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

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COPY

BOARD ROOM  
8800 CAL CENTER DRIVE  
SACRAMENTO, CALIFORNIA

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WEDNESDAY, AUGUST 5, 1992

1:00 P.M.

Vicki L. Medeiros, C.S.R.  
License No. 7871

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COMMITTEE CHAIR:

JESSE HUFF  
COMMITTEE MEMBER

SAM EGIGIAN  
COMMITTEE MEMBER

PAUL RELIS  
COMMITTEE MEMBER

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P R O C E E D I N G S

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3 CHAIRMAN HUFF: Okay. The Permitting and  
4 Enforcement Committee is in session, the hour of one  
5 o'clock having arrived.

6 There are no contracts and interagency agreements  
7 to consider.

8 Do we have anything on RCRA proceedings?

9 MS. CHARTRAND: This is a different item.

10 CHAIRMAN HUFF: Roll call to establish a quorum.

11 MS. FOREMAN: Mr. Egigian.

12 COMMITTEE MEMBER EGIGIAN: Here.

13 MS. FOREMAN: Mr. Relis.

14 COMMITTEE MEMBER RELIS: Here.

15 MS. FOREMAN: Mr. Huff.

16 CHAIRMAN HUFF: Here.

17 A quorum is here.

18 COMMITTEE MEMBER RELIS: I wanted to say that I  
19 talked to Mark regarding the budgetary discussion at the  
20 State level --

21 COMMITTEE MEMBER EGIGIAN: Did you straighten  
22 them out?

23 COMMITTEE MEMBER RELIS: Yes. We got more money.

24 MS. CHARTRAND: I'm Pat Chartrand with the  
25 Board's Legislative Unit, and I'm here to make a brief

1 presentation on the status of the federal RCRA bills, with  
2 particular emphasis on the issues of Scrap Tire Management  
3 in the House RCRA bill, HR 3865, and Interstate Transport  
4 of Waste in a separate Senate bill, S 2877.

5 Since all of the members of this committee have  
6 heard my introductory remarks at least once already this  
7 week, I won't repeat them now.

8 I would like to focus today on three items.  
9 First, proposed amendments to the tire language in the  
10 House RCRA bill. Second, a summary of what is contained in  
11 the new interstate transport bill. Third, an update on  
12 efforts to allow states, like California, who are involved  
13 in USEPA's pilot approval program for landfill permitting  
14 and regulatory programs equivalency under any new RCRA  
15 permitting provisions.

16 Parts of the House RCRA bill, including the tire  
17 language, and all of the Senate interstate transport bill  
18 are expected to go to conference in September. As you may  
19 remember from last month's preparation on the scrap tire  
20 management language the HR 3865, some of the key points  
21 were as follows:

22 First, a goal to eliminate all existing scrap  
23 tire piles in the state by January first, 2005.

24 Second, a goal to reuse, recycle or use for energy recovery  
25 100 percent of all scrap tires generated in the state after

1 the date which is eighteen months after the bill's  
2 enactment.

3 Third, a prohibition on permanent disposal of  
4 scrap tires in landfills, tire monocells or tire monofills  
5 that goes into effect two years after the bill's enactment  
6 unless it is shown that there is no reasonably available  
7 alternative, and then only if the tires are shredded.

8 Fourth, the establishment of standards for the  
9 operation of scrap tire collection sites.

10 Staff has expressed a number of concerns with  
11 this language and its potential to disrupt the Board's waste  
12 tire and tire recycling programs.

13 First, the requirement that tires be shredded  
14 prior to landfilling demands that a specific process be  
15 used when other processes for volume reduction, such as  
16 baling, are available. The shredding requirement could also  
17 discourage development of more cost effective technologies  
18 for the handling and disposal of waste tires.

19 State regulations do not require tire shredding  
20 but rather set standards for safe storage of tires and tire  
21 parts. Shredding and burial of tires is costly. We would  
22 propose an amendment to remove the requirement to shred  
23 tires.

24 Second, the prohibition on storage of more than  
25 3,000 scrap tires for more than 90 days may not be

1 sufficient for processes that utilize large quantities of  
2 tires. Staff's conversations with industry and lending  
3 institutions suggest that larger tire reserves, stockpiles,  
4 may be required as a condition of financing.

5           The bill's language does allow for storage of  
6 more tires if needed for implementation of a specific  
7 project, such as energy recovery or shredding, but then  
8 only if it, quote, "Continues for a reasonable period of  
9 time," end quote.

10           The bill's language doesn't appear to have been  
11 written with flexibility to address the new markets being  
12 developed for waste tires. We would propose an amendment to  
13 remove the specific storage limits and replace them with  
14 tire storage safety standards.

15           Third, HR 3865 includes a requirement that no-fee  
16 or no-charge scrap tire collection sites be available to  
17 accommodate the number of scrap tires expected to be  
18 generated in the state annually unless the state's current  
19 program already charges fees that do not deter collection  
20 and the state already has sufficient sites to accommodate  
21 all scrap tires.

22           There is concern among staff and tire industry  
23 representatives that free tire disposal will have a  
24 negative impact on the existing and developing waste tire  
25 industries. Many waste tire recycling markets rely on a

1 tipping or collection fee to make the waste tire  
2 competitive with other materials.

3 We would propose an amendment to state that  
4 no-charge collection sites are not necessary where tipping  
5 or collection fees for tires have been shown to encourage  
6 developing waste tire markets.

7 Last, HR 3865 requires very specific regulations  
8 for operation of tire collection sites, including size of  
9 scrap tires piles, distance between piles, distance between  
10 piles and perimeter of the site, maintenance to minimize  
11 vector breeding, emergency plans, et cetera.

12 Staff would prefer the ability to continue to use  
13 the Uniform Fire Code and the National Fire Protection  
14 Association guidelines for storage of waste tires as  
15 opposed to meeting specific standards set by the  
16 Administrator, and we could certainly draft such an  
17 amendment to that effect.

18 In light of the number of conflicts between the  
19 House RCRA bill's tire language and the Board's tire  
20 programs, it might be appropriate to request grandfathering  
21 California's waste tire and tire recycling programs into  
22 RCRA reauthorization.

23 The Legislative Office would be interested in  
24 your input as to whether we pursue some of these individual  
25 amendments or whether we make one request for

1 grandfathering.

2 CHAIRMAN HUFF: Okay.

3 MS. CHARTRAND: That's all I have on tires.

4 CHAIRMAN HUFF: Any questions?

5 I have a question.

6 MS. CHARTRAND: Okay.

7 CHAIRMAN HUFF: How much have we been able to act  
8 in concert with other states on this?

9 MS. CHARTRAND: We have not done very much on  
10 tires. We have made some efforts in the area of planning,  
11 the grandfathering effort there.

12 CHAIRMAN HUFF: Seems to me that some states, and  
13 not necessarily the Eastern states, which are generally a  
14 different breed of cat, but it seems to me some states,  
15 maybe Texas, and other states, may have similar concerns  
16 about what the tire regulations would do, certainly with  
17 regard to stockpiling, for example.

18 That would be a nationwide sort of concern.  
19 Grandfathering is fine, but it's a go-your-own-way kind of  
20 of approach, and particularly given the distain the  
21 California delegation enjoys, California enjoys in  
22 Washington, if we can make some common cause with some  
23 folks.

24 MS. CHARTRAND: Build some coalitions.

25 CHAIRMAN HUFF: It seems to me it would be

1 desireable to do so. I'm indicating that grandfathering is  
2 probably second choice.

3 MS. CHARTRAND: It sounds good. It's a big thing  
4 to ask for when you're just asking for one state. If it  
5 were a number of states, it would be different.

6 COMMITTEE MEMBER RELIS: Mr. Chair, we have some  
7 ties with the State of Washington with interaction on  
8 market development, and I would think that their policies  
9 are relatively close to ours. Oregon.

10 I do not know really about Texas.

11 CHAIRMAN HUFF: I assume that they have a lot of  
12 tires, and I assume that in Texas they are probably all  
13 lying around.

14 COMMITTEE MEMBER RELIS: My assumption is that  
15 they would not allow burning of tires for energy because  
16 they would rather you used oil.

17 CHAIRMAN HUFF: That's why they would have a lot  
18 of them lying around.

19 Anyone here from Texas?

20 Last month it was what, North Dakota.

21 MS. CHARTRAND: I was going to mention that the  
22 USEPA has said that they don't see this section of the bill  
23 as being necessary because they are something like 35 or 36  
24 states that are already in the process of dealing with  
25 their scrap tires or recycling.

1           CHAIRMAN HUFF: There certainly is potential  
2 then, if there are that many states, of a coalition.  
3 Either 36 states are going to want to troop in and say  
4 grandfather us in, okay, or 36 states are going to say,  
5 whoa.

6           I think that the latter course is more effective  
7 because that's certainly the majority of the House of  
8 Representatives.

9           MS. CHARTRAND: Correct.

10          COMMITTEE MEMBER RELIS: It would also be  
11 interesting to find out if the other states would like to  
12 cooperate with us.

13          CHAIRMAN HUFF: Generally, they do not trust us.  
14 Right, Howard?

15          MR. LEVENSON: Right.

16          CHAIRMAN HUFF: It's called ABC, anyone but  
17 California.

18          MS. CHARTRAND: We can certainly try.

19          Okay. I wanted to summarize next briefly for you  
20 the Senate bill on interstate transport of waste which was  
21 passed by the Senate on July 23, S 2877. Interstate  
22 transport of waste has not been a big issue for California  
23 because we do not import solid waste, and only three  
24 counties export their waste periodically for transportation  
25 and weather reasons.

1           However, for the East and Midwest, in particular,  
2 there is a great deal at stake. This appears to be the  
3 signal issue with the most momentum to get through Congress  
4 this year. It's pretty much a life or death thing for some  
5 of the big exporters and the big importers.

6           Previous interstate transport language in both  
7 RCRA bills had allowed governors to ban or limit garbage  
8 imports, subject to a request by local authorities.  
9 However, landfills that already receive out-of-state  
10 garbage were allowed to continue, under a grandfather  
11 clause, and governors could not interfere with existing  
12 contracts for interstate waste shipment. It seemed like  
13 there were a couple of pretty big loop holes there.

14           The significant differences in the Senate bill  
15 would allow the governors of Indiana, Ohio, Pennsylvania  
16 and Virginia, the four states that have received the most  
17 out-of-state waste, to bar imports without a local  
18 government request and freeze trash imports at 1991 or 1992  
19 levels, whichever was less.

20           In addition, the four governors would be able to  
21 limit out-of-state garbage imports to the largest landfills  
22 in their states to 30 percent of 1991 levels.

23           The biggest breakthrough, however, came when  
24 agreement was reached on language to allow the same four  
25 states, beginning in 1999, to limit garbage imports to meet

1 waste limit targets, even if the action would violate an  
2 existing contract.

3 Other garbage importing states wanted to make any  
4 governor eligible for the expanded powers, but an amendment  
5 to do that failed, and the bill ultimately passed with an  
6 89 to 2 vote.

7 Finally, I want to give you a quick update on  
8 efforts --

9 CHAIRMAN HUFF: Which four states?

10 MS. CHARTRAND: Ohio, Indiana, Pennsylvania and  
11 Virginia.

12 CHAIRMAN HUFF: Those people have some clout.

13 MS. CHARTRAND: Apparently, Senator Coates from  
14 Indiana has been working on this for several years and had  
15 a bill all the way through Congress or all the way through  
16 one of the House's a few years back.

17 CHAIRMAN HUFF: It's a big issue there.

18 MS. CHARTAND: Very big. In fact, when we talked  
19 to other people or some of the staff has been at conference  
20 and so forth and you mention RCRA to them, and they say,  
21 oh, you mean interstate transport of waste.

22 To them, that's the only issue that matters.

23 CHAIRMAN HUFF: To get language that is state  
24 specific is impressive.

25 MS. CHARTRAND: It's something like states that

1 have received over a million tons over a certain period,  
2 and those are the four that fall into it.

3 Finally, I want to give you a quick update on  
4 efforts to allow states like California who are involved in  
5 USEPA's pilot approval program for landfill permitting and  
6 regulatory programs, equivalency under any new RCRA  
7 permitting provisions.

8 Our Washington, D.C. Lobbyist, Bob Hurley has  
9 suggested putting language in the House Energy and Commerce  
10 Committee's report on HR 3865 to state intent that we would  
11 qualify under existing bill language that allows for a,  
12 quote, "other systems of prior approval," end quote,  
13 instead of the specific permit program required by the  
14 bill.

15 His latest report is very positive on that  
16 effort, and we are hopeful that this will address our main  
17 concern in the permitting section of the House RCRA bill.  
18 The language that he is proceeding is on page 4 in your  
19 packet.

20 Basically, he felt that the report contains a lot  
21 of intent language or can be used after the fact as intent,  
22 and that that would probably address our concerns. Again,  
23 we do not even know if the permitting section is going to  
24 get through this year. There is still some possibility.  
25 It also lays the groundwork for next year even if it

1 doesn't go this year.

2 CHAIRMAN HUFF: This thing doesn't go away.

3 MS. CHARTRAND: Not at all.

4 In fact, there are a number of environmental  
5 groups that are hoping that nothing passes this year, and  
6 then if we have a different president starting next winter,  
7 would push a very comprehensive RCRA bill.

8 COMMITTEE MEMBER EGIGIAN: Have they concluded  
9 that already?

10 MS. CHARTRAND: They are just hoping, I think, at  
11 this point.

12 That concludes my presentation. Any questions?

13 CHAIRMAN HUFF: Do you have enough guidance from  
14 us on the things that you need guidance on?

15 MS. CHARTRAND: I believe so.

16 CHAIRMAN HUFF: Thank you.

17 Item three.

18 MS. CUENCA: Good afternoon, Mr. Chairman and  
19 Members of the Committee. I am Beatrice Cuenca  
20 representing the Permits Branch.

21 This item regards the consideration of  
22 concurrence in the issuance of a revised solid waste  
23 facilities permit for the Corinda Los Trancos Landfill,  
24 also known as Ox Mountain Ranch, located in County of San  
25 Mateo.

1           The facility is located two miles east of the  
2 City of Half Moon Bay. This proposed permit will allow a  
3 one-hundred acre lateral expansion and expand the waste  
4 stream to include treated auto shredder waste.

5           The current permitted tonnage is 3,598 tons per  
6 day of nonhazardous solid waste. This proposed permit will  
7 not change this tonnage.

8           The facility is located on a 2,786 acre parcel.  
9 The total footprint will be 173 acres.

10          The facility will receive nonhazardous municipal  
11 solid waste, construction demolition, treated auto shredder  
12 waste, sewage sludge and friable asbestos.

13          Most of the waste received at this facility is  
14 from sixteen cities within the county and the  
15 unincorporated area of the county. The current rate of  
16 diversion for the cities using this site ranges from ten to  
17 thirty percent.

18          The chronology of the events that led to the  
19 preparation of this Agenda Item for Board's consideration  
20 for the proposed permit is as follows:

21          May 27, 1992, Board staff received a draft permit  
22 for the expansion of the landfill. The expansion included  
23 an increase in the daily tonnage from 3,598 tons per day to  
24 5,000 tons per day. It also included a 100-acre expansion.

25          At the time the package was submitted to Board's

1 staff, the tentative WDRs were not available. However, in  
2 order to expedite the process, staff agreed to comment on  
3 the submitted documentation.

4 On June 18, 1992, Board staff met with the LEA  
5 and the project proponent to provide the with staff's  
6 comments. Staff requested information regarding the  
7 handling of treated auto shredder waste and friable  
8 asbestos because the information was not included in the  
9 RDSI.

10 It was also at this meeting that the Board staff  
11 received a copy of the tentative WDRs, which were scheduled  
12 to be heard at the July 15 Regional Water Quality Control  
13 Board meeting.

14 On June 22, Board staff received Appendix K,  
15 which included special handling for treated auto shredder  
16 waste and friable asbestos.

17 On June 24, Board staff received a revised draft  
18 permit.

19 On June 26, staff provided their comments on the  
20 tentative WDRs to the Regional Water Quality Control Board.

21 On July 9, Board staff met with the LEA and the  
22 project proponent to discuss the comments that were noted  
23 after reviewing the recently submitted documentation.

24 Inconsistencies in the draft permit, WDR and RDSI  
25 were also noted. These inconsistencies included the

1 handling and disposal of leachate; the percent of solid  
2 sludge received at the facility; the tentative WDR did not  
3 identify treated auto shredder waste as a type of waste to  
4 be received at the site; also, minor language changes  
5 clarifying some of the terms and conditions of the permit  
6 rules were needed.

7           After extensive discussion, it was to agreed upon  
8 by everyone at the meeting the additional information that  
9 was needed to clarify and correct the inconsistencies.  
10 However, there was still one remaining unresolved issue,  
11 and that was the increase in the daily tonnage of 5,000  
12 tons per day.

13           The environmental impact report prepared for the  
14 project only considered an average of 3,100 tons of waste  
15 per day for 1989, with an annual increase of half of one  
16 percent. The document does not consider the proposed  
17 increase of daily tonnage of 5,000 tons per day.

18           Later on that day, staff received the proposed  
19 permit with the suggested changes with the exception of the  
20 resolution of the proposed permitted daily tonnage.

21           On July 15, the Regional Water Quality Control  
22 Board voted unanimously to adopt the waste discharge  
23 requirements for the facility.

24           On July 21, an amended application and amendment  
25 to the RDSI was submitted to Board staff.

1           On July 22, after further discussing with the  
2 LEA, the LEA with the operator's consent, amended the  
3 proposed permit to reflect the current tonnage of 3,598 per  
4 day.

5           On July 23, Board staff found the proposed permit  
6 and supporting documentation acceptable. The LEA and Board  
7 staff have determined the following:

8           The facility is found in San Mateo County Solid  
9 Waste Management Plan; the facility is in conformance with  
10 the San Mateo County General Plan; the project is  
11 consistent with the waste diversion goals of AB 939; and  
12 CEQA has been complied with.

13           In conclusion, staff recommends that the Board  
14 adopt Solid Waste Facilities Permit Decision No. 92-100,  
15 concurring in the issuance of Solid Waste Facilities Permit  
16 No. 41-AA-0002.

17           The LEA and the operator are present if there are  
18 any questions. This concludes Board staff's presentation.

19           CHAIRMAN HUFF: Any questions of the staff  
20 presentation?

21           Hearing none, does the LEA have anything to add  
22 to the presentation?

23           Does the operator have anything that they wish to  
24 say?

25           MR. DAY: Only to answer questions, if there are

1 any.

2 COMMITTEE MEMBER RELIS: I just want to get a  
3 point of information.

4 What is the status on the MERF that is described  
5 here?

6 CHAIRMAN HUFF: Identify yourself.

7 MR. DAY: Mr. Chairman, Members of the Committee,  
8 my name is Dan Day. I am the assistant manager, FBFI, San  
9 Mateo County.

10 The MERF is currently accepting approximately 130  
11 tons a day of curbside collection. It has a capacity at  
12 this point to take on additional commercial-sorted material  
13 in the range of 250 to 300 tons per day.

14 There is an application that staff is currently  
15 reviewing. Upon approval of that permit we will start in  
16 the commerical waste stream.

17 COMMITTEE MEMBER RELIS: It's already  
18 constructed?

19 MR. DAY: Yes.

20 CHAIRMAN HUFF: Thank you.

21 Okay. Any other questions?

22 Ready for the motion.

23 COMMITTEE MEMBER RELIS: I move to accept staff's  
24 recommendation and Staff Decision 92-100.

25 COMMITTEE MEMBER EGIGIAN: Second.

1 CHAIRMAN HUFF: The staff recommendation has been  
2 moved and seconded.

3 Let me say that I read the permit decision  
4 document. I liked it.

5 I wanted to mention that it was in good form.  
6 With that, we have not had roll call, so we'll call roll.

7 MS. FOREMAN: Mr. Egigian.

8 COMMITTEE MEMBER EGIGIAN: Aye.

9 MS. FOREMAN: Mr. Relis.

10 COMMITTEE MEMBER RELIS: Aye.

11 MS. FOREMAN: Chairman Huff.

12 CHAIRMAN HUFF: Aye.

13 Motion carries, three to zero.

14 COMMITTEE MEMBER EGIGIAN: There is something in  
15 the area that I would like to bring up, and I think we  
16 should start considering, and I don't know if it's legal or  
17 not.

18 CHAIRMAN HUFF: That shouldn't stop us.

19 COMMITTEE MEMBER EGIGIAN: I have not asked the  
20 question yet.

21 There have been several times that we have had  
22 permits come before us, one in particular, from LA County  
23 on expandable tonnage situation. What we're starting to see  
24 is the fact that it takes so long to permit landfills that  
25 some of these landfills in areas will close down and others

1 will be at their permitted levels and not able to take the  
2 permitted waste.

3 I think if our attorney finds nothing wrong, we  
4 should investigate whether or not it's a good way to go.

5 CHAIRMAN HUFF: Well, it seems to me,  
6 Mr. Egigian, that the mechanism to do that already exists  
7 within the framework of these permits.

8 The EIR is done. It specifies a maximum daily as  
9 well as sometimes maximum annuals and all of the rest of  
10 the stuff. All the operator has to do is set the things  
11 high enough.

12 COMMITTEE MEMBER EGIGIAN: What will the staff do  
13 to set them high, do they concur with it?

14 CHAIRMAN HUFF: If the supporting document is  
15 there in terms of the EIR.

16 MS. VAZQUEZ: Many times the EIR is drafted to  
17 include a growth factor for the increased tonnage. It's  
18 phased in incremental for many years.

19 We suggest to LEAs and proponents in drafting the  
20 permits that the tonnage be included in five-year  
21 increments because that is when the permit is reviewed.

22 There may be an inclusion for growth. It's  
23 included in the next permit review.

24 MR. CONHEIM: Mr. Chairman and Mr. Egigian, the  
25 historic concern that operators have felt is that they are

1 charting a course in choosing how to do environmental  
2 review between the scylla charybdis of defining a project  
3 that is so high that it brings out lots of opponents to  
4 cover themselves for the future, or defining the current  
5 project and having to continue to do environmental review,  
6 again and again, in order to the keep raising the tonnage.

7 That is a choice that a project proponent has to  
8 make given the local climate.

9 CHAIRMAN HUFF: EIR has to be the EIR.

10 MR. CONHEIM: The project has to stand on that  
11 project description.

12 CHAIRMAN HUFF: It should be pointed out that Mr.  
13 Conheim is obsessed with daleon.

14 I will tell you what that is as soon as he tells  
15 you what Simon and Garfunkel or whatever that is that he  
16 said.

17 MR. CONHEIM: Scylla and Charybdis were the  
18 homarian monsters that Ulysis had to go between, and more  
19 than that --

20 COMMITTEE MEMBER RELIS: This is offered here so  
21 that everyone here will learn something.

22 CHAIRMAN HUFF: Permitting meetings are most  
23 informative meetings of all the committees.

24 Mainly, the court reporter is on her own because  
25 I can't spell that.

1 MR. CONHEIM: I can't spell that either.

2 COMMITTEE MEMBER EGIGIAN: Is Mr. Zamora here? I  
3 would like to meet with you and have you give me some  
4 lessons on signatures. You have one hell of a signature  
5 really.

6 CHAIRMAN HUFF: Okay. I think that maybe that is  
7 the ending note of this committee meeting.

8 The item is consent. Okay.

9 With that, we are adjourned.

10 (Thereupon the meeting was adjourned  
11 at 1:45 p.m.)

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