

COPY
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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
REGULAR MONTHLY BOARD MEETING)
MAY 28, 1992)

DATE AND TIME: THURSDAY, MAY 28, 1992, 9 A.M.

PLACE: IRVINE CITY COUNCIL CHAMBERS
ONE CIVIC CENTER PLAZA
IRVINE, CALIFORNIA

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APPEARANCES

MR. MICHAEL FROST, CHAIRMAN
MR. WESLEY CHESBRO
MR. SAM EGIGIAN
MR. JESSE HUFF
MS. KATHY NEAL
MR. PAUL RELIS

STAFF PRESENT

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

ADVISORS PRESENT

BOBBI LUNGREN
AL LIPSON
ROB SAROYAN
MARTHA VALDES
HOWARD LEVENSON



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1 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

2 THURSDAY, MAY 28, 1992

3 9 A.M.

4
5 (ROLL CALL, EX PARTE COMMUNICATIONS, AND
6 PRESENTATION BY LOCAL OFFICIALS WERE HEARD BUT NOT
7 REPORTED NOR HEREIN TRANSCRIBED. THE FOLLOWING ITEMS
8 WERE HEARD AS FOLLOWS:)

9
10 CHAIRMAN FROST: NOW, ITEM 2 IS CONSIDERATION OF
11 CONSENT AGENDA ITEMS. I'D LIKE TO READ OFF THE CONSENT
12 ITEMS. I'LL READ THEM A COUPLE OF TIMES. FIRST OF ALL,
13 JUST THE REGULAR CONSENT: ITEMS 7, 8, 11, 12, 13, 14,
14 15, 16, 19 AND 26. THAT'S ITEM 7, 8, 11, 12, 13, 14, 15,
15 16, 19 AND 26. SO IT'S 7, 8, 11 THROUGH 16, 19, AND 26.

16 ITEM 4, CONTRACTS AND INTERAGENCY
17 AGREEMENTS, AND ITEM 20, STATE LEGISLATION, HAVE SEVERAL
18 COMPONENTS THAT ARE PART OF THE CONSENT CALENDAR. THE
19 REMAINDER WILL BE TAKEN UP AND VOTED ON INDIVIDUALLY.

20 BUT BEFORE I CALL FOR A MOTION ON THE
21 CONSENT CALENDAR, ARE THERE ANY MEMBERS OF THE BOARD OR
22 THE PUBLIC WHO WISH TO REQUEST ANY ADDITIONAL ITEMS BE
23 REMOVED FROM CONSENT?

24 BOARD MEMBER CHESBRO: ARE YOU SAYING YOU'RE
25 TAKING UP THE SUBCOMPONENTS OF 4 AND CONTRACTS AND



1 LEGISLATION IN THIS MOTION?

2 CHAIRMAN FROST: WELL, THAT'S CORRECT, YES.
3 THIS MOTION -- IF YOU WANT TO REMOVE SUB-ITEMS OF ITEM 4
4 OR 20, THIS WOULD BE THE TIME TO DO IT.

5 AND MR. HUFF.

6 BOARD MEMBER HUFF: MR. CHAIRMAN, WITH REGARD TO
7 ITEM 4, I WOULD REQUEST THAT ITEMS B, I, AND J BE REMOVED
8 FROM THE CONSENT.

9 CHAIRMAN FROST: OKAY. SO UNDER ITEM 4, ITEMS
10 B, I, AND J ARE REMOVED FROM THE CONSENT CALENDAR AND
11 WILL BE CONSIDERED SEPARATELY.

12 ANY OTHER ITEMS UNDER ITEM 4 OR 20 OR ANY
13 OTHER ITEMS THAT WISH TO BE REMOVED FROM THE CONSENT
14 CALENDAR?

15 BOARD MEMBER NEAL: I THINK I HAD ONE QUESTION.
16 UNDER THE INTERAGENCY AGREEMENTS, MARKET DEVELOPMENT ZONE
17 ASSISTANCE, JUST ONE QUICK QUESTION. I DON'T KNOW IF WE
18 NEED TO REMOVE IT OR I'D LIKE TO JUST --

19 CHAIRMAN FROST: WHICH ITEM IS THAT?

20 BOARD MEMBER NEAL: INTERAGENCY AGREEMENTS, ITEM
21 4.

22 CHAIRMAN FROST: ITEM 4? YOU JUST WANT TO
23 PULL -- WHICH ONE IS IT?

24 BOARD MEMBER NEAL: LETTER O.

25 CHAIRMAN FROST: LETTER O. YOU JUST WANT TO



1 PULL THAT?

2 BOARD MEMBER NEAL: I JUST WANT TO ASK A QUICK
3 QUESTION. PROBABLY -- I GUESS IT'S DON DOING THE
4 INTERAGENCY AGREEMENT ON MARKET DEVELOPMENT ZONE
5 ASSISTANCE. WHO ARE WE DOING THAT WITH?

6 MR. WALLACE: MR. MEYERS. I BELIEVE HE CAN
7 ANSWER THE QUESTION RELATIVE TO INTERAGENCY AGREEMENTS.

8 MR. MEYERS: MARKET DEVELOPMENT ZONE ASSISTANCE
9 ISN'T READY TO BE PRESENTED TODAY ANYWAY. WE COULDN'T
10 GET APPROVAL FROM THE ADVISORS ON THAT.

11 BOARD MEMBER NEAL: SO IT'S BEEN PULLED OFF THE
12 INTERAGENCY AGREEMENTS?

13 MR. MEYERS: YES. WE'RE NOT READY TO DISCUSS
14 THAT.

15 BOARD MEMBER CHESBRO: WE WERE ABOUT TO TAKE IT
16 AS PART OF THE CONSENT ITEM.

17 BOARD MEMBER NEAL: RIGHT.

18 BOARD MEMBER CHESBRO: THAT'S AN IMPORTANT
19 POINT.

20 BOARD MEMBER NEAL: IS THERE ANYTHING ELSE
21 THAT'S BEEN PULLED?

22 MR. MEYERS: I DON'T THINK THERE WERE ANY
23 INTERAGENCY AGREEMENTS THAT WERE PULLED. THE INTERAGENCY
24 AGREEMENTS WERE NOT ON THE CONSENT AGENDA.

25 ATTORNEY CONHEIM: MR. CHAIRMAN. IT'S NOT ON



1 THE CONSENT AGENDA, MR. CHAIRMAN, AS I READ THIS CONSENT
2 AGENDA. IS IT?

3 CHAIRMAN FROST: IT'S NOT A CONSENT ITEM.

4 ATTORNEY CONHEIM: IT'S NOT LISTED ON THE
5 CONSENT AGENDA.

6 BOARD MEMBER CHESBRO: WELL, THE INTERAGENCY
7 AGREEMENTS ARE THERE.

8 BOARD MEMBER HUFF: BUT THEY ARE NOT ON CONSENT
9 AGENDA.

10 BOARD MEMBER CHESBRO: ONLY THE CONTRACTS.

11 BOARD MEMBER HUFF: THE CONSENT AGENDA STOPS AT
12 ITEM K WITH REGARD TO ITEM 4.

13 BOARD MEMBER NEAL: OKAY.

14 CHAIRMAN FROST: CONSENT AGENDA ITEM 4 WAS A
15 THROUGH K, TO WHICH MR. HUFF HAS PULLED OFF B, I, AND J.
16 THE OTHERS ARE NOT ON CONSENT.

17 NOW, ARE ANY OF THE -- DO ANY OF THE BILLS
18 NEED TO BE PULLED OFF OF CONSENT? COULD WE PULL THIS
19 OTHER -- LET'S VOTE ON ALL THE ITEMS EXCEPT ITEM 20.

20 BOARD MEMBER NEAL: THAT WAS NOT ON CONSENT.

21 BOARD MEMBER CHESBRO: SO YOU'RE SAYING THE ONES
22 THAT ARE LISTED --

23 CHAIRMAN FROST: I SAID THE OTHERS ARE NOT ON
24 CONSENT. ALL RIGHT. SO NOW, WE CAN VOTE ON THE CONSENT
25 AGENDA.



1 SOMEBODY MAKE A MOTION.

2 BOARD MEMBER HUFF: SO MOVE.

3 BOARD MEMBER CHESBRO: SECOND.

4 CHAIRMAN FROST: MOVED AND SECONDED.

5 CALL THE ROLL.

6 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: EGIGIAN?

9 BOARD MEMBER EGIGIAN: AYE.

10 BOARD SECRETARY: HUFF?

11 BOARD MEMBER HUFF: AYE.

12 BOARD SECRETARY: NEAL?

13 BOARD MEMBER NEAL: AYE.

14 BOARD SECRETARY: RELIS?

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN FROST?

17 CHAIRMAN FROST: AYE.

18 OKAY. NOW, MR. HUFF, DO YOU --

19 BOARD MEMBER HUFF: YEAH, I HAVE A MOTION TO
20 MAKE.

21 CHAIRMAN FROST: OKAY.

22 BOARD MEMBER HUFF: WITH REGARD TO ITEM 4, SUB
23 ITEMS B, I, AND J, I WOULD MOVE THAT WE CONSIDER THESE --
24 CONSIDER MATTERS PERTAINING TO THOSE ITEMS IN EXECUTIVE
25 SESSION. I HAVE A MEMO FROM CHIEF COUNSEL OF THE BOARD



1 AND READING FROM THAT MEMO:

2 "A POINT HAS BEEN REACHED WHEREIN THE
3 OPINION OF BOARD LEGAL COUNSEL, BASED ON EXISTING FACTS
4 AND CIRCUMSTANCES, THERE IS SIGNIFICANT EXPOSURE TO
5 LITIGATION AGAINST THE BOARD REGARDING THE POSSIBLE
6 CONTRACT PROTESTS INCLUDED, BUT NOT LIMITED TO, THE THREE
7 THAT I PULLED OFF OF CONSENT, B, I, AND J, WASTE
8 MANAGEMENT PROGRAM AND TECHNICAL ANALYSIS, RIGID PLASTIC
9 PACKAGING CONTAINERS, AND WASTE MANAGEMENT FINANCING
10 ANALYSIS."

11 SO IN CONSIDERATION OF THAT, I WOULD MOVE
12 THAT WE, AT THE DISCRETION OF THE CHAIR, MOVE OURSELVES
13 INTO EXECUTIVE SESSION AT THE APPROPRIATE TIME.

14 ATTORNEY CONHEIM: MR. CHAIRMAN.

15 CHAIRMAN FROST: MR. CONHEIM.

16 ATTORNEY CONHEIM: THE PURPOSE OF THE CLOSED
17 SESSION, THEN, IS FOR BOARD LEGAL COUNSEL TO ADVISE YOU
18 ON MATTERS RELATED TO THESE ITEMS INSOFAR AS OUR ADVICE
19 WILL BE RELATED TO THE POTENTIAL LITIGATION.

20 THE CONSIDERATION OF THE ITEMS, IF
21 APPROPRIATE, AFTER THE CLOSED SESSION WILL BE THE SUBJECT
22 OF A REGULARLY NOTICED AGENDA AND PUBLIC DISCUSSION.

23 BOARD MEMBER HUFF: I WAS ATTEMPTING TO SAY
24 THAT.

25 CHAIRMAN FROST: NOW?



1 BOARD MEMBER HUFF: ANYTIME?

2 BOARD MEMBER RELIS: SECOND.

3 BOARD MEMBER HUFF: I LEFT IT TO THE DISCRETION
4 OF THE CHAIR.

5 CHAIRMAN FROST: I WILL ASSERT THAT WE WILL NOW
6 RECESS INTO EXECUTIVE SESSION TO CONSIDER THOSE ITEMS.

7 (THE BOARD THEN RECESSED TO EXECUTIVE
8 SESSION.)

9 CHAIRMAN FROST: NOW, IN THE INTEREST OF TRYING
10 TO GIVE YOU SOME INDICATION OF WHERE WE ARE SCHEDULEWISE,
11 I THINK WHAT WE WILL DO, AS THERE ARE STILL TWO ITEMS ON
12 THE CONTRACTS ON ITEM 4 THAT WERE NOT -- WERE NEVER ON
13 CONSENT, WERE NOT PULLED FROM CONSENT, WE NEED TO HEAR
14 THOSE.

15 WE ALSO HAVE COMMITTEE REPORTS, AND WE'LL
16 TRY TO DO THAT, BREAK, COME BACK AND HEAR THE CONTESTED
17 ITEMS, THE ITEMS THAT WERE PULLED FROM CONSENT AT 2
18 O'CLOCK. SO WE WILL NOT TRY TO HEAR THOSE ITEMS THAT ARE
19 CONTESTED THIS MORNING. WE'LL HEAR THEM AT 2 O'CLOCK.
20 BUT WE WILL TRY TO GET THROUGH SOME MORE OF THE AGENDA
21 BEFORE WE BREAK.

22 WHAT I'D LIKE TO DO FIRST IS ASK THE BOARD
23 MEMBERS, JUST IN THE INTEREST OF TIME. RATHER THAN GOING
24 AROUND AND CALLING ON EVERYBODY FOR THEIR COMMITTEE
25 REPORTS, IS THERE ANYONE WHO HAS SOMETHING THEY WANT TO



1 .GET ON THE RECORD IN TERMS OF THEIR COMMITTEE REPORT?

2 MR. HUFF.

3 BOARD MEMBER HUFF: YES. AND I WILL BE BRIEF.

4 FIRST OF ALL, I DID WANT THE PUBLIC AND THE
5 BOARD MEMBERS TO KNOW THAT THE ISSUE WHICH WE HAVE
6 DISCUSSED IN THE PAST OF PREVENTION OR SUBSTANTIALLY
7 IMPAIRMENT -- SUBSTANTIAL IMPAIRMENT OF AB 939 GOALS AS
8 IT RELATES TO PERMITS IS BEING WORKED ON.

9 BOARD MEMBERS NEAL AND RELIS AND I MET WITH
10 ASSEMBLYMAN CORTESE, WHO'S THE AUTHOR OF THIS
11 LEGISLATION, TWO WEEKS AGO. WE'VE HAD SOME DISCUSSIONS.
12 WE WILL HAVE THE ITEM IN OUR JUNE COMMITTEE MEETING, AND
13 IT WILL EVENTUALLY GET TO THE BOARD. SO THAT IS
14 PROCEEDING, AND I JUST WANTED TO NOTE THAT.

15 IN ADDITION, WE'RE MOVING ON DEVELOPMENT OF
16 COMPOST REGULATIONS, WHICH IS VERY IMPORTANT. FOR
17 INSTANCE, I WANTED EVERYONE TO UNDERSTAND THE VOLUME OF
18 PERMITS AND LEA CERTIFICATION PACKAGES WHICH WILL BE
19 HEADED OUR WAY IN THE NEXT TWO MONTHS. WE HAVE
20 APPROXIMATELY 15 PERMIT APPLICATIONS THAT WILL NEED TO BE
21 ACTED UPON BY THIS BOARD BEFORE OUR JULY 30TH BOARD
22 MEETING, INCLUDING SOME FAIRLY CONTROVERSIAL FACILITIES.

23 IN ADDITION, AUGUST IS THE DEADLINE FOR OUR
24 LEA CERTIFICATIONS. WE CAN EXPECT 50 TO 55 LEA
25 CERTIFICATION PACKAGES BEFORE THE BOARD FOR ACTION IN



1 JULY AND A SIGNIFICANT NUMBER AGAIN IN AUGUST.

2 FINALLY, I WOULD LIKE TO JUST MENTION THAT
3 ON THIS DAY, MAY 28TH, 1892, JOHN MUIR GATHERED SOME
4 PEOPLE TOGETHER IN SAN FRANCISCO TO ORGANIZE THE SIERRA
5 CLUB, AND I WOULD LIKE TO COMMEMORATE THAT OCCURRENCE.

6 CHAIRMAN FROST: THANK YOU. OKAY. ANYONE ELSE?
7 MR. EGIGIAN.

8 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, IN THE
9 INTEREST OF TIME, I'LL CUT THIS SHORT. BUT ON JUNE THE
10 3RD, THE POLICY RESEARCH AND TECHNICAL ASSISTANCE
11 COMMITTEE WILL HOLD A WORKSHOP TO DISCUSS THE CRITERIA
12 THAT SHOULD BE USED TO DETERMINE THE FACILITIES -- WHAT
13 FACILITIES SHOULD BE REQUIRED AS HAVING SOLID WASTE
14 FACILITIES PERMIT.

15 THIS WORKSHOP WILL DISCUSS STAFF PROPOSALS
16 WHICH SEEK TO CLARIFY WHICH -- AND DEFINE WHETHER A
17 FACILITY IS ENGAGED IN RECYCLING OR WASTE HANDLING. WE
18 ALSO PLAN TO CONSIDER WHAT ACTION THE BOARD SHOULD TAKE
19 IN RESPONSE TO A LEGISLATIVELY MANDATED STUDY ABOUT
20 HOUSEHOLD MATTERS.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN, ON THE
22 QUESTION OF PERMITTING FOR RECYCLING FACILITIES, WHERE
23 WAS THE DETERMINATION TO PUT IT AT THE POLICY COMMITTEE
24 AS OPPOSED TO THE PERMITTING COMMITTEE? SEEMS LIKE IT
25 WOULD BE PRIMARILY A PERMIT-RELATED ITEM.



1 BOARD MEMBER HUFF: MR. CHESBRO, WILL YOU
2 SPECIFY FOR ME THE DIFFERENCES IN MEMBERSHIP OF THOSE TWO
3 COMMITTEES?

4 BOARD MEMBER CHESBRO: IT'S A QUESTION OF THE
5 PURPOSE OF THE COMMITTEE, YOU KNOW. I MEAN -- AND THE
6 FACT THAT --

7 BOARD MEMBER HUFF: SAME PEOPLE.

8 BOARD MEMBER CHESBRO: GENERAL COMMITTEE
9 ASSIGNMENTS ALSO COME THROUGH THE ADMINISTRATION
10 COMMITTEE. WHEN IT'S A TOPIC OF ANY SIGNIFICANCE, I
11 THINK THERE SHOULD BE SOME DISCUSSION ABOUT WHERE IT'S
12 PLACED, SO I'M JUST RAISING THE QUESTION.

13 BOARD MEMBER EGIGIAN: MR. CHESBRO, THE POLICY
14 COMMITTEE DID SOME WORK ON THIS ABOUT A YEAR AGO. AND
15 IT'S BEEN DEVELOPING, AND NOW IT'S COME TO A POINT
16 WHERE -- AND I DON'T KNOW WHO PUT IT IN OUR COMMITTEE.
17 I'M NOT IN THE AREAS THAT SENT THESE TO DIFFERENT
18 COMMITTEES. SO WE JUST TAKE IT AND RUN WITH IT.

19 BOARD MEMBER HUFF: THEY'RE DISTINCTIONS, NOT
20 DIFFERENCES.

21 BOARD MEMBER CHESBRO: I BEG TO DIFFER. YOU
22 HAVE SPOKEN SEVERAL TIMES AS A DEFENDER OF THE PROCESS ON
23 THE BOARD --

24 BOARD MEMBER HUFF: PROCESS HAS NO BETTER FRIEND
25 THAN ME.



1 BOARD MEMBER CHESBRO: -- ON MAJOR POLICY
2 SUBJECT MATTERS. WE DO HAVE A PROCESS FOR DETERMINING
3 WHICH COMMITTEE THINGS ARE GOING TO GO TO, AND THIS IS
4 THE FIRST I'VE HEARD THAT THERE'S A DISCUSSION GOING ON
5 ON THE TOPIC AT THE POLICY COMMITTEE.

6 BOARD MEMBER EGIGIAN: DID YOU HAVE AN OBJECTION
7 TO POLICY COMMITTEE HEARINGS?

8 BOARD MEMBER CHESBRO: I THINK THE
9 ADMINISTRATION COMMITTEE SHOULD HAVE HAD A DISCUSSION
10 ABOUT WHERE IT BELONGS.

11 BOARD MEMBER EGIGIAN: WELL, I WON'T CARRY THIS
12 ANY FURTHER. IN THE INTEREST OF TIME, I'LL STOP RIGHT
13 WHERE I AM. THANK YOU.

14 CHAIRMAN FROST: MR. RELIS?

15 BOARD MEMBER RELIS: BRIEF REPORT. THE PLANNING
16 COMMITTEE IS TAKING UP THE EMERGENCY REGULATIONS FOR USED
17 OIL RECYCLING. AND STAFF WILL REVIEW THE OVERALL PROGRAM
18 SCHEDULE FOR REGULATIONS, AND ISSUES REGARDING
19 DEFINITIONS CAME UP IN THAT MEETING.

20 WE ALSO HEARD THE STAFF PROPOSAL, A VERY
21 ELABORATE DETAILED STAFF PROPOSAL ON SHIFTING FROM
22 DIVERSION-BASED TO DISPOSAL-BASED COUNTING SYSTEM FOR
23 AB 939 IMPLEMENTATION, CREATING MORE INCENTIVES FOR
24 COOPERATIVE REGIONAL APPROACHES.

25 THE THINKING OF THE PLANNING COMMITTEE WAS



1 THEN EXPRESSED AS A -- THE SENSE OF THE COMMITTEE TO THE
2 LEGISLATIVE COMMITTEE, THAT THIS WAS AN APPROPRIATE
3 DIRECTION TO GO. AND THAT IT MEANS DIVERSION-BASED -- OR
4 DISPOSAL-BASED AND MORE ATTENTION TO REGIONAL.

5 WE ASKED THE STAFF TO SEND THE PROPOSAL
6 THAT WAS PREPARED TO PUBLIC FOR COMMENT, AND THAT, I
7 BELIEVE, IS NOW OUT IN CIRCULATION. AND MANY OF YOU IN
8 THE AUDIENCE WILL PROBABLY BE GETTING COPIES. AT THE
9 JUNE 16TH PLANNING COMMITTEE WE'LL RECEIVE PUBLIC
10 COMMENTS AND RESPONSES TO THAT REPORT.

11 CHAIRMAN FROST: ANY OTHER?

12 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I HAVE
13 SEVERAL. JUST IN REGARDS TO THE ADMINISTRATION COMMITTEE
14 REPORT, LET ME SAY THE POINT PREVIOUSLY RAISED, AMONG
15 OTHER CONCERNS, THE FACT THAT COMMITTEES HAVE SPECIFIC
16 DIVISIONAL OVERSIGHT RESPONSIBILITY. AND THE QUESTION
17 OF, OBVIOUSLY, A PERMIT ISSUE NEEDS TO BE DEALT WITH BY
18 THE PERMIT STAFF.

19 AND SO, YOU KNOW, CONSEQUENTLY THERE'S
20 CONSIDERATION ABOUT WHICH COMMITTEE AN ITEM OUGHT TO BE
21 ASSIGNED TO FROM THAT STANDPOINT. I'M NOT REACHING A
22 CONCLUSION ABOUT WHERE A TOPIC SHOULD BE BROUGHT UP. I'M
23 JUST RAISING A QUESTION ABOUT WHETHER THERE WAS ANY
24 DISCUSSION ABOUT THAT. OKAY.

25 THE -- MAYBE THE ONLY POINT -- I'M GOING TO



1 DROP THE REPORT IN INTEREST OF TIME, BUT WE DID HAVE A
2 DISCUSSION AT THE ADMINISTRATION COMMITTEE, AND I HAD A
3 REPORT FROM THE EXECUTIVE STAFF ON THE PROPOSAL TO MOVE
4 TO PLANNING AND LOCAL ASSISTANCE DIVISION OF THE BOARD TO
5 NEW QUARTERS OFF-SITE.

6 IT WAS NOT ON THE AGENDA SINCE NO ACTION
7 WAS TAKEN BY THE COMMITTEE OTHER THAN GENERAL DISCUSSION
8 AND SUGGESTIONS FROM COMMITTEE MEMBERS. HAVING HAD A
9 LITTLE MORE TIME TO THINK ABOUT IT, TALK TO STAFF, AND
10 ALSO TALKED TO FELLOW BOARD MEMBERS, I WILL BE PLACING
11 THIS ITEM ON THE ADMINISTRATION COMMITTEE AGENDA FOR JUNE
12 8TH, AND THEN, PRESUMABLY, THE BOARD WILL HAVE AN
13 OPPORTUNITY TO DISCUSS IT AT THE JUNE BOARD MEETING.

14 THE FOCUS OF THE DISCUSSION WILL BE ON THE
15 POLICY IMPLICATIONS AND THE BOARD AND COMMITTEE IMPACTS
16 IN DECIDING WHICH DIVISION SHOULD MOVE. IT'S MY FEELING,
17 AND I THINK IT'S SHARED BY THE OTHERS, THAT OTHER
18 CONSIDERATIONS WERE USED IN MAKING THE INITIAL
19 DETERMINATION AND THAT THE BOARD'S NEEDS, AS WELL AS THE
20 POLICY IMPLICATIONS, NEED TO BE CONSIDERED.

21 I HAVE SOME OTHER QUESTIONS I'D LIKE STAFF
22 TO RESPOND TO AT THAT TIME, BUT I'LL GIVE THEM TO THEM
23 DIRECTLY RATHER THAN TAKE UP THE TIME HERE.

24 THE MARKET DEVELOPMENT COMMITTEE,
25 INFORMATIONAL ITEM, THE COMMITTEE IS HOLDING A WORKSHOP



1 ON BOND FINANCING FOR MARKET DEVELOPMENT ON JUNE 9TH AT
2 10 A.M. AT THE AIR RESOURCES BOARD AT 21ST AND L STREET
3 IN SACRAMENTO.

4 IN ADDITION WE WILL -- I WANT TO JUST
5 MENTION IN RELATION TO ITEM 27, WHICH IS THE MARKET
6 DEVELOPMENT STRATEGY, THAT IS NOT ON THE AGENDA, BUT
7 COMING FORWARD TO THE BOARD NEXT MONTH, RELATED TO THAT
8 WILL BE A FAST TRACK IMPLEMENTATION PROGRAM AND PROPOSAL
9 TO GET SOME OF THE ACTIVITIES GOING UNDER THAT STRATEGY,
10 AND WE'LL BE DISCUSSING THAT MORE WHEN ITEM 27 COMES UP.

11 THANK YOU.

12 CHAIRMAN FROST: OKAY. THANK YOU.

13 MS. NEAL.

14 BOARD MEMBER NEAL: YES. ONE QUICK ANNOUNCEMENT
15 FROM THE LEGISLATIVE AND PUBLIC AFFAIRS COMMITTEE. AND
16 THAT'S THE FIRST OF OUR TWO EDUCATION WORKSHOPS WILL BE
17 CONDUCTED NEXT MONDAY AND TUESDAY AT UCLA. THESE ARE THE
18 WORKSHOPS THAT WE ARE CONDUCTING TO LOOK AT STATEWIDE
19 CURRICULUM ISSUES.

20 CHAIRMAN FROST: THANK YOU. OKAY. NOW, WE'RE
21 GOING TO JUMP AROUND A LITTLE BIT. TAKE UP, NOW, ITEM 27
22 OUT OF ORDER. AND THAT IS DISCUSSION AND CONSIDERATION
23 OF THE BOARD'S PROPOSED MARKET DEVELOPMENT STRATEGY.
24 STAFF HAS REQUESTED THIS BE TAKEN UP THIS MORNING.

25 TIM DUNN WILL MAKE THE STAFF PRESENTATION.



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1 MR. DUNN: THANK YOU, COMMITTEE MEMBERS. I
2 APPRECIATE THE OPPORTUNITY TO COME OUT OF ORDER. MY
3 DAUGHTER ALSO APPRECIATES IT. I HAVE AN AWARDS
4 PRESENTATION TO ATTEND IN HER HONOR LATER ON TODAY.

5 I THINK I COULD SPEAK LOUD ENOUGH FOR THE
6 AUDIENCE. MY NAME IS TIM DUNN. I WORK WITH THE PLANNING
7 AND ASSISTANCE DIVISION, PARTICULARLY INVOLVED WITH THE
8 MARKET DEVELOPMENT BRANCH.

9 OUR DIVISION IS RESPONSIBLE TO ASSIST IN
10 LOCAL ASSISTANCE, WASTE GENERATION ANALYSIS, MARKET
11 DEVELOPMENT, AND DIVERSION ASSISTANCE. AS PART OF THE --
12 WHAT WE DO, WE ARE FOCUSING OUR EFFORTS TO ASSIST THE
13 BOARD AND OTHER STAFF TO DEVELOP A PROPOSED MARKET
14 DEVELOPMENT STRATEGY.

15 ATTACHMENT A IN THE AGENDA ITEM IS THAT
16 STRATEGY. I APOLOGIZE TO THE AUDIENCE FOR NOT HAVING THE
17 AGENDA ITEM AVAILABLE PRIOR TO THE MEETING; HOWEVER,
18 THERE SHOULD BE SOME FOR YOUR PERUSAL AT THE TOP OF THE
19 STAIRS, AND I'VE MADE THESE OVERHEADS FOR YOUR
20 CONVENIENCE.

21 MY OPENING REMARKS, I SHOULD POINT OUT, IS
22 THAT THE BOARD AND THE BOARD STAFF WANT TO ENSURE THAT WE
23 ENCOURAGE PROFITABLE, SUSTAINABLE RECYCLING. AND THAT
24 INCLUDES NOT ONLY COLLECTION, PROCESSING, REUSE, AND
25 PURCHASING OF RECYCLED GOODS.



1 ALSO, WE'RE LOOKING FOR A LONG-TERM
2 SUCCESS, AND THIS IS WHAT THIS STRATEGY IS TRYING TO
3 PROPOSE, LONG-TERM SUCCESS THAT WILL PRODUCE REWARDS
4 ACCORDING TO OUR STATUTORY HIERARCHY. AND LAST, BUT NOT
5 LEAST, THIS STRATEGY WILL BE ASSISTED BY THE FAST TRACK
6 STRATEGY WHICH BOARD MEMBER CHESBRO INFERRED TO. THAT
7 STRATEGY WILL BE COMING ON FOR REVIEW NEXT MONTH.

8 SO TO PUT IT BLUNTLY, THIS IS THE MISSION
9 STATEMENT THAT HAS BEEN SUGGESTED BY STAFF, AND WE
10 ENCOURAGE THE BOARD MEMBERS TO PROVIDE ANY SUGGESTIONS,
11 ALTERATIONS, OR COMMENTS IN THIS AREA.

12 BOARD MEMBER CHESBRO: BOARD MEMBERS HAVE ANY
13 COMMENTS ON THE MISSION STATEMENT FOR THE MARKET
14 DEVELOPMENT AT THIS TIME?

15 BOARD MEMBER EGIGIAN: I'D LIKE TO -- I'VE BEEN
16 READING THIS THING, AND I DON'T SEE THE PROFIT FACTOR IN
17 HERE FOR ANYTHING THAT THE PLAN MIGHT DEVELOP. I AM
18 REFERRING TO, AS I TALKED TO MANY PEOPLE RECENTLY THAT
19 ARE RECYCLING, AND THEY'RE SELLING AT NEGATIVE PRICES ON
20 THE MARKETPLACE. CANNOT WE INCLUDE IN THIS PLAN
21 SOMETHING THAT HAS TO DO WITH THE ECONOMICS OF BEING
22 PROFITABLE?

23 DO ALL THE PLANS THAT WE WORK ON HAVE TO BE
24 SUPPORTED BY THE GOVERNMENT OR -- AND I'M JUST ASKING
25 THESE QUESTIONS BECAUSE I'M NOT SURE HOW THEY FALL INTO



1 THIS PLAN.

2 MR. DUNN: BOARD MEMBER EGIGIAN, THE INTENT OF
3 THE STRATEGY IS NOT TO ENCOURAGE GOVERNMENT SUPPORT OF
4 THE RECYCLING BUSINESSES TO MAKE THEM SELF-SUSTAINING.
5 WE WANT TO USE THIS STRATEGY TO PRIME THE PUMP TO DO
6 REGULAR TRADITIONAL MARKET DEVELOPMENT ACTIVITIES WHICH
7 HAVE BEEN THE NORMAL COURSE OF EVENTS FOR GOVERNMENT
8 AGENCIES IN CALIFORNIA AND THE UNITED STATES FOR MANY,
9 MANY YEARS.

10 AGREED, SELF-SUSTAINING RECYCLING DEPENDS
11 ON ARE YOU GOING TO MAKE A PROFIT. AND I AGREE
12 COMPLETELY THAT SELF-SUSTAINING RECYCLING WILL DEPEND ON
13 PROFITABLE RECYCLING BUSINESSES.

14 SOME OF THESE BUSINESSES ARE BEING
15 ENCOURAGED BY THE BOARD'S ACTIVITIES. I HAVE TWO
16 EXAMPLES OF THIS. ONE IS THE DESHAWA FACILITY IN
17 STOCKTON HAS BEEN PROPOSED TO BE CONVERTED FROM A
18 CHIPBOARD FACILITY TO A NEWSPAPER NEWSPRINT, RECYCLED
19 NEWSPRINT FACILITY.

20 ANOTHER EXAMPLE IS I HAD RECENT DISCUSSIONS
21 WITH A RETREAD FACILITY OPERATOR FROM EUROPE, WHO IS
22 INTERESTED NOW, BECAUSE OF THE BOARD'S EFFORTS, TO
23 POSSIBLY SITING A FACILITY IN CALIFORNIA TO PRODUCE
24 RETREADS. THESE ACTIVITIES ARE FOR PROFIT. THESE
25 ACTIVITIES ARE A DIRECT RESULT OF THE STAFF AND THE



1 BOARD'S ACTIONS IN MARKET DEVELOPMENT.

2 BOARD MEMBER EGIGIAN: LIKE I SAY, I'M CONCERNED
3 IN THAT AREA. I'M VERY OPTIMISTIC ABOUT WHAT IS
4 HAPPENING IN THE RECYCLING AREA AND EVEN IN THE MARKETING
5 AREA, ALTHOUGH SOME OF THE EXAMPLES GIVEN TO ME ARE
6 LOCAL -- SMALL LOCAL MARKET SITUATIONS THAT I PERSONALLY
7 CANNOT GET TOO EXCITED ABOUT.

8 I REALLY -- AND IF THERE WAS PROFIT BUILT
9 INTO IT, YOU ARE NOT GOING TO HAVE TO GO OUT AND COMB THE
10 WOODS TO GET PEOPLE TO GET INVOLVED IN IT. SO I WOULD
11 LIKE TO SEE MORE OF THAT IN THE MARKETING PLAN.

12 BOARD MEMBER NEAL: IN REVIEWING THIS STRATEGY,
13 I THINK IT'S GOOD AS FAR AS IT GOES, BUT WE CERTAINLY
14 WANT TO ENCOURAGE BROADER USE OF SECONDARY MATERIALS AND
15 EXISTING APPLICATIONS. I WOULD LIKE TO SEE US BE A
16 LITTLE MORE AGGRESSIVE. I THINK WE NEED TO LOOK A LITTLE
17 MORE TO THE FUTURE AND ALSO INCLUDE SOME ATTENTION TO THE
18 IMPORTANT ROLE THAT RESEARCH AND DEVELOPMENT ACTIVITIES
19 PLAY IN MARKET DEVELOPMENT.

20 AND LIKE I SAY, I READ THROUGH A COUPLE OF
21 TIMES AND DIDN'T REALLY SEE IN THE STRATEGY ANY
22 INDICATION THAT RESEARCH AND DEVELOPMENT OUGHT TO ALSO BE
23 A PART OF OUR MARKET DEVELOPMENT STRATEGY.

24 I DON'T KNOW IF IT WAS DISCUSSED AT ALL AT
25 THE COMMITTEE. IF THERE WAS A REASON WHY IT DIDN'T GO



1 THAT FAR.

2 MR. DUNN: THE REASON RESEARCH AND DEVELOPMENT
3 WAS NOT EXPLICITLY INCLUDED IN THE STRATEGY IS BECAUSE WE
4 WANTED TO FOCUS THE STRATEGY ON MARKETING AND NOT TO --
5 JUST TO DO THAT, TO FOCUS.

6 RESEARCH AND DEVELOPMENT WOULD COME UNDER
7 THE BUSINESS DEVELOPMENT PRIORITIES LATER ON DESCRIBED IN
8 THE STRATEGY SPECIFICALLY TO HELP MAINTAIN AND STABILIZE
9 CALIFORNIA BUSINESSES AND ENCOURAGE EXISTING INDUSTRIES
10 TO SUBSTITUTE SECONDARY MATERIALS AND IN THE RECRUITMENT
11 OF NEW BUSINESSES.

12 ALL OF THIS WILL BE ENCOURAGED BY RESEARCH
13 AND DEVELOPMENT; HOWEVER, THIS STRATEGY IS FOCUSED ON
14 MARKETING. AND FOR BREVITY, WE DIDN'T INCLUDE A LOT OF
15 EXTRA VERBIAGE. WE WOULD BE MORE THAN HAPPY TO INCLUDE
16 REFERENCES TO RESEARCH AND DEVELOPMENT.

17 BOARD MEMBER NEAL: WELL, YEAH, I WOULDN'T
18 CONSIDER FOCUS ON RESEARCH AND DEVELOPMENT EXTRA
19 VERBIAGE. I WOULD CONSIDER IT BEING EVEN MORE
20 AGGRESSIVE.

21 CHAIRMAN FROST: MR. RELIS.

22 BOARD MEMBER RELIS: TIM, WERE YOU GOING TO GO
23 THROUGH THE WHOLE --

24 MR. DUNN: YES, I WAS. I WAS GOING TO TAKE
25 COMMENTS ON THE MISSION STATEMENT FIRST AND THEN GO



1 THROUGH THE OTHER GOALS THAT ARE EXPRESSED IN THE
2 STRATEGY. I'LL DO THAT NOW.

3 THERE'S A VARIETY OF GOALS, AND THESE ARE
4 THE FIRST PART OF THOSE GOALS. THE FIRST GOAL IS TO
5 ENCOURAGE PROMOTION WHICH WILL ESTABLISH THE BOARD AS A
6 CHAMPION OF SECONDARY MATERIALS IN THE DEVELOPMENT OF
7 RECYCLED MARKETS.

8 AGAIN, THIS WOULD BE A PLACE WHERE A
9 REFERENCE TO RESEARCH AND DEVELOPMENT WOULD BE
10 APPROPRIATE. TO PROMOTE NEW RESEARCH AND DEVELOPMENT IN
11 THE RECYCLING TECHNOLOGY. THE BOARD AND CALIFORNIA HAVE
12 THE CHANCE TO BE INVOLVED WITH A NEW TECHNOLOGY, TO BE
13 EXPORTERS OF RECYCLING TECHNOLOGY.

14 WE HAVE THIS CHANCE, AND I'M SURE THAT
15 EVERYONE AT THE BOARD WANTS TO ENCOURAGE THAT BECAUSE
16 THAT'S A, QUOTE, HIGH TECH BUSINESS THAT WE COULD USE TO
17 EXPORT AND TO ENCOURAGE BUSINESS DEVELOPMENT IN
18 CALIFORNIA.

19 THE BUSINESS DEVELOPMENT PRIORITIES ARE
20 VERY IMPORTANT, THE ONES WE HAVE LISTED. BUT EQUALLY
21 IMPORTANT, WE, THE STAFF, WOULD LIKE TO HAVE THE BOARD
22 CONSIDER THESE PRIORITIES IN THIS ORDER.

23 FIRST, TO MAINTAIN AND STABILIZE EXISTING
24 CALIFORNIA BUSINESSES WHICH USE SECONDARY MATERIALS AND
25 CURRENT MARKETS FOR SECONDARY MATERIALS. THERE ARE



1 LITERALLY HUNDREDS OF BUSINESSES IN CALIFORNIA WHICH ARE
2 ON THEIR FINGERNAILS OR BY THE SKIN OF THEIR TEETH
3 EXISTING AS RECYCLING BUSINESSES. AND AS WAS DESCRIBED
4 AT THE COMMITTEE MEETING, THIS IS SORT OF A TRIAGE FOR
5 HOW TO HELP BUSINESSES.

6 AND THE FIRST ONES THE STAFF SUGGESTED TO
7 HELP ARE THE ONES THAT ARE CURRENTLY IN BUSINESS IN
8 CALIFORNIA, RECYCLING PRODUCTS, PUTTING PRODUCTS TO
9 MARKET, AND MAKING SURE THAT THOSE COMPANIES STAY AND
10 FLOURISH.

11 NEXT, TO GO TO EXISTING BUSINESSES, AGAIN
12 IN CALIFORNIA, THAT HAVE THE OPPORTUNITY TO USE SECONDARY
13 MATERIALS. THERE IS A LARGE CAPACITY FOR MANUFACTURING
14 IN CALIFORNIA. THAT EXCESS CAPACITY COULD BE DIVERTED TO
15 SECONDARY MATERIALS. ALSO, WE COULD USE STRAIGHT PRODUCT
16 SUBSTITUTIONS.

17 AND THIRD, BUT NOT LEAST, IS TO ENCOURAGE
18 AND RECRUIT NEW DEVELOPMENT, NEW MANUFACTURING BUSINESSES
19 IN CALIFORNIA. THIS IS NOT ONLY BRINGING NEW BUSINESSES
20 FROM OTHER STATES AND OTHER COUNTRIES, AS IN THE EXAMPLE
21 OF DESHAWA COMING INTO STOCKTON, BUT ALSO TO ENCOURAGE
22 THE BUSINESSES THAT ARE IN CALIFORNIA TO GROW AND
23 DEVELOP.

24 I'LL WAIT FOR -- IF YOU WOULD LIKE ME TO
25 PROCEED ON WITH THE OTHER GOALS, I WILL.



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1 BOARD MEMBER CHESBRO: PLEASE DO.

2 MR. DUNN: TO CONTINUE, THE BOARD WILL BE
3 INVOLVED WITH ASSISTANCE. INITIALLY WE'RE NOW WORKING TO
4 A GREAT EXTENT WITH THE LOCAL GOVERNMENTS IN THEIR
5 PLANNING EFFORT RIGHT NOW IN THE DIVISION. THESE PLANS
6 WILL HELP THE LOCAL GOVERNMENTS MEET THE DIVERSION
7 REQUIREMENTS THROUGH MARKET INFORMATION, PROGRAM
8 IMPLEMENTATION STRATEGIES, WHICH ARE NOT ONLY RESEARCH
9 AND DEVELOPMENT, BUT OTHER MARKETING STRATEGIES, PERMITS,
10 ENFORCEMENT ASSISTANCE, HELP CORRECT -- GO THROUGH
11 CORRECTIVE ACTION, CLOSURE. ALMOST ALL THE PROGRAMS IN
12 THE BOARD HAS OUR ASSISTANCE TO LOCAL GOVERNMENTS IN ONE
13 WAY OR ANOTHER. AND THIS IS ONE OF THE MAJOR GOALS OF
14 THE BOARD'S MARKET STRATEGY.

15 NEXT, PROCUREMENT. IF YOU DON'T BUY IT,
16 HOW CAN YOU BE A LEADER? AND THIS IS ONE OF THE THINGS
17 THAT THE STAFF FEELS THE BOARD CAN HELP FACILITATE STATE
18 PROCUREMENT OF RECYCLED PRODUCTS IN A VERY STRONG WAY IN
19 CONSULTATION WITH THE DEPARTMENT OF GENERAL SERVICES AND
20 OTHER AGENCIES THROUGHOUT THE STATE.

21 MINIMUM CONTENT, ANOTHER STRATEGY THAT HAS
22 WORKED EFFECTIVELY AND HOPEFULLY WILL CONTINUE TO WORK
23 JUST AS EFFECTIVELY IN THE FUTURE. THIS STRATEGY ALSO
24 INCLUDES MAKING ALLOWANCES OR MAKING DIFFERENTIAL
25 ADJUSTMENTS FOR VIRGIN MATERIALS AND INCLUDES LABELING TO



1 MAKE SURE THE CONSUMER UNDERSTANDS WHAT THEY'RE BUYING.

2 COMPOST. THE STAFF WANTED TO PUT COMPOST
3 AS A MAJOR MARKETING GOAL BECAUSE OF THE FACT THAT
4 COMPOST OR COMPOST-TYPE MATERIALS, MATERIALS WHICH COULD
5 PRODUCE COMPOST, ARE SUCH A LARGE PART OF THE
6 WASTESTREAM. FOR THAT REASON, COMPOST WAS IDENTIFIED AS
7 A SEPARATE MARKET STRATEGY GOAL.

8 AND LAST, BUT NOT LEAST, INFORMATION. AND
9 INFORMATION IS WHAT THE BOARD STAFF IS CURRENTLY, I WOULD
10 SAY, AT THE PEAK RIGHT NOW. WE ARE GATHERING TREMENDOUS
11 AMOUNTS OF INFORMATION. WE WANT TO MAKE THAT AVAILABLE
12 TO OUR CLIENTS. OUR CLIENTS BEING NOT ONLY THE BOARD AND
13 THE BOARD MEMBERS AND THEIR STAFF, BUT THE CITIES AND
14 COUNTIES AND THE GENERAL PUBLIC. AND TO MAKE THAT
15 INFORMATION AVAILABLE.

16 BE HAPPY TO TAKE ANY COMMENTS OR
17 SUGGESTIONS.

18 CHAIRMAN FROST: MR. CHESBRO AND THEN MR. RELIS.

19 BOARD MEMBER CHESBRO: THE COMMITTEE HAD
20 INTENDED FOR THE BOARD TO ADOPT THIS TODAY, BUT I HAVE
21 SEVERAL SUGGESTIONS THAT HAVE BEEN MADE BY BOARD MEMBERS
22 HERE AND CERTAINLY THE RESEARCH AND DEVELOPMENT IS ONE
23 THAT, I THINK, IS INTENDED HERE, BUT IT'S NOT EXPLICIT.
24 WE'D LIKE TO BE EXPLICIT.

25 ALSO, I THINK MR. EGIGIAN'S COMMENT ON



1 PROFITABILITY, THE INTENT OF STIMULATING DEMAND AND
2 ENCOURAGING INDUSTRIAL DEVELOPMENT IS TO MAKE IT
3 PROFITABLE AND TO GENERATE REVENUE TO PAY FOR COSTS OF
4 THE PROGRAM, WHETHER IT'S PRIVATE SECTOR OR LOCAL
5 GOVERNMENT. BUT I THINK THE POINT THAT IT COULD BE MADE
6 EXPLICIT IS WELL TAKEN.

7 I WOULD BROADEN IT A LITTLE BIT TO SAY
8 PROFITABILITY AND REVENUE TO PAY FOR PROGRAMS, SO IT'S
9 BOTH THE GOVERNMENT AND NOT THE PROFIT SECTOR AND THE
10 PROFIT SIDE, THAT IT'S CLEAR WHAT WE'RE TALKING ABOUT IS
11 TRYING TO RAISE PRICES AND GENERATE DOLLARS TO REWARD
12 PEOPLE FOR PULLING WASTE OUT OF THE WASTESTREAM. AND I
13 THINK THAT BOTH OF THOSE PROBABLY COULD BE INCORPORATED
14 IN ALONG WITH ANY OTHER SUGGESTIONS THAT BOARD MEMBERS
15 MAY MAKE.

16 WE COULD ADOPT THIS IN PRINCIPLE AND ASK
17 FOR THE AMENDMENTS THAT THE BOARD AGREES TO AND HAVE IT
18 BROUGHT BACK TO US.

19 THE REASON I THINK IT'S IMPORTANT TO ADOPT
20 IN PRINCIPLE IS THAT THE STAFF IS WORKING NOW ON THIS
21 FAST TRACK ACTIVITY, AND I THINK THEY REALLY NEED THE
22 BOARD'S BLESSING IN TERMS OF ADOPTING A CONCEPTUAL
23 FRAMEWORK SO THAT THEY'RE NOT OPERATING STRICTLY UNDER
24 THE COMMITTEE'S DIRECTION, BUT HAVE THE BLESSING OF THE
25 WHOLE BOARD. I THINK WE COULD DO THAT AND STILL



1 INCORPORATE THE SUGGESTIONS THAT BOARD MEMBERS HAVE MADE
2 TODAY.

3 CHAIRMAN FROST: MR. RELIS.

4 BOARD MEMBER RELIS: YES. I'D ECHO WHAT MR.
5 CHESBRO SAYS. I THINK WE SHOULD ADOPT THIS IN PRINCIPLE
6 AND MAKE THE ADDITIONS THAT HAVE BEEN SUGGESTED. THE
7 MARKET FUNCTION IS, AS EVERYONE KNOWS, CRITICAL TO THIS
8 BOARD'S ACHIEVING AB 939 AND THE STATE ACHIEVING 939
9 MANDATES.

10 AND I WOULD JUST FURTHER ADD, ON THE
11 QUESTION OF ESTABLISHING OUR VALUE OR WHAT I WOULD --
12 WHAT HAS BEEN REFERRED TO AS THE PROFIT SIDE HERE, I
13 THINK IT'S IMPORTANT TO LOOK AT IT, NOT SO MUCH PERHAPS
14 FROM THAT WORD, BUT FROM THE VALUE THAT WE EXTRACT FROM
15 THE MATERIALS, THAT WE SHOULD TAKE A VALUE-ADDED APPROACH
16 AND MAXIMIZE THE REVENUES THAT CAN BE ACHIEVED TO OFFSET
17 THE COST OF THE PROGRAMS.

18 WE'RE NOT LIKELY TO PRODUCE PROFIT
19 SELF-SUSTAINABLE RECYCLING COLLECTION SIMPLY ON THE VALUE
20 OF THE MATERIAL. AND I THINK WE WOULDN'T WANT TO CREATE
21 ANY MISUNDERSTANDING THERE, BUT WHAT WE'RE AFTER IS
22 MAXIMIZING THE VALUE TO USE AS AN OFFSET AGAINST THOSE
23 COSTS TO BRING DOWN THE COST OF COLLECTION AND
24 PROCESSING.

25 AND IF WE CAN INCORPORATE THAT, I THINK WE



1 SHOULD. AND THAT WE ARE SEEKING PROFITABLE BUSINESSES
2 LOCATING IN THE STATE THAT ARE CALLED MANUFACTURING
3 BUSINESSES.

4 BOARD MEMBER CHESBRO: I THINK THE ONE PIECE
5 THAT I WOULD SAY IS MISSING FROM WHAT YOU JUST SAID, I
6 AGREE WITH EVERYTHING YOU SAID. PERHAPS IT'S THE WORD
7 "INCENTIVE." BUT IT'S FINANCIAL INCENTIVE IF PEOPLE
8 TO -- YOU KNOW, WHETHER OR NOT, YOU KNOW, IN ALL CASES
9 AND ALL STEPS OF THE PROCESS, WE CAN GUARANTEE OR ASSURE
10 PROFITABILITY, I THINK, IS THE QUESTION YOU'RE ASKING.
11 AND I THINK BY FOCUSING IN ON THE IDEA THAT BY RAISING
12 THE VALUE OF THE MATERIAL, YOU'D BE CREATING GREATER
13 FINANCIAL INCENTIVES FOR PEOPLE IN BOTH THE PUBLIC AND
14 PRIVATE SECTOR.

15 BOARD MEMBER EGIGIAN: I BELIEVE THAT'S VERY
16 VALUABLE. HOWEVER, UP TO NOW THE HOUSEHOLDER IS PAYING
17 FOR THIS. OKAY. YOU READ IN THE PAPER IN ORANGE COUNTY
18 EVERY DAY OF ANOTHER CITY THAT'S ASKING TO PAY ANOTHER
19 TWO AND HALF DOLLARS TO HAVE THEIR MATERIALS PICKED UP.
20 AND PEOPLE ARE STARTING TO REBEL BECAUSE THEY USED TO PAY
21 THREE AND \$4 TO HAVE THE TRASH PICKED UP. IT'S 12 AND 18
22 AND \$20, SO WE'VE GOT TO GET AWAY FROM THE PEOPLE -- THE
23 HOUSEHOLDER IS PAYING.

24 BOARD MEMBER CHESBRO: WHATEVER YOU CALL THEM, I
25 THINK WE'RE IN AGREEMENT THAT RAISING THE VALUE OF THE



1 MATERIALS IS AN ESSENTIAL COMPONENT AND THAT THAT SHOULD
2 BE INCORPORATED AS PART OF THE STATEMENT.

3 BOARD MEMBER RELIS: ONE FURTHER PART. THIS IS
4 JUST SIMPLY -- THIS IS THE BEGINNING OF OUR MARKET
5 DEVELOPMENT AND SHOULD NOT BE LOOKED AT AS ANYTHING BUT A
6 PRELIMINARY GENERAL STATEMENT OF THE INTENT TO BE --
7 AFTER ALL, WE ARE GOING TO BE LOOKING AT DIVERTING
8 THROUGH RECYCLING, YOU KNOW, MAYBE 15 MILLION TONS OF
9 ADDITIONAL MATERIAL. SO, OBVIOUSLY, BE AN ENORMOUS
10 AMOUNT OF ARTICULATION SUBSEQUENT TO THIS GENERAL
11 STATEMENT. SO IT'S SIMPLY TO GET STARTED.

12 CHAIRMAN FROST: OKAY. ANY FURTHER COMMENTS? I
13 I TAKE IT WE WILL JUST PUT THIS ITEM OVER.

14 BOARD MEMBER CHESBRO: I'D LIKE TO MAKE A MOTION
15 ACTUALLY, AND THAT WOULD BE TO RECOMMEND THAT THE BOARD
16 APPROVE THE STRATEGY IN PRINCIPLE WITH AMENDMENTS TO BE
17 BROUGHT BACK, INCORPORATING BOTH THE QUESTION OF RAISING
18 VALUE IN ORDER TO CREATE FINANCIAL INCENTIVES FOR
19 DIVERSION AND THE QUESTION OF RESEARCH AND DEVELOPMENT,
20 THAT THOSE BE ADDRESSED IN THE LANGUAGE, AND THAT WE
21 DIRECT STAFF TO CONTINUE TO WORK WITH THE MARKETING
22 DEVELOPMENT COMMITTEE ON THE CALIFORNIA MARKET
23 DEVELOPMENT PLAN.

24 BOARD MEMBER RELIS: SECOND.

25 BOARD MEMBER HUFF: THAT WOULD BE, THEN, WHAT



1 WE'D ADD AS A BOARD ITEM AGENDA?

2 BOARD MEMBER CHESBRO: YES. THE AMENDMENTS
3 WOULD BE WHAT WE'D BE CONTINUING TO NEXT TIME.

4 CHAIRMAN FROST: ALL RIGHT. IT'S BEEN MOVED AND
5 SECONDED. CALL THE ROLL, PLEASE.

6 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: EGIGIAN?

9 BOARD MEMBER EGIGIAN: AYE.

10 BOARD SECRETARY: HUFF?

11 BOARD MEMBER HUFF: AYE.

12 BOARD SECRETARY: NEAL?

13 BOARD MEMBER NEAL: AYE.

14 BOARD SECRETARY: RELIS?

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN FROST?

17 CHAIRMAN FROST: AYE.

18 NOW, MR. EGIGIAN, I THINK THE REASON
19 THAT -- I THINK I'VE DISCOVERED WHY LANDFILL RATES ARE SO
20 HIGH IN ORANGE COUNTY BECAUSE THEIR LANDFILL IS IN SAN
21 JUAN CAPISTRANO. EXPENSIVE TERRITORY.

22 BOARD MEMBER CHESBRO: MAY I SAY, BEFORE WE
23 LEAVE THE MARKET DEVELOPMENT STRATEGY, THAT THE -- I
24 THINK PAUL MENTIONED THIS. BUT THERE'S A LOT OF
25 SPECIFICS THAT AREN'T IN HERE, AND THOSE ARE GOING TO BE



1 FLUSHED OUT IN THE ACTION PLAN ACTIVITIES THAT THE
2 STAFF'S ENGAGING IN, SO THIS IS THE UMBRELLA. WE'RE
3 GOING TO BE PROCEEDING WITH THE SPECIFICS AS WE GO.

4 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, THAT ONLY
5 INDICATES THAT PEOPLE THAT ARE WELL EDUCATED ON LANDFILLS
6 KNOW THAT IT DOESN'T HURT THEIR LAND VALUES AND --

7 CHAIRMAN FROST: OBVIOUSLY. OKAY. NOW --

8 BOARD MEMBER HUFF: THEY'RE ALL AT THE LANDFILL
9 INSTEAD OF AT THE MISSION.

10 CHAIRMAN FROST: LET'S TALK ABOUT SCHEDULE FOR A
11 SECOND. WHAT I WOULD LIKE TO DO NOW IS BREAK FOR LUNCH,
12 COME BACK AT 1:45, AND GO DIRECTLY TO ITEM 4. TAKE THE
13 TWO NONCONSENT ITEMS AND THEN TAKE THE HOLD ITEMS.

14 (A LUNCH BREAK WAS TAKEN.)

15 CHAIRMAN FROST: OKAY. THE CALIFORNIA
16 INTEGRATED WASTE MANAGEMENT BOARD WILL RETURN TO ORDER.

17 WE'LL MOVE TO ITEM 4. AND I'D LIKE TO CALL
18 ON STAFF TO MAKE THE PRESENTATION ON ANYTHING LEFT ON
19 ITEM 4 THAT WAS NOT ON THE CONSENT OR PULLED OFF OF THE
20 CONSENT, WHICH, AS I UNDERSTAND IT, IS ITEM P.

21 MR. WALLACE: MR. CHAIRMAN, THE STAFF PERSON TO
22 DELIVER THAT ITEM IS NOT PRESENT AT THE MOMENT.

23 CHAIRMAN FROST: OKAY. LET'S GO TO FIVE.

24 BOARD MEMBER HUFF: ARE ALL THE DUCKS LINED UP
25 ON THIS ONE?



1 CHAIRMAN FROST: DOES ANYBODY KNOW THIS ITEM?

2 WELL, FIRST OF ALL, AM I CORRECT, ITEM P IS
3 THE ONLY ITEM LEFT THAT FITS THAT DESCRIPTION?

4 MR. WALLACE: ITEM E, THE BUSINESS AWARDS
5 PROJECT.

6 CHAIRMAN FROST: ALL RIGHT. ANYBODY READY TO
7 PRESENT ITEM E? IS ANYBODY READY TO TAKE UP E?

8 BOARD MEMBER NEAL: I'LL MOVE APPROVAL OF AWARDS
9 BUSINESS -- FOR THE BUSINESS AWARDS PROJECT.

10 BOARD MEMBER RELIS: SECOND.

11 CHAIRMAN FROST: OKAY. THERE'S BEEN A MOTION
12 AND A SECOND. CALL THE ROLL.

13 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

14 BOARD MEMBER CHESBRO: AYE.

15 BOARD SECRETARY: EGIGIAN?

16 BOARD MEMBER EGIGIAN: AYE.

17 BOARD SECRETARY: HUFF?

18 BOARD MEMBER HUFF: AYE.

19 BOARD SECRETARY: NEAL?

20 BOARD MEMBER NEAL: AYE.

21 BOARD SECRETARY: RELIS?

22 BOARD MEMBER RELIS: AYE.

23 BOARD SECRETARY: CHAIRMAN FROST?

24 CHAIRMAN FROST: AYE.

25 NOW, THAT WAS ITEM 4-E. 4-E IS WHAT THAT



1 WAS. NOW, WE NEED TO TAKE UP ITEM 4-P, WHICH WE DON'T
2 HAVE THE STAFF TO DO: IS THAT CORRECT?

3 BOARD MEMBER NEAL: WELL, I THOUGHT NONE OF THE
4 INTERAGENCY STUFF WAS ON CONSENT.

5 BOARD MEMBER HUFF: THEY AREN'T. THE OTHERS
6 AREN'T READY IS WHAT WE HAVE SECONDHAND --

7 BOARD MEMBER NEAL: NONE OF THE OTHERS ARE
8 READY.

9 BOARD MEMBER HUFF: NONE OF THE OTHERS ARE READY
10 EXCEPT P.

11 CHAIRMAN FROST: SO WE DON'T TAKE ACTION ON THE
12 OTHERS AT THIS TIME.

13 BOARD MEMBER NEAL: WE DON'T DO ANYTHING TODAY
14 ON THOSE AT ALL?

15 BOARD MEMBER HUFF: STAFF, ARE YOU COMFORTABLE
16 WITH US MAKING THE MOTION AND GOING AHEAD WITHOUT SOMEONE
17 PRESENTING?

18 MR. WALLACE: YES.

19 BOARD MEMBER HUFF: OKAY. YOU'RE RECOMMENDING
20 APPROVAL?

21 MR. WALLACE: ABSOLUTELY.

22 BOARD MEMBER HUFF: ALL RIGHT.

23 CHAIRMAN FROST: OKAY. IT'S MOVED THAT WE
24 APPROVE ITEM 4-P.

25 BOARD MEMBER NEAL: SECOND.



1 CHAIRMAN FROST: SECONDED. CALL THE ROLL.

2 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: EGIGIAN?

5 BOARD MEMBER EGIGIAN: AYE.

6 BOARD SECRETARY: HUFF?

7 BOARD MEMBER HUFF: AYE.

8 BOARD SECRETARY: NEAL?

9 BOARD MEMBER NEAL: AYE.

10 BOARD SECRETARY: RELIS?

11 BOARD MEMBER RELIS: AYE.

12 BOARD SECRETARY: CHAIRMAN FROST?

13 CHAIRMAN FROST: AYE.

14 NOW, HAVING DONE THAT, WE NEED TO MOVE TO
15 THE ITEMS THAT WERE PULLED FROM CONSENT, ITEMS B, I, AND
16 J.

17 IS THERE A -- MR. HUFF, WOULD YOU LIKE TO
18 ADDRESS ITEM P FIRST?

19 BOARD MEMBER HUFF: WELL, SIMPLY THAT THIS IS A
20 COMPLICATED ITEM, COMPLICATED CONTRACT. IT'S A BIG ONE.
21 AND I HAVE TO SAY THAT, PERSONALLY, AND THIS IS THE
22 REASON I PULLED IT, GIVEN THE SHORT TIME FRAME THAT I'VE
23 HAD TO CONSIDER THIS AND THE NATURE OF THE ITEM, I'M NOT
24 PREPARED TO VOTE ON IT AT THIS TIME.

25 I UNDERSTAND THAT THERE MAY BE SOME PEOPLE



1 HERE WISHING TO TESTIFY. I DON'T KNOW HOW YOU WISH TO
2 PROCEED, MR. CHAIRMAN. I'D BE WILLING TO MAKE A MOTION
3 AT THIS TIME.

4 BOARD MEMBER EGIGIAN: I DON'T THINK THE PEOPLE
5 ARE BACK YET -- OH, YES, THEY ARE.

6 ATTORNEY CONHEIM: MR. CHAIRMAN, IF I MIGHT IN
7 THIS LULL, THIS PAUSE THAT I'VE JUST TRIED TO CREATE,
8 ANNOUNCE THAT WHEN THE BOARD MET IN CLOSED SESSION ON
9 ITEMS B, I, AND J TO RECEIVE LEGAL ADVICE ON -- WITH
10 REGARD TO POTENTIAL BID PROTESTS, AND WE HAVE NOW
11 RECONVENED THIS ITEM, OF COURSE, FOR BOARD DELIBERATIONS
12 AND DISCUSSION AND BOARD DECISION.

13 CHAIRMAN FROST: ALL RIGHT. NOW, THESE ARE
14 THE -- WE WILL GO AHEAD AND HEAR TESTIMONY ON ITEMS B, I,
15 AND J. I DID SAY 2 O'CLOCK. SO MAYBE WE OUGHT TO WAIT A
16 FEW MINUTES AND GO INTO ITEM 5 FIRST, AND WE'LL COME BACK
17 TO THAT ITEM AT 2 O'CLOCK. STILL ABOUT TEN MINUTES TILL
18 TWO.

19 LET'S GO TO ITEM 5, WHICH IS CONSIDERATION
20 OF INTERAGENCY AGREEMENT WITH HUMBOLDT COUNTY FOR THE
21 SALVAGE OF BUILDING MATERIALS FROM EARTHQUAKE DEBRIS.

22 DON DIER WILL MAKE THE PRESENTATION.

23 MR. DIER: MORNING, MR. CHAIRMAN. NOT MUCH OF A
24 PRESENTATION, JUST TO REAFFIRM ACTUALLY WHAT TOOK PLACE
25 AT THE MAY 6TH POLICY COMMITTEE MEETING WHEREIN THE



1 COMMITTEE INSTRUCTED THE EXECUTIVE DIRECTOR TO ENTER INTO
2 AN INTERAGENCY AGREEMENT WITH HUMBOLDT COUNTY TO ASSIST
3 THEM IN CLEANUP AND REUSE OF MATERIALS FROM THE
4 EARTHQUAKE UP THERE IN APRIL.

5 AND THE CONTRACT HAS PROCEEDED. IT'S UP AT
6 HUMBOLDT NOW FOR SIGNATURE, AND WE'RE ESSENTIALLY
7 PRESENTING THIS TO YOU TODAY BECAUSE WE DID NOT HAVE AN
8 OPPORTUNITY TO ADEQUATELY NOTICE THE ITEM AT THE MAY
9 COMMITTEE MEETING. AND WE'RE ASKING FOR YOUR
10 RATIFICATION OF THE COMMITTEE'S ACTION.

11 CHAIRMAN FROST: OKAY. ANY DISCUSSION?
12 QUESTIONS?

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'LL MOVE
14 THE ITEM.

15 BOARD MEMBER RELIS: SECOND.

16 CHAIRMAN FROST: OKAY. IT'S MOVED AND SECONDED.

17 MR. HUFF.

18 BOARD MEMBER HUFF: I JUST WANTED TO SAY THAT I
19 THINK IT WAS I WHO RAISED THE BAGLEY KEENE CONSIDERATION
20 WHEN IT HIT COMMITTEE. AND I WAS CONCERNED THAT WE ADHERE
21 TO THE LETTER OF THE BAGLEY KEENE ACT. I HAD NO PROBLEM
22 WITH THE ITEM. IT'S A GOOD THING TO GO FORWARD.

23 AND SO NOW THAT WE'VE GIVEN APPROPRIATE
24 NOTICE FOR TODAY, I INTEND TO SUPPORT IT. IN FACT, I
25 THINK THAT NOT ONLY SHOULD WE PASS THIS, BUT AN



1 APPROPRIATE PRESS RELEASE, LIBERALLY USING MR. CHESBRO'S
2 NAME ON IT, OUGHT TO BE PREPARED.

3 BOARD MEMBER CHESBRO: I ALREADY DID THAT.

4 BOARD MEMBER HUFF: FOR DISTRIBUTION THROUGHOUT
5 THE SECOND SENATORIAL DISTRICT.

6 CHAIRMAN FROST: FIRST ASSEMBLY DISTRICT.

7 OKAY. WOULD YOU CALL THE ROLL, PLEASE.

8 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

9 BOARD MEMBER CHESBRO: AYE.

10 BOARD SECRETARY: EGIGIAN?

11 BOARD MEMBER EGIGIAN: AYE.

12 BOARD SECRETARY: HUFF?

13 BOARD MEMBER HUFF: AYE.

14 BOARD SECRETARY: NEAL?

15 BOARD MEMBER NEAL: AYE.

16 BOARD SECRETARY: RELIS?

17 BOARD MEMBER RELIS: AYE.

18 BOARD SECRETARY: CHAIRMAN FROST?

19 CHAIRMAN FROST: AYE.

20 BOARD MEMBER CHESBRO: THANK YOU.

21 BOARD MEMBER HUFF: MY PLEASURE. ANY TIME.

22 CHAIRMAN FROST: WELL, LET'S GO TO ITEM 6,
23 CONSIDERATION OF REVISED SOLID WASTE FACILITIES PERMIT
24 FOR STANTON RECYCLING AND TRANSFER STATION, ORANGE
25 COUNTY.



1 ROSSLYN STEVENS, PHIL MORALES OF THE
2 PERMITTING AND COMPLIANCE DIVISION WILL MAKE THE STAFF
3 PRESENTATION.

4 MR. MORALES: MR. CHAIRMAN AND MEMBERS OF THE
5 COMMITTEE -- THE BOARD, I'D LIKE TO -- THIS ITEM IS THE
6 CONSIDERATION OF CONCURRENCE IN A REVISED SOLID WASTE
7 FACILITY PERMIT FOR STANTON RECYCLING AND TRANSFER
8 STATION HERE IN ORANGE COUNTY.

9 ON MARCH 13TH THE PERMITTING COMMITTEE AND
10 ENFORCEMENT COMMITTEE VOTED UNANIMOUSLY IN FAVOR OF
11 CONCURRENCE IN THE ISSUANCE OF THIS REVISED SOLID WASTE
12 FACILITY PERMIT. AND THIS ITEM WAS NOT PLACED ON CONSENT
13 CALENDAR DUE TO ONE OUTSTANDING VIOLATION OF STATE
14 MINIMUM STANDARDS.

15 AT THIS POINT, THIS MORNING; TALKING WITH
16 THE LEA, THE VIOLATIONS HAVE BEEN ADDRESSED AND HAVE BEEN
17 CORRECTED. GIVEN THAT, THE STAFF WILL RECOMMEND
18 CONCURRENCE WITH THE PROPOSED PERMIT.

19 AND AT THIS POINT I WOULD LIKE TO TURN IT
20 OVER TO ROSSLYN STEVENS FOR ANY QUESTIONS AND A BRIEF
21 TECHNICAL OVERVIEW OF THE PROJECT.

22 CHAIRMAN FROST: THANK YOU.

23 MS. STEVENS: I'M ROSSLYN STEVENS. AS PHIL
24 SAID, WE LEARNED THIS MORNING THAT THE FACILITY -- WE
25 HEARD THIS MORNING THAT THE FACILITY IS IN COMPLIANCE



1 WITH THE ONE OUTSTANDING STATE MINIMUM STANDARD. AND THE
2 ORANGE COUNTY LEA IS PRESENT HERE TO DISCUSS THAT TODAY.

3 AS FAR AS THE STATUS OF DISMANTLING THE
4 OLD MRF, IT'S IN THE PROCESS OF BEING TAKEN DOWN, AND IT
5 WILL BE MOVED TO A LOCATION IN RIVERSIDE COUNTY. THE
6 ORANGE COUNTY LEA HAS DETERMINED THAT IT WILL BE REMOVED
7 TO A RECYCLING CENTER AND NOT TO ANOTHER SOLID WASTE
8 FACILITY.

9 I CAN GO THROUGH A FULL PRESENTATION ITEM,
10 ANSWER QUESTIONS, WHICHEVER YOU WOULD PREFER.

11 CHAIRMAN FROST: OKAY.

12 MR. HUFF.

13 BOARD MEMBER HUFF: SO THE ONE ITEM THAT WE HAD
14 SOME QUESTION ABOUT, THAT IS THE DISMANTLING,
15 ARRANGEMENTS HAVE BEEN MADE THAT THAT SHALL HAPPEN.

16 MS. STEVENS: IT'S HAPPENING RIGHT NOW.

17 BOARD MEMBER HUFF: AS WE SPEAK?

18 MS. STEVENS: YES. THE OPERATOR HAS A CONTRACT
19 AND IT'S IN PROCESS.

20 BOARD MEMBER HUFF: VERY GOOD.

21 BOARD MEMBER NEAL: JUST A QUICK QUESTION AND IT
22 MAY BE THAT I OVERLOOKED IT WHEN I WAS READING THIS
23 ARTICLE. BUT ON THE PROPOSED OPERATIONAL STATUS, SAYS
24 THE PERMIT WOULD ALLOW A MAXIMUM OF 1800 TONS PER DAY.
25 ON PAGE 2, THEN, I THOUGHT I READ LATER ON THAT THAT WAS



1 AN INTERIM AMOUNT.

2 MS. STEVENS: NO. THE PERMIT IS FOR 1800 TONS
3 PER DAY.

4 CHAIRMAN FROST: OKAY. ANY OTHER QUESTIONS?

5 BOARD MEMBER RELIS: MOVE THE CONCURRENCE.

6 BOARD MEMBER HUFF: SECOND.

7 CHAIRMAN FROST: IT'S MOVED AND SECONDED. CALL
8 THE ROLL, PLEASE.

9 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

10 BOARD MEMBER CHESBRO: AYE.

11 BOARD SECRETARY: EGIGIAN?

12 BOARD MEMBER EGIGIAN: AYE.

13 BOARD SECRETARY: HUFF?

14 BOARD MEMBER HUFF: AYE.

15 BOARD SECRETARY: NEAL?

16 BOARD MEMBER NEAL: AYE.

17 BOARD SECRETARY: RELIS?

18 BOARD MEMBER RELIS: AYE.

19 BOARD SECRETARY: CHAIRMAN FROST?

20 CHAIRMAN FROST: AYE.

21 WELL, NOW THE HOUR OF 2 O'CLOCK HAS MORE OR
22 LESS ARRIVED. SO WE'LL MOVE BACK TO ITEM 4(B), (I), AND
23 (J).

24 NOW, I HAVE FOR ITEMS B AND J REQUESTS TO
25 ADDRESS THE ITEM. DOES THE STAFF WISH TO MAKE ANY



1 PRESENTATION FIRST? STAFF, ANY DESIRE TO MAKE A
2 PRESENTATION ON THESE ITEMS?

3 MR. CHANDLER: I DON'T BELIEVE SO.

4 CHAIRMAN FROST: OKAY.

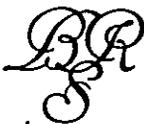
5 MR. CHANDLER: WE'VE COVERED, I THINK, THE BASIC
6 SUBSTANCE OF THE AREAS THAT WOULD -- WANT TO BE
7 ACCOMPLISHED BY THIS CONTRACT. I THINK WHAT'S BEFORE US
8 AND THE REASON TO PULL IT OUT IS THE PROCESS QUESTIONS.
9 I CAN CERTAINLY IDENTIFY AND GIVE A BRIEF SUMMARY, BUT I
10 THINK THE POINT RIGHT NOW IS HEARING FROM THE OTHER SIDE
11 THAT HAS SOME QUESTIONS.

12 CHAIRMAN FROST: OKAY. MR. HUFF.

13 BOARD MEMBER HUFF: I WOULD JUST LIKE TO SUGGEST
14 THAT, IN PRESENTING TESTIMONY, THAT WE BOARD MEMBERS
15 LISTEN TO THE TESTIMONY, BUT KEEP IN MIND THAT THIS MAY
16 BE THE SUBJECT OF A PROTEST; AND, THEREFORE, IN ANY
17 DIALOGUE THAT WE ENGAGE IN, WE SHOULD BE MINDFUL OF THE
18 RAMIFICATIONS OF THAT.

19 AND, ALSO, I WOULD ASK THAT THOSE OFFERING
20 TESTIMONY, IF THEY HAVE ALREADY PROVIDED US WRITTEN
21 MATERIALS, TO KEEP IN MIND THAT WE'VE READ THEM, SO YOU
22 DON'T REALLY HAVE TO STAND UP IN FRONT OF US AND READ TO
23 US THE SAME LETTER THAT WE'VE ALREADY READ, IF YOU DON'T
24 MIND, AND THAT MIGHT HELP US EXPEDITE OUR PROCESS.

25 BOARD MEMBER CHESBRO: MR. CHAIRMAN.



1 CHAIRMAN FROST: YES.

2 BOARD MEMBER CHESBRO: I'D LIKE TO SAY THAT,
3 WHILE I THINK WE HAVE A REQUIREMENT AND RESPONSIBILITY TO
4 HEAR ANYONE WHO WANTS TO ADDRESS THE BOARD ON THE ISSUE
5 WE'RE CONSIDERING, THAT I WAS CONTACTED BY A NUMBER OF
6 CONTRACTORS IN WRITING THROUGH MY ADVISORS, AND THEY
7 INDICATED SIMILAR SITUATIONS RELATIVE TO CRITICISMS OF
8 THE PROCESS.

9 AND IN EACH CASE I INDICATED TO THEM THAT
10 THERE WAS AN APPEALS PROCESS. IF OUR COUNSEL INDICATED
11 THAT THE PROCESS THAT WE HAD FOLLOWED WAS CORRECT AND
12 LEGAL, THE PROPER WAY TO PURSUE A PROTEST WAS THROUGH
13 THAT APPEALS PROCESS.

14 AND FROM THE STANDPOINT OF FAIRNESS TO
15 CONTRACTORS, I JUST WANT TO REITERATE THAT THAT IS MY
16 POSITION RELATIVE TO THE QUESTION OF WHETHER WE SHOULD BE
17 HEARING OR MAKING DECISIONS BASED ON CHALLENGES TO THE
18 LEGAL PROCESS WHEN OUR COUNSEL JUST TOLD US THAT THE
19 PROCESS THAT STAFF HAS USED IS LEGAL.

20 OKAY. ANY OTHER COMMENTS FROM BOARD
21 MEMBERS BEFORE I CALL ON THE SPEAKER?

22 ATTORNEY CONHEIM: MR. VICE-CHAIRMAN, AS -- JUST
23 ONE COMMENT TO AMPLIFY WHAT YOU SAID IS THAT, UNLIKE A
24 DEPARTMENT, THIS BOARD OPERATES IN THE PUBLIC FORUM, AND
25 IT IS YOUR DESIRE TO HAVE PUBLIC DISCUSSION, FULL PUBLIC



1 DISCUSSION. THE LAW REQUIRES IT OF ITEMS THAT COME
2 BEFORE THE BOARD. AND THAT IS WHY YOU ARE PROVIDING AN
3 OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THIS SET
4 OF ITEMS AND OTHER ITEMS WHICH COME BEFORE THE BOARD.

5 ON THE OTHER HAND, I WILL ADVISE YOU, HAVE
6 ADVISED YOU, AND WILL CONTINUE TO ADVISE YOU THAT IF
7 ITEMS DEVOLVE IN WHAT IS TANTAMOUNT TO HEARING A PROTEST
8 OR AN APPEAL, PROPOSED PROTEST OR APPEAL, THAT THIS IS
9 NOT THE FORUM TO DO THAT.

10 THE PROBLEM, OF COURSE, THAT MEMBERS OF THE
11 PUBLIC AND THE BOARD FACE IS THAT MEMBERS OF THE PUBLIC
12 KNOW THAT THIS BOARD IS FIRMLY COMMITTED TO PUBLIC
13 DISCUSSION OF ITEMS. BUT I WANTED TO AMPLIFY YOUR
14 REMARKS. AND IF ANY MEMBERS OF THE PUBLIC WHO ARE
15 CONCERNED ABOUT THESE CONTRACTS DO NOT KNOW, AND I THINK
16 THAT'S NOT THE CASE, I THINK EVERYBODY WHO IS CONCERNED
17 ABOUT THESE CONTRACTS DOES KNOW ABOUT THE BID PROTEST
18 PROCESS THAT IS AVAILABLE THROUGH THE DEPARTMENT OF
19 GENERAL SERVICES.

20 WE CERTAINLY WOULD BE GLAD TO FACILITATE
21 THEIR GETTING THAT KNOWLEDGE AND MAKING THOSE CONTACTS.

22 BOARD MEMBER CHESBRO: THANK YOU. ONE OTHER
23 COMMENT IS -- AND I WAS GOING TO ANNOUNCE THIS DURING MY
24 ADMINISTRATION COMMITTEE REPORT, BUT I WAS TRYING TO
25 EXPEDITE THINGS.



1 THE ADMINISTRATION COMMITTEE WILL BE HAVING
2 A DISCUSSION OF WHETHER OR NOT TO ASK STAFF TO HOLD A
3 CONTRACTOR'S WORKSHOP TO GO OVER THE PROCESSES AND
4 PROCEDURES AND RECEIVE INPUT AND CRITICISM OF THE PROCESS
5 THIS YEAR. AND THAT'S ANOTHER VEHICLE BY WHICH THE BOARD
6 CAN REVIEW ITS PROCEDURES AND PROCESSES IN A BROADER
7 CONTEXT THAN A SPECIFIC CONTRACT TO EXAMINE THOSE -- ANY
8 QUESTIONS THAT MAY BE RAISED THAT ARE NOT LEGAL OR
9 APPEALABLE IN NATURE.

10 SO WITH THAT, I'LL TURN IT BACK TO THE
11 CHAIR AND CALL ON THE SPEAKER.

12 CHAIRMAN FROST: OKAY. NOW, I'D LIKE TO CALL
13 UPON CHARITY KENYON, WHO IS REPRESENTING ERNST AND YOUNG.

14 MS. KENYON: THANK YOU. CHARITY KENYON,
15 DIEPENBROCK, WULFF, PLANT & HANNEGAN. AND YOU DO HAVE
16 OUR WRITTEN COMMENTS, WHICH I WON'T REPEAT. AND I VERY
17 MUCH APPRECIATE THE LAST COMMENTS BY MEMBER CHESBRO.

18 BECAUSE WE HAVE IN MANY CASES WITH AGENCIES
19 WORKED TO IMPROVE THE PROCUREMENT PROCESS AND ARE VERY
20 WELL AWARE OF HOW THE PROCESS IS, IN OUR VIEW, FROM THE
21 STANDPOINT OF REPRESENTING MEMBERS OF THE PRIVATE SECTOR
22 WHO TAKE THE TIME AND EFFORT TO COMPETE FOR THESE
23 IMPORTANT CONTRACTS, HOW, IN OUR VIEW, THOSE NEED TO BE
24 DONE AS FAIRLY AND UNIFORMLY AS POSSIBLE SO THAT
25 EVERYBODY HAS A CHANCE TO WORK FOR THE STATE AND TO



1 COMPETE ON A FAIR BASIS AND TO FOLLOW THOSE PROCEDURES.

2 THAT'S WHAT WE'RE ASKING THE BOARD TO DO,
3 TO ADHERE TO THE PROCEDURES IT ADOPTED. TO ADHERE TO
4 THEM MEANS THAT THE INITIAL STAFF RANKING INDICATES THAT
5 ERNST AND YOUNG ON BOTH ITEMS -- ON ALL ITEMS, B, I, AND
6 J, IS THE LOWEST RESPONSIBLE BIDDER ACCORDING TO THE
7 PROCEDURES THAT THE BOARD ADOPTED AND THAT GOVERN THIS
8 PROCUREMENT.

9 SO WE'RE NOT ASKING ANYBODY TO DEVIATE FROM
10 THEIR PROCEDURES. WE'RE ASKING THAT THE PROCEDURE BE
11 FOLLOWED, THAT THE CONTRACT AWARD BE MADE -- AWARDS BE
12 MADE TO ERNST AND YOUNG. AND THAT IF SOMEBODY HAS A
13 PROBLEM WITH THAT PROCEDURE THAT THE BOARD ADOPTED, THE
14 POINT WAS EITHER TO ASK FOR IT TO BE CLARIFIED OR CHANGED
15 AT THE TIME THE RFP WAS ISSUED. THAT'S IN YOUR RFP.
16 THAT WAS OPEN AND A POSSIBILITY. AND ERNST AND YOUNG DID
17 FOLLOW THAT PROCEDURE AND ASKED FOR CLARIFICATION,
18 FOLLOWED THE INSTRUCTIONS IT RECEIVED. OR IF THEY DON'T
19 LIKE THAT RESULT, TO PROTEST TO THE DEPARTMENT OF GENERAL
20 SERVICES.

21 BUT WE'RE MAINTAINING THAT ERNST AND YOUNG
22 IS THE ONE TO WHOM THE CONTRACT SHOULD BE AWARDED
23 ACCORDING TO YOUR RULES AND THAT SOMEBODY ELSE SHOULD BE
24 FOLLOWING THE PROTEST PROCEDURE IF THEY FEEL THAT YOUR
25 PROCEDURE WAS NOT A FAIR ONE OR RESULTED IN AN AWARD



1 OTHER THAN THE ONE THAT WAS INDICATED BY THE RULES YOU
2 ADOPTED.

3 THE OTHER POINT I WANT TO MAKE, AGAIN
4 WITHOUT REITERATING, IS THAT THESE ARE NOT THE SAME
5 ITEMS. THEY'RE THREE VERY DIFFERENT CONTRACTS AND THREE
6 DIFFERENT PROBLEMS THAT HAVE BEEN RAISED.

7 WITH RESPECT TO ONE, THE RIGID PLASTICS,
8 ITEM I, WE'VE RECEIVED NO NOTICE THAT THERE'S ANY PROBLEM
9 THAT STAFF HAS WITH THE RECOMMENDATION OF STAFF OR THAT
10 MANAGEMENT HAS WITH THE RECOMMENDATION OF STAFF. WE'VE
11 RECEIVED NO LETTER, THOUGH WE'VE HEARD MORE THAT IRI PUT
12 A LETTER IN. WE DON'T KNOW WHAT THE PROBLEM IS; AND IF
13 WE CAN RESPOND TO THAT, WE'D BE HAPPY TO DO IT. IT'S NOT
14 COVERED IN THE LETTER AT ALL.

15 WITH RESPECT TO THE OTHER TWO ITEMS, 4-B,
16 THE PROGRAM AND TECHNICAL ASSISTANCE -- ANALYSIS
17 ASSISTANCE PROPOSAL, WHAT WE UNDERSTAND IS THAT THERE WAS
18 CRITICISM IN THE HYPOTHETICAL COST PROBLEM UNDER THE
19 CATEGORY STAFF. WE USED INTERNS. AND, REALLY, IF I
20 COULD GET YOU TO DO ANYTHING, THAT WOULD BE TO FOCUS ON
21 EXHIBIT 2, WHICH IS YOUR ADDENDUM TO YOUR RFP. YOU HAVE
22 THE SAME COST -- HYPOTHETICAL COST PROBLEM APPROACH TO
23 ALL THE COMPONENTS THAT ARE AT ISSUE IN BOTH ITEM 4-B AND
24 4-J.

25 IN EXHIBIT 2 -- EXCEPT WITH RESPECT TO THE



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1 HOURS YOU ASKED US TO PLUG IN. THE NUMBER OF HOURS THAT
2 YOU CHOSE TO MAKE YOUR COMPARISON OF PROPOSALS DIFFERED
3 ON THAT ADDENDUM 2, BUT THE TEXT IS THE SAME.

4 INSTRUCTIONS TO THE BIDDERS ARE EXACTLY THE SAME.

5 ON THAT ITEM, AND WE'RE REFERRING TO B, IN
6 THE CATEGORY OF STAFF, ERNST AND YOUNG, BECAUSE OF A BAD
7 EXPERIENCE IN ANOTHER CONTRACT WHERE INTERNS WERE USED.
8 ASKED THIS BOARD STAFF SPECIFICALLY, "MAY WE USE INTERNS
9 IN THAT CATEGORY?" AND WERE TOLD IN WRITING, THAT'S
10 QUESTION 8, ANSWER 8, YES, YOU CAN USE INTERNS.

11 THEY PLUGGED IN THEIR RATES ACCORDING TO
12 THE FORMULA THAT THE BOARD CHOSE, THE BOARD STAFF CHOSE,
13 FOR A HYPOTHETICAL SLICE OF WHAT YOU WOULD GET ON AN
14 OPEN-ENDED CONSULTING CONTRACT BASIS. IT'S LABELED
15 HYPOTHETICAL.

16 YOU STATE IN YOUR INSTRUCTIONS, "THIS IS A
17 HYPOTHETICAL DEGREE OF EFFORT. THIS DOES NOT REFLECT THE
18 ACTUAL LEVEL OF EFFORT THAT THE BOARD WILL REQUIRE. THIS
19 IS TO BE USED ONLY FOR THE PURPOSE OF DETERMINING THE
20 LOWEST COST PROPOSAL."

21 IN OTHER WORDS, YOU TOLD EVERYBODY THIS IS
22 WHAT WE'VE CHOSEN TO MAKE A REPRESENTATIVE SLICE OF
23 YOUR -- THE PEOPLE THAT WOULD BE WORKING WITH THE BOARD
24 ON THIS PROBLEM. HOW DOES IT PENCIL OUT IF YOU HAVE, AND
25 YOU CHOSE THE NUMBERS, 1,040 HOURS OF STAFF, 580 OF



1 MANAGER, 290 PROJECT DIRECTOR, AND SO ON. YOU ASKED US
2 TO PLUG IN OUR RATES. THE ACTUAL PEOPLE THAT WE WOULD
3 ASSIGN, WHOSE QUALIFICATIONS ARE BEFORE YOU, AND YOU GAVE
4 YOURSELVES A FORMULA. AND ACCORDING TO THAT FORMULA,
5 ERNST AND YOUNG IS THE LOWEST BIDDER.

6 WHEN WE HEAR, THEN, "WELL, YOU'RE TELLING
7 US THAT'S HOW YOU WOULD ACTUALLY STAFF THE BID." THAT'S
8 NOT RIGHT. YOU DON'T KNOW HOW WE WOULD ACTUALLY STAFF
9 IT. YOU HAVEN'T ASKED US YET. YOU ARE THE ONES TO
10 DIRECT THAT CONSULTING PROJECT. YOUR STAFF HAS TO TELL
11 ERNST AND YOUNG OR WHOEVER GETS THE PROPOSAL, "THIS IS
12 WHAT WE WANT. HOW WOULD YOU STAFF IT?"

13 YOUR FORMULA SAYS IT'S HYPOTHETICAL. IT'S
14 THE WAY YOU CHOSE TO COMPARE THE PROPOSALS. YOU DON'T
15 KNOW HOW ERNST AND YOUNG WOULD RESPOND IF YOU HAD ASKED
16 FOR A DIFFERENT SET OF ASSUMPTIONS OR IF YOU HAD MADE A
17 DIFFERENT NUMBER OF HOURS OR A DIFFERENT SLICE TO COMPARE
18 THE PROPOSALS. YOU CAN'T SAY ERNST AND YOUNG WOULD BE
19 HIGHER THAN BOOZ ALLEN, FOR EXAMPLE, IF WE HAD ASKED FOR
20 SOMETHING DIFFERENT. YOU DON'T HAVE THAT IN FRONT OF
21 YOU.

22 WHAT YOU HAVE IS WHAT YOU ASKED FOR, WHAT
23 WE RESPONDED TO ACCORDING TO YOUR RULES, AND THAT
24 INDICATES THAT ERNST AND YOUNG IS THE LOWEST RESPONSIBLE
25 BIDDER ACCORDING TO THE RULES OF THE PROCUREMENT THAT YOU



1 ADOPTED.

2 ON THE OTHER ITEM, J. A DIFFERENT PROBLEM.
3 IT'S STILL ADDENDUM 2. THE LANGUAGE THAT YOUR STAFF
4 INSERTED IS PARAGRAPH 2. THIS WAS NOT IN THE ORIGINAL
5 ADDENDUM OR IN THE ORIGINAL COST PROBLEM. YOU
6 INSERTED -- AND WE DON'T KNOW WHETHER THE STAFF RAISED
7 THE PROBLEM OR SOMEBODY ELSE, BUT ERNST AND YOUNG DID
8 NOT.

9 PARAGRAPH SAYS, "IF A FIRM OR TEAM OTHER
10 THAN THE PRIME CONTRACTOR WILL HAVE THE LEAD
11 RESPONSIBILITY FOR THIS COMPONENT, ITS RATES WILL BE
12 UTILIZED TO COMPLETE THIS COST PROPOSAL. THE
13 SUBCONTRACTOR ENTRY WILL THEN PERTAIN TO A SECOND LEVEL
14 OF SUBCONTRACTOR."

15 ERNST AND YOUNG HAD MADE THE DECISION TO
16 USE TWO CONTRACTORS, WHO ARE PROBABLY FAMILIAR TO YOU, AT
17 LEAST, I'M SURE, SYNERGIC RESOURCES AND E. TSENG AND
18 ASSOCIATES TO BE THE LEAD ON THE TWO OPEN-ENDED
19 COMPONENTS ON ITEM 4-J.

20 THEY RECEIVED THIS CLARIFICATION FROM YOU.
21 THE INSTRUCTION TO ALL BIDDERS IS IF THAT SUBCONTRACTOR
22 TAKES THE LEAD, YOU MUST USE THEIR CONTRACT, THEIR HOURS,
23 THEIR RATES IN YOUR HYPOTHETICAL. YOUR HYPOTHETICAL.
24 AND THAT'S WHAT THEY DID.

25 NOW WE GET THE RESPONSE, "WELL, THAT WASN'T



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1 OUR INTENT. YOUR RATES SHOULD HAVE BEEN SOMEWHERE. YOUR
2 RATES SHOULD HAVE BEEN WHERE THE SUBCONTRACTOR ENTRY IS."
3 BUT YOUR INSTRUCTIONS DID NOT PERMIT WHAT WE'VE BEEN
4 CRITICIZED FOR NOT DOING. YOU SAY THE SUBCONTRACTOR
5 ENTRY WILL THEN PERTAIN TO A SECOND LEVEL SUBCONTRACTOR,
6 AND THOSE WERE THE RATES ERNST AND YOUNG INDICATED ON THE
7 PROPOSAL.

8 SO ERNST AND YOUNG FOLLOWED THOSE
9 INSTRUCTIONS. THEY HAD NO CHOICE BUT TO FOLLOW THEM.
10 THEY'RE THE ONES -- THE RULES OF THE PROCUREMENT THAT YOU
11 SET FORTH. YOU PENCILED THEM OUT. WE'RE THE LOWEST
12 RESPONSIBLE BIDDER ACCORDING TO THE INSTRUCTIONS YOU GAVE
13 US, AND YOU DON'T KNOW HOW WE'D RESPOND.

14 CERTAINLY WE WERE GOING TO BE VERY
15 COMPETITIVE AND DO THE BEST WE CAN FOR THE STATE NO
16 MATTER HOW YOU STRUCTURE THE RFP, BUT WE CAN ONLY RESPOND
17 TO WHAT YOU ASK FOR.

18 AND YOU CAN'T SAY WE WOULD HAVE COME UP
19 HIGH OR WE WOULD HAVE BEEN DIFFERENT OR BOOZ ALLEN WOULD
20 HAVE BEEN LOWER IF WE ASKED WHAT WE REALLY WANTED TO ASK.
21 YOU CAN'T MAKE THAT ASSUMPTION. YOU DON'T KNOW WHAT WE
22 WOULD HAVE BID.

23 BUT THE ONLY OPPORTUNITY YOU HAVE, THE
24 ONLY -- IN OUR VIEW, THE ONLY THING YOU CAN DO CONSISTENT
25 WITH THE RULES OF PROCUREMENT YOU ADOPTED IN ADVANCE IS



1 TO FOLLOW THOSE RULES AND AWARD TO THE LOWEST RESPONSIBLE
2 BIDDER, WHICH IS ERNST AND YOUNG. AND THEN THOSE
3 PROCEDURES THAT YOU'VE OUTLINED ARE AVAILABLE TO PEOPLE
4 WHO HAVE A PROTEST. WE DON'T KNOW WHAT THE BASIS OF THE
5 PROTEST WOULD BE.

6 AND WE'D MOST -- WE REALLY DO WELCOME THE
7 OPPORTUNITY TO WORK WITH THE AGENCY TO MAKE THESE
8 PROCUREMENT RULES AS GOOD AS THEY CAN BE AND AS FAIR AS
9 THEY CAN BE TO ALL BIDDERS NOW AND IN THE FUTURE. IT'S
10 VERY IMPORTANT FOR ALL VIGOROUS COMPETITION AND TO GET
11 THE BEST BIDDERS YOU CAN GET TO HAVE CONFIDENCE IN THE
12 SYSTEM, THAT THE PLAYING FIELD IS LEVEL. THE RULES ARE
13 FOLLOWED AND NOT CHANGED MIDSTREAM, AND THAT'S BASIC.
14 THAT'S REALLY BASIC TO FAIR PROCUREMENT IN WHICH WE CAN
15 ALL HAVE CONFIDENCE.

16 AND WE APPRECIATE VERY MUCH YOUR ALLOWING
17 US TO TAKE THIS TIME TODAY.

18 CHAIRMAN FROST: THANK YOU. ANY QUESTIONS OF
19 MS. KENYON?

20 THANK YOU VERY MUCH, MS. KENYON.

21 NOW, FIRST ITEM IS ITEM B, AND ITEM B IS,
22 TO REFRESH EVERYBODY'S MEMORY, THE ITEM ANALYSIS
23 CONTRACT. SOMEBODY DESCRIBE IT BETTER THAN THAT IN A
24 ONE-SENTENCE DESCRIPTION, STAFF, OF WHAT THAT ITEM IS?

25 MR. MEYERS: WASTE MANAGEMENT PROGRAM AND



1 TECHNICAL ANALYSIS CONTRACT.

2 CHAIRMAN FROST: TECHNICAL ANALYSIS CONTRACT.

3 OKAY. MR. HUFF.

4 BOARD MEMBER HUFF: YES. MR. CHAIRMAN, SAY IT
5 AGAIN. I THINK WE HAVE NOT HAD ENOUGH TIME TO FULLY
6 CONSIDER. THIS IS A COMPLICATED CONTRACT. IT'S A BIG
7 CONTRACT. I THINK THAT, JUST DUE TO THE CONSTRAINTS OF
8 TIME, THAT WE OUGHT TO WITHDRAW THE RFP, AND I SO MOVE.

9 CHAIRMAN FROST: THERE'S A MOTION BY MR. HUFF TO
10 WITHDRAW THE RFP.

11 BOARD MEMBER EGIGIAN: SECOND.

12 CHAIRMAN FROST: SECONDED. CALL THE ROLL,
13 PLEASE.

14 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

15 BOARD MEMBER CHESBRO: ABSTAIN.

16 BOARD SECRETARY: EGIGIAN?

17 BOARD MEMBER EGIGIAN: YES.

18 BOARD SECRETARY: HUFF?

19 BOARD MEMBER HUFF: AYE.

20 BOARD SECRETARY: NEAL?

21 BOARD MEMBER NEAL: AYE.

22 BOARD SECRETARY: RELIS?

23 BOARD MEMBER RELIS: NO.

24 BOARD SECRETARY: CHAIRMAN FROST?

25 CHAIRMAN FROST: AYE.



1 OKAY. SO THAT PROPOSAL HAS BEEN WITHDRAWN
2 BY THE BOARD.

3 NOW, ITEM I, WHICH IS -- SOMEBODY DESCRIBE
4 ITEM I FOR US.

5 MR. MEYERS: THAT CONTRACT IS THE RIGID PLASTIC
6 PACKAGING CONTAINER STUDY, WHICH IS A SPECIFIC TASK
7 STUDY.

8 BOARD MEMBER CHESBRO: MOVE ITEM I AS
9 RECOMMENDED BY STAFF.

10 CHAIRMAN FROST: OKAY. STAFF RECOMMENDATION ON
11 ITEM I HAS BEEN MOVED. IS THERE A SECOND?

12 BOARD MEMBER NEAL: SECOND.

13 CHAIRMAN FROST: CALL THE ROLL, PLEASE.

14 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

15 BOARD MEMBER CHESBRO: AYE.

16 BOARD SECRETARY: EGIGIAN?

17 BOARD MEMBER EGIGIAN: AYE.

18 BOARD SECRETARY: HUFF?

19 BOARD MEMBER HUFF: AYE.

20 BOARD SECRETARY: NEAL?

21 BOARD MEMBER NEAL: AYE.

22 BOARD SECRETARY: RELIS?

23 BOARD MEMBER RELIS: AYE.

24 BOARD SECRETARY: CHAIRMAN FROST?

25 CHAIRMAN FROST: AYE.



1 OF A REVISED SOLID WASTE FACILITIES PERMIT FOR EL
2 SOBRANTE LANDFILL, RIVERSIDE COUNTY.

3 MR. MORALEZ: MR. CHAIRMAN, MEMBERS OF THE
4 BOARD, ITEM 9 DEALS WITH CONSIDERATION OF CONCURRENCE IN
5 THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT
6 FOR EL SOBRANTE SANITARY LANDFILL IN RIVERSIDE COUNTY.

7 THE PERMIT COMMITTEE VOTED UNANIMOUSLY IN
8 FAVOR OF FORWARDING THIS PERMIT TO THE BOARD WITH NO
9 RECOMMENDATION AT THAT TIME. HOWEVER, IN THE DISCUSSION
10 AT THE COMMITTEE MEETING AND WITH DISCUSSIONS WITH THE
11 OPERATOR AND THE LEA, STAFF CONCERNS DEALT WITH TWO
12 ISSUES.

13 THERE WERE TWO OUTSTANDING CONCERNS. ONE,
14 THE PERMIT LANGUAGE AND SOME DOCUMENTATION SUPPORTING
15 CHANGE IN THAT LANGUAGE. SECONDLY, THE PERIODIC SITE
16 REVIEW. A REPORT REQUIRED FOR ISSUANCE OF THE PERMIT AT
17 THAT TIME HAD NOT BEEN FILED WITH THE BOARD OR WITH THE
18 LEA.

19 THE OPERATOR AT THAT TIME NOTED THAT BOTH
20 ELEMENTS OF THE PERIODIC SITE REVIEW WERE TO BE PROVIDED
21 PRIOR TO THE BOARD MEETING. THAT, IN FACT, HAS BEEN
22 DONE, AND STAFF RECEIVED IT ABOUT THE 20TH OF THIS MONTH.
23 SO WE RECEIVED IT IN DUE NOTICE. SO THAT ITEM HAS BEEN
24 COMPLIED WITH.

25 SECONDLY, THE PERMIT LANGUAGE AND THE



1 CHANGE MODIFICATIONS THE STAFF HAS REQUESTED HAS ALSO
2 BEEN COMPLETED AND STAFF HAVE REVIEWED THOSE.

3 GIVEN THOSE TWO CONSIDERATIONS HAVE BEEN
4 ADDRESSED, STAFF WOULD RECOMMEND CONCURRENCE WITH THE
5 ISSUANCE OF THIS PERMIT.

6 STAFF, ROSSLYN STEVENS, IS AVAILABLE TO
7 ANSWER ANY QUESTIONS OR PROVIDE A BRIEF OVERVIEW AS TO
8 THE PROJECT FOR BOARD MEMBERS.

9 CHAIRMAN FROST: OKAY. SO STAFF HAD ORIGINALLY
10 RECOMMENDED NO -- HAD NO RECOMMENDATION, NOW IS
11 RECOMMENDING APPROVAL?

12 MR. MORALEZ: CORRECT.

13 CHAIRMAN FROST: OKAY. ANY COMMENT OR QUESTION
14 FROM THE BOARD?

15 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, I MOVE WE
16 CONCUR ON THIS.

17 BOARD MEMBER RELIS: SECOND.

18 CHAIRMAN FROST: OKAY. IT'S MOVED AND SECONDED.
19 CALL THE ROLL, PLEASE.

20 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

21 BOARD MEMBER CHESBRO: AYE.

22 BOARD SECRETARY: EGIGIAN?

23 BOARD MEMBER EGIGIAN: AYE.

24 BOARD SECRETARY: HUFF?

25 BOARD MEMBER HUFF: AYE.



1 BOARD SECRETARY: NEAL?

2 BOARD MEMBER NEAL: AYE.

3 BOARD SECRETARY: RELIS?

4 BOARD MEMBER RELIS: AYE.

5 BOARD SECRETARY: CHAIRMAN FROST?

6 CHAIRMAN FROST: AYE.

7 THANK YOU. NOW, ITEM 10, CONSIDERATION OF
8 A REVISED SOLID WASTE FACILITIES PERMIT FOR HIGHGROVE
9 SANITARY LANDFILL, RIVERSIDE COUNTY.

10 MS. VAZQUEZ: GOOD AFTERNOON. MR. CHAIRMAN AND
11 BOARD MEMBERS. FOR THE RECORD, LET ME INTRODUCE MYSELF.
12 I'M MARTHA VAZQUEZ, DEPUTY DIRECTOR OF THE PERMITTING AND
13 COMPLIANCE DIVISION.

14 THE PROPOSED PERMIT FOR THE HIGHGROVE
15 SANITARY LANDFILL WOULD ALLOW AN INCREASE IN PERMITTED
16 TONNAGE FROM 1800 TONS PER DAY TO 2700 TONS PER DAY AND
17 ALSO ALLOW A VERTICAL EXPANSION OF 75 FEET AND AN
18 INCREASE IN OPERATING HOURS.

19 STAFF HAVE REVIEWED THE PROPOSED PERMIT AND
20 TECHNICAL DOCUMENTS AND HAVE FOUND THAT THIS PERMIT IS
21 NOT ACCEPTABLE FOR STAFF TO RECOMMEND CONCURRENCE IN THE
22 PERMIT.

23 LET ME BRIEFLY SUMMARIZE OUR CONCERNS WITH
24 THIS PERMIT PROPOSAL. THE PROPOSED PERMIT CONTAINS
25 LANGUAGE THAT IS SEVERELY FLAWED. THE PROPOSED PERMIT



1 CONTAINS AT LEAST EIGHT DEFICIENCIES. A PERMIT OF THIS
2 TYPE WOULD RESULT IN AN ISSUANCE OF A DOCUMENT THAT IS
3 UNENFORCEABLE AND NOT CONSISTENT WITH STATE STANDARDS.

4 OF THE EIGHT DEFICIENCIES, THE MOST SERIOUS
5 IS THE FACT THAT THERE IS INSUFFICIENT INFORMATION
6 AVAILABLE TO EVALUATE THE DESIGN PLANS FOR THE PHASE II
7 PORTION OF THIS FACILITY. THE OPERATOR IS CURRENTLY
8 WORKING WITH THE PHASE I PORTION OF THE SITE.

9 NEITHER THE PERMIT NOR THE TECHNICAL
10 DOCUMENTS THAT SUPPORT THE PERMIT CONTAIN A PRECISE
11 DESCRIPTION OF THE BOUNDARIES OF THE PHASE II AREA. THE
12 PERMIT PACKAGE ALSO LACKS DESIGN SPECIFICATIONS FOR BOTH
13 LINER DESIGN AND THE GROUNDWATER MONITORING WELLS THAT
14 ARE REQUIRED FOR THE SITE.

15 THE PERMIT AND ITS TECHNICAL DOCUMENT
16 APPEAR TO ALLOW FUTURE APPROVAL OF THE PHASE II DESIGN
17 PLANS BY BOTH THE LEA AND THE REGIONAL BOARD, BUT NOT BY
18 THIS BOARD. THE LACK OF DESIGN PLANS IS ESPECIALLY
19 PROBLEMATIC TO BOARD STAFF. AND THE SITE IS LOCATED ON
20 FRACTURED BEDROCK AND HAS AN EXISTING GROUNDWATER
21 POLLUTION PROBLEM.

22 TO COMPOUND STAFF'S CONCERNS REGARDING THE
23 PHASE II PORTION OF THE SITE, STAFF LEARNED FROM
24 TESTIMONY PROVIDED BY THE REGIONAL BOARD AT THE
25 PERMITTING AND ENFORCEMENT COMMITTEE MAY 13TH MEETING



1 THAT THE OPERATOR HAS ALREADY COMMENCED DEPOSITING WASTE
2 IN THE PHASE II PORTION OF THE SITE, AND THIS IS WITHOUT
3 THE LINER DESIGN BEING APPROVED.

4 STAFF ALSO HAD CONCERNS REGARDING THE
5 COMPLIANCE STATUS OF THIS SITE. PART OF THE MAY 13TH
6 COMMITTEE MEETING, THE RECORD SHOWED THIS LANDFILL HAD A
7 LIST OF OUTSTANDING VIOLATIONS. THE MORNING OF THE
8 COMMITTEE MEETING, THE LEA INSPECTED THE FACILITY AND
9 FAX'D THE INSPECTION REPORT UP THAT SHOWED THAT ALL
10 VIOLATIONS HAD BEEN CORRECTED EXCEPT FOR ONE. THAT WAS
11 FOR DRAINAGE AND EROSION.

12 THIS PARTICULAR VIOLATION HAS BEEN CITED
13 REPEATEDLY BY ALL THREE REGULATORY AGENCIES OVER THE
14 COURSE OF THE LAST SEVERAL YEARS AND IS ALSO THE SUBJECT
15 OF A CLEANUP AND ABATEMENT ORDER THAT WAS ISSUED BY THE
16 REGIONAL BOARD. THE LEA INSPECTED THE FACILITY ON MAY
17 21ST, THAT WOULD BE LAST THURSDAY, AND HAS FOUND THAT
18 THAT PARTICULAR VIOLATION HAS BEEN CORRECTED.

19 STAFF ACCEPTED THE LEA'S DETERMINATION THAT
20 THIS VIOLATION IS CORRECTED AND HAVE NO ISSUE REGARDING
21 THE COMPLIANCE STATUS OF THE FACILITY. IT WAS ALSO
22 ANOTHER OUTSTANDING COMPLIANCE ISSUE AND THAT REGARDED
23 VIOLATIONS THAT WERE CITED BY THE DEPARTMENT OF TOXIC
24 SUBSTANCES CONTROL. IN A RECENT COMMUNICATION WITH
25 TOXICS, IT HAS BEEN ESTABLISHED THAT THE SITE HAS



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1 CORRECTED THE HEALTH AND SAFETY CODE VIOLATIONS AND TITLE
2 22 VIOLATIONS.

3 ROSSLYN STEVENS OF MY STAFF CAN NOW PRESENT
4 A BRIEF DESCRIPTION OF THE SITE DESIGN AND OPERATIONS AND
5 A DETAILED ANALYSIS OF THE DEFICIENCIES IN THE PROPOSED
6 PERMIT PACKAGE.

7 CHAIRMAN FROST: FIRST, MR. HUFF.

8 BOARD MEMBER HUFF: WELL, YOU JUST SAID A
9 SENTENCE. I HAD SIGNALLED THE CHAIR ALREADY. BUT,
10 ROSSLYN, MAYBE YOU CAN DO THIS.

11 IN YOUR ANALYSIS THAT APPEARS IN OUR
12 AGENDA, THERE ARE EXACTLY EIGHT ITEMS DELINEATED THAT ARE
13 IDENTIFIED AS CONCERNS WITH THE PROPOSED PERMIT.

14 MS. STEVENS: THAT'S CORRECT.

15 BOARD MEMBER HUFF: OKAY. SO EITHER IN RESPONSE
16 TO MY QUESTION OR AS YOU MAKE YOUR PRESENTATION, I WOULD
17 LIKE TO KNOW IF ALL EIGHT ARE STILL OPERATIVE CONCERNS OR
18 IF THERE'S BEEN ANY CHANGES IN THE STATUS OF THOSE EIGHT
19 BECAUSE I DID HEAR A CHANGE IN THE STATUS, I THINK, WITH
20 REGARD TO THE TOXICS ISSUE THAT'S ON PAGE 68.

21 MS. STEVENS: YES. IT'S IMPORTANT TO SEPARATE
22 THE TWO MAIN CATEGORIES OF PROBLEM AT THE SITE. ONE IS
23 THE PROBLEM WITH THE PERMIT AND THE PROBLEM OF THE
24 OPERATIONAL STANDARDS VIOLATIONS AT THE SITE. AS MS.
25 VAZQUEZ SAID, THOSE HAVE BEEN CORRECTED.



1 THE LEA HAS DOCUMENTED CORRECTIONS OF THE
2 DRAINAGE AND EROSION CONTROL VIOLATION THAT WAS STILL
3 OUTSTANDING ON THE DAY OF THE PERMITTING AND ENFORCEMENT
4 COMMITTEE.

5 BOARD MEMBER HUFF: THAT'S CITED ON PAGE 67 OF
6 THE STAFF REPORT, I BELIEVE.

7 MS. STEVENS: YES, THAT'S CORRECT.

8 AND IN THE INTERIM WE HAVE ALSO RECEIVED
9 CORRESPONDENCE FROM DEPARTMENT OF TOXIC SUBSTANCE CONTROL
10 INDICATING THAT THE TITLE 22 AND HAZARDOUS WASTE CODE
11 VIOLATIONS ASSOCIATED WITH THE USED OIL TANK AREA HAVE
12 BEEN CORRECTED.

13 BOARD MEMBER HUFF: THAT'S ON PAGE 68.

14 BUT THE EIGHT PERMIT PROBLEMS, WHICH BEGIN
15 ON PAGE 64, CAN YOU GO INTO THOSE, PLEASE?

16 MS. STEVENS: YES.

17 ATTORNEY CONHEIM: MR. CHAIRMAN, BEFORE MS.
18 STEVENS BEGINS, IF I MIGHT. MR. HUFF, I THINK, THE GOAL
19 OF WHAT YOU WERE SAYING IS THAT BY THE TIME WE FINISH
20 WITH YOUR PRESENTATION, WE ARE GOING TO WANT TO BE ABLE
21 TO READ INTO THE RECORD THE FINDING OF WHAT IS STILL
22 DEFECTIVE OR INADEQUATE OR DOES NOT COMPLY WITH
23 INTEGRATED WASTE MANAGEMENT LAW, AND WE WILL WANT TO
24 DELETE FROM THE RESOLUTION THOSE THINGS WHICH ARE NO
25 LONGER DEFECTS.



1 SPECIFICALLY, WHEN WE GET TO THE END, I
2 WOULD LIKE YOU TO BE ABLE, IN LOOKING AT THE LONGEST
3 PARAGRAPH OF THE RESOLUTION, TO BE ABLE TO INCORPORATE OR
4 SAY THAT MS. VAZQUEZ' CONCERNS AND ANY OTHERS THAT YOU
5 ARE GOING TO RAISE WITH THE EFFECTIVENESS OF THE PERMIT
6 ARE INCLUDED IN THE RESOLUTION ALREADY OR NEED TO BE.

7 IT SHOULDN'T BE VERY COMPLICATED, BUT I
8 WOULD LIKE US TO BE ABLE TO RECOMMEND TO THE BOARD, AND
9 THIS HAS BEEN A MOVING TARGET BECAUSE SO MANY THINGS HAVE
10 BEEN OCCURRING, AND WE'VE BEEN TRYING TO BRING THIS SITE
11 INTO COMPLIANCE TO GET TO LAW DAY HERE TODAY SO THAT WE
12 HAVE A RESOLUTION THAT WE CAN READ INTO THE RECORD AND
13 THEN RETYPE FOR ARCHIVAL PURPOSES THAT ACTUALLY MAKES THE
14 FINDINGS AS TO WHY WE ARE -- THAT SUGGESTS FINDINGS WHICH
15 YOU MIGHT CONSIDER IF YOU CHOOSE TO OBJECT TO THE PERMIT.

16 CHAIRMAN FROST: OKAY.

17 MS. STEVENS: OKAY. IT STARTS ON PAGE 64 OF
18 YOUR AGENDA PACKETS. WE CAN JUST GO THROUGH THE
19 DEFICIENCIES IN THE PERMIT ONE BY ONE.

20 THE FIRST PROBLEM IS THAT THE MONITORING
21 PROGRAM PROPOSED FOR THE SITE DOES NOT CLEARLY SPECIFY
22 THAT WASTE TONNAGES RECEIVED AT THE SITE WILL BE TALLIED
23 DAILY. IT SAYS THAT THE SITE WILL SUBMIT THESE TONNAGE
24 FIGURES ON A MONTHLY BASIS. AND IT ISN'T CLEARLY
25 DELINEATED THAT THOSE TONNAGES WILL BE BASED ON DAILY



1 RATES AND THEN TALLIED ON A MONTHLY BASIS.

2 THIS IS A SIGNIFICANT PROBLEM BECAUSE
3 EVERYTHING ABOUT A SITE, EVERY OPERATION AT A SITE, EVERY
4 CONTROL MECHANISM WE HAVE IN PLACE, MANY OF OUR STATE
5 MINIMUM STANDARDS ARE BASED ON WHAT THE SITE ACTUALLY
6 RECEIVES IN THE WAY OF WASTE ON A DAILY LIMIT. AND THE
7 PERMIT IS FOR A DAILY AMOUNT OF TONNAGE, SO THAT'S A
8 SIGNIFICANT DEFICIENCY.

9 ITEM NO. 2, THE TOP OF PAGE 65, STATES THAT
10 THERE'S A PROBLEM WITH PERMIT SPECIFICATION NO. 6. AND
11 I'M GOING TO QUOTE DIRECTLY. PERMIT SPECIFICATION NO. 6
12 STATES, "THE LEA SHALL BE NOTIFIED BY THE WASTE
13 MANAGEMENT DEPARTMENT AT LEAST 120 DAYS PRIOR TO ANY
14 PROPOSED CHANGE IN OPERATOR TO THIS FACILITY."

15 THE PROBLEM WITH THIS IS THAT A CHANGE IN
16 OPERATOR OF A FACILITY REQUIRES A NEW SOLID WASTE
17 FACILITIES PERMIT. IT'S NOT ADEQUATE TO NOTIFY THE LEA
18 THAT THERE'S A CHANGE IN OPERATOR. THE LEA HAS TO TAKE
19 THAT ONE STEP FURTHER AND STATE THAT THAT WILL REQUIRE AN
20 APPLICATION FOR A NEW PERMIT, AND THAT WAS MISSING FROM
21 THE PERMIT BEFORE US TODAY.

22 ITEM NO. 3, THIS IS THE -- THIS IS A RATHER
23 LONG ITEM DISCUSSING THE PROBLEM WITH THE PHASING OF THIS
24 SITE. THE PROBLEM IS THE FOLLOWING: THE SITE IS DIVIDED
25 INTO PHASE I AND PHASE II, AND THE PERMIT DOES NOT



1 CLEARLY LAY OUT CONTROL MECHANISMS FOR PHASE I VERSUS
2 PHASE II.

3 THE MAIN TECHNICAL DOCUMENT WHICH SUPPORTS
4 THIS PERMIT, THE REPORT OF DISPOSAL SITE INFORMATION,
5 WHICH IS DATED MARCH 1992, ALSO DOES NOT CLEARLY LAY OUT
6 WHERE PHASE I BEGINS AND ENDS AND WHERE PHASE II BEGINS
7 AND ENDS.

8 IN FACT, IF YOU PUT ALL THE MAPS THAT WERE
9 INCLUDED AS PART OF THAT RDSI TOGETHER, YOU CANNOT GET A
10 GOOD PICTURE OF WHERE THE PHASES ARE. ALL OF THE MAPS
11 HAVE DIFFERENT CONTOUR LEVELS, FOR EXAMPLE. SOME ARE AT
12 3 FEET, SOME ARE AT 4, AND SOME ARE AT 5.

13 THE PROBLEM THAT COMES FROM THIS IS THAT
14 THE WATER BOARD IS ON RECORD, REGIONAL WATER CONTROL
15 BOARD, IS ON RECORD REQUIRING THE OPERATOR OF THIS
16 FACILITY TO TAKE SOME VERY SPECIFIC STEPS BEFORE WASTE
17 CAN BE PLACED IN PHASE II.

18 ORIGINALLY, BECAUSE OF CHAPTER 15
19 REQUIREMENTS, EXPANSION TO PHASE II WOULD HAVE REQUIRED
20 THE INSTALLATION OF COMPOSITE LINER. AND WE HAVE
21 CORRESPONDENCE IN THE FILES DOCUMENTING THE OPERATOR
22 REQUESTING A WAY TO COMPLY WITH THE REQUIREMENTS OF
23 CHAPTER 15 WITHOUT HAVING TO GO TO THE LENGTH OF
24 INSTALLING A COMPOSITE LINER FOR THE EXPANSION AREA.

25 PART OF THE PROPOSAL THE OPERATOR SUBMITTED



1 TO THE WATER BOARD WAS DEEMED ACCEPTABLE AND PART OF IT
2 WAS NOT. AND THE WATER BOARD REQUIRED VERY CLEARLY THAT
3 THE OPERATOR DO CERTAIN THINGS IN ORDER TO BE ABLE TO
4 EXPAND INTO THIS AREA. THE REQUIREMENTS INCLUDED THE
5 INSTALLATION OF AN ARRAY OF GROUNDWATER MONITORING WELLS
6 AND SOME OTHER TECHNICAL ISSUES BEFORE THEY COULD EXPAND.

7 ONE OF THE BIGGEST THINGS THAT HAD TO
8 HAPPEN IS THE OPERATOR HAD TO SUBMIT A DESIGN PLAN THAT
9 WOULD BE REVIEWED BY THE WATER BOARD AND APPROVED. THE
10 PROBLEM WE HAVE BEFORE US TODAY IS THAT THIS PERMIT
11 WOULD ALLOW EXPANSION INTO THAT AREA WITHOUT ANY
12 PROVISION FOR THE WATER -- FOR THE WASTE BOARD. FOR THIS
13 AGENCY, TO REVIEW THAT PLAN AND LOOK AT IT.

14 AND IT ISN'T CLEAR THAT THE EXPANSION --
15 APPROVING THE PERMIT TODAY WOULD APPROVE THE EXPANSION
16 INTO PHASE II AREA WHERE WE DO NOT HAVE DOCUMENTATION
17 THAT THE DESIGN PLANS AND ALL THE REQUIREMENTS FOR THAT
18 EXPANSION HAVE YET BEEN MET. AND THAT'S THE BIGGEST
19 PROBLEM WITH THE PHASING OF THE SITE.

20 ITEM -- I THINK IT MIGHT BE A GOOD IDEA TO
21 ASK FOR ANY QUESTIONS ON THE PHASING NOW, IF YOU WOULD,
22 PLEASE, TO DO IT THAT WAY. IT MIGHT BE LESS CONFUSING.
23 I DON'T KNOW HOW YOU WANT TO HANDLE THAT.

24 CHAIRMAN FROST: ANYBODY HAVE ANY QUESTIONS ON
25 THIS ITEM?



1 MS. STEVENS: NO. OKAY.

2 ITEM NO. 4 AT THE TOP OF PAGE 66. THE
3 PROPOSED PERMIT INCLUDES A SUMMARY OF ALL THE DIFFERENT
4 WASTE TYPES TO BE ACCEPTED AT THIS FACILITY AND INCLUDES
5 A LISTING OF, QUOTE, UNQUOTE, APPROVED INDUSTRIAL AND
6 APPROVED AGRICULTURAL WASTE.

7 THE PROBLEM WITH THIS LANGUAGE IS NO ONE
8 KNOWS WHAT APPROVED INDUSTRIAL WASTE IS. THERE'S NO
9 DEFINITION OF APPROVED INDUSTRIAL WASTES, NOR IS THERE A
10 DEFINITION OF INDUSTRIAL WASTE. AND THE APPROVAL PROCESS
11 AND WHO WOULD APPROVE SUCH WASTE, THE MECHANISM, ETC., IS
12 NOT CLEARLY SPECIFIED. IT'S A WASTE TYPE THAT THE PERMIT
13 DOESN'T CONTROL ADEQUATELY, AND WE GET BACK TO THE
14 PROBLEM OF HAVING AN UNENFORCEABLE PERMIT.

15 ITEM NO. 5, THIS WAS AN ISSUE. THE PERMIT
16 INCLUDED AN INSPECTION DATE STATING THAT THE LEA FOUND
17 THE SITE IN COMPLIANCE WITH STATE MINIMUM STANDARDS ON
18 JANUARY 27, 1991. THERE ARE TWO PROBLEMS WITH THIS DATE.
19 IT'S AN OLD DATE. IN A SENSE THAT HAS BEEN TAKEN CARE OF
20 BECAUSE THE LEA HAS TESTIFIED THAT THE SITE IS IN
21 COMPLIANCE AS OF MAY 21, 1992, BUT THE PERMIT DOES NOT
22 CITE THAT DATE.

23 THE OTHER PROBLEM IS THAT THIS DATE, THERE
24 IS NO RECORD ANYWHERE IN OUR DOCUMENTS OF THERE HAVING
25 BEEN AN INSPECTION CONDUCTED ON THAT DATE. THE LEA DID



1 NOT FILE A SWIS REPORT WITH THIS DATE. WE DON'T HAVE IT
2 IN OUR DATA BASE. IT'S A DATE THAT WE DON'T HAVE ANY
3 RECORD OF AN INSPECTION BEING CONDUCTED ON THAT DAY.

4 ITEM NO. 6, THE CLOSURE SECTION OF THE
5 PROPOSED PERMIT DOES NOT INCLUDE PRECISE LANGUAGE
6 REGARDING CLOSURE PLAN DUE DATES FOR THE SITE. AS YOU
7 ARE AWARE, FINAL CLOSURE/POSTCLOSURE MAINTENANCE PLANS
8 ARE DUE TWO YEARS PRIOR TO THE CLOSURE OF EITHER A
9 FACILITY OR A DISCRETE WASTE MANAGEMENT UNIT.

10 THIS ITEM TIES BACK TO THE PROBLEM WITH THE
11 VAGUENESS AND DELINEATING THE PHASES. PHASE I IS DUE TO
12 RUN OUT OF SPACE TOWARD THE END OF 1994. IF IT'S GOING
13 TO RUN OUT OF SPACE BY THE END OF 1994, A FINAL CLOSURE
14 PLAN FOR THAT AREA IS DUE BY THE END OF 1992.

15 THE PERMIT DOES NOT CLEARLY SPECIFY THAT;
16 IN FACT, STATES THAT A CLOSURE PLAN IS DUE IN 1995, WHICH
17 IS TWO YEARS PRIOR TO THE CLOSURE OF THE ENTIRE FACILITY.
18 THAT DATE IS PROJECTED TO BE 1997.

19 ITEM NO. 7, AT THE BOTTOM OF PAGE 66, ONE
20 OF THE REQUIREMENTS OF A SOLID WASTE FACILITIES PERMIT IS
21 TO INCLUDE ALL OF THE CONDITIONING DOCUMENTS THAT -- OR
22 ALL OF THE DOCUMENTS THAT CONDITION OPERATIONS AT A
23 FACILITY. ONE OF THE MAJOR DOCUMENTS CONDITIONING
24 OPERATIONS AT THIS FACILITY IS THE CLEANUP AND ABATEMENT
25 ORDER THAT WAS ISSUED TO THE FACILITY BY THE REGIONAL



1 WATER QUALITY CONTROL BOARD ON JUNE 24TH OF LAST YEAR.
2 THAT CLEANUP AND ABATEMENT ORDER IS NOT
3 INCLUDED AS A CONDITIONING DOCUMENT FOR THE OPERATION OF
4 THE SITE. AND THIS IS ESPECIALLY PROBLEMATIC GIVEN THE
5 HISTORY OF CONTINUED DRAINAGE AND EROSION CONTROL
6 VIOLATIONS AT THE SITE AND VERY SPECIFIC LANGUAGE THAT
7 ORDER INCLUDES DIRECTING THE SITE OPERATOR TO TAKE VERY
8 SPECIFIC STEPS TO CORRECT DRAINAGE AND EROSION CONTROL
9 PROBLEMS AT THE SITE.

10 NOW, ON THE TOP OF PAGE 87, ITEM NO. 8, I
11 NEED TO MAKE A CORRECTION FOR THE RECORD WITH THIS ITEM.
12 THE PROBLEM WITH THE HOURS OF OPERATION AND THE DAYS OF
13 OPERATION IS NOT AS IT SAYS HERE BETWEEN THE PERMIT AND
14 THE CONDITIONING DOCUMENT, BUT IS WITHIN THE PERMIT
15 ITSELF. THE PERMIT IS WITHIN ITSELF CONTRADICTORY.

16 ON ITEM NO. 7 OF THE PERMIT, WHICH IF YOU
17 TURN TO PAGE 81 IN YOUR AGENDA PACKETS, YOU CAN FIND WHAT
18 I'M TALKING ABOUT.

19 UNDER NO. 7 IT STATES THAT THE OPERATING
20 HOURS OF THE FACILITY WILL BE ALLOWED AS FOLLOWS:
21 BETWEEN THE HOURS OF 8 A.M. AND 4:30 P.M. MONDAY THROUGH
22 SATURDAY, ETC.

23 THEN LATER ON IN THE PERMIT ON PAGE 78 --
24 PARDON ME -- EARLIER ON IN THE PERMIT. ON PAGE 78, UNDER
25 THE CONDITIONS SECTION OF THE PERMIT, ITEM NO. J -- OR



1 ITEM LETTER J, IT STATES THAT THE FACILITY IS OPEN SEVEN
2 DAYS A WEEK.

3 SO YOUR AGENDA PACKET IS INCORRECT IN THAT
4 THE CONTRADICTION IS NOT BETWEEN THE PROPOSED PERMIT AND
5 ITS CONDITIONING DOCUMENT, BUT, RATHER, WITHIN THE PERMIT
6 ITSELF.

7 AND I'M OPEN FOR QUESTIONS AT THIS POINT.

8 CHAIRMAN FROST: OKAY. ANY QUESTIONS AT THIS
9 POINT? ALL RIGHT.

10 NOW, WE HAVE THREE PEOPLE WHO WOULD LIKE TO
11 TESTIFY ON THIS ITEM. AND I HAVE TO FIND A PLACE FOR
12 THEM TO TESTIFY.

13 OKAY. MR. ROBERT NELSON OF RIVERSIDE
14 COUNTY.

15 MR. NELSON: THANK YOU, MR. CHAIRMAN. CAN YOU
16 HEAR ME?

17 CHAIRMAN FROST: WE CAN HEAR YOU, BUT CAN YOU
18 WORK WITH YOUR DOCUMENTS OKAY, OR WOULD IT BE BETTER FOR
19 YOU TO SIT?

20 MR. NELSON: IT WOULD BE EASIER TO SIT.

21 CHAIRMAN FROST: SOMEBODY CAN MAKE SOME ROOM FOR
22 HIM THERE SO HE CAN SIT. THANK YOU.

23 MR. NELSON: WE CAN OPERATE HERE ALL RIGHT.

24 THANK YOU, MEMBERS OF THE BOARD. MY NAME
25 IS ROBERT NELSON. I'M DIRECTOR OF WASTE MANAGEMENT FOR



1 RIVERSIDE COUNTY. I AM HERE TODAY SEEKING A REVISED
2 PERMIT FOR THE HIGHGROVE LANDFILL. AND THE REVISION
3 SOUGHT IS SOMETHING QUITE SIMPLE. IT RAISES THE HEIGHT
4 OF THE EXISTING FILL IN PHASE I 75 FEET.

5 I WANT TO SAY BEFORE I START THAT THIS
6 LANDFILL IS PERMITTED FOR BOTH PHASE I AND II. IT WAS
7 PERMITTED IN JANUARY, JANUARY 3RD OF 1990. THAT'S ONLY
8 ABOUT 18 OR LESS MONTHS AGO, IN WHICH THIS BOARD
9 AUTHORIZED IN DECEMBER THE LEA ISSUANCE OF THE PERMIT,
10 WHICH THEN CAME IN JANUARY OF 1990 FOR THIS LANDFILL.

11 I WANT YOU TO UNDERSTAND CLEARLY WHAT THE
12 STAFF AND WE ARE TALKING ABOUT BECAUSE I THINK ONLY WITH
13 THAT UNDERSTANDING CAN YOU PROPERLY EVALUATE THE
14 SITUATION.

15 FIRST OF ALL, THIS MAP SHOWS YOU BOTH THE
16 PROPERTY OWNERSHIP BOUNDARIES THAT WE HAVE. AS WELL AS
17 WHERE THE CURRENT FILL AREA IS AND THE QUESTION REGARDING
18 FILL AREA IN PHASE II.

19 WE ARE ASKING THAT THE PERMIT BE -- REVISED
20 PERMIT BE ISSUED TO RAISE THE HEIGHT OF FILL AREA IN
21 PHASE I. AND I'VE GOT A CROSS SECTION THAT GIVES YOU A
22 SENSE OF WHAT WE'RE ASKING.

23 THE FILL AREA THAT YOU SEE THERE WITH THE
24 WIGGLED LINES WERE THE FORMER EDGES OF THE LANDFILL.
25 OVER THE PAST SIX TO TWELVE MONTHS, WE HAVE REBUILT THE



1 FRONT EDGE USING THREE TO ONE SLOPES OF THIS LANDFILL AND
2 ARE NOW WELL OVER HALFWAY UP, GOING TOWARDS THE HEIGHT,
3 WHICH IS THE CURRENT PERMIT HEIGHT.

4 POINT TO THE LINE THAT REPRESENTS THE
5 ELEVATION, WHICH IS WITHIN THE CURRENT PERMIT. POINT TO
6 THAT ON THE CHART, IF YOU WOULD, PLEASE. POINT TO THE
7 LINE WHICH REPRESENTS THE TOP OF THE EXISTING PERMITTED
8 LANDFILL. THIS LINE (INDICATING). THAT LINE IS THE LINE
9 WHICH IS THE CURRENT PERMITTED HEIGHT OF THE LANDFILL.
10 WE ARE ASKING THAT THE REVISION OF THIS PERMIT ALLOW IT
11 TO BE RAISED 75 FEET.

12 THERE IS NO LOCAL OPPOSITION TO THE
13 PROPOSED ACTION. INDEED, THERE'S STRONG LOCAL SUPPORT
14 FOR THE PROPOSED ACTION. I HAVE BEEN SEEKING THIS
15 REVISION FOR NEARLY 18 MONTHS.

16 THE COUNTY HAS A CURRENT EXISTING PERMIT ON
17 THE LANDFILL WHICH WAS OBTAINED, AS I MENTIONED, IN
18 JANUARY OF 1990 COVERING BOTH PHASE I AND PHASE II. I AM
19 SPEAKING TO YOU TODAY TO HELP YOUR BOARD PUT THIS ISSUE
20 INTO PERSPECTIVE WITH WHAT I SEE IS THE BIG PICTURE OF
21 WHAT YOU AND WE TOGETHER ARE TRYING TO DO.

22 MAINLY OUR GOAL IS TO REDUCE THE AMOUNT OF
23 LANDFILLING DONE BY OUR COUNTY, WHILE AT THE SAME TIME
24 UPGRADING THE STANDARDS OF ALL OUR LANDFILLS TO A NEW
25 LEVEL. WE HAVE 13 ACTIVE LANDFILLS. IN ADDITION, THERE



1 ARE 26 OLD INACTIVE LANDFILLS THAT AT SOME POINT OUR
2 ADMINISTRATOR OF THE COUNTY HAS SOMETHING TO DO WITH.

3 TO REACH OUR GOALS, WE HAVE FOR THE PAST
4 FOUR YEARS BEEN INSTALLING DOZENS AND DOZENS OF
5 MONITORING WELLS AND HAVE EMBARKED UPON A VERY EXPENSIVE
6 QUARTERLY TESTING PROGRAM. IN ADDITION, WE HAVE
7 INSTALLED GAS PROBES AND MONITORING PROCEDURES AT ALL THE
8 LANDFILLS TO COMPLY WITH AQMD RULE 1150.1.

9 WHERE APPROPRIATE, WE HAVE INSTALLED GAS
10 EXTRACTION SYSTEMS. ANOTHER SYSTEM FOR CONTROLLING GAS
11 IS GOING OUT TO BID ON ONE OF OUR LANDFILLS NEXT MONTH.

12 WE HAVE COMPLETED FORMAL CLOSURE AT ONE OF
13 OUR RECENTLY ACTIVE LANDFILLS AND ARE 50 PERCENT THROUGH
14 THE CONTRACT FOR ANOTHER ONE AT THIS MOMENT. A THIRD
15 FORMAL CLOSURE IS EXPECTED TO PROCEED WITHIN THE NEXT SIX
16 MONTHS.

17 IN ORDER TO MEET THE NEW STANDARDS FOR
18 ALLIANCE, THE DEPARTMENT IS UNDER CONSTRUCTION AT TWO OF
19 ITS LANDFILLS, MOVING MASSIVE AMOUNTS OF DIRT TO MAKE WAY
20 FOR ALLIANCE, WHICH CONSTRUCTION IS EXPECTED TO BEGIN
21 NEXT MONTH AND PROCEED THROUGH THE SUMMER AND FALL.

22 WITH RESPECT TO THE HIGHGROVE LANDFILL,
23 BECAUSE OF ITS LIMITED CAPACITY AND BECAUSE OF THE NEED
24 TO MEET THE AB 939 RECYCLING GOALS, WE HAVE WORKED TO
25 SITE A MRF TRANSFER STATION BEGINNING BY 1995 WITH THE



1 ABILITY AT THAT TIME TO TRANSFER WASTE TO THE BADLANDS
2 LANDFILL, WHOSE PERMIT REVISION WAS APPROVED JUST LAST
3 MONTH BY YOUR BOARD.

4 A SITE HAS BEEN CHOSEN AND THE EIR IS
5 UNDERWAY WITH COMPLETION THIS SUMMER. AND A FORMAL BID
6 PERMIT FOR THE DESIGN, CONSTRUCTION, AND OPERATION OF
7 THIS 750- TO 1300-TON PER DAY FACILITY WAS RELEASED BY
8 OUR BOARD OF SUPERVISORS TO THE SIX PREQUALIFIED BIDDERS
9 ONE WEEK AGO. BIDS FOR THIS ANTICIPATED \$25 MILLION
10 FACILITY WILL BE RECEIVED ON JULY 8TH.

11 THIS IS JUST ONE OF SIX OR EIGHT SUCH
12 FACILITIES NEEDED IN OUR COUNTY IN ORDER TO MEET OUR
13 COMBINED GOALS.

14 A GREEN WASTE CURBSIDE COLLECTION AND
15 DIVERSION PROGRAM FOR MOST OF OUR HIGHGROVE WATERSHED --
16 OR WASTESHED BEGINS THREE WEEKS FROM TODAY. I'M
17 EXTREMELY PROUD OF THE AGGRESSIVENESS AND COHESIVENESS
18 WITH WHICH OUR COUNTY AND CITIES HAVE DISPLAYED TO TRY TO
19 MEET THE RECYCLING GOAL.

20 SMALL LANDFILLS IN OUR SYSTEM WILL QUICKLY
21 ALL HAVE TO BE PHASED OUT. REGIONAL LANDFILLS WILL HAVE
22 TO BE LINED AND RAISED TO THE STANDARDS REQUIRED OF
23 OPERATORS ACROSS THE NATION. CORRECTIVE ACTIONS WILL
24 HAVE TO BE PURSUED AT SEVERAL OF OUR FORMERLY UNLINED
25 LANDFILLS BECAUSE OF TRACE ELEMENTS BEING DISCOVERED IN



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1 THE MONITORING WELLS.

2 WE HAVE THIS TASK BEFORE US LIKE MOST ALL
3 OPERATORS IN THE STATE. IN ORDER TO DO THESE MASSIVE
4 ASSIGNMENTS TAKES A LOT OF MONEY. OUR PRIMARY SOURCE FOR
5 THAT MONEY IS THE TIPPING FEE.

6 WHILE I HAVE BEEN AT THE HELM AS THE
7 DIRECTOR OF WASTE MANAGEMENT FOR THE COUNTY NOW FOUR
8 YEARS, WE HAVE BEEN SYSTEMATICALLY RAISING OUR TIPPING
9 FEE IN ORDER TO POSTURE THE COUNTY TO ACHIEVE THESE
10 GOALS.

11 DURING THAT PERIOD, THE TIPPING FEE HAS
12 GONE UP FROM \$6.50 A TON TO \$31.50 A TON. THIS HAS TAKEN
13 PHENOMENAL FORTITUDE AND RECEIVES CONSTANT SCRUTINY AND
14 POLITICAL PRESSURE.

15 I FEEL COMPELLED TO BRING THIS OVERVIEW TO
16 YOU BECAUSE I BELIEVE IT BEARS ON THE DECISION YOU MUST
17 MAKE HERE TODAY.

18 TWO WEEKS AGO WHEN WE WERE TO COME BEFORE
19 YOUR HEARING BOARD, YOUR STAFF RAISED THREE ISSUES, AND
20 THEY WERE RAISED, QUITE FRANKLY, AT THE LAST MINUTE AS A
21 BASIS FOR NOT ALLOWING THE PERMIT TO GO FORWARD WITH A
22 CONSENT ITEM ON TODAY'S AGENDA.

23 THOSE ISSUES WERE PROMPTLY ADDRESSED; AND
24 AS YOU'VE HEARD TODAY, THEY HAVE ALL BEEN RESOLVED. I
25 MIGHT ADD THAT THEY WERE ALL MINOR.



1 SINCE THEN, INDEED, ON WEDNESDAY OF THIS
2 LAST WEEK, I RECEIVED FOR THE FIRST TIME EIGHT NEW
3 ISSUES. MIND YOU, NONE OF THESE WERE ISSUES TWO WEEKS
4 AGO WHEN THIS WAS BEFORE THE HEARING BOARD. MANY OF
5 THESE FALL INTO THE, WHAT I WOULD CALL, TYPOGRAPHICAL
6 ERROR CATEGORY, AND REMEDIES HAVE BEEN PROPOSED BY THE
7 LEA FOR ALL ISSUES AND AGREED TO BY THE COUNTY.

8 I WOULD LIKE TO BRIEFLY SUMMARIZE THE
9 ISSUES AND RESPONSES. THIS CHART LISTS THE EIGHT POINTS.

10 ITEM NO. 1 IS THE QUESTION OF WHETHER OR
11 NOT WE ARE SUPPLYING DAILY TONNAGE FIGURES. INDEED, THE
12 WORDING THAT WAS PUT IN THE DRAFT DID NOT SAY THAT WE HAD
13 TO PROVIDE THEM DAILY. WE HAVE NO OBJECTION TO THAT. WE
14 HAVE, INDEED, BEEN PROVIDING DAILY TONNAGE FIGURES TO THE
15 LEA FOR MONTHS AND MONTHS AND MONTHS IN A FORMAT VERY
16 IDENTICAL TO THIS.

17 THIS IS PROVIDED MONTHLY. WE DON'T SEND
18 THEM A REPORT EVERY DAY, BUT IT TALLIES ON A CALENDAR DAY
19 BASIS ON THE LEFT-HAND SIDE VERSUS THE TOTAL TONNAGE ON
20 THE RIGHT-HAND SIDE. THOSE KIND OF FIGURES ARE KEPT
21 DAILY. IF THIS ISN'T ADEQUATE, IF THERE NEEDS TO BE A
22 PAPER REPORT EVERY SINGLE DAY, THAT CAN BE DONE. BUT
23 THIS HAS BEEN THE PRACTICE, AND THERE'S BEEN MINOR
24 WORDING PROPOSED TO THE LANGUAGE WHICH PROPOSES
25 CONTINUING WHAT WE HAVE BEEN DOING.



1 THE SECOND ITEM IS THE QUESTION ON CHANGE
2 IN OPERATOR. CLEARLY, AS WE LOOK BACK, WE OVERLOOKED THE
3 WORD AND I THINK THE LEA OVERLOOKED THE WORD. AND THE
4 INTENT OF THAT WORD WAS OPERATIONS. THE QUESTION AS TO
5 CHANGE IN OPERATOR NEEDING NOTIFICATION IN 120 DAYS,
6 OBVIOUSLY, IS WRONG.

7 THE VERY FACE OF YOUR PERMIT TELLS US AND
8 ALL OPERATORS THAT THE PERMIT ONLY APPLIES TO THE CURRENT
9 OPERATOR. AND THERE'S LANGUAGE RIGHT ON THE FRONT WHICH
10 SAYS, "UPON A CHANGE OF OPERATOR, THIS PERMIT IS SUBJECT
11 TO REVISION." IT'S ON EVERY PERMIT THAT'S ISSUED BY THE
12 LEA. I THINK THAT ISSUE IS SIMPLY A TYPO AND SHOULD BE
13 TREATED AS SUCH.

14 THE NEXT ITEM IS THE QUESTION OF CLARIFYING
15 EXPANSION. WE BELIEVE THAT THAT ISSUE IS PROPERLY
16 ADDRESSED AND APPROPRIATELY HANDLED THROUGHOUT THE RDSI.
17 AND A THOROUGH AND APPROPRIATE READING OF IT WOULD
18 UNDERSTAND THAT WE'RE OPERATING ONLY IN PHASE I AND
19 REQUIRE ADDITIONAL APPROVAL BEFORE WE MOVE ON INTO PHASE
20 II.

21 WE HAVE RECEIVED DIRECTIONS FROM THE WATER
22 BOARD TO PROVIDE ADDITIONAL INFORMATION ONTO THE TYPE OF
23 LINING, SOME ADDITIONAL BORINGS, ETC., BEFORE WE MOVE
24 INTO PHASE II. WE HAVE BEEN DOING THOSE STUDIES; THOSE
25 STUDIES ARE ONGOING. AS THEY HAVE EVOLVED, ADDITIONAL



1 WELLS WERE NEEDED, AND WE ARE MOVING TO DO THOSE WELLS.
2 IN FACT, THEY MAY WELL BE DRILLED BY NOW.

3 AND I FEEL THAT ISSUE IS ADEQUATELY COVERED
4 IN THE PERMIT TO THE COMBINED PROCESS OF THE TWO STATE
5 AGENCIES. IT NEED NOT BE SOMETHING THAT YOU WORRY ABOUT
6 PROVIDING ADDITIONAL CONDITIONS IN YOUR PERMIT.

7 AS TO THE FOURTH ITEM, THE APPROVED WASTE
8 ISSUE, IN THE LANGUAGE ON THIS PERMIT AND, INDEED, ON THE
9 ONE WHICH YOU APPROVED JUST LESS THAN A MONTH AGO ON THE
10 BADLANDS, THE TERM APPROVED INDUSTRIAL WASTE AND APPROVED
11 AGRICULTURAL WASTE ARE BOTH LISTED AS THE KINDS OF WASTE
12 THAT CAN BE ALLOWED INTO THE LANDFILL.

13 THE CURRENT PERMIT DOESN'T USE THE WORD
14 "APPROVED." IT SIMPLY SAYS "INDUSTRIAL WASTE." NOW, I
15 DON'T KNOW WHY THE LEA PUT THE WORD IN THERE. TO ME IT'S
16 A NIT-PICKING ISSUE TO SAY THAT THAT IS SOMETHING THAT
17 SHOULD STOP THE PERMIT.

18 THE LEA HAS PROPOSED REMOVING THE WORD
19 "APPROVED" AND LEAVING IT JUST LIKE THE CURRENT PERMIT
20 SAYS. I HAVE NO PROBLEM WITH THAT. THERE'S A CLEAR
21 PROCESS BETWEEN THE WATER BOARD, THE OPERATOR, AND THE
22 LEA IN WHICH ANYTIME THERE'S ANY QUESTIONABLE WASTE
23 BROUGHT TO THE ATTENTION OF ANY ONE OF THE THREE. THERE'S
24 COLLABORATION AND DISCUSSION BETWEEN US, BOTH VERBALLY
25 AND IN WRITING, AS TO WHETHER OR NOT TO ALLOW THAT WASTE



1 TO COME INTO THE LANDFILL.

2 THAT PROCESS HAS BEEN IN PLACE FOR YEARS.
3 IT HAS WORKED WELL. I REGRET DEEPLY THE WORD "APPROVED"
4 WAS PUT INTO THE DRAFT. IT WAS -- AGAIN, I SEE THIS AS A
5 MINOR ISSUE AND SHOULD NOT STOP THE PERMIT.

6 ITEM NO. 5, THE QUESTION OF INSPECTION
7 JANUARY 27, '91, THAT WAS A TYPO. THE LEA INSPECTED IT
8 ON JANUARY 27, '92. THE PROCESSING OF THESE THINGS, AS
9 YOU KNOW, TAKES MONTHS AND MONTHS AND MONTHS TO FINALLY
10 GET BEFORE YOUR BOARD.

11 AND IT WAS AN APPROPRIATE REFERENCE POINT
12 THAT THEY HAD USED AT THAT TIME. FOR SOME REASON THERE
13 WAS A TYPO AND THAT DATE WAS, INDEED, JANUARY 27TH OF
14 '92. AND I THINK IT'S FALSE ECONOMY AND USE OF YOUR TIME
15 TO STOP A PERMIT BECAUSE THEY'VE PROPOSED CORRECTING IT
16 AND WE AGREE. THERE HAVE BEEN NUMEROUS INSPECTIONS EVEN
17 SINCE THAT DATE, AND SO I DON'T SEE THAT THAT'S AN ISSUE.

18 ITEM NO. 6, CLOSURE DATE LATE '94 WAS WHAT
19 WAS IN THE DRAFT PERMIT. AND, INDEED, WHEN IT WAS
20 WRITTEN, IT WAS ANTICIPATED THAT THE ENTIRE LANDFILL
21 WOULD BE TREATED AS A UNIT THAT WOULD BE CLOSED TOGETHER.

22 THAT'S A JUDGMENT CALL AS TO WHERE YOU
23 DEFINE DISCRETE UNITS. THE STATE STAFF, NOT BEFORE IT
24 GOT TO THE HEARING BOARD, BUT IN THIS LAST FEW DAYS, HAS
25 SUDDENLY DECIDED TO SAY, OH, THAT'S A DISCRETE UNIT.



1 YOU, THEREFORE, MUST SUBMIT WITHIN THE TWO DAYS PRIOR TO
2 COMPLETING PHASE II -- WITHIN TWO YEARS BEFORE COMPLETING
3 PHASE I.

4 THIS WILL PUSH US HARD TO MEET THAT GOAL,
5 BUT WE'RE COMMITTED TO DO SO. WE HAVE COMMITTED THAT TO
6 THE LEA. THE LEA HAS PROPOSED BACK TO YOUR STAFF, AS
7 THEY HAVE ON ALL THE OTHER EIGHT ITEMS, AS OF LAST
8 THURSDAY, RESPONSES WHICH DEAL WITH THESE TYPOS AND
9 ISSUES THAT HAVE BEEN RAISED. THIS WAS SUPPOSED TO HAVE
10 BEEN A COPY OF A LETTER WHICH WAS RELEASED YESTERDAY BY
11 FIVE RESPECTIVE FIRMS THAT WE HAVE ASKED TO SUBMIT
12 PROPOSALS TO US.

13 THERE'S A BUNCH OF ADDITIONAL DATA BEHIND
14 THIS, BUT BASICALLY IT ASKS THEM TO SUBMIT A PROPOSAL TO
15 DO CLOSURE ON PHASE I OF THIS LANDFILL. WE ARE COMMITTED
16 TO MEET THAT DATE. IF THAT IS THE DESIRE OF AND DECISION
17 OF THE STATE BOARD, WE WILL MEET IT. IT WILL PUSH US
18 HARD, BUT WE'LL DO IT. I UNDERSTAND THAT THIS IS A
19 JUDGMENT CALL, AND WE'RE RESPONDING CONSTRUCTIVELY TO THE
20 FINDINGS OF YOUR STAFF.

21 ITEM NO. 7, THE CLEANUP AND ABATEMENT
22 ORDER. MIND YOU, THIS IS AN ORDER WHICH WAS ISSUED BY
23 THE SANTA ANA REGIONAL WATER BOARD TO EACH OF THE
24 OPERATORS IN THE THREE COUNTIES, SAN BERNARDINO COUNTY,
25 RIVERSIDE COUNTY, AND ORANGE COUNTY.



1 SOME 22 LANDFILLS RECEIVED IDENTICAL ORDERS
2 IN WHICH WE WERE DIRECTED, EACH OF US, TO CLEAN UP OUR
3 ACTS REGARDING EROSION AND DRAINAGE THAT WAS OCCURRING
4 PERIODICALLY WITH HEAVY RAINS. AND EACH OF US -- I CAN'T
5 SPEAK FOR THE OTHER TWO COUNTIES, BUT I KNOW PRECISELY
6 WHAT WE HAVE DONE. WE HAVE SPENT HUNDREDS OF THOUSANDS
7 OF DOLLARS IN GETTING ADDITIONAL DRAINAGE IMPROVEMENTS
8 INSTALLED AND RESPONDING PRECISELY AS REQUESTED.

9 AND YOU WILL HEAR, I BELIEVE IF THEY'RE
10 HERE TO TESTIFY TODAY, THAT THAT IS MET. INDEED, YOUR
11 STAFF HAS SAID THAT THAT IS NOT A PROBLEM.

12 LANDFILLS ARE HARD TO KEEP IN A REAL HOLD
13 VEGETATIVE STATE BECAUSE OF THE INTENSE RAINS. BECAUSE
14 OF THE LONG DRY PERIODS THAT WE HAVE, WE HAVE A
15 PARTICULAR PROBLEM WITH EROSION ON OUR SLOPES, AND WE
16 HAVE DEALT RESPONSIVELY WITH IT. AND TO MY KNOWLEDGE,
17 THAT IS NOT AN ISSUE.

18 THE FACT THAT THAT ORDER WAS NOT ATTACHED
19 TO THE PERMIT OR REFERENCED IN THE PERMIT IS A DETAIL
20 WHICH COULD HAVE BEEN AND SHOULD HAVE BEEN AND NOW IS, IF
21 THE LEA RECOMMENDATION IS SUSTAINED, IT WILL SIMPLY BE
22 ATTACHED TO THE PERMIT. I DON'T SEE THIS AS A BIG ISSUE
23 WHICH SHOULD STOP THE PERMIT.

24 ITEM NO. 8, THE HOURS OF OPERATION. THERE
25 WAS SOME WORDING CONFLICT WHICH WE HAD MISSED. LEA HAD



1 MISSED IN THE WORDING. THE INTENT IS TO OPERATE SEVEN
2 DAYS. THE RDSI CLEARLY STATED THAT. THAT HAS BEEN OUR
3 OPERATIONAL MODE FOR YEARS AND YEARS. AND, AGAIN, I PUT
4 THAT IN THE CATEGORY OF TYPO.

5 SO I THINK YOU CAN SEE, BY GOING THROUGH
6 THESE EIGHT ISSUES, THAT WHAT WEREN'T EVEN ISSUES WHEN
7 YOUR HEARING BOARD HEARD THIS TWO WEEKS AGO ARE NOW MADE
8 OUT TO BE AWFULLY BIG ISSUES WHICH REALLY AREN'T BIG
9 ISSUES AT ALL IF THEY'RE RESPONDED TO IN THE WAY
10 RECOMMENDED TO BY THE LEA AND AGREED TO BY THE OPERATOR.

11 I BELIEVE YOUR STAFF IS WORKING CONTRARY TO
12 OUR MUTUAL GOALS. WHEN WE GET SO WRAPPED UP IN
13 INSIGNIFICANT ISSUES AS TO MAKE OUR TIME AVAILABLE FOR
14 ACHIEVING THE REAL GOALS OF RECYCLING AND PROPER
15 LANDFILLING, WHEN WE MAKE THOSE GOALS TAKE BACK SEAT TO
16 THE UNRELENTLESS CHALLENGE OF THIS PERMITTING PROCESS,
17 KEEP IN MIND WHAT WE ARE GOING THROUGH TODAY ON THIS ONE
18 LANDFILL, WE'RE GOING THROUGH ON TEN LANDFILLS.

19 AND WE HAVE BEEN IN THIS PROCESS NOW FOR
20 SOME 18 MONTHS TRYING VALIANTLY WITH INORDINATE RESOURCES
21 TO GET THROUGH THIS PAPERWORK PROCESS. I HAVE COMMITTED
22 OUR RESOURCES IN EACH AND EVERY EVENT TO TRY TO GET THESE
23 LANDFILLS UP TO THE STANDARDS THAT YOU DEMAND AND SHOULD
24 DEMAND.

25 I THINK WE'RE THERE. I THINK THAT THIS



1 KIND OF RESPONSE IS TOTALLY INAPPROPRIATE. IT SEEMS TO
2 US THAT THERE'S A CONSPIRACY TO BOG DOWN INTO A LIFE OF
3 NOTHING BUT PERMITTING MINUTIAE THAT IS LOST BY THE
4 VISION OF WHAT WE'RE TRYING TO DO.

5 I URGE YOU TO TAKE THIS INTO PERSPECTIVE AS
6 YOU FAVORABLY APPROVE THE PROPOSED PERMIT APPLICATION
7 TODAY WITH THE MINOR REVISIONS PROPOSED BY THE LEA.
8 THERE WERE EIGHT OF THEM. I MIGHT ASK: WERE YOU
9 SUPPLIED COPIES OF THOSE RESPONSES? YES OR NO? DO YOU
10 HAVE THEM IN YOUR POSSESSION, THE EIGHT PROPOSALS THAT
11 WERE SENT TO YOUR STAFF LAST THURSDAY BY THE LEA?

12 MR. CHANDLER: MR. CHAIRMAN, THE ANSWER TO THAT
13 IS NO. WE DID RECEIVE A FAX. AND AS WE KNOW, THIS WENT
14 TO PRINT THE WEDNESDAY BEFORE. THAT MATERIAL WAS NOT
15 PROVIDED IN THE BOARD PACKET AND WAS NOT SUBMITTED BEFORE
16 THE COMMITTEE MEETING OR BEFORE THE TIME FRAME IN WHICH
17 WE PUT THE COMPLETE AGENDA PACKAGE TOGETHER.

18 MR. NELSON: I UNDERSTAND THAT AND I UNDERSTAND
19 THAT YOU JUST APPROVED A PERMIT WHICH DIDN'T HAVE THE
20 SAME RESPONSES IN IT FOR THE EL SOBRANTE LANDFILL. I'M
21 PLEASED TO SEE THAT YOU APPROVED IT, BUT I AM DISTRESSED
22 THAT THIS ONE WAS PICKED OUT FOR SOME REASON NOT TO EVEN
23 LOOK AT THOSE EIGHT RESPONSES AND AT LEAST INFORM YOU OF
24 THE APPROPRIATENESS OF THOSE RESPONSES BECAUSE I BELIEVE
25 THEY WERE APPROPRIATE.



1 I HAVE COUNTY COUNSEL WITH US HERE TO
2 COMMENT ON THIS PROCESS. I BELIEVE THE LEA IS ALSO
3 PREPARED TO COMMENT TO YOU. THANK YOU.

4 MS. VAZQUEZ: I'D LIKE TO NOTE REGARDING THE
5 LEA'S RESPONSE, REGARDING THE EL SOBRANTE LANDFILL, WE
6 DID GET SUGGESTED CHANGES TO THE PERMIT LANGUAGE EARLY
7 LAST WEEK.

8 THE EL SOBRANTE/HIGHGROVE LANGUAGE WAS
9 RECEIVED AT 6:15 P.M. ON THURSDAY. FRIDAY IS A DAY THAT
10 MOST STAFF TAKES OFF FLEX. IT WAS BEFORE A MAJOR
11 HOLIDAY. MONDAY WAS THE HOLIDAY. AND WE HAD ALL OF
12 YESTERDAY -- OR YESTERDAY AND TUESDAY TO LOOK AT IT.

13 WE DID LOOK AT THE LANGUAGE AND DECIDED
14 THAT THE PERMIT IS SO SEVERELY FLAWED THAT TO CONSIDER
15 ALL THESE CHANGES WOULD ACTUALLY BE TO CONSIDER THE
16 PROPOSAL A NEW PERMIT.

17 WE WERE WILLING TO CONSIDER THE CHANGES FOR
18 EL SOBRANTE BECAUSE THEY WERE RELATIVELY MINOR. FOR
19 HIGHGROVE, IT'S JUST NOT ACCEPTABLE TO CONSIDER ALL THE
20 CHANGES AT THIS LATE DATE.

21 BOARD MEMBER HUFF: QUESTION OF COUNSEL.

22 NOW, THIS PERMIT, IT'S A LEGAL DOCUMENT.
23 ISN'T IT?

24 ATTORNEY CONHEIM: IT IS THE ULTIMATE LEGALLY
25 CONTROLLING DOCUMENT FOR THE SITE. THE ANSWER IS YES.



1 BOARD MEMBER HUFF: WHEN YOU SAY ULTIMATE
2 LEGALLY CONTROLLING DOCUMENT. THAT MEANS THAT EVERYTHING
3 ELSE COMES UNDER IT, THAT IT IS THE THING THAT ONE LOOKS
4 AT WITH REGARD TO THE OPERATIONS OF THE SITE AND HOW IT'S
5 SUPPOSED TO HAPPEN AND THE CONSEQUENCES OF NOT FOLLOWING
6 THE PERMIT.

7 ATTORNEY CONHEIM: YES. IT INCLUDES BY
8 REFERENCE AND FOLLOWS THE ISSUANCE OF OTHER LIMITED
9 PROSCRIPTIVE PERMITTING DOCUMENTS. BUT THIS IS THE
10 OVERALL OPERATING DOCUMENT TO THE SITE. IT IS THE ONE
11 PLACE WHERE YOU SHOULD LOOK TO DETERMINE HOW THE SITE
12 MUST BE OPERATED AND WHAT ENVIRONMENTAL CONTROLS MUST BE
13 APPLIED TO THE SITE.

14 BOARD MEMBER HUFF: THANK YOU. OKAY.

15 BOARD MEMBER RELIS: WERE THERE GOING TO BE
16 OTHER PRESENTATIONS OR IS THIS --

17 MR. NELSON: JUST OUR COUNSEL IS PREPARED TO
18 RESPOND AND THEN --

19 CHAIRMAN FROST: I HAVE THREE MORE REQUESTS
20 HERE, ALL REPRESENTING RIVERSIDE COUNTY.

21 MR. JOHN FANNING, MR. STEVEN -- CAN'T
22 TOTALLY READ THIS, BUT THINK I THINK IT'S MAYBE
23 SAMANIEGO, AND MR. BLANKENSHIP.

24 SO HOWEVER -- ALL SAYING REPRESENTING
25 RIVERSIDE COUNTY. SO HOWEVER YOU WANT TO PRESENT THIS,



1 GO AHEAD.

2 MS. VAZQUEZ: MR. CHAIRMAN, I HAD FORGOT TO
3 POINT OUT THAT WE DID LOOK AT THE LEA'S LATE PROPOSAL,
4 AND EVEN THOSE SUGGESTED CHANGES WOULD NOT CORRECT ALL
5 THE DEFICIENCIES. THEY'RE NOT IN AGREEMENT AT THIS POINT
6 OR EVEN IN THE SUGGESTED PERMIT LANGUAGE.

7 MR. FANNING: MR. CHAIRMAN, MEMBERS OF THE
8 BOARD, JOHN FANNING. I'M THE CHAIRMAN OF THE LEA FOR
9 RIVERSIDE COUNTY. I'M ALSO THE DIRECTOR OF THE
10 DEPARTMENT OF ENVIRONMENTAL HEALTH FOR RIVERSIDE COUNTY.

11 AND I JUST HAVE SOME BRIEF COMMENTS, AND
12 THEN I WILL YIELD TO MR. STEVEN SAMANIEGO THAT HAS A
13 WRITTEN PACKAGE THAT ADDRESSES THESE QUESTIONS SIMILAR TO
14 WHAT MR. NELSON HAS ADDRESSED. AND ALSO WITH US IS MR.
15 GERALD BLANKENSHIP, ONE OF THE CHIEF DEPUTY COUNTY
16 COUNSEL WITH US IN RIVERSIDE.

17 AND I THINK I CAN SPEAK AS AN LEA, THE ONLY
18 LEA IN THE STATE OF CALIFORNIA UP UNTIL ABOUT 10 O'CLOCK
19 THIS MORNING CERTIFIED BY THIS BOARD TO CONDUCT LEA
20 ACTIVITIES UNDER THE NEW RULES OF 939, THAT IS DEDICATED
21 AND COMMITTED TO DOING THE JOB THAT IS REQUIRED UNDER
22 939, AND THAT WE HAVE AS A CHARGE UNDER YOUR AUSPICES OF
23 THE STATE WASTE MANAGEMENT BOARD.

24 MY BRIEF REMARKS ARE THAT, GENTLEMEN, YOUR
25 STAFF KEEPS CHANGING THE RULES. AND THAT IS VERY



1 DIFFICULT FOR AN LEA THAT'S ADMINISTRATOR OF ANY PROGRAM
2 TO KEEP UP WITH THE RULES CHANGING.

3 CASE IN POINT, UP UNTIL THIS MORNING,
4 GENERALLY SPEAKING, YOUR STAFF WOULD GIVE YOU A
5 PRESENTATION AND THEN YOU WOULD YIELD THE FLOOR TO THE
6 LEA BEFORE THE OPERATORS. I ADMIT I MAY HAVE BEEN REMISS
7 BY NOT TURNING IN A SLIP SPECIFICALLY TO SPEAK, BUT THAT
8 WAS A CHANGE.

9 THE AGENDA ITEM HERE BEFORE YOU TWO WEEKS
10 AGO ON THIS ITEM THAT LISTED THOSE THREE PROBLEMS THAT WE
11 HAD, WE DID NOT HAVE BENEFIT OF HAVING A COPY OF THAT.
12 WE HAD DIALOGUE FROM STAFF, BUT WE DID NOT HAVE BENEFIT
13 OF A COPY OF THAT INFORMATION THAT MR. SAM EGIGIAN, I
14 UNDERSTAND, HAD IN HIS POSSESSION AND RAISED IN HIS HAND.
15 AND SO WE'RE GOING TO TRY TO CORRECT THOSE.

16 AND NOW AGAIN THIS MORNING, I THINK THE
17 LEA, ALONG WITH THE OPERATOR, IS TRYING TO COMPLY WITH
18 ALL THE RULES OF CALIFORNIA CRC AND TITLE 14, AND WE
19 DON'T EVEN HAVE A COPY OF THE AGENDA ITEM THAT YOU'RE
20 LOOKING AT AND STAFF'S PRESENTATION TODAY GOING OVER
21 THESE EIGHT ITEMS.

22 MR. FROST, THAT MAKES IT VERY DIFFICULT,
23 SIR, FOR A LOCAL JURISDICTION TO RESPOND AND TRY TO
24 CORRECT WHAT'S NEEDED TO BE CORRECTED.

25 SOME OF THE LANGUAGE. I BELIEVE, WE'RE



1 GETTING HUNG UP ON SOME SEMANTICS, AS IT WAS POINTED OUT
2 IN MR. NELSON'S PRESENTATION. IS THE LANGUAGE WAS
3 APPROVED ON THE BADLANDS PERMIT A MONTH AGO. AND JUST
4 AGENDA ITEM 9 TODAY WAS APPROVED, AND SO FORTH.

5 MANY OF THE ISSUES, I THINK, ARE HANGING UP
6 ON SEMANTICS BECAUSE THE STATUTE IS CLEAR. AND MR.
7 CONHEIM, YOUR COUNSEL, WAS VERY CORRECT EARLIER IN THIS
8 DISCUSSION THIS AFTERNOON. THE STATUTE IS CLEAR WHAT YOU
9 CAN AND CAN'T DO. THE PERMIT LANGUAGE FRAMES THAT.

10 BUT IF YOU MISS SOMETHING IN THE PERMIT
11 LANGUAGE, IF IT'S NOT THERE, OR IF THE LAW CHANGES,
12 THAT'S THE REASON FOR YOUR FIVE-YEAR PERMIT REVIEW IN
13 ANYTHING THAT'S GOING ON AT ANY OF THE LANDFILLS IN
14 CALIFORNIA THAT IS NOT CONSISTENT WITH WHAT WE WANT, THE
15 LEA, THE WASTE MANAGEMENT BOARD, THE AIR BOARD, THE
16 REGIONAL WATER QUALITY CONTROL BOARD. YOU HAVE A
17 MECHANISM TO CHANGE IT AND CORRECT IT.

18 THE KEY ISSUES, AGAIN, ARE THAT THE RULES
19 KEEP CHANGING. AND I'D LIKE TO TURN THE SPEAKER OVER TO
20 MR. SAMANIEGO. HE'LL HIGHLIGHT A LETTER, AND I BELIEVE
21 WE HAVE COPIES FOR BOARD STAFF, THE REQUIRED 20 COPIES.

22 THERE'S JUST A BRIEF LETTER ON THE TOP OF
23 THE INFORMATION OF ATTACHMENT A, WHICH WE WOULD ASSUME
24 THAT YOU WOULD HAVE HAD.

25 STEVE.



1 BOARD MEMBER NEAL: OKAY. MR. FANNING, WHILE
2 HE'S COMING UP, SINCE YOU'VE NOW ADDRESSED THE GENTLEMEN
3 ON THIS BOARD, DO YOU HAVE ANYTHING TO SAY TO ME?

4 MR. FANNING: YES, GOOD AFTERNOON, MS. NEAL.
5 I'M SORRY.

6 MS. VAZQUEZ: I WOULD LIKE TO STATE FOR THE
7 RECORD THAT WE DID FAX A COPY OF THE AGENDA ITEM TO THE
8 LEA LAST WEDNESDAY AT THE SAME TIME THAT IT WAS SENT TO
9 PRINT, SO THE LEA ACTUALLY HAD THE BENEFIT OF HAVING THE
10 ITEM IN THE HAND BEFORE IT WAS EVEN RETURNED FROM THE
11 PRINTER.

12 MR. SAMANIEGO: MR. CHAIRMAN, BOARD MEMBERS, MS.
13 NEAL.

14 BOARD MEMBER NEAL: BOARD MEMBER IS OKAY. JUST
15 DON'T ADDRESS ME AS GENTLEMEN.

16 MR. SAMANIEGO: OKAY. MY NAME IS STEVEN
17 SAMANIEGO, AND I AM SUPERVISOR FOR THE RIVERSIDE COUNTY
18 LEA. AND I THINK STAFF HAS JUST SUBMITTED TO YOU OUR
19 STAFF REPORT ON THIS ISSUE, AND I'D LIKE TO PRESENT THAT
20 TO YOU TODAY.

21 THE MAY 13, 1992, CALIFORNIA INTEGRATED
22 WASTE MANAGEMENT BOARD STAFF REPORT OF THE PERMITTING AND
23 ENFORCEMENT COMMITTEE RECOMMENDED OBJECTION TO THE
24 CONCURRENCE IN THE ISSUANCE OF THE HIGHGROVE LANDFILL
25 SOLID WASTE FACILITIES PERMIT.



1 THE BASIS OF THEIR OBJECTION WAS THE
2 FOLLOWING: MINIMUM STANDARD VIOLATIONS, WHICH WAS LITTER
3 AND OPERATIONAL SITE MAINTENANCE VIOLATIONS, ALONG WITH
4 THE CLEANUP AND ABATEMENT ORDER ISSUED BY WATER QUALITY.

5 AT THE MAY 13, 1992, PERMITTING AND
6 ENFORCEMENT COMMITTEE HEARING, THE LEA ASSURED THE
7 COMMITTEE THAT THE NOTED VIOLATIONS WOULD BE CORRECTED
8 AND THE SITE WAS IN COMPLIANCE WITH THE CLEANUP AND
9 ABATEMENT ORDER. THE LEA SHARES BOARD STAFF'S CONCERN ON
10 THE ABOVE ISSUES JUST NOTED; AND HAD WE KNOWN THAT THEY
11 WERE OF SUCH A CONCERN FOR OBJECTION TO CONCURRENCE WITH
12 ISSUANCE OF THE PERMIT, WE WOULD HAVE FOCUSED ON
13 RESOLUTION OF THESE ISSUES.

14 THE LEA WAS NOT INFORMED THAT THE BOARD
15 STAFF WOULD BE OBJECTING TO PERMITS IF THERE ARE ANY
16 EXISTING MINIMUM STANDARD VIOLATIONS, WHICH WAS CONTRARY
17 TO PAST BOARD STAFF DIRECTION.

18 UNFORTUNATELY, THE LEA WAS NOT INFORMED OF
19 THE BOARD STAFF'S CONCERNS OR OBJECTIONS UNTIL THE
20 AFTERNOON OF MAY 12, 1992, BY A TELEPHONE CALL. IN FACT,
21 AS OF TODAY, WE HAVE YET TO RECEIVE A STAFF REPORT
22 SUBMITTED TO THE COMMITTEE MEMBERS AND REFERRED TO AT THE
23 MAY 13TH MEETING. WE WOULD LIKE TO ASK FOR YOUR HELP IN
24 OBTAINING THAT STAFF REPORT, IF POSSIBLE.

25 PRIOR TO MAY 12, 1992, THE BOARD STAFF



1 INFORMED US THAT THE PERMIT PACKAGE WAS OKAY, AND THEY
2 WERE GOING TO RECOMMEND CONCURRENCE. DURING THE MAY 12TH
3 PHONE CALL, WE WERE INFORMED THAT A DECISION HAD ALREADY
4 BEEN MADE THAT THEY WOULD NOT RECOMMEND CONCURRENCE.

5 THIS IS NOT THE FIRST TIME THAT OUR
6 PROPOSED PERMITS HAVE BEEN HANDLED IN THIS MANNER. WE
7 BELIEVE THE LEA AND BOARD STAFF SHOULD WORK TOGETHER FOR
8 THE COMMON GOAL OF PRODUCING A COMPLETE AND ACCEPTABLE
9 PERMIT. THIS CANNOT BE ACCOMPLISHED IF WE ARE NOT
10 INCLUDED IN THE BOARD STAFF DECISION-MAKING PROCESS, MUCH
11 LESS BE INFORMED OF THEIR DECISION HOURS BEFORE A
12 COMMITTEE MEETING.

13 THE NEED FOR US TO TAKE AN ADVERSARIAL
14 POSITION COULD HAVE BEEN AVOIDED AT THE PUBLIC HEARING
15 HAD THE BOARD STAFF MERELY INCLUDED US IN THE REVIEW
16 PROCESS. WE COULD HAVE RESPONDED TO ANY QUESTIONS OR
17 CONCERNS AS THEY CAME UP THROUGH THAT PROCESS.

18 WITH PROPER COMMUNICATION BETWEEN BOARD
19 STAFF AND THE LEA, THE MINOR ISSUES BEFORE US TODAY, AS
20 AS WELL AS ANY MAJOR ISSUES, COULD HAVE BEEN RESOLVED
21 BEFORE SUBMITTAL TO YOUR COMMITTEE AND FULL BOARD.

22 OUR POLICY IN RIVERSIDE COUNTY IS NOT TO
23 SUBMIT PERMIT PACKAGES TO BOARD STAFF THAT WILL NOT BE
24 RECOMMENDED FOR CONCURRENCE BY THEM. OUR GOAL AND
25 OBJECTIVE IN MEETING THAT POLICY IS CONSTANT



1 COMMUNICATION WITH BOARD STAFF FOR INPUT AND ADVICE ON
2 DOCUMENTS THAT WE ARE PREPARING FOR THEIR APPROVAL PRIOR
3 TO OUR FORMAL SUBMITTAL.

4 DRAFT AND COMPLETED PERMIT PACKAGE
5 DOCUMENTS ARE SUBMITTED TO BOARD STAFF PRIOR TO THE
6 FORMAL 60-DAY REVIEW PROCESS, THUS GIVING THEM ADEQUATE
7 TIME IN ADVANCE TO COMMUNICATE ANY ISSUES OR PROBLEMS FOR
8 US TO CORRECT, CHANGE -- CORRECT OR CHANGE PRIOR TO OUR
9 FORMAL SUBMITTAL.

10 FOR YOUR INFORMATION, WE WOULD HAVE
11 INCLUDED THE FOLLOWING CHRONOLOGY -- OR WE HAVE INCLUDED
12 THE FOLLOWING CHRONOLOGY FOR THE HIGHGROVE PERMIT AND
13 LISTED ESPECIALLY FOR THIS PERMIT: ON FEBRUARY 13, 1992,
14 WE SENT THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
15 THE APPLICATION -- WE SENT THE APPLICATION, WHICH WE FEEL
16 THAT THAT IS THE PROPER -- THE FIRST STEP OF NOTIFICATION
17 OF ANY ADMINISTRATION TO PREPARE FOR THE REST OF THE
18 DOCUMENTS TO BE COMING IN.

19 ON FEBRUARY 18, 1992, THE REPORT OF
20 DISPOSAL SITE INFORMATION WAS SENT TO THE CALIFORNIA
21 INTEGRATED WASTE MANAGEMENT BOARD.

22 FEBRUARY 20, 1992, THE DRAFT PERMIT WAS
23 SENT TO YOUR STAFF.

24 ON MARCH 18, 1992, THE LEA WAS INFORMED BY
25 YOUR STAFF THAT EVERYTHING IN THE PERMIT PACKAGE LOOKED



1 FINE, WHICH WAS OUR CUE TO SUBMIT THE PERMIT.

2 MARCH 26, 1992. THE PROPOSED PERMIT WAS
3 SENT TO THE WASTE MANAGEMENT BOARD.

4 TODAY WE HAVE HEARD BOARD STAFF'S REPORT,
5 WHICH IS TWO WEEKS FOLLOWING THEIR REPORT AT THE
6 PERMITTING AND ENFORCEMENT COMMITTEE HEARING ON THE SAME
7 SUBJECT, THE HIGHGROVE LANDFILL. UNFORTUNATELY, FOR THE
8 LEA AND THE APPLICANT, THE STAFF REPORT ADDRESSED A WHOLE
9 NEW SET OF ISSUES AND CONCERNS SEPARATE FROM THOSE
10 ADDRESSED AT THE MAY 13, 1992, HEARING.

11 FORTUNATELY, BOARD STAFF DID COMMUNICATE
12 THEIR ISSUES AND CONCERNS VIA A TELEPHONE CALL AND FAX ON
13 MAY 20TH, 1992, THUS, PROVIDING US WITH A FEW DAYS TO DO
14 RESEARCH AND POSSIBLY ADDRESS OR CORRECT THOSE ISSUES AND
15 CONCERNS.

16 UPON REVIEW OF BOARD STAFF ISSUES AND
17 CONCERNS, WE IMMEDIATELY SUBMITTED OUR RESPONSE VIA FAX
18 ON MAY 21, 1992. THAT WAS THREE HOURS, BY THE WAY, AFTER
19 THE EL SOBRANTE ISSUES WERE SUBMITTED ALSO. IT WASN'T
20 ANY DAYS; IT WAS HOURS AFTER.

21 IN OUR RESPONSE, ATTACHMENT ONE TO MY
22 REPORT THAT WAS SUBMITTED. WE FEEL ALL THE ISSUES AND
23 CONCERNS HAVE BEEN ADEQUATELY ADDRESSED FOR BOARD STAFF
24 TO RECOMMEND CONCURRENCE. WE BELIEVE THIS AN ENTIRELY
25 NEW LIST OF ISSUES AND CONCERNS FOR THE MAY 13TH -- FROM



1 THE MAY 13, 1992, STAFF REPORT IS INAPPROPRIATE AND
2 INCONSISTENT WITH CAL-EPA'S PERMIT STREAMLINING PROPOSAL.

3 WE FEEL THAT THERE IS A DEFINITE PROBLEM
4 WITH OUR PERMIT REVIEW PROCESS. WHEN YOU HAVE LEA'S NOT
5 AGREEING WITH BOARD STAFF'S REPORT AT THESE PUBLIC
6 HEARINGS, BOTH LEA AND BOARD STAFF SHOULD BE IN HARMONY
7 AT THE PUBLIC HEARING, WHICH IS, AGAIN, OUR GOAL IN
8 RIVERSIDE COUNTY.

9 IT IS EVIDENT THAT THE CALIFORNIA
10 INTEGRATED WASTE MANAGEMENT BOARD STAFF IS NOT TAKING
11 FULL ADVANTAGE OF OUR DRAFT SUBMITTALS OR OF THE 60 DAYS
12 LEGALLY ALLOWED TO THOROUGHLY REVIEW THE PERMIT PACKAGES
13 SUBMITTED.

14 TOGETHER THE TIME ALLOWED APPEARS TO BE
15 ADEQUATE FOR REVIEW AND RESOLUTION OF ANY ISSUES OR
16 CONCERNS SO THAT COMPLETE AND CONCURRED IN PERMITS MAY BE
17 SUBMITTED FOR YOUR ACTION WITHOUT SERIOUS CONCERNS AND
18 ISSUES BEING RAISED AT THE ELEVENTH HOUR.

19 IN CONCLUSION, THE LEA WOULD LIKE TO ASK
20 THE BOARD TO CONCUR ON THIS PERMIT. THE LEA AND
21 APPLICANT HAS FOLLOWED THIS BOARD'S POLICY AND GUIDELINES
22 TO APPROPRIATELY AND LEGALLY DRAFT THE PROPOSED PERMIT
23 BEFORE YOU TODAY. THANK YOU.

24 CHAIRMAN FROST: OKAY. THANK YOU.

25 NOW, IS THERE ANYONE ELSE FROM RIVERSIDE



1 COUNTY REPRESENTING RIVERSIDE COUNTY THAT WANTS TO SPEAK?
2 YES.

3 MR. FANNING: THEN I WOULD HAVE THE CLOSING
4 COMMENT, MR. FROST AND MS. NEAL.

5 CHAIRMAN FROST: OKAY. THANK YOU.

6 MR. BLANKENSHIP: THANK YOU, BOARD MEMBERS. MY
7 NAME IS JERRY BLANKENSHIP, DEPUTY COUNTY COUNSEL FOR
8 RIVERSIDE COUNTY, HERE APPEARING ON BEHALF OF THE WASTE
9 MANAGEMENT DEPARTMENT, NOT THE LEA OF RIVERSIDE COUNTY.

10 IN RESPONDING, JUST BRIEFLY, TO THE
11 DEFICIENCIES NOTIFIED WHICH WERE NOTED BY STATE STAFF, I
12 MIGHT MAKE THE FOLLOWING OBSERVATIONS: AS TO THE
13 CRITICISM THAT TONNAGES WEREN'T TALLIED DAILY, THEY
14 ARE -- THEY WERE PROVIDED FOR ON A DAILY BASIS. BUT IN A
15 DIFFERENT FORMAT, WHICH SEEMS TO BE JUST A HIGHLY
16 TECHNICAL OBJECTION BY STATE STAFF.

17 THE CRITICISM THAT THE OPERATOR MIGHT BE
18 CHANGED, WHICH WOULD BE UNCONTEMPLATED BY THE STATE AND
19 THEY'D BE TAKEN OFF GUARD, THE COUNTY DOESN'T CONTEMPLATE
20 CHANGING THE OPERATOR. THE COUNTY OPERATES ALL ITS
21 LANDFILLS EXCEPT EL SOBRANTE. AND TO CHANGE AN OPERATOR
22 IS A LONG INVOLVED PROCESS, AND IT JUST WOULDN'T -- IT
23 WOULDN'T TAKE PLACE IN A PRECIPITOUS MANNER SO AS TO
24 OFFEND ANYBODY AT THE STATE LEVEL.

25 NO. 3, THE NEXT CRITICISM WAS THAT A MAP



1 THAT WAS DRAWN DIDN'T ADEQUATELY DISTINGUISH BETWEEN THE
2 PHASE I AND PHASE II. I WAS INFORMED BY STAFF AT THE
3 COUNTY LEVEL THAT THEY HAD RECEIVED CONFLICTING REQUESTS
4 FROM THE STATE PEOPLE, AND SO THEY WEREN'T ABLE TO DRAW
5 THE MAP IN A CORRECT MANNER.

6 WITH RESPECT TO THE CRITICISM THAT AN
7 APPROVED INDUSTRIAL WASTE WOULD HAVE TO BE ACCEPTED, IT
8 SEEMS TO ME THAT THIS IS AN ERROR ON BEHALF OF A
9 CONSERVATIVE POSTURE. IF INDUSTRIAL WASTE ISN'T
10 APPROVED, YOU'RE KEEPING OUT POTENTIALLY ENVIRONMENTALLY
11 HARMFUL MATERIAL. SO YOU HAVE THIS ERROR, IF ANYTHING,
12 IN FAVOR OF ENHANCING THE ENVIRONMENT, PROTECTING THE
13 INTEGRITY THAT WILL ENHANCE IT, NOT AN ERROR AGAINST IT
14 AND DEGRADING IT, WHICH IS WHAT WE ALL WANT TO AVOID.

15 WITH RESPECT TO A CRITICISM THAT AN LEA
16 INSPECTION TOOK PLACE LAST JANUARY, BUT WAS NOT
17 ADEQUATELY DOCUMENTED, MAYBE THAT'S TRUE, MAYBE IT ISN'T,
18 BUT I SHOULD THINK IT WOULD FADE IN SIGNIFICANCE SINCE
19 THE LEA INSPECTED THE UNIT IN MAY, A MUCH MORE RECENT
20 INSPECTION, AND WAS ADEQUATELY DOCUMENTED. SO THE WHOLE
21 CRITICISM, HAD IT BEEN VALID AT ONE TIME BY STATE STAFF,
22 WOULD WHITHER AWAY LOGIC WOULD SO TELL US.

23 THAT CLOSURE PLANS HAVE NOT BEEN ADEQUATELY
24 PREPARED WITHIN TWO YEARS OF THE EXPECTED DATE OF
25 CLOSURE, YOU CAN ASK MR. NELSON. I WAS INFORMED THAT



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1 THEY WERE GOING OUT FOR BIDS RIGHT NOW, AND THE PLANS
2 WOULD BE DRAWN UP BY DECEMBER OF THIS YEAR SO THAT THIS
3 DEADLINE COULD BE MET.

4 WITH RESPECT TO THE CLEANUP AND ABATEMENT
5 ORDER FROM THE REGIONAL WATER QUALITY CONTROL BOARD WAS
6 NOT ADDED AS A CONDITION AND SHAME ON THE COUNTY FOR THAT
7 DEFICIENCY, IT MIGHT BE NOTED THAT THE COUNTY WOULD BE
8 OBEYING THE ORDER ANYWAY, BUT TO ASK FOR AN ORDER THE
9 COUNTY HAS TO COMPLY WITH TO PUT IN A CONDITION WOULD NOT
10 NECESSARILY ENHANCE ITS LEGAL EFFICACY.

11 THE SECOND POINT IS THAT ON MAY 21, 1992,
12 THE SANTA ANA REGIONAL WATER QUALITY CONTROL BOARD WAS
13 KIND ENOUGH TO ISSUE A LETTER, IT WAS IN YOUR PACKET, IT
14 WAS SUBMITTED LAST WEEK, TO THE EFFECT OF GIVING THE
15 LANDFILL A STATEMENT THAT IT WAS IN COMPLIANCE WITH THE
16 REGIONAL WATER QUALITY CONTROL BOARD'S DESIRES.

17 WITH RESPECT TO THE OPERATOR, THE LAST
18 CONCERN IS WITH RESPECT TO CONFUSION OVER THE OPERATING
19 HOURS. WE'RE OPERATING RIGHT NOW SEVEN DAYS A WEEK, SO
20 WE'RE NOT LOOKING AT ANY KIND OF A PROBLEM OR IMPOSITION
21 ON THE ENVIRONMENT OR STATE STAFF. IT'S A TYPING ERROR
22 TYPE OF THING.

23 COUPLE OF OTHER POINTS, THEN I'LL BE
24 FINISHED. WE'RE -- THERE WERE SOME CRITICISM SMUGGLED IN
25 BY STATE STAFF WITH RESPECT TO RAISING A QUESTION MARK



1 OVER PHASE II FOR THE REGIONAL BOARD WANT SOME LINING OR
2 WHATNOT. I BELIEVE THAT THE CONCERNS OVER PHASE II AND
3 GOING INTO A NEW CELL, A NEW UNIT, SHOULD NOT BE USED,
4 THEN, IN A MANNER TO HANG UP AND TRY TO CRITICIZE WHAT WE
5 ARE TRYING TO DO HERE, A VERY MODEST INCREASE IN HEIGHT
6 OF THE EXISTING LANDFILL.

7 LASTLY, THE BASIC CRITERION OF AFFORDING
8 PROTECTION TO THE ENVIRONMENT, THAT IS THE CONCEPT WHICH
9 IS REQUIRED BY PUBLIC RESOURCES CODE 44012. AND THAT'S
10 THE CONSENSUS THAT SHOULD BE KEPT FOREMOST IN MIND WHEN
11 THE BOARD IS CONSIDERING THE REVISION OF A PERMIT. AND,
12 INCIDENTALLY, THERE'S A LITTLE LOWER CRITERIA FOR
13 REVISION OF A PERMIT THAN FOR ISSUING A NEW PERMIT AND
14 STARTING FROM SCRATCH UP. THE WHOLE PROCESS DOES NOT --
15 IS NOT LOOKED AT WITH THE HEIGHT OF SCRUTINY IF IT'S A
16 NEW SITE.

17 IN THE PRESENT CASE, I BELIEVE EVERYBODY
18 WILL AGREE, IN THE PRESENT CASE THERE HAS BEEN ABSOLUTELY
19 NO ISSUE WHATSOEVER AS TO THE ENVIRONMENTAL INTEGRITY OR
20 ANY CONCERN OF ENGINEERING OR STRUCTURAL PROBLEM WITH THE
21 75-FOOT HEIGHT.

22 IF YOU HAVE SOME KIND OF A CONCERN THERE,
23 THEN CERTAINLY THE BOARD WOULD PULL BACK AND BECOME EDGY
24 AND WOULD NOT WANT TO ISSUE THE PERMIT IF THE STATE
25 STAFF'S CRITICISM IS TAKEN TO BE AND HENCEFORTH WOULD BE



1 VERY WELCOME INDEED, AND WE SHOULD BE VERY WILLING TO
2 ADHERE TO THEM.

3 BUT, IN FACT, ALLOWING A VERY SLIGHT
4 INCREASE IN HEIGHT THAT WE'RE REQUESTING HERE AT THE
5 COUNTY LEVEL, IN FACT, WILL PROMOTE A MORE COMPLETE AND
6 INTENSE USE OF THE EXISTING LANDFILL RATHER THAN CAUSING
7 LONGER HAULS TO OTHER SITES WITH THE ATTENDANT PROBLEMS
8 AND TRAFFIC AND POLLUTION OF IT. WHO WANTS THAT?

9 FINALLY, FROM MY RESEARCH, I CAN FIND THAT
10 THE ISSUANCE OF THE PROPOSED REVISED PERMIT AND THE
11 SLIGHT INCREASE IN THE HEIGHT, I BELIEVE WE'LL FIND NO
12 STATE CODE OR REGULATION THAT WOULD PROHIBIT IT. IT'S
13 JUST A KIND OF DISCRETIONARY MATTER. AND ARE THE STATE
14 BOARD'S CRITICISMS OF SUCH A MAGNITUDE AS TO HOLD IT UP?
15 IT'S JUST A SUBJECT OF JUDGMENT. AND THERE IS NO LEGAL
16 IMPEDIMENT TO SAY THAT IT CANNOT BE DONE.

17 SO WE WOULD ASK THAT THE PERMIT BE GRANTED
18 AS WE REQUESTED. IN THE EVENT THAT IT COULDN'T BE, IF
19 THE MATTER COULD BE CONTINUED UNTIL THE NEXT MEETING OF
20 THE BOARD, RATHER THAN REMOVED FROM THE CALENDAR. WE
21 DON'T WANT TO BE FURTHER BEHIND THE CURVE IN OUR
22 RESPONSIBILITY TO LANDFILL WASTE IN A JUDICIOUS MANNER IN
23 OUR COUNTY THAN WE ALREADY ARE. TRY TO KEEP UP THE
24 EQUILIBRIUM OF THE ENVIRONMENTAL CONCERNS AND THE NEEDS
25 OF THE PEOPLE WHO LIVE IN THE COUNTY. THANK YOU.



1 CHAIRMAN FROST: OKAY. I SUSPECT -- I DON'T
2 THINK WE CAN CONTINUE IT BECAUSE WE HAVE A 60-DAY PERIOD.
3 I SUSPECT IF ANYTHING COULD BE DONE, IT WOULD HAVE TO BE
4 WITHDRAWN AND RESUBMITTED BY THE COUNTY.

5 I HAVEN'T HEARD ANYTHING YET THAT WOULD
6 LEAD ME TO BELIEVE THIS COULDN'T BE ON THE CONSENT
7 CALENDAR FOR THE NEXT BOARD MEETING. AND I HAVE A LOT OF
8 SYMPATHY FOR WHAT THE COUNTY IS SAYING. HOWEVER, THERE
9 HAVE BEEN ISSUES RAISED THAT WE MAY NOT BE ABLE TO DEAL
10 WITH IN THE NEXT FEW MINUTES.

11 MR. BLANKENSHIP: WE'D LIKE IT SET UP SO THAT
12 ANOTHER WINDOW OF OPPORTUNITY IS NOT OPENED FOR STAFF TO
13 FIND MORE. I THINK IT COULD BE TIDIED UP FINE.

14 CHAIRMAN FROST: WELL, I THINK THAT YOU HAVE
15 CORRECTLY IDENTIFIED SOME PROBLEMS. I THINK THOSE
16 PROBLEMS HAVE ALREADY BEEN ADDRESSED. I THINK THE STAFF
17 YOU'RE DEALING WITH NOW WILL BE RESPONSIVE AND HELPFUL.
18 AND SO DON'T -- WE'D NOT ANTICIPATE ANY MORE OF THOSE
19 KIND OF PROBLEMS.

20 MR. CHESBRO.

21 BOARD MEMBER CHESBRO: MUCH OF WHAT I'VE HEARD
22 LEADS ME TO BELIEVE THAT, BUT I HEARD ONE STATEMENT THAT
23 I WANTED TO ASK MS. VAZQUEZ TO CLARIFY. I HEARD A
24 STATEMENT THAT THE PERMIT WAS VIEWED BY STAFF AS
25 FUNDAMENTALLY FLAWED AND THE POSITION THAT THE COUNTY IS



1 SUBMITTING THAT THESE ARE ALL THINGS THAT CAN BE ADJUSTED
2 AND CORRECTED. I SHOULD SAY THE LEA. MAKE THE
3 DISTINCTION THERE. THE LEA SAYS IT CAN BE CORRECTED AND
4 STRAIGHTENED AROUND. AND THAT'S A VERY IMPORTANT
5 QUESTION TO HAVE DISCUSSED.

6 WHAT IS IT ABOUT THE PERMIT THAT STAFF
7 CONTINUES TO FEEL IS FUNDAMENTALLY FLAWED THAT WOULD NOT
8 ALLOW SIMPLY THE ADJUSTMENTS TO THE LIST OF CHANGES THAT
9 HAVE BEEN -- STAFF HAS DESCRIBED -- THE LEA STAFF HAS
10 DESCRIBED TO SUFFICE IN THE NEXT 30 DAYS OR WHATEVER?

11 MS. VAZQUEZ: THE MAJOR DEFICIENCY THAT STILL
12 EXISTS IS THAT WE DO NOT HAVE DESIGN PLANS FOR THE LINER
13 IN PHASE II, NOR DO WE HAVE DESIGN PLANS FOR THE
14 GROUNDWATER MONITORING WELLS IN PHASE II. THE MAP --

15 BOARD MEMBER HUFF: WHICH OF THE POINTS ON THESE
16 PAGES ARE THOSE?

17 MS. VAZQUEZ: NO. 3. THE MAP THAT YOU'VE SEEN
18 DISPLAYED ON THE OVERHEAD, THE GREEN MAP DESIGNATING
19 PHASE I AND PHASE II, WE DON'T HAVE THAT IN OUR RECORD.
20 WE ARE ASKING FOR SOMETHING THAT'S THAT FUNDAMENTAL, AND
21 IT DOES NOT EXIST.

22 CHAIRMAN FROST: OKAY. I UNDERSTAND THAT WOULD
23 BE A FUNDAMENTAL FLAW, BUT IT IS SOMETHING THAT THE
24 COUNTY COULD ADDRESS, ISN'T IT?

25 MS. VAZQUEZ: IT IS. BUT YOU MUST UNDERSTAND



1 THAT ONCE WE RECEIVE THAT INFORMATION, THE LINER, THE
2 MONITORING WELLS, THE DELINEATION OF THE TWO PHASES, THAT
3 THAT WOULD PROVIDE NEW INFORMATION THAT WE WOULD HAVE TO
4 REVIEW IT. IT WOULD NOT BE WISE TO GUARANTEE THE LEA AND
5 OPERATOR THAT WE WILL FIND NO FLAWS WITH THAT SUBMITTAL.

6 CHAIRMAN FROST: I DON'T THINK WE WANT TO
7 GUARANTEE WE WILL FIND NO FLAWS. I THINK WHAT WE WOULD
8 LIKE TO GUARANTEE, HOWEVER, IS THAT WE CAN DO THIS
9 EXPEDITIOUSLY SO THAT IF THERE ARE ANY QUESTIONS OR
10 CONCERNS ON THE BASIS OF ANY NEW INFORMATION THAT'S
11 PROVIDED, THAT IT CAN BE ADDRESSED IN TIME TO BE DEALT
12 WITH PRIOR TO THE NEXT BOARD MEETING.

13 MR. FANNING: MR. FROST, MAY I FOLLOW UP ON
14 THAT, SIR?

15 CHAIRMAN FROST: YES.

16 MR. FANNING: COMMENT NO. 3, WHICH YOU'RE
17 TALKING ABOUT, I WHOLEHEARTEDLY, SIR AND MS. NEAL,
18 DISAGREE WITH THE ISSUE THAT IT'S A MAJOR PROBLEM.

19 EL SOBRANTE LANDFILL WAS JUST APPROVED
20 TODAY, AND IT DOES NOT HAVE THAT LINER. THOSE
21 REQUIREMENTS, SIR AND MA'AM, ARE GOING TO HAVE TO BE MET
22 WHEN YOU IRON THAT OUT WITH THE REGIONAL WATER QUALITY
23 CONTROL BOARD. AND WHEN YOU HAVE STAFF HOLDING EVERYBODY
24 HOSTAGE ON THOSE ISSUES THAT ARE TOTALLY OUTSIDE OF OUR
25 CONTROL, LEA AND/OR THE OPERATOR, TO GIVE YOU AN ANSWER



1 ON THAT TODAY, SIR, I BELIEVE IS PATENTLY MAJOR FLAW IN
2 THE PROCESS.

3 I WOULD DIRECT THE ATTENTION, SO THAT BETH
4 DOESN'T GO ON WITH HER TYPING HERE, ON PAGE 1 OF OUR
5 SUBMITTED INFORMATION TO YOU ON NO. 3, WE ANSWER HOW WE
6 BELIEVE, ON THE LEA SIDE, WE CAN ADDRESS THIS ISSUE OF
7 THIS MAJOR FLAW OF THAT PHASE I, PHASE II WATER QUALITY
8 MONITORING ISSUE.

9 IN OTHER WORDS, WE'RE HAVING TO COME UP
10 WITH OPTIONS. AS AN ADMINISTRATOR THAT RUNS MY
11 DEPARTMENT, I EXPECT MY STAFF TO GIVE ME SOLUTIONS AND
12 ANSWERS TO MY PROBLEMS. THE PROBLEMS ARE NOT PROBLEMS.
13 JUST TO SAY THAT YOU CAN'T DO THIS TODAY, WELL, THEN,
14 WHAT'S ACCEPTABLE AND WHAT WILL WORK?

15 I FEEL AS, AGAIN, THE LEA ADMINISTRATOR,
16 THAT KIND OF DIALOGUE HAS BEEN WOEFULLY DEFICIENT ON THIS
17 PROJECT. AND IT'S JUST AS FRUSTRATING FOR YOUR STAFF AS
18 IT IS FOR OURS. AND I'D GO BACK IN THIS MORNING'S AGENDA
19 WHEN MR. HUFF MENTIONED WE'VE GOT 15 MORE PERMITS TO
20 REVIEW BETWEEN NOW AND THE END OF JULY, AND YOU'VE GOT 50
21 SOME LEA'S TO REVIEW.

22 IF THE STAFF HAS THESE KINDS OF
23 DEFICIENCIES ON THOSE KINDS OF PERMITS, YOUR MEETING
24 ROOM, SIR, AT THE PERMITTING AND ENFORCEMENT COMMITTEE OR
25 HERE IS GOING TO BE FILLED WITH LEA'S AND OPERATORS



1 TRYING TO IRON THINGS OUT HERE.

2 BOARD MEMBER HUFF: AND WE'RE GOING TO HAVE VERY
3 LONG MEETINGS.

4 MR. FANNING: IN CLOSING, I WOULD, THOUGH -- MR.
5 CONHEIM DID HAVE A VALID POINT. AND I WANT TO GO BACK
6 AND BRING THAT UP. IT'S A VERY SALIENT ISSUE. YOU
7 CANNOT DO ANYTHING ON A LANDFILL THAT STATE LAW DOESN'T
8 PROVIDE. EVEN IF YOU MISS IT OR SLIP IT IN THE PERMITS
9 AND IT'S NOT THERE, IF THE LAW DOESN'T PROVIDE FOR YOU,
10 YOU CAN'T ALLOW IT.

11 AND AS I READ AND UNDERSTAND SECTION
12 182211(C) OF TITLE 14, THAT TRIES TO PRETTY CLEARLY TELL
13 YOU WHAT THE BOARD'S SCOPE OF AUTHORITY IS IN MAKING THE
14 DETERMINATION OR AN OBJECTION ON THE PERMIT IN TERMS OF
15 THE ENVIRONMENTAL COMPLETENESS AND WHETHER THE LEA
16 COMPLETED THAT.

17 AND FURTHERMORE, IT PROVIDES IF AN LEA CAN
18 OVERSEE A SITE AND MANAGE IT WHERE YOU WOULD EXPECT IT
19 WOULD REASONABLY BE BROUGHT INTO COMPLIANCE AND CAN BE
20 OPERATED REASONABLY TO PROTECT THE ENVIRONMENT, THEN YOU
21 GO AHEAD AND DO IT.

22 THIS IS A MOVING PROCESS. THIS LANDFILL
23 ENFORCEMENT AND MANAGEMENT. SO THERE IS, IN MY OPINION,
24 MR. CHAIRMAN, A MECHANISM TO ALLOW THE BOARD TO ACT ON
25 THIS PERMIT TODAY, YOUR BOARD TO ACT ON THIS PERMIT



1 TODAY.

2 CHAIRMAN FROST: I'M TRYING TO GIVE YOU A
3 MECHANISM TO SEE THAT THIS IS DEALT WITH BY THE TIME OF
4 THE NEXT BOARD MEETING. IF YOU DON'T WANT TO DO THAT, I
5 DON'T KNOW IF YOU HAVE THE VOTES TODAY.

6 MR. FANNING: I'M RECEPTIVE TO THAT AS FOR YOUR
7 STRONG CONSENSUS --

8 CHAIRMAN FROST: I'M TRYING TO GIVE YOU AN
9 OPTION. I RECOGNIZE THAT WE REGRET SOME OF THESE
10 PROBLEMS THAT HAVE OCCURRED, AND I THINK WE'VE TAKEN
11 STEPS TO SEE THAT THEY DON'T OCCUR AGAIN. AND IT WAS NO
12 FAULT OF RIVERSIDE COUNTY THAT THESE PROBLEMS OCCURRED,
13 BUT THEY DID. WE'RE HERE AND WE'RE TRYING TO COME UP
14 WITH A SOLUTION TO THE PROBLEM THAT EVERYBODY CAN LIVE
15 WITH. AND THAT'S THE ONE THAT COMES TO MY MIND. I CAN'T
16 THINK OF ANOTHER ONE.

17 BOARD MEMBER RELIS: MR. CHAIR.

18 CHAIRMAN FROST: YES, MR. RELIS.

19 BOARD MEMBER RELIS: I GUESS I'M HEARING
20 SOMETHING A LITTLE DIFFERENT. I'M TRYING TO SORT THIS
21 OUT.

22 WHEN I READ THE STAFF REPORT -- I HAVE NOT
23 SEEN A REPORT IN MY TIME ON THE BOARD THAT WAS FILLED
24 WITH SO MUCH CRITICISM AND WHICH IS CERTAINLY FUNDAMENTAL
25 PROBLEMS WITH THE -- NOT THE REPRESENTATION OF MATERIAL,



1 BUT FUNDAMENTAL ISSUES THAT WERE RAISED.

2 AND I'M RAISING A QUESTION NOW THAT
3 WOULD -- IS DIRECTED TO OUR STAFF, BOTH PERMITS AND TO
4 COUNSEL, THAT WHAT I HAVE HEARD FROM RIVERSIDE COUNTY
5 THUS FAR, MR. NELSON, MR. SAMANIEGO FROM THE LEA, IS THAT
6 WHAT WE HAVE HERE IS A -- SOME TYPO PROBLEMS AND SOME
7 MINOR DEFICIENCIES THAT COULD EASILY BE CORRECTED, BUT I
8 DON'T HEAR OUR STAFF SAYING THAT.

9 I'D LIKE TO HEAR THE STAFF RESPOND TO
10 THESE -- YOU HAVE A GREAT -- I DON'T THINK WE HAVE BEFORE
11 US A SET OF TRIVIAL DISAGREEMENTS HERE. AT LEAST, THAT'S
12 NOT HOW I READ THE ISSUES.

13 CHAIRMAN FROST: MR. RELIS. BEFORE THE STAFF
14 RESPONDS, THOUGH, I DON'T THINK WE'RE SUGGESTING HERE
15 THAT THESE ISSUES ARE NOT ALL GOING TO BE DEALT WITH
16 SERIOUSLY AND HAVE TO BE RESOLVED TO THE SATISFACTION OF
17 THE STAFF PRIOR TO OUR ACTING ON IT. I THINK WHAT WE ARE
18 SAYING IS WE CAN'T DO THAT IN THE NEXT TEN MINUTES, BUT
19 THEY WILL -- THAT WILL HAVE TO OCCUR BEFORE WE WOULD EVER
20 APPROVE SUCH A --

21 BOARD MEMBER RELIS: LET ME PURSUE MY POINT ONE
22 MORE STEP, AND THAT IS THIS. THAT ONE OF THE REASONS WHEN
23 WE TOOK THIS -- THIS MATTER CAME BEFORE THE BOARD WITHOUT
24 RECOMMENDATION WAS THAT WE GET CAUGHT, THE BOARD, IN
25 THESE "MOVING TARGETS."



1 WE WANT TO PUT SOME CLOSURE ON THIS. IF WE
2 HAVE A PERMIT ITEM BEFORE US. IT'S EITHER COMPLETE, ISN'T
3 COMPLETE, AND WE CANNOT DEAL WITH INFORMATION THAT COMES
4 IN THE FORM OF FAX'S AND LETTERS RIGHT BEFORE WE HAVE TO
5 MAKE DECISIONS.

6 AND THAT'S MY CONCERN HERE IS THAT WE HAVE
7 A -- YOU MAY BE FRUSTRATED, RIVERSIDE MAY BE FRUSTRATED
8 WITH WHAT'S GOING ON HERE. I'M FRUSTRATED THAT WE DON'T
9 HAVE A PROCESS THAT'S DELINEATED AND RESPECTED THAT PUTS
10 SOME CLOSURE ON WHEN SUBMITTALS AND WHEN ADJUSTMENTS CAN
11 BE MADE.

12 SO I JUST WANTED THAT FOR THE RECORD.

13 CHAIRMAN FROST: WELL, I AGREE WITH THAT, BUT I
14 THINK THAT THAT STATEMENT COULD BE MADE BY RIVERSIDE
15 COUNTY WITH RESPECT TO THE BOARD.

16 BOARD MEMBER HUFF: MR. CHAIRMAN, FIRST LET ME
17 SAY THAT RIVERSIDE COUNTY HAS DISPLAYED, I THINK STILL
18 DISPLAYS, A VERY ADMIRABLE ATTITUDE WITH REGARD TO
19 WANTING TO WORK WITH THE BOARD, WITH WANTING TO ACHIEVE
20 THE GOALS THAT HAVE BEEN SET OUT AS A MATTER OF STATE
21 POLICY, WITH REGARD TO MR. FANNING'S PARTICIPATION IN THE
22 EAC, AND THE LIST CAN GO ON FOR A LONG TIME.

23 I THINK IT'S UNFORTUNATE THAT THIS SORT OF
24 SCENARIO HAS LED US TO THE PLACE THAT IT HAS WITH REGARD
25 TO THESE MATTERS OF CONCERN NOT BEING RAISED IN



1 COMMITTEE, AND THEY WEREN'T. OKAY. BUT THEY EXIST NOW.
2 AND IT'S -- MAYBE THE TIMING ISN'T VERY GOOD. MAYBE ALL
3 THESE FAX'S BACK AND FORTH HAVE CREATED A PROBLEM IN
4 TERMS OF TIMING, BUT WE HAVE TO DEAL WITH THE HAND THAT
5 WE'VE BEEN DEALT. AND THE HAND THAT WE'VE BEEN DEALT
6 FINDS SOME PROBLEMS. WHETHER THEY'RE BIG OR LITTLE,
7 THEY'RE PROBLEMS AND WHAT HAS BEEN DESCRIBED BY OUR
8 COUNSEL AS THE ULTIMATE LEGAL DOCUMENTS WITH REGARD TO
9 THE OPERATION OF THIS LANDFILL.

10 AND I KNOW IN MY PERSONAL LIFE THAT IF
11 SOMEONE OFFERS ME A LEGAL DOCUMENT AND IT HAS
12 MISSPELLINGS, INCORRECT DATES, OR OMISSIONS, AND THEY ASK
13 ME TO SIGN IT, I DON'T DO THAT. I ASK THAT IT BE FIXED.

14 IN THIS INSTANCE, I WANT TO FIND A WAY
15 THAT'S AS EXPEDITIOUS AS POSSIBLE TO FIX IT. I'M NOT
16 SURE WHAT THAT IS. HOW MANY DAYS ARE LEFT OF THE 60?
17 SOMEONE TELL ME?

18 ATTORNEY CONHEIM: MAY 31ST.

19 BOARD MEMBER HUFF: MAY 31ST. THAT ISN'T VERY
20 HELPFUL.

21 THEN THE OPTIONS ARE AS FOLLOWS: THERE ARE
22 THREE OPTIONS. AND FOR ONE OF THEM I DON'T THINK
23 SUFFICIENT VOTES EXIST, BUT I WILL INCLUDE IT IN THE
24 THREE OPTIONS.

25 OPTION ONE IS THAT WE APPROVE THE PERMIT



1 AND TRUST RIVERSIDE COUNTY TO FIX THE MISSPELLINGS, ETC.,
2 OR WE CATCH THEM NEXT TIME AROUND, FIVE YEARS FROM NOW OR
3 WHENEVER THAT IS, RIGHT? NEXT REVISION, IF IT'S SOONER
4 THAN THAT. OKAY. I DON'T THINK THERE ARE THE VOTES FOR
5 THAT, BUT THAT IS AN OPTION. THAT'S THE OPTION THAT
6 RIVERSIDE WOULD HAVE US TO PURSUE.

7 OPTION 2 IS FOR US TO OBJECT TO THE
8 ISSUANCE OF THE PERMIT. AND AS I UNDERSTAND THE LAW,
9 COUNSEL, THERE IS ABSOLUTELY NO BAR TO THEM RESUBMITTING
10 THEIR APPLICATION, THEIR PERMIT. IF WE REJECT IT TODAY,
11 THEY COULD RESUBMIT IT TOMORROW, AS A MATTER OF FACT.

12 ATTORNEY CONHEIM: YOU'RE CORRECT. NOT UNDER
13 THESE CIRCUMSTANCES IS THERE A BAR. TRUST ME.

14 BOARD MEMBER HUFF: NOR IS THERE ANY IMPUGNING
15 OR DETRIMENTAL EFFECT ON THE OPERATION OF THE LANDFILL AS
16 PERMITTED CURRENTLY?

17 ATTORNEY CONHEIM: THAT'S CORRECT.

18 BOARD MEMBER HUFF: OKAY. SO THAT WOULD BE
19 OPTION 2.

20 OPTION 3 WOULD BE TO FIND SOME WAY TO STAY
21 THE CLOCK ON THE 60 DAYS, MOST LIKELY BEING RIVERSIDE
22 COUNTY LEA WITHDRAWING THE PERMIT, USING YOUR WHITE-OUT
23 OR WHATEVER YOU'RE GOING TO USE TO FIX THESE THINGS, AND
24 THEN HANDING IT BACK TO US.

25 ATTORNEY CONHEIM: I WOULD ONLY ADD TO THAT, MR.



1 HUFF AND MEMBERS, THAT I THINK WE'RE RUNNING AFOUL OF THE
2 120 DAYS. AND UNDER THESE CIRCUMSTANCES, THIS LATE HOUR
3 AND THESE EXIGENCIES, I WOULD ASK THAT YOU CHARACTERIZE
4 THAT AS REQUIRING BOTH THE LEA AND THE OPERATORS TO TALK
5 AND DECIDE TO WITHDRAW.

6 BOARD MEMBER HUFF: OKAY. I THINK THOSE ARE THE
7 THREE OPTIONS.

8 CHAIRMAN FROST: YES. WELL, I THINK ONE OF THE
9 OPTIONS IS NOT OURS; IT'S THEIRS. IF THEY WISH TO
10 WITHDRAW, THEY CAN DO IT. IT'S NOT OUR OPTION. WE HAVE
11 THREE OPTIONS.

12 BOARD MEMBER HUFF: THAT'S TRUE. THREE OPTIONS
13 EXIST FOR US TO MUTUALLY RESOLVE THE PROBLEM.

14 CHAIRMAN FROST: WE HAVE THREE OF THEM. WE CAN
15 APPROVE THE STAFF RECOMMENDATION AND REJECT THE PERMIT.
16 WE CAN OVERTURN THE STAFF RECOMMENDATION AND APPROVE IT.
17 WHAT WAS THE OTHER ONE?

18 BOARD MEMBER HUFF: THAT WAS MY NO. 1 AND MY NO.
19 2, AND THEN MY NO. 3 WAS THEIRS.

20 CHAIRMAN FROST: AND THE THIRD IS THEIRS.

21 BOARD MEMBER NEAL: WHY DON'T WE FIRST ASK THEM
22 IF THEY'RE WILLING TO DO NO. 3, AND THEN WE KNOW WHAT'S
23 LEFT FOR US.

24 CHAIRMAN FROST: FIRST, THE COUNTY --

25 MR. FANNING: THAT BECOMES A POINT OF ORDER.



1 THE LEA CANNOT WITHDRAW THE PERMIT. THAT'S UP TO THE
2 OPERATOR. THE OPERATOR -- ONE OF THE QUESTIONS I JUST
3 ASKED STAFF, ONCE YOU START, MR. FROST AND MS. NEAL, ONCE
4 YOU START HOLDING THESE THINGS UP, THERE'S OTHER
5 QUESTIONS THAT I'VE GOT IN MY MIND AND STAFF DIDN'T EVEN
6 HAVE A QUICK ANSWER.

7 MY QUICK ANSWER -- QUESTION WOULD BE WHAT
8 IS THIS GOING TO DO TO US IN THE CEQA PROCESS, AND IS OUR
9 CEQA NEGATIVE DECLARATION AND OUR CEQA PAPERS GOOD ON
10 THIS THING IF WE KICK IT OVER ANOTHER 30 OR 60 DAYS? I
11 DON'T WANT TO HAVE THE BOARD TO TAKE ACTION THIS
12 AFTERNOON, AND THEN STAFF IN A RESEARCH FRENZY NEXT
13 WEDNESDAY AFTERNOON COME UP WITH IT NOT BEING IN
14 COMPLIANCE WITH THE CEQA PROVISIONS. THAT WOULD REALLY
15 THROW US IN A TIGHT WICKET, SIR.

16 BUT, AGAIN, THE OPERATOR WOULD HAVE TO
17 AGREE TO WITHDRAW THE PERMIT, AND WE CAN DO THAT IF WE
18 THINK WE CAN GET A STRONG SIGNAL FROM THE BOARD, THE
19 STAFF THAT WE CAN WORK OUT, WHITE-OUT, AND CORRECT THESE
20 THINGS WITH THE INTEREST OF MOVING FORWARD.

21 HE HAS ALREADY WAIVED THE 60-DAY HEARING
22 TIME, IF I UNDERSTAND IT CORRECTLY; IS THAT RIGHT, PHIL?
23 NO, HE HASN'T WAIVED IT?

24 SO THE OPERATOR HAS THE OPTION OF WAIVING
25 THE 60-DAY CLOCK SO THAT HE HAS LATITUDE, AND THEN YOUR



1 BOARD STAFF CAN RESOLVE THIS, I BELIEVE, IN 30 DAYS.

2 BOARD MEMBER HUFF: WELL, LET ME SAY THIS.

3 I THINK, AND I'LL HAZARD A GUESS, I THINK
4 THAT THERE ARE SIX PEOPLE HERE WHO WANT TO FIND A
5 COOPERATIVE WAY TO RESOLVE WHAT ARE PROBLEMS, WHETHER YOU
6 CHARACTERIZE THEM AS BIG OR SMALL, WHAT ARE PROBLEMS.
7 OKAY. WE WANT TO FIND A COOPERATIVE WAY TO RESOLVE THEM.

8 I THINK THAT THERE ARE PROBABLY SIX PEOPLE
9 HERE WHO WOULD CONSIDER SKEPTICALLY NEW MATTERS THAT
10 WOULD -- MIGHT BE RAISED WITH REGARD TO OLD SUBMITTALS.
11 OKAY. WE'D BE VERY SKEPTICAL ABOUT THAT.

12 WE CAN'T GUARANTEE THAT THERE COULDN'T BE
13 SOME QUESTIONS RAISED ABOUT NEW SUBMITTALS, THAT IS,
14 SUBMITTALS CONNECTED TO FIXING THESE PROBLEMS. BUT I
15 MEAN STAFF HAS ALREADY READ EVERYTHING NOW. OKAY?

16 SO IF THEY SUDDENLY THINK OF SOMETHING NEW,
17 IT WOULD BE NATURAL THAT PEOPLE WOULD BE SKEPTICAL OF
18 THAT. IF IT'S SOMETHING THAT'S JUST FRESHLY HANDED
19 STAFF, THEN THEY HAVE TO LOOK AT IT. OKAY.

20 BOARD MEMBER RELIS: I WOULD LIKE TO STILL HEAR
21 FROM STAFF AS TO -- GIVEN THE -- IN THIS OPTION, THIS
22 LATTER OPTION OF POSSIBLY HOLDING THINGS UP A BIT, BUT
23 HOW MUCH -- WHAT'S A REALISTIC TIME FRAME FOR RESOLVING
24 THE DIFFERENCES HERE? I DON'T THINK -- I'D LIKE TO GET
25 AN ESTIMATE OF WHAT'S INVOLVED.



1 MS. VAZQUEZ: PROBABLY THE MOST TIME-CONSUMING
2 PART OF THE EVALUATION OF THE NEW MATERIAL WOULD BE THE
3 REVIEW OF THE DESIGN PLANS FOR THE PHASE II PORTION OF
4 THE FACILITY. THE ENGINEERING REVIEW COULD TAKE FROM ONE
5 WEEK TO TWO WEEKS.

6 BOARD MEMBER RELIS: SO THAT -- AND REGARDING
7 THE OTHER MATTERS, THE EIGHT POINTS?

8 MS. VAZQUEZ: PROBABLY A FEW DAYS, AT THE MOST A
9 WEEK.

10 BOARD MEMBER HUFF: SOME OF THIS COULD BE
11 RESOLVED WITH A GOOD BOTTLE OF WHITE-OUT OR WHATEVER
12 PEOPLE USE NOWADAYS. WORD PROCESSORS HAVE ELIMINATED THE
13 WHITE-OUT.

14 CHAIRMAN FROST: WELL, DOES COUNTY WANT SOME
15 TIME TO CAUCUS OR --

16 MR. FANNING: THE ONLY THING ON THE BLOCK FOR
17 ME, MR. FROST, IS 30 DAYS WITH THE ISSUE OF US WORKING IT
18 OUT AND GOING ON THE CONSENT CALENDAR. I'M AMENABLE TO
19 THAT. AGAIN, THERE'S THIS OTHER PROCESS.

20 MR. NELSON: MY NAME IS BOB NELSON, AGAIN,
21 DIRECTOR OF WASTE MANAGEMENT. I'M SOMEWHAT DISTRESSED
22 THAT YOU HAVEN'T ASKED TO HEAR FROM THE WATER BOARD. I
23 THINK ONE OF THE KEY ISSUES THAT YOU REALLY HAVE BEFORE
24 YOU TODAY IS THE WHOLE QUESTION OF WHICH STATE AGENCY IS
25 GOING TO CONTROL THE DESIGN OF THE LINER.



1 I THINK IF YOU GET DOWN TO FUNDAMENTALS,
2 THAT'S WHAT'S BEING TALKED ABOUT HERE TODAY, BUT UNSAID.
3 AND VERY CLEARLY, THE WATER BOARD HAS US
4 UNDER THEIR THUMB AND UNDER THEIR CONTROL, AND THEY WILL
5 NOT ALLOW US TO AVOID ANY STATE MINIMUM STANDARDS.

6 IN ADDITION, THE LEA HAS GIVEN US
7 INSTRUCTIONS REGARDING PHASE II, THAT BEFORE WE MOVE INTO
8 PHASE II, WE MUST MEET WHATEVER WATER BOARD STANDARDS
9 THERE ARE FOR LINER.

10 I CAN GUARANTEE YOU THAT THE DESIGN WILL
11 NOT BE DONE IN 30 DAYS. THE DESIGN WORK IS ONGOING. THE
12 BORINGS ARE NEARLY COMPLETED ON THIS. WE'VE AGREED TO
13 WHERE THE TESTING WELLS OUGHT TO BE, WHERE THE MONITORING
14 WELLS OUGHT TO BE. THAT'S ALL UNDERWAY.

15 THIS UNIT IS CURRENTLY PERMITTED. YOU'RE
16 CHANGING NOTHING WITH RESPECT TO PHASE II. I SEE WHAT
17 YOU'RE DOING AS DEALING WITH PHASE I, AND IN THE PROCESS
18 WE'RE CAUGHT IN THIS DILEMMA OF WHAT STATE AGENCY IS
19 GOING TO CONTROL ON THE DESIGN OF THE LINER. AND I WOULD
20 REQUEST THAT YOU CONSIDER TAKING A VOTE BEFORE YOU
21 EXTRACT FROM ME A 30-DAY OBLIGATION, CONSIDER TAKING A
22 VOTE WHICH APPROVES THE PERMIT --

23 CHAIRMAN FROST: OKAY. WELL, LET ME SEE IF I
24 UNDERSTAND WHAT YOU'RE SAYING.

25 MR. NELSON: -- WITH THE EIGHT NEW MINOR



1 CHANGES, WHICH THE LEA HAS SUBMITTED TO YOU. THEY ARE
2 INDEED MINOR. THAT'S WHAT I WOULD ASK YOUR BOARD TO TAKE
3 A VOTE ON AND THEN ASK ME WHETHER OR NOT TO WITHDRAW FOR
4 30 DAYS.

5 CHAIRMAN FROST: WELL, OKAY. LET ME ASK YOU
6 FIRST OF ALL, THEN: YOU'RE SAYING THAT THE DESIGN OF THE
7 LINER ISSUE, WHICH HAS BEEN RAISED AND NEEDS TO BE
8 RESOLVED, CANNOT BE RESOLVED IN 30 DAYS?

9 MR. NELSON: ABSOLUTELY. I DO NOT THINK AND I
10 THINK THAT YOU SHOULD --

11 CHAIRMAN FROST: AND YOU THINK THAT IN ORDER TO
12 ISSUE THE PERMIT, IT DOESN'T NEED TO BE RESOLVED?

13 MR. NELSON: THAT'S CERTAINLY MY BELIEF, THAT WE
14 ARE UNDER A CURRENT PERMIT WHICH GIVES YOUR STAFF AND THE
15 WATER BOARD ALREADY HAS CONTROL ON THAT.

16 CHAIRMAN FROST: ALL RIGHT. STAFF, CAN YOU
17 RESPOND TO THAT?

18 MS. VAZQUEZ: IT IS OUR UNDERSTANDING THAT IN
19 ORDER TO USE THE PHASE II PORTION OF THE FACILITY, THE
20 DESIGN PLANS WOULD HAVE TO BE APPROVED BY THE REGIONAL
21 BOARD.

22 IN THE APPROVAL OF THOSE PLANS, GENERALLY
23 THE REGIONAL BOARD WILL SEND US A DRAFT COPY OF THE WDR
24 AND WE WILL COMMENT ON IT. THAT IS HOW WE COMMENT. I'M
25 NOT SURE WHAT WILL HAPPEN WITH THIS FACILITY. PROCEDURES



1 HAVE NOT BEEN STANDARDIZED.

2 BOARD MEMBER CHESBRO: SO THE PROBLEM IS THEY'RE
3 HERE BEFORE US BEFORE THE REGIONAL WATER QUALITY CONTROL
4 BOARD HAS GIVEN ITS APPROVAL? IS THAT THE PROBLEM?

5 MS. VAZQUEZ: YES.

6 BOARD MEMBER CHESBRO: IN OTHER WORDS, IF THE
7 REGIONAL WATER QUALITY CONTROL BOARD HAD ALREADY APPROVED
8 THE DESIGN PLAN, THEN THEY WOULD HAVE A DESIGN PLAN THAT
9 WE COULD ALSO AGREE TO; IS THAT RIGHT?

10 MS. VAZQUEZ: THAT'S RIGHT. AND MORE BASIC THAN
11 THAT IS THAT WE DON'T HAVE A MAP THAT DELINEATES PHASE I
12 FROM PHASE II.

13 BOARD MEMBER HUFF: IF WE HAD SUCH A MAP, WOULD
14 THIS LINER DISCUSSION BE TAKING PLACE? WOULD WE ONLY BE
15 TALKING ABOUT PHASE I?

16 MS. VAZQUEZ: NO. BUT THERE ARE ALSO EIGHT
17 DEFICIENCIES. I BELIEVE TWO THAT ARE RELATED TO THE
18 DELINEATION OF PHASE I AND PHASE II; THAT IS, THE CLOSURE
19 DATE AND THE SECOND --

20 BOARD MEMBER HUFF: IS THAT -- THAT'S A QUESTION
21 OF REWRITING A SENTENCE OR TWO OR WHATEVER IT TAKES.

22 MS. VAZQUEZ: ONCE WE UNDERSTAND WHAT THE EXACT
23 SITE LIFE OF PHASE I IS, YES.

24 ATTORNEY CONHEIM: MR. CHAIRMAN, MR. HUFF, I
25 THINK THAT WE CAN APPROACH THIS PHASE II PROBLEM IN THE



1 FACE OF THE COUNTY'S ASSERTION THAT THE PLANS FOR PHASE
2 II ARE NOT READY, NOT LIKELY TO BE READY. BY CLEARLY
3 DELINEATING PHASE I IN THE PERMIT. AS MS. VAZQUEZ HAS
4 SAID, AND ALSO PROSCRIBING, NOT THAT NO WASTE WILL BE
5 PLACED, BUT THAT THIS PERMIT DOES NOT PERMIT THE USE OF
6 PHASE II AT ALL. IT'S NOT A LANDFILL. IT'S NOT ALLOWED.

7 NOW, NOTWITHSTANDING THE FACT THAT THE
8 COUNTY HAS SAID THAT THERE ARE SOME PERMISSIVE STATEMENTS
9 ABOUT PHASE II IN THE EARLIER PERMIT, THE PURPOSE OF
10 REVISING PERMITS IS TO MAKE THEM BETTER. IT'S CERTAINLY
11 WITHIN THE AUTHORITY AND THE REQUIREMENT OF BOTH THE LEA
12 AND THIS BOARD TO CORRECT IF THERE IS, INDEED, A
13 DEFICIENCY IN THE OLD PERMIT ANY DEFICIENCY WITH REGARD
14 TO THE PERMISSIVE USE OF PHASE II. BUT I THINK IF WE CAN
15 CUT OUT --

16 BOARD MEMBER HUFF: MAKE THIS A PHASE I PERMIT?

17 ATTORNEY CONHEIM: -- MAKE THIS A PHASE I
18 PERMIT --

19 BOARD MEMBER HUFF: PERIOD, END OF SENTENCE,
20 RIGHT?

21 ATTORNEY CONHEIM: I'LL TAKE THAT.

22 MS. VAZQUEZ: YES.

23 BOARD MEMBER HUFF: CAN WE DO THAT, RIVERSIDE?

24 MR. FANNING: AGAIN, SIR, THE THING THAT JUST
25 DRIVES ME UP AND DOWN IN THE CHAIR IS WHEN YOU GET



1 INVOLVED WITH COMPLYING WITH CEQA AND SEEING IF IT WAS
2 SUFFICIENT. DID OUR CEQA NEGATIVE DEC ON THIS GO FOR
3 PHASE I AND PHASE II ON THE REVISED PERMIT OR JUST PHASE
4 I?

5 MR. NELSON: WE FELT THAT THE CEQA COVERED THE
6 WHOLE PROJECT.

7 MR. FANNING: OKAY. THEN IF THEY FELT IT
8 COVERED THE WHOLE PROJECT. THE LEA HAD TO BUY OFF ON THAT
9 BEFORE WE MOVED FORWARD. NOW, WHETHER OR NOT YOUR BOARD
10 STAFF AGREED WITH US OR NOT, I DON'T KNOW, BUT THEY
11 SHOULD HAVE.

12 MR. NELSON: I MUST SAY, AS THE OPERATOR, THAT
13 WE'RE IN ONE HECK OF A MESS HERE UNNECESSARILY. AND I
14 WOULD SUBMIT AGAIN THAT WE'RE BOGGED DOWN IN SOMETHING
15 THAT BORDERS ON MINUTIAE IN WHICH THERE IS ABSOLUTE AND
16 ADEQUATE CONTROLS IN THE PROCESS.

17 YOU HAVE WATER BOARD STAFF HERE TODAY
18 YOU'VE NOT EVEN ASKED TO TALK TO AS TO WHAT THEY'RE DOING
19 WITH RESPECT TO PHASE II. I THINK YOU CAN LEARN QUICKLY
20 THAT YOUR OWN STATE SISTER AGENCY HAS THAT UNDER CONTROL.
21 YOUR OWN LEA HAS ORDERED US NOT TO GO INTO PHASE II
22 UNLESS THAT IS LINED IN A MANNER THAT MEETS THE CURRENT
23 CODE. I THINK THAT IS COVERED.

24 IF WE HAVE TO GO HOME TODAY WITH THIS
25 UNCERTAINTY, AND PARTICULARLY IF WE HAVE TO WORRY ABOUT 8



1 OR 13 OR 25 MORE NEW ISSUES, I WOULD PREFER TO GO HOME
2 TODAY WITH A PERMIT THAT LEAVES PHASE II OUT OF IT.

3 I THINK THAT'S UNNECESSARY. I THINK IT'S
4 COSTLY. LAYERS OF GOVERNMENT THAT EXCEED REASON, AND I
5 WOULD URGE YOU TO APPROVE IT WITH THE EIGHT CONDITIONS
6 THAT THE LEA HAS RECOMMENDED TO YOU.

7 BOARD MEMBER HUFF: NEED A PAPER BREAK?

8 CHAIRMAN FORST: WE CAN'T ISSUE A CONDITIONAL
9 PERMIT.

10 (A BREAK WAS TAKEN.)

11 CHAIRMAN FROST: I'VE JUST BEEN INFORMED WE HAVE
12 TO BE OUT OF THIS ROOM IN ONE HOUR, LESS THAN ONE HOUR.
13 WE CAN'T FINISH IN THAT AMOUNT OF TIME. THEY'LL THROW US
14 OUT. SO ANYBODY HAVE A SOLUTION? ABOUT 45 MINUTES FROM
15 NOW.

16 BOARD MEMBER CHESBRO: I DON'T HAVE A SOLUTION,
17 BUT I HAVE A COMMENT.

18 CHAIRMAN FROST: ALL RIGHT. WELL, I WANT
19 SOMEBODY WHO HAS A SOLUTION.

20 AND, MR. HUFF, DO YOU HAVE A SOLUTION?

21 BOARD MEMBER HUFF: WELL, THERE HAVE BEEN SOME
22 CONVERSATIONS. AND I THINK THAT THE ESSENTIAL ELEMENT OF
23 MY SOLUTION IS A QUESTION OF THE OPERATOR. ARE YOU
24 WILLING TO WITHDRAW THE PERMIT, OR DO YOU WANT US TO
25 FIRST PROCEED TO A VOTE ON THE NEW PERMIT?



1 BOARD MEMBER NEAL: WELL, LET ME ALSO GET SOME
2 CLARIFICATION. IF WE PROCEED TO A VOTE, I THINK THAT'S
3 IT.

4 BOARD MEMBER HUFF: WELL, NO, YOU NEVER SAY
5 NEVER.

6 BOARD MEMBER NEAL: WELL, THEY CAN RESUBMIT.
7 THOUGH, AGAIN.

8 BOARD MEMBER HUFF: I HAVE A PLAN, TRUST ME. I
9 KNOW WHAT I'M DOING.

10 BOARD MEMBER CHESBRO: I'VE HEARD THAT BEFORE.

11 MR. NELSON: I WOULD LIKE TO SEE THE VOTE TAKEN
12 TO APPROVE THE PERMIT WITH THE CONDITIONS ADDED THAT WERE
13 RECOMMENDED.

14 BOARD MEMBER HUFF: WE CAN DO THAT. IF SOMEONE
15 WOULD MOVE THAT, WE CAN DO THAT.

16 BOARD MEMBER EGIGIAN: SO MOVE.

17 CHAIRMAN FROST: MR. EGIGIAN MOVES.

18 BOARD MEMBER HUFF: IS THERE A SECOND? THAT'S
19 YOUR QUESTION.

20 BOARD MEMBER RELIS: WHAT IS THE MOTION?

21 CHAIRMAN FROST: WELL, SOMEBODY SECOND IT SO WE
22 CAN HAVE A VOTE.

23 BOARD MEMBER HUFF: IF THERE'S NO SECOND, THE
24 MOTION DIES.

25 CHAIRMAN FROST: OKAY. THE MOTION IS DEAD. NO



1 SECOND.

2 MR. NELSON: NOW, YOU'RE ASKING ME TO WITHDRAW
3 OR TO CONTINUE OR WHAT?

4 BOARD MEMBER HUFF: I THINK THAT'S AN
5 INDICATION, ISN'T IT?

6 MR. NELSON: WELL, UNFORTUNATELY, I BELIEVE IT
7 IS. I WANT TO MAKE SURE YOU UNDERSTAND THAT THE RDS I
8 DID, INDEED, MAKE CLEAR WHERE PHASE II WAS. IT DID,
9 INDEED, MAKE CLEAR WHAT THE SITUATION WAS WITH REGARD TO
10 APPROVAL BY THE WATER BOARD BEFORE WE MOVED INTO PHASE
11 II.

12 REPRESENTATIONS BY STAFF TO THE CONTRARY
13 ARE NOT TRUE. THEY'RE IN HERE ON PAGE 12, AND THERE'S
14 THE MAP THAT SHOWS IT. I -- I FEEL I'M CAUGHT IN A CATCH
15 22. AND GIVEN WHERE I'M AT, I GUESS MY NEXT REQUEST
16 WOULD BE THAT YOU APPROVE PHASE I ONLY.

17 BOARD MEMBER HUFF: OKAY. AS I UNDERSTAND IT,
18 BECAUSE THAT INVOLVES SOME CHANGES OF LANGUAGE IN THE
19 PERMIT; IS THAT CORRECT, COUNSEL?

20 ATTORNEY CONHEIM: YES, MR. HUFF.

21 BOARD MEMBER HUFF: OKAY. THEN YOU WOULD
22 WITHDRAW THE PERMIT. MAKE THOSE CHANGES, RESUBMIT IT. I
23 WOULD MAKE A MOTION -- IF THAT HAPPENS, I WOULD MAKE A
24 MOTION THAT THE STAFF OF THE PLANNING AND ENFORCEMENT
25 COMMITTEE SCHEDULE THIS ITEM FOR THE NEXT COMMITTEE



1 MEETING IN JUNE, AND THAT THIS BOARD HAVE IT ON ITS
2 AGENDA FOR ITS JUNE MEETING.

3 AND, OF COURSE, THAT'S SUBJECT TO THE ITEM
4 BEING READY FOR PRESENTATION AT THOSE TIMES, BUT I'M
5 ANTICIPATING THAT IT WILL BE BECAUSE I'M ANTICIPATING
6 THAT WE WILL BE IN A COOPERATIVE MODE TO ADDRESS PHASE I,
7 IF, IN FACT, YOU DO WITHDRAW AND RESUBMIT.

8 MR. NELSON: I DIDN'T HEAR ANY ISSUE ON PHASE I
9 TODAY, AND I ALSO HEARD YOU FOLKS SAY TO YOUR STAFF DON'T
10 START ON A NEW LIST OF THINGS.

11 THEREFORE, I SEE NO REASON TO BE IN AN
12 UNCOOPERATIVE MODE ON PHASE I. I FEEL IT'S AN EXTREMELY
13 UNFORTUNATE EXAMPLE OF GOVERNMENT BY BUREAUCRACY, THAT
14 WE'RE CAUGHT WHERE WE'RE AT. I WILL ACCEPT IT. I'VE GOT
15 TO HAVE PERMISSION. I CANNOT FILL THAT UP AND NOT HAVE
16 PERMISSION TO GO ON TO THE ADDITIONAL HEIGHT.

17 I HAVE NO INTENT TO GO INTO PHASE II UNTIL
18 YOUR STAFF AND THE WATER BOARD APPROVE THE LINING DESIGN.
19 I CANNOT HAVE THAT APPROVED IN 30 DAYS.

20 CHAIRMAN FROST: OKAY. SO YOU ARE THEN
21 WITHDRAWING THE REQUEST AND WILL RESUBMIT A PHASE I
22 REQUEST; IS THAT WHAT I UNDERSTAND?

23 MR. NELSON: THAT IS CORRECT.

24 BOARD MEMBER HUFF: OKAY. I THEN WILL MAKE MY
25 MOTION THAT STAFF BE INSTRUCTED TO PUT THIS ON THE



1 PLANNING AND ENFORCEMENT COMMITTEE FOR THE JUNE MEETING
2 AND THE FULL BOARD FOR ITS JUNE MEETING.

3 ATTORNEY CONHEIM: MR. CHAIRMAN, MR. HUFF, FOR
4 THE RECORD, I UNDERSTAND THAT MR. NELSON, ON BEHALF OF
5 THE WASTE MANAGEMENT DEPARTMENT, HAS, UNDER THE
6 CIRCUMSTANCES STATED, WITHDRAWN THE PERMIT FROM
7 CONSIDERATION TODAY.

8 I WOULD REALLY FEEL MUCH MORE COMFORTABLE
9 IF THE SUBMITTER OF THE PERMIT, THE LEA, CONCURRED ON
10 THAT. YOU'VE GOT THE MIKE.

11 MR. FANNING: MR. CHAIRMAN, THE REASON FOR THE
12 PAUSE, I WAS TRYING TO SEARCH FOR A NICE WAY TO CONCUR,
13 BUT HAVE A COMMENT IN THE RECORD, NOT SO MUCH THAT WE'RE
14 DOING IT UNDER DURESS, BUT WE HAVE NO OPTION. I BELIEVE
15 THERE'S -- THE LEA, AS THESE THINGS ARE FOLDING OUT, IN
16 THE NEXT SIX MONTHS TO A YEAR, YOU WILL SEE OR YOU SHOULD
17 BE ABLE TO SEE THAT THE LEA'S POSITION OUGHT TO BE ABLE
18 TO CARRY THE DAY. EVERYONE IS GOING TO BE ULTIMATELY
19 RESPONSIBLE FOR THESE THINGS BEING COMPLIED WITH.

20 SO IF THAT'S THE OPTION THAT WE HAVE, I
21 THINK IN TERMS OF THE POSITIVE COMMENTS I'VE HEARD FROM
22 THE CHAIR AND OTHER MEMBERS OF THE BOARD IN CORRECTING
23 THESE EIGHT ISSUES IN THE NEXT 30 DAYS, THEN I WOULD
24 CONCUR WITH THE OPERATOR TO WITHDRAW THE PERMIT.

25 BOARD MEMBER HUFF: THANK YOU.



1 CHAIRMAN FROST: NOW, MR. HUFF'S MOTION.

2 BOARD MEMBER HUFF: THAT'S MY MOTION.

3 BOARD MEMBER EGIGIAN: SECOND.

4 CHAIRMAN FROST: CALL THE ROLL.

5 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

6 BOARD MEMBER CHESBRO: AYE.

7 BOARD SECRETARY: EGIGIAN?

8 BOARD MEMBER EGIGIAN: AYE.

9 BOARD SECRETARY: HUFF?

10 BOARD MEMBER HUFF: AYE.

11 BOARD SECRETARY: NEAL?

12 BOARD MEMBER NEAL: AYE.

13 BOARD SECRETARY: RELIS?

14 BOARD MEMBER RELIS: AYE.

15 BOARD SECRETARY: CHAIRMAN FROST?

16 CHAIRMAN FROST: AYE.

17 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'LL TRY TO
18 BE VERY BRIEF, BUT THERE'S A COUPLE OF QUICK COMMENTS I
19 WANT TO MAKE. ONE IS THAT I WANT TO SORT OF LECTURE BOTH
20 OUR STAFF AND THE LEA AND THE OTHER LEA'S THAT MIGHT BE
21 LISTENING ABOUT THE NEED TO DO WHAT THE LEA SAID WAS
22 THEIR DESIRED APPROACHED, WHICH IS TO ATTEMPT TO COME
23 FORWARD ON THE SAME WAVELENGTH WHENEVER POSSIBLE SO THAT
24 WE'RE NOT PUT IN THIS POSITION.

25 BUT, SECONDLY, I DIDN'T SEE IT AS JUST THE



1 EIGHT -- I NEED TO JUSTIFY MYSELF JUST A LITTLE BIT FOR
2 NOT SECONDING THE MOTION. JUST THOSE EIGHT ISSUES.

3 MY PERCEPTION IS THAT THERE'S A SEQUENCING
4 ISSUE THAT'S VERY CRITICAL, AND THAT IS THAT WE ISSUE AN
5 OPERATING PERMIT. AN OPERATING PERMIT -- AND WE CONCUR
6 IN AN OPERATING PERMIT FROM THE LEA, I SHOULD SAY. WE
7 DON'T ISSUE IT. AND THAT COMES AFTER DESIGN APPROVALS.
8 AND DESIGN APPROVAL TAKES PLACE THROUGH THE WATER QUALITY
9 CONTROL BOARD. WE BASE OUR OPERATING PERMIT ON DESIGN.

10 AND SO I SEE THAT THERE IS A FUNDAMENTAL
11 PROBLEM WITH THE PERMIT. AND THAT WAS THE BASIS FOR MY
12 NOT SUPPORTING CONCURRENCE WITH THE PHASE II TODAY, AND I
13 THINK THAT'S A VERY IMPORTANT THING -- MESSAGE TO SEND
14 OUT TO THE LEA'S, THAT THAT'S WHAT THE PROPER SEQUENCE OF
15 EVENTS IS WHEN A PERMIT -- WE SHOULD BE THE LAST STOP, SO
16 TO SPEAK, IN THE PROCESS.

17 CHAIRMAN FROST: OKAY. I WOULD JUST, HOWEVER,
18 SAY THAT, AGAIN, I THINK RIVERSIDE HAS MADE A GOOD POINT
19 IN THE FACT THAT THERE WASN'T TIMELY NOTIFICATION OF THE
20 PROBLEMS AND NOT GIVEN -- RIVERSIDE WAS NOT GIVEN ENOUGH
21 TIME TO RESOLVE THEM PRIOR TO THIS MEETING.

22 I DON'T REALLY THINK IT WAS THEIR FAULT.

23 BOARD MEMBER CHESBRO: AND I CONCUR. AND I
24 THINK THAT THE LEA IS GENERALLY VIEWED AS ONE OF THE, YOU
25 KNOW, GOOD ONES IN THE STATE, AND THIS IS NOT MEANT AS



1 SOME KIND OF --

2 BOARD MEMBER HUFF: ONE OF THE BEST IN THE
3 BUSINESS.

4 CHAIRMAN FROST: YES. SO I JUST WANT TO MAKE
5 SURE THAT PEOPLE UNDERSTAND THAT WE'RE IN A POSITION
6 WHERE OUR HANDS ARE TIED.

7 MR. MORALEZ: MR. CHAIRMAN, FOR PURPOSES OF THE
8 RECORD, THE AGENDA ITEMS FOR JUNE HAVE ALREADY BEEN
9 NOTICED, AND I DON'T KNOW IF LEGAL HAS AN INTERPRETATION
10 AS WHERE IT CAN BE NOTICED --

11 BOARD MEMBER HUFF: WHEN'S THE JUNE MEETING?

12 MR. CHANDLER: IT'S MY UNDERSTANDING THAT THE
13 PRESS DATE FOR THE FIRST COMMITTEE MEETING WOULD BE,
14 LIKE, MONDAY, AND THAT IS PROBABLY THE PROBLEM WE
15 SOMETIMES RUN INTO IS WE WILL JUGGLE OUR PRIORITIES.

16 ATTORNEY CONHEIM: TOMORROW A SUPPLEMENTAL CAN
17 BE SENT OUT, AT LEAST, A NOTICE AND AGENDA; AND IF THE P
18 AND E COMMITTEE WOULD ACCEDE TO A LATE PRINT OF THIS
19 ITEM. IT MAY BE VERY LATE.

20 BOARD MEMBER HUFF: SURE, NO PROBLEM.

21 MS. VAZQUEZ: SHOULD ALSO BE NOTED THAT AGENDA
22 ITEMS GO TO PRINT FOR THE JUNE 10TH MEETING ON MONDAY.

23 BOARD MEMBER HUFF: WELL, PUTTING IT ON THE P
24 AND E COMMITTEE FOR JUNE IS, I THINK, A SHOW OF FAITH ON
25 OUR PART FOR RIVERSIDE. IF THE ITEM IS NOT READY, WE'LL



1 THEN HAVE TO CARRY IT OVER TO JULY. OKAY. BUT IF IT IS
2 BY SOME WAY READY ON JUNE 10TH, I'M NOT GOING TO STOP IT.
3 WE'LL FIND A WAY TO BRING IT FORWARD IF IT'S READY.

4 CHAIRMAN FROST: WELL, LET ME -- IF IT'S NOT
5 READY, IT CAN STILL BE READY FOR THE JUNE BOARD MEETING.

6 BOARD MEMBER HUFF: THAT'S ALSO TRUE.

7 CHAIRMAN FROST: WE DON'T HAVE TO PUT IT OVER TO
8 JULY.

9 BOARD MEMBER HUFF: IT'S JUST A PLACEHOLDER
10 ACTION IN TERMS OF THE AGENDAS.

11 CHAIRMAN FROST: ALL RIGHT. NOW, THAT CONCLUDES
12 ITEM 10. THANK YOU VERY MUCH.

13 WE NEED TO MOVE TO ITEM 17, CONSIDERATION
14 OF ADOPTION OF EMERGENCY REGULATIONS FOR THE USED OIL
15 RECYCLING PROGRAM.

16 CHRISTY PORTER OF OUR PLANNING ASSISTANCE
17 DIVISION WILL MAKE THE STAFF PRESENTATION. TRY TO DO
18 THIS IN HALF THE TIME WE DID THE LAST TIME.

19 MS. PORTER: I THINK WE CAN DO THAT, MR.
20 CHAIRMAN.

21 MY NAME IS CHRISTY PORTER, AND FOR THE PAST
22 FEW MONTHS I HAVE BEEN OVERSEEING DEVELOPMENT OF THE NEW
23 USED OIL RECYCLING PROGRAM.

24 AT THE PLANNING COMMITTEE MEETING EARLIER
25 THIS MONTH, I PRESENTED PROPOSED EMERGENCY REGULATIONS



1 FOR THE INDUSTRY REPORTING ASPECTS OF THE PROGRAM. AT
2 THAT TIME THE COMMITTEE DID RECOMMEND THAT THE FULL BOARD
3 ADOPT THESE REGULATIONS.

4 I WOULD LIKE TO NOTE THAT THE ONLY CONCERNS
5 THAT WERE RAISED AT THAT MEETING RELATED TO THE STATUTE
6 ITSELF AND NOT TO THE REGULATIONS. SINCE THE MEETING, I
7 HAVE MET WITH SEVERAL INDUSTRY REPRESENTATIVES, MOSTLY
8 OIL MANUFACTURERS, WHO HAVE MADE SEVERAL SUGGESTIONS, AND
9 I HAVE BEEN ABLE TO INCORPORATE MOST OF THOSE SUGGESTIONS
10 INTO THE PROPOSED REGULATIONS.

11 AS I GET INTO THE CONTENT OF THE
12 REGULATIONS, I'LL ADDRESS WHAT CHANGES I HAVE MADE SINCE
13 THE COMMITTEE MEETING.

14 CHAIRMAN FROST: LET ME ASK YOU THIS: THESE ARE
15 EMERGENCY REGULATIONS. THEY'RE NOT THE FINAL
16 REGULATIONS?

17 MS. PORTER: THESE ARE THE EMERGENCY
18 REGULATIONS.

19 CHAIRMAN FROST: OUR MAIN CONCERN IS ARE THERE
20 STILL ORGANIZATIONS THAT HAVE PROBLEMS WITH THE EMERGENCY
21 REGULATIONS?

22 MS. PORTER: THERE IS ONE ORGANIZATION, THE
23 CALIFORNIA INDEPENDENT OIL MARKETERS ASSOCIATION, AND I
24 CAN DISCUSS THEIR CONCERN. I BELIEVE IT WAS JUST
25 YESTERDAY MORNING THAT THEY FAX'D A LETTER TO YOUR OFFICE



1 RAISING A CONCERN RELATING TO THE DEFINITION OF
2 LUBRICATING OIL, AND I'D BE HAPPY TO DISCUSS THAT.

3 OTHER MAJOR OIL COMPANIES, I HAVE ADDRESSED
4 THEIR CONCERNS, AND THEY HAVE INDICATED THAT THEY'RE
5 SATISFIED WITH THE REGULATIONS.

6 CHAIRMAN FROST: OKAY. . . COULD YOU ADDRESS, THEN,
7 THE ONE CONCERN THEN?

8 MS. PORTER: SURE. THE CONCERN, AS I SAID, IS
9 OF THE CALIFORNIA INDEPENDENT OIL MARKETERS ASSOCIATION.
10 THIS GROUP REPRESENTS DISTRIBUTORS OF OIL AND OTHER
11 PETROLEUM PRODUCTS IN THE STATE. THIS GROUP DOESN'T
12 REPRESENT MAJOR OIL COMPANIES NECESSARILY. IT'S MORE OF
13 THE MIDDLE AND SMALL BUSINESSES.

14 THEIR CONCERN RELATES TO THE DEFINITION OF
15 LUBRICATING OIL. STAFF HAS ADDED CONSUMER ADDITIVES,
16 SUCH AS STP, TO THE DEFINITION OF LUBRICATING OIL. AND
17 THE REASONING BEHIND THIS IS THAT ADDITIVES WOULD MAKE UP
18 PART OF THE VOLUME OF THE OIL THAT WOULD BE AVAILABLE FOR
19 RECYCLING ON THE BACK END.

20 AND, CONSEQUENTLY, A CONSUMER COULD GET
21 REFUND MONEY ON THAT ADDITIVE; THEREFORE, STAFF IS
22 PROPOSING THAT THAT ADDITIVE ALSO BE SUBJECT TO PAYMENT
23 OF THE FEE ON THE FRONT END.

24 SIMILARLY, WE HAVE EXCLUDED TWO-CYCLE
25 ENGINE OILS FROM THE DEFINITION OF LUBRICATING OIL. AND



1 THIS IS BECAUSE THESE OILS ARE CONSUMED DURING USAGE, AND
2 THEY'RE NOT AVAILABLE FOR RECYCLING ON THE BACK END. SO
3 THEIR MAJOR CONCERN RELATES TO THE ADDITIVES.

4 I HAVE CONTACTED THE AUTHOR'S OFFICE,
5 ASSEMBLYMAN SHER, TO FIND OUT WHETHER THEY HAD A STRONG
6 OPINION EITHER WAY ON THIS ISSUE.

7 INDEPENDENT OIL MARKETERS CLAIM THAT
8 INCLUDING ADDITIVES IN THE DEFINITION IS NOT CONSISTENT
9 WITH THE INTENT OF THE LAW. I WASN'T ABLE TO GET AN
10 ACTUAL OPINION OF ASSEMBLYMAN SHER. HIS STAFF INDICATED
11 THAT THEY DIDN'T FEEL THAT IT WAS IN CONFLICT WITH THE
12 INTENT OF THE LAW.

13 SO THAT'S THE ONLY MAJOR CONCERN THAT WE
14 HAVE RELATING TO THE REGULATIONS. AND, AGAIN, I JUST
15 RECEIVED THAT COMMENT YESTERDAY MORNING. I ANTICIPATE
16 THAT THE PROPOSED EMERGENCY REGULATIONS WOULD BE NOTICED
17 AS THEY ARE AS NONEMERGENCY REGS, AND I DON'T ANTICIPATE
18 ANY MAJOR CHANGES.

19 CHAIRMAN FROST: WELL, WHEN YOU SAY -- IN OTHER
20 WORDS, WHAT I UNDERSTAND, THE EMERGENCY REGS WILL BE --
21 IF THEY ARE ADOPTED, WILL GO INTO EFFECT IMMEDIATELY, BUT
22 THAT THERE WILL STILL BE OPPORTUNITY FOR PUBLIC HEARING
23 BEFORE THERE IS A PERMANENT REGULATION.

24 MS. PORTER: RIGHT. AND SOMETHING ELSE THAT'S
25 IMPORTANT TO NOTE IS THAT THE OIL MANUFACTURERS DON'T



1 HAVE TO ACTUALLY SUBMIT REPORTS AND PAYMENT OF THE FEES
2 UNTIL JANUARY OF 1993, SO THERE WOULD BE ADEQUATE TIME,
3 THROUGH THE NONEMERGENCY PROCESS, TO ADDRESS THEIR
4 CONCERNS.

5 CHAIRMAN FROST: OKAY. ANY BOARD MEMBER HAVE
6 ANY FURTHER QUESTION?

7 MR. CONHEIM.

8 ATTORNEY CONHEIM: MR. CHAIRMAN, MEMBERS OF THE
9 BOARD, MS. PORTER, WHEN THE BOARD CONSIDERS IT, IF THE
10 BOARD IS SO DISPOSED TO APPROVE THESE EMERGENCY
11 REGULATIONS, I WOULD LIKE TO STATE FOR THE RECORD THAT
12 THE RESOLUTION THAT YOU WILL ADOPT ASKS YOU TO ADOPT A
13 FINDING OF EMERGENCY CONTAINED ON PAGE 205 AND 6 OF THE
14 AGENDA ITEM. AND THAT'S NECESSARY TO GO TO OAL. SO I'M
15 JUST PUTTING THE POINT HERE IN THE RECORD SO THAT
16 EVERYBODY KNOWS THAT THAT'S WHERE THE STATE OF EMERGENCY
17 IS.

18 CHAIRMAN FROST: ALL RIGHT. WELL, I ASSUME THAT
19 AS PART OF THE STAFF RECOMMENDATION?

20 ATTORNEY CONHEIM: YES, IT IS.

21 CHAIRMAN FROST: SOMEBODY MOVE THE STAFF
22 RECOMMENDATION THAT WILL BE --

23 ATTORNEY CONHEIM: IF YOU DO.

24 BOARD MEMBER RELIS: SO MOVE.

25 CHAIRMAN FROST: OKAY. STAFF RECOMMENDATION IS



1 MOVED BY MR. RELIS.

2 BOARD MEMBER CHESBRO: SECOND.

3 CHAIRMAN FROST: SECOND. OKAY. CALL THE ROLL.

4 BY MR. CHESBRO.

5 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

6 BOARD MEMBER CHESBRO: AYE.

7 BOARD SECRETARY: EGIGIAN?

8 BOARD MEMBER EGIGIAN: AYE.

9 BOARD SECRETARY: HUFF?

10 BOARD MEMBER HUFF: AYE.

11 BOARD SECRETARY: NEAL?

12 BOARD MEMBER NEAL: AYE.

13 BOARD SECRETARY: RELIS?

14 BOARD MEMBER RELIS: AYE.

15 BOARD SECRETARY: CHAIRMAN FROST?

16 CHAIRMAN FROST: AYE.

17 OKAY. THANK YOU VERY MUCH. THAT CONCLUDES

18 ITEM 17.

19 ITEM 20, THE LEGISLATION.

20 MS. FETTIG: MR. CHAIRMAN, BOARD MEMBERS, I'M
21 DOROTHY FETTIG WITH THE BOARD'S LEGISLATIVE OFFICE. ITEM
22 20, AS IT APPEARS IN YOUR PACKET, LISTS A NUMBER OF
23 BILLS. MANY OF THESE WERE -- THE RECOMMENDATIONS OF THE
24 LEGISLATION AND PUBLIC AFFAIRS COMMITTEE WERE ADOPTED
25 EARLIER AS PART OF THE BOARD'S CONSENT CALENDAR.



1 THERE ARE THREE BILLS REMAINING FOR WHICH
2 THE RECOMMENDATION OF THE LEGISLATIVE AND PUBLIC AFFAIRS
3 COMMITTEE WAS NOT ADOPTED ON CONSENT, AND I WILL QUICKLY
4 GO OVER THOSE THREE ITEMS.

5 FOR THE AUDIENCE'S SAKE, THEY ARE AB 2072
6 BY ASSEMBLYMAN SHER AS PROPOSED TO BE AMENDED IN
7 CONFERENCE COMMITTEE, AB 2446 BY ASSEMBLYWOMAN DELAINE
8 EASTIN, AND SB 1955 BY SENATOR MORGAN.

9 BOARD MEMBER CHESBRO: YOU MEAN 2092?

10 MS. FETTIG: 2092.

11 THE OTHER BILLS THAT ARE LISTED ON THE
12 AGENDA AND WHICH WERE NOT DEALT WITH ON THE CONSENT
13 CALENDAR ARE IN YOUR BINDERS FOR YOUR INFORMATION ONLY
14 AND ARE NOT PROPOSED FOR POSITION TODAY.

15 I'M, OF COURSE, AVAILABLE TO ANSWER ANY
16 QUESTIONS THAT YOU HAVE ON BILLS OTHER THAN THE THREE.
17 OTHERWISE, I'LL JUST QUICKLY GO THROUGH THE THREE BILLS
18 IN THE INTEREST OF TIME.

19 FIRST OF ALL, ASSEMBLY BILL 2092 BY
20 ASSEMBLYMAN SHER, THE ANALYSIS IN YOUR BOARD PACKET
21 DESCRIBES THE BILL, AS WE UNDERSTAND IT, IS PROPOSED TO
22 BE AMENDED IN CONFERENCE COMMITTEE WITHIN THE NEXT WEEK
23 OR TWO. THE PROPOSED CONFERENCE COMMITTEE VERSION OF THE
24 BILL WOULD HAVE A NUMBER OF ELEMENTS AS DESCRIBED ON PAGE
25 2 OF THE ANALYSIS.



1 FIRST OF ALL, AND THIS IS ALSO IN THE
2 CURRENT VERSION OF THE BILL, THE BILL WILL EXTEND THE
3 DEADLINES FOR COMPLETION OF SOURCE REDUCTION AND
4 RECYCLING ELEMENTS AND HOUSEHOLD HAZARDOUS WASTE ELEMENTS
5 BY ONE YEAR, AND WOULD EXTEND THE DEADLINE FOR SUBMITTAL
6 OF FINAL COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLANS TO
7 THE BOARD BY EITHER ONE YEAR FROM THE DATE THAT THE
8 OFFICE OF ADMINISTRATIVE LAW FINALIZES OUR REGULATIONS
9 FOR THE COUNTYWIDE PLANS. AND THAT ONE-YEAR DATE WOULD
10 APPLY TO COUNTIES THAT HAVE LESS THAN EIGHT YEARS OF
11 CAPACITY -- LANDFILL CAPACITY REMAINING.

12 FOR COUNTIES WITH OVER EIGHT YEARS LANDFILL
13 CAPACITY, THE DUE DATE OF THE COUNTYWIDE PLANS WOULD BE
14 EXTENDED TO 18 MONTHS AFTER THE OFFICE OF ADMINISTRATIVE
15 LAW APPROVES OUR REGULATIONS FOR THE COUNTYWIDE PLANS.

16 LASTLY, THE BILL WOULD PLACE IN STATUTE
17 PROVISIONS IMPLEMENTING THE BOARD ADOPTED POLICY ON WHAT
18 PRE-1990 DIVERSION OF THE AB 1820 WASTES, NAMELY
19 AGRICULTURAL WASTES, INERT WASTES, SCRAP METAL, AND WHITE
20 COATED MAJOR APPLIANCES, WILL BE ALLOWED TO BE CREDITED
21 TOWARDS THE LOSS DIVERSION MANDATES.

22 AS YOU KNOW, THE POLICY STATEMENT SPECIFIES
23 THAT COUNTING OF EXISTING DIVERSION OF THESE FOUR WASTE
24 TYPES WOULD BE EXCLUDED UNLESS THREE SPECIFIC CRITERIA
25 HAVE BEEN MET.



1 NO. 1, THAT THE MATERIAL WAS DIVERTED AS
2 THE RESULT OF A JURISDICTION'S PROGRAM TARGETING THAT
3 MATERIAL; NO. 2, PRIOR TO JANUARY 1, 1990, THE MATERIAL
4 WAS DISPOSED OF AT A PERMITTED FACILITY IN THE QUANTITY
5 BEING CLAIMED AS DIVERSION; AND, NO. 3, THE JURISDICTION
6 IS IMPLEMENTING ALL FEASIBLE SOURCE REDUCTION, RECYCLING,
7 AND COMPOSTING MEASURES. AND, AGAIN, THESE CRITERIA
8 WOULD APPLY ONLY TO THE PRE-1990 DIVERSION OF THE
9 SO-CALLED AB 1820 WASTES, THE FOUR SPECIFIC WASTES THAT I
10 LISTED.

11 LASTLY, THE PROPOSED CONFERENCE COMMITTEE
12 AMENDMENTS, WHICH SPECIFY THE PROCEDURES TO BE FOLLOWED
13 BY JURISDICTIONS AND THE BOARD IN DETERMINING WHETHER
14 THESE THREE CRITERIA HAVE BEEN MET, AND THE NATURE OF THE
15 PROCESS IS SUCH THAT IT WOULD NOT REQUIRE REVISION OF ANY
16 SOURCE REDUCTION AND RECYCLING ELEMENT. AND THE
17 AMENDMENTS IN THEIR ENTIRETY ARE INCLUDED AS AN
18 ATTACHMENT TO YOUR ANALYSIS.

19 CHAIRMAN FROST: YES, MS. NEAL.

20 BOARD MEMBER NEAL: WELL, I HOPE THAT EVERYONE'S
21 HAD AN OPPORTUNITY TO REVIEW THOSE AMENDMENTS. THEY DID
22 COME FORWARD TO US AT THE END OF THE LAST LPAC MEETING.
23 AS MS. FETTIG RELATED, THE BILL IS STILL IN PROCESS.

24 HOWEVER, GIVEN THAT, I WOULD LIKE TO
25 PRESENT A MOTION THAT THE BOARD SUPPORT THE PROPOSED



1 CONFERENCE COMMITTEE AMENDMENTS TO AB 2092 SHER HAS
2 PROVIDED TO THE BOARD AS AN ATTACHMENT TO A MAY 12, 1992,
3 LETTER FROM ASSEMBLYMAN SHER TO CHAIRMAN FROST.

4 THOSE PROPOSED AMENDMENTS ARE CONSISTENT
5 WITH BOARD'S ADOPTED POLICY STATEMENT REGARDING THE
6 CIRCUMSTANCES UNDER WHICH THE PRE-1990 DIVERSION OF INERT
7 MATERIALS, SCRAP METAL, AGRICULTURAL WASTE, AND WHITE
8 COATED APPLIANCES, KNOWN AS THE AB 1820 WASTES, WILL
9 COUNT TOWARD THE DIVERSION REQUIREMENTS OF AB 939.

10 IN PRESENTING THIS MOTION, IT SHOULD BE
11 NOTED THAT, WHILE THE BOARD IS IN STRONG SUPPORT OF THIS
12 LANGUAGE, WE ARE AT THE SAME TIME PROCEEDING WITH THE
13 DEVELOPMENT OF EMERGENCY REGULATIONS TO IMPLEMENT THE
14 BOARD'S POLICY STATEMENT. AND BASED UPON CURRENT
15 STATUTORY AUTHORITY, THE BOARD PLANS TO PROCEED WITH THE
16 DEVELOPMENT OF THESE REGULATIONS WHETHER OR NOT
17 LEGISLATION IS ENACTED THIS YEAR EFFECTING THE CREDIT TO
18 BE ALLOWED FOR THE PRE-1990 DIVERSION OF THE AB 1820
19 WASTES.

20 CHAIRMAN FROST: OKAY. THERE'S A MOTION THAT
21 THE BOARD TAKE A SUPPORT POSITION ON AB 2092, SHER, AS
22 AMENDED.

23 BOARD MEMBER NEAL: SUPPORT AS PROPOSED
24 CONFERENCE COMMITTEE AMENDMENTS.

25 CHAIRMAN FROST: WHICH WILL BE SUPPORT OF THE



1 BILL IF THEY ARE ADOPTED, YES.

2 BOARD MEMBER RELIS: SECOND.

3 CHAIRMAN FROST: CALL THE ROLL, PLEASE.

4 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

5 BOARD MEMBER CHESBRO: AYE.

6 BOARD SECRETARY: EGIGIAN?

7 BOARD MEMBER EGIGIAN: AYE.

8 BOARD SECRETARY: HUFF?

9 BOARD MEMBER HUFF: AYE.

10 BOARD SECRETARY: NEAL?

11 BOARD MEMBER NEAL: AYE.

12 BOARD SECRETARY: RELIS?

13 BOARD MEMBER RELIS: AYE.

14 BOARD SECRETARY: CHAIRMAN FROST?

15 CHAIRMAN FROST: AYE.

16 MS. FETTIG: THANK YOU.

17 THE SECOND BILL IS ASSEMBLY BILL 2446 BY
18 ASSEMBLYWOMAN EASTIN. THERE'S A COPY OF THE CURRENT
19 VERSION OF THE BILL AND AN ANALYSIS OF THE BILL IN YOUR
20 BINDERS. THE LEGISLATION AND PUBLIC AFFAIRS COMMITTEE
21 RECOMMENDED A SUPPORT POSITION ON THE BILL, AND THAT IS
22 BEING FORWARDED TO THE BOARD FOR CONSIDERATION TODAY.

23 IF YOU'D LIKE, I'LL BRIEFLY GO OVER THE
24 PROVISIONS OF THE BILL. UNDER CURRENT LAW, THERE IS A
25 5-PERCENT PRICE PREFERENCE GIVEN FOR PURCHASES OF



1 RECYCLED PAPER. THIS BILL WOULD DELETE THE 5-PERCENT
2 PRICE PREFERENCE FOR RECYCLED PAPER PRODUCTS AND WOULD
3 ALSO DELETE THE CURRENT LAW GOALS THAT EXIST FOR
4 PURCHASES OF OTHER RECYCLED PRODUCTS SUCH AS COMPOST,
5 OIL, PAINT, ETC.

6 INSTEAD OF THESE PRICE PREFERENCES AND
7 GOALS, THE BILL WOULD INSERT MANDATES THAT STATE AGENCIES
8 PURCHASE SPECIFIED PERCENTAGES OF RECYCLED PAPER AND
9 OTHER PRODUCTS BY SET DATES. THESE ARE KNOWN AS
10 SET-ASIDES.

11 IN ADDITION, THE BILL REQUIRES THE
12 DEPARTMENT OF GENERAL SERVICES AND CALTRANS TO CONDUCT AN
13 AVOIDED COST ANALYSIS FOR PAPER AND PAVING MATERIALS.
14 THE PURPOSE OF THE AVOIDED COST ANALYSIS IS TO DEVELOP AN
15 AVOIDED COST DEDUCTION FOR PURPOSES OF RECYCLED CONTENT,
16 PAVING MATERIALS, AND PAPER PRODUCTS.

17 THIRDLY, THE BILL AUTHORIZES THE DEPARTMENT
18 OF GENERAL SERVICES AND THIS BOARD TO ESTABLISH PRICE
19 PREFERENCES, MINIMUM CONTENT STANDARDS, LABELING
20 REQUIREMENTS, AND A NUMBER OF OTHER PROGRAMS TO ENCOURAGE
21 MAXIMUM STATE PROCUREMENT. THESE ARE AUTHORIZATIONS
22 RATHER THAN MANDATES.

23 AND, LASTLY, THE BILL DOES REQUIRE THE
24 BOARD, THIS BOARD, TO ESTABLISH MINIMUM RECYCLED CONTENT
25 STANDARDS FOR PAPER, COMPOST, GLASS, OIL, PLASTIC,



1 SOLIDS, AND PAINT, TIRES, PAVING MATERIALS, AND STEEL BY
2 JULY 1, 1994.

3 THE SAME REQUIREMENTS THAT ARE IMPOSED ON
4 ALL STATE AGENCIES BY THE BILL WOULD ALSO BE IMPOSED ON
5 THE LEGISLATURE.

6 BOARD MEMBER HUFF: MR. CHAIRMAN.

7 CHAIRMAN FROST: YES.

8 BOARD MEMBER HUFF: REALLY PUT THEM ON THE
9 LEGISLATURE, TOO?

10 MS. FETTIG: YEAH. AT THIS CURRENT LAW WITH THE
11 PRICE PREFERENCE AND THE OTHERS, THE REQUIREMENT WILL
12 ALSO APPLY TO THE LEGISLATURE.

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THIS BILL
14 IS, IN MY ESTIMATION, AND I BELIEVE BASED ON THE BOARD'S
15 DETERMINATION AND MARKET DEVELOPMENT, IS TOP PRIORITY;
16 AND OUR ADOPTION IN PRINCIPLE OF THE MISSION STATEMENT
17 THIS MORNING IS CRITICAL TO MARKET DEVELOPMENT IN THE
18 STATE.

19 WE'VE HAD INDICATIONS FROM SEVERAL
20 MANUFACTURERS, WHO WOULD LIKE TO LOCATE IN CALIFORNIA,
21 WHO SAY THE STRONGEST SIGNAL WE COULD SEND TO THEM
22 RELATIVE TO THE GRADES OF PRODUCTS THAT THEY PRODUCE, AND
23 THERE WILL BE A MARKET IN CALIFORNIA, IS FOR GOVERNMENT
24 TO STEP OUT FRONT AND ASSURE THEM THAT A CERTAIN
25 PROPORTION OF THEIR PROCUREMENT IS GOING TO HAVE RECYCLED



1 CONTENT.

2 AND IN ADDITION TO THAT, I THINK IT'S VERY,
3 VERY IMPORTANT, IF WE'RE GOING TO CONTINUE TO PURSUE OUR
4 EFFORTS TO ADVOCATE THAT RECYCLED CONTENT BE MANDATED IN
5 VARIOUS PRODUCTS, THAT THE STATE GOVERNMENT BE INVOLVED
6 IN TAKING THE FIRST STEP IN DEMONSTRATING ITS COMMITMENT
7 TO PROCUREMENT OF RECYCLED PRODUCTS. FOR BETTER OR FOR
8 WORSE, PARTICULARLY IN THE PAPER AREA, GOVERNMENT IS A
9 POWERFUL FORCE IN TERMS OF ITS PURCHASING POWER.

10 AND WE ARE IN A RACE WITH TIME BETWEEN NOW
11 AND 1995 TO TRY TO ASSURE THAT THERE'S DEMAND CREATED,
12 THAT THE INDUSTRY WILL LOCATE IN CALIFORNIA TO MAKE THESE
13 PRODUCTS. AND SO I WOULD LIKE TO MOVE THAT WE SUPPORT
14 THIS BILL.

15 CHAIRMAN FROST: WELL. OKAY. I CANNOT SUPPORT
16 THE BILL IN THIS FORM. I AGREE WITH THE BASIC GOALS OF
17 THE BILL, BUT IN THIS TIME FOR US TO SUPPORT A BILL WHEN
18 IT TAKES OFF THE LIMIT OF COST AND SAYS THAT, INSTEAD OF
19 A 5-PERCENT PREFERENCE -- BECAUSE RIGHT NOW GOVERNMENT
20 HAS TO BUY THE RECYCLED CONTENT IF THE PRICE IS NO MORE
21 THAN 5 PERCENT MORE THAN NONRECYCLED.

22 BOARD MEMBER CHESBRO: IT'S NOT MANDATED. IT'S
23 AN OPTIONAL THING. THEY CAN PAY AS MUCH AS 5 PERCENT
24 OVER.

25 CHAIRMAN FROST: I KNOW. BUT WHAT THIS DOES IS



1 TAKE THE 5 PERCENT OFF.

2 MS. FETTIG: BY WAY OF CLARIFICATION ON EITHER
3 SIDE OF THE ARGUMENT, THE CURRENT VERSION OF THE BILL
4 DOES ALSO SAY THAT THESE PURCHASES HAVE TO BE MADE WITH
5 EXISTING RESOURCES.

6 WHAT THE AUTHOR CONTEMPLATES IS THAT STATE
7 AGENCIES WILL PURCHASE LESS PAPER WITH THE SAME AMOUNT OF
8 MONEY THEY ARE NOW BUYING MORE PAPER WITH. JUST FOR
9 CLARIFICATION.

10 CHAIRMAN FROST: WELL, I THINK FOR US TO SEND A
11 SIGNAL THAT WE'RE TAKING THE LID OFF OF COST AT A TIME --
12 THE KIND OF TIME THAT THE GOVERNMENT BUDGET IS IN RIGHT
13 NOW IS A WRONG SIGNAL, THAT I DON'T THINK THE BILL WOULD
14 HAVE ANY CHANCE OF BEING SIGNED.

15 YEAH. IT WOULD HAVE NO CHANCE OF BEING
16 SIGNED WITH THAT PROVISION IN IT. AND I DON'T THINK IT
17 MAKES THE BOARD LOOK VERY GOOD IF WE ENDORSE SOMETHING
18 THAT SAYS HANG THE COST, ESPECIALLY AT THIS TIME.

19 BOARD MEMBER NEAL: I THINK I HEAR IT A LITTLE
20 DIFFERENTLY. IT'S NOT LIKE WE'VE BEEN PUTTING A LID ON
21 COST IF THE BILL DESIGNATES THAT IT MUST BE DONE OUT OF
22 EXISTING RESOURCES. AND I THINK THAT THAT IS ALSO A
23 POSITIVE STATEMENT, AND THE BILL MAY HELP ENCOURAGE
24 SOURCE REDUCTION WITHIN STATE AGENCIES.

25 CHAIRMAN FROST: WELL, I WOULD TELL YOU THAT THE



1 STATEMENT OF DOING IT WITHIN EXISTING RESOURCES DOESN'T
2 MEAN ANYTHING. THAT'S NOT A MEANINGFUL STATEMENT IN THE
3 STATE BUDGET PROCESS. AND --

4 BOARD MEMBER HUFF: MEANS ABOUT AS MUCH AS
5 MAINTENANCE OF EFFORT.

6 BOARD MEMBER CHESBRO: I WOULD ALSO SUBMIT,
7 THOUGH, THAT THERE ARE VARIOUS PAPER GRADES AVAILABLE AND
8 BELOW THE COST OF VIRGIN GRADES AT THIS TIME. AND THAT
9 IF THE -- AND WE SHOULD TRY TO PUT TOGETHER SOME STAFF
10 SUPPORT, SHOULD THE BOARD ENDORSE THIS, TO MAKE IT CLEAR
11 TO THE GOVERNOR IN OUR TRANSMITTAL THAT IT'S POSSIBLE TO
12 PUT TOGETHER A PURCHASE ORDER WHICH WILL, IN FACT, BE
13 COMPETITIVE WITH VIRGIN BY MAKING SURE THAT THE GRADES
14 THAT ARE PURCHASED INCLUDE GRADES THAT ARE LESS EXPENSIVE
15 SO THAT YOU CAN BALANCE THE PURCHASE AND COME OUT IN A
16 COMPETITIVE WAY TO HAVE VIRGIN PURCHASE OF PRODUCTS.

17 CHAIRMAN FROST: OF COURSE, THEY CAN DO THAT NOW
18 WITH THE 5-PERCENT LIMIT. THAT'S OUR CONTENTION. THAT'S
19 WITHIN THE CURRENT PROPOSAL.

20 BOARD MEMBER CHESBRO: ARE THEY DOING IT?

21 CHAIRMAN FROST: WELL, TAKING THE LID OFF
22 CERTAINLY ISN'T THE WAY TO GET THEM TO DO IT. I CAN
23 SUPPORT THE BILL IF IT WAS SUPPORT IF AMENDED, IF OUR
24 POSITION WAS SUPPORT IF AMENDED, TO ADDRESS THE COST
25 CONSIDERATIONS, TO WORK WITH THE DEPARTMENT OF FINANCE



1 AND THE ADMINISTRATION TO ADDRESS THE COST
2 CONSIDERATIONS. I COULD TAKE A SUPPORT IF AMENDED
3 POSITION, BUT I COULDN'T SUPPORT THE BILL JUST TAKING THE
4 LID OFF ALTOGETHER.

5 BOARD MEMBER RELIS: MR. CHAIRMAN, YOU JUST
6 BRING UP THE -- WHAT MR. CHESBRO SAID ABOUT THE MARKET
7 DEVELOPMENT REQUIREMENTS, I'VE HEARD THE SAME FROM MANY
8 INDUSTRIES, THAT IF WE WANT A HIGH-GRADE PLANT IN
9 CALIFORNIA TO USE SOME OF OUR MIXED WASTE OR MIXED
10 GRADES, THEY HAVE MADE IT BASICALLY A CONDITION THAT
11 GOVERNMENTS HAVE SAID THEY WOULD BACK THIS SORT OF THING
12 AND THEN THEY DON'T. AND THEN THE PROBLEM IS THEY DON'T
13 SEE A MARKET OR A DEMAND, AND SO THEY WITHDRAW THEIR
14 INVESTMENT.

15 AND I BELIEVE THAT THE PRICE WILL LEVEL
16 OUT. WE'RE CAUGHT IN A BIT OF A TRANSITION BETWEEN A
17 PRICE STRUCTURE THAT DOESN'T REFLECT ENOUGH DEMAND TO
18 BRING THE PRICE DOWN IN CERTAIN GRADES. AND WE'VE JUST
19 GOT TO -- WE'VE GOT TO JUMP THIS THING IF WE WANT TO GET
20 MARKETS DEVELOPED.

21 BOARD MEMBER EGIGIAN: YOU KNOW, THERE'S MUCH
22 TALK ABOUT COMPANIES COMING IN TO CALIFORNIA TO DO THIS
23 OR THAT. I WOULD LIKE TO SEE SOMETHING MORE THAN JUST
24 TALK ON THIS. TO SEE WHETHER COMPANIES ARE REALLY MAKING
25 A FULL COMMITMENT TO DO SOMETHING AND -- AND SO WE, IN



1 OUR CAPACITY, CAN ACT ON ANYTHING THAT WILL HELP THE
2 SITUATION OUT. UP TO NOW, I HAVEN'T SEEN ANY EVIDENCE OF
3 IT.

4 BOARD MEMBER RELIS: THE QUESTION OF MODIFYING,
5 YOU WERE SAYING IF -- YOUR CONCERN IS THAT THIS IS A
6 CARTE BLANCHE. IT WOULD JUST MEAN WE HAVE TO PAY
7 WHATEVER?

8 BOARD MEMBER NEAL: EVEN IF THE LANGUAGE SAYS
9 WITHIN THE EXISTING RESOURCES? I'M NOT QUITE SURE I
10 UNDERSTAND.

11 CHAIRMAN FROST: IF YOU HAVE TO BUY A THOUSAND
12 POUNDS OF PAPER IN YOUR ORGANIZATION, AND YOU HAVE TO BUY
13 RECYCLED CONTENT REGARDLESS OF THE COST, DOUBLE THE COST,
14 WITHIN EXISTING RESOURCES, YOU STILL HAVE TO BUY IT.
15 WITHIN EXISTING RESOURCES DOESN'T MEAN ANYTHING. YOU
16 STILL HAVE TO BUY THE PAPER IF THAT'S WHAT YOU NEED TO
17 OPERATE. YOU STILL NEED TO BUY IT EVEN IF IT'S DOUBLE
18 THE COST OR TRIPLE THE COST, ACCORDING TO THIS BILL.

19 AND I THINK THAT -- I DON'T WANT TO BE A
20 PARTY TO SAYING TO THE STATE GOVERNMENT AT THIS TIME JUST
21 HANG THE COST.

22 BOARD MEMBER NEAL: I GUESS I MIGHT INTERPRET
23 THAT A LITTLE DIFFERENTLY. AND I CAN SEE -- I ALSO HEAR
24 THAT YOU SAY THIS IS MANDATING THAT MANAGERS CANNOT
25 DECIDE HOW TO ALLOCATE THEIR BUDGET. YOU KNOW, THEY HAVE



1 A CERTAIN AMOUNT OF EXISTING RESOURCES WITHIN THEIR
2 BUDGET, THEY HAVE CERTAIN ACTIVITIES THAT THEY HAVE TO
3 ACCOMPLISH, AND THEN THEY ALLOCATE THEIR BUDGET
4 ACCORDINGLY.

5 SO IF THEY HAVE TO LOOK AT, FOR EXAMPLE,
6 WHETHER THEY REALLY NEED A THOUSAND POUNDS OF PAPER WHICH
7 WILL NOW EAT UP MORE RESOURCES THAN THEY HAVE AVAILABLE
8 TO THEM, OR IF THEY HAVE TO LOOK AT SOME OTHER KIND OF
9 ECONOMY OF MATERIALS AND, AS I SAID, INCUR SOME SOURCE
10 REDUCTION, I WOULD THINK THAT COMPETENT MANAGERS WOULD BE
11 CAPABLE OF LOOKING AT THAT AND PERHAPS MAKING SOME WISE
12 DECISIONS.

13 CHAIRMAN FROST: WELL, THAT ASSUMES THAT THEY'RE
14 NOW BUYING MATERIALS THEY DON'T NEED. AND I DON'T
15 THINK --

16 BOARD MEMBER NEAL: IT'S REALLY SOURCE
17 REDUCTION.

18 BOARD MEMBER HUFF: WELL, LET ME INTERJECT THEN.
19 I CAN TELL YOU THAT OVER THE LAST YEARS OF THE DEUKMEJIAN
20 ADMINISTRATION AND I KNOW OVER THE BEGINNING YEARS OF THE
21 WILSON ADMINISTRATION, BUDGETS FOR OPERATING SUPPLIES ARE
22 NOT INCREASING EVEN AT THE RATE OF INFLATION. THEY ARE
23 FLAT. SO IN THAT SENSE THESE BUDGETS ARE ALREADY
24 SQUEEZED.

25 YOU CAN ARGUE THAT THIS REPRESENTS ANOTHER



1 SQUEEZE ON TOP OF THE SQUEEZES THAT HAVE ALREADY BEEN
2 MADE. YOU CAN ALSO ARGUE THAT TO SOME DEGREE THE
3 DEPARTMENTS -- I MEAN IT'S NOT JUST A QUESTION OF MAKING
4 WIDER MARGINS ON MEMOS. THERE'S A LOT OF THE SUPPLIES
5 THAT WE'RE TALKING ABOUT ARE IN TERMS OF PAPER TOWELS AND
6 JANITORIAL PAPERS AND TOILET PAPER, YOU KNOW, OVER WHICH
7 MANAGERS DON'T REALLY CONTROL THE CONSUMPTION. WE DON'T
8 HAVE POLICE YET STATIONED.

9 BOARD MEMBER NEAL: I UNDERSTAND, BUT I WOULD
10 VENTURE A GUESS THAT WRITING PAPERS ARE THE BULK OF PAPER
11 PURCHASES. AND I'M NOT GOING TO POINT FINGERS OUTSIDE TO
12 ANY OTHER AGENCIES. I'VE LOOKED AT A LOT OF UNNECESSARY
13 PAPERS WHICH FLOAT WITHIN OUR OFFICES.

14 MS. FETTIG: MY UNDERSTANDING FROM BOARD STAFF
15 WHO WORK IN THIS AREA IS THAT THE CURRENT DIFFERENTIAL
16 FOR WRITING PAPER THAT WE USE IS ABOUT 18 PERCENT HIGHER
17 TO BUY THE RECYCLED CONTENT RATHER THAN DOUBLE OR TRIPLE.
18 AND THAT FOR THINGS LIKE TOWELING AND TOILET PAPER, THERE
19 IS READILY AVAILABLE RECYCLED CONTENT FOR -- AT A
20 COMPARABLE PRICE. THAT'S WHAT I HAVE BEEN TOLD.

21 CHAIRMAN FROST: LET ME -- ALL THESE POLICY
22 ARGUMENTS LIKE THIS, BUT I THINK THAT YOU WILL AGREE THAT
23 THE BILL ISN'T GOING TO BE SIGNED IF IT DOESN'T DEAL WITH
24 THE COST CONSIDERATION. AND IF YOU WANT THE BILL SIGNED,
25 I THINK YOU NEED TO DEAL WITH THAT.



1 BOARD MEMBER CHESBRO: WELL, I WOULD SUGGEST
2 THAT WE ASK OUR STAFF, THAT WE APPROVE THE MOTION,
3 INCLUDE IN THE MOTION THAT WE ASK OUR STAFF TO ANALYZE
4 BOTH QUESTIONS OF SOURCE REDUCTION AND STRUCTURING
5 PURCHASE ORDERS SO THAT THEY CAN BE AT THE PRESENT COST
6 TO PURCHASE, COMPETITIVE COST OF PURCHASE OF VIRGIN,
7 AND THEN WE SUBMIT TO THE AUTHOR AND TO THE
8 ADMINISTRATION THAT INFORMATION.

9 THE REASON I THINK IT'S IMPORTANT WE GO
10 FORWARD WITH THE MOTION, EVEN THOUGH YOUR CONCERNS ARE, I
11 THINK, NEED TO BE TAKEN INTO CONSIDERATION, I THINK WE
12 EQUALLY STAND TO BE -- TO LOOK BAD AND EMBARRASSED IF WE
13 DON'T COMMIT OURSELVES TO THE CONCEPTS THAT ARE NECESSARY
14 FOR MARKET DEVELOPMENT TO BECOME MEANINGFUL.

15 I UNDERSTAND YOUR CONCERN ABOUT THE BUDGET
16 AND HOW THAT LOOKS IN THE LIGHT IN THE CURRENT SITUATION,
17 BUT I THINK WE CAN BE EQUALLY AS EMBARRASSED BY THE FACT
18 THAT WE HAVE NOT DEMONSTRATED A VERY FIRM COMMITMENT TO
19 WHAT GOVERNMENT NEEDS TO DO TO MAKE MARKET DEVELOPMENT
20 WORK WHILE WE'RE OUT THERE IMPOSING THE VIRGIN
21 REQUIREMENTS THAT DEPEND ON MARKET DEVELOPMENT FOR THEIR
22 SUCCESS.

23 CHAIRMAN FROST: WELL, THAT'S WHY I SUGGEST A
24 SUPPORT IF AMENDED POSITION. THE AMENDMENT BEING THAT
25 THERE WILL BE NEGOTIATIONS WITH THE DEPARTMENT OF FINANCE



1 ON THE COST IMPLICATIONS AND A SATISFACTORY CONCLUSION
2 WITH THEM AS TO THE COST IMPLICATIONS OF THE BILL.

3 BOARD MEMBER CHESBRO: WELL, MY APPROACH,
4 BECAUSE I DON'T THINK WE HAVE THE INFORMATION AT OUR
5 FINGERTIPS AND CAN SAY WHAT AMENDMENT IT IS THAT WE WOULD
6 SUPPORT, IS TO ASK THAT OUR STAFF WORK ON PROPOSALS THAT
7 ADDRESS THE TWO QUESTIONS I MENTIONED, SOURCE REDUCTION
8 AND STRUCTURE PURCHASE ORDERS TO MAKE THEM COMPETITIVE
9 WITH VIRGIN PURCHASES -- VIRGIN MATERIAL PURCHASES, AND
10 THEY PUT THAT TOGETHER, AND WE SUBMIT THAT TO THE AUTHOR
11 AND THE ADMINISTRATION AS WAYS TO MITIGATE THE COST.

12 CHAIRMAN FROST: WELL, IT ISN'T UP TO OUR STAFF.
13 BUT -- OKAY. WE HAVE A MOTION AND A SECOND, I THINK.

14 BOARD MEMBER NEAL: SECOND.

15 CHAIRMAN FROST: A MOTION TO SUPPORT THE BILL.

16 BOARD MEMBER CHESBRO: AND ASK OUR STAFF TO
17 SUBMIT -- DEVELOP AND SUBMIT THE INFORMATION THAT I'VE
18 SUGGESTED.

19 CHAIRMAN FROST: OKAY. CALL THE ROLL.

20 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

21 BOARD MEMBER CHESBRO: AYE.

22 BOARD SECRETARY: EGIGIAN?

23 BOARD MEMBER EGIGIAN: AYE.

24 BOARD SECRETARY: HUFF?

25 BOARD MEMBER EGIGIAN: MR. CHAIRMAN, ABSTAIN



1 BECAUSE I DIDN'T HEAR THE QUESTION ON THAT. YOU CHANGED
2 DISCUSSION.

3 BOARD SECRETARY: EGIGIAN ABSTAINS.

4 HUFF?

5 BOARD MEMBER HUFF: ABSTAIN.

6 BOARD SECRETARY: NEAL?

7 BOARD MEMBER NEAL: AYE.

8 BOARD SECRETARY: RELIS?

9 BOARD MEMBER RELIS: AYE.

10 BOARD SECRETARY: CHAIRMAN FROST?

11 CHAIRMAN FROST: NO.

12 WE HAVE THREE VOTES, SO WHAT DO YOU PROPOSE
13 NOW? THAT'S NO POSITION.

14 BOARD MEMBER CHESBRO: I WILL PROPOSE THAT WE
15 TAKE A POSITION OF SUPPORT IF AMENDED TO INCORPORATE --
16 THE SAME MOTION, BUT I'M ACCEPTING THE AMENDMENT CONCEPT,
17 THAT WE ASK THAT AMENDMENTS BE DRAFTED THAT WOULD REFER
18 TO SOURCE REDUCTION AND STRUCTURING OF THE PURCHASING
19 PROCESS TO ADDRESS THE COST.

20 CHAIRMAN FROST: I THOUGHT THAT WAS PART OF THE
21 LAST ONE.

22 BOARD MEMBER CHESBRO: IT WAS EXCEPT IT WAS
23 NOT -- THE MOTION WAS NOT SUPPORT IF AMENDED. I'M
24 CHANGING IT TO SUPPORT IF AMENDED. I'M DOING WHAT YOU
25 ASKED, EXCEPT THAT I'M ATTEMPTING FOR US TO SPECIFY WHAT



1 THE AMENDMENTS SHOULD BE RATHER THAN LEAVING IT OPEN
2 ENDED.

3 CHAIRMAN FROST: OKAY. ALL I -- THE ONLY
4 AMENDMENT I CARE ABOUT IS THAT THERE BE -- AND I DON'T
5 HAVE ANY OBJECTION TO WHAT YOU'RE SAYING, BUT THAT THERE
6 BE A RESOLUTION OF THIS WITH THE DEPARTMENT OF FINANCE.

7 MS. FETTIG: IF I MIGHT, GIVEN THAT WE DON'T
8 HAVE SPECIFIC AMENDMENTS THAT WE WOULD BE ASKING FOR AT
9 THIS TIME --

10 CHAIRMAN FROST: NO. BUT I ACCEPT MR. CHESBRO'S
11 ANALYSIS OR DESCRIPTION OF WHAT THE AMENDMENTS -- WHAT
12 TYPES OF AMENDMENTS WE OUGHT TO BE WORKING WITH. MY ONLY
13 ADDENDUM TO THAT IS THEY NEED TO BE WORKED OUT TO THE
14 SATISFACTION OF THE DEPARTMENT OF FINANCE BEFORE WE
15 REMOVE OUR SUPPORT IF AMENDED POSITION.

16 MS. FETTIG: ANOTHER WAY TO WORD THE SAME
17 MOTION, IF I MIGHT, MIGHT BE TO SUPPORT THE POLICY OF THE
18 BILL BUT DEFER TO FINANCE AND COMMIT TO WORK WITH FINANCE
19 ON RESOLVING THE FISCAL CONCERNS.

20 BOARD MEMBER CHESBRO: WELL, THE REASON IT'S
21 IMPORTANT TO INCLUDE THE SUGGESTIONS THAT I'M MAKING IS
22 THAT FINANCE'S RESPONSIBILITY IS NOT TO FIGURE OUT HOW TO
23 MAKE IT WORK, BUT TO MAKE SURE THAT WE'RE NOT, YOU KNOW,
24 SPENDING EXTRA MONEY IN THE BUDGET. SO I THINK WE NEED
25 TO PARTICIPATE --



1 BOARD MEMBER RELIS: IS THERE A PROBLEM WITH
2 TAKING THAT POSITION, AND THEN WE ARE JUST OFFERING SOME
3 INFORMATION ON HOW THAT MIGHT BE DONE.

4 CHAIRMAN FROST: IN OTHER WORDS, IF WE TAKE A
5 SUPPORT ON THE POLICY, BUT DEFER TO FINANCE ON THE FISCAL
6 AND THEN TRY TO HELP FINANCE WORK THROUGH THE FISCAL, I
7 THINK THAT'S WHAT YOU'RE SUGGESTING.

8 BOARD MEMBER CHESBRO: YES. BUT I ALSO THINK WE
9 OUGHT TO WORK WITH THE AUTHOR.

10 MS. FETTIG: NATURALLY. THE BOARD STAFF WOULD
11 COMMIT TO WORKING WITH FINANCE AND THE AUTHOR TO --

12 BOARD MEMBER RELIS: SECOND.

13 CHAIRMAN FROST: I THINK WE'VE GOT IT, OKAY.

14 NOW, CALL THE ROLL.

15 BOARD SECRETARY: BOARD MEMBERS CHESBRO?

16 BOARD MEMBER CHESBRO: AYE.

17 BOARD SECRETARY: EGIGIAN?

18 BOARD MEMBER EGIGIAN: AYE.

19 BOARD SECRETARY: HUFF?

20 BOARD MEMBER HUFF: AYE.

21 BOARD SECRETARY: NEAL?

22 BOARD MEMBER NEAL: AYE.

23 BOARD SECRETARY: RELIS?

24 BOARD MEMBER RELIS: AYE.

25 BOARD SECRETARY: CHAIRMAN FROST?



1 CHAIRMAN FROST: AYE.

2 NOW, ONE MORE QUICK ONE.

3 MS. FETTIG: LASTLY IS THE SENATE BILL 1955 BY
4 SENATOR MORGAN. AGAIN, YOU HAVE THE BILL AND ANALYSIS IN
5 YOUR BINDERS. THIS BILL WAS FORWARDED TO THE BOARD BY
6 THE LEGISLATION AND PUBLIC AFFAIRS COMMITTEE WITH AN
7 OPPOSE RECOMMENDATION.

8 I THINK ALL OF YOU ARE FAMILIAR WITH SOME
9 OF THE DETAILS OF THE BILL. THIS IS A VERY SIGNIFICANT
10 AND IMPORTANT BILL WHICH MAKES A NUMBER OF MODIFICATIONS
11 TO THE LAWS CURRENTLY ADMINISTERED BY THE BOARD AS
12 REGARDS THE PREPARATION OF LOCAL PLANS FOR MANAGING SOLID
13 WASTE.

14 AND I CAN GO OVER THE BILL OR YOU CAN ASK
15 QUESTIONS.

16 CHAIRMAN FROST: WELL, WE HAVE TWO PEOPLE WHO
17 WOULD LIKE TO SPEAK ON THIS BILL. WOULD YOU LIKE THEM TO
18 GO NOW?

19 MS. FETTIG: SURE.

20 CHAIRMAN FROST: OKAY. MR. JACK MICHAEL AND
21 MISS DENISE DELMATIER HAVE ASKED TO SPEAK ON THIS BILL.

22 MR. MICHAEL: MR. CHAIRMAN, MEMBERS OF THE
23 BOARD, I'M JACK MICHAEL, REPRESENTING LOS ANGELES COUNTY.
24 THANK YOU FOR THE OPPORTUNITY TO BE HERE TODAY TO MAKE
25 SOME COMMENTS ON THE BILL THAT OUR BOARD OF SUPERVISORS



1 CONSIDERS TO BE VERY IMPORTANT TO OUR ABILITY AND OTHER
2 LOCAL GOVERNMENT'S ABILITY TO EFFECTIVELY ACCOMPLISH THE
3 OBJECTIVES OF THE CURRENT INTEGRATED WASTE MANAGEMENT
4 ACT.

5 I'D PARTICULARLY TAKE NOTE AND APPRECIATE
6 YOUR COMMENT, CHAIRMAN FROST, ON CONCERN ABOUT PUTTING
7 FORTH THE IMAGE THAT THE BOARD IS INTENDING TO CARRY OUT
8 ITS PROGRAMS WITHOUT ANY CONCERN FOR COST.

9 THAT IS PRECISELY WHAT BROUGHT OUR BOARD OF
10 SUPERVISORS TO BE CONCERNED ABOUT THE LAW AND NECESSARY
11 REVISIONS, SIMPLY BECAUSE OF THEIR DIFFICULTY AND
12 CONCERNS FROM THE COMMUNITY IN ESTABLISHING THE FEES
13 NECESSARY TO PAY FOR THE AB 939 PLANNING.

14 CERTAINLY THERE ARE PARTS OF THE PROPOSAL
15 THAT ARE CONTROVERSIAL. I THINK PROBABLY THE WHOLE AB
16 939 ACT ITSELF, WITH ITS COMPLEXITIES, TO SOME EXTENT
17 RAISES THE ISSUES OF CONCERN THAT WE ARE TRYING TO
18 ADDRESS.

19 THE BASIC INTENT OF OUR BILL IS SIMPLY TO
20 REDUCE, NOT JUST THE COST OF PLANNING TO LOCAL
21 GOVERNMENT, BUT THE COST OF PLANNING TO THE PEOPLE OF THE
22 STATE OF CALIFORNIA, WHICH MEANS REDUCING THE COST OF
23 PLANNING TO THE STATE WASTE BOARD AND ITS STAFF.

24 IN ADDITION, WE'RE PROPOSING A
25 STRENGTHENING OF THE STATE'S ROLE IN THE DEVELOPMENT OF



1 MARKETS. THAT HAS BECOME THE MOST CONTROVERSIAL PART OF
2 THE BILL, WHICH WE HAVE SAID, FROM THE BEGINNING, WE WANT
3 TO WORK WITH ALL TO TRY TO FIND SOME RESOLUTION OF THAT.

4 I THINK THE STAFF STRATEGY ON MARKET
5 DEVELOPMENT THAT I HEARD IN COMMITTEE LAST WEEK AND AGAIN
6 HERE TODAY IS AN APPROACH THAT IS CLEARLY ALMOST TOTALLY
7 IN SYNC WITH THE INTENT OF OUR BILL.

8 AGAIN, WE HAVE A LINKAGE IN OUR PROPOSED
9 BILL THAT WOULD PROVIDE THE STATE WITH MORE
10 RESPONSIBILITY THAN CERTAINLY THE STAFF PROPOSAL HAS AT
11 THIS POINT. THAT IS SOMETHING THAT, AGAIN, I HAVE SAID
12 FROM THE BEGINNING WE WANT TO WORK ON. I WAS CONCERNED
13 WITH THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON THIS
14 BILL.

15 ACTUALLY, IN COMMITTEE I INDICATED I WAS
16 DISAPPOINTED, THAT IN MY OPINION AN OPPOSED POSITION ALSO
17 SENDS THE SIGNAL THAT THE WASTE BOARD IS NOT INTERESTED
18 IN WORKING WITH A LEGISLATOR, AND THE BILL IS IN THE
19 PROCESS TO ADDRESS SOME OF THE ISSUES THAT MANY LOCAL
20 GOVERNMENTS SEE.

21 I WOULD STRONGLY ENCOURAGE THE BOARD TO
22 TAKE A NO POSITION ON THE BILL AT THIS TIME SINCE THERE
23 CONTINUES TO BE A SERIES OF MEETINGS, A SERIES OF EFFORTS
24 TO REACH SOME RESOLUTION ON SOME OF THE ISSUES THAT HAVE
25 BEEN RAISED.



1 CERTAINLY SENATOR MORGAN IS COMMITTED TO
2 WORKING TO TRY TO RESOLVE THE CONCERNS THAT ARE OUT
3 THERE. I THINK WE'RE MAKING SUBSTANTIAL PROGRESS ON THE
4 PLANNING MODIFICATIONS CONTAINED IN THE BILL AND ARE
5 MOVING ON TO TRY TO ADDRESS MORE DIRECTLY THE MARKETING
6 ASPECTS.

7 SO IT WOULD BE MY HOPE THAT AT THIS POINT
8 THE BOARD WOULD NOT TAKE A POSITION ON THE BILL, BUT
9 ENABLE YOUR STAFF, AS THEY HAVE UP TO NOW, TO CONTINUE
10 WORKING WITH US AS THE SPONSOR AND SENATOR MORGAN AS THE
11 AUTHOR TO TRY TO ULTIMATELY RESOLVE SEVERAL OF THE ISSUES
12 THAT ARE OUT THERE ON YOUR STAFF PROPOSAL, IN OUR BILL,
13 AND IN
14 AB 2494.

15 CHAIRMAN FROST: WELL, JACK, I WOULD FEEL
16 INCLINED TO DO THAT. BUT, YOU KNOW, IT'S MY IMPRESSION
17 AND UNDERSTANDING THAT OUR STAFF HAS NOT BEEN INCLUDED IN
18 ALL OF THE DISCUSSIONS AND HAS CONCERNS THE BOARD IS NOT
19 BEING CONSIDERED AND TAKEN SERIOUSLY AND DEALT WITH AND
20 WORKED ON. AND THAT MAKES IT DIFFICULT FOR US TO TAKE A
21 POSITION THAT WE'RE GOING TO WORK WITH EVERYONE IF NO ONE
22 WANTS TO WORK WITH US.

23 MR. MICHAEL: I DON'T KNOW WHO IT IS ON YOUR
24 STAFF THAT WE HAVE NOT WORKED WITH OR HAVE NOT LISTENED
25 TO. I HAVE HAD SEVERAL DISCUSSION WITH DOROTHY; I'VE HAD



1 SEVERAL DISCUSSIONS WITH YOUR PLANNING STAFF; I'VE HAD
2 DISCUSSIONS WITH ADVISORS.

3 CERTAINLY WE HAVE NOT COME TO ANY FINAL
4 RESOLUTION, BUT WE ALSO ARE STILL IN THE BEGINNING OF THE
5 LEGISLATIVE PROCESS. I'M A LITTLE CONCERNED AS TO WHO WE
6 HAVEN'T TALKED TO. TO MY KNOWLEDGE, DOROTHY HAS BEEN THE
7 ONLY ONE THAT HAS APPROACHED SENATOR MORGAN'S STAFF IN
8 TERMS OF THE WASTE BOARD. I'M REALLY AT A LOSS TO
9 UNDERSTAND WHERE THE MESSAGE IS COMING FROM THAT WE ARE
10 NOT WILLING TO WORK.

11 CHAIRMAN FROST: OKAY. I HAD A DISCUSSION WITH
12 SENATOR MORGAN LAST WEEK ON THE SUBJECT. AND SHE WAS NOT
13 AWARE OF THE -- ANY OF THE ISSUE OR CONCERNS THAT HAD
14 BEEN RAISED BY OUR BOARD.

15 AND I THINK THAT THAT IS AN IMPORTANT
16 FACTOR, AND I DON'T WANT TO HAVE TO BE THE PERSON TO WORK
17 DIRECTLY WITH SENATOR MORGAN. I WILL DO IT IF I HAVE TO,
18 BUT I PREFER NOT TO. I PREFER THAT THIS BE DONE THROUGH
19 CHANNELS AND THROUGH THE STAFF LEVEL.

20 BUT CERTAINLY SHE WAS NOT AWARE OF SOME OF
21 THE CONCERNS THAT HAD BEEN RAISED BY US AND BY OUR
22 LEGISLATIVE COMMITTEE AND OUR STAFF.

23 BOARD MEMBER RELIS: MR. CHAIRMAN.

24 CHAIRMAN FROST: FIRST, MS. NEAL IS FIRST.

25 BOARD MEMBER NEAL: NOTICEABLY ABSENT FROM THE



1 LIST THAT I HAVE JUST HEARD OF FOLKS BEING WORKED WITH
2 WERE BOARD MEMBERS. AND AT SOME POINT IT MIGHT BE
3 APPROPRIATE TO THINK ABOUT INVOLVING US IN DISCUSSIONS AS
4 WELL.

5 YOU MAY HAVE SPOKEN TO ADVISORS, BUT
6 ULTIMATELY I THINK IT'S THE BOARD MEMBERS THAT NEED TO
7 PARTICIPATE IN THIS.

8 AND ALTHOUGH I DID NOT -- AS MY KIDS SPEAK
9 DIRECTLY TO THE SENATOR -- I DID SEND HER A LETTER,
10 INDICATED SOME OF THE DIFFICULTIES THAT WE HAVE HAD
11 TRYING TO, I GUESS, ESTABLISH SOME PRODUCTIVE
12 COMMUNICATIONS ON THIS BILL AND ALSO INDICATING MY
13 DESIRE, IF SHE SO DESIRES, TO WORK WITH HER ON THE BILL.
14 I HAVE NOT HEARD OR GOTTEN A RESPONSE YET.

15 BOARD MEMBER RELIS: MR. CHAIRMAN, THE PLANNING
16 COMMITTEE HAS, IN A VERY DETAILED FASHION, ANALYZED
17 SB 1955 FROM THE STANDPOINT OF STAFF PERSPECTIVE AND
18 ANALYSIS, AND THIS INFORMATION HAS BEEN AVAILABLE FOR
19 QUITE SOME TIME.

20 IT'S CERTAINLY NOT REFLECTED IN THE CURRENT
21 DRAFT OR ANY MODIFICATIONS THAT I'M AWARE OF, WHICH MAKES
22 ME CONCUR WITH WHAT MR. FROST IS SAYING. IT TAKES
23 COMMUNICATION. AND YOU ARE THE AUTHOR. I MEAN, YOU ARE
24 THE ONE WHO HAS DRAFTED THIS BILL, SO IT'S NOT LIKE WE
25 CAN'T TALK.



1 BUT WHATEVER INPUT THAT WE HAVE TRIED TO
2 GIVE IS NOT REFLECTED IN THE BILL, SO I DON'T KNOW WHAT
3 TO SAY. THERE'S SOME SUBSTANTIAL DISAGREEMENTS, I
4 BELIEVE, BETWEEN OUR ANALYSIS AND, FOR INSTANCE, THE
5 MARKET APPROACH TAKEN HERE. AND THEY ARE NOT DIFFERENCES
6 SOLELY OF UNDERSTANDING; THEY ARE JUST DISAGREEMENTS. SO
7 I JUST WANTED TO THROW THAT IN THE RECORD.

8 MR. MICHAEL: IF I MIGHT, IN TERMS OF THE
9 PLANNING COMMITTEE WORK, I BELIEVE THAT DOCUMENT IS OUT
10 FOR PUBLIC REVIEW --

11 BOARD MEMBER RELIS: YES, IT IS.

12 MR. MICHAEL: -- AT THIS POINT, AND THERE'S BEEN
13 COMMENTS MADE SPECIFICALLY ON THAT. WE HAVE RAISED
14 COMMENTS AS IT WENT THROUGH THE PLANNING COMMITTEE
15 PROCESS WITH CONCERNS IN THAT STAFF PROPOSAL. INDICATING
16 CONCERNS WITH THE PLANNING AND MARKET DEVELOPMENT
17 COMMITTEE LAST WEEK WITH THAT PROPOSAL.

18 I THINK THERE HAS BEEN COMMUNICATION.
19 WE'VE NOT SAT DOWN. I'VE NOT COME AND SAT IN YOUR
20 OFFICES TO DISCUSS IT, AND I SIMPLY INDICATE NOW THAT WE
21 DO RECOGNIZE THE PROBLEM IN THE LINKAGE PART OF OUR
22 MARKET PROGRAM.

23 BUT THE INTENT OF WHAT WE'RE TRYING TO DO
24 IN THE MARKET CONCEPT, AS I INDICATED JUST A MOMENT AGO
25 AND ALSO AT THE MARKET DEVELOPMENT COMMITTEE, APPEARS TO



1 BE VERY CLOSELY IN SYNC WITH WHAT YOUR STAFF IS PROPOSING
2 IN TERMS OF A MARKET DEVELOPMENT STRATEGY. AND THAT WE
3 HAVE YET TO MAKE ANY AMENDMENTS OR EVEN TAKE ANY
4 AMENDMENTS ON THE MARKET PART OF THE BILL IN DEALING WITH
5 THE PLANNING PART OF THE BILL UP TO THIS POINT.

6 CHAIRMAN FROST: THERE'S ALSO PLANNING CONCERNS
7 AS WELL, BUT I DON'T WANT TO ELABORATE. IT'S JUST THAT
8 WE ARE -- WE SEEM TO BE QUITE FAR APART. AND I WAS GOING
9 TO SAY, WE HAVE SOME -- AS YOU KNOW, WE HAVE SOME SERIOUS
10 CONCERNS WITH THE BILL. AND IF THEY ARE NOT GOING TO BE
11 ADDRESSED, WE DON'T HAVE ANYPLACE TO GO EXCEPT TO BE
12 OPPOSED TO THE BILL.

13 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

14 CHAIRMAN FROST: YES, MR. CHESBRO.

15 BOARD MEMBER CHESBRO: I, TOO, FEEL THAT THE
16 DIFFERENCES ARE PRETTY FUNDAMENTAL, AND I ACCEPT WITH ALL
17 RESPECT MR. MICHAEL'S STATEMENTS ABOUT WHAT THE INTENT OF
18 THE BILL IS.

19 BUT IN ANALYZING ITS EFFECT AND HOW IT
20 WOULD ACTUALLY WORK, WE HAVE -- WE'RE PRETTY FAR APART IN
21 TERMS OF WHETHER IT ATTAINS THAT EFFECT. IT IS MY
22 BELIEF, AND I'M TRYING TO SAY THIS MORE RESPECTFULLY THAN
23 I SAID IT THE LAST TIME, IT'S MY BELIEF THAT THE REAL
24 EFFECT OF THE LAW AS IT'S WRITTEN IS TO FUNDAMENTALLY
25 REALIGN THE PARTNERSHIP BETWEEN THE BOARD AND LOCAL



1 GOVERNMENT AND TO SIGNIFICANTLY REDUCE LOCAL GOVERNMENT'S
2 FLEXIBILITY, SIGNIFICANTLY INCREASE THIS BOARD'S
3 AUTHORITY OVER LOCAL GOVERNMENT. AND NOW I ACCEPT THAT'S
4 NOT YOUR INTENT, BUT I BELIEVE THAT WOULD BE THE EFFECT
5 OF THE BILL.

6 AND, YOU KNOW, THAT IS SO FAR AWAY FROM
7 WHAT I BELIEVE WAS THE BALANCE THAT WAS ATTAINED IN 939
8 AND WHAT THIS BOARD HAS SUPPORTED IN EVERY RESPECT, THAT
9 IT'S HARD FOR ME TO IMAGINE AT THIS POINT NOT OPPOSING
10 IT.

11 NOW, I SAID AT THE LEGISLATIVE COMMITTEE
12 BEFORE YOU CAME IN, MR. MICHAEL, THAT CERTAINLY THE OFFER
13 SHOWS AN OPEN POSTURE AND ACCEPTS THE APPROACH THAT THE
14 BOARD ENDORSES. IT WOULD BE PRETTY HARD FOR US TO, YOU
15 KNOW, OPPOSE THAT.

16 SO I THINK WHATEVER THE BOARD DOES HERE
17 TODAY, WE NEED TO SHOW A WILLINGNESS TO WORK WITH THE
18 AUTHOR. AND IT'S NOT A SLAMMED DOOR; IT'S NEVER A
19 SLAMMED DOOR. AND THAT'S VERY CRITICAL TO STATE UP
20 FRONT. I SAID IT BEFORE AND I AM SAYING IT AGAIN TODAY.

21 BUT I THINK THAT THERE IS A BIG GULF, NOT
22 IN JUST THE MARKETING DEVELOPMENT ISSUE, BUT IN THE
23 PARTNERSHIP, THE ALIGNMENT OF PARTNERSHIP AND HOW
24 AUTHORITY IS DISTRIBUTED IN THE BILL.

25 AND I THINK IN THE PROCESS OF GIVING THE



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1 STATE MORE -- SUPPOSEDLY MORE RESPONSIBILITIES, IT ALSO
2 SIGNIFICANTLY SHIFTS AUTHORITY AND FLEXIBILITY AWAY FROM
3 ALL THE GOVERNMENT. AND THAT IS MY -- I READ IT VERY
4 CAREFULLY AND THAT'S MY INTERPRETATION OF IT.

5 CHAIRMAN FROST: MS. DELMATIER.

6 MS. DELMATIER: YES, MR. CHAIRMAN AND MEMBERS OF
7 THE BOARD. DENISE DELMATIER ON BEHALF OF NORCAL WASTE
8 SYSTEMS.

9 NORCAL ESTABLISHED ITS POSITION EARLY ON IN
10 SUPPORT IN CONCEPT FOR THIS BILL AT ITS FIRST POLICY
11 COMMITTEE HEARING AND HAS HELD THAT POSITION TO DATE.

12 FOR THAT REASON, I WANT TO CLARIFY THAT
13 POSITION SINCE WE ARE ON RECORD IN SUPPORT IN CONCEPT OF
14 THE BILL. THERE ARE THREE MAJOR ISSUES THAT ARE
15 CONSIDERED IN THIS BILL, AS WELL AS AB 2494 AND THE BOARD
16 STAFF PROPOSAL. THAT ARE OF CRITICAL INTEREST TO NORCAL.

17 THE FIRST ISSUE, OF COURSE, IS TO SIMPLIFY
18 WHAT'S IN, WHAT'S OUT. AND AS YOU KNOW, WE SUPPORTED THE
19 STAFF RECOMMENDATIONS IN REDDING REGARDING THE 1820
20 WASTE. WE ARE IN THE PROCESS OF TAKING A POSITION OF
21 SUPPORT FOR AB 2092 AS PROPOSED TO BE AMENDED, WHICH WE
22 FEEL IS CONSISTENT WITH BOTH THE STAFF RECOMMENDATION, AS
23 WELL AS THE INTENT AND THE LETTER OF AB 939.

24 BUT THE MOVE TO A DISPOSAL-BASED REPORTING
25 SYSTEM, WE FEEL IS KEY TO ESTABLISHING AN EXPEDITED



1 PROCESS, AN EASIER PROCESS, THAT IS PRACTICAL AND REAL
2 THAT LOCAL GOVERNMENT CAN HANDLE EFFICIENTLY.

3 SECONDLY, WE HAVE STATED BEFORE THIS BOARD
4 PREVIOUSLY AND WILL CONTINUE TO STATE BEFORE THIS BOARD
5 THAT IT IS ABSOLUTELY IMPERATIVE AND CONSISTENT WITH
6 NEGOTIATIONS ON 939 THAT CREDIT BE GRANTED FOR EXISTING
7 PROGRAMS THAT EXISTED PRIOR TO THE IMPLEMENTATION OF 939.

8 THIS BILL CERTAINLY CONTEMPLATES THAT
9 CONDITION, AS WELL AS AB 2494, AND THE BOARD STAFF
10 PROPOSAL. THEN FINALLY WE SUPPORT REGIONALIZATION AND
11 REGIONAL GOALS AS CONTEMPLATED BOTH IN THIS PROPOSAL AS
12 WELL AS THE BOARD STAFF PROPOSAL IN AB 2494.

13 IT'S OUR UNDERSTANDING THAT IN PARTICULAR
14 THE BOARD STAFF PROPOSAL WILL BE AMENDED INTO AB 2494,
15 BUT TO DATE THAT HASN'T OCCURRED. WE'RE CERTAIN OF
16 WORKING WITH MR. SHER'S OFFICE AND WITH BOARD STAFF ON
17 THE BOARD PROPOSAL. IT IS AN ISSUE THAT IS OF CRITICAL
18 INTEREST TO US, TO LOCAL GOVERNMENT, TO THE WASTE
19 INDUSTRY.

20 WE UNDERSTAND THERE'S SOME OPPOSITION TO
21 THAT PROPOSAL, THE BOARD STAFF PROPOSAL IN PARTICULAR.
22 AND WE ARE ENCOURAGED BY A RECENT MEETING THAT WAS HELD
23 WITH MR. SHER'S OFFICE. HOWEVER, THERE WAS OPPOSITION
24 OPPOSED TO THAT. AND WE WOULD LIKE TO CONTINUE
25 DISCUSSIONS, BOTH IN THIS CONTEXT AS WELL THE OTHER



1 CONTEXT ON REGIONALIZATION AND REGIONAL GOALS.

2 BOARD MEMBER RELIS: WHAT IS THAT OPPOSITION,
3 MAY I ASK? I'M NOT AWARE OF IT.

4 MS. DELMATIER: THE OPPOSITION WAS VOICED BY
5 CAW. THEY ARE CONCERNED, AND IN PARTICULAR, MR. CHESBRO,
6 YOU WILL BE INTERESTED TO KNOW, THAT THE EXAMPLE WAS USED
7 OF HUMBOLDT COUNTY AND THE CITY OF EUREKA, THAT
8 POTENTIALLY THE CITY OF EUREKA COULD DO A 60-PERCENT
9 DIVERSION RATE AND OUR COMMUNITIES WOULD THEN -- HUMBOLDT
10 COUNTY OR THE UNINCORPORATED AREAS OF HUMBOLDT COUNTY
11 COULD BASICALLY SKATE, IF YOU WILL, ON THEIR DIVERSION
12 GOALS UNDER THE PROPOSED BOARD STAFF REGIONAL GOALS
13 CONTAINED IN THE ANALYSIS.

14 BOARD MEMBER HUFF: THEY WOULDN'T DO THAT.

15 MS. DELMATIER: WELL, AS YOU ARE WELL AWARE
16 OF --

17 BOARD MEMBER HUFF: ARCATA WOULD SKATE.

18 BOARD MEMBER CHESBRO: ARE WE TALKING ABOUT
19 THESE OTHER PROBLEMS THAT WOULD DEVELOP?

20 BOARD MEMBER RELIS: NO, THIS WAS JUST IN
21 THEORY.

22 CHAIRMAN FROST: THIS IS A DIFFERENT BILL.

23 MS. DELMATIER: YES. WELL, IT'S -- NO, IT'S
24 NOT. IT IS AN ISSUE THAT IS BEING DEALT WITH IN THIS
25 BILL, TOO, REGIONAL GOALS AND --



1 CHAIRMAN FROST: BUT THAT'S NOT -- WE WOULDN'T
2 HAVE THAT PROBLEM WITH THIS BILL ANYWAY. I MEAN, THAT'S
3 NOT THE PROBLEM WE ARE GOING TO HAVE IN 1955 ANYWAY.

4 BOARD MEMBER CHESBRO: OPPOSITION WAS --

5 MS. DELMATIER: I DID WANT TO EXPRESS MY
6 SUPPORT.

7 CHAIRMAN FROST: THAT'S A DIFFERENT BILL.

8 MS. DELMATIER: I DID WANT TO EXPRESS MY SUPPORT
9 ON THE RECORD FOR REGIONAL GOALS, WHETHER IT'S CONTAINED
10 IN THIS BILL OR WHETHER IT'S CONTAINED IN AB 2494 OR
11 WHETHER IT'S CONTAINED IN THE BOARD STAFF PROPOSAL.

12 AS YOU KNOW, THIS BILL GOES TO ASSEMBLY
13 COMMITTEE ON NATURAL RESOURCES. NONE OF THESE PROPOSALS
14 ARE IN FINAL FORM. THERE IS MOST LIKELY GOING TO BE, YOU
15 KNOW, AS WE ALL KNOW HOW THESE THINGS WORK OUT, THERE'S
16 PROBABLY GOING TO BE A COMBINATION OF BILLS AND PROBABLY
17 SOME DOUBLE JOINING, THAT KIND OF THING, IS MY GUESS.

18 BOARD MEMBER CHESBRO: BE CAREFUL OF THAT DOUBLE
19 JOINING.

20 MS. DELMATIER: YES, BE CAREFUL OF THAT DOUBLE
21 JOINING. IT IS MY GUESS AT THIS POINT IN LOOKING AT THE
22 CRYSTAL BALL.

23 CHAIRMAN FROST: I THINK -- I WASN'T ASKED AT
24 THE LEGISLATIVE COMMITTEE HEARING WHEN THIS POSITION WAS
25 TAKEN, BUT I THINK PART OF IT WAS FRUSTRATION FOR US NOT



1 BEING INCLUDED AND/OR TAKEN SERIOUSLY IN THE PROCESS.

2 AND THERE, I UNDERSTAND, IS STILL A LOT OF
3 PROCESS LEFT. AND I UNDERSTAND ALL THESE BILLS GO
4 THROUGH ASSEMBLYMAN SHER'S COMMITTEE, AND I AM SURE YOU
5 UNDERSTAND THAT, TOO.

6 MS. DELMATIER: WELL AWARE.

7 CHAIRMAN FROST: SO WOULD WE LIKE TO -- I THINK
8 SOME OF IT WAS FRUSTRATION, ALTHOUGH I WASN'T THERE. I
9 WILL LET MS. NEAL SPEAK.

10 BOARD MEMBER NEAL: MAYBE PART OF IT WAS
11 FRUSTRATION, BUT I THINK THE BULK OF IT WAS SUBSTANTIVE
12 BECAUSE WE DISAGREED WITH THE BILL.

13 CHAIRMAN FROST: RIGHT. AND THAT'S -- YES, WE
14 CAN'T FIX THAT IF WE ARE NOT GOING TO BE LISTENED TO.

15 MS. FETTIG: AS THE ANALYSIS POINTS OUT, THE
16 THREE PROPOSALS MS. DELMATIER MENTIONED, AB 2494, THIS
17 BILL, AND BOARD STAFF'S PROPOSAL, ADDRESS MANY OF THE
18 SAME ISSUES BUT IN DIFFERENT WAYS. SO TO SUPPORT THE
19 CONCEPTS THAT ARE IN ALL THREE PROPOSALS, AS SHE IS
20 INDICATING, IS CERTAINLY NOT INCONSISTENT, BUT THE ISSUES
21 ARE ADDRESSED IN ALL THREE PROPOSALS.

22 CHAIRMAN FROST: OKAY.

23 MS. DELMATIER: IF I MAY JUST TAKE ONE MORE
24 MOMENT ON THE REGIONAL GOALS, BECAUSE IT IS OF SO
25 CRITICAL IMPORTANCE TO US, WE HAVE STATED PUBLICLY IN THE



1 MEETING THAT MS. FETTIG ATTENDED THAT WAS CONSIDERING THE
2 BOARD STAFF PROPOSAL, THAT WE FEEL STRONGLY THAT WHEN YOU
3 JOIN TOGETHER AS A TEAM, BASICALLY, A TEAM APPROACH IN A
4 JPA CONDITION. THAT SOME COMMUNITIES WHO MAY NOT BE ABLE
5 TO INDIVIDUALLY ACHIEVE THE 939 GOALS ON THEIR OWN, MAY,
6 IN FACT, BE ABLE TO ACHIEVE MUCH MORE BY JOINING TOGETHER
7 AND PULLING RESOURCES WITH OTHER COMMUNITIES.

8 CHAIRMAN FROST: BUT, YOU KNOW, AGAIN, I DON'T
9 THINK THAT'S A PART OF THE BILL WITH THIS BOARD THAT HAS
10 SUDDENLY OPPOSED.

11 MS. DELMATIER: I AM NOT --

12 CHAIRMAN FROST: INSTEAD, WE'RE OPPOSED TO THE
13 REGIONAL GOALS.

14 MS. DELMATIER: NO, IN FACT, THE BOARD STAFF
15 PROPOSAL IS MAKING THAT -- CLEARLY MAKES THAT
16 RECOMMENDATION.

17 CHAIRMAN FROST: INCLUDES REGIONAL FINANCIAL
18 GOAL.

19 MS. DELMATIER: ALL I WANTED TO ESTABLISH IS WE
20 WANT TO HELP YOU IN THAT REGARD AND SUPPORT THAT.

21 CHAIRMAN FROST: OKAY.

22 MS. DELMATIER: BUT THERE WILL BE SOME
23 OPPOSITION FORTHCOMING.

24 BOARD MEMBER HUFF: THANK YOU.

25 CHAIRMAN FROST: OKAY. MS. NEAL.



1 BOARD MEMBER NEAL: AT THIS POINT I WOULD
2 SUPPORT THE COMMITTEE'S RECOMMENDATIONS.

3 CHAIRMAN FROST: THE COMMITTEE RECOMMENDATION --

4 BOARD MEMBER HUFF: STEVE MAGUIN WOULD LIKE TO
5 MAKE A STATEMENT.

6 CHAIRMAN FROST: OKAY.

7 BOARD MEMBER HUFF: WE'D LIKE TO HEAR IT.

8 MR. MAGUIN: THANK YOU, MR. CHAIRMAN, MEMBERS OF
9 THE COMMITTEE. MY NAME IS STEVE MAGUIN AND I'M
10 REPRESENTING THE SANITATION DISTRICT FOR LOS ANGELES
11 COUNTY.

12 I THINK, AS MANY OF YOU ARE AWARE, WE WERE
13 INVOLVED WITH OVER 60 CITIES IN OUR COUNTY IN PREPARING
14 AND COORDINATING WITH THEM THE PREPARATION OF THEIR
15 SOURCE REDUCTION, RECYCLING ELEMENTS. AND BASED ON THAT
16 FACTOR, WE'VE BECOME CONVINCED THAT MANY OF THE ELEMENTS
17 OF SB 1955 DO HAVE A SIGNIFICANT POTENTIAL TO OFFER SOME
18 REAL COST EFFICIENCY IN THE IMPLICATION OF 939 WITHOUT
19 SACRIFICING THE BASIC GOALS OF THAT BILL.

20 WITH THAT IN MIND, MY REQUEST OF YOU IS,
21 RATHER THAN STRAIGHTFORWARD OPPOSITION, IS THAT YOU
22 INSTEAD TAKE A POSITION TO SEEK AMENDMENTS TO THE BILL.
23 I THINK THERE ARE MANY CONCEPTS THAT YOU DO AGREE WITH;
24 THERE ARE OBVIOUSLY SOME WITH WHICH YOU DON'T AGREE.

25 MY REQUEST WOULD BE THAT YOU TAKE A



1 POSITION OF SEEKING AMENDMENTS TO THAT BILL TO WORK
2 TOWARDS A CONSENSUS TO MOVE ONE VEHICLE THROUGH THE
3 SYSTEM THIS YEAR.

4 CHAIRMAN FROST: MS. NEAL.

5 BOARD MEMBER NEAL: MY DIFFICULTY WITH THAT IS,
6 FIRST OF ALL, WE DON'T KNOW WHAT GOES -- I AM NOT SURE
7 WHAT THE AMENDMENTS ARE TODAY ON HOW THAT PARTICULAR BILL
8 WOULD NEED TO BE RECRAFTED.

9 SECONDLY, THE PROBLEM IS WE HAVE HAD NO
10 INDICATION THAT THERE'S RECENT ACTIVITY TO OUR AMENDMENT
11 TO THIS -- TO DATE.

12 CHAIRMAN FROST: I WOULD SAY THE ONLY -- MS.
13 NEAL, I CERTAINLY GOT THE INDICATION OF RECEPTIVITY FROM
14 SENATOR MORGAN. SHE WASN'T AWARE OF A LOT OF THESE
15 QUESTIONS, BUT SHE WAS CERTAINLY RECEPTIVE TO WORKING
16 WITH US.

17 MS. FETTIG: HER STAFF DOES HAVE THE BOARD'S
18 STAFF PROPOSAL AS, OF COURSE, DOES MR. MICHAEL.

19 CHAIRMAN FROST: SO WE COULD TAKE AN OPPOSE
20 UNLESS AMENDED TYPE OF POSITION, AND WE DO HAVE THE
21 AMENDMENTS IDENTIFIED. I AM NOT SUGGESTING THAT; I AM
22 JUST SAYING THAT --

23 BOARD MEMBER HUFF: I WOULD SUGGEST THAT.

24 BOARD MEMBER RELIS: I WOULD GO ALONG IF WE
25 ADDED SUBSTANTIALLY AMENDED BECAUSE I BELIEVE THAT --



1 BOARD MEMBER NEAL: HOW ABOUT TOTALLY CHANGED.

2 CHAIRMAN FROST: WHAT WAS THE --

3 BOARD MEMBER CHESBRO: PAUL TOOK THE WORDS RIGHT
4 OUT OF MY MOUTH. THAT WAS EXACTLY WHAT I WAS GOING TO
5 SAY.

6 CHAIRMAN FROST: ON THE OTHER HAND, THIS IS A
7 TERM OF OURS. THERE'S NO SUCH THING AS OPPOSE UNLESS
8 SUBSTANTIALLY AMENDED. IT'S A TERM OF OURS.

9 BOARD MEMBER NEAL: HOW ABOUT OPPOSE UNLESS.
10 TOTALLY CHANGED.

11 CHAIRMAN FROST: NO. NO. IT'S ONE WAY OR THE
12 OTHER.

13 BOARD MEMBER HUFF: WHEN YOU SAY OPPOSE UNLESS
14 AMENDED, YOU SAY WHAT THE AMENDMENTS ARE.

15 CHAIRMAN FROST: YES.

16 BOARD MEMBER HUFF: SO ANYONE -- A CHILD OF
17 THREE COULD DETERMINE THAT THOSE ARE SUBSTANTIAL.

18 CHAIRMAN FROST: YES.

19 BOARD MEMBER HUFF: YOU PROPOSE THE OPPOSITE
20 QUESTION. WHAT IF SENATOR MORGAN ON HER OWN SUDDENLY ONE
21 DAY DECIDED TO CHANGE THIS BILL AND MAKE IT IDENTICAL TO,
22 SAY, OH, AB 2092, WE WOULD BE SUPPORTIVE OF THAT BILL.

23 WE WOULDN'T AT THAT POINT CONTINUE OUR
24 OPPOSITION. IT'S A BILL THAT ADDRESSES MANY OF THE SAME
25 ISSUES. AND THE POINT IS THAT WE'D BE WILLING TO



1 CONSIDER ANY AUTHOR OF ANY BILL THAT CONFORMS WITH WHAT
2 WE THINK OUGHT TO BE --

3 BOARD MEMBER CHESBRO: I SAID BEFORE --

4 BOARD MEMBER NEAL: WE COULD SAY OPPOSE UNLESS
5 AMENDED, THAT WE ARE PREPARED TO DELINEATE WHAT EXACTLY
6 THOSE AMENDMENTS ARE.

7 BOARD MEMBER RELIS: I THINK IN OUR STAFF
8 REPORT --

9 BOARD MEMBER HUFF: WE CAN --

10 CHAIRMAN FROST: I THINK THAT'S WHAT DOROTHY
11 SAID.

12 MS. FETTIG: IF THE PROPOSED AMENDMENTS ARE TO
13 WORK IN THE DIRECTION OF THE BOARD STAFF PROPOSAL.

14 CHAIRMAN FROST: YES.

15 BOARD MEMBER CHESBRO: ON THE OTHER HAND, AS I
16 SAID, THE COMMITTEE -- AND I AM SAYING HERE, AN OPPOSED
17 POSITION IS NEVER, IN MY OPINION, A SLAMMED DOOR. I
18 MEAN, IF SOMEBODY CHOSE THE -- SHOWS THE INTEREST AND,
19 THUS FAR, YOU KNOW, THERE'S BEEN -- THERE HASN'T BEEN
20 THE -- EXCEPT TO YOU, PERHAPS, OR THE SENATOR, THE
21 INDICATION THAT SHOWS THE BOARD'S, YOU KNOW, FUNDAMENTAL
22 DIFFERENCE IS GOING TO BE TAKEN SERIOUSLY ENOUGH TO
23 REALLY MAKE THE KIND OF FUNDAMENTAL DIFFERENCE IN THE
24 BILL.

25 CHAIRMAN FROST: BUT I DID GET THAT INDICATION



1 FROM HER, AND SO I DON'T WANT TO PRETEND THAT I DIDN'T
2 AND SAY JUST FLAT OUT OPPOSED.

3 BOARD MEMBER RELIS: MR. CHAIR, COULD WE -- I
4 MOVE THAT WE TAKE THE POSITION OF OPPOSE UNLESS AMENDED,
5 AND THE AMENDMENTS ARE REFERENCED BY OUR STAFF, OR JUST
6 AS YOU SAID, AND THAT WOULD BE A BEGINNING.

7 BOARD MEMBER HUFF: YES.

8 CHAIRMAN FROST: YOU CAN EITHER MAKE A MOTION
9 OR -- MS. NEAL.

10 BOARD MEMBER NEAL: LET ME ASK A QUESTION. I
11 HEARD A COUPLE OF THINGS. I HEARD PAUL SAY OUR STAFF
12 RECOMMENDATIONS. I HEARD SOMEBODY ELSE SAY SUBSTANTIALLY
13 MOVED IN THE DIRECTION OF OUR STAFF REQUIREMENTS.

14 MS. FETTIG: THE REASON I SAY THAT, I'M NOT
15 AWARE --

16 BOARD MEMBER HUFF: DOROTHY SAID THAT.

17 MS. FETTIG: YES. I'M NOT AWARE THAT THE BOARD
18 HAS TAKEN FORMAL ACTIONS TO APPROVE THE LETTER AND THE
19 WORD OF THE BOARD'S STAFF PROPOSAL.

20 BOARD MEMBER CHESBRO: NO, I AM NOT EITHER.

21 MS. FETTIG: IT'S A WORKING ADOPTION.

22 BOARD MEMBER RELIS: THAT'S RIGHT. IT'S
23 WORKING, AND IT INDICATES A DIRECTION. IT'S NOT FINAL;
24 IT'S A WORK IN PROGRESS.

25 BOARD MEMBER NEAL: SO WE DON'T KNOW WHAT OUR



1 OPPOSE UNLESS AMENDED IS, WHAT THOSE AMENDMENTS THAT WE
2 ARE GOING TO JUDGE WHETHER WE CHANGE OUR POSITION ON IT
3 RIGHT NOW.

4 CHAIRMAN FROST: THE AMENDMENTS -- AS I
5 UNDERSTAND IT, THE AMENDMENTS WOULD BE SUBSTANTIAL. THEY
6 WOULD BE INDICATIVE OF WHAT THE BOARD SAID. WE JUST
7 HAVEN'T FORMALLY -- WE HAVE TO FORMALLY ADOPT --

8 MS. FETTIG: TO ADOPT IT, WE HAVE TO ADOPT THE
9 PUBLIC COMMENTS AS WELL, SO IT MAY VERY WELL BE REVISED.

10 BOARD MEMBER CHESBRO: THERE ARE SIGNIFICANT
11 QUESTIONS THAT REMAIN, AND I EXPECT WE'LL HEAR MORE FROM
12 THE PUBLIC WHO ARE COMMENTING ON IT.

13 I'VE RAISED SEVERAL THAT I HAVEN'T REALLY
14 HEARD ANSWERS TO YET ABOUT HOW THE PROPOSAL IS GOING TO
15 THE REST OF THOSE, LIKE THE QUESTION OF ECONOMIC FACTORS
16 THAT COULD REDUCE OR INCREASE THE WASTE OF THE LANDFILL.
17 HOW DO WE FACTOR THAT IN? I HAVEN'T HEARD THAT ANSWER
18 YET.

19 SO I DON'T THINK WE CAN THINK THAT ANY
20 MOTION TODAY IS AN ENDORSEMENT OF STAFF PROPOSAL AS IS
21 WRITTEN AT THIS POINT.

22 BOARD MEMBER NEAL: MR. CHAIRMAN, WE DON'T KNOW
23 WHAT THOSE AMENDMENTS WE ARE SEEKING ARE.

24 BOARD MEMBER HUFF: IF WE CAN KNOW THAT WE
25 SUPPORT AB 2092, WITH THE PROPOSED CONFERENCE AMENDMENTS



1 IN IT, THEN WE CAN KNOW PRETTY CONCLUSIVELY WHAT WE WANT
2 TO SEE IN ANY OTHER BILL.

3 BOARD MEMBER CHESBRO: WELL, WE'VE GOT TO HAVE A
4 QUALIFICATION, AND THE QUALIFICATION THAT WE NEED THE
5 MOTION, WE HAVE TO SAY -- WE WOULD HAVE TO SAY, OPPOSE
6 UNLESS AMENDED, BUT WE ARE NOT SURE EXACTLY WHAT OUR
7 AMENDMENTS ARE. WE MIGHT SUPPORT WHAT THE STAFF IS
8 RECOMMENDING.

9 MS. FETTIG: IT IS SLIGHTLY DIFFERENT.

10 BOARD MEMBER RELIS: WHAT IS THE MEANING OF
11 OPPOSE UNLESS AMENDED? I HAVEN'T --

12 BOARD MEMBER NEAL: THAT MEANS THAT WE HAVE
13 AMENDMENTS THAT WE'D LIKE TO SEE INCORPORATED INTO THE
14 BILL; AND IF THOSE AMENDMENTS ARE INCORPORATED, THEN OUR
15 POSITION OF OPPOSITION IS REMOVED.

16 CHAIRMAN FROST: WELL, YES, THAT'S RIGHT. BUT
17 YOU CAN TAKE IT A STEP FURTHER AND SAY UNTIL WE SAY WE'RE
18 SATISFIED WITH THE AMENDMENTS, WE ARE OPPOSED.

19 MS. FETTIG: OR UNTIL WE PROVIDE SPECIFIC
20 AMENDMENTS THAT IS ACCEPTED.

21 CHAIRMAN FROST: UNTIL WE PROVIDE STATEMENTS, WE
22 ARE OPPOSED.

23 BOARD MEMBER CHESBRO: DO WE SAY SPECIFIC
24 AMENDMENTS TO FOLLOW? IN OTHER WORDS, I JUST DON'T WANT
25 IT TO BE MISINTERPRETED. IF YOU WEREN'T GOING TO SAY



1 OPPOSE UNLESS AMENDED, WHAT WE MEAN BY THAT, THE PROBLEM
2 IS --

3 MS. FETTIG: THERE'S A DISTINCTION ON AB 2092
4 THAT WE --

5 CHAIRMAN FROST: IT'S A TERM THAT IS USED.

6 MS. FETTIG: -- HAVE THE WORD-FOR-WORD LANGUAGE
7 BEFORE US TODAY; WHEREAS, ON THIS BILL, WE HAVE A STAFF
8 PROPOSAL THAT'S IN NARRATIVE FORM RATHER THAN BILL FORM.
9 AND IT'S ALSO CONCEPTUAL IN NATURE AND PEOPLE ARE
10 COMMENTING ON THE CONTENTS.

11 SO I THINK IT SHOWS A GENERAL CONSENSUS OF
12 DIRECTION ON THE MAJOR ISSUES LIKE REGIONALIZATION,
13 SHIFTING TO DISPOSAL COUNTING, BUT THE FINE-TUNING OF
14 WHAT THAT WILL DO TO THE STAFFING HAS NOT YET BEEN
15 WRITTEN.

16 BOARD MEMBER CHESBRO: I WOULD ASK MEMBER NEAL
17 TO CONSIDER AMENDING -- I WILL ACCEPT THE MOTION IF IT
18 INCLUDES LANGUAGE THAT EXPRESSES TO THE AUTHOR THAT WE'LL
19 BE FORWARDING THE PROPOSED AMENDMENTS. THAT, YOU KNOW,
20 WE WILL BE WILLING TO RECONSIDER IT IF OUR PROPOSED
21 AMENDMENTS ARE INCORPORATED. AS OPPOSED TO SAYING,
22 OPPOSE UNLESS AMENDED NOW SINCE WE DON'T HAVE AN
23 AMENDMENT.

24 BOARD MEMBER HUFF: OH, COME ON. I DON'T WANT
25 TO TAKE TWO VOTES, JUST ONE.



1 BOARD MEMBER NEAL: IN THIS CASE TWO.

2 BOARD MEMBER HUFF: OKAY. LET'S GO.

3 CHAIRMAN FROST: ALL RIGHT. IT'S BEEN MOVED AND
4 SECONDED THAT WE TAKE AN OPPOSE POSITION ON THE BILL.

5 BOARD MEMBER CHESBRO: AND COMMUNICATE TO THE
6 AUTHOR THAT IT'S ACCEPTABLE.

7 CHAIRMAN FROST: TAKE ROLL.

8 BOARD SECRETARY: BOARD MEMBERS CHESBRO.

9 BOARD MEMBER CHESBRO: YES.

10 BOARD SECRETARY: EGIGIAN.

11 BOARD MEMBER EGIGIAN: WE ACCEPT THE PROPOSAL.

12 IS THAT WHAT WE TALKED ABOUT? I VOTE YES.

13 BOARD SECRETARY: HUFF.

14 BOARD MEMBER HUFF: NO.

15 BOARD SECRETARY: NO.

16 NEAL.

17 BOARD MEMBER NEAL: AYE.

18 BOARD SECRETARY: RELIS.

19 BOARD MEMBER RELIS: AYE.

20 BOARD SECRETARY: CHAIRMAN FROST.

21 CHAIRMAN FROST: NO.

22 BOARD SECRETARY: NO. 4 TO 2.

23 BOARD MEMBER EGIGIAN: I'M NOT FOR THIS BILL AT
24 ALL BECAUSE THIS IS --

25 CHAIRMAN FROST: YOU SHOULD VOTE NO THEN.



1 BOARD MEMBER EGIGIAN: THAT'S WHY I ASKED THE
2 QUESTION. SOMEBODY GAVE ME THE WRONG ANSWER.

3 CHAIRMAN FROST: WELL --

4 BOARD MEMBER CHESBRO: THE MOTION IS TO OPPOSE
5 THE BILL. AND IF MR. EGIGIAN IS AGAINST THE BILL, HE
6 SHOULD VOTE NO TO THE MOTION.

7 CHAIRMAN FROST: LET'S NOT CONFUSE THE SITUATION
8 HERE.

9 BOARD MEMBER NEAL: MY MOTION WAS TO OPPOSE THE
10 BILL. AND IF YOU VOTE YES ON THE MOTION, YOU OPPOSE THE
11 BILL.

12 BOARD MEMBER EGIGIAN: I OPPOSE IT AT THIS TIME.

13 CHAIRMAN FROST: OKAY. THAT'S IT.

14 BOARD SECRETARY: THAT'S IT.

15 CHAIRMAN FROST: OKAY. IS THERE ANY OTHER ITEM
16 TO COME BEFORE US?

17 MS. FETTIG: THAT CONCLUDES MY ITEMS UNLESS YOU
18 HAVE ANY QUESTIONS ON OTHER BILLS.

19 CHAIRMAN FROST: ALL RIGHT. MOVE TO ITEM 23,
20 THE BRIEFING ON DDB NEEDHAM SOURCE REDUCTION OUTREACH
21 CAMPAIGN.

22 BOARD MEMBER NEAL: LET ME SUGGEST SOMETHING IN
23 THE INTEREST OF TIME. I NOTE THAT -- I THINK MOST OF US
24 EITHER PERSONALLY OR THROUGH ADVISORS HAVE HAD AN
25 OPPORTUNITY TO MEET ONE ON ONE WITH DDB NEEDHAM, AND



1 PERHAPS WE CAN SHORTEN SOME OF THE PRESENTATION IS A GOOD
2 QUESTION. THAT WOULD BE ACCEPTABLE.

3 CHAIRMAN FROST: THAT WOULD BE ACCEPTABLE TO ME.

4 MY FIRST QUESTION IS GOING TO BE I NEED TO
5 HEAR PART OF THE PRESENTATION.

6 BOARD MEMBER CHESBRO: MAYBE WE CAN IDENTIFY
7 THOSE AT THIS TIME.

8 CHAIRMAN FROST: YES, BECAUSE I AM BASICALLY
9 FAMILIAR, BUT THE PART THAT I NEED TO UNDERSTAND IS YOUR
10 RECOMMENDATION WITH RESPECT TO THE PILOT, THE \$600,000
11 PILOT.

12 WHAT IS YOUR RECOMMENDATIONS WITH RESPECT TO
13 THAT?

14 MR. WOHLWERTH: THE RECOMMENDATION -- I AM
15 RUSSELL WOHLWERTH, BY THE WAY, SENIOR VICE PRESIDENT FROM
16 DDB NEEDHAM, AND THIS IS KARIN MUFF, ALSO FROM DDB
17 NEEDHAM.

18 OUR FEELING IS -- RECOMMENDATION IS TO START
19 WITH THE TEST BECAUSE WE HAVE DONE QUITE A BIT OF
20 RESEARCH AND WE FOUND THERE'S QUITE A BIT OF CONSUMER
21 CONFUSION, OPPOSITION TO THE PUBLIC EDUCATION PROGRAM.

22 TRYING TO SET FORTH OUR FEELING IS THAT THE
23 BEST WAY TO TEST THE EFFICACIES OF THE PROGRAM IS THROUGH
24 A SMALL MARKET TEST. WE ARE RECOMMENDING BOTH SACRAMENTO
25 AND BAKERSFIELD, FEELING THAT'S REPRESENTATIVE OF THE



1 STATE OF CALIFORNIA.

2 AND OUR FEELING IS THAT IF WE GO WITH THE
3 SIX-MONTH TEST, WE THEN PRESENT TO THE BOARD AN
4 EVALUATION ON THAT TEST, AND THEN WE LEAVE IT UP TO THE
5 BOARD'S RECOMMENDATION AS THE NEXT MOVE, TO MOVE FORWARD
6 IN THE STATEWIDE ROLL-OUT. AND WE DO HAVE A WHOLE
7 RESEARCH SCENARIO TO -- THAT WILL TELL US IF INDEED THE
8 EFFORTS WERE EFFECTIVE OR NOT.

9 CHAIRMAN FROST: AND LET ME ASK YOU -- I HAVE
10 TWO QUESTIONS.

11 MR. WOHLWERTH: YES.

12 CHAIRMAN FROST: FIRST IS DO YOU HAVE AN
13 ALTERNATIVE TO SACRAMENTO?

14 MR. WOHLWERTH: ACTUALLY WE HAVE SEVERAL
15 ALTERNATIVES. WHAT WE -- WE HAD TO LOOK AT A NUMBER OF
16 DIFFERENT CRITERIA: POPULATION SIZES, MEDIA AVAILABLE IN
17 THE MARKET. WE HAVE -- WE HAD SAN DIEGO AND SAN
18 FRANCISCO ALSO AS POSSIBLE REPRESENTATIVE SITES OF A
19 MAJOR MARKET, AND WE ALSO HAD ABOUT 12 ALTERNATIVES FOR A
20 MINOR TEST MARKET.

21 CHAIRMAN FROST: WHICH IS BAKERSFIELD NOW?

22 MR. WOHLWERTH: WHICH IS BAKERSFIELD, YES.

23 CHAIRMAN FROST: SO ONLY ONE MAJOR TEST POINT?

24 MR. WOHLWERTH: YES.

25 CHAIRMAN FROST: I HAVE MIXED FEELINGS ABOUT



1 WHETHER SACRAMENTO IS A GOOD IDEA. AND I ASSUME THAT
2 WHATEVER WE CONCLUDE TODAY THAT -- CAN THAT ISSUE STILL
3 BE DISCUSSED?

4 MR. WOHLWERTH: YES.

5 CHAIRMAN FROST: IN OTHER WORDS, IT'S NOT A DONE
6 DEAL YET?

7 MR. WOHLWERTH: IT'S A RELATIVELY MINOR ISSUE.
8 WE CAN CHANGE. SACRAMENTO IS A BIG NATIONAL TEST MARKET
9 AND GIVES US A LOT OF THE CRITERIA THAT WE LOOK FOR TO
10 MEASURE A PROGRAM.

11 CHAIRMAN FROST: IT HAS ALL THE LEGISLATIONS IN
12 IT.

13 MR. WOHLWERTH: YES.

14 CHAIRMAN FROST: CAN BE BOTH A POSITIVE AND A
15 NEGATIVE ELEMENT TO THAT.

16 BOARD MEMBER NEAL: YES, I UNDERSTAND YOUR
17 CONCERNS. I THOUGHT ABOUT IT AFTER WE TALKED ABOUT THIS.
18 AND I THINK, FROM MY PERSPECTIVE, I SUPPORT THE IDEA OF
19 DOING A TEST MARKET IN SACRAMENTO FOR A NUMBER OF REASONS
20 BUT --

21 CHAIRMAN FROST: I DON'T WANT TO DISCUSS THAT
22 HERE.

23 BOARD MEMBER NEAL: LET ME JUST SAY THAT I
24 REALLY THINK THAT THE CITY -- I FEEL COMFORTABLE, IF
25 QUESTIONS ARE RAISED WITH THE LEGISLATURE IN DEFENDING



1 IT, AND I DO THINK THAT THERE ARE SUFFICIENT GROUNDS UPON
2 WHICH THIS WOULD MAKE SENSE TO THEM.

3 CHAIRMAN FROST: I'M NOT SUGGESTING THAT I EVEN
4 HAVE CONCLUDED THAT I AM OPPOSED TO SACRAMENTO. I JUST
5 WOULD LIKE TO BE ABLE TO DISCUSS THAT QUESTION IN THE
6 FUTURE.

7 THE OTHER IS THE -- AS I UNDERSTAND IT, THE
8 \$600,000 IS THE COST ROUGHLY FOR THE TEST MARKET PROGRAM.
9 AND MAYBE THIS ISN'T A QUESTION TO YOU, BUT MAYBE OF OUR
10 STAFF. WHAT RESOURCES ARE AVAILABLE AFTER THE TEST IS
11 DONE TO IMPLEMENT A ROLL-OUT?

12 ANYBODY KNOW THE ANSWER TO THAT QUESTION?

13 MR. CHANDLER: WELL, THE CONTRACT PROVIDES FOR
14 AN ADDITIONAL \$1 MILLION OF ENCUMBRANCE FOR THE '92-'93
15 CONTRACT YEAR, AND SIMILARLY AN ADDITIONAL MILLION
16 DOLLARS FOR THE '93-'94.

17 WITH RESPECT TO THE REMAINING FUNDS IN THE
18 CURRENT BUDGETED AMOUNT, I BELIEVE THEY CAME IN UNDER
19 BUDGET WITHIN A RESEARCH CASE. AND SO WITHOUT LOOKING AT
20 REMAINING DOLLARS THERE, PAT, YOU COULD HELP ME ON THIS,
21 GIVE YOU AN EXACT AMOUNT AND THE COURSE OF THE
22 ENCUMBRANCE OF THE \$600,000, WITHIN THAT BUDGET THAT
23 WOULD BE USED TO PAY FOR THE FIRST PHASE ON THE TEST OR
24 PILOT PROGRAM.

25 MS. MACHT: YES, THERE'S \$914,000 REMAINING IN



1 THE CONTRACT AT THIS TIME.

2 MR. CHANDLER: SO TO ANSWER YOUR QUESTION, THE
3 \$600,000 WOULD COME OUT OF THE 900,000 THAT'S REMAINING.

4 CHAIRMAN FROST: WELL -- OKAY. SO WE HAVE -- SO
5 THAT'S 300,000, CURRENT CONTRACT. AND THEN ANOTHER
6 MILLION, SO IT'S 2.3 MILLION. AND IS IT INTENDED THAT
7 THAT WILL BE USED FOR THE ROLL-OUT OF THIS CAMPAIGN? IS
8 THAT THE IDEA?

9 MS. MACHT: I THINK THE IDEA WOULD BE THAT WE
10 WOULD BRING IT FORWARD TO YOU AT THE TIME AFTER THE
11 TESTING, WHETHER IT'S EFFECTIVE OR NOT, BRING THAT
12 INFORMATION TO YOU AND THEN BRING TO YOU A LIST OF
13 FUNDING OPTIONS ON THE POSSIBILITIES.

14 CHAIRMAN FROST: I AM NOT ASKING YOU TO TELL US
15 WHAT YOUR RECOMMENDATIONS ARE GOING TO BE. I AM JUST
16 SAYING -- TRYING TO IDENTIFY THE MONEY THAT WOULD BE
17 AVAILABLE IF WE MADE A DECISION TO USE IT FOR THE
18 ROLL-OUT.

19 AND DO I HEAR THAT 2.3 IS THAT FIGURE?

20 MS. MACHT: YES, IF WE SPENT THE MONEY ON THE
21 TEST NOW.

22 CHAIRMAN FROST: RIGHT.

23 MS. MACHT: WHAT WOULD BE REMAINING AFTER THAT
24 TEST FOR A POTENTIAL ROLL-OUT WOULD BE AN ADDITIONAL
25 MILLION. AND I BELIEVE -- I BELIEVE THAT WOULD BE IT AT



1 THIS POINT.

2 MR. CHANDLER: SO THAT IS FOR THE UPCOMING
3 FISCAL YEAR.

4 CHAIRMAN FROST: WHICH -- WHAT IS IT?

5 MR. CHANDLER: IT'S AN ADDITIONAL MILLION FOR
6 THE UPCOMING FISCAL YEAR AND ANOTHER MILLION FOR THE
7 FOLLOWING FISCAL YEAR.

8 CHAIRMAN FROST: THAT'S MY QUESTION.

9 MR. CHANDLER: SO YOU HAVE TO ASK YOURSELF WHAT
10 IS THE TIME FRAME IN WHICH WE ARE TALKING ABOUT FOR THE
11 ROLL-OUT. AND IF IT'S THE NEXT FISCAL YEAR, THE ANSWER
12 IS 1.3 BECAUSE WE HAVEN'T HAD THE ABILITIES TO POOL THE
13 SECOND MILLION.

14 MR. WOHLWERTH: UNDERSTAND, THAT WE'RE TALKING
15 ABOUT THE TOTAL FUNDS AVAILABLE, POTENTIALLY, 2.3 THAT WE
16 HAVE NOW IDENTIFIED.

17 MR. CHANDLER: OVER A TWO-YEAR PERIOD.

18 CHAIRMAN FROST: YES, OVER A TWO-YEAR PERIOD.
19 AND WE HAVE THE ABILITY TO DIVERT ADDITIONAL FUNDS --

20 MS. MACHT: CORRECT.

21 CHAIRMAN FROST: -- IF WE HAVE THEM, INTO THAT
22 EFFORT?

23 MR. CHANDLER: YES, THAT'S CORRECT.

24 CHAIRMAN FROST: OKAY.

25 MS. MACHT: SORRY TO BE SO CONFUSING.



1 CHAIRMAN FROST: MR. RELIS.

2 BOARD MEMBER RELIS: WE HAVE RAISED AT A MEETING
3 WITH THE DDB NEEDHAM THE OTHER DAY THE QUESTION OF THE
4 MEASUREMENT FACTORS HERE. AND I AM WONDERING IF WE HAVE
5 SOME ADDITIONAL MONIES HERE. IS THERE ENOUGH TO DO THE
6 MEASUREMENT ANALYSIS WE DISCUSSED TO SEE WHAT THE BEFORE
7 AND AFTER EFFECTS ARE OF THAT CAMPAIGN OF THE PILOT?

8 MR. WOHLWERTH: TO ANSWER YOUR QUESTION, YES,
9 MONEY IS AVAILABLE. WE HAVE SET FORTH ON THREE
10 MEASUREMENT CRITERIA, AND DO WE HAVE THE ACTUAL COST.

11 BOARD MEMBER NEAL: I AM NOT SURE YOU ARE ASKING
12 THE RIGHT QUESTION. WHAT HE IS SAYING IS, FOR EXAMPLE,
13 IF WE HAVE SOME CONTRACT SAVER DOLLARS FROM THIS YEAR,
14 AND WANTED TO ALLOCATE THEM TO SOME MORE, I DON'T KNOW,
15 WHAT WOULD I SAY --

16 BOARD MEMBER RELIS: TO THE -- TO DETERMINE THE
17 EFFECTIVENESS OF THIS EFFORT AND WHAT A LARGER EFFORT
18 WOULD BE.

19 BOARD MEMBER NEAL: HOW EFFECTIVE.

20 BOARD MEMBER RELIS: HOW EFFECTIVE. WHAT KIND
21 OF BEHAVIOR MODIFICATION OR WHATEVER YOU WANT TO CALL IT
22 WOULD OCCUR FROM THIS INVESTMENT. IT WOULD BE GOOD FOR
23 US TO KNOW IF WE ARE GOING TO SPEND A LOT MORE MONEY DOWN
24 THE LINE.

25 BOARD MEMBER NEAL: NOT WITHIN THE DOLLARS THAT



1 YOU CURRENTLY HAVE. WE ARE SAYING IF WE AUGMENTED THE
2 CONTRACT WITH SOME EXISTING CONTRACT STATEMENT.

3 BOARD MEMBER RELIS: THIS IS THE SPECIFIC --

4 BOARD MEMBER NEAL: AND WANTED TO APPLY IT --

5 BOARD MEMBER RELIS: -- TECHNICAL SURVEYS.

6 BOARD MEMBER NEAL: RIGHT. AND WANTED TO APPLY
7 THAT TO A MORE RIGOROUS EVALUATION.

8 MS. MACHT: YOU ARE SAYING WHAT WOULD THAT COST
9 BE.

10 CHAIRMAN FROST: LET ME ASK --

11 BOARD MEMBER NEAL: WHAT WOULD THAT COST BE, OR
12 HOW IS THAT WORKED OUT?

13 CHAIRMAN FROST: THE REASON I ASK THE QUESTION,
14 I DISCUSSED THIS WITH MS. NEAL, THE OTHER BOARD MEMBERS.
15 THE REASON I ASK THE QUESTION, I DON'T SEE MUCH POINT IN
16 GOING THROUGH A \$600,000 PILOT IF WE DON'T HAVE THE MONEY
17 TO IMPLEMENT WHATEVER THE RESULTS OF THE PILOT ARE.

18 AND I THINK WHAT I HAVE LEARNED IS I'M
19 SATISFIED THAT WE DO HAVE SUFFICIENT MONEY TO ROLL OUT IF
20 WE DECIDED TO DO THAT AND SO THAT -- THAT'S WHY I RAISED
21 THAT QUESTION, AND I'M SATISFIED WITH THE RESPONSE.

22 MS. MACHT: IF I CAN REPHRASE THE QUESTION, IT
23 SOUNDS LIKE WHAT YOU ARE ASKING IS COULD WE PURSUE A MORE
24 RIGOROUS MEASUREMENT IN THE PILOT OF CONSUMER BEHAVIOR.

25 BOARD MEMBER RELIS: WE DISCUSSED THAT AND I



1 THINK YOU KNOW WHAT I AM REFERRING TO.

2 MS. MACHT: YES. AND WHAT WOULD THAT ADDITIONAL
3 COST BE. THAT, OF COURSE, IS NOT -- IF WE WERE TO REALLY
4 TEST, WELL, WHETHER CONSUMER BEHAVIOR CHANGED, WHICH WE
5 TALKED ABOUT IN OUR MEETING WITH YOU, MR. RELIS, WE
6 DISCUSSED THAT DOING THAT KIND OF AN ANALYSIS IS COSTLY
7 BECAUSE IT'S JUST VERY DIFFICULT TO ANALYZE CONSUMER
8 CHANGE.

9 BOARD MEMBER RELIS: I UNDERSTAND. I UNDERSTAND
10 THERE IS NO MONEY THERE TO DO THAT.

11 BOARD MEMBER NEAL: I DON'T KNOW IF YOU ARE
12 PREPARED TO ANSWER MY QUESTION RIGHT NOW BUT --

13 CHAIRMAN FROST: IT'S THE SAME QUESTION.

14 BOARD MEMBER NEAL: CAN I SAY THAT -- LET US ASK
15 YOU, JUST AS AN ACADEMIC EXERCISE, TO EXPLORE THAT
16 QUESTION FOR US.

17 MR. WOHLWERTH: YES.

18 BOARD MEMBER NEAL: AND GET BACK IN TOUCH?

19 MR. WOHLWERTH: YES, WE WILL BE MORE THAN HAPPY
20 TO DO THAT.

21 CHAIRMAN FROST: OKAY. NOW, WELL -- WE HAVE AN
22 ACTION ITEM. THIS IS JUST AN INFORMATION ITEM HERE, AND
23 I WANTED TO -- WELL, LET ME ASK YOU THIS: HAS THERE BEEN
24 ANY CONSIDERATION GIVEN IN THE PUBLIC EDUCATION ASPECT OF
25 THE -- WELL, MAYBE I WILL ASK IT A DIFFERENT WAY.



1 WHAT'S THE SCOPE OF YOUR VIEW OF THE PUBLIC
2 EDUCATION CAMPAIGN? IN OTHER WORDS, WHAT DOES IT
3 ENCOMPASS?

4 MR. WOHLWERTH: WE REALLY SEE THERE'S PRIMARILY
5 THREE ELEMENTS. ONE IS WHAT WE CALL A STATEWIDE GRASS
6 ROOTS BASED EFFORT WHERE WE WOULD SUPPLY MATERIALS TO THE
7 500 OR SO SREE -- OR SRRE DISTRICTS, PROVIDE THEM WITH AD
8 SLIPS, MATERIALS, THAT CAN BE IMPLEMENTED AT A LOCAL
9 LEVEL.

10 THEN THE SECOND ELEMENT IS A
11 BUSINESS/RETAIL EFFORT WHERE WE ARE PROPOSING TO GET
12 INVOLVED ON A PR BASIS AND DO SEVERAL PROMOTIONAL EVENTS,
13 WORKING WITH MAJOR CALIFORNIA CORPORATIONS, GETTING THEM
14 TO, NOT FROM A MANUFACTURING STANDPOINT, FROM A USAGE
15 STANDPOINT, HELP DIVERT MATERIALS FROM THE WASTESTREAM.

16 THIRD ELEMENT IS WHAT WE REALLY CONSIDER
17 THE HEART OF THE CAMPAIGN, AND THAT'S A MASS MEDIA
18 EFFORT, WHICH WOULD INVOLVE RADIO AND TELEVISION AND
19 NEWSPAPER, SOME OF THE OTHER -- WHAT WE CONSIDER TO BE
20 MASS MEDIA VEHICLES.

21 CHAIRMAN FROST: OKAY. ALL RIGHT. ANY FURTHER
22 QUESTIONS?

23 OKAY. LET'S MOVE ON TO THE NEXT ITEM.

24 + MS. MACHT: MR. CHAIRMAN, MEMBERS OF THE BOARD,
25 ADDENDUM ITEM 24 IS CONSIDERATION OF THE CONTRACT FUNDING



1 FOR FISCAL '92-'93.

2 AND THE -- WHAT WE'RE REQUESTING FOR YOUR
3 CONSIDERATION IS THAT THE BOARD AUTHORIZE THE USE OF THE
4 EXISTING '91-'92 CONTRACT HOURS TO BEGIN IMPLEMENTATION
5 OF THE MARKETING STRATEGY AND, IN ADDITION, TO CONSIDER
6 RENEWAL OF THE DDB NEEDHAM CONTRACT FOR FISCAL '92-'93 IN
7 THE AMOUNT OF \$1 MILLION, SUBJECT TO THE APPROPRIATION BY
8 THE LEGISLATURE.

9 CHAIRMAN FROST: ANY FURTHER QUESTIONS,
10 COMMENTS?

11 BOARD MEMBER NEAL: IF NOT, I WILL MOVE THE
12 RESOLUTION OF ITEM NO. 24 ON PAGE 367.

13 BOARD MEMBER CHESBRO: SECOND.

14 CHAIRMAN FROST: OKAY.

15 BOARD MEMBER CHESBRO: LET ME SAY THAT THERE'S
16 BEEN VARIOUS POINTS IN THIS PROCESS WHERE I'VE HAD
17 SERIOUS DOUBTS, BUT THEY HAVE BEEN DEALT WITH AND
18 ANSWERED.

19 MR. WOHLWERTH: THANK YOU.

20 CHAIRMAN FROST: WELL, I'VE NEVER HAD ANY
21 SERIOUS DOUBTS, BUT I'VE BEEN VERY PLEASED WITH THE WAY
22 THE PROGRAM HAS COME.

23 BOARD MEMBER CHESBRO: MAYBE I SHOULD HAVE BEEN
24 MORE POSITIVE AND SAID, HOWEVER, I AM NOW VERY PLEASED.
25 THAT'S ALL I HAVE TO SAY.



1 CHAIRMAN FROST: MOTION AND A SECOND. CALL
2 ROLL, PLEASE.

3 BOARD MEMBER EGIGIAN: WHAT IS THE MOTION?

4 CHAIRMAN FROST: THE MOTION IS TO APPROVE STAFF
5 RECOMMENDATIONS FOR THE DDB NEEDHAM CONTRACT.

6 BOARD MEMBER HUFF: WHAT'S THAT?

7 BOARD MEMBER NEAL: THE ALLOCATION FOR --

8 CHAIRMAN FROST: ITEM 24.

9 BOARD MEMBER NEAL: -- TEST C IN THE ORIGINAL
10 RFP, FOR THE ALLOCATION.

11 BOARD MEMBER RELIS: WILL THERE BE ANY REFERENCE
12 TO WHAT I REFERRED TO?

13 BOARD MEMBER NEAL: NOT IN THIS ONE.

14 BOARD MEMBER RELIS: OKAY.

15 BOARD MEMBER NEAL: THAT'S NOT APPROPRIATE FOR
16 THIS ONE.

17 BOARD MEMBER HUFF: I'M SORRY, ITEM 24?

18 BOARD MEMBER NEAL: ITEM 24.

19 BOARD MEMBER HUFF: LET ME ASK THE QUESTION:
20 MAYBE YOU ALREADY ASKED IT. I'M AWARE THAT THERE MAY BE
21 SOME YEAR-END SAVINGS.

22 BOARD MEMBER NEAL: WE DID ASK THAT.

23 BOARD MEMBER HUFF: YOU DID ASK THAT.

24 BOARD MEMBER NEAL: AND WE ARE GOING TO WORK
25 WITH OUR PIO OFFICE AND DDB TO LOOK AT IF WE WANTED TO DO



1 MORE RIGOROUS TESTS, WHAT THAT MIGHT -- COULD INVOLVE,
2 WHAT THAT COULD INVOLVE.

3 BOARD MEMBER HUFF: OKAY. OKAY.

4 CHAIRMAN FROST: OKAY. CALL ROLL.

5 BOARD MEMBER HUFF: YOU GOT IT COVERED.

6 BOARD SECRETARY: BOARD MEMBERS CHESBRO.

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: HUFF.

9 BOARD MEMBER HUFF: WITH PLEASURE I VOTE AYE.

10 BOARD SECRETARY: EGIGIAN.

11 BOARD MEMBER EGIGIAN: AYE.

12 BOARD SECRETARY: NEAL.

13 BOARD MEMBER NEAL: AYE.

14 BOARD SECRETARY: RELIS.

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN FROST.

17 CHAIRMAN FROST: AYE.

18 BOARD SECRETARY: MOTION PASSED.

19 MR. WOHLWERTH: THANK YOU VERY MUCH.

20 MS. MACHT: THANK YOU.

21 CHAIRMAN FROST: WE HAVE TO GO TO ITEM 25,
22 CONSIDERATION OF DRAFT REPORT, "PLASTICS: WASTE
23 MANAGEMENT ALTERNATIVES," DONE BY OUR STAFF WHO WILL
24 PRESENT THIS ITEM.

25 BOARD MEMBER NEAL: CAN I MOVE THE ADOPTION OF



1 THIS?

2 BOARD MEMBER CHESBRO: TO SLAM DUNK IT HERE.

3 BOARD MEMBER HUFF: NO. THERE'S SOMEONE TO TALK
4 ON THIS.

5 MR. DIER: ON THIS ITEM HERE, MR. VICE-CHAIRMAN
6 AND, I BELIEVE, THE BOARD MEMBERS ARE FAMILIAR WITH THE
7 CONTENTS OF THIS REPORT. I WON'T SUMMARIZE IT HERE FOR
8 YOU NOW.

9 THE ITEM HAS BEEN BEFORE THE MARKET
10 DEVELOPMENT COMMITTEE TWICE, AND MOST RECENTLY IT WAS
11 VOTED OUT OF COMMITTEE FOR MORE ADOPTION AND SUBMITTAL TO
12 THE LEGISLATURE WITH THE AMENDMENTS TO THE EXECUTIVE
13 SUMMARY.

14 STAFF HAVE WORKED WITH ADVISORS AND BOARD
15 MEMBERS TO DEFINE THE EXECUTIVE SUMMARY, AND IT'S OUR
16 UNDERSTANDING THAT IT'S AN ACCEPTABLE FORM AS IT'S BEEN
17 PRESENTED TO YOU TODAY. SO STAFF IS HOPING FOR YOUR
18 RECOMMENDATIONS AND APPROVAL TO SEND THE REPORT ON TO THE
19 LEGISLATURE.

20 BOARD MEMBER CHESBRO: WELL, I'D LIKE TO SAY
21 THAT THE CHAIR OF THAT COMMITTEE, SIMILAR TO WHAT I SAID
22 ABOUT THE LAST ITEM, THERE WAS A TIME WHEN THERE WERE
23 SOME SERIOUS PROBLEMS WITH THIS REPORT, AND THE COMMITTEE
24 SPENT A LOT OF TIME GOING OVER IT, DISCUSSING IT WITH
25 STAFF, ASKING QUESTIONS, ASKING FOR CHANGES, AND THE



1 STAFF RESPONDED.

2 FRANKLY, IF IT WEREN'T FOR SOME ADDITIONAL
3 LAST-MINUTE CHANGES THAT WERE MADE AT THE COMMITTEE AND
4 STAFF WAS ASKED TO INCORPORATE. WE PROBABLY WOULDN'T PUT
5 THIS ON CONSENT. AND SO I BELIEVE THAT IT DOES REFLECT
6 THE COMMITTEE'S DESIRES THE WAY IT'S BEEN REDRAFTED AND I
7 MOVE THE ITEM.

8 CHAIRMAN FROST: OKAY.

9 BOARD MEMBER RELIS: SECOND.

10 CHAIRMAN FROST: MOVED AND SECONDED THAT WE
11 ADOPT STAFF RECOMMENDATION ITEM 25.

12 CALL ROLL.

13 BOARD SECRETARY: BOARD MEMBERS CHESBRO.

14 BOARD MEMBER CHESBRO: AYE.

15 BOARD SECRETARY: HUFF.

16 BOARD MEMBER HUFF: AYE.

17 BOARD SECRETARY: EGIGIAN.

18 BOARD MEMBER EGIGIAN: AYE.

19 BOARD SECRETARY: NEAL.

20 BOARD MEMBER NEAL: AYE.

21 BOARD SECRETARY: RELIS.

22 BOARD MEMBER RELIS: AYE.

23 BOARD SECRETARY: CHAIRMAN FROST.

24 CHAIRMAN FROST: AYE.

25 OKAY. THAT'S ADOPTED.



1 ANY FURTHER ITEMS TO COME BEFORE THE BOARD?

2 BOARD MEMBER EGIGIAN: MR. CHAIRMAN.

3 CHAIRMAN FROST: MR. EGIGIAN.

4 BOARD MEMBER EGIGIAN: I'VE BEEN CONSIDERING A
5 NO VOTE A WHILE BACK ON 1955, AND I'D LIKE TO HAVE THAT
6 CHANGED TO ABSTAIN INSTEAD OF A NO VOTE.

7 CHAIRMAN FROST: OKAY. MR. EGIGIAN CHANGES HIS
8 VOTE FROM NO TO ABSTAIN ON SB 1955.

9 THAT MEANS WE HAVE NO POSITION. THAT MEANS
10 WE HAVE NO POSITION UNLESS --

11 BOARD MEMBER NEAL: DOES THAT COUNT THE STATE
12 BUDGET AND WHY WE DON'T HAVE --

13 BOARD MEMBER HUFF: I HAVE TROUBLE UNDERSTANDING
14 NUMBERS THAT DON'T HAVE SIX ZEROS AFTER IT.

15 CHAIRMAN FROST: SO DOES SOMEBODY WANT TO MAKE
16 ANOTHER MOTION TO KEEP US FROM HAVING NO POSITION?

17 MR. RELIS.

18 BOARD MEMBER RELIS: I THINK WE HAVE TO HAVE A
19 POSITION. NOW, THE ORIGINAL POINT WAS OPPOSE UNLESS
20 AMENDED. AND THEN THE QUESTION WAS WHAT DOES UNLESS
21 AMENDED MEAN.

22 THERE WAS A CONCERN THAT WE, I GUESS,
23 AMPLIFY, AMEND IT.

24 CHAIRMAN FROST: WHAT IT REALLY MEANS, THOUGH,
25 IS THAT WE ARE OPPOSED UNTIL WE ARE SATISFIED WITH THE



1 AMENDMENTS.

2 BOARD MEMBER RELIS: I MEAN --

3 BOARD MEMBER CHESBRO: IT'S UNFAIR TO SAY THAT
4 BECAUSE I THINK, WHILE YOU MAY THINK THAT THERE'S A
5 SINGLE DEFINITION FOR OPPOSE UNLESS AMENDED, BUT
6 THERE'S --

7 BOARD MEMBER NEAL: THERE'S NOT.

8 BOARD MEMBER CHESBRO: -- A LOT OF DIFFERENT
9 WAYS IT COULD BE TREATED AND INTERPRETED.

10 CHAIRMAN FROST: I COULD SUPPORT OPPOSE UNLESS
11 AMENDED IF IT FOLLOWS THE LINE YOU JUST STATED. THEN LET
12 ME STATE THE MOTION THIS WAY: OPPOSE UNLESS AMENDED,
13 MEANING THAT UNTIL WE ARE SATISFIED WITH THE BILL, UNTIL
14 AMENDMENTS ARE ADOPTED IN THE BILL THAT SATISFY OUR
15 CONCERNS, WE ARE OPPOSED.

16 BOARD MEMBER RELIS: AS REFLECTED -- YES. I
17 THINK -- WAIT A SECOND. I THINK --

18 CHAIRMAN FROST: UNTIL AMENDMENTS ARE ADOPTED TO
19 THE BILL THAT SATISFIES THE BOARD'S CONCERN, WE ARE
20 OPPOSED. THAT'S WHAT WE MEAN BY OPPOSE UNLESS AMENDED.

21 BOARD MEMBER RELIS: OKAY. THAT'S FINE.

22 CHAIRMAN FROST: OKAY.

23 BOARD MEMBER RELIS: I MAKE THAT MOTION JUST AS
24 YOU STATED IT.

25 CHAIRMAN FROST: ALL RIGHT. IT'S BEEN MOVED.



1 BOARD MEMBER CHESBRO: I HATE TO COMPLICATE IT,
2 BUT I DON'T SEE -- I'M GOING TO VOTE FOR IT. I DON'T SEE
3 HOW IT'S ANY DIFFERENT FROM WHAT I PREVIOUSLY MOVED AND
4 PASSED, BUT I'M NOT GOING TO -- BUT I'LL --

5 BOARD MEMBER NEAL: AFTER CLARIFYING THAT, MY
6 ONLY CONCERN IS WHEN OUR LEGISLATIVE PERSON GOES OVER TO
7 THE CAPITOL AND THEY SAY WHAT'S THE BOARD'S POSITION --

8 CHAIRMAN FROST: OPPOSE UNLESS AMENDED.

9 BOARD MEMBER RELIS: DO YOU KNOW WHAT --
10 DOROTHY, WOULD YOU LIKE TO KNOW WHAT WE'RE SAYING HERE.
11 OR WOULD THERE BE ANY CONFUSION?

12 MS. FETTIG: I THINK THE BOARD WOULD KNOW WHEN
13 THERE WERE AMENDMENTS THAT YOU COULD WORK WITH, AND
14 THAT'S GOING TO IMPROVE YOUR OPPOSITION.

15 CHAIRMAN FROST: I THINK DOROTHY KNOWS AND ALL
16 THE LEGISLATORS KNOW WHAT OPPOSE UNLESS AMENDED MEANS.
17 SO -- OKAY. NOW WE HAVE A MOTION, OPPOSE UNLESS AMENDED.

18 BOARD MEMBER HUFF: SECOND.

19 CHAIRMAN FROST: CALL THE ROLL.

20 BOARD SECRETARY: BOARD MEMBERS CHESBRO.

21 BOARD MEMBER CHESBRO: AYE.

22 BOARD SECRETARY: HUFF.

23 BOARD MEMBER HUFF: AYE.

24 BOARD SECRETARY: EGIGIAN.

25 BOARD MEMBER EGIGIAN: AYE.



1 BOARD SECRETARY: NEAL.

2 BOARD MEMBER NEAL: FOR L.A. COUNTY, AS THEIR
3 GREATEST DEFENDER, I WILL VOTE AYE.

4 BOARD SECRETARY: RELIS.

5 BOARD MEMBER RELIS: AYE.

6 BOARD SECRETARY: CHAIRMAN FROST.

7 CHAIRMAN FROST: AYE.

8 BOARD MEMBER CHESBRO: I CHALLENGE MS. NEAL'S
9 CLAIM ON THAT. I THINK I AM THE BEST FRIEND THEY HAVE
10 HAVE ON THIS.

11 BOARD MEMBER NEAL: I AM THE CUTEST ONE THEY
12 HAVE EVER HAD ON THIS.

13 BOARD MEMBER CHESBRO: AT LEAST.

14 CHAIRMAN FROST: ARE WE DONE? ANYTHING ELSE TO
15 COME BEFORE THE BOARD?

16 MR. CHESBRO.

17 BOARD MEMBER CHESBRO: STAFF ASKED ME AND
18 ACTUALLY SEVERAL BOARD MEMBERS ASKED ME ABOUT -- THERE
19 WAS ONE ITEM I WAS SUPPOSED TO MENTION IN MY
20 ADMINISTRATION COMMITTEE'S REPORT THAT I DIDN'T, AND THAT
21 IS THAT THE EXECUTIVE STAFF IS INTENDING TO -- I THINK
22 THEY GOT AN ANSWER FROM THE ADMINISTRATION COMMITTEE TO
23 DO A CHILD CARE SURVEY OF A LARGE NUMBER OF EMPLOYEES
24 AROUND THE BOARD'S VICINITY AND IN ORDER TO DEVELOP THE
25 INFORMATION THAT'S NECESSARY TO GET SOMEONE TO EXPEND THE



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MONEY TO ESTABLISH A CHILD CARE CENTER. IT'S IMPORTANT THAT THE BOARD BE INFORMED OF THAT ON THE RECORD.

CHAIRMAN FROST: THANK YOU. WE ARE ADJOURNED.

(END OF PROCEEDINGS AT 5:35 P.M.)



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Reporter's Certificate

* * * * *

I, Beth C. Drain hereby certify:

that on the 28th. 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
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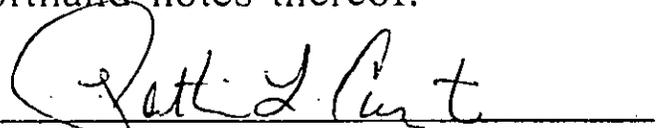
* * * * *

I, Patty Curtin hereby certify:

that on the 28th. 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.



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