

MEETING
BEFORE THE
PERMITTING AND ENFORCEMENT COMMITTEE
OF THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA

WEDNESDAY, JULY 19, 1995

10:00 A.M.

COPY

Nadine J. Parks
Shorthand Reporter

MEMBERS PRESENT

Robert C. Frazee, Chairman
Sam Egigian
Paul Relis

Other Board Members Present:

Daniel Pennington, Board Chairman

Staff:

Ralph Chandler
Executive Director

Dorothy Rice
Chief Deputy Director

Elliot Block, Counsel
Kathryn Tobias, Counsel

Caren Trgovcich
Assistant Director
Planning & Analysis Office

Bobbi Garcia
Planning & Analysis Office

Charlotte Sabeh
Beatrice Poroli
Cody Begley
Garth Adams
Charlene Herbst
Georgianne Anderson
Jon Whitehill
Marge Rouch
Charlene Herbst
Dave Otsubo
Virginia Rosales
Jeff Hackett
Elizabeth Parker, Committee Secretary

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P R O C E E D I N G S

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CHAIRMAN FRAZEE: The meeting will come to order, please. This is the July 19th meeting of the Permitting and Enforcement Committee of the California Integrated Waste Management Board.

The Secretary will call the roll, please.

MS. PARKER: Board members, Relis?

COMMITTEE MEMBER RELIS: Here.

MS. PARKER: Egigian?

COMMITTEE MEMBER EGIGIAN: Here.

MS. PARKER: Chairman Frazee?

CHAIRMAN FRAZEE: Here.

A quorum is present. Do we have any ex parte notices?

COMMITTEE MEMBER RELIS: Mr. Chair?

CHAIRMAN FRAZEE: Mr. Relis.

COMMITTEE MEMBER RELIS: I met earlier this morning with Rob Saroyan of Forward, Inc., regarding contaminated soils.

CHAIRMAN FRAZEE: Anybody else?

COMMITTEE MEMBER EGIGIAN: I just said hello to about four or five people back there, and I just want to be on the record because somebody might be gunning for me today.

1 (Laughter.)

2 CHAIRMAN FRAZEE: I also met yesterday, and I have
3 not had time to enter it into the record, a meeting with Rob
4 Saroyan and Evan Edgar discussing the contaminated soils
5 item, which is on our agenda for today. In addition to
6 that, the Committee was presented with a letter this morning
7 on that same item, the petroleum contaminated soils, from
8 the County of Yolo. And that will entered into the record.

9 Also, to remind those who wish to speak on items
10 on today's agenda, the speaker slips are in the back of the
11 room; if you'd fill those out and bring them forward to the
12 Committee Secretary, so that we can call on you at the
13 appropriate time.

14 The matter of the agenda this morning, Item 7 --
15 that's the permit for the Timoteo Landfill in San Bernardino
16 County -- has been pulled from the agenda. And then, we've
17 had a request from staff that we take Item 9 out of order
18 and take that first on the agenda today.

19 So, we'll proceed with Item 9 and have the staff
20 report on that.

21 Item 9 is the consideration for approval of the
22 notice for a 45-day comment period for the waste tire hauler
23 registration regulations.

24 MR. OKUMURA: Good morning, Mr. Chairman, members
25 of the Committee.

1 At the November 16th, 1994 Board meeting, the
2 Board approved the emergency waste tire hauler registration
3 regulations. And what we're proposing today is to go out
4 with notice of a 45-day public comment period. And the
5 staff presentation will be made by Ms. Charlotte Sabeh.

6 MS. SABEH: Good morning, Chairman Frazee and
7 Committee members. Currently, we're working under the
8 emergency regulations for the waste tire hauler registration
9 program, and we've been working with industry and other
10 interested parties to put together the proposed final
11 regulations.

12 On March 14th, 1995, staff held an informal
13 comment meeting on the proposed waste tire hauler
14 registration regulation, and those are in your packet.

15 Over 3,000 notices were sent to tire dealers, tire
16 haulers, and other interested parties. Fourteen members of
17 the public attended the informal comment meeting, and nine
18 written comments were submitted.

19 The primary issues of concern have been addressed
20 in the proposed final regulations. These issues include --
21 first of all, certain categories have been omitted from the
22 waste tire hauler registration and manifest requirements.
23 These are tires being returned under warranty consideration,
24 mobile tire services taking temporary possession of tires
25 for the sole purpose of retread or repair, and foreign

1 companies meeting certain specific criteria.

2 Secondly, alternatives for the manifest system
3 have been included in the final regulations to reduce paper
4 work and improve efficiency for the waste tire haulers.

5 These alternatives include, first of all, daily
6 routes with multiple pickups. One manifest form for the
7 route will be required for each return trip to the
8 destination site, rather than one manifest for each pickup.

9 Documentation, such as invoices or work orders,
10 will substitute for the manifest and be attached to the
11 manifest form.

12 For retreaders and repairers of waste tires,
13 rather than using the manifest, the business will maintain
14 records documenting the possession of the waste tires for
15 the sole purpose of retreading or repairing.

16 Other changes made to the regulations from the
17 emergency regulations we're working under now are primarily
18 language clarity changes.

19 The application form has been modified somewhat to
20 make it easier for applicants to add vehicles and to clarify
21 that only motorized vehicles are to be registered.

22 Finally, the enforcement procedures and
23 definitions are incorporated.

24 With direction from the Legal Office, the
25 procedure for enforcement will be conducted through the

1 California Administrative Procedures Act.

2 Currently, we have over 500 individual companies
3 and over 3,000 vehicles registered as waste tire haulers.
4 During the formal rulemaking process, comments from
5 registered waste tire haulers, tire dealers, of which
6 there's close to 10,000 in the State; and destination sites,
7 which include approved waste tire facilities and recyclers,
8 as well as MRFs, landfills, and transfer stations were
9 received by the staff.

10 Finally, it has been past practice that
11 regulations are noticed for public comment from committee.
12 With Committee's approval, staff will submit the proposed
13 final regulations to the Office of Administrative Law.
14 Publication date for the regulations will be approximately
15 August 11th, 1995, with the 45-day comment period ending on
16 September 25th, 1995.

17 During this time, staff will conduct public
18 hearings throughout the State to solicit comments from
19 interested parties.

20 Thank you.

21 CHAIRMAN FRAZEE: Let me understand the time line
22 on this. This 45-day comment period will start from --

23 MS. SABEH: August --

24 CHAIRMAN FRAZEE: -- the approval at this meeting
25 or not until the Board approves that?

1 MS. SABEH: From this meeting, then you need to
2 submit it to the Office of Administrative Law --

3 CHAIRMAN FRAZEE: Oh, okay.

4 MS. SABEH: -- and the next date for their
5 publication that we can meet, if it's approved today, will
6 be August 11th.

7 CHAIRMAN FRAZEE: So, the public comment period
8 and the submittal to OAL is going on at the same time.
9 Those are concurrent?

10 MS. SABEH: Well, we have to submit -- we submit
11 the notice to OAL.

12 CHAIRMAN FRAZEE: OAL.

13 MS. SABEH: Right. And then they publish it.

14 CHAIRMAN FRAZEE: Then the comment is to them.

15 MS. SABEH: And then the comment, right.

16 MR. ADAMS: Then August 11th starts the clock for
17 the 45 days.

18 CHAIRMAN FRAZEE: Then, according to what's
19 written here, on September 25th, that's the end.

20 MS. SABEH: That's the end of the 45-day. And
21 then we make whatever changes and bring it back to Committee
22 and Board, and receive public comments.

23 CHAIRMAN FRAZEE: You mentioned changes regarding
24 the foreign haulers or the export of used tires. Does that
25 relate to -- I think in the briefing, it was brought up that

1 Los Angeles dealers had difficulty selling tires to buyers
2 from Mexico because of the permitting requirements?

3 MS. SABEH: Well, what happens is, the way that
4 the law is written, to become a registered hauler, you need
5 to have a \$10,000 bond in favor of the State of California.

6 And a foreign company with assets totally in
7 another company (sic) cannot get a bond. So, we've written
8 language, so that companies that are registered in another
9 country and have their assets in another country that come
10 to purchase tires from the United States to take them back
11 to that company -- I'm sorry -- country, do not come under
12 the program.

13 CHAIRMAN FRAZEE: So, they're excluded.

14 MS. SABEH: Right.

15 CHAIRMAN FRAZEE: That is an item, I guess, that
16 causes at least some concern, being a resident of San Diego
17 County.

18 MS. SABEH: Well, we wrote the language so they
19 have to meet very specific criteria to be excluded. Like
20 their vehicle has to be registered in the foreign country.

21 CHAIRMAN FRAZEE: They still have to be
22 registered. They're just being excluded from bonding
23 requirements.

24 MS. SABEH: No. They're being excluded from the
25 registration, because they can't get the bond.

1 CHAIRMAN FRAZEE: Oh.

2 MS. SABEH: But their vehicle has to be a
3 registered vehicle, only in the foreign country.

4 Because some have like dual licenses. They can't
5 have that. Because if they can register their vehicle, then
6 they do have to register.

7 All company's assets have to be in the foreign
8 country, and they have to have the license to bring the
9 tires into the foreign country. So, there's very specific
10 criteria. We worked with the industry, because we wanted to
11 make sure that we didn't accidentally create some type of
12 loophole. So, industry's been very helpful in giving us
13 some criteria to keep it so it would work for them without
14 creating a loophole.

15 CHAIRMAN FRAZEE: Currently, Mexican trucks doing
16 hauling within the State of California are required to be
17 licensed by the State of California. And that apparently
18 requires some financial responsibility and insurance, also.
19 And I guess I'm confused as to why they have a bonding
20 problem if they --

21 MS. SABEH: Because the bonding --

22 CHAIRMAN FRAZEE: -- have to jump through all the
23 other hoops.

24 MS. SABEH: Well, that part is out of our control.
25 If the statute requires the financial bond, the bonding

1 companies will not bond if there's no assets within the
2 United States, which eliminates foreign companies.

3 So, it's kind of like a "Catch 22." They're
4 legitimate businesses, but we can't legitimately authorize
5 them to operate.

6 CHAIRMAN FRAZEE: I guess the concern comes about
7 because of the timing of it. There's just recently been a
8 major fire at a tire accumulation place in Tijuana. And so,
9 it's an indication that there are -- they have their
10 problems also with large accumulations of tires and the
11 proximity to the border.

12 The mosquitoes don't respect the border any better
13 than human beings do.

14 MS. SABEH: That's why the criteria are spelled
15 out very specifically, so it's not just anyone who can do
16 it. But it has to be someone who's licensed by their
17 government to be allowed to haul those tires into the
18 country.

19 CHAIRMAN FRAZEE: Other questions?

20 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, we had
21 testimony from a company down south that was sending a large
22 amount of used tires to Mexico.

23 Mexico has restricted all of this used-tire import
24 into their country and made a deal with a couple of the
25 manufacturers to make sure that they don't get used tires

1 down there and then have them thrown around the countryside
2 with no way to get rid of them.

3 So, I don't think there's a problem, unless the
4 information that was given to me -- and I think it was in
5 this Committee that we heard it -- that illustrates that
6 used tires can no go over the border anymore.

7 CHAIRMAN FRAZEE: Yeah. I raised that issue at
8 our staff briefing, and I was informed by someone that
9 that's kind of a flexible policy, and the door opens and
10 closes periodically on that. It's currently, from what I
11 understand, a restriction on importing used tires into
12 Mexico, that that can happen and be changed.

13 COMMITTEE MEMBER RELIS: The door kind of opens
14 and closes.

15 COMMITTEE MEMBER EGIGIAN: That's the way it's put
16 down there all the time.

17 CHAIRMAN FRAZEE: Yeah, that's right.

18 COMMITTEE MEMBER EGIGIAN: It depends on who you
19 know.

20 CHAIRMAN FRAZEE: Right. Okay. Anything else on
21 this item?

22 Was there anyone here to speak on this item? If
23 not --

24 COMMITTEE MEMBER RELIS: Mr. Chair, I'll move the
25 noticing for the 45-day comment period for these

1 regulations.

2 CHAIRMAN FRAZEE: Do we have a second?

3 COMMITTEE MEMBER EGIGIAN: Second.

4 CHAIRMAN FRAZEE: Okay. That motion is before us.

5 Just a question. I think it was indicated that,

6 actually, the action of this Committee does this without

7 having to go to the full Board. Or does it go to the full

8 Board on consent?

9 MR. BLOCK: Action by the Committee.

10 CHAIRMAN FRAZEE: By the Committee. Okay. If the

11 Secretary would call the roll, please?

12 MS. PARKER: Board members, Relis?

13 COMMITTEE MEMBER RELIS: Aye.

14 MS. PARKER: Egigian?

15 COMMITTEE MEMBER EGIGIAN: Aye.

16 MS. PARKER: Chairman Frazee?

17 CHAIRMAN FRAZEE: Aye.

18 The measure is carried. That is passed I should

19 say.

20 There's not a need, then, to place that on the

21 full Board agenda?

22 MR. OKUMURA: That's correct.

23 CHAIRMAN FRAZEE: Okay. Now, returning to the

24 regular order of business, our first item, Agenda Item 1,

25 consideration of concurrence in the issuance of a revised

1 solid waste facilities permit for the Yolo County Central
2 Landfill. Can we have the staff presentation on this,
3 please?

4 MR. OKUMURA: Staff presentation for this revised
5 solid waste facilities permit will be made by Ms. Beatrice
6 Poroli and Mr. Cody Begley.

7 MS. POROLI: Good morning. The Yolo County
8 Department of Public Works, who's the owner and operator,
9 requested a permit revision for the following: to allow the
10 use of chipped green waste as daily cover material, to study
11 methane enhancement by accelerated anaerobic decomposition
12 of waste, to incorporate the permanent establishment of the
13 self-haul facility, and the relocation of the metal recovery
14 facility.

15 The LEA and Board staff have determined the
16 following: CEQA has been complied with. The proposed
17 permit would neither impair nor substantially prevent the
18 county from achieving its waste diversion requirements.

19 The proposed facility's in conformance with the
20 Yolo County General Plan.

21 The facility's in conformance with the Yolo County
22 solid waste management plan.

23 The operation of the landfill is in compliance
24 with the State minimum standards.

25 However, the landfill is operating under a notice

1 of stipulated order of compliance to allow for the continued
2 use of chipped green waste as daily cover until the
3 completion of the permit revision.

4 Board concurrence with the proposed permit and its
5 issuance by the LEA will bring the facility operations into
6 compliance with the terms and conditions of the revised
7 permit.

8 Staff has reviewed the proposed permit and
9 supporting documentation and have found them to be
10 acceptable for consideration by the Board.

11 In conclusion, staff recommends the Board adopt
12 Solid Waste Facilities Permit Decision No. 95-614,
13 concurring in the issuance of a solid waste facilities
14 permit, No. 57-AA-0001.

15 Mr. Jeff Pinnow, representing the LEA, is here to
16 answer any questions you may have.

17 This concludes staff's presentation.

18 CHAIRMAN FRAZEE: Okay. Questions?

19 COMMITTEE MEMBER EGIGIAN: Mr. Chairman?

20 CHAIRMAN FRAZEE: Yes.

21 COMMITTEE MEMBER EGIGIAN: I would like staff to
22 tell me about this study of methane enhancement to
23 accelerate anaerobic decomposition of solid waste. Is this
24 something that's happened before or is this a new project
25 they're working on?

1 MS. POROLI: This is new.

2 COMMITTEE MEMBER EGIGIAN: Can you explain how it
3 works?

4 MS. POROLI: There's two cells, one's a test cell,
5 and then one's a control cell. And they approximately one
6 acre each cell. And they started landfilling both these
7 cells in May. And they will continue fill them till
8 October. And then they'll cap them. And then they'll start
9 recirculating leachate into the test cell.

10 And then they'll monitor it for a couple of years
11 afterwards.

12 The LEA and the operator are here if you want more
13 details on it.

14 COMMITTEE MEMBER EGIGIAN: What are they going to
15 do, is shoot methane into that one cell?

16 MS. POROLI: No, what they do is they recirculate
17 the leachate, and they add water, which would cause methane,
18 and they'll check to how much methane is being produced.

19 COMMITTEE MEMBER EGIGIAN: Okay.

20 CHAIRMAN FRAZEE: As I indicated, I visited this
21 site recently, and it's an interesting research project.
22 The idea, as I understand it, is to see if you can
23 accelerate production of methane and shorten the time line
24 for how long the waste will continue to decompose and
25 produce methane versus a normal dry landfill by adding water

1 to it to speed up the decomposition.

2 COMMITTEE MEMBER EGIGIAN: That's just contrary to
3 what we're doing now. We're keeping water out of it --

4 CHAIRMAN FRAZEE: Out of it, yes.

5 COMMITTEE MEMBER EGIGIAN: -- and we're putting it
6 into a dry cell that doesn't let the decomposition take
7 place.

8 CHAIRMAN FRAZEE: It spreads out the methane
9 production over a longer period of time. So, this is a test
10 to see if one is better than the other. If it really works,
11 you can shorten the required closure time by doing this.

12 COMMITTEE MEMBER EGIGIAN: I would like staff to
13 keep us up to date on what's going on, if they're keeping
14 track of us, because maybe it'll change the whole landfill
15 situation. Put sprinklers on landfills instead of capping
16 them.

17 (Laughter.)

18 COMMITTEE MEMBER RELIS: Mr. Chair?

19 CHAIRMAN FRAZEE: Yes.

20 COMMITTEE MEMBER RELIS: I wanted to mention
21 something related to what Mr. Egigian said. I'm supportive
22 of this permit, and I think that the diversity of activities
23 that they've got ongoing in Yolo and the proximity to our
24 headquarters here in Sacramento suggest to me -- and I
25 brought this up before, and I'd like to urge Mr. Egigian or

1 the Administration Committee to consider making this a
2 partner -- this Yolo Landfill a partner with the Board for
3 research purposes, because they are looking at that
4 fundamental question of -- should it be dry entombment or
5 should there be some other course?

6 They've got alternate daily cover here, and
7 they're going to experiment with other alternate daily
8 covers. So, I think we need a research landfill for
9 purposes of Board work. And I'd like to see this one,
10 assuming they're interested being that. I think we should
11 have a discussion.

12 COMMITTEE MEMBER EGIGIAN: Paul, I think better
13 than that. We ought to get a landfill that's been going for
14 30 years and put a bunch of sprinklers on there. If they
15 know what kind of methane they're getting now --

16 COMMITTEE MEMBER RELIS: Well, whatever. Well,
17 I'll just leave it at that.

18 The other point I wanted to make was that I did a
19 little back of a napkin calculation on the 800 ton per day
20 operation using about 60 tons of ADC, green waste as ADC.
21 And the way I figured it, that ends up being about in line
22 with what we had originally -- our 7 percent estimate of --
23 so, we were far more scientific than anyone had ever
24 measured.

25 In other words, what I'm trying to say is in the

1 passage of the Board's policy concerning alternate daily
2 cover, we had to impose technical limits on the use. And,
3 as I look at this and factor out how many tons are coming in
4 for this use, the technical limits appear to be about 7
5 percent for alternate daily cover.

6 Now, that will be distributed depending on the
7 jurisdictions for credit; it might be higher and lower in
8 certain cases. But I just make note of that for those
9 parties who are concerned about the Board just giving free
10 and unlimited use of ADC. So, I'll stop there.

11 CHAIRMAN FRAZEE: I think that was another thing
12 that was readily apparent by a site visit at this particular
13 landfill, and the total lack of any material onsite for
14 cover. They were already down. They have a fairly high
15 groundwater situation. There's no place onsite to get
16 material, and there isn't a lot of material. And that
17 surplus material in that general area needs to be imported
18 for cover. So, the use of the green waste is probably not a
19 bad plan in this particular case.

20 The one thing that came to mind, as you were
21 mentioning that -- and I don't recall -- is there some --
22 the LEA was here, I understand?

23 MR. PINNOW: (From the audience) Yes.

24 CHAIRMAN FRAZEE: Would you mind coming up and
25 just responding to a question? On the test cells

1 themselves, are they utilizing green waste for cover in
2 those, or is that soil?

3 MR. PINNOW: They're using green waste for cover
4 in the test cells, because they don't want to create an
5 impermeable layer that the water will not recirculate
6 through. So, they're using chipped green waste as cover in
7 those cells.

8 CHAIRMAN FRAZEE: So, there's no control with soil
9 as far as daily cover?

10 MR. PINNOW: As far as a fire break or --

11 CHAIRMAN FRAZEE: No. I mean soil as a daily
12 cover versus green waste to test.

13 MR. PINNOW: The test cell currently is not the
14 only place that they're filling in the landfill; it's only a
15 portion of the landfill.

16 So, they use green waste in the test cells solely,
17 so they don't have that impermeable layer.

18 At the other active phase, they use soil and/or
19 green waste, depending on the quantities they have on hand
20 at the time.

21 CHAIRMAN FRAZEE: Do we have your name for the
22 record, sir?

23 MR. PINNOW: Sure. My name is Jeff Pinnow.

24 CHAIRMAN FRAZEE: Thank you.

25 COMMITTEE MEMBER RELIS: Jeff, while you're there,

1 can I ask you if you would have any problems with, you know,
2 working with the Board if the Board chooses to look at your
3 site as a research site?

4 MR. PINNOW: I think Yolo Central would be an
5 excellent place for a research site, just because the people
6 that work for Yolo County Public Works have done a number of
7 research projects in the past, and most of them have come
8 out very successfully.

9 Of course, there'd have to be, you know, quite a
10 bit of discussion beforehand with Public Works to see if
11 they were willing to do this. But I don't think that would
12 be much of a problem.

13 COMMITTEE MEMBER RELIS: Well, then, I'll just
14 conclude by -- hope we can initiate such discussions.

15 CHAIRMAN FRAZEE: Yes?

16 MR. YAZDANI: Ramin Yazdani with Yolo County
17 Public Works.

18 I was wanting to make some comments on what I was
19 hearing. I would like you to feel free to ask me any
20 questions about the test cell. I was involved in the
21 project since the beginning back in 1990. And before that,
22 there were other people who were involved.

23 The main objective of the project was for Yolo
24 County to look at alternative ways of landfilling. And this
25 is not the first time that has been looked at. There are

1 many projects in the past that they have looked at. There
2 is currently a couple of projects -- one in New York and one
3 in Florida -- that are looking at the same type of idea,
4 except a lot of the data that's necessary to make some
5 scientific reason for doing this is missing.

6 So, our project has looked at, from the beginning,
7 all the projects that have been in the United States and
8 outside of U.S. And I am in contact with EPA continuously
9 as we go through the project. I attend the EPA Committee on
10 Landfill Bioreactor, and the first conference was in
11 Delaware, which Yolo County also prepared a paper for that.

12 So, we are involved in the whole picture of
13 landfill as a bioreactor. And I think there's a lot of
14 issues. As we go through the regulation right now, today,
15 they are totally ignoring this idea.

16 For example, the cover, landfill cover, and how we
17 put -- we spend a lot of money on putting cover -- like in
18 our landfill, we'll be spending over \$40 million just to put
19 a cover. But our landfill is going to be producing methane
20 for over 30 years beyond the closure time; leachate is
21 going to be still generated.

22 So, the idea in this project is to treat the
23 landfill just like a waste water treatment plant, where you
24 deal with the waste -- you take as much as you can out of
25 it, gaswise. Basically, you convert the organic and clean

1 the leachate, and you have a clean landfill. When you close
2 it, your closure costs and monitoring costs will be less.
3 And you also settle the landfill. The garbage goes down
4 quicker. You can relandfill that space that you would
5 otherwise lose if you didn't do it.

6 So, there's a lot of benefits to it, and there's a
7 lot to look at. Our project initially started back in 1990,
8 and we finally got a -- we'd keep writing proposals to the
9 California Energy Commission, and we finally got in '92 a
10 \$250,000 funding from the California Energy Commission.

11 And they're mainly interested in methane
12 generation from the waste as an alternative fuel source.
13 And the county put \$125,000, and we ran around looking for
14 more partners. And Sacramento County is also in this
15 project.

16 So, it's Yolo/Sacramento/California Energy
17 Commission.

18 And, recently, we've been able to get -- the Waste
19 Board, whether you realize it or not, is involved in this
20 project. And the way we did that is through waste tire
21 market development. We are looking at producing products
22 from waste tires that's going to be used as a gas collection
23 system.

24 We're looking at the horizontal gas collection
25 system and vertical gas collection system. And so, the

1 Waste Board was generous enough to give us some money to
2 look at that project. But it's also incorporated in this
3 project.

4 So, you are a partner whether you realize it or
5 not.

6 (Laughter.)

7 MR. YAZDANI: And I came about a year ago to the
8 Waste Board staff and I asked them if they would be willing
9 to help us. And they said, yes, "We love this project.
10 This is a good idea. We want to do something with it."

11 I wrote the Director of Waste Management, and they
12 turned us down basically because of funding.

13 So, we want around loopholes, I guess you want to
14 call it, and we got some money. So, I'd like to still put
15 this on the table that the county is still short in money.
16 We have monitoring that needs to be addressed in the next
17 three or four years. And we constantly are looking for
18 money to help us with that.

19 Recently, we wrote a proposal for the Air Board.
20 And they said that this was a good idea but, sorry, this
21 should be funded by the Waste Board, not the Air board.

22 So, we get this runaround where everybody tells us
23 to go to somebody else, and nobody really wants to do
24 anything about it. So, I'd like you guys to, you know, put
25 your effort into trying to convince people that you have

1 political power and be able to help the project.

2 This is not just for Yolo County. I see it as for
3 the whole country.

4 Thank you very much.

5 COMMITTEE MEMBER EGIGIAN: Chairman, I can't
6 understand why we're not funding him. We're funding
7 everybody else.

8 (Laughter.)

9 COMMITTEE MEMBER EGIGIAN: So, there should be
10 some way to find some lost money, Mr. Chandler, and to see
11 whether or not we can do more.

12 COMMITTEE MEMBER RELIS: Well, my mouth was ahead
13 of the money, but --

14 (Laughter.)

15 COMMITTEE MEMBER RELIS: -- I wasn't necessarily
16 seeing it so much as a money issue, although now I've heard
17 that it may be, but more of a collaborative effort to
18 extract what we can from your work and bring some in-kind,
19 perhaps, resources to help in your efforts, and then be able
20 to both publish perhaps some original material here.

21 I do think it has national significance. And
22 we're spending hundreds of millions of dollars on
23 regulations on certain assumptions. And if this effort is
24 looking at the reasonableness of those assumptions, we
25 should certainly be part of it.

1 COMMITTEE MEMBER EGIGIAN: I have a suggestion on
2 how you can get some money. You go to the larger landfill
3 operators, whether they're public or private, and they'd be
4 very interested in finding out what the results of this test
5 is going to be. Maybe you won't need any government money.

6 Second, I'd like to ask our attorney here -- we
7 have a lawsuit from a source that says we're not doing --
8 we're permitting this sort of thing in our landfills. I'm
9 sure you know what I'm talking about.

10 How would this affect us? If you need time, we'll
11 give you time.

12 (Laughter.)

13 MS. TOBIAS: I don't know what kind of effect it
14 would have, Mr. Egigian. Generally, on lawsuits, what
15 they're talking about is what we've done in the past. We
16 could certainly go in and say, "Here's some of the things
17 that we're doing to rectify the problems we've had in the
18 past. But I'm not sure it would have a substantial effect.

19 COMMITTEE MEMBER EGIGIAN: I'm only asking these
20 questions because you're leaving us for a little while.

21 MR. CHANDLER: Mr. Relis, I want to respond to
22 your comments and Mr. Egigian's. I just was sitting down
23 with Mr. Dier. And, as you know -- you've been here for the
24 last five years -- in years when we had a more robust
25 budget, we had a research division. And Mr. Dier headed up

1 that division.

2 And he actually did have a research proposal and
3 program in place that looked at issues just like what we've
4 heard today as far as the Board being more active. And
5 while I can't promise that we're going to have the fiscal
6 resources to go through kind of an interagency agreement to
7 provide some cost sharing, I think it is important that we
8 stay on top of the technology developments and the
9 experimentation that's going on out there.

10 We will come back to this Committee and give you a
11 response to how we feel we can sit down with the county and
12 bring periodic reports on the progress that's made out
13 there, and perhaps find a way to publicize that information
14 around the State so that we're being responsive to your
15 request.

16 Thank you.

17 CHAIRMAN FRAZEE: Thank you. We do have a motion
18 before us to approve this permit for Yolo County. If the
19 Secretary would call the roll on that, please.

20 MS. PARKER: Board members, Relis?

21 COMMITTEE MEMBER RELIS: Aye.

22 MS. PARKER: Egigian?

23 COMMITTEE MEMBER EGIGIAN: Aye.

24 MS. PARKER: Chairman Frazee?

25 CHAIRMAN FRAZEE: Aye. The motion is carried.

1 Any objection to consent on this item? If not, thank you
2 very much.

3 Now, let's move on to Item No. 2. This is the
4 consideration of a concurrence in the issuance of a revised
5 solid waste facilities permit for the Napa Garbage Service
6 compost facility in Napa County.

7 I might indicate that I've also visited this site
8 and, again, was impressed with their operation.

9 MR. OKUMURA: Today's proposal's for continued
10 operation and improvement of a green waste composting
11 facility. The staff presentation will be made by Mr. Jon
12 Whitehill and Mr. Cody Begley.

13 MR. WHITEHILL: Good morning, Mr. Chairman and
14 members of the Committee.

15 The Napa Garbage Service compost facility is an
16 existing permitted green waste composting facility located
17 about six miles south of the City of Napa.

18 The surrounding land use is designated as general
19 industrial and is zoned as an industrial park. Napa Garbage
20 Service also owns an adjacent parcel, which is the location
21 of their recycling center, truck storage, maintenance, and
22 wash-down area.

23 Other surrounding land use includes the Southern
24 Pacific Railroad, Napa County Airport, Napa Pipe Company,
25 and the Devlin Road Transfer Station.

1 The LEA proposes to revise the permit to allow an
2 increase in the amount of green waste processed from a
3 maximum of 100 to a maximum of 200 tons per day. They'd
4 like to allow public delivery and pickup of green waste and
5 compost. They'd like the permit to reflect the construction
6 of a third storm water management pond. And the proposed
7 permit will allow expanded hours of operation.

8 The average daily tonnage is expected to increase
9 from 50 to 100 tons per day once the site is opened to the
10 general public. Facility employees inspect and remove
11 prohibited materials from the yard waste as it is delivered
12 to the site and again as it is loaded into the shredder and
13 then arranged into windrows.

14 The entire composting area is covered with a
15 concrete pad sloped to drain to seven drop inlets. The drop
16 inlets transfer water to two settling ponds and one
17 biofiltration basin. Water monitoring results are sent to
18 the Water board to maintain their waiver from WDRs. The
19 concrete pad also provides all-weather access to the
20 windrows for monitoring and for turning.

21 The four-acre pad can accommodate approximately
22 30,000 cubic yards of compost. The remainder of the five-
23 acre parcel is used for access, wood grinding, storage, and
24 the reclamation pond system.

25 The finished compost is sold for mulch, ground

1 cover, erosion control, and potting soil.

2 In summary, the LEA and Board staff have
3 determined that the operator has complied with requirements
4 of the California Environmental Quality Act; that the
5 proposed permit is consistent with the standards adopted by
6 the Board; that the project is consistent with the waste
7 diversion goals of AB 939; that the facility is in
8 conformance with the Napa County General Plan.

9 However, the facility is not identified in the
10 Napa County solid waste management plan. But the Napa
11 County local task force reviewed and commented on the
12 facility in 1992 and again in 1995, pursuant to PRC Section
13 50000(a)(4).

14 In addition, Napa County Board of Supervisors and
15 cities within the county have reviewed and approved the
16 facility.

17 In conclusion, staff has reviewed the proposed
18 permit and supporting documentation. We found them to be
19 acceptable. The staff recommends that the Board adopt Solid
20 Waste Facilities Permit Decision No. 95-615, concurring in
21 the issuance of Solid Waste Facilities Permit No. 28-AA-
22 0023.

23 There are representatives of the LEA and of the
24 operator present in case you have any questions.

25 And that concludes my presentation.

1 CHAIRMAN FRAZEE: Questions?

2 COMMITTEE MEMBER RELIS: Mr. Chair, I have a
3 couple of technical questions for the LEA and operator.

4 MR. PIRIE: Greg Pirie, Napa County LEA.

5 COMMITTEE MEMBER RELIS: Thanks. I looked through
6 the permit conditions here, and there is that reference to,
7 let's see, on page 25 of the text I have in the actual
8 permit.

9 Under "prohibitions," you're not allowed to
10 maintain onsite more than 30,000 cubic yards of composting
11 material. And there's various references to storage and the
12 30,000 limit.

13 Could you explain the relationship between the
14 active and the stored compost?

15 MR. PIRIE: To start of, the 30,000 cubic yards is
16 going to be the same from the previous permit we have now to
17 the new one's as proposed. What we've seen is that the
18 compost at that site, it's been leaving the site, being sold
19 really quickly.

20 So, when it comes onsite, it goes into the
21 windrows. After it's been there and met its time lines and
22 temperature requirements, then it goes into a curing pile,
23 and then the finished pile, which the public can then
24 receive it, and they pay for that.

25 COMMITTEE MEMBER RELIS: Well, does the 30,000

1 tons refer to 30,000 tons of active compost not stored?

2 MR. PIRIE: Total onsite.

3 COMMITTEE MEMBER RELIS: Total onsite.

4 MR. PIRIE: So, it'd be the windrows, the curing
5 pile, finished compost, yeah.

6 COMMITTEE MEMBER RELIS: Okay. The second
7 question concerns the condition on odors. You have No. 5,
8 it says, "No noxious odors will be permitted to travel
9 offsite. All piles or windrows will be turned, so on. If
10 odors travel offsite for more than five days, yard waste
11 will not be accepted at the facility until odors are not
12 traveling offsite.

13 Isn't that a -- I don't know -- a bit extreme? I
14 mean, odors offsite. That's very, very broad.

15 MR. PIRIE: I just wanted to have some kind of
16 stipulation to where, if we did have some odor problems come
17 along, we wouldn't have -- we wouldn't compound it by having
18 more compost coming on to the site and, you know, just
19 compounding the problem.

20 Previously, we haven't had any odor problems at
21 the site at all.

22 COMMITTEE MEMBER RELIS: If I'm not correct, isn't
23 this in a somewhat rural or --

24 MR. PIRIE: Yes. It's not close to any homes.
25 Correct.

1 COMMITTEE MEMBER RELIS: I just hope you don't get
2 yourself into an unnecessary bind by being that broad.
3 Because it would offer -- it would invite possible problems
4 down the line for reasons that may not be justified.

5 MR. PIRIE: Right. Yeah, we have discussed that,
6 and have sent the proposed permit to the owner/operator.
7 So, we're both aware of what's in the proposal.

8 COMMITTEE MEMBER RELIS: Okay.

9 COMMITTEE MEMBER EGIGIAN: Mr. Chairman?

10 CHAIRMAN FRAZEE: Yes.

11 COMMITTEE MEMBER EGIGIAN: Mr. Relis, I think that
12 if more people in the composting business would come to this
13 kind of an agreement, then we'd be better off as far as
14 odors.

15 I just want to ask one question. Is there going
16 to be a tipping fee at this place?

17 MR. PIRIE: I don't want to speak for the owner-
18 operator, but I believe right now there is none.

19 MR. KELLEY: Greg Kelly, Napa Garbage. And, yes,
20 there will be a tipping fee to the public.

21 COMMITTEE MEMBER EGIGIAN: Thank you.

22 CHAIRMAN FRAZEE: Just one question I had.
23 Currently, there is a soil remediation operation going on on
24 this site, also. But I understand that's a limited permit,
25 and only deals with soils that were generated from property

1 owned by the operator.

2 When will that be over?

3 MR. KELLEY: At this time line, it looks like it
4 should be done in about six months.

5 CHAIRMAN FRAZEE: Okay. So, you have a permit,
6 variance, or something to allow for that currently, or?

7 MR. PIRIE: We've discussed it with the Waste
8 Board staff.

9 It's not directly in this proposed permit, since
10 it's over a project that would end within six months. So,
11 we don't see it going on past that.

12 CHAIRMAN FRAZEE: And is that quantity included in
13 the 30,000 yard limitation?

14 MR. PIRIE: It's not included in the permit. But,
15 at t his time, they don't --

16 CHAIRMAN FRAZEE: It'll be gone before you reach
17 that anyway.

18 MR. PIRIE: Exactly.

19 So, right now, we're doing what, 50 to 60 tons a
20 day?

21 MR. KELLEY: Tons a day.

22 MR. PIRIE: So, we're very well below the average
23 in permitting.

24 CHAIRMAN FRAZEE: Thank you.

25 Any questions?

1 COMMITTEE MEMBER RELIS: Mr. Chair, I'll move it.

2 MR. PIRIE: I had one more question? I just
3 wanted to make sure that -- we have another proposed permit
4 sent to staff, Jon Whitehill, after the copy that was
5 printed in the agenda item. I just wanted to make sure
6 that's the permit we're going to be acting on.

7 MR. WHITEHILL: Greg, are you referring to
8 Condition 16, which requires them to wait until after --
9 requires them to wait till after the stoplight is installed
10 before they can be open to the public?

11 MR. PIRIE: No. This is a proposed permit that
12 was in the agenda item. There was another revised proposed
13 permit sent after that, dated --

14 MR. WHITEHILL: For the Napa Garbage Service
15 compost --

16 MR. PIRIE: Correct.

17 MR. WHITEHILL: -- facility? Yeah. That's the
18 one that will be issued. But you're referring to the change
19 in the addition of Condition 16?

20 MR. PIRIE: No, no conditions. There a few
21 changes in the --

22 MR. WHITEHILL: You're referring to the copy you
23 sent that changed some of the typos?

24 MR. PIRIE: Yeah, dated June 29th, '95, from the
25 LEA?

1 MR. WHITEHILL: Yeah, that's the one I have.

2 MR. PIRIE: Okay. Fine. Okay.

3 COMMITTEE MEMBER RELIS: Move concurrence on this
4 permit.

5 COMMITTEE MEMBER EGIGIAN: Second.

6 CHAIRMAN FRAZEE: Motion and a second for
7 concurrence in Facility Permit 28-AA-0023. Secretary would
8 call the roll, please.

9 MS. PARKER: Board members, Relis?

10 COMMITTEE MEMBER RELIS: Aye.

11 MS. PARKER: Egigian?

12 COMMITTEE MEMBER EGIGIAN: Aye.

13 MS. PARKER: Chairman Frazee?

14 CHAIRMAN FRAZEE: Aye. Motion is carried.
15 Without objection, recommend that item for consent calendar.

16 Next item, Item 3 is the consideration of
17 concurrence in the issuance of a revised solid waste
18 facilities permit for the Cal Sierra materials recovery
19 facility/transfer station in Tuolumne County.

20 MR. OKUMURA: Staff presentation for this revised
21 permit will be made by Jon Whitehill and Mr. Cody Begley.

22 MR. WHITEHILL: The Cal Sierra Transfer Station is
23 located in an unincorporated area of Western Tuolumne County
24 a quarter mile south of Highway 108, and approximately two
25 miles east of the town of Sonora.

1 Land to the northeast and east of the site is
2 designated as light and heavy industrial, The land to the
3 west and northwest is zoned residential estate, one or two-
4 acre minimum, and is accessed by separate surface streets.

5 On February 23rd, 1994 the Board concurred in the
6 issuance of a new solid waste facilities permit for this
7 facility. Although the station has not yet received waste,
8 the facility has since been redesigned to take into account
9 a projected increase in tonnage and traffic due to the
10 imminent closure of the county's landfill near Jamestown.

11 As a result, the LEA proposes to revise the permit
12 to allow access by the general public, an increase in the
13 permitted tonnage from 99 to 200 tons per day, a change in
14 the permitted hours, and changes in facility design and
15 operation to mitigate potential impacts associated with the
16 increased tonnage and traffic.

17 During the loading and unloading process, station
18 personnel will salvage large items, such as wood and white
19 goods, at the tipping floor. Other mixed recyclable
20 materials, such as aluminum, glass, plastic bottles,
21 corrugated cardboard, and newsprint will be separated as the
22 waste over across automated conveyors within the same
23 building.

24 Nonrecyclable residues will be baled and
25 transferred to the Lockwood landfill in Nevada.

1 In summary, the LEA and Board staff have
2 determined that the operator has complied with the
3 requirements of the California Environmental Quality Act;
4 that the proposed permit is consistent with the standards
5 adopted by the Board; that the project is consistent with
6 the waste diversion goals of AB 939. The facility is in
7 conformance with the Tuolumne County General Plan. However,
8 the facility is not identified in the Tuolumne Solid Waste
9 Management Plan, but in November, 1992 and in March, '95,
10 the County's local task force reviewed and commented on the
11 site identification and description of the facility, and
12 found that the proposed transfer station will divert at
13 least 15 percent of the wastestream, and this finding has
14 been included as a condition of the permit.

15 In conclusion, staff has reviewed the proposed
16 permit and supporting documentation, and found them to be
17 acceptable.

18 Staff recommends that the Board adopt solid waste
19 permit decision No. 95-616, concurring in the issuance of
20 Solid Waste Facilities Permit No. 55-AA-0010.

21 There are representatives of the LEA and the
22 operator here to answer questions.

23 CHAIRMAN FRAZEE: Any question?

24 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, to the
25 staff: How much tonnage is going into Nevada?

1 MR. WHITEHILL: By the time they divert and
2 recycle as much as they can, maybe an average of 100 tons.
3 It depends on how much they recycle. The operator could
4 probably answer that question better.

5 COMMITTEE MEMBER EGIGIAN: Fine.

6 MR. WHITEHILL: Just for a round number.

7 COMMITTEE MEMBER EGIGIAN: Just wanted to know how
8 much we'll have to cut our budget with.

9 (Laughter.)

10 COMMITTEE MEMBER RELIS: Mr. Chair?

11 CHAIRMAN FRAZEE: Yes.

12 COMMITTEE MEMBER RELIS: Question, my sort of
13 chronic question on dust control.

14 The treatment of that issue is fairly light in
15 this permit. It is a MRF, and it just says, masks will be
16 used when and where appropriate.

17 Is there any other dust control system built into
18 this MRF that we could hear about?

19 MR. WHITEHILL: I believe they mostly have a
20 passive dust control system using large bay doors on either
21 side of the building, and the operator can answer the more
22 specific questions.

23 COMMITTEE MEMBER RELIS: I'd like to hear from the
24 operator.

25 MR. JONES: Steve Jones with Cal Sierra Disposal.

1 We've got a wastestream that runs between 70 and 100 tons
2 per day for the entire county of Tuolumne County. Yard
3 waste is totally excluded from our wastestream.

4 So, the dust that is going to be inside that
5 building is going to be -- it's going to have the amount of
6 yard waste, dirt, that type of debris that normally creates
7 a lot of that kind of dust.

8 We're talking municipal solid waste absent of any
9 yard waste.

10 COMMITTEE MEMBER RELIS: I'm aware of that.

11 MR. JONES: Okay. I didn't know if you knew we
12 didn't take yard waste.

13 The way the thing is set up, it's got a passive
14 system through the doors, ridge vents, as well as HVAC
15 system that is going to be blowing. The air moves in that
16 building pretty well right now, and it's an issue that when
17 we talk to the Planning Department and the Building
18 Department, we will end up addressing if, in fact, that
19 doesn't handle it.

20 But right now, air moves through there pretty
21 good. We don't have a dust problem.

22 COMMITTEE MEMBER RELIS: Well, what we've often
23 seen in permits before us, there's some reference by the LEA
24 to -- if additional dust measures are warranted, they would
25 be included or they could be added at some point. I wish we

1 had seen this type of condition.

2 MR. JONES: That's a condition.

3 COMMITTEE MEMBER RELIS: Is that something --

4 MR. JONES: There's four conditions -- and we have
5 67 conditions on our permit.

6 MR. WHITEHILL: He's referring to the conditional
7 use permit.

8 MR. JONES: The conditional use permit.

9 COMMITTEE MEMBER RELIS: Oh, okay.

10 MR. JONES: That addresses, if this -- if what
11 we've got doesn't work, then we've got to come up with --

12 COMMITTEE MEMBER RELIS: Where is that? Maybe you
13 can --

14 CHAIRMAN FRAZEE: It's in the CUP issued by the
15 county.

16 MR. WHITEHILL: The conditional use permit was not
17 an attachment to this agenda item.

18 COMMITTEE MEMBER RELIS: Okay. So that is in
19 there, and you're aware of that?

20 MR. WHITEHILL: There are 66 conditions, and many
21 of them have to do with dust and having to make improvements
22 to the building if they don't meet the --

23 COMMITTEE MEMBER RELIS: Well, maybe in the
24 future, where there isn't -- that it wouldn't be obvious to
25 us in our review, you could maybe just highlight that, that

1 it's contained in the local permit, the CUP?

2 MR. WHITEHILL: Uh-huh.

3 COMMITTEE MEMBER RELIS: Okay. Thank you.

4 CHAIRMAN FRAZEE: It may also be covered in
5 Condition N under the OSHA requirements.

6 COMMITTEE MEMBER RELIS: Yeah, it probably is. I
7 just couldn't find it specifically. So, that's why I was
8 bringing it up.

9 CHAIRMAN FRAZEE: The condition A says that this
10 facility shall comply with all State minimum standards, and
11 then there's one related to the OSHA requirements. I think
12 that one probably covers that subject pretty well.

13 COMMITTEE MEMBER EGIGIAN: Probably sending a lot
14 of its dust to Nevada anyhow.

15 (Laughter.)

16 CHAIRMAN FRAZEE: Okay. Any other discussion? If
17 not, we need a motion.

18 COMMITTEE MEMBER EGIGIAN: I'll move it.

19 CHAIRMAN FRAZEE: Motion by Mr. Egigian.

20 COMMITTEE MEMBER RELIS: Second.

21 CHAIRMAN FRAZEE: Seconded by Mr. Relis.
22 Secretary will call the roll.

23 MS. PARKER: Board members, Relis?

24 COMMITTEE MEMBER RELIS: Aye.

25 MS. PARKER: Egigian?

1 COMMITTEE MEMBER EGIGIAN: Aye.

2 MS. PARKER: Chairman Frazee?

3 CHAIRMAN FRAZEE: Aye. The motion is carried on
4 the approval Facility Permit 55-AA-0010.

5 If there's no objection, we'll place this on the
6 consent calendar for the full Board.

7 Okay. Now, we're going to Item No. 4, which is a
8 consideration of concurrence in the issuance of a new solid
9 waste facilities permit -- since this is in Southern
10 California, it's the Del Norte (pronouncing the "e")
11 Regional Recycling and Transfer Station in Ventura County.

12 MR. OKUMURA: The proposed permit would allow the
13 operation of a new material recovery facility and transfer
14 station to be located in Oxnard. The staff presentation
15 will be made by Dave Otsubo and Ms. Suzanne Hambleton.

16 MR. OTSUBO: Good morning, Mr. Chairman and
17 members of the Committee.

18 This Item No. 4 regards the consideration of
19 concurrence in a new solid waste facilities permit for the
20 Del Norte Regional Recycling and Transfer Station. This
21 proposed permit was submitted by the Ventura County
22 Environmental Health Division acting as the local
23 enforcement agency.

24 This facility would be located in and owned by the
25 City of Oxnard. This new MRF and transfer station will be

1 operated by BLT Enterprises of Oxnard, Incorporated.

2 They would have a maximum permitted tonnage of
3 2779 tons per day. It's a fairly comprehensive facility,
4 and includes a commercial waste processing, curbside
5 materials processing, a self-haul area with floor sorting, a
6 buy-back center, which they'll buy back the typical
7 recyclables, such as aluminum cans and bottles, newspaper,
8 and also will have a battery, oil, and paint collection
9 center. A short name for that is called a BOP drop.

10 They'll also take back antifreeze at that site.

11 The equipment at the facility will include two
12 balers and multiple sort lines. Any other recoverable waste
13 will be pushed through load-out ports into transfer vehicles
14 located in a transfer tunnel, which actually runs underneath
15 the facility. And this material will be taken to the
16 Bailard landfill in Ventura.

17 The facility itself is located on about 16.5 acres
18 within a 177-acre parcel, which is projected as a recycling-
19 related business park.

20 The surrounding area includes oil production
21 facilities, agriculture, and business parks. It should be
22 noted this area is within an RMDZ zone.

23 Initially, the operator wants to get about a 25
24 percent recovery rate, and eventually would like to go for
25 about a 40 percent recovery rate. In the future, and not

1 addressed in this initial permit, is the possibility of
2 using the adjacent railroad tracks for rail haul
3 possibilities.

4 The LEA and Board staff have determined that the
5 proposed facility was reviewed and commented upon by the
6 Ventura County Waste Commission acting as the local task
7 force.

8 The facility is in conformance with the City of
9 Oxnard's General Plan and compatible with surrounding land
10 uses. The issuance of this permit should not prevent or
11 substantially impair the achievement of AB 939 waste
12 diversion goals, and that CEQA has been complied with.

13 Staff has reviewed the proposed permit and
14 supporting documentation and found them to be acceptable.

15 In conclusion, staff recommends that the Board
16 adopt Solid Waste Facilities Permit Decision No. 95-585,
17 concurring the issuance of Solid Waste Facilities Permit No.
18 56-AA-0128.

19 Ben Wong and Cynthia Daniels of the City of Oxnard
20 are present, as is Mr. Bernard Huberman, President of BLT
21 Enterprises. And they are present and available for
22 questions, as is Bill Stratton of the Ventura County
23 Environmental Health Division.

24 This concludes staff's presentation.

25 CHAIRMAN FRAZEE: Thank you. Questions?

1 COMMITTEE MEMBER RELIS: Well, I just -- mine
2 aren't quite -- I wanted to comment first that I -- the
3 discussion in this case on environmental controls and dust I
4 think is very thorough, and I was quite impressed by the
5 measures being taken to control the air supply in the MRF.

6 And I also just wanted to congratulate Ben Wong
7 for -- I know the City of Oxnard's been on a -- this has
8 been a long time coming, this facility, and I think that it
9 deserves some, you know, some recognition.

10 In the waste wars that have been in Ventura County,
11 getting a project like this actually through that process
12 says a lot. I want to commend the city for going ahead with
13 this program.

14 CHAIRMAN FRAZEE: Does anyone from the operator or
15 the agency wish to make a presentation?

16 UNIDENTIFIED SPEAKER IN AUDIENCE: Not at this
17 time. We're going to make a presentation next week at the
18 full Board.

19 CHAIRMAN FRAZEE: Oh, that's what I was wondering.
20 We could have saved you a trip.

21 (Laughter.)

22 THE SPEAKER: That's why we weren't going to do it
23 twice.

24 CHAIRMAN FRAZEE: Okay. Shall we not put this on
25 the consent calendar so we'll have the item before us?

1 COMMITTEE MEMBER RELIS: It might be better to.

2 CHAIRMAN FRAZEE: We had a saying in the
3 Legislature: Do you want to talk or do you want a bill?

4 If you want to save that for a presentation to the
5 full Board, we can do that.

6 COMMITTEE MEMBER EGIGIAN: We can pull it off the
7 consent.

8 MR. ROSENTHAL: Mr. Chairman, members -- I'm Dan
9 Rosenthal from BLT Enterprises. We didn't bring materials
10 to make a full presentation this morning. We can do a
11 verbal presentation, but if you want to see the --

12 CHAIRMAN FRAZEE: Well, I think it might be worth
13 while in doing it before the full Board when we meet in
14 Ventura next week. Save it for then.

15 MR. ROSENTHAL: Okay. Thank you very much. See
16 you then.

17 CHAIRMAN FRAZEE: We have the recommendation
18 before us. Is there a motion?

19 COMMITTEE MEMBER RELIS: Sam, did you want to move
20 it?

21 COMMITTEE MEMBER EGIGIAN: Have you had your turn
22 now?

23 COMMITTEE MEMBER RELIS: Yeah, I think it's your
24 turn.

25 COMMITTEE MEMBER EGIGIAN: I'll move it.

1 CHAIRMAN FRAZEE: Motion by Mr. Egigian and
2 seconded by Mr. Relis that Facility Permit 56-AA-0128 be
3 approved. Secretary call the roll, please.

4 MS. PARKER: Board members, Relis?

5 COMMITTEE MEMBER RELIS: Aye.

6 MS. PARKER: Egigian?

7 COMMITTEE MEMBER EGIGIAN: Aye.

8 MS. PARKER: Chairman Frazee?

9 CHAIRMAN FRAZEE: Aye. The motion is carried. I
10 guess we can do this on consent and hear a presentation on
11 it, also?

12 COMMITTEE MEMBER EGIGIAN: I'll pull it off of
13 consent.

14 CHAIRMAN FRAZEE: You'll pull it off of consent.
15 (Laughter.)

16 CHAIRMAN FRAZEE: Without objection, we'll
17 recommend consent to the full Board on this item.

18 Now, we're ready for Item 5, which is the
19 consideration of concurrence in the issuance of a revised
20 solid waste facilities permit for the Paramount Resource
21 Recycling Facility in Los Angeles County.

22 MR. OKUMURA: Amongst other things, the proposed
23 permit would allow the operator to increase the maximum
24 daily tonnage.

25 Staff presentation will be made by Ms. Virginia

1 Rosales and Ms. Suzanne Hambleton.

2 MS. ROSALES: Good morning. The Paramount
3 Resource Recycling Facility is located in Los Angeles
4 County, the owner, Metropolitan Waste Disposal Corporation,
5 Mr. Arthur Kazarian, President.

6 The operator, Paramount Resource Recycling
7 Facility, Incorporated, Mr. Arthur Kazarian.

8 Paramount Resource Recycling Facility,
9 Incorporated is requesting a permanent revision to
10 incorporate the following changes in design and operation:

11 Increase the maximum daily tonnage from 500 tons
12 per day to 1200 tons per day, expand the operating hours as
13 follows: waste receiving, 2:00 a.m. to 10:00 p.m., seven
14 days a week; waste processing, 24 hours a day, seven days a
15 week; refuse transfer, 24 hours a day, seven days a week;
16 public vehicles, 6:00 a.m. to 10:00 p.m., seven days a week.

17 For the record, this information is a correction
18 from what is stated on page 2 in the project description of
19 the agenda item.

20 The other changes are: increase the amount of
21 time waste can be stored onsite from 24 hours to 48 hours,
22 the addition of two new buildings and equipment to process
23 loads of commingled recyclables, construction, and
24 demolition debris and/or source separated curbside materials
25 for recycling; change the operator's name from Metropolitan

1 Waste Disposal Corporation to Paramount Resource Recycling
2 Facility, Incorporated, a wholly owned subsidiary of
3 Metropolitan Waste Disposal Corporation.

4 The facility is located in an industrial zoned
5 area in the City of Paramount. Immediate surroundings
6 include industrial uses, such as an auto wrecking yard,
7 warehouses. A single-family residential area is located
8 approximately 600 feet northeast of the site, and a mobile
9 home park approximately 500 feet west of the site.

10 The LEA and Board staff have determined the
11 following: One, the facility is in conformance with the Los
12 Angeles County Solid Waste Management Plan. The facility is
13 consistent with the City of Paramount's General Plan. The
14 issuance of the proposed permit would neither prevent nor
15 substantially impair the City of Paramount from achieving
16 its waste diversion requirements. Four, CEQA has been
17 complied with. Five, the operation of the facility is in
18 conformance with State minimum standards.

19 One violation of State minimum standards was
20 identified during the joint inspection conducted by the LEA
21 and Board staff. However, the violation was immediately
22 corrected, and that was fire extinguishers that were in need
23 of recharging.

24 Staff has reviewed the proposed permit supporting
25 documents and found them to be acceptable for consideration

1 by the Board.

2 Therefore, staff recommends the Board adopt Solid
3 Waste Facilities Permit Decision 95-617, concurring in the
4 issuance of the Solid Waste Facilities Permit No. 19-AA-
5 0840.

6 The LEA, Ms. Connie Rock; the operator, Mr.
7 Kazarian; his consultant, Mr. Tim Northrip, are here to
8 answer any questions you may have.

9 This concludes my presentation.

10 CHAIRMAN FRAZEE: Thank you. Any questions,
11 discussion by the Committee?

12 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I'm very
13 familiar with this facility. Even before Mr. Kazarian took
14 it over, it was a pretty well run facility. However,
15 knowing of the facilities that Mr. Kazarian has run prior to
16 this one, it could only improve the situation. So, I'm much
17 in favor of this, and I appreciate the fact that we're
18 getting some good operators to run these stations now.

19 CHAIRMAN FRAZEE: Anyone from the applicant wish
20 to be heard on this item?

21 MS. ROCK: Connie Rock, the Los Angeles County
22 LEA. And I just wanted to say that we approve of the Board
23 presentation and, if there's any questions, I'm here to
24 answer them.

25 CHAIRMAN FRAZEE: Thank you. If there's no

1 questions, a motion is in order.

2 COMMITTEE MEMBER EGIGIAN: I move it.

3 CHAIRMAN FRAZEE: Have a motion by Mr. Egigian,
4 and a second --

5 COMMITTEE MEMBER RELIS: Second.

6 CHAIRMAN FRAZEE: -- by Mr. Relis.

7 The Secretary will call the roll.

8 MS. PARKER: Board members, Relis?

9 COMMITTEE MEMBER RELIS: aye.

10 MS. PARKER: Egigian?

11 COMMITTEE MEMBER EGIGIAN: Aye.

12 MS. PARKER: Chairman Frazee?

13 CHAIRMAN FRAZEE: Aye.

14 CHAIRMAN FRAZEE: The motion is carried on the
15 approval of Permit No. 19-AA-0840. If there's no objection,
16 we'll recommend this item for the consent calendar.

17 Now, Item No. 6 is consideration of concurrence in
18 the issuance of a revised solid waste facilities permit in
19 the Landers Solid Waste Disposal Site in San Bernardino
20 County.

21 MR. OKUMURA: Staff presentation for this revised
22 solid waste facilities permit will be made by Ms. Georgianne
23 Anderson and Mr. Suzanne Hambleton.

24 MS. ANDERSON: Good morning, Mr. Chairman and
25 members of the Committee. The Bureau of Land Management

1 owns this facility, and the landfill's been operated by the
2 county since 1965. In 1979, the solid waste facilities
3 permit was issued for this facility to allow an average of
4 14 tons per day of waste to be deposited on a 638-acre
5 parcel with a life expectancy of over 30 years.

6 This permit revision would update their 1979 solid
7 waste facilities permit to reflect an increase of tonnage
8 from 14 tons per day to a maximum of 381 tons per day.

9 A slight decrease in the site life from the year
10 2009 to 2007, implementation of recycling activities in
11 addition to a household hazardous waste storage area, a
12 reduction in the site operation hours from 24 hours a day,
13 seven days a week to 8:00 a.m. to 4:30 p.m., Thursday
14 through Tuesday, and an increase in overall site capacity.

15 The permit will also define the vertical limits of
16 the fill to a maximum of 140 feet above grade, and define
17 the permitted area for landfilling to allow disposal on 44
18 acres of the 638 acre parcel.

19 Environmental control measures for impacts
20 associated with the operations of the facility have been
21 addressed. The LEA and the Board's enforcement staff
22 conducted a pre-permit inspection of Landers on June 6,
23 1995, and found no violations of State minimum standards.

24 The LEA and Board staff have made the
25 determinations that the facility has met requirements

1 regarding conformance with the county's solid waste
2 management plan, the county's general plan, operating
3 liability, and is consistent with AB 939 goals.

4 As you know, the State law requires the
5 preparation, circulation, and adoption or certification of
6 an environmental document and adoption of mitigation report
7 or monitoring program.

8 In 1990, the San Bernardino County Planning
9 Department, acting as the lead agency, prepared a mitigating
10 negative dec, which identified the proposed project's
11 potential significant environmental impacts, and provided
12 mitigation measures that would reduce those impacts to less
13 than significant levels.

14 The project was adopted and approved by the County
15 Board of Supervisors on September 13th, 1992. Since this
16 time the document was developed and adopted, there has not
17 been a change in the surrounding land use and there is no
18 new information regarding potential significant effects or
19 mitigation measure feasibility requiring additional
20 analysis.

21 After reviewing the mitigating negative dec and
22 the response to comments, Board staff have determined that
23 the CEQA documents are adequate for the Board's evaluation
24 for the purposes of the project for the project's
25 activities, which are within the agency's expertise and/or

1 powers, or which are required to be carried out or approved
2 by the Board.

3 Staff has reviewed the proposed permit and found
4 it suitable for the Board's consideration; therefore,
5 recommending the Board adopt Permit Decision 95-618,
6 concurring in the issuance of Solid Waste Facilities Permit
7 36-AA-0057.

8 The LEA and operator are here to answer any
9 questions you might have. And this concludes my
10 presentation.

11 CHAIRMAN FRAZEE: Question of staff. This is a
12 site that's on BLM land; is that correct?

13 MS. ANDERSON: That's correct.

14 CHAIRMAN FRAZEE: Can anyone tell me what our
15 authority on federal lands is? This is a county leasehold
16 of BLM land, but a facility that's operated by a Federal
17 Government operator. Do we have any authority?

18 MS. ANDERSON: The land is actually owned by BLM,
19 but the operation and the responsibility is held by the
20 county.

21 CHAIRMAN FRAZEE: So, I assume they have a long-
22 term lease from BLM.

23 MS. ANDERSON: When they first started operating,
24 it was a long-term lease. I think, on average, most of them
25 run about 25 years. And they're starting to expire one by

1 one, and the county's been working to actually buy the
2 property, because BLM doesn't want to be in the landfill
3 business.

4 CHAIRMAN FRAZEE: I see. Could you respond to
5 what our authority is over facilities that are operated by
6 an agency of the Federal Government?

7 MS. TOBIAS: Generally, which is not the case
8 here, in this case, where you have a private or even local
9 government operator on federal land, they are subject to our
10 jurisdiction.

11 If you had, for instance, a federal landfill,
12 generally, my recollection is that they have -- they
13 obviously have the federal standards, and then, as I recall,
14 they are instructed to cooperate with other State and local
15 agencies in terms of meeting local permit conditions.

16 So, it doesn't come right out and say that they
17 have to do everything you tell them to do, but that they
18 have to take notice of your statutes and regulations and try
19 to comply with them. That's my recollection.

20 CHAIRMAN FRAZEE: Are they required by federal law
21 to meet the subtitle D regulations?

22 MS. TOBIAS: Unless a facility is exempted from
23 the subtitle D regulations, which I don't have any knowledge
24 of.

25 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, inasmuch

1 as this is -- they're not establishing any new footprint,
2 they're just going up in elevation, I think that there's
3 something in subtitle D that they're not required to put a
4 liner on top of an old landfill.

5 MR. CHANDLER: That's my recollection. It's the
6 vertical expansions that go into the additional liner
7 requirement. So, as long as they weren't exceeding any
8 permit conditions that limit the height of the facility, I
9 believe you're correct, Mr. Egigian.

10 COMMITTEE MEMBER EGIGIAN: Thank you.

11 COMMITTEE MEMBER RELIS: I have a question related
12 to the environmental conditions here. I read, of course,
13 there's history of some contamination. I can't tell whether
14 that's onsite or off, but how would you characterize, if we
15 were to concur in this permit, this would not contribute to
16 the existing problem there?

17 By issuing this permit, are we going to improve
18 environmental conditions or at least not exacerbate them?

19 MS. ANDERSON: I would say that this permit is
20 much more restrictive than the 1979 permit, and reflects the
21 current operations a lot more. But, also, in addition to
22 that, is that they are going -- they are currently under the
23 process of remediating the old liquid ponds and putting in
24 new ones. And, in fact, the LEA just showed me some
25 pictures that -- of them putting down the liners for the new

1 ponds, and those are expected to be in operation next month.

2 So, I would think that concurring in the permit,
3 we would be increasing the environmental controls of those
4 facilities. And with the new ponds, that is what the Water
5 Board is thinking is the primary contributor to the
6 groundwater. So, that should --

7 COMMITTEE MEMBER RELIS: So, by issuing this
8 permit, getting the ponds work completed, that should
9 contribute to alleviating the environmental problems there?
10 Is that what you said?

11 MS. ANDERSON: It would definitely contribute to
12 alleviating them, yes. Whether they will totally mitigate
13 all environmental problems, I can't say that for sure.

14 COMMITTEE MEMBER RELIS: Okay.

15 CHAIRMAN FRAZEE: Okay.

16 COMMITTEE MEMBER RELIS: And, again, just for a
17 point of information, is the problem confined in the site,
18 or is it off the site?

19 MS. ANDERSON: I think the LEA would be better to
20 answer that question.

21 MR. STEVENS: Good morning, Mr. Chair, and members
22 of the Board. My name is Mark Stevens with the San
23 Bernardino County LEA. I'm not certain that contamination
24 would be the appropriate word to use in this case. There's
25 only preliminary evidence of some constituents of the

1 organic -- inorganic constituents of groundwater pollution.

2 In fact, some of the evidence would indicate that
3 it's more of a gas diffusion model than necessarily a
4 leachate type situation.

5 This is a desert environment, where opportunities
6 for leachate formation would be very minimal. So, there's a
7 continuing groundwater evaluation monitoring process to
8 further determine the extent of the constituents detected n
9 the groundwater and to determine if there's a need for
10 remediation.

11 There's no currently established need for
12 remediation based on the minor amount of detection of these
13 constituents that have been measured thus far. So, it's
14 still in a very preliminary stage.

15 COMMITTEE MEMBER RELIS: Thank you.

16 COMMITTEE MEMBER RELIS: Any questions? If not,
17 thank you very much.

18 MR. STEVENS: Thank you.

19 CHAIRMAN FRAZEE: A motion is in order ron this
20 item.

21 COMMITTEE MEMBER EGIGIAN: I move staff
22 recommendation.

23 COMMITTEE MEMBER RELIS: Second.

24 CHAIRMAN FRAZEE: Motion and a second on staff
25 recommendation. Secretary will call the roll.

1 MS. PARKER: Members, Relis?

2 COMMITTEE MEMBER RELIS: Aye.

3 MS. PARKER: Egigian?

4 COMMITTEE MEMBER EGIGIAN: Aye.

5 MS. PARKER: Chairman Frazee?

6 CHAIRMAN FRAZEE: Aye. The motion to approve
7 Facility Permit 36-AA-0057 is approved. So ordered. And
8 without objection, we'll place that on the consent calendar.

9 And now, moving on to Item 8, this is the
10 consideration of concurrence in the issuance of a new solid
11 waste facilities permit for BFI Organics Facility in Orange
12 County.

13 MR. OKUMURA: Staff presentation for this new
14 solid waste facility permit will be made by Ms. Georgianne
15 Anderson and Suzanne Hambleton.

16 MS. ANDERSON: Since 1976, this facility has been
17 operating on a conditional use permit from the County of
18 Orange, which allowed the permit holder to commercially
19 process compost and package wood byproducts for agriculture
20 and landscaping purposes.

21 In 1985, the operation revised the CUP to allow
22 the commercial processing of agricultural products,
23 specifically allowing for composting of manure and wood
24 shavings for agricultural landscaping.

25 About a year and a half ago, BFI bought this site

1 to allow -- and now they own and operate it. The proposed
2 project is -- would allow for a new solid waste facility
3 permit for the composting operation, and it will allow for
4 the acceptance of 200 tons per day and a peak of 514 tons
5 per day of nonhazardous organic waste consisting primarily
6 of animal manure, sawdust, tree trimmings, grass clippings,
7 brush, leaves, and other plant material.

8 The waste will be accepted at this facility from
9 7:00 a.m. to 4:00 p.m., Monday through Saturday, and
10 composting operations will be conducted from 5:00 a.m. to
11 7:00 p.m., Monday through Saturday.

12 Environmental control measures for impacts
13 associated with this project have been addressed.

14 On June 13th, 1995, Board and LEA staff conducted
15 an inspection and found the facility in compliance with
16 State minimum standards. The LEA and Board staff have made
17 the determination that the facility has met requirements
18 regarding conformance with the county's solid waste
19 management plan, the county's general plan, and is
20 consistent with AB 939.

21 Orange County adopted a negative declaration,
22 IS-85-177, and approved the existing project on December
23 9th, 1985. Since then, there have been no changes in
24 surrounding land use and no new additional information
25 regarding potential significant effects or mitigation

1 measure feasibility.

2 No expansion or change in design or operation from
3 the existing operation is being approved with the issuance
4 of this solid waste facility permit.

5 A notice of exemption was developed by Orange
6 County LEA on June 27th, 1995, for the issuance of this
7 permit. This exemption is a Class 1 categorical exemption,
8 which satisfies Section 15301 of CEQA guidelines.

9 Board staff has determined that the CEQA documents
10 are adequate for the Board's evaluation for the purposes of
11 this project. Staff has reviewed the proposed permit and
12 found it suitable for Board consideration, and therefore
13 recommend the Board adopt Permit Decision 95-620, concurring
14 in the issuance of Solid Waste Facility Permit No. 30-AB-
15 0369.

16 The LEA was unable to make it today because of
17 budgetary concerns, but the operator and the consultant are
18 here.

19 CHAIRMAN FRAZEE: As I understand, this facility
20 has not previously been permitted by this Board.

21 MS. ANDERSON: That's correct.

22 CHAIRMAN FRAZEE: And so, this is one of the first
23 ones under the new composting regulations or have we had
24 others since those have been adopted?

25 MS. ANDERSON: Yeah, this is not the first one.

1 Actually, they're getting a full solid waste facility
2 permit. If they came under the new regulations, I believe
3 this would fall under the standardized permit.

4 COMMITTEE MEMBER RELIS: And then the older ones
5 have to now comply with our new regs; is that correct?

6 MS. ANDERSON: That's correct.

7 COMMITTEE MEMBER RELIS: Okay.

8 CHAIRMAN FRAZEE: Any questions?

9 COMMITTEE MEMBER EGIGIAN: I've no questions. I'm
10 ready to move the item.

11 COMMITTEE MEMBER RELIS: I have a question of the
12 staff. Page 118, discussion of aspergillus paragraph, on
13 page 3 of the item, I guess.

14 I brought this up in the briefing that this issue
15 of aspergillus continues to be bandied about in the -- we
16 did a study on this, an in-depth study, and at least my
17 reading of that study was aspergillus is not a problem. I
18 think we need to get some consistency in our reporting.

19 It's either a concern and a problem or it isn't.
20 Unless I hear evidence that it is a problem, I don't think
21 it needs to be raised as a concern based on the scientific
22 study that we did or at least the in-depth literature search
23 conducted by Steve Ault, I think, several years ago, that
24 concluded that there were no correlations; that the risk
25 factor was nil.

1 Now, this issue continues to be raised on
2 occasion, and I don't think we should add to it if we don't
3 have sources that back it being a concern.

4 So, I would just want to know in the future
5 presentations how we're going to handle this -- a discussion
6 about aspergillus or are we going to not have that as part
7 of -- or maybe I'll ask Mr. Chandler.

8 MR. CHANDLER: Well, I think, if I recall Mr.
9 Ault's conclusions, he indicated that the issue of
10 aspergillus, in fact, was not a health risk if certain
11 proper techniques and handling of the operation were
12 recognized and followed through.

13 And, as I read the paragraph that you're just
14 quoting it says to mitigate occupational and community risk,
15 the facility must comply with California's newly adopted
16 composting regulations and provide employees with the
17 appropriate personal protective equipment in accordance with
18 OSHA regulations. And if done so properly, as Mr. Ault's
19 paper also subscribes to, this facility will not present a
20 health risk from aspergillus.

21 So, I think in my reading of the paragraph anyway,
22 we are just reenforcing what we have maintained in the past,
23 which said there is this fungus out there, and the way that
24 it is properly handled from a health and safety standpoint
25 is through the proper handling and management of those

1 piles.

2 Perhaps the first sentence is an overreach, but I
3 would say the rest of the paragraph speaks to that issue.

4 COMMITTEE MEMBER RELIS: Then, maybe what I'd like
5 to see in the future is a consistent treatment so it isn't
6 addressed in some compost permits and not in others.

7 MR. CHANDLER: Yes, the issue of consistency is
8 well-noted, and we will address the aspergillus issue
9 consistently.

10 CHAIRMAN FRAZEE: In the -- I believe it was the
11 Cold Creek permit, there was a statement on aspergillus that
12 indicated, if I remember correctly, that the level of a
13 typical back yard -- the base level was higher than what
14 would be leaving a compost site at the property line. Of
15 course, this takes into consideration people actually
16 working onsite from the health standpoint, too. But was, in
17 effect, dismissed in another applicatifon a little
18 differently than it was here.

19 COMMITTEE MEMBER RELIS: I think, just given the
20 sensitivity on this, that we need to just be very careful
21 about how we address this, and that we have full
22 consistency.

23 MR. CHANDLER: Would your request be for
24 consistency purposes, that we speak to this issue as we have
25 done in this paragraph, absent the first sentence, where, in

1 other words, it is discussed but it's discussed in the
2 context that, if proper management of the facility is in
3 place, recognizing the OSHA and other requirements, that we
4 don't see a health risk?

5 COMMITTEE MEMBER RELIS: Well, I guess --

6 MR. CHANDLER: Or is your interest that it not be
7 presented at all?

8 COMMITTEE MEMBER RELIS: Well, I'm not trying, you
9 know, to push that we're hiding anything or -- but if I read
10 the way you described it to me, Mr. Chandler, it looks like
11 the focus is for onsite issues; that is, if they do -- the
12 fact that they exist and could theoretically pose a problem,
13 that the operating standards created by the Board and the
14 following of them will prevent that for potential injury to
15 employees at the site.

16 I think we need to make the distinction -- is this
17 addressing onsite management and not offsite problems.

18 MR. CHANDLER: Okay.

19 COMMITTEE MEMBER RELIS: And that's what I think
20 we need to do if we have the discussion.

21 COMMITTEE MEMBER EGIGIAN: Paul, if this is a
22 problem, maybe we ought to forget about the tiers and put
23 compost all under the solid waste permit.

24 COMMITTEE MEMBER RELIS: Well, I'm not saying it's
25 a problem, but I don't want it to become one.

1 MR. OKUMURA: Mr. Relis, we will attempt to
2 address your concerns.

3 CHAIRMAN FRAZEE: Thank you. Anything else on
4 this item? If not, a motion is in order.

5 COMMITTEE MEMBER RELIS: I'll move the item.

6 CHAIRMAN FRAZEE: Motion by Mr. Relis. Second by
7 Mr. Egigian.

8 If the Secretary would call the roll, please.

9 MS. PARKER: Members, Relis?

10 COMMITTEE MEMBER RELIS: Aye.

11 MS. PARKER: Egigian?

12 COMMITTEE MEMBER EGIGIAN: Aye.

13 MS. PARKER: Chairman Frazee?

14 CHAIRMAN FRAZEE: Aye. The motion is carried on
15 the approval of Facility Permit No. 30-AB-0369. And without
16 objection, we'll recommend it to the full Board for consent
17 on that item.

18 Now, moving to -- let's see. Item 9 we did
19 already, didn't we, so we're going on to Item 10. This is a
20 consideration of concurrence in the issuance of a revised
21 solid waste facilities permit for the City of Watsonville
22 Landfill in Santa Cruz County.

23 MR. OKUMURA: Mr. Chairman, in this case, the
24 Board is acting as the EA, and we are issuing the permit.
25 Staff presentation for this revised solid waste facilities

1 permit will be made by Jeff Hackett and Mr. Tom Unsell.

2 MR. HACKETT: Good morning. The City of
3 Watsonville Landfill's an existing site. It began
4 operations in 1963. This site is a 103-acre site and is
5 operating under its 1978 solid waste facilities permit.

6 The proposed permit has been prepared to allow
7 several changes in design and operation of the site,
8 including a 53-acre expansion, an increase in maximum daily
9 tonnage from 56 tons per day to 275 tons per day, a change
10 in operating hours to 6:00 a.m. to 4:00 p.m. The previous
11 hours were 8:00 a.m. to 4:00 p.m. Recovery of tires and
12 large wood and metal debris, construction of an active
13 landfill gas control system, and construction of their new
14 waste management units in accordance with current
15 regulations.

16 The site is located in Southern Santa Cruz County,
17 approximately 3.5 miles west of the City of Watsonville.
18 Surrounding land use is predominantly agriculture, along
19 with institutional and solid waste disposal. The county's
20 Buena Vista Landfill is directly across from this landfill.

21 The landfill accepts nonhazardous
22 residential/commercial waste, sewage sludge, construction
23 and demolition debris. The site's not open to the public.
24 It's only used by city vehicles and contractors authorized
25 by the city.

1 Phase I and II of the facility is expected to
2 reach capacity in the fall of '96, and then operations will
3 commence to Phase III, as illustrated on Attachment 2 in the
4 packet.

5 Disposal in the proposed expansion area is not
6 expected to occur for another 10 to 15 years. And
7 projections indicate that the expansion would provide enough
8 disposal capacity until the year 2043.

9 On June 22nd, 1995, enforcement agency and staff
10 conducted an inspection of the facility and noted two
11 violations. The first violation is a violation for
12 exceeding the permitted tonnage. Concurrence and the
13 subsequent issuance of this permit will correct this
14 violation. The second violation is a violation of State
15 minimum standards, Section 17258.23, explosive gases.

16 The gas levels currently exceed the lower
17 explosive limit at the property boundary of 5 percent.

18 Since the proposed permit has been prepared and a
19 long-term violation of State minimum standards identified,
20 Board staff followed the procedures as provided in
21 Attachment 6 of your agenda packet -- agenda item.

22 Attachment 6 was adopted by the Board on July
23 27th, 1994. In accordance with the flow chart, the site is
24 operating under an enforcement order, and notice and
25 stipulated order of compliance to correct the violation.

1 The operator has completed the first two required tasks on
2 time and is working to obtain full compliance by September
3 30th, 1995.

4 The operation is continuing to make modifications
5 and adjustments to the system as conditions dictate. In
6 addition, the operator's required to provide Board staff
7 with a monthly staff report on the progress made to date,
8 and they have been submitting these on time.

9 Board staff will continue to monitor for landfill
10 gas during monthly inspections to ensure that progress is
11 made in achieving full compliance by the date specified in
12 the enforcement order.

13 Board staff believes that the operator's making a
14 good-faith effort to correct this violation and is therefore
15 consistent with the adopted flow chart.

16 There's also one other issue that we'd like to
17 address with this one, and that's that the city is currently
18 contracted with Cal Recovery Systems to conduct a
19 feasibility study on the mining of the Phase I and II area
20 as part of a groundwater mediation project. So, that's
21 going through the development phase right now.

22 Board staff has not received any complaints
23 regarding the operation of the facility.

24 In summary, the following findings have been made:
25 The facility and proposed expansion are in conformance with

1 the Santa Cruz County Solid Waste Management Plan. The
2 facility and proposed expansion are in conformance with the
3 City of Watsonville and Santa Cruz County General Plans.

4 The project is consistent with the was diversion
5 goals of AB 939, and CEQA has been complied with.

6 The Board's enforcement agency section has
7 prepared a proposed permit, reviewed the supporting
8 documentation, and determined that the permit and supporting
9 documentation are acceptable for the Board's consideration
10 of the concurrence.

11 In conclusion, Board staff recommends that the
12 Board adopt Solid Waste Facilities Permit Decision Number
13 95-612, concurring in the issuance of Solid Waste Facilities
14 Permit No. 44-AA-0002.

15 Mr. David Cook of the City of Watsonville Public
16 Works Department is present to answer any questions you may
17 have. This concludes the staff's presentation.

18 MS. TOBIAS: Mr. Chairman, if I may add to staff's
19 presentation, if you look at Attachment 6, which is the last
20 item and the last page in your agenda item, what staff's
21 done is just walked you through the left-hand side of that
22 chart, basically saying that there is a long-term violation
23 on this property; however, there is an enforcement order
24 that requires the operator to bring this facility up to
25 standard. The operator is making and staff is finding that

1 there is a good-faith effort at correcting this.

2 So, Board staff is recommending concurrence. I
3 wanted to make sure you understood this. I'm not sure,
4 Jeff, but this might be the first time we've actually used
5 this policy or this chart to approve this permit. And I
6 wanted to make sure you understood where we were going with
7 this.

8 Essentially, staff feels that it's better to have
9 the facility under compliance with a permit even though
10 there is an outstanding violation, because that violation is
11 being addressed.

12 Okay? Thanks.

13 CHAIRMAN FRAZEE: You mentioned the possibility of
14 mining out some early cells. That's to satisfy Water Board
15 requirements?

16 MR. HACKETT: I believe the city is just looking
17 at that as part of a groundwater mediation project.

18 CHAIRMAN FRAZEE: They're not currently under
19 order to do that?

20 MR. HACKETT: It's an alternative they're
21 considering, and it's also an alternative as opposed to a
22 30-year postclosure monitoring period. The landfill seems
23 to be the point source.

24 CHAIRMAN FRAZEE: So the plan would be to mine
25 that out and place that material in a cell, and then go back

1 in and use it over again.

2 COMMITTEE MEMBER RELIS: Regarding the gas
3 controls here, would you characterize by implementing the
4 gas control system, we're going to bring down those levels
5 at the property line below the volatile --

6 MR. HACKETT: The system started up on May 4th.
7 And we're now beginning to see some slight decreases in the
8 gas levels detected. It takes a little while to work some
9 of the bugs out of a system, so it's relatively new to them;
10 so, they're working with other consultants to try and get it
11 under control. And we're proceeding for the September 30th
12 date.

13 COMMITTEE MEMBER RELIS: And there are no
14 neighbors that around that property line?

15 MR. HACKETT: We've had one inquiry from one of
16 the adjacent neighbors, and she had concerns. So, we went
17 out and met with her on June 22nd, I believe it was, and she
18 felt pleased with the progress that the city's making.

19 COMMITTEE MEMBER RELIS: Okay. So, issuance of
20 this permit will just bring them under the stronger set of
21 controls. The higher tonnage would now be authorized. It
22 was proceeding in an unauthorized manner, and will not
23 contribute or exacerbate to the gas problem in light of the
24 new system that's --

25 MR. HACKETT: Well, whenever you're adding more

1 refuse to it, you probably generate more gas. So, yeah, the
2 system should pick up --

3 MR. OKUMURA: The design of the system is intended
4 to take into consideration new tonnage. So that, we feel by
5 moving forward with the permit, we should be addressing the
6 gas situation over a longer period of time. Like Jeff said,
7 it wouldn't affect it this week, next week, but it may take
8 time to get the total system working to where we could get
9 reduced levels.

10 COMMITTEE MEMBER RELIS: Because I just observed,
11 you know, we're the LEA in this situation, so let's make
12 sure we're doing what we expect others to.

13 We don't evaluate ourselves, do we?

14 MR. OKUMURA: Yes, we do.

15 COMMITTEE MEMBER EGIGIAN: Mr. Chair, why don't we
16 use this as another part of the test we're going to do with
17 Yolo? You know, in one we're trying to get rid of the gas;
18 the other, we're trying to create more.

19 (Laughter.)

20 COMMITTEE MEMBER EGIGIAN: Do you think there's
21 any connection?

22 Number two, how long are we going to be the LEA
23 here and are we getting paid for being the LEA, and how is
24 this thing computed?

25 MR. UNSELL: We became the enforcement agency in

1 1992 when the county elected not to designate a local
2 enforcement agency. So, at this point in time, until the
3 local governing bodies within the county or the cities
4 within that jurisdiction acted on the statute in the Public
5 Resources Code to designate a local enforcement agency, we
6 would remain the enforcement agency.

7 There is cost recovery to the program that's based
8 on an hourly rate through a fee assessment back through our
9 financial division -- department.

10 COMMITTEE MEMBER EGIGIAN: Thank you.

11 CHAIRMAN FRAZEE: Anything else? If not, a motion
12 is in order.

13 COMMITTEE MEMBER EGIGIAN: I'll move this.

14 COMMITTEE MEMBER RELIS: Second.

15 CHAIRMAN FRAZEE: A motion and second to approve
16 Permit No. 44-AA-0002. If the Secretary would call the
17 roll, please.

18 MS. PARKER: Members, Relis?

19 COMMITTEE MEMBER RELIS: Aye.

20 MS. PARKER: Egigian?

21 COMMITTEE MEMBER EGIGIAN: Aye.

22 MS. PARKER: Chairman Frazee?

23 CHAIRMAN FRAZEE: Aye. The motion is carried.

24 It's my understanding that, as the enforcement agency, this
25 item should not go on consent and needs to go before the

1 full Board.

2 MR. OKUMURA: That's correct.

3 CHAIRMAN FRAZEE: For independent action.

4 MR. OKUMURA: So, we will be presenting this item
5 to the full Board next week.

6 MR. UNSELL: Before we leave this topic, I would
7 like to acknowledge Jeff Hackett for his participation in
8 the performance for the enforcement agency work in Santa
9 Cruz County. Since 1992, he has developed effective and
10 efficient relationships both with the local governing
11 bodies, local officials, and local public to effect numerous
12 appropriate enforcement actions to bring the facilities into
13 compliance. And I wanted to acknowledge him and commend him
14 for those efforts.

15 MR. HACKETT: Thank you.

16 CHAIRMAN FRAZEE: We concur in that. There could
17 be worse places you could go than Santa Cruz; probably not
18 too tough.

19 Okay. Let me see. We have Item 11 now. Item 11
20 is the consideration of new sites for the solid waste
21 disposal and codisposal site cleanup program.

22 MR. OKUMURA: The staff presentation for the
23 proposed for the 2136 sites will be made by Ms. Marge Rouch
24 and Ms. Charlene Herbst. Marge?

25 MS. ROUCH: Good morning, Mr. Chairman and members

1 of the Committee. AB 2136 staff are pleased to bring five
2 new sites for Committee consideration for funding under the
3 solid waste disposal and codisposal site cleanup program.
4 All five sites are intended to be Board managed cleanups
5 using the Board's contractors.

6 These contracts were procured in June, 1994, and
7 the site cleanups will be paid for out of fiscal year 93-94
8 dollars.

9 In accordance with the legislation creating a
10 solid waste disposal and codisposal site cleanup program,
11 and the guidelines that the Board approved in February,
12 1994, Board staff considered the following prior to
13 recommending the sites:

14 The degree of risk to public health and safety and
15 the environment posed by conditions at each site, the
16 ability of the owners to clean up the site without monetary
17 assistance from the solid waste cleanup trust fund, the
18 ability of the Board to adequately clean up the site with
19 available funds, and then maximizing the use of available
20 funds.

21 In recommending approval of the sites, Board staff
22 has investigated each site and determined that cleanup is
23 needed to protect the public health and safety and the
24 environment, and that responsible parties either cannot be
25 identified or are unable or unwilling to pay for timely

1 remediation. In call cases, enforcement actions taken by
2 the local enforcement agency and/or the Board have failed to
3 remediate the sites with no foreseeable remedy in the near
4 future.

5 In addition, Board staff has attempted to identify
6 and recommend possible avenues for cost recovery which, to
7 the extent possible, will achieve repayment from responsible
8 parties for the amount expended.

9 Thus far, under this program, we have cleaned up
10 seven sites, and we have 17 sites in progress or programmed
11 to start within the next 45 days.

12 The sites for consideration today are the Otto
13 Hopkins Landfill in Ventura County. This is a closed,
14 eight-acre county run, privately owned canyon fill dump,
15 which operated from 1962 to 1967.

16 During the January, 1995, high-intensity storm,
17 the storm caused high-drainage flows, which eroded the cover
18 on the side slope of the landfill, exposing waste.

19 The exposed waste was then carried into the
20 drainage channel and caused a blockage of an underdrain
21 located under Route 150. And, Mr. Relis, you asked in the
22 briefing about the drainage. The site drains into a nearby
23 creek, which drains into a larger creek, which goes to the
24 ocean.

25 And we propose to remove the exposed waste,

1 stabilize the eroded side slope, attach the cover, and
2 revegetate the side slope, and then we will construct a
3 higher capacity engineered drainage, and regrade and
4 resurface the access road adjacent to the fill area.

5 We propose or recommend that cost recovery should
6 be considered against the property owners.

7 The next site is the Copper Mountain illegal
8 disposal site in San Bernardino County.

9 This is a five-acre parcel, and the wastes on are
10 solid waste, scrap wood, metal, auto bodies, demolition
11 waste, and tires.

12 The waste is concentrated in several pits -- I'm
13 sorry, several piles, pits, and trenches around the site.

14 There is evidence of buried waste or objects at
15 various locations around the site. There are residences
16 adjacent to the site and no continuous fences separate the
17 adjacent properties. We propose to clean up the site by
18 excavation, segregation, hauling, and disposal of waste
19 material with potential for partial recycling of waste
20 material.

21 Cost recovery would be considered against the
22 property owners.

23 The third site is the Skyline/Skeggs Points
24 illegal disposal site.

25 This site consists of two principal dumps along a

1 ravine and plateau in the Santa Cruz Mountains. Waste at
2 the site includes scrap wood and metal, auto bodies,
3 demolition waste, white goods, tires, and several 55 gallon
4 drums, an estimated of 4,000 cubic yards of waste material
5 in the ravine and along the plateau will be removed.

6 Since the prior owner has gone bankrupt and the
7 current owner is Mid-Peninsula Regional Open Space District,
8 we feel that cost recovery should not be pursued for this
9 project.

10 The fourth site is Tularcitos Creek illegal
11 disposal site.

12 This is a creek that was filled with a lot of
13 trash. And last fall, the volunteers from the County of
14 Santa Clara, the City of Milpitas, and other organizations,
15 as well as private citizens conducted a one-day cleanup.
16 And since the cleanup in October of 1994, some more waste
17 has been placed into this creek bed, and so we would propose
18 to take out the little bit of waste that's there now and to
19 fence this area to eliminate access to dumping there.

20 The County of Santa Clara, Department of Airports
21 and Roads has agreed to maintain the area within the county
22 right-of-way once the fencing is in place.

23 Board staff recommends not pursuing cost recovery
24 against the county or the adjacent property owners for this
25 project.

1 The last site is the Pacoima illegal disposal site
2 in Los Angeles County.

3 This illegal disposal site is located in a
4 residential/commercial area of Pacoima, and there's an
5 estimated 54,000 tires piled on the property intermingled
6 with abandoned vehicles, cargo containers, a 40-foot
7 trailer, residential waste, and drums possibly containing
8 hazardous waste.

9 Access to removing those drums is impossible,
10 because of all the other waste that surrounds it. That
11 waste has to be removed before we can get to the drums.

12 The property owners are without financial
13 resources to remove the waste. Cost recovery could be
14 pursued against responsible parties for the dumping of the
15 tires or the property owners in the case somebody should be
16 found that they have access to some funding.

17 This project has support from the Los Angeles
18 Police Department, Los Angeles City Councilman Alarcon, and
19 California Assemblyman Richard Katz.

20 These five sites are brought to you with staff
21 recommendation for you to consider. And I do have some
22 folks in the audience who may want to speak to you about
23 these projects.

24 I understand that Dean Peterson and Gregory
25 Schirle from the San Mateo LEA are here to speak on

1 Skyline/Skeggs Point, and then Ms. Mary Gundert from the
2 Mid-Peninsula Regional Open Space District is here. And the
3 Santa Clara LEA, John DuFresne regarding the Tularcitos
4 illegal disposal site, and Mr. James Trujillo from San
5 Bernardino County LEA regarding the Copper Mountain site.

6 MS. TOBIAS: Mr. Chair? I'd like to direct the
7 Committee's attention to -- and I think Marge did do a good
8 job of calling this out, but I'd just like to reemphasize
9 that we will be coming back to you in the upcoming months in
10 terms of whether we've been able to start any of these cost
11 recoveries against some of these sites, . once a site's
12 cleaned up, to be able to say whether legal thinks there is
13 a good possibility of going back in.

14 But I do want to draw your attention to it. I
15 think that's an important part of the staff report to look
16 at when staff presents these different sites to you. Some
17 of them are just not going to be recoverable, which I think
18 the legislation anticipated that that is at times the case.

19 On the Skyline-Skeggs site, it should be pointed
20 out that basically the district is getting a piece of
21 property here that is going to be cleaned up, so that it
22 means that there is a value there once they get that piece
23 of property, and it's a cleaned up piece of property. It's
24 basically being added to their open space preserve with this
25 cost coming from this particular fund.

1 So, although Mr. Hoskins has declared bankruptcy,
2 and even though it says Board staff recommends not pursuing
3 cost recovery, what that probably means is that it's
4 unlikely that we'll get cost recovery, but we would still
5 probably look at it.

6 So, I just wanted to point out to you. And it's
7 something I think that you should ask both staff and legal
8 when you see these, and clarify who's getting the property
9 at the end of the process that's a cleaned up piece of
10 property, and is it going to have some kind of value on it.

11 COMMITTEE MEMBER RELIS: Let's say, down the line,
12 we can't recover anything immediately, but upon its sale,
13 can that be a condition on the deed that specifies an amount
14 of money?

15 MS. TOBIAS: Well, there's two ways to do that,
16 Mr. Relis. One would be to work out an agreement with the
17 property owner ahead of the cleanup, and say, you know, what
18 we'd like is a lien against your property for the amount of
19 this cleanup. And we're not going to ask you for it right
20 now, but, you know, when you sell the property, we'd like to
21 get our money back into the fund.

22 The second way is to go after recovery of the
23 money. And when you get a judgment against that landowner,
24 then one way to collect that judgment is to get a lean
25 against the property itself.

1 Obviously, that's a much more difficult,
2 cumbersome, time-consuming approach. But the other problem
3 is that a lot of times it's very difficult to get a lien up
4 front, because, as you see in here, either people are in
5 bankruptcy, the owner is deceased and the estate has not
6 been probated or the heirs don't have any money, et cetera,
7 et cetera.

8 So, I think it's something that I just really want
9 to draw your attention to in terms of asking the question at
10 the time you look at these sites. I think staff's worked
11 with us very well in terms of trying to determine, you know,
12 when we can do this and when we can't.

13 COMMITTEE MEMBER EGIGIAN: Mr. Chairman, I think
14 it's known that I'm against this kind of stuff. 2136, you
15 know, makes it necessary for us to do this. In every case,
16 they're either bankrupt or don't have any funds. Why cannot
17 the State go against the property, take it over, clean it
18 up, put it up for sale, get our money and maybe some of the
19 creditors will be paid off, too, if the property is
20 valuable.

21 I don't think that we ought to be that charitable,
22 even though the law says, you know, this is what you're
23 supposed to do.

24 The State doesn't have unlimited funds, and I just
25 feel strange about municipalities or counties that let this

1 problem continue. They have police forces. They have ways
2 of checking on who's dumping this material, and then going
3 after them.

4 But the more important thing -- I know we're going
5 to do this, and but we did another situation where the
6 contractor came back and it's costing us a lot of bucks.
7 How are we going to avoid that situation with any of the
8 contractors that do this work?

9 MS. TOBIAS: Well, we've changed a lot of our
10 procedures since that occurrence, and I think we have
11 information going out to the Board on. So, I think that
12 particular situation has been addressed in changes in
13 procedures, changes in the contractors themselves, changes
14 in the contracts. So, I think that we've addressed that.

15 I acknowledge that certainly was an issue. But I
16 think that's -- and I think it's worth bringing up. But I
17 think it's a separate issue from the cost recovery.

18 Let me also say in your question about why we
19 can't take over the property. That is kind of what we would
20 be doing if we went against a property owner and basically
21 they didn't have the money. Say we spend \$360,000 on
22 somebody's cleanup. If we go against them and if the court
23 finds that, yes, they were responsible for either putting
24 that material on the property or allowing the material to be
25 put on that property, then if they don't have the cash,

1 essentially, then we would ask for a lien against the
2 property. And, at that point, then there's other procedures
3 to deal with that.

4 So that, in essence, is what we would do. One of
5 the problems with that is that you have to balance the cost,
6 what you spend on the cleanup, versus how much it's going to
7 cost you to go get that money back. So, there is going to
8 be probably a level at which there's not going to be cost
9 recovery for the more -- for the ones where we spend more
10 money cleaning it up.

11 You know, again, it's a question of value of the
12 property, you know, the ease with which we can go after
13 these owners, et cetera, et cetera. There's a lot of
14 factors that go into it.

15 COMMITTEE MEMBER EGIGIAN: If you get the
16 property, don't worry about the cost. I'll buy the notes
17 for a buck apiece. I'll recover it.

18 (Laughter.)

19 COMMITTEE MEMBER EGIGIAN: I'm not in favor of
20 this, however, I'm not going to try to keep it from
21 happening, because there's a law here.

22 So, I just wanted to speak up.

23 CHAIRMAN FRAZEE: That sort of raises another
24 question. All five of these sites are proposed for Board
25 hired contractors to clean up. And how do we make that

1 decision between doing it that way or funding the local
2 government? Because it seems to me, if you fund the local
3 government to do it, they have a much easier procedure than
4 we do to lien a piece of property. The statute is pretty
5 clear.

6 (Thereupon, there was a pause in the
7 proceedings to allow the reporter to
8 replenish her paper.)

9 CHAIRMAN FRAZEE: I think what we will do when we
10 complete this item, we will take a lunch break and then come
11 back, because the item on contaminated soils is probably
12 going to take a little time with speakers and discussion by
13 the Committee. So, we'll put that off till after lunch.

14 Now, we were going to get an explanation of where
15 the choice comes between the Board contracting to do this or
16 working with local government.

17 MS. HERBST: Charlene Herbst, Closure and
18 Remediation Branch.

19 As you're aware, we've got a lot of different
20 mechanisms that are allowed under the law for remediating
21 sites. We've got LEA grants, we have matching grants to
22 local agencies. We have loans to local governments, and we
23 have the contracts for Board-managed cleanups.

24 Each one of them is allowed for certain kinds of
25 sites versus others, and each one has its own criteria.

1 Those were taken to the Board. The policies were taken and
2 approved -- to the Board and approved by them. So, they're
3 going to have dollar amendments.

4 When a project is out there being considered,
5 exactly the way it comes to us is going to depend on how the
6 local government decides to rule on it. If an LEA is
7 interested in supervising the cleanup themselves and they're
8 willing to handle the headaches of getting a contract, and
9 managing the contractor, they'll come to us for an LEA
10 grant. And some of them -- we had one, and it worked out
11 fairly well, though the LEA did have a few complications.
12 But they handled them well.

13 A local agency could come in for a matching grant;
14 it could come in for a loan.

15 A lot is going to depend on the situation down at
16 the county level, and what they're willing to take on. When
17 it comes to the staff, the staff has to evaluate the
18 application as it's given to them. For example, if somebody
19 wants a grant, then it will come to the Board for their
20 consideration as a grant.

21 And if you feel that the project would be more
22 appropriately handled as a loan, then staff will take that
23 direction and go back and notify the person who applied for
24 it. But to make -- as long as it fits within the policies
25 that were passed by the Board, staff is not making a

1 determination that this ought to be a grant or this ought to
2 be a loan rather than a grant, or making those kinds of
3 almost policy calls. As long as the projects fits the
4 public health and safety and the environment criteria, and
5 as long as the dollar amount fits the policy, and as long as
6 that mechanism is allowed under the policy for that kind of
7 a site, then we'll just bring exactly what they asked us for
8 to you for your consideration.

9 CHAIRMAN FRAZEE: All of these come to us then by
10 nomination of either the LEA or local government anyway.

11 MS. HERBST: The LEA, local government,
12 occasionally they're proposed to us by the Regional Board.
13 And staff looks at the project before a formal application
14 comes in to see whether or not it meets the human health and
15 safety and the environment criteria, and they'll give the
16 local entity some indication of how this site compares to
17 other projects that we're considering.

18 MS. TOBIAS: Mr. Chair, this is the reason that I
19 was directing your attention to this, because of the
20 procedure that we're using to bring these up. In fact, one
21 of the items today was removed for precisely that question
22 when it came up.

23 The question was: Should it be a grant or a
24 loan, exactly because of what you brought up. The county
25 can lien the property. And they can do it much more easily

1 than we can. So, I think in pointing this out, you know,
2 what I think Charlene's saying and what we're trying to
3 point out is we think you should look at those particular
4 questions when you look at these items, and ask the
5 question, well, is it better as a grant or loan.

6 I think we can do a little bit more in terms of
7 presenting you the choices. But what Charlene is saying is
8 the procedure up to now has been to basically kind of take
9 it as it comes, whichever way it comes up is the way it's
10 presented to you.

11 CHAIRMAN FRAZEE: The one particular item, Item 1,
12 the Ventura County facility, I think really begs the
13 question. In this instance, even though it's privately
14 owned land, the county operated the landfill. And albeit
15 there were not regulations at the time they closed the
16 site, to properly close it, as I understand the description
17 of it, then the failure comes as a result of failing to
18 properly close it. And the county had some responsibility
19 to go back to do that remediation on that particular site,
20 and it gets dumped over to this time.

21 MS. TOBIAS: In that case, what you may want to do
22 is instruct staff to do some more work on this item and ask
23 whether the county would consider more of a loan situation.
24 Going against this particular one, although, the amount of
25 the loan is certainly worth it in terms of the legal costs

1 that will be expended to recover it, you know, you have a
2 piece of property that -- I don't remember if this one's in
3 probate or still going through probate. I mean it would
4 take us quite a bit of time. This would be a number of
5 years to recover this. If there's some possibility that the
6 county could lien the site first, or we could get the
7 present owners to agree to it, you know, obviously that's a
8 much easier way of recovering the money.

9 CHAIRMAN FRAZEE: There are times when people own
10 pieces of property they wouldn't mind having them liened and
11 walk away. And I imagine, if you owned a closed dumpsite
12 that had no real value to it, that's one good way of
13 disposing of it. And then we end up at some point being the
14 fee owner of a closed landfill.

15 MS. TOBIAS: And staff can correct me if I'm
16 wrong, but one of the issues on this particular one, as I
17 recall, is that this is probably not a valuable piece of
18 property in terms of having somebody walk way with a cleaned
19 up site that they can then put an auto dealership on or
20 something. Whereas, the one we took off the agenda
21 evidently has more potential for being cleaned up and
22 returned to some other kind of use.

23 So, you might want to ask staff, you know, their
24 sense of the aspects of cleaning this particular site up.

25 Even if we lien this site, I don't think this is a

1 piece of property that we really fully expect to see
2 somebody else walk in and purchase once it's cleaned up and
3 use it for something.

4 And the original legislation was to clean up these
5 kinds of sites.

6 CHAIRMAN FRAZEE: Okay. Is there someone here
7 that is knowledgeable on this particular site? It might be
8 helpful just to --

9 MS. ROUCH: Is the Ventura County LEA here? They
10 were here earlier? Okay.

11 MR. STRATTON: Mr. Chairman, Committee members,
12 William Stratton, Ventura County LEA. You're referring to,
13 well, two sites that we had. Otto Hopkins is what we refer
14 as your number one site to. The property owner's deceased,
15 passed away in '92. Property is not in probate. It doesn't
16 appear that it's going to get into probate any time soon.

17 We have one heir that is not interested in
18 probate. So, the LEA has requested the county
19 administrator, public administrator, to initiate probate
20 proceedings so that we can get a responsible party, and then
21 move into a cleanup.

22 CHAIRMAN FRAZEE: Have you reviewed the --
23 apparently there was some kind of a document, a lease or
24 something, at the time the county operated the landfill on
25 this private property before the --

1 MR. STRATTON: Well, it's probably a conditional
2 use permit or special use permit. It's two pages. It was
3 back in 1962, and the site closed in '67. So, the
4 conditions and responsibilities are very limited at that
5 time.

6 But we still need -- we can't even get onto the
7 property to clean it up without having somebody responsible
8 for it. And that's the reason we're initiating or trying to
9 initiate the probate proceedings.

10 So, going after the county, I'm not -- I don't
11 know how successful we would be.

12 CHAIRMAN FRAZEE: You indicated this was operated
13 on a CUP, but our agenda item shows that it was operated by
14 the county. So, apparently they had a lease or something
15 from the property owner.

16 MR. STRATTON: That may be. I was working off our
17 old records that indicate there was some type of county
18 approval.

19 CHAIRMAN FRAZEE: Approval versus actually
20 operating.

21 MR. STRATTON: Well, it was the land-use approval
22 to allow the operation of the landfill and special use
23 permit.

24 MS. HERBST: But the landfill was operated by the
25 county; that is correct, though.

1 CHAIRMAN FRAZEE: They didn't impose any closure
2 conditions on the lease.

3 MR. STRATTON: Not as far as I know.

4 MS. ROUCH: I just want to point out that we do
5 have a couple of sites that we're working on. In fact, the
6 S. E. Heywood site (sic), which is cleaned up, the county
7 has already set up a mechanism for the -- they own the
8 property. They have bought it. And they are going to sell
9 it. And there are several farmers in that area who are very
10 interested in it. So, I think, you know, the sale's
11 imminent.

12 And we are going to get a proportion of the money
13 back. And the reason we're not getting all the money --
14 because it's going to probably sell for something less than
15 the clean-up cost -- is because the county ended up putting
16 some money into it, too, by several hundred thousand.

17 We have another site that -- where the LEA or the
18 counsel for the county has set up for us to be the first
19 payee once we clean the site up and it goes into some kind
20 of a lien procedure.

21 So, we are trying to do that, to set it up.

22 MR. OKUMURA: I think, as we go through these site
23 cleanups, what we're doing is we're learning different facts
24 as we go through. Different people come to surface on it.
25 So, I think, when we bring the item forward, we're really

1 requesting that we be able to look into researching, going
2 further, you know, to maybe get the site cleaned up. So
3 what we do is we evaluate the facts as they keep being
4 developed. And so, we work closely with Kathryn and her
5 staff. They advise us whether this case is worth, you know,
6 litigatively or otherwise.

7 So, I think we do cover all of the questions that
8 you've been asking. A lot of times new facts come out after
9 the item's already been adopted by the Board. And in these
10 cases, and we're able to recoup funds.

11 So we are looking at every possible way to do
12 that. It's not like we're just not saying we're not looking
13 at recouping it. If any facts come to light, such as on the
14 tire program, where we can determine that it is feasible to
15 go after the monies, we will do that. And that is our
16 policy.

17 CHAIRMAN FRAZEE: Okay. Anything else? If not, a
18 motion is in order on this item.

19 COMMITTEE MEMBER EGIGIAN: What was the motion,
20 Mr. Chairman? Nobody's made the motion yet?

21 CHAIRMAN FRAZEE: No, I don't think we have, no.

22 COMMITTEE MEMBER RELIS: Well, there's not an
23 enthusiastic motion, but we have to use this money to do
24 what we were required by law to do. I think that I'll be
25 happy to move it on the assumption that all the discussion

1 about cost recovery is implicit in the motion, and every
2 aggressive measure to capture money is pursued.

3 CHAIRMAN FRAZEE: You don't want to second it.
4 I'll second it. The motion is before us then on the
5 approval of five new sites for the solid waste disposal and
6 codisposal site cleanup program.

7 The Secretary will call the roll, please.

8 MS. PARKER: Members, Relis?

9 COMMITTEE MEMBER RELIS: Aye.

10 MS. PARKER: Egigian?

11 COMMITTEE MEMBER EGIGIAN: Abstain.

12 MS. PARKER: Chairman Frazee?

13 CHAIRMAN FRAZEE: Aye. Motion is carried. So
14 ordered.

15 MR. CHANDLER: Mr. Chairman, now that the vote's
16 been taken on these particular five sites, you asked the
17 question around cost recovery and our options, and how that
18 criteria is, if you will, judged by staff. Would you like
19 to see in the future items, when it comes to cost recovery--
20 as Charlene just explained -- to have the item reflect what
21 the applicant is requesting, and then perhaps what staff's
22 recommendation is, so you can see that perhaps this
23 applicant is requesting a grant, but the precedent has been
24 that we've handled previous site cleanups under a loan
25 arrangement or under the Board contractor arrangement; that

1 perhaps that would be staff's recommendation.

2 If we begin to differentiate, I think it would
3 help in the presentation of the items so you can see, as
4 Charlene pointed out, some of what we're bringing forward is
5 simply what the applicant is requesting. Obviously, many
6 times they request a grant.

7 CHAIRMAN FRAZEE: I'm trying to be careful not to
8 be critical of the contractors or the contractor arrangement
9 that we have to directly contract to clean up these sites.
10 But it just seems like, when you have those that have
11 recovery potential, then local government has the ability to
12 recover much easier than we do at a lot less cost.

13 And so, where there's that opportunity, I think we
14 ought to pursue the loan to local government conditioned on
15 recovery by them.

16 MR. CHANDLER: I think that kind of direction can
17 begin to be incorporated into the staff's recommendation on
18 what type of cost recovery mechanism we look at versus
19 perhaps what the application itself is calling for. In some
20 cases, it'll be consistent; in other cases, we may want to
21 offer something for you to consider.

22 CHAIRMAN FRAZEE: And there's a big variance. If
23 you have like apparently the tire site in here is an
24 urbanized area, and cleaning up a vacant lot -- a vacant lot
25 in an urbanized area has real potential. But remediating an

1 old dumpsite, pursuing recovery isn't really worthwhile, I
2 don't think, in that case.

3 MR. CHANDLER: Charlene, did you want to add
4 something?

5 MS. HERBST: Yeah. I wanted to add something
6 quickly. And that is, when Marge was giving the brief recap
7 to talk about the liens, say, for example, S. E. Heywood, S.
8 E. Heywood was an LEA grant. We still got a lien on the
9 property. So, doesn't necessarily have to be a loan for us
10 to have a lien on the property.

11 But if the Committee wants to direct us to look
12 into making sure that we have as many liens as possible on
13 projects before we propose them to you, we can look into it
14 that way.

15 CHAIRMAN FRAZEE: When there is recovery on these,
16 does that go back into the 2136 fund again?

17 MS. HERBST: Yes, it does.

18 CHAIRMAN FRAZEE: So, you can enhance that fund by
19 getting recovery.

20 MS. HERBST: Yes, it does.

21 CHAIRMAN FRAZEE: Now, if there's nothing else on
22 this item, shall we take a lunch break until 1:30? We'll
23 return and finish the agenda at that time.

24 (Thereupon, the luncheon recess was
25 taken.)

1 doesn't give any specifics. So, as long as it's part of the
2 record of the Board meeting --

3 CHAIRMAN FRAZEE: So, you feel it's an item that
4 the full Board would like to be more informed on?

5 MR. BLOCK: Well, the Board could certainly do
6 that if that were the Committee's pleasure or the Board
7 members' pleasure.

8 It would be sufficient if it were on the consent
9 agenda.

10 CHAIRMAN FRAZEE: So, we could meet the notice
11 requirements, but I'm just wondering about --

12 MR. CHANDLER: Speaking personally, we have
13 received a lot of attention, as you know, what is perceived
14 by some organizations as our inability to highlight those
15 facilities that don't meet State minimum standards. I think
16 this is, once again, proof positive that we are being very
17 respectful of the statutory requirements and adhering to the
18 process that we have to go through to identify these
19 facilities.

20 And if that is enhanced by being in Southern
21 California next week and putting this item quickly before
22 the Board, I think there may be some merit to that.

23 CHAIRMAN FRAZEE: Yeah. So, you know, I don't see
24 any need to make a lengthy presentation at this time if
25 we're going to do it before the full Board, wouldn't you

1 agree, on Item 13? It's an item that really should be
2 before the full Board.

3 COMMITTEE MEMBER RELIS: I agree.

4 CHAIRMAN FRAZEE: So, I don't know see a real need
5 to do that. Procedurally, what we need to do is take some
6 action to put it before the Board?

7 MR. CHANDLER: You can adopt the staff's
8 recommendation and move it to the full Board.

9 CHAIRMAN FRAZEE: Okay. We will just do that.

10 COMMITTEE MEMBER EGIGIAN: I'll move staff's
11 recommendation.

12 CHAIRMAN FRAZEE: Okay. Second by Mr. Relis?

13 COMMITTEE MEMBER RELIS: Just one second.

14 CHAIRMAN FRAZEE: Okay.

15 COMMITTEE MEMBER RELIS: Yes. I concur with that.

16 CHAIRMAN FRAZEE: Okay. The Secretary will call
17 the roll.

18 MS. PARKER: Members, Relis?

19 COMMITTEE MEMBER RELIS: Aye.

20 MS. PARKER: Egigian?

21 COMMITTEE MEMBER EGIGIAN: Aye.

22 MS. PARKER: Chairman Frazee?

23 CHAIRMAN FRAZEE: Aye.

24 The motion is carried. This item, which is a
25 report item, Semi-annual update and agree of the inventory

1 of solid waste facilities which violate State minimum
2 standards will be then on the agenda at the full Board
3 meeting.

4 Now, we're going to go back to Item 12. Item 12
5 is the consideration of approval to formally notice draft
6 regulations with the Office of Administrative Law to
7 regulate nonhazardous petroleum contaminated soil
8 operations.

9 Let me just indicate for the record and for the
10 other Committee members -- you do not have it -- during the
11 lunch break, we did receive three documents, and I think
12 individuals presenting these are here to speak also, one
13 from the Environmental Health Division of Contra Costa
14 County, one from the California Conference of Directors of
15 Environmental Health, which both carry a common theme, and I
16 think we're going to hear from them; and then, finally, a
17 document from the California Refuse Removal Council. And
18 that will be part of the presentation to be made by Evan
19 Edgar, first on the agenda.

20 So, we'll have those three items on the record.
21 So, at this time, we have a staff presentation on the item.

22 MS. TRGOVCICH: Good afternoon, Mr. Chairman and
23 members. I'm Caren Trgovcich, Assistant Director for the
24 Policy and Analysis Office.

25 With me this afternoon is Bobbi Garcia with the

1 Policy and Analysis Office, and Elliot Block, staff counsel
2 who's sitting at the dais, will also be a part of this
3 presentation as well.

4 The item before you this afternoon, as you stated
5 earlier, is consideration of approval of the draft
6 regulations for both placement of contaminated soil handling
7 operations into the regulatory tiers as well as the adoption
8 of minimum standards for those types of operations to go to
9 formal notice; that's the formal process that the Office of
10 Administrative Law specifies through the Administrative
11 Procedures Act in order to adopt regulations.

12 The package before you today, once again, are
13 draft regulations. And I'd just like to take a moment to
14 say what the scope of those regulations are to remind the
15 Committee members, as well as the audience, on the items
16 before us today.

17 The draft rulemaking package specifically
18 addresses nonhazardous contaminated soils, where those soils
19 or where that material has been determined to be a waste by
20 either the Regional Water Quality Control Boards or other
21 local oversight agencies implementing programs other than
22 the solid waste management program or those programs
23 contained in Title 14 or in the Public Resources Code.

24 I want to point that out, because it's very
25 important to keep that context as we move through the

1 discussion today, in that nonhazardous petroleum
2 contaminated soils are not necessarily required to be
3 handled in any manner. It is when another agency determines
4 for purposes of their jurisdiction -- in the case of the
5 Regional Water Boards, for purposes of water quality, that
6 that material is a threat to water quality, and thus needs
7 to be managed in a certain manner, and thus the
8 determination that that material constitutes a waste.

9 And it is only that range or element of
10 nonhazardous petroleum contaminated soils that we are
11 talking about here today. Otherwise, that material could be
12 handled, moved, managed in any manner. It is nonhazardous,
13 considered not to be a threat at that point.

14 During the development of this package, there was
15 a lot of discussion around other agencies' jurisdiction, and
16 that questions were raised generally during this process,
17 which we will address in more specific detail as we move
18 through the issues raised during the informal comment period
19 on this package, with respect to whether or not the Board
20 has any role over the handling or management of this
21 material. That if, indeed, it is determined to be a waste
22 because another agency has said it is a threat to water
23 quality or a threat to air quality, is there any role, if at
24 all, for the Board in the management of this waste?

25 And, as we'll see on the screen in a few minutes,

1 the Board did consider its role in terms of its authority
2 with respect to this material. And the purpose of the
3 rulemaking package which you're considering today is to
4 outline what that authority will look like.

5 The draft regulations which we're presenting today
6 were developed based upon the methodology that was developed
7 by the General Methodology Advisory Committee, which was
8 approved by both the Committee and the Board to be used on a
9 pilot basis last March.

10 The methodology emphasizes some principal factors
11 in developing the regulation. Probably first and foremost
12 is identifying any overlap with any regulatory agencies; and
13 where other regulatory agencies have been identified with
14 jurisdiction, that we would not proceed to promulgate a
15 regulatory framework that would duplicate, conflict with, or
16 overlap with that other jurisdiction.

17 The methodology would identify specific concerns
18 associated with Board jurisdiction; that regulations would
19 not be proposed or promulgated that addressed areas outside
20 the scope of the Board's jurisdiction, and that the
21 methodology would address placement into the tiers based
22 upon the level of regulatory oversight necessary to achieve
23 any identified mitigation measures.

24 And just as a brief example, I'll use signage, the
25 identification of the facility, what it handles, et cetera.

1 What is the level of oversight necessary? Can that be a
2 standard? Thou shalt put a sign up, and it'll look like
3 this? Or does that need to be an element that needs to be
4 evaluated by the local enforcement agency in advance of
5 operation?

6 And the methodology looks at those types of
7 factors. And thus, with that methodology, the draft
8 regulations were developed.

9 At last month's Committee and Board meeting,
10 members adopted the following recommendations, which Bobbi's
11 going to put up on the screen for you, with respect to the
12 Board's authority to regulate nonhazardous petroleum
13 contaminated soil.

14 I want you to note that the recommendation and the
15 discussion at both the Committee and Board meetings last
16 month were caveated with the requirement that the
17 nonhazardous petroleum contaminated soil be determined to be
18 handled as a waste by the Regional Water Quality Control
19 Boards or other local oversight agencies before this
20 authority would kick in.

21 So, once again, we're looking in the area of
22 authority, where the area that is before you for
23 consideration today is the area of disposal, of transfer of
24 contaminated soils, treatment, and then we said disposal at
25 other than Class 3 sites, but we'll just lump that into the

1 larger category of disposal.

2 The areas that the Board determined outside its
3 regulatory authority last month is once that material has
4 been treated such that it's no longer determined to be a
5 waste by the Regional Water boards or other local oversight
6 agencies -- and we call that on the slide once recycled and
7 when used in manufacturing.

8 Generally speaking, the draft regulation package
9 identifies two categories of operation. It identifies the
10 category of transfer/processing operations as a single
11 category and the category of disposal facilities.

12 Originally, we considered a broader number of
13 categories as we applied the methodology and began to
14 develop the draft regulations. But once we went through
15 that process, we saw that the standards for a number of the
16 categories were identical. So, rather than creating
17 confusion by having multiple categories of operations with
18 the same standards listed in the rulemaking package, we
19 opted to collapse all of those into the single category of
20 transfer processing operations, which are defined in the
21 regulations package.

22 The regulations propose that the first category,
23 transfer processing operations, fall into the EA
24 notification tier, which is a nonpermit tier, with
25 accompanying minimum standards. And the standards that are

1 included in the regulations package cover both general
2 operational requirements, general design requirements, and
3 certain other handling practices, as well as recordkeeping.

4 But, once again, because this is not a permit
5 tier, no preapproval is required. But the same enforcement
6 responsibilities of the LEA would apply.

7 Bobbi will be discussing for you later some of the
8 elements that distinguish the tiers in terms of the issues
9 raised during the informal comment period.

10 The category of disposal facilities is proposed to
11 be placed in the standardized tier, and the draft
12 regulations package includes that placement, along with
13 proposed minimum standards dealing once again with
14 operation, recordkeeping, and general design, and it also
15 includes a boilerplate permit, so that the operator of a
16 nonhazardous petroleum contaminated soil disposal facility
17 knows exactly what those permit criteria would be, what
18 requirements that operation has to meet in order to qualify
19 or obtain a permit in the standardized tier.

20 The reason why disposal facilities were proposed
21 to be placed in the standardized tier is because of the
22 need, with respect to the mitigation activities, to be able
23 to evaluate the information presented.

24 After the Board's action last month on the
25 authority item, staff immediately mailed the draft

1 regulations, based upon the Board's determination, to our
2 mailing list for review and comment, and we held two
3 informal workshops last week to obtain comment from the
4 regulated community.

5 One workshop was held in Diamond Bar in the
6 Southern California region, and the second workshop was held
7 here in Sacramento.

8 Bobbi Garcia, in a moment, is going to go through
9 some of the significant issues that were raised at those
10 workshops, and where consensus was or was not reached,
11 she'll identify the alternative for you.

12 Before Bobbi gets into those five issues, what I'd
13 just like to point out for you, as well, is that we have had
14 a lot of LEA involvement in this rulemaking package, and
15 we've received a significant amount of both the written and
16 oral comment. And I believe there are LEAs here this
17 afternoon as well.

18 And I think it's significant to note that many of
19 the LEAs have come forward to us in their positions as a
20 local public health agency, as well as in the position of
21 being a certified local enforcement agency for this Board,
22 and have stated in many respects that they are wondering,
23 you know, if there is any role for the Board, and that many
24 of them have come forward and said that they feel that,
25 based upon other authority that they have at the local

1 level, as well as the oversight of other regulatory
2 agencies, that there is not necessarily a role or a large
3 role, if any, for the Board to play in this arena.

4 So, we have received some consistent responses
5 from the LEAs in that regard.

6 And Bobbi's going to discuss the -- Bobbi's going
7 to discuss the issues that were raised. And, as she's
8 discussing them, what I'm going to hand out to you is,
9 between Friday and today, we took back all of the issues
10 raised at the two workshops and made revisions to the
11 regulations, to the draft regulations.

12 We had them on the back table at the start of the
13 meeting this morning, and I believe that all of the parties
14 here that were here this morning received a copy of those
15 and had at least some opportunity this morning to take a
16 look at the changes that we proposed.

17 The changes are included in either strike out or
18 red line; strike out indicating that we've deleted items
19 from the original draft, or red line showing that we've
20 added items. And all of these changes are based on comment
21 received.

22 COMMITTEE MEMBER RELIS: We haven't received these
23 to date? Okay.

24 MR. BLOCK: While that's being handed out, let me
25 just also clarify -- in terms of the LEA comments that we've

1 received in terms of their saying the Board having no role,
2 that has been in the context of no or little role in
3 transfer or processing facilities. But they have not said
4 they didn't see a role for us for the disposal of
5 contaminated soil.

6 I wanted to make that distinction.

7 MS. GARCIA: Okay. If it's okay, I'll go ahead
8 and begin just going through some of the issues that were
9 identified at the workshops -- the one held in Diamond Bar
10 and Sacramento.

11 The first one relates to exclusion. And within
12 exclusion, the proposed regulations exclude the onsite
13 treatment of contaminated soil from a single generator
14 source on property owned or leased by that same generator,
15 or it would exclude a one-time offsite treatment of
16 contaminated soil from a single generator source to a
17 specific site for a one-time treatment that is within the
18 Regional Water Quality Board or the local oversight agency.

19 The issue that was raised at the Sacramento
20 workshop by a few participants was that the exclusion should
21 only apply to onsite treatment, and that it should not allow
22 for the transport of contaminated soil from one site to
23 another.

24 There was a concern raised that this might mean
25 quite a bit of material would be directed or would not be

1 directed to some of these contaminated soil treatment
2 operations that are commercially created.

3 I think that the response by staff is that the
4 exclusion provides for flexibility and it allows the
5 generator of a contaminated soil to accumulate contaminated
6 soil from other sites owned or leased by that same generator
7 for treatment on land owned or leased by the same generator,
8 and that this would include the petroleum exploration and
9 production companies, as well as other institutions such as
10 Cal State Universities, of that nature.

11 It also excludes activities that are already
12 regulated by the underground tank program, the above-ground
13 tank program, et cetera.

14 And it's also felt that it would allow for status
15 quo. There would be no change in the amount of material
16 that would be directed to any of these operations from
17 current contaminated soil treatment operations that are
18 currently in operation.

19 The second issue -- oops, no. I was moving so
20 fast, I was going to put this so you could actually see the
21 verbiage. This is the exclusion also for -- exclusion for
22 the one time.

23 COMMITTEE MEMBER EGIGIAN: Is that the best you
24 can focus that in?

25 MS. GARCIA: I don't know. It seems like it's

1 blurry. (Speaking of video image.)

2 (Thereupon, Ms. Trgovcich was able to
3 rectify the image on the screen.)

4 MR. BLOCK: The exclusion's at the bottom of page
5 2 and at the top of page 3 on the draft regs that you've
6 just been handed.

7 MS. GARCIA: Okay, there we go. Okay. Let me
8 just show you the exclusions since I moved too fast
9 verbally. And this is just showing you again the exclusion,
10 the concern about the transportation offsite.

11 And the next issue I want to talk about is dealing
12 with disposal. Again, it's an exclusion item in this case.
13 And this was raised down at the Diamond Bar workshop.

14 The language that we're proposing would recognize
15 that petroleum exploration and production companies, the
16 activities that they have ongoing on their lands, where, as
17 part of their ongoing process, they dispose of contaminated
18 soil onsite. And it's only associated with exploration and
19 production.

20 And so, the language that's proposed would exclude
21 disposal of contaminated soil from a single petroleum
22 exploration and production company to property owned or
23 leased by the same company.

24 The issue that was brought up at the Sacramento
25 workshop was that all disposal, regardless of location or

1 contaminated soil, should fall within the standardized
2 permit.

3 I think our reaction has been that this language
4 that excludes that disposal of contaminated soil is only
5 associated with that activity associated with oil
6 exploration and production activities, and it only occurs on
7 those lands owned by those same companies, that it would
8 still be a status quo activity, and we would not be creating
9 additional regulation or a regulatory burden on this type of
10 activity. And it shouldn't have any effect again on the
11 contaminated soil treatment operations that are operating
12 outside of this.

13 MS. TRGOVCICH: I'd just like to point for you,
14 the exploration and production company language that's here,
15 the definition around exploration and production company
16 does not include the activities that generate a product.
17 So, we're finding operations, for example, do not fall under
18 this exclusion.

19 It's the actual exploration, what's actually being
20 done on the tracts of land that would be covered here.
21 There was a concern raised in Sacramento: Does this mean
22 that all Texaco stations, for example, can dig up or pull up
23 their tanks, you know, from their service stations, and take
24 that soil and bring it down to, you know, Bakersfield or
25 wherever their production tracts are and dispose of it

1 onsite there without regulatory oversight? And that is not
2 the case.

3 This only deals with those operations around what
4 is coming up, what is being extracted from the ground.

5 CHAIRMAN FRAZEE: Was there a question raised by
6 this language that tends to identify single companies? And
7 somewhere I picked up that at the workshop oil companies
8 suggested that there are times joint operations, where two
9 or three oil companies exploring on adjacent tracts may do
10 all their soil remediation those -- within those, the
11 combination of those tracts?

12 MS. GARCIA: And I think we discussed that with
13 them at Diamond Bar, and it was felt that the language we
14 put in there about the company is generator, subsidiary, or
15 parent would cover any kind of relationship or contract they
16 might have.

17 MS. TRGOVCICH: But if there is that kind of
18 contractual relationship, a leasing arrangement, partnership
19 type of agreement.

20 CHAIRMAN FRAZEE: So, this would cover it.

21 MS. TRGOVCICH: It would cover that.

22 CHAIRMAN FRAZEE: So, if Texaco wanted to take
23 some of their soil next door to Mobil for remediation, they
24 would be in this exclusion?

25 MS. TRGOVCICH: As long as that partnership

1 arrangement existed. If there was no partnership
2 arrangement, if they weren't jointly exploring that tract or
3 other associated activities, then they would not qualify
4 under this exclusion.

5 It's only where, you know, for a particular
6 activity, they've entered into that partnership or joint
7 owner/operator type of relationship that this would apply.

8 CHAIRMAN FRAZEE: I'm reluctant to identify a
9 particular facility, but it does get to a point on this. My
10 understanding, one of the remediation facilities we looked
11 at has a contract with one of the oil companies, and that is
12 an offsite from the exploration drilling operations.

13 This language would not exclude that site, then,
14 would it?

15 MS. GARCIA: No. They wouldn't be excluded,
16 unless they were -- unless that particular operation was
17 owned by -- I would think it was their property.

18 MR. BLOCK: What we're looking at here is
19 basically activities that have been going on for many, many
20 years by oil companies, and not unintentionally suddenly
21 pulling these activities that have gone on for that long
22 into our jurisdiction, if you will. So, the example that
23 you gave, where it was an actual treatment operation,
24 without a contract with an oil company, they would not be
25 out by virtue of this language.

1 What we're looking at is basically disposal onsite
2 that's incidental to their normal operating activities.

3 CHAIRMAN FRAZEE: In the instance I'm referring
4 to, it's a fairly substantial -- as I understand it,
5 substantial contribution by the oil company. This contract
6 had to do with the oil company providing mitigation credits
7 to the soil remediator in exchange for a long-term agreement
8 to provide the soil remediation.

9 Is there a possibility, in that kind of an
10 arrangement for a soil remediation operation to be excluded
11 by the way that they structure their contract?

12 MR. BLOCK: You know, it's hard, obviously, to
13 answer that completely. I think the answer is probably, no.
14 It should be no. Certainly, we're not trying to allow that
15 to happen.

16 And I guess it's a question of maybe looking at
17 this and making sure to fine tune the language so that we
18 don't unintentionally do that. But my sense is that it
19 would be difficult to use this -- to try to use this as a
20 loophole.

21 If it wasn't truly the type of -- for lack of a
22 better word -- traditional oil company activities that we're
23 looking at. I mean, I think we're making clear that that's
24 what we are trying to deal with here with this exclusion,
25 and not to allow any other loopholes.

1 MS. TRGOVCICH: And it also sounds in the example
2 that you're citing, that this facility also receives
3 contaminated soil from other locations as well --

4 CHAIRMAN FRAZEE: Yeah, that's true.

5 MS. TRGOVCICH: -- in which case, this exclusion
6 does not apply at all, because this exclusion would only
7 apply for that single generator source.

8 MS. GARCIA: Okay. The next issue is dealing with
9 the regulation of storage. In this case, the proposed
10 regulations do not regulate the post-treatment storage of
11 contaminated soil or the soil that has been treated to a
12 level that the Water Board or local oversight agency does --
13 no longer would distinguish it as a waste.

14 The regs also do not recognize the storage of
15 contaminated soil as feedstock prior to the manufacture.

16 The issue that was suggested by several at the
17 Sacramento workshop was that post-treatment should be
18 regulated if it occurs within the operation area.

19 I think, however, several people of the group
20 raised the concern that the LEA might have difficulty with
21 that, because contaminated soil, once it is treated, is now
22 regarded as soil. And so, there may be a problem with that.

23 The second thing was the storage of feedstock
24 prior to manufacturing; that the concerns associated with
25 the storage piles are primarily water -- Regional Water

1 Quality Control Board issues and air districts, and that
2 most of the concerns would not be solid waste issues with
3 those piles.

4 MS. TRGOVCICH: Just to piggyback on the water
5 quality perspective, again, going back to the first bullet
6 in terms of regulation of post-treatment storage, when we
7 started discussing that at the workshop last week, it seemed
8 that the issue there was that the treatment actually
9 occurred. And, once again, the purpose of the treatment is
10 to address water quality concerns, and the levels set are
11 not levels associated with this Board or the local
12 enforcement agencies.

13 So, the concern about, was it really treated the
14 way that the WDR specified -- a concern was raised, was that
15 even a Waste Board issue in that regard?

16 CHAIRMAN FRAZEE: I don't want to jump ahead of
17 one of our presenters here later on but, at this point, I
18 think it's important to discuss it a little bit. The issue
19 has been raised with staff about the onsite accumulation
20 without regulation could reach a scale where it would be a
21 major facility and a hazard. And the proposal is to place a
22 threshold over which there would be a permitting
23 requirement.

24 And I'm sure you've discussed that with the
25 interested parties, and we'll hear about that more.

1 MS. TRGOVCICH: I'm sure you'll be hearing more
2 about that. There are two issues here. One is the
3 post-treatment storage. So, the material that's been
4 treated is just soil now, anything could be done with it.
5 They could move it offsite; they could fill a hole with it;
6 they could do whatever they wanted with it.

7 And the other issue is prior to treatment --

8 CHAIRMAN FRAZEE: Right.

9 MS. TRGOVCICH: -- and the regulation of that
10 material prior to treatment. We're not at all disputing
11 whether or not that material should be regulated prior to
12 treatment. The Board has affirmed its authority in that
13 regard. And that's been proposed for regulation here.

14 The post-treatment element -- concerns have been
15 raised that it is a part of the operations area and could
16 potentially present certain issues associated with the
17 operation or safety there. I guess what we would just say
18 is, what is it that we would be regulating? It is soil.

19 CHAIRMAN FRAZEE: Yeah, right. I think that was
20 pretty clear. But it's the accumulation of quantity that's
21 accumulated prior to treatment is the issue.

22 MS. TRGOVCICH: And the prior to treatment
23 accumulation, the part of it that's within the scope of the
24 regulated activity would certainly be covered in the respect
25 that it would fall into the tier of operation just the same.

1 It is proposed for being included in the A
2 notification tier as well. It's not outside the scope of
3 the regs.

4 CHAIRMAN FRAZEE: Okay. I think we're going to
5 hear about it a little more, perhaps, later on.

6 COMMITTEE MEMBER RELIS: But the question and
7 point of information, what you're showing us now, do we have
8 any document that has this? I mean the previous -- we had
9 that with exclusion. What are we -- this is the feedback
10 from the discussion. So, we won't see this in text right
11 now. I shouldn't be looking anywhere for it?

12 MS. TRGOVCICH: No. We did not make any changes
13 based upon this discussion.

14 MR. BLOCK: There was actually one slight change
15 in the definition of treatment, which is on page 2. And
16 it's (k), about the middle of the page, where -- with the
17 issue that had been raised in part with post-treatment is,
18 who decides when it's reached a level that it's no longer a
19 waste.

20 And so, the language, to a level that the RWQCB or
21 local oversight agency does not require to be regulated as a
22 waste was added just to clarify that point.

23 COMMITTEE MEMBER RELIS: Okay.

24 CHAIRMAN FRAZEE: Okay. Go ahead.

25 MS. GARCIA: Okay. Now, Elliot Block is going to

1 speak about the illegal disposal as well as the definition
2 for disposal.

3 MR. BLOCK: Actually, I haven't seen this slide
4 before, so it was kind of interesting.

5 There's two issues with disposal, and one of the
6 main reasons for the need for these regulations is to deal
7 with the problem that we've been discussing already for
8 quite a few months of disposal of contaminated soil.

9 So, there's two parts to the definition of
10 disposal that we've got in the draft regs, and one is just
11 sort of the standard definition, which mirrors the language
12 in statute now, which is that disposal means final
13 deposition of contaminated soil onto land.

14 We needed to have sort of a general standard. And
15 so, obviously, if you know that somebody has disposed, or
16 maybe that's what they've got is a disposal site, there's no
17 question that they fall into the Tier 1 disposal.

18 The bigger issue, of course, is that most people
19 in this situation are not going to admit that what they're
20 doing is disposal if they've been -- once they've been
21 found, if you will. They're most likely to say, "Well, I'm
22 planning on treatment this material and I'm going to be
23 transferring this material."

24 And so, the question is, how or when does that
25 placement of this material on land change from supposedly

1 treatment/transfer into a disposal facility? Is there a
2 cut-off somewhere? And so, with the initial draft
3 regulations that went out before the workshops showed -- was
4 actually a cut-off, just a flat cut-off of six months. If
5 the material had been onsite for more than six months, it
6 constituted a disposal and moved the operation into a
7 different tier.

8 We had a number of comments on that at both
9 workshops. I think there are some people that still thought
10 six months was an appropriate number; a larger number of
11 people thought one year was more appropriate. And so, the
12 draft regulations you're seeing now reflect one year.

13 There was also a fair amount of comment on the
14 need for some flexibility because, depending on their type
15 of operation, the contaminated soil might need to be onsite
16 for longer than a year.

17 The two examples that were given were a rural site
18 where contaminated soil is being collected, and the
19 operation must wait until they have a certain amount, a
20 certain volume, before they actually start treatment for
21 economic reasons. And, theoretically, that may be longer
22 than a year that they're collecting that material before
23 they start treatment.

24 The second example that was given was certain
25 processes that may take longer than a year. And I forget

1 exactly which one. Bioremediation, that may take a year and
2 a half, for instance, for the treatment.

3 So, we've added some language to add some
4 flexibility, where -- in most cases, hopefully, the Regional
5 Board will have WDRs accounting for the fact that this
6 treatment process is going to take longer than a year, but,
7 if not addressed in the WDRs, that the LEA would have the
8 ability to grant an extension, if you will, longer than that
9 period of a year.

10 The language is up on the monitor, and it's also
11 on the bottom of page 1 of the draft regs that you have.

12 COMMITTEE MEMBER RELIS: Before we leave this --
13 okay. It doesn't constitute disposal if the Regional Water
14 Quality Control Board or the LEA authorize it. Okay. And
15 in the case where it's not authorized, it's automatically
16 disposal?

17 MR. BLOCK: That's correct. Right.

18 And let me back up a little bit and sort of maybe
19 explain sort of practically how this issue would come up.
20 You'd have an operation that was already known as a
21 treatment operation, at which case they would have fallen
22 into the notification tier.

23 So, they would notify the LEA that they're there;
24 there's some basic information. The LEA is inspecting them
25 on a quarterly basis. And they would be subject to the

1 minimum standards.

2 So, these are not -- you wouldn't have a pile of
3 contaminated soil that's just sitting somewhere for a year
4 or longer without anything happening. You'd pull them into
5 the system at that point. And then, if you got -- for some
6 reason, that contaminated soil needs to be onsite for longer
7 than a year, for whatever reason the treatment requires it,
8 this would allow some ability to -- some flexibility to deal
9 with that.

10 So, in no case does this -- the concern that we
11 had, also, was that somehow somebody could leave this
12 material onsite for a year and nothing would happen. And
13 that wouldn't be the case. This is purely for the purpose
14 of determination when an operation may or may not change
15 from a treatment operation to a disposal site.

16 MS. TRGOVCICH: I think an important point to
17 point out here is that if an operation came into existence
18 and it just accepted contaminated soil and, you know, spread
19 it out on an area and just left it there, the LEA would not
20 be precluded from doing anything for a year; the LEA could
21 walk in the day after that deposition occurred and say,
22 "What are you? Are you a transfer/processing operation, in
23 which case, you have to comply with these standards, submit
24 your notification, and be inspected on such-and-such a
25 frequency; or are you a disposal facility, in which case,

1 you have to submit an application for a standardized permit,
2 which looks like this."

3 So, the LEA could walk the day after and say,
4 "Which of the two are you?" And so, the one year would not
5 preclude that from occurring at all.

6 CHAIRMAN FRAZEE: This only comes into play when
7 soil has been transported from one site to another. There's
8 the built-in exclusion for onsite?

9 MS. TRGOVCICH: Yes.

10 MR. BLOCK: That's correct. I'll just mention
11 it. We did have some discussion as to whether this language
12 about the one year should appear in a different spot as
13 opposed to the definition of disposal.

14 And you may or may not have a comment on this
15 later on. We're not wedded to the fact that it needs to
16 appear in this spot as opposed to perhaps in the tier
17 language. But in the time period we had, this was sort of
18 the best way we could approximate where it fits. And so, I
19 mention that, because you may see some quantifications not
20 of the language but where it's located in the package.

21 CHAIRMAN FRAZEE: Okay.

22 MS. TRGOVCICH: The next issue that was raised had
23 to do -- and this, I think, gets back to, Mr. Chair, the
24 issue that you raised earlier in terms of the volume cut-
25 off. We had at the Sacramento workshop an issue that came

1 up with respect to placement of operations into the tiers,
2 the proposal, where the regs propose all transfer processing
3 operations to fall into the notification tier.

4 Several participants suggested that because of
5 certain conditions that may exist, the larger volume type of
6 operations should more appropriately fall into a higher
7 tier, into a permit tier that would provide a greater level
8 of oversight in a preapproval process.

9 And at the workshop, we had a lot of discussion.
10 This issue did not come up in Southern California, only in
11 Sacramento. And we had a lot of discussion around that, and
12 a lot of the questions that were raised, that staff of the
13 Board raised as well as other participants in the workshop
14 is, what is it about those larger volume operations that is
15 within the area of Board jurisdiction that would do two
16 things: one, require a different set of standards, number
17 one; and number two, that the application of those standards
18 would be such that a higher level of oversight in terms of
19 the tiers is necessary.

20 And so, there was a lot of dialogue around that.
21 And the individuals that presented the proposal said that,
22 you know, they would evaluate that and take a look at what
23 were the areas of Board jurisdiction as opposed to other
24 agency jurisdiction, such as Cal-OSHA, Water Board, air
25 districts, et cetera, that come into play with a larger

1 volume operation that are such that, one, other additional
2 standards apply, and those additional standards require a
3 greater level of oversight and in the tiers.

4 CHAIRMAN FRAZEE: So, that has been presented to
5 staff, that concept?

6 MS. TRGOVCICH: We received that this morning,
7 yes, and yesterday.

8 CHAIRMAN FRAZEE: Oh, just this morning. So, you
9 have --

10 MS. TRGOVCICH: We received a one-pager, I
11 believe, yesterday. And then, this morning, we received the
12 proposal.

13 CHAIRMAN FRAZEE: So, you have not had time to
14 come to a conclusion on that?

15 MS. TRGOVCICH: Well, we've taken a look at it,
16 and what we would ask is that -- and I'm assuming that the
17 developers of the proposal will be testifying today --

18 CHAIRMAN FRAZEE: Yes, they will.

19 MS. TRGOVCICH: -- is that they specifically --
20 what we would request is they specifically address those
21 points -- what are the areas that a larger volume operation,
22 the issues that a larger volume operation would raise that
23 specifically relate to Board jurisdiction; that, one,
24 require additional standards; and, two, if so, how do those
25 additional standards then equate to a higher level of

1 oversight, imposing a greater regulatory burden in that
2 sense.

3 COMMITTEE MEMBER RELIS: Mr. Chair?

4 CHAIRMAN FRAZEE: Yes.

5 COMMITTEE MEMBER RELIS: If we're to follow the
6 logic of the regulatory path we've been on, first, there's
7 been a determination that this is a waste. So, as far as I
8 understand it, the Regional Board wouldn't necessarily --
9 they would make a designation perhaps that it's a waste, but
10 they wouldn't discuss how much, would they? So --

11 MS. TRGOVCICH: In terms of the volume of the
12 material?

13 COMMITTEE MEMBER RELIS: The volume, if you were
14 trying to size it.

15 MS. TRGOVCICH: They would be -- in making that
16 determination, the Regional Boards would be providing the
17 oversight to that operation through waste discharge
18 requirements.

19 And I've not seen a set of waste discharge
20 requirements that don't have some sort of size or volume
21 reference. But that may be the case. And that's the
22 information that we asked --

23 COMMITTEE MEMBER RELIS: Okay.

24 MS. TRGOVCICH: -- the individuals that were
25 making this proposal to come back with some of the

1 information.

2 CHAIRMAN FRAZEE: You can go ahead with the next.

3 MS. TRGOVCICH: Okay. In terms -- this was the
4 last of the -- or, no, there was one more set of issues
5 raised. And what we did is we have one more slide that
6 Bobbi is going to run through very quickly on that
7 identifies some additional issues that were raised that
8 there was either consensus on or the group generally agreed
9 could go forward as is.

10 MS. GARCIA: The first item is the design
11 certified by a registered engineer. It was suggested that
12 that design should be certified. It was noted at the
13 workshop, however, that the level of Board review was
14 limited in the area of design plan review, and that the
15 Regional Water Quality Control Board and local planning
16 departments already require review by a certified registered
17 engineer of these plans. So, we did not take that into the
18 proposed regulations.

19 The second item, which is maintenance of records,
20 it was requested that, instead of having a five-year review
21 of the records that were maintained by the operator, that it
22 go to a two-year review. And I think it was felt that there
23 at the workshop that five years -- what is currently used
24 for all the other permits and operations, and to provide
25 consistency for the LEA and no confusion, it was kept at

1 five years.

2 For written complaints, there's a requirement that
3 all complaints that are received by the operator be part of
4 the recordkeeping. And some of the operators felt that this
5 was going to be quite cumbersome, and they would like it to
6 be written complaints, because an oral complaint may not
7 carry that much weight to it.

8 And so, it was agreed that it should be by a
9 written complaint.

10 The fourth item is the grandfathering of existing
11 permits, and that was agreed to, that those operations that
12 currently have a solid waste facilities permit would be
13 grandfathered in.

14 The language isn't within these proposed
15 regulations, but it will be addressed either as part of an
16 implementation issue or in the statement of reasons.

17 And the definition of manufacturing there wasn't
18 very much in terms of word changes recommended at the
19 workshops, at either workshop, and Elliot will now quickly
20 go over that definition of manufacturing.

21 COMMITTEE MEMBER RELIS: Grandfathered? Now,
22 let's go back to that. The agreement that existing
23 facilities that have permits would be grandfathered, would
24 you explain what the implications of that are? Are these
25 ones that have received solid waste facility permits, or

1 varying degrees of permits, or what?

2 MS. TRGOVCICH: It would only include those
3 facilities that already have what we now consider to be a
4 full solid waste facilities permit.

5 COMMITTEE MEMBER RELIS: Okay.. All right.

6 MS. TRGOVCICH: And they would still be required
7 to comply with the operating standards.

8 COMMITTEE MEMBER RELIS: So, there would be no
9 advantage; in other words, they're not in a lower level.

10 MS. TRGOVCICH: Correct. They are in a higher
11 level.

12 CHAIRMAN FRAZEE: Yeah, that may be the point. If
13 you leave one of those grandfathered -- and I don't know
14 whether there's another option -- but you can have another
15 similar facility come along and get a new permit that has
16 lesser restrictions than the full facility permit. And one
17 of the reasons we've into this whole game to begin with is
18 to try to avoid a competitive disadvantage.

19 Does that not give the grandfathered one the
20 opportunity to say, "We have a higher standard because we
21 have a grandfathered -- we have a full facilities permit and
22 our competitor doesn't have that"?

23 MR. BLOCK: You know, you can't stop them from
24 saying anything they want.

25 We really have come at the grandfathering issue

1 from the other side of the coin, which is we've had
2 operators that have permits that are saying, "Do I have to
3 come in and go through a process all over again to get a
4 lesser permit when I've already got it?"

5 When we were talking about grandfathering, we were
6 talking about not requiring them to do that, other than when
7 they might be coming in otherwise --

8 CHAIRMAN FRAZEE: Otherwise, yes.

9 MR. BLOCK: -- to revise. As far as the issue
10 about talking about full permits, you know, I think that the
11 staff of the Permitting and Enforcement Division has been
12 grappling with that issue in general. There's some tier --
13 the tier regulations and implementation issues, and they're
14 trying to figure out exactly how to deal with that issue.
15 And really, we're just going to maintain consistency with
16 how that ends up getting resolved.

17 CHAIRMAN FRAZEE: The full permit was the facility
18 in the highest tier.

19 COMMITTEE MEMBER RELIS: Right.

20 MS. TRGOVCICH: And maybe just to point out, full
21 permit is a misnomer in the sense that the tier is not
22 labeled "full permit," but it's just the existing permit
23 process. And maybe it becomes an educational effort on our
24 part to start changing the way we -- what we call that to
25 something else. Because "full," saying, "I'm fully

1 permitted" has provided that competitive advantage in that
2 sense.

3 You know, we could certainly look at changing what
4 we call that.

5 CHAIRMAN FRAZEE: On the definition of
6 manufacturing, it might be worthwhile to look at the wording
7 of "such as the production of asphalt and cement." I think
8 there are some technical statements of what asphalt is and
9 the various types of asphalt.

10 But the facility, the one that we saw that I think
11 would clearly fall into this manufacturing area, was making
12 what is commonly referred to as hot mix. Asphalt is a -- in
13 technical terminology, it's referred to as asphaltic
14 concrete. And so, you might look at the definition.

15 MR. BLOCK: I think there should be no problem
16 with us adding additional examples.

17 CHAIRMAN FRAZEE: Well, I think the word asphalt
18 standing alone means something else technically from
19 engineering standards.

20 MR. BLOCK: We can look into that. Just very
21 briefly, in terms of manufacturing, you may recall at the
22 last month's Board meeting, this was an issue that was
23 raised by a particular individual concerned about how we
24 were defining manufacturing.

25 And, as it turned out, in the Sacramento workshop,

1 after spending some time thinking about it, he ended up not
2 having those concerns anymore. But it was still recognized
3 that we needed to focus this definition a little bit more.
4 And that's where -- we took a look at some regulations in
5 Title 22 actually defining some different things, but took
6 some of that language and modified it to fit here. And
7 that's where the addition of the clause that says, "making a
8 finished product that is distinct from soil."

9 So, what we're trying to do is distinguish between
10 treatment of the contaminated soil and you still end up with
11 soil, but with, you know, contamination reduced versus a
12 completely different item at the tail end.

13 CHAIRMAN FRAZEE: I'm thinking about the situation
14 that was discussed earlier in Napa, where some contaminated
15 soil was being treated, and then put into a compost product.
16 Is that manufacturing?

17 MR. BLOCK: I wasn't here for that discussion.
18 Was it being treated to a level where it would be considered
19 no longer a waste anyway?

20 CHAIRMAN FRAZEE: Right, that's true.

21 MR. BLOCK: So, it would fall out of --

22 MS. TRGOVCICH: It would fall out at that point.

23 CHAIRMAN FRAZEE: It would fall out at that point.

24 MS. TRGOVCICH: It wouldn't be a waste anymore.

25 CHAIRMAN FRAZEE: Okay.

1 COMMITTEE MEMBER RELIS: So, just to understand.
2 Your logic here is that soil can't be -- once it began as
3 soil, became contaminated, and reverted back to soil without
4 a "C" on it, that is not a product; that's not
5 manufacturing.

6 MS. TRGOVCICH: And the reason for that is because
7 what we were trying to get to was everyone falling into that
8 manufacturing exclusion --

9 COMMITTEE MEMBER RELIS: Okay.

10 MS. TRGOVCICH: -- trying to avoid having
11 treatment operators coming in and saying, "Well, I'm
12 treating the soil, and the soil that I end up with I'm going
13 to be putting down and just, you know, rolling out there as
14 fill," or whatever.

15 It's trying to avoid having that being called
16 manufacturing.

17 MR. BLOCK: If you go back to where we started
18 with this a couple of months ago, we're looking at the
19 definition of what's within the Board's jurisdiction in
20 processing, a processing station actually, as something the
21 Board has jurisdiction over. And the definition of
22 processing is very general.

23 And so, when we were talking about manufacturing,
24 it was whether or not that fits within processing, which we
25 do have jurisdiction over and, so, trying to make a

1 distinction maybe.

2 COMMITTEE MEMBER EGIGIAN: One question. I notice
3 throughout the whole State, when they take out the gasoline
4 tanks at service stations, they pile the soil up and then
5 cover it up. And it stays there for quite a while.

6 Now, is that soil, after it stays there quite a
7 while, still contaminated, or what category is that, and
8 what can they do with that soil?

9 MS. GARCIA: That's part of the underground tank
10 program.

11 COMMITTEE MEMBER EGIGIAN: Yes.

12 CHAIRMAN FRAZEE: It's excluded.

13 MS. GARCIA: And it's watched very closely --

14 COMMITTEE MEMBER EGIGIAN: That's excluded?

15 MS. GARCIA: Well, it's excluded because it's
16 regulated by the local oversight agency, who are the main
17 implementers of the underground tank program. And they
18 would see that it's tested to a certain level, and then it
19 usually goes back into the site where it came from.

20 If they can't treat it, then they will make the
21 decision to move it off that site. But it is part of the
22 underground tank program.

23 MR. BLOCK: As long as it's staying onsite.

24 (Thereupon, several persons spoke
25 simultaneously.)

1 MS. GARCIA: Actually, the exclusion does
2 acknowledge that it can go offsite as part of the one-time
3 treatment of -- and as the underground tank program. And
4 that would be where they move it offsite, because they can't
5 treat it onsite. It will go into a thermal treatment,
6 something to that effect, and then it goes back to the site
7 of origin and is put back where it came from.

8 MS. TRGOVCICH: The point here, Mr. Egigian, is
9 that there is another regulatory agency with a program
10 that's been promulgated pursuant to statute. There's a
11 specific law requiring this program.

12 And that material, the whole underground tank
13 program, is overseen by another agency. And so, to avoid
14 that conflict, that duplication, or that overlap, the
15 exclusion applies.

16 COMMITTEE MEMBER EGIGIAN: But isn't it actually
17 duplication if there's somebody else looking at it, at the
18 contaminated soil, whether it belongs to removing tanks or
19 wherever it comes from; it's a duplication of efforts,
20 because we're getting into it; is that not true?

21 MS. TRGOVCICH: And I think that's why we proposed
22 the exclusions where we have; it's to avoid -- where that
23 duplication does exist, it's to propose that this Board not
24 be involved in that end.

25 That concludes the issues that were raised at both

1 of the workshops. I'd just like to kind of give you a sense
2 of where we are in terms of the item coming forward to you
3 today and where we are in the process.

4 We went through an informal comment period on
5 these regulations, and we kept referencing the workshops
6 that occurred last week as a part of that informal comment
7 period.

8 The item before you today is approval to go to
9 formal notice. And the Committee has a number of options
10 before you. You can look at the changes, which we handed
11 out to you, based on the workshops and approve, you know,
12 the changes that were made today -- that were made as a
13 result of the workshops, and any changes that may come out
14 of today's discussion, and grant that approval to go to
15 formal notice.

16 You may choose to require us to work with the
17 parties over the next few weeks. And provided that we work
18 with those parties, approve us going to notice if we can
19 resolve those issues, or you can request or direct us to
20 come back next month with any additional changes, or any
21 other options that you may think of.

22 But that's kind of where we are. Once we obtain
23 approval, we'll initiate the 45-day public comment period.
24 If we were to obtain approval today or obtain approval with
25 the caveat that we work with some interested parties over

1 the next few weeks to resolve any remaining issues, we could
2 potentially have this package noticed in the California
3 Register for publication on August 25th.

4 So, the 45-day public comment period would begin
5 at that point.

6 CHAIRMAN FRAZEE: And that 45-day public comment
7 period is not our formal notice. Our formal notice
8 constitutes submittal to OAL.

9 MS. TRGOVCICH: That's what we're requesting
10 today, is approval to formally submit to OAL. And once we
11 did that, that would initiate the 45-day public comment
12 period.

13 CHAIRMAN FRAZEE: Yes, that's right.

14 MS. TRGOVCICH: Which could potentially begin on
15 August 25th.

16 CHAIRMAN FRAZEE: If we took action today.

17 MS. TRGOVCICH: If you took action today.

18 COMMITTEE MEMBER RELIS: An action means either
19 giving you the authority to -- or giving staff the authority
20 to submit, after working with the parties; it's either one
21 or two of the three.

22 MS. TRGOVCICH: Yes. Or consulting with you
23 individually on any potential changes that may come out
24 after today.

25 CHAIRMAN FRAZEE: And one of the options that OAL

1 would have would be to say there is nowhere in statute that
2 the Waste Board is authorized to regulate this activity; so,
3 go away.

4 (Laughter.)

5 CHAIRMAN FRAZEE: And all this work would be for
6 naught.

7 All right?

8 MR. BLOCK: Well, that wouldn't happen in August.

9 CHAIRMAN FRAZEE: No, but after --

10 MR. BLOCK: Eventually, theoretically, that's
11 something that they could say, I suppose. I'm pretty
12 confident they wouldn't, although I was wrong once before.

13 MS. TRGOVCICH: Only once.

14 MR. BLOCK: Theoretically, that's a possibility
15 with any regulation package that we do.

16 COMMITTEE MEMBER RELIS: If you're 50-50, can
17 theoretical be used?

18 (Laughter.)

19 MR. BLOCK: Well, I think I'm a little better
20 than 50-50.

21 (Laughter.)

22 CHAIRMAN FRAZEE: Okay. That constitutes the
23 staff presentation.

24 Shall we go to the public hearing on the item now,
25 and start with Evan Edgar first of all? We'll get to a key

1 point here in a hurry, I think.

2 MR. EDGAR: Again, my name is Evan Edgar. I'm the
3 manager of technical services for the California Refuse
4 Removal Council.

5 I do have copies of the CRRC proposal in the back
6 of the room. It's been circulated to a lot of the
7 interested parties throughout the morning and discussed it.

8 This proposal was brought up last Friday during
9 the Sacramento workshop. We had a lot of discussion about
10 this. From there, we were kicking around a lot of ideas, so
11 it was a brainstorming session. And from that, we have the
12 proposal.

13 About eight years ago, I made a presentation, such
14 as what your Waste Board staff did today, to my own LEA
15 about how we don't need a full permit, how there's not too
16 much Waste Board authority.

17 And my presentation mirrored that a lot. But when
18 we tried to take that same position to the Waste Board eight
19 years ago, they had all the authority in the world. But I'm
20 glad today that there is limited authority, and I'm going to
21 talk about the proposal, and where is the limited authority,
22 and how it could be utilized for large-volume transfer
23 stations.

24 What I'm going to do is that a lot of my
25 presentation has been somewhat discussed, so I'm going to

1 follow the package I have. I'm not going to do the
2 overheads. But if anybody does want to follow this, I do
3 have copies in the back of the room.

4 What the informal draft regulations do, they
5 identify two specific type of facilities. One would be a
6 transfer/processing operation; another one is a disposal
7 facility.

8 And it really doesn't address long-term onsite
9 storage limitations or large volumes of materials where
10 onsite disposal is not an option.

11 As part of today's presentation by Waste Board
12 staff, you did have some alternative aspects to deal with
13 storage.

14 A lot of these long-term facilities aren't
15 designed for long-term disposal. When you do long-term
16 disposal, you have a monofill, you have a liner in it. You
17 have a lot of other types of facilities in order to handle
18 monofilling these type of contaminated soils.

19 So, what I see here is a gap between these
20 moderate and small contaminated soils operations and the
21 ultimate disposal. And from being in the field for the last
22 eight years looking at the development of this industry, I
23 feel there's a need to address the long-term storage.

24 What the CRRC proposal would do, it would take
25 that large volume of contaminated soils -- transfer and

1 processing facilities, would mean a facility such as a
2 transfer station, because a transfer station is defined as a
3 facility in the PRC Code -- to handle only contaminated soil
4 for the purposes of treatment or transfer with onsite
5 storage limitations.

6 I will talk about that later.

7 And those type of facilities, the large volume
8 contaminated soil transfer and processing facilities, would
9 need to comply with the registration permitting requirements
10 set forth in Title 14. These operations would be inspected
11 by the LEA at a minimum of every month.

12 One thing we'd like to do is maintain the
13 integrity of the regulatory tier structure. There was a lot
14 of different discussions of having a tier within a tier or
15 different inspection frequencies. We really don't believe
16 that we should be toying with the regulatory framework as
17 it's been adopted in Title 14 now.

18 So, that's why we have these two different tiers.
19 One would be a quarterly inspection for notification, and
20 one would be monthly for their registration permit.

21 The operation of a large volume contaminated soil
22 transfer/processing facilities shall prepare and submit to
23 the enforcement agency a plan of operation for the facility,
24 summarizing the following: the procedures for handling
25 complaints, maintenance, general health and safety, site

1 controls, and the frequency of the removal of the material
2 from the operations area.

3 This plan of operation is similar to what is
4 needed for large -- I mean for small volume transfer
5 stations. It's something that is not quite the reporting of
6 a contaminated site disposal information already assigned;
7 it's rather limiting to five different aspects in which
8 there is a plan of what's going on out there when the LEA
9 shows up once a month to determine how much volume is stored
10 pretreatment, how much volume is stored post-treatment
11 within the operational area.

12 And the plan of operation is further defined in
13 Title 14, Section 17423.

14 The proposed operating standards are performance
15 based and address issues that are identified in the plan of
16 operation. So, for moderate and smaller facilities, these
17 performance-based standards, they do address what is in a
18 plan of operation.

19 So, if a facility is designed accordingly and the
20 operator's operating in a good manner, then these standards
21 could be easily reached. You don't really need a plan for
22 the facilities in the notification tier.

23 What it doesn't address, but what is addressed in
24 the plan of operation, but is not addressed in the operating
25 standards, as proposed, was storage of contaminated soil and

1 the storage of noncontaminated soil within the operational
2 area.

3 I fully understand that once the soil is treated,
4 if it moves off the operational area and goes to daily
5 cover, goes to road base, leaves the site, these regulations
6 should not dictate the marketplace with respect to how the
7 material is used or where it goes once it's treated to a
8 standard.

9 What I'm suggesting here is the storage at that
10 facility within a limited operations area. So, once you
11 treat it, move it offsite. Just don't stockpile it.

12 Now, why would the Waste Board have authority? I
13 was on that General Methodology Advisory Committee, and I
14 was part of the making of the chart. And I have a copy in
15 front of me. I'm sure you do, too.

16 It's dated June 29th, 1995, page 1, page 2. And
17 they talk about environmental indicators and mitigation
18 activities required by the Waste Board. The environmental
19 indicator would be general safety, and the mitigation
20 measures required by the Waste Board would be number 1, 2,
21 6, and 9.

22 I'm going to step back a little -- step back from
23 being a manager of technical services for CRRC and, if I
24 could put my hard hat on from being a site engineer --
25 because I've been onsite on these facilities for many years

1 in the field being health and safety manager for a lot of
2 these facilities.

3 And I came across many different situations where
4 we're not moving material. We have a limited operations
5 area, and we have more and more stuff coming in. It's
6 choking up operations, and we're not moving the material
7 out. That could apply for composting. That could apply for
8 refuse placement. And it applies here.

9 When I was at the Yolo County central landfill --
10 you heard the permit this morning -- we do have limited
11 onsite soil. We had an ADC program for chipped green waste,
12 as well as taking in large sums of treated contaminated
13 soil.

14 You know, before we accepted it, we were on
15 subtitle (b) liner. We went through the protocol, and we
16 accepted it. And we use lots and lots of treated
17 contaminated soils as daily cover. In many situations I did
18 take in too much than I should have where it did create
19 onsite health and safety problems for emergency vehicles
20 traffic patterns, and things I mention in 1, 2, 6, and 9.

21 By no means is it a full permit. So, what I am
22 suggesting here, they have incremental risk with regards to
23 the amount of material handling, such as we have with the
24 compost regs. The relative risk is greater as you handle
25 more tonnages.

1 If you're on a limited operational area and you're
2 stockpiling incoming material and not moving outgoing
3 material, and your typical five-acre site goes beyond 20,000
4 cubic yards, you just really have a very tight operational
5 area for the general public, or the operators, or people to
6 go in and out of the facility to dump the material that they
7 have if they have heavy equipment or transfer vehicles to
8 move the material.

9 I explain in Issue 1, 2, 6, and 9 as found in the
10 proposal.

11 I'll briefly go to the types of technologies and
12 what would constitute a large volume facility. I've been
13 fortunate to work with my little brother a lot. He works
14 for IT. They got the \$25 million contract to clean up all
15 the military bases in California.

16 And he's out on IT -- right now, he's at Hamilton
17 Air Force Base, and they've moved around 70,000 cubic yards
18 in a two-month period. But he deals with bioremediation on
19 a routine basis. So, I was able over the last couple weeks,
20 and especially the last couple days, to talk to my brother
21 about typical industry standards, seeing this is an emerging
22 technology.

23 It takes about 1200 cubic yards to 1800 cubic
24 yards per acre, assuming the windrows are 20 feet wide and
25 20 feet across. Now, it could take six months, if you can

1 actively manage it -- it could take six weeks. It could
2 take 18 months if you just kind of let it aerate and don't
3 really manage it that well.

4 So, the time period is dependent on how actively
5 your soil stockpile. There is a big movement on the
6 facility bases to use compost, about five parts to one or
7 four parts to one, to use actual green material in with the
8 soil in order to assist with the rapid decomposition or
9 rapid bioremediation of the soil. So, that is an emerging
10 technology for the military base closures.

11 So, you have several critical factors here,
12 because a typical site may vary from 5 acres to 20 acres.
13 Whenever I did a lease with any of my operators, whether it
14 be composting, or whether it would be chem fix process, or
15 whatever process, it's about 5 acres.

16 And what I'm suggesting here is, if you have a
17 five-acre site, and you have -- can store about 12 to 1800
18 cubic yards per acre, and you got a lot coming in, there's
19 limitations on how much you can have onsite.

20 And what I have in my proposal here, it's about
21 22,500 cubic yards, which would assume a 15-acre site, which
22 is kind of large -- bigger than a 5-acre site -- and using
23 1500 cubic yards per acre. That is a large facility.

24 And most industry folks that deal with soil
25 remediation recognize that this is a large facility. Not

1 too many good operators with big facilities that are using
2 the technology would go beyond that, except for the runway
3 at Hamilton Air Force Base, where there's 70,000 cubic yards
4 that you're trying to move.

5 Using a thermal technology, you have two different
6 types. You have a fixed technology and you have a mobile
7 technology. Whenever you have a mobile technology, you need
8 a stockpile, a lot of material to make it economically
9 feasible in order to mobilize and demobilize the unit. It
10 takes about 20 to 40,000 cubic yards that must be onsite in
11 order to economically treat it.

12 Other facilities that are fixed, they're out there
13 24 hours a day, 52 weeks a year; they operate between 25 to
14 100 tons per hour. And those facilities don't need to
15 stockpile as much. They're just kind of running and going.
16 And so, they stockpile a lot less; however, they treat about
17 5,000 cubic yards per month. But at the same time, they
18 don't need to have the big stockpile in the front end.

19 So, the critical factor here would be mobile units
20 and its availability with limited site acreage.

21 So, once again, that 20,000 cubic yards number is
22 a large facility.

23 Back in the late eighties, I was involved with a
24 chemical fixation over at Chemfix. And that was down in
25 Arvin; we had a five-acre site. And at the time, there was

1 a process where I didn't think I needed a full permit, but
2 the Waste Board did have some authority. But we got a full
3 permit anyway.

4 And even with that full permit, we had to -- after
5 I left back in the early nineties, when they started going
6 operational, they had some problems with the Water Board on
7 the treatment standards that they use as daily cover or
8 intermediate cover. They ended up storing over 80,000 cubic
9 yards onsite. As a result of that, they were flipping heavy
10 equipment, and there were some health and safety problems
11 attributed with that enormous stockpile on such a small
12 facility. Those are the type of problems when you do
13 stockpile way too much material in a small operational area.

14 There are some limitations on stored material and
15 is a must in order to somehow have a plan of operation to
16 determine how much you have coming in and how much you have
17 going out. And over a three months' period, I believe a lot
18 of material could stockpile if you're a small facility
19 adjacent to a military base or other large generators of
20 contaminated soil.

21 So, I would believe that there be monthly
22 inspections with a plan of operation in order to look at the
23 storage aspects of these different facilities.

24 So, what would the CRRC specific changes be? For
25 simplicity reasons, not dependent on technology, we would

1 recommend: one number for a large volume
2 transfer/processing facility, which would be 20,000 cubic
3 yards of contaminated soil and treated noncontaminated soil
4 within the operational area.

5 As I said, if you take your treated contaminated
6 soil and move it off the operations area, that's great.
7 That doesn't count. But you've got to move it.

8 These facilities will need to comply with Title 14
9 registration and permitting requirements, submit a plan of
10 operations, and have monthly inspections.

11 That's the crux of the proposal. That's the
12 major, specific change.

13 The other ones I would have would be for the
14 general design requirements. CRRC would recommend that a
15 registered civil engineer be used. At the local level, what
16 the engineer designs is only the facility with regards to
17 the foundation, the geotechnical, the building permit.

18 What the engineer does not do at the local level,
19 in many cases, is the traffic, the roads, the volume counts.
20 So, there's a lot more the engineer can do onsite than just
21 the building permit and the foundation of the thermal unit
22 or the treatment facility. And those things would be the
23 volume counts and how to get around the volume.

24 The third issue Waste Board staff already changed
25 by combining (A)(2) and (A)(3) with the waste acceptability

1 program.

2 Whenever I installed a new program at any one of
3 those facilities over the years, I always recognized the LEA
4 to be overworked. I realize that is beyond just disposing
5 of garbage in the ground. And we do have mandates out there
6 to move beyond disposal into new and exciting facilities.
7 And soil remediation is one opportunity which is out there,
8 which does get RMDZ funding; that does count as recycling,
9 because it is a solid waste if you have it in your base
10 year.

11 So, as part of the LEAs' inspections and LEAs'
12 buy-in to all these new technologies, I always had the local
13 fee authority, which I utilized to get the LEA onsite in
14 order to make sure that the job was being done.

15 An example: We talked about the alternative daily
16 cover program today at Yolo County. The LEA didn't show up
17 for free just to look at that on a weekly basis for 18
18 months. I had to get the LEA out there every week for 18
19 months, and I paid him to be out there. I had the fee
20 authority at the local level to have the LEA make sure that
21 I was doing a good job.

22 As a result of that, LEA Advisory No. 19 was
23 created, which had 15 operating standards, which enabled the
24 Waste Board and the LEA to inspect these facilities on a
25 statewide consistent level.

1 So, I believe that the LEAs do have the local fee
2 authority to go out onsite to make sure this new and
3 emerging technology is done in a correct manner.

4 I also believe that since there's a potential for
5 long-term storage, and without the monthly inspections and
6 the plan of operation, that some of these sites could turn
7 into abandoned sites. And who would be liable after company
8 declares bankruptcy?

9 The Envirotech facility in Arvin declared
10 bankruptcy, left 80,000 cubic yards onsite. Who's going to
11 pay for it? Maybe they'll apply for AB 2136 money. I'm not
12 sure. Nobody knows.

13 CRRC members are stakeholders on the specific
14 issue of contaminated soil. I represent people out there
15 now who actually have these facilities. They use that
16 standard soil after treatment for alternative daily cover
17 programs at the landfills.

18 So, our recommendations today are based upon
19 contaminated soils at these facilities, and they're based
20 upon ensuring the integrity of the tier permitting system
21 stays intact. That's our only interest here today.

22 The CRRC would recommend that we would approve the
23 formal notice of the proposed draft. We believe we've been
24 working on this for quite a while, and that you formally
25 notice a public hearing with OAL with the specific changes

1 mentioned here today.

2 I also want to echo another position that will be
3 expressed by Larry Sweetzer of Norcal regarding the excluded
4 facilities. He will make presentation that, which I believe
5 has a lot of merit.

6 So, we commend the activities last Friday; that
7 workshop was one of the better ones I've been to in a long
8 time. We discussed a lot of key issues, which was to
9 formulate the CRRC proposal today.

10 I believe the regulations have been baked -- not
11 in a thermal unit, but they've been worked on for a long
12 time. And I think we're ready to go out for a public
13 hearing.

14 Thank you for the time today.

15 CHAIRMAN FRAZEE: One question. We've talked
16 about this earlier, but, as you recall, we had difficulty
17 prior to my time being here on the composting or on -- not
18 the composting, on the ADC issue, on setting a percentage
19 and picking an arbitrary number that was a compromise,
20 although it seems to have been justified here now.

21 But are we building that same trap for ourselves
22 in this when we say, if this facility only accumulates
23 19,500 cubic yards, it's in one category, and the one that
24 accumulates 21,000 cubic yards is in another category? Are
25 we going to have OAL say you don't have any scientific

1 justification for this; and so, you either do one or the
2 other?

3 MR. EDGAR: I have a two-part answer to that
4 question. Part one: 20,000 cubic yards is not arbitrary.
5 I think I was able to demonstrate in my proposal here on the
6 bioremediation facility, a 15-acre site, 1500 cubic yards,
7 about 20,000 cubic yards. I believe if you did a literature
8 research -- the Biocycle, every magazine, trade publication
9 out there -- which I did in the last two days, I believe
10 that you'd see that the typical size is about five acres.
11 So, by going to 15 acres with the windrow, I think 20,000
12 cubic yards is defensible.

13 I believe on another aspect of the 20,000 cubic
14 yards is that any thermal unit burner that has a mobile
15 unit, they use 20,000 cubic yards as their economic number
16 in order to mobilize onsite before they could burn. So,
17 those are two technical and economic reasons why 20,000
18 cubic yards is a good number.

19 CHAIRMAN FRAZEE: You suggested, though, that we
20 ought to be counting treated soil onsite as part of the
21 20,000, and that presupposes that the site is confined by 5
22 acres.

23 I think we looked at one where the property, total
24 property, was 200-plus acres. And I guess I can accept your
25 argument about the two being in close proximity and the

1 difficulty of operation, and the chance to mix one with the
2 other and all the things associated with that.

3 But if you have a large piece of property, it's
4 easy to accumulate, you know, a million cubic yards of
5 treated soil, which is clearly beyond our authority to
6 regulate.

7 MR. EDGAR: That is correct. I was very specific
8 of not using property boundaries because, in the past, the
9 Waste Board tried to permit facilities over using the
10 property boundary, which is way too large. I was rather
11 specific on an operational area. And that is defined within
12 the informal draft regulations with "operational area," as
13 where they actually do the treatment of the contaminated
14 soil.

15 The only thing I was recommending is that you just
16 don't store the finished product within the operational
17 area; that you move it off the operational area to your --

18 CHAIRMAN FRAZEE: An operational area's generally
19 assumed to have some kind of drainage control, whether it be
20 a membrane, or slab, or whatever, that controls runoff.

21 MR. EDGAR: Yeah, correct. It's designed in order
22 to handle the operations on a site with regards to
23 logistics, health and safety, setbacks from the thermal unit
24 in case of fire, setbacks from the chemical fixation
25 process, storage of different admixtures that you bring in

1 there.

2 So, the operational area is rather defined as five
3 acres, but the company could have, you know, 2,000 acres
4 that they could use the finished product on for any number
5 of reasons. That's not part of today's discussion, only the
6 operational area.

7 CHAIRMAN FRAZEE: Yes.

8 MS. TRGOVCICH: Could I ask Mr. Edgar to elaborate
9 on a couple of points --

10 CHAIRMAN FRAZEE: Sure.

11 MS. TRGOVCICH: -- potentially, for purposes of
12 our discussion?

13 And maybe these are more questions or things to
14 respond to later as the case may be.

15 But in terms of a large volume operation, would
16 the standards themselves differ? You indicated that the
17 plan of operation would address long-term storage. And I
18 guess the question I'm asking is twofold; one, how would
19 that differ from the other standards in the sense, could it
20 become a performance standard as the other standards, which
21 are currently in the draft regs under the general operating
22 standards?

23 And what do those standards cover with respect to
24 Board jurisdiction? So, that's kind of a two-part there.

25 And then the next question is --

1 MR. EDGAR: Can I answer that first?

2 MS. TRGOVCICH: Certainly.

3 MR. EDGAR: Don't get confused up here.

4 Okay. In order to answer that question with
5 regards to: Can the operating standards accommodate the
6 frequency of removal?

7 I believe that they should, definitely, with
8 regards to moderate and smaller facilities. I think you can
9 put inside of there frequency of removal or some type of
10 storage, some information there in order to alert the
11 operators of the fact that they need to move the product
12 offsite and to not stockpile too much on the incoming.

13 With respect to having a plan of operation for
14 larger facilities, it would actually detail how that's
15 stored, where it's stored, and how much is stored with a
16 monthly inspection, so that the LEA could validate that as
17 happening. I believe that any good operator -- I call it
18 down-tier by design -- any good operator that designs a
19 facility in a good manner could definitely fit within
20 operating standards for the notification tier. And they
21 have designed it, and they down-tier it to notification.
22 They only need the LEA out there once every quarter.

23 However, for these larger facilities -- and a lot
24 of them don't have a good track record; I mentioned one
25 today and a couple others out there -- you have to up-tier

1 for compliance. And one way to do that is have a plan of
2 operation, which is a volume map so that the LEA could
3 determine when does the volume get out of control? When do
4 you go from 20,000 cubic yards to the 80,000 cubic yards?
5 And when a company goes bankrupt, who pays for it?

6 So, the second part of your question is that, yes,
7 you can put a frequency of removal inside the State minimum
8 standards or operating standards but, at the same time, the
9 frequency of inspection and having a plan to look at to
10 validate that you have the storage area needs to occur for
11 large volume facilities.

12 MS. TRGOVCICH: And maybe just to point out for
13 the members -- and I'm sure Evan probably has a response to
14 this as well -- but the registration tier is
15 nondiscretionary tier. So, the LEA would not have the
16 ability within the process laid out in the registration tier
17 to evaluate the contents of a plan of operation.

18 There's not the possibility there to evaluate any
19 of the information.

20 CHAIRMAN FRAZEE: So, the LEA's only action would
21 be when that facility exceeded whatever the exclusion tier--
22 if they did something beyond what is excluded, then they
23 would clearly have the authority under this to go in and --

24 MR. BLOCK: That's true. But what Caren was
25 talking about, I think, was the difference between

1 notification, registration, and let's say standardized or a
2 full permit, which is with -- particularly with
3 notification, but also with the registration permit, the LEA
4 is reviewing an application for completeness and
5 correctness; they're making sure that all of the parts are
6 there. But there's not a separate review to say we like --
7 for instance, with this proposal, you wouldn't have an
8 ability in the registration tier to review that plan of
9 operation and say it's a good one; it's a bad one; it'll
10 achieve the objectives.

11 So, that's what Caren's alluded to as opposed to a
12 standardized or full, where there's actual substantive
13 review of the documents that are submitted.

14 MS. TRGOVCICH: And then, I guess, what I would
15 also ask, Evan, is if -- and I heard you say that an
16 operational standard could achieve the concept around
17 frequency of removal or something around that nature; that
18 an operational standard could get you there.

19 And if the plan of operation will not be able to
20 be evaluated by an LEA, what is the need for the additional
21 level of oversight provided by the registration tier?

22 MR. EDGAR: That was my second specific change. I
23 recommend having a design being done by a registered civil
24 engineer. And by having that design prepared by a
25 registered civil engineer, the plan of operation, that

1 engineer should be giving good advice to his client where he
2 would be able to accommodate all the operational standards
3 and a method by designing the facility accordingly within
4 that plan of operation.

5 I'm not saying that just because I'm an engineer
6 and try to lobby for the engineers out there. But I believe
7 that any facility out there needs some type of design by a
8 registered civil engineer for roads, for traffic safety, for
9 volume calculations even. It's be surprising how people
10 mess up on volume calculations.

11 So, by having a registered civil engineer prepare
12 and stamp the plan of operations, it would give that plan
13 the credibility needed for the LEA to accept it.

14 MR. BLOCK: If I can clarify, then, the
15 registered civil engineer recommendation you're making would
16 just be for the large volume --

17 MR. EDGAR: For the plan of operation.

18 MS. TRGOVCICH: And I guess, finally, just to
19 point out for the Board, I think Mr. Edgar mentioned the
20 Arvin landfill, which some of you visited, and that they did
21 file for bankruptcy. Just a point to note out, or something
22 to take note of, is that that facility was fully permitted.
23 That facility was inspected monthly.

24 And so, I just need to raise that as an element in
25 terms of the protection provided around the additional level

1 of inspections or oversight.

2 COMMITTEE MEMBER RELIS: I was going to ask on
3 that point. There really is, on the accumulation side, like
4 there, so -- I mean without any kind of financial mechanism,
5 there is no protection against that. Abandonment is nothing
6 that we would pick up under these regs in any way, would we?

7 MS. TRGOVCICH: That's correct.

8 MR. EDGAR: I think what happened is that the
9 whole industry was going through dynamic times with respect
10 to the Waste Board's full permit up to '92, then saying you
11 don't need a permit after '92. There wasn't any statewide
12 consistency out there in order to advise the LEAs.

13 I believe these regulations, with a good LEA
14 advisory on how to implement it, would deliver that
15 statewide consistency needed in order to make sure this
16 industry doesn't go awry with having 80,000 cubic yards
17 stockpiled and going bankrupt.

18 So, I believe that the LEA down there didn't have
19 a consistent message from the State, and more from the Water
20 Board in regards to acceptance of the finished product as
21 daily cover.

22 COMMITTEE MEMBER RELIS: Well, with all respect, I
23 don't know what a consistent message would do in that case.
24 I mean there is no ability to predict -- well, you
25 understand. I don't know what would be accomplished from

1 the standpoint of the abandonment side that you referred to
2 by anything we do, including financial requirements.

3 MR. EDGAR: Oh, by no means I was alluding to
4 that. I was talking about the storage and volume, of
5 stockpiling too much onsite; plus, how did it get to 80,000
6 cubic yards? I believe that the LEA at the time was seeing
7 advisories going out saying, "Don't take permits up to
8 1992," which was those conflicting messages on what their
9 role was out there.

10 So, that could have been a reason why that they
11 allowed the stockpile to continue, because there wasn't any
12 consistent statewide message being put out by the Waste
13 Board staff.

14 COMMITTEE MEMBER RELIS: But then I in turn see --
15 I mean, I don't want to get in a circular thing with you.
16 They don't seem to be too happy about our exercising any
17 authority on this at all so far. I'm getting some really
18 different messages here.

19 CHAIRMAN FRAZEE: Let me pursue one more thing,
20 then we need to get on to -- we have quite a number of other
21 persons who wish to be heard.

22 On the 20,000 cubic yard threshold, something was
23 handed to me that lists a number of facilities already
24 regulated in one form or another, either by a full
25 facilities permit by this Board or by WDRs. And they have

1 thresholds in those. And so, in light of what we, I think,
2 generally agreed to grandfathering here earlier, then what
3 do you do with one like Item A that has a 550 tons per day
4 limit by the Air Board? You know, who's in charge here?
5 It's like what the health care facilities got into with the
6 fire marshal and the Department of Health in telling them
7 conflicting requirements.

8 And I don't think we want to be in the business --
9 and there's a whole list of these -- another site where the
10 WDR is for 60,000 tons monthly; another one, 1100 tons a
11 day; one with no limits at all; one with a design capacity;
12 one with a WDR for 300,000 tons per year. And we have all
13 of those. How do we match that or justify that in light of
14 the 23 -- adopt the 20,000? I'm frankly leaning that
15 direction, but --

16 MR. EDGAR: I believe that the waste discharge
17 requirements' threshold levels were designed to protect
18 groundwater quality in regards to the potential impact to
19 the groundwaters of the State.

20 So, I believe that based upon the type of waste
21 being stockpiled and how it's treated, and the depth of the
22 groundwater and type of soils, that different types of
23 tonnage or volume limits in order to mitigate the impact to
24 groundwater quality -- this is not redundant with this.
25 What we're suggesting is more of a storage on a site with

1 respect to health and safety. I see those as two separate
2 issues.

3 CHAIRMAN FRAZEE: Well, I can't quickly translate
4 tons per year into cubic yards onsite. But I'm sure easy
5 it's easy to do.

6 But say you have a situation where the Water Board
7 has allowed 30,000 -- the equivalent in tons of 30,000 cubic
8 yards to be on the site at any one time by their permit, and
9 then we come along and say, "No, we're going to limit you
10 down to 20."

11 They make the argument that water is what we're
12 really protecting here. What's wrong with the Water Board
13 requirements?

14 MR. EDGAR: I don't see there's any limitation on
15 this Waste Board regulation or Waste Board permitting
16 requirements to go up to 20,000 cubic yards storage onsite.
17 I'm not limiting them at all.

18 CHAIRMAN FRAZEE: You're just saying --

19 MR. EDGAR: They just step up into a registration
20 permit. So, there is no cap or limitation. There's a cap
21 on notification, how much you can store there. But I think
22 the operator can still operate without the conflicting
23 message, just that they step into a monthly inspection by
24 the LEA and have a plan of operation for that large
25 facility. Thank you.

1 CHAIRMAN FRAZEE: Good. That helps.

2 Okay. Let's move along and sort of show you how
3 many speaker slips we have here (holding up speaker slips),
4 and a word of warning to the wise.

5 Carolyn Baker? Keep in mind, this is contaminated
6 soils.

7 MS. BAKER: Yes, sir. I'm going to need a step
8 stool to see over the podium here.

9 Thank you, Mr. Chairman and Board members. My
10 name is Carolyn Baker, and I'm here on behalf of the
11 Cogeneration Ash Coalition. I will keep my remarks very
12 brief.

13 I just want to reiterate that, as most of you
14 know, we've been participating in this regulatory process
15 for quite a while and, in fact, attended last week's
16 workshop here in Sacramento, and submitted written comments
17 to staff.

18 All of the interested parties that attended last
19 Friday's workshop -- the comments that were made have been
20 very well incorporated by staff into what you've seen here
21 today. And we would like to encourage you to go ahead and
22 adopt staff's draft and initiate the formal rulemaking
23 process at this point, with staff's draft as it's currently
24 proposed.

25 Specific to the CRRC proposal, in the absence of

1 adequate time to review it -- because, as everyone else, we
2 just saw it for the first time this morning -- we disagree
3 with and are unclear on the need to tier up to the next
4 higher level, and either need more time to review their
5 proposal or, in the alternative, suggest that their comments
6 be incorporated as part of the formal rulemaking process and
7 not incorporated here today.

8 Our main concern really is the inadequate
9 opportunity to review their proposal. They made some
10 comments last Friday, which have been incorporated in
11 staff's presentation today. So, I don't believe that what
12 they've presented to you here today is really appropriate in
13 the current forum.

14 Thank you.

15 CHAIRMAN FRAZEE: Thank you. Just a question on
16 that. The suggestion there was that these -- which, in
17 effect, would be stricter requirements -- be put into the
18 rulemaking proposal. That could not be accepted in that
19 form, could it?

20 Wouldn't that OAL review only deal with presently
21 what we have? They could not suggest adding something to
22 that?

23 MS. BAKER: I'm sorry. I probably didn't make
24 myself clear.

25 I didn't mean to imply that they should just be

1 incorporated as part of that rulemaking process; that CRRC,
2 et al. be permitted to make those comments at that time.

3 CHAIRMAN FRAZEE: But if they make the comments at
4 that time, the OAL doesn't have the authority to add in
5 additional requirements.

6 MR. BLOCK: No. I think what's being suggested is
7 that the current version, staff's version, go out for a 45-
8 day comment period, and then the CRRC proposal be considered
9 along with all other comments received by the Board at a
10 later time.

11 CHAIRMAN FRAZEE: Before our final submittal to
12 OAL.

13 MR. BLOCK: Right.

14 EXECUTIVE DIRECTOR CHANDLER: The other option, of
15 course, was -- as Caren said -- you could direct staff to
16 work with some comments that we've heard today at this
17 meeting, have her attempt to reflect some of those prior to
18 putting the package out to OAL to initiate the 45-days --

19 CHAIRMAN FRAZEE: That's probably --

20 EXECUTIVE DIRECTOR CHANDLER: -- so, there's a
21 couple of options you have: Take the package as you have it
22 and, as Elliot just said, take comments during the 45-day
23 comment period, or ask Caren to continue to work with the
24 incorporation of ideas that we hear today.

25 CHAIRMAN FRAZEE: I'm torn between wanting to get

1 this thing moved along, because we have other things coming
2 along behind it, and not disrupt the schedule --

3 EXECUTIVE DIRECTOR CHANDLER: Right.

4 CHAIRMAN FRAZEE: -- and getting it right the
5 first time.

6 Okay. Now, our next request, Tibor Banathy.
7 There's an indication that you may or may not want to speak.
8 We do have a letter from CCDEH that we put in the record.
9 So, if you'd like to make your points on that --

10 MR. BANATHY: I'll make it very brief.

11 Tibor Banathy on behalf of CCDEH, which is the
12 California Conference of Directors of Environmental Health.
13 A couple points very briefly. One is that I think Caren's
14 comments relative to how the LEAs feel about these proposed
15 regulations pretty much --

16 COMMITTEE MEMBER EGIGIAN: Can you move the mike
17 up a little bit?

18 MR. BANATHY: Oh, sure. The comments that Caren
19 made on the LEA response -- even higher? (Speaking of
20 microphone).

21 COMMITTEE MEMBER EGIGIAN: Yes.

22 MR. BANATHY: Closer. Sorry. Caren's -- again,
23 for the third time here -- Caren's observation of what the
24 LEA response was to these regulations, and the point that
25 most of them do not feel that they are necessary, and that's

1 based on several things. One is that we feel that the
2 issues of health, safety, and the environment are probably--
3 at least the major concerns are addressed quite well by the
4 other regulatory agencies that have oversight over these
5 facilities.

6 And the second one is that LEA resources are no
7 more unlimited than yours, and I'm not sure that this is
8 really the wisest use of LEA resources in terms of
9 inspection of, quote/unquote, "solid waste facilities."

10 I think there are other issues out there that are
11 of greater significance than this in terms of how that
12 resource is expended.

13 So, that's really the crux of my comment.

14 CHAIRMAN FRAZEE: If I -- just to expand on that,
15 if I could read the letter from your organization, just an
16 excerpt from it, for the record.

17 "Further review of the Public Resources
18 Code leads to the belief that the Legislature
19 never intended the CIWMB to enter this area,
20 especially since these soils are arguably a source
21 of separated recyclable material."

22 So, that's food for thought.

23 MR. BANATHY: Okay. Thank you.

24 CHAIRMAN FRAZEE: Thank you.

25 Next, Lori Braunesretther. How am I doing?

1 Getting close on that?

2 MS. BRAUNESRETTHER: (From the audience) Our
3 comments have already been addressed.

4 CHAIRMAN FRAZEE: That's okay. Thank you.
5 Greg Baker?

6 MR. BAKER: Good afternoon. I'm from Hondo. And
7 I don't want to open a can of worms with this on the
8 definition of manufacturing, but I see there was a comment
9 added to the end of that this last week. And I was curious
10 how restrictive we plan on being on the definition of
11 distinct from soil. In other words, how much of methyl,
12 ethyl, blank or other materials do I have to put in before
13 it's not soil going in and soil going out the door?

14 MS. TRGOVCICH: Can you clarify that? I'm sorry.
15 I wasn't tracking with the definition.

16 MR. BAKER: Yeah. I just want to see if, in
17 defining manufacturing -- coming up with a product -- I get
18 the feeling that the -- what we're trying to accomplish is
19 to make sure that material isn't coming in the door as soil,
20 then going out the door as soil without regard to whether
21 the Water Board's getting involved at all.

22 If I'm going to manufacture something, at what
23 point is my product distinct from soil? How much -- if I'm
24 making an asphalt mixture, for instance, or a road base
25 mixture -- I know we talked about the difference between a

1 great asphalt product at a huge price and some kind of road
2 base for a farmer at a greatly reduced price, all in the
3 reuse arena, everybody having a right to some kind of
4 product of different qualities. And at what point is it a
5 product versus soil still?

6 MS. TRGOVCICH: Let me address one part, and then
7 Elliot is going to provide additional comments.

8 With respect to how much methyl, ethyl, whatever,
9 I think what we tried to do in these regulations was lay it
10 out and, if it's not clear enough, we'll certainly try to
11 make it clearer that it is not our role -- we are not
12 proposing to regulate the level of contaminants present
13 there. So, it is whatever the Water Board, Regional Board,
14 or local oversight agency specified where that material no
15 longer has to be handled as a waste that would apply.

16 We're not specifying any levels.

17 MR. BAKER: I didn't mean to mislead on it. What
18 I meant is how much of -- how much of something else do I
19 have to add to the soil before we decide that I'm
20 manufacturing something?

21 MR. BLOCK: I think it's actually the opposite,
22 which is, what we're looking at is are you adding soil to
23 something else as one of the ingredients, and what you come
24 out at the tail end is something other than contaminated
25 soil that's just had its level of contaminants drop.

1 MR. BAKER: Okay.

2 MR. BLOCK: We're trying to make the distinction.
3 And, admittedly, it's difficult to put this in words. And
4 that's why Caren, I think, said if there's some other ways
5 to phrase this, we'd love to know about it. But we're just
6 trying too focus that distinction between are you treating
7 contaminated soil --

8 MR. BAKER: Sure.

9 MR. BLOCK: -- and that's what you're getting --
10 versus are you taking that material, putting it into the mix
11 of whatever you're making, and coming out with something
12 else on the tail end.

13 MR. BAKER: Okay.

14 MR. BLOCK: I'm not really sure how that answers
15 your -- what percentage of methyl, ethyl --

16 MR. BAKER: No, I didn't want to play with that
17 all day. I just wanted to see if we were trying to be real
18 restrictive about what we may come up with someday for the
19 reuse of this material, and if we're going to restrict it to
20 just -- just asphalt-type products or if we come up with
21 something else that's reliable and safe for use.

22 MR. BLOCK: And I should say the use of the term
23 "such as" the production of asphalt or cement -- we've
24 already had one comment as to whether we should use some
25 different terms -- was an attempt to give some examples and,

1 again, to try to clarify that. If, in fact, that language
2 is making this less clear, we can certainly take out the
3 "such as's," or we can add some more to that list.

4 That was really purely for the purpose of some
5 clarification. So, any comment you have that might help --
6 it's not supposed to be exclusion. In other words, "such
7 as" is supposed to be read as "including but not limited
8 to."

9 MR. BAKER: Okay.

10 MR. BLOCK: And maybe we can make that change in
11 terms of that -- not make it sound too bureaucratic, but if
12 that would help, we certainly could change the "such as."

13 MR. BAKER: I imagine it would be the local
14 enforcement people who would be involved in that distinction
15 anyway.

16 MS. TRGOVCICH: They would get involved in that
17 distinction, and we will also clarify in the statement of
18 reasons that the intent behind this language is so that a
19 treatment operation couldn't claim to be manufacturing,
20 because what they were ending up with was a clean soil that
21 could then, you know, be rolled out or whatever in a
22 subsequent activity.

23 MR. BAKER: That would satisfy me.

24 Thank you.

25 CHAIRMAN FRAZEE: Thank you. Next, Larry

1 Sweetzer.

2 (Thereupon, there was a pause in the
3 proceedings to allow the reporter to
4 replenish her paper.)

5 CHAIRMAN FRAZEE: Ready? Okay, go ahead, Larry.

6 MR. SWEETZER: Good afternoon, Chairman Frazee,
7 members Egigian and Relis. My name's Larry Sweetzer,
8 Director of Regulatory Affairs for Norcal Waste Systems.

9 I'm going to be the other part of the industry tag
10 team on this issue. First of all, I'd like to add agreement
11 with the CRRC proposal. We worked with them on that, and
12 are pretty much in agreement with the entire concept.

13 I also want to address specifically the exclusion
14 tier and talk about an upper limit proposal that we may want
15 to put on that, and some reasons why we want to do that.

16 I think, overall, staff's done a commendable job
17 of putting this issue together and coming up with the tiers.
18 I'm trying to remind myself that this is the easy one.
19 We've still got many more to go.

20 We're not desiring overregulation on this issue at
21 all. What we're looking for is part of a regulatory equity,
22 as Evan calls it. And I admit that contaminated soil's
23 probably one of the less onerous wastes that we're going to
24 be dealing with; nonetheless, it's one that we have to
25 wrestle with.

1 And, as Ms. Trgovcich already explained, what
2 you're dealing with in these tiers is something that's
3 already been deemed a waste. So, that implies that there's
4 material out there that could fit under this arena that's
5 not a waste.

6 So, that limits the amount of material, the types
7 of operations, and facilities, and activities that we're
8 going to be dealing with.

9 And also that, since it is a waste, the Waste
10 Board does have some purview. And under that purview, I
11 think you need to develop some sort of a standard. Overall,
12 it doesn't have to be in one tier or the other, but you do
13 have to have some way of addressing those responsibilities
14 that the Board has; otherwise, since under 1220, if that's
15 supposed to work, you have certain areas you have to look
16 at. If you don't address them, the question will come up:
17 Who will? Or where was the Board in addressing those
18 issues?

19 So, I think you need to address those issues.
20 Whatever tier we put them in, they still have to be looked
21 at.

22 Also, I want to come back to a few points that
23 were raised in questions on the proposal. In supporting
24 CRRC's proposal, it's pretty inherent that the larger
25 facility usually creates a bigger risk and, at some point,

1 we need some sort of a cut-off.

2 And to put it into perspective, that 20,000 cubic
3 yards onsite is a pretty big number. For perspective -- the
4 engineer in Evan doesn't like this too much, but if you were
5 to look at this room -- and I think staff used the analogy
6 before -- and if you could pile that soil straight up on the
7 walls, which you can't; you have to put a slope on it -- but
8 if you were to fill this room with that, that's ten rooms
9 this size. 20,000 yards of soil onsite at any given time.
10 That's a lot of material to be looking at. And I think
11 using that number up there would probably exclude a lot of
12 other operations as well.

13 One of the other questions was, does that include
14 the treated soil onsite? And I think the best argument is
15 that it does, because why would anybody want treated soil
16 onsite? Why not just get it offsite so you can make room
17 for more material to treat?

18 So, there's a pretty good argument why they want
19 to limit how much treated soil is on the site. And I think
20 that's going to be the most typical case.

21 In addition, that soil onsite, while inherently it
22 may not be a hazard in itself, could contribute to a hazard.
23 And one I have in mind is actually more of a Water Board
24 concern, and that's of runoff -- storm water runoff into
25 other drainage. That's not your issue, per se, but I hope

1 not to see the Board be put in a situation of contributing
2 to another agency's purview or another issue for another
3 agency. So, I think we should keep that in mind.

4 Also, on the plan of operation or an operations
5 plan of some sort, there is probably a way that we can do
6 that, and I think we already have in the application form
7 itself; that there are conditions that an operator says
8 they're going to do with that operation.

9 And even if the LEA does not review that plan for
10 completeness or accuracy, there may be still ways for the
11 Board to actually look at that and say, "Here's what you
12 said you were going to do. You didn't do it. Therefore,
13 we have grounds to enforce on." So, maybe a way to work
14 that out as part of the process, and not so much to have the
15 LEAs spend a lot of time reviewing those applications.

16 It's what the operator said they were going to do
17 and, if they didn't do it, then it's grounds for
18 enforcement.

19 And, let's see. Coming back to the exclusion
20 issue. Again, we're dealing with things that are already
21 deemed a waste. These are things that the Water Board has
22 deemed a waste or not subject to the local oversight agency.
23 So, that's one category we've actually eliminated. And if
24 we start looking at the universe, I think we've eliminated
25 quite a few people under the exclusion tier.

1 We've got a lot of the smaller, onsite generators;
2 the gas station example, when you go down Main Street,
3 there's always a gas station somewhere that's doing
4 remediation. Those type of facilities are out of this
5 process, because they're remediating onsite.

6 We've got the petroleum company exclusion. And
7 that's a lot of material that they're handling, their own
8 material. They're excluded from this process.

9 We also have parent/subsidiary relationships that
10 are excluded from this process. So, if one large company
11 had multiple sites, they can bring it to a consolidated
12 location, and they're outside this process.

13 We've also got the manufacturing analogy. And
14 that's a lot of where this material's trying to head. We
15 don't have a lot of facilities yet for that. But a lot of
16 those -- all of those facilities are on the exclusion
17 aspects of it.

18 And then we have the clean soil issue. Once it's
19 already been treated, for the most part, it's not considered
20 a waste, and therefore it's not part of the exclusion.

21 So, there are roughly six groupings of activities
22 that are totally outside the Board's purview, and my
23 estimate is -- and we don't have numbers yet, and they need
24 some type to develop for even the ones the Waste Board staff
25 is working on -- particularly include the gas station

1 analogy. You've probably excluded a whole lot of the
2 wastestream out there. And there isn't a lot left to
3 regulate, other than the larger offsite, usually commercial,
4 concerns. And that's what we're talking about.

5 We're not talking that there's going to be one of
6 these facilities in every LEA's back yard or jurisdiction.
7 I don't think there's that many around that are going to be
8 subject to this type of a tiering system. And I don't think
9 that that's been brought out in this process.

10 Let's see. And so, even under the exclusion tier,
11 I think we have to watch out for sort of creative agreements
12 that may be out there. I was at the Diamond Bar hearing and
13 hearing some of the analogies being thrown out from some of
14 the other companies there, and it seemed to me that some of
15 them were -- we agreed to exclude a parent/subsidiary
16 relationship, direct relationship, where they're bringing in
17 from their own companies.

18 There's some other people that are co-opting their
19 materials, coming up with an agreement between themselves
20 for one of them or several of them to operate at that
21 location. And it seemed to me that some of them were
22 actually trying to get under the same exclusion.

23 So, those types of operations would actually pull
24 in material from different companies under that umbrella of
25 a joint contract or cooperative agreement and try to beat

1 the exclusion.

2 And I think that would be a problem, because the
3 more you try to look at that the more people may try to set
4 up an arrangement. And I think one way around that is to
5 probably set on the exclusion tier an upper volume limit.
6 And for consistency's sake, I think we can use the 20,000
7 cubic yard number again.

8 CHAIRMAN FRAZEE: On that point, weren't those
9 kinds of facilities excluded under another exclusion -- the
10 drilling, exploration exclusion, rather than the --

11 MR. SWEETZER: Some of them are, I believe, not
12 all.

13 Some of the people that were talking at Diamond
14 Bar were actually not so much the drilling, petroleum
15 drilling, but actually doing remediation of soils that were
16 pulled out from contaminated sites.

17 So, I think that lends itself -- and the easiest
18 way to address that would be an upper volume tier on
19 exclusion level.

20 And the other aspect of the equity issue I think
21 needs to be looked at is -- to lend argument to an upper
22 volume on that exclusion tier is, you could have a
23 scenario-- there's not too many places where you would site
24 these facilities in a community. You could have a scenario
25 where somebody under the exclusion has a huge facility --

1 20, 30,000 cubic yards -- next door to somebody that has a
2 smaller facility, a commercial offsite facility, who is
3 under the purview of the Board.

4 And when you try to explain to the public at large
5 why there's that inequity, I think you'd have a hard time.
6 So, I think an upper volume tier limit on that -- and for
7 those facilities that are using that sort of consolidation
8 under the exclusions of parent/subsidiary or oil exclusion
9 could probably abide by that volume limit, because they'd
10 have some leeway in how they're going to receive that
11 material.

12 They could schedule it in for a period of time
13 rather than in one lump sum.

14 MS. TRGOVCICH: Mr. Jarrett (sic), we did have
15 some discussion around that in both the Diamond Bar as well
16 as Sacramento workshops. And I think some of the
17 participants had said, well, if I fell under that exclusion,
18 then I would just set up multiple operations all underneath
19 that volume limit. So, there's an easy way, if you set that
20 upper threshold, there's an easy way around it. I think
21 that was the discussion.

22 MR. SWEETZER: Maybe actually be an easy way
23 around that permit part of it, but then you have the
24 operational logistics. You have transportation, hassles,
25 management hassles, personnel. At some point, that becomes

1 inefficient. So, it'd almost regulate itself, I believe.

2 CHAIRMAN FRAZEE: Okay.

3 MR. SWEETZER: So, with that, I'd like to lend
4 support to the CRRC proposal. I think it has a lot of merit
5 in setting equitable guidelines for all the different types
6 of operations.

7 CHAIRMAN FRAZEE: Okay. Thank you very much.
8 Now, Rob Saroyan from Forward.

9 MR. SAROYAN: Committee members, my name is Rob
10 Saroyan, representing Forward, Incorporated. My comments
11 will certainly be brief, just to simply say that we support
12 CRRC's proposal.

13 I had an opportunity to meet with you individually
14 and go over some of the finer points, and I just want to
15 simply say that Evan certainly articulated those positions I
16 think sufficiently.

17 He addressed the concerns staff raised last Friday
18 about impact issues. And one additional issue I do want to
19 support, or we want to support is what Larry just brought up
20 about exclusion. I think there comes a time when you exceed
21 a certain limit, I think it's necessary to have some sort of
22 supervision. I think Larry's comments were adequate in that
23 regard.

24 Thank you.

25 CHAIRMAN FRAZEE: Okay. Thank you.

1 Kathy Currie?

2 MS. CURRIE: I'm Kathy Currie, representing the
3 California Biomass Energy Alliance. I'll keep my comments
4 real brief. I just want to say that our principal concern
5 in terms of the CRRC proposal, which has been the focus of
6 comments today, is that they have not clearly articulated a
7 link between the Board's authority and the increased
8 oversight that's required when you reach volumes like 20 and
9 30,000 cubic yards.

10 Evan was asked the question whether or not this
11 number was arbitrary, and he indicated that it wasn't,
12 because they had gone through this mathematical procedure of
13 coming up with the number.

14 In fact, what the number describes is a type of
15 site. It is not linked, though, to what things go on at
16 that site that the Board has to regulate. And so, the
17 number is arbitrary in that sense. He has not indicated why
18 the Board needs to exercise jurisdiction over these larger
19 facilities, what the greater risk is.

20 My second point deals with the definition off
21 disposal. I think it's a relatively simple point. We have
22 some concern with defining the term of disposal on a waste-
23 specific basis as opposed to having a generic definition of
24 disposal.

25 And I think these regs can go forward as they

1 stand if we make one minor modification -- I've discussed
2 this a little bit with Elliot -- one minor clarification to
3 the definition of disposal, and that would be in the sub (2)
4 under "disposal," that you add the words "transfer and
5 processing facility," so that it is clear, when the staff is
6 talking about a one-year storage limit, they're talking
7 about a transfer/processing distinction. And I don't think
8 that raises any issues for staff.

9 Thanks very much.

10 CHAIRMAN FRAZEE: Okay. Thank you.

11 Now, David Child, representing Remco.

12 MR. CHILD: You'll have to excuse me. I'm really
13 more comfortable driving a truck than being up here.

14 But I do have some things to say. One of our
15 people was here last time and stated that everything that
16 was proposed was already regulated by other agencies. And
17 I'd like to go over a few of these things.

18 We talked about, in the CRRC proposal, about
19 storing clean soil on a site and regulating that, too. And
20 it mentions about possible safety problems. Well, if
21 there's safety problem, we have Cal-OSHA and Federal OSHA
22 already, don't we? I mean, if we have safety problems for
23 the fire department to get in there, they're going to come
24 over and talk to me about it, which they have, and they do
25 on a regular basis.

1 I really don't see where, once it's clean soil, it
2 matters any more than this big quarry that's across the road
3 over here. I think they have quite a bit stacked up. I
4 don't know if you regulate that. But there would be really
5 no difference in my mind between my clean soil and the
6 quarry's clean soil.

7 So, putting that in this equation that would limit
8 somehow what I could do as a businessman does not seem
9 equitable at all to me.

10 Let me try to go through these notes I scribbled
11 all over.

12 We talked about a company that went bankrupt and
13 left 80,000 tons on the site. Well, the Water Board
14 requires us to keep a \$2 million bond in that event. I
15 would think that would cover even 80,000 tons of
16 nonhazardous soil.

17 So, what's the need of regulating me on that?

18 We've just recently taken over a site in Southern
19 California that did fail, and their bonds are going to pay
20 for us to finish cleaning up their site. And so, we'll
21 continue on with our bonds.

22 So, where's the need for regulation?

23 I've got 'em all around here. Let's see. We
24 talked about traffic and traffic safety in this, this
25 ungodly number of trucks going to come and go on these

1 sites. The County Planning Department went over that and
2 made us do a very detailed study on that. We had to come up
3 with a traffic plan.

4 It so happened we used to be a trucking company
5 prior to that; and so, we took off so many trucks that we
6 weren't running now more than made up for what we would be
7 bringing in.

8 But there is -- it's already regulated. It's the
9 County Planning Department -- what's it called, the ones
10 that do the streets, the --

11 COMMITTEE MEMBER RELIS: Public Works.

12 MR. CHILD: -- Public Works. Yeah, we had to go
13 over there and sit down with them, draw up a lot of figures,
14 and come up with just how we're going to impact everything.
15 I even had to take responsibility for some extra curb and
16 gutter. They threw that in there to make sure they got it,
17 even though it had no bearing on it.

18 But there it's a regulation. Should you come in
19 and regulate me there? I don't think so.

20 Oh, this engineer thing. I think that's really
21 terrific that we should have an engineer come in and tell us
22 how this thing should be set up. I for one would never call
23 an engineer if a plumber can do the job.

24 (Laughter.)

25 MR. CHILD: But this -- we put our liner down

1 inside our building where we preprocess our material. It
2 happened the liner went on top of a slab, a six-inch slab.
3 And yet, I had to get an engineer's stamp to prove that the
4 compaction was good on that six-inch slab. Now, that makes
5 a lot of sense, doesn't it?

6 Now, maybe you should come in and help regulate
7 that. That was the Water Board. But we complied.

8 I think we have plenty of regulations, gentlemen.
9 This -- honestly, I'll get through shortly.

10 Something just mentioned in passing here, but
11 which could really complicate our lives -- I just see
12 mentioned here, "Waste acceptance programs which include
13 windrows can be mixed after acceptance."

14 Well, we're a thermal operation. We mix them all
15 up. We want to get the lowest common denominator going
16 through that kiln. We don't want a hot spot of 30,000 parts
17 per million going through there. We have some very exciting
18 things happen when that happens.

19 So, we blend the heck out of it before it goes in.
20 We want to get everything down to 100 ppm, if that's what it
21 is, because it's easier to clean. The operators don't have
22 so many hard attacks trying to keep up with the ups and
23 downs of something that you're burning.

24 So, I mean, if you want to say, now we've got to
25 keep them all separate and run them through, we would have

1 some real difficulties.

2 Also, the type of dirt that we run -- we get it
3 from all over. So, we're running with sand, with rock, with
4 bay mud, wet soil, dry soil. And if we don't mix it, we
5 have real problems in controlling it.

6 Manufacturing, exempting manufacturers -- well, in
7 the thermal industry, my only competitors are manufacturers.
8 I'm the only -- in Northern California, I'm the only, that
9 I'm aware of, soil operation that simply burns soil to clean
10 it.

11 You would exempt Reid and Graham (phonetic), which
12 is on my south; you would exempt Port Costa, which is on my
13 north. And all Port Costa does, they make what they call an
14 aggregate, a light-weight aggregate. We both take the dirt.
15 We both bring it in. I put mine on ground with liner; they
16 put theirs on ground without.

17 They stuff theirs into a kiln; so do we. Theirs
18 gets extruded on the other end and makes nice little pellets
19 that they call aggregate. Ours comes out looking like dirt
20 that's reconstituted with water. But they would not have to
21 go through this regulation and I would, and they're already
22 killing me. So, I don't know if that's -- we should look at
23 that a little closer.

24 Anyone that's taking contaminated soil in part of
25 their manufacturing process is doing it because they make

1 money cleaning the soil. Our southern operation will be
2 making asphalt out of it. We can sell our asphalt when
3 we're done for \$5.00 a ton. We wouldn't care, because we
4 made it coming in, not going out.

5 Should that mean, then, if I don't be regulated
6 there, but the guy that's burning it and turning it into
7 soil is? See, it doesn't quite compute. It's not fair.
8 Not that fairness enters into regulations.

9 What else is here? (Speaking of notes on
10 document).

11 I think that I've covered most of it. Oh, no,
12 here's the thing I wanted to say, too. This is a little off
13 the subject but, if you'll bear with me. Today -- it wasn't
14 too many months ago that we were in here and you authorized
15 a loan for us of \$400,000 to help us to keep this thing and
16 recycle this soil. And it was quite insightful of this
17 Board to look beyond bottles and cans and look to what is
18 most basic, our dirt on the ground that we talk on. That
19 indeed needs to be recycled.

20 Since that time, we've got -- all the local
21 landfills in Northern California that I'm aware of -- the
22 one on Vasco (phonetic) Road, Altamont Pass, Keller Canyon,
23 B & J, and they've all dug nice big holes and put plastic
24 liners in there, and they're taking soil now of any
25 contamination and stuffing it in there.

1 Where is the foresight here, where is the
2 longevity? What are we thinking when we allow this to
3 happen? Are those liners guaranteed to last forever? Can
4 anyone tell me that those liners will last forever?

5 That means someday, sometime, that contaminated
6 soil -- we're not talking 1,000 parts per million. I called
7 BFI and asked them, what are your limits? "Hey, we don't
8 have any," he says, "just bring it," you know, "we don't
9 care how contaminated it is. It goes in this lined area."

10 Now, the thing is, that'll have to be cleaned up
11 again someday. We're taking a problem from this hole and
12 putting it in that hole. And, frankly, they can dump it in
13 that hole for pennies. It doesn't cost any money to dump it
14 in the hole. You've got your fixed cost of your liner, and
15 that's about it.

16 I have a million dollar -- \$2 million kiln in
17 operation trying to burn this soil and clean it up. So --
18 and so then, now we have Forward and others coming here,
19 landfills. They say, "Regulate these guys." Well, good,
20 put another layer of regulation on us and see what that
21 does. It makes us that much less competitive.

22 We already trying an uphill battle to compete with
23 people that put it in holes. I think some consideration
24 should be given to that. We truly do recycle this soil. I
25 mean it's good. We've even taken it and mixed it with

1 compost and used it for our landscaping around our property,
2 and the trees and bushes are still alive. So, it works.

3 We remove all the organics, but you can put it
4 back in. And what we ended up with was a soil that's sized
5 right and it's consistent, so it's good for this use. It's
6 limited. Not everyone can use it.

7 I've heard time and again this comment, well, if
8 you've got it there, get it out. It's clean. Get rid of
9 it. Well, that's easier said than done. We had this big
10 bypass coming in through Richmond right by our place.

11 And we contracted to provide them with soil, clean
12 soil. What an excellent use for it. They needed a lot of
13 it. And then the rains started.

14 You know how much bypass was built when the rains
15 started. By the time it dried up enough for them to take
16 that soil, we probably had 20,000 tons parked there. But,
17 again, OSHA didn't come and say we're in danger of loaders
18 falling over or things like that. Heck, I've had loaders on
19 level ground almost fall over in the rains when the ground
20 turned to mush and it tipped like so.

21 So, I don't know who else wants to look at us, but
22 we're a small company. We missed these meetings. We wanted
23 to come. We had them scheduled, but there's only a couple
24 of us that understand enough to speak intelligently -- if
25 what I'm saying sounds intelligent -- and we just -- we just

1 couldn't leave. There was just -- things were happening we
2 had to tend to.

3 And if there's more of them, we'll try to get to
4 them. But we just -- there's other forces here. And let's
5 be frank. We're not talking about people that are so
6 concerned about the environment as they are about business.
7 We've seen these landfills marshal their forces and come in
8 and, if they can regulate us more, it behooves them to do
9 so, because that's business. And it constricts our
10 business.

11 The Water Board is already there. The Air Board
12 is there. They determined our limits. Unlike BFI, I can't
13 say it doesn't matter how -- what level of contamination it
14 is. I'm very much restricted on what level I can bring in,
15 not by the Water Board, but by the Air Board, because what I
16 can burn -- and it's inconceivable that anyone would bring
17 in a whole job all 30,000 parts per million. It'd be
18 running out the trucks. You could fuel the trucks with it.
19 It's that bad.

20 But our average contamination level is about 100
21 to 200 ppm if you average it out for the year. But we will
22 get spikes of 30,000 in there when they hit a wet spot. And
23 yet, they take worst case, the Air Board does, and says
24 that's the limit you can take, because, if you did bring in
25 all 30,000 ppm and did burn it, you'd be putting this kind

1 of pollutant in there and you'd be over your permit.

2 So, we are regulated, gentlemen. We are watched
3 over. The county certainly wouldn't let us get by with
4 making a mountain out there and leaving it there.

5 If you can make some sense and see what should be
6 done, fine. I'm more fearful of being able to fill out all
7 the forms and do them right for you. It's a heck of a task
8 for a small business. You just don't have a staff of people
9 dedicated to filling out all these nice little permits and
10 forms.

11 You know, I have to find time to do it. Steve has
12 to, something like that. It's just -- it's a different
13 world for us when we try to comply with all these things.

14 I think I've said it. Any questions?

15 CHAIRMAN FRAZEE: I do have a question. On the
16 subject of separation of input, one of the things that led
17 us down this path to begin with was the comfort level that
18 generators of contaminated soil had from a liability
19 standpoint and other things, if they had some assurance from
20 the facility that their material was identified through the
21 process and was certified that it had been remediated and
22 came out clean out the other end.

23 So we looked at the facilities that I've looked at
24 so far. Everyone has nice little signs that identify this
25 pile and this pile, and then when it comes out the other

1 end, I assume someone fills out a certificate and says,
2 "Here. Your soil's been remediated."

3 How do you handle that, where you're mixing input
4 to begin with? I can readily see the need to do that.

5 MR. CHILD: It's actually in our permit by the Air
6 Board to do that, so that we don't burn too much of one
7 contaminant over another.

8 CHAIRMAN FRAZEE: But do people who bring you that
9 soil -- you're giving them some kind of a certificate that
10 you have actually cleaned up the soil?

11 MR. CHILD: Of course, the soil coming in is
12 already tested by an independent third party, and goes
13 through the local agency to confirm it's nonhazardous. That
14 determines the coming in. After we've processed it, we test
15 it again for the contaminant to show and certify that it's
16 clean.

17 The process is, the trucks come in and unload it
18 in one building. We take the material into another
19 building; that is, by the way, a negative air building, so
20 that we don't have any fugitive emissions. All these gas
21 stations that let them go into the air. We're not allowed
22 to do that. They are, but we're not.

23 So, we put it there, and there we preprocess it
24 down to size, blend it as needed, and it goes from that
25 building out.

1 We can only say it starts here and ends there, and
2 it's clean. And if they don't like the system, they don't
3 come to us. I think that's fair. I think that's fair for
4 them not to do that if they'd rather take it to one of these
5 landfills and dump it in the hole with everybody else's
6 stuff, they can do that, which most of them do, because it's
7 a heck of a lot cheaper.

8 MS. TRGOVCICH: Mr. Chair, maybe to clarify as
9 well. We had a lot of testimony -- or participants at the
10 workshop raised that issue about, you know, our own process,
11 and we dictate the manner in which we blend or how we do it.
12 And so, what we did was we modified that portion of the
13 regulation, and that was the modified version on the back
14 table, and I apologize if they weren't available when you
15 came in or if you haven't had an opportunity to look at it.

16 But we removed that provision to require a waste
17 acceptance program now that -- merely, what we're saying is
18 that the program is there to ensure that only nonhazardous
19 levels are received, so that the bright line between
20 hazardous and nonhazardous exists. And it sounds very much
21 as if you meet that criteria; in fact, exceed it.

22 MR. CHILD: If we bring in hazardous, I go to
23 jail. I'm not anxious to do that.

24 Now, in our southern sight, there's a lot larger
25 facility and we do some bio down there. Everything that's

1 bio'd is kept separate from the next pile. Now, that's for
2 the same reason, but a different effect. If you mix oil and
3 diesel, it's harder to bio than if you bio -- the oil is
4 hard and the diesel is easy.

5 So, you keep them separate. And so, people can
6 come and look at their dirt, if they want to, while it's
7 being bio'd; not so in thermal.

8 CHAIRMAN FRAZEE: Okay. Thank you.

9 MR. CHILD: Thank you.

10 CHAIRMAN FRAZEE: Questions? If not, then,
11 finally, we have George Larson, representing, in this case,
12 Sanifill.

13 MR. LARSON: Thank you, Mr. Chairman, members. I,
14 too, want to, first of all, make my comments be brief.
15 Second, I want to commend staff on the workshops. I learned
16 an awful lot out of that process myself. There was quite a
17 bit of divergent perspectives on issues as are being
18 expressed here today.

19 I'm on behalf of Sanifill who operates the
20 McKittrick contaminated soil landfill in Kern County, where
21 bioremediation is the process by which contaminated soils
22 are treated.

23 The facility has a full solid waste facilities
24 permit, waste discharge permit, air quality permits, all the
25 other permits. So, we are in that higher level and not

1 seeking to get anywhere else.

2 I do want to make a few comments about the
3 regulations that carried actually from the workshop into the
4 regulations. The issue of moving material on and moving
5 material off I think is very important. The fact that the
6 treated soil at the end -- I clearly understand the dilemma
7 as to whether this Board might have authority over that or
8 not. But clearly, on the front end, the amount of material
9 that is stored prior to some processing application presents
10 health, public safety, and environmental problems directly
11 proportional to the amount of material there, particularly
12 as Mr. Edgar makes his point on the size of the property if
13 it gets too crowded.

14 So, certainly, some limitation on the amount of
15 material that might be stored up front I think is very
16 important. The issue as to what happens to it afterwards, I
17 -- you know, I really feel like, if it's a marketable
18 product, there should be some economic incentive to move
19 that stuff off there anyway besides the issues of whether it
20 is cluttering or doesn't allow -- I think there's a very
21 strong argument for the operational area being regulated to
22 the extent that, you know, material does move on and off at
23 some timeframe.

24 And seguing the timeframe, the six months that
25 were in the original draft regs -- and I believe it's now

1 stated as a year -- I think we need to discuss and maybe not
2 resolve today what that year means, because if somebody
3 comes on Day 364 and says, well, I'm going to start treating
4 my soil, I think it needs to be clear that that timeframe is
5 the timeframe for acceptance of the material, treatment --
6 and to the extent that at least I make the point -- movement
7 of that material to some other location is important.

8 I think the year provides the ample opportunity
9 for the various technologies that available to treat the
10 soils can be applied. Bioremediation, for example, the one
11 year I think is a reasonable amount of time. It provides
12 some flexibility. If it's more than a year, the flexibility
13 to go back and explain why might be considered, and I think
14 that was discussed at the workshops.

15 In essence, to wrap it up, I think what we're
16 talking about here are volumes -- three critical factors,
17 volumes, time, and treatment. And, at some point in time, I
18 believe that as the CRRC proposal identifies, some
19 volumetric threshold should be identified. I think 20,000
20 tons is a reasonable level to identify a large volume
21 facility.

22 With that, I'll close with my general comment that
23 we do support the CRRC proposal, and we would endorse that
24 this process move forward so that we get the regulatory
25 process underway. And the issues that need to be addressed,

1 of course, can be addressed during that 45-day period or as
2 many 15-day additional periods as is necessary.

3 Thank you.

4 CHAIRMAN FRAZEE: Okay. That completes our list
5 of speakers.

6 MR. EDGAR: I have a few comments.

7 CHAIRMAN FRAZEE: You're going to wrap up?

8 MR. EDGAR: Thank you. I'm Evan Edgar from the
9 California Refuse Removal Council.

10 There were allegations from Remco about who we
11 are, and I'd like to make that clarification. The
12 historical use is of treated soil for a daily cover after
13 it's been treated after it's been treated to the Regional
14 Quality standard.

15 In regard to just dumping this in some hole or
16 some liner, that doesn't occur. We have waste discharge
17 requirements in order to handle this material to hit some
18 certain type of nonhazardous levels. We're not a hazardous
19 waste facility. We put hazardous waste in the ground, we go
20 to jail, too, just like him.

21 So, I'm here today just to talk about the quality
22 standards of having treated soil be used for daily cover.
23 In many cases, the people I represent are putting thermal
24 units at the landfill to treat it. So, I'm here on behalf
25 of the mobile and fixed thermal unit facilities at the

1 landfills. I'm here on behalf of the landfills that want to
2 use a quality clean soil as daily cover.

3 I take exceptions to Remco's allegations, also to
4 clarify the record for him as well as you guys. Thank you.

5 CHAIRMAN FRAZEE: Thank you.

6 Now, we have the item before you us, and not
7 wanting to preempt my colleagues, but let me suggest where
8 we can go with this.

9 I think we should take action to start the 45-day
10 formal comment period. The issue beyond what is in the
11 draft that we have here or the major issue is this
12 threshold. And I would, for one, would like to see some
13 more staff input on that if that can be accommodated in the
14 45-day period. And here were some other minor issues.

15 I guess I could go away happy if the position that
16 was presented by the LEAs and some other organizations that
17 we don't have any authority in this area in the first place
18 were accommodated. But that's not real life or reality, so
19 my goal is to try to get through this process with a
20 reasonable, minimal amount of regulation. I think the staff
21 has worked very diligently on that and we're close to a work
22 product that accommodates that view.

23 COMMITTEE MEMBER EGIGIAN: Mr. Chairman?

24 CHAIRMAN FRAZEE: Yes.

25 COMMITTEE MEMBER EGIGIAN: I go along with you. I

1 think staff has done a heck of a job. They draw these
2 meetings out too long, and --

3 (Laughter.)

4 COMMITTEE MEMBER EGIGIAN: -- I don't know whether
5 they're technically testing our patience or whether they're
6 just trying to get it right.

7 MS. TRGOVCICH: Anything to get your money's
8 worth.

9 COMMITTEE MEMBER EGIGIAN: Oh, okay.

10 (Laughter.)

11 COMMITTEE MEMBER EGIGIAN: We've heard a lot of
12 testimony today, and a lot of this testimony is wrapped
13 around the CRRC proposal and the recommendations.

14 I would recommend that staff work closely with
15 CRRC and go ahead with this formal notice, and get this time
16 deal going with the Office of Administrative Law.

17 Can we do that together, the one before the other,
18 and move this thing out?

19 MS. TRGOVCICH: I guess the question I would ask
20 to clarify it for both you, Member Egigian, as well as
21 Chairman Frazee, is when you said work with CRRC and get
22 input on it, are you looking to have that occur prior to the
23 45-day comment period, prior to the initiation of that
24 comment period, and do you want to see the results of those
25 discussions? Do you want those to come back to you or do

1 you want that discussion and those meetings to take place
2 during the 45-day comment period, and any changes out of
3 that would result -- along with any other comments we would
4 receive on proposed changes -- in an additional 15 days?

5 COMMITTEE MEMBER EGIGIAN: As for me, the way I
6 feel, I want to ask you to tell me which is the fastest way
7 to do this. We want to get this thing over.

8 How can you or staff work and move this thing
9 along and get it done?

10 MS. TRGOVCICH: The fastest way, of course, would
11 be to do it in advance of the 45-day public comment period.
12 But I heard a wide array of opinion out there, and if -- and
13 I guess what I would ask you is would you want staff to come
14 back and provide you with the results of those discussions
15 in the event either we were going to include wording, to
16 include a threshold, or proposing not to include it for
17 whatever reasons -- it wasn't keeping with the methodology
18 or whatever. Would you want to be reported back to you on
19 those discussions?

20 But the quickest way is to do it in advance of
21 initiation of the formal rulemaking.

22 COMMITTEE MEMBER EGIGIAN: Well, then I would
23 recommend that way, unless there's a problem with it. Mr.
24 Frazee, I don't know if this goes opposite of what you're
25 talking about.

1 CHAIRMAN FRAZEE: No. I think you're saying,
2 before we started the time line on the 45-day period, we
3 would do this?

4 MS. TRGOVCICH: We would continue our discussions
5 with CRRC and other interested parties --

6 CHAIRMAN FRAZEE: And you're saying that's faster?

7 MS. TRGOVCICH: Well, it's --

8 MR. BLOCK: I think whether it's faster or not
9 really depends on whether the direction you're giving us is
10 to, in fact, incorporate --

11 CHAIRMAN FRAZEE: I see, yes.

12 MR. BLOCK: -- their proposal or not. If your
13 direction is to incorporate their proposal, then that would
14 be faster. If your direction is to continue discussions
15 with them, which may mean that we have to come back next
16 month and you have another discussion, then that would be
17 slower. It's really not so much a function of when you do
18 it as if you want us to simply take your proposal and put it
19 into regulatory language, or continue to discuss and decide
20 how to go.

21 COMMITTEE MEMBER EGIGIAN: Caren, you said it the
22 way that I want to hear it. You talk with these people and
23 put input in. We'd like to limit that time that we give you
24 to talk to them before you get this 45-day notice going.

25 Okay? Like, a week or 10 days, and move on it?

1 CHAIRMAN FRAZEE: Yeah. I think that's important.
2 We don't want to be in a situation at the next Board meeting
3 to have someone come in the day before with another document
4 and say, "Oh, you think we ought to add this or change it
5 this way?"

6 So, we ought to get some kind of a time limit
7 upfront.

8 COMMITTEE MEMBER RELIS: Mr. Chair, let me add a
9 perspective. I'm a little concerned about the timeframe.
10 I've heard more than I expected, I guess, to hear today.
11 I'd like to move it along. I guess my concern would be, as
12 we have always found with our regulations, that the better
13 they go into the comment period the more likely they're
14 going to come out whole, and we won't have to start over.

15 So, speed is one thing, but thoroughness
16 sometimes-- I mean, it could be the "Tortoise and Hare"
17 analogy. I hope it's not that far.

18 But you know, okay, we have the LEAs on one hand
19 saying, we don't want -- "You don't have authority." I
20 think we've made that decision, that we do have authority.

21 So, I don't see that on the agenda so much. But
22 we have a new proposal that is a fairly comprehensive scale
23 and different things to back that up. That was just
24 presented today.

25 Now, with all due reference to CRRC, I mean will

1 there be other parties popping out in this period saying we
2 did not have ample time to review something as significant
3 as this proposal going into a regulatory framework and
4 regulatory language in say 10 days? That's my concern, that
5 we just have enough process time here, so that when we do
6 enter this into the OAL time line, we are likely to come out
7 with a good result.

8 So, I don't -- I'm not -- I don't have a timeframe
9 in mind. Maybe you feel that's adequate?

10 MS. TRGOVCICH: I think, as Elliot said, it really
11 depends upon -- and what I would want to see clarification
12 on and what your direction is around the proposal, is it
13 your -- is it your intent to incorporate the proposal and
14 for us to work with the parties on what that looks like, in
15 terms of specific regulatory language? Or is it your intent
16 to have us go back out, take this proposal out now, and in
17 the next, you know, 7 to 10 days, and discuss it the various
18 interested parties we've been dealing with, and figure out
19 is there a consensus on whether this is the way to go.

20 And if there isn't, then to either --

21 COMMITTEE MEMBER EGIGIAN: Let me give you a more
22 definite time line.

23 Do it any way you feel you can do it, but before
24 our next Committee meeting. Okay?

25 MS. TRGOVCICH: And to meet the August 25th

1 deadline for publication in the California Register. We
2 would have to get it to OAL, I believe, 10 days prior to
3 that. So, in order to meet that deadline, it would be even
4 prior to the P & E Committee meeting.

5 COMMITTEE MEMBER EGIGIAN: Because if we drag this
6 out, it's going to be like that tire situation. It went on,
7 and on, and on. It just -- it kept creating new problems,
8 because people kept coming in and saying different things.

9 COMMITTEE MEMBER RELIS: But, Sam, I would just --

10 COMMITTEE MEMBER EGIGIAN: I want quality; don't
11 get me wrong.

12 COMMITTEE MEMBER RELIS: Right. Because, you
13 know, when we went in with the compost regs, we were -- we
14 had all the parties pretty much in agreement at that point.
15 And then they went into the comment period.

16 So, what we were dealing with were relatively
17 almost nuances, I think, at that point. Maybe that might be
18 an exaggeration. Never mind. I'll withdraw that statement.

19 (Laughter.)

20 COMMITTEE MEMBER RELIS: But I just don't feel
21 that convergence is here quite yet. If you can bring it
22 about and make sure that other party -- everybody knows
23 about this proposal.

24 CHAIRMAN FRAZEE: The question you're asking is,
25 do you -- do the three of us want you to pursue the

1 threshold proposal. And I guess we can respond
2 individually. And if you'd like mine, yes.

3 COMMITTEE MEMBER RELIS: Yeah. I haven't decided,
4 but I think it's a fair proposal right now. I don't feel
5 that I've mastered it yet, so it's a little early for me.

6 COMMITTEE MEMBER EGIGIAN: My approach to this is,
7 we've heard testimony, which we do on every issue that we
8 have. We've heard a lot of testimony in favor of the CRRC
9 proposal.

10 So, therefore, that holds a little weight with me
11 that more of the people said that that proposal had some
12 valid points that we should look at and listen to, fine.
13 But having said that, I don't want to go back to the tire
14 problem. I don't want to go back to having two Permitting
15 meetings one week after another just to keep ahead of
16 something else so we can get the work done.

17 I think this thing has gone a long time. I think
18 we've had plenty of testimony on it. And I think we should
19 move with our best feelings on being able to do the right
20 thing.

21 So, that's why I said, if you can do this before
22 our next Permitting Committee, I'm all in favor of it, and
23 don't lessen the quality of it.

24 MR. BLOCK: What you've done is just clarified, I
25 think, the question that Caren and I had, which was, you

1 basically stated, what you want us to do in this intervening
2 7 to 10 days is just figure out what the language would look
3 like, and that we can do without having to come back,
4 without dragging this out.

5 What we weren't clear on was whether that's what
6 you wanted to do as opposed to simply have further
7 discussions.

8 COMMITTEE MEMBER EGIGIAN: As Paul already said,
9 you've done a terrific job. We don't want to take anything
10 away from you by telling you what to do. We've given you
11 the time to do it. That's all.

12 COMMITTEE MEMBER RELIS: And just understand this,
13 that you would be preparing that proposal in regulatory
14 language, then what?

15 MR. BLOCK: What you're suggesting is that we go
16 ahead and notice that, publicly notice that, without coming
17 back to the Committee again for approval of whatever
18 additional language looks like.

19 That's what I'm getting. I guess I'm asking that
20 as a question. Is that --

21 COMMITTEE MEMBER EGIGIAN: Do we have to have a
22 motion?

23 COMMITTEE MEMBER RELIS: So that would be in the
24 next 10 days.

25 MS. TRGOVCICH: We would need to have the package

1 to OAL around the 10th of -- yeah, the 10th of August. The
2 15th of August. So, it would be within the next, you know,
3 two to three weeks that we would have to finalize that
4 language.

5 MR. BLOCK: Keep in mind that's both changing the
6 regulatory language and also doing an initial statement of
7 reasons, and the notice, and there's some other
8 documentation.

9 CHAIRMAN FRAZEE: There's a lot of work to do.

10 MS. TRGOVCICH: Correct.

11 COMMITTEE MEMBER RELIS: I personally feel that's
12 a bit tight. But that's --

13 COMMITTEE MEMBER EGIGIAN: I'd like to make a
14 motion to that effect, and let's see how far it gets.

15 CHAIRMAN FRAZEE: I don't know how to restate that
16 motion for purposes of the record.

17 MS. TRGOVCICH: The item --

18 CHAIRMAN FRAZEE: Do you understand what the
19 direction is?

20 MS. TRGOVCICH: Yes.

21 CHAIRMAN FRAZEE: Perhaps you can --

22 MS. TRGOVCICH: Maybe I'll just restate it for the
23 record, is that the direction is to take the proposal
24 submitted by CRRC and to develop regulatory language around
25 that, and to incorporate that into the draft regulations,

1 and with those changes. We'll begin the formal notice
2 process with the Office of Administrative Law with those
3 changes, commencing the 45-day public comment period.

4 That's what I understand the motion to be.

5 Now, there were other areas. The CRRC proposal
6 that we discussed was with respect to the threshold. There
7 were other issues they raised --

8 CHAIRMAN FRAZEE: There were some other minor
9 issues that were raised, and I think you ought to have the
10 latitude to look at some of those, without disrupting the
11 whole process.

12 MS. TRGOVCICH: Okay. All right.

13 COMMITTEE MEMBER EGIGIAN: Caren, you made that
14 motion. It sounds much better. Call the roll, please.

15 (Laughter.)

16 CHAIRMAN FRAZEE: Okay. Are you going to go with
17 that?

18 COMMITTEE MEMBER RELIS: Well, I think I'm just
19 going to abstain, because I feel that the timeframe's a bit
20 too tight.

21 I'm not hostile at all to the CRRC proposal. It's
22 just -- I don't know whether the timeframe will result in
23 the process.

24 COMMITTEE MEMBER EGIGIAN: We have staff who think
25 they can do it, all right? So, we have a tough staff person

1 looking happy about it --

2 (Laughter.)

3 CHAIRMAN FRAZEE: I'll second the motion. Then,
4 if the Secretary would call the roll.

5 MS. PARKER: Members, Relis?

6 COMMITTEE MEMBER RELIS: Abstain.

7 MS. PARKER: Egigian?

8 COMMITTEE MEMBER EGIGIAN: Aye.

9 MS. PARKER: Chairman Frazee?

10 CHAIRMAN FRAZEE: Aye.

11 Motion carries.

12 MS. TRGOVCICH: Can I just ask, this item was also
13 included more as a placeholder than anything on the Board's
14 agenda in Ventura next week. Do you want that to remain on
15 the agenda?

16 CHAIRMAN FRAZEE: I think we should give them a
17 report and possibly a bit of an update at that point.

18 MS. TRGOVCICH: Would it be --

19 CHAIRMAN FRAZEE: I don't think it should be there
20 for consideration.

21 MR. BLOCK: No, it wasn't. It's there purely
22 just in case you had decided today that you wanted to have
23 further discussion.

24 So, we could show the item as pulled, and you're
25 talking about just as part of your Committee report?

1 CHAIRMAN FRAZEE: Committee report, but maybe
2 you'll have a little material or information ready by that
3 time.

4 MS. TRGOVCICH: I guess just for purposes of
5 interested parties, so they know if it's going to be an item
6 where you're going to take testimony or consider anything,
7 so they know whether or not to travel to that location.

8 CHAIRMAN FRAZEE: No, I think not. I think it
9 ought to be just noticed as an information item.

10 COMMITTEE MEMBER EGIGIAN: I go along with that.

11 MS. RICE: Would you want a staff presentation
12 around that?

13 CHAIRMAN FRAZEE: Well, more in the form of an
14 update so the rest of the Board understands where we're
15 going with --

16 COMMITTEE MEMBER RELIS: Well, wouldn't that be --
17 I mean, wouldn't another option be -- I mean, if you go that
18 route, we're each going to make our Committee reports.

19 MR. BLOCK: Keep in mind the meeting is Tuesday.
20 Today is Wednesday. So, there's probably not a lot --

21 CHAIRMAN FRAZEE: Yeah, not a lot of time to get--

22 MR. BLOCK: -- of time in terms of a staff
23 update.

24 CHAIRMAN FRAZEE: Okay. So, we'll do it then as a
25 Committee report on the agenda.

1 Okay. Anything else for the good of the order?
2 If not, this meeting stands adjourned. Thank you all for
3 your kind attention today.

4 (Thereupon, the meeting was adjourned
5 at 4:15 p.m.)

6 --oOo--

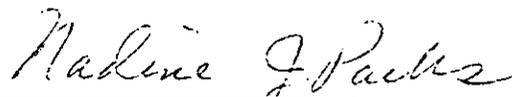
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CERTIFICATE OF SHORTHAND REPORTER

I, Nadine J. Parks, a shorthand reporter of the State of California, do hereby certify that I am a disinterested person herein; that the foregoing meeting was reported by me in shorthand writing, and thereafter was transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said meeting, nor am I interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August, 1995.



Nadine J. Parks
Nadine J. Parks
Shorthand Reporter