

MEETING  
STATE OF CALIFORNIA  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
PERMITTING AND ENFORCEMENT COMMITTEE

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Board Room  
8800 Cal Center Drive  
Sacramento, California

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WEDNESDAY, JULY 15, 1992

10:08 A.M.

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A P P E A R A N C E S

COMMITTEE MEMBERS:

Jesse Huff, Chairman

Sam Egigian, Member

Paul Relis, Member

STAFF MEMBERS PRESENT:

Ralph Chandler, Executive Director

Steve Sphar, Assistant Chief Legal Counsel

Marlene Kelly, Committee Secretary

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1 P R O C E E D I N G S

2 --oOo--

3 COMMITTEE CHAIRMAN HUFF: Good morning. Roll  
4 call to establish a quorum.

5 COMMITTEE SECRETARY KELLY: Board member  
6 Egigian.

7 COMMITTEE MEMBER EGIGIAN: Here.

8 COMMITTEE SECRETARY KELLY: Relis.

9 COMMITTEE MEMBER RELIS: Here.

10 COMMITTEE SECRETARY KELLEY: Chairman Huff.

11 COMMITTEE CHAIRMAN HUFF: Here.

12 Quorum is present.

13 There are no contracts or inter-agency  
14 agreements unless someone waves and corrects me. Okay.

15 Composting will be done as the last item for  
16 those of you who were here for that. That's because  
17 some of our staff weren't able to be here right at the  
18 start this morning. So I, at their request, put it  
19 over to the end.

20 COMMITTEE MEMBER EGIGIAN: What item is that,  
21 Mr. Chairman?

22 COMMITTEE CHAIRMAN HUFF: That's item number  
23 two.

24 RCRA. Let's do RCRA.

25 DIRECTOR FETTIG: Mr. Chairman, Board

1 members. I'm Dorothy Fettig of the Board's Legislative  
2 Office, and I'm assisted today by Pat Chartrand of my  
3 staff.

4 This is the last, for July, in the series of  
5 committee briefings on components of the pending  
6 Resource Conservation and Recovery Act Reauthorization  
7 legislation.

8 In Congress, as you know, we've been focusing  
9 in the last couple of weeks in updating the Planning,  
10 Market Development, and Policy Committees on issues in  
11 their jurisdiction. And today we bring a couple of  
12 issues to the Permitting Committee.

13 And as with the other committee  
14 presentations, we're focusing on the provisions in the  
15 House bill, HR 3865, because that was the most accurate  
16 information we had at the time. And we plan to come  
17 back if we need to next month with information on the  
18 Senate bill.

19 The item that's in your packet gives you some  
20 brief background on the RCRA bills and their status.  
21 The house bill finished mark-ups July 2nd, and was  
22 passed out of the committee where it was being heard a  
23 week before last with a number of amendments to it, and  
24 we're awaiting those amendments. So if and when it  
25 will come up on the floor we don't know.

1           The Senate bill was reported out of committee  
2 at the end of May. And when it will come again to  
3 Senate floor action is uncertain. However we have  
4 recently been informed that there is a separate Senate  
5 bill on interstate transport of waste that is being  
6 looked at as a likely vehicle for dumping in some of  
7 the provisions that we've been talking about, notably  
8 tires, batteries, permitting, and possibly state  
9 planning requirements. And that bill is set for  
10 hearing on the Senate floor this coming Monday, the  
11 20th.

12           So we've been working real hard with Board  
13 staff to get detailed comments on those four areas  
14 because we have been told that amendments are likely to  
15 be put into the Senate bill, and if we have some  
16 technical concerns that could be addressed we wanted to  
17 try to do that if we could early next week when the  
18 bill gets discussed on the Senate floor.

19           Again, as we indicated in the other  
20 presentations, while it's not at all certain that the  
21 whole RCRA package will go to the President this year  
22 or be signed, there are a number of issues that appear  
23 to be moving, and a number of them are within this  
24 Committee's jurisdiction. A number of the issues  
25 appear to be likely to be carried over to next year, so

1 hopefully all the work that we've done and will  
2 continue to do will have benefit for the Board next  
3 year as well as RCRA is revived.

4 The eight subject areas in the bills which  
5 appeared in consultation with the advisors to fall  
6 under the jurisdiction of this committee were scrap  
7 tire management and recovery, interstate transport, and  
8 disposal of municipal solid waste, composting  
9 regulations, scrap processing during recycling,  
10 permits, municipal solid waste combustion ash  
11 enforcement, and state status for Indian tribes.

12 Of these eight different provisions we'll  
13 focus today on those that we think are getting the most  
14 attention in the bills right now. And a few of the  
15 elements that are in the Senate bill and not in this  
16 bill, we'll bring those back to you if we need to in  
17 August. So this month we just plan to give you an  
18 overview of some key provisions in the House bill where  
19 we've had an opportunity to get input from Permitting  
20 and other staff people on those provisions and to bring  
21 you that input.

22 Regarding the overall permit procedures in  
23 the bill, the bill does require that no later than  
24 three years after it's enacted states have to provide a  
25 permit program that complies with the requirements of

1 the bill, with the approved state plan that we went  
2 over somewhat in the Planning Committee, went over the  
3 requirements of the state plan, and with any  
4 regulations that are promulated by EPA to implement  
5 this bill.

6 Beginning five years after enactment, the  
7 following types of facilities would have to be  
8 permitted pursuant to those new regulations promulated  
9 if this bill is signed. Those facilities would be  
10 combustion facilities, transformation facilities,  
11 disposal facilities, and facilities where disposal  
12 residues from scrap processing takes place. Disposal  
13 of ash in a landfill or monofill, operation of a mixed  
14 waste composting facility, operation of a source  
15 separated organic waste composting facilities,  
16 operation of a MRF, and operation of a scrap tire  
17 collection site or monofill, and lastly operation of a  
18 facility engaged in scrap processing during recycling.

19 So there are some different ways that they  
20 define the types or categories of solid waste  
21 facilities requiring permits. For example, the  
22 separation of composting facilities into those which  
23 use source separated organic material and those that  
24 use mixed waste. The regulations would be distinct for  
25 the two categories in the permitting requirements.

1           Additionally, as a condition of receiving a  
2 permit for a combustion unit incineration facility or a  
3 mixed municipal waste composting facility, there's a  
4 requirement in the bill that those type of facilities  
5 have to establish a program for identifying,  
6 separating, and preventing certain recyclables from  
7 going into the material that's managed. And the ones  
8 that are listed specifically in the bill are glass,  
9 metals, and other waste determined by the administrator  
10 to include. So it's kind of an open-ended list.

11           And then recently amended into the bill for  
12 the mixed waste composting it would also say that  
13 household hazardous waste, there has to be a provision  
14 for pulling that out before composting occurs.

15           The bill does also require that as a  
16 condition of permits, states would require operators of  
17 transformation facilities to have an ash management  
18 plan that shows how they're going to assure adequate  
19 capacity for disposal for any ash that they generate.

20           The bill also has provisions for a transition  
21 period from the time the bill's enacted and how  
22 facilities that already have state permits have to be  
23 transitioned in to meet any new permit requirements  
24 under the bill. And a year or two was given for that  
25 transition period to get the new permits.

1           The bill also requires states to make any  
2 modifications in their laws or regulations to come into  
3 compliance with the new bill and any subsequent regs  
4 within three years after the bill's enacted.

5           One provision that staff focused on in  
6 reviewing the bill is that there is a requirement that  
7 permit terms for solid waste facilities be for a fixed  
8 ten-year period rather than the language that we have  
9 in state law where permits are reviewed and renewed if  
10 necessary. This would be automatic new permit every  
11 ten years, presumably with the attendant requirement to  
12 comply with CEQA and all the other requirements.

13           Regarding funding, or rather fees at  
14 facilities. The bill requires that all the state  
15 permit programs mandated by this bill be covered by  
16 fees paid by facility operators except for source  
17 separated composting facilities, MRFs, and facilities  
18 for scrap processing during recycling. Those three  
19 types of facilities wouldn't be required to pay a fee.

20           The bill does say now that the fees are to be  
21 set in a reasonable amount to cover all direct and  
22 indirect state costs. There's no longer the two dollar  
23 a ton cap or minimum that was in the prior version, and  
24 I'm not sure if that's still in the Senate bill, but  
25 it's no longer in this bill. It just says it's to be

1 based on what you need to fund the program. Could be  
2 based on tonnage, but I don't imagine it has to be.

3 It also does still have vague language in it  
4 about states are not required to charge fees on any  
5 amount of waste over 50,000 tons a year that a given  
6 facility disposes of. But unlike prior versions, it's  
7 not mandatory that we can't charge fees for that excess  
8 waste, just that we're not required to. So that's kind  
9 of curious.

10 Regarding permit by rule. The bill has a  
11 general provision that says states can adopt permit by  
12 rule regulations for any type of solid waste facility  
13 if the state determines that that particular class of  
14 facility will have a minimal adverse effect on human,  
15 health, and the environment. And the bill does say if  
16 there are permit by rule regulations they have to at a  
17 minimum include provisions for public notice,  
18 environmental monitoring at those facilities, and  
19 annual on-site inspections by the state. And as you  
20 know, we have a number of laws in California governing  
21 permitting of facilities and do provide a comprehensive  
22 program for that.

23 Given that we did want staff to carefully  
24 review the permitting provisions and a number of  
25 aspects of them were commented on by staff and we have

1 shared those with the Governor's office in Washington,  
2 and some of the offices that we've talked with on, in  
3 working on the bill.

4 As I noted, a couple of the more onerous  
5 provisions in prior versions have been removed. As you  
6 know, at one time there was a linkage between approval  
7 of the state's plan and the validity of any current  
8 permits. They would be voided. Well that provision  
9 has been removed from the bill and that was certainly  
10 one of great concern.

11 Other concerns do remain in the bill,  
12 however. That the ten-year term for permits could be  
13 an issue certainly for land disposal, waste energy  
14 facilities. Let me see.

15 Also staff had raised some concerns regarding  
16 the requirements on composting and incineration  
17 facilities that certain recyclables be removed. And  
18 the way that the bill is structured it lumps composting  
19 and transformation together, and deals with the need to  
20 pull out recyclables from those two facilities in one  
21 section. And staff is pointing out that they're very  
22 different operations and it may be preferable to have  
23 different procedures or requirements for the two.

24 Finally I wanted to point out that as we  
25 indicated in prior presentations, one of the points

1 that we have raised with the Governor's office and the  
2 lobbyist that's working for the Governor's office is  
3 the fact that California is one of the few states in  
4 the pilot approval program for the current landfill  
5 regulations, and as such we would want to protect our  
6 application and the work that's been done and will be  
7 done in the near future.

8 And one of the things we've talked about is  
9 having a provision amended into the bills to allow  
10 California to operate under that approval for at least  
11 five years if this bill is enacted so we wouldn't have  
12 to go through the approval process all over again. And  
13 we have been trying to work with the other states that  
14 are in the same boat and have their applications  
15 pending, and are getting some interest in having a  
16 shared effort on that.

17 On the permitting language generally, U.S.  
18 EPA has had a number of concerns including that they  
19 think the deadlines in the bill for when all facilities  
20 would have to meet the new requirements and have  
21 permits under the new requirements are unrealistic, and  
22 also that the provisions in the bill for permitting of  
23 recycling facilities may tend to discourage recycling.  
24 The bill does say that for those kinds of facilities  
25 EPA could determine that a class permit is adequate,

1 which had some minimum requirements like reporting  
2 requirements for those facilities. So they do  
3 distinguish, but there's concern there about hampering  
4 those activities.

5 That was the general language I had on  
6 permitting. If you have any questions on that before I  
7 go into the other categories or --

8 COMMITTEE CHAIRMAN HUFF: Questions?

9 COMMITTEE MEMBER EGIGIAN: Yeah, Mr.  
10 Chairman. Are we interested in determining a Board  
11 position on this RCRA? If we are, how would we  
12 determine it? How is that going to work?

13 DIRECTOR FETTIG: Well our intention today  
14 was to provide you with information on what's happening  
15 in Washington with the bills. We have been working on  
16 a number of areas that are of concern from a more  
17 technical point of view and have been expressing those  
18 points of view on the bill in a hope that we can get  
19 some modifications in.

20 It may be appropriate in the very near future  
21 for the Board to look at an overall position. I don't  
22 know that it is. The provisions are, you know, there's  
23 so much in the bill regarding the whole scope of what  
24 we do at the Board that what we've tried to do is focus  
25 on issues in permitting or issues in tires and get

1 those, make those concerns known without pretending to  
2 have a position on behalf of the Board on the entire  
3 bill.

4 COMMITTEE MEMBER EGIGIAN: It seems to me  
5 that we should have a position on it because like the  
6 tire situation, shredding tires into landfills, when we  
7 know by our meetings on this that there are plenty of  
8 need for these used tires, and they shouldn't be put  
9 into landfills. So that concludes my question.

10 DIRECTOR FETTIG: The next area in the bill  
11 that we focused on was the interstate transport  
12 language. And given the lack of applicability or  
13 direct involvement in California in importing or  
14 exporting a great deal of waste, I'll be very brief.

15 The bill right now has a restriction on  
16 owners or operators of landfills, incinerators, or  
17 other disposal facilities from receiving out of state  
18 waste unless an authorization is obtained from the  
19 affected local government. That authorization must be  
20 granted in a formal meeting of the local government and  
21 has to include certain information provided to a wide  
22 range of public parties.

23 There's some limitations in the bill on this  
24 restriction. If a facility was taking out of state  
25 waste as of November, 1991, and met all state

1 requirements for that facility at that time, they could  
2 continue taking the waste and wouldn't have to get a  
3 new authorization from the local government.

4 There are also provisions in the bill which  
5 say that if a state doesn't have an approved state plan  
6 under the bill, and doesn't meet the bill's permitting  
7 requirements, then that state cannot prohibit out of  
8 state waste from coming in. And conversely, if other  
9 states don't have approved plans they can't prohibit  
10 it.

11 So my understanding is that a number of  
12 interests that want the interstate protection language  
13 are unhappy with this current language and feel that  
14 it's wrought with loopholes.

15 COMMITTEE MEMBER EGIGIAN: Did you by chance  
16 catch the news this morning on that train from New York

17 DIRECTOR FETTIG: Missed it.

18 COMMITTEE MEMBER EGIGIAN: -- with trash in  
19 it and it has no place to go. Open boxcar tops with  
20 tarps on them, and they magnify on the bugs and  
21 everything that are in there.

22 DIRECTOR FETTIG: I didn't see that.

23 COMMITTEE CHAIRMAN HUFF: Trash train.

24 COMMITTEE MEMBER EGIGIAN: Trash train, yeah.  
25 And it's stalled in a railroad yard someplace.

1 COMMITTEE CHAIRMAN HUFF: The runaway trash  
2 train.

3 DIRECTOR FETTIG: Again, given that very few  
4 California counties export waste except during times of  
5 inclement weather, we didn't focus a great deal on  
6 these provisions because of their limited concern to  
7 the state. But we could provide any additional  
8 information at a later time if you'd like on the  
9 language in this bill and in the Senate bill.

10 I'll move on then to the scrap tire language  
11 which has been a major focus of staff's review, and  
12 we've been assisted a great deal by the staff that  
13 worked on the tire program.

14 And the reason we focused on it is that we've  
15 been told time and again that the tire language is  
16 likely to progress this year, either in the RCRA bill  
17 or in some other bill. There seems to be a general  
18 consensus on it.

19 And that's been of concern because the  
20 language is very specific as to the requirements for  
21 tire piles and facilities of this type. There are  
22 requirements for permitting, there are restrictions on  
23 comingling existing tires with new tires that would be  
24 added, there are prohibitions on disposal except for  
25 disposal of shredded tires which, as Board member

1 Egigian mentioned, is of concern because there seems to  
2 be a bias in the bill to encourage shredding of tires  
3 as a management option when we know that there are many  
4 things that can be done with tires, and if they're  
5 shredded some of those things can't be done with them.  
6 It limits what you can do with the tires.

7 So as you know, in our program we've tried to  
8 focus on the safe management of the piles rather than  
9 eliminating them through shredding them and disposing  
10 of them.

11 There are also requirements in the bill that  
12 for a tire monofill or monocell in a landfill only  
13 shredded tires could go into it. And that's of  
14 concern.

15 And I'd be happy to go into any additional  
16 detail on the tire provisions. We do have a very  
17 thorough review by permitting staff and appreciate  
18 that, and plan to get detailed comments on their  
19 technical observations to the office in Washington this  
20 week because the concern is that this tire language,  
21 either this version or the Senate version, more likely  
22 the Senate version, will go into this bill that's up  
23 for hearing on Monday. So we'd like to get those  
24 concerns registered for what it's worth.

25 Lastly, there are provisions on the bill

1 relating to composting regulations. Again, as I  
2 mentioned earlier, the bill does require that the  
3 regulations distinguish between mixed waste composting  
4 and what they call source separated organic material  
5 that's separated at the source of generation. And one  
6 of the concerns has been does that mean it can't be  
7 separate at a MRF or centralized facility. And so we  
8 have asked for language to that effect to be considered  
9 to be included in the bill.

10 The bill does also require EPA to develop  
11 compost product standards for source separated organic  
12 materials that are made into compost or mulch products  
13 and also for the mixed waste products. And the  
14 regulations would be two distinct sets of regulations.

15 The bill also sets out some minimum  
16 requirements for the permitting regulations, and we  
17 have shared those with permitting staff as well.

18 And again, that's a real brief overview of  
19 the four or five areas in the bill that relate to  
20 permitting. And we'd be happy to answer any questions  
21 or bring back any additional information at a later  
22 time.

23 COMMITTEE CHAIRMAN HUFF: Any other  
24 questions?

25 COMMITTEE MEMBER RELIS: Just a question on

1 the relationship between mixed waste composting and  
2 transformation as you said earlier. They're being  
3 treated the same it sounds like in --

4 DIRECTOR FETTIG: The requirement in the bill  
5 for --

6 COMMITTEE MEMBER RELIS: -- with their  
7 recycling requirements.

8 DIRECTOR FETTIG: -- for removing recyclables  
9 deals with the two types of facilities together. It  
10 says, "for mixed waste composting" -- and what do they  
11 call them? They call them combusters in this bill --  
12 "shall provide for removal."

13 COMMITTEE MEMBER RELIS: And do they have, do  
14 they require specific levels of removal?

15 DIRECTOR FETTIG: No.

16 COMMITTEE MEMBER RELIS: Or it is general?

17 DIRECTOR FETTIG: No, it's that there shall  
18 be a plan for removing presumably all of the material.

19 COMMITTEE MEMBER RELIS: Is that also true  
20 with household hazardous waste that you mentioned.

21 DIRECTOR FETTIG: Only for composting.

22 COMMITTEE MEMBER RELIS: Right. It mentions  
23 that a plan has to be in place.

24 DIRECTOR FETTIG: For removing it.

25 COMMITTEE MEMBER RELIS: But it doesn't

1 specify to what degree, because we know --

2 DIRECTOR FETTIG: That's correct.

3 COMMITTEE CHAIRMAN HUFF: That would be EPA  
4 regulations if this bill becomes --

5 DIRECTOR FETTIG: Yeah. It also says if you  
6 have a, if a facility can demonstrate that the  
7 communities that they draw material from have programs  
8 set up to remove those materials, that if EPA approves  
9 that, that could be used as well. In other words, it  
10 doesn't necessarily have to be a removal program at the  
11 facility itself if there are prior removal programs in  
12 place and the facility can demonstrate that that's the  
13 case.

14 COMMITTEE MEMBER RELIS: So we have two ways  
15 we can get in it. For this year we're probably late to  
16 get a comprehensive response. Next year we probably  
17 would be in a better position to do that?

18 DIRECTOR FETTIG: Yeah. One of the comments --

19 COMMITTEE MEMBER RELIS: And again in the  
20 regulations themselves we would have, as here --

21 DIRECTOR FETTIG: Yeah.

22 COMMITTEE MEMBER RELIS: I would think some  
23 opportunity to --

24 DIRECTOR FETTIG: Sure. I don't know that  
25 much about the regulatory process at the Federal level,

1 but one of the comments that had been made at one of  
2 the prior committee meetings was a request that we go  
3 through the bills and do a matrix of all the different  
4 elements and bring that to the Board to look at.  
5 Because if this whole package doesn't go through we'll  
6 be in a much better position next year, not just to be  
7 criticizing technical points but to be promoting  
8 aspects that we like or making suggestions for things  
9 that should be in there but aren't, to be in a more  
10 proactive role instead of reacting and criticizing, and  
11 we hope to do that over the Fall when the state session  
12 winds down.

13 COMMITTEE CHAIRMAN HUFF: Is EPA, Federal EPA  
14 opposed to this bill?

15 DIRECTOR FETTIG: I had understood that they  
16 were opposed to the House bill before it came out of  
17 the committee a week or so ago, but that a number of  
18 the amendments that were taken in the committee  
19 addressed some of their concerns. So some of the  
20 accounts that I read of EPA or Presidential reaction  
21 were that it was much improved, the House bill.

22 COMMITTEE CHAIRMAN HUFF: Okay.

23 And Mr. Riley's in town.

24 EXECUTIVE DIRECTOR CHANDLER: That's right.  
25 We talked this week at a meeting we had at CAL EPA, and

1 with Bill Riley in town we felt it was an opportunity  
2 for us to convey through agency to Mr. Riley where we  
3 are and our concerns. If nothing else just an  
4 education on the California program and the impacts we  
5 feel that this bill would have on the tremendous amount  
6 of planning and permit activity that has gone on over  
7 the last several years that certainly could be impacted  
8 in a very negative way if we're not seeing this bill  
9 modified. And try to get from that maybe a read as to  
10 where the Federal EPA is on the latest version of this  
11 bill because we still have some real grave concerns at  
12 the staff level.

13 COMMITTEE CHAIRMAN HUFF: We should be  
14 forging ahead with a clear succinct analysis how, what  
15 we understand the House bill to be, impacts, what we're  
16 doing, and what we're doing vis a vis EPA as a pilot  
17 state. And be ready to make sure that Mr. Riley  
18 understands completely.

19 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I  
20 think that ties in with if this Board is going to take  
21 a position and how we're going to determine that  
22 position on these various aspects.

23 DIRECTOR FETTIG: We could certainly bring a  
24 analysis for your consideration at any time that the  
25 Board wants for purposes of a position, and would be

1 happy to do that either at the Board meeting at the end  
2 of this month or next month.

3 COMMITTEE MEMBER EGIGIAN: I think it would  
4 be helpful.

5 COMMITTEE CHAIRMAN HUFF: Well since it's a  
6 legislative matter I think that it's the dominion of  
7 the chair of the Legislation Committee, but you  
8 communicate with him.

9 DIRECTOR FETTIG: I'll do that. Okay. Thank  
10 you.

11 COMMITTEE CHAIRMAN HUFF: I think it's the  
12 sense of this Committee that maybe, maybe there might  
13 be some utility in the Board saying as a Board. It  
14 probably will say something to the effect of we think  
15 that everything that's been communicated by staff is  
16 exactly correct, and if you don't do it we're opposed  
17 to the bill. That will make them sit up and take  
18 notice back there in D.C., won't it?

19 (Laughter.)

20 DIRECTOR FETTIG: They certainly have been  
21 taking notice of staff -- or rather they haven't been.  
22 So that would be helpful.

23 COMMITTEE CHAIRMAN HUFF: Okay.

24 DIRECTOR FETTIG: Thank you.

25 COMMITTEE CHAIRMAN HUFF: Okay, that takes us

1 to item four. Oh, I might say there's been one item  
2 that's been pulled, that's item 12, and that was a late  
3 event. So just in case people weren't aware of that.

4 In addition, of course, items 14 and 15 were  
5 pulled several days ago.

6 So now we will go to item four.

7 MANAGER COYLE: Mr. Chairman and members.  
8 I'm Mary Coyle from the LEA Section, manager of the  
9 section, Permitting and Compliance Division. With me  
10 today is Gabe Aboushanab from the LEA staff assisting  
11 me.

12 This is in consideration of certification and  
13 designation of enforcement agencies as named on the  
14 agenda item. It's Contra Costa County Health Services  
15 Department, Division of Environmental Health; Inyo  
16 County Department of Environmental Health Services;  
17 Lake County Environmental Health; Monterey County  
18 Health Department, Division of Environmental Health;  
19 Sacramento County Environmental Management Department,  
20 Division of Environmental Health; San Diego County  
21 Department of Health Services, Environmental Health  
22 Services; Santa Barbara County Environmental Health  
23 Services Department; Santa Clara County Health  
24 Department, Division of Environmental Health; Ventura  
25 County Resource Management Agency, Division of

1 Environmental Health; Yolo County Health Department,  
2 Environmental Health.

3 As you know, the Public Resources Code  
4 requires local governing bodies to designate an  
5 enforcement agency to carry out solid waste permitting,  
6 inspection, and enforcement at the local level.

7 For a local agency to be certified by the  
8 board they must meet the following minimum  
9 requirements; technical expertise, adequate staff  
10 resources, adequate budget, adequate training,  
11 existence of at least one permitted solid waste  
12 facility within the jurisdiction, no operational  
13 involvement of any types of facilities it permits or  
14 inspects or enforces, and a sole enforcement agency per  
15 LEA jurisdiction.

16 The board may issue certifications for the  
17 following duties: Permitting, inspection, and  
18 enforcement at solid waste landfills; permitting,  
19 inspection, and enforcement at waste transformation  
20 facilities; permitting, inspection, and enforcement at  
21 transfer processing stations; and inspection and  
22 enforcement of litter, odor, and nuisance regulations  
23 at solid waste landfills.

24 Board staff has received and reviewed the  
25 packages from the local governing bodies requesting

1 approval of their designated agencies. We also have  
2 received and found complete the enforcement program  
3 plan for the agencies.

4 With that, I would like Gabe Aboushanab to go  
5 over the facts for each jurisdiction.

6 MR. ABOUSHANAB: Good morning, Chairman Huff  
7 and members Egigian and Relis. I would like to share  
8 some information with you which is based on both the  
9 designation information package and the enforcement  
10 program plan provided by the jurisdiction.

11 I would like to begin with Contra Costa  
12 County. In this case the local jurisdiction elected to  
13 designate under methods C and D pursuant to 43203.  
14 That being that a Board of Supervisors of the county  
15 designated the enforcement agency for the  
16 unincorporated areas of the county, and then the city  
17 council has designated that enforcement agency in each  
18 city individually. And basically the designating local  
19 governing body, Contra Costa County, and the cities of  
20 Antioch, Brentwood, Clayton, Concord, Danville, El  
21 Cerritos, Hercules, Lafayette, Martinez, Orinda,  
22 Pinole, Pleasant Hill, Richmond, San Pablo, San Ramon,  
23 Walnut Creek, and Moraga, and Pittsburgh.

24 The designated jurisdiction is Contra Costa  
25 County unincorporated area and all the cities I just

1 mentioned. And the designated enforcement agency is  
2 the Contra Costa County Health Services Department,  
3 Division of Environmental Health.

4 Next I would like to go through the  
5 facilities and sites which total 52. They have a total  
6 vehicle number of 284. And based on various facility  
7 types we find they have five landfills, one transfer  
8 station, two composting stations, one processing  
9 station, and six proposed facilities. Then in terms of  
10 types we find 30 closed sites, four illegal sites, and  
11 four sledge spreading agricultural operations.

12 They have requested the four types of  
13 certifications which are A, B, C, and D, as Mary just  
14 mentioned. And in providing for budget adequacy  
15 they've set aside \$723,577.

16 And in terms of technical expertise we find  
17 they've provided with a Supervising Environmental  
18 Health Specialist, a Staff Analyst, two Senior  
19 Environmental Health Specialists, two Staff  
20 Environmental Health Specialists, and two Code  
21 Enforcement Specialists.

22 I'd be happy to answer any questions you may  
23 have at this point.

24 COMMITTEE MEMBER EGIGIAN: Yes. This is a  
25 continuation of what we did last week, is that correct?

1 MR. ABOUSHANAB: Yes.

2 COMMITTEE MEMBER EGIGIAN: And I don't want  
3 to call it out on each individual item, however on the  
4 illegal sites, the six-month situation that we  
5 established last week, I would like to have answers on  
6 these and how they're handling them.

7 MANAGER COYLE: Okay.

8 MR. ABOUSHANAB: Okay. Well basically --

9 COMMITTEE MEMBER EGIGIAN: So I won't bring  
10 it up with each one of them.

11 MR. ABOUSHANAB: Okay, then I will not go  
12 into it.

13 I believe also to answer any questions,  
14 representing the local enforcement agency is Mr.  
15 Charles Nicholson, should you have any questions.  
16 Okay.

17 I direct your attention to attachment 1B  
18 which would be for Inyo County. And again the  
19 designating local governing body is Inyo County and its  
20 city which is Bishop. The jurisdiction is Inyo County.  
21 And the designated enforcement agency is the Inyo  
22 County Department of Environmental Health Services.

23 The total count of 32 facilities and sites  
24 exist there. There are 11 vehicles. And out of the  
25 facilities types we find six landfills, four transfer

1 stations. And the types of these sites are seven  
2 inactive, eight closed, six exempt, and one illegal  
3 site.

4 They are requesting certification for all  
5 types, A, B, C, and D. And to provide for budgeting  
6 they've allocated \$72,269 for the program.

7 And to provide for technical expertise and  
8 staff adequacy we find they have one Registered  
9 Environmental Health Specialist, assisted by two other  
10 individuals who are both Registered Environmental  
11 Health Specialists part-time. And they are managed by  
12 the Supervisor of Environmental Health Services who is  
13 also a Registered Environmental Health Specialist.

14 And I'd be happy to answer any questions that  
15 you may have. Okay.

16 And I don't believe there is anyone present  
17 from the local jurisdiction.

18 Next I would like to direct your attention to  
19 attachment 1C which is Lake County. And for Lake  
20 County the designating local governing bodies are Lake  
21 County and all its cities. And the jurisdiction would  
22 be Lake Counties in its entirety. And their designated  
23 enforcement agency is the Lake County Environmental  
24 Health.

25 We find they have 22 facilities and sites and

1 22 vehicles. If we break it out by type we find one  
2 landfill, one transfer station. And then those types  
3 would be four inactive sites, 11 closed sites, one  
4 exempt site, and four illegal sites.

5 Lake County is requesting certification for  
6 its LEA in types A, B, C, and D.

7 They've provided for budget adequacy with  
8 \$59,460.

9 Under technical expertise and staff adequacy  
10 is provided by one Environmental Health Specialist, a  
11 part-time Environmental Health Administrator, and a  
12 part-time Environmental Aide.

13 I'd be happy to answer any questions. There  
14 are none.

15 And I don't believe there's anyone from Lake  
16 County here as of this morning.

17 If you please, I direct your attention to  
18 attachment 1D which is for Monterey County. The  
19 designating local governing bodies are Monterey County  
20 and all its cities. Their jurisdiction would be  
21 Monterey County. Their designated enforcement agency  
22 is the Monterey County Health Department, Division of  
23 Environmental Health.

24 In terms of facilities and sites they've got  
25 a total of 30. They've got 151 vehicles. And their

1 types are six landfills and seven transfer stations.  
2 And the site categories are, inactive sites one, closed  
3 sites 15, and one illegal site.

4 They've requested certification for types A,  
5 B, C, and D. And to provide for budget adequacy for  
6 the local enforcement agency they've allocated  
7 \$233,760.

8 To provide for technical expertise and staff  
9 adequacy we find one Registered Environmental Health  
10 Specialist, who would be assisted by one Environmental  
11 Health Specialist in Training, and they'll be  
12 supervised by a Program Manager.

13 And I'd be happy to answer any questions.

14 COMMITTEE MEMBER EGIGIAN: When you refer to  
15 closed sites, these sites are closed according to the  
16 regulations that we hope that they conform with?

17 MANAGER COYLE: They are closed according to  
18 the regulations that existed at the time that they  
19 closed. Not all of them are closed under 7.8 because  
20 not all of them closed or were eligible to or required  
21 to close under those requirements. But they exist,  
22 they closed under the regulations that applied to them  
23 at the date they closed.

24 COMMITTEE MEMBER EGIGIAN: So when they  
25 closed, if the regulations were inadequate and they are

1 causing problems, what attitude do we take?

2           MANAGER COYLE: The enforcement agencies are  
3 required to inspect them, and if there's a land use  
4 change or environmental problems are occurring, they  
5 will correct those if warranted and when warranted.

6           COMMITTEE MEMBER EGIGIAN: Thank you.

7           MR. ABOUSHANAB: I am not aware if Mr. Wong  
8 or Mr. Jennings have made it in from Monterey County  
9 this morning. It appears they have not.

10           COMMITTEE MEMBER EGIGIAN: You're batting a  
11 hundred.

12           COMMITTEE CHAIRMAN HUFF: Yeah. Well  
13 especially with this long list that we have, that's  
14 okay.

15           MR. ABOUSHANAB: If I may direct your  
16 attention to attachment 1E. This is for Sacramento  
17 County.

18           The designating local governing body is  
19 Sacramento County and its cities. Their designated  
20 jurisdiction is Sacramento County in its entirety. The  
21 designated enforcement agency is the Environmental  
22 Health Division of the Sacramento County Environmental  
23 Management Department.

24           They've got a total of 38 facilities and  
25 sites, and 362 vehicles. And the types of facilities

1 break down to five landfills, three transfer stations,  
2 three composting stations, and two material recovery  
3 facilities. And the status would be, for the types,  
4 one inactive site, 30 closed sites, two exempt sites,  
5 and ten illegal sites.

6 In terms of types of certification requested,  
7 we find Sacramento County requested types A, B, C, and  
8 D. And to provide for funding they've budget, for  
9 budget adequacy they've provided \$427,630.

10 To provide for a staff technical expertise  
11 and adequacy we find they have one-half an  
12 Environmental Health Program Manager, one Senior  
13 Environmental Health Specialist, two Registered  
14 Environmental Health Specialists, one two-third time  
15 Environmental Health Technician, and one typist and  
16 clerk. And they will provide for consulting services  
17 as needed.

18 At this time I'd like to turn this over to  
19 Mary as she has some comments regarding the  
20 jurisdiction.

21 MANAGER COYLE: In Sacramento County one of  
22 the Registered Environmental Health Specialists has yet  
23 to be filled. The vacancy exists. In our conversation  
24 with the county this morning it is my understanding  
25 that they should have those filled within, that

1 position filled within two weeks.

2 So we would recommend that the Board not take  
3 action on this item until the 29th, giving the county  
4 sufficient time to bring their staffing in par with  
5 their needs.

6 Additionally, because of some past concerns  
7 and some ongoing concerns we've had with the county's  
8 permitting and enforcement programs, the recommendation  
9 and the resolution, or the resolution directs that the  
10 staff would do quarterly reviews to ensure that they  
11 are properly implementing their permitting and  
12 enforcement programs.

13 There was a facility evaluation done some  
14 months ago that identified some areas of concerns, and  
15 the staff was directed to perform a performance review.  
16 We worked with the local enforcement agency and they  
17 did make some corrections to their program.

18 There are some ongoing concerns, however,  
19 with permitting and enforcement that we would like to  
20 follow up and just make sure they are taking the proper  
21 steps.

22 So we're recommending and the resolution  
23 reflects quarterly reviews. And that is a difference  
24 in the rest of the package.

25 COMMITTEE CHAIRMAN HUFF: I have a question.

1 Quarterly reviews for those reasons makes sense to me.  
2 But, you know, Registered Environmental Health  
3 Specialists come and go. Why should we hold up just  
4 because they don't have a position filled?

5 MANAGER COYLE: One of the requirements of  
6 statute is the Board must be assured that they have  
7 technical staffing and technical expertise. And that's  
8 a requirement for the Board to grant certification.

9 There are some other jurisdictions that we'll  
10 discuss following this item that haven't got their  
11 staffing in place that we're recommending temporary  
12 certification to allow for that timeframe. And it's --

13 COMMITTEE CHAIRMAN HUFF: I mean these  
14 people, I mean, you know, someone's going to quit in  
15 December or March, and then the only difference is that  
16 they won't be in front of us at that time.

17 MANAGER COYLE: Their staffing is also based  
18 on their workload analysis that's needed to perform the  
19 job at the level of requirements to fulfill all the  
20 regulations and statutes. Even though people may come  
21 and go I would feel that it would be best for the Board  
22 to withhold certification until we are assured that  
23 their staffing is in place at the get.

24 COMMITTEE CHAIRMAN HUFF: They are a victim  
25 of bad timing.

1 Sacramento, you want to say something?

2 MR. STEWART: Yes, I'm willing to comment on  
3 this. I'm Ken Stewart, Director of Environmental  
4 Health, Sacramento County Environmental Management  
5 Department.

6 We had every intention of having all the  
7 staff in place by today. Basically what has happened,  
8 it has become a union issue. We had originally  
9 intended to hire additional staff. Now I have to  
10 transfer, in essence give up one of my district  
11 positions, to do that. I have the staff on Board, but  
12 before I can do that I'm meeting with the union to get  
13 them to understand what's going on. I was willing to  
14 agree to delay, although I agree with your comments  
15 that in essence I could move the staff and still lose  
16 them in two weeks. But I didn't want to give a  
17 falsehood that the position is there.

18 I do have people that were interested in the  
19 position. I feel within two weeks I could have it  
20 done. But I also have to realize that I have to run a  
21 business and sometimes you do need to meet with the  
22 union and just not run things blindly.

23 COMMITTEE CHAIRMAN HUFF: Okay. Now the  
24 staff question, that was a reason why to put this to  
25 the 29th, is that correct?

1                   MANAGER COYLE: Yes, that is the reason.

2                   COMMITTEE CHAIRMAN HUFF: Okay. Otherwise  
3 this would be --

4                   MANAGER COYLE: Scheduled for tomorrow as it  
5 is scheduled.

6                   COMMITTEE CHAIRMAN HUFF: Scheduled for  
7 tomorrow as it is. The full certification?

8                   MANAGER COYLE: Right.

9                   COMMITTEE CHAIRMAN HUFF: With quarterly  
10 reviews?

11                   MANAGER COYLE: Correct.

12                   COMMITTEE CHAIRMAN HUFF: Okay, well thank  
13 you. We'll see what motion is made.

14                   Continue. We're taking a lot of time and  
15 we've got, what? 400 more of these.

16                   MR. ABOUSHANAB: If I may direct your  
17 attention to attachment 1F. This would be San Diego  
18 County.

19                   The designated local governing body is San  
20 Diego County and all its cities. Their jurisdiction is  
21 San Diego County. The designated enforcement agency is  
22 the San Diego County Department of Health Services,  
23 Environmental Health Services.

24                   They have 148 facilities and sites, and 659  
25 vehicles. By type they've got eight landfills and 13

1 transfer stations. Their site types or statuses are 16  
2 inactive sites, 25 closed sites, 20 burn sites, four  
3 illegal sites, and 22 which are unclassified at this  
4 point in the enforcement plan or designation  
5 information package.

6 The types of certification requested are four  
7 of them, all four basically, type A, B, C, and D. They  
8 have provided for the budget adequacy with \$706,640.

9 Their staff consists of the following: One  
10 Hazardous Materials Specialist IV, three Hazardous  
11 Materials Specialist III's, four Hazardous Materials  
12 Specialist II's, and two Hazardous Material Specialist  
13 IIs, one Hydrogeologist, one Secretary I, and one  
14 Clerk.

15 I'd be happy to answer any questions at this  
16 point.

17 COMMITTEE MEMBER EGIGIAN: I'd asked my  
18 questions on the illegal sites. However unclassified  
19 or other sites, there's 22 of them, and I think that we  
20 should have answers on that at the same time as the  
21 illegal sites.

22 MR. ABOUSHANAB: We agree, member Egigian,  
23 yes, that is true. A lot of this is ongoing and will  
24 take place as they comply with their enforcement plan,  
25 it's part of it actually.

1 I believe Mr. Tom Pitman and Gary Stephany  
2 are in the audience should you have any questions from  
3 the local enforcement agency.

4 COMMITTEE CHAIRMAN HUFF: We don't.

5 MR. ABOUSHANAB: I would like to direct your  
6 attention to attachment 1G which is the County of Santa  
7 Barbara.

8 They're designating local governing bodies  
9 are Santa Barbara County and all its cities. Their  
10 jurisdiction would be Santa Barbara County. Their  
11 designated enforcement agency is Santa Barbara County  
12 Environmental Health Services Department.

13 They've got a total of 63 facilities and  
14 sites and 167 vehicles. The types of facilities are  
15 seven landfills and one transfer station. And their  
16 status is one inactive, 28 closed, 17 illegal sites  
17 both active and inactive, and 9 abandoned sites.

18 They've requested certification of all types,  
19 type A, B, C, and D. They've allocated \$303,309 for  
20 their budget.

21 And their technical expertise is provided by  
22 a staff of two Registered Environmental Health  
23 Specialists. They are assisted part-time by one  
24 Registered Environmental Health Specialist and a  
25 Hydrogeologist which are managed by a Supervisory

1 Registered Environmental Health Specialist and a  
2 Program Manager.

3 I'd be happy to answer any questions.

4 COMMITTEE MEMBER EGIGIAN: What area was  
5 this?

6 MR. ABOUSHANAB: Santa Barbara County.

7 COMMITTEE MEMBER RELIS: You looking at all  
8 those illegal sites?

9 MR. ABOUSHANAB: Well --

10 COMMITTEE MEMBER RELIS: I have no knowledge  
11 of it.

12 (Laughter.)

13 MR. ABOUSHANAB: Well illegal sites cover  
14 many types that, from illegal dumping, old sites before  
15 permitting regulations, sites which might meet  
16 exemption criteria, and sites that were just discovered  
17 in this process. So it's a catch-all for things that  
18 don't fit the other definitions basically.

19 COMMITTEE MEMBER EGIGIAN: Well it's good to  
20 know we'll have all the answers very shortly.

21 MR. ABOUSHANAB: Yes.

22 And representing Santa Barbara County, I  
23 believe, is Mr. Mike Schmarling and Mr. Gary Erbeck in  
24 the audience should you have any questions. Thank you.

25 If I may direct your attention to attachment

1 1H which is Santa Clara County.

2 Their designating local governing bodies are  
3 Santa Clara County and all the cities, the jurisdiction  
4 being Santa Clara County. The designated enforcement  
5 agency is Santa Clara County Health Department,  
6 Division of Environmental Health.

7 They've got a total of 19 facilities and  
8 sites. They've got a total of 325 vehicles. The types  
9 break down to five landfills and two transfer stations.  
10 Their types are one inactive and 11 closed.

11 They've requested certification in all types,  
12 A, B, C, and D. They provided for budget adequacy with  
13 a total annual budget of \$355,483.

14 Their staff expertise is provided through  
15 four Environmental Health Specialists.

16 If you have any questions I'd be happy to  
17 answer them. I would like --

18 COMMITTEE MEMBER EGIGIAN: I think we should  
19 comment that this is one that's free from illegal sites  
20 and exempt sites, so that's good.

21 COMMITTEE CHAIRMAN HUFF: Makes you wonder.

22 MR. ABOUSHANAB: I believe Mr. Tony Pacheco  
23 might be in the audience should you have any questions  
24 from the local enforcement agency.

25 MR. PACHECO: Yes, I'm available for

1 questions.

2 COMMITTEE MEMBER EGIGIAN: I have no  
3 questions.

4 COMMITTEE CHAIRMAN HUFF: Thank you.

5 MR. ABOUSHANAB: I would like to direct your  
6 attention to attachment 1I which is Ventura County.

7 The designating local governing bodies are  
8 Ventura County and all the cities. The jurisdiction  
9 being Ventura County. Their designated enforcement  
10 action is the Ventura County Environmental Health  
11 Division, Environmental Resource Management Agency.

12 They've got a total of 68 facilities and  
13 sites. 256 vehicles. The type breakdown for  
14 facilities is nine landfills and three transfer  
15 stations. Their status being 14 abandoned, 40 closed  
16 sites, and two illegal sites.

17 They've requested certification in all four  
18 types A, B, C, and D. They've provided for a budget  
19 adequacy with 300 -- I'm sorry, \$622,300.

20 The technical expertise and staff adequacy is  
21 provided by one Director of Environmental Health, one  
22 Resource Management Agency Manager, one Senior Solid  
23 Waste Engineer, three Environmental Health Specialists  
24 IV, one Environmental Health Specialist III, and two  
25 Environmental Health Specialists II's.

1 I'd be happy to answer any questions you have  
2 at this point.

3 COMMITTEE CHAIRMAN HUFF: Any questions?  
4 None.

5 MR. ABOUSHANAB: I believe Mr. Gilday, Mr.  
6 Gebb, and Mr. Oepp are in the audience from the local  
7 enforcement agency should you have any questions.

8 COMMITTEE CHAIRMAN HUFF: Yes, nice to have  
9 you here. Thank you.

10 MR. ABOUSHANAB: This concludes -- no, I'm  
11 sorry. I direct your attention to attachment 1J. This  
12 would be Yolo County.

13 The designating local governing bodies are  
14 Yolo County and all the cities. The jurisdiction is  
15 Yolo County. The designated enforcement agency is Yolo  
16 County Health Department, Environmental Health.

17 They've got a total of 25 facilities and  
18 types. 76 vehicles. Breakdown of facilities is two  
19 landfills and two transfer stations. The site types  
20 are two inactive sites, eight closed sites, one illegal  
21 site, and ten sites to be defined, they're unclassified  
22 at this point.

23 They've requested certification in all four  
24 types; A, B, C, and D. They've provided for budget  
25 adequacy with a total annual budget of \$141,857.

1           They've provided for technical expertise and  
2 staff adequacy with one Environmental Health Specialist  
3 undergoing registration, a part-time Supervising  
4 Registered Environmental Health Specialist, a part-time  
5 Haz Mat Specialist, and they're all managed by the  
6 Director of Environmental Health who's also a  
7 Registered Environmental Health Specialist.

8           I'd be happy to answer any questions.

9           COMMITTEE CHAIRMAN HUFF: Questions? None.

10          MR. ABOUSHANAB: Okay. I believe Mr. Bruce  
11 Sarazin representing Yolo County LEA is here should you  
12 have any questions for him.

13          COMMITTEE CHAIRMAN HUFF: Hi.

14          MANAGER COYLE: We find all the documents  
15 provided to meet the requirements of statutes and  
16 regulations, and we recommend that the Board concur  
17 with the proposed documents and grant the requested  
18 certifications, and with the caveat that Sacramento  
19 receives quarterly reviews.

20          And we would like to recommend that they be  
21 placed on the agenda for the Board's consideration on  
22 the 29th of July.

23          COMMITTEE CHAIRMAN HUFF: Okay. I would  
24 suggest we do the following. We take and consider  
25 Sacramento separately and then we can have one motion,

1 as I understand it, on Contra Costa, Inyo, Lake,  
2 Monterey, San Diego, Santa Barbara, Santa Clara,  
3 Ventura, and Yolo. Did I get that right?

4 MANAGER COYLE: Yes.

5 COMMITTEE CHAIRMAN HUFF: Okay. So this is  
6 for complete certification --

7 MANAGER COYLE: Correct.

8 COMMITTEE CHAIRMAN HUFF: -- on those  
9 counties.

10 COMMITTEE MEMBER RELIS: So motioned.

11 COMMITTEE CHAIRMAN HUFF: I think Mr. Relis  
12 is trying to make the motion.

13 COMMITTEE MEMBER RELIS: Yes.

14 COMMITTEE CHAIRMAN HUFF: He did.

15 COMMITTEE MEMBER EGIGIAN: Second.

16 COMMITTEE CHAIRMAN HUFF: Okay. Thank you.  
17 Roll call, please.

18 COMMITTEE SECRETARY KELLY: I've got to find  
19 it here.

20 Board member Egigian?

21 COMMITTEE MEMBER EGIGIAN: Yes.

22 COMMITTEE SECRETARY KELLY: Relis?

23 COMMITTEE MEMBER RELIS: Aye.

24 COMMITTEE SECRETARY KELLY: Chairman Huff?

25 COMMITTEE CHAIRMAN HUFF: Aye.

1 Motion carries three to zero. And that is  
2 for complete certification of Contra Costa, Inyo, Lake,  
3 Monterey, San Diego, Santa Barbara, Santa Clara,  
4 Ventura, and Yolo Counties.

5 I appreciate those who came from those  
6 counties for their presence here. I hope we didn't  
7 disappoint you if we didn't have any questions.

8 Now Sacramento -- oh, those go on consent.

9 Okay, now Sacramento. Do you have a motion,  
10 Mr. Relis?

11 COMMITTEE MEMBER RELIS: I would say that we,  
12 I would move that we take this up at tomorrow's Board  
13 meeting, I don't see any reason to delay it, with the  
14 provision that we are doing the quarterly reports.

15 COMMITTEE CHAIRMAN HUFF: Okay, so your  
16 motion is that we do quarterlies but that it can go on  
17 tomorrow's agenda? Okay.

18 COMMITTEE MEMBER EGIGIAN: Second.

19 COMMITTEE CHAIRMAN HUFF: Without objection  
20 we'll substitute prior roll call. The ayes are three,  
21 the noes are none.

22 Sacramento County is certified, complete  
23 certification, quarterly reports. And that's a consent  
24 item for tomorrow.

25 Okay, item five. Five is for temporary

1 certifications, and staff will explain the difference  
2 and why.

3 MANAGER COYLE: Yes, Mr. --

4 COMMITTEE CHAIRMAN HUFF: And staff will deal  
5 with the item as expeditiously as we can.

6 MANAGER COYLE: Right.

7 COMMITTEE CHAIRMAN HUFF: Let's still  
8 completely consider those things we need to consider.

9 MANAGER COYLE: Mr. Chairman and members.  
10 The counties that are represented on this item are,  
11 represent the contract counties, ten of them are  
12 contract counties.

13 A contract county is counties of small rural  
14 populations and because of their populations, they do  
15 have, all counties have requirements for public health,  
16 environmental health disciplines. However the State  
17 Department of Health Services actually performed the  
18 duties and provided the staffing level required. The  
19 counties do have health officers and sometimes have  
20 some directors, but the staffing primarily is provided  
21 by the State Department of Health Services.

22 That covers all the counties except for  
23 Plumas County in this consideration. Plumas County  
24 would like to be considered along with the contract  
25 counties.

1           We have, what happened was the contract  
2 counties had some funding changes, they used to be  
3 funded by the general fund, they're now funded by  
4 special funds, and they've had some funding  
5 realignment. Because of that funding realignment there  
6 are some decisions that have yet to be made about  
7 where, what counties are going to go ahead and continue  
8 with the Health, Department of Health Services, who are  
9 going to fund their own programs out of the money they  
10 receive. Those decisions have yet to be made.

11           They're requesting an extension of time so  
12 that they can come in, make some decisions, and perhaps  
13 form joint power agreements with neighboring counties  
14 so that they can gain an economy of scale with the  
15 requirement of one staff person.

16           With that I would like to turn it over to  
17 Diane Vlock of the LEA Section to go over the details  
18 of each section.

19           MS. VLOCK: Good morning Chairman Huff,  
20 member Egigian and Member Relis. Diane Vlock of the  
21 LEA Section.

22           The following information was compiled from  
23 the designation information packages only, which was  
24 the provided from the local governing bodies and the  
25 designated enforcement agencies as follows.

1           For the designated jurisdiction of Alpine  
2 County. The Alpine County Board of Supervisors has  
3 designated the Alpine County Health Department as the  
4 enforcement agency.

5           Facilities and sites, total count five. For  
6 facilities types there are none. Site types, closed  
7 sites there are four, inactive sites there are one.  
8 Their designation information package or DIP was  
9 complete and accepted in June on June 26th of 1992.

10           Mr. Tibor Banathy of the State Department of  
11 Health Services is here representing all the contract  
12 counties excluding Plumas County in order to answer any  
13 of your questions.

14           COMMITTEE CHAIRMAN HUFF: Questions?

15           Easy job today.

16           MS. VLOCK: For the designated jurisdiction  
17 of Amador County. The designating local governing  
18 bodies is Amador County and all of its cities which is  
19 designated the enforcement, Amador County Health  
20 Department as the enforcement agency.

21           Facilities and sites, total count 26.  
22 Facility types, landfills there are two, transfer  
23 stations there are one. Site types, closed sites there  
24 are 18, and illegal sites there are five.

25           Their DIP was complete and accepted on

1 6/19/92 with the condition that their hearing panel be  
2 in place by 9/10/92.

3 Next 3C for the designated jurisdiction of  
4 Glenn County. The designating local governing bodies  
5 is Glenn County and all of its cities which is  
6 designated the Glenn County Health Department as the  
7 enforcement agency.

8 Facilities and sites, total count 25.  
9 Vehicles total count is unknown. For facilities types,  
10 landfills there are one. Site types, closed sites  
11 there are one, exempt sites there are ten, old burn  
12 dumps 6, and other facilities and sites which are  
13 undefined at this time, there are seven. And their DIP  
14 is complete and accepted.

15 COMMITTEE MEMBER EGIGIAN: Last two items, we  
16 will have that before we certify them?

17 MANAGER COYLE: Definitely.

18 MS. VLOCK: For the designated jurisdiction  
19 of Lassen County. The designating local governing  
20 bodies is Lassen County and all its cities which has  
21 designated the enforcement agency, Lassen County Health  
22 Department as the enforcement agency.

23 Facilities and sites, total count 23.  
24 Vehicles total count 21. Facility types, landfill,  
25 there are 11, transfer stations there are one. Site

1 types, inactive one, closed sites ten. Therefore their  
2 DIP is complete and accepted.

3 For the designated jurisdiction of Mariposa  
4 County. The designating local governing body is  
5 Mariposa County which has the Mariposa County Health  
6 Department as the enforcement agency.

7 Facilities and sites, total count 23.  
8 Facility types, landfills there are one, transfer  
9 stations there are four. Site types, closed sites  
10 there are ten, unknown sites which the LEA has no  
11 record at this time, there are eight. Therefore their  
12 DIP is complete and accepted with the exception of the  
13 hearing panel.

14 For the designated jurisdiction of Modoc  
15 County. The designating local governing body is Modoc  
16 County Board of Supervisors and the City of Alturas  
17 which has designated the Modoc County Environmental  
18 Health Division of the Modoc County Health Department  
19 as the enforcement agency.

20 Facilities and sites, total count 23.  
21 Vehicles, total count there are five. Facility types;  
22 landfills there are six, transfer stations there are  
23 seven. Site types; closed sites there are six, Unknown  
24 sites there are four. Therefore their DIP is complete  
25 and accepted.

1 COMMITTEE MEMBER EGIGIAN: How do we know  
2 there are unknown sites?

3 MANAGER COYLE: In our, in their completion  
4 of their package we gave, we supplied them with a list  
5 of the information in our archive file, and some of  
6 them they just have not been able to go out and  
7 identify whether or not they're closed or, you know,  
8 what the status is. So that's the classification of  
9 unknown.

10 COMMITTEE MEMBER EGIGIAN: So they know where  
11 the sites are they just don't know what the --

12 MANAGER COYLE: Some of them don't even know  
13 where the sites are. But in this, you know, first  
14 year, they will go out and inventory the sites and put  
15 them into categories.

16 COMMITTEE CHAIRMAN HUFF: So you're saying  
17 that we may have information that a site may exist  
18 someplace and that's news to them?

19 MANAGER COYLE: Definitely. And it may not  
20 exist.

21 COMMITTEE CHAIRMAN HUFF: Okay.

22 MS. VLOCK: For the designated jurisdiction  
23 of Mono County, the designating local governing body is  
24 Mono County and its city which has designated the Mono  
25 County Health Department as the enforcement agency.

1                   Facilities and types, sites, total count 54.  
2                   Facilities types; landfills there are 25, transfer  
3                   stations there are two. Site types, closed sites there  
4                   are 19, and there's one illegal site. Their DIP was  
5                   complete and accepted on 6/23/92 with the condition  
6                   that the hearing panel be in place by 7/17/92, which it  
7                   was.

8                   For the designated jurisdiction of Plumas  
9                   County, the designating local governing body is Plumas  
10                  County and all its cities which has designated the  
11                  Plumas County Environmental Health Department as the  
12                  enforcement agency.

13                  Facility and sites, total count 29. Facility  
14                  types; landfills there are three, transfer stations  
15                  there are six. Site types, inactive sites there are  
16                  none, closed sites there are 15. There are no illegal,  
17                  no abandoned, and undetermined sites there are five.  
18                  Therefore their DIP is complete and accepted.

19                  For the designated jurisdiction of San Benito  
20                  County, the designating local governing body is San  
21                  Benito County and all its cities which has designated  
22                  the San Benito County Health Department of the  
23                  Environmental Health Division as the enforcement  
24                  agency.

25                  Facility and sites, total count 39. Facility

1 types, landfills there are four. Site types; inactive  
2 sites there are one. Closed, illegal, abandoned sites  
3 there are 33. And exempt sites there are one.  
4 Therefore their DIP was complete and accepted.

5 For the designated jurisdiction of Sierra  
6 County, the designating local governing body is Sierra  
7 County and all its cities which has designated the  
8 Sierra County Health Department as the enforcement  
9 agency.

10 Facility and sites, total count there are 22.  
11 Facility types, landfills there are one. Transfer  
12 stations there are four. Site types, inactives there  
13 are none. Closed sites there are 13. There are no  
14 illegal, no abandoned. And undetermined there are  
15 four. Therefore their DIP is complete and accepted.

16 And last, Trinity County. For the designated  
17 jurisdiction of Trinity County, the designating local  
18 governing body is Trinity County which has designated  
19 the Trinity County Health Department as the enforcement  
20 agency.

21 Facilities and sites, total count 32.  
22 Facility types, landfills there are one. Transfer  
23 stations there are eight. Site types. Inactive there  
24 are none. Closed sites, there are 16. There are no  
25 illegal, no abandoned. Proposed sites there are three.

1 And undetermined sites there are four. Their DIP was  
2 complete and accepted on 5/30/92, with the condition  
3 that their hearing panel be in place by 7/27/92.

4 As stated previously, Mr. Tibor Banathy of  
5 the State Department of Health Services is here.

6 COMMITTEE CHAIRMAN HUFF: Any questions of  
7 the State Department of Health Services?

8 Thank you for being here.

9 So all of these we can take on one motion and  
10 these all would be temporary, effective until January  
11 31, 1993, correct?

12 MANAGER COYLE: Correct.

13 COMMITTEE MEMBER RELIS: Mr. Chairman, I move  
14 adoption of resolution 92-83.

15 COMMITTEE CHAIRMAN HUFF: Very good. It's  
16 been moved.

17 Without objection we'll substitute the prior  
18 roll call. The ayes are three, the noes are none.

19 Temporary certifications for Alpine, Amador,  
20 Glenn, Lassen, Mariposa, Modoc, Mono, Plumas, San  
21 Benito, Sierra, and Trinity Counties is approved.  
22 Okay.

23 COMMITTEE SECRETARY KELLY: On consent?

24 COMMITTEE CHAIRMAN HUFF: Yes, consent.

25 Item six.

1                   MANAGER COYLE: This item is for the  
2 consideration of temporary certification for Humbolt  
3 County Health Department, Environmental Health Division  
4 and the City of L.A. Environmental Affairs Department  
5 as LEAs for those jurisdictions.

6                   As you probably remember, these two  
7 jurisdictions have undergone unexpected workload  
8 stemming from local catastrophes. The City of L.A.  
9 experienced civil disturbances in April, and Humbolt  
10 County experienced earthquakes causing extreme damage  
11 in April also.

12                   Board staff received letters from both  
13 jurisdictions requesting an extension of time to submit  
14 their enforcement program plan because of their current  
15 unexpected workloads associated with the catastrophes.

16                   The enforcement program plans have not yet  
17 been submitted. They did however submit the necessary  
18 designation information packages which show the  
19 appropriate local governing bodies appointment of their  
20 agencies as the enforcement agency.

21                   Humbolt County is currently designated as the  
22 LEA for the county. The City of L.A. Department of  
23 Public Works, Bureau of Sanitation and L.A. County  
24 Department of Health Services are the existing  
25 designated agencies for the LEA for the City of L.A.

1           The City Bureau of Sanitation can no longer  
2 perform that task because there's a conflict of  
3 interest as they are also operating sites within the  
4 jurisdiction. Consequently the city has changed their  
5 designation to the City Environmental Affairs  
6 Department to retain the enforcement agency  
7 responsibilities within the city.

8           With that I would like Diane Vlock to go over  
9 the facts of these two jurisdictions.

10           MS. VLOCK: The following information is once  
11 again provided by the designation package only from the  
12 local governing bodies.

13           For the designated jurisdiction of Humbolt  
14 County, the designating local governing body is Humbolt  
15 County and all its cities which has designated the  
16 Humbolt County Health Department of the Environmental  
17 Health Division.

18           Facility and types, total count 79. Vehicles  
19 unknown. Facility types, landfills there are five.  
20 Transfer stations there are 15. Closed facilities  
21 there are two. Site types, inactive there are two.  
22 Closed there are 50. And illegal there are five.  
23 Their DIP is lacking an independent hearing panel.

24           For their enforcement program plan, or EPP,  
25 it's not yet submitted, therefore budget and staff

1       adequacy and technical expertise has not been analyzed.

2               COMMITTEE CHAIRMAN HUFF:   Any questions?

3               COMMITTEE MEMBER EGIGIAN:   I think Mr.

4       Chesbro should be brought up to date on the illegal  
5       sites in that area.

6               COMMITTEE CHAIRMAN HUFF:   I think we should  
7       direct a question on this to him personally.

8               (Laughter.)

9               MS. VLOCK:   I don't believe there's any LEA  
10       representative from Humboldt County here today.

11              COMMITTEE CHAIRMAN HUFF:   That's okay, it's a  
12       long way.

13              MS. VLOCK:   For the designated jurisdiction  
14       of the City of Los Angeles.   The designating local  
15       governing body, the City Council, is the City of Los  
16       Angeles which has designated the City of Los Angeles  
17       Environmental Affairs Department.

18              Facility and sites, total count 183.  
19       Vehicles total count 1,575.   Facility types; landfills  
20       there are seven, transfer stations there are 30.   Site  
21       types; closed, illegal, abandoned sites, there are 146.  
22       Their DIP is complete and accepted.

23              However the EPP has not yet been submitted,  
24       therefore budget and staff adequacy and technical  
25       expertise has not been analyzed.

1 Miss Josephine Gonzales, the City of Los  
2 Angeles LEA representative, is here to answer any of  
3 your questions.

4 COMMITTEE CHAIRMAN HUFF: Questions?

5 Okay.

6 MANAGER COYLE: With that, staff recommends  
7 that the Board concur with the request to grant  
8 temporary certifications until January 31.

9 The resolution granting the temporary  
10 certification for the City of L.A. would be for the  
11 City Environmental Affairs Department in concert with  
12 the Los Angeles County Health Department as the LEA for  
13 this city as the City Environmental Affairs is a new  
14 department, and L.A. County Environmental Health has  
15 been functioning and can bring them up to speed.

16 COMMITTEE CHAIRMAN HUFF: Okay. Any  
17 questions?

18 Ready for a motion.

19 COMMITTEE MEMBER RELIS: Move adoption of the  
20 resolution 92-82.

21 COMMITTEE CHAIRMAN HUFF: Okay. It's been  
22 moved. This will provide temporary certifications  
23 until January 31, 1993, for Humbolt and, Humbolt County  
24 and the City of Los Angeles.

25 Without objection we'll substitute the prior

1 roll call. The ayes are three, noes are none. The  
2 motion carries. It's on consent.

3 Item seven.

4 MANAGER COYLE: This is consideration of  
5 temporary certification and designation for enforcement  
6 agencies, Butte County Health Department; Kings County  
7 Health Department; Marin County Environmental Health  
8 Services; San Luis Obispo County Health Department,  
9 Division of Environmental Health; San Mateo County  
10 Environmental Health Services Division; Siskiyou County  
11 Public Health Department; Solano County Department of  
12 Environmental Management; Tehama County Department of  
13 Environmental Health; Tulare County Department of  
14 Health Services, Division of Environmental Health; and  
15 Yuba County Environmental Health.

16 These agencies have submitted designation  
17 information packages too, appointing the state agencies  
18 as their enforcement agency. The only missing element  
19 is the appointment of the hearing panel for permit and  
20 enforcement appeals. All the jurisdictions are in the  
21 process of appointing these panels.

22 And as a matter of note, San Mateo gave us  
23 information that they are, they have made nominees and  
24 are just awaiting their Board of Supervisors  
25 appointment which should occur within two months.

1           Without the appointment of the hearing panel  
2 the designation package cannot be deemed complete.  
3 They have varying degrees of enforcement program plans  
4 ranging from none to completed with the exception of  
5 the hearing panel. Board staff will work with the  
6 jurisdictions to bring their plans into an acceptable  
7 product.

8           Marc Arico of the LEA section will go over  
9 the facts of each jurisdiction.

10           MR. ARICO: Good morning, Chairman Huff and  
11 members Egigian and Relis.

12           The following is an abstract of the  
13 designation certification information for Butte County.  
14 Butte County and all its cities are the designating  
15 local governing bodies. The County of Butte is the  
16 designated jurisdiction, and Butte County Health  
17 Department is the designated local enforcement agency.

18           They have a total of 17 facilities and sites;  
19 two of those being landfills, two transfer stations,  
20 one composting station. They have nine closed sites  
21 and three illegal sites.

22           Their DIP is complete and accepted with the  
23 condition that the hearing panel be in place by  
24 10/1/92. And the EPP has not yet been received and  
25 therefore there is no review of budget staff adequacy

1 or technical expertise.

2 I believe there is nobody present from Butte  
3 County.

4 1B is Kings County. Kings County and all its  
5 cities is the designating local governing body with the  
6 jurisdiction being the County of Kings and the Kings  
7 County Health Department as the designated enforcement  
8 agency.

9 They have a total of 25 facilities and sites.  
10 36 vehicles. Of these they have three landfills, one  
11 transfer station, three inactive sites, three closed  
12 sites, one exempt site, four abandoned sites, five  
13 sites where the solid waste has been removed, and five  
14 undefined or other facilities that they haven't  
15 determined or classified yet. They're requesting all  
16 four certification types.

17 And their designation information package is  
18 found to be complete and accepted with the condition  
19 that their hearing panel be in place by October 16th,  
20 '92. Their enforcement program plan has some  
21 incomplete components dealing with budget adequacy,  
22 technical expertise and staff.

23 Keith Winkler from Kings County is available  
24 if you have any questions.

25 COMMITTEE CHAIRMAN HUFF: Thank you, no

1 questions.

2 MR. ARICO: Next one is Marin County. The  
3 designating local governing body is Marin County and  
4 its cities. Marin County is the designating  
5 jurisdiction and Marin County Environmental Health  
6 Services is the designated enforcement agency.

7 They have a total of 37 facilities and sites.  
8 Of those there's two landfills, one transfer station,  
9 one inactive site, 29 closed sites, four illegal sites,  
10 and zero abandoned sites. They are requesting all four  
11 certification types.

12 Their designation package is incomplete at  
13 this time, however the missing information with the  
14 exception of the hearing panel will be supplied to the  
15 Board by July 21, '92. And their enforcement program  
16 plan has been received but not yet reviewed.

17 And they have no representatives here.

18 Next item, San Luis Obispo County. The  
19 designating local government body is the San Luis  
20 Obispo County Board of Supervisors, the majority of the  
21 cities with the majority of the population. San Luis  
22 Obispo County is the designated jurisdiction. And the  
23 San Luis Obispo County Division of Environmental Health  
24 is the designated enforcement agency.

25 They have a total of 34 facilities and sites,

1 and 270 vehicles. They have seven landfills, 26 closed  
2 sites, and one illegal site.

3 And they are asking for certifications, types  
4 A, C, and D. They have a proposed annual budget of  
5 \$167,223.

6 They have adequate technical expertise and  
7 staff.

8 Their DIP is complete and accepted with the  
9 condition that they supply us their hearing panel  
10 information by August 1, '92. And their EPP will be  
11 complete and accepted once that hearing panel  
12 information is supplied.

13 Again I don't believe they have any  
14 representative in the audience.

15 Next is San Mateo County. The designating  
16 local governing body is San Mateo County and its  
17 cities. Jurisdiction is the County of San Mateo. San  
18 Mateo County Health, Department of Health and  
19 Environmental Health Services Division is the  
20 designated enforcement agency.

21 They have 32 facilities and sites, and 210  
22 vehicles. 27 landfills, five transfer stations. Site  
23 types; they have eight active, 14 closed, one closure  
24 pending, and nine unknown or unidentified sites.

25 They are requesting all four certification

1 types. They have a proposed budget of \$420,039. They  
2 meet technical expertise and staff adequacy.

3 Their designation package is incomplete and  
4 is not accepted because the hearing panel information  
5 is not there. And it will be complete and accepted  
6 once it is accepted by the Board on October 30, '92 as  
7 a final date. Again the EPP will be complete and  
8 accepted once that hearing panel information is  
9 supplied.

10 Brian Zamore of San Mateo County, I believe  
11 is present if you have any questions for him.

12 COMMITTEE CHAIRMAN HUFF: No questions.

13 MR. ARICO: Next is Siskiyou County.

14 Siskiyou County and all its cities are the designating  
15 local governing bodies. The County of Siskiyou is a  
16 designated jurisdiction. Siskiyou County Public Health  
17 Department is a designated enforcement agency.

18 There's a total of 43 facilities and sites.  
19 Of those, 14 landfills, 1 inactive site, and 20 closed,  
20 illegal, or abandoned sites.

21 Their designation package is complete and  
22 accepted on May 8th with the condition that a hearing  
23 panel be in place by September 1, '92. And we have not  
24 yet received and therefore have not reviewed their  
25 budget, staff adequacy, and technical expertise from

1 their enforcement program plan.

2 And I don't believe they have a  
3 representative in the audience either.

4 Solano County and its cities are the  
5 designating local governing body. The County of Solano  
6 is the designated jurisdiction. And Solano County  
7 Department of Environmental Management is the  
8 designated enforcement agency.

9 They have a total of 14 facilities and sites,  
10 94 vehicles. Of those there's four landfills, five  
11 inactive sites, two closed sites, two unknown, and one  
12 rescinded transfer station. They're asking for all  
13 four types of certification.

14 And the designation package was found to be  
15 complete and accepted in June with the condition,  
16 again, that the independent hearing panel be in place  
17 by November 1, '92.

18 COMMITTEE MEMBER RELIS: I have a question.  
19 What's a rescinded transfer station? I haven't seen  
20 that.

21 MR AROKA: As far as I can tell, this isn't  
22 my county, but it's one that they've closed or in the  
23 process of, possibly shut down for unknown period but  
24 not yet closed.

25 We have representatives in the audience from

1 Solano County.

2 COMMITTEE MEMBER RELIS: Yeah, I'm not, I  
3 think that's good enough. Thanks.

4 COMMITTEE CHAIRMAN HUFF: It is safe to say  
5 that there is some variation in the descriptions that  
6 we find under site types?

7 MR. ARICO: These site types are given to us  
8 in their designation package, in their enforcement  
9 program plans so they're not ones we supplied, they  
10 supplied them to us and we categorized them for you.

11 COMMITTEE CHAIRMAN HUFF: So they invent the  
12 labels?

13 MR. ARICO: That may be the case, right. We  
14 give them the statute and regulations, the definitions,  
15 and then fit best if their. And if they don't fit in  
16 those specifically then they supply them to us as best  
17 they can and we compile them for you.

18 COMMITTEE CHAIRMAN HUFF: Yeah. Because if  
19 you look at the math too, sometimes when you add  
20 facilities types and site types it adds up to the total  
21 count, and sometimes it doesn't.

22 MR. ARICO: I think if you don't have any  
23 questions for Solano we'll move on.

24 Tehama County. Tehama County and the  
25 majority of the cities and majority of the population

1 are the designated local governing bodies. The County  
2 of Tehama is the designated jurisdiction. And Tehama  
3 County Department of Environmental Health is the  
4 designated enforcement agency.

5 Their facilities and site total is 18. They  
6 have two landfills and three transfer stations, one  
7 material recovery facility, four abandoned sites, four  
8 closed sites, one illegal site, two inactive sites, and  
9 one unknown, which the LEA has no record of and is  
10 unable to find.

11 Their designation package is complete and  
12 accepted on July 1 with the condition that the hearing  
13 panel be in place by September 16, '92.

14 And we have not yet received their  
15 enforcement program plan, so therefore no review of  
16 that.

17 I don't believe anybody's here from Tehama.

18 Next is Tulare County. Tulare County and all  
19 its cities are the designating local governing bodies.  
20 Tulare County is the designated jurisdiction. And the  
21 Tulare County Department of Health Services, Division  
22 of Environmental Health is the designated enforcement  
23 agency.

24 They have a total of 45 facilities and sites,  
25 and 78 vehicles. Of those, there's four landfills,

1 four transfer stations, three proposed facilities, and  
2 one tire facility, three inactive sites, 22 closed  
3 sites, five illegal sites, and five unknown status  
4 sites. They are requesting all four types of  
5 certification.

6 And the designation package was found to be  
7 complete and accepted in June with the condition that  
8 an independent hearing panel be in place by October  
9 15th, '92.

10 Their enforcement program plan has been  
11 received and has not been reviewed yet. Therefore  
12 their budget, staff adequacy, and technical expertise  
13 have not been analyzed.

14 And I believe Chuck Van Horn from the Tulare  
15 County LEA is in the audience should you have any  
16 questions.

17 COMMITTEE CHAIRMAN HUFF: Questions? None.  
18 That completes it?

19 MR. ARICO: We have one left, final is  
20 Yuba-Sutter.

21 COMMITTEE CHAIRMAN HUFF: Oh, I'm sorry.

22 MR. ARICO: Yuba-Sutter Counties and all  
23 their cities are the designating local governing  
24 bodies. The jurisdiction is Yuba and Sutter Counties.  
25 And the Yuba County Environmental Health Department is

1 the designated local enforcement agency.

2 They have a total of 29 facilities and sites.  
3 Of those four landfills, one transfer station, one  
4 inactive site, 17 closed sites, four illegal, and two  
5 exempt sites. They're requesting all four  
6 certification types.

7 And their designation package is complete and  
8 accept conditional upon the submittal of the hearing  
9 panel members.

10 And we have received their enforcement  
11 program plan but have not yet analyzed it, and have no  
12 information on budget, staff, or technical expertise.

13 No representative is present.

14 And that's the end.

15 COMMITTEE CHAIRMAN HUFF: Okay. Any  
16 questions of the package?

17 COMMITTEE MEMBER EGIGIAN: Yes. How long  
18 have these counties and cities had to compile this  
19 information and get it back to us?

20 MANAGER COYLE: The regulations were adopted  
21 in December and so they've had essentially six months  
22 or so. And they've been working on it, some of them  
23 longer than others.

24 COMMITTEE MEMBER EGIGIAN: Seems to me that  
25 we have too many of them that have not completed

1 various parts of this, and maybe we should consider,  
2 when we ask for this kind of information, to put a  
3 deadline on it.

4           MANAGER COYLE: Yes. In our recommendation  
5 they do have, we do have recommended timeframes for  
6 submittal of their plan and review by the Board staff,  
7 and that Board action would occur no later than what's  
8 identified in your agenda item.

9           What we're recommending is based, the  
10 timeframes are based on the population of the counties.  
11 The rural, urban and suburban. We've asked that the  
12 urban counties come in the quickest, therefore allowing  
13 an enforcement agency to come in line and be certified,  
14 you know, in the most populated areas. So the  
15 timeframes range anywhere from December to January of  
16 '93.

17           Staff recommends that the Board concur  
18 granting the temporary certifications for the subject  
19 jurisdictions for the timeframe that's identified on  
20 your page 86.

21           COMMITTEE CHAIRMAN HUFF: Is there a motion?

22           COMMITTEE MEMBER EGIGIAN: I move.

23           COMMITTEE MEMBER RELIS: So move adoption of  
24 the resolution 92-84.

25           COMMITTEE CHAIRMAN HUFF: Sam beat you.

1 COMMITTEE MEMBER EGIGIAN: Go ahead, Paul.

2 COMMITTEE CHAIRMAN HUFF: Okay. It's been  
3 moved. Without objection we'll substitute the prior  
4 roll call. The ayes are three, the noes are none.  
5 Motion carries. This is on the consent.

6 This is temporary certification of Butte,  
7 Kings, Marin, San Luis Obispo, and San Mateo, and  
8 Solano, and Tulare until December 1, '92.

9 And that makes Siskiyou, Tehama, and  
10 Yuba-Sutter January 1, 1993.

11 Okay. Takes us to item eight.

12 MANAGER COYLE: This item is consideration of  
13 temporary certifications for designations of Calaveras  
14 County Health Department; Colusa County Health  
15 Department, Environmental Health Division; El Dorado  
16 County Building Department; Madera County Environmental  
17 Health Department, Mendocino County Public Health  
18 Department, Division Of Environmental Health; Merced  
19 County Department of Public Health, Division of  
20 Environmental Health; Napa County Division of  
21 Environmental Health; Nevada County Department of  
22 Environmental Health; Placer County Department of  
23 Health and Medical Services; city and County of San  
24 Francisco, Bureau of Environmental Health Service; San  
25 Joaquin County Public Health Services, Environmental

1 Health Division; and City of West Covina Waste  
2 Management Enforcement Agency.

3 We have received the designation packages  
4 from all of the mentioned jurisdictions. The packages  
5 that we received are complete and meet the requirements  
6 of statute and regulation.

7 The enforcement program plans are not yet  
8 complete based on a range of reasons. The reasons  
9 range from Board staff not yet receiving the package to  
10 not having enough time to review the package, or the  
11 package has not been complete, or budget and/or staff  
12 are not yet in place.

13 The facts, Jo Clement will go over the facts  
14 of each jurisdiction.

15 MS. CLEMENT: Good morning, I'm Jo Clement,  
16 I'm with the LEA section. The following information  
17 has been compiled from either a designation package or  
18 an enforcement program plan.

19 For the designated jurisdiction of Calaveras  
20 County, the designating local governing body is  
21 Calaveras County and all its cities. The designated  
22 enforcement agency is the Calaveras County Health  
23 Department.

24 Facilities and sites are total count of 44.  
25 Total count of vehicles is 15. Of the total count of

1 44 there's one landfill and six transfer stations.  
2 They have site types of three closed, three exempt, 23  
3 inactive sites, and eight old burn dumps. They're  
4 requesting certification types A, C, and D.

5 Their DIP has been complete and accepted.  
6 The following EPP components are missing or incomplete.  
7 Technical expertise, staff and budget adequacy.

8 For the designated jurisdiction of Colusa  
9 County, the designating local governing body is Colusa  
10 County and all its cities. The designated enforcement  
11 agency is the Colusa County Health Department,  
12 Environmental Health Division.

13 Facilities and sites are a total of 16.  
14 Facility types, three landfills and two transfer  
15 stations. The site types, they have 11 which are  
16 combined with closed, illegal, inactive, and abandoned.

17 Their DIP has been complete and accepted.  
18 The EPP has not yet been received, therefore the budget  
19 and staff adequacy and technical expertise has not been  
20 analyzed.

21 Excuse me, there was a representative from  
22 Calaveras County here who was here to answer any  
23 questions. I'd like to make note of him.

24 There are no representatives here from Colusa  
25 County.

1 COMMITTEE CHAIRMAN HUFF: Okay. Any  
2 questions of Calaveras?

3 None. Thank you.

4 MS. CLEMENT: For the designated jurisdiction  
5 of El Dorado County. The designating local governing  
6 body is the El Dorado County and all its cities. The  
7 designated enforcement agency is the El Dorado County  
8 Building Department.

9 Facilities and sites, total count is 28.  
10 Facility types, they have one landfill and one transfer  
11 station. Site types, they have 26 abandoned sites.  
12 They are requesting certification types A, C, and D.

13 Their DIP has been complete and accepted.  
14 The EPP was received on 6/18, but has not been reviewed  
15 yet. Therefore budget and staff adequacy and technical  
16 expertise has not been analyzed.

17 A representative from the El Dorado County  
18 LEA is here for any questions.

19 COMMITTEE MEMBER EGIGIAN: I don't have any  
20 questions of him. I'd like to ask a question of staff.  
21 Abandoned sites, wouldn't they be the same as illegal  
22 sites?

23 MANAGER COYLE: I would have to ask Robert  
24 what this, he meant in this specific example. But an  
25 abandoned site is usually a site where there is no

1 known landowner. So I'm not sure if that category  
2 appropriately reflects his situation. We'd have to ask  
3 him if you wanted specific information.

4 COMMITTEE MEMBER EGIGIAN: You mean to say if  
5 I went over there and took over that land and cleaned  
6 it off it would be mine? There's no known landowner?

7 MANAGER COYLE: The landowner is unable to be  
8 identified or there might be a condition where they're  
9 tied up in court over, maybe the landowner is suing  
10 another party. And so there are still some situations  
11 that need to be identified on who the actual  
12 responsible landowner is.

13 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Also,  
14 Mr. Egigian, abandoned sites can be those which were  
15 previously permitted but now have seized operations.  
16 No one is there currently doing operations, but they  
17 haven't yet been properly closed. The distinction  
18 between illegal sites would be those which are  
19 operating without a permit. So there's a couple of  
20 different definitions that can fit for abandoned sites  
21 which would make them different than illegal sites.

22 COMMITTEE MEMBER EGIGIAN: All right.

23 MS. CLEMENT: Okay. For the designated  
24 jurisdiction of Madera County. The designating local  
25 governing body is Madera County and all its cities.

1 The designated enforcement agency is the Madera County  
2 Environmental Health Department.

3 They have a total of 17 facilities and sites.  
4 34 vehicles. They have one landfill and two transfer  
5 stations. Site types are one inactive, 12 closed, and  
6 one illegal. They are requesting all four types of  
7 certification.

8 Their DIP has been complete and accepted.  
9 The following EPP components are incomplete; budget  
10 adequacy, technical expertise, and staff adequacy.

11 I don't believe there's anyone here from  
12 Madera County.

13 For the designated jurisdiction of Mendocino  
14 County, the designating local governing body is  
15 Mendocino County and all its cities. The designated  
16 enforcement agency is the Mendocino County Public  
17 Health Department, Division of Environmental Health.

18 Facility and sites, total count is 47.  
19 Vehicle total count is 40. Facility types are ten  
20 landfills, four transfer stations, and one composting  
21 station. The site types are 28 closed and four illegal  
22 sites. They are requesting all four certification  
23 types. They'll have a total annual budget of \$100,858.

24 Their DIP has been complete and accepted.  
25 Their EPP is lacking the requirement of one additional

1 staff person to be hired yet.

2 There is no representative here from  
3 Mendocino County.

4 For the designated jurisdiction of Merced  
5 County. The designating local governing body is Merced  
6 County and all its cities. The designated enforcement  
7 agency is Merced County Department of Public Health,  
8 Division of Environmental Health.

9 Facilities and sites, The total count is 26.  
10 Vehicle total count is 233. They have two landfills,  
11 22 closed sites, and two exempt sites. They are  
12 requesting all four certification types.

13 Their DIP has been complete and accepted.  
14 The following EPP components are incomplete; budget  
15 adequacy, technical expertise, and staff adequacy.

16 Jerry Lawrie from Merced County LEA is here  
17 if you have any questions.

18 MANAGER COYLE: Also Jerry Davis from  
19 Mendocino County LEA is also in the audience.

20 COMMITTEE CHAIRMAN HUFF: Okay, thank you.  
21 Any questions?

22 None.

23 MS. CLEMENT: For the designated jurisdiction  
24 of Napa County. The designating local governing body  
25 is Napa County and all its cities. The designated

1 enforcement agency is the Napa County Division of  
2 Environmental Health.

3 Facility and site total count is 14. Vehicle  
4 total count is 48. Facility types are three landfills  
5 and one proposed facility. Site types are one closed  
6 and nine unpermitted. They are requesting all four  
7 certification types.

8 Their DIP has been complete and accepted.  
9 The EPP was received on May 19th and has not yet been  
10 reviewed.

11 I don't believe there's anyone here from Napa  
12 County.

13 COMMITTEE MEMBER EGIGIAN: If there's nine  
14 sites unpermitted, what does that mean? People are  
15 dumping without permission to or --

16 MS. CLEMENT: There could be a variety of  
17 reasons that they may be going through a permitting  
18 process to not being permitted to, I'm not sure what  
19 the specifics are here in Napa County.

20 COMMITTEE MEMBER EGIGIAN: That doesn't tell  
21 us too much, does it?

22 MANAGER COYLE: Without the member from the  
23 local enforcement agency here, Mr. Egigian, we could  
24 provide you that information through the enforcement  
25 program plan, I just don't have it with me right here

1 at the podium.

2 MS. CLEMENT: Okay. For the designated  
3 jurisdiction of Nevada County. The designating local  
4 governing body is Nevada County and all its cities.  
5 The designated enforcement agency is Nevada County  
6 Department of Environmental Health.

7 They have a total of 20 facilities and sites.  
8 Facility types are one landfill, four transfer  
9 stations. Site types are six inactive, three closed,  
10 five illegal, and one abandoned site. Nevada County is  
11 requesting all four certification types, but the  
12 temporary certification will allow authority in all  
13 aspects except the McCourtney Road Landfill.

14 Their DIP has been complete and accepted.  
15 The EPP has been received but not yet reviewed.

16 Tim Snellings of Nevada County LEA is here if  
17 you have any questions.

18 COMMITTEE CHAIRMAN HUFF: Okay. We don't  
19 have any questions but we do have a couple of people  
20 wishing to speak on Nevada County. I have Rene  
21 Antonsen and a Bill Decker.

22 Now did I hear you correctly with regard to  
23 Nevada County, the certification has a hole in it?

24 MANAGER COYLE: Yes. Nevada County currently  
25 is responsible for everything within the county except

1 for the McCourtney Road Landfill. We are the LEA for  
2 McCourtney Road.

3 COMMITTEE CHAIRMAN HUFF: So this Board would  
4 be, would continue to be the LEA?

5 MANAGER COYLE: During the temporary  
6 timeframe.

7 COMMITTEE CHAIRMAN HUFF: During the  
8 temporary timeframe for McCourtney Road Landfill.

9 Now with regard to the people who want to  
10 speak on this item, do you still want to speak?

11 MR. ANTONSEN: Yes. My name is Rene Antonsen  
12 and I live 14100 Caroline Way. I live in the Gold  
13 Ridge Estates which surrounds the McCourtney Road  
14 Landfill, better known as the landfill from hell.

15 I wasn't aware until a little while ago when  
16 I talked to Mr. Snellings that you were still going to  
17 be the LEA. But that doesn't change why, the main  
18 reason why I came down here is because we're getting  
19 two different messages. We're getting the message from  
20 our county officials which I trust explicitly in Nevada  
21 County that everything's okay, all the reports are  
22 coming in fine and dandy -- am I talking too loud?  
23 What happened here?

24 So we read the reports and we don't interpret  
25 the reports the way they interpret them. My main

1 concern is the white metal pile. As you all know,  
2 there's an order from you to clean up the white metal  
3 pile. You just received a report from Anderson  
4 Engineering stating that they did so much work at  
5 McCourtney at the white metal pile for illegal burial  
6 of hazardous materials. We videotaped them digging  
7 this pile for a week.

8 In your report they state that they dug ten  
9 trenches; they dug three. They said that they dug ten  
10 trenches 100 feet long; maybe one or two of them were  
11 100 feet long. They state they are 15 feet deep; I  
12 think the deepest was maybe ten, three to ten feet,  
13 maybe a little bit more, maybe a little bit less. But  
14 they certainly didn't do the job that they stated they  
15 did in the report as far as I know.

16 When we first approached this Board back in  
17 '89, all of you folks weren't here for the fireworks,  
18 and I came across this memo from our County Counsel to  
19 our Chief Administrative Officer. And if you permit me  
20 a couple minutes I'd just like to read it to understand  
21 why we're so concerned about our county officials doing  
22 the job that you're asking them to do.

23 I'm concerned about my groundwater quality  
24 and so is everybody else around McCourtney. Is it okay  
25 if I read it? Just take a minute.

1 COMMITTEE CHAIRMAN HUFF: Go ahead.

2 MR. ANTONSEN: Okay. Well you've been going  
3 so quick, I don't want you to go to lunch too quick.

4 COMMITTEE CHAIRMAN HUFF: Well we haven't had  
5 any controversy up until now.

6 MR. ANTONSEN: Okay, well this is great then.

7 (Laughter.)

8 MR. ANTONSEN: Okay. This is a report by  
9 Mike Hanson who at that time had the franchise for the  
10 white metal pile. And this memo was from our County  
11 Counsel to Gene Albaugh and Todd Juvenile who was then  
12 Chairman of the Board of Supervisors.

13 Okay.

14 "Yesterday at the waste  
15 management" -- one second, excuse  
16 me.

17 "Yesterday at the Waste Board  
18 meeting Tom Unsell" -- which works  
19 for the state now -- "gave me a  
20 copy of Ron Hall's notes of his  
21 phone conversations with Mike  
22 Hanson of illegal dumping at the  
23 landfill. I think we need to move  
24 on this instead of waiting for  
25 Unsell and Hall or the Waste Board

1 to investigate with the possibility  
2 that they will cite the County.

3 Given the controversy  
4 surrounding the landfill -- I don't  
5 know what he means about that --  
6 and the fact that Mr. Hanson may be  
7 reluctant to cooperate with the  
8 County, I think it may be prudent  
9 to formally subpoena Mr. Hanson and  
10 to testify under oath in front of  
11 the Board at which time we can ask  
12 him direct questions as to what it  
13 is that he" --

14 Let me read this again, please. County  
15 Counsel can't write either.

16 "-- at which time we can ask  
17 him direct questions as to what it  
18 is that he says was illegally  
19 buried at the landfill and where.  
20 Any thoughts?"

21 And then he initialed it, James Curtis.

22 "According to Hanson, told to  
23 Dennis Cassellas, investigates the  
24 matter, he will spill his guts.

25 Gene's version. He will name

1 names, etcetera, where he gets" --  
2 this is our Chief Administrative  
3 Officer which is no longer there --  
4 "where he gets immunity guarantee  
5 from the A.G." -- which apparently  
6 means the Attorney Generals Office.

7 "Expect that W.Z., which is  
8 Wes Zachary who used to be our  
9 sanitation director, and Mike Fogle  
10 who was his assistant, were  
11 standing and supervising the  
12 burial."

13 Now as a taxpayer in Nevada County I can  
14 understand mistakes being made. I can't understand  
15 them, first of all coming down here and lying to you  
16 about it, because I remember Gene Albaugh and Curtis  
17 and the rest of the wonders that we have in Nevada  
18 County telling you folks that they knew nothing about  
19 the white metal pile.

20 This is just one item as far as a total  
21 problem at McCourtney. But I'm concerned because if  
22 you look at your reports, or your staff has, on well  
23 form foray is a thousand feet away from the landfill.  
24 Okay, that's close to my subdivision. I live maybe a  
25 quarter of a mile from those wells. I am concerned

1 about my water quality.

2 They state that there's no migrating  
3 contamination off-site, and we've stated all along that  
4 there was, because we read the Black and Beech report  
5 which came out in '86 or '87, which stated that well 4A  
6 was contaminated. It's not a monitoring well that's on  
7 the landfill site, but it is off-site.

8 I just hope that the state, since the county  
9 won't do it, at least we don't feel they are doing it,  
10 maintains their vigilance of McCourtney Road Landfill,  
11 and makes sure that the things you ask them to do are  
12 done. And they're done where you can read the reports.  
13 And they're not, either inadequate because the  
14 monitoring wells aren't inoperable at the time, or  
15 whatever the reasons are.

16 I have been there for 13 years. I am  
17 concerned. I don't want to be redundant about this,  
18 but I am concerned, and so is everybody else around  
19 McCourtney.

20 And also I'd like to find out why it takes  
21 Nevada County so long to look for another landfill site  
22 when they've known about this for such a long time. If  
23 the problem's the state, I wish the state would help  
24 Nevada County find another site. I know we're going to  
25 the long haul, I understand all that, but that's not

1 going to solve our immediate problem, in the long term  
2 I mean.

3 Thank you.

4 COMMITTEE CHAIRMAN HUFF: Okay, any  
5 questions? Okay.

6 As I understand it, first of all your  
7 comments are directed toward not just McCourtney but  
8 the competency of Nevada County to function as an LEA  
9 in the rest of the county given that this Board would  
10 be functioning as the LEA at McCourtney.

11 Secondly, you have some concerns about what  
12 is being done right now at McCourtney which isn't,  
13 isn't completely attached to the item in front of us,  
14 but they remain concerns with you nonetheless.

15 Have I summarized your comments?

16 MR. ANTONSEN: Yes, it's, I just find it very  
17 hard for a county employee that's in litigation to rat  
18 on the people he works for.

19 COMMITTEE CHAIRMAN HUFF: Okay.

20 MR. ANTONSEN: I mean, maybe I'm not being  
21 eloquent with my words here, or as articulate as I  
22 should be, but this is the problem that Tom Unsell had  
23 and I understand that.

24 It's very, maybe we have a unique situation  
25 in Nevada County. I don't know. It seems like it's

1 just, I think if they would have been more honest, more  
2 forward with the people in the state, I think the state  
3 would have been more than happy to work with the county  
4 to solve the problem.

5 And I think we all live in the State of  
6 California and we all have the same problems and we,  
7 you know, to cost untold millions of dollars to solve a  
8 problem that should have been solved years ago is kind  
9 of ridiculous.

10 COMMITTEE CHAIRMAN HUFF: Okay, thank you.

11 Now with regard to the gentleman's comments  
12 relative to what is or is not happening at McCourtney  
13 that should or should not been happening. Mr.  
14 Chandler, I would ask that you direct the appropriate  
15 staff to get in contact with the witness. And that can  
16 take care of that element of his concern.

17 EXECUTIVE DIRECTOR CHANDLER: All right. We  
18 do have Bob Holmes who's assigned to the, as the staff  
19 person on the project. And certainly Bob, I think,  
20 would be a good resource for this gentleman.

21 COMMITTEE CHAIRMAN HUFF: That's fine. And  
22 that will take care of his concerns there, at least put  
23 them in the right channel.

24 Now with regard to the competency of Nevada  
25 County, we'll have to listen to staff, and Nevada

1 County if they're here, for any response in that  
2 regard. Understanding that they are not going to be  
3 the LEA for McCourtney Landfill, we are.

4 EXECUTIVE DIRECTOR CHANDLER: That's right.

5 COMMITTEE CHAIRMAN HUFF: Okay. I have  
6 another person, and that is a Bill Decker.

7 MR. DECKER: My name is Bill Decker. I'm  
8 treasurer of the Nevada County Taxpayers Coalition, a  
9 group of citizens in Nevada County that are very  
10 concerned with what's going on at the landfill.

11 (Thereupon there was discussion off  
12 the record.)

13 MR. DECKER: My comments here are mainly from  
14 the taxpayers' standpoint in Nevada County. Our Board  
15 of Supervisors are unable to handle the job. They have  
16 put us into debt for millions and millions of dollars  
17 in junk bonds, COP, without a vote of the people, and  
18 this is what's got everybody concerned up there. We  
19 want to vote on bonds whether they say so or you don't.

20 Now they want to refinance the stupid thing.  
21 And it's going to cost us more money to get up-front  
22 money to pay the prepayment penalties, to get a whole  
23 new bond council, to get a whole new bond COP set up  
24 and brokers to handle it, plus with the fact that our  
25 rating, credit rating has gone from a 4A down to a 2A

1 now, which was decreased by Moody some months ago  
2 through some efforts on our part. They're going to  
3 have a hard time selling any bonds for Nevada County at  
4 a reasonable price. But they've put parcel charges on  
5 us, user fees, it's one thing after another.

6 Now Mr. Albaugh, whom Rene mentioned, is no  
7 longer with the company because he was unable to handle  
8 the Board of Supervisors.

9 We just have a problem and I just hope that  
10 you people will stay in control up there. We need you.  
11 You've done a real fine job over the years. I've  
12 appeared before you at your other office and we  
13 appreciate you.

14 Thank you.

15 COMMITTEE CHAIRMAN HUFF: Thank you. Okay,  
16 that concludes any testimony on Nevada County.

17 Is the County here?

18 MR. SNELLINGS: Yes. Good morning, Tim  
19 Snellings, Director of Environmental Health for Nevada  
20 County.

21 I guess the specific issue I should respond  
22 to is the staff. I don't think we want to get into the  
23 McCourtney Road Landfill per se, the Waste Board is  
24 still the --

25 COMMITTEE CHAIRMAN HUFF: No, I don't think

1 so. We're the LEA there.

2 MR. SNELLING: We've designated in the EPP  
3 our staff resources. We have one full-time staff  
4 person dedicated strictly to solid waste. We have a  
5 supervisor with over 20 years experience in solid waste  
6 who will be overseeing the program. I don't think  
7 there's any problem, from my perspective, operating a  
8 program that will meet the needs and the intent of the  
9 LEA functions.

10 We are working out -- I also as the LEA want  
11 to be very clear with reference to, you know, such  
12 things as how we take action if we ever get to such a  
13 point where there's a problem. And I'm working with  
14 your legal staff through my legal staff to make sure  
15 that there's no misunderstandings about how that is  
16 done.

17 So I guess I will just leave it at that. If  
18 you have any particular questions?

19 COMMITTEE CHAIRMAN HUFF: Any questions?

20 There are none. Thank you.

21 MR. SNELLING: You're welcome.

22 COMMITTEE CHAIRMAN HUFF: Let's move on to  
23 Placer County.

24 MS. CLEMENT: Okay, we're at attachment 1A in  
25 case you lost your place.

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MANAGER COYLE: 1-I.

MS. CLEMENT: 1-I, excuse me.

For the designated jurisdiction of Placer County, the designating local governing body is Placer County and all its cities. The designated enforcement agency is of Placer County Department of Health and Medical Services.

Facilities and sites have a total count of 19. Vehicles a total count of 118. Facility types are two landfills and five transfer stations. The site types include nine inactive sites, two closed sites, and one illegal site. They are requesting all four certification types.

Their DIP has been, is complete and accepted. The following EPP components are missing or incomplete, budget and staff adequacy.

There's no representative from Placer County here that I know of.

For the designated jurisdiction of the City and County of San Francisco. The designating local governing body is the City and County of San Francisco. The designated enforcement agency is the City and County of San Francisco, Bureau of Environmental Health Services.

Facilities and sites are total count of 17.

1 Vehicles a total count of 147. They have facility type  
2 of one transfer station. And site types, they have 13  
3 closed and abandoned sites, and three illegal sites.

4 The DIP is complete and accepted. The EPP  
5 was received on 6/8 but not yet reviewed. Therefore  
6 the budget and staff adequacy and the technical  
7 expertise has not been analyzed.

8 From the City and County of San Francisco  
9 here today we have Jack Breslin and Henry Louie to  
10 answer any questions you may have.

11 COMMITTEE CHAIRMAN HUFF: Any questions?

12 None. Thank you.

13 MS. CLEMENT: For the designated jurisdiction  
14 of San Joaquin County. The designating local governing  
15 body is San Joaquin County and all its cities. The  
16 designated enforcement agency is the San Joaquin County  
17 Public Health Services, Environmental Health Division.

18 Facilities and sites, total count 46.  
19 Vehicles, total count 206. Facility types are six  
20 landfills, six transfer stations, and two proposed  
21 facilities. Site types are one inactive, 24 closed,  
22 six exempt, three abandoned, and one illegal. They'll  
23 have a total annual budget of \$410,375. They're  
24 requesting all four certification types.

25 The DIP has been complete and accepted. The

1 following EPP components are incomplete, staff adequacy  
2 and technical expertise.

3 Ed Padilla from the San Joaquin County LEA is  
4 here to answer any questions.

5 COMMITTEE CHAIRMAN HUFF: Any questions?

6 None. Thank you.

7 MANAGER COYLE: I would like to also mention  
8 that during our review of their package we did respond  
9 with some unclear communication to the county.  
10 Therefore we have offered that if they can get their  
11 package complete we would recommend that the Board  
12 would consider granting them full certification at the  
13 July 29th Board meeting.

14 COMMITTEE CHAIRMAN HUFF: Okay. We will  
15 handle San Joaquin then as a separate from the motion  
16 on the rest of them so as to provide that opportunity  
17 on the meeting of the 29th.

18 MS. CLEMENT: Okay. Lastly here we have for  
19 the designated jurisdiction of the City of West Covina.  
20 The designating local governing body is the City of  
21 West Covina. The designated enforcement agency is the  
22 City of West Covina Waste Management Enforcement  
23 Agency.

24 Facilities and sites, total count is four.  
25 Vehicles total count 18. Facility types, they have one

1 landfill. Site types, they have three abandoned sites.  
2 They are requesting certification types A, C, and D.  
3 Their total annual budget is \$238,610.

4 The DIP is complete and accepted. The  
5 following EPP components are missing or incomplete,  
6 technical expertise and staff adequacy.

7 Mr. Mike Miller from the City of West Covina  
8 is here to answer any questions that you may have.

9 COMMITTEE CHAIRMAN HUFF: Any questions?

10 COMMITTEE MEMBER EGIGIAN: Question to the  
11 staff. Has West Covina always been their own LEA?

12 MS. CLEMENT: Yes, they have.

13 COMMITTEE MEMBER EGIGIAN: They have. How  
14 did they get out of the group of the cities and  
15 counties there?

16 MS. CLEMENT: Well they have the BKK site  
17 which keeps them being gone.

18 COMMITTEE MEMBER EGIGIAN: Yes. Okay. Thank  
19 you.

20 (Thereupon there was discussion off  
21 the record.)

22 COMMITTEE CHAIRMAN HUFF: Okay, are we ready  
23 for a motion? Any other questions?

24 Okay. We have before us, I would, let's do  
25 San Joaquin first because that makes it a little

1 easier. There I would suggest to the maker of the  
2 motion that the motion be that the committee recommend  
3 to the Board full certification if the staff adequacy  
4 and technical expertise components are received and  
5 deemed adequate by staff, and that this go to the July  
6 29th Board meeting, and otherwise that it be temporary  
7 certification with a date of December 1, 1992, again on  
8 the 29th of July.

9 MANAGER COYLE: Correct.

10 COMMITTEE CHAIRMAN HUFF: Okay.

11 COMMITTEE MEMBER EGIGIAN: I move that  
12 motion.

13 COMMITTEE CHAIRMAN HUFF: Okay. Without  
14 objection we'll substitute prior roll call. The ayes  
15 are three, the noes are none. The motion is adopted  
16 for the July 29th meeting. And in either case it will  
17 be consent. Okay.

18 Now unless there is someone who makes a  
19 motion that takes Nevada County as separate, I think  
20 we've answered the Nevada County concerns, so I'm ready  
21 for a motion --

22 COMMITTEE MEMBER RELIS: Move.

23 COMMITTEE CHAIRMAN HUFF: -- on the remaining  
24 11, or ten counties and one city?

25 COMMITTEE MEMBER RELIS: Move adoption of

1 resolution 92-85 with the exception of our previous  
2 action.

3 COMMITTEE CHAIRMAN HUFF: Okay, with the  
4 exception of San Joaquin County. Okay. That would be  
5 Calaveras; Colusa for January 1, '93; El Dorado for  
6 December 1, '92; Madera, Mendocino for January 1, '93;  
7 Merced and Napa for December 1, '92; and Nevada,  
8 January 1, '93; Placer, December 1, '92; San Francisco,  
9 November 1, '92; and West Covina, November 1, '92.

10 Okay. Without objection we'll substitute the  
11 prior roll call. The ayes are three, the noes are  
12 none. The motion is adopted. It goes to consent.

13 We go to lunch. We'll be back from lunch in  
14 approximately one hour.

15 (Thereupon the lunch recess was  
16 taken.)

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A F T E R N O O N S E S S I O N

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COMMITTEE CHAIRMAN HUFF: Item 9.

MANAGER COYLE: Mr. Chairman and members.

This is a discussion of jurisdictions where the Board will assume the role of enforcement agency. As we just previously discussed this morning, we did consider the certifying, either fully or temporarily, LEAs for 56 jurisdictions of the 60 defined jurisdictions in the state. In the remaining four jurisdictions the Board will be assuming or continuing the role of enforcement agency.

Up on the screen there is a map that shows the breakdown that we've just considered at previous committee meetings and at today's meeting.

The white counties show those jurisdictions that we're recommending full certification. The hatched marks are those jurisdictions that are receiving temporary. And those blackened counties, Del Norte, the little spot in McCourtney, I mean Nevada, that is McCourtney Road, Stanislaus, and Santa Cruz are jurisdictions we'll continue or assume duties of enforcement agency.

The local governing bodies of Santa Cruz County and Stanislaus have not designated a local

1 agency for their respective jurisdiction. By letter  
2 dated June 5, Santa Cruz County notified the Board of  
3 its intent to relinquish LEA responsibility, which  
4 would therefore be turned over to the Board effective  
5 August 2.

6 Stanislaus County did not designate a local  
7 agency to seek LEA certification. The existing LEA,  
8 the County Department of Human Services, Division of  
9 Health, is defined as an operator, as it oversees  
10 operational contract for the Stanislaus Resource  
11 Recovery Facility, the County's municipal waste  
12 incinerator.

13 Instead of a restructuring within County  
14 government, Stanislaus County decided to just let the  
15 Board perform their duties effective August 2.

16 The Board is currently performing as an  
17 enforcement agency for the jurisdictions of Del Norte  
18 County since November of 1990, and the McCourtney Road  
19 Landfill in Nevada County since April of '91.

20 The counties of Del Norte and Nevada are  
21 pursuing LEA certification. And the committee just  
22 heard the recommendation for granting temporary  
23 certification until January 1, '93 for Nevada for  
24 completion of their plan, and therefore consideration  
25 of full consideration -- or certification rather.

1           The temporary certification for Nevada was to  
2 continue as the LEA for all responsibilities except  
3 McCourtney Road as was previously mentioned.

4           The Board is also continuing to perform LEA  
5 duties in Del Norte County until the packages there are  
6 complete. Del Norte County has been, we have  
7 recommended that they be granted a temporary  
8 certification until January, '93.

9           They are also considering going in with some  
10 of the contract counties, and therefore a decision  
11 won't be made until later this year as to what  
12 jurisdictions they'll hopefully go in with as a JPA.

13           When the Board becomes the enforcement  
14 agency, infrastructure requirements to perform that  
15 duty for the above jurisdictions will include (1)  
16 hearing panels.

17           The statute requires that the local governing  
18 body of the designations that I mentioned, or the  
19 jurisdictions that I mentioned, appoint an independent  
20 hearing panel for permit and enforcement appeal  
21 purposes when the Board acts as an enforcement agency.  
22 Until this panel is appointed, the regulations allow  
23 the County's local governing body to serve as that  
24 hearing panel. The appointment of panels are being  
25 pursued in Del Norte, Santa Cruz, and Stanislaus.

1 Nevada already has an independent panel.

2 Secondly, contracts with jurisdictions.  
3 We've been negotiating with jurisdictions about the  
4 possibility of entering into a contract with Stanislaus  
5 and Santa Cruz. To date the negotiations have not been  
6 completed and there is not yet a signed contract.

7 The scope of the work of the contract  
8 includes a workload analysis identifying all the duties  
9 that the Board staff will perform as an enforcement  
10 agency.

11 Fees for service. Fees for work performed in  
12 the four jurisdictions will be billed based on the  
13 Board's adopted hourly fee rate methodology. Legal  
14 documents, contracts, and workload analysis for each  
15 jurisdiction. The 91-92 fiscal hourly rate was \$84 an  
16 hour. That rate will change for the 92-93 fiscal year,  
17 but it will not be a significant difference.

18 Board staffing needs as the enforcement  
19 agency. The yearly expense for each jurisdiction will  
20 be based on the hourly, the \$84 an hour billable rate  
21 multiplied by the number of hours needed for each  
22 jurisdiction per year. The Board's Permitting and  
23 Compliance Division has received approval through the  
24 BCP process to augment staff by four people to perform  
25 enforcement agency duties.

1           The most significant impact to the division  
2 is in the compliance branch because of the requirement  
3 to inspect facilities monthly, or weekly for landfills,  
4 on performance standards. The Board will be  
5 responsible for preparing all solid waste facility  
6 permits and for assisting jurisdictions in closure,  
7 reviewing closure plans, and financial assurances.

8           The division is preparing to assume  
9 enforcement agency duties in the two additional  
10 jurisdictions and will provide for a smooth transition  
11 August 2.

12           Available grant monies for the Board as the  
13 enforcement agency include the monies that are  
14 available for enforcement assistance grants if the  
15 jurisdiction has a solid waste landfill. The grants  
16 are available to assist in the landfill permitting and  
17 inspection programs and are funded through the solid  
18 waste cleanup and maintenance account.

19           The monies available to the jurisdictions  
20 are, Del Norte has available amount of 16,000. Nevada  
21 has an available amount of 16,500. Stanislaus has an  
22 available amount of 20,000 -- 22,000, excuse me. And  
23 Santa Cruz has an available amount of 20,000.

24           The monies owed the Board for performance of  
25 enforcement duties by the four jurisdictions will be

1 offset by the amount of these grants.

2 Other fees when the Board acts as an  
3 enforcement agency. Staff did consider the possibility  
4 of charging a filing fee for solid waste facility  
5 permit applications, closure, post closure maintenance  
6 plans, and financial assurance reviews to assist with  
7 recovering costs associated with performance of those  
8 duties.

9 The statute allows the enforcement agency to  
10 charge these fees, however the amount of the fee must  
11 be set by the Board or the local governing body. Staff  
12 felt that at this time that we had an adopted  
13 methodology for an hourly rate, so to charge an  
14 additional fee we didn't feel was recommended at this  
15 time. We will review that issue in the future and  
16 assess whether or not we are actually retaining,  
17 recovering our cost for duties performed. And  
18 information compiled over the next few months will be  
19 used in making this decision.

20 This item was presented for your information.  
21 Are there any questions?

22 COMMITTEE MEMBER RELIS: Mr. Chairman. We're  
23 then adding, we have four positions to basically  
24 fulfill our LEA responsibilities then? Is that for  
25 full-time equivalents?

1           MANAGER COYLE: Yes, there are four full-time  
2 associate or Waste Management Specialist positions that  
3 we can add, that the budget process has allowed us to  
4 add.

5           COMMITTEE MEMBER RELIS: And the money for  
6 that is? What's the source of that money?

7           MANAGER COYLE: The money is through  
8 reimbursements based on our hourly methodology.

9           COMMITTEE MEMBER RELIS: So we will bill the  
10 local jurisdiction and they will hopefully reimburse  
11 us?

12          MANAGER COYLE: Yes, and the amount that they  
13 were eligible to receive as a grant will be offset by  
14 the bill that they owe.

15          COMMITTEE MEMBER RELIS: And that's a  
16 contractual agreement then?

17          MANAGER COYLE: It doesn't have to be a  
18 contractual agreement, but we are in the process of  
19 negotiating contracts.

20          COMMITTEE MEMBER RELIS: What if we don't get  
21 paid back? What do we do?

22          MANAGER COYLE: I understand there are  
23 various ways to recoup payment by local jurisdictions.  
24 They range --

25          COMMITTEE MEMBER RELIS: Can we fine them

1 \$10,000 a day.

2 COMMITTEE CHAIRMAN HUFF: No, but we have our  
3 ways.

4 (Laughter.)

5 MANAGER COYLE: I think there are ways to  
6 recoup through, you know, perhaps with holding other  
7 fees that could be passed on by the state.

8 COMMITTEE MEMBER RELIS: Okay, thanks.

9 COMMITTEE CHAIRMAN HUFF: Do they realize  
10 that they're going to get hit \$84 an hour?

11 MANAGER COYLE: We have informed both, all  
12 jurisdictions, and two of them we are currently billing  
13 at that rate.

14 COMMITTEE CHAIRMAN HUFF: And they're fine  
15 with that?

16 COMMITTEE MEMBER RELIS: They're fine with  
17 it?

18 MANAGER COYLE: Well I don't know if they're  
19 necessarily fine with it, but I know that they do  
20 understand the billing rate.

21 COMMITTEE MEMBER EGIGIAN: They're cheaper  
22 than hiring.

23 COMMITTEE CHAIRMAN HUFF: Must be made with  
24 money these guys.

25 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Member

1 Relis, the statute provides that when we act as LEA we  
2 are reimbursed our costs. The \$84 an hour was a  
3 methodology that went through and was approved by the  
4 Board, and it's our justification for those of what our  
5 costs are. So we bill the counties only for the work  
6 we actually do at the landfills.

7 COMMITTEE CHAIRMAN HUFF: We don't turn a  
8 profit?

9 ASSISTANT CHIEF LEGAL COUNSEL SPHAR:  
10 Correct. So the money will be collected. It will  
11 either be offset against the grant monies LEAs are due,  
12 other funds that the state gives to counties, or I  
13 guess in a last resort episode, although I doubt it  
14 would come up, we would sue them for it. But it would  
15 only be for reimbursement of costs we'd expect payment.

16 COMMITTEE CHAIRMAN HUFF: It still doesn't  
17 change what I said. They must be made with money if  
18 they're willing to pay \$84 an hour.

19 COMMITTEE MEMBER RELIS: Yeah, it does seem  
20 surprising.

21 COMMITTEE CHAIRMAN HUFF: Is this forever?

22 MANAGER COYLE: This is not forever. As was  
23 previously mentioned, Del Norte and Nevada are  
24 pursuing, and I feel comfortable that they will  
25 probably be ready to request full certification by the

1 end of this year. Stanislaus and Santa Cruz are  
2 questionable as to what length of time it will take but  
3 they --

4 COMMITTEE CHAIRMAN HUFF: Santa Cruz just  
5 gave up.

6 MANAGER COYLE: -- but they could make a  
7 change to that as long as they notify us 90 days in  
8 advance. There is an ability for them to designate and  
9 request certification at a later date.

10 COMMITTEE CHAIRMAN HUFF: Okay. I think that  
11 we should encourage them to do so. I don't want to be  
12 the LEA.

13 COMMITTEE MEMBER RELIS: Well I thought that  
14 at \$84 an hour we've built in a great inducement for no  
15 one to surrender their LEA status, I would think.

16 COMMITTEE CHAIRMAN HUFF: Yeah.

17 MANAGER COYLE: Also I just wanted to mention  
18 that at the lunch break the City of West Covina, which  
19 was a previous consideration of yours today, has  
20 mentioned that they feel very comfortable that they'll  
21 be able to provide their staffing level within the next  
22 few days.

23 So I would recommend that the Board not  
24 consider that designation, and perhaps we could  
25 consider full certification at the July 29th meeting if

1 you would like to postpone that until that time?

2 COMMITTEE CHAIRMAN HUFF: Okay.

3 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Just to  
4 clarify, Mary. You're talking about asking the Board  
5 to reconsider a vote on A dash whatever, item A dash G  
6 or H, whatever West Covina was?

7 MANAGER COYLE: Correct.

8 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Because  
9 that vote you took before lunch would have put West  
10 Covina along with all those others as temporary  
11 designations.

12 COMMITTEE CHAIRMAN HUFF: Right. And as  
13 procedural we will have to reconsider that vote.  
14 Having granted reconsideration we would have then two  
15 motions.

16 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Your  
17 first motion having taken a particular action. I think  
18 if you did a second more narrowly tailored motion with  
19 respect only to West Covina, delaying its consideration  
20 until the July 29th meeting.

21 COMMITTEE CHAIRMAN HUFF: All right.

22 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: That's  
23 more specific and just tailors, and would affect only  
24 that part of your first motion.

25 COMMITTEE CHAIRMAN HUFF: All right. Then a

1 motion to amend -- I don't like the word amend.

2 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Let me  
3 get the exact item number we'd be talking about.

4 COMMITTEE CHAIRMAN HUFF: Yeah.

5 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: We can  
6 tailor a motion that will meet your objective.

7 COMMITTEE CHAIRMAN HUFF: Okay.

8 MANAGER COYLE: The item number is 8L.

9 COMMITTEE CHAIRMAN HUFF: Okay. Are there  
10 any other questions on this item?

11 Thank you, Mary.

12 MANAGER COYLE: You're welcome. I would just  
13 like to say thank you for the committee and the Board  
14 and the staff and all the LEAs for getting us through  
15 this process. We probably won't be back up for any  
16 consideration for a few months.

17 COMMITTEE CHAIRMAN HUFF: That's okay.

18 Were you about to speak, Mr. Sphar?

19 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: If you  
20 would like. I think a way to accomplish that objective  
21 as Mary had recommended would be to make a motion  
22 which, on item agenda item 8L only, which would, the  
23 effect of this motion would be to amend the previous  
24 motion, but there's no need to state it that way.

25 The motion could be merely to reconsider item

1 8L and put West Covina's certification decision on the  
2 July 29th Board meeting for full certification if those  
3 additional requirements are met.

4 That would have the effect of amending your  
5 previous motion only with respect to the date of the  
6 meeting that it was put on and full versus temporary  
7 certification. That would be, I think, staff's  
8 suggested motion.

9 COMMITTEE CHAIRMAN HUFF: All right. We'll  
10 take it in two steps.

11 First will be a motion to reconsider 8L only.  
12 Reconsider action.

13 COMMITTEE MEMBER RELIS: I move that we  
14 reconsider item 8L only.

15 COMMITTEE CHAIRMAN HUFF: Okay. And let's do  
16 an after lunch roll call.

17 COMMITTEE SECRETARY KELLY: Board member  
18 Egigian.

19 COMMITTEE MEMBER EGIGIAN: Here.

20 COMMITTEE SECRETARY KELLY: Relis?

21 COMMITTEE MEMBER RELIS: Here.

22 COMMITTEE SECRETARY KELLY: Chairman Huff?

23 COMMITTEE CHAIRMAN HUFF: Aye.

24 Motion carries, three 0. 8L is reconsidered.

25 Okay.

1           Now the motion is to recommend to the full  
2 Board that -- county is it?

3           MANAGER COYLE: City.

4           COMMITTEE CHAIRMAN HUFF: -- City of West  
5 Covina be granted full certification with the condition  
6 that -- what were they missing?

7           MANAGER COYLE: Their staffing.

8           COMMITTEE CHAIRMAN HUFF: Staffing element?

9           MANAGER COYLE: Right.

10          COMMITTEE CHAIRMAN HUFF: All right. Full  
11 consideration with the understanding that their  
12 staffing element will be submitted and deemed accepted  
13 by Board staff. And such recommendation will go to the  
14 July 29th meeting. And in the absence of the element  
15 or the finding by staff that we would have temporary  
16 certification on the July 29th meeting. Okay?

17          COMMITTEE MEMBER RELIS: Yeah.

18          COMMITTEE MEMBER EGIGIAN: So moved.

19          COMMITTEE CHAIRMAN HUFF: Paul, Sam moves  
20 that one.

21          COMMITTEE MEMBER RELIS: Yeah, I second.  
22 That's right, I was writing.

23          COMMITTEE CHAIRMAN HUFF: Sam moved that one.  
24 Now without objection we'll substitute prior roll call.  
25 The ayes are three, the noes are none. The motion is

1 adopted. That pertains to West Covina. And that will  
2 be the July 29 meeting. And that will be also on  
3 consent.

4 Okay. Now we will skip to item 16, prevent  
5 or substantially impair.

6 COMMITTEE MEMBER EGIGIAN: There might be  
7 people on these other permits that might be able,  
8 trying to catch a plane back or something.

9 COMMITTEE CHAIRMAN HUFF: I understand, yeah.  
10 Does anyone have, I have the request to speak on ten  
11 and requests to speak on 16, that's all I have. So  
12 unless Jim Astor has a plane to catch, we're going to  
13 go to 16.

14 MR. ASTOR: I don't.

15 MS. TRGOVCICH: Good afternoon, members.  
16 This is the ongoing issue of to prevent or  
17 substantially impair. To assist the members of the  
18 audience that may not be aware of what this issue is,  
19 in Public Resources Code Section 44009, there is a  
20 provision that requires that the Board consider the  
21 issue of whether or not a facility for which a permit  
22 is before the Board for concurrence prevents or  
23 substantially impairs the achievement of the statutory  
24 waste diversion mandates found in Section 41780 of the  
25 Public Resources Code.

1           This provision sunsets upon the time at which  
2 a countywide integrated waste management plan for a  
3 specific county is approved by this Board. So that  
4 this provision may sunset for any given county between  
5 the years of 1992 and 1994 or at any point thereafter  
6 upon which the Board approves of the countywide plan.

7           This gap period came into existence because  
8 the prior county solid waste management plans were  
9 eliminated from the government code, and hence Public  
10 Resources Code, when AB 939 or the Integrated Waste  
11 Management Act of 1989 went into effect.

12           The most recent meetings that we have had on  
13 this issue, last month's committee meeting, discussed a  
14 proposed process by which the Board would handle this  
15 issue as each individual permit item was considered by  
16 this Board.

17           The process would focus on the LEAs as, and  
18 the LEA would be required to identify whether or not  
19 evidence exists with specific relationship to contracts  
20 or other arrangements which would control the solid  
21 waste stream, specifically contracts or other  
22 arrangements which would require that the solid waste  
23 being handle by the facility in question be disposed of  
24 in a solid waste landfill or be sent to a  
25 transformation facility.

1           The regulations which, proposed regulations  
2 which are included as an attachment to this item  
3 attempts to incorporate that proposed staff strategy  
4 into proposed, once again, proposed regulations.

5           Because what staff is recommending in this  
6 item is that the regulations included in this  
7 attachment be approved for first public notice and  
8 therefore the comment period on the regulations would  
9 commence, I would just like to restate for the record  
10 what the changes would be.

11           The proposed regulations intend to amend  
12 Section 18207 of the Title 14, Division VII, chapter  
13 five, article 3.1, which is the section which dictates  
14 the Board review of proposed permits.

15           These proposed regulations would add a new  
16 section B which would identify a process wherein an LEA  
17 must submit a written statement along with a permit  
18 application. And the statement would indicate whether  
19 or not there exists contracts or other arrangements  
20 requiring the disposal or transformation of solid waste  
21 which may otherwise be utilized to achieve the waste  
22 diversion mandates.

23           And that is section 41780 of the Public  
24 Resources Code.

25           COMMITTEE MEMBER RELIS: Mr. Chairman.

1 COMMITTEE CHAIRMAN HUFF: Yes, Paul.

2 COMMITTEE MEMBER RELIS: I just wanted to ask  
3 Caren, has this gone by Cortese's office?

4 MS. TRGOVCICH: This was sent to Assemblyman  
5 Cortese's office and I spoke with Patricia Megason this  
6 morning. And she indicated that while the Assemblyman  
7 has been involved in budget negotiations, and he  
8 himself has been unable to look at the specific  
9 language, that she has, and she feels this language is  
10 in keeping with the discussions that have been held  
11 regarding this issue. She had one concern and I'll  
12 raise that after I --

13 COMMITTEE MEMBER RELIS: Okay, I'm sorry.

14 MS. TRGOVCICH: -- briefly go through the  
15 second amendment to this section.

16 What the proposed regulations would also do  
17 is amend the prior section B, turn it into a new  
18 section C, and add a statement which would indicate  
19 that it is the Board's responsibility to consider the  
20 written statement submitted by the LEA in meeting the  
21 requirements of prevent or substantially impair as  
22 stated in Section 44009 which is the Board's  
23 requirement to look at this issue. And if substantial  
24 evidence exists in the record regarding prevent or  
25 substantially impair, to make a determination not to

1 concur in the issuance of that permit. So what this  
2 section does is it ties back the written statement into  
3 the process identified in the permit concurrence  
4 section.

5 That's the summary, that's the summary of the  
6 changes. They are very few because they are process  
7 only. This identifies a process for consideration of  
8 the issue by the Board. I would like to make one  
9 change to Section B which is in the packet. Because  
10 this provision sunsets when the countywide plans are  
11 approved by this Board, it would be appropriate to add  
12 the same wording included in the new subsection C at  
13 the outset of the new subsection B.

14 So it would read,

15 "For purposes of meeting the  
16 requirements prescribed in Section  
17 44009 pertaining to prevent or  
18 substantially impair, the LEA shall  
19 submit with the proposed permit,"  
20 etcetera.

21 So we're just adding that statement at the  
22 outset. So that once that provision sunsets there is  
23 not a regulatory requirement that the LEA continue to  
24 submit that written statement.

25 COMMITTEE CHAIRMAN HUFF: Makes sense to me.

1 MS. TRGOVCICH: The conversations that we've  
2 had with Patricia Megason of Assemblyman Cortese's  
3 office, in those conversations her one area of concern  
4 that she pointed out was having this requirement placed  
5 upon the LEA. Is the LEA the appropriate entity to  
6 take on this responsibility?

7 And I feel that it is appropriate since the  
8 LEA is the agent of the Board and that the proposed  
9 alternative, not proposed alternative by Assemblyman  
10 Cortese's office but by other individuals interested in  
11 this process, which would be the local task forces,  
12 that they are not an agent of the Board, and we would  
13 not have the authority to regulate or determine what  
14 type of information they would be submitting, or to  
15 evaluate on an ongoing basis their compliance with  
16 those requirements.

17 COMMITTEE CHAIRMAN HUFF: In fact we talked  
18 about the task force and LEA with Dom when we talked to  
19 him. And as I recall the conversation, we came to the  
20 conclusion that LEA was appropriate. Now I understand  
21 that there are folks out there who might think that the  
22 local task force is appropriate.

23 COMMITTEE MEMBER RELIS: But I think, I  
24 thought we agreed because --

25 COMMITTEE CHAIRMAN HUFF: But when we talked

1 to Dom we said LEA, didn't we?

2 COMMITTEE MEMBER RELIS: Yes, because we were  
3 discussing either that or the Public Works Department  
4 or, because the task force doesn't have any legal  
5 standing and it would just be, it could be nebulous  
6 from an accountability standpoint, who signed and under  
7 what authority?

8 COMMITTEE CHAIRMAN HUFF: Yeah. Okay.

9 MS. TRGOVCICH: I'd just like to restate that  
10 we, I have not heard from any of the LEAs on this most  
11 recent submittal, most recent package. But that they  
12 have stated at the last committee meeting that it was  
13 their preference that they not only perform this  
14 function of determining if any evidence exists, but  
15 they would like also to make that determination. And  
16 we discussed at the last committee that that's not,  
17 that that's contrary to the legal requirements.

18 And I just wanted to state for the record  
19 that they were in support of a more involved process at  
20 the LEA level.

21 COMMITTEE CHAIRMAN HUFF: Yeah, and that's  
22 nice. But as you said, the law says that we have to  
23 take this action if substantial evidence exists.

24 COMMITTEE MEMBER RELIS: Mr. Chair.

25 COMMITTEE CHAIRMAN HUFF: Yeah.

1 COMMITTEE MEMBER RELIS: I have a question on  
2 B, the proposed language. The first sentence,

3 "The LEA shall submit with the  
4 proposed permit a written statement  
5 on whether there exists contracts  
6 or other arrangements --"

7 Could you explain how we got to that  
8 language? Because we did have before specifically the  
9 financial flow control, so this is a broader --

10 MS. TRGOVCICH: Staff does not believe that  
11 this is broader, and I'll briefly explain why. It's,

12 "-- whether there exists  
13 contracts or other arrangements  
14 requiring the disposal or  
15 transformation of solid waste which  
16 --"

17 Which would require that a certain action  
18 take place, that the waste be handled in a certain  
19 manner, could be deemed to be flow control in that  
20 sense. That is that the waste be handled in a specific  
21 manner or that a specific quantity of waste be handled  
22 in that manner. That's why we didn't specifically  
23 state flow control. We would have to define that as,  
24 and we could potentially do that. This seemed to be  
25 more descriptive in the broader sense.

1           "Whether there exists contracts or other  
2 arrangements." We felt that we should give the local  
3 enforcement agencies the leeway to look beyond any  
4 specific signed contract. That there may be, and I'll  
5 defer to legal counsel here, but there may be other  
6 types of arrangements which may lead to the same end  
7 result.

8           COMMITTEE MEMBER RELIS: I guess my thought  
9 then is, if I heard you correctly, that seems like a  
10 broader reading, I mean interpretation, than what was  
11 originally the case. I'm not, I don't necessarily  
12 disagree with that, it's just if I'm interpreting it  
13 that way, would I be unique?

14           COMMITTEE MEMBER EGIGIAN: Probably.

15           COMMITTEE CHAIRMAN HUFF: Well because other  
16 arrangements is modified, it's qualified by the phrase  
17 "requiring the disposal or transformation of solid  
18 waste." So it's "arrangements requiring the disposal  
19 or transformation of solid waste."

20           MS. TRGOVCICH: I'd just like to point out  
21 here as well that this wording was taken directly from  
22 Assemblyman Cortese's letter to the Journal "requiring  
23 the disposal or transformation of solid waste."

24           We as staff felt somewhat uncomfortable with  
25 that, however that is the direction, that is the intent

1 of the law of AB 2296, and where Assemblyman Cortese  
2 wanted that to be taken.

3 In terms of financing arrangements, the  
4 reason why that phrase is not in there is because the  
5 purpose of including financing arrangements is that you  
6 would ultimately end up in a situation of having  
7 controlled a portion of the waste stream. That the  
8 financing arrangements would require that the waste  
9 stream be handled in a certain manner or that a  
10 quantity of the waste stream be handled in a certain  
11 manner.

12 So that's why we just left it at "requiring  
13 the disposal or transformation of" rather than stating  
14 specifically flow control or financing arrangements.  
15 We felt that this statement was all inclusive.

16 COMMITTEE CHAIRMAN HUFF: Okay.

17 COMMITTEE MEMBER EGIGIAN: A little further  
18 on it's "otherwise be utilized." What does this mean?

19 MS. TRGOVCICH: The purpose of that statement  
20 is that in order to meet the requirements or for the  
21 Board to be able to look at the issue of prevent or  
22 substantially impair.

23 What this statement means is that if in the  
24 countywide plan, in the city source reduction and  
25 recycling elements, that that portion of the waste

1 stream was identified or could be, would significantly  
2 or ultimately lead to the achievement of the 25 and 50  
3 percent diversion rates, that that portion of the waste  
4 stream would be necessary in order to meet the  
5 diversion mandates

6 COMMITTEE MEMBER EGIGIAN: So it's just going  
7 back a little to the item that you just talked about  
8 with other arrangements. If the word financial was put  
9 in there, what would that do? That would weaken the  
10 situation?

11 MS. TRGOVCICH: I don't think it would weaken  
12 it because we say "there exists contracts." And  
13 financial arrangements would ultimately lead to that  
14 situation.

15 We're, this is a new situation for us. And  
16 we're going to have to see what the LEAs are going to  
17 be submitting in their written statements. I can't say  
18 whether that would limit us, whether that would weaken  
19 it or not.

20 COMMITTEE MEMBER EGIGIAN: I think it's an  
21 actual thing though.

22 MS. TRGOVCICH: We don't know what exists out  
23 there right now. We don't know what types of  
24 agreements have been entered into, if any, which would  
25 control the waste stream, a portion of the waste stream

1 which would otherwise be utilized to meet those  
2 mandates.

3 COMMITTEE MEMBER EGIGIAN: Well we do know  
4 that there's other arrangements that have financial  
5 impact on that.

6 MS TRGOVCICH: Exactly.

7 COMMITTEE MEMBER EGIGIAN: So how would that  
8 change them? They would cause the locality to cancel  
9 their agreement with whoever they have that agreement  
10 with at the present time?

11 MS. TRGOVCICH: I don't think it would lead  
12 to any cancellation of agreements. This is, what this,  
13 the purpose of this section is for the LEA just to  
14 identify if any arrangements exist. The cancellation  
15 of those arrangements is not contemplated at all here,  
16 but simply that those arrangements and what their  
17 impact would be on the county or city's ability to meet  
18 the diversion mandates be disclosed.

19 COMMITTEE MEMBER RELIS: Now the written  
20 statement then that the Board would be receiving could  
21 be anything from no or yes or --

22 MS. TRGOVCICH: There does not exist any  
23 contracts or arrangements or the following contracts  
24 have been identified. We wanted, because we don't, we  
25 don't anticipate that there will set format that any of

1 the LEAs are going to be following here, they will be  
2 contacting the appropriate local entities. We wanted  
3 to give them as much leeway as possible. If they want  
4 to put it in a letter and send it to us along with the  
5 permit application, that would constitute a written  
6 statement.

7 COMMITTEE MEMBER RELIS: And then we evaluate  
8 that for the determination?

9 MS. TRGOVCICH: That's the evidence the Board  
10 must consider.

11 COMMITTEE MEMBER RELIS: So depending on  
12 what's there, that's our latitude?

13 MS. TRGOVCICH: Yes.

14 COMMITTEE CHAIRMAN HUFF: Uh-huh.

15 COMMITTEE MEMBER RELIS: Okay.

16 MS. TRGOVCICH: That concludes staff's  
17 presentation. Once again, the purpose of this item was  
18 to recommend that we go to, first public notice, which  
19 would put the regulations out there for public comment  
20 for a minimum 45-day comment period. And we will be  
21 returning to this committee with the comments received  
22 and any proposed changes.

23 COMMITTEE CHAIRMAN HUFF: Okay, very good.  
24 No further questions? Good presentation.

25 I have two requests to address the committee.

1 First one from Denise --

2 MR. SWEETZER: I'm obviously not Denise. I'm  
3 Larry Sweetzer of Nor Cal.

4 If I could present her part now, or would you  
5 rather I wait?

6 COMMITTEE CHAIRMAN HUFF: Feel free.

7 MR. SWEETZER: We've been working with the  
8 League of California Cities and we're obviously in  
9 agreement with both of them, with the league, on a  
10 couple of changes to that, and I can read those in, on  
11 item B.

12 COMMITTEE CHAIRMAN HUFF: Okay, try it.

13 MR. SWEETZER: The concern is, laymans's  
14 change, would be "whether there exists contracts or  
15 other financing arrangements," to make it clearer and  
16 more consistent with the Journal letter.

17 And the next line down,

18 "Requiring the disposal or  
19 transformation of solid waste which  
20 may be required to achieve the  
21 waste diversion."

22 That would take away some of the vagueness  
23 and make it less open-ended. The concern would be that  
24 every facility may be required to conduct diversion  
25 activities to meet the 25 percent goal, and so we

1 wanted to make it more specific.

2 COMMITTEE CHAIRMAN HUFF: Okay. That's it?

3 MR. SWEETZER: That was the changes.

4 COMMITTEE CHAIRMAN HUFF: What does the  
5 Journal -- do you have the Journal letter?

6 MS. TRGOVCICH: I don't. I didn't, it's in  
7 the prior package.

8 MR. SWEETZER: I don't have it with me.  
9 Denise has it with her and it's the other way, she's on  
10 her way back.

11 COMMITTEE MEMBER RELIS: Howard's got it.

12 COMMITTEE CHAIRMAN HUFF: Howard's got it.  
13 Great staff work, Howard. Howard to the rescue.

14 MR. LEVINSON: I think I do.

15 COMMITTEE MEMBER RELIS: He committed before  
16 he could find it.

17 COMMITTEE CHAIRMAN HUFF: He came through.  
18 He came through. All right. I can't read this worth a  
19 whose xerox machine?

20 COMMITTEE MEMBER RELIS: Reading it is one  
21 thing, understanding it is still another.

22 COMMITTEE CHAIRMAN HUFF: This says,

23 "Local government financing  
24 arrangements which necessitate the  
25 transformation or disposal of

1 substantial quantity of recyclable  
2 materials in order to service long  
3 term debt," is the second.

4 The first one, the first of the two is,

5 "Flow control contracts  
6 executed by local agencies which  
7 require the transformation of  
8 disposable or recyclable materials  
9 which are needed to meet --"

10 And two, "Financing arrangements which  
11 necessitate the transformation," etcetera.

12 COMMITTEE MEMBER RELIS: On that point you  
13 said that you'd discussed this with --

14 MS. TRGOVCICH: We had, staff had discussed  
15 this issue with legal counsel, and we determined that  
16 the issue of flow control and the issue of financing  
17 arrangements ultimately led to the same end result.

18 So what the Assemblyman was trying to  
19 accomplish with both of those points was to get to  
20 agreements which would take quantities of the waste  
21 stream which would be necessary to meet the diversion  
22 mandates either for solid waste disposal or  
23 transformation. That both would result in the same  
24 end.

25 COMMITTEE CHAIRMAN HUFF: Well I do share

1 staff concern. I mean I think if you stick the word  
2 financial in there it might be overly restrictive. I  
3 don't want to exclude flow control which is almost the  
4 same thing as financial but isn't. And it isn't  
5 because the Assemblyman didn't have it the same thing.

6 When you say, "contracts or other, that I  
7 think covers it.

8 If you say, "contracts or other financial,"  
9 I'm not sure whether financial then also modifies  
10 contracts.

11 COMMITTEE MEMBER EGIGIAN: The contract is a  
12 financial document.

13 COMMITTEE CHAIRMAN HUFF: So, Larry, you  
14 haven't convinced me on financial.

15 Now, "which may otherwise be utilized," that  
16 is rather cumbersome English. Not that regulations  
17 don't have cumbersome English in them from time to  
18 time.

19 MR. SWEETZER: From time to time.

20 COMMITTEE CHAIRMAN HUFF: The Assemblyman  
21 used the phrase, "which are needed to meet --"

22 COMMITTEE MEMBER EGIGIAN: Where did you find  
23 that?

24 COMMITTEE MEMBER RELIS: As opposed to may?

25 COMMITTEE CHAIRMAN HUFF: As opposed to may.

1 I mean it's very similar language. What do you think  
2 about that, Caren?

3 MS. TRGOVCICH: That would be fine. We would  
4 agree with that change.

5 COMMITTEE CHAIRMAN HUFF: You would put an S  
6 on the end of the word waste, wouldn't you?

7 "Requiring the disposal or transformation of  
8 solid wastes which are needed --"

9 MS. TRGOVCICH: There's an S there.

10 COMMITTEE MEMBER RELIS: It's an invisible S.

11 COMMITTEE CHAIRMAN HUFF: Let me put my  
12 glasses on. I see it.

13 "Transformation of solid wastes which are  
14 needed to achieve the waste diversion mandates."

15 How's that? You're batting 500, Larry.

16 MR. SWEETZER: Let's see if Jack can do a  
17 little better. Okay?

18 COMMITTEE CHAIRMAN HUFF: Okay.

19 COMMITTEE CHAIRMAN HUFF: Okay, Jack, do you  
20 want to talk to us about this?

21 MR. MICHAEL: Yes, sir, thank you very much.

22 Mr. Chairman, members of the committee, I'm  
23 Jack Michael representing Los Angeles County.

24 The concerns that we have with the language  
25 as written is precisely what was being discussed, that

1 I believe the language does open it up to, certainly  
2 unknowns. And I think that our position has been that  
3 the letter to the Journal was more specific than the  
4 discussion we've had over the past several months in  
5 terms of a policy. So my language suggestion, if  
6 anybody wants to hear that, is --

7 COMMITTEE CHAIRMAN HUFF: We certainly do.

8 MR. MICHAEL: -- that there, and well let me  
9 mention, I think that flow control and financing or  
10 financial, those terms need to be in here because those  
11 were the specifics of the letter to the Journal and the  
12 only specifics through the negotiations that any of the  
13 parties could identify as something that might impair  
14 or substantially prevent or prevent or substantially  
15 impair attainment of the mandate. So I think that it  
16 needs to be restricted to that.

17 So my suggestion is that in the second  
18 sentence on --

19 "whether there exists flow  
20 control contracts or financial  
21 arrangements by local government  
22 requiring the disposal or  
23 transformation of solid wastes, the  
24 diversion of which may be required  
25 to achieve the mandates specified

1 in PRC Section 41780."

2 I'm a little concerned with using language  
3 which says that we're using waste to do something in  
4 terms of mandates. We're all trying to divert waste,  
5 dispose of waste, somehow solve the waste problem. And  
6 so I don't think it's proper to say that we're using  
7 waste to achieve a mandate. We're trying to divert  
8 waste to achieve a mandate.

9 So again my suggestion is in the second  
10 sentence,

11 "whether there exists flow  
12 control and certain flow control  
13 contracts or financial arrangements  
14 by local governments requiring the  
15 disposal or transformation of solid  
16 wastes --" and then inserting, "the  
17 diversion of which may be required  
18 --" striking which may otherwise be  
19 utilized -- "to achieve the --"  
20 strike waste diversion mandates,  
21 etcetera, etcetera.

22 COMMITTEE CHAIRMAN HUFF: Okay. Tell you  
23 what I'll do. I already like my language which says  
24 "which are needed" instead of "which may otherwise be  
25 utilized," and it says the same thing as your language.

1 Mandates, the Assemblyman used the word  
2 goals. I'd change the word mandates to goals.

3 "Needed to meet the AB 939 recycling goals,"  
4 is what he said.

5 MR. MICHAEL: Well PRC Section 41780 has  
6 mandates though, not goals, no matter what he said,  
7 but --

8 COMMITTEE CHAIRMAN HUFF: So you like the  
9 word mandates instead?

10 MR. MICHAEL: Counsel maybe wants to  
11 comment --

12 COMMITTEE CHAIRMAN HUFF: He doesn't look  
13 like he's bursting.

14 MR. MICHAEL: -- but I've always understood  
15 that the provisions of 41780 is not goals as absolute  
16 mandates.

17 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: Well  
18 they're stated as mandates in 41780. There are other  
19 provisions which allow for reductions, exemptions, time  
20 extensions, which could lead you to conclude that the  
21 25 and 50 percent are goals which you can drop below  
22 under certain delineated circumstances, but I don't  
23 think I am --

24 COMMITTEE CHAIRMAN HUFF: Or exceed.

25 ASSISTANT CHIEF LEGAL COUNSEL SPHAR:

1 Correct, you're free to exceed the mandates, the  
2 mandated goals.

3 MR. MICHAEL: I'll go along with your  
4 language if you'll delete, "As specified in PRC Section  
5 41780 goals."

6 "Goals specified in PRC" without any section  
7 citation would be fine.

8 COMMITTEE CHAIRMAN HUFF: PRC without a  
9 section?

10 MS. TRGOVCICH: I think we need to identify  
11 section. That's a traditional way in which we cite  
12 statute.

13 I'd also like to indicate this is just an  
14 authorization to go to first public notice.

15 COMMITTEE CHAIRMAN HUFF: That's true.

16 MS. TRGOVCICH: And there will be a 45-day  
17 comment period.

18 COMMITTEE CHAIRMAN HUFF: That's true.

19 MR. MICHAEL: One further, I have one further  
20 question that may affect the discussion some. With the  
21 added language in the new section C, my assumption is  
22 that that language is added to say that in addition to  
23 any other written comment or public comment on a  
24 permit, that the Board will in addition review the  
25 evidence submitted pursuant to section B. Is that

1 correct?

2 In other words, the additional language isn't  
3 inteded to say that the only comment to be considered  
4 by the Board on this issue is that submitted by the  
5 LEA?

6 MS. TRGOVCICH: I think Mr. Michaels is  
7 correct there because we could not preclude that  
8 comment in a public setting.

9 COMMITTEE CHAIRMAN HUFF: Uh-huh, it's true.

10 MR. MICHAEL: I just wanted to clarify it.

11 COMMITTEE CHAIRMAN HUFF: That's true.

12 MR. MICHAEL: Okay.

13 COMMITTEE CHAIRMAN HUFF: Anybody can say  
14 anything in a public setting just about.

15 MR. MICHAEL: And usually do.

16 COMMITTEE CHAIRMAN HUFF: Except pray maybe.

17 MR. MICHAEL: We're happy to comment in the  
18 45-day period. I offer this language as our suggestion  
19 to deal with this. Again, I believe that the intent of  
20 the letter to the Journal and the negotiation by the  
21 parties was to limit the basis upon which a  
22 determination would be made of prevent or substantially  
23 impair. And I think that whatever regulation you have  
24 needs to be as restrictive as that intent. The  
25 language that has been presented here is, I believe,

1 much more wide open and general.

2 Thank you.

3 COMMITTEE CHAIRMAN HUFF: Okay, you're  
4 welcome.

5 It is the intent of this language, I can tell  
6 you, and it's the reason why we went to talk to Mr.  
7 Cortese, and it's the reason why we submitted this  
8 language to Mr. Cortese, the intent is to be consistent  
9 with his legislation and his letter to the Journal.

10 The comments that I've heard reported back  
11 from his staff indicates that we're pretty close to the  
12 mark.

13 You understand, Jack, that if we use the  
14 phrase flow control in this section we'd have to define  
15 it which would take us another month, at least. And  
16 that too would be subject to considerable discussion.

17 I have asked staff to follow the KISS  
18 principle in this regard.

19 MR. MARINO: Mr. Chairman, may I ask a  
20 question?

21 Al Marino, representing the California Refuse  
22 Removal Council.

23 I wasn't going to speak at all, but since the  
24 LEA is going to play such an integral part in this, and  
25 since learning that the Board is going to be the LEA in

1 two counties, does that make the Board judge and jury  
2 in those counties when it comes to this deliberation?

3 COMMITTEE CHAIRMAN HUFF: Yep.

4 MR. MARINO: Is that right? Is that the  
5 position you want to be in?

6 COMMITTEE CHAIRMAN HUFF: No.

7 MR. MARINO: No. So what do you do?

8 EXECUTIVE DIRECTOR CHANDLER: If I could  
9 clarify that point. I would think the staff will be  
10 the ones that will be out serving the LEA function and  
11 will bring the findings before the Board as the LEA  
12 would bring the findings before the Board for a  
13 determination. And I would argue that there is a  
14 distinction that could be drawn clearly as the evidence  
15 that we would bring forward for this Board's  
16 consideration as the LEA would do likewise.

17 MR. MARINO: Oh I'm sure of that, but the  
18 trouble is you don't have an LEA in those counties as I  
19 understand it.

20 EXECUTIVE DIRECTOR CHANDLER: We do have LEAs  
21 in most counties. I thought you were referring to, Mr.  
22 Marino, the two jurisdictions where we as staff will  
23 serve the LEA function.

24 MR. MARINO: Right. There is no other LEA in  
25 that county?

1 EXECUTIVE DIRECTOR CHANDLER: That's right.

2 MR. MARINO: So that's what I'm saying,  
3 you'll be serving that function.

4 EXECUTIVE DIRECTOR CHANDLER: Staff will.

5 MR. MARINO: Right.

6 EXECUTIVE DIRECTOR CHANDLER: That's correct.

7 COMMITTEE CHAIRMAN HUFF: That's right.

8 MR. MARINO: So you'll report to the Board  
9 what you --

10 EXECUTIVE DIRECTOR CHANDLER: We'll report  
11 the staff's review and findings to the Board just as  
12 the LEA would report to the Board.

13 COMMITTEE CHAIRMAN HUFF: Now understand, it  
14 would be different sections of staff, but yes, that's  
15 one of the problems with the Board being in the LEA  
16 business. There's probably others. We don't belong in  
17 the LEA business except that there's no alternative,  
18 and I wish there was.

19 MR. MARINO: I just didn't know whether you  
20 had realized that that might have been a problem.

21 Thank you.

22 COMMITTEE CHAIRMAN HUFF: Yeah, we'll try and  
23 make it not a problem.

24 MR. MARINO: I'm sure you will.

25 Thank you.

1                   COMMITTEE CHAIRMAN HUFF: And understand, Al,  
2 this is only for the gap period anyway.

3                   MR. MARINO: Yeah, I know.

4                   MS. TRGOVCICH: If I could just point out,  
5 which may help a little, that contracts and other  
6 arrangements are very specific. It's not something  
7 that can be concocted, if you want to use the word.  
8 That they will be very specific agreements that if they  
9 do exist either the LEA or our staff acting as the LEA  
10 will bring forward. They will only bring forward those  
11 items which truly do exist, and the Board will have the  
12 opportunity to evaluate that as they consider each  
13 permit.

14                   COMMITTEE CHAIRMAN HUFF: Yeah, okay. Then  
15 shall we proceed?

16                   The only changes I've then set down in my  
17 mind are in sub B, in the third line, the word "waste"  
18 should read "wastes which." Then the last word there,  
19 strike the word "may" and make it "are." And strike  
20 "otherwise be utilized" and make it "needed." Okay?

21                   MS. VAZQUEZ: Mr. Chairman, in order to make  
22 the new section B consistent with the rest of the  
23 regulation, you may wish to write enforcement agency in  
24 place of LEA.

25                   COMMITTEE CHAIRMAN HUFF: Oh, all right, yes.

1 Enforcement agency. That's in sub B. Instead of using  
2 the initials "LEA," make it "enforcement agency."

3 MS. VAZQUEZ: Yes.

4 COMMITTEE CHAIRMAN HUFF: Okay. And of  
5 course, already given by staff was the fact that we  
6 have the prefatory clause, "For the purposes of meeting  
7 the requirements prescribed in Section PRC pertaining  
8 to --" that clause which you find in sub C in the  
9 highlighted area down to the comma, down to the closed  
10 quotes, okay. That precedes sub B, okay?

11 I'm ready for a motion.

12 COMMITTEE MEMBER RELIS: I move.

13 COMMITTEE CHAIRMAN HUFF: All right. This is  
14 going to go to OAL. Without objection we'll substitute  
15 prior roll call. The ayes are three, the noes are  
16 none. The motion is carried. This does not go to the  
17 Board yet.

18 And we will continue to talk to you, Jack,  
19 about what these words mean. We think it's narrow.  
20 And the committee members think it's narrow.

21 MR. MICHAEL: Thank you, Mr. Chairman. I  
22 understand that. And I can recall a permit not too  
23 long ago that some construed the arrangements to be  
24 something that they weren't as well. And so the word  
25 arrangements, other arrangements, to me tends to be

1 far-reaching.

2 COMMITTEE CHAIRMAN HUFF: Okay. Well we'll  
3 try to, if there are synonyms that are narrow we will  
4 consider them. Okay, that takes care of 16.

5 We will go back now to ten. Permit time.

6 MANAGER MORALEZ: Mr. Chairman, members of  
7 the Committee. The item before you, item ten, is  
8 consideration of concurrence in the issuance of a new  
9 solid waste facilities permit for the Moreno Valley  
10 Solid Waste Recycling and Transfer Facility in  
11 Riverside County.

12 And for the record my name is Phil Morales,  
13 manager for the Permits Branch. And I'd like Dave  
14 Otsubo to give the staff report on this.

15 MANAGER OTSUBO: Good afternoon, Mr. Chairman  
16 and members of the Committee. I'm David Otsubo  
17 representing the Permits Branch of the Permitting and  
18 Compliance Division.

19 This item regards the consideration of  
20 concurrence in the issuance of a new solid waste  
21 facilities permit for the Moreno Valley Solid Waste  
22 Recycling and Transfer Facility owned and operated by  
23 Waste Management of the Inland Valley in the County of  
24 Riverside.

25 This facility is located, will be located

1 within the City of Moreno Valley near March Air Force  
2 Base within the Oleander Industrial complex. The  
3 Moreno Valley site will serve the city as well as the  
4 city as well as the surrounding unincorporated areas of  
5 the county.

6 This facility will receive an estimated  
7 average of 800 tons of non-hazardous solid waste per  
8 operating day. It is anticipated that there will  
9 initially be a 21 percent materials recovery rate.

10 The waste stream will consist of municipal,  
11 construction, and demolition wastes now being picked up  
12 by Waste Management of the Inland Valley and disposed  
13 of in the county landfills.

14 The facility will consist of two enclosed  
15 tipping areas, a public buyback center, scale house,  
16 offices, and truck service areas. Waste Management  
17 will also store their trucks, trailers and containers  
18 on the 19-acre site.

19 Vehicles entering the site will be directed  
20 to one of the tipping floors. The recycling tipping  
21 floor will receive loads of high recoverable content  
22 such as curbside and commercially collected  
23 recyclables.

24 Two sort lines will operate adjacent to the  
25 recycling tipping floor. Material such as paper,

1 plastics, metals, and glass will be recovered and  
2 sorted. Available materials will be stacked in a  
3 designated area. Otherwise items will be stored in  
4 bins. Nearby loading docks will facilitate the  
5 transfer of these materials to trucks hauling them to  
6 market.

7 Waste loads will be directed to the transfer  
8 tipping floor. There such materials as white goods,  
9 green waste, wood waste, and inerts will be separated  
10 out and placed in designated storage areas. Residual  
11 materials from both tipping floors will be loaded into  
12 transfer trailers to be sent to area landfills.

13 Members of the public with recyclables such  
14 as aluminum cans, CRV bottles, will be directed to the  
15 buyback center.

16 The inside location of the tipping floors  
17 decreases the possibility of impacts on the area due to  
18 odor, dust, leachate generation, litter, and noise.  
19 Other mitigation features include regular sweeping of  
20 the site's paved roads, a water mist system for  
21 interior dust control, waste removal within 48 hours,  
22 and a hazardous waste exclusion system to discourage  
23 illegal disposal of these wastes at the facility.

24 In addition, the facility will be protected  
25 from run-on storm water by its elevated pad, concrete

1 gutters, and channels.

2 As the area is not yet connected to sewer  
3 lines no discharge of waste water off-site will be  
4 made.

5 The site's sanitary facilities will be served  
6 by a septic tank and a leach field. The water from the  
7 truck wash facilities will be directed into a clarifier  
8 and then reused.

9 The LEA and Board staff have determined the  
10 following; the facility's design is consistent with the  
11 Riverside County Waste Management plan as indicated by  
12 the support of the local task force. The facility is  
13 in conformance with the City of Moreno's general plan.  
14 The project is consistent with the waste diversion  
15 goals of AB 939. And CEQA has been complied with.

16 For the record I'd like to make a correction.  
17 The agenda item indicates that the environmental impact  
18 report was prepared by the County of Riverside.  
19 Actually it was prepared by the City of Moreno Valley.

20 Staff has reviewed the proposed permit,  
21 supporting documentation, and found them to be  
22 acceptable.

23 In conclusion, staff recommends that the  
24 Board adopt solid waste facilities permit decision  
25 number 92-86 in concurring in the issuance of solid

1 waste facilities permit number 33AA0234.

2 The operator and the LEA are present and  
3 available for questions.

4 This concludes staff's presentation.

5 COMMITTEE CHAIRMAN HUFF: Questions of staff?  
6 LEA anything to add? Operator, anything to say?

7 MR. AHMAD: No, I have nothing to add at this  
8 time.

9 COMMITTEE MEMBER RELIS: Move adoption.

10 COMMITTEE CHAIRMAN HUFF: It's been moved.

11 COMMITTEE MEMBER EGIGIAN: Second.

12 COMMITTEE CHAIRMAN HUFF: Without objection  
13 we'll substitute prior roll call. The ayes are three,  
14 the noes are none. The motion is adopted. This is  
15 consent.

16 Eleven.

17 MANAGER MORALEZ: Item number 11 is  
18 consideration and concurrence in the issuance of a  
19 revised solid waste facility permit for the Lamb Canyon  
20 Landfill in Riverside County.

21 David Otsubo will make the staff presentation.

22 MR. OTSUBO: Hi, I'm David Otsubo, again  
23 representing the Permits Branch.

24 This item regards the consideration and  
25 concurrence in the issuance of a revised solid waste

1 facilities permit for the Lamb Canyon Landfill in the  
2 County of Riverside.

3 This facility is located in the northwestern  
4 part of the county near the City of Beaumont in an area  
5 surrounded by mountains, open space, and light  
6 manufacturing. The facility will receive an estimated  
7 average of 510 tons of non-hazardous solid waste per  
8 day. The permitted maximum tonnage will be 1900 tons  
9 per day.

10 The site is currently operating under a  
11 stipulated order of compliance effective since October  
12 24th, 1991, which limits the site to a maximum daily  
13 tonnage of 955 tons per day, and an average of 498 tons  
14 per day. The governing permit, which was issued in  
15 1979, stated that the site accepted an average of 170  
16 tons per day.

17 The proposed permit also reflects an increase  
18 in site acreage from 280 to 788 acres, as the Riverside  
19 County Department of Waste Management purchased  
20 additional land in 1983 and 1985. 127 acres of the  
21 site will be designated for disposal.

22 Other changes include a revision in the  
23 estimated closure date from 2019 to 2005, and new  
24 operating hours.

25 The waste stream consists of various types of

1 non-hazardous solid waste generated by the communities  
2 of San Jacinto, Cherry Valley, Cabazon, and the  
3 Idyllwild Transfer Station. These wastes include  
4 municipal, agricultural, construction demo, septic, and  
5 contaminated soil waste.

6 Solid waste is landfilled by the cut and fill  
7 method. Liquid wastes, which include a septic and  
8 grease trap waste, are placed in evaporation ponds.

9 In 1991 over 500,000 tons of liquid waste was  
10 disposed of at the site. A hazardous waste exclusion  
11 program discourages the illegal disposal of hazardous  
12 waste at the facility.

13 As the site is isolated, no problems  
14 associated with noise, odors, and traffic have been  
15 encountered.

16 A fence is placed around the work area to  
17 reduce litter problems, and a water truck is present  
18 for dust control. A two-foot free board at the sites  
19 ponds is maintained to prevent them from being  
20 overfilled. The site is protected from run-on water by  
21 preventive grading, interceptor berms, and down drains.  
22 No leachate control system is in place or required, at  
23 least at this time.

24 Three groundwater monitoring wells are  
25 monitored quarterly. One of the wells has shown

1 elevated levels of aluminum, chromium, and volatile  
2 organics. Background water samples have also shown  
3 high levels of the metals.

4 The Santa Ana Regional Water Quality Control  
5 Board is monitoring the situation, but has not required  
6 any further action at this time.

7 A Cleanup and Abatement Order has been issued  
8 by the Regional Board. The Cleanup and Abatement Order  
9 required the operator to remedy a quote "repeated  
10 history of ponding and erosion," unquote. The operator  
11 has taken steps to address the problem through grading  
12 and protecting the site from storm water damage.

13 Regional Board staff have indicated that the  
14 site is fully in compliance with the Cleanup and  
15 Abatement Order.

16 On June 23rd, 1992, Board compliance staff  
17 visited the site and noted no violation of state  
18 minimum standards. One permit violation of significant  
19 change was noted which would be corrected by the  
20 issuance of this permit.

21 In conclusion the LEA and Board staff have  
22 determined the following. The facility is consistent  
23 with Riverside County Waste Management plan, and in  
24 conformance with the County General Plan, will not  
25 impair or impede the waste diversion goals of AB 939,

1 that, and that CEQA has been complied with.

2 Staff has reviewed the proposed permit and  
3 supporting documentation and found them to be  
4 acceptable.

5 Staff recommends that the Board adopt Solid  
6 Waste Facilities Permit decision number 92-87  
7 concurring in the issuance of Solid Wastes Facilities  
8 Permit number 33AA007.

9 As before, the LEA and a representative of  
10 the operator are present and available for questions.

11 This concludes staff's presentation.

12 COMMITTEE CHAIRMAN HUFF: Questions of staff?

13 COMMITTEE MEMBER RELIS: Of the LEA.

14 COMMITTEE CHAIRMAN HUFF: LEA.

15 COMMITTEE MEMBER RELIS: I just would like  
16 further discussion of both staff and LEA on page 169,  
17 the reference to the elevated amounts of aluminum,  
18 chromium, and volatile halocarbons. And then there's  
19 no corrective action at this point regarding those.  
20 But earlier there's a reference to groundwater  
21 contamination or at least allution as it's referred to.

22 Could you explain this more, this situation  
23 here?

24 MANAGER OTSUBO: Well the Cleanup and  
25 Abatement Order did mention in a vague sort of way

1 groundwater pollution. And just as it says in the  
2 agenda item, talks about groundwater pollution  
3 typically, quote "typically associated with landfills"  
4 unquote.

5 And I spoke with Water Board staff, and  
6 that's when it was brought out about the aluminum and  
7 chromium and the volatile halocarbons. And they say  
8 they are monitoring the situation but are not requiring  
9 anything at this time.

10 COMMITTEE MEMBER RELIS: So they don't think  
11 it's of sufficient concern --

12 MANAGER OTSUBO: To warrant corrective action  
13 at this time.

14 MR. SAMANIEGO: Correct. My name is Steven  
15 Samaniego, and I'm, I supervise the LEA program in  
16 Riverside County.

17 The Water Board hasn't really even taken a  
18 full lead in asking for any compliance or even more  
19 data from the operator on those situations, but they  
20 are monitoring it. And we are first asking to be  
21 apprised of, if a corrective action is needed, to start  
22 following up with the operator on that.

23 So they're still monitoring and getting more  
24 data on the monitoring wells.

25 COMMITTEE MEMBER RELIS: Okay. Then on page

1 199 under facility information there's the reference to  
2 the size of the post capacity, the daily tonnage. And  
3 as I understand this, the request is to get this  
4 tonnage because of the closures, anticipated closures  
5 of other landfills? So that's what you're looking for  
6 here is the capacity to accommodate closed landfills?

7 MR. SAMANIEGO: Yes. They currently started  
8 exceeding their tonnage because of one of the sites in  
9 the general area has been closed, it's been closing for  
10 half a day, and they've been diverting some of that  
11 waste stream to that site at that time. And they're  
12 anticipating that site could fully close in a couple of  
13 more years or if not sooner. And then also other  
14 regional sites in the area may close within time.

15 COMMITTEE MEMBER RELIS: Okay. Thank you.

16 COMMITTEE CHAIRMAN HUFF: Any other  
17 questions?

18 Questions of the operator?

19 Operator, do you have anything?

20 UNIDENTIFIED SPEAKER: No, sir.

21 COMMITTEE CHAIRMAN HUFF: I have a question  
22 of staff. From time to time in the past, I'm directing  
23 this more toward Steve and Martha, from time to time in  
24 the past Board members have expressed a desire that the  
25 record reflect, for lack of a better word, I should say

1 improvements, in the design, operation of solid waste  
2 facilities that are a result of enforcement action or  
3 permit action taken by this Board or concluded by this  
4 Board.

5 It seems to me that this is one such it was  
6 initiated at the local level legal but it comes finally  
7 up to this committee and then to the Board for final  
8 approval. And there are a number of improvements in  
9 the operation of this site from prior practice, am I  
10 correct? We're bringing it, the tonnage in line with  
11 what's going on?

12 MANAGER OTSUBO: You mean via the stipulated  
13 order of compliance?

14 COMMITTEE CHAIRMAN HUFF: Yes, the stipulated  
15 order of compliance. These things, these represent, in  
16 terms of the regulation of the solid waste facility, a  
17 higher state of operation than previously, is that  
18 correct?

19 MANAGER OTSUBO: Yes, it allows them to  
20 operate in interim while all the other ducks are being  
21 lined up in a row.

22 COMMITTEE CHAIRMAN HUFF: How do we best have  
23 the record reflect these improvements?

24 ASSISTANT CHIEF LEGAL COUNSEL SPHAR:  
25 Specific direction can be given that the resolution

1 that's put in the Board packet in its recitals reflect  
2 those factual additions.

3 COMMITTEE MEMBER RELIS: I would very much  
4 like to see that. I think we did discuss this earlier  
5 that I think it's very important for the record that  
6 our resolutions reflect the honing in process or the  
7 revisions so that there's a demonstrated record of the  
8 Board exercising its regulatory function.

9 COMMITTEE CHAIRMAN HUFF: Okay. So in your  
10 motion approving this --

11 COMMITTEE MEMBER RELIS: Yes.

12 COMMITTEE CHAIRMAN HUFF: -- and sending it  
13 to consent.

14 COMMITTEE MEMBER RELIS: That's -- go on.

15 COMMITTEE CHAIRMAN HUFF: You will instruct  
16 staff in the resolution to include the recitals.

17 COMMITTEE MEMBER RELIS: Yes, I think, yes,  
18 in this, amending the motion, it would also direct  
19 staff in the future to make this a standard practice.

20 COMMITTEE CHAIRMAN HUFF: Okay.

21 MS. VAZQUEZ: Staff is already working on  
22 improving the content of the resolutions.

23 COMMITTEE CHAIRMAN HUFF: Damn, they're good!

24 MS. VAZQUEZ: And we're working together with  
25 legal counsel.

1 COMMITTEE MEMBER RELIS: Okay.

2 COMMITTEE CHAIRMAN HUFF: Good.

3 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: I have  
4 two questions to better serve your points. First  
5 question is, is this going onto tomorrow's Board  
6 meeting? Okay. So just make sure that it's made plain  
7 that we got a, the resolutions inserted quickly with  
8 respect to that. And I can help you if you need help  
9 with wording on that.

10 And number two, this direction then applies  
11 not only to Board-initiated actions but at the LEA  
12 level. Because we do have many, many sites that from  
13 time to time take sometimes small, sometimes not too  
14 small action, correct action order, notice action  
15 order, at the LEA level. So that would then become a  
16 fairly prevalent part of our resolutions would you say?

17 MS. VAZQUEZ: Yes.

18 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: And so  
19 that's the direction --

20 COMMITTEE CHAIRMAN HUFF: I think that's the  
21 direction we want to move because the LEA is acting as  
22 this Board's first line, and we're ultimately approving  
23 that.

24 ASSISTANT CHIEF LEGAL COUNSEL SPHAR:  
25 Absolutely. And it's a way to show the LEA's good

1 efforts as well.

2 COMMITTEE CHAIRMAN HUFF: The LEAs out there  
3 are making many good efforts.

4 COMMITTEE SECRETARY KELLY: Could you repeat  
5 the motion?

6 COMMITTEE CHAIRMAN HUFF: It's on the tape.

7 ASSISTANT CHIEF LEGAL COUNSEL SPHAR: I took  
8 the motion to mean that it's passed as recommended with  
9 modifications to the resolution to include specific  
10 site improvements that have to do with the LEA directed  
11 enforcement order.

12 COMMITTEE MEMBER EGIGIAN: Is that what you  
13 said, Paul?

14 COMMITTEE MEMBER RELIS: It's a good  
15 translation. Shorter, too.

16 MS. VAZQUEZ: I would like to ask that  
17 instead of these being considered at tomorrow's Board  
18 meeting, that perhaps they could be considered at the  
19 Board meeting of the 29th. And that would give us a  
20 chance to improve the resolutions. I'm not certain  
21 that we can prepare something --

22 COMMITTEE CHAIRMAN HUFF: Seems like a short  
23 fuse to do it by tomorrow. If that's all right? I  
24 guess the other operator's already gone. Is that all  
25 right, operator?

1 MR. AHMAD: Well I have come especially for  
2 this permit. And I understand that your staff's --

3 COMMITTEE CHAIRMAN HUFF: It's going to be on  
4 consent either way.

5 MR. AHMAD: Well if you ask me, I would  
6 prefer tomorrow's agenda.

7 COMMITTEE CHAIRMAN HUFF: He wants tomorrow,  
8 we'll do it tomorrow. And if the resolution doesn't  
9 get all the way --

10 COMMITTEE MEMBER RELIS: Yeah, that's fair  
11 enough.

12 COMMITTEE CHAIRMAN HUFF: Okay. Do you want  
13 us not to have it on consent then?

14 MR. AHMAD: Well I meant by consent,  
15 tomorrow.

16 COMMITTEE MEMBER EGIGIAN: He wants it  
17 tomorrow on consent.

18 COMMITTEE CHAIRMAN HUFF: All right. Staff  
19 will do what they can with that resolution, but you  
20 know where we're going.

21 Okay. Without objection the ayes are  
22 three -- we'll substitute the prior roll call. The  
23 ayes are three, the noes are none. The motion is  
24 adopted. And this is on tomorrow's consent.

25 See how easy we are?

1           Okay. 12 was pulled because the County Board  
2 of Supervisors, County Counsel was unable to draft a  
3 resolution for the Board of Supervisors' action because  
4 County Counsel's fundings for that facility did not  
5 meet the General Plan requirement of 50002, so that's  
6 why 12 was pulled.

7           Thirteen.

8           MANAGER MORALEZ: Mr. Chairman, the item  
9 before you is consideration of concurrence in the  
10 issuance of a Revised Solid Waste Facility Permit for  
11 the Tri-Cities Recycling and Disposal facility in  
12 Alameda County.

13           Beatrice Cuenca will give the staff report.

14           COMMITTEE CHAIRMAN HUFF: I remember this  
15 one.

16           MS. CUENCA: Good afternoon, Mr. Chairman and  
17 members of the Committee. I am Beatrice Cuenca  
18 representing the Permits Branch.

19           This item regards the consideration of  
20 concurrence in the issuance of a Revised Solid Waste  
21 Facilities Permit for Tri-Cities Recycling and Disposal  
22 facility in the County of Alameda.

23           The facility will receive a maximum of 2,604  
24 tons per day of non-hazardous waste by the year of  
25 1992. The permit provides a yearly increase in the

1 permitted peak tonnage of three percent to the year  
2 2000. The negative declaration prepared for this  
3 project analyzed the same annual increase in tonnage.  
4 The permitted peak daily tonnage in the year 2000 will  
5 be 2,628 tons per day.

6 The facility's currently salvaging concrete,  
7 rubble, and asphalt. Collection vehicles containing  
8 large quantities of recyclables can be routed through  
9 the Bay Cities Recycling Center located across the  
10 street from the facility before entering the disposal  
11 area. Also the three cities which exclusively use this  
12 facility have curbside programs.

13 Wastes are brought to the facility from the  
14 cities of Freeport, Union City, and Newark. Wastes are  
15 unloaded near the working face, pushed to the working  
16 face, and compacted. The facility is on performance  
17 standards, so the working face must be kept small. The  
18 working face is, wastes are covered in six inches of  
19 daily cover when the working face is moved to a new  
20 area or when it is inactive for more than 24 hours.

21 The State inspection was conducted on June 3  
22 and 4, 1992, during which ten violations of state  
23 minimum standards were documented. Most of the  
24 violations were related to the lack of available cover  
25 material. Since then the operator has signed a

1 contract which provides adequate stockpiles to cover  
2 material, thereby correcting the problem.

3 On July 6th, 1992, the facility reinspected  
4 the site and found it in full compliance with the state  
5 minimum standards.

6 Reinhard Hohlwein of the Board's Compliance  
7 Branch is here to answer any questions regarding the  
8 inspection.

9 The LEA and the Board staff have determined  
10 the following; facility is found in the Alameda County  
11 solid waste management plan. The facility is in  
12 conformance with the Alameda County General Plan. The  
13 project is consistent with the waste diversion goals of  
14 AB 939. CEQA has been complied with.

15 Staff has reviewed the proposed permit and  
16 supporting documentation and found them to be  
17 acceptable.

18 In conclusion, staff recommends that the  
19 Board adopt Solid Waste Facility Permit decision 92-47  
20 concurring in the issuance of a Solid Waste Facilities  
21 Permit, number 01AA008.

22 The LEA and the operator are present and  
23 available if there are any questions.

24 This concludes my presentation.

25 COMMITTEE CHAIRMAN HUFF: Questions of staff?

1 COMMITTEE MEMBER RELIS: Are we going to get  
2 a report, I'm sorry, I may have missed that, on the  
3 inspection?

4 MS. CUENCA: They were found in compliance.

5 COMMITTEE MEMBER RELIS: Okay, everything  
6 went --

7 MS. CUENCA: Yes.

8 COMMITTEE MEMBER RELIS: Okay.

9 COMMITTEE CHAIRMAN HUFF: What was the time  
10 interval between the first inspection and the second  
11 inspection?

12 MS. CUENCA: The first one was done in June,  
13 the 3rd, and the second was July 6th. A little over a  
14 month.

15 COMMITTEE CHAIRMAN HUFF: So in one month  
16 they fixed ten --

17 MS. CUENCA: Ten violations. Most of the  
18 violations were because of lack of soil or cover  
19 material. Since then they did sign a contract and have  
20 brought on to site a little over 130,000 tons of cover  
21 material, and it's been placed on the site.

22 COMMITTEE CHAIRMAN HUFF: Still that's  
23 remarkable work to fix ten corrections in less than a  
24 month's period of time.

25 Okay. The LEA want to add anything?

1 MR. DETMAR: No, thank you.

2 COMMITTEE CHAIRMAN HUFF: Does the operator  
3 have anything to say?

4 MS. KING: No, thank you.

5 COMMITTEE CHAIRMAN HUFF: How is it that you  
6 can solve ten violations in such a short period of  
7 time?

8 MS. KING: It's a lot of very hard work.

9 My name is Marianne King, and I'm the  
10 Environmental Counsel for the Western Region of Waste  
11 Management of North America. And Oakland's Scavenger  
12 Company, the operator of the site, is a wholly owned  
13 subsidiary of Waste Management of North America.

14 And you asked the question as to how we could  
15 correct these within a four-week period? And I think  
16 what I'd like to say is that we were very distressed  
17 when we received these violations, and we pride  
18 ourselves on trying not to have violations. When we  
19 received these we put, of course, a full court press on  
20 to try to address all of them.

21 And as has been stated, most of these  
22 violations were related to the fact of, a lack, an  
23 alleged lack of available cover on the site.

24 What we did was put in an extreme effort to  
25 get enough cover on the site to take care of the

1 issues. And the whole site has, all of the site that  
2 has to have intermediate cover now has sufficient  
3 intermediate cover. We just put a full court press on  
4 to do it and make sure that we were in compliance  
5 because we take that very, very seriously.

6 COMMITTEE CHAIRMAN HUFF: Okay. Any other  
7 questions?

8 COMMITTEE MEMBER EGIGIAN: Is this rubbish  
9 terminology, full court press?

10 MS. KING: I might add, too, that we worked  
11 very closely with our union. We have union on the  
12 site, and they worked very closely with us, working  
13 late hours, overtime, a great deal of overtime. I  
14 don't have any of the time cards here or anything. But  
15 I think we brought in 130 cubic yards of soil. So we  
16 had lots of overtime and lots of concessions from our  
17 union and everything to help us in meeting this. So  
18 we're real pleased with that cooperation we got from  
19 the union.

20 COMMITTEE CHAIRMAN HUFF: Okay.

21 COMMITTEE MEMBER RELIS: Well --

22 COMMITTEE CHAIRMAN HUFF: Anything else?

23 COMMITTEE MEMBER RELIS: I think it speaks to  
24 our earlier discussion. I'm happy to hear that you did  
25 all this. It's all in order.

1 COMMITTEE CHAIRMAN HUFF: This is fine stuff  
2 to include in a resolution.

3 COMMITTEE MEMBER RELIS: Yes.

4 MS. VAZQUEZ: It is and it will be.

5 COMMITTEE MEMBER RELIS: I agree.

6 COMMITTEE MEMBER EGIGIAN: Ready for a  
7 motion?

8 COMMITTEE CHAIRMAN HUFF: I'm ready for a  
9 motion.

10 COMMITTEE MEMBER EGIGIAN: I move that we  
11 concur with the recommendations of staff.

12 COMMITTEE CHAIRMAN HUFF: Which meeting is  
13 this scheduled to go on?

14 MS. VAZQUEZ: For tomorrow.

15 COMMITTEE CHAIRMAN HUFF: Okay. Can we do  
16 it?

17 MS. VAZQUEZ: If we must.

18 COMMITTEE CHAIRMAN HUFF: Okay.

19 COMMITTEE MEMBER EGIGIAN: Full court press.

20 COMMITTEE CHAIRMAN HUFF: Full court press,  
21 yes. There you go.

22 COMMITTEE CHAIRMAN HUFF: Okay. Staff  
23 recommendation is moved. Without objection we'll  
24 substitute prior roll call. The ayes are three, the  
25 noes are none. Motion is adopted. This is consent.

1 Since there are no violations we can do it.

2 COMMITTEE CHAIRMAN HUFF: Okay, is that it?  
3 Is there anything else?

4 COMMITTEE MEMBER EGIGIAN: We have item  
5 number two.

6 COMMITTEE CHAIRMAN HUFF: Oh, yeah.  
7 Timeframe for composting.

8 MR. DEIER: Mr. Chairman, for the record I'm  
9 Don Deier with Research Technology and Development  
10 Division, and with me is Michael Finch, Sr., for the  
11 standards section in my division.

12 We're bringing this item before you at the  
13 request of to discuss where we're at in the development  
14 of the composting regulations.

15 As you know, a lot of effort has been put  
16 into these regulations and the overall effort over the  
17 last six to eight months. The committee convened a  
18 couple of workshops. We had the first meeting of our  
19 Composting Advisory Counsel on June 22nd. We will be  
20 having another meeting of the panel on August 3rd, I  
21 believe.

22 MR. FINCH: 10th. 10th.

23 MR. DEIER: August 10th.

24 We have a contract under way with cooperative  
25 effort with Martha's division on developing background

1 information and research for developing the composting  
2 regulations or sludge and MSW. And we wanted to  
3 discuss a couple of options with the committee.

4 Right now the timeframe that we have is  
5 Attachment 1. It has the regulations for green waste  
6 to be in place by the end of '92, in December. With  
7 follow on into April for the remainder of the  
8 regulations to deal with composting, dealing with  
9 sludge and MSW, co-composting, if you may.

10 We'd like to discuss this option with the  
11 committee and see if this is acceptable. We have done  
12 a evaluation of the interim database that the Board has  
13 compiled, and --

14 (Thereupon there was a brief  
15 recess.)

16 MR. DEIER: My staff counselor has advised me  
17 that I left off with the word compiled, so. I have no  
18 idea what I said before that, but I know the last word  
19 was compiled.

20 COMMITTEE CHAIRMAN HUFF: That's the way  
21 counsel is.

22 MR. DEIER: The interim database has  
23 supported staff's understanding, and the reason we have  
24 proposed the regulations in two phases the way we have  
25 with green waste first, sludge and MSW second, was

1 staff's understanding that the preponderance of  
2 projects either existing or proposed are in fact green  
3 waste projects. And an analysis of the interim  
4 database supports that 70 percent, or over 70 percent  
5 of the composting projects identified in, by the cities  
6 and counties, are green waste projects.

7 And so I, we're fairly comfortable and  
8 confident that our approach is sound. It puts the  
9 attention where the need is most right now, and it  
10 gives us a little more time to develop the more  
11 critical regulations, the ones that pose the greater  
12 risks. It gives us a few more months for the sludge  
13 and MSW.

14 In addition, it provides us the timing we  
15 need to get the feedback, the product from the contract  
16 that we're just now initiating with EMCON, the  
17 contractor selected to assist in our composting  
18 regulation development. We'll not be getting a product  
19 from that effort probably until the Fall. So that  
20 would, you know, October timeframe, and that will help  
21 us in our timing to, you know, in getting the sludge  
22 rates to you.

23 I wanted to also mention that if the  
24 committee wants to consider, you know, wanting to  
25 compress any of the regulations, the impacts that might

1 be affected on the section's staff. Right now we do  
2 have an entire person year devoted to our RCRA subtitle  
3 D effort, and that will continue throughout the coming  
4 months and probably over the next year, year and a  
5 half.

6 In fact, once we understand EPA's level of  
7 approval of our application, that effort will in fact  
8 increase as we identify those regs and statutes that  
9 are going to need amending.

10 We also have devoted a full-time staff person  
11 for the next two months at least in developing some  
12 emergency regulations for asbestos-containing waste.  
13 And the section has six staff right now. And so  
14 that's, that's two away from that.

15 And there are three people minimum right now  
16 devoted to the composting regulations. And that's on  
17 the schedule we have to get them to the Board in  
18 December.

19 So if the committee wanted to entertain the  
20 thought of expediting the sludge and MSW regulations,  
21 there would be a severe impact and we would have to  
22 reallocate staff.

23 We're meeting with other divisions right now  
24 to understand their regulation priorities. And we  
25 hoped to, in addition to the asbestos sub D and

1. composting areas, to get a couple of other initiatives  
2 going, you know, in between now and the end of the  
3 year, some other critical areas that other divisions  
4 have for regulation revision.

5 So what we'd probably wind up doing is  
6 postponing the additional regulation efforts until '93  
7 if in fact there was any desire to move up the sludge  
8 regulation.

9 COMMITTEE CHAIRMAN HUFF: What's more  
10 important than sludge? Yeah.

11 COMMITTEE MEMBER RELIS: Mr. Chair, I wanted  
12 to suggest, well first of all that local jurisdictions,  
13 I believe, and all parties concerned in implementing  
14 939, these regulations are certainly among the most  
15 important to setting the stage for meeting the  
16 mandates. And I would be in favor of doing whatever we  
17 could to accelerate this process.

18 I know in the sludge area many of the local  
19 governments have been waiting for direction from us on  
20 this. And that's an immediate need now. So I don't  
21 see it as any less immediate than the green waste even  
22 though, you know, I realize the green waste presents  
23 somewhat fewer problems.

24 But I, if at all possible I'd like to see us  
25 pursue this as an integrated regulatory piece and not

1 break it apart, bearing in mind -- what's the status of  
2 our contract with EMCON? Is it EMCON that's doing  
3 this?

4 MR. DEIER: EMCON is doing that portion of  
5 the contract dealing with composting, yes. And they  
6 have not really initiated the work yet, we're just  
7 sitting down with them right now to come to an  
8 agreement.

9 COMMITTEE MEMBER RELIS: So it isn't in  
10 detail yet? We don't have a contract yet?

11 MR. DEIER: We have a contract. We're just  
12 sitting down with them, as you do always with a  
13 contractor, you want to make sure you're on the same  
14 wavelength before they go off and do their own thing.

15 COMMITTEE CHAIRMAN HUFF: So the work plan is  
16 being discussed?

17 MR. DEIER: Exactly.

18 COMMITTEE MEMBER RELIS: Okay. And before I  
19 forget this, just for the record I wanted to make sure  
20 in our discussions with EMCON, there's been some recent  
21 or some research done in Germany that indicates some  
22 matters of concern we should pay attention to in the  
23 sludge portion of our work regarding detergents,  
24 certain ingredients in detergents which may be  
25 inhibiting the decomposition process of the sludge so

1 the sludge is not as stable as was thought. And I'll  
2 share that with you from recent discussions there.

3 MR. DEIER: Well it reinforces the staff's  
4 belief that, you know, that our proposed approach to  
5 this is sound in that it allows us to get the regs in  
6 place as soon as possible for those projects that  
7 appear to be in everyone's minds and on everybody's  
8 book as being the, the majority of the types of  
9 projects to be developed, the green waste.

10 And we really would appreciate and feel we  
11 would make best use of those extra few months to  
12 develop the sludge regulations as best as we could.

13 I think the regulations would, personally I  
14 think the regulations would perhaps suffer if we were  
15 not able, if we had to do them on the same timeframe  
16 and to have the package to the Board by the same, you  
17 know, adopted and in place by December.

18 MS. VAZQUEZ: Mr. Chairman. Permits staff  
19 has also taken a look at the types of permits we would  
20 be receiving in the next six months to a year, and  
21 there is only one major project that would handle  
22 sludge that we would expect in about a year from now.

23 COMMITTEE CHAIRMAN HUFF: A year from now?

24 MS. VAZQUEZ: Yes.

25 COMMITTEE CHAIRMAN HUFF: Okay. Well Paul,

1 my first impulse was the same as yours is now, and that  
2 is that I wanted compost, when I started talking about  
3 it I said I wanted composting regulations in place by  
4 the end of the year. And when I said that I meant in  
5 my mind the whole enchilada. And that to me still is  
6 desirable. I'm not sure it's achievable.

7 And the information that has changed is the  
8 status of the contract which is to say we, if we tried  
9 to pursue more than green waste, in essence the  
10 contract is of little value, at least in the first go  
11 round. It's almost committing ourselves to a process  
12 of revision once we find out the truth about what we're  
13 trying to regulate.

14 COMMITTEE MEMBER RELIS: I'm not sure I  
15 understand.

16 MR. DEIER: The contract is intended to  
17 provide us with a summary of, essentially everyone's  
18 experience throughout the rest of this country, on both  
19 regulating and operating all types of composting  
20 facilities. We want to learn from that so we don't  
21 have to do a package and go back and revise it in the  
22 future. We want it to be hopefully the best we can the  
23 first time through.

24 COMMITTEE MEMBER RELIS: But that's like a  
25 best practices analysis. Is that what we're --

1 MR. DEIER: It's best practices but it's  
2 also, the approach is being taken by the regulators in  
3 the various states. What level of regulation are they  
4 imposing upon these operations? Particularly those  
5 areas that have had experience with facilities for a  
6 number of years, both in operation and in regulation.  
7 Regulations are just like operations. You adjust with  
8 experience.

9 COMMITTEE MEMBER RELIS: So what you're  
10 saying though is that if we were to take on the whole  
11 effort, mixed waste, sludge, co-compost, and green  
12 waste, you feel that we will only end up, well that as  
13 important a goal as that is you don't think we can do  
14 it in the timeframe at a level --

15 MR. DEIER: I'm not saying we can't do it. I  
16 just wanted to let you know what the effects were if it  
17 was the committee's desire to do that. That is that we  
18 would not be able to initiate any additional regulation  
19 efforts in 1992, of which there are several in the --

20 COMMITTEE MEMBER RELIS: And name those  
21 again. What would we be compromising?

22 MR. DEIER: There are a number of areas in  
23 the permitting regulations. We have need for  
24 additional provisions for exemptions, for inert  
25 facilities. We need, we've needed for some time some

1 cleanup of our closure, post closure regulations.

2 MS. VAZQUEZ: There was also ACW, the  
3 asbestos containing waste regulations which have very  
4 high priority.

5 COMMITTEE CHAIRMAN HUFF: Well I will tell  
6 you in my stream of priorities asbestos is up there and  
7 subtitle D is. Everything else comes after compost.  
8 That's my own priorities.

9 My concern is not that we can't get compost  
10 regulations, because if we pulled everybody off of  
11 everything we can get compost regulations. My concern  
12 is that it's quite possible that we won't get compost  
13 regulations that are, well we're going to have to  
14 revise them because we will be writing regulations  
15 without all the data that we think or staff thinks is  
16 desirable to have when you sit down and write the  
17 regulations with the exception of the green which you  
18 think you can do. And I don't want to go about  
19 revising regulation packages either.

20 So as much as I want the regulations in  
21 place, I want them in place right. And that's pretty  
22 high priority with me. Like I said, I put it above  
23 everything except maybe asbestos in sub D. But getting  
24 it right is high with me too.

25 I am concerned. Two things. First of all

1 I'll apologize to the committee for not having this  
2 item before the committee sooner. And it should have  
3 been discussed sooner, at least a month, maybe two  
4 months sooner. But it isn't and we are discussing it  
5 now.

6 Secondly, my concern about if we were to  
7 follow a two-pronged approach, that the sludge, mixed  
8 solid waste timeline is not quick enough, even if it  
9 were two-pronged, because I can easily see this  
10 slipping into summer.

11 MR. DEIER: The April end date?

12 COMMITTEE CHAIRMAN HUFF: Yeah. Uh-huh.  
13 Because I think that the message of dividing it unless  
14 it's a, unless we have a strong completion date set for  
15 this one, the message set by splitting this off will be  
16 that somehow it will just slip a month or two here or  
17 there, and before you know it we'll end up, and I don't  
18 think that anyone here, and Sam hasn't spoken yet, but  
19 I'd expect that there's no one here who wants to see it  
20 go that long.

21 So maybe if we just make sure that we set, at  
22 a minimum set a very strong deadline or goal, a very  
23 strong goal in terms of sludge and mixed solid waste,  
24 that that might help some of us with our discomfort of  
25 the concept of splitting them.

1                   MR. DEIER: Both of these timelines were  
2 presented to the committee as our committment to the  
3 committee to meet these dates. We committed to the  
4 committee previously based upon these timelines that we  
5 would have the green waste regulations ready for notice  
6 in August. We will have the green waste regulations  
7 ready for notice in August.

8                   COMMITTEE CHAIRMAN HUFF: Good.

9                   MR. DEIER: Similarly I would commit to you  
10 that if we stayed with the two timelines, that we would  
11 have this package completed in, by the April timeframe.

12                   COMMITTEE CHAIRMAN HUFF: Okay. Well why  
13 don't we say ready for notice the first of December?  
14 Because you have public notice and a 45-day comment  
15 period, December dash February. Let's just put a date  
16 in December after --

17                   MR. DEIER: It would probably, that would be  
18 for the latter part of December because it would go  
19 through committee and Board for notice.

20                   COMMITTEE CHAIRMAN HUFF: Okay.

21                   MR. DEIER: And so it would be immediately  
22 after the December Board meeting.

23                   COMMITTEE CHAIRMAN HUFF: Well you don't have  
24 to go to Board for a notice.

25                   ASSISTANT CHIEF LEGAL COUNSEL SPHAR: The

1 committees takes those options themselves.

2 MR. DEIER: Okay. Could be immediately after  
3 the committee meeting if that's the committee's desire.

4 COMMITTEE CHAIRMAN HUFF: All right. How's  
5 that?

6 COMMITTEE MEMBER EGIGIAN: We're talking  
7 about the green waste?

8 COMMITTEE CHAIRMAN HUFF: No, we're talking  
9 about sludge, mixed solid waste.

10 COMMITTEE MEMBER RELIS: So to have that  
11 ready by the end of December?

12 COMMITTEE CHAIRMAN HUFF: No, it would be  
13 sooner than that. It would be an agenda item on the  
14 December committee agenda, whatever day that is.

15 MS. SIMS: The 9th.

16 COMMITTEE CHAIRMAN HUFF: The 9th of December  
17 is when this committee meets. So we will have on the  
18 agenda the 9th of December the, going to notice on  
19 sludge and mixed solid waste.

20 MR. DEIER: Correct.

21 COMMITTEE MEMBER RELIS: Okay. The only  
22 question I have is, what problems do you foresee  
23 putting the two tracks together? Okay we've got, if we  
24 follow our schedule the way just described, we get  
25 green waste out and, at the end of August or going back

1 to --

2 MR. DEIER: The initial notice is in August.

3 COMMITTEE MEMBER RELIS: August, okay. Now  
4 I'm just, you're confident that putting them together,  
5 that is we've got green waste, now we bring in sludge  
6 and mixed waste, and they're often mixed with green  
7 waste as you know, we're not going to have difficulties  
8 putting the one track together with the other two?

9 MR. DEIER: No. The regulations are directed  
10 at different types of facilities.

11 COMMITTEE MEMBER RELIS: Right.

12 MR. DEIER: We developed, there's separate  
13 sets of regulations developed on these two timelines.

14 COMMITTEE MEMBER RELIS: And you're clear  
15 from the database that green means what? It means just  
16 segregated green waste without food, without --

17 MR. DEIER: Correct.

18 COMMITTEE MEMBER RELIS: So it's  
19 essentially --

20 MR. DEIER: The database makes five  
21 distinctions with regard to composting component. They  
22 have yard plant waste, co-composting which is sludge,  
23 includes sludge, mixed MSW waste, manure, and food  
24 waste. And the preponderance of jurisdictions  
25 reporting and in the database are looking at the yard

1 plant waste, green waste.

2 COMMITTEE MEMBER RELIS: And composting those  
3 only?

4 MR. DEIER: Correct.

5 COMMITTEE MEMBER RELIS: With nothing else  
6 added?

7 MR. DEIER: Correct.

8 COMMITTEE MEMBER RELIS: Well if we can reach  
9 the timeline that Jess just described, I mean commit to  
10 that, then that's fine with me. I think I'd prefer it  
11 all together but --

12 COMMITTEE CHAIRMAN HUFF: I think we would  
13 too.

14 COMMITTEE MEMBER RELIS: And it may cause  
15 more, some more difficulty than we anticipate right  
16 now. I mean because I don't, I think green waste is, I  
17 think it's been underestimated how easy that is to do.  
18 And that's just, I guess, remains to be seen.

19 But I could live with that committment. It's  
20 ambitious, but we must do it.

21 MR. DEIER: Clarification then, because in  
22 the timeline for the green waste regulations we do have  
23 an item for Board meeting for reg approval. Are you  
24 suggesting --

25 COMMITTEE CHAIRMAN HUFF: I just crossed it

1 out.

2 MR. DEIER: I thought I heard your pen, yes.

3 COMMITTEE MEMBER EGIGIAN: What are we saying  
4 here? Green waste is not going to go forward?

5 COMMITTEE MEMBER RELIS: No.

6 COMMITTEE CHAIRMAN HUFF: No, its is.

7 COMMITTEE MEMBER RELIS: It would under the  
8 clock here, but the other two, the other levels would  
9 be compressed back into December instead of April,  
10 right?

11 COMMITTEE CHAIRMAN HUFF: Well the timeline,  
12 the timeline, Paul, always said December as being the  
13 beginning of the public notice period, but it was  
14 rather vague.

15 COMMITTEE MEMBER RELIS: Okay.

16 COMMITTEE CHAIRMAN HUFF: Now we're putting  
17 it December 9 which is the day of our committee  
18 meeting.

19 COMMITTEE MEMBER RELIS: Okay.

20 COMMITTEE CHAIRMAN HUFF: And we're being a  
21 little more specific. You see the green waste timeline  
22 had specific dates after all of these items, whereas  
23 the sludge had just months. And the connotation of  
24 that is a little more relaxed. And we're suggesting  
25 that while the time period may be longer, the degree of

1 relaxation is not at all different.

2 MR. DEIER: Yes. And part of the connotation  
3 is we didn't have specific dates beyond January 1 for  
4 committee and Board meetings, and so we weren't able to  
5 do that.

6 COMMITTEE CHAIRMAN HUFF: We'll make up some.

7 MR. DEIER: Future planning.

8 COMMITTEE CHAIRMAN HUFF: That's right.

9 Okay.

10 So, Sam, to answer your question. We are  
11 anticipating taking green waste composting regulations  
12 to the Office of Administrative Law for the initiation  
13 of the public notice period no later than August 31st.  
14 It could be as early as August 13th.

15 MR. DEIER: Correct.

16 COMMITTEE CHAIRMAN HUFF: The day after our  
17 committee meeting.

18 COMMITTEE MEMBER EGIGIAN: Good. As long as  
19 you're not putting it back.

20 COMMITTEE CHAIRMAN HUFF: Nope.

21 COMMITTEE MEMBER EGIGIAN: Cause I have a lot  
22 of people that are involved and invested in this, and  
23 they're waiting for regs on it.

24 COMMITTEE CHAIRMAN HUFF: Now the sludge and  
25 mixed solid waste composting timeline then contemplates

1 going to OAL for public notice, initiation of public  
2 notice on December 9th. Okay.

3 Now the reason for the two different tracks  
4 is because we have a contract out there which is going  
5 to help us in the sludge, mixed solid waste composting  
6 regulations. And to ignore that contract and try to  
7 move sending those regulations to OAL in August along  
8 with the green waste does two things.

9 One, it rushes the sludge, mixed solid waste  
10 to such a degree as staff feels that we would probably  
11 be in the mode of revising those regulations at some  
12 future date.

13 And two, it may interfere with getting  
14 regulations on asbestos and subtitle D, both of which  
15 are also priorities.

16 Make sense?

17 COMMITTEE MEMBER RELIS: Yes.

18 COMMITTEE CHAIRMAN HUFF: Makes sense. Okay.

19 Who out there in the audience wants to talk  
20 to us on this?

21 MR. NANENKAMP: My name is David Nanenkamp of  
22 McLaren Hart. Just two minor points to raise for  
23 consideration as you talk about the sludge issue.

24 COMMITTEE MEMBER RELIS: Excuse me, this  
25 McLaren Hart, could you just --

1 MR. NANENKAMP: McLaren Hart is an  
2 environmental engineering consulting firm.

3 COMMITTEE MEMBER RELIS: Okay.

4 MR. NANENKAMP: There's a significant body of  
5 literature available talking about the benefits of  
6 co-composting, most of that is outside the framework of  
7 the United States.

8 COMMITTEE MEMBER RELIS: So is your point  
9 that if we restrict the EMCON work to looking at the  
10 regulatory we'll be missing a major part of the  
11 experience?

12 MR. NANENKAMP: I believe so.

13 COMMITTEE MEMBER RELIS: I think that's well  
14 taken.

15 MR. NANENKAMP: The second issue has to do  
16 with the timing of the sludge issue. And although  
17 there may be only one major sludge facility being  
18 planned for permitting, I would submit that a number of  
19 the unpermitted facilities are sludge facilities and  
20 they are waiting for some guidance.

21 Thank you.

22 COMMITTEE CHAIRMAN HUFF: Okay, that's a good  
23 point too.

24 MS. VAZQUEZ: Mr. Chairman, it should be  
25 noted that there are two major facilities that compost

1 sludge that are permitted by this Board. And the LEAs  
2 look to this Board's staff for assistance in developing  
3 those permits, and the regional Board, and so we can  
4 rely on that information in assisting any new  
5 proponents in this gap period.

6 COMMITTEE MEMBER RELIS: In fact the, I  
7 forget the name of the facility down near Chino which  
8 would suggest --

9 MS. VAZQUEZ: San Joaquin.

10 COMMITTEE MEMBER RELIS: Which we approved  
11 recently. And we also made that approval and all the  
12 applicants were made aware of the fact that their  
13 facilities would be subject to the new regulations when  
14 they are adopted, is that right?

15 MS. VAZQUEZ: Yes.

16 COMMITTEE MEMBER RELIS: Yeah.

17 COMMITTEE CHAIRMAN HUFF: Okay. I don't know  
18 that we need any motion here. It's already understood  
19 what we're doing.

20 MR. DEIER: What we presented is the tracks  
21 that staff was on. So absent any redirection from the  
22 committee we will continue on this.

23 COMMITTEE CHAIRMAN HUFF: Okay. Then are you  
24 comfortable with the track as --

25 COMMITTEE MEMBER RELIS: Yeah.

1 COMMITTEE CHAIRMAN HUFF: -- elaborated and  
2 approved, Paul?

3 COMMITTEE MEMBER RELIS: Yes.

4 COMMITTEE CHAIRMAN HUFF: Okay. I think also  
5 probably staff has a very clear understanding of the  
6 sentiments of the committee members too.

7 MR. DEIER: Yes.

8 COMMITTEE CHAIRMAN HUFF: That's helpful.

9 Now is there anything else?

10 We're out of here.

11 (Thereupon the foregoing meeting

12 was concluded at 3:30 p.m.)

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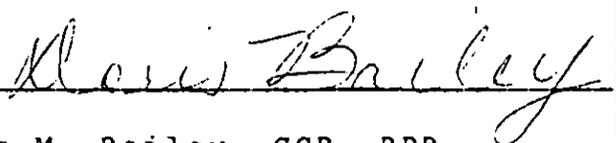
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