

APPEARANCES

MR. JESSE HUFF, CHAIRMAN
MR. SAM EGIGIAN, BOARD MEMBER
MR. PAUL RELIS, BOARD MEMBER

STAFF PRESENT

MR. ROBERT F. CONHEIM, GENERAL COUNSEL
MR. HOWARD LEVENSON
MR. ROB SAROYAN
MR. AL LIPSON
MS. BOBBI LUNGREN
MS. SUSAN SIMS
MS. MARTHA VAZQUEZ
MR. RALPH CHANDLER



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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE
WEDNESDAY, APRIL 22, 1922

CHAIRMAN HUFF: PERMITTING AND ENFORCEMENT
COMMITTEE IS NOW IN SESSION. WE'LL HAVE A ROLL CALL TO
ESTABLISH A QUORUM.

COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

BOARD MEMBER EGIGIAN: HERE.

COMMITTEE SECRETARY: RELIS?

BOARD MEMBER RELIS: HERE.

COMMITTEE SECRETARY: CHAIRMAN HUFF?

CHAIRMAN HUFF HERE.

QUORUM IS PRESENT.

THE CHAIR MIGHT NOTE THAT TODAY IS EARTH
DAY, AND WE ARE ALL GOING TO ENGAGE IN APPROPRIATE
ACTIVITIES.

THE CHAIR MIGHT ALSO NOTE THAT YESTERDAY
WAS JOHN MUIR'S BIRTHDAY; AND THAT, IN FACT, TOMORROW IS
WILLIAM SHAKESPEARE'S BIRTHDAY, ALTHOUGH THE LATTER TWO
INDIVIDUALS ARE BOTH DWM'S, DEAD WHITE MALES.

ITEM 1. CONSIDERATION OF CONTRACTS. WE
DON'T HAVE ANYTHING.

ITEM 2. CONSIDERATION OF CONCURRENCE IN THE
ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR



1 BADLANDS IN RIVERSIDE COUNTY.

2 I MIGHT ALSO ANNOUNCE THAT FOR THE BENEFIT
3 OF ANY OF YOU WHO AWAITING THE FOLLOWING ITEMS. YOU WILL
4 BE DISAPPOINTED TO KNOW THAT ITEM 4. ITEM 8. ITEM 10 AND
5 ITEM 11, HAVE ALL BEEN PULLED. IF YOU ARE HERE ON ANY OF
6 THOSE ITEMS, YOU DON'T NEED TO STAY.

7 MR. SWEENEY: GOOD MORNING, MR. CHAIRMAN AND
8 MEMBERS OF THE COMMITTEE. MY NAME IS PAUL SWEENEY,
9 REPRESENTING THE PERMITS BRANCH SOUTH OF THE PERMITTING
10 AND ENFORCEMENT DIVISION.

11 THIS ITEM DEALS WITH CONSIDERATION OF
12 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE
13 FACILITIES PERMIT FOR BADLANDS SANITARY LANDFILL IN
14 RIVERSIDE COUNTY.

15 THE REVISED PERMIT THAT'S BEING PROPOSED TO
16 REFLECT THE FOLLOWING CHANGES: ONE, AN INCREASE IN THE
17 ANNUAL PERMITTED DISPOSAL OF NON-HAZARDOUS MUNICIPAL
18 SOLID WASTE FROM 97 TO 1400 TONS PER DAY.

19 THE BADLANDS SANITARY LANDFILL IS A CLASS
20 III LANDFILL USED FOR THE DISPOSAL OF MUNICIPAL SOLID
21 WASTE, APPROVED AGRICULTURE WASTE, CONSTRUCTION/
22 DEMOLITION WASTE, TIRES, APPROVED INDUSTRIAL WASTE, INERT
23 MATERIALS, DEAD ANIMALS, AND SOME CONTAMINATED SOILS.

24 THE AREA OF THE FACILITY IS 1,081 ACRES OF
25 WHICH 141 ACRES ARE BEING DEVELOPED AS A SINGLE WASTE



1 MANAGEMENT UNIT. OF THE 141 ACRES, 33 ACRES ARE
2 CURRENTLY UNDER FILL.

3 THE PROPOSED PERMIT WOULD INCREASE THE
4 ALLOWABLE DAILY TONNAGE FROM 97 TO 1400 TONS PER DAY.
5 CURRENTLY THE SITE IS ACCEPTED APPROXIMATELY 440 TONS PER
6 DAY.

7 THE SITE SERVES THE MORENO VALLEY AREA OF
8 RIVERSIDE COUNTY. THE FACILITY IS CURRENTLY OPERATING
9 UNDER A WASTE DISCHARGE REQUIREMENT NO. 91-105 ADOPTED BY
10 THE SANTA ANA REGIONAL WATER CONTROL BOARD. IT WAS
11 ADOPTED JULY 16, 1991. A CLEANUP AND ABATEMENT ORDER,
12 NO. 91-69 WAS ISSUED ON JUNE 24, 1991.

13 THE CLEANUP AND ABATEMENT ORDER MAINLY
14 AFFECTS MITIGATING IMPACTS TO THE SITE FROM STORM EVENTS.
15 THE LEA AND BOARD STAFF HAVE DETERMINED THE FOLLOWING:
16 ONE, THAT THE FACILITY IS FOUND ON RIVERSIDE COUNTY SOLID
17 WASTE MANAGEMENT PLAN; TWO, THE FACILITY IS IN
18 CONFORMANCE WITH THE RIVERSIDE COUNTY GENERAL PLAN;
19 THREE, THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL
20 QUALITY ACT HAVE BEEN COMPLIED WITH. THE RIVERSIDE
21 PLANNING DEPARTMENT PREPARED A NEGATIVE DECLARATION FOR
22 THIS PROJECT AND FILED A NOTICE OF DETERMINATION ON
23 NOVEMBER 19, 1990; FOUR, BOARD STAFF HAS DETERMINED THAT
24 THE ISSUANCE OF THIS FACILITIES PERMIT WOULD NOT BE
25 INCONSISTENT WITH NOR WOULD IT IMPAIR COUNTY WASTE



1 DIVERSION GOALS.

2 THE LEA AND BOARD STAFF CONDUCTED AN
3 INSPECTION OF THIS FACILITY ON MARCH 19, 1992, AND FOUND
4 THAT THE OPERATOR AND THE LEA WERE IN SUBSTANTIAL
5 COMPLIANCE WITH STATE MINIMUM STANDARDS. THE CIWMB
6 INSPECTOR NOTED THAT THE OPERATOR WAS MAKING SIGNIFICANT
7 PROGRESS IN BRINGING THE SITE INTO COMPLIANCE WITH THE
8 WATER BOARD'S CLEANUP AND ABATEMENT ORDER. STAFF HAS
9 RECEIVED THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION
10 AND FOUND THEM TO BE ACCEPTABLE.

11 IN CONCLUSION, STAFF RECOMMENDS THAT THE
12 BOARD ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.
13 92-29 CONCURRING IN THE ISSUANCE OF SOLID WASTE
14 FACILITIES PERMIT NO. 33-AA-0006.

15 REPRESENTATIVES OF THE LEA AND GARY ROOT
16 AND STEVEN SAMANIEGO, AND THE SENIOR FOR THE REGIONAL
17 WATER QUALITY CONTROL BOARD, DIXIE LASS, ARE PRESENT AND
18 AVAILABLE TO DISCUSS THE PROPOSED PERMIT AND TO ANSWER
19 ANY QUESTIONS THAT YOU MAY HAVE.

20 THIS CONCLUDES MY PRESENTATION.

21 CHAIRMAN HUFF: THANK YOU. ANY QUESTIONS OF THE
22 STAFF PRESENTATION?

23 BOARD MEMBER EGIGIAN: YES, MR. CHAIRMAN,
24 THERE'S A FEW THINGS I THINK WE SHOULD CONSIDER HERE.
25 THEY'RE CURRENTLY ASKING FOR 1400 TONS A DAY. THE SITE



1 IS ACCEPTING APPROXIMATELY 440 TONS AND RAISING THE
2 TONNAGE FROM 97 TONS.

3 NOW, IS THIS WHAT WE WERE COUNTING ON WITH
4 THE COUNTY OF LOS ANGELES EXPANDABLE TYPE OF A PERMIT
5 THAT REQUIRES THEM TO GO FROM ONE POINT TO ANOTHER POINT
6 OR HOW DOES THIS COMPARE?

7 MR. SWEENEY: WELL, JUDY FRIEDMAN, CAN YOU
8 ANSWER THAT QUESTION, JUDY?

9 MS. FRIEDMAN: EXCUSE ME, I'M GOING TO HAVE TO
10 ASK YOU TO REPEAT THE QUESTION BECAUSE I WASN'T FULLY
11 PAYING ATTENTION.

12 BOARD MEMBER EGIGIAN: I CAN'T REPEAT IT LIKE I
13 TOLD YOU THE FIRST TIME. MY QUESTION IS LAST MONTH, I
14 THINK IT WAS OR THE MONTH BEFORE, THE COUNTY OF LOS
15 ANGELES WAS IN THE SAME TYPE OF A SITUATION WHERE THEY
16 WANTED TO BE ABLE TO GO UP TO CERTAIN TONNAGE AND THERE
17 WAS TWO FIGURES THERE. WE REFERRED TO IT AS AN
18 EXPANDABLE TYPE OF PERMIT BASED ON WHAT THE SUPERVISORS
19 WERE WILLING TO DO.

20 NOW, IS THIS THE SAME KIND OF SITUATION
21 WE'RE DOING WITH RIVERSIDE --

22 MS. FRIEDMAN: THIS IS NOT --

23 BOARD MEMBER EGIGIAN: -- FOR 440 TONS THAT THEY
24 ARE RECEIVING TO 1400 TONS?

25 MS. FRIEDMAN: AS FAR AS I KNOW, THIS IS NOT AN



1 ISSUE CONCERNING PREVENT OR SUBSTANTIALLY IMPAIR.

2 CHAIRMAN HUFF: LET ME TRY TO ARTICULATE. SAM'S
3 ISSUE.

4 WHEN WE CONSIDERED SUNSHINE CANYON. WHAT
5 THEY WANTED WAS THE ABILITY TO PUT INTO IT 8,000 TONS A
6 DAY, IF I REMEMBER CORRECTLY OR 6,000 TONS A DAY. THERE
7 WERE CERTAIN CIRCUMSTANCES IN WHICH THEY COULD BUMP IT UP
8 WITHOUT COMING BACK TO US. OKAY. AND THAT'S WHAT SAM'S
9 REMEMBERING.

10 SO HIS QUESTION HERE IS IS THERE ANY
11 PARALLEL BETWEEN THAT CIRCUMSTANCE AT SUNSHINE AND WHAT
12 THIS IS REPRESENTING HERE BEFORE US TODAY?

13 MS. VAZQUEZ: I WOULD JUST TAKE A SHOT AT THAT.

14 I'M MARTHA VAZQUEZ, DEPUTY DIRECTOR OF
15 PERMITTING AND COMPLIANCE DIVISION. THE PERMIT STATES
16 THERE'S A FIXED TONNAGE, IF YOU LOOK AT PAGE 14 IN THE
17 AGENDA PACKET. SPECIFICATION NO. 4 STATES THAT A
18 FACILITY HAS A PERMITTED CAPACITY OF 1400 TONS PER
19 OPERATING DAY, SHOULD NOT RECEIVE MORE THAN THIS AMOUNT
20 WITHOUT REVISING THE PERMIT. THAT IS THE AMOUNT THEY'RE
21 ALLOWED TO RECEIVE. THERE ISN'T AN INCREASE ALLOWED FOR
22 THE PERMIT.

23 CHAIRMAN HUFF: SO THE ANSWER REALLY TO SAM'S
24 QUESTION IS THAT THE FACT THAT THE PREVIOUS PERMIT WAS
25 FOR A CERTAIN TONNAGE PER DAY AND THEY WERE. IN FACT,



1 PUTTING MORE INTO IT THAN WHAT THAT PERMIT SAID. WAS
2 SOMETHING THAT THEY SHOULDN'T BE DOING.

3 MS. VAZQUEZ: THEY WERE IN VIOLATION.

4 CHAIRMAN HUFF: OKAY. AND THAT WAS THEN. AND
5 THIS IS NOW.

6 MS. VAZQUEZ: THIS PERMIT WOULD ACTUALLY CORRECT
7 THAT VIOLATION.

8 CHAIRMAN HUFF: YEAH.

9 BOARD MEMBER EGIGIAN: ONE OTHER QUESTION. IT
10 TALKS ABOUT THE MATERIALS THAT THEY'RE GOING TO RECEIVE
11 INCLUDE TIRES. I THINK OUR STAFF SHOULD KEEP IN MIND
12 THAT WE'VE HAD QUITE A WORKSHOP AND A REPORT ON TIRES.
13 AND WHEN NEW PERMITS ARE COMING UP, THEN THE PEOPLE GOING
14 FOR THE PERMITS SHOULD BE NOTIFIED THERE ARE WAYS TO
15 DISPOSE AND RECYCLE SOME OF THIS MATERIAL THAT'S IN THE
16 WASTE STREAM NOW, SUCH AS TIRES.

17 I DON'T KNOW HOW TO PUT THAT INTO WORDS,
18 BUT I DO KNOW THAT ANYTIME WE HAVE A WORKSHOP AND WE
19 DISCOVER A WAY TO GET RID OF SOMETHING THAT'S BEING
20 RECYCLED, THEN IT SHOULD BE OBVIOUS TO US WHEN WE ARE
21 GRANTING A PERMIT TO LET THOSE PEOPLE KNOW THERE'S A WAY
22 TO KEEP THIS MATERIAL OUT OF THE LANDFILL. OKAY?

23 OTHER THAN THAT, MR. CHAIRMAN, WHEN YOU'RE
24 READY, I'LL MOVE ON A MOTION.

25 CHAIRMAN HUFF: OKAY.



1 BOARD MEMBER RELIS: I JUST HAVE A COUPLE OF
2 OBSERVATIONS AND QUESTIONS. IT SEEMS THAT -- I TAKE IT
3 THAT THE REASON FOR THE LARGE EXPANSION IS THE
4 ANTICIPATED -- WELL, BOTH CURRENT AND ANTICIPATED GROWTH
5 IN THE AREA, THIS IS GOING TO FUNCTION AS A MAJOR
6 LANDFILL NOW FOR THE MORENO VALLEY. WOULD THAT BE A FAIR
7 CHARACTERIZATION?

8 MR. SWEENEY: MAYBE ON THAT ISSUE WE'LL LET
9 EITHER GARY OR STEVE FROM THE LEA ADDRESS OUR NEED.

10 CHAIRMAN HUFF: HOW MANY PEOPLE LIVE IN MORENO
11 VALLEY NOW?

12 BOARD MEMBER EGIGIAN: IT'S A BIG PLACE.

13 MR. SWEENEY: CLOSE TO 150,000.

14 CHAIRMAN HUFF: I REMEMBER WHEN ABOUT TWO PEOPLE
15 LIVED THERE. THAT WAS A LONG TIME AGO. I USED TO LIVE
16 IN REDLANDS.

17 MR. SWEENEY: DID YOU? OKAY.

18 CHAIRMAN HUFF: AND EVEN IN THE LATE '60S, EARLY
19 '70S, THERE WERE ABOUT TWO PEOPLE.

20 MR. SWEENEY: THERE USED TO BE ONE BAR AND GAS
21 STATION. I'VE BEEN TOLD THAT STORY.

22 ANYWAY, I'D LIKE TO ALSO INTRODUCE OUR
23 OPERATOR BOB NELSON IS HERE FOR THE BADLANDS SITE, BUT MY
24 UNDERSTANDING ON THE EXPANSION -- BOB, CORRECT ME IF I'M
25 WRONG -- IS THAT THEY'VE MAXED OUT ON THAT ONE PHASE



1 THAT THEY'RE IN OF THAT SITE AND THROUGH THE FIVE-YEAR
2 REVIEW PROCESS. THEY'RE GOING INTO THE OTHER PHASE.
3 OTHER EXPANSION AREA THAT WAS PROPOSED IN THEIR LONG-TERM
4 PLAN.

5 SO THAT IS THE PLANNED EXPANSION THAT THEY
6 HAVE BEEN CURRENTLY WORKING ON. SO THAT'S WHY THEY'RE
7 GOING INTO --

8 BOARD MEMBER RELIS: I WAS NOTICING THE
9 ANTICIPATED GROWTH IS GOING TO BE 9 PERCENT BY -- TO GROW
10 TO OVER 200,000 BY YEAR 2010.

11 MR. SWEENEY: THAT ALSO COMES INTO PLAY. THEN
12 ALSO THERE ARE SOME OTHER SITES IN THAT WASTE SHED AREA
13 WHERE THOSE SITES WILL BE CLOSING WITHIN FIVE YEARS FROM
14 NOW. THERE WILL BE A COUPLE OF OTHER SITES CLOSING AND
15 WE'LL BE TAKING MORE WASTE STREAM INTO THAT LANDFILL.

16 BOARD MEMBER RELIS: ALSO IT SEEMS THAT OUR
17 STAFF HAS HAD A VERY FAVORABLE COMMENT ON THE OPERATOR
18 AND THE LEA ON BRINGING THIS SITE INTO CONFORMANCE AND
19 THAT SOUNDS GOOD TO ME.

20 CHAIRMAN HUFF: ANY FURTHER QUESTIONS OF STAFF
21 OR THE LEA? DOES THE OPERATOR HAVE ANYTHING TO ADD TO
22 THIS DISCUSSION?

23 MR. SAMANIEGO: IF THE REPORTER WANTS TO INCLUDE
24 MY NAME, MY NAME IS STEVEN SAMANIEGO. AND I'M WITH THE
25 RIVERSIDE COUNTY LOCAL ENFORCEMENT AGENCY.



1 MR. NELSON: I'M BOB NELSON, DIRECTOR OF WASTE
2 MANAGEMENT FOR RIVERSIDE COUNTY. JUST A COUPLE OF THINGS
3 FOR THE RECORD. THE CURRENT DELIVERIES TO THE LANDFILL
4 ARE ABOUT 180 TONS A DAY. WE WERE AT 440. AND WE CUT IT
5 BACK BY SOME DIVERSIONS IN ORDER TO SLOW IT DOWN TO THIS
6 LANDFILL, SO CURRENTLY THERE'S ABOUT 180 TONS A DAY.

7 WE ARE WELL OUT-OF-DATE IN OUR CURRENT
8 PERMIT, AS YOU CAN TELL FROM THE 97 VERSUS THE 1400. THE
9 97, AS YOU KNOW, WAS AN AVERAGE BACK IN THE DAYS WHEN
10 THOSE WERE GIVEN. THE 1400 IS A PEAK DAY SITUATION, SO
11 IT'S A AT LEAST 150 PERCENT OF THE AVERAGE.

12 WHEN YOU BACK OFF THE 1400 TO AN AVERAGE
13 THAT IS ONLY TWO-THIRDS OF THAT, PERHAPS, YOU'RE DOWN IN
14 THE 900 AND SOMETHING TONS PER DAY IS WHAT WE EXPECT FOR
15 AVERAGES IN THE OUT YEARS OF OUR NEXT FIVE YEARS.

16 THAT COMES ABOUT FROM THE RAPID GROWTH IN
17 MORENO VALLEY. IT COMES ABOUT FROM, WE ANTICIPATE DURING
18 THIS FIVE YEARS, THAT THE HIGH GROVE LANDFILL NEAR
19 RIVERSIDE WILL FILL ITS CAPACITY AND WILL HAVE TO BEGIN
20 TRANSFERS TO BADLANDS LANDFILL. SO THIS NUMBER ACCOUNTS
21 FOR THOSE TWO THINGS DURING THAT FIVE-YEAR PERIOD.

22 ONLY ONE OTHER THING REGARDING TIRES, WE DO
23 HAVE AN AGGRESSIVE PROGRAM OF GRINDING TIRES SO THAT
24 WE'RE USING ABOUT 20 PERCENT OF THE SPACE THAT WE
25 OTHERWISE WOULD BE USING. WE HAVE BEEN TRYING FOR YEARS



1 TO FIND AN OUTLET FOR THE TIRES. WE STILL HAVE NOT FOUND
2 IN OUR AREA AN OUTLET TO ACTUALLY RECYCLE AT RATES WE CAN
3 AFFORD TO DO IT IN. WE'D BE HAPPY TO RECEIVE INFORMATION
4 IN THAT REGARD IF THERE'S SOMETHING THAT WE HAVE NOT
5 HEARD ABOUT.

6 CHAIRMAN HUFF: ANY QUESTIONS OF THE OPERATOR?

7 BOARD MEMBER RELIS: I GUESS ONE LAST
8 OBSERVATION WOULD BE THAT THIS WOULD, IN EFFECT, IT LOOKS
9 LIKE IT WOULD ASSURE YOUR 15-YEAR CAPACITY OR IT WOULD BE
10 CLOSE TO THAT. WOULD THAT BE A FAIR?

11 MR. NELSON: YES, AT THIS LANDFILL WE EXPECT IT
12 TO TAKE US TO 2006. AND QUITE FRANKLY, IF WE'RE
13 SUCCESSFUL WITH OUR RECYCLING PROGRAMS, WHICH WE FULLY
14 EXPECT TO BE, WE EXPECT IT WILL TAKE US AS MANY AS FIVE
15 MORE YEARS BEYOND 2006.

16 CHAIRMAN HUFF: VERY GOOD. ANY OTHER QUESTIONS?
17 MOTION?

18 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I MOVE THAT
19 WE ACCEPT STAFF RECOMMENDATION ON PERMIT DECISION NO. 92
20 AND THE FACILITIES PERMIT NO. 33-AA-0006.

21 BOARD MEMBER RELIS: SECOND.

22 CHAIRMAN HUFF: ROLL CALL, PLEASE.

23 COMMITTEE SECRETARY: BOARD MEMBERS EGIGIAN?

24 BOARD MEMBER EGIGIAN: AYE.

25 COMMITTEE SECRETARY: RELIS?



1 BOARD MEMBER RELIS: AYE.

2 COMMITTEE SECRETARY: CHAIRMAN HUFF?

3 CHAIRMAN HUFF: AYE.

4 THE MOTION CARRIES, THREE TO ZERO.

5 ITEM NO. 3.

6 MR. SWEENEY: GOOD MORNING, MR. CHAIRMAN AND
7 MEMBERS OF THE COMMITTEE. MY NAME IS PAUL SWEENEY
8 REPRESENTING THE PERMITS BRANCH SOUTH OF THE PERMITTING
9 AND COMPLIANCE DIVISION.

10 THIS ITEM DEALS WITH THE CONSIDERATION OF
11 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE
12 FACILITIES PERMIT FOR THE SANTIAGO CANYON SANITARY
13 LANDFILL IN ORANGE COUNTY.

14 A REVISED PERMIT IS BEING PROPOSED TO
15 REFLECT THE FOLLOWING CHANGES: ONE, AN INCREASE IN THE
16 ANNUAL PERMITTED DISPOSAL OF NONHAZARDOUS MUNICIPAL SOLID
17 WASTE FROM 850 TO 4,900 TONS PER DAY; TWO, AN INCREASE IN
18 THE AREA OF THE LANDFILL FROM 160 TO 184.65 ACRES.

19 THE SANTIAGO CANYON SANITARY LANDFILL IS A
20 CLASS III LANDFILL USED FOR THE DISPOSAL OF MUNICIPAL
21 SOLID WASTE, APPROVED AGRICULTURAL WASTE, CONSTRUCTION
22 DEMOLITION WASTE, TIRES, APPROVED INDUSTRIAL WASTE, INERT
23 MATERIALS, DEAD ANIMALS, AND SOME CONTAMINATED SOILS.

24 THE SITE SERVES THE VILLA PARK AREA OF THE
25 CITIES OF ORANGE AND SANTA ANA AND THE UNINCORPORATED



1 AREAS OF ORANGE PARK, EL MODENA, AND COWEN HEIGHTS AREAS
2 OF ORANGE COUNTY.

3 THE FACILITY IS CURRENTLY OPERATING UNDER
4 WASTE DISCHARGE REQUIREMENTS NO. 89-34 ADOPTED BY THE
5 SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD.

6 A CLEANUP AND ABATEMENT ORDER NO. 91-68 WAS
7 ISSUED ON JUNE 24, 1991. THE CLEANUP AND ABATEMENT ORDER
8 MAINLY DEALT WITH MITIGATING IMPACTS AT THE SITE FROM
9 STORM EVENTS. THE LEA AND BOARD STAFF HAVE DETERMINED
10 THE FOLLOWING: ONE, THE FACILITY IS FOUND IN THE ORANGE
11 COUNTY SOLID WASTE MANAGEMENT PLAN; TWO, THE FACILITY IS
12 IN CONFORMANCE WITH THE ORANGE COUNTY GENERAL PLAN;
13 THREE, THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL
14 QUALITY HAVE BEEN COMPLIED WITH. THE ORANGE COUNTY
15 PLANNING DEPARTMENT PREPARED AN ENVIRONMENTAL IMPACT
16 REPORT FOR THIS PROJECT AND FILED A NOTICE OF
17 DETERMINATION ON JULY 16, 1990.

18 THE BOARD STAFF HAS DETERMINED THAT THE
19 ISSUANCE OF THIS FACILITY'S PERMIT WILL NOT BE
20 INCONSISTENT WITH NOR WILL IT IMPAIR COUNTY WASTE
21 DIVERSION GOALS.

22 BOARD STAFF ACCOMPANIED THE LEA ON THEIR
23 INSPECTION OF THIS FACILITY ON MARCH 31, 1992. AND FOUND
24 THAT THE OPERATOR AND THE LEA WERE MAKING SIGNIFICANT
25 PROGRESS IN BRINGING THE SITE INTO COMPLIANCE WITH THE



1 EROSION AND DRAINAGE PROBLEMS ADDRESSED IN CLEANUP AND
2 ABATEMENT ORDER NO. 91-68, AND IN DEALING WITH THE
3 LEACHATE PROBLEM ADDRESSED BY THE CALIFORNIA INTEGRATED
4 WASTE MANAGEMENT BOARD INSPECTORS FROM THE FULLERTON
5 OFFICE.

6 REPRESENTATIVES OF THE LEA, PATTY HENSHAW,
7 AND THE REGIONAL WATER QUALITY CONTROL BOARD, DIXIE LASS,
8 AND THE CONSULTANT TO THE OPERATOR, AS WELL AS THE
9 OPERATOR HIMSELF, ARE PRESENT AND AVAILABLE TO DISCUSS
10 THE PROPOSED PERMIT AND TO ANSWER ANY QUESTIONS YOU MAY
11 HAVE.

12 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

13 BOARD MEMBER RELIS: I HAVE A NUMBER OF
14 QUESTIONS ON THIS PERMIT. IN GENERAL I HAVE AN
15 OVERRIDING CONCERN THAT THERE'S SOME UNRESOLVED ISSUES
16 HERE THAT MAKE ME WONDER WHETHER WE'RE READY TO HEAR
17 THIS.

18 I HAVE CONCERNS ABOUT THE WATER QUALITY
19 IMPACTS OF THE LEACHATE, THAT WHEN I LOOK BACK ON PAGE 57
20 THE PROXIMITY TO IRVINE LAKE AND THE SANTIAGO CREEK AREA,
21 I'D LIKE TO HEAR FROM STAFF AND THEN THE LEA ON THOSE
22 MATTERS.

23 THEN IN GENERAL ON PAGE 48, THERE'S A
24 REFERENCE TO -- ABOUT HALF WAY DOWN -- OUR BOARD STAFF
25 ACCOMPANYING THE LEA AND THE REGIONAL WATER BOARD DURING



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1 THEIR INSPECTION. AT THAT TIME THE INSPECTION STAFF
2 FOUND THE SITE WAS NOT IN COMPLIANCE. DURING THIS
3 INSPECTION THE LEA ALSO DOCUMENTED A CONTINUING VIOLATION
4 OF 14 CALIFORNIA CODE OF REGULATION CONCERNING EROSION
5 CONTROLS.

6 THEN FURTHER DOWN UNDER SUMMARY OF PERMIT
7 CONSIDERATION ISSUES, "STAFF ARE AWAITING VERIFICATION OF
8 THE FACILITY'S SATISFACTORY PROGRESS IN ESTABLISHING
9 COMPLIANCE." I'D LIKE TO HEAR A REPORT ON HOW
10 SATISFACTORY THAT IS.

11 MR. MORALEZ: BOARD MEMBER RELIS. MY NAME IS
12 PHIL MORALEZ, I'M THE MANAGER OF THE PERMITS DIVISION
13 BRANCH.

14 AT THIS TIME I'D LIKE TO ASK THE WATER
15 BOARD TO COME ON UP AND PERHAPS RESPOND TO THOSE
16 QUESTIONS BECAUSE THE CNA ORDER THAT'S IN QUESTION IS ONE
17 THAT WAS ISSUED BY THEM, AND MAYBE I THINK THEY CAN BEST
18 ANSWER THOSE QUESTIONS FOR YOU. SO IF THE WATER BOARD
19 PERSON IS IN THE AUDIENCE --

20 MS. LASS: MY NAME IS DIXIE LASS. I'M CHIEF OF
21 THE LAND DISPOSAL SECTION FOR THE WATER QUALITY CONTROL
22 BOARD. I WOULD APPRECIATE IT IF YOU WOULD RESTATE YOUR
23 QUESTION.

24 BOARD MEMBER RELIS: THE QUESTION CONCERNS IN
25 OUR STAFF REPORT, WE HAVE REFERENCES TO LEACHATE SEEPS



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1 THAT MAKE ME CONCERNED ABOUT THE IMPACT OF THIS LANDFILL
2 UNDER ITS CURRENT OPERATIONS ON THE SANTIAGO CREEK AREA
3 AND IRVINE LAKE JUST BELOW IT, SINCE IT'S APPROXIMATE TO
4 THE LAKE ACCORDING TO THIS MAP. AND I WOULD LIKE TO KNOW
5 THE STATUS OF THE CORRECTIVE EFFORTS TO ALLEVIATE THIS
6 PROBLEM.

7 MS. LASS: OKAY. ONE IMPORTANT THING TO KEEP IN
8 MIND IS THAT THE SEEPS ARE, IN ESSENCE, DOWN GRADIENT
9 FROM THE LAKE. THEY ARE FED FROM THE LAKE. SO THE FLOW
10 IS FROM THE LAKE TO THE SEEP AREA.

11 ANOTHER THING TO KEEP IN MIND IS WE, DURING
12 THE ORIGINAL SWAT, WE HAD THE COUNTY INSTALL SOME WELLS
13 IN THE DRAINAGE AREA OF THE SANTIAGO CREEK. AND WE SAW
14 ESSENTIALLY NO CONTAMINATION AT THAT POINT. I IMAGINE
15 THAT'S BECAUSE OF HIGH DILUTION FACTORS. THERE'S
16 UNDERFLOW FROM THE DAMS, AS THERE ALWAYS ARE IN THESE
17 SITUATIONS, AND BY THE TIME YOU LOOK AT IT IN THE CREEK
18 YOU DON'T SEE IT.

19 WHERE YOU DO SEE CONTAMINATION IS RIGHT AT
20 THE SEEP. WE'VE HAD SAMPLES COLLECTED DIRECTLY FROM THE
21 SEEP. THEY DO SHOW THE KIND OF CONSTITUENTS THAT WE
22 WOULD EXPECT TO SHOW UP UNDER THESE CIRCUMSTANCES.

23 SO I DON'T THINK THE LAKE IS THREATENED.
24 HOWEVER -- WELL, I'M SURE THE LAKE IS NOT THREATENED. BUT
25 NEVERTHELESS WE COULDN'T, IN GOOD CONSCIOUS, LET THEM



1 CONTINUE TO LET THIS SEEP FLOW. ACTUALLY, THE LEA WAS
2 THE DRIVING FORCE BEHIND GETTING SOMETHING DONE ABOUT IT.
3 WE JUST -- WE SORT OF ATTEMPTED TO ADDRESS IT FROM TIME
4 TO TIME, BUT WE DIDN'T DRIVE IT UNTIL THE LEA ASSISTED US
5 AND THEN THEY DROVE IT.

6 I WOULD LIKE TO MAKE SURE THAT EVERYONE IS
7 VERY CLEAR THAT THE CLEANUP AND ABATEMENT ORDER IS NOT
8 RELATED TO THE SEEP IN ANY WAY. THE STAFF REPORT
9 INDICATES THAT IT IS, AND I WANT TO MAKE CERTAIN THAT
10 EVERYBODY IS CLEAR THAT IT'S NOT.

11 THE CLEANUP AND ABATEMENT ORDERS WERE
12 ISSUED STRICTLY TO ADDRESS DRAINAGE PROBLEMS, EROSION
13 PROBLEMS. WE ISSUED 18 OF THEM, ESSENTIALLY IDENTICAL,
14 IN OUR REGION AGAINST BOTH ACTIVE AND SOME INACTIVE
15 LANDFILLS BECAUSE WE HAD SEEN AFTER LAST YEARS -- THE
16 HEAVY RAINS THAT WE HAD IN MARCH OF LAST YEAR. WE SAW
17 SOME VERY SEVERE EROSION. WE FELT THAT THE LOSS OF COVER
18 MATERIAL ON SIDE SLOPES IS WHERE WE SAW JUST EXTENSIVE
19 EXPOSURE OF WASTE. AND WE FELT THAT THAT WAS PROBABLY
20 ABOUT THE WORSE CONDITION WE COULD IMAGINE FOR LETTING
21 WATER INFILTRATE INTO THE FILL.

22 SO THAT HEIGHTENED OUR CONCERN, AND WE
23 WROTE THESE CLEANUP AND ABATEMENT ORDERS SO THAT EACH
24 LANDFILL WOULD BRING UP THEIR DRAINAGE CONTROL SYSTEMS SO
25 THAT THAT WOULDN'T BE REPEATED. IT'S BEEN A DIFFICULT



1 BUT SUCCESSFUL EFFORT.

2 THE NOTATION IN THE STAFF REPORT THAT WE
3 NOTED A VIOLATION AT SANTIAGO WHEN WE WERE THERE FOR THE
4 INSPECTION, THAT'S KIND OF HALF THE STORY. IT HAD
5 RAINED -- AS YOU'RE AWARE, WE HAD RAIN ALMOST DAILY FOR
6 MONTHS, IT SEEMED LIKE. IT HAD RAINED THE DAY BEFORE WE
7 ARRIVED THERE, THE NIGHT BEFORE WE ARRIVED THERE, AND
8 THERE WERE PONDS ON THE TOP DECK AREAS.

9 A MEMBER OF MY STAFF HAD BEEN TO THE SITE
10 PRIOR TO THIS AND HAD NOTED THE SAME THING AND HAD
11 INDICATED TO THE OPERATOR THAT HE SHOULD PUMP THOSE PONDS
12 OUT IMMEDIATELY. AND, IN FACT, THAT WAS HAPPENING WHEN
13 WE WERE THERE.

14 SO WHAT I WOULD AMEND HERE IS THAT, YES,
15 THEY HAD PONDING ON THEIR TOP DECK SURFACES, AND THAT'S
16 ESSENTIALLY INEVITABLE IN AN OPERATING AREA, BUT THEY
17 WERE, WHEN WE WERE THERE, PUMPING OUT THOSE PONDS. SO
18 THEY WERE MAYBE TECHNICALLY OUT OF COMPLIANCE WITH THE
19 REQUIREMENT THAT THERE NOT BE PONDING, BUT THEY WERE
20 CERTAINLY IN COMPLIANCE WITH OUR DIRECTIVE TO TAKE CARE
21 OF THAT IMMEDIATELY.

22 AND, IN FACT, WHILE WE WERE THERE, IT
23 STARTED TO RAIN AGAIN. SO IT WAS LIKE A NEVER ENDING
24 EFFORT, BUT THEY WERE WORKING ON IT. SO I THINK IN GOOD
25 FAITH THEY WERE WORKING ON IT. THEY WERE DOING WHAT THEY



1 HAD BEEN DIRECTED TO DO, AND THE ONLY THING THAT THEY
2 COULD DO WAS PUMP THEM OUT.

3 THEY WERE NOT ABLE TO -- WE HAD SUGGESTED
4 TO THEM THAT THEY JUST DIG A -- SOME SORT OF A DITCH AND
5 LET IT RUN DOWN THE SIDE SLOPE, BUT THOSE DITCHES WOULD
6 HAVE GONE AGAINST ACROSS HAUL ROADS, AND THAT'S JUST NOT
7 PRACTICAL. YOU CAN'T RUN TRUCKS ACROSS THESE DITCHES, SO
8 THEY WERE DOING THE ONLY THING THAT THEY COULD DO.

9 ONE OTHER THING I WOULD JUST NOTE IS THE
10 STAFF REPORT MENTIONS A MEETING IN FEBRUARY OF '92 TO --
11 IT'S STATED HERE WAS TO DISCUSS THE STATUS OF THE CLEANUP
12 AND ABATEMENT ORDER; THAT, IN FACT, WAS NOT CORRECT. IT
13 WAS A MEETING TO DISCUSS THE LEACHATE CONTROL SYSTEM.

14 I FELT THAT ORANGE COUNTY HAS BEEN
15 EXTREMELY COOPERATIVE AND RECEPTIVE TO THE ISSUES THAT
16 WERE IN THE CLEANUP AND ABATEMENT ORDER. I COULD NEVER
17 FAULT THEM FOR THEIR EFFORTS TO TRY VERY HARD TO COMPLY
18 WITH THAT ORDER.

19 WITH REGARD TO THE LEACHATE SEEPS, THE WORK
20 THAT'S BEING DONE NOW IS PROBABLY BEST DISCUSSED BY THE
21 COUNTY'S CONSULTANT WHO IS HERE, WHO DESIGNED THE SYSTEM.
22 THERE IS AN INTERIM SYSTEM NOW. AND THE PLAN IS TO GET A
23 MORE PERMANENT SYSTEM. HOWEVER, THE LANDFILL WILL BE
24 CLOSING IN, I GUESS, THREE TO FIVE YEARS. AND WE WANT
25 THEM TO PUT IN SOMETHING THAT'S MORE PERMANENT NOW. BUT



1 WITH THE IDEA THAT THINGS MAY CHANGE SOMEWHAT WHEN THE
2 FINAL ENCLOSURE COMES AROUND.

3 I'M VERY SATISFIED THAT WHAT THEY'RE DOING
4 NOW IS THE APPROPRIATE ACTION TO BE TAKING TO ADDRESS THE
5 LEACHATE SEEPS. THEIR GAME PLAN IS TO TRY AND CUT OFF
6 THE SOURCE, IF THEY CAN. IT'S GOING TO TAKE THEM SOME
7 TIME AND EFFORT TO TRY A FEW DIFFERENT THINGS TO SEE IF
8 THAT CAN BE DONE.

9 THE AMOUNT OF WATER THAT FLOWS FROM THERE
10 IS SUBSTANTIAL. RIGHT NOW THEY'RE COLLECTING IT, AND
11 THEY HAVE LOTS OF WATER THEY HAVE TO GET RID OF EVERY
12 COUPLE OF DAYS. BUT I REALLY WOULD -- IF YOU WOULD LIKE
13 SOME OF THE MORE TECHNICAL DETAILS ABOUT EXACTLY WHAT IS
14 BEING DONE AND WHAT IS PLANNED TO BE DONE IN THE NEXT --
15 WELL, I THINK THE LEACHATE CONTROL SYSTEM IS SUPPOSED TO
16 BE FINALIZED BY DECEMBER OF THIS YEAR. I THINK THAT THAT
17 INFORMATION WOULD -- YOU WOULD GET THE BEST INFORMATION
18 FROM THE CONSULTANT.

19 BOARD MEMBER RELIS: I GUESS I'D LIKE TO HEAR
20 SOMETHING FROM THE CONSULTANT, BUT I'D LIKE TO HEAR IT IN
21 THE CONTEXT OF WHERE THIS LEACHATE SYSTEM FITS INTO THE
22 REMEDIATION AND CORRECTIVE ACTION WHERE NECESSARY, AS IT
23 SAYS ON PAGE 53, TO MITIGATE THE WATER QUALITY PROBLEMS
24 ASSOCIATED WITH THIS LANDFILL. THAT'S FROM OUR STAFF.
25 THAT'S THEIR STATEMENT ON PAGE 53, AND THAT YOU'RE THE



1 LEAD AGENCY.

2 MS. LASS: YES. WE'VE REVIEWED THE REPORT AND
3 CONCURRED WITH THE REPORT THAT THE THINGS THAT WERE IN
4 THE REPORT WHERE WE ASKED FOR A DIFFERENT TIME SCHEDULE
5 ACTUALLY RELATED MORE TO OTHER ISSUES. COMPLIANCE WITH
6 NEW ARTICLE 5 MONITORING WAS THE MAJOR THING THAT WE WERE
7 CONCERNED WITH THE TIME SCHEDULED.

8 BOARD MEMBER RELIS: BECAUSE AS YOU MAY KNOW, WE
9 HAVE NOT RECEIVED A CLEAR CUT RECOMMENDATION ON THIS
10 PROJECT -- THIS PERMIT, RATHER, SO THAT'S THE NATURE OF
11 WHY I'M ASKING SO MANY QUESTIONS HERE.

12 MS. LASS: I UNDERSTAND THAT.

13 FROM THE WATER QUALITY CONTROL BOARD'S
14 STANDPOINT, OUR OPINION IS THAT NO ISSUE THAT WE ARE
15 DEALING WITH SHOULD BE AN ISSUE THAT SHOULD STAND IN THE
16 WAY OF THE ADOPTION OF THIS PERMIT BECAUSE WE ARE DEALING
17 WITH THE ISSUES THAT WE ARE RESPONSIBLE FOR DEALING WITH.
18 YOUR ISSUANCE OR NONISSUANCE OF A PERMIT IS NOT GOING TO
19 MAKE ANY DIFFERENCE TO OUR HANDLING OF OUR
20 RESPONSIBILITY. SO WE -- FROM OUR STANDPOINT, WE SEE NO
21 REASON FOR THE PERMIT NOT TO BE ADOPTED.

22 CHAIRMAN HUFF: ANY FURTHER QUESTIONS?

23 BOARD MEMBER EGIGIAN: JUST ONE. NOT TO YOU,
24 BUT TO OUR STAFF.

25 CHAIRMAN HUFF: THANK YOU FOR COMING AND BEING A



1 PART OF THIS HEARING.

2 BOARD MEMBER EGIGIAN: THE FIRST ONE OF THE
3 BOARD OPTIONS IT SAYS THAT THIS OPTION SHOULD BE
4 APPROPRIATE IF STAFF ARE ABLE TO VERIFY COMPLIANCE WITH
5 STATE STANDARD PRIOR TO THE BOARD'S MEETING.

6 HAS THIS BEEN DONE?

7 MR. SWEENEY: I'LL TURN THAT OVER TO COMPLIANCE
8 STAFF.

9 MS. HENDERSON: I'M SHARON HENDERSON ACTING AS
10 COMPLIANCE BRANCH MANAGER IN THE ABSENCE OF JOHN BELL.

11 IN SPEAKING WITH OUR FULLERTON COMPLIANCE
12 STAFF, WE BELIEVE THAT THERE STILL IS AN ONGOING
13 VIOLATION, TECHNICAL VIOLATION, THAT THERE EXISTS
14 LEACHATE. WE HAVE FOUND IN DISCUSSION THAT WE MAY NOT BE
15 ABLE TO GIVE COMPLIANCE UNTIL THE LEACHATE DOES NOT EXIST
16 OR THERE IS NO CONTAMINATION.

17 HOWEVER, WE WOULD STATE IN THE INSPECTION
18 REPORT THAT ALL THE STEPS HAVE BEEN TAKEN TO PROPERLY
19 MONITOR, COLLECT, STORE, AND DISPOSE OF THIS LEACHATE.
20 SO WE WOULD BE ON RECORD FOR A TECHNICAL. YES. THERE IS A
21 VIOLATION, THERE IS LEACHATE. THERE IS CONTAMINATION. BUT
22 THERE ARE STEPS BEING TAKEN TO ADEQUATELY MONITOR,
23 COLLECT, TREAT, AND DISPOSE.

24 BOARD MEMBER RELIS: I THINK THAT WOULD BE MORE
25 THAN ADEQUATE. I'D LIKE TO UNDERLINE THAT.



1 WOULD YOU EXPLAIN WHAT YOU MEAN THERE THAT
2 THIS PROBLEM THEN IS NEARLY UNDER CONTROL --

3 MS. HENDERSON: IT APPEARS --

4 BOARD MEMBER RELIS: -- THAT STEPS HAVE BEEN
5 TAKEN TO CORRECT IT, BUT THAT IT'S NOT GOING TO BE
6 CORRECTED FOR A WHILE. WOULD THAT BE A FAIR WAY TO
7 CHARACTERIZE?

8 MS. HENDERSON: YES. WHAT WE DO IS WE DO
9 COMMUNICATE WITH THE REGIONAL BOARD AND THE LEA TO GARNER
10 THEIR OPINION ON THIS. AS YOU HEARD FROM THE REGIONAL
11 BOARD, THEY BELIEVE THAT ALL OF THE STEPS HAVE BEEN
12 TAKEN, THAT THERE IS COMPLIANCE WITH ORDERS, THAT THERE
13 IS COMPLIANCE WITH REGULATIONS AND PLANS THAT HAVE BEEN
14 APPROVED.

15 ORDERS OFTEN RECOMMEND THAT PLANS BE IN
16 PLACE BEFORE COLLECTION OR MONITORING CAN GO AHEAD, AND
17 IT APPEARS AS THOUGH THE OPERATOR HAS TAKEN THOSE STEPS.
18 PLANS, MONITORING COLLECTION, STORAGE, AND DISPOSAL.

19 BOARD MEMBER RELIS: IT APPEARS, MEANING THEY
20 ARE TAKING A STANCE OR THEY APPEAR --

21 MS. HENDERSON: YES, TO THE BEST OF OUR
22 KNOWLEDGE. WE DON'T OPERATE THE FACILITY SO WE GO ON --

23 BOARD MEMBER RELIS: BUT YOU'VE MADE THE
24 INSPECTION?

25 MS. HENDERSON: THERE WAS AN INSPECTION



1 CONDUCTED IN DECEMBER WHERE THE VIOLATION FOR LEACHATE
2 WAS STILL ON THE BOOKS, BUT APPARENTLY IN DISCUSSION WITH
3 THE LOCAL ENFORCEMENT AGENCY, THE OPERATOR OF THE
4 REGIONAL BOARD THAT STEPS HAVE BEEN TAKEN SINCE THE
5 DECEMBER STAFF INSPECTION. MORE STEPS HAVE BEEN TAKEN.

6 BOARD MEMBER RELIS: THANK YOU.

7 CHAIRMAN HUFF: OKAY. DO YOU HAVE ANY OTHER
8 FURTHER QUESTIONS?

9 BOARD MEMBER RELIS: NO.

10 CHAIRMAN HUFF: MAYBE THE LEA CAN PROVIDE SOME
11 FURTHER.

12 MS. HENSHAW: I'M PATTY HENSHAW, SUPERVISOR OF
13 THE LEA PROGRAM. I THINK THERE'S SOME CONFUSION BECAUSE,
14 AS DIXIE LASS MENTIONED, THERE'S A MIX UP WITH THE
15 CLEANUP AND ABATEMENT ORDER MIXED WITH THE LEACHATE.

16 YOUR STATEMENT ON STAFF REPORT WHERE IT
17 SAYS, "STAFF WAS AWAITING VERIFICATION OF PROGRESS ON
18 CLEANUP AND ABATEMENT ORDER." NOW, PROGRESS ON CLEANUP
19 AND ABATEMENT ORDER IS FOR AN EROSION PROBLEM. REGIONAL
20 BOARD IS SATISFIED WITH THAT, BUT THEY ARE GOING TO NOT
21 RESCIND THIS ORDER FOR A COUPLE OF RAINY SEASONS, SO THAT
22 MEANS FOR A COUPLE OF YEARS. THEY'RE CONTINUALLY
23 WATCHING OUT HOW THE OPERATORS ARE DOING WITH THE
24 LANDFILLS.

25 THE LEACHATE PROBLEM AT SANTIAGO IS THAT



1 WE, THE LEA, ASKED THE OPERATOR TO PUT IN A TEMPORARY
2 LEACHATE COLLECTION SYSTEM WHILE THEY ARE WORKING WITH
3 THE REGIONAL BOARD TO SET UP A PERMIT SYSTEM BECAUSE IT'S
4 GOING TO TAKE A LONG TIME TO SET UP A PERMIT SYSTEM.

5 SO WHAT THEY DID IS THEY PUT IN, BASICALLY,
6 A REAL ROUGH COLLECTION POND TO COLLECT AS MUCH OF THE
7 SEEP AS POSSIBLE. THAT'S WHAT THE STATE STAFF SAW IN
8 DECEMBER.

9 SO, TECHNICALLY, THE VIOLATION OF LEACHATE
10 IS STILL THERE BECAUSE THERE'S NOT A PERMIT SYSTEM IN,
11 BUT WE'VE MOVED THAT VIOLATION FROM THE VIOLATION OF
12 MINIMUM STANDARDS TO AN AREA OF CONCERN BECAUSE THEY DID
13 COMPLY WITH PUTTING IN A TEMPORARY COLLECTION SYSTEM TO
14 COLLECT AS MUCH OF THE WATER AS POSSIBLE.

15 SO WHAT THEY'RE DOING NOW, THEY COLLECT
16 APPROXIMATELY 8,000 GALLONS A WEEK FROM THIS SPRING, AND
17 THEY USE IT FOR DUST CONTROL ON THE LANDFILL BECAUSE THE
18 CONSTITUENTS IN THIS LIQUID, EVEN THOUGH IT'S CONSIDERED
19 LEACHATE, IS A LOW ENOUGH QUALITY THAT THEY CAN STILL USE
20 IT FOR DUST CONTROL. SINCE THEY COMPLIED WITH OUR
21 REQUIREMENT TO PUT IN A TEMPORARY SYSTEM, WE'VE CHANGED
22 THAT MINIMUM STANDARD VIOLATION TO AN AREA OF CONCERN.

23 WHAT STATE STAFF WAS CONCERNED DURING THAT
24 DECEMBER INSPECTION WAS THAT THERE WERE OTHER SEEPS IN
25 THE AREA BELOW BECAUSE IT'S VERY WET DOWN THERE BECAUSE



1 IT'S BELOW THE LAKE. SO IT'S GOING TO BE WET. THAT CAN'T
2 BE CORRECTED UNTIL THE PERMANENT SYSTEM IS PUT IN.
3 SO THAT'S THE MAIN THING THAT THERE IS STILL SOME CONCERN
4 ABOUT, AND WE WILL BE WORKING WITH THE REGIONAL BOARD,
5 WITH THE OPERATOR, IN PUTTING IN A PERMANENT SYSTEM. BUT
6 WE ARE PLEASED WITH THE PROGRESS THE OPERATOR HAS TAKEN
7 IN PUTTING IN A PERMANENT SYSTEM AND HAVING A CONSULTANT
8 WORK WITH REGIONAL BOARD.

9 WE WENT OUT ON INSPECTION ON MONDAY. WE'VE
10 HAD SOME VERY DRY WEATHER NOW IN ORANGE COUNTY. THE
11 BIRDS HAVE LEFT FOR THE BEACHES FOR THE SUMMER. SO RIGHT
12 AT THIS TIME THERE IS NO VIOLATION OF THE MINIMUM
13 STANDARDS. THERE'S TWO AREAS OF CONCERNS: THE LEACHATE
14 PROBLEM AND SOME LITTER THAT ARE ON THE HILLSIDES THAT
15 THEY NEED TO TAKE CARE OF. OTHER THAN THAT, THE SITE IS
16 WORKING VERY WELL.

17 BOARD MEMBER RELIS: COULD I JUST ADD THAT THIS
18 LEACHATE CORRECTION ACTIVITY, AS WELL AS THE GRADING THAT
19 WILL BE -- THIS IS CONSISTENT WITH THE EXPANSION: IN
20 OTHER WORDS, THIS IS NOT JUST CORRECTING WHAT IS. THIS
21 BE COMMENSURATE WITH THE LEVEL OF ACTIVITY THAT WILL BE
22 THERE IN THE FUTURE WITH THE -- ASSUMING THIS PERMIT'S
23 APPROVED.

24 MS. HENSHAW: CORRECT. CORRECT. AND ALSO WITH
25 THE STAFF REPORT, THERE ARE -- AS THE REGIONAL BOARD HAD



1 POINTED OUT TO YOU, IS THERE ARE SOME STATEMENTS THAT ARE
2 INCORRECT. I HAVE TALKED TO PAUL SWEENEY ABOUT THIS.

3 MY REQUEST TO THE BOARD IS TO ALLOW THIS
4 AGENDA ITEM TO BE CHANGED TO REFLECT CORRECT STATEMENTS
5 BECAUSE THERE'S MISREPRESENTATION IN THERE WHEN IT SAYS,
6 "THE CLEANUP AND ABATEMENT ORDERS WERE ISSUED FOR
7 LEACHATE," WHICH THEY WEREN'T. THERE'S MISREPRESENTATION
8 WHEN IT SAYS, "THE REGIONAL STAFF HAVE FOUND THE SITE WAS
9 NOT IN COMPLIANCE WITH THE CLEANUP AND ABATEMENT ORDER."

10 THOSE ARE SOME CONCERNS THAT ARE IN THE
11 AGENDA ITEM THAT WE WOULD LIKE TO WORK WITH STATE STAFF
12 IN BETTER CLARIFYING WHAT THE ISSUES ARE OUT AT THAT
13 SITE.

14 BOARD MEMBER RELIS: SO YOU'RE ASKING THAT THE
15 TEXT THAT WE ARE REVIEWING HERE BE CORRECTED?

16 MS. HENSHAW: YES, BECAUSE THERE ARE INCORRECT
17 STATEMENTS.

18 MS. VAZQUEZ: WE WOULD HOPE TO MAKE THOSE
19 CORRECTIONS BEFORE THE BOARD MEETING.

20 CHAIRMAN HUFF: I THINK THE CHAIR IS GOING TO
21 RELY ON THE COMPETENCE OF STAFF TO MAKE WHATEVER
22 CORRECTIONS THEY FEEL NEED TO MADE WHENEVER IT COMES TO
23 THEIR ATTENTION THAT CORRECTIONS NEED TO BE MADE. I
24 SHOULD HOPE THAT THEY WILL DO THAT.

25 ATTORNEY CONHEIM: MR. CHAIRMAN, THE OFFICIAL



1 RECORD OF THIS PROCEEDING NOW REFLECTS THOSE CORRECTIONS
2 AND SO, IN FACT, THEY ARE MADE.

3 CHAIRMAN HUFF: YES, BUT I THINK WE'RE TALKING
4 ALSO ABOUT THE MATERIALS THAT WILL BE IN OTHER BOARD
5 MEETINGS.

6 ATTORNEY CONHEIM: YES. WE WILL ATTEMPT TO DO
7 THAT, AND CERTAINLY WE WILL REPRESENT THE CORRECT FACTS
8 AT THE BOARD MEETING.

9 MS. HENSHAW: SO AS THE LEA, I ASK THE BOARD FOR
10 CONCURRENCE WITH THE PERMIT AND SANTIAGO HAS MADE
11 IMPROVEMENTS IN SOME OF THEIR ENVIRONMENTAL PROBLEMS AT
12 THE SITE. IT'S AN OLD SITE WITH A LAKE NEARBY THAT ADDS
13 TO THE PROBLEM, AND THEY WILL BE CLOSING IN THREE TO FIVE
14 YEARS. THEY HAVE BEEN WORKING WITH THE AGENCIES, THE
15 REGIONAL BOARD AND LEA, TO MEET COMPLIANCE WITH THOSE
16 ENVIRONMENTAL CONCERNS.

17 BOARD MEMBER RELIS: I APPRECIATE YOUR
18 CLARIFYING THIS POINT.

19 MS. HENSHAW: WE WOULD LIKE THE CONSULTANT TO
20 DISCUSS FURTHER SOME OF THE WATER CHEMISTRY AND PROBLEMS
21 AT SANTIAGO SO THAT YOU CAN UNDERSTAND BETTER WHY IT'S
22 SUCH A COMPLICATED SYSTEM -- A WATER SYSTEM THERE AT
23 SANTIAGO.

24 CHAIRMAN HUFF: OKAY. BUT BEFORE WE DO THAT,
25 AND IN THE ABSENCE OF MY COLLEAGUES HAVING ANY OTHER



1 QUESTIONS -- OH. YOU HAVE ONE?

2 BOARD MEMBER EGIGIAN: I HAVE A QUESTION.

3 CHAIRMAN HUFF: YES.

4 BOARD MEMBER EGIGIAN: I KNOW THAT THE ORANGE
5 COUNTY LANDFILLS ARE SOME OF THE BEST IN THE NATION. AND
6 FRANK BOWERMAN KNOWS HOW TO RUN LANDFILLS. I'M CONFIDENT
7 THAT WE SHOULD GO ALONG AND CONCUR ON THIS PERMIT FROM
8 SEVERAL AREAS, WHAT WE'VE HEARD THIS MORNING PLUS THE
9 EXPERIENCE WITH ORANGE COUNTY.

10 SO, MR. CHAIRMAN, WHEN YOU'RE READY FOR THE
11 MOTION, I'M READY.

12 CHAIRMAN HUFF: OKAY. LET ME ASK MY QUESTIONS,
13 SAM.

14 WITH THE EXPANDED ACTIVITY, WOULD THIS HAVE
15 ANY IMPACT ON THE LEACHATE SITUATION OR IS THIS LEACHATE
16 SITUATION GOING TO BE PRESENT WHETHER THERE ARE EXPANDED
17 ACTIVITIES AT SOME PHASE OF THE LANDFILL OR NOT?

18 MS. HENSHAW: I'D RATHER HAVE THE OPERATOR AND
19 CONSULTANT ANSWER THAT.

20 CHAIRMAN HUFF: ALL RIGHT. WELL. IF THE
21 OPERATOR AND CONSULTANT CAN JUST REMEMBER THAT I ASKED
22 THAT QUESTION WHEN THEY GET A CHANCE TO SPEAK, THEN THEY
23 CAN ANSWER IT.

24 AS I UNDERSTAND IT, MAYBE THIS IS A
25 QUESTION OF STAFF, THIS IS A REVISED PERMIT SO IF WE



1 DON'T CONCUR, THEY STILL HAVE A PERMIT. DON'T THEY?

2 MR. SWEENEY: YES, SIR.

3 CHAIRMAN HUFF: AND THERE WILL STILL BE A
4 LEACHATE SITUATION?

5 MR. SWEENEY: YES, SIR.

6 CHAIRMAN HUFF: AND THERE WOULD STILL BE A CNA
7 ON EROSION, WHETHER WE ISSUE A PERMIT OR NOT?

8 MR. SWEENEY: YES, SIR.

9 CHAIRMAN HUFF: THANK YOU.

10 AND IF WE COULD HAVE THE OPERATOR AND/OR
11 THE CONSULTANT APPROACH THE PODIUM, PLEASE?

12 MR. KONDRU: GOOD MORNING, MY NAME IS KEVIN
13 KONDRU, AND I'M AN ENGINEER WITH COUNTY OF ORANGE
14 INTEGRATED WASTE MANAGEMENT BOARD.

15 FRANK BOWERMAN COULD NOT BE HERE. HE'S IN
16 VERY POOR HEALTH. HE ASKED ME TO CONVEY HIS REGRETS THAT
17 HE COULD NOT BE HERE. AT THE SAME TIME, HE ASKED ME TO
18 EXTEND THANKS TO YOU FOR CONSIDERING THIS PERMIT TODAY.

19 I WOULD LIKE TO SAY THAT THE COUNTY
20 OPERATES FOUR SITES IN ORANGE COUNTY. WE OPERATE THEM IN
21 A VERY RESPONSIBLE MANNER. WE ARE PROVIDING,
22 ESSENTIALLY, A PUBLIC SERVICE; AND THE SITES ARE, AS
23 ACKNOWLEDGED BY ONE OF THE MEMBERS HERE, ARE WELL
24 DESIGNED AND VERY WELL OPERATED. WE REALLY TAKE PRIDE IN
25 THEM.



1 THE SITE HAVE HAD SOME PROBLEMS IN THE PAST
2 AND WE VERY, VERY DILIGENTLY WORKED ON THEM. WE
3 CORRECTED THE DRAINAGE SYSTEMS AND THE SITE HAS
4 FUNCTIONED VERY WELL. IN FACT, THE LAST MAJOR STORMS WE
5 HAD THREE IN SUCCESSION, WE RECEIVED 18 INCHES OF RAIN
6 TOTAL, AND FOR THAT MAGNITUDE INTENSITY OF RAIN, THE SITE
7 PERFORMED VERY WELL IN MY OPINION. THE SITE WAS ALSO
8 INSPECTED LAST MONDAY, AS LEA ACKNOWLEDGED. AND THE SITE
9 WAS UPHELD.

10 AT THIS POINT THE SITE HAS APPROVAL BY LEA,
11 A PRIMARY CLOSURE PLAN. THE SITE ALSO HAS A
12 WELL-DESIGNED AND INSTALLED GAS COLLECTION SYSTEM WHICH
13 MEETS ALL THE AQMD STANDARDS.

14 THAT WAS ALL I WAS GOING TO SAY. DO YOU
15 HAVE ANY SPECIFIC QUESTIONS FOR ME; OTHERWISE, I'M GOING
16 TO REQUEST THE CONSULTANT TO COME IN AND TALK ABOUT THE
17 SWAT ISSUES AND THE SPRING ISSUE.

18 CHAIRMAN HUFF: ANY QUESTIONS OF THE -- OKAY.
19 THANK YOU. THE CONSULTANT, PLEASE?

20 MR. LASS: THANK YOU. MY NAME IS GARY LASS,
21 GEOLOGIC ASSOCIATES. ONE THING I'D LIKE TO CORRECT IN
22 THE STAFF SUMMARY ALSO -- IT'S ON PAGE 4 OF TEN OF WHAT I
23 HAVE AVAILABLE -- IS A DISCUSSION ABOUT THE 12 ADDITIONAL
24 WELLS THAT ARE PROPOSED FOR INSTALLATION IN 1992. I'D
25 LIKE TO POINT OUT TO THE BOARD THAT THOSE ACTUALLY WERE



1 INSTALLED IN 1991. A PRESENTATION WAS MADE TO THE BOARD
2 IN EARLY 1992 REGARDING THE RESULTS OF THE CONSTRUCTION
3 AND IMPLEMENTATION OF THE SWAT PROGRAM.

4 JUST TO BACKUP A STEP AND GIVE YOU
5 BACKGROUND ON THE GROUND WATER CONDITIONS AT SANTIAGO
6 CANYON. IF YOU'RE NOT AWARE OF IT, IN 1988 THE COUNTY
7 SUBMITTED A SWAT REPORT TO THE REGIONAL WATER QUALITY
8 CONTROL BOARD THAT WAS DISAPPROVED IN MAY OF 1990.

9 ORANGE COUNTY THEN HIRED A CONSULTANT TO
10 DEVISE A SWAT PROPOSAL AND RESUBMIT TO THE REGIONAL
11 BOARD. THAT WAS DONE ON OCTOBER 1 OF 1990 AND APPROVED
12 BY THE BOARD IN LATE OCTOBER OF 1990.

13 THE WELLS WERE ACTUALLY CONSTRUCTED IN MAY
14 AND JUNE OF 1991, AFTER THE WINTER RAINY SEASON. THAT
15 SWAT PROPOSAL INCLUDED 12 ADDITIONAL MONITORING WELLS TO
16 THE FIVE THAT THEY HAD AVAILABLE ON-SITE ALREADY. IT
17 ALSO INCLUDED A DEFINITION OF FIVE SURFACE MONITORING
18 POINTS INCLUDING THE SPRING SEEP AREA AT THE TOE OF THE
19 LANDFILL.

20 THE RESULTS OF THE SWAT INVESTIGATION
21 IDENTIFIED FOUR HYDROGEOLOGIC ZONES IN AND AROUND THE
22 LANDFILL FACILITY. THREE ARE IN BEDROCK SEPARATED BY TWO
23 SIGNIFICANT INACTIVE FAULT ZONES. THOSE FAULT ZONES,
24 ESSENTIALLY, ACT AS BARRIERS TO FLOW PERPENDICULAR TO THE
25 FAULT AND AS CONDUITS THAT FLOW PARALLEL TO THE FAULT.



1 THE GROUNDWATER ENVIRONMENT IS SUCH THAT IT
2 APPEARS THAT THE PREEXISTING CANYON TOPOGRAPHY ACTUALLY
3 IS A LOW POINT IN THE GROUNDWATER ENVIRONMENT AND BEDROCK
4 GROUNDWATER MAY ACTUALLY FLOW INTO THE PREEXISTING
5 CANYON. THEY'RE IN HYDROGEOLOGIC ZONE 4. THE ALLUVIAL
6 ENVIRONMENT, AND ACCUMULATED IN THAT ROCK ENVIRONMENT AND
7 FLOW Laterally TO THE NORTH TOWARDS THE TOE OF THE
8 LANDFILL.

9 ONE THING I WOULD LIKE TO POINT OUT AS WELL
10 IS THAT THE SPRING OR THE SEEP AT THE TOE OF WHAT'S
11 IDENTIFIED AS THE SANTIAGO CANYON LANDFILL IS NOT
12 EMANATING FROM THE LANDFILL ITSELF. THERE IS AN INERT
13 FILL, WHAT'S BEEN CALLED HISTORICALLY THE BARRAGE DAM AT
14 THE TOE OF THE LANDFILL. IT'S ABOUT 30 TO 40 FEET HIGH.
15 AS BEST WE CAN FIGURE -- THERE'S NO RECORDS ON IT, BUT IT
16 LOOKS TO BE A COUPLE OF HUNDRED FEET IN WIDTH. THE
17 SPRING IS ACTUALLY EMANATING FROM THE TOE OF THE BARRAGE
18 DAM, NOT FROM THE LANDFILL.

19 THE SWAT INVESTIGATION DID SUGGEST,
20 HOWEVER, THAT THE SPRING PROBABLY HAS A SIGNIFICANT
21 CONTRIBUTION FROM THE LANDFILL, FROM FLUIDS EMANATING
22 FROM THE LANDFILL. IT ALSO HAS A SIGNIFICANT
23 CONTRIBUTION FROM IRVINE LAKE.

24 IDENTIFIED FAULT, WHICH IS FAULT 1, WHICH
25 IS THE MORE NORTHERLY OF THE FAULTS, THERE'S A DEFINITE



1 GROUNDWATER RIDGE DEFINED ALONG THAT FAULT SUGGESTING
2 INFLOW FROM THE LAKE. IT DOESN'T LOOK LIKE IT GETS AS
3 FAR AS THE LANDFILL, BUT IT CERTAINLY CONTRIBUTES TO THE
4 FLOW AT THE SPRING.

5 IN ORDER TO EVALUATE THE MAGNITUDE OF THE
6 EFFECT OF THE LANDFILL CONTRIBUTION TO THE SPRING, ONE OF
7 THE MONITORING WELLS, MW-12, WAS CITED AT A LOCATION TO
8 INTERCEPT THE LOW POINT OF PREVIOUS CANYON TOPOGRAPHY,
9 THAT WOULD BE UNDERNEATH THE INERT FILLS IN THE BARRAGE
10 DAM AREA.

11 THE CONCEPT THERE WAS THAT IF, IN FACT, THE
12 PREVIOUS TOPOGRAPHY CREATES A VERY CRUDE DRAINAGE SYSTEM
13 BELOW THE LANDFILL, THAT'S WHERE WE SHOULD HAVE THE
14 HIGHEST LEVEL OF LANDFILL CONSTITUENTS AND FLUIDS. THAT
15 WELL WAS SURVEYED FOR THE PREEXISTING CANYON BOTTOM
16 BEFORE THE WELL WAS INSTALLED AND DID ENCOUNTER ABOUT
17 SEVEN FEET OF FLUIDS ABOVE THE BEDROCK IN THE ALLUVIAL
18 SECTION ADJACENT TO THE TOE OF THE LANDFILL.

19 THE CONSTITUENTS IDENTIFIED IN THAT WELL,
20 THERE WERE SIX OR EIGHT VOLATILE CONSTITUENTS. SO WE
21 CONSIDERED THAT TO BE A SIGNIFICANT LANDFILL CONSTITUENT.

22 I WOULD LIKE THE BOARD TO RECOGNIZE,
23 HOWEVER, THAT THAT WELL IS LOCATED ABOUT 2- TO 300 FEET
24 TO THE SOUTH OF THE EXISTING SPRING. IN ORDER TO MONITOR
25 WHAT ACTUALLY COMES OUT OF THE SPRING. THERE'S A SURFACE



1 WATER SAMPLING POINT THAT WAS ESTABLISHED AT THE SPRING
2 ITSELF.

3 WHAT WE FOUND IN THE CHEMISTRIES OF THE
4 SPRING ITSELF WERE WATER CHEMISTRIES. GENERAL CHEMISTRY
5 PARAMETERS THAT WERE SIMILAR TO THE MW-12 CHEMISTRY. THAT
6 IS ELEVATED TS CHLORIDES. SOME OF THE GENERAL CHEMISTRY
7 PARAMETERS, BUT VERY LITTLE IN THE WAY OF VOLATILE
8 CONSTITUENTS.

9 IN OUR OPINION, THAT'S EITHER THE RESULT OF
10 DILUTION FROM THE INFLOW ALONG FAULT 1 FROM IRVINE LAKE
11 OR IS THE RESULT OF TRAVEL TIME AND DEGRADATION OF THE
12 VOLATILES AS IT PASSED THROUGH THE BARRAGE FILL.

13 BASED ON THE RESULTS OF THE SWAT INITIAL
14 REPORT WHICH WERE AVAILABLE IN JANUARY 1992 AND ACTUALLY
15 WERE PRESENTED TO THE WASTE BOARD, THE LEA, AND REGIONAL
16 BOARD IN A VERBAL AND FORMAL PRESENTATION AT THE ORANGE
17 COUNTY OFFICES IN JANUARY, THE COUNTY THEN FORMULATED A
18 GROUNDWATER -- I HAVE THE TITLE HERE -- GROUNDWATER
19 COMPLIANCE WORK PLAN WITH ABOUT FIVE ELEMENTS IN IT THAT
20 WAS SUBMITTED TO THE REGIONAL WATER QUALITY CONTROL BOARD
21 FOR APPROVAL FOR MITIGATING THE GROUNDWATER CONDITIONS AT
22 THE SITE.

23 I COULD, VERY BRIEFLY, JUST RUN THROUGH
24 THOSE STEPS AND WHERE THE COUNTY IS ON THAT WORK PLAN.

25 THE FIRST STEP OF THE WORK PLAN WAS TO



1 CONSTRUCT AN INTERIM GROUNDWATER OR INTERIM SPRING
2 MITIGATION SYSTEM. NOW, THAT INTERIM SYSTEM WAS DESIGNED
3 ONLY TO ALLOW THE COUNTY AT THAT TIME TO DESIGN A
4 PERMANENT CONTAINMENT SYSTEM. THE INTERIM SYSTEM
5 CONSISTS OF A CONCRETE CUTOFF WALL WHEREIN THE SPRING
6 FLUIDS ARE COLLECTED BEHIND IT, PUMPED INTO A DEDICATED
7 SYSTEM UP INTO A CONTAINMENT VESSEL, AND THEN PUMPED UP
8 TO A TOP DECK AT A LANDFILL WHERE IT WOULD BE PICKED UP
9 BY A VACUUM TRUCK AND THEN TAKEN FOR APPROPRIATE
10 DISPOSAL. THAT SYSTEM IS RECOGNIZED TO BE IMPERFECT.

11 IT PROBABLY GETS MOST OF THE LIQUIDS FROM
12 THE LANDFILL; BUT, AGAIN, AS THE CHEMISTRIES IN THE
13 SPRING AND THE FLUIDS DOWN GRADE TO THE SPRING
14 ILLUSTRATED RELATIVELY LOW LEVELS OF PROBLEMATIC
15 CONSTITUENTS, WE FELT IT WAS APPROPRIATE OR ACCEPTABLE TO
16 ALLOW TIME TO GET A FINAL DESIGN ACCOMMODATED.

17 SO THAT INTERIM SYSTEM IS IN PLACE. I
18 THINK WHEN YOUR INSPECTORS WERE THERE IN LATE DECEMBER,
19 I'M NOT SURE WHAT THE WEATHER CONDITIONS WERE, BUT THE
20 SYSTEM HAD JUST BEEN COMPLETED.

21 IF IT WAS A RAINY PERIOD, THAT SYSTEM IS
22 DESIGNED TO BE PULLED BEFORE THE RAINS BECAUSE THERE'S A
23 MAJOR FLOW BOTH FROM THE IRVINE LAKE SPILLWAY AND THE
24 WEST SIDE DRAINAGE FOR SANTIAGO CANYON LAKE THAT GOES
25 THROUGH THAT SAME DRAINAGE COURSE. IF YOU'RE NOT



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1 FAMILIAR WITH THE SITE. IT'S A VERY CONSTRICTED CHANNEL.
2 IT'S PROBABLY LESS THAN 15 FEET WIDE AND IT DRAINS
3 SEVERAL HUNDRED ACRES THROUGH IT.

4 SO, BASICALLY, IN THE EVENT OF A MAJOR
5 STORM THAT SYSTEM IS DESIGNED TO BE PULLED OUT AND THEN
6 RESET AFTER THE STORM EVENT. SO DEPENDING ON WHEN YOU
7 WERE THERE, THE SYSTEM MAY HAVE BEEN FULLY IN OPERATION
8 OR IT MAY HAVE BEEN EXTRACTED IN THE ANTICIPATION OF THE
9 STORM EVENT.

10 IN ANY EVENT THE ELEMENTS OF THE WORK PLAN
11 THAT RESULTED IN THE SWAT INVESTIGATION INCLUDED THE
12 IMMEDIATE SPRING MITIGATION. THAT WAS IN PLACE AND
13 REMAINS IN PLACE TO DATE. I THINK AS WAS STATED THEY'RE
14 PUMPING APPROXIMATELY 7- TO 8,000 GALLONS OVER A TEN-DAY
15 PERIOD THAT IS BEING TRUCKED AWAY FOR DISPOSAL, OR
16 ACTUALLY FOR DUST CONTROL ON-SITE.

17 THE COUNTY HAS ALSO INITIATED ACCESS
18 RESTRICTIONS TO THE SPRING AREA INCLUDING SIGNAGE. IT'S
19 RELATIVELY INACCESSIBLE AT PRESENT BECAUSE OF THE
20 SECURITY MEASURES AT THE LANDFILL. ADJACENT ON THE OTHER
21 SIDE IS IRVINE LAKE, WHICH MAKES THAT SIDE RELATIVELY
22 INACCESSIBLE. IT IS IN A RURAL AREA OF EASTERN ORANGE
23 COUNTY.

24 THE SECOND ELEMENT OF THE MITIGATION SYSTEM
25 IS THAT THE COUNTY IS PROPOSING TO PUMP WELL MW-12, THAT



1 IS THE WELL THAT'S BEHIND THE BARRAGE DAM IN THE SOURCE
2 AREA, IF YOU WILL, FOR FLUIDS MIGRATING FROM THE
3 LANDFILL. THE CONCEPT IS THAT THEY WILL PUMP THAT FOR
4 TWO TO THREE MONTHS AND EVALUATE THE NET EFFECT ON THE
5 DISCHARGE RATE FROM THE SPRING.

6 IDEALLY, THE COUNTY WOULD LIKE TO ESTABLISH
7 AN EXTRACTION WELL SYSTEM BEHIND THE TOP OF THE BARRAGE
8 DAM TO ACCOMMODATE REMOVAL OF THE QUOTE-UNQUOTE LEACHATE
9 BEFORE IT REACHES THE SPRING. IF THAT SYSTEM DOES NOT
10 PROVE EFFECTIVE IN THIS TEST PERIOD, THEN THE COUNTY IS
11 PROPOSING TO DESIGN EITHER A CUT-OFF WALL SYSTEM, CUT-OFF
12 TYPE OPERATION OR A LIVE CONTAINMENT SYSTEM FOR PERMANENT
13 CONTROL OF LEACHATE AT THE SITE.

14 WE FELT IT WAS MORE APPROPRIATE FOR THE
15 COUNTY, ACTUALLY, TO GO INTO THE TWO- TO THREE-MONTH TEST
16 PERIOD BECAUSE WE THINK THAT'S A MORE EFFECTIVE METHOD,
17 AND WE THINK THE CHEMISTRIES IN THE SPRING ALLOW THEM
18 THAT LUXURY, IF YOU WILL.

19 IN TERMS OF RESPONDING TO THAT SPRING FLOW
20 AND LEACHATE COLLECTION MITIGATION, THE COUNTY OF ORANGE
21 DID ISSUE AND ROP ABOUT FOUR WEEKS AGO FOR DESIGN OF
22 PERMIT LEACHATE SYSTEM AT SANTIAGO CANYON. THOSE
23 PROPOSALS WERE DUE YESTERDAY, AND I ASSUME A CONSULTANT
24 WILL BE ON BOARD SOMETIME WITHIN THE WEEK OR WEEKS TO
25 EVALUATE AND DESIGN THAT SYSTEM.



1 SEVERAL OF THE OTHER ELEMENTS THAT ARE IN
2 THE PROGRAM INCLUDE COMPLETING THE SWAT REPORT. THE SWAT
3 REPORT IS IN ITS THIRD QUARTER MONITORING PERIOD RIGHT
4 NOW. THE FOURTH QUARTER WILL BE DONE IN THREE MONTHS.
5 THE FINAL SWAT REPORT IS EXPECTED TO BE ISSUED IN ABOUT
6 OCTOBER OF 1992. WE'LL HAVE ALL THE CHEMICAL BASES FOR
7 THE DESIGN OF THE FINAL SYSTEM.

8 THE COUNTY HAS ALREADY ALSO ISSUED AS PART
9 OF THIS WORK PLAN A PROPOSAL AND HAS ALREADY SELECTED A
10 CONSULTANT TO COMPLETE THEIR ARTICLE 5 COMPLIANCE
11 REQUIREMENTS; THAT IS, THE STATISTICAL EVALUATION OF THE
12 GROUNDWATER DATABASE FOR THE SANTIAGO LANDFILL SITE. THE
13 CONSULTANT WAS SELECTED, I BELIEVE, TWO WEEKS AGO. THE
14 RESULTS ARE DUE TO THE REGIONAL BOARD ON JUNE 30, 1992.

15 IN ADDITION THE COUNTY, AS PART OF THEIR
16 WORK PLAN, HAS SCHEDULED THE FINAL DESIGN OF THE CLOSURE
17 PLAN FOR THE SANTIAGO CANYON LANDFILL. FINAL DESIGN, I
18 BELIEVE -- AND THE COUNTY CAN CORRECT ME IF I'M WRONG --
19 IS SCHEDULED FOR -- THE PLAN IS SCHEDULED TO BE SUBMITTED
20 IN LATE 1993 FOR A 1995 CLOSURE.

21 SO IN MY OPINION THE COUNTY HAS UNDERTAKEN
22 SOME SUBSTANTIAL EFFORTS TO. FIRST OF ALL, CHARACTERIZE
23 THE LEACHATE, QUOTE-UNQUOTE LEACHATE AT THE SPRING AND
24 LANDFILL, AND ALSO TO GENERATE ENOUGH DATA TO DESIGN AN
25 EFFECTIVE AND REALISTIC CONTAINMENT SYSTEM.



1 DO YOU HAVE ANY QUESTIONS REGARDING THE
2 SWAT PROPOSAL OR THE PRESENTATION?

3 BOARD MEMBER RELIS: JUST CONTINUING ON THE
4 POINT MR. HUFF MADE EARLIER, IT SOUNDS LIKE THIS IS A
5 LANDFILL THAT'S GOT A LONG-TERM MANAGEMENT PROBLEM. AND
6 THAT THIS CONTAINMENT SYSTEM IS GOING TO NEED WHATEVER IN
7 ITS FINAL CONFIGURATION. THIS IS GOING TO BE A LONG-TERM
8 EFFORT. YOU'RE ASSURING US THAT THE EXPANSION, WHICH
9 WILL GENERATE MORE LEACHATE OVER TIME, WOULD THAT BE FAIR
10 TO SAY?

11 MR. LASS: I THINK ONE THING --

12 BOARD MEMBER RELIS: WILL HAVE TO BE MANAGED FOR
13 A LONG TIME?

14 MR. LASS: I THINK ONE THING THAT NEEDS TO BE
15 RECOGNIZED, AND I'M NOT SURE IT'S IN THE DOCUMENTS YOU
16 HAVE IN FRONT OF YOU, AS MR. HUFF ASKED THE QUESTION, THE
17 EXPANSION AREA IS ACTUALLY IN THE SOUTHEAST PORTION -- OR
18 THE SOUTHWEST PORTION OF THE LANDFILL.

19 THE PRIMARY VOLUME WITHIN THE EXPANSION
20 AREA IS A VERTICAL AIRSPACE CAPACITY. THERE'S A
21 RELATIVELY LIMITED FOOT FOR AN EXPANSION: AND IN TERMS OF
22 THE SITE LIMITS, IT'S AS FAR AWAY FROM THE SPRING AS IT
23 CAN BE.

24 IN OUR OPINION HYDROGEOLOGICALLY, GIVEN THE
25 ENVIRONMENT THAT WE HAVE, THE NET IMPACT ON THE SPRING IS



1 GOING TO BE RELATIVELY SMALL. THE SPRING EXISTS AND THE
2 SPRING WILL CONTINUE TO EXIST. THE CONCEPT THE COUNTY
3 HAS APPROACHED SPRING MITIGATION WITH IS THAT THEY WOULD
4 LIKE TO HAVE A LONG-TERM SPRING MITIGATION SYSTEM
5 INCORPORATED AS PART OF THE FINAL CLOSURE PLAN, AND THEN
6 OBVIOUSLY INCORPORATE THE POSTCLOSURE MAINTENANCE
7 MONITORING PERIOD.

8 CHAIRMAN HUFF: SO LET ME ASK IT AGAIN. I
9 UNDERSTAND THAT WE ARE DEALING WITH AN INABILITY TO
10 COMPLETELY 100 PERCENT PREDICT ANYTHING?

11 MR. LASS: RIGHT.

12 CHAIRMAN HUFF: BUT IF THIS PERMIT IS CONCURRED
13 IN AND THERE IS AN EXPANSION OF ACTIVITIES AT THE
14 LANDFILL, IT IS YOUR OPINION, THE OPINION OF YOUR
15 CONSULTING FIRM, THAT THE IMPACT ON THE LEACHATE WILL BE
16 MINIMAL IN TERMS OF VOLUME OR THE CHEMISTRY?

17 MR. LASS: RIGHT. THERE MAY BE SOME INCREASE IN
18 THE VOLUME. WE EXPECT IT TO BE RELATIVELY MINOR WITH THE
19 NEW CLEANUP AND ABATEMENT ORDER DRAINAGE SYSTEMS, THE
20 COLLECTION DRAINAGE SYSTEMS, AND DIVERSION SYSTEMS. THE
21 SEEP REMEDIATION SYSTEM WILL BE DESIGNED TO
22 ACCOMMODATE -- THERE WILL BE A FACTOR OF SAFETY IN THE
23 SYSTEM TO ACCOMMODATE INCREASED FLOW. SO I REALLY DON'T
24 SEE IT AS A SIGNIFICANT ELEMENT THAT WILL BE CONSIDERED
25 IN THE DESIGN OF THE PERMANENT SYSTEM, BUT THAT THE



1 PERMANENT SYSTEM WILL BE DESIGNED WITH OR WITHOUT IT.

2 CHAIRMAN HUFF: AND, IN FACT, IF THIS PERMIT IS
3 DENIED, THAT SYSTEM IS STILL GOING TO BE DESIGNED. IT'S
4 STILL GOING TO HAVE THE SAME SPECIFICATIONS WHETHER THIS
5 PERMIT IS APPROVED OR DENIED. IT WILL STILL BE NECESSARY
6 TO GO FORWARD WITH THAT LEACHATE COLLECTION SYSTEM
7 REGARDLESS OF WHAT WE DO WITH THIS PERMIT?

8 MR. LASS: YES. THE SPRING AND TOE AREA OF THE
9 LANDFILL IS OUTSIDE OF THE ACTIVE OPERATIONS AREA. IT'S
10 SEPARATED BY, I BELIEVE, AT LEAST 1,000 HORIZONTAL FEET
11 AND SEVERAL HUNDRED VERTICAL FEET. THEY ARE IN THE BACK
12 OF THE LANDFILL AT THIS POINT. THE SPRING AREA IS AT THE
13 TOE, WELL OUTSIDE THE AREA OF INFLUENCE OF OPERATIONS.
14 THE SPRING IS A SITUATION THEY HAVE TO DEAL WITH
15 REGARDLESS OF THE PERMIT.

16 CHAIRMAN HUFF: OKAY. ANYTHING ELSE?

17 LET'S SEE WHAT ELSE I HAVE ON THIS ITEM. I
18 HAVE A KEVIN KONDRU. THAT WAS THE OPERATOR AND HE SPOKE.
19 YOU'RE GARY LASS.

20 THAT'S EVERYONE WHO FILLED OUT ONE OF THESE
21 THINGS. OKAY.

22 I'M READY FOR A MOTION.

23 BOARD MEMBER RELIS: MR. CHAIR, I MOVE THAT WE
24 ACCEPT THIS WITH THE CONDITION THAT THIS IS, I THINK, A
25 SITUATION THAT NEEDS TO BE WATCHED VERY CAREFULLY. AND I



1 WOULD APPRECIATE -- I DON'T KNOW WHAT OUR REPORTING
2 REQUIREMENTS ARE, BUT BEING KEPT APPRISED OF THE PROGRESS
3 ON THIS SYSTEM AND THAT IT'S A LONG-TERM CONCERN FOR THE
4 BOARD. THAT'S AN OBSERVATION.

5 CHAIRMAN HUFF: OKAY. LET ME ASK A QUESTION OF
6 STAFF, HAVING RECEIVED A MOTION.

7 IN THE PERMIT ITSELF IS THERE LANGUAGE
8 DEALING WITH THE LEACHATE COLLECTION SYSTEM IN THE
9 ASSOCIATED DOCUMENTS?

10 MR. SWEENEY: WELL, JUST IN THE FACT THAT THE
11 PERMIT DOES INCORPORATE NOT ONLY THE CLEANUP AND
12 ABATEMENT ORDER, WHICH DOESN'T DEAL WITH LEACHATE, BUT IT
13 DOES SAY THEY WILL COMPLY WITH ANY AND ALL REGULATIONS OR
14 ORDERS FROM THE REGIONAL WATER QUALITY CONTROL BOARD
15 WHICH IN THIS CASE WOULD BE, OF COURSE, INCLUDING THEIR
16 WORK ON THE LEACHATE PROBLEM.

17 CHAIRMAN HUFF: SO BY REFERENCE --

18 MR. SWEENEY: BY REFERENCE.

19 CHAIRMAN HUFF: BY REFERENCE. OKAY.

20 SO THE MOTION WE HAVE BEFORE US IS A
21 CONCURRENCE IN THE ISSUANCE OF THE PERMIT AND REQUEST OF
22 STAFF THAT THEY CONTINUE TO INFORM COMMITTEE MEMBERS OF
23 EVENTS AT THIS LANDFILL, AS SUCH EVENTS WARRANT, EITHER
24 IN TERMS OF THE COMPLIANCE OR IN TERMS OF THE PROBLEM
25 SENSE.



1 MS. VAZQUEZ: OKAY.

2 CHAIRMAN HUFF: WE HAVE A PREVIOUS ROLL CALL.
3 WITHOUT OBJECTION, WE'LL SUBSTITUTE THE PREVIOUS ROLL
4 CALL. WITHOUT OBJECTION, THE AYES ARE THREE, THE NOES
5 ARE NONE. THE MOTION CARRIES.

6 NOT CONSENT.

7 AND I HAD A QUESTION ABOUT CONSENT ON THE
8 PREVIOUS ONE. AFTER CONSIDERING IT, I THINK IT'S
9 PROBABLY NOT AN ITEM OF CONSENT, ITEM 2, BECAUSE IN ITEM
10 2 THERE IS THE NOTATION THAT THERE IS A VIOLATION OF THE
11 MINIMUM STANDARDS THAT'S BEING ADDRESSED.

12 MS. VAZQUEZ: THAT'S CORRECT.

13 CHAIRMAN HUFF: I DON'T WANT TO PUT TO CONSENT
14 AN ITEM OF VIOLATION OF MINIMUM STANDARDS. I'LL TELL
15 PAUL THAT AGAIN.

16 ALSO, LET THE CHAIR ANNOUNCE THAT IT'S THE
17 CHAIR'S INTENTION TO BREAK FOR LUNCH AT FIVE MINUTES OF
18 12. IF WE DON'T FINISH OUR AGENDA BEFORE THEN, WE WILL
19 RECONVENE AFTER A BRIEF LUNCH BREAK, PROBABLY AROUND TWO.

20 ITEM 4 IS PULLED. THAT WOULD TAKE US TO
21 ITEM 5.

22 MR. MORALEZ: MR. CHAIRMAN, THE ITEM BEFORE YOU
23 IS THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT
24 FOR WHITE FEATHER FARMS, A COMPOSTING FACILITY IN
25 RIVERSIDE COUNTY.



1 A COUPLE OF ITEMS TO NOTE IS THAT THE STAFF
2 IN ITS REVIEW OF THE MATERIAL, THERE IS A FINDING OF
3 CONFORMANCE ADOPTED BY RIVERSIDE COUNTY BOARD OF
4 SUPERVISORS ON AUGUST 13, 1991; HOWEVER, THIS ADOPTION
5 HAD THREE CONDITIONS ADDED TO IT.

6 STAFF'S REVIEW OF THE FINDINGS FINDS THAT
7 UNDER PRC SECTION 50000 FOUND THAT THE ITEMS OR THE
8 CONDITIONS LISTED WERE NOT APPROPRIATE FOR CONSIDERATION
9 BY THE BOARD; AND, THEREFORE, FOUND THE FINDING OF
10 CONFORMANCE IN COMPLIANCE WITH THAT REQUIREMENT.

11 CHAIRMAN HUFF: LET ME ASK A QUESTION, IF I MAY
12 INTERRUPT YOU.

13 THE COUNTY BOARD OF SUPERVISORS HAD A
14 FINDING OF COMPLIANCE, RIGHT?

15 MR. MORALEZ: CORRECT.

16 CHAIRMAN HUFF: THEN YOU SAY THERE ARE THREE
17 CONDITIONS ATTACHED TO IT BY THE COUNTY BOARD?

18 MS. STEVENS: THREE OF THE CONDITIONS ATTACHED
19 TO THE RESOLUTION CAME ABOUT FROM THE INPUT OF THE LOCAL
20 TASK FORCE.

21 CHAIRMAN HUFF: BUT MY QUESTION IS DID THE
22 COUNTY BOARD SEE THESE THREE CONDITIONS WHEN THEY MADE
23 THEIR VOTE?

24 MS. STEVENS: I THINK THAT WAS AN ITEM THAT WAS
25 REVIEWED BY THE LOCAL ASSISTANCE BRANCH. MISS JUDY



1 FRIEDMAN IS HERE TO ANSWER QUESTIONS REGARDING THAT.
2 THAT'S PART OF THE AB 2296 DETERMINATION.

3 CHAIRMAN HUFF: OKAY. WE'LL -- ALL RIGHT. COME
4 FORWARD.

5 MS. FRIEDMAN: THANK YOU. I'M JUDY FRIEDMAN OF
6 THE LOCAL ASSISTANCE BRANCH.

7 YES, THE BOARD OF SUPERVISORS DID KNOW OF
8 THESE CONDITIONS AND DID CONDITION THE APPROVAL.

9 CHAIRMAN HUFF: OKAY.

10 MR. MORALES: THE OTHER ITEM JUST TO NOTE, PRIOR
11 TO STAFF GIVING MORE DETAILS ON THE REQUEST FOR THE
12 PERMIT, WAS THAT PRIOR TO TODAY'S MEETING AND AFTER THE
13 BOARD ITEM HAD BEEN SUBMITTED THERE WAS A CONCERN RAISED
14 AS TO WHETHER THE FACILITY WAS VIABLE AS AN OPERATING
15 FACILITY.

16 WE DID HAVE STAFF, TECHNICAL STAFF, LOOK
17 INTO THE PROPOSAL FOR THE COMPOSTING OPERATION. JEFF
18 HUNTS FROM OUR PLANNING ASSISTANCE DIVISION, WHO IS
19 KNOWLEDGEABLE IN THE AREA OF COMPOSTING, LOOKED AT THE
20 PROPOSAL AND THE PROJECT AND FOUND THAT, IN FACT, WAS A
21 VIABLE AND DOABLE PROJECT AS A COMPOSTING FACILITY.

22 AT THIS POINT, I'D LIKE TO TURN THE BALANCE
23 OVER TO STAFF.

24 MS. STEVENS: GOOD MORNING, MR. CHAIRMAN AND
25 MEMBERS OF THE COMMITTEE. MY NAME IS ROSSLYN STEVENS.



1 AND CURRENTLY I'M THE ACTING SENIOR IN THE PERMITTING
2 SECTION SOUTH IN THE PERMITS BRANCH OF THE PERMITTING AND
3 CONFORMANCE DIVISION.

4 THE ITEM BEFORE YOU TODAY IS THE
5 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW
6 SOLID WASTE FACILITIES PERMIT FOR THE WHITE FEATHER FARMS
7 COMPOSTING FACILITY. THIS NEW PERMIT IS BEING PROPOSED
8 SO THAT THE FACILITY MAY ACCEPT A MINIMUM OF 60 TO A MAX
9 TO 200 TONS A DAY OF COMPOSTING MATERIAL WITH A MAXIMUM
10 LIMITATION OF 500 TONS PER DAY.

11 THE PURPOSE OF THIS FACILITY IS TO
12 ELIMINATE A SIGNIFICANT PORTION OF THE GREEN WASTE THAT
13 IS CURRENTLY BEING DISPOSED AT THE EDAM HILL LANDFILL.
14 IN FACT, THIS FACILITY IS LOCATED IN SUCH A WAY THAT ITS
15 ENTRANCE IS THROUGH THE GATES THAT GO TO THE EDAM HILL
16 LANDFILL. IT WOULD BE DIVERTING THE GREEN WASTE FROM
17 DISPOSAL AT EDAM HILL TO THIS FACILITY.

18 THE AREA OF THE FACILITY IS SEVEN ACRES --
19 TEN ACRES, PARDON ME, OF WHICH SEVEN WILL BE USED FOR THE
20 COMPOSTING AREA. IT WILL SERVE THE COACHELLA VALLEY IN
21 RIVERSIDE COUNTY.

22 THE TYPES OF WASTE PROPOSED TO BE ACCEPTED
23 AT THIS FACILITY ARE PLANT TRIMMINGS, SHRUBBERY, WOOD
24 WASTE AND LAWN CUTTINGS.

25 IF YOU WANT MORE TECHNICAL INFORMATION



1 ABOUT THE ACTUAL COMPOSTING, JEFF HUNTS IS HERE TO ANSWER
2 THOSE QUESTIONS.

3 IN PREPARING THIS ITEM FOR CONSIDERATION OF
4 THE BOARD. BOARD STAFF REVIEWED THE DOCUMENTS SUBMITTED
5 BY THE LEA AND MADE THE FOLLOWING DETERMINATIONS: THE
6 FACILITY IS FOUND IN RIVERSIDE COUNTY SOLID WASTE
7 MANAGEMENT PLAN, AND IS FOUND TO BE IN CONFORMANCE WITH
8 THAT PLAN. THE REQUIREMENTS OF THE ENVIRONMENTAL QUALITY
9 ACT HAS BEEN COMPLIED WITH. RIVERSIDE COUNTY PLANNING
10 DEPARTMENT PREPARED AN ENVIRONMENTAL IMPACT REPORT FOR
11 THIS PROJECT AND FILED A NOTICE OF DETERMINATION IN MARCH
12 1991. THE BOARD OF SUPERVISORS ADOPTED A FINDING OF
13 CONFORMANCE ON AUGUST 13, 1991, AND BOARD STAFF HAVE
14 DETERMINED THAT THIS FINDING OF CONFORMANCE IS
15 APPROPRIATE FOR CONSIDERATION IN THE CONCURRENCE OF THE
16 ISSUANCE OF THIS SOLID WASTE FACILITIES PERMIT.

17 FOR THE LEA'S PURPOSES AND FOR THIS BOARD'S
18 PURPOSES, THE REQUIREMENTS OF SECTION 50000 HAVE BEEN
19 MET.

20 BOARD STAFF HAVE DETERMINED THAT THE
21 ISSUANCE OF THIS FACILITIES PERMIT WOULD NOT BE
22 INCONSISTENT WITH NOR WOULD IT IMPAIR COUNTY WASTE
23 DIVERSION GOALS. IF YOU WOULD LIKE ADDITIONAL DETAIL
24 INFORMATION ON THESE DIVERSION GOALS, MS. FRIEDMAN CAN
25 ANSWER THOSE QUESTIONS.



1 STAFF HAVE REVIEWED ALL THE DOCUMENTS
2 ASSOCIATED WITH THIS FACILITY, AS WELL AS THE PROPOSED
3 PERMIT, AND CONCLUDE THAT A RECOMMENDATION TO THE BOARD
4 TO ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO. 92-33
5 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITIES
6 PERMIT NO. 33-AA-0238 IS APPROPRIATE AND SO RECOMMENDED.

7 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

8 BOARD MEMBER RELIS: I DON'T HAVE ANY QUESTIONS
9 ABOUT THIS PROJECT.

10 WE'LL LET THE STAFF COMPLETE --

11 CHAIRMAN HUFF: STAFF REPORT IS DONE?

12 MS. STEVENS: THE LEA IS HERE TO ANSWER
13 QUESTIONS ON THIS ITEM.

14 CHAIRMAN HUFF: FIRST, I NEED TO HAVE A
15 CONVERSATION WITH STAFF, LEGAL COUNSEL, ABOUT -- BECAUSE
16 I KNOW IT'S AN ISSUE, AND I'M ANTICIPATING THE THREE
17 CONDITIONS. AS I UNDERSTAND IT THERE'S -- AND STAFF,
18 CORRECT ME IF I'M WRONG -- THERE IS SOME ISSUE WITHIN
19 RIVERSIDE COUNTY GOVERNMENT OVER THESE THREE CONDITIONS;
20 IS THAT CORRECT?

21 MS. STEVENS: THAT'S CORRECT.

22 CHAIRMAN HUFF: OKAY. NOW, MY QUESTION. TO MAKE
23 SURE I UNDERSTAND IT, IS THAT WHEN THE BOARD OF
24 SUPERVISORS ADOPTED THEIR FINDING OF CONFORMANCE ON
25 AUGUST 13, 1991, AT THAT TIME DID THESE THREE CONDITIONS



1 FORM A PART OF THEIR FINDING OF CONFORMANCE?

2 MS. STEVENS: I BELIEVE MS. FRIEDMAN STATED THAT
3 EARLIER: THAT IS CORRECT.

4 CHAIRMAN HUFF: IT WASN'T SUBSEQUENT TO. IT WAS
5 ACTUALLY PART OF THIS? THEY DIDN'T GO BACK AND AMEND IT
6 LATER?

7 MS. FRIEDMAN: THAT'S MY UNDERSTANDING.

8 CHAIRMAN HUFF: SAME TIME. OKAY.

9 NOTWITHSTANDING THAT, STAFF -- THIS IS
10 WHERE YOU HAVE TO STAND BY POISED, MR. CONHEIM -- NOW,
11 STAFF CONCLUDED THAT THE SUBMITTAL FROM THE LEA, WHICH
12 DOES NOT EMBODY THESE THREE CONDITIONS, MET THE
13 REQUIREMENTS OF PRC SECTION 50000, AND THAT WHAT WE HAVE
14 BEFORE US IS IN CONFORMANCE WITH THE COUNTY PLAN?

15 MS. STEVENS: THAT'S CORRECT.

16 CHAIRMAN HUFF: MR. CONHEIM.

17 ATTORNEY CONHEIM: MR. CHAIRMAN.

18 CHAIRMAN HUFF: THE QUESTION IS THE MATTER OF
19 HOW CONFORMANCE WITH THE COUNTY PLAN IS DETERMINED. IT
20 SEEMS, AND I EMPHASIZE THE WORD "SEEMS," THAT THE BOARD
21 OF SUPERVISORS HAS IN THEIR MINDS. IF WE CAN SAY SO, THE
22 CERTAIN STRUCTURE OF WHAT CONFORMANCE WITH THE COUNTY
23 PLAN IS AND THAT INCLUDES THREE CONDITIONS.

24 IT ALSO SEEMS THAT IN THE MIND OF OUR STAFF
25 AND THE LEA, THAT CONFORMANCE WITH COUNTY PLAN DOES NOT



1 NEED TO INCLUDE THESE THREE CONDITIONS.

2 WHO IS THE DETERMINATE OF 50000?

3 ATTORNEY CONHEIM: MR. CHAIRMAN, PUBLIC
4 RESOURCES CODE SECTION 50000 DOESN'T PERMIT THE
5 CONDITIONING OF THIS PARTICULAR APPROVAL. THIS
6 PARTICULAR MEANS OF GAP CONFORMANCE IS NOT A FINDING OF
7 CONFORMANCE WITH THE COUNTY PLAN, BUT MERELY AN APPROVAL
8 BY THE BOARD OF SUPERVISORS AND THE MAJORITY OF THE
9 CITIES. AND THAT APPROVAL MUST BE BASED ON AN APPROVAL
10 OR A REJECTION OF SOMETHING CALLED A SITE IDENTIFICATION
11 AND DESCRIPTION, WHICH MUST BE SUBMITTED TO THE COUNTY
12 BOARD OF SUPERVISORS AND THE CITIES.

13 NOW, WHAT HAPPENS THERE IS THAT THIS SITE
14 IDENTIFICATION AND DESCRIPTION PRESUMABLY DESCRIBES THE
15 OPERATION. AND AS I UNDERSTAND THE CONDITION, THE ONE
16 CONDITION IMPOSED BY THE BOARD OF SUPERVISORS AND AT
17 LEAST THREE OF THE CITIES, WOULD BE TO HAVE CHANGED THAT
18 SITE DESCRIPTION TO ELIMINATE AT LEAST ONE OF THE WASTE
19 STREAMS THAT THAT FACILITY ASKED TO BE APPROVED FOR. AND
20 THERE'S NO PROVISION, IN MY OPINION, IN THE LAW TO DO
21 THAT WITHIN THE SCOPE OF PUBLIC RESOURCES CODE SECTION
22 50000.

23 I THINK THAT CONDITIONS SUCH AS THIS CAN BE
24 IMPOSED AS IN THE USE PERMIT, IN THE OPERATING PERMIT, IN
25 A NUMBER OF OTHER APPROVALS THAT LOCAL GOVERNMENT HAS.



1 BUT THEY APPEAR, IN MY OPINION AND UPON DISCUSSION WITH
2 STAFF AND BASED ON THE FACTS THAT WERE PRESENTED TO ME,
3 THAT THE COUNTY WAS USING AN IMPERMISSIBLE MECHANISM,
4 THAT THEY WERE EXCEEDING THEIR AUTHORITY IN ELIMINATING
5 ONE OF THE WASTE STREAMS OR ATTEMPTING TO IN USING THIS
6 PARTICULAR SECTION.

7 SO WE WERE FACED WITH A SITUATION IN WHICH
8 WE COULD SAY THAT THERE WAS NO COUNTY APPROVAL, NO GAP
9 APPROVAL, AND THEN WHO IS DISADVANTAGED? ONLY THE
10 APPLICANT WHO HAS DONE EVERYTHING THAT HE OR SHE IS
11 REQUIRED TO DO.

12 SO WHAT WE ARE PROPOSING TO YOU, WHAT STAFF
13 HAS SAID AND WE DIDN'T MAKE THIS UP OUT OF OLD CLOTH, THE
14 LEA ALSO FOUND THIS TO BE IN CONFORMANCE FOR GAP
15 PURPOSES, WE'RE SIMPLY SAYING THAT HERE COMES THE GAP
16 APPROVAL ABSENT THOSE CONDITIONS.

17 THEY JUST SIMPLY WERE ULTRA VIRUS. THEY
18 WERE BEYOND THE AUTHORITY OF THE COUNTY; AND, THEREFORE,
19 THE COUNTY VOTED TO APPROVE THIS PROJECT AND AWAY WE GO.

20 THE OTHER COMPLICATING FACTOR IS THAT EVEN
21 IF YOU WERE TO TAKE A POSITION, AND I THINK IT'S ARGUABLE
22 THAT THE COUNTY AND THE CITIES HAVE THE RIGHT TO
23 CONDITION THIS APPROVAL, IT'S MY UNDERSTANDING THAT THE
24 RESOLUTIONS ADOPTED BY THE CITIES HAVE ALSO CONDITIONED
25 AND THE COUNTY ARE NOT IDENTICAL.



1 AND SO THERE ARE VARYING LEVELS OF
2 APPROVAL. IF YOU WERE TO GET INTO THE -- IF YOU WERE TO
3 ADMIT OF THE PROCESS THAT THEY COULD CONDITION. THEN
4 YOU'D HAVE A HARD TIME COUNTING THE REQUISITE NUMBER OF
5 VOTES BECAUSE EVERYBODY APPROVED A DIFFERENT THING.

6 AND THEN AGAIN, WHO IS DISADVANTAGED? ONLY
7 THE APPLICANT WHO HAS COMPLIED WITH THE LAW. AND WHO IS
8 CAUSING THE DISADVANTAGE? THE VARIOUS APPROVING LOCAL
9 GOVERNMENT'S WHO HAVE EXCEEDED THE LAW. SO THAT WAS THE
10 POSITION THAT WE BROUGHT TO YOU THAT WAS NORMALLY -- THAT
11 WAS OUR ANALYSIS.

12 IT IS ARGUABLE, ON THE OTHER HAND, THAT
13 ABSENT SOME SPECIFIC PROVISION IN THE LAW THAT AN
14 APPROVING BODY CAN'T CONDITION, BUT IN THIS CASE THEY HAD
15 MANY OTHER MEANS OF CONDITIONING WITHIN THEIR AUTHORITY
16 AND THIS ONE CERTAINLY NEVER CONTEMPLATED. PUBLIC
17 RESOURCES CODE SECTION 50000, NEVER CONTEMPLATED THE
18 PARTICULAR LIMITATIONS AND CONDITIONS THAT WERE PLACED ON
19 IT BY DIFFERING MANNERS BY CITIES AND THE COUNTY IN
20 RIVERSIDE.

21 THAT'S OUR ANALYSIS FOR YOUR CONSIDERATION.

22 CHAIRMAN HUFF: WOULD YOU SAY THAT PRC 50000.
23 YOUR READING OF IT, PRECLUDES US FROM CONSIDERING THESE
24 CONDITIONS?

25 ATTORNEY CONHEIM: YES, BECAUSE --



1 CHAIRMAN HUFF: BECAUSE THEY'RE OUTSIDE OF WHAT
2 THE LAW CONTEMPLATED?

3 ATTORNEY CONHEIM: YES. AND ALL THAT THE
4 COUNTIES -- THE ONLY AUTHORITY THAT THE COUNTY AND THE
5 CITIES HAVE IS TO TAKE THE SITE IDENTIFICATION AND
6 DESCRIPTION. THAT'S A MECHANISM SPECIFIED IN THE LAW. AND
7 VOTE YES OR NO.

8 CHAIRMAN HUFF: YES. AND 50000 DEALS WITH SITE
9 I.D. AND WHAT DID YOU SAY?

10 ATTORNEY CONHEIM: AND DESCRIPTION.

11 AND FURTHERMORE, MR. HUFF, AT THE TIME THAT
12 THE COUNTY DOES APPROVE AND SUBMIT ITS COMPREHENSIVE
13 INTEGRATED WASTE MANAGEMENT PLAN, IT CAN MAKE LIMITING
14 AND CONDITIONING PROVISIONS IN THAT PLAN AS IT DESIGNS
15 ITS SYSTEM. BUT REMEMBER, THIS IS THE GAP CONFORMANCE
16 FINDING. CONSISTENT WITH STREAMLINING, THIS WAS MERELY
17 TO GET A LIMITED APPROVAL ON THE PART OF THE CITY TO MOVE
18 PROJECTS FORWARD, SO THAT THEY WOULD NOT BE STALLED
19 DURING THE YEARS IT WOULD TAKE FROM THE END OF 1989 TO
20 1992, -3 OR -4, BEFORE THERE WAS A PLAN TO BE FOUND IN
21 CONFORMANCE.

22 CHAIRMAN HUFF: REALLY. I SUPPOSE THAT WHEN WE
23 READ THESE AGENDAS AND WE READ THE WORDS "CONFORMANCE
24 WITH THE COUNTY PLAN," WE SHOULD ALWAYS KEEP IN OUR MIND
25 THAT THIS IS PLAN, SMALL "P" NOT PLAN, CAPITAL "P."



1 ATTORNEY CONHEIM: I THINK WE'RE CONSIDERING
2 CHANGING THAT HEAD NOTE IN THE ITEMS BECAUSE IT DOES NOT
3 REPRESENT THE TYPES OF APPROVALS. ALL OF THE TYPES OF
4 APPROVALS WHICH ARE AVAILABLE DURING THIS GAP PERIOD.

5 CHAIRMAN HUFF: I THINK THAT WOULD PROBABLY BE
6 GOOD TO CHANGE THE HEAD NOTE.

7 ATTORNEY CONHEIM: IT IS WELL NOTED.

8 CHAIRMAN HUFF: ANY OTHER QUESTIONS?

9 NOW THAT WE'VE GONE THROUGH THE PROCEDURAL
10 QUESTION, WE CAN PROCEED WITH THE ACTUAL OPERATION OF THE
11 FACILITIES QUESTIONS.

12 FOR THAT, MAYBE WE SHOULD HAVE THE LEA AND
13 THEN THE OPERATOR, DEPENDING ON HOW MUCH THEY HAVE TO ADD
14 TO THE CONVERSATION AND HOW MANY QUESTIONS WE HAVE.

15 MR. SAMANIEGO: I'M STEVEN SAMANIEGO WITH THE
16 RIVERSIDE COUNTY LEA. AS FAR AS OUR ADDING TO THE ISSUE
17 ON THE CONFORMANCE, THE LEA IS NEUTRAL IN POSITION AS FAR
18 AS CONDITIONS THE COUNTY IS WANTING OR WISHING TO PLACE
19 ON A FACILITY, BUT THEN AGAIN I THINK IT WAS WELL STATED
20 AND WE ECHO EXACTLY THE WAY CONHEIM PRESENTED THE
21 REASONING BEFORE YOU AS FAR AS US COMING AND MAKING A
22 CERTIFICATION AND FINDING THAT IT WAS READY TO BE ACTED
23 ON.

24 CHAIRMAN HUFF: OKAY. ANY QUESTIONS?

25 BOARD MEMBER RELIS: I THINK I'LL WAIT TO HEAR



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1 FROM THE OPERATOR.

2 CHAIRMAN HUFF: OKAY. ANYTHING ELSE?

3 MR. SAMANIEGO: THAT'S ALL.

4 CHAIRMAN HUFF: THANK YOU. OPERATOR. PLEASE.

5 MR. BAUM: MY NAME IS WILLIAM BAUM. WHITE
6 FEATHER FARMS. AS THE GENTLEMAN MENTIONED, IT'S TAKEN ME
7 TWO YEARS, TEN MONTHS TO GET TO THIS MEETING.

8 WHITE FEATHER FARMS WAS ESTABLISHED IN 1986
9 AS A NATURAL COMPOST FARM IN COMPLIANCE WITH PROPOSITION
10 65. THE LANDSCAPERS WOULD DEPOSIT THEIR TREE AND LAWN
11 TRIMMINGS AT WHITE FEATHER WHERE IT WOULD BE CHIPPED AND
12 DRIED, CREATING A NATURAL MULCH WITHOUT THE ADDITION OF
13 CHEMICALS OR ADDITIVES. THE THOUGHT WAS TO KEEP OUR OWN
14 VEGETATION IN COACHELLA VALLEY.

15 ALL THE COMPOST NOW USED IN COACHELLA
16 VALLEY COMES FROM OUTSIDE THE AREA. THIS ALONE BRINGS IN
17 WEEDS AND PLANT DISEASE FOREIGN TO OUR NATIVE SOIL AND
18 VEGETATION. BY WHITE FEATHER'S DRYING PROCESS WE HOPE TO
19 STOP THIS PROBLEM AND BY THE ADDITION OF WORM CASTING
20 GROWN IN THE SAME AREA, WHITE FEATHER WILL PRODUCE THE
21 RICHEST CHEMICAL-FREE MULCH IN THE STATE OF CALIFORNIA.

22 WHITE FEATHER WILL GIVE ALL REQUIRED DATA
23 PER AB 939 TO CITY'S AN COUNTY'S OFFICIALS AS TO SOURCE
24 OF RAW MATERIAL, TONNAGE OF RAW MATERIAL. QUALITY OF
25 FINISHED COMPOST BEING USED BY EACH CITY. THESE REPORTS



1 WILL BE SENT MONTHLY TO EACH CITY USING THE WHITE FEATHER
2 FACILITY AND ALSO TO THE COUNTY. THESE REPORTS WILL ALSO
3 BE AVAILABLE FOR STATE REVIEW AGENCY UPON REQUEST.

4 THE DRY COMPOST MATERIAL ADDED TO THE SANDY
5 SOIL WILL PRODUCE A WATER RETENTION FACTOR SO IMPORTANT
6 IN TODAY'S ECOLOGY-MINDED WORLD AND PRESERVE OUR LIMITED
7 SUPPLY OF WATER DUE TO THE LACK OF RAINFALL. THE MULCH
8 MATERIAL PRODUCED BY WHITE FEATHER WAS TESTED BY IOM
9 LABORATORIES IN SAN BERNARDINO IN 1986, '87, AND '88, AND
10 WAS PROVEN TO BE THE HIGHEST, RICHEST COMPOST AVAILABLE.

11 WHITE FEATHER FARMS IS CREATED TO BE WHAT
12 THE PEOPLE WANT AND NEED IN THEIR FAST GROWING COMMUNITY,
13 TO RECYCLE ITS OWN MATERIAL AND HAVE THE LUXURY OF A
14 CHEMICAL-FREE, ODORLESS, ORGANIC, AND WATER RETAINING
15 PRODUCT.

16 AS AN INDEPENDENT RESOURCE RECOVERY AGENT,
17 WHITE FEATHER CAN REDUCE THE AMOUNT OF WASTE DISPOSED IN
18 THE EDAM HILL LANDFILL BY APPROXIMATELY 30 PERCENT. THIS
19 ALONE WOULD DECREASE THE COUNTYWIDE RECYCLING
20 REQUIREMENTS BY AT LEAST 6 PERCENT.

21 WHITE FEATHER AS AN INDEPENDENT OPERATOR
22 DOES NOT FEEL IT WILL THREATEN ANY CURRENT OR FUTURE
23 PLANS OF THE RIVERSIDE COUNTY WASTE MANAGEMENT COMPANY.
24 OPERATING AS AN AGENT OF THE RIVERSIDE COUNTY WASTE
25 MANAGEMENT COMPANY WOULD NOT ALLOW FOR THE COMPETITIVE



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1 MARKET ENVIRONMENT THAT IS PROVIDED BY OUR FREE
2 ENTERPRISE SYSTEM.

3 IF WHITE FEATHER IS ISSUED A PERMIT AND
4 ALLOWED TO OPERATE UNDER THE PROPER GUIDELINES, THE
5 COUNTY WILL BENEFIT FROM THE UTILIZATION OF A FREE
6 MARKETING PRINCIPLE AND PRICING COMPETITIVE MARKET AND
7 FREEDOM OF CHOICE FOR ITS PEOPLE.

8 I, AS AN INDIVIDUAL, FEEL STRONGLY THAT
9 EACH AND EVERY ONE OF US, NO MATTER HOW BIG OR HOW SMALL,
10 TO MAKE IT WORK MUST PARTICIPATE IN THIS ENVIRONMENT
11 PROTECTION PLAN. I ALSO FEEL THAT I HAVE MET ALL
12 REQUIREMENTS NECESSARY FOR MY COMPOST PERMIT.

13 THANK YOU. ANY QUESTIONS?

14 CHAIRMAN HUFF: ANY QUESTIONS?

15 BOARD MEMBER RELIS: I WOULD LIKE TO RAISE SOME
16 QUESTIONS BOTH RELATED TO THE OPERATOR, THE LEA, OUR
17 STAFF, AND TO MY COLLEAGUES ON THIS COMMITTEE.

18 I CONSIDER THIS PROJECT OR THIS PROPOSED
19 PERMIT VERY SIGNIFICANT TO OUR MANDATE OF DIVERSION IN
20 THE SENSE THAT COMPOSTING, OR IN THIS CASE I'M NOT SURE
21 WHETHER WE'RE TALKING ABOUT COMPOSTING OR MULCHING, IS
22 ONE OF THE ACTIVITIES THAT HAS BEEN ENCOURAGED AS A
23 RESULT OF AB 939.

24 HOWEVER, I REALIZE WE'RE IN ANOTHER KIND OF
25 GAP BETWEEN OUR REGULATIONS FOR THIS TYPE OF ACTIVITY AND



1 HAVING A PERMIT ISSUE BEFORE US. SO I WANT TO RAISE SOME
2 OVERARCHING CONCERNS THAT I THINK REVOLVE AROUND THIS
3 PROJECT.

4 ONE IS THAT I SEE IN IT VERY LITTLE
5 INDICATION OF AN END USE MARKET. AND MY COMMENTS WILL BE
6 DIRECTED TO -- PERHAPS SOME OF THIS WILL BE INFORMATIONAL
7 NEEDS THAT I'D LIKE TO SEE DEVELOP BETWEEN EITHER TODAY
8 OR BETWEEN NOW AND WHEN THIS COMES BEFORE THE BOARD. AND
9 THEN THE OBSERVATION THAT LACKING OUR REGULATIONS AT THIS
10 TIME PUTS US IN AN AREA OF, I THINK, CONSIDERABLE CONCERN
11 WITH RESPECT TO MAKING SURE THAT IN A NEW FIELD OF
12 COMPOSTING AND MULCHING IN A LARGE-SCALE PROJECT AS THIS
13 APPEARS TO BE, THAT WE'VE TAKEN THE NECESSARY PRECAUTIONS
14 TO GIVE THIS PROJECT AN ADEQUATE CHANCE OF WORKING.

15 NOW, I READ IN THIS REPORT THAT -- AND I'LL
16 JUST GO THROUGH MY CONCERNS. THEN MAYBE I CAN HEAR FROM
17 WHOEVER CAN RESPOND, THAT WE'RE AT 1,000 FEET -- THIS
18 FACILITY AT THE OUTSET IS AT 1,000 FEET FROM AN AREA
19 ZONED AS STATE RESIDENTIAL.

20 NOW, I DON'T KNOW WHETHER THERE ARE ANY
21 EXISTING HOMES THERE OR WHETHER THAT IS GOING TO END UP
22 BECOMING HOMES, BUT I OBSERVED AT 1,000 FEET IF THERE
23 SHOULD BE AN ODOR PROBLEM WILL BE A GOOD REASON TO KILL
24 THIS PROJECT DOWN THE LINE SHOULD IT BE OPERATING.

25 IT'S HAPPENED TO FACILITIES THAT AREN'T EVEN IN VESSELS



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1 ENCLOSED. SO I MAKE THAT OBSERVATION AND I WANT IT ON THE
2 RECORD.

3 I WOULD LIKE TO ALSO LOOK AT PAGE -- THIS
4 IS PAGE 3 OF 8, MAKE THE OBSERVATION THAT WE HAVE PILES
5 HERE 10 TO 15 FEET HIGH BY WINDROW METHOD. I HAVE
6 PERSONALLY NEVER SEEN A PILE IN A WINDROW SYSTEM 15 FEET
7 HIGH AND 10 FEET IS RATHER HIGH. SO I HAVE CONCERNS ABOUT
8 THE OPERATING FRAMEWORK HERE.

9 AND THAT -- I'M NOT SURE. BASED ON THE
10 MATERIAL PRESENTED IN THIS REPORT WHETHER THIS IS,
11 INDEED, A COMPOSTING OPERATION WHICH HAS CERTAIN
12 PROCEDURAL REQUIREMENTS, HEAT AND MOISTURE VERSUS A
13 MULCHING OPERATION, THAT REQUIRES REALLY NO ADDITION OF
14 WATER. THEY ARE TWO VERY DIFFERENT TYPES OF OPERATIONS.
15 THERE SEEMS TO BE CONFUSION IN THIS REPORT AS TO WHAT IS
16 IT? IS IT A MULCHING OPERATION OR COMPOSTING OPERATION?
17 BECAUSE IF YOU TELL ME IT'S A COMPOSTING OPERATION, THEN
18 SOME OF THE STATEMENTS HERE DON'T JIVE WITH A COMPOSTING
19 OPERATION.

20 NOW, YOU SAY -- NOT YOU, SIR -- BUT THE
21 REPORT STATES THERE ARE MANY REFERENCES TO DRYING IN THIS
22 PROCEDURE. AND DRYING IS OFTEN NOT ASSOCIATED WITH
23 COMPOSTING. SO IF, AS IS SUGGESTED HERE, OFFENSIVE ODORS
24 ARE GENERATED, THE METHOD THAT IS STATED IN THIS STAFF
25 REPORT FOR CURING THOSE PROBLEMS. KNOCKING DOWN THE PILE



1 AND SPREADING IT, WILL NOT CORRECT THE PROBLEM. THAT IS
2 INCONSISTENT WITH A COMPOSTING OPERATION. SO, AGAIN, IT
3 SPEAKS TO MY CONFUSION AS TO WHAT THIS FACILITY IS.

4 I REPEAT THE CONCERN ABOUT ODOR. IF YOU
5 HAVE TO DO ANY OF THOSE ACTIVITIES AND THERE ARE
6 RESIDENTIAL UNITS IN PROXIMITY OR IF THERE ARE SOON TO BE
7 BUILT, THIS WILL BE A MAJOR CONFLICT OF LAND USES.
8 DRYING AND SPREADING WOULD NOT PREVENT RODENTS OR FLIES
9 NECESSARILY AS IS INDICATED HERE, SO THESE ARE SOME OF MY
10 CONCERNS.

11 IF WE APPROVE THIS PERMIT THE WAY IT IS,
12 WITH THE LACK OF SPECIFICITY OR MANAGEMENT PROCEDURES,
13 WHICH I THINK ARE LACKING IN THE PERMIT, THEN WE RUN THE
14 RISK OF DOWN THE LINE HAVING A FAILURE ON OUR HANDS, I
15 THINK. A FAILURE WILL NOT ONLY AFFECT THIS PARTICULAR
16 PROJECT, BUT IT COULD AFFECT THIS BOARD'S ABILITY TO
17 IMPLEMENT COMPOSTING IN GENERAL BECAUSE OF OTHER FAILURES
18 THAT WE'VE EXPERIENCED HERE IN THIS STATE AND ELSEWHERE
19 AROUND IMPROPERLY MANAGED COMPOSTING.

20 I'M NOT SAYING YOURS IS IMPROPERLY MANAGED.
21 BUT WHEN I READ THIS REPORT, I HAVE SERIOUS CONCERNS
22 BECAUSE THERE IS NO SPECIFICITY. I DON'T KNOW WHAT
23 PRODUCT IS BEING PREPARED, WHERE THE END USE MARKET IS.
24 I CAN'T TELL WHETHER THE PROCEDURES OF OPERATING THIS ARE
25 CONSISTENT WITH THE END USE MARKET THAT YOU'RE TRYING TO



1 SELL TO.

2 YOU CAN SEE I HAVE A LOT OF QUESTIONS. AND
3 I DON'T KNOW WHETHER IN THIS FORUM TODAY WE CAN GET ALL
4 OF THESE QUESTIONS OUT ON THE TABLE AND ADDRESS TO AT
5 LEAST MY LEVEL OF SATISFACTION.

6 MR. BAUM: A FEW OF THEM I CAN ANSWER NOW.

7 THE PROPERTY WAS CHOSEN AND LOCATED NEXT TO
8 THE COUNTY LANDFILL FOR THE ONE REASON THERE'S NO
9 RESIDENTS IN THE AREA, AND WE HAVE A WESTERLY WIND. IF
10 THERE WAS AN ODOR, THEN IT WOULD GO TO THE DUMP, WHICH
11 THEY DON'T SEEM TO MIND BECAUSE THEY HAVE ODORS THERE
12 ANYWAY.

13 BUT NORTH OF US IS FARM LAND SIMILAR TO THE
14 PIECE OF PROPERTY THAT I OWN. IT IS ALL THOUSAND ACRE,
15 500 ACRE --

16 BOARD MEMBER RELIS: COMPLETELY ISOLATED?

17 MR. BAUM: -- COMPLETELY ISOLATED.

18 AND MY CUP WITH CATHEDRAL CITY, THEIR
19 GENERAL PLAN CALLS FOR FIVE TO TEN YEARS AT THAT TIME WAS
20 THE CLOSING OF THE LANDFILL. AT THAT TIME I AGREED IN MY
21 CUP THAT I WOULD CLOSE MY OPERATION ALSO, AND DEVELOP IT
22 INTO A GENTLEMAN RANCH, TEN ACRES, WHICH WAS CALLED FOR
23 AT THAT TIME.

24 BOARD MEMBER RELIS: SO YOU'RE SEEKING. IN
25 EFFECT, A FIVE-YEAR PERMIT?



1 MR. BAUM: YES. AT THAT TIME CATHEDRAL CITY WAS
2 NOTIFIED BY THE COUNTY THAT THERE WAS A POSSIBILITY THAT
3 THE LANDFILL WOULD BE CLOSED IN FIVE TO TEN YEARS. USING
4 THAT, THEY ASKED ME WHAT MY DECISION WOULD BE. I SAID
5 WRITE IT IN THERE. WHEN THE LANDFILL CLOSES, I'LL TURN
6 MY PLACE INTO A GENTLEMAN'S RANCH JUST AS THE CATHEDRAL
7 CITY WANTS. THAT'S WHAT IT'S DESIGNED FOR.

8 THERE'S NO PLANS HERE, UNFORTUNATELY, BUT
9 IT IS DESIGNED TO BE TURNED INTO A GENTLEMAN'S RANCH.
10 IT'S ALL LANDSCAPED FOR IT. THE ONLY ONE BUILDING WILL
11 BE TAKEN OUT AND A RANCH HOUSE WILL BE BUILT. AND IT
12 WILL ALL BE LANDSCAPED AND SET UP FOR IT. THAT WAS MY
13 ORIGINAL GOING-IN PLAN WITH CATHEDRAL CITY.

14 THE OTHER ONES --

15 BOARD MEMBER RELIS: THESE ARE MOSTLY
16 OPERATIONAL. WHAT'S YOUR MARKET? WHO ARE YOU SELLING
17 THIS TO?

18 MR. BAUM: WELL, WE LIVE IN A VERY FORTUNATE
19 AREA. IT'S UNIQUE THERE BECAUSE WE HAVE 80 SOME GOLF
20 COURSES IN OUR AREA. ALL OF THEM ARE BUILT ON SAND
21 DUNES. ALL THAT NEEDS RETENTION. EVERYTHING NEEDS TO
22 BE -- ALL THAT AREA NEEDS TO BE BUILT UP. ALL THE HOUSES
23 IN THAT AREA.

24 WE HAVE A BLOW SAND PROBLEM, AND
25 EVERYTHING -- LIKE PALM SPRINGS, FOR INSTANCE. IT HAS A



1 LAW OUTLINING ANY KIND OF FERTILIZER. AND IN PROPOSITION
2 5 -- 65 SAYS NO CHEMICAL FERTILIZER. SO THEY'RE
3 STARTING. THEY'VE GOT MILLION DOLLAR LANDSCAPES. MILLION
4 DOLLAR COUNTRY CLUBS WITH NO FERTILIZER.

5 BY PRODUCING WORM CASTING IN THE COMPOST,
6 IT GIVES THEM THE RICHEST, ODORLESS MULCH AVAILABLE. AND
7 THIS IS THE MARKET THAT I'M AFTER. I'VE TALKED TO ALMOST
8 EVERYONE IN THE VALLEY ABOUT IT FROM ONE END TO THE
9 OTHER, AND THAT'S WHAT I CAME UP WITH. THEY ENCOURAGED
10 ME TO PUSH THIS.

11 BOARD MEMBER RELIS: THE WORMS WILL LIVE IN THE
12 HEATED PILE?

13 MR. BAUM: PARDON?

14 BOARD MEMBER RELIS: THE WORMS WILL LIVE IN THE
15 HEATED PILE?

16 MR. BAUM: OH, NO. NO. THE WORMS ARE
17 COMPLETELY SEPARATE.

18 BOARD MEMBER RELIS: IS THERE A REFERENCE TO
19 WORM CASTINGS IN THIS? I DIDN'T CATCH THAT.

20 MS. STEVENS: NO. THERE'S NOT.

21 MR. BAUM: IT'S NOT MENTIONED --

22 BOARD MEMBER RELIS: IT JUST SEEMS TO -- IT'S
23 PARTLY A WORM CASTING OPERATION -- GO AHEAD.

24 MR. BAUM: THAT MATERIAL WILL BE SENT TO YOU. I
25 DIDN'T KNOW IT WAS A PROBLEM AT THIS TIME. AND IT'S NEVER



1 BEEN MENTIONED UP TO THIS POINT.

2 BY TAKING THE GRINDINGS OF THE RECYCLED
3 MATERIAL FROM OUR AREA AND RETURNING THEM TO OUR AREA.
4 THE MAIN REASON WE'RE OUT THERE IS TO STOP THE WEED
5 INFECTON AND THE DISEASE TO THE PLANTS. SO BY ADDING
6 WORM CASTING TO IT. IT GIVES IT THE RICHEST MULCH. AND
7 WITH ALL YOUR COUNTY CLUBS. SINCE IT'S ODORLESS. IT'S
8 EXACTLY WHAT THEY'RE LOOKING FOR FOR PROPOSITION 65.
9 IT'S THE ANSWER TO IT. THAT'S WHAT I BASED THE COMPANY
10 ON WHEN I BUILT IT IN 1986.

11 AS FAR AS MATERIAL GOING OUTWISE. WE'VE GOT
12 80 GOLF COURSES, 120 COUNTRY CLUBS. AND WE'VE GOT -- I
13 THINK IT'S RIGHT AROUND 60 MILES OF GREEN TURF THAT NEEDS
14 FERTILIZER EVERY DAY.

15 BOARD MEMBER RELIS: SO THIS IS A FERTILIZER OR
16 A MULCH?

17 MR. BAUM: IT'S HARD TO DEFINE THAT BECAUSE IT
18 DEPENDS ON WHAT LANDSCAPER YOU'RE TALKING WITH OR WHAT
19 ARCHITECT YOU'RE TALKING TO. HOW THEY PUT THAT. I CAN'T
20 CALL IT A FERTILIZER. I'D CALL IT A --

21 BOARD MEMBER RELIS: SOIL AMENDMENT?

22 MR. BAUM: YES. A SOIL AMENDMENT WOULD FIT.

23 THAT WOULD COVER ALL PHASES OF IT BECAUSE
24 SOME OF IT IS BEING USED FOR WEED ABATEMENT. AND SOME OF
25 IT IS USED FOR DUST CONTROL. CATHEDRAL CITY IS TALKING



1 ABOUT USING IT NOW SINCE ONE SIDE OF THE STREET IS
2 BLOWING OVER TO THE OTHER SIDE. YOU KNOW. TO SOLVE THAT.

3 CHAIRMAN HUFF: THE QUESTION REALLY IS A
4 QUESTION OF STAFF. IS THIS COMPOST AS WE UNDERSTAND IT?

5 MS. STEVENS: WELL, AS MR. RELIS POINTED OUT IN
6 THE ABSENCE OF REGULATIONS AND, THEREFORE, IN THE ABSENCE
7 OF FORMALIZED DEFINITIONS, WE'RE SORT OF OPERATING IN
8 THIS INFORMATIONAL VACUUM.

9 THE REASON THE PERMIT WAS PROPOSED AS A
10 COMPOSTING FACILITY PERMIT IS THAT SOME COMPOSTING WILL
11 TAKE PLACE AS IT IS CURRENTLY DESIGNED IN THESE WINDROWS.

12 ONE CAN ARGUE AS TO WHETHER THE PRODUCT
13 WILL BE COMPLETELY COMPOSTED GIVEN THIS SYSTEM AND GIVEN
14 THE PLAN TO NOT ADD WATER TO THE WINDROWS. THOSE ARE
15 TECHNICAL ISSUES THAT RELATE TO THE COMPOSTING OF THESE
16 MATERIALS AT THE SITE, AND THAT TECHNICAL REVIEW WAS
17 COMPLETED BY MR. HUNTS. HE'S REALLY THE PERSON WHO CAN
18 ANSWER YOUR TECHNICAL QUESTIONS ABOUT THOSE ITEMS.

19 HE WAS IN THE AUDIENCE EARLIER. HE COULD
20 COME FORWARD AND PROBABLY ANSWER THAT A LOT BETTER THAN I
21 COULD.

22 BOARD MEMBER RELIS: WELL, THAT'S A GOOD IDEA.

23 MR. BAUM, BEFORE YOU LEAVE, WHAT IS YOUR
24 EXPERIENCE WITH RUNNING THIS TYPE OF OPERATION?

25 MR. BAUM: I'VE GOT TEN YEARS IN THE NURSERY



1 BUSINESS AND FIVE YEARS IN THE WORM CASTING BUSINESS.

2 BOARD MEMBER RELIS: THANK YOU.

3 CHAIRMAN HUFF: LET ME SET THE STAGE HERE.

4 MR. RELIS KNOWS COMPOSTING. I'VE BEEN TO A
5 COMPOST OPERATION, AND IT'S RELATIVELY FRESH IN MY MEMORY
6 BECAUSE IT WASN'T VERY LONG AGO. I WOULDN'T CLAIM TO
7 KNOW COMPOST, BUT I'VE SEEN A COMPOSTING OPERATION FIRST
8 HAND. I'VE HEARD ABOUT COMPOST FROM STAFF. I'VE ALWAYS
9 UNDERSTOOD IT TO BE A -- WE'VE HAD PRESENTATIONS HERE AT
10 VARIOUS TIMES BY PEOPLE USING VARIOUS METHODS TO
11 DETERMINE COMPOST AND THAT SORT OF THING.

12 IS THIS COMPOST -- WELL, IN A NARROWED
13 DEFINITION, IS THIS COMPOST?

14 MR. HUNTS: COMPOSTING, IN MY OPINION -- MY
15 NAME IS JEFF HUNTS, WITH THE DIVERSION ASSISTANCE BRANCH
16 OF THE PLANNING ASSISTANCE DIVISION.

17 IN REVIEWING THE INFORMATION PROVIDED IN
18 THE RCSI, IT WAS OF MY OPINION THAT COMPOSTING WILL TAKE
19 PLACE AT THIS FACILITY WHETHER OR NOT THE FINAL PRODUCT
20 WILL BE A STABILIZED HUMUS RICH, THOROUGHLY COMPOSTED
21 MATERIAL IS HIGHLY QUESTIONABLE AND RATHER DOUBTFUL.
22 WHETHER OR NOT THE END PRODUCT IS MARKETABLE IS UP TO THE
23 MARKETPLACE THAT EXISTS IN THE REGION.

24 AS HAS BEEN POINTED OUT HERE NUMEROUS
25 TIMES, WE ARE IN A STATE OF NO REGULATION REGARDING



1 COMPOST. PER SE. WHAT IS A COMPOST? HOW MUCH COMPOSTING
2 MUST TAKE PLACE AT A FACILITY FOR A FACILITY TO BE
3 CONSIDERED A COMPOSTING FACILITY?

4 A BIT OF HISTORY ON THIS PARTICULAR
5 PROJECT. I CAN'T REALLY REMEMBER HOW LONG AGO, IT WAS
6 ABOUT A YEAR, SOME INFORMATION CAME TO THE BOARD
7 REGARDING WHITE FEATHER FARM. AT THAT TIME IT WAS
8 CONSIDERED -- OR WAS BEING REFERRED TO AS A MULCHING
9 OPERATION. WHERE MATERIALS WOULD BE CHIPPED AND PILED AND
10 DRIED, AND AN ORGANIC MULCH WOULD BE DISTRIBUTED TO
11 MARKET.

12 PERMIT STAFF BROUGHT THE INFORMATION TO ME.
13 I REVIEWED IT, AND I HAD CONCERNS THAT THE DEPTH OF THE
14 DRYING PILES WOULD PROBABLY RESULT IN DECOMPOSITION
15 TAKING PLACE. THAT'S BEEN THE SITUATION FOR QUITE A
16 WHILE. THERE'S NO DEFINITIONS OF WHAT'S -- THERE ARE NO
17 CLEAR CUT DEFINITIONS OF WHEN COMPOSTING IS TAKING PLACE.
18 BUT I RAISED THE CONCERN THAT IT APPEARS THAT THE
19 DECOMPOSITION WILL BE TAKING PLACE HERE AND SOMEBODY WITH
20 LEGAL OPINION SHOULD TAKE A LOOK AT THIS. I BELIEVE
21 THOSE CONCERNS WERE RELAYED VIA OUR PERMITTING STAFF BACK
22 TO THE LEA, BACK TO THE PROJECT PROPONENT.

23 AS YOU CAN SEE IN THE RCSI, THE WDR, THE
24 WASTE DISCHARGE REQUIREMENT, THE REGIONAL WATER QUALITY
25 CONTROL BOARD INFORMATION ACTUALLY REFERS TO THE FACILITY



1 AS A MULCHING FACILITY. THAT WAS IN JANUARY OF '91 WHEN
2 THE FACILITY WAS BEING REFERRED TO AS A MULCHING
3 FACILITY.

4 OUR CONCERNS THAT DECOMPOSITION WILL BE
5 TAKING PLACE HERE, I THINK, LED THE LEA TO ENCOURAGE THE
6 APPLICATION FOR A COMPOSTING PERMIT.

7 CHAIRMAN HUFF: OKAY. IS IT SAFE TO SAY WHEN
8 YOU GET A PILE OF ANY ORGANIC MATERIAL OF ALMOST ANY
9 SIZE, I KNOW IT COULD BE MINIMUM, THAT THERE IS SOME
10 DECOMPOSITION THAT TAKES PLACE?

11 MR. HUNTS: YES, THAT'S SAFE TO SAY.

12 CHAIRMAN HUFF: SO THE QUESTION REALLY IS HOW
13 MUCH DECOMPOSITION MUST TAKE PLACE BEFORE YOU CALL
14 SOMETHING COMPOST, AND THERE'S NOTHING IN REGULATION THAT
15 SAYS?

16 MR. HUNTS: THAT IS A QUESTION, YES. THERE'S
17 NOTHING IN REGULATION THAT GUIDES US AT THIS TIME.

18 CHAIRMAN HUFF: WHEN WE HAVE REGULATIONS, WHICH
19 WILL HAPPEN SOON, IT IS ENTIRELY POSSIBLE THAT THIS
20 OPERATION MIGHT FALL OUTSIDE OF WHAT WE CALL COMPOST. IT
21 IS POSSIBLE.

22 MS. VAZQUEZ: LET ME ADD A LITTLE SOMETHING
23 THERE.

24 THE COMPOSTING REGULATIONS THAT ARE BEING
25 DEVELOPED ARE MORE FOR PERMITTING AND OPERATION AT THE



1 FACILITIES, WILL NOT ADDRESS ZONING OR SPECIFIC DESIGN.
2 WE DO NOT EXPECT THE REGULATIONS TO HAVE A HEIGHT LIMIT
3 ON WINDROWS, FOR EXAMPLE. THEY WOULD ADDRESS THINGS LIKE
4 ODOR AND LEACHATE, AND IT WOULD NOT ADDRESS
5 MARKETABILITY. SO I'M NOT CERTAIN THAT --

6 BOARD MEMBER RELIS: I DON'T THINK THAT THAT'S
7 BEEN DETERMINED, REALLY, THAT OUR REGULATIONS WILL NOT
8 SPEAK TO THE ISSUE OF MARKETABILITY BECAUSE IF WE DON'T
9 DEVELOP REGULATIONS THAT ARE RELATED TO MARKETABILITY,
10 WE'VE GOT BIG PROBLEMS AHEAD. SO I DON'T THINK THAT
11 DECISION HAS BEEN MADE BY THE BOARD.

12 MS. VAZQUEZ: THE REGULATIONS THAT I'M REFERRING
13 TO ARE THE ONES TO BE PREPARED UNDER CONTRACT.

14 CHAIRMAN HUFF: THE DRAFT RIGHT NOW DOES NOT
15 SPEAK TO MARKETABILITY. AND I DON'T KNOW OF ANY
16 REGULATION IN THE STATE THAT DOES.

17 MS. VAZQUEZ: THAT'S RIGHT.

18 CHAIRMAN HUFF: IT'S NEW GROUND.

19 BOARD MEMBER RELIS: I AGREE IT IS NEW GROUND.

20 CHAIRMAN HUFF: BUT THAT WILL UNFOLD IN ITS
21 APPROPRIATE FORUM. I'M JUST TRYING TO ESTABLISH -- I'M
22 NOT SURE IF WHAT WE HAVE HERE IS COMPOST.

23 I KNOW THAT WHEN I BOUGHT MY HOUSE IN FAIR
24 OAKS -- THIS IS A SURVEY OF ONE, FOLKS -- I ADDED YARDS
25 AND YARDS OF FIR BARK AND GROUND IT INTO THE SOIL.



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1 THAT'S WHAT CAPITAL NURSERY TOLD ME TO DO. I CAN TELL
2 YOU IT WAS FIR BARK, IT WASN'T COMPOST. I PUT IN A SOIL
3 AMENDMENT. AND WHAT I'VE HEARD DESCRIBED TO ME SOUNDS
4 MORE LIKE A SOIL AMENDMENT THAN A COMPOST.

5 BUT HE'S HERE, AND THE PERMIT CALLS IT A
6 COMPOST. I'M REALLY WONDERING HOW IMPORTANT IT IS WHAT
7 THE PERMIT CALLS IT. THAT'S A RHETORICAL QUESTION, OKAY.

8 DO YOU HAVE SOME MORE QUESTIONS?

9 BOARD MEMBER RELIS: NO. I THINK THERE'S STILL
10 A LOT OF CONFUSION AROUND THE INFORMATION. I REALIZE THE
11 DILEMMA STAFF IS IN IN EVALUATING PROPOSALS LIKE THIS IN
12 THE ABSENCE OF OUR REGULATIONS BEING IN PLACE; HOWEVER, I
13 WOULD CAUTION US THAT THE ABSENCE OF REGULATIONS WILL NOT
14 ABSOLVE US FROM THE RESULTS OF OUR DECISIONS.

15 SO WE HAVE AN OBLIGATION. THIS PROJECT IN
16 ITS DIRECTION IS PERFECTLY CONSISTENT WITH AB 939. IT'S
17 WHAT WE WANT TO SEE. I WANT TO SEE IT. I'M BEHIND IT,
18 BUT I HAVE MAJOR UNANSWERED INFORMATION NEEDS HERE. SO
19 THAT'S -- I'M JUST SPEAKING AS ONE COMMITTEE MEMBER.

20 I WANTED THIS ON THE RECORD BECAUSE THIS IS
21 A LARGE SCALE FACILITY BY CALIFORNIA OR ANY OTHER STATE
22 STANDARDS. UP TO 500 TONS PER DAY IS A CONSIDERABLE
23 MULCHING OR COMPOSTING OPERATION. A LOT OF THINGS CAN GO
24 WRONG WITH THESE FACILITIES. AND THEY HAVE GONE WRONG.
25 THAT'S WHERE I'M COMING FROM HERE.



1 CHAIRMAN HUFF: MR. EGIGIAN?

2 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'M A
3 LITTLE CONFUSED NOT BY WHAT'S BEEN TOLD US HERE, BUT THE
4 KIND OF QUESTIONS WE'RE ASKING PEOPLE.

5 WHEN DID WE EVER GET INTO MARKETS? WE'VE
6 PERMITTED A COMPOSTING DEAL IN KERN COUNTY AND SEVERAL
7 OTHERS. WE'VE NEVER ONCE ASKED ABOUT THE MARKETS.

8 IF THE MAN WANTS TO GO INTO BUSINESS AND
9 INVEST HIS MONEY, AS LONG AS HE MEETS THE REQUIREMENTS
10 THAT WE SET DOWN FOR PERMIT, I THINK WE'RE STEPPING OUT
11 OF OUR BOUNDS.

12 WE'RE ASKING ARE HOMES GOING TO BE BUILT
13 THERE. WELL, THE MAN DOESN'T KNOW IF ANY HOMES ARE GOING
14 TO BE BUILT THERE. YOU KNOW, THERE'S NONE THERE NOW.
15 HE'S APPLYING FOR SOMETHING THAT THE LEA SAID MAYBE YOU
16 BETTER APPLY FOR.

17 WHAT I'M THINK IS MAYBE WE OUGHT TO
18 APOLOGIZE TO THIS MAN FROM WHITE FEATHER'S FARM FOR EVEN
19 BRINGING HIM UP AND COSTING HIM THIS EXPENSE. ALL HE'S
20 DOING IS TAKING STUFF FROM THE DUMPS. LIKE WE'RE ASKING
21 HIM TO DO, REDUCE THE VOLUME OF THIS MATERIAL GOING INTO
22 THE LANDFILLS. HE'S CHIPPING IT UP, AND THEY'RE GOING TO
23 USE IT AS A SOIL AMENDMENT. I PERSONALLY WANT TO
24 APOLOGIZE TO THIS MAN.

25 I DON'T THINK HE SHOULD GET A PERMIT. I



1 DON'T THINK IT'S EVEN A PERMITTABLE ITEM. WE'VE GOT WOOD
2 CHIPPING FACILITIES. ARE THESE WOOD CHIPPING FACILITIES
3 REQUIRED TO GET PERMITS? I KNOW WE DON'T HAVE THE REGS
4 SET UP FOR THIS, BUT BY THE SAME TOKEN WE SHOULDN'T STEP
5 OUT OF CHARACTER. WE HAVE CERTAIN GUIDELINES FOR PEOPLE
6 APPLYING FOR PERMITS, AND MOST OF THOSE GUIDELINES START
7 FROM THE LOCAL COMMUNITY.

8 THE LOCALS SHOULD ASK THESE QUESTIONS, NOT
9 US. WE SHOULD ASK WHETHER OR NOT HE MET THE REQUIREMENTS
10 THAT WE'VE LAID DOWN. I'M THINKING THAT WE SHOULD
11 RETHINK THOSE THINGS THAT WE'RE PERMITTING HERE. WE'RE
12 JUST GETTING INTO TOO MUCH AT A TIME WHEN THESE
13 GOVERNMENT'S CAN'T PAY FOR SCHOOLS AND JAILS AND ALL OF
14 THESE OTHER THINGS, AND I DON'T THINK THIS IS RIGHT. I
15 REALLY DON'T.

16 IF HE WAS TAKING SLUDGE IN HERE. PAUL, I'D
17 SIT HERE AND I'D GO RIGHT ALONG WITH YOU. BUT WHAT HE'S
18 DOING HERE IS NOT A DIRTY PROCESS, THAT IF YOU'VE BEEN
19 OUT TO THE DESERT, THIS IS ONE OF THEIR BIGGEST
20 COMMODITIES, THIS GREEN WASTE.

21 BOARD MEMBER RELIS: I DON'T DISAGREE WITH ANY
22 OF THAT. I STILL DON'T THINK IT ADEQUATE -- WELL --

23 BOARD MEMBER EGIGIAN: I FEEL THAT WE SHOULD
24 GIVE THIS MAN A PERMIT EVEN THOUGH HE SHOULDN'T HAVE TO
25 GET ONE, IN MY OPINION. BUT BECAUSE THE LEA LED HIM IN



1 THIS DIRECTION.

2 CHAIRMAN HUFF: BECAUSE THE LEA PUT HIM HERE.

3 SO IN TERMS OF APOLOGIES. REALLY. I'M NOT
4 SURE WE NEED TO ISSUE AN APOLOGY BECAUSE WE HAVE A PERMIT
5 HERE THAT THE LEA SENT US. WE DO HAVE AN OBLIGATION TO
6 DEAL WITH IT ONE WAY OR THE OTHER.

7 I'M READY FOR A MOTION. MR. EGIGIAN, NOTING
8 BY THE CLOCK IT IS NOW FOUR MINUTES BEFORE THE HOUR.

9 BOARD MEMBER EGIGIAN: I MOVE WE GO ALONG WITH
10 THIS PERMIT.

11 CHAIRMAN HUFF: OKAY. ROLL CALL. PLEASE.

12 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

13 BOARD MEMBER EGIGIAN: YES.

14 COMMITTEE SECRETARY: RELIS?

15 BOARD MEMBER RELIS: ABSTAIN UNTIL FURTHER
16 INFORMATION.

17 COMMITTEE SECRETARY: CHAIRMAN HUFF?

18 CHAIRMAN HUFF: AYE.

19 THE MOTION CARRIES TWO TO ZERO.

20 THE HOUR OF 11:55 HAVING ARRIVED, LET ME
21 SAY IF ANYONE WAS HERE RELATIVE TO ITEM 12, AND I
22 UNDERSTOOD THAT PEOPLE WOULD BE, AND THAT IF IT HAD NOT
23 BEEN HEARD BY NOON OR AT LEAST BEFORE 2:00 P.M., WE'RE
24 OBVIOUSLY PROBABLY NOT GOING TO DO THAT. BUT DON'T WORRY
25 BECAUSE ITEM 12 IS GOING TO BE HEARD A LITTLE BIT TODAY



1 AND THEN CONTINUED.

2 SO WE'LL NOW GO TO LUNCH. AND WE'LL GO TO
3 LUNCH UNTIL 1:45. 1:45 WE'LL BE BACK HERE.

4 (RECESS FOR LUNCH TAKEN.)

5
6 AFTERNOON SESSION

7 OF THE

8 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
9 PERMITTING AND ENFORCEMENT COMMITTEE MEETING

10 APRIL 22, 1992

11
12 BOARD MEMBER EGIGIAN: AS OUR CHAIRMAN SAID. WE
13 WOULD START PROMPTLY AT 1:45. WE'LL GO TO ITEM NO. 6.
14 IT IS NOW 2:20.

15 MR. GEBRE-HAWARIAT: GOOD AFTERNOON. I AM TADESE
16 GEBRE-HAWARIAT REPRESENTING THE PERMITS BRANCH OF THE
17 PERMITTING AND ENFORCEMENT DIVISION.

18 THIS ITEM REGARDS THE CONSIDERATION OF
19 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE
20 FACILITY PERMIT FOR THE LANCASTER SANITARY LANDFILL IN
21 THE COUNTY OF LOS ANGELES.

22 THE OWNER AND OPERATOR OF THIS SANITARY
23 LANDFILL IS WASTE MANAGEMENT OF CALIFORNIA, INCORPORATED.
24 AND MR. DOUG CORCORAN IS THE GENERAL MANAGER.

25 THE PROPOSED PERMIT IS TO ALLOW FOR



1 VERTICAL EXPANSION FROM THE CURRENT ELEVATION OF 2.355
2 FEET ABOVE MEAN SEA LEVEL TO 2.395 FEET ABOVE MEAN SEA
3 LEVEL. THE FACILITY RECEIVES UP TO 1.000 TONS OF
4 NONHAZARDOUS WASTE PER OPERATING DAY.

5 THE LEA AND BOARD STAFF HAVE DETERMINED THE
6 FOLLOWING: ONE, THE FACILITY IS IN CONFORMANCE WITH THE
7 LOS ANGELES COUNTY GENERAL PLAN. THE FACILITY IS
8 CONSISTENT WITH THE LOS ANGELES COUNTY SOLID WASTE
9 MANAGEMENT PLAN. CEQA HAS BEEN COMPLIED WITH. THE
10 PROJECT IS CONSISTENT WITH THE WASTE DIVERSION GOALS OF
11 AB 939.

12 STAFF HAVE REVIEWED THE PROPOSED PERMIT AND
13 SUPPORTING DOCUMENTATION AND FIND THEM TO BE ACCEPTABLE.

14 IN CONCLUSION, STAFF RECOMMENDS THAT BOARD
15 ADAPT SOLID WASTE FACILITIES PERMIT DECISION NO. 92-34
16 CONCURRING IN THE ISSUANCE OF SOLID WASTES FACILITIES
17 PERMIT NO. 19-AA-0050.

18 MISS CONNIE ROCKE, REPRESENTING THE LEA,
19 AND DOUG CORCORAN ARE IN ATTENDANCE TO ANSWER ANY
20 QUESTIONS THE COMMITTEE MAY HAVE.

21 THIS CONCLUDES STAFF'S PRESENTATION.

22 BOARD MEMBER EGIGIAN: NOW, DOES THE LEA WANT TO
23 SAY ANYTHING TO US?

24 MS. ROCKE: I'M CONNIE ROCK FROM LOS ANGELES
25 COUNTY HEALTH SERVICES LOCAL ENFORCEMENT AGENCY FOR THIS



1 FACILITY.

2 I JUST WANT TO SAY WE AGREE WITH THE BOARD
3 STAFF REPORT AND HOPE FOR A PERMIT CONCURRENCE NEXT WEEK.

4 BOARD MEMBER EGIGIAN: OKAY. ANY QUESTIONS TO
5 THE LEA?

6 HOW ABOUT THE OPERATOR? THANK YOU.

7 MR. CORCORAN: GOOD AFTERNOON. THANK YOU.

8 MY NAME IS DOUG CORCORAN. I'M THE GENERAL
9 MANAGER AT THE LANCASTER LANDFILL. AND BEFORE I GO ANY
10 FURTHER, I KNOW YOU'VE GOT AN AGGRESSIVE AGENDA. I
11 BROUGHT SOME SLIDES WITH ME, AND I'M GOING TO LEAVE IT UP
12 TO THE COMMITTEE. I CAN EITHER SHOW THE SLIDES, OR I CAN
13 GO RIGHT TO THE QUESTION AND ANSWER OR SIT DOWN AGAIN.

14 BOARD MEMBER RELIS: I DON'T --

15 BOARD MEMBER EGIGIAN: WE DON'T HAVE TO SEE THE
16 SLIDES. IF YOU WANT TO LEAVE THEM, MAYBE STAFF WILL BE
17 INTERESTED IN THEM; OTHERWISE, I'D LIKE TO ASK ONE
18 QUESTION OF STAFF.

19 AS I WAS READING THROUGH THIS MATERIAL, I
20 FIND THAT THERE'S NO LINING ON THIS LANDFILL. IS THERE A
21 PARTICULAR REASON FOR THAT?

22 MR. GEBRE-HAWARIAT: THAT'S CORRECT. THE
23 REQUIREMENTS FOR LINERS ON CLASS III LANDFILLS WAS NOT A
24 REQUIREMENT WHEN THE FACILITY STARTED IN 1954. AND
25 THERE'S NO REQUIREMENT FOR RETROFITTING.



1 THERE ARE, HOWEVER, MONITORING WELLS TO
2 MONITOR LEACHATE AND GAS AT THIS FACILITY, AND THERE'S
3 REPORTING REQUIREMENTS BY THE WATER QUALITY CONTROL BOARD
4 ON A MONTHLY OR ON A SCHEDULED BASIS THAT THE OPERATOR
5 MEETS.

6 BOARD MEMBER EGIGIAN: SO THE WATER BOARD HASN'T
7 ASKED FOR ANYTHING AT THE TIME THIS THING STARTED; IS
8 THAT CORRECT?

9 MR. GEBRE-HAWARIAT: CORRECT. THE REQUIREMENTS
10 FOR LINERS, I BELIEVE DID NOT START UNTIL ABOUT 1984.
11 THIS SITE PREDATED THOSE REQUIREMENTS.

12 BOARD MEMBER EGIGIAN: ARE WE ANTICIPATING ANY
13 PROBLEMS? THIS LANDFILL HAS BEEN HERE A LONG TIME NOW.

14 MR. GEBRE-HAWARIAT: WE ARE NOT ANTICIPATING ANY
15 PROBLEMS. THERE HAVE NOT BEEN ANY REPORTS OF ANY. ALL
16 THE INSPECTIONS OF THE BOARD STAFF AND THE LEA SHOW THE
17 FACILITY IS OPERATING AND MEETS MINIMUM STANDARDS. THE
18 WATER BOARD DOES NOT HAVE ANY PROBLEMS WITH THE FACILITY.

19 BOARD MEMBER EGIGIAN: ANY OTHER QUESTIONS?

20 BOARD MEMBER RELIS: NO.

21 BOARD MEMBER EGIGIAN: THANK YOU VERY MUCH.

22 DO YOU WANT TO --

23 BOARD MEMBER RELIS: I WOULD MOVE THAT WE
24 CONCUR.

25 BOARD MEMBER EGIGIAN: WE HAVE A MOTION THAT WE



1 CONCUR WITH THIS PERMIT. SINCE OUR CHAIRMAN IS ON HIS
2 WAY DOWN, WE'LL TAKE A ROLL CALL AND HE CAN ANSWER FOR
3 HIMSELF A LITTLE LATER.

4 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

5 BOARD MEMBER EGIGIAN: YES.

6 COMMITTEE SECRETARY: RELIS?

7 BOARD MEMBER RELIS: AYE.

8 COMMITTEE SECRETARY: CHAIRMAN HUFF?

9 CHAIRMAN HUFF: (ROLL HELD OPEN.)

10 BOARD MEMBER EGIGIAN: WE'LL MOVE TO ITEM NO. 7.

11 MS. COYLE: YES. GOOD AFTERNOON. I'M MARY
12 COYLE, THE MANAGER OF THE LEA SECTION PERMITTING AND
13 COMPLIANCE DIVISION.

14 TODAY WE HAVE THE ITEMS OF CONSIDERATION OF
15 DESIGNATION AND CERTIFICATION OF THE RIVERSIDE COUNTY
16 HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY FOR THE
17 JURISDICTION.

18 PUBLIC RESOURCES CODE REQUIRES LOCAL
19 GOVERNING BODIES TO DESIGNATE AN ENFORCEMENT AGENCY TO
20 CARRY OUT SOLID WASTE PERMITTING INSPECTION AND
21 ENFORCEMENT REQUIREMENTS WITHIN THE JURISDICTION.

22 REGULATIONS REQUIRE A LOCAL AGENCY TO
23 DEVELOP AND SUBMIT FOR BOARD APPROVAL AND ADOPT AN
24 ENFORCEMENT PROGRAM PLAN. THE ENFORCEMENT PROGRAM PLAN
25 SHALL DEMONSTRATE THAT THE LEA MEETS ALL THE REQUIREMENTS



1 OF TECHNICAL EXPERTISE, STAFF RESOURCES, BUDGET
2 RESOURCES, TRAINING, THE EXISTENCE OF AT LEAST ONE
3 PERMITTED SOLID WASTE FACILITY, AND NO OPERATIONAL
4 INVOLVEMENT OF ANY KIND.

5 THE ENFORCEMENT PROGRAM PLAN THAT WAS
6 SUBMITTED BY THE RIVERSIDE COUNTY HEALTH DEPARTMENT DOES
7 MEET THE REQUIREMENTS, AND AT THIS TIME I WOULD LIKE TO
8 HAVE MYRON AMERINE; OTHERWISE, KNOWN AS "SKIP" OF THE LEA
9 SECTION, TO GIVE YOU A BRIEFING ON THE WAY THEY MET THOSE
10 ELEMENTS.

11 BOARD MEMBER EGIGIAN: ALL RIGHT.

12 MR. AMERINE: COMMITTEE MEMBERS, I'M MYRON
13 AMERINE.

14 THE LEA HAS APPROXIMATELY 103 FACILITIES
15 AND SITES, 670 VEHICLES, AND ASSORTED OTHER WORK LOADS.
16 THEY HAVE RIGHT NOW ON THEIR ENFORCEMENT PROGRAM PLAN 12
17 REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS, ONE OF THEM
18 AN ENGINEER. THEY HAVE APPROXIMATELY A \$1 MILLION
19 BUDGET, AND MEET ALL THE DESIGNATION CERTIFICATION
20 REQUIREMENTS FOR TRAINING, TECHNICAL EXPERTISE, ADEQUATE
21 STAFFING, AND ADEQUATE TRAINING.

22 MS. COYLE: AS WE GO THROUGH THE REST OF THE
23 PRESENTATION, WE DID SUBMIT THE PACKAGES THAT WERE
24 SUBMITTED TO US BY THE COUNTY. SUE HAS THEM IF YOU'D
25 LIKE TO LOOK AT THEM AT YOUR LEISURE. THEY ARE RATHER



1 IMPRESSIVE.

2 I WOULD LIKE TO SAY THIS IS A CADILLAC
3 VERSION. WE DO HAVE SOME OTHER VERSIONS WITHIN OUR
4 OFFICE THAT WE'RE CURRENTLY REVIEWING. THE OTHER
5 VERSIONS, SOME OF THEM ARE VOLKSWAGEN VERSIONS. THEY ALL
6 GET YOU THERE), BUT THIS IS THE LUXURY. SO I DID WANT TO
7 SHARE THAT WITH YOU TODAY.

8 AFTER APPROVAL OF THE ENFORCEMENT PROGRAM
9 PLAN, THE BOARD MAY ISSUE CERTIFICATIONS TO THE
10 DESIGNATED ENFORCEMENT AGENCY FOR THE FOLLOWING TYPES OF
11 DUTIES. THE DUTIES ARE SPECIFIED IN THE PUBLIC RESOURCES
12 CODE AND THEY INCLUDE PERMITTING, INSPECTION, AND
13 ENFORCEMENT AT SOLID WASTE DISPOSAL SITES; PERMITTING,
14 INSPECTION, AND ENFORCEMENT AT SOLID WASTE TRANSFORMERS;
15 PERMITTING, INSPECTION, AND ENFORCEMENT AT TRANSFER
16 PROCESSING STATIONS; AND INSPECTION AND ENFORCEMENT OF
17 LITTER, ODOR, AND NUISANCE REGULATIONS AT LANDFILLS.

18 RIVERSIDE COUNTY IS REQUESTING
19 CERTIFICATION IN ALL OF THESE TYPES, ALL FOUR TYPES.

20 TO ESTABLISH AN LEA. THE BOARD IS REQUIRED
21 TO APPROVE THE ENFORCEMENT PROGRAM PLAN, ISSUE
22 CERTIFICATION, AND APPROVE THE DESIGNATION OF THE
23 ENFORCEMENT AGENCY.

24 BOARD STAFF HAS RECEIVED THE DESIGNATION
25 PACKAGE AND REVIEWED THE ENFORCEMENT PROGRAM PLAN. BOTH



1 PACKAGES MEET THE REQUIREMENTS OF STATUTE AND REGULATION.
2 BOARD STAFF -- THE BOARD HAS THE FOLLOWING
3 OPTIONS: TO APPROVE THE ENFORCEMENT PROGRAM PLAN AND
4 ISSUE CERTIFICATION AND APPROVE DESIGNATION; TO ISSUE A
5 TEMPORARY CERTIFICATION; TO DISAPPROVE THE PACKAGES, OR
6 TAKE NO ACTION.

7 BOARD STAFF FINDS THAT THE DOCUMENTS MEET
8 STATUTE AND REGULATION AND CONCUR WITH THE PROPOSED
9 ENFORCEMENT PROGRAM PLAN, THE ISSUANCE OF A REQUESTED
10 CERTIFICATION, AND APPROVAL OF DESIGNATION. AND WE ARE,
11 THEREFORE, ASKING THAT -- OR RECOMMENDING THAT THE BOARD
12 ADOPT RESOLUTION 92-35.

13 THERE ARE -- I WOULD LIKE TO ACKNOWLEDGE
14 THE PRESENCE OF THE RIVERSIDE COUNTY REPRESENTATIVES IN
15 THE AUDIENCE, STEVE SAMANIEGO AND GARY ROOT. I WOULD
16 ALSO LIKE TO TAKE THIS OPPORTUNITY TO COMMEND THEM FOR
17 THEIR DILIGENCE IN PREPARING THE PACKAGES.

18 THAT COMPLETES MY PRESENTATION.

19 BOARD MEMBER EGIGIAN: ALL RIGHT. PAUL, DO YOU
20 HAVE ANY QUESTIONS?

21 BOARD MEMBER RELIS: THIS IS IMPRESSIVE, BUT
22 BREVITY IS ALSO -- WE'LL ACCEPT THAT, TOO.

23 SO, NO. THAT SOUNDS LIKE IT'S BEEN
24 THOROUGHLY LOOKED AT.

25 BOARD MEMBER EGIGIAN: IS ANYBODY ELSE GOING TO



1 SPEAK ON THIS OR IS THIS --

2 MS. COYLE: I WOULD LIKE TO ACKNOWLEDGE THAT THE
3 RIVERSIDE COUNTY LEA IS IN THE AUDIENCE. BUT I DON'T
4 THINK THEY WANT TO SAY ANYTHING UNLESS YOU NEED THEM TO.

5 MR. ROOT: I'M GARY ROOT. I'M THE PROGRAM
6 MANAGER FOR THE RIVERSIDE COUNTY LEA. WHEN WE STARTED
7 THE PROCESS, I HAD A LITTLE BIT MORE HAIR. BUT, NO,
8 SERIOUSLY, I'D LIKE TO THANK SKIP FOR ALL HIS EFFORTS AND
9 THE NUMEROUS TELEPHONE CONVERSATIONS WE HAD, AND THE
10 FLEXIBILITY IN DEALING WITH HIM. I APPRECIATE IT VERY
11 MUCH. IT'S BEEN A GOOD OPPORTUNITY. THIS EXERCISE, FOR
12 US LOCALLY, AND I HOPE FOR HIM AS WELL.

13 BOARD MEMBER EGIGIAN: THANK YOU.

14 MR. CHAIRMAN, DO YOU WANT TO TAKE OVER NOW?

15 CHAIRMAN HUFF: WELL, YOU'VE TAKEN THIS ITEM
16 THIS FAR. WHERE ARE WE? ARE WE READY FOR A MOTION?

17 BOARD MEMBER EGIGIAN: WE'RE READY FOR A
18 MOTION.

19 BOARD MEMBER RELIS: I MOVE STAFF
20 RECOMMENDATION.

21 CHAIRMAN HUFF: STAFF RECOMMENDATION HAS BEEN
22 MOVED.

23 ALL RIGHT. VERY WELL. WE'LL HAVE THE
24 FIRST ROLL CALL OF THE AFTERNOON, RIGHT?

25 BOARD MEMBER EGIGIAN: WE HAD A ROLL CALL. BUT



1 YOU'VE GOT TO ADD YOUR "YES" TO IT.

2 CHAIRMAN HUFF: OH, THAT'S RIGHT.

3 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

4 BOARD MEMBER EGIGIAN: YES.

5 COMMITTEE SECRETARY: RELIS?

6 BOARD MEMBER RELIS: AYE.

7 COMMITTEE SECRETARY: CHAIRMAN HUFF?

8 CHAIRMAN HUFF AYE.

9 MOTION CARRIES THREE TO ZERO.

10 LANCASTER. I WASN'T HERE FOR LANCASTER, SO
11 YOU HAD A TWO TO ONE VOTE IN MY ABSENCE.

12 WAS IT LIPSON OR CONHEIM THAT VOTED?

13 BOARD MEMBER EGIGIAN: THEY LEFT ALREADY, TWO TO
14 ZERO I SHOULD SAY.

15 CHAIRMAN HUFF: OKAY.

16 BOARD MEMBER EGIGIAN: THAT SHOULD BE CONSENT,
17 TOO, MR. CHAIRMAN. IT SHOULD BE.

18 CHAIRMAN HUFF: WHY DON'T WE -- DID YOU HOLD THE
19 ROLL OPEN ON THE 6TH ITEM? WELL, THEN I CAN ADD MY VOTE
20 TO THE ROLL CALL ON ITEM 6, AND ANNOUNCE THE VOTE AS
21 THREE TO ZERO. THAT GOES TO CONSENT. ALSO.

22 NEXT. NOW, ITEM 8 WAS PULLED: AM I
23 CORRECT? THAT BRINGS US TO ITEM 9.

24 MS. ANDERSON: AS YOU KNOW, I'M SHARON ANDERSON
25 AND I'M IN THE COMPLIANCE BRANCH. I WORK FOR MARTHA



1 VAZQUEZ. ALTHOUGH YOU'VE HEARD PREVIOUS ITEMS THAT I'VE
2 PREPARED AND PRESENTED ON ABILITY EVALUATION REPORTS,
3 TODAY I'M GOING TO BE PRESENTING SOMETHING DIFFERENT TO
4 YOU. I'M GOING TO BE ASKING YOU TO CONSIDER A MAJOR PART
5 OF OUR PROGRAM.

6 I WILL ALSO BE GIVING YOU ENOUGH
7 INFORMATION, HOPEFULLY, ON THE BOARD'S ROLE AND
8 RESPONSIBILITY WITH RESPECT TO SOLID WASTE FACILITIES
9 THAT HAVE COMPLIANCE PROBLEMS SO THAT WE CAN DISCUSS THE
10 ISSUES AND SO THAT YOU CAN GIVE BOARD STAFF GUIDANCE ON
11 HOW TO IMPLEMENT A MAJOR PORTION OF OUR PROGRAM.

12 PLEASE STOP ME ANYTIME YOU HAVE QUESTIONS
13 OR CONCERNS.

14 WHAT I'LL BE DOING IN THIS PRESENTATION IS
15 TO TALK BRIEFLY ABOUT THE LAW THAT REQUIRES THE BOARD TO
16 INCLUDE FACILITIES WHICH HAVE STATE MINIMUM STANDARD
17 VIOLATION IN THE INVENTORY OF THE SOLID WASTE FACILITIES
18 THAT VIOLATE STATE MINIMUM STANDARDS. IT'S A VERY LONG
19 NAME SO FROM HERE ON OUT, I'M JUST GOING TO CALL IT THE
20 INVENTORY.

21 I WILL ALSO TOUCH ON WHERE WE ARE NOW IN
22 THE PROGRAM. FINALLY, I WILL OFFER FOUR METHODS FOR
23 INCLUDING FACILITIES IN THE INVENTORY WHICH STAFF HAS
24 DEVELOPED FOR YOUR CONSIDERATION.

25 YOU'LL ALSO BE ASKED TO THINK ABOUT EACH



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1 METHOD FROM VARIOUS POINTS OF VIEW, OF COURSE. FROM YOUR
2 OWN, FROM BOARD STAFF'S POINT OF VIEW, FROM THE LEA'S
3 POINT OF VIEW, AND FROM THE OPERATOR'S POINT OF VIEW.

4 THE LAW SIMPLY STATES THAT THE BOARD
5 MAINTAIN AN INVENTORY OF SOLID WASTE FACILITIES WHICH
6 VIOLATE STATE MINIMUM STANDARDS. THE LAW ALSO STATES
7 THAT WHENEVER A FACILITY IS PROPOSED TO BE INCLUDED IN
8 THE INVENTORY, THE BOARD IS TO GIVE THE OWNER AND
9 OPERATOR A 90-DAY NOTICE THAT IF THE VIOLATIONS ARE NOT
10 CORRECTED, THE FACILITY SHALL BE INCLUDED IN THE
11 INVENTORY. THE NOTICE -- I'LL TALK ABOUT IT A LOT SO
12 I'LL JUST CALL IT A 90-DAY NOTICE.

13 THE RAMIFICATIONS OF THE INVENTORY WOULD BE
14 TO REQUIRE THE LEA TO WORK WITH THE OPERATOR AND DEVELOP
15 A COMPLIANCE SCHEDULE OR AN ENFORCEMENT ORDER TO TRY TO
16 BRING THAT FACILITY INTO COMPLIANCE. THESE VIOLATIONS
17 ARE NORMALLY RECURRING, ONGOING, AND PROBLEMATIC.
18 THE LEA WOULD THEN HAVE A YEAR WITH THE OPERATOR TO BRING
19 THE FACILITY INTO COMPLIANCE. AND IF NOT, THE PERMIT
20 VERIFICATION PROCESS BEGINS, WHICH IS A LOCAL PROCESS.

21 THE INVENTORY ITSELF IS A SIMPLE LIST:
22 HOWEVER, BOARD STAFF IS POISED RIGHT NOW AT THE DECISION
23 MAKING PROCESS AFTER REVIEWING THE RESOURCES THAT WE'VE
24 ALREADY EXPENDED THUS FAR AND THOSE THAT WE WILL NEED TO
25 CONTINUE DOWN THE ROAD WE HAVE CARVED OUT AS OUR CURRENT



1 PROCESS.

2 YOU'RE FAMILIAR WITH THE FACILITIES
3 EVALUATION REPORT. A MAJOR PORTION OF THAT REPORT IS A
4 COMPILATION OF THE INSPECTION RESULTS. THE REPORT ALSO
5 INCLUDES A STAFF RECOMMENDATION THAT THE BOARD ISSUE
6 90-DAY NOTICES TO THE FACILITIES THAT HAVE VIOLATIONS.

7 SINCE MID-1991, 39 FACILITY OWNERS AND
8 OPERATORS HAVE RECEIVED THOSE 90-DAY NOTICES. IT WAS
9 THOUGHT THAT EACH OF THOSE FACILITIES WOULD BE
10 REINSPECTED AFTER 90 DAYS, AND WE WOULD BRING EACH
11 FACILITY BACK TO YOU IN THE FORM OF AN AGENDA ITEM, TO
12 THE COMMITTEE AND THEN THE BOARD, IF THE VIOLATION STILL
13 PERSISTED.

14 NOW, AFTER EVALUATING RESOURCES AND
15 CONSTRAINTS OF THE CURRENT PROCESS, I'D LIKE TO STEP INTO
16 THE FOUR METHODS FOR INCLUDING THE FACILITIES IN THE
17 INVENTORY. PLEASE BEAR IN MIND THAT EACH OF THE METHODS
18 COMPLIES WITH THE LAW.

19 I'M GOING TO SHOW YOU AN OVERHEAD. YOU
20 PROBABLY CAN'T READ THIS. THIS IS OKAY. BECAUSE WHAT I'M
21 SHOWING YOU IS JUST SORT OF A COMPARISON. THIS IS ONE
22 THAT I'M SHOWING YOU ONLY FOR COMPARISON'S SAKE.

23 MS. ANDERSON: I'M GOING TO TAKE YOU BACKWARDS
24 THROUGH EACH OF THE FOUR METHODS. IS WHAT I INTEND TO DO.
25 I'M GOING TO START WITH METHOD FOUR. WHICH YOU CAN SEE IS



1 THE MOST LENGTHY METHOD TO INCLUDE FACILITIES. IT'S ALSO
2 THE CURRENT ONE THAT WE'VE SORT OF GOTTEN OURSELVES INTO
3 BY DEFAULT. MAYBE I'LL JUST DO IT THIS WAY, AS MR.
4 CONHEIM SUGGESTED.

5 CHAIRMAN HUFF: IT DOESN'T FIT BECAUSE THE
6 FORMAT IS --

7 MS. ANDERSON: I'M GOING TO GO BACK TO WHAT I
8 HAD ORIGINALLY PLANNED TO DO.

9 CHAIRMAN HUFF: PAGE 182.

10 MS. ANDERSON: YEAH, PAGE 182. I WAS GOING TO
11 MENTION THAT YOU MIGHT HAVE AN EASIER TIME FOLLOWING
12 ALONG.

13 CHAIRMAN HUFF: SHARON, DO YOU HAVE THE ACTUAL
14 LANGUAGE OF THE LAW?

15 MS. ANDERSON: AS A MATTER OF FACT, I DO. LET
16 ME READ YOU THE WHOLE SECTION. IT'S KIND OF BORING.

17 CHAIRMAN HUFF: IT'S ONLY THREE OR FOUR
18 SENTENCES LONG.

19 MS. ANDERSON: WELL, THERE'S TWO SECTIONS. I'M
20 GOING TO READ BOTH A AND B.

21 CHAIRMAN HUFF: OH.

22 MS. ANDERSON: "44104(A). THE BOARD SHALL
23 MAINTAIN AN INVENTORY OF SOLID WASTE FACILITIES WHICH
24 VIOLATES STATE MINIMUM STANDARDS. TO THE EXTENT IT IS
25 PRACTICABLE TO DO SO. THE BOARD SHALL INCORPORATE IN THIS



1 INVENTORY EXISTING INFORMATION COLLECTED IN THE COURSE OF
2 PREVIOUS SURVEYS OF THIS TYPE AND SIMILAR INFORMATION
3 MADE AVAILABLE TO THE BOARD BY STATE AND LOCAL AGENCIES."

4 SECTION B.

5 CHAIRMAN HUFF: ALL RIGHT. STOP A SECOND.

6 IN BOTH SENTENCES, THE SENTENCE SAID "THE
7 BOARD SHALL."

8 MS. ANDERSON: YES. MAINTAIN AN INVENTORY.

9 CHAIRMAN HUFF: OKAY. B.

10 MS. ANDERSON: B. "WHENEVER A SOLID WASTE
11 FACILITY IS PROPOSED TO BE INCLUDED IN THE INVENTORY, THE
12 BOARD SHALL GIVE NOTICE THEREOF BY CERTIFIED MAIL TO THE
13 DISPOSAL SITE OWNER AND THE OPERATOR OF THE SOLID WASTE
14 FACILITY.

15 "IF WITHIN 90 DAYS OF THAT NOTICE, THE
16 VIOLATION HAS NOT BEEN CORRECTED THE SOLID WASTE FACILITY
17 SHALL BE INCLUDED IN THE INVENTORY. THE BOARD SHALL
18 UPDATE AND PUBLISH THE INVENTORY TWICE ANNUALLY."

19 THAT'S THE EXTENT OF THE LAW.

20 CHAIRMAN HUFF: SO IN THAT SENTENCE IT SAYS THAT
21 THE BOARD SHALL -- THE BOARD SHALL SEND THE 90-DAY
22 NOTICE?

23 MS. ANDERSON: CORRECT.

24 CHAIRMAN HUFF: IT IS VAGUE AS TO THE SECOND
25 HALF OF THE COMPLEX SENTENCE?



1 MS. ANDERSON: YES.

2 CHAIRMAN HUFF: OR IS IT COMPOUND SENTENCE?

3 IT JUST SAYS "THE FACILITY SHALL."

4 MS. ANDERSON: RIGHT, WHICH ASSUMES A ROUTINE
5 INCLUSION.

6 CHAIRMAN HUFF: YES. THEN THE LAST SENTENCE.
7 AGAIN, GOES BACK TO THE STRUCTURE. "THE BOARD SHALL."

8 MS. ANDERSON: YES. SHALL I MOVE ON?

9 IN METHOD 4, THE DEFAULT METHOD THAT WE'RE
10 CURRENTLY OPERATING UNDER -- I KNOW IT MIGHT BE TOUGH TO
11 READ ON YOUR MONITORS, BUT I THINK ON THE SCREENS THEY
12 MIGHT BE ABLE TO SEE THAT -- BOARD STAFF CONDUCTS A STATE
13 ANNUAL INSPECTION.

14 IT TAKES 30 DAYS TO BASICALLY GET THE
15 INSPECTION RESULTS OUT. THAT'S THE AMOUNT THE LAW HAS
16 GIVEN US TO GET THE INSPECTION REPORT OUT.

17 IF THERE IS STATE MINIMUM STANDARD
18 VIOLATION, WE MOVE DOWN THE BOX. IF NOT, THE PROCESS
19 ENDS. IF WE MOVE DOWN A BOX, WHAT WE'VE DONE ALREADY FOR
20 YOU IS WE'VE PRESENTED ALL THE FACILITIES AS A GROUP AND
21 ASKED YOU TO CONCUR THAT, YES, THE FACILITIES ARE IN
22 VIOLATION AND THEY DO NEED TO GET A 90-DAY NOTICE.

23 SO YOU SEE HERE, WE'VE PRESENTED A
24 COMMITTEE ITEM, A BOARD ITEM, AND THEN WE COME DOWN HERE
25 TO BOARD SENDS 90-DAY NOTICE OF INTENT TO INCLUDE. WE'VE



1 DONE THAT FOR SEVERAL FACILITIES. THAT'S WHERE WE ARE.
2 THAT TAKES TIME.

3 THEN WE BUMP DOWN HERE. NINETY DAYS LATER
4 WE'RE SUPPOSED TO DO A COMPLIANCE INSPECTION AFTER WE'VE
5 SENT THE NOTICES. IF COMPLIANCE IS VERIFIED, THE LOOP
6 ENDS. IF COMPLIANCE IS NOT ATTAINED, WE WOULD -- THIS
7 IS -- AGAIN, THIS IS THE CURRENT LOOP WE'VE GOTTEN
8 OURSELVES INTO, ALTHOUGH YOU'VE NOT HEARD ANY ITEMS COME
9 BACK TO YOU. WE'VE PROPOSED THAT THIS IS WHAT IT WOULD
10 LOOK LIKE IF WE HAD TO COME BACK FOR EVERY FACILITY.

11 AGAIN, WE COME BACK OUT, DO A COMPLIANCE
12 INSPECTION, 30 DAYS TO GET THE INSPECTION RESULTS OUT, 30
13 DAYS TO PREPARE A COMMITTEE AGENDA AND ALSO FOR A BOARD
14 AGENDA ITEM. WE'D PRESENT BOTH OF THOSE. THE BOARD
15 WOULD EITHER FIND CONCURRENCE WITH STAFF'S RECOMMENDATION
16 OR WOULD LISTEN TO INFORMATION BROUGHT BY THE OPERATOR,
17 AND DECIDE WHETHER OR NOT THE FACILITY WILL BE ACTUALLY
18 PLACED IN THE INVENTORY. AND THEN THE BOARD WOULD EITHER
19 INCLUDE OR NOT. SO THAT WOULD BE THE END OF THAT
20 PROCESS.

21 I'D SAY THE MINIMUM OF THAT WOULD BE SIX
22 MONTHS. IF YOU'D LIKE THE PROS OF THAT METHOD WITH --
23 THAT THE BOARD WOULD BE INVOLVED IN EITHER ACCEPTING OR
24 REJECTING THE STAFF'S RECOMMENDATION TO EITHER ISSUE A
25 90-DAY NOTICE OR ACTUALLY INCLUDE THE FACILITY. SO THEY



1 WOULD BE INVOLVED IN BOTH ENDS.

2 CHAIRMAN HUFF: QUESTION.

3 MS. ANDERSON: QUESTION. GO AHEAD.

4 CHAIRMAN HUFF: HAD THE PREVIOUS BOARD GONE
5 THROUGH ANY OF THIS?

6 MS. ANDERSON: YES, THEY HAVE.

7 CHAIRMAN HUFF: SO WE HAVE A LITTLE BIT OF
8 HISTORY, EVEN THOUGH THIS BOARD HAS NOT?

9 MS. ANDERSON: CORRECT.

10 CHAIRMAN HUFF: NOW, YOU HAVE SHOWN HERE THE
11 WHOLE THING TRIGGERED BY INSPECTION?

12 MS. ANDERSON: YES.

13 CHAIRMAN HUFF: THEN YOU COME DOWN HERE AFTER
14 THE 90-DAY NOTICE, THEN YOU DO THE SECOND INSPECTION?

15 MS. ANDERSON: REPEAT. I WAS JUST --

16 CHAIRMAN HUFF: AFTER YOU DO THE 90-DAY NOTICE,
17 THEN YOU HAVE THE SECOND INSPECTION?

18 MS. ANDERSON: CORRECT.

19 CHAIRMAN HUFF: OKAY. BUT THERE'S A PASSAGE OF
20 TIME BETWEEN THAT SECOND INSPECTION AND THE BOARD
21 ACTUALLY PUTTING THE FACILITY ON THE INVENTORY?

22 MS. ANDERSON: CORRECT.

23 CHAIRMAN HUFF: IS THERE A POTENTIAL, THEN, OF
24 RIGHT BEFORE THE BOARD MEETING THAT YOU'D ACTUALLY DO A
25 THIRD INSPECTION SO YOU CAN ASSURE THE BOARD?



1 MS. ANDERSON: THAT'S A GOOD QUESTION.

2 AS A MATTER OF FACT, I'VE INCLUDED THAT IN
3 METHOD 4, THAT THERE IS A VERY STRONG POSSIBILITY THAT AN
4 ADDITIONAL COMPLIANCE INSPECTION WILL BE NEEDED JUST
5 PRIOR TO EITHER A COMMITTEE OR A BOARD MEETING TO VERIFY
6 LAST MINUTE COMPLIANCE, SO THAT WE DON'T LOOK SILLY IN
7 FRONT OF EACH OTHER AND ALSO IN FRONT OF THE OPERATOR.

8 CHAIRMAN HUFF: BUT THAT ISN'T A BOX ON THIS
9 CHART, IS IT?

10 MS. ANDERSON: NO, IT'S NOT A BOX ON THAT CHART
11 BECAUSE IT'S A POSSIBILITY.

12 CHAIRMAN HUFF: BUT IT'S A POSSIBILITY RIGHT
13 HERE BEFORE THE LAST BOX THAT ACTUALLY THERE'S ONE MORE
14 BOX TO BE ADDED, THAT'S A THIRD INSPECTION?

15 MS. ANDERSON: CORRECT.

16 CHAIRMAN HUFF: IT TAKES A LOT OF STAFF TIME,
17 DOESN'T IT?

18 MS. ANDERSON: IT TAKES A LOT OF STAFF TIME.
19 AND, AGAIN, THAT IS INCLUDED IN SOME OF THE CONS AND THAT
20 IS THAT IT TAKES AWAY FROM OTHER FACILITIES THAT NEED
21 ANNUAL INSPECTIONS.

22 I POINT OUT THAT WE DO HAVE A LOT OF
23 INSPECTIONS YET TO CONDUCT THIS YEAR AS THE ANNUAL.
24 THAT'S ALSO PART OF OUR TRAINING GROUNDS FOR THE LOCAL
25 ENFORCEMENT AGENCY. WE DO GIVE GUIDANCE AND WE DO A LOT



1 OF TRAINING WITH INSPECTIONS.

2 CHAIRMAN HUFF: OKAY.

3 MS. ANDERSON: OPTION 4, ANOTHER ONE OF THE
4 CONS, THAT IT DOES RESULT IN THE GREATEST AMOUNT OF STAFF
5 TIME AND RESOURCES AND COMPLIANCE TIME FRAMES WILL BE
6 LENGTHENED. FROM THE TIME THAT YOU DO YOUR INITIAL
7 INSPECTION UNTIL IT ACTUALLY GETS ON THE INVENTORY, LET'S
8 SAY THE LEA REALLY DOES NEED SOME HELP, THEY REALLY WOULD
9 LIKE TO SEE THIS FACILITY ON THE INVENTORY. SOMETIMES IT
10 MAY OR MAY NOT BE TRUE.

11 BEING PUT ON THE INVENTORY ACTUALLY FORCES
12 THE OPERATOR'S HAND, FORCES THE LEA'S HAND TO REALLY WORK
13 TOGETHER TO COME INTO COMPLIANCE. BUT WHEN YOU TAKE A
14 YEAR, YEAR AND A HALF TO GET A FACILITY ON THE INVENTORY,
15 IT REALLY DOES SPREAD OUT THE TIME THAT IT TAKES TO GAIN
16 COMPLIANCE.

17 IN ADDITION, ANOTHER CON OF THIS METHOD IS
18 THAT WHEN WE PUBLISH THE AGENDA FOR BOTH COMMITTEE AND
19 BOARD ITEMS, THAT FACILITY BECOMES THE SINGLE FOCUS OF
20 ATTENTION ON THOSE AGENDAS. IT'S MAILED OUT TO I FORGET
21 HOW MANY PEOPLE -- PAT, OUR AGENDAS?

22 MS. CHARTRAND: BETWEEN 1,000 AND 1200.

23 MS. ANDERSON: SO THAT MANY PEOPLE HAVE THE
24 ABILITY TO SEE THIS FACILITY, AND I'M NOT SURE THAT THAT
25 IS CONDUCIVE TO GOOD WORKING RELATIONSHIP WITH OPERATORS



1 TO HAVE THEM IN THE LIMELIGHT.

2 ARE THERE ANY QUESTIONS ON METHOD 4?

3 METHOD 3 IS SHORTER. I CAN ZOOM IN ON IT A
4 LITTLE MORE. METHOD 3 IS VERY SIMILAR; HOWEVER, IT
5 EXCISES THE FIRST PERMITTING ENFORCEMENT COMMITTEE
6 MEETING.

7 CHAIRMAN HUFF: AND THE FIRST BOARD MEETING.

8 MS. ANDERSON: YEAH, COMMITTEE AND BOARD
9 MEETING.

10 ESSENTIALLY, WHAT WOULD HAPPEN IS IT WILL
11 BE VERY SIMILAR TO METHOD 4. WE CONDUCT THE INSPECTION,
12 IDENTIFY THE VIOLATION OR WE DON'T. IF WE DON'T, THEN
13 THE FLOW ENDS. IF WE DO IDENTIFY A VIOLATION, WE WOULD
14 SEND OUT A 90-DAY NOTICE ADMINISTRATIVELY. IT WOULD BE
15 DONE ROUTINELY BY OUR DEPUTY DIRECTOR. IF AFTER 90 DAYS
16 OF THAT NOTICE IF COMPLIANCE IS ACHIEVED, THE LOOP ENDS.

17 HOWEVER, IF AFTER 90 DAYS WHEN WE DO THE
18 COMPLIANCE INSPECTION AND COMPLIANCE IS NOT ACHIEVED, WE
19 WOULD THEN SEND OUT THE INSPECTION REPORT AND THE
20 OPERATOR WOULD HAVE TEN DAYS TO SAY THEY WOULD NOT WANT
21 TO BE AUTOMATICALLY OR ROUTINELY INCLUDED. WE WOULD GIVE
22 THEM THE OPTION TO BE ROUTINELY INCLUDED IN THE INVENTORY
23 OR TO NOT BE ROUTINELY INCLUDED.

24 IF THEY DON'T WISH TO BE ROUTINELY
25 INCLUDED, THEY WOULD THEN APPEAL TO THE BOARD -- FIRST



1 THE COMMITTEE AND THEN THE BOARD. THEN THAT WOULD
2 TRIGGER THE AGENDA ITEM PREPARATION, THE POTENTIAL
3 ADDITIONAL INSPECTION TO VERIFY COMPLIANCE, THE BOARD
4 AGENDA ITEM. AND THE HEARING THAT THE OPERATOR WILL HAVE
5 IN FRONT OF THE COMMITTEE AND THE BOARD.

6 ARE THERE ANY QUESTIONS ON THAT?

7 BOARD MEMBER EGIGIAN: HOW LONG DOES THIS TAKE
8 TO HAPPEN? THIS OTHER ONE YOU SAID TAKES SIX MONTHS?

9 MS. ANDERSON: AT LEAST SIX MONTHS.

10 BOARD MEMBER EGIGIAN: BOTH OF THEM TAKE SIX
11 MONTHS?

12 MS. ANDERSON: NO. METHOD 3, IF THERE'S NO
13 OPERATOR APPEAL, COULD TAKE JUST THE EXACT AMOUNT OF TIME
14 IT TAKES TO PROCESS THE PAPER. IF THEY DO APPEAL, WE'RE
15 BACK UP TO MORE MONTHS. IT WILL BE ON THE ORDER OF
16 MAGNITUDE OF MONTHS AS OPPOSED --

17 CHAIRMAN HUFF: YEAH. IT WOULD BE ABOUT FIVE
18 MONTHS INSTEAD OF SIX BECAUSE YOU'RE STILL CUTTING OUT
19 THE FIRST COMMITTEE AND BOARD.

20 MS. ANDERSON: RIGHT. THE FIRST ONE -- THE
21 MINIMUM IS SIX MONTHS. CURRENTLY WE HAVE SOME FACILITIES
22 THAT WERE INSPECTED A YEAR AND A HALF AGO THAT ARE YET
23 WAITING TO GO ON THE INVENTORY. NOT THAT THEY'RE WAITING
24 TO GO, BUT THEY'RE OUT THERE IN THE LOOP.

25 CHAIRMAN HUFF: BUT LET'S SAY BEST CASE SCENARIO



1 FOR METHOD 4, WE'RE TALKING ABOUT SIX MONTHS PROCESS?
2 METHOD 3 WITH APPEAL. IT'S FIVE. METHOD 3 WITHOUT
3 APPEAL?

4 MS. ANDERSON: IS 90 DAYS PLUS 30.

5 CHAIRMAN HUFF: PLUS 30, 120. OKAY. SO FOUR
6 MONTHS WITHOUT APPEAL AND FIVE MONTHS WITH APPEAL.

7 MS. ANDERSON: CORRECT.

8 THE PROS OF METHOD 3 ARE THAT. AGAIN, THE
9 CERTAIN AMOUNT OF DUE PROCESS IN FRONT OF THE FULL BOARD
10 AND THE COMMITTEE WOULD BE OFFERED THE OPERATOR.

11 SOME OF THE CONS WOULD BE THAT IF -- THAT
12 THE CONSIDERATION BY THE COMMITTEE AND THE BOARD IS NOT
13 REQUIRED BY STATUTE. ALSO, THE INCREASE ON STAFF TIME
14 AND BOARD RESOURCES TO DEVELOP AND PRESENT THE ITEM AND
15 THE ADDITIONAL INSPECTION TO VERIFY LAST MINUTE
16 COMPLIANCE, AND AS YOU STATED, THE FIVE-MONTH TURN AROUND
17 TIME, MINIMUM FIVE-MONTH TURN AROUND TIME. IT'S MOST
18 LIKELY MORE THAN THAT.

19 METHOD 2. WE'RE GETTING SHORTER. METHOD 2
20 IS KIND OF JUST THE OPPOSITE. METHOD 2, WE BRING THE
21 FACILITY TO YOU RIGHT IN THE VERY BEGINNING TO ISSUE THE
22 90-DAY NOTICE. THAT'S KIND OF SIMILAR TO WHAT THE LAW
23 SAYS, "THE BOARD SHALL ISSUE THE 90-DAY NOTICE."

24 AND THEN GRADUAL INCLUSION ON THE INVENTORY
25 WOULD BE A ROUTINE MATTER AFTER THE FOLLOW-UP COMPLIANCE



1 INSPECTION. IF THE VIOLATIONS PERSISTED. THERE WOULD BE
2 ROUTINE INCLUSION. THE LAW DOES FULLY SUPPORT AUTOMATIC
3 LISTING OF VIOLATIONS. FACILITIES IN VIOLATION OF STATE
4 MINIMUM STANDARDS. THE MAXIMUM TIME FRAME WOULD BE STILL
5 ABOUT FIVE MONTHS.

6 CHAIRMAN HUFF: ABOUT FOUR AND A HALF. BUT IT
7 WOULD BE THAT WAY -- THERE IS NO PROVISION FOR APPEAL?

8 MS. ANDERSON: RIGHT.

9 CHAIRMAN HUFF: IT'S JUST FOUR AND A HALF
10 MONTHS.

11 MS. ANDERSON: THEY WOULD HAVE TO WORK WITH
12 BOARD STAFF AND THE DEPUTY ON THAT AREA. THE DEPUTY
13 WOULD ENTERTAIN THE ACTUAL INCLUSION ON THE INVENTORY
14 INFORMATION. THAT COULD BE DONE AT THE DEPUTY'S LEVEL
15 IF THE OPERATOR DIDN'T FEEL THEY WANTED TO BE ON THE
16 INVENTORY. AND IT'S REALLY CLEAR WHAT THE PROS AND CONS
17 OF THAT ARE. THEY'RE VERY SIMILAR TO THE OTHER ITEMS.

18 IN METHOD 1, THE SHORTEST METHOD OF ALL, IT
19 EXCISES BOTH SETS OF COMMITTEE AND BOARD AGENDA ITEMS.
20 IT ALLOWS THE CHIEF DEPUTY TO HEAR ALL THE INFORMATION
21 AND TO MAKE THE DECISIONS AT THAT LEVEL.

22 THE LAW DOES FULLY SUPPORT AUTOMATIC
23 INCLUSION ON THE INVENTORY. THIS IS THE LEAST AMOUNT OF
24 STAFF RESOURCES -- STAFF AND BOARD RESOURCES REQUIRED TO
25 DO WHAT IS REQUIRED BY LAW. IT ALLOWS STAFF TO SPEND A



1 LITTLE MORE TIME CONDUCTING ANNUAL INSPECTIONS IN THE
2 OTHER JURISDICTIONS.

3 THE OWNER AND OPERATOR IS NOT EXPOSED TO
4 ANY PUBLIC -- INCREASED PUBLIC ATTENTION BY BEING ON THE
5 SINGLE FOCUS OF ANY AGENDAS. AND, AGAIN, WORKING WITH
6 THE CHIEF DEPUTY. IF THERE IS A PROBLEM WITH THE
7 INSPECTION OR A DIFFERENCE OF OPINION, THAT WILL STILL BE
8 AFFORDED THE OWNER AND THE OPERATOR.

9 CHAIRMAN HUFF: SO WHEREVER THE LAW SAYS THAT
10 THE BOARD SHALL, IT HAS TO BE READ IN CONJUNCTION WITH
11 OTHER LAW WHICH SAYS THE BOARD MAY DELEGATE; IS THAT
12 CORRECT?

13 ATTORNEY CONHEIM: THAT'S WHY THE LAW IS WRITTEN
14 THAT WAY TO -- IT ALWAYS MENTIONS THE BOARD. IT DOESN'T
15 DIFFERENTIATE. IN ORDER TO MAKE IT CLEAR, IT HAS A
16 PROVISION FOR A CHIEF EXECUTIVE OFFICER IN THAT
17 DELEGATION.

18 CHAIRMAN HUFF: SO IT'S THE DELEGATION PROCESS
19 THAT ALLOWS METHOD 1 TO STILL BE READ CONSISTENT WITH
20 ENVIRONMENTAL LAW. SO THE REAL ISSUE FOR THE COMMITTEE
21 AND THE BOARD IS THE DEGREE OF COMMITTEE AND BOARD
22 INVOLVEMENT IN THIS PROCESS. THAT'S REALLY THE ISSUE.

23 MS. ANDERSON: CORRECT.

24 CHAIRMAN HUFF: BECAUSE WE CAN FOLLOW THE LAW
25 WITHOUT EVER SEEING, AS COMMITTEE MEMBERS, THIS THING.



1 OR WE CAN FOLLOW THE LAW BY SEEING IT AT LEAST TWICE AND
2 PASSING ON IT EACH TIME.

3 MS. ANDERSON: YOU MAY CHOOSE. AT ANY POINT. TO
4 HEAR QUARTERLY REPORTS, WHICHEVER METHOD YOU CHOOSE. WE
5 WILL BE REQUIRED TO PUBLISH THIS LIST SEMIANNUALLY.
6 THERE'S A LOT OF OTHER OPTIONS OUT THERE.

7 CHAIRMAN HUFF: BUT THESE. I THINK, REALLY
8 CAPTURE THE CONCEPTUAL VARIATIONS THAT ARE POSSIBLE.

9 MS. ANDERSON: YES. IN SUMMARY THEY ALL DO
10 ACHIEVE THE SAME GOAL AND THEY ALL COMPLY WITH THE LAW.
11 THEY STILL REQUIRE COMPLIANCE ACTIVITIES BY THE BOARD,
12 THE SAME COMPLIANCE ACTIVITIES. THEY STILL REQUIRE THE
13 SAME FOLLOW-UP BY THE LEA AND THE BOARD AS FAR AS
14 ENFORCEMENT GOES.

15 METHOD 4 IS VERY OBVIOUS. IT REQUIRES THE
16 MOST AMOUNT OF WORK. IT PULLS ONE STAFF MEMBER OFF THEIR
17 OTHER COUNTIES FOR AT LEAST SIX MONTHS. AND SIX MONTHS
18 IS A LOT OF TIME TO CONDUCT INSPECTIONS IN OTHER
19 JURISDICTIONS.

20 LET ME TELL YOU MY STAFF CAN CRANK OUT. YOU
21 KNOW, ANYWHERE BETWEEN FIVE AND 20 INSPECTIONS A MONTH
22 DEPENDING ON HOW LARGE THE FACILITY IS. THERE'S A GOOD
23 TRACK RECORD THERE BUT WHEN YOU CAN'T DO ANY OF THAT
24 BECAUSE YOU'RE PRESENTING INFORMATION, IT DOES TAKE AWAY.

25 CHAIRMAN HUFF: AND METHOD 4 POTENTIALLY HAS A



1 THIRD INSPECTION IN THERE EVEN THOUGH IT'S NOT SHOWN.

2 MS. ANDERSON: YES.

3 BOARD MEMBER RELIS: YOU MEAN THEN WE GET A
4 TRADE OFF BETWEEN THE PROCESS AND THE NUMBER OF
5 INSPECTIONS THAT WE CAN CONDUCT?

6 MS. ANDERSON: YES.

7 CHAIRMAN HUFF: I'M SORRY, GO AHEAD.

8 BOARD MEMBER RELIS: DO YOU HAVE ANY IDEA
9 DEPENDING ON THESE ONE, TWO, OR THREE, WHAT WE WOULD FREE
10 UP, HOW MUCH WE WOULD BE ABLE TO INCREASE OUR
11 INSPECTIONS?

12 MS. ANDERSON: WE'D -- JUST SPEAKING FROM
13 EXPERIENCE --

14 BOARD MEMBER RELIS: HOW SIGNIFICANT IS IT?

15 MS. ANDERSON: -- I HAVE SOME STAFF GOING
16 THROUGH THAT RIGHT NOW. AND ONE MONTH. LIKE I SAID YOU
17 CAN PROBABLY DO FROM FIVE TO 20. IF YOU'RE TYING STAFF
18 UP FOR SIX MONTHS OR MORE, YOU'RE TALKING THERE GOES FIVE
19 TIMES SIX, 30 OR MORE INSPECTIONS. YOU KNOW. ALONG THOSE
20 LINES.

21 BOARD MEMBER RELIS: SO, AGAIN, WE'RE MAKING A
22 TRADE OFF TO SOME DEGREE BETWEEN INSPECTIONS, WHICH IS A
23 CRITICAL FUNCTION OF THE BOARD AND A PROCESS WHICH GIVES
24 US BOARD OVERSIGHT, BUT WE SACRIFICE INSPECTIONS AND WE
25 RELY HEAVILY ON STAFF FOR THIS LEVEL OF -- I'M JUST



1 THINKING OUT LOUD.

2 BOARD MEMBER EGIGIAN: WHY ARE WE GOING TO LOSE
3 THAT MUCH TIME? HOW MUCH TIME IS THIS GOING TO TAKE TO
4 DO?

5 MS. ANDERSON: WHEN YOU DEVOTE INSPECTION AFTER
6 INSPECTION ON ONE FACILITY IN PREPARATION OF --

7 BOARD MEMBER EGIGIAN: HOW OFTEN DO YOU NEED TO
8 INSPECT THAT FACILITY?

9 MS. ANDERSON: WE NEED TO INSPECT EACH FACILITY
10 ANNUALLY.

11 BOARD MEMBER EGIGIAN: I'M TALKING ABOUT THE
12 FACILITY THAT YOU'VE GOT A PROBLEM WITH?

13 MS. ANDERSON: IT COULD GO UP TO -- BASED ON
14 WHICH METHOD YOU CHOOSE, YOU COULD HAVE TO INSPECT THAT
15 FACILITY FOUR TIMES BEFORE THEY FINALLY GET INCLUDED IN
16 THE INVENTORY. THAT'S A WORSE CASE. I'VE SEEN IT HAPPEN
17 FIVE. IT HAPPENED TO ME IN AN EXPERIENCE.

18 JESS ASKED IF I HAD EXPERIENCE WITH THE OLD
19 BOARD, AND I HAD TO INSPECT A FACILITY FIVE TIMES BEFORE
20 I COULD MOVE ON. AND THE WHOLE ENTIRE TIME. EIGHT
21 MONTH'S WORTH, I WAS INVOLVED WITH ONE FACILITY, NO OTHER
22 FACILITY WAS PAID ATTENTION TO.

23 BOARD MEMBER EGIGIAN: THAT'S MY QUESTION. WHY
24 WILL ALL THE TIME HAVE TO BE TAKEN UP WITH ONE FACILITY
25 IF YOU'RE GOING TO INSPECT IT FOUR TIMES? WHAT DO YOU DO



1 THE REST OF THE TIME?

2 MS. ANDERSON: PREPARE AGENDA ITEMS.

3 BOARD MEMBER EGIGIAN: THERE'S SOMETHING I'M NOT
4 UNDERSTANDING.

5 HOW LONG DOES IT TAKE TO INSPECT A
6 FACILITY?

7 MS. ANDERSON: IT TAKES A FULL DAY USUALLY.
8 DEPENDING ON THE SIZE OF THE FACILITY. A LARGE LANDFILL.
9 ONE THAT WOULD HAVE CHRONIC VIOLATIONS, PROBABLY TAKES A
10 FULL DAY OR MORE.

11 BOARD MEMBER EGIGIAN: THEN YOUR PAPERWORK.
12 ABOUT HOW MUCH TIME DOES THAT TAKE TO DO?

13 MS. ANDERSON: TO DO FOLLOW-UP, COORDINATING
14 WITH ALL THE OTHER AGENCIES, THE LOCAL ENFORCEMENT
15 AGENCIES, AND THE WRITE UP, I'VE SEEN SOME STAFF TURN OUT
16 INSPECTION REPORTS IN TWO WEEKS, BUT THE NORM IS 30 DAYS.
17 THOSE ARE 30 CALENDAR DAYS TO GET THE INSPECTION REPORT
18 OUT.

19 CHAIRMAN HUFF: BUT IT'S ACTUALLY IN PREPARATION
20 OF THE REPORT?

21 MS. ANDERSON: YES. THERE'S A LOT OF PREPARATION
22 THAT GOES INTO THESE REPORTS.

23 BOARD MEMBER EGIGIAN: THEY'RE BUSY FOR 30 DAYS
24 ON THIS ONE ITEM?

25 MS. ANDERSON: THEY CAN BE.



1 BOARD MEMBER RELIS: I'M JUST TRYING TO THINK OF
2 THE CASES WE'VE HAD. I'VE BEEN ON THE BOARD ABOUT EIGHT
3 MONTHS, AND I WAS RECALLING HOW MANY WE'VE SEEN THAT CAME
4 BACK THREE TIMES. WE HAD THAT ONE UP WITH THE FIRE.

5 MS. ANDERSON: THAT'S ONE WHERE WE ARE ACTUALLY
6 DOING THE ENFORCEMENT ACTION ON THAT.

7 CHAIRMAN HUFF: THAT'S SLIGHTLY DIFFERENT.

8 BUT IN BOTH METHODS 1 AND METHOD 2, IT'S
9 GUARANTEED THERE WILL BE TWO INSPECTIONS, PERIOD, END OF
10 SENTENCE, ISN'T IT?

11 MS. ANDERSON: YES.

12 CHAIRMAN HUFF: METHOD 3, CAN WE SAY THAT ALSO?

13 MS. ANDERSON: AT LEAST TWO. ALL OF THEM HAVE
14 AT LEAST TWO.

15 CHAIRMAN HUFF: I'M SAYING UNDER METHOD 1 AND 2,
16 YOU HAVE A MAXIMUM NUMBER OF TWO?

17 MS. ANDERSON: YES.

18 CHAIRMAN HUFF: UNDER METHOD 3, DO YOU HAVE AN
19 MAXIMUM OF TWO OR THREE?

20 MS. ANDERSON: THAT CAN RUN TO THREE.

21 CHAIRMAN HUFF: AND METHOD 4 IS ALMOST
22 OPEN-ENDED?

23 MS. ANDERSON: YES.

24 CHAIRMAN HUFF: OKAY. I WILL SAY -- I MEAN,
25 I'VE HAD THIS CONVERSATION WITH STAFF. SHARON KNOWS



1 WHERE I'M GOING WITH THIS. SO DO OTHER STAFF LISTENING.
2 I LIKE METHOD 2. I ALMOST TAKE PRIDE OF AUTHORSHIP IN
3 METHOD 2.

4 BOARD MEMBER RELIS: WOULD YOU EXPLAIN, MR.
5 CHAIRMAN, WHY YOU LIKE IT SO MUCH?

6 CHAIRMAN HUFF: OKAY. METHOD 2 HAS IN IT A
7 MAXIMUM OF TWO INSPECTIONS, SO WE CUT THE INSPECTION
8 BUSINESS. OKAY? THAT'S FIRST. METHOD 2 PUTS THE BOARD
9 IN THE LOOP AT THE BEGINNING. AND THE DIFFERENCE BETWEEN
10 TWO AND THREE REALLY IS REALLY WHERE DO YOU INVOLVE THE
11 BOARD. OKAY? DO YOU INVOLVE THEM BEFORE YOU SEND THE
12 NOTICE OR DO YOU INVOLVE THEM AFTER YOU SEND THE NOTICE
13 IN TERMS OF AN APPEAL?

14 OKAY. METHOD 2 PUTS IT AT THE FRONT. AND
15 SO IF SOMEONE WANTS TO SAY THAT YOU SHOULDN'T LIST ME,
16 THEY COME TO THE COMMITTEE AND THE BOARD AFTER THE FIRST
17 INSPECTION. WHEN THE STAFF GOES OUT FOR THE SECOND
18 INSPECTION, THEY ALREADY KNOW WHAT THE BOARD HAS DONE IF
19 THAT PERSON HAS COME BEFORE THE BOARD. AND THEY HAVE
20 FULL COMFORT IN PURSUING AND BACKING UP, FOLLOWING THE
21 COURSE THAT THE BOARD HAS OUTLINED AT THE OUTSET. OKAY?

22 SO THEY ALREADY KNOW THAT THEY HAVE THE
23 BOARD DEFEND THEM IF THEY'RE OUT THERE THE SECOND TIME.
24 SO THAT'S WHY THEN IT CAN BE AUTOMATIC. BECAUSE THE BOARD
25 HAS ALREADY SAID THIS FAILURE HERE OR THIS PROBLEM HERE



1 IS WORTHY OF PUTTING ON THE LIST IF YOU DON'T CLEAN IT
2 UP. IT'S A FACTUAL QUESTION FOR STAFF WHEN THEY GO OUT
3 THERE FOR THE SECOND INSPECTION: IS IT THERE OR ISN'T IT
4 THERE? OKAY.

5 SO THAT INVOLVES THE BOARD AT THE OUTSET,
6 MAXIMIZES THE INSPECTIONS IN TWO, SO YOU HAVE BOTH THE
7 BOARD AND A MAXIMUM OF TWO INSPECTIONS. IF YOU GO TO NO.
8 3, YOU MAY HAVE A THIRD INSPECTION.

9 MS. ANDERSON: WE'VE NOT BUDGETED FOR THAT. WE
10 DID THE COUNTY ASSIGNMENTS ON PY'S, AND RIGHT NOW WE ARE
11 OVER MAXED.

12 CHAIRMAN HUFF: YEAH. NOW, IN MY MIND THEN THE
13 QUESTION IS DO YOU DO METHOD 1 OR METHOD 2?

14 WELL, TO SOME PEOPLE INCLUSION ON THIS LIST
15 IS QUITE A SIGNIFICANT ITEM. AND SO, THEREFORE, MAY NOT
16 BE THE STUFF OF WHAT WE MAY WANT TO DELEGATE. OKAY. SO
17 THAT'S THE QUESTION.

18 TO OTHER PEOPLE, MAYBE IT'S NOT SUCH A BIG
19 DEAL. BUT I UNDERSTAND THAT TO A GOOD PART OF THE
20 COMMUNITY, IT IS A SIGNIFICANT ENOUGH ITEM THAT THEY
21 WOULD THINK THAT THE BOARD OUGHT TO BE INVOLVED IN ITS
22 EXECUTION. SO THAT'S WHY I PULLED DOWN AND FALL INTO
23 NO. 2.

24 BOARD MEMBER EGIGIAN: WHAT HAPPENS IF THE
25 OWNER/OPERATOR APPEALS TO THE BOARD?



1 CHAIRMAN HUFF: HE DOESN'T HAVE AN APPEAL. HIS
2 APPEAL COMES AT THE BEGINNING. HE HAS TO BE HERE AT THE
3 BEGINNING. YOU HAVE AN INSPECTION. IF YOU FIND A
4 VIOLATION AND YOU THINK THAT'S A VIOLATION. AND THE
5 OWNER/OPERATOR DOESN'T THINK IT'S A VIOLATION. THEN THE
6 OWNER/OPERATOR HAS TO, AFTER THE FIRST INSPECTION, COME
7 TO THE COMMITTEE AND THE BOARD AND PRESENT THE CASE
8 THERE. THAT'S WHERE THE APPEAL IS. THE APPEAL IS AFTER
9 THE FIRST INSPECTION.

10 BOARD MEMBER EGIGIAN: THAT'S THE SECOND BLOCK
11 ON ITEM 2?

12 CHAIRMAN HUFF: YEAH.

13 BOARD MEMBER EGIGIAN: THE THIRD BLOCK, THAT
14 WOULD BE THE APPEAL THERE?

15 CHAIRMAN HUFF: THAT REALLY CONSTITUTES THE
16 APPEAL. THE APPEAL DOESN'T COME AFTER THE SECOND
17 INSPECTION, IT COMES AFTER THE FIRST.

18 BOARD MEMBER RELIS: SO PUTTING THAT INTO EFFECT
19 WOULD MEAN CLARIFYING THIS WHOLE PROCESS, WHICH WOULD
20 INVOLVE THE LEA AND OPERATORS. THE IMPORTANCE WOULD GET
21 COMMUNICATED.

22 MS. ANDERSON: IN PAST HISTORY, ALSO, I MIGHT
23 ADD THAT MOST OFTEN STAFF'S FINDINGS HAVE BEEN UPHELD FOR
24 INCLUSION.

25 BOARD MEMBER RELIS: SO WE GIVE UP POTENTIALLY A



1 THIRD OR FOUR MORE INSPECTIONS. HOW DOES THAT HARM US?
2 WHAT DOES IT DO?

3 CHAIRMAN HUFF: THE ADDED INSPECTIONS. I WOULD
4 SUGGEST, UNDER METHOD 4, ARE REALLY ON THE PART OF STAFF
5 AND CYA MANEUVER.

6 BOARD MEMBER RELIS: OKAY. THAT'S ALL I WANTED
7 TO ASK YOU.

8 CHAIRMAN HUFF: DO YOU KNOW WHAT CYA MEANS?
9 IT'S NOT CALIFORNIA YOUTH AUTHORITY. IT'S A TECHNICAL
10 TERM.

11 BOARD MEMBER RELIS: YES, VERY TECHNICAL.

12 BOARD MEMBER EGIGIAN: SO IF METHOD 2 IS
13 SOMETHING THAT LOOKS LIKE IT COULD BE ACCEPTED, COULD WE
14 ADD THE BOX TO IT THAT SAYS THAT THE OWNER/OPERATOR
15 APPEALS TO THE COMMITTEE?

16 CHAIRMAN HUFF: WELL, YOU COULD REWRITE THE BOX
17 WHERE IT SAYS "P AND E COMMITTEE" TO INCLUDE THE CONCEPT
18 THAT THAT CONSTITUTES THE OWNER/OPERATOR PLEADING.

19 MS. ANDERSON: AT THAT TIME.

20 CHAIRMAN HUFF: AT THAT TIME, YES, THAT BOX CAN
21 BE REWRITTEN SO THE OWNER/OPERATOR KNOWS THAT'S THE TIME
22 THEY HAVE TO MAKE THEIR CASE. I WOULDN'T WANT ANY
23 CONFUSION. I WOULDN'T WANT ANY CONFUSION ON THE PART OF
24 THE OWNER/OPERATOR. OKAY. BUT THAT'S THE TIME THEY HAVE
25 TO MAKE THEIR CASE AFTER THE FIRST INSPECTION.



1 WE'RE GOING TO HAVE TO ASK FOR -- I MEAN.
2 IF WE STICK TO METHOD 4, AND WE GET DOWN THIS PATH A
3 LITTLE BIT FURTHER, WE'RE GOING TO HAVE TO REDIRECT STAFF
4 OFF OF OTHER THINGS. WE AREN'T STAFFED TO DO METHOD 4;
5 AND YET, BY ACCIDENT, THAT'S WHAT WE'RE SET UP TO BE
6 DOING.

7 SO EITHER WE'RE GOING TO HAVE TO SACRIFICE
8 METHOD 4 OR WE'RE GOING TO HAVE TO GO TO THE CAL-EPA AND
9 THE GOVERNOR'S OFFICE IN THE NEXT BUDGET CYCLE AND ASK
10 FOR 30, 40, 50 MORE PEOPLE. I DON'T KNOW, MAYBE 20.
11 MAYBE I EXAGGERATED.

12 YOU CAN IMAGINE HOW POPULAR THAT WOULD BE
13 IN ANY CASE.

14 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I COULD SEE
15 GOING FOR METHOD NO. 2 AND VOTE ON IT DURING THIS
16 COMMITTEE; HOWEVER, BETWEEN NOW AND WHEN THE BOARD ACTS
17 ON IT, I WOULD LIKE TO GET SOME INPUT FROM THE INDUSTRY.

18 CHAIRMAN HUFF: THAT'S A FAIR REQUEST, SIR.

19 MS. ANDERSON: INPUT FROM --

20 CHAIRMAN HUFF: IN OTHER WORDS, MR. EGIGIAN
21 DOES NOT WANT TO RUSH THIS TO THE FULL BOARD, BUT WANTS
22 IT TO PERCOLATE A WHILE.

23 MS. ANDERSON: WOULD YOU LIKE US TO BRING IT
24 BACK IN MAY?

25 CHAIRMAN HUFF: THAT WOULD BE -- IF MR. EGIGIAN



1 MADE THE MOTION. THAT WOULD BE WHAT HIS MOTION WOULD SAY.
2 HE HASN'T MADE THE MOTION YET.

3 MR. WHITE IS BECOMING POISED AND COILED
4 THAT HE MAY SPEAK, AND PERHAPS WE ARE AT A POINT WHERE WE
5 SHALL LET HIM SPEAK.

6 MR. WHITE, SIR. SPEAK.

7 MR. WHITE: CHARLES WHITE IS MY NAME WITH WASTE
8 MANAGEMENT OF NORTH AMERICA. WASTE MANAGEMENT OF NORTH
9 AMERICA SUPPORTS THE BOARD ADOPTING A STRAIGHT FORWARD
10 APPROACH TO IDENTIFICATION OF LISTING OF FACILITIES ON
11 THE INVENTORY WHICH ARE NOT IN COMPLIANCE WITH MINIMUM
12 STANDARDS.

13 IN FACT, WE BELIEVE THE PROCESS SHOULD NOT
14 CREATE AN UNDUE BURDEN ON THE STAFF OR THE BOARD;
15 HOWEVER, NORTH AMERICA BELIEVES THAT DUE PROCESS SHOULD
16 NOT BE SACRIFICED FOR SPEED OR SIMPLICITY. WE ARE
17 CONCERNED THAT CONTINUING DISAGREEMENT OVER THAT --

18 CHAIRMAN HUFF: ISN'T THAT WHAT ROBERT HARRIS'
19 LAWYER SAID?

20 MR. WHITE: I'M NOT GOING TO COMMENT ON THAT.

21 WE ARE CONCERNED OF THE DISAGREEMENT OVER
22 COMPLIANCE THAT WILL DEVELOP FROM TIME TO TIME WITH
23 RESPECT TO THE ISSUES THAT MAY BE IN DISCUSSION WITH THE
24 STAFF. THERE SHOULD BE A SUFFICIENT OPPORTUNITY TO WORK
25 OUT COMPLIANCE ISSUES WITH THE STAFF. WE BELIEVE THAT A



1 PROCESS TO RESOLVE DISPUTES OVER COMPLIANCE MUST BE
2 PROVIDED BY THIS BOARD PRIOR TO THE LISTING OF FACILITIES
3 ON THIS INVENTORY WHICH IS THEN MADE PUBLIC.

4 THE PROBLEM WITH OPTION 2 IS THAT EVERY
5 SINGLE FACILITY THAT IS FOUND TO BE OUT OF COMPLIANCE
6 WITH MINIMUM STANDARD WILL BE COMING BEFORE THIS BOARD.
7 FURTHERMORE, THE OWNER/OPERATOR, IF HE BELIEVES HE HAS
8 RESOLVED THOSE DISCREPANCIES PRIOR TO THE SECOND
9 INSPECTION BUT THE SECOND INSPECTION OF THE STAFF
10 DETERMINES THAT THEY BELIEVE THERE IS STILL A PROBLEM,
11 THERE WOULD NOT BE AN OPPORTUNITY FOR REVIEW BY THIS
12 BOARD.

13 WE BELIEVE, TO THIS END, THAT OPTION 3
14 COMES CLOSEST TO INSURING DUE PROCESS WHILE STILL
15 PROVIDING EXPEDITED LISTING AND REVIEW BY THE STAFF.
16 THIS OPTION PROVIDES THAT THE OWNER/OPERATOR HAS THE
17 OPTION TO APPEAL ADVERSE DECISIONS TO THE BOARD ITSELF
18 PRIOR TO THE ACTUAL LISTING.

19 NOW, WE DON'T THINK THAT ALL FACILITIES
20 WILL NECESSARILY APPEAL TO THE BOARD. WE DON'T BELIEVE
21 THAT THIS APPEAL WOULD BE FRIVOLOUS OR WOULD IN ITSELF
22 CREATE AN UNDUE BURDEN ON THE BOARD. SURELY, FACILITIES
23 WILL BE INTERESTED IN SEEKING WAYS TO AVOID PUBLIC
24 LISTING ON THIS INVENTORY.

25 ON THE OTHER HAND, THE APPEAL PROCESS WHICH



1 THEY'LL BE AFFORDED WOULD SUBJECT THE FACILITY TO PUBLIC
2 SCRUTINY THROUGH THE VERY APPEAL PROCESS WE'RE TALKING
3 ABOUT; THUS, ONLY THOSE ITEMS FOR WHICH THERE IS A
4 LEGITIMATE CONTINUING DISAGREEMENT BETWEEN THE STAFF AND
5 THE FACILITY CONCERNING ITEMS OF COMPLIANCE WOULD
6 PROBABLY BE APPEALED TO THE FULL BOARD.

7 SO FOR THIS REASON, I WOULD URGE YOU TO
8 ENDORSE SOMETHING CLOSER TO OPTION NO. 3. IT BLENDS
9 SPEED, BUT STILL PRESERVING DUE PROCESS FOR THE FACILITY
10 OPERATORS PRIOR TO LISTING ON THE FACILITY INVENTORY.

11 ONE SUGGESTION I MIGHT MAKE, THOUGH, FOR
12 CLARIFYING OPTION 3. IF YOU WERE TO CHOOSE IT, IS THE
13 TEN-DAY NOTICE. MAKE SURE IT'S CLEAR EXACTLY WHAT THE
14 TEN-DAY NOTICE ENTAILS.

15 SOME ITEMS FOR YOUR CONSIDERATION WOULD BE
16 THAT THE NOTICE HAS TO BE BY CERTIFIED MAIL TO BOTH THE
17 OWNER AND OPERATOR OF THE FACILITY, AND THAT THE TEN-DAY
18 CLOCK WOULD NOT START TICKING UNTIL AFTER RECEIPT OF THAT
19 NOTICE BY THE OWNER/OPERATOR THROUGH CERTIFIED MAIL.

20 THANK YOU FOR THE OPPORTUNITY TO OFFER
21 COMMENTS. I'D BE HAPPY TO RESPOND TO ANY QUESTIONS YOU
22 MIGHT HAVE.

23 CHAIRMAN HUFF: ANY QUESTIONS? WE APPRECIATE
24 YOUR PRESENTING YOUR COMMENTS. THANK YOU.

25 ANYONE ELSE?



1 MR. SWEETSER: I'M LARRY SWEETSER WITH NORCAL
2 WASTE SYSTEMS. I'M THE DIRECTOR OF REGULATORY AFFAIRS.

3 I APPRECIATE MR. EGIGIAN'S COMMENT AS FAR
4 AS GETTING MORE ADDITIONAL INPUT. WE ARE ALSO IN THE
5 POSITION OF HAVING A NUMBER OF FACILITIES OUT THERE. WE
6 OCCASIONALLY RECEIVE SOME VIOLATIONS. WE TRY TO UPHOLD
7 THE STANDARDS, THE STATE MINIMUM STANDARDS. BUT
8 OCCASIONALLY WE DO RECEIVE SOME VIOLATIONS.

9 THERE HAVE BEEN A NUMBER OF ISSUES RAISED
10 AS FAR AS WITHIN SOME OF THOSE VIOLATIONS. AND A VERY FEW
11 OF THOSE -- MOST OF THOSE ARE RESOLVED. A FEW OF THEM
12 NEED SOME ADDITIONAL APPEAL PROCESS WHETHER IT'S A POLICY
13 DECISION OR WHETHER IT'S SOME CLARIFICATION NEEDED, SO WE
14 WOULD SUPPORT SOME SORT OF APPEAL ON OUR PART. OUR
15 REACTION WAS THAT ALSO I AGREE WITH MR. WHITE AS FAR AS
16 OPTION 3. ALTHOUGH IF THERE'S A CHANCE FOR DIALOGUE IF
17 THIS IS PUT OVER, I MIGHT BE ABLE TO RESOLVE THOSE.

18 CHAIRMAN HUFF: LET ME DIRECT A QUESTION AND,
19 MR. WHITE, YOU MAY FEEL COMPELLED -- LARRY, YOU CAN STAY
20 UP HERE.

21 JUST A READING OF THE LITERAL LANGUAGE OF
22 THE LAW WHICH IS WHAT PROMPTED ME TO CONCLUDE THAT METHOD
23 2 WAS APPROPRIATE, IT SEEMS TO IMPLY THAT THE ACTUAL
24 LISTING WAS PERFUNCTORY, MINISTERIAL IN NATURE: WHEREAS,
25 THE REST OF THE LAW STATES THE BOARD SHALL. THE BOARD



1 SHALL, THE BOARD SHALL. THE CLAUSE DEALING WITH THE
2 LISTING DOESN'T USE THAT LANGUAGE.

3 HOW DO YOU RESPOND TO THAT?

4 MR. SWEETSER: I HAVEN'T HAD THE BENEFIT OF
5 GOING BACK TO LOOK AT THE STATUTE AND EXAMINE THEM. I'M
6 GOING TO BE DOING THAT AFTER THIS. THERE HAVE BEEN A
7 NUMBER OF OCCASIONS WE'VE RUN INTO THAT SOME OF THE AREAS
8 WEREN'T CLEAR AS FAR AS WHETHER IT WAS OR WASN'T A
9 VIOLATION EITHER IN DEFINITION OF TERMS OR IN A GENERAL
10 POLICY SENSE. SO THE ABILITY TO BRING THAT TO THE BOARD
11 WOULD BE HELPFUL PRIOR TO BEING LISTED AS A VIOLATION.

12 CHAIRMAN HUFF: OKAY. ALTHOUGH THAT COULD BE
13 ACCOMPLISHED UNDER METHOD 2, WITH THE FIRST ONE --
14 REALLY, SEE, YOUR APPEAL IS WHEN THERE BECOMES AN
15 ARGUMENT AS TO WHETHER YOU'VE FIXED IT OR NOT.

16 MR. SWEETSER: IT APPEARS THAT THE APPEAL
17 PROCESS WOULD BE AFTER RATHER THAN PRIOR TO. THAT'S THE
18 DIFFERENCE. NOBODY LIKES TO BE ON APPEAL.

19 CHAIRMAN HUFF: WELL, THE APPEAL PROCESS IS
20 AFTER THE SECOND INSPECTION, AND THAT'S METHOD 3; WHEREAS
21 METHOD 2. THE APPEAL, IF THERE IS TO BE SUCH, COMES
22 BEFORE THE SECOND INSPECTION.

23 CONCEPTUALLY, METHOD 2 INVOLVES THE BOARD
24 WITH EVERY LISTING. BECAUSE AFTER THE FIRST INSPECTION
25 IT GOES TO THE BOARD; WHEREAS, METHOD 3, IF THERE WAS NOT



1 AN APPEAL, THE BOARD WOULD NOT BE INVOLVED WITH A LISTING
2 OF A FACILITY. YOU MIGHT THINK ABOUT THAT AS TO WHETHER
3 THAT'S A DOWN SIDE TO THE THIRD METHOD.

4 MR. SWEETSER: MOST OF THE VIOLATIONS THAT WE
5 FOUND, AND WE DO FIND THEM AS A PERSONAL TASK TO MAKE
6 SURE THOSE ARE RESOLVED AND GETTING THOSE RESOLVED IS THE
7 BEST INTEREST OF US AS AN OPERATOR.

8 MR. WHITE: JUST BACK TO NORTH AMERICA. MY
9 FEELING IS THAT WE WOULD PREFER TO BE ABLE TO WORK OUT
10 ALLEGED VIOLATIONS WITH THE STAFF BEFORE BEING BROUGHT TO
11 THE BOARD. ONLY THOSE ISSUES THAT CANNOT BE WORKED OUT
12 WOULD THEN COME BEFORE THE BOARD. IF WE SO CHOSE, PRIOR
13 TO BEING LISTED. I HOPE WITH ANY WASTE MANAGEMENT NORTH
14 AMERICA FACILITIES WOULD NOT BE IN THAT CATEGORY, BUT WE
15 MIGHT STILL BE ABLE TO PRESERVE THE DUE PROCESS IN THE
16 EVENT.

17 NOW, WITH RESPECT TO YOUR QUESTION ABOUT
18 WHAT THE BOARD'S RESPONSIBILITY IS, WE HAVEN'T HAD A
19 WHOLE LOT OF TIME TO LOOK AT THIS BECAUSE IT CAME VERY
20 RECENTLY AND PERHAPS CONTINUED DISCUSSIONS ON THIS WOULD
21 BE APPROPRIATE. BUT IT DOES SAY THAT THE BOARD BASICALLY
22 IS RESPONSIBLE FOR ISSUING THE OWNER AND OPERATOR THE
23 NOTICE THAT STARTS THE 90-DAY PROCESS.

24 THAT KIND OF THING CAN BE DELEGATED TO
25 STAFF. I THINK THAT YOU HAVE THE AUTHORITY TO DELEGATE



1 THAT, BUT IN DELEGATING THAT AUTHORITY IF YOU MADE IT
2 CLEAR THAT BEFORE ANYTHING GOES ON THE LIST THAT THE
3 OWNER AND OPERATOR IS PROVIDED AN APPEAL, IN A SENSE THAT
4 COULD BE A CONDITION OF YOUR DELEGATION OF THAT FIRST
5 LEVEL OF REVIEW TO THE STAFF.

6 IT JUST PROVIDES YOU WITH A FINAL STOP GAP
7 OPPORTUNITY FOR AN APPEAL IF IN THE EVENT THERE IS A
8 FINAL DISAGREEMENT OVER THE MATTER OF COMPLIANCE BETWEEN
9 THE STAFF AND THE OWNER/OPERATOR PRIOR TO BEING PLACED ON
10 THIS FACILITY INVENTORY.

11 THAT'S -- OUR FEELING WOULD BE THE BEST
12 PLACE TO PUT THE REVIEW OF THIS COMMITTEE AND THE BOARD
13 IS AT THE TAIL END OF THE PROCESS AFTER OPPORTUNITY IS
14 HAD TO WORK MATTERS OUT WITH THE STAFF.

15 CHAIRMAN HUFF: INTERESTING. AN ARGUMENT I
16 DIDN'T FULLY ANTICIPATE. I ANTICIPATED THAT YOU GUYS
17 WOULD RATHER HAVE US INVOLVED AT THE BEGINNING. YOU'D
18 RATHER INVOLVE YOURSELF WITH STAFF AT THE BEGINNING.

19 MR. SWEETSER: WE'RE WILLING TO TALK ABOUT IT
20 FURTHER.

21 CHAIRMAN HUFF: ARE THEY MORE HUMOROUS THAN WE?
22 YOU DON'T HAVE TO ANSWER THAT.

23 MR. EGIGIAN WAS ASKING ABOUT A LITTLE
24 WORKSHOP ON THIS. I DON'T KNOW. WHAT DO YOU THINK?

25 BOARD MEMBER RELIS: I'M FOR THE TERM "PERKING."



1 BUT I DIDN'T KNOW WHETHER THAT WOULD BE IN THE WORKSHOP
2 OR WHETHER WE'D JUST GIVE SOME TIME FOR MORE INPUT THEN
3 TAKE IT UP AGAIN.

4 CHAIRMAN HUFF: WE CAN DO THAT. I MEAN, THIS
5 HAS ALMOST CONSTITUTED A WORKSHOP ITSELF.

6 BOARD MEMBER RELIS: I DON'T KNOW THAT WE NEED A
7 FULL WORKSHOP.

8 CHAIRMAN HUFF: SHARON, WHAT'S THE TIME? IS
9 THERE A SHORT FUSE ON THIS?

10 MS. ANDERSON: WELL, YEAH. WE HAVE 39
11 FACILITIES IN THE LOOP; WE'D LIKE TO PROCESS THEM.

12 CHAIRMAN HUFF: WHEN IS OUR NEXT SCHEDULED
13 COMMITTEE MEETING? MAY 13TH, A MATTER OF SOME 23 DAYS
14 FROM NOW.

15 WHAT DO YOU THINK OF THAT?

16 MS. ANDERSON: WAITING 23 DAYS?

17 CHAIRMAN HUFF: YES.

18 MS. ANDERSON: MARTHA?

19 MS. VAZQUEZ: WE'D ACTUALLY BE WAITING FOR THE
20 BOARD MEETING, SO IT WOULD BE THE END OF MAY.

21 CHAIRMAN HUFF: WELL, I DIDN'T HEAR THE LAST
22 PART.

23 MS. ANDERSON: SHE SAID WE'D ACTUALLY BE WAITING
24 TO THE BOARD MEETING. THE END OF MAY.

25 CHAIRMAN HUFF: YEAH. AS OPPOSED TO WAITING FOR



1 THE BOARD MEETING AT THE END OF MAY. IS THIS ON THE
2 APRIL AGENDA?

3 MS. ANDERSON: YES.

4 CHAIRMAN HUFF: SURE. YOU'RE INCLINED TOWARD
5 PERKING. SAM'S INCLINED --

6 BOARD MEMBER RELIS: SAM'S INCLINED --

7 CHAIRMAN HUFF: -- SAM'S INCLINED TOWARD MOVING
8 NO. 3.

9 YOU'RE INCLINED -- IS YOUR COMFORT LEVEL HIGH
10 ENOUGH TO VOTE TODAY?

11 BOARD MEMBER RELIS: YES, I'M COMFORTABLE WITH
12 VOTING, IF YOU WANT.

13 CHAIRMAN HUFF: I'M STILL TROUBLED BY THE
14 POTENTIAL THIRD INSPECTION IN NO. 3.

15 IS THERE A WAY TO MAKE SURE THAT DOESN'T
16 HAPPEN?

17 MS. ANDERSON: NO. I CAN'T GUARANTEE IT WON'T
18 HAPPEN. WHENEVER THERE'S AN APPEAL AND WHENEVER THERE'S
19 ANOTHER AGENDA ITEM PRESENTED AT AN ADDITIONAL COMMITTEE
20 MEETING, THERE'S ALWAYS A NEED FOR VERIFICATION, FOR
21 COMFORT LEVEL.

22 BOARD MEMBER RELIS: WHAT'S THE DIFFERENCE
23 BETWEEN -- I MEAN, THERE'S THE CHART THEN THERE'S THE WAY
24 WE WORK?

25 CHAIRMAN HUFF: THAT'S CORRECT.



1 BOARD MEMBER RELIS: IT'S HARD FOR ME TO WEIGH
2 THE SIGNIFICANCE OF --

3 CHAIRMAN HUFF: WELL, WHAT SHARON IS SAYING, I
4 THINK, IS THAT IN METHOD 3 YOU'RE GUARANTEED TO HAVE TWO
5 INSPECTIONS. IF YOU FIND A VIOLATION IN THE FIRST ONE,
6 YOU'RE GUARANTEED TO HAVE A SECOND ONE. IF YOU HAVE AN
7 APPEAL AFTER THE SECOND INSPECTION, YOU'RE PRETTY WELL
8 GUARANTEED TO HAVE A THIRD ONE THE DAY BEFORE THE BOARD
9 MEETING OR THE COMMITTEE MEETING.

10 MS. ANDERSON: I'LL EXPLAIN THE RATIONALE BEHIND
11 THAT. WHEN WE DID THE 90-DAY COMPLIANCE INSPECTION, A
12 CERTAIN AMOUNT OF TIME WILL ELAPSE FROM THE TIME WE
13 ACTUALLY DO THE INSPECTION, PREPARE THE REPORT, GET IT
14 ALL READY, GET THE COMMITTEE AND THE BOARD AGENDA ITEMS
15 READY FOR PRESENTATION. THERE'S A SIGNIFICANT AMOUNT OF
16 TIME.

17 OF COURSE, AN OPERATOR COULD COME INTO
18 COMPLIANCE IN THAT LENGTH OF TIME. FOR YOUR OWN COMFORT
19 LEVEL, YOU'RE NOT GOING TO WANT TO HAVE STAFF COMING UP
20 AND PRESENTING OLD INFORMATION. YOU'RE GOING TO WANT TO
21 PULL THE ITEM IF THERE IS SOME SORT OF COMPLIANCE GOING
22 ON.

23 SO IN MY EXPERIENCE WITH THIS SORT OF
24 THING, IT'S FOOLISH TO HAVE US PRESENTING OLD
25 INFORMATION. YOU'RE GOING TO WANT UP-TO-DATE, CURRENT



1 INFORMATION SO THAT WE DON'T LOOK SILLY SITTING THERE
2 SAYING, OH, WE GOOFED.

3 CHAIRMAN HUFF: THAT'S THE DILEMMA. I CALLED IT
4 A CYA, BUT THE FACT IS THAT YOU CAN HAVE THE FIRST
5 INSPECTION, FIND THE VIOLATION, ISSUE THE 90-DAY NOTICE,
6 HAVE THE SECOND INSPECTION AFTER 90 DAYS, FIND THE
7 VIOLATION IS STILL THERE. THE OWNER/OPERATOR SAYS,
8 "WE'RE FIXING IT. WE'RE FIXING IT, AND WE'RE GOING TO
9 APPEAL," SO THE COMMITTEE COMES ALONG, OH, SOMETIME
10 AFTER --

11 MS. ANDERSON: FORTY-FIVE, 60 DAYS.

12 CHAIRMAN HUFF: YEAH.

13 -- AND IT'S NOW A COMMITTEE ITEM. WELL,
14 THE STAFF IS NOT GOING TO WANT TO HEAR THE OPERATOR COME
15 IN AND SAY, "WELL, YEAH, THERE WAS A VIOLATION AT THE
16 SECOND INSPECTION, BUT YOU KNOW WHAT, THAT WAS 60 DAYS
17 AGO, AND WE FIXED IT SINCE THEN."

18 BOARD MEMBER RELIS: BUT, NOW, IF YOU WERE TO GO
19 OUT AND MAKE THAT INSPECTION, AND YOU FELT COMPELLED TO
20 MAKE ANOTHER REPORT, SO IT ISN'T JUST MAKING THE
21 INSPECTION, IT'S THE WHOLE --

22 CHAIRMAN HUFF: THE WHOLE NINE YARDS.

23 MS. ANDERSON: BY LAW WE HAVE TO DO A REPORT AND
24 TURN IT IN TO THE LEA WITHIN 30 DAYS. THAT IS WHAT THE
25 LAW ASKS US TO DO. EVERY TIME WE DO OUT AND DO A



1 FACILITY INSPECTION, WE DO A FULL REPORT.

2 CHAIRMAN HUFF: THAT'S THE PROBLEM.

3 MS. ANDERSON: AND ALSO --

4 BOARD MEMBER RELIS: WHAT'S THE HISTORY OF THIS
5 HAPPENING HERE? I DON'T FEEL LIKE I'VE BEEN AROUND LONG
6 ENOUGH TO HAVE A HANDLE ON THIS EXPERIENCE.

7 MS. ANDERSON: MR. CONHEIM?

8 ATTORNEY CONHEIM: YES.

9 MS. ANDERSON: YOU'VE BEEN HERE LONGER THAN I
10 HAVE.

11 CHAIRMAN HUFF: HE'S BEEN HERE LONGER THAN DIRT.

12 ATTORNEY CONHEIM: I'M BURIED UNDER MANY
13 INSPECTION REPORTS.

14 WELL, WHAT QUESTION DO YOU WANT ANSWERED?
15 I DIDN'T UNDERSTAND THE QUESTION.

16 BOARD MEMBER RELIS: WHAT'S OUR EXPERIENCE OF
17 HAVING THIS TWO INSPECTION VERSUS A THIRD, WHERE IT'S A
18 LONG DRAWN OUT, "WELL, WE'RE BACK AGAIN"?

19 ATTORNEY CONHEIM: I ACTUALLY THINK ANYBODY CAN
20 ANSWER THAT, MR. RELIS, ANYBODY WHO'S BEEN HERE FOR JUST
21 A FEW YEARS.

22 OUR EXPERIENCE IS UNEQUIVOCALLY THAT WHERE
23 WE DON'T GO OUT THE DAY BEFORE A COMMITTEE MEETING AND A
24 DAY BEFORE A BOARD MEETING, THERE'S ALWAYS A RUSH TO
25 COMPLIANCE. AND IF WE HAVEN'T BEEN OUT, THEN AN OPERATOR



1 IS GOING TO COME IN HERE AND SAY, "WELL, I CORRECTED THAT
2 LAST NIGHT AT MIDNIGHT."

3 MS. ANDERSON: AND THE PURPOSE OF ACTUAL
4 COMPLIANCE IS NOT JUST FOR THE DAY, IT'S A CONTINUED
5 ONGOING PROCESS. CHANCES ARE, IN THE COURSE OF DOING
6 THESE 90-DAY REINSPECTIONS, IF YOU DO HAVE SOMEONE WHO IS
7 COMPLYING, THEY'RE GOING TO.

8 ATTORNEY CONHEIM: AND, MR. RELIS, THERE ARE
9 ONGOING VIOLATIONS AND THERE ARE STATUS VIOLATIONS,
10 LITTER LOCKING THE GATE. THOSE ARE THINGS THAT YOU CAN
11 CORRECT ONE DAY AND THEY CAN BE BACK IN VIOLATION THE
12 NEXT DAY.

13 WE TALKED THIS MORNING ABOUT LONG-TERM
14 CORRECTIVE ACTIONS FOR WATER QUALITY VIOLATIONS. THOSE
15 ARE THINGS THAT ONCE THEY ARE IN CORRECTION OR CORRECTED,
16 THEY STAY CORRECTED. BUT THE PROBLEM WE HAVE AND THE
17 REASON THIS INSPECTION, THIS PROGRAM, IS SO VALUABLE IS
18 THAT IF YOU'VE GOT A CHRONIC LITTER VIOLATOR OR CHRONIC
19 ACCESS VIOLATOR WHERE A FENCE IS TORN DOWN, YOU CAN --
20 YOU TAKE A SLICE IN TIME. YOU INSPECT A FACILITY, AND
21 THEN WITHIN A REASONABLE PROCESS YOU GO BACK OUT AND
22 INSPECT.

23 IF YOU KEEP ATTENUATING THE PROCESS SO THAT
24 YOU HAVE TO KEEP GOING BACK OUT BEFORE IT COMES BACK TO
25 YOU, THERE'S ALWAYS THE CHANCE IT WILL BE CORRECTED TODAY



1 AND BROKEN AGAIN TOMORROW. AND I DON'T THINK WE
2 ACCOMPLISH THE GOALS OF THE PROGRAM. I THINK THAT'S WHAT
3 STAFF WAS TRYING TO GET TO. WAS GETTING TO A ROUTINE USE
4 OF THIS PROGRAM TO ENCOURAGE COMPLIANCE AND TO MOVE ONTO
5 THE NEXT ONE AND TO CONTINUE TO ENCOURAGE COMPLIANCE.

6 I THINK THAT'S THE MAJOR ISSUE. BASED ON
7 OUR EXPERIENCE. THAT IT ALWAYS HAPPENS THE SAME WAY WITH
8 HEATED INSPECTIONS.

9 MS. ANDERSON: AND FOR CLARIFICATION, MR.
10 CONHEIM, MAY I ALSO ASK YOU CAN A FACILITY BE EASILY
11 REMOVED FROM THE INVENTORY?

12 ATTORNEY CONHEIM: ONCE THERE'S A REQUEST TO BE
13 REMOVED AND IN THE COURSE OF THE USE OF YOUR MANAGEMENT
14 OF YOUR RESOURCES YOU CAN BRING IT BACK TO AN ANALYSIS
15 AND EXAMINATION, AND THE FACILITY CAN BE REMOVED BECAUSE
16 IT'S NOT A -- IT'S NOT LIKE REVOKING A PERMIT WHICH TAKES
17 SOME APPLICATION AND SOME PROCESS TO COME BACK AND GET
18 AGAIN.

19 MS. ANDERSON: I THINK THAT'S VERY SIMPLE.

20 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, WHILE
21 LISTENING TO WHAT'S GOING ON HERE, AND YOU KNOW THAT I
22 DON'T LIKE TO WASTE TIME AND MONEY; HOWEVER, THIS
23 SITUATION HERE WITH A FACILITY THAT'S -- WOULD COST SO
24 MUCH MONEY TO START TO BEGIN WITH, AND THEN THE COST OF
25 OPERATING THAT FACILITY IS SO GREAT, I PARTICULARLY DON'T



1 THINK THAT WE'RE GOING TO HAVE A GREAT PROBLEM WITH THIS.

2 IF THERE ARE SOME FACILITIES THAT HAVE THE
3 SAME PROBLEM MONTH IN AND MONTH OUT. THEN WE SHOULD MAKE
4 PROVISIONS FOR THAT FACILITY THAT THEY DO SOMETHING ABOUT
5 IT. BUT I WOULD NOT LIKE TO CLOSE OUT THIS APPEALS
6 PROCESS TO THE BOARD. I THINK IT'S VERY, VERY IMPORTANT.

7 AND EVEN THOUGH IT'S GOING TO REQUIRE A
8 LITTLE BIT MORE TIME, MAYBE THE INSPECTION DEPARTMENT CAN
9 WORK A LITTLE HARDER OR FASTER -- IS THAT SOMETHING I
10 SHOULDN'T SAY? -- BUT IN ORDER TO CUT SOME CORNERS HERE.
11 BUT I THINK THE PEOPLE THAT YOU'RE GOING TO BE DEALING
12 WITH WILL FEEL MUCH EASIER AS FAR AS GETTING ALONG WITH
13 IF THEY HAVE THIS PROCESS.

14 WHAT I'M DOING IS TALKING ABOUT METHOD 3.
15 I'D LIKE TO ACT ON METHOD 3. IF THE REST OF THE BOARD
16 WILL GO ALONG WITH THIS.

17 CHAIRMAN HUFF: WELL, MY SENSE IS WE DON'T HAVE
18 THE VOTES YET, BUT I HAVE ANOTHER SPEAKER.

19 MS. SEIVERS: HI. MY NAME IS CYNTHIA SEIVERS
20 WITH EMCON ASSOCIATES. I HAVE KIND OF A POINT OF
21 CLARIFICATION.

22 WHAT KIND OF VIOLATIONS OF STATE MINIMUM
23 STANDARDS ARE WE TALKING ABOUT? ONE OF THE THINGS THAT
24 WE SEE TIME AND AGAIN IS BEING OVERDUE ON A FIVE-YEAR
25 PERMIT REVIEW. AS YOU ALL KNOW, THIS INVOLVES A VERY



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1 CAREFULLY ORCHESTRATED ACTION INVOLVING GETTING THE --
2 ALL THE LOCAL APPROVALS FROM THE LOCAL ENFORCEMENT
3 AGENCY, THE WASTE DISCHARGE REQUIREMENTS --

4 MS. ANDERSON: WE'RE TALKING ABOUT STATE MINIMUM
5 STANDARDS VIOLATIONS, NOT PERMIT VIOLATIONS.

6 MS. SEIVERS: NOT PERMIT VIOLATIONS? THANK YOU.
7 OKAY.

8 CHAIRMAN HUFF: ANYONE ELSE WISHING ANY SECOND
9 THOUGHTS ON THE ISSUE?

10 THE CHOICES ARE EITHER TO CONTINUE THIS
11 ITEM OR PICK METHOD 2 OR METHOD 3, AND I'M OPEN TO
12 MOTIONS.

13 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, LIKE I JUST
14 FINISHED TALKING, I LIKE METHOD 3.

15 HOWEVER, IN THE INTEREST OF TIME AND THE
16 INTEREST OF MAKING SURE THAT THE OWNER/OPERATORS HAVE
17 THESE APPEALS TO THE BOARD, IF WE COULD INCLUDE THE
18 OWNER/OPERATOR APPEALS TO THE BOARD ON METHOD NO. 2, I
19 THINK THAT THAT WOULD ACCOMPLISH PART OF WHAT I HOPED TO
20 BE ACCOMPLISHED IN METHOD 3.

21 SO IF THIS MAKES IT ANY EASIER AND SAVES
22 TIME, THEN I WOULD LIKE TO MOVE ON THAT.

23 CHAIRMAN HUFF: SHARON, WORK WITH US A SECOND.

24 I THINK WHAT SAM IS SAYING -- SAM, CORRECT
25 ME IF I'M WRONG -- I'M NOT SURE THAT ANY OF THE BOXES



1 UNDER -- I'M NOT SURE THAT WE ADD BOXES UNDER NO. 2. BUT
2 I THINK WE RELABEL THE BOXES UNDER NO. 2.

3 ARE YOU FOLLOWING ME. BOB?

4 ATTORNEY CONHEIM: YES. I HEARD YOU.

5 CHAIRMAN HUFF: DO YOU THINK THAT THAT'S --

6 ATTORNEY CONHEIM: I THINK YOU NEED TO CLARIFY
7 THAT BECAUSE WHAT I THOUGHT MR. EGIGIAN WAS SAYING IS
8 THAT WE WOULD RELABEL THE THIRD LARGE BOX THAT SAYS
9 "P AND E COMMITTEE"; HOWEVER. IF MR. EGIGIAN MEANS TO
10 INSERT A BOX DOWN TOWARDS THE BOTTOM OF THE PROCESS, THEN
11 NO. 2 BECOMES LONGER THAN NO. 3.

12 MR. ANDERSON: NO. 2 BECOMES NO. 4.

13 ATTORNEY CONHEIM: IT BECOMES NO. 4.

14 MS. ANDERSON: ONLY ON APPEAL.

15 CHAIRMAN HUFF: WELL, NOT QUITE. NOT QUITE.

16 YOU DO IT A COUPLE OF WAYS. OKAY. YOU
17 COULD RELABEL THE THIRD BOX.

18 ATTORNEY CONHEIM: TO MAKE IT CLEAR THAT AN
19 AGREED PARTY HAD A RIGHT TO APPEAL.

20 CHAIRMAN HUFF: THAT'S RIGHT.

21 ATTORNEY CONHEIM: THEN THAT'S BASICALLY WHAT IT
22 WOULD DO.

23 CHAIRMAN HUFF: EITHER THE THIRD OR THE FOURTH
24 BOX YOU WOULD RELABEL; AND, IN FACT, PROBABLY YOU WOULD
25 RELABEL THE FOURTH BOX BECAUSE IT SAYS "BOARD MEETING."



1 ATTORNEY CONHEIM: WELL, THE APPEAL PROCESS AS
2 LABELED IN NO. 3 IS ACTUALLY LABELED AT THE COMMITTEE
3 BOX, FOURTH BOX UP FROM THE BOTTOM, AND BOARD MEETING IS
4 JUST A NOMINATED BOARD MEETING. BECAUSE THE WAY WE WORK
5 THIS SYSTEM IS YOU WOULD HEAR IT FIRST ANYWAY.

6 CHAIRMAN HUFF: OKAY. SO THE THIRD BOX, I WOULD
7 SAY THAT:

8 AND THE THIRD BOX WOULD READ "P AND E
9 COMMITTEE HEARS APPEAL FROM OPERATOR."

10 MS. ANDERSON: PRIOR TO SENDING THE NOTICE?

11 CHAIRMAN HUFF: YES. THAT'S THE THIRD BOX DOWN.

12 MS. ANDERSON: OKAY.

13 CHAIRMAN HUFF: YOU HAVE FIRST BOX READING
14 "STATE ANNUAL INSPECTION," SECOND BOX READING, "FACILITY
15 WITH SMS VIOLATION," THIRD BOX READING "P AND E COMMITTEE
16 HEARS ANY APPEAL FROM OPERATOR," AND THEN THE REMAINING
17 BOXES REMAIN UNCHANGED.

18 MS. ANDERSON: OKAY.

19 CHAIRMAN HUFF: THAT'S ONE WAY OF DOING IT.

20 BOARD MEMBER EGIGIAN: JUST ONE OTHER QUESTION.

21 BY MY SUGGESTION, WOULD IT CUT OFF THE
22 OPERATOR FROM WORKING WITH THE STAFF?

23 CHAIRMAN HUFF: I THINK THAT STAFF/OPERATOR
24 DIALOGUE OCCURS AT THE TIME OF THE STATE ANNUAL
25 INSPECTION AND ANYWHERE ELSE ALONG THIS PROCESS WHERE



1 THERE IS INTERACTION BETWEEN THE TWO.

2 I DON'T THINK THAT WE NEED TO PUT A BOX
3 HERE TO INDICATE DIALOGUE BECAUSE I THINK THESE GUYS ARE
4 ARE TALKING ALL THE TIME ANYWAY.

5 MS. ANDERSON: ESPECIALLY WHEN THEY RECEIVE THE
6 ACTUAL REPORT, WE USUALLY HEAR FROM THEM. AS YOU KNOW.

7 CHAIRMAN HUFF: YES. I MEAN YOU DO ANSWER YOUR
8 PHONE CALLS?

9 MS. ANDERSON: YES.

10 CHAIRMAN HUFF: AND ALL OF THESE PEOPLE OWN
11 TELEPHONES?

12 MS. ANDERSON: YES.

13 MR. SWEETSER: ONE THOUGHT I HAD AND I MAY NOT
14 HAVE MADE IT CLEAR IN MY PRESENTATION. BUT WITH RESPECT
15 TO METHOD NO. 2, OPTION NO. 2, YOU'RE GOING TO BE SEEING
16 EVERY SINGLE FACILITY THAT'S GOT AN ALLEGED VIOLATION OF
17 MINIMUM STANDARDS BEFORE THIS COMMITTEE.

18 CHAIRMAN HUFF: THAT'S RIGHT. WE DO NOW.

19 MR. SWEETSER: WHAT I'M SAYING IS MAYBE IT WOULD
20 BE BETTER TO PUT THAT AT THE END OF THE PROCESS WHETHER
21 OR NOT IT HAS BEEN RESOLVED BEFORE THE FACILITY IS
22 ACTUALLY PUT ON THE FACILITY INVENTORY.

23 CHAIRMAN HUFF: WELL. THAT'S UNDERSTOOD. THAT'S
24 UNDERSTOOD. YOU UNDERSTAND THE CYA TENDENCY OF STAFF.
25 THE QUESTION IS DO WE MAKE FOR LONGER COMMITTEE MEETINGS



1 OR INCREASED STAFF?

2 MR. SWEETSER: I THINK THE BOTTOM LINE FROM OUR
3 STANDPOINT IS THAT WE WOULD STILL LIKE TO BE ABLE TO HAVE
4 AN OPPORTUNITY FOR APPEAL PRIOR TO BEING PLACED ON AN
5 INVENTORY LIST. IN THE EVENT WE THINK WE HAVE CORRECTED
6 THE PROBLEM PRIOR TO THAT LISTING BUT THERE'S A
7 DISAGREEMENT WITH STAFF. AND WE WANT TO BE ABLE TO BRING
8 THAT MATTER.

9 CHAIRMAN HUFF: WELL, YOU'RE GOING TO HAVE A
10 HARDY DIALOGUE WITH STAFF DURING THAT SECOND INSPECTION.

11 MR. SWEETSER: THAT'S GREAT. WE'D STILL LIKE TO
12 BE ABLE TO HAVE THE DUE PROCESS BEFORE THE BOARD PRIOR TO
13 THAT FINAL ACTION OF WHERE A FACILITY IS BEING INCLUDED
14 ON THE INVENTORY LIST.

15 CHAIRMAN HUFF: OKAY.

16 ATTORNEY CONHEIM: MR. CHAIRMAN, I KNOW THIS
17 IS -- MAYBE IT'S ASSUMED, BUT I'D LIKE TO SAY THAT I'M
18 AWARE THAT THERE IS, AS YOU HAVE JUST STATED, THAT THERE
19 IS A PERCEPTION THAT THIS LISTING IS A MARK. A
20 SIGNIFICANT MARK OF DISAFFIRMATION. AND THE TERM "DUE
21 PROCESS" IS BANDIED ABOUT AS IF SOMETHING HAS TO BE ADDED
22 TO BE LEGALLY SUFFICIENT TO WHAT THE BARE WORDS OF THE
23 STATUTE PROCLAIM. I RESPECT THE PERCEPTION OF THE
24 PROCESS, AND I'D LIKE TO SAY THAT THERE IS NO DUE
25 PROCESS, WITH A CAPITAL "D" AND AS CAPITAL "P." THAT HAS



1 TO BE ADDED TO THE PROCESS.

2 WE, AS STAFF, AND YOU, AS THE BOARD, ALWAYS
3 PROVIDE AMPLE OPPORTUNITY FOR PUBLIC DISCUSSION AND
4 PUBLIC DIALOGUE ON MATTERS THAT ARE OF SIGNIFICANCE TO
5 THE REGULATING COMMUNITY. BUT I DON'T THINK THERE HAS TO
6 BE INSERTED ANYWHERE IN THIS PROCESS "DUE PROCESS" WITH
7 CAPITAL LETTERS OR AN APPEAL WITH A CAPITAL "A" IN ORDER
8 TO MAKE IT LEGALLY SUFFICIENT.

9 CHAIRMAN HUFF: THANK YOU.

10 ATTORNEY CONHEIM: JUST FOR THE RECORD.

11 CHAIRMAN HUFF: WELL, MR. EGIGIAN, COULD I
12 ADEQUATELY CAPTURE THE SENSE OF WHAT YOU WERE SAYING WITH
13 REWORDING THE WORDS IN BOX 3, "P AND E COMMITTEE," THAT
14 THAT LANGUAGE "THIS WOULD NOT EXIST," THIS LANGUAGE WOULD
15 BE -- THIS LANGUAGE WOULD BE HERE. THIS LANGUAGE RIGHT
16 HERE WOULD GO RIGHT THERE.

17 BOARD MEMBER EGIGIAN: THE APPEAL COULD NOT BE
18 MADE TO THE BOARD?

19 CHAIRMAN HUFF: WELL, IT COULD BE MADE TO THE
20 BOARD, BUT IT FIRST GOES TO THE COMMITTEE.

21 MS. HENSHAW: CHAIRMAN HUFF, COULD I SAY
22 SOMETHING. PLEASE? I'M PATTY HENSHAW WITH THE ORANGE
23 COUNTY LEA. THE PROCESS IN THE PREVIOUS YEAR WAS THAT
24 ONCE STATE COMES OUT AND DOES THEIR ANNUAL INSPECTION.
25 IT'S TURNED OVER TO THE LEA TO FOLLOW-UP ON THE



1 VIOLATIONS AND TAKE APPROPRIATE ENFORCEMENT ACTIONS.

2 SO THE INSPECTION REPORT THAT COMES TO US.
3 WE SEND IT TO THE OPERATOR. THEN FOLLOW UP ON OUR MONTHLY
4 INSPECTIONS AS FAR AS VIOLATIONS THAT WERE NOTED IN THAT
5 ANNUAL INSPECTION AND THEN, IF NECESSARY, TAKE
6 ENFORCEMENT ACTIONS LIKE A NOTICE AND ORDER OR STIPULATED
7 ORDER.

8 WHAT I WAS WONDERING IS HOW IS STATE GOING
9 TO DECIDE WHICH FACILITIES ARE GOING TO BE PUT ONTO THIS
10 LIST OF NONCOMPLYING IF THE LEA ACTUALLY IS THE GROUP
11 THAT'S FOLLOWING UP ON THESE VIOLATIONS?

12 MS. ANDERSON: THAT'S A GOOD QUESTION. THAT IS
13 THEIR RESPONSIBILITY. THE BOARD HAS A RESPONSIBILITY AS
14 WELL TO KEEP A LIST OF THOSE FACILITIES THAT HAVE
15 VIOLATIONS ONGOING. WE ARE BY LAW REQUIRED TO DO THESE
16 SORTS OF THINGS AS WELL.

17 IF YOU HAVE AN ENFORCEMENT ORDER ALREADY IN
18 PLACE, IT DOESN'T CIRCUMVENT THAT. IT JUST SAYS THAT IF
19 A FACILITY IS ON THE INVENTORY, THAT THERE MUST BE AN
20 ENFORCEMENT ACTION IN PLACE WITH THE LEA AND THE
21 OPERATOR. IF ONE ALREADY EXISTS THAT DEALS WITH THOSE
22 PROBLEMS, THAT'S FINE. SO THE STATE ORDER WILL KEEP
23 GOING, THEN WHEN THE SITE WAS IN COMPLIANCE IT COMES OFF
24 THE INVENTORY.

25 CHAIRMAN HUFF: OKAY. A FUNDAMENTAL QUESTION IS



1 WHY DOES THE LAW REQUIRE US TO MAKE A LIST? OKAY. AND I
2 CAN'T ANSWER THAT QUESTION --

3 MS. ANDERSON: I CAN'T ANSWER THAT.

4 CHAIRMAN HUFF: -- AND I DON'T THINK THAT STAFF
5 HERE CAN ANSWER THAT QUESTION. IT JUST DOES.

6 MS. HENSHAW: BECAUSE A LOT OF TIMES WE'RE
7 DEALING WITH LOOKING AT THE INTENT OF IT. THE INTENT OF
8 IT, I WOULD THINK, WOULD BE FOR THOSE FACILITIES THAT
9 WERE CONSTANTLY HAVING PROBLEMS COMPLYING WITH MINIMUM
10 STANDARDS.

11 CHAIRMAN HUFF: EVEN SO -- EVEN SO, WHY DO YOU
12 HAVE A LIST? DOES THAT MEAN THAT PEOPLE ARE GOING TO
13 STOP SENDING THEIR GARBAGE TO THESE PLACES?

14 MS. HENSHAW: WELL, SOME OF THE MINIMUM STANDARD
15 VIOLATIONS WE HAVE BECOME INVOLVED WITH. THERE MAY BE A
16 REASON WHY THEY'RE COMING AND GOING. IT MAY BE A BIRD
17 PROBLEM IN THE LANDFILL. THE LANDFILLS IN ORANGE COUNTY
18 HAVE A CONSTANT BIRD PROBLEM IN THE WINTERTIME, NOT IN
19 THE SUMMERTIME. THEY DO EVERYTHING TO TRY AND GET RID OF
20 THOSE BIRDS. THE BIRDS GET SMARTER AS THEY DO
21 EVERYTHING. SO WHAT I'M SAYING IS IF WE COULD HAVE A
22 MINIMUM STANDARD --

23 CHAIRMAN HUFF: IT'S KIND OF LIKE THE MOVIE?

24 MS. HENSHAW: SOMETIMES IT IS. IT'S LIKE THAT
25 OUT THERE.



1 SO THEY COULD HAVE A VIOLATION OF A MINIMUM
2 STANDARD, NOT FROM LACK OF TRYING BUT BECAUSE IT IS THERE
3 WHEN WE GO OUT FOR INSPECTION.

4 PLUS, MR. EGIGIAN'S HAVING A CONCERN ABOUT
5 BEING PUT ON THAT LIST. RECENTLY ORANGE COUNTY IS GOING
6 THROUGH BONDS AND ONE OF THE QUESTIONS WITH BONDS IS IF
7 THE FACILITY IS IN COMPLIANCE. SO I WOULD THINK ORANGE
8 COUNTY, THE OPERATORS, WOULD NOT WANT TO BE ON THIS LIST
9 BECAUSE OF SITUATIONS LIKE THAT.

10 SO THERE IS A REAL CONCERN WITH THE
11 OPERATORS BEING PUT ON THIS LIST IF IT MAY BE, YOU KNOW,
12 BEING USED FOR ANY KIND OF MINIMUM STANDARD VIOLATIONS.
13 SEE WHAT I MEAN? THOSE ARE THE KIND OF CONCERNS THAT ARE
14 GOING TO BE COMING OUT AND WHAT THEY'RE GOING TO BE
15 APPEALING TO THE BOARD FOR.

16 CHAIRMAN HUFF: SHARON, IF YOU WOULD PLEASE.

17 AGAIN, THE LANGUAGE OF THE LAW SAYS WE
18 MAINTAIN THE LIST?

19 MS. ANDERSON: YES.

20 CHAIRMAN HUFF: IT SAYS THAT -- WELL, DOES THE
21 LAW REQUIRE THAT EVERY FACILITY WITH AN SMS VIOLATION BE
22 ON THE LIST OR DO WE HAVE DISCRETION WITH REGARD TO THAT?

23 MS. ANDERSON: IT SAYS TO THE EXTENT IT IS
24 PRACTICABLE, THE BOARD SHALL INCORPORATE IN ITS INVENTORY
25 EXISTING INFORMATION BROUGHT THROUGH THE COURSE OF



1 PREVIOUS SURVEYS OF THIS TYPE AND SIMILAR INFORMATION
2 MADE AVAILABLE.

3 IT DOES SAY THAT IT SHALL MAINTAIN AN
4 INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE
5 MINIMUM STANDARDS. WE COULD USE ANY INFORMATION IF WE
6 WANTED TO. WE'RE USING THE STATE INSPECTION RIGHT NOW.
7 IF THE LEA HAS A VIOLATION NOTED ON THEIR FORM, WE COULD
8 GO AHEAD AND USE THAT INFORMATION IF WE WANTED TO.

9 CHAIRMAN HUFF: BUT THE FLEXIBILITY FOR US
10 REALLY IS THE WORD "PRACTICAL"?

11 MS. ANDERSON: YES.

12 CHAIRMAN HUFF: THE BIRD PROBLEM MAY FALL UNDER
13 THE PRACTICAL?

14 MS. ANDERSON: YES. THERE IS SOME FLEXIBILITY
15 BUILT INTO THIS. THERE IS THE ABILITY FOR BOARD STAFF IN
16 90 DAYS TO GO BACK ON A GREAT DAY.

17 CHAIRMAN HUFF: A DAY WHEN THE BIRDS EITHER ARE
18 OR ARE NOT FLYING.

19 MS. ANDERSON: THERE'S ALSO THE FLEXIBILITY IN
20 THE AREA OF CONCERN. THERE'S ALSO THE FLEXIBILITY OF
21 DEALING WITH THE DEPUTY AND WITH THE COMPLIANCE BRANCH
22 MANAGER. THERE ARE DIFFERENT AVENUES.

23 CHAIRMAN HUFF: WHETHER YOU CALL IT AN AREA OF
24 CONCERN OR A VIOLATION OF STATE MINIMUM STANDARDS.

25 MS. ANDERSON: THERE IS A CONCERN FOR THOSE



1 AREAS THAT ARE NOT IN SIGNIFICANT VIOLATION; IN OTHER
2 WORDS, THERE IS A CONCERN. BUT IT'S NOT A VIOLATION.
3 IT'S NOT -- THE WHOLE SITE ISN'T A BAD ACT.

4 CHAIRMAN HUFF: SO THERE'S FLEXIBILITY FOR STAFF
5 AND A BIT OF FLEXIBILITY FOR THE BOARD. AND THAT'S WHY
6 REALLY ONE MIGHT ARGUE THAT IT WOULD BE A BOARD DECISION
7 BECAUSE THERE IS THE POTENTIAL OF EXERCISING SOME
8 DISCRETION?

9 MS. ANDERSON: TO SOME EXTENT.

10 CHAIRMAN HUFF: TO SOME EXTENT.

11 MS. ANDERSON: THERE'S A HOMOGENEOUS INSPECTION
12 PROGRAM IN PLACE. YOU HAVE ONE TRAINER.

13 CHAIRMAN HUFF: HOMOGENEOUS INSPECTION
14 PROGRAM -- THAT'S AN INTERESTING CONCEPT.

15 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, IT SEEMS AS
16 THOUGH WE MAY BE TRYING TO RUSH INTO THIS THING A LITTLE
17 BIT TOO FAST. I THINK THERE'S STILL QUESTIONS THAT MUST
18 BE ASKED.

19 I SUGGESTED THE ADDITION OF THAT ONE BOX IN
20 METHOD 2; HOWEVER, IT SEEMS AS THOUGH I'D LIKE TO REVERT
21 BACK TO WHAT I ORIGINALLY SAID. I'D LIKE TO GET SOME
22 INPUT FROM THE FIELD AND SEE.

23 CHAIRMAN HUFF: OKAY. SURE.

24 MR. EGIGIAN MOVES THAT WE CONTINUE THIS
25 MATTER TO MAY 13TH.



1 BOARD MEMBER RELIS: SECOND.

2 CHAIRMAN HUFF: WITHOUT OBJECTION. WE'LL
3 SUBSTITUTE PRIOR ROLL CALL. HEARING NO OBJECTION. THE
4 AYES ARE THREE AND THE NO'S ARE NONE. MAY 13TH.

5 PAPER BREAK?

6 FIVE-MINUTE PAPER BREAK.

7 (RECESS TAKEN.)

8 CHAIRMAN HUFF: BACK IN ORDER NOW.

9 ITEM 13-A. OH. 12. I'M SORRY. YES. I
10 ALREADY MENTALLY -- ALL RIGHT. 12.

11 HERE'S WHAT WE'RE GOING TO DO WITH 12.
12 WE'VE HAD A REQUEST -- I THINK MORE THAN ONE REQUEST ON
13 ITEM 12 TO CONTINUE THE DISCUSSION. WE HAVE HAD SOME
14 SUBSTANTIAL COMMENTS SUGGESTED BY AT LEAST ONE SOURCE AND
15 I THINK MORE THAN ONE SOURCE.

16 AND SO OUT OF RESPECT FOR OUR FRIENDS IN
17 THE COUNTY AND OUT OF A DESIRE TO MAKE THE PERMIT DESK
18 MANUAL AS GOOD A DOCUMENT AS WE CAN, WE WILL CONTINUE
19 ITEM 12 TO OUR MAY 13TH HEARING AND CONTINUE TO WORK ON
20 IT.

21 BUT I WANTED TO MAKE SURE THAT EVERYONE
22 UNDERSTOOD THAT THE SOURCE OF THIS CONTINUANCE AROSE FROM
23 LOCAL GOVERNMENTS, AND THE DESIRE IN CONTINUING IT IS TO
24 MAKE IT A BETTER DOCUMENT AND TO MAKE SURE THAT WE
25 SOLICIT THE BROADEST RANGE OF COMMENTS WE CAN. AND FOR



1 THAT REASON. WE'RE CONTINUING IT.

2 IF THERE'S ANYONE HERE TODAY -- AND I DON'T
3 HAVE ANY REQUESTS -- BUT IF THERE'S ANYONE HERE TODAY WHO
4 WISHES TO ADDRESS ITEM 12. YOU CAN ADD YOUR COMMENTS TO
5 THOSE THAT WE'VE ALREADY RECEIVED.

6 MR. GEBRE-HAWARIAT: MR. CHAIRMAN. BASICALLY --

7 CHAIRMAN HUFF: YOU HAVE TO SAY YOUR NAME.

8 MR. GEBRE-HAWARIAT: MY NAME IS TADESE
9 GEBRE-HAWARIAT. I'M WITH THE PERMITTING BRANCH.

10 ESSENTIALLY, WHAT WE BROUGHT TODAY IS A
11 PROGRESS REPORT, NOTHING MORE. WE WANTED TO REPORT TO
12 YOU THAT WE HAVE RECEIVED COMMENTS FROM 11 LEA
13 JURISDICTIONS.

14 WE'RE AT THIS POINT STUDYING THOSE
15 COMMENTS. NEXT WEEK ON THE 30TH, WE HAVE A MEETING WITH
16 THE CONTRACTOR, AND WE'LL BE CONSIDERING THOSE COMMENTS
17 TO BE INCLUDED IN THE MANUAL, HOW THEY PERTAIN TO THE
18 SCOPE OF THE MANUAL, THEN WE WILL KEEP YOU ABREAST OF THE
19 DEVELOPMENTS OF THE MANUAL AS REQUIRED.

20 CHAIRMAN HUFF: OKAY. VERY GOOD. THANK YOU.

21 SO THAT WILL BE THE ORDER ON 12.

22 NOW WE'RE AT 13-A.

23 IS MR. CHESBRO'S STAFF PRESENT? I KNOW HE
24 HAS A CONCERN HERE. I JUST WANTED TO MAKE SURE YOU WERE
25 HERE. IS HE NOT COMING?



1 UNKNOWN SPEAKER: HE'S SICK TODAY.

2 CHAIRMAN HUFF: AH. WE MISS HIM.

3 UNKNOWN SPEAKER: SO DO WE.

4 CHAIRMAN HUFF: IS THERE ANYTHING WE CAN DO FOR
5 HIM. SEND HIM A CARD?

6 UNKNOWN SPEAKER: THAT MIGHT BE NICE.

7 CHAIRMAN HUFF: FLOWERS? IT'S EARTH DAY, TOO.

8 MS. TRGOVCICH: GOOD AFTERNOON. MEMBERS. I'M
9 CAREN TRGOVCICH OF THE STRATEGIC PLANNING AND POLICY
10 DEVELOPMENT OFFICE.

11 JUST A LITTLE BIT OF BACKGROUND ON THIS
12 ITEM. AT THE FEBRUARY GENERAL BUSINESS MEETING OF THE
13 BOARD THAT WAS CONDUCTED IN MONTEREY, THERE WERE SEVERAL
14 PERMIT ITEMS THAT WERE HEARD AND THERE WAS A SIGNIFICANT
15 AMOUNT OF CONCERN EXPRESSED OVER THE TYPE OF INFORMATION.
16 BUT MORE SPECIFICALLY THE PROCESS AND ANALYSIS THAT WAS
17 BEING CONDUCTED BY STAFF ON THE ISSUE OF WHETHER OR NOT A
18 FACILITY PREVENTS OR IMPAIRS THE ACHIEVEMENT OF THE WASTE
19 DIVERSION MANDATES WHICH ARE SPECIFIED IN THE STATUTE.

20 THE BOARD DIRECTED STAFF THEN TO GO BACK.
21 ANALYZE THE ISSUE, AND MAKE RECOMMENDATIONS ON PROCESS
22 AND CRITERIA. THE AGENDA ITEM, ITEM 13-A, WHICH BEGINS
23 ON PAGE 186 OF YOUR PACKET, ATTEMPTS TO DO THAT.

24 JUST BRIEFLY. THE GAP PERIOD, WHICH IS THE
25 PERIOD IN WHICH THIS DETERMINATION OF PREVENT OR IMPAIR



1 IS APPLICABLE. IS THE PERIOD IN WHICH THE OLD COUNTYWIDE
2 SOLID WASTE MANAGEMENT PLANS CEASE TO EXIST AND THE TIME
3 IN WHICH THE NEW COUNTYWIDE INTEGRATED WASTE MANAGEMENT
4 PLANS ARE APPROVED OR ADOPTED BY THIS BOARD.

5 AND THAT TIMING COULD BE ANYWHERE FROM 1992
6 TO 1994 AND POTENTIALLY BEYOND FOR BOARD APPROVAL OF
7 THOSE COUNTYWIDE PLANS. IT'S DURING THIS TIME PERIOD
8 THAT THE ISSUE OF PREVENT OR IMPAIR IS CONSIDERED.

9 THE PREVENT OR IMPAIR PROVISION IN STATUTE,
10 WHICH IS IN SECTION 44009 OF THE PUBLIC RESOURCES CODE,
11 BASICALLY ACCOMPLISHES TWO THINGS.

12 IT REQUIRES THAT THERE BE SOME LEVEL OR
13 ASSUMES THAT THERE IS, THEREFORE, SOME LEVEL OF LOCAL
14 CONSIDERATION OF DIVERSION ACTIVITIES WHEN THE PERMIT IS
15 CONSIDERED AT THE LOCAL LEVEL THROUGH THE VARIOUS
16 PROCESSES THAT A FACILITIES PERMIT IS TAKEN THROUGH, AND
17 IT ALSO CREATES A LINK BETWEEN THE PLANNING PROCESS
18 ITSELF AT THE LOCAL LEVEL AND THE PERMITTING PROCESS AT
19 THE STATE LEVEL.

20 THE PURPOSE OF THIS LINK IS TO DETERMINE OR
21 IS TO CREATE AN ENVIRONMENT WHERE THE LOCAL CONSIDERATION
22 FOR THEIR PROGRAMS, THEIR WASTE DIVERSION PROGRAMS, HAVE
23 BEEN TAKEN INTO ACCOUNT.

24 THAT IF THE LOCAL COMMUNITIES, THE LOCAL
25 JURISDICTIONS, HAVE ESTABLISHED CERTAIN PROGRAMS, HAVE



1 TARGETED CERTAIN FACILITIES. AND HAVE GONE THROUGH THE
2 EFFORTS TO INCORPORATE THAT AND GET APPROVAL ON THOSE
3 PROGRAMS. THAT WHEN A FACILITIES PERMIT COMES BEFORE THIS
4 BOARD THAT THE BOARD. IF THERE IS A CONCERN OVER WHETHER
5 OR NOT THOSE LOCAL PLANNING PROGRAMS HAVE NOT BEEN
6 INCORPORATED INTO THE PERMIT. THAT THE BOARD HAS THAT
7 OPPORTUNITY TO EVALUATE THAT.

8 SO IT'S CREATING A LINK WHAT PROGRAMS ARE
9 BEING LOOKED AT AT THE LOCAL LEVEL AND HOW THAT FITS INTO
10 THE PERMIT BEFORE THE BOARD. THIS LINK IS MORE IMPORTANT
11 DURING THE PROCESS FOR THE FINDING OF CONFORMANCE. WHICH
12 IS CONSIDERED TO BE A POST-GAP REQUIREMENT.

13 IT IS THE CONFORMANCE FINDING WHICH THEN
14 TAKES OVER ONCE A COUNTYWIDE PLAN HAS BEEN APPROVED BY
15 THIS BOARD. THAT THEN GOES INTO EFFECT. IT'S DURING THAT
16 TIME PERIOD WHEN YOU HAVE AN APPROVED PLAN. WHEN LOCAL
17 GOVERNMENT HAS AGREED UPON THE WAY IN WHICH THEY'RE GOING
18 TO IMPLEMENT THEIR WASTE DIVISION PROGRAMS. POTENTIALLY
19 THE FACILITIES THEY'RE GOING TO TARGET FOR THOSE
20 PROGRAMS. THAT THIS LINK CAN TRULY BE MADE.

21 DURING THE GAP PERIOD IT IS MUCH MORE
22 DIFFICULT; THUS. IT IS CALLED THE GAP.

23 THE STATUTE DOES NOT SPECIFICALLY REQUIRE.
24 AT ALL. THAT THE BOARD CONSIDER MAKING SUCH A
25 DETERMINATION FOR EACH FACILITY PERMIT THAT IS BROUGHT



1 BEFORE THE BOARD.

2 RATHER, THE STATUTE SAYS THAT IF
3 SUBSTANTIAL EVIDENCE IS ENTERED INTO THE RECORD AND
4 BROUGHT BEFORE THE BOARD AND THE BOARD CONCURS THAT THAT
5 EVIDENCE IS SUBSTANTIAL AND WOULD PREVENT OR IMPAIR A
6 JURISDICTION'S ABILITY TO ACHIEVE THE WASTE DIVERSION
7 MANDATES, THAT THE BOARD THEN MAKE A DETERMINATION THAT
8 THAT FACILITY PREVENTS OR IMPAIRS; AND, THEREFORE, NOT
9 CONCUR IN THE ISSUANCE OF THAT PERMIT.

10 THE STATUTE ALSO DOES NOT REQUIRE THAT THE
11 BOARD CONSIDER THE POSITIVE OR NEGATIVE CONTRIBUTION OF
12 WASTE DIVERSION IN TERMS OF THAT FACILITY.

13 WHAT THAT MEANS IS THAT THE BOARD IS NOT
14 REQUIRED AT ALL TO LOOK AT WHETHER OR NOT A FACILITY IS
15 INCORPORATING WASTE DIVERSION INTO ITS OPERATIONS OR
16 WHETHER IT IS NOT. IF IT IS NOT INCORPORATING ANY WASTE
17 DIVERSION INTO ITS OPERATIONS, THAT IS NOT A BASIS UPON
18 WHICH TO MAKE A DETERMINATION OF PREVENT OR IMPAIR.

19 THE STAFF UP UNTIL OR CURRENTLY THROUGH
20 THIS TIME, ARE ANALYZING SOLID WASTE FACILITY PERMITS
21 THAT COME BEFORE THE BOARD AND LOOKING AT A VARIETY OF
22 CRITERIA AS THEY'VE BEEN DIRECTED BY THE BOARD TO GATHER
23 INFORMATION ON EACH FACILITY PERMIT AND TO PROVIDE THAT
24 INFORMATION IN A STAFF ANALYSIS, WHICH IS A PART OF EACH
25 FACILITY'S AGENDA ITEM.



1 OF OPTIONS, WHICH WOULD ASSUME THAT THOSE OPPORTUNITIES
2 ARE BEING ADDRESSED. AND FOR EACH PERMIT THAT IS MOVING
3 THROUGH A PROCESS, THAT THE LOCAL PROCESSES ARE BEING
4 COVERED; AND, THEREFORE, THE OPTIONS WHICH ARE PRESENTED
5 AT THE END OF THE ITEM TEND TO PROVIDE FOR LOCAL AUTONOMY
6 IN THE PROCESS GOVERNING PREVENT OR IMPAIR AND TEND ALSO
7 TO PROVIDE A LEVEL OF INVOLVEMENT AS FAR AS THE BOARD IS
8 CONCERNED. IT IS NOT IN ANY PARTICULAR ORDER AS THE
9 OPTIONS ARE PRESENTED, IN TERMS OF HOW INVOLVED THE BOARD
10 GETS IN THIS DETERMINATION OF PREVENT OR IMPAIR.

11 AS I GO THROUGH THE OPTIONS, I'D LIKE YOU
12 TO KEEP IN MIND THAT THIS IS NOT A DETERMINATION THAT IS
13 TO BE MADE OR THE STATUTE REQUIRES THAT IT BE MADE FOR
14 EACH FACILITY PERMIT BEFORE THE BOARD.

15 THE THREE OPTIONS THAT ARE LISTED ARE:
16 ONE, LEA EVALUATION OF THE RECORD; TWO, LOCAL PLANNING
17 DETERMINATION; AND, THREE, LOCAL CONSIDERATION FOR LACK
18 OF ANY BETTER TITLES.

19 THE SECOND OPTION IS THE OPTION THAT STAFF
20 CONSIDERS TO BE, AT LEAST AT THE LOCAL LEVEL, THE LEAST
21 INTRUSIVE. WHILE IT WOULD REQUIRE A RULEMAKING PROCESS,
22 IT DEFINITELY PLACES THE RESPONSIBILITY FOR PREVENT OR
23 IMPAIR AT THE LOCAL LEVEL AND INCORPORATES IT AS AN
24 ADDITIONAL FINDING THAT THE LEA MUST PROVIDE WHEN THEY
25 SUBMIT THEIR APPLICATION FOR SOLID WASTE FACILITIES



1 PERMIT TO THE BOARD.

2 AND THIS THIRD FINDING OR THIS LETTER FROM
3 THE LOCAL ENTITY PRINCIPALLY RESPONSIBLE FOR THE
4 DEVELOPMENT OR PREPARATION OF THE COUNTYWIDE PLANS, AND
5 SPECIFICALLY THE SOURCE REDUCTION RECYCLING ELEMENTS --
6 AND THAT IS MISSING FROM THE ITEM. AND I'D JUST LIKE TO
7 MAKE THAT CORRECTION, THAT WE INTENDED THAT TO INCLUDE
8 SOURCE REDUCTION AND RECYCLING ELEMENTS SPECIFICALLY.
9 BUT THAT ENTITY, IT WOULD BE THEIR RESPONSIBILITY TO
10 EVALUATE THE FACILITY, EVALUATE THE LOCAL CONCERNS, THE
11 DEGREE TO WHICH THEY PLAN FOR WASTE DIVERSION AND WHAT
12 THEIR PROPOSED PROGRAMS ARE, AND TRANSMIT A LETTER TO THE
13 LEA OR SOME FORM OF COMMUNICATION THAT THE BOARD WOULD
14 DETERMINE THROUGH A RULEMAKING PROCESS.

15 THE SECOND OPTION, OR RATHER THE FIRST
16 OPTION, IS LEA EVALUATION OF THE RECORD. THIS IS A
17 VOLUNTARY OPTION. UNDER THIS OPTION, THE LEA WOULD HAVE
18 AN OPPORTUNITY OR MAY ELECT TO EVALUATE THE FACILITIES
19 PERMIT BASED UPON THE CRITERIA OR SIMILAR CRITERIA THAT
20 IS IN THIS ITEM, WHICH IS THE CRITERIA THE BOARD STAFF
21 HAS BEEN USING UP UNTIL RECENTLY. AND TO THEN FORWARD ON
22 TO THE BOARD WHEN HE TRANSMITS THE APPLICATION FACILITIES
23 PERMIT TO THE BOARD, ITS FINDING AS TO WHETHER OR NOT
24 THERE IS ANY EVIDENCE IN THE RECORD ON PREVENT OR IMPAIR.

25 IF THERE IS NO EVIDENCE IN THE RECORD THAT



1 THEY HAVE FOUND, BASED UPON THE CRITERIA. THEN THERE
2 WOULD BE NO BOARD CONSIDERATION OF THIS ISSUE DURING
3 BOARD CONSIDERATION OF THE PERMIT ITEM. IF THERE IS
4 EVIDENCE IN THE RECORD. THEN THE BOARD WOULD TAKE THAT
5 ISSUE UP DURING ITS CONSIDERATION OF THE PERMIT ITEM.
6 IF THE LEA ELECTED NOT TO FOLLOW THROUGH AND CONDUCT THIS
7 EVALUATION, THEN BOARD STAFF WOULD.

8 THE THIRD OPTION, WHICH IS LOCAL
9 CONSIDERATION, BASICALLY ALLOWS -- IT IS AN OPEN BOOK
10 MORE OR LESS IN THAT THE BOARD AND BOARD STAFF WILL NOT
11 PROACTIVELY EVALUATE EACH FACILITY NOR WOULD THE LEA OR
12 THE PLANNING DIRECTOR, IN THAT SENSE.

13 BUT IF ANYONE DID RAISE THE ISSUE OF
14 PREVENT OR IMPAIR DURING THE COURSE OF THE BOARD'S
15 CONSIDERATION OF THE PERMIT ITEM, IF ANYONE DID RAISE AN
16 ISSUE ASSOCIATED WITH THAT, THEN THERE WOULD NEED TO BE
17 SOME SORT OF PROCESS EVALUATION POTENTIALLY BASED UPON
18 THE CRITERIA WHICH BOARD STAFF WOULD THEN CONDUCT.

19 I'D JUST LIKE TO POINT OUT WITH THIS
20 OPTION, THAT BECAUSE IT IS OPEN-ENDED, IT IS A
21 POSSIBILITY THAT EITHER AT THE COMMITTEE MEETING LEVEL OR
22 WHEN A BOARD MEETING OCCURS THAT A MEMBER OF THE PUBLIC,
23 A BOARD MEMBER, MAY RAISE THE ISSUE OF PREVENT OR IMPAIR.
24 I AM NOT PREPARED TO SAY WHAT THAT WOULD DO IN TERMS OF
25 OUR 60-DAY-TIME CLOCK TO CONCUR IN THE ISSUANCE OF A



1 PERMIT.

2 THOSE ARE THE THREE OPTIONS. I'D BE HAPPY
3 TO TAKE ANY QUESTIONS.

4 CHAIRMAN HUFF: I SUPPOSE THE FIRST QUESTION --
5 I'M GOING TO JUMP IN AND ASK THE FIRST QUESTION. HOW DO
6 WE DETERMINE WHAT THE LANGUAGE OF THE STATUTE MEANS WHEN
7 IT PROVIDES NO DEFINITIONS, AS I UNDERSTAND IT,
8 PARTICULARLY WITH REGARD TO SUBSTANTIALLY IMPAIR?

9 I KNOW WHAT THE WORD "PREVENT" MEANS. WITH
10 REGARD TO THE 25 PERCENT AND 50 PERCENT, WHAT DO THE
11 WORDS "SUBSTANTIALLY IMPAIR" MEAN?

12 YOUR WRITE-UP SUGGESTS, AT PAGE 188, THAT
13 IF THE EVIDENCE IN THE RECORD DOES NOT ESTABLISH
14 PREVENTION OR IMPAIRMENT, BUT DOES ESTABLISH THE FACILITY
15 MAY NOT BE DIVERTING AS MUCH WASTE AS POSSIBLE, THAT THAT
16 WOULDN'T BE GRANTED.

17 I SUPPOSE THAT IF THE EVIDENCE IN THE
18 RECORD ESTABLISHES THAT A FACILITY MAY MAKE IT A TINY BIT
19 HARDER TO GET THE 25 OR THE 50, WOULD THAT BE SUBSTANTIAL
20 IMPAIRMENT? AT WHAT POINT DOES IT BECOME SUBSTANTIAL
21 IMPAIRMENT?

22 MS. TRGOVCICH: STAFF RELIED UPON THE INTENT OF
23 THE AUTHOR WHEN DEVELOPING THE CONDITIONS THAT ARE ON
24 PAGE 189. MAYBE THIS ISN'T DIRECTLY ANSWERING THE
25 QUESTION. THAT'S PROBABLY BECAUSE I HAVEN'T CONTEMPLATED



1 WHAT IMPAIRMENT IS VERSUS PREVENTION AND THE EXACT
2 DEFINITION IF THE BOARD WOULD MAKE A FINDING OF
3 IMPAIRMENT VERSUS PREVENTION.

4 CHAIRMAN HUFF: PREVENTION IS EASY, BUT THE LAW
5 REQUIRES -- I WON'T SAY THE LAW REQUIRES, BUT THE LAW
6 ALLOWS IF THERE'S SUBSTANTIAL EVIDENCE. IN FACT, IT
7 REQUIRES THAT WE FIND IF THERE IS SUBSTANTIAL EVIDENCE,
8 IT REQUIRES THAT WE FIND TO THE NEGATIVE -- SUBSTANTIAL
9 EVIDENCE OF -- I'M SORRY, EVIDENCE OF SUBSTANTIAL
10 IMPAIRMENT. I DON'T KNOW WHAT THAT MEANS.

11 MS. TRGOVCICH: STAFF BASICALLY RELIED UPON THE
12 INTENT OF THE AUTHOR. WE TRIED TO REPHRASE ON THE TOP OF
13 PAGE 189, WHICH MAY GO A LITTLE BIT FARTHER IN TERMS OF
14 SETTING OUT THE CONDITIONS UNDER WHICH THE BOARD WOULD
15 CONSIDER WHETHER OR NOT A FACILITY PREVENTS OR IMPAIRS,
16 AND WE DID NOT DISTINGUISH BETWEEN PREVENTION OR
17 IMPAIRMENT.

18 BUT WHAT I CAN DO IS DIRECT YOU TO THOSE
19 FOUR BULLETS AND THOSE CONDITIONS, THOSE CONDITIONS BEING
20 WHERE -- I DON'T THINK YOU WANT ME TO RESTATE THEM.

21 CHAIRMAN HUFF: NO, WE CAN READ THEM.

22 BOARD MEMBER RELIS: I'M TRYING TO RECALL IF ON
23 THAT THIRD BULLET, 89, IS THAT AN ACTUAL TRANSLATION OF
24 CORTESE'S --

25 MS. TRGOVCICH: THAT'S NOT VERBATIM. THAT'S



1 NOT WORD FOR WORD, NO.

2 BOARD MEMBER RELIS: THIS LANGUAGE IS THAT THE
3 PROPOSED FACILITY DOES NOT INCORPORATE DIVERSION. I
4 DON'T RECALL THAT BEING PART OF IT.

5 MS. TRGOVCICH: NO. IT WAS NOT A PART OF THE
6 CORTESE LEVEL. NO. IT WAS NOT. WHAT THAT IS INTENDED TO
7 ADDRESS IS --

8 BOARD MEMBER RELIS: THAT'S STAFF'S
9 INTERPRETATION OF THE INTENT?

10 MS. TRGOVCICH: -- STAFF'S INTERPRETATION OF THE
11 INTENT, THAT IF THERE WERE CONTRACTUAL AGREEMENTS OR
12 OTHER ARRANGEMENTS WHICH TIED UP A CERTAIN PORTION OF THE
13 WASTE STREAM AND DIRECTED IT TO A FACILITY WHERE THERE
14 WERE NO DIVERSION ALTERNATIVES BEING IMPLEMENTED OR
15 PROGRAMS BEING IMPLEMENTED AT THAT FACILITY. REGARDLESS
16 OF THE ISSUE OF THE CONTRACTUAL AGREEMENTS. THE POINT IS
17 THERE'S A LARGE FRACTION OF THE WASTE STREAM THAT MAY BE
18 GOING TO A FACILITY THAT HAS NO WASTE DIVERSION
19 ACTIVITIES ASSOCIATED WITH IT. WE TIED THOSE TWO
20 TOGETHER.

21 CHAIRMAN HUFF: MR. CONHEIM, DO YOU HAVE SOME
22 THOUGHTS ON MY QUESTION?

23 ATTORNEY CONHEIM: YES, MR. CHAIRMAN.

24 CHAIRMAN HUFF: IF WE CAN SEE THAT A COMMUNITY
25 WILL ONLY MAKE 24 PERCENT AS A CONSEQUENCE. THAT'S



1 PREVENTION. EVEN IF IT'S 24 PERCENT IT'S STILL
2 PREVENTION. WHAT IS SUBSTANTIAL IMPAIRMENT?

3 ATTORNEY CONHEIM: I THINK I CAN ANSWER THE
4 QUESTION AS TO WHAT I BELIEVE SUBSTANTIAL IMPAIRMENT IS.
5 BUT I THINK WE NEED TO REFLECT ON WHAT MR. CORTESE HAS
6 SAID. I THINK THAT YOU WERE RIGHT THERE. NOT ONLY DID WE
7 NOT, IN THIS WRITE-UP, MAKE THE DISTINCTION. BUT NEITHER
8 DOES MR. CORTESE. HE DOES NOT DISTINGUISH BETWEEN THE
9 TWO. THE TWO EXAMPLES HE GIVES ARE EXAMPLES OF
10 IMPOSSIBILITY, OF CLEAR PREVENTION. AND HE DOES NOT --
11 AND THEN HE GOES ON TO SAY "PREVENT OR SUBSTANTIALLY
12 IMPAIR" WITHOUT MAKING THE DISTINCTION.

13 I DON'T THINK YOU CAN GO WITH THE
14 LEGISLATIVE INTENT BECAUSE YOU'VE GOT TWO WORDS THAT ARE
15 PLAINLY DIFFERENT, AND THEY HAVE TO MEAN SOMETHING
16 DIFFERENT OR ELSE THERE'S NO REASON TO HAVE WRITTEN THEM
17 BOTH IN THE LAW.

18 CHAIRMAN HUFF: WE HAVE TO ASSUME THE LEGISLATOR
19 INTENDED EACH AND EVERY WORD IN THE LAW TO MEAN
20 SOMETHING, DO WE NOT?

21 ATTORNEY CONHEIM: WE DO HAVE TO DO THAT.

22 CHAIRMAN HUFF: IS THAT NOT WHAT THE COURTS TELL
23 US TO DO? THAT'S WHAT THE COURTS THEMSELVES DO ALL THE
24 TIME.

25 AT LEAST. GEORGE DEUKMEJIAN COMMON-SENSE



1 JUDGES.

2 ATTORNEY CONHEIM: LET ME JUST THROW SOMETHING
3 OUT OR SHALL I SAY RECYCLE AN IDEA HERE. RATHER THAN
4 THROW IT OUT.

5 CHAIRMAN HUFF: IT'S GETTING TOWARD THE END OF
6 THE DAY.

7 ATTORNEY CONHEIM: I'M TRYING TO STAY ALIVE.

8 I THINK THAT SUBSTANTIALLY IMPAIR MEANS
9 MAKE IT MORE LIKELY THAN NOT THAT PREVENTION WILL OCCUR.
10 MORE LIKELY THAN NOT. AND THE REASON I SAY THAT IS THAT
11 ALL ADMINISTRATIVE FINDINGS ARE BASED ON A PREPONDERANCE
12 OF THE EVIDENCE WHERE THE SCALE JUST TIPS. AND IT'S A
13 COMFORTABLE WAY TO DEFINE IT GIVEN THE LEVEL OF EVIDENCE
14 THAT YOU'RE REQUIRED TO BRING TO ANY OF THE DECISIONS YOU
15 MAKE.

16 SO MY SUGGESTION IS THAT ONE WAY TO LOOK AT
17 THIS IS JUST TO SAY THAT "SUBSTANTIALLY IMPAIRS" MAKES IT
18 MORE LIKELY THAN NOT THAT PREVENTION WILL OCCUR.

19 CHAIRMAN HUFF: OKAY.

20 ATTORNEY CONHEIM: IT'S AN IDEA.

21 CHAIRMAN HUFF: I THINK FOR AN OPERATING THEORY,
22 IT'S A PRETTY GOOD IDEA.

23 DO YOU HAVE ANY QUESTIONS?

24 BOARD MEMBER RELIS: I THINK WE -- WELL. NO. I
25 MEAN THIS IMPAIRMENT DEFINITION IS WHAT THIS IS ALL



1 HINGING ON. IMPAIR, NOT PREVENT. WE KNOW WHAT THAT
2 MEANS, AND SO --

3 ATTORNEY CONHEIM: WELL. IT'S IMPAIR THE ABILITY
4 NOT IMPAIR THE ACHIEVEMENT. SO I THINK THE LANGUAGE OF
5 THE STATUTE -- I JUST CLOSED THE BOOK BECAUSE I WAS
6 REACHING FOR MR. CORTESE'S -- OH. HERE IT IS:

7 "WOULD PREVENT THE ACHIEVEMENT OR IMPAIR
8 THE ACHIEVEMENT." IT'S A TOUGH CALL.

9 CHAIRMAN HUFF: IT'S NOT QUITE MEANING THE SAME
10 THING AS "CHALLENGED."

11 ATTORNEY CONHEIM: NO. CLEARLY THE AUTHOR
12 DIDN'T MAKE THE DISTINCTION, NOT IN THIS LETTER WHICH
13 EVERYBODY WHO'S COME TO SUPPORT THE TRUE MEANING OF MR.
14 CORTESE HAS WAVED AND PROCLAIMED.

15 BOARD MEMBER RELIS: WE'VE HAD MANY
16 INTERPRETATIONS OF THIS "IMPAIR" FROM PEOPLE WHO WERE
17 ALLEGEDLY THERE AT THE MOMENT THAT THE WORD WAS PHRASED.
18 IT MIGHT BE GOOD TO GO TO THE SOURCE.

19 CHAIRMAN HUFF: IT MIGHT BE. CERTAINLY WE CAN
20 GO TO THOSE WHO WERE ALLEGEDLY THERE AT THE TIME, BECAUSE
21 THEY ARE ALL ASKING TO SPEAK.

22 SO WHY DON'T WE DO THAT?

23 BOARD MEMBER RELIS: I'D LIKE TO SAY. TOO. I
24 THOUGHT THIS STAFF ANALYSIS WAS VERY GOOD. IT HELPED A
25 LOT.



1 CHAIRMAN HUFF: OKAY. IN NO PARTICULAR ORDER --
2 I THINK THESE ARE PRETTY MUCH IN THE ORDER IN WHICH I
3 RECEIVED THEM. I HAVE FOUR REQUESTS. THEY ARE ARTHUR
4 BOONE, DENISE DELMATIER, CHARLES WHITE, AND JACK MICHAEL.

5 WE'LL START WITH ARTHUR BOONE.

6 MR. BOONE: THANK YOU. MY NAME IS ARTHUR BOONE
7 OF OAKLAND, CALIFORNIA. I'M THE FORMER PRESIDENT OF THE
8 NORTHERN CALIFORNIA RECYCLING ASSOCIATION. CAN YOU HEAR
9 ME OKAY?

10 I THINK STAFF HAS REALLY MISSED THE POINT
11 ON THIS. ALL LAST YEAR I WAS WORKING FOR A CONSULTING
12 COMPANY UP HERE, AND I SAW ALL THESE PERMITS COMING
13 THROUGH. NOBODY SEEMED TO RAISE THE QUESTION OF -- WE
14 JUST -- SOMEBODY WANTS ANOTHER 1500 TONS A DAY OF
15 GARBAGE, OKAY. THEY WANT ANOTHER 2,000 TONS, OKAY.
16 ANOTHER 5,000 TONS, OKAY. WHATEVER THEY WANT, IT'S ALL
17 RIGHT.

18 THE GREATEST SINGLE BARRIER TO RECYCLING IN
19 THE STATE OF CALIFORNIA IS THE LARGE AVAILABILITY OF
20 CHEAP LANDFILLS. THE GREATEST STIMULATION TO RECYCLING
21 AND SOURCE REDUCTION AND COMPOSTING IN THE STATE OF
22 CALIFORNIA IS THE ABSENCE OF THE LANDFILLS.

23 EVERY PERMIT THAT YOU GRANT IMPAIRS
24 RECYCLING. DO YOU UNDERSTAND THAT? EVERY PERMIT THAT
25 YOU GRANT IMPAIRS RECYCLING. BECAUSE THERE'S ONLY TWO



1 THINGS YOU CAN DO WITH THE STUFF. YOU CAN RECYCLE IT OR
2 YOU CAN BURY IT.

3 I BELIEVE THE STAFF HAS REALLY MISSED THE
4 POINT. I THINK TOTALLY. I THINK THE WHOLE THING IS
5 REALLY KNIT PICKING AT SMALL STUFF. YOU'RE NOT REALLY
6 LOOKING AT THE POSSIBILITY OF THE STATE BOARD PLAYING A
7 ROLE IN TERMS OF OVERSEEING AND CHISELING AWAY AT THE
8 BROAD AND WIDE ROAD THAT GOES TO THE DUMP. THAT'S WHAT
9 THE ISSUE IS.

10 IF YOU DON'T DO IT HERE, THEN WE HAVE TO GO
11 BACK TO LEGISLATURE AND WE HAVE TO TURN 939 INTO A
12 LANDFILL REDUCTION BILL.

13 YOU ALL KNOW THE STATISTICS. YOU SAW WHAT
14 THE CURVE IS GOING TO BE. WE'RE GOING TO GO DOWN AND
15 MEET 50 PERCENT. WITH POPULATION GROWTH AND ALL THESE
16 OTHER KINDS OF THINGS, WE'RE GOING TO BE BACK ABOVE WHERE
17 WE WERE.

18 IF WE MANAGED OUR AIR RESOURCES AND OUR
19 WATER RESOURCES LIKE WE MANAGED OUR SOLID WASTE, MOST OF
20 US WOULD BE DEAD IN THIS STATE. DO YOU UNDERSTAND?

21 WASTE IS NICE BECAUSE YOU PUT IT SOME PLACE
22 AND IT STAYS THERE. AIR DOESN'T STAY IN ONE PLACE.
23 WATER DOESN'T STAY IN ONE PLACE.

24 IF WE'RE GOING TO BE SERIOUS ABOUT MANAGING
25 WASTE, POLLUTION PREVENTION NOT POLLUTION CONTROL. AT



1 THIS POINT THE BOARD HAS TO HAVE A VERY AGGRESSIVE
2 STANDARD. WHEN YOU LET ALL THOSE PERMITS COME THROUGH, I
3 SAID SOMEBODY IN SAN JOAQUIN COUNTY WANTS 1500 TONS.
4 WELL. WHAT ARE THEY GOING TO MAKE THEM DO? WHAT KIND OF
5 HOOPS DO THEY HAVE TO JUMP THROUGH? WHAT KIND OF WASTE
6 REDUCTION DO THEY HAVE TO ADOPT IN THAT? I BELIEVE
7 THERE'S NO TIME LIKE THE GAP TO BASICALLY DO THAT. I
8 COULD SAY OTHER THINGS. BUT YOU GOT MY POINT.

9 I THINK THE STAFF REALLY TOOK A VERY NARROW
10 POINT. I KNOW FROM A LEGAL POINT OF VIEW. THE LETTERS
11 THAT MR. CORTESE WRITES AFTER THE LEGISLATION IS PASSED
12 IS NOT OF GREAT MERIT. I GUARANTEE YOU THAT THIS
13 LANGUAGE WILL BE VERY MUCH IN THE FLOOR, WASTE MANAGEMENT
14 INCORPORATED WANTS 315 MILLION ADDITIONAL CUBIC YARDS.

15 THOSE OF US WHO LIVE IN ALAMEDA COUNTY, WE
16 ARE GOING TO FIGHT ABOUT IT AND WE'RE GOING TO FIGHT
17 ABOUT THIS LANGUAGE. IF THE LEA OR ANYBODY ELSE WANTS TO
18 WRITE A PERMIT FOR THAT LANDFILL THAT DOES NOT
19 SUBSTANTIALLY CONTROL AND DIMINISH THE AMOUNT OF MATERIAL
20 THAT GOES TO THAT LANDFILL, WE WILL BE IN COURT. I ASSURE
21 YOU. WE'LL BE HERE FIRST, THEN WE'LL BE IN COURT.

22 I THINK THE WHOLE STAFF JUST MISSED THE
23 POINT. I THINK THEY REALLY -- YOU HAVE TO LOOK BACK AT
24 THE PURPOSES OF 939. GO BACK TO THOSE FIRST FOUR
25 PARAGRAPHS IN THAT LENGTHY STATUTE. IT ALL TALKS ABOUT



1 LANDFILL REDUCTION AND WASTE REDUCTION.

2 CHAIRMAN HUFF: THIS BILL WAS PASSED BY THE SAME
3 LEGISLATURE THAT PASSED 939.

4 MR. BOONE: RIGHT.

5 CHAIRMAN HUFF: ARE YOU SUGGESTING THAT YOUR
6 POINT IS CONSISTENT WITH THE LEGISLATIVE INTENT OF THIS
7 BILL?

8 MR. BOONE: WELL, I'VE READ BITS AND PIECES OF
9 939. I'M NOT A 939 SCHOLAR. I WOULDN'T PRETEND TO BE
10 THAT. I DO BELIEVE THAT THE ISSUE OF WHAT I'M SAYING IS
11 THAT ANY LANDFILL IMPAIRS RECYCLING. IT'S THE ACCESS TO
12 LANDFILLING THAT DIMINISHES PEOPLE'S RELIANCE ON
13 RECYCLING. WHERE LANDFILLING IS DIFFICULT OR EXPENSIVE,
14 PEOPLE RECYCLE. I HAVE A PAPER ON THAT I'D BE GLAD TO
15 SEND YOU A COPY.

16 BUT I THINK IF THE BOARD IS GOING TO MANAGE
17 WASTE IN TERMS OF DEALING WITH SOURCE REDUCTION AND
18 RECYCLING AND COMPOSTING, YOU HAVE TO BASICALLY SEE SOME
19 AUTHORITY ON YOUR OWN PART TO BASICALLY OVERRULE THESE
20 LOCAL AGENCIES THAT ARE GOING TO SAY, WE WANT ANOTHER
21 1500 TONS A DAY, AND LET'S GO FOR IT.

22 I THINK THE STAFF HAS REALLY UNDERESTIMATED
23 WHAT YOUR POTENTIAL IS.

24 CHAIRMAN HUFF: ANY OTHER QUESTIONS? THANK YOU.

25 DENISE.



1 MS. DELMATIER: MR. CHAIRMAN AND MEMBERS. MY
2 NAME DENISE DELMATIER ON BEHALF OF NORCAL WASTE SYSTEMS.

3 I'M GOING TO TAKE A BIT OF A DIFFERENT
4 APPROACH THAN MR. BOONE. I'D LIKE TO COMPLEMENT CAREN ON
5 HER ANALYSIS OF THE ISSUES AS OUTLINED IN DETAIL. CAREN.
6 OF COURSE, DIDN'T HAVE THE BENEFIT OF SITTING THROUGH THE
7 HOURS AND HOURS OF NEGOTIATIONS ON 2296 AND HAVING NOT
8 HAD THAT EXPERIENCE, THAT WONDERFUL EXPERIENCE SOME OF US
9 WENT THROUGH, I THINK SHE DID A RATHER ADMIRABLE JOB IN
10 ATTEMPTING TO OUTLINE MANY OF THE ISSUES THAT ARE
11 SOMEWHAT COMPLEX AND SOMEWHAT CONVOLUTED THAT ARE
12 CONTAINED IN 2296.

13 SECONDLY, I'D LIKE TO POINT OUT THAT THE
14 LETTER TO THE ASSEMBLY DAILY JOURNAL THAT WE HAVE BEEN
15 REFERRING TO FOR SOME TIME, WHICH WAS, IN FACT, DRAFTED
16 PRIOR TO THE ENACTMENT OF AB 939. AND THAT POINT I THINK
17 NEEDS TO BE ASSERTED HERE, ESPECIALLY AFTER MR. BOONE'S
18 TESTIMONY, BECAUSE THAT INDEED OUTLINED THE AUTHOR'S
19 INTENT PRIOR TO -- OR EXCUSE ME -- PRIOR TO THE ENACTMENT
20 OF 2296.

21 SO AS FAR AS THE INTENT OF THE AUTHOR, I
22 THINK THAT IS CLEAR. IN FACT, WHAT THE LANGUAGE THAT WAS
23 CONTAINED IN THAT LETTER WAS BEING NEGOTIATED AT THE SAME
24 TIME AS THE LANGUAGE IN THE BILL. BUT THE BILL WAS NOT
25 SIGNED UNTIL FURTHER DOWN THE ROAD.



1 AGAIN, AS WE'VE STATED BEFORE, WE DID SPEND
2 COUNTLESS HOURS ON THIS BILL. THE LANGUAGE THAT IS
3 CONTAINED IN THE BILL WAS AGONIZED OVER WORD-BY-WORD
4 ALTHOUGH THERE WAS NO SPECIFIC DEFINITION FOR
5 "SUBSTANTIALLY IMPAIR." THE ART OF COMPROMISE LENDS
6 ITSELF TO THOSE TYPES THAT LACK DEFINITION. AND I THINK
7 THE LEGISLATIVE PROCESS, THE NEGOTIATION PROCESS, YOU
8 KNOW, THAT'S THE RESULT WE SOMETIMES FACE.

9 SO WE'RE LEFT HERE TO DEAL WITH TRYING TO
10 DEFINE THESE TERMS; AND THAT, IN FACT, IS THE ROLE OF
11 THIS BOARD IN TRYING TO IMPLEMENT THE ACT AB 939 AS WELL
12 AS AB 2296.

13 BUT AS FAR AS INTENT AND AS FAR AS HAVING
14 SAT THROUGH THE COUNTLESS HOURS, 2296 AND SPECIFICALLY
15 THE PREVENT/IMPAIR CLAUSE CONTAINED IN THAT BILL UNDER
16 SECTION 4409 WAS ALWAYS MEANT TO BE A STOP GAP PROVISION,
17 BY WHICH THE BOARD WOULD EXERCISE JUDICIOUSLY IF
18 SUBSTANTIAL EVIDENCE WAS PRESENTED IN THE RECORD. AND I
19 WANT TO STRESS "IF." IF SUBSTANTIAL EVIDENCE WAS
20 PRESENTED INTO THE RECORD BY ANYONE AT ANY TIME DURING
21 THE ENTIRE PERMIT APPLICATION PROCESS.

22 AT THAT POINT, THE BOARD THEN WOULD MAKE A
23 DETERMINATION, IF, IN FACT, THAT EVIDENCE IS SUBSTANTIAL.
24 IF THE BOARD CONCURS THAT, IN FACT, THAT EVIDENCE IS
25 SUBSTANTIAL, THEN THE BOARD MUST DENY THE PERMIT.



1 CHAIRMAN HUFF: QUESTION. HOW DO WE DETERMINE
2 THE EXISTENCE? HOW DO WE KNOW? I WON'T USE THE WORD
3 "DETERMINE." HOW DO WE KNOW WHETHER THERE IS SUBSTANTIAL
4 EVIDENCE IN THE RECORD?

5 MS. DELMATIER: THE BOARD HAS AVAILABLE TO IT A
6 NUMBER OF OPPORTUNITIES TO MAKE THAT DETERMINATION.

7 CHAIRMAN HUFF: SUCH AS THE PROCESSES OUTLINED
8 HERE; IS THAT WHAT YOU MEAN?

9 MS. DELMATIER: THE PROCESSES OUTLINED IN THE
10 ANALYSIS WOULD CERTAINLY BE ONE APPROACH. IT WOULD BE MY
11 RECOMMENDATION THAT THE BOARD HAS AVAILABLE TO IT THROUGH
12 THE PERMIT EVALUATION, THE NORMAL PERMIT EVALUATION, TO
13 EXAMINE THE RECORD OR HAVE STAFF EXAMINE THE RECORD FOR
14 THE BOARD TO DETERMINE WHETHER OR NOT EVIDENCE EXISTS IN
15 THE RECORD.

16 CERTAINLY, AT THE TIME OF EITHER A
17 COMMITTEE HEARING OR A BOARD HEARING, THAT THERE IS
18 OPPORTUNITY TO ESTABLISH EVIDENCE IN THE RECORD. IF THAT
19 ISN'T DONE, THEN YOU MAY EXAMINE THE RECORD THROUGH THE
20 PERMIT APPLICATION.

21 CHAIRMAN HUFF: OKAY. AS I UNDERSTAND OUR
22 PROCESSES -- I'M STILL NEW HERE -- WE, AT THE STATE
23 LEVEL, DO NOT ALWAYS HAVE FULL BENEFIT OF EVERY ELEMENT
24 OF WHAT MIGHT BE CONSIDERED THE RECORD AS IT EXISTS AT
25 THE LOCAL LEVEL.



1 THERE ARE THINGS THAT GO ON IN FRONT OF THE
2 LOCAL TASK FORCE. THERE IS COMMUNICATION BETWEEN THE
3 OTHER PARTIES THAT ARE INVOLVED AT THE LOCAL LEVEL THAT
4 WE DON'T NECESSARILY SEE AS PART OF A PERMIT APPLICATION.
5 YET THEY ARE PART OF THE RECORD. ARE THEY NOT?

6 MS. DELMATIER: I THINK JACK MICHAEL CAN ANSWER
7 THAT QUESTION BETTER THAN I CAN ANSWER IT.

8 CHAIRMAN HUFF: ALL RIGHT. JACK. REMEMBER THE
9 QUESTION AND WHEN YOU GET HERE. ANSWER. OKAY?

10 MS. DELMATIER: AS FAR AS THE LOCAL PROCESSES,
11 BUT AGAIN IT MEANT TO BE A STOP GAP ONLY.

12 CHAIRMAN HUFF: UNDERSTOOD.

13 MS. DELMATIER: AND THERE WAS NEVER AN INTENT TO
14 TIE THE PERMIT PROCESS TO THE PLANNING PROCESS. IT WAS
15 ALWAYS INTENDED UNDER 939 AND IN 2296 THAT PERMITTING
16 WOULD BE THE PRIMARY RESPONSIBILITY OF LOCAL GOVERNMENT,
17 NOT THE BOARD.

18 CHAIRMAN HUFF: THAT LEADS BACK TO MY QUESTION,
19 DOESN'T IT?

20 MS. DELMATIER: RIGHT. THAT IS. IN FACT, THE
21 FIRST PARAGRAPH, AS I RECALL, IN THE LETTER TO THE
22 JOURNAL OR THE SECOND PARAGRAPH IN THE LETTER TO THE
23 JOURNAL, THAT PRIMARY RESPONSIBILITY IS RESERVED TO
24 CITIES AND COUNTIES FOR PERMITTING. SO THAT BOTH
25 PLANNING AND PERMITTING IS, IN FACT, DESIGNED TO BE



1 IMPLEMENTED BY THE LOCAL AGENCY. AND THAT THE IMPAIRMENT
2 AND PREVENTION UNDER 2296 IS A FINAL STOP GAP FOR THE
3 BOARD ONLY.

4 CHAIRMAN HUFF: I MEAN THE ULTIMATE HAMMER IS
5 STILL \$10,000 A DAY.

6 MS. DELMATIER: THE ULTIMATE HAMMER IS STILL THE
7 \$10,000. IF LOCAL AGENCIES FAIL TO MEET THEIR MANDATES,
8 THE BOARD HAS EVERY OPPORTUNITY TO PUT INTO EFFECT THE
9 ULTIMATE SANCTIONS.

10 CHAIRMAN HUFF: WE CAN GET SOME MONEY OUT OF
11 THOSE PEOPLE. THE STATE NEEDS IT.

12 MS. DELMATIER: SURE. SO IT IS WITH THAT
13 UNDERSTANDING THAT WE ARE RECOMMENDING THAT THE COMMITTEE
14 MOVE TO THE FULL BOARD A RECOMMENDATION ON STAFF
15 RECOMMENDATION NO. 3. WE FIND THAT RECOMMENDATION TO BE
16 MOST CONSISTENT WITH AB 2296, BOTH THE LETTER AND THE
17 INTENT.

18 CHAIRMAN HUFF: OKAY. I CAN TELL YOU THAT MY
19 HESITANCY ON THAT COURSE RELATES TO THE DEFINITION OF
20 WHAT "SUBSTANTIALLY IMPAIRS" MEANS. AND HOW IT IS THAT
21 THE BOARD IS SUPPOSED TO KNOW WHAT IS IN THE RECORD.

22 MS. DELMATIER: MR. CONHEIM'S ANALYSIS OF
23 "SUBSTANTIALLY IMPAIR" AND MORE LIKELY THAN NOT -- AND,
24 BOB, REMIND ME WHERE I'VE SEEN THAT IN AN ANALYSIS PRIOR
25 TO THIS ANALYSIS. BUT I'VE SEEN THAT SOMEWHERE BEFORE.



1 I 'VE ALWAYS THOUGHT THAT THAT WAS A GOOD
2 ANALYSIS AS FAR AS WHAT "SUBSTANTIALLY IMPAIR"
3 CONSTITUTES. CERTAINLY. IT IS CONSISTENT WITH WHAT WAS
4 NEGOTIATED.

5 ATTORNEY CONHEIM: THERE 'S ONE OTHER
6 RIGHT-THINKING HUMAN BEING OUT THERE SOMEWHERE WHO WROTE
7 THAT ANALYSIS.

8 CHAIRMAN HUFF: THERE ARE MORE LIKE YOU?

9 ATTORNEY CONHEIM: I WALKED INTO THAT ONE.

10 CHAIRMAN HUFF: ANY QUESTIONS?

11 BOARD MEMBER RELIS: WELL, IN TERMS OF -- AND,
12 AGAIN, I'M NOT MOVING THAT WE NECESSARILY ACT ON THIS
13 TODAY. IN THE STAFF ANALYSIS IT SEEMS LIKE THEY'VE SET
14 FORTH ON PAGE 188, YOU KNOW, SOME INFORMATION THAT'S
15 PRETTY BASIC AND FUNDAMENTAL. IT'S NOT THAT HARD TO FIND
16 IN MOST OF THE WORK THAT'S BEEN DONE AND THAT WE COULD
17 PERHAPS TALK ABOUT A BLENDING OF WHAT'S IN OPTIONS ONE,
18 TWO, AND THREE. I DON'T LOOK AT THEM AS DISCRETE.

19 I THINK THERE ARE ELEMENTS POTENTIALLY IN
20 EACH, BUT I DON'T FEEL READY TODAY TO SORT THAT OUT.
21 THIS IS AN IMPORTANT DECISION. SOME OF US ON THE BOARD
22 WERE NOT PRESENT DURING THIS DEVELOPMENT PROCESS WHICH
23 PEOPLE AGONIZED THOUSANDS OF HOURS OVER. I DIDN'T
24 AGONIZE. BUT I AM AGONIZING NOW.

25 CHAIRMAN HUFF: YOU WILL.



1 BOARD MEMBER RELIS: I'M NOT AGONIZING. BUT I'M
2 CONCERNED ABOUT IT. THAT'S WHERE I'M COMING FROM.

3 MS. DELMATIER: MR. RELIS. I'M GLAD YOU RAISED
4 THE CRITERIA THAT WAS DONE ON PAGE 188 BECAUSE I
5 NEGLECTED TO MENTION IN MY TESTIMONY THAT WE WOULD ALSO
6 RECOMMEND THAT THE LETTER TO THE ASSEMBLY DAILY JOURNAL
7 BE SUBSTITUTED FOR THE CRITERIA THAT'S OUTLINED IN THE
8 STAFF ANALYSIS.

9 BOARD MEMBER RELIS: YOU MEAN FOR WHAT'S IN
10 HERE?

11 CHAIRMAN HUFF: OKAY. ANY OTHER QUESTIONS?

12 MR. WHITE, YOUR TURN AGAIN.

13 MR. WHITE: MY NAME IS CHARLES WHITE.
14 REPRESENTING WASTE MANAGEMENT OF NORTH AMERICA.

15 I WAS NOT PRESENT DURING ALL THE
16 DISCUSSIONS RELATED TO 2296, BUT I HAVE HAD A NUMBER OF
17 DISCUSSIONS. I HOPE I CAN SHARE SOME OF MY THOUGHTS ON
18 THIS.

19 WASTE MANAGEMENT NORTH AMERICA IS THE
20 LARGEST RECYCLERS OF SOLID WASTE IN CALIFORNIA. WE'RE
21 COMMITTED TO INSURING THAT THE COMMUNITIES WHICH WE
22 OPERATE IN MEET THE DIVERSION GOALS OF 939.

23 I THINK DENISE BROUGHT UP A REALLY GOOD
24 POINT THAT REALLY NEEDS TO BE EMPHASIZED. THIS IS REALLY
25 MEANT TO BE A PROVISION DURING THIS GAP PERIOD. IT'S NOT



1 THE FINAL END SOLUTION. IT'S JUST SIMPLY A TEMPORARY
2 MEANS OF INSURING THAT IRREVOCABLE DECISIONS ARE NOT MADE
3 THAT WOULD PREVENT ATTAINMENT OF THE 939 GOALS.

4 TWO ISSUES THAT ARE BROUGHT OUT IN THE
5 AGENDA, AS PREPARED BY CAREN, IS TRUE. THERE'S REALLY
6 SUBSTANCE AND THEN THERE'S PROCESS. I THINK SUBSTANCE IS
7 PROBABLY THE MOST IMPORTANT. REALLY THE SUBSTANCE THAT
8 THE BOARD SHOULD DRAW UPON FOR GETTING GUIDANCE ON WHAT
9 ARE THE CRITERIA TO USE, I THINK ARE REALLY WELL SPELLED
10 OUT IN ASSEMBLYMAN CORTESE'S LETTER TO THE ASSEMBLY IN
11 PROVIDING THOSE TWO EXAMPLES OF KINDS OF THINGS THAT
12 ABSOLUTELY WOULD PREVENT THE ATTAINMENT OF DIVERSION
13 GOALS UNDER 939.

14 FLOW CONTROL ARRANGEMENTS THAT WOULD
15 MANDATE THE DIVERSION -- OR MANDATE WASTE TO GO TO THE
16 FACILITIES THAT ARE NOT ABLE TO DIVERT OR RECYCLE. OR
17 FINANCING ARRANGEMENTS THAT WOULD ACCOMPLISH THOSE
18 THINGS. THOSE ARE REALLY THE TWO PRIMARY EXAMPLES. THE
19 BOARD SHOULD TAKE A CLOSER LOOK AT FACILITIES AND PERMITS
20 THAT ARE ASSOCIATED WITH THOSE TWO TYPES OF LIMITATIONS.

21 BUT A FACILITY PERMIT ITSELF OR A FACILITY
22 IN AND OF ITSELF, DOES NOT PREVENT ATTAINMENT OF THESE
23 RECYCLING OR DIVERSION GOALS UNDER 939. THERE'S NOTHING
24 TO PREVENT A FACILITY FROM ADDING ADDITIONAL PROCESSES AT
25 A LATER DATE, ADDITIONAL PERMITTED ACTIVITIES AT A LATER



1 DATE. THERE'S NOTHING TO PREVENT OTHER FACILITIES TO
2 BEING ADDED AT A LATER DATE AS PART OF THE PLANS THAT ARE
3 DEVELOPED TO MEET THE DIVERSION GOALS OF 939.

4 IT'S ONLY THOSE THINGS THAT WOULD PREVENT
5 OR SUBSTANTIALLY IMPAIR, HOWEVER YOU WANT TO DEFINE IT.
6 AND THOSE ARE, BASICALLY, FLOW CONTROL AGREEMENTS AND
7 FINANCIAL ARRANGEMENTS. OTHER FACTORS DO NOT PREVENT
8 REALLY PREVENT ATTAINMENT OF THOSE GOALS. SO I WOULD
9 URGE YOU TO FOCUS, REALLY, ON THE KINDS OF ITEMS THAT ARE
10 BROUGHT OUT IN THE LETTER TO THE JOURNAL.

11 IN TERMS OF PROCESS, THAT'S SECONDARY.
12 CLEARLY, WE WOULD SUPPORT THE OPTION NO. 3, BUT THAT MAY
13 BE A BLENDING OF THE VARIOUS OPTIONS INTO SOME KIND OF A
14 FINAL PROCESS THAT WOULD BE MOST APPROPRIATE. CLEARLY,
15 THE MOST IMPORTANT IS THE CRITERIA THAT THE BOARD WOULD
16 USE IN EVALUATING PERMITS THAT COME BEFORE ITS REVIEW FOR
17 CONCURRENCE. THANK YOU.

18 CHAIRMAN HUFF: SAME QUESTION. UNDER OPTION 3.
19 I KNOW OPTION 3 SAYS, "NECESSITATES THE BOARD'S
20 CONSIDERATION OF PREVENTION OR IMPAIRMENT IF EVIDENCE IS
21 PRESENTED TO THE BOARD BY LOCAL GOVERNMENT."

22 HOW IS THE BOARD TO CONTENT ITSELF THAT IT
23 KNOWS WHETHER THERE'S BEEN SUBSTANTIAL EVIDENCE?

24 MR. WHITE: IF THERE IS NO EVIDENCE, THEN THERE
25 IS NO EVIDENCE.



1 CHAIRMAN HUFF: HOW DO WE KNOW THAT THERE IS NO
2 EVIDENCE AND HASN'T COME TO OUR ATTENTION?

3 MR. WHITE: I WOULD PRESUME IT WOULD BE BROUGHT
4 TO YOUR ATTENTION AS PART OF THE PUBLIC PROCESS TO REVIEW
5 AND CONCUR UPON THE ISSUANCE OF A PERMIT. IF THERE IS
6 EVIDENCE, IT WOULD BE BROUGHT FORWARD.

7 BOARD MEMBER RELIS: WOULD THE EVIDENCE -- I'M
8 JUST CURIOUS, IF I LIVED IN COMMUNITY "X" AND I HAD A
9 CONCERN ABOUT ANY FACILITY, AND I WROTE A LETTER TO THIS
10 BOARD AND SAID I'M CONCERNED THAT THIS MIGHT
11 SUBSTANTIALLY IMPAIR, WOULD THAT BE EVIDENCE?

12 MR. WHITE: IF YOU FELT IT MET THE TEST OF
13 PREVENTING OR SUBSTANTIALLY IMPAIR, AND THE GUIDANCE
14 YOU'RE GIVEN IN THE CORTESE'S LETTER TO THE ASSEMBLY
15 JOURNAL SAYS THAT FLOW CONTROL ARRANGEMENTS THAT WOULD
16 MANDATE WASTE GOING TO FACILITIES THAT ARE ONLY FOR
17 DISPOSAL AND CANNOT, BASICALLY, LOCK THAT WASTE STREAM
18 INTO ONLY DIVERSION -- ONLY DISPOSAL, AND WOULD NOT MAKE
19 IT AVAILABLE FOR DIVERSION OR RECYCLING OR FINANCING
20 ARRANGEMENTS THAT WOULD ONLY REQUIRE -- WOULD MANDATE THE
21 WASTE HAS TO -- THE ONLY WAY YOU CAN FINANCE A FACILITY
22 IS THROUGH WASTE DISPOSAL AT THAT FACILITY.

23 LACKING THOSE KINDS OF MEASURES, THERE
24 REALLY ISN'T ANYTHING ELSE THAT I'M AWARE OF THAT WOULD
25 PREVENT OR SUBSTANTIALLY IMPAIR MEETING THE DIVERSION



1 GOALS OF 939, BECAUSE OTHER TYPES OF FACILITIES. OTHER
2 TYPES OF MEASURES CAN ALWAYS BE ADDED AT A LATER DATE.

3 IT IS ONLY ARE YOU TAKING SOME ACTION THAT
4 WOULD PREVENT THOSE ADDITIONAL FACILITIES OR ADDITIONAL
5 ACTIVITIES FROM BEING ADDED LATER ON.

6 CHAIRMAN HUFF: OKAY.

7 ANY OTHER QUESTIONS?

8 THANK YOU. MR. MICHAEL.

9 MR. MICHAEL: MR. CHAIRMAN. MEMBERS OF THE
10 COMMITTEE, I'M JACK MICHAEL REPRESENTING LOS ANGELES
11 COUNTY. I WON'T REPEAT EVERYTHING THAT THOSE BEFORE ME
12 SAID, BUT I WOULD LIKE TO STRESS A COUPLE OF THINGS AND
13 ANSWER THE QUESTION YOU ASKED ME TO REMEMBER.

14 I THINK THE REAL IMPORTANT THING AS IT
15 RELATES TO THE CRITERIA IS THAT ON THE ONE HAND ONE CAN
16 ASSUME THAT INFORMATION IS EASY TO OBTAIN. BUT THE ISSUE
17 WE'RE DEALING WITH AND THE SPECIFIC PURPOSE OF AB 2296
18 WAS TO ESTABLISH -- REESTABLISH A PROCESS TO ACCOMPLISH
19 WHAT WAS NECESSARY IN BUILDING FACILITIES NO. 1 TO BEGIN
20 IMPLEMENTING DIVERSION PROGRAMS. AS WELL AS TO ASSURE
21 PUBLIC HEALTH AND SAFETY FOR THAT WASTE THAT NEEDED TO BE
22 DISPOSED DURING THE GAP OR INTERIM PERIOD WHEN
23 INFORMATION WAS NOT AVAILABLE. INFORMATION IS BEING PUT
24 TOGETHER AND YOUR BOARD STAFF HAS LOOKED AT DRAFT SOURCE
25 REDUCTION RECYCLING ELEMENTS.

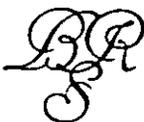


1 AS I'VE INDICATED MANY TIMES BEFORE, THAT
2 INFORMATION ISN'T NECESSARILY THE FINAL INFORMATION OR IN
3 SOME CASES MAY NOT BE VALID IN ANY SENSE. SO TO EXPECT
4 ANYBODY AT THE LOCAL LEVEL, AND PARTICULARLY ANYBODY AT
5 THE STATE LEVEL, TO BE ABLE TO SECURE THE TYPES OF
6 INFORMATION THAT WOULD BE AVAILABLE AFTER PLANS ARE
7 ADOPTED, WAS PRECISELY THE REASON THERE WAS A PROCESS PUT
8 FORTH TO DEAL WITH PERMITS DURING THE GAP.

9 AND SO ON THE BASIS OF THAT, AGAIN, THE
10 CRITERIA THAT'S LISTED IN THE STAFF PAPER, I THINK IS
11 TOTALLY INAPPROPRIATE OTHER THAN THE ONE CRITERIA THAT
12 REFLECTS WHAT WAS IN ASSEMBLYMAN CORTESE'S LETTER TO THE
13 JOURNAL WHICH ADDRESSES THE ISSUE OF CONTRACTS OR
14 AGREEMENTS RELATING TO FLOW CONTROL, ET CETERA.

15 WITH REGARD TO THE RECORD, THE RECORD IS
16 THE RECORD THAT IS THIS BOARD'S RECORD. IN THE PROCESS
17 OF HEARING PRESENTATIONS, PUBLIC TESTIMONY, WITH REGARD
18 TO A PERMIT ACTION ON A FACILITY, THE RECORD THAT IS
19 DEVELOPED THROUGH THAT PROCESS IS THE RECORD. IN MY
20 OPINION, THAT IS REFERRED TO IN THE STATUTORY LANGUAGE.

21 NOW, ANY FACILITY, IF IT IS CONTROVERSIAL,
22 IF, IN FACT, IS A FACILITY THAT BECAUSE OF FLOW CONTROL
23 CONTRACTS, BECAUSE OF FINANCING ARRANGEMENTS WOULD
24 SUBSTANTIALLY IMPAIR OR PREVENT ATTAINMENT OF GOALS, THAT
25 ISSUE IS GOING TO BE RAISED AT THE LOCAL LEVEL AT EVERY



1 OPPORTUNITY.

2 EVEN LIKELY IF THAT EVIDENCE IS NOT
3 SUBSTANTIAL OR MAYBE HAS EVEN NO BASIS IN FACT. SOME WILL
4 TRY TO CLAIM, AS THEY DO WITH MANY OTHER OF OUR
5 PROCESSES, CEQA AND EVERYTHING ELSE. CLAIM THAT THERE'S A
6 PROBLEM WITH A FACILITY SIMPLY BECAUSE THEY ARE THE
7 OPPONENTS OF IT. THAT IS HEARD ON THE PUBLIC RECORD, AND
8 AS YOU'VE EXPERIENCED ON A COUPLE OF FACILITIES.
9 EVERYTHING THAT WAS ON THE PUBLIC RECORD WAS PLACED ON
10 YOUR RECORD BY THOSE PEOPLE WHO HAD CONCERNS WITH THOSE
11 FACILITIES.

12 AGAIN, AS A STOP GAP PROVISION DURING THE
13 INTERIM PERIOD WHEN THERE IS NO PLANNING DATA THAT HAS
14 BEEN FINALIZED, I BELIEVE THAT SAME PROCESS WILL OCCUR.
15 SO THAT IF PEOPLE HAVE FACTUAL DATA, OR EVEN IF THEY
16 DON'T, THEY WILL INTRODUCE IT ON YOUR RECORD IN
17 CONNECTION WITH THAT PERMIT.

18 SO OUR RECOMMENDATION, FRANKLY, IS THE
19 LETTER TO THE JOURNAL AS CRITERIA, AND IT'S OPTION NO. 3.
20 BUT OUR UNDERSTANDING OF OPTION 3 IS THAT YOU WOULD
21 DIRECT YOUR STAFF TO NOT CONSIDER THE ISSUE OF PREVENTION
22 OR SUBSTANTIAL IMPAIRMENT AS AN ITEM ON EACH PERMIT, BUT
23 THAT YOU WOULD DEAL WITH THE ISSUE AT THE TIME THAT
24 SOMEONE PRESENTED ON YOUR RECORD EVIDENCE THAT THERE WAS
25 PREVENTION OR SUBSTANTIAL IMPAIRMENT.



1 AT THAT TIME. THEN. THE CRITERIA TO
2 EVALUATE WHETHER THAT EVIDENCE IS SUBSTANTIAL IS AGAIN
3 THE AUTHOR'S INTENT. AND THAT CAN BE EVALUATED AND MUST
4 BE EVALUATED ON A CASE-BY-CASE BASIS. SUCH AS REGIONAL
5 WATER BOARDS DEAL WITH WATER QUALITY ISSUES NOT ON A
6 STATEWIDE BASIS, BUT ON AN INDIVIDUAL CASE-BY-CASE BASIS
7 DEPENDING ON THE SITUATION OF THE FACILITY, THE SITUATION
8 OF THE COMMUNITY, AND THE ISSUES THAT HAVE BEEN RAISED.
9 AT THAT TIME THERE'S AN ASSESSMENT BASED ON THAT LETTER
10 TO THE JOURNAL AS TO WHETHER THERE IS SUBSTANTIAL
11 EVIDENCE.

12 IN SUMMARY, OUR RECOMMENDATION REALLY IS
13 THAT YOU DON'T DO ANYTHING UNTIL SOMEBODY BRINGS TO YOUR
14 RECORD THE ISSUE.

15 CHAIRMAN HUFF: QUESTIONS?

16 BOARD MEMBER EGIGIAN: WHAT CRITERIA DO YOU
17 LIKE?

18 MR. MICHAEL: THE LETTER TO THE JOURNAL.

19 BOARD MEMBER EGIGIAN: WHAT OPTION DO YOU LIKE,
20 I MEAN?

21 MR. MICHAEL: OPTION 3, THREE MODIFIED. THE
22 LETTER TO THE JOURNAL IS THE CRITERIA. I BELIEVE THAT IF
23 YOU READ OPTION 3, IT SAYS THAT THE EVIDENCE WILL BE
24 BROUGHT FORTH BY LOCAL GOVERNMENT, REGULATED COMMUNITY
25 INTEREST GROUPS, OR THE PUBLIC, ON YOUR RECORD.



1 MY UNDERSTANDING OF THAT OPTION WOULD BE
2 THAT ON AN ONGOING BASIS THERE ISN'T AN EVALUATION OF THE
3 ISSUE. IT IS ONLY EVALUATED AT SOME TIME THAT LOCAL
4 GOVERNMENT, REGULATED COMMUNITY INTEREST GROUPS, OR THE
5 PUBLIC BRING TO YOUR RECORD WHAT THEY CONSIDER TO BE
6 EVIDENCE OF PREVENTION OR SUBSTANTIAL IMPAIRMENT.

7 CHAIRMAN HUFF: STAFF DOESN'T EVEN ASK THE
8 QUESTION, THEY WAIT UNTIL SOMEONE KNOCKS ON THEIR DOOR?

9 MR. MICHAEL: RIGHT.

10 CHAIRMAN HUFF: OKAY.

11 MR. MICHAEL: THANK YOU.

12 ATTORNEY CONHEIM: MR. CHAIRMAN.

13 CHAIRMAN HUFF: YES, MR. CONHEIM.

14 ATTORNEY CONHEIM: JACK'S CONSTRUCT SEEMS TO BE
15 INTERNALLY INCONSISTENT IN THAT IF HE WANTS TO USE THE
16 JOURNAL LETTER CRITERIA, THEN IF NOBODY HAPPENED TO TELL
17 US ABOUT A FLOW CONTROL CONTRACT, HE'S TELLING US WE
18 COULDN'T TAKE NOTICE OF IT.

19 CHAIRMAN HUFF: WE CAN'T ASK. THAT'S RIGHT.

20 ATTORNEY CONHEIM: BUT IF WE KNOW ABOUT IT
21 BECAUSE THOSE THINGS ARE MATTERS OF PUBLIC RECORD, HE'S
22 SAYING WE CAN'T EVEN --

23 CHAIRMAN HUFF: SOMEONE HAS TO KNOCK ON OUR
24 DOOR.

25 ATTORNEY CONHEIM: SOMEONE MUST KNOCK ON OUR



1 DOOR WITH IT.

2 I WONDER WHETHER -- I JUST THINK WE NEED --
3 WE COULD KNOW ABOUT THOSE THINGS. AND THE LAW WOULD ALLOW
4 US TO TAKE OFFICIAL NOTICE OF OFFICIAL GOVERNMENT ACTIONS
5 AND --

6 CHAIRMAN HUFF: THE QUESTION IS WHOSE RECORD?
7 WHEN YOU SAY THE RECORD IS ONLY THOSE MATTERS THAT COME
8 BEFORE US, WE'VE CUT OFF AN AWFUL LOT.

9 ATTORNEY CONHEIM: OKAY. AS LONG AS THAT'S
10 UNDERSTOOD.

11 CHAIRMAN HUFF: YEAH. YOU REALLY HAVE. OKAY.

12 BUT WE UNDERSTAND YOUR POSITION, JACK.
13 THANK YOU.

14 THE LAST PERSON I HAVE IS DAVID TAM.

15 MR. TAM: DAVID TAM, REPRESENTING FOUR COUNTIES
16 IN THE SENSE THAT I'M THE SOLID WASTE CHAIR FOR THE
17 SIERRA CLUB, FOR THE SAN FRANCISCO BAY CHAPTER AND A
18 RESIDENT OF BERKELEY. I MUST SAY THAT I'M NOT
19 REPRESENTING THE OTHER 12 CHAPTERS OF CALIFORNIA. I HAVE
20 NO SPECIFIC KNOWLEDGE OF WHAT IS GOING ON IN THE OTHER 54
21 COUNTIES OF THE STATE.

22 I UNDERSTAND THAT THE PROCEEDING TODAY WILL
23 GO EITHER TO ANOTHER MEETING OF THIS COMMITTEE. THEN TO
24 THE FULL BOARD, OR DIRECTLY TO THE FULL BOARD. SO I
25 THINK YOU WILL PROBABLY HEAR SUCH AN IMPORTANT MATTER



1 FROM OTHER ENVIRONMENTAL GROUPS AROUND THE STATE. I
2 CERTAINLY HOPE SO BECAUSE I THINK IT'S A VERY IMPORTANT
3 DISCUSSION THAT WE'RE HAVING HERE TODAY.

4 I WOULD LIKE TO JUST SAY, I THINK GET
5 ACROSS TWO THINGS: ONE, IT IS MY OPINION BASED UPON THE
6 EXPERIENCE THAT WE HAVE HAD IN MARIN COUNTY, SAN
7 FRANCISCO COUNTY, WHICH DOES NOT HAVE A LANDFILL BUT DOES
8 HAVE SOME OTHER SOLID WASTE FACILITIES, AND I MIGHT ADD
9 SOME FAIRLY GOOD ACTIVITY GOING ON THERE IN THAT COUNTY,
10 AND ALAMEDA AND CONTRA COSTA COUNTY, THAT I THINK THAT
11 THE ENVIRONMENTAL COMMUNITY WOULD PREFER OPTION 1 WITH AN
12 LEA EVALUATION, AT LEAST IN THOSE FOUR, SPEAKING FROM THE
13 EXPERIENCE OF THOSE FOUR COUNTIES.

14 THE WITNESS PRECEDING ME FROM LOS ANGELES
15 COUNTY INDICATED THAT YOU'RE GOING TO GET A LOT OF
16 GARBAGE ON THE LOCAL RECORD. WITH ALL DUE RESPECT,
17 YOU'RE GOING TO GET A LOT MORE INPUT AT THE LOCAL LEVEL
18 FROM PEOPLE THAT CAN AFFORD TO TAKE THE TIME TO, AT
19 LEAST, GO TO A LOCAL HEARING IN THAT COUNTY THAN CAN FLY
20 UP HERE FROM PLACES FARTHER THAN THE BAY AREA OR THE
21 CENTRAL VALLEY.

22 I THINK THERE'S SORT OF A TRADE-OFF BETWEEN
23 THE AMOUNT OF INFORMATION THAT'S GOING TO HAVE TO BE
24 PROFESSIONALLY EVALUATED AND SCREENED, BOTH AT THE LOCAL
25 ENFORCEMENT AGENCY LEVEL AND AT THE PROFESSIONAL STAFF



1 LEVEL HERE IN SACRAMENTO. THE PUBLIC'S RIGHT TO COMMENT
2 UPON THE ACHIEVEMENT OF THE VERY, VERY WORTHY GOALS OF
3 ASSEMBLY BILL 939 THAT 2296 SOUGHT TO FURTHER AND TO
4 INSURE.

5 I'M NOT FAMILIAR WITH NOR WAS I PRESENT AT
6 THE DISCUSSIONS ABOUT 2296. I'M NOT FAMILIAR WITH THE
7 AUTHOR'S INTENT AS INDICATED IN THE CORRESPONDENCE THAT I
8 HOPE IT WILL BE INCLUDED IN WHATEVER GOES FORTH FROM THIS
9 PROCEEDING UP TO THE FULL BOARD OR TO SUBSEQUENT
10 COMMITTEE MEETINGS. I'D LIKE TO SEE THAT, TOO.

11 I DO THINK THAT THE DATA REQUIREMENTS THAT
12 ARE SPELLED OUT IN THE STAFF DISCUSSION ON PAGE 2, BEGIN
13 TO GO TO THE HEART OF THE MATTER AS WE UNDERSTAND IT WITH
14 RESPECT TO THE ATTAINMENT OR THE NONSUBSTANTIAL
15 ATTAINMENT OF AB 939 GOALS IN OUR DRAFT THREE PLANS THAT
16 ARE COMING OUT. WITHOUT MENTIONING NAMES OF COUNTIES,
17 I'LL JUST GIVE YOU TWO KINDS OF CIRCUMSTANCES THAT ARE
18 HAPPENING IN TWO BAY AREA COUNTIES AT THIS TIME.

19 IN ONE COUNTY, IT'S NOT CLEAR IF WE'RE
20 GOING TO HAVE ONE LANDFILL, TWO LANDFILLS, OR NO
21 LANDFILLS. IT'S NOT CLEAR IF WE'RE GOING TO HAVE ONE
22 PERMANENT TRANSFER STATION OR NO PERMANENT TRANSFER
23 STATIONS. MANY THINGS TODAY MAY TRANSPIRE IN THE GAP,
24 EVEN AS SHORT AS THE GAP IS FOR THIS PARTICULAR COUNTY.
25 THAT WILL LEAD TO A CASE SITUATION, WHICH I WOULD SAY



1 COULD LEAD TO SUBSTANTIAL NONCOMPLIANCE. SUBSTANTIAL
2 IMPAIRMENT OF THE GOALS.

3 IT MIGHT HAVE NOTHING TO DO WITH FLOW
4 CONTROL LEGISLATION OR A FINANCIAL ARRANGEMENT. IT MIGHT
5 HAVE TO DO WITH SOMETHING LIKE WHAT IS WINKED AT IN
6 ANOTHER COUNTY, WHICH IS THE DISTRIBUTION OF THE INERT
7 RECYCLING. ITS PROPORTIONATE SHARE IN EACH COMMUNITY NO
8 MATTER HOW RESIDENTIAL AND UNINDUSTRIAL IT MIGHT BE SO
9 THAT CERTAIN COMMUNITIES WITH VIRTUALLY NO RECYCLING OR
10 VOLUNTARY CURB-SIDE RECYCLING ARE ACHIEVING ALREADY
11 PERCENTAGES ON BOOKS AND HAVE PLANS COMING UP TO YOU AND
12 TO YOUR STAFF FOR EVALUATION, 40 TO 48 PERCENT RECYCLING.

13 SO I WOULD JUST CIRCLE BACK AND SAY THAT
14 THERE WILL BE PEOPLE WHO WILL HAVE SPECIFIC KNOWLEDGE OF
15 THIS KIND OF NONCOMPLIANCE THAT WILL BASICALLY ENTER THAT
16 TESTIMONY ON THE RECORD AT THE LOCAL LEVEL. THERE WILL
17 BE A SMALLER NUMBER OF PEOPLE THAT WILL GO TO THE TROUBLE
18 TO BRING IT UP HERE, BUT I THINK THE ADVANTAGE OF OPTION
19 1, OF GIVING THE LEA THE OPTION TO TAKE THAT INFORMATION
20 AT THE LOCAL LEVEL AND THEN EITHER PRESENT THAT OR GIVE
21 YOUR STAFF AN OPPORTUNITY TO GO DOWN AND INVESTIGATE THE
22 CIRCUMSTANCES, IS THE MORE FAITHFUL TO THE OBJECTIVES OF
23 BOTH 2296 AND 939.

24 BY THE WAY, I WOULD ADD THAT MR. BOONE,
25 WHILE HE WAS PERHAPS A LITTLE SEVERE ON STAFF, WILL



1 NONETHELESS GET A RIDE BACK WITH ME TO THE BAY AREA.

2 CHAIRMAN HUFF: ANY QUESTIONS? OKAY.

3 WELL. THE ITEM IS BEFORE US. I THINK
4 PROBABLY THE BEST COURSE -- I MIGHT SUGGEST THIS TO MY
5 COLLEAGUES AND SEE IF ONE OF THEM IS INCLINED TO MAKE THE
6 MOTION. I THINK THAT THE BEST COURSE IS TO CONTINUE THIS
7 MATTER BECAUSE IT IS CLEAR THAT THERE ARE A NUMBER OF
8 PEOPLE INVOLVED IN THE DRAFTING OF THIS LEGISLATION AND
9 INTERPRETING IT, AND I THINK WE NEED INPUT. WE HAVE
10 INPUT FROM SOME OF THEM TODAY. WE DON'T HAVE INPUT FROM
11 ALL OF THEM.

12 I SENSE THAT SOME OF THE QUESTIONS THAT
13 HAVE BEEN ASKED, MAYBE THE ANSWERS HAVE BEEN THE BEST
14 POSSIBLE, BUT THEY MAY NOT COMPLETELY MAKE COMMITTEE
15 MEMBERS COMFORTABLE IN VOTING TODAY.

16 MY SUGGESTION, COMMITTEE MEMBERS, IS THAT
17 WE CONTINUE THIS ITEM TO MAY 13.

18 BOARD MEMBER EGIGIAN: I'LL MOVE THAT.

19 CHAIRMAN HUFF: OKAY. WITHOUT OBJECTION, WE'LL
20 SUBSTITUTE THE PRIOR ROLL CALL. THE AYES ARE THREE, THE
21 NOES ARE NONE. THE ITEM IS CONTINUED.

22 THAT BRINGS US TO OPEN DISCUSSION. DOES
23 ANYONE DARE HAVE ANY OPEN DISCUSSION?

24 HEARING NONE. WE'RE ADJOURNED.

25 (MEETING ADJOURNED AT 5:05 P.M.)



Reporter's Certificate

* * * * *

I, ANNE L. STARK hereby certify:

that on the 22nd of
APRIL 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

