

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

COPY

REPORTER'S TRANSCRIPT

TAKEN AT SAN DIEGO, CALIFORNIA
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I-N-D-E-X

	AGENDA ITEM	PAGE
1		
2		
3	EX PARTE ANNOUNCEMENTS:	
4	BOARD MEMBER RELIS	5
5	BOARD MEMBER GOTCH	6
6	BOARD MEMBER EGIGIAN	6
7	BOARD MEMBER FRAZEE	8
8	CHAIRMAN CHESBRO	9
9		
10	AGENDA ANNOUNCEMENTS	11
11		
12	ITEM 1 - REPORTS OF THE BOARD'S COMMITTEES	
13	BY: BOARD MEMBER GOTCH	14
14	BOARD MEMBER RELIS	14
15	BOARD MEMBER EGIGIAN	15
16	BOARD MEMBER FRAZEE	15
17	CHAIRMAN CHESBRO	16
18		
19	ITEM 2 - EXECUTIVE DIRECTOR'S REPORT	17
20		
21	ITEM 3 - PRESENTATIONS BY LOCAL OFFICIALS:	
22	RON MORRISON	20
23	MICKY CAFAGNA	23
24	BOB EPPLER	30
25	KEN CALVERT	36
26		
27	ITEM 4 - PRESENTATION OF 1994 WASTE	
28	REDUCTION AWARDS PROGRAMS WINNERS	39
29		
30	ITEM 5 - PRESENTATION BY LOCAL GOVERNMENT	
31	TECHNICAL ADVISORY COMMITTEE	43
32		
33	ITEM 6 - CONSIDERATION OF CONSENT AGENDA	
34	ITEMS	58
35		
36	ITEM 75 - CONSIDERATION OF CONCURRENCE IN THE	
37	ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT	
38	FOR THE BEL-ART WASTE TRANSFER STATION, LOS ANGELES	
39	COUNTY. SPEAKER: SUZANNE TALUMS	59
40		
41	ITEM 17 - CONSIDERATION OF STAFF	
42	RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE	
43	REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS	
44	WASTE ELEMENT, AND NONDISPOSAL FACILITY ELEMENT FOR	
45	THE CITY OF SAN LEANDRO, ALAMEDA COUNTY.	
46	SPEAKER: JUDY FRIEDMAN	63
47		
48	ITEM 65 - CONSIDERATION OF STAFF	
49	RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE	
50	REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL	
51	FACILITY ELEMENT FOR THE CITY OF MORGAN HILL,	
52	SANTA CLARA COUNTY. SPEAKER: JUDY FRIEDMAN	64
53		
54		
55		
56		
57		
58		

1	ITEM 72C - CONSIDERATION OF STATE	
	LEGISLATION SB 176. SPEAKER: RALPH CHANDLER	66
2		
3	ITEM 74 - CONSIDERATION AND APPROVAL OF THE	
4	MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF	
5	TOXIC SUBSTANCES CONTROL AND CIWMB FOR THE DISPOSAL OF	
6	HAZARDOUS ASBESTOS CONTAINING WASTE AT NON-CLASS 1	
7	SOLID WASTE FACILITIES AND DISPOSAL SITES.	
8	SPEAKER: DIANE KIHARA	72
9		
10	ITEM 12 - DISCUSSION AND CONSIDERATION OF	
11	ORANGE COUNTY BAKRUPTCY IMPACT	79
12		
13	ITEM 7 - CONSIDERATION OF APPROVAL OF	
14	RECYCLING MARKET DEVELOPMENT ZONE LOANS FOR THE	
15	FIRST QUARTER, 1995. SPEAKER: DANIEL GORFAIN	82
16		
17	ITEM 8 - CONSIDERATION OF AWARD OF CONTRACT	
18	TO CONDUCT A FACILITY CONSUMER RESEARCH SURVEY.	
19	SPEAKER: JUDY FRIEDMAN	84
20		
21	ITEM 11 - CONSIDERATION OF AWARD OF CONTRACTS	
22	FOR ENVIRONMENTAL AND ENGINEERING SERVICES AND	
23	STABILIZATION AND ABATEMENT OF ILLEGAL WASTE TIRE	
24	SITES. SPEAKER: DOUGLAS OKUMURA	85
25		
26	ITEM 14 - CONSIDERATION OF STAFF RECOMMENDATION	
27	FOR TIRE GRANT FUNDING FOR FY 1994-95. SPEAKER:	
28	RALPH CHANDLER AND DANIEL GORFAIN	86
29		
30	ITEM 73 - CONSIDERATION OF BOARD PARTICIPATION	
31	AS SPONSOR FOR THE ANNUAL CALIFORNIA RESOURCE RECOVERY	
32	ASSOCIATION CONFERENCE. SPEAKER: PAT MACHT	96
33		
34	ITEM 87 - DISCUSSION AND CONSIDERATION OF	
35	COMMITTEE ACTIONS ON THE PROGRESS OF THE LOCAL	
36	ENFORCEMENT AGENCY FOR THE CITY OF WEST COVINA	
37	TOWARDS DEVELOPING A PROCESS TO UPDATE THE SOLID WASTE	
38	FACILITY PERMIT FOR THE B.K.K. LANDFILL	107
39	CITY SPEAKERS:	
40	MAYOR STEVE HERFERT	110
41	JAMES STARBIRD	113
42	STEVE SAMANIEGO	115
43	COLIN LENNARD	123
44	B.K.K. SPEAKERS:	
45	GARY KOVALL	144
46	RONALD GASTELUM	152
47	KEN KAZARIAN	153
48	BEN KAZARIAN	154
49	OTHER SPEAKERS:	
50	RICHARD HANSON	155
51	PAUL MANASJAN	163
52	JOE MATARINO	165
53		
54		

1 FOLLOWS: MR. EGIGIAN: HERE.

2 MR. FRAZEE: HERE.

3 MS. GOTCH: HERE.

4 MR. RELIS: HERE.

5 CHAIRMAN CHESBRO: HERE.)

6 CHAIRMAN CHESBRO: THE BOARD BEING PRESENT
7 WE WILL PROCEED NEXT WITH THE EX PARTE COMMUNICATIONS TO
8 THE BOARD. DO ANY BOARD MEMBERS HAVE ANY EX PARTE
9 COMMUNICATIONS THEY WOULD LIKE TO ENTER INTO THE RECORD?

10 MR. RELIS: YES. I WOULD LIKE TO GO THROUGH
11 THIS LIST QUICKLY. REGARDING WEST COVINA AND THE L.E.A.
12 MATTERS: CORNELIA B. WARD, LETTER OF APRIL 23RD. SALLY
13 E. GRAVES, LETTER OF APRIL 24TH. STEVE MC INTOSH, LETTER
14 OF APRIL 24TH. NANCY E. ADIN, LETTER OF APRIL 21ST.
15 TERRY DIPPLE, APRIL 21ST. LYNNE PLAMBECK -- I'M SORRY.
16 TERRY DIPPLE REPRESENTS SAN GABRIEL VALLEY COUNCIL OF
17 GOVERNMENTS. LYNNE PLAMBECK, CHAIR OF LASER, APRIL 21ST.
18 JACK ISETT, CITY OF WALNUT, APRIL 21ST. TIENA-KAY HALM,
19 CAPITAL OFFICE PRODUCTS, LETTER OF APRIL 4TH. THAT ONE
20 IS AN OLD ONE. AND BETH CHRISTENSEN, JOHANNSEN TRADING
21 COMPANY, LETTER OF APRIL 24TH. THESE ARE TAKING A
22 POSITION AGAINST ANY EFFORT TO DECERTIFY.

23 JUST HAD A BRIEF MEETING WITH JOHN O'MALLEY
24 REPRESENTING THE CITY OF WEST COVINA WHO HANDED ME A
25 LETTER IN CASE I HADN'T GOT THE LASER LETTER. AND THEN
26 JUST RECENTLY NANCY EWEMT, DAN BASKERVILLE, TIM KUHL --
27 NANCY EWEMT FROM KERN COUNTY, DAN BASKERVILLE FROM L.A.
28 COUNTY, TIM KUHL FROM LONG BEACH, KURT HUNTER FROM THE

1 MONTEREY AREA, ALL REGARDING THE BOARD'S LOAN MATTER
2 BEFORE US TODAY. AND THEN SUPERVISOR RON ROBERTS
3 YESTERDAY ON GENERAL MATTERS RELATING TO SOLID WASTE HERE
4 IN SAN DIEGO COUNTY.

5 CHAIRMAN CHESBRO: OKAY. OTHERS?

6 MS. GOTCH: YES, I HAVE SOME. PETER WEINER
7 OF HELLER, EHRMAN, WHITE & MC AULIFFE, ATTORNEYS
8 REGARDING WEST COVINA AND B.K.K. DAPHNE WASHINGTON FROM
9 RESOURCE MANAGEMENT AGENCY, BAKERSFIELD, REGARDING THE
10 R.M.D.Z. LOAN PROGRAM. MARY YOUNG, MAYOR OF ARCADIA,
11 REGARDING B.K.K. AND THE WEST COVINA LANDFILL. TOM
12 BRADY, CHAIR OF C.R.R.A., REGARDING THE C.R.R.A.
13 CONFERENCE. AND GREGG FOSTER OF C.R.R.A. REGARDING THE
14 CONFERENCE. AND LILLIAN KAWASAKI, GENERAL MANAGER OF
15 CITY OF L.A. ENVIRONMENTAL AFFAIRS, REGARDING WEST COVINA
16 AND B.K.K.

17 CHAIRMAN CHESBRO: NOW IS THAT THE WRITTEN
18 ONE?

19 MS. GOTCH: WRITTEN.

20 CHAIRMAN CHESBRO: THE WRITTEN LETTER FROM
21 LILLIAN KAWASAKI?

22 MS. GOTCH: YES.

23 MR. EGIGIAN: MR. CHAIRMAN, I TALKED THIS
24 MORNING TO BOB BARAL FROM BEL-ART DISPOSAL. SAID GOOD
25 MORNING TO STEVE SAMANIEGO FROM WEST COVINA. AND LAST
26 NIGHT, I DIDN'T TALK BUSINESS WITH ANYBODY, BUT WE BUMPED
27 HEADS WITH A LOT OF ELECTED OFFICIALS.

28 I AM STILL AT A LOSS ON WHAT THE HECK EX

1 PARTE MEANS. OKAY. WE'VE HAD SEVERAL RULINGS ON THIS
2 FROM VARIOUS SOURCES OF OUR LEGAL INFORMATION, THAT WE
3 GET OUR INFORMATION FROM. AND I DON'T KNOW WHETHER I'M
4 SUPPOSED TO, ALL THESE LETTERS THAT WERE SENT TO OTHER
5 BOARD MEMBERS THAT I GET COPIES OF, AM I SUPPOSED TO EX
6 PARTE THOSE? LIKE I SAID AT THE LAST MEETING, I NEED
7 ANOTHER SECRETARY IF WE'RE SUPPOSED TO DO ALL OF THIS
8 STUFF AND STAY OUT OF JAIL. OKAY. SO THAT'S WHAT I HAVE
9 TODAY.

10 CHAIRMAN CHESBRO: COUPLE OF ASSUMPTIONS I'M
11 MAKING IN THIS PROCESS. ONE IS THAT WHEN LETTERS THAT
12 HAVE BEEN SENT TO ALL THE BOARD MEMBERS GET ENTERED INTO
13 THE RECORD, WHICH BY THE WAY THIS IS DOING, WHEN A BOARD
14 MEMBER, AS MR. RELIS DID, MENTIONS A LETTER ON A
15 PARTICULAR ITEM, THAT WE ARE IN THE PROCESS OF ENTERING
16 THOSE AND SO THEY'RE NO LONGER EX PARTE COMMUNICATIONS
17 AND THEY'RE A PART OF THE BOARD RECORD, AND HE IS DOING
18 THAT ON BEHALF OF ALL US. SO WE DON'T NEED TO EACH DO
19 ALL OF THOSE LETTERS. I DO THINK THOUGH THAT THE WRITTEN
20 REQUIREMENT TO INDICATE THAT IT HAS BEEN ENTERED INTO THE
21 BOARD'S RECORD STILL EXISTS. FURTHERMORE WITH REGARDS TO
22 GROUP MEETINGS I DO BELIEVE YESTERDAY, LAST EVENING'S
23 EVENT WAS NOTICED, WAS IT NOT? AM I CORRECT?

24 MS. TOBIAS: I DON'T KNOW IF WE DID DO THAT
25 OR NOT.

26 CHAIRMAN CHESBRO: IT WAS NOTICED, SO IT WAS
27 A PUBLIC EVENT AND THE CONVERSATIONS WERE SUBJECT TO
28 ANYBODY WHO WANTED TO COMMENT BEING PRESENT. SECONDLY, I

1 THINK IT'S IMPORTANT THAT I TRY TO DO THIS EITHER
2 VERBALLY OR IN WRITING, FOR EXAMPLE, I WENT TO THE TRASH
3 BASH LAST WEEK AND I TALKED TO A DOZEN PEOPLE, JUST TO
4 DISCLOSE IN GENERAL THAT REPRESENTATIVES OF, IN THE CASE
5 OF THE TRASH BASH THIS WOULD BE DIRECTED TO COUNSEL, IN
6 THE CASE OF LAST NIGHT I THINK IT'S IMPORTANT TO NOTE FOR
7 THE RECORD WE MET WITH REPRESENTATIVES OF THE JOINT POWER
8 AUTHORITY AND THE COUNTY OF SAN DIEGO AND DISCUSSED
9 GENERAL SUBJECTS. I WASN'T LOBBIED TO DO ANYTHING
10 SPECIFIC, BUT WE DID DISCUSS GENERAL TOPICS RELATED TO
11 WASTE MANAGEMENT IN SAN DIEGO. AS LONG AS WE MAKE EVERY
12 EFFORT TO BE PUBLIC ABOUT WHAT WE DO, WE WON'T HAVE MUCH
13 TO WORRY ABOUT. I'M NOT THE LAWYER. I WILL DEFER TO
14 KATHY TOBIAS, BUT AS FAR AS THE SPIRIT OF THE LAW EVERY
15 EFFORT TO DISCLOSE TAKES CARE OF ANY SUSPICION THAT WE
16 ARE TRYING TO DO ANYTHING THAT WE'RE AVOIDING OUR
17 RESPONSIBILITIES ON.

18 THAT BEING SAID I WILL CALL MR. FRAZEE.

19 MR. FRAZEE: MY UNDERSTANDING IN
20 CONSULTATION WITH COUNSEL FOR THE BOARD IS THAT
21 PUBLISHING IN THE RECORD QUALIFIES FOR DISCLOSURE OF EX
22 PARTE COMMUNICATIONS. AND I HAVE ENTERED A NUMBER OF
23 THOSE OTHER THAN THE ONES THAT I HAVE HERE TODAY WHICH
24 ARRIVED TOO LATE IN ORDER TO BE ENTERED INTO THE RECORD.
25 ON THIS PAST WEEK OR SO I WAS THE SPEAKER AT A BREAKFAST
26 MEETING FOR THE INSTITUTE OF SCRAP RECYCLING INDUSTRIES.
27 THERE WERE SEVEN MEMBERS OF THAT ORGANIZATION PRESENT.
28 WE NEED THE NAMES OF THOSE INDIVIDUALS FOR SUBMITTING FOR

1 THE RECORD?

2 MS. TOBIAS: DID YOU ASK TO GET NAMES?

3 MR. FRAZEE: I INDICATED THE MEETING.

4 MS. TOBIAS: I THINK GIVEN THAT YOU WERE
5 JUST SPEAKING, THE FACT OF LISTING THE ORGANIZATION IS
6 FINE.

7 MR. FRAZEE: AND THE SAME CIRCUMSTANCE AS A
8 SPEAKER AT THE C.R.R.C. WHERE THERE WERE SOME 150 PLUS
9 PEOPLE IN THE ROOM, AND I DID NOT HAVE ANY ONE-ON-ONE
10 DISCUSSIONS WITH THE GREAT MASSES IN THE AUDIENCE.
11 BEYOND THAT THIS PAST WEEK ON WEDNESDAY EVENING, DON'T
12 HAVE THE DATE, BUT WE CAN LOOK THAT UP, THERE WAS A
13 DINNER HOSTED BY THE SAN DIEGO COUNTY REFUSE REMOVAL
14 COUNCIL, AND I CAN SUBMIT A LIST OF ALL THE PEOPLE
15 PRESENT. DOES THAT SUFFICE?

16 MS. TOBIAS: SURE.

17 MR. FRAZEE: AND AS OTHER MEMBERS I ATTENDED
18 THE TRASH BASH AND EVENT LAST NIGHT WITH THE SAN DIEGO
19 COUNTY WASTE AUTHORITY. AND THIS WAS NOTED, THE LETTER
20 THAT JUST ARRIVED LAST NIGHT FROM LILLIAN KAWASAKI
21 REPRESENTING THE CITY OF L.A., I THINK THERE WAS A COPY
22 TO ALL MEMBERS OF THE BOARD. I BELIEVE THAT'S EVERYTHING
23 I HAVE.

24 CHAIRMAN CHESBRO: PERHAPS WE COULD ASK THE
25 JOINT POWER AUTHORITY REPRESENTATIVES TO SUBMIT TO MY
26 OFFICE A LIST OF LAST NIGHT'S ATTENDEES AND WE CAN
27 INCLUDE THAT.

28 A NUMBER OF THE LETTERS THAT HAVE BEEN

1 MENTIONED BY THE OTHER BOARD MEMBERS HAVE BEEN RECEIVED
2 BY ALL THE BOARD MEMBERS SO I'M NOT GOING TO BE
3 REPETITIVE. IN ADDITION TO THOSE I RECEIVED A LETTER
4 FROM DAPHNE WASHINGTON WITH KERN COUNTY WITH REGARDS TO
5 THE TIRE GRANT. KELLY SMITH OF THE CALIFORNIA RESOURCE
6 PROFESSIONAL SERVICES REGARDING THE CALIFORNIA RESOURCE
7 RECOVERY ASSOCIATION ALLOCATION. JOHN BLICKENSTAFF,
8 MAYOR OF THE CITY OF LA VERNE WITH REGARD TO THE WEST
9 COVINA L.E.A. DECERTIFICATION.

10 WITH REGARD TO VERBAL COMMUNICATIONS I HAVE
11 MET WITH KATHY FLETCHER OF B.K.K. WITH REGARDS TO THE
12 LANDFILL PERMIT AND THE DECERTIFICATION ISSUE.

13 REPRESENTING THE CITY OF WEST COVINA I MET WITH JEFFREY
14 KIGHTLINGER AND JAMES STARBIRD AND ALSO COLIN LENNARD
15 REPRESENTING THE WEST COVINA LOCAL ENFORCEMENT AGENCY. I
16 ALSO HAD A VERBAL CONVERSATION WITH JIM KUHL,
17 REPRESENTING HIMSELF, ABOUT ITEM 73 THE C.R.R.A. FUNDING.

18 MR. RELIS: MR. CHAIR, IF I COULD CORRECT
19 ONE THING. I DID TALK TO, THE DISCUSSION WITH JIM KUHL
20 ALSO TOUCHED ON THE C.R.R.A. ITEM BEFORE US. AND I GUESS
21 I RECEIVED THE PETER WEINER COMMUNICATION. I DON'T KNOW
22 WHERE IT IS, BUT I'LL JUST MENTION THAT.

23 CHAIRMAN CHESBRO: IF WE KEEP WORKING AT IT
24 WE CAN TAKE UP THE WHOLE AGENDA REGARDING THE EX PARTE
25 COMMUNICATIONS. THANK YOU FOR BEARING WITH US. THIS IS
26 A SENSITIVE ISSUE AND ONE WE ARE LEGALLY BOUND TO TAKE
27 CARE OF.

28 MR. EGIGIAN: MR. CHAIRMAN, I THINK IT'S

1 HIGHLY APPROPRIATE THAT WE LOOK FOR SOME KIND OF RELIEF
2 FROM, THIS TO ME IS NOT A SENSIBLE THING TO DO DURING A
3 MEETING. I THINK WE EITHER OUGHT TO HAVE SOME RELIEF
4 FROM THE LEGISLATURE, OR THE ATTORNEY GENERAL OUGHT TO
5 DEFINE FOR US WHAT THE HECK THIS REALLY MEANS. BECAUSE
6 WHILE I'VE BEEN ON THIS BOARD FOR CLOSE TO FIVE YEARS,
7 I'VE HAD THREE DIFFERENT ATTORNEYS THAT REPRESENTED OUR
8 STAFF GIVE ME BASICALLY THE SAME THING ONLY WITH A
9 DIFFERENCE IN EACH ONE OF THEM. SO THE INTERPRETATION IS
10 NOT COMPLETELY TO MY LIKING, AND I THINK THAT RATHER THAN
11 TO GO ON LIKE THIS INDEFINITELY SOMETHING SHOULD BE DONE
12 ABOUT IT. AND I'D LIKE TO MAKE THIS SUGGESTION, THAT WE
13 TAKE SOME ACTION ON FOLLOWING UP TO SEE WHAT COULD BE
14 DONE TO SIMPLIFY THE PROCEDURE.

15 CHAIRMAN CHESBRO: OKAY. WELL, MY RESPONSE
16 TO THAT IS THAT THE LEGISLATURE WAS PRETTY CLEAR ABOUT
17 WHAT THEY INTENDED. AND WHILE WE MAY BE OVERREPORTING,
18 THAT'S BETTER THAN UNDERREPORTING. I THINK THAT CAUTION
19 HAS AT LEAST BEEN MY WATCHWORD ON THIS, AND I THINK THAT
20 WHILE IT'S A LITTLE BIT CUMBERSOME, IT'S WORTH OUR TRYING
21 TO COMPLY WITH THE LETTER AS WELL AS THE SPIRIT OF THE
22 LAW.

23 MOVING ON TO AGENDA ANNOUNCEMENTS. THE
24 FOLLOWING ITEMS HAVE BEEN REMOVED FROM TODAY'S AGENDA:
25 ITEM 10, REPORT ON OUT-OF-STATE WASTE DISPOSAL. THE
26 BOARD I'M TOLD WILL BE ORGANIZING WORKSHOPS ON THIS
27 ISSUE. ITEM 84, THE PERMIT FOR THE AVERY TRANSFER
28 STATION IN CALAVERAS COUNTY. ITEM 86, WHICH IS THE

1 PERMIT FOR THE CASPAR TRANSFER FACILITY IN MENDOCINO
2 COUNTY.

3 THE FOLLOWING ITEMS HAVE BEEN RECOMMENDED
4 FOR CONSENT. ITEM 13 IS BEING RECOMMENDED FOR CONSENT.
5 IT'S NOT ON THE LIST OF CONSENT ITEMS THAT HAVE BEEN
6 PUBLISHED, BUT I WOULD LIKE TO ADD IT UNLESS ANY BOARD
7 MEMBERS OR MEMBER OF THE PUBLIC OBJECTS. THIS DEALS WITH
8 THE GRANTS FOR NONPROFIT ORGANIZATIONS, THE USED OIL
9 GRANTS. ITEMS 15 THROUGH 71, WITH THE EXCEPTION OF THE
10 SOURCE REDUCTION RECYCLING ELEMENTS IN ITEM 17, SAN
11 LEANDRO, AND ITEM 65 MORGAN HILL, ARE RECOMMENDED FOR
12 APPROVAL. THESE ARE APPROVALS OF THE LOCAL JURISDICTION
13 PLANNING DOCUMENTS, INCLUDING I MIGHT ADD THE CITY OF SAN
14 DIEGO'S, WHICH IF WE HAD ANY SENSE WE'D MAKE A LOT OF
15 FANFARE ABOUT IT AS FAR AS THE MEETING. BUT THE FACT IS
16 EVERYTHING IS TAKEN CARE OF AND WE'RE GOING TO APPROVE IT
17 AS PART OF CONSENT, UNLESS SOMEBODY OBJECTS. ITEM 72A
18 AND B ONLY ARE ON THE CONSENT AGENDA.

19 LET'S SEE HERE. WITH REGARDS TO THE OTHER
20 PLANNING DOCUMENTS I'D LIKE TO NOTE THAT THERE HAVE BEEN
21 SEVERAL CHANGES TO THE STAFF RECOMMENDATIONS FOR THE
22 HOUSEHOLD HAZARDOUS WASTE ELEMENTS AND THE NONDISPOSAL
23 FACILITY ELEMENTS WITHIN ALAMEDA COUNTY. THE
24 DOCUMENTATION PREPARED AND SUBMITTED BY THE ALAMEDA
25 COUNTY WASTE MANAGEMENT AUTHORITY ON BEHALF OF THE
26 UNINCORPORATED COUNTY OF ALAMEDA, AND THE CITIES OF
27 PLEASANTON, SAN LEANDRO, AND OAKLAND WAS DETERMINED TO BE
28 SUFFICIENT IN ADDRESSING THE DEFICIENCIES NOTED WITHIN

1 THOSE HAZARDOUS WASTE PLANNING DOCUMENTS. STAFF HAS
2 UPGRADED THE RECOMMENDATIONS FOR THOSE FOUR, ALL FOUR OF
3 THOSE JURISDICTIONS WHICH ARE CONTAINED IN THE CONSENT
4 CALENDAR ITEMS 15 THROUGH 18.

5 IN ADDITION THE CITIES OF PLEASANTON,
6 OAKLAND, AND SAN LEANDRO HAVE SUBMITTED ADDITIONAL
7 INFORMATION ORIGINALLY MISSING FROM THE NONDISPOSAL
8 FACILITY ELEMENTS THUS MAKING THEM COMPLETE AND
9 APPROVEABLE. SO STAFF HAS RECOMMENDED UPGRADING THOSE
10 CONDITIONAL APPROVALS TO FULL APPROVAL FOR THE
11 NONDISPOSAL FACILITY ELEMENTS AND THOSE CHANGED
12 RESOLUTIONS ARE CONSENT CALENDER ITEMS 15 THROUGH 17.
13 DUE TO THE TIGHT TIME FRAME BETWEEN COMMITTEE AND BOARD
14 MEETINGS AND THE FACT THAT THIS MEETING IS OUTSIDE OF
15 SACRAMENTO THE UPGRADED RESOLUTIONS WILL BE AVAILABLE FOR
16 OUR SIGNATURES IN SACRAMENTO AFTER THE BOARD TAKES ACTION
17 ON THOSE ITEMS. SO ESSENTIALLY EACH OF THOSE HAVE BEEN
18 UPGRADED. THEY WERE ON CONSENT. THEY'RE STILL ON
19 CONSENT, BUT THEY'RE NOW RECOMMENDED FOR BOARD FULL
20 APPROVAL AS OPPOSED TO CONDITIONAL APPROVAL.

21 THE CONSENT CALENDAR IS GENERALLY PREPARED
22 ON THE RECOMMENDATIONS OF THE COMMITTEES THAT HAVE HEARD
23 THESE ITEMS, BUT AS HAS BEEN NOTED THERE HAS BEEN SOME
24 CHANGES TO THOSE. AND ANY ITEMS MAY BE REMOVED FROM THE
25 CONSENT CALENDAR BY ANY BOARD MEMBER. NOW THAT I
26 SUMMARIZED THEM, I THINK I'LL GIVE YOU A LITTLE WHILE,
27 IT'S NOT GOING TO COME UP UNTIL ITEM 6 I THINK. SO I'VE
28 SUMMARIZED THOSE AS FAR AS AN AGENDA ANNOUNCEMENT, AND

1 THEN I'LL TAKE A MOTION TO PUT ANY REMOVALS BACK ON THE
2 CONSENT AGENDA AT THAT POINT.

3 MOVING ON TO REGULAR AGENDA ITEMS. ITEM 1
4 IS REPORTS FROM THE BOARD'S COMMITTEES. LET ME ASK, MS.
5 GOTCH, DO HAVE A REPORT FROM THE LEGISLATION AND PUBLIC
6 EDUCATION COMMITTEE?

7 MS. GOTCH: YES, MR. CHAIR. THE LEGISLATION
8 AND PUBLIC EDUCATION COMMITTEE MET ON APRIL 4TH TO
9 CONSIDER FIVE BILLS. THE BOARD WILL HEAR THE COMMITTEE'S
10 RECOMMENDATIONS ON THREE OF THESE BILLS IN ITEM NO. 72.
11 THE OTHER TWO BILLS WERE PRESENTED FOR INFORMATIONAL
12 PURPOSES ONLY. THE COMMITTEE ALSO HEARD AN UPDATE ON THE
13 WASTE PREVENTION EDUCATION ACTIVITIES. THE REPORT
14 INCLUDED, AMONG OTHER THINGS, DISCUSSIONS OF THE CLOSING
15 THE LOOP CURRICULUM, A MEDIA CAMPAIGN, THE BUY RECYCLED
16 GUIDE, WAYS TO ASSIST RURAL COUNTIES WITH THEIR WASTE
17 PREVENTION PROGRAMS, PARTNERSHIP WITH THE DEPARTMENT OF
18 EDUCATION AND DISNEY, AND CONTRACTS WITH DELEE AND C SET.
19 THAT'S THE END OF MY REPORT.

20 CHAIRMAN CHESBRO: THANK YOU VERY MUCH.
21 MR. RELIS, DO YOU HAVE A REPORT FROM THE MARKET
22 DEVELOPMENT COMMITTEE?

23 MR. RELIS: MR. CHAIR, THE MARKET
24 DEVELOPMENT COMMITTEE DID NOT MEET THIS MONTH, BUT THE
25 ITEM FROM THE PREVIOUS MEETING IS BEFORE US FOR
26 CONSIDERATION ON THE LOAN.

27 CHAIRMAN CHESBRO: THANK YOU. MR. EGIGIAN,
28 DO YOU HAVE A REPORT FROM THE POLICY, RESEARCH, AND

1 TECHNICAL COMMITTEE?

2 MR. EGIGIAN: YES, I DO, MR. CHAIR. THE
3 POLICY COMMITTEE DISCUSSED THE ISSUE OF WASTE EXPORT FEES
4 AND REVIEWED THE STAFF REPORT ON THE SUBJECT OF
5 OUT-OF-STATE WASTE DISPOSAL. THE COMMITTEE REQUESTED
6 THAT THE STAFF PREPARE A PLAN FOR HOLDING WORKSHOPS TO
7 DISCUSS THE REPORT WITH INTERESTED PARTIES AND THAT
8 ADDITIONAL LEGAL RESEARCH BE DONE ON THE SUBJECT.

9 I WANT TO CALL THIS TO THE ATTENTION OF ALL
10 THE MEMBERS OF THE BOARD, BECAUSE WE HAVE SOME IMPORTANT
11 ISSUES TO ADDRESS THAT RELATE TO THE FUTURE FUNDING OF
12 THE PROGRAMS OF THIS BOARD. WE HAVE HEARD THAT
13 SIGNIFICANT AMOUNTS OF WASTE ARE LIKELY TO BE EXPORTED
14 FROM CALIFORNIA AND THAT THIS COULD HAVE A SIGNIFICANT
15 IMPACT ON OUR FUTURE FUNDING. THE BOARD NEEDS TO
16 DETERMINE WHETHER WE FEEL A WASTE EXPORT FEE IS
17 APPROPRIATE AND IF SO HOW SHOULD SUCH A FEE BE IMPOSED.
18 MOREOVER, WE NEED TO LOOK AT THIS ISSUE IN THE CONTEXT OF
19 ALTERNATIVE FUNDING SOURCES FOR THE BOARD'S FUTURE
20 PROGRAMS. THANK YOU.

21 CHAIRMAN CHESBRO: THANK YOU, MR. EGIGIAN.
22 MR. FRAZEE, DO HAVE A REPORT OF THE PERMITTING AND
23 ENFORCEMENT COMMITTEE?

24 MR. FRAZEE: MR. CHAIRMAN, THE PERMITTING
25 AND ENFORCEMENT COMMITTEE MET ON WEDNESDAY, APRIL THE
26 19TH. ALL OF THE ITEMS REGARDING COMPLIANCE THAT WERE
27 FULLY IN ORDER ARE RECOMMENDED FOR THE CONSENT CALENDAR.
28 THERE ARE FIVE ITEMS THAT WE HELD FOR FULL DISCUSSION

1 WITH THE BOARD. AND THOSE ARE ITEM 75, THE BEL-ART WASTE
2 TRANSFER STATION REVISED SOLID WASTE FACILITIES PERMANENT
3 IN LONG BEACH. THAT IS WAITING FOR A MINOR CORRECTION.
4 ITEM 11, THE AWARDING OF CONTRACTS FOR ENVIRONMENTAL AND
5 ENGINEERING SERVICES AND STABILIZATION AND ABATEMENT OF
6 ILLEGAL WASTE TIRE SITES. ITEM 74, APPROVAL OF THE
7 MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF
8 TOXIC SUBSTANCES CONTROL AND THIS BOARD FOR THE DISPOSAL
9 OF HAZARDOUS ASBESTOS CONTAINING WASTE AT NON-CLASS 1
10 SOLID WASTE FACILITIES AND DISPOSAL SITES. AND FINALLY,
11 ITEM 87, CONSIDERATION OF ACTIONS ON THE PROGRESS OF THE
12 LOCAL ENFORCEMENT AGENCY FROM THE CITY OF WEST COVINA.
13 THOSE ARE NOW BEING PROCESSED. WE'LL UPDATE THE SOLID
14 WASTE FACILITY PERMIT ON THE B.K.K. LANDFILL. THAT
15 CONCLUDES MY REPORT.

16 CHAIRMAN CHESBRO: THANK YOU, MR. FRAZEE.

17 THE LOCAL ASSISTANCE AND PLANNING COMMITTEE
18 RECEIVED UPDATES THIS MONTH FROM THE DIVERSION PLANNING
19 AND LOCAL ASSISTANCE DIVISION AND THE RESIDENTIAL MARKET
20 DEVELOPMENT DIVISION. THE COMMITTEE CONSIDERED 132
21 PLANNING DOCUMENTS WHICH REPRESENT APPROXIMATELY 62
22 JURISDICTIONS. ALL OF THE PLANS ARE ON THE CONSENT
23 CALENDAR AS I MENTIONED EARLIER EXCEPT FOR TWO. IN MAY
24 STAFF ANTICIPATES BRINGING PLANNING DOCUMENTS FOR
25 APPROXIMATELY 75 MORE JURISDICTIONS BEFORE THE
26 COMMITTEE. THE WASTE CHARACTERIZATION WORKING GROUP WILL
27 BE HOLDING A WORKSHOP ON APRIL 27TH AT UCLA. THE PURPOSE
28 OF THE WORKSHOP IS TO SELECT A METHOD TO TEST. IN THE

1 USED OIL SECTION STAFF CERTIFIED 24 NEW COLLECTION
2 CENTERS, OVER 220 BUSINESS KITS HAVE BEEN DISTRIBUTED TO
3 DATE. WITHIN THE PAST MONTH STAFF HAVE PRESENTED THE
4 BUSINESS KITS AT THE CLEAN AND GREEN BUSINESS EXPO AT
5 REDONDO BEACH AND AT THE FRESNO BUSINESS WORKSHOP. STAFF
6 ALSO HAS SET UP RECYCLING IN THREE NEW STATE OFFICE
7 BUILDINGS, THE SECRETARY OF STATE'S BUILDING, THE LIBRARY
8 AND THE COURTS BUILDING, AND THE STATE ARCHIVE BUILDING
9 IN SACRAMENTO.

10 THE ADMINISTRATION COMMITTEE HEARD FIVE
11 ITEMS. THE COMMITTEE RECEIVED A REPORT FROM ORANGE
12 COUNTY OFFICIALS REGARDING THE BANKRUPTCY. VICKI WILSON
13 REPRESENTING ORANGE COUNTY GAVE A STATUS OF THE
14 BANKRUPTCY. THE BOARD OF EQUALIZATION ALSO SENT A
15 REPRESENTATIVE TO THE COMMITTEE MEETING. THE COMMITTEE
16 WAS ENCOURAGED BY THE UPDATE. MR. CHANDLER WILL BE
17 SPEAKING TO THE STATUS OF THAT A LITTLE LATER IN THE
18 MEETING. THAT CONCLUDES THE COMMITTEE REPORTS.

19 SPEAKING OF MR. CHANDLER, I WILL NOW GO TO
20 HIM TO MAKE AN EXECUTIVE DIRECTOR'S REPORT.

21 MR. CHANDLER: THANK YOU, CHAIRMAN CHESBRO.
22 GOOD MORNING, MEMBERS. I HAVE A COUPLE ITEMS THIS
23 MORNING THAT I'D LIKE TO SPEAK TO YOU ABOUT VERY BRIEFLY.
24 I KNOW WE HAVE A FULL AGENDA. SO I'LL LIMIT MY REMARKS
25 TO A COUPLE OF ITEMS THAT I WOULD INDICATE YOU WILL BE
26 HEARING MORE ABOUT IN THE FUTURE THAT HAVE TO DO WITH OUR
27 TIRE PROGRAMS. AS YOU MAY KNOW WE WILL BE BRINGING OUR
28 RECOMMENDATIONS FOR FISCAL YEAR -5/6 AROUND ALLOCATION OF

1 OUR TIRE DOLLARS BUDGET AROUND THE TIRE PROGRAM IN THE
2 MAY OR JUNE TIME FRAME FOR NEXT FISCAL YEAR.

3 THERE WERE A COUPLE OF TIRE EVENTS THAT JUST
4 RECENTLY OCCURRED, ONE THAT'S COMING UP THAT I WOULD LIKE
5 TO SPEAK TO BRIEFLY. LAST THURSDAY THE BOARD IN
6 CONJUNCTION WITH THE CITY OF LOS ANGELES HELD WHAT I
7 WOULD CONSIDER A VERY SUCCESSFUL PRESS CONFERENCE
8 ANNOUNCING \$30,000 TIRE GRANT FUNDING TO THE CITY OF L.A.
9 FOR CLEAN UP OF ILLEGAL TIRE PILES FOUND PRINCIPALLY IN
10 ALLEYWAYS OF SOUTH CENTRAL LOS ANGELES. DEPUTY DIRECTOR
11 CORVANE ATTENDED ON BEHALF OF CHAIRMAN CHESBRO. THE
12 TIRES WILL BE COLLECTED BY THE LOCAL C.C.C.S AND RECYCLED
13 AS FUEL AT NEARBY CEMENT KILNS. THIS ILLEGAL DUMPING OF
14 TIRES HAS CONTRIBUTED TO INCREASED GRAFFITI AND HIGH RISK
15 OF FIRES IN THE AREA. THE PRESS CONFERENCE WAS WELL
16 ATTENDED BY SEVERAL MEDIA OUTLETS INCLUDING LOCAL T.V.
17 AND THE L.A. TIMES. THE TIMES DID RUN A FRONT PAGE STORY
18 IN ITS METRO SECTION THE FOLLOWING DAY WITH A COUPLE OF
19 PHOTOGRAPHS.

20 AGAIN ON THE SUBJECT OF TIRES THE BOARD WILL
21 BE HOLDING OR SPONSORING OR ASSISTING IN THE SPONSORSHIP
22 OF THE SECOND BIENNIAL TIRE CONFERENCE IN SACRAMENTO ON
23 MAY 15TH AND 16TH. YOU MAY RECALL THAT WE HELD OUR
24 FIRST TIRE CONFERENCE TWO YEARS AGO, AND THIS ONE WILL BE
25 SIMILARLY FOCUSED ON PRESENTING INFORMATION ON THE
26 BOARD'S TIRE AND RECYCLING PROGRAM TO OUR AFFECTED
27 CONSTITUENCIES AND OTHER INTERESTED PARTIES. STAFF WILL
28 BE SOLICITING INPUT AND FEEDBACK FROM THE CONFERENCE

1 PARTICIPANTS ON THE TIRE PROGRAM. THE CONFERENCE WILL
2 CONSIST OF PANELS AND WORK GROUPS ON TOPICS SUCH AS
3 BUSINESS DEVELOPMENT, MARKET DEVELOPMENT, RESEARCH AND
4 ENERGY RECOVERY, AS WELL AS PERMITTING REGULATIONS. WE
5 ANTICIPATE ABOUT A HUNDRED PARTICIPANTS AS IN PREVIOUS
6 YEARS. BOARD MEMBER EGIGIAN AND MYSELF WILL BE MAKING
7 INTRODUCTORY REMARKS AND MAKING A SHORT ADDRESS. MR.
8 CHAIRMAN, BOARD MEMBERS, THAT CONCLUDES MY REPORT.

9 CHAIRMAN CHESBRO: THANK YOU VERY MUCH.
10 I WANT TO CORRECT MY EARLIER STATEMENTS ABOUT THE CONSENT
11 AGENDA. I SKIPPED SOME ITEMS, AND SO HELP ME OUT HERE IF
12 I DON'T GET IT RIGHT, SOMEONE CAN CORRECT ME. I DIDN'T
13 MENTION ITEM 9, AND I FAILED TO MENTION ITEM 76 THROUGH,
14 IS IT 82 OR 83, 83, 76 THROUGH 83, AND ITEM 85 WHICH ARE
15 ALSO ON CONSENT. SO I APOLOGIZE. I DIDN'T HAVE THE
16 COMPLETE LIST IN FRONT OF ME. IF ANYBODY IS CONFUSED WE
17 WILL GO BACK OVER IT BEFORE THE VOTE.

18 MS. GOTCH: I HAVE A QUESTION. SO 80 IS
19 CONSIDERED ON CONSENT, ITEM 80?

20 CHAIRMAN CHESBRO: I BELIEVE SO, YES.

21 MS. GOTCH: THANK YOU.

22 CHAIRMAN CHESBRO: WITH THAT WE WILL GO INTO
23 LOCAL PRESENTATIONS. AS I MENTIONED EARLIER ONE OF THE
24 VALUES OF MEETING OUTSIDE OF SACRAMENTO IS THE
25 OPPORTUNITY TO HEAR FROM THE FOLKS WHO ARE AFFECTED BY
26 THE LAW AND BY REGULATIONS AND PROGRAMS THAT THE BOARD IS
27 CARRYING OUT, SO THIS PART OF OUR AGENDA IS DEDICATED FOR
28 THAT.

1 I WOULD LIKE TO BEGIN BY CALLING ON RON
2 MORRISON AND MICKY CAFAGNA, WHO ARE THE CHAIR AND VICE
3 CHAIR OF THE SAN DIEGO SOLID WASTE AUTHORITY, WHO ARE
4 GOING TO TALK ABOUT WHAT THEY'RE UP TO. MR. MORRISON IS
5 THE VICE MAYOR OF THE CITY OF NATIONAL CITY, AND MR.
6 CAFAGNA IS A COUNCIL MEMBER FROM THE CITY OF POWAY.

7 MR. MORRISON: GOOD MORNING. INDEED THIS
8 MORNING WE HAVE AN OPPORTUNITY TO SPEAK BEFORE YOU AND
9 GIVE A PRESENTATION. I'M SURE THAT YOU'VE HEARD MUCH OF
10 WHAT HAS BEEN GOING ON DOWN HERE IN SAN DIEGO. ALL TOO
11 OFTEN WHAT COMES OUT IS A LOT OF NEGATIVISM, AND
12 HOPEFULLY THIS MORNING WE HAVE AN OPPORTUNITY TO BRING
13 YOU UP TO SPEED IN A POSITIVE PRESENTATION ON SOME OF THE
14 THINGS THAT ARE GOING ON ALSO. I'LL BE SHARING THIS
15 PRESENTATION WITH THE VICE CHAIR OF THE SOLID WASTE
16 AUTHORITY.

17 THE SOLID WASTE AUTHORITY IN SAN DIEGO
18 COUNTY IS CURRENTLY IN TRANSITION. THE COUNTY SIGNED A
19 JOINT POWERS AGREEMENT IN MAY OF 1994 WHICH WILL
20 TRANSITION ALL THE RESPONSIBILITIES AND OWNERSHIP OF THE
21 SYSTEM ASSETS, LIABILITIES, AND OBLIGATIONS TO THE SOLID
22 WASTE AUTHORITY OF WHICH THE COUNTY IS ONE MEMBER.

23 TECHNICALLY AT THIS MOMENT THE COUNTY
24 CURRENTLY OWNS AND OPERATES A SYSTEM OF FIVE LANDFILLS,
25 10 RURAL CONTAINER STATIONS AND HAS RESPONSIBILITY FOR
26 THE COST ASSOCIATED WITH THE N.C.R.R.A. FACILITY AND THE
27 CLOSED SITES AS PART OF THE ENTIRE SYSTEM
28 RESPONSIBILITIES. THE COUNTY SHARES DECISION MAKING ON

1 SOLID WASTE ISSUES WITH THE SOLID WASTE AUTHORITY THROUGH
2 THE INTERLACING OF THREE DOCUMENTS. THE COUNTY ALSO
3 RECENTLY AGREED TO CONTRACT WITH THE AUTHORITY FOR THE
4 MANAGEMENT OF THE SYSTEM. THIS WILL FURTHER DELINEATE
5 THE ROLES AND RESPONSIBILITIES AND PUT THE AUTHORITY IN A
6 POSITION OF BEING ABLE TO PUT A PROPER ORGANIZATIONAL
7 PROFILE IN PLACE. TOM WEBSTER GENERAL MANAGER, AND LEN
8 WERTZ ASSISTANT GENERAL MANAGER OF THE SOLID WASTE
9 AUTHORITY ALSO ARE HANDLING THE MANAGEMENT OF THE SOLID
10 WASTE DIVISION FOR THE COUNTY.

11 THE SOLID WASTE AUTHORITY IS CURRENTLY
12 COMPOSED OF EIGHT MEMBERS, SEVEN CITIES AND THE COUNTY OF
13 SAN DIEGO. SINCE OUR INCEPTION THE SOLID WASTE AUTHORITY
14 HAS HAD MANY SUCCESSES TO BE PROUD OF. WE HAVE REDUCED
15 PROJECTED BUDGETS FROM OVER \$100 MILLION PER YEAR TO LESS
16 THAN \$70 MILLION FOR '94-'95, AND POTENTIALLY THE MID
17 50-MILLION-DOLLAR RANGE FOR '95-'96. WE NEGOTIATED A
18 SAVINGS OF \$4 MILLION ANNUALLY IN THE N.C.R.R.A.
19 CONTRACT, BUT NOW INSTEAD ARE LOOKING AT THE PRIMARY
20 OPTION OF CLOSING THE FACILITY. WE HAVE BEEN ABLE TO
21 BRING ABOUT AN AWARENESS OF THE PROBLEMS TO ALL OF THE
22 COUNTY, AND WE HAVE BEEN ABLE TO IDENTIFY WHAT THE
23 PROBLEMS ARE AND HAVE OFFERED SOLUTIONS TO MOST OF THEM.
24 WE HAVE REDUCED PROJECTED STAFF LEVELS FROM THE OVER 200
25 PERSONNEL TO LESS THAN 150 AND ARE STILL REDUCING. WE
26 HAVE OPENED NEGOTIATIONS WITH THE CITY OF SAN DIEGO FOR
27 LONG-TERM COOPERATIVE REGIONAL SOLUTIONS FOR TRASH
28 DISPOSAL.

1 WE HAVE STARTED A CONTINUING DIALOGUE WITH
2 YOU AT THE STATE OF CALIFORNIA INTEGRATED WASTE
3 MANAGEMENT BOARD FOR YOUR COOPERATION AND ASSISTANCE IN
4 SOLVING OUR REGIONS DISPOSAL PROBLEMS. IN FACT THIS
5 WOULD BE A GOOD PLACE TO THANK RALPH CHANDLER AND THE
6 REST OF THE STAFF FOR THEIR SPIRIT OF COOPERATION AND
7 WILLINGNESS TO ASSIST THE SOLID WASTE AUTHORITY. YOUR
8 STAFF HAS GONE OUT OF ITS WAY TO MEET AND MAKE
9 RECOMMENDATIONS AS WE MOVE THROUGH THIS TRANSITION
10 PROCESS, AND IT HAS BEEN VERY MUCH APPRECIATED.

11 WE HAVE WORKED CLOSELY WITH OUR REGIONAL
12 PRIVATE HAULERS TO ASSURE THAT ALL BUDGETS ARE COST
13 EFFECTIVE AND ALL SOLID WASTE AUTHORITY ACTIONS ARE
14 SUPPORTIVE OF LOCAL PRIVATE ENTERPRISE ON BEHALF OF OUR
15 RATE PAYERS. BUT WE'VE ALSO HAD SOME DISAPPOINTMENTS.
16 WE HAVE BEEN UNABLE TO CONVINCING OUR NON-MEMBER CITIES
17 THAT WE HAVE THE ABILITY TO RESOLVE THE FINANCIAL
18 PROBLEMS OF THE SYSTEM. AND LET'S BE HONEST, THE MAIN
19 THING THAT IS STILL HANGING OVER OUR HEAD IS THE
20 N.C.R.R.A. THE EFFORT TO CONVINCING THEM HAS DIVERTED US
21 FROM OUR PLAN TO PRODUCE A WORKING MODEL OF A WELL-RUN
22 REGIONAL DISPOSAL SYSTEM WITH A COMPETITIVE TIPPING FEE,
23 A BALANCED BUDGET AND A PLAN FOR THE FUTURE.

24 GIVEN SUCH WE HAVE REASSESSED OUR GOALS AND
25 STARTED ANEW. OUR REASSESSMENT HELPED US TO ADOPT A
26 STRATEGIC BUSINESS PLAN. A PART OF THE SOLID WASTE
27 AUTHORITY PLAN DEVELOPED A SET OF GOALS TO ARRIVE AT A
28 COMPETITIVE TIP FEE FOR OUR REGION. AND SO EFFECTIVE

1 FEBRUARY 1ST OF THIS YEAR, 1995, WE SET A UNIVERSAL TIP
2 FEE OF \$55 PER TON FOR ALL CITIES AND MUNICIPALITIES, BUT
3 FOR JULY 1ST OF '95 WE HAVE A TIP FEE TO BE ESTABLISHED
4 OF \$50 PER TON, AND SO A SIGNIFICANT LOWERING. JANUARY
5 1ST OF 1996, \$45 A TON, AND JULY 1ST OF 1996, \$40 PER
6 TON. AND THE ABOVE TIPPING FEE PLAN WILL INCLUDE THE
7 COMMITMENT TO AN OPERATIONAL BUDGET THAT WILL GUARANTEE
8 COMPETITIVE RATES FOR ALL USERS OF THE SYSTEM.

9 AND AT THIS POINT I WOULD LIKE TO TURN THE
10 PRESENTATION OVER TO VICE CHAIRMAN MICKY CAFAGNA SO HE
11 CAN DESCRIBE WHAT IT'S GOING TO TAKE TO MAKE A HEALTHY
12 SYSTEM.

13 MR. CAFAGNA: GOOD MORNING. A HEALTHY SOLID
14 WASTE SYSTEM MUST BE CREATED. A HEALTHY SYSTEM IS ONE IN
15 WHICH THE TIP FEE COVERS THE COST OF THE OPERATIONS, THE
16 DEBT SERVICE, CAPITAL NEEDS FOR GROWTH AND CLOSURE AND
17 POST-CLOSURE IN A COMPETITIVE WAY. A COMPETITIVE TIP FEE
18 OF LESS THAN \$40 A TON IS NEEDED TO ALLOW THE SAN DIEGO
19 SYSTEM TO OPERATE WITH ECONOMIC FLOW CONTROL.

20 ECONOMIC FLOW CONTROL ALLOWS THE SYSTEM TO
21 PROVIDE AN ENVIRONMENTALLY SAFE AND EFFICIENT DISPOSAL
22 SYSTEM THAT COMPETES ONLY BASED ON PRICE AND SERVICE.
23 LEGAL FLOW CONTROL IS NOT PRACTICAL OR BENEFICIAL WHEN
24 THE CITIES WHO HAVE THE FRANCHISES AND DIRECT THEIR
25 HAULERS WHERE TO DISPOSE OF THEIR WASTE ARE BEING ENTICED
26 INTO LEAVING THE SAN DIEGO SYSTEM WITH LOW-COST TIPPING
27 FEES ELSEWHERE. FOR EXAMPLE, EL CAJON IS PAYING \$40 A
28 TON AND OCEANSIDE IS PAYING \$48 A TON. THAT DOES NOT

1 MAKE OUR \$55 PER TON FEE LOOK TOO EXCITING. ADD TO THE
2 COMPETITION A TIP FEE IN LA PAZ, ARIZONA OF AROUND \$18
3 PER TON, THE COMPETITION HAS BECOME VERY FIERCE.

4 HOWEVER, IT IS NOT PROPER TO COMPARE HIGHER
5 TIP FEES IN OTHER PARTS OF THE COUNTRY TO THE SAN DIEGO
6 SYSTEM. THEIR COST STRUCTURES ARE ENTIRELY DIFFERENT AND
7 THERE MAY BE IN FACT FOLKS PAYING OVER \$100 PER TON
8 ELSEWHERE. ABUNDANT LANDFILL SPACE IS AVAILABLE IN
9 SOUTHERN CALIFORNIA FOR CHEAP PRICES WITHIN GEOGRAPHIC
10 PROXIMITY THAT ALLOWS EXPORT, EVEN WHEN YOU ADD THE EXTRA
11 TRANSPORTATION COSTS. ALL OF THE INDEPENDENT AUDITS AND
12 FINANCIAL STUDIES HAVE CONCLUDED THAT THE SAN DIEGO
13 SYSTEM IS A VERY EXPENSIVE SYSTEM. THE SINGLE LARGEST
14 FIXED COST TO THE SYSTEM IS THE 27 TO 30 MILLION DOLLARS
15 ANNUALLY FOR THE N.C.R.R.A. DEBT SERVICE AND OPERATIONS
16 AND HAUL COSTS. WHEN THAT AMOUNT OF FIXED COSTS GETS
17 SPREAD OVER A SMALLER AND SMALLER BASE VOLUME IT BECOMES
18 A GREATER FACTOR IN THE OVERALL COST OF THE SYSTEM.

19 A HEALTHY SYSTEM IN SAN DIEGO IS ONE WHICH
20 TAKES CARE OF ITS LANDFILL COSTS, CAPITAL AND MAINTENANCE
21 COSTS ASSOCIATED WITH THE CLOSURE OF ACTIVE AND INACTIVE
22 SITES, AND SUPPLIES DESIRED SERVICES SUCH AS HOUSEHOLD
23 HAZARDOUS WASTE FOR A COST OF LESS THAN \$40 PER TON. THE
24 N.C.R.R.A. PLANT CURRENTLY COSTS \$28 MILLION A YEAR FOR
25 OPERATIONS AND DEBT SERVICE, AND THE SYSTEM CAN NOT
26 SUPPORT THAT SIZE OF EXPENDITURE IN A COMPETITIVE
27 ENVIRONMENT.

28 TO BE COMPETITIVE AND BALANCE OUR BUDGET WE

1 MUST CLOSE THE PLANT NOW AND LOOK AT OPERATING THE
2 FACILITY AT A LATER DATE WHEN WE CAN AFFORD TO USE IT TO
3 ITS MAXIMUM ABILITY. THAT MEANS THAT WE MUST BUY OUT THE
4 EXISTING DEBT OF \$134 MILLION AND RESTRUCTURE. THE
5 COUNTY BOARD OF SUPERVISORS IS STUDYING ITS OPTIONS
6 REGARDING THE FACILITY AT THIS TIME. WE ARE WORKING
7 CLOSELY WITH THE BOARD, AND I HAVE BEEN THE PRIMARY
8 ELECTED OFFICIAL NEGOTIATING COST REDUCTIONS AND PLANT
9 MODIFICATIONS WITH THERMAL ELECTRON, THE OPERATING
10 COMPANY.

11 CLOSING THE PLANT ALSO MEANS CHANGING THE
12 SHREDDING REQUIREMENT IN THE PERMIT TO OPERATE THE SAN
13 MARCOS LANDFILL. WE HAVE AN APPLICATION INTO THE
14 REGIONAL WATER BOARD AND ARE SCHEDULED TO BE HEARD ON THE
15 SUBJECT AT THEIR MAY MEETING. FORTUNATELY WE ARE WELL
16 AHEAD OF SCHEDULE IN MEETING OUR AB939 GOALS FOR 1995.
17 AND WE UNDERSTAND THAT WE WILL NEED TO CONTINUE TO FOCUS
18 ON THE YEAR 2000. ALL OF OUR CITIES HAVE WELL
19 THOUGHT-OUT CURBSIDE RECYCLING PLANS IN EFFECT. THE
20 CLOSURE OF THE PLANT DOES NOT IN ANY WAY SIGNAL A
21 LESSENING OF THIS REGION'S DESIRE TO COMPLY WITH AB939.
22 WE CANNOT EXIST AT ALL IF THE SYSTEM GOES BANKRUPT WHICH
23 IS THE CURRENT COURSE WITH \$28 MILLION BEING DEVOTED TO
24 THE N.C.R.R.A. PLANT. WE KNOW WHAT THE TASK IS. IT IS
25 CHALLENGING, BUT IT IS NOT INSURMOUNTABLE. THE AUTHORITY
26 HAS BEEN SOLUTION ORIENTED AND WE CONTINUE ON THAT
27 COURSE.

28 THE WORK AHEAD OF US INCLUDES THE FOLLOWING:

1 THE AUTHORITY WILL CONTINUE TO WORK WITH THE COUNTY TO
2 HELP RESOLVE THE BUDGET ISSUE AS IT RELATES TO THE SYSTEM
3 BY HELPING TO FIND ALTERNATIVE FINANCING SOURCES,
4 EXAMINATION OF PRIVATIZATION OF THE MANAGEMENT OF THE
5 SYSTEM, CONTINUED NEGOTIATIONS WITH THE CITY OF SAN
6 MARCOS REGARDING LANDFILL ISSUES, AND NEGOTIATION WITH
7 THE CITY OF SAN DIEGO FOR THEIR POTENTIAL INCLUSION INTO
8 THE SYSTEM FOR A TRULY REGION-WIDE SOLUTION, AND ANY
9 OTHER ROLE OF PROBLEM-SOLVING THAT WE CAN IDENTIFY TO
10 CONTINUE TO HELP RESOLVE OUR MUTUAL PROBLEM. THANK YOU
11 VERY MUCH.

12 CHAIRMAN CHESBRO: THANK YOU. ANY QUESTIONS
13 OR COMMENTS?

14 MR. FRAZEE: I DO HAVE, IF I COULD. I THINK
15 EVERYONE CAN APPRECIATE THE IMMEDIACY OF THE PROBLEMS
16 THAT YOU'VE OUTLINED. A BIGGER ONE I GUESS FOR THE
17 COUNTY, AND I GUESS I WOULD LIKE TO HEAR WHAT LONG-RANGE
18 PLANS ARE, THE LIFETIME OF THE PRESENT LANDFILLS, ARE YOU
19 PROCEEDING TO IDENTIFY ALTERNATIVES, OTHER LANDFILL SITES
20 WITHIN THE COUNTY AT THE TIME THAT THESE REACH THEIR
21 USEFUL LIFETIME OR OTHER SOLUTIONS?

22 MR. MORRISON: WHO GETS THAT ONE? WE COME
23 UP WITH THOSE IMMEDIATE SOLUTIONS TO LONG-RANGE PROBLEMS.
24 WE'RE LOOKING AT A NUMBER OF ALTERNATIVES. TO BE HONEST
25 MOST OF OUR ATTENTION RIGHT NOW IS FOCUSED MORE SHORT
26 RANGE. I WISH WE COULD BE FOCUSING A LARGE AMOUNT OF OUR
27 ATTENTION LONG RANGE. WE DO HAVE AS YOU LOOK AT OUR
28 DIFFERENT LANDFILLS, IN PARTICULAR SYCAMORE WHICH IS THE

1 ONE WE HAVE THE LONGEST EXPANDED LIFE, WE'RE PROBABLY A
2 GOOD 50 YEARS THERE WITH THE POTENTIAL AT SYCAMORE. WITH
3 OTAY, ONCE AGAIN WE HAVE A CONSIDERABLE LONG RANGE.

4 PROBABLY OUR SHORTEST RANGE AND THE ONE
5 WHICH WE HAVE OUR MOST CONSIDERATION TOWARD RIGHT NOW IS
6 SAN MARCOS IN NORTH COUNTY. WE CURRENTLY ON OUR PERMIT
7 HAVE APPROXIMATELY FIVE YEARS LEFT ON IT, AND THEN WE
8 WOULD HAVE TO REAPPLY AT THAT POINT. WE'VE STILL GOT
9 PLENTY OF SERVICE LEFT THERE. IT'S JUST THE LIFE OF THE
10 PERMIT ITSELF, SO THAT WOULD HAVE TO BE DEALT WITH AT
11 THAT TIME.

12 WE ARE LOOKING AT OTHER OPTIONS. AS FAR AS
13 OTHER SITES THERE HAS BEEN AN ONGOING STUDY FOR SITES
14 WITHIN THE COUNTY AND FOR DISPOSAL OUTSIDE OF THE COUNTY.
15 BUT AS I SAY THOSE ARE ON, I'M NOT GOING TO SAY BACK
16 BURNER, THEY'RE ON MID BURNER, AND THE IMMEDIATE PROBLEMS
17 OF SAVING THE SYSTEM ARE WHAT ARE ON FRONT BURNER AT THE
18 MOMENT.

19 MR. FRAZEE: WITH REGARDS TO SAN MARCOS, YOU
20 MENTIONED THE LIFE OF THE PERMIT, THAT'S THE LAND USE
21 PERMIT FROM THE CITY OF SAN MARCOS?

22 MR. MORRISON: THAT IS CORRECT.

23 MR. FRAZEE: NOT THE PERMIT FROM THIS BOARD.

24 MR. MORRISON: CORRECT. YES.

25 CHAIRMAN CHESBRO: YES, MR. RELIS.

26 MR. RELIS: JUST IN UNDERSTANDING, EARLIER
27 WE HAD A DISCUSSION WHERE MR. EGIGIAN BROUGHT UP THE
28 EXPORT OF WASTE OUT OF STATE, AND I KNOW THAT THIS

1 HAPPENED TO A DEGREE HERE IN THE COUNTY. I'M WONDERING
2 AS YOU LOOK AHEAD TO YOUR BRINGING YOUR COSTS DOWN TO 40
3 OR BELOW WHICH APPEARS TO BE YOUR DIRECTION, IS THAT AN
4 EFFORT TO BRING WASTE BACK INTO THE SYSTEM?

5 MR. MORRISON: MAYBE SOMEWHERE DOWN THE
6 ROAD. ESPECIALLY WHEN WE START LOOKING AT, I'M JUST
7 GOING TO THROW OUT THIS HYPOTHETICAL HERE, WITH POSSIBLE
8 NORTH COUNTY IF WE WOULD EVER HAVE TO CLOSE SAN MARCOS.
9 BUT SHORT RANGE, NO, FOR THE SIMPLE REASON IS WE HAVE THE
10 LANDFILL SPACE, SO THAT IS NOT, THAT IS NOT WHAT IS
11 DRIVING OUR COSTS. OUR COST, WHAT IS BEING DRIVEN IS
12 N.C.R.R.A. THAT IS WHAT IS THE MAIN THING THAT IS
13 DRIVING OUR COSTS RIGHT NOW.

14 MR. CAFAGNA: I THINK WHAT YOUR QUESTION WAS
15 ARE WE GOING TO BE TRYING TO BRING TRASH THAT HAS ALREADY
16 LEFT BACK INTO THE SYSTEM.

17 MR. RELIS: YES.

18 MR. CAFAGNA: YES, ABSOLUTELY. WE THINK
19 THESE FEES WILL DO THAT. THAT IS NO. 1 ON THE AGENDA, IS
20 TO GET THAT BACK.

21 MR. RELIS: WE'RE TRYING TO UNDERSTAND THIS
22 HERE AT THE BOARD, WHAT THE EXPORT WITHIN STATE DYNAMIC
23 IS, AND THAT WILL BE OF INTEREST TO THE BOARD.

24 MR. MORRISON: OF COURSE RIGHT NOW IT'S
25 ENTIRELY PRICE DRIVEN, AND AS WE GET THAT PRICE DOWN
26 WE'RE SURE WE CAN BRING THOSE BACK IN.

27 CHAIRMAN CHESBRO: MR. EGIGIAN.

28 MR. EGIGIAN: I NOTICED WHILE DRIVING DOWN

1 FROM ORANGE COUNTY YESTERDAY THAT THERE'S A, ONE OF THE
2 MAJOR COMPANIES HAS ITS POD SYSTEM, AND THEY'RE HAULING
3 UP INTO ORANGE COUNTY OR L.A. COUNTY, I'M NOT SURE
4 WHERE. BUT I NOTICED FOUR UNITS WITHIN I WOULD SAY 20
5 MILES MAKING THAT TREK UP THERE. NOW, I'M SURE WITH THE
6 HAULING AND WITH THE CHARGES PAID ON THE OTHER END THESE
7 COSTS PRETTY WELL COME TO YOUR JULY 1996 PROJECTION OF
8 COSTS. I'M JUST WONDERING HAS ANYBODY TALKED TO THIS
9 ORANGE COMPANY THAT THEY'RE MAKING MONEY OUT OF THE CITY
10 AND COUNTY OF SAN DIEGO AND THEREFORE SHOULD SUPPORT THE
11 SAN DIEGO PROBLEM?

12 MR. MORRISON: TWO THINGS, ONE THING THIS IS
13 AN INTERNATIONAL COMPANY.

14 MR. EGIGIAN: I UNDERSTAND THAT.

15 MR. MORRISON: AND THE OTHER SITUATION IS
16 INDEED, THOSE ARE THE TWO CITIES THAT MICKY ALLUDED TO,
17 EL CAJON AND OCEANSIDE, IS WHERE THOSE PODS ARE COMING
18 FROM AND GOING UP NORTH. AS WE APPROACH THAT 40-DOLLAR
19 FIGURE WE WILL BE IN A POSITION TO BRING THEM BACK IN,
20 EXCEPT FOR ONE THING AND THAT IS THEIR CONTRACT. AND AS
21 SOON AS THEY'RE ABLE TO WORK OUT OF THEIR CONTRACT, THEN
22 WE WILL HAVE THE ABILITY TO BRING THEM BACK IN.

23 MR. CAFAGNA: WE CURRENTLY HAVE
24 APPROXIMATELY 12 TO 15 MILLION DOLLARS LEAVING THIS
25 COUNTY ANNUALLY GOING TO OTHER COUNTIES. THAT 12 TO 15
26 MILLION DOLLARS ADDITIONAL REVENUE RIGHT NOW WOULD
27 GREATLY HELP US BALANCE OUR BUDGET HERE. MY GREATEST
28 FEAR IS THAT ONE DAY WE'RE GOING TO BE SEEING TRUCKS

1 GOING BOTH WAYS ON HIGHWAY 5 AND HIGHWAY 15 CARRYING
2 TRASH. I HOPE THAT DOESN'T HAPPEN.

3 CHAIRMAN CHESBRO: THAT'S ALL THE QUESTIONS.
4 THANK YOU VERY MUCH. THAT WAS VERY HELPFUL AND
5 INFORMATIVE.

6 NEXT I WOULD LIKE TO CALL ON BOB EPPLER,
7 ASSISTANT ENVIRONMENTAL SERVICE DIRECTOR TO THE CITY OF
8 SAN DIEGO. ALTHOUGH, I DON'T CARE, RICH DID YOU WANT TO
9 INTRODUCE BOB? I'LL CALL THEM BOTH AND LET YOU FIGURE
10 OUT HOW YOU WANT TO PROCEED.

11 MR. HAYS: BOB WILL MAKE THE PRESENTATION
12 THIS MORNING. I'M REPRESENTING THE LOCAL GOVERNMENT
13 TECHNICAL ADVISORY COMMITTEE. BOB WILL ALSO BE HELPING
14 WITH THE MATERIAL TOMORROW BECAUSE I HAVE BEEN CALLED TO
15 THE CITY COUNCIL AT 9:00 O'CLOCK TOMORROW. BOB.

16 CHAIRMAN CHESBRO: THANK YOU.

17 MR. EPPLER: GOOD MORNING, CHAIRMAN CHESBRO,
18 MEMBERS OF THE BOARD. WE'RE PLEASED TO HAVE AN
19 OPPORTUNITY TO BE THE HOST CITY FOR THE BOARD'S APRIL
20 MEETING AND TO PROVIDE YOU WITH AN OVERVIEW OF THE CITY
21 OF SAN DIEGO AND OUR WASTE MANAGEMENT PROGRAMS.

22 THE CITY OF SAN DIEGO IS ONE OF THE OLDEST
23 CITIES IN CALIFORNIA. IT WAS FOUNDED AS PUEBLO DE SAN
24 DIEGO IN 1769 AS THE FIRST OF A CHAIN OF CALIFORNIA
25 MISSIONS ESTABLISHED BY FATHER JUNIPERO SERRA. THE FIRST
26 AMERICAN FLAG WAS RAISED HERE IN 1846 AND THE CITY
27 RECEIVED ITS CHARTER FROM THE NEW STATE OF CALIFORNIA IN
28 1850.

1 SAN DIEGO WITH A LAND AREA OF 331 SQUARE
2 MILES IS NOW CALIFORNIA'S SECOND LARGEST AND THE NATION'S
3 SIXTH LARGEST CITY WITH A POPULATION OF 1.2 MILLION
4 RESIDENTS. SAN DIEGO IS A BEAUTIFUL CITY. AND OUR
5 DEPARTMENT'S ENVIRONMENTAL AND INTEGRATED WASTE
6 MANAGEMENT PROGRAMS SUPPORT THE BEAUTY AND QUALITY OF
7 LIFE ENJOYED BY SAN DIEGO RESIDENTS AND VISITORS ALIKE.

8 SAN DIEGO IS SITUATED IN THE SOUTHWEST
9 CORNER OF THE UNITED STATES AND EXTENDS FROM THE MEXICAN
10 BORDER NORTH OVER 35 MILES TO THE FARM LANDS OF THE SAN
11 PASQUALE VALLEY, WHICH IS ALSO THE HOME OF THE WORLD
12 RENOWNED SAN DIEGO WILD ANIMAL PARK. IN BETWEEN IS A
13 VAST URBAN AREA OF MORE THAN ONE MILLION RESIDENTS
14 RECEIVING SERVICES FROM THE CITY OF SAN DIEGO.

15 OUR RESIDENTS ENJOY WORLD CLASS AMENITIES,
16 INCLUDING THE VAST MISSION BAY AQUATIC PARK, AND OUR
17 BEACHES AND THE NATURAL BEAUTY OF THE PACIFIC OCEAN. THE
18 CITY OF SAN DIEGO AS A CHARTER CITY IS RESPONSIBLE FOR
19 PROVIDING THE TRADITIONAL MUNICIPAL SERVICES. THE CITY
20 MAINTAINS WATER SUPPLIES, TREATS SEWAGE, PROVIDES FOR
21 PUBLIC SAFETY, AND THE OTHER ELEMENTS OF THE MUNICIPAL
22 INFRASTRUCTURE SUCH AS ROADWAYS, PARKS, AND OF COURSE THE
23 CITY MANAGES THE SOLID WASTE GENERATED BY OUR RESIDENTS.

24 CHAIRMAN CHESBRO: WITH THAT SURFING SLIDE
25 I THOUGHT YOU WERE GOING TO TAKE CREDIT FOR THE GOOD
26 WAVES.

27 MR. EPPLER: WE JUST ENJOY THEM; WE DON'T
28 CREATE THEM.

1 CHAIRMAN CHESBRO: YOU DO HAVE GOOD WAVES.
2 (INAUDIBLE).

3 MR. EPPLER: AS WELL AS COUNCILMAN BILBRAY
4 WHO IS OUR HIGHEST RANKING SURFER.

5 THE CITY HAS PROVIDED RESIDENTIAL COLLECTION
6 SERVICES SINCE 1919. IN THAT YEAR RESIDENTS AMENDED THE
7 MUNICIPAL CODE TO REQUIRE CITY FORCES TO COLLECT AND
8 DISPOSE OF ALL THE SOLID WASTE GENERATED IN THE CITY.
9 THIS AMENDMENT, THE PEOPLE'S ORDINANCE OF 1919, COVERED
10 THE COST OF THIS REFUSE COLLECTION SERVICE FROM GENERAL
11 TAX FUNDS. THE CITY NOW PROVIDES RESIDENTIAL COLLECTION
12 SERVICES TO OVER 300,000 RESIDENTS AND SMALL BUSINESSES
13 EACH WEEK OR OVER 15 MILLION STOPS PER YEAR AT A COST OF
14 ABOUT \$26 MILLION ANNUALLY OR \$7.30 PER HOUSE PER MONTH
15 INCLUDING DISPOSAL FEES. CITY CREWS CURRENTLY COLLECT
16 OVER 310,000 TONS OF RESIDENTIAL REFUSE PER YEAR. COSTS
17 FOR THE PROGRAM ARE STILL PROVIDED BY THE CITY'S GENERAL
18 FUND, THE SAME SOURCE WHICH FUNDS OUR POLICE, FIRE, PARK,
19 RECREATION AND LIBRARY PROGRAMS. THE COUNCIL RECOGNIZES
20 HOW POLITICALLY POPULAR THIS FREE REFUSE SERVICE IS AND
21 HAS NOT YET APPROVED PLACING AN ORDINANCE BEFORE THE
22 VOTERS TO REPEAL THE 1919 PEOPLE'S ORDINANCE.

23 THE CITY IS NOW IN THE SECOND YEAR OF A
24 FIVE-YEAR, 20-MILLION-DOLLAR PROGRAM TO CONVERT ITS
25 ENTIRE COLLECTION SYSTEM FROM A MANUAL SYSTEM TO AN
26 AUTOMATED SYSTEM. WHEN COMPLETED THE COLLECTION DIVISION
27 STAFFING WILL BE REDUCED BY 78 POSITIONS, FROM ITS
28 CURRENT 223 POSITIONS DOWN TO 145, AND FROM 126 TO 110,

1 OR EXCUSE ME, 102 DAILY ROUTES AND COLLECTION VEHICLES.
2 THIS PROGRAM WILL PROVIDE THE CITY WITH A NET SAVINGS OF
3 AT LEAST \$18 MILLION OVER THE NEXT 10 YEARS INCLUDING ALL
4 THE COSTS OF PROGRAM CONVERSION.

5 IN THE SPRING OF 1988 THE CITY COUNCIL
6 AUTHORIZED THE FORMATION OF THE WASTE MANAGEMENT
7 DEPARTMENT. THIS DEPARTMENT CONSOLIDATED ALL CITY
8 FUNCTIONS RELATED TO WASTE MANAGEMENT, RECYCLING, AND
9 LITTER CONTROL INTO A SINGLE DEPARTMENT. AT THE SAME
10 TIME THE COUNCIL AUTHORIZED A PLAN WHICH SET A RECYCLING
11 GOAL OF 25 PERCENT BY 1992 FOR ALL WASTE ENTERING THE
12 CITY'S ONLY DISPOSAL FACILITY, THE MIRAMAR LANDFILL.

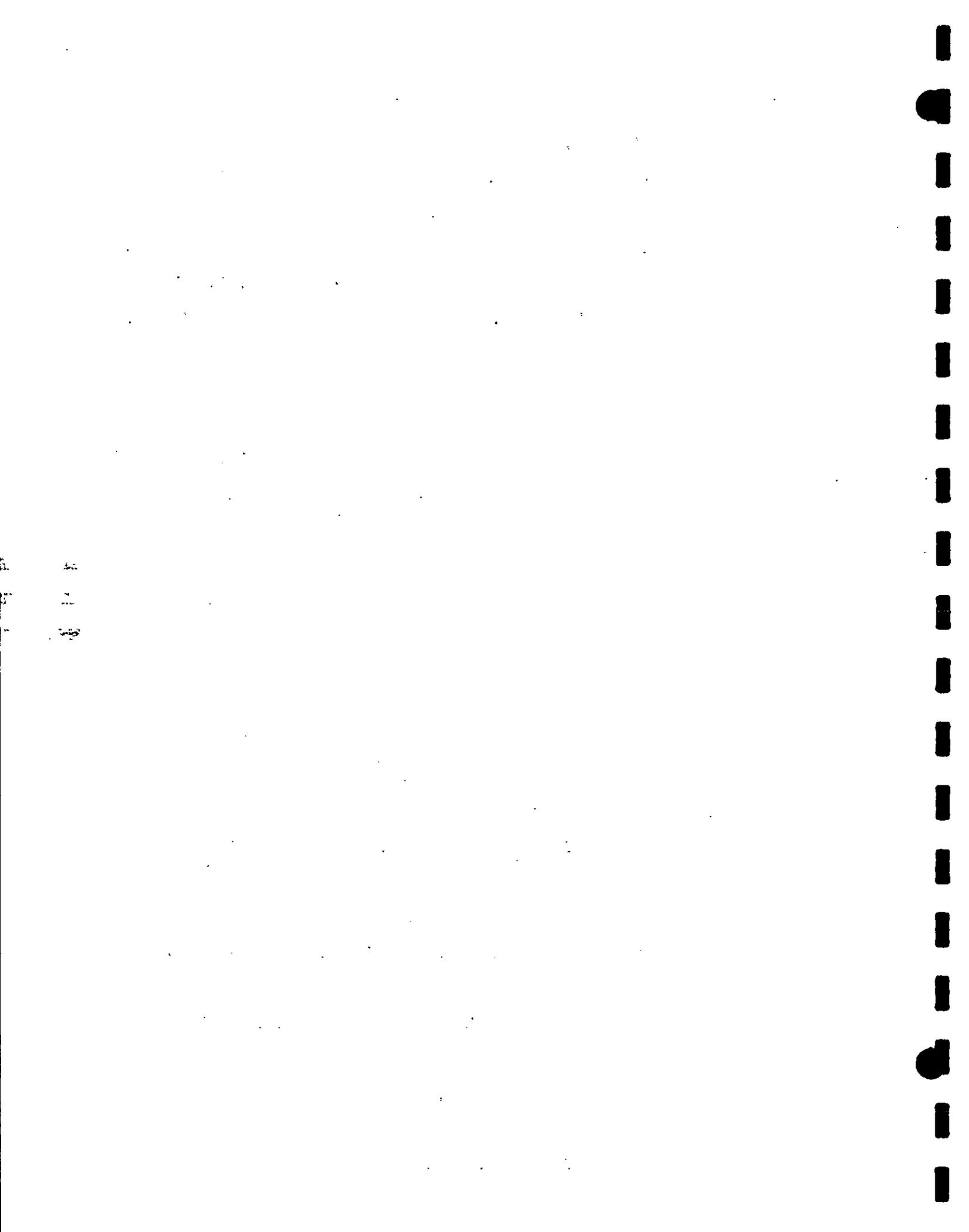
13 THE STATE'S RECYCLING GOALS AS MANDATED BY
14 AB939 WERE THE NEXT CHALLENGE ASSUMED BY THE DEPARTMENT.
15 THE CITY PRODUCED ITS SOURCE REDUCTION AND RECYCLING
16 ELEMENT, WHICH HOPEFULLY WILL BE CONTINUED ON THE CONSENT
17 AGENDA TODAY, IN RESPONSE TO THAT CHALLENGE. WE'RE
18 CURRENTLY OPERATING A FULL RANGE OF RECYCLING AND WASTE
19 REDUCTION PROGRAMS, AND ARE CURRENTLY COLLECTING OVER
20 24,000 TONS PER YEAR OF RECYCLABLES FROM THE 80,000
21 HOUSEHOLDS IN OUR CURBSIDE PROGRAM AND OVER 30,000 TONS
22 PER YEAR OF GREEN MATERIAL FROM THE 125 RESIDENCES IN
23 THAT PROGRAM.

24 IN THE SPRING OF 1994 THE WASTE MANAGEMENT
25 DEPARTMENT UNDERTOOK A COMPREHENSIVE REVIEW OF ITS
26 STAFFING AND ORGANIZATION. THE DEPARTMENT SUBSEQUENTLY
27 REDUCED ITS BUDGET BY FOUR AND A HALF MILLION DOLLARS,
28 ELIMINATED AN ENTIRE DIVISION, AND ELIMINATED OR

1 TRANSFERRED THE EQUIVALENT OF 54 FULL-TIME POSITIONS.
2 THE CITY COUNCIL ALSO AUTHORIZED US TO CHANGE OUR NAME AT
3 THAT TIME, AND WE BECAME OFFICIALLY THE ENVIRONMENTAL
4 SERVICES DEPARTMENT LATE LAST YEAR.

5 1994 SAW THE ENVIRONMENTAL SERVICES
6 DEPARTMENT BEGIN EFFORTS TO COMPLY WITH SUBTITLE D
7 LEGISLATION FOR SOLID WASTE DISPOSAL. THE DEPARTMENT
8 EXCAVATED A NEW CELL AT THE MIRAMAR LANDFILL SOME 15
9 STORIES DEEP AND COVERING 25 ACRES. THIS IS THE FIRST
10 LANDFILL CELL IN SAN DIEGO COUNTY TO COME INTO FULL
11 CONFORMANCE WITH THE NEW SUBTITLE D REQUIREMENTS. THE
12 NEW CELL HAS JUST BEGUN ACCEPTING WASTE AND WILL BE
13 OPERATIONAL FOR ANOTHER 16 MONTHS. AND WE SPENT OVER
14 THREE MILLIONS DOLLARS ON PLACING THAT LINER. AND IN
15 THAT PARTICULAR LOCATION OUR GROUND WATER IS OVER 100
16 FEET BELOW THE BOTTOM LEVEL OF THE LANDFILL, SO WE'RE NOT
17 SURE HOW MUCH MORE ENVIRONMENTAL PROTECTION THAT LANDFILL
18 LINER IS GOING TO PROVIDE.

19 THE MIRAMAR LANDFILL IS CURRENTLY RECEIVING
20 WASTE AT THE RATE OF 1.3 MILLION TONS PER YEAR WHICH IS
21 DOWN FROM THE 1.7 MILLION TONS A YEAR THAT WE WERE
22 RECEIVING IN 1990. THE CITY'S MIRAMAR LANDFILL
23 CURRENTLY IS PROJECTED TO MEET THE CITY'S DISPOSAL NEEDS
24 UNTIL 2007 TO 2010. I KNOW ALL OF YOU KNOW JUST HOW
25 MAGICAL PROJECTING THAT FINAL CLOSING DATE OF A LANDFILL
26 IS. IT'S LIKE THAT SOFT-SIDED SUITCASE THAT YOU CAN
27 ALWAYS GET ONE MORE THING INTO UNTIL ALL OF A SUDDEN ITS
28 FULL. SO WE'VE GOT A LITTLE BIT OF PROJECTION THERE. WE



1 ALSO BEGAN SEARCHING FOR A REPLACEMENT LANDFILL IN
2 CONJUNCTION WITH THE COUNTY OF SAN DIEGO IN 1987. WE'RE
3 COMPLETING OUR ENVIRONMENTAL DOCUMENTATION ON OUR
4 CANDIDATE SITE EITHER LATE THIS YEAR OR EARLY NEXT YEAR.

5 ONE OF THE THINGS THAT THE DEPARTMENT HAS
6 FOUND IS THAT THE PACE OF CHANGE IN THE WASTE MANAGEMENT
7 FIELD IS MOVING QUICKLY, AND IT IS ONLY GOING TO
8 ACCELERATE IN THE COMING YEARS. TO MAINTAIN A VIABLE
9 WASTE MANAGEMENT SYSTEM THAT MEETS OUR CITY'S AND THE
10 CITIZENS' NEEDS OVER THAT TIME PERIOD IS GOING TO REQUIRE
11 CAREFUL AND THOUGHTFUL PLANNING. WHEN WE REALIZED THAT
12 SOME OF OUR INITIAL ASSUMPTIONS ABOUT OUR FUTURE WASTE
13 MANAGEMENT SYSTEM NEEDED WORK OR WERE NO LONGER VALID, WE
14 INITIATED AN INTERNAL STRATEGIC MANAGEMENT PROCESS CALLED
15 PLAN 2000 TO ADDRESS MEETING THE CITY'S LONG-TERM WASTE
16 MANAGEMENT NEEDS AND FOR COMPLYING WITH AB939'S 50
17 PERCENT DIVERSION MANDATE FOR THE YEAR 2000. TOMORROW
18 LEE ASEKI, THE ASSISTANT DEPUTY DIRECTOR FOR OUR
19 DEPARTMENT WHO IS ASSIGNED TO THE STRATEGIC PLANNING
20 PROCESS WILL BE GIVING YOUR BOARD A FULL BRIEFING ON PLAN
21 2000 AND THE PUBLIC INPUT AND EDUCATION PROCESS
22 ASSOCIATED WITH IT.

23 THAT CONCLUDES MY PRESENTATION, UNLESS YOU
24 HAVE ANY SPECIFIC QUESTIONS YOU WOULD LIKE US TO ADDRESS.
25 THANK YOU.

26 CHAIRMAN CHESBRO: THANK YOU VERY MUCH,
27 MR. EPPLER.

28 QUESTIONS FROM THE BOARD?

1 MR. RELIS: MORE OF A COMMENT. I HAD THE
2 GOOD FORTUNE TO PARTICIPATE IN THIS PLANNING PROCESS THE
3 CITY IS GOING THROUGH TO EVALUATE WHERE TO GO NEXT IN
4 LIGHT OF BOTH CHANGING REGULATIONS AND TAKING A HARD LOOK
5 AT THE COST OF IMPLEMENTING THE NEXT STAGE OF AB939, AND
6 I WANT TO COMMEND THE CITY FOR UNDERTAKING A VERY
7 IMPORTANT EXERCISE THAT I KNOW OUR STAFF HAVE
8 PARTICIPATED IN. WE'VE DISCUSSED THIS AT LENGTH
9 INTERNALLY, AND I THINK IT'S VERY INSTRUCTIVE
10 PARTICULARLY FOR LARGE METROPOLITAN AREAS TO TAKE A LOOK
11 AT WHAT SAN DIEGO IS DOING RIGHT NOW, SORT OF A MID
12 COURSE CORRECTION.

13 CHAIRMAN CHESBRO: THANK YOU. COMMENTS,
14 QUESTIONS? HEARING NONE, THANK YOU VERY MUCH.

15 NEXT WE'RE GOING TO HEAR FROM KEN CALVERT,
16 THE DIVISION MANAGER OF THE LOCAL ENFORCEMENT AGENCY FOR
17 THE COUNTY OF SAN DIEGO. GOOD MORNING, KEN.

18 MR. CALVERT: GOOD MORNING. VICE CHAIRMAN
19 CHESBRO AND MEMBERS OF THE BOARD, I WOULD LIKE TO WELCOME
20 YOU TO SAN DIEGO. AND ON BEHALF OF THE DEPARTMENT OF
21 ENVIRONMENTAL HEALTH AND MY DIRECTOR, GARY STEPHANIE, WHO
22 BY THE WAY IS AT THE STATE WATER RESOURCE CONTROL BOARD
23 COMMITTEE THIS MORNING AND COULDN'T BE HERE, I WOULD LIKE
24 TO THANK YOU AND YOUR STAFF FOR THE EXCELLENT COOPERATION
25 AND EXPERTISE THAT WE HAVE RECEIVED AND HELP FROM THE
26 BOARD AND THE BOARD STAFF.

27 SPECIFICALLY THERE ARE A COUPLE OF PROJECTS
28 I WOULD LIKE TO MENTION THAT WE HAVE BEEN WORKING WITH

1 YOU AND YOUR STAFF ON. FIRST IS WHAT'S CALLED THE DUCK
2 POND LANDFILL WHICH IS A SITE IN SAN DIEGO COUNTY. IT
3 WAS DEVELOPED INTO A CAR DEALERSHIP. THE CAR DEALERSHIP
4 FOUND ITSELF UNABLE TO MANAGE LANDFILL GAS AT THE SITE,
5 SO LAST YEAR THE L.E.A. AND BOARD STAFF CAME AND ASKED
6 FOR A GRANT SPECIFICALLY TO HELP CONTROL GAS AT THE SITE.
7 AND MY UNDERSTANDING IS THAT'S WELL UNDER WAY. WE THINK
8 THAT THAT'S ONE OF THE MOST IMPORTANT ENVIRONMENTAL
9 HEALTH ISSUES THAT WE HAVE IN THIS COUNTY AT THIS TIME.
10 WE WOULD LIKE TO THANK YOU FOR YOUR SUPPORT AND YOUR
11 HELP.

12 ALSO WE HAVE ANOTHER SITE IN OUR COUNTY
13 CALLED BUZZARD'S ROOST WHICH IS A TIRE PILE OUT IN OUR --

14 CHAIRMAN CHESBRO: YOU HAVE A WAY WITH
15 NAMES, DUCK POND AND BUZZARD'S ROOST.

16 MR. CALVERT: WE HAVE COLORFUL NAMES IN SAN
17 DIEGO COUNTY. BUZZARD'S ROOST JUST SOUNDS LIKE A PLACE
18 YOU SHOULD PUT TIRES.

19 THERE ARE APPROXIMATELY 3- TO 400,000 TIRES
20 AT THAT SITE.

21 IT'S AN EXTREMELY SENSITIVE GROUND WATER
22 DEPENDENT COMMUNITY. AND WE'VE BEEN WORKING WITH YOUR
23 STAFF ON ENFORCEMENT, AND IN THAT PARTICULAR CASE WITH
24 BOTH OUR DISTRICT ATTORNEY'S OFFICE AND STAFF MANAGEMENT
25 BOARD. WE APPRECIATE THAT. WE THINK WE'RE MAKING
26 EXCELLENT PROGRESS. THERE ARE COURT DATES THAT ARE
27 PENDING ON THAT PARTICULAR SITE.

28 ALSO WANTED TO REPORT THAT FROM MY

1 PERSPECTIVE THE RELATIONSHIPS BETWEEN THE WASTE BOARD
2 STAFF AND L.E.A. ARE CONTINUING TO IMPROVE. WE THINK
3 THEY HAVE BEEN MUTUALLY BENEFICIAL. AND WE ALSO WOULD
4 LIKE TO THANK YOU AND YOUR STAFF FOR BEING VERY
5 RESPONSIVE TO WHAT WE CONSIDERED SOME URGENT LOCAL
6 NEEDS.

7 LASTLY, I'D JUST LIKE TO SAY THAT THE L.E.A.
8 IS AWARE THAT TITLE 27 WILL BE OUT FOR PUBLIC REVIEW
9 SOON, AND WE LOOK FORWARD TO WORKING WITH THE WASTE BOARD
10 STAFF IN REVIEWING THAT. AND WE ALSO BELIEVE THAT ONE OF
11 THE MOST IMPORTANT PARTS OF IMPLEMENTING THE GOALS OF
12 AB1220 IS ACTUALLY YET TO COME, AND THAT'S TO WORK WITH
13 THE REGIONAL BOARD, THE AIR BOARD IN IMPLEMENTING TITLE
14 27. AND WE LOOK FORWARD TO MAKING THOSE CHANGES THAT
15 WILL ULTIMATELY BE NECESSARY AS WE WORK TOWARD
16 IMPLEMENTATION.

17 LASTLY, IF THE BOARD WILL INDULGE ME FOR A
18 SECOND I WOULD LIKE TO TAKE A FEW MINUTES TO HAVE SOME OF
19 THE REPRESENTATIVES FROM OTHER L.E.A. INTRODUCE
20 THEMSELVES, JUST ACKNOWLEDGE THEIR PRESENCE HERE. WE'RE
21 SORT OF SMALL IN NUMBER, BUT I THINK THE L.E.A.'S IN
22 SOUTHERN CALIFORNIA REPRESENT THE REGULATORS OF A LARGE
23 PORTION OF THE SOLID WASTE IN THE STATE. SO IF I MAY,
24 COULD YOU STAND UP AND INTRODUCE YOURSELF.

25 MS. HENSHAW: PATRICIA HENSHAW, ORANGE
26 COUNTY.

27 MR. HANSON: RICHARD HANSON, LOS ANGELES
28 COUNTY.

1 MR. MANASJAN: PAUL MANASJAN, CITY OF
2 VERNON.

3 MR. SAMANIEGO: STEVE SAMANIEGO, CITY OF
4 WEST COVINA.

5 MR. MATARINO: JOE MATARINO, CITY OF LOS
6 ANGELES.

7 MR. CALVERT: AGAIN, THANK YOU FOR THE
8 OPPORTUNITY TO COME HERE AND ADDRESS YOU, AND WE LOOK
9 FORWARD TO WORKING WITH YOU IN THE FUTURE.

10 CHAIRMAN CHESBRO: I APPRECIATE YOUR
11 PRESENTATION VERY MUCH AND YOUR EFFORTS AT THE L.E.A.
12 PLEASE EXTEND TO YOUR BOSS THAT WE MISSED HIM. I THINK
13 HE HAS BEEN A LEADER OF THE L.E.A. STATEWIDE. AND I
14 THINK, I KNOW PAUL AND I WORKED WITH HIM ON A LOT OF THE
15 PRE 939 ISSUES AND HE HAS BEEN SOMEBODY WHO I THINK
16 EXEMPLIFIED RESPONSIBLE L.E.A. ACTIVISM AND
17 PARTICIPATION, SO THANK YOU.

18 ANY QUESTIONS? IF NOT WE'LL MOVE ON. THANK
19 YOU.

20 NEXT ITEM ON THE AGENDA IS THE WASTE
21 REDUCTION AWARDS PROGRAM. WE HAVE A PRESENTATION TO
22 MAKE, AND I'M GOING TO AT THIS POINT TURN IT OVER TO
23 JANET GOTCH WHO COMES FROM THIS PART OF THE STATE AND HAS
24 A SPECIAL INTEREST IN THIS PRESENTATION.

25 MS. GOTCH: THANK YOU, MR. CHAIR. THE WASTE
26 REDUCTION AWARDS PROGRAM, OR WRAP, APPLAUDS THE WASTE
27 REDUCTION ACCOMPLISHMENTS OF CALIFORNIA BUSINESSES. IN
28 ITS SECOND YEAR WRAP HAS EXPERIENCED TREMENDOUS GROWTH

1 AND HAS MET WITH GREAT SUCCESS. THE BOARD PRESENTED 292
2 WRAP AWARDS TO BUSINESSES ACROSS THE STATE, 65 OF THOSE
3 WERE SECOND-YEAR WINNERS. AWARD RECIPIENTS WERE SELECTED
4 BASED ON THEIR EFFORTS IN THE BASICS OF REDUCING, REUSING
5 AND RECYCLING AND BUYING RECYCLED, AS WELL AS MORE
6 INNOVATIVE ACTIVITIES SUCH AS OFFERING INCENTIVES OR
7 SAMPLE GIFT CERTIFICATES TO EMPLOYEES THAT DEVELOPED NEW
8 WASTE REDUCTION IDEAS.

9 EACH WRAP WINNER RECEIVES A CERTIFICATE
10 WHICH IS PRESENTED IN A FRAME MADE FROM RECYCLED MATERIAL
11 AND THE USE OF THE WRAP LOGO. MANY BUSINESSES HAVE
12 PROFESSED THEIR APPRECIATION FOR A STATE-SPONSORED
13 PROGRAM THAT REINFORCES AND RECOGNIZES THEIR VOLUNTARY
14 WASTE REDUCTION EFFORTS. EVEN IF THEY DID NOT QUALIFY
15 FOR AN AWARD, MANY BUSINESSES FELT THAT THEY BENEFITED
16 SIMPLY FROM FILLING OUT THE APPLICATION.

17 WITH US TODAY IS A REPRESENTATIVE FROM ONE
18 OF THE 14 SAN DIEGO COUNTY WRAP WINNERS, KEVIN CARR,
19 ENVIRONMENTAL COORDINATOR FOR SEA WORLD OF CALIFORNIA.
20 IN 1993 SEA WORLD OF CALIFORNIA HELPED SAVE 4,585 TREES,
21 18,427 GALLONS OF OIL, AND THE AMOUNT OF ENERGY NEEDED TO
22 POWER 134 AVERAGE HOMES A YEAR. SEA WORLD ALSO SPONSORED
23 THE COASTAL CLEAN UP PROGRAM IN SAN DIEGO COUNTY. MORE
24 THAN 20,000 VOLUNTEERS HAVE PARTICIPATED FROM NORTH SAN
25 DIEGO COUNTY TO ENSENADA, MEXICO, CLEANING UP MORE THAN
26 80,000 POUNDS OF TRASH AND 24 POUNDS OF RECYCLABLE
27 MATERIAL FROM THE SHORELINES.

28 SEA WORLD OF CALIFORNIA HAS A RECYCLED

1 PRODUCTS PROCUREMENT PROGRAM WHICH I'VE ASKED MR. CARR TO
2 HIGHLIGHT IN HIS PRESENTATION. AND AS A FORMER EMPLOYEE
3 OF SEA WORLD, I'M VERY PROUD TO INTRODUCE MR. KEVIN CARR
4 WHO WILL GIVE US AN OVERVIEW OF SEA WORLD'S WASTE
5 REDUCTION EFFORTS.

6 CHAIRMAN CHESBRO: MR. CARR.

7 MR. CARR: GOOD MORNING. ON BEHALF OF THE
8 EMPLOYEES OF SEA WORLD I WOULD LIKE TO TAKE THIS
9 OPPORTUNITY TO THANK THE CALIFORNIA INTEGRATED WASTE
10 MANAGEMENT BOARD FOR RECOGNIZING OUR PARK'S WASTE
11 REDUCTION EFFORTS. SEA WORLD, LIKE OUR PARENT COMPANY,
12 ANHEISER BUSCH, HAS A LONGSTANDING COMMITMENT TO
13 ENVIRONMENTAL PRESERVATION. THE COMPANY ESTABLISHED IN
14 1970 A STATEMENT OF BELIEFS CALLED A PLEDGE AND A PROMISE
15 WHICH AFFIRMS OUR COMMITMENT TO EXCEED ALL ENVIRONMENTAL
16 REGULATIONS AND TO DO MORE THAN REQUIRED TO CONSERVE OUR
17 EARTH'S NATURAL RESOURCES. THROUGH OUR SUCCESSFUL
18 RECYCLING PROGRAM WE HAVE PROVEN THAT A COMPANY CAN
19 VOLUNTARILY HELP PRESERVE THE EARTH WE SHARE AND PERFORM
20 IN A COMPETITIVE BUSINESS ENVIRONMENT.

21 IN ADDITION, SINCE 1991 SEA WORLD HAS BEEN
22 SUCCESSFUL IN INCREASING ENVIRONMENTAL AWARENESS AMONG
23 EMPLOYEES THROUGH OUR ANNUAL GREEN WEEK PROGRAM. GREEN
24 WEEK ACTIVITIES WHICH COINCIDE WITH EARTH DAY WHICH
25 CONCLUDED LAST SUNDAY, INCLUDE A CLOTHING COLLECTION
26 DRIVE, CAR POOL AND RECYCLING PROGRAMS, AND CONTESTS
27 PROMOTING ENVIRONMENTAL AWARENESS.

28 IN 1994 SEA WORLD RECOVERED NEARLY ONE

1 MILLION POUNDS OF RECYCLABLE MATERIALS INCLUDING MORE
2 THAN 500,000 POUNDS OF CARDBOARD, 325,000 POUNDS OF GREEN
3 WASTE, 90,000 POUNDS OF PAPER, AND 3,000 POUNDS OF
4 ALUMINUM. OVERALL OUR WASTE REDUCTION PROGRAM HAS SAVED
5 MORE THAN \$32,000. A SAVINGS WHICH REFLECTS THE RESALE
6 VALUE OF RECYCLABLE MATERIAL AND THE AMOUNT SAVED IN
7 DISPOSAL FEES.

8 OUR WASTE REDUCTION PROGRAM ALSO INCLUDES
9 USING SUITABLE SUBSTITUTES FOR WASTE WE CREATE. FOR
10 INSTANCE, IN PLACE OF PAPER PLATES WE USE REUSABLE
11 PLASTIC TRAYS LINED WITH PAPER TO SERVE FOOD. BY USING
12 SUBSTITUTES LIKE THESE TRAYS SEA WORLD REDUCED LANDFILL
13 TONNAGE BY 46,000 POUNDS LAST YEAR. I MIGHT ALSO ADD
14 THAT SEA WORLD IS COMMITTED TO THE PURCHASE OF PRODUCTS
15 MANUFACTURED WITH POST CONSUMER WASTE AND RECYCLED
16 MATERIALS AND SPENT OVER \$200,000 IN 1994 ON THESE TYPES
17 OF PROGRAMS.

18 THANKS TO THE WASTE REDUCTION AWARDS PROGRAM
19 BUSINESSES LIKE OURS ARE GIVEN THE OPPORTUNITY TO
20 DEMONSTRATE CORPORATE RESPONSIBILITY AND GOOD
21 CITIZENSHIP. PROGRAMS SUCH AS WRAP ENCOURAGE BUSINESSES
22 TO TAKE PART IN PROGRAMS THAT ARE FOR THE GOOD OF THE
23 ENVIRONMENT. THANK YOU ONCE AGAIN FOR RECOGNIZING SEA
24 WORLD. I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY
25 HAVE.

26 CHAIRMAN CHESBRO: ANY QUESTIONS FROM THE
27 BOARD MEMBERS?

28 MR. CARR, I WOULD LIKE TO ASK JANET GOTCH TO

1 JOIN ME AND PRESENT YOU WITH YOUR AWARD.

2 (AWARD PRESENTED.)

3 CHAIRMAN CHESBRO: WITH ALL THEIR IMPRESSIVE
4 ACCOMPLISHMENTS, SEA WORLD IS NOT THE ONLY RECIPIENT IN
5 THE SAN DIEGO AREA OF A WRAP AWARD. AND I JUST WANTED TO
6 QUICKLY MENTION THE OTHERS. AND I DON'T KNOW WHETHER
7 STAFF WAS GOING TO PRESENT ANYTHING ELSE, OR WE'LL JUST
8 ACKNOWLEDGE THE OTHER RECIPIENTS.

9 PLAZA CAMINO REAL IN CARLSBAD. ESCONDIDO
10 DISPOSAL, INC. BANK OF AMERICA, SCRIPPS RANCH SAN DIEGO.
11 BIZARRE DEL MUNDO, INC., SAN DIEGO. DOUBLETREE HOTEL AT
12 HORTON PLAZA, SAN DIEGO. EARTH SUPPORT OF SAN DIEGO. FM
13 98, K.I.F.M., SAN DIEGO. GOLD MINE NATURAL FOOD COMPANY
14 OF SAN DIEGO. HEWLETT PACKARD COMPANY OF SAN DIEGO.
15 LASER SAVER, MARTIN MARRIETTA, T.R.W. MEADE, AND U.S.
16 WEST CELLULAR ALL OF SAN DIEGO.

17 SO IT'S A VERY IMPRESSIVE LIST FOR THE
18 COMMUNITIES HERE IN SAN DIEGO COUNTY. AND WE'RE PLEASED
19 TO ACKNOWLEDGE AND RECOGNIZE THEM FOR THEIR
20 ACCOMPLISHMENTS AND EXPRESS THE BOARD'S UNDERSTANDING
21 THAT PRIVATE SECTOR PARTICIPATION IN THESE PROGRAMS IS
22 ABSOLUTELY ESSENTIAL IN PARTNERSHIP WITH LOCAL
23 GOVERNMENTS TO MEET THE REQUIREMENTS OF THE LAW. SO WE
24 APPRECIATE THOSE EFFORTS.

25 NEXT WE'RE GOING TO HAVE AN ITEM 5
26 PRESENTATION BY THE LOCAL GOVERNMENT TECHNICAL ADVISORY
27 COMMITTEE, AND THAT WILL BE PRESENTED BY RICH HAYS,
28 CHAIRMAN OF THE COMMITTEE.

1 MR. HAYS: GOOD MORNING. WE APPRECIATE AN
2 OPPORTUNITY TO DISCUSS THE ROLE AND SOME RECOMMENDATIONS
3 OF THE LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE. AS
4 YOU ARE AWARE THIS IS A COMMITTEE THAT WAS APPOINTED BY
5 THE LEGISLATURE AND BY THE GOVERNOR TO ASSIST THE BOARD
6 FROM THE LOCAL GOVERNMENT PERSPECTIVE. WE HAVE A SLIDE
7 PRESENTATION. I APOLOGIZE THAT THE ROOM IS NOT AS EASY
8 TO SEE IN AS WE HAD HOPED IT WOULD BE, BUT WE ALSO HAVE
9 COPIES, UNFORTUNATELY ONLY ENOUGH TO GIVE TO THE BOARD
10 MEMBERS, OF OUR PRESENTATION.

11 AND TO BEGIN WITH WE WOULD LIKE TO SAY THAT
12 WE ARE STRONGLY IN SUPPORT OF AB939, ITS GOALS, ITS
13 INTENTS, BUT WE ARE CONCERNED ABOUT A FEW AREAS IN IT AND
14 WOULD LIKE TO MAKE SOME RECOMMENDATIONS IN THAT REGARD.

15 WE BEGAN A PROCESS IN MARCH OF 1993 OF
16 LOOKING AT PROGRAM GOALS AND OBJECTIVES AND DEVELOPED A
17 STRATEGIC PLAN SIMILAR TO THE PLAN THAT THE BOARD HAD,
18 AND MODELED AFTER THAT PLAN AND WE COMMENDED THE BOARD
19 FOR THEIR EFFORTS AT THAT TIME. AS A RESULT OF A NUMBER
20 OF MEETINGS WITH BOARD MEMBERS WHO WERE ON THE BOARD AT
21 THAT TIME IT WAS SUGGESTED WE MIGHT WANT TO HOLD MEETINGS
22 LIKE THE BOARD DID IN DIFFERENT PARTS OF THE STATE. AND
23 WE DID CONDUCT A NUMBER OF MEETINGS WITH OTHER LOCAL
24 GOVERNMENT AGENCIES ON THE STRATEGIC PLAN AND THE
25 COMMENTS. WHAT I HAVE BEFORE YOU TODAY IS CERTAINLY NOT
26 THE WHOLE PLAN BUT AN ABBREVIATED VERSION OF THE PLAN AND
27 ISSUES THAT WE FELT CAME OUT STRONGLY FROM LOCAL
28 GOVERNMENT.

1 TO BEGIN WITH WE FELT THAT THERE WAS AN
2 OVERARCHING ISSUE OF ECONOMICS. THE ECONOMICS IS
3 PROBABLY ONE OF THE MAJOR CONCERNS RIGHT NOW IN LOCAL
4 GOVERNMENT. LOCAL GOVERNMENT IS FEELING TREMENDOUS
5 PRESSURE ON ITS GENERAL FUND FROM COMPETING AREAS,
6 RECYCLING PROGRAMS VERSUS PARAMEDICS AND POLICE AND OTHER
7 BASIC SERVICES. WE'RE ALSO CONCERNED ABOUT THE
8 COMPETITION FOR FUNDS BETWEEN PROGRAMS IN THOSE SAME
9 AREAS. AND THE ECONOMICS OF RECYCLING HAVE NOT WORKED IN
10 ALL CASES ACROSS THE BOARD. CERTAINLY THE PUBLIC IN A
11 LOT OF CASES THINK THE PROGRAMS ARE PAID FOR BY THE
12 RECYCLING.

13 OTHER AREAS OF CONCERN THAT WE HAVE ARE
14 BROKEN DOWN INTO THREE PRIMARY AREAS. WE FELT AND BASED
15 ON OUR DISCUSSIONS WITH OTHER LOCAL GOVERNMENT AGENCIES
16 THAT MANDATES NEED TO BE LINKED TO MARKETS, AND STATEWIDE
17 EQUITY IS NOT POSSIBLE DUE TO LOCAL DIVERSITY, AND
18 COMPLIANCE AND MARKETING DATA ARE PROBLEMATIC. IN THE
19 AREA OF MANDATES WE FELT THAT BASED ON OUR DISCUSSIONS
20 THAT THE GOALS REALLY NEED TO BE BASED ON MARKET
21 ANALYSIS, MARKET AVAILABILITY, AND MARKET COSTS.

22 SUPPLY MATERIALS WE ALSO FELT SHOULD BE
23 MATCHED TO MARKET DEMAND ON A REGIONAL BASIS, SHOULD BE
24 MATCHED TO INDUSTRY STANDARDS, AND HAS FAILED TO GENERATE
25 INDUSTRIAL CAPACITY INCREASES FOR MANY RECOVERABLE
26 COMMODITIES. THE BASIS OF ONE OF OUR MAJOR CONCERNS IS
27 THE GAPS THAT APPEAR BETWEEN A NUMBER OF THESE
28 COMMODITIES. THE GAP BETWEEN WHAT IS GOING TO BE NEEDED

1 BETWEEN PAPER GENERATION, PLASTIC AND ORGANICS VERSUS
2 WHERE WE ARE TODAY. WE ARE VERY CONCERNED ABOUT THE
3 ABILITY OF LOCAL GOVERNMENT TO BE ABLE TO FUND THOSE
4 PROGRAMS, AND THE INCREASED DEMAND FOR FEEDSTOCK TO MAKE
5 THE PROGRAM SUCCESSFUL. ALL THOSE ARE AREAS THAT WE'RE
6 CONCERNED ABOUT HOW WE'RE GOING TO BE ABLE TO MEET
7 THOSE.

8 IN ADDITION, IN OUR DISCUSSIONS WITH OTHER
9 LOCAL GOVERNMENT AGENCIES AND WITH THE COMMITTEE ITSELF
10 WE FELT IT WAS REALLY CRITICAL FOR LOCAL GOVERNMENT TO
11 HAVE STRONG MARKETS FOR MATERIALS TO MAINTAIN PROGRAM
12 STABILITY. WE ALSO HEARD FREQUENTLY THROUGHOUT THE STATE
13 THAT MANY LOCAL GOVERNMENTS AND THE COMMITTEE FELT THAT
14 AB939 IS AN UNFUNDED MANDATE ON LOCAL GOVERNMENT, AND
15 THAT AB939 COMPETES FOR LIMITED LOCAL FUNDS AND IS A
16 CONCERN FOR LOCAL ELECTED OFFICIALS ON BALANCING BUDGETS
17 IN THESE TIGHT TIMES.

18 THE OTHER ADDITIONAL AREA THAT CAME TO OUR
19 ATTENTION WAS CONCERNS EXPRESSED BY MANY OFFICIALS TO THE
20 COMMITTEE ABOUT STATEWIDE EQUITY AND JURISDICTIONAL
21 DISPARITY, AND HOW MUCH CAN BE SPENT ON PROGRAMS AND
22 FACILITIES BASED ON THE ECONOMY IN THE AREA, THE DEGREE
23 OF CONTROL THAT A JURISDICTION WOULD HAVE OVER THE WASTE
24 STREAM AND ACCESS TO COMMODITY MARKETS. OTHER EQUITY
25 ISSUES WERE THE VARIABILITY OF THE WASTE STREAM, MANDATED
26 GOALS AND PENALTIES ARE NOT TIED TO COMMUNITY SIZE, WASTE
27 GENERATION BUDGET, AND DEGREE OF NONCOMPLIANCE.

28 FINALLY, IN THE AREA OF COMPLIANCE AND

1 MARKET DATA THERE WAS A STRONG CONCERN THAT DATA, ABOUT
2 DATA. THE TONNAGE ALLOCATIONS BY JURISDICTION ARE
3 PROBLEMATIC AND DATA ARE OFTEN PROBLEMATIC AND/OR
4 UNAVAILABLE. IN REGARD TO METHODOLOGY WE ALSO HEARD THAT
5 PENALTIES, PENALIZED PROGRAMS IN EXISTENCE PRIOR TO 1990
6 THAT COUNTS TONNAGE RATHER THAN PROGRAMS AND MAKES
7 COMPILATION CUMBERSOME AND EXPENSIVE.

8 WE STRONGLY WOULD LIKE TO ADVOCATE ONE
9 SOLUTION TO THIS. WE FEEL IT WOULD BE VERY IMPORTANT FOR
10 THE BOARD TO SUPPORT AN INDEPENDENT CALIFORNIA BASED
11 STUDY TO DETERMINE THE ASSOCIATED COSTS OF A VARIETY OF
12 LEVELS OF WASTE STREAM REDUCTION, COMPARATIVE COSTS OF A
13 VARIETY OF WASTE STREAM MANAGEMENT PRACTICES, REGIONAL
14 VARIATIONS IN IDENTIFYING EQUITY FACTORS, CURRENT AND
15 FUTURE MARKETS BY MATERIAL TYPE, LIFECYCLE ANALYSIS OF
16 PRIORITY MATERIALS, AND OPPORTUNITIES FOR GREATER
17 INDUSTRY PARTICIPATION. AND OUR DESIRED OUTCOMES WOULD
18 BE A REVISED COMPLIANCE MANDATE TO INSURE ECONOMIC
19 STABILITY INCLUDING LINKAGE OF DIVERSION TO MARKET
20 AVAILABILITY, FLEXIBILITY BASED ON REGIONAL
21 CHARACTERISTICS, AND INDUSTRY PARTNERS TO INCREASE
22 MANUFACTURE AND RECYCLE CONDUCT BY PROJECT CAPACITY.

23 WE APPRECIATE YOUR TIME, AND WE APPRECIATE
24 YOUR SUPPORTING THE COMMITTEE AND THE STAFF THAT WE HAVE
25 WORKED WITH. AND I WOULD LIKE TO INTRODUCE BEFORE WE GET
26 INTO QUESTIONS THE MEMBERS OF THE COMMITTEE WHO ARE
27 HERE. AND IF YOU COULD JUST INTRODUCE YOURSELVES,
28 PLEASE.

1 MR. LE: ROBERT LE, CITY OF (INAUDIBLE), AND
2 I'M SENIOR ENGINEER AND I'M APPOINTED BY THE GOVERNOR.

3 MR. WELBOURN: JOHN WELBOURN FROM THE CITY
4 OF LOMPOC, GOVERNOR APPOINTEE, AND SOURCE REDUCTION
5 RECYCLING FOR THE CITY OF LOMPOC.

6 MS. MARTIN: KAY MARTIN, DIRECTOR OF SOLID
7 WASTE MANAGEMENT FOR VENTURA COUNTY, AND APPOINTMENT FROM
8 SOLID WASTE RULES COMMITTEE FOR SOLID WASTE MANAGEMENT.

9 MR. MYERS: DAVID MYERS, GENERAL MANAGER OF
10 MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT. I WAS
11 APPOINTED BY SPEAKER BROWN TO REPRESENT SPECIAL DISTRICTS
12 IN CALIFORNIA.

13 MS. DE VAUGHN: MARCIA DE VAUGHN, DIRECTOR,
14 CITY AND COUNTY OF SAN FRANCISCO SOLID WASTE MANAGEMENT
15 PROGRAM, APPOINTED BY SPEAKER BROWN TO REPRESENT
16 COUNTIES.

17 MR. HAYS: ALSO NOT HERE TODAY ARE DELL
18 BIACHI, CITY OF LOS ANGELES; JAN GOSCH FROM ORANGE
19 COUNTY; AND RICHARD WELTON FROM FRESNO COUNTY. WE'D BE
20 GLAD TO ANSWER ANY QUESTIONS AT THIS TIME.

21 CHAIRMAN CHESBRO: I'D LIKE TO FIRST OF ALL
22 THANK YOU FOR YOUR WORK TO GO OUT AND SEEK INPUT FROM
23 FOLKS IN LOCAL GOVERNMENT AND TO DEVELOP AN ACTION PLAN.
24 I'D LIKE TO RESPOND AND COMMENT ON SOME OF THE THINGS
25 THAT YOU PUT FORWARD.

26 I THINK THE MAIN THRUST OF WHAT YOU FOCUSED
27 ON WHICH IS TO, AS I AM INTERPRETING IT TO MOVE FROM THE
28 DIRECT KIND OF COMMAND AND CONTROL REGULATION OF THE

1 LOCAL GOVERNMENTS TO BRING THIS ABOUT AND SHIFT TO MORE
2 OF A MARKET BASED APPROACH, IS SOMETHING THAT IS
3 SUPPORTED VERY MUCH BY THE MEMBERS OF THE BOARD. AND WE
4 HAVE TRIED, WHILE WE HAVEN'T HAD THE KIND OF DRAMATIC
5 CHANGE THAT MIGHT BE IMPLIED BY SOME OF YOUR
6 RECOMMENDATIONS, WE HAVE I THINK GRADUALLY MOVED THE
7 PROGRAMS IN SOME OF THE DIRECTIONS YOU'RE TALKING ABOUT.

8 I THINK BOTH LEGISLATIVELY AND REGULATORILY
9 WE HAVE ATTEMPTED TO MODIFY THE MANDATE AND THE METHODS
10 OF MEASURING THE MANDATE AND THE ENFORCEMENT PROCEDURES
11 AND POLICIES TO MAKE SURE THAT FACTORS THAT LOCAL
12 GOVERNMENTS CAN'T CONTROL DON'T WIND UP PUNISHING LOCAL
13 GOVERNMENTS, AND THAT LOCAL GOVERNMENTS HAVE THE MOST
14 GROUND TO STAND ON IN TERMS OF BEING ABLE TO IDENTIFY
15 QUESTIONS OF MARKETS OR OTHER FACTORS THAT MAY OR MAY NOT
16 HELP OR MAY HINDER COMPLIANCE. SO, AT THE SAME TIME
17 THROUGH PAUL'S COMMITTEE AND THROUGH THE EFFORTS TO
18 DEVELOP THE MARKET DEVELOPMENT PROGRAMS I THINK WE'VE
19 TRIED TO REALLY BOOST THAT END OF IT.

20 AND I WAS REALLY APPRECIATIVE OF YOUR LAST
21 RECOMMENDATION TO FURTHER CONTINUE TO FOCUS ON THE
22 QUESTION OF GETTING MORE AND MORE RECYCLE CONTENT, AND I
23 PRESUME THAT INCLUDES THE PURCHASING QUESTION, THE USE OF
24 RECYCLED PRODUCTS. THAT'S VERY MUCH AN AREA THAT WE
25 NEED TO FOCUS ON, ALONG WITH THE ZONE PROGRAM, CONTINUING
26 THE LOANS, ALL OF THOSE TO CONTINUE TO BUILD UP THE
27 QUESTIONS OF DEMAND.

28 THE CAUTIONARY NOTES I WOULD PUT OUT THERE

1 HAVING TO DO WITH WHETHER OR NOT WE PROPOSE OR SUPPORT
2 DRAMATIC CHANGE IN THE LAW ARE TWO-FOLD. ONE OF THEM IS
3 I'M CONCERNED ABOUT PROPOSALS, AND I'VE SEEN SOME THAT
4 ARE SIMILAR TO WHAT YOU'VE DISCUSSED HERE IN THE PAST,
5 WHICH I THINK HAVE THE RISK OF SUBSTANTIALLY INCREASING
6 THE CONCENTRATION OF POWER AT THIS LEVEL WITH THE BOARD.
7 I THINK ANY REFORM NEEDS TO BE PUT THROUGH THAT TEST AS
8 TO WHETHER OR NOT IT INCREASES LOCAL FLEXIBILITY OR
9 WHETHER OR NOT IT INCREASES THE ABILITY OF THE STATE TO
10 CALL THE SHOTS. I AM CONCERNED WITH ANY PROPOSAL THAT
11 COULD LEAD, WHETHER INTENTIONALLY OR NOT, WHICH I DON'T
12 THINK THAT'S YOUR INTENTION AS LOCAL OFFICIALS, BUT I
13 THINK WE HAVE TO LOOK AT THE PROPOSALS AND TRY TO VIEW
14 THEM FROM THAT STANDPOINT.

15 THE OTHER ISSUE IS THAT WE HEARD IN PALM
16 SPRINGS FROM A REPRESENTATIVE OF THE REFUSE REMOVAL
17 COUNCIL, AND I'VE HEARD FROM NUMEROUS ELECTED CITY AND
18 COUNTY OFFICIALS AROUND THE STATE OF CONCERN ABOUT
19 CONTINUING CHANGE AND WHAT'S EXPECTED. AND SO I THINK WE
20 NEED TO USE THAT AS A SECOND CRITERIA IN LOOKING AT ANY
21 PROPOSALS FOR MODIFYING THE MANDATE, TO ASK WHETHER OR
22 NOT WE WOULD BE PULLING THE RUG OUT FROM UNDER THOSE WHO
23 HAVE EXTENDED THEMSELVES AND HAVE MADE AN EFFORT TO
24 COMPLY, EITHER LOCAL GOVERNMENT OR PRIVATE SECTOR
25 INVESTMENTS.

26 NONE OF THOSE ARE DIRECT ARGUMENTS AGAINST
27 WHAT YOU'RE SAYING. I THINK WE NEED TO TAKE YOUR
28 PROPOSAL VERY SERIOUSLY. BUT I'M JUST PROPOSING THEM AS

1 FILTERS THROUGH WHICH WE SHOULD VIEW ANY PROPOSAL FOR
2 CHANGE AND KEEP THOSE THINGS IN MIND. SO THAT'S MY
3 INITIAL RESPONSE.

4 ANY OTHERS? YES, MR. EGIGIAN.

5 MR. EGIGIAN: MR. HAYS, I WANT TO THANK YOU
6 FOR THIS INFORMATION. AND I WANT TO FOLLOW UP ON WHAT
7 MR. CHESBRO JUST SAID. THERE'S BEEN HUNDREDS OF MILLIONS
8 OF DOLLARS SPENT IN CALIFORNIA ALREADY IN EQUIPMENT AND
9 PLANTS TO IMPLEMENT 939. AND I RECALL THE SAME PEOPLE
10 THAT TALKED TO MR. CHESBRO IN LA QUINTA TALKED TO ME, AND
11 THEY TOLD US, DON'T CHANGE THE RULES IN THE MIDDLE OF THE
12 BALL GAME. IF YOU DO, OUR PLANTS WILL BECOME OUTMODED
13 WITHOUT HAVING BEEN AMORTIZED AND PAID FOR AND IT WILL
14 HURT THE 939 PROCESS.

15 I WANT TO CONGRATULATE YOU ON THE FACT THAT
16 YOU WANT TO COME UP WITH WHAT IT COST LOCAL GOVERNMENTS
17 TO IMPLEMENT 939. IT'S UNFUNDED, AND IT'S A MANDATE THAT
18 REQUIRES A LARGE PENALTY IF YOU DON'T DO IT. BY THE SAME
19 TOKEN WE ARE RUNNING INTO THE SAME TYPE OF A SITUATION
20 WITH THIS ORGANIZATION, THE STATE BOARD, WITH THE AMOUNT
21 OF MATERIAL THAT IS STARTING TO GO OUT OF THE STATE.
22 RIGHT NOW WE'RE FUNDED BY A TIPPING FEE THAT PEOPLE FROM
23 THE WASTE INDUSTRY GIVE. HOWEVER, THAT COULD CHANGE
24 DRAMATICALLY IN THE NEXT YEAR OR 18 MONTHS. SO COST IS
25 IMPORTANT. I THINK EVERYBODY SHOULD KNOW WHAT 939 IS
26 COSTING US, WHETHER IT'S FROM THE LOCAL GOVERNMENT ENTITY
27 OR FROM THE PRIVATE SEGMENT. AND I WOULD LOOK FORWARD TO
28 HEARING MORE ABOUT THAT PART OF YOUR PROGRAM.

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CHAIRMAN CHESBRO: MR. RELIS.

MR. RELIS: I'D ALSO LIKE TO THANK LGTAC FOR ITS INPUT. I THINK WE ALWAYS NEED TO GO BACK TO THE FRAMEWORK OF AB939 WHICH IS STATED AS A PARTNERSHIP BETWEEN THE STATE AND LOCAL GOVERNMENT TO IMPLEMENT A VERY SIGNIFICANT CHANGE IN WASTE MANAGEMENT BEHAVIOR HERE IN CALIFORNIA.

SPEAKING TO THE MARKET ISSUES WHICH THE COMMITTEE I CHAIR HAS A PARTICULAR INTEREST IN, IT'S INCREASINGLY CLEAR BASED ON THE MARKET EXPERIENCE OF THE LAST YEAR OR SO AND BY COMMENTS MADE BY MANY INDUSTRY SOURCES THAT WE HAVE A VERY INTERESTING CONDITION EMERGING. WE USED TO, WE INITIALLY ALL WERE IN THE PARTNERSHIP OF TRYING TO FIGURE OUT HOW TO COLLECT THE MATERIAL. AND THEN WE PUT A LOT OF EFFORT, THIS BOARD AND CITIES AND THE PRIVATE SECTOR INTO MARKET DEVELOPMENT WHICH IN SOME CASES IS PROVING MORE SUCCESSFUL THAN SOME OF US MAY HAVE IMAGINED. NOW IT SEEMS WE NEED TO GET BACK, AND I THINK IT'S A VERY APPROPRIATE TIME IN 1995 TO TAKE A VERY HARD LOOK AT COSTS, COSTS OF BRINGING MATERIAL TO MARKET, COSTS OF PROCESSING, COSTS OF, THE OVERALL SYSTEM COSTS.

AND WHY I THINK THAT'S IMPORTANT IS IN TRAVELING THE STATE AND HEARING FROM REPRESENTATIVES SUCH AS YOURSELVES, WE COME ACROSS WIDE DISPARITIES OF COSTS OF IMPLEMENTING 939. LAST WEEK WE HEARD SOMEBODY IN REDDING SAY WE BUILT A MURF FOR \$80,000 TO SERVE REDDING'S PURPOSES. THEN WE HEAR THE UNFORTUNATE

1 EXPERIENCE HERE IN THE NORTH COUNTY WITH THE VERY COSTLY
2 FACILITY THAT WAS ENVISIONED MANY, MANY YEARS AGO AND
3 SUBJECT OF A PECULIAR HISTORY. BUT IT'S VERY HARD TO
4 SORT OUT EVEN FOR THIS BOARD WITH THE RESOURCES THAT WE
5 HAVE AVAILABLE TO US WHAT DOES IT COST, WHAT SHOULD IT
6 COST.

7 AND I THINK THAT THE BOARD'S EFFORTS SPENT
8 ON FURTHER EVALUATION OF SYSTEM COSTS TODAY WOULD BE
9 EXTREMELY IMPORTANT TO PROVIDE AS A TECHNICAL SERVICE TO
10 LOCAL GOVERNMENTS IN THE PARTNERSHIP MODEL. THIS IS WHAT
11 WE FOUND. MAYBE WE CAN MAKE FULL SENSE OF IT, MAYBE WE
12 CAN'T. STUDIES OF SUCH A BROAD NATURE ARE VERY
13 COMPLICATED AND ASSUMPTIONS ARE VERY HARD TO GET
14 AGREEMENT ON. BUT I THINK WE COULD GO A LONG WAY TO TAKE
15 A HARD LOOK AT IMPLEMENTATION THUS FAR IN CALIFORNIA, AND
16 MAKE SOME REASONABLE ASSUMPTIONS FROM THERE ABOUT WHAT
17 CAN BE DONE AND WHAT IT SHOULD COST. I WOULD LIKE TO SEE
18 THE WORK FRAMED MORE IN TERMS OF, IF WE'RE GOING TO DO
19 IT, IN TERMS OF HOW TO GET TO THE GOAL AT THE LEAST
20 POSSIBLE COST AND SEE WHAT WE DISCOVER FROM THAT.

21 CHAIRMAN CHESBRO: THANK YOU. OTHER
22 COMMENTS?

23 COUPLE OTHER COMMENTS COME TO MIND. I KNOW
24 ONE OF THE THINGS THAT LGTAC HAS STRUGGLED WITH IS ITS
25 ROLE, ITS RELATIONSHIP WITH THE BOARD AND WHAT'S THE
26 RIGHT PLACES TO HAVE AN IMPACT, AND WHAT POLICIES ARE
27 THAT ARE BEING IMPLEMENTED IN THE STATE. AND THERE'S TWO
28 DIFFERENT WAYS THAT YOU COULD LOOK AT THESE

1 RECOMMENDATIONS. YOU COULD LOOK AT THEM AS A CALL FOR
2 STUDYING AND PERHAPS PROPOSING SWEEPING CHANGE. OR YOU
3 COULD LOOK AT THEM FROM THE STANDPOINT I WOULD ATTEMPT TO
4 AS A LONG-TIME LOCAL GOVERNMENT PERSON ON THE BOARD, ON
5 THIS BOARD, WHICH IS TO LOOK AT THE BOARD POLICIES AND
6 REGULATIONS AND PROCEDURES AND TO TRY TO FOCUS IN ON, AND
7 ALSO LEGISLATIVE REFORMS WHICH HAVE CONTINUED VIRTUALLY
8 EVERY YEAR SINCE 939 PASSED, TO MAKE THE ADJUSTMENT TO
9 MOVE THIS IN A PERHAPS INCREMENTAL BUT A GRADUAL PROCESS
10 TOWARDS A MORE RESPONSIVE SYSTEM THAT IS NOT THE BRICK
11 WALL THAT LOCAL GOVERNMENTS HAVE FACED IN THE CASE OF
12 SOME OTHER STATE MANDATES WHERE THE STATE AGENCIES
13 HAVEN'T HAD A PUBLIC PROCESS, HAVEN'T HAD LOCAL
14 GOVERNMENT OFFICIALS, FORMER LOCAL GOVERNMENT OFFICIALS
15 SUCH AS MR. FRAZEE AND MYSELF IN THE PROCESS, AND DIDN'T
16 HAVE THE BENEFIT OF LEGISLATIVELY MANDATED TECHNICAL
17 ADVISORY COMMITTEE.

18 WE'RE GOING TO CONTINUE TO HAVE A SERIES OF
19 POLICIES AND REGULATIONS BOTH IN THE PLANNING AREA AND
20 ALSO SUCH THINGS AS THE TIERED PERMITTING. WE JUST WENT
21 THROUGH THE COMPOSTING PERMITTING. THOSE THINGS AFFECT
22 MARKETS. THEY'RE NOT JUST ENVIRONMENTAL AND HEALTH
23 PROTECTIONS. THEY'RE MARKET RELATED ISSUES. I WOULD
24 ENCOURAGE YOU TO TAKE YOUR STRATEGIC PLAN AND USE THOSE
25 AS KIND OF A TEMPLATE TO ENTER THOSE MORE GRADUAL
26 DECISION-MAKING PROCESSES WHERE THERE'S PLENTY OF POINTS
27 FOR INPUT TO ADDRESS THOSE ISSUES AND GIVE US THE BENEFIT
28 OF YOUR VIEWPOINT.

1 WITH REGARDS TO BROADER AND MORE SWEEPING
2 PROPOSALS FOR CHANGE EITHER THROUGH OUR REGULATORY
3 PROCESS OR THROUGH LEGISLATION, I WOULD ALSO ENCOURAGE
4 YOU TO ATTEMPT TO PARTNER WITH THE LEAGUE OF CITIES AND
5 C-SAC SINCE THEY'RE ANOTHER VOICE FOR LOCAL GOVERNMENTS
6 THAT WE LISTEN TO AND WHO COME BEFORE US AND REPRESENT,
7 NOT ALWAYS THE LEVEL THAT MANY OF YOU WORK AT, BUT ALSO
8 REPRESENT THE POLICYMAKERS AND ELECTED OFFICIALS THAT WE
9 ALSO NEED TO LISTEN TO. AND SO I THINK CONNECTING WITH
10 THEM TO COME UP WITH PROPOSALS THAT HAVE BEEN REVIEWED AT
11 THOSE LEVELS AS WELL WOULD BE HELPFUL TO ME AS A BOARD
12 MEMBER AND SOMEONE WHO, LIKE YOU, WANTS TO MAKE THE
13 SYSTEM WORK FOR THE LOCAL GOVERNMENTS.

14 MR. RELIS: MR. CHAIR, I WOULD LIKE TO MAKE
15 A SUGGESTION THAT GIVEN THE HARD WORK THAT HAS BEEN DONE
16 HERE AND THE PARTNERSHIP MODEL WE'RE INVOLVED WITH, IT
17 SEEMS TO ME THAT THE RECOMMENDATIONS BEFORE US COULD BE
18 PARCELED OUT TO THE APPROPRIATE COMMITTEES FOR RESPONSE
19 ON A SPECIFIC BASIS. AND PERHAPS MEMBERS OF LGTAC COULD
20 APPEAR AND ENGAGE US IN THAT FORM AND THAT WE COULD MOVE
21 THIS PROCESS FORWARD TO SOME CONCLUSION THAT RESPECTS
22 WHAT YOU'VE DONE AND BALANCES THAT WITH THE BOARD'S
23 PERSPECTIVE.

24 CHAIRMAN CHESBRO: PROBABLY HAVE TO HAVE A
25 DISCUSSION ABOUT WHAT COMMITTEES, BECAUSE THERE'S
26 LEGISLATION, PLANNING MANDATE, PLANNING RELATED STUFF,
27 AND MARKET STUFF. THAT ALL KIND OF CONVERGES HERE. AND
28 I WOULD SAY, ALTHOUGH YOU HAVEN'T TOUCHED ON IT, I THINK

1 THE REGULATORY PROCESS FOR THE FACILITIES ALSO COMES INTO
2 THIS. WE'VE WRESTLED IN THE COMPOSTING PERMITTING
3 PROCESS AND WE WILL BE IN THE TIERED PERMITTING PROCESS
4 WITH HOW DO WE FULFILL BOTH OF OUR RESPONSIBILITIES TO
5 ENCOURAGE RECYCLING ACTIVITIES TO GO ON WHILE AT THE SAME
6 TIME MAKE SURE THAT THE FACILITIES ARE REGULATED UNDER
7 STATE LAW. SO, BUT I THINK WE CAN WORK ON THAT TOGETHER.

8 MR. EGIGIAN: IN MOST SITUATIONS I WOULD GO
9 ALONG WITH MR. RELIS ON HAVING THIS GO TO COMMITTEES.
10 BUT IF WE GO TO COMMITTEES WE BECOME MINI-MANAGERS
11 BASICALLY TELLING THIS INDEPENDENT COMMITTEE WHAT WE
12 WOULD LIKE. I WOULD LIKE THIS ORGANIZATION TO BE
13 SEPARATE FROM THE BOARD. IN TERMS OF GOING THROUGH
14 COMMITTEES AND HAVING OTHERS VIEWPOINTS COME INTO THE
15 PICTURE, THAT SIDETRACKS WHAT THEY'RE TRYING TO
16 ACCOMPLISH.

17 I THINK BEING INDEPENDENT IS A GREAT VALUE
18 TO US IN THIS PARTICULAR SITUATION. BECAUSE THERE'S, TO
19 GIVE YOU ONE INSTANCE, THREE AND A HALF, FOUR YEARS AGO I
20 TALKED WITH THEN OUR CHAIRMAN AND I SAYS, I'M GOING TO
21 START IN THE POLICY COMMITTEE, HAVE SOME WORKSHOPS ON
22 WHAT IT COSTS, WHAT 939 COSTS. AND HE ARGUED WITH ME
23 THAT WE SHOULDN'T DO THIS, THAT THE LAW DOES NOT ASK US
24 TO LOOK INTO WHAT IT COSTS. OKAY. NOW, IF WE ARE
25 CONFRONTED WITH THE LAW AND WE CAN'T DO IT, THEN AN
26 ORGANIZATION SUCH AS THIS CAN DO IT, AND THEY CAN FIND
27 OUT WHAT THE COST IS AND TELL US WHAT THE COST IS BASED
28 ON NO INPUT FROM US BUT FROM WHAT THEY FIND OUT FROM THE

1 WORLD AT LARGE THERE.

2 MR. RELIS: SO YOU'RE REFERRING TO THE STUDY
3 THAT HAS BEEN RECOMMENDED ON COSTS.

4 MR. EGIGIAN: NOT NECESSARILY, PAUL. I
5 THINK THAT BEING INDEPENDENT THIS ORGANIZATION THAT'S
6 CALLED LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE
7 SHOULD NOT BE MINI-MANAGED BY US.

8 CHAIRMAN CHESBRO: ONE THING THAT HASN'T
9 BEEN MENTIONED IS THAT THERE IS GOING TO BE AND ALREADY
10 HAS BEEN TO SOME DEGREE DISCUSSION IN THE LEGISLATURE
11 ABOUT AT LEAST PART OF WHAT HAS BEEN RECOMMENDED, THE
12 STUDY PORTION. AND I THINK THAT PLAYS INTO THE MIX HERE
13 AS WELL RELATIVE TO WHETHER, WHAT INPUT WE WANT TO HAVE
14 IN TERMS OF WHAT THE LEGISLATURE MAY BE TELLING US WHAT
15 TO DO BY WAY OF STUDY.

16 MR. EGIGIAN: AT THAT TIME, YES, I CAN SEE
17 IT.

18 CHAIRMAN CHESBRO: RATHER THAN DOING THIS AS
19 SOMETHING THAT WE FORMALLY RESPOND TO POINT BY POINT, I
20 WOULD RATHER AS I SAID SEE THE ADVISORY COMMITTEE USE
21 THIS AS SORT OF A TEMPLATE FOR THE POINTS THAT THEY WANT
22 TO MAKE TO US IN OUR PLANNING, IMPLEMENTATION, REGULATORY
23 PROCESS AND THE MARKET COMMITTEE PROCESS AND THE
24 LEGISLATIVE COMMITTEE WHEN WE'RE CONSIDERING LEGISLATIVE
25 PROPOSALS TO IMPLEMENT ANY OF THESE THINGS. AND I ALSO
26 WOULD LIKE THOUGH PRIOR TO HEARING THOSE THINGS TO KNOW
27 THAT THEY HAVE BEEN DISCUSSED WITH OTHER REPRESENTATIVES
28 OF LOCAL GOVERNMENT AND WITH THE LEAGUE OF CITIES AND

1 C-SAC. SO THAT'S MY RESPONSE.

2 MR. HAYS: WE APPRECIATE YOUR TIME AND
3 EFFORTS AND AVAILABILITY TO US ON THE INDIVIDUAL
4 MEETINGS. ARE THERE ANY COMMENTS THAT YOU MIGHT WANT TO
5 MAKE?

6 MR. MYERS: CHAIRMAN CHESBRO, DAVID MYERS.
7 JUST A QUICK COMMENT ON THIS COST, THE COST BENEFIT AND
8 WHAT WE SPENT IN THE PAST AND SO ON. OUR DISTRICT IS OUT
9 TO BID RIGHT NOW WITH A MULTI-MILLION-DOLLAR MRF. AND
10 WE'RE SURELY GOING TO DO OUR PART TO TRY AND GET AS CLOSE
11 TO THE 50 PERCENT GOAL AS POSSIBLE. BUT WE HAVE A
12 CONCERN ABOUT THE INCREMENTAL COST OF GETTING FROM POINT
13 A TO POINT B, FROM 25 PERCENT TO 50 PERCENT OR 25 TO 30
14 OR 30 TO 35 AND ON UP THAT LADDER. AND WE HAVE A CONCERN
15 THAT THE LOGARITHMIC INCREASE FROM 40 TO 50 MAY BE JUST
16 TOO MUCH FOR US AND MAY BE TOO MUCH FOR A LOT OF
17 ORGANIZATIONS THAT HAVE ALREADY BUILT FACILITIES. AND
18 THAT'S WHAT WE WANT TO SEE HAPPEN. AND I PERSONALLY HOPE
19 THERE IS SOME LEGISLATION THAT WILL ALLOW A STUDY TO BE
20 COMPLETED SO THAT WE HAVE SOME GUIDANCE THAT WILL GET US
21 DOWN THE ROAD BUT MAYBE NOT FARTHER THAN ECONOMICALLY WE
22 NEED TO GO.

23 CHAIRMAN CHESBRO: THANK YOU AGAIN. WE
24 APPRECIATE ALL YOUR WORK AND REST ASSURED THAT THE BOARD
25 IS VERY CONCERNED WITH WHAT THE COMMITTEE THINKS, AND WE
26 WILL BE TAKING THESE THINGS INTO ACCOUNT IN OUR
27 DECISION-MAKING PROCESS.

28 LET'S SEE, WE WILL NOW MOVE TO THE CONSENT

1 CALENDAR WHICH IS ITEM 6. AND I THINK I SHOULD READ THE
2 LIST AGAIN. I HOPE I HAVE IT RIGHT THIS TIME. ITEMS 9,
3 13, 15 THROUGH 71 EXCEPT FOR S.R.R.E.'S FOR SAN LEANDRO
4 AND MORGAN HILL, ITEM 77A AND B ONLY, ITEMS 76 THROUGH 83
5 AND ITEM 85.

6 MS. GOTCH: YOU MEANT 72 RATHER THAN 77.

7 CHAIRMAN CHESBRO: 72 A AND B. ARE THERE
8 ANY OTHER ITEMS THAT BOARD MEMBERS WOULD LIKE TO HAVE
9 DISCUSSED SEPARATELY THAT ARE NOT --

10 MR. EGIGIAN: THE ITEM ON 75, MOVE IT UP.

11 CHAIRMAN CHESBRO: YEAH. WE'LL BE TAKING
12 CARE OF THAT. THIS IS THE CONSENT AGENDA. I'LL
13 ENTERTAIN A MOTION FROM A BOARD MEMBER TO PASS THE
14 CONSENT AGENDA.

15 MS. GOTCH: I'LL MOVE THAT WE APPROVE THE
16 CONSENT AGENDA.

17 CHAIRMAN CHESBRO: IT'S BEEN MOVED. CAN WE
18 CALL THE ROLL, PLEASE.

19 (THE ROLL WAS CALLED AND RESPONDED TO AS
20 FOLLOWS: MR. EGIGIAN: AYE.

21 MR. FRAZEE: AYE.

22 MS. GOTCH: AYE.

23 MR. RELIS: AYE.

24 CHAIRMAN CHESBRO: AYE.)

25 CHAIRMAN CHESBRO: PASSED UNANIMOUSLY.

26 MR. EGIGIAN HAS ASKED TO MOVE ITEM 75 THE
27 BEL-ART PERMIT UP IN THE AGENDA. IF THERE'S NO
28 OBJECTIONS TO THAT I WILL ASK STAFF TO MAKE THAT

1 PRESENTATION. I HOPE IT DIDN'T CATCH YOU TOO MUCH BY
2 SURPRISE. I NOTICE YOU'RE SITTING IN THE FRONT ROW. YOU
3 MUST HAVE GOTTEN WORD.

4 MS. TALUMS: GOOD MORNING, CHAIRMAN CHESBRO,
5 MEMBERS OF THE BOARD. MY NAME IS SUZANNE TALUMS,
6 SUPERVISOR OF PERMIT SOUTH. THE OPERATOR OF THE BEL-ART
7 TRANSFER STATION IS REVISING ITS PERMIT TO ALLOW FOR AN
8 INCREASE IN HOURS AND AN INCREASE IN ACREAGE TO ALLOW FOR
9 THE ADDITION OF A MATERIALS RECOVERY FACILITY. AT THE
10 TIME THE PERMITTING AND ENFORCEMENT COMMITTEE MET LAST
11 WEDNESDAY THE OPERATOR WAS IN THE PROCESS OF CORRECTING A
12 VIOLATION OF STATE MINIMUM STANDARDS BY REPAIRING A CRACK
13 IN THE TRANSFER STATION PIT EDGE. STAFF HAS RECEIVED
14 CONFIRMATION THAT THE OPERATOR HAS INSTALLED A GUARDRAIL
15 AT THE PIT EDGE TO PREVENT EMPLOYEES FROM STANDING ON THE
16 EDGE. PERMITTING AND ENFORCEMENT STAFF HAVE FURTHER
17 DOCUMENTATION THAT THE GUARDRAIL IS COMPLETE.

18 ADDITIONALLY THE RESOLUTION HAS BEEN AMENDED
19 TO ADDRESS THE SUGGESTION TO CHANGE THE DATE OF
20 COMPLIANCE. SINCE THE P AND E MEETING STAFF HAVE HAD
21 COMMUNICATIONS WITH TWO CONCERNED CITIZENS REGARDING THE
22 PROPOSED EXPANSION, MS. JACQUELINE BARAL REPRESENTING THE
23 LONG BEACH NORTH 91 FREEWAY NEIGHBORHOOD ASSOCIATION AND
24 MS. LISA DUDRA REPRESENTING THE LONG BEACH UNIFIED SCHOOL
25 DISTRICT FACILITIES DIRECTOR'S OFFICE. BOTH WOMEN
26 RECEIVED ANONYMOUS PACKAGES DETAILING THE BEL-ART
27 EXPANSION AND BOTH REQUESTED THEIR CONCERNS BE MENTIONED
28 AT THIS MEETING. MS. BARAL FAXED A LETTER OF CONCERN

1 APRIL 21ST AND A FOLLOW-UP LETTER ON APRIL 23RD. I'LL
2 HAVE THOSE PASSED OUT.

3 CHAIRMAN CHESBRO: LET ME ADD THAT WE ARE
4 ENTERING THOSE INTO THE RECORD, SO THEY WILL BE PART OF
5 THE RECORD AND NOT EX PARTE COMMUNICATIONS.

6 MS. TALUMS: MS. BARAL IS CONCERNED WITH THE
7 ADEQUACY OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
8 REQUIREMENT THAT WAS DONE FOR THIS PROCESS, THE INCREASE
9 IN TRAFFIC AND ITS EFFECT ON THE NEARBY SCHOOL AND
10 PRESCHOOL AND THE WASTE THAT WOULD BE ACCEPTED AT THE
11 SITE. MS. DUDRA WAS ALSO CONCERNED WITH THE CALIFORNIA
12 ENVIRONMENTAL QUALITY ACT DOCUMENT THAT WAS UTILIZED FOR
13 THIS EXPANSION.

14 I'D LIKE TO TAKE A BRIEF MOMENT TO EXPLAIN
15 HOW STAFF OR HOW THE PROJECT COMPLIED WITH THE CALIFORNIA
16 ENVIRONMENTAL QUALITY ACT. THE CITY OF LONG BEACH
17 PLANNING COMMISSION ACTING AS LEAD AGENCY PREPARED AN
18 E.I.R. IN 1977 AND A SUBSEQUENT E.I.R. IN 1982. BOTH OF
19 THESE DOCUMENTS WERE FOR THE LONG BEACH GENERAL PLAN
20 WHICH INCLUDED THE PROPOSED PROJECT.

21 AFTER CONSULTATION WITH BOARD STAFF THE CITY
22 OF LONG BEACH PLANNING COMMISSION PREPARED AN ADDENDUM TO
23 THE SUBSEQUENT E.I.R. IN FEBRUARY OF 1995. THE ADDENDUM
24 CLARIFIED ISSUES RELATING TO THE PROPOSED PROJECT. STAFF
25 FOUND THE DOCUMENTS IN THE ADDENDUM ADEQUATE FOR THE
26 BOARD'S EVALUATION OF THE PROPOSED PROJECT FOR THOSE
27 PROJECT ACTIVITIES WHICH ARE WITHIN THE BOARD'S
28 JURISDICTION, AND THEREFORE STAFF RECOMMENDATION REMAINS

1 THE SAME. I'D BE HAPPY TO ANSWER ANY QUESTIONS YOU MAY
2 HAVE.

3 CHAIRMAN CHESBRO: ANY QUESTIONS FROM THE
4 BOARD?

5 MR. EGIGIAN: WHAT WAS THE STAFF'S
6 RECOMMENDATION?

7 MS. TALUMS: CONCURRING WITH THE PROPOSED
8 PERMIT.

9 CHAIRMAN CHESBRO: I DON'T HAVE ANY SPEAKER
10 REQUESTS. HAVE OTHER INDIVIDUALS EXPRESSED CONCERNS?

11 MS. TALUMS: I DON'T BELIEVE SO.

12 CHAIRMAN CHESBRO: WHAT'S THE PLEASURE OF
13 THE BOARD?

14 MR. EGIGIAN: MR. CHAIRMAN, I MOVE THAT IT
15 BE HEARD.

16 CHAIRMAN CHESBRO: MR. EGIGIAN HAS MOVED.
17 IS THERE ANY DISCUSSION?

18 NO DISCUSSION. WE'LL GO AHEAD AND CALL THE
19 ROLL.

20 (THE ROLL WAS CALLED AND RESPONDED TO AS
21 FOLLOWS: MR. EGIGIAN: AYE.

22 MR. FRAZEE: AYE.

23 MS. GOTCH: AYE.

24 MR. RELIS: AYE.

25 CHAIRMAN CHESBRO: AYE.)

26 CHAIRMAN CHESBRO: MOTION CARRIES. THANK
27 YOU VERY MUCH.

28 I THINK WHAT I'M GOING TO DO, WE'RE NOW AT

1 20 MINUTES TO NOON. THERE ARE A NUMBER OF FUNDING ITEMS
2 WHICH I THINK INDIRECTLY OR DIRECTLY RELATE TO THE ORANGE
3 COUNTY QUESTION, ORANGE COUNTY BUDGET QUESTION, AND I
4 THINK WE WILL HOLD THOSE UNTIL THE AFTERNOON. WE'LL
5 BEGIN THE AFTERNOON SESSION WITH THE ORANGE COUNTY
6 PRESENTATION AND THE DISCUSSION OF THE VARIOUS FUNDING
7 ITEMS.

8 AND SO I'M GOING TO TAKE THE PLANNING ITEMS
9 NEXT WHICH I THINK SHOULD BE FAIRLY BRIEF HOPEFULLY.
10 ITEM 17, THE SAN LEANDRO S.R.R.E. AND ITEM 65 THE MORGAN
11 HILL S.R.R.E.

12 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN
13 CHESBRO AND BOARD MEMBERS. ITEM 17 IS THE SOURCE
14 REDUCTION RECYCLING ELEMENT FOR THE CITY OF SAN
15 LEANDRO/ALAMEDA COUNTY. STAFF IS RECOMMENDING
16 DISAPPROVAL OF THIS S.R.R.E. FOR THIS CITY. THE CITY HAS
17 IMPLEMENTED A WIDE VARIETY OF DIVERSION PROGRAMS BUT THE
18 ADJUSTED PROJECTION FALLS SIGNIFICANTLY BELOW 25 AND 50
19 PERCENT BECAUSE OF ADJUSTMENTS FOR 9,456 POUNDS OF
20 RESTRICTED MATERIALS.

21 STAFF HAS BEEN IN COMMUNICATION WITH THE
22 CITY AND THEY UNDERSTAND STAFF'S RECOMMENDATION. THE
23 CITY HAS NOT MADE ANY ADDITIONAL COMMITMENTS BETWEEN THE
24 TIME OF THE COMMITTEE MEETING AND THE BOARD MEETING, AND
25 WE HAVE BEEN IN COMMUNICATION WITH CITY STAFF. BECAUSE
26 THE CITY FALLS BELOW THE MANDATED GOALS STAFF RECOMMENDED
27 DISAPPROVAL OF THE S.R.R.E. AND THAT THE CITY RECEIVE
28 NOTICE OF THE DEFICIENCY BASED ON ADJUSTMENTS RELATED TO

1 RESTRICTED MATERIALS AS REQUIRED BY STATUTE. THIS
2 CONCLUDES MY PRESENTATION. I DO HAVE STAFF TO PROVIDE
3 ADDITIONAL INFORMATION ON RESTRICTED MATERIALS
4 ADJUSTMENTS IF YOU WOULD LIKE, OTHERWISE THIS CONCLUDES.

5 CHAIRMAN CHESBRO: QUESTIONS FROM BOARD
6 MEMBERS? I'LL MAKE MY ABBREVIATED SPEECH AND REFER TO
7 BOTH 17 AND 65, AND THAT IS THAT THE DISAPPROVAL IS
8 REALLY NOTICE OF DEFICIENCY WHICH IS NOT A PUNITIVE ACT.
9 IT BUYS TIME AND FLEXIBILITY FROM LOCAL GOVERNMENTS AND
10 SHOULD BE VIEWED AS THE OPPORTUNITY FOR THE LOCAL
11 JURISDICTION AND THE BOARD TO WORK CLOSELY TOGETHER TO
12 RESOLVE DIFFERENCES. SO ON THAT BASIS I SUPPORT THE
13 COMMITTEE RECOMMENDED DISAPPROVAL AND THE STAFF
14 RECOMMENDATION. IS THERE A MOTION OR DISCUSSION?

15 MR. RELIS: I'LL MOVE.

16 CHAIRMAN CHESBRO: ITEM 17, STAFF
17 RECOMMENDATION ON SAN LEANDRO S.R.R.E. HAS BEEN MOVED.
18 CALL THE ROLL, PLEASE.

19 (THE ROLL WAS CALLED AND RESPONDED TO AS
20 FOLLOWS: MR. EGIGIAN: AYE.

21 MR. FRAZEE: AYE.

22 MS. GOTCH: AYE.

23 MR. RELIS: AYE.

24 CHAIRMAN CHESBRO: AYE.)

25 CHAIRMAN CHESBRO: ITEM 65, THE MORGAN HILL
26 S.R.R.E.

27 MS. FRIEDMAN: STAFF IS RECOMMENDING THE
28 DISAPPROVAL OF THE S.R.R.E. FOR THE CITY OF MORGAN HILL,

1 SANTA CLARA COUNTY. DIVERSIONS PROGRAMS FOR THE CITY AND
2 COUNTY INCLUDE SOURCE SEPARATION PROGRAMS WITHIN CITY
3 GOVERNMENT BUILDINGS, DROP OFF/BUY BACK CENTERS,
4 RESIDENTIAL CURBSIDE COLLECTION, COMMERCIAL COLLECTION
5 AND CARDBOARD. BUT THE ADJUSTED PROJECTION ALSO FALLS
6 SIGNIFICANTLY BELOW THE 25 PERCENT MANDATE BECAUSE OF
7 ADJUSTMENTS WHICH INCLUDE 744 TONS OF RESTRICTED
8 MATERIALS. STAFF HAS BEEN IN COMMUNICATION WITH THE CITY
9 AND THEY UNDERSTAND STAFF'S RECOMMENDATIONS. THEY HAVE
10 NOT SUBMITTED ANY ADDITIONAL INFORMATION BETWEEN THE TIME
11 OF THE COMMITTEE AND THE BOARD MEETING. BECAUSE THE CITY
12 FALLS BELOW THE MANDATED 25 PERCENT DIVERSION MANDATE
13 STAFF RECOMMENDED DISAPPROVAL OF THE S.R.R.E. AND THE
14 CITY RECEIVED A NOTICE OF DEFICIENCY BASED ON THE
15 ADJUSTMENTS RELATED TO RESTRICTED MATERIALS SIMILAR TO
16 THE PREVIOUS JURISDICTION. ONCE AGAIN THIS CONCLUDES MY
17 PRESENTATION. I DO HAVE STAFF TO PROVIDE ADDITIONAL
18 INFORMATION ON RESTRICTED MATERIALS IF YOU WOULD LIKE.

19 CHAIRMAN CHESBRO: ANY QUESTIONS FROM BOARD
20 MEMBERS ON ITEM 65? I'LL SPARE YOU A REPEAT OF MY
21 COMMENTS.

22 MR. FRAZEE: I'LL MOVE THE STAFF
23 RECOMMENDATION.

24 CHAIRMAN CHESBRO: STAFF RECOMMENDATION HAS
25 BEEN MOVED ON ITEM 65. CALL THE ROLL, PLEASE.

26 (THE ROLL WAS CALLED AND RESPONDED TO AS
27 FOLLOWS: MR. EGIGIAN: AYE.

28 MR. FRAZEE: AYE.

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MS. GOTCH: AYE.

MR. RELIS: AYE.

CHAIRMAN CHESBRO: AYE.)

CHAIRMAN CHESBRO: MOTION CARRIES. THANK
YOU VERY MUCH.

I THINK WE'LL MOVE TO LEGISLATION WHICH IS
ITEM 72C WHICH IS THE ONE THAT WAS NOT PLACED ON CONSENT,
SENATE BILL 176, SENATOR ALQUIST. AND IS THERE A STAFF
PRESENTATION ON THAT? MR. CHANDLER.

MR. CHANDLER: MR. CHESBRO AND MEMBERS, LET
ME JUST BRIEFLY REVIEW AGAIN THE BILL IN QUESTION. AS
YOU INDICATED THERE WERE TWO ITEMS THAT WE DID COVER
THROUGH THE ADOPTION OF THE CONSENT CALENDAR, BUT ONE
BILL DID NOT PASS UNANIMOUSLY AND THEREFORE WAS NOT PUT
ON CONSENT. SB176 BY SENATOR ALQUIST WOULD PROHIBIT
STATE AND LOCAL AGENCIES FROM PROVIDING INFORMATION ON
HOUSEHOLD HAZARDOUS WASTE SUBSTANCES OR SAFER SUBSTITUTES
FOR HOUSEHOLD PRODUCTS CONTAINING HAZARDOUS SUBSTANCES
UNLESS THE INFORMATION IS BASED ON SCIENTIFIC TESTING AS
SPECIFIED. THIS BILL PASSED THE SENATE G.O. SIX/ONE ON
APRIL 18TH AND HAS BEEN DOUBLE REFERRED TO SENATE TOXICS
ON MAY 1ST. OUR POSITION OUT OF THE LEGISLATION AND
PUBLIC EDUCATION COMMITTEE WAS OPPOSED ON A TWO, ONE
VOTE. AND SO IT'S BEFORE THE BOARD FOR FURTHER
DISCUSSION AND CONSIDERATION.

CHAIRMAN CHESBRO: OKAY. COMMENTS FROM
MEMBERS OF THE BOARD?

MR. FRAZEE: YES. MR. CHAIRMAN, I WAS THE

1 VOTE THAT WAS THE NEGATIVE VOTE ON THE MOTION TO OPPOSE
2 THIS LEGISLATION. I BELIEVE THAT THERE IS A REAL ISSUE
3 HERE THAT'S BEING RAISED BY SENATOR ALQUIST IN SB176 AND
4 RATHER THAN OPPOSE IT'S AN OPPORTUNITY FOR THIS BOARD AND
5 OTHER INTERESTED PARTIES TO GET TOGETHER AND DISCUSS THIS
6 ISSUE. I THINK IT DOES NOT CREATE A GOOD IMAGE FOR US
7 WHEN WE TAKE ON A LEGISLATION, WELL-INTENDED PIECE OF
8 LEGISLATION SUCH AS THIS. HAVING SPENT YEARS WORKING
9 WITH BILLS LIKE THIS QUITE OFTEN THE INITIAL DRAFT OF A
10 BILL IS QUITE DIFFERENT THAN ITS FINAL FORM, BUT IT DOES
11 EMBODY THE SENSE OF THE PROBLEM THAT'S PERCEIVED. AND I
12 THINK IT IS AN OPPORTUNITY TO WORK WITH THIS AUTHOR AND
13 WITH THE AFFECTED INDUSTRY TO RESOLVE THIS PROBLEM
14 BETWEEN ALL GOVERNMENT AGENCIES AND THE PRIVACY SECTOR.

15 CHAIRMAN CHESBRO: MS. GOTCH.

16 MS. GOTCH: THIS MEASURE DOES A REAL
17 DISSERVICE TO THOSE ENTITIES ENTRUSTED WITH PROTECTING
18 THE ENVIRONMENT FROM THE OVERUSE AND MISUSE OF HAZARDOUS
19 MATERIALS. MOST SAFER SUBSTITUTES ARE HOME REMEDIES THAT
20 HAVE BEEN AROUND FOR GENERATIONS. AND FRANKLY MANY OF
21 THE COMMERCIAL PRODUCTS ON THE MARKET TODAY TOUT THE FACT
22 THAT THEY USE LEMON JUICE OR BAKING SODA AS A COMPONENT
23 OF THEIR PRODUCT. SENATOR ALQUIST IS A GOOD FRIEND OF
24 THE BOARD, AND WE LOOK FORWARD TO WORKING WITH HIM IN THE
25 BUDGET PROCESS, BUT TODAY I RECOMMEND AND OPPOSE HIS
26 POSITION ON THIS BILL.

27 CHAIRMAN CHESBRO: OTHER MEMBERS?

28 MR. RELIS: MR. CHAIR, MY PROBLEM WITH THIS

1 BILL IS TWO-FOLD. ONE IS THE POTENTIAL COST IT WOULD PUT
2 ON THE BOARD TO ADMINISTER. SECONDLY, I THINK IT GOES
3 FURTHER, MUCH FURTHER THAN I THINK IS APPROPRIATE FOR
4 ENVIRONMENTAL ESSENTIALLY IMPACT ASSESSMENT. I THINK IT
5 CREATES A FAIRLY CONVOLUTED APPROACH THAT COULD POSSIBLY
6 CRIPPLE A LOT OF THE HOUSEHOLD HAZARDOUS WASTE PROGRAMS
7 WE'VE ALREADY GOT GOING. SO MY CONCERNS ARE REALLY THAT
8 IT IS A BILL THAT PERHAPS SWINGS THINGS TOO FAR TO THIS
9 ASSESSMENT. I THINK WE COULD SPEND YEARS BASICALLY
10 TRYING TO SWIM IN THAT SEA, AND THAT'S MY PROBLEM WITH
11 IT.

12 CHAIRMAN CHESBRO: ANY ANYTHING ELSE? MY
13 CONCERN IS THAT THE BILL RUNS CONTRARY TO THE ENTIRE BODY
14 OF LAWS DEVELOPED OVER THE YEARS THAT ARE AIMED AT
15 KEEPING HOUSEHOLD HAZARDOUS MATERIALS OUT OF LANDFILLS.
16 AND BECAUSE OF THAT IT'S OPPOSED BY WASTE HAULERS AND
17 LANDFILL OPERATORS WHO ARE ALSO CONCERNED ABOUT THE
18 LIABILITY ISSUES AND SAFETY AND ENVIRONMENTAL ISSUES
19 ABOUT PUTTING THESE MATERIALS INTO THEIR LANDFILLS, ALSO
20 BY OF COURSE THE ENVIRONMENTAL COMMUNITY, BUT ALSO BY
21 LOCAL GOVERNMENT, CITIES AND COUNTIES ARE OPPOSED TO IT.
22 SO I WOULD LIKE TO SEE THE BOARD TAKE AN OPPOSED
23 POSITION.

24 I THINK WE SHOULD STAY FLEXIBLE. MR. FRAZEE
25 HAS POINTED OUT THAT A BILL CAN CHANGE, AND I THINK WE
26 CERTAINLY OUGHT TO BE AWARE OF THAT. AND I'M A GREAT
27 ADMIRER OF THE SENATOR'S, AND I'M VERY RELUCTANT TO
28 OPPOSE A BILL OF HIS. BUT I THINK HE NEEDS TO KNOW THAT

1 THERE ARE SERIOUS CONCERNS WITH IT. AND I THINK OUR
2 STAFF WOULD COMMUNICATE TO HIM EFFECTIVELY THAT WE STAND
3 READY TO WORK WITH HIM ON THE BILL AND NOT TAKE AN
4 INFLEXIBLE POSITION, IF HE'S WILLING TO RESPOND TO THE
5 CONCERNS THAT THE BOARD AND THE OTHER FOLKS THAT WE
6 REGULATE HAVE ABOUT THE APPROACH THIS BILL TAKES.

7 MR. FRAZEE: ONE FURTHER COMMENT IF I COULD.
8 AGAIN MY OPPOSITION TO THE RECOMMENDED POSITION IS ONE
9 THAT'S BASED ON THE BELIEF THAT GOVERNMENT SHOULD NOT BE
10 IN THE ROLE OF PUTTING ITSELF INTO THE POSITION OF
11 PUBLICLY RECOMMENDING DON'T PURCHASE "A" BUT PURCHASE "B"
12 THAT MAYBE COMPETITIVE IN THE MARKETPLACE BECAUSE OF
13 SOMEONE'S PERCEIVED IDEA THAT ONE OF THESE IS LESS TOXIC
14 THAN THE OTHER, WHEN THERE'S REALLY NO SCIENTIFIC
15 EVIDENCE THAT BRINGS THAT ABOUT. AND AS I MENTIONED IN
16 THE COMMITTEE WE HAVE, MY FORMER INDUSTRY HAS BEEN THE
17 VICTIM OF SOME OF THAT KIND OF PUBLIC INFORMATION THAT
18 GOES OUT, ALBEIT IN NEWS ARTICLES AND THAT SORT OF THING
19 THAT IDENTIFIES A CERTAIN PRODUCT AS HAVING TOXIC
20 PROPERTIES WHEN IN FACT THE SCIENTIFIC EVIDENCE ONCE IT
21 WAS TESTED PROVED THAT THAT WAS TOTALLY FALSE. AND I
22 JUST DON'T THINK THAT GOVERNMENT'S IN AN APPROPRIATE ROLE
23 OF INTERVENING IN THE MARKETPLACE ON PRODUCTS WHEN THERE
24 IS NOT EVIDENCE BEYOND ADVERTISING CLAIMS OR OLD WIVES
25 TALES IF YOU WILL ABOUT WHAT IS A SAFE PRODUCT AND WHAT
26 IS NOT A SAFE PRODUCT.

27 CHAIRMAN CHESBRO: MR. EGIGIAN.

28 MR. EGIGIAN: MR. CHAIRMAN, AT THE PRESENT

1 TIME I'M GOING TO HAVE TO SUPPORT BOB'S POSITION. I KNOW
2 THAT THESE BILLS CAN CHANGE RADICALLY AS THEY GO DOWN THE
3 LINE. AT THE PRESENT TIME I WANT TO SUPPORT BOB'S
4 POSITION.

5 CHAIRMAN CHESBRO: WELL, WE HAVE SEVERAL
6 CHOICES. WE CAN EITHER PASS ON IT AT THIS TIME WITHOUT
7 THE APPEARANCE OF FOUR VOTES FOR A POSITION. WE CAN HAVE
8 SOME MOTIONS SO AS TO GET PEOPLE ON RECORD. WHAT'S THE
9 PLEASURE OF THE BOARD MEMBERS?

10 MR. CHANDLER: LET ME, PERHAPS FOR SOME OF
11 THE MEMBERS THAT ARE NEW TO THE BOARD, OUR PAST PRACTICE
12 IS IF THERE'S NOT A CORE VOTE MAJORITY, THE BILL ANALYSIS
13 IS COMPLETED BY STAFF, AND IT GOES FORWARD TO THE AGENCY
14 WITH NO RECOMMENDATION OR NO POSITION, IF YOU WILL. SO
15 I'D LIKE TO SEE THE BILL ANALYSIS AT LEAST COMPLETED THAT
16 WOULD EVALUATE THE BILL AND MOVE UNDER THE TIME LINES
17 THAT I'M BEING ASKED TO ADHERE TO TO GET THE BILL
18 ANALYSIS COMPLETED, BUT THERE WOULD NOT BE A SUPPORT OR
19 OPPOSED RECOMMENDED POSITION FROM THE BOARD BECAUSE OF
20 WHAT YOU JUST OUTLINED, THE APPEARANCE OF NOT HAVING FOUR
21 VOTES FOR EITHER SUPPORT OR OPPOSE.

22 CHAIRMAN CHESBRO: YOU WANT A MOTION TO --
23 I'M SORRY.

24 MS. GOTCH: I'D LIKE TO MAKE A MOTION TO
25 OPPOSE THE BILL.

26 CHAIRMAN CHESBRO: MS. GOTCH HAS MADE A
27 MOTION TO OPPOSE THE BILL. WE'LL HAVE A VOTE ON THAT
28 QUESTION, AND THEN PROCEED TO THE QUESTION OF --

1 MR. RELIS: I WOULD CONSIDER, I THINK WE'VE
2 ALSO TAKEN POSITIONS IF I RECALL OPPOSING UNLESS AMENDED.
3 I THINK THAT'S A LESS STRONG POSITION.

4 MR. FRAZEE: IN ORDER TO KEEP YOUR
5 PARTICIPATION IN THE LEGISLATION QUITE OFTEN A FLAT
6 OPPOSE CLOSES THE DOOR TO ANY NEGOTIATIONS. THAT'S MY
7 PRINCIPAL CONCERN.

8 CHAIRMAN CHESBRO: WOULD THAT SATISFY YOUR
9 CONCERN, IF WE HAVE OPPOSED UNLESS AMENDED POSITION? NO?

10 WELL, WE'LL INCLUDE THAT MOTION. SOUNDS
11 LIKE IT DOESN'T NECESSARILY GET THE VOTES, BUT GETS THE
12 INTENT.

13 MS. GOTCH: OPPOSED UNLESS AMENDED?

14 CHAIRMAN CHESBRO: WE'LL HAVE TO WORK ON THE
15 AMENDMENTS. I DON'T THINK THERE'S ANYTHING SPECIFIC
16 BEFORE US AS TO WHAT THOSE WOULD BE, BUT THE CONCERNS
17 HAVE BEEN EXPRESSED AS TO WHAT'S WRONG WITH THE BILL.
18 WE'LL CALL THE ROLL ON THE MOTION TO OPPOSE UNLESS
19 AMENDED.

20 MR. EGIGIAN: I DON'T UNDERSTAND THE
21 MOTION. IF I VOTE YES, WHAT AM I SAYING?

22 CHAIRMAN CHESBRO: YOU'RE SAYING YOU SUPPORT
23 THE BOARD TAKING A OPPOSED POSITION UNLESS THE AUTHOR
24 AMENDS.

25 (THE ROLL WAS CALLED AND RESPONDED TO AS
26 FOLLOWS: MR. EGIGIAN: MY VOTE IS NO.

27 MR. FRAZEE: NO.

28 MS. GOTCH: AYE.

1 MR. RELIS: AYE.
2 CHAIRMAN CHESBRO: AYE.)
3 CHAIRMAN CHESBRO: MOTION FAILS ON A THREE
4 TO TWO VOTE.
5 ANY OTHER MOTIONS ANYONE WOULD LIKE TO MAKE
6 WITH REGARD TO MR. CHANDLER'S SUGGESTION WHICH IS
7 COMPLETE THE BILL ANALYSIS WITHOUT A POSITION?
8 MR. CHANDLER: I'M NOT SURE THERE IS A
9 MOTION NECESSARY. WE JUST GO FORWARD WITH NO POSITION.
10 MR. CHESBRO: IF THERE'S NO OBJECTION FROM
11 THE BOARD MEMBERS.
12 MR. RELIS: SO IT WOULD BE NO POSITION?
13 CHAIRMAN CHESBRO: YES. OKAY. THAT TAKES
14 CARE OF LEGISLATIVE ITEM. I THINK WE HAVE TIME TO TAKE
15 ITEM 74 WHICH IS THE DEPARTMENT OF TOXICS M.O.U. ON
16 ASBESTOS WASTE. DO WE HAVE TIME? WE'VE GOT 10 MINUTES.
17 IF WE CAN TAKE IT QUICKLY THEN WE SHOULD PROCEED. THEN
18 WE'LL BREAK FOR LUNCH.
19 MR. CHANDLER: DIANE KIHARA WILL MAKE THE
20 PRESENTATION FOR STAFF.
21 MS. KIHARA: THANK YOU. GOOD MORNING, MR.
22 CHAIRMAN AND COMMITTEE MEMBERS. BEFORE YOU FOR
23 CONSIDERATION AND APPROVAL IS THE MEMORANDUM OF
24 UNDERSTANDING BETWEEN THE DEPARTMENT OF TOXIC SUBSTANCES
25 CONTROL BOARD AND THE CALIFORNIA INTEGRATED WASTE
26 MANAGEMENT BOARD FOR THE DISPOSAL OF ASBESTOS CONTAINING
27 WASTE AT NON-CLASS 1 SOLID WASTE FACILITIES AND DISPOSAL
28 SITES. AS YOU'RE AWARE FOR THE PAST FOUR YEARS WE'VE

1 BEEN WORKING WITH THE DEPARTMENT TOWARDS SHARING JOINT
2 AUTHORITY TO REGULATE ASBESTOS CONTAINING WASTE AT
3 NON-CLASS 1 FACILITIES.

4 IN EARLY 1991 WE BEGAN DISCUSSIONS WITH THE
5 DEPARTMENT TO STREAMLINE THE REGULATION OF ASBESTOS
6 CONTAINING WASTE. THROUGH THESE DISCUSSIONS A NUMBER OF
7 EVENTS HAVE OCCURRED WHICH INCLUDE A ONE-YEAR MEMORANDUM
8 OF UNDERSTANDING WHICH WAS ESTABLISHED IN 1992 AND ENDED
9 IN JUNE OF 1993. IN 1993 WE CONTINUED DISCUSSIONS WITH
10 THE DEPARTMENT TO TRANSFER AUTHORITY FOR THE REGULATION
11 OF A.C.W. WHICH INCLUDED TRANSFER OF FUNDS TO SUPPORT AN
12 ASBESTOS CONTAINING WASTE PROGRAM BY THE BOARD, D.T.S.C.
13 COLLECTS FUNDS FOR TRANSFERS AND DISPOSAL OF ASBESTOS
14 CONTAINING WASTE. IN MAY 1993 WE JOINTLY DEVELOPED
15 ASBESTOS CONTAINING REGULATIONS WHICH WERE APPROVED BY
16 THIS BOARD AND READY FOR SUBMISSION BY D.T.S.C. TO O.A.L.
17 FOR INCORPORATION INTO TITLE 22 WHICH NEVER OCCURRED.

18 SO AGREEMENTS COULD BE REACHED BETWEEN THE
19 DEPARTMENT AND THE BOARD LAST YEAR THE BOARD DIRECTED
20 STAFF TO DEVELOP A FULL PERMITTING AND INSPECTION AND
21 ENFORCEMENT PROGRAM REGULATING H.W. WITHOUT FUNDING FROM
22 D.T.S.C. JOINT LEGISLATION WAS PURSUED BY THE DEPARTMENT
23 AND THE BOARD AND AB688 BECAME LAW IN JANUARY OF 1995
24 WHICH PROVIDED US WITH THE AUTHORITY TO REGULATE A.C.W.
25 AT THESE NON-CLASS 1 FACILITIES. AB688 ESSENTIALLY DID
26 THREE MAIN THINGS. IT REQUIRED US TO ENTER INTO AN
27 M.O.U. WHICH DEFINED OUR ENFORCEMENT ROLES BETWEEN
28 D.T.S.C. AND THE WASTE BOARD. IT REQUIRED THE BOARD TO

1 ADOPT EMERGENCY REGULATIONS FOR A PERMITTING, INSPECTION,
2 AND ENFORCEMENT PROGRAM. AND IT ALSO ALLOWED DELEGATION
3 OF THE A.C.W. REGULATORY AUTHORITY TO THE LOCAL
4 ENFORCEMENT AGENCIES.

5 CURRENTLY THE BOARD'S PERMITTING AND
6 ENFORCEMENT DIVISION IS DEVELOPING A.C.W. REGULATIONS AS
7 REQUIRED BY THE STATUTE FOR PROMULGATION INTO TITLE 14.
8 IN EARLIER DISCUSSIONS WITH THE DEPARTMENT THEY
9 COMMUNICATED TO US THAT THE JOINTLY DEVELOPED REGULATIONS
10 THAT WERE DRAFTED IN 1993 WERE NOT GOING TO BE
11 INCORPORATED INTO TITLE 22, THEIR REGULATIONS. THEY ALSO
12 RECOMMENDED THAT BOARD STAFF REDRAFT THE PROPOSED
13 REGULATIONS FOR ADOPTION INTO TITLE 14, AND WE'RE
14 CURRENTLY DOING THAT.

15 THE PROPOSED MEMORANDUM OF UNDERSTANDING
16 BEFORE YOU DELINEATES THE ENFORCEMENT DUTIES OF EACH
17 AGENCY AS WAS REQUIRED BY AB688 AND INCLUDE THE FOLLOWING
18 AGREEMENTS: ONE, THAT THE DEPARTMENT OR D.T.S.C. WILL
19 CONTINUE TO REGULATE A.C.W. UNTIL THE BOARD ADOPTS ITS
20 REGULATIONS INTO TITLE 22 THAT MAKE US RESPONSIBLE FOR
21 A.C.W. THE DEPARTMENT WILL PROVIDE TRAINING IN ASBESTOS
22 CONTAINING WASTE INSPECTION, ENFORCEMENT, SAMPLING,
23 COLLECTION, DOCUMENTATION, AND HAZARDOUS WASTE
24 MANIFESTING. THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL
25 WILL PROVIDE ANALYSIS OF 20 ASBESTOS CONTAINING WASTE
26 LABORATORY SAMPLES. THAT THE BOARD AND THE DEPARTMENT
27 WILL PARTICIPATE IN JOINT TEAM TRAINING INSPECTIONS,
28 WHICH HAVE COMMENCED AT SITES ACCEPTING A.C.W. AND WILL

1 CONCLUDE IN JUNE OF 1995. THE DEPARTMENT WILL ASSIST THE
2 BOARD IN THE PROMULGATION OF A.C.W. REGULATIONS INTO
3 TITLE 24.

4 AND LASTLY THE MEMORANDUM OF UNDERSTANDING
5 DELINEATES THE ENFORCEMENT DUTIES BY BOTH AGENCIES,
6 WHEREAS THE BOARD CAN REFER SERIOUS OR CHRONIC A.C.W.
7 VIOLATIONS TO THE DEPARTMENT FOR NECESSARY ENFORCEMENT
8 ACTIONS UNTIL THE BOARD OBTAINS THE AUTHORITY TO
9 ADMINISTER ADMINISTRATIVE CIVIL PENALTIES, WHICH WE
10 CURRENTLY DON'T HAVE AT THIS TIME. THIS WILL INSURE
11 UNIFORM ENFORCEMENT FOR A.C.W. VIOLATIONS AT ALL
12 FACILITIES.

13 THE DEPARTMENT STAFF, D.T.S.C., AND DIRECTOR
14 JESS HUFF OF D.T.S.C. HAVE APPROVED THE MEMORANDUM OF
15 UNDERSTANDING AND ARE READY TO SIGN THIS DOCUMENT. STAFF
16 RECOMMENDS THAT THE BOARD APPROVE THE MEMORANDUM OF
17 UNDERSTANDING BEFORE YOU.

18 CHAIRMAN CHESBRO: I WONDER IF HE KNEW WHEN
19 HE WAS SUPPORTING THIS HERE AT THE BOARD HE WAS GOING TO
20 WIND UP OVER AT TOXICS.

21 TO QUOTE MY PREDECESSOR, THE ELECTED
22 PREVIOUS CHAIR OF THE BOARD, I THINK HE SAID, BECAUSE
23 IT'S THE RIGHT THING TO DO. IT'S QUESTIONABLE WHETHER
24 THIS IS IN THE BOARD'S BEST INTEREST ORGANIZATIONALLY,
25 BUT I THINK IT IS THE RIGHT THING TO DO. AND OF COURSE
26 FROM THE STAFF'S -- I SHOULDN'T HAVE SAID THAT. I SHOULD
27 SAY FROM THE BROAD ORGANIZATIONAL STANDPOINT. I DO
28 THINK THERE ARE ISSUES INVOLVING THE HEALTH AND SAFETY OF

1 OUR EMPLOYEES WHO HAVE TO BE AT LANDFILLS WHERE ASBESTOS
2 IS BEING DISPOSED AND THERE IS AN ORGANIZATIONAL INTEREST
3 IN THAT IN PROTECTING OUR EMPLOYEES.

4 BUT THE QUESTION OF WHETHER THE FUNDING
5 OUGHT TO BE GOING ONE PLACE AND THE BOARD DOING THE WORK
6 IS ANOTHER STORY. BUT I DO THINK THAT WE NEED TO TAKE
7 THE RESPONSIBLE ACTION. AND I WONDER IF NOW THAT JESS IS
8 OVER AT TOXICS THAT HE WOULD SAY THAT WE SHOULD TAKE IT
9 BECAUSE IT'S THE RIGHT THING TO DO, BUT IN ANY CASE.

10 MR. EGIGIAN: WE'RE IN THE POSITION TO
11 NEGOTIATE WITH HIM ON THE MONIES.

12 CHAIRMAN CHESBRO: I'M SURE. WELL, I THINK
13 THE REASON HE WAS HIRED WAS TO HELP THEM CLEAN UP THEIR
14 FISCAL MESS OVER THERE, SO I SUSPECT HE'S GOING TO BE
15 TRYING TO HANG ON TO EVERY PENNY THAT HE CAN. SO WE
16 PROBABLY WON'T GET A HECK OF A LOT MORE SYMPATHY FROM HIM
17 THAN WE DID FROM HIS PREDECESSOR OVER THERE.

18 MR. EGIGIAN: MR. CHAIRMAN, BECAUSE IT'S THE
19 RIGHT THING TO DO I MOVE THAT WE APPROVE.

20 CHAIRMAN CHESBRO: IS THERE ANY DISCUSSION
21 ON THIS ITEM? IF NOT, LET'S CALL THE ROLL.

22 (THE ROLL WAS CALLED AND RESPONDED TO AS

23 FOLLOWS: MR. EGIGIAN: AYE.

24 MR. FRAZEE: AYE.

25 MS. GOTCH: AYE.

26 MR. RELIS: AYE.

27 CHAIRMAN CHESBRO: AYE.)

28 CHAIRMAN CHESBRO: MOTION APPROVED. I

1 APPRECIATE ALL THE STAFF'S GOOD WORK ON IT. I SORT OF
2 MAKE LIGHT OF IT, BUT I THINK A LOT OF EFFORT HAS GONE
3 INTO THIS, AND I THINK WE, ON BEHALF OF PUBLIC HEALTH AND
4 SAFETY WE HAVE TAKEN A RESPONSIBLE STEP. WITH THAT WE
5 WILL BREAK FOR LUNCH. LET'S TRY TO BE BACK HERE AT 1:30
6 PLEASE.

7 (LUNCH RECESS.)
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1 SAN DIEGO, CALIFORNIA, APRIL 25, 1995, 1:30 P.M.

2 FURTHER PROCEEDINGS

3 CHAIRMAN CHESBRO: THE INTEGRATED WASTE
4 MANAGEMENT BOARD IS BACK IN SESSION.

5 I'M GOING TO BEGIN BY ASKING RALPH TO TAKE
6 THE ORANGE COUNTY BUDGET ISSUE FIRST, AND THAT'S NOT
7 INTENDED AT THIS POINT TO BE AN ACTION ITEM. IT'S JUST
8 AN UPDATE AS TO WHAT HAS BEEN GOING ON. I THINK MOST
9 BOARD MEMBERS ARE FAIRLY AWARE. THEN I THOUGHT WE WOULD
10 FOLLOW IN ORDER TAKING THE VARIOUS FISCAL AND FINANCIAL
11 ISSUES THAT ARE ON THE AGENDA TODAY, SO THAT WE CAN KIND
12 OF GET WHAT WE HOPE IS THE REASSURANCE FIRST, AND THEN WE
13 CAN PROCEED WITH THE QUESTIONS OF WHAT EXPENDITURES WE
14 WANT TO APPROVE TODAY.

15 MR. EGIGIAN: MR. CHAIRMAN, DURING THE LUNCH
16 PERIOD I HAD COUPLE OF EX PARTES.

17 CHAIRMAN CHESBRO: OKAY. I APOLOGIZE FOR
18 NOT GIVING YOU THAT OPPORTUNITY. GO AHEAD.

19 MR. EGIGIAN: I SAID HELLO TO MR. BEN
20 KAZARIAN, MR. KEN KAZARIAN AND TO RON AND TO KATHY
21 FLETCHER.

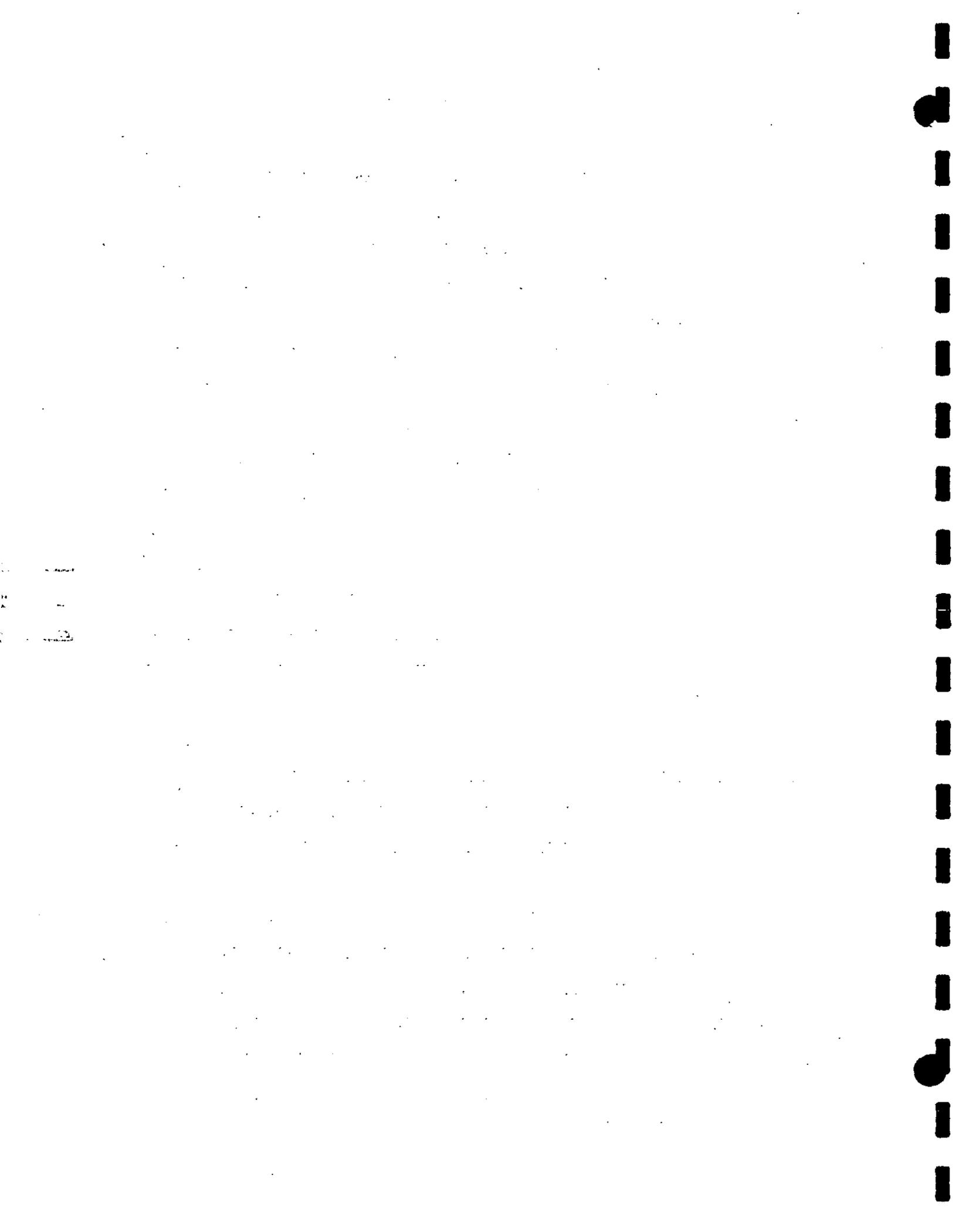
22 CHAIRMAN CHESBRO: I SAID HI TO KEN TOO, BUT
23 HE DIDN'T LOBBY ME SO.

24 MR. EGIGIAN: THEN I TALKED TO THE L.E.A.
25 FROM LOS ANGELES. THERE HE IS. THANKS FOR STANDING.

26 MR. RELIS: MR. CHAIR.

27 CHAIRMAN CHESBRO: YES.

28 MR. RELIS: I HAD A DISCUSSION WITH JOHN



1 O'MALLEY, JAMES STARBIRD, AND COLIN LENNARD FROM THE CITY
2 OF WEST COVINA DURING THE LUNCH BREAK, AND ALSO WITH DAN
3 BASKERVILLE -- NO, I'M SORRY. WITH -- COME BACK TO THAT.

4 CHAIRMAN CHESBRO: ANY OTHERS?

5 MR. FRAZEE: YES. I SAID HELLO TO THE SAME
6 PEOPLE THAT SAM DID.

7 CHAIRMAN CHESBRO: EX PARTE HELLOS HERE.
8 YOU WANT TO COME BACK TO IT? OKAY. MR. CHANDLER.

9 MR. CHANDLER: THANK YOU, MR. CHESBRO,
10 MEMBERS. YOU MAY RECALL THAT THE DEADLINE FOR PUTTING
11 THIS ITEM IN FOR THE RECORD, WE'RE NOW AT ITEM NO. 12,
12 WAS, THE DEADLINE FOR PUTTING TITLES ON THE AGENDA WAS
13 PRIOR TO THE MEETING OF OUR ADMINISTRATION COMMITTEE
14 MEETING WHEN WE BROUGHT REPRESENTATIVES FROM ORANGE
15 COUNTY, MS. VICKI WILSON, AND CHIEF DEPUTY DIRECTOR FOR
16 THE ORANGE COUNTY INTEGRATED WASTE MANAGEMENT DEPARTMENT
17 AS YOU RECALL SPOKE TO OUR ADMINISTRATION COMMITTEE. BUT
18 WE HAD PLACED THIS ITEM ON THE AGENDA NOT KNOWING THE
19 FULL OUTCOME OF THAT DISCUSSION. AND IT HAS BEEN A
20 RATHER FLUID DISCUSSION AROUND JUST WHERE ORANGE COUNTY
21 STANDS VIS-A-VIS THE PAYMENT OF THE STATE SURCHARGES AND
22 THE ESCROW ACCOUNT.

23 LET ME BRIEFLY JUST SUMMARIZE SOME OF THE
24 HIGH POINTS THAT WERE HEARD AT THE ADMINISTRATION
25 COMMITTEE, AND THEN MOVE ON TO GIVING YOU AN UPDATE AS TO
26 WHERE WE STAND ON SOME OF THE REVENUES THAT THE STATE
27 SURCHARGED THAT ARE DELINQUENT AT THIS TIME THAT HAVE IN
28 FACT COME IN AND HAVE BEEN REPORTED AS HAVING BEEN

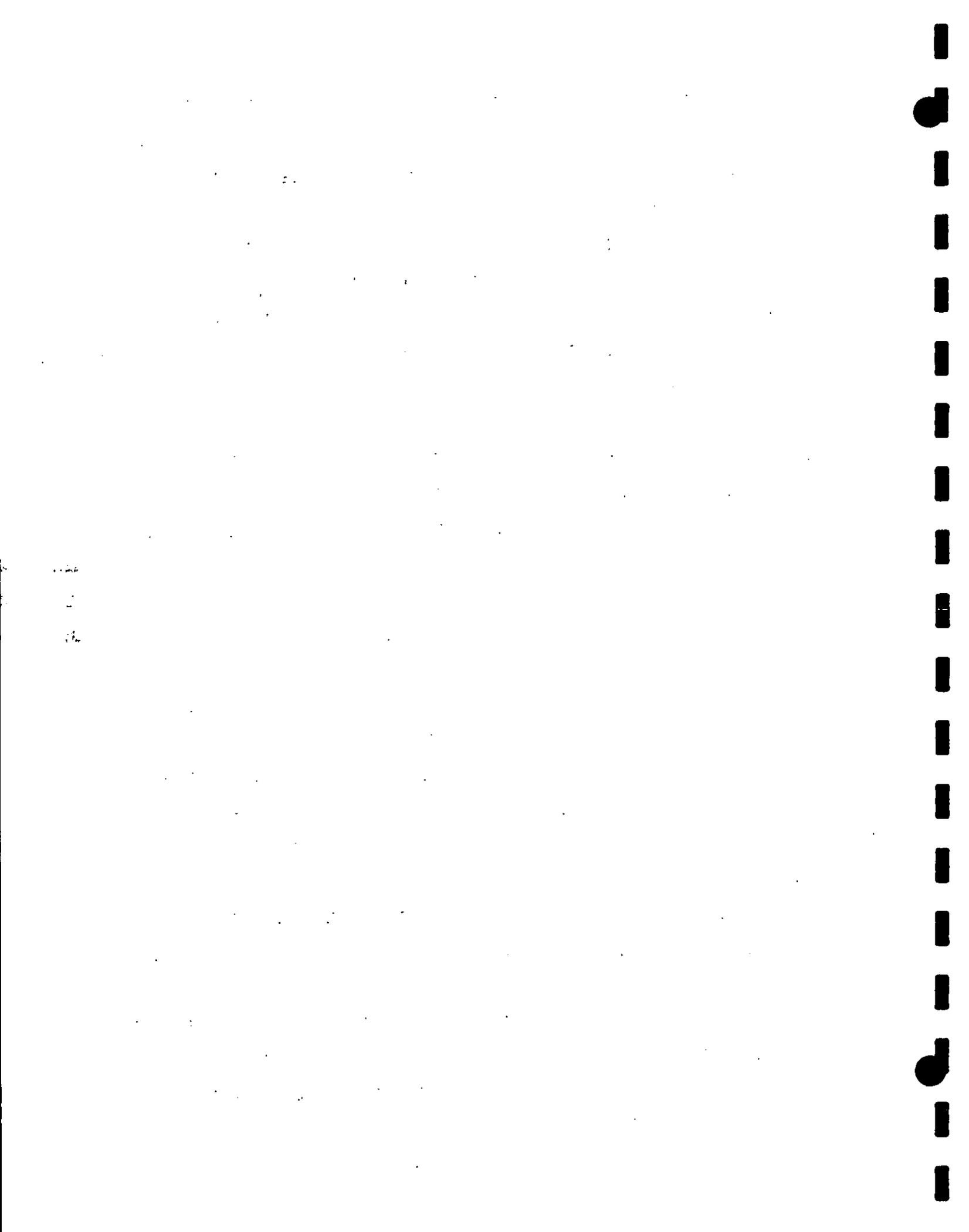
1 RECEIVED AT THE BOARD OF EQUALIZATION. MS. WILSON I
2 THINK WAS VERY FORTHRIGHT IN THE COUNTY'S INTENT AND
3 EFFORTS TO GET THEMSELVES BACK ON STABLE FOOTING TO BRING
4 FORWARD A FULL COMPLEMENT OF INFRASTRUCTURE DOWN THERE,
5 THE FIVE LANDFILLS THAT THEY'RE OPERATING, TO BRING THEM
6 INTO A POSITION WHERE THEY CAN CONTINUE TO OPERATE THEM
7 AND MEET THEIR OBLIGATIONS AS IT REFLECTS THE STATE
8 SURCHARGE AND THE ESCROW ACCOUNT. THEY INDICATED THAT
9 THEY HAD JUST THE PRIOR FRIDAY, I BELIEVE OUR MEETING WAS
10 ON APRIL 18TH, JUST THE PRIOR FRIDAY HAD AUTHORIZED THE
11 RELEASE OF FUNDING FOR WHAT WE CALL THE POST BANKRUPTCY
12 REVENUES OWED THE STATE. THAT WAS THE REVENUES THAT
13 REPRESENT DECEMBER 6TH THROUGH DECEMBER 31ST OF SECOND
14 QUARTER CALENDAR YEAR '94, AND THEN THE REVENUES THAT
15 WERE REQUIRED TO COME FORWARD FOR THE FIRST QUARTER OF
16 CALENDAR YEAR 1995.

17 I'M PLEASED TO REPORT THAT AS OF TODAY
18 B.O.E. HAS RECEIVED THREE CHECKS FOR THE SECOND QUARTER
19 POST BANKRUPTCY FOR JUST OVER \$250,000. OUR STAFF IS
20 TOLD THAT THERE ARE THREE OTHER CHECKS AT B.O.E., THAT
21 B.O.E. ANTICIPATES RECEIVING SHORTLY THAT WILL CONSTITUTE
22 THE REMAINING FUNDS OF APPROXIMATELY \$950,000. TOGETHER
23 THESE SIX CHECKS COMPLETE ALL PAYMENTS TO THE STATE FOR
24 THE DECEMBER PERIOD FOLLOWING THE DECLARATION OF
25 BANKRUPTCY AS WELL AS THE FULL THIRD QUARTER PAYMENTS FOR
26 JANUARY THROUGH MARCH OF THIS YEAR. THE TOTAL SIX CHECKS
27 WERE IN THE NEIGHBORHOOD THEN OF APPROXIMATELY \$1.2
28 MILLION.

1 I THINK THIS PUTS US IN A SOLID FOOTING TO
2 TAKE UP ALL THE REMAINING ITEMS ON TODAY'S AGENDA THAT
3 DEAL WITH THE FUND CONDITION OR REVENUES OWED THIS
4 BOARD. AND I WOULD LIKE TO SAY FROM MY OFFICE I WANT TO
5 THANK VICKI WILSON AND OF COURSE THOSE AT ORANGE COUNTY
6 THAT HAVE ASSISTED IN RESPONDING TO OUR INQUIRES AND
7 SHOWING THE GOOD FAITH EFFORT OF BRINGING THEIR ACCOUNTS
8 CURRENT WITH OUR STATE SURCHARGES. AND WE WILL BE IN
9 DISCUSSION WITH ORANGE COUNTY ON THE ESCROW FUNDS WHICH
10 ARE STILL NOT FULLY FUNDED AND SOME OF THEIR PERMIT
11 ISSUES WHICH THEY WILL, AND INDICATED TO US THAT THEY
12 WOULD LIKE TO START PURSUING AS IT RELATES TO THE
13 TONNAGES THAT THEY WOULD BE ANTICIPATING RECEIVING AT
14 THESE ACTIVE LANDFILLS IN ORANGE COUNTY.

15 SO I WILL OPEN IT UP FOR QUESTIONS OF MY
16 OFFICE, IF THERE ARE ANY, BUT WOULD AGAIN REEMPHASIZE I
17 THINK IT'S APPROPRIATE THAT WE MOVE ON TO THOSE ITEMS ON
18 THE AGENDA THAT DEAL WITH THE REVENUE PICTURE OF THIS
19 BOARD, AND REPORT HAPPILY THAT WE'RE IN VERY GOOD
20 CONDITION AT THIS POINT.

21 CHAIRMAN CHESBRO: WELL, I WOULD LIKE TO, IN
22 ADDITION TO THANKING OUR EXECUTIVE STAFF FOR ALL OF THEIR
23 WORK, ALSO ACKNOWLEDGE JANET GOTCH AND HER ADVISOR, ERNIE
24 SOLOFF, WHO HAVE SPENT A SIGNIFICANT AMOUNT OF ENERGY
25 USING THEIR RELATIONSHIP WITH THE LEGISLATURE TO HELP
26 ADVANCE THIS ISSUE, AND ALSO MY OWN ADVISOR, BOB
27 FREDENBURG, WHO ASSISTED. I THINK WE'VE HAD A COMING
28 TOGETHER THAT HAS RELIEVED SOME OF THE ANGST THAT WE FELT



1 A MONTH AGO. AND I HOPE IT WILL HELP US TO MOVE ALONG
2 SOME OF THE OTHERS CONSIDERATIONS THAT THE BOARD HAS TO
3 LOOK AT TODAY.

4 ANY OTHER QUESTIONS OR COMMENTS?

5 THANK YOU, MR. CHANDLER.

6 THE NEXT ITEM, THE FIRST FUNDING ITEM IS
7 ITEM 7 WHICH IS CONSIDERATION OF APPROVAL OF RECYCLING
8 MARKET DEVELOPMENT ZONE LOANS FOR THE FIRST QUARTER OF
9 1995.

10 MR. GORFAIN: MR. CHAIRMAN, MEMBERS OF THE
11 BOARD, I'M DAN GORFAIN, DEPUTY DIRECTOR FOR WASTE
12 PREVENTION AND MARKET DEVELOPMENT. THE ITEM BEFORE YOU
13 IS THE CONSIDERATION OF THE FIRST CYCLE 1995 R.M.D.Z.
14 LOANS. THE ITEM WAS HELD OVER FROM THE MARCH BOARD
15 MEETING. THERE ARE 11 LOANS BEFORE YOU FOR A TOTAL
16 AMOUNT OF \$4,792,000.

17 THERE WAS ONE LOAN OF THE 11 ABOUT WHICH A
18 QUESTION REMAINED AT THE END OF THE BOARD MEETING, AND
19 THAT IS THE AQUA TERRA LOAN, THE LAST LOAN ON THE LIST.
20 THE STAFF HAS RECEIVED INFORMATION FROM THE APPLICANT
21 WHICH ADDRESSES, AND IN THE STAFF'S OPINION ADEQUATELY
22 ADDRESSES THE QUESTIONS RELATING TO DIVERSION. THE
23 MATERIAL WHICH NOW GOES TO THE LANDFILL WILL BE ONCE
24 DECONTAMINATED SUITABLE FOR USE IN CONSTRUCTION SITES,
25 SITE REMEDIATION, AGRICULTURAL USES TOGETHER WITH MANURE,
26 MIXED IN WITH MANURE, AND ALSO FOR ROAD BASES. JUST SOME
27 OF THE EXAMPLES FOR WHICH THE MATERIAL WILL BE USABLE
28 ONCE DECONTAMINATED. WITH THAT INFORMATION STAFF

1 RECOMMENDS BOARD APPROVAL OF THE FULL LIST OF 11 LOANS.

2 CHAIRMAN CHESBRO: THANK YOU, MR. GORFAIN.
3 I WOULD LIKE TO CALL ON MR. RELIS, THE COMMITTEE CHAIR.

4 MR. RELIS: WELL, OF COURSE THIS BRINGS TO A
5 CLOSE WE HOPE WITH THE GOOD NEWS ON THE FINANCIAL FRONT
6 THAT WE CAN MOVE THESE LOANS FORWARD. I KNOW THERE'S
7 BEEN A LOT OF ANXIETY OUT THERE, AND I THINK WE'VE HAD
8 HARD LUCK AT THE FISCAL ISSUES. IT WOULD BE MY HOPE THAT
9 WE CAN MOVE THIS OUT.

10 CHAIRMAN CHESBRO: ALL RIGHT.

11 MR. EGIGIAN: MR. CHAIRMAN.

12 CHAIRMAN CHESBRO: YES, MR. EGIGIAN.

13 MR. EGIGIAN: MR. CHAIRMAN, I WANT YOU TO
14 KNOW I'M NOT OPENING UP ANY MAIL TODAY BASED ON WHAT
15 HAPPENED UP NORTH BECAUSE THE RECYCLING ZONE PEOPLE WERE
16 PRETTY UPSET AT ME FOR POSTPONING THIS UNTIL WE FOUND OUT
17 WHAT OUR FINANCIAL SITUATION WAS GOING TO BE. AND THAT'S
18 THE ONLY REASON THAT I PUSHED FOR POSTPONING UNTIL WE HAD
19 THIS INFORMATION. NOW THAT THIS INFORMATION HAS BEEN
20 BROUGHT FORWARD AND WE ARE RECEIVING CHECKS, I WANT THOSE
21 PEOPLE WHO SENT ME THOSE NASTY LETTERS TO SEND ME A
22 LETTER OF APOLOGY AND TO ACKNOWLEDGE THE FACT THAT I
23 WASN'T TRYING TO HURT THEM. OKAY.

24 I WOULD, MR. CHAIRMAN, IF THE BOARD AND THE
25 CHAIR IS READY, I WOULD LIKE TO MOVE THAT WE PUSH THESE
26 AHEAD AND MAKE SURE THAT THEY'RE DONE.

27 CHAIRMAN CHESBRO: A MOTION TO APPROVE THE
28 LOANS. IS THERE ANYTHING ELSE YOU WANTED TO ADD, MR.

1 RELIS?

2 MR. RELIS: NO. I THINK JUST MOVE THEM AS
3 THEY ARE.

4 CHAIRMAN CHESBRO: ANY FURTHER DISCUSSION
5 FROM MEMBERS OF THE BOARD? IF NOT, CAN WE CALL THE ROLL,
6 PLEASE.

7 (THE ROLL WAS CALLED AND RESPONDED TO AS
8 FOLLOWS: MR. EGIGIAN: AYE.

9 MR. FRAZEE: AYE.

10 MS. GOTCH: AYE.

11 MR. RELIS: AYE.

12 CHAIRMAN CHESBRO: AYE.)

13 CHAIRMAN CHESBRO: A LOT OF PEOPLE ARE
14 BREATHING EASIER. OKAY. WE WILL MOVE ON TO ITEM 8 WHICH
15 IS THE CONSIDERATION OF AWARD OF CONTRACT TO CONDUCT A
16 FACILITY CONSUMER RESEARCH SURVEY.

17 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN
18 CHESBRO AND BOARD MEMBERS. JUDY FRIEDMAN, DEPUTY
19 DIRECTOR, DIVERSION PLANNING AND LOCAL ASSISTANCE
20 DIVISION. LAST NOVEMBER THE BOARD APPROVED A SCOPE OF
21 WORK FOR A REQUEST FOR PROPOSAL TO CONDUCT A BENCHMARK
22 SURVEY TO ASSESS THE PUBLIC'S KNOWLEDGE, ATTITUDES, AND
23 CONCERNS REGARDING SOLID WASTE FACILITIES. THE FINDINGS
24 OF THE SURVEY ARE TO SERVE AS THE BASIS FOR A PUBLIC
25 EDUCATION PROGRAM CONCERNING THE FACILITIES. THE BOARD
26 ALSO DIRECTED STAFF TO PROCEED WITH ADVERTISING AND
27 MAILING OF THE R.F.P. TO PROSPECTIVE BIDDERS, EVALUATE
28 SUBMITTED PROPOSALS, AND MAKE A RECOMMENDATION FOR

1 AWARDING OF THE CONTRACT TO A QUALIFIED BIDDER.

2 THE PROCESS HAS NOW BEEN COMPLETED, AND THE
3 LOWEST QUALIFIED BIDDER WAS IDENTIFIED AS C.I.C.
4 RESEARCH, INC. WITH A BID PRICE OF \$133,421, WELL WITHIN
5 THE \$200,000 ALLOCATED FOR THE CONTRACT CONCEPT. STAFF
6 RECOMMENDS THAT THE BOARD APPROVE THE BID OF C.I.C.
7 RESEARCH, INC. AND AWARD THEM THE CONTRACT. THIS
8 CONCLUDES MY PRESENTATION. MR. ROBERT STONE OF STAFF AND
9 MR. ERNEST BRAGIER OF C.I.C., INC. ARE HERE TO ANSWER ANY
10 QUESTIONS YOU MIGHT HAVE.

11 CHAIRMAN CHESBRO: QUESTIONS OR COMMENTS OF
12 THE BOARD MEMBERS? IF NOT WE WILL ENTERTAIN A MOTION.

13 MR. EGIGIAN: I'LL MOVE IT.

14 CHAIRMAN CHESBRO: IT'S BEEN MOVED. CALL
15 THE ROLL, PLEASE.

16 (THE ROLL WAS CALLED AND RESPONDED TO AS
17 FOLLOWS: MR. EGIGIAN: AYE.

18 MR. FRAZEE: AYE.

19 MS. GOTCH: AYE.

20 MR. RELIS: AYE.

21 CHAIRMAN CHESBRO: AYE.)

22 CHAIRMAN CHESBRO: THANK YOU. ITEM 11 IS
23 THE CONTRACT AWARD FOR THE WASTE TIRE CLEAN UP.

24 MR. OKUMURA: GOOD AFTERNOON, MR. CHAIRMAN,
25 MEMBERS OF THE BOARD. ITEM 11 IS FOR CONSIDERATION OF
26 THE AWARD OF CONTRACTS FOR ENVIRONMENTAL AND ENGINEERING
27 SERVICES AND STABILIZATION AND ABATEMENT OF ILLEGAL WASTE
28 TIRE SITES. AT THE COMMITTEE MEETING THIS CAME FORWARD

1 AS A 3-0 VOTE IN SUPPORT OF STAFF'S RECOMMENDATION.
2 HOWEVER, BECAUSE THERE WERE OTHER TIRE ISSUES THAT WERE
3 BEING DISCUSSED WE FELT IT WOULD BE APPROPRIATE TO BRING
4 IT FORWARD TO THE FULL BOARD. SO STAFF WOULD LIKE TO
5 RECOMMEND CONSIDERATION OF THE AWARD.

6 CHAIRMAN CHESBRO: DISCUSSION OR QUESTIONS
7 FROM BOARD MEMBERS? HEARING NONE I WOULD ENTERTAIN A
8 MOTION.

9 MR. RELIS: I'LL MOVE.

10 CHAIRMAN CHESBRO: MR. RELIS HAS MOVED. CAN
11 WE CALL THE ROLL, PLEASE.

12 (THE ROLL WAS CALLED AND RESPONDED TO AS
13 FOLLOWS: MR. EGIGIAN: AYE.

14 MR. FRAZEE: AYE.

15 MS. GOTCH: AYE.

16 MR. RELIS: AYE.

17 CHAIRMAN CHESBRO: AYE.)

18 CHAIRMAN CHESBRO: MOTION CARRIES. THANK
19 YOU. AND THAT MOVES US TO NO. 73 WHICH IS I BELIEVE THE
20 PROPOSED FUNDING FOR THE --

21 MR. CHANDLER: MR. CHESBRO.

22 CHAIRMAN CHESBRO: YES.

23 MR. CHANDLER: YOU DID SKIP 14. I DON'T
24 KNOW IF YOU WANT TO TAKE THAT UP LATER.

25 CHAIRMAN CHESBRO: NO. I DIDN'T INTEND TO.
26 ITEM 14 IS THE TIRE GRANT FUNDING CONSIDERATION OF STAFF
27 RECOMMENDATIONS. I JUST CROSSED IT OUT TOO SOON.

28 MR. CHANDLER: BEFORE MR. GORFAIN COMES

1 FORWARD, HE'S JUST OUTSIDE, LET ME GIVE THE INTRODUCTORY
2 REMARKS ON THIS, BECAUSE MR. OKUMURA DID JUST REFER TO
3 SOME TIRE ISSUES AND RELATIVE TO FUNDING. AND YOU'LL
4 RECALL AT THE COMMITTEE LEVEL WHEN WE DISCUSSED THIS ITEM
5 WE HAD A REPRESENTATIVE -- AND I'M NOT SURE IF THEY'RE
6 HERE TODAY OR NOT, WE CAN CALL ON MR. GORFAIN -- BUT WE
7 HAD A REPRESENTATIVE FROM KERN COUNTY WHO CAME FORWARD
8 AND INDICATED THAT THEY WERE UNCOMFORTABLE OR SOMEWHAT
9 DISAPPOINTED BY THE REDUCED FUNDING LEVEL FOR THEIR
10 PROJECT INASMUCH AS THEY HAD, IF I RECALL CORRECTLY, SOME
11 VERY LARGE TIRES THAT THEY DEAL WITH IN THEIR
12 JURISDICTION AND WERE LOOKING FOR FULL FUNDING OR AT
13 LEAST A GREATER PERCENTAGE THAN WHAT STAFF IS
14 RECOMMENDING.

15 THE COMMITTEE DIRECTED STAFF IN THE
16 INTERVENING PERIOD BETWEEN THE COMMITTEE MEETING AND THIS
17 BOARD MEETING TO LOOK AT AND SEE IF THERE WERE OTHER
18 FUNDING AVAILABLE. I'M GOING TO HIGHLIGHT JUST A COUPLE
19 THINGS THAT STAFF HAVE DONE, AND THEN CALL ON MR. GORFAIN
20 TO UPDATE YOU ON THE DISCUSSIONS HE'S HAD WITH KERN
21 COUNTY DIRECTLY. BUT THE FIRST STEP WE TOOK IS WE CALLED
22 ALL GRANTEES THAT WERE RECOMMENDED. AND I GUESS IT'S NOT
23 SURPRISING TO REPORT THAT THEY ALL FELT THAT THE LEVEL OF
24 FUNDING THAT THEY HAD REQUESTED OR THAT THEY HAD BEEN
25 REDUCED TO IN STAFF'S RECOMMENDATION WAS THE MINIMAL
26 AMOUNT THAT THEY COULD ACCEPT AND WERE NOT INTERESTED IN
27 REDUCING THEIR FUNDING FURTHER TO, IF YOU WILL, OFFSET OR
28 MAKE AVAILABLE FUNDING FOR ANOTHER PROJECT APPLICANT.

1 CHAIRMAN CHESBRO: CAN I ASK A CLARIFYING
2 QUESTION?

3 MR. CHANDLER: SURE.

4 CHAIRMAN CHESBRO: THE QUESTION THE WAY I
5 UNDERSTOOD IT WAS HAD ANY OF THEM BEEN REDUCED TO THE
6 POINT WHERE THEY WERE NO LONGER INTERESTED, IN OTHER
7 WORDS WAS IT BELOW THE POINT THEY FELT THE PROJECTS WERE
8 VIABLE.

9 MR. CHANDLER: AND THAT QUESTION WAS ASKED.
10 AND MANY OF THOSE THAT WERE REDUCED TO A SIGNIFICANT
11 LEVEL INDICATED THEY WOULD SIMPLY OPERATE A SMALLER
12 PROGRAM AND A LESS ENCOMPASSING PROGRAM WITH THE REDUCED
13 FUNDING. AND SO NONE BASICALLY RESPONDED BY SAYING AT
14 THAT REDUCED LEVEL WE JUST AS SOON PASS.

15 I'LL REMIND THE BOARD MEMBERS THAT WERE HERE
16 LAST YEAR THAT WE HAD A SIMILAR SITUATION WITH THE TIRE
17 GRANTS WHERE A REPRESENTATIVE CAME FORWARD TO THE BOARD
18 AND INDICATED THAT THEY WOULD LIKE TO SEE SOME INCREASED
19 FUNDING. AND AT THAT TIME CHAIRMAN HUFF INDICATED THERE
20 WAS AN OPTION. LET ME REMIND YOU OF WHAT THAT OPTION
21 WAS. IT WAS SIMPLY TO GO FORWARD, AND ARNIE WILL KNOW
22 THIS PROCESS, WITH A SECTION 27 WHICH SIMPLY REQUESTS
23 FROM FINANCE AND IN THE LEGISLATURE INCREASED EXPENDITURE
24 AUTHORITY OVER AND ABOVE WHAT WE ALREADY HAVE APPROVAL
25 FOR.

26 NOW, LAST YEAR WE HAD MONEY IN THE TIRE FUND
27 TO DO THAT. AS YOU KNOW THIS YEAR WE ARE SEEING LOWER
28 THAN ANTICIPATED REVENUES IN THE TIRE FUND. SO THE ONLY

14.

15.



1 WAY WE COULD COME UP WITH THE ADDITIONAL FUNDING FOR KERN
2 COUNTY WOULD BE TO, AND I WANT TO EMPHASIZE THIS IS NOT
3 STAFF'S RECOMMENDATION, BUT IT IS AN OPTION THAT I THINK
4 YOU SHOULD CONSIDER, IS TO DISENCUMBER SOME OF THE MONEY
5 THAT WE HAVE OF TIRE DOLLARS AT THE DEPARTMENT OF
6 ECONOMIC DEVELOPMENT, AS YOU KNOW WE HAVE UP TO 850, PUT
7 THAT IN THE TIRE FUND. AND THEN REQUEST THROUGH A
8 SECTION 27 PROCESS FROM FINANCE AND LEGISLATURE
9 ADDITIONAL EXPENDITURE AUTHORITY FOR THE GRANT PROGRAM.
10 IT'S SOMEWHAT COMPLICATED. IT'S NOT THE STAFF'S
11 RECOMMENDATION BUT IT IS SOMETHING THIS BOARD IN THE PAST
12 HAS DONE WHICH IS TO TRY TO SEEK GREATER EXPENDITURE
13 AUTHORITY THAN WE HAVE CURRENTLY APPROVAL FOR TO COME UP
14 WITH THE ADDITIONAL DOLLARS.

15 THE REASON I'M NOT RECOMMENDING IT IS,
16 UNLIKE LAST YEAR WHEN WE WERE SUCCESSFUL, IS THAT WE DO
17 NOT HAVE THE FUNDS IN THE TIRE FUND AT THIS TIME. WE
18 WOULD HAVE TO DISENCUMBER MONIES THAT ARE OVER WITH THE
19 LOAN PROGRAM. BUT IT'S AN OPTION THAT WE HAVE DONE IN
20 THE PAST, AND I WANTED TO OUTLINE THAT FOR YOU. I'LL GO
21 OVER THAT OR ANSWER QUESTIONS IF YOU HAVE ANY QUESTIONS
22 AROUND IT. BUT IT IS A MECHANICAL OPTION THAT'S
23 AVAILABLE TO YOU.

24 I KNOW THAT MR. GORFAIN HAS TALKED TO KERN
25 COUNTY AND MAYBE IT WOULD BE APPROPRIATE FOR YOU TO JUST
26 HEAR WHAT THEIR POSITION IS AT THIS TIME. AND I'LL BE
27 PLEASED TO ANSWER ANY QUESTIONS AS I'M SURE DAN WOULD BE
28 AS WELL.

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CHAIRMAN CHESBRO: MR. GORFAIN.

MR. GORFAIN: JUST VERY BRIEFLY, I DID SPEAK WITH NANCY GILRICH WHO YOU'LL REMEMBER SPOKE BEFORE THE COMMITTEE AND EXPLAINED THE SITUATION AND SUGGESTED THAT SHE MIGHT WANT TO CONSIDER LOOKING AT SOME ALTERNATIVE SOURCES OF FUNDS. AND SOME OF THESE IDEAS I MUST SAY CAME FROM SOME OF THE BRIEFINGS IN PREPARATION FOR SOME OF THE BOARD MEETINGS, SO I THANK BOARD MEMBERS AND THEIR STAFF FOR SOME OF THESE IDEAS. BUT SOME OF THE IDEAS INCLUDED GOING TO SOME OF THE OTHER COUNTIES THAT WE WERE GOING TO SERVE AND ASK THEM FOR A SMALL AMOUNT OF MONEY EACH TO HELP MAKE UP THE DIFFERENCE; ANOTHER WOULD BE TO ADJUST THEIR CHARGES FOR THE USE OF THE EQUIPMENT; ANOTHER ONE MIGHT BE SOME KIND OF A FINANCING ARRANGEMENT OF THE EQUIPMENT SUCH AS A LEASE/PURCHASE AGREEMENT. THERE ARE A NUMBER OF WAYS TO DO THAT. AND OF COURSE THEY'RE FREE DEPENDING ON WHAT THE GRANT MONEY AVAILABLE IS NEXT YEAR TO COME IN AND ASK FOR SOME MORE MONEY TO HELP PAY OFF SOME OF THE FINANCING NEXT YEAR.

SO THESE ARE SOME OF THE OPTIONS. KERN COUNTY HAS INDICATED THEY ARE INTERESTED IN GOING FORWARD. THIS LEVEL OF FUNDING IS NOT EXPECTED TO SCUTTLE THE PROJECT FOR THEM. I ASSURED THEM THAT THE RECOMMENDATION WAS NOT BASED ON ANY LACK OF INTEREST ON THE PART OF THE BOARD IN THEIR PROJECT. WE THOUGHT IT WAS A GOOD PROJECT. AND I THINK THE PROJECT WILL GO FORWARD AND WILL BE IN GOOD SHAPE IN TERMS OF MEETING THE SERVICE NEEDS THAT THEY APPLIED FOR. I'LL BE GLAD TO

1 ANSWER ANY QUESTIONS.

2 CHAIRMAN CHESBRO: ANY QUESTIONS? JUST TO
3 RECALL LITTLE BIT WHAT HAPPENED AT THE COMMITTEE, I THINK
4 IT'S IMPORTANT TO NOTE THAT THE LEVEL OF CONCERN WAS IN
5 PART THAT THIS WAS A FAIRLY HIGHLY RATED PROJECT, AND
6 THAT WAS I THINK IF IT WERE WAY DOWN THE LIST SOMEWHERE
7 IT MIGHT BE DIFFERENT. ON THE OTHER HAND, THERE WAS
8 INFORMATION THAT I UNDERSTAND THAT WAS NOT IN THEIR
9 PROPOSAL THAT THEY WERE NOW BRINGING FORWARD TO JUSTIFY
10 THE TYPE AND SCALE AND SIZE OF EQUIPMENT THAT THEY WERE
11 REQUESTING. AND FROM A FAIRNESS STANDPOINT THERE'S A
12 QUESTION OF WHETHER OR NOT YOU SHOULD BE TAKING AWAY FROM
13 SOMEBODY FURTHER DOWN THE LINE WHO DID MEET THE CRITERIA
14 AND DID GET ALL THEIR INFORMATION INTO THEIR PROPOSAL.

15 SO IN TRYING TO INTERPRET WHAT HAPPENED AT
16 THE COMMITTEE, I THINK THERE WAS AN ATTITUDE THAT IF ON
17 SOME VOLUNTARY BASIS SOME OTHER MONEY BECOMES FREED UP
18 BEFORE THE BOARD MEETING, WHICH IT APPARENTLY HAS NOT, OR
19 EVEN AFTER THE BOARD MEETING IF SOMEBODY PULLS OUT AND
20 THERE'S SURPLUS MONEY AVAILABLE, WE'D BE WILLING TO LOOK
21 AT PUTTING THAT INTO KERN'S PROJECT. THAT'S PURELY
22 VOLUNTARY. OTHERWISE THE LIST STAYS THE WAY IT IS. I
23 THINK THAT'S WHERE I WAS COMING FROM, AND I THINK MORE OR
24 LESS WHERE WE LEFT IT AT THE COMMITTEE, AND WHERE I WOULD
25 SUGGEST THAT THE BOARD LEAVE IT AS WELL.

26 MR. RELIS: HAVING JUST SAT IN ON THAT
27 MEETING I JUST HOPE THAT WE WILL FIND A WAY TO HELP KERN
28 COUNTY AT A FUTURE POINT TO DO WHAT THEY PROPOSE, BECAUSE

1 I THINK IT WAS AN EXCELLENT PROJECT THAT THEY HAD.

2 CHAIRMAN CHESBRO: OKAY. WELL, IS THERE ANY
3 FURTHER DISCUSSION FROM MEMBERS OF THE BOARD? I GUESS I
4 WOULD ASK FOR A MOTION TO MOVE THE STAFF'S RECOMMENDATION
5 AND INCLUDE DIRECTION OF STAFF THAT IF ADDITIONAL MONIES
6 BECOME AVAILABLE AS A RESULT OF OTHER FUNDED ENTITIES
7 DROPPING OUT OR NO LONGER CLAIMING THE MONEY, THAT STAFF
8 LOOK AT MOVING THAT MONEY TO THE KERN COUNTY PROJECT.

9 MR. EGIGIAN: MR. CHAIRMAN, THAT'S NOT HOW I
10 REMEMBER OUR DISCUSSIONS. NOW MAYBE YOUR DISCUSSION IS
11 DIFFERENT THAN MINE. I SAID THAT IF WE WENT AND TOOK
12 THIS MONEY AND GAVE IT TO KERN COUNTY -- AND I'M ONE OF
13 THE ONES THAT ARGUED FOR KERN COUNTY BECAUSE I BELIEVE
14 THAT THEY HAVE A REAL GOOD SITUATION. THEY'RE HANDLING
15 THESE LARGE TRACTOR TIRES THAT NOBODY ELSE CAN HANDLE
16 THOSE. BUT BY THE FACT THAT WE HAVE GONE THROUGH SEVERAL
17 MANEUVERS TO GET TO THE PEOPLE THAT ARE GOING TO GET THIS
18 MONEY, THAT IF KERN COUNTY DOESN'T WANT IT, THEN THE NEXT
19 PERSON ON THE LIST, THE NEXT CITY OR AGENCY ON THE LIST
20 GETS THE MONEY.

21 NOW, IF AT ANOTHER TIME WE GO THROUGH THIS
22 EXERCISE I HOPE THAT STAFF WORKS ON THIS AND I HOPE THAT
23 WE CAN REMIND STAFF THAT THIS IS HOW WE FELT ABOUT THIS,
24 AND THEY'RE ENTITLED TO THE KIND OF MONEY THEY NEED TO DO
25 THEIR JOB. BUT I SAY IF SOMEBODY FALLS OUT, THEN IT
26 SHOULD GO TO THE NEXT PERSON IN LINE, NOT UP TO KERN
27 COUNTY.

28 CHAIRMAN CHESBRO: MOST OF THE ENTITIES ARE

1 BELOW KERN COUNTY, SO THE MONEY WOULD BE GOING UP THE
2 LINE IF OTHERS DROPPED OUT.

3 MR. EGIGIAN: THE LIST THAT I SEEN WAS THE
4 OTHER WAY AROUND.

5 MR. CHANDLER: I THINK WHAT MR. EGIGIAN IS
6 SAYING IF ADDITIONAL MONIES WERE FOUND, THAT IT WOULD GO
7 TO THE NEXT PERSON IN LINE AT THE BOTTOM OF THE LIST
8 WHICH, THERE'S A CUTOFF AND THE LAST PERSON GOT SOME
9 FUNDING LEVEL. AND I DON'T WANT TO SPEAK FOR MR.
10 EGIGIAN, BUT IF THERE WAS ADDITIONAL MONIES FOUND BY
11 SOMEONE BEING UNABLE TO TAKE ON THEIR GRANT, I THINK THE
12 QUESTION BEFORE YOU IS DO YOU WANT THAT REVENUE TO GO TO
13 KERN COUNTY OR DO YOU WANT IT TO GO TO THE NEXT PERSON IN
14 LINE?

15 MR. RELIS: SO IT WOULD BE A TAKE IT OR
16 LEAVE IT.

17 MR. EGIGIAN: YES. AND IF WE FIND ANY MONEY
18 I'D LIKE TO BE IN THAT CLASS. I'LL START LOOKING FOR
19 SOME OF THIS LOST MONEY MYSELF.

20 CHAIRMAN CHESBRO: WE HAVE TWO ALTERNATIVES
21 BEFORE US. WHAT'S THE PLEASURE OF THE BOARD? ARE THEY
22 CLEAR? DO PEOPLE UNDERSTAND THE DIFFERENCE? IF SO WHAT
23 KIND OF MOTION WOULD SOMEBODY LIKE TO MAKE?

24 MR. EGIGIAN: I VOTE THAT WE GIVE THE MONEY,
25 AND IF SOMEBODY FALLS OUT THAT'S ALREADY IN A CATEGORY TO
26 RECEIVE MONEY, THAT IT GOES TO THE NEXT IN LINE.

27 CHAIRMAN CHESBRO: SO IT WOULD GO DOWN TO
28 ONE THAT HASN'T BEEN RECOMMENDED FOR FUNDING YET.

1 MR. EGIGIAN: THAT'S CORRECT.

2 CHAIRMAN CHESBRO: THAT'S THE MOTION.

3 MR. FRAZEE: JUST A QUESTION. IS NOT THE
4 KERN COUNTY ONE THE NEXT ONE IN LINE?

5 CHAIRMAN CHESBRO: THEY'RE WAY UP THE
6 PRIORITY LIST. MY PROPOSAL IS THAT THE MONEY WOULD GO TO
7 BRING THEM UP TO CLOSER TO WHAT THEY HAD ASKED FOR AS
8 OPPOSED TO WHAT SAM IS SUGGESTING WHICH IS TO GO DOWN TO
9 THE NEXT CATEGORY THAT HASN'T BEEN RECOMMENDED FOR
10 FUNDING AT ALL.

11 I'M GOING TO VOTE AGAINST THE MOTION. I
12 THINK KERN COUNTY MADE A GOOD CASE THAT WE OUGHT TO GIVE
13 THEM SOME CONSIDERATION, BUT WE'LL SEE. IS THERE ANY
14 FURTHER DISCUSSION? CAN WE CALL THE QUESTION, PLEASE.

15 (THE ROLL WAS CALLED AND RESPONDED TO AS
16 FOLLOWS: MR. EGIGIAN: AYE.
17 MR. FRAZEE: AYE.
18 MS. GOTCH: NO.
19 MR. RELIS: AYE.
20 CHAIRMAN CHESBRO: NO.)

21 CHAIRMAN CHESBRO: MOTION FAILS. CAN I TRY
22 TO DETERMINE FROM THE AYE VOTES WHETHER THERE'S ANY
23 POSSIBILITY FOR THE OTHER APPROACH? IF NOT WE OUGHT TO
24 JUST PROBABLY APPROVE THE LIST.

25 MR. EGIGIAN: I WOULD RECOMMEND THAT WE DO
26 THAT, APPROVE THE LIST AS IT IS.

27 MR. GORFAIN: MAY I OFFER A RECOMMENDATION
28 THAT YOU LEAVE SOME FLEXIBILITY. BY THE TIME THAT ANY

1 MONEY MAY BECOME AVAILABLE KERN COUNTY MAY HAVE ALREADY
2 FOUND OTHER SOURCES OF FUNDS AND MAY NOT NEED THE MONEY.
3 SO IF MONEY BECOMES AVAILABLE PERHAPS STAFF CAN COME BACK
4 WITH A RECOMMENDATION AT THAT TIME.

5 MR. RELIS: THAT'S MY PROBLEM. I THINK IT'S
6 INDEFINITE.

7 CHAIRMAN CHESBRO: WELL, WON'T WE RUN INTO A
8 END OF THE FISCAL YEAR PROBLEM THOUGH. I MEAN ONE OF THE
9 REASONS FOR GIVING DIRECTION IN ADVANCE AND THE REASON I
10 WAS LEANING TO THAT KIND OF A HYPOTHETICAL WAS THE
11 CONCERN THAT WOULD ALLOW THE STAFF TO TURN THINGS AROUND
12 MORE QUICKLY THAN TO HAVE TO COME BACK TO THE BOARD. SO
13 THAT WAS MY THINKING.

14 MR. EGIGIAN: I THINK WHEN IT COMES TO MONEY
15 IT SHOULD COME TO THE BOARD, MR. CHAIR.

16 CHAIRMAN CHESBRO: SO I TAKE IT THE
17 PREFERENCE IS TO JUST APPROVE THE LIST AND HAVE IT COME
18 BACK TO THE BOARD IF THERE'S ANY ADDITIONAL MONEY. OKAY.
19 I'LL ENTERTAIN A MOTION TO SAY THAT.

20 MR. RELIS: I'LL MAKE THE MOTION.

21 CHAIRMAN CHESBRO: IT'S BEEN MOVED. CALL
22 THE ROLL, PLEASE.

23 (THE ROLL WAS CALLED AND RESPONDED TO AS
24 FOLLOWS: MR. EGIGIAN: AYE.

25 MR. FRAZEE: AYE.

26 MS. GOTCH: AYE.

27 MR. RELIS: AYE.

28 CHAIRMAN CHESBRO: AYE.)

1 CHAIRMAN CHESBRO: MOTION CARRIES. THANK
2 YOU.

3 NOW WE WILL MOVE TO ITEM 73, UNLESS I
4 SKIPPED SOMETHING ELSE, WHICH IS THE FUNDING CONCEPT FOR
5 THE CALIFORNIA RESOURCE RECOVERY ASSOCIATION.

6 MS. MACHT: GOOD AFTERNOON. AGENDA ITEM 73
7 WAS HEARD AT THE APRIL 18TH ADMINISTRATION COMMITTEE.
8 AND IT COMES TO YOU TODAY FOLLOWING A DISCUSSION OF THIS
9 REQUEST WITHOUT FORMAL RECOMMENDATION BY THE COMMITTEE.

10 AS YOU ARE AWARE THE CALIFORNIA RESOURCE
11 RECOVERY ASSOCIATION IS HOLDING ITS 1995 ANNUAL
12 CONFERENCE IN JUNE. THEY EXPECT TO ATTRACT 600 OR MORE
13 ATTENDEES TO THE CONFERENCE FROM A VARIETY OF PLACES
14 INCLUDING LOCAL GOVERNMENT AS WELL AS REPRESENTATIVES OF
15 PRIVATE SECTOR ORGANIZATIONS. C.R.R.A. HAS ASKED THAT
16 THE BOARD DEPART FROM ITS PREVIOUS STANDING PRACTICE OF
17 NOT PROVIDING FUNDS FOR MONETARY COSPONSORSHIP.

18 TO REFRESH YOUR MEMORY THE STAFF RECEIVED
19 DIRECTION A FEW YEARS AGO THAT THE BOARD WOULD BE UNABLE
20 TO FUND DOLLARS FOR COSPONSORSHIPS DUE TO FINANCIAL
21 CONSTRAINTS. MORE RECENTLY HOWEVER C.R.R.A. HAS COME
22 FORWARD WITH A REQUEST AND AS SUCH THIS ITEM IS BROUGHT
23 TO YOU FOR YOUR CONSIDERATION IN THE EVENT THAT YOU WISH
24 TO ENTERTAIN THE RECENT REQUEST.

25 THE ITEM INCLUDES A RANGE OF SERVICES AND
26 BENEFITS THAT THE BOARD WOULD RECEIVE OTHER THAN THE
27 CUSTOMARY COSPONSORSHIP ACKNOWLEDGEMENT. THE OPTIONS ARE
28 THREE. FIRST WOULD BE TO PROVIDE THE MONETARY

1 COSPONSORSHIP AT THE \$20,000 RATE WHICH IS WHAT C.R.R.A.
2 REQUESTED. THE SECOND WOULD BE TO PROVIDE MONETARY
3 COSPONSORSHIP FOR A LESSER AMOUNT OF \$10,000 WHICH WOULD
4 BE CONSISTENT WITH THE AMOUNT THE BOARD GRANTED BACK IN
5 1992. THE THIRD OPTION WOULD BE OF COURSE TO DECLINE THE
6 INVITATION AND PROVIDE DIRECTION TO STAFF.

7 THE STAFF RECOMMENDS THAT IN THE EVENT THE
8 BOARD WISHES TO ENTERTAIN THIS REQUEST THAT OPTION 2 BE
9 RECOMMENDED AND THAT IS THE \$10,000 FUNDING. THAT WOULD
10 PROVIDE A LEVEL OF BENEFITS AND SERVICES THAT IS MORE
11 THAN WE HAVE RECEIVED IN THE PAST. IT WOULD INCLUDE
12 ESSENTIALLY THREE PROGRAM SESSIONS THAT PRIOR TO THIS
13 WERE NOT ENVISIONED. THE FIRST SESSION WOULD FURTHER
14 MARKET DEVELOPMENT GOALS BY HAVING A SESSION TO
15 FAMILIARIZE BANKERS WITH THE OPPORTUNITY TO FINANCE
16 RECYCLING BUSINESSES. THE SECOND WOULD FURTHER THE WASTE
17 PREVENTION GOALS THROUGH A SESSION THAT WOULD RECEIVE
18 INFORMATION AND FEEDBACK FROM LOCAL GOVERNMENTS ON THE
19 BOARD'S WASTE PREVENTION EDUCATION PARTNERSHIP PROGRAM.
20 AND THE THIRD WOULD FURTHER AB939 IMPLEMENTATION BY
21 HAVING A SESSION FOR LOCAL S.R.R.A. COORDINATORS TO
22 DISCUSS ISSUES RELATED TO AB939 PLAN IMPLEMENTATION.

23 BESIDES THESE SESSIONS THE COSPONSORSHIP
24 WOULD ALSO PROVIDE FOR A FREE LARGE BOOTH THAT WOULD BE A
25 WAY IN WHICH WE CAN COULD PROVIDE INFORMATION ON A
26 VARIETY OF BOARD PROGRAMS. THAT WOULD BE A VALUE OF
27 ABOUT \$1700. IT WOULD ALSO INCLUDE 20 FREE REGISTRATIONS
28 WHICH WOULD BE VALUED SOMEWHERE IN THE NEIGHBORHOOD OF

1 \$1500. AND OF COURSE IT WOULD ALSO INCLUDE THE
2 APPROPRIATE RECOGNITION OF THE BOARD AS A PROGRAM
3 COSPONSOR. FUNDING THESE WOULD BE MET THROUGH EXISTING
4 CONTRACTS THAT THE BOARD HAS FOR R-TEAM FUNDS AND ALSO
5 FROM THE FUNDS PROVIDED UNDER THE WASTE PREVENTION
6 EDUCATION PARTNERSHIP. THAT CONCLUDES MY REPORT. I'D BE
7 HAPPY TO ANSWER ANY QUESTIONS.

8 MS. GOTCH: I DO HAVE A QUESTION. I GUESS
9 I'VE HEARD CONFLICTING REPORTS ON WHETHER THE BOARD
10 ACTUALLY HAS EVER DEVELOPED A PLATFORM ON THIS.

11 MS. MACHT: A POLICY.

12 MS. GOTCH: POLICY, YES. THANK YOU.

13 MS. MACHT: IN THE STAFF REPORT WE'VE
14 REFERRED TO THIS AS A POLICY. BUT TO BE ABSOLUTELY
15 CRYSTAL CLEAR THE BOARD NEVER ACTED FORMALLY TO CREATE A
16 WRITTEN POLICY.

17 MS. GOTCH: THANK YOU.

18 MR. EGIGIAN: I'D LIKE TO CORRECT THAT, MR.
19 CHAIRMAN. WE DID HAVE A POLICY AND IT WAS UNDERSTOOD.
20 IT MAY NOT HAVE BEEN WRITTEN DOWN, BUT WE --

21 MS. MACHT: YES.

22 MR. EGIGIAN: YOU AGREE WITH THAT?

23 MR. CHANDLER: LET ME JUST SEE IF I CAN
24 HELP. WE DID GET DIRECTION FROM THE BOARD THAT YOU DID
25 NOT WANT TO SEE CONTRACT CONCEPTS THAT ENTERTAINED
26 COSPONSORSHIPS AS IT RELATED TO C.R.R.C., C.R.R.A., AND
27 ANY OF THE OTHER HOSTS THAT THERE WERE RELATIVE TO
28 ASSOCIATIONS THAT APPROACHED US IN THIS AREA. SO WE DID

1 GET DIRECTION FROM THE BOARD. I THINK WHAT PAT IS TRYING
2 TO REFER TO IS THAT WE DIDN'T THEN DEVELOP IT AS A
3 WRITTEN POLICY AND BRING IT TO YOU AS A VOTE. YOU HAD
4 GIVEN US DIRECTION. AND THAT HAS BEEN OUR PAST PRACTICE
5 ON HOW WE APPROACHED THE ALLOCATION OF CONTRACT DOLLARS
6 WHENEVER WE GO THROUGH THAT ANNUAL PROCESS OF ALLOCATING
7 FUNDING.

8 CHAIRMAN CHESBRO: I THOUGHT I'D POINT OUT
9 THERE'S TWO AND MAY SOON BE THREE NEW MEMBERS OF THIS
10 BOARD, AND THAT EVERY YEAR IS A NEW YEAR, EVERY BUDGETARY
11 SITUATION IS DIFFERENT. AND THE BOARD CAN MAKE DECISIONS
12 ABOUT ALLOCATIONS, WHICH IT DID, BUT THAT DOESN'T TELL A
13 FUTURE BOARD THAT IT CAN'T MAKE A DECISION TO FUND A
14 CONFERENCE. I THINK THAT'S ENTIRELY THE PREROGATIVE OF
15 THE BOARD TO DECIDE WHAT ITS PRIORITIES ARE, AND
16 PREVIOUS DECISIONS ABOUT IN PARTICULAR BUDGET SITUATIONS
17 DOESN'T BIND IT AT THAT TIME.

18 MR. EGIGIAN: BUT THIS BOARD NEVER DID THAT.
19 WE NEVER CAME UP WITH A DIFFERENT ATTITUDE ON FUNDING
20 THESE ORGANIZATIONS.

21 CHAIRMAN CHESBRO: BUT WE HAVE THAT BEFORE
22 US TODAY. WE HAVE THE PROPOSAL.

23 MR. EGIGIAN: ARE YOU THROUGH WITH YOUR
24 REPORT?

25 MR. CHAIRMAN, CAN I SPEAK ON THE SUBJECT?

26 CHAIRMAN CHESBRO: GO AHEAD.

27 MR. EGIGIAN: I THINK THAT BOARD MEMBERS
28 SHOULD BE AWARE THAT THIS ITEM IS BEFORE US WITHOUT

1 RECOMMENDATION FROM THE ADMINISTRATION COMMITTEE BECAUSE
2 I VOTED TO OPPOSE IT, AND THERE WAS ONLY TWO OF US ON THE
3 COMMITTEE. I BELIEVE THAT THIS ITEM IS INAPPROPRIATELY
4 BEFORE US. WE GAVE DIRECTION TO THE STAFF NOT TO FUND
5 COSPONSORSHIPS. HOW CAN WE TAKE UP A COSPONSORSHIP WITH
6 THE C.R.R.A. WITHOUT CHANGING THAT DIRECTION AND
7 CONSIDERING PROPOSALS FROM A VARIETY OF ORGANIZATIONS?
8 IF WE TAKE ACTION TO FUND THIS PARTICULAR ORGANIZATION,
9 WE ARE SETTING A BAD PRECEDENT BY SHOWING FAVORITISM TO
10 ONE GROUP. I'VE HEARD OTHER GROUPS ARE CONSIDERING
11 ASKING US FOR FUNDS. HOW CAN WE TURN OTHERS DOWN? THE
12 BOARD SHOULD BE CONSISTENT, RELIABLE, AND FAIR. IF WE
13 ACT TO FUND THIS ORGANIZATION WE UNDERMINE THE CONFIDENCE
14 IN THE FAIRNESS OF OUR PROCESS.

15 I BELIEVE THAT FUNDING THIS PARTICULAR
16 ORGANIZATION IS WRONG. IF THERE ARE SERVICES WE NEED TO
17 PURCHASE, THEN WE SHOULD USE THE COMPETITIVE BID PROCESS
18 TO PURCHASE THOSE SERVICES AND NOT SUBVERT THE
19 COMPETITIVE PROCESS BY DIRECTING EXISTING CONTRACTORS TO
20 FUND THE C.R.R.A. AS A WASTE INDUSTRY REPRESENTATIVE ON
21 THE BOARD I HAVE PROBLEMS FUNDING A GROUP THAT HAS TAKEN
22 AN ADVOCACY POSITION OPPOSED TO THE INTERESTS OF THE
23 INDUSTRY. I DON'T BELIEVE THAT WE SHOULD BE FUNDING
24 ADVOCACY ORGANIZATIONS AND SUCH GROUPS SHOULD BE FUNDED
25 BY THEIR MEMBERS. THE CONFERENCE IS MORE THAN
26 SELF-SUPPORTING. IT IS USED TO FUND OTHER ORGANIZATIONAL
27 PROGRAMS. OUR FUNDS SHOULD NOT BE USED FOR THAT
28 PURPOSE.

1 I'VE ASKED THE STAFF TO DETERMINE HOW MANY
2 MEMBERSHIPS WE NOW PURCHASE FOR THE BOARD STAFF. AND I
3 UNDERSTAND THAT 36 OF OUR STAFF THE BOARD PAYS FOR
4 MEMBERSHIP TO THE C.R.R.A. OKAY. NOW, THAT RUNS A
5 LITTLE UNDER \$3,000. PLUS THE FACT THAT THE CONFERENCE
6 MAKES A PROFIT OF ABOUT \$35,000 TO SUPPORT THEIR STAFF
7 AND OTHER POLITICAL SITUATIONS. NOW, IF I WAS THE
8 INTERNAL REVENUE I WOULD BE LOOKING AT C.R.R.A. TO SEE
9 WHETHER THEY'RE ACTUALLY A NONPROFIT ORGANIZATION.

10 AND BEING THAT I SIT IN THE SEAT PROVIDED
11 FOR THE WASTE INDUSTRY, I CANNOT SEE HOW WE CAN GIVE
12 MONEY THROUGH THIS BOARD TO THAT CONFERENCE THAT
13 OFTENTIMES GOES AGAINST THE WASTE INDUSTRY. THEY DID IT
14 ON 450, AND THEY DID IT ON OTHER SITUATIONS, LIKE FLOW
15 CONTROL. AND THEY'RE A POLITICAL ORGANIZATION. AND I
16 PARTICULARLY CANNOT SEE THIS BOARD FUNDING THAT GROUP
17 WITHOUT FUNDING ALL THE OTHERS THAT COME BEFORE US.
18 THAT'S ALL I HAVE TO SAY, MR. CHAIRMAN.

19 CHAIRMAN CHESBRO: WELL, I WOULD POINT OUT
20 THAT WE HAVE FUNDED EDUCATION PROGRAMS OF THE CALIFORNIA
21 CITIES AND CALIFORNIA SUPERVISORS ASSOCIATION WHO HAVE
22 SUPPORTED FLOW CONTROL. SO I DON'T THINK WE HAVE CHOSEN
23 EDUCATIONAL FUNCTIONS ON THE BASIS OF POSITIONS THAT
24 GROUPS HAVE TAKEN. IT'S BEEN ON THE BASIS OF WHAT
25 PROGRAM OR SERVICE THEY CAN PROVIDE TO THE BOARD FOR THE
26 DOLLARS.

27 MR. EGIGIAN: I ALSO RECEIVED A LETTER FROM
28 KELLY SMITH FROM THAT ORGANIZATION. WE HAVE HEARD THAT

1 THE CHAIRMAN AND THE VICE CHAIR AND THE SECRETARY HAVE
2 QUIT BECAUSE THERE ARE IRREGULARITIES GOING ON IN THAT
3 BOARD, IN THAT ORGANIZATION. I HEAR THAT ANOTHER GROUP
4 HAS BROKEN OFF AND THEY'RE GOING TO MEET IN OUR BOARD
5 ROOM WITHIN A VERY SHORT PERIOD OF TIME TO GET THAT OTHER
6 ORGANIZATION GOING. SO INASMUCH AS THERE'S A LOT OF
7 INCONSISTENCIES, I'M NOT FOR GIVING THEM ANYTHING.

8 NOW IF WE WANT TO PUT OUT A CONTRACT THAT
9 PEOPLE CAN BID ON FOR INFORMATION THAT WE'RE LOOKING FOR,
10 I HAVE NO OBJECTION. LET THE LOW BIDDER GET IT, AND
11 LET'S GO AHEAD WITH IT. BUT THIS IN MY WAY OF THINKING
12 IS THE WRONG THING BECAUSE THE TIPPING FEES FROM THE
13 WASTE INDUSTRY SUPPORT THIS BOARD, AND THIS BOARD SHOULD
14 NOT GIVE THAT MONEY TO ORGANIZATIONS TRYING TO DEFEAT THE
15 WASTE INDUSTRIES' PURPOSES.

16 CHAIRMAN CHESBRO: MR. RELIS.

17 MR. RELIS: WELL, JUST WITH ALL RESPECT TO
18 MY COLLEAGUE, MR. EGIGIAN, I THINK THAT MY REASON FOR
19 SUPPORTING THIS IS REGARDING THE OPPORTUNITY IT PRESENTS
20 FOR THE BOARD ON A ONCE-A-YEAR BASIS. AND I'VE LONG BEEN
21 A BELIEVER THAT A LARGE CONFERENCE WITH PROGRAMS LIKE
22 THIS ARE ONE OF OUR ABSOLUTELY BEST OUTREACH
23 OPPORTUNITIES. AND I KNOW THAT THE DEPARTMENT OF
24 CONSERVATION SEES IT THAT WAY AS WELL, AND WE ARE TRYING
25 TO COOPERATE AND COORDINATE WORK WITH THEM. SO I'LL
26 SUPPORT IT.

27 CHAIRMAN CHESBRO: THANK YOU. MR. FRAZEE.

28 MR. FRAZEE: MR. CHAIRMAN, BOARD MEMBERS

1 WILL REMEMBER THAT I DID NOT VOTE FOR THIS AT THE
2 PREVIOUS TIME IT WAS BEFORE US BECAUSE, FIRST OF ALL,
3 BECAUSE IT WAS VERY NEW TO ME. I DID NOT KNOW WHAT
4 PRECEDENT HAD BEEN ESTABLISHED, WHERE OUR PROCEDURES WERE
5 FOR FUNDING ORGANIZATIONS OF THIS TYPE. AND I RAISED
6 SOME CONCERNS AT THAT TIME ABOUT THE WHOLE ISSUE INVOLVED
7 AROUND THAT VERY NARROW LINE BETWEEN GIFT OF PUBLIC FUNDS
8 AND PERFORMING SOMETHING THAT SERVES AS A GOVERNMENTAL
9 PURPOSE FOR THIS BOARD TO BE ENGAGED IN.

10 I ASKED FOR MORE INFORMATION. I HAD AN
11 OPPORTUNITY TO MEET WITH REPRESENTATIVES OF C.R.R.A., AND
12 I SUGGESTED AT THAT TIME TO THEM AND TO THE STAFF THAT I
13 COULD ONLY SUPPORT SOMETHING OF THIS NATURE IF IT
14 FURTHERED OUR LEGISLATIVE MANDATE IN THE FORM OF,
15 OBVIOUSLY, THE BIG ROLE WOULD BE THE EDUCATIONAL PROCESS.
16 AND I DON'T REALLY SEE THAT AT THIS POINT IN LOOKING AT
17 ALTERNATIVE NO. 2 HERE. I'M STILL UNCOMFORTABLE WITH THE
18 FINANCING OF THREE PROGRAM SESSIONS WITHOUT THERE BEING
19 SOME FORMALIZED DOCUMENTS THAT TELL US WHAT REALLY IS
20 GOING ON WITH THOSE.

21 I THINK IT IS APPROPRIATE THAT THE BOARD
22 PARTICIPATE, THAT MEMBERS ATTEND AND PARTICIPATE IN
23 FUNCTIONS, THAT A BOOTH BE PROVIDED. THOSE ARE
24 LEGITIMATE THINGS I THINK FOR OUR EDUCATIONAL OUTREACH.
25 BUT I HAVE TROUBLE STILL WITH SOME OF THE OPEN-ENDED
26 OPTIONS THAT ARE HERE FOR US. AND ALONG WITH THAT
27 CONCERN THAT MEMBER EGIGIAN RAISED ABOUT THE FACT THAT IT
28 HAS BEEN POINTED OUT TO ME THAT THERE IS A SURPLUS

1 GENERATED FROM THIS MEETING THAT MAY OR MAY NOT FIND ITS
2 WAY BACK INTO LOBBYING ACTIVITIES, EITHER BEFORE THIS
3 BOARD OR BEFORE THE LEGISLATURE. AND THAT CAUSES ME SOME
4 CONCERN ABOUT THE USE OF PUBLIC FUNDS BEING FUNNELED IN
5 THAT DIRECTION. SO I CANNOT SUPPORT THE PROPOSAL AS IT'S
6 PRESENTED IN EITHER OPTION THAT WE HAVE HERE.

7 CHAIRMAN CHESBRO: MS. GOTCH.

8 MS. GOTCH: MR. CHAIR, DO WE HAVE A
9 REPRESENTATIVE FROM C.R.R.A. HERE TO ANSWER SOME OF
10 THESE?

11 CHAIRMAN CHESBRO: I DON'T BELIEVE SO. I DO
12 WANT TO MAKE A COUPLE OF ADDITIONAL COMMENTS. ONE OF
13 THEM IS THAT I SPOKE WITH THE FORMER PRESIDENT OF
14 C.R.R.A. YESTERDAY AT THE ZONE ADMINISTRATORS CONFERENCE.
15 HE'S ONE OF OUR ZONE ADMINISTRATORS. AND HE INDICATED TO
16 ME THAT HE DID NOT OBJECT, IN SPITE OF THE REASONS WHY HE
17 LEFT THE PRESIDENCY OF C.R.R.A., HE DID NOT OBJECT TO THE
18 BOARD FUNDING THIS PROJECT. THE OTHER THING IS THAT
19 BEFORE I WAS ON THIS BOARD I ORGANIZED A C.R.R.A.
20 CONFERENCE THAT WAS HELD IN ARCADIA IN 1989, AND THAT
21 CONFERENCE DIDN'T MAKE ANY MONEY. SO IT HAS VARIED FROM
22 YEAR TO YEAR. I DON'T THINK THAT A STATEMENT ABOUT FLAT
23 OUT WHETHER IT'S A SURPLUS AT THE END OF THE CONFERENCE,
24 I THINK IT HAS SOME YEARS AND IT HAS NOT OTHER YEARS.

25 IN ANY CASE, I'VE BEEN ASSURED THAT IT'S A
26 VERY SMALL, INSIGNIFICANT PORTION OF THEIR BUDGET THAT IS
27 USED FOR LOBBYING ANYWAY. THEY DO NOT HAVE A FULL-TIME
28 PAID LOBBYIST. IT'S A GRASS ROOTS ORGANIZATION. THE

1 MEMBERS OF C.R.R.A., SOME OF WHOM AGREE WITH THE
2 POSITION, AND MANY OF WHOM DO NOT. THERE'S BEEN A
3 RIP-ROARING DEBATE ON EXCLUSIVE FRANCHISING AND FLOW
4 CONTROL WITHIN C.R.R.A. JUST AS THERE HAS BEEN WITHIN
5 MANY OTHER ORGANIZATIONS. AND IT'S BEEN A VERY DIVISIVE
6 ISSUE.

7 SO AGAIN, I THINK WE'VE FOCUSED ON THE WRONG
8 THINGS. I THINK WE'VE FOCUSED ON THE POLITICAL ASPECTS
9 OF THIS RATHER THAN THE EDUCATIONAL ASPECTS. AND THE
10 FACT IS THAT THE MEMBERS OF C.R.R.A. ARE THE PEOPLE WHO
11 ARE OUT AROUND THE STATE HELPING TO IMPLEMENT 939
12 PROGRAMS, AND THIS CONFERENCE IS A VEHICLE FOR US TO HELP
13 GET OUR INFORMATION AND TRAINING OUT. AND I THINK WE'RE
14 MISSING AN OPPORTUNITY IF WE DON'T FUND IT.

15 SO, ANY MOTIONS?

16 MS. GOTCH: I'LL MOVE THAT WE APPROVE STAFF
17 RECOMMENDATION TO RECOMMEND OPTION 2 BE ACCEPTED.

18 CHAIRMAN CHESBRO: IT'S BEEN MOVED. ANY
19 FURTHER DISCUSSION? HAVE A CALL OF THE ROLL, PLEASE.

20 (THE ROLL WAS CALLED AND RESPONDED TO AS
21 FOLLOWS: MR. EGIGIAN: NO.

22 MR. FRAZEE: NO.

23 MS. GOTCH: AYE.

24 MR. RELIS: AYE.

25 CHAIRMAN CHESBRO: AYE.)

26 CHAIRMAN CHESBRO: MOTION FAILS THREE TO
27 TWO.

28 AND WE WILL MOVE ON TO THE LAST BUT NOT

1 LEAST ISSUE OF THE DAY, ITEM 87.

2 MR. FRAZEE: IS THERE AN ADDITIONAL MOTION
3 IN ORDER?

4 CHAIRMAN CHESBRO: OH, YES. I'M SORRY.

5 MR. FRAZEE: LET ME BEFORE MAKING A MOTION
6 JUST SUGGEST THAT, MAYBE WE'VE ALREADY COVERED IT, THE
7 FACT THAT WE WILL BE PARTICIPATING IN THIS. AND I WOULD
8 BE WILLING TO OFFER SOME PARTICIPATION IF IT DOES NOT
9 INVOLVE DIRECT PAYMENTS TO THE ORGANIZATION. WELL, THE
10 PROVISIONS, THE SECOND HALF OF ITEM 2 THAT INVOLVES
11 REGISTRATION AND SETTING UP BOOTHS AND THAT TYPE OF
12 PARTICIPATION, AS LONG AS THAT PARTICIPATION IS LIMITED
13 TO THE EXPENSE OF THIS BOARD'S PARTICIPATION AND THAT NO
14 DIRECT PAYMENTS ARE MADE TO THE ORGANIZATION.

15 CHAIRMAN CHESBRO: IS THAT A MOTION?

16 MR. FRAZEE: THAT'S A MOTION.

17 CHAIRMAN CHESBRO: WE HAVE A MOTION. ANY
18 FURTHER DISCUSSION ON THAT MOTION, ANY QUESTIONS? CAN WE
19 CALL THE ROLL.

20 (THE ROLL WAS CALLED AND RESPONDED TO AS

21 FOLLOWS: MR. EGIGIAN: NO.

22 MR. FRAZEE: AYE.

23 MS. GOTCH: AYE.

24 MR. RELIS: AYE.

25 CHAIRMAN CHESBRO: AYE.)

26 CHAIRMAN CHESBRO: MOTION CARRIES. OKAY.

27 THAT TAKES US NOW TO ITEM 87 WHICH IS THE, I'M NOT QUITE
28 SURE HOW TO DESCRIBE IT, IS IT THE UPDATING OF THE WEST

1 COVINA PERMIT OR THE DECERTIFICATION, COMMITTEE
2 RECOMMENDATION FOR DECERTIFICATION.

3 MR. CHANDLER: MR. CHESBRO, MEMBERS, MAYBE I
4 COULD GIVE A FEW INTRODUCTORY REMARKS ON THIS ITEM NO. 87
5 ON YOUR AGENDA, DISCUSSION AND CONSIDERATION OF COMMITTEE
6 ACTIONS ON THE PROGRESS OF THE LOCAL ENFORCEMENT AGENCY
7 FOR THE CITY OF WEST COVINA TOWARDS DEVELOPING A PROCESS
8 TO UPDATE THE SOLID WASTE FACILITY PERMIT FOR THE B.K.K.
9 LANDFILL. YOU HAVE A COMMITTEE ACTION OR MOTION BEFORE
10 YOU, BUT PERHAPS BEFORE WE TAKE THAT UP AS WAY OF
11 BACKGROUND I'LL JUST SAY A COUPLE OF ITEMS OR ISSUES
12 FIRST.

13 THIS BOARD, ITS PERMITTING AND ENFORCEMENT
14 COMMITTEE AND OF COURSE STAFF HAVE BEEN INVOLVED IN
15 LENGTHY MEETINGS WITH THE OPERATOR AND THE CITY OF WEST
16 COVINA. I THINK YOU'RE ALL PRETTY FAMILIAR WITH THE
17 ISSUES. THEY WERE VERY WELL DISCUSSED AT THE LAST
18 COMMITTEE MEETING. THE L.E.A. IS HERE TODAY AND WILL BE
19 AVAILABLE TO MAKE A PRESENTATION ON THE WORK PLAN IF IT'S
20 THE BOARD'S DESIRE TO GO INTO DETAIL OF THE WORK PLAN.
21 IT HAS BEEN FILED. YOU RECALL THAT WE HAD MADE SOME
22 PROGRESS ON THE BASE LINE ISSUES, NOT ALL OF WHICH HAVE
23 BEEN FULLY INITIALLY AGREED TO. WE'VE MADE SOME PROGRESS
24 ON THE STEP OUTS OR WHAT WE CALL NORTH AND WEST. WE'VE
25 MADE SOME PROGRESS ON THE LITIGATION THAT IS MORE LAND
26 USE RELATED AND SOMEWHAT PERMIT RELATED AS FAR AS PUTTING
27 THOSE IN ABEYANCE OR LOOKING AT SOME TEMPORARY ABEYANCE
28 OF THOSE ISSUES, NOT ON ALL LITIGATION BUT SOME.

1 AND AS THE P AND E COMMITTEE OF EARLIER THIS
2 MONTH REALLY FOCUSED ON, THE REMAINING OUTSTANDING ISSUE
3 SEEMS TO BE OVER THE CERTIFICATION PROCESS THAT WILL BE
4 FOLLOWED FOR THE ENVIRONMENTAL IMPACT REPORT, AND YOU
5 HEARD QUITE A BIT OF DISCUSSION FROM BOTH PARTIES. I'M
6 NOT PARTICULARLY ADVOCATING THAT WE NEED TO GO THROUGH
7 THAT PROCESS AGAIN. BUT I WILL LEAVE IT UP TO THE
8 CHAIRMAN AND BOARD MEMBERS TO SEEK WHATEVER LEVEL OF
9 DETAIL YOU WANT TO SEEK FROM BOTH PARTIES AGAIN TODAY ON
10 THOSE ISSUES OF BASE LINE, STEP OUTS, LITIGATION, AND THE
11 ENVIRONMENTAL REVIEW PROCESS. I KNOW THAT BOTH PARTIES
12 ARE PREPARED. I THINK THEY'RE ALSO LOOKING FOR SOME
13 DIRECTION AT THIS POINT. AND STAFF'S DIRECTION IS THAT
14 WE'VE CLEARLY SEEN SOME PROGRESS ON THE WORK PLAN, BUT WE
15 STILL HAVE SOME DOUBTS OVER THE REASONABLE LIKELIHOOD OF
16 SUCCESS OF GETTING THE DOCUMENT COMPLETED TIMELY RELATIVE
17 TO THE OUTSTANDING ISSUE OF WHO CERTIFIES THE DOCUMENT.

18 I'LL REMIND THE BOARD THAT YOU HAVE A
19 COMMITTEE MOTION OR ACTION BEFORE YOU. AND I KNOW THAT
20 THERE'S A NUMBER OF PEOPLE FROM THE AUDIENCE AND FROM
21 BOTH THE CITY AND THE OPERATOR WHO CARE TO SPEAK, SO
22 PERHAPS YOU WANT TO CONSIDER WHAT PROCESS YOU WOULD LIKE
23 TO FOLLOW BEFORE TAKING UP ANY PARTICULAR MOTION OR
24 ACTION.

25 CHAIRMAN CHESBRO: WELL, I THINK CONSIDERING
26 THE SIGNIFICANCE OF THE POSSIBLE ACTIONS, INCLUDING THE
27 COMMITTEE'S RECOMMENDATION, IT'S IMPORTANT FOR US TO HAVE
28 AN OPEN PROCESS HERE AND ALLOW THE PARTIES TO ADDRESS THE

1 BOARD. WE DO HAVE SPEAKING REQUESTS FROM THE CITY, THE
2 L.E.A., THE PERMIT HOLDER, AND VARIOUS OTHER MEMBERS OF
3 THE PUBLIC. AND I THINK WE NEED TO GIVE THEM THE
4 OPPORTUNITY TO SPEAK.

5 MR. CHANDLER: MR. CHESBRO, I WOULD REMIND
6 YOU THAT TYPICALLY WE HEAR FROM THE L.E.A. FIRST. AND
7 THE L.E.A., MR. STEVE SAMANIEGO, DID ASK OF ME IF IT
8 WOULD BE PERMISSIBLE TO HAVE, I BELIEVE IT WAS AN ELECTED
9 OFFICIAL OR CITY COUNCIL MEMBER, IS THAT CORRECT, STEVE,
10 AND MR. STARBIRD.

11 CHAIRMAN CHESBRO: THAT WAS MY INTENT,
12 BEING AN ELECTED OFFICIAL, I WOULD CALL THE ELECTED
13 OFFICIALS FIRST. EVEN THOUGH HERE COMES THE CITY
14 MANAGER. I WAS GOING TO CALL THE MAYOR FIRST. BUT I'LL
15 GIVE YOU THE MICROPHONE.

16 MR. STARBIRD: IF I CAN, MR. CHAIRMAN, LET
17 ME INTRODUCE OUR ELECTED OFFICIALS HERE TODAY. AND THANK
18 YOU AGAIN, BOARD MEMBERS, FOR GIVING US THE OPPORTUNITY
19 TO ADDRESS YOU ON THIS ISSUE. I HAVE THREE MEMBERS OF
20 THE CITY COUNCIL HERE WITH ME TODAY WHO I DON'T THINK
21 YOU'VE HAD AN OPPORTUNITY TO MEET. OUR MAYOR, STEVE
22 HERFERT, IS IN THE AUDIENCE. VICE MAYOR MIKE TOOWEY,
23 MIKE IS THE NEWEST MEMBER OF OUR CITY COUNCIL. AND
24 COUNCIL MEMBER BEN WONG IS WITH US.

25 MAYOR HERFERT WOULD LIKE JUST A FEW MINUTES
26 TO SHARE WITH YOU HIS COMMENTS ON THE CERTIFICATION AND
27 THE WORK PLAN ISSUES. STEVE.

28 MR. HERFERT: THANK YOU. GOOD AFTERNOON,

1 CHAIRMAN AND MEMBERS OF THE BOARD. I WOULD LIKE TO START
2 OFF WITH A LITTLE DESCRIPTION OF WEST COVINA. I DON'T
3 KNOW IF YOU'VE ALL VISITED OUR CITY, BUT WE'RE
4 APPROXIMATELY A CITY OF 100,000 RESIDENTS. WE'RE
5 CONSIDERED A NEIGHBORHOOD COMMUNITY. A COUPLE OF OUR
6 MOTTOS OR SLOGANS ARE THE CITY OF BEAUTIFUL HOMES, WE'RE
7 THE HEADQUARTERS CITY OF THE SAN GABRIEL VALLEY. WE
8 CONSIDER OURSELVES A LEADER AS FAR AS CITIES GO IN THE
9 SAN GABRIEL VALLEY. WE HAVE A REGIONAL MALL IN THE CITY.
10 WE HAVE BEAUTIFUL PARKS. AS YOU CAN SEE BY THE COUNCIL
11 THAT'S REPRESENTED TODAY AND COUPLE OTHERS, OR AT LEAST
12 ONE OF OUR OTHER COUNCIL MEMBERS, OUR LEADERSHIP IS
13 YOUNG. WE HAVE YOUNG KIDS. WE ALL COME FROM FAMILIES
14 THAT BASICALLY HAVE CHILDREN UNDER THE AGE OF 12. AND WE
15 HAVE A FORWARD APPROACH TO GOVERNMENT. WE ARE SENSITIVE
16 TO MANY OF THE CONCERNS THAT GOVERNMENT FACES TODAY.

17 WHEN I WAS INSTALLED LAST TUESDAY AS MAYOR I
18 PROPOSED A PROGRAM IN THE CITY OF WEST COVINA CALLED THE
19 YES PROGRAM WHICH WILL FOCUS THIS YEAR ON THREE AREAS,
20 YOUTH, ENVIRONMENT, AND SERVICE. AND OBVIOUSLY TODAY
21 WE'RE TALKING ABOUT AN ENVIRONMENTAL ISSUE. I HAVE A
22 PREPARED STATEMENT I WOULD LIKE TO READ TO YOU.

23 I'M HERE TODAY TO INFORM THE BOARD THAT THE
24 CERTIFICATION OF THE WEST COVINA LOCAL ENFORCEMENT AGENCY
25 IS A VERY SERIOUS MATTER TO THE CITY OF WEST COVINA. THE
26 STATE LEGISLATURE CREATED LOCAL ENFORCEMENT AGENCIES TO
27 PROVIDE FOR LOCAL INPUT AND CONTROL ON SOLID WASTE
28 ISSUES. THIS BOARD SHOULD BE ACTIVELY SUPPORTING THOSE

1 L.E.A.'S WHO ARE AGGRESSIVELY DOING THEIR JOBS.
2 DECERTIFYING GOOD L.E.A.'S VIOLATES THE PURPOSE AND
3 INTENT OF THE L.E.A. LEGISLATION. NO ONE HAS SAID THAT
4 THE WEST COVINA L.E.A. ISN'T A GOOD L.E.A. THE ONLY
5 CRITICISM HAS BEEN THAT DESPITE THE GOOD EFFORTS BY OUR
6 L.E.A. THE PERMIT FOR THE B.K.K. SOLID WASTE FACILITY OR
7 LANDFILL HAS NOT BEEN UPDATED. THAT SPEAKS VOLUMES ABOUT
8 B.K.K. AND ITS DELAYING TACTICS, BUT IS NO JUSTIFICATION
9 FOR DECERTIFICATION. THE LEGISLATURE BELIEVES THAT LOCAL
10 CONTROL IS IMPORTANT AND THAT THIS BOARD SHOULD HONOR
11 THAT MANDATE.

12 THE WEST COVINA CITY COUNCIL REPRESENTS
13 100,000 REAL RESIDENTS WITH VERY REAL CONCERNS. RIGHT
14 NOW OUR RESIDENTS ARE CONCERNED THAT THE STATE WANTS TO
15 TAKE AWAY OUR LOCAL CONTROL TO SACRAMENTO. THE RESIDENTS
16 ARE ALSO CONCERNED THAT THERE IS A LARGE LANDFILL IN OUR
17 CITY OPERATING UNDER AN OUTDATED PERMIT WHICH HAS NEVER
18 UNDERGONE ANY CEQA ENVIRONMENTAL REVIEW. THIS LANDFILL
19 IS THE THIRD LARGEST LANDFILL IN THE NATION, SECOND
20 BEHIND ONE IN NEW YORK, ACTUALLY THE ONE IN NEW YORK IS
21 THE TOP ONE AND POINTY HILLS IS THE SECOND ONE. WEST
22 COVINA IS COMMITTED TO SEEING THAT THE B.K.K. PERMIT GET
23 UPDATED AND A CEQA REVIEW IS PERFORMED. THE PERMIT
24 UPDATE SHOULD BE DONE BY THE LOCAL L.E.A. IN COOPERATION
25 WITH THIS BOARD AS THE LEGISLATURE INTENDED.

26 THE RESIDENTS OF WEST COVINA AND THE CITY
27 COUNCIL FIRMLY BELIEVE THAT THE DECERTIFICATION OF OUR
28 L.E.A. IS NOT JUSTIFIED AND WOULD BE A BLOW TO LOCAL

1 CONTROL. WE HAVE THE SUPPORT OF NUMEROUS ORGANIZATIONS,
2 THE LEAGUE OF CALIFORNIA CITIES, OUR U.S. CONGRESSMAN
3 DAVID DRYER, OUR STATE REPRESENTATIVES ASSEMBLYMAN PAUL
4 HORCHER, SENATOR RICHARD MOUNTJOY. WE HAVE THE SUPPORT
5 OF ALL THE CITIES IN THE SAN GABRIEL VALLEY, THE SAN
6 GABRIEL COUNCIL OF GOVERNMENTS, NUMEROUS ENVIRONMENTAL
7 AGENCIES, THE LASER ORGANIZATION, THE NATIONAL RESOURCES
8 DEFENSE COUNCIL, AND LOCAL ENVIRONMENTAL GROUPS WITHIN
9 OUR REGION.

10 WEST COVINA REQUESTS THAT THIS BOARD REJECT
11 DECERTIFICATION, ADOPT THE L.E.A.'S WORK PLAN, AND WORK
12 WITH OUR L.E.A. TO UPDATE THE B.K.K. PERMIT AND COMPLETE
13 THE CEQA ENVIRONMENTAL REVIEW PROCESS. SUCH A DECISION
14 WOULD COMPLY WITH THE INTENT OF STATE LAW WHICH WOULD
15 PRESERVE LOCAL CONTROL AND PROVIDE THE BEST PROTECTION
16 FOR THE PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT.

17 WITH REGARDS TO THE PROCESS THAT WE'VE GONE
18 THROUGH IN THE LAST TWO MONTHS, THE COUNCIL HAS BEEN
19 UPDATED AS TO THE VARIOUS MEETINGS. AND I WANT TO SAY
20 FROM OUR PERSPECTIVE WE BASICALLY GAVE THE L.E.A.
21 WHATEVER RESOURCES HE NEEDED TO NEGOTIATE OR TO DISCUSS
22 THE MATTER. WE FELT PROGRESS WAS MADE ON ALL THE ISSUES.
23 WE WERE VERY RESPONSIVE. WE ATTENDED ALL THE MEETINGS.
24 WE WEREN'T CALLING IN ON PHONE CALLS. WE FELT OUR PEOPLE
25 WERE THERE, AND I THINK THAT THE STAFF COULD SUBSTANTIATE
26 THE FACT THAT WE WERE VERY RESPONSIVE I THINK TO THE
27 BOARD'S DIRECTION.

28 THE ISSUE OF FEDERAL AND STATE CONTROL IS

1 OBVIOUSLY A BIG ISSUE IN THE UNITED STATES. SIMILARLY
2 THE ISSUE OF STATE CONTROL VERSUS LOCAL CONTROL IS A BIG
3 ISSUE. THE B.K.K. LANDFILL HAS BEEN IN OUR CITY SINCE
4 1960. OBVIOUSLY, IT'S CREATED A LOT OF TENSION OVER THE
5 YEARS. ENVIRONMENTAL CONCERNS ARE SOMETHING THAT ARE
6 TRIGGERED BY THE SMALLEST ISSUE AT TIMES. AND TO TAKE
7 THAT INPUT AWAY FROM THE LOCAL RESIDENTS AND BRING IT UP
8 TO A STATE LEVEL WOULD BE A GREAT LOSS TO THE CITY OF
9 WEST COVINA. SO I THANK YOU FOR YOUR RESPONSE. AND I
10 BELIEVE WE HAVE ANOTHER SPEAKER.

11 MR. STARBIRD: MR. CHAIRMAN, JUST A FEW
12 BRIEF COMMENTS, AND THEN I'LL ASK STEVE SAMANIEGO, OUR
13 L.E.A. TO GIVE YOU SOME COMMENTS. THEN LASTLY WE'LL
14 CLEAN UP SO TO SPEAK WITH COLIN LENNARD, GENERAL COUNSEL.

15 AT THE DIRECTION OF THE BOARD TWO MONTHS AGO
16 WE BEGAN WORK TO PREPARE A WORK PLAN TO GET THE OPERATING
17 PERMIT UP TO DATE. WE MET NINE TIMES OVER THOSE TWO
18 MONTHS. AND HERE I WANT TO EXPRESS TO YOU HOW MUCH WE
19 APPRECIATE ALL THE TIME AND EFFORT THE STAFF PUT INTO
20 THOSE MEETINGS IN ASSISTING US TO TRY TO RESOLVE THOSE
21 ISSUES IN A WAY THAT WERE MUTUALLY BENEFICIAL TO BOTH THE
22 OPERATOR AND THE L.E.A. ALTHOUGH WE WEREN'T TOTALLY
23 SUCCESSFUL IN ALL AREAS, WE DID MAKE A GREAT DEAL OF
24 PROGRESS. AND TO KATHRYN TOBIAS IN PARTICULAR, WHO I
25 THINK WAS AT EVERY MEETING, WE HAD SOME HERE, SOME IN
26 SACRAMENTO, SOME IN SOUTHERN CALIFORNIA, AND SHE HAD TO
27 DO DUTY AND MAKE EACH ONE OF THOSE. MY STAFF AND I
28 PERSONALLY SUPPORTED EVERY ONE OF THE MEETINGS. WE DID A

1 GREAT DEAL OF WORK TO TRY TO MAKE SURE WE WERE MAKING
2 PROGRESS, TRYING TO BE AS OBJECTIVE AND FORTHRIGHT IN
3 THOSE AS WE POSSIBLY COULD, LISTENING TO THE ISSUES,
4 LISTENING TO THE CONCERNS OF THE OPERATOR AND FRANKLY
5 TRYING TO ADDRESS THEM.

6 FROM THE VERY BEGINNING WE HAD SIGNIFICANT
7 ISSUES THAT WERE VERY DIFFICULT TO ADDRESS. IT WAS
8 PRETTY CLEAR THAT THE L.E.A. AND THE OPERATOR DIDN'T
9 AGREE ON A NUMBER OF THEM. IN THAT PROCESS OVER THE TWO
10 MONTHS WE TURNED TO THE STATE STAFF TO HELP US SEE INDEED
11 WHAT WOULD BE AN ADEQUATE WAY OF ADDRESSING THOSE. ON
12 SOME ISSUES, FRANKLY, WE DISAGREED WITH THE STAFF'S
13 CONCLUSIONS, BUT IN ORDER TO HELP THE PROCESS PROCEED OUR
14 ATTITUDE WAS FINE, LET'S EMBODY THEM IN THE WORK PLAN AND
15 MOVE FORWARD TO GET THIS PERMIT UP TO DATE.

16 I THINK TODAY YOU WILL SEE ISSUES WITH WHICH
17 THE OPERATOR DISAGREES. OUR POSITION IS WE'LL MOVE
18 FORWARD WITH THE WORK PLAN WITH THE STATE STAFF'S
19 DIRECTION ON THOSE EMBODIED, AND WE'RE PREPARED TO MAKE
20 PROGRESS ON THEM. I THINK YOU'LL SEE THERE'S STILL
21 DISAGREEMENT ON THE PART OF THE OPERATOR. I THINK
22 WHETHER WEST COVINA IS THE LOCAL ENFORCEMENT AGENCY OR
23 THE STATE BECOMES THE ENFORCEMENT AGENCY, YOU ARE STILL
24 GOING TO HAVE THOSE DISAGREEMENTS. I THINK NOW IT'S TIME
25 FOR THE STATE TO SUPPORT ITS L.E.A. AND LET US MOVE
26 FORWARD WITH UPDATING OF THE PLAN. IT'S A REASONABLE
27 ONE. IT WILL WORK. IT ADDRESSES THE CEQA ISSUES IN A
28 WAY THAT I THINK ARE SUPPORTIVE OF BROAD POLICY THAT YOU

1 SHOULD BE SETTING FOR YOUR L.E.A.'S AND THE STATE IN
2 DOING AN ADEQUATE REVIEW OF THESE ISSUES AT THE LOCAL
3 LEVEL WITH LOCAL INPUT AND WITH CONCERN FOR LOCAL
4 CONCERNS ABOUT THESE LANDFILLS.

5 OUR BELIEF WAS TWO MONTHS AGO THAT THERE WAS
6 NOT GROUNDS FOR DECERTIFICATION. WE BELIEVE EVEN MORE
7 STRONGLY THAT THERE IS EVEN LESS GROUNDS TODAY FOR THAT.
8 AS YOU SEE YOU HAVE A WORK PLAN BEFORE YOU. IT IS
9 WORKABLE. THERE HAS BEEN COMPROMISE, BUT FRANKLY THERE
10 HAS NOT BEEN A GREAT DEAL OF COMPROMISE ON THOSE CEQA
11 ISSUES THAT ARE ULTIMATELY VERY IMPORTANT TO THE
12 RESIDENTS OF THE COMMUNITY AND FROM A STATE POLICY
13 STANDPOINT SHOULDN'T BE COMPROMISED. WITH THAT I WOULD
14 ENCOURAGE YOU TO MAINTAIN THE CERTIFICATION FOR THE WEST
15 COVINA L.E.A., APPROVE THE WORK PLAN, AND SUPPORT THE
16 L.E.A. IN MOVING FORWARD TO ENFORCE IT AND IMPLEMENT IT
17 SO WE CAN GET THIS OPERATING PERMIT UP TO DATE.

18 WITH THAT, WITH YOUR CONTINUED INDULGENCE
19 I'D LIKE TO INTRODUCE STEVE SAMANIEGO WITH A FEW BRIEF
20 COMMENTS. AND THEN AGAIN WE'LL CLOSE WITH COLIN LENNARD,
21 GENERAL COUNSEL OF THE L.E.A. STEVE.

22 CHAIRMAN CHESBRO: MR. SAMANIEGO.

23 MR. SAMANIEGO: MR. CHAIRMAN, BOARD MEMBERS,
24 GOOD AFTERNOON. AGAIN, MY IS STEVE SAMANIEGO, AND I'M
25 THE MANAGER OF THE WEST COVINA LOCAL ENFORCEMENT AGENCY.
26 I WOULD LIKE TO HAND A COPY OF THE WORK PLAN TO THE BOARD
27 MEMBERS, IF THEY DON'T HAVE A COPY. THANK YOU, TOM.

28 THROUGHOUT THIS ENTIRE PROCESS I HAVE

1 MAINTAINED THAT PARTIAL DECERTIFICATION IS NOT
2 APPROPRIATE WHERE THE L.E.A. HAS FULLY COMPLIED WITH ALL
3 LEGAL REQUIREMENTS. I FULLY UNDERSTAND AND APPRECIATE
4 THE BOARD'S FRUSTRATION WITH THE DELAY IN GETTING THE
5 PERMIT UPDATED. BELIEVE ME, I AM MORE FRUSTRATED THAN
6 THE BOARD COULD EVER BE WITH THIS PROCESS. THE RESULT OF
7 MY EVALUATION WAS THAT I HAD FULLY COMPLIED WITH ALL
8 LEGAL REQUIREMENTS AND EVALUATION CRITERIA, BUT THAT THE
9 B.K.K. PERMIT REMAINED OUT OF DATE DESPITE MY EFFORTS. I
10 WAS NEVER ASKED WHY THE PERMIT REMAINED OUT OF DATE. MY
11 EVALUATION NEVER REVIEWED THIS SUBJECT WHICH WAS TO BE
12 THE GROUNDS FOR THE DECERTIFICATION.

13 SIXTY DAYS AGO I ASKED FOR THE RIGHT TO
14 PREPARE A WORK PLAN. THE BOARD DIRECTED ME TO DRAFT A
15 WORK PLAN, AND I HAVE DONE THAT. BOARD STAFF HAS
16 REVIEWED MY WORK PLAN AND HAS AGREED THAT IT IS A SOUND
17 WORK PLAN. THE L.E.A. EVALUATION PROCEDURES CALL FOR
18 IMPLEMENTATION OF PREPARED WORK PLANS. ALL I ASK THIS
19 BOARD FOR IS THE SAME CONSIDERATION GIVEN TO ALL OTHER
20 L.E.A.'S, THE RIGHT TO IMPLEMENT A WORK PLAN ONCE IT HAS
21 BEEN PREPARED WITHOUT DECERTIFICATION.

22 I AGAIN WOULD LIKE TO THANK YOUR STAFF FOR
23 ALL THEIR TIME AND ENERGY AND ASSISTANCE WITH THIS
24 PROCESS. THEIR TIME HAS BEEN AVAILABLE IN THE
25 DEVELOPMENT OF THE WORK PLAN AND VERY MUCH APPRECIATED.
26 THANK YOU. IF THERE AREN'T ANY QUESTIONS, I'D BE MORE
27 THAN HAPPY TO ANSWER ANY IF THERE ARE, IF THERE AREN'T I
28 WOULD LIKE TO INTRODUCE COLIN LENNARD.

1 CHAIRMAN CHESBRO: MR. EGIGIAN HAS A
2 QUESTION.

3 MR. EGIGIAN: STEVE, I'M VERY IMPRESSED WITH
4 THE AMOUNT OF WORK THAT HAS GONE ON AND SO FORTH. OKAY.
5 WHAT I'D LIKE TO KNOW IS WHAT DO YOU WANT TO DO WITH THIS
6 THING? DO YOU WANT TO SHUT THIS LANDFILL DOWN, OR DO YOU
7 WANT TO GET A REVISED PERMIT? WHICH ONE OF THESE THINGS
8 DO YOU WANT TO DO?

9 MR. SAMANIEGO: I WANT TO GET THE REVISED
10 PERMIT. THE OBJECTIVE OF THE L.E.A. IS NOT TO CLOSE THE
11 LANDFILL.

12 MR. EGIGIAN: OKAY. SO THEN YOU DON'T HAVE
13 ANY LAWSUITS THAT ARE GOING TO TRY TO SHUT THEM DOWN
14 OUTSIDE OF YOUR AREA OF WORKING THAT IS?

15 MR. SAMANIEGO: NO. THE L.E.A. HAS NO
16 LAWSUIT INVOLVED FOR CLOSING THE LANDFILL.

17 MR. EGIGIAN: DOES THE CITY?

18 MR. SAMANIEGO: THERE IS A LAWSUIT PENDING
19 ON THE LAND USE AND IT'S REGARDING A CLOSURE DATE.

20 MR. STARBIRD: WOULD YOU LIKE ME TO RESPOND
21 ON BEHALF OF THE CITY?

22 MR. EGIGIAN: NO. I GOT A GOOD ENOUGH
23 ANSWER FROM THE GENTLEMAN. THANK YOU, SIR.

24 CHAIRMAN CHESBRO: WE HAVE ANOTHER QUESTION.
25 MR. FRAZEE.

26 MR. FRAZEE: WHILE THE CITY MANAGER IS
27 ALREADY SEATED, BUT PROBABLY THIS SHOULD BE MORE DIRECTLY
28 OR APPROPRIATELY DIRECTED TO YOU OR TO THE MAYOR. AND

1 LET ME PREFACE SOME QUESTIONS BY INDICATING MY HISTORY.
2 JUST IN CASE YOU DON'T KNOW MY PUBLIC OFFICE BACKGROUND
3 STARTED WITH LOCAL GOVERNMENT IN A COMMUNITY NOT UNLIKE
4 WEST COVINA AND SERVED AS THE MAYOR OF THAT COMMUNITY. I
5 SERVED 16 YEARS IN THE LEGISLATURE, ALL OF THAT TIME ON
6 THE LOCAL GOVERNMENT COMMITTEE AND IN FACT CHAIRED THAT
7 COMMITTEE. AND I SERVED AS DIRECTOR OF THE LEAGUE OF
8 CALIFORNIA CITIES, SO I HAVE A STRONG FEELING FOR LOCAL
9 GOVERNMENT DESIRES AND THE ABILITY FOR LOCAL CITIZENS
10 THROUGH THEIR ELECTED OFFICIALS TO DIRECT THEIR OWN
11 AFFAIRS WITHOUT INTERFERENCE FROM THE STATE. AND OUR
12 WHOLE INVOLVEMENT IN THIS ISSUE CAUSES ME SOME CONCERN.

13 BUT WE'RE FACED WITH DEALING WITH A STATUTE
14 THAT WAS GIVEN TO US BY THE LEGISLATURE, AND IT NOT ONLY
15 GAVE US THE ABILITY TO DESIGNATE AND CERTIFY L.E.A.'S,
16 BUT ALSO GAVE US THE ABILITY TO DECERTIFY THOSE L.E.A.'S
17 WHEN WE FOUND IN THE BEST INTEREST OF A LARGER GROUP OF
18 CITIZENS OTHER THAN THOSE WITHIN A SINGLE CITY WERE NOT
19 BEING WELL SERVED. AND THAT HAD A BEARING ON MY POSITION
20 ON THIS IN MOVING TOWARD DECERTIFICATION THIS LAST TIME.
21 THE LAST THING THAT I WANTED TO DO IS INTERJECT STATE
22 GOVERNMENT INTO LOCAL AFFAIRS FROM THAT STANDPOINT.

23 SO THAT KIND OF GETS TO THE BOTTOM LINE
24 QUESTION, AND MY COLLEAGUE, MR. EGIGIAN, ALLUDED TO IT IN
25 HIS QUESTION TO MR. SAMANIEGO. BUT TO THE CITY, IS IT
26 POLICY, HAS IT BEEN DISCUSSED, HAS THE COUNCIL TAKEN A
27 VIEW ON WHAT IS THE ULTIMATE GOAL? IS IT TO SHUT DOWN
28 THIS LANDFILL AS SOON AS POSSIBLE, IS IT TO ALLOW IT TO

1 WORK ITSELF OUT TO SOME REASONABLE LEVEL WHEN CLOSURE
2 COSTS CAN BE ACCUMULATED, OR IS IT A DESIRE TO
3 ACCOMMODATE IT TO ITS ULTIMATE CAPACITY? AND YOU KNOW
4 SOMEWHERE ALONG THE LINE THERE MUST BE SOME MARCHING
5 ORDERS AND IT'S PUBLIC BUSINESS THAT SHOULD BE DISCUSSED
6 IN PUBLIC. BUT YOU KNOW IF THE GOAL IS TO SHUT DOWN THE
7 LANDFILL WITH SOME DEGREE OF IMMEDIACY, THEN I DON'T
8 THINK WE REALLY HAVE ANYTHING, ANY PLACE TO GO EXCEPT TO
9 LOOK OUT FOR THE BEST INTEREST OF CITIZENS, THE LARGER
10 COMMUNITY OF CITIZENS OTHER THAN THOSE WITHIN THE CITY OF
11 WEST COVINA. IF THERE'S SOME ATTEMPT TO ACCOMMODATE THIS
12 ON THE LONG RANGE, THEN I THINK WE HAVE ROOM TO MOVE
13 FORWARD WITH IT. SO THAT'S MY BOTTOM LINE QUESTION.

14 MR. STARBIRD: THAT'S A PRETTY LONG
15 QUESTION. I'M NOT SURE WHERE TO BEGIN TO RESPOND. I TOO
16 HAVE BEEN IN LOCAL GOVERNMENT 22 YEARS. AND I WAS VERY
17 PLEASED TO HEAR YOUR COMMENTS ABOUT WANTING TO RETAIN
18 LOCAL CONTROL AND TRY AT LEAST MINIMIZE INTRUSION BY THE
19 STATE INTO LOCAL ISSUES.

20 THIS WHOLE ISSUE OF SOLID WASTE DISPOSAL
21 MANAGEMENT FROM THE STANDPOINT OF AN L.E.A. IS REALLY NEW
22 TO ME AS WELL. I'VE BEEN AT THE CITY OF WEST COVINA FOR
23 ONLY THREE AND A HALF YEARS. AND IN COMPARISON WITH THE
24 HISTORY BETWEEN THE CITY AND THE LANDFILL OPERATOR, MY
25 TIME THERE HAS BEEN LIKE THE BLINK OF AN EYE. WHAT I
26 HAVE DISCERNED IN MY TIME THERE IS THAT THE CITY'S
27 POSITION -- AND I HAVE TO SEPARATE THAT FROM THE L.E.A.
28 BECAUSE THE L.E.A.'S PURPOSE IS TO UPDATE THE PERMIT AND

1 TO MAKE SURE IT'S DONE IN ADHERING TO THE REQUIREMENTS
2 FOR ADEQUATE ENVIRONMENTAL REVIEW AS WE GO THROUGH IT.
3 FROM THE CITY'S STANDPOINT I THINK WE'RE DEALING WITH AN
4 ISSUE OF FRANKLY PROMISES TO THE COMMUNITY, COMMITMENTS
5 THAT WERE MADE, TRYING TO DETERMINE IF INDEED FROM THE
6 CITY'S STANDPOINT THOSE COMMITMENTS ARE WHAT WE BELIEVED
7 THEM TO BE 10 YEARS AGO WHEN THEY WERE GIVEN. THAT'S WHY
8 WE'RE IN THE MAJOR PIECE OF LITIGATION THAT YOU'VE HEARD
9 SO MUCH ABOUT WHICH IS THE M.O.U. LITIGATION. IT IS THE
10 CITY'S POSITION THAT WAS A BINDING CONTRACT. IT WAS A
11 PROMISE MADE AND A PROMISE THAT IS YET TO BE FULFILLED.
12 AND IT'S OUR INTENT TO PROVE OUR POSITION IN COURT.

13 IRRESPECTIVE OF THAT AND AS THE L.E.A. WE
14 UNDERSTAND THAT THERE IS A DIFFERENT AND A BROADER
15 PURPOSE TO THE L.E.A.'S FUNCTION. AND WE'RE HERE TELLING
16 YOU, AND YOU'VE HEARD FROM THE MAYOR, THAT IN SPITE OF
17 THE LITIGATION WHICH INDEED COULD GO ON FOR SOME PERIOD
18 OF TIME, THE L.E.A. PURPOSE IS ONE THAT WE RESPECT, AND
19 ONE WE THINK WE CAN UPHOLD LOCALLY. AND WE THINK IT'S
20 ABSOLUTELY IMPORTANT THAT WE BE ABLE TO DO THAT IN ORDER
21 TO CONTINUE TO ADEQUATELY REPRESENT THE CONCERNS IN THE
22 COMMUNITY AND UPDATE ISSUES ARE ADEQUATELY ADDRESSED FROM
23 THE ENVIRONMENTAL STANDPOINT. I UNDERSTAND WHY THAT MAY
24 SEEM TO POSE A CONFLICT. WE HAVE CONTINUED TO TELL YOU
25 AND I THINK TO DEMONSTRATE TO YOUR STAFF THAT WE CAN
26 SEPARATE THOSE ISSUES.

27 MR. FRAZEE: THAT YOU CAN'T, YOU SAY?

28 MR. STARBIRD: THAT WE CAN SEPARATE THOSE

1 ISSUES.

2 MR. FRAZEE: THAT YOU CAN SEPARATE THOSE.

3 MR. STARBIRD: THAT'S RIGHT.

4 CHAIRMAN CHESBRO: ANYTHING ELSE?

5 MR. FRAZEE: WELL, I GUESS THAT'S ONE OF THE
6 DIFFICULTIES THAT'S BROUGHT ABOUT BY THIS VERY UNIQUE
7 SITUATION. I UNDERSTAND IT'S ONE OF ONLY FOUR IN THE
8 STATE WHERE THERE IS A SINGLE CITY L.E.A.

9 MR. CHANDLER: I THINK THERE ARE SIX.

10 MR. FRAZEE: THERE ARE SIX, BUT VERY FEW.
11 THAT MAKES IT VERY DIFFICULT TO SEPARATE THOSE TWO
12 FUNCTIONS WHEN AS IN THIS CASE WHERE A SINGLE INDIVIDUAL
13 CONSTITUTES THE ENTIRE L.E.A. STAFF AND OBVIOUSLY HAS TO
14 LOOK TO CITY GOVERNMENT FOR ALL OF HIS LOGISTIC SUPPORT
15 AND EVERYTHING ELSE THAT HE DOES. AND IT JUST SEEMS AN
16 IMPOSSIBLE TASK TO SEPARATE.

17 MR. STARBIRD: AGAIN, WITHIN MY EXPERIENCE
18 IT SEEMS TO ME THAT THAT IS MORE THAN LIKELY THE TYPICAL
19 SITUATION IN COUNTIES WHERE YOU HAVE COUNTY STAFF
20 PROVIDING SUPPORT TO AN L.E.A., YOU HAVE A BOARD OF
21 SUPERVISORS. I THINK IN ALL THE CASES WHERE CITIES ARE
22 L.E.A.'S YOU HAVE EXACTLY THE SAME SITUATION. MAYBE I'M
23 WRONG, BUT THAT'S MY IMPRESSION. IT SEEMS TO ME THAT
24 IT'S NOT A VERY UNUSUAL SITUATION FRANKLY, AND IT'S OUR
25 BELIEF IT CAN WORK.

26 MR. FRAZEE: WE'VE HAD RIGHT HERE IN THIS
27 COUNTY DISPUTES THAT WERE RESOLVED BY A LARGER AGENCY
28 WHERE FOR POLITICAL PURPOSES THE LOCAL REPRESENTATIVES

1 COULD NOT VOTE IN ONE PARTICULAR WAY, BUT LOOKING AT THE
2 GREATER GOOD OF THE ENTIRE COUNTY THE MAJORITY OF THAT
3 AGENCY, WHETHER IT BE THE BOARD OF SUPERVISORS OR THE
4 COUNCIL OF GOVERNMENTS, HAVE VOTED CONTRARY TO THE
5 DESIRES OF A SINGLE CITY. I'VE BEEN ON THE RECIPIENT END
6 OF SOME OF THOSE KINDS OF DECISIONS. SO THAT'S, I JUST
7 HOPE THAT WE NEVER, EVER HAVE ANOTHER L.E.A. THAT'S A
8 SINGLE CITY L.E.A. BECAUSE I THINK IT DEFEATS THE PURPOSE
9 OF WHAT THIS BOARD AND WHAT THE LEGISLATION WAS ALL ABOUT
10 THAT SET UP THIS PROCESS.

11 MR. STARBIRD: YOU HAD MENTIONED THE PURPOSE
12 OF THE LEGISLATION, AGAIN PEOPLE LIKE MR. LENNARD ARE
13 MUCH MORE FAMILIAR WITH THAT THAN I AM. BUT IT'S MY
14 IMPRESSION THAT UNDER THE LEGISLATION THIS L.E.A. IS
15 DOING EXACTLY WHAT IT SHOULD BE DOING. WE HAVE TAKEN,
16 ATTEMPTED TO TAKE ENFORCEMENT ACTION WHERE WE FELT WE HAD
17 A RECALCITRANT OPERATOR WHO WAS NOT ADEQUATELY ADDRESSING
18 THE ISSUES TO UPDATE THE PERMIT. AND CONTRARY TO WHAT I
19 HEAR YOUR VIEW BEING, IN FACT IT'S MY IMPRESSION THAT WE
20 HAVE ADHERED WITH WHAT THE STATE LAW REQUIRES. WE HAVE
21 TAKEN THE STEPS NECESSARY. WE HAVE A WORK PLAN, AND
22 INDEED WE HAVE AN L.E.A. THAT IS PERFORMING ITS WORK.

23 I TURN TO SOME OF THOSE GROUPS THAT HAVE
24 QUESTIONED L.E.A.'S THROUGHOUT THE STATE AND QUESTIONED
25 WHETHER OR NOT THEY ARE DOING WHAT STATE LAW THINKS THEY
26 SHOULD BE DOING, SUCH AS THE N.R.D.C. A REPRESENTATIVE
27 OF THE N.R.D.C. TOLD ME RECENTLY THAT IN FACT THE WEST
28 COVINA L.E.A. IS PROBABLY ONE OF THE BEST FUNCTIONING

1 L.E.A.'S IN THE STATE, THAT WE ARE DOING EXACTLY WHAT WE
2 SHOULD BE DOING. THEY VISITED US BEFORE THE LAWSUIT WAS
3 FILED. THEY WENT THROUGH OUR RECORDS. THEY LOOKED AT
4 OUR APPROACH TOWARD MAINTAINING THE PERMIT AND ATTEMPTING
5 TO UPDATE IT, AND I THINK AS A RESULT OF THAT YOU DON'T
6 SEE WEST COVINA NAMED IN THAT LAWSUIT.

7 WITH THAT LET ME WITH YOUR INDULGENCE ASK
8 FOR A FEW MINUTES FOR MR. LENNARD TO GIVE YOU A FEW BRIEF
9 COMMENTS. COLIN.

10 CHAIRMAN CHESBRO: MR. LENNARD.

11 MR. LENNARD: MR. CHAIRMAN, MEMBERS OF THE
12 BOARD. FIRST OF ALL, LIKE THE PREVIOUS SPEAKERS I WOULD
13 LIKE TO GIVE MY THANKS TO THE STAFF, ESPECIALLY TO MR.
14 CHANDLER AND KATHRYN TOBIAS WHO HAVE SPENT A LOT OF TIME
15 OVER THE LAST TWO MONTHS IN MEETINGS AND EXHIBITING A LOT
16 OF PATIENCE DURING THOSE MEETINGS.

17 I WOULD ALSO, TO ADDRESS BOARD MEMBER
18 FRAZEE, I WOULD SUGGEST THAT WITH ALL DUE RESPECT THAT
19 YOUR STATEMENTS ABOUT SINGLE CITY L.E.A.'S WHILE THOSE
20 MAY BE YOUR VIEWS, IF WE'RE GOING TO IMPLEMENT THOSE,
21 THOSE ARE GOING TO NECESSITATE A CHANGE IN THE
22 LEGISLATION AND CHANGE IN THE REGS. THERE ARE A LOT OF
23 SINGLE CITY L.E.A.'S THROUGHOUT THE STATE WHO FEEL THAT
24 THEY ARE DOING A FINE JOB AS AN L.E.A. IN COMPLYING WITH
25 THE REGULATIONS AND COMPLYING WITH THE STATUTORY PROCESS
26 THAT'S BEEN SET UP.

27 WHAT I'D LIKE TO DO IS REALLY FOCUS ON WHAT
28 I THINK IS THE REAL ISSUE BEFORE THIS BOARD. I THINK THE

1 ISSUE BEFORE THIS BOARD TODAY IS A REALLY SIMPLE ONE, AND
2 THAT IS IS THERE A LEGALLY JUSTIFIABLE BASIS FOR
3 DECERTIFYING THE WEST COVINA L.E.A. LET ME EMPHASIZE
4 VERY STRONGLY THAT THE QUESTION BEFORE THIS BOARD IS NOT
5 WHETHER THE BASE LINE IS CORRECT, OR WHETHER THE STEP OUT
6 AREAS ARE APPROPRIATE, OR THE CEQA PROCEDURE SUFFICIENT,
7 OR WHETHER THERE IS LITIGATION GOING ON BETWEEN THE CITY
8 AND B.K.K., OR WHETHER THIS BOARD THINKS IT COULD DO A
9 BETTER JOB THAN THE L.E.A. IT IS SIMPLY WHETHER, AGAIN,
10 THERE IS A LEGAL BASIS UNDER THE PUBLIC RESOURCES CODE TO
11 DECERTIFY THE L.E.A. AND WE BELIEVE THE ANSWER TO THAT
12 QUESTION IS CATEGORICALLY NO.

13 ABOUT 60 DAYS AGO THE WEST COVINA L.E.A. WAS
14 BEFORE THIS BOARD FACING POTENTIAL DECERTIFICATION. THE
15 STATED REASON FOR THAT DECERTIFICATION WAS THAT THE
16 L.E.A. HAD FAILED TO CAUSE B.K.K.'S SOLID WASTE
17 FACILITIES PERMIT TO BE REVISED. WE VIGOROUSLY PROTESTED
18 ANY SUCH DECERTIFICATION ACTION BECAUSE WE BELIEVED, AND
19 WE STILL BELIEVE THAT THE RECORD IS CLEAR THAT THE L.E.A.
20 HAS DONE EVERYTHING POSSIBLE UNDER THE LAW TO CAUSE THAT
21 PERMIT TO BE UPDATED. WE ALSO STRONGLY ARGUED THAT ANY
22 DECERTIFICATION WOULD BE A DEPARTURE FROM THE BOARD'S
23 PROCEDURES TO PROVIDE AN L.E.A. WITH THE OPPORTUNITY TO
24 PREPARE AND IMPLEMENT A WORK PLAN PRIOR TO ANY
25 DECERTIFICATION PROCEEDINGS.

26 AT YOUR LAST BOARD MEETING YOU REQUESTED THE
27 L.E.A. TO PREPARE A WORK PLAN WHICH WHEN IMPLEMENTED
28 WOULD UPDATE THE FACILITIES PERMIT IN QUESTION. THE



1 L.E.A. HAS RESPONDED AS A RESULT OF LENGTHY MEETINGS
2 BETWEEN B.K.K, THE STAFF, AND OURSELVES AND HAS PREPARED
3 SUCH A WORK PLAN WHICH YOU HAVE BEFORE YOU. WE BELIEVE
4 THAT THIS WORK PLAN IS A SOUND WORK PLAN. DESPITE THIS
5 THE L.E.A. IS ONCE AGAIN FACING A POTENTIAL
6 DECERTIFICATION MOTION BY THIS BOARD. WE HOPE THAT THIS
7 IS NOT AN INDICATION THAT THE LAST 60 DAYS SPENT ON SUCH
8 WORK PLAN PREPARATION HAS BEEN A WASTE OF TIME, EFFORT,
9 AND MONEY, AND THAT THERE WAS NEVER ANY INTENTION OF
10 ALLOWING THE L.E.A. TO IMPLEMENT SUCH A WORK PLAN.

11 B.K.K. WILL UNDOUBTEDLY ARGUE THAT THE PLAN
12 IS NOT LIKELY TO SUCCEED. HOWEVER, I THINK IT IS TIME
13 ONCE AND FOR ALL TO RECOGNIZE, AS ILLUSTRATED IN WHAT HAS
14 HAPPENED IN THE LAST TWO MONTHS AND ESPECIALLY IN THE
15 LAST COUPLE OF WEEKS, THAT B.K.K.'S OBJECTIVE IS NOT THE
16 UPDATING OF A SOLID WASTE FACILITIES PERMIT BUT RATHER TO
17 HAVE THIS WEST COVINA L.E.A. REMOVED AND ELIMINATED
18 BECAUSE B.K.K. BELIEVES IT CAN GET A BETTER DEAL FROM
19 THIS BOARD, NOT ONLY WITH RESPECT TO THE SOLID WASTE
20 FACILITIES PERMIT BUT WITH RESPECT TO ALL OTHER AREAS,
21 DUTIES AND OBLIGATIONS NOW PERFORMED BY THE WEST COVINA
22 L.E.A. AND I WOULD REFER YOU TO A LETTER FROM B.K.K. TO
23 THIS BOARD WHICH IN ESSENCE REQUESTED DECERTIFICATION
24 BACK IN SEPTEMBER 7TH OF 1994. SUCH A POSITION HAS
25 TREMENDOUS IMPLICATIONS FOR ALL L.E.A.'S IN THIS STATE.

26 PUBLIC RESOURCES CODE 43214 SETS FORTH FIVE
27 GROUNDS FOR WHICH AN L.E.A. MAY BE DECERTIFIED. THESE
28 GROUNDS INVOLVE SERIOUS OMISSIONS BY THE L.E.A. SUCH AS A

1 FAILURE TO INSPECT SITES, INTENTIONAL MISREPRESENTATION
2 OF INSPECTION RESULTS, APPROVAL WITH PERMITS NOT IN
3 COMPLIANCE WITH THE LAW, AND LASTLY, A FAILURE TO TAKE
4 ENFORCEMENT ACTION. THE ONLY BASIS SET FORTH IN THE
5 STAFF'S RECOMMENDATION FOR DECERTIFICATION OF THE WEST
6 COVINA L.E.A. SOME 60 DAYS AGO WAS THE L.E.A.'S FAILURE
7 TO CAUSE PERMIT REVISIONS.

8 IT SHOULD ALSO BE NOTED THAT THE EVALUATION
9 OF THE WEST COVINA L.E.A. CONSPICUOUSLY FAILED TO CITE
10 ANY IMPROPER ACTIONS BY THE L.E.A. TO SUPPORT THE GROUND
11 LISTED FOR PARTIAL DECERTIFICATION. WE CONTINUE TO
12 MAINTAIN THAT THIS BOARD CANNOT MAKE THE NECESSARY
13 FINDINGS TO JUSTIFY DECERTIFICATION.

14 IN ANY EVENT, THE BOARD AT ITS LAST MEETING
15 DID NOT ACT TO DECERTIFY BUT INSTEAD DIRECTED THE L.E.A.
16 TO PREPARE A WORK PLAN, WHICH AS I STATED WE HAVE DONE.
17 THIS ACTION WAS ENTIRELY CONSISTENT WITH THE PROVISIONS
18 OF RESOURCES CODE SECTION 43215 WHICH STATES THAT THE
19 BOARD SHALL NOT DECERTIFY UNTIL AN L.E.A. HAS AN
20 OPPORTUNITY TO TAKE CORRECTIVE ACTIONS SPECIFIED BY THE
21 BOARD. IN ADDITION THE L.E.A. EVALUATION PROCESS ADOPTED
22 BY THIS BOARD PROVIDES THAT IF THE BOARD DETERMINES THAT
23 THE L.E.A. IS NOT FULFILLING ITS RESPONSIBILITIES IT MAY
24 BE REQUIRED TO DEVELOP A WORK PLAN. AN L.E.A.'S
25 COMPLIANCE WITH AN APPROVED WORK PLAN MAY BE MONITORED AT
26 6, 9, AND 12-MONTH INTERVALS. WE STRONGLY BELIEVE AT
27 THIS POINT THEREFORE THAT THIS BOARD'S FOCUS SHOULD BE ON
28 THE SATISFACTORY IMPLEMENTATION OF THE WORK PLAN, NOT ON

1 A DECERTIFICATION DECISION.

2 IN THIS CONNECTION ANY PROPOSED MOTION BY
3 THIS BOARD TO DECERTIFY THE WEST COVINA L.E.A. WOULD
4 IGNORE THE BOARD'S OWN PROCEDURES BY PREDETERMINING THE
5 SUCCESS OF THE PROPOSED WORK PLAN. THIS SENDS A CHILLING
6 MESSAGE TO ALL L.E.A.'S REGARDING THE VALUE OF THE L.E.A.
7 EVALUATION PROCESS AND THE CREDIBILITY OF THE BOARD'S
8 PROCEDURES AND POLICIES IF AN L.E.A. IS GOING TO BE
9 SINGLED OUT IN ORDER TO SATISFY IRRELEVANT OBJECTIVES OF
10 AN OPERATOR.

11 B.K.K. REPRESENTATIVES RATHER THAN
12 ADDRESSING THE REAL ISSUE BEFORE THIS BOARD HAS
13 REPEATEDLY ENGAGED IN THE LAST SIX MONTHS IN ALL OUT
14 ATTACKS ON THE CITY OF WEST COVINA, ITS CITY COUNCIL, ITS
15 RESIDENTS, AS WELL AS THE L.E.A. ITS STAFF AND LEGAL
16 COUNSEL BY ENGAGING IN MISREPRESENTATIONS, MISSTATEMENTS,
17 AND TOTALLY UNSUPPORTED CONCLUSIONS AND FABRICATIONS. AS
18 AN ILLUSTRATION, THE REPRESENTATIVES AT THE LAST P AND E
19 COMMITTEE MEETING STATED UNEQUIVOCALLY THAT THIS CITY
20 COUNCIL HAD REMOVED THE PLANNING COMMISSION BECAUSE OF A
21 DECISION TO VOTE, BECAUSE OF A DECISION THEY MADE ON
22 ALTERNATIVE DAILY COVER. THAT DECISION TO CHANGE THE
23 PLANNING COMMISSIONERS IN THE CITY OF WEST COVINA WAS
24 MADE SIX MONTHS AFTER THE DECISION BY THE PLANNING
25 COMMISSION ON A.D.C. AND FURTHER, ONE OF THOSE MEMBERS
26 WHO VOTED IN FAVOR OF THE B.K.K. POSITION ON A.D.C. IS
27 STILL ON THE PLANNING COMMISSION. THERE IS ABSOLUTELY NO
28 TRUTH TO THAT STATEMENT WHATSOEVER.

1 I WOULD LIKE JUST TO TAKE A FEW MINUTES TO
2 SET THE FACTS STRAIGHT. THIS L.E.A. HAS STEADFASTLY
3 SINCE 1990 DONE EVERYTHING IN ITS POWER TO OBTAIN AN
4 UPDATED SOLID WASTE FACILITIES PERMIT. A CLOSE REVIEW OF
5 THE FACTUAL HISTORY WILL SHOW UNEQUIVOCALLY THAT IT WAS
6 BECAUSE OF THE ACTIONS OF B.K.K. THAT YOU DON'T HAVE AN
7 UPDATED PERMIT BEFORE YOU, NOT BECAUSE OF THE ACTIONS OF
8 THE WEST COVINA L.E.A. AND LET ME JUST ADDRESS IF I MAY
9 THIS BOARD THAT'S BEFORE YOU (INDICATING).

10 CHAIRMAN CHESBRO: I THINK YOU CAN TAKE THE
11 MIKE WITH YOU.

12 MR. LENNARD: THIS IS ENTITLED, "A SUMMARY
13 OF THE EFFORTS TO UPDATE THE B.K.K. SOLID WASTE
14 FACILITIES PERMIT." WE HAVE HAD SINCE THE END OF '90-'91
15 SIX R.D.S.I.'S SUBMITTED BY B.K.K., ALL PART OF THE SOLID
16 WASTE FACILITIES PERMIT UPDATE PROCESS. WE HAD ONE IN
17 JULY OF '91, OCTOBER OF '91, JANUARY OF '93, IN MAY OF
18 '93, NOVEMBER OF '93, AND JANUARY OF '94. AND WE'RE
19 WAITING FOR ANOTHER ONE TO BE SUBMITTED IN THE NEXT 30 TO
20 60 DAYS.

21 WE'VE HAD FOUR NOTICE OF PREPARATIONS IN
22 CONNECTION WITH THE CEQA REVIEW THAT HAVE BEEN ISSUED BY
23 THE L.E.A. AND HAD TO BE REISSUED BECAUSE OF CHANGES
24 SUBMITTED BY B.K.K. TO THE PROJECT. AND THOSE WERE
25 ISSUED IN JUNE OF '91 AND IN DECEMBER OF '92.

26 WE'VE ALSO HAD SIX CHANGES TO B.K.K.'S
27 PROJECT. THE FIRST ONE WAS FOR DAILY TONNAGES WHICH WERE
28 FIRST INCREASED, THEN DECREASED, THEN INCREASED AGAIN.

1 THE SECOND ONE WE HAD ALTERNATIVE DAILY COVER, WHICH WAS
2 ADDED, DELETED, AND NOW IS ADDED BACK IN AGAIN. THE
3 THIRD ONE WE HAD A RESEARCH AND DEVELOPMENT BUILDING THAT
4 WAS FIRST ADDED AND THEN DELETED. THE FOURTH WE HAD A
5 FLARE STATION THAT WAS FIRST ADDED, AND THEN WAS
6 DELETED. THE FIFTH WE HAD A MECHANIZED SORTING SYSTEM
7 THAT WAS ADDED, DELETED, AND THEN ADDED BACK IN AGAIN.
8 AND SIXTH, IN CONNECTION WITH THE WASTE DISPOSAL AREA, IT
9 WAS PROPOSED, NOW IT WAS TAKEN OFF THE TABLE, AND WE
10 THINK, AGAIN, IT'S OFF THE TABLE.

11 I DON'T WANT TO SPEND TOO MUCH TIME ON THIS
12 BECAUSE THIS REALLY GOES INTO A LITTLE BIT MORE DETAIL.
13 BUT I THINK IT'S IMPORTANT TO NOTE THAT IN LIGHT OF THE
14 CRITICISM THAT WE'VE HAD TO HEAR OVER THE LAST 60 DAYS
15 ABOUT THE CONDUCT OF THE L.E.A., THAT THIS BOARD
16 UNDERSTAND EXACTLY WHAT WE'VE BEEN GOING THROUGH FOR THE
17 LAST FOUR YEARS. IF YOU NOTICE DOWN HERE, AGAIN, AS I
18 SAID, WE GET A FIRST REVISED R.D.S.I., WE GET A SECOND
19 REVISED R.D.S.I., WE GET A THIRD REVISED R.D.S.I., WE GET
20 A FOURTH REVISED R.D.S.I. ALL HAVING IMPLICATIONS IN
21 TERMS OF WHAT WE CAN DO IN THE CEQA PROCESS AND THE
22 PERMIT PROCESS. AGAIN, FIFTH REVISED R.D.S.I., AND A
23 SIXTH REVISED R.D.S.I. AND IN JANUARY OF '95 AFTER ALL
24 THESE CHANGES, AFTER ALL THESE R.D.S.I.'S THE L.E.A.
25 FINALLY SAYS ENOUGH IS ENOUGH, AND WE FILE A COMPLAINT IN
26 COURT TO ENFORCE THE N AND O.

27 WITH RESPECT TO THIS CHRONOLOGY THAT I'VE
28 JUST GONE OVER, I WOULD LIKE TO ADD SPECIFICALLY ONE DATE

1 THAT HAS NOT BEEN LISTED UP THERE, AND THAT IS THE DATE
2 OF APRIL '94. WHY IS THAT DATE IMPORTANT? THAT DATE IS
3 IMPORTANT BECAUSE AS A RESULT OF ALL THESE ACTIONS IN
4 APRIL OF '94 AT A MEETING BETWEEN B.K.K. REPRESENTATIVES
5 INCLUDING THEIR GENERAL COUNSEL, AND THE REPRESENTATIVES
6 OF THE L.E.A. INCLUDING MYSELF, MR. SAMANIEGO AND MR.
7 STARBIRD AND MR. COLLIER, WHICH MEETING WAS AN ATTEMPT TO
8 TRY AND WORK OUT SOME OF THE PROCEDURAL QUESTIONS, WE
9 WERE TOLD FOR THE FIRST TIME WITHOUT ANY NOTICE AND IN NO
10 UNCERTAIN TERMS THAT THERE WAS NO NEED TO REVISE THE
11 SOLID WASTE FACILITIES PERMIT AND THAT B.K.K. WOULD NOT
12 PARTICIPATE IN THE PREPARATION OF AN E.I.R. NOW THIS WAS
13 IN APRIL OF '94, OVER A YEAR AGO.

14 THIS '94 DATE IS VERY IMPORTANT SINCE IT
15 SERVES TO ILLUSTRATE THAT THE ISSUES RAISED BEFORE THIS
16 BOARD BY B.K.K. ARE NOTHING MORE THAN SMOKE SCREENS AND
17 RED HERRINGS WHICH REALLY SERVES B.K.K.'S REAL PURPOSE
18 WHICH IS TO ELIMINATE THE WEST COVINA L.E.A. B.K.K.'S
19 REFUSAL REGARDING PARTICIPATION IN THE E.I.R. PROCESS
20 WHICH BROUGHT AN IMMEDIATE HALT TO PROCESSING OF THE
21 SOLID WASTE FACILITIES PERMIT, THERE WAS NOTHING WE COULD
22 DO AFTER THAT, THAT DATE, IF YOU THINK ABOUT IT, PREDATED
23 THE STEP OUT ISSUES, PREDATED THE WATER BOARD DISPUTE,
24 PREDATED THE BUSINESS LICENSE TAX DISPUTE, PREDATED THE
25 U.U.P. VIOLATION DISPUTE THAT YOU'VE HEARD SO MUCH ABOUT,
26 PREDATED THE CEQA PROCESSING DISPUTE THAT WE HAVE SPENT
27 THE LAST 60 DAYS OVER.

28 NOW AS AN AFTERTHOUGHT B.K.K. ARGUES BEFORE

1 THIS BOARD THAT THESE VERY DISPUTES, ALL OF WHICH
2 HAPPENED AFTER APRIL OF '94, ARE THE REASONS THAT THE
3 L.E.A. CANNOT AND SHOULD NOT RETAIN ITS DESIGNATION IN
4 ORDER TO PROCESS THE SOLID WASTE FACILITIES PERMIT. I
5 WOULD SUGGEST THAT SUCH A POSITION IS AT BEST
6 DISINGENUOUS AND AT WORST AN INTENTIONAL ATTEMPT TO
7 THWART AND INTERFERE WITH THE L.E.A. STATUTORY PROCESS AT
8 THE EXPENSE OF THE CITIZENS OF THIS STATE AND
9 SPECIFICALLY THE CITIZENS OF WEST COVINA SO THAT B.K.K.
10 CAN LEVERAGE THEIR POSITION IN A LOCAL CONTRACT DISPUTE
11 REGARDING THE LANDFILL WHICH HAS NOTHING TO DO WITH THE
12 PROCESSING OF THIS SOLID WASTE FACILITIES PERMIT.

13 WHAT WE HAVE LOST SIGHT OF IN THIS PROCESS
14 IS REALLY THE FAILURE TO RECOGNIZE THE TRADITIONAL ROLE
15 OF LAND USE CONTROLS AT THE LOCAL LEVEL AND THE ACCEPTED
16 CONCEPT OF LAND USE ENFORCEMENT ALSO AT THE LOCAL LEVEL,
17 BUT NOT AT THE STATE LEVEL. B.K.K.'S CONTINUED
18 COMPLAINTS ABOUT ACTIONS AND POTENTIAL FUTURE ACTIONS OF
19 THE CITY HAVE NO LEGAL RELEVANCE OR CONSEQUENCE BEFORE
20 THIS BOARD, AND MOREOVER CONTRADICT EXISTING AND
21 TRADITIONAL PUBLIC POLICY ON LAND USE PLANNING REMAINING
22 AT THE LOCAL LEVEL.

23 THERE IS NOT A SHRED OF EVIDENCE THAT THE
24 L.E.A. HAS ACTED IMPROPERLY OR ABUSED ITS JURISDICTION OR
25 ACTED IN A CONSPIRACY WITH THE CITY TO DENY OR INTERFERE
26 WITH B.K.K.'S LEGITIMATE RIGHTS. UPON CLOSE EXAMINATION
27 OF THE ACTIONS OF THE WEST COVINA L.E.A. AND THOSE OF
28 B.K.K. I THINK ONE MUST CONCLUDE WITHOUT A DOUBT THAT IT

1 IS B.K.K., NOT THE CITY OR THE L.E.A., WHO IS USING LOCAL
2 LAND USE ISSUES TO INTERFERE WITH THE PERMIT AMENDMENT
3 PROCESS. B.K.K.'S FLAGRANT USE OF LOCAL LAND USE ACTION
4 TO SUPPORT DECERTIFICATION OF THIS L.E.A. IS TOTALLY
5 WITHOUT LEGAL SUPPORT AND SHOULD NOT BE CONDONED BY THIS
6 BOARD.

7 LET ME ADDRESS THE GROUNDS FOR
8 DECERTIFICATION. THE MERE FACT THAT AN UPDATED SOLID
9 WASTE FACILITIES PERMIT HAS NOT BEEN ISSUED, WITHOUT
10 ANYTHING MORE, IS NOT A GROUND FOR DECERTIFICATION OF
11 THIS L.E.A. WHAT THE CITY DOES OR DOES NOT DO REGARDING
12 LOCAL LAND USE PERMITS IS ALSO NOT A GROUND FOR
13 DECERTIFICATION OF THE L.E.A. WHETHER B.K.K. AGREES OR
14 DOES NOT AGREE WITH THE CITY'S ACTIONS. LIKEWISE
15 CONJECTURE OR SPECULATION THAT IMPLEMENTATION OF THE WORK
16 PLAN SUBMITTED BY THIS L.E.A. MAY OR MAY NOT RESULT IN AN
17 UPDATED SOLID WASTE FACILITIES PERMIT IS ALSO NOT A
18 GROUND FOR DECERTIFICATION OF AN L.E.A., ESPECIALLY IN
19 THIS CASE WHERE THE L.E.A. HAS NOT EVEN YET BEEN GIVEN AN
20 OPPORTUNITY TO IMPLEMENT THAT WORK PLAN.

21 AT THE P AND E COMMITTEE LAST WEEK SEVERAL
22 REASONS WERE OFFERED ON THE RECORD TO SUPPORT
23 DECERTIFICATION. ONE REASON STATED WAS THAT THE BOARD
24 NEEDED TO BE CONSISTENT IN ITS ACTIONS REGARDING
25 L.E.A.'S. LET ME POINT OUT THAT THE BOARD HAS NEVER
26 BEFORE TO MY KNOWLEDGE DECERTIFIED AN L.E.A. WITHOUT THE
27 OPPORTUNITY TO IMPLEMENT AN ALREADY PREPARED WORK PLAN.
28 IF THE BOARD IS GOING TO BE CONSISTENT IT SHOULD ALLOW

1 THE L.E.A. TO IMPLEMENT THAT WORK PLAN. AGAIN, AS I SAID
2 AT THE VERY, VERY FIRST MEETING OF THE BOARD THAT I
3 ATTENDED, IT SHOULD BE NOTED THAT THERE ARE ALMOST 200
4 OUT-OF-DATE SOLID WASTE FACILITIES PERMITS TO OUR
5 KNOWLEDGE IN THIS STATE. AND AGAIN TO OUR KNOWLEDGE
6 THOSE L.E.A.'S ARE NOT IN THE PROCESS OF BEING
7 DECERTIFIED. AGAIN, CONSISTENCY DOES NOT SUPPORT
8 DECERTIFICATION OF THE WEST COVINA L.E.A.

9 ANOTHER REASON GIVEN FOR DECERTIFICATION WAS
10 THAT THE BOARD MIGHT HAVE A BETTER CHANCE OF SUCCESS
11 IMPLEMENTING THE WORK PLAN THAN THE L.E.A. WOULD. AGAIN,
12 GROUNDS FOR DECERTIFICATION AS PROVIDED IN PUBLIC
13 RESOURCES CODE SECTION 43214 ARE VERY CLEAR. THEY DO NOT
14 INCLUDE AN OPINION AS TO WHO HAS A BETTER CHANCE WITH A
15 WORK PLAN AS A GROUND TO DECERTIFY AN L.E.A.

16 ANOTHER REASON THAT WAS GIVEN FOR
17 DECERTIFICATION OFFERED AT THE P AND E MEETING WAS A
18 SPECIFIC REFERENCE THAT THE BOARD SHOULD CONSIDER GETTING
19 TOUGH WITH L.E.A.'S BECAUSE OF THE N.R.D.C. LAWSUIT. MR.
20 STARBIRD HAS ADDRESSED THAT. I WON'T GO INTO ANY DETAIL,
21 OTHER THAN JUST TO REAFFIRM THAT AT LEAST WITH RESPECT TO
22 THE STATEMENTS MADE BY N.R.D.C. TO US WE ARE CONSIDERED
23 ONE OF THE BEST L.E.A.'S IN THE STATE.

24 WE MUST IN CONCLUSION, AGAIN, FACE WHAT IS
25 REALLY THE ISSUE BEFORE THIS BOARD. IS THERE ANY LEGALLY
26 SUPPORTABLE BASIS FOR DECERTIFICATION. AND AGAIN THE
27 ANSWER IS CLEARLY NO. WE RESPECTFULLY SUGGEST THAT THIS
28 BOARD ALLOW THE L.E.A. TO IMPLEMENT ITS WORK PLAN AND GET

1 THE SOLID WASTE FACILITIES PERMIT UPDATED, AND THUS PUT
2 ALL FACILITY OPERATORS ON NOTICE THAT THIS BOARD WILL NOT
3 TOLERATE ATTEMPTS TO INTERFERE WITH THE L.E.A.'S LEGAL
4 OBLIGATIONS BY RECALCITRANT OPERATORS. WE ASK THAT YOU
5 CATEGORICALLY REJECT ANY DECERTIFICATION OF THE WEST
6 COVINA L.E.A. AND THANK YOU FOR YOUR TIME AND PATIENCE.
7 AND IF THERE'S ANY QUESTIONS I'D BE HAPPY TO TRY AND
8 ANSWER THEM.

9 CHAIRMAN CHESBRO: THANK YOU. ANY COMMENTS
10 OR QUESTIONS? MR. EGIGIAN.

11 MR. EGIGIAN: MR. CHAIRMAN, I THINK I'VE
12 COME UP WITH A SOLUTION. I'M NOT GOING TO ASK YOU ANY
13 QUESTIONS.

14 CHAIRMAN CHESBRO: I GUESS THERE ARE NO
15 QUESTIONS.

16 MR. EGIGIAN: I'VE COME UP WITH A SOLUTION.
17 WE CAN SAVE A LOT OF MONEY BY GETTING RID OF OUR LEGAL
18 STAFF, BECAUSE OUR STAFF HAS TOLD US THAT WE ARE DOING
19 WHAT THE LAW SAYS WE CAN DO.

20 AND I'D LIKE TO ASK A DIRECT QUESTION TO OUR
21 LAWYER. IT SAYS WE ARE WRONG FOR TAKING THIS ACTION.
22 WILL YOU EXPLAIN TO US WHERE WE'RE WRONG AND WHY WE
23 SHOULDN'T BE DOING THIS?

24 MS. TOBIAS: IS THIS BEFORE OR AFTER YOU GET
25 RID OF ME?

26 THE ORIGINAL LANGUAGE THAT STAFF RECOMMENDED
27 WAS PARTIAL DECERTIFICATION. LET ME POINT OUT FIRST THAT
28 OUR ORIGINAL RECOMMENDATION WAS PARTIAL DECERTIFICATION,

1 NOT FULL DECERTIFICATION. SO I WASN'T SURE THAT MR.
2 LENNARD ACTUALLY WAS PUTTING THAT ACROSS CLEARLY. SO I
3 DO WANT TO SAY FIRST THAT THE ORIGINAL STAFF
4 RECOMMENDATION WAS PARTIAL DECERTIFICATION DEALING WITH
5 THE FAILURE TO GET THIS FIVE-YEAR PERMIT REVIEW DONE.

6 THE SECTION THAT WE WERE OPERATING UNDER AND
7 ARE STILL OPERATING UNDER IS SECTION 43214,
8 SUBSECTION D, AND THEN SUBSECTION UNDER THAT IS 3.
9 ESSENTIALLY UNDER "D," I'LL JUST READ IT TO YOU SO THAT
10 IT'S CLEAR IN YOUR MINDS AT THIS POINT, IT SAYS THAT,
11 "THE BOARD SHALL FIND A LOCAL ENFORCEMENT AGENCY IS NOT
12 FULFILLING ITS RESPONSIBILITIES AND MAY TAKE ACTION IF
13 THE BOARD IN CONDUCTING ITS PERFORMANCE REVIEW," WHICH IS
14 WHAT STAFF WAS DOING IN TERMS OF THE EVALUATION, "MAKES
15 ONE OR MORE OF THE FOLLOWING FINDINGS."

16 AND UNDER THAT ARE FIVE SETS OF FINDINGS,
17 AND NO. 3 IS, "THE LOCAL ENFORCEMENT AGENCY HAS FAILED TO
18 PREPARE OR CAUSED TO BE PREPARED PERMITS, PERMIT
19 REVISIONS FOR CLOSURE AND POSTCLOSURE MAINTENANCE PLANS."
20 I'M STILL COMFORTABLE THAT IF THE BOARD FEELS BASED ON
21 THE INFORMATION THAT'S BEEN PRESENTED THROUGH THE LAST
22 SEVERAL MONTHS THAT THE L.E.A. HAS FAILED TO CAUSE TO BE
23 PREPARED THIS FIVE-YEAR PERMIT REVIEW, THAT WE HAVE THE
24 LEGAL BASIS ON WHICH TO REVOKE THE CERTIFICATION.

25 I DO WANT TO SAY THAT IN COMING UP WITH THAT
26 RECOMMENDATION, AND WITHOUT REFERENCE TO EITHER PARTY,
27 THAT THE HISTORY OF THE LESS THAN SUCCESSFUL EFFORTS IN
28 UPDATING THIS PERMIT WERE THE BASIS FOR THIS, AS WELL AS

1 ONGOING LITIGATION AMONG AND BETWEEN, OR I SHOULD JUST
2 SAY BETWEEN THE PARTIES. AND I THINK EVEN IN WATCHING
3 MR. LENNARD'S PRESENTATION YOU CAN SEE THAT THERE HAS
4 BEEN A LONG RECORD OF UNSUCCESSFUL EFFORT IN TERMS OF
5 DEALING WITH THIS OPERATOR. AND AGAIN THIS IS NOT TO PUT
6 THE BLAME ON ANOTHER PARTY. IT IS TO SAY THAT THE TWO
7 PARTIES HAVE NOT BEEN ABLE TO GET THIS PERMIT UPDATED.

8 SO, I CAN ANSWER ANY OTHER QUESTIONS.

9 MR. EGIGIAN: THE ANSWER IS YES OR NO?

10 MS. TOBIAS: THE ANSWER IS YES. DO I STILL
11 HAVE A JOB?

12 MR. EGIGIAN: YOU'VE STILL GOT THE JOB.

13 I HAVE OTHER THINGS TO SAY, MR. CHAIRMAN,
14 BUT I WOULD RATHER WAIT UNTIL AFTER. I JUST KEEP
15 WONDERING HOW APPROPRIATE IS WHAT WE'RE DOING HERE TODAY.
16 WE'RE NOT A COURT OF LAW. WE DON'T TAKE SWORN
17 TESTIMONY. WE LISTEN TO ONE SIDE, THEN WE LISTEN TO THE
18 OTHER SIDE. AND WHEN IT'S ALL OVER WE STILL DON'T HAVE A
19 PERMIT. OKAY. SO I WILL QUIT TALKING. LET'S GO AHEAD.

20 CHAIRMAN CHESBRO: WELL, IT IS A PUBLIC
21 PROCESS. THAT'S ONE OF THE REASONS WE HAVE A BOARD.
22 WE'RE HERE TO LISTEN. THAT'S PART OF WHAT WE GET PAID
23 FOR.

24 WE DO HAVE A QUESTION FROM MR. FRAZEE, MR.
25 LENNARD.

26 MR. FRAZEE: COUPLE OF THINGS, MR. LENNARD.
27 FIRST TO GET TO THE QUESTION I ALWAYS HAVE TO PREFACE
28 THESE THINGS. AND LET ME SAY I AGREE WITH YOU IN THE

1 PREMISE THAT'S BEEN BROUGHT FORWARD IN ALL OF THIS, THAT
2 THIS BOARD HAS NO BUSINESS DEALING WITH A LAND USE
3 ISSUE. THAT'S NOT IN QUESTION. AND I THINK YOU'VE BEEN
4 VERY CAREFUL TO POINT THAT OUT, THAT THAT'S STRICTLY, THE
5 U.U.P. AS IT'S REFERRED TO IS STRICTLY SOMETHING BETWEEN
6 THE CITY OF WEST COVINA AND THE OPERATOR OF THE LANDFILL
7 AND IS NOTHING THAT SHOULD BE OF CONCERN TO US.

8 BUT WOULD YOU NOT AGREE THAT LACKING
9 RESOLUTION OF THAT ISSUE, THEN ALL THAT WE'RE DOING IS
10 NOTHING BUT FORM RATHER THAN SUBSTANCE. IF THE BOTTOM
11 LINE IS THEY'RE NEVER GOING TO GET THERE ANYWAY NO MATTER
12 HOW DILIGENTLY THEY PURSUE A PERMIT TO CONTINUE TO
13 OPERATE THE LANDFILL, IF THE BOTTOM LINE IS THEY'RE NEVER
14 GOING TO GET THE LAND USE SIDE OF IT, WHICH IS NOT OUR
15 CONCERN, BUT IT HAS TO BE BROUGHT INTO THE EQUATION, IS
16 THAT --

17 MR. LENNARD: WELL, I DON'T THINK THAT THAT
18 IS AN APPROPRIATE CONCERN, BOARD MEMBER, BECAUSE OF A
19 NUMBER OF THINGS, BUT PRIMARILY THAT IS ASKING SOMEONE TO
20 BE A PROGNOSTICATOR AS TO WHAT IS GOING TO HAPPEN ON THE
21 LAND USE SIDE. OBVIOUSLY, THAT'S WHY WE'RE IN COURT ON
22 THE M.O.U. LITIGATION WHICH IS CONTRACTUAL. THAT'S WHY
23 THERE IS AN ONGOING DISPUTE REGARDING THE U.U.P. ALLEGED
24 VIOLATIONS. I HAVE NO WAY OF KNOWING WHETHER THAT IS
25 GOING TO END UP IN FINES OR WHATEVER.

26 THE ISSUE, HOWEVER, IS NOT WHETHER WE CAN
27 SPECULATE AS TO WHAT MAY HAPPEN ON THE LAND USE SIDE
28 VIS-A-VIS THE CITY AND B.K.K. THE ISSUE I THINK WHICH WE

1 HAVE TO ADDRESS TODAY IS HOW CAN WE GET THAT SOLID WASTE
2 FACILITIES PERMIT UPDATED. AND UNTIL WE KNOW FOR CERTAIN
3 THAT IN FACT THERE IS A LAND USE ACTION THAT IS GOING TO
4 MAKE THIS EXERCISE UNNECESSARY, I THINK WE HAVE TO GO
5 FORWARD AS THE STATE LAW REQUIRES US TO DO TO UPDATE THE
6 SOLID WASTE FACILITIES PERMIT. AND THAT'S WHAT WE'RE
7 DOING.

8 OBVIOUSLY, AND I DON'T THINK THE
9 REPRESENTATIVES OF B.K.K. WOULD DISAGREE, IF WE WERE IN
10 HERE BEFORE YOU WITH A SUPERIOR COURT DECISION OR COURT
11 OF APPEALS DECISION SAYING, FOR INSTANCE, THAT THE M.O.U.
12 WAS VALID AND YOU DO HAVE TO CLOSE DOWN BY NOVEMBER OF
13 '95, AND THERE WAS AN APPELLATE COURT THAT UPHELD THAT
14 PROCESS, AND WE WERE HERE BEFORE YOU IN THE MIDDLE OF
15 '96, I THINK YOUR QUESTION WOULD BE A VERY VALID ONE.
16 BUT THAT'S NOT THE CIRCUMSTANCES.

17 MR. FRAZEE: THAT'S THE REASON THAT I
18 CONTINUE TO STRUGGLE WITH THIS, BECAUSE ALL OF MY PAST
19 EXPERIENCE IS LAND USE DECISION IS MADE FIRST AND
20 EVERYTHING FLOWS FROM THAT. AND WE SEEM TO HAVE THAT
21 EQUATION REVERSED HERE, AND EVERYTHING IS CONTINGENT UPON
22 AN ULTIMATE LAND USE DECISION BY THE CITY COUNCIL OR BY
23 THE COURT.

24 MR. LENNARD: BUT I THINK WHAT YOU'RE DOING
25 IS WHEN YOU SAY THE ULTIMATE DECISION IS BY THE COURT,
26 YOU DON'T HAVE ANY DECISION RIGHT NOW BY THE COURT.
27 OBVIOUSLY THE LITIGATION HAS NOT BEGUN. I THINK IT WOULD
28 ONLY BE FAIR TO SAY TO YOU THAT THAT LITIGATION IS GOING

Page 1 of 1

1 TO BE LENGTHY. IT'S NOT GOING TO BE DECIDED RAPIDLY. IT
2 WILL BE HOTLY CONTESTED. AND I DON'T THINK THAT YOU CAN
3 SIT WITH A VACUUM. I THINK THE STATE LAW, WHETHER WE
4 LIKE IT OR NOT, AND YOUR OWN BOARD'S ACTIONS HAVE SAID TO
5 THIS L.E.A. GET AN UPDATED PERMIT. WE ARE REPRESENTING
6 TO YOU AS ANY L.E.A. IN THE STATE WHO WANTS TO FULFILL
7 ITS LEGAL OBLIGATION WOULD DO, WE WOULD SAY WE CAN GET
8 THAT DONE.

9 I AGREE IN TERMS OF IF YOU HAVE AN L.E.A.
10 THAT IS NOT PERFORMING ITS DUTIES, AND THERE IS A REASON
11 ON ITS FAULT AS TO WHY THE PERMIT HAS NOT BEEN ISSUED,
12 THEN I THINK I WOULD AGREE WITH THE STATEMENT THAT YOUR
13 GENERAL COUNSEL HAS STATED. I CANNOT AGREE AND WOULD
14 RESPECTFULLY DISAGREE WITH THE OPINION THAT IF FOR ANY
15 REASON THERE IS NOT A PERMIT ISSUED, WHETHER IT HAS
16 ANYTHING TO DO WITH THE L.E.A. OR NOT, THAT THE L.E.A.
17 THEN SHOULD BE DECERTIFIED. LET ME GIVE YOU AN
18 ILLUSTRATION. LET'S ASSUME THAT THE L.E.A. IS TRYING TO
19 REVISE A SOLID WASTE FACILITIES PERMIT AND THE OPERATOR
20 SAYS -- AND I'M NOT PICKING THIS ILLUSTRATION BECAUSE
21 THIS IS NEARLY WHAT HAPPENED HERE, IT'S NOT EXACTLY THE
22 SAME -- AND THE OPERATOR SAYS, WE DON'T THINK AN E.I.R.
23 IS APPROPRIATE. L.E.A. SAYS, YES, IT IS. THE BOARD
24 STAFF AGREES, YES, IT IS. WE GO BACK AND TELL THE
25 OPERATOR AN E.I.R. IS APPROPRIATE AND YOU'RE GOING TO
26 HAVE TO PARTICIPATE. AND THEY SAY NO. WHAT IS THE
27 L.E.A. SUPPOSED TO DO? IT BRINGS AN ENFORCEMENT ACTION.
28 IS THAT GROUNDS FOR DECERTIFICATION? I WOULD THINK NOT.

1 I THINK YOUR OWN REGS, AND ONE THAT I CITED
2 AGAIN THE VERY FIRST TIME I WAS BEFORE THIS BOARD, YOU
3 HAVE A REGULATION THAT IS ENTITLED, AND IT'S 18081,
4 "L.E.A. PERFORMANCE STANDARDS AND EVALUATION CRITERIA."
5 HOW YOU EVALUATE THE L.E.A. AND THIS IS WHAT THE BOARD
6 WILL CONSIDER IN EVALUATING THE L.E.A. ONE OF THE ITEMS
7 THAT IT LISTS, AND I AM QUOTING DIRECTLY FROM THE REGS,
8 "ALL FACILITIES AND DISPOSAL SITES WITHIN THE L.E.A.'S
9 JURISDICTIONS SHALL," SO THEY HAVE TO MEET THIS CRITERIA,
10 "NO. 1, BE IN COMPLIANCE WITH STATE MINIMUM STANDARDS AND
11 THE TERMS AND CONDITIONS OF THE SOLID WASTE FACILITIES
12 PERMIT. TWO, BE PERMITTED OR EXEMPTED."

13 NOW SOMEONE COULD SAY, WELL, IT'S NOT
14 PERMITTED. THEREFORE, L.E.A. YOU'VE LOST YOUR
15 EVALUATION, YOU SHOULD BE DECERTIFIED. BUT IT DOESN'T
16 SAY THAT. WHAT IT DOES SAY IS, "BE PERMITTED OR EXEMPTED
17 OR BE UNDER APPROPRIATE ENFORCEMENT ACTION."

18 WE'VE TAKEN THE APPROPRIATE ENFORCEMENT
19 ACTION. WE'VE WAITED FOUR YEARS TO TRY AND GET THIS
20 SOLID WASTE FACILITIES PERMIT PROCESSED. I DON'T THINK
21 ANYBODY IN TERMS OF THE L.E.A. COULD ACCUSE THE L.E.A. OF
22 BEING LITIGATION HAPPY. FOUR YEARS OF FRUSTRATION, FOUR
23 YEARS OF CHANGED PROJECTS, FOUR YEARS OF DIFFERENT
24 R.D.S.I.'S, WITH THE ULTIMATE IN APRIL OF '94 SAYING, NO,
25 SORRY, WE'RE NOT GOING TO HAVE THE PERMIT REVISED, AND
26 WE'RE NOT GOING TO PARTICIPATE IN THE E.I.R. PROCESS.
27 THEN WHAT DO WE DO? IT WAS ONLY AS A LAST RESORT THAT WE
28 BROUGHT THAT ENFORCEMENT ACTION. BUT I THINK WITH THAT I

1 WOULD MAINTAIN MY POSITION THAT GIVEN ALL THE FACTS AND
2 CIRCUMSTANCES THAT THERE IS SIMPLY NO LEGAL GROUNDS TO
3 DECERTIFY THIS L.E.A.

4 MR. FRAZEE: ONE OTHER QUESTION. YOU
5 MENTIONED AGAIN THE CHANGED OR AMENDED R.D.S.I.'S. I
6 NEED TO UNDERSTAND, WAS THAT A RESULT OF THE OPERATOR
7 CHANGING THEIR MIND AND SAYING WE WANTED TO DO THIS, NOW
8 WE WANT TO DO THIS? OR QUITE OFTEN THAT KIND OF CHANGE
9 OCCURS WHEN IN DISCUSSION WITH A LOCAL AGENCY THEY SAY, I
10 THINK YOU HAVE A BETTER CHANCE OF GETTING THIS PROJECT
11 APPROVED IF YOU DID "A" RATHER THAN "B." AND THAT'S WHAT
12 DRIVES THESE CHANGES AND IT'S NOT JUST A WHIM OF THE
13 OPERATOR.

14 MR. LENNARD: I CAN TELL YOU, BOARD MEMBER,
15 THAT AT LEAST FROM MY MEMORY GOING THROUGH THIS PROCESS
16 THAT THESE R.D.S.I.'S WERE PART OF THIS WHOLE PROCESS.
17 THEY WEREN'T JUST SITTING OUT THERE ALONE. THE NOTICE
18 AND ORDER HAS BEEN HANDED DOWN, YOU'VE GOT TO UPDATE THE
19 SOLID WASTE FACILITIES PERMIT AND YOU HAVE TO GO THROUGH
20 THE CEQA PROCESS. AS A RESULT OF THAT THAT INITIATED ON
21 THE PART OF THE OPERATOR FILING THE NECESSARY R.D.S.I.
22 WHICH IS FINE. THAT'S DONE EVERY DAY.

23 BUT WHAT HAPPENED HERE IS EVERY TIME WE HAD
24 A CHANGE IN THE PROJECT, THAT NECESSITATED FILING ANOTHER
25 R.D.S.I., OR THERE WOULD BE ANOTHER R.D.S.I. FILED THAT
26 WOULD BE INCONSISTENT WITH THE PROJECT DESCRIPTION IN THE
27 E.I.R. THAT WE HAD ALREADY GONE AHEAD AND PREPARED.

28 MR. FRAZEE: MY POINT IS IS THAT DRIVEN BY



1 THE L.E.A., OR IS THAT DRIVEN BY THE DESIRE OF THE
2 OPERATOR TO DO SOMETHING DIFFERENT THAN WHAT THEY
3 ORIGINALLY SAID?

4 MR. LENNARD: IT'S DRIVEN BY THE DESIRE OF
5 THE OPERATOR.

6 MR. FRAZEE: THANK YOU.

7 CHAIRMAN CHESBRO: OKAY. I'M GOING TO CALL
8 A FIVE --

9 MS. TOBIAS: MR. CHESBRO.

10 CHAIRMAN CHESBRO: YES.

11 MS. TOBIAS: I COULD OFFER JUST A LITTLE BIT
12 ON MR. FRAZEE'S QUESTION IN TERMS OF THE LAND USE
13 PERMITS. I REALIZE HAVING COMING TO THE BOARD FAIRLY
14 RECENTLY MYSELF THAT THIS IS KIND OF A DIFFERENT
15 SITUATION THAN WE USUALLY DEAL WITH IN LAND USE. MOST OF
16 THE PERMITS THAT YOU SEE COMING FORWARD DON'T REALLY
17 TRIGGER A LAND USE ISSUE, BECAUSE MOST OF THEM ARE
18 OPERATING UNDER USE PERMITS OR IN A FEW CASES JUST UNDER
19 ZONING WHERE THEY DON'T HAVE ANY KIND OF TERMINATION TO
20 THEM.

21 SO WHAT'S HAPPENING WITH OUR FIVE-YEAR
22 PERMIT REVIEW YOU'LL SEE THAT GENERALLY THERE IS NO WAY,
23 OR GENERALLY NO WAY FOR A JURISDICTION TO GO BACK AND GET
24 BACK INTO THE LAND USE PERMIT UNLESS THERE'S A REALLY,
25 TRULY A HEALTH AND SAFETY VIOLATION OR SOME TYPE OF
26 NUISANCE ASPECT UNDER THEIR POLICE POWERS. SO FOR
27 INSTANCE, YOU'RE GOING TO SEE IN LOOKING AT PERMIT STAFF
28 REPORTS, FOR INSTANCE, YOU'LL SEE SOMETIMES THAT THE CEQA



1 DOCUMENTS ARE A NUMBER OF YEARS OLD, AND THAT PROBABLY
2 STEMS BACK TO THEIR ORIGINAL LAND USE CONSIDERATION. AND
3 THEN WHAT STAFF LOOKS AT IN THE CEQA CONSIDERATION IS IS
4 THAT STILL VALID, HAS IT BEEN UPDATED OR WHATEVER.

5 SO, WHAT WE HAVE TRIED TO DO IN THE
6 NEGOTIATIONS BETWEEN THE PARTIES IS LEAVE THE LAND USE
7 ASPECT OUT OF IT. BUT IT IS GOING TO, BECAUSE OF THE
8 INTERTWINING OF THE PARTIES AND THE ONGOING LITIGATION,
9 THERE IS, YOU KNOW EVEN THOUGH WE'VE CHOSEN TO TRY TO
10 WORK AROUND IT, IT IS STILL PRESENT. SO I DON'T KNOW IF
11 THAT HELPS OR NOT.

12 MR. FRAZEE: THANK YOU. THAT WAS THE POINT
13 I WAS TRYING TO MAKE. YOU SAID IT MUCH BETTER.

14 MS. TOBIAS: THE OTHER POINT I WOULD MAKE IN
15 RESPONSE TO WHAT MR. LENNARD SAID, HE GAVE AN EXAMPLE AND
16 SAID WHAT IF THE L.E.A. FINDS A FIVE-YEAR PERMIT REVIEW
17 IS NECESSARY, FINDS THAT THERE NEEDS TO BE AN E.I.R. AND
18 THE OPERATOR SAYS NO, AND IN FACT WE HAVE HAD THAT HAPPEN
19 IN A COUPLE OF CASES. I THINK THE DIFFERENCE HERE IS,
20 AGAIN, IF YOU REFER BACK TO THE CHRONOLOGY, IS THAT THIS
21 HAS GONE ON FOR SUCH A LONG TIME.

22 IF THIS WAS THE ORIGINAL FIVE-YEAR PERMIT
23 REVIEW AND THIS WAS THE FIRST TIME THAT WE HEARD THE
24 PARTIES COMING IN SAYING, WE CAN'T AGREE ON WHAT THE CEQA
25 REVIEW SHOULD BE OR WHAT THE TERMS AND CONDITIONS OF THE
26 PERMIT SHOULD BE, OR WHATEVER, I'M NOT SURE STAFF WOULD
27 NECESSARILY BE WHERE THEY'VE BEEN FOR THE LAST COUPLE OF
28 MONTHS. WE'D BE TRYING TO WORK IT OUT. HERE WE HAVE

1 SUCH A HISTORY BETWEEN THE PARTIES THAT IT'S MUCH MORE
2 DIFFICULT TO DO THAT BECAUSE OF THAT ONGOING CHRONOLOGY
3 WHERE THE PARTIES CAN'T FIND A PLACE, EITHER OF THE
4 PARTIES CAN'T FIND A PLACE TO REALLY COME TOGETHER.

5 CHAIRMAN CHESBRO: OKAY. NOW, I'M GOING TO
6 CALL A FIVE-MINUTE BREAK. THEN WE'RE GOING TO CALL ON
7 REPRESENTATIVES OF B.K.K. AND GIVE THEM THEIR EQUAL TIME
8 HERE. AND THEN WE'LL GET TO OTHER SPEAKERS WHO HAVE
9 REQUESTED AFTER THAT.

10 (RECESS.)

11 CHAIRMAN CHESBRO: WE ARE BACK INTO SESSION,
12 NOW. NOW THAT EVERYONE HAS HAD THE CHANCE TO HAVE A LOOK
13 AT THEIR FILES. I HAVE A SERIES OF REQUESTS FROM B.K.K.
14 AND WHAT I THINK I WILL DO IS LET YOU DECIDE WHAT THE
15 ORDER IS, HOW YOU WOULD LIKE TO PROCEED, AS I DID WITH
16 THE CITY AND THE L.E.A. AND SO YOU LET ME KNOW WHO YOU
17 WANT TO SPEAK WHEN.

18 I DID, FOR PURPOSES OF EX PARTE, NOT THAT HE
19 REALLY LOBBIED ME, I TALKED TO ONE OF THE COUNCIL MEMBERS
20 IN THE BATHROOM. I DON'T WANT YOU TO GET THE WRONG IDEA.
21 WE WERE TALKING ABOUT THE ISSUE AT HAND HERE.

22 MR. KOVALL: THANK YOU, MR. CHAIRMAN,
23 MEMBERS OF THE BOARD. FOR THE RECORD MY NAME IS GARY
24 KOVALL, GENERAL COUNSEL WITH B.K.K. CORPORATION. I DO
25 HAVE WITH ME TODAY OUR CHAIRMAN, MR. BEN KAZARIAN, JR.,
26 OUR VICE CHAIRMAN, KEN KAZARIAN, AND OUR CHIEF
27 ADMINISTRATIVE OFFICER, RON GASTELUM, AND THEY ARE GOING
28 TO COME UP, I BELIEVE I KNOW THE SEQUENCE, AFTER I'M DONE

1 AND MAKE SOME BRIEF ADDITIONAL REMARKS.

2 AT THE OUTSET I WANT TO STATE, ON A PERSONAL
3 MATTER, CLEARLY TO THIS BOARD THAT AT NO TIME HAVE I
4 MISLEAD OR MISSTATED FACTS BEFORE THIS BOARD OR BEFORE
5 ANY COMMITTEE. I WOULD NOT DO THAT, HAVE NEVER DONE
6 THAT. AND I'VE PRACTICED BEFORE THE LEGISLATURE AND STATE
7 BODIES, AGENCIES MY ENTIRE PROFESSIONAL CAREER, AND MY
8 CREDIBILITY AND REPUTATION IS WORTH A WHOLE LOT MORE THAN
9 THAT. I'M NOT GOING TO MISLEAD ANYONE WITH THE TYPES OF
10 THINGS THAT HAVE BEEN SAID.

11 MORE IMPORTANT THOUGH IS THE ISSUE THAT IS
12 HERE BEFORE US TODAY. AND THAT'S TO GET THE SOLID WASTE
13 PERMIT FOR THE B.K.K. LANDFILL, A PERMIT THAT WAS ISSUED
14 IN 1979 AND HAS NEVER BEEN UPDATED. A FEW WEEKS AGO AT
15 LEAST ONE MEMBER OF THIS BOARD AND SOME OF THE STAFF
16 RECEIVED A PERSONAL COMMITMENT BY OUR CHAIRMAN, MR. BEN
17 KAZARIAN WHO'S HERE TODAY. AND DESPITE THE LEGAL
18 DISPUTES WITH THE CITY, AND I THINK YOU ALL KNOW OF THE
19 SHEER NUMBER OF THEM AND THE MANY ARENAS IN WHICH THEY
20 EXIST, AND DESPITE THE QUESTION THAT BOARD MEMBER MR.
21 FRAZEE ASKED, AND THAT IS WHY ARE THEY DOING THIS IF OUR
22 TICKET TO OPERATE THE LANDFILL MIGHT BE REVOKED IN THE
23 MEANTIME, DESPITE THAT HE MADE AND B.K.K. THEREFORE MADE
24 A COMMITMENT TO GET THE PERMIT UPDATED. THEIR PRESENCE
25 HERE TODAY IS AN AFFIRMATION AND A REAFFIRMATION OF THAT
26 COMMITMENT. THAT'S WHAT WE'RE HERE FOR TODAY. THAT IS
27 WHAT WE HAVE PROCEEDED IN THIS PROCESS FOR OVER TWO
28 MONTHS. MR. LENNARD IS WRONG TO CHARACTERIZE OUR MOTIVES

1 AS BEING PRIMARILY DIRECTED TO DECERTIFICATION OF THE
2 L.E.A.

3 LET'S GET DOWN TO THE NUTS AND BOLTS OF THIS
4 THING. THE MOST THAT HAS EVERY BEEN CONSIDERED BY THIS
5 BOARD AND BY THE COMMITTEES HAS BEEN CONSIDERATION TO
6 TAKE THE PERMIT AND GET IT UPDATED WITH THE STAFF HERE AT
7 THE INTEGRATED WASTE MANAGEMENT BOARD. AT NO TIME HAS
8 THE ISSUE BEEN BEFORE YOU THAT THE L.E.A. WILL BE
9 TERMINATED FROM RESPONSIBILITIES OF ENFORCING TITLE 14,
10 THAT THE L.E.A. SHALL NOT CONTINUE THE WEEKLY INSPECTIONS
11 THAT HE DOES AND CONDUCTS AT OUR LANDFILL EVERY WEEK. IT
12 IS ABOUT GETTING THIS PERMIT UPDATED, AND THAT'S WHAT THE
13 FOCUS HAS BEEN.

14 WE'VE ENGAGED IN ROUGHLY TWO MONTHS OF WORK
15 TOWARDS THAT END. AND YOUR STAFF, AND AGAIN I WANT TO
16 THANK THEM ON BEHALF OF B.K.K., THEY HAVE JUST SPENT,
17 KATHRYN TOBIAS, RALPH AND OTHERS, TOM UNSEL, DON DYER
18 HAVE SPENT A TREMENDOUS AMOUNT OF TIME WORKING ON THIS.
19 AND I KNOW THEY HAVE OTHER THINGS TO DO. AND FRANKLY, TO
20 HAVE WATCHED THE SPARRING GOING ON AT TIMES, I'M SURE
21 THERE WERE MORE PLEASANT THINGS FOR THEM TO HAVE DONE.
22 BUT THEY HAVE SPENT A TREMENDOUS AMOUNT OF TIME. THEY'VE
23 HELPED ON DETAILS. THEY'VE HELPED US FOCUS ON DETAILS.
24 WE DON'T AGREE WITH EVERYTHING THAT HAS BEEN DISCUSSED.

25 BUT I WANT TO AGAIN COME BACK TO THE POINT
26 THAT I MADE SOME TIME AGO, I BELIEVE IN LA QUINTA, AND
27 CERTAINLY BEFORE THE P AND E COMMITTEE SOME TIME AGO. I
28 HAVE A PERMIT MANUAL SITTING ON MY SHELF, AND I FORGOT TO

1 BRING IT TODAY, BECAUSE I INTENDED TO BRING IT AND SHOW
2 YOU THE NUMBER OF PERMITS, THE NUMBER OF AUTHORIZATIONS
3 THAT THIS LANDFILL OPERATES UNDER. AND THESE ARE JUST
4 THE BASIC BOILERPLATE DOCUMENTS. THESE DON'T INCLUDE ALL
5 THE TECHNICAL DRAWINGS AND ALL THE OTHER TYPE OF WORK
6 DATA AND WHATNOT THAT LIES BEHIND THEM. THERE'S ONLY ONE
7 THAT IS OUT OF DATE. IT'S THE 1979 SOLID WASTE FACILITY
8 PERMIT.

9 WE'RE NOT A RECALCITRANT COMPANY. WE WORK
10 WITH REGULATORY AGENCIES EVERY WEEK AT THIS LANDFILL ON
11 MATTERS THAT ARE FAR FROM COMPLICATED THAN THIS SOLID
12 WASTE FACILITY PERMIT UPDATE PROCESS. WE HAVE A SINGULAR
13 PROBLEM AND THAT'S BEING ABLE TO GET THIS JOB DONE WITH
14 THIS L.E.A., WITH THIS L.E.A. THE CITY OF WEST COVINA.

15 I ALSO WANT TO NOTE THAT WE HAVE SUBMITTED
16 NUMEROUS DOCUMENTS. I DON'T WANT TO SAY THEY'RE PERMIT
17 APPLICATIONS, BUT THEY'RE REQUESTS FOR AUTHORIZATION,
18 REQUESTS FOR REVIEW, R.D.S.I.'S, OTHER THINGS OVER A
19 PERIOD OF ALMOST THREE YEARS WITH THIS L.E.A.
20 REPRESENTATIVE. NOT ONE, NOT ONE HAS BEEN REVIEWED TO
21 FINALITY, HAS BEEN AGREED TO, HAS BEEN SIGNED OFF ON, NOT
22 ONE. LIGHTING PLAN, WET WEATHER PLAN, R.D.S.I.'S, I CAN
23 GO ON AND ON. AND I WOULD BE PLEASED TO PRESENT A LIST,
24 BUT THAT'S NOT WHAT THIS IS ABOUT. IT'S ABOUT GETTING
25 THIS PARTICULAR PROJECT, THE SOLID WASTE FACILITY PERMIT
26 UPDATED.

27 LET ME TALK ABOUT THE HISTORY OF THE SOLID
28 WASTE FACILITY PERMIT SINCE THE CITY REPRESENTATIVES, THE

1 L.E.A. REPRESENTATIVES SHOWED YOU SOME OF THAT HISTORY.
2 WHAT THEY DIDN'T TELL YOU IS THAT B.K.K. HAS SPENT ALMOST
3 A QUARTER OF A MILLION DOLLARS, PAID TO THEM AND THEIR
4 CONSULTANTS ON TWO E.I.R.'S FOR THE SOLID WASTE FACILITY
5 PERMIT PROCESS WHICH BEGAN IN 1990. THEY ALSO HAVE TOLD
6 YOUR STAFF AND PERHAPS WOULD SAY PUBLICLY THAT THEY MADE
7 A DECISION THAT B.K.K. WOULD NOT BE INVOLVED IN SEEING
8 ANY SCREEN CHECK E.I.R. DOCUMENT. THEY FELT THERE WAS A
9 POLITICAL RISK TO THAT IN THE CITY OF WEST COVINA.
10 THEREFORE, ONCE THE APPLICANT SUBMITTED THE APPLICATIONS,
11 WHICH WE DID TWICE, PAID FOR TWO E.I.R.'S, WHICH WE DID
12 TWICE, WE'RE OUT OF IT. AND YET THEY STAND BEFORE YOU
13 TODAY AND ON PRIOR TIMES AND TELL YOU THAT WE HAVE BEEN
14 THE ONES THAT HAVE PREVENTED THEM FROM GETTING THE JOB
15 DONE. WE DON'T AGREE. AND FRANKLY, WHO DID WHAT TO WHO
16 IS UNFORTUNATELY THE SUBJECT OF LITIGATION IN THE M.O.U.
17 CASE. IT IS ONE OF THE MATTERS THAT IS MOVING BEFORE THE
18 COURTS.

19 AT LEAST TWO OF THE PROJECT COMPONENTS THAT
20 MAY HAVE REQUIRED A CHANGE IN THE PROJECT WHICH YOU HEARD
21 ABOUT FROM MR. LENNARD DID NOT COME FROM THE APPLICANT.
22 THEY CAME FROM THE CITY. THE CITY APPROACHED B.K.K. IN
23 THE MIDDLE OF THE PROCESS AND ASKED WHETHER WE'D BE
24 WILLING TO CONDUCT A GREEN WASTE COVER DEMONSTRATION
25 PROJECT AND TO PUT THAT IN THE E.I.R. WE SAID YES. THAT
26 CAUSED A CHANGE IN THE PROJECT. A SIMILAR REQUEST WAS
27 MADE OF US TO OPERATE A MECHANICAL RECYCLING SORTER BELT
28 AT THE LANDFILL. THAT BROUGHT A CERTAIN CHANGE TO THE

1 PROJECT.

2 BUT THE BOTTOM LINE IS THE PROJECT NEVER
3 CHANGED. IT WAS BASICALLY TO CONFIRM A 12,000-TON A DAY
4 OPERATION WITH OTHER SPECIFIED LIMITS OF OTHER TYPES OF
5 SPECIAL WASTE AT THE LANDFILL, AUTO SHREDDER, WASTE
6 SLUDGE AND ASBESTOS WASTE. THE PROJECT NEVER CHANGED.
7 WE ARE REQUIRED, AS YOUR STAFF HAS CONFIRMED IN THE
8 MEETING, 120 DAYS PRIOR TO MAKING A CHANGE IN OUR
9 OPERATIONS, WE ARE REQUIRED TO SUBMIT AN R.D.S.I. THE
10 LAW REQUIRES IT. WE HAVE SUBMITTED, IF THE CITY SAYS WE
11 SUBMITTED SIX, I'LL AGREE WE SUBMITTED SIX SINCE 1990.
12 THEY WERE NOT SUBMITTED TO CONFUSE THE SOLID WASTE
13 FACILITY PERMIT PROCESS. IN FACT NOT ONE OF THEM CHANGED
14 TONNAGE OR THE AMOUNTS OF WASTE. THAT IS NOT WHY THEY
15 WERE SUBMITTED. THEY WERE SUBMITTED BECAUSE WE WERE
16 MAKING OPERATIONAL CHANGES AND WE ARE REQUIRED TO INFORM
17 THE L.E.A. THAT'S WHY WE DID IT. IN FACT WE HAVE SAID
18 AS THIS PROCESS MOVES ON WE'LL SUBMIT YET ANOTHER ONE TO
19 OUTLINE THE OPERATIONS WHICH WOULD BE SUBJECT TO A
20 FIVE-YEAR PERMIT REVIEW GOING FORWARD FROM TODAY.

21 IN APRIL OF 1994 MR. LENNARD TOLD YOU WE
22 PULLED EVERYTHING OFF THE TABLE. WELL, TO SOME DEGREE
23 HE'S CORRECT. BUT THE REASON WE PULLED IT OFF THE TABLE,
24 WE CHANGED WHAT WE HAD BEEN DOING IS BECAUSE AFTER FOUR
25 YEARS AND \$250,000 NOT ONE PUBLIC HEARING COULD EVEN BE
26 CONDUCTED TO COMPLETION ON AN E.I.R. FOR THIS PROJECT. SO
27 WHAT WE DID IS WE WENT BACK AND SAID LET'S FORGET THE
28 GREEN WASTE. LET'S FORGET ABOUT THE MECHANICAL SORTING.

1 LET'S JUST GET BACK TO A BASIC TONNAGE LIMITATION PROJECT
2 WHICH THE L.E.A. FROM THE CITY OF WEST COVINA HAD SAID
3 WAS NOT LIMITED BY OUR '79 PERMIT. SO THEREFORE, WE TOOK
4 THE POSITION THAT WHY DON'T WE JUST MODIFY THIS PERMIT
5 AND GET THE DOGGONE THING UP TO DATE ONCE AND FOR ALL.

6 IT WAS MADE IN GOOD FAITH. AND IT WAS MADE
7 TO CONTINUE THE DEBATE WITH YOUR STAFF AS WELL AS THE
8 CITY. AND THAT IS IN FACT WHAT HAPPENED UNTIL SEPTEMBER
9 OF LAST YEAR 1994 WHEN WE RECEIVED THE EIGHTH AMENDMENT
10 TO THE NOTICE AND ORDER TELLING US, YOU DO THIS, THIS,
11 THIS OR WE'RE GOING TO SUE YOU. WE ASKED FOR A PUBLIC
12 HEARING BEFORE THEIR LOCAL GOVERNING BODY. WE ASKED TO
13 DEBATE THE VERY ISSUES THAT HAVE BEEN BEFORE YOU NOW FOR
14 TWO MONTHS. WE WERE TOLD WE'RE GOING TO TELL YOU WHAT
15 WE'RE GOING TO DO. WE'VE RECEIVED YOUR REQUEST. WE HAVE
16 IT, BUT WE'LL LET YOU KNOW IN THE FUTURE WHAT WE'RE GOING
17 TO DO. AS SOON AS THE SETTLEMENT DISCUSSIONS IN THE
18 M.O.U. CASE WERE OVER, BECAUSE THE COURT HAD ASKED THE
19 PARTIES TO KIND OF PUT THEIR SABERS AWAY, LET'S SEE IF WE
20 CAN RESOLVE THIS M.O.U. CASE, LITERALLY WITHIN A WEEK OF
21 THOSE ENDING WE WERE SUED, TWO DAYS AFTER YOUR STAFF
22 DIRECTED THIS L.E.A. NOT TO TAKE ANY ACTION AGAINST US.

23 IN SHORT YOU ESTABLISHED A STANDARD AT LA
24 QUINTA TO COME UP WITH A WORK PLAN THAT SHOWS A
25 REASONABLE LIKELIHOOD OF SUCCESS. SUCCESS MEANING GET
26 THIS PERMIT UPDATED. B.K.K. IS COMMITTED TO GETTING THE
27 PERMIT UPDATED. WE DO NOT, HOWEVER, BELIEVE THAT THAT
28 WORK PLAN CAN DEMONSTRATE A REASONABLE LIKELIHOOD OF

1 SUCCESS. THERE IS AN ATMOSPHERE OF PROFOUND DISTRUST
2 BETWEEN THE PARTIES. THE CITY OF WEST COVINA AND ITS
3 L.E.A. WE BELIEVE HAVE A CONFLICT OF INTEREST. THERE'S
4 NO OTHER WAY TO LOOK AT IT. PERHAPS ONE COULD WRITE A
5 LEGAL BRIEF AS TO WHY IT'S NOT A CONFLICT, BUT IN ANY
6 COMMON SENSE DEFINITION OF THE TERM WE'VE GOT A CONFLICT
7 OF INTEREST WITH THE AGENDAS OF THE CITY WHICH ARE TO
8 CLOSE OUR BUSINESS DOWN, PERMEATE EVERY RELATIONSHIP
9 THAT WE HAVE BETWEEN B.K.K. AND THE CITY.

10 I'VE ASKED BEFORE SOMEWHAT RHETORICALLY AT
11 THE P AND E COMMITTEE, HOW CAN WE EXPECT OUR STAFF TO SIT
12 DOWN AND ENGAGE IN A CONSTRUCTIVE WORKING RELATIONSHIP
13 WITH THE VERY SAME PEOPLE WHO ONE DAY ARE L.E.A., THE
14 NEXT DAY THEY HAVE A CITY HAT ON AND UNDER THE CITY HAT
15 THEY'RE TRYING TO CLOSE US DOWN, AND I WILL GUARANTEE YOU
16 WILL USE COMMENTS MADE IN DISCUSSIONS IN THOSE MEETINGS
17 FOR PURPOSES OF DEPOSITIONS AND CALLING THEM AS WITNESSES
18 IN THESE OTHER CASES. IT HAS HAPPENED. IT WILL CONTINUE
19 TO HAPPEN.

20 I GUESS I JUST WANT TO SUMMARIZE BEFORE
21 BRINGING UP MR. GASTELUM, THAT WE STAND READY, WILLING,
22 AND ABLE TO GET THIS PERMIT UPDATED WITH YOUR STAFF, TO
23 GET ON WITH IT, TO QUIT THE SQUABBLING. WE AGREE YOU
24 SHOULD NOT SIT HERE AS SOME SORT OF SUPREME COURT
25 LISTENING TO OUR LEGAL POSITIONS OF THE PARTIES. YOU
26 DON'T HAVE TO GET INVOLVED IN THOSE ISSUES. WE CAN GET
27 THIS PERMIT UPDATED. OUR CHAIRMAN, OUR COMPANY IS
28 COMMITTED TO DOING IT, AND WE WOULD JUST REQUEST THAT YOU

1 TAKE THE ACTION NECESSARY TO DO THAT.

2 AND WITH THAT I WOULD LIKE TO BRING UP OUR
3 CHIEF ADMINISTRATOR OFFICER, MR. RON GASTELUM.

4 MR. GASTELUM: MR. CHAIRMAN, MEMBERS OF THE
5 BOARD, I AM ALSO THE FORMER GENERAL COUNSEL OF B.K.K.
6 CORPORATION. I'VE BEEN WITH B.K.K. SINCE ABOUT 1982. IN
7 MY FORMER CAPACITY I WORKED MANY, MANY HOURS WITH MR.
8 COLIN LENNARD AND OTHER CITY STAFF, AND I CAN ASSURE YOU
9 THAT LIFE WITH B.K.K. AND THE CITY OF WEST COVINA WASN'T
10 ALWAYS WHAT IT IS TODAY AS YOU SEE IT. WE'RE GOING
11 THROUGH A BAD DIVORCE, AND WE JUST DON'T SEEM TO BE ABLE
12 TO DO ANYTHING. IN EARLIER YEARS WE WORKED VERY WELL
13 TOGETHER I THINK, AND HAD GOOD PLANS AND GOOD INTENTIONS
14 TO NOT BE IN FRONT OF YOU WITH A SITUATION THAT WE'RE
15 FACING TODAY.

16 BUT THAT HAS ALL GONE BY THE WAYSIDE, WE ARE
17 HERE VERY MUCH VERY CONTENTIOUS PARTIES. AND I CAN SAY
18 THAT ON THE FACTS THAT YOU'VE BEEN TOLD OR ALLEGED FACTS
19 BY THE CITY OF WEST COVINA, WE WOULD DISPUTE ALMOST EVERY
20 SO-CALLED FACT. IF YOU WANT TO BE A COURT, IF YOU WANT
21 TO GET INTO THOSE THINGS, WE'D LIKE TO HAVE THE
22 OPPORTUNITY TO PRESENT OUR OWN EVIDENCE, BECAUSE WE
23 CLEARLY DO NOT AGREE WITH THE WAY THEY'VE CHARACTERIZED
24 THE HISTORY OR THE INTENTS OF THE PARTIES. I THINK THEY
25 LEFT OUT SIGNIFICANTLY THAT THIS BOARD IN 1986 WHEN ASKED
26 BY THE CITY TO REVISE OUR PERMIT TO REQUIRE A CLOSURE IN
27 1995, THE BOARD RESPONDED THAT THE MEMORANDUM OF
28 UNDERSTANDING AS THEY READ IT DID NOT REQUIRE CLOSURE IN

1 1995, AND IN FACT MANY, MANY THINGS HAD TO BE DONE BY THE
2 PARTIES AND MUTUAL AGREEMENTS HAD TO BE REACHED BEFORE
3 THAT WOULD OCCUR. SO WHEN MR. STARBIRD STANDS UP HERE
4 AND TELLS YOU THERE'S A LEGITIMATE CONTRACT DISPUTE, YES,
5 THERE IS A LEGITIMATE CONTRACT DISPUTE. AND THIS BOARD
6 HAS BEEN KNOWLEDGEABLE OF THAT CONTRACT DISPUTE SINCE AT
7 LEAST 1986.

8 AS A FORMER ATTORNEY, I'M NOW ACTING IN MORE
9 OF AN ADMINISTRATIVE CAPACITY, I CAN SEE THAT WE HAVE
10 LEGAL ARGUMENTS ON BOTH SIDES. AND I COULD ONLY URGE YOU
11 NOT TO GET CAUGHT UP IN THE LEGAL ARGUMENTS OF THE
12 ATTORNEYS HERE TODAY, BUT TO LOOK IN VERY REAL TERMS AT
13 WHAT IS HAPPENING HERE TODAY. I CAN ONLY CHARACTERIZE IT
14 AS A BAD DIVORCE. AND AS YOU WILL HEAR FROM MR.
15 KAZARIAN, BOTH KAZARIANS, WE'RE STANDING HERE IN FRONT OF
16 YOU READY TO DO WHAT IS NECESSARY TO UPDATE THIS PERMIT.
17 BUT DON'T ASK US TO DO IT WITH THE CITY OF WEST COVINA
18 BECAUSE IT'S NOT GOING TO WORK. THANK YOU VERY MUCH.

19 CHAIRMAN CHESBRO: SO MR. BEN KAZARIAN OR
20 MR. KEN KAZARIAN? KEN.

21 MR. KEN KAZARIAN: MR. CHAIRMAN, MEMBERS OF
22 THE BOARD, MANY THINGS HAVE BEEN SAID. WE'VE HAD OUR
23 ATTORNEYS UP HERE SPARRING, THROWING OUT LEGALESE. I
24 WOULD LIKE TO PUT THIS MORE ON MORE HUMAN TERMS. WE ARE
25 BUSINESS PEOPLE, BUT WE'RE ALSO HUMAN BEINGS. WE DON'T
26 APPRECIATE BEING CALLED LIARS OR BEING TOLD THAT WE
27 PURPOSELY MISREPRESENT THE FACTS. I HAPPEN TO BE A THIRD
28 GENERATION GARBAGE MAN. AND IT'S NOT EASY TO STAND UP

1 AND SAY THAT, AFTER WORKING HARD ALL YOUR LIFE AND BEING
2 THIRD GENERATION AND LISTEN TO PEOPLE PLAY THE LEGAL
3 GAMES THAT ARE BEING PLAYED.

4 WE ARE PEOPLE AND SO IS THE CITY COUNCIL.
5 CITY COUNCIL GIVES DIRECTION TO THE L.E.A. AND DESPITE
6 THE FACT THAT THEY STAND HERE AND SAY THEY CAN SWITCH
7 HATS AND SEPARATE THEIR FEELINGS FROM LOCAL LAND USE
8 ISSUES AND ALL THE LAWSUITS AND THEN PERFORM AS AN L.E.A.
9 SIMPLY TO GET A PERMIT, I DON'T BELIEVE IT CAN BE DONE.
10 THEY ARE PEOPLE LIKE WE ARE PEOPLE. AND UNFORTUNATELY
11 IT'S BECOME PERSONAL, AND I DON'T BELIEVE THEY CAN
12 SEPARATE THEIR FEELINGS. SO THEREFORE THE ONLY WAY WE'RE
13 GOING TO BE ABLE TO GO FORWARD AND DO THE JOB THAT NEEDS
14 TO BE DONE IS TO WORK WITH THE BOARD WHERE THERE IS NO
15 CLEAR AND OVERRIDING CONFLICT ON YOUR DECISION MAKING.

16 SO WITH THAT WE RESPECTFULLY REQUEST THAT
17 THE BOARD TAKE AN ACTION WHICH LETS US GET THE JOB DONE
18 AND ENDS ALL THE FIGHTING. THANK YOU.

19 CHAIRMAN CHESBRO: MR. BEN KAZARIAN.

20 MR. BEN KAZARIAN: THANK YOU, MR. CHAIRMAN,
21 MEMBERS OF THE BOARD, STAFF. THANK YOU FOR GIVING US
22 THIS TIME. NEXT YEAR WE'LL BE 75 YEARS IN THIS BUSINESS.
23 THAT'S A LONG TIME. YOU DON'T LAST 75 YEARS IF YOUR WORD
24 IS NOT GOOD AND IF YOU'RE NOT DOING AN HONORABLE JOB. I
25 CAN MAKE MINE SHORT. YOU'VE HEARD ALL OF THIS. I CAN
26 MAKE MINE VERY, VERY SHORT. BASICALLY ENOUGH IS ENOUGH.
27 LET'S GET ON WITH IT. WE'D LIKE TO HAVE ALL OF OUR
28 PERMITS. WE'D LIKED TO GET THE JOB DONE AND CONTINUE ON

1 IN THIS INDUSTRY. THANK YOU VERY MUCH.

2 CHAIRMAN CHESBRO: THANK YOU. ARE THERE ANY
3 QUESTIONS FOR ANY OF THE REPRESENTATIVES OF B.K.K. BEFORE
4 I GO TO THE OTHER SPEAKERS?

5 OKAY. I WILL CALL ON RICHARD HANSON
6 REPRESENTING THE CITY OF LOS ANGELES LOCAL ENFORCEMENT
7 AGENCY.

8 MR. HANSON: COUNTY.

9 CHAIRMAN CHESBRO: COUNTY. I'M SORRY.
10 COUNTY OF LOS ANGELES.

11 MR. HANSON: MY NAME IS RICHARD HANSON, I'M
12 THE CHIEF OF THE SOLID WASTE MANAGEMENT PROGRAM, COUNTY
13 OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES, THE COUNTY
14 L.E.A. I HAVE A PREPARED STATEMENT, BUT BEFORE I BEGIN
15 THAT I'M A THIRD GENERATION REGULATOR, AND I'VE BEEN A
16 REGULATOR FOR 26 YEARS.

17 WITH THAT, ON FEBRUARY 15TH, 1995, I
18 APPEARED BEFORE THE PERMITTING AND ENFORCEMENT COMMITTEE
19 OF THIS BOARD TO READ A STATEMENT REGARDING THE
20 RECOMMENDATION BY BOARD STAFF TO PARTIALLY DECERTIFY THE
21 CITY OF WEST COVINA L.E.A. MY PERCEPTION OF THE
22 CIRCUMSTANCES AS THEY EXISTED ON FEBRUARY 15TH HAS
23 CHANGED CONSIDERABLY. AND TODAY I OFFER A PORTION OF
24 THAT EARLIER STATEMENT ALONG WITH MY CURRENT
25 OBSERVATIONS. I'LL ADHERE THAT THIS STATEMENT WAS
26 REVIEWED AND APPROVED BY THE DIRECTOR OF ENVIRONMENTAL
27 HEALTH, LOS ANGELES COUNTY.

28 I'VE NEVER APPEARED BEFORE THIS FULL BOARD

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1 TO GIVE TESTIMONY THAT DID NOT INVOLVE A SOLID WASTE
2 FACILITY WITHIN OUR JURISDICTION. HOWEVER, THE L.A.
3 COUNTY L.E.A. WAS A CO-L.E.A. ALONG WITH THE CITY OF WEST
4 COVINA UP UNTIL THE SUMMER OF 1992, SO WE AREN'T ENTIRELY
5 AN UNINTERESTED OR UNKNOWLEDGEABLE PARTY REGARDING THE
6 ISSUES SURROUNDING THE CITY OF WEST COVINA L.E.A. AND THE
7 B.K.K. LANDFILL. ALSO AS A MEMBER OF THE ENFORCEMENT
8 ADVISORY COUNCIL WHOSE FUNCTION IS TO ADVISE THE BOARD IN
9 SOME MANNER REGARDING THE BOARD'S RELATIONSHIP WITH THE
10 L.E.A.'S I FEEL COMPELLED TO OFFER MY OBSERVATIONS AND
11 IMPRESSIONS REGARDING THIS AGENDA ITEM. I'M NOT HERE
12 REPRESENTING THE E.A.C. AS A BODY. EVENTS HAVE
13 PROGRESSED TOO RAPIDLY IN ORDER FOR THAT GROUP TO CONVENE
14 AND EXPRESS AN OPINION. THEREFORE MY STATEMENTS TODAY
15 SIMPLY REFLECT THE OPINIONS OF THE COUNTY OF LOS ANGELES
16 L.E.A.

17 THE L.A. COUNTY L.E.A. HAS BEEN ONE OF THE
18 BOARD'S STRONGEST SUPPORTERS FOR A THOROUGH AND EQUITABLE
19 L.E.A. EVALUATION PROGRAM. FROM THE BEGINNING I GAVE MY
20 SUPPORT ALMOST UNCONDITIONALLY IN THE BELIEF THAT THE
21 SQUABBLE OVER DETAILS OF THE PROCESS WHICH I THOUGHT
22 WOULD EVOLVE NATURALLY AND I HOPED EQUITABLY WOULD SERVE
23 NO PURPOSE. I HAD TO SPEAK LONG AND HARD WITH SOME
24 L.E.A.'S TO GET THEIR SUPPORT. THEIR PRIMARY CONCERN WAS
25 THAT THE BOARD COULD NOT BE TRUSTED. IT HAS BEEN MY
26 POSITION THAT IF A STRONG AND EQUITABLE EVALUATION
27 PROCESS WAS NOT IN PLACE AN L.E.A. NO MATTER HOW WELL IT
28 FUNCTIONED WOULD CONTINUE TO BE CRITICIZED.

1 I'M SURE THERE ARE SOME IN THIS ROOM WHO
2 RECALL THE CONTENTIOUS DISAGREEMENTS BETWEEN THE BOARD
3 AND THE L.A. COUNTY L.E.A. OF THE LATE 1980'S AND THE
4 EARLY 1990'S. ONE OF THESE CONFRONTATIONS LED TO
5 LITIGATION BETWEEN THE TWO AGENCIES. SO I THINK IT
6 WOULD BE A FAIR STATEMENT TO SAY THAT BOTH SIDES HARBORED
7 ILL FEELING AND MISTRUST FOR SOME TIME AFTER THE EVENT.
8 HOWEVER, OVER TIME PERSONALITIES CHANGED AT BOTH AGENCIES
9 AND I THINK A GENERAL TEMPERING OF HARD FEELINGS ON BOTH
10 SIDES HAS LED TO THE CURRENT SITUATION OF WHAT I HOPE IS
11 ONE OF MUTUAL RESPECT AND AT THE LEAST TOLERANCE. THE
12 POINT I'M TRYING TO MAKE HERE IS THAT I WAS VERY MUCH A
13 PART OF THOSE EARLIER PROBLEMS, AND TRUSTING THE BOARD AS
14 AN ORGANIZATION DOES NOT COME EASILY OR NATURALLY TO ME.
15 AS INDIVIDUALS I CONSIDER MANY OF THE BOARD STAFF TO BE
16 HIGHLY PROFESSIONAL AND SOME I CONSIDER TO BE CLOSE
17 FRIENDS.

18 OVER THE LAST COUPLE OF YEARS I'VE NOTICED A
19 DEFINITE SWING IN THE BOARD'S APPROACH TO THE L.E.A.'S,
20 ASIDE FROM THE MANDATES OF AB1220. THE BOARD APPEARED TO
21 BE CULTIVATING A MORE COOPERATIVE ATTITUDE WITH THE
22 L.E.A.'S AND CREATING MORE OF A VISIBLE DECISION MAKING
23 PROCESS WITH THE IMPLEMENTATION OF THE ROUND TABLE.
24 HOWEVER, I BELIEVE THAT IF YOU PROCEED WITH THE
25 DECERTIFICATION OPTION FROM YOUR STAFF REGARDING THIS
26 AGENDA ITEM YOU WILL CREATE THE IMPRESSION AMONG MANY
27 L.E.A.'S, INCLUDING THIS ONE, THAT THE CLOCK HAS BEEN
28 TURNED BACK, AND THAT IT WILL BE THE BUSINESS AS USUAL OF

1 A FEW YEARS AGO.

2 TWO MONTHS AGO THERE SEEMED TO BE TWO MAIN
3 ISSUES. FIRST WAS THE MERITS OF THE DECERTIFICATION
4 ITSELF, AND THE SECOND WAS THE PROCESS BY WHICH THAT WAS
5 TO BE ACCOMPLISHED. IN FEBRUARY THE MOST IMPORTANT ISSUE
6 TO THIS L.E.A. WAS THE PROCESS. NOW THERE'S ONLY ONE
7 MAJOR ISSUE AND THAT'S THE MERITS OF THE DECERTIFICATION.
8 AND IN RETROSPECT THAT WAS PROBABLY THE ONLY ISSUE ALL
9 ALONG. IT IS THIS L.E.A.'S OPINION THAT THE CORRECTIVE
10 ACTION WORK PLAN SHOULD NEVER HAVE BEEN REQUIRED IN THE
11 FIRST PLACE. THE CITY L.E.A. HAD DONE EVERYTHING IN ITS
12 POWER TO FORCE THE ISSUE PRIOR TO FEBRUARY.

13 IN SPITE OF WHAT I BELIEVE NOW, SUBSEQUENT
14 TO THE PERMITTING AND ENFORCEMENT COMMITTEE MEETING I WAS
15 ENCOURAGED THAT A PROCESS WAS DEVELOPING WITH THE AID OF
16 BOARD STAFF THAT WOULD BRING THE PARTIES TOGETHER TO
17 DEVELOP AN AGREEABLE PROCEDURE ULTIMATELY TO PRODUCE AN
18 UPDATED SOLID WASTE FACILITY PERMIT, THE GOAL. THE
19 L.E.A. THEN DEVELOPED THE PLAN. THE BIG PROBLEM WITH
20 THIS PLAN IS THAT THE BOARD HAS PLACED THE ENTIRE
21 RESPONSIBILITY FOR ITS SUCCESS ON THE SHOULDERS OF THE
22 L.E.A. AND NO PRESSURE AT ALL ON THE OTHER RESPONSIBLE
23 PARTY, B.K.K. SINCE B.K.K. HAS PUBLICLY MADE IT CLEAR
24 THAT THEY WISHED THE L.E.A. TO BE DECERTIFIED, AND SINCE
25 THE BOARD HAS ALSO PUBLICLY MADE IT CLEAR THAT IT HOLDS
26 THE L.E.A. RESPONSIBLE FOR THE SUCCESS OF THE PLAN, WHY
27 SHOULD IN ALL LOGIC AND REASON B.K.K. DO ANYTHING? HOW
28 COULD WE EXPECT ANYTHING ELSE EXCEPT THE CURRENT

1 SITUATION. THE L.E.A. NEEDED A PROACTIVE BOARD TO FORCE
2 THE ISSUE. THE L.E.A. NEEDED A FULL BUSHEL OF SUPPORT.
3 BUT WHAT DID THEY GET? THEY GOT A PECK.

4 IN FEBRUARY THE MERITS OF THE
5 DECERTIFICATION ITSELF WAS A COMPLETE MYSTERY TO ME.
6 SECTION 43101(C)8 OF THE P.R.C. REQUIRES THAT THE BOARD,
7 QUOTE, "SHALL SET CLEAR AND UNIFORM STANDARDS TO BE MET
8 BY LOCAL ENFORCEMENT AGENCIES," UNQUOTE. AFTER TWO
9 MONTHS OF TALKING TO COUNTLESS L.E.A.'S AND BOARD STAFF
10 AND VIEWING A PAPER DATED APRIL 12, 1995, PRODUCED BY THE
11 BOARD ENTITLED, "L.E.A. DECERTIFICATION REGULATION
12 CONCEPTUAL DISCUSSION DRAFT," THE MYSTERY IS NO MORE.
13 THE INVISIBLE YARDSTICK WHICH I USED TO DESCRIBE THE
14 APPARENT LACK OF DECERTIFICATION CRITERIA IN MY EARLIER
15 STATEMENT HAS NOW BEGUN TO APPEAR. INSTEAD OF A
16 YARDSTICK THE SHAPE THAT HAS EMERGED IS THAT OF A GIANT
17 CLUB.

18 THANKFULLY THESE CONCEPTUAL DRAFT
19 REGULATIONS ARE NOT LAW. BUT TO USE 43214(D), QUOTE,
20 "THE BOARD SHALL FIND A LOCAL ENFORCEMENT AGENCY IS NOT
21 FULFILLING ITS RESPONSIBILITIES," ET CETERA, BASED SOLELY
22 UPON WHAT I VIEW AS AN INTRANSIGENT OPERATOR IS IN MY
23 OPINION NOT FAIR TO THE L.E.A. AND CERTAINLY NOT THE
24 INTENT OF THIS STATUTE. IN THE CONCEPTUAL DRAFT
25 DECERTIFICATION REGULATIONS UNDER THE HEADING, L.E.A.
26 CERTIFICATION SUSPENSIONS BY THE WASTE BOARD, SUB A, IT
27 STATES, QUOTE, "TEMPORARY CERTIFICATION SUSPENSION MAY
28 NOT BE SOLELY BASED ON AN L.E.A.'S EVALUATION AND IS

1 INTENDED FOR USE WHEN, BUT NOT LIMITED TO THE FOLLOWING,"
2 AND THEN IN THREE UNDER SUB A IT STATES, QUOTE, "IN AN
3 L.E.A. JURISDICTION LITIGATION CAUSES THE L.E.A. TO
4 BECOME INEFFECTIVE IN PERFORMING ANY ONE OR MORE OF ITS
5 DUTIES OR RESPONSIBILITIES."

6 CHAIRMAN CHESBRO: IS THAT INTENDED TO
7 DEMONSTRATE THAT THIS CIRCUMSTANCE SPECIFICALLY IS LISTED
8 OR NOT? I'M TRYING TO UNDERSTAND WHAT YOU'RE TRYING TO
9 SAY WITH IT.

10 MR. HANSON: WHAT I'M TRYING TO SAY IS THAT
11 I THINK THAT ALTHOUGH THE P.R.C. NOW IS SOMEWHAT GENERAL
12 IN THAT IT SAYS THAT THE L.E.A. MUST PRODUCE A PERMIT,
13 THAT THE PROPOSED REGULATIONS WILL MAKE IT MORE SPECIFIC,
14 AND THAT IN THIS CASE IT COULD BE LITIGATION AND THEN
15 THERE ARE A FEW OTHERS TOO THAT ARE MORE SPECIFIC IF THAT
16 WERE IN FACT REGULATIONS. AND THEN SINCE THEY ARE A
17 CONCEPTUAL DRAFT I FEEL THAT PERHAPS THAT MAY BE THE
18 THINKING OF THE BOARD OR BOARD STAFF.

19 CHAIRMAN CHESBRO: OKAY. THANK YOU.

20 MR. HANSON: THIS PROPOSAL ECHOES THE BOARD
21 STAFF STATEMENT IN THE ANALYSIS SECTION OF THE FEBRUARY
22 AGENDA ITEM, QUOTE, "STAFF BELIEVES THAT THE HISTORY OF
23 THE LITIGATION BETWEEN THESE TWO PARTIES MAKES IT
24 UNLIKELY FURTHER ATTEMPTS BY BOTH PARTIES TO ACHIEVE A
25 PERMIT UPDATE WILL BE SUCCESSFUL." AND ADDITIONALLY FROM
26 TODAY'S AGENDA ITEM ANALYSIS SECTION, QUOTE, "ALTHOUGH
27 THE LITIGATION DOES NOT DIRECTLY INVOLVE L.E.A.
28 PERFORMANCE ISSUES IT HAS IMPEDED THE L.E.A. FROM

1 PURSUING AND OBTAINING AN UPDATED SOLID WASTE FACILITIES
2 PERMIT FOR THE B.K.K. LANDFILL."

3 ARE WE IN A HURRY HERE? IS IT REALLY
4 NECESSARY TO BLAME ANYONE? HASN'T THE L.E.A.
5 DEMONSTRATED THAT THE MINIMUM STANDARDS ARE IN COMPLETE
6 COMPLIANCE. THERE IS NO THREAT TO PUBLIC HEALTH OR THE
7 ENVIRONMENT DUE TO A LACK OF A MORE RECENT PERMIT.
8 REFERENCE IS CONSTANTLY MADE TO 1979 AS THOUGH THE
9 CURRENT L.E.A. HAS BEEN SITTING ON ITS HANDS FOR 16
10 YEARS. THIS L.E.A. CAME INTO EXISTENCE LESS THAN THREE
11 YEARS AGO. IF ANYONE OR ANYTHING HAS IMPEDED THE PROCESS
12 IT HAS BEEN THE OPERATOR, B.K.K. SHALL WE BLAME AN
13 OVERBURDENED CIVIL COURT SYSTEM THAT CAN'T OR WON'T HEAR
14 THE L.E.A.'S COMPLAINT AGAINST B.K.K. UNTIL NEXT
15 SEPTEMBER. ARE WE TO EXPECT THE SAME LEVEL OF PATIENCE
16 FROM THE BOARD IN THE FUTURE WHEN AN L.E.A. FILES SUIT IN
17 CIVIL COURT TO ENFORCE ONE OF THE MYRIAD OF REGULATIONS
18 WE'RE EMPOWERED TO ENFORCE.

19 IF THE L.E.A. IS AS NONOBJECTIVE AS B.K.K.
20 CLAIMS, SHOULDN'T WE WAIT TO SEE WHAT TYPE OF CEQA
21 DOCUMENT AND PERMIT COMES OUT OF ALL THIS? IS THE L.E.A.
22 BEING PREJUDGED? AFTER ALL THE BOARD AND NUMEROUS OTHER
23 INDIVIDUALS AND AGENCIES WILL GET A CHANCE TO COMMENT ON
24 THE CEQA DOCUMENT. THE PROCESS WILL NOT BE EXACTLY
25 HIDDEN AWAY IN A CLOSET. AND OF COURSE THE BOARD MUST
26 THOROUGHLY REVIEW AND THEN CONCUR ON ANY PERMIT WHICH MAY
27 BE ULTIMATELY ISSUED.

28 REGULATORS AND LAW ENFORCEMENT PERSONNEL

1 EVERYWHERE HAVE ONE GENERAL PET PEEVE IN COMMON. THAT IS
2 WHEN THE REGULATOR HAS IDENTIFIED A PROBLEM AND HAS TAKEN
3 THE APPROPRIATE ACTION AND IS THEN OVERTURNED OR
4 CRITICIZED BY THE UPPER ECHELON IN RESPONSE TO SOME SORT
5 OF OUTSIDE PRESSURE. THIS TYPE OF ACTION BY THE
6 SUPERVISOR IS THE QUICKEST WAY TO LOWER MORALE AND
7 ELIMINATE RESPECT FOR THAT SUPERVISOR. I SEE THAT
8 SIMILAR TYPE OF SITUATION BEGINNING TO DEVELOP HERE.

9 I BELIEVE THAT IF THE BOARD ADOPTS THEIR
10 STAFF DECERTIFICATION OPTION AND DECERTIFIES THE CITY OF
11 WEST COVINA L.E.A., THEY WILL SEND A MESSAGE TO
12 RECALCITRANT OPERATORS EVERYWHERE THAT IF THE OPERATOR
13 GETS IN A TIGHT SPOT WITH ITS L.E.A. ALL IT HAS TO DO IS
14 PRECIPITATE LITIGATION WITH THE GOVERNING BODY OR
15 DEPARTMENT OF THE GOVERNING BODY. A SMALL SUGGESTION, IF
16 THE BOARD WOULD BE MORE SUPPORTIVE OF THE L.E.A. AND
17 INSTEAD OF FINDING FAULT AND ASSERTING THAT THE BOARD'S
18 WAY IS THE ONLY WAY, THEY WOULD FIND A MUCH MORE
19 RECEPTIVE ATTITUDE ON THE PART OF THE L.E.A.'S TO MANY
20 OF THE BOARD'S POLICIES, PROCEDURES, ET CETERA THAT TODAY
21 ARE MET WITH, BY MANY WITH LESS THAN OVERWHELMING
22 ENTHUSIASM. WHAT IS CLEAR THOUGH IS THAT FOR EVERYONE'S
23 SAKE THIS CONTENTION MUST END.

24 FINALLY, I WOULD LIKE TO SAY TO THE BOARD
25 AND BOARD STAFF THAT IRRESPECTIVE OF THE OUTCOME OF THIS
26 ISSUE THIS L.E.A. WILL CONTINUE TO BE THE BEST IT CAN BE,
27 NOT ONLY FOR THE PEOPLE OF LOS ANGELES COUNTY BUT ALSO AS
28 A REPRESENTATIVE OF THE WASTE MANAGEMENT BOARD. TO

1 B.K.K. I OFFER THIS, WE ALL DO WHAT WE FEEL HAS TO BE
2 DONE FOR OUR OWN INTERESTS. I UNDERSTAND THAT WELL. I
3 TRY TO JUDGE EACH AND EVERY PROJECT ON ITS OWN MERITS
4 WITHIN MY SCOPE OF AUTHORITY REGARDLESS OF WHAT I
5 PERSONALLY OR PROFESSIONALLY MAY FEEL ABOUT AN OPERATOR,
6 EITHER POSITIVE OR NEGATIVE. EACH PROJECT STARTS WITH A
7 BLANK SLATE AND LEVEL PLAYING FIELD. THANK YOU.
8 QUESTIONS?

9 CHAIRMAN CHESBRO: ANY QUESTIONS. NO.
10 THANK YOU VERY MUCH.

11 I'LL CALL ON PAUL MANASJAN REPRESENTING THE
12 VERNON L.E.A. I BELIEVE.

13 MR. MANASJAN: MY NAME IS PAUL MANASJAN.
14 I'M WITH THE CITY OF VERNON L.E.A. I'M HERE TO SHARE
15 WITH YOU WHAT I BELIEVE IS A COMMON VIEW AMONGST L.E.A.'S
16 ACROSS THE STATE. I AM NOT ASHAMED TO ADMIT THAT I AM
17 VERY CONFUSED AS TO WHAT IS GOING ON HERE TODAY. I'M
18 CONFUSED BECAUSE AS AN L.E.A. I TRY TO DO THE BEST I CAN.
19 I TRY TO GET AS MUCH GUIDANCE AS I CAN FROM THE STATE AS
20 TO WHAT TO DO. AND I LOOK AT THIS SCENARIO AND I THINK
21 OF WHAT WOULD I DO IF I WAS IN THE POSITION OF THE WEST
22 COVINA L.E.A. I DON'T THINK I WOULD HAVE DONE ANYTHING
23 DIFFERENTLY. AND LIKE WEST COVINA I WOULD HAVE COME TO
24 THE BOARD WHEN I REACHED STUMBLING BLOCKS IN THE PROCESS
25 TO ASK FOR GUIDANCE AND ASSISTANCE, BECAUSE IT'S MY
26 UNDERSTANDING THAT WE WORK TOGETHER AS A TEAM. THE
27 L.E.A. IS OUT THERE ISSUING PERMITS, CONDUCTING
28 INSPECTIONS, AND FOLLOWING GUIDANCE FROM THE BOARD, SO

1 THAT WE HAVE A COMMON GOAL IN THE ENFORCEMENT OF SOLID
2 WASTE REGULATIONS.

3 MR. SAMANIEGO OF THE L.E.A. FOR WEST COVINA
4 APPROACHED THE BOARD TO MY UNDERSTANDING NUMEROUS TIMES,
5 OR THE BOARD STAFF I SHOULD SAY, SEEKING GUIDANCE, WHAT
6 DO I DO NOW. NO GUIDANCE WAS GIVEN. IS THE SAME THING
7 GOING TO HAPPEN TO ME WHEN I COME ACROSS AN OPERATOR THAT
8 I'M HAVING DIFFICULTY HAVING THEM TO SUBMIT AN
9 APPLICATION FOR PERMIT REVISION? WILL I BE BEFORE THIS
10 BOARD FACING DECERTIFICATION KNOWING THAT I'VE DONE
11 EVERYTHING THAT I KNOW IS RIGHT?

12 IT SEEMS THAT ALL THE BURDEN OF
13 RESPONSIBILITY HERE HAS BEEN PLACED ON THE L.E.A. IS
14 THERE NO RESPONSIBILITY ON THE PART OF THE BOARD? I
15 THOUGHT, MY UNDERSTANDING OF THE STATUTE IS THAT THE
16 PRIMARY ROLE OF THE BOARD IN PERMITTING AND COMPLIANCE IS
17, PROVIDING TECHNICAL ASSISTANCE, ONGOING TRAINING, AND
18 SUPPORT TO THE L.E.A. IN THEIR ENDEAVORS. I DON'T SEE
19 ANY INDICATION OF THAT HERE. IT SEEMS TO ME THAT THE
20 PRIMARY GOAL HERE IS TO FIND WAYS TO DECERTIFY THE
21 L.E.A.

22 NOW, IF BOARD STAFF IS RECOMMENDING THAT
23 THEY DECERTIFY THE L.E.A., THEY MUST HAVE A PLAN IN PLACE
24 IN WHICH THEY CAN EXPEDITE THIS PERMIT REVISION PROCESS,
25 BECAUSE ISN'T THAT WHY WE WANT TO DECERTIFY THE L.E.A.,
26 BECAUSE IT'S TAKING TOO LONG TO REVISE THE PERMIT? IF
27 THEY'VE GOT A PLAN, WHY DON'T THEY SHARE IT WITH THE
28 L.E.A.? WHY DON'T THEY WORK WITH THE L.E.A. INSTEAD OF

1 LOOKING AT WAYS TO DECERTIFY THE L.E.A. WHY DON'T THEY
2 LOOK AT WAYS OF COMING TO A SOLUTION THAT THEY CAN GET
3 THIS PERMIT REVISED? AND I SAY THAT THIS IS NOT AN ISSUE
4 THAT JUST FACES WEST COVINA. IT FACES ALL L.E.A.'S
5 ACROSS THE STATE. I DARE NOT TELL YOU HOW MANY L.E.A.'S
6 STILL HAVE FACILITIES UNDER THEIR JURISDICTION THAT ARE
7 OPERATING UNDER 1979 PERMITS. ARE YOU GOING TO DECERTIFY
8 ALL OF THEM? OR ARE YOU GOING TO FIND WAYS TO GUIDE
9 THEM, TO HELP THEM SO THAT THEY CAN GET COMPLIANCE.
10 THANK YOU.

11 CHAIRMAN CHESBRO: THANK YOU. ANY
12 QUESTIONS?

13 I HAVE ONE LAST REQUEST TO SPEAK FROM JOE
14 MATARINO REPRESENTING THE CITY OF LOS ANGELES. DID I GET
15 THAT?

16 MR. MATARINO: JOE MATARINO, THAT'S CORRECT,
17 MATARINO, PROGRAM MANAGER FOR THE CITY OF LOS ANGELES,
18 ENVIRONMENTAL AFFAIRS DEPARTMENT AND THE L.E.A. AND WE
19 ARE A ONE-CITY L.E.A. I KNOW THAT'S BEEN MENTIONED
20 BEFORE.

21 MR. CHESBRO AND BOARD MEMBERS, I WANT TO
22 THANK YOU FOR COMING DOWN HERE AND LISTENING TO OUR
23 COMMENTS. WE APPRECIATE PROVIDING INPUT INTO THIS
24 ISSUE. WE RECOGNIZE THAT PERMITTING AND ENFORCEMENT ARE
25 ISSUES THAT YOUR BOARD TAKES SERIOUSLY, BUT WE ALSO TAKE
26 THESE ISSUES SERIOUSLY OURSELVES, BECAUSE THE DECISION
27 MADE HERE DOESN'T JUST IMPACT THE CITY OF WEST COVINA,
28 BUT IT IMPACTS OTHER JURISDICTIONS SUCH AS THE CITY OF

1 LOS ANGELES.

2 AS THE L.E.A. WE HAVE WORKED WELL WITH YOUR
3 BOARD AND WE HAVE WORKED WELL WITH YOUR STAFF. WE HAVE
4 CONFIDENCE THAT WE WILL CONTINUE TO DO SO. NEVERTHELESS,
5 THE CITY OF LOS ANGELES IS VERY CONCERNED ABOUT THE
6 RECOMMENDATION OF THE PERMITTING AND ENFORCEMENT
7 COMMITTEE WHICH RECOMMENDED THAT YOU PARTIALLY DECERTIFY
8 THE CITY OF WEST COVINA L.E.A. IN THE PREVIOUS BOARD
9 ACTION OF FEBRUARY THE 22ND THE WEST COVINA L.E.A. WAS
10 REQUIRED TO DEVELOP A CORRECTIVE WORK PLAN, AND WITH THE
11 ASSISTANCE THOUGH OF BOARD STAFF. AND THEN TO RETURN TO
12 YOUR BOARD AND PRESENT THAT FOR CONSIDERATION AND
13 POSSIBLE APPROVAL. SUBSEQUENT TO THAT THE WORK PLAN HAS
14 BEEN PREPARED BY THE CITY OF WEST COVINA L.E.A. AND HAS
15 BEEN COMPLETED.

16 WE URGE YOUR BOARD TO ACCEPT THIS PLAN AND
17 ALLOW THE TIME FOR THE CITY OF WEST COVINA TO IMPLEMENT
18 THIS PLAN IN AN EXPEDITIOUS MANNER. THE CITY OF LOS
19 ANGELES URGES YOU TO FOLLOW THE EVALUATION PROCESS WHICH
20 CALLS FOR ALLOWING AN L.E.A. TO PROVIDE A WORK PLAN AND
21 PROVIDING A TIME SCHEDULE TO IMPROVE ITS PERFORMANCE.
22 AND FURTHERMORE THAT THE BOARD CONTINUE TO PROVIDE
23 TECHNICAL ASSISTANCE AND OVERSIGHT AND GUIDANCE IN AREAS
24 OF ENFORCEMENT TO THE L.E.A. WE FEEL TO CONSIDER
25 DECERTIFICATION AT THIS POINT IN TIME WITHOUT THE BOARD
26 FIRST ALLOWING THE L.E.A. TO IMPLEMENT THIS WORK PLAN IS
27 IN EFFECT CIRCUMVENTING THE EVALUATION PROCESS, AND WE
28 FEEL THAT THAT GREATLY CONCERNS US.

1 SO IN CONCLUSION WE'D LIKE TO SAY THAT THE
2 CITY OF LOS ANGELES URGES YOU TO FOLLOW THE ADOPTED
3 BOARD'S POLICIES, ADOPTED BOARD'S PROCEDURES AND YOUR
4 PREVIOUS BOARD ACTION TO ALLOW THE CITY OF WEST COVINA TO
5 UNDERTAKE THE CORRECTIVE ACTION WORK PLAN, BUT WITH THE
6 FULL PARTICIPATION OF YOUR BOARD STAFF AND OVERSIGHT BY
7 YOUR BOARD. SO ONCE AGAIN, WE WANT TO THANK YOU FOR THIS
8 OPPORTUNITY FOR YOU TO CONSIDER THIS MATTER. THANK YOU.

9 CHAIRMAN CHESBRO: THANK YOU. OKAY.

10 I'M GOING TO ALLOW VERY BRIEF CLOSING
11 STATEMENTS. I KNOW THAT SOUNDS TOO LEGALESE AND LIKE WE
12 ARE TRYING TO SIT IN A COURT SETTING. BUT I DO THINK
13 IT'S IMPORTANT FOR THE ADMINISTRATIVE RECORD IN SOMETHING
14 AS SERIOUS, A DISCUSSION AS SERIOUS AS THIS TO MAKE SURE
15 THAT ALL POINTS HAVE BEEN ALLOWED. SO I'M GOING TO ASK
16 THAT FIRST IF THE L.E.A. ATTORNEYS WANT TO SPEAK OR ANY
17 REPRESENTATIVE OF THE L.E.A. THEN I WILL AGAIN PROVIDE
18 THAT OPPORTUNITY AS WELL TO A REPRESENTATIVE OF THE
19 OPERATOR, B.K.K.

20 MR. LENNARD: VERY BRIEFLY, MR. CHAIRMAN,
21 MEMBERS OF THE BOARD. I WOULD LIKE TO JUST REITERATE
22 ESSENTIALLY WHAT I STATED ON BEHALF OF THE WEST COVINA
23 L.E.A. AT THE FIRST PRESENTATION TO YOU. AND THAT IS WE
24 ARE PREPARED TO GO AHEAD WITH THE WORK PLAN AND UPDATE
25 THE SOLID WASTE FACILITIES PERMIT. WE BELIEVE AGAIN THAT
26 THERE ARE NO LEGAL GROUNDS TO DECERTIFY US. WE OUGHT TO
27 BE GIVEN THAT OPPORTUNITY.

28 WE BELIEVE VERY STRENUOUSLY, NOT

1 WITHSTANDING THE REPRESENTATIONS MADE BY THE OPERATOR,
2 THAT IN FACT IF YOU LOOK AT THE HISTORY OF THOSE ACTIONS
3 THAT I SHOWED YOU BEFORE THAT THOSE IN FACT WERE THE
4 REASONS THAT WE DON'T HAVE THE SOLID WASTE FACILITIES
5 PERMIT. AT SOME POINT IN TIME L.E.A.'S, NOT JUST THIS
6 ONE, BUT L.E.A.'S UP AND DOWN THE STATE ARE GOING TO FACE
7 THE SAME SITUATION THAT WE FACE. I DON'T THINK THAT IT
8 WAS THE INTENT OF THE LAW, THE INTENT OF STATUTE, OR THE
9 INTENT OF THIS BOARD THAT UPON SIMILAR SITUATIONS THAT
10 EACH L.E.A. WOULD THEN FACE THE SAME DECERTIFICATION,
11 PARTIAL OR COMPLETE, THAT WE'RE FACING NOW. AND I
12 SUGGEST THAT WE MOVE ON. THAT WE GET DECERTIFICATION OFF
13 THE TABLE AND ADDRESS AND FOCUS OUR ENERGY WHERE IT
14 SHOULD BE, AND THAT IS ON THE WORK PLAN. THANK YOU.

15 CHAIRMAN CHESBRO: MR. KOVALL OR MR.
16 KAZARIAN OR WHOMEVER.

17 MR. KOVALL: THANK YOU, MR. CHAIRMAN. AGAIN
18 WE APPRECIATE THE OPPORTUNITY OVER A LONG PERIOD OF TIME
19 OF PRESENTING OUR VIEWS TO STAFF AND TO THE BOARD AND TO
20 ITS COMMITTEES. I THINK WHERE WE COME DOWN ON THIS IS
21 THAT THE WORK PLAN, WE HAVE NOT SEEN THE MOST RECENT
22 VERSION OF THE WORK PLAN BUT WE SAW THE DRAFT LAST WEEK,
23 AND WE DON'T BELIEVE THAT THAT'S A WORK PLAN THAT WILL
24 ACHIEVE AN UPDATE TO THIS PERMIT. I DON'T KNOW ANY OTHER
25 WAY TO SAY IT BUT TO SAY IT THAT SIMPLY. WE DON'T THINK
26 IT'S GOING TO GET THE PERMIT UPDATED.

27 AND I THINK WE HAVE A UNIQUE SITUATION IN
28 THE CITY OF WEST COVINA. WE NOT ONLY HAVE A ONE CITY

1 L.E.A., WE HAVE A ONE OPERATOR L.E.A. THERE IS ONE
2 FACILITY IN THE CITY WHICH IS SUBJECT TO THIS REGULATORY
3 JURISDICTION OF THE L.E.A. AND THAT'S OUR LANDFILL. AND
4 WE BELIEVE THAT THE AGENDAS, THE MISSION IF YOU WILL OF
5 THE CITY, THE POLITICAL BODY IN THE CITY CANNOT BE
6 SEPARATED FROM THE EFFORTS THAT WILL HAVE TO GO INTO
7 GETTING THIS PERMIT UPDATED.

8 WITH THAT AGAIN I'LL THANK YOU. AGAIN I'LL
9 REPEAT THE WORDS OF MY BOSS, OUR CHAIRMAN, LET'S GET ON
10 WITH THIS AND GET THE PERMIT UPDATED. I THINK YOU'LL SEE
11 THAT OUR COMMITMENT IS A REAL ONE, AND WE WILL ACCOMPLISH
12 THE OBJECTIVES. THANK YOU.

13 CHAIRMAN CHESBRO: WHAT'S THE PLEASURE OF
14 THE BOARD?

15 MR. EGIGIAN: MR. CHAIRMAN.

16 CHAIRMAN CHESBRO: MR. EGIGIAN.

17 MR. EGIGIAN: IT APPEARS THAT I'VE BEEN THE
18 ONLY ONE HERE THAT IS REALLY -- I SHOULDN'T SAY THE ONLY
19 ONE -- THAT IS REALLY CONCERNED ABOUT WHAT'S REALLY
20 HAPPENING HERE. NOW, IF WE GO BACK ABOUT 90 DAYS WHEN WE
21 WERE IN LA QUINTA WE WERE TOLD AS THE FULL BOARD THAT THE
22 CITY NEEDED 30 DAYS TO GET THIS THING LINED UP, AND THEN
23 WE WOULD BE PREPARED TO GO FOR A PERMIT. AT THE CLOSE OF
24 THAT MEETING I SAYS I CAN GO FOR THAT IF THIS IS NOT A
25 STALLING TACTIC.

26 WELL, IT'S BEEN CLOSER TO A HUNDRED DAYS NOW
27 FROM THE 90 DAYS THAT WE'RE GOING ON WITH THIS THING, AND
28 WE'VE LOST SIGHT OF WHAT WE'RE TRYING TO DO HERE. WE'VE

1 LOST SIGHT OF THE FACT THAT WE'RE TRYING TO UPGRADE A
2 PERMIT. AND WE'VE PERMITTED ATTORNEYS THAT KNOW HOW TO
3 MANEUVER TO MANEUVER US OUT OF THIS POSITION. I JUST
4 WISH THAT WHILE GROWING UP SOMEBODY HAD TOLD ME TO BECOME
5 AN ATTORNEY. YOU GUYS GET PAID WHETHER YOU WIN OR LOSE.
6 WHAT A HELL OF A POSITION TO BE IN.

7 SO I FEEL STRONGLY ABOUT WHAT WE'RE DOING
8 HERE. FIRST OF ALL, WE'RE TALKING ABOUT TAKING AWAY
9 PROPERTY RIGHTS, BY WHATEVER MEANS IT'S TAKING AWAY
10 PROPERTY RIGHTS. AND I'VE HEARD IN THE NEWS THAT THE
11 CONGRESS IS DISCUSSING THIS, THAT LOCAL COMMUNITIES
12 CANNOT DO THESE THINGS WITHOUT PAYING THE AMOUNT OF MONEY
13 THAT THE PEOPLE WOULD LOSE.

14 WE'VE BEEN TOLD THAT N.R.D.C. SAYS THAT THE
15 L.E.A. IN COVINA IS PROBABLY THE BEST OR SOMETHING TO
16 THAT EFFECT. I HAVE THIS CLIPPING FROM THIS PAPER FROM
17 STAFF ATTORNEY MICHAEL FITZ. IT SAYS THAT N.R.D.C. ALSO
18 ARGUES THAT THE BOARD HAS FAILED TO REVOKE THE
19 ENFORCEMENT AUTHORITY OF THESE LOCAL AGENCIES WITH LAX
20 OVERSIGHT RECORDS. ALSO THE ENVIRONMENTALISTS ALSO WANT
21 THE BOARD TO DECERTIFY ALL LOCAL ENFORCEMENT AGENCIES NOT
22 DOING THEIR JOB ACCORDING TO THE NATURAL RESOURCE DEFENSE
23 COUNCIL. NOW, AM I TO BELIEVE THIS OR TO BELIEVE
24 SOMETHING THAT HAS BEEN TOLD TO ME TODAY THAT THEY CAN
25 FIND NO WRONG WITH THIS L.E.A.

26 SEVERAL THINGS THAT WE DON'T UNDERSTAND
27 HERE. THE PERMIT THAT WE'RE TALKING ABOUT IS A STATE
28 PERMIT. IT'S NOT A LOCAL PERMIT. IT'S A STATE PERMIT.

1 AND AS A STATE AGENCY WE HAVE THE RIGHT TO DO THESE
2 THINGS. OKAY. WE HAVE DELEGATED TO THE L.E.A. WHAT
3 RIGHTS HE HAS TO DO HIS JOB AND HOW TO DO HIS JOB. SO I
4 ASKED OUR ATTORNEY WHETHER OR NOT WE HAVE THE LOCAL, WE
5 HAVE THE LEGAL RIGHT TO DO WHAT WE'RE DOING, AND SHE
6 ANSWERED ME YES. I HAVE ANOTHER ATTORNEY OVER THERE THAT
7 SAYS WE DON'T.

8 IT'S BEEN MY ARGUMENT EVER SINCE WE STARTED
9 THIS THING THAT WE ARE NOT A COURT OF LAW AND WE SHOULD
10 NOT BE LISTENING TO THESE LONG, DRAWN OUT DISCUSSIONS AND
11 DEBATES, THAT WE DO NOT SWEAR PEOPLE IN, THAT WE DO NOT
12 HAVE THE RIGHT TO IMPEACH THEM, WE DO NOT HAVE THE RIGHT
13 TO THROW THEM IN JAIL. THEY SAY WHAT THEY WANT TO AND
14 THEY WALK AWAY FREE.

15 I HAVE NOT CHANGED MY POSITION ON LIMITED
16 DECERTIFICATION. WE'RE WITHIN OUR RIGHTS. I'VE HAD
17 OTHER BOARD MEMBERS TELL ME THAT THEY WOULD, THEY'RE
18 STARTING TO AGREE WITH ME, AND THEN WHEN IT COMES TIME TO
19 VOTE THEY ROLL OVER, OKAY, FOR SOME REASON. I DON'T KNOW
20 WHY. I DON'T THINK I HAVE THE VOTES TODAY TO DECERTIFY,
21 BUT IN A COUPLE OF WEEKS WE MAY HAVE THE VOTES TO
22 DECERTIFY.

23 NOW, I JUST WANT TO MAKE SURE THAT THE
24 L.E.A.'S THAT HAVE COME HERE TALKING ABOUT HOW GOOD THEY
25 ARE AND HOW BAD WE ARE, THERE WAS NOBODY BEFORE US A
26 COUPLE OF WEEKS AGO WHEN WE DECERTIFIED THE COUNTY OF
27 MADERA. THERE WERE NO BLEEDING HEARTS TELLING US WHAT
28 GOOD PEOPLE THEY WERE AND HOW GOOD THEY WERE DOING THEIR

1 JOB. NOW IF L.E.A.'S ARE CERTIFIED L.E.A.'S THEY SHOULD
2 KNOW WHAT THEIR JOB IS AND DO IT. AND WE'RE FINDING A
3 COUPLE OF AREAS WHERE THESE L.E.A.'S DO NOT FOLLOW THE
4 DIRECTIONS THAT ARE GIVEN TO THEM, AND I'M SURE THAT WE
5 WILL HAVE OTHER SITUATIONS WHERE WE DECERTIFY. I WOULD
6 LIKE TO, IF N.R.D.C. STAFF HAS ANYBODY HERE TODAY, THE
7 PEOPLE ON THIS BOARD THAT VOTE AGAINST DECERTIFICATION
8 THAT YOU POINT YOUR LAWSUIT AT THOSE PEOPLE AND NOT AT
9 THE BOARD. THE BOARD IS TRYING TO DO THE RIGHT THING.
10 OKAY.

11 CITY OF COVINA HAD AN ELECTION. AND
12 EVERYBODY THAT WAS ELECTED WAS ELECTED ON THE BASIS THAT
13 WE'RE AGAINST THE LANDFILL AND WE'LL STOP THE LANDFILL.
14 WE'RE BEING TOLD SOMETHING ELSE HERE TODAY. WE'RE BEING
15 TOLD THAT WE'LL WORK ALONG TO GET THIS PERMIT, BUT
16 THEY'RE REALLY TRYING TO SCUTTLE THIS LANDFILL. THIS
17 INDUSTRY THAT I REPRESENT HAS BEEN COUNTING ON THAT
18 LANDFILL FOR A LONG TIME. THE YEARS OF SERVICE TO THIS
19 INDUSTRY BY THE KAZARIAN FAMILY IS WELL KNOWN, BECAUSE I
20 USED TO RUN INTO ONE OF THEIR LANDFILLS, AND IN THE
21 EVENING THEY'D PUSH THE STUFF INTO A PILE AND THROW A
22 MATCH ON IT AND IT WOULD BURN, AND THAT'S WHAT THE COUNTY
23 REGS WERE AT THAT TIME. SO THEY'VE SERVED THE INDUSTRY
24 WELL. I'M NOT FOR SCUTTLING THIS SHIP. I'M FOR MAKING
25 SURE THE RIGHT THING IS DONE HERE.

26 SO, MR. CHAIRMAN, I STICK WITH MY
27 RECOMMENDATION. AND IF IT'S NECESSARY I WILL MOVE ON
28 THIS MOTION ONCE AGAIN TO PARTIALLY DECERTIFY, KNOWING

1 THAT IT WILL PROBABLY GO DOWN IN DEFEAT.

2 CHAIRMAN CHESBRO: OKAY. OTHER MEMBERS OF
3 THE BOARD, COMMENTS?

4 MR. FRAZEE: I DON'T KNOW IF YOU HAVE
5 ACCEPTED.

6 CHAIRMAN CHESBRO: I WASN'T CLEAR WHETHER
7 YOU WERE PUTTING THE MOTION ON THE FLOOR. IF YOU ARE, I
8 WILL CERTAINLY ACCEPT IT.

9 MR. EGIGIAN: I WILL MAKE THAT MOTION.

10 CHAIRMAN CHESBRO: MOTION IS ON THE FLOOR.

11 MR. FRAZEE: LET ME IF I COULD, MR.
12 CHAIRMAN, JUST INDICATE THAT AS CHAIRMAN OF THE
13 PERMITTING AND ENFORCEMENT COMMITTEE THIS ACTION WAS
14 TAKEN, ALBEIT BY A TWO TO ONE VOTE OF THE COMMITTEE, AND
15 THEREFORE I FEEL IT'S APPROPRIATELY BEFORE THIS BOARD AND
16 WOULD CALL FOR A QUESTION ON THE VOTE.

17 CHAIRMAN CHESBRO: BEFORE WE CALL FOR A VOTE
18 LET ME ASK IF OTHER BOARD MEMBERS HAVE ANY COMMENTS.

19 MS. GOTCH: FIRST OF ALL, I WOULD LIKE TO
20 THANK THE STAFF FOR ALL THEIR HARD WORK AND LONG HOURS.
21 BUT THE BOTTOM LINE IS I WILL NOT VOTE TO DECERTIFY THIS
22 L.E.A. AND WHILE DECERTIFICATION MAY BE THE MOST
23 EXPEDIENT SOLUTION, I DON'T BELIEVE IT'S THE MOST JUST
24 ALTERNATIVE, SO I WILL OPPOSE DECERTIFICATION.

25 CHAIRMAN CHESBRO: ANYBODY ELSE? I TOO AM
26 NOT GOING TO VOTE AT THIS TIME TO DECERTIFY. I THINK
27 DECERTIFICATION SHOULD BE USED WHERE THE L.E.A. HAS
28 FAILED TO MEET WITH BOARD'S POLICIES AND CERTIFICATION

1 CRITERIA, AND I DON'T FEEL THAT THAT CASE HAS BEEN MADE.
2 I THINK THAT THERE HAS BEEN EFFORT, NO ONE HAS SHOWN HOW
3 THE WEST COVINA L.E.A. HAS FAILED TO COMPLY, AND I THINK
4 THAT THERE HAS BEEN EFFORT TO DEVELOP THE WORK PLAN.
5 INSTEAD OF DECERTIFICATION I THINK WE OUGHT TO BE
6 ATTEMPTING TO MOVE FORWARD WITH THE WORK PLAN. SO
7 THAT'S MY POSITION AT THIS POINT IN TIME.

8 OKAY. CALL THE ROLL, PLEASE.

9 (THE ROLL WAS CALLED AND RESPONDED TO AS
10 FOLLOWS: MR. EGIGIAN: YES.

11 MR. FRAZEE: YES.

12 MS. GOTCH: NO.

13 MR. RELIS: AYE.

14 CHAIRMAN CHESBRO: NO.)

15 CHAIRMAN CHESBRO: I GUESS IT FAILS ON A
16 THREE TO TWO VOTE.

17 MR. FRAZEE: MAY I OFFER AN ALTERNATIVE
18 MOTION IN THE INTEREST OF NOT WASTING THE FULL AFTERNOON
19 HERE ON THIS SUBJECT MATTER, AND PERHAPS THIS IS
20 SOMETHING THAT WILL WORK. RECOGNIZING THAT THE BOARD
21 DOES NOT SUPPORT PARTIAL DECERTIFICATION I THINK WE CAN
22 BE OF GREATER ASSISTANCE BY BEING INVOLVED IN THE CEQA
23 PROCESS AND PERHAPS HELP MOVE THIS ALONG BY DOING THAT.

24 AND I DO HAVE A PREPARED MOTION, AND IT'S IN
25 THE FORM OF A STATEMENT, A MOTION TO ADOPT THIS, I THINK
26 BOARD MEMBERS HAVE BEEN PROVIDED WITH THIS. LET ME READ
27 THIS FOR THE RECORD. "THE BOARD ACKNOWLEDGES THAT THE
28 L.E.A. AND B.K.K. HAVE ATTEMPTED TO MAKE A GOOD FAITH

1 EFFORT TO DEVELOP A WORK PLAN FOR ACHIEVING THE FIVE-YEAR
2 UPDATE OF THE B.K.K. LANDFILL. HOWEVER, AFTER EVALUATING
3 ALL THE ARGUMENTS AND FACTS FROM THE L.E.A., LOCAL
4 GOVERNMENT, B.K.K. CORPORATION, AND THE BOARD STAFF THE
5 BOARD DETERMINES THAT THERE IS NOT A REASONABLE
6 POSSIBILITY THAT THE CEQA PROCESS FOR UPDATING THE PERMIT
7 WILL BE COMPLETED IN A TIMELY MANNER. THE BOARD,
8 THEREFORE, IN MEETING THE PERMIT UPDATE REQUIREMENTS
9 ASSUMES THE CEQA LEAD AGENCY RESPONSIBILITY UNDER PUBLIC
10 RESOURCES CODE 43216.5 IN ORDER TO ASSIST THE L.E.A. IN
11 PERFORMING THESE DUTIES. AS THE LEAD AGENCY THE BOARD
12 WILL INCLUDE AND ENCOURAGE ACTIVE LOCAL INPUT AT EVERY
13 STEP. LOCAL INPUT WILL BE HANDLED THROUGH THE HOLDING OF
14 LOCALLY HELD PUBLIC HEARING PROCESS NORMALLY ASSOCIATED
15 WITH THE CEQA PROCESS FOR BOTH WRITTEN AND VERBAL INPUT.
16 THE L.E.A. WILL RETAIN ALL PERMIT ISSUANCE
17 RESPONSIBILITIES." THAT IS THE MOTION.

18 CHAIRMAN CHESBRO: WE HAVE A MOTION.
19 DISCUSSION OF THIS MOTION? IF NOT --

20 MS. GOTCH: I'M HAPPY THAT WE'VE BEEN ABLE
21 TO COME UP WITH A MIDDLE GROUND THAT DOESN'T UNJUSTLY
22 BURDEN ONE PARTY MORE THAN THE OTHER. AND I WANT TO
23 ASSURE THE CITY OF WEST COVINA AND THE L.E.A. THAT IT'S
24 OUR INTENT TO PROVIDE FORUMS FOR LOCAL INPUT INTO THE
25 CEQA REVIEW PROCESS INCLUDING HOLDING PUBLIC HEARINGS IN
26 WEST COVINA.

27 CHAIRMAN CHESBRO: ANY FURTHER QUESTIONS,
28 DISCUSS? WE CAN CALL THE ROLL.

1 (THE ROLL WAS CALLED AND RESPONDED TO AS
2 FOLLOWS: MR. EGIGIAN: AYE.
3 MR. FRAZEE: AYE.
4 MS. GOTCH: AYE.
5 MR. RELIS: AYE.
6 CHAIRMAN CHESBRO: NO.)
7 CHAIRMAN CHESBRO: MOTION CARRIES.
8 SO I THINK THAT COMPLETES OUR WORK FOR
9 TODAY. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE AND FOR
10 ALL OF YOUR VALUABLE INPUT.
11 MR. CHANDLER: YOU MIGHT MENTION THAT MR.
12 FRAZEE'S PREPARED ALTERNATIVE MOTION WAS PLACED ON THE
13 TABLE, IF ANYONE WANTS TO PICK UP A COPY.
14 CHAIRMAN CHESBRO: FOR THOSE OF YOU WHO ARE
15 INTERESTED THERE ARE COPIES OUTSIDE THE BOARD ROOM OF MR.
16 FRAZEE'S MOTION.
17 WE DON'T HAVE A CLOSED SESSION?
18 MS. TOBIAS: YOU'RE ALWAYS NOTICED IF YOU
19 WANT TO, IF YOU WOULD LIKE TO HAVE ONE.
20 CHAIRMAN CHESBRO: UNLESS YOU THINK THERE'S
21 NEW INFORMATION THAT WE NEED WE WILL FOREGO THE CLOSED
22 SESSION. ARE WE ADJOURNING TO EVENTS TOMORROW?
23 MS. TOBIAS: YES.
24 CHAIRMAN CHESBRO: OKAY.
25 MS. TOBIAS: LET ME JUST SAY THAT THE BOARD
26 MEETING IS ADJOURNED UNTIL TOMORROW AND REGULARLY
27 SCHEDULED EVENTS.
28 CHAIRMAN CHESBRO: OKAY. THAT'S WHAT I'M

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SAYING. THANK YOU.

(WHEREUPON THE PROCEEDINGS WERE ADJOURNED AT
4:20 P.M.)