

CERTIFIED  
COPY

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

IN THE MATTER OF THE: )  
 )  
MEETING OF THE )  
INTEGRATED WASTE MANAGEMENT )  
PLANNING COMMITTEE )  
MARCH 12TH, 1992 )  
\_\_\_\_\_ )

DATE AND TIME: THURSDAY, MARCH 12TH, 1992, 9:30 A.M.

PLACE: BOARD HEARING ROOM  
8800 CAL CENTER DRIVE  
SACRAMENTO, CALIFORNIA 95826

REPORTER: ANNE L. STARK, RPR, CSR  
CERTIFICATE NO. 9414

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## APPEARANCES

MR. PAUL M. RELIS, CHAIRMAN  
MR. SAM A. EGIGIAN  
MS. KATHY NEAL

## ALSO PRESENT

MR. WESLEY CHESBRO

## STAFF PRESENT

MR. ROBERT F. CONHEIM, GENERAL COUNSEL  
MR. DON WALLACE  
MR. RALPH CHANDLER  
MR. AL LIPSON  
MR. TOM RIETZ  
MR. FITZ FITZGERALD  
MR. HOWARD LEVENSON



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THURSDAY, MARCH 12TH, 1992

9:30 A.M.

INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE

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CHAIRMAN RELIS: GOOD MORNING. I'D LIKE TO WELCOME EVERYBODY TO THE PLANNING COMMITTEE MEETING TODAY. WE HAVE A FULL DAY'S WORK SCHEDULE, AND I'D LIKE TO TAKE A MOMENT AND JUST DISCUSS HOW WE'D LIKE THE DAY TO GO.

WE HAVE A PRIOR OBLIGATION, BOARD MEMBERS, THAT WILL CAUSE US TO RECESS BETWEEN TWELVE AND TWO. WE'LL GET BACK HERE AS CLOSE TO TWO AS WE CAN, AND WE EXPECT THAT WE'LL COVER MOST OF THE ITEMS IN THIS MORNING'S SESSION.

WE EXPECT THAT ITEM 7 WILL BE A LENGTHY DISCUSSION AND ONE IN WHICH MANY OF YOU, I'M CERTAIN, ARE HERE FOR. SO THAT WILL GO -- IT COULD GO AS LATE AS 6 O'CLOCK. WE'RE NOT SURE HOW LONG THE MEETING WILL, IN FACT, LAST.

SO WITHOUT FURTHER DELAY, THEN, WE DON'T HAVE ANY CONTRACTS AND INTERAGENCY AGREEMENTS, SO FIRST LET ME CALL THE ROLL FOR ATTENDANCE HERE.

COMMITTEE SECRETARY: BOARD MEMBER NEAL?

BOARD MEMBER NEAL: HERE.



1 COMMITTEE SECRETARY: EGIGIAN?

2 BOARD MEMBER EGIGIAN: HERE.

3 COMMITTEE SECRETARY: CHAIRMAN RELIS?

4 CHAIRMAN RELIS: HERE.

5 ITEM NO. 1, ARE THERE ANY COMMENTS?

6 MOVE TO ITEM 2, PLEASE. STAFF

7 PRESENTATION?

8 MS. RANGE: GOOD MORNING, CHAIRMAN RELIS AND  
9 COMMITTEE MEMBERS. MY NAME IS DIANNE RANGE. I'M THE  
10 MANAGER OF THE LOCAL ASSISTANCE BRANCH, THE NORTHERN  
11 SECTION, AND I'M HERE TO PRESENT TO YOU TODAY FOR YOUR  
12 CONSIDERATION THE PETITION FROM THE CITY OF ISLETON  
13 REQUESTING A REDUCTION IN THE PLANNING REQUIREMENTS.

14 AS YOU KNOW THE PUBLIC RESOURCES CODE  
15 SECTION 41782 AUTHORIZES THE CALIFORNIA INTEGRATED WASTE  
16 MANAGEMENT BOARD TO GRANT REDUCTION IN THE REQUIRED 25  
17 AND 50 PERCENT DIVERSION GOALS FOR THE YEAR 1995 AND THE  
18 YEAR 2000 RESPECTIVELY. THIS IS ALSO UNDER 41782. THE  
19 INTEGRATED WASTE MANAGEMENT BOARD CAN AUTHORIZE REDUCTION  
20 IN PLANNING REQUIREMENTS.

21 THE BOARD HAS ADOPTED CRITERIA FOR  
22 JURISDICTIONS TO QUALIFY FOR A PETITION OF THE BOARD  
23 THROUGH A REGULATION WHICH WAS ADOPTED IN MONTEREY THIS  
24 LAST FEBRUARY. THIS IS THE REGULATION 18775 OF THE  
25 CALIFORNIA CODE OF REGULATIONS.



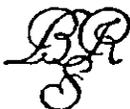
1 THE CRITERIA SPECIFIES SPECIFICALLY FOR  
2 CITIES THAT, IN ORDER TO QUALIFY TO PETITION THE BOARD,  
3 THE CITY MUST HAVE A GEOGRAPHIC AREA OF LESS THAN THREE  
4 SQUARE MILES OR A POPULATION DENSITY OF 1500 PEOPLE PER  
5 SQUARE MILE, AND A WASTE GENERATION RATE OF LESS THAN 100  
6 CUBIC YARDS.

7 JUST TO GIVE YOU SOME BACKGROUND ON THE  
8 CITY OF ISLETON. ISLETON IS LOCATED IN THE SACRAMENTO  
9 DELTA REGION IN THE SOUTHWESTERN REGION OF SACRAMENTO  
10 COUNTY. IT HAS A POPULATION OF 823 PEOPLE IN AN AREA OF  
11 .5 SQUARE MILES.

12 THE COLLECTION OF SOLID WASTE OCCURS ON  
13 TUESDAY AND THURSDAYS AND IT FILLS A SINGLE 20-YARD  
14 PACKER TRUCK ON EACH OF THESE DAYS; THEREFORE, THE TOTAL  
15 TONS COLLECTED EACH WEEK IS TEN OR 700.48 TONS A YEAR.  
16 WE HAVE TO ALSO RECOGNIZE THAT 20 TONS OF THIS WASTE IS  
17 COLLECTED DURING THE CITY'S ANNUAL CRAWDAD FESTIVAL.  
18 ONCE THE WASTE IS COLLECTED, IT'S TRANSFERRED TO A NEARBY  
19 COUNTY TRANSFER STATION WHERE IT'S ULTIMATELY DISPOSED OF  
20 IN THE COUNTY KEIFER ROAD LANDFILL.

21 CURRENTLY THE CITY'S DIVERSION PROGRAMS ARE  
22 DROPOFF ACTIVITIES AT A CONVENIENCE CENTER OR REDEMPTION  
23 CENTER. THE CITY ALSO HAS SMALL SCALE COMPOSTING  
24 OPERATION AND THE TOTAL DIVISION IS 7.4 PERCENT.

25 THE CITY IS REQUESTING ONLY PLANNING



1 REDUCTIONS. THESE REDUCTIONS ARE TO USE INFORMATION FROM  
2 ANOTHER JURISDICTION'S SOURCE REDUCTION AND RECYCLING  
3 ELEMENT, WHICH WILL SERVE AS A BASIS FOR INFORMATION TO  
4 COMPLY WITH THE EVALUATION OF ALTERNATIVES.

5 THEY ARE REQUESTING THAT A SINGLE EXISTING  
6 CONDITION'S DESCRIPTION BE USED FOR THE ENTIRE SOURCE  
7 REDUCTION/RECYCLING ELEMENT INSTEAD OF ONE WITHIN EACH  
8 COMPONENT OF THE SOURCE REDUCTION/RECYCLING ELEMENT.  
9 THEY ARE ALSO REQUESTING THAT A SINGLE MONITORING AND  
10 EVALUATION SECTION BE USED INSTEAD OF ONE WITHIN EACH  
11 COMPONENT.

12 THE CITY OF ISLETON FEELS THAT THESE  
13 REDUCTIONS WILL PRODUCE A MORE STREAMLINED SOURCE  
14 REDUCTION/RECYCLING ELEMENT THAT'S NEEDED BECAUSE OF  
15 LIMITED STAFF AND LIMITED FUNDING.

16 BOARD STAFF HAS REVIEWED THE PETITION AND  
17 WORKED CLOSELY WITH THE CITY CONSULTANT AND HAS  
18 DETERMINED THAT THE CITY QUALIFIED TO PETITION THE BOARD  
19 BASED ON ITS GEOGRAPHIC SIZE AND LOW VOLUME OF WASTE  
20 GENERATED, AND THAT THE CITY HAS COMPLIED WITH THE  
21 PROCEDURES FOR PETITIONING THE BOARD.

22 WE HAVE ALSO WITH US TODAY, KELLY SMITH,  
23 WHO'S A CONSULTANT TO THE CITY AND IS HERE TO ANSWER ANY  
24 QUESTIONS IF YOU HAVE ANY BEFORE WE GO INTO THE STAFF  
25 RECOMMENDATION.



1 DOES ANYONE HAVE QUESTIONS OF STAFF?

2 CHAIRMAN RELIS: BOARD MEMBERS, ANY QUESTIONS OF  
3 STAFF?

4 BOARD MEMBER EGIGIAN: THEY COLLECT 20 PERCENT  
5 DURING WHAT KIND OF A HOLIDAY?

6 MS. RANGE: DURING THE CRAWDAD FESTIVAL.

7 BOARD MEMBER EGIGIAN: CRAWDAD?

8 MS. RANGE: YES.

9 CHAIRMAN RELIS: SO THERE'S A LARGE AMOUNT OF  
10 CRAWDAD WASTE.

11 MS. RANGE: CRUSTACEAN.

12 CHAIRMAN RELIS: CRUSTACEAN WASTE.

13 OKAY. DOES THE CONSULTANT WISH TO SPEAK?

14 MR. SMITH, DO YOU HAVE ANYTHING YOU WANT TO SAY? I MEAN,  
15 DON'T FEEL OBLIGATED.

16 MR. SMITH: I DON'T THINK SO, UNLESS YOU HAVE  
17 ANY QUESTIONS.

18 CHAIRMAN RELIS: THEN WE'LL GO AHEAD WITH THE  
19 RECOMMENDATIONS.

20 MS. RANGE: OKAY. BOARD STAFF RECOMMENDS THAT  
21 THE COMMITTEE RECOMMEND APPROVAL OF THE ISLETON PETITION  
22 FOR THE REDUCED PLANNING REQUIREMENTS ALLOWING FOR THE  
23 USE OF INFORMATION FROM ANOTHER JURISDICTION'S SOURCE  
24 REDUCTION/RECYCLING ELEMENT FOR THE BASIS OF THE  
25 EVALUATION OF ALTERNATIVES, THE CONSOLIDATION OF THE



1 COMPONENT'S EXISTING CONDITIONS SECTION, AND THE  
2 CONSOLIDATION OF THE MONITORING AND EVALUATION SECTIONS  
3 WITHIN EACH COMPONENT.

4 BOARD MEMBER NEAL: I MOVE STAFF RECOMMENDATION.

5 BOARD MEMBER EGIGIAN: SECOND.

6 CHAIRMAN RELIS: IT'S BEEN MOVED AND SECONDED.

7 WE'LL HAVE A ROLL CALL.

8 COMMITTEE SECRETARY: BOARD MEMBER NEAL?

9 BOARD MEMBER NEAL: AYE.

10 COMMITTEE SECRETARY: EGIGIAN?

11 BOARD MEMBER EGIGIAN: AYE.

12 COMMITTEE SECRETARY: CHAIRMAN RELIS?

13 CHAIRMAN RELIS: AYE.

14 AND I EXPECT WE PUT THIS ON CONSENT, SO IT  
15 WILL GO ON CONSENT.

16 ITEM NO. 3.

17 MS. RANGE: I ALSO AM HERE TO PRESENT TO YOU THE  
18 PETITION FOR ALPINE COUNTY FOR REDUCTIONS IN DIVERSION  
19 GOALS AND PLANNING REQUIREMENTS.

20 JUST TO GO OVER BRIEFLY THE CRITERIA FOR  
21 THE UNINCORPORATED AREA, IN ORDER TO QUALIFY FOR  
22 PETITIONING THE BOARD, THE UNINCORPORATED AREA MUST HAVE  
23 A GEOGRAPHIC AREA OF LESS THAN 1500 SQUARE MILES OR A  
24 POPULATION DENSITY OF LESS THAN 10 PEOPLE PER SQUARE  
25 MILE, AND A WASTE GENERATION RATE OF LESS THAN 60 TONS A

1 DAY.

2 SOME BRIEF BACKGROUND ON THE COUNTY OF  
3 ALPINE. IT'S A REMOTE AND VERY SPARSELY POPULATED  
4 REGION. IT'S -- THE POPULATION IS APPROXIMATELY 1220  
5 PEOPLE OR 1.52 PEOPLE PER SQUARE MILE. THERE ARE NO  
6 INCORPORATED CITIES IN THE COUNTY. THERE ARE NO EXISTING  
7 SOLID WASTE DISPOSAL FACILITIES WITHIN THE COUNTY.

8 THERE ARE THREE SEPARATE WASTESHEDS, BEAR  
9 VALLEY, KIRKWOOD, AND MARKLEEVILLE/WOODSFORD AREA. THESE  
10 ARE ALL COLLECTED BY -- THE WASTE IS COLLECTED BY THREE  
11 SEPARATE FIRMS AND GOES TO CALAVERAS COUNTY, AMADOR  
12 COUNTY, AND DOUGLAS COUNTY IN NEVADA.

13 CURRENTLY, THERE AREN'T ANY FEES TO COVER  
14 SOLID WASTE COLLECTION AND DISPOSAL. THERE ARE NO FEES  
15 OR REVENUES WITH THE EXCEPTION OF PARCEL FEES IN BEAR  
16 VALLEY. CURRENTLY, THE DIVERSION IS ABOUT 1.85 THROUGH  
17 DROP OFF ACTIVITIES AND SOME SOURCE REDUCTION AND  
18 COMMERCIAL RECYCLING. THE COUNTY PLANS TO CONTINUE  
19 IMPLEMENTING PROGRAMS FOR DIVERSION, THEIR PROPOSED  
20 DIVERSION PROGRAMS WOULD TOTAL ABOUT 15 PERCENT  
21 DIVERSION.

22 WHAT THE COUNTY IS ASKING FOR ARE  
23 REDUCTIONS IN PLANNING REQUIREMENTS TO INCLUDE AN  
24 EXEMPTION FROM FUTURE WASTE GENERATION STUDIES, TO BE  
25 ABLE TO USE COMPARABLE DATA FROM ANOTHER JURISDICTION FOR



1 FUTURE SOURCE REDUCTION AND RECYCLING REVISIONS. THEY'RE  
2 ASKING FOR AN ELIMINATION OF RECYCLING ALTERNATIVE  
3 EVALUATION BECAUSE OF THE LOW POPULATION AND LOW VOLUME  
4 OF WASTE AND BECAUSE OF THEIR ISOLATED WASTESHED, AND  
5 THEY WOULD FOCUS ON CALIFORNIA REDEMPTION VALUE  
6 CONTAINERS, CARDBOARD, OFFICE PAPER, HDPE AND PET  
7 CONTAINERS, FERROUS AND TIN SCRAP METALS, TIRES AND AUTO  
8 BODIES.

9 THEY'RE ASKING FOR AN ELIMINATION OF A  
10 SPECIAL WASTE EVALUATION. ALPINE COUNTY GENERATES ONLY  
11 390 TONS A YEAR OF SPECIAL WASTE, OF WHICH 340 TONS IS  
12 SEWAGE SLUDGE. AT THIS TIME THERE ARE NO FEASIBLE  
13 ALTERNATIVES, BUT THEY'RE WILLING TO WORK WITH AMADOR  
14 COUNTY IF THAT COUNTY IS ABLE TO DEVELOP A SLUDGE  
15 DIVERSION PROGRAM.

16 THEY'RE ALSO ASKING FOR A REDUCTION IN THE  
17 COMPOSTING COMPONENT REQUIREMENTS IN THAT IT BE LIMITED  
18 TO A DESCRIPTION OF THE EXISTING CONDITIONS. THEY'RE  
19 ENCOURAGING THEIR RESIDENTS TO DO BACKYARD COMPOSTING  
20 WHICH WOULD BE PART OF THE SOURCE REDUCTION ACTIVITIES.  
21 ALPINE COUNTY, ESSENTIALLY, BELIEVES THAT THE COUNTYWIDE  
22 COMPOSTING OPERATION IS UNFEASIBLE BECAUSE ABOUT 1.07  
23 PERCENT OF THE YARD WASTE IS PINE NEEDLES WHICH IS VERY  
24 ACIDIC AND VERY DIFFICULT TO COMPOST.

25 ALSO, MARKETS HAVEN'T BEEN IDENTIFIED



1 NEARBY TO ALLOW FOR TRANSPORTATION AND COLLECTION COSTS  
2 TO BE FEASIBLE AND COST EFFECTIVE. THE TRANSPORTATION  
3 COSTS ARE SIGNIFICANT BECAUSE OF THE ROUND TRIP THAT IS  
4 IN THE RANGE OF 150 TO 700 MILES TO MARKET.

5 THEY'RE ALSO ASKING FOR REDUCTION IN THE  
6 DIVERSION GOALS FROM 25 PERCENT AND 50 PERCENT TO 15  
7 PERCENT AND 23 PERCENT RESPECTIVELY.

8 STAFF HAS BEEN WORKING REALLY CLOSELY WITH  
9 THE COUNTY FOR THE LAST YEAR AND SEVERAL MONTHS AND HAVE  
10 DECIDED THAT THE INFORMATION -- OUR STAFF HAS REVIEWED  
11 THE INFORMATION AND DETERMINED THAT IT WAS SUFFICIENT AND  
12 FEASIBLE AND CERTAINLY COST EFFECTIVE FOR THE COUNTY BE  
13 GRANTED REDUCTIONS IN PLANNING AND DIVERSION  
14 REQUIREMENTS.

15 BOARD STAFF HAS ASKED THAT THE COUNTY WORK  
16 WITH BOARD STAFF TO FIND A JURISDICTION THAT WOULD BE  
17 COMPARABLE FOR FUTURE WASTE GENERATION STUDIES. ALSO,  
18 THE BOARD STAFF HAS RECOMMENDED THAT BECAUSE OF BOARD  
19 POLICY WITH MONO COUNTY'S PETITION, THAT BOARD GRANT ONLY  
20 THE REDUCTIONS FOR THE 23 -- I MEAN FOR THE 15 PERCENT  
21 SHORT-TERM DIVERSION GOALS.

22 AT THIS TIME, COUNTY REPRESENTATIVES ARE  
23 HERE TO TALK ABOUT AND TO MAKE A SMALL PRESENTATION TO  
24 THE BOARD AND TO ADDRESS THE NEED TO HAVE THE COMMITTEE  
25 CONSIDER THE PLANNING REDUCTIONS AS WELL.



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ARE THERE ANY QUESTIONS?

BOARD MEMBER NEAL: I HAVE A QUESTION.

THEY'RE REQUESTING A REDUCTION TO 15 PERCENT FOR '95. DO YOU HAVE ANY INFORMATION TO DETERMINE WHETHER THEY HAVE ANY EXISTING DIVERSION CREDIT THAT WOULD BE APPLIED TO THAT?

MS. RANGE: I'M SORRY. I DON'T QUITE UNDERSTAND.

BOARD MEMBER NEAL: ARE THEY CLAIMING ANY CREDIT FOR EXISTING DIVERSION ACTIVITIES THAT WOULD BE CREDITED TO THEIR REDUCTION REQUIREMENTS?

MS. RANGE: RIGHT. SURE, THEY ARE --

BOARD MEMBER NEAL: WHAT IS THAT?

MS. RANGE: IT'S 1.85 THAT WILL BE GOING TOWARDS THE REDUCTION REQUIREMENT.

ANY OTHER QUESTIONS?

CHAIRMAN RELIS: ARE YOU THROUGH WITH YOUR PRESENTATION?

MS. RANGE: YES.

CHAIRMAN RELIS: WE'LL HEAR FROM ALPINE.

MS. RANGE: FROM THE COUNTY REPRESENTATIVES, THE PERSON'S NAME IS LEONARD TURNBOLL.

MR. TURNBOLL: MR. CHAIRMAN, MEMBERS OF THE COMMITTEE. I DO HAVE MAPS TO PASS OUT TO YOU. I HAVE HIGHLIGHTED OUR WASTE STREAM.



1 BOARD MEMBER NEAL: DOES IT SHOW THE SKI TRAIL?  
2 CHAIRMAN RELIS: YOU'LL GO TO THE MIKE IN JUST A  
3 MINUTE.

4 MR. TURNBOLL: MR. CHAIRMAN, MEMBERS OF THE  
5 COMMITTEE, ALPINE COUNTY, AS WAS STATED, IS A VERY RURAL  
6 PORTION OF CALIFORNIA. WE HAVE 723 SQUARE MILES AND  
7 RURAL DOES NOT REALLY ADEQUATELY DESCRIBE OUR COUNTY.  
8 YOU HAVE URBAN CALIFORNIA. YOU HAVE METROPOLITAN AREAS.  
9 WE ARE WILDERNESS CALIFORNIA.

10 IF YOU WILL LOOK AT THAT MAP, YOU'LL SEE  
11 THAT WE ARE SPLIT INTO THREE WASTESHEDS. WE ARE ALSO  
12 SPLIT BETWEEN THREE NATIONAL FORESTS AND BUREAU LAND  
13 MANAGEMENT. WE'RE OVER 95 PERCENT GOVERNMENT OWNED.  
14 WE'RE ABOUT 30 TO 50 PERCENT WILDERNESS; THAT'S  
15 DESIGNATED WILDERNESS WITHIN OUR COUNTY.

16 IN THE WINTERTIME, SUCH AS NOW, ONE OF OUR  
17 WASTESHEDS, WHICH IS THE BEAR VALLEY AREA THAT GOES DOWN  
18 TO CALAVERAS COUNTY IS BASICALLY INACCESSIBLE. A 30 MILE  
19 TRIP IN THE SUMMERTIME IS A 150 MILE TRIP ONE WAY IN THE  
20 WINTERTIME. SO WE HAVE SOME UNIQUE SITUATIONS WITHIN  
21 ALPINE COUNTY. AND WHEN WE SAY LOOK FOR A JURISDICTION  
22 OF SIMILAR SIZE OR COMPARABLE SIZE, I THINK THAT'S GOING  
23 TO BE DIFFICULT TO FIND. I UNDERSTAND THERE'S ONE COUNTY  
24 IN TEXAS THAT'S ABOUT OUR SIZE.

25 THE COUNTY WOULD LIKE TO ASK FOR YOUR



1 CONSIDERATION OF THE WASTE REDUCTION INTO THE YEAR 2000.  
2 I KNOW THE STAFF IS RECOMMENDING ONLY UNTIL '95. WE HAVE  
3 BEEN APPROXIMATELY 18 MONTHS GETTING TO THE POINT WHERE  
4 WE ARE TODAY, AND 1995 IS ONLY 30 MONTHS AWAY, ROUGHLY.  
5 TO TURN RIGHT AROUND AND START RIGHT BACK INTO THIS  
6 PROCESS WITH OUR LIMITED RESOURCES, OUR LIMITED  
7 POPULATION, OF WHICH THERE IS ONE CORRECTION IN THE  
8 REPORT. IT'S NOT 1220, IT'S 1113, BASED ON THE 1990  
9 CENSUS. WE DON'T HAVE AS MUCH AS THE STATE THOUGHT WE  
10 HAD. ACCORDING TO THEIR OWN PROJECTIONS, WE ARE  
11 FLATLINED. WE WILL NOT GROW UNTIL THE YEAR 2000.

12 WE WOULD ASK THAT YOU RECONSIDER THE  
13 STAFF'S RECOMMENDATION ON OUR REDUCTION INTO THE YEAR  
14 2000 AND THAT WE BE GRANTED THE 23 PERCENT DIVERSION OR  
15 POSSIBLY SOME ROUND IN BETWEEN '95 AND THE YEAR 2000.

16 ARE THERE ANY QUESTIONS?

17 BOARD MEMBER NEAL: I HAVE A COUPLE OF  
18 QUESTIONS.

19 HOW SUCCESSFUL -- I NOTE IN THE INFORMATION  
20 YOU'RE DOING SOME RECYCLING ACTIVITIES AT KIRKWOOD. HOW  
21 SUCCESSFUL IS THAT?

22 MR. TURNBOLL: IT'S ON THE SUCCESSFUL SIDE.  
23 WE'RE TIED IN WITH AMADOR COUNTY THERE. SEE, OUR WASTE  
24 IN AMADOR COUNTY, BECAUSE THE COUNTY LINE GOES THROUGH  
25 THE MIDDLE OF KIRKWOOD. YES, ACTUALLY IT'S THREE



1           COUNTIES INVOLVED THERE. AMADOR, EL DORADO, AND ALPINE  
2           COUNTY ALL COME TOGETHER IN KIRKWOOD. THE SINGLE-FAMILY  
3           HOMES ARE ON THE AMADOR COUNTY SIDE OF THE LINE. THE --

4                       BOARD MEMBER NEAL: IS THAT THESE SIX PAGES?

5                       MR. TURNBOLL: WELL, NO, THAT'S THE WHOLE  
6           COUNTY. THE NORTHWEST CORNER IS WHERE KIRKWOOD IS  
7           LOCATED AT. BUT OUR RECYCLING PROGRAM THERE DOES TIE IN  
8           WITH AMADOR COUNTY, AND THEY ARE WORKING TO RECYCLE AS  
9           MUCH AS POSSIBLE. IT'S MAINLY SODA AND BEER CONTAINERS  
10          AND THAT FROM SKIERS, IN ALL HONESTY. WE'RE DEALING WITH  
11          WEEKEND VISITORS AND DAY USERS, IF YOU WILL, THAT COME  
12          OVER FROM TAHOE OR UP FROM THE BAY AREA TO USE OUR AREA.

13                      WE HAVE THE SAME SITUATION IN CALAVERAS  
14          COUNTY WITH BEAR VALLEY, WHICH IS THE OTHER PORTION OF  
15          OUR WASTE STREAM. THE HAULER FROM CALAVERAS COUNTY COMES  
16          INTO US, PICKS UP AND TAKES DOWN TO THEIR DUMP. THE EAST  
17          SLOPE OF THE COUNTY, WHICH IS THE MARKLEEVILLE/WOODFORDS  
18          AREA, PRESENTLY GOES TO DOUGLAS COUNTY, NEVADA.

19                      WE'VE BEEN WORKING WITH DOUGLAS COUNTY,  
20          NEVADA, WITH SOUTH LAKE TAHOE, AND WITH THEIR CARRIER,  
21          AND OUR WASTE FROM THOSE AREAS, BOTH TAHOE, DOUGLAS  
22          COUNTY, NEVADA, AND ALPINE COUNTY WILL BE GOING TO AN  
23          AREA EAST OF RENO, NEVADA, ABOUT EIGHT MILES EAST. SO  
24          THERE'S A 75 MILE HAUL TO AN AREA TO DISPOSE OF THEM.  
25          OUR VOLUMES ARE SO LIMITED THAT UNLESS THEY'RE REALLY



1 INTO IT -- AND WE HAVE A CHILDREN'S CENTER THAT RECYCLES  
2 ALUMINUM CANS, GLASS BOTTLES AND THAT. WE KEEP WORKING  
3 TOWARDS IT, BUT WE DO NOT HAVE THE VOLUME NOR THE MARKET  
4 IN THE PROXIMITY TO REALLY MAKE IT HAVE THAT BIG A DENT,  
5 IF YOU WILL. IT'S TOO SMALL.

6 BOARD MEMBER NEAL: I NOTICE THAT YOU ARE ALSO  
7 INVOLVED IN SOME SOURCE REDUCTION ACTIVITIES LIKE  
8 TWO-SIDED COPYING IN COUNTY OFFICES.

9 MR. TURNBOLL: YES. WE DO HAVE A RECYCLE BOX  
10 UNDER ABOUT EVERY DESK. EVERY COPY OF PAPER THAT COMES  
11 IN GOES INTO THAT BOX.

12 BOARD MEMBER NEAL: ARE YOU DOING ANY  
13 EDUCATIONAL ACTIVITIES WITH THE RESIDENTS ON SOURCE  
14 REDUCTION?

15 MR. TURNBOLL: YES, THROUGH THINGS IN THE  
16 NEWSPAPER, FROM PUBLIC INVOLVEMENT AND THAT, BUT WE HAVE  
17 NO RADIO STATIONS, NO TV, ANYTHING LIKE THAT. ALL OF OUR  
18 COMMUNICATIONS LIKE THAT PRIMARILY COMES OUT OF THE RENO  
19 AREA.

20 CHAIRMAN RELIS: WHAT IN THE WAY OF -- DOES THE  
21 FOREST SERVICE HAVE ANY KIND OF RECYCLING PROGRAM?

22 MR. TURNBOLL: YES, SOME OF THEIR STAFF DOES.  
23 THEY OPERATE --

24 CHAIRMAN RELIS: ARE YOU ABLE TO TIE IN WITH  
25 THOSE AT ALL?



1 MR. TURNBOLL: WE COORDINATE WITH THEM. WE HAVE  
2 A RECYCLING COMMITTEE THAT MEETS ONCE A MONTH TRYING TO  
3 WORK ON NEW IDEAS AND NEW METHODS, BOTH WITH OUR PRIMARY  
4 HAULER OUT OF DOUGLAS COUNTY, WITH THE FOREST SERVICE  
5 REPRESENTATIVES, AND WITH THE LOCAL BUSINESS PEOPLE AND  
6 THAT.

7 CHAIRMAN RELIS: ANY FURTHER QUESTIONS?

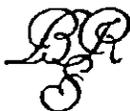
8 THANK YOU VERY MUCH.

9 MR. TURNBOLL: USE THE MAP. COME UP AND VISIT  
10 US. FISHING IS VERY NICE, AND THE SKIING IS GOOD, TOO.

11 CHAIRMAN RELIS: WELL, DOES STAFF -- WE'VE ASKED  
12 FOR A RULING HERE THAT WOULD LOWER OUR PREVIOUS ACTS  
13 RELATED TO MONO COUNTY. WOULD THERE BE ANY COMPELLING  
14 REASON THAT YOU WOULD SEE FOR US TO DO THAT HERE BECAUSE  
15 OF THE UNIQUE GEOGRAPHY, POPULATION OR OTHERWISE?

16 BOARD MEMBER NEAL: WELL, LET ME TELL YOU. I  
17 KNOW ON MONO COUNTY, IF I RECALL, OUR DECISION WAS TO  
18 PROVIDE THE REDUCTION TO '95, BUT WE WERE UNCOMFORTABLE  
19 WITH GOING FORWARD TO 2000 JUST BECAUSE RIGHT NOW THINGS  
20 ARE STILL A LITTLE BIT UNCERTAIN FOR US, AND WE DON'T  
21 KNOW WHAT THE PICTURE WILL BE LIKE THEN.

22 I'M VERY SYMPATHETIC TO THE SITUATION HERE,  
23 BUT AT THE SAME TIME I THINK I WOULD STILL BE RELUCTANT  
24 TO EXTEND, RIGHT NOW, THIS KIND OF REDUCTION TO THE YEAR  
25 2000. THAT'S NOT TO SAY THAT IF WE GET DOWN THE ROAD A



1 LITTLE BIT THAT WE WOULD NOT BE INCLINED, ESPECIALLY,  
2 AGAIN, I THINK THE SAME THING APPLIES HERE AS IT DID WITH  
3 MONO, WE SEE IF THEY CONTINUE WITH A GOOD FAITH EFFORT,  
4 THAT WE WOULD NOT BE INCLINED A LITTLE LATER TO CONSIDER  
5 A REDUCTION IN THE REQUIREMENT TO 2000.

6 I'M JUST A LITTLE UNCOMFORTABLE STILL, THIS  
7 EARLY IN THE GAME, WITH STRETCHING OUT REDUCTIONS THAT  
8 FAR -- REDUCTIONS IN OUR REQUIREMENTS THAT FAR.

9 CHAIRMAN RELIS: SAM?

10 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I GO ALONG  
11 WITH MS. NEAL TO A CERTAIN EXTENT HERE. I THINK WE  
12 SHOULD LET THE FIRST PART OF THIS PROGRAM UNTIL '95 GO AS  
13 IT IS AND FIND OUT WHAT THE RESULTS ARE AT THAT TIME.  
14 THEN, I'M SURE WE'RE GOING TO HAVE TO TIGHTEN UP IN SOME  
15 AREAS AND GIVE CERTAIN RELIEF IN OTHER AREAS. SO BASED  
16 ON THAT, I FEEL THAT WE SHOULD GIVE THE LAW A CHANCE TO  
17 WORK AND SEE WHAT HAPPENS.

18 I'M SYMPATHETIC TO ALPINE COUNTY AND THIS  
19 TRIP IS PROBABLY THROWING THEIR WHOLE BUDGET OUT OF  
20 KILTER; HOWEVER, I WOULD LIKE TO SEE THE LAW WORK FOR A  
21 LITTLE WHILE.

22 CHAIRMAN RELIS: I THINK THE MESSAGE, AS I'M  
23 HEARING IT, IS THAT WE'VE HEARD YOU AND WE KNOW THAT YOU  
24 MAY WELL BE BACK BUT THAT WE'RE RELUCTANT TO CHANGE OUR  
25 MODE AT THIS EARLY TIME. I WONDER IF THERE'S A MOTION.



1 BOARD MEMBER NEAL: WELL, I WOULD MOVE THE STAFF  
2 RECOMMENDATION.

3 BOARD MEMBER EGIGIAN: SECOND IT.

4 CHAIRMAN RELIS: CALL THE ROLL, PLEASE.

5 COMMITTEE SECRETARY: BOARD MEMBER NEAL?

6 BOARD MEMBER NEAL: AYE.

7 COMMITTEE SECRETARY: EGIGIAN?

8 BOARD MEMBER EGIGIAN: AYE.

9 COMMITTEE SECRETARY: CHAIRMAN RELIS?

10 CHAIRMAN RELIS: AYE.

11 THANK YOU FOR COMING, AND I'M SURE WE'LL BE  
12 SEEING YOU AGAIN.

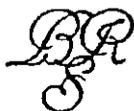
13 CONSENT. THIS COULD GO ON THE CONSENT AS  
14 WELL.

15 WE NOW HAVE ITEM 4 CONCERNING THE PROPOSED  
16 ADOPTION OF WEIGHT/VOLUME CONVERSION FACTOR STUDY FOR  
17 INDIVIDUAL WASTE TYPES.

18 STEVE, ARE YOU MAKING THIS PRESENTATION?

19 MR. AULT: GOOD MORNING, CHAIRMAN RELIS AND  
20 COMMITTEE MEMBERS. THIS AGENDA ITEM IS THE PROPOSED  
21 ADOPTION OF THE WEIGHT/VOLUME CONVERSION FACTOR STUDY FOR  
22 INDIVIDUAL WASTE TYPES.

23 THE PRESENTATION WILL BE MADE BY DAVID  
24 GONZALEZ, BUT I WANT TO MAKE A COUPLE OF BRIEF COMMENTS  
25 PRIOR TO HIS PRESENTATION. WE HAVE WITH US TODAY THE



1 PRIMARY CONTRACTOR ON THIS PROJECT, MR. GEORGE SAVICH OF  
2 CALRECOVERY INCORPORATED, WHICH IS A FIRM WHICH HAS BEEN  
3 CONDUCTING WASTE CHARACTERIZATION STUDIES BOTH NATIONALLY  
4 AND INTERNATIONALLY FOR MANY YEARS.

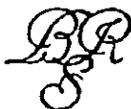
5 THE REVIEW OF THE STUDY WHICH IS BEING  
6 PRESENTED TODAY WAS CARRIED OUT PRIMARILY BY DAVID  
7 GONZALEZ WITH HELP FROM JOHN SITTS OF OUR STAFF AND BOB  
8 BOUGHTON OF THE BOARD STAFF.

9 AT THE BACK OF THE ROOM, THERE ARE ABOUT 25  
10 COPIES OF THE CONVERSION FACTORS STUDY FOR INDIVIDUAL  
11 WASTE TYPES FOR THOSE WHO MAY NOT HAVE OBTAINED A COPY IN  
12 THEIR BOARD PACKET. ADDITIONALLY, THERE IS A SIGN-UP  
13 SHEET IN THE BACK FOR INDIVIDUALS WHO DO NOT OBTAIN A  
14 COPY TODAY. WE WILL SEND A COPY TO THEM THROUGH THE MAIL  
15 COMMENCING TOMORROW.

16 WITH THAT, THEN, I'D LIKE TO TURN OVER THE  
17 PRESENTATION TO DAVID GONZALEZ OF OUR WASTE GENERATION  
18 ANALYSIS AND ENVIRONMENTAL REVIEW BRANCH.

19 MR. GONZALEZ: GOOD MORNING, CHAIRMAN RELIS AND  
20 COMMITTEE MEMBERS. THIS STUDY WAS CONDUCTED AS A RESULT  
21 OF OUR REGULATORY REQUIREMENTS THAT STATED THAT THE BOARD  
22 WAS TO COMPLETE A STUDY AND COMPILE A LIST OF ACCEPTABLE  
23 CONVERSION FACTORS FOR EACH OF THE SPECIFIC WASTE TYPES  
24 THAT ARE LISTED IN THE REGULATIONS, SECTION 18722(J).

25 THIS LIST WAS TO BE COMPLETED OR THIS STUDY



1 WAS TO BE COMPLETED BY JANUARY 1, 1992. THE -- WHEN THIS  
2 LIST WAS FIRST PUT TOGETHER, IT WAS AS CONTAINED IN THE  
3 EMERGENCY REGULATIONS. THE DUE DATE FOR THIS STUDY WAS  
4 JANUARY 1ST, 1993. IN THE ADOPTION PROCESS, THIS DATE  
5 WAS CHANGED TO JANUARY 1ST, 1992, SO STAFF LOST A YEAR IN  
6 PREPARING THE STUDY. AS A RESULT OF THAT IT WAS  
7 CONSIDERED -- IT WAS NECESSARY TO ACQUIRE A CONSULTANT TO  
8 DO A STUDY TO PRODUCE THESE CONVERSION FACTORS.

9 THE BOARD ISSUED RFP TO OBTAIN A  
10 CONSULTANT. WE HAD, I BELIEVE IT WAS, ABOUT 41 REQUESTS  
11 FOR THE RFP. FOUR OF THEM WERE RETURNED AND EVALUATED.  
12 OF THE FOUR THAT WERE RETURNED, TWO OF THEM PASSED THE  
13 SCORING PROCESS WITH THE CONTRACT BEING AWARDED TO  
14 CALRECOVERY.

15 CALRECOVERY WAS THE PRIMARY CONTRACTOR.  
16 TWO SUBCONTRACTORS WERE ALSO INVOLVED WITH THE STANDARD,  
17 ONE BEING THE TELLUS (PHONETIC) INSTITUTE WHICH IS BASED  
18 IN BOSTON, AND ANOTHER ONE IS ACT NOW, WHICH IS A BAY  
19 AREA CONSULTANT. THEY WERE ASSIGNED DIFFERENT PORTIONS  
20 OF THIS STUDY. TELLUS, THEIR CONTRIBUTION WAS PRETTY  
21 MUCH INFORMATION AND STUDIES DATA THAT WAS AVAILABLE BACK  
22 IN THE EASTERN AREA. ACT NOW WAS RESPONSIBLE FOR  
23 CONDUCTING A MAJORITY OF THE TELEPHONE AND MAIL SURVEYS  
24 AND PROVIDING THE DATA TO CALRECOVERY, WHO COMPILED THE  
25 DATA AND ASSEMBLED IT.



1 A LITTLE BACKGROUND ON THE USE OF THIS  
2 DATA. AS THE REGULATIONS REQUIRE DIVERSION INFORMATION  
3 TO BE REPORTED IN WEIGHT, IN MANY CASES THIS INFORMATION  
4 IS ONLY AVAILABLE IN VOLUME. YOU'LL HAVE PROCESSORS  
5 KNOWING HOW MANY CUBIC YARDS OF A CERTAIN MATERIAL  
6 THEY'VE MARKETED, BUT THERE'S NO WAY FOR THEM OF KNOWING  
7 HOW MUCH THIS MATERIAL WEIGHS. ALSO WITHIN THE -- WITHIN  
8 THE LITERATURE, THERE'S A WIDE VARIATION IN CONVERSION  
9 FACTORS. WHAT WE ATTEMPTED TO DO IS TO TRY TO GENERATE  
10 UNIFORM FIGURES THAT COULD BE USED STATEWIDE FOR  
11 JURISDICTIONS TO USE.

12 ALSO, WITH SOME OF THE WASTE TYPES THAT ARE  
13 LISTED, THERE WAS NO INFORMATION AVAILABLE TO THIS TYPE  
14 OF CONVERSION FACTORS EITHER THAT HAD BEEN DEVELOPED OR  
15 WAS ONLY, LET'S SAY, AVAILABLE THROUGH EXPENSIVE SEARCHES  
16 TO TRY TO LOCATE SOME OF THIS INFORMATION.

17 CHAIRMAN RELIS: MR. GONZALEZ, COULD YOU SPEAK  
18 UP JUST A LITTLE LOUDER?

19 MR. GONZALEZ: SURE.

20 THE STUDY ITSELF WAS A FOUR-PART STUDY.  
21 THIS PRESENTATION WILL ONLY DEAL WITH THE FIRST TWO PARTS  
22 OF THE STUDY. THE FIRST TWO PARTS ARE IDENTIFYING ALL  
23 THE DIFFERENT WASTE TYPES THAT IS COMMONLY FOUND IN  
24 CALIFORNIA, AND THE OTHER PART IS IDENTIFYING THE WASTE,  
25 THE FORMS THAT THESE WASTE TYPES EXIST. YOU HAVE



1 CARDBOARD THAT COULD BE BALED. IT COULD BE COMPACTED.  
2 IT COULD BE LOOSE. YOU HAVE GLASS WHICH CAN BE CRUSHED  
3 OR WHOLE OR BROKEN. SO WHEN -- AFTER THIS LIST WAS  
4 FINALLY COMPILED, WE HAD A TOTAL OF 220 DIFFERENT WASTE  
5 TYPES AND FORMS.

6 THE OTHER TWO PARTS OF THE STUDY WILL BE  
7 PRESENTED AT A LATER COMMITTEE MEETING, AND THOSE PARTS  
8 ARE FOR IN-VEHICLE DENSITY OF SOLID WASTE AND ALSO  
9 IN-PLACE DENSITY OF SOLID WASTE. THE INFORMATION, THE  
10 DATA AS IT CAME IN, WAS COLLECTED ALONG FOUR MAIN AREAS.  
11 ONE WAS ACTUAL FIELD STUDIES, BOTH IN STATE AND OUT OF  
12 STATE FIELD STUDIES. LITERATURE SEARCH, DATA SURVEY  
13 INFORMATION, WHICH WAS DIRECT TELEPHONE SURVEYS AND ALSO  
14 MAIL SURVEYS.

15 THIS INFORMATION WAS PRIORITIZED AS IN  
16 ORDER OF OUR RELIABILITY IN ACCURACY AND CONFIDENCE IN  
17 THAT DATA AND WAS THEN COMPILED INTO A MASTER TABLE THAT  
18 LISTED THE SOURCE OF THIS DATA AND ALSO CONVERSION FROM  
19 WEIGHT TO VOLUME AND VOLUME TO WEIGHT FOR ALL 220 WASTE  
20 TYPES. THIS INFORMATION HAS BEEN PRESENTED IN THIS  
21 DOCUMENT.

22 THE BOARD STAFF REVIEWED A PRIMARY DRAFT, A  
23 REVISED DRAFT BEFORE THE FINAL FINISHED VERSION OF THE  
24 REPORT WAS SUBMITTED. STAFF FEELS THAT THIS STUDY IS  
25 SATISFACTORY. IT HAS ACHIEVED THE INTENT OF THE STUDY



1 WHICH IS TO PRODUCE A LIST OF ACCEPTABLE CONVERSION  
2 FACTORS, THAT IS NOT TO MEAN THAT THERE IS A DEFINITIVE  
3 STATEMENT OF CONVERSION FACTORS BUT IT IS A GOOD BASE  
4 FROM WHICH TO BUILD WITH, THAT ALL JURISDICTIONS WILL  
5 HAVE ACCESS TO. THE JURISDICTIONS ARE NOT REQUIRED TO  
6 USE THESE CONVERSION FACTORS, BUT IF THEY SO WISH THEY  
7 ARE AVAILABLE.

8 STAFF RECOMMENDS AND HAS CONCLUDED THAT  
9 THESE CONVERSION FACTORS ARE ACCEPTABLE AND MAY BE  
10 ADOPTED BY THE BOARD -- BY THE COMMITTEE.

11 CHAIRMAN RELIS: DO WE HAVE ANY COMMENT FROM  
12 BOARD MEMBERS?

13 BOARD MEMBER EGIGIAN: A LOT OF CONVERSIONS AND  
14 NUMBERS, AND I DON'T KNOW WHAT IT REALLY MEANS YET.

15 CHAIRMAN RELIS: IS THE CONSULTANT HERE?

16 MR. GONZALEZ: YES.

17 CHAIRMAN RELIS: DOES THE CONSULTANT WISH TO SAY  
18 ANYTHING ABOUT THE STUDY?

19 MR. SAVICH: THE CONSULTANT WILL ANSWER ANY  
20 QUESTIONS. I THINK THE STAFF DID A PRETTY GOOD JOB OF  
21 SUMMARIZING THE REPORT. IF THERE'S ANY QUESTION ABOUT  
22 THE NUMBERS OR ANYTHING, I CAN ANSWER THOSE.

23 CHAIRMAN RELIS: ARE THERE ANY QUESTIONS OF THE  
24 CONSULTANT?

25 BOARD MEMBER NEAL: NOT OF THE CONSULTANT, BUT



1 OF STAFF. I HAVE TO -- I READ THROUGH THIS A COUPLE OF  
2 TIMES, AND I'M NOT SURE I STILL UNDERSTAND IT A LOT.

3 I GUESS WHAT I WAS TRYING TO FIGURE OUT IS  
4 IS THERE ANYTHING IN CONVERSION FACTORS OR IN THE ISSUE  
5 OF CONVERSION FACTORS THAT PEOPLE MIGHT CHALLENGE? I  
6 MEAN, HOW MIGHT THEY BE APPLIED THAT MIGHT BE IN ONE  
7 ENTITY'S INTEREST AND ANOTHER ENTITY'S DISINTEREST?

8 MR. GONZALEZ: WELL, I BELIEVE SINCE THESE  
9 CONVERSION FACTORS AREN'T MANDATORY TO USE, IT LEAVES THE  
10 OPTION OPEN. IF A JURISDICTION HAS PROBLEMS WITH THESE  
11 VALUES, THEY CAN GENERATE THEIR OWN AS LONG AS THEY HAVE  
12 BEEN PRODUCED FROM A VALID STUDY.

13 BOARD MEMBER EGIGIAN: SO THIS IS NOT CAST IN  
14 CONCRETE. SOMEBODY COULD ARGUE THAT THEIR FIGURES ARE  
15 BETTER THAN YOURS?

16 MR. GONZALEZ: OH, YEAH, OF COURSE.

17 CHAIRMAN RELIS: HOW MIGHT WE EXPECT TO USE IT?  
18 I MEAN, WOULD WE DO ANY CROSS CHECKS, SAY, WITH OUR DATA  
19 THAT WE GET OUT OF THE SRRE'S, WHICH WE'LL KNOW IN TERMS  
20 OF TONNAGE THAT WE CONVERT? WHAT'S THE UTILITY OF THIS  
21 INTERNALLY?

22 MR. GONZALEZ: HOW WILL IT BE USED.

23 CHAIRMAN RELIS: YES.

24 MR. GONZALEZ: BASICALLY, THE TARGET AREA WILL  
25 BE IN DIVERSION, FOR BEING ABLE TO DETERMINE DIVERSION



1 AMOUNTS. ALSO, IN SOME CASES EXPOSED AMOUNTS, SINCE YOU  
2 HAVE IN SOME SECTORS LIKE THE COMMERCIAL OR INDUSTRIAL  
3 SECTOR WHERE YOU'LL HAVE HOMOGENEOUS LOADS GOING THROUGH  
4 A LANDFILL OR BEING RECYCLED, THEY MIGHT KNOW THAT THEY  
5 HAVE -- THE JURISDICTION MIGHT KNOW THAT COMPANY X SENDS  
6 OUT 20 TRUCKS A MONTH FOR SOMETHING AND THEY REPORT THAT.

7 KNOWING WHAT THE MATERIAL IS, YOU CAN CALCULATE THE  
8 WEIGHT. WE HAD 25 CUBIC AIR TRUCKS A MONTH.

9 CHAIRMAN RELIS: SO THIS WOULD BE -- I MEAN,  
10 WHAT, AN AUDITING CHECK AND BALANCE AT SOME LEVEL?

11 MR. GONZALEZ: WE COULD. YES, WE COULD.

12 MR. AULT: INDEED, YES. THE STUDY COULD BE USED  
13 IN THAT MANNER.

14 WHEN BOARD STAFF REVIEW THE WASTE  
15 GENERATION STUDIES, WE RELATIVELY AND FREQUENTLY  
16 ENCOUNTER CONVERSION FACTORS THAT ARE EXPRESSED IN THE  
17 WASTE GENERATION STUDY. THIS PARTICULAR REPORT GIVES US  
18 THE OPPORTUNITY TO COMPARE THE CONVERSION FACTOR, WHICH  
19 THE JURISDICTION HAS OFFERED WITH THE CONVERSION FACTOR  
20 WHICH IS IDENTIFIED IN OUR STUDY.

21 IF THERE SEEMS TO BE A LARGE ANOMALY  
22 BETWEEN WHAT THE JURISDICTION IS CLAIMING AS A CONVERSION  
23 FACTOR FOR A PARTICULAR WASTE TYPE AND WHAT WE'VE  
24 IDENTIFIED IN OUR STUDY, THEN THAT GIVES US THE  
25 OPPORTUNITY TO PURSUE THAT, CONCUR THAT WITH THE



1 JURISDICTION. THAT ALSO GIVES THE BOARD THAT OPPORTUNITY  
2 AS WELL.

3 BOARD MEMBER EGIGIAN: WHAT'S THE STAFF'S  
4 RECOMMENDATION?

5 CHAIRMAN RELIS: STATE THE RECOMMENDATION.

6 MR. AULT: THE RECOMMENDATION FROM STAFF IS  
7 THAT -- IT'S A FINDING REALLY, THAT WE FIND THAT THE LIST  
8 OF CONVERSION FACTORS FOR THESE INDIVIDUAL WASTE TYPES  
9 IS, INDEED, ACCEPTABLE AND DOES MEET THE REQUIREMENTS  
10 THAT ARE SET OUT IN REGULATION SECTION 18722(F).  
11 THEREFORE, STAFF BELIEVES THAT THIS PARTICULAR STUDY, THE  
12 CONVERSION FACTORS COULD BE ADOPTED BY THE COMMITTEE AND  
13 THE BOARD.

14 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I MOVE THAT  
15 WE ADOPT STAFF RECOMMENDATIONS AS LONG AS THERE'S THE  
16 OPENING THAT I SUGGESTED EARLIER, THAT IF SOMEBODY TAKES  
17 ISSUE WITH YOUR CONVERSION FACTORS, IF THEY CAN PROVE  
18 THAT THEIR'S ARE RIGHT, THAT WE'LL ACCEPT IT.

19 MR. AULT: YES, THAT IS ALLOWABLE UNDER THE  
20 REGULATION.

21 BOARD MEMBER NEAL: YES. I WOULD SECOND THAT.  
22 I WOULD LIKE TO ADD ON MY LITTLE POSTSCRIPT THAT IF  
23 SOMEONE DOES TAKE ISSUE WITH IT, WE'D LIKE TO KNOW ABOUT  
24 IT.

25 MR. AULT: VERY WELL. THANK YOU.



1 WE WILL NOTIFY YOU, THEN, IF WE DETERMINE  
2 THAT THERE IS AN ISSUE RAISED.

3 CHAIRMAN RELIS: IT'S BEEN MOVED AND SECONDED.  
4 LET'S HAVE THE ROLL CALL.

5 COMMITTEE SECRETARY: BOARD MEMBER NEAL?

6 BOARD MEMBER NEAL: AYE.

7 COMMITTEE SECRETARY: EGIGIAN?

8 BOARD MEMBER EGIGIAN: AYE.

9 COMMITTEE SECRETARY: CHAIRMAN RELIS?

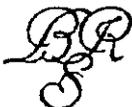
10 CHAIRMAN RELIS: AYE.

11 NOW, AS A CONSENT ITEM OR SHOULD WE --  
12 WELL, THIS IS CONSENT.

13 THAT TAKES US UP TO ITEM 5, SUMMARY OF  
14 STAFF WORKSHOPS ON DRAFT REGULATIONS FOR THE COUNTYWIDE  
15 SITING ELEMENT, COUNTYWIDE INTEGRATED WASTE MANAGEMENT  
16 PLAN AND PROPOSED CHANGES TO ARTICLE 8.0, PROCEDURES FOR  
17 ADOPTING THE PLAN AND THE ELEMENT.

18 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN RELIS AND  
19 COMMITTEE MEMBERS. MY NAME IS JUDY FRIEDMAN, AND I'M THE  
20 MANAGER OF THE LOCAL ASSISTANCE BRANCH, SOUTHERN SECTION.

21 THIS MORNING WE'RE GOING TO SUMMARIZE THE  
22 STAFF WORKSHOPS WE RECENTLY COMPLETED CONCERNING THE  
23 PROPOSED REGULATIONS ON THE COUNTYWIDE SITING ELEMENT AND  
24 THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN. WE WILL  
25 ALSO TALK ABOUT PRELIMINARY PROPOSED REVISIONS TO ARTICLE



1 8.0 OF THE REGULATIONS, WHICH ARE THE PROCEDURES FOR  
2 ADOPTING PLAN AND ELEMENTS. THESE WERE ALSO DISCUSSED AT  
3 THE TWO MOST RECENT WORKSHOPS.

4 WE HELD TWO WORKSHOPS ON, ONE ON JANUARY  
5 28TH AND ONE ON FEBRUARY 3D OF THIS YEAR. THESE WERE IN  
6 ADDITION TO OUR INITIAL BOARD WORKSHOP HELD IN AUGUST OF  
7 1991. THE PROPOSED REGULATIONS FOR THE SITING ELEMENT  
8 AND COUNTYWIDE PLAN ARE PROCEEDING UNDER THE PROCEDURES  
9 ESTABLISHED BY THE OFFICE OF ADMINISTRATIVE LAW. THE  
10 PROPOSED MODIFICATION TO ARTICLE 8.0 ARE PRELIMINARY AND  
11 ARE NOT YET UNDER THE OAL PROCEDURE, BUT WE ANTICIPATE  
12 INITIATING THE OAL PROCESS BY EARLY JUNE.

13 THIS MORNING STAFF WILL BE OUTLINING THE  
14 PROCESS WE WILL BE FOLLOWING, AS WELL AS SUMMARIZING  
15 MAJOR COMMENTS WE HAVE RECEIVED AND OUR GENERAL PLANS TO  
16 ADDRESS IT.

17 LLOYD DILLON OF THE LOCAL ASSISTANT BRANCH,  
18 SOUTH SECTION IS THE LEAD STAFF PERSON ASSIGNED TO THE  
19 REGULATIONS, AND HE WILL SUMMARIZE THE PROCEDURES WE WILL  
20 BE FOLLOWING. HIS OVERVIEW WILL BE FOLLOWED BY TONI  
21 GALLOWAY OF OUR BRANCH, WHO WILL SUMMARIZE THE WORKSHOP  
22 COMMENTS. IN ADDITION, SHE WILL BE PROVIDING AN OVERVIEW  
23 OF PRELIMINARY PROPOSED MODIFICATIONS TO ARTICLE 8.0.

24 RIGHT NOW, I WOULD LIKE TO TURN OVER THE  
25 PRESENTATION TO LLOYD DILLON.



1 MR. DILLON: GOOD MORNING, MY NAME IS LLOYD  
2 DILLON.

3 THE FORMAL RULEMAKING PROCESS FOR THE  
4 COUNTYWIDE SITING ELEMENT AND THE CALIFORNIA INTEGRATED  
5 WASTE MANAGEMENT PLAN BEGAN ON NOVEMBER 29TH, 1991, FOR  
6 THE SITING ELEMENT AND JANUARY 3D, 1992, FOR THE PLAN.  
7 THOSE ARE THE DATES THAT THE OAL PUBLISHED THE NOTICES OF  
8 THESE PROPOSED REGULATIONS.

9 COPIES OF THE PROPOSED REGULATIONS AND THE  
10 INITIAL STATEMENT OF RESOURCES WERE MAILED TO INTERESTED  
11 PARTIES THAT REQUESTED THEM. THIS BEGAN 45-DAY COMMENT  
12 PERIODS, WHICH WAS TO END ON JANUARY 24TH FOR THE  
13 COUNTYWIDE SITING ELEMENT, AND WHICH ENDED ON FEBRUARY  
14 24TH FOR THE INTEGRATED WASTE MANAGEMENT PLAN.

15 STAFF ALSO AT THE WORKSHOP EXTENDED THE  
16 COMMENT PERIOD ON THE COUNTYWIDE SITING ELEMENT TO  
17 COINCIDE WITH THE COMMENT PERIOD OF THE INTEGRATED WASTE  
18 MANAGEMENT PLAN. BOTH COMMENT PERIODS ENDED ON FEBRUARY  
19 26TH.

20 IN ADDITION TO THE COMMITTEE WORKSHOP HELD  
21 BEFORE THE ADMINISTRATION COMMITTEE ON AUGUST 6TH, 1991,  
22 WHEN WE BROUGHT THE ORIGINAL PROPOSED REGULATIONS BEFORE  
23 THE COMMITTEE, WE'VE ALSO HELD TWO WORKSHOPS, ONE ON  
24 JANUARY 28TH IN ONTARIO AND ONE ON FEBRUARY 3D IN WALNUT  
25 CREEK. WE HAD A TOTAL OF 37 SPEAKERS AT THOSE WORKSHOPS,



1 16 IN ONTARIO, 21 IN WALNUT CREEK, THAT EITHER OFFERED  
2 COMMENTS OR HAD QUESTIONS ON THE REGULATIONS.

3 NOTICES OF THOSE WORKSHOPS WERE ALSO MAILED  
4 TO THE MAILING LIST AND ALL OF US FIRST GOT THEM. WE'VE  
5 ALSO RECEIVED 31 LETTERS OF COMMENT. AND IN THAT WE'VE  
6 RECEIVED -- BETWEEN THE LETTERS AND THE COMMENTS AT THE  
7 WORKSHOP, WE'VE RECEIVED APPROXIMATELY 500 INDIVIDUAL  
8 COMMENTS IN TOTAL. THESE COMMENTS CAME FROM LOCAL  
9 GOVERNMENT, REGIONAL GOVERNMENT ASSOCIATIONS,  
10 CONSULTANTS, PUBLIC INTEREST GROUPS, AND MUNICIPAL WATER  
11 AGENCIES.

12 STAFF IS RIGHT NOW IN THE PROCESS OF  
13 ORGANIZING AND EVALUATING THOSE COMMENTS AND CONSIDERING  
14 YOUR REVISIONS TO THE REGULATIONS. BASED ON THOSE  
15 COMMENTS, STAFF WILL BE REVISING THE REGULATION LANGUAGE.

16 WE ANTICIPATE HAVING THE REVISED LANGUAGE AND THE  
17 RESPONSE TO THE COMMENTS DOCUMENTED, COMPLETED AND READY  
18 FOR RENOTICING IN EARLY MAY.

19 THE OAL PROCESS REQUIRES THAT ANY REVISIONS  
20 TO THE PROPOSED REGULATIONS WHICH ARE DETERMINED TO BE  
21 SUFFICIENTLY RELATED TO THE EXISTING REGULATIONS THAT ARE  
22 OUT THERE, REQUIRES THE REVISED PORTIONS OF THE  
23 REGULATIONS BE REDISTRIBUTED FOR A 15-DAY COMMENT PERIOD,  
24 PUBLIC REVIEW AND COMMENT PERIOD.

25 CHANGES WHICH ARE DETERMINED TO BE



1 SIGNIFICANT WOULD BE DISTRIBUTED FOR A 45-DAY PERIOD. IT  
2 IS STAFF'S UNDERSTANDING THAT THE BOARD'S LEGAL OFFICE  
3 WOULD MAKE THE DETERMINATION OF SUFFICIENCY AND WHETHER  
4 THE REVISED REGULATIONS WOULD BE CIRCULATED FOR 15 OR 45  
5 DAYS.

6 AFTER ADDITIONAL PUBLIC COMMENT PERIODS  
7 CONCLUDE AND STAFF FEELS COMFORTABLE WITH THE REGULATIONS  
8 AND WE RECEIVE NO FURTHER COMMENTS OR ADDITIONAL COMMENTS  
9 THAN WE'VE ALREADY RECEIVED, WE WOULD PLACE ON THE  
10 COMMITTEE'S AGENDA A PUBLIC HEARING TO HEAR THE PROPOSED  
11 REGULATIONS AND TO TAKE ADDITIONAL COMMENTS AND RECOMMEND  
12 ADOPTION AT THAT TIME.

13 IF THIS COMMITTEE DECIDES THAT ADDITIONAL  
14 REVISIONS ARE NECESSARY, WE'D MAKE THOSE REVISIONS AND  
15 RENOTICE AND DISTRIBUTE THOSE PORTIONS TO THE REVISED  
16 REGULATIONS. WHEN THAT PROCESS IS FINISHED, WE WOULD  
17 AGAIN NOTICE A PUBLIC HEARING FOR THIS COMMITTEE AND  
18 BRING IT BEFORE YOU FOR RECOMMENDING ADOPTION AGAIN. AT  
19 THAT TIME WE RECOMMEND THAT THE COMMITTEE ALSO PUT IT  
20 BEFORE THE FULL BOARD FOR ADOPTION AND COMMENCING THE  
21 FINAL STEP OF THE OAL RULEMAKING FILE.

22 THIS BASICALLY CONCLUDES MY PRESENTATION ON  
23 WHAT WE'VE BEEN DOING. TONI GALLOWAY WILL GIVE A SUMMARY  
24 ON THE COMMENTS RECEIVED.

25 MS. GALLOWAY: GOOD MORNING. I AM TONI



1 GALLOWAY. I'D LIKE TO SUMMARIZE SOME OF THE MAJOR  
2 CONCERNS THAT WERE EXPRESSED TO STAFF.

3 FIRST, THE NEED FOR REGULATIONS. SEVERAL  
4 COMMENTS WERE RECEIVED THAT STATED THERE'S NO NEED FOR  
5 THE COUNTYWIDE SITING ELEMENT REGULATIONS BECAUSE THE  
6 STATUTE IS CLEAR ENOUGH WITHOUT REGULATION. SOME  
7 JURISDICTIONS BELIEVE THAT THE SITING ELEMENTS CAN BE  
8 PREPARED BASED ON THE LANGUAGE OF THE STATUTE AND HAVE IT  
9 ALL WORK OUT WITHOUT THE NEED FOR SITING ELEMENT  
10 REGULATIONS.

11 IN ORDER FOR THE INTENT OF THE LAW TO BE  
12 CLEAR TO EVERYONE, STAFF BELIEVES THAT REGULATIONS ARE  
13 NECESSARY. THEY ARE GUIDELINES FOR JURISDICTIONS TO  
14 COMPLY WITH THE STATUTE. IN ADDITION, THE AUTHORITY TO  
15 PREPARE THE REGULATIONS IS CLEARLY IN THE INTEGRATED  
16 WASTE MANAGEMENT ACT, PUBLIC RESOURCES CODE SECTION  
17 40502, WHICH ALLOWS THE BOARD TO ADOPT RULES AND  
18 REGULATIONS TO CARRY OUT ITS POWERS AND DUTIES.

19 THESE REGULATIONS WOULD ENSURE A CONSISTENT  
20 MEANS BY WHICH JURISDICTIONS ARE PLANNING FOR SITING  
21 FACILITIES. CONCERNS WERE ALSO EXPRESSED ABOUT PORTIONS  
22 OF THE SITING ELEMENT REGULATIONS WHICH MAY BE REPETITIVE  
23 OF INFORMATION REQUIRED IN THE SOURCE REDUCTION/RECYCLING  
24 ELEMENTS.

25 ONE EXAMPLE PROVIDED TO STAFF CONCERNING

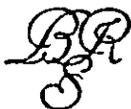


1 REDUNDANT INFORMATION, SECTION 18755.3 OF THE SITING  
2 ELEMENT, CONCERNING THE REQUIRED FOR THE ELEMENT TO  
3 INCLUDE A STATEMENT OF EXISTING COUNTYWIDE DISPOSAL  
4 CAPACITY AND THE ANTICIPATED COUNTYWIDE DISPOSAL CAPACITY  
5 NEEDS.

6 ALTHOUGH SOME OF THIS INFORMATION IS  
7 PROVIDED IN THE SOURCE REDUCTION/RECYCLING ELEMENTS, IT  
8 IS ONLY FOR THE INDIVIDUAL JURISDICTION. THE COUNTYWIDE  
9 SITING ELEMENT WOULD COMPILE ALL OF THE INDIVIDUAL DATA  
10 ON A COUNTYWIDE BASIS, WHICH STAFF BELIEVES IS ESSENTIAL  
11 FOR THE COUNTY TO DO IN ORDER TO PLAN FOR FACILITIES ON A  
12 COUNTYWIDE BASIS. PLEASE NOTE, HOWEVER, STAFF IS  
13 PREPARING TO REVIEW, CLARIFY AND STRENGTHEN THE LANGUAGE  
14 IN BOTH SETS OF REGULATIONS IF REDUNDANCIES OR  
15 REPETITIVENESS EXISTS.

16 ANOTHER MAJOR CONCERN WAS ABOUT THE LEVEL  
17 OF DETAIL REQUIRED IN THE SITING ELEMENT REGULATIONS.  
18 SOME QUESTIONS WERE RAISED ON WHETHER AN EIR LEVEL OF  
19 REVIEW WOULD NEED TO BE PERFORMED FOR THE ANALYSIS OF  
20 FACILITY SITING CRITERIA IN THE SITING ELEMENT  
21 REGULATIONS.

22 STAFF'S INTENTION IN DRAFTING SECTION 18756  
23 WAS FOR THE COUNTIES TO DESCRIBE THE CRITERIA THAT SHOULD  
24 BE USED IN THE SITING PROCESS FOR THOSE NEW OR EXPANDED  
25 FACILITIES AND THE BASIS FOR DEVELOPING THESE CRITERIA.



1 THE SEVEN CRITERIA ARE LISTED IN THE SECTION OF MINIMUM  
2 CRITERIA THAT EACH JURISDICTION MUST MEET, BUT EACH  
3 JURISDICTION MAY EXPAND UPON THE CRITERIA THAT IT  
4 BELIEVES IS NECESSARY.

5 JURISDICTIONS COULD ALSO CHANGE THE  
6 CRITERIA BY AMENDING THEIR PLAN AND APPLYING ADDITIONAL  
7 CRITERIA WHEN NECESSARY. THIS LIST OF CRITERIA SHOULD  
8 SAVE JURISDICTIONS FROM DOING FURTHER ANALYSIS. BECAUSE  
9 IF A SITE CANNOT MEET THIS CRITERIA, THEN THE SITE IS NOT  
10 A VIABLE OPTION. THE LEVEL OF DETAIL IS UP TO THE  
11 JURISDICTION, PROVIDED THEY MEET THE MINIMUM. SINCE  
12 ENVIRONMENTAL REVIEW IS REQUIRED FOR FACILITIES PERMITS  
13 IN THE STATE OF CALIFORNIA, AN EIR LEVEL IS NOT REQUIRED.

14 ANOTHER CONCERN EXPRESSED WAS THE  
15 POSSIBILITY OF INCONSISTENT DATA IN THE SOURCE REDUCTION  
16 AND RECYCLING ELEMENTS AND HOUSEHOLD HAZARDOUS WASTE  
17 ELEMENTS. THE COMMENTS HAVE BEEN RAISED THAT SOME  
18 EXISTING SRRE'S HAVE INCONSISTENT DATA OR INACCURATE  
19 DATA, AND THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN  
20 REGULATIONS SHOULD RESOLVE THE INCONSISTENCIES SO THAT  
21 THE SRRE'S CAN BE INTEGRATED INTO THE COUNTYWIDE  
22 INTEGRATED WASTE MANAGEMENT PLAN.

23 IF THE COUNTY DISCOVERS WHILE PREPARING THE  
24 PLAN THAT INACCURACIES OR INCONSISTENT DATA IS FOUND IN  
25 THE CITY'S SOURCE REDUCTION AND RECYCLING ELEMENT, THE



1 COUNTY HAS NO STATUTORY AUTHORITY TO REQUIRE THE CITIES  
2 TO CORRECT THE INFORMATION. THE LOCAL TASK FORCE HAS THE  
3 RESPONSIBILITY TO WORK WITH ALL PARTIES TO RESOLVE  
4 CONFLICTS. IF THEY ARE UNSUCCESSFUL, THEN THE BOARD HAS  
5 THE AUTHORITY TO ISSUE A NOTICE OF DEFICIENCY ON  
6 INDIVIDUAL JURISDICTIONAL SOURCE REDUCTION AND RECYCLING  
7 ELEMENTS, IF THE BOARD SO DETERMINES.

8 ANOTHER CONCERN EXPRESSED ABOUT THE  
9 INTEGRATED WASTE MANAGEMENT PLAN REGULATIONS WAS THE LACK  
10 OF REGULATIONS ADDRESSING MARKETING STRATEGY. SOME  
11 CONCERNS HAVE BEEN RAISED ABOUT THE ABSENCE OF  
12 REGULATIONS IN THE PLAN REGULATIONS ADDRESSING THE NEED  
13 AND DEVELOPMENT OF REGIONAL MARKETING STRATEGIES.

14 STAFF WILL BE STRENGTHENING SECTION  
15 18757.7, WHICH IS THE SUMMARY AND INTEGRATION SOURCE  
16 REDUCTION AND RECYCLING AND HOUSEHOLD HAZARDOUS WASTE  
17 ELEMENT, AND WE WILL BE STRENGTHENING SECTION 18758,  
18 WHICH IS THE FUTURE COUNTYWIDE DIVERSION AND DISPOSAL  
19 STRATEGY SECTION TO BE MORE EXPLICIT ABOUT MARKETING  
20 STRATEGIES.

21 COUNTIES HAVE NO AUTHORITY TO FORCE OR  
22 MANDATE CITIES TO PARTICIPATE IN REGIONAL MARKET  
23 ACTIVITIES. IN ADDITION, COUNTIES CANNOT BE REQUIRED OR  
24 FORCED TO WORK OUTSIDE THEIR JURISDICTIONAL BOUNDARIES  
25 AND PARTICIPATE IN REGIONAL MARKETING STRATEGIES.



1 IT IS THE LOCAL TASK FORCE, BY STATUTE  
2 SECTION 40950, WHICH HAS THE RESPONSIBILITY OF ASSURING A  
3 COORDINATED AND COST EFFECTIVE REGIONAL RECYCLING SYSTEM,  
4 WHICH INCLUDES IDENTIFYING SOLID WASTE MANAGEMENT ISSUES  
5 OF COUNTYWIDE OR REGIONAL CONCERN, DETERMINING THE NEED  
6 FOR SOLID WASTE COLLECTION AND TRANSFER SYSTEMS,  
7 PROCESSING FACILITIES, AND MARKETING STRATEGIES THAT CAN  
8 SERVE MORE THAN ONE LOCAL JURISDICTION WITHIN THE REGION,  
9 FACILITATING THE DEVELOPMENT OF MULTI-JURISDICTIONAL  
10 ARRANGEMENTS FOR THE MARKETING OF RECYCLED MATERIALS AND  
11 TO THE EXTENT POSSIBLE FACILITATING A SOLUTION OF  
12 CONFLICT IN THESE INCONSISTENCIES BETWEEN OR AMONG CITY  
13 SOURCE REDUCTION AND RECYCLING ELEMENTS.

14 FINALLY, ADDITIONAL CONCERNS WERE RAISED  
15 OVER THE SITING ELEMENT REGULATIONS. A NUMBER OF  
16 COMMENTS WERE RECEIVED THAT REQUESTED STAFF TO REMOVE  
17 SECTION 18756.1. THIS IS THE REQUIREMENT OF IDENTIFYING  
18 OTHER PROPOSED SOLID WASTE FACILITIES SUCH AS TRANSFER  
19 STATIONS, MATERIAL RECOVERY FACILITIES, RECYCLING AND  
20 PROCESSING CENTERS, AND COMPOSTING FACILITIES AND ONLY  
21 REQUIRE THE IDENTIFICATION OF PROPOSED SOLID WASTE  
22 DISPOSAL OR TRANSFORMATION FACILITIES.

23 THE COMMENTERS BELIEVE THAT STAFF HAD GONE  
24 BEYOND OUR STATUTORY AUTHORITY AND PUBLIC RESOURCES CODE  
25 41700 THROUGH 41720. THOSE SECTIONS ARE THE SITING



1 ELEMENT STATUES, IN PARTICULAR, 41701 IN REQUIRING THE  
2 IDENTIFICATION OF OTHER FACILITIES. THEY ALSO BELIEVE  
3 THAT BY IDENTIFYING THESE OTHER FACILITIES, IT MAY HINDER  
4 DEVELOPMENT IN DIVERSION FACILITIES.

5 IN RESPONSE TO THIS CONCERN, STAFF BELIEVES  
6 THAT THE PROPOSED LANGUAGE DOES NOT EXCEED OUR STATUTORY  
7 AUTHORITY. IF YOU LOOK AT THE FULL BODY OF THE STATUTE  
8 CITED IN THE SECTIONS 41700, 41701, 41702, 41704, 50000,  
9 50000.5, AND 50001, THE SECTIONS GIVE THE BOARD THE  
10 AUTHORITY TO REQUIRE THE IDENTIFICATION OF OTHER  
11 FACILITIES, PARTICULARLY SECTION 50001 WHICH STATES NO  
12 PERSON SHALL ESTABLISH SITES FOR SOLID WASTE DISPOSAL, A  
13 TRANSFER STATION, WASTE PROCESSING, OR RESOURCE RECOVERY,  
14 NOT IN CONFORMANCE WITH THE COUNTYWIDE INTEGRATED WASTE  
15 MANAGEMENT PLAN APPROVED BY THE BOARD.

16 PLEASE NOTE THAT PROFIT, NONPROFIT PRIVATE  
17 RESOURCES RECOVERY OR RECYCLING SITES FOR NEIGHBORHOOD OR  
18 COMMUNITY-TYPE ACTIVITIES APPROVED BY A LOCAL  
19 GOVERNMENTAL ENTITY ARE EXEMPT FROM THIS REQUIREMENT.

20 IF THE BOARD OR ANY LOCAL GOVERNMENT ENTITY  
21 DETERMINES THAT A PROPOSED SITE IN A CITY OR COUNTY IS  
22 NOT IN CONFORMANCE WITH THE COUNTYWIDE INTEGRATED WASTE  
23 MANAGEMENT PLAN OF THAT COUNTY, THE BOARD MAY, AFTER  
24 PUBLIC HEARING, REQUIRE CONFORMANCE TO THE PLAN OR  
25 APPROVE AN AMENDMENT TO THE PLAN.



1                   BASED ON PUBLIC RESOURCES CODE 50001 AND  
2                   OTHER STATUTES IDENTIFIED, STAFF BELIEVES THE PROPOSED  
3                   LANGUAGE DOES NOT EXCEED THE BOARD'S STATUTORY AUTHORITY.

4                   REGARDING THE CONCERNS EXPRESSED ABOUT  
5                   HINDERING DEVELOPMENT ON FUTURE DIVERSION FACILITIES, IF  
6                   THESE FACILITIES MUST BE IDENTIFIED, STAFF BELIEVES THAT  
7                   IF A COUNTY DOES NOT SPECIFICALLY IDENT -- IF A COUNTY  
8                   DOES NOT HAVE SPECIFIC IDENTIFYING INFORMATION DURING THE  
9                   PREPARATION OF THE SITING ELEMENT, THEN THE COUNTY SHOULD  
10                  DESCRIBE TO THE BEST OF THEIR ABILITY ALL OF THE PROPOSED  
11                  FACILITIES AND THE AREA.

12                  REQUIRING GENERAL INFORMATION, HOPEFULLY,  
13                  ESTABLISHES A BROAD BUT GOOD PLANNING DOCUMENT. THESE  
14                  FUTURE FACILITIES WILL BE PART OF THE COUNTY'S OVERALL  
15                  INTEGRATED WASTE MANAGEMENT EFFORT; AND, THEREFORE, STAFF  
16                  BELIEVES THAT THIS INFORMATION SHOULD BE REQUIRED AS PART  
17                  OF A COMPREHENSIVE AND THOROUGH PLANNING PROCESS. THE  
18                  IDENTIFIED FACILITIES OR SITES WILL ALSO PLACE THE  
19                  COUNTY'S PLAN IN CONFORMANCE, AND IT WILL NOT NECESSITATE  
20                  A REVISION.

21                  WHEN COUNTIES PROCEED WITH THEIR ANNUAL  
22                  REVIEW AND PERIODIC REVISIONS, THE SITES WOULD BE  
23                  NARROWED DOWN TO MORE SPECIFIC IDENTIFYING INFORMATION.  
24                  IT IS IMPORTANT TO REMEMBER THAT IF YOU DON'T KNOW THE  
25                  EXACT LOCATION WHERE YOU WILL SITE A FACILITY, THEN YOU



1 REALLY DO NOT YET HAVE A PROJECT.

2 NOW, I'D LIKE TO REVIEW THE OTHER ASPECT OF  
3 OUR WORKSHOPS, SUCH AS THE PRESENTATION OF THE PROPOSED  
4 MODIFICATIONS TO ARTICLE 8.0, PROCEDURES FOR ADOPTING AND  
5 REVISING THE SITING ELEMENT AND THE PLAN. THESE PROPOSED  
6 MODIFICATIONS HAVE NOT BEEN SUBMITTED TO THE OFFICE OF  
7 ADMINISTRATIVE LAW, BUT WE DO ANTICIPATE SUBMITTING THEM  
8 IN EARLY JUNE.

9 AS YOU WILL RECALL, ARTICLE 8.0 REGULATIONS  
10 WERE APPROVED BY THE BOARD, THE OFFICE OF ADMINISTRATIVE  
11 LAW, AND RECORDED WITH THE SECRETARY OF STATE'S OFFICE ON  
12 JULY 11TH, 1991. PROPOSED MODIFICATIONS ARE AN ATTEMPT  
13 TO MAKE IT LESS BURDENSOME AND TO STREAMLINE THE  
14 REGULATORY PROCESS FOR JURISDICTIONS WHICH MUST PREPARE  
15 OR REVISE THE PLANNING ELEMENT FOR THE INTEGRATED WASTE  
16 MANAGEMENT PLAN.

17 AT THE TWO WORKSHOPS, STAFF RESPONDED TO 20  
18 INDIVIDUALS WHO RAISED QUESTIONS, SOUGHT CLARIFICATION OR  
19 HAD MADE SUGGESTIONS REGARDING ARTICLE 8.0. STAFF IS IN  
20 THE PROCESS OF REVISING THE REGULATIONS BASED ON THE  
21 COMMENTS RECEIVED, AND AFTER OUR LEGAL OFFICE REVIEWS THE  
22 PROPOSED REGULATIONS AND APPROVES THE CONTENT, STAFF WILL  
23 SUBMIT THE PACKAGE TO OAL FOR APPROVAL TO BEGIN THE  
24 PUBLIC REVIEW AND COMMENT PERIOD.

25 FOR THE MOST PART, STAFF RECEIVED OVERALL



1 FAVORABLE RESPONSES AND COMMENTS FROM THE PARTICIPANTS AT  
2 BOTH WORKSHOPS. THERE WERE A FEW AREAS OF CONCERN, SUCH  
3 AS TIMING FOR NOTICING THE PUBLIC HEARING AND THE REVIEW  
4 PERIOD.

5 CURRENTLY, THE REGULATIONS REQUIRE A 30-DAY  
6 PUBLIC NOTICE PERIOD; HOWEVER, SEVERAL PEOPLE EXPRESSED  
7 THEIR VIEWPOINT THAT THE BOARD SHOULD CONSIDER LETTING  
8 JURISDICTIONS DETERMINE THE APPROPRIATE LENGTH OF TIME  
9 FOR NOTICING THE PUBLIC HEARINGS, SUCH AS A 10- OR 14-DAY  
10 PRIOR NOTICE INSTEAD OF 30 DAYS.

11 SOME REPRESENTATIVES FROM CITIES STATED  
12 THAT IN THE SOURCE REDUCTION/RECYCLING REGULATIONS, THOSE  
13 REGULATIONS REQUIRE 30-DAY NOTICE PERIOD. THE  
14 JURISDICTIONS NOTICED THE HEARINGS FOR A 30-DAY PERIOD,  
15 AND FEEL THAT IN ORDER TO GET A GOOD PUBLIC PARTICIPATION  
16 TURNOUT, THEY NEED TO NOTICE THE MEETING AGAIN WITHIN 10  
17 TO 14 DAYS PRIOR TO THE MEETING. IT'S SORT OF A REMINDER  
18 NOTICE TO THE PUBLIC. STAFF WILL BE LOOKING INTO THIS  
19 REQUEST.

20 REGARDING THE COMMENTS EXPRESSED ABOUT THE  
21 REVIEW PERIODS, STAFF IS CURRENTLY PROPOSING A FINAL  
22 REVIEW TIME THAT A LOCAL TASK FORCE HAS FOR REVIEWING A  
23 FINAL DRAFT ELEMENT PLAN TO BE REDUCED TO 20 DAYS.  
24 CURRENT REGULATIONS REQUIRE A 45-DAY REVIEW PERIOD.  
25 SOME CONCERNS WERE EXPRESSED THAT THIS IS A SHORT TURN



1 AROUND TIME, AND IT WILL NOT ALLOW SOME LOCAL TASK FORCES  
2 ENOUGH TIME TO ADEQUATELY REVIEW AND RESPOND. AGAIN,  
3 STAFF WILL BE LOOKING INTO THIS REQUEST.

4 THIS CONCLUDES MY PRESENTATION. IF YOU  
5 HAVE A QUESTIONS OF STAFF, WE'D BE HAPPY TO TRY TO ANSWER  
6 THEM.

7 BOARD MEMBER EGIGIAN: MR. CHAIRMAN.

8 CHAIRMAN RELIS: MR. EGIGIAN.

9 BOARD MEMBER EGIGIAN: THERE'S A FEW AREAS THAT  
10 I'M A LITTLE CONCERNED ABOUT. WE'VE HAD A WORKSHOP ON  
11 THE PUBLIC COMMITTEE ON THE LANDFILL CAPACITY PROBLEMS,  
12 AND WE'VE HAD MANY PEOPLE FROM GOVERNMENT AND PRIVATE  
13 TELLING US THAT THAT ARTICLE, I BELIEVE YOU REFERRED TO  
14 IT AS 50001, ABOUT THE SITING OF SOLID WASTE  
15 TRANSFORMATION FACILITIES, THAT INCLUDES LANDFILLS, DOES  
16 IT NOT?

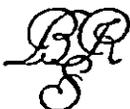
17 MS. GALLOWAY: YES.

18 BOARD MEMBER EGIGIAN: TRANSFER STATIONS AND SO  
19 FORTH?

20 MS. GALLOWAY: YES.

21 BOARD MEMBER EGIGIAN: OKAY. WE ARE RUNNING  
22 INTO A PROBLEM WHERE ADVANCE NOTICE OF THESE SITINGS OF  
23 THESE FACILITIES ARE DRIVING UP THE PRICE OF THE COST OF  
24 DOING BUSINESS, AND IT COMES RIGHT BACK TO THE CONSUMER.

25 SOMEBODY SITES A LANDFILL, AND IF THE WORD



1 GETS OUT, THE PEOPLE ALL AROUND THE LANDFILL START  
2 GETTING ORGANIZED TO WORK AGAINST THE LANDFILL. AT THE  
3 SAME TIME, IF THE PROPERTY HASN'T BEEN PURCHASED, THE  
4 PROPERTY PRICES GO UP TWO OR THREE TIMES. I'M CONCERNED  
5 ABOUT THIS, AND I'D LIKE TO RESERVE MOST OF MY COMMENTS  
6 BECAUSE I KNOW WE HAVE OTHER SPEAKERS THAT ARE GOING TO  
7 HIT ON THESE SUBJECTS.

8 ANOTHER THING THAT'S IMPORTANT ARE THESE  
9 TAX EXEMPT SITUATIONS THAT YOU TALKED ABOUT THAT LOCAL  
10 GOVERNMENTS COULD GIVE THEIR BLESSINGS TO. THOSE USED TO  
11 BE ALL RIGHT TO BEGIN WITH, BUT NOW THEY'RE IN  
12 COMPETITION, DIRECT COMPETITION WITH PRIVATE ENTERPRISE.  
13 AND I WOULD LIKE TO SEE THAT WORDING CHANGED THERE TO  
14 LEVEL THE PLAYING FIELD, SO IF THESE PEOPLE ARE IN THE  
15 BUSINESS OF DOING THE SAME THING THAT PRIVATE ENTERPRISE  
16 IS DOING, THEY SHOULD BE REQUIRED TO HAVE PERMITS,  
17 INSURANCE, AND ALL OF THE OTHER RESTRICTIONS THAT APPLY  
18 TO THE PRIVATE SECTOR.

19 BUT I'LL RESERVE THE REST OF MY DISCUSSION  
20 ON THIS, MR. CHAIRMAN.

21 CHAIRMAN RELIS: WE HAVE A NUMBER OF SPEAKERS,  
22 AND I WOULD JUST INDICATE THAT THIS IS AN ITEM THAT IS  
23 GOING TO BE ONGOING. WE'RE LIKELY TO HAVE AT LEAST ONE  
24 WORKSHOP ON IT. SO THIS IS, BY NO MEANS, YOUR LAST  
25 FORUM. IT'S PROBABLY ONE OF YOUR EARLY FORUMS ON IT.



1 WITH THAT IN MIND AND KNOWING THAT WE DO  
2 HAVE STILL A FULL AGENDA AHEAD, I WISH YOU WOULD BEAR  
3 THAT IN MIND IN YOUR COMMENTS. YVONNE HUNTER IS THE  
4 FIRST.

5 MS. HUNTER: GOOD MORNING. I JUST HAVE A VERY  
6 BRIEF QUESTION OF STAFF. WHAT IS YOUR BEST GUESSTIMATE  
7 OF, ASSUMING ALL GOES WELL, OPTIMISTICALLY, WHEN THESE  
8 REGULATIONS WOULD BE ADOPTED AND THEN FORMALLY APPROVED  
9 BY OAL? THIS IS FOR THE SITING ELEMENT AND COUNTYWIDE  
10 ELEMENT, ANY IDEA?

11 MS. FRIEDMAN: BEST GUESS, ESTIMATE AND IF ALL  
12 GOES WELL, JULY.

13 MS. HUNTER: OF WHAT YEAR?

14 MS. FRIEDMAN: THIS YEAR.

15 I'D LIKE TO GIVE A PERSPECTIVE ON THAT,  
16 THOUGH. WE HAVE -- YOU KNOW, WE WENT THROUGH THE PROCESS  
17 FOR THE SOURCE REDUCTION/RECYCLING ELEMENT REGULATIONS.  
18 THAT TOOK NINE MONTHS FROM THE START TO THE TIME IT WAS  
19 SUBMITTED TO OAL FOR THEIR APPROVAL. THAT WAS WITH  
20 EXISTING EMERGENCY REGULATIONS, SO IT WAS A MATTER OF  
21 CONVERTING EMERGENCY REGULATIONS TO FINAL REGULATIONS.  
22 THAT'S CONSISTENT WITH FOLLOWING THE OAL PROCEDURES, THE  
23 BOARD PROCEDURES.

24 IT CAN BE SOMEWHAT OF A LENGTHY PROCESS, AS  
25 YOU KNOW. EVERY ROUND OF COMMENTS AND CHANGES REQUIRES



1           SUBSEQUENT NOTICING, SO WE'RE LOOKING, OPTIMISTICALLY, AT  
2           A TWO- TO FOUR-MONTH PROCESS.

3           MS. HUNTER:   SO YOU'RE SAYING BEST GUESS MIGHT  
4           BE JULY OR IT COULD BE LATER?

5           MS. FRIEDMAN:  IT DEPENDS ON THE DEGREE OF  
6           COMMENTS ON IT.  CURRENTLY, WE HAVE ABOUT 500 COMMENTS  
7           WE'RE GOING TO DO DEAL WITH.  IT DOES NARROW DOWN AS WE  
8           GO THROUGH THE PROCESS, WE'VE SEEN HISTORICALLY, BUT IT'S  
9           DIFFICULT TO DETERMINE.

10          MS. HUNTER:  MY COMMENT IS IN NO WAY CRITICISM  
11          OF THE STAFF BECAUSE I KNOW YOU'RE RUNNING AS FAST AS YOU  
12          CAN.  WE GIVE YOU LOTS OF COMMENTS.  BUT JUST MORE  
13          FRUSTRATION, IT STRIKES ME AS RATHER INTERESTING THAT IF  
14          AB 2092, IN WHATEVER FORM, HAD PASSED AND WAS LAW, THE  
15          DEADLINE FOR THE FIRST ROUND OF COUNTYWIDE INTEGRATED  
16          WASTE MANAGEMENT PLANS THAT INCLUDE THE SITING ELEMENTS  
17          WOULD HAVE BEEN JULY 1ST, 1992., AND THE REGS WOULD HAVE  
18          JUST BEEN, MAYBE, IF WE'RE LUCKY, ADOPTED.

19          SB 1668 EXTENDS THOSE DEADLINES A LITTLE  
20          FURTHER, AND MAYBE WE'RE GOING TO HAVE TO DO SOME  
21          ADDITIONAL THINKING AND CONSULTATION WITH STAFF SO PEOPLE  
22          WILL HAVE ENOUGH TIME TO PREPARE THE DOCUMENTS ACCORDING  
23          TO THE REGULATIONS BEFORE THE DEADLINE IS MET.

24          THAT'S ALL I HAVE.  THANK YOU.

25          CHAIRMAN RELIS:  AL MORINO?



1 AL, I KNOW YOU'LL BE BRIEF ON THIS.

2 MR. MORINO: THANKS FOR THE OPPORTUNITY, MR.  
3 CHAIRMAN AND MEMBERS OF THE COMMITTEE. I'M AL MORINO. I  
4 REPRESENT THE CALIFORNIA REFUSE REMOVAL COUNCIL.

5 I'D LIKE ONE THING, IF I MAY, TO GET  
6 CLEARED UP. STAFF HAS USED THE WORDS "GUIDELINES" AND  
7 "REGULATIONS" AS INTERMINGLING. GUIDELINES TO HELP THE  
8 COUNTIES AND CITIES ARE ONE THING. REGULATIONS, AS I  
9 UNDERSTAND IT, ARE THE FORCE OF LAW. SO ARE WE TALKING  
10 ABOUT REGULATIONS, GUIDELINES, OR WHAT ARE WE TALKING  
11 ABOUT?

12 MS. FRIEDMAN: WE'RE TALKING ABOUT REGULATIONS.

13 MR. MORINO: OKAY. BECAUSE STAFF USED IT BEFORE  
14 THIS TO APPEAR LIKE THESE WERE GUIDELINES TO ASSIST  
15 COUNTIES AND CITIES, SO THAT'S NOT THE INTENT. THE  
16 INTENT IS LAW -- LAWFUL REGULATIONS THAT HAVE TO BE  
17 FOLLOWED.

18 MR. CONHEIM: MR. CHAIRMAN. MR. MORINO, YOU  
19 TOLD ME THAT WHEN YOU WERE -- THE TERM "GUIDELINES," KIND  
20 OF CREPT INTO OUR VERNACULAR IN THE LATE '70S AND IN THE  
21 FIRST TWO WEEKS OF 1980 WHEN THE THEN CHIEF EXECUTIVE  
22 OFFICER WAS SUPERVISING THE DEVELOPMENT OF REGULATIONS.  
23 YOU MAY RECALL HIM?

24 I COULDN'T RESIST THAT.

25 MR. MORINO: THE ONLY REASON I BROUGHT IT UP IS



1 BECAUSE YOU TOLD ME THE DIFFERENCE BETWEEN GUIDELINES AND  
2 REGULATIONS.

3 MR. CONHEIM: ABSOLUTELY. OKAY. ANYWAY,  
4 THEY'RE REGULATIONS.

5 MS. FRIEDMAN: THERE IS ONE THING TO ADD THAT IN  
6 TERMS OF GUIDELINES, THEY ARE THE MINIMUM. JURISDICTIONS  
7 ARE FREE TO DO MORE. SO THEY ARE THE MINIMUM.

8 MR. MORINO: RIGHT. OKAY.

9 THE ONLY REAL COMMENTS I HAD, AFTER  
10 CLEARING THAT UP, IS THAT I'M SURE THAT YOU'VE BEEN TOLD  
11 THAT I DIDN'T HAVE THE OPPORTUNITY TO ATTEND THE  
12 WORKSHOPS, BUT AFTER MANY, MANY TEDIOUS MEETINGS WITH MR.  
13 CORTESE (PHONETIC), THE AUTHOR OF THE LEGISLATION TO  
14 WHICH SOMEBODY IN SHER'S (PHONETIC) OFFICE ALSO TOOK  
15 PART, THE ENVIRONMENTAL COMMUNITY, EVERYBODY THAT COULD  
16 BE OR HAVE ANYTHING TO SAY WAS THERE.

17 ANYWAY, AS A RESULT OF THAT WE THOUGHT, AND  
18 WE WERE VERY, I GUESS, IGNORANT TO THE FACT THAT WE WERE  
19 WRONG, THAT THE SITING ELEMENT HAD TO DO ONLY WITH  
20 TRANSFORMATION AND LANDFILL SITING OR EXPANSIONS. I  
21 UNDERSTAND 50001 GOES BEYOND THAT, BUT THAT ALSO IS  
22 RELATIVE TO THE INTEGRATED WASTE PLAN AND NOT THE SITING  
23 ELEMENT, SPECIFICALLY.

24 SO I THINK EITHER WE'RE WRONG OR MAYBE  
25 WE'RE INTERMINGLING AGAIN TWO DIFFERENT ITEMS, I DON'T



1 KNOW. I WANT TO ASSURE YOU THAT THE INTENT AND THE  
2 CLARITY THAT WE UNDERSTOOD WHEN WE GOT THROUGH WITH THE  
3 GAP LANGUAGE WAS THAT IT WAS FOR TRANSFORMATION AND  
4 LANDFILL CAPACITY AS FAR AS THE SITING ELEMENT WAS  
5 CONCERNED.

6 THE OTHER POINT I WANTED TO MAKE, MR.  
7 EGIGIAN DID BRING IT UP AND TOUCHED ON IT, ON THE 50001  
8 THERE IS AN EXEMPTION FOR NONPROFIT RECYCLING, WHATEVER  
9 THE WORDING IS. FIRST OF ALL, I'M NOT CLEAR AS TO WHAT  
10 "NONPROFIT" MEANS. IS THAT JUST THE BOY SCOUTS OR IS  
11 ANYBODY THAT'S GOT A PICKUP TRUCK THAT'S DOING IT TO  
12 SAVE THE WORLD, IS THAT CONSIDERED NONPROFIT, EVEN THOUGH  
13 THEY MAY MAKE A BUCK OR TWO?

14 WITH THAT, THOUGH, THE IMPORTANT THING IS  
15 THAT IF THAT SECTION HOLDS, THEN THE PROCESSING PART OF  
16 THAT WORDING, I DON'T KNOW OF ANY RECYCLING THAT YOU CAN  
17 DO THAT DOESN'T TAKE SOME PROCESSING, YET THE RECYCLING  
18 IS EXEMPT FROM ANY OF THIS BUT THE PROCESSING IS NOT.

19 AND I THINK, AGAIN, WE'RE GOING TO GET INTO  
20 DIFFICULTIES IN TRYING TO IRON OUT WHICH IS WHICH. AND  
21 WE'RE CONCERNED BECAUSE WE THINK THAT ANY HANDLER OF  
22 WASTE, BE IT POSTCONSUMER OR OTHERWISE, SHOULD HAVE SOME  
23 KIND OF STATE SANCTION AND HAVE TO MEET THE SAME  
24 GUIDELINES THAT OUR INDUSTRY DOES, THE SAME EXPENSES THAT  
25 OUR INDUSTRY HAS. AND WE'D LIKE TO LEVEL THE PLAYING



1 FIELD, IN OTHER WORDS.

2 I THINK THEY ARE THE MAIN POINTS I WANTED  
3 TO COVER. I HOPE IT WAS BRIEF ENOUGH, MR. RELIS.

4 CHAIRMAN RELIS: THANKS, AL.

5 BOARD MEMBER EGIGIAN: MR. CHAIRMAN.

6 CHAIRMAN RELIS: ANY QUESTIONS?

7 BOARD MEMBER EGIGIAN: I DON'T HAVE QUESTIONS,  
8 BUT SOME OF THE CONSULTANTS, AND I'M NOT MENTIONING ANY  
9 NAMES, AL, SAID THAT WE SHOULD DECIDE OUR MEETINGS  
10 FURTHER APART SO WE DON'T INTERFERE WITH THEIR LIVES TOO  
11 MUCH. WE GOT THEM HERE FOUR DAYS THIS WEEK.

12 AND ANOTHER THING THE --

13 CHAIRMAN RELIS: WE'LL REFER THAT TO  
14 ADMINISTRATION.

15 BOARD MEMBER EGIGIAN: -- SINCE 939 LAW BECAME  
16 EFFECTIVE, MANY TRASH HAULERS ARE TELLING ME THEY FALL  
17 INTO THE NONPROFIT CATEGORY. DOES THAT MEAN THAT THEY'RE  
18 NOT GOING TO HAVE TO APPLY FOR PERMITS AND SO FORTH?

19 CHAIRMAN RELIS: WELL, WE'LL KICK THAT OVER TO  
20 MR. CONHEIM.

21 BOARD MEMBER NEAL: I WAS GOING TO ASK FOR MR.  
22 CONHEIM TO COMMENT, BUT MY UNDERSTANDING OF NONPROFIT  
23 STATUS IS THAT THAT'S DETERMINED BY THE TAX LAWS OF THE  
24 STATE AND THE FEDERAL GOVERNMENT.

25 MR. CONHEIM: MS. NEAL, I WAS ABOUT TO SAY THAT



1 I DON'T THINK THERE'S A NECESSITY FOR US TO ADOPT A  
2 CLARIFYING REGULATION BECAUSE I THINK THAT THIS BOARD CAN  
3 TAKE OFFICIAL NOTICE OF THE DEFINITION IN THE INTERNAL  
4 REVENUE CODE AND STATE TAX LAW. AND I THINK THAT WOULD  
5 BE ENOUGH.

6 I HOPE THAT IT IS NOT ANY LESS CLEAR THAN  
7 THAT. I MEAN, IT HAS A COMMON MEANING, AND I THINK WE  
8 CAN TAKE OFFICIAL NOTICE IN OUR PROCEEDINGS THAT WE DO  
9 NOT UNNECESSARILY ATTEMPT TO REGULATE IN THAT AREA. I  
10 DON'T WANT TO GET AFOUL OF THE TAX LAW JUST AS WE DIDN'T  
11 WANT TO GET AFOUL OF THE INSURANCE INDUSTRIES LAW.

12 BOARD MEMBER EGIGIAN: MR. CONHEIM, ARE YOU  
13 SAYING THAT IF PEOPLE IN BUSINESS BECOME NONPROFITABLE,  
14 THAT THEY DON'T FALL INTO THE NONPROFIT CATEGORY?

15 MR. CONHEIM: NOT --

16 BOARD MEMBER NEAL: IT'S CALLED BUSINESS LOSSES.

17 CHAIRMAN RELIS: THAT'S WHAT I UNDERSTAND.

18 MR. CONHEIM: I'M SAYING THAT -- I DON'T THINK I  
19 OUGHT TO RESPOND TO THAT.

20 CHAIRMAN RELIS: OUR NEXT SPEAKER IS CHARLES  
21 WHITE. IS HE HERE?

22 JACK MICHAEL?

23 MR. MICHAEL: MR. CHAIRMAN, MEMBERS OF THE  
24 COMMITTEE, I'M JACK MICHAEL REPRESENTING LOS ANGELES  
25 COUNTY. I WILL BE BRIEF BECAUSE I BELIEVE SOME OF THE

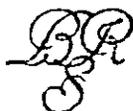


1 OTHER SPEAKERS WILL COVER WHATEVER I HAPPEN TO MISS.

2 AGAIN, MY PRIMARY CONCERN WAS SIMILAR TO  
3 WHAT MR. MORINO EXPRESSED. WE'RE CERTAINLY AWARE OF  
4 SECTION 50001. AND I KNOW THAT IN TERMS OF YOUR STAFF'S  
5 RESPONSIBILITIES, IT REALLY ISN'T IMPORTANT THAT THAT  
6 SECTION REMAINS IN THE LAW PRIMARILY OUT OF ALLEGED  
7 COUNSEL ERROR, AND I THINK IS INTENDED TO BE ADDRESSED  
8 THROUGH LEGISLATION RATHER SOON.

9 HOWEVER, RECOGNIZING THAT IT IS THE LAW, WE  
10 TAKE EXCEPTION WITH THE STAFF'S INTERPRETATION THAT TO  
11 COMPLY WITH 50001, IN TERMS OF CONFORMANCE WITH THE  
12 INTEGRATED WASTE PLAN, THAT THAT REQUIRES INCLUSION IN  
13 THE SITING ELEMENT OF ALL FACILITIES OTHER THAN JUST  
14 DISPOSAL AND TRANSFORMATION FACILITIES. THE STATUTE, WE  
15 BELIEVE, IS EXTREMELY CLEAR AS IT RELATES TO THE SITING  
16 ELEMENT THAT ONLY DISPOSAL AND TRANSFORMATION BE  
17 INCLUDED.

18 I HAD SUGGESTED AT THE ONTARIO WORKSHOP,  
19 AND I DON'T KNOW PRECISELY WHAT THE STAFF'S RESPONSE MAY  
20 BE OTHER THAN WHAT I HEARD TODAY, BUT I SUGGESTED THAT  
21 CERTAINLY CONFORMANCE WITH THE INTEGRATED PLAN IN  
22 ACCORDANCE WITH 50001 COULD TAKE PLACE AS PART OF THE  
23 INTEGRATED WASTE PLAN REGS WHILE LEAVING THE SITING REGS  
24 TO APPLY, AS THE STATUTE SAYS, ONLY TO DISPOSAL AND  
25 TRANSFORMATION.



1 THE ISSUE THAT REALLY COMES UP ON THIS IS  
2 THE ABILITY TO SITE MERF'S TRANSFER FACILITIES, OTHER  
3 DIVERSION TYPE FACILITIES. THE COMMON THOUGHT IS THAT  
4 THOSE FACILITIES ARE SOMEHOW LESS ENVIRONMENTALLY  
5 SENSITIVE THAN DISPOSAL AND TRANSFORMATION FACILITIES;  
6 AND, THEREFORE, THERE ISN'T MUCH RISK IN INCLUDING THEM  
7 IN THE SITING ELEMENT.

8 AS A LOCAL GOVERNMENT OFFICIAL, I CAN  
9 ASSURE YOU THAT A TRANSFER STATION OR A RECYCLING  
10 FACILITY TAKES ON THE SAME NMBI ASPECTS AS DO LANDFILLS  
11 OR ANY OTHER SORT OF SOLID WASTE FACILITIES.

12 WE BELIEVE THAT THOSE SORTS OF FACILITIES  
13 SHOULD NOT BE IN THE SITING ELEMENT. THEY ARE FACILITIES  
14 THAT MAY BE DIFFICULT TO IDENTIFY BY SPECIFICS, ARE MORE  
15 RELATED TO THE SOURCE REDUCTION/RECYCLING ELEMENT OF EACH  
16 OF THE JURISDICTIONS, AND IT SHOULD BE LEFT TO THOSE  
17 JURISDICTIONS TO DEAL ON A LAND USE BASIS WITH THE SITING  
18 OF THOSE DIVERSION-TYPE FACILITIES.

19 I WOULD STRONGLY URGE THE COMMITTEE AND  
20 RECOMMEND TO THE COMMITTEE THAT THEY DIRECT STAFF TO  
21 RECONSIDER THEIR THINKING OF INCLUDING FACILITIES IN THE  
22 SITING ELEMENT REGS OTHER THAN DISPOSAL AND  
23 TRANSFORMATION FACILITIES. THANK YOU.

24 CHAIRMAN RELIS: THANK YOU. ANY QUESTIONS?

25 JOHN CUPPS?



1 MR. CUPPS: MR. CHAIRPERSON, MEMBERS OF THE  
2 COMMITTEE, MY NAME IS JOHN CUPPS. I'M SPEAKING ON BEHALF  
3 OF MINE RECLAMATION CORPORATION. I'M A CONSULTANT TO  
4 THEM.

5 I DO HAVE A CONCERN ABOUT THE  
6 IDENTIFICATION OR THE SITE SPECIFIC IDENTIFICATION OF  
7 MERF'S AND TRANSFER STATIONS. WE'VE TRIED TO RAISE THIS  
8 QUESTION A NUMBER OF TIMES. YOU KNOW, I'VE SUBMITTED A  
9 LETTER. I'VE ATTENDED THE WORKSHOPS. FRANKLY, I'M STILL  
10 CONFUSED ABOUT HOW THIS PROCESS IS GOING TO WORK.  
11 FRANKLY, YOU KNOW, THE ISSUE IS THE SAME ONE THAT WE'VE  
12 BEEN HAVING A LOT OF CONVERSATIONS ABOUT RECENTLY IN  
13 TERMS OF PREVENT AND IMPAIR.

14 THE QUESTION IS WHAT IS THE LINKAGE BETWEEN  
15 THE PLANNING PROCESS AND THE PERMITTING PROCESS? YOU  
16 KNOW, QUITE CANDIDLY, I SAT HERE AND LISTENED TO THE  
17 STAFF'S DESCRIPTION OF THE WORKSHOPS, AND THE ISSUES THAT  
18 HAD BEEN RAISED, BUT I STILL DO NOT KNOW -- I MEAN, THE  
19 REGULATIONS NOW REQUIRE SITE SPECIFIC IDENTIFICATION OF  
20 FACILITIES. IT SAYS -- WELL, LET ME JUST READ IT TO YOU.

21 "FOR EACH OF THESE FACILITIES, THE COUNTYWIDE SITING  
22 ELEMENT SHALL IDENTIFY THE SITE, SPECIFY" -- WELL, YOU  
23 KNOW SPECIFY -- WELL, "SHALL IDENTIFY THE PARTS."

24 "THE COUNTYWIDE SITING ELEMENT" -- EXCUSE ME -- "FOR EACH  
25 OF THESE FACILITIES, THE COUNTYWIDE SITING ELEMENT SHALL



1 IDENTIFY THE PARCEL THAT'S ADJACENT TO THE PROPOSED SOLID  
2 WASTE FACILITIES SITE, SHALL INCLUDE A MAP INDICATING  
3 EXISTING LAND USES. THE ELEMENT SHALL IDENTIFY THE SITE.

4 THE DESCRIPTION MUST INCLUDE LOCATION, SIZE, LIFE  
5 EXPECTANCY, LAND USE AND SURROUNDING LAND USE."

6 NOW, STAFF JUST SAID TO US, WELL, IF YOU  
7 DON'T QUITE HAVE THOSE DETAILS AVAILABLE RIGHT NOW,  
8 SOMEHOW YOU CAN ADD THOSE IN THROUGH THIS ANNUAL REVIEW  
9 PROCESS, AND THAT WILL SOMEHOW BE SUFFICIENT TO MEET  
10 THESE CRITERIA. I GUESS I DON'T UNDERSTAND THAT ANNUAL  
11 REVIEW PROCESS AND HOW, YOU KNOW, ADDING SOME ADDITIONAL  
12 DETAILS IS GOING TO SATISFY THIS REQUIREMENT. THEN WHEN  
13 WE GET INTO THE QUESTION OF CONFORMANCE AND CONSISTENCY,  
14 WHAT'S THE BASIS FOR THAT DETERMINATION GOING TO BE?

15 I MEAN, I GUESS I'M JUST STILL -- YOU KNOW,  
16 I'VE BEEN ASKING THIS QUESTION FOR QUITE SOME TIME NOW.  
17 I AM STILL VERY UNCLEAR AS TO WHAT IT IS THAT A PROJECT  
18 PROPONENT NEEDS TO DO TO TRY TO CONFORM, TO COMPLY WITH  
19 THESE PROPOSED REGULATIONS AND WITH THE LAW. AND,  
20 FRANKLY, I THINK THAT'S GOING TO END UP DELAYING A LOT OF  
21 PROJECTS THAT WE ALL NEED.

22 CHAIRMAN RELIS: I WONDER IF STAFF HAS ANY  
23 RESPONSE.

24 MR. DILLON: SURE. YOU START WITH THE WHOLE  
25 50001 ISSUE. WE -- 41700 DOES IDENTIFY THE REQUIREMENTS



1 OF THE COUNTYWIDE SITING ELEMENT AS ONLY FOR  
2 TRANSFORMATION DISPOSAL FACILITIES. PRC CODE 50001 DOES  
3 STATE THAT NO FACILITIES SHALL BE CITED THAT ARE NOT IN  
4 CONFORMANCE WITH THE INTEGRATED WASTE MANAGEMENT PLAN.

5 STAFF HAS DETERMINED THAT THE EXISTING  
6 FACILITIES WOULD BE LISTED IN WHAT WE'RE IDENTIFYING AS  
7 THE PLAN AND ALL FUTURE PROPOSAL FACILITIES WOULD BE  
8 LISTED IN THE COUNTYWIDE SITING ELEMENT BECAUSE THOSE ARE  
9 THE ONES THAT COUNTYWIDE ARE GOING TO BE PROPOSED FOR  
10 MEETING THE GOALS FOR THE DIVERSIONS, AND ALSO TO ASSURE  
11 THE 15 YEAR PERMITTED DISPOSAL CAPACITY -- ONLY THOSE  
12 THAT ARE PROPOSED.

13 TO ASSURE A COUNTY AMPLE PLANNING TIME,  
14 CONSIDERING THE TIME IT TAKES TO AMEND THE GENERAL PLAN  
15 OR THE TIME IT TAKES TO SITE A FACILITY AND GET ITS  
16 PERMITS THROUGH, WE'VE THOUGHT THAT TO MAKE A CONFORMANCE  
17 FINDING THAT THIS SITE IS IDENTIFIED OR THIS FACILITY IS  
18 IDENTIFIED, WHERE IT'S IDENTIFIED, AND WHAT IT'S GOING TO  
19 DO SHOULD BE IN THERE.

20 WE'VE EVEN, AT THESE WORKSHOPS, IDENTIFIED  
21 THAT A SITE WOULD BE NICE, I MEAN, IF YOU COULD IDENTIFY  
22 THE SITE OR EVEN A STREET ADDRESS WHERE IT'S GOING TO BE  
23 OR WHATEVER. IF NOT, YOU COULD START WITH A GENERAL  
24 AREA, THE NORTHWEST UNINCORPORATED AREA OF THE COUNTY  
25 USING SOME -- JUST THAT PLANNING DOCUMENT OR EVEN A TOPOL



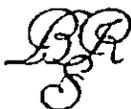
1 MAP THAT SHOWS A SQUARE SECTION OF LAND FOR A LANDFILL.  
2 AND AS THE PROJECT PROCEEDS THROUGH IN THE COUNTY'S  
3 ANNUAL REPORT AND IT NEEDS TO REVISE, REVISIONS COULD BE  
4 MADE UPDATING THAT INFORMATION.

5 WE NEVER INTENDED THESE TO IMPEDE OR IMPAIR  
6 ANY FACILITY BEING CONSTRUCTED OR NOT CONSTRUCTED OR TO  
7 GIVE ANYBODY AN UPPERHAND OR INITIATE COMBINATION  
8 PROCEEDINGS AGAINST ANY FACILITY.

9 AND TO GO BACK A LITTLE FURTHER, TOO, WE ONLY  
10 INTENDED THESE TO BE THOSE FACILITIES WHICH WOULD REQUIRE  
11 A SOLID WASTE FACILITIES PERMIT, SUCH AS THE -- WHICH  
12 WOULD EXCLUDE THE THINGS SUCH AS THE AB 2020 CENTERS,  
13 WHICH ARE BASICALLY A ONE THROUGH SYSTEM WHERE THEY GET A  
14 MATERIAL AND SEPARATE IT INTO PILES. THERE'S NO  
15 PROCESSING OF IT, PER SE. THIS WOULD ONLY BE FACILITIES  
16 THAT DO NEED A SOLID WASTE FACILITIES PERMITS.

17 CHAIRMAN RELIS: AS I UNDERSTAND IT, JOHN, YOUR  
18 FEELING, YOUR PERSPECTIVE IS THAT THIS IS SO LOOSE THAT  
19 IT'S CAUSING UNCERTAINTY ABOUT HOW FACILITIES WILL BE  
20 CITED OR WHETHER, IN FACT, THEY WILL BE ABLE TO, THAT  
21 THERE WILL BE AMMUNITION USED?

22 MR. CUPPS: WELL, IN PARTICULAR, WHAT THE BASIS  
23 FOR CONFORMANCE WILL BE. YOU KNOW, WE'VE JUST GONE  
24 THROUGH OR WE ARE STILL GOING THROUGH THIS PROCESS OF  
25 TRYING TO FIGURE OUT WHAT PREVENT OR SUBSTANTIALLY IMPAIR



1 MEANS. I WOULD SUGGEST THAT THE LANGUAGE OF 50001 IS A  
2 LOT LESS CLEAR AND IS GOING TO RAISE A LOT OF QUESTIONS  
3 ABOUT WHAT -- YOU KNOW, HOW -- HOW THAT DETERMINATION OF  
4 CONFORMANCE WILL BE MADE BETWEEN THE PLANS AND THE  
5 PERMITS.

6 YOU KNOW, AS I READ THE REGULATIONS RIGHT  
7 NOW, THEY SAY WE WANT SITE SPECIFIC IDENTIFICATION OF  
8 FACILITIES. NOW, THEY HAVE SUGGESTED THAT SOMEHOW  
9 THROUGH THE ANNUAL REVIEW PROCESS YOU CAN GIVE A LITTLE  
10 BIT MORE INFORMATION AND SOMEHOW THAT THAT IS GOING TO  
11 SATISFY THE REQUIREMENTS.

12 I GUESS I WOULD LIKE TO KNOW IF, IN FACT,  
13 YOU DO NOT HAVE A SPECIFIC SITE IDENTIFIED FOR A MERF  
14 TRANSFER STATION IN THE SITING ELEMENT, DOES THAT MEAN  
15 THAT IN ORDER TO BE IN CONFORMANCE WITH 50000.1, ARE YOU  
16 GOING TO HAVE TO GO BACK THROUGH THE WHOLE PLAN APPROVAL  
17 PROCESS, WHICH IS COUNTY AND MAJORITY CITY, TO PROVIDE  
18 THAT LEVEL OF DETAIL IN ORDER TO BE IN CONFORMANCE?

19 CHAIRMAN RELIS: I THINK THAT POINT IS, YOU  
20 KNOW, WELL PRESENTED IN YOUR COMMENTS. WE'RE JUST ABOUT  
21 READY TO DIG INTO THIS ONE LIKE WE'VE BEEN IN SOME OF OUR  
22 OTHER SHOES. I DON'T THINK WE'LL GET AN ANSWER OUT OF  
23 THAT TODAY. WE'VE VIEWED THIS AS A DISCUSSION, SO I  
24 THINK WE OUGHT TO JUST STOP HERE AND RECORD THIS AS A  
25 CONTINUING CONCERN OF YOURS AND OTHERS THAT NEEDS TO BE



1           ADDRESSED.

2                   MR. CUPPS:    THANK YOU VERY MUCH FOR THE  
3           OPPORTUNITY.

4                   CHAIRMAN RELIS:  THANK YOU.

5                           BREAK HAS BEEN REQUESTED.  WE'LL TAKE A  
6           FIVE-MINUTE BREAK.

7                           (A BREAK WAS TAKEN.)

8                   CHAIRMAN RELIS:  OKAY.  WE'D LIKE TO RESUME WITH  
9           JEANNE WIRKA.

10                   MS. WIRKA:  THANK YOU, MR. CHAIRMAN AND MEMBERS  
11           OF THE BOARD.  MY NAME IS JEANNE WIRKA.  I'M WITH  
12           CALIFORNIANS AGAINST WASTE FOUNDATION.

13                           WE HAVE SUBMITTED SPECIFIC COMMENTS ON THE  
14           DRAFT REGULATIONS FOR THE COUNTY INTEGRATED WASTE  
15           MANAGEMENT PLANS.  WHAT I'D LIKE TO DO TODAY IS TO  
16           SUMMARIZE, NOT THE COMMENTS, BUT SOME OF THE CRITICAL  
17           ISSUES THAT HAVE COME TO THE FLOOR AROUND THE DEVELOPMENT  
18           OF THE COUNTY PLANS.

19                           FIRST OF ALL, ONE OF THE MOST IMPORTANT  
20           THINGS WE FEEL IS THAT THE BOARD NEEDS TO MAKE IT VERY  
21           CLEAR THAT THE COUNTYWIDE PLANNING PROCESS AND THE PLANS  
22           THEMSELVES WERE MEANT BY THE LEGISLATURE TO BE MORE THAN  
23           SIMPLY A COLLATION OF THE SRRE'S.  THE WHOLE IDEA OF  
24           INTEGRATION AND PLANNING, THE RATIONAL PLANNING OF  
25           FACILITIES AND PROGRAMS THAT MAKE MORE SENSE ON A



1 MULTIJURISDICTIONAL LEVEL SUCH AS MARKETING DEVELOPMENT,  
2 GOES TO THE HEART OF THIS WHOLE AB 939 PROCESS.

3 AND YET IN OUR DISCUSSIONS WITH LOCAL  
4 OFFICIALS, AS WELL AS SOME THINGS WE'VE HEARD AT THE  
5 STAFF WORKSHOPS, THAT'S NOT CLEAR. IT'S NOT CLEAR THAT  
6 THE COUNTY PLANS SHOULD BE REALLY A PROCESS OF BUILDING  
7 ON AS OPPOSED TO COLLATING THE PROGRAMS THAT ARE IN THE  
8 SRRE'S. THE BOARD NEEDS TO MAKE THAT CLEAR, WHETHER IT'S  
9 THROUGH A POLICY STATEMENT OR OTHER TYPES OF MEANS.

10 RELATED TO THAT, WE ALSO FEEL THAT THERE  
11 NEEDS TO BE -- PRIORITIES NEED TO BE ESTABLISHED IN THE  
12 DEVELOPMENT OF THE COUNTYWIDE PLANS. THERE'S A LOT OF  
13 INTEGRATING OF DATA THAT NEEDS TO BE DONE AND SO FORTH.  
14 BUT, REALLY, THE MOST ATTENTION SHOULD BE SPENT ON THOSE  
15 ELEMENTS OF THE COUNTYWIDE PLANS WHICH DO REQUIRE THE  
16 COUNTIES TO DO ADDITIONAL PLANNING AND BUILDING UPON  
17 PROGRAMS AND DEVELOPING COUNTY PROGRAMS, AS OPPOSED TO  
18 JUST LISTING WHAT'S IN THE SRRE'S. SO IT WOULD BE GOOD  
19 IF THE BOARD COULD ESTABLISH PRIORITIES, WHAT IS IT MORE  
20 IMPORTANT FOR THE COUNTIES TO BE SPENDING MORE OF THEIR  
21 TIME ON.

22 THE THIRD POINT IS THAT THERE NEEDS TO BE  
23 SOME SORT OF COOPERATIVE PROCESS DEVELOPED FOR RESOLVING  
24 DEFICIENCIES IN THE SRRE'S. THIS IS ONE OF THE CONCEPTS  
25 THAT STAFF RAISED EARLIER THAT CAME UP IN SOME OF THE



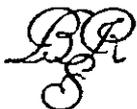
1 WORKSHOPS.

2 COUNTY'S ARE BEING ASKED TO INTEGRATE AND  
3 BUILD UPON PROGRAMS IN THE SRRE'S. WELL, IF THE  
4 INFORMATION OF THE PROGRAMS AREN'T IN THE SRRE'S THEN THE  
5 COUNTY RIGHT NOW HAS NO ABILITY TO -- NO AUTHORITY,  
6 REALLY, TO FORCE THE CITIES TO PROVIDE THAT INFORMATION  
7 OR FIX THE DEFICIENCIES IN THE SRRE'S.

8 SHORT OF GOING BACK AND REEVALUATING ALL  
9 THE SRRE'S, WHEN WE GET TO THIS POINT WE NEED TO THINK OF  
10 WAYS OF MOVING FORWARD. AND WE REALLY RECOMMEND THAT THE  
11 BOARD VIEW THE COUNTY -- THE DEVELOPMENT PROCESS OF THE  
12 COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN AS AN  
13 OPPORTUNITY TO FIGURE OUT WAYS TO COOPERATIVELY RESOLVE  
14 SOME OF THE DEFICIENCIES IN THE SRRE'S.

15 SO THAT, FOR EXAMPLE, WELL BEFORE THE PLAN  
16 IS SUBMITTED AND A NOTICE OF DEFICIENCY HAS TO BE MADE,  
17 THERE BE WAYS FOR THE COUNTIES AND CITIES TO WORK  
18 TOGETHER TO COME TO THE BOARD TO IDENTIFY WHAT THE  
19 PROBLEMS ARE AND TO FIGURE OUT HOW THEY'RE GOING TO BE  
20 RESOLVED. AND ONE OF THE IMPORTANT THINGS IS THAT THE  
21 BOARD NEEDS TO MAKE IT CLEAR THAT THE CITIES AND COUNTIES  
22 ARE GOING TO BE RESPONSIBLE, AND THAT IF A NOTICE OF  
23 DEFICIENCY IS ISSUED, WHO IS RESPONSIBLE FOR FIXING THAT  
24 PROBLEM.

25 THE FINAL POINT I WANTED TO MAKE, AND THIS



1 REALLY GOES TO THE HEART OF A LOT OF OUR CONCERNS, IS  
2 THAT WE REALLY FEEL THAT THE COUNTY PLANS NEED TO HAVE --  
3 THE BOARD NEEDS TO REQUIRE SPECIFIC COUNTYWIDE MARKET  
4 DEVELOPMENT SECTION OF THE PLANS. THERE IS STATUTORY  
5 AUTHORITY FOR A SPECIFIC MARKET DEVELOPMENT SECTION IN  
6 THE COUNTY PLANS. THERE IS IN THE DRAFT REGULATIONS NOW,  
7 THERE IS A REQUIREMENT THAT THERE BE A SPECIFIC SECTION  
8 DEALING WITH EDUCATION.

9 MARKET DEVELOPMENT IS THE ONE AREA WHERE IT  
10 ABSOLUTELY MAKES SENSE FOR THE COUNTIES TO BUILD UPON AND  
11 COORDINATE AND INTEGRATE THE PROGRAMS OF THE SRRE'S, AND  
12 YET THERE'S NO SPECIFIC REQUIREMENTS IN THE DRAFT  
13 REGULATIONS NOW THAT THE COUNTIES DO THAT, EVEN THOUGH AB  
14 939 CLEARLY INTENDED THROUGH THE LOCAL TASK FORCE AS  
15 ANOTHER MEANS THAT MARKET DEVELOPMENT BE SOME PROCESS  
16 THAT THE COUNTIES ARE INVOLVED WITH.

17 WE HAVE SUBMITTED -- WE HAVE PREPARED AND  
18 SUBMITTED TO THE BOARD A PROPOSAL FOR HOW COUNTIES CAN  
19 APPROACH MARKET DEVELOPMENT PLANNING THROUGH THE  
20 DEVELOPMENT OF THE INTEGRATED WASTE MANAGEMENT PLANS.  
21 WE CERTAINLY HOPE THAT YOU LOOK AT THAT, AND WE'RE  
22 INTERESTED IN TALKING WITH YOU MORE ABOUT IT. OUR  
23 COMMENTS ON THE REGULATIONS FOR THE COUNTYWIDE PLAN  
24 REFLECT THAT PROPOSAL. AND, REALLY, WE LOOK AT THIS AS A  
25 WAY TO NOT ONLY JUMP START COOPERATIVE MARKET DEVELOPMENT



1 PLANNING BETWEEN THE CITIES AND THE COUNTIES, BUT ALSO TO  
2 RESOLVE SOME OF THE PROBLEMS THAT HAVE COME UP IN THE  
3 SRRE'S THROUGH THIS PROCESS.

4 WE'RE LOOKING FORWARD TO WORKING WITH THE  
5 BOARD MORE ON THIS.

6 CHAIRMAN RELIS: ARE THERE ANY QUESTIONS?

7 I KNOW THAT WE HAVE TALKED AND WE'RE  
8 OBVIOUSLY IN RECEIPT OF THE LENGTHY AND GOOD LETTER FROM  
9 CAW, AND OUR STAFF IS WORKING, I KNOW, ON A RESPONSE.  
10 WE'VE BEEN WORKING ON THAT FOR SOME TIME. IT WILL BE OUT  
11 SHORTLY, BUT WE WELCOME THAT INTERACTION AS WELL.

12 OUR NEXT SPEAKER IS BELINDA SMITH.

13 MS. SMITH: GOOD MORNING. MY NAME IS BELINDA  
14 SMITH, AND I'M WITH CONTRA COSTA COUNTY.

15 I'M GOING TO TAKE A SLIGHTLY DIFFERENT  
16 PERSPECTIVE ON THIS. I'M A COUNTY STAFF THAT'S WORKING  
17 ON THE COUNTYWIDE SOURCE REDUCTION/RECYCLING ELEMENT, THE  
18 COUNTYWIDE PLAN AND SITING ELEMENT, AND I'M ALSO ON STAFF  
19 TO THE LOCAL TASK FORCE. THIS IS KIND OF AN UPDATE AND  
20 THEN SOME COMMENTS ON THE REGULATIONS.

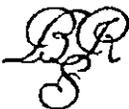
21 THIS DOCUMENT IS THE COUNTY'S  
22 UNINCORPORATED AREA SOURCE REDUCTION/RECYCLING ELEMENT.  
23 I HAVE ANOTHER EIGHTEEN DOCUMENTS THAT EQUAL 60 POUNDS OF  
24 DOCUMENTS THAT WILL BE SENT TO THIS BOARD AS APPENDICES.  
25 THIS DOCUMENT IS A SUMMARY OF THOSE 19 PLANS. THIS, I



1 THINK, MEETS ONE PART OF THOSE REGULATIONS FOR THE  
2 COUNTYWIDE PLAN. WE HAVE BEGUN WORK ON OUR SITING  
3 ELEMENT.

4 STAFF AND THE BOARD MAKE IT SOUND VERY EASY  
5 TO WORK COOPERATIVELY WITH OUR CITIES IN ORDER TO ACHIEVE  
6 SOME OF THESE RESULTS. OUR CITIES HAVE REMINDED US ON  
7 MANY OCCASIONS THAT WHEN THE COUNTY HAS NO REGULATORY  
8 AUTHORITY TO HAVE THEM FIX ANY INCONSISTENCIES THAT WE'VE  
9 FOUND IN THEIR PLANS, THEY'VE ALSO REMINDED US THAT THE  
10 LOCAL TASK FORCE IS MERELY AN ADVISORY BODY. THEREFORE,  
11 THEY WILL TAKE WHATEVER THEY SAY, BUT IT DOESN'T  
12 NECESSARILY NEED TO BE IMPLEMENTED.

13 WE HAVE RUN ACROSS INNUMERABLE  
14 INCONSISTENCIES IN ALL THE PLANS. OUR CITIES HAVE  
15 BASICALLY TOLD US WE HAVE SPENT X NUMBER OF DOLLARS. WE  
16 ARE NOT GOING BACK TO THE CONSULTANT TO GATHER MORE DATA  
17 FOR YOU. THE LOCAL TASK FORCE, BECAUSE THE REGULATIONS  
18 FOR THE COUNTYWIDE PLAN AND SITING ELEMENT CAME UP AFTER  
19 THE SOURCE REDUCTION ELEMENTS, DID NOT KNOW THE LEVEL OF  
20 DETAIL THAT WAS GOING TO BE REQUIRED; THEREFORE, WHEN THE  
21 SOURCE REDUCTIONS ELEMENTS CAME OUT AND WERE REVIEWED BY  
22 THE LOCAL TASK FORCE, THEY COMMENTED ON THE THINGS THAT  
23 THEY THOUGHT THEY SHOULD COMMENT. NOW, WE FIND THERE'S  
24 ADDITIONAL CRITERIA THAT WE SHOULD ASK FOR THAT WE NEVER  
25 DID.



1 I THINK THERE WAS ANOTHER SPEAKER THAT  
2 TALKED ABOUT PRIORITIES IN THIS PLAN. WE ARE ONE OF THE  
3 13 COUNTIES THAT HAS A PLAN DUE IN '92. WE ARE  
4 PROCEEDING WITH THAT PLAN REGARDLESS OF THE REGULATIONS  
5 AT THIS POINT, BECAUSE THIS BOARD WROTE US A LETTER IN  
6 OCTOBER STATING THAT BECAUSE THERE WAS NO EXTENSION THAT  
7 WE WERE TO PROCEED AS QUICKLY AS POSSIBLE TO RESOLVE ANY  
8 DEFICIENCIES WE HAD WITH OUR CITIES AND GET OUR PLANS IN  
9 AS SOON AS POSSIBLE.

10 SOMETHING WAS MENTIONED YESTERDAY AT THE  
11 PERMITTING HEARING FOR KELLER CANYON THAT THE CLOCK IS  
12 TICKING. WELL, IT IS TICKING FOR US. WE ARE RUNNING OUT  
13 OF LANDFILL SPACE. WE HAVE A PLAN DUE. WE DON'T HAVE  
14 REGULATIONS YET. BUT ALSO, THE COUNTY HAS NO AUTHORITY  
15 TO, ONE, MAKE THE CITIES SUBMIT THEIR -- I HAVE SEVEN  
16 FINAL ELEMENTS NOW FROM THE CITIES, WHICH MEANS I HAVE  
17 ELEVEN OUTSTANDING THAT I DON'T EXPECT THEM IN SOON, SO  
18 THIS DOCUMENT IS BASED ON DRAFT ELEMENTS, WHICH MAY OR  
19 MAY NOT CHANGE.

20 THE LOCAL TASK FORCE IS HESITANT TO  
21 BASICALLY TELL CITIES YOU CAN'T SITE A FACILITY, THAT  
22 THIS IS NOT CONSISTENT WITH OUR OVERALL PLAN. AS A STAFF  
23 PERSON, I SEE THIS ONE OF TWO WAYS. I CAN SPEND A LOT OF  
24 TIME CREATING ANOTHER 60 OR 80 POUNDS OF DOCUMENTS OR WE  
25 CAN TRY TO GET ON WITH IMPLEMENTING OUR PLANS SO, ONE, WE



1 CAN SAVE LANDFILL SPACE WHICH WE REALLY NEED TO DO, AND  
2 BASICALLY MAKE IT A WORKING DOCUMENT.

3 THE REGULATIONS AS THEY READ NOW ARE DATA  
4 COLLECTIONS. WE CAN GO OUT THERE AND GATHER ALL KINDS OF  
5 DATA FOR YOU. THAT WOULD REALLY DO NOTHING TO HELP US  
6 IMPLEMENT OUR PLANS RIGHT NOW. ONE OF THE CONDITIONS OF  
7 APPROVAL FOR KELLER CANYON WAS THAT EACH CITY MUST HAVE A  
8 DIVERSION PLAN THAT WOULD MEET THE 25 AND 50 PERCENT  
9 REDUCTION GOALS, AND THIS WAS BEFORE OUR AB 939. WE ARE  
10 STILL TRYING TO DO THAT.

11 WHAT AB 939 HAS DONE FOR US IS TAKEN AWAY  
12 AUTHORITY FROM THE COUNTY TO PROCEED WITH THIS, AND HAS  
13 MADE IT A VERY CUMBERSOME PROCESS.

14 STAFF, I HAVE A COUPLE OF QUESTIONS FOR  
15 YOU. ONE IS WHAT ARE -- THE REGULATIONS AS THEY'RE  
16 WRITTEN, IT'S BEEN NOW, I THINK, JULY THAT THEY MAY BE  
17 READY FOR US? BUT WE HAVE A PLAN DUE IN '92. IF THE  
18 REGULATIONS -- THE WAY THEY'RE WRITTEN NOW, I ESTIMATE  
19 IT'S GOING TO TAKE US ANOTHER SIX MONTHS JUST TO GATHER  
20 THE DATA. THAT DOESN'T COUNT THE COST OF THE  
21 CONSULTANTS, OF REVIEWS, THE REVIEWS THAT HAVE TO GO TO  
22 EACH OF THE CITIES, BACK TO THE LOCAL TASK FORCE, AND  
23 THEN THE REVISIONS THAT HAVE TO BE MADE. SO MAYBE WE'LL  
24 GET A PLAN IN SOMETIME IN MID '93.

25 YET, WE HAVE NO LANDFILL SPACE. SO WHAT



1 I'D LIKE TO SEE IS MAYBE SOME MODIFIED REGULATIONS FOR  
2 CITIES WHO HAVE -- OR COUNTIES WHO HAVE PLANS DUE IN '92,  
3 THAT WOULD MAKE IT EASIER FOR US TO START IMPLEMENTING  
4 OUR AB 939 PROGRAMS RATHER THAN TRYING TO DEAL WITH THIS  
5 CONTINUOUS PROCESS OF TAKING THINGS BACK AND FORTH FROM  
6 CITY TO COUNTY, AND THEN TRYING TO GET COOPERATION THAT  
7 IS NOT NECESSARILY THERE.

8 THE -- I GUESS THE OTHER THING THAT I WOULD  
9 LIKE TO MENTION TO YOU WHEN THE PLAN, THIS COUNTYWIDE  
10 PLAN DECIDING ELEMENT IS FINALLY PRESENTED TO THE BOARD,  
11 THE BOARDS -- THE WAY I READ THE REGULATION OF THE  
12 STATUTES IS THAT THE BOARD WILL JUDGE ON ADEQUACY OF THE  
13 PLAN. IT REALLY DOESN'T SAY IT WILL JUDGE ON WHETHER OR  
14 NOT WE'VE MET EACH AND EVERY ONE OF THE REGULATIONS OR  
15 GUIDELINES THAT HAVE BEEN ESTABLISHED FOR THIS.

16 AND AT ONE POINT -- IT WAS BROUGHT UP IN  
17 STAFF DISCUSSION HERE -- THAT SOME OF THE PLANS ARE NOT  
18 ADEQUATE, YET WE ARE EXPECTED TO PUT A PLAN TOGETHER AND  
19 THE ONLY TIME THAT YOU HAVE A CHANCE TO DETERMINE THAT  
20 ADEQUACY IS WHEN WE SUBMIT THE PLAN.

21 NOW, LIKE I SAID, I HAVE A REAL PROBLEM  
22 WITH THAT BECAUSE WE KNOW THE PLANS ARE NOT ADEQUATE NOW.  
23 WE'RE GOING TO DO A PLAN THAT WILL OBVIOUSLY NOT BE  
24 ADEQUATE ONCE WE TURN IT IN. YOU HAVE, I THINK, 120 DAYS  
25 TO MAKE THAT DETERMINATION, SO NOW WE'RE INTO 1994. IN



1 LESS THAN A YEAR, WE'RE SUPPOSED TO ACHIEVE A 25 PERCENT  
2 REDUCTION.

3 THIS IS BASICALLY A KIND OF SUMMARY OF MY  
4 OWN FRUSTRATION AS STAFF THAT IS ACTUALLY WORKING ON THIS  
5 AND A STAFF TO THE LOCAL TASK FORCE WHO IS FEELING A LOT  
6 OF THE SAME FRUSTRATION THAT WE ARE. THAT, ONE, NOBODY  
7 HAS ANY AUTHORITY TO COMPEL THE CITIES TO COOPERATE OR TO  
8 LOOK AT FACILITIES ON A REGIONAL BASIS. WE ARE SUBJECT  
9 TO FINES IF WE DON'T -- IF OUR PLAN IS DEEMED INADEQUATE,  
10 YET WE HAVE NOBODY TO DETERMINE WHETHER OR NOT THAT  
11 ADEQUACY EXISTS.

12 SO THESE ARE JUST SOME QUESTIONS I'M POSING  
13 TO YOU TODAY TO SEE IF MAYBE YOU CAN COME TO SOME  
14 RESOLUTION. ONE OF THE THINGS THAT WE NOTICED, WE HAD  
15 GOTTEN A LETTER THAT SAID THAT THERE NO FINES WOULD BE  
16 IMPOSED FOR SOURCE REDUCTION/RECYCLING ELEMENTS THAT WERE  
17 SUBMITTED ON TIME, BUT WE'VE YET TO RECEIVE ANYTHING THAT  
18 SAYS THE SAME THINGS ABOUT PLANS. I WILL LEAVE YOU WITH  
19 THAT.

20 THANK YOU.

21 OH, I ALSO HAVE THIS AND THIS IS FOR YOU TO  
22 KEEP. IN TRYING TO DEVELOP A PLAN THAT WILL WORK WITHIN  
23 OUR COUNTY, WE'VE DEVELOPED SOME GRAPHICS THAT SHOW OUR  
24 WASTE STREAM AND OUR DIVERSION GOALS AS THEY EXIST INTO  
25 THE YEAR 2000 THAT I WILL LEAVE WITH YOU TO LOOK AT.



1 BOARD MEMBER EGIGIAN: WHAT COUNTY ARE YOU WITH?

2 MS. SMITH: CONTRA COSTA COUNTY.

3 BOARD MEMBER EGIGIAN: THANK YOU.

4 CHAIRMAN RELIS: I APPRECIATE YOUR COMMENTS. AS  
5 YOU KNOW WE'RE IN THE MIDST, AS YOU MENTIONED, OF A  
6 HEARING ON THE CAPACITY ISSUE IN CONTRA COSTA COUNTY, SO  
7 IT'S ON THAT ISSUE RIGHT NOW. NOTHING IS STANDING STILL.

8 MS. SMITH: YES.

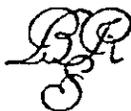
9 CHAIRMAN RELIS: THAT CLOCK IS, IN FACT, TICKING  
10 AND A DECISION WILL BE MADE.

11 MS. SMITH: I THINK, FROM OUR LEVEL, OUR CLOCK  
12 IS TICKING, TOO. WE'VE HIRED CONSULTANTS TO WORK ON OUR  
13 COUNTYWIDE PLAN. WE'VE HIRED CONSULTANTS TO DO THE EIR,  
14 AND WE CAN'T STOP THAT CLOCK EITHER.

15 SO WHAT MAY HAPPEN, AND I'M NOT SURE AT  
16 THIS POINT, IS THAT WE WILL PROCEED WITH OUR PLAN  
17 REGARDLESS OF WHETHER OR NOT WE HAVE PERMANENT  
18 REGULATIONS. I THINK THAT YOU JUST NEED TO BE AWARE OF  
19 THAT. BECAUSE AT THIS POINT, I SEE THAT WE HAVE NO OTHER  
20 OPTIONS.

21 CHAIRMAN RELIS: JUDY, JUST TO -- WOULD YOU  
22 REVIEW AGAIN FOR ALL OF US THE TIME FRAME WE'RE TALKING  
23 ABOUT WITH OUR INTERNAL PROCESS HERE WITH THE  
24 REGULATIONS.

25 MS. FRIEDMAN: I'LL HAVE LLOYD DO THAT.



1 CHAIRMAN RELIS: OKAY.

2 MR. DILLON: IF EVERYTHING GOES RIGHT AND WE GO  
3 OUT FOR ONE MORE ROUND, AND EVEN A MAXIMUM 45-DAY TIME  
4 PERIOD, WE WOULD BE LOOKING AT FILING, RENOTICING  
5 REDRAFTED PORTIONS OF THE REGULATIONS. WE ONLY HAVE TO  
6 SEND OUT THOSE PORTION OF THE REGULATIONS THAT WERE  
7 REVISED IN EARLY MAY.

8 CHAIRMAN RELIS: EARLY MAY.

9 MR. DILLON: AND WE WOULD -- HOPEFULLY, THOSE  
10 ARE SUFFICIENTLY RELATED SO YOU ONLY HAVE A 15-DAY  
11 COMMENT REVIEW PERIOD. WE'D BE LOOKING AT --

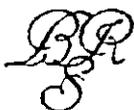
12 WE SYMPATHIZE WITH CONTRA COSTA COUNTY AND  
13 WE UNDERSTAND THE IMPORTANCE OF GETTING THESE OUT, THAT  
14 WE COULD FILE THESE, THE RULING, AND THEY'D BE BACK  
15 BEFORE THIS COMMITTEE AND BEFORE THE BOARD AND HAVE THESE  
16 FILED WITH OAL IN JULY. WE WERE HOPING.

17 CHAIRMAN RELIS: JULY. WHEN WOULD IT -- YOU  
18 KNOW, GOOD QUESTION. WHEN WILL WE SEE THIS BEFORE OUR  
19 COMMITTEE? WHEN WILL WE LIKELY, THE FIRST STEP?

20 MR. DILLON: JUNE.

21 CHAIRMAN RELIS: IN COMMITTEE?

22 MR. DILLON: JUNE OR EARLY JULY. WE WOULD  
23 HAVE -- THE PROCESS THAT'S ESTABLISHED WOULD COME BEFORE  
24 YOU FOR A PUBLIC HEARING FOR THE FINAL APPROVAL AND  
25 DESIGNATION AND DETERMINATION OF ADOPTION, THAT YOU AS



1 THE COMMITTEE WOULD THEN PUT THIS ON THE AGENDA AT THE  
2 FULL BOARD MEETING WITH YOUR RECOMMENDATION.

3 CHAIRMAN RELIS: WHAT ABOUT A WORK SESSION ON  
4 THIS PRIOR TO THAT. IS THAT LIKELY OR DO YOU SEE THAT?

5 MR. DILLON: ON ANOTHER COMMITTEE WORKSHOP HERE?

6 CHAIRMAN RELIS: WELL, RIGHT HERE WHAT WE'RE  
7 DEALING WITH IS A LOT OF TESTIMONY. WE'RE NOT REALLY  
8 ABLE TO GO AT IT IN PROBABLY THE LEVEL THAT IT NEEDS TO.  
9 YOU'RE ABLE TO DO THAT AS STAFF.

10 DO YOU HAVE ANY THOUGHTS ON THAT?

11 MR. DILLON: THE TESTIMONY WE'VE GOTTEN HAS BEEN  
12 THE TESTIMONY WE RECEIVED BEFORE AND WE RECEIVED FROM  
13 WORKSHOPS AND ALSO RECEIVED IT -- BELINDA DID MAKE THE  
14 SAME COMMENTS AT OUR WALNUT CREEK WORKSHOP. WE HAVE THAT  
15 DOWN AS ONE OF THE COMMENTS RECEIVED. WE HAD NOT  
16 PERCEIVED HAVING ANOTHER ROUND OF WORKSHOPS OR WHATEVER.

17 CHAIRMAN RELIS: WELL, I WANT TO MAKE SURE THAT  
18 WHEN THIS COMES BACK BEFORE US FOR COMMITTEE DISCUSSION,  
19 THAT, AGAIN, THIS WAS A COMMENT MADE YESTERDAY IN THE  
20 PERMITS, THAT WE HAVE THIS FRAMED IN ISSUES, SO WE'RE  
21 CLEAR WHAT ISSUES HAD BEEN RAISED IN BOTH THE WRITTEN  
22 TESTIMONY, WHICH HAS BEEN SUBSTANTIAL, AND THROUGH THE  
23 WORKSHOP SO THAT THE BOARD -- THE COMMITTEE, RATHER, HAS  
24 THIS HISTORY AND THEN WE CAN SEE OUR REGULATORY RESPONSE  
25 TO THAT IN CONTEXT.



1 MS. FRIEDMAN: THAT IS OUR PLAN.

2 CHAIRMAN RELIS: GOOD.

3 BOARD MEMBER NEAL: BEFORE WE GO ON TO THE NEXT  
4 SPEAKER, I HAVE SOME QUESTIONS ABOUT THESE MAPS FROM THE  
5 WOMAN FROM CONTRA COSTA COUNTY. I WANT TO MAKE SURE I  
6 UNDERSTAND WHAT I'M LOOKING AT.

7 YOU HAVE A 1990 DIVERSION MAP, I WOULD  
8 IMAGINE THE '95 AND THE 2000 ARE PROJECTIONS?

9 MS. SMITH: YES.

10 BOARD MEMBER NEAL: STARTING FROM THE 1990, IT  
11 SEEMS LIKE THERE IS MINIMAL SOURCE REDUCTION --

12 MS. SMITH: THAT'S VERY TRUE.

13 BOARD MEMBER NEAL: -- CAPACITY. AND IT SEEMS  
14 LIKE THE MAJORITY OF THE SOURCE REDUCTION THAT IS  
15 HAPPENING IS IN THE UNINCORPORATED AREAS?

16 MS. SMITH: YES.

17 BOARD MEMBER NEAL: WHY DO THEY HAVE MUCH  
18 LARGER --

19 MS. SMITH: YOU HAVE TO REMEMBER THAT EACH  
20 INDIVIDUAL SOURCE REDUCTION ELEMENT WAS WRITTEN BY EACH  
21 INDIVIDUAL CITY. THE COUNTY FELT THAT THE STATE  
22 HIERARCHY IS SOURCE REDUCTION, RECYCLING, COMPOSTING AND  
23 THEN TRANSFORMATION OR LANDFILLING. WE TOOK THAT TO  
24 HEART. WE PUT IN SOME SOURCE REDUCTION PROGRAMS AND  
25 ATTEMPTED TO QUANTIFY THEM. SOME OF OUR CITIES DIDN'T



1 FEEL THAT WAY.

2 BOARD MEMBER NEAL: OKAY. AS I LOOKED AT IT, I  
3 UNDERSTAND '90 IS CURRENT, BUT PROJECTING FORWARD YOU'RE  
4 COMPLETELY ACCURATE THAT SOURCE REDUCTION IS AT THE TOP  
5 OF THE HIERARCHY, BUT THEN I LOOK AT '95 AND STILL SEE IN  
6 MANY CITIES NO FOCUS ON SOURCE REDUCTION --

7 MS. SMITH: THAT'S VERY TRUE.

8 BOARD MEMBER NEAL: -- AND VERY LITTLE AND THEN  
9 EVEN GOING FORWARD TO THE YEAR 2000, THE SAME SITUATION  
10 EXISTS.

11 MS. SMITH: YES. LIKE I SAID IT SOUNDS EASY  
12 WHEN YOU SAY THAT YOU NEED TO COOPERATE AND DEVELOP  
13 PROGRAMS THAT ARE MULTIJURISDICTIONAL. IN REALITY, IT'S  
14 NOT THAT SIMPLE. EACH PROGRAM THAT WE DO, I THINK THE  
15 COUNTY HAS ESTIMATED OVER THE TEN-YEAR PERIOD OVER A  
16 MILLION DOLLARS TO DO THESE PROGRAMS. THAT DOES NOT  
17 COUNT THE SITING OF ANY FACILITIES.

18 THE CITIES, MY UNDERSTANDING RIGHT NOW IS  
19 THEY'RE GOING THROUGH THEIR BUDGETING. THE FIRST THING  
20 THAT'S GOING TO BE CUT IS AB 939 BECAUSE IT'S COSTING US  
21 A LOT OF MONEY. AND AS I'VE SAID, WE CAN SPEND A LOT OF  
22 TIME WRITING DOCUMENTS AND COMPLYING WITH REGULATIONS  
23 THAT AREN'T -- OUR COUNTY SOURCE REDUCTION ELEMENT FOR  
24 THE COUNTY ALONE WAS OVER \$100,000. THAT LITTLE  
25 DOCUMENT, THE SUMMARY PLAN OF THE 19 COUNTIES WAS OVER



1 \$40,000.

2 I WOULD MUCH RATHER SPEND THAT MONEY  
3 IMPLEMENTING PROGRAMS THAN I WOULD IN WRITING MORE  
4 DOCUMENTS. I HAVE NO ANSWER FOR WHY THERE ISN'T ANY  
5 SOURCE REDUCTION, BUT WHEN WE PUT THE ELEMENTS TOGETHER  
6 ONE OF THE BIG DIFFICULTIES WAS TRYING TO QUANTIFY SOURCE  
7 REDUCTION. WE HAD NO HELP WITH THAT. HOW DO YOU  
8 QUANTIFY HOW MANY WASHABLE DIAPERS YOU USE COMPARED TO  
9 DISPOSABLE? I DON'T KNOW HOW TO DO THAT.

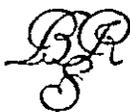
10 I THINK THAT THAT'S THE MAJORITY OF THE  
11 CITIES. THE MAJORITY OF THE CITIES DON'T HAVE STAFF  
12 THAT'S GOING TO DO THIS. MOST OF THESE SOURCE REDUCTION  
13 ELEMENTS WERE RELEGATED TO CONSULTANTS TO PREPARE.  
14 THEY'VE COME BACK TO THE CITIES, AND THE CITIES --  
15 THEY'RE ON A SHELF RIGHT NOW WAITING FOR THE COUNTY WHO  
16 HAS NO AUTHORITY TO DO SOMETHING.

17 ANYTHING ELSE?

18 CHAIRMAN RELIS: NO, NOT AT THIS TIME. THANK  
19 YOU.

20 OKAY. WE HAVE PHILLIP WHEELER. THEN  
21 CHARLES WHITE, I SEE YOU'RE BACK, SO DO YOU WANT TO SPEAK  
22 AFTER? OKAY.

23 MR. WHEELER: THANK YOU VERY MUCH. I'M GOING TO  
24 SPEAK TO THE ISSUE OF THE COUNTYWIDE SITING ELEMENTS, AND  
25 I'LL ENTITLE MY REMARKS "A TALE OF TWO COUNTIES."



1 FOR MOST OF THE LAST YEAR I WAS A  
2 CONSULTANT UNDER CONTRACT TO ALAMEDA COUNTY TO PREPARE A  
3 MAJOR PORTION OF THEIR SOURCE REDUCTION AND RECYCLING  
4 ELEMENTS. I'M CURRENTLY UNDER CONTRACT TO CONTRA COSTA  
5 COUNTY TO PREPARE THEIR COUNTYWIDE SITING ELEMENT.

6 THE GIST OF WHAT I'M GOING TO SAY IS THAT  
7 ESSENTIALLY WHAT YOU'VE -- WHAT STAFF HAS PUT TOGETHER IN  
8 THE REGULATIONS FOR THE COUNTYWIDE SITING ELEMENTS MAKES  
9 A GREAT DEAL OF SENSE AND IS REALLY RELATIVELY SIMPLE TO  
10 DO IN THE CONTEXT OF CONTRA COSTA COUNTY'S PLANNING  
11 CONTEXT. IT'S MORE DIFFICULT WITH RESPECT TO ALAMEDA  
12 COUNTY, AND IT GIVES ME A SENSE OF APPRECIATION FOR THE  
13 COMMENTS THAT WERE RAISED EARLIER BY THE GENTLEMAN FROM  
14 MINE RECLAMATION CORPORATION.

15 BASICALLY, CONTRA COSTA COUNTY HAS INDULGED  
16 IN OVER A DECADE LONG BATTLE FOR TRYING TO DEAL WITH  
17 CRITICAL SHORTAGE OF DISPOSAL CAPACITY, AND I WON'T GO  
18 ANY FARTHER THAN THAT. FROM A PLANNING CONTEXT, WHAT'S  
19 INTERESTING ABOUT CONTRA COSTA COUNTY IS THAT OUT OF THAT  
20 THEY HAVE MOVED THROUGH THE PIPELINE TO LANDFILLS, THREE  
21 TRANSFER STATIONS, AND A GREAT DEAL OF THEIR DIVERSION  
22 PROGRAMS, INCLUDING RESOURCE RECOVERY AT THE TRANSFER  
23 STATIONS AND COMPOSTING FACILITIES AND HOUSEHOLD  
24 HAZARDOUS WASTE FACILITIES.

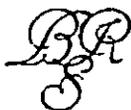
25 SO IN THE CONTEXT OF CONTRA COSTA COUNTY



1 NOW, IT'S A SIMPLE MATTER. THEY HAVE TWO TRANSFER  
2 STATIONS, THREE INTEGRATED RESOURCE RECOVERY FACILITIES  
3 THAT HAVE COMPRISED A GREAT DEAL OF THE RECYCLING THAT'S  
4 GOING TO OCCUR, COMPOSTING, AND ALSO ARE TO BE THE LOCALS  
5 FOR THE HOUSEHOLD HAZARDOUS WASTE FACILITIES. IT'S JUST  
6 A MATTER OF WRITING IT UP.

7 ALAMEDA COUNTY HAS PROCEEDED -- HAS REALLY  
8 TAKEN MIND OF ITS P'S AND Q'S AND TAKEN CARE OF ITS  
9 DISPOSAL CAPACITY. THEY HAVE A LANDFILL THAT AT ONE TIME  
10 HAD 50 YEARS OF CAPACITY, INCLUDING SAN FRANCISCO'S WASTE  
11 COMING TO THE SITE. THEY'RE GOING THROUGH AN EXPANSION  
12 OF THE SITE RIGHT NOW THAT WOULD PROBABLY GIVE THEM OVER  
13 100 YEARS OF CAPACITY. THEY ARE LESS FAR ALONG WITH  
14 RESPECT TO THEIR DIVERSION PROGRAMS.

15 AND THEY ARE, AS THE GENTLEMAN HAD SAID, AT  
16 A STAGE WHERE THEY'RE IDENTIFYING AREAS. AND IT'S A WELL  
17 ARTICULATED PLANNING PROCESS. THEY'VE HIRED A  
18 CONSULTANT. THEY'VE DONE FEASIBILITY STUDIES. THEY'VE  
19 IDENTIFIED A NEED FOR A CERTAIN NUMBER OF SUBREGIONAL  
20 MERF'S AND COMPOSTING FACILITIES. THEY'VE IDENTIFIED THE  
21 REGIONS ON THE HOUSEHOLD SIDE. THEY'VE ACTUALLY  
22 IDENTIFIED -- THEY'RE MOVING FORWARD, AND I THINK THEY'VE  
23 IDENTIFIED SITES FOR TWO OF THE THREE SUBREGIONAL AREAS  
24 FOR PERMANENT HOUSEHOLD HAZARDOUS WASTE COLLECTION  
25 FACILITIES.



1                   WHAT COULD BE A PROBLEM IS IF THEY PREPARE  
2 AN INITIAL COUNTYWIDE SITING ELEMENT THAT SAYS THEY'RE  
3 GOING TO SITE UP TO FIVE SUBREGIONAL MERF'S OR COMPOSTING  
4 FACILITIES AND IDENTIFY THE REGIONS AND GIVE YOU A NICE  
5 MAP THAT SHOWS YOU THE SHADINGS FOR THOSE. BUT THEN, AS  
6 THE GENTLEMAN FROM MINE RECLAMATION CORPORATION SAID,  
7 WHAT HAPPENS, THEN, WHEN THESE FACILITIES BECOME  
8 PERMANENT FACILITIES AND IT DOESN'T -- IT'S NOT JUST  
9 NORTHERN ALAMEDA COUNTY, BUT IT BECOMES EITHER ALBANY,  
10 BERKELEY, OAKLAND OR EMERYVILLE WHERE THESE FACILITIES  
11 ARE GOING TO BE LOCATED?

12                   AT THAT POINT, YOU THEN HAVE TO START GOING  
13 BACK THROUGH THE ENTIRE COUNTYWIDE SITING ELEMENT OR  
14 CWIMP PROCESS. AS YOU KNOW FROM YOUR OWN REGULATIONS,  
15 THAT REQUIRES THE MAJORITY OF THE CITIES-REPRESENTING THE  
16 MAJORITY OF THE POPULATION, SO YOU THEN -- THAT MEANS IN  
17 THE CASE OF ALAMEDA COUNTY, YOU HAVE TO GET 17 DIFFERENT  
18 JURISDICTIONS TO AT LEAST PASS RESOLUTIONS ON THIS ISSUE.

19 I WOULD THINK YOU COULD ADD UP TO A YEAR TO THE PROCESS  
20 ON THAT.

21                   SO IN THAT CONTEXT, I DON'T KNOW WHETHER  
22 THAT'S THE INTENDED CONSEQUENCE OF THE WAY THE  
23 REGULATIONS ARE GOING FORWARD, BUT IT COULD BE A SERIOUS  
24 TIME DELAY IN TERMS OF THE FACT OF GETTING THESE  
25 FACILITIES ON LINE.



1                   THANK YOU.

2                   CHAIRMAN RELIS:   THANK YOU VERY MUCH.

3                   BOARD MEMBER NEAL:   I WOULD JUST MAKE A COMMENT  
4                   RELATIVE TO ALAMEDA COUNTY THAT WOULD REQUIRE, IF YOU'RE  
5                   TALKING ABOUT GETTING THE CITIES WITH THE MAJORITY OF  
6                   POPULATION, YOU ONLY NEED TO GET THREE CITIES, OAKLAND,  
7                   BERKELEY, AND HAYWARD.

8                   CHAIRMAN RELIS:   IS THAT A STATEMENT?

9                   BOARD MEMBER NEAL:   THEY DO THAT ON SOME OTHER  
10                  THINGS RIGHT NOW.

11                  MR. WHEELER:   I BELIEVE IT'S THE MAJORITY OF THE  
12                  CITIES REPRESENTING THE MAJORITY OF THE POPULATION, SO  
13                  YOU NEED AT LEAST EIGHT CITIES OR NINE CITIES.

14                  BOARD MEMBER NEAL:   THE LATEST FIGURES I HEARD  
15                  WAS THAT --

16                  MR. WHEELER:   I AGREE THE THREE CITIES HAVE THE  
17                  MAJORITY OF THE POPULATION, BUT YOU ALSO NEED A MAJORITY  
18                  OF THE CITIES AS WELL.   I HAVEN'T LOOKED CLOSELY AT IT,  
19                  AND I MAY BE WRONG.

20                  CHAIRMAN RELIS:   CHARLES WHITE IS THE LAST  
21                  PERSON WHO SIGNED UP TO SPEAK ON THIS MATTER.

22                  DENISE, ARE YOU SIGNED UP FOR SIX?   I THINK  
23                  YOU GOT THE WRONG NUMBER.   OKAY, THEN, WE'LL ADD YOUR  
24                  NAME.

25                  MR. WHITE:   MY NAME IS CHARLES WHITE,

1 REPRESENTING WASTE MANAGEMENT OF NORTH AMERICA. I WILL  
2 BE BRIEF.

3 WE DID SUBMIT EXTENSIVE COMMENTS AND  
4 PARTICIPATED IN THE PUBLIC WORKSHOPS; UNFORTUNATELY, I  
5 HAD TO STEP OUT, SO I'M NOT A BENEFICIARY OF THE PRIOR  
6 COMMENTS THAT WERE MADE TODAY. I DON'T WANT TO BE TOO  
7 REPETITIVE, BUT I WOULD LIKE TO SUMMARIZE FOR YOU OUR KEY  
8 CONCERNS.

9 WHILE WE SUPPORT THE NEED, POSSIBLY, FOR  
10 REGULATION, WE BELIEVE THERE SHOULD BE VERY CONCISE  
11 REGULATIONS RELATED TO, SPECIFICALLY, CLARIFYING WHAT  
12 NEEDS TO BE CLARIFIED, IF ANYTHING, THOSE SECTIONS 41700  
13 AND 41721 OF THE PUBLIC RESOURCES CODE TO DESCRIBE THE  
14 REQUIREMENTS OF THE SITING ELEMENT AS IT SPECIFICALLY  
15 RELATES TO DISPOSAL AND TRANSFORMATION FACILITIES, NOT TO  
16 OTHER TYPES OF FACILITIES.

17 OUR PRIMARY CONCERN WITH THESE PROPOSED  
18 REGULATIONS IS THAT THEY APPEAR TO GO BEYOND THE  
19 AUTHORITY GIVEN TO THIS BOARD BY ATTEMPTING TO ESTABLISH  
20 SITING CRITERIA FOR ALL TYPES OF SOLID WASTE FACILITIES.  
21 NONE OF THE PUBLIC RESOURCES CODE SECTIONS PERTAINING TO  
22 COUNTYWIDE SITING ELEMENTS CONTAIN ANY REFERENCE TO  
23 FACILITIES OTHER THAN THE DISPOSAL AND TRANSFORMATION  
24 FACILITIES. IN FACT, THROUGHOUT THE REGULATIONS YOU SEE  
25 THE TERM "SOLID WASTE FACILITY" APPARENTLY USED TO



1 ENCOMPASS ALL FACILITIES.

2 AND FURTHER, THE SPECIFIC SECTION  
3 18756.1(B) SPECIFICALLY WOULD REQUIRE IDENTIFICATION OF  
4 ALL OTHER PROPOSED SOLID WASTE FACILITIES, TRANSFER  
5 STATIONS, RECOVERY FACILITIES, RECYCLING AND PROCESSING  
6 CENTERS. SUFFICE IT TO SAY A LARGE VARIETY OF VIRTUALLY  
7 ALL TYPES OF SOLID WASTE FACILITIES ARE PROPOSED TO BE  
8 COVERED BY THESE REGULATIONS.

9 WE FIND IT JUST BEING -- ESTABLISHING A  
10 VERY CUMBERSOME REGULATORY PROCESS TO SITE THE VERY  
11 FACILITIES THAT ARE ESSENTIAL TO MEET THE GOALS OF 939:  
12 COMPOSTING FACILITIES, RECYCLING FACILITIES, TRANSFER  
13 STATIONS, ET CETERA, AND IT WOULD SEEM IRONIC THAT THE  
14 INTEGRATED WASTE MANAGEMENT PLANNING PROCESS ITSELF COULD  
15 BECOME A BARRIER TO MEETING ITS OWN PLANNING GOALS.

16 GIVEN THAT WE DON'T BELIEVE THAT  
17 LEGISLATIVE AUTHORITY EXISTS IN 41700 THROUGH 41721, THE  
18 ONLY OTHER SECTION YOU COULD POSSIBLY BE RELYING ON IS  
19 APPARENTLY SECTION 50001. WE DON'T BELIEVE THIS PROVIDES  
20 ANY AUTHORITY WHATSOEVER FOR -- RELATED TO SITING  
21 ELEMENTS. SECTION 50001 HAS ABSOLUTELY NOTHING TO DO  
22 WITH PROVIDING ANY LEGISLATIVE AUTHORITY, BUT MUST BE  
23 INCLUDED IN A COUNTYWIDE SITING ELEMENT.

24 WE BELIEVE THAT THIS LANGUAGE AS IT IS  
25 CURRENTLY WRITTEN IS INTENDED ONLY TO PROHIBIT THE

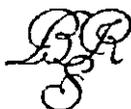


1 ESTABLISHMENT OF FACILITIES IF THEY'RE NOT IN CONFORMANCE  
2 WITH THE OVERALL SOLID WASTE MANAGEMENT OBJECTIVES OF THE  
3 PLAN RATHER THAN SPECIFICALLY IDENTIFYING SITES.

4 WASTE MANAGEMENT OF NORTH AMERICA SUPPORTS  
5 THE NEED TO PAY SPECIALIZED PLANNING ATTENTION TO  
6 DISPOSAL AND TRANSFORMATION FACILITIES. THESE TYPES OF  
7 FACILITIES TAKE YEARS TO PLAN AND DEVELOP AND SPECIFIC  
8 INCLUSION IN THE COUNTYWIDE SITING ELEMENT AND INTEGRATED  
9 WASTE MANAGEMENT PLAN ITSELF IS APPROPRIATE AND NECESSARY  
10 TO ENSURE THE DEVELOPMENT.

11 HOWEVER, CITIES AND COUNTIES IN THE STATE  
12 OF CALIFORNIA NEED TO TAKE A MUCH MORE FLEXIBLE APPROACH  
13 TO SITING OTHER TYPES OF LOWER IMPACT SOLID WASTE  
14 FACILITIES WHICH CAN BE DEVELOPED IN A MUCH SHORTER TIME  
15 FRAME; IN FACT, ARE NEEDED TO BE DEVELOPED IN A MUCH  
16 SHORTER TIME FRAME IN ORDER TO MEET THE RESOURCE RECOVERY  
17 AND DIVERSION GOALS AS SPECIFIED IN 939. SUCH FACILITIES  
18 SHOULD NOT BE CONSTRAINED BY THE DICTATES OF CENTRAL  
19 PLANNING, BUT RATHER A RESPONSE TO THE MARKET FORCES THAT  
20 ARE CONSTANTLY EVOLVING.

21 ONE FINAL CONCERN IS THAT WE ARE CONCERNED  
22 THAT WE ARE NOT -- REGULATIONS DON'T SPECIFY AND DON'T  
23 INDICATE THAT THE PRIVATE INDUSTRY DOES PLAY A ROLE IN  
24 PLANNING FOR FACILITIES IN CALIFORNIA. WE WOULD LOOK TO  
25 THE BOARD TO REVISE REGULATIONS TO CLARIFY THAT THE



1 PRIVATE INDUSTRY DOES PLAY A ROLE IN THIS SITING PROCESS  
2 AS IS APPROPRIATE.

3 THAT'S REALLY THE SUM TOTAL OF MY COMMENTS.

4 I APPRECIATE YOUR CONSIDERATION. I THINK THESE  
5 REGULATIONS AS PROPOSED NEED TO BE SUBSTANTIALLY AMENDED  
6 TO LIMIT THEIR SCOPE OF TRANSFORMATION AND DISPOSAL  
7 FACILITIES. THANK YOU.

8 CHAIRMAN RELIS: THANK YOU.

9 DENISE?

10 IS THERE ANYONE ELSE WHO WISHES TO SPEAK ON  
11 THIS ITEM?

12 MS. DELMATIER: MR. CHAIRMAN, MEMBERS OF THE  
13 BOARD, MY NAME IS DENISE DELMATIER OF THE GUALCO GROUP ON  
14 BEHALF OF NORCAL WASTE SYSTEMS.

15 WE HAVE SUBMITTED WRITTEN COMMENTS, SO I  
16 DON'T WANT TO GO THROUGH ALL OF THOSE THIS MORNING IN  
17 EXPEDIENCY OF TIME, BUT I DID WANT TO TOUCH ON JUST A  
18 COUPLE OF BRIEF ITEMS THAT I BRIEFLY RAISED IN THE  
19 WRITTEN CORRESPONDENCE THAT I WANT TO EXPAND ON A LITTLE  
20 BIT HERE THIS MORNING.

21 ALTHOUGH AB 2296, THE INFAMOUS SITING  
22 DURING THE GAP BUILD WAS NOT MEANT TO APPLY TO AND WAS  
23 NOT MEANT IN THE NEGOTIATIONS TO APPLY TO THE SITING  
24 ELEMENT -- IN FACT, IT WAS NEVER DREAMED OF DURING THE  
25 NEGOTIATIONS ON THAT BILL THAT THE APPLICATIONS OF 2296



1 WOULD, INDEED, BE A PART OF THE DISCUSSIONS ON THE SITING  
2 ELEMENT.

3 AN UNFORTUNATE OCCURRENCE HAS OCCURRED IN  
4 THAT IT'S ASSUMED THAT, ACCORDING TO STAFF'S COMMENTS  
5 HERE THIS MORNING AS WELL AS DISCUSSIONS WITH STAFF AT  
6 OTHER PERIODS OF TIME, THAT IT IS, IN FACT, PUBLIC  
7 RESOURCES CODE SECTION 50001 THAT IS AT THE CRUX OF THE  
8 CONTROVERSY THAT'S RAGING ON THIS TRANSFORMATION DISPOSAL  
9 VERSUS OTHER SOLID WASTE FACILITIES INCLUSION IN THE  
10 SITING ELEMENT.

11 JUST REAL BRIEFLY, 50001 WAS A REMNANT OF A  
12 BILL THAT NORCAL SPONSORED DEALING WITH SLUDGE, AND WAS  
13 ALLEGED COUNSEL DRAFTING ERROR BASICALLY DEALING WITH ALL  
14 SOLID WASTE FACILITIES. DURING THE NEGOTIATIONS ON  
15 AB 2296, IT WAS AGREED TO BY ALL PARTIES, AGAIN, BECAUSE  
16 NO ONE EVER DREAMED THAT THIS DISCUSSION WOULD TAKE PLACE  
17 TODAY, BUT 50001 WAS AGREED TO BE LEFT IN 2296 AS A  
18 SIMPLE PLACE HOLDER FOR POST GAP SITING REGULATIONS AND  
19 STATUTES.

20 SO WE ALL AGREED NOT TO TOUCH THAT CODE  
21 SECTION, SIMPLY AS A PLACE HOLDER. BUT, UNFORTUNATELY,  
22 THAT'S WHAT'S BEING RELIED ON HERE THIS MORNING AND IN THE  
23 SITING ELEMENT REGULATIONS FOR INCLUSION OF ALL SOLID  
24 WASTE FACILITIES.

25 WHAT I WOULD LIKE TO DO THIS MORNING, THEN,



1 IS ASK COUNSEL AND/OR STAFF, IN FACT, IS THIS THE CODE  
2 SECTION THAT'S BEING RELIED ON AND TO FURTHER CLARIFY  
3 DOES THIS SECTION, INDEED, REQUIRE THE BOARD TO INCLUDE  
4 OTHER SOLID WASTE FACILITIES OTHER THAN TRANSFORMATION AN  
5 DISPOSAL FACILITIES?

6 MR. CONHEIM: YOU GOT RIGHT TO THE QUESTION, AND  
7 LET ME SEE IF I CAN JUST MAKE A BRIEF COMMENT.

8 WE HAVE -- STAFF HAS PUT TOGETHER SITING  
9 ELEMENT STANDARDS WHICH STAFF FELT HAD TO BE CONSISTENT  
10 WITH NOT ONLY THE ONE SECTION THAT LITERALLY REQUIRES  
11 STANDARDS FOR SITING ELEMENTS, BUT WITH ALL THE OTHER  
12 LAWS THAT RELATE TO IT.

13 IN AND OF ITSELF, TAKING IT OUT OF CONTEXT,  
14 50001 DOESN'T REQUIRE WHAT YOU'RE SAYING. TAKING IT IN  
15 THE CONTEXT OF ALL THE LAWS THAT RELATE TO CONFORMANCE  
16 WITH INTEGRATED WASTE PLANS, REVIEW OF FACILITIES AND  
17 INTEGRATED WASTE PLANS, STAFF HAS TAKEN THE POSITION AND  
18 COUNSEL, IN REVIEWING THIS, FELT THAT IT COULD SUPPORT  
19 THAT POSITION THAT TAKEN AS A WHOLE AND NOT EACH SECTION  
20 OUT OF CONTEXT, THAT THAT POSITION THAT STAFF HAS  
21 ESPOUSED AND HAS PROPOSED TO THE BOARD IS DEFENSIBLE.

22 IT IS STILL A DECISION OF THE BOARD, A  
23 POLICY DECISION OF THE BOARD, AS TO HOW INCLUSIVE OR HOW  
24 EXPANSIVE STANDARDS IMPLEMENTING THE SITING ELEMENT ARE  
25 GOING TO BE. SO I'M ROUND ABOUT ANSWERING YOUR QUESTION



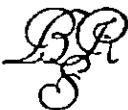
1 BECAUSE I DON'T WANT TO MAKE THE MISTAKE OF CONTINUING TO  
2 TAKE ONE PHRASE OR ONE SECTION OUT OF CONTEXT.

3 I WANT TO SAY FOR THE RECORD THAT THE  
4 REASON COUNSEL HAS BEEN ABLE TO SUPPORT STAFF'S POSITION,  
5 AND STAFF ACTUALLY CAME UP WITH THE POSITION, IS THAT  
6 THEY'RE PRESENTING TO THE BOARD AN OPTION OF ADOPTING OR  
7 PROPOSING A SET OF STANDARDS IN WHICH STAFF HAS TRIED TO  
8 RECONCILE TWO OR THREE STATUTES, SEVERAL STATUTES, OR THE  
9 ENTIRE SET OF STATUTES RELATED TO THE REVIEW OF  
10 FACILITIES IN A PLAN.

11 AND WITH THAT OPTION, WITH THAT STATEMENT,  
12 NEITHER COUNSEL NOR STAFF ARE TELLING THE BOARD THAT THAT  
13 IS THE ONLY WAY STAFF -- PARDON ME, THE BOARD CAN GO, BUT  
14 IT IS ONE DEFENSIBLE OPTION.

15 MS. DELMATIER: LET ME JUST TRY TO CLARIFY THAT  
16 A LITTLE FURTHER. I AGREE THAT IN AND OF ITSELF, CODE  
17 SECTION 50001 DOES NOT REQUIRE THE BOARD TO INCLUDE ALL  
18 THE SOLID WASTE FACILITIES IN THE SITING ELEMENT. BUT  
19 TAKEN TOGETHER AS A PACKAGE, IF YOU WILL, THE OTHER  
20 APPLICABLE CODE SECTIONS, THE POSITION COULD BE  
21 DEFENSIBLE THAT INCLUSION WOULD BE APPROPRIATE.

22 I GUESS THE QUESTION I'M REALLY ASKING IS,  
23 IS IT COUNSEL'S OPINION THAT THAT PACKAGE OF CODE  
24 SECTIONS THAT ARE APPLICABLE, DOES THAT PACKAGE TAKEN  
25 TOGETHER REQUIRE INCLUSION OF SOLID WASTE FACILITIES IN



1 COUNSEL'S OPINION?

2 MR. CONHEIM: WELL, I WOULD LIKE TO ASK AND  
3 ANSWER THE QUESTIONS ON BEHALF OF MY CLIENT, THE BOARD.  
4 FOR ME TO GIVE YOU AN ANSWER, AND THE ANSWER TO YOUR  
5 QUESTION IS "NO," THAT DOES NOT EXPRESS MY ADVICE TO MY  
6 CLIENT.

7 WHAT I'D LIKE TO DO IS TAKE YOUR QUESTION,  
8 AND I WANT TO BE AS FORTHRIGHT WITH YOU IN THE PUBLIC  
9 SETTING AND ANSWER YOUR QUESTION, BUT ALSO TELL YOU IN  
10 MAYBE A COUPLE OF MORE WORDS THAT STAFF FELT THAT THAT  
11 WAS THE BETTER WAY TO REGULATE. THAT'S WHAT THEY'RE  
12 RECOMMENDING TO THE BOARD. THAT DOES NOT MEAN THAT THE  
13 BOARD WILL FEEL THE SAME WAY AS STAFF. THEY FELT THAT  
14 THAT COMPREHENSIVE REGULATION WOULD MAKE THE  
15 IMPLEMENTATION OF THE STATUTES ALL CONSISTENT.

16 SO IN ANSWER TO YOUR QUESTION, DO THEY ALL  
17 TAKEN TOGETHER REQUIRE THE INCLUSION OF ALL FACILITIES,  
18 THE ANSWER HAS GOT TO BE NO, BECAUSE IF IT WERE, THEN I  
19 WOULD BE TELLING THE BOARD AND THIS COMMITTEE THAT YOU  
20 HAVE NO OPTIONS. I'M NOT WILLING TO DO THAT BECAUSE I  
21 THINK THE BOARD DOES HAVE OPTIONS.

22 MS. DELMATIER: I WOULD CONCUR WITH THAT.

23 MR. CONHEIM: BUT I DO WANT TO SAY ON BEHALF OF  
24 MY OTHER PART OF MY CLIENT, STAFF, WHOM I HAVE TO ADVISE  
25 ON A DAILY BASIS, THAT STAFF'S POSITION IN OUR OPINION IS



1 DEFENSIBLE AND REPRESENTS A GOOD OPTION TO PROPOSE TO THE  
2 BOARD FOR ITS CONSIDERATION.

3 MS. DELMATIER: I GUESS WHAT I'M TRYING TO DO  
4 HERE THIS MORNING IS MAKE A DISTINCTION BETWEEN THE  
5 POLICY THAT THE BOARD NEEDS TO CONSIDER AND WHAT STATUTE  
6 INDEED REQUIRES.

7 FINALLY, THE QUESTION THAT I NEED TO ASK  
8 COUNSEL IS IF CODE SECTION 50001 IS REPEALED, DOES THAT  
9 THEN REMOVE THE AUTHORITY TO, INDEED, REQUIRE ALL SOLID  
10 WASTE FACILITIES?

11 MR. CONHEIM: I'D HAVE TO RECONSIDER THAT IN  
12 LIGHT OF ANOTHER ANALYSIS. I THINK WHERE YOU'RE HEADING  
13 IS THAT IT CERTAINLY WOULD TAKE AN UNDERPINNING OUT OF  
14 THIS POSITION, BUT I DON'T WANT TO GIVE A DEFINITIVE  
15 ANSWER ON THAT. YOU KNOW, IT DEPENDS ON WHAT MY CLIENT  
16 IS INTERESTED IN.

17 MS. DELMATIER: OKAY. THEN, FINALLY, I KNOW  
18 OTHERS HAVE REQUESTED A PUBLIC HEARING ON THE SITING  
19 ELEMENT REGULATIONS. I WASN'T REALLY PREPARED TO COMMENT  
20 ON THE REGULATIONS THIS MORNING. I THOUGHT THIS WAS JUST  
21 A DISCUSSION ITEM ON THE DRAFT WORKSHOP AND ALL OF THAT,  
22 SO I WOULD SPECIFICALLY REQUEST A PUBLIC HEARING ON THE  
23 REGULATIONS.

24 MS. FRIEDMAN: WHEN WE CAME BACK TO THE  
25 COMMITTEE FOR REVIEW OF THE REGULATIONS AND POTENTIAL



1 ADOPTION, THAT IS A PUBLIC HEARING AS WELL WOULD BE THE  
2 BOARD CONCURRENCE AND THEIR DECISION. IT WOULD ALSO BE A  
3 PUBLIC HEARING. THIS IS ALSO A PUBLIC HEARING OR PUBLIC  
4 MEETING, AS WERE OUR WORKSHOPS.

5 MS. DELMATIER: CERTAINLY IN THE PAST IT HASN'T  
6 BEEN NOTICED AS A FORMAL PUBLIC HEARING, AND I UNDERSTAND  
7 THE DISTINCTION THAT UNDER REGS IT DOES CONSTITUTE A  
8 PUBLIC HEARING.

9 I GUESS I WOULD REQUEST THAT FOR PURPOSES  
10 OF FACILITATING A TIMELY IMPLEMENTATION OF THE SITING  
11 ELEMENT REGULATIONS, APPEARING IN ADVANCE OF THE FINAL  
12 PUBLIC HEARING WHEN YOU WANT TO GO OUT FOR POSSIBLY A  
13 15-DAY COMMENT PERIOD OR SOMETHING LIKE THAT, IF THERE  
14 ARE ANY NONSUBSTANTIVE AMENDMENTS TO THE REGULATIONS, A  
15 HEARING IN ADVANCE OF THAT WOULD PROBABLY BE MORE  
16 APPROPRIATE. I WOULD MAKE THAT REQUEST.

17 ANY QUESTIONS?

18 CHAIRMAN RELIS: THANK YOU VERY MUCH.

19 IF THERE'S NO FURTHER COMMENT, WE'LL  
20 CONSIDER ITEM 6 COMPLETE -- OR ITEM 5, RATHER. THEN I'D  
21 LIKE TO GET A READING ON ITEM 6.

22 WE HAVE TO ADJOURN PROMPTLY AT NOON. HOW  
23 MANY PEOPLE ARE HERE TO SPEAK ON ITEM 6? THAT'S GOOD,  
24 BECAUSE THAT MEANS WE'LL MORE THROUGH IT QUICKLY. WE  
25 REALLY MUST RESERVE THE BULK OF THE TIME FROM 2:00 ON FOR



1 ITEM 7.

2 I WOULD URGE YOU ALL TO HAVE A GOOD LUNCH  
3 AND REST UP, AND WE'LL SEE YOU HERE AT 2:00.

4 (LUNCH RECESS TAKEN.)

5 CHAIRMAN RELIS: OKAY. WE'LL START WITH ITEM 6,  
6 PLEASE.

7 MR. SMITH: I'LL TRY TO BE BRIEF, MR. CHAIRMAN  
8 AND MEMBERS.

9 THIS IS A PRESENTATION ON A PROGRAM FOR  
10 REVIEWING AND APPROVING THE SITING ELEMENT IN THE COUNTY  
11 INTEGRATED WASTE MANAGEMENT PLANS. BOARD STAFF FELT THIS  
12 WAS APPROPRIATE SINCE WE'RE NOW ABOUT TO, AT LEAST, GET  
13 SOME REGULATIONS.

14 WE'RE GETTING CLOSER TOWARDS COMPLETING THE  
15 REGULATIONS ON THE CONTENT OF THE SITING ELEMENT AND  
16 TALKING ABOUT HOW WE WILL PROCESS THIS SITING ELEMENT AND  
17 PLAN ONCE THESE REGULATIONS ARE OUT AND JURISDICTIONS  
18 BEGIN PREPARING THESE ELEMENTS.

19 BEFORE I GET INTO THE DISCUSSION, I HAVE A  
20 SLIDE FOR YOU HERE. THE PURPOSE OF THE SLIDE IS TO  
21 EXPLAIN WHAT IS IN THE COUNTY INTEGRATED WASTE MANAGEMENT  
22 PLAN BECAUSE WITHOUT IT YOU WOULD GET CONFUSED AS I GO  
23 THROUGH THIS PRESENTATION.

24 AS THE SLIDE INDICATES, THE COUNTY  
25 INTEGRATED WASTE MANAGEMENT PLAN CONSISTS OF A SUMMARY



1 PLANNED DOCUMENT, A SITING ELEMENT, ALL THE INDIVIDUAL  
2 SOURCE REDUCTION RECYCLING ELEMENTS, AND THE HOUSEHOLD  
3 HAZARDOUS WASTE ELEMENTS. RIGHT NOW THIS BOARD STAFF HAS  
4 REVIEWED A MAJORITY OF THE SOURCE REDUCTION AND RECYCLING  
5 ELEMENTS AND THE HOUSEHOLD HAZARDOUS WASTE ELEMENTS. AT  
6 THIS POINT WE WILL NOT BE DISCUSSING THE PROGRAM FOR  
7 REVIEWING THOSE DRAFTS.

8 BY THE WAY, WE'VE REVIEWED 410 SOURCE  
9 REDUCTION AND RECYCLING ELEMENTS TO DATE. WE'VE RECEIVED  
10 AND WE'VE COMMENTED ON 350. WITH THE HOUSEHOLD HAZARDOUS  
11 WASTE ELEMENT, WE'VE RECEIVED 367.

12 CHAIRMAN RELIS: WAIT, A SECOND. WE'VE REVIEWED  
13 410 AND WE'VE RECEIVED --

14 MR. SMITH: NO. WE'VE RECEIVED 410 AND REVIEWED  
15 350.

16 WITH THE HOUSEHOLD HAZARDOUS WASTE ELEMENT,  
17 WE'VE RECEIVED 367 AND COMMENTED ON APPROXIMATELY 345.

18 THE DISCUSSION TODAY WILL DEAL WITH HOW WE  
19 REVIEW THE SUMMARY PLAN DOCUMENT, THE DRAFT SUMMARY PLAN  
20 DOCUMENT, HOW WE REVIEW THE DRAFT SITING ELEMENT AND THEN  
21 ANOTHER PORTION OF THE PRESENTATION WILL DEAL WITH HOW WE  
22 REVIEW AND APPROVE THE FINAL LOCALLY ADOPTED COUNTY  
23 INTEGRATED WASTE MANAGEMENT PLAN AND ITS ELEMENTS.

24 SO WE'LL START WITH EXPLAINING HOW WE WILL  
25 REVIEW THE DRAFT SUMMARY PLAN AND SITING ELEMENT. OUR



1 REGULATIONS REQUIRE THAT WE REVIEW DRAFT SITING ELEMENTS  
2 AND PLANS WITHIN 45 DAYS OF RECEIPT. ONCE WE RECEIVE  
3 THOSE DOCUMENTS, WE'RE PROPOSING TO HAVE THE COUNTY  
4 PERSON ASSIGNED TO THAT COUNTY THEN TO PERFORM THAT  
5 REVIEW. AS PART OF THAT REVIEW, WE INTEND TO SEND THIS  
6 ELEMENT OUT FOR TECHNICAL REVIEW TO THE VARIOUS BOARD  
7 BRANCHES WITH EXPERTISE IN SUCH AREAS AS MARKET  
8 DEVELOPMENT AND SOLID WASTE FACILITIES AND OTHERS.

9 DURING THE REVIEW OF THE SITING ELEMENT,  
10 STAFF WILL BE LOOKING FOR WHETHER THESE FACILITIES ARE  
11 CONSISTENT WITH THE HIERARCHY FOR SOLID WASTE MANAGEMENT.  
12 WE'LL ALSO LOOK TO SEE IF THE CODE AND REGULATORY  
13 REQUIREMENTS HAVE BEEN MET.

14 THERE WAS A LITTLE DISCUSSION THIS MORNING  
15 ON THE PLANNING GUIDELINES, WHAT THESE THINGS ARE. I'D  
16 LIKE TO BRIEFLY STATE THAT WE LOOK AT THE GUIDELINES AS  
17 THE ESSENTIAL INFORMATION NECESSARY FOR PREPARING THE  
18 ELEMENT AND THE PLAN. AND ALSO, WE LOOK AT THE  
19 GUIDELINES TO HELP ENSURE THE ORDERLY AND TIMELY  
20 IMPLEMENTATION OF INTEGRATED WASTE MANAGEMENT PROGRAMS.  
21 I THINK THE LAST ONE IS VERY IMPORTANT.

22 THE THINGS THAT WE'LL BE LOOKING AT  
23 SPECIFICALLY WITH THE SITING ELEMENT ARE IF THERE IS AN  
24 ESTIMATE OF REMAINING CAPACITY, WHETHER THEY'RE ACCURATE  
25 FUTURE PROJECTIONS FOR FUTURE DISPOSAL CAPACITY, EITHER

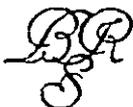


1 WHETHER THEY VERIFY THAT THEY HAVE 15 YEARS OF REMAINING  
2 CAPACITY OR IF THEY HAVEN'T, THAT THEY'VE RESERVED FUTURE  
3 DISPOSAL SITES IN THE COUNTY INTEGRATED WASTE MANAGEMENT  
4 IN THE SITING ELEMENTS. WE WILL ALSO BE LOOKING TO SEE  
5 HOW WELL THE PROPOSED FACILITIES FIT IN WITH THE  
6 INDIVIDUAL PROGRAMS IDENTIFIED IN EACH SRRE.

7 LOOKING TOWARD THE PLAN SUMMARY, WE'LL BE  
8 LOOKING TO SEE IF THE COUNTY HAS DONE AN ACCURATE  
9 EVALUATION OF THE ENTIRE SOLID WASTE SYSTEM. FOLLOWING  
10 THAT, WE'LL LOOK TO SEE THAT THE COUNTY HAS IDENTIFIED IN  
11 ITS PLAN THE COUNTYWIDE SITING ISSUES. WE'LL ALSO LOOK  
12 TO SEE THAT FOR EACH ISSUE, THEY DEVELOPED GOALS,  
13 POLICIES, AND OBJECTIVES. WE'LL ALSO LOOK FOR DETAILED  
14 IMPLEMENTATION SCHEDULES WITH THE KEY TASK FOR  
15 IMPLEMENTING EACH OBJECTIVE.

16 WE'LL ALSO BE LOOKING TO SEE IF THEY  
17 PROPERLY CONSIDERED APPROPRIATE REGIONAL PROGRAMS THAT  
18 WOULD INCLUDE MARKET DEVELOPMENT, APPROPRIATE DIVERSION  
19 FACILITIES, NEEDED WASTE HANDLING AND DISPOSAL  
20 FACILITIES. WE'LL LOOK AGAIN TO SEE IF THE PLAN IN THE  
21 ELEMENT TRULY MEETS THE HIERARCHY FOR SOLID WASTE  
22 MANAGEMENT AS MANDATED IN THE CODE.

23 AND FINALLY, WE WILL BE LOOKING TO SEE THAT  
24 THE PLAN AND ITS ELEMENTS ARE TOTALLY INTEGRATED, THAT  
25 THEY ALL WORK TOGETHER, THAT THE INFORMATION IN THE

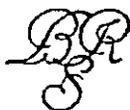


1 INDIVIDUAL SOURCE REDUCTION/RECYCLING ELEMENTS AND  
2 HOUSEHOLD HAZARDOUS WASTE ELEMENTS FIT IN WITH THE REST  
3 OF THE PLAN SITING ELEMENT IN THE PLAN ITSELF. THAT IF  
4 THERE WAS A CALL FOR REGIONAL PROGRAMS IN THE INDIVIDUAL  
5 ELEMENTS, THAT INDEED THOSE REGIONAL PROGRAMS DEVELOP.

6 NOW, TURNING TO HOW WE WILL PROCESS THE  
7 LOCALLY ADOPTED PLAN ONCE IT'S SUBMITTED TO THE BOARD.  
8 THE BOARD IS REQUIRED TO CONSIDER APPROVAL OF A PLAN  
9 WITHIN 120 DAYS OF RECEIPT. THE STEPS, IN BRIEF, THAT  
10 WILL BE FOLLOWED IN REVIEWING THAT PLAN WILL INCLUDE THAT  
11 STAFF WILL INDIVIDUALLY REVIEW EACH ELEMENT TO SEE IF  
12 JURISDICTIONS HAVE PROPERLY RESPONDED TO COMMENTS ON EACH  
13 ELEMENT AND THE PLAN SUMMARY.

14 WE'LL ALSO LOOK TO SEE IF NEW CODE  
15 REQUIREMENTS HAVE BEEN ENACTED AND THE JURISDICTIONS HAVE  
16 PROPERLY CONSIDERED NEW CODE REQUIREMENTS SINCE THAT  
17 ELEMENT WAS REVIEWED. WE'LL ALSO EVALUATE LOCAL  
18 CIRCUMSTANCES TO SEE IF ANY MAJOR CHANGE COULD AFFECT THE  
19 EFFECTIVE IMPLEMENTATION OF THE PROGRAMS IDENTIFIED IN  
20 THE PLANS AND THE ELEMENTS. WE'LL ALSO, AND THIS IS VERY  
21 IMPORTANT, REVIEW THE COMMENTS PROVIDED BY THE LOCAL TASK  
22 FORCES.

23 THIS MORNING THERE WAS SOME TALK ABOUT THE  
24 LOCAL TASK FORCE. BOARD STAFF SEES THE LOCAL TASK FORCE  
25 AS PROVIDING THE IMPORTANT GLUE FOR THIS PLAN, AND THEY



1 HAVE SOME VERY IMPORTANT RESPONSIBILITIES IN ENSURING  
2 THAT REGIONAL PROGRAMS ARE CONSIDERED, THAT THERE AREN'T  
3 DUPLICATIONS BETWEEN ELEMENTS, AND THAT THERE ARE PROPER  
4 COORDINATION PROGRAMS.

5 TO EFFECTIVELY IMPLEMENT THAT MANDATE,  
6 LOCAL TASK FORCE ARE REQUIRED TO REVIEW BOTH THE DRAFT  
7 ELEMENTS, THE DRAFT SOURCE REDUCTION/RECYCLING ELEMENTS,  
8 HOUSEHOLD HAZARDOUS WASTE ELEMENT, THE SITING ELEMENTS,  
9 AND THE PLAN. THEY ARE TO REVIEW BOTH THE DRAFT AND THE  
10 FINAL. THEY ARE REQUIRED TO SEND COMMENTS TO THIS BOARD  
11 REGARDING ANY PROBLEMS WITH THOSE DRAFT AND FINAL  
12 ELEMENTS. SO WHEN THIS ELEMENT COMES IN AND THE LOCAL  
13 TASK FORCE INDICATES A REAL PROBLEM WITH THE PLAN, THEN  
14 THAT CERTAINLY WOULD BE CONSIDERED BY THIS BOARD WHEN  
15 THEY MAKE THEIR DETERMINATION AS TO WHETHER OR NOT TO  
16 APPROVE.

17 ONCE OUR REVIEW IS COMPLETE, WE WOULD THEN  
18 PREPARE AN AGENDA ITEM FOR THE PLANNING COMMITTEE. I  
19 WOULD SEE THREE POSSIBLE OPTIONS FOR THE VARIETY OF PLANS  
20 THAT WILL BE PREPARED. WE WOULD HAVE AN OPTION OF FULLY  
21 APPROVING THE PLAN AND ITS ELEMENTS. WE HAVE ANOTHER  
22 OPTION OF PARTIALLY APPROVING THE PLAN AND THE ELEMENTS.  
23 IF THE PLAN WAS IN REAL BAD SHAPE, WE WOULD THEN  
24 RECOMMEND THAT IT BE DISAPPROVED.

25 NOW, I WANT TO MAKE IT REALLY CLEAR THAT



1 WHEN THE BOARD LOOKS AT THIS PLAN, WE'RE APPROVING ALL  
2 THE ELEMENTS: THE SITING SUMMARY, THE SITING ELEMENT --  
3 I MEAN THE SUMMARY PLAN, THE SITING ELEMENT, THE  
4 INDIVIDUAL SOURCE REDUCTION/RECYCLING ELEMENTS AND ALSO  
5 THE HOUSEHOLD HAZARDOUS WASTE ELEMENTS. SO IF WE FIND A  
6 PROBLEM WITH ANY OF THOSE ELEMENTS OR THE PLAN, THEN THE  
7 BOARD IS REQUIRED TO ISSUE A NOTICE OF DEFICIENCY.

8 MOST LIKELY IF THE DEFICIENCIES ARE WITH  
9 THE SOURCE REDUCTION/RECYCLING ELEMENT AND HOUSEHOLD  
10 HAZARDOUS WASTE ELEMENT, THAT NOTICE OF DEFICIENCY WOULD  
11 GO TO THE JURISDICTION THAT PREPARED THAT ELEMENT, SO IT  
12 COULD BE THE COUNTY FOR THE UNINCORPORATED AREA OR THE  
13 CITY. IN TERMS OF IF THERE WERE DEFICIENCIES WITH THE  
14 PLAN OR SITING ELEMENT, THE NOTICE OF DEFICIENCY MOST  
15 LIKELY WOULD GO TO THE COUNTY. ONCE THE NOTICE OF  
16 DEFICIENCY WAS SENT TO THE LOCAL JURISDICTION, THEY WOULD  
17 THEN HAVE 120 DAYS IN WHICH TO CORRECT THOSE DEFICIENCIES  
18 AND RESUBMIT A PLAN OR ELEMENT TO THIS BOARD.

19 THAT, IN BRIEF, COVERS OUR PROPOSED  
20 PROGRAM. I'D BE OPEN TO ANY SUGGESTIONS AND COMMENTS  
21 FROM THE COMMITTEE MEMBERS.

22 CHAIRMAN RELIS: I'D ASK COMMITTEE MEMBERS IF  
23 ARE THERE ANY COMMENTS OR QUESTIONS? THIS IS A  
24 DISCUSSION ITEM ONLY FOR INFORMATION. WE'RE NOT ACTING  
25 ON IT.



1 IF THERE ISN'T AND NOTHING FROM THE  
2 AUDIENCE, I'D LIKE TO MOVE ON.

3 BOARD MEMBER EGIGIAN: WE WILL GET THE FINAL  
4 PLAN AND MOVE ON THAT. THAT'S WHEN WE'LL ACT?

5 MR. SMITH: YOU WILL FIRMLY APPROVE WHEN WE GET  
6 A LOCALLY ADOPTED PLAN WITH ALL ITS ELEMENTS.

7 CHAIRMAN RELIS: OKAY. WE'LL MOVE TO  
8 ITEM 7.

9 I'D JUST LIKE TO PREFACE THAT HERE WE WOULD  
10 LIKE TO KEEP OUR ATTENTION, AGAIN, FOCUSED. THERE WILL  
11 BE A DISCUSSION OF THE ISSUES BEYOND THE COUNTING  
12 QUESTION, BUT WHAT WE'RE HERE TO DO TODAY IS TO ESTABLISH  
13 A COMMITTEE POSITION THAT WE CAN RECOMMEND TO THE BOARD  
14 AT OUR MEETING IN REDDING. THIS WAS INDICATED AT OUR  
15 LAST MEETING THAT WE WOULD BE LOOKING TO TAKE ACTION HERE  
16 ON THIS MATTER TODAY.

17 SO WITH THAT, I WOULD ASK STAFF TO COME  
18 FORWARD AND MAKE YOUR PRESENTATION, AND WE WOULD URGE YOU  
19 TO DO THIS IN AS EXPEDITIOUS A WAY AS WE CAN.

20 MR. AULT: GOOD AFTERNOON, CHAIRMAN RELIS AND  
21 COMMITTEE MEMBERS.

22 AS A BACKGROUND TO THE DISCUSSION THAT  
23 WE'RE GOING TO EMBARK UPON TODAY, IN 1991, LAST YEAR,  
24 BASED ON DATA WHICH WERE FOUND IN SEVERAL PRELIMINARY  
25 DRAFT SOURCE REDUCTION AND RECYCLING ELEMENTS OR SRRE'S,



1 THERE WAS A CONCERN THAT WAS EXPRESSED AMONG THE  
2 ENVIRONMENTAL COMMUNITY, THE LEGISLATURE, AND THE BOARD  
3 ABOUT THE MEANS BY WHICH SOME LOCAL JURISDICTIONS -- AND  
4 I EMPHASIZE THE WORD "SOME" -- WERE PLANNING TO MEET THE  
5 SOLID WASTE DIVERSION REQUIREMENTS OF THE INTEGRATED  
6 MANAGEMENT ACT OF 1989.

7 SOME OF THE PARTIES BELIEVED THAT THE  
8 REGULATORY DEFINITION OF THE TERM "NORMALLY DISPOSED OF"  
9 HAD SOMEHOW INADVERTENTLY CREATED A LOOPHOLE THROUGH  
10 WHICH SOME JURISDICTIONS COULD CLAIM TO HAVE ALREADY MET,  
11 IN THE BASE LINE, THE 1995 STATUTORY DIVERSION MANDATES  
12 OF DIVERTING AT LEAST 25 PERCENT OF THE WASTE GENERATED  
13 FROM THE LANDFILL.

14 THE WASTE TYPES WHICH WERE OF PARTICULAR  
15 CONCERN WERE TYPICALLY DENSE MATERIALS, PARTICULARLY  
16 INERT WASTE AND SCRAP METALS THAT WERE, IN THEORY, A  
17 RELATIVELY SMALL MASS AND COULD YIELD A LARGE DIVERSION  
18 CREDIT BY WEIGHT IN THE BASE LINE FROM WHICH THE  
19 JURISDICTION WOULD BE MEASURING ITS DIVERSION EFFORTS.

20 AS A RESULT, IT WAS FELT THAT THERE WERE  
21 SOME LOCAL JURISDICTIONS WHICH MIGHT NOT BE PURSUING  
22 ENOUGH NEW OR EXPANDED DIVERSION PROGRAMS BECAUSE OF  
23 HEAVY RELIANCE ON THESE HEAVY MATERIALS. BASED ON THESE  
24 CONCERNS, IN OCTOBER OF LAST YEAR, THE BOARD DIRECTED  
25 STAFF TO REVIEW THE REGULATORY DEFINITION OF THE TERM,



1 "NORMALLY DISPOSED OF" AND DETERMINE IF, INDEED, IT  
2 PROVIDE SOME SORT OF A LOOPHOLE WHICH WAS BEING UTILIZED  
3 BY CERTAIN JURISDICTIONS.

4 IN ADDITION, AND PARTLY IN RESPONSE TO  
5 THIS, THE BOARD DEVELOPED A POLICY STATEMENT WHICH WAS  
6 ISSUED IN DECEMBER OF 1991, WHICH STATED THAT THE BOARD  
7 WANTED TO SUPPORT CLARIFICATION OF THE LAW; THAT IS, THE  
8 INTEGRATED MANAGEMENT ACT OF 1989, PARTICULARLY IN ORDER  
9 TO FOSTER CREATION OF LOCAL DIVERSION PROGRAMS THAT DID  
10 NOT ALREADY EXIST, THAT DID NOT EXIST PRIOR TO THE  
11 ENACTMENT OF THE ACT.

12 ADDITIONALLY, THE POLICY STATEMENT STATED  
13 THAT LOCAL JURISDICTIONS SHOULD ALSO BE ELIGIBLE FOR  
14 CREDIT FOR THOSE ACTIONS THAT THEY HAD TAKEN TO ESTABLISH  
15 PROGRAMS -- AND I EMPHASIZE THE WORD "PROGRAMS" HERE --  
16 PRIOR TO THE ENACTMENT OF THE ACT.

17 ALSO, SIMULTANEOUSLY WITH THIS EFFORT,  
18 BOARD STAFF IN THE PROCESS OF REVIEWING SRRE'S HAVE  
19 CAUTIONED JURISDICTIONS THAT THERE ARE, INDEED, CERTAIN  
20 WASTE TYPES; FOR INSTANCE, INERTS WHICH COULD AT SOME  
21 LATER POINT BE EXCLUDED BY STATUTE FROM BEING ABLE TO BE  
22 COUNTED IN THAT BASELINE.

23 ADDITIONALLY STAFF, IN THE REVIEW PROCESS  
24 ON THE SRRE'S, HAD ALSO ADVISED JURISDICTIONS THAT  
25 JURISDICTIONS SHOULD CONSIDER DEVELOPING CONTINGENCY



1 PLANS IN CASE CERTAIN WASTE TYPES WERE ULTIMATELY  
2 EXCLUDED FROM BEING ABLE TO COUNT IN THE BASELINE BASED  
3 UPON STATUTORY CHANGE. WITH THAT BACKGROUND, THEN, STAFF  
4 HAVE BEEN ASKED TO ADDRESS FOUR PARTICULAR TASKS, AT  
5 LEAST THREE OF WHICH WE WILL DISCUSS TODAY.

6 THE FIRST TASK IS TO IDENTIFY IF INDEED  
7 THERE WERE ANY PARTICULAR WASTES OR WASTE TYPES THAT WERE  
8 BEING CLAIMED AT QUITE HIGH LEVELS IN THE BASELINE FOR  
9 DIVERSION.

10 SECONDLY, WE WERE ASKED TO EXAMINE WHETHER  
11 OR NOT IT WOULD BE EFFICACIOUS TO AMEND THE DEFINITION OF  
12 "NORMALLY DISPOSE OF" TO CORRECT ANY DIFFICULTIES THAT  
13 MIGHT HAVE BEEN IDENTIFIED IN THE FIRST TASK.

14 THIRDLY, WE HAVE BEEN ASKED TO IDENTIFY  
15 OPTIONS TO AMEND ASSEMBLY BILL 2092, AGAIN TO RESOLVE --  
16 POSSIBLY RESOLVE WHAT WASTES SHOULD BE COUNTED IN THE  
17 BASE AND WHICH WASTES SHOULD NOT BE COUNTED IN THE  
18 BASELINE FROM WHICH DIVERSION WILL BE MEASURED IN 1995.

19 LASTLY, WE WERE ASKED TO IDENTIFY CERTAIN  
20 OTHER OPTIONS WHICH MAY BE DISCUSSED TOWARDS THE END OF  
21 THE DAY OR PERHAPS WILL BE DISCUSSED AT A LATER DATE.

22 WHAT I'D LIKE TO DO NOW IS --

23 CHAIRMAN RELIS: MAY I JUST INTERJECT THERE THAT  
24 THE OTHER OPTIONS WERE RELATED TO COMMENTS IN PROPOSALS  
25 THAT WE HAVE RECEIVED FROM A WIDE RANGE OF PARTIES; IS



1 THAT NOT CORRECT?

2 MR. AULT: YES, THAT'S CORRECT.

3 CHAIRMAN RELIS: OKAY.

4 MR. AULT: WE HOPE THAT WE WILL HAVE TIME TO, AT  
5 LEAST, GIVE AN OUTLINE OR AN OVERVIEW OF ALL THE OPTIONS  
6 THAT HAVE BEEN RECEIVED BY THE BOARD AND EVALUATED BY  
7 BOARD STAFF, AS I SAY, TO GET AN OVERVIEW OF THIS AND  
8 PERHAPS AN INDEPTH DISCUSSION AT A LATER DATE.

9 WITH THAT, THEN, I'D LIKE TO MOVE TO THE  
10 PODIUM SO THAT I CAN TAKE ADVANTAGE OF THE MONITORS.  
11 WE'LL EMBARK ON A DISCUSSION OF THE QUESTION OF THE  
12 IDENTIFICATION OF WASTE, PARTICULAR WASTE WHICH MAY BE  
13 BEING CLAIMED IN LARGE QUANTITIES AND LARGE AMOUNTS IN  
14 THE BASELINE.

15 I DID WANT TO POINT OUT THAT THOUGH I'M  
16 SURE THAT SOME MEMBERS OF THE AUDIENCE HAVE RECEIVED THE  
17 AGENDA PACKET THROUGH THE MAIL, THERE MAY BE OTHERS THAT  
18 DID NOT. WE DO HAVE COPIES OF THE AGENDA PACKET AS WELL  
19 AS ATTACHMENTS 7, 8, AND 9, WHICH ARE PART OF THE  
20 DISCUSSION TODAY. THOSE ARE AVAILABLE AT THE BACK OF THE  
21 ROOM AT THE TABLE, IF YOU HAVEN'T PICKED THOSE UP  
22 ALREADY.

23 IN ATTACHMENT 9, WHICH IS AVAILABLE IN THE  
24 BACK OF THE ROOM AND, HOPEFULLY, IS IN HAND FOR YOU TO  
25 LOOK AT, THERE IS A TABLE WHICH IS FOUND ON PAGE 11 OF



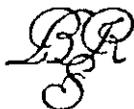
1 ATTACHMENT 9. SOME OF THE PAGE NUMBERS OR THE PAGE  
2 NUMBER THAT HAS BEEN PLACED IN THE UPPER RIGHT-HAND  
3 CORNER ARE NOT QUITE LEGIBLE. IF YOU WOULD TAKE A LOOK  
4 AT THE PAGE THAT HAS THIS PARTICULAR TABLE -- I KNOW IT'S  
5 NOT VISIBLE ON THE MONITOR, BUT IF YOU HAVE IT TO LOOK AT  
6 IN HAND, YOU SHOULD BE ABLE TO FOLLOW.

7 SO IT'S PAGE 11 OF ATTACHMENT 9. THE TITLE  
8 IS "ESTIMATED AVERAGE COMPOSITION OF THE CALIFORNIA WASTE  
9 STREAM." AND IT'S DATED IN THE RIGHT-HAND CORNER THAT  
10 IT'S REVISED MARCH 10TH, 1992. ATTACHMENT 9 IS THIS  
11 ATTACHMENT. FOR THE COMMITTEE MEMBERS, THIS IS THE COVER  
12 ON IT. THIS IS THE COVER OF ATTACHMENT 9. DOES EVERYONE  
13 HAVE THAT?

14 CHAIRMAN RELIS: DO PEOPLE IN THE AUDIENCE HAVE  
15 THIS TO FOLLOW?

16 MR. AULT: LET ME DOUBLE CHECK. DOES EVERYONE  
17 HAS ATTACHMENT 9 THAT WISHES IT? TURN TO PAGE 11. WE'LL  
18 BE LOOKING AT THE TABLE TITLED "ESTIMATED COMPOSITION OF  
19 THE CALIFORNIA WASTE STREAM" ON PAGE 11.

20 NOW, IN THIS TABLE IN THE UPPER RIGHT-HAND  
21 CORNER, THERE IS A NUMBER WHICH REFERS TO THE PERCENTAGE  
22 OF WASTES WHICH ARE BEING DIVERTED AS A FUNCTION OF  
23 GENERATION. SO THIS PARTICULAR TABLE, WHICH IS A  
24 REVISION OF THE TABLE THAT WE ISSUED IN FEBRUARY,  
25 INDICATES THAT RIGHT NOW, ON A STATEWIDE BASIS, ABOUT 21



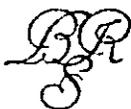
1 PERCENT OF THE WASTE WHICH IS GENERATED IN THE STATE IS  
2 BEING DIVERTED.

3 TODAY WE ARE GOING TO BE FOCUSING ON SOME  
4 PARTICULAR WASTE TYPES WHICH I HAVE CIRCLED IN YOUR  
5 HANDOUT IN PENCIL. WE'LL BE TALKING ABOUT SCRAP METALS,  
6 WHICH CONSIST, ACTUALLY, OF FOUR WASTE TYPES IN THIS  
7 TABLE. THOSE FOUR WASTE TYPES ARE BI-METAL CONTAINERS,  
8 FERROUS AND TIN CANS, NONFERROUS METALS AND ALUMINUM  
9 SCRAP, THEN FINALLY OTHER METALS. SO THOSE FOUR WASTE  
10 TYPES CONSTITUTE WHAT WE WILL BE TALKING ABOUT AS SCRAP  
11 METALS TODAY.

12 WE WILL ALSO BE TALKING ABOUT AGRICULTURAL  
13 WASTES, WHICH CONSIST OF TWO WASTE TYPES IN THIS TABLE  
14 WHICH ARE ALSO CIRCLED IN PENCIL, THE ONE THAT READS  
15 AGRICULTURE CROP RESIDUES AND MANURE. SO THOSE TWO  
16 TOGETHER CONSTITUTE WHAT WE WILL REFER TO AS AGRICULTURE  
17 WASTE.

18 WHEN WE SPEAK OF INERTS OR INERT SOLIDS,  
19 THIS IS ALSO FOUND ON THE TABLE ON THE LOWER LEFT-HAND  
20 SIDE CIRCLED IN PENCIL, AND THIS CONSISTS PRIMARILY OF  
21 CONCRETE, ASPHALT, ROCK, AND CERTAIN OTHER MATERIALS.

22 LASTLY, WE MAY BE TALKING VERY BRIEFLY  
23 ABOUT SEWAGE SLUDGE AND INDUSTRIAL SLUDGE, WHICH HAVE  
24 BEEN LUMPED TOGETHER INTO A WASTE TYPE REFERRED TO AS  
25 SLUDGE.



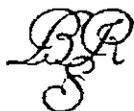
1                   YOU MAY RECOGNIZE THESE NAMES AS THE NAMES  
2                   THAT WERE IDENTIFIED IN ASSEMBLY BILL 1820, SO THEY  
3                   CORRESPOND TO A PARTICULAR SET OF WASTE TYPES IN THIS  
4                   TABLE. WITH THAT AS BACKGROUND, I'D LIKE TO SHOW YOU A  
5                   PIE CHART WHICH INDICATES WHICH PARTICULAR WASTE TYPES  
6                   ARE BEING DIVERTED IN LARGE PERCENTAGES ON A STATEWIDE  
7                   BASIS.

8                   CHAIRMAN RELIS: COULD YOU REFERENCE THAT,  
9                   PLEASE?

10                  MR. AULT: THIS PARTICULAR PIE CHART IS FOUND ON  
11                  PAGE 12 OF ATTACHMENT 9. PAGE 12 OF ATTACHMENT 9. IT  
12                  ALSO APPEARS UP IN THE MONITOR. I'LL TRY AND FOCUS IT  
13                  HERE.

14                  YOU'LL NOTE THAT THE LARGE WHITE AREA IN  
15                  THIS PIE CHART CONSISTS OF INERT SOLIDS. THIS PARTICULAR  
16                  PIE CHART, I WOULD REMIND YOU, IS THE -- ADDRESSES  
17                  DIVERTED WASTE, AND INERT SOLIDS MAKE UP ABOUT 43 PERCENT  
18                  OF THE WASTES THAT ARE DIVERTED IN THE STATE FOLLOWED  
19                  SOMEWHAT DISTANTLY LATER BY CORRUGATED CARDBOARD AND  
20                  BROWN PAPER BAGS, NEWSPAPER, FERROUS AND TIN CANS, YARD  
21                  WASTE, WOOD WASTE, AND SO FORTH AROUND THE PIE CHART.

22                  SO IN TERMS OF WASTES WHICH ARE BEING  
23                  COUNTED HEAVILY IN THE BASELINE FOR DIVERSION CREDIT, WE  
24                  HAVE FOCUSED ON INERTS AND ON A COUPLE OF OTHER TYPES  
25                  WHICH WE'LL TALK ABOUT SHORTLY.



1 THE NEXT GRAPH THAT I'LL SHOW YOU IS ALSO  
2 AN INDICATION OF THE RELATIVE IMPORTANCE OF INERT SOLID  
3 WASTES COMPARED TO OTHER WASTE MATERIALS WHICH ARE BEING  
4 CLAIMED FOR DIVERSION CREDIT. THIS PARTICULAR GRAPH YOU  
5 WILL NOT FIND IN YOUR HANDOUT, SO I WOULD LIKE TO HAVE  
6 YOU REFER TO THE MONITORS ON YOUR DESK OR HANGING FROM  
7 THE CEILING ABOVE.

8 AND YOU'LL NOTICE THAT THERE IS ONE WHICH  
9 CONSISTS OF A VERY LARGE BLACK BAR AND A VERY LARGE WHITE  
10 BAR. THE WHITE PORTION REPRESENTS -- THIS PARTICULAR --  
11 THE TALLEST BAR REPRESENTS INERT SOLIDS. AND YOU CAN SEE  
12 THAT A VERY LARGE PERCENTAGE OF INERT SOLIDS THAT ARE  
13 GENERATED IN THE STATE ARE BEING CLAIMED FOR DIVERSION.  
14 I'LL SEE IF I CAN BRING THIS IN FOCUS. I DON'T THINK  
15 IT'S GOING TO WORK ON THE MONITOR.

16 SO AGAIN, ANOTHER INDICATION, AT LEAST  
17 COMPARED TO THE OTHER WASTE TYPES SHOWN IN THE BAR CHART,  
18 WHERE SOME WASTES ARE INDEED BEING GENERATED IN VERY  
19 LARGE QUANTITIES, BUT A RELATIVELY SMALL PROPORTION IS  
20 BEING DIVERTED FROM LANDFILLS. INERTS REALLY STANDS OUT  
21 IN THIS REGARD.

22 MR. SITTS: JUST FOR CLARITY, EACH OF THOSE  
23 BARS REPRESENTS ONE WASTE TYPE. THE TOTAL HEIGHT OF THE  
24 BAR EQUALS A GENERATION OF THAT WASTE TYPE, THE DARK IS  
25 HOW MUCH OF IT IS DISPOSED, AND THE WHITE IS HOW MUCH IS



1 DIVERTED. SO YOU CAN SEE THE LARGEST DIVERTED AND  
2 GENERATED IS INERT SOLIDS.

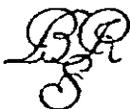
3 CHAIRMAN RELIS: JUST POINT TO THAT SO WE'RE ALL  
4 CLEAR. DO YOU HAVE A MARKER?

5 MR. AULT: I CAN POINT TO IT ON THESE MONITORS.

6 SO THE WHITE AREA REPRESENTS DIVERSION OF  
7 INERTS AND THE BLACK AREA ON THIS PARTICULAR BAR  
8 REPRESENTS DISPOSABLE INERTS. AND YOU CAN SEE THAT THE  
9 NEXT ONE DOWN, JUST FOR REFERENCE, IS YARD WASTE. AND  
10 THAT'S -- THE MAJORITY OF YARD WASTE IS DISPOSED WITH  
11 ONLY A SMALL AMOUNT OF IT BEING DIVERTED; WHEREAS, YOU  
12 CAN SEE THE DIFFERENCE IN CONTRAST BETWEEN THAT AND INERT  
13 SOLIDS. SO THERE ARE A NUMBER OF JURISDICTIONS AND A  
14 LARGE TONNAGE OF INERT SOLIDS WHICH ARE BEING CLAIMED FOR  
15 DIVERSION.

16 NOW, INTERESTINGLY, PEOPLE THEN ASK, WELL,  
17 YES, INERT SOLIDS ARE BEING CLAIMED FOR DIVERSION BY  
18 CERTAINLY A FAIR NUMBER OF JURISDICTIONS. WHAT'S THE  
19 DISTRIBUTION OF THOSE JURISDICTIONS? DO THEY TEND TO BE  
20 MOSTLY RURAL OR DO THEY TEND TO BE MOSTLY URBAN? WE HAVE  
21 INDICATED ON PAGE 13 OF ATTACHMENT 9 SOME BASIC  
22 INFORMATION BASED UPON AN SAMPLE OF 189 JURISDICTIONS IN  
23 OUR INTERIM DATA BASE.

24 AND HERE ONE CAN NOTICE -- I WILL TRY TO  
25 POINT OUT ON THE MONITOR, AND YOU CAN REFER ON YOUR



1 HANDOUT -- THAT WE DIVIDED THE 189 JURISDICTIONS INTO  
2 RURAL VERSUS NONRURAL OR URBAN, IF YOU LIKE -- AND  
3 DIVIDED THEM FURTHER INTO CITIES AND UNINCORPORATED FOR  
4 RURAL CITIES AND UNINCORPORATED FOR URBAN. WE LOOKED AT  
5 THE AVERAGE DIVERSION PERCENTAGES BEING CLAIMED BY EACH  
6 OF THOSE SUBGROUPS. SO RURAL CITIES HAVE AN AVERAGE  
7 DIVERSION, EXISTING DIVERSION, THAT IS THEIR BASELINE  
8 DIVERSION OF ABOUT 13 PERCENT; WHEREAS, THE RURAL  
9 UNINCORPORATED AREAS IT'S ONLY 8 PERCENT.

10 IF YOU LOOK AT THE NONRURAL OR THE URBAN  
11 AREAS, YOU CAN SEE THAT THE NONRURAL CITIES ARE DIVERTING  
12 AN AVERAGE OF 18 PERCENT OF THE WASTE IN THE BASELINE  
13 ALONE, SO THEY'RE NEARLY TO THE 25 PERCENT GOAL ALREADY.  
14 AND UNINCORPORATED NONRURAL AREAS, 19 PERCENT.

15 NOW, WHICH WASTE TYPES ARE INVOLVED HERE?  
16 THOSE ARE SHOWN FURTHER ON THE RIGHT. AND WE CAN LOOK  
17 AGAIN -- YOU CAN SEE VARIATION OCCURS HERE. SO THE RURAL  
18 AREAS, THE MAIN WASTE BEING CLAIMED FOR DIVERSION, THE  
19 NUMBER ONE WASTE TYPES ARE CARDBOARD AND WOOD WASTE AND  
20 ARE FOLLOWED RESPECTIVELY BY GLASS AND CARDBOARD.

21 THE URBAN OR NONRURAL AREAS, YOU CAN SEE  
22 THAT THE RELIANCE AS IN TERMS OF THE NUMBER ONE WASTE  
23 TYPE DIVERTED WOULD COME BACK TO INERT SOLIDS AGAIN ON  
24 NONRURAL CITIES AND ON NONRURAL UNINCORPORATED.

25 NEXT, THEN, WE'D LIKE TO TAKE A LOOK AT



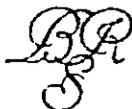
1 ANOTHER TABLE WHICH I'LL PLACE ON THE MONITOR. THIS ONE  
2 I BELIEVE IS NOT FOUND IN ATTACHMENT 9; HOWEVER, THIS IS  
3 FOUND, IF YOU HAPPEN TO HAVE THE AGENDA ITEM ITSELF, ON  
4 PAGE 136 OF THE AGENDA ITEM. I'LL GIVE YOU A FEW MINUTES  
5 TO TURN TO THAT IF YOU WISH, OR A FEW SECONDS. PAGE 136  
6 OF THE AGENDA ITEM. IT'S NOT FOUND IN ATTACHMENT 9.

7 NOW, THIS PARTICULAR TABLE -- AGAIN, WE'D  
8 LIKE TO TAKE A LOOK PRIMARILY AT INERT SOLIDS. AND YOU  
9 CAN SEE HERE ON THE LEFT-HAND SIDE, WE HAVE -- WE DIVIDED  
10 UP THE RELATIVE RELIANCE.

11 LET'S SEE. JOHN, WOULD YOU GO AHEAD AND  
12 EXPLAIN THE LEFT-HAND COLUMN HERE, I THINK THAT WOULD --

13 MR. SITTS: YES. THE LEFT-HAND COLUMN SAYS THE  
14 PERCENTAGE OF TOTAL DIVERSION WHICH CONSISTS OF EACH OF  
15 THESE WASTE TYPES. SO AS AN EXAMPLE, 15 JURISDICTIONS  
16 RELY ON 18 -- ALL 1820 WASTES COMBINED FOR ZERO PERCENT  
17 OF THE DIVERSION OUT OF 189. MOST HAVE SOME RELIANCE ON  
18 1820 WASTE.

19 IF YOU GO TO INERT SOLIDS, YOU CAN SEE THAT  
20 102 JURISDICTIONS DO NOT CLAIM ANY OUT OF 189, DO NOT  
21 CLAIM ANY INERT SOLID DIVERSION AT ALL. THEN YOU CAN SEE  
22 FOR EACH OF THE FOLLOWING GROUPS, YOU CAN SEE THAT THERE  
23 ARE SOME JURISDICTIONS THAT CLAIM, AS AN EXAMPLE, BETWEEN  
24 60 AND 70 PERCENT OF THEIR DIVERSION. SO TWO-THIRDS OF  
25 THEIR DIVERSION -- 13 JURISDICTIONS HAVE INERT SOLIDS AS



1 MORE THAN TWO-THIRDS OF THEIR DIVERSION, ET CETERA.

2 AND FROM THIS YOU CAN SEE THAT FOR  
3 TRADITIONAL OR -- WELL, FOR SOME WASTE TYPES LIKE  
4 CARDBOARD AND NEWSPAPER, YOU CAN SEE MORE OF A  
5 BELL-SHAPED CURVE, WHERE MOST JURISDICTIONS RELY ON  
6 NEWSPAPER FOR BETWEEN 10 AND 20 PERCENT OF THEIR  
7 DIVERSION. AND MOST RELY ON CARDBOARD IN THAT SAME  
8 SIMILAR RANGE. OF THOSE THAT ARE CLAIMING INERT SOLIDS,  
9 THEY'RE SPREAD OUT MORE ALONG TOWARD THE HIGHER END OF  
10 THE SPECTRUM.

11 MR. AULT: THE AREA THAT IS OUTLINED IN PENCIL  
12 IS LABELED AT LEAST ON THE MONITOR "SUMMARY, 57  
13 JURISDICTIONS" POINTS OUT THAT IN THIS PARTICULAR SAMPLE  
14 THERE ARE 57 OF 189 JURISDICTIONS WHICH ARE RELYING ON  
15 INERT SOLIDS ALONE FOR AT LEAST 20 PERCENT OF THEIR TOTAL  
16 DIVERSION CLAIM. IT GOES ALL THE WAY UP TO 80 PERCENT.  
17 SOME ARE RELYING EXTREMELY HEAVILY ON THIS ONE WASTE  
18 TYPE, OTHERS NOT SO MUCH. BUT STILL 20 TO 80 PERCENT ARE  
19 RELYING ON ONE PARTICULAR WASTE TYPE FOR THE VAST  
20 MAJORITY OF THE DIVERSION CLAIM.

21 SO WE FIND, THEN, THAT AT LEAST IN THE  
22 SAMPLE AND WE BELIEVE THIS FOLLOWS FOR A LARGER SAMPLE  
23 THAT WE HAVE IN OUR DATA BASE, THERE IS A GROUP OF  
24 JURISDICTIONS OUT THERE, ABOUT 30 PERCENT IN THIS SAMPLE,  
25 WHICH RELY HEAVILY, THAT IS ON 20 PERCENT OR MORE OF



1 THEIR TOTAL DIVERSION CREDIT IN THE BASELINE ON INERT  
2 SOLIDS. SO SINCE THESE MATERIALS HAVE BEEN TRADITIONALLY  
3 LIMITED IN THE AMOUNTS BEING DISPOSED AND THERE ARE  
4 ALREADY EXISTING -- LONG EXISTING DIVERSION PROGRAMS OUT  
5 THERE, WE WANTED TO FOCUS IN ON THIS PARTICULAR WASTE  
6 TYPE AND A COUPLE OF OTHERS.

7 THE NEXT GRAPH THAT I'D LIKE TO SHOW YOU IS  
8 QUITE AN INTERESTING ONE, AND IT IS FOUND ON PAGE 15 --  
9 EXCUSE ME, PAGE 14, PAGE 14 OF ATTACHMENT 9.

10 THIS PARTICULAR TABLE SHOWS STATEWIDE  
11 TOTALS IN TERMS OF TONS AND PERCENTAGE OF SELECTED WASTE  
12 TYPES. WE'VE INCLUDED INERT SOLIDS HERE. WE'VE ALSO  
13 LOOKED AT THE OTHER WASTE TYPES WHICH WERE ADDRESSED IN  
14 ASSEMBLY BILL 1820. WHAT IS OF INTEREST HERE, AND WHICH  
15 WE'VE TRIED TO WATCH, IS IF YOU LOOK AT THESE PARTICULAR  
16 WASTE TYPES, INERT SOLIDS, SCRAP METALS AND AGRICULTURE  
17 WASTES, BOTH SEPARATELY AND AS A GROUP, THERE ARE SOME  
18 INTERESTING ANOMALIES THAT OCCUR IN COMPARISON TO,  
19 CERTAINLY, THE OTHER AB 1820 WASTES AND THE MAJORITY OF  
20 THE OTHER WASTE TYPES THAT JURISDICTIONS ARE CLAIMING FOR  
21 DIVERSION.

22 THAT IS, IF YOU TAKE A LOOK AT INERT  
23 SOLIDS, YOU CAN SEE THAT INERT SOLIDS REPRESENT ABOUT 16  
24 PERCENT OF THE TOTAL WASTE GENERATED IN THE STATE, 16.3  
25 PERCENT; HOWEVER, IN TERMS OF DIVERSION, INERT SOLIDS



1 REPRESENT A LITTLE OVER 43 PERCENT OF THE TOTAL WASTE  
2 DIVERTED IN THE STATE. THAT GOES BACK TO THE LARGE BLANK  
3 AREA ON THE PIE CHART THAT I SHOWED YOU EARLIER.

4 SCRAP METALS, EVEN THOUGH THE TONNAGES ARE  
5 MUCH LESS, THE SAME CHANGE IN PROPORTION OR THE SAME  
6 RATIO SITUATION IS OBSERVED WHERE THERE'S ONLY 4.9  
7 PERCENT OF THE TOTAL WASTE GENERATED STATEWIDE FOR SCRAP  
8 METALS, BUT SCRAP METALS REPRESENT 7.4 PERCENT OF THE  
9 TOTAL DIVERSION, SO NEARLY DOUBLE.

10 AGRICULTURAL WASTE IS EVEN A MORE  
11 INTERESTING EXTREME, A LITTLE OVER 1 PERCENT OF THE TOTAL  
12 WASTE GENERATED IN THE STATE, BUT BEING -- CONSTITUTING  
13 3 PERCENT OF THE TOTAL PERCENT OF DIVERSION BEING CLAIMED  
14 IN THE STATE. AND IF YOU SUM THESE UP, YOU CAN SEE THAT  
15 THESE THREE PARTICULAR WASTE TYPES, INERT SOLIDS, SCRAP  
16 METALS, AND AGRICULTURE WASTES, TOGETHER, CONSTITUTE  
17 22 PERCENT OF THE WHOLE WASTE GENERATED IN THE STATE, BUT  
18 THEY'RE ACCOUNTING FOR NEARLY 54 PERCENT OF THE TOTAL  
19 DIVERSION IN THE STATE.

20 NOW, IF YOU LOOK AT THE OTHER AB 1820  
21 WASTES WHICH ARE FOUND BELOW, WHITE GOODS AND SLUDGE, WE  
22 SEE THAT THE SAME PHENOMENON IS NOT OBSERVABLE. WHITE  
23 GOODS ARE GENERATED AT ABOUT .5 PERCENT AND DIVERSION IS  
24 .3 PERCENT, SO IT'S MUCH LESS. IT'S NOT TWICE AS MUCH OR  
25 MORE IN THE CASE OF INERT SOLIDS, FOR INSTANCE.



1 SLUDGE, MORE OR LESS THE SAME THING  
2 OBTAINS -- WE DIVERT, IN TERMS OF PERCENTAGE, ABOUT THE  
3 SAME AS WE GENERATE, SO ABOUT .1 PERCENT OF THE TOTAL  
4 WASTE IN THE STATE GENERATED IS SLUDGE AND .1 PERCENT IS  
5 DIVERTED. SO WITH THIS, THEN, WE FELT THAT THESE THREE  
6 PARTICULAR WASTE TYPES, BASED UPON THE DATA THAT WE'VE  
7 SHOWN YOU HERE, DID CONSTITUTE QUITE A HEAVY RELIANCE IN  
8 TERMS OF DIVERSION CLAIMS. THESE ARE DIVERSION CLAIMS  
9 THAT ARE CLAIMED, AGAIN, ON THE BASELINE. I WANT TO KEEP  
10 EMPHASIZING THIS PARTICULAR POINT.

11 WITH THAT, MR. CHAIRMAN, I WOULD ASK  
12 WHETHER YOU WOULD LIKE TO TAKE QUESTIONS FROM YOURSELF  
13 AND THE BOARD MEMBERS OR THE COMMITTEE MEMBERS ON THIS  
14 PART OF THE DISCUSSION OR WHETHER YOU'D LIKE ME TO MOVE  
15 ON?

16 CHAIRMAN RELIS: I'D LIKE US TO COMPLETE THE  
17 WHOLE PRESENTATION, UNLESS ANY BOARD MEMBERS, COMMITTEE  
18 MEMBERS, WHO HAVE QUESTIONS, OF COURSE, CAN COME IN AT  
19 ANY TIME. I DON'T WANT TO TAKE QUESTIONS YET. KEEP  
20 GOING, PLEASE.

21 MR. AULT: OKAY. WELL, WHAT I'LL DO NEXT IS TO  
22 QUICKLY MOVE THROUGH TASK 2 OF THE AGENDA ITEM, WHICH IS  
23 THE ISSUE ABOUT WHETHER OR NOT IN ORDER TO ADDRESS THESE  
24 THREE GROUPS OF WASTES THAT WE'VE IDENTIFIED AS BEING  
25 CLAIMED AS HIGH LEVELS FOR ITS DIVERSION, WHETHER OR NOT

1 WE CAN AFFECT A CHANGE IN THAT SITUATION BY CHANGING THE  
2 DEFINITION OF THE TERM "NORMALLY DISPOSED OF" FOUND IN  
3 THE BOARD'S REGULATIONS.

4 NOW, THIS PARTICULAR QUESTION HAS ACTUALLY  
5 ALREADY BEEN EXAMINED IN PREVIOUS COMMITTEE MEETINGS.

6 CHAIRMAN RELIS: LET'S NOT LABOR ON THIS ONE,  
7 BECAUSE I THINK WE'VE BEEN THROUGH THIS.

8 MR. AULT: OKAY. SO WHAT WE'VE FOUND THEN IS  
9 THAT WE WOULD HAVE TO CHANGE THE DEFINITION OF "NORMALLY  
10 DISPOSED OF" FROM THE .001 PERCENT FIGURE ALL THE WAY UP  
11 TO A 5 PERCENT OR A 10 PERCENT FIGURE IN ORDER TO EXCLUDE  
12 INERT SOLIDS AND SCRAP METALS AND SOME OF THE OTHER  
13 MATERIALS THAT WERE BEING CLAIMED IN HIGH PERCENTAGE.

14 SO IT COULD BE DONE IN THAT MANNER;  
15 HOWEVER, THE IMPACT IS THAT THERE ARE ALSO A NUMBER OF  
16 OTHER VERY IMPORTANT WASTE MATERIALS WHICH ARE DIVERTED  
17 THROUGH RECYCLING WHICH WOULD ALSO BE IMPACTED BY  
18 CHANGING THE DEFINITION OF "NORMALLY DISPOSED OF" AND  
19 MOVING THAT PERCENTAGE FIGURE UP. WE FOUND THAT, FOR  
20 INSTANCE, ALUMINUM CANS, PLASTIC CONTAINERS, HTPE, AND  
21 SEVERAL OTHER RESIDENTIAL AND COMMERCIAL WASTE TYPES  
22 WHICH ARE COMMONLY RECYCLED WOULD BE ADVERSELY IMPACTED.

23 IN OTHER WORDS, JURISDICTIONS WITH PROGRAMS  
24 THAT ARE NOW EITHER CURRENTLY RECYCLING THOSE MATERIALS  
25 OR PLANNING ON DOING SO, WOULD NO LONGER BE ABLE TO CLAIM



1 THEM TOWARDS DIVERSION CREDIT. SO BASED ON THAT, IT WAS  
2 STAFF'S ASSESSMENT THAT THIS DID NOT REPRESENT THE  
3 OPTIMAL SOLUTION TO THE QUESTION; THEREFORE, WHAT WE WERE  
4 DIRECTED TO DO IS TO MOVE ON AND TAKE A LOOK AT SOME  
5 OTHER OPTIONS, WHICH WILL BE DISCUSSED BY DOROTHY FETTIG  
6 AND LORRAINE VAN KEKERIX OF THE BOARD'S STAFF SHORTLY.

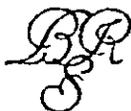
7 SO WITH THAT, I WOULD CONCLUDE MY PORTION  
8 OF THE PRESENTATION ON TASKS 1 AND 2 AND IF YOU'D LIKE,  
9 WE CAN EITHER TAKE QUESTIONS NOW OR MOVE TO DISCUSSION OF  
10 TASK 3.

11 CHAIRMAN RELIS: ANY QUESTIONS OF ANY COMMITTEE  
12 MEMBERS? THANK YOU, MR. AULT.

13 MS. FETTIG: CHAIRMAN RELIS, BOARD MEMBERS,  
14 TASK 3 IS NOW BASICALLY FOUND IN ATTACHMENT 9, WHICH  
15 STEVE AULT HAS BEEN-SPEAKING TO FOR SOME OF THE CHARTS..

16 THE PORTIONS THAT I WILL GO OVER IS THE  
17 NARRATIVE WHICH IS AT THE BEGINNING OF THE ATTACHMENT, AS  
18 WELL AS THE OPTIONS AND AT THAT POINT WHEN WE GET TO  
19 DESCRIBING THE OPTIONS, LORRAINE AND STEVE, I BELIEVE,  
20 WILL GO OVER SOME ISSUES RELATING TO EACH OPTION THAT HAS  
21 BEEN PROPOSED.

22 FIRST OF ALL, I'LL PROVIDE SOME REAL BRIEF  
23 BACKGROUND ON WHAT THIS ATTACHMENT IS ALL ABOUT. STEVE  
24 HAS TOUCHED ON SOME OF THE POINTS, BUT I THINK MAYBE SOME  
25 OF THEM BEAR REPEATING.



1                   THIS WHOLE ATTACHMENT DEALS WITH WHAT WE  
2                   HAVE COME TO NOT SO FONDLY REFER TO AS THE "WHAT COUNTS"  
3                   DEBATE.

4                   CHAIRMAN RELIS: IT SOUNDS FAMILIAR.

5                   MS. FETTIG: IT'S A TERM THAT WE'VE ALL USED  
6                   OVER AND OVER AGAIN A LOT, AND MAYBE WE'RE LOOKING FOR  
7                   ANOTHER TERM TO CALL IT.

8                   BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'D LIKE TO  
9                   MAKE ONE COMMENT. I FIND MORE AND MORE WE'RE COMING INTO  
10                  THESE MEETINGS WITH A BUNCH OF ATTACHMENTS THAT WE  
11                  HAVEN'T SEEN.

12                  NOW, WE SEE THEM AND WE HAVE THREE OR FOUR  
13                  ATTACHMENTS WITH NO PAGE NUMBERS ON EACH OF THESE  
14                  ATTACHMENTS. YOU KNOW WHERE YOU'RE GOING TO, BUT I DON'T  
15                  KNOW WHERE YOU'RE GOING. I WOULD LIKE TO BE INSTRUCTED  
16                  AS TO -- ON ATTACHMENT 9, WHAT PAGE WE'RE ON AND WHAT  
17                  WE'RE DOING.

18                  MS. FETTIG: THIS WHOLE DISCUSSION WILL INVOLVE  
19                  ATTACHMENT 9, BEGINNING WITH PAGE 1. WE'RE GOING TO TRY  
20                  TO WORK THROUGH IT FAIRLY CHRONOLOGICALLY AND IT WILL  
21                  INVOLVE INTERACTION OF MYSELF AND OTHER BOARD STAFF, BUT  
22                  WE WILL PROCEED THROUGH IT IN PAGE ORDER, BASICALLY.

23                  I APOLOGIZE FOR ANY CONFUSION.

24                  AGAIN, WE'RE FOCUSING HERE STRICTLY ON THE  
25                  "WHAT COUNTS" QUESTION, AND BY THAT WE MEAN WHAT

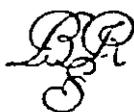


1 DIVERSION ACTIVITIES AND WHICH DIVERTED WASTE TYPES  
2 SHOULD BE ALLOWED TO COUNT TOWARD THE AB 939 DIVERSION  
3 REQUIREMENTS OF 25 PERCENT BY 1995 AND 50 PERCENT BY THE  
4 YEAR 2000.

5 THE BASE IS CURRENTLY, AND FOR THE PURPOSES  
6 OF THIS ATTACHMENT, FOCUSED OR LIMITED TO JUST WHICH  
7 PRE-1990 OR EXISTING DIVERSION ACTIVITIES SHOULD BE  
8 ALLOWED TO COUNT TOWARDS THE BASE FROM WHICH DIVERSION  
9 PROGRESS WILL BE MEASURED; IN OTHER WORDS, WE'RE NO  
10 LONGER TALKING ABOUT THE FULL RANGE OF UP TO THE YEAR  
11 2000 DIVERSION ACTIVITIES, BUT SIMPLY THOSE ACTIVITIES  
12 THAT WILL OR WILL NOT BE ALLOWED TO COUNT FOR THE BASE  
13 FROM WHICH FUTURE DIVERSION WILL BE MEASURED.

14 BY WAY OF BRIEF BACKGROUND, AB 2092,  
15 AUTHORED BY ASSEMBLYMAN SHER LAST YEAR RAISED THESE  
16 ISSUES IN 1991, BUT CLEARLY THE ISSUES ARE A CONTINUATION  
17 OF AN ONGOING DEBATE, A DEBATE THAT WAS SEEN IN AB 1820  
18 IN 1990, AND I UNDERSTAND IN AB 939 AS WELL.

19 IN AB 1820 WE SAW AN EFFORT TO DISTINGUISH  
20 BETWEEN HOW EXISTING DIVERSION OF AG WASTE, SCRAP METAL,  
21 INERT WASTES, AND WHITE COATED APPLIANCES, AND OTHER  
22 EXISTING OR PRE-1990 DIVERSION ACTIVITIES WOULD COUNT  
23 TOWARDS THE BASE FROM WHICH DIVERSION IS TO BE MEASURED;  
24 IN OTHER WORDS, THAT BILL IN SOME SENSE SOUGHT TO CREATE  
25 TWO CATEGORIES, WHAT WE HAVE COME TO CALL THE AB 1820



1 WASTES AND OTHER DIVERTED WASTES.

2 IT IS STAFF'S UNDERSTANDING THAT THAT  
3 LEGISLATION AND THE ATTEMPTED DISTINCTION BETWEEN HOW  
4 DIVERSION OF THESE SPECIFIED WASTES WOULD BE REGARDED  
5 CAME ABOUT, AT LEAST IN PART, BECAUSE OF THE BELIEF THAT  
6 IN SOME INSTANCES THESE PARTICULAR TARGETED MATERIALS HAD  
7 NOT BEEN DIVERTED FROM PERMITTED DISPOSAL FACILITIES, AND  
8 HAD PERHAPS NOT BEEN MANAGED AS PART OF THE WASTE STREAM  
9 FOR SOME TIME; IN OTHER WORDS, THEY WERE MATERIALS IN THE  
10 STREAM OF COMMERCE THAT WERE MANAGED APART FROM THE WASTE  
11 STREAM, THEREFORE, APART FROM THE BASIC AB 939 PREMISE OF  
12 REDUCING DISPOSAL TO PERMITTED FACILITIES.

13 HOWEVER, BECAUSE OF INCONSISTENCIES IN THE  
14 AB 1820 LANGUAGE AND BECAUSE OF SUBSEQUENT BOARD  
15 REGULATIONS WHICH DEFINED THE TERM "NORMALLY DISPOSED"  
16 WITH A VERY LOW THRESHOLD, THE END RESULT -- ALTHOUGH WE  
17 HAD IN THE LAW A LIST OF SO-CALLED AB 1820 WASTES AND  
18 SOME PRESUMPTION THAT THEIR PRE-1990 DIVERSION IS TO  
19 SOMEHOW BE COUNTED DIFFERENTLY THAN OTHER EXISTING  
20 DIVERSION, INTERPRETATION OF THE LAW AND OUR REGS HAS  
21 RESULTED IN THERE, IN FACT, BEING NO DISTINCTION BETWEEN  
22 THE TWO CATEGORIES.

23 PRE-1990 DIVERSION OF 1820 WASTE IS TREATED  
24 NO DIFFERENTLY THAN ANY OTHER EXISTING DIVERSION, AND THE  
25 END RESULT IS PERHAPS THAT EVERYTHING COUNTS. BECAUSE OF



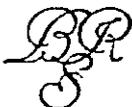
1 THIS CONCERN AND THE ISSUE BEING RAISED AGAIN IN  
2 ASSEMBLYMAN SHER'S BILL LAST YEAR, STAFF EMBARKED AT  
3 BOARD'S DIRECTION ON THE DATA GATHERING EFFORT THAT STEVE  
4 HAS GIVEN SOME OF THE HIGHLIGHTS OF. THE DATA HAS NOW  
5 BEEN ENTERED AND SOME OF THE RESULTS HAVE BEEN VERY  
6 HELPFUL IN TRYING TO DIVIDE OPTIONS FOR HOW THIS  
7 PARTICULAR ISSUE MIGHT BE FURTHER ADDRESSED IN  
8 LEGISLATION.

9 I HAVE REPEATED SOME OF WHAT STEVE COVERED,  
10 SO I -- TURN THE PAGES.

11 BEFORE WE LIST THE OPTIONS THAT YOU CAN  
12 FIND, I BELIEVE AT PAGE 4 OF ATTACHMENT 9 THERE ARE FIVE  
13 OPTIONS LISTED ALL ON THAT ONE PAGE, I'D LIKE TO REAL  
14 BRIEFLY DESCRIBE SOME OF THE PREMISES THAT ALL OF THESE  
15 OPTIONS ARE BASED UPON.

16 NUMBER ONE, THAT THEY'RE BASED UPON A  
17 PRESUMPTION THAT THE BOARD DATA DOES ILLUSTRATE THAT  
18 PRE-1990 DIVERSION OF SOME WASTES SHOULD NOT COUNT; IN  
19 OTHER WORDS, THAT THERE IS A "WHAT COUNTS" OR A "WHAT  
20 COUNTS IN THE BASE ISSUE" THAT NEEDS TO BE RESOLVED  
21 LEGISLATIVELY. ALL OF THE OPTIONS ARE BASED ON THAT  
22 PREMISE.

23 THE SECOND BASIC PREMISE OF ALL OF THESE  
24 OPTIONS IS THAT WE ARE ONLY DEALING WITH THE BASE OR  
25 PRE-1990 OR EXISTING DIVERSION. NONE OF THE LISTED



1           OPTIONS WOULD HAVE ANY IMPACT ON POST-1990 DIVERSION  
2           EFFORTS; IN OTHER WORDS, ANY WASTES BEING DISPOSED OF IN  
3           1990 AND SUBSEQUENTLY DIVERTED WOULD COUNT AND WOULD BE  
4           UNAFFECTED BY THESE OPTIONS.

5                     THE THIRD PREMISE IS THAT ALL THE OPTIONS  
6           TARGET ONLY INERTS, AG WASTE AND SCRAP METAL.

7                     NOW, I WILL VERY BRIEFLY RUN THROUGH THE  
8           OPTIONS AND THEN LORRAINE AND ADDITIONAL STAFF WILL GO  
9           BACK TO THEM AND ONE AT A TIME GO OVER SOME OF THE  
10          IMPLEMENTATION ISSUES RAISED BY EACH OPTION, AS WELL AS  
11          WHAT OUR DATA SHOWS US ABOUT WHAT THE IMPACTS OF EACH  
12          OPTION WOULD BE ON JURISDICTIONS AND THE ELEMENTS THAT  
13          THEY HAVE ALREADY PREPARED.

14                    REFERRING, THEN, TO PAGE 4 OF ATTACHMENT 9,  
15          THE FIRST OPTION THAT WE HAVE LISTED IS TO REQUIRE  
16          JURISDICTIONS TO DEMONSTRATE A LINK TO LOCAL ACTION FOR  
17          ALL PRE-1990 DIVERSION OF INERTS, AG WASTE, AND SCRAP  
18          METAL. IN THIS INSTANCE, WE ARE REFERRING TO LOCAL  
19          ACTION AS DEFINED CURRENTLY IN ASSEMBLY BILL 2092, WHICH  
20          IS A FAIRLY BROAD DEFINITION WHICH ENCOMPASSES LAND USE  
21          DECISIONS, PERMIT VARIANCES, ET CETERA. A NUMBER OF  
22          ACTIONS BY LOCAL GOVERNMENTS, WHICH IN SOME WAY MAY HAVE  
23          RESULTED IN THE DIVERSION.

24                    THE SECOND OPTION LISTED IS TO EXCLUDE THE  
25          SPECIFIC MATERIALS WITHOUT AN APPEAL, BY WHICH WE MEAN



1 EXCLUDE THE DIVERSION OF INERTS, AG WASTE, AND SCRAP  
2 METAL FROM COUNTING TOWARDS THE BASE RATE OF SOLID WASTE  
3 FROM WHICH THE SOURCE REDUCTION/RECYCLING, AND COMPOSTING  
4 LEVELS WOULD BE CALCULATED.

5 THE THIRD OPTION WOULD EXCLUDE THE  
6 MATERIALS UNLESS CERTAIN CRITERIA ARE MET. IN THIS CASE  
7 THE PRE-1990 DIVERSION OF INERTS, AG WASTES, AND SCRAP  
8 METAL WOULD BE EXCLUDED WITH THE OPTION ON THE PART OF  
9 JURISDICTIONS TO PETITION THE BOARD IF THE FOLLOWING  
10 CRITERIA COULD BE MET.

11 AND THE CRITERIA WE HAVE ENUMERATED IN THE  
12 OPTION ARE NUMBER ONE, THE MATERIAL WAS DIVERTED AS A  
13 RESULT OF THE JURISDICTION'S PROGRAM TARGETING THAT  
14 MATERIAL. AND HERE THE WORD "PROGRAM" IS USED  
15 INTENTIONALLY DISTINCT FROM THE LOCAL ACTION TERM USED IN  
16 AB 2092. IT IS MEANT TO BE A MORE DISCRETE SET OF  
17 CIRCUMSTANCES THAT WE WOULD LOOK AT AN ACTUAL PROGRAM  
18 RATHER THAN A LIST OF POSSIBLE ACTIONS.

19 SECONDLY, THAT THE JURISDICTION HAS  
20 DEMONSTRATED THAT AT SOME TIME PRIOR TO 1990, THE  
21 MATERIALS WERE, IN FACT, DISPOSED OF IN QUANTITIES THAT  
22 REASONABLY CORRESPOND WITH THE CLAIMED SUBSEQUENT  
23 DIVERSION.

24 NUMBER 3, THAT THE JURISDICTION IS AND WILL  
25 CONTINUE TO EFFECTIVELY IMPLEMENT ALL FEASIBLE SOURCE



1 REDUCTION/RECYCLING, AND COMPOSTING MEASURES. THIS  
2 LANGUAGE ON THE THIRD CRITERIA IS DRAWN VERBATIM FROM THE  
3 EXISTING LANGUAGE FOR THE FINDING THAT THE BOARD IS  
4 REQUIRED TO MAKE ON ALLOWING THE 10 PERCENT  
5 TRANSFORMATION CREDIT TO APPLY.

6 OPTION 4 WOULD PLACE A MAXIMUM ALLOWANCE OF  
7 5 PERCENT ON THE AGGREGATED AMOUNT OF INERTS, AGRICULTURE  
8 WASTE, AND SCRAP METAL DIVERSION THAT COULD COUNT TOWARD  
9 THE BASE RATE. YOU MIGHT CALL THIS A 5 PERCENT CAP ON  
10 THE AMOUNT THAT COULD COUNT.

11 AND FINALLY, OPTION 5 WOULD PLACE A MAXIMUM  
12 ALLOWANCE OF 5 PERCENT ON THE PRE-1990 DIVERSION OF THESE  
13 THREE MATERIALS UNLESS THE THREE CRITERIA THAT WE LISTED  
14 IN THE OPTION -- IN THE OPTION 3 COULD BE MET. THIS  
15 WOULD BE SIMILAR TO OPTION 3, BUT WITH A CAP.

16 JURISDICTIONS WITH DIVERSION OF THESE  
17 MATERIALS AT A LEVEL OVER 5 PERCENT COULD PETITION THE  
18 BOARD TO HAVE ADDITIONAL DIVERSION COUNT, IF THEY BELIEVE  
19 THEY MET THOSE THREE CRITERIA: THAT THEY HAD A LOCAL  
20 PROGRAM, THAT THE MATERIAL WAS AT ONE TIME DISPOSED, AND  
21 THAT OVERALL THEIR PLAN WILL IMPLEMENT A FEASIBLE SOURCE  
22 REDUCTION/RECYCLING, AND COMPOSTING MEASURES.

23 AGAIN, THESE ARE FIVE OPTIONS DEVELOPED BY  
24 STAFF. WE DID OUR BEST TO GET INPUT FROM A WIDE RANGE OF  
25 INDIVIDUALS, GROUPS, BOARD MEMBERS, ET CETERA, IN



1 DEVELOPING THEM. YOU CAN DEVISE ANY NUMBER OF VARIATIONS  
2 ON THEM, INCREASING OR DECREASING NUMBERS, ANY POSSIBLE  
3 WAY THAT YOU MIGHT APPROACH IT. WE ATTEMPTED TO DISTILL  
4 THE BASIC APPROACHES BY EXCLUDING MATERIALS, APPLYING  
5 CAPS, DEVELOPING SOME KIND OF REVIEW CRITERIA.

6 SO THOSE WERE THE THREE BASIC OPTIONS THAT  
7 WE LOOKED AT AND TRIED TO DISTILL FOR YOUR REVIEW AND  
8 CONSIDERATION TODAY.

9 CHAIRMAN RELIS: THANK YOU.

10 MS. VAN KEKERIX: WELL, BY THE END OF THE DAY,  
11 YOU'RE GOING TO HEAR ABOUT A LOT OF OPTIONS SO WHEN WE'RE  
12 TALKING ABOUT THEM, I'M GOING TO TRY TO PUT EACH ONE IN  
13 HERE SO WE KNOW WHICH ONE WE'RE TALKING ABOUT AT THE  
14 PRESENT TIME.

15 OKAY. -- OPTION 1 IS REQUIRING A LINK TO --  
16 LOCAL ACTION. AS DOROTHY JUST TOLD YOU, THE CURRENT  
17 DEFINITION OF LOCAL ACTION IN AB 2092 IS A BROAD  
18 DEFINITION AND INCLUDES SUCH ACTIONS AS ZONING AND LAND  
19 USE DECISIONS, AS WELL AS SPECIFIC JURISDICTION PROGRAMS.

20 THERE ARE A NUMBER OF JURISDICTIONS THAT  
21 MIGHT BE IMPACTED BY CHANGING THE LAW TO REQUIRE A LINK  
22 TO LOCAL ACTION, AND STEVE AND JOHN SITTS HAVE PREPARED A  
23 TABLE, AND I'LL LET JOHN EXPLAIN TO YOU WHAT IMPACTS --  
24 WHAT NUMBERS OF JURISDICTIONS WOULD BE IMPACTED BY SUCH A  
25 CHANGE.



1 MR. SITTS: OKAY. I'M GOING TO REFER TO PAGE 15  
2 IN ATTACHMENT 9, BUT I'M JUST GOING TO READ OFF A COUPLE  
3 OF NUMBERS, SO YOU CAN FOLLOW ALONG OR YOU CAN JUST  
4 LISTEN TO WHAT I'M GOING TO SAY.

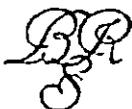
5 A LINK TO LOCAL ACTION, BASICALLY, HAS THE  
6 POTENTIAL TO AFFECT 454 OUT OF THE 517 JURISDICTIONS IN  
7 CALIFORNIA. THESE ARE -- ALL OF THE NUMBERS I'M GOING TO  
8 BE TALKING ABOUT ARE ESTIMATES BASED ON DATA BASE  
9 INFORMATION AND PROJECTED STATEWIDE NUMBERS.

10 SO WE PROJECTED --

11 CHAIRMAN RELIS: FORGIVE ME. THE REASON WHY  
12 WE'RE DOING THIS IS -- ONE OF THE -- AS I UNDERSTAND IT,  
13 ONE OF THE MAJOR CONCERNS WE'VE HAD ALL ALONG IS HOW, IF  
14 CHANGES ARE NEEDED, HOW TO BE LEAST DISRUPTIVE OF ALL THE  
15 WORK THAT'S ALREADY GONE ON; IS THAT CORRECT?

16 MR. SITTS: YES, AND TO GET AN IDEA OF HOW MANY  
17 JURISDICTIONS WILL BE IMPACTED, HOW MANY JURISDICTIONS  
18 WILL HAVE THEIR DIVERSION CLAIMS LOWERED BY ANY ONE OF  
19 THESE PROCESSES. SO THEIR PROGRESS TOWARDS THE 25  
20 PERCENT GOAL, HOW MANY WILL HAVE THAT NUMBER REDUCED.  
21 SO FOR A LINK TO LOCAL ACTION, WE ESTIMATE THAT 454 OUT  
22 OF 517 JURISDICTIONS WILL HAVE SOME EFFECT, WILL HAVE  
23 REDUCED DIVERSION CLAIMS DUE TO THIS. AND 63,  
24 APPROXIMATELY, WILL HAVE NO IMPACT AT ALL.

25 THE NUMBER THAT ARE ACTUALLY AFFECTED AS IN



1 THE NUMBER WHO CANNOT TIE THEIR PROGRAMS TO LOCAL ACTION,  
2 AND, THEREFORE, DO HAVE THEIR DIVERSION CLAIMS REDUCED  
3 MAY BE LOWER THAN 454. THERE'S JUST NO WAY FOR US TO  
4 KNOW IN THE DATA BASE HOW MANY OF THOSE JURISDICTIONS  
5 WILL BE ABLE TO LINK THOSE PROGRAMS.

6 BUT TO GET AN IDEA OF THE IMPACT OF THE  
7 NUMBER OF REDUCED CLAIMS, WHILE 454 WILL HAVE -- WILL BE  
8 AFFECTED TO SOME DEGREE, IF YOU LOOK AT THE COLUMN WHERE  
9 IT SAYS "NO IMPACT" AT 63, THE NEXT COLUMN OVER IS  
10 MINIMAL IMPACT, SO THERE'S 152 JURISDICTIONS WHO WILL  
11 HAVE THEIR DIVERSION CLAIMS LOWERED BY LESS THAN  
12 1 PERCENT AND ANOTHER 139 THAT WILL HAVE THEIR DIVERSION  
13 CLAIM LOWERED BY 5 PERCENT, BETWEEN 1 AND 5 PERCENT.

14 IF YOU ADD THOSE THREE COLUMNS TOGETHER,  
15 YOU GET 354 JURISDICTIONS THAT WOULD BE -- WOULD HAVE  
16 ONLY MINOR IMPACT, WHICH WOULD HAVE THEIR DIVERSION  
17 CLAIMS LOWERED BY 5 PERCENT OR LESS. FOR SOME  
18 JURISDICTIONS, THAT'S A MAJOR IMPACT IF THEY'RE ONLY AT  
19 SIX NOW. BUT AS FAR AS THE BIG SCHEME OF THINGS TOWARD  
20 THE 25 PERCENT GOAL, THAT'S 354 OUT OF 517 THAT WOULD  
21 HAVE MINOR IMPACTS.

22 THAT'S THE MAXIMUM NUMBER THAT WOULD HAVE  
23 THAT DEGREE OF IMPACT BECAUSE SOME OF THOSE PEOPLE --  
24 SOME OF THOSE JURISDICTIONS WOULD BE ABLE TO LINK THEIR  
25 PROGRAMS TO LOCAL ACTION AND, THEREFORE, WOULD NOT HAVE



1 THEIR CLAIMS REDUCED.

2 MS. VAN KEKERIX: OKAY. ON PAGE --

3 MR. CHESBRO: MAY I ASK A QUESTION?

4 CHAIRMAN RELIS: WESLEY CHESBRO, A BOARD MEMBER  
5 AND NOT A COMMITTEE MEMBER IS HERE.

6 MR. CHESBRO: I'M ALWAYS STICKING MY NOSE IN.  
7 HOW DID YOU IDENTIFY THE EFFECT BY LINKING IT TO LOCAL  
8 ACTION? HOW COULD YOU TELL IF THE COMMUNITIES THEMSELVES  
9 HAVEN'T IDENTIFIED, WOULD HAVE TO GO BACK AND SURVEY THE  
10 IMPACTS OF LINKING INTO LOCAL ACTION, HOW DO YOU KNOW?  
11 HOW DID YOU COME UP WITH THESE NUMBERS?

12 MR. SITTS: WELL, THE BASE NUMBER -- THAT'S WHY  
13 I'VE ALWAYS SAID IT WOULD BE THIS NUMBER OR LESS. THE  
14 BASE NUMBER 454, ABOUT THE NUMBER WHO COULD HAVE REDUCED  
15 CLAIMS, THAT'S BASED ON IF WE EXCLUDED THOSE WASTE TYPES  
16 ALTOGETHER, 454 --

17 MR. CHESBRO: THAT ONE I CAN UNDERSTAND. IT'S  
18 THE ZERO TO 1 PERCENT, 1 TO 5 PERCENT THAT I GET CONFUSED  
19 ON.

20 MR. SITTS: OKAY. BECAUSE RIGHT NOW IN THE  
21 FIRST LINE, 152 JURISDICTIONS RELY ON THESE THREE WASTE  
22 TYPES FOR BETWEEN ZERO AND 1 PERCENT OF THEIR DIVERSION  
23 RATE NOW. SO THE MAXIMUM THAT THEY COULD LOSE WOULD BE  
24 1 PERCENT.

25 MR. CHESBRO: THAT'S THE MAXIMUM THAT IT COULD



1 BE REDUCED BY.

2 MR. SITTS: RIGHT.

3 MR. CHESBRO: SO IT'S NOT ANYWHERE NEAR  
4 NECESSARILY AN ACTUAL NUMBER, IT'S JUST AN --

5 MR. SITTS: IT'S MORE OF A RANGE, RIGHT.

6 MR. CHESBRO: THANK YOU.

7 MS. VAN KEKERIX: OKAY. IF YOU TURN TO PAGE 6  
8 IN ATTACHMENT 9, YOU CAN FOLLOW ALONG WITH THE ISSUES  
9 THAT STAFF HAS IDENTIFIED THAT WOULD RESULT FROM  
10 IMPLEMENTATION OF THE LINK TO LOCAL ACTION OPTION.

11 FIRST OF ALL, THIS OPTION DOES ADDRESS THE  
12 ISSUE THAT PAST DIVERSION ON BASELINE SHOULD BE TIED TO  
13 LOCAL GOVERNMENT ACTION BECAUSE IT REQUIRES THAT  
14 JURISDICTIONS DEMONSTRATE A TIE TO LOCAL ACTION.

15 SECOND, THE ISSUE THAT PAST DIVERSION  
16 CLAIMS RESULTING FROM MARKET-DRIVEN PRIVATE SECTOR  
17 ACTIVITIES SHOULD BE DECREASED IS ALSO ADDRESSED, AGAIN,  
18 BECAUSE YOU WOULD REQUIRE THAT THESE DIVERSIONS THAT  
19 PEOPLE ARE GETTING CREDIT FOR IS TIED TO LOCAL GOVERNMENT  
20 PROGRAMS.

21 THIRD, THE SOURCE REDUCTION AND RECYCLING  
22 ELEMENTS ARE CURRENTLY NOT REQUIRED TO IDENTIFY WHETHER  
23 EXISTING DIVERSION IS TIED TO LOCAL ACTION NOR DOES IT  
24 QUANTIFY OR DO THEY HAVE TO QUANTIFY HOW MUCH WASTE IS  
25 DIVERTED BY PUBLIC VERSUS PRIVATE ACTIVITIES. THAT MEANS



1 THAT IN THE 400 AND SOME SRRE'S THAT HAVE BEEN DELIVERED  
2 TO THE BOARD FOR REVIEW, WE DO NOT HAVE INFORMATION ON  
3 THESE EXISTING DIVERSION PROGRAMS AND QUANTITIES BY  
4 SECTOR.

5 THESE SRRE'S ARE REQUIRED TO IDENTIFY  
6 WHETHER FUTURE DIVERSION IS GOING TO BE PUBLIC OR  
7 PRIVATE, AND SO STAFF HAS REVIEWED THAT INFORMATION.  
8 THE JURISDICTIONS WHO PREPARED THE SRRE'S DID NOT  
9 NECESSARILY USE THE DEFINITION OF LOCAL ACTION WHICH IS  
10 CURRENTLY PROPOSED IN AB 2092 WHEN THEY IDENTIFIED THE  
11 PUBLIC ACTIVITIES THAT ARE IN THEIR SRRE'S. THEY MIGHT  
12 HAVE TO GO BACK AND PREPARE ADDITIONAL INFORMATION USING  
13 THE NEW REVISED DEFINITION.

14 LOCAL JURISDICTIONS WOULD NEED TO DEVELOP  
15 INFORMATION WHICH DEMONSTRATED THAT PROGRAMS WERE TIED TO  
16 LOCAL ACTION, AND THIS COULD BE SIGNIFICANT WORK FOR  
17 THEM. IT MIGHT BE -- IT MIGHT REQUIRE LOOKING AT RECORDS  
18 OVER A LONG PERIOD OF TIME IN THE PAST.

19 IN TERMS OF BOARD STAFF WORK AND COMMITTEE  
20 WORK, THE BOARD STAFF WORK WOULD INCREASE DUE TO  
21 PREPARATIONS OF NEW REGULATIONS TO IMPLEMENT A STATUTORY  
22 CHANGE AND ADDITIONAL REVIEW TIME TO DETERMINE WHETHER  
23 THE INFORMATION WHICH WAS SUBMITTED BY A LOCAL  
24 JURISDICTION MET THE CRITERIA FOR LOCAL ACTION. IT WOULD  
25 ALSO MEAN A NUMBER OF ADDITIONAL ITEMS ON THE COMMITTEE



1 AGENDA FOR CONSIDERATION OF THE STAFF RECOMMENDATIONS.

2 MOVING TO OPTION 2, IT'S ON PAGE 7. OPTION  
3 2 WOULD EXCLUDE THE THREE TYPES OF MATERIALS WITHOUT  
4 ALLOWING AN APPEAL. IT WOULD EXCLUDE INERTS,  
5 AGRICULTURAL WASTES, AND SCRAP METAL FROM COUNTING  
6 TOWARDS THE BASE RATE.

7 THIS SOLUTION -- OH, I SHOULD LET JOHN TELL  
8 YOU ABOUT THE NUMBER OF JURISDICTIONS THAT WOULD BE  
9 IMPACTED.

10 MR. SITTS: THANK YOU. AGAIN, THE NUMBER THAT  
11 WOULD HAVE THEIR DIVERSION CLAIMS REDUCED THIS TIME IS  
12 454 APPROXIMATELY. AND THE JURISDICTIONS WITH NO IMPACT  
13 ON THE DIVERSION CLAIMS WOULD BE APPROXIMATELY 63.

14 IF YOU CONSIDER THOSE JURISDICTIONS WITH  
15 OVER 1 PERCENT IMPACT, YOU'D HAVE ABOUT 300 JURISDICTIONS  
16 THAT WOULD HAVE THEIR DIVERSION CLAIMS REDUCED BY  
17 1 PERCENT OR MORE. THEN, IN THE FAR, FAR RIGHT-HAND  
18 COLUMN ON PAGE 15, YOU SEE THE AVERAGE DIVERSION CLAIM OR  
19 EXISTING DIVERSION. AND AS A REFERENCE, EXISTING  
20 DIVERSION RIGHT NOW IS AT 16 AND A HALF PERCENT. THAT IS  
21 THE AVERAGE CLAIM FOR DIVERSION THAT JURISDICTIONS HAVE.  
22 UNDER ABSOLUTELY EXCLUSION, YOU WOULD GO TO 11 PERCENT --  
23 WOULD DROP TO 11 PERCENT FOR THE AVERAGE DIVERSION CLAIM  
24 FOR JURISDICTIONS.

25 THE TONNAGES DIVERTED WOULD DROP



1           SIGNIFICANTLY MORE THAN THAT BECAUSE INERT SOLIDS AND  
2           THESE OTHER WASTE TYPES MAKE UP MORE THAN 50 PERCENT OF  
3           THE DIVERTED WASTE STREAM. YOU DROP FROM ABOUT 10 AND A  
4           HALF TONS DIVERTED TO A LITTLE BIT LESS THAN 5 TONS  
5           DIVERTED, 10 AND A HALF MILLION TONS DIVERTED TO LESS  
6           THAN 5 MILLION TONS DIVERTED.

7                   CHAIRMAN RELIS:    OKAY.

8                   MS. VAN KEKERIX:   THE IMPLEMENTATION ISSUES THAT  
9           STAFF HAS IDENTIFIED WITH REGARD TO EXCLUDING SPECIFIC  
10          MATERIALS WITHOUT APPEAL ARE, FIRST, IT IS A SIMPLE  
11          SOLUTION. IT WOULD ALSO BE FAIRLY SIMPLE TO ADMINISTER.

12                   THE SECOND POINT THAT STAFF FOUND WAS THAT  
13          THE WASTE TYPES WHICH WERE NOT TYPICALLY SENT TO  
14          LANDFILLS IN THE PAST WOULD NOT COUNT AS EXISTING  
15          DIVERSION PROGRAMS ON THE BASE CLAIMS.

16                   THIRD, JURISDICTIONS WHICH INCLUDED  
17          DIVERSION OF INERTS, AGRICULTURE WASTE, AND SCRAP METALS  
18          IN THE BASELINE WOULD INCUR ADDITIONAL COST TO REVISE  
19          THEIR SRRE'S AND TO EXPAND EXISTING PROGRAMS OR TO  
20          IMPLEMENT ADDITIONAL PROGRAMS TO MEET THE 25 AND 50  
21          PERCENT DIVERSION GOALS.

22                   FOURTH, THE JURISDICTIONS WHICH THOROUGHLY  
23          QUANTIFIED PRE-1990 DIVERSION WOULD BE MORE LIKELY TO BE  
24          ADVERSELY IMPACTED BY THE CHANGE THAN JURISDICTIONS WHICH  
25          DID NOT QUANTIFY PRE-1990 DIVERSIONS.



1 FINALLY, BOARD STAFF WORK WOULD INCREASE  
2 DUE TO REVISION OF EXISTING REGULATIONS TO IMPLEMENT A  
3 STATUTORY CHANGE.

4 OPTION 3 IS ON PAGE 8 OF ATTACHMENT 9.  
5 OPTION 3 IS ANOTHER VARIATION ON EXCLUSION. IT WOULD  
6 EXCLUDE PRE-1990 DIVERSION OF INERTS, AG WASTE, AND SCRAP  
7 METALS FROM COUNTING TOWARDS THE BASE WITH THE OPTION TO  
8 PETITION IF THE JURISDICTION COULD SHOW THAT THE  
9 FOLLOWING THREE CRITERIA ARE MET.

10 THOSE CRITERIA ARE, FIRST --

11 CHAIRMAN RELIS: COULD WE STOP JUST A MINUTE?  
12 WHAT DO WE MEAN BY "PETITION"? WHY IS THAT WORD USED?  
13 JUST --

14 MS. VAN KEKERIX: THIS WOULD BASICALLY SAY THAT  
15 THE MATERIALS WERE EXCLUDED FROM COUNTING TOWARDS THE  
16 BASE UNLESS THE JURISDICTION PETITIONED THE BOARD AND  
17 DEMONSTRATED THAT THEY MET THE THREE CRITERIA AND THE  
18 BOARD WOULD THEN DECIDE WHETHER THE CRITERIA WERE MET AND  
19 THOSE MATERIALS SHOULD BE ALLOWED TO COUNT TOWARDS THE  
20 BASE RATE DIVERSION.

21 BOARD MEMBER EGIGIAN: IS THIS THE OPPOSITE OF  
22 NO APPEAL?

23 MS. VAN KEKERIX: YES.

24 BOARD MEMBER EGIGIAN: YOU OUGHT TO USE THE SAME  
25 WORDS ALL THE TIME SO THAT WE UNDERSTAND WHAT'S GOING ON.

1 GO AHEAD.

2 MS. VAN KEKERIX: THE THREE CRITERIA THAT THE  
3 JURISDICTIONS WOULD NEED TO MEET ARE THAT THEY WOULD NEED  
4 TO DEMONSTRATE THAT THE MATERIAL WAS DIVERTED AS A RESULT  
5 OF THE JURISDICTIONS PROGRAM THAT TARGETED THAT MATERIAL.

6 SECOND, THE JURISDICTION WOULD DEMONSTRATE  
7 THAT BETWEEN JANUARY 1ST OF 1986, AND JANUARY 1ST OF  
8 1990, THE MATERIALS WERE DISPOSED OF IN QUANTITIES THAT  
9 WERE RECENTLY CORRESPONDED TO THE CLAIMED DIVERSION.

10 THIRD, THAT THE JURISDICTION IS AND WILL  
11 CONTINUE TO EFFECTIVELY IMPLEMENT ALL FEASIBLE SOURCE  
12 REDUCTION/RECYCLING, AND COMPOSTING MEASURES.

13 JOHN WILL TELL YOU ABOUT THE NUMBER OF  
14 JURISDICTIONS THAT MIGHT BE IMPACTED BY THIS TYPE OF  
15 CHANGE.

16 MR. SITTS: THIS OPTION WOULD AFFECT, BASICALLY,  
17 THE SAME NUMBER OF JURISDICTIONS OR COULD AFFECT THE SAME  
18 NUMBER OF JURISDICTIONS AS EITHER ONE OR TWO AS WELL,  
19 BECAUSE IT DEALS WITH THE SAME TYPE OF EXCLUDING SOME  
20 MATERIALS AND LESS. SO IT HAS THE -- IT COULD IMPACT UP  
21 TO 454 JURISDICTIONS.

22 AGAIN, 302 COULD HAVE THEIR CLAIMS REDUCED  
23 BY 1 PERCENT OR MORE. AS A REFERENCE FOR THE AVERAGE  
24 DIVERSION CLAIM FOR THIS OPTION WOULD BE BETWEEN 11 AND  
25 16 AND A HALF PERCENT WHICH IS SOMEWHERE BETWEEN THE



1 EXISTING DIVERSION CLAIM, WHICH IS 16 AND A HALF PERCENT,  
2 AND THE TOTAL EXCLUSION WHICH WOULD BE 11, DEPENDING ON  
3 HOW MANY JURISDICTIONS MET THOSE CRITERIA AND WERE ABLE  
4 TO COUNT THAT DIVERSION.

5 MR. CHESBRO: THE FINAL COLUMN THERE ON THE  
6 CHART IS THE AVERAGE BASE YEAR DIVERSION CLAIM. IS  
7 THE -- DO I UNDERSTAND CORRECTLY, IS THE TOTAL AMOUNT OF  
8 DIVERSION THAT WOULD BE -- OF BASE YEAR DIVERSION THAT  
9 WOULD STILL BE CLAIMABLE AFTER YOU'VE ELIMINATED THOSE  
10 TWO SPECIFIED MATERIALS, INERTS AND OTHERS, RIGHT?

11 MR. SITTS: IT'S THE AVERAGE DIVERSION CLAIM.  
12 BECAUSE THE SIZE OF JURISDICTIONS VARY SO MUCH IN THE  
13 STATE, THE AMOUNTS AND THE CLAIMS -- THE PERCENTAGE  
14 CLAIMS AND THE ACTUAL TONS DIVERTED VARY A BIT. SO  
15 FOR -- WHEN YOU HAVE A 16 AND A HALF PERCENT DIVERSION  
16 CLAIM, YOU HAVE 10 MILLION TONS DIVERTED. WHEN YOU GO TO  
17 11 PERCENT, YOU HAVE ABOUT FIVE MILLION TONS DIVERTED.  
18 THE LARGE JURISDICTIONS RIGHT NOW ARE OFTEN CLAIMING  
19 HIGHER THAN THE 25 PERCENT; WHEREAS, A LOT OF THE SMALL  
20 JURISDICTIONS WHO HAVE SMALL AMOUNTS ARE CLAIMING MUCH  
21 LESS.

22 IT'S A VERY DIFFICULT CONCEPT TO GRASP  
23 BECAUSE I WENT THROUGH -- BACK AND FORTH ON THIS. A LOT  
24 OF THE SMALL JURISDICTIONS WHO DIVERT VERY LITTLE AND  
25 HAVE LOW CLAIMS GET OVERWHELMED BY THE LARGE



1 JURISDICTIONS WHO DIVERT HUGH AMOUNTS OF WASTE. SO THE  
2 NUMBER OF TONS DIVERTED DOESN'T EXACTLY CORRESPOND TO  
3 THIS.

4 THE LAST COLUMN REPRESENTS THE AVERAGE  
5 DIVERSIONS CLAIMED FOR A JURISDICTION, SO THAT ON  
6 OPTION 2 THE AVERAGE JURISDICTION WOULD HAVE TO GET 14  
7 ADDITIONAL PERCENTAGE POINTS TO REACH THE 25 PERCENT.

8 MR. CHESBRO: THIS IS NOT A PERCENTAGE OF THE  
9 TOTAL WASTE STREAM AGGREGATE IN THE STUDY. IT'S AVERAGED  
10 BY COMMUNITY?

11 MR. SITTS: IT'S AVERAGED BY COMMUNITY, YES.  
12 THAT MORE ADEQUATELY ADDRESSED THE IMPACT ON THE  
13 INDIVIDUAL JURISDICTIONS, I FELT, FOR THIS TABLE.

14 MR. CHESBRO: IS THERE ANYWHERE IN THE NUMBERS  
15 THAT ARE BASED ON THE AGGREGATE WASTE STREAM?

16 MR. SITTS: WE DO HAVE SOME INFORMATION ON THE  
17 EFFECT OF TONNAGES OR ON TONNAGES, BUT WE DON'T HAVE  
18 ANYTHING PRINTED OUT.

19 MR. CHESBRO: I WAS TRYING TO GRASP THE RANGE OF  
20 DIFFERENCE FOR THE TOTAL WASTE STREAM FOR THE STATE, IF  
21 YOU COULD EXTRAPOLATE THAT FROM OUR SAMPLE THAT THIS  
22 DEBATE COVERS. I MEAN, HOW MUCH OF A DIFFERENCE FOR OUR  
23 TOTAL ULTIMATE DIVERSION WILL THE ENDS OF THE SPECTRUM OF  
24 THESE OPTIONS AFFECT?

25 I WAS ASSUMING IT WAS 5.5 OR 4.5 -- 5.5



1 PERCENT, BUT THAT'S --

2 MR. SITTS: NO, THAT'S THE EFFECT ON INDIVIDUAL  
3 JURISDICTIONS. FOR THE OVERALL WASTE STREAM IN THE  
4 EXISTING CONDITIONS RIGHT NOW, THERE ARE ABOUT 10 AND A  
5 HALF MILLION TONS BEING DIVERTED. AND THAT NUMBER, IF  
6 YOU EXCLUDED THESE THREE WASTE TYPES TOTALLY, WOULD BE  
7 CUT IN HALF. SO THAT CORRESPONDING AMOUNT WOULD HAVE TO  
8 BE MADE UP -- THAT AMOUNT IS REPRESENTED, BASICALLY, IN  
9 THIS 4 AND A HALF PERCENT.

10 MR. CHESBRO: DO YOU HAVE THAT ALSO FIGURED OUT  
11 IN TERMS OF THE TOTAL WASTE STREAM. IN TERMS OF -- IF  
12 YOU WERE TRYING TO TAKE A STATEWIDE AGGREGATE AND  
13 DETERMINE WHAT EFFECT IT WOULD HAVE ON OUR ULTIMATELY  
14 REACHING THE 25/50 PERCENT GOAL, WHAT PERCENTAGE OF THE  
15 WASTE STREAM WOULD YOU BE TALKING ABOUT IN NUMBERS LIKE  
16 THAT?

17 MR. SITTS: LET ME THINK.

18 CHAIRMAN RELIS: WHY DON'T YOU THINK AND LET'S  
19 KEEP GOING. IF YOU COME BACK AND HAVE A NUMBER TO LAY ON  
20 US, THAT'S OKAY.

21 MS. VAN KEKERIX: BACK ON PAGE 8, ATTACHMENT 9,  
22 BREAKS OUT THE IMPLEMENTATION ISSUES. MANY OF THESE  
23 WE'VE GONE OVER FOR OTHER OPTIONS, AND THERE ARE SOME NEW  
24 ONES HERE AS WELL.

25 FIRST, THIS OPTION ADDRESSES THE ISSUE THAT



1 PAST DIVERSION OF BASELINE SHOULD BE TIED TO LOCAL  
2 GOVERNMENT ACTIONS.

3 SECOND, IT ADDRESSES THE ISSUE THAT PAST  
4 DIVERSION CLAIMS RESULTING FROM MARKET-DRIVEN PRIVATE  
5 SECTOR ACTIVITIES SHOULD BE DECREASED.

6 THIRD, THE JURISDICTIONS WOULD BE ALLOWED  
7 TO APPEAL THE THRESHOLD IF THEY BELIEVED THAT THEIR  
8 PARTICULAR CIRCUMSTANCES WARRANTED HIGHER CREDIT FOR  
9 EXISTING DIVERSION OF THE THREE MATERIALS. THIS WOULD  
10 ALLOW SOME OF THE JURISDICTIONS WHICH IMPLEMENTED  
11 PROGRAMS PRIOR TO 1990 TO APPEAL.

12 CHAIRMAN RELIS: WHAT IS THE THRESHOLD WE'RE  
13 REFERRING TO HERE? WHAT'S THE THRESHOLD MEAN?

14 MS. VAN KEKERIX: EXCUSE ME, I MAY HAVE PUT THIS  
15 BULLET ON THE WRONG ONE.

16 CHAIRMAN RELIS: YES, I THINK THAT'S --

17 MS. VAN KEKERIX: IT WOULD ALLOW YOU TO APPEAL  
18 THE EXCLUSION, IT SHOULD SAY, INSTEAD OF THRESHOLD.

19 A NEW APPEAL PROCESS WOULD LIKELY BE NEEDED  
20 SINCE THE BOARD'S CURRENT APPEAL PROCESS FOR REDUCTION  
21 AND GOALS IS LIMITED TO SMALL JURISDICTIONS.

22 AND THE JURISDICTIONS THAT HAVE THE HIGHEST  
23 CLAIMS FOR THE PRE-1990 DIVERSION OF INERTS, SCRAP  
24 METALS, AND AGRICULTURAL WASTES, DO NOT QUALIFY AS SMALL  
25 JURISDICTIONS. AS JOHN AND STEVE HAVE JUST SHOWN ON THE



1 VARIOUS CHARTS, THAT TENDS TO BE THE LARGER, MORE URBAN  
2 JURISDICTIONS.

3 AGAIN, THE SOURCE REDUCTION/RECYCLING  
4 ELEMENTS ARE CURRENTLY NOT REQUIRED TO IDENTIFY  
5 EXISTING -- WHETHER EXISTING DIVERSION IS TIED TO LOCAL  
6 ACTION, AND THEY ARE ALSO NOT REQUIRED TO QUANTIFY THE  
7 WASTE BY PUBLIC VERSUS PRIVATE ACTIVITIES.

8 IN TERMS OF BEING ABLE TO DEMONSTRATE THAT  
9 THE MATERIAL REASONABLY CORRESPONDED WITH THE GROUP  
10 CLAIMED DIVERSIONS, HISTORICALLY LANDFILL RECORDS HAVE  
11 NOT BEEN KEPT BY WASTE TYPES, SO JURISDICTIONS MIGHT HAVE  
12 DIFFICULTY IN MEETING THAT CRITERIA.

13 IF THE JURISDICTIONS NEEDED TO REVISE THEIR  
14 SOURCE REDUCTION AND RECYCLING ELEMENTS, THEY WOULD INCUR  
15 ADDITIONAL COSTS TO REVISE THOSE ELEMENTS, AND THEY WOULD  
16 ALSO INCUR ADDITIONAL COSTS TO EXPAND EXISTING PROGRAMS  
17 OR IMPLEMENT ADDITIONAL PROGRAMS TO MEET THE 25 AND 50  
18 PERCENT DIVERSION GOALS.

19 THERE ARE A NUMBER OF JURISDICTIONS WHICH  
20 HAVE NOT INCLUDED INERTS, AG WASTE, AND SCRAP METALS IN  
21 THE NUMBERS SUBMITTED IN THEIR SRRE'S, AND THEY MAY WISH  
22 TO REVISE THEM. THE BOARD'S STAFF WORK WOULD INCREASE  
23 DUE TO PREPARATION OF NEW REGULATIONS TO IMPLEMENT A  
24 STATUTORY CHANGE, ADDITIONAL REVIEW TIME TO DETERMINE  
25 WHETHER THE INFORMATION SUBMITTED BY LOCAL JURISDICTION



1 MET THE THREE CRITERIA, AND ADDITIONAL REVIEW TIME TO  
2 EVALUATE PETITIONS.

3 AND IT LOOKS LIKE WE HAVE THE THIRD BULLET  
4 UP FROM THE BOTTOM IS A REPEAT. IT SHOULD BE STRUCK.

5 AND IN TERMS OF PROBLEMS IN REGULATIONS, WE  
6 ANTICIPATE THAT A REGULATORY DETERMINATION OF WHAT  
7 CONSTITUTES A DEMONSTRATION OF DISPOSAL QUANTITIES WHICH  
8 REASONABLY CORRESPONDS TO CLAIMED DIVERSION AND  
9 IMPLEMENTATION OF ALL FEASIBLE PROGRAMS WOULD BE  
10 CONTROVERSIAL.

11 AND FINALLY, OUR CURRENT REGULATORY  
12 DEFINITION OF A PROGRAM INCLUDES PRIVATE SECTOR  
13 ACTIVITIES, SO THAT WOULD ALSO NEED TO BE REVISED.

14 THE FOURTH OPTION IS SHOWN ON PAGE 9. THE  
15 FOURTH OPTION IS TO PLACE A MAXIMUM ALLOWANCE ON PRE-1990  
16 DIVERSION OF SPECIFIC WASTES; IN OTHER WORDS, IT WOULD  
17 PLACE A CAP, PROBABLY A 5 PERCENT CAP, ON THE AGGREGATED  
18 AMOUNT OF INERTS, AG WASTES, SCRAP METAL DIVERSION THAT  
19 WOULD COUNT TOWARDS THE BASE RATE.

20 I'LL LET EITHER JOHN OR STEVE TELL YOU THE  
21 NUMBER OF JURISDICTIONS IMPACTED AND WHAT THE MAXIMUM  
22 ALLOWANCE IS.

23 MR. SITTS: ALL RIGHT. FIRST OF ALL, TO  
24 FOLLOW-UP ON BOARD MEMBER CHESBRO'S QUESTION --

25 MR. CHESBRO: I THINK I FIGURED IT OUT WITH JUST



1 A LITTLE ARITHMETIC. IT WAS 11.1 PERCENT.

2 MR. SITTS: I HAD 12 AND A HALF IN MY HEAD.  
3 IT GOES FROM AN OVERALL TONNAGE DIVERSION RATE OF 21  
4 PERCENT DOWN TO AN OVERALL DIVERSION BASED ON TONNAGE  
5 RATE OF 11 FOR STATEWIDE.

6 MR. CHESBRO: THANK YOU.

7 MR. SITTS: AND NOW FOR MAXIMUM ALLOWANCE, WHICH  
8 IS OPTION 4, THE NUMBER OF JURISDICTIONS WHO WOULD HAVE  
9 REDUCED CLAIMS UNDER THIS OPTION WOULD BE APPROXIMATELY  
10 326 OUT OF 517, SO 191 WOULD HAVE NO IMPACT; IN OTHER  
11 WORDS, THEY DO NOT RELY ON THESE WASTES AT A LEVEL OVER  
12 5 PERCENT, SO THEY WOULD GET IN UNDER THAT 5 PERCENT  
13 MAXIMUM ALLOWANCE.

14 FOR THOSE JURISDICTIONS, THERE'S 103  
15 JURISDICTIONS THAT RELY ON THESE WASTES FOR OVER  
16 5 PERCENT DIVERSION, AS OPPOSED TO THAT FOR EXCLUSIONS --  
17 302 WAS THE -- SO YOU DO GET A LOWERING IN THE NUMBER OF  
18 JURISDICTIONS IMPACTED. THE AVERAGE DIVERSION CLAIM  
19 WOULD GO FROM 16 AND A HALF, WHICH IS THE EXISTING  
20 AVERAGE DIVERSION CLAIM, DOWN TO 13 PERCENT.

21 AGAIN, IF THERE IS -- I THINK THERE  
22 PROBABLY WILL BE SOME -- IT WON'T BE CLEAR HOW THIS  
23 MAXIMUM ALLOWANCE WORKS, SO I DO HAVE THREE EXAMPLES  
24 WHICH ARE PAGES 17, 18, AND 19, IN ATTACHMENT 9. AND  
25 IF -- I'M NOT SURE WHETHER I SHOULD SHOW THOSE OR ONLY IF



1 YOU THINK IT'S NECESSARY.

2 CHAIRMAN RELIS: SORRY?

3 MR. SITTS: DO YOU THINK IT'S NECESSARY THAT I  
4 GO THROUGH THE EXAMPLES FOR HOW THE MAXIMUM ALLOWANCE  
5 WILL WORK?

6 CHAIRMAN RELIS: NO. UNLESS -- NO. PLEASE  
7 DON'T RIGHT NOW. IT'S NO REFLECTION ON EXCELLENT WORK.

8 MR. SITTS: AS I SAID, THOSE ARE ON PAGES 17,  
9 18, AND 19 WHERE YOU CAN SEE THE AFFECT ON JURISDICTIONS  
10 WITH VARYING DIVERSION CLAIMS AND WHAT THEY WOULD HAVE TO  
11 DO IN THE FUTURE UNDER BOTH SCENARIOS.

12 MS. VAN KEKERIX: OKAY. BACK TO PAGE 9.  
13 OPTION 4 IS ON PAGE 9. THE IMPLEMENTATION ISSUES THAT  
14 STAFF HAS IDENTIFIED IS, FIRST, THAT THIS OPTION  
15 RECOGNIZED THAT SOME AG WASTE, INERTS, AND SCRAP METALS  
16 WERE DISPOSED AT SOME LANDFILLS IN THE PAST, AND IT  
17 ALLOWS SOME CREDIT FOR MATERIALS TO COUNT IN THE BASE  
18 RATE.

19 SECOND, JURISDICTIONS WHICH INCLUDED THE  
20 DIVERSION OF INERTS, AG WASTES, AND SCRAP METALS WOULD  
21 INCUR ADDITIONAL COSTS TO REVISE THEIR SOURCE REDUCTION  
22 AND RECYCLING ELEMENTS AND TO EXPAND EXISTING PROGRAMS OR  
23 IMPLEMENT ADDITIONAL PROGRAMS TO MEET THE 25 AND 50  
24 PERCENT GOALS. AS JOHN JUST TOLD YOU, THAT WOULD BE  
25 REDUCED BECAUSE PEOPLE WHO HAVE LESS THAN 5 PERCENT WOULD

1 NOT BE LIKELY TO REVISE THEIR SRRE'S.

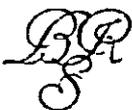
2 JURISDICTIONS WHICH THOROUGHLY QUANTIFIED  
3 PRE-1990 DIVERSION WOULD BE MORE LIKELY TO BE IMPACTED BY  
4 THE CHANGE THAN JURISDICTIONS WHICH DID NOT QUANTIFY  
5 PRE-1990 DIVERSION.

6 FOURTH, THERE WOULD BE A DISPROPORTIONATE  
7 IMPACT ON JURISDICTIONS WHICH ESTABLISHED PROGRAMS FOR  
8 THESE WASTE TYPES PRIOR TO 1990.

9 AND, LASTLY, IN TERMS OF BOARD STAFF WORK,  
10 THE BOARD STAFF WORK WOULD INCREASE DUE TO PREPARATION OF  
11 NEW REGULATIONS TO IMPLEMENT STATUTORY CHANGE.

12 AND OUR FINAL OPTION FOR THIS PORTION OF  
13 THE DISCUSSION TODAY IS OPTION 5, WHICH IS FOUND ON  
14 PAGE 10.

15 OPTION 5 WOULD PLACE A MAXIMUM ALLOWANCE ON  
16 PRE-1990 DIVERSION UNLESS CRITERIA WERE MET. IT WOULD  
17 HAVE THE MAXIMUM 5 PERCENT CAP ON THE AGGREGATED AMOUNTS  
18 OF INERTS, AG WASTES, AND SCRAP METAL THAT WOULD COUNT  
19 TOWARDS THE BASE RATE, WITH THE OPTION FOR JURISDICTIONS  
20 TO PETITION THE BOARD TO INCLUDE ADDITIONAL DIVERSION OF  
21 THESE MATERIALS IF THE CRITERIA WERE MET, THAT THE  
22 MATERIAL WAS DIVERTED AS A RESULT OF THE JURISDICTION'S  
23 PROGRAM, TARGETING THAT MATERIAL, THAT THE MATERIALS WERE  
24 DISPOSED OF IN QUANTITIES REASONABLY CORRESPONDING WITH  
25 THE CLAIM DIVERSION, AND THAT THE JURISDICTION IS AND



1 WILL CONTINUE TO EFFECTIVELY IMPLEMENT ALL FEASIBLE  
2 SOURCE REDUCTION/RECYCLING, AND COMPOSTING MEASURES.

3 MR. SITTS: AND, AGAIN, THE NUMBER OF  
4 JURISDICTIONS THAT -- IN OPTION 4, 326 JURISDICTIONS  
5 WOULD HAVE DIVERSION CLAIMS LOWERED.

6 IN OPTION NO. 5, BECAUSE THERE ARE CRITERIA  
7 THAT COULD BE MET, UP TO 326 COULD HAVE THEIR DIVERSION  
8 CREDITS LOWERED; AND 103 OF THOSE JURISDICTIONS WOULD  
9 HAVE DIVERSION CLAIMS REDUCED BY 5 OR MORE PERCENT. SO  
10 103 JURISDICTIONS WOULD BE THE MOST HEAVILY IMPACTED.  
11 AND THE RESULTING AVERAGE DIVERSION CLAIM WOULD BE  
12 BETWEEN 13 AND 16 AND A HALF PERCENT.

13 MS. VAN KEKERIX: MOST OF THE IMPLEMENTATION  
14 ISSUES ARE ONES THAT WE HAVE ALREADY GONE OVER, BUT I'LL  
15 DO THEM VERY QUICKLY.

16 CHAIRMAN RELIS: IF YOU WOULD, COULD YOU  
17 HIGHLIGHT THE ONES THAT WE HAVEN'T GONE OVER? OH, WELL,  
18 THAT MAY BE MORE DIFFICULT.

19 MS. VAN KEKERIX: IT'S A COMBINATION OF VARIOUS  
20 POINTS FOR DIFFERENT ONES.

21 CHAIRMAN RELIS: OKAY. JUST GO OVER THEM.  
22 THAT'S ALL RIGHT.

23 MS. VAN KEKERIX: FIRST, IT ADDRESSES THE ISSUE  
24 THAT PAST DIVERSION SHOULD BE TIED TO LOCAL GOVERNMENT  
25 ACTION AND THAT MARKET DRIVEN PRIVATE SECTOR ACTIVITY



1 CLAIMS SHOULD BE DECREASED.

2 IT WOULD GIVE JURISDICTIONS THE ABILITY TO  
3 APPEAL THE THRESHOLD LEVEL IF THEY BELIEVE THEIR  
4 CIRCUMSTANCES WARRANTED HIGHER CREDIT. YOU'D ALSO NEED  
5 THE NEW APPEAL PROCESS BECAUSE, AGAIN, THE JURISDICTIONS  
6 THAT WOULD BE LIKELY TO APPEAL WOULD NOT BE THE SMALL  
7 JURISDICTIONS FOR WHICH WE HAVE THE APPEAL PROCESS.

8 THE SOURCE REDUCTION AND RECYCLING ELEMENTS  
9 DO NOT CURRENTLY CONTAIN INFORMATION ON EXISTING  
10 PROGRAMS, AND THEY'RE TIED TO PUBLIC OR PRIVATE SECTOR.  
11 JURISDICTIONS WOULD NEED TO DEVELOP INFORMATION THAT  
12 WOULD DEMONSTRATE THE TIE TO LOCAL ACTION, AND THAT WOULD  
13 TAKE TIME AND EFFORT ON THEIR PART. THEY WOULD ALSO NEED  
14 TO EXPAND OR TO REVISE THEIR SRRE'S, AND POTENTIALLY  
15 EXPAND THEIR DIVERSION PROGRAMS.

16 BOARD STAFF WORK WOULD INCREASE DUE TO  
17 PREPARATION OF NEW REGULATIONS, ADDITIONAL REVIEW TIME TO  
18 DETERMINE WHETHER THE INFORMATION SUBMITTED BY LOCAL  
19 JURISDICTIONS MET THE CRITERIA AND TO EVALUATE PETITIONS.  
20 THERE WOULD ALSO BE SOME CONTROVERSIAL PORTIONS OF THE  
21 REGULATORY LANGUAGE. I WOULD SAY THAT THOSE WOULD BE THE  
22 MAIN ISSUES THAT THE STAFF HAS IDENTIFIED AS FAR AS THE  
23 IMPLEMENTATION OF OPTION 5.

24 CHAIRMAN RELIS: OKAY. I THINK WE'LL STOP FOR A  
25 BRIEF BREAK. WE'LL TAKE NO MORE THAN FIVE MINUTES.



1 (RECESS TAKEN.)

2 CHAIRMAN RELIS: OKAY. WE'VE NOW HEARD FIVE  
3 OPTIONS SUMMARIZED. AND WE HAVE ASKED, AS I THINK YOU'LL  
4 RECALL, THOSE OF YOU WHO WERE AT THE LAST COMMITTEE  
5 MEETING, THAT WE WANTED TO GET STAFF'S BEST THINKING ON  
6 WHAT THEY THOUGHT THE BEST OPTION OR COMBINATION OF  
7 OPTIONS WOULD BE FOR US TO CONSIDER HERE TODAY.

8 THIS IS NOT A POSITION BY THE BOARD, BY THE  
9 COMMITTEE, RATHER. THIS IS BY STAFF. AND WE WOULD LIKE  
10 TO HEAR THAT, AND I KNOW YOU'VE BEEN WORKING ON IT.  
11 SINCE WE JUST GOT THESE TOGETHER AND THE PACE HAS BEEN  
12 FAST AND FURIOUS, WE'D LIKE TO HEAR FROM YOU AS TO HOW  
13 YOU INTERPRET THIS.

14 MR. RIETZ: MR. RELIS AND BOARD MEMBERS, TOM  
15 RIETZ WITH THE BOARD STAFF. I'VE BEEN HERE FOR JUST A  
16 LITTLE OVER A MONTH, AND I'M JUST AMAZED AT THE NUMBER OF  
17 COMPLEX AND CONTROVERSIAL ISSUES THAT WE'VE HAD. THIS IS  
18 ONE OF THEM THAT HAS TAKEN A TREMENDOUS AMOUNT OF TIME ON  
19 THE PART OF STAFF.

20 WHAT I WOULD LIKE TO DO FIRST IS TO BRIEFLY  
21 SUMMARIZE THE MAJOR THEME PRESENTED BY STAFF TODAY, AND  
22 THEN GO INTO A PROPOSED RECOMMENDATION. FIRST OF ALL, WE  
23 ARE TALKING ABOUT THE BASE ONLY. WE ARE NOT TALKING  
24 ABOUT THE FUTURE WITH REGARD TO DIVERSION. THE DATA DOES  
25 SUGGEST THAT THERE IS A DISPROPORTIONATE AMOUNT OF THE



1 BASE THAT IS TIED TO INERTS, SCRAP METALS, AND AG WASTE,  
2 22.3 PERCENT DIVERTED -- EXCUSE ME -- 22.3 PERCENT  
3 GENERATED VERSUS 53.8 PERCENT DIVERTED, IN THAT AREA.

4 THREE, THAT THE FIVE PROPOSALS, OPTIONS  
5 THAT WERE PRESENTED ARE, IN OUR ESTIMATION, THE MOST  
6 REASONABLE FOR CONSIDERATION DURING THE SHORT TERM, AND  
7 WE DO IT WITH REGARD TO TASK 4, DISCUSS THE NUMBER OF  
8 LONG-TERM OPTIONS.

9 FOUR, THAT NONE OF THE OPTIONS CLEARLY RISE  
10 TO THE TOP AS BEING THE BEST OPTIONS WITH REGARD TO THIS  
11 ISSUE. BUT THAT NOTWITHSTANDING, WE DO BELIEVE THAT THE  
12 STATUS QUO IN STAFF'S OPINION IS VERY PROBLEMATIC IN  
13 TERMS OF THE INTENTION OF AB 939 AND THE BOARD'S POLICY  
14 STATEMENT REGARDING THIS SUBJECT.

15 THEREFORE, WE WOULD RECOMMEND THAT THE  
16 PLANNING COMMITTEE APPROVE OPTION NO. 5, TO BE SUBMITTED  
17 TO THE FULL BOARD ON MARCH 25TH FOR ADOPTION. IN  
18 ANTICIPATION OF THIS APPROVAL, WE WOULD ALSO RECOMMEND  
19 THAT DOROTHY FETTIG BE IMMEDIATELY REQUESTED TO DEVELOP  
20 WITH OUR STAFF PROPOSED LEGISLATION WHICH WOULD IMPLEMENT  
21 THIS OPTION THROUGH AMENDMENTS TO AB 2092.

22 NOW, AGAIN, WE RECOGNIZE THIS IS A VERY  
23 COMPLEX ISSUE. THERE'S NO IDEAL OPTIONS PRESENTED. WE  
24 HAD A VERY DIFFICULT TIME REACHING CONSENSUS ON ALL OF  
25 THE OPTIONS; HOWEVER, OPTION 5 DOES PROVIDE A REASONABLE



1 BALANCE BETWEEN SIMPLICITY AND FAIRNESS AND ALSO PROVIDES  
2 AN EFFECTIVE MEANS OF INSURING THAT LOCAL JURISDICTIONS  
3 FURTHER MAXIMIZE THEIR DIVERSION EFFORTS.

4 I'D BE MORE THAN HAPPY TO ADDRESS THIS  
5 RECOMMENDATION FURTHER, AND ASK IT BE HANDED OUT, WHICH  
6 IT IS.

7 CHAIRMAN RELIS: IS THAT DIFFERENT THAN THE  
8 OPTION 5 THAT WE HAVE BEFORE US?

9 MR. RIETZ: NO, IT ISN'T. IT'S BASICALLY THE  
10 OPTION THAT WAS PRESENTED BY STAFF THIS AFTERNOON.

11 CHAIRMAN RELIS: ALL RIGHT. WITH THAT, WE  
12 HAVE --

13 BOARD MEMBER NEAL: I HAVE ONE QUESTION.

14 I DIDN'T QUITE UNDERSTAND -- INCLUDED IN  
15 THAT OPTION, THE DIRECTION TO OUR LEGISLATIVE DIRECTOR  
16 ABOUT DRAFTING LEGISLATION, DID YOU MEAN TO INCLUDE WITH  
17 THAT THAT WE WOULD ACTUALLY WORK WITH THE AUTHOR?

18 MR. RIETZ: YES. WHAT WE'RE TALKING ABOUT IS  
19 WORKING ON DRAFTING PROPOSED AMENDMENTS TO THE LANGUAGE,  
20 WORKING WITH THE AUTHOR AND ALL PARTIES INVOLVED. WE  
21 WANTED TO TRY TO MOVE FASTER THAN WAITING FOR THE MARCH  
22 25TH BOARD MEETING.

23 CHAIRMAN RELIS: AND YOUR REASONING BEHIND THIS  
24 IS THAT, FROM A STAFF PERSPECTIVE, THIS BEST BALANCES  
25 THE --



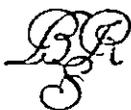
1 MR. RIETZ: YES, IN TERMS OF -- YOU MIGHT NOTE  
2 THAT IN THE PRESENTATION WE TALKED ABOUT IMPLEMENTATION  
3 ISSUES RATHER THAN PROS AND CONS BECAUSE ONE PERSON'S  
4 PROS MIGHT BE ANOTHER PERSON'S CONS. BUT FROM A STAFF  
5 MENTAL PATH PERSPECTIVE, I WOULD LIKE TO GO OVER JUST  
6 SOME BRIEF PROS AND CONS IN TERMS OF THIS RECOMMENDATION.

7 THE FIRST PRO IS THAT THE NUMBER OF MEDIUM  
8 TO HIGH IMPACT WITH REGARD TO DIVERSION REDUCTIONS WOULD  
9 BE THE LEAST WITH REGARD TO THIS RECOMMENDATION. SO  
10 THAT'S ONE, IN OUR ESTIMATION, ADVANTAGE.

11 THE OTHER IS THAT FROM A FAIRNESS  
12 STANDPOINT, IT DOES ALLOW FOR A PROCESS FOR THOSE  
13 PROGRAMS THAT HAVE HAD AND DEVELOPED LEGITIMATE DIVERSION  
14 PROGRAMS WITH REGARD TO THESE WASTE MATERIALS, THE  
15 OPPORTUNITY TO DEMONSTRATE THAT THEY DO HAVE THESE  
16 PROGRAMS, THAT THEY ARE WORTHWHILE, AND THAT THEY ARE  
17 APPROPRIATE. WE WILL ALLOW THAT.

18 AND THE THIRD IS THAT IT WOULD ALLOW SOME  
19 USE FOR ALL OF THE ORGANIZATIONS AND JURISDICTIONS, SOME  
20 USE OF A PERCENTAGE OF THOSE MATERIALS WITH REGARD TO  
21 DIVERSION, BUT THAT IT WOULD BE LIMITED TO A REASONABLE  
22 AMOUNT NOT HIGHER THAN THEIR NECESSARY AVERAGE OF THE  
23 TOTAL AMOUNT OF GENERATION OR THE PERCENTAGE OF  
24 GENERATION WITH REGARD TO THOSE WASTE MATERIALS.

25 SO THERE'S A REASONABLE BALANCE WITH THAT.



1 FROM A CON STANDPOINT, IT'S NOT AS SIMPLE AS A STRAIGHT  
2 EXCLUSION OR MAXIMUM ALLOWANCE WITH NO APPEAL PROCESS.  
3 BUT, AGAIN, FROM A FAIRNESS STANDPOINT, WE FELT THAT  
4 THOSE JURISDICTIONS THAT HAD THAT POTENTIAL SHOULD HAVE  
5 THE OPPORTUNITY.

6 AND LAST IN TERMS OF -- WELL, THE LAST  
7 AREA, IT WOULD INVOLVE A NEW APPEAL PROCESS IN OUR  
8 ESTIMATION. WE COULD NOT TIE IT TO THE EXISTING SMALL  
9 LOCALITY PETITION PROCESS, SO IT WOULD INVOLVE REGULATION  
10 CHANGE.

11 CHAIRMAN RELIS: JUST A QUESTION OR AN  
12 OBSERVATION, THOUGH, I'VE BEEN LOOKING AT THESE AS WE'VE  
13 BEEN GOING ALONG.

14 WOULDN'T THE PROBLEM WITH THAT, THOUGH, BE  
15 THAT -- I'M TRYING TO THINK WHAT'S TRUEST TO BOTH THE  
16 LOGIC AND THE FLEXIBILITY. WE'RE TRYING TO ACHIEVE TWO  
17 THINGS HERE. WE'RE TRYING TO ACHIEVE SOME LEVEL OF  
18 CONSISTENCY WITH THE RECORD THAT WE HAVE BEEN PUSHING FOR  
19 NEW DIVERSION AS OUR POLICY.

20 MR. RIETZ: YES.

21 CHAIRMAN RELIS: TOGETHER WITH THE FLEXIBILITY  
22 OF RECOGNIZING THAT JURISDICTIONS HAVE DONE DIFFERENT  
23 THINGS, AND WE'RE LATE TO ADDRESS THIS ISSUE IN TERMS OF  
24 THE CLARITY THAT'S BEEN NEEDED FOR THE LOCAL  
25 JURISDICTIONS.



1 IF WE WERE TO HAVE A CAP, A 5 PERCENT CAP  
2 AS ITS REFERENCED HERE, AND WE KNOW THAT MANY  
3 JURISDICTIONS CURRENTLY ARE EVEN BELOW THAT --

4 MR. RIETZ: THAT'S CORRECT.

5 CHAIRMAN RELIS: -- DON'T WE THEN BUILD, IN  
6 EFFECT, A 5 PERCENT, POTENTIALLY, INTO THE WHOLE SRRE  
7 PROCESS AND THAT BECOMES SOMETHING OF AN ARTIFICIAL BASE?

8 MR. RIETZ: IN ESSENCE, IT PROVIDES FOR A  
9 POTENTIAL REASONABLE INCLUSION WITHIN THE BASE FOR UP TO  
10 5 PERCENT OR 20 PERCENT OF THE TOTAL AMOUNT DIVERTED.  
11 AND, AGAIN, IT'S A MATTER OF PERSPECTIVE IN TERMS OF TO  
12 WHAT DEGREE DO WE DO THAT. THE ADVANTAGE OF DOING THAT  
13 IS THAT IT REDUCES THE NUMBER OF ORGANIZATIONS THAT MIGHT  
14 BE SUBJECTED TO THE PETITION PROCESS, AND YET IT DOESN'T  
15 PROVIDE FOR A TREMENDOUSLY HIGH VOLUME IN TERMS OF THE  
16 AMOUNT OF TONS INVOLVED IN THE BASE.

17 SO IT'S -- AGAIN, THERE ARE PROS AND CONS,  
18 AND WE WERE STUCK WITH THE ISSUE OF THE SIMPLICITY OF NO  
19 PETITION PROCESS VERSUS THE ISSUE OF FAIRNESS THAT, YOU  
20 KNOW, IF THE PROGRAM HAD A LEGITIMATE PROGRAM THAT WAS  
21 ESTABLISHED IN THE BASE PERIOD THAT WE TALKED ABOUT FOUR  
22 YEARS PRIOR, THEY COULD DEMONSTRATE AND DOCUMENT THAT IT  
23 WAS A LOCAL PROGRAM AND THAT IT WAS A VIABLE PART OF A  
24 GOOD DIVERSION PROGRAM. WE SHOULDN'T EXCLUDE THEM FROM  
25 THAT OPPORTUNITY.



1 WE THINK THERE IS VERY STRINGENT CRITERIA  
2 IN THAT THERE WOULD NOT BE A LARGE NUMBER OF  
3 ORGANIZATIONS WHO WOULD BE ABLE TO MEET THE THREE  
4 CRITERIA THAT WE HAVE PROPOSED. IT WOULD INVOLVE  
5 EXTENSIVE KNOWLEDGE AND CAPABILITY TO ACCESS LANDFILL  
6 INFORMATION AND USE THAT AS A BASIS FOR DOCUMENTATION.

7 BOARD MEMBER NEAL: WELL, I'M UNCOMFORTABLE WITH  
8 SETTING OUT A 5 PERCENT CAP BECAUSE I THINK THAT SENDS A  
9 MESSAGE THAT IT IS ACCEPTABLE JUST TO FILL IN 5 PERCENT.  
10 WHAT'S TO STOP SOME JURISDICTIONS WHO HAVEN'T DONE IT TO  
11 INCLUDE 5 PERCENT OF INERTS, FOR EXAMPLE, TO GO BACK THEN  
12 AND SAY, "OH, BOY, WE GOT A FREE 5 PERCENT. LET'S GO  
13 BACK AND STICK IT IN OUR PLAN. WE'VE GOT THIS ADDITIONAL  
14 CREDIT. WE DON'T REALLY HAVE TO DO ANYTHING"?

15 I DON'T LIKE THE IDEA OF SETTING 5 PERCENT  
16 OUT AS A FIGURE THAT WE SAY IS CARTE BLANCHE ACCEPTABLE.

17 MR. RIETZ: STAFF DID WRESTLE WITH THAT, TOO.  
18 THE OPTION 3, WHICH WOULD BE THE EXCLUSION WITH  
19 PETITIONERS, THE CLOSEST RECOMMENDATION TIED TO THAT,  
20 AGAIN, IT WOULD HAVE INVOLVED POSSIBLY MORE -- 50 MORE  
21 JURISDICTIONS FROM MEETING THE HIGH DIVERSION REDUCTION.

22 BOARD MEMBER NEAL: I UNDERSTAND THAT. QUITE  
23 FRANKLY, OPTION 3 IS THE ONE THAT I LEAN TOWARDS AT THIS  
24 POINT IN TIME.

25 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I WAS



1 SITTING HERE LISTENING AND I'LL BE VERY FRANK WITH YOU, A  
2 LOT OF THIS MATERIAL I COULD NOT EVEN KEEP UP WITH AND  
3 UNDERSTAND.

4 AND I REMEMBER THIS LADY THAT WAS IN HERE  
5 THIS MORNING FROM CONTRA COSTA COUNTY TELLING US HOW MANY  
6 PROBLEMS THEY WERE HAVING OF NOT BEING ABLE TO UNDERSTAND  
7 OR WHETHER OR NOT THE PLAN'S COMPLETE OR WHERE TO SPEND  
8 THEIR MONEY.

9 WE ALREADY HAVE A BOARD POLICY. THE LAW  
10 REQUIRES LOCALS TO DIVERT TO THE MAXIMUM POSSIBLE. WE  
11 CAN IMPLEMENT THESE AFTER THE PLANS ARE ALL IN AND HANDLE  
12 ANY OF THE EXCESSES THAT GO ALONG WITH IT. ALL THE  
13 OPTIONS HAVE A LARGE INCREASE IN STAFF TIME FOR  
14 IMPLEMENTATION. I THINK WE SHOULD CONSIDER THE CONDITION  
15 THE STATE IS IN TODAY, AND THE KIND OF MONIES THAT WE'RE  
16 TRYING TO SAVE. PARTICULARLY, I THINK THAT WE CAN  
17 SIMPLIFY THE WHOLE THING. KATHY IS CONCERNED ABOUT THE 5  
18 PERCENT.

19 I THINK THAT OPTION 5 WITH A 10 PERCENT CAP  
20 WITH NO PETITIONS OR APPEALS WILL ELIMINATE A LOT OF WORK  
21 THAT WE'RE DOING HERE. IN 1995, WE TAKE A LOOK AT THIS  
22 PROGRAM AND SCREW THE SCREWS DOWN TIGHTER IF IT'S NOT  
23 WORKING. IF THERE'S SOME INDIVIDUALS OR COUNTIES OR  
24 CITIES THAT ARE TAKING ADVANTAGE, WE CAN EARMARK THOSE  
25 PEOPLE AND WORK ON THEM INSTEAD OF GOING INTO THIS BIG



1 PROGRAM WITH A LOT MORE WORK AND A LOT MORE COST.

2 BOARD MEMBER NEAL: WELL, LET ME SAY I'VE HAD  
3 SOME PROBLEM FROM THE BEGINNING OF A LOT OF THIS STUFF.  
4 THERE ARE SOME JURISDICTIONS THAT ARE OUT THERE THAT I  
5 THINK REALLY ARE TRYING TO ADHERE BOTH TO THE LETTER AND  
6 THE SPIRIT OF 939, AND BEING VERY HONEST IN THEIR  
7 APPROACH TO COUNTY.

8 AND I THINK THAT THERE ARE OTHER  
9 JURISDICTIONS OUT THERE TRYING TO FIND EVERY LOOPHOLE AND  
10 WAY AROUND IT AND EVERY TRICK THAT THEY CAN USE TO KEEP  
11 FROM REALLY BEING TRUE TO WHAT 939 IS ATTEMPTING TO DO.  
12 AND I WOULD BE CONCERNED WITH ALLOWING THOSE KINDS OF  
13 CAPS OR, IN SOME CASES, FREE PERCENTAGE SORT OF  
14 SANCTIONING SOME OF THE, IF YOU WILL, TRICKS THAT MAY BE  
15 GOING ON.

16 I'M NOT SUGGESTING THAT EVERYONE IS DOING  
17 TRICKS, BUT WE ALL KNOW THAT THERE ARE SOME JURISDICTIONS  
18 OUT THERE THAT ARE. THEY ARE TRYING TO INCLUDE IN THEIR  
19 DIVERSION CREDITS MATERIALS THAT WEREN'T GOING TO THE  
20 LANDFILL IN THE FIRST PLACE. THEY HAVE NO PART IN ANY OF  
21 THIS EQUATION.

22 I JUST WOULD BE REAL WORRIED THAT WE ARE  
23 PROVIDING SOME TOOLS TO HELP CONTINUE THAT TRAIN OF  
24 BEHAVIOR. I THINK THAT ANY KIND OF CAP WOULD SORT OF  
25 SAY, WELL, IT'S OKAY TO, AT LEAST IN PART, KEEP DOING



1 THAT.

2 CHAIRMAN RELIS: IT JUST SEEMS THAT WE HAVE  
3 CREATED, I MEAN, WE HAVE GONE ON RECORD AS A BOARD, AND  
4 THIS WAS THE INTENT OF 939 WAS TO STIMULATE NEW  
5 DIVERSION.

6 THEN WE SAID DUE TO THE WIDE RANGE OF  
7 DIVERSION WE WERE SEEING EARLY ON IN CLAIMS BY CRITICS OF  
8 THE BOARD, AND WE INVESTED A TREMENDOUS AMOUNT OF TIME  
9 AND EFFORT IN A DATA COLLECTION PROCESS TO TRY AND  
10 OBJECTIFY THE MATTER OF "IS THIS A PROBLEM OR IS IT NOT A  
11 PROBLEM?"

12 I THINK WE'VE HEARD TODAY DEMONSTRABLE  
13 PROOF THAT IT IS A PROBLEM FOR CERTAIN JURISDICTIONS, BUT  
14 WITHIN THAT THERE ARE STILL THE REALM OF JURISDICTIONS  
15 THAT HAVE MADE EFFORTS THAT WARRANT THIS APPEAL OR  
16 WHATEVER -- I'M NOT SURE I LIKE THE TERM PETITION. AND  
17 WE'VE TRIED TO BUILD IN A FRAMEWORK THAT WOULD SAY TO A  
18 JURISDICTION, IF YOU REALLY THINK THAT YOU HAVE A PROGRAM  
19 THAT YOU CAN IDENTIFY HERE THAT INVOLVES INERTS, WE'RE  
20 NOT GOING TO EXCLUDE YOU FROM THAT.

21 BUT THE DATA, AND I THINK WE HAVE TO GO  
22 BACK TO THE DATA, THE DATA SHOWS THAT IT'S CLEARLY A  
23 PROBLEM IN THE WAY DIFFERENT PLAYERS HAVE CHOSEN TO  
24 DEVELOP THEIR PLANS. IT WOULD BE INEQUITABLE IN MANY  
25 RESPECTS TO THE JURISDICTIONS WHO HAVE COME IN WITH



1 PLANS, THAT HAVE ACCOUNTED FOR NO BASIC DIVERSION FROM  
2 THIS DISPROPORTIONATE PORTION OF THE WASTE STREAM, TO  
3 JUST SAY, WELL, WE'RE ALL TREATED EQUAL NOW BY PUTTING A  
4 CAP ON IT.

5 I JUST -- I DON'T -- I CAN'T BUY THE LOGIC  
6 OF THAT. IT JUST DOESN'T SIT WELL. BUT I THINK THAT  
7 THIS IS VALID, IT CAN BE VALIDATED ON THE BASIS OF OUR  
8 FINDINGS, AND WE DID NOT HAVE FINDINGS BEFORE. I DIDN'T  
9 KNOW HOW THIS WHOLE THING WAS GOING TO TURN OUT IN TERMS  
10 OF WHAT THE FINDINGS WOULD SHOW. I THINK THEY CLEARLY  
11 DEMONSTRATE IT'S A PROBLEM.

12 WE'VE GOT TO DEAL WITH IT. THAT'S WHY  
13 WE'RE HERE TODAY TRYING TO GET CLOSURE ON THIS MATTER SO  
14 THAT WE CAN MOVE IT TO THE BOARD, AND WE CAN MOVE IT INTO  
15 THE LEGISLATIVE PROCESS FROM THIS BOARD.

16 I FIND THE LOGIC OF THE STAFF'S ANALYSIS  
17 VERY COMPELLING, AT LEAST FROM THE OPTIONS THAT WE'RE  
18 LOOKING AT, YOU KNOW, THE TWO OF THEM, AT LEAST, THREE  
19 AND FIVE, BUT WITH THE CAVEAT THAT I SHARE THE CONCERN  
20 ABOUT A CAP.

21 I THINK THE OTHER ONE GIVES US THE  
22 FLEXIBILITY WITHOUT THIS ARBITRARY CAP IN IT.

23 BOARD MEMBER NEAL: WHY DON'T WE HEAR FROM --

24 CHAIRMAN RELIS: YES. WE NOW HAVE PEOPLE WHO  
25 ARE HERE. YOU KNOW WHERE, MORE OR LESS, WHERE WE'RE



1 COMING FROM IN TERMS OF THE DATA AND THE DISCUSSION SO  
2 FAR. WE HAVE A NUMBER OF SPEAKERS.

3 YVONNE HUNTER IS FIRST. YVONNE?

4 MS. HUNTER: IT SEEMS LIKE THE LAST TIME I WAS  
5 HERE.

6 BOARD MEMBER EGIGIAN: YOU HAVE A GOOD MEMORY.

7 MS. HUNTER: IF I REMEMBER CORRECTLY, I WAS HERE  
8 ABOUT THIS TIME LAST NIGHT, TOO.

9 I'M REMINDED OF THE OLD ADAGE THAT MISERY  
10 LOVES COMPANY, SO WELCOME. SOME OF US HAVE BEEN,  
11 UNFORTUNATELY, DEALING WITH THE ISSUE OF WHAT COUNTS  
12 SINCE -- WELL, CERTAINLY SINCE THE END OF LAST SESSION,  
13 EARLIER ON IN THE SESSION AND TO A CERTAIN EXTENT, IF YOU  
14 REALLY WANT TO BROADEN IT OUT, SINCE THE BEGINNING OF  
15 AB 939, SO WELCOME.

16 WE'RE TRYING TO COME UP WITH ANOTHER TERM  
17 TO DEFINE "WHAT COUNTS," BUT I'M NOT SURE WE CAN REPEAT  
18 IT IN POLITE COMPANY.

19 FIRST OF ALL, AGAIN, I KNOW I THINK I SENT  
20 A LETTER ON THIS, BUT MY COMPLIMENTS TO THE STAFF, NOT  
21 ONLY IN THE DATA ANALYSIS BUT THE EVALUATION OF THE  
22 OPTIONS. IT'S -- AS CHAIRMAN RELIS SAID, AT LEAST NOW WE  
23 HAVE HARD DATA TO MAKE SOME EVALUATION ON. I AM  
24 PARTICULARLY IMPRESSED WITH HOW THE DATA IS MANIPULATED,  
25 SO MY COMPLIMENTS.



1 CHAIRMAN RELIS: MANIPULATED?

2 MS. HUNTER: IN MY LETTER I USED THE WORD  
3 "MANIPULATED" IN A DRAFT, AND I THOUGHT IT'S A TERM OF  
4 ART FOR DEALING WITH COMPUTER --

5 CHAIRMAN RELIS: I THINK IT'S IMPORTANT WE  
6 ESTABLISH THAT.

7 MS. HUNTER: -- HOW YOU'VE MANAGED THE DATA.  
8 HOW'S THAT? IT'S A TERM OF ART IN COMPUTER ANALYSIS, SO  
9 YOU'RE RIGHT.

10 AS THE DISCUSSION, THE STAFF DISCUSSION  
11 WENT ON, I JOTTED DOWN A FEW NOTES FOR COMMENTS. IF I  
12 MAY, I'LL GO THROUGH THEM AND I'LL TRY TO GO THROUGH THEM  
13 QUICKLY.

14 FIRST OF ALL, LET ME REITERATE WHAT I THINK  
15 I'VE SAID BEFORE, WHICH IS THE POLICY OF THE LEAGUE OF  
16 CALIFORNIA CITIES ON THIS ISSUE. I'M NOT SURE THE LAST  
17 TIME WE HAD A FIRM POLICY, BUT OUR BOARD OF DIRECTORS MET  
18 AT THE END OF JANUARY OR THE MIDDLE OF JANUARY AND  
19 DISCUSSED THIS IN DETAIL.

20 CLEARLY, LIKE EVERYONE ELSE, WE ARE  
21 CONCERNED ABOUT THE CONTINUAL CHANGING OF THE RULES IN  
22 THE MIDDLE OF THE GAME, THE IMPACT ON THE PLANNING  
23 PROCESS. LET'S GET ON WITH IMPLEMENTING 939. HOWEVER,  
24 WE ACKNOWLEDGE THAT THERE IS A POTENTIAL, THAT THERE ARE  
25 SOME SKEWING OF THE NUMBERS. THE DATA NOW SHOWS IT A LOT

1 MORE CLEARLY THE -- HOW THE DATA HAS BEEN MANNED IN ITS  
2 DIFFERENT PERMUTATIONS.

3 SO OUR POSITION IS THAT IF IT'S  
4 DEMONSTRATED THAT THERE IS A PROBLEM, THEN WE CAN ACCEPT  
5 SOME ON A MATERIAL-BY-MATERIAL BASIS, SCRAP METAL, INERT  
6 SOLIDS, AG WASTE, AND WHITE GOODS -- THOSE ARE THE 1820  
7 WASTES -- TYING THEM TO A DEMONSTRATION OF A LOCAL ACTION  
8 SIMILAR TO, AS DESCRIBED IN AB 2092, WITH SOME  
9 MODIFICATION. I THINK YOUR OPTIONS HAVE A VARIATION ON  
10 THAT THEME WHICH I'LL GET INTO. WITHIN THOSE PARAMETERS  
11 THAT I HAVE MY POLICY DIRECTION, I'M GIVING THESE  
12 COMMENTS.

13 LET ME SAY THAT WE WOULD BE ABSOLUTELY  
14 OPPOSED TO EXCLUDING, TOTALLY, ALL OF THOSE MATERIALS.  
15 SIMILARLY -- AND THIS IS NOT IN ONE OF THE OPTIONS, BUT  
16 IT HAS BEEN AN OPTION THAT'S BEEN DISCUSSED IN THE  
17 LEGISLATIVE ARENA -- WE WOULD BE ADAMANTLY OPPOSED TO  
18 TYING ALL DIVERSION OF ALL MATERIALS -- I'M SORRY --  
19 EXISTING DIVERSION OF ALL MATERIALS, NOT JUST THOSE FOUR  
20 WASTES OR FOUR MATERIALS TO LOCAL ACTION.

21 THE PROPOSAL THAT THE STAFF HAS PUT  
22 TOGETHER JUST HAS, I GUESS, THREE MATERIALS, BUT THERE  
23 HAVE BEEN SOME DISCUSSIONS TO INCLUDE ALL MATERIAL TYPES.  
24 WE WOULD OPPOSE THAT. I THINK WE WOULD OPPOSE ANY BILL,  
25 NO MATTER WHETHER IT'S 1820, WITH THE EXTENSIONS OR NOT.



1                   OPTION 3 IS, AS I UNDERSTAND IT, IS A  
2                   VARIATION ON OPTION 1, AND IT'S SOMEWHAT OF A SEMANTIC  
3                   DIFFERENCE. I CAN UNDERSTAND AND APPRECIATE THE SUBTLE  
4                   DIFFERENCES. THERE ARE A FEW KEY THINGS THAT I THINK WE  
5                   WOULD NEED TO LOOK AT. I PLAN ON WHATEVER LANGUAGE COMES  
6                   OUT IN OPTIONS SHIPPING THIS AROUND TO A NUMBER OF FOLKS  
7                   ON MY TECHNICAL COMMITTEE. BUT THE THINGS THAT COME TO  
8                   MIND FIRST IS I'M NOT SURE WE LIKE TYING THE ACTION TO  
9                   1986.

10                   THERE COULD HAVE BEEN AN ACTION A LOCAL  
11                   GOVERNMENT TOOK IN 1985 THAT EVERYONE IN THIS ROOM AND  
12                   THE WHOLE WORLD WOULD AGREE, THAT'S A LOCAL ACTION. IT  
13                   WOULD BE EXCLUDED. I THINK IT SHOULD SAY "PRIOR TO 1990"  
14                   AND LET THE BOARD BE THE JUDGE BASED UPON THE EVIDENCE.

15                   SIMILARLY, THERE IS NO DEFINITION OF LOCAL  
16                   PROGRAM. I'VE TALKED TO STAFF A LITTLE BIT ABOUT THE  
17                   DISTINCTION BETWEEN LOCAL ACTION AND LOCAL PROGRAM, AND  
18                   IT'S A SUBTLE DISTINCTION. WE WOULD NEED TO HAVE SOME  
19                   CLARIFICATION OF WHAT IS MEANT BY LOCAL PROGRAM.

20                   I THINK THE BOARD WOULD NEED SOME GUIDANCE.  
21                   THE LOCAL GOVERNMENT CERTAINLY WOULD HAVE TO HAVE SOME  
22                   SENSE OF WHAT IS INCLUDED. I STILL WOULD LIKE, I THINK,  
23                   SOMETHING ALONG THE LINES THAT SAYS WHEN YOU'RE  
24                   DETERMINING WHETHER OR NOT THIS IS A RESULT OF A LOCAL  
25                   PROGRAM, A LOCAL ACTION, THE BOARD SHALL CONSIDER A

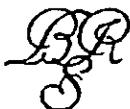


1 VARIETY OF FACTORS, LOCAL ACTIVITIES INCLUDING BUT NOT  
2 LIMITED TO, AND THEN LIST SOME THINGS.

3 THAT DOESN'T MEAN YOU HAVE TO SAY, OH, FEE  
4 INCREASE ACROSS THE BOARD. FINE. YOU'RE IN. YOU GET TO  
5 INCLUDE YOUR MATERIALS OR YOUR DIVERSION. I THINK,  
6 THOUGH, THERE NEEDS TO BE SOME GUIDANCE AND THE ITEMS  
7 THAT ARE INCLUDED IN AB 1820, I CAN GIVE YOU EXAMPLES OF  
8 EACH -- OF AN INDIVIDUAL CITY WHERE I KNOW EACH ONE OF  
9 THOSE HAS DONE SOMETHING SPECIFICALLY FOR THOSE  
10 MATERIALS.

11 SO IN YOUR CONSIDERATION, YOU NEED TO THINK  
12 ABOUT -- WE WOULD PROPOSE A FRANCHISE OR CONTRACT  
13 CONDITIONS, FEE OR RATE SCHEDULES, ORDINANCES, ZONING,  
14 AND OTHER LAND USE DECISIONS THAT ARE RELATED TO THE  
15 MATERIAL DIVERSION, SOLID WASTE FACILITIES PERMITS OR  
16 OTHER ACTIONS THAT ARE ACCEPTABLE TO THE BOARD. SO I  
17 THINK YOU HAVE TO GIVE DIRECTION, GUIDANCE ON BOTH SIDES.

18 SIMILARLY, THE PROVISIONS THAT SPECIFY IN  
19 QUANTITIES, YOU CAN ONLY -- YOU HAVE TO DEMONSTRATE THAT  
20 THERE'S SOME MATCH BETWEEN THE QUANTITY THAT YOU'RE  
21 REQUESTING DIVERSION AND THE QUANTITY THAT WAS DISPOSED  
22 OF. AND IT SAYS AS REASONABLE WELL YOU CAN MATCH THEM.  
23 THAT'S STILL SORT OF SQUISHY. I THINK THAT WHILE I  
24 UNDERSTAND THE LANGUAGE AND THE GOAL, I THINK WE'RE GOING  
25 TO HAVE PROBLEMS WITH THAT. IT MAY BE TOO TIGHTLY



1 DRAFTED. THERE MAY BE SOME OTHER WAY TO DO IT.

2 IN THE STAFF'S ANALYSIS OF THE  
3 IMPLEMENTATION OF ALL OF THIS, I THINK THERE IS ONE KEY  
4 THING THAT THEY LEFT OUT. AND THAT IS IT'S NOT JUST THE  
5 IMPACT ON THE PERCENTAGES, IT'S THE IMPACT ON THE WORK  
6 THAT THE INDIVIDUAL JURISDICTION HAS.

7 AND JUST AS YOUR POLICY STATEMENT  
8 IDENTIFIED GIVING CREDIT FOR EXISTING PROGRAMS, I THINK  
9 THE POLICY STATEMENT ALSO STRESSED THE NEED NOT TO  
10 DISRUPT THE LOCAL PLANNING PROCESS. AND I THINK IN  
11 PREVIOUS DISCUSSIONS, WE'VE CERTAINLY MADE THE CASE, AND  
12 I THINK IT'S BEEN RECOGNIZED AS PROBABLY THE BEST WAY TO  
13 GO.

14 ANY CHANGES THAT WOULD RESULT, THAT WOULD  
15 BE NEEDED TO BE MADE IN AN SRRE, LOCAL JURISDICTION WOULD  
16 NOT HAVE TO OFFICIALLY DO THAT UNTIL THEY RESPOND TO THE  
17 BOARD'S FORMAL REVIEW AND COMMENT. THAT WAY THEY DON'T  
18 HAVE TO REHIRE THEIR CONSULTANT, THEY JUST DO IT AT THAT  
19 TIME. I THINK THAT'S SOMETHING WE'VE ALL DISCUSSED  
20 PREVIOUSLY.

21 THE ONLY THING THAT I CAN STRESS IS THAT  
22 WHATEVER RECOMMENDATION YOU HAVE, WE WILL CERTAINLY WORK  
23 WITH THE STAFF. WE'VE WORKED WITH THE STAFF BEFORE, AND  
24 LOOK FORWARD TO WORKING WITH YOU AGAIN, IS TO PICK A  
25 SOLUTION AND NOT ONLY AN OPTION, BUT THE WAY YOU DRAFT



1 THE LANGUAGE, THAT WILL BE AS LEAST DISRUPTIVE AS  
2 POSSIBLE, NOT ONLY ON THE BOARD BUT ON THE LOCALS AND THE  
3 LEAST CUMBERSOME FOR THE LOCAL JURISDICTIONS TO  
4 IMPLEMENT.

5 IT'S NOT BECAUSE SOMEONE IS TRYING TO GET  
6 TWO OR THREE MORE PERCENT OR FIND LOOPHOLES, IT'S SIMPLY  
7 LOCAL GOVERNMENT, JUST AS THE STATE, IS REACHING ITS  
8 BREAKING POINT ON EVERYTHING IT HAS TO DO AND ON FISCAL  
9 MATTERS. AND SOLID WASTES IS AT THE TOP OF OUR MINDS  
10 BECAUSE THAT'S WHAT WE'RE PAID TO DO RIGHT NOW, BUT --  
11 AND DIVERSION IS -- THERE ARE THINGS LIKE PAVING STREETS  
12 AND POLICE PROTECTION, KEEPING LIBRARIES OPEN, SO WE NEED  
13 TO PUT THIS IN A BROADER PERSPECTIVE.

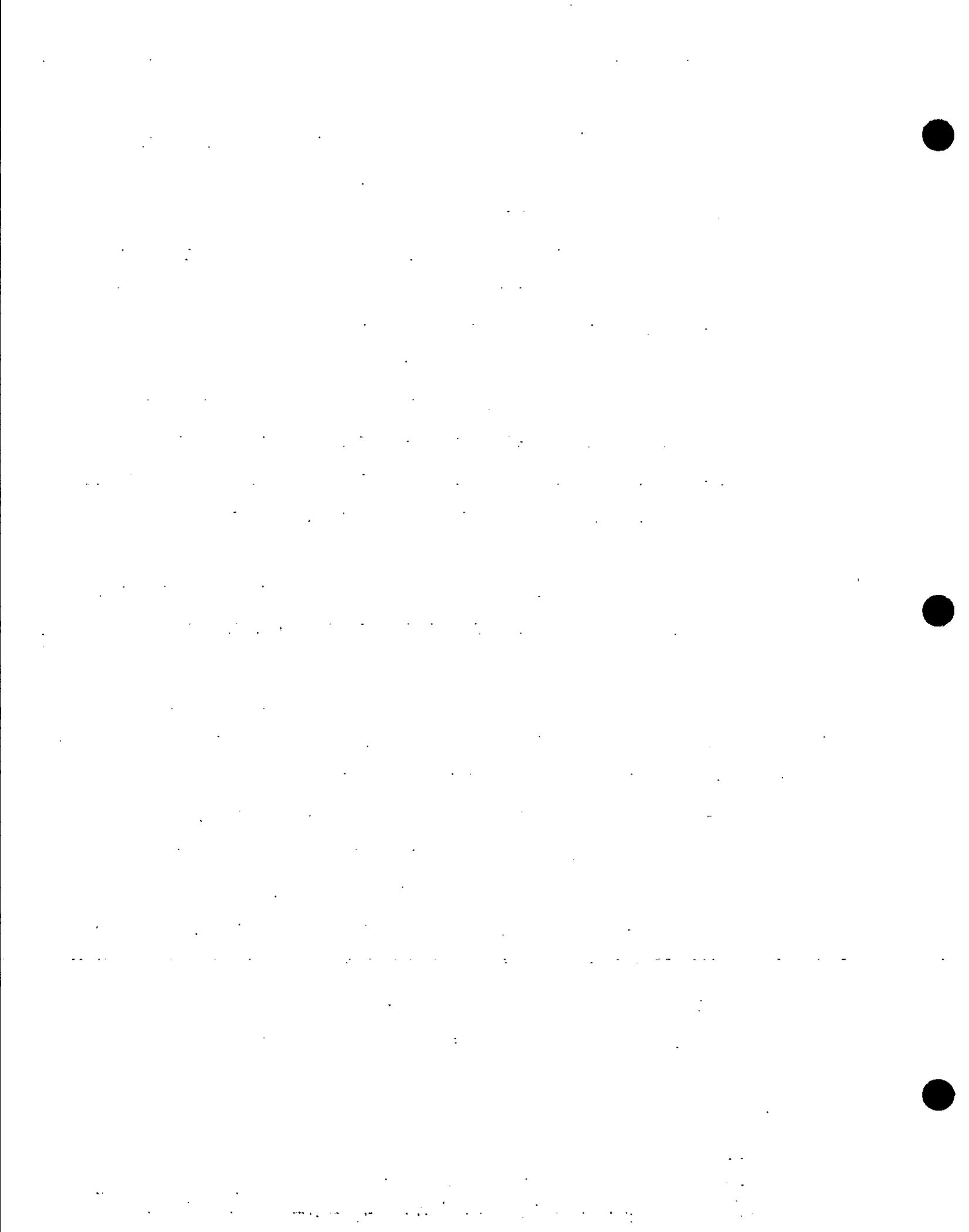
14 AS FAR AS WHICH OPTION, IF THE BOARD  
15 RECOMMENDED OPTION 5, AT LEAST AS OF NOW, THAT'S WITHIN  
16 THE POLICY FRAMEWORK THAT WE HAVE ADOPTED AS LONG AS WE  
17 CAN ADDRESS THE ISSUES THAT I HAVE TALKED ABOUT.  
18 OTHERWISE, WE MIGHT HAVE SOME DIFFICULTY. OPTION 3, THE  
19 SAME.

20 I THINK OPTION 1 IS A VARIATION ON A THEME,  
21 BUT CONCEPTUALLY THEY LOOK LIKE THEY'RE MOVING IN THE  
22 RIGHT DIRECTION. WE JUST NEED TO WORK OUT THE DETAILS.  
23 THANKS.

24 CHAIRMAN RELIS: THANKS. ANY QUESTIONS? OKAY.

25 OUR NEXT SPEAKER IS MARK MURRAY.





1 MR. MURRAY: THANK YOU VERY MUCH. MARK MURRAY  
2 WITH CALIFORNIANS AGAINST WASTE. I'M GOING TO TRY TO BE  
3 REALLY BRIEF ON THIS.

4 I REALLY APPRECIATE THE DATA, THE EFFORT  
5 THAT'S BEEN PUT INTO THIS ISSUE. I THINK IT'S REALLY --  
6 THE PRESENTATION TODAY HAS REALLY BEEN, I THINK, A  
7 TREMENDOUS CONTRIBUTION TO TRYING TO RESOLVE THIS ISSUE.  
8 I GUESS I WANT TO ASSURE YOU THAT THE INTEREST GROUPS  
9 THAT HAVE BEEN WORKING ON THIS ISSUE IN THE LEGISLATURE  
10 HAVE BEEN GOING OVER THIS FOR MONTHS. I MEAN, WE'RE NOT  
11 JUST STANDING AT TWO ENDS OF A ROOM AND NOT  
12 COMMUNICATING.

13 I REALLY APPRECIATE THE WORK OF THE STAFF.  
14 I THINK WE'RE PROBABLY ALL GOING TO RUN BACK TO  
15 ASSEMBLYMEMBER SHER'S OFFICE AND GIVE OUR OWN SPINS AS TO  
16 WHAT THIS MEANS. CLEARLY, I THINK THAT BOARD MEMBERS  
17 EITHER INDIVIDUALLY OR AS A WHOLE NEED TO MAKE THAT  
18 PRESENTATION TO ASSEMBLYMEMBER SHER.

19 I GUESS I WANT TO SUGGEST THAT I DON'T  
20 HEAR -- BOTH TALKING TO INDIVIDUAL BOARD MEMBERS AND  
21 LISTENING TO YOU JUST WHERE YOU OPENED IT UP -- I DON'T  
22 HEAR CONSENSUS EMERGING AMONG BOARD MEMBERS, AND I'M NOT  
23 SURE YOU WANT TO BURDEN YOURSELF WITH THAT CHALLENGE OF  
24 TRYING TO NARROW THESE OPTIONS DOWN TO ONE SINGULAR  
25 OPTION. I'M NOT SURE THAT THAT'S NECESSARY. I'M NOT



1 SURE THAT THAT'S REALLY NEEDED IN THE CONTEXT OF WHAT IS  
2 CURRENT LEGISLATIVE NEGOTIATION.

3 I THINK THAT SOME OF WHAT YOU CAN DO IS  
4 TOSS OUT, POTENTIALLY, SOME OF THESE OPTIONS THAT MAYBE  
5 DON'T MAKE SENSE AND MAYBE JUST TO DRAW AN ANALOGY. I  
6 THINK THE INTEREST GROUPS FROM LOCAL GOVERNMENT, THE  
7 INTEREST GROUPS IN THE ENVIRONMENTAL COMMUNITY THAT HAVE  
8 BEEN WORKING ON THIS HAVE BEEN MOVING CLOSER AND CLOSER  
9 TOGETHER IN THIS NEGOTIATION.

10 IN TERMS OF OPTIONS, I WOULD SAY THAT YOUR  
11 OPTION 5 IS ONE OF THOSE OPTIONS THAT I SEE WE'VE ALREADY  
12 PASSED. I SEE THAT OPTION AS BEING OUTSIDE THE RING OF  
13 WHERE THE INTEREST GROUPS ARE RIGHT NOW. OF THE OPTIONS  
14 YOU HAVE THERE, THAT WOULD BE THE ONE THAT I WOULD SAY IS  
15 ONE TO BE TOSSED OUT.

16 I WOULD ALSO SAY THAT I THINK THAT OPTION 3  
17 IS A VARIATION OF OPTION 1, BUT I THINK WE'VE ALSO MOVED  
18 BEYOND OPTION 1. SO, YOU KNOW, MAYBE LIKE IN DIVING,  
19 TOSS OUT ONE AND FIVE, AND MAYBE FOCUS ON TWO THROUGH  
20 THREE. TWO THROUGH FOUR.

21 AND, AGAIN, SPECIFICALLY, ALTHOUGH I WANT  
22 TO URGE YOU TO EMBRACE OPTION 2 -- AND I'VE GOT TO -- IN  
23 EFFECT, OPTION 2 HAS BACKED YOU INTO THE LANGUAGE THAT IS  
24 ALREADY IN THE STATUTE. THE SECTION 41781, THE 1820  
25 LANGUAGE IS OPTION 2.



1                   VERY SPECIFICALLY, IT'S SAYING WHAT IS YOUR  
2                   BASE LINE? WELL, YOUR BASE LINE IS WHAT YOU THROW AWAY.  
3                   SUBSECTION 3-C OF THAT SECTION TALKS ABOUT -- YOU KNOW,  
4                   I'M SORRY -- WHAT THAT BASELINE IS IS EVERYTHING YOU  
5                   THROW AWAY PLUS EXISTING DIVERSION OF SOLID WASTE. THE  
6                   EMPHASIS IS ON SOLID WASTE, DIVERSION OF SOLID WASTE.  
7                   NOBODY IS OBJECTING TO THAT.

8                   WHAT THE 1820 LANGUAGE DID WAS REDEFINED  
9                   WHAT WAS SOLID WASTE. IT VERY SPECIFICALLY SAYS THESE  
10                  FOUR MATERIAL TYPES THAT WE'RE TALKING ABOUT HERE ARE NOT  
11                  SOLID WASTE. THIS LANGUAGE, ANY RATIONAL, REASONABLE  
12                  INTERPRETATION OF THE INTENT OF THIS LANGUAGE IS YOUR  
13                  OPTION 2. SO I WOULD URGE YOU NOT TO DRIFT FROM WHAT  
14                  THAT LEGISLATIVE INTENT SPELLED OUT. MAYBE IT WASN'T  
15                  CRAFTED AS BEAUTIFULLY AS WE WOULD HAVE LIKED, BUT I  
16                  WOULD ARGUE THAT THAT IS EXACTLY WHAT -- YOUR OPTION 2 IS  
17                  EXACTLY WHAT THE INTENT OF THAT 1820 LANGUAGE WAS.

18                  I GUESS, FINALLY, IN TERMS OF MAYBE NOT  
19                  KILLING YOURSELF IN TERMS OF TRYING TO NARROW THIS DOWN  
20                  TO ONE OPTION, I WOULD SUGGEST THAT, YOU KNOW, THIS IS  
21                  FALLEN INTO A POLITICAL REALM. I THINK THAT THIS  
22                  DISCUSSION OF THESE ISSUES IS A TREMENDOUS CONTRIBUTION  
23                  TO RATIONALIZING THAT POLITICAL DISCUSSION.

24                  BUT I MUST TELL YOU THAT I MUCH, RELATIVE  
25                  TO YOUR OPTION 5, I MUCH PREFER THE OPTION OF LETTING THE



1 SENATE AND THE FLOOR OF THE SENATE RESOLVE THIS ISSUE  
2 WITH SENATOR TORRES STANDING ON THE FLOOR OF THE SENATE  
3 TAKING UP THIS BILL WITH A PILE OF HORSE SHIT IN ONE HAND  
4 AND A PILE OF ROCKS IN THE OTHER HAND, AND SAYING "THIS  
5 IS THE STUFF THE FOLKS ARE SAYING SHOULD COUNT AS  
6 DIVERSION."

7 I'M WILLING TO GO WITH OPTION 2, HAVE  
8 ASSEMBLYMAN SHER STICK WITH -- I THINK HIS PROCLIVITY WAS  
9 TO STICK WITH OPTION -- WHAT IS YOUR OPTION 2, AND LET  
10 THE MEMBERS OF THE SENATE TRY AND REJECT THAT BY SAYING  
11 THAT THIS BUCKET OF HORSE SHIT AND THIS BUCKET OF ROCKS  
12 SHOULD SOMEHOW COUNT AS DIVERSION UNDER AB 939.

13 BOARD MEMBER EGIGIAN: COULD YOU USE ANY BETTER  
14 LANGUAGE THAN THAT? THIS IS HARDLY THE PLACE TO USE THAT  
15 KIND OF LANGUAGE.

16 MR. MURRAY: JUST TRYING TO MAKE A POINT.

17 THANKS A LOT.

18 BOARD MEMBER EGIGIAN: YOU MADE YOUR POINT, BUT  
19 USE DIFFERENT LANGUAGE.

20 CHAIRMAN RELIS: ANY QUESTIONS OF MR. MURRAY?

21 OKAY. PAM MILLIGAN? OKAY, WE'LL HOLD.

22 JACK MICHAEL?

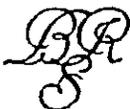
23 MR. MICHAEL: MR. CHAIRMAN AND MEMBERS OF THE  
24 COMMITTEE, I'M JACK MICHAEL REPRESENTING LOS ANGELES  
25 COUNTY, AND I'M HERE TO HELP.



1 I THINK THE INFORMATION THAT THE STAFF HAS  
2 PUT TOGETHER IS ENLIGHTENING AND INTERESTING AS WELL. I  
3 THINK ONE OF THE THINGS THAT IT DOES DEMONSTRATE IS THAT  
4 THERE IS AN ABSOLUTE IMPORTANCE THAT WE CONSIDER THOSE  
5 MATERIALS THAT ARE FILLING UP PERMITTED LANDFILL CAPACITY  
6 AND THAT WE FIND WAYS TO DIVERT IT AND GIVE PEOPLE CREDIT  
7 FOR DIVERTING THAT MATERIAL THAT DOESN'T NEED TO BE PUT  
8 INTO A PERMITTED FACILITY. THAT SPECIFICALLY INCLUDES  
9 THE BUCKET OF ROCKS THAT MARK IS TALKING ABOUT.

10 WITH REGARD TO THE OPTIONS THAT THE STAFF  
11 PUT FORWARD, IT BRINGS TO MIND A CONCERN THAT MR. CHESBRO  
12 RAISED WITH ME SOMETIME AGO, THAT WAS THAT WHATEVER WE DO  
13 WE NEED TO BE CONCERNED ABOUT THE CONSEQUENCES. I THINK  
14 THAT THERE ARE SEVERAL ISSUES, MANY OF WHICH YOU HEARD  
15 THIS MORNING, THAT IT'S IMPORTANT FOR THIS BOARD TO  
16 ADDRESS AS WELL AS THE ISSUE OF "WHAT COUNTS" THAT HAS  
17 BEEN RAISED.

18 AND I WOULD BE VERY CONCERNED THAT IN  
19 UNDERSTANDING AND BEING FACED WITH THOSE ISSUES, THAT THE  
20 BOARD OR THIS COMMITTEE WOULD CHOOSE TO SIMPLY USE  
21 BANDAIDS TO FIX ONE PART OR ANOTHER PART OF THIS EXISTING  
22 STATUTE RATHER THAN LOOKING AT WHAT THE BOARD HAS BEEN  
23 CONFRONTED WITH OVERALL, AND TRY TO ASSESS WHAT CAN BE  
24 DONE TO ACCOMPLISH THE OVERALL OBJECTIVES OF AB 939, AND  
25 DO IT IN A WAY THAT LOCAL GOVERNMENT IS CAPABLE AND ABLE



1 TO ACCOMPLISH WITHIN THE SCARCE FINANCIAL RESOURCES THEY  
2 HAVE AND THE REASONABLE ABILITY THAT THEY HAVE TO DEAL  
3 WITH THE REAL WORLD.

4 SO IN THAT REGARD, AGAIN, AND I HAVE SAID  
5 BEFORE, I THINK IT WOULD BE IMPORTANT THAT RATHER THAN  
6 ADOPTING AN OPTION THAT DEALS WITH ONE PIECE OF  
7 LEGISLATION THAT IS CURRENTLY ON THE SENATE INACTIVE  
8 FILE, THAT THE BOARD LOOK AT OTHER PROPOSALS.

9 ONE THAT OUR BOARD OF SUPERVISORS HAS PUT  
10 FORTH IS SB 1955. THAT MAY NOT BE PERFECT AS IT'S  
11 WRITTEN, BUT CERTAINLY ADDRESSES MANY OF THE ISSUES THAT  
12 THIS COMMITTEE HAS HEARD TODAY. IT FULLY ADDRESSES THE  
13 CONCERNS RAISED BY CONTRA COSTA COUNTY IN TERMS OF THE  
14 ABILITY TO ACCOMPLISH PLANNING AND DEALING WITH THE  
15 CITIES AND TRYING TO DEAL WITH INDIVIDUAL GOALS AND  
16 PROGRAMS AND CREDITS.

17 IT DOES PRESENT THE OPPORTUNITY TO DO  
18 PLANNING ON A REGIONWIDE BASIS, TO RECEIVE CREDIT ON A  
19 REGIONWIDE BASIS, DEVELOPMENT OF PROGRAMS TO MEASURE  
20 DIVERSION CREDIT IN A SIMPLIFIED WAY, TO ACCOMPLISH  
21 PLANNING IN A MORE SIMPLIFIED WAY, TO REDUCE THE COSTS  
22 THAT THE STATE HAS TO INCUR AND THAT THIS BOARD HAS TO  
23 INCUR IN ACCOMPLISHING THE OVERALL GOALS OF AB 939.  
24 AND I DEFINITELY WOULD ENCOURAGE THE COMMITTEE TO  
25 CONSIDER THAT.



1                   YOU HAVE DISCUSSIONS.   OTHER COMMITTEES  
2                   HAVE DISCUSSIONS ABOUT WHEN IT IS YOU'RE GOING TO HAVE TO  
3                   RAISE THE 75 CENT FEE TO \$1.   I SUGGEST THAT ONE WAY YOU  
4                   CAN AVOID THAT IS TO FIGURE OUT WAYS TO REDUCE YOUR  
5                   COSTS.   AND CERTAINLY THE PROPOSAL THAT WE'VE PUT FORTH,  
6                   IN OUR MIND, DOES REDUCE THE OVERALL COST TO THE STATE.

7                   SO, AGAIN, I WOULD STRONGLY ENCOURAGE YOU  
8                   NOT TO ADOPT ANY OF THESE RECOMMENDATIONS AT THIS TIME,  
9                   BUT TAKE A BROADER LOOK AT THOSE PROBLEMS THAT EXIST IN  
10                   IMPLEMENTING THE LAW AND TRY TO TAKE A LEADERSHIP ROLE IN  
11                   ADDRESSING THOSE.

12                   THANK YOU.

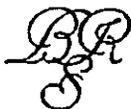
13                   CHAIRMAN RELIS:   THANK YOU.   I JUST MIGHT POINT  
14                   OUT THAT OUR DATA BASE, IN ADDITION TO TAKING UP THIS  
15                   MATTER, WE WERE GOING TO --- IF WE HAVE THE TIME, CONVEY  
16                   THE RELATIONSHIP OF THE DATA BASE TO THE OTHER ISSUES,  
17                   JACK, WHICH YOU HAVE RAISED AND OTHERS HAVE IN THEIR  
18                   PROPOSAL, PROPOSED A LARGER SPHERE OF REMEDIES TO THE  
19                   PROBLEMS THAT ARE PERCEIVED.

20                   SO WE'RE MINDFUL OF THAT, AND WE ADDRESS  
21                   THAT IN WORK THAT WE WILL NOT BE ABLE TO GO INTO DETAIL  
22                   TODAY.

23                   OKAY.   BOB JUDD?

24                   OH, SORRY.

25                   MR. MICHAEL:   IF I COULD, MR. CHAIRMAN, JUST IN



1 RESPONSE TO THAT.

2 THE ONE PART OF THE PROPOSAL THAT I DIDN'T  
3 MENTION SPECIFICALLY, AT THIS POINT, BUT CERTAINLY THE  
4 APPROACH THAT WE HAVE TAKEN MAKES THE ISSUE THAT YOU'RE  
5 DEALING WITH CURRENTLY AND ALL THIS DATA A MOOT POINT IN  
6 OUR OPINION, SIMPLY BECAUSE EVERYTHING COUNTS. SO THE  
7 "WHAT COUNTS" ISSUE IS NOT AN ISSUE TO BE DEALT WITH.  
8 THAT'S WHY I STRESS THE IMPORTANCE OF NOT JUST DEALING  
9 WITH ONE PART OF THIS PROBLEM, BUT DEALING WITH THE  
10 BROADER ISSUES.

11 CHAIRMAN RELIS: WELL, I WOULD SAY, THOUGH, IN  
12 RESPONSE IT'S HARD FOR ME TO FATHOM THAT OUR DATA BASE  
13 AND ALL OF THIS WOULD BE A MOOT POINT BECAUSE IT --

14 MR. MICHAEL: I DIDN'T SAY THE DATA BASE IS A  
15 MOOT POINT, THE ISSUE THAT IT'S TRYING TO ADDRESS. AND  
16 THAT IS WHAT COUNTS AND WHAT SHOULD COUNT. IT BECOMES A  
17 MOOT POINT BECAUSE EVERYTHING COUNTS UNDER OUR PROPOSAL.

18 CHAIRMAN RELIS: OKAY. THANK YOU.

19 OKAY. BOB JUDD?

20 MR. JUDD: THANK YOU, PAUL. MY NAME IS BOB  
21 JUDD, AND I'M HERE TODAY REPRESENTING THERMO ENERGY  
22 SYSTEMS, WHICH IS ONE OF THE MAJOR SUPPLIERS OF ENERGY BY  
23 THE INCINERATION OF WASTE MATERIALS IN THE STATE.

24 WE HAVE THREE MAJOR FACILITIES. WE HAVE  
25 OVER \$200 MILLION INVESTED IN THE STATE OF CALIFORNIA.

1 THE INVESTMENTS WE MADE WERE BASED ON PAST AND CURRENT  
2 STATE ENERGY POLICY, WHICH ARGUED THAT WE SHOULD CREATE  
3 AN INDEPENDENT MIXTURE OF SOURCES OF FUEL, AND USE FUEL  
4 THAT'S AVAILABLE IN THE STATE.

5 OUR FACILITIES BURN AGRICULTURAL WASTES,  
6 THEREBY AVOIDING AIR POLLUTION THAT COMES FROM BURNING  
7 THESE IN THE FIELDS. OTHERWISE, WE BURN FOREST WASTE AND  
8 INCREASINGLY WE USE URBAN WOOD WASTES THAT HAVE BEEN  
9 DIVERTED FROM LANDFILL AS A FUEL. THERE IS A MARKET FOR  
10 URBAN WOOD WASTE THAT HAS BEEN CREATED UNLIKE COMPOST AND  
11 SOME OF THE OTHER MATERIALS THAT ARE DEALT WITH TYPICALLY  
12 HERE AT THESE BOARD DISCUSSIONS. THE FREE MARKET HAS  
13 ESTABLISHED ITSELF, AND IT IS CURRENTLY ACTIVE, ALTHOUGH,  
14 A LARGE AMOUNT OF URBAN WOOD WASTES STILL DO GO TO  
15 LANDFILL.

16 WE AGREE WITH THE SPEAKER FROM THE COUNTY  
17 OF LOS ANGELES THAT IT MAY BE PREMATURE, GIVEN THE NATURE  
18 OF OTHER PROPOSED LEGISLATION, FOR THE BOARD TO TAKE THE  
19 POSITION ON ONE OF THESE OPTIONS AND ACTIVELY WORK THEIR  
20 CAPITAL ON A SPECIFIC OPTION AT THIS POINT. WE DON'T  
21 UNDERSTAND WHY IT IS IMPORTANT TO DO IT NOW VERSUS  
22 PERHAPS SIX WEEKS FROM NOW WHEN IT'S MORE CLEAR FROM THE  
23 LEGISLATION THE DIRECTION OF THE BILLS THAT ARE IN PLAY  
24 RIGHT NOW.

25 WE WOULD SAY TWO THINGS TO KEEP IN MIND ARE



1 THAT THERE'S A GREAT POSSIBILITY IN THIS LEGISLATION, IN  
2 THIS ISSUE, TO CREATE MORE OF A BUREAUCRACY THAN THE  
3 BOARD CAN AFFORD AT THIS TIME. IT SEEMS TO BE LAYING YET  
4 ANOTHER LEVEL OF ADMINISTRATIVE DETAIL ON A YOUNG AGENCY  
5 THAT IS STILL WORKING ON ITS PROCEDURES AND ABILITY TO  
6 RESPOND, AND THAT IS SOMETHING THAT PROBABLY SHOULD BE  
7 CONSIDERED.

8 ALTHOUGH WE DON'T AGREE THAT THE CAP SHOULD  
9 BE INCLUDED ON THIS, WE FEEL THAT IF THE BOARD AT SOME  
10 POINT DOES INCLUDE A CAP, WE FEEL THAT, AS WAS POINTED  
11 OUT IN ATTACHMENT 9, THAT IT SHOULD INCLUDE ALL MATERIALS  
12 INCLUDING URBAN WOOD WASTES THAT ARE DIVERTED FROM  
13 LANDFILL AND THAT ARE NOT SPECIFICALLY INCLUDED IN A CAP  
14 UNDER DISCUSSION NOW.

15 THERE ARE A NUMBER OF GOOD REASONS BEYOND  
16 THE OBVIOUS THAT YOU SAVE LANDFILL SPACE AND CREATE  
17 VALUE. IT IS CERTAINLY THE HIGHEST AND BEST USE OF A  
18 MATERIAL. EIGHT AND A HALF PERCENT OF THE MATERIAL THAT  
19 APPARENTLY GOES TO LANDFILL IS URBAN WOOD WASTE. THERE  
20 IS A MARKET FOR THIS MATERIAL, THE HIGHEST AND BEST  
21 MARKET AVAILABLE FOR ANY MATERIAL DIVERTED FROM LANDFILL.

22 IT'S IN KEEPING WITH THE STATE'S ENERGY POLICY TO DO  
23 THAT, AND IT DOES NOT CONFLICT WITH GOALS THAT THE BOARD  
24 HAS FOR COMPOSTING AND OTHER RELATED GOALS FOR THAT.

25 SO THAT IS WHAT I WOULD SAY AT THIS POINT.



1 THERE IS A MARKET FOR THE MONEY THAT COMES IN, AND IN  
2 SOME CASES SUPPORTS ACTIVITIES THAT CAN BE USED FOR OTHER  
3 RECYCLING AND OTHER ACTIVITIES WHERE THE MARKET IS STILL  
4 IN ITS INFANCY.

5 CHAIRMAN RELIS: ARE YOU DONE?

6 MR. JUDD: I'M WAITING FOR YOU TO SAY ARE THERE  
7 ANY QUESTIONS.

8 CHAIRMAN RELIS: OKAY. ARE THERE ANY QUESTIONS?

9 THANK YOU, BOB.

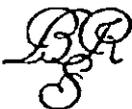
10 MR. JUDD: THANK YOU.

11 CHAIRMAN RELIS: AND DENISE DELMATIER.

12 MS. DELMATIER: MR. CHAIRMAN AND MEMBERS OF THE  
13 COMMITTEE, MY NAME IS DENISE DELMATIER WITH THE GUALCO  
14 GROUP ON BEHALF OF NORCAL WASTE SYSTEMS.

15 JUST VERY BRIEFLY SOMETHING THAT WE'VE SAID  
16 DURING DIFFERENT DISCUSSIONS ON THIS ITEM BEFORE. DURING  
17 THE NEGOTIATIONS ON 939 AND PART OF YOUR POLICY  
18 STATEMENT, WE RECOGNIZED THAT PREEXISTING PROGRAMS ARE AN  
19 IMPORTANT PART OF THE OVERALL DIVERSION PROCESS UNDER THE  
20 CALCULATIONS OF AB 939.

21 ADDITIONALLY, THE NEGOTIATIONS ON 1820,  
22 THOSE SPECIFIC FOUR WASTE TYPES WERE CONTEMPLATED UNDER  
23 THE EXCLUSION WITH THE PROVISIO, AND IF YOU CONTINUE ON  
24 WITH THE READING OF THE LANGUAGE THAT'S IN 1820, YOU ALSO  
25 RECOGNIZE THAT THOSE FOUR TYPES ARE EXCLUDED UNLESS THEY



1 ARE DIVERTED FROM A PERMITTED SOLID WASTE FACILITY.

2 SO WE WOULD RECOMMEND THAT THAT LANGUAGE IS  
3 APPROPRIATE IN ANALYZING AND MAKING RECOMMENDATIONS FOR  
4 LEGISLATION THAT LEADS TO 1820, RECOGNIZE THE PROVISIO  
5 UNDER 939 THAT PREEXISTING PROGRAMS ARE AN IMPORTANT PART  
6 OF THE OVERALL DIVERSION CALCULATIONS IN THE STATE AND  
7 SHOULD BE RECOGNIZED AND, IN FACT, ENCOURAGED.

8 WITHOUT DOING THAT, YOU THEN -- THE RESULT  
9 IS TO PENALIZE THOSE CITIES AND COUNTIES WHO WERE AHEAD  
10 OF THE CURVE WHEN 939 WAS BEING NEGOTIATED AND IT WAS  
11 UNDER THAT UNDERSTANDING, THAT IMPORTANT UNDERSTANDING  
12 THAT OUR CLIENT, NORCAL, ENTERED INTO THE DISCUSSIONS  
13 WITH THE ASSURANCES OF ALL THE PARTIES THAT WERE AT THE  
14 TABLE THAT CERTAINLY PREEXISTING PROGRAMS WOULD ALWAYS BE  
15 CREDITED UNDER THE 939 PROCESS.

16 I JUST WANT TO REITERATE THAT POINT THAT  
17 WE'D MADE HERE BEFORE.

18 I'D BE GLAD TO ANSWER ANY QUESTIONS.

19 CHAIRMAN RELIS: QUESTIONS?

20 ANYONE ELSE WISH TO SPEAK?

21 OH, PAM MILLIGAN. I'M SORRY. I CALLED ON  
22 YOU EARLIER.

23 MS. MILLIGAN: I KNOW. I'M SORRY. I HAD TO  
24 LEAVE. I APOLOGIZE IF I REPEAT MYSELF. I'M PAMELA  
25 MILLIGAN REPRESENTING THE SOLID WASTE ASSOCIATION OF



1 NORTH AMERICA.

2 I HAVE JUST TWO QUICK COMMENTS. WHEN THEY  
3 SENT THE PRELIMINARY DATA OF THE BOARD AS PREPARED OUT TO  
4 THE MEMBERSHIP TO REVIEW, THERE WAS KIND OF AN OUTCRY  
5 THAT AT THIS LATE DATE YOU WERE THINKING ABOUT CHANGING  
6 THE RULES FOR THE 1995 DEADLINE.

7 CITIES AND COUNTIES IN GOOD FAITH HAVE  
8 COMPLETED THE SRRE'S ACCORDING TO STATE REGULATIONS. I  
9 UNDERSTAND THAT YOU'RE NOT THE BOARD WHO WROTE THOSE  
10 REGULATIONS, BUT WE HAVE COMPLIED WITH THEM TO THE BEST  
11 OF OUR ABILITY. SO WE WOULD ASK YOU THAT IF YOU ARE  
12 GOING TO CHANGE ANYTHING IN THE FUTURE THAT WE START  
13 TALKING ABOUT THE 2000 YEAR DEADLINE LIKE THE L.A. COUNTY  
14 PROPOSAL DOES.

15 I THINK THE WOMAN FROM CONTRA COSTA COUNTY  
16 DID A VERY GOOD JOB IN EXPLAINING THE TIME CONSTRAINTS  
17 THAT WE'RE CURRENTLY UNDER OR FACING TO MEET THOSE '95  
18 DEADLINES. WE NEED TO GET MOVING ON IMPLEMENTATION, AND  
19 WE KEEP TALKING ABOUT THIS ISSUE OVER AND OVER. IT'S  
20 TIME TO SORT OF MOVE AHEAD AND START TALKING ABOUT THE  
21 YEAR 2000.

22 THE SECOND POINT IS THAT YOUR DATA ONLY  
23 SHOWS HALF OF THE PROBLEM OR HALF OF THE ISSUE. I'M NOT  
24 EVEN SAYING IT'S A PROBLEM. IT TALKS ABOUT CURRENT  
25 DIVERSION RATES. AND WE'RE SAYING THAT, YES, WE MAY BE



1 DIVERTING A LOT OF INERTS. AND, YES, YOU MAY BE  
2 DIVERTING A LOT OF AG WASTES, BUT WE'RE ALSO PROPOSING TO  
3 DIVERT A LOT OF OTHER RECYCLABLE WASTE.

4 AND UNTIL YOU START LOOKING AT THEM IN  
5 COMBINATION WITH WHAT WE'RE CURRENTLY DIVERTING, AND  
6 START LOOKING AT WHAT WE'RE PROPOSING TO DIVERT, YOU ONLY  
7 HAVE HALF OF THE PICTURE.

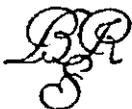
8 WE'RE NOT SAYING THAT THERE'S REALLY NOT A  
9 PROBLEM. THERE ARE A LOT OF PROBLEMS WITH AB 939, AND I  
10 THINK THAT INSTEAD OF DOING PIECEMEAL FIXES TO THE  
11 LEGISLATION, THAT WE WOULD ASK THE BOARD THAT ONCE AGAIN  
12 THEY DON'T TAKE A POSITION TODAY BUT THAT THEY'RE  
13 COMMITTED TO WORK WITH US ON THE L.A. COUNTY PROPOSAL, ON  
14 OTHER PROPOSALS IN THE LEGISLATURE THAT COMPREHENSIVELY  
15 LOOK AT THE LEGISLATION AND SAY WHAT IS WRONG WITH IT AND  
16 WHAT NEEDS TO BE FIXED.

17 CHAIRMAN RELIS: ANY QUESTIONS?

18 THANK YOU.

19 ANYONE ELSE WISH TO SPEAK?

20 JUST AN OBSERVATION, IN LIGHT OF WHAT'S  
21 BEEN SAID. I THINK, FIRST OF ALL, IF I UNDERSTAND IT, WE  
22 ARE NOW IN A POSITION WHAT WE'RE TRYING TO DO IS GET ON  
23 WITH IMPLEMENTATION. FROM THIS BOARD -- AND WE HAVE  
24 SINCE, AT LEAST, FORMED A PLANNING COMMITTEE UNDER WHICH  
25 THIS MATTER IS BEING TAKEN UP, WE'VE BEEN WORKING ON THIS



1 ABOUT FOUR MONTHS.

2 NOW, IT'S A MATTER OF SOME URGENCY BECAUSE  
3 WE'VE BEEN HEARING IT DAY IN AND DAY OUT THROUGH OUR  
4 STAFF THAT THE PUBLIC, THE LOCAL COMMUNITIES, THEY NEED  
5 EXTENSION BUT THE EXTENSION IS NOT BEING GRANTED AS PART  
6 OF THE LEGISLATIVE PROCESS NOW.

7 THIS IS OUR INPUT. WE ARE TRYING TO  
8 ESTABLISH OURSELVES TO HAVE DEMONSTRABLE INPUT INTO THE  
9 LEGISLATIVE PROCESS, SO THAT WE CAN GET ON WITH OUR JOB.  
10 I THINK ONE OF THE FRUSTRATIONS I FEEL HERE IS THAT WE  
11 CANNOT CONTINUE TO CONSUME SO MUCH OF THE TIME AND EFFORT  
12 OF THE PLANNING COMMITTEE SOLELY ON THIS ISSUE, AND YET  
13 IT IS HOLDING US UP IN TERMS OF IMPLEMENTATION. IT'S  
14 HOLDING LOCAL GOVERNMENTS UP, SO WE THINK WE'RE BEING  
15 RESPONSIVE TO THE NEED.

16 NOW, WHETHER THIS -- WHATEVER ACTION WE  
17 TAKE WILL -- WHAT BEARING IT WILL HAVE ON LEGISLATION,  
18 THAT IS UNKNOWN. BUT WE THINK WE HAVE SOMETHING TO OFFER  
19 THE PROCESS, AND WE THINK OUR DATA AND OUR FINDINGS WILL  
20 DEMONSTRATE THAT.

21 AND SO I, FOR ONE, AS A PLANNING COMMITTEE  
22 CHAIR, WANT TO MOVE THIS ISSUE OUT OF THE PLANNING  
23 COMMITTEE BECAUSE I THINK WE'VE DEALT WITH IT ENOUGH. WE  
24 HAVE OTHER MATTERS SUCH AS WE HEARD EARLIER, THE  
25 REGULATORY MATTERS, THE QUESTION OF WHETHER WE SHOULD GO

1 TO A DISPOSAL BASED SYSTEM VERSUS A GENERATED BASE  
2 SYSTEM, THE ACCOUNTING QUESTIONS, ALL OF THESE BROAD AND  
3 VERY IMPORTANT ISSUES THAT YOU WOULD CALL, AND I THINK  
4 I'VE HEARD REFERENCED HERE AS PART OF THE BIGGER PICTURE.

5 WE UNDERSTAND THERE'S A BIGGER PICTURE, BUT  
6 RIGHT NOW THERE'S A BOTTLENECK AND THAT BOTTLENECK IS  
7 HOLDING UP THE IMPLEMENTATION OF 939.

8 SO WITH THAT, I WOULD LIKE TO KNOW IF THERE  
9 ARE ANY COMMENTS FROM OTHER BOARD MEMBERS, WHETHER WE'RE  
10 READY TO MOVE ANY SORT OF ACTION HERE?

11 BOARD MEMBER NEAL: PAUL, I'M NOT GOING TO BE  
12 REDUNDANT AND REPEAT YOUR COMMENTS, BUT LET ME JUST SAY  
13 THAT I AGREE WITH THEM WHOLEHEARTEDLY.

14 I STILL AT THIS POINT FAVOR OPTION 3. I'M  
15 NOT SURE I COMPLETELY AGREE WITH SOME OF THE COMMENTS  
16 THAT SUGGEST WE CHANGED THE RULES IN THE MIDDLE OF THE  
17 GAME, BECAUSE I THINK WITH THAT PARTICULAR OPTION WHAT  
18 WE'RE SAYING IS IF, IN FACT, YOU HAVE A LEGITIMATE  
19 ACTIVITY IN WHICH YOU ARE ENGAGED, ALL YOU HAVE TO DO IS  
20 LET US KNOW. DON'T LET US KNOW IN ANY EIGHT AND NINE OR  
21 20-POUND DOCUMENTS, JUST COME AND SHARE THAT INFORMATION  
22 WITH THE BOARD SO THAT WE CAN SAY, YES, WE AGREE THAT  
23 THAT IS LEGITIMATE ACTIVITY ACCORDING TO 939. THAT'S  
24 BASICALLY IT.

25 I AGREE WE DO NEED TO MOVE FORWARD. I'D



1 LIKE TO SEE US TAKE SOME DECISIVE ACTION, SO THAT WE CAN  
2 GO OVER AND BE PROACTIVE IN WHATEVER IS HAPPENING OVER IN  
3 THE CAPITOL. I'M A LITTLE TIRED OF SITTING HERE AND  
4 BEING IN THE POSITION WHERE ALL WE'RE EXPECTED TO DO IS  
5 REACT ONCE MAJOR DECISIONS HAVE BEEN MADE.

6 OUR DECISION MAY BE RIGHT, AND IT MAY NOT  
7 BE RIGHT. BUT I THINK WE'RE PUT HERE TO MAKE SOME  
8 DECISIONS. THAT'S, FRANKLY, WHAT I'M PREPARED TO DO. SO  
9 WHAT I WOULD DO ALONG THOSE LINES IS MOVE THAT WE  
10 RECOMMEND TO THE FULL BOARD ADOPTION OF OPTION NO. 3.

11 CHAIRMAN RELIS: IS THERE A SECOND?

12 BOARD MEMBER EGIGIAN: YOU HEARD MY RULE. I  
13 DON'T THINK I CAN GO ALONG WITH THAT.

14 CHAIRMAN RELIS: I WOULD SUPPORT THAT. WE'LL  
15 CALL THE ROLL.

16 COMMITTEE SECRETARY: BOARD MEMBER NEAL?

17 CHAIRMAN NEAL: AYE.

18 COMMITTEE SECRETARY: EGIGIAN?

19 CHAIRMAN EGIGIAN: NO.

20 COMMITTEE SECRETARY: CHAIRMAN RELIS?

21 CHAIRMAN RELIS: AYE.

22 OKAY. SO THIS WILL GO ONTO THE FULL BOARD  
23 MEETING WITH A TWO AND ONE AGAINST VOTE, TO THE FULL  
24 BOARD AT OUR MEETING IN REDDING A WEEK AFTER NEXT.

25 NOW, THAT CONCLUDES THIS PORTION OF THE



1 PRESENTATION. WE ARE PREPARED TO CONTINUE ON WITH THE  
2 BROADER ISSUE DISCUSSIONS, AND I WONDERED IF WE COULD DO  
3 THAT RATHER QUICKLY, NOW. I KNOW STAFF HAS PREPARED VERY  
4 HARD FOR THIS. IF ANYONE NEEDS TO LEAVE, WE DON'T HAVE  
5 ANY FURTHER ACTIONS TO TAKE TODAY.

6 BUT, STAFF, PLEASE CONTINUE ON.

7 MS. VAN KEKERIX: TASK 4 REQUESTED -- THAT WAS  
8 ASSIGNED TO US BY THE BOARD, I BELIEVE IN JANUARY, I  
9 REQUESTED THAT STAFF TAKE A LOOK AT A WHOLE SERIES OF  
10 PROPOSALS.

11 IF YOU LOOK IN YOUR BOARD PACKAGE ON  
12 PAGE -- LET ME SEE IF I CAN GET TO IT HERE -- PAGE 168,  
13 YOU WILL FIND A TABLE THAT DEALS WITH THE QUANTIFICATION  
14 ISSUE AND VARIOUS PROPOSALS MADE BY DIFFERENT KINDS OF  
15 GROUPS, PRIVATE CITIZENS, INTEREST GROUPS, LOCAL  
16 GOVERNMENT REGARDING DIVERSION QUANTIFICATION.  
17 THESE WERE DELIVERED TO BOARD MEMBERS, WHO THEN SENT THEM  
18 DOWN TO STAFF TO HAVE US PREPARE THE CHART.

19 AS YOU CAN SEE, THERE ARE A LOT OF  
20 DIFFERENT OPTIONS, SOME OF THEM REQUEST THAT WE MAINTAIN  
21 GENERATION BASED DIVERSION CALCULATION. OTHERS REQUEST  
22 THAT WE CHANGE TO A DISPOSAL BASED DIVERSION CALCULATION.  
23 STILL OTHERS MOVED MORE TOWARDS ESTABLISHING STATEWIDE  
24 GOALS AND ELIMINATING GOALS FOR VARIOUS GROUPS, SUCH AS  
25 COUNTIES OR CITIES.



1                   WHEN I TOOK A LOOK AT THIS, IT BECAME  
2 EVIDENT VERY QUICKLY THAT WE'D NEVER BE ABLE TO KEEP ALL  
3 THE OPTION NUMBERS STRAIGHT, SO WE TRIED TO COLLAPSE THEM  
4 DOWN. UNFORTUNATELY, WE HAVE TWO AGENDA ITEMS HERE THAT  
5 HAVE OPTIONS, SO IT MAY BE TOUGH TO KEEP SOME OF THEM  
6 STRAIGHT. I HAVE THEM HERE.

7                   THIS IS MOVING ONTO ATTACHMENT 7. SO WE  
8 COLLAPSED ALL OF THESE PROPOSALS DOWN INTO SEVERAL MAJOR  
9 OPTIONS, AND THOSE ARE SHOWN IN ATTACHMENT 7. PAGE 1  
10 GOES OVER ALL OF THOSE DIFFERENT OPTIONS.

11                   THE FIRST OPTION IS TO MAINTAIN A  
12 GENERATION BASED DIVERSION CALCULATION SYSTEM. THIS  
13 WOULD BE MAINTAINING THE EXISTING SYSTEM IN TERMS OF  
14 REQUIRING THAT JURISDICTIONS PROVIDE INFORMATION ON WASTE  
15 GENERATION DISPOSAL AND -DIVERSION AND -THAT THEY QUANTIFY  
16 ALL OF THESE.

17                   NOW, THERE WERE TWO SUBOPTIONS THAT FELL  
18 OUT OF THIS. THE FIRST IS TO MAINTAIN THE EXISTING  
19 SYSTEM, AND THE SECOND WOULD BE TO EXCLUDE ALL OF THE  
20 1820 WASTES FROM COUNTING FOR THE BASELINE AND INTO THE  
21 FUTURE.

22                   THE SECOND LARGE GROUPING WOULD BE DISPOSAL  
23 BASED CONVERSION CALCULATION. THIS WOULD BASICALLY  
24 REQUIRE THAT JURISDICTIONS PROVIDE US WITH INFORMATION ON  
25 TONNAGE DISPOSED AT THE LANDFILL. THERE WERE A WHOLE



1 GROUP OF SUBOPTIONS UNDER OPTION 2. SOME PEOPLE WANTED  
2 TO ONLY REPORT ANNUAL TONNAGE ADJUSTED FOR POPULATION  
3 GROWTH AND GIVE NO CREDIT FOR DIVERSION. OTHERS WANTED  
4 TO HAVE CREDIT FOR DIVERSION. THAT'S OPTION 2-B.

5 OPTION 2-C IS A REQUIREMENT THAT ALL  
6 DIVERSION BE TIED TO LOCAL ACTION. THE FINAL OPTION IS  
7 OPTION 2-D, WHICH WOULD ADJUST THE DIVERSION BY A FAIR  
8 SHARE WEIGHTED FACTOR.

9 THE THIRD OPTION WAS TO ADOPT A SYSTEM THAT  
10 WAS MORE SIMILAR TO SOMETHING IN THE STATE OF WASHINGTON,  
11 WHERE THE STATE HAS THE GOALS AND LOCAL JURISDICTIONS DO  
12 NOT HAVE TO DEVELOP PLANS TO MEET THE GOALS OR NOT PLANS  
13 IN THE SENSE THAT WE DO HERE IN CALIFORNIA WHERE EACH  
14 JURISDICTION HAS A 25 OR 50 PERCENT GOAL.

15 THE STATE TAKES OVER ALL WASTE  
16 CHARACTERIZATION AND THE STATE ALSO TAKES CARE OF  
17 IDENTIFYING MATERIALS WHICH THEY BELIEVE TO BE MARKETABLE  
18 AND SETS OUT CRITERIA FOR JURISDICTIONS TO MEET -- OR  
19 WHICH THE JURISDICTIONS MUST MEET IN THEIR PROGRAMS.  
20 THE DIVERSION RATES FOR MATERIALS COULD BE HIGHER THAN  
21 THE 25 OR 50 PERCENT GOAL; FOR INSTANCE, IF THEY  
22 BELIEVED -- IF ALUMINUM WAS ONE OF THE MATERIALS, THEY  
23 MIGHT HAVE A GOAL THAT WAS HIGHER THAN 50 PERCENT FOR  
24 ALUMINUM DIVERSION.

25 THERE WERE SOME OTHER PROPOSALS THAT WOULD



1 REQUIRE THAT THIS BE DONE ON A REGIONAL BASIS OR A  
2 COUNTYWIDE BASIS, AND THOSE WERE OPTIONS 3-B AND 3-C.

3 THE FOURTH OPTION WAS DEVELOPED BECAUSE IT  
4 SEEMED THAT MANY PEOPLE BELIEVED THAT THE BOARD  
5 REGULATIONS CURRENTLY REQUIRED THEM TO DO A WASTE  
6 GENERATION STUDY EVERY YEAR AS PART OF THEIR ANNUAL  
7 REPORT.

8 OPTION 4 WOULD HAVE INCREASED BOARD  
9 GUIDANCE AND CLARIFICATION OF WHAT IS EXPECTED IN AN  
10 ANNUAL REPORT, AND IT MIGHT EVEN INVOLVE SOMETHING SUCH  
11 AS A MODEL HOME REPORT.

12 THE FIFTH OPTION WAS PLACING A CAP ON  
13 CREDIT FOR SELECTIVE WASTES.

14 NOW, WHEN STAFF TOOK A LOOK AT THESE, WE  
15 WERE ASKED TO LOOK AT A NUMBER OF DIFFERENT TYPES OF  
16 IMPACTS THAT THESE MIGHT HAVE, WHETHER IT REQUIRED  
17 REGULATORY OR STATUTORY CHANGES, WHEN THERE WOULD BE THE  
18 MOST OR LEAST IMPACTS IN TERMS OF TIMING OF CHANGES, THE  
19 FINANCIAL IMPACTS BOTH TO LOCAL JURISDICTIONS AND TO THE  
20 STATE, AND OTHER IMPACTS.

21 THE STAFF HAS PUT TOGETHER A SUMMARY TABLE.  
22 THE STAFF IS WORKING ON THE ANALYSIS, AND IT'S STILL IN  
23 DRAFT FORM. WE HAVE PUT TOGETHER A SUMMARY TABLE WHICH  
24 IS IN ATTACHMENT 7, JUST PAST THE LISTING OF ALL THE  
25 OPTIONS. IF YOU GO THROUGH THE TABLE, YOU CAN SEE THAT



1 NONE OF THESE PROPOSALS IS HEAD AND SHOULDERS ABOVE THE  
2 REST IN TERMS OF NOT HAVING THE IMPACTS AT ALL. ALL OF  
3 THE POTENTIAL CHANGES OR KEEPING THE EXISTING PROGRAM ALL  
4 HAVE IMPACTS. ALL OF THEM HAVE COSTS TO LOCAL  
5 JURISDICTIONS.

6 THE EXISTING SYSTEM WOULD SEEM TO HAVE MORE  
7 COSTS OVER THE LONG TERM IN TERMS OF QUANTIFYING THE DATA  
8 FOR ANNUAL REPORTS AND REVISIONS; WHEREAS, DISPOSAL BASE  
9 SYSTEM MIGHT BE LESS COSTLY OVER THE LONG TERM SINCE  
10 THEY'RE GATHERING INFORMATION ON DISPOSAL PACKAGES  
11 ALREADY TO SUBMIT TO THE STATE BOARD OF EQUALIZATION.  
12 THIS STATEWIDE DIVERSION GOALS OPTION WOULD ALSO HAVE  
13 COST IMPACTS. IT MIGHT BE LESS COSTLY FOR THE LOCAL  
14 JURISDICTIONS, AND THIS MAY ALSO BE THE SAME IF YOU HAVE  
15 COUNTYWIDE GOALS RATHER THAN CITY AND COUNTY GOALS.

16 THE COSTS TO THE STATE ARE VARIED FOR THE  
17 CURRENT SYSTEM, MAYBE, THE LESS COSTLY OPTION FOR THE  
18 STATE AND THE OTHERS MAY INCREASE THE COST TO THE STATE  
19 BECAUSE OF AN INCREASE IN STATE WORK ON WASTE  
20 CHARACTERIZATION AND MARKET DEVELOPMENT COSTS.

21 IN TERMS OF OTHER IMPACTS, THERE WOULD BE  
22 IMPACTS ON REVISING THE SOURCE REDUCTION AND RECYCLING  
23 ELEMENTS, SO PEOPLE HAVE STARTED TO WORK ON THOSE. AND  
24 THE MORE CHANGES THAT YOU HAVE NOW, THE MORE LIKELY YOU  
25 WOULD NEED TO REVISE THE PLANS; AND, POTENTIALLY, PEOPLE



1           COULD BEGIN IMPLEMENTING PROGRAMS IF YOU MAINTAINED THE  
2           EXISTING SYSTEM UP UNTIL 1995.

3                   THERE ARE ALSO DIFFERENCES IN THE DIVERSION  
4           GOALS.  MANY OF THE GOALS WOULD CHANGE IF YOU CHANGED THE  
5           SYSTEM THAT YOU ARE BASING YOUR CALCULATIONS ON, AND  
6           JURISDICTIONS WOULD THEN HAVE TO DETERMINE WHAT THEIR NEW  
7           GOALS WOULD BE.

8                   IN TERMS OF INFORMATION FOR MARKET  
9           DEVELOPMENT PROGRAMS, THE EXISTING SYSTEM WOULD ALLOW THE  
10          STATE TO OBTAIN THAT FROM LOCAL JURISDICTIONS; WHEREAS,  
11          SWITCHING TO A DISPOSAL BASED DIVERSION CALCULATION OR A  
12          STATEWIDE DIVERSION GOAL WOULD REQUIRE THAT THE STATE  
13          ASSUME A GREATER ROLE IF WE WISH TO HAVE THE SAME LEVEL  
14          OF INFORMATION.

15                   ONE OF THE INTERESTING THINGS THAT CAME OUT  
16          OF THE STAFF DISCUSSION WAS THE IMPLICATIONS ON FLOW  
17          CONTROL IN A SYSTEM SUCH AS WE HAVE NOW OR PUTTING A CAP  
18          ON AG WASTE AND SCRAP METALS.  JURISDICTIONS MIGHT BE  
19          MORE LIKELY TO INSTITUTE FLOW CONTROL.  AND FOR THE  
20          DISPOSAL BASE DIVERTING CALCULATION, THE STATEWIDE  
21          DIVERSION GOALS, THEY MIGHT BE LESS LIKELY TO DO SO.

22                   THERE ARE A FEW OTHER CATEGORIES THAT ARE  
23          IN THIS TABLE.  AS I SAID, STAFF IS STILL WORKING ON OUR  
24          DRAFT ANALYSIS.  WE EXPECT THAT WE'LL BE UPDATING THE  
25          TABLE AND MAKING IT MORE COMPREHENSIVE, AND WE'LL BE



1 HAPPY TO PRESENT ADDITIONAL ANALYSIS TO THE COMMITTEE  
2 WHENEVER YOU'D LIKE TO GET IT IN THE FUTURE.

3 WE ALSO HAVE AN ATTACHMENT 8, THAT HAS A  
4 FEW MINOR -- I PROBABLY SHOULDN'T SAY MINOR -- A FEW  
5 OPTIONS THAT DIDN'T FIT IN WITH THESE FOUR OR FIVE MAIN  
6 OPTIONS. WE CAN PRESENT SOME INFORMATION FOR YOU ON THAT  
7 OR WE CAN PRESENT THAT AT A LATER TIME.

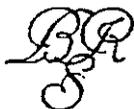
8 BOARD MEMBER NEAL: CAN I SUGGEST THAT WE GO AND  
9 LOOK AT THIS? IF WE HAVE ANY QUESTIONS IMMEDIATELY OF  
10 STAFF, WE CAN APPROACH THEM INDIVIDUALLY. THEN LATER ON,  
11 WE'LL GO OVER THIS.

12 CHAIRMAN RELIS: YES, I THINK WE'LL WRAP IT UP  
13 NOW.

14 BOARD MEMBER NEAL: I THINK WE'RE ABOUT OPTIONED  
15 OUT.

16 CHAIRMAN RELIS: OBVIOUSLY, AFTER THE OTHER  
17 MATTER, WE WEREN'T GOING TO GET THE SAME ATTENTION FOR  
18 THE MOMENT.

19 I'D LIKE TO TAKE THIS AS AN OPPORTUNITY TO  
20 REALLY THANK THE STAFF FOR A TREMENDOUS EFFORT HERE ON  
21 TAKING US TO THE POINT WHERE WE CAN LOOK AT OPTIONS,  
22 WHERE WE COULD MAKE A DECISION TODAY, EVEN THOUGH IT  
23 WASN'T AN UNANIMOUS DECISION, AND THAT WE CAN MOVE THIS  
24 ISSUE ONCE AND FOR ALL OUT OF OUR COMMITTEE, AT LEAST, IN  
25 THE PRESENT TRACK. THEN WE'LL LET THE PROCESS WITH THE



1 OTHER PARTIES WHO HAVE BEEN ATTENDING WORK THIS OVER,  
2 AND THEN THE LEGISLATIVE PROCESS THAT LIES AHEAD.

3 BUT I THINK YOU HAVE ESTABLISHED A  
4 FRAMEWORK NOW FOR, VIRTUALLY, ALL THE LEGISLATIVE  
5 PROPOSALS THAT I THINK WE'RE LIKELY TO SEE. THERE'S A  
6 FRAME OF REFERENCE HERE THAT I THINK ALL OF THEM WILL  
7 HAVE LIGHT SHED ON AS A RESULT OF THIS EFFORT. I'D LIKE  
8 TO THANK EVERYONE ASSOCIATED WITH THIS EFFORT. TOM, FOR  
9 TAKING THE LEADERSHIP OF -- IN THE LAST FEW MONTHS, YOU  
10 JUST JUMPED INTO THE FIRE HERE AND I APPRECIATE THAT.

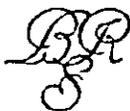
11 AND FOR THE REST OF THE STAFF, WHO HAVE  
12 BEEN WORKING ON THIS LONG BEFORE, STEVE AND COMPANY, THIS  
13 IS REALLY A GREAT EFFORT. I THINK THE BOARD OWES YOU  
14 CONSIDERABLE AMOUNT OF DEBT HERE FOR THAT.

15 THANK YOU.

16 BOARD MEMBER NEAL: BEFORE WE ADJOURN, JUST ONE  
17 OTHER COMMENT.

18 AT THE LEGISLATION OF PUBLIC AFFAIRS  
19 COMMITTEE, WE DID DISCUSS WHAT THE POSSIBLE OUTCOME OF  
20 TODAY'S MEETING MIGHT BE AND SINCE IT IS A LEGISLATIVE  
21 MATTER, WHETHER WE NEEDED TO TRY TO DO SOMETHING THROUGH  
22 THAT COMMITTEE AS WELL.

23 OUR DECISION WAS THAT SINCE I SAT ON THIS  
24 COMMITTEE, AS WELL AS CHAIRED THAT COMMITTEE, I WOULD  
25 JUST SHARE INFORMALLY WITH THE OTHER MEMBERS OF THE



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COMMITTEE WHAT OUR DECISION WAS AND THEN JUST HAVE THIS  
GO FORWARD TO THE BOARD AS RECOMMENDATION TO THIS  
COMMITTEE WITH THE MEMBERS OF THE LEGISLATIVE COMMITTEE  
FULLY INFORMED.

CHAIRMAN RELIS: WELL, THAT CONCLUDES OUR  
MEETING TODAY. WE'LL SEE YOU AGAIN SOON.

(MEETING ADJOURNED AT 5:15 P.M.)



## Reporter's Certificate

\* \* \* \* \*

I, Anne L. Stark hereby certify:

that on the 12th of  
March 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.

Anne L. Stark

Certified Shorthand Reporter  
Certificate No. 9414

