

**CERTIFIED  
COPY**

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE: )  
 )  
PERMITTING AND ENFORCEMENT )  
COMMITTEE MEETING )  
MAY 13, 1992 )  
\_\_\_\_\_ )

DATE AND TIME: WEDNESDAY, MAY 13, 1992, 10 A.M.

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

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

BRS FILE NO.: 11666

*B.C.D.*  
*(S)*

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APPEARANCES

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

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MR. DON WALLACE, CHIEF DEPUTY EXECUTIVE OFFICER  
MR. ROBERT F. CONHEIM, GENERAL COUNSEL

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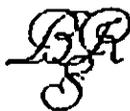
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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
PERMITTING AND ENFORCEMENT COMMITTEE

WEDNESDAY, MAY 13, 1992

10 A.M.

CHAIRMAN HUFF: BY AT LEAST ONE OF THE CLOCKS IN THIS ROOM IT'S 10 O'CLOCK. WE HAVE A LONG AGENDA, SO WE'RE GOING TO GET STARTED. I EXPECT THAT MR. RELIS WILL BE HERE. DON'T I EXPECT THAT? IF HE CAN HEAR US, PAUL, WE'RE GOING. OKAY.

IS ORANGE COUNTY HERE? OKAY. THEN WE'LL START WITH NO. 2. I WASN'T SURE WHETHER YOUR FLIGHT WAS GOING TO BE ON TIME OR NOT. IT WAS. SUPER.

ROLL CALL TO ESTABLISH A QUORUM.

COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

BOARD MEMBER EGIGIAN: HERE.

COMMITTEE SECRETARY: RELIS?

BOARD MEMBER RELIS: (NO RESPONSE.)

COMMITTEE SECRETARY: CHAIRMAN HUFF?

CHAIRMAN HUFF: HERE.

QUORUM IS PRESENT. ITEM NO. 2. WE DON'T NEED TO DO ANYTHING ON -- OH, WE DO. ITEM NO. 1, IS THERE SOMETHING HERE FOR US? YES. ALL RIGHT. ITEM NO. 1. I'M SORRY.

MR. MEYERS: GOOD MORNING, BOARD MEMBERS. ITEM

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1 NO. 1 IS NEARING THE END OF A LONG PROCESS THAT BEGAN  
2 NOVEMBER OF LAST YEAR WITH STAFF DEVELOPING CONCEPTS FOR  
3 CONTRACTS TO BE EXECUTED DURING THIS FISCAL YEAR.  
4 CULMINATED -- THAT EFFORT CULMINATED JANUARY 15TH AT A  
5 BOARD MEETING WHERE THE BOARD APPROVED A RANGE OF  
6 CONTRACT CONCEPTS TO BE EXECUTED BY THE END OF THIS  
7 FISCAL YEAR.

8 STARTING JANUARY 16TH, STAFF BEGAN  
9 DEVELOPING WORK DESCRIPTIONS, MINIMUM BID REQUIREMENTS,  
10 AND THESE WERE APPROVED THROUGH AN INFORMAL PROCESS AND  
11 RESULTED IN RFP'S WHICH WERE RELEASED BEGINNING  
12 MID-FEBRUARY. THE BULK OF THEM BEING RELEASED FEBRUARY  
13 28TH.

14 THE RESPONSES TO THESE RFP'S WERE  
15 SUBMITTED, THE BULK OF THEM, ON APRIL 10TH OF THIS YEAR.  
16 WE RECEIVED 108 PROPOSALS. AND SINCE THAT TIME, STAFF  
17 HAS BEEN EVALUATING THESE PROPOSALS AND IS NOW BRINGING  
18 THE LOWEST QUALIFIED BIDDER TO EACH COMMITTEE TO HAVE THE  
19 COMMITTEES RECOMMEND THE AWARD OF THESE CONTRACTS TO THE  
20 FULL BOARD, WHO WILL ACT TO AWARD THESE CONTRACTS AT THE  
21 END OF THIS MONTH.

22 WE'RE BRINGING BACK TO THIS COMMITTEE A  
23 CONTRACT WITH CONCEPTS THAT WERE ASSIGNED TO THIS  
24 COMMITTEE AND WERE COMBINED INTO A CONTRACT CALLED THE  
25 "PERMITTING ISSUES STUDY." AND THIS CONTRACT CONTAINS

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1 TWO DIFFERENT PROJECTS, ONE A PERMIT CONSOLIDATION STUDY  
2 AND THE OTHER INVOLVING DATA COLLECTION AND PROVIDING  
3 TECHNICAL ASSISTANCE FOR COMPOSTING FACILITIES.

4 STAFF RECEIVED SIX PROPOSALS FOR THIS  
5 CONTRACT, AND THREE OF THESE PROPOSALS WERE DISQUALIFIED  
6 BECAUSE THEY RECEIVED LESS THAN A MINIMUM PASSING SCORE.  
7 EACH PROPOSAL WAS EVALUATED BY THREE STAFF MEMBERS FROM  
8 THE PERMITTING AND COMPLIANCE DIVISION AND RATED THEM  
9 ACCORDING TO THE CRITERIA IN THE RFP, AND ONLY THREE  
10 CONTRACTORS RECEIVED A SCORE ABOVE THE MINIMUM REQUIRED,  
11 WHICH IS 85 POINTS.

12 SO TODAY WE'RE HERE ASKING YOUR  
13 RECOMMENDATION TO AWARD THE CONTRACT TO THE LOWEST OF  
14 THESE THREE QUALIFIED BIDDERS, WHICH IS EMCON ASSOCIATES,  
15 WHO SUBMITTED A BID TO DO THIS PROJECT FOR \$272,424.  
16 WE'RE ASKING YOUR RECOMMENDATION NOW TO AWARD THIS  
17 CONTRACT TO EMCON ASSOCIATES.

18 CHAIRMAN HUFF: LET ME ASK A QUESTION. HAVE YOU  
19 HEARD FROM ANYONE WHO IS DISSATISFIED WITH OUR PROCESS IN  
20 REACHING THIS CONCLUSION?

21 MR. MEYERS: ON THIS CONTRACT SPECIFICALLY?  
22 YES, THERE WAS ANOTHER BIDDER, CAL RECOVERY, WHO  
23 SUBMITTED A COST PROPOSAL WHOSE BOTTOM LINE TOTAL WAS  
24 LOWER THAN EMCON ASSOCIATES' PROPOSAL. HOWEVER, THE  
25 INDIVIDUAL ITEMS ON THE COST PROPOSAL DID NOT ADD UP TO

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1 THAT BOTTOM-LINE FIGURE.

2 CHAIRMAN HUFF: WHEN YOU ADDED UP THE INDIVIDUAL  
3 ITEMS, DID IT EXCEED EMCON'S?

4 MR. MEYERS: YES.

5 CHAIRMAN HUFF: OKAY. ON THE OTHER ONE, THE  
6 WASTE MANAGEMENT PROGRAM AND TECHNICAL ANALYSIS, WAS  
7 THERE ANY?

8 MR. MEYERS: THIS ONE WAS PRESENTED ALREADY AT  
9 THE POLICY COMMITTEE.

10 CHAIRMAN HUFF: SO WE'RE JUST DISCUSSING EMCON?

11 MR. MEYERS: CORRECT, JUST THE PERMITTING ISSUES  
12 STUDY.

13 CHAIRMAN HUFF: AND THE ONLY CONTACT YOU'VE HAD  
14 IS FROM THE PEOPLE WHO COULDN'T ADD?

15 MR. MEYERS: CORRECT.

16 CHAIRMAN HUFF: OKAY. THE ITEM IS BEFORE US.  
17 ANY QUESTIONS?

18 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I JUST WANT  
19 TO BE SURE, AND I THINK YOU ASKED ALL THE QUESTIONS THAT  
20 I WOULD HAVE, I WANT TO MAKE SURE THAT WE ARE NOT -- I  
21 SHOULDN'T SAY NOT. I WANT TO MAKE SURE THAT WE'RE DOING  
22 ALL THE EVALUATIONS AS THEY SHOULD BE DONE BECAUSE  
23 THERE'S BEEN SOME QUESTION IN THE PAST, AND I JUST WANT  
24 TO BE SATISFIED THAT WE'RE USING THE RIGHT PROCESS TO GET  
25 TO THE AWARDING OF THE CONTRACT TO WHOEVER.

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1 MR. MEYERS: YEAH. THIS FOLLOWED THE STANDARD  
2 PROCEDURE LAID OUT IN SAM, IN THAT EACH PROPOSAL WAS  
3 REVIEWED, NOT KNOWING THE COST PROPOSAL. WE DIDN'T KNOW  
4 WHAT EACH CONTRACTOR WOULD CHARGE. STAFF STRICTLY LOOKED  
5 AT THE TECHNICAL QUALIFICATIONS THAT WERE PRESENTED IN  
6 THE PROPOSAL AND THEIR METHODOLOGIES AND THEIR BACKGROUND  
7 AND THE STAFF BEING PROPOSED TO DO THE WORK BY THE  
8 CONTRACTOR AND SCORED THEM ON AN OBJECTIVE SET OF  
9 CRITERIA LAID OUT IN THE RFP, YOU KNOW, THE BACKGROUND OF  
10 THE CONTRACTOR, SUITABILITY OF DOING THE WORK, THE  
11 SUITABILITY AND METHODOLOGY, AND THINGS OF THAT NATURE.

12 AND STAFF DID IT USING THREE STAFF PEOPLE  
13 INDEPENDENTLY REVIEWING THE PROPOSALS, EACH OF THEM  
14 SCORING THEM, AND THEN AVERAGING THEIR SCORES TOGETHER,  
15 AND ONLY QUALIFYING THE FIRMS THAT ALTOGETHER ALL STAFF  
16 MEMBERS FELT WERE QUALIFIED TO DO THE WORK. SO NONE OF  
17 THE THREE BIDDERS WHOSE COST PROPOSALS WE OPENED, STAFF  
18 HAS NO QUESTION ABOUT ANY THREE OF THEM DOING THE WORK OF  
19 THIS CONTRACT. AND THAT'S THE RULES OF THE GAME IS YOU  
20 DON'T OPEN THE COST PROPOSAL UNLESS YOU'RE CERTAIN THEY  
21 CAN DO THE WORK.

22 CHAIRMAN HUFF: LET ME ELABORATE BECAUSE I THINK  
23 THERE'S A COMMON PHENOMENON GOING ON HERE, AND I'M SURE  
24 THAT PAUL'S EXPERIENCED IT TOO. AS BOARD MEMBERS GO FROM  
25 PLACE TO PLACE, VARIOUS INDIVIDUALS APPROACH THEM. AND

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1 THIS OCCURRED WITH ME AS RECENTLY AS LAST FRIDAY. AND  
2 THEY SAY THINGS LIKE, "I CAN'T BELIEVE THE EVALUATION WE  
3 GOT," OR "I CAN'T BELIEVE THAT WE'RE NOT QUALIFIED,"  
4 OR -- AND IT'S ALL VERBAL. AND THEY SAY IT AND IT'S  
5 GONE. I DON'T HAVE ANYTHING IN WRITING.

6 I'M NOT SUGGESTING THAT OUR PROCESS IS  
7 INAPPROPRIATE, BUT I'M JUST SAYING THAT BOARD MEMBERS,  
8 AND I'M SURE ALL SIX OF US, BECAUSE WE'RE PROCESSING SO  
9 MANY CONTRACTS, ARE ALL GETTING THIS SORT OF BACKGROUND  
10 NOISE, IF YOU WILL. AND SO WE'RE GOING TO ASK THESE  
11 QUESTIONS.

12 I DON'T THINK THAT THERE IS ANYTHING WE CAN  
13 DO EXCEPT FOLLOW THE STATE CONTRACTING PROCEDURES ACT  
14 CAREFULLY, CLOSELY. AND CERTAINLY, IF ALL THESE THINGS  
15 ARE VERBAL AND NO ONE BOTHERS TO PUT IT IN WRITING, NO  
16 ONE BOTHERS TO COME TO THE COMMITTEE MEETING, THEN  
17 THERE'S NO OTHER OPTION FOR THEM OR US. OKAY. BUT I DID  
18 WANT TO STATE THAT THIS PHENOMENA IS OCCURRING.

19 SO WITH THAT, IS THERE ANYONE IN THE  
20 AUDIENCE, I DON'T HAVE A SLIP OF PAPER ON IT, IS THERE  
21 ANYONE IN THE AUDIENCE WHO WISHES TO ADDRESS THIS  
22 COMMITTEE ON THIS CONTRACT? FINE. IS THERE A MOTION?

23 BOARD MEMBER EGIGIAN: I SO MOVE, MR. CHAIRMAN.

24 BOARD MEMBER RELIS: SECOND.

25 CHAIRMAN HUFF: ROLL CALL.

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1 COMMITTEE SECRETARY: MEMBER EGIGIAN?

2 BOARD MEMBER EGIGIAN: AYE.

3 COMMITTEE SECRETARY: MEMBER RELIS?

4 BOARD MEMBER RELIS: AYE.

5 COMMITTEE SECRETARY: CHAIRMAN HUFF?

6 CHAIRMAN HUFF: AYE.

7 MOTION IS THREE ZERO.

8 MR. MEYERS: THANK YOU.

9 CHAIRMAN HUFF: ITEM 2.

10 MR. MORALEZ: MEMBERS OF THE COMMITTEE, MY NAME  
11 IS PHIL MORALEZ, FOR THE RECORD, MANAGER OF THE PERMITS  
12 BRANCH. AND THE ITEM BEFORE YOU IS THE REQUEST FOR A  
13 PERMIT FOR A NEW MRF AT THE STANTON RECYCLING TRANSFER  
14 STATION IN ORANGE COUNTY. AS YOU MAY NOTE, THE ITEM  
15 BEFORE YOU, THERE IS NO RECOMMENDATION BY STAFF. AT THE  
16 TIME THAT THE PERMIT WAS SUBMITTED, IT PROVIDED FOR ONLY  
17 THE PERMITTING OF THE NEW MRF; HOWEVER, THERE WAS AN  
18 EXISTING OLD MRF IN OPERATION.

19 BECAUSE THE PERMIT DID NOT ENCOMPASS THE  
20 ENTIRE OPERATION, STAFF FELT THAT IT WAS NOT IN  
21 COMPLIANCE; HOWEVER, THE LEA HAS ASSURED US AND THEY'RE  
22 HERE TO PRESENT INFORMATION THAT THE NEW MRF OR THE OLD  
23 MRF IS NO LONGER OPERATING AND, THEREFORE, THE NEW PERMIT  
24 WILL ENCOMPASS ONLY THE NEW MRF OPERATION.

25 CHRIS DEIDRICK FROM MY STAFF WILL MAKE THE

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1 PRESENTATION. WE HAVE SOME SLIDES AND OTHER INFORMATION  
2 TO PROVIDE YOU TO GIVE YOU AN IDEA OF WHAT THE FACILITY  
3 IS LIKE AND WHAT IS ACTUALLY BEING PERMITTED.

4 CHAIRMAN HUFF: VERY GOOD.

5 MR. DEIDRICK: GOOD MORNING. MY NAME IS CHRIS  
6 DEIDRICK, AND I REPRESENT THE PERMITS BRANCH.

7 BEFORE I START, FOR THE RECORD, I'D LIKE TO  
8 POINT OUT SOME ERRORS IN THE AGENDA ITEM TODAY. FIRST,  
9 ON PAGE 3 OF THE AGENDA, THE LAST TWO STATE MINIMUM  
10 STANDARD VIOLATIONS SHOULD BE CHANGED AS FOLLOWS:  
11 SECTION 17512, CLEANING, SHOULD BE REPLACED WITH SECTION  
12 17516, SALVAGING AT -- PARDON ME -- SALVAGING PERMITTED  
13 AT TRANSFER STATIONS. AND SECTION 17577, STATION  
14 MAINTENANCE PROGRAM, SHOULD BE REPLACED WITH SECTION  
15 17519, PROCESSING OPERATIONS.

16 ALSO, THE FIRST AND SECOND PAGES OF THE  
17 ATTACHED REVISED PERMIT, AND THEY SHOULD BE FOUND ON  
18 PAGES 16 AND 17 OF YOUR AGENDA, NEED TO BE REPLACED AND  
19 YOU SHOULD HAVE THE AMENDED PAGES BEFORE YOU.

20 THE ITEM BEFORE YOU TODAY REGARDS THE  
21 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED  
22 SOLID WASTE FACILITY PERMIT FOR THE STANTON RECYCLING AND  
23 TRANSFER STATION WHICH IS LOCATED IN ORANGE COUNTY. THE  
24 REVISION IS NECESSARY BECAUSE OF THE CONSTRUCTION OF A  
25 40,000 SQUARE FOOT BUILDING WHICH HOUSES A MATERIALS

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1 RECOVERY FACILITY OR MRF, WHICH IS DESIGNED TO RECOVER A  
2 MINIMUM OF 25 PERCENT OF ALL PROCESSED WASTE TONNAGE.

3 THE MRF IS IN ADDITION TO AND WILL REPLACE  
4 A SMALLER TEMPORARY MRF THAT IS CURRENTLY BEING  
5 DISMANTLED. THE FACILITY RECEIVES A MAXIMUM OF 1800 TONS  
6 PER DAY OF NONHAZARDOUS SOLID WASTE. THE FACILITY IS  
7 OPEN TO THE GENERAL PUBLIC AND COMMERCIAL HAULERS.

8 THE OLDER FACILITY AT THIS SITE CONSISTS OF  
9 A 36,425 SQUARE FOOT ENCLOSED METAL BUILDING THAT  
10 UTILIZES A RAMP DUMP SYSTEM OF TRANSFERRING SOLID WASTE  
11 FROM COLLECTION VEHICLES INTO OPEN-TOP TRANSFER TRAILERS.

12 ATTACHED TO THE WEST END OF THE OLDER  
13 FACILITY IS THE NEW 40,000 SQUARE FOOT BUILDING WHICH  
14 ACCOMMODATES THE NEW MRF. A TYPICAL OPERATION STARTS  
15 WHEN COLLECTION VEHICLES ENTER THE SITE AND ARE WEIGHED  
16 AT THE SCALE HOUSE. THE VEHICLES THEN PROCEED TO THE  
17 TRANSFER BUILDING AND UNLOAD WASTE ONTO THE TIPPING  
18 FLOOR. THE WASTE IS THEN PUSHED BY LOADER ONTO A FLOOR  
19 LEVEL CONVEYOR BELT SYSTEM WHICH MOVES THE WASTE INTO A  
20 LARGE TRAMMEL, WHICH SEPARATES THE WASTE ACCORDING TO  
21 SIZE.

22 SOLID WASTE EXITS THE TRAMMEL ONTO ONE OF  
23 SEVERAL CONVEYORS WHERE WORKERS HAND-SORT RECYCLABLES  
24 ACCORDING TO TYPE. THE RECYCLABLES ARE PLACED IN METAL  
25 BINS AND THEN BALED. WASTE WHICH IS NOT REMOVED FROM THE

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1 CONVEYOR SYSTEM FOR RECYCLING CONTINUES ON THE CONVEYOR  
2 SYSTEM BACK ONTO THE TIPPING FLOOR OF THE TRANSFER  
3 BUILDING. THE RESIDUAL WASTE IS PUSHED FROM THE TIPPING  
4 FLOOR TO THE TRANSFER TRAILER THROUGH AN OPEN PIT.

5 IN PREPARING THIS AGENDA ITEM FOR BOARD  
6 CONSIDERATION, THE LEA AND BOARD STAFF HAVE DETERMINED  
7 THE FOLLOWING: ONE, THAT THE FACILITY DESIGN IS  
8 CONSISTENT WITH ORANGE COUNTY SOLID WASTE MANAGEMENT PLAN  
9 DATED 1989; TWO, THE FACILITY IS IN CONFORMANCE WITH THE  
10 CITY OF STANTON GENERAL PLAN; THREE, THE PROJECT IS  
11 CONSISTENT WITH WASTE DIVERSION GOALS OF AB 939; AND  
12 FOUR, CEQA HAS BEEN COMPLIED WITH.

13 STAFF IS NOT MAKING A RECOMMENDATION IN THE  
14 CONCURRENCE OF THE PERMIT FOR THE FOLLOWING TWO REASONS:  
15 FIRST, AT THE TIME THE AGENDA ITEM WAS PREPARED, THERE  
16 WERE OUTSTANDING STATE MINIMUM STANDARDS VIOLATIONS; AND,  
17 SECOND, WHEN THE PROPOSED PERMIT WAS SUBMITTED, THERE WAS  
18 A TEMPORARY MRF IN OPERATION AT THE FACILITY. THIS MRF  
19 WAS NOT DESCRIBED IN THE REPORT OF STATION INFORMATION OR  
20 THE REVISED PERMIT.

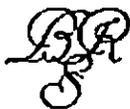
21 THIS CONCLUDES MY PRESENTATION AT THIS  
22 TIME. MS. PATTI HENSHAW FROM THE LOCAL ENFORCEMENT  
23 AGENCY AND MR. MIKE SILVA, THE OPERATOR, ARE PRESENT  
24 TODAY IF YOU HAVE ANY QUESTIONS.

25 CHAIRMAN HUFF: VERY GOOD. ANY QUESTIONS OF

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1 STAFF?

2 BOARD MEMBER EGIGIAN: YES, MR. CHAIRMAN. I  
3 DON'T SEE THE SIGNIFICANCE OF MAKING AN ISSUE OUT OF THE  
4 FACT THAT THERE WAS A SMALLER RECYCLING FACILITY THERE  
5 AND THEN THIS NEW ONE WAS BUILT ADJACENT TO IT. WHY  
6 SHOULD THAT HAVE ANYTHING TO DO WITH THE OTHER ONE? WHY  
7 SHOULD WE MAKE A BIG POINT OUT OF IT? AFTER ALL, WE'RE  
8 IN HERE TO TRY TO GET THIS JOB DONE.

9 MR. DEIDRICK: CORRECT. AT THE TIME THIS BECAME  
10 AN ISSUE, I WAS COMMUNICATING WITH THE LEA, AND THERE  
11 WERE TWO POSSIBLE OPTIONS. ONE, THE OPERATOR COULD HAVE  
12 AMENDED THE RSI AND THE REVISED PERMIT AND JUST DESCRIBED  
13 THE EXISTENCE OF THIS TEMPORARY MRF. THAT WOULD HAVE  
14 BEEN FINE. OR TWO, THE MRF COULD HAVE BEEN REMOVED.  
15 INDICATIONS FROM THE LEA AND THE OPERATOR --

16 BOARD MEMBER EGIGIAN: CAN I STOP YOU THERE JUST  
17 A SECOND? WHY SHOULD THE OTHER MRF BE REMOVED?

18 MR. DEIDRICK: IT DIDN'T HAVE TO BE REMOVED, BUT  
19 THE OPERATOR WAS PLANNING ON REMOVING IT. SEE, OUR --  
20 WHEN WE -- OUR INITIAL CONVERSATIONS THAT WE HAD WITH THE  
21 LEA AND OPERATOR, WE ASSUMED, AND THIS IS PROBABLY MY  
22 ERROR, WE ASSUMED THAT THE MRF WAS GOING TO BE DISMANTLED  
23 BEFORE THE COMMITTEE MEETING -- BEFORE THE AGENDA ITEM  
24 WAS PUT TOGETHER. BECAUSE IT WAS NOT, WE HAD THIS  
25 BASICALLY JUST A TECHNICAL PROBLEM.

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1 MR. MORALEZ: MR. EGIGIAN, ALSO, THE PERMIT IS  
2 DESIGNED TO DESCRIBE THE ACTIVITY THAT IS GOING TO BE  
3 ENCOMPASSED WITHIN THE PURVIEW OF THAT PERMIT. THAT  
4 ACTIVITY UNDER THE REVISED PERMIT WAS NOT NOTED.  
5 THEREFORE, THE PERMIT WOULD NOT -- THE OPERATOR WOULD  
6 HAVE, BY THE NATURE OF THE LAW, WOULD HAVE BEEN NOT IN  
7 COMPLIANCE, WOULD HAVE BEEN IN VIOLATION OF THAT PERMIT.

8 SO IT WAS A MATTER OF WHAT DO YOU WANT TO  
9 OPERATE. DO YOU WANT TO OPERATE THE ENTIRE FACILITY OR  
10 JUST THIS PART OF THE FACILITY? WHATEVER YOU CHOOSE TO  
11 OPERATE MUST BE ENCLOSED IN THAT PERMIT. THAT'S THE  
12 PURPOSE OF THE PERMIT. IT IS AN OPERATOR'S PERMIT.  
13 GIVES THEM THE AUTHORITY TO DO THE ACTIVITY THAT THEY  
14 WANT TO DO.

15 IT WAS REALLY THE OPERATOR'S CHOICE. IT  
16 WAS OUR STAFF, FOLLOWING THE GUIDELINES OF THE LAW,  
17 BASICALLY IDENTIFYING THAT WHICH THE PERMIT WOULD ALLOW  
18 THE OPERATION TO OCCUR. WITHOUT THE OLD MRF INCLUDED IN  
19 THE PERMIT, BY LAW IT COULD NOT OPERATE. IT WAS IN  
20 VIOLATION.

21 BOARD MEMBER EGIGIAN: I'M NOT OPPOSED TO YOU  
22 DOING YOUR JOB. LOOKING AT IT FROM A BUSINESSMAN'S  
23 VIEWPOINT, IF THEY HAD A BACKUP TO THEIR REGULAR MRF AND  
24 SOMETHING HAPPENED TO THE MRF, THEY HAD A BACKUP TO USE.  
25 I WOULD FEEL A LOT BETTER THAN RUNNING THAT MATERIAL INTO

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1 THE LANDFILL. SO I THINK THAT THERE'S SOME GOOD POINTS  
2 HERE THAT SHOULD BE CONSIDERED IN THE FUTURE.

3 MR. MORALEZ: WE WERE NOT IN OPPOSITION TO THE  
4 OLD MRF. WE JUST WANTED TO MAKE SURE IF HE WANTED TO  
5 OPERATE AS A BACKUP, IT COULD HAVE BEEN IDENTIFIED IN THE  
6 PERMIT. AGAIN, MORE THAN LIKELY, THERE WOULD NOT HAVE  
7 BEEN A PROBLEM FROM STAFF'S PERSPECTIVE. BUT AGAIN, THAT  
8 WASN'T THERE.

9 CHAIRMAN HUFF: OKAY. ANY FURTHER QUESTIONS OF  
10 STAFF? LEA.

11 BOARD MEMBER EGIGIAN: I DON'T THINK HE WAS  
12 FINISHED YET. WERE YOU?

13 MR. DEIDRICK: I WAS COMPLETE.

14 MS. HENSHAW: PATTI HENSHAW, SUPERVISOR FOR  
15 ORANGE COUNTY LEA. TO FOLLOW UP WITH STATE STAFF'S  
16 RECOMMENDATION OR PRESENTATION IS THAT THE LEA AND STATE  
17 REGIONAL OFFICE WENT OUT ON AN INSPECTION ON MAY 5TH TO  
18 VERIFY THAT THE VIOLATIONS THAT HAD BEEN NOTED ON THE  
19 MARCH 13TH AND APRIL 1ST INSPECTION REPORT HAD BEEN  
20 CORRECTED, AND I HAVE THE INSPECTION REPORT TO NOTE THAT  
21 THEY HAVE ALL BEEN CORRECTED.

22 TO JUST CLARIFY ON THAT OLD SALVAGE LINER,  
23 THE OLD MRF, THAT WAS ALLOWED IN THEIR OLD PERMIT. AND  
24 IN THE OPERATING AND TRYING TO MEET THE NEW REQUIREMENTS,  
25 AB 939 HAS PUT TOGETHER A MORE ELABORATE NEW MRF SYSTEM,

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1 WHICH HE NEEDED TO OPERATE RIGHT AWAY IN ORDER TO MEET  
2 THE CITY'S WASTE DIVERSION CREDITS. SO WE PUT THE NEW  
3 MRF UNDER A STIPULATED ORDER TO ALLOW THE OPERATOR TO  
4 OPERATE THIS NEW MRF WHILE HIS FACILITY WAS GOING THROUGH  
5 THE PERMIT PROCESS.

6 AND JUST TO CLARIFY WHAT CHRIS DEIDRICK WAS  
7 TALKING ABOUT, WE HAD VARIOUS DISCUSSIONS ABOUT SOME OF  
8 THE OPTIONS THAT THE OPERATOR AND THE LEA AND THE STATE  
9 WOULD AGREE UPON AS FAR AS THE OLD MRF VERSUS THE NEW  
10 MRF. AND THE CONCLUSION WAS THAT WITH THE NEW OPERATION  
11 OF THE NEW MRF, HE DIDN'T NEED THE OLD MRF ANYMORE, AND  
12 SO WE GOT CONCURRENCE WITH THE OPERATOR THAT HE WILL  
13 REMOVE IT BY JUNE 12TH.

14 THEY HAVE STOPPED OPERATING IT. NOW IT'S  
15 JUST A PROCESS OF DISMANTLING IT. IT'S JUST A SIMPLE  
16 SINGLE LINE SALVAGE LINE HE WAS USING FOR ONE CONTRACT  
17 WITH ONE CITY. SO HE HAS MET THAT REQUIREMENT, AND HE IS  
18 DISMANTLING IT AT THIS TIME BECAUSE HE HAS A NEW MRF  
19 OPERATING AT THIS TIME, SO IT'S MEETING HIS NEEDS AS FAR  
20 AS RECYCLABLES.

21 THE OPERATOR IS HERE TO DISCUSS FURTHER  
22 ABOUT HIS NEW MRF AND ANY QUESTIONS YOU HAVE ABOUT WASTE  
23 DIVERSION AND MEETING AB 939 REQUIREMENTS.

24 BOARD MEMBER RELIS: I JUST WANTED TO SAY I  
25 THINK THAT I'M GLAD WE'VE CLARIFIED THESE VIOLATION

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1 ISSUES BECAUSE I FOUND THE SUMMARY OF THE PERMIT  
2 CONSIDERATION ISSUE ON PAGE 3 A LITTLE BIT CONFUSING.  
3 AND I THINK THIS -- IT'S ALSO WORTH POINTING OUT THAT  
4 THIS FACILITY IS THE PRINCIPAL FACILITY, AS I READ IT,  
5 FOR THE CITIES INVOLVED IN MEETING THEIR DIVERSION  
6 MANDATES, BOTH THE 25 AND 50 PERCENT. SO THIS IS A VERY  
7 SIGNIFICANT DIVERSION FACILITY FOR US TO LOOK AT, AND I'M  
8 VERY PLEASED THAT WE'RE BEGINNING TO REVIEW AND BE  
9 INVOLVED IN PERMITTING SUCH FACILITIES RIGHT NOW.

10 CHAIRMAN HUFF: OKAY. ANY OTHER QUESTIONS OF  
11 THE LEA?

12 BOARD MEMBER EGIGIAN: I JUST WANT TO MAKE ONE  
13 CORRECTION TO BOARD MEMBER RELIS. WE'RE NOT IN THE  
14 PERMITTING BUSINESS. ALL WE DO IS CONCUR.

15 BOARD MEMBER RELIS: WELL, OKAY.

16 CHAIRMAN HUFF: THAT'S VERY GOOD. THANK YOU,  
17 SAM.

18 MS. HENSHAW: I'D LIKE TO INTRODUCE MIKE SILVA,  
19 THE OPERATOR OF THE STANTON FACILITY.

20 MR. SILVA: GOOD MORNING. I THINK EVERYTHING  
21 HAS BEEN SAID. YOU HAVE ANY FURTHER QUESTIONS?

22 CHAIRMAN HUFF: ANY QUESTIONS OF THE OPERATOR?  
23 IS THERE A MOTION?

24 BOARD MEMBER EGIGIAN: I SO MOVE, MR. CHAIRMAN.

25 CHAIRMAN HUFF: BECAUSE THERE IS NO STAFF

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1 RECOMMENDATION, YOU ACTUALLY HAVE TO MOVE CONCURRENCE.

2 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, ALONG WITH  
3 MY MOTION, I'D LIKE TO MAKE A STATEMENT. THERE'S ABOUT  
4 THREE OR FOUR COMPANIES IN THE STATE OF CALIFORNIA THAT  
5 HAVE TAKEN A LEAD IN MRF'S AND THE RECYCLING SITUATION.  
6 HOWEVER, MAYBE BECAUSE THIS ONE HAS BEEN AVAILABLE FOR ME  
7 TO SEE AND TO SCRUTINIZE MORE CLOSELY, IF THIS PARTICULAR  
8 STATION WE'RE TALKING ABOUT IS NOT THE LATEST THING IN  
9 THE STATE-OF-THE-ART, I HAVEN'T SEEN ANYTHING BETTER.

10 AND I WOULD SUGGEST TO ANYBODY THAT'S GOING  
11 TO GET INTO THESE MRF'S THAT AFTER THIS COMPANY IS  
12 THROUGH PATENTING SOME OF THEIR NEW METHODS THEY HAVE  
13 APPLIED IN THAT PROCESS, THAT YOU GO OVER AND TAKE A LOOK  
14 AT IT BECAUSE IT'S SOMETHING THAT'S A LOT DIFFERENT THAN  
15 ANYTHING ELSE YOU MIGHT HAVE SEEN IN THE PAST.

16 SO ALONG WITH THAT, MR. CHAIRMAN, I'M  
17 FINISHED.

18 CHAIRMAN HUFF: OKAY. WHAT WE HAVE BEFORE US IS  
19 A MOTION TO CONCUR IN THE GRANTING OF PERMIT NO.  
20 30-AB-0013. STAFF, BEFORE WE VOTE ON THE MOTION, LET ME  
21 ASK: IS THE VIOLATION OF STATE MINIMUM STANDARDS, IS  
22 THAT STILL REMAINING OR IS THAT RESOLVED?

23 MR. DEIDRICK: FROM WHAT I UNDERSTAND, THERE IS  
24 ONE REMAINING VIOLATION. IT HAS TO DO WITH VECTORS, AND  
25 THE LEA MAY BE ABLE TO --

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1 MS. HENSHAW: THAT'S A NEW VIOLATION.

2 MR. DEIDRICK: THAT WAS A NEW VIOLATION THAT WAS  
3 FOUND ON THE MAY 5TH INSPECTION BY THE STATE.

4 MS. HENSHAW: ALL THE REST HAVE BEEN CORRECTED.

5 MR. DEIDRICK: ALL THE REST OF THE ONES THAT ARE  
6 LISTED THERE HAVE BEEN TAKEN CARE OF AT THIS POINT.

7 CHAIRMAN HUFF: MOTION IS CONCUR. WITHOUT  
8 OBJECTION, WE'LL SUBSTITUTE PRIOR ROLL CALL. THE AYES  
9 ARE THREE; THE NOES ARE NONE. MOTION IS ADOPTED. THIS  
10 WON'T GO TO CONSENT BECAUSE THERE IS A VIOLATION OF STATE  
11 MINIMUM STANDARDS.

12 FIRST ITEM DOES GO TO CONSENT, BY THE WAY.  
13 I DON'T PUT ITEMS WITH VIOLATION OF MINIMUM STANDARDS ON  
14 CONSENT.

15 ITEM 3.

16 THANK ALL OF YOU FROM ORANGE COUNTY FOR  
17 BEING HERE AND HELPING US ON THIS.

18 MR. OTSUBO: GOOD MORNING, MR. CHAIRMAN AND  
19 MEMBERS OF THE COMMITTEE. I'M DAVID OTSUBO, AND I  
20 REPRESENT THE PERMITS BRANCH OF THE PERMITTING AND  
21 COMPLIANCE DIVISION.

22 THIS ITEM REGARDS A CONSIDERATION OF  
23 CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE  
24 FACILITIES PERMIT FOR THE MCFARLAND-DELANO RECYCLING  
25 TRANSFER STATION IN THE COUNTY OF KERN.

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1                   THIS FACILITY IS ABOUT A MILE AND A HALF  
2 SOUTH OF THE CITY OF DELANO. THE SURROUNDING AREA IS  
3 PRIMARILY IRRIGATED CROPLAND. THE CLOSEST NONFARMING  
4 RELATED STRUCTURES ARE APPROXIMATELY A MILE AWAY. IT'S A  
5 RESTAURANT, MOTEL, AND GAS MINIMART.

6                   THE TRANSFER STATION WILL SERVE THE  
7 MCFARLAND-DELANO AREA, WHICH IS NORTH OF BAKERSFIELD. IF  
8 PERMITTED, THE FACILITY WILL REPLACE THE EXISTING  
9 MCFARLAND-DELANO SANITARY LANDFILL. THE LANDFILL IS  
10 LOCATED SOUTHEAST OF THE PROPOSED TRANSFER STATION SITE.

11                   THE LANDFILL IS UNDER NOTICE AND ORDER FROM  
12 THE LEA TO CEASE AND DESIST OPERATIONS BY JUNE 15TH OF  
13 THIS YEAR. THE CEASE AND DESIST ORDER IS THE RESULT OF  
14 GROUNDWATER CONTAMINATION AT THE LANDFILL. BECAUSE OF  
15 THE CONTAMINATION, THE CENTRAL VALLEY REGIONAL WATER  
16 QUALITY CONTROL BOARD HAS NOTIFIED KERN COUNTY PUBLIC  
17 WORKS THAT THE FACILITY IS IN VIOLATION OF ITS WASTE  
18 DISCHARGE REQUIREMENTS.

19                   PLEASE NOTE THAT THE TRANSFER STATION IS  
20 NOT LOCATED AT THE LANDFILL. THIS FACILITY IS INITIALLY  
21 EXPECTED TO RECEIVE ABOUT A HUNDRED FIFTY TONS OF  
22 NONHAZARDOUS SOLID WASTE PER OPERATING DAY. THE  
23 WASTESTREAM WILL CONSIST -- WILL INCLUDE RESIDENTIAL,  
24 MUNICIPAL, COMMERCIAL AND INDUSTRIAL, AND AGRICULTURAL  
25 WASTE. SPECIAL WASTES, SUCH AS DEAD ANIMALS, LIQUID

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1 WASTE, AND ASH, ARE NOT ACCEPTED.

2 THE FACILITY OPERATIONS COVERED UNDER THIS  
3 PERMIT WILL BE CONFINED PRIMARILY TO TRANSFER OPERATIONS.  
4 THE FACILITY WILL HAVE AN ENCLOSED TIPPING FLOOR. BOTH  
5 COMMERCIAL HAULERS AND THE PUBLIC WILL HAVE ACCESS TO THE  
6 STATION BUT HAVE SEPARATE TIPPING AREAS. SIGNS WILL  
7 DIRECT VEHICLES ENTERING THE FACILITY TO EITHER THE  
8 SELF-HAUL OR COMMERCIAL TIPPING AREAS. THE SIGNS WILL  
9 ALSO BEAR THE RESTRICTIONS INDICATING PROHIBITED WASTE.

10 LOADS WILL BE VISUALLY INSPECTED BY SITE  
11 PERSONNEL AS THEY ENTER THE FACILITY AND ARE TIPPED.  
12 MATERIAL ON THE TIPPING FLOOR WILL BE INSPECTED FOR  
13 UNACCEPTABLE WASTES AND RECYCLABLE MATERIALS. REMAINING  
14 MATERIAL WILL BE PUSHED INTO TRANSFER TRAILERS AND HAULED  
15 TO A COUNTY LANDFILL.

16 BECAUSE THE SITE IS ENCLOSED AND THE  
17 FACILITY IS ISOLATED, PROBLEMS ASSOCIATED WITH LEACHATE,  
18 LITTER, DUST, ODOR, AND NOISE ARE NOT ANTICIPATED.

19 THE LEA AND BOARD STAFF HAVE DETERMINED  
20 THAT THE FACILITY IS IN CONFORMANCE WITH THE KERN COUNTY  
21 SOLID WASTE MANAGEMENT PLAN AND THE CITY OF DELANO'S  
22 GENERAL PLAN AND THAT CEQA HAS BEEN COMPLIED WITH.

23 I WOULD LIKE TO MAKE THE COMMITTEE AWARE OF  
24 THE FOLLOWING: THE SITE IS CALLED A RECYCLING TRANSFER  
25 STATION. YET BECAUSE SOURCE SEPARATION WILL INITIALLY BE

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1 MANUAL ONLY, THE MATERIALS RATE MAY BE AS LOW AS 5  
2 PERCENT OR LESS, AND THIS INCLUDES THE EXPERIMENTAL BLUE  
3 BAG PROGRAM IN WHICH RESIDENTS FILL THE BAGS WITH  
4 COMMINGLED RECYCLABLES WHICH ARE PICKED UP WITH THE REST  
5 OF THE RESIDENTIAL WASTE.

6 GIVEN THE LOAD DIVERSION RATE, I INDICATED  
7 TO THE OPERATOR THAT THE NAME MAY BE CONSIDERED  
8 INAPPROPRIATE. I VOICED THIS CONCERN, BUT KERN COUNTY  
9 PUBLIC WORKS EXPRESSES THE DESIRE TO RETAIN THE NAME.

10 KERN COUNTY DOES HAVE JUST CAUSE TO JUSTIFY  
11 THE LOW INITIAL RATE OF DIVERSION. WHEN IT WAS  
12 DETERMINED THAT THE LANDFILL WOULD HAVE TO CLOSE, PUBLIC  
13 WORKS INITIALLY DECIDED TO BUILD A NEW LANDFILL AT THE  
14 SITE OF THE PROPOSED TRANSFER STATION. THE ORIGINAL CEQA  
15 DOCUMENT, A NEGATIVE DECLARATION, WAS DETERMINED TO BE  
16 INADEQUATE AND AN EIR WAS THEN PREPARED.

17 AFTER THE EIR AND STUDY OF ALTERNATIVES  
18 WERE COMPLETED, IT WAS DETERMINED THAT A RECYCLING  
19 TRANSFER STATION WOULD BE MORE FEASIBLE. UNFORTUNATELY,  
20 BY THIS TIME, THE COUNTY DID NOT HAVE SUFFICIENT TIME TO  
21 WORK WITH AN OPERATOR TO DESIGN A FACILITY WITH A HIGH  
22 MATERIAL RECOVERY CAPACITY. THE COUNTY IS UNDER THE GUN  
23 TO PROVIDE A NEW FACILITY BY JUNE 15, 1992.

24 IN FACT, AT THE TIME THAT THE AGENDA ITEM  
25 WAS PREPARED, THE CONTRACT OPERATOR HAD NOT YET BEEN

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1 CHOSEN. IT IS POSSIBLE THAT THE OPERATOR WILL IMPLEMENT  
2 ACTIVITIES THAT WILL RECOVER MORE THAN EXPECTED.

3 THE EXISTING LANDFILL DOES HAVE MATERIAL  
4 RECOVERY ACTIVITIES, BUT THE SAME OPERATOR MAY NOT BE THE  
5 SUCCESSFUL BIDDER TO OPERATE THE TRANSFER STATION.

6 KERN DID NOT WISH TO REQUIRE ANY SPECIFIC  
7 TYPE OF RECOVERY TECHNOLOGY THAT WOULD LOCK THEM INTO A  
8 SYSTEM, AS THE COUNTY WISHED TO TAKE TIME TO STUDY THE  
9 ALTERNATIVES. ALSO, IT IS POSSIBLE THAT A PRIVATE  
10 CONCERN COULD STEP IN AND CONSTRUCT A HIGH TECH FACILITY  
11 USING LESS, OR IDEALLY, NO PUBLIC FUNDING. IN FACT,  
12 BOARD AND KERN PUBLIC WORKS STAFF HAVE MET WITH ONE  
13 GROUP, THE SAN JOAQUIN RESOURCE MANAGEMENT GROUP, WHO IS  
14 INTERESTED IN THAT IDEA.

15 BECAUSE OF THE CONCERN OVER THE MATERIAL  
16 RECOVERY RATE AS IT RELATES TO AB 939, PUBLIC WORKS HAS  
17 TAKEN THE UNUSUAL STEP OF ESTABLISHING AN INITIAL  
18 CONTRACT HAVING A TERM OF ONLY TWO YEARS RATHER THAN THE  
19 STANDARD FIVE YEARS. AT THE END OF THE FIRST CONTRACT,  
20 KERN WILL IMPLEMENT THE BEST AVAILABLE ALTERNATIVE WHICH  
21 WILL RESULT IN THE INCREASE IN THE RECOVERY RATE TO HELP  
22 THE COUNTY IN ACHIEVING THEIR WASTE DIVERSION GOALS.

23 THE CHANGES WILL PROBABLY HAVE TO BE  
24 ADDRESSED IN THE SOLID WASTE FACILITY PERMIT PROCESS AS  
25 WELL AS IN THE ENSUING CONTRACT. DEPENDING ON THE TYPE

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1 OF RECYCLING ACTIVITY WHICH IS SELECTED, THE COUNTY WOULD  
2 ALSO HAVE TO ADDRESS THE PROJECT IN A NEW CEQA DOCUMENT.

3 IT SHOULD BE NOTED THAT THE SITE IS 58  
4 ACRES IN SIZE, PROVIDING LOTS OF AREA TO DEPLOY MATERIAL  
5 RECOVERY OPERATIONS. POSSIBILITIES WHICH ARE BEING  
6 CONSIDERED INCLUDE INERT WASTE RECYCLING, IN VESSEL OR  
7 CONVENTIONAL COMPOSTING, OR THE CONSTRUCTION OF A MRF.

8 THE COMMITTEE SHOULD NOTE THAT IF THE  
9 TRANSFER STATION IS NOT APPROVED, WHEN THE LANDFILL  
10 CEASES OPERATION IN JUNE, THE AREA'S WASTE WILL HAVE TO  
11 BE HAULED A MUCH GREATER DISTANCE OR 40 MILES TO  
12 BAKERSFIELD SITES. THIS WOULD RESULT IN GREATER EXPENSE,  
13 LESS EFFICIENCY, MORE AIR POLLUTION AND TRAFFIC, AND  
14 LITTLE ADDED MATERIAL RECOVERY SINCE THERE ARE LIMITED  
15 RECOVERY OPERATIONS AT THE COUNTY LANDFILLS.

16 THE BOARD'S LOCAL ASSISTANCE STAFF HAVE  
17 REVIEWED DOCUMENTATION AND DETERMINED THAT THE OPERATION  
18 OF THIS NEW FACILITY WILL NOT IMPAIR THE COUNTY'S WASTE  
19 DIVERSION GOALS.

20 THE ABOVE CONCERNS REGARDING RECOVERY RATES  
21 NOTWITHSTANDING, STAFF HAVE REVIEWED THE PROPOSED PERMIT  
22 AND SUPPORTING DOCUMENTATION AND FOUND THEM TO BE  
23 ACCEPTABLE.

24 IN CONCLUSION, STAFF RECOMMENDS THAT THE  
25 BOARD ADOPT SOLID WASTE FACILITIES PERMIT 92-40,

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1 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITIES  
2 PERMIT 15-AA-0305.

3 THE OPERATOR AND A REPRESENTATIVE OF KERN  
4 COUNTY PUBLIC WORKS ARE PRESENT AND WOULD LIKE TO MAKE A  
5 SHORT PRESENTATION. THE LEA IS ALSO PRESENT AND  
6 AVAILABLE FOR QUESTIONS. AND THIS CONCLUDES STAFF'S  
7 PRESENTATION.

8 CHAIRMAN HUFF: ANY QUESTION OF STAFF?

9 BOARD MEMBER RELIS: MR. CHAIRMAN, I'D LIKE TO  
10 MAKE OBSERVATION, AND PERHAPS BOTH STAFF AND THE LEA AND  
11 COUNTY CAN RESPOND. I'VE BEEN AWARE OF THIS PROGRAM IN  
12 KERN FOR SOME TIME, AND I AM A LITTLE BIT CONCERNED HERE  
13 THAT THE STATEMENT THAT THERE HASN'T BEEN AMPLE TIME TO  
14 PREPARE THE DIVERSION PROGRAM FURTHER IS A LITTLE BIT  
15 WEAK, I THINK. THEY'VE BEEN WORKING ON THIS QUITE  
16 AWHILE. I WOULD EXPECT IT TO BE FURTHER ALONG BY THIS  
17 POINT.

18 I DO NOTE THAT THE TWO-YEAR REQUIREMENT, I  
19 WOULD BE CONCERNED THAT WE, BECAUSE OF THIS HISTORY AND  
20 THE AWKWARD SEQUENCE HERE, THAT WE TRY TO WORK WHATEVER  
21 RECOMMENDATION COMES OUT OF HERE TODAY, THAT REFERENCE TO  
22 THE TWO-YEAR REVIEW AND WHAT WILL OCCUR AT THAT POINT,  
23 WILL THAT BE A SOLID WASTE FACILITIES REVIEW? WOULD THAT  
24 BE TRIGGERED IN YOUR RECOMMENDATION THE WAY IT'S WRITTEN  
25 OR IS THAT --

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1 CHAIRMAN HUFF: IT'S TRIGGERED AUTOMATICALLY,  
2 ISN'T IT?

3 MR. OTSUBO: IN THIS CASE WE'RE TALKING ABOUT  
4 THE CONTRACT BETWEEN THE COUNTY AND WHOEVER THEIR  
5 CONTRACT OPERATOR IS.

6 CHAIRMAN HUFF: SO ACTUALLY IT WOULDN'T BE AN  
7 AUTOMATIC.

8 MR. OTSUBO: BUT IF THEY DO CHANGE OPERATORS OR  
9 IF THEY CHANGE THE DESIGN OR OPERATIONS OF THE FACILITY,  
10 IT WOULD HAVE TO BE ADDRESSED.

11 BOARD MEMBER RELIS: IF THERE IS AT THAT POINT,  
12 WE WILL HEAR AGAIN FROM YOU IF THERE'S A CHANGE OF  
13 OPERATOR. OR IF THERE'S NO CHANGE OF OPERATOR, WHAT  
14 WOULD OCCUR?

15 MR. OTSUBO: AT TWO YEARS THEY WILL REVIEW --  
16 THEY WILL OPEN UP THE BIDDING, AND CHANCES ARE THEY WILL  
17 GET A NEW OPERATOR. BUT THE PRESENT -- THE OPERATOR WHO  
18 DOES GET THE CONTRACT INITIALLY COULD PUT IN THE BEST BID  
19 AND BECOME THE OPERATOR AGAIN, I SUPPOSE.

20 BOARD MEMBER RELIS: WHAT WOULD WE SEE? WE  
21 WOULD SEE NOTHING AT THAT POINT?

22 MR. OTSUBO: PART OF KERN'S INTENTIONS ARE THAT  
23 THE NEW CONTRACT INCLUDE WHATEVER MATERIAL RECOVERY  
24 OPERATION DESIGN THAT THEY HAVE DETERMINED TO BE THE  
25 BEST. AND SO THAT WOULD CHANGE THE OPERATION AND DESIGNS

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1 OF THE FACILITY, AND THEY WOULD HAVE TO BE ADDRESSED IN  
2 THE SOLID WASTE FACILITY PERMIT PROCESS AS WELL AS  
3 PROBABLY CEQA.

4 BOARD MEMBER RELIS: I JUST WANT TO MAKE SURE  
5 THAT'S IN THE RECORD.

6 CHAIRMAN HUFF: LET ME ASK A QUESTION. MAYBE  
7 YOU DON'T KNOW THE ANSWER. I DIDN'T TELL YOU I WAS GOING  
8 TO ASK THIS QUESTION BEFOREHAND. HOW MANY TONS PER DAY  
9 DOES KERN COUNTY GENERATE?

10 MR. OTSUBO: ABOUT 3,000.

11 CHAIRMAN HUFF: AND THIS FACILITY'S HANDLING?

12 MR. OTSUBO: AVERAGE OF A HUNDRED FIFTY.

13 CHAIRMAN HUFF: SO THAT'S ABOUT 5 PERCENT?

14 MR. OTSUBO: ROUGHLY.

15 CHAIRMAN HUFF: YEAH. SO THEY COULD MEET 25 AND  
16 50 WITHOUT THIS FACILITY EVER CHANGING?

17 MR. OTSUBO: KERN'S SOLID WASTE MANAGER IS  
18 PRESENT IN THE AUDIENCE. HE'D PROBABLY BE BETTER  
19 QUALIFIED.

20 CHAIRMAN HUFF: HYPOTHETICALLY, MATHEMATICALLY  
21 SPEAKING, YOU DON'T NEED THIS. THIS IS A VERY SMALL  
22 PIECE OF THE KERN COUNTY WASTESTREAM.

23 MR. OTSUBO: THAT IS CORRECT.

24 CHAIRMAN HUFF: OKAY. ANY OTHER QUESTIONS OF  
25 STAFF?

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1 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'M NOT ONE  
2 TO STAND IN THE WAY OF PROGRESS, BUT IT SEEMS AS THOUGH  
3 WE'RE DOING SOMETHING ON THIS PARTICULAR PERMIT THAT WE  
4 REFUSED TO DO ON ANOTHER ONE AWHILE BACK WHERE EVERYTHING  
5 WAS IN ORDER, EVERYTHING WAS IN PLACE. THE ONLY THING  
6 WAS THAT THERE WAS AN EXPANDABLE TONNAGE THAT THE COUNTY  
7 WANTED AT THAT TIME. IN CASE OF A PROBLEM, THEY WOULD BE  
8 LEGAL. AND WE WENT THROUGH A LOT OF DISCUSSIONS AND  
9 MEETINGS ON THIS.

10 HERE WE HAVE A FACILITY THAT HAS NOT EVEN  
11 STARTED TO BECOME BUILT, AND THEY DON'T KNOW --  
12 EVERYTHING IS ON THE COME. MAYBE THIS AND MAYBE THAT. I  
13 JUST DON'T FEEL COMFORTABLE. AND I TALKED TO OUR LAWYER  
14 OVER HERE AND HE SAYS THAT WE CAN DO THIS; HOWEVER, I  
15 THINK THAT WHAT WE HAVE FROM THE STAFF IS NOT ENOUGH.

16 MR. OTSUBO: REMEMBER THAT THIS IS ONLY BEING  
17 PERMITTED RIGHT NOW AS A TRANSFER STATION. PRIMARILY  
18 IT'S A TRANSFER STATION, AND THAT WILL BE WHAT THIS SOLID  
19 WASTE FACILITIES PERMIT COVERS.

20 BOARD MEMBER EGIGIAN: HAS TO BE READY JUNE THE  
21 15TH.

22 MR. OTSUBO: THEY INTEND TO BE READY BY THEN.

23 BOARD MEMBER EGIGIAN: THEY'RE GOING TO BUILD A  
24 TRANSFER STATION BY JUNE THE 15TH?

25 MR. OTSUBO: IT'S BASICALLY A CONCRETE PAD WITH

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1 A PREFAB METAL BUILDING ON IT.

2 CHAIRMAN HUFF: QUESTION IS HOW LONG DOES IT  
3 TAKE CEMENT TO DRY. I UNDERSTAND YOUR COMMENTS, MR.  
4 EGIGIAN, BUT THIS IS A TRANSFER STATION, AND THAT  
5 SITUATION WAS LANDFILL ITSELF. AND AS YOU KNOW, TRANSFER  
6 STATIONS, THE VOLUME GOING THROUGH A TRANSFER STATION  
7 WILL VARY FROM TIME TO TIME, AND WE ALL RECOGNIZE THAT.  
8 I DON'T THINK THAT THE EXPANDABLE PERMIT ANALOGY IS  
9 COMPLETE IN THIS INSTANCE.

10 MR. OTSUBO: RIGHT. THERE IS A MAXIMUM  
11 ALLOWABLE TONNAGE OF 258 TONS PER DAY.

12 CHAIRMAN HUFF: IF THEY WANT TO, THEY HAVE TO  
13 COME BACK TO US.

14 BOARD MEMBER EGIGIAN: WHEN DO THEY REVISIT US,  
15 AFTER FIVE YEARS OR AFTER TWO YEARS? WHEN DO WE REVISIT  
16 THEM, I SHOULD SAY?

17 MR. OTSUBO: AFTER TWO YEARS, THEY WILL BE  
18 GETTING A NEW OPERATOR; AND THEY WILL IMPLEMENT WHATEVER  
19 TECHNOLOGY THEY HAVE DETERMINED TO BE THE BEST. AND THAT  
20 WILL CHANGE THE DESIGN AND OPERATION OF THE FACILITY.  
21 AND THEN THAT WOULD HAVE TO BE ADDRESSED IN THE SOLID  
22 WASTE FACILITIES PERMIT.

23 CHAIRMAN HUFF: IT IS THEIR INTENT TO MAKE SUCH  
24 CHANGES IN TWO YEARS TIME AS WOULD TRIGGER THE PROCESS  
25 AND BRING THEM BACK TO US. THAT'S ALL IT IS AT THE

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1           MOMENT IS AN INTENT. I TRUST KERN COUNTY. THEY'RE LOCAL  
2           GOVERNMENT.

3                   MR. OTSUBO: THEY DO HAVE TO MEET THEIR AB 939  
4           GOALS.

5                   CHAIRMAN HUFF: SOME OF MY BEST FRIENDS ARE IN  
6           LOCAL GOVERNMENT.

7                   BOARD MEMBER RELIS: I GUESS THE ONLY QUESTION  
8           THERE IS WHAT IF THEY DECIDED TO EXTEND THE CONTRACT, NOT  
9           CHANGE ANYTHING.

10                   CHAIRMAN HUFF: THEN THEY DON'T COME BEFORE US  
11           AND THAT'S OKAY TOO. WHAT I'M SAYING IS THAT THIS IS  
12           SUCH A SMALL POTATOES OPERATION COMPARED TO EVEN KERN  
13           COUNTY'S WASTESTREAM, THAT I THINK WE'RE BEING OVERLY  
14           CONCERNED. IT'S 5 PERCENT OF THEIR TOTAL WASTESTREAM.

15                   MR. OTSUBO: THE COUNTY STILL HAS TO MEET THEIR  
16           AB 939 GOALS.

17                   CHAIRMAN HUFF: STILL HAVE TO MEET THEIR AB 939  
18           GOALS. WE STILL HAVE \$10,000 A DAY IF THEY DON'T. IT'S  
19           5 PERCENT OF THEIR WASTESTREAM.

20                           ANY QUESTIONS OF THE LEA? LEA, DO YOU HAVE  
21           ANYTHING TO SAY?

22                   THE LEA: ONLY IF YOU HAVE ADDITIONAL QUESTIONS.

23                   CHAIRMAN HUFF: SMART MAN. IS THERE A MOTION?

24                   BOARD MEMBER EGIGIAN: I SO MOVE, MR. CHAIRMAN.

25                   BOARD MEMBER RELIS: SECOND.

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1 CHAIRMAN HUFF: WITHOUT OBJECTION, WE'LL  
2 SUBSTITUTE PRIOR ROLL CALL. THE AYES ARE THREE; THE NOES  
3 ARE NONE. THIS IS A CONSENT ITEM.

4 ITEM 4.

5 MR. MORALEZ: MEMBERS OF THE COMMITTEE, ITEM 4  
6 DEALS WITH A REVISED SOLID WASTE -- NEW FACILITY -- NEW  
7 SOLID WASTE FACILITIES PERMIT FOR THE CHINO BASIN  
8 MUNICIPAL WATER DISTRICT CO-COMPOSTING FACILITY IN SAN  
9 BERNARDINO COUNTY. ROSSLYN STEVENS WILL GIVE THE STAFF  
10 REPORT ON THIS ITEM.

11 MS. STEVENS: GOOD MORNING, MR. CHAIRMAN,  
12 MEMBERS OF THE BOARD. MY NAME IS ROSSLYN STEVENS.

13 THE ITEM BEFORE YOU TODAY IS CONSIDERATION  
14 OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE  
15 FACILITIES PERMIT FOR THE CHINO BASIN MUNICIPAL WATER  
16 DISTRICT CO-COMPOSTING FACILITY. THIS FACILITY IS  
17 LOCATED IN THE CHINO BASIN AGRICULTURAL PRESERVE IN THE  
18 SOUTHWESTERN PORTION OF SAN BERNARDINO COUNTY. THE SITE  
19 IS SURROUNDED BY SEVERAL DAIRIES AND IS LOCATED ACROSS  
20 THE STREET FROM A WOMEN'S PRISON, THE CALIFORNIA  
21 INSTITUTE OF WOMEN.

22 THE FACILITY WILL BE PERMITTED TO RECEIVE A  
23 MAXIMUM OF 1100 TONS PER DAY OF MANURE AND 150 TONS PER  
24 DAY OF SEWAGE SLUDGE. THE MANURE IS GENERATED BY THE  
25 DAIRIES AND THE SURROUNDING PRESERVE, AND THE SEWAGE

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1 SLUDGE IS GENERATED AT THE CHINO BASIN MUNICIPAL WATER  
2 DISTRICT SEWAGE TREATMENT PLANT.

3 IN REVIEWING THIS PERMIT AND ITS SUPPORTING  
4 DOCUMENTATION, BOARD STAFF AND THE LEA DETERMINED THE  
5 FOLLOWING: THE FACILITY CONFORMS WITH THE SAN BERNARDINO  
6 COUNTY GENERAL PLAN -- SOLID WASTE MANAGEMENT PLAN, THE  
7 FACILITY IS IN CONFORMANCE WITH THE SAN BERNARDINO COUNTY  
8 GENERAL PLAN, THE PROJECT WILL NOT IMPAIR THE ACHIEVEMENT  
9 OF WASTE DIVERSION GOALS, AND THE FACILITY CONFORMS WITH  
10 THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY  
11 ACT.

12 I'D LIKE TO GO INTO A LITTLE BIT OF DETAIL  
13 ABOUT THE CEQA PROCESS FOR THIS FACILITY BECAUSE AT  
14 PRESENT TIME THE EIR, ENVIRONMENTAL IMPACT REPORT,  
15 ADOPTED BY THE MUNICIPAL WATER DISTRICT ON JANUARY 22D OF  
16 THIS YEAR IS THE SUBJECT OF A LAWSUIT. THE FIRST HEARING  
17 ON THIS LAWSUIT WILL TAKE PLACE ON MAY 18TH, NEXT MONDAY,  
18 AND THAT HEARING ONLY SET A DATE FOR A FORMAL HEARING ON  
19 THE MERITS OF THE WRIT OF MANDATE PETITION.

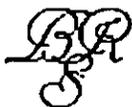
20 OUR LEGAL OFFICE HAS DETERMINED THAT THE  
21 CEQA DOCUMENT IS APPROPRIATE FOR OUR USE IN CONSIDERATION  
22 OF THIS PERMIT.

23 CHAIRMAN HUFF: LET'S STOP RIGHT THERE.  
24 COUNSELOR, NOT ONLY IS IT APPROPRIATE FOR OUR USE AND  
25 CONSIDERATION, BUT DOES THE LAW NOT COMPEL US?

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1                   ATTORNEY CONHEIM: IN THIS CASE I UNDERSTAND  
2                   THAT THERE HAS BEEN NO STAY OR OTHER INJUNCTIVE RELIEF  
3                   GRANTED EVEN AGAINST THIS DOCUMENT FOR ANY PURPOSE. SO  
4                   UNLIKE THE SITUATION WE FACED A FEW MONTHS AGO WHERE IN  
5                   CEQA LITIGATION THERE HAD BEEN A STAY OR AN INJUNCTION  
6                   AGAINST A DOCUMENT, AND WE WERE STILL REQUIRED BY CEQA  
7                   LAW TO USE THE DOCUMENT FOR OUR APPROVALS, IN THIS CASE  
8                   WE HAVE NO -- NOT EVEN A HINT OF IMPEDIMENT.

9                   CHAIRMAN HUFF: THANK YOU.

10                  MS. STEVENS: STAFF HAVE REVIEWED THE PROPOSED  
11                  PERMIT AND THE SUPPORTING DOCUMENTATION AND FOUND THESE  
12                  TO BE ACCEPTABLE.

13                  IN CONCLUSION, STAFF RECOMMENDS THAT THE  
14                  BOARD ADOPT SOLID WASTE FACILITIES PERMIT DECISION NO.  
15                  92-32, CONCURRING IN THE ISSUANCE OF A NEW SOLID WASTE  
16                  FACILITIES PERMIT FOR THE CHINO BASIN CO-COMPOSTING  
17                  FACILITY.

18                  CHAIRMAN HUFF: QUESTIONS OF STAFF?

19                  BOARD MEMBER RELIS: WHAT'S THE HISTORICAL  
20                  PROCESSING HERE? BEFORE IT WAS A MANURE OPERATION, WHAT  
21                  WAS THIS BEFORE THE CHINO -- IS THIS A WHOLE NEW  
22                  OPERATION?

23                  MS. STEVENS: THIS IS A BRAND NEW FACILITY.

24                  BOARD MEMBER RELIS: BRAND NEW.

25                  MS. STEVENS: AT PRESENT IT'S AN ALFALFA FIELD.

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1 IT HASN'T BEEN BUILT YET.

2 BOARD MEMBER RELIS: BUT THE SLUDGE OPERATION  
3 THAT WAS GOING ON BEFORE, WHERE WAS THAT LOCATED?

4 MS. STEVENS: THE SLUDGE IS COMING FROM THE  
5 MUNICIPAL WATER DISTRICT'S SEWAGE TREATMENT PLANT. AS  
6 FAR AS I KNOW, IT ISN'T BEING COMPOSTED THERE. BUT THE  
7 PERSON WHO CAN BETTER ANSWER THAT QUESTION IS MR. THOMAS  
8 HOMAN FROM CHINO BASIN WATER DISTRICT, AND HE IS HERE.

9 BOARD MEMBER RELIS: BASICALLY WHAT WE'RE  
10 DEALING WITH HERE IS THE AGRICULTURAL LAND APPLICATIONS  
11 ARE NO LONGER AVAILABLE IN THE CHINO AREA, AND SO WE'RE  
12 LOOKING AT A SWITCH TO A COMPOSTING OPERATION, AND THEN  
13 MOVING THE MATERIAL FOR AGRICULTURAL APPLICATION INTO THE  
14 SAN JOAQUIN VALLEY AND ELSEWHERE?

15 MS. STEVENS: THAT'S CORRECT.

16 BOARD MEMBER RELIS: THIS WOULD BE, BY ANY  
17 STANDARDS, AGAIN, A VERY LARGE FACILITY. WE'RE TALKING  
18 1100 TONS A DAY.

19 MS. STEVENS: 1100 TONS A DAY OF MANURE AND 150  
20 TONS OF SLUDGE.

21 BOARD MEMBER RELIS: THANK YOU.

22 CHAIRMAN HUFF: ANY OTHER QUESTIONS?

23 BOARD MEMBER EGIGIAN: I READ SOMEPLACE WHERE IT  
24 SAYS THAT SLUDGE WOULD NOT BE KEPT ON THE FACILITIES AND  
25 IT WOULD BE BROUGHT IN DAILY TO MIX WITH THE MANURE. IS

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1 THAT A TRUE FACT?

2 MS. STEVENS: THAT'S CORRECT. ONE OF THE  
3 MITIGATION MEASURES ATTACHED THROUGH THE EIR PROCESS  
4 REQUIRED THE FACILITY TO MITIGATE ODOR PROBLEMS BY NOT  
5 STOCKPILING FEEDSTOCK SLUDGE ON-SITE. IT WOULD BE  
6 INCORPORATED INTO THE WINDROWS IMMEDIATELY UPON RECEIPT.

7 BOARD MEMBER EGIGIAN: THEN I READ IN ANOTHER  
8 PART, AND I CAN'T FIND IT NOW, WHERE IT WILL ALLOW THEM  
9 TO STACK THIS MATERIAL EIGHT FOOT HIGH WAITING TO BE  
10 USED. HAS THE PAPERWORK CHANGED ON THIS FROM THE FIRST  
11 BIT THAT I GOT IN MY FULLERTON OFFICE?

12 MS. STEVENS: YES, IT HAS. THIS FACILITY HAS  
13 BEEN IN PROCESS, I THINK, NOW THREE OR FOUR YEARS. IT'S  
14 BEEN A LONG TIME AND THERE'S BEEN A LOT OF CHANGE IN THE  
15 DOCUMENTATION.

16 BOARD MEMBER RELIS: ANOTHER QUESTION. GIVEN  
17 THAT THE BOARD SEEMS LIKELY TO ADOPT THE EPA 503  
18 STANDARDS ON SLUDGE, IS THIS PRODUCT THAT WE'RE LOOKING  
19 AT COMING OUT OF THIS FACILITY LIKELY TO MEET THOSE  
20 STANDARDS? BECAUSE THERE'S NO CHEMICAL DATA OR ANYTHING  
21 THAT WOULD LEAD US TO KNOW ONE WAY OR ANOTHER.

22 MS. STEVENS: ONE OF THE CONDITIONS ATTACHED, I  
23 BELIEVE IT'S TO THE CUP, BUT MR. HOMAN CAN CORRECT ME ON  
24 THAT IF I'M WRONG, REQUIRES THE FACILITY TO MEET THE  
25 STANDARDS SET BY EPA, FEDERAL EPA, FOR HANDLING OF SEWAGE

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1 SLUDGE.

2 BOARD MEMBER RELIS: WE'LL HEAR THAT FROM HIM.

3 CHAIRMAN HUFF: QUESTION OF COUNSELOR.

4 COUNSELOR, SHOULD THE BOARD ADOPT 503 STANDARDS OR ANY  
5 OTHER STANDARDS MORE STRINGENT, AT THE TIME OF THEIR  
6 ADOPTION, WOULD NOT THIS FACILITY HAVE TO COMPLY?

7 ATTORNEY CONHEIM: UNLESS THERE WERE SOME  
8 GRANDFATHERING OR EXCLUSION, EXEMPTION PROVISION. EVERY  
9 FACILITY THAT COMES BEFORE THIS BOARD AND IS PERMITTED BY  
10 AN LEA IS SUBJECT TO CHANGE IN LAW.

11 BOARD MEMBER RELIS: SO UNLESS WE EXPLICITLY  
12 STATED SOMETHING ABOUT GRANDFATHERING --

13 ATTORNEY CONHEIM: WE WOULDN'T HAVE THAT  
14 AUTHORITY. I'M MERELY SAYING UNLESS THE STATUTE, THE  
15 UNDERLYING STATUTE OR THE REGULATIONS ADOPTED BY THE U.S.  
16 EPA PROVIDED FOR SOME KIND OF GRANDFATHERING OR  
17 EXCLUSION --

18 BOARD MEMBER RELIS: SO IT WILL BECOME SUBJECT  
19 TO OUR REGS WHEN THEY BECOME AVAILABLE.

20 CHAIRMAN HUFF: ABSOLUTELY. THAT'S A RISK THAT  
21 THEY TAKE IN COMING BEFORE US NOW AND BEFORE THE REGS  
22 ARE, BUT THAT'S THEIR CHOICE.

23 BOARD MEMBER EGIGIAN: HAS ANYBODY ASKED THE  
24 WOMEN IN THE PRISON HOW THEY FEEL ABOUT THIS?

25 CHAIRMAN HUFF: WE'LL GET TO THAT. HAS ANYONE

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1 ASKED THE DEPARTMENT OF CORRECTIONS HOW THEY FEEL? NO  
2 MORE QUESTIONS OF STAFF. HOW ABOUT THE LEA?

3 MS. BENNETT: GOOD MORNING, MR. CHAIRMAN AND  
4 MEMBERS OF THE COMMITTEE. MY NAME IS PAM BENNETT. I'M  
5 DIRECTOR OF ENVIRONMENTAL HEALTH FOR SAN BERNARDINO  
6 COUNTY AND ALSO REPRESENTING THE LEA.

7 THE SAN BERNARDINO LEA HAS REVIEWED THE  
8 APPLICATION AND PREPARED CHINO BASIN FOR THE COMPOSTING  
9 FACILITY A COMPOSTING FACILITY PERMIT. WE STRONGLY  
10 SUPPORT THIS PROJECT DUE TO THE SIGNIFICANT VOLUME OF  
11 POTENTIAL WASTE PRODUCTS, SPECIFICALLY MANURE AND SEWAGE  
12 SLUDGE, THAT WILL BE RECOVERED FROM THIS OPERATION.

13 ALSO, THIS FACILITY HAS THE POTENTIAL TO  
14 REDUCE THE NITRATE LOAD ON THE GROUNDWATER BASIN, WHICH  
15 IS EXPERIENCING A PROBLEM AT THIS TIME. THE LEA FEELS  
16 THE PROJECT CAN OPERATE IN A SAFE AND SANITARY MANNER.

17 THIS CONCLUDES MY STATEMENTS. ARE THERE  
18 ANY QUESTIONS?

19 CHAIRMAN HUFF: ANY QUESTIONS OF THE LEA?

20 BOARD MEMBER RELIS: JUST ONE QUESTION. ON THE  
21 25-YEAR RETENTION FOR THE PONDING OR THE WATER --

22 MS. BENNETT: 25-YEAR STORM.

23 BOARD MEMBER RELIS: YES. IS THAT BASED ON -- I  
24 HAVEN'T SEEN A 25-YEAR FIGURE ON THIS KIND OF FACILITY.  
25 IS THAT SOMETHING YOU WORKED UP BASICALLY?

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1 MS. BENNETT: IT WAS WHAT WE FELT WOULD BE  
2 ADEQUATE FOR THE PROJECT.

3 BOARD MEMBER RELIS: OKAY. FINE.

4 CHAIRMAN HUFF: ANY OTHER QUESTIONS?

5 BOARD MEMBER RELIS: I WOULD UNDERScore YOUR  
6 POINT THAT THE NITRATE PROBLEM HAS BEEN VERY SERIOUS  
7 THERE, AND IT'S BECAUSE OF THE STOCKPILING OF MANURE.

8 MS. BENNETT: FOR MANY YEARS, NOT HAVING AN  
9 OUTLET FOR THE MANURE.

10 CHAIRMAN HUFF: I HAVE A REQUEST FROM DIXIE LASS  
11 OF THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD.

12 MS. LASS: GOOD MORNING, MR. CHAIRMAN AND  
13 MEMBERS OF THE COMMITTEE. MY NAME IS DIXIE LASS. I'M  
14 CHIEF OF THE LAND DISPOSAL SECTION FOR THE SANTA ANA  
15 REGIONAL WATER QUALITY CONTROL BOARD.

16 WE ALSO STRONGLY SUPPORT THIS PROJECT. IT  
17 IS A KEY ELEMENT IN OUR REGION'S DAIRY MANAGEMENT  
18 STRATEGY, WHICH IS DESIGNED TO ADDRESS THE SALT PROBLEMS,  
19 PRINCIPALLY NITRATE PROBLEMS, IN CHINO BASIN.

20 WE WROTE A PERMIT ON THIS FACILITY. I  
21 BELIEVE IT WAS ADOPTED IN 1990. SOMEONE MENTIONED THE  
22 STORMWATER RETENTION BASIN. THAT'S OUR REQUIREMENT, AND  
23 IT IS COMMON FOR THIS TYPE OF FACILITY.

24 I WOULD JUST LIKE TO POINT OUT THAT  
25 SOMETHING LIKE 30 TONS OF SALT PER YEAR ENTER THE

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1 GROUNDWATER IN CHINO BASIN. 90 PERCENT OF THAT IS FROM  
2 MANURE, AND THE OTHER 10 PERCENT IS FROM DAIRY WASHWATER.  
3 SO IT'S FOR THAT REASON THAT WE FEEL STRONGLY THAT THERE  
4 NEEDS TO BE A WAY TO MOVE THIS MANURE OUT OF THE BASIN.

5 I WOULD ALSO ADD THAT ONE OF THE  
6 REQUIREMENTS OF OUR PERMIT IS THAT ONCE THIS MATERIAL IS  
7 COMPOSTED, IT CANNOT BE SOLD OR APPLIED WITHIN CHINO  
8 BASIN SINCE THAT WOULD TEND TO DEFEAT THE PURPOSE OF THE  
9 COMPOSTING OPERATION. SO IT IS DESTINED TO GO TO SAN  
10 JOAQUIN OR IMPERIAL.

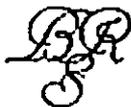
11 WITH REGARD TO THE FACILITY DESIGN, WE  
12 REQUIRED IMPERMEABLE LINERS. THE STAFF REPORT MENTIONS A  
13 SOIL LINER OF 10 TO THE MINUS 5 CENTIMETERS PER SECOND.  
14 THIS IS SOIL CEMENT. CURRENT DESIGN CALLS FOR AN  
15 ASPHALT -- HALF OF THE FACILITY TO BE ASPHALT AS WELL,  
16 BUT EITHER WAY THOSE CRITERIA ARE -- WILL STAY IN PLACE  
17 WHETHER THE ASPHALT GOES IN OR IT'S ALL SOIL. THERE WILL  
18 BE AN IMPERMEABLE LINER.

19 THE STORMWATER RETENTION BASIN IS ALSO  
20 ASPHALT LINED, AND THERE ARE -- MONITORING WELLS ARE AN  
21 INTEGRAL PART OF THIS PROJECT TO SEE -- JUST TO DETECT  
22 ANY PROBLEMS THAT MAY ARISE FROM THIS, ALTHOUGH WE DON'T  
23 EXPECT ANY, AND ALSO TO MONITOR GROUNDWATER IN THAT AREA  
24 JUST TO LOOK FOR IMPROVEMENT. THAT'S IT. UNLESS THERE  
25 ARE QUESTIONS, I THINK THAT'S ALL I HAVE TO SAY.

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1 BOARD MEMBER RELIS: IS THERE ANYONE HERE WHO  
2 CAN TELL US JUST GENERALLY HOW -- THIS GOING TO BE  
3 AGRICULTURAL APPLICATION. IS THERE ANYONE WHO'S FAMILIAR  
4 WITH WHERE IT'S GOING, HOW IT WILL BE USED? I'M JUST  
5 CURIOUS.

6 MR. HOMAN MAY HAVE SOME THOUGHTS ON THAT,  
7 BUT IT IS SOIL AMENDMENT PRINCIPALLY IN IMPERIAL COUNTY  
8 AND IN SAN JOAQUIN COUNTY.

9 BOARD MEMBER RELIS: FOR CROPS.

10 MS. BENNETT: FOR CROPS.

11 BOARD MEMBER RELIS: I'D JUST LIKE TO KNOW A  
12 LITTLE MORE DETAIL.

13 MS. BENNETT: IF THERE ARE NO FURTHER  
14 QUESTIONS --

15 BOARD MEMBER EGIGIAN: I HAVE ONE QUESTION. YOU  
16 SAY THAT THIS MATERIAL CANNOT BE SOLD IN SAN BERNARDINO  
17 COUNTY.

18 MS. BENNETT: IN CHINO BASIN.

19 BOARD MEMBER EGIGIAN: CHINO BASIN. AND WHY  
20 NOT?

21 MS. BENNETT: CHINO BASIN IS WHERE THE PROBLEM  
22 ORIGINATES. THAT'S WHERE THE DAIRIES ARE. AND FOR US TO  
23 REQUIRE THAT THEY TAKE THE MANURE UP, COMPOST IT, AND  
24 THEN PUT IT BACK DOWN ISN'T GOOD MANAGEMENT STRATEGY  
25 SINCE THE SALTS ARE ESSENTIALLY STILL THERE.

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1 BOARD MEMBER EGIGIAN: SO WHAT YOU ARE SAYING  
2 IT'S NOT GOOD FOR CHINO, BUT WE DON'T CARE WHAT HAPPENS  
3 ANYPLACE ELSE IT GOES.

4 MS. BENNETT: NO, I WOULDN'T PUT IT QUITE LIKE  
5 THAT. SOME OF THE NITRATES WILL BE TAKEN UP BY CROPS.  
6 THAT'S A LARGE PART OF IT. THERE'S NOT A LOT OF CROP  
7 GROWING IN CHINO BASIN ANYMORE OTHER THAN ALFALFA AND  
8 CATTLE FODDER, BASICALLY. FOR YEARS MANURE WAS SPREAD AS  
9 SOIL AMENDMENT AND FERTILIZER, AND THAT'S CONTRIBUTED A  
10 GREAT DEAL TO THE PROBLEM. SO THERE ARE AREAS WHERE  
11 THERE IS INTENSE AGRICULTURE AND THERE IS A NEED FOR GOOD  
12 COMPOST. CHINO BASIN JUST ISN'T IT.

13 BOARD MEMBER EGIGIAN: THANK YOU.

14 CHAIRMAN HUFF: THANK YOU.

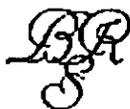
15 MR. HOMAN: MR. CHAIRMAN, MEMBERS OF THE  
16 COMMITTEE, I'M TOM HOMAN, GENERAL MANAGER OF THE CHINO  
17 BASIN MUNICIPAL WATER DISTRICT. I WAS PREPARED TO GIVE A  
18 BRIEF STATEMENT, BUT YOUR STAFF REPORT TURNS OUT TO BE  
19 VERY THOROUGH AND VERY ACCURATE AND CONTAINS MOST OF WHAT  
20 I WOULD HAVE COMMENTED ON.

21 BUT THERE HAVE BEEN A NUMBER OF QUESTIONS  
22 ASKED; SO IF YOU WOULD, LET ME JUST TRY TO RESPOND TO  
23 THOSE. FIRST OF ALL, LET ME POINT OUT THAT THE  
24 AGRICULTURAL PRESERVE IN OUR AREA IS VERY UNIQUE. THERE  
25 ARE APPROXIMATELY 350,000 MILKING ANIMALS CONCENTRATED

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1 OVER A 30 SQUARE MILE AREA. SO IT'S VERY HIGHLY DENSE.  
2 I'M TOLD THAT IT IS THE HIGHEST DENSITY DAIRY OPERATION  
3 IN THE WORLD.

4 CHAIRMAN HUFF: THAT'S 10,000 COWS PER SQUARE  
5 MILE. YOU DON'T EVEN HAVE HUMAN POPULATIONS THAT DENSE.

6 MR. HOMAN: THE REGIONAL BOARD ALLOWS ONE AND A  
7 HALF COWS PER ACRE IS THE DENSITY BASED ON SALT LOADING  
8 TO THE GROUNDWATER BASIN. AND DENSITY THAT WE HAVE IS 20  
9 TIMES THAT MUCH. SO THERE IS A TREMENDOUS AMOUNT OF SALT  
10 AND NITRATE THAT IS BEING ALLOWED TO ENTER THE  
11 GROUNDWATER BASIN THROUGH THE LAND APPLICATION OF THIS  
12 MANURE.

13 CHAIRMAN HUFF: WHERE DOES THAT GROUNDWATER GO?

14 MR. HOMAN: THE GROUNDWATER IS USED LOCALLY.  
15 RIGHT AT THE MOMENT MOSTLY BY THE DAIRYMEN THEMSELVES.  
16 WE ARE CONCERNED AND HAVE DEDICATED OURSELVES TO HELP  
17 FIND A SOLUTION FOR THIS PROBLEM BECAUSE THAT GROUNDWATER  
18 BASIN IS OUR FUTURE WATER SUPPLY FOR THE RESIDENTS OF THE  
19 WEST END OF SAN BERNARDINO COUNTY.

20 CHAIRMAN HUFF: THAT GOES TO MY QUESTION. IS  
21 ANY OF THAT GROUNDWATER BEING USED FOR RESIDENTIAL  
22 PURPOSES NOW?

23 MR. HOMAN: SOME OF IT AND IT IS BLENDED WITH  
24 OTHER WATERS TO MAKE IT MEET THE DRINKING WATER  
25 STANDARDS. AND I HAVE SOME CHARTS; AND IF YOU WOULD LIKE

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1 TO SEE THEM, I CAN DISPLAY THEM. BUT THE WATER QUALITY  
2 PROBLEM IN OUR WATERSHED IS VERY SERIOUS AND MANDATES  
3 THAT SOMEONE DO SOMETHING. AND IT WAS POINTED OUT  
4 EARLIER THAT THIS HAS BEEN A PROBLEM FOR SOME TIME.

5 WE'VE BEEN INVOLVED IN THIS PARTICULAR  
6 PROJECT FOR ALMOST FOUR YEARS, TRYING TO GET IT THROUGH  
7 THE MAZE OF ALL THE REGULATORY AGENCIES AND PERMITTING.  
8 AND IT'S BEEN NOTED THAT WE'VE BEEN CHALLENGED ON OUR  
9 MITIGATED NEGATIVE DEC AND NOW MORE RECENTLY OUR EIR AND  
10 OUR CUP. THAT LAWSUIT COMES FROM ONE DISGRUNTLED  
11 DAIRYMAN WHO DOESN'T LIKE THE PROJECT.

12 PAM BENNETT AND DIXIE LASS APPEARED BEFORE  
13 YOU A FEW MINUTES AGO SUPPORTING THE PROJECT, AND I THINK  
14 THAT ILLUSTRATES THE KIND OF SUPPORT WE'VE GOTTEN AT THE  
15 LOCAL LEVEL. EVERY REGULATORY AGENCY AND ENVIRONMENTAL  
16 AGENCY OR ORGANIZATION IN OUR AREA SUPPORTS THIS PROJECT  
17 WITH THE EXCEPTION --

18 CHAIRMAN HUFF: DO YOU HAVE AN ANSWER FOR MR.  
19 RELIS' QUESTION?

20 MR. HOMAN: THIS IS A NEW PROJECT. PRIOR TO  
21 THIS BECOMING OPERATIONAL, THE MANURE IS SIMPLY  
22 STOCKPILED OR APPLIED TO THE LAND IN EXCESS OF  
23 QUANTITIES. OUR SLUDGE HISTORICALLY HAD BEEN USED AS AN  
24 AGRICULTURAL SOIL CONDITIONER IN THE LOCAL AREA, AND THAT  
25 IS NO LONGER A RELIABLE --

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1 CHAIRMAN HUFF: BUT YOU THINK YOU ARE GOING TO  
2 HAVE A PLACE TO MOVE IT TO?

3 MR. HOMAN: THE DISTRICT IS PROVIDING THE  
4 FACILITY. WE HAVE A HUNDRED ACRES OF PROPERTY WE'RE  
5 DEDICATING TO THIS PROJECT. WE WILL INSTALL THE CAPITAL  
6 FACILITIES AND, UNDER CONTRACT, WE'LL OPERATE IT THROUGH  
7 A PRIVATE CONTRACTOR. IN THIS CASE WE ALREADY HAVE A  
8 CONTRACT WITH ECO, WHO HAS EXPERIENCE IN OPERATING  
9 CO-COMPOSTING AND IN MARKETING. SO THE PRODUCT, FINISHED  
10 PRODUCT, WILL BE MARKETED OUTSIDE OF THE WATERSHED IN  
11 BULK FOR AGRICULTURAL PURPOSES.

12 CHAIRMAN HUFF: BY SOMEONE WHO HAS EXPERIENCE  
13 DOING THAT?

14 MR. HOMAN: YES.

15 CHAIRMAN HUFF: THAT'S THE ANSWER TO YOUR  
16 QUESTION. ARE THERE ANY OTHER QUESTIONS? NO OTHER  
17 QUESTIONS. THANK YOU. OKAY. IS THERE ANYONE HERE IN  
18 OPPOSITION TO THIS? ANYONE HERE FROM THE PRISONERS? I  
19 GUESS THAT MAKES SENSE.

20 MOTION ON THIS ITEM.

21 BOARD MEMBER RELIS: MOVE ADOPTION.

22 CHAIRMAN HUFF: MR. RELIS MOVES IT. WITHOUT  
23 OBJECTION, WE'LL SUBSTITUTE PRIOR ROLL CALL. AYES ARE  
24 THREE; THE NOES ARE NONE. IS THIS THE STUFF OF CONSENT?  
25 TRY IT. CONSENT.

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1 TAKES US TO ITEM 5.

2 MR. MORALEZ: MEMBERS OF THE COMMITTEE, YOU'VE  
3 RECEIVED THIS MORNING THE PACKET ON AGENDA ITEM 5,  
4 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED  
5 SOLID WASTE FACILITIES PERMIT FOR EL SOBRANTE SANITARY  
6 LANDFILL. STAFF APOLOGIZES FOR THE LATENESS OF THE  
7 MATERIAL; HOWEVER, THIS IS ONE OF THOSE ITEMS THAT HAS  
8 BEEN WHAT ONE MIGHT CALL A MOVING TARGET.

9 BUT THERE ARE NUMEROUS THINGS IN THIS ITEM.  
10 FIRST OF ALL, I'D LIKE TO POINT OUT THAT STAFF IS  
11 RECOMMENDING IN THIS PARTICULAR ITEM THAT, BECAUSE THERE  
12 ARE EXISTING OUTSTANDING STATE VIOLATIONS, THAT OBJECTION  
13 TO THE PROPOSED PERMIT.

14 STAFF'S PRESENTATION WILL CONSIST OF  
15 ESSENTIALLY TWO PARTS. ONE WILL BE PAUL SWEENEY OF MY  
16 STAFF WILL BE GIVING A BRIEF OVERVIEW AS TO THE PROPOSED  
17 PROJECT AND ITS OPERATIONS AND ALSO ANY COMMENTS FROM OUR  
18 PLANNING AND ASSISTANCE STAFF AS WELL.

19 SECONDLY, PAUL WILLMAN, WHO IS WITH OUR  
20 COMPLIANCE UNIT, WILL PRESENT A DETAILED, ITEMIZED  
21 PRESENTATION IN REGARD TO THOSE VIOLATIONS THAT ARE  
22 CURRENTLY OF CONCERN TO STAFF.

23 AND THEN STEVE SAMANIEGO, THE LEA FOR  
24 RIVERSIDE COUNTY, WOULD ALSO LIKE TO MAKE A PRESENTATION.  
25 THEY ARE NOT IN CONCURRENCE WITH STAFF RECOMMENDATION,

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1 AND SO WOULD LIKE TO GIVE HIM THE OPPORTUNITY, AS ONE  
2 MIGHT SAY, HIS SIDE OF THE STORY. WITH THAT, I WOULD  
3 LIKE TO TURN IT OVER TO PAUL SWEENEY.

4 MR. SWEENEY: GOOD MORNING, MR. CHAIRMAN AND  
5 MEMBERS OF THE COMMITTEE. I'M PAUL SWEENEY REPRESENTING  
6 THE PERMITS BRANCH OF THE PERMITTING AND COMPLIANCE  
7 DIVISION.

8 THE ITEM BEFORE YOU IS CONSIDERATION OF  
9 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE  
10 FACILITIES PERMIT FOR THE EL SOBRANTE SANITARY LANDFILL  
11 IN RIVERSIDE COUNTY. THIS FACILITY IS OWNED AND OPERATED  
12 BY WESTERN WASTE INDUSTRIES.

13 THE PERMIT WILL ALLOW FOR AN 18-ACRE  
14 EXPANSION AND THE ADDITION OF AN URBAN WOODWASTE  
15 PROCESSING FACILITY. THIS FACILITY IS LOCATED NEAR THE  
16 CITY OF PERRIS, P-E-R-R-I-S. THE SITE IS --

17 CHAIRMAN HUFF: I'VE BEEN THERE.

18 MR. SWEENEY: -- SURROUNDED BY OPEN SPACE WITH  
19 NO RESIDENTIAL UNITS WITHIN A THOUSAND FEET OF THE  
20 FACILITY. THIS FACILITY WILL BE PERMITTED TO RECEIVE  
21 APPROXIMATELY 2,000 TONS A DAY OF NONHAZARDOUS MUNICIPAL  
22 SOLID WASTE, INDUSTRIAL AND AGRICULTURAL WASTE,  
23 CONSTRUCTION AND DEMOLITION WASTE, TIRES, CHEMICAL TOILET  
24 WASTE, AND DEAD ANIMALS.

25 THE WASTESTREAM WILL CONSIST MAINLY OF

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1 RESIDENTIAL AND COMMERCIAL SOLID WASTE GENERATED IN THE  
2 AREA AND AROUND AND INCLUDING PERRIS. THERE ARE NO  
3 RESOURCE RECOVERY OPERATIONS CURRENTLY TAKING PLACE AT  
4 THIS SITE.

5 THE LEA HAS DETERMINED THAT THE PROPOSED  
6 WOODWASTE FACILITY FOR THE EL SOBRANTE SANITARY LANDFILL  
7 WILL DIVERT WOODWASTE, TREE TRIMMINGS, GRASS CLIPPINGS,  
8 AND CLEAN CONSTRUCTION DEMOLITION WASTE.

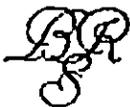
9 IN REVIEWING THIS PERMIT AND ITS SUPPORTING  
10 DOCUMENTATION, BOARD STAFF AND THE LEA DETERMINED THE  
11 FOLLOWING: ONE, THE FACILITY DESIGN IS IDENTIFIED IN THE  
12 RIVERSIDE COUNTY SOLID WASTE MANAGEMENT PLAN; TWO, THE  
13 FACILITY IS IN CONFORMANCE WITH THE RIVERSIDE COUNTY  
14 GENERAL PLAN; THREE, THE PROJECT WILL NOT IMPAIR THE  
15 WASTE DIVERSION GOALS OF AB 939; FOUR, BOARD COMPLIANCE  
16 BRANCH STAFF CONDUCTED AN INSPECTION OF THE FACILITY IN  
17 CONJUNCTION WITH THE LEA ON FEBRUARY 19, 1992.

18 AT THE TIME THIS ITEM WAS PREPARED, THERE  
19 WERE OUTSTANDING STATE MINIMUM STANDARD VIOLATIONS AT  
20 THIS FACILITY. PAUL WILLMAN OF CIWMB'S COMPLIANCE BRANCH  
21 WILL GIVE MORE DETAIL AT THE END OF MY PRESENTATION.

22 FOUR, RIVERSIDE COUNTY HAS -- FIVE,  
23 RIVERSIDE COUNTY HAS AN ENTERPRISE FUND AND ESCROW  
24 AGREEMENT TO SATISFY THE FINANCIAL ASSURANCE MECHANISM OF  
25 TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS.

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1 CURRENTLY THERE IS NO CLOSURE DATE ESTABLISHED FOR THAT  
2 FACILITY. AND FINALLY, CEQA HAS BEEN COMPLIED WITH.

3 STAFF HAS REVIEWED THE PROPOSED PERMIT AND  
4 SUPPORTING DOCUMENTATION AND FOUND THE SUBMITTED  
5 DOCUMENTATION TO BE ACCEPTABLE. HOWEVER, STAFF ARE  
6 MAKING A RECOMMENDATION TO OBJECT TO THE ISSUANCE OF THE  
7 REVISED SOLID WASTE FACILITIES PERMIT DUE TO THE  
8 OUTSTANDING STATE MINIMUM STANDARDS VIOLATIONS.

9 THE LEA IS PRESENT TO ANSWER ANY OF YOUR  
10 QUESTIONS. THIS CONCLUDES MY PART OF THE PRESENTATION.

11 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

12 BOARD MEMBER EGIGIAN: DID YOU TELL US WHAT THE  
13 VIOLATIONS WERE?

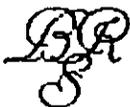
14 MR. WILLMAN: MY NAME IS PAUL WILLMAN WITH THE  
15 REDLANDS COMPLIANCE BRANCH. AND IF YOU LOOK TO YOUR  
16 MONITORS, IT SHOWS THE STATE INSPECTION MARCH 7, 1991,  
17 WHERE THERE WERE THREE OUTSTANDING VIOLATIONS: COVER,  
18 GENERAL MAINTENANCE, DRAINAGE AND EROSION CONTROL.

19 ANOTHER STATE INSPECTION WAS CONDUCTED ON  
20 FEBRUARY 19, 1992, IN WHICH SIX VIOLATIONS WERE FOUND:  
21 PERIODIC SITE REVIEW, WHICH IS A FIVE-YEAR ENGINEERING  
22 REPORT THAT THE OPERATOR MUST SUBMIT TO BOTH THE BOARD  
23 AND THE LEA EVERY FIVE YEARS; THERE WAS A DAILY COVER  
24 VIOLATION; A LEACHATE CONTROL VIOLATION; DRAINAGE AND  
25 EROSION CONTROL; WASTE IN CONTACT WITH WATER; AND GRADING

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1 OF FILL SURFACES.

2 IT SHOULD BE MENTIONED THAT FOUR OF THESE  
3 VIOLATIONS; THAT IS, DAILY COVER, DRAINAGE AND EROSION  
4 CONTROL, WASTE IN CONTACT WITH WATER, AND GRADING OF FILL  
5 SURFACES, WERE DIRECTLY RELATED TO THE HEAVY RAINS WHICH  
6 IMMEDIATELY PRECEDED THE INSPECTION. THESE FOUR, WITH  
7 THE EXCEPTION OF DAILY COVER, HAVE BEEN INDICATED AS  
8 BEING CORRECTED BY THE LEA'S SUBSEQUENT MONTHLY  
9 INSPECTION. AND THERE IS A VISUAL SUMMARY OF THE LEA  
10 INSPECTION NOW ON THE BOARD.

11 APRIL 29TH, WHICH IS THE MOST RECENT  
12 INSPECTION BY THE LEA, DID SHOW THAT THE COVER VIOLATION  
13 HAD BEEN DOWNGRADED TO AN AREA OF CONCERN. AS FAR AS THE  
14 PERIODIC SITE REVIEW, THE REMAINING TWO, PERIODIC SITE  
15 REVIEW AND LEACHATE CONTROL, THE LEA HAS ALSO INDICATED  
16 THAT A DRAFT PSR WAS SUBMITTED TO THEM. TECHNICALLY IT'S  
17 STILL IN VIOLATION BECAUSE THE STANDARD REQUIRES THAT IT  
18 BE SUBMITTED TO BOTH THE BOARD AND THE LEA.

19 THE LEACHATE CONTROL PROBLEM, AS A RULE,  
20 VIOLATIONS SUCH AS GAS CONTROL AND LEACHATE CONTROL TAKE  
21 A CONSIDERABLE TIME TO REMEDIATE, AND THIS NEEDS TO BE  
22 CONSIDERED IF IT'S GOING TO BE AN ISSUE IN HOLDING UP THE  
23 PERMIT.

24 DIXIE LASS OF THE WATER BOARD IS HERE IF  
25 YOU WOULD LIKE AN ELABORATION ON THE LEACHATE CONTROL

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1 SITUATION OUT THERE AND, OF COURSE, STEVE SAMANIEGO OF  
2 THE LEA IS ALSO HERE TO DISCUSS THE PROBLEMS AT THE SITE.

3 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

4 BOARD MEMBER RELIS: JUST A GENERAL QUESTION, I  
5 GUESS. WHY ARE WE SEEING THIS RIGHT NOW? FIRST TIME.  
6 I'VE GOT ONE PAGE AND NOW WE'VE GOT A WHOLE LOT OF  
7 VIOLATIONS TO DEAL WITH AND A RECOMMENDATION.

8 MR. MORALEZ: AT THE TIME THE AGENDA ITEM WAS  
9 PREPARED, NOT ALL THE INFORMATION WAS AVAILABLE TO US.  
10 THE REPORTS WERE STILL IN TRANSITION, SO TO SPEAK, AND WE  
11 HAD NOT HAD A CHANCE TO GET ALL THE DOCUMENTATION  
12 NECESSARY.

13 BOARD MEMBER RELIS: SO WE WERE WAITING TO  
14 RECEIVE INFORMATION FROM WHOM?

15 MR. MORALEZ: PART OF IT WAS FROM OUR COMPLIANCE  
16 STAFF, PART WAS THE LEA AS WELL IN TERMS OF SOME OF THE  
17 INSPECTION REPORTS. THERE WERE QUESTIONS. WE WERE  
18 RUNNING ALSO, OF COURSE, ON OUR FAMOUS 60-DAY CLOCK AND  
19 THE NEED TO CONTINUE THE PROCESS. SO --

20 BOARD MEMBER RELIS: BUT WHOSE CLOCK WERE WE  
21 RUNNING ON? WE WERE WAITING -- WHAT WAS THE TRIGGER FOR  
22 THE CLOCK IN THIS CASE?

23 MR. MORALEZ: THE TRIGGER WAS THE SUBMISSION OF  
24 THE PERMIT FOR OUR REVIEW. ONCE THAT ITEM WAS RECEIVED,  
25 THE LEA SUBMITTED TO US, THE CLOCK BEGAN TO RUN.

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1 CHAIRMAN HUFF: AFTER THE LEA SUBMITTED THAT TO  
2 US, DID THE LEA SUBMIT SIGNIFICANT MATERIALS SUBSEQUENT  
3 TO THAT?

4 MR. MORALEZ: YES.

5 CHAIRMAN HUFF: ARE WE NOT ENTITLED TO CONSIDER  
6 THAT AS THE STARTING OF THE CLOCK? DID WE NOT DO THAT  
7 WITH KELLER CANYON?

8 MR. CHANDLER: I'LL DEFER TO GENERAL COUNSEL,  
9 BUT WE DISCUSSED THIS ISSUE BEFORE INASMUCH AS I FEEL WE  
10 ARE NOT NECESSARILY IN CONTROL OF THE 60-DAY CLOCK. I  
11 THINK THE CLOCK IS TRIGGERED BY THE SUBMITTAL OF THE  
12 APPLICATION BY THE LEA, AND THAT AT TIMES DOES PUT STAFF  
13 IN A DIFFICULT POSITION TO MEET THE TIME REQUIREMENTS,  
14 THE NOTICING REQUIREMENTS, AND, OF COURSE, THE REVIEW  
15 PERIOD THAT THE BOARD DESERVES AND STILL BE IN COMPLIANCE  
16 WITH THAT 60-DAY WINDOW.

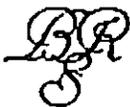
17 BOARD MEMBER RELIS: WHAT IF THEIR SUBMITTAL IS  
18 INCOMPLETE, WE GET MORE INFORMATION? IS THAT -- WHAT  
19 DOES THAT DO?

20 MS. VAZQUEZ: I'M NOT CERTAIN WHAT INFORMATION  
21 WE RECEIVED. I BELIEVE IT WAS REGARDING THE COMPLIANCE  
22 STATUS OF THE FACILITY, NOT CHANGES TO THE PERMIT ITSELF.

23 CHAIRMAN HUFF: OKAY. THAT'S DIFFERENT. IN  
24 KELLER CANYON WE RECEIVED MATERIAL THAT CHANGED THE  
25 PERMIT ITSELF, DID IT NOT?

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1 MS. VAZQUEZ: THAT'S CORRECT.

2 CHAIRMAN HUFF: AND SO THERE WE WERE ENTITLED TO  
3 RESTART THE 60-DAY CLOCK WITH THE SUBMITTAL OF THE  
4 MATERIALS THAT CHANGED THE PERMIT. NOW, HERE, THE PERMIT  
5 WAS IN HAND AND IT DIDN'T CHANGE.

6 MR. MORALEZ: THAT IS CORRECT.

7 CHAIRMAN HUFF: THAT MAKES THE DISTINCTION,  
8 CORRECT, COUNSELOR?

9 ATTORNEY CONHEIM: YES, MR. HUFF.

10 CHAIRMAN HUFF: THANK YOU, COUNSEL. I ALWAYS  
11 LIKE TO HAVE THE LAW ACTUALLY RATIFYING MY APPLICATION  
12 AND PRACTICE OF IT.

13 ATTORNEY CONHEIM: LET THE RECORD NOTE, MR.  
14 HUFF, THAT I RARELY DISAGREE WITH YOUR LEGAL ANALYSIS OF  
15 THINGS.

16 CHAIRMAN HUFF: THANK YOU. WE WENT TO THE SAME  
17 SCHOOL OF LAW.

18 MR. MORALEZ: AT THIS TIME WE'D LIKE TO GIVE --

19 CHAIRMAN HUFF: PAUL'S TRYING TO FIGURE OUT  
20 WHICH SCHOOL THAT IS. IT'S THE SO SUE ME SCHOOL.

21 MR. MORALEZ: AT THIS TIME WE'D LIKE TO GIVE THE  
22 LEA, STEVE SAMANIEGO, AN OPPORTUNITY TO PRESENT HIS  
23 INFORMATION.

24 MR. SAMANIEGO: MR. CHAIRMAN AND BOARD MEMBERS,  
25 WELL, NOW YOU HEAR THE OTHER SIDE OF THE STORY. THANK

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1 YOU, PHIL. THE LEA DOES WANT TO HAVE A CHANCE TO AT  
2 LEAST CLARIFY SOME OF THE ISSUES RAISED BY THE STAFF  
3 REPORT.

4 FIRST OF ALL, THE PERMIT WAS SUBMITTED BY  
5 THE LEA ON BEHALF OF THE APPLICANT, WESTERN WASTE  
6 INDUSTRIES. AND AT ABOUT, YOU KNOW, 12 O'CLOCK YESTERDAY  
7 THE LEA, UP UNTIL THEN, THE LEA WAS INFORMED THAT THE  
8 BOARD STAFF HAD BEEN IN CONCURRENCE WITH THIS PERMIT. UP  
9 UNTIL 12 O'CLOCK WE JUST FINALLY RECEIVED A PHONE CALL  
10 SAYING THERE WAS AN OBJECTION. PLEASE EXCUSE IF I'M NOT  
11 WELL PREPARED FOR OUR SIDE, BUT I THINK WE HAVE ENOUGH  
12 INFORMATION TO AT LEAST CLARIFY SOME OF THE ISSUES.

13 THE APPLICANT WAS CONTACTED AFTER BOARD  
14 STAFF'S PHONE CALL TO INFORM THEM OF THEIR OPPORTUNITY TO  
15 REMOVE -- PULL THIS ITEM OFF THE AGENDA, AND THE  
16 APPLICANT ELECTED TO KEEP IT ON SO WE COULD MAYBE CLARIFY  
17 SOME OF THE ISSUES HERE HOPEFULLY TODAY.

18 THE LEA DOES SHARE THE BOARD STAFF'S  
19 POSITION ON ISSUES OF VIOLATIONS. THERE'S NO QUESTION  
20 ABOUT THAT. THE ISSUES RAISED, UNFORTUNATELY, WE DO  
21 NOT -- WE, UNFORTUNATELY, DID NOT CONCUR WITH THEIR  
22 OBJECTION, WITH OBJECTION OF THE PERMIT FOR THE FOLLOWING  
23 REASONS: FIRST, I'D LIKE TO SHARE MY UNCOMFORTABLE  
24 FEELING HERE BEFORE YOU TODAY AS AN LEA TO BE IN  
25 OPPOSITION OF BOARD STAFF'S OBJECTION. WE FEEL, AS THE

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1 LEA, BOTH THE LEA AND BOARD STAFF SHOULD BE IN HARMONY  
2 WITH EACH OTHER WHEN THEY COME BEFORE YOU ON ANY ISSUES,  
3 AND THAT'S THE LEA'S GOAL OVERALL.

4 AS TO SOME OF THE ISSUES, BOARD STAFF'S  
5 OBJECTION WAS VERY PREMATURE, WE FEEL. ALSO, ONE MAJOR  
6 COMPONENT TO THEIR OBJECTION AND DECISION WAS LEFT OUT,  
7 AND THAT WAS NOT COMMUNICATING WITH THE LEA OR INVOLVING  
8 THE LEA IN THE DECISION PROCESS. THAT WAS A SOLE  
9 DECISION BY BOARD STAFF. A PHONE CALL WAS MADE AND THE  
10 DECISION WAS ALREADY MADE. THERE WAS NO INPUT AS TO  
11 THESE ISSUES FROM THE LEA.

12 WE THOUGHT WE DID HAVE A MAJOR ROLE IN THIS  
13 PERMITTING PROCESS, BUT UNFORTUNATELY WE SEE THAT WE  
14 DIDN'T AT THIS TIME. BECAUSE WE WERE NOT GIVEN THE  
15 OPPORTUNITY TO PROVIDE INPUT AT THE STAFF LEVEL ON THIS  
16 ITEM, THAT'S WHY WE'RE HERE TODAY TO SHARE OUR INPUT WITH  
17 THE BOARD MEMBERS AND THE COMMITTEE HERE. AND WITH THAT,  
18 WE'D LIKE TO GO INTO THE CONCERNS ON THE ISSUES.

19 AGAIN, IT'S THE LEA'S POSITION THAT WITH  
20 THE APPLICANT THAT THE ISSUES RAISED BY THE BOARD STAFF  
21 FOR OBJECTION, THE PERIODIC SITE REVIEW -- AS FAR AS THE  
22 OUTSTANDING VIOLATION, I THINK THE FINAL ISSUES RAISED  
23 WERE JUST PERIODIC SITE REVIEW AND LEACHATE WERE THE ONLY  
24 TWO OUTSTANDING; IS THAT CORRECT? I HAVEN'T HAD  
25 PRIVILEGE OF EVEN REVIEWING A REPORT HERE. AT FIRST I

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1 WAS UNDER THE IMPRESSION THERE WAS LIKE SEVEN OR SO  
2 OUTSTANDING, BUT NOW I'M HEARING CONFUSION, OUT OF ALL  
3 THAT WAS MENTIONED HERE, THERE'S ONLY TWO OUTSTANDING  
4 VIOLATIONS.

5 MR. MORALEZ: THAT'S CORRECT, STEVE.

6 MR. SAMANIEGO: PERIODIC SITE REVIEW, FOR  
7 CLARIFICATION, IS A VIOLATION THAT HAS BEEN NOTED BY THE  
8 LEA IN COMMUNICATING WITH THE APPLICANT OR OPERATOR, AND  
9 THEY ARE CLOSE TO COMPLETING THAT PROCESS. WE CONSIDER  
10 THE LEA, THAT THAT IS A VERY MINOR ISSUE AND CAN BE  
11 CLARIFIED BEFORE THE FULL BOARD POSITION AT THE END OF  
12 THE MONTH.

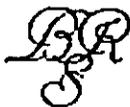
13 ALSO, IT'S A TECHNICAL ISSUE AS FAR AS THE  
14 LEA IS CONCERNED. LEGALLY THE -- THE PERMIT PACKAGE  
15 BEFORE YOU TODAY ON THE EXPANSION COVERS A PERIODIC SITE  
16 REVIEW IS OVER AND ABOVE WHAT A PERIODIC SITE REVIEW  
17 REQUIREMENT IS. SO AGAIN, THIS IS KIND OF LIKE AFTER THE  
18 FACT KIND OF AN ISSUE THAT BOARD STAFF IS JUST ASKING FOR  
19 THE LAW TO BE MET, WHICH IS FINE. WE SHARE THAT CONCERN,  
20 BUT TECHNICALLY THE EXPANSION, THE REVISION IS OVER AND  
21 ABOVE WHAT A PERIODIC SITE REVIEW REQUIRES.

22 AND AS FAR AS THE LEACHATE, AGAIN, I'D  
23 LIKE -- DIXIE LASS IS HERE IN THE AUDIENCE. SHE CAN  
24 ADDRESS THAT, THAT THE APPLICANT PROPONENT OR OPERATOR IS  
25 WORKING AND -- TO ACHIEVE AND DECIDE THE PROBLEMS WITH

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1 THIS, WHERE THE LEACHATE IS COMING FROM, AND WORKING ON A  
2 COMPLIANCE SCHEDULE FOR MITIGATION.

3 MR. MORALEZ: AT THIS TIME I'D LIKE TO CLARIFY  
4 ONE ISSUE. IN REGARDS TO STAFF'S OBJECTION TO THE  
5 PERMIT, WE HAVE NOT -- ARE NOT OBJECTING ON THE BASIS OF  
6 THE WATER BOARD -- REGIONAL WATER BOARD'S FINDINGS.  
7 RATHER, BECAUSE THE LEACHATE PROBLEM, AS IN OTHER  
8 SITUATIONS WE'VE DEALT WITH, ARE LONG-TERM REMEDIATION  
9 KIND OF ISSUES. AND I WOULD LOVE TO HAVE DIXIE COME UP  
10 AND GO AHEAD AND IDENTIFY IF, IN FACT, THERE ARE  
11 REMEDIATION PLANS IN PLACE TO DEAL WITH THAT.

12 STAFF'S OBJECTION REALLY DEALS WITH THE TWO  
13 ITEMS RELATIVE TO THE PERIODIC SITE REVIEW AND THEN, OF  
14 COURSE, THE COVER ISSUE. SO IF THOSE CAN BE ADDRESSED BY  
15 THE LEA IN A FASHION THAT MEETS THAT -- THOSE  
16 REQUIREMENTS, STAFF IS OPEN TO CONSIDERING THE PROPOSED  
17 PERMIT.

18 MR. SAMANIEGO: THANK YOU, PHIL. THAT NARROWS  
19 IT DOWN TO ONE VIOLATION BECAUSE I THINK MR. WILLMAN DID  
20 MENTION ON THE LEA'S LAST INSPECTION THE COVER WAS  
21 REMOVED FROM THE VIOLATION TO AN AREA OF CONCERN. THE  
22 LEA HAS, I THINK WE HAVE -- WE'RE PROUD OF OUR SYSTEM AND  
23 INSPECTION PROGRAM. AREAS OF CONCERN ARE MAINLY NOTED  
24 WRITTEN CONCERN ISSUES TO THE OPERATOR, LETTING THEM KNOW  
25 THAT IT'S A VERY MINOR ISSUE. IT'S NOT REALLY A

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1 VIOLATION, BUT THEY SHOULD PAY SOME ATTENTION TO IT.  
2 OTHERWISE, IT COULD TURN INTO ONE, OR WE WOULD GET INTO A  
3 MAINTENANCE ISSUE WITH THEM.

4 MS. VAZQUEZ: MR. SAMANIEGO, IF WE COULD GET A  
5 COPY OF THE PERIODIC SITE REVIEW AND BOTH YOUR OFFICE AND  
6 THE BOARD APPROVE THIS BY BOARD DAY, THEN I BELIEVE STAFF  
7 WOULD BE ABLE TO RECOMMEND CONCURRENCE IN THIS PERMIT.

8 MR. SAMANIEGO: AGAIN, AT THE END OF MY REPORT,  
9 I WOULD INTRODUCE THE APPLICANT HERE, CHUCK TOBIN OF  
10 WESTERN WASTE INDUSTRIES, AND HE CAN FILL IN AND CONFIRM  
11 OUR POSITION AS FAR AS WE FEEL THAT DOCUMENT WILL BE  
12 SUBMITTED.

13 AGAIN, CLARIFYING STAFF'S REPORT, BOARD  
14 STAFF -- ALL THESE ISSUES RAISED BEFORE YOU. BOARD STAFF  
15 HAVE BEEN AWARE OF THEM SINCE FEBRUARY 19, 1992. THESE  
16 ARE MINIMUM STANDARDS FROM THEIR STATE INSPECTION. AND  
17 YOU KNOW, UP UNTIL 12 O'CLOCK WE WERE -- THEM BEING AWARE  
18 OF THESE VIOLATIONS, THEY WERE INFORMING US THAT THIS WAS  
19 IN CONFORMANCE WITH THEIR PERMIT PROCESS UP UNTIL 12  
20 O'CLOCK YESTERDAY. SO WE'RE CONFUSED WITH THE DECISION  
21 PROCESS THAT THE STAFF MADE ON THAT.

22 FEBRUARY 19TH, THAT'S 90 DAYS THEY HAD THIS  
23 INFORMATION PRIOR TO OUR SUBMITTAL OF THE APPLICATION.

24 ALSO, JUST ASIDE FROM THE REPORT, LEA IS  
25 LOOKING FOR SOME LITTLE DIRECTION FROM THE BOARD ON MAYBE

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1 IT APPEARS TO BE THERE'S SOMEWHAT A DUPLICATION OF EFFORT  
2 OR AUTHORITY TAKING PLACE LOCALLY ON DETERMINING  
3 CONFORMANCE OR COMPLIANCE WITH MINIMUM STANDARDS.

4 WE THOUGHT THE LEA HAD THE LEAD IN -- LEAD  
5 ROLE IN ENFORCING MINIMUM STANDARDS AND ENSURING THAT THE  
6 SITES ARE IN COMPLIANCE. AND DIRECTION FROM BOARD STAFF  
7 IS THAT WE HAVE TO MAKE A STATEMENT IN THE PERMIT THAT  
8 THE SITE IS INDEED IN COMPLIANCE. AND THAT FINDING WAS  
9 MADE PRIOR TO BOARD STAFF'S INSPECTION, AND THAT'S JUST A  
10 CONFUSION TO THE LEA NOW.

11 WE JUST FEEL IT'S CONFUSION TO THE LEA AND  
12 ALSO TO THE OPERATOR HAVING TWO AGENCIES OF THE SAME  
13 BOARD HERE DUPLICATING EFFORTS ON A PERMIT PROCESS. AND  
14 WITH THIS DECISION HERE, WE'D LIKE SOME DIRECTION AS TO  
15 WHO IS GOING TO DO THESE FINDINGS OF CONFORMANCE.

16 AGAIN, WE DON'T OBJECT TO THE VIOLATIONS  
17 NOTED. THOSE ARE INDEED VIOLATIONS AND WE SHARE THOSE  
18 CONCERNS. WE'RE NOT HERE ARGUING VIOLATION ISSUES, JUST  
19 PROCEDURE ISSUES.

20 IN CONCLUSION, THE LEA RECOMMENDS THAT THE  
21 COMMITTEE HERE CONCURS ON THIS PERMIT FOR BOARD ACTION IN  
22 MAY. BECAUSE OF THE VIOLATIONS NOTED OR THE VIOLATION  
23 NOTED HERE TODAY ON THE PERIODIC SITE REVIEW IS, WE FEEL,  
24 NEAR COMPLIANCE AND IS ALSO A VERY MINOR ISSUE, AND IT'S  
25 NOT BEING IGNORED BY THE LEA, NOR THE OPERATOR. AND WE

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1 ARE CONFIDENT THAT PRIOR TO THE BOARD MEETING, THE SITE  
2 WILL BE IN FULL COMPLIANCE.

3 AND WITH THAT, I'D LIKE TO INTRODUCE FIRST  
4 DIXIE LASS AND THEN CHUCK TOBIN. DIXIE LASS OF REGIONAL  
5 WATER QUALITY CONTROL BOARD AND CHUCK TOBIN OF WESTERN  
6 WASTE INDUSTRIES, IF I MAY.

7 ATTORNEY CONHEIM: MR. HUFF.

8 CHAIRMAN HUFF: YES. COUNSELOR.

9 ATTORNEY CONHEIM: I WANTED TO CLARIFY SOMETHING  
10 AND MAYBE HELP MR. SAMANIEGO. WASTE BOARD STAFF IS  
11 REQUIRED TO MAKE INSPECTIONS OF LANDFILLS. STATUTE  
12 REQUIRES IT. WASTE BOARD ALSO HAS ALL OF THE POWERS OF  
13 AN LEA IN TAKING AN ENFORCEMENT ACTION. SO THE STATUTE  
14 CONTEMPLATES SOME DUPLICATION, AND THERE ARE A LOT OF  
15 REASONS FOR THAT, AS YOU KNOW, BECAUSE YOU'VE JUST BEEN  
16 THROUGH AN LEA CERTIFICATION PROCESS. IN FACT, YOU ARE A  
17 CERTIFIED LEA, ONE OF THE FIRST WITH THE HEARING PANEL.

18 IN INVESTIGATING YOUR QUALIFICATIONS TO BE  
19 AN LEA, WE'VE INSPECTED, WE'VE LOOKED AT YOUR LANDFILLS  
20 IN YOUR OPERATION. THERE ARE MANY REASONS WHY WE WOULD  
21 BE THERE AT THE SAME TIME YOU WERE. BECAUSE YOU ARE A  
22 CERTIFIED LEA AND ONE OF THE FIRST, IF YOU AGREE WITH OUR  
23 ASSESSMENT OF THE VIOLATIONS, THEN IT REALLY WAS  
24 INCUMBENT UPON YOU TO TAKE SOME ENFORCEMENT ACTION  
25 CONCERNING THESE, TAKE THIS FACILITY -- TAKE AN ACTION

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1 AGAINST IT.

2 TO THE EXTENT THAT WE HAVE AND YOU HAVEN'T,  
3 WE BELIEVE THAT WE'VE ACTED APPROPRIATELY. AND WHAT --  
4 YOUR CONFUSION IS BRINGING INTO QUESTION YOUR ENFORCEMENT  
5 ACTION DURING THE PERIOD THAT YOU'VE BEEN INSPECTING  
6 THIS. SO I HOPE THAT YOU TAKE A LOOK AT THE PROCESS THAT  
7 WE'VE GONE THROUGH AND TAKE A LOOK AT YOUR OWN OPERATION  
8 IF YOU AGREE WITH THESE VIOLATIONS.

9 I JUST WANTED TO MAKE THOSE STATEMENTS FOR  
10 THE RECORD BECAUSE WE HAVE TO BE THERE. IT'S NOT A  
11 QUESTION OF SOMETIMES WE ARE AND SOMETIMES WE'RE NOT.  
12 WE'LL ALWAYS BE THERE.

13 MR. SAMANIEGO: IF I MAY. NO. THAT QUESTION  
14 IS -- THAT IS UNDERSTOOD. THE REAL QUESTION, AGAIN, IS  
15 WE'RE HAVING DIRECTION FROM YOUR STAFF, FROM BOARD STAFF,  
16 TO MAKE THIS FINDING. AND WE, INDEED, DO THAT UNDER YOUR  
17 DIRECTION. BUT THE CONFUSION IS, I GUESS THE FEELING THE  
18 LEA'S HAVE IS THERE'S A LITTLE DISTRUST WITH WHAT THE  
19 LEA'S ARE DOING OUT THERE WITH OUR FINDING. AND IF  
20 THAT'S SO, THE DIRECTION WE'RE LOOKING FOR, MAYBE ONE OR  
21 THE OTHER SHOULD DO SPECIFICALLY JUST FOR PERMIT FINDING  
22 OF COMPLIANCE. WE'RE NOT TALKING ROUTINE INSPECTIONS.

23 AND FURTHERMORE, WITH THESE VIOLATIONS, LEA  
24 IS USING OUR STRICTEST ENFORCEMENT PROCEDURES. THESE  
25 VIOLATIONS AREN'T THE SAME ONES THAT HAVE BEEN COMING UP.

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1           THEY ARE LIKE A RECURRING WHICH IS THE MAINTENANCE  
2           PROBLEM. THAT'S WHY WE ISSUED A MAINTENANCE VIOLATION.  
3           BUT VIOLATIONS ARE CORRECTED AND THEN A MONTH LATER OR  
4           ANOTHER MONTH LATER ANOTHER VIOLATION IS COMING UP, AND  
5           THAT'S STATUS QUO FOR MOST LANDFILL OPERATIONS. THERE  
6           ARE GOING TO BE EXISTING VIOLATIONS. THAT'S WHY I FEEL  
7           WE'RE GIVEN THAT AUTHORITY TO DO MONTHLY INSPECTIONS AT  
8           THESE SITES BECAUSE VIOLATIONS ARE ALWAYS SURFACING.

9                         AND THAT'S WHAT WE'RE FACING HERE TODAY IS  
10           VIOLATIONS THAT COME UP. WE'RE TALKING OF A SUBMITTAL IN  
11           FEBRUARY; AND THEN IF BOARD STAFF OR ANYBODY GOES BACK AT  
12           THE LAST MINUTE IN MARCH TO DO AN INSPECTION, WELL,  
13           THEY'RE PROBABLY GOING TO FIND VIOLATIONS IF THE SITE HAS  
14           FAILED TO MEET THEIR MINIMUM COMPLIANCE.

15                        BUT ALSO, THE CONFUSION IS ON A REVISED  
16           PERMIT. I DON'T KNOW, WE WERE OF THE UNDERSTANDING THAT  
17           THE STATUTE IS NOT TO -- ON A REVISED PERMIT NOT TO HOLD  
18           UP THE PROCESS OF A PERMIT FOR MINIMUM STANDARDS. I  
19           DON'T THINK IT SPECIFICALLY SAYS THAT, COUNSEL, BUT IT'S  
20           FOR LONG-TERM ENVIRONMENTAL IMPAIRMENT, AND THEY SHOULD  
21           CONTINUE TO PROCESS THE PERMIT. I DON'T KNOW. YOU CAN  
22           CORRECT ME ON THAT.

23                        CHAIRMAN HUFF: WELL, ONE MATTER THAT YOU RAISE  
24           HERE IS A MATTER THAT'S NOT LIMITED TO THIS PERMIT, BUT  
25           THE PROCESS IN GENERAL.

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1 MR. SAMANIEGO: YES.

2 CHAIRMAN HUFF: OKAY. THAT CAN BE CONSIDERED ON  
3 ITS OWN MERITS. WE DON'T NEED TO CONSIDER THAT WITH  
4 REGARD TO THIS PERMIT AND WE SHOULDN'T, IN FACT. WE  
5 SHOULD REGARD IT AS A PROCESS QUESTION.

6 PERHAPS OUR NEW DESK MANUAL, ONCE WE HAVE  
7 IT, ADDRESSES THIS. I DON'T KNOW. IT DOES. OKAY. SO  
8 YOU SEE THERE'S SOMETHING IN THE PIPELINE THAT WILL  
9 ADDRESS YOUR PROCESS QUESTION AND THAT'S MOVING FORWARD.

10 WITH REGARD TO THE LAST ISSUE, I THINK  
11 THAT, REALLY, YOU KNOW, DIFFERENT SIDE OF THE SAME COIN.  
12 I MEAN, YOU TALK ABOUT LONG-TERM ENVIRONMENTAL  
13 IMPAIRMENT. THAT'S WHAT OUR MINIMUM STANDARDS ARE IN  
14 PLACE TO PREVENT. SO VIOLATION OF THAT CAN BE REGARDED,  
15 AT LEAST BY SOME, AS POTENTIALLY LONG-TERM ENVIRONMENTAL  
16 IMPAIRMENT.

17 ARE THERE ANY OTHER QUESTIONS OF THE  
18 WITNESS? DO YOU HAVE ANYTHING ELSE TO ADD?

19 MR. SAMANIEGO: I'D LIKE TO INTRODUCE DIXIE  
20 LASS, REGIONAL WATER QUALITY.

21 CHAIRMAN HUFF: YES. PRODUCTIVE MORNING FOR  
22 YOU.

23 MS. LASS: FIRST, I'D LIKE TO ASK IF YOU HAVE A  
24 SPECIFIC QUESTION THAT YOU WOULD LIKE ANSWERED ABOUT THE  
25 LEACHATE SITUATION.

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1 CHAIRMAN HUFF: WHAT IS IT?

2 MS. LASS: WHAT IS IT? OKAY.

3 CHAIRMAN HUFF: SPECIFICALLY IS THERE A PLAN  
4 EITHER IN PROCESS OR IN PLACE TO DEAL WITH IT?

5 MS. LASS: OKAY. THERE IS A PROCESS IN PLACE TO  
6 DEAL WITH IT, AND THAT PROCESS IS OPERATING. VERY  
7 BRIEFLY, WHAT'S HAPPENING AT THIS STAGE IS MY STAFF IS  
8 DOING A VERY INTENSIVE REVIEW OF ALL THE DATA RELATED TO  
9 THIS SITE FROM ITS CONSTRUCTION THROUGH THE MOST RECENT  
10 MONITORING.

11 WHAT WE ARE TRYING TO DO IS IDENTIFY DATA  
12 GAPS AND HAVE THE OPERATOR FILL THOSE GAPS SO THAT WE CAN  
13 MOVE TO SOME APPROPRIATE METHOD FOR DEALING WITH THE  
14 GROUNDWATER CONTAMINATION. AT THIS POINT OUR BEST GUESS  
15 IS THE EXISTING CONTAMINATION IS THE RESULT OF GAS  
16 MIGRATION. THIS IS AN UNLINED SITE. IT IS ON BEDROCK,  
17 BUT IT IS ON FRACTURED BEDROCK. AND IT'S NOT ENTIRELY  
18 CLEAR -- IT WAS BUILT DURING THE DROUGHT, AND IT'S NOT  
19 ENTIRELY CLEAR WHERE THE WATER IS WHEN IT MOVES THROUGH  
20 THOSE FRACTURES, WHICH IT DOES FOLLOWING PRECIPITATION.

21 GAS UNDOUBTEDLY IS MIGRATING, AS IT ALWAYS  
22 DOES, OUT OF WASTE, AND IT'S UNDOUBTEDLY CONTACTING THAT  
23 WATER, AND THE CONDENSATE THEN CONTAMINATES THAT WATER.  
24 SO WE'RE TRYING TO FIGURE OUT WHAT TO ASK. WESTERN WILL  
25 ANSWER THOSE QUESTIONS, AND THEN WE WILL REQUIRE SOME

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1 KIND OF REMEDIATION. IT MAY BE AS SIMPLE AS A VERY  
2 EXTENSIVE GAS EXTRACTION SYSTEM. THERE MAY BE A NEED FOR  
3 SOME GROUNDWATER EXTRACTION AND TREATMENT, BUT AT THIS  
4 POINT WE AREN'T REALLY PREPARED TO SAY EXACTLY WHAT THAT  
5 REMEDIATION WILL BE.

6 BOARD MEMBER RELIS: IT SOUNDS LIKE THIS IS  
7 SIGNIFICANT CONCERN, AND IT'S NOT AT THE POINT OF HAVING  
8 A DIRECTION. YOU ARE IN, AS YOU CALL IT, IN PROCESS.

9 MS. LASS: RIGHT.

10 BOARD MEMBER RELIS: YOU ARE INVESTIGATING.

11 MS. LASS: RIGHT. WE ANTICIPATE BEING DONE WITH  
12 THAT PROCESS BY JULY. WE'RE APPROACHING THE END, SO AT  
13 THAT POINT WE WILL SEND A LETTER TO THE OPERATOR AND CALL  
14 FOR A MEETING AND SIT DOWN AND TALK. WE'VE MET SEVERAL  
15 TIMES ON THIS SUBJECT WITH THEM ALREADY. SO THIS WOULD  
16 BE OUR FINAL MEETING TO SORT OF GIVE THEM SOME DIRECTION,  
17 WHERE YOU GO FROM HERE.

18 CHAIRMAN HUFF: OKAY. QUESTION OF STAFF. WHERE  
19 IS THE EXPANSION RELATIVE TO THE EXISTING OPERATIONS WITH  
20 THE LANDFILL?

21 MS. LASS: I CAN ANSWER THAT. THE EXPANSION IS  
22 IN THE FURTHEST UP CANYON PORTION OF THE PERMITTED SITE.  
23 IT'S A PIECE OF PROPERTY THAT WE ACTUALLY WROTE -- WE  
24 PERMITTED IN OUR PERMIT BECAUSE WE KNEW THAT WESTERN WAS  
25 ATTEMPTING TO PURCHASE THAT PROPERTY, AND THEY HAVE

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1 PURCHASED THAT PROPERTY.

2 AS I UNDERSTAND IT, THEY ARE LINING THAT  
3 SITE. I KNOW PORTIONS OF THE SITE THAT WERE CONSTRUCTED  
4 AFTER THE GROUNDWATER CONTAMINATION WAS IDENTIFIED WERE  
5 LINED. LINING BEGAN AT THAT POINT. IT IS MY  
6 UNDERSTANDING, AND CHUCK TOBIN CAN CORRECT ME IF I'M  
7 WRONG, BUT IT'S MY UNDERSTANDING THAT A SYNTHETIC LINER  
8 IS GOING TO BE ADDED TO THAT 18-ACRE EXPANSION OVER AND  
9 ABOVE THE CLAY LINER THAT IS BEING PUT DOWN -- THAT HAS  
10 BEEN PUT DOWN IN THE PORTIONS OF THE SITE THAT ARE LINED.  
11 I MISSPOKE WHEN I SAID IT'S AN UNLINED SITE. IT'S PARTLY  
12 UNLINED, PARTLY LINED.

13 CHAIRMAN HUFF: THE EXPANSION AREA IS.

14 MS. LASS: AND THE EXPANSION AREA, IT WILL --  
15 NO. EVEN BEFORE THE EXPANSION AREA, THEY STARTED LINING.  
16 IT'S BEEN BUILT IN SEVERAL PHASES, AND I THINK -- I THINK  
17 LINING BEGAN WITH PHASE II, AND THAT WAS A CLAY LINER.  
18 NOW I THINK THEY'RE MOVING TO A SYNTHETIC LINER AS WELL.

19 CHAIRMAN HUFF: OKAY. AND THIS PHASE -- IS IT  
20 THREE? HE SAYS YES. HE'S SHAKING HIS HEAD YES -- IS  
21 SOMEWHAT REMOVED FROM THE OLDER PART.

22 MS. LASS: YES, SIGNIFICANTLY REMOVED.

23 CHAIRMAN HUFF: YOU KNOW WHERE THIS QUESTION IS  
24 GOING ALREADY BECAUSE I ASKED IT LAST TIME YOU WERE HERE  
25 LAST MONTH. YOUR ANTICIPATION IS THAT THE EXPANDED

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1           ACTIVITIES, IN ALL PROBABILITY, WILL NOT HAVE A  
2           SIGNIFICANT IMPACT ON THE EXISTING LEACHATE SITUATION.

3           MS. LASS:   THAT'S CORRECT.

4           CHAIRMAN HUFF:   TOOK A LONG BUILDUP TO GET  
5           THERE, BUT THAT'S THE PUNCHLINE.   OKAY.

6           ANY OTHER QUESTIONS?   SAM, DID YOU HAVE A  
7           QUESTION?

8           BOARD MEMBER EGIGIAN:   I DID, BUT I DON'T KNOW  
9           WHAT IT IS ANYMORE.   YOU PEOPLE WOULDN'T GIVE ME THE  
10          CHANCE TO ASK IT.   GO RIGHT AHEAD.

11          CHAIRMAN HUFF:   DOES THE OPERATOR WANT TO --

12          MR. TOBIN:   NOT REALLY, BUT YOU GAVE ME THE  
13          OPPORTUNITY.   MY NAME IS CHUCK TOBIN.   I'M VICE PRESIDENT  
14          OF PLANNING AND DEVELOPMENT FOR WESTERN WASTE.   EL  
15          SOBRANTE LANDFILL IS MY PROJECT, HAS BEEN FOREVER AND A  
16          DAY.   WE -- IN FACT, A LOT OF PEOPLE IN THIS ROOM HAVE  
17          LIVED TOGETHER WITH THIS PROJECT RIGHT FROM THE VERY  
18          BEGINNING.   IT WAS THE FIRST MAJOR SUBCHAPTER 15 SITE  
19          PERMITTED WITHIN THE STATE OF CALIFORNIA.

20          WE LEARNED, GOING THROUGH THAT PROCESS,  
21          WE'RE STILL LEARNING.   IT'S INTERESTING TO SEE SOME OF  
22          DIALOGUE STAFF TO STAFF.   I WOULD POINT OUT THAT IN  
23          RIVERSIDE COUNTY, STEVE KNOWS, WE WORKED ON AN EARLY  
24          BASIS TOWARDS AN INSPECTION MANUAL SO THAT BETWEEN THE  
25          INSPECTORS AND THE OPERATORS, THERE WAS -- EVERYBODY WAS

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1 READING OFF THE SAME PAGE. THAT WAS A GOOD STEP FORWARD,  
2 AND I HEAR THAT YOU ARE MOVING IN THAT DIRECTION.

3 I WILL ACCEPT THE OFFER OF IF THE  
4 SUBMISSION OF THE PERIODIC SITE REVIEW IS DONE BY THE  
5 BOARD MEETING AS TO WHETHER OR NOT THAT CONSTITUTES  
6 COMPLIANCE. AS IT WAS PREVIOUSLY NOTED, WE ALREADY HAVE  
7 A DRAFT. IN FACT, THIS DOCUMENT -- HERE'S THE EIR;  
8 HERE'S THE REPORT OF DISPOSAL SITE INFORMATION. THE  
9 PERIODIC SITE REVIEW IS ACTUALLY A DOCUMENT THAT WILL BE  
10 THINNER THAN THE REPORT OF DISPOSAL SITE INFORMATION.  
11 THE SITE WAS THOROUGHLY REVIEWED IN THE PROCESS OF GOING  
12 THROUGH THIS EIR AND PREPARATION OF THE REPORT OF  
13 DISPOSAL SITE INFORMATION.

14 THERE IS ALREADY A DRAFT DOCUMENT ON THE  
15 PERIODIC SITE REVIEW WHICH HAS ALREADY BEEN PREPARED.  
16 CONSEQUENTLY, IT WILL BE PUT INTO WHATEVER FORM THAT SO  
17 PLEASES STAFF FOR REVIEW ON ANY KIND OF BASIS THAT STAFF  
18 WISHES. WE FEEL THAT THE OTHER NOTICES OF VIOLATION  
19 THAT, AGAIN, OBVIOUSLY WESTERN'S ATTITUDE IS TO TRY TO  
20 RUN A MODEL SITE AND THAT WE HOPEFULLY DO THAT ON A  
21 DAY-TO-DAY BASIS.

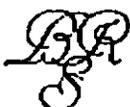
22 ANY QUESTIONS?

23 CHAIRMAN HUFF: ANY QUESTIONS?

24 MR. TOBIN: WE'D ASK FOR CONCURRENCE WITH THE  
25 STATE.

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1 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I'D LIKE  
2 ASK A QUESTION. STAFF HAS RECOMMENDED THAT WE DO NOT  
3 CONCUR. I'D LIKE TO ASK A QUESTION. WHAT HAPPENS IF THE  
4 BOARD AT OUR NEXT MEETING GOES ALONG WITH WHAT STAFF  
5 SAYS? DOES THAT LANDFILL SHUT DOWN?

6 CHAIRMAN HUFF: I DON'T THINK SO. THIS IS AN  
7 EXPANSION, SO THEIR EXISTING PERMIT IS NOT INVALIDATED.

8 MR. MORALEZ: THAT'S CORRECT. I WOULD LIKE TO,  
9 PERHAPS, TO ADDRESS YOUR CONCERN, MR. EGIGIAN, AND THAT  
10 IS IF THE OPERATOR AND THE LEA CAN SUBMIT TO US THE  
11 DOCUMENT THAT WE'VE ASKED FOR PRIOR TO THE NEXT BOARD  
12 MEETING, STAFF WOULD NOT HAVE AN OBJECTION TO THIS  
13 PROPOSED PERMIT. AND AGAIN, UNDERSTAND THAT THE LAW DOES  
14 NOT REQUIRE THAT WE APPROVE THE DOCUMENT; IT'S THAT WE  
15 HAVE THE DOCUMENT. AND AT THIS POINT WE HAD NO DOCUMENT.

16 AND SO IF THAT DOCUMENT IN WHATEVER  
17 APPROPRIATE FORM THE LEA HAS REQUESTED IT FROM THE  
18 OPERATOR IS PRESENTED TO US PRIOR TO THAT BOARD MEETING,  
19 STAFF WOULD HAVE NO OBJECTION AT THAT POINT RECOMMENDING  
20 CONCURRENCE WITH THIS PERMIT.

21 MR. TOBIN: DOES THAT MEAN THAT WE GO ON FOR  
22 THIS MONTH'S BOARD MEETING?

23 MR. MORALEZ: THAT'S CORRECT. YOU TAKE IT TO  
24 THE MAY BOARD MEETING.

25 MR. TOBIN: BASICALLY WHAT HE'S SAYING -- WHAT

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1 WE'RE TALKING ABOUT IS SOMETHING WHICH HAS ALREADY BEEN  
2 PREPARED, AND IT HAS SOMEHOW GOT LOST IN THE LINES OF  
3 COMMUNICATION BETWEEN. LEGITIMATE CONCERN, BUT IT'S --  
4 THE DOCUMENT'S ALREADY -- IT'S -- I'LL TELL YOU, MY  
5 ENGINEER -- ONE DAY I'LL LEARN HOW TO HANG UP MY PHONE  
6 AFTER ABOUT 12 O'CLOCK ON THE DAY BEFORE I HAVE A PERMIT  
7 BECAUSE I JUST DON'T WANT -- IT IS THERE. AND THE  
8 ENGINEER, IN FACT, IS WORKING TO PUT IT INTO, YOU KNOW,  
9 THE FINAL, FINAL, FINAL FORM WHICH THEN, IN TURN, WILL GO  
10 TO MR. SAMANIEGO, WHICH THEN, IN TURN, WILL COME TO STATE  
11 STAFF. IT ABSOLUTELY POSITIVELY WILL BE THERE BEFORE THE  
12 MAY BOARD MEETING.

13 CHAIRMAN HUFF: MR. RELIS, DO YOU HAVE A MOTION?

14 BOARD MEMBER RELIS: YEAH. I'LL PROCEED. I'M  
15 CONFUSED AND EXASPERATED BY THIS DISCUSSION HERE. AND IN  
16 LIGHT OF RECEIVING THIS JUST NOW, I WOULD MOVE THAT WE  
17 MOVE THIS TO BOARD ACTION WITHOUT RECOMMENDATION.

18 CHAIRMAN HUFF: YOU WANT TO ELABORATE ON THE  
19 MOTION AND REQUEST THAT --

20 BOARD MEMBER RELIS: ELABORATE ON IT?

21 CHAIRMAN HUFF: REQUEST THAT THE ADDITIONAL  
22 INFORMATION BE PROVIDED.

23 BOARD MEMBER RELIS: YES. WE'RE GOING TO NEED  
24 ADDITIONAL INFORMATION BETWEEN THE LEA AND BETWEEN OUR  
25 BOARD STAFF, CLARIFICATION, THE ISSUES THAT COME BEFORE

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1 US ABOUT WHAT THE DIFFERENCES ARE AND THE PROPOSED  
2 CORRECTIONS AND --

3 CHAIRMAN HUFF: IN THAT BINDER.

4 BOARD MEMBER RELIS: YES. WHATEVER IS IN THERE,  
5 AND THAT NEEDS TO BE HERE BY -- LET'S SEE. WHAT'S THE  
6 DATE? TODAY IS THE 12TH? -- WE NEED IT BY THE 20TH TO BE  
7 AMPLY PREPARED IN TIME FOR AN ACTION.

8 CHAIRMAN HUFF: OKAY. THAT'S A MOTION.

9 BOARD MEMBER EGIGIAN: I'LL SECOND THAT MOTION  
10 ON THE CONDITION THAT STAFF GIVES US THIS PAPERWORK  
11 BEFORE THE MEETING STARTS. OKAY.

12 BOARD MEMBER RELIS: THAT'S WHY THE 20TH.

13 BOARD MEMBER EGIGIAN: I CANNOT AND I WILL NOT  
14 GO ALONG ON ANY OTHER ITEM IF WE DON'T HAVE THIS  
15 PAPERWORK SEVERAL DAYS BEFORE THE MEETING STARTS BECAUSE  
16 IT SHOULDN'T BE ON THE AGENDA IF WE DON'T HAVE THE  
17 PAPERWORK.

18 CHAIRMAN HUFF: WITHOUT OBJECTION, WE'LL  
19 SUBSTITUTE PRIOR ROLL CALL. THE AYES ARE THREE; THE NOES  
20 ARE NONE. THE MOTION CARRIES. THE ITEM WILL BE ON THE  
21 MAY BOARD MEETING.

22 CHAIRMAN HUFF: PAPER BREAK.

23 (A BREAK WAS TAKEN.)

24 CHAIRMAN HUFF: ITEM 6.

25 MR. MORALES: ITEM NO. 6, CONSIDERATION OF

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1 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE  
2 FACILITY PERMIT FOR HIGHGROVE SANITARY LANDFILL IN  
3 RIVERSIDE COUNTY. AGAIN, MY APOLOGIES FOR RECEIVING THIS  
4 AT THE 12TH HOUR OR 13TH HOUR, PERHAPS IS A BETTER WAY TO  
5 PUT IT.

6 AND AGAIN, THERE ARE MANY ISSUES HERE. WE,  
7 IN LOOKING AT THIS PERMIT, STAFF IS RECOMMENDING THE  
8 OBJECTION TO THE PERMIT ON THE BASIS OF, AGAIN, THERE ARE  
9 NUMEROUS VIOLATIONS ON STATE MINIMUM STANDARDS.

10 I'D LIKE TO MAKE A DISTINCTION, THOUGH,  
11 BETWEEN THIS PROJECT AND THE PREVIOUS AGENDA ITEM IN THAT  
12 WITH THE EL SOBRANTE SANITARY LANDFILL, IN REGARDS TO THE  
13 WATER BOARD, THEY WERE NOT ISSUED A C&A ORDER. PRIMARILY  
14 THEY HAD MANY, MANY POSITIVE WORKING RELATIONSHIPS IN  
15 TERMS OF DEALING WITH SOME OF THE VIOLATIONS THERE.

16 IN THIS PARTICULAR OPERATION, THERE WAS AN  
17 ISSUE OF A C&A BY THE WATER BOARD, WHICH HAS A LOT MORE  
18 CLOUT TO IT IN TERMS OF ACTIONS REQUIRED. AND WE HAVE  
19 FOUND, IN TERMS OF VIOLATIONS, THAT THERE ARE NUMEROUS  
20 DAILY KINDS OF OPERATIONAL VIOLATIONS WITH THIS FACILITY.

21 AND PAUL SWEENEY WILL GIVE A BRIEF OVERVIEW  
22 AS TO THE PROJECT. I THINK ALSO IMPORTANT FOR THE BOARD  
23 MEMBERS TO CONSIDER ARE THE REPORTS OF THE DIFFERENT  
24 VIOLATIONS AS PRESENTED BY PAUL WILLMAN IN TERMS OF THE  
25 ONGOING KINDS OF PROBLEMS THAT WE'VE HAD WITH THIS

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1 FACILITY.

2 MR. SWEENEY: GOOD MORNING, MR. CHAIRMAN AND  
3 MEMBERS OF THE COMMITTEE. I'M PAUL SWEENEY REPRESENTING  
4 THE PERMITS BRANCH OF THE PERMITTING AND COMPLIANCE  
5 DIVISION.

6 THE ITEM BEFORE YOU IS CONSIDERATION OF  
7 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE  
8 FACILITIES PERMIT FOR THE HIGHGROVE SANITARY LANDFILL IN  
9 RIVERSIDE COUNTY. THE PERMIT WILL ALLOW FOR A DAILY  
10 CAPACITY EXPANSION FROM 1800 TO 2700 TONS PER DAY.

11 THIS INCREASE IN EXPANSION WILL ALLOW THE  
12 HIGHGROVE SANITARY LANDFILL TO ACCEPT WASTE THAT WOULD  
13 PREVIOUSLY BE SENT TO THE DOUBLE BUTTE FACILITY, WHICH  
14 WILL BE CLOSING APPROXIMATELY 1995. THEY MAY ACCEPT SOME  
15 WASTE FROM THE BADLANDS FACILITY AS WELL.

16 THIS FACILITY IS LOCATED NEAR THE CITY OF  
17 HIGHGROVE. THE SITE IS SURROUNDED BY OPEN SPACE WITH NO  
18 RESIDENTIAL UNITS WITHIN A THOUSAND FEET OF THE FACILITY.  
19 OF THE 280 ACRES AT THE FACILITY, 91 ACRES ARE BEING  
20 DEVELOPED IN TWO PHASES. PHASE I, 65.35 ACRES, IS  
21 ACTIVELY BEING USED NOW WITH PHASE II, 25.65 ACRES,  
22 CURRENTLY NOT ACCEPTING WASTE.

23 THE HIGHGROVE SANITARY LANDFILL IS  
24 OPERATING UNDER A CLEANUP AND ABATEMENT ORDER THAT DEALS  
25 WITH THE EROSION AND DRAINAGE AT THE SITE. THIS FACILITY

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1 WILL BE PERMITTED TO RECEIVE APPROXIMATELY 2700 TONS A  
2 DAY OF NONHAZARDOUS MUNICIPAL SOLID WASTE, INDUSTRIAL AND  
3 AGRICULTURAL WASTE, CONSTRUCTION DEMOLITION WASTE, TIRES,  
4 CHEMICAL TOILET WASTE, AND DEAD ANIMALS.

5 THE WASTESTREAM WILL CONSIST MAINLY OF  
6 RESIDENTIAL AND COMMERCIAL SOLID WASTE GENERATED IN THE  
7 AREA AROUND AND INCLUDING THE CITY OF HIGHGROVE.

8 THERE ARE NO RESOURCE RECOVERY OPERATIONS  
9 CURRENTLY TAKING PLACE AT THIS SITE. THE LEA IS  
10 PREPARING A COUNTYWIDE PLAN FOR RESOURCE RECOVERY  
11 OPERATIONS AND SOURCE REDUCTION EFFORTS TO CONFORM WITH  
12 THE INTENT OF AB 939. THIS PLAN SHOULD BE SUBMITTED TO  
13 THE BOARD BY LATE 1992.

14 IN REVIEWING THIS PERMIT AND ITS SUPPORTING  
15 DOCUMENTATION, BOARD STAFF AND THE LEA DETERMINED THE  
16 FOLLOWING: ONE, THE FACILITY DESIGN IS IDENTIFIED IN THE  
17 RIVERSIDE COUNTY SOLID WASTE MANAGEMENT PLAN; TWO, THE  
18 FACILITY IS IN CONFORMANCE WITH THE RIVERSIDE COUNTY  
19 GENERAL PLAN; THREE, THE PROJECT WILL NOT IMPAIR THE  
20 WASTE DIVERSION GOALS OF AB 939; FOUR, BOARD COMPLIANCE  
21 BRANCH STAFF CONDUCTED AN INSPECTION OF THE FACILITY IN  
22 CONJUNCTION WITH THE LEA ON FEBRUARY 24, 1992.

23 AT THE TIME THIS ITEM WAS PREPARED, THERE  
24 WERE OUTSTANDING STATE MINIMUM STANDARDS VIOLATIONS AT  
25 THIS FACILITY, AND PAUL WILLMAN OF THE COMPLIANCE BRANCH

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1 STAFF, REDLANDS OFFICE, WILL GIVE A PRESENTATION ON THAT  
2 AFTER MY PRESENTATION.

3 RIVERSIDE COUNTY HAS AN ENTERPRISE FUND AND  
4 ESCROW AGREEMENT TO SATISFY THE FINANCIAL ASSURANCE  
5 MECHANISM IN TITLE 14 OF THE CALIFORNIA CODE OF  
6 REGULATIONS. CURRENTLY, PHASE I IS SCHEDULED TO BE  
7 CLOSED FOR LANDFILLING OPERATIONS IN LATE 1994. PHASE II  
8 IS SCHEDULED TO BE CLOSED IN 1997.

9 CEQA HAS BEEN COMPLIED WITH FOR THIS  
10 REVISED PERMIT. STAFF HAS REVIEWED THE PROPOSED PERMIT  
11 AND SUPPORTING DOCUMENTATION AND FOUND THE SUBMITTED  
12 DOCUMENTATION TO BE ACCEPTABLE; HOWEVER, STAFF ARE MAKING  
13 A RECOMMENDATION FOR OBJECTION TO ISSUANCE OF THE REVISED  
14 SOLID WASTE FACILITIES PERMIT DUE TO THE OUTSTANDING  
15 STATE MINIMUM STANDARDS VIOLATIONS.

16 THE OPERATOR, THE LEA, AND THE REGIONAL  
17 WATER QUALITY BOARD ARE PRESENT TO ANSWER ANY OF YOUR  
18 QUESTIONS. THIS CONCLUDES MY PRESENTATION.

19 MR. MORALEZ: AT THIS TIME, I'D LIKE TO HAVE  
20 PAUL WILLMAN GO OVER THE VIOLATIONS NOTED IN THE STAFF  
21 ITEM.

22 MR. WILLMAN: THERE WERE -- WE'VE -- ON THE  
23 SCREEN NOW YOU CAN SEE WE'VE HAD THREE STATE INSPECTIONS  
24 SINCE MAY 2, 1990. THAT WAS THE FIRST ONE. THERE WAS A  
25 TOTAL OF FIVE VIOLATIONS, WHICH YOU CAN SEE ON THE BOARD:

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1 DRAINAGE AND EROSION CONTROL, AND GRADING AND LITTER ARE  
2 RECURRING ONES THAT YOU WILL SEE A LOT.

3 THE NEXT INSPECTION WAS CONDUCTED MAY 7TH,  
4 1991. THERE WAS A TOTAL OF NINE VIOLATIONS ON THAT  
5 INSPECTION. AGAIN, COVER, DRAINAGE AND EROSION CONTROL,  
6 GRADING OF FILL SURFACES INCLUDED IN THOSE.

7 THE NEXT INSPECTION, THE MOST RECENT ONE,  
8 FEBRUARY 24, 1992. TOTAL OF SEVEN VIOLATIONS, INCLUDING  
9 ENTRY SIGNS, PERSONNEL HEALTH AND SAFETY, DAILY COVER  
10 AGAIN, OPERATING SITE MAINTENANCE, DRAINAGE AND EROSION  
11 CONTROL, AND GRADING AND LITTER.

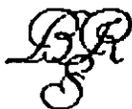
12 ACCORDING TO THE LEA'S INSPECTION, ENTRY  
13 SIGNS, PERSONNEL HEALTH AND SAFETY WERE CORRECTED  
14 IMMEDIATELY FOLLOWING THE MARCH MONTHLY INSPECTION.  
15 COVER HAS BEEN OFF AND ON. BUT ACCORDING TO THE MOST  
16 RECENT INSPECTION, WHICH ACTUALLY I WAS HANDED A FAX.  
17 THEIR INSPECTOR WAS OUT THERE TODAY, AND I WAS HANDED A  
18 FAX TODAY AND THEY WERE IN COMPLIANCE WITH COVER TODAY.

19 THE DRAINAGE AND EROSION CONTROL PROBLEM,  
20 AS OF TODAY, IS STILL OUT OF COMPLIANCE. THE GRADING  
21 PROBLEMS HAVE BEEN CORRECTED ACCORDING TO THE LEA  
22 INSPECTIONS. LITTER CONTROL WAS A PROBLEM ALL THE WAY UP  
23 TO MAY 11TH, TWO DAYS AGO, AND THEN TODAY THEY DID A  
24 REINSPECTION. APPARENTLY THE OPERATOR HAS CLEARED THAT  
25 UP.

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1 SO IN SUMMATION, THE DRAINAGE AND EROSION  
2 CONTROL IS THE ONLY REMAINING OUTSTANDING VIOLATION AT  
3 THE SITE. THAT CONCLUDES MY PRESENTATION.

4 CHAIRMAN HUFF: SO WHAT YOU ARE SAYING, JUST ONE  
5 REMAINS?

6 MR. WILLMAN: CORRECT.

7 CHAIRMAN HUFF: OKAY.

8 MR. MORALEZ: ANY QUESTIONS OF STAFF?

9 CHAIRMAN HUFF: ANY QUESTIONS OF STAFF?

10 LEA.

11 I HAVE A QUESTION OF STAFF. IS THERE ANY  
12 ISSUE INVOLVING ANY FURTHER SUBMITTALS THAT NEED TO  
13 OCCUR?

14 MR. MORALEZ: NOT THAT WE'RE AWARE OF.

15 CHAIRMAN HUFF: SO THIS ISN'T QUITE LIKE THE  
16 LAST SITUATION?

17 MR. MORALEZ: CORRECT.

18 MR. SAMANIEGO: MR. CHAIRMAN, BOARD MEMBERS, MY  
19 NAME IS STEVE SAMANIEGO WITH THE LEA RIVERSIDE COUNTY.

20 AGAIN, THIS PERMIT WAS SUBMITTED ON BEHALF  
21 OF WASTE MANAGEMENT DEPARTMENT OF RIVERSIDE COUNTY. AND  
22 THE SIMILARITY IN THIS ONE TO THE PREVIOUS ONE OF EL  
23 SOBRANTE IS THAT, AGAIN, THE LEA HAD BEEN INFORMED UP  
24 TILL YESTERDAY THAT THE SITE WAS GOING TO BE CONCURRED  
25 WITH. SO WE ARE HERE TO GIVE OUR SIDE OF THE STORY AGAIN

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1 BEFORE YOU TO ADD TO THE STAFF'S REPORT, IF WE MAY.

2 AGAIN, THE APPLICANT WAS CONTACTED  
3 YESTERDAY AFTER WE GOT THE OBJECTION NOTICE TO INFORM OF  
4 THE INFORMATION AND GIVE THE OPPORTUNITY TO WITHDRAW OR  
5 REMAIN ON THE ITEM, WHICH THEY ELECTED TO AT LEAST GIVE  
6 OUR SIDE OF THE STORY TO STAFF'S REPORT.

7 AGAIN, THE LEA SHARES THE BOARD STAFF'S  
8 CONCERNS ON THE VIOLATIONS. I THINK THE INSPECTION  
9 REPORTS THAT WERE JUST NOTED, AGAIN WE'RE NOT PRIVILEGED  
10 TO ANY STAFF REPORT ON THIS ITEM, BUT THE REPORTS  
11 MENTION -- I THINK MR. WILLMAN WENT AS FAR BACK AS '91,  
12 AND I THINK THE PARTS REMAINING TO HIS REPORT WERE -- I'M  
13 ALMOST SURE THAT SOME OF THOSE VIOLATIONS OR ALL OF THOSE  
14 VIOLATIONS NOTED ON THAT PARTICULAR INSPECTION OR SOME OF  
15 THE OTHER ONES, YOU COULD SEE, IF YOU SEE FOLLOW-UPS,  
16 THAT YOU WOULD SEE COMPLIANCE WITH ALL THOSE VIOLATIONS.

17 AND VIOLATIONS NOTED HERE TODAY ARE JUST  
18 MORE OR IN ADDITION TO OR RECURRING, BUT THE VIOLATIONS  
19 NOTED HAVE BEEN CORRECTED. WE DO FOLLOW UP A STRICT  
20 PROGRAM. IF WE HAVE A VIOLATION, WE FOLLOW UP UNTIL IT  
21 HAS BEEN COMPLIED WITH.

22 AGAIN, I'D LIKE TO SHARE MY UNCOMFORTABLE  
23 FEELING BEING HERE BEFORE THE BOARD IN OPPOSITION TO  
24 BOARD STAFF'S REPORT. AGAIN, I FEEL -- RIVERSIDE COUNTY  
25 LEA FEELS BOARD STAFF AND LEA SHOULD WORK IN HARMONY WITH

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1 THE ISSUES PRIOR TO COMING BEFORE YOU ON AN ITEM.

2 AGAIN, THE STAFF'S REPORT OR OBJECTION, WE  
3 FEEL, IS PREMATURE. STAFF HAS NEGLECTED TO COMMUNICATE  
4 AND DISCUSS THEIR ISSUES AND CONCERNS WITH THE LEA PRIOR  
5 TO THEIR DECISION. BECAUSE THE LEA IS NOT GIVEN THE  
6 OPPORTUNITY TO TAKE PART IN THE BOARD'S DECISION PROCESS,  
7 WE ELECT AGAIN TO PROVIDE THE COMMITTEE HERE TODAY WITH  
8 OUR INPUT ON BOARD STAFF'S CONCERNS AND ISSUES.

9 IT IS THE LEA'S POSITION, ALONG WITH THE  
10 APPLICANT, THAT THE ISSUES RAISED FOR OBJECTION CAN BE  
11 AND WILL BE CORRECTED PRIOR TO THE BOARD'S ACTION IN MAY  
12 AT THE END OF THIS MONTH AND HAVE A SITE WITH COMPLIANCE.

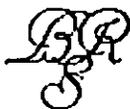
13 I THINK, AS YOU NOTED, THERE'S ONLY ONE  
14 OUTSTANDING VIOLATION FROM ALL THE VIOLATIONS THAT WERE  
15 PRESENTED ON THE BOARD HERE.

16 THE -- AS FAR AS THE CLEANUP AND ABATEMENT  
17 ORDER FROM THE REGIONAL WATER QUALITY CONTROL BOARD,  
18 DIXIE LASS IS HERE AND WILL SPEAK ON BEHALF OF THAT AND  
19 DEMONSTRATE THAT THAT SITE -- I HAVE, AS THE LEA, HAVE  
20 WORD FROM THE REGIONAL BOARD THAT THEY ARE IN COMPLIANCE  
21 WITH THAT CLEANUP AND ABATEMENT ORDER.

22 I GUESS THERE'S NO NEED -- OVER THE PHONE  
23 WE WERE LISTED A LIST OF VIOLATIONS. I THINK MR. WILLMAN  
24 DID DEMONSTRATE COMPLIANCE WITH ALL OF THEM EXCEPT FOR  
25 ONE OUTSTANDING.

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1                   AGAIN, BOARD STAFF WAS AWARE OF ALL THESE  
2                   ISSUES SINCE FEBRUARY 24, 1992, AND BARELY INFORMING US  
3                   AS OF YESTERDAY OF THEIR OBJECTION. THIS LAST MINUTE  
4                   CHANGE OF DIRECTION, WE FEEL, IS JUST -- IT'S UNFAIR TO  
5                   THE LEA FOR HAVING TO BE PUT UP ON THE SPOT HERE TO GIVE  
6                   OUR SIDE OF THE STORY, SO TO SPEAK, TO STAFF'S REPORT,  
7                   AND IT'S ALSO VERY CUMBERSOME AND EXPENSIVE. AND AGAIN,  
8                   THEY'VE HAD THIS INFORMATION OVER 70 DAYS.

9                   WITH THAT, JUST HAVING THAT INFORMATION FOR  
10                  THIS AMOUNT OF DAYS, IT APPEARS TO THE LEA, HAVING THESE  
11                  TWO ITEMS BEFORE US, THAT IT'S POSSIBLY A PROBLEM WITH  
12                  THE BOARD STAFF ADMINISTRATION OF THE 65-DAY REVIEW  
13                  PROCESS. THEY HAVE ALL THOSE DAYS TO REVIEW, AND I THINK  
14                  WE SUBMIT ALL THESE DOCUMENTS TO BOARD STAFF OVER AND  
15                  ABOVE THE 65-DAY TIME FRAME SO THAT WE CAN ACHIEVE OUR  
16                  MAJOR GOAL OF COMING BEFORE YOU WITH -- IN HARMONY WITH  
17                  AN APPLICATION THAT IS GOING TO BE CONCURRED WITH.

18                  IN CONCLUSION, I GUESS I'D LIKE TO  
19                  RECOMMEND, AS THE LEA, THAT THE COMMITTEE HERE CONCURS ON  
20                  THIS PERMIT FOR BOARD ACTION IN MAY WITH THE PROMISE OF,  
21                  THROUGH THE LEA AND THE OPERATOR, THAT WE WILL SATISFY  
22                  THE MINIMUM STANDARD REQUIREMENTS AND HAVE A COMPLIANCE  
23                  INSPECTION BEFORE THE FULL BOARD, WHICH IS JUST ONE  
24                  VIOLATION. THE OPERATOR HAS ASSURED US THAT THAT  
25                  VIOLATION WILL BE CORRECTED.

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1                   AGAIN, DIXIE LASS IS HERE TO TALK ABOUT THE  
2                   CLEANUP AND ABATEMENT ORDER, AND MR. MUBASHAR AHMAD IS  
3                   THE ENGINEER REPRESENTING THE WASTE MANAGEMENT DEPARTMENT  
4                   THAT OPERATES THE LANDFILL FOR RIVERSIDE COUNTY IS ALSO  
5                   HERE AND WOULD LIKE TO COMMENT IF THERE'S ANY QUESTIONS.

6                   CHAIRMAN HUFF: ANY QUESTIONS OF THE LEA?

7                   MR. SAMANIEGO: THANK YOU.

8                   CHAIRMAN HUFF: YOU WANT TO MAKE YOUR MOTION  
9                   NOW?

10                  BOARD MEMBER RELIS: YEAH. UNLESS THERE'S SOME  
11                  BURNING COMMENT TO BE MADE.

12                  CHAIRMAN HUFF: ANY BURNING COMMENTS?

13                  BOARD MEMBER RELIS: I'LL MOVE THE PREVIOUS  
14                  MOTION I MADE ON THE LAST ITEM, WHICH IS WITH EQUAL  
15                  EXASPERATION, THAT WE TAKE NO ACTION ON THIS, MOVE IT ON  
16                  TO CONCUR OR DENY, NO RECOMMENDATION, AND THAT WE GET A  
17                  SIMILAR REPORT BY THE 20TH IN TIME TO GIVE US ADEQUATE  
18                  REVIEW AND THAT'S IT.

19                  CHAIRMAN HUFF: AND THE REPORT CONCERNS THE  
20                  REMAINING VIOLATION.

21                  BOARD MEMBER RELIS: YES, THE REMAINING  
22                  VIOLATION.

23                  CHAIRMAN HUFF: OKAY.

24                  BOARD MEMBER EGIGIAN: SECOND.

25                  CHAIRMAN HUFF: WITHOUT OBJECTION, WE'LL

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1           SUBSTITUTE PRIOR ROLL CALL.   THE AYES ARE THREE; THE NOES  
2           ARE NONE.   THE MOTION CARRIES.   THAT WILL BE ON THE MAY  
3           BOARD.

4                       NOW WE'RE GOING TO JUMP AROUND A LITTLE  
5           BIT.   ARE ALL THE DUCKS LINED UP ON ITEM 7?   ALL THE  
6           DUCKS ARE LINED UP ON ITEM NO. 7.   THIS IS A SMALL VOLUME  
7           TRANSFER STATION.   WE WANT TO HEAR THE STAFF REPORT.  
8           SMALL VOLUME, WE MEAN 25 TONS PER DAY, VERY SMALL.

9                       BOARD MEMBER EGIGIAN:   THAT'S TWO AND A HALF  
10          LOADS.

11                      CHAIRMAN HUFF:   THAT'S TWO AND A HALF LOADS, SAM  
12          SAYS.

13                      BOARD MEMBER EGIGIAN:   WHAT'S THE STAFF'S  
14          RECOMMENDATION?

15                      CHAIRMAN HUFF:   STAFF RECOMMENDATION IS  
16          CONCURRENCE.

17                      BOARD MEMBER EGIGIAN:   I'D LIKE TO ASK ONE  
18          QUESTION.   WHO IS FOOTHILL DISPOSAL?

19                      CHAIRMAN HUFF:   WHO ARE THESE GUYS?

20                      MS. STEVENS:   IT'S A PRIVATE -- I THINK IT'S A  
21          HUSBAND AND WIFE TEAM.   THE LEA COULD PROBABLY ANSWER  
22          THAT BETTER THAN I COULD.

23                      BOARD MEMBER EGIGIAN:   AT ONE TIME WE MENTIONED  
24          WHEN COMPANY NAMES ARE GIVEN, THAT ALSO THE NAME OF THE  
25          INDIVIDUAL SHOULD BE GIVEN ALSO.   CAN WE HAVE THAT

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1           HEREAFTER IN THESE REPORTS?

2                   MR. MORALEZ:   YES, THAT'S NOTED.

3                   CHAIRMAN HUFF:   VERY GOOD.   IS THERE A MOTION ON  
4           THIS ITEM?

5                   BOARD MEMBER EGIGIAN:   I'LL MOVE ON IT.

6                   CHAIRMAN HUFF:   WITHOUT OBJECTION, WE'LL  
7           SUBSTITUTE PRIOR ROLL CALL.   THE AYES ARE THREE; THE NOES  
8           ARE NONE.   THIS IS ON CONSENT.

9                                SKIPPING ITEM 8, SKIPPING ITEM 9.   FRESNO  
10           COUNTY LEA DESIGNATION, DUCKS LINED UP ON THIS ONE?  
11           DUCKS ARE LINED UP ON THIS ONE.

12                               LOOKING AT ITEM 10, FRESNO COUNTY LEA  
13           DESIGNATION.   STAFF REPORT SAYS THEY DO GOOD.

14                   MS. COYLE:   YES.   THEY HAVE COMPLIED WITH THE  
15           REGULATIONS.   WE RECOMMEND THAT THE PACKAGE BE ACCEPTED  
16           AND THAT WE ISSUE CERTIFICATION.   APPROVE THE  
17           DESIGNATION.

18                   BOARD MEMBER RELIS:   SO MOVE.

19                   CHAIRMAN HUFF:   IT'S BEEN MOVED.   WITHOUT  
20           OBJECTION, SUBSTITUTE PRIOR ROLL CALL.   THE AYES ARE  
21           THREE; THE NOES ARE NONE.   THIS IS THE STUFF OF CONSENT.

22                                ITEM 11.   ITEM 11.

23                   MR. BELL:   MR. CHAIRMAN AND MEMBERS OF THE  
24           COMMITTEE, FOR THE RECORD, MY NAME IS JOHN BELL.   I  
25           MANAGE THE COMPLIANCE BRANCH.

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1 AT YOUR REQUEST, ITEM 11 HAS BEEN BROUGHT  
2 TO YOU WITH NO CHANGE FROM YOUR APRIL 22D COMMITTEE  
3 MEETING SO THAT YOU MAY HEAR IT AGAIN.

4 AS YOU KNOW, THE LAW REQUIRES THAT THE  
5 BOARD MAINTAIN AN INVENTORY OF SOLID WASTE FACILITIES  
6 WHICH VIOLATE STATE MINIMUM STANDARDS. IT ALSO REQUIRES  
7 THAT WHENEVER A FACILITY IS PROPOSED TO BE INCLUDED IN  
8 THE INVENTORY, THE BOARD IS TO GIVE THE OWNER/OPERATOR A  
9 NOTICE THAT, IF VIOLATIONS ARE NOT CORRECTED WITHIN 90  
10 DAYS, THE FACILITY SHALL BE INCLUDED IN THE INVENTORY.

11 SINCE MID-1991 THE BOARD, THROUGH THE  
12 FACILITY EVALUATION PROCESS, HAS AUTHORIZED STAFF TO SEND  
13 A 90-DAY NOTICE OF INTENT TO 39 FACILITY OWNER/OPERATORS.

14 CHAIRMAN HUFF: MR. EGIGIAN, DO YOU HAVE A  
15 MOTION?

16 BOARD MEMBER EGIGIAN: YES, I DO, MR. CHAIRMAN.  
17 I MOVE THAT WE GO AHEAD WITH METHOD 3.

18 CHAIRMAN HUFF: METHOD THREE HAS BEEN MOVED.  
19 THAT'S STAFF RECOMMENDATION, ISN'T IT? OKAY. I HAVE  
20 THAT MOTION, BUT I ALSO HAVE A PIECE OF PAPER THAT CHUCK  
21 WHITE WANTS TO SPEAK TO US. MR. WHITE, WE CAN EITHER GO  
22 TO A VOTE ON METHOD 3 OR WE CAN HEAR YOU.

23 MR. WHITE: THE VOTE'S FINE.

24 CHAIRMAN HUFF: OKAY. WITHOUT OBJECTION, WE'LL  
25 SUBSTITUTE PRIOR ROLL CALL. THE AYES ARE THREE; THE NOES

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1 ARE NONE. THE MOTION CARRIES. THIS GOES TO CONSENT.

2 AT THIS TIME I'VE NOTICED THAT -- WELL,  
3 LET'S TAKE 17. IT'S NOT QUITE THE NOON HOUR YET.

4 DENISE, YOU WANTED TO TALK TO ITEM 11, TOO,  
5 DIDN'T YOU?

6 MS. DELMATIER: PASS.

7 CHAIRMAN HUFF: ITEM 17. WHERE'S MR. FINCH?  
8 NOON HOUR HAS ARRIVED. WE'LL BREAK HALF-HOUR FOR LUNCH.

9 (A BREAK WAS TAKEN.)

10 CHAIRMAN HUFF: WE'RE BACK. I THINK WHAT WE'LL  
11 DO, WE'LL TRY TO GET RID OF SOME MORE OF THESE ITEMS.  
12 17.

13 MR. FINCH: GOOD AFTERNOON, MR. CHAIRMAN. I'M  
14 MICHAEL FINCH WITH THE WASTE BOARD'S STANDARDS  
15 DEVELOPMENT UNIT. I'D LIKE TO TURN THE MICROPHONE OVER  
16 TO SCOTT HUMPERT ALSO OF THE STANDARDS DEVELOPMENT UNIT.

17 MR. HUMPERT: THIS ISSUE IS REGARDING THE  
18 ADVISORY -- SELECTION OF THE ADVISORY PANEL. AND AT THE  
19 DECEMBER BOARD WORKSHOP ON COMPOSTING REGULATIONS, A  
20 RECOMMENDATION WAS MADE TO CREATE AN ADVISORY PANEL THAT  
21 WOULD PROVIDE AN EXPERT REVIEW OF THE BOARD'S DRAFT  
22 COMPOSTING REGULATIONS.

23 BOARD STAFF HAS SOLICITED AND RECEIVED  
24 RESPONSES FROM 28 INTERESTED CANDIDATES. WE'VE REVIEWED  
25 THE CANDIDATES' QUALIFICATIONS AND CHOSEN 12 CANDIDATES

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1 THAT BEST FILL THE BOARD'S NEEDS. SINCE THEN, WE'VE ALSO  
2 ADDED TWO OTHER CANDIDATES TO THE LIST. THE NAMES ARE  
3 WILL BACHS AND KEN STUART.

4 WILL BACHS HAS BACKGROUND IN AGRICULTURE  
5 AND ALSO MARKET DEVELOPMENT, AND KEN STUART IS A MEMBER  
6 OF THE ENFORCEMENT ADVISORY PANEL COMMITTEE.

7 AND BASICALLY WHAT WE'RE DOING IS ASKING  
8 YOU TO MAKE A DECISION ON THE SELECTION OF THE ADVISORY  
9 PANEL.

10 CHAIRMAN HUFF: OKAY. WE HAD SELECTION OF  
11 ALMOST 30 NAMES.

12 MR. HUMPERT: THERE'S A TOTAL OF 28 THAT WE --  
13 RESPONSES THAT WE RECEIVED. TOTAL NUMBER OF RESUMES WAS  
14 PROBABLY ABOUT 21 RESUMES.

15 CHAIRMAN HUFF: AND WE'VE GOT EVERY CONCEIVABLE  
16 ANGLE COVERED?

17 MR. HUMPERT: PRETTY MUCH.

18 CHAIRMAN HUFF: VERY GOOD. IT'S COVERED. MOVE  
19 IT?

20 BOARD MEMBER RELIS: YEAH.

21 CHAIRMAN HUFF: WITH THE ADDITION OF THE TWO  
22 OTHER NAMES. OKAY. WE'LL -- IT'S BEEN MOVED. WE'LL  
23 HAVE THE AFTERNOON ROLL CALL.

24 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

25 BOARD MEMBER EGIGIAN: (NO RESPONSE.)

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1 COMMITTEE SECRETARY: RELIS?

2 BOARD MEMBER RELIS: AYE.

3 COMMITTEE SECRETARY: CHAIRMAN HUFF?

4 CHAIRMAN HUFF: AYE.

5 WE'LL HOLD THE ROLL OPEN IN THE  
6 ANTICIPATION THAT MR. EGIGIAN WILL MAKE HIS PRESENCE VERY  
7 SHORTLY.

8 THAT TAKES CARE OF 17. THANK YOU.

9 NO. 9, THAT'S A QUICKY, ISN'T IT? DO NO.  
10 9.

11 MR. WOCHNICK: MR. CHAIRMAN, MY NAME IS MIKE  
12 WOCHNICK, REPRESENTING THE CLOSURE AND REMEDIATION  
13 BRANCH. THIS ITEM IS FOR YOUR CONSIDERATION OF APPROVAL  
14 OF THE LIST OF PREQUALIFIED BIDDERS FOR THE CLOSURE  
15 CONSTRUCTION CONTRACT FOR THE BERRY STREET MALL LANDFILL  
16 IN PLACER COUNTY.

17 I BELIEVE YOU RECEIVED AN ADDENDUM TO THIS  
18 ITEM THIS MORNING. WE WILL BE RECOMMENDING APPROVAL OF  
19 THREE PREQUALIFIED BIDDERS: THE MARK GROUP, CONSTRUCTION  
20 ENGINEERS INCORPORATED; GABE MENDEZ, INCORPORATED; AND  
21 WILLIAM E. BREWER, INCORPORATED.

22 CHAIRMAN HUFF: OKAY.

23 MR. WOCHNICK: ALSO, WE'RE ASKING THE  
24 COMMITTEE'S PERMISSION TO GO DIRECTLY TO THE BOARD IN  
25 JUNE FOR APPROVAL OF THE CONSTRUCTION CONTRACT ITSELF.

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1 THE BIDS FOR THIS CONSTRUCTION CONTRACT ARE DUE IN LATE  
2 JUNE AFTER THE COMMITTEE MEETING SCHEDULE, BUT BEFORE THE  
3 BOARD MEETING IN JUNE.

4 AND AS EARLIER DIRECTED BY THE BOARD, WE'RE  
5 DIRECTED TO AWARD THIS CONTRACT BY THE END OF THIS FISCAL  
6 YEAR. SO IT WOULD NOT ALLOW US TO GO TO THE COMMITTEE  
7 PRIOR TO THE BOARD. SO WE'RE ASKING THE COMMITTEE'S  
8 PERMISSION TO GO DIRECTLY TO THE BOARD FOR APPROVAL OF  
9 THAT CONTRACT; HOWEVER, WE WOULD HAVE A STATUS ITEM AT  
10 THE COMMITTEE MEETING IN JUNE.

11 CHAIRMAN HUFF: IF THIS COMMITTEE WANTED TO HAVE  
12 THIS ITEM COME BACK TO US, IT WOULD MISS THE BOARD  
13 MEETING.

14 MR. WOCHNICK: THAT'S CORRECT.

15 CHAIRMAN HUFF: AND THEN IT WOULD ROLL INTO THE  
16 NEXT FISCAL YEAR, AND WE'D HAVE TO START ALL OVER WITH  
17 THE DOLLARS, NOT WITH THE PROCESS, BUT WITH THE DOLLARS.

18 MR. WOCHNICK: THAT'S CORRECT.

19 SPEAKING OF THE DOLLARS, THE ENGINEER'S  
20 ESTIMATE FOR THIS PROJECT IS APPROXIMATELY \$1.6 MILLION.  
21 WE HAVEN'T GOT THE FINAL COST BECAUSE THE CLOSURE PLAN IS  
22 STILL BEING DEVELOPED RIGHT NOW. IT'S NOT FINAL YET, BUT  
23 IT'S APPROXIMATELY \$1.6 MILLION, OF WHICH 8 TO \$900,000  
24 WOULD BE FROM THIS YEAR'S FUNDS. IT'S WHAT'S REMAINING  
25 AND HAS NOT BEEN ENCUMBERED FROM THE CORRECTIVE ACTION

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1 FUND, AND THE REMAINING FUNDS WILL COME FROM NEXT FISCAL  
2 YEAR'S ALLOCATION.

3 BOARD MEMBER RELIS: HOW MUCH MONEY DO WE HAVE  
4 IN THAT FUND, CORRECTIVE ACTION FUND?

5 MR. WOCHNICK: IT'S APPROXIMATELY \$5 MILLION  
6 EACH YEAR.

7 BOARD MEMBER RELIS: WHAT'S OUR BALANCE IN THAT  
8 NOW?

9 MR. WOCHNICK: APPROXIMATELY 8, \$900,000. WE  
10 HAVE TWO MASTER SERVICE AGREEMENTS, 2.5 MILLION AND 1.5  
11 MILLION WITH BRIAN STIRRIT ASSOCIATES AND THE MARK GROUP  
12 FOR ENGINEERING AND ENVIRONMENTAL SERVICES. SO THAT TOOK  
13 FOUR MILLION OUT OF THE FIVE MILLION WE HAD THIS FISCAL  
14 YEAR.

15 THERE'S BEEN SOME OTHER EQUIPMENT  
16 PURCHASES, SOME TRAINING WITH THAT. SO IT'S ABOUT 8 TO  
17 \$900,000 UNENCUMBERED OF THIS YEAR'S FUNDS.

18 BOARD MEMBER RELIS: THIS IS THE FIRST SUCH  
19 ACTION WE'VE DONE THIS ON?

20 MR. WOCHNICK: YES.

21 BOARD MEMBER RELIS: I WAS STRUCK BY THE PRICE  
22 TAG HERE. 1.6 PLUS MILLION ON -- THIS IS A REAL SMALL  
23 LANDFILL, ISN'T IT? I MEAN, IT'S A RURAL LANDFILL.

24 MR. WOCHNICK: THEY'RE EXPENSIVE TO CLOSE.

25 BOARD MEMBER RELIS: EVENTUALLY WE'LL LOOK AT

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1 THE PROBABLY RELATIVE RISK ISSUES, BUT NOT NOW. WE'LL  
2 DEAL WITH THIS. THIS IS WHAT IT COSTS TO MEET OUR  
3 REGULATIONS?

4 MR. WOCHNICK: THAT'S CORRECT, YES.

5 BOARD MEMBER RELIS: EXPENSIVE.

6 CHAIRMAN HUFF: OKAY. ANY OTHER QUESTIONS?

7 MR. WOCHNICK: TERRI RIEKEN IS HERE IF YOU WANT  
8 TO GO INTO THE DETAILS OF THE PREQUALIFICATION.

9 BOARD MEMBER RELIS: WE NOW HAVE THREE QUALIFIED  
10 PARTIES, THEN, AND THEY WILL EACH SUBMIT --

11 MR. WOCHNICK: EACH WILL HAVE THE OPPORTUNITY TO  
12 SUBMIT A BID.

13 BOARD MEMBER RELIS: SO IT'S NOW A MORE  
14 COMPETITIVE BID SITUATION?

15 MR. WOCHNICK: RIGHT.

16 BOARD MEMBER RELIS: FINE.

17 CHAIRMAN HUFF: MOVE IT?

18 BOARD MEMBER RELIS: MOVE.

19 CHAIRMAN HUFF: MOVE STAFF RECOMMENDATION. ROLL  
20 CALL, PLEASE.

21 COMMITTEE SECRETARY: BOARD MEMBER EGIGIAN?

22 BOARD MEMBER EGIGIAN: AYE.

23 COMMITTEE SECRETARY: RELIS?

24 BOARD MEMBER RELIS: AYE.

25 COMMITTEE SECRETARY: CHAIRMAN HUFF?

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1 CHAIRMAN HUFF: AYE.

2 MOTION CARRIES THREE NOTHING.

3 LET'S GO BACK TO THE ROLL CALL ON ITEM 17.  
4 WILL YOU CALL THE ABSENT MEMBER?

5 BOARD MEMBER EGIGIAN: AYE.

6 MR. WOCHNICK: CHAIRMAN HUFF, MAY I ASK: IS  
7 THIS A CONSENT ITEM OR NOT?

8 CHAIRMAN HUFF: JUST A SECOND. ON ITEM 17; THE  
9 AYES THREE; THE NOES ARE NONE. THE ITEM CARRIES. THAT  
10 DOESN'T EVEN GO TO THE BOARD, DOES IT, 17? THAT'S JUST  
11 OUR INTERNAL. OKAY.

12 NOW THEN, THIS ITEM. WHAT ITEM IS THIS?  
13 NO. 9, THIS IS THE STUFF OF CONSENT. THAT TAKES CARE OF  
14 9, TAKES CARE OF 17. OKAY.

15 14 AND 15 ARE ORAL REPORTS. 16 IS  
16 DISCUSSION. TIME TO DO ITEM 8. I WANTED TO GET ALL THE  
17 OTHER STUFF OUT OF THE WAY.

18 MR. ADAMS: GOOD AFTERNOON, MR. CHAIRMAN,  
19 MEMBERS OF THE COMMITTEE. I'M SURE YOU WILL RECOGNIZE  
20 ME. I BROUGHT SOME NEW FACES WITH ME TODAY. TRY TO  
21 CONFUSE YOU. WE ALSO HAVE A NEW REGULATION PACKAGE  
22 COMING BEFORE YOU.

23 MY COLLEAGUES TODAY ARE TOM MICKA, MARLA  
24 LAFER, AND NANCY JESTREBY. WE'RE HERE TODAY TO PRESENT  
25 AGENDA ITEM NO. 8, CONSIDERATION OF PROPOSED REGS FOR

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1 PERMITTING OF WASTE TIRE FACILITIES.

2 MARLA AND TOM WILL BE PRESENTING THE STAFF  
3 REPORT ON THE PERMITTING PROCESS. NANCY WILL PRESENT THE  
4 FINANCIAL REQUIREMENTS ASSOCIATED WITH THE ISSUANCE OF A  
5 PERMIT FOR A MAJOR WASTE TIRE FACILITY. WITH THAT BRIEF  
6 INTRODUCTION, TURN IT OVER TO MARLA AND TOM TO BEGIN THE  
7 STAFF PRESENTATION AT THIS TIME.

8 MS. LAFER: GOOD AFTERNOON, I'M MARLA LAFER WITH  
9 THE TIRES UNIT. WE'RE HERE TODAY TO REQUEST THE  
10 COMMITTEE'S AUTHORIZATION TO NOTICE THE PROPOSED FINAL  
11 RULE FOR PERMITTING WASTE TIRE FACILITIES.

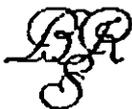
12 BRIEFLY, THE REGULATIONS ESTABLISH  
13 PROCEDURES FOR OBTAINING PERMITS FOR MAJOR AND MINOR  
14 WASTE TIRE FACILITIES AND ESTABLISH TECHNICAL STANDARDS  
15 FOR STORAGE AND DISPOSAL OF WASTE TIRE FACILITIES AND  
16 SOLID WASTE FACILITIES.

17 CURRENTLY WE'RE OPERATING UNDER EMERGENCY  
18 REGULATIONS. THE REGULATIONS BECAME EFFECTIVE FEBRUARY  
19 10TH. AND BASED ON THAT FILING DATE, WE HAVE A HUNDRED  
20 TWENTY DAYS TO COMPLETE THE RULEMAKING PROCESS, WHICH  
21 PUTS US AT JUNE 9TH TO COMPLETE THE PROCESS. SO STAFF'S  
22 ALREADY DRAFTED A REQUEST TO OAL TO AUTHORIZE READOPTION  
23 OF THE EMERGENCY REGULATIONS.

24 IF THE REGULATIONS AREN'T READOPTED, WE DO  
25 HAVE A COUPLE OF STATUTORY DEADLINES, BASICALLY DROP-DEAD

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1 DATES FOR US, THAT ARE JULY 1ST, 1992. THAT'S THE DATE  
2 THAT AN OPERATOR CAN'T ESTABLISH A NEW MAJOR FACILITY OR  
3 EXPAND A MINOR WASTE TIRE FACILITY WITHOUT A PERMIT. AND  
4 SEPTEMBER 1, 1993, THE DATE AT WHICH AN OPERATOR CAN'T  
5 ACCEPT WASTE TIRES AT A WASTE TIRE FACILITY UNLESS  
6 PERMITTED. AND IN ORDER TO MOVE THOSE DAYS, IT WOULD  
7 REQUIRE LEGISLATION.

8 WE HELD A WORKSHOP ON MAY 5TH TO SOLICIT  
9 COMMENT FROM INTERESTED PARTIES IN THE DEVELOPMENT OF THE  
10 FINAL REGULATIONS. WE SENT ABOUT 2,000 NOTICES AND ABOUT  
11 70 PEOPLE ATTENDED WITH SOME CONCERNS.

12 THE CONCERNS THAT WE COULD EASILY  
13 ACCOMMODATE INTO THE REGULATIONS PACKAGE HAVE ALREADY  
14 BEEN INCORPORATED, AND THAT'S WHAT YOU HAVE BEFORE YOU IN  
15 THE REGULATION PACKAGE.

16 FOR THOSE THAT WE COULD NOT EASILY  
17 INCORPORATE, STAFF PREPARED AN ISSUE PAPER FOR THE  
18 MEMBERS OF THE COMMITTEE AND THE ADVISORS. AND I WOULD  
19 LIKE TO VERY BRIEFLY ADDRESS THE ISSUES OR TAKE,  
20 DEPENDING HOW YOU WANT TO DO THAT, EITHER DISCUSS THE  
21 ISSUES FULLY ONE AT A TIME OR BRIEFLY GIVE YOU A SUMMARY  
22 OF THE KEY ISSUES AT YOUR WISH, HOWEVER YOU WANTED TO DO  
23 THAT.

24 BOARD MEMBER RELIS: BRIEF SUMMARY.

25 MS. LAFER: VERY BRIEF SUMMARY. OKAY.

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1 THE FIRST ISSUE WAS THE DEFINITION OF A  
2 WASTE TIRE. RETREADERS BELIEVE THAT THE RETREADABLE  
3 CASING IS NOT A WASTE TIRE BECAUSE IT'S A COMMODITY  
4 CAPABLE OF USE FOR THE ORIGINAL INTENDED PURPOSE.

5 STAFF INTERPRETED THE DEFINITION OF WASTE  
6 TIRE TO INCLUDE USED TIRES, THE UNIVERSE OF USED TIRES:  
7 CASINGS, SCRAP TIRES, USED TIRES, AND WASTE TIRE  
8 BY-PRODUCTS.

9 THERE IS CONCERN, THOUGH, AND, AS I SAID, I  
10 BELIEVE THE PEOPLE THAT WERE AT THE WORKSHOP, MEMBERS OF  
11 CTDRA ARE HERE TO DISCUSS THAT ISSUE.

12 SECOND ISSUE WAS THE EXEMPTION FOR  
13 RETREADERS. THE RETREADERS HAVE ARGUED THAT STAFF'S  
14 CHOICE NOT TO EXEMPT RETREADERS WOULD RESULT IN UNDUE  
15 HARDSHIP FOR THE TIRE DEALERS AND WOULD IMPACT THE  
16 INDUSTRY'S ABILITY TO RECYCLE THE USED TIRES.

17 STAFF'S POSITION WAS THAT THEY CONCUR WITH  
18 THE REGULATORY AND STATUTORY REQUIREMENTS MAY INDEED HAVE  
19 SIGNIFICANT IMPACT ON THE WASTE TIRE INDUSTRY AS A WHOLE,  
20 INCLUDING TIRE-DERIVED FUEL PRODUCERS AND USERS, THE  
21 MANUFACTURERS OF RECYCLED PRODUCTS, AS WELL AS THE  
22 RETREADERS. HOWEVER, THE RISKS ASSOCIATED WITH THE  
23 STORAGE AND STOCKPILING OF THE WASTE TIRES ARE SIMILAR  
24 FOR RETREADERS AS ANY OTHER MANUFACTURER OR STOCKPILER OF  
25 TIRE PRODUCTS. AND WE SAW NO REASON TO PROVIDE SPECIAL

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1 CONSIDERATION FOR THE RETREADERS. ALTHOUGH THE STATUTE  
2 ALLOWS STAFF TO -- ALLOW THE BOARD TO EXEMPT MINOR  
3 RETREADING OPERATIONS.

4 THE THIRD ISSUE WAS THE OFF-THE-ROAD TIRES.  
5 THESE ARE THE LARGE TIRES. THEY'RE 2,000 POUNDS OR MORE.  
6 THERE'S A CONCERN THAT AFTER JANUARY 1ST OF 1993,  
7 REGULATION SAYS THAT NO WHOLE TIRE CAN BE LANDFILLED.  
8 THERE'S A CONCERN BECAUSE THERE'S NOT MANY VIABLE OPTIONS  
9 OF WHAT TO DO WITH THE LARGE OFF-THE-ROAD TIRES. AND  
10 CONSEQUENTLY, IF YOU CAN'T BREAK THEM UP EASILY, YOU ARE  
11 NOT GOING TO BE ABLE TO LANDFILL THEM. YOU CAN'T  
12 LANDFILL THEM WHOLE. THEY'RE GOING TO END UP IN  
13 STOCKPILES.

14 BY VIRTUE OF THE SIZE, IT TAKES ABOUT 50  
15 TIRES TO MAKE YOU A MAJOR WASTE TIRE FACILITY. PROBABLY  
16 SIX TIRES COULD PUT YOU INTO A MINOR WASTE TIRE FACILITY  
17 CLASSIFICATION, AND THAT, IN TURN, WOULD MEAN SOMETHING  
18 LIKE A CONSTRUCTION SITE COULD INDEED BE CONSIDERED A  
19 MINOR WASTE TIRE FACILITY.

20 THIS COMES INTO PLAY BECAUSE STAFF HAS  
21 DEFINED THE TERM "TIRE EQUIVALENTS." AND WE USE TIRE  
22 EQUIVALENTS TO SET THE NUMBERS OF TIRES THAT DEFINES A  
23 MAJOR AND MINOR WASTE TIRE FACILITY BASED ON WEIGHT  
24 RATHER THAN ON ACTUAL NUMBERS, AND THIS WAS INTRODUCED  
25 WHEN WE FIRST STARTED THE REGULATORY PROCESS IN THE

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1 EMERGENCY REGULATIONS.

2 THE REASON FOR THIS WAS MORE EQUITABLE --  
3 WE FELT THAT IT WAS MORE EQUITABLE TO LOOK AT THE NUMBER  
4 OF -- THE AMOUNT OF WASTE TIRES AND THE COST OF  
5 DISPOSING OF THOSE WASTE TIRES AND THE THREAT THAT THEY  
6 POSE NOT ON THE NUMBERS, BUT ON THE ACTUAL COST, SOME  
7 REALITY IN USING OUR REGULATION. AGAIN, HOW WE HANDLE  
8 THIS IS SOMETHING THAT COULD BE OPEN FOR DISCUSSION.

9 A FOURTH ISSUE WAS THE ILLEGAL DUMPING OF  
10 WASTE TIRES. THERE WAS CONCERN THAT THE REGULATIONS  
11 WOULD PROMOTE ILLEGAL DUMPING AND THAT THE ABATEMENT OF  
12 ILLEGAL DUMPING ON PUBLIC AND PRIVATE LANDS WAS NOT  
13 ADDRESSED IN THE REGULATIONS.

14 A FIFTH ISSUE WAS THE VECTOR CONTROL IN  
15 PILES WITH LESS THAN 500 TIRES. THE CONCERN WAS THAT THE  
16 REGULATIONS WOULD NOT SOLVE MOSQUITO BREEDING PROBLEMS IN  
17 THE SMALL TIRE PILES, 500 OR LESS. IN FACT, THE SMALL  
18 PILES MAY BE A MORE SIGNIFICANT THREAT THAN THE LARGE  
19 PILES BECAUSE THEY MAY BE IN HIGH DENSITY AREAS RATHER  
20 THAN THE RURAL AREAS. AGAIN, THIS WAS NOT SOMETHING THAT  
21 THE STATUTE COVERED. THE STATUTE BEGAN REGULATION AT 500  
22 TIRES.

23 THE OTHER CONCERN WAS MARKETING VERSUS  
24 REGULATION OF WASTE TIRES. AND THE CONCERN WAS THAT THE  
25 BOARD SENDING TWO VERY DIFFERENT MESSAGES TO THE WASTE

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1 TIRE INDUSTRY. THE MARKET DEVELOPMENT SECTION OF THE  
2 BOARD WAS WORKING TO PROMOTE WASTE TIRES, THE REUSE AND  
3 RECYCLING, AND THE CONCERN WAS THAT THE PERMITTING AND  
4 COMPLIANCE DIVISION WAS ATTEMPTING TO HINDER THE WASTE  
5 TIRE INDUSTRY WITH THE COST OF THE REGULATIONS.

6 AND, INDEED, THE STATUTE ITSELF, THERE'S  
7 TWO CHAPTERS, 16, WHICH DEALS WITH PERMITTING AND  
8 ENFORCEMENT, AND CHAPTER 17, WHICH DEALS WITH TIRE  
9 RECYCLING.

10 HOW WE DEAL WITH THAT, STAFF HAS ATTEMPTED  
11 IN DRAFTING THESE REGULATIONS TO WORK WITH INDUSTRY TO  
12 HEAR THEIR CONCERNS AND PROVIDE SOME RELIEF IN THE WAY OF  
13 PERFORMANCE STANDARDS AS OPPOSED TO PROSCRIPTIVE  
14 STANDARDS, ALLOWING THEM TO WORK WITH THEIR LOCAL VECTOR  
15 CONTROL AND LOCAL FIRE CONTROL AGENCIES IN ORDER TO MEET  
16 THE INTENT OF THE REGULATIONS RATHER THAN MEET  
17 PROSCRIPTIVE STANDARDS.

18 WE'VE ALSO LOOKED AT THE REDUCTION AND  
19 ELIMINATION OF TIRE PILES AND HAVE ALLOWED THE STOCKPILES  
20 ONLY TO ELIMINATE -- THEY DON'T HAVE TO ELIMINATE TIRES  
21 IF THEY CAN STORE TIRES IN A SAFE FASHION RATHER THAN  
22 FORCE THE INDUSTRY TO LANDFILL TIRES. SO, AGAIN, WE'VE  
23 TRIED, IN DEVELOPING THESE REGULATIONS, TO HAVE SOME KIND  
24 OF RELIEF.

25 THE OTHER -- THERE WAS ONE OTHER ISSUE THAT

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1 WASN'T IN YOUR ISSUE PAPER, WHICH WAS THE LEA -- THE  
2 LEA'S WERE CONCERNED ABOUT THE INSPECTION. WE'RE  
3 REQUIRING THAT THE INTERIM INSPECTIONS ARE DONE BY THE  
4 LOCAL ENFORCEMENT AGENCIES. SOME OF THE AGENCIES ARE NOT  
5 NECESSARILY THRILLED WITH HAVING TO DO INSPECTIONS AND  
6 WOULD RATHER THAT THE STATE STAFF DO INSPECTIONS.

7 THERE WERE TWO OTHER ISSUES WHICH WERE THE  
8 IMPACTS OF FINANCIAL RESPONSIBILITY REQUIREMENTS AND THE  
9 FINANCIAL RESPONSIBILITY FOR A FACILITY INTERESTED IN  
10 CLOSING WHEN PERMITTED. AND NANCY JESTREBY IS HERE TO  
11 DISCUSS THE FINANCIAL ISSUES.

12 MS. JESTREBY: GOOD AFTERNOON, CHAIRMAN HUFF AND  
13 MEMBERS OF THE COMMITTEE. MY NAME IS NANCY JESTREBY. I  
14 AM PRESENTING A SUMMARY OF THE TIRES FINANCIAL  
15 RESPONSIBILITY REGULATIONS WHICH APPLY TO A MAJOR WASTE  
16 TIRE FACILITY WHERE AT ANY TIME 5,000 OR MORE WASTE TIRES  
17 ARE OR WILL BE STORED.

18 WE WILL ALSO PRESENT GRAPHICS TO ILLUSTRATE  
19 THE DATA. GENERALLY THE TIRES FINANCIAL RESPONSIBILITY  
20 REGULATIONS ARE MODELED AFTER THE EXISTING LANDFILL  
21 FINANCIAL RESPONSIBILITY REGULATIONS. FOR YOUR  
22 INFORMATION, BOARD STAFF HAVE COMPILED DATA FROM  
23 REGISTERED MAJOR WASTE TIRE FACILITY OPERATORS IN  
24 CALIFORNIA WHICH IDENTIFIES THAT 30 FACILITIES THAT STORE  
25 5,000 TO 50,000 WASTE TIRES HAVE REGISTERED, FIVE

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1 FACILITIES THAT STORE 50,001 TO 200,000 WASTE TIRES HAVE  
2 REGISTERED, 11 FACILITIES THAT STORE GREATER THAN 200,000  
3 WASTE TIRES HAVE REGISTERED.

4 OPERATORS OF MAJOR WASTE TIRE FACILITIES,  
5 EXCEPT STATE AND FEDERAL OPERATORS, ARE REQUIRED TO  
6 DEMONSTRATE FINANCIAL ASSURANCE TO CONDUCT CLOSURE  
7 ACTIVITIES UPON APPLICATION FOR ISSUANCE OF A MAJOR WASTE  
8 TIRE FACILITY PERMIT.

9 THERE ARE FIVE ACCEPTABLE FINANCIAL  
10 ASSURANCE MECHANISMS FOR CLOSURE COSTS: TRUST FUND WITH  
11 A FIVE-YEAR PAY-IN PERIOD, SURETY BOND, LETTER OF CREDIT,  
12 GOVERNMENT SECURITIES, AND ENTERPRISE FUND. MAJOR WASTE  
13 TIRE FACILITY OPERATORS, EXCEPT STATE AND FEDERAL  
14 OPERATORS, ARE ALSO REQUIRED TO DEMONSTRATE OPERATING  
15 LIABILITY COVERAGE FOR DAMAGE CLAIMS ARISING OUT OF THE  
16 OPERATION OF THE FACILITY.

17 BASED ON OUR EXPERIENCE WITH THE LANDFILL  
18 OPERATING LIABILITY REGULATIONS AND RESEARCH REGARDING  
19 TIRE FACILITIES, THE PROPOSED LEVELS OF COVERAGE HAVE  
20 BEEN REVISED AS FOLLOWS: 500,000 PER OCCURRENCE WITH A  
21 500,000 ANNUAL AGGREGATE FOR EACH FACILITY PERMITTED FOR  
22 5,000 TO 200,000 TIRES; ONE MILLION PER OCCURRENCE WITH A  
23 ONE MILLION ANNUAL AGGREGATE FOR EACH FACILITY CONTAINING  
24 MORE THAN 200,000 TIRES.

25 THERE ARE SIX ACCEPTABLE FINANCIAL

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1           ASSURANCE MECHANISMS FOR DEMONSTRATING LIABILITY  
2           COVERAGE: TRUST FUNDS WITH NO PAY-IN PERIOD, GOVERNMENT  
3           SECURITY, INSURANCE -- REQUIREMENTS FOR INSURERS ARE THE  
4           SAME AS THE REQUIREMENTS FOR INSURERS IN THE LANDFILL  
5           OPERATING LIABILITY REGULATIONS -- SELF-INSURANCE AND  
6           RISK MANAGEMENT, FINANCIAL MEANS TEST, AND CORPORATE  
7           GUARANTEE.

8                           THIS CONCLUDES MY PRESENTATION. WE'RE  
9           INTERESTED IN ANY SUGGESTIONS YOU MAY HAVE. IF YOU HAVE  
10          ANY QUESTIONS, WE ARE READY TO ANSWER THEM.

11                          CHAIRMAN HUFF: OKAY. HEARD THE SUMMARY OF THE  
12          PROPOSAL. ANY QUESTIONS SO FAR?

13                          BOARD MEMBER EGIGIAN: WHERE DID WE START  
14          PICKING THOSE LARGE AMOUNTS OF MONEY FOR -- WHAT DO YOU  
15          CALL IT? -- THE PERMITTING? THE MILLION DOLLARS.

16                          MS. JESTREBY: THE OPERATING LIABILITY COVERAGE?  
17          I'M SURE YOU ARE AWARE THAT THE OPERATING LIABILITY  
18          LANDFILL REGULATIONS BEGAN WITH A \$1 MILLION/\$2 MILLION  
19          ANNUAL AGGREGATE FOR ONE OR TWO FACILITIES. AND WE HAVE  
20          BEEN THROUGH A LOT OF DISCUSSIONS AND MEETINGS ABOUT  
21          THOSE LEVELS OF COVERAGE.

22                          WE CONSIDERED THE BACKGROUND MATERIAL THAT  
23          WE HAD IN THAT EXPERIENCE, AND WE REVISED THE LEVELS OF  
24          COVERAGE TO THOSE THAT I MENTIONED TODAY, FEELING THAT  
25          THEY WOULD BE REASONABLE, STILL AFFORD ADEQUATE LIABILITY

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1 PROTECTION.

2 BOARD MEMBER EGIGIAN: YOU KNOW, I THINK WHAT  
3 WE'RE DOING HERE IS DRIVING UP THE COST OF EVERY AREA  
4 THAT WE'RE GETTING INVOLVED IN BY PUTTING THESE HIGH  
5 LIMITS ON A SITUATION. AND I'M JUST RELATING THIS  
6 BECAUSE JUST THIS LAST WEEK I'VE HEARD OF SOMETHING IN  
7 THE WASTE INDUSTRY THAT'S HAPPENING THAT I HAVEN'T HEARD  
8 OF FOR 40 YEARS.

9 THERE'S AT LEAST SIX COMPANIES, LONG-TERM  
10 COMPANIES, THAT ARE FILING FOR CHAPTER 11 BECAUSE OF THE  
11 REQUIREMENTS THE STATE PUT ON THEM ON 939 AND RELATED  
12 SITUATIONS. OKAY.

13 I THINK WHAT WE SHOULD KEEP IN MIND HERE IS  
14 NOT HOW HIGH WE CAN GO ON THESE THINGS, BUT HOW WE CAN DO  
15 THIS WITHOUT HURTING PEOPLE AND BUSINESSES. AND THOSE  
16 COSTS EVENTUALLY GET TO THE BUYER OF THAT PRODUCT. AND  
17 UNLESS WE'RE BY LAW FORCED TO GO THESE HIGH RATES, I  
18 DON'T LIKE IT. I'M NOT COMFORTABLE WITH IT.

19 BOARD MEMBER RELIS: WOULD YOU CLARIFY THE LEGAL  
20 REQUIREMENT HERE FOR US?

21 MR. ADAMS: I'LL GIVE THAT ONE A SHOT. THE  
22 STATUTE REQUIRES THAT ADEQUATE COVERAGE BE PROVIDED BY  
23 THE OPERATOR TO CLOSE AND FOR OPERATING LIABILITY. AND  
24 THE TERM "ADEQUATE" FOR OPERATING LIABILITY IS, IN THE  
25 EVENT OF A MAJOR CATASTROPHE, EVEN THE LEVELS THAT WE ARE

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1 PROPOSING ARE RELATIVELY LOW.

2 CHAIRMAN HUFF: NOW, AND IN FACT THAT IS PART OF  
3 THE PROBLEM. GOING BACK TO THE OPERATING LIABILITY  
4 ISSUE, SAM, THERE WE HAD A BILL, YOU'VE HEARD ME SAY THIS  
5 BEFORE, THAT REQUIRED US TO ADOPT REGULATIONS THAT MADE  
6 OPERATING LIABILITY A CONDITION OF RECEIVING A PERMIT.

7 THE INSPIRATION FOR THAT BILL WAS A  
8 SITUATION REGARDING OPERATING INDUSTRIES DOWN IN MONTEREY  
9 PARK. NOW, THAT CASE IS IN COURT, BUT THE AMOUNT OF  
10 MONEY INVOLVED OR THE AMOUNT OF MONEY NAMED IN THE SUITS,  
11 IF YOU ADD IT ALL UP, IS IN EXCESS OF \$600 MILLION, I  
12 UNDERSTAND.

13 SO WE AREN'T GOING TO REQUIRE INSURANCE  
14 THAT HIGH, BUT THAT'S HOW HIGH IT COULD GO. AND AT THE  
15 SAME TIME, WHEN WE REQUIRE INSURANCE, IF WE REQUIRE A  
16 MILLION DOLLARS, ALONG COMES A SITUATION. I'M SURE ANY  
17 SUIT FILED IS GOING TO EXCEED A MILLION DOLLARS. I MEAN,  
18 THESE PEOPLE FILING THESE SUITS ARE MORE ENAMORED WITH  
19 ZEROS THAN DIRECTORS OF FINANCE. SO, YES, THE LAW SAYS  
20 TO DO THIS, BUT WE AS RATIONAL HUMAN BEINGS CAN SIT HERE  
21 AND SAY ON ONE HAND WE AREN'T REQUIRING ENOUGH, ON THE  
22 OTHER HAND WE'RE REQUIRING TOO MUCH.

23 BOARD MEMBER EGIGIAN: I CAN SEE JUST ONE AREA  
24 THAT HAS BEEN BROUGHT TO MY ATTENTION, AND THAT'S THE  
25 TIRES THAT WE'VE SEEN AT THE OXFORD --

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1 BOARD MEMBER RELIS: YEAH, OXFORD.

2 CHAIRMAN HUFF: YEAH, OXFORD. TWENTY MILLION  
3 TIRES OR SOMETHING LIKE THAT.

4 BOARD MEMBER EGIGIAN: BY THE SAME TOKEN, WE  
5 MUST REMEMBER THAT DURING SOME OF THE HEARINGS THAT WE'VE  
6 HAD AND MEETINGS WE'VE HAD ON WASTE TIRES, WASTE TIRES  
7 ARE NOT A WASTE PRODUCT ANYMORE. THEY'RE SOON GOING TO  
8 BECOME A COMMODITY. AND THE CONCRETE PEOPLE NEED IT TO  
9 BURN IN THEIR FURNACES; THE ASPHALT PEOPLE NEED IT TO  
10 MAKE THIS RUBBERIZED ASPHALT WITH, AND THERE'S NOT GOING  
11 TO BE ANY TIRES OTHER THAN WHAT PEOPLE COLLECT AND SELL  
12 TO THESE VARIOUS PEOPLE THAT NEED THESE TIRES. SO WHY DO  
13 WE NEED A LAW? I SHOULDN'T ASK THAT QUESTION.

14 BOARD MEMBER RELIS: ON THAT, WHAT I REMEMBER IN  
15 THE REPORT, CORRECT ME IF I'M WRONG, THAT EVEN WITH THE  
16 FACILITIES THAT ARE OPERATING AND PROPOSED, WE HAVE  
17 EXCESS TIRES; IS THAT CORRECT, IN THE STATE AND WILL HAVE  
18 THEM FOR SOME TIME?

19 MS. LAFER: WELL, AT THIS POINT IN TIME, THE  
20 STOCKPILES OF TIRES EXCEED THE USE OF THE TIRES.  
21 HOPEFULLY, WITH THE ENACTMENT OF CHAPTER 17 OF THE TIRE  
22 RECYCLING ACT, WE WILL SEE AND ENCOURAGE MORE USES FOR  
23 WASTE TIRES. THE BOTTOM LINE, THOUGH, IS THAT THE  
24 STORAGE OF WASTE TIRES, WHETHER THEY DO HAVE AN INTENDED  
25 USE, CAN STILL POSE FIRE AND VECTOR PROBLEMS; AND, AS

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1 SUCH, IT SEEMS TO BE THE INTENT OF THE LAW, AS LONG AS  
2 THEY ARE STOCKPILED, WE MUST COMPLY WITH FIRE AND VECTOR  
3 AND OTHER SAFETY AND ENVIRONMENTAL CONCERNS.

4 BOARD MEMBER RELIS: IS THE PRIMARY CONCERN FOR  
5 US FIRE FROM THE STANDPOINT OF WHAT'S HISTORICALLY  
6 HAPPENED? I KNOW VECTOR PROBLEMS HAVE ALSO --

7 MS. LAFER: WELL, FROM -- THE FIRE IS A PRIMARY  
8 CONCERN BECAUSE WHEN THEY DO CATCH FIRE, THEY'RE  
9 DEVASTATING FIRES. SO THE STANDARDS HAVE TRIED TO  
10 PROVIDE FOR BREAKING UP THE TIRE PILES SO THAT YOU DON'T  
11 HAVE THE DEVASTATING FIRES.

12 THE OTHER CONCERN, THE VECTOR CONTROL  
13 PEOPLE ARE VERY CONCERNED BECAUSE THERE'S -- IN OTHER  
14 STATES THERE'S BEEN THE INTRODUCTION OF A NEW MOSQUITO,  
15 THE ASIAN TIGER MOSQUITO, WHICH HAS -- THEY BELIEVE THAT  
16 IF IT DOES GET ESTABLISHED IN CALIFORNIA, IT WILL ENJOY  
17 LIFE IN CALIFORNIA, AND IT WILL BE VERY HARD TO ERADICATE  
18 AND IS CAPABLE OF TRANSMITTING DISEASE BETWEEN ANIMAL AND  
19 HUMAN. IT'S KIND OF A NEW BUG THAT THEY'RE DEALING WITH,  
20 AND THEY ARE CONCERNED ABOUT THAT.

21 CHAIRMAN HUFF: JUST WHEN WE GET RID OF ALL THE  
22 FRUIT FLIES, WE GET MOSQUITOES.

23 BOARD MEMBER RELIS: SO I MEAN, I'M WONDERING IF  
24 REGARDLESS OF, THEN, THE LAW THAT WOULD LEAD TO YOU  
25 CONSUMING THESE TIRES, IF WE REACH THAT POINT, HOPEFULLY,

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1 WE WILL SOON BE WHERE THERE'S STRONG DEMAND, BUT THE  
2 STORAGE FACILITIES WILL REMAIN. I MEAN, THIS WILL  
3 ACTUALLY ENCOURAGE MORE STORAGE FACILITIES, WON'T IT?

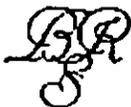
4 MS. LAFER: IT MAY -- WELL, WITH THE  
5 REGULATIONS, WE DON'T KNOW THAT IT WILL ENCOURAGE MORE  
6 STORAGE FACILITIES BECAUSE THE COSTS OF COMPLYING WITH --  
7 THERE MAY BE COSTS ASSOCIATED WITH COMPLIANCE WITH THE  
8 REGULATIONS. HOWEVER, FROM WHAT WE HAVE BEEN TOLD BY THE  
9 CEMENT KILNS AND SOME OF THE OTHER INDUSTRIES, THEY HAVE  
10 TO STOCKPILE A CERTAIN AMOUNT OF TIRES TO GET LOANS FOR  
11 WHATEVER PROCESS THAT THEY PLAN TO, WHETHER IT'S A CEMENT  
12 KILN OR CRUMB RUBBER PRODUCTION FACILITY, THEY DO HAVE TO  
13 STOCKPILE A CERTAIN NUMBER OF TIRES.

14 WHETHER YOU WILL SEE MILLIONS OF TIRES IN  
15 STOCKPILES IS SOMETHING ELSE. AND AGAIN, THERE'S SOME  
16 CONCERNS WE WILL HAVE WITH REGULATIONS. WE WILL HAVE  
17 ACCESS CONTROL. YOU WILL HAVE PILE SIZE CONTROL, WHICH  
18 YOU DON'T HAVE NOW. SO SOME OF THE CONCERNS ASSOCIATED  
19 WITH THE TIRE PILES MAY BE ALLEVIATED BECAUSE THEY'RE  
20 STORED IN A FASHION WHERE THEY ARE ACTUALLY A COMMODITY  
21 RATHER THAN A WASTE, AND THEY'RE NOT GOING TO SIT IN  
22 STOCKPILES FOR QUITE AS LONG.

23 BOARD MEMBER EGIGIAN: I THINK THAT WE SHOULD  
24 CONCENTRATE ON HOW THESE TIRES ARE STORED AS OPPOSED TO  
25 HOW MUCH MONEY THEY'RE GOING TO HAVE TO PAY. NOW,

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1 THERE'S A GREAT BIT OF DIFFERENCE BETWEEN A LANDFILL AND  
2 TIRE STORAGE. THERE'S NOTHING GOING TO LEACH INTO THE  
3 GROUND. IT'S NOT GOING TO HURT OUR WATER SUPPLY. WE'RE  
4 NOT GOING TO BE ABLE TO DUMP CHEMICALS. AND SO THE  
5 OPERATING INDUSTRIES WAS BROUGHT ABOUT BY THE THINGS THAT  
6 I JUST MENTIONED, THE CHEMICALS THAT SHOULDN'T HAVE BEEN  
7 DUMPED IN THERE IN THE FIRST PLACE AND THE KINDS OF  
8 LEACHING THAT'S TAKING PLACE OVER THERE RIGHT NOW.

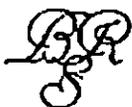
9 SO LET'S NOT EQUATE THE TWO TOGETHER.  
10 STORAGE, I THINK, IS THE IMPORTANT THING. HOW BEST TO  
11 STORE THESE THINGS THAT WOULD MAKE IT EASIER TO PUT OUT A  
12 FIRE IN THE EVENT THERE WAS A FIRE AS OPPOSED TO JUST  
13 PUTTING LARGE AMOUNTS OF MONEY THAT PEOPLE HAVE TO COME  
14 UP WITH WHO STORE THE STUFF.

15 CHAIRMAN HUFF: UNDERSTOOD THAT A TIRE PILE IS  
16 DIFFERENT THAN LANDFILL. I'M JUST SUGGESTING THAT THE  
17 LEGISLATURE BECAME ENAMORED WITH THE IDEA OF OPERATING  
18 LIABILITY INSURANCE BECAUSE OF THE OPERATING INDUSTRIES  
19 SITUATION AND SLAPPED THAT THING RIGHT INTO THIS BILL  
20 TOO, AND IT'S THERE. IT REQUIRES US TO ADOPT REGULATION  
21 THAT REQUIRES PEOPLE TO HAVE AN OPERATING LIABILITY  
22 INSURANCE POLICY IN THEIR POCKET AS A CONDITION OF  
23 GETTING A PERMIT.

24 AND IT SIMPLY FALLS TO US TO FIGURE OUT THE  
25 BEST WAY TO DO THAT, BUT IT'S VERY CLEAR THAT PEOPLE ARE

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1 GOING TO HAVE TO HAVE THAT INSURANCE POLICY.

2 NOW, SAM, MY COMMENTS ON OPERATING  
3 LIABILITY FOR LANDFILLS, MY BELIEF IS THAT IT'S EITHER  
4 GOING TO PROVE TO BE TOO MUCH OR TOO LITTLE, DEPENDING ON  
5 THE CIRCUMSTANCES. OKAY? AND THAT'S ALSO TRUE HERE.  
6 OKAY. IT'S EITHER GOING TO TURN OUT TO BE TOO MUCH OR  
7 TOO LITTLE BECAUSE IF YOU HAVE A FIRE AND A DISASTER,  
8 THEN A MILLION DOLLARS IS GOING TO BE NOTHING AND  
9 OTHERWISE IT'S GOING TO BE TOO MUCH. THAT'S THE NATURE  
10 OF INSURANCE.

11 BUT THE LAW SAYS YOU HAVE TO HAVE IT; AND  
12 THE LAW SAYS THAT IF WE DON'T ADOPT REGULATIONS, WHAT  
13 HAPPENS? NOBODY CAN DO ANYTHING, RIGHT? ISN'T THAT THE  
14 BOTTOM LINE? WHAT'S THE CONSEQUENCE OF NO REGULATION AT  
15 ALL?

16 MS. LAFER: ASIDE FROM NOT COMPLYING WITH  
17 LEGISLATIVE INTENT --

18 CHAIRMAN HUFF: THE LEGISLATURE GETS GRUMPY  
19 FIRST. THAT'S MAJOR.

20 MS. LAFER: SECONDLY, THEN, THE PROBLEMS ARE WE  
21 STILL HAVE, AS IN OTHER STATES, THERE HAVE BEEN MAJOR  
22 TIRE FIRES AND THE COSTS OF CLEANUP HAVE BEEN HIGH.

23 CHAIRMAN HUFF: BUT THESE PLACES DON'T HAVE  
24 PERMITS THEN BECAUSE WE HAVEN'T ADOPTED REGULATIONS, BUT  
25 THE LAW SAYS THEY MUST.

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1 MS. LAFER: BOTTOM LINE IS, THEN, THESE PLACES  
2 CANNOT OPERATE AND SO --

3 CHAIRMAN HUFF: THAT'S RIGHT. SO IF WE DON'T DO  
4 REGULATION, THEN THESE PLACES CAN'T OPERATE AT ALL. IF  
5 WE DO REGULATION, WE MAKE LIFE A LITTLE BIT MORE  
6 DIFFICULT FOR THESE PLACES. THAT'S THE CHOICE THAT THEY  
7 HAVE. THAT'S THE CHOICE THAT WE HAVE. WE CAN DO  
8 REGULATION AND MAKE LIFE SOMEWHAT UNPLEASANT FOR -- TO  
9 DIFFERING DEGREES FOR A GROUP OF PEOPLE, OR WE CAN NOT DO  
10 REGULATION AND MAKE LIFE MISERABLE FOR THE SAME BUNCH OF  
11 PEOPLE. THAT'S OUR CHOICE.

12 BOARD MEMBER EGIGIAN: THAT'S NO CHOICE.

13 BOARD MEMBER RELIS: THE WAY CHOICES ARE SHAPING  
14 UP IN SOCIETY, THAT'S ABOUT WHAT YOUR CHOICES ARE.

15 MR. ADAMS: ADDITIONAL NOTE, RCRA  
16 REAUTHORIZATION INCLUDES OPERATING LIABILITY FOR TIRES.  
17 SO THE FEDERAL GOVERNMENT IS ALSO --

18 CHAIRMAN HUFF: THEY'RE COMING TOO. DO THEY  
19 SPECIFY LIMITS, OR IS IT TOO EARLY?

20 MR. ADAMS: IT'S PROBABLY TOO EARLY.

21 MS. LAFER: FROM WHAT I'VE SEEN IN THE  
22 LEGISLATION, THEY'RE PROPOSING 3,000 TIRES, BUT NOT AS  
23 FAR AS THE NUMBER OF TIRES THAT CONSTITUTE A FACILITY  
24 THAT NEEDS REGULATION, BUT THEY HAVE NOT PROPOSED LIMITS  
25 FOR OPERATING LIABILITY.

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1 BOARD MEMBER EGIGIAN: WHAT REGULATIONS DO THE  
2 STATES OF ARIZONA, NEVADA, AND UTAH HAVE IN THIS RESPECT?  
3 ARE YOU AWARE OF ANY? WE GOING TO FORCE THESE TIRE  
4 PEOPLE OUT OF THE STATE?

5 MR. MICKA: I'M TOM MICKA. I'M NOT SURE -- I  
6 KNOW THAT NEVADA IS WORKING ON LEGISLATION RIGHT NOW FOR  
7 TIRES BECAUSE THEY'VE CALLED US. ARIZONA COLLECTS 2  
8 PERCENT OF THE COST OF A NEW TIRE OR \$2 AND THEY PROVIDE  
9 FREE DISPOSAL, LANDFILLING OF TIRES IN THE STATE. SO  
10 THEY'RE COLLECTING MORE MONEY UP FRONT TO SOLVE THE  
11 PROBLEM.

12 BOARD MEMBER EGIGIAN: HAVE YOU CONSIDERED THAT  
13 AS FAR AS WHAT WE SHOULD BE DOING HERE ALSO?

14 MR. MICKA: THE BOARD PROPOSED LEGISLATION THIS  
15 PAST YEAR THAT WOULD HAVE INCREASED THE TIRE FEE FROM 25  
16 CENTS TO A DOLLAR AND PUT IT ON THE FRONT-END ON THE SALE  
17 OF THE TIRE AS WELL AS ESTABLISHING A REGISTERED HAULER  
18 REGISTRATION PROGRAM, AND IT WAS OPPOSED TO BY THE  
19 DEPARTMENT OF FINANCE FOR THE INCREASE IN FEE AND ALSO  
20 DEPARTMENT OF GENERAL SERVICES, WHO HAVE TO PAY MORE  
21 MONEY FOR THE TIRES THEY DISPOSE OF.

22 BOARD MEMBER EGIGIAN: LOT OF CHOICES.

23 BOARD MEMBER RELIS: BUT THE STORAGE OF TIRES  
24 WILL EVENTUALLY BE WITHOUT -- WE WON'T BE STORING WHOLE  
25 TIRES, CORRECT?

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1 MR. MICKA: IT DEPENDS. SOME OF THE CEMENT  
2 KILNS NOW, CALAVERAS CEMENT IS BURNING TIRES. AND A  
3 PROCESS THAT CAN USE WHOLE TIRES, IT'S A LOT LESS  
4 EXPENSIVE IF YOU DON'T HAVE TO GO THROUGH SHREDDING.

5 CHAIRMAN HUFF: TIRE MANUFACTURERS ARE MAKING  
6 THESE THINGS DIFFICULT TO SHRED.

7 MR. MICKA: WITH THE STEEL BELTS.

8 CHAIRMAN HUFF: THAT MEANS THAT THEY LAST LONGER  
9 TOO. OKAY.

10 MS. LAFER: ONE OTHER COMMENT, IN WORKING WITH  
11 INDUSTRY, THE COMMENT WAS THAT WHOLE TIRES, AS TOM SAID,  
12 MAY BE MORE COST-EFFECTIVE TO -- FOR THE CEMENT KILNS TO  
13 BURN, AND THERE IS SOME ENCOURAGEMENT IN CHAPTER 17 OF  
14 THE ACT TO SHRED TIRES, BUT INDUSTRY HAD FELT THAT WHOLE  
15 TIRES WOULD AGAIN MAKE THE PRODUCT MORE COST-EFFECTIVE.  
16 SO WE HAVE WORKED WITH THE REGULATIONS TO ALLOW STORAGE  
17 OF WHOLE TIRES RATHER THAN REQUIRE SHREDDING, BUT STORAGE  
18 THAT MEET TECHNICAL STANDARDS FOR FIRE AND VECTOR  
19 CONTROL.

20 MS. SPHAR: MEMBER RELIS, THE REQUIREMENT THAT  
21 YOU ARE PROBABLY RECALLING IS IN THE CHAPTER 17 PART OF  
22 THE LAW, WHICH TALKS ABOUT -- AND THAT IS IN STATUTE, IF  
23 YOU ARE GOING TO DISPOSE OF TIRE OR TIRE PARTS IN A  
24 LANDFILL, THEY SHOULD BE SHREDDED. THAT'S NOT PART OF  
25 THIS PERMITTING REQUIREMENT.

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1 CHAIRMAN HUFF: OKAY. FINAL NOTE, TOO, IF RCRA  
2 REAUTHORIZATION DOES INCLUDE A SECTION DEALING WITH  
3 TIRES, STATES OF NEVADA AND ARIZONA ARE GOING TO COMPLY.  
4 THEY HAVE NO CHOICE. OKAY.

5 ANY FURTHER QUESTIONS OF STAFF?

6 I'VE GOT A WHOLE BUNCH OF PEOPLE WHO WANT  
7 TO TALK TO THIS, NOT SURPRISINGLY. AND THE ONLY ORDER  
8 THAT THEY ARE IN IS MORE OR LESS THE ORDER THAT THEY WERE  
9 RECEIVED UP HERE. AND SO I'LL JUST, IN THE ABSENCE OF  
10 ANY FURTHER ORGANIZING PRINCIPLE, I'LL JUST START CALLING  
11 OFF NAMES. MATHEW HUTTON.

12 MR. HUTTON: MY NAME IS MATHEW HUTTON. I'M FROM  
13 PICK YOUR PART AUTO DISMANTLERS. I GUESS WHAT I HAVE TO  
14 SAY WOULD BE MORE IN ORDER OF QUESTIONS.

15 WHEN YOU DID YOUR FINANCIAL ON THIS ON  
16 COST, WHAT IT WOULD COST PEOPLE, DID YOU INCLUDE SMALL  
17 USED TIRE STORES?

18 MS. LAFER: CAN YOU --

19 MR. HUTTON: WHEN YOU DID YOUR STUDY ON THIS,  
20 OKAY, OBVIOUSLY, YOU'VE GONE INTO THE COST, WHAT IT WOULD  
21 COST COMPANIES TO GO FOR THE FINANCIAL RESPONSIBILITY,  
22 THE EIR'S AND SO ON AND SO FORTH. DID YOU RUN THE COST  
23 OVER INTO OTHER THAN MAJOR TIRE WASTE FACILITIES?

24 MS. LAFER: WE ONLY ADDRESSED -- THE FINANCIAL  
25 ASSURANCE REQUIREMENTS ARE ONLY REQUIRED ON MAJOR WASTE

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1 TIRE FACILITIES.

2 MR. HUTTON: SO YOU'RE NOT REQUIRING IT ON,  
3 LET'S SAY -- A SMALL TIRE SHOP COULD EASILY HAVE 10,000  
4 TIRES IN LESS THAN AN ACRE. YOU ARE TALKING ABOUT A MAN  
5 WHO RUNS HIS BUSINESS, A SINGLE MAN WHO RUNS HIS BUSINESS  
6 WITH MAYBE TWO, THREE EMPLOYEES.

7 MR. ADAMS: AS DEFINED IN THE REGULATIONS, 5,000  
8 OR MORE TIRES IS A MAJOR TIRE FACILITY AND IS SUBJECT TO  
9 THE FINANCIAL REQUIREMENTS OF THOSE REGS.

10 MR. HUTTON: OKAY.

11 CHAIRMAN HUFF: I SUPPOSE, THEN, THE FOLLOW-UP  
12 QUESTION IS WHY 5,000?

13 MR. ADAMS: IT'S IN THE STATUTE.

14 MR. HUTTON: YOU ARE GOING TO PUT A LOT OF  
15 LITTLE GUYS OUT OF BUSINESS.

16 CHAIRMAN HUFF: I WANTED YOU TO KNOW THAT. YOU  
17 KNOW, WE COULD DISCUSS WHETHER 5,000 IS APPROPRIATE, BUT  
18 IT'S FUTILE BECAUSE THE LAW SAYS THAT'S WHAT IT IS. AND  
19 WE DIDN'T INVENT THE LAW. WE'RE HERE TO TRY TO MAKE IT  
20 WORK.

21 MR. HUTTON: I GUESS MY NEXT QUESTION WOULD BE  
22 HAVE YOU SEEN -- TEXAS HAS DONE A LAW ALSO. HAVE YOU  
23 SEEN THAT?

24 CHAIRMAN HUFF: I HAVEN'T. I'M SURE THE STAFF  
25 HAS.

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1 MR. MICKA: WE'VE TALKED TO A NUMBER OF OTHER  
2 STATES. WE STILL HAVE TO TALK TO TEXAS.

3 MR. HUTTON: THEY'RE DONE.

4 MR. MICKA: SO IS OKLAHOMA AND MINNESOTA AND  
5 FLORIDA ALL HAVE PROGRAMS, TOO.

6 MR. HUTTON: HOW DID THEY DEFINE -- WHAT IS  
7 THEIR DEFINITION OF A WASTE TIRE?

8 MR. MICKA: SOME OF THE STATES -- I KNOW THAT  
9 FLORIDA WANTS TO INCLUDE ANY TIRE THAT'S USED AS A WASTE  
10 TIRE. RIGHT NOW IT'S NOT THE CASE. AND THE REASON THEY  
11 WANT TO DO IT IS, IN PART, BECAUSE THEIR REGISTRATION  
12 HAULER PROGRAM, WHEN STATE POLICE PULL A VEHICLE OVER, IF  
13 THOSE TIRES ARE USED, NO MATTER WHETHER THEY'RE  
14 RETREADABLE CASINGS, SCRAP TIRES, OR USED TIRES, THEY  
15 WANT TO MAKE SURE THAT THEY'RE REGISTERED AND HAVE A  
16 STICKER ON THE VEHICLE. AND IF THEY -- YOU KNOW, IF USED  
17 TIRES ARE EXEMPTED OR CASINGS ARE EXEMPTED, THAT MAKES IT  
18 A LOT MORE DIFFICULT FOR THEM TO KNOW WHETHER THAT  
19 VEHICLE SHOULD BE REGISTERED OR NOT.

20 MR. HUTTON: BUT YOU ARE TALKING ABOUT SMALL  
21 PICKUP TRUCKS, RIGHT?

22 MR. MICKA: OR LARGER VEHICLES CARRYING TIRES.

23 MR. HUTTON: WOULDN'T THE CHANCES, BEING A  
24 LARGER VEHICLE CARRYING A TRUCKLOAD OF TIRES, THEY'RE  
25 REGISTERED WITH DOT, PUC, OR WHATEVER THE CASE MAY BE

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1 ALREADY. SO THEY'RE ALREADY REGISTERED. THEY HAVE TO  
2 HAVE BILLS OF LADING ON THE MATERIAL, WHERE IT'S GOING,  
3 WHERE IT CAME FROM, AND WHERE IT'S GOING. YOU'RE DOUBLE  
4 LEGISLATING SOMETHING THAT'S ALREADY DONE.

5 ATTORNEY CONHEIM: MR. HUFF, MAYBE IT ISN'T  
6 CLEAR TO THE SPEAKER THAT THE PART OF THE LAW THAT YOU  
7 ARE CONCERNED ABOUT WAS PUT IN THE LAW BY THE STATE  
8 LEGISLATURE, NOT THIS ADMINISTRATIVE AGENCY. THIS  
9 ADMINISTRATIVE AGENCY WAS ALSO ORDERED BY THE STATE  
10 LEGISLATURE, THE VERY SAME STATE LEGISLATURE THAT  
11 LEGISLATED THE 5,000 TIRE LIMIT, TO PASS A SET OF  
12 REGULATIONS.

13 OTHER STATE LAW REQUIRES THAT THE  
14 REGULATIONS THAT THIS BOARD CONSIDER BE CONSISTENT WITH  
15 THE STATE LAW. WE CAN'T CHANGE THE STATE LAW. YOUR  
16 BATTLE, AS MR. HUFF IS USUALLY SO FOND IS SAYING, IS WITH  
17 THE STATE LEGISLATURE NOT WITH THIS ORGANIZATION. WE  
18 HAVE NO CHOICE BUT TO SET STANDARDS FOR MAJOR WASTE TIRE  
19 FACILITIES THAT ARE DEFINED AS 5,000 TIRES OR MORE.

20 MR. HUTTON: WHAT I'M SAYING IS, BEFORE WE GOT  
21 OFF THE TRACK OF THE TRANSPORTATION, WAS HOW YOU DEFINE,  
22 WHAT YOU DEFINE AS A WASTE TIRE. RIGHT BACK TO WHAT YOU  
23 SAID BEFORE WHY FLORIDA DID IT.

24 MS. LAFER: STAFF, IN THEIR DEFINITION OF WASTE  
25 TIRE, AS I SAID EARLIER, WE INTERPRETED WASTE TIRE TO BE

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1 THE UNIVERSE OF TIRES, THE SCRAP TIRES, THE RETREADABLE  
2 CASINGS, AND THE TIRES WITH TREAD THAT CAN BE SOLD AS  
3 USED TIRES IN THE TIRE MARKET.

4 STAFF VIEWED A RETREADED TIRE AS A PRODUCT  
5 THAT WAS DERIVED FROM THE RECYCLING OF A USED TIRE. AND  
6 AGAIN, WE VIEWED THE USED TIRE TO BE SYNONYMOUS WITH  
7 WASTE TIRE.

8 STAFF'S INTERPRETATION -- WE INFERRED  
9 LEGISLATIVE INTENT IN THE TERMS "ORIGINAL INTENDED USE"  
10 TO REFERENCE THE SALE OF A NEW TIRE AS OPPOSED TO A USED  
11 TIRE, RECAPABLE CASING AS SOME OF TIRE INDUSTRY PEOPLE.  
12 WE FELT THAT THE TERM "ORIGINAL" HAD SOME SIGNIFICANCE IN  
13 STATUTORY DEFINITION, AND TERM "ORIGINAL," THE  
14 SIGNIFICANCE OF THAT TERM WAS TO DISTINGUISH BETWEEN THE  
15 NEW AND THE USED TIRE. CONSEQUENTLY, WE HAVE OUR  
16 DEFINITION WHICH IS THE SUBJECT OF DISCUSSION HERE.

17 CHAIRMAN HUFF: YOU ARE NOT THE ONLY ONE WHO IS  
18 GOING TO RAISE THE QUESTION OF THE DEFINITION.

19 MR. HUTTON: I KNOW THAT. WHAT I'M TRYING TO  
20 SAY IS WHAT YOU'RE DOING IS YOU'RE GOING TO PUT THE  
21 LITTLE GUYS OUT OF BUSINESS. THE BIG COMPANIES OFFER  
22 ENERGY. THEY'RE PROBABLY GOING TO PAY IT BECAUSE THEY'VE  
23 GOT A SUBSTANTIAL INVESTMENT ALREADY. THEY'RE GOING TO  
24 BURN THE TIRES. WHAT YOU ARE GOING TO DO IS YOU ARE  
25 GOING TO PUT MORE TIRES INTO THEIR STREAM AND OFF THE

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1 RECYCLING ACT.

2 CHAIRMAN HUFF: OKAY. THAT'S SOMETHING --

3 MR. HUTTON: YOUR PROBLEM AND YOU STILL HAVEN'T  
4 ADDRESSED YOUR MAIN PROBLEM. NORTHERN CALIFORNIA MAY NOT  
5 HAVE THE PROBLEMS THAT SOUTHERN CALIFORNIA HAS. BUT  
6 ANYTHING THAT YOU CHARGE TO DISPOSE OF IS GOING TO END UP  
7 IN THE STREET. YOU GO WITHIN A BLOCK OF ANY LANDFILL IN  
8 SOUTHERN CALIFORNIA AND TAKE -- JUST GO A BLOCK ANY  
9 DIRECTION AND SEE WHAT YOU FIND.

10 NOW, THAT'S NOT WASTE COMPANIES, BUT YOU  
11 DON'T FINE THE WASTE COMPANIES FOR THAT. THAT'S PRIVATE  
12 INDIVIDUALS WHO ARE NOT GOING TO PAY \$20 A TRUCKLOAD TO  
13 DUMP. THEY'RE NOT GOING TO PAY 65 CENTS TO \$2 A TIRE TO  
14 DUMP EITHER.

15 YOU HAVEN'T SOLVED THE PROBLEM. YOU'RE  
16 JUST PUTTING THE PEOPLE WHO ARE ACTUALLY TAKING A LOT OF  
17 TIRES OFF THE STREET OR POTENTIALLY THAT WILL GO ON THE  
18 STREET, YOU'RE PUTTING THEM OUT OF BUSINESS.

19 CHAIRMAN HUFF: OKAY. YOU THINK THAT WE CAN  
20 ADDRESS AT LEAST PART OF THIS THROUGH THE DEFINITION?

21 MR. HUTTON: I THINK THERE'S A DEFINITION  
22 PROBLEM.

23 THE OTHER THING IS IF YOU ARE GOING TO  
24 EXPORT -- YOU EVER TRIED TO EXPORT WASTE? IT BECOMES  
25 VERY DIFFICULT. NOBODY WANTS TO BUY WASTE. EVEN IF IT'S

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1 TIRES, YOUR MARKET GOES AWAY, GOES DOWN. YOU'RE NOT  
2 SELLING US USED TIRES ANYMORE. WE HAVE TO MANIFEST IT  
3 OUT AS WASTE. IT CHANGES EVERYTHING. THANK YOU.

4 CHAIRMAN HUFF: THANK YOU. NEXT NAME I HAVE IS  
5 LARRY COFFMAN.

6 MR. COFFMAN: MAY I ASK OUR EXECUTIVE DIRECTOR  
7 TO GO BEFORE ME, PLEASE?

8 CHAIRMAN HUFF: SURE.

9 MS. MC COUBREY: GOOD AFTERNOON, MR. CHAIRMAN  
10 AND COMMITTEE MEMBERS AND STAFF, WHO WE HAD A MEETING  
11 WITH LAST WEEK. I DID MAIL SOME WRITTEN COMMENTS TO YOU,  
12 AND THEY SHOULD HAVE BEEN DELIVERED YESTERDAY TO YOUR  
13 OFFICES. THEY WERE BY OVERNIGHT MAIL, SO -- AND THEY HAD  
14 A WRITTEN SIGNED RETURN. HOPEFULLY, I WILL GET THOSE  
15 BACK. IF NOT, I DO HAVE EXTRA COPIES. SHALL I BRING  
16 THOSE UP?

17 CHAIRMAN HUFF: WHY DON'T YOU BRING THOSE UP?  
18 I'M SURE WE ALL HAVE HAD THEM. THE TIME THAT WE'VE HAD  
19 TO THOROUGHLY REVIEW THEM HAS NOT BEEN LONG, AND SO MAYBE  
20 WE CAN FOLLOW ALONG AS YOU GO.

21 MS. MC COUBREY: BEFORE I BEGIN MY COMMENTS  
22 TODAY, I WOULD LIKE TO STATE SOMETHING, THAT WE HAD A  
23 WORKSHOP LAST WEEK. WE WERE TOLD THAT WE HAD ONE WEEK TO  
24 GET READY FOR THIS HEARING. ALSO, STAFF WAS UNABLE TO  
25 GIVE US THE NEW REGS AND THEIR SUMMARY OF THE MEETING

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1 LAST WEEK UNTIL ABOUT, I THINK IT WAS, 10:30 THIS MORNING  
2 WHERE WE PICKED THEM UP OFF THE BACK TABLE. SO PLEASE  
3 UNDERSTAND THAT WE REALLY FEEL LIKE WE'RE AT AN UNFAIR  
4 DISADVANTAGE, FIRST OF ALL, BECAUSE WE HAVEN'T EVEN HAD A  
5 CHANCE TO TAKE A LOOK AT WHAT YOU ARE TALKING ABOUT  
6 TODAY.

7 SECONDLY, I'D LIKE TO START OUT WITH A  
8 QUESTION. I KNOW THAT THE THREE OF YOU HAVE BEEN TO  
9 WASTE FACILITIES LIKE OXFORD AND CALAVERAS CEMENT PLANT,  
10 WHO'S BURNING TIRES. HAVE ANY OF YOU VISITED A RETREADER  
11 SHOP OR TIRE DEALERS?

12 BOARD MEMBER RELIS: YEAH.

13 BOARD MEMBER EGIGIAN: FOR YEARS.

14 BOARD MEMBER RELIS: NOT RECENTLY.

15 MS. MC COUBREY: LOOKING AT IT THROUGH THE EYES  
16 THAT YOU ARE GOING TO BE REGULATING?

17 BOARD MEMBER RELIS: NO. THIS WAS LONG BEFORE I  
18 HAD REGULATORY EYES.

19 MS. MC COUBREY: I WOULD REALLY LIKE TO SAY THAT  
20 I REALLY DON'T BELIEVE THAT YOUR STAFF UNDERSTANDS THE  
21 TIRE INDUSTRY. THEY MAY UNDERSTAND THE WASTE INDUSTRY,  
22 AND I AGREE WITH THAT. THEY PROBABLY DO, BUT THEY DO NOT  
23 UNDERSTAND THE TIRE INDUSTRY.

24 AND I'M SURE THAT WHEN THEY INFER THAT  
25 THEY'VE BEEN WORKING WITH INDUSTRY, THAT THEY PROBABLY

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1 MEAN THEY HAVE BEEN WORKING WITH THE WASTE INDUSTRY OF  
2 TIRES BECAUSE I DON'T THINK THAT THEY'VE CONTACTED MY  
3 OFFICE AND ASKED ME TO ARRANGE A TOUR OF A RETREAD  
4 FACILITY. SO I THINK YOU BETTER TAKE A LOOK AT WHAT IS  
5 GOING ON. YOU ARE REGULATING AN INDUSTRY THAT I REALLY  
6 DON'T BELIEVE YOU UNDERSTAND.

7 LET'S GO OVER MY COMMENTS. AND THEN I HAVE  
8 SOME COMMENTS TO SOME QUESTIONS THAT WERE ASKED EARLIER.  
9 FIRST OF ALL, OF COURSE, WE ARE OPPOSED TO THE  
10 REGULATIONS FOR PERMITTING MINOR AND MAJOR WASTE  
11 FACILITIES. ADOPTING THE REGULATIONS AS THEY ARE WRITTEN  
12 WOULD CAUSE UNDUE HARDSHIP ON TIRE DEALERS AND TIRE  
13 DEALERS SPECIALIZING IN RETREADING AND REPAIRING AND  
14 DEALERS SELLING USED TIRES.

15 THESE REGULATIONS WOULD SERIOUSLY IMPACT  
16 OUR INDUSTRY'S ABILITY TO RECYCLE USED TIRES. THE  
17 FOLLOWING OBJECTIONS WERE CLEARLY PUT OUT LAST WEEK AT  
18 THE HEARING, AND I THINK IT'S IMPORTANT TO POINT IT OUT  
19 TO YOU.

20 IT WAS VERY CLEAR TO EVERYONE THAT CIWMB'S  
21 DEFINITION OF A WASTE TIRE NEEDED TO BE REWRITTEN.  
22 SECTION -- AND I POINT OUT THE SECTION. IT'S 17225.735  
23 STATES THAT A WASTE TIRE MEANS A TIRE THAT IS NOT ON A  
24 VEHICLE AND IS NO LONGER SUITABLE FOR ITS ORIGINAL  
25 INTENDED USE DUE TO WEAR, DAMAGE, DEFECT, OR DEVIATION

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1 FROM THE MANUFACTURER'S SPECIFICATIONS.

2 THAT DEFINITION MEANT THAT YOUR STAFF  
3 CONSIDERED ALL TIRES AT A RETREADER'S FACILITY OR USED  
4 TIRE STORE TO BE WASTE TIRES. AND AS WRITTEN, THE  
5 REGULATIONS CONSIDER THE RETREADER AND THE USED TIRE  
6 DEALER TO BE A MINOR WASTE FACILITY. AND IN SOME CASES  
7 HERE THEY COULD BE CONSIDERED A MAJOR WASTE FACILITY.

8 NOW, IN GETTING THE SUMMARY OF THE MEETING  
9 LAST WEEK AND THE DRAFT OF THE PROPOSED RULEMAKING, I SEE  
10 THAT THE WASTE DEFINITION HAS BEEN CHANGED A BIT,  
11 ACTUALLY GOT WORSE. THEY ADDED RETREADABLE CASINGS AND  
12 USED TIRES TO THEIR DEFINITION OF A WASTE TIRE AND I  
13 THINK ONE OTHER THING.

14 BUT FIRST, I'D LIKE TO POINT OUT I'M  
15 SPEAKING TODAY, AND I'M GOING TO USE THE RETREADER AS AN  
16 EXAMPLE, BUT I'M REALLY TALKING ABOUT ALL TIRE DEALERS.  
17 STANDING HERE BEFORE YOU, I REPRESENT ALL TIRE DEALERS IN  
18 CALIFORNIA, MEMBERS OR NONMEMBERS. AS FAR AS MEMBERS GO  
19 IN CALIFORNIA NORTH AND SOUTH, I'M TALKING ABOUT AT LEAST  
20 A THOUSAND TIRE DEALER MEMBERS.

21 THE RETREADER IS A TIRE DEALER INVOLVED IN  
22 A MANUFACTURING PROCESS THAT RESTORES A USED OR WORN  
23 CASING TO A NEW PRODUCT CAPABLE OF BEING USED FOR ITS  
24 ORIGINAL INTENDED PURPOSE, THEREBY DELAYING THE TIRE FROM  
25 ENTERING THE WASTESTREAM. HE'S CONSIDERED A RECYCLER.

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1 IN AB 1843 AND AB 937, ARTICLE 4, MINOR  
2 WASTE TIRE FACILITY PERMITS, SECTION 42831, IT STATES  
3 THAT THE BOARD MAY EXEMPT EITHER OF THE FOLLOWING FOR THE  
4 PERMIT REQUIREMENTS OF THIS ARTICLE. MARLA ALREADY  
5 POINTED OUT TO YOU THAT THE BOARD DID HAVE THE ABILITY TO  
6 EXEMPT A RETREADER FROM THIS PERMITTING PROCESS, SO I'M  
7 NOT GOING TO READ THAT TO YOU AGAIN, BUT THEY DID CHOOSE  
8 NOT TO EXEMPT THE RETREADER.

9 IF IT'S NOT CORRECTED, I THINK YOU ARE  
10 GOING TO SEE A MAJOR SETBACK IN THE CALIFORNIA INTEGRATED  
11 WASTE MANAGEMENT'S MARKETING ARM IN EFFORTS TO SELL  
12 RETREADED TIRES TO THE CALIFORNIA CONSUMER. A RETREADER  
13 IS A TIRE DEALER WHO DOES NOT STORE WASTE TIRES. A TIRE  
14 DEALER IS A TIRE DEALER THAT DOES NOT STORE WASTE TIRES.  
15 THEY DISPOSE OF THEIR WASTE TIRES WITH PROPER DISPOSAL  
16 COMPANIES. IN MOST CASES THE RETREADER IS ALSO WORKING  
17 WITH A CUSTOMER'S USED TIRE AND THE TIRE IS NOT INTENDED  
18 FOR THE WASTE PILE.

19 HOW WOULD YOU LIKE THE RETREADER TO TELL  
20 HIS CUSTOMER WHEN HE BRINGS A TIRE IN THAT HE HAS A WASTE  
21 TIRE? DOES THAT MAKE HIM HAVE A REAL HIGH ESTEEM OF THE  
22 PRODUCT HE'S BRINGING IN TO YOU? NO, I DON'T THINK SO  
23 WHEN IT'S CLEARLY -- WHEN THAT TIRE WAS MADE, IT WAS  
24 CLEARLY MADE TO BE A RETREADABLE PRODUCT.

25 RETREADER'S CASING PILES CHANGE DAILY

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1 BECAUSE OF THE MANUFACTURING PROCESS. LAST WEEK AT THE  
2 HEARING HARVEY BROTSKI, THE MANAGING DIRECTOR OF THE TIRE  
3 RETREAD INFORMATION BUREAU, WAS HERE. UNFORTUNATELY,  
4 HARVEY COULD NOT BE HERE TODAY. HE'S ATTENDING A  
5 CONFERENCE ON RECYCLING IN CLEVELAND, BUT I THINK HE SAID  
6 IT BEST AT THE HEARING. THERE'S A BIG DIFFERENCE BETWEEN  
7 A SCRAP TIRE AND A WORN TIRE CASING. A SCRAP TIRE IS A  
8 LIABILITY FOR A RETREADER OR A USED TIRE DEALER. A WORN  
9 TIRE CASING IS A RAW MATERIAL AND SHOULD BE CONSIDERED AS  
10 AN ASSET. THAT'S HOW HE MAKES HIS MONEY.

11 THE VOLUME OF TRUE WASTE TIRES AT A  
12 RETREADER IS ABOUT 500 TO 1,000 TIRES IN A 90-DAY PERIOD,  
13 BUT THEY ARE ALSO DISPOSED OF ON A WEEKLY OR MONTHLY  
14 BASIS, AND IN MOST CASES THEY'RE LOADED INTO TRAILERS  
15 ON-SITE. THIS IS WAY BELOW THE 3,000 THAT WAS ALLOWED IN  
16 THE ARTICLE 4, SECTION 66799.86 AND AB 937. THIS REASON  
17 ALONE SHOULD ALLOW THE RETREADER AN EXEMPTION FROM THE  
18 PERMITTING PROCESS.

19 OUR ASSOCIATION, CALIFORNIA NORTH AND  
20 SOUTH, HARVEY BROTSKI, THE MANAGING DIRECTOR OF THE TIRE  
21 RETREAD INFORMATION BUREAU, AND ALSO HE SERVES AS OUR  
22 RETREAD COMMITTEE CHAIRMAN, HAVE BEEN WORKING VERY  
23 CLOSELY WITH JIM ROBINSON AND TIM DUNN IN THE CIWMB  
24 MARKETING DIVISION. WE HAVE BEEN INTRODUCING THEM TO THE  
25 RETREADING PROCESS IN SEVERAL MEETINGS WITH INDUSTRY

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1 REPRESENTATIVES AND HAVE ASSISTED THEM IN OBTAINING  
2 INFORMATION ON RETREADING THROUGH A SURVEY SENT TO ALL  
3 RETREADERS IN CALIFORNIA.

4 I WOULD ALSO LIKE TO MENTION IN HARVEY'S  
5 REMARKS LAST WEEK HE POINTED OUT THAT THE STATE OF  
6 CALIFORNIA ALSO HAS MANDATED -- HAS A MANDATE FOR THE USE  
7 OF RETREADED TIRES ON STATE OWNED VEHICLES.  
8 UNFORTUNATELY, AT THIS TIME THE MANDATE IS NOT BEING  
9 HONORED; HOWEVER, WE DO CONTINUE TO WORK ON THIS ISSUE  
10 AND HOPE TO SEE SOME POSITIVE STEPS TAKEN FOR THE USE OF  
11 RETREADS ON STATE VEHICLES IN THE NEAR FUTURE.

12 IN ADDITION TO THAT, THE U.S. ENVIRONMENTAL  
13 PROTECTION AGENCY HAS A MANDATE FOR THE USE OF RETREADED  
14 TIRES BY GOVERNMENT AGENCIES. ON THE FEDERAL LEVEL OUR  
15 ORGANIZATION WORKS VERY CLOSELY WITH EPA AND GSA IN  
16 PROVIDING INFORMATION TO HELP EDUCATE GOVERNMENT BUYERS.

17 THE STRINGENT RESTRICTIONS AND INCREASED  
18 COST OF DOING BUSINESS WOULD PUT THE RETREADER AT AN  
19 UNFAIR DISADVANTAGE IN THE COMPETITIVE CALIFORNIA  
20 BUSINESS CLIMATE. IT WOULD ALSO IMPACT THE CONSUMER AS  
21 THE RETREADER WOULD HAVE TO PASS THE COST ON, THEREBY  
22 MAKING THEIR PRODUCT LESS COMPETITIVE WITH ECONOMY NEW  
23 TIRES. THIS COULD REDUCE THE NUMBER OF RECYCLED CASINGS  
24 AND INCREASE THE NUMBER OF CASINGS BEING DISPOSED OF  
25 PREMATURELY.

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1 THE REGULATIONS INCLUDE FIRE PREVENTION AND  
2 VECTOR CONTROL. EACH RETREADER I HAVE TALKED TO IS  
3 INSPECTED BY HIS LOCAL FIRE DEPARTMENT A MINIMUM OF TWICE  
4 A YEAR, IN MOST CASES MORE OFTEN. SOME TIRE DEALERS ARE  
5 INSPECTED BY THEIR LOCAL VECTOR CONTROL AGENCIES. THE  
6 TIRE FIRES ALLUDED TO BY YOUR STAFF AT THE HEARING AND  
7 EARLIER TODAY WERE FIRES IN UNCONTROLLED SCRAP TIRE  
8 PILES, ILLEGAL SCRAP TIRE PILES.

9 TO OUR KNOWLEDGE, THERE HAS NEVER BEEN A  
10 SERIOUS -- A SERIOUS TIRE FIRE IN NORTH AMERICA OF A  
11 CONTROLLED ORDERLY KEPT SCRAP TIRE PILE.

12 IT SHOULD BE POINTED OUT THAT 1200 FLIERS  
13 ABOUT THE HEARING LAST WEEK WERE SENT TO FIRE  
14 DEPARTMENTS, AND NOT ONE DEPARTMENT ATTENDED THE HEARING.  
15 DO OUR LOCAL AGENCIES HAVE A PROBLEM WITH TIRE DEALERS?  
16 I DON'T THINK SO.

17 THE REGULATIONS PUT A UNIT VALUE ON TIRES  
18 BASED ON 20-POUND WEIGHT. A PASSENGER TIRE WOULD BE ONE  
19 UNIT. A MEDIUM TRUCK TIRE THAT WEIGHS A HUNDRED POUNDS  
20 WOULD BE 5 UNITS. A RETREADER WITH 1,000 TRUCK CASINGS  
21 COULD NOW BE CONSIDERED A MAJOR WASTE FACILITY.

22 THE FINANCIAL HARDSHIP THIS WOULD PUT ON A  
23 SMALL BUSINESS COULD NOT BE ABSORBED OR PASSED ON TO THE  
24 CONSUMER. THE RETREADER WOULD CLOSE.

25 OFF-THE-ROAD TIRES, WHICH WE TALKED ABOUT

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1 EARLIER, WE CALL THEM OTR TIRES IN OUR BUSINESS, WEIGH  
2 FROM 1500 POUNDS TO 7,000 POUNDS, AND CURRENTLY THERE IS  
3 NO DISPOSAL METHOD FOR THESE TIRES; AND, THEREFORE, A  
4 DEALER WITH TWO 7,000-POUND USED TIRES COULD ALREADY BE  
5 CONSIDERED A MINOR WASTE FACILITY. WHAT ARE THEY TO DO  
6 WHEN THERE IS NO DISPOSAL METHOD AND YET YOU ARE GOING TO  
7 REGULATE THEM? HOW CAN YOU CLOSE THE DOOR ON THEM WHEN  
8 THERE'S NO OPTIONS FOR THEM AND THEY CAN'T COMPLY WITH  
9 DISPOSAL?

10 I'VE TALKED QUITE A BIT ABOUT THE RETREADER  
11 AND THE EFFECT THIS WOULD HAVE ON THE TIRE DEALER. I  
12 WOULD LIKE TO TURN MY ATTENTION NOW TO THE MAJOR WASTE  
13 FACILITIES. AND IT WAS MENTIONED EARLIER, I THINK, WHEN  
14 YOU WERE TALKING ABOUT FINANCES, THAT THERE WERE 30  
15 FACILITIES 5,000 TO 50,000; FIFTY 50,000 TO 200,000; AND  
16 ELEVEN 200,000 PLUS. SO LET'S TALK ABOUT THEM.

17 THERE ARE A HANDFUL OF THE VERY LARGEST  
18 COMPANIES OPERATING IN CALIFORNIA. SOME OF LARGEST BEING  
19 OXFORD TIRE RECYCLING IN NORTHERN CALIFORNIA WITH THEIR  
20 PLANT IN WESLEY, S. S. ROYSTER TIRE DISPOSAL, LAKIN TIRE  
21 IN SOUTHERN CALIFORNIA.

22 TIRE DEALERS PAY FOR PROPER DISPOSAL OF  
23 WASTE TIRES, CURRENTLY, ANYWHERE FROM 75 CENTS TO A \$1.25  
24 FOR PASSENGER TIRES IN SOME AREAS, AND TRUCK TIRES GO FOR  
25 CONSIDERABLY MORE. SOMETIMES IT'S TWO AND A HALF TO \$3 A

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1 TIRE.

2 IN ADDITION, THEY COLLECT A QUARTER FOR  
3 EACH TIRE LEFT WITH THEM FOR DISPOSAL FOR THE CALIFORNIA  
4 TIRE RECYCLING FUND. BY THE TIRE LAW, THE 25-CENT FEE IS  
5 ON TIRES LEFT WITH THE DEALER FOR DISPOSAL. THE CONSUMER  
6 HAS THE OPTION OF TAKING HIS TIRES WITH HIM. I  
7 UNDERSTAND THAT IF THE FINANCIAL ASSURANCES THAT YOU ARE  
8 REQUIRING IN THE REGULATIONS ARE ENACTED, THAT THE COST  
9 TO THE DEALER FOR DISPOSAL COULD INCREASE DRAMATICALLY  
10 AND GO AS HIGH AS \$5 PER PASSENGER TIRE. THE DEALER WILL  
11 NOT TO ABLE TO ABSORB THE COST, AND IT WILL BE PASSED ON  
12 TO THE CONSUMER, THE SAME CONSUMER THAT HAS THE OPTION OF  
13 TAKING HIS TIRES WITH HIM AND NOT PAYING THE DISPOSAL  
14 FEE.

15 IF IT WAS \$20 FOR DISPOSAL, AN ADDITIONAL  
16 DOLLAR FOR THE STATE ON THE SALE OF FOUR NEW TIRES, HOW  
17 MANY TIRES DO YOU THINK WOULD BE LEFT FOR DISPOSAL? A  
18 CURRENT CENSUS REPORT IN CALIFORNIA POINTED OUT THAT  
19 WE'RE BECOMING A TWO LEVEL SOCIETY, I THINK. EITHER HAVE  
20 PEOPLE MAKING A LOT OF MONEY OR WE HAVE PEOPLE THAT ARE  
21 VERY LOW INCOME. AND I THINK THE LOW INCOME PEOPLE WOULD  
22 CERTAINLY TAKE THE ADVANTAGE OF NOT PAYING \$21 FOR TIRE  
23 DISPOSAL.

24 YOU ARE CREATING A HORRENDOUS PROBLEM THAT  
25 WILL CAUSE MORE ILLEGAL DUMPING OF TIRES, AND THE FUNDS

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1 COLLECTED FOR THE CALIFORNIA TIRE RECYCLING FUND COULD  
2 DIMINISH TO ALMOST NONEXISTENT.

3 IN ADDITION, IF THE REGULATIONS ARE ADOPTED  
4 AND THEY ARE SO STRINGENT THAT THEY PUT THE MAJOR WASTE  
5 FACILITIES OUT OF BUSINESS, WHAT WILL THE TIRE DEALER DO?  
6 LANDFILLS HAVE BEEN MANDATED, AND YOU ARE WELL AWARE OF  
7 THIS, TO REDUCE THEIR WASTE BY 25 PERCENT BY 1995. WILL  
8 THEY TAKE TIRES EVEN IF THEY'RE SHREDDED OR BALED? SOME  
9 LANDFILLS ARE ALREADY CLOSED.

10 IN REGULATING THE MAJOR FACILITIES, HAVE  
11 YOU TAKEN INTO CONSIDERATION THE AVAILABILITY OF OTHER  
12 LANDFILLS TO TIRES AND THE CONSEQUENCES IF THE MAJOR  
13 WASTE FACILITIES SHUT DOWN? SOME TIRES DEALERS, AS I  
14 MENTIONED BEFORE, SOME LANDFILLS ARE ALREADY CLOSED TO  
15 TIRES, AND SOME TIRE DEALERS, THEIR ONLY OPTION IS TO USE  
16 A WASTE FACILITY. WHAT'S HE GOING TO DO WITH HIS TIRES  
17 IF HIS WASTE FACILITY CLOSES DOWN?

18 THE STATE IS GOING TO HAVE A REAL PROBLEM,  
19 AND I THINK ANYTIME YOU ARE REGULATING ANYTHING, YOU HAVE  
20 TO LOOK AT THAT AND CONSIDER THE CONSEQUENCES.

21 A SPEAKER LAST WEEK AT THE HEARING FROM A  
22 SMALL MAJOR WASTE FACILITY UP NORTH MADE AN EXCELLENT  
23 SUGGESTION. HE SUGGESTED THAT SOME OF THE FINANCIAL  
24 BURDEN COULD BE TAKEN ON AS A GROUP INSTEAD OF AS AN  
25 INDIVIDUAL OPERATOR. AS HE SAID, DO YOU REALLY THINK

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1 WE'LL ALL CATCH ON FIRE AT THE SAME TIME OR WILL ALL  
2 CLOSE AT THE SAME TIME? I THINK HE MADE A GOOD POINT.  
3 MAYBE SOME OF THAT COST COULD BE SHARED.

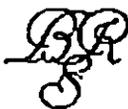
4 I CAUTION YOU TO TAKE A LENIENT POINT OF  
5 VIEW TO ENCOURAGE THE EXISTING FACILITIES TO STAY IN  
6 BUSINESS AND OPERATING WHILE MARKETING ALTERNATIVES ARE  
7 FOUND FOR WASTE TIRES. WE'RE NOT GOING TO HELP ANYBODY  
8 IF WE MAKE BUSINESS SO HARD TO DO IN CALIFORNIA THAT WE  
9 FORCE THEM TO SHUT DOWN. AND YOU ARE NOT GOING TO HELP  
10 ANYBODY IF YOU FORCE A SMALL TIRE DEALER TO SHUT HIS  
11 BUSINESS DOWN BECAUSE HE CAN'T COMPLY WITH YOUR  
12 REGULATIONS.

13 I ASK YOU -- IN CLOSING, I ASK THAT YOU DO  
14 NOT ALLOW THE REGULATIONS TO BE NOTICED FOR PUBLIC  
15 HEARING OR AT LEAST DELAY THAT PROCESS RIGHT NOW AND GIVE  
16 US TIME TO REACT TO SOMETHING THAT WE'VE JUST BEEN HANDED  
17 THIS MORNING. THEY NEED FURTHER WORK BECAUSE THEY'RE NOT  
18 ACCEPTABLE. THANK YOU FOR YOUR TIME.

19 I HAVE A FEW COMMENTS ON SOME QUESTIONS  
20 THAT WERE ASKED EARLIER. I THINK AT THE HEARING LAST  
21 WEEK AND SOMETHING THAT YOUR STAFF DIDN'T SHARE WITH YOU,  
22 THE GENTLEMAN FROM VECTOR CONTROL THAT WAS HERE, AFTER  
23 HEARING OUR REMARKS, HE DID STEP BACK UP TO THE MIKE AND  
24 SAID THAT HE THOUGHT THAT THE REGULATIONS WOULD INCREASE  
25 THE ILLEGAL DUMPING OF TIRES. AND THEY DID NOT SHARE

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1 THAT WITH YOU. AND I THINK THAT WAS A CONCERN OF HIS,  
2 AND IT SHOULD BE SHARED WITH YOU.

3 IF YOU WANT TO KNOW ABOUT A TIRE FIRE IN A  
4 CONTROLLED BUSINESS, THE TIRE STORE IN MODESTO,  
5 CALIFORNIA, I TALKED TO THE OWNER THE OTHER DAY, JOE  
6 BERGE. IT IS NOW CLOSED. JOE WENT OUT OF BUSINESS LAST  
7 YEAR. IN '84 HIS STORE BURNED. THE FIRE DEPARTMENT  
8 RESPONDED AT 5 O'CLOCK IN THE AFTERNOON. THE FIRE WAS  
9 OUT AT 9 O'CLOCK THAT NIGHT. HE LOST 1,000 TRUCK TIRES,  
10 250 PASSENGER TIRES, AND AN UNDETERMINED AMOUNT OF TIRES  
11 THAT WERE OUTSIDE THE RETREADING MANUFACTURING PLANT.

12 IF YOU ARE CONCERNED ABOUT CONTROL, I THINK  
13 YOU COULD LOOK AT A CASE LIKE THAT. IT OBVIOUSLY WAS IN  
14 CONTROL.

15 AS FAR AS THE MOSQUITOES THAT WERE  
16 MENTIONED EARLIER, THERE IS A FEDERAL LAW THAT TOOK PLACE  
17 WHEN -- THAT MOSQUITO IS AN ASIAN MOSQUITO AND ITS --  
18 THE MAIN COMPLAINT ABOUT THAT MOSQUITO IS THAT IT WAS  
19 BEING IMPORTED IN TIRE CASINGS COMING INTO THE COUNTRY.  
20 THAT'S A FEDERAL LAW, AND THOSE CASINGS ARE INSPECTED BY  
21 CUSTOMS NOW. AND SO THAT'S SORT OF BEEN ANSWERED RIGHT  
22 THERE.

23 ONE OTHER THING I'D LIKE TO MENTION. GLEN  
24 FLETCHER, OUR PRESIDENT IN SOUTHERN CALIFORNIA, WAS HERE  
25 LAST WEEK. HE WAS NOT ABLE TO COME BACK UP THIS WEEK.

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1 HE DOES RUN A BUSINESS. AND HE HAD SOME REAL CONCERNS,  
2 AND I WOULD LIKE TO SHARE THAT WITH YOU ABOUT THE STORAGE  
3 AREAS REQUIRED BY THE REGULATIONS AND THE FIRE LANES.  
4 AND HE DID SOME WORK ON THIS, AND I'M JUST GOING TO SHARE  
5 HIS NUMBERS WITH YOU VERY QUICKLY.

6 IN YOUR REGS THE WASTE TIRE PILE CAN BE 50  
7 BY 100 FEET AND THAT EQUALS 5,000 SQUARE FEET. THE REGS  
8 CALL FOR A 40-FOOT BORDER AROUND THE STORAGE PILE FOR  
9 FIRE LANES. THIS IS ANOTHER 18,400 SQUARE FEET. IF YOU  
10 ADDED THAT TO THE 5,000 SQUARE FEET FOR STORAGE, YOU GET  
11 23,400 SQUARE FEET. AND AT THOSE FIGURES, 78 PERCENT OF  
12 THE BUSINESS' LAND IS FOR FIRE PROTECTION. ANY OF YOU  
13 THAT HAVE BEEN IN SMALL BUSINESS KNOW THAT THEY DON'T  
14 HAVE THAT KIND OF LAND.

15 AND SOME OF THE REGULATIONS THAT YOU ARE  
16 PUTTING TOGETHER ARE GOING TO PUT THEM OUT OF BUSINESS  
17 JUST BECAUSE THEY CAN'T EVEN KEEP THEIR ASSETS THERE.  
18 THEY WILL HAVE TO REDUCE THE NUMBER OF CASINGS THAT HE  
19 STORES IN ORDER TO COMPLY WITH YOUR SCRAP TIRE PILES.  
20 AND YOU KNOW, HE COULD -- IT COULD BE A HARDSHIP ON HIS  
21 BUSINESS UNLESS HE MOVED OUT TO THE DESERT SOMEWHERE.  
22 HE'S LOCATED IN SOUTHERN CALIFORNIA.

23 MR. FLETCHER ALSO SHARED WITH ME THAT HE'S  
24 INSPECTED BY HIS FIRE DEPARTMENT ABOUT THREE TIMES PER  
25 YEAR AND THAT THEY ARE SATISFIED WITH THE HANDLING OF HIS

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1 WASTE TIRES.

2 I THINK JUST ONE MORE COMMENT. I REALLY  
3 DON'T BELIEVE THAT IF YOU HAD AN UNDERSTANDING OF THE  
4 TIRE BUSINESS THAT THERE IS ANY WAY IN HECK THAT A STAFF  
5 COULD WRITE THE STAFF VIEWS A USED TIRE TO BE SYNONYMOUS  
6 WITH A WASTE TIRE. YOU DON'T KNOW THE BUSINESS YOU ARE  
7 REGULATING. YOU NEED TO UNDERSTAND THAT BUSINESS BECAUSE  
8 THERE IS NO WAY A USED TIRE IS ANYWHERE CLOSE TO A WASTE  
9 TIRE. AND THERE IS NO WAY THAT A TIRE DEALER WOULD TREAT  
10 A USED TIRE IN THE SAME FASHION THAT HE TREATS A TIRE  
11 THAT GOES TO A SCRAP TIRE PILE.

12 I THINK THE STATUTE WAS WRITTEN TO STOP THE  
13 ILLEGAL SCRAP TIRES FROM STARTING. I DON'T THINK IT WAS  
14 WRITTEN TO PUT PEOPLE OUT OF BUSINESS, BUT I'M AFRAID IF  
15 YOU ADOPT THESE REGULATIONS, YOU WILL PUT PEOPLE OUT OF  
16 BUSINESS. I CAN GUARANTEE IT. AND IF YOU WOULD LIKE US  
17 TO COME UP WITH SOME NUMBERS, I KNOW I HAVE SOME OTHER  
18 TIRE DEALERS HERE TODAY THAT ARE GOING TO BE SHARING SOME  
19 NUMBERS WITH YOU, AND BELIEVE ME, THEY'RE NOT LYING AND  
20 THEY'RE NOT EXAGGERATING. YOU WILL PUT PEOPLE OUT OF  
21 BUSINESS OR DRIVE THEM OUT OF THE CALIFORNIA.

22 IF THERE'S ANY QUESTIONS, I'LL BE AROUND.

23 CHAIRMAN HUFF: LET ME SAY BEFORE YOU LEAVE,  
24 NOTICING OF REGULATIONS DOESN'T MEAN THAT'S THE WAY  
25 THEY'RE GOING TO END UP. IT SIMPLY MARKS THE PASSAGE

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1 BETWEEN WHAT THE DATE HAS BEEN AN INFORMAL PROCESS WITH  
2 WORKSHOPS, EXCHANGES BACK AND FORTH.

3 MS. MC COUBREY: DO YOU THINK HAVING WORKSHOPS,  
4 THOUGH, ONE WEEK BEFORE HEARINGS GIVES ANYBODY TIME TO  
5 RESPOND? IS THAT FAIR?

6 CHAIRMAN HUFF: THAT ISN'T THE PURPOSE OF THE  
7 WORKSHOP. THE WORKSHOP PURPOSE IS TO GATHER INFORMATION  
8 AND ALLOW INPUT. YOU HAVE TIME TO RESPOND. THE  
9 REGULATION PROCESS GUARANTEES YOU TIME TO RESPOND.

10 MS. MC COUBREY: FORTY-FIVE DAYS.

11 CHAIRMAN HUFF: THAT'S RIGHT. AND MORE TIME IF  
12 THAT'S WHAT WE TAKE. I'M JUST TELLING YOU THAT GOING TO  
13 NOTICE CHANGES THE NATURE OF THE PROCESS, BUT DOES NOT  
14 DENY YOU A COMMENT PERIOD, NOR DOES IT SUGGEST, IF THAT'S  
15 THE CHOICE -- I DON'T KNOW HOW THE VOTES ARE GOING TO BE  
16 ON THIS -- BUT IT DOESN'T SUGGEST THAT COMMITTEE MEMBERS  
17 ARE UNSYMPATHETIC WITH YOUR POINT OF VIEW EITHER.

18 I THINK THAT, RATHER, ON THIS COMMITTEE  
19 THAT THERE'S A STRONG CONCERN ABOUT THE FATE OF  
20 REGULATIONS ON BUSINESS, AND THROUGHOUT THE COMMITTEE  
21 MEETING TODAY THAT'S BEEN EXPRESSED IN A NUMBER OF  
22 CONTEXTS, NOT JUST TIRES.

23 SO I JUST WANTED TO MAKE SURE THAT YOU  
24 UNDERSTOOD THAT WE DON'T, WE COMMITTEE MEMBERS -- I'LL  
25 SPEAK FOR THE OTHER TWO MEMBERS ON THIS COMMITTEE --

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1 DON'T REGARD GOING TO NOTICE AS BEING THE FINAL STEP, BUT  
2 IT'S SIMPLY ONE MORE STEP, AND IT WILL ALLOW US TO KEEP  
3 ON CALENDAR IF THAT'S THE CHOICE. BUT IT DOESN'T MEAN  
4 WE'RE UNSYMPATHETIC.

5 MS. MC COUBREY: THANK YOU FOR YOUR TIME.

6 BOARD MEMBER RELIS: MISS MC COUBREY, THIS IS A  
7 COMMENT DIRECTED OR AN OBSERVATION FROM YOUR LETTER  
8 REFLECTING MY CONCERN WITH THE STAFF THAT WE PAY VERY  
9 SERIOUS ATTENTION TO THIS DISTINCTION BETWEEN -- IT'S  
10 COME UP WITH ISRE, THE DEFINITION OF WASTE VERSUS  
11 RECYCLED MATERIAL AND WHEN IS A MATERIAL A WASTE. AND  
12 WE'VE GOT THIS SAME ISSUE HERE WITH THE TIRE RECYCLER.

13 IT SEEMS TO ME THAT THIS IS A WELL ARGUED  
14 POINT HERE IN THIS LETTER, THAT WE NEED TO BE VERY  
15 MINDFUL OF A TIRE RECYCLER. THAT'S A RECYCLING ACTIVITY,  
16 AND IT WOULD BE, AS I UNDERSTAND IT, VERY CONSISTENT WITH  
17 THE WAY OTHER MATERIALS ARE TREATED FOR RECYCLING  
18 PURPOSES. SO IF IN DEVELOPING THESE REGULATIONS, I WOULD  
19 DIRECT YOU -- ASK YOU TO PAY VERY CLOSE ATTENTION TO THIS  
20 DEFINITION BECAUSE IT WOULD BEAR ON THE INSURANCE, IT  
21 WOULD BEAR ON THE WHOLE REGULATORY FRAMEWORK.

22 THE ARGUMENT THAT SOMETIMES WE DON'T  
23 UNDERSTAND THE WAY A BUSINESS ACTUALLY OPERATES, IN THIS  
24 CASE A RECYCLING BUSINESS, IS SOMETHING I THINK WE MUST  
25 PAY ATTENTION TO. SO I THINK THAT'S A WELL REASONED

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1 POINT, AND I WANT IT REFLECTED IN OUR REGULATORY  
2 DISCUSSION.

3 MS. MC COUBREY: I WOULD ALSO LIKE TO MAKE ONE  
4 MORE POINT SINCE YOU DID BRING THAT UP. YOU KNOW, YOU  
5 GET BACK TO THIS WORDING, AND WE CAN PICK APART THIS  
6 WORDING UNTIL, I MEAN, WE GET REALLY SILLY ABOUT IT.  
7 OKAY? BUT YOU SAY IT IS NO LONGER SUITABLE FOR ITS  
8 ORIGINAL INTENDED PURPOSE DUE TO WEAR. BY FEDERAL DOT  
9 STANDARDS, A TIRE THAT IS NO LONGER SUITABLE FOR WEAR IS  
10 TWO THIRTY-SECONDS.

11 SO IF A USED TIRE DEALER HAD TIRES ON HIS  
12 PROPERTY THAT HE WAS RESELLING TO THE PUBLIC AND THEY HAD  
13 FIVE THIRTY-SECONDS ON IT, THEN THAT TIRE IS INTENDED FOR  
14 ITS ORIGINAL PURPOSE. SO I MEAN, YOU KNOW, WE CAN GET  
15 NIT-PICKY ABOUT THIS AND WHO'S GOING TO GO IN AND MEASURE  
16 ALL THESE TIRES TO SEE HOW MANY THIRTY-SECONDS OF  
17 TREADWEAR THEY HAVE ON THEM? YOU REALLY NEED TO TAKE A  
18 LOOK AT THIS.

19 CHAIRMAN HUFF: OKAY. THIS IS MY INABILITY TO  
20 READ, BUT THERE'S SOMEONE WITH THE FIRST NAME OF MARK.

21 MR. JAGOW: MY NAME IS MARK JAGOW, AND I  
22 REPRESENT PACIFIC COAST RETREADERS, AND WE'RE LOCATED IN  
23 OAKLAND, CALIFORNIA. PACIFIC COAST RETREADERS IS OPPOSED  
24 TO THE PROPOSED REGULATIONS FOR PERMITTING MINOR AND  
25 MAJOR WASTE TIRE FACILITIES. ADOPTING THE REGULATIONS

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1 WILL CAUSE SIGNIFICANT FINANCIAL HARDSHIP ON MY COMPANY  
2 AND WILL ONLY EXACERBATE THE PROBLEM OF PROPER WASTE TIRE  
3 DISPOSAL.

4 SECTION 17225.735, WASTE TIRE, OF THE  
5 EMERGENCY REGULATIONS IDENTIFIES A WASTE TIRE AS A TIRE  
6 THAT IS NOT ON A VEHICLE AND IS NO LONGER SUITABLE FOR  
7 ITS ORIGINAL INTENDED USE DUE TO WEAR, DAMAGE, DEFECT, OR  
8 DEVIATION FROM THE MANUFACTURER'S SPECIFICATIONS. IT IS  
9 COMMON KNOWLEDGE IN THE TIRE INDUSTRY THAT NEW TIRES ARE  
10 MANUFACTURED TO BE RETREADED. IN FACT, A TRUCK TIRE'S  
11 RETREADABILITY IS A MAJOR FACTOR THAT A CONSUMER TAKES  
12 INTO CONSIDERATION WHEN MAKING PURCHASING DECISIONS. IT  
13 IS CLEARLY THE INTENT OF THE NEW TIRE MANUFACTURERS THAT  
14 THEIR ORIGINAL PRODUCT BE RETREADED.

15 I HAVE BROUGHT WITH ME A SMALL SAMPLE OF  
16 NEW TIRE BROCHURES AND ADVERTISEMENTS IN VARIOUS  
17 MAGAZINES TO PROVE THIS POINT, AND I WOULD LIKE TO  
18 DISTRIBUTE THOSE RIGHT NOW, PLEASE.

19 THE FACT THAT A TIRE MUST BE REMOVED FROM A  
20 VEHICLE WHEN IT IS WORN IS NECESSARY -- IS A NECESSARY  
21 FUNCTION FOR THAT TIRE TO BE SENT TO A RETREAD  
22 MANUFACTURER. SINCE RETREADERS APPLY NEW TREAD TO WORN  
23 TIRES, THEY ARE PROPERLY CLASSIFIED AS VALUE-ADDED  
24 MANUFACTURERS AND NOT WASTE TIRE FACILITIES.

25 I RECOMMEND THAT THE DEFINITION OF A WASTE

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1 TIRE NOT INCLUDE A TIRE THAT CAN BE MOUNTED ON A VEHICLE  
2 OR EQUIPMENT FOR NORMAL USE. USED TIRES AND CASINGS,  
3 TREADLESS TIRES, ARE TIRES THAT CAN BE PROCESSED FOR  
4 ORIGINAL AND NORMAL USE. IMPOSING A REGULATORY COST ON  
5 THESE PRODUCTS WILL, IN FACT, CREATE AN INVENTORY TAX TO  
6 THOSE BUSINESSES HANDLING THESE PRODUCTS.

7 SINCE BUSINESSES MUST TRY TO PASS ON THESE  
8 COSTS, THERE IS GREAT POSSIBILITY THAT A TIRE MAY HAVE  
9 THIS ADD-ON COST IMPOSED ON IT MORE THAN ONCE. FOR  
10 EXAMPLE, TIRES FREQUENTLY FLOW THROUGH THE TIRE INDUSTRY  
11 FROM USED TIRE DEALER TO CONSUMER, FROM CONSUMER TO  
12 CASING TIRE DEALER, FROM CASING MANUFACTURER TO CONSUMER,  
13 FROM CONSUMER TO WASTE TIRE FACILITY. IT IS -- IN THIS  
14 LIKELY SCENARIO, FOUR BUSINESSES HAVE PASSED THEIR COST  
15 GENERATED BY THE SAME REGULATION ON THE SAME TIRE. THE  
16 EFFECT OF THIS REGULATION WILL BE TO HAVE CREATED A  
17 DISECONOMY ON THAT TIRE, THUS CAUSING IT TO ENTER THE  
18 WASTESTREAM PREMATURELY.

19 PACIFIC COAST RETREADERS WILL HAVE TO PASS  
20 ON THESE REGULATORY COSTS TO OUR CUSTOMERS AS A WASTE  
21 TIRE FEE. I ANTICIPATE THAT THE FEE WILL BE MET WITH  
22 GREAT HOSTILITY BY OUR CUSTOMERS. OUR CUSTOMERS TO WHOM  
23 WE SELL CAP AND CASINGS WILL ASK WHY THEY ARE BEING  
24 CHARGED A WASTE TIRE FEE WHEN THEY HAVE PURCHASED A HIGH  
25 QUALITY PRODUCT. CUSTOMERS THAT BRING CASINGS INTO OUR

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1 FACILITY AND CUSTOMERS FOR WHOM WE PICK UP THEIR CASINGS  
2 TO BE MANUFACTURED WILL ASK WHY THEY ARE BEING CHARGED A  
3 WASTE TIRE FEE WHEN THEIR TIRES ARE NOT WASTE TIRES BUT  
4 RETREADABLE CASINGS.

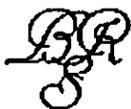
5 TO CUSTOMERS -- TO OUR CUSTOMERS A WASTE  
6 TIRE FEE WOULD, IN EFFECT, BE AN ECONOMIC DISINCENTIVE TO  
7 RETREAD. WE CURRENTLY MUST CHARGE CUSTOMERS A DISPOSAL  
8 FEE OF \$2.75 EACH FOR SCRAP TIRES AS REQUIRED BY CURRENT  
9 STATE REGULATIONS DUE TO INCURRED COST THROUGH THE END --  
10 DUE TO INCURRED COSTS THROUGH THE USE OF A WASTE TIRE  
11 SERVICE. WE USE OXFORD ENERGY.

12 INCREASING THIS COST WOULD ENCOURAGE MORE  
13 OF OUR CUSTOMERS TO TAKE THEIR SCRAP TIRES BACK AND  
14 EMPLOY DISPOSAL METHODS THAT WE ARE NOT A PART OF AND  
15 WHICH MAY BE UNDESIRABLE. TO PROMOTE PROPER TIRE  
16 DISPOSAL, IT WOULD BE ADVANTAGEOUS TO DIRECT EFFORTS AT  
17 REDUCING DISPOSAL COSTS AND NOT ADDING TO THEM.

18 SECTION 17350, SCOPE, STATES THAT ANY  
19 FACILITY WHICH STORES WASTE TIRES OUTDOORS MUST COMPLY  
20 WITH THE TECHNICAL AND OPERATIONAL STANDARDS IN 17351  
21 THROUGH 17355 OF THIS ARTICLE. PACIFIC COAST RETREADERS  
22 MAINTAINS ITS WORKING INVENTORY, CASINGS, BOTH INDOORS  
23 AND OUTDOORS. I FAIL TO SEE THE LOGIC OF REGULATIONS IF  
24 THEY ATTEMPTED TO DIFFERENTIATE A PRODUCT BY ITS  
25 LOCATION.

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1 SECTION 17351, FIRE PREVENTION MEASURES;  
2 17352, FACILITY ACCESS AND SECURITY; AND 17353, VECTOR  
3 CONTROL MEASURES, ARE ALREADY THE RESPONSIBILITY OF  
4 LEA'S. PACIFIC COAST RETREADERS WAS REQUIRED TO COMPLY  
5 WITH THE REGULATIONS OF LEA'S TO ATTAIN AN OPERATING  
6 PERMIT IN THE CITY OF OAKLAND AND MUST CONTINUE TO DO SO  
7 TO MAINTAIN THEIR PERMIT. THIS IS A REPLICATION OF  
8 CONCERNS THAT HAS ALREADY BEEN ADDRESSED.

9 SECTION 17354, STORAGE OF WASTE TIRES,  
10 STATES THAT TIRE STORAGE UNITS SHALL NOT EXCEED 6 FEET IN  
11 HEIGHT WHEN THEY ARE WITHIN 20 FEET OF ANY PROPERTY LINE  
12 OR STRUCTURES. THIS IS RESTRICTIVE AND WILL REQUIRE US  
13 TO SPREAD TIRES OUT AND USE MORE SPACE THAN IS OTHERWISE  
14 PRUDENT AND ACCEPTABLE TO LEA'S AND OUR NEIGHBORS.

15 PARAGRAPH D STATES THAT WASTE TIRES SHALL  
16 NOT BE LOCATED WITHIN 10 FEET OF ANY PROPERTY LINE OR  
17 STRUCTURE. I ESTIMATE THIS REGULATION WILL INHIBIT THE  
18 USE OF 6,960 SQUARE FEET THAT IS CURRENTLY BEING USED IN  
19 AN ACCEPTABLE MANNER. THIS SECTION DOES NOT COMPLETELY  
20 DETERMINE WHAT CONSTITUTES STORAGE WASTE TIRES.

21 I RECOMMEND THAT WASTE TIRES BE CONSIDERED  
22 STORED ONLY IF THEY REMAIN AT THE LOCATION FOR MORE THAN  
23 ONE YEAR.

24 THE FOLLOWING IS A SUMMARY OF POTENTIAL  
25 COSTS CREATED BY THESE REGULATIONS, KNOWN ONETIME

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1 EXPENSES, AND THESE ARE CONSERVATIVE FIGURES:  
2 ADMINISTRATIVE COSTS ALREADY INCURRED, \$1,000; PERMIT  
3 APPLICATION, \$4,000; FINANCIAL ASSURANCE FOR CLOSURE,  
4 \$15,000; FOR A TOTAL OF 20,000. KNOWN ONGOING ANNUAL  
5 EXPENSES: OPERATING LIABILITY, \$10,000; RECORDKEEPING,  
6 \$3,000; FOR A TOTAL OF \$13,000. UNKNOWN ANNUAL EXPENSES,  
7 WHICH I HAVE NOT BEEN ABLE TO ASSESS OR PLACE VALUE ON AT  
8 THIS TIME: EFFECT ON SCRAP TIRES ONLY, EFFECT ON WORKING  
9 INVENTORY, COST OF LOST WORK SPACE. NOTE THAT THESE  
10 EXPENSES WILL IMPOSE THE GREATEST COST ON MY COMPANY.

11 THE FIRST YEAR'S KNOWN EXPENSES IS  
12 APPROXIMATELY THAT OF THE ANNUAL COMPENSATION FOR A  
13 SINGLE EMPLOYEE. PACIFIC COAST RETREADERS CURRENTLY HAS  
14 22 EMPLOYEES; AND DUE TO THE COMPETITIVENESS OF THE  
15 INDUSTRY AND CURRENT ECONOMIC CLIMATE, WE ARE NOT IN ANY  
16 POSITION TO TAKE ANY EXPENSES THAT DO NOT PRODUCE.

17 ALTHOUGH VERY WELL INTENDED, I BELIEVE THAT  
18 THE REGULATIONS MISS THE INTENDED STATUTE TARGET, WHICH  
19 IS THE UNCONSCIONABLE AND FLAGRANT BEHAVIOR THAT MAY BE  
20 EXHIBITED BY A FEW INDIVIDUALS. IT IS PRUDENT FOR TIRE  
21 DEALERS AND RETREAD MANUFACTURERS TO DISPOSE OF WASTE  
22 TIRES PROPERLY AND QUICKLY TO MINIMIZE THE SPACE  
23 NECESSARY TO ACCOMMODATE THEM.

24 ALSO, TIRE DEALERS AND RETREAD  
25 MANUFACTURERS WOULD NOT ABANDON AN ASSET. EVEN IF THIS

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1 WERE TO OCCUR, THE SITE WOULD NOT BE A LIABILITY FOR THE  
2 STATE, BUT A POTENTIAL SOURCE OF REVENUE. THEREFORE, I  
3 BELIEVE THAT WE SHOULD NOT HAVE TO INCUR THESE REGULATORY  
4 COSTS FOR A BEHAVIOR THAT IS SO UNLIKELY TO BE EXHIBITED.

5 AND I BELIEVE THE COUNSEL REFERRED TO A  
6 STATUTE, AND THE CHAIR ALSO REFERRED TO THE STATUTE, THAT  
7 THIS MUST HAPPEN. THESE REGULATIONS MUST OCCUR. IF SO  
8 BE IT, LET'S DEFINE IT PROPERLY. WASTE TIRE MUST BE  
9 DEFINED PROPERLY; AND IN SO DOING, YOU WILL HAVE  
10 ALLEVIATED THE MAJORITY OF THE PROBLEMS THAT WE HAVE WITH  
11 THIS. THANK YOU FOR YOUR TIME. I WOULD LIKE TO LEAVE A  
12 COPY OF THIS WITH EVERYONE, PLEASE.

13 CHAIRMAN HUFF: RICHARD RITTS, OXFORD ENERGY.

14 MR. RITTS: MR. CHAIRMAN, MEMBERS OF THE  
15 COMMITTEE, RICHARD RITTS ON BEHALF OF MY CLIENT, OXFORD  
16 ENERGY.

17 BEFORE WE RUN OUT OF TIME AND TAPE, I WANT  
18 TO GIVE YOU A VERY BRIEF CONCISE BACKGROUND ON, I THINK,  
19 WHY WE ARE WHERE WE ARE. WHEN ASSEMBLY BILL 1843 WAS  
20 INITIALLY INTRODUCED, THE CONCEPT WAS TO FIND OUT WHERE  
21 USED SCRAP -- I DON'T WANT TO GET INTO DEFINITION --  
22 WHERE TIRES WHICH WOULD NO LONGER HAD A FUNCTION, WHERE  
23 THEY WERE, WHERE THEY WERE BEING DUMPED, AND WHERE THERE  
24 ARE LARGE MAVERICK TIRE PILES ACCUMULATING IN THIS STATE.

25 OXFORD ENERGY CAME TO CALIFORNIA AS A

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1 RESULT OF A VERY LARGE TIRE PILE WHICH WAS BEING KEPT IN  
2 A RAVINE IN STANISLAUS COUNTY. IT WAS OUR UNDERSTANDING  
3 AT THE TIME THAT WE BUILT THE PROJECT THAT THE PROJECT  
4 WAS BROUGHT THERE SPECIFICALLY TO ELIMINATE THAT PILE  
5 BECAUSE THERE WERE 40 MILLION TIRES THERE.

6 UNFORTUNATELY, THERE WERE NOT 40 MILLION  
7 TIRES. THERE WAS A LOT FEWER TIRES THERE. AND AT THE  
8 PRESENT TIME, AFTER HAVING BURNED DOWN NOW FOR FOUR  
9 YEARS, THERE ARE ABOUT SIX AND A HALF MILLION TO EIGHT  
10 MILLION BASED ON A RECENT SCIENTIFIC STUDY WE HAD DONE ON  
11 DENSITY, DEPTH, AND SO ON.

12 THE CONCERN EARLY ON WAS THAT THERE WERE 28  
13 MILLION OR SO TIRES BEING DUMPED OFF IN THIS STATE IN ANY  
14 GIVEN YEAR. OXFORD'S PROJECT WAS DESIGNED TO BURN ABOUT  
15 FIVE MILLION OF THOSE. I DON'T KNOW WHAT GOES INTO THE  
16 RETREADING BUSINESS. I UNDERSTAND YOU CAN PROBABLY CULL  
17 OUT MAYBE 15, 20 PERCENT MORE FOR REUSE.

18 IF THAT'S THE CASE, YOU STILL HAVE A  
19 SIGNIFICANT WASTESTREAM OUT THERE OF USED TIRES. THE  
20 LEGISLATIVE INTENT IN THE INITIAL DISCUSSIONS THAT I  
21 PARTICIPATED IN ON 1843 WAS TO FIND OUT WHERE THESE TIRES  
22 WERE, ARE THEY BEING STOCKPILED IN LARGE NUMBERS. IF SO,  
23 ARE THEY A RISK TO PUBLIC HEALTH AND SAFETY.

24 THE SECOND HALF OF THAT WAS TO FIND A  
25 METHODOLOGY TO INCORPORATE INTO THE TIRE PROCESS TO

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1 ENCOURAGE RECYCLING AND ALTERNATIVE USE. NOW, THOSE TWO  
2 BILLS ULTIMATELY MERGED INTO ONE. AND AGAIN, THE FOCUS  
3 WAS ON MAVERICK TIRE PILES AND TO FIND SOME WAY TO GET  
4 YOUR REGULATORY ARMS AROUND 20 PLUS MILLION TIRES WHICH  
5 WERE THEN AT THIS POINT BEING DISPOSED OF IN FARMER'S  
6 FIELDS OR A PARCEL OF LAND AND WERE CREATING FIRE HAZARDS  
7 AND WERE CREATING VECTOR CONTROL PROBLEMS.

8 OXFORD'S SITUATION WAS, IN OUR VIEW AT THAT  
9 TIME, QUITE DIFFERENT. WE HAD AND HELPED DRAFT THE FIRE  
10 REGULATIONS, THE VECTOR REGULATIONS, AND SO ON BECAUSE  
11 THE TIRE PILE SIZE WHICH WAS NEXT TO OXFORD'S FACILITY  
12 CLEARLY NEEDED STRICT AND RIGID CONTROL.

13 WE FIND OURSELVES NOW, THOUGH, IN A  
14 PECULIAR SITUATION, AND I'LL FOCUS SPECIFICALLY ON  
15 OXFORD'S CONCERN WITH THESE REGS, AND THAT IS ON THE  
16 CLOSURE REQUIREMENTS. MR. EGIGIAN MADE THE POINT EARLIER  
17 AND I THINK IT WAS EXTREMELY VALID. THERE'S NO  
18 CORRELATION BETWEEN LANDFILL CLOSURES AND TIRE FACILITY  
19 CLOSURES. THERE'S NO CORRELATION. I'VE DEALT WITH BOTH.

20 IN THE CASE OF OXFORD ENERGY IN SPECIFIC,  
21 WE ARE MANDATED BY OUR FINANCIAL AGREEMENTS TO FINANCE  
22 THAT FACILITY TO MAINTAIN ONE YEAR SUPPLY OF FUEL ON-SITE  
23 AT ALL TIMES. WE HAVE A 20-YEAR SO4 ENERGY CONTRACT WITH  
24 PG & E THAT RUNS THROUGH THE YEAR 2018.

25 TO COMPLY WITH YOUR CLOSURE REQUIREMENTS,

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1 WE WOULD BE OBLIGATED, THEREFORE, TO PUT INTO SOME TRUST  
2 ACCOUNT \$5 MILLION, WHICH BY ANYBODY'S STANDARD IS A  
3 SIGNIFICANT SUM OF MONEY, FOR A PURPOSE OF CLOSURE.  
4 OXFORD ENERGY NOW HAS APPROXIMATELY \$51 MILLION INVESTED  
5 IN CAPITAL COSTS AT THE PROJECT. WE HAVE DIMINISHED THAT  
6 PILE FROM WHAT PROBABLY WAS 20 MILLION TIRES DOWN TO SIX  
7 AND A HALF MILLION TIRES. IT IS OUR INTENT TO MAINTAIN  
8 NO MORE THAN THAT WHICH IS REQUIRED OF US BY OUR  
9 FINANCIERS, WHICH IS ONE YEAR'S SUPPLY.

10 I WOULD HOPE THAT THE COMMITTEE AND THE  
11 BOARD WOULD CONSIDER SOME FORM OF WAIVER FOR INVENTORY OR  
12 END USE OF THE TIRE. WE HAVE NO DESIRE TO STOCKPILE  
13 TIRES. WE DO NOT DESIRE TO HAVE A 10 MILLION TIRE  
14 STOCKPILE OUT THERE. IT WAS THOSE STOCKPILES FOR WHICH  
15 THE LEGISLATION WAS INTENDED, FOR THAT PERSON WHO WOULD  
16 GET 10 ACRES AND START ACCUMULATING TIRES AND STACKING  
17 THEM UP WITH NO END USE. NOT LIKE THE RETREADERS WHO ARE  
18 ULTIMATELY GOING TO RETREAD THE TIRE, NOT FOR OXFORD WHO  
19 SAW IT AS A FUEL SOURCE. WE VIEW THOSE TIRES AS FUEL.  
20 THEY HOLD A CAPACITY OF TWO AND A HALF GALLONS OF OIL AND  
21 PROVIDE 20,000 HOMES WITH ELECTRICITY IN STANISLAUS  
22 COUNTY.

23 WE LOOK AT THOSE AS FUEL. WE DO NOT LOOK  
24 AT IT AS A STOCKPILE THAT WE'RE HOPING TO SOMEDAY SELL  
25 OFF, AS SOME PEOPLE DID, WITH ACCUMULATING MILLIONS OF

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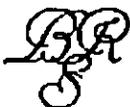
1 TIRES.

2 I THINK, ALSO, IT SHOULD BE POINTED OUT TO  
3 THIS COMMITTEE THAT YOUR STAFF REPORTS THAT ONLY 11  
4 PEOPLE HAVE REPORTED THEY HAVE MORE THAN 200,000 TIRES.  
5 KIND OF SHOWS THE WEAKNESS IN THIS VOLUNTARY PERMITTING  
6 PROCESS BECAUSE I THINK YOU WOULD FIND MORE THAN 11  
7 FACILITIES OUT THERE, SO THOSE WOULD COME FORWARD, THE  
8 ONES WHO WILL BE PUNISHED.

9 ANYWAY, LET ME CLOSE BY SAYING THAT IT  
10 WOULD BE OXFORD'S WISH THAT THESE REGS WOULD TAKE INTO  
11 CONSIDERATION THAT CLOSURE OF A LANDFILL AND CLOSURE OF A  
12 WASTE TIRE FACILITY ARE TWO ENTIRELY DIFFERENT ISSUES,  
13 THAT THERE WILL BE NO ONGOING CLOSURE COST REQUIRED IN A  
14 TIRE FACILITY SUCH AS OXFORD'S AS THERE WOULD BE IN A  
15 LANDFILL. THERE'S NOTHING IN THE GROUND THAT REQUIRES  
16 THAT; THAT WHEN A FACILITY HAS A FINANCING ARRANGEMENT  
17 SUCH AS OURS THAT MANDATES THAT WE HAVE AN INVENTORY, A  
18 FUEL INVENTORY, AND WHEN YOU HAVE A POWER CONTRACT WHICH  
19 REQUIRES YOU TO HAVE THAT FUEL SOURCE THERE, THAT IT'S  
20 LUDICROUS FOR US TO BE SUBJECTED TO SETTING UP A \$5  
21 MILLION TRUST FUND, WHICH WILL JUST SIT THERE OVER THE  
22 NEXT 18 YEARS OR WHATEVER IS LEFT ON OUR POWER CONTRACT,  
23 16 YEARS ON OUR POWER CONTRACT. THAT MONEY LOST TO  
24 COMPANY AND SHAREHOLDERS FOR PURPOSES OF A CLOSURE  
25 REQUIREMENT THAT SHOULD NEVER HAVE BEEN APPLICABLE IN THE

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1 FIRST PLACE.

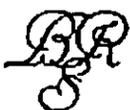
2 WE UNDERSTAND FIRE CONTROL, VECTOR CONTROL,  
3 FIRE LANES. ALL THAT MAKES PERFECT SENSE TO US WITH THE  
4 SIZE OF PILE THAT WE HAVE, AND WE AGREE THAT WE SHOULD  
5 HAVE SOME FORM OF LIABILITY, WHICH WE CARRY ON THE  
6 PROJECT, OBVIOUSLY, ANYWAY.

7 BUT THE DAY THAT THAT PROJECT CLOSSES, I  
8 WOULD ASSUME, IS THE DAY THAT THERE IS NO MORE TIRES  
9 THERE AND YOU'RE NO LONGER BURNING THEM FOR ENERGY  
10 PURPOSES. YOU DON'T FINANCE A PROJECT FOR \$51 MILLION  
11 AND ENTER INTO A 20-YEAR SO4 CONTRACT WITH A MAJOR  
12 UTILITY AND PURCHASE THAT SIZE OF A TIRE PILE AND ENTER  
13 INTO A 20-YEAR FINANCING AGREEMENT WITH THE HOPE THAT YOU  
14 ARE GOING TO WALK AWAY FROM IT.

15 SO I WOULD ASK THAT THE COMMITTEE TAKE THAT  
16 INTO CONSIDERATION, THAT THE STAFF BE ASKED TO WORK WITH  
17 US TO COME UP WITH SOME REASONABLE MIDDLE GROUND, IF THEY  
18 CAN FIND ONE, THAT WOULD REDUCE THE FINANCIAL BURDEN OF  
19 THE CLOSURE COST SPECIFICALLY. THANK YOU.

20 CHAIRMAN HUFF: ANY QUESTIONS? OUR STATUS IS WE  
21 HAVE 13 MORE MINUTES BEFORE WE RECESS BECAUSE MR. RELIS  
22 AND I BOTH HAVE AN APPOINTMENT WE HAVE TO KEEP. I WOULD  
23 LIKE TO FINISH THIS ITEM BEFORE WE RECESS. IT LOOKS LIKE  
24 WE'RE GOING TO HAVE TO COME BACK FOR THE REMAINING ITEMS,  
25 AND THAT LOOKS LIKE IT WOULD BE AT 4 O'CLOCK. BUT IF

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1 THAT'S INCONVENIENT FOR PEOPLE WHO ARE CONCERNED ABOUT  
2 THE OTHER ITEMS, I'D LIKE TO KNOW ABOUT IT. OKAY?

3 AND WE'RE TALKING ABOUT ITEMS 14, AN ORAL  
4 REPORT, 15 IS AN ORAL REPORT, 16 IS THE MAJOR ONE, 18 AND  
5 19. OKAY. IF PEOPLE CAN'T BE HERE WHEN WE COME BACK AT  
6 4 O'CLOCK AND WE'LL, THEREFORE, LEAVE IT WITHOUT YOU  
7 BEING ABLE TO GIVE YOUR INPUT, I'D LIKE TO KNOW ABOUT IT  
8 BEFORE WE DO THAT. AND WE MAY HAVE TO RECALENDAR THINGS,  
9 BUT THAT ALSO INVOLVES AN INCONVENIENCE FOR ANYONE WHO  
10 ATTENDED TODAY'S MEETING.

11 SO IF I CAN HAVE SOME INDICATION OF THAT IN  
12 THE NEXT 11 MINUTES, NOW, I'D APPRECIATE THAT. OTHERWISE  
13 WE'LL COME BACK HERE AT 4 O'CLOCK.

14 NOW, I HAVE TWO MORE PIECES OF PAPER HERE  
15 OF PEOPLE WHO WANT TO ADDRESS THIS. AND THEN I THINK  
16 THAT WE'LL HAVE A MOTION ON THIS ITEM. FIRST PERSON I  
17 HAVE IS SOMEONE NAMED YOUNG. MR. YOUNG.

18 MR. YOUNG: I HAVE A QUESTION HERE. IS THIS  
19 COMMENT OR THIS HEARING HERE ONLY FOR THE AMENDMENTS THAT  
20 WERE MADE TO THE PROPOSED REGULATIONS, OR CAN I MAKE  
21 COMMENTS ON ANYTHING IN HERE?

22 CHAIRMAN HUFF: YOU CAN MAKE COMMENTS ON  
23 ANYTHING IN THERE.

24 MR. YOUNG: ONE QUESTION THAT I HAVE IS WITH  
25 REGARD TO SECTION 18422, SUBPARAGRAPH I, REGARDING THE

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1 DEFINITION OF OWNER -- OF OPERATOR. THE WAY IT READS, IT  
2 SAYS, THE OPERATOR IS DEFINED AS DEFINED IN PRC SECTION  
3 42804, WHICH SAYS THAT THE PERSON RESPONSIBLE FOR THE  
4 OVERALL OPERATION OF A WASTE TIRE FACILITY. THAT'S THE  
5 WAY IT READS IN PRC SECTION 42804 IS THE PERSON  
6 RESPONSIBLE FOR THE OVERALL OPERATION OF A WASTE TIRE  
7 FACILITY. WHAT THIS SAYS THAT, IN THE ABSENCE OF THAT,  
8 THEN PROPERTY OWNER. DO I READ THAT CORRECT?

9 CHAIRMAN HUFF: YES.

10 MR. YOUNG: MY QUESTION IS THIS IS TOO NARROW OF  
11 A DEFINITION BECAUSE IT DOES NOT COVER THE OWNERS OF THE  
12 TIRES THEMSELVES. THE DEFINITION OF OPERATOR SHOULD BE  
13 AMENDED TO INCLUDE THE OWNER OF THE TIRES LOCATED AT  
14 WASTE TIRE FACILITIES BECAUSE IN SOME CASES OWNERS OF  
15 TIRES CAN BE CLEARLY ESTABLISHED.

16 AND I DON'T THINK THAT THE ADDITION OF THIS  
17 LANGUAGE IS UNREASONABLE. I TALKED TO STAFF HERE AND  
18 THEY TOLD ME THAT IN A LOT OF THESE REGULATIONS IT'S  
19 REASONABLE TO PUT IN THERE THE PROPERTY OWNER. I'M  
20 FAMILIAR WITH CIRCLA REGULATIONS, THAT IF YOU HAVE A  
21 DISCHARGE OF HAZARDOUS WASTE, THEY LOOK FOR THE  
22 RESPONSIBLE PARTY. THE RESPONSIBLE PARTY, THAT PERSON  
23 THAT DISCHARGED THAT WASTE. IT'S NOT THE PROPERTY OWNER.  
24 SO IN THIS CASE I THINK IT SHOULD BE THE SAME, THAT THE  
25 PERSON THAT'S REQUIRED TO DO THE PERMITTING OF A WASTE

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1 TIRE FACILITY SHOULD BE THE OWNER OF THE TIRES.

2 BECAUSE IN MY CASE I WOULD FALL UNDER THE  
3 JURISDICTION OF A MAJOR WASTE TIRE FACILITY, BUT I'M NOT  
4 RESPONSIBLE FOR THE TIRES. WE BOUGHT THIS PROPERTY,  
5 WHICH WAS A FORMER LANDFILL, WITH THE FOREKNOWLEDGE THAT  
6 THESE TIRES DIDN'T BELONG TO US. AND BEFORE THERE WAS A  
7 TWINKLING IN THE MIND OF ANY REGULATOR REGARDING THESE  
8 REGULATIONS, THAT THERE WAS GOING TO BE THE PERMITTING OF  
9 THESE WASTE TIRE FACILITIES.

10 CHAIRMAN HUFF: SO YOUR PURCHASE AGREEMENT  
11 SPECIFICALLY REFERENCED THOSE TIRES?

12 MR. YOUNG: RIGHT. IT'S BEEN A DISPUTE ALL  
13 ALONG THAT THESE TIRES BELONG, IN OUR CASE, TO THE COUNTY  
14 OF SACRAMENTO. WE'VE CONFRONTED THE COUNTY OF SACRAMENTO  
15 ON SEVERAL OCCASIONS, AND THEY NEVER DENIED  
16 RESPONSIBILITY FOR THESE TIRES. IN FACT, WE WERE WORKING  
17 THINGS OUT WITH THEM TO DO A TIRE SHREDDING FACILITY, BUT  
18 THINGS HAVE KIND OF BEEN PUT ON STANDBY.

19 SO I'D LIKE YOU TO TAKE THAT INTO  
20 CONSIDERATION BECAUSE WHAT IT DOES, IT PUTS THE ONUS AND  
21 THE BURDEN UPON THE OWNER OF A PROPERTY; WHEREAS, IT  
22 SHOULD BE, LIKE I SAID, THE OWNER OF THE TIRES  
23 THEMSELVES.

24 CHAIRMAN HUFF: OKAY. THANK YOU. LAST PERSON I  
25 HAVE IS NICK KNOVALOFF.

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1 MR. KNOVALOFF: CHAIRMAN, MEMBERS, NICK  
2 KNOVALOFF REPRESENTING THE CALIFORNIA AUTO DISMANTLERS  
3 ASSOCIATION. OUR CONCERN IS LIKE THAT OF MANY, THE  
4 DEFINITION OF WASTE TIRES. IT'S ACTUALLY A VERY NARROW  
5 CONCERN AS OPPOSED TO THE OVERALL DEFINITION.

6 IN '89, WHEN THIS LEGISLATION WAS  
7 INTRODUCED, IT'S MY UNDERSTANDING THAT THE ASSOCIATION  
8 WORKED VERY HARD WITH THE SPEAKER'S OFFICE TO WORK OUT  
9 ALL THEIR AGREEMENTS TO THE POINT THAT THEY WERE EXEMPT,  
10 WHICH IT'S MY UNDERSTANDING STAFF INDICATED THE AUTO  
11 DISMANTLERS WERE TO BE EXEMPT FROM THESE REGULATIONS.

12 THEY HAVE REMOVED FOUR WORDS FROM THE  
13 STATUTORY LANGUAGE THAT PUT THE DISMANTLERS BACK INTO THE  
14 BALL GAME. UNDER WASTE TIRES MEANS A TIRE THAT HAS BEEN  
15 REMOVED FROM THE WHEEL OF A VEHICLE. REMOVED FROM THE  
16 WHEEL PUTS DISMANTLERS BACK INTO THE REGULATIONS, WHICH  
17 WE FEEL WE WERE TO BE EXEMPT FROM AND WE'D LIKE TO PURSUE  
18 THAT.

19 AND IN REGARD TO THE STATUTORY ANGLE OF IT,  
20 WE DON'T FEEL THAT CAN BE REMOVED ANY MORE SO THAN 5,000  
21 CAN BE REDUCED TO 4,000 IN REGARD TO THE NUMBER OF TIRES.  
22 WE STAND OPEN AND READY TO WORK ON A LEGISLATIVE SOLUTION  
23 IF THAT'S NECESSARY.

24 CHAIRMAN HUFF: ANY QUESTIONS? ANYONE ELSE?

25 MR. JAGOW: MARK JAGOW WITH PACIFIC COAST

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1 RETREADERS.

2 A THOUGHT COMES TO MIND. WITH AN EXPANSIVE  
3 INTERPRETATION OF WHAT A WASTE TIRE IS, SOME OF OUR  
4 CUSTOMERS AT THEIR DEPOTS HANDLE OR STORE OR PROCESS MORE  
5 TIRES THAN WE DO AS THEIR RETREAD MANUFACTURER. AND I AM  
6 WONDERING IF THE BOARD IS PREPARED TO ENFORCE THESE  
7 REGULATIONS UPON OTHER INDUSTRIES, NONTIRE INDUSTRIES,  
8 SUCH AS UNION PACIFIC RAILROAD, AMERICAN PRESIDENTS LINE,  
9 UNITED AIRLINES, VARIOUS LARGE BUSINESSES WHICH LARGE --  
10 WHICH WOULD HAVE LARGE DEPOTS AND, THEREFORE, HANDLE MANY  
11 TIRES BECAUSE OF THE AMOUNT OF EQUIPMENT THEY HAVE.

12 AND I DO NOT KNOW IF THESE BUSINESSES OR  
13 INDUSTRIES WILL BE RECEPTIVE TO BEING CLASSIFIED AND  
14 LABELED WASTE TIRE FACILITIES WHEN IT'S CLEARLY NOT THEIR  
15 PRIMARY FUNCTION.

16 THERE CURRENTLY EXISTS AN AVENUE FOR  
17 ADDRESSING MANY OF THE CONCERNS HERE, AND THAT IS IN THE  
18 STATUTE WHERE THE BOARD MAY GRANT RETREADERS EXEMPT IF  
19 THEY HAVE 3,000 OR LESS UNITS. WITH A PROPER DEFINITION  
20 OF A WASTE TIRE, MANY OF OUR CONCERNS WOULD DISAPPEAR OR  
21 NOT HAVE EVEN BEEN BROUGHT UP WITH THE PROPER DEFINITION.

22 AND I BELIEVE INDUSTRY PROFESSIONALS HAVE  
23 COME FORWARD HERE AND TRIED TO CONVEY WHAT A WASTE TIRE  
24 SHOULD BE DEFINED AS. BUT WE STILL HAVE A CONCERN EVEN  
25 WITH OUR EXPERTISE BEING ACCEPTED, AND THAT IS IF OXFORD

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1 INCURS MAJOR EXPENSES THROUGH THESE REGULATORY COSTS,  
2 THEY WILL NO DOUBT INCREASE THE CHARGE TO US, WHICH WE NO  
3 DOUBT HAVE TO PASS ON TO OUR CUSTOMERS FOR WHOM WE ARE  
4 HANDLING THEIR SCRAP TIRES. THIS WILL BE AN ECONOMIC  
5 DETERRENT TO OUR CUSTOMERS. AND SO I BELIEVE YOU HAVE  
6 ANOTHER AREA THERE THAT YOU NEED TO TAKE IN GREAT  
7 CONSIDERATION. THANK YOU VERY MUCH FOR YOUR TIME.

8 CHAIRMAN HUFF: THANK YOU. OKAY. QUESTION OF  
9 STAFF AND/OR COUNSEL. WHAT OPTIONS NOW ARE BEFORE US?  
10 WE CAN NOTICE THESE REGS. ONCE WE ENTER THE 45 DAYS,  
11 CHANGES TO THESE REGS OCCUR AGAIN AT THE END OF THE 45  
12 DAYS; IS THAT CORRECT?

13 MR. SPHAR: AS MANY TIMES AS YOU WANT TO CHANGE  
14 THE REGS, WE'LL DO A NEW NOTICE WITH A MINIMUM OF 15  
15 DAYS, CORRECT.

16 CHAIRMAN HUFF: AT THE END OF THE FIRST 45.

17 MR. SPHAR: CORRECT.

18 CHAIRMAN HUFF: SO THAT WE CAN CONTINUE TO WORK  
19 ON THEM IF THEY WERE TO BE NOTICED?

20 MR. SPHAR: CORRECT. THERE'S NOTHING BY GOING  
21 TO NOTICE TODAY THAT PREVENTS YOU FROM CONTINUING TO WORK  
22 ON ANY OF THESE PROBLEMS.

23 CHAIRMAN HUFF: NOW, THE OTHER OPTION IS TO,  
24 SAY, BRING THEM BACK AT THE NEXT COMMITTEE MEETING WITH  
25 CERTAIN CHANGES, AND THEN WE'D GO TO NOTICE. THAT COSTS

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1 US 30 DAYS, ROUGHLY; WHEREAS, IF WE WERE TO START THE  
2 NOTICE AND WORK ON THE CHANGES NOW, IT COSTS US 15 DAYS.

3 MR. SPHAR: YEAH. THAT'S ROUGHLY CORRECT. AS A  
4 MATTER OF FACT, THEY CAN COME BACK TO YOU IN THE JUNE  
5 COMMITTEE, AND THE 45-DAY PERIOD WON'T EVEN HAVE BEEN  
6 RUN, BUT STILL FURTHER COMMENT CAN BE TAKEN THEN.

7 CHAIRMAN HUFF: SO WE COULD PUT THIS ON OUR JUNE  
8 COMMITTEE CALENDAR FOR FURTHER COMMENT, LIKE A PUBLIC  
9 HEARING. WE'D HAVE TO RESPOND TO ALL THOSE COMMENTS.  
10 AND THEN AT THE END OF 45 DAYS WE CAN --

11 MR. SPHAR: MAKE YOUR DECISION, CORRECT, AS TO  
12 WHAT CHANGES YOU WANT TO MAKE AND RENOTICE.

13 CHAIRMAN HUFF: I'LL BE GUIDED BY THE WILL OF  
14 THE COMMITTEE. LET ME JUST SAY AT THE OUTSET THAT I AM  
15 CONCERNED ABOUT THE IMPACT ON THE RETREADERS, AND I AM  
16 CONCERNED ABOUT THE IMPACT ON THE DISMANTLERS. I THINK  
17 THAT BOTH OF THESE ENTERPRISES, THESE BUSINESSES, ARE  
18 INVOLVED IN AN AREA THAT IS BENEFICIAL OVERALL TOWARD  
19 ACHIEVING REUSE OF MATERIALS, TOWARD ACHIEVING WHAT IS  
20 TERMED A SUSTAINABLE SOCIETY, AND I'M CONCERNED IF OUR  
21 REGULATIONS UNDULY IMPACT THEM.

22 I'M NOT SURE WHAT THE MOST APPROPRIATE  
23 ANSWER IS TO THE CONCERNS RAISED, BUT I AM VERY  
24 SYMPATHETIC TOWARD THE CONCERNS OF BOTH THE RETREADERS  
25 AND THE DISMANTLERS.

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1 BOARD MEMBER RELIS: MR. CHAIR, IF I COULD JUST  
2 ADD TO THAT, I WONDER IF WE COULD, FOR THE NEXT MEETING,  
3 DIRECT STAFF TO PRESENT US A PACKAGE, COME BACK WITH  
4 IMPACT OF EXCLUDING THE RETREAD FROM THE REGULATIONS.  
5 HOW DIFFICULT OR CAN WE DO THAT, AND HOW WOULD WE DO THAT  
6 AND TO MAKE SURE THAT WE'VE COVERED OURSELVES LEGALLY ON  
7 THAT POINT?

8 MR. SPHAR: THAT APPEARS TO BE THE LARGEST ISSUE  
9 FOR THE MOST PEOPLE, AND SO IT MIGHT BE VERY APPROPRIATE  
10 TO, WHETHER YOU NOTICE TODAY OR NOT, COME BACK WITH FULL  
11 IN-DEPTH ANALYSIS OF THE PROS AND CONS ON THAT VERY  
12 ISSUE.

13 BOARD MEMBER RELIS: I DON'T KNOW THAT WE NEED A  
14 VOTE ON THAT, DO WE?

15 CHAIRMAN HUFF: I THINK WE DO IF YOU ARE GOING  
16 TO GO TO NOTICE.

17 BOARD MEMBER EGIGIAN: I LIKE THE SECOND OPTION  
18 BETTER.

19 CHAIRMAN HUFF: NEXT MONTH'S MEETING, NOT TO GO  
20 TO NOTICE THIS MONTH.

21 BOARD MEMBER RELIS: JUST TO DIRECT STAFF TO  
22 PRESENT US AN ANALYSIS.

23 BOARD MEMBER EGIGIAN: YOU CAN DIRECT STAFF TO  
24 DO ANYTHING.

25 MR. SPHAR: WHAT YOU NEED TO VOTE ON IS WHETHER

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1 OR NOT -- IF YOU WANT TO SEND IT OUT TO NOTICE, YOU NEED  
2 A VOTE. IF YOU WANT TO COME BACK FOR UPDATE, THAT  
3 DOESN'T REQUIRE A VOTE. YOU CAN JUST DIRECT THAT.

4 MR. ADAMS: MR. CHAIRMAN, IF THE COMMITTEE SO  
5 DIRECTS STAFF TO NOTICE TODAY, WE HAVE TWO OPTIONS FOR  
6 PREPARING THE NOTICE. WE COULD PREPARE THE NOTICE TO SAY  
7 IF YOU ARE INTERESTED IN THE PROPOSED REGULATION PACKAGE,  
8 YOU MAKE A REQUEST AND WE MAIL THEM TO YOU. LITTLE BIT  
9 OF DELAY IN TIME.

10 WHAT WE WOULD PROPOSE FOR THIS PARTICULAR  
11 PACKAGE IS WE WOULD MAIL OUT THE PROPOSED REGULATIONS  
12 WITH THE NOTICE TO PROVIDE THE REGULATED COMMUNITY EVERY  
13 OPPORTUNITY TO UTILIZE THAT ENTIRE AMOUNT OF TIME.

14 CHAIRMAN HUFF: THAT WOULD BE MY PREFERENCE  
15 REGARDLESS OF WHEN WE GO TO NOTICE. I THINK THAT'S A  
16 GOOD IDEA. THE QUESTION IS THE PROS AND CONS OF GOING TO  
17 NOTICE NOW AS OPPOSED TO A MONTH FROM NOW.

18 BOARD MEMBER EGIGIAN: IS THERE A BIG PROBLEM  
19 WITH THAT?

20 CHAIRMAN HUFF: WHAT'S THE IMPLICATION FOR THE  
21 CALENDAR AT THE OTHER END?

22 MR. SPHAR: WHICH ONE?

23 CHAIRMAN HUFF: WHEN DO WE HAVE TO HAVE THE  
24 REGULATIONS?

25 MR. SPHAR: AT THIS POINT YOU HAVE EMERGENCY

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1 REGULATIONS IN EFFECT WHICH CAN ALLOW FOR THE PERMITTING  
2 OF FACILITIES. THEY ARE NOT IN SOME RESPECTS AS WORKABLE  
3 AS WHAT'S GOING ON NOW BECAUSE THOSE WERE ADOPTED LAST  
4 YEAR. I THINK THE PROPOSED REGS WILL PROBABLY BE MORE  
5 ACCEPTABLE TO PEOPLE IN THE FUTURE. THE REAL DEADLINES  
6 THAT YOU HAVE ARE THE SEPTEMBER '93, 15 MONTHS AWAY FROM  
7 NOW, WHEN NO WASTE TIRE FACILITY IS ALLOWED TO ACCEPT  
8 TIRES WITHOUT SOME STRINGENT PENALTIES IF THEY DON'T HAVE  
9 A PERMIT. SO THAT'S THE END DATE YOU WANT TO LOOK  
10 TOWARD.

11 BOARD MEMBER RELIS: BUT THE EMERGENCY REGS  
12 WOULD LEAVE US --

13 MR. SPHAR: CURRENTLY SET TO EXPIRE IN JUNE.

14 BOARD MEMBER RELIS: WHAT DEFINITION DO THEY  
15 LEAVE -- EXPIRE?

16 MR. SPHAR: EXPIRE IN JUNE. YOU WOULD HAVE TO  
17 GO BACK FOR A SECOND REQUEST FOR --

18 CHAIRMAN HUFF: IS THAT DIFFICULT?

19 MR. SPHAR: -- FOR RESUBMITTAL. IT IS MUCH MORE  
20 DIFFICULT NOW THAN IT HAS BEEN UNDER PREVIOUS  
21 ADMINISTRATIONS. WE'VE HAD COMMUNICATIONS WITH THE  
22 DIRECTOR, EXPLAINING -- I BELIEVE WE SENT A LETTER OUT  
23 STATING ABOUT THE POTENTIAL PROBLEM WE WILL HAVE HERE,  
24 AND THAT WE'LL PROBABLY HAVE TO BE SEEKING A SECOND  
25 120-DAY SET OF EMERGENCY REGULATIONS. I THINK WE HAVE

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1 THE JUSTIFICATION FOR IT HERE.

2 HAVE WE SENT THAT LETTER OUT? APPARENTLY  
3 WE HAVE NOT SENT A LETTER OUT.

4 MR. MICKA: THE LETTER IS DRAFTED AND JUST ABOUT  
5 READY TO GO OUT.

6 CHAIRMAN HUFF: WOULD IT HELP IF I SIGNED IT?

7 MR. SPHAR: I THINK WE'VE GOT THE JUSTIFICATION.  
8 WE'LL PULL WHATEVER STRING WE NEED.

9 CHAIRMAN HUFF: WELL --

10 MR. SPHAR: THE DIRECTOR IS MORE STRICT NOW. HE  
11 DOES NOT LIKE TO SEE EMERGENCY REGS COMING BACK, BUT WE  
12 HAVE LEGITIMATE CONCERNS HERE. I THINK WE HAVE THE  
13 PROPER JUSTIFICATION.

14 CHAIRMAN HUFF: IN ANY CASE, WE'RE NOT GOING TO  
15 MEET A JUNE EXPIRATION.

16 MR. SPHAR: THAT IS CORRECT.

17 CHAIRMAN HUFF: EVEN IF WE WENT TO NOTICE TODAY.

18 MR. SPHAR: THAT'S BEEN KNOWN. THAT IS CORRECT.

19 CHAIRMAN HUFF: WE AIN'T GOING TO MAKE THAT.

20 BOARD MEMBER EGIGIAN: I HEARD SOME VERY  
21 CONVINCING ARGUMENTS HERE AND INFORMATION I THINK WE  
22 SHOULD CONSIDER. YOU KNOW, I DON'T KNOW WHAT THE EXTENT  
23 OF OUR INVOLVEMENT IS GOING TO BE AS TO WHAT WE CAN DO,  
24 BUT I DON'T WANT TO GET INTO A SITUATION LIKE WE DID ON  
25 THE LANDFILL ASSURANCE.

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1 CHAIRMAN HUFF: I UNDERSTAND. WE WON'T. NOW,  
2 DOES IT HELP WITH OAL IN GETTING THE EMERGENCY IF WE'VE  
3 GOT SOMETHING NOTICED?

4 ATTORNEY CONHEIM: YES. IF YOU BEGIN THE FORMAL  
5 PROCESS, YOU STAND A MUCH BETTER CHANCE OF GETTING  
6 ANOTHER EXTENSION. IF YOU DON'T NOTICE AND THEN YOU ASK  
7 FOR AN EXTENSION, I THINK --

8 CHAIRMAN HUFF: YOU'RE TWIDDLING YOUR THUMBS.  
9 OKAY.

10 BOARD MEMBER EGIGIAN: BUT IF WE NOTICE IT, I  
11 DON'T KNOW. I DON'T UNDERSTAND THE COMPLICATIONS.

12 CHAIRMAN HUFF: THE BOTTOM LINE IS IF WE GO TO  
13 NOTICE NOW, WHAT WE ARE TELLING THE PEOPLE WHO HAVE  
14 TESTIFIED BEFORE US IS TRUST US. WE KNOW WHAT WE'RE  
15 DOING AND WE WILL RESPOND TO YOUR CONCERNS. IF WE DON'T  
16 GO TO NOTICE NOW, WE AREN'T ASKING THEM QUITE AS MUCH TO  
17 TRUST US. THAT'S THE BOTTOM LINE.

18 ANYONE OUT THERE DISAGREE WITH THAT  
19 INTERPRETATION?

20 MR. JAGOW: YES, MR. CHAIRMAN. MARK JAGOW. I'D  
21 LIKE TO MAKE A COMMENT. YOUR SYMPATHY IS VERY KIND, BUT  
22 WHAT WE NEED IS YOUR ACCEPTANCE OF INDUSTRY TERMINOLOGY.  
23 AND IF THIS CANNOT BE ACCOMPLISHED IN A WORKSHOP AND IN A  
24 HEARING, HOW ARE WE EVER TO ACCOMPLISH THIS IN A MORE  
25 FORMALIZED SETTING?

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1 CHAIRMAN HUFF: I SUPPOSE THE ANSWER IS THAT IT  
2 IS ACCOMPLISHED IN A MORE FORMALIZED SETTING BECAUSE NOW  
3 YOU HAVE THE EXPRESSION OF THREE MEMBERS THAT YOU DIDN'T  
4 HAVE BEFORE AND STAFF DIRECTION THAT THEY'RE GOING TO  
5 WORK ON IT.

6 MR. JAGOW: WHAT WE CONVEYED HERE TODAY WAS  
7 CONVEYED TO STAFF, AND THEY WENT IN THE OPPOSITION  
8 DIRECTION WITH REGARD TO THE PRESENTATIONS THAT WERE  
9 MADE. SO I AM NOT VERY CONFIDENT THAT THIS PROCESS IS  
10 GOING TO CONTINUE AND TAKE OUR CONCERNS IN CONSIDERATION.  
11 THANK YOU.

12 MS. MC COUBREY: I WOULD HAVE TO ECHO MARK'S  
13 OBJECTIONS BECAUSE WE DID HAVE A WORKSHOP A WEEK AGO. WE  
14 CAME BACK AND THE DEFINITION OF A WASTE TIRE WAS IN WORSE  
15 SHAPE THAN IT WAS A WEEK AGO. IF YOU COULD ASSURE US  
16 THAT YOUR STAFF IS GOING TO WORK WITH US. I THINK YOU  
17 USED A KEYWORD A FEW MINUTES AGO. YOU SAID IF WE WANTED  
18 TO CHANGE THE REGULATIONS. DO YOU?

19 BOARD MEMBER EGIGIAN: YOU KNOW, THERE'S ONLY  
20 ONE DIFFERENCE IN YOUR MEETING WITH THE STAFF AND MEETING  
21 WITH THIS COMMITTEE. THIS STAFF HAD BETTER DO WHAT THIS  
22 COMMITTEE TELLS THEM TO DO. I'M NOT SAYING THAT WE'RE  
23 TELLING THE COMMITTEE TO DO EVERYTHING YOU GOT UP AND  
24 SPOKE OF, BUT WE ARE -- IF WE TELL YOU THAT WE'RE GOING  
25 TO DO SOMETHING, WE'LL DO SOMETHING.

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1 I CAN'T GUARANTEE WHAT THE END RESULTS ARE  
2 GOING TO BE, BUT WE COULD JUST GO AHEAD AND VOTE ON THIS  
3 THING RIGHT NOW AND LET IT BE NOTICED, AND YOU WON'T BE  
4 HAPPY AT ALL. WHAT WE'RE GOING TO DO NOW IS WE'RE GOING  
5 TO TRY TO MAKE YOU HAPPY. OKAY?

6 MR. JAGOW: I BELIEVE IN US TRYING TO SEEK  
7 HAPPINESS HERE. WHAT WE'RE ASKING IS THAT THE REGS NOT  
8 BE NOTICED SO THAT THESE ISSUES CAN BE ADDRESSED IN A  
9 MORE INFORMAL SETTING, WHICH I THINK MUCH MORE WORK WOULD  
10 BE ACCOMPLISHED.

11 CHAIRMAN HUFF: OKAY. LET ME SAY IT THIS WAY:  
12 ALL THINGS BEING EQUAL, I'D AGREE. BUT WE'RE FACED WITH  
13 THE POSSIBILITY THAT THE OFFICE OF ADMINISTRATIVE LAW  
14 WILL NOT GRANT OUR REQUEST THAT THE CURRENT EMERGENCY  
15 REGULATIONS BE CONTINUED WHILE WE CONTINUE THIS INFORMAL  
16 DISCUSSION PROCESS. AND THAT'S A VERY REAL POSSIBILITY,  
17 THAT THOSE EMERGENCY REGS DISAPPEAR. THAT WILL PUT US  
18 UNDER MORE PRESSURE TO PRODUCE SOMETHING MORE QUICKLY.

19 IF WE GO TO NOTICE, WE CAN INDICATE TO OAL  
20 IN A VERY SUBSTANTIAL WAY THAT IT TRULY IS AN INTERIM,  
21 THAT WE AREN'T JUST TWIDDLING OUR THUMBS, AND THAT THEY  
22 WILL, THEN, GRANT AN EMERGENCY CONTINUATION OF THE  
23 EMERGENCY REGULATIONS, AND WE CAN IN A MORE RATIONAL WAY  
24 DISCUSS THESE. OKAY.

25 IF IT WAS JUST US INVOLVED IN THIS GAME,

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1 THE PROCESS OF NOT NOTICING IS PROBABLY A BETTER WAY TO  
2 GO, BUT IT'S NOT JUST US. AND WE DON'T WANT TO LEAVE A  
3 GAP IN TERMS OF THE ABSENCE OF REGULATIONS. OKAY.

4 MR. JAGOW: WHERE DOES A BUSINESSMAN GO WHEN  
5 HE'S IN A MEETING AND HE'S SURROUNDED BY REGULATORS AND  
6 THE BOARD THAT'S GOING TO REGULATE HIM WILL NOT GO TO BAT  
7 FOR HIM REGARDING MAJOR CONCERNS WITH THE LEGISLATURE,  
8 WHO HAVE PERHAPS BLOWN IT IN THIS AREA? I DON'T KNOW  
9 WHERE TO TURN. WE ARE IN DESPERATE NEED OF SOME HELP  
10 HERE BECAUSE I WISH MY EMPLOYER TO STAY IN THIS STATE.

11 MR. SPHAR: MEMBER HUFF -- CHAIRPERSON HUFF, IF  
12 I COULD HAVE PERMISSION TO SPEAK FOR A SECOND.

13 CHAIRMAN HUFF: SPEAK.

14 MR. SPHAR: I WANT TO CLARIFY A POINT HERE ABOUT  
15 WHAT STAFF IS DOING BECAUSE STAFF IS TAKING A LOT OF  
16 LUMPS RIGHT NOW, SOME OF THEM UNFAIRLY. STAFF IS NOT  
17 PRESUMING TO USURP THIS COMMITTEE'S POWER TO MAKE A  
18 DECISION HERE.

19 CHAIRMAN HUFF: I DIDN'T THINK SO.

20 MR. SPHAR: THEY PUT OUT TO YOU IN THE ISSUE  
21 PAPER VERY CLEARLY THE DISAGREEMENT BETWEEN WHAT CERTAIN  
22 REGULATORY NEEDS ARE AND WHAT CERTAIN BUSINESS INTERESTS  
23 ARE, AND IT'S A DECISION THAT'S GOT TO BE MADE BY THE  
24 COMMITTEE. YOU MADE A SUGGESTION THAT THEY COME BACK AND  
25 BRIEF THE PROS AND CONS. YOU WILL HAVE MORE POWER AND

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1 TIME TO MAKE A DECISION ON THAT, BUT THERE'S NOTHING HERE  
 2 THAT GOING TO NOTICE PREVENTS THAT FROM HAPPENING. I  
 3 WANT TO MAKE CLEAR TO PEOPLE HERE THE PROCESS NOW IS NOT  
 4 TO CONTINUE TO LOBBY A RECALCITRANT STAFF, BUT TO COME  
 5 BACK NEXT MONTH WITH A MORE INFORMED COMMITTEE.

6 CHAIRMAN HUFF: MR. RELIS, MAKE YOUR MOTION.

7 BOARD MEMBER RELIS: I MOVE -- DIRECT STAFF TO  
 8 PRESENT TO US AT THE JUNE MEETING, THIS COMMITTEE, THE  
 9 PROPOSED TIRE REGULATIONS WITH A PROPOSED EXEMPTION FOR  
 10 TIRE RECYCLERS. I THINK --

11 CHAIRMAN HUFF: AND DISMANTLERS.

12 BOARD MEMBER RELIS: AND DISMANTLERS. AND  
 13 THAT --

14 CHAIRMAN HUFF: DISCUSSION OF THE PROS AND CONS.

15 BOARD MEMBER RELIS: WE WANT TO HEAR A  
 16 DISCUSSION OF THE PROS AND CONS, BUT WITH THAT FOCUS.

17 CHAIRMAN HUFF: AND ALTERNATIVE METHODS OF  
 18 DEALING WITH THE CONCERNS OF THE RETREADERS AND  
 19 DISMANTLERS.

20 BOARD MEMBER RELIS: I'LL ACCEPT THAT ADDITION.

21 BOARD MEMBER EGIGIAN: RECAPPERS.

22 CHAIRMAN HUFF: RETREADER, RECAPPER, IS THERE  
 23 ANY DIFFERENCE?

24 MR. JAGOW: IF YOU COULD INCLUDE IN THAT  
 25 DIRECTION --

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1 CHAIRMAN HUFF: CAPPER.

2 MR. JAGOW: IF YOU COULD INCLUDE IN THAT  
3 DIRECTION --

4 CHAIRMAN HUFF: RECAPPER.

5 MR. JAGOW: -- PROPER DEFINITION OF INDUSTRY  
6 TERMINOLOGY AS FAR AS A STAFF GOAL, AND WE WOULD LIKE TO  
7 SEE THIS OR HAVE THE OPPORTUNITY TO SEE THIS DOCUMENT AT  
8 LEAST TWO WEEKS BEFORE THE HEARING, SO --

9 CHAIRMAN HUFF: I CAN'T GUARANTEE WHEN STAFF  
10 IS -- ALL THOSE THINGS SUBJECT TO PUBLIC RECORDS ACT WILL  
11 BE SUBJECT TO IT.

12 WITHOUT OBJECTION, WE'LL SUBSTITUTE PRIOR  
13 ROLL CALL. THE AYES ARE THREE; THE NOES ARE NONE. WE'RE  
14 IN RECESS UNTIL 4 O'CLOCK.

15 (A DISCUSSION WAS HAD OFF THE RECORD.)

16 BOARD MEMBER RELIS: SHALL WE GO BACK AND FIX  
17 THIS? WE WILL NOTICE THIS ITEM.

18 CHAIRMAN HUFF: IT IS NOTICED, AND IT'S GOING TO  
19 NOTICE WITH THESE THINGS.

20 (A BREAK WAS TAKEN.)

21 CHAIRMAN HUFF: THE HOUR OF 4 O'CLOCK HAVING  
22 ARRIVED, WE HAVE LEFT -- WE'VE TAKEN CARE OF 8. WE HAVE  
23 LEFT 14, 15, 16, 18, 19. 14 IS AN ORAL REPORT.

24 MR. MORALEZ: MEMBERS OF THE COMMITTEE, JUST  
25 BRIEFLY UPDATE ON THE PERMIT DESK MANUAL. WANTED TO LET

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1 EVERYONE KNOW THAT THE COMMENTS HAVE BEEN RECEIVED FROM  
2 THE LEA'S AND TURNED OVER TO THE CONTRACTOR FOR  
3 INCORPORATION INTO THE NEW DESK MANUAL. OUR PROJECTION  
4 IS TO HAVE THE MANUAL BEFORE THE BOARD AND THE COMMITTEE  
5 IN JUNE, SO WE'RE MOVING FORWARD WITH THAT.

6 CHAIRMAN HUFF: VERY GOOD. THANK YOU.

7 15 IS A BRIEFING ON CAL-EPA'S PERMIT  
8 CONSOLIDATION PROPOSAL. I THINK WE'LL SKIP THAT. YOU  
9 AREN'T SURPRISED, ARE YOU? 16. SAM, YOU WANT THAT ONE?

10 BOARD MEMBER EGIGIAN: NO, I'M SURPRISED,  
11 THOUGH.

12 CHAIRMAN HUFF: 16, DISCUSSION OF PROPOSED  
13 ACTIONS BY THE LOS ANGELES REGIONAL WATER QUALITY CONTROL  
14 BOARD AND THE LEGISLATURE REGARDING SITING AND EXPANSION  
15 OF LANDFILLS IN SAND AND GRAVEL MINING PITS.

16 I WAS WONDERING WHAT THAT STUFF OVER THERE  
17 WAS.

18 MR. VLACH: MR. CHAIRMAN, MEMBERS, THIS ITEM IS  
19 THE FORMALIZATION OF A DISCUSSION THAT TOOK PLACE BEFORE  
20 THIS COMMITTEE ABOUT A MONTH AGO DURING OPEN DISCUSSION  
21 SESSION. JUST AS SOME QUICK BACKGROUND, THE ISSUE IS  
22 WHETHER OR NOT THE LANDFILLING OF SOLID WASTE SHOULD BE  
23 ALLOWED IN ALLUVIAL SOILS AND SAND AND GRAVEL MINING  
24 PITS.

25 THIS ISSUE WAS ADDRESSED BACK IN 1988

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1 WITH -- BY MOUNTJOY IN LEGISLATION, AND AT THAT TIME THE  
2 ESTABLISHMENT ALLOWED -- EXPANSION OF SOLID WASTE  
3 LANDFILLS IN SAND AND GRAVEL PITS AND RIVERBEDS  
4 THROUGHOUT THE STATE WAS BANNED. THERE WAS AN EXEMPTION  
5 PROVISION THAT WAS USED ON A CASE-BY-CASE BASIS THAT WAS  
6 ALLOWED AND TAKEN ADVANTAGE OF IN SOME CASES.

7 IN 1989 TANNER LEGISLATION ELIMINATED THE  
8 POSSIBILITY FOR EXEMPTION IN -- SPECIFICALLY IN THE SAN  
9 GABRIEL RIVER BASIN. AND THERE'S CURRENTLY A PROPOSED  
10 POLICY IN LOS ANGELES REGIONAL WATER QUALITY CONTROL  
11 BOARD THAT WOULD ELIMINATE THE POSSIBILITY FOR EXEMPTION  
12 WITHIN THE ENTIRE LOS ANGELES BASIN. AND THIS, IN  
13 EFFECT, WOULD BAN THE FUTURE USE OF SAND AND GRAVEL PITS  
14 AS LANDFILLS IN THAT AREA.

15 NOW, I UNDERSTAND THAT THERE WAS SOME  
16 PROPOSED LEGISLATION BY TANNER, AB 2882, WHICH WOULD HAVE  
17 MADE THIS PROHIBITION STATEWIDE. ESSENTIALLY NO MORE  
18 EXEMPTIONS THROUGHOUT THE STATE. BUT I JUST HEARD TODAY  
19 THAT THAT LEGISLATION HAS BEEN WITHDRAWN.

20 THE LOS ANGELES REGIONAL BOARD WAS  
21 INTENDING TO CONSIDER THIS MATTER AT THEIR MEETING OF  
22 APRIL THE 20TH, AND THEN UNFORTUNATELY DIDN'T HAVE A  
23 QUORUM OR FORTUNATELY, DEPENDING ON HOW YOU MAY LOOK AT  
24 THIS ISSUE. AND SO THEY HAVE CONTINUED THE ITEM. THEIR  
25 NEXT MEETING WAS GOING TO BE IN VENTURA, SO THEY DECIDED,

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1 SINCE THEY WANTED TO HAVE THE MATTER HEARD IN LOS  
2 ANGELES, THEY ARE PROBABLY GOING TO HOLD A SPECIAL  
3 SESSION IN JUNE TO GO OVER THE ISSUE AND PERHAPS ADOPT  
4 IT.

5 THE STAFF IS PRESENTING THIS ITEM, GIVING  
6 SOME BACKGROUND TO PROVIDE AN OPPORTUNITY FOR THE BOARD  
7 MEMBERS AND VARIOUS SPEAKERS FOR DISCUSSION. ONE OF THE  
8 ISSUES, OF COURSE, IS THE FACT THAT INERT WASTES ARE NOT  
9 BANNED FROM LANDFILLING IN SAND AND GRAVEL BEDS, AND  
10 THERE ARE OVER 90 INERT WASTE LANDFILLS IN SAND AND  
11 GRAVEL BEDS CURRENTLY OPERATING IN THE STATE THAT WOULD  
12 BE POTENTIALLY AFFECTED BY THIS POLICY.

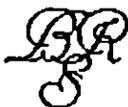
13 NOW, THERE, OF COURSE, IS THE AZUSA  
14 LANDFILL, WHICH HAS HAD, AS YOU KNOW, CEQA PROBLEMS THAT  
15 WOULD NOT BE AFFECTED BECAUSE OF SPECIAL PROVISIONS.  
16 THERE'S THE BRADLEY AVENUE LANDFILL, BRADLEY WEST. IT  
17 HAS -- IT ALSO OPERATES IN A SAND AND GRAVEL MINING PIT  
18 AND WOULD POTENTIALLY BE AFFECTED. THERE ARE SEVERAL  
19 OTHER LANDFILLS THAT FALL INTO THIS CATEGORY.

20 SO IF THERE ARE ANY QUESTIONS OF THE STAFF  
21 ON THIS MATTER, I OR OTHERS WOULD BE HAPPY TO TRY TO  
22 ANSWER THEM FOR YOU. I'M SURE THAT THE CHAIRMAN KNOWS  
23 THAT THERE ARE SOME MEMBERS OF THE INDUSTRY HERE TO SPEAK  
24 ON THIS MATTER.

25 THE STAFF IS CONCERNED THAT SUCH POLICIES

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1           COULD HAVE THE EFFECT OF IMPAIRING THE BOARD'S OBJECTIVES  
2           TO ENSURE 15 YEARS OF DISPOSAL CAPACITY IN THE STATE, AND  
3           THE STAFF IS NOT REALLY IN A POSITION TO RECOMMEND  
4           ANYTHING AT THIS TIME BECAUSE WE SIMPLY DON'T KNOW THE  
5           EXTENT OR THE SCOPE OF THE NUMBERS OF FACILITIES AND  
6           WHERE THEY'RE LOCATED TO REALLY MAKE A RECOMMENDATION.  
7           WE REALLY NEED SOME MORE TIME TO TAKE A LOOK AT THIS  
8           MATTER IN-DEPTH.

9                     BOARD MEMBER EGIGIAN:   BERNIE, COULD YOU KEEP  
10           TRACK OF WHEN THAT MEETING -- THAT HEARING IS GOING TO  
11           TAKE PLACE IN L.A.? I'D LIKE VERY MUCH TO KNOW ABOUT  
12           THAT AND, IN FACT, I'D LIKE TO ATTEND IT IF IT'S AN OPEN  
13           MEETING.

14                    MR. VLACH:   YES. IT WOULD BE A WORKSHOP, AN  
15           OPEN MEETING TO ADOPT THE POLICY OR TO CONSIDER ADOPTION  
16           OF THE POLICY. I WILL MAKE IT A POINT, MR. EGIGIAN, TO  
17           FOLLOW UP ON THAT AND KEEP YOU INFORMED AND THE OTHER  
18           MEMBERS INFORMED ABOUT THAT MEETING.

19                    BOARD MEMBER EGIGIAN:   THANK YOU VERY MUCH.

20                    BOARD MEMBER RELIS:   HOW MUCH TIME WOULD YOU  
21           NEED TO ASSESS WHAT THE IMPACT WOULD BE ON THIS IN TERMS  
22           OF MEETING OUR REQUIREMENTS, THE 15-YEAR, IF THE REGIONAL  
23           BOARD MAKES A DECISION AS STAFF HAS RECOMMENDED?

24                    MR. VLACH:   WHAT I WOULD SUGGEST WOULD BE A  
25           COOPERATIVE EFFORT BETWEEN OUR BOARD AND THE STATE WATER

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1 RESOURCES CONTROL BOARD TO TRY TO IDENTIFY WHICH  
2 FACILITIES ARE GOING TO BE IMPACTED. I DON'T BELIEVE  
3 THAT'S BEEN DONE AT THIS POINT. THAT COULD TAKE 30, 60  
4 DAYS, I WOULD THINK, AS A MINIMUM.

5 BOARD MEMBER RELIS: IS THAT SOMETHING -- YOU  
6 DON'T NEED ANY ACTION FROM US TO DO THAT?

7 MR. VLACH: JUST DIRECTION FROM MY SUPERVISOR.  
8 THAT WOULD BE ALL THAT I WOULD NEED.

9 BOARD MEMBER RELIS: I GUESS THE ONLY QUESTION  
10 WOULD BE IN TERMS OF INPUT TO THE REGIONAL BOARD. DOES  
11 STAFF CONTEMPLATE APPEARING BEFORE THE BOARD IN LETTING  
12 THEM KNOW?

13 MR. VLACH: I HAVEN'T HAD ANY DIRECTION TO  
14 APPEAR AT THE REGIONAL BOARD MEETING.

15 BOARD MEMBER EGIGIAN: YOU NORMALLY HAVE SOME  
16 NOTIFICATION IN ADVANCE, DON'T YOU, ON THESE MEETINGS?

17 MR. VLACH: YES, SIR.

18 BOARD MEMBER EGIGIAN: INASMUCH AS WE'RE DOING  
19 SEVERAL OTHER STUDIES AND COMING UP WITH SOME MORE  
20 INFORMATION FOR ANOTHER COMMITTEE, IF WE HAVE ENOUGH  
21 NOTICE, I THINK WE'LL HAVE THE TIME TO DISCUSS IT WITH  
22 THE REST OF THE BOARD AND FIND OUT WHETHER OR NOT  
23 SOMEBODY SHOULD ATTEND THOSE MEETINGS, THAT MEETING IN  
24 PARTICULAR, BECAUSE THEY ARE GOING TO BE TALKING ABOUT  
25 SOMETHING THAT I FEEL IS VERY IMPORTANT TO THIS STATE.

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1 MR. VLACH: IF THERE ARE NO OTHER QUESTIONS OF  
2 THE STAFF, I BELIEVE THERE ARE MEMBERS OF THE INDUSTRY  
3 HERE.

4 MR. CHANDLER: MEMBER RELIS, I JUST WANTED TO  
5 INFORM YOU, IN CASE YOU HADN'T RECALLED, THAT AT AN  
6 EARLIER MEETING THERE WAS A DISCUSSION FOR ME TO CONTACT  
7 THE EXECUTIVE DIRECTOR OF THE REGIONAL BOARD, DR.  
8 PERELLI, AND WE DID MEET WITH -- HERE AT THE BOARD  
9 PROBABLY ABOUT THREE WEEKS AGO AND DISCUSSED THIS PENDING  
10 DECISION AND ASKED FOR A LITTLE BIT MORE RATIONALE AS TO  
11 WHY THE DECISION THEY WERE MAKING OR PROPOSING WAS GOING  
12 FORWARD. AND THEY MADE IT CLEAR IT WAS PART OF THEIR  
13 REGION PLAN UPDATE, AND THAT THEY HAD FELT THAT THERE WAS  
14 GOOD SCIENCE BEHIND THE DECISION.

15 WE IMPRESSED UPON THEM THE IMPLICATIONS  
16 THAT WE FELT THIS PRESENTED TO THE INDUSTRY AND THE FACT  
17 THAT THERE WERE FUTURE FACILITIES AND CERTAINLY EXISTING  
18 FACILITIES THAT POTENTIALLY COULD BE IMPACTED AND THAT  
19 THERE WAS NO INVENTORY BY THEIR STAFF. MR. VLACH IS  
20 CORRECT. WE RAISED THAT AS A CONCERN AND INDICATED THAT  
21 WE MAY WISH TO BRING THIS BACK BEFORE THEIR BOARD THROUGH  
22 EITHER A BOARD DECISION OR AT THE STAFF LEVEL AS IT COMES  
23 FORWARD TO THEIR REGIONAL LEVEL.

24 I MUST SAY, HOWEVER, THAT DIDN'T SEEM TO  
25 IMPRESS HIM. THEY WERE PRETTY SET AT THE STAFF LEVEL

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1 WITH REGARD TO THE DECISIONS THEY'RE MOVING FORWARD WITH.

2 BOARD MEMBER RELIS: FIRM RECOMMENDATION.

3 MR. CHANDLER: THAT'S THE IMPRESSION I GOT.

4 BOARD MEMBER EGIGIAN: RALPH, I SENT THEM A  
5 LETTER AFTER YOU MET WITH THEM. I SENT NAN DRAKE A  
6 LETTER, AND I TALKED TO HER ON THE TELEPHONE YESTERDAY.  
7 AND SHE SAID, WELL, IT SEEMS TO BE IMPORTANT ENOUGH, FROM  
8 WHAT WE'VE HEARD, THAT IT WAS WORTHWHILE NOT TO MOVE  
9 AHEAD WITH IT AT THIS PARTICULAR TIME. BUT THEN I HEARD  
10 TODAY THAT THAT BILL HAS BEEN DEFEATED. IS THAT -- AM I  
11 RIGHT THERE?

12 MR. VLACH: WITHDRAWN.

13 BOARD MEMBER EGIGIAN: IT WAS WITHDRAWN. OKAY.  
14 I THINK IT'S IMPORTANT ENOUGH THAT WE KEEP TRACK OF THIS.

15 MR. CHANDLER: I DO TOO.

16 BOARD MEMBER EGIGIAN: IT'S ONE-THIRD OF THE  
17 LAND AREA IN THIS STATE FALLS INTO THAT CATEGORY -- WHAT  
18 DO YOU CALL IT, ALLUVIAL? YEAH, SO THAT'S GOING TO SCREW  
19 UP THIS STATE IN YEARS TO COME IF THEY EVER PUT SOMETHING  
20 LIKE THAT IN CONCRETE, YOU KNOW.

21 BOARD MEMBER RELIS: IT'S MY UNDERSTANDING THAT  
22 THAT'S WHAT THE LAW WOULD HAVE SPOKEN TO, BUT THIS ACTION  
23 BY THE REGIONAL BOARD WOULD DEAL WITH THE SAN GABRIEL  
24 BASIN.

25 MR. CHANDLER: THAT'S RIGHT. OF COURSE, WE'RE

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1 CONCERNED OF THE PRECEDENT THAT THAT MIGHT BE VIEWED BY  
2 OTHER REGIONAL BOARDS AS THEY UPDATE THEIR BASIN PLANS  
3 AND LOOK AT SIMILAR GROUNDWATER CONDITIONS AND SUBSURFACE  
4 CONDITIONS.

5 MR. VLACH: MR. RELIS, I THINK THE REGIONAL  
6 BOARD'S ACTION WOULD ACTUALLY AFFECT ALL OF THE ENTIRE  
7 LOS ANGELES BASIN, NOT JUST THE SAN GABRIEL RIVER BASIN.  
8 I THINK THERE ARE THREE DISTINCT BASINS THERE. THEY  
9 REFER TO THEM GENERALLY AS THE LOS ANGELES BASIN.

10 CHAIRMAN HUFF: ANY OTHER QUESTIONS OF STAFF?  
11 OKAY. I HAVE REQUESTS AGAIN. THESE ARE IN NO PARTICULAR  
12 ORDER. IF PEOPLE WANT TO JUGGLE THE ORDER, THAT'S OKAY.  
13 ALL OF THESE SEEM TO BE ON BEHALF OF OR BY BFI. THERE'S  
14 A ONE, TWO, THREE HERE. MAYBE THIS IS THEIR ORDER. LES  
15 BITTENSON.

16 MR. BITTENSON: MR. CHAIRMAN, CAN WE HAVE JUST A  
17 COUPLE OF MOMENTS TO SET THIS MODEL UP FOR YOU?

18 CHAIRMAN HUFF: FEEL FREE.

19 DO UNDERSTAND AT 5:30 THERE'S A SOFTBALL  
20 GAME INVOLVING THE LAUGHING HYENAS AND THE JAGUARS. MY  
21 DAUGHTER IS PITCHING.

22 MR. BITTENSON: WE WILL MEET YOUR DEADLINE.

23 BOARD MEMBER EGIGIAN: LOOKS LIKE YOU COULD PAN  
24 FOR GOLD WITH THAT.

25 MR. BITTENSON: YOU'VE GOT THE IDEA, SIR. THANK

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1 YOU, SIR. MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY  
2 NAME IS LES BITTENSON. I'M VICE PRESIDENT OF BROWNING  
3 FERRIS INDUSTRIES OF CALIFORNIA, INC.; I'M BASED IN THE  
4 L.A. AREA.

5 OVER THE PAST TEN YEARS I'VE SERVED MANY  
6 FUNCTIONS WITH BFI, RANGING FROM MANAGEMENT OF COLLECTION  
7 COMPANIES TO THE DEVELOPMENT OF RECYCLING PROGRAMS IN  
8 L.A., MARKET DEVELOPMENT, ACQUISITIONS, AND CURRENTLY IN  
9 THE PERMITTING AND OPERATION OF THE LANDFILLS IN THE  
10 SOUTHERN CALIFORNIA MARKET.

11 WE ARE HERE TODAY TO ENCOURAGE THE  
12 INTEGRATED WASTE MANAGEMENT BOARD TO ADOPT A POLICY IN  
13 OPPOSITION TO ANY LEGISLATION OR AGENCY ACTION THAT WOULD  
14 CATEGORICALLY DENY THE PERMITTING, EXPANSION, OR  
15 EXTENSION OF LANDFILLS THROUGHOUT THE STATE.

16 I'D LIKE TO COMMEND THE STAFF AND THE  
17 DISCUSSIONS THAT JUST WENT ON BECAUSE IT'S EXACTLY IN THE  
18 SAME DIRECTION WE'RE LOOKING AT IT AND THE IMPACTS THAT  
19 COULD BE AFFORDED BY THE ACTIONS BEING CONTEMPLATED IN  
20 L.A. AND THE OTHER ACTIONS THAT WERE ON THE TABLE.

21 TO BAN THE PERMITTING OF LANDFILLS WITHOUT  
22 PROPER SITE-SPECIFIC SCIENTIFIC EVALUATION SETS A VERY  
23 DANGEROUS PRECEDENT. IT IS POOR PUBLIC POLICY AND, WHEN  
24 CARRIED TO THE LOGICAL CONCLUSION, WILL ADVERSELY IMPACT  
25 NEARLY ALL OF THE COUNTIES THROUGHOUT THE STATE.

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1                   OVER THE PAST FOUR YEARS, WE'VE HAD  
2                   EXPERIENCE WITH ACTIVE POLICY INITIATIVES DIRECTED AT  
3                   PREVENTING THE DEVELOPMENT OF NEW OR EXPANSION OF  
4                   EXISTING LANDFILLS. AS WAS OUTLINED EARLIER, 1988, THE  
5                   MOUNTJOY BILL, STATEWIDE ACTION WITH REGIONAL BOARD  
6                   SITE-BY-SITE VARIANCES REGARDING A CATEGORICAL DENIAL.

7                   1989, THE TANNER BILL, REMOVING THE  
8                   OPPORTUNITY FOR VARIANCES WITHIN THE SAN GABRIEL VALLEY  
9                   ON THE SITING OR EXPANSION OF LANDFILLS THAT ARE IN SAND  
10                  AND GRAVEL PITS.

11                  1991, THE PROPOSED L.A. REGIONAL WATER  
12                  BOARD BASIN PLAN AMENDMENT TO CATEGORICALLY PROHIBIT NEW  
13                  OR EXPANDED LANDFILLS IN SAND AND GRAVEL PITS THROUGHOUT  
14                  THEIR REGION. THAT'S THEIR ENTIRE REGION.

15                  '92, THE AB 2882, CATEGORICAL BANNING OF  
16                  ALL NEW OR EXPANDED LANDFILLS IN THE SAN GABRIEL BASIN  
17                  AND ALL LANDFILLS IN SAND AND GRAVEL MINES THROUGHOUT THE  
18                  STATE. AS WAS OUTLINED AND REVISED DURING THE BREAK,  
19                  THAT 2882 HAS BEEN WITHDRAWN.

20                  THE L.A. BASIN PLAN AMENDMENT PROPOSAL HAS  
21                  NOT BEEN WITHDRAWN. NOTHING SAYS THAT A REPLACEMENT BILL  
22                  FOR AB 2882 WILL NOT BE FORTHCOMING. WHAT'S NEXT? IS IT  
23                  A BAN ON ALL LANDFILLS IN ALLUVIAL SOIL STATEWIDE, AS WAS  
24                  COMMENTED ON JUST BEFORE THE MEETING STARTED? IF THE  
25                  REGIONAL BOARD DOES AMEND ITS PLAN WITH A CATEGORICAL BAN

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1 ON LANDFILLS IN SAND AND GRAVEL MINES, WILL THE STATE  
2 WATER RESOURCES BOARD MIRROR THAT ACTION? AND WILL OTHER  
3 REGIONAL BOARDS MIRROR THE ACTION OF THE L.A. BOARD?

4 THE RESULT OF THAT TYPE OF ACTION,  
5 CATEGORICAL BANNING OF LANDFILLS, WOULD BRING THE WASTE  
6 DISPOSAL CAPACITY IN THE L.A. AREA TO ITS KNEES WITHIN 18  
7 MONTHS.

8 THE TIME TO CRISIS ANALYSIS THAT WAS  
9 DEVELOPED BY THE AGENCIES IN L.A. COUNTY, THAT WAS THE  
10 DEPARTMENT OF PUBLIC WORKS, L.A. SAN DISTRICT, AND L.A.  
11 CITY, IN 1988 PROJECTED THE START OF A LANDFILL SPACE  
12 CRISIS IN 1991 AND A SEVERE LANDFILL SPACE SHORTAGE BY  
13 LATE 1993. AND THE '91 DATE WAS THE START OF THE  
14 PROBLEM.

15 THE INTEGRATED WASTE BOARD'S RECENT DRAFT  
16 STATEWIDE LANDFILL CAPACITY REPORT THAT WAS ISSUED THIS  
17 MONTH CONFIRMS A 1994 CRISIS POINT WITHIN L.A. COUNTY.  
18 IT CONFIRMS WHAT THE ORIGINAL '88 REPORT HAD SAID.  
19 ADDITIONALLY, THAT REPORT OUTLINES THAT 38 PERCENT OF  
20 CALIFORNIA'S POPULATION LIVES IN COUNTIES WHICH HAVE LESS  
21 THAN SIX YEARS OF REMAINING DISPOSAL CAPACITY AS OF  
22 TODAY.

23 DESPITE VOLUME REDUCTIONS DUE TO RECYCLING,  
24 RECESSIONARY IMPACTS, AND COMMERCIAL AND CONSTRUCTION  
25 WASTE GENERATION REDUCTIONS, THERE ARE SEVERE OPERATING

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1 PROBLEMS IN THE L.A. BASIN. AND UNLESS EXPANDED AND NEW  
2 LANDFILL CAPACITY IS PERMITTED WITHIN 18 MONTHS, THERE  
3 WILL BE NO LANDFILL SPACE AVAILABLE TO MEET THE AREA'S  
4 NEEDS.

5 TO CATEGORICALLY DENY THE USE OF SAND AND  
6 GRAVEL PITS OR OTHER GENERIC AREA AND NOT EVALUATE  
7 SITE-SPECIFIC PROPOSALS WILL DENY THE BOARD, THE COUNTIES  
8 THROUGHOUT THE STATE OF CALIFORNIA, AND THE INDUSTRY THE  
9 ABILITY TO MEET THE DISPOSAL NEEDS OF THE PEOPLE IN A  
10 HEALTH SAFE, COST-EFFECTIVE FASHION.

11 CATEGORICAL BANS ASSUME THAT THERE ARE NO  
12 SCIENTIFIC OR ENGINEERING SOLUTIONS TO MEET ENVIRONMENTAL  
13 PROTECTION NEEDS. AND THAT'S SIMPLY NOT TRUE. SOLUTIONS  
14 DO EXIST. THE ENVIRONMENT CAN AND IS BEING PROTECTED  
15 EFFECTIVELY WITH TODAY'S SCIENCE AND ENGINEERED LANDFILL  
16 CONSTRUCTION AND DESIGN THAT'S IN PLACE.

17 CURRENTLY -- AND I APOLOGIZE TO THE  
18 AUDIENCE THAT WE'VE GOT ONE SIDE TO THIS. CURRENTLY,  
19 THIS IS THE LANDFILL SYSTEM IN L.A. COUNTY. THE ONLY  
20 THING MISSING IS THE LANCASTER AREA WITH ITS OWN  
21 LANDFILLS, LANCASTER PALMDALE. TODAY HERE'S WHAT'S  
22 ACTUALLY GOING ON IN L.A.

23 IN PUENTE HILLS, BASED UPON THEIR DAILY  
24 INTAKE REQUIREMENTS, BETWEEN 11 O'CLOCK AND NOON THE  
25 LANDFILL STARTS TO TURN TRASH AWAY. TRUCKS ARE TURNED

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1 AROUND. THOSE TRUCKS TEND TO GO TO BKK, THE SECOND  
2 LARGEST OPERATION. BKK, OVER THE LAST MONTH, HAS BEEN  
3 CLOSING AT ABOUT 2 O'CLOCK WHEN THEY REACH THE LIMIT THAT  
4 THEY HAVE. SPADRA IS A FAIRLY LIMITED SITE. AZUSA FOR  
5 CLASS III DOESN'T EXIST ANYMORE. SCHOLL TAKES ONLY TRASH  
6 FROM A LIMITED WASTESHED. IT'S NOT AN ALTERNATIVE FOR  
7 THESE FELLOWS.

8 BRADLEY WEST IS OPERATING IN ACCORDANCE TO  
9 THEIR PERMIT, AND I BELIEVE BY '95 IS WHEN THE PERMIT IS  
10 UP FOR REVIEW. LOPEZ CANYON ONLY TAKES L.A. CITY WASTE  
11 FROM L.A. CITY RESIDENTIAL COLLECTION TRUCKS. TAKES NO  
12 COMMERCIAL. SUNSHINE, ENOUGH SAID, RIGHT NOW IS NOT  
13 TAKING ANY TRASH. THAT'S AN ONGOING PERMITTING  
14 SITUATION.

15 CHIQUITA IS CURRENTLY UNDERGOING SOME LEASE  
16 ARRANGEMENTS WITH THE LANDLORD, AND THERE ARE QUESTIONS.  
17 THEY'VE CUT BACK THE AMOUNT OF TRASH THEY'RE TAKING. AND  
18 CALABASAS IS RUNNING AT MAXIMUM AND ALSO LIMITS THE AREA  
19 THAT IT SERVICES.

20 NOW, IN 1993, UNLESS OTHERWISE PERMITTED,  
21 PUENTE GOES AWAY. IN 1995 BKK GOES AWAY. AND WHAT WE  
22 HAVE LEFT IS NOWHERES NEAR ENOUGH SPACE TO ACCOMMODATE  
23 OUR NEEDS REGARDLESS OF HOW EFFECTIVE OUR PROGRAMS MIGHT  
24 BE IN RECYCLING OR ANY OTHER REDUCTION PROGRAMS THAT WE  
25 HAVE.

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1 THE QUESTION REGARDING ALLUVIAL SOIL AND  
2 THE CATEGORICAL DENIAL OF USING GRAVEL PITS FOR A  
3 LANDFILL RAISES A NUMBER OF ISSUES. AND WE HAVE WITH US  
4 TODAY TWO FOLKS WHO WILL SPEAK TO THE TECHNICAL AND  
5 SCIENTIFIC SIDE OF THE ISSUE. WE HAVE PHYLLIS STANIN,  
6 WHO'S OUR GEOLOGIST, A GEOLOGIST WORKING ON OUR PROGRAMS,  
7 AND WE HAVE DR. RUDY BONAPARTE, WHO WILL DISCUSS THE  
8 WATER PROTECTION SYSTEMS WITH YOU.

9 BASICALLY, WHAT A SAND AND GRAVEL PIT IS IN  
10 ALLUVIAL SOIL IS SIMPLY A POINT IN AN ALLUVIAL PLANE THAT  
11 SOMEONE SAID LET'S DIG DOWN A HUNDRED FEET AND MAKE THAT  
12 A LANDFILL. LET'S MAKE IT A SAND AND GRAVEL PIT FIRST  
13 AND THEN RECLAIM IT WITH TRASH.

14 IF YOU WERE TO PUT 10 FOOT OF WATER ON TOP  
15 OF THIS, THAT WATER WILL PERCOLATE AS RAPIDLY THROUGH THE  
16 ALLUVIAL SOIL HERE AS IT DOES HERE. NOW, THE IMPORTANCE  
17 OF THAT IS THAT A THIRD, THIS YELLOW AREA, OF OUR STATE  
18 IS ALLUVIAL SOIL. AND THE MAJORITY OF OUR POPULATION  
19 CENTER LIVES ON THAT ALLUVIAL PLANE.

20 SO, IN ESSENCE, IF WE CATEGORICALLY DENY  
21 THE ABILITY TO HAVE LANDFILLS HERE, WE'RE CATEGORICALLY  
22 DENYING THE ABILITY TO HAVE LANDFILLS IN A TREMENDOUS  
23 PART OF OUR STATE BY THE LOGICAL EXTENSION OF DIFFERENT  
24 BODIES TAKING ON TO THAT OPERATION.

25 ONE OF THE THINGS THAT CAUSES A CHALLENGE

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1 FOR US IS THAT WHEN PEOPLE INVOLVED IN A WATER COMMUNITY  
2 LOOK AT A GRAVEL PIT, THEY SEE A PIT IN THE SAME WAY THEY  
3 SEE A RESERVOIR. A RESERVOIR IS A HUNDRED OR SO FOOT  
4 DEEP, IT HAS A HEAD OF WATER, IT PRESSES ON THE ALLUVIAL,  
5 AND IT WILL PERCOLATE THROUGH THAT ALLUVIAL SOIL.

6 THOSE OF US WHO ARE INVOLVED IN THE WASTE  
7 INDUSTRY KNOW THAT THAT'S NOT WHAT A LANDFILL IS. A  
8 LANDFILL, UNLIKE A RESERVOIR, IS DESIGNED TO BE KEPT DRY.  
9 LANDFILL IS DESIGNED WITH LINER SYSTEMS TO PROTECT THE  
10 WATER BASIN. IT'S COVERED. EVERY SINGLE DAY YOU COVER  
11 YOUR TRASH. THAT'S PART OF THE REASON FOR THE  
12 REQUIREMENTS THAT WE HAVE IN THE OPERATION OF A LANDFILL.  
13 WE HAVE GAS REMOVAL SYSTEMS THAT NOT ONLY REMOVE GAS, BUT  
14 REMOVE CONDENSATE BEFORE IT BECOMES A LIQUID THAT WILL  
15 FLOW. WE HAVE SUBSYSTEMS THAT TREAT ANY MATERIAL THAT  
16 MIGHT COME INTO THAT. AND THE KEY IS THAT YOU KEEP ALL  
17 MOISTURE OUT OF IT. NO LIQUIDS ARE ALLOWED INTO  
18 LANDFILLS. WHEN YOU ARE FINISHED, YOU CAP IT SO THAT ANY  
19 MOISTURE THAT COMES FROM RAIN WILL NOT PERCOLATE INTO THE  
20 SITE ITSELF.

21 SO YOU START BY KEEPING IT DRY, YOU START  
22 WITH THE FACT THAT IN SOUTHERN CALIFORNIA WE ARE IN AN  
23 EXTREMELY DRY, ACTUALLY DESERT-TYPE AREA WITH LIMITED  
24 RAINFALL, AND YOU HAVE A SYSTEM THAT IS DESIGNED, SHOULD  
25 ANY MOISTURE GET IN THERE, TO PROPERLY MANAGE IT.

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1 AND DR. BONAPARTE WILL GO THROUGH THE  
2 SYSTEM, HOW THE LINER SYSTEM WORKS, AND HOW IT  
3 INTERREACTS WITH A SUMP SYSTEM FOR THE REMOVAL OF ANY  
4 MOISTURE THAT MIGHT BE CONTROLLED OR SUSTAINED.

5 AT THIS POINT I'D LIKE TO TURN IT OVER TO  
6 PHYLLIS STANIN TO TALK ABOUT THE ALLUVIAL PLANE.

7 MS. STANIN: THANK YOU, LES. THANK YOU, MEMBERS  
8 OF THE BOARD. I PROMISE MY COMMENTS WILL BE BRIEF, LESS  
9 THAN FIVE MINUTES, SO WE WON'T MISS THE SOFTBALL GAME.  
10 BUT I DO WANT TO ELABORATE A BIT ON SOME OF THE POINTS  
11 THAT MR. BITTENSON HAS MADE.

12 JUST BY WAY OF INTRODUCTION, MY NAME IS  
13 PHYLLIS STANIN. I'M A GEOLOGIST WITH DAVID KEITH TODD  
14 CONSULTING ENGINEERS IN BERKELEY. I'VE BEEN A  
15 PROFESSIONAL GEOLOGIST FOR OVER 12 YEARS, AND I'VE  
16 CONDUCTED GEOLOGIC STUDIES IN SEVEN STATES ACROSS THE  
17 U.S. MY FIRM SPECIALIZES IN GROUNDWATER INVESTIGATIONS,  
18 ANALYSIS, AND MANAGEMENT, AND WE'VE CONDUCTED GROUNDWATER  
19 INVESTIGATIONS FOR A VARIETY OF CLIENTS, INCLUDING THE  
20 UNITED NATIONS, THE SIERRA CLUB, WATER AGENCIES SUCH AS  
21 CALIFORNIA DEPARTMENT OF WATER RESOURCES, AND VARIOUS  
22 COUNTIES AND MUNICIPALITIES, INCLUDING MENDOCINO,  
23 HILLSBURG, AND SANTA BARBARA.

24 I'VE BEEN ASKED BY BFI TO TESTIFY BEFORE  
25 YOU TODAY CONCERNING THESE BASIN PLAN AMENDMENTS. I'D

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1 JUST LIKE TO START BY SAYING THAT, IN MY JUDGMENT, THESE  
2 AMENDMENTS OVERGENERALIZE SITE GEOLOGY, AND THEY TRY TO  
3 MAKE A DISTINCTION BETWEEN THE GEOLOGY AT GRAVEL PITS AND  
4 THE GEOLOGY AWAY FROM GRAVEL PITS WHERE NO REAL GEOLOGIC  
5 DISTINCTION EXISTS.

6 LET ME JUST GO BACK TO TWO DISPLAYS VERY  
7 BRIEFLY. I'LL STEP AWAY FROM THE MIKE. AGAIN, IF WE CAN  
8 JUST LOOK AT THE GEOLOGIC MAP OF CALIFORNIA, AND TO  
9 REITERATE THAT THE LIGHT YELLOW THAT YOU SEE ON THIS MAP,  
10 WHICH COVERS A LARGE PERCENTAGE OF THE STATE, IS MADE UP  
11 OF ALLUVIAL DEPOSITS, INCLUDING SANDS AND GRAVELS.

12 NOW, THESE DEPOSITS ARE OFTEN PERMEABLE  
13 ENOUGH TO STORE AND TRANSMIT GROUNDWATER; AND, THEREFORE,  
14 THEY COMPOSE THE STATE'S MAJOR GROUNDWATER BASINS. THEY  
15 ALSO LIE FLAT USUALLY RELATIVE TO SURROUNDING UPLANDS  
16 AND, THEREFORE, THEY SUPPORT THE STATE'S AGRICULTURAL AND  
17 POPULATION CENTERS: LOS ANGELES ON THE COASTAL PLANE,  
18 BAKERSFIELD, FRESNO, AND SACRAMENTO AND THE CENTRAL  
19 VALLEY AND PARTS OF THE BAY AREA, ESSENTIALLY SAN JOSE,  
20 ARE ALL BUILT ON THESE ALLUVIAL DEPOSITS.

21 NOW, THESE DEPOSITS ORIGINATE FROM A  
22 VARIETY OF GEOLOGIC SETTINGS AND, THEREFORE, THEY VARY  
23 GREATLY IN GRAIN SIZE DISTRIBUTION, EXTENT, AND THEIR  
24 SUITABILITY FOR GRAVEL PIT MINING.

25 IF WE CAN LOOK AGAIN AT THESE ALLUVIAL

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1 SOILS, YOU CAN SEE THAT A SMALL PORTION IN THIS SKETCH  
2 HAS BEEN REMOVED FROM THE GRAVEL PIT, LEAVING THE SAME  
3 GEOLOGIC SETTING AWAY FROM THE GRAVEL PIT. NOW, FLUIDS  
4 THAT EMANATE DOWN FROM A GRAVEL PIT AREA WOULD PERCOLATE  
5 THROUGH THIS ALLUVIUM DOWN TOWARDS THE UNDERLYING  
6 GROUNDWATER. LIKEWISE, FLUIDS EMANATING FROM ANY SOURCE  
7 AWAY FROM THIS PIT WOULD DO EXACTLY THE SAME THING. IN  
8 FACT, THERE'S NO DIFFERENCE GEOLOGICALLY BETWEEN THESE  
9 TWO SCENARIOS EXCEPT FOR THIS ADDED DISTANCE OF UNMINED  
10 GRAVEL IN THIS AREA.

11 BUT, NOW, REMEMBER, THESE ARE GRAVELS;  
12 THEY'RE PERMEABLE. TRAVEL TIMES THROUGH THIS AREA WOULD  
13 BE VERY FAST. AND WHEN YOU ARE TALKING ABOUT LONG-TERM  
14 GROUNDWATER IMPACTS, THIS ISN'T INSIGNIFICANT DEPTH.

15 ONE OF THE THINGS THAT I THINK THAT THE  
16 AMENDMENT TRIES TO DO IN MAKING THIS CATEGORICAL BAN IS  
17 TO TRY TO DISTINGUISH BETWEEN A SITUATION HERE AND A  
18 SITUATION HERE WHERE NO REAL DISTINCTION EXISTS. AND TO  
19 ASSUME IN THE GRAVEL PIT AREA THAT THIS GEOLOGIC SETTING  
20 AND THIS GROUNDWATER CONDITION IS THE SAME EVERYWHERE.  
21 EVERY TIME YOU HAVE A GRAVEL PIT YOU HAVE EXACTLY THE  
22 SAME GEOLOGY OVERSIMPLIFIES THE SITUATION.

23 AND THIS IS WHAT WE BELIEVE THAT THESE  
24 BASIN PLAN AMENDMENTS DO. NATURE IS MUCH MORE  
25 COMPLICATED THAN THAT. WE BELIEVE THAT THE MOST RATIONAL

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1 APPROACH TO SITING A LANDFILL IS TO ACTUALLY LOOK AT THE  
2 GEOLOGIC AND GROUNDWATER CONDITIONS AT THE SITE ON A  
3 SITE-SPECIFIC BASIS.

4 I'LL BE HAPPY TO ANSWER ANY QUESTIONS ABOUT  
5 THAT. IF THERE ARE NONE, I'LL TURN IT OVER THEN TO DR.  
6 BONAPARTE, WHO WILL TALK MORE ABOUT THE PROTECTIVE  
7 SYSTEMS THAT WE HAVE FOR THE ALLUVIAL SOILS. THANK YOU.

8 DR. BONAPARTE: GOOD AFTERNOON, MR. HUFF AND  
9 BOARD MEMBERS. I HAVE FIVE MINUTES, MAYBE SIX, TRY TO  
10 GET OUT FOR THE BALL GAME. MY NAME IS RUDY BONAPARTE.  
11 I'M A PRINCIPAL WITH GEOSYNTEC CONSULTANTS. I HOLD A  
12 PH.D. IN CIVIL ENGINEERING FROM UC BERKELEY, AND I'M A  
13 REGISTERED CIVIL ENGINEER IN THE STATE. DURING MY CAREER  
14 I'VE BEEN INVOLVED IN THE DESIGN, CONSTRUCTION, OR  
15 CLOSURE OF MORE THAN 20 LANDFILLS. FOR THE LAST FIVE  
16 YEARS, I'VE BEEN CONSULTANT TO THE U.S. EPA ON  
17 REGULATIONS AND TECHNICAL GUIDANCE FOR LANDFILL LINER  
18 SYSTEMS. DURING THAT TIME I'VE BEEN THE AUTHOR OF A  
19 NUMBER OF PUBLISHED EPA REPORTS AS WELL AS A NUMBER OF  
20 PAPERS AND TECHNICAL JOURNALS.

21 MR. BITTENSON HAS SUMMARIZED WELL OUR  
22 POSITION THAT CLASS III LANDFILLS CAN BE SAFELY  
23 CONSTRUCTED, OPERATED, AND CLOSED IN SAND AND GRAVEL  
24 MINING PITS. I'D LIKE TO BRIEFLY DISCUSS SOME OF THE  
25 TECHNICAL UNDERPINNINGS FOR OUR POSITION.

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1 AS SHOWN ON THIS DRAWING, A MODERN LANDFILL  
2 CAN USE A VARIETY OF COMPONENTS TO PROVIDE ENVIRONMENTAL  
3 PROTECTION. EPA TERMS THE USE OF THESE COMPONENTS THE  
4 SYSTEMS APPROACH. THERE ARE TWO PRIMARY GOALS WITH THE  
5 SYSTEMS APPROACH. THE FIRST GOAL IS TO CONTAIN AND  
6 SAFELY REMOVE ANY LEACHATE OR GAS WITHIN THE LANDFILL.

7 THIS GOAL IS ACCOMPLISHED WITH A LINER AND  
8 LEACHATE COLLECTION SYSTEM BENEATH THE LANDFILL AND A GAS  
9 COLLECTION SYSTEM WITHIN THE LANDFILL. LEACHATE IS  
10 GENERATED PRIMARILY DURING THE LANDFILL ACTIVE LIFE  
11 BEFORE FINAL CLOSURE, AND IT RESULTS FROM RAINWATER THAT  
12 INFILTRATES THE WASTE AND TRICKLES TO THE BOTTOM OF THE  
13 LANDFILL.

14 AT THE BOTTOM THE LEACHATE FLOWS INTO A  
15 LEACHATE COLLECTION SYSTEM WHICH IS SLOPED TO THE LOW  
16 POINT OF THE LANDFILL TO THE BOTTOM, WHICH WE CALL THE  
17 SUMP AREA. AT THE SUMP LEACHATE CAN BE PUMPED OUT FOR  
18 SAFE REMOVAL AND TREATMENT AT A TREATMENT PLANT.

19 THE ENTIRE BOTTOM OF THE LANDFILL BELOW THE  
20 LEACHATE COLLECTION LAYER IS UNDERLAIN BY A LINER SYSTEM,  
21 WHICH IS DESIGNED TO CONTAIN THE LEACHATE.

22 IN SUMMARY, THE FIRST GOAL OF THE EPA  
23 APPROACH IS LEACHATE CONTAINMENT, COLLECTION, AND  
24 REMOVAL. THE SECOND GOAL IS PREVENTING IN THE LONG-TERM  
25 LEACHATE GENERATION, AS MR. BITTENSON TALKED ABOUT. WE

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1 WANT TO KEEP THE LANDFILL DRY. THE POTENTIAL FOR  
2 LEACHATE GENERATION IN THE LONG TERM IS MINIMIZED BY THE  
3 USE OF A FINAL COVER, WHICH IS SHOWN HERE.

4 FINAL COVERS CAN VIRTUALLY ELIMINATE THE  
5 POTENTIAL FOR RAINWATER INFILTRATION INTO THE LANDFILL,  
6 LIKE THE ROOF ON A HOUSE OR ON A BUILDING. ALSO, JUST  
7 LIKE A ROOF, A COVER SYSTEM CAN BE INSPECTED AND  
8 MAINTAINED AT ANY TIME IN THE FUTURE. IF EVER NEEDED,  
9 THE COVER SYSTEM COMPONENTS CAN BE REPLACED OR EVEN  
10 UPGRADED.

11 IN SUMMARY, THE EPA SYSTEMS APPROACH IS  
12 DESIGNED TO MINIMIZE LEACHATE GENERATION IN THE LONG TERM  
13 THROUGH THE FINAL COVER AND CONTAIN ANY LEACHATE WITHIN  
14 THE LANDFILL UNTIL IT CAN BE SAFELY REMOVED FOR  
15 TREATMENT.

16 I'D LIKE TO FOCUS NOW ON THE LINER SYSTEM  
17 BENEATH THE LANDFILL BECAUSE THAT'S REALLY AT THE HEART  
18 OF THE ENVIRONMENTAL PROTECTION SYSTEMS. THE MAIN POINT  
19 I'D LIKE TO LEAVE YOU WITH IS THAT A MODERN LINER SYSTEM  
20 CAN BE DESIGNED WITH A SUFFICIENT NUMBER OF ENVIRONMENTAL  
21 CONTROLS TO VIRTUALLY ASSURE NO ADVERSE IMPACT ON  
22 GROUNDWATER.

23 THE LINER SYSTEM THAT'S SHOWN HERE IS ONE  
24 THAT CAN BE CONSIDERED FOR USE AT A CLASS III LANDFILL IN  
25 A SAND AND GRAVEL MINING PIT. THIS HAPPENS TO BE THE

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1 LANDFILL THAT'S BEEN INSTALLED IN ZONE 2 OF THE AZUSA  
2 LANDFILL. THIS IS THE SYSTEM THAT WAS APPROVED BY THE  
3 STATE BOARD.

4 AS YOU CAN SEE, THE TOTAL THICKNESS OF THE  
5 SYSTEM IS MORE THAN 5 FEET. WHEN A DROP OF LEACHATE  
6 LEAVES THE BOTTOM OF THE WASTE MASS, IT ENTERS A LINER  
7 SYSTEM. IT GOES THROUGH BUFFER AND FILTER LAYERS INTO  
8 THE GRAVEL LEACHATE COLLECTION LAYER. IN THE GRAVEL THE  
9 LIQUID FLOWS DOWNSLOPE TO THE SUMP. SO THIS WHOLE SYSTEM  
10 IS SLOPED. GRAVEL IS VERY PERMEABLE TO ALLOW THE FREE  
11 FLOW OF LEACHATE, SO WE DON'T GET A BUILDUP OF HEAD ON  
12 THE UNDERLYING LINER.

13 NOW, BENEATH THE LEACHATE COLLECTION SYSTEM  
14 IS THE LINER. THERE ARE THREE TYPES OF LINERS:  
15 GEOMEMBRANES, CLAYS, OR GEOMEMBRANES AND CLAYS TOGETHER  
16 AND IN CLOSE CONTACT CALLED COMPOSITE LINERS. COMPOSITE  
17 LINER HAS BEEN USED HERE.

18 EPA STUDIES HAVE SHOWN THAT COMPOSITE  
19 LINERS ARE THE BEST TYPE OF LINER BECAUSE THEY COMBINE  
20 BEST ATTRIBUTES OF BOTH THE CLAY AND THE GEOMEMBRANE.  
21 THESE STUDIES HAVE ALSO SHOWN THAT COMPOSITE LINERS ARE  
22 ON THE ORDER OF 100 TO 1,000 TIMES MORE EFFECTIVE THAN  
23 CLAY ALONE IN CONTAINING LEACHATE. THAT'S A HUNDRED TO A  
24 THOUSAND TIMES MORE EFFECTIVE THAN THE PROSCRIPTIVE CLASS  
25 III LINER SYSTEM IN CHAPTER 15.

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1 IN MY OPINION, A COMPOSITE LINER, SUCH AS  
2 THIS, SHOULD BE REQUIRED FOR A LANDFILL IN A SAND AND  
3 GRAVEL MINING PIT. THE COMPOSITE LINER AND GRAVEL  
4 TOGETHER FORM A COMPLETE LINER SYSTEM. THAT'S A COMPLETE  
5 LINER SYSTEM RIGHT THERE. HOWEVER, FOR ADDITIONAL  
6 PROTECTION, WE CAN INSTALL A SECONDARY SYSTEM BENEATH THE  
7 PRIMARY SYSTEM. THE SECONDARY SYSTEM CAN BE CONSIDERED  
8 AS A BACKUP OR REDUNDANT LINER SYSTEM.

9 THE SECONDARY SYSTEM, ALTHOUGH IT LOOKS A  
10 LITTLE BIT DIFFERENT HERE, IT FUNCTIONALLY IS IDENTICAL  
11 TO THE PRIMARY SYSTEM. IT INCLUDES A DRAINAGE LAYER, IN  
12 THIS CASE SYNTHETIC MATERIAL THAT'S AS PERMEABLE AS THE  
13 GRAVEL -- THAT'S THIS LIGHT GRAY MATERIAL HERE -- AND  
14 THEN A COMPOSITE LINER. IN THIS CASE A GEOMEMBRANE  
15 RESTING DIRECTLY ON A SILT SUBGRADE.

16 HERE, THEN, IS A MODERN DOUBLE LINER SYSTEM  
17 MORE THAN 5 FEET THICK WITH A VERY, VERY HIGH LIQUID  
18 CONTAINMENT CAPABILITY AND ABLE TO RAPIDLY CONVEY  
19 LEACHATE TO THE SUMP AREA. AN EVEN HIGHER LEVEL OF  
20 ENVIRONMENTAL PROTECTION CAN BE DESIGNED INTO THE SUMPS,  
21 THE ONLY LOCATION AT WHICH A SMALL SUSTAINED HEAD OF  
22 LEACHATE WOULD BE EXPECTED BECAUSE, AFTER ALL, IT'S THE  
23 LOW POINT IN THE LANDFILL, SO EVERYTHING IS GOING TO  
24 DRAIN DOWN TO THE SUMP.

25 THE SUMP SHOWN IN THIS DRAWING PROVIDES A

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1 GOOD ILLUSTRATION OF THE TYPE OF ENHANCED SYSTEM THAT CAN  
2 BE USED. IF YOU WERE LOOKING AT A SCALE MODEL OF THE  
3 SUMP IN ZONE 2 OF AZUSA, THE ACTUAL MODEL IS MORE THAN  
4 12.5 FEET HIGH, SO IT'S ABOUT TWICE AS HIGH AS WHAT WE'RE  
5 LOOKING AT HERE.

6 THE SUMP IN THIS FIGURE INCLUDES A 3-FOOT  
7 THICKNESS OF CLAY AND FOUR HIGH DENSITY POLYETHYLENE  
8 GEOMEMBRANES, TWO MORE THAN USED IN THE REST OF THE LINER  
9 SYSTEM. THE SUMP LINER SYSTEM CLEARLY INCORPORATES A  
10 VERY HIGH LEVEL OF DESIGN REDUNDANCY AND WILL PROVIDE A  
11 VERY HIGH LEVEL OF LEACHATE CONTAINMENT BOTH NOW AND IN  
12 THE LONG TERM.

13 I WILL CONCLUDE BY SAYING THAT EPA HAS  
14 TAKEN A LONG LOOK AT THIS SYSTEMS APPROACH TO GROUNDWATER  
15 QUALITY PROTECTION. THEIR VIEW WAS SUMMARIZED DON CLAY,  
16 ASSISTANT ADMINISTRATOR OF EPA, IN A RECENT 1991  
17 MEMORANDUM.

18 IN THE MEMORANDUM EPA SAID, "IT HAS BEEN  
19 ARGUED THAT ALL LINERS WILL EVENTUALLY LEAK; AND,  
20 THEREFORE, USE OF LINERS SIMPLY DELAYS GROUNDWATER  
21 CONTAMINATION. THIS IS INCORRECT. LINERS AND FINAL  
22 COVERS WORK AS AN INTEGRATED SYSTEM TO PREVENT  
23 GROUNDWATER CONTAMINATION."

24 THIS QUOTE APTLY SUMMARIZES THE SYSTEMS  
25 APPROACH THAT I'VE TRIED TO DESCRIBE THIS AFTERNOON. IN

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1 CLOSING, BASED ON MY EXTENSIVE EXPERIENCE IN LANDFILL  
2 RESEARCH, DESIGN, CONSTRUCTION, AND CLOSURE, I BELIEVE  
3 THAT THE BEST APPROACH TO GROUNDWATER QUALITY PROTECTION  
4 IS THROUGH THE USE OF A SYSTEMS APPROACH WITH  
5 SITE-SPECIFIC DESIGNS THAT MEET STRINGENT PERFORMANCE  
6 STANDARDS ESTABLISHED BY THE APPROPRIATE REGULATORY  
7 AGENCIES.

8 THESE SITE-SPECIFIC DESIGNS FOR SAND AND  
9 GRAVEL MINING PITS SHOULD INCLUDE DOUBLE LINERS, SUCH AS  
10 WE'VE SEEN HERE, AND OTHER ENGINEERED PROTECTIVE  
11 FEATURES. THE SITE-SPECIFIC PERFORMANCE-BASED APPROACH  
12 I'M ADVOCATING IS MORE SCIENTIFICALLY SOUND THAN AN  
13 ARBITRARY CATEGORICAL BAN AND IT CAN BE SUCCESSFULLY  
14 APPLIED TO CLASS III LANDFILLS IN SAND AND GRAVEL MINING  
15 PITS.

16 THANK YOU. I'D BE HAPPY TO ANSWER ANY  
17 QUESTIONS. AND IF NOT, I'LL TURN IT BACK TO MR.  
18 BITTENSON.

19 CHAIRMAN HUFF: ANY QUESTIONS? NONE.

20 MR. BITTENSON: I'LL MAKE IT REAL QUICK. AT THE  
21 OPENING OF OUR PRESENTATION, WE ASKED THAT THE BOARD  
22 ADOPT POLICY OPPOSING THE CATEGORICAL BANNING OF  
23 LANDFILLS AND ENCOURAGE SITE-SPECIFIC SCIENTIFIC  
24 EVALUATIONS TO DETERMINE THE SUITABILITY OF A LANDFILL  
25 PROJECT. WE URGE THIS COMMITTEE TO HOLD A HEARING AND

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1 VOTE ON THE ISSUE AT THE COMMITTEE'S NEXT MEETING  
2 REGARDING ADOPTING A POLICY THAT WOULD OPPOSE A  
3 CATEGORICAL BAN OF LANDFILLS IN ANY PARTICULAR AREA ON  
4 ANY BASIS OTHER THAN SITE-SPECIFIC SCIENTIFIC EVALUATION.

5 WE THANK YOU. AND IF THERE ARE ANY  
6 QUESTIONS.

7 CHAIRMAN HUFF: ANY QUESTIONS? THANK YOU.  
8 THANK YOU FOR YOUR PRESENTATION.

9 IS THERE ANYONE ELSE TO SPEAK ON ITEM 16?  
10 THERE BEING NO ONE, THIS WAS A DISCUSSION ITEM, SO IT WAS  
11 NOT NOTICED IN A WAY THAT WE CAN TAKE ACTION TODAY.

12 WE WILL MOVE TO ITEM 18. MR. MICHAEL, WHO  
13 WISHED TO SPEAK ON ITEM 18, HAS ALREADY LEFT. HE  
14 INDICATED THAT HE HAD TO LEAVE. THERE'S NOT MUCH TO SAY  
15 ON ITEM 18 AT THIS TIME. I HAVE A REQUEST FROM DENISE.  
16 YOU WANT TO SPEAK ALSO, DON'T YOU? THAT'S ALL I HAVE,  
17 TOO.

18 BUT LET ME SAY THIS: ITEM 18 OR AT LEAST  
19 THE SUBJECT OF ITEM 18 WILL BE HEARD FOR ACTION AT OUR  
20 NEXT COMMITTEE MEETING, I HOPE. THIS WAS PUT ON THE  
21 AGENDA AS DISCUSSION AND CONSIDERATION. WE'RE NOT READY  
22 TO RESOLVE THIS.

23 THERE MAY BE A RESOLUTION THAT IS POSSIBLE,  
24 AND I THINK THAT WE'LL HAVE STAFF MAKE PRESENTATIONS NEXT  
25 MONTH WITH REGARD TO HOW TO IMPLEMENT MR. CORTESE'S

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1 LEGISLATION. AND THE REAL QUESTION IS HOW IS IT THAT THE  
2 BOARD SHOULD KNOW WHAT MATTERS ARE IN THE RECORD WITH  
3 REGARD TO SUBSTANTIALLY IMPAIRING OR PREVENTING  
4 ACHIEVEMENT OF GOALS. AND I THINK THAT I KNOW OF A WAY.  
5 SO THAT BEING THE CASE, UNLESS, DENISE, YOU STILL WISH TO  
6 TALK TO US.

7 MS. DELMATIER: WE'VE SAID WHAT WE NEED TO SAY  
8 BOTH WRITTEN AND VERBAL COMMENT, SO WE CAN PASS ON THAT  
9 ONE.

10 CHAIRMAN HUFF: OKAY. IS THERE ANY OTHER --  
11 LET'S SEE. 19, DISCUSSION AND CONSIDERATION OF ISSUES  
12 RELATED TO BOARD CONFORMANCE FINDINGS FOR SOLID WASTE  
13 FACILITIES AFTER ADOPTION. THAT'S THE POSTGAP ARGUMENT  
14 ABOUT A SIMILAR ISSUE, AND WE AREN'T GOING TO DO THAT  
15 TODAY EITHER. BUT THAT WILL BE ON NEXT MONTH'S AGENDA  
16 JUST FOR GOOD MEASURE.

17 OPEN DISCUSSION. ANYONE WANT TO HAVE ANY  
18 OPEN DISCUSSION?

19 MOTION TO ADJOURN?

20 BOARD MEMBER RELIS: MOVE TO ADJOURN.

21  
22 (END OF PROCEEDINGS AT 5:15 P.M.)  
23  
24  
25

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## Reporter's Certificate

\* \* \* \* \*

I, Beth C. Drain hereby certify:

that on the 13th of  
May 1992, I did report in  
shorthand the testimony and proceedings of the  
foregoing hearing;

that at the conclusion of the above entitled  
matter, I did transcribe my shorthand notes into  
typewriting;

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

Beth C. Drain

Certified Shorthand Reporter

Certificate No. 7152

