A RESULT OF THE
9 LITIGATION THAT AROSE OUT OF THE CUP.

10 AND THAT IS GOING TO RAISE SOME POTENTIAL
11 PROBLEMS IN THE FUTURE BECAUSE A PERMIT ISSUED OUT OF
12 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT IS GOOD FOR
13 ONE YEAR FROM THE DATE OF ISSUANCE. SO IN ALL
14 LIKELIHOOD, WE WON'T BE ABLE TO HAVE OUR SYSTEM INSTALLED
15 AND IN OPERATION BY ITS FIRST YEAR ANNIVERSARY. WE'LL
16 HAVE TO APPLY TO EXTEND IT. AND I EXPECT TO HAVE OUR
17 FRIENDS OBJECTING TO IT AT THAT POINT. SO THAT'S THE
18 SAGA OF OUR AIR PERMITS.

19 LET'S TURN NOW TO THE WASTE DISCHARGE
20 REQUIREMENTS. THAT APPLICATION, THE REPORT OF WASTE
21 DISCHARGE WAS FILED ON APRIL 22, 1988. AND IT WAS SENT,
22 INTERESTINGLY ENOUGH, TO ALL THE LOCAL LIBRARIES AS PART
23 OF THE EIR, THE LOCAL LIBRARIES IN THE AREA OF THE
24 LANDFILL, AND THEY HAD A BIG REPOSITORY OF ALL THE EIR
25 DOCUMENTS THERE. SO IT WAS CERTAINLY AVAILABLE FOR

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1 EVERYONE TO REVIEW.

2 LIKE THE SOUTH COAST DISTRICT, THE REGIONAL
3 WATER BOARD TOOK THE VIEW THAT AN APPLICATION IS NOT
4 COMPLETE UNTIL THE EIR WAS CERTIFIED. SO UNTIL WE HAD A
5 CERTIFICATION TWO YEARS LATER ON FEBRUARY 19, 1991, THEY
6 DIDN'T PROCESS THE PERMIT.

7 THEY MOVED A LITTLE BIT FASTER. AND BY
8 MARCH THEY WERE SCHEDULING AND ISSUED PUBLIC NOTICE OF A
9 HEARING ON THE WASTE DISCHARGE REQUIREMENTS, AND THAT
10 HEARING WAS SET FOR APRIL 22D OF 1991. IT UNFORTUNATELY
11 WAS POSTPONED APRIL 1ST BECAUSE OF STAFFING PROBLEMS THAT
12 THEY HAD NOT REALLY COMPLETED THEIR REVIEW AT THAT TIME.

13 IN LATE MAY THE NORTH VALLEY COALITION CAME
14 IN FOR THE FIRST TIME AND STARTED REVIEWING THEIR
15 RECORDS. THEY REVIEWED PRIMARILY THE RECORDS PERTAINING
16 TO THE EXISTING LANDFILL. THEY DID NOT APPEAR TO BE
17 INTERESTED IN THE REPORT OF WASTE DISCHARGE WHICH RELATED
18 TO THE LANDFILL EXPANSION.

19 WHEN THE PUBLIC HEARING WAS POSTPONED FROM
20 APRIL 22ND, MOVED TO JUNE 3RD, THEY WERE IN THERE
21 APPROXIMATELY FOUR DAYS BEFORE THE HEARING TO REVIEW THE
22 FILE FOR THE FIRST TIME. THEY CAME BACK ON JUNE 7TH.
23 THEY REVIEWED THE FILE AGAIN AND THEN ASKED THE WATER
24 BOARD TO MAKE THEM COMPLETE COPIES OF THE ENTIRE FILE,
25 WHICH WAS LARGE. IT WAS ABOUT 480 PAGES, AS I RECALL,

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1 THAT THEY WANT COPIED.

2 THEY WERE INFORMED BY THE WATER BOARD THAT
3 THEIR POLICY WAS -- BECAUSE OF STAFFING PROBLEMS AND
4 LIMITED XEROX MACHINES, THEY COULD NOT COPY HUGE AMOUNTS
5 OF DOCUMENTS, BUT THAT THEY WERE ABLE TO COME IN AND
6 BRING IN THEIR OWN COPYING SERVICE AND MAKE AS MANY
7 COPIES AS THEY WANTED.

8 I, INCIDENTALLY, FILED A PUBLIC RECORDS
9 REQUEST AT THE SAME TIME AND WAS GIVEN THE SAME ANSWER
10 FOR OTHER DOCUMENTS, SO I KNOW THAT'S THEIR CONSISTENT
11 POLICY.

12 INSTEAD OF HIRING A COPYING MACHINE TO COME
13 OVER AND COPY ALL THE DOCUMENTS LIKE WE DID, THEY
14 PREVAILED UPON THE LOCAL LEGISLATORS TO ASK FOR COPIES OF
15 THE DOCUMENTS TO BE FURNISHED TO THEM. AND THEY HAD
16 COUNCILMAN HAL BERNSON ASK THAT THEY BE PROVIDED WITH
17 COPIES OF THE FILE. THEY ALSO ASKED THAT THE HEARING BE
18 CONTINUED SO THEY COULD REVIEW THE COPIES OF THE
19 DOCUMENTS THAT THEY WERE GETTING.

20 WHEN THAT -- WHEN HIS REQUEST WAS TURNED
21 DOWN, THEY GOT LETTERS FROM -- AGAIN, ANOTHER ONE FROM
22 HAL BERNSON, ASSEMBLY PEOPLE PAULA BOLAND AND RICHARD
23 KATZ, SENATOR DAVIS, SUPERVISOR ANTONOVICH. THIS WAS ALL
24 ON THE EVE OF THE HEARING, WHICH BY THEN THEY CONTINUED
25 TO JULY 22ND.

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1 DESPITE THIS OUTBURST AND REQUEST FOR
2 ADDITIONAL TIME TO REVIEW THE DOCUMENTS, THE WATER BOARD,
3 REALIZING HOW MANY TIMES THIS MATTER HAD BEEN POSTPONED,
4 AND REALIZING BY LOOKING AT THE DOCUMENTS THAT WERE
5 REQUESTED, THAT THEY PERTAINED TO THE EXISTING LANDFILL
6 AND NOT THE EXPANSION, VOTED AGAINST THEM AND DECIDED TO
7 GO AHEAD AND HOLD THE HEARING.

8 THE HEARING WENT FORWARD ON JULY 22ND. THE
9 NORTH VALLEY COALITION TESTIFIED ABOUT BLOWING DUST AT
10 THE EXISTING LANDFILL. THEY TESTIFIED ABOUT FAULTS,
11 EARTHQUAKE FAULTS IN GREAT DETAIL. THIS WAS HOMEOWNERS,
12 NOT EXPERT WITNESSES.

13 THEY TESTIFIED ABOUT THE OCEAN OF
14 GROUNDWATER UNDERLYING THE LANDFILL DESPITE THE FACT THAT
15 THE WATER MASTER FOR THE AREA HAD SAID THAT HE FELT THERE
16 WAS VERY LITTLE WATER. WHAT WATER THERE WAS WAS IN THE
17 ALLUVIUM, AND IT WAS OF SUCH POOR NATURAL QUALITY THAT HE
18 DIDN'T WANT IT COMING INTO THE MAIN AQUIFER IN THE SAN
19 FERNANDO VALLEY.

20 BUT THEY TOOK SEVERE UMBRAGE AT EVERYTHING
21 HE SAID AND HAD THEIR OWN EXPERT WHO TESTIFIED THAT THERE
22 WAS A HUGE OCEAN OF WATER UNDERNEATH THERE.

23 THEY HAD A LOT OF QUESTIONS ABOUT POTENTIAL
24 LEACHATE FROM THE LANDFILL, LEACHATE WHICH THE WATER
25 BOARD HAS NEVER SEEN FIT TO MOVE ON. THEY DON'T BELIEVE

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1 THERE'S ANY PROBLEM THERE AT ALL. THERE'S NO TESTIMONY
2 ON THE DESIGN OF THE LANDFILL BY THE COALITION. NOTHING
3 ON THE PROPOSED LINER SYSTEM. NOTHING ON THE NEW
4 LANDFILL AT ALL. IT'S ALL THE EXISTING.

5 THE BOARD ISSUED THE WASTE DISCHARGE
6 REQUIREMENTS. THEY HAVE BEEN APPEALED. THE APPEAL IS
7 BASED ON CEQA CLAIMS. ESSENTIALLY, A CUT AND PASTE OF
8 THE LAWSUIT CHALLENGING THE CEQA ISSUES. BUT, AGAIN,
9 WE'RE GOING TO HAVE TO GO THROUGH AND APPEAL BEFORE THE
10 STATE BOARD.

11 STATE BOARD IS WISELY WAITING FOR THE
12 LAWSUIT TO BE CONCLUDED. I'M HOPEFUL THAT WILL RESOLVE
13 THE ISSUE.

14 ELAPSED TIME FOR THIS PERMIT, THREE YEARS,
15 THREE MONTHS. I BELIEVE THAT A LOT OF PROBLEMS THAT WE
16 HAD AT THE WATER BOARD WERE DUE TO STAFF CUT-BACKS. I
17 ATTEND A FAIR NUMBER OF WATER BOARD HEARINGS IN THE LOS
18 ANGELES REGION AND A CONTINUING LITANY OF PEOPLE SAYING
19 YOU CONTINUED ME FOUR TIMES. AND THE STAFF RESPONDING BY
20 SAYING, "WE DON'T HAVE ENOUGH STAFF."

21 I BELIEVE THEY ARE TRULY OVERWORKED THERE.
22 AND WE NEED ADDITIONAL STAFFING AT THAT REGIONAL WATER
23 BOARD IF THEY'RE TO CONTINUE ISSUING THESE PERMITS FOR
24 LANDFILLS.

25 ALSO, IN THEIR CASE, IF THEY HAD COMPLETED

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1 THEIR REVIEW OF THE APPLICATION AND HAD IT READY TO GO
2 WHEN THE EIR WAS CERTIFIED, WE WOULD HAVE HAD THAT PERMIT
3 SEVERAL MONTHS IN ADVANCE, NOT WHEN WE ACTUALLY ENDED UP
4 GETTING IT.

5 THIS CONCLUDES MY REMARKS EXCEPT I WOULD
6 LIKE TO MAKE ONE RECOMMENDATION. I BET YOU CAN FIGURE
7 OUT WHAT IT'S GOING TO BE. LET'S DO SOMETHING ABOUT THE
8 PERMIT STREAMLINING ACT. IT HAS THAT DUAL TRIGGER IN IT
9 THAT TALKS ABOUT 180 DAYS, IF YOU DON'T HAVE A CEQA
10 DOCUMENT INVOLVED, AND A YEAR IF THERE IS A CEQA
11 DOCUMENT.

12 BUT IT HAS A BIG GAP RIGHT IN THE MIDDLE,
13 AND THAT IS WHAT HAPPENS IF YOUR EIR PROCESS TAKES A LOT
14 LONGER THAN A YEAR, WHICH IS CLEARLY WHAT WE HAD HERE.
15 IF YOU READ THE CASES ON THIS, IF YOU READ THE
16 COMMENTARIES, EVERYBODY SAYS, "NOW, WHAT DO WE DO ABOUT
17 THIS GAP?"

18 I THINK IT'S TIME TO GET INVOLVED AND GET A
19 MEANINGFUL PERMIT STREAMLINING ACT GOING. AND ONE THING
20 YOU COULD DO THAT WOULD BE A SIMPLE FIX WOULD BE TO
21 CLEARLY STATE IN THE ACT THAT AN APPLICATION DOES NOT
22 HAVE TO -- AN APPLICATION CAN BE DEEMED COMPLETE EVEN IF
23 THE EIR ISN'T CERTIFIED. YOU CAN WAIT TO ISSUE THE
24 PERMIT UNTIL AFTER THE EIR IS CERTIFIED, BUT YOU SURE
25 DON'T HAVE TO WAIT TO START PROCESSING IT.

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1 I THINK, IN OUR PARTICULAR CASE, THAT WOULD
2 HAVE CUT BACK SIGNIFICANTLY ON THE PROCESSING TIME, AND
3 THIS LANDFILL COULD HAVE BEEN DEVELOPED EARLIER ABSENT
4 THE INJUNCTION THAT WE'RE NOW FACING.

5 THANK YOU.

6 CHAIRMAN EGIGIAN: THANK YOU VERY MUCH. THAT
7 WAS A VERY GOOD RUNDOWN AND COMPLETE. IT TOOK ABOUT TWO
8 MONTHS TO GET THE RUNDOWN ON THIS THING.

9 MR. APREA: MR. CHAIRMAN, WHAT I'D LIKE TO DO
10 NOW IS GIVE YOU SOME EXAMPLES OF WHAT'S GOING ON IN SOME
11 OTHER STATES AROUND THE COUNTRY. PERHAPS YOUR STAFF HAS
12 ALREADY HAD THE OPPORTUNITY TO DO THAT, AND I'LL JUST
13 POINT OUT SOME HIGHLIGHTS FROM A FEW.

14 SEVERAL STATES HAVE ENVIRONMENTAL LAWS THAT
15 LIMIT THE TIME FRAME WITHIN WHICH A PERMIT APPLICATION
16 MUST BE REVIEWED BY ADMINISTRATIVE AGENCY. THERE ARE
17 THREE THINGS THAT WE HAVE FOUND THAT MAKE THAT KIND OF A
18 SYSTEM SUCCESSFUL.

19 ONE, THERE IS COMPLIANCE BY THE APPLICANT.
20 THAT IS, IF THE APPLICANT, IN FACT, IS COMING FORWARD
21 WITH A COMPLETE PERMIT, THAT THE INFORMATION REQUIRED IS
22 COMPLETE AND THAT THEY HAVE, IN FACT, DONE THEIR HOMEWORK
23 TO MAKE SURE THAT ALL THE INFORMATION NECESSARY IS
24 PRESENTED TO THE AGENCY.

25 SECOND, THAT THERE IS, IN FACT, A GOODWILL

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1 COMPLIANCE BY THE AGENCY.

2 AND, THIRD, THAT THERE IS SUFFICIENT STAFF
3 BY THE AGENCY IN ORDER TO COMPLETE THE REVIEW PROCESS
4 IN -- WITHIN THE TIME FRAME. AND ALL THREE OF THOSE HAVE
5 TO BE OPERATING. ANY ONE OF THEM BEING DEFICIENT CAUSES
6 A BREAKDOWN IN THE SYSTEM.

7 SUCH TIME LIMITATIONS APPLY TO REVIEW BY
8 AGENCY COUNSEL AS WELL AS TECHNICAL AND ENGINEERING
9 PERSONNEL.

10 NOW, CERTAINLY YOU KNOW YOUR BOARD, AS FAR
11 AS ITS LOOKING AT SOLID WASTE FACILITIES PERMITS, HAS A
12 TIME FRAME THAT REQUIRES THAT A PERMIT BE EITHER APPROVED
13 OR DENIED AND THAT, FOR LACK OF ACTION, THAT THE PERMIT
14 IS APPROVED.

15 CALIFORNIA -- OTHER STATES BESIDES THE
16 INTEGRATED WASTE BOARD HERE IN CALIFORNIA TAKE ON THAT
17 SAME TYPE OF AN APPROACH. SEVERAL STATES ESTABLISH TIME
18 LIMITS WITHIN THE COMPLETENESS OF THE APPLICATION.

19 IN COLORADO, FOR EXAMPLE, STATUTE REQUIRES
20 THAT ENVIRONMENTAL PERMITS MUST BE APPROVED OR DENIED
21 WITHIN 180 DAYS OF SUBMISSION. UNDER THE STATE'S -- THAT
22 STATE'S REGIONAL -- UNDER THAT STATE'S WATER QUALITY ACT,
23 AN APPLICANT FOR A PERMIT MUST BE ADVISED WITHIN A PERIOD
24 OF 45 DAYS AS TO WHETHER THE APPLICATION IS COMPLETE AND
25 IN WHAT RESPECTS THE APPLICATION IS INCOMPLETE.

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1 COLORADO STATUTE -- EXCUSE ME -- THE
2 APPLICATION IS DEEMED TO BE COMPLETE UNDER THE AGENCY'S
3 FAILURE TO NOTIFY THE APPLICANT. IF FURTHER INFORMATION
4 IS REQUESTED, THE AGENCY MUST RESPOND WITHIN 15 DAYS OF
5 RECEIPT OF THAT INFORMATION.

6 IN FLORIDA, FOR INSTANCE, STATUTE PROVIDES
7 THAT THE PERMIT APPLICANTS MUST BE APPROVED OR
8 DISAPPROVED WITHIN 90 DAYS AFTER RECEIPT. SIMILAR
9 RESTRICTIONS APPLY WITH REGARD TO POSTRECEIPT REQUEST FOR
10 ADDITIONAL INFORMATION.

11 SIMILARLY, AN ILLINOIS STATUTE PROVIDES
12 THAT A PERMIT APPLICANT CAN, IN MOST CASES, DEEM THE
13 PERMIT TO BE ISSUED IF NO FINAL ACTION IS TAKEN WITHIN 90
14 DAYS AFTER THE SUBMISSION OF THE APPLICATION. SUCH
15 LEGISLATION ATTEMPTS TO EXPEDITE THE PERMITTING PROCESS
16 BY PROVIDING OR SETTING DEADLINES WITHIN WHICH
17 APPLICATIONS SHOULD BE REVIEWED, DEEMED COMPLETE, AND
18 FORMALLY ACTED UPON.

19 THE VAST MAJORITY OF STATES, SOMETHING IN
20 THE RANGE OF 40 TO 45, PLACE ALL ENVIRONMENTAL,
21 REGULATORY, AND PERMITTING ACTIVITIES, REGARDLESS OF THE
22 MEDIA INVOLVED IN THE SAME AGENCY.

23 EXAMPLES OF STATES THAT ADOPT THIS APPROACH
24 ARE MASSACHUSETTS, ILLINOIS, INDIANA, MICHIGAN, MISSOURI,
25 NEW YORK, NEW JERSEY, OREGON, NEVADA, ARIZONA, AND

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1 WASHINGTON.

2 CERTAINLY, AMONGST THOSE STATES WE CAN FIND
3 STATES THAT HAVE A VERY, VERY GOOD ENVIRONMENTAL RECORD
4 AND SHOULD NOT BE VIEWED AS BECAUSE OF A SHORTNESS OF
5 PERIOD OF TIME, AS A RESULT OF THAT, THAT THE
6 ENVIRONMENTAL CONCERNS ARE NECESSARILY NEGLECTED.

7 IN THEORY, HOWEVER, THERE SEEMS TO BE
8 LITTLE -- CALIFORNIA'S PRESENT APPROACH IS IN LARGE
9 MEASURE DUE TO SOME HISTORICAL FACTORS. IN THEORY,
10 HOWEVER, THERE SEEMS TO BE LITTLE OR NO RATIONALE FOR
11 SUCH A HYBRID APPROACH.

12 THIS CLEAR TREND AT BOTH THE FEDERAL AND
13 STATE LEVEL IS FOR CONSOLIDATING THE ENVIRONMENTAL
14 ACTIVITIES OF STATE GOVERNMENT IN A SINGLE AGENCY, RATHER
15 THAN IN A DISPARATE GROUP OF MEETING SPECIFIC AGENCIES.

16 I'D LIKE TO GIVE YOU AN EXAMPLE OF A RATHER
17 UNIQUE AND COMPLEX LANDFILL FACILITY. I WOULD ASSUME
18 THAT YOU ALL ARE FAMILIAR WITH THE ARLINGTON, OREGON,
19 WASTE-BY-RAIL PROCESS.

20 RECENTLY I SPOKE WITH THE GENTLEMAN WHO WAS
21 IN CHARGE OF THAT PROJECT. AND HE INDICATED TO ME THAT
22 IT TOOK ABOUT 110 DAYS FOR -- I'LL CALL IT -- BRAND X TO
23 GET THE CONDITIONAL USE PERMIT APPROVED.

24 UNDER OREGON STATUTE, IT DOES REQUIRE 180
25 DAYS FOR THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO TURN

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1 THINGS AROUND, BUT BECAUSE OF AGREED-UPON DELAYS BETWEEN
2 THE APPLICANT AND THE AGENCY, IT ONLY -- IT TOOK A TOTAL
3 OF TEN MONTHS. IN ESSENCE, THE APPROVAL PROCESS FOR THAT
4 FACILITY TOOK ABOUT TWO YEARS.

5 JUST FOR PURPOSES OF THOSE WHO AREN'T
6 FAMILIAR WITH THE ARLINGTON, OREGON, PROJECT, IT IS A
7 WASTE-BY-RAIL PROJECT TAKING SOLID WASTE FROM KING
8 COUNTY, WASHINGTON, WHICH INCLUDE SEATTLE, DOWN TO
9 ARLINGTON, OREGON. SO, IN FACT, A PROJECT THAT REQUIRED
10 TWO STATE AGENCIES TO BE INVOLVED.

11 AT ANY RATE, WITH THAT, I'LL CONCLUDE MY
12 REMARKS AND ASK THAT THIS COMMITTEE AND THE BOARD LOOK AT
13 WAYS AT WHICH WE CAN ALL GET TO THE ANSWER, WHETHER THE
14 ANSWER BE YES OR NO.

15 FROM A PRIVATE LANDFILL DEVELOPER, IT IS
16 IMPORTANT TO GET TO A CONCLUSION OF THE PROJECT. IF, FOR
17 INSTANCE, IT'S FOUND THAT, FOR REASONS OF EITHER PUBLIC
18 OPPOSITION OR BECAUSE OF ENVIRONMENTAL IMPAIRMENT, THAT
19 THE PROJECT SHOULDN'T GO FORWARD, THEN WE OUGHT TO FIND
20 THAT ANSWER OUT AS QUICKLY AS POSSIBLE SO THAT IN ORDER
21 FOR PURPOSES OF REACHING THE -- TO GAINING DISPOSAL
22 CAPACITY AND PROVIDING THE KIND OF NECESSARY WASTE
23 DISPOSAL THAT WE CAN GET TO THE ANSWER AND THEN MOVE ON.

24 SO IN THIS CASE, ONE OF -- THE POINT OF OUR
25 PRESENTATION HERE IS THAT A DELAY IN THE PROCESS WILL

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1 NATURALLY RESULT IN THE DELAY OF ACHIEVING THE DISPOSAL
2 CAPACITY REQUIRED UNDER AB 939.

3 IF YOU CAN SOMEHOW EXPEDITE THE PROCESS, I
4 THINK YOU WILL ALSO FIND YOURSELF GETTING CLOSER TO THE
5 DISPOSAL CAPACITY REQUIREMENTS OF AB 939.

6 CHAIRMAN EGIGIAN: THANK YOU, MR. APREA.

7 MR. APREA: THANK YOU.

8 CHAIRMAN EGIGIAN: AS I READ IN MY STATEMENT AS
9 WE OPENED UP THIS MEETING THIS MORNING, THE REPORT'S
10 FINDINGS ARE THE FIRST STEP. AND THE INPUT WE RECEIVE
11 HERE TODAY WILL BE ABLE TO FURNISH DEFINING THE SCOPE FOR
12 A CONTRACT LET BY THE BOARD TO ACQUIRE MORE IN-DEPTH
13 KNOWLEDGE AND TECHNIQUES ON THIS ISSUE.

14 I PARTICULARLY WAS QUITE IMPRESSED TODAY TO
15 HEAR HOW MANY STALLING TACTICS CAN BE USED IN THIS
16 PROCESS, AND THEY SHOULD BE AVOIDED. AND THERE SHOULD BE
17 TIME LIMITATIONS. AND THIS BOARD IS CONCERNED ABOUT
18 THAT. WE'VE TALKED ABOUT THAT CONSIDERABLY.

19 OUR STAFF THAT IS WORKING ON THIS WILL TAKE
20 EVERYTHING INTO CONSIDERATION THAT WE HAVE HAD PUT INTO
21 THE RECORD TODAY. AND I'M SURE IN THE NEAR FUTURE WE
22 WILL HAVE SOMETHING BETTER THAN WE HAVE NOW, BUT THIS IS
23 A BEGINNING POINT TO MAKE THINGS BETTER.

24 AT THIS TIME, IF THERE'S ANY PUBLIC
25 COMMENT, WE HAVE A LITTLE TIME THAT WE COULD HEAR IT,

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1 LIKE TO.

2 MR. JONES: GOOD AFTERNOON, MR. CHAIRMAN AND
3 MEMBERS. MY NAME IS KERRY JONES. I'M WITH BRIAN A.
4 STIRRAT AND ASSOCIATES. WE'RE A PRIVATE ENGINEERING
5 CONSULTING FIRM, SPECIALIZING IN SOLID WASTE MANAGEMENT,
6 AND PRIMARILY A LOT OF OUR ACTIVITY IS IN LANDFILL SITING
7 AND PERMITTING ASSISTANCE.

8 I PERSONALLY HAVE WORKED WITH LANDFILL
9 PERMITTING FOR WELL OVER TEN YEARS NOW. I WAS FORMERLY
10 CHIEF OF ENFORCEMENT FOR THIS BOARD. SO I'VE WORKED WITH
11 PERMITTING FROM THE REGULATORY AND PERMIT ISSUING SIDE.

12 I FORMERLY WORKED WITH A WASTE MANAGEMENT
13 COMPANY WHO OPERATED LANDFILLS, AND I WAS IN THEIR
14 ENVIRONMENTAL MANAGEMENT DEPARTMENT, OFFERING ASSISTANCE
15 IN PERMITTING, BOTH NEW AND EXISTING LANDFILL EXPANSIONS.
16 AND NOW I'M IN THE CONSULTING ENGINEERING BUSINESS,
17 LOOKING AT THE PERMITTING PROCESS FROM A DIFFERENT SIDE.

18 HAD THE PLEASURE OF WORKING WITH YOUR BOARD
19 IN PREPARING A REVISION TO YOUR PERMIT DESK MANUAL, WHICH
20 WILL BE PRESENTED TO YOUR ENFORCEMENT ADVISORY COUNCIL
21 TOMORROW. AND IN THOSE ACTIVITIES, I'VE HAD A LOT OF
22 OPPORTUNITY TO LOOK AT THE PERMITTING PROCESS FOR
23 LANDFILLS IN THE STATE. AND I'VE MADE A NUMBER OF
24 OBSERVATIONS THAT I WANTED TO SHARE WITH YOU AND HAVE A
25 COUPLE OF THOUGHTS ON WHAT YOU MIGHT DO IN THOSE REGARDS

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1 AS WELL.

2 AS I LISTEN TO PEOPLE TALK HERE TODAY, A
3 NUMBER OF FACTORS HAVE BEEN BLAMED FOR HOW LONG IT TAKES
4 TO GET A LANDFILL PERMITTED. THERE'S BEEN BLAME ON
5 CUTTHROAT COMPETITION AMONG LANDFILL OPERATORS. THERE'S
6 BEEN BLAME ON TOO MANY REGULATIONS. TERRITORIAL DISPUTES
7 BETWEEN DIFFERENT AGENCIES HAS BEEN BLAMED. EXCESSIVE
8 PUSH TOWARDS RECYCLING TO ADVANCE IT BY SAYING WE DON'T
9 NEED LANDFILLS UNTIL WE DO MORE RECYCLING, FEAR OF TOXIC
10 WASTES HAS BEEN BLAMED. NIMBYS HAVE BEEN BLAMED. THE
11 CEQA PROCESS AND THE LENGTHY TIME THAT THAT TAKES HAS
12 BEEN BLAMED. THE MEDIA HAS BEEN BLAMED. LOCAL
13 GOVERNMENT OFFICIALS HAVE BEEN BLAMED. FEAR OF WATER
14 POLLUTION HAS BEEN BLAMED. A WHOLE VARIETY OF FACTORS
15 HAVE BEEN BLAMED.

16 YET ALL OF THESE FACTORS PLAY A VALUABLE
17 AND NECESSARY ROLE IN THE SELECTION OF A PROPER AND SAFE
18 ENVIRONMENTALLY SOUND LANDFILL SITE. THEY ARE ALL PART
19 OF THE PROCESS, AND THEY ALL NEED TO BE PART OF THE
20 PROCESS.

21 THE TWO THINGS THAT I SEE THAT I FEEL HAVE
22 BEEN THE MOST RESPONSIBLE FOR THE EXCESSIVE TIME FRAME
23 ARE, ONE, THE SEQUENTIAL NATURE OF THE PERMITTING
24 PROCESS. YOU'VE GOT TO DO A LAND USE PERMIT, GO THROUGH
25 YOUR CEQA PROCESS, THEN YOU DO A WASTE DISCHARGE

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1 REQUIREMENTS, THEN YOU'VE GOT TO DO A SOLID WASTE
2 FACILITIES PERMIT. YOU'VE GOT THE AIR DISTRICT PERMITS
3 AND ALL THOSE IN THERE.

4 TIMEWISE, SEQUENTIALLY, THEY EACH HAVE A
5 TIME PERIOD THAT THEY HAVE TO DO, BUT IT TAKES UP A LONG
6 PERIOD OF TIME. AS YOU GO THROUGH THAT TIME PERIOD,
7 SPEND -- SHOWN A NUMBER OF CASES THAT WERE PRESENTED TO
8 YOU TODAY, CHANGES TAKE PLACE. THE COMMUNITY GROWS BY 50
9 PERCENT. NOW YOU'VE GOT 50 PERCENT MORE WASTE TO DEAL
10 WITH THAN WAS ADDRESSED IN THE EIR.

11 SO YOU'VE GOT TO GO BACK TO SQUARE ONE AND
12 READDRESS THOSE ENVIRONMENTAL ISSUES, ADDING MORE TIME TO
13 THE PROCESS. THE LONGER THE TIME PERIOD TAKES, THE MORE
14 CHANCES THERE ARE FOR CHANGES THAT ARE GOING TO AFFECT
15 THE PERMITTING PROCESS AND DELAY IT.

16 I THINK THE SECOND THING THAT LEADS TO THE
17 DELAYS IS THAT THE CONTROVERSIAL NATURE OF LANDFILLS
18 LEADS TO A RELUCTANCE TO DECIDE ON THE PART OF ALL
19 PERMITTING AGENCIES HAVING TO MAKE A DECISION. THEY WANT
20 TO MAKE SURE THAT THEY'RE GOING TO MAKE A GOOD DECISION,
21 THAT THEY HAVE ALL THE INFORMATION. THE MORE THE
22 CONTROVERSY, THE MORE INFORMATION YOU'VE GOT TO HAVE TO
23 MAKE A DECISION. SO THERE ARE A NUMBER OF WAYS TO AVOID
24 A DECISION.

25 SOMETIMES OPERATOR CONTRIBUTES TO THIS BY

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1 SAYING, WELL, I DON'T KNOW IF I'M GOING TO GET THESE
2 PERMITS YET, SO I DON'T WANT TO PUT THAT MUCH MONEY INTO
3 THE DESIGN AND THE DESCRIPTION OF THE LANDFILL UP-FRONT
4 UNTIL I KNOW IF I'M GOING TO GET THE FIRST PERMIT.

5 WELL, THAT GIVES THE FIRST AGENCY AN EXCUSE
6 TO SAY, WELL, WE DON'T HAVE ENOUGH INFORMATION. WE NEED
7 MORE INFORMATION BEFORE WE CAN MAKE A DECISION. AN
8 AGENCY CAN ALMOST ALWAYS FIND ONE OR MORE WAYS TO SAY,
9 WELL, THIS APPLICATION ISN'T COMPLETE BECAUSE WE DON'T
10 HAVE A, B, OR C. IT'S VERY EASY TO TURN IT BACK AND SAY
11 IT'S NOT COMPLETE YET.

12 AND NONE OF THE TIME FRAMES, THEY DON'T
13 WANT TO START UNTIL THE APPLICATION IS ACCEPTED AS
14 COMPLETE. LOT OF TIMES THE AGENCY SAYS, WELL, I'M NOT
15 GOING TO REVIEW ANYTHING ON THIS SITE UNTIL THE PREVIOUS
16 AGENCY ISSUES THEIR PERMIT. THAT IS, ISSUES -- WE'RE NOT
17 GOING TO LOOK AT THESE THINGS UNTIL ITS OUR TURN. THAT'S
18 ANOTHER WAY TO AVOID HAVING TO MAKE A DECISION ON THE
19 PROJECT.

20 THERE WAS A COMMENT THAT -- ABOUT THE CEQA
21 PROCESS. THE AGENCY SAID WE'RE NOT GOING TO ACCEPT THE
22 APPLICATION UNTIL THE CEQA DOCUMENT IS CERTIFIED. NOW,
23 THE LAW DOESN'T PREVENT THE AGENCY FROM REVIEWING IT, BUT
24 IT DOES ALLOW THEM TO SAY, WE DON'T HAVE TO ACCEPT IT
25 UNTIL CEQA IS CERTIFIED. AND SO A LOT OF THEM WILL USE



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1 THAT TOOL AND SAY, WELL, WE'RE NOT GOING TO LOOK AT IT
2 YET.

3 I'VE HAD AGENCIES SAY WE DON'T HAVE THE
4 MONEY. WE'RE NOT GOING TO LOOK AT IT UNTIL WE'VE GOT A
5 FEE AND AN APPLICATION IN OUR HANDS, AND WE'RE NOT GOING
6 TO ACCEPT THAT UNTIL CEQA IS DONE.

7 ONE OF THE THINGS THAT I SEE IS THAT ALL OF
8 THESE THINGS CUMULATIVELY ADD UP TO A LOT OF DELAYS AND A
9 LOT OF OPPORTUNITIES FOR DELAYS. THERE'S A COMMENT MADE
10 THAT, YOU KNOW, A LOT OF STATES, THERE ARE SPECIFIC TIME
11 FRAMES ON WHEN A PERMIT DECISION HAS TO BE MADE.

12 ALMOST ALL THE PERMITS IN THIS STATE HAVE A
13 TIME LIMIT THE DECISION HAS TO BE MADE WITHIN A CERTAIN
14 AMOUNT OF TIME; HOWEVER, IF THE OPERATOR AND APPLICANT
15 PUSHES THAT TIME FRAME AND INSISTS ON IT, SO IT'S EASY TO
16 SAY, WELL, THE DECISION IS, NO, WE DON'T HAVE ENOUGH
17 INFORMATION, SO WE'LL GIVE YOU THE DECISION IN 180 DAYS.
18 THE DECISION IS NO.

19 IN FACT, YOUR BOARD IS THE ONLY ONE THAT I
20 KNOW OF THAT HAS SOMETHING DIFFERENT. ONCE YOU'VE
21 RECEIVED A PROPOSED PERMIT, IF YOU DON'T ACT IN 60 DAYS,
22 THE LAW CONSIDERS THAT YOU'VE APPROVED IN THAT PERMIT.

23 NOW, IF THE LOCAL ENFORCEMENT AGENCY
24 DOESN'T LIVE UP TO HIS PART OF THE TIME FRAME, DOESN'T
25 ISSUE YOU -- SEND A PROPOSED PERMIT TO YOU WITHIN HIS 60

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1 DAYS, NOTHING HAPPENS.

2 THE PROVISION ONLY APPLIES TO YOU AS A
3 BOARD IN CONCURRING WITH THE PERMIT. IF LEA TAKES MORE
4 THAN HIS TIME, IT DOESN'T HAPPEN THAT WAY.

5 ONE OF THE THINGS THAT'S BEEN PROPOSED AS A
6 POTENTIAL SOLUTION IS A SINGLE PERMITTING AGENCY. I
7 THINK THAT HAS SOME MERITS; HOWEVER, I THINK THERE ARE
8 SOME DIFFICULTIES WITH IT THAT I HAVE SOME PROBLEM WITH.

9 ONE IS THAT THE PERMIT PROCESS CONSISTS OF
10 LOCAL, STATE, AND FEDERAL PERMITS THAT YOU HAVE PERMITS
11 INVOLVED. I DON'T THINK IT'S NECESSARILY APPROPRIATE TO
12 TAKE AWAY LOCAL LAND USE PLANNING -- LAND USE PERMITTING
13 AUTHORITY AND PUT IT INTO A SINGLE PERMITTING AGENCY
14 ALONG WITH ALL THE OTHER PERMITS AND YET WHILE THE DELAY
15 IS HAPPENING BETWEEN GOING FROM ONE LEVEL OF GOVERNMENT
16 TO THE NEXT. SO I THINK THERE ARE SOME PROBLEMS WITH
17 THAT.

18 ADDITIONALLY, A LANDFILL IS A VERY
19 COMPLICATED FACILITY. IN REVIEWING A PERMIT, TO MAKE A
20 GOOD ENVIRONMENTAL DECISION, YOU NEED INPUT FROM
21 BIOLOGISTS, FROM AIR QUALITY SPECIALISTS, FROM ENGINEERS,
22 FROM WATER QUALITY SPECIALISTS, FROM LAND USE
23 SPECIALISTS, FROM A NUMBER OF INDIVIDUALS THAT'S GOING TO
24 HAVE TO REVIEW THAT PERMIT. THE DISCIPLINES, BEFORE A
25 GOOD DECISION CAN BE MADE, IS NOT GOING TO BE

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1 SIGNIFICANTLY DIFFERENT WHETHER IT'S ALL IN ONE AGENCY OR
2 SEVERAL DIFFERENT AGENCIES.

3 WHAT I THINK WOULD BE A BETTER APPROACH IS
4 TO SEEK LEGISLATION THAT REQUIRES THAT ALL PERMITS BE
5 PROCESSED CONCURRENTLY. THAT IS A SINGLE APPLICATION
6 DOCUMENT, WHETHER YOU CALL IT A REPORT OF DISPOSAL SITE
7 INFORMATION OR REPORT OF WASTE DISCHARGE, COMPREHENSIVE
8 PROJECT DESCRIPTION, WHATEVER, BE SUBMITTED TO ALL THE
9 AGENCIES THAT WOULD BE INVOLVED IN PERMITTING THE PROJECT
10 AT THE SAME TIME.

11 ALL OF THOSE AGENCIES THEN CAN REVIEW THAT
12 PERMIT APPLICATION, THE DOCUMENT, HAVE THEIR PUBLIC
13 HEARING PROCESS CONCURRENT WITH THE CEQA PROCESS SO THAT
14 THEY'RE REVIEWING THE APPLICATIONS AS THEY'RE REVIEWING
15 THE DRAFT EIR, SO THEY MAKE SURE THAT THE MITIGATION
16 MEASURES AND IMPACTS OF THOSE TWO THINGS MATCH, THEN THE
17 PROCESS CAN GO ON.

18 THEN ALL THE AGENCIES ARE WORKING FROM THE
19 SAME SONG SHEET, THE SAME PROJECT DESCRIPTION. IT
20 MINIMIZES THE CHANCE TO SAY, WELL, THEY DIDN'T KNOW ABOUT
21 THIS, SO WE'VE GOT TO WAIT TILL THEY DECIDE ABOUT THAT
22 ONE.

23 I THINK THE OTHER POSSIBILITY WOULD BE TO
24 GET INTO THE LAW, THE PROVISIONS SUCH AS -- THAT YOU HAVE
25 IN YOUR LAW THAT PUTS THE PRESSURE ON THE AGENCIES TO

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1 DECIDE ONCE THE APPLICATION HAS BEEN ACCEPTED AS
2 COMPLETE. THAT THEY HAVE -- IF THEY DON'T DECIDE WITHIN
3 AN APPROPRIATE TIME PERIOD PROVIDED IN THE LAW, THE
4 APPLICATION IS APPROVED AS OPPOSED TO NOTHING HAPPENING.

5 THAT WOULD PUT THE PRESSURE ON PEOPLE TO
6 MAKE THE TOUGH DECISIONS THAT NEED TO BE MADE ON THESE
7 CONTROVERSIAL PROJECTS.

8 I WANT TO THANK YOU FOR THE OPPORTUNITY TO
9 SPEAK TO YOU THIS AFTERNOON. AND BE HAPPY TO ANSWER ANY
10 QUESTIONS.

11 CHAIRMAN EGIGIAN: ANY QUESTIONS. THERE IS
12 NONE. THANK YOU, SIR.

13 ANY OTHER INDIVIDUAL WANT TO MAKE A COMMENT
14 ON THIS?

15 MR. EDGAR: GOOD AFTERNOON. MY NAME IS EVAN
16 EDGAR. I'M PART OF THE BENA STORY FOR MANY YEARS. NOW
17 I'M PART OF THE YOLO COUNTY STORY, AND I'M TRYING TO
18 REPERMIT A LANDFILL UP THERE.

19 I'M MORE INVOLVED IN LANDFILL OPERATIONS
20 NOW THAN PERMITTING BECAUSE I HAD ENOUGH FUN DOING THAT,
21 TRYING NEW OPPORTUNITIES.

22 THERE'S OVER 670 MILLION TONS AVAILABLE
23 RIGHT NOW PERMITTED IN THE 1990 BOOK YOU GUYS -- IN A
24 REPORT YOU PUT OUT. THERE IS 670 MILLION TONS OF
25 AVAILABLE OF CAPACITY. AND WE'RE TRYING TO DIVERT

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1 GARBAGE AWAY FROM THERE AND MAKE THAT RESOURCES LAST.

2 WHAT I'VE BEEN TRYING TO DO IS OPTIMIZE
3 TODAY'S RESOURCES BY DIVERTING GARBAGE AWAY FROM THE
4 LANDFILL, BUT USING EXISTING FACILITIES ON SITE.

5 I'M HAVING A LOT OF PROBLEM DOING THAT. I
6 TRIED TO PUT IN A LITTLE RECYCLING FACILITY AT A TRANSFER
7 STATION, FIVE BINS. IT TOOK ME ONE YEAR TO DO IT AND A
8 CEQA DOCUMENT. JUST FOR THE FACILITY, IT'S UNDER 100
9 TONS PER MONTH, AND IT TOOK ME A CEQA DOCUMENT AND A
10 PERMIT REVISION TO DO THAT.

11 RIGHT NOW I'M TRYING TO DO ALTERNATIVE
12 DAILY COVER PROGRAM. INSTEAD OF USING SOIL AND FILL UP
13 ALL MY LANDFILL FULL OF CLAY SOIL, I WANT TO SAVE THAT
14 FOR CLOSURE.

15 BUT I DON'T WANT TO USED CHIPPED GREEN
16 WASTE AS A DAILY COVER, SUCH AS SCHOLL CANYON AND CHINA
17 GRADE CANYON AND OTHER COUNTIES. AND THAT'S TAKEN ME
18 NINE MONTHS TO DO AND STILL HAVEN'T GOT APPROVAL TO DO
19 IT, EVEN THOUGH EVERYBODY SAYS I CAN DO IT, BUT I DON'T
20 HAVE THAT THING IN MY HAND BECAUSE I FOUND OUT IT TAKES A
21 SIX-WEEK LETTER WRITING PROCESS FROM WASTE MANAGEMENT
22 BOARD TO DO THAT.

23 SO THERE'S A LOT OF OPPORTUNITY WE HAVE
24 RIGHT NOW AT THE COUNTY WITHIN THE PERMITTED LANDFILL
25 AREA WHERE WE CAN DO A LOT OF ASSOCIATED DIVERSION AND



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1 GET AWAY FROM BURIAL, BUT IT'S REALLY HARD TO DO THAT
2 WITH THE CURRENT PERMITTING RULES BECAUSE YOU HAVE TO GO
3 THROUGH A PERMIT REVISION.

4 PERMIT REVISION IS A SIGNIFICANT CHANGE. A
5 SIGNIFICANT CHANGE IS CEQA, WHICH LEADS TO THE EIR, WHICH
6 TAKES MANY YEARS TO DO. SO WE HAVE A LOT OF OPPORTUNITY
7 IN THE FIELD TO DIVERT AWAY FROM THE ACTIVE LANDFILL
8 FACE.

9 AND WHAT I WOULD LIKE TO SUGGEST IS THAT WE
10 UTILIZE THE PERMIT MODIFICATION. PERMIT MODIFICATION,
11 YOU CAN GET A NOTICE OF EXEMPTION, AND WE CAN WORK WITH
12 THE LOCAL ENFORCEMENT AGENCY. THEY HAVE A LOT OF
13 PRACTICAL COMMON SENSE FROM THE LOCAL LAND USE AND THE
14 LOCAL ATTITUDES THERE OF WHAT CAN WORK AND WHAT CANNOT
15 WORK.

16 SO I'D LIKE TO UTILIZE TODAY'S PERMITTED
17 CAPACITY AND UTILIZE THE LEA WITH PERMIT MODIFICATIONS
18 AND NOTE THE EXEMPTIONS, SO WE CAN GET IN SOME RECYCLING
19 FACILITIES AT THE ACTIVE FACE AREA, SO WE CAN HAVE
20 DIVERSION GOING ON TODAY VERSUS MANY YEARS FROM NOW.

21 CHAIRMAN EGIGIAN: THANK YOU. WE'RE COMING
22 CLOSE TO THE TIME OF ADJOURNMENT.

23 IS THERE ANYBODY ELSE THAT HAD ANYTHING TO
24 SAY?

25 IF NOT, AT THIS TIME I'D LIKE TO THANK OUR

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1 STAFF, TRACEY HARPER AND JOHN NUFFER, FOR THE GOOD JOB
2 THAT THEY HAVE DONE ON THIS PARTICULAR PROJECT. AND WE
3 LOOK FORWARD TO EXTENSION OF IT.

4 MR. HUFF.

5 BOARD MEMBER HUFF: YEAH. I HAD A COUPLE OF
6 QUESTIONS, AND IT DEALT MORE WITH STAFF THAN IT DID WITH
7 THE WITNESSES.

8 SO, MR. CHAIRMAN, IF IT'S APPROPRIATE AT
9 THIS TIME.

10 CHAIRMAN EGIGIAN: GO RIGHT AHEAD.

11 BOARD MEMBER HUFF: OKAY. JUST IN LOOKING AT
12 THE REPORT, I SAW A COUPLE OF THINGS THAT TRIGGERED SOME
13 CURIOSITY ON MY PART.

14 FIRST IS THE NOTION THAT THE AMOUNT OF
15 SOLID WASTE DISPOSED IN CALIFORNIA EACH DAY IS NOW
16 7.9 POUNDS PER PERSON AS COMPARED TO 7.4 POUNDS PER
17 PERSON THREE AND A HALF YEARS EARLIER; IS THAT CORRECT?

18 MR. NUFFER: THAT'S CORRECT BASED ON THE DATA WE
19 HAD, YES.

20 BOARD MEMBER HUFF: THAT'S A DISTURBING PIECE OF
21 INFORMATION. FOR A BOARD THAT'S CONCERNED ABOUT GOING
22 25-PERCENT, 50-PERCENT DIVERSION, IT SEEMS LIKE THE
23 POPULATION IS HEADED IN THE OPPOSITE DIRECTION.

24 OKAY. WANTED TO MAKE SURE I READ THAT
25 RIGHT.

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1 MS. HARPER: WELL, WE BASICALLY TOOK THE TOTAL
2 ANNUAL WASTE DISPOSAL FROM THE ENTIRE STATE, SUMMED IT
3 UP, AND TOOK POPULATION FIGURES FROM -- AND SOME SIMPLE
4 DIVISION CAME UP WITH THAT. IT WAS CONSISTENT WITH HOW
5 IT WAS DETERMINED IN THE 1985 REPORT. WANTED TO MAKE
6 SURE WE WEREN'T COMPARING APPLES TO ORANGES.

7 BOARD MEMBER HUFF: AND IT'S NOT REALLY CONTRARY
8 TO CONVENTIONAL WISDOM CONCERNING INCREASING DISPOSAL IN
9 THE '80S, BUT IT IS DISTURBING TO KNOW THAT IN 1990 WE
10 HAVE A HIGHER PER CAPITA DISPOSAL THAN WE DID IN 1985.
11 THAT'S GOING TO HAVE TO DIMINISH SIGNIFICANTLY IN THE
12 FUTURE.

13 DO YOU THINK THAT IT IS REPRESENTATIVE OF
14 AN ANOMALY? IS THERE SOMETHING IN THE DATA? I KNOW THAT
15 DISPOSAL INCLUDES A LOT OF THINGS. YOU HAVE CONSTRUCTION
16 WASTE, YOU HAVE ALL THAT SORT OF STUFF. IS THERE
17 ANYTHING THAT MAKES THE TWO YEARS APPLES AND ORANGES?

18 MS. HARPER: NO. WE TRIED TO BE VERY
19 CONSISTENT. WE TOOK WHATEVER WAS REPORTED ON AS BEING
20 DISPOSED OF IN THAT COUNTY'S LANDFILL, WHATEVER THE LTF
21 TOLD US WAS ACTUALLY BEING DISPOSED OF IN THE LANDFILLS
22 IN THEIR COUNTY. AND THEN WE JUST DIVIDED BY THE
23 POPULATION, SO IT DOES INCLUDE CONSTRUCTION AND
24 DEMOLITION DEBRIS, ANYTHING.

25 BOARD MEMBER HUFF: '85 WAS AS GOOD A YEAR FOR

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1 CONSTRUCTION AS '90 WAS, I THINK. OKAY.

2 WELL, WHEN YOU CALCULATE THE NUMBER OF
3 YEARS OF CAPACITY REMAINING, HOWEVER, YOU DIDN'T CONTINUE
4 THAT TREND, DID YOU? YOU DIDN'T FACTOR IN -- IT'S AS IF
5 IT STOPS, 7.9.

6 MS. HARPER: ARE YOU REFERRING TO PAGE 2 OF THE
7 EXECUTIVE SUMMARY?

8 BOARD MEMBER HUFF: YEAH.

9 MS. HARPER: WELL, WE DID THREE DIFFERENT
10 SCENARIOS THERE.

11 BOARD MEMBER HUFF: YEAH. POPULATION GROWTH
12 RATES.

13 MS. HARPER: YEAH, THEY'RE RELATED TO POPULATION
14 GROWTH. IT WAS JUST A WAY OF -- INSTEAD OF JUST ASSUMING
15 A ZERO GROWTH OR JUST ASSUMING POPULATION GROWTH, IT WAS
16 JUST SOME WAY TO DO A COMPARISON.

17 BOARD MEMBER HUFF: BUT ACTUALLY WHAT THIS DOES
18 IS HOLDS PER CAPITA DISPOSAL CONSTANT?

19 MS. HARPER: THAT'S TRUE.

20 BOARD MEMBER HUFF: IF WE ARE WORKING TOWARDS 25
21 AND 50, OF COURSE, PER CAPITA DISPOSAL WILL DROP. IT
22 WOULD BE INTERESTING TO HAVE A SCENARIO THAT REFLECTED
23 HOW MANY YEARS CAPACITY WE MIGHT HAVE GIVEN ACHIEVEMENT
24 OF 25 AND 50.

25 MS. HARPER: YEAH. IF YOU LIKE, WE CAN PUT THAT

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1 IN THE REVISION.

2 BOARD MEMBER HUFF: I THINK IT SHOULD BE IN
3 THERE. IN FACT, IT WOULD BE AN INTERESTING COMPARISON,
4 YOU KNOW. IF WE DON'T ACHIEVE 25 AND 50, WE HAVE X
5 NUMBER OF YEARS. IF WE DO, WE HAVE ONE NUMBER OF YEARS.

6 MS. FRIEDMAN: WE CAN DO A BEST GUESSTIMATE
7 ALONG THOSE LINES.

8 BOARD MEMBER HUFF: WE UNDERSTAND THAT THESE
9 NUMBERS ARE APPROXIMATIONS.

10 MR. LIPSON: JUST FOLLOWING UP ON THAT POINT,
11 THAT'S AN ISSUE THAT RELATES AS WELL TO THE STUDY. IF
12 WE'RE TALKING ABOUT GETTING BETTER DATA, WE COULD WELL
13 PROJECT THE IMPLICATIONS OF ACHIEVING THOSE GOALS ON A
14 BETTER DATA BASE:

15 MS. FRIEDMAN: YEAH. THAT IS OUR INTENTION IN
16 THE STUDY TO MAKE SURE THAT WE ACCOUNT FOR THE DIVERSION
17 THAT IS MANDATED BY THE ACT.

18 MS. HARPER: YEAH. JOHN COVERED THIS MORNING
19 SOME OF THE LIMITATIONS OF THIS DATA. SOME OF LTF'S, WE
20 KNOW, DID INCLUDE DATA AS IF THEY WERE ACHIEVING THE 25-
21 AND 50-PERCENT GOALS ALREADY. OTHER JURISDICTIONS
22 DIDN'T. MANY OF THEM DIDN'T INDICATE HOW THEY HAD COME
23 UP WITH THAT NUMBER, SO WE'LL HAVE TO MAKE THAT EXPLICIT
24 WHEN WE DO REVISE IT AND PUT THAT SCENARIO IN THAT WAY,
25 THAT THAT IS MOST LIKELY OVERCOUNTING SOME DIVERSION.

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1 BOARD MEMBER HUFF: YEAH. THERE IS SOME FLAKY
2 DATA IN LOCAL LAND.

3 CHAIRMAN EGIGIAN: HOWARD, YOU HAVE SOME
4 COMMENTS?

5 MR. LEVENSON: I HAD A COMMENT AND A QUESTION
6 THAT I'D LIKE TO RELAY FROM MR. RELIS. THE COMMENT IS TO
7 COMMEND THE STAFF ON THE REPORT. IT'S A PRETTY IMPORTANT
8 STEP IN GETTING A HANDLE ON THIS WHOLE CAPACITY ISSUE.

9 QUESTION, I THINK, WAS JUST PERFECTLY DEALT
10 WITH BY MR. HUFF AND REGARDED WHAT THE IMPACT OF THE
11 DIVERSION GOALS WOULD BE ON LANDFILL CAPACITY. JUST WANT
12 TO SECOND THAT FOR MR. RELIS.

13 CHAIRMAN EGIGIAN: ANY OTHER COMMENTS?

14 IF NOT, WE WILL STAND ADJOURNED.

15

16 (END OF PROCEEDINGS.)

17

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Reporter's Certificate

* * * * *

I, BETH C. DRAIN hereby certify:

that on the 20th of
FEBRUARY 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

