

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
-----))
 -

DATE AND TIME: WEDNESDAY, DECEMBER 18, 1996
 9:30 A.M.

PLACE: BOARD ROOM
 8800 CAL CENTER DRIVE SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 36475

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN MR. ROBERT C. FRAZEE, VICE
CHAIRMAN MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. MARLENE KELLY, BOARD SECRETARY

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ITEM 21: PULLED

ITEM 22: PULLED

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SACRAMENTO, CALIFORNIA;

WEDNESDAY, DECEMBER 18, 1996

9:30 A.M.

CHAIRMAN PENNINGTON: GOOD MORNING.

WELCOME TO THE DECEMBER MEETING OF THE CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD. WILL THE
SECRETARY CALL THE ROLL, PLEASE?

BOARD SECRETARY: BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: HERE.

BOARD SECRETARY: FRAZEE.

BOARD MEMBER FRAZEE: HERE.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: HERE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: HERE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: YES, I'M HERE.

DO ANY OF THE -- WE HAVE A

QUORUM.

AND DO ANY BOARD MEMBERS HAVE ANY EX PARTES?

WE'LL START WITH MR. RELIS.

BOARD MEMBER FRAZEE: NONE FOR ME.

BOARD MEMBER CHESBRO: I HAVE A LONG

LIST

WHICH I'M NOT GOING TO READ INTO THE RECORD.

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I 'LL
25 SUBMIT DIRECTLY TO THE BOARD'S CLERK. ONLY ONE
I

1 WANTED TO MENTION THAT HAS TO DO WITH AN AGENDA
2 ITEM TODAY, I GUESS YOU RESPONDED TO THE FLORAL
3 ASSOCIATION'S LETTER? WE RECEIVED A LETTER ON THE
4 REGULATORY ITEM. THEY'RE CONCERNED WITH NO. 13.
5 THEN I HAD A CONVERSATION WITH DENISE DEL

MATIER

6 AND LARRY SWEETSER OF NORCAL ON ITEM 16

YESTERDAY

7 AND HAVE SIGNED THE FORM, BUT JUST WANTED TO...

8 CHAIRMAN PENNINGTON: OKAY. THERE ARE
9 SPEAKER REQUEST FORMS AT THE BACK OF THE ROOM

FOR

10 PERSONS INTERESTED IN ADDRESSING THE BOARD.

11 COMPLETE THE FORM AND GIVE IT TO MS. KELLY, AND

12 WE'LL MAKE SURE -- ONE THING, I UNDERSTAND

THERE

13 MIGHT BE SOMEBODY WHO WANTS TO SPEAK ON AN ITEM

14 THAT'S ON THE CONSENT CALENDAR. I NEED TO HAVE

15 THE SPEAKER'S FORM TO KNOW THAT BEFORE WE

APPROVE

16 THE CONSENT CALENDAR, SO WE CAN DRAW THAT OFF

THE

17 CONSENT CALENDAR. SO THEY'RE IN THE BACK OF

THE

18 ROOM. GIVE THEM TO MS. KELLY.

19 I HAVE ONE ANNOUNCEMENT ABOUT THE

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20 BOARD'S AGENDA. ITEMS 21, 22, AND 24 HAVE BEEN
21 PULLED FROM TODAY'S AGENDA. HOWEVER, 24 WILL
BE
22 DEALT WITH BY MR. CHANDLER IN HIS REPORT. I
23 BELIEVE MR. CHESBRO HAS SOME COMMENTS FOLLOWING
24 THAT.
25 SO WITH THAT, WE'LL MOVE INTO THE

1 COMMITTEE REPORTS STARTING WITH THE LEGISLATION
2 AND PUBLIC EDUCATION COMMITTEE. MRS. GOTCH IS
3 CHAIR.

4 BOARD MEMBER GOTCH: THANK YOU, MR.
5 CHAIR. THE LEGISLATION AND PUBLIC EDUCATION
6 COMMITTEE DID NOT MEET, SO I HAVE NOTHING TO
7 REPORT.

8 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
9 LOCAL ASSISTANCE AND PLANNING CHAIRED BY MR.
10 CHESBRO.

11 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE
12 COMMITTEE CONSIDERED FIVE PLANNING DOCUMENTS. THE
13 NUMBER IS DROPPING. WE'VE GOTTEN MOST OF THEM IN
14 NOW, AS YOU KNOW. ALL OF THESE PLANS ARE ON THE
15 CONSENT CALENDAR. THE ONE PLAN DOCUMENT I WANTED
16 TO NOTE WAS YOLO COUNTY'S SUMMARY PLAN, WHICH WAS
17 CONDITIONALLY APPROVED BACK IN APRIL, BUT THE
18 BOARD HAS SINCE ACTED ON ALL OF THE INDIVIDUAL
19 PLANNING DOCUMENTS, WHICH NOW BRINGS US TO THE
20 POINT WHERE THE STAFF AND COMMITTEE HAVE RECOM-
21 MENDED APPROVAL OF THE COUNTY SUMMARY PLAN.

22 THE COMMITTEE ALSO APPROVED THE
23 SCORING CRITERIA AND EVALUATION PROCESS FOR THE
24 '96-'97 USED OIL RESEARCH, TESTING, AND DEMON-
25 STRATION GRANTS, AND THAT WAS ALSO PLACED ON

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1 TODAY'S CONSENT CALENDAR.

2 IN OTHER NEWS, LOCAL ASSISTANCE
3 STAFF ATTENDED A COMPOSTING ALLIANCE MEETING IN
4 LODI. THE ALLIANCE IS A JOINT EFFORT BETWEEN
5 MARIPOSA COUNTY, YOSEMITE NATIONAL PARK, AND THE
6 BOARD TO ASSIST THE COUNTY IN BUILDING A COM-
7 POSTING FACILITY WHICH THE COUNTY HOPES WILL
8 ASSIST IN ACHIEVING ITS 50-PERCENT DIVERSION RATE.

9 WITH REGARDS TO PROJECT RECYCLE,
10 DURING THE MONTH OF NOVEMBER, 12 NEW RECYCLING
11 PROGRAM SITES WERE ADDED TO THE STATE'S PROGRAM,
12 AND THESE SITES WERE ALL OFFICE LOCATIONS. THE
13 REPORT FOR THE THIRD QUARTER SHOWS AN INCREASE OF
14 OVER 2,000 TONS COLLECTED FOR RECYCLING IN
15 COMPARISON WITH THE SAME QUARTER OF 1995. THE
16 AMOUNT REPORTED FOR THE THIRD QUARTER OF 1996 WAS
17 8,187 TONS COMPARED TO THE THIRD QUARTER LAST YEAR
18 OF 6,010 TONS, SO SIGNIFICANT GROWTH THERE.

19 FINALLY, I'D LIKE TO TAKE THIS
20 OPPORTUNITY TO THANK, IN PARTICULAR, THE STAFF
21 THAT WORKED WITH THE LOCAL ASSISTANCE AND PLANNING
22 COMMITTEE, BUT ALL STAFF, OF COURSE, ALSO, FOR
23 YOUR HARD WORK THIS ENTIRE YEAR. IT'S OFTEN
24 DIFFICULT TO PLEASE ALL THE BOARD MEMBERS, AND
25 SOMETIMES IT'S EVEN DIFFICULT TO PLEASE ONE
BOARD

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1 MEMBER, BUT I JUST WANT TO TELL YOU YOU'VE ALL
2 DONE A GREAT JOB. AND THE STATE IS WELL ON ITS
3 WAY TO ACHIEVING 50 PERCENT, AND I'M VERY PROUD
4 AND PLEASED OF THE WORK THAT OUR STAFF DOES TO
5 HELP US GET THERE.

6 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
7 MR. CHESBRO. PERMITTING AND ENFORCEMENT, MR.
8 FRAZEE CHAIR.

9 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN.
10 PERMITTING AND ENFORCEMENT COMMITTEE THIS MONTH
11 CONSIDERED FIVE ITEMS UNDER THE PERMIT CATEGORY,
12 AND FOUR OF THOSE ARE RECOMMENDED -- ACTUALLY SIX
13 ITEMS, FOUR OF THOSE ARE RECOMMENDED FOR THE
14 CONSENT CALENDAR TODAY.

15 IN ADDITION, IN THE REGULATORY SIDE,
16 THERE WAS CONSIDERATION OF THE AUTHORITY TO
17 REGULATE NONHAZARDOUS ASH. THAT ITEM WILL BE ON
18 TODAY'S AGENDA. THE OTHER ITEM, THE REGULATIONS
19 DEALING WITH NONHAZARDOUS ASH, WAS PULLED FOR
20 FURTHER CONSIDERATION. AND THE OTHER ITEM ON THE
21 AGENDA TODAY IS THE AB 2136 CLEANUP PROGRAM SITE
22 APPROVAL. THAT'S MY REPORT.

23 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
24 MR. FRAZEE. MARKET DEVELOPMENT COMMITTEE, MR.
25 RELIS CHAIRS.

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1 MEMBER RELIS: MR. CHAIR, THE MARKET
2 DEVELOPMENT COMMITTEE HEARD FOUR ITEMS. ITEM 5
3 REGARDING TWO RMDZ LOANS, THAT'S ON CONSENT. ITEM
4 6 REGARDING APPOINTMENT OF MEMBERS TO THE RMDZ
5 LOAN COMMITTEE IS ALSO ON CONSENT.

6 THE COMMITTEE ALSO APPROVED STAFF'S
7 RECOMMENDATION TO INITIATE THE FORMAL RULEMAKING
8 PROCESS FOR REVISIONS TO THE RECYCLING MARKET
9 DEVELOPMENT ZONE LOAN PROGRAM REGULATIONS. THESE
10 CHANGES WOULD INCLUDE INCREASING THE SIZE OF THE
11 LOAN COMMITTEE TO 12 AND MAINTAINING A QUORUM OF
12 FOUR, EXTENDING THE APPOINTMENT IN TERMS TO THREE
13 YEARS PER TERM, ALLOWING FOR CONTINUOUS INSTEAD OF
14 QUARTERLY SUBMISSION IN REVIEW OF APPLICATIONS.
15 THIS IS PROBABLY THE MOST SIGNIFICANT CHANGE
16 BECAUSE IT WILL ALLOW THE BOARD TO OPERATE MORE AS
17 A BANK WOULD AND RECEIVE AND PROCESS APPLICATIONS
18 IN A TIMELY WAY INSTEAD OF QUARTERLY.

19 ALSO, THE MAJORITY -- POLICY ISSUES
20 RELATED TO THE LOAN PROGRAM WILL BE THE SUBJECT OF
21 A WORKSHOP ON FEBRUARY 5TH AND SUBSEQUENT
22 COMMITTEE AND BOARD CONSIDERATION. THE BOARD HAS
23 RECEIVED AND THE COMMITTEE NUMEROUS RECOMMEN-
24 DATIONS REGARDING HOW THE LOAN PROGRAM MIGHT OR
25 MIGHT NOT TAKE ON MORE RISK, DIFFERENT FINANCING,

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1 AND CREDIT REQUIREMENTS AND SO FORTH. SO THIS
2 WILL BE THE SUBJECT OF A COMPREHENSIVE DISCUSSION
3 ON FEBRUARY 5TH. AND THEN WHATEVER COMES OUT OF
4 THAT WILL BE FORWARDED TO THE COMMITTEE AND THE
5 BOARD.

6 THE COMMITTEE ALSO HEARD AN
7 EXCELLENT PRESENTATION BY AL WONG OF THE AGRI-PULP
8 AND MIKE SIEBERS OF JEFFERSON SMURFIT'S OREGON
9 PLANT ON THE USE OF RICE STRAW AND POSTCONSUMER
10 PAPER TO PRODUCE NEWSPRINT AND PRINTING AND
11 WRITING GRADE PAPERS.

12 THIS WAS A FAIRLY IN-DEPTH
13 PRESENTATION ABOUT THIS UNIQUE OPPORTUNITY TO
14 COMBINE SECONDARY PAPER WITH RICE STRAW, WHICH HAS
15 BEEN, AS YOU KNOW, BURNED AND A CHRONIC ENVIRON-
16 MENTAL PROBLEM IN THE VALLEY. IT'S POSSIBLE THAT
17 AGRI-PULP WILL MOVE FORWARD IN ESTABLISHING ONE OR
18 MORE PULP OPERATIONS HERE IN CALIFORNIA, AND THESE
19 WOULD BE LOCATED IN THE VALLEY NEAR WHERE THE RICE
20 STRAW IS GENERATED. OUR STAFF MET WITH BOTH
21 PARTIES AFTER THE MEETING AND WILL BE PROVIDING A
22 RANGE OF ASSISTANCE TO THIS EFFORT. THAT
23 COMPLETES MY REPORT.

24 CHAIRMAN PENNINGTON: THANK YOU, MR.
25 RELIS. YOU ALSO CHAIR THE POLICY, RESEARCH, AND

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1 TECHNICAL ASSISTANCE COMMITTEE.

2 BOARD MEMBER RELIS: YES, MR. CHAIR. THE
3 POLICY, RESEARCH, AND TECHNICAL ASSISTANCE
4 COMMITTEE DID NOT MEET THIS MONTH, SO THERE IS NO
5 REPORT.

6 CHAIRMAN PENNINGTON: AND FINALLY THE
7 ADMIN COMMITTEE, THE ADMINISTRATION COMMITTEE,
8 WHICH I CHAIR. THE ADMINISTRATION COMMITTEE MET
9 ON DECEMBER THE 10TH AND CONSIDERED ONE ITEM,
10 WHICH IS ON THE CONSENT CALENDAR.

11 THE COMMITTEE AWARDED THREE MILLION
12 FOR THE 1996/97 FISCAL YEAR DISCRETIONARY GRANT
13 AWARDS FOR THE HOUSEHOLD HAZARDOUS WASTE GRANT
14 PROGRAM. THESE FUNDS WILL ASSIST 34 JURISDICTIONS
15 FOR ACTIVITIES THAT RANGE FROM PUBLIC EDUCATION TO
16 PERMANENT CONSTRUCTION OF FACILITIES TO COLLECT
17 HOUSEHOLD HAZARDOUS WASTE.

18 OF THE JURISDICTIONS BEING ASSISTED,
19 56 PERCENT WILL SERVE RURAL AREAS. AS INDICATED
20 BY THE NUMBER OF APPLICANTS RECEIVED, THIS ROUND
21 OF FUNDING WAS HIGHLY COMPETITIVE. THE PROGRAM
22 RECEIVED 96 APPLICATIONS, REQUESTING 8.8 MILLION.
23 FUTURE FUNDING ROUNDS MAY BE EVEN MORE COMPETITIVE
24 IF FUTURE FUNDING LEVELS ARE REDUCED. THAT'S MY
25 REPORT.

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1 NOW WE'LL MOVE TO MR. CHANDLER, OUR
2 EXECUTIVE DIRECTOR.

3 MR. CHANDLER: THANK YOU, MR. CHAIRMAN,
4 AND GOOD MORNING, MEMBERS. UNFORTUNATELY, I WOULD
5 LIKE TO SAY I CAN KEEP IN THE SPIRIT OF YOUR ITEMS
6 AND HAVE MY REPORT RATHER BRIEF, BUT I DO HAVE
7 SEVERAL ITEMS I WISH TO COVER THIS MORNING. AS
8 MR. FRAZEE INDICATED AND AS MR. PENNINGTON
9 INDICATED, I DO HAVE A TOPIC I WILL BE COVERING AT
10 THE END OF MY REPORT RELATIVE TO ITEM 24 THAT WAS
11 PULLED FROM THE AGENDA ON THE 50-PERCENT
12 INITIATIVE.

13 SO I'M JUST GOING TO COVER A NUMBER
14 OF FIRST INFORMATIONAL ITEMS. I'D LIKE TO START
15 WITH THE ALTERNATIVE DAILY COVER REGULATIONS. AS
16 YOU KNOW, AB 1647 BY SPEAKER BUSTAMANTE BECOMES
17 EFFECTIVE ON JANUARY 1ST OF 1997. THIS STATUTE
18 REQUIRES THE BOARD TO ESTABLISH REGULATIONS BY
19 DECEMBER 31ST OF 1997 ON CONDITIONS FOR THE USE
20 OF
21 ALTERNATIVE DAILY COVER CONSISTENT WITH EXISTING
22 INTEGRATED WASTE MANAGEMENT LAWS.

22 THE DECISION FOR THE CONTENT OF ADC
23 REGULATIONS IS LEFT TO THE BOARD'S DISCRETION,
BUT

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24 THE STATUTE DOES REQUIRE THE BOARD TO CONSIDER
25 FACTORS SUCH AS PAST POLICY, ECONOMIC DEVELOPMENT

1 AND VIABILITY, AND PUBLIC HEALTH AND SAFETY.

2 STAFF CONDUCTED TWO WORKSHOPS EARLY
3 THIS MONTH, DECEMBER 2D IN SAN LEANDRO AND
4 DECEMBER 5TH IN WHITTIER. AND THERE WE SOUGHT
5 INITIAL INPUT ON THE SPECIFIC FACTORS ITEMIZED IN
6 AB 1647. THE WORKSHOPS WERE ATTENDED BY NEARLY
7 100 INDIVIDUALS REPRESENTING LEA'S, THE COMPOST
8 INDUSTRY, PUBLIC AND PRIVATE WASTE COLLECTION AND
9 DISPOSAL OPERATORS, AND PUBLIC INTEREST ORGANI-
10 ZATIONS.

11 INPUT FROM THESE WORKSHOPS AND
12 WRITTEN COMMENTS RECEIVED BY EARLY JANUARY WILL BE
13 INCORPORATED INTO A FEBRUARY AGENDA ITEM IN WHICH
14 STAFF PLAN TO SEEK BOARD DIRECTION ON THE CONTENT
15 OF THE REGULATIONS.

16 DRAFT REGULATIONS WILL BE CIRCULATED
17 FOR INFORMAL COMMENT IN THE SPRING OF 1997
18 FOLLOWED BY FORMAL NOTICE AT MIDYEAR IN ORDER TO
19 MEET THE DECEMBER 31, 1997, DEADLINE FOR ADOPTING
20 REGULATIONS.

21 THE NEXT AREA I'D LIKE TO JUST
22 PROVIDE A BRIEF UPDATE ON IS SOLID WASTE MEASURE-
23 MENT AND CHARACTERIZATION REGULATIONS. THE WASTE
24 CHARACTERIZATION ANALYSIS BRANCH HAS BEGUN THE
25 INITIAL STAGES OF PUBLIC OUTREACH FOR REGULATION

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1 DEVELOPMENT RELATED TO SOLID WASTE MEASUREMENT AND
2 CHARACTERIZATION. FOUR CLOSELY INTERDEPENDENT SET
3 OF DRAFT REGULATIONS WERE CIRCULATED FOR DIS-
4 CUSSION AND COMMENT.

5 THESE ARE PLANNING DEFINITIONS,
6 MATERIAL TYPE CLASSIFICATIONS, SOLID WASTE
7 GENERATION STUDIES, AND DISPOSAL CHARACTERIZATION
8 STUDIES. APPROXIMATELY 2,000 NOTICES WERE SENT TO
9 POTENTIALLY INTERESTED PARTIES, ANNOUNCING TWO
10 WORKSHOPS AND REQUESTING INPUT ON THE DRAFT
11 REGULATIONS.

12 THE TWO WORKSHOPS WERE HELD IN
13 BERKELEY AND IRVINE ON DECEMBER 11TH AND 12TH AND
14 WERE INTENDED TO INVOLVE ALL AFFECTED PARTIES
15 EARLY IN THE PROCESS AND UTILIZE THEIR EXPERTISE
16 AND EXPERIENCE. THE WORKSHOPS RESULTED IN A
17 POSITIVE EXCHANGE OF IDEAS, AND MANY CONSTRUCTIVE
18 SUGGESTIONS WERE RECEIVED ABOUT THE APPROACH AND
19 DIRECTION OF THE REGULATIONS. STAFF ANTICIPATE
20 THAT THE FORMAL RULEMAKING PROCESS WILL BEGIN IN
21 JANUARY OF 1997.

22 THE NEXT AREA HAS TO DO WITH OUR
23 PUBLIC RELATIONS CAMPAIGN, "USE LESS STUFF FOR THE
24 HOLIDAYS." THE OFFICE OF PUBLIC AFFAIRS AND THE
25 WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION

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1 HAVE ONCE AGAIN ENJOYED STRONG SUCCESS IN THEIR
2 ANNUAL CAMPAIGN TO REDUCE WASTES OVER THE HOLIDAY
3 SEASON.

4 WASTE PREVENTION STAFF COORDINATED A
5 MESSAGE ON HOW CALIFORNIANS CAN USE LESS STUFF,
6 ALONG WITH OUR OFFICE OF PUBLIC INFORMATION, AND
7 SENT OUT PRESS RELEASES AND MEDIA ADVISORIES TO
8 JUST ABOUT EVERY PUBLICATION AND STATION IN THE
9 STATE. TO DATE OUTREACH COORDINATOR SANDRA HOOD
10 HAS APPEARED ON CHANNEL 13 AND 31 HERE IN
11 SACRAMENTO AND ALONG WITH BOXING CHENG ALSO
12 APPEARED ON A CHINESE LANGUAGE STATION IN SAN
13 FRANCISCO. SANDRA WILL BE APPEARING ON CHANNEL 58
14 IN REDDING AND CHANNEL 7 IN THE BAY AREA LATER
15 THIS WEEK.

16 NEXT, THE STATE INFORMATION OFFICERS
17 COUNCIL AWARDS WERE HELD, AND I THINK THE PUBLIC
18 AFFAIRS OFFICE, OUR INFORMATION MANAGEMENT BRANCH,
19 AND THE POLICY ANALYSIS OFFICE SHOULD BE COMMENDED
20 FOR EARNING THREE AWARDS IN THE STATE'S INFOR-
21 MATION OFFICE COUNCIL ANNUAL AWARD COMPETITION.
22 OUR GRAPHIC ARTIST, DIANE O'LEARY, WON FIRST PLACE
23 FOR HER EARTH DAY POSTER LAST YEAR. THE BOARD'S
24 INTERNET HOME PAGE WON SECOND PLACE, AND THE BOARD
25 STAFF EARNED HONORABLE MENTION FOR LAST YEAR'S

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1 ANNUAL REPORT. AND AS YOU KNOW, DOZENS OF PEOPLE
2 FROM THE BOARD CONTRIBUTED TO THOSE LAST TWO
3 EFFORTS.

4 NEXT, I'D LIKE TO SPEAK ABOUT A
5 WORKSHOP THAT WILL BE HELD HERE AT THE BOARD LATER
6 THIS WEEK. IT'S THE BIOMASS WORKSHOP. AS YOU ARE
7 AWARE, THE STAFF WILL BE HOLDING THIS WORKSHOP
8 TOMORROW TO OBTAIN INPUT REGARDING BOTH THE
9 BENEFITS OF BIOMASS ENERGY PRODUCTION AS WELL AS
10 STRATEGIES TO SHIFT THE COST FOR THIS INDUSTRY
11 FROM THE CURRENT STRUCTURE TO AN ALTERNATIVE ONE.

12 THIS WORK STEMS FROM RECENTLY
13 ENACTED STATUTORY REQUIREMENTS LEADING TO THE
14 RESTRUCTURING OF THE UTILITY INDUSTRY. AS A PIECE
15 OF THAT LEGISLATION, CAL/EPA IS REQUIRED TO SUBMIT
16 A REPORT BY MARCH 30TH ON THE BIOMASS INDUSTRY,
17 WHICH WILL AFFECT THAT INDUSTRY'S STANDING IN THIS
18 ERA OF DEREGULATION.

19 BECAUSE OF OUR STAFF'S UNIQUE
20 EXPERIENCE IN HAVING TRACKED THIS ISSUE FOR MANY
21 YEARS NOW, WE WERE ASKED TO PROVIDE STAFF SUPPORT
22 TO THE AGENCY IN THE REPORT'S PREPARATION.

23 TOMORROW'S WORKSHOP WILL SERVE AS AN INFORMATION
24 GATHERING POINT FROM WHICH THE STAFF CAN PERFORM
25 THE ANALYSIS AROUND WHAT IS BOTH A VERY COMPLEX

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1 AND CONTENTIOUS ISSUE. THE WORKSHOP WILL BE IN
2 THE BOARD HEARING ROOM FROM NINE TO FOUR.

3 THE NEXT AREA I'D LIKE TO SPEAK
4 BRIEFLY TO IS AN OPPORTUNITY I HAD EARLIER THIS
5 MONTH TO ATTEND SWANA'S ANNUAL FALL WORKSHOP,
6 WHICH WAS ON DECEMBER 6TH IN SAN DIEGO, WHERE I
7 SPOKE REGARDING OUR INTEGRATED TECHNICAL TRAINING
8 PROGRAM.

9 YOU MAY RECALL I SENT TO THE MEMBERS
10 A MEMO IN NOVEMBER OUTLINING MY VISION FOR
11 CREATING A NEW APPROACH TO OUR TECHNICAL TRAINING
12 PROGRAM HERE AT THE BOARD. THIS APPROACH ENTAILS
13 INVOLVING CONSTITUENTS AS PARTNERS IN THE
14 DEVELOPMENT AND DELIVERY OF OUR TRAINING CURRI-
15 CULUM WITH THE GOAL OF INCREASING THE EFFICIENCY
16 AND COST-EFFECTIVENESS OF OUR TRAINING, AS WELL AS
17 CREATING IMPROVED WORKING RELATIONSHIPS WITH OUR
18 PARTNERS THROUGH THESE JOINT TRAINING EFFORTS.

19 SWANA EXPRESSED A GREAT DEAL OF
20 INTEREST IN THIS APPROACH AND OFFERED SOME
21 ASSISTANCE IN PROVIDING INPUT AND OTHER IDEAS TO
22 SUPPORT OUR TRAINING EFFORTS. REPRESENTATIVES
23 FROM OUR LOCAL GOVERNMENT TECHNICAL ADVISORY
24 COMMITTEE AND CRRC ALSO ATTENDED THE CONFERENCE
25 AND EXPRESSED SUPPORT AND INTEREST FOR THIS

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1 PARTNERSHIP APPROACH TO OUR TRAINING.

2 THIS EFFORT RELATES TO MY BROADER
3 THINKING FOR THE FUTURE OF THE ORGANIZATION AS A
4 WHOLE TO HELP FURTHER ESTABLISH THE BOARD AS
5 STATEWIDE EXPERTS IN SOLID WASTE MANAGEMENT
6 INFORMATION DISSEMINATION, TRAINING, AND TECHNICAL
7 ASSISTANCE. I'LL CONTINUE TO MEET WITH OTHER
8 CONSTITUENT GROUPS ON THIS EFFORT AND WILL KEEP
9 YOU UPDATED ON THE PROGRESS.

10 OKAY. AS I INDICATED, THE LAST ITEM
11 I WANT TO SPEAK TO IS OUR 50-PERCENT INITIATIVE.
12 AS YOU ARE AWARE, OVER THE PAST YEAR THE BOARD
13 SOUGHT INPUT FROM CITIES, COUNTIES, THE PUBLIC AND
14 PRIVATE WASTE MANAGEMENT RECYCLING AND COMPOST
15 INDUSTRY, MANUFACTURERS, ENVIRONMENTAL GROUPS, AND
16 PUBLIC, AND ITS OWN STAFF ON ISSUES ASSOCIATED
17 WITH REACHING THE GOAL, POTENTIAL SOLUTIONS TO AND
18 OBSTACLES, AND THE BOARD'S ROLE IN ACHIEVING THE
19 50-PERCENT DIVERSION REQUIREMENT.

20 THERE IS A LIMITED THREE-YEAR WINDOW
21 OF OPPORTUNITY BETWEEN NOW AND THE YEAR 2000 FOR
22 THE BOARD, CITIES, AND COUNTIES TO DEVELOP
23 INFORMATION AND IMPLEMENT PROGRAMS TO MEET THE
24 50-PERCENT DIVERSION REQUIREMENT.

25 NEW ACTIVITIES NEED TO BE

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1 IMPLEMENTED TO THE POINT WHERE THEY WILL ACTUALLY
2 REDUCE THE WASTESTREAM WITHIN THREE YEARS TO
3 ASSIST CITIES AND COUNTIES TO MEET THIS GOAL. A
4 TEAM OF STAFF FROM THROUGHOUT THE BOARD AND
5 REPRESENTATIVES FROM CHAIRMAN PENNINGTON AND BOARD
6 MEMBER CHESBRO'S OFFICE WERE ASSIGNED TO EVALUATE
7 SUGGESTIONS AT THE BOARD'S THREE 50-PERCENT
8 INITIATIVE WORKSHOPS AND FROM CITIES, COUNTIES,
9 AND BOARD STAFF.

10 THE AGENDA ITEM HAS BEEN SCHEDULED
11 FOR THE JANUARY BOARD MEETING, AS YOU'RE AWARE;
12 HOWEVER, THE DOCUMENT ITSELF WILL BE AVAILABLE ON
13 THE INTERNET AND COPIES WILL BE AVAILABLE IN
14 THE -- TO THE PUBLIC STARTING DECEMBER 20TH, LATER
15 THIS MONTH. THIS EARLY AVAILABILITY WILL GIVE
16 CITIES AND COUNTIES AND THE PUBLIC AND THE PRIVATE
17 WASTE MANAGEMENT RECYCLING AND COMPOST INDUSTRIES,
18 AS WELL AS OTHER INTEREST GROUPS, A CHANCE TO
19 REVIEW THE ITEM BEFORE THE BOARD MEETING.

20 I FEEL THERE IS SOME THINGS WE CAN
21 DO BETWEEN NOW AND JANUARY. FIRST OF ALL, I THINK
22 THE MOST HIGHLY RANKED STRATEGIES CONTINUE TO BE,
23 IF YOU WILL, FLUSHED OUT BY BOARD STAFF AND WORKED
24 ON. I THINK YOU'RE ALL WELL AWARE OF THE URGENCY
25 OF COMING TO CLOSURE ON GETTING SOME DIRECTION AND

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1 STRATEGIES DEVELOPED, TO GIVE BOARD STAFF
2 DIRECTION, AND PERHAPS EVEN RELATED TO SOME OF OUR
3 RESOURCE ALLOCATIONS. SO I WANT TO UNDERSCORE THE
4 IMPORTANCE OF THAT, OF COURSE.

5 AND LASTLY, I THINK THAT I CAN BE
6 WORKING WITH THE MEMBERS AND THE CHAIRMAN'S
7 OFFICE, LOOKING AT THOSE TOP RANKED STRATEGIES
8 WITH REGARD TO WHICH COMMITTEE ASSIGNMENTS ARE
9 MOST APPROPRIATE.

10 WITH THAT, MR. CHAIRMAN, THAT
11 CONCLUDES MY REPORT, AND I LOOK FORWARD TO A FULL
12 DISCUSSION NEXT MONTH ON THIS IMPORTANT AGENDA
13 ITEM.

14 CHAIRMAN PENNINGTON: THANK YOU, MR.
15 CHANDLER. MR. CHESBRO.

16 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'D
17 LIKE TO THANK MR. CHANDLER FOR ADDRESSING SOME OF
18 MY FRUSTRATIONS AND CONCERNS WITH THIS ISSUE. I
19 HAD EXPRESSED CONCERN ABOUT CONTINUING THIS TO
20 JANUARY; BUT BEFORE I TALK ABOUT THAT, I THINK
21 IT
22 WOULD BE EASY TO -- IF YOU HEAR FRUSTRATION OR A
23 SENSE OF URGENCY IN MY VOICE, FOR PEOPLE TO
THINK
THAT I'M UNHAPPY WITH THE WORK THAT STAFF HAS
DONE

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24 ON THIS, I WANT TO MAKE IT CLEAR THAT I'M NOT.
25 WE'VE HAD AN ENTIRE YEAR OF VERY COMPREHENSIVE
AND

1 THOROUGH PARTICIPATORY DISCUSSION, WHICH I THINK
2 HAS BEEN USEFUL AND HAS TAKEN A LOT OF WORK FROM
3 STAFF, AND I WANT TO COMMEND THEM FOR THEIR
4 EFFORTS.

5 THAT BEING SAID, I AM CONCERNED
6 ABOUT WHAT APPEARS TO ME TO BE A LACK OF A SENSE
7 OF URGENCY. AND WHEN THE THING GOT PULLED FROM
8 THIS MONTH'S AGENDA, THAT WAS MY INITIAL REACTION
9 TO IT WAS THAT -- IT'S NOT THAT ONE MONTH IS, YOU
10 KNOW, THE MAKE OR BREAK FOR THE THREE YEARS THAT
11 WE HAVE LEFT. BUT THERE IS A CONCERN THAT WE DO
12 HAVE THREE YEARS AND TIME IS PASSING, AND WE'VE
13 SPENT A YEAR ON THIS. AND SO I THINK IT'S TIME TO
14 GET FOCUSED.

15 AND AT THIS POINT IT APPEARS TO ME,
16 FROM MY QUICK READ, I HAVEN'T DONE A SIT DOWN AND
17 CAREFULLY READ, MY QUICK SPEED READ OF THE
18 DOCUMENT, MOST OF THE RECOMMENDATIONS ARE NOT VERY
19 SPECIFIC AND MANY CALL FOR MORE STUDY. AND IN
20 SOME AREAS THAT MAY BE APPROPRIATE. BUT FROM MY
21 STANDPOINT, I'M REALLY HOPEFUL THAT WHEN THIS
22 COMES UP IN JANUARY, STAFF WILL BE PREPARED AND
23 THE BOARD MEMBERS WILL BE PREPARED TO GET FOCUSED
24 AND GET HARD TO WORK ON THIS AND BE READY TO
25 REALLY MOVE TOWARDS SOME IMPLEMENTATION STEPS.

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1 SO I'M HOPEFUL THAT IN JANUARY THE
2 BOARD WILL BE PREPARED TO INITIATE AS MANY OF THE
3 SPECIFIC ACTION PLANS AS POSSIBLE AND ALSO REFER
4 FOR CONSIDERATION TO THE COMMITTEES, FOR RAPID
5 CONSIDERATION TO THE COMMITTEES, THOSE ITEMS THAT
6 NEED FURTHER DEVELOPMENT TO QUICKLY GET BACK
7 BEFORE THE BOARD FOR APPROVAL SO THAT WE CAN GET
8 ACTION PLANS IN PLACE TO BE IMPLEMENTING THESE
9 THINGS.

10 WE'VE GOT A LOT OF WORK TO DO IN
11 THREE YEARS, AND WE'VE SPENT A YEAR TALKING ABOUT
12 HOW WE'RE GOING TO DO THAT. AND NOW IT'S TIME TO
13 ROLL UP OUR SLEEVES AND GET TO WORK. I DO BELIEVE
14 THAT MR. CHANDLER'S COMMENTS CLEARLY REFLECT A
15 STAFF AGREEMENT THAT TIME IS OF THE ESSENCE, SO I
16 DON'T THINK THERE'S A BIG PROBLEM HERE. I JUST
17 WANT THE CHANCE TO RAISE MY CONCERNS. THANK YOU.

18 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I
19 HAVE A COMMENT AND A QUESTION OF MR. CHANDLER ON
20 THIS ITEM. I THINK, AS WE'RE ALL AWARE, THE
21 ASSEMBLY NATURAL RESOURCES COMMITTEE HELD AN
22 ALL-DAY HEARING ON THE GENERAL OPERATIONS OF THE
23 WASTE BOARD, AND MUCH OF THE TESTIMONY CENTERED
24 AROUND THE 50-PERCENT INITIATIVE. I'M NOT AWARE
25 AT THIS POINT WHETHER THAT REPORT FROM THAT

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1 HEARING HAS BEEN PUBLISHED; AND IF IT HAS, DO WE
2 HAVE ACCESS? AND ARE WE TAKING THAT INTO
3 CONSIDERATION IN DEVELOPING THIS ITEM?

4 MR. CHANDLER: MR. FRAZEE, BOTH YOU AND
5 I, AS YOU KNOW, ALONG WITH MR. PENNINGTON,
6 TESTIFIED AT THAT HEARING. AND AS YOU RECALL, WE
7 DID RECALL MR. OLBERG INDICATING THAT THE STAFF
8 WOULD BE DEVELOPING A COMPLETE REPORT ON NOT ONLY
9 OUR TESTIMONY, BUT ALL TESTIMONY AND SIGNIFICANT
10 WRITTEN COMMENTS. I'M PLEASED TO SEE PATTI
ZWARTS

11 WALK TO THE PODIUM BECAUSE AS I STALLED THIS A
12 BIT
13 SO WE COULD FIND OUT FOR SURE IF THAT REPORT HAS
14 COME IN.

15 BOARD MEMBER FRAZEE: THE OBVIOUS
16 QUESTION --

17 MR. CHANDLER: I DON'T KNOW IF WE'VE
18 GOTTEN IT IN.

19 BOARD MEMBER FRAZEE: -- MR. CHANDLER,
20 IS
21 WITH THE CHANGE OF LEADERSHIP IN THE LEGISLATURE,
22 IS THAT ITEM GOING TO BE FORTHCOMING OR NOT; AND
23 IF IT IS, ARE WE UTILIZING IT?

MS. ZWARTS: THE SHORT ANSWER IS, NO,
THEY HAVE NOT PRODUCED THE REPORT TO DATE. HAVE

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24 YET TO FIND OUT IF THEY'RE GOING TO CONTINUE

DOING

25 THAT SINCE THEY ARE CHANGING WITH STAFFING AT
THIS

1 TIME OF THE COMMITTEES. I CERTAINLY WILL CONTACT
2 THEM AGAIN TO FIND OUT WHERE THEY ARE IN THE
3 PROCESS OF THAT; AND IF THEY DO PRODUCE A REPORT,
4 CERTAINLY WE CAN PROVIDE IT TO THE BOARD.

5 MR. CHANDLER: THANKS, PATTI.

6 MS. FRIEDMAN: I WOULD LIKE TO ADD
7 SOMETHING, THAT MANY OF THE COMMENTS THAT WERE
8 PRESENTED OR TESTIMONY AT THAT WORKSHOP AT THE
9 ASSEMBLY WERE ALSO SIMILAR THINGS THAT WERE RAISED
10 IN THE PROCESS HERE AND THE WORKSHOPS HERE AND
11 THROUGH OTHER COMMENTS, SO I BELIEVE MANY OF THOSE
12 SAME ITEMS WILL HAVE BEEN ANALYZED IN THIS 50-
13 PERCENT INITIATIVE PROJECT.

14 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
15 I JUST WANT TO THANK THE 50-PERCENT WORKING GROUP
16 UNDER THE LEADERSHIP OF LORRAINE VAN KEKERIX FOR
17 THEIR EFFORT ON THE 50-PERCENT INITIATIVE. I'M
18 AWARE THAT THE GROUP WORKED DILIGENTLY TO TAKE A
19 MASS OF MATERIAL AND PUT IT INTO A USABLE AND
20 INTELLIGIBLE FORM.

21 I ALSO WANT TO THANK THOSE ON THE
22 STAFF WHO TOOK THE OPPORTUNITY TO MAKE THEIR VIEWS
23 KNOWN TO THE WORKING GROUP AND THOSE WHO ASSISTED
24 THE WORKING GROUP IN EVALUATING THE RECOMMEN-
25 DATIONS. THANKS TO THE EFFORTS OF THE WORKING

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1 GROUP, WE HAVE THE BEGINNING OF A PLAN TO ACHIEVE
2 OUR 50-PERCENT DIVERSION. SO I WANT TO THANK THE
3 STAFF FOR THEIR GOOD WORK.

4 OKAY. LET'S MOVE TO ITEM NO. 3, THE
5 CONSENT CALENDAR. I HAVE A REQUEST TO SPEAK ON
6 ITEM 17, SO WE'LL PULL THAT. AND CONSENT AGENDA
7 INCLUDES ITEMS 4 THROUGH 12 AND 14 THROUGH 18.
8 I'LL PULL 17 BECAUSE WE HAVE A REQUEST TO SPEAK ON
9 THAT. DO MEMBERS -- ANY OTHER MEMBERS HAVE ANY --

10 BOARD MEMBER CHESBRO: I MOVE CONSENT
11 AGENDA.

12 BOARD MEMBER GOTCH: SECOND.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
14 SECONDED. WILL THE SECRETARY CALL THE ROLL.

15 BOARD SECRETARY: BOARD MEMBER CHESBRO.

16 BOARD MEMBER CHESBRO: AYE.

17 BOARD SECRETARY: FRAZEE.

18 BOARD MEMBER FRAZEE: AYE.

19 BOARD SECRETARY: GOTCH.

20 BOARD MEMBER GOTCH: AYE.

21 BOARD SECRETARY: RELIS.

22 BOARD MEMBER RELIS: AYE.

23 BOARD SECRETARY: CHAIRMAN PENNINGTON.

24 CHAIRMAN PENNINGTON: AYE. OKAY.

25 SO WE THEN MOVE NOW TO 13, I GUESS.

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1 MS. TRGOVCICH: GOOD MORNING, MR.
2 CHAIRMAN. ITEM NO. 13 WILL BE PRESENTED BY THE
3 WASTE PREVENTION AND MARKET DEVELOPMENT DIVISION.
4 I'M CAREN TRGOVCICH, DEPUTY DIRECTOR OF THE
5 DIVISION.

6 THE ITEM BEFORE YOU THIS MORNING IS
7 CONSIDERATION OF ADOPTION OF PROPOSED CHANGES TO
8 THE BOARD'S RIGID PLASTIC PACKAGING CONTAINER
9 REGULATIONS TO INCORPORATE SOME SPECIFIC
10 REQUIREMENTS THAT WERE INCLUDED IN ASSEMBLY BILL
11 2508, AFFECTING THE FLORAL INDUSTRY THIS PAST
12 SESSION.

13 BEFORE WE MOVE INTO THIS ITEM, I'D
14 LIKE TO TAKE AN OPPORTUNITY TO THANK OUR MAIN
15 PRESENTER ON THIS ITEM, BILL HUSTON. AS MANY OF
16 YOU MAY BE AWARE, AS WELL AS STAFF AND THE BOARD,
17 A ROTATIONAL ASSIGNMENT WAS ANNOUNCED HERE AT THE
18 BOARD YESTERDAY WHERE BILL HUSTON OF THE WASTE
19 PREVENTION AND MARKET DEVELOPMENT DIVISION WILL
20 BE
21 IN A SENSE EXCHANGING PLACES WITH JOHN NUFFER,
22 THE
23 OFFICE OF LOCAL ASSISTANCE AND THE DIVERSION
24 PLANNING AND LOCAL ASSISTANCE DIVISION, FOR A
ONE-YEAR TIME PERIOD.

I THINK THAT THIS OFFERS

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TREMENDOUS
25 OPPORTUNITIES TO THE BOARD'S STAFF, TO THE
MANAGE-

1 MENT WITHIN THE BOARD TO PROVIDE AN EXCHANGE OF
2 INFORMATION, BRINGING EXPERTISE FROM ONE PROGRAM
3 AREA TO ANOTHER IN ORDER TO ENHANCE OUR EFFECTIVE-
4 NESS WITH OUR CLIENT COMMUNITIES.

5 SO BEFORE WE BEGIN THIS ITEM, I JUST
6 WANTED TO TAKE AN OPPORTUNITY TO THANK BILL. MUCH
7 OF THE WORK YOU SEE TODAY, THE GOOD WORK THAT HAS
8 BEEN DONE, HAS BEEN UNDER THE LEADERSHIP OF BILL,
9 BOTH IN THE AREA OF RIGID PLASTIC AS WELL AS THE
10 QUARTERLY MARKETS REPORT THAT YOU'RE WELL AWARE
11 OF, AS WELL AS MANY OTHER ACTIVITIES AFFECTING OUR
12 MARKET DEVELOPMENT PROGRAM AND SPECIFICALLY THE
13 MARKET DEVELOPMENT PLAN.

14 SO WITH THAT, I'D LIKE TO TURN THE
15 ITEM OVER TO BILL HUSTON TO DISCUSS BOTH THE
16 REGULATORY COMMENT PERIOD THAT HAS OCCURRED AND
17 STAFF RECOMMENDATION.

18 MR. HUSTON: THANK YOU, CAREN. MY NAME
19 IS BILL HUSTON. I'M WITH THE WASTE PREVENTION AND
20 MARKET DEVELOPMENT DIVISION. WITH ME IS JANIS
21 HOWARD, OUR PROGRAM SPECIALIST ON THE RPPC
22 PROGRAM.

23 AS CAREN MENTIONED, THE PROPOSED
24 CHANGES TO THE BOARD'S RIGID PLASTIC CONTAINER
25 PROGRAM ARE REQUIRED BY PROVISIONS IN ASSEMBLY

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1 BILL 2508 PASSED EARLIER THIS YEAR BY THE ASSEMBLY
2 AND SIGNED BY THE GOVERNOR.

3 AB 2508 ALLOWS AN ADDITIONAL
4 COMPLIANCE OPTION FOR FLORAL PRESERVATIVE
5 CONTAINERS WHICH ARE REUSED WITHIN THE FLORAL
6 INDUSTRY FOR AT LEAST TWO YEARS. THE PROPOSED
7 REGULATIONS SPECIFY A PROCEDURE TO BE USED BY THE
8 FLORAL PRESERVATIVE PRODUCT MANUFACTURERS TO
9 COMPLY WITH THIS NEW OPTION.

10 THE PROPOSED REVISIONS WERE
11 PUBLISHED BY THE OFFICE OF ADMINISTRATIVE LAW ON
12 NOVEMBER 1ST, WHICH BEGAN THE FORMAL PUBLIC
13 COMMENT PERIOD. STAFF HAS RECEIVED COMMENTS ON
14 THE PROPOSED AMENDMENTS FROM TWO SOURCES. THE
15 FIRST IS THE CALIFORNIA STATE FLORAL
ASSOCIATION,

16 THE SPONSOR OF AB 2508, AND THE OTHER IS FROM
THE

17 CALIFORNIA TRADE AND COMMERCE AGENCY. NO
COMMENTS

18 HAVE BEEN RECEIVED FROM ANY OF THE FIVE
AFFECTED

19 FLORAL PRESERVATIVE PRODUCT MANUFACTURERS.

20 THE COMMENTS THAT WE HAVE
RECEIVED

21 GENERALLY FALL INTO FIVE AREAS, AND I WILL

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22 SUMMARIZE THOSE AND DISCUSS EACH OF THEM IN
TURN.

23 WE RECEIVED COMMENTS FROM BOTH OF THE
COMMENTERS

24 THAT AB 2508 EXEMPTED THE CONTAINERS FROM THE
LAW.

25 THE STAFF RESPONSE TO THAT
COMMENT

1 IS BASICALLY THAT THE LAW CLEARLY PROVIDES A
2 COMPLIANCE OPTION FOR THESE FLORAL PRESERVATIVE
3 CONTAINERS. IT IS NOT AN EXEMPTION. THE BOARD
4 DOES NOT HAVE THE AUTHORITY TO PROVIDE FOR AN
5 EXEMPTION IN REGULATION AS THESE ARE SPECIFIED IN
6 A COMPLETE LIST IN STATUTE.

7 SECOND COMMENT WE RECEIVED WAS THAT
8 THE PROPOSED REGULATIONS ESTABLISH A REPORTING
9 CERTIFICATION AUDIT AND PENALTY REQUIREMENTS THAT
10 ARE UNNECESSARY.

11 OUR RESPONSE TO THAT IS THAT NO NEW
12 REPORTING CERTIFICATION AUDIT OR PENALTY REQUIRE-
13 MENTS ARE ESTABLISHED AS A RESULT OF THE PROPOSED
14 AMENDMENT. RATHER, THE SAME REQUIREMENTS APPLY
15 FOR THIS COMPLIANCE OPTION AS CURRENTLY APPLY FOR
16 ANY OF THE COMPLIANCE OPTIONS. AND THOSE HAVE
17 ALREADY BEEN APPROVED BY THE BOARD AND APPROVED BY
18 THE OFFICE OF ADMINISTRATIVE LAW.

19 THIRD COMMENT WE RECEIVED, CONTAIN-
20 ERS SOLD TO NURSERIES, RETAIL STORES, AND OTHER
21 OUTLETS ARE NOT ELIGIBLE FOR THE NEW COMPLIANCE
22 OPTION.

23 OUR RESPONSE TO THAT IS THAT THE
24 PROPOSED REGULATIONS INTENDED TO ALLOW THIS
25 COMPLIANCE OPTION FOR ALL FLORAL PRESERVATIVE

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1 CONTAINERS SOLD TO AND REUSED BY THE FLORAL
2 INDUSTRY. THE REGULATIONS ALSO, THOUGH, WERE
3 DRAFTED TO CLEARLY SPECIFY ANY CONTAINER NOT
4 REUSED BY THE FLORAL INDUSTRY WOULD NOT BE
5 ELIGIBLE FOR THIS OPTION. FOR EXAMPLE, ANY THAT
6 MIGHT BE SOLD BY RETAIL OUTLETS TO NONFLORAL
7 INDUSTRY CONSUMERS. IT IS UNLIKELY ANY SUCH
8 CONTAINERS WOULD BE REUSED BY THE FLORAL INDUSTRY,
9 AS REQUIRED BY THE STATUTE, FOR AT LEAST TWO
10 YEARS. THE PRODUCT IS VERY SPECIFIC TO PRESERVING
11 THE LIFE OF CUT FLOWERS AND IS USED, THEREFORE, BY
12 FLORISTS.

13 ALSO, OUR CONTACT WITH THE FIVE
14 PRODUCT MANUFACTURERS INDICATED THAT THEY DID NOT
15 BELIEVE ANY OF THEIR CONTAINERS WERE SOLD THROUGH
16 ANY OF THESE OTHER OUTLETS, BUT WE SIMPLY WANTED
17 TO MAKE IT VERY CLEAR THAT IF SOME WERE, THEY
18 WOULD NOT BE ELIGIBLE FOR THIS COMPLIANCE OPTION.

19 THE FOURTH COMMENT WE RECEIVED
20 BASICALLY SAID THAT THEY BELIEVED APRIL 1ST, 1997,
21 WAS TOO SOON FOR METHODOLOGIES TO BE SUBMITTED TO
22 THE BOARD BY ANY OF THE PRODUCT MANUFACTURERS.

23 OUR RESPONSE TO THAT IS THAT ALL
24 FIVE OF THE IMPACTED PRODUCT MANUFACTURERS

WERE

25 SENT COPIES OF THE PROPOSED AMENDMENTS ON

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OCTOBER

1 4TH WITH THE APRIL 1ST DATE SPECIFIED. NONE
2 COMMENTED THAT THE DATE WAS TOO SOON. THE
3 REGULATIONS DO NOT REQUIRE ALL FLORAL INDUSTRY
4 BUSINESSES TO SUBMIT INFORMATION TO THE BOARD.
5 RATHER, WE DID PROVIDE A SUGGESTED METHODOLOGY IN
6 THE REGULATIONS WHICH ALLOWED A STATISTICALLY
7 VALID SURVEY TO BE DONE WHICH WOULD OCCUR AFTER
8 JANUARY 1ST OF 1998.

9 WE BELIEVE THAT THE APRIL 1ST DATE
10 IS REASONABLE AND ALLOWS PRODUCT MANUFACTURERS
11 AMPLE TIME TO DEVELOP A METHODOLOGY, SUBMIT IT TO
12 US, AND FOR THE BOARD TO REVIEW AND COMMENT ON IT
13 AND APPROVE IT IN ENOUGH TIME FOR IT TO ACTUALLY
14 BE EFFECTIVE AND BE ABLE TO BE USED FOR 1997.

15 THE FINAL COMMENT WE RECEIVED, AB
16 2508 DID NOT REQUIRE THE ADOPTION OF COMPLIANCE
17 METHODOLOGY. THE PROPOSED REGULATIONS ARE NOT
18 NECESSARY.

19 OUR RESPONSE TO THAT IS THAT THE
20 PROVISIONS OF 2508 ALLOWED AN ADDITIONAL
21 COMPLIANCE OPTION FOR THE FLORAL PRESERVATIVE
22 CONTAINERS. AS IS CURRENTLY IN REGULATION, THE
23 BOARD HAS SPECIFIED HOW THE MANUFACTURERS WILL
24 CERTIFY COMPLIANCE WITH ANY OF THE AVAILABLE
25 OPTIONS. SUCH CLARIFICATION IS NECESSARY SO
THE

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1 BOARD AND PRODUCT MANUFACTURERS WILL KNOW IN
2 ADVANCE THE INFORMATION TO BE COLLECTED AND
3 PROVIDED IF CERTIFICATION IS REQUIRED.

4 ALSO, AS NOTED IN THE PROPOSED BOARD
5 RESOLUTION, PUBLIC RESOURCES CODE SECTIONS 40502
6 AND 42325 AUTHORIZE THE BOARD TO ADOPT REGULATIONS
7 TO IMPLEMENT THE RPPC PROGRAM.

8 SO I WOULD BE HAPPY TO RESPOND TO
9 ANY QUESTIONS FROM THE BOARD OR MEMBERS OF THE
10 PUBLIC.

11 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?
12 IF NOT, WE HAVE ONE PERSON WHO WISHES TO SPEAK ON
13 THIS ITEM. MS. ANNE DOWNS.

14 MS. DOWNS: THANK YOU. AS NOTED, MY NAME
15 IS ANNE DOWNS WITH THE CALIFORNIA STATE FLORAL
16 ASSOCIATION. AND I GUESS MY COMMENTS TODAY WOULD
17 BE TWOFOLD.

18 INITIALLY, WHEN THE BOARD'S
19 LEGISLATIVE COMMITTEE MET, IT APPEARED TO US THAT
20 THEY EMBRACED THE IDEA OF FINDING FLEXIBILITY IN
21 THE RIGID PLASTIC CONTAINER LAW WHERE IT MAKES
22 SENSE, AND WE BELIEVE THAT IT MAKES SENSE IN THIS
23 CASE. WE'RE CONFUSED BY THE REGULATIONS BASED ON
24 THAT INITIAL MESSAGE.

25 IN OUR OPINION OUR BILL WAS VERY,

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1 VERY NARROW IN ITS SCOPE ANYWAY. IT ONLY APPLIED
2 TO FLORAL PRESERVATIVE CONTAINERS. A SMALL
3 FLORIST MAYBE BUYS SIX TO EIGHT OF THESE
4 CONTAINERS A YEAR, A LARGE ONE PERHAPS 10 TO 12.
5 AND ANYONE WHO'S COME TO OUR LEGISLATIVE DAY AT
6 THE STATE CAPITOL WHERE WE SET UP A LARGE FLOWER
7 CART AND WE HAND OUT FLOWERS TO EVERYBODY WHO
8 WALKS IN AND OUT OF THE CAPITOL KNOWS THAT OUR
9 MEMBERS AT THE END OF THE DAY, GOD FORBID YOU TAKE
10 SOMEONE ELSE'S BUCKET BECAUSE THEY DO REUSE THAT
11 OVER AND OVER AGAIN. THAT'S WHAT THEY'RE DESIGNED
12 TO DO. THEY HAVE LINES ON THEM THAT SAY ADD WATER
13 UP TO THIS POINT, THEN ADD TWO TABLESPOONS OF
14 FLORAL LIFE FOR ONE VARIETY OF FLOWERS. FOR
15 ANOTHER BUCKET, IT WILL HAVE A LINE AT ANOTHER
16 POINT. I MEAN THEY ARE DESIGNED TO BE REUSED OVER
17 AND OVER AND OVER AGAIN, AND THEY ARE.

18 WE'RE CONCERNED THAT YOU'RE LIMITING
19 THE SCOPE OF THE BILL. IF YOU HAVE A -- MANY OF
20 OUR RETAIL OUTLETS DO HAVE NURSERIES, SO YOU'VE
21 NOW EXCLUDED THEM. OFTENTIMES, WHEN YOU'RE
22 REFERRING TO RETAIL OUTLETS, I ASSUME THAT WHEN
23 YOU CONTACTED THE MANUFACTURERS OF THESE, THEY
24 INDICATED THEY DIDN'T SELL ANY OF THESE CONTAINERS
25 TO RETAIL OUTLETS LIKE PERHAPS RALEY'S. WELL,

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1 THAT'S PROBABLY TRUE. THEY SELL TO SOME OF OUR
2 BIG WHOLESALERS WHO BUY THOUSANDS OF THOSE
3 BUCKETS, AND THEY TURN AROUND AND SELL THEM TO
4 RALEY'S WITH THE FLORAL PRESERVATIVE IN IT.

5 SO I WOULD SAY THAT THE ANSWER HE
6 GOT IS CORRECT, BUT THAT ISN'T THE TRUE PICTURE OF
7 WHAT'S HAPPENING.

8 OBVIOUSLY WE'RE STILL CONCERNED
9 ABOUT THOSE PEOPLE HAVING TO DEVELOP -- THE
10 MANUFACTURERS HAVING TO DEVELOP REUSE METHODOLO-
11 GIES. I CAN TELL YOU I DO A LOT OF PESTICIDE
12 REGISTRATION WORK BECAUSE WE MANAGE SEVERAL
13 ASSOCIATIONS, AND A LOT WENT INTO EFFECT LAST
14 YEAR, THE FEDERAL WORKER PROTECTION STANDARD. I
15 WOULD BET YOU THAT 80 PERCENT OF THE PEOPLE IN THE
16 INDUSTRY -- THE LAW HAS BEEN IN PLACE FOR A YEAR
17 NOW -- 80 PERCENT OF THE GROWERS DON'T UNDERSTAND
18 IT AND ARE NOT COMPLYING WITH IT. SO JUST TO
19 ASSUME THAT YOU'VE CONTACTED THE MANUFACTURERS OR
20 YOU HAVEN'T RECEIVED ANY RESPONSE FROM THEM, I
21 DON'T THINK THAT THAT'S A VALID ARGUMENT AT ALL
22 BECAUSE WE ALL KNOW THOSE PEOPLE ARE IN THE
23 BUSINESS TO RUN THEIR COMPANIES. THEY'RE NOT IN
24 THE BUSINESS TO TRY AND DEVELOP A REUSE
25 METHODOLOGY.

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1 I THINK THAT, YOU KNOW, TO US THIS
2 IS A PRETTY SIMPLE THING TO ASK. WE THINK IT
3 MAKES SENSE, AND WE'D LIKE TO DO SOMETHING TO GIVE
4 YOU SOME OTHER MEASURE OF COMFORTABILITY WITH THIS
5 WHOLE IDEA. WE THOUGHT ABOUT PERHAPS CONDUCTING A
6 SURVEY. I EVEN THOUGHT MAYBE WE COULD DATE THE
7 CONTAINERS WHEN THEY'RE MANUFACTURED AND THEN
8 PERHAPS A YEAR OR TWO DOWN THE ROAD GO OUT AND
9 VISIT A LOT OF THESE FACILITIES AND SEE HOW OLD
10 THOSE CONTAINERS ARE. BUT I THINK TO MAKE IT MORE
11 DIFFICULT THAN IT IS, WE JUST DO NOT UNDERSTAND IT
12 AND ARE DISAPPOINTED, FRANKLY. SO I GUESS THAT'S
13 IT.

14 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
15 MS. DOWNS? THANK YOU FOR COMING AND TALKING TO
16 US.

17 MR. HUSTON: MR. CHAIRMAN, JUST FOR THE
18 RECORD, I'D WANT TO COMMENT THAT ONLY RETAIL
19 STORES AND NURSERIES WHICH DID NOT HAVE A FLORAL
20 COMPONENT WOULD BE EXCLUDED FROM THE PROVISION.
21 WE'RE NOT BLANKET EXCLUDING ALL RETAIL STORES AND
22 ALL NURSERIES. WE'RE JUST SAYING THOSE THAT DO
23 NOT HAVE A FLORAL COMPONENT WOULD BE EXCLUDED.

24 BOARD MEMBER CHESBRO: IF THEY DON'T
SELL
25 FLOWERS?

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1 MR. HUSTON: RIGHT. CUT FLOWERS.

2 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
3 NO --

4 BOARD MEMBER FRAZEE: I DO HAVE SOME
5 QUESTIONS AND DISCUSSION ON THIS ITEM. THE --
6 THIS APPEARS TO BE MAKING THE PROVERBIAL MOUNTAIN
7 OUT OF A MOLE HILL. IF YOU LOOK AT THE NUMBER OF
8 CONTAINERS, AS WAS STATED, THE TYPICAL SMALL
9 RETAIL FLORIST BUYS SIX OF THESE IN A YEAR AND A
10 LARGER ONE 12, 15, OR 20. IT'S SUCH A SMALL
11 SEGMENT OF THE REUSE IN THE FLORAL INDUSTRY. FOR
12 EXAMPLE, CONTAINERS THAT CONTAIN OTHER PRODUCTS
13 USED BY GROWERS AND WHOLESALERS, THAT IS, PLASTIC
14 CONTAINERS THAT CONTAIN FOOD STUFFS AND OTHER
15 ITEMS ON THE SAME SCALE, THE TYPICAL WHOLESALER
16 MAY USE A THOUSAND OR, IN THE CASE OF THE BUSINESS
17 THAT I WAS ASSOCIATED WITH, 10,000 OF THEM IN A
18 YEAR'S TIME COMPARED TO SIX HERE.

19 I THINK IT'S UNFORTUNATE THAT THE
20 LEGISLATION AS DRAFTED REALLY DIDN'T HIT THE NAIL
21 ON THE HEAD. IT WAS, I BELIEVE, SOMEWHAT MIS-
22 DIRECTED. AND I DON'T KNOW IF IT'S POSSIBLE TO
23 DRAFT AN EXTENSION OR AN EXEMPTION BILL THAT'S
24 MUCH CLEARER THAN THIS ONE THAT IS JUST A FLAT
25 EXEMPTION AS THE FLORAL INDUSTRY BELIEVES THAT

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1 THIS BILL WAS.

2 AND PERHAPS STAFF COULD TELL ME WHAT
3 IS THE EFFECT OF THEM GOING BACK TO THE LEGISLA-
4 TURE AND DRAFTING A BILL THAT JUST DOES NOTHING
5 BUT A CLEAR OUT-AND-OUT EXEMPTION WITHOUT NEED FOR
6 REGULATION, AND THAT'S WHAT THEY THOUGHT THEY WERE
7 GETTING IN THE FIRST PLACE.

8 MR. CHANDLER: PATTI, WHY DON'T YOU
9 START? WAS YOUR QUESTION WHAT WOULD THE EFFECT BE
10 ON THE PERCENTAGE OF THE WASTESTREAM IF THESE
11 CONTAINERS --

12 BOARD MEMBER FRAZEE: WELL, NO. I'M JUST
13 RAISING THAT POINT, THE PERCENTAGE OF THE
14 WASTESTREAM SO MINIMAL COMPARED TO NONPLASTIC. OR
15 EVEN WITHIN THE FLORAL INDUSTRY, THE AMOUNT OF
16 PLASTIC REUSED IN THE FLORAL INDUSTRY IS SUCH A
17 MINUTE PART OF EVEN THAT WASTESTREAM. IT ALSO
18 OPENS THE DOOR FOR ANOTHER SITUATION: WHY CAN'T
19 FOOD STUFF CONTAINERS THAT ARE REUSED 10, 15, 20
20 TIMES OVER IN THE FLORAL INDUSTRY BE CONSIDERED AS
21 WELL AS ONES THAT CONTAIN FLORAL PRESERVATIVE?
22 AND IT'S JUST A LITTLE NICHE HERE.

23 AND THE COMPLIANCE OPTIONS ARE
24 DIFFICULT FOR A MANUFACTURER. ALL THESE
25 MANUFACTURERS, I UNDERSTAND, ARE LOCATED OUT OF

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1 CALIFORNIA, SO THEY'RE PRODUCING A NATIONWIDE
2 PRODUCT. AND THE INTEREST OR EVEN THE DIFFICULTY
3 WITH THEM COMPLYING WITH THE CALIFORNIA LAW IS
4 KIND OF AN UNEVEN BURDEN.

5 MR. CHANDLER: YOU HAVE THE QUESTION OF
6 STAFF. PATTI, IS THERE ANYTHING YOU WANT TO SPEAK
7 ON THE LEGISLATIVE HISTORY AND THE PROGNOSIS FOR
8 MOVING FORWARD ON THIS TYPE OF EXEMPTION?

9 MS. ZWARTS: YES. TO ANSWER YOUR
10 ORIGINAL QUESTION, CERTAINLY THE INDUSTRY COULD GO
11 BACK TO THE LEGISLATURE THIS NEXT SESSION AND
12 REQUEST -- YOU KNOW, START A NEW BILL PROCESS,
13 ASKING FOR AN EXEMPTION. THE BILL THAT WAS SIGNED
14 INTO LAW DID NOT DO SO. IT WAS VERY CLEAR FROM
15 WHEN IT WAS INTRODUCED THAT IT JUST ADDED ANOTHER
16 PERMITTED CRITERIA FOR COMPLYING WITH THE RIGID
17 PLASTIC PROGRAM.

18 THAT WAS CLEAR IN THE ANALYSIS THAT
19 WE DID OF THE BILL AND OUR DISCUSSIONS WITH THE
20 AUTHOR'S OFFICE ABOUT THE BILL. WE, AS A BOARD,
21 SUGGESTED TECHNICAL AMENDMENTS TO MAKE IT MORE
22 WORKABLE. IN THE WAY THAT THEY HAD DRAFTED
23 ORIGINALLY, IT WAS HARD TO IMPLEMENT, AND THAT
24 WAS
OUR AMENDMENT, AND THAT WAS PUT INTO THE BILL IN

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25 ASSEMBLY NATIONAL RESOURCES COMMITTEE IN APRIL
OF

1 THIS PAST YEAR.

2 THEY COULD HAVE PURSUED AN
3 EXEMPTION, AS THE MADDY BILL DID LAST YEAR, BUT
4 THAT WOULD HAVE MADE DIFFERENT AMENDMENTS TO THE
5 BILL THAT CLEARLY AMENDED THE BILL IN A DIFFERENT
6 MANNER TO ASK FOR PERMITTED CRITERIA. AND THAT
7 WAS MADE CLEAR THROUGHOUT THE LEGISLATURE IN ALL
8 THE COMMITTEE ANALYSES THROUGHOUT THE YEAR. SO
9 THAT SEEMS TO BE THEIR CLEAR INTENT.

10 BOARD MEMBER FRAZEE: JUST LET ME FOLLOW
11 UP ON ONE POINT, IF I COULD. THE MADDY BILL, THE
12 EXEMPTION, THAT WAS THE EXEMPTION FOR CONTAINERS
13 THAT USE FOOD STUFFS.

14 MR. HUSTON: AND COSMETICS.

15 BOARD MEMBER CHESBRO: THERE ARE EDIBLE
16 FLOWERS, SO I DON'T KNOW WHETHER THE FLOWER
17 INDUSTRY WILL CLAIM FOOD STUFF.

18 BOARD MEMBER FRAZEE: THE EFFECT OF A
19 SIMILAR AMENDMENT TO THE MADDY BILL THAT SAID ALL
20 CONTAINERS THAT CONTAIN FLORAL PRESERVATIVES ARE
21 ALSO EXEMPTED PROBABLY WOULD ACHIEVE THE SAME GOAL
22 WITHOUT A LOT OF COMPLICATION OF COMPLIANCE.

23 MS. ZWARTS: INDEED. THEY CERTAINLY
24 COULD DO THAT. THEY COULDN'T DO IT THROUGH
25 LEGISLATION. YOU'D HAVE TO GO BACK TO THE

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1 LEGISLATURE AND AMEND A DIFFERENT SECTION OF LAW,
2 LIKE THE MADDY BILL DID, IF THEY WISHED THAT
3 OUTCOME.

4 BOARD MEMBER FRAZEE: BUT THE EFFECT ON
5 THE RECYCLING WASTESTREAM, I STILL CONTEND, WOULD
6 BE ALMOST IMMEASURABLE IT'S SO LOW IN THIS
7 PARTICULAR INSTANCE, BUT IT DOES CREATE A BURDEN
8 ON AN INDUSTRY, AND I THINK THAT'S SOMETHING WE'RE
9 TRYING TO AVOID.

10 MR. HUSTON: JUST ONE FINAL COMMENT. IN
11 THE CONVERSATIONS THAT WE'VE HAD WITH THE FIVE
12 PRODUCT MANUFACTURERS, AT LEAST TWO THAT COMMENTED
13 ON THE AREA SAID THAT THEY FELT THAT THEY WERE
14 ALREADY IN COMPLIANCE WITH THE BOARD'S PROGRAM
15 THROUGH ONE OF THE OTHER OPTIONS. THEY MENTIONED
16 SOURCE REDUCTION; THEY MENTIONED THE USE OF
17 POSTCONSUMER RESIN, AND ONE OF THEM EVEN MENTIONED
18 THAT THEY MAY BE CONCENTRATING THEIR PRODUCT IN
19 ORDER TO COMPLY WITH WHAT TURNS OUT TO BE A LITTLE
20 DIFFERENT AVENUE OF THE SOURCE REDUCTION
21 POSSIBILITY. SO THERE CERTAINLY ARE -- THIS IS AN
22 OPTION FOR THEM AND CERTAINLY OTHER OPTIONS ARE
23 BEING USED BY THE FLORAL PRESERVATIVE INDUSTRY
24 NOW.

25 BOARD MEMBER CHESBRO: WELL, I'D LIKE
TO

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1 RESTATE THAT THIS IS AN ADDITIONAL OPTION WHICH
2 WAS INTENDED TO CREATE MORE FLEXIBILITY FOR THE
3 FLORAL INDUSTRY. IT'S NOT IMPOSING SOME NEW
4 STANDARD OR REQUIREMENT OR RESTRICTION THAT DIDN'T
5 ALREADY EXIST. IT ACTUALLY BROADENED IT. AND
6 THAT HAS HAPPENED THROUGHOUT THIS LEGISLATION FROM
7 THE BEGINNING WAS TRYING TO MAXIMIZE THE NUMBER OF
8 OPTIONS.

9 AND THE PROBLEM IS THE MORE -- WITH
10 PLASTICS, FIRST OF ALL, IS THAT IT'S A SERIES OF
11 FINAL OPTIONS, AND THERE IS ONE THING CALLED
12 PLASTIC. THERE'S A MILLION DIFFERENT USES, A
13 MILLION DIFFERENT -- I'M EXAGGERATING -- MANY,
14 MANY USES, MANY, MANY DIFFERENT INDUSTRIES, MANY,
15 MANY DIFFERENT APPLICATIONS. AND SO YOU CAN -- TO
16 ANY PORTION OF THE PLASTICS WASTESTREAM YOU CAN
17 APPLY THE ARGUMENT THAT'S A TINY FRACTION. BUT
18 WE'VE GOTTEN INTO THE PROBLEM OF HAVING SO MANY
19 COMPLIANCE OPTIONS AND SUCH A COMPLEXITY OF
20 MONITORING, THAT THAT'S BECOME ONE OF THE DIFFI-
21 CULTIES WITH TRYING TO MAKE THIS LAW WORK.

22 BUT I WANT TO RESTATE THAT THE WHOLE
23 APPROACH, ALTHOUGH IT'S CREATED DIFFICULTIES, OF
24 THIS LAW AND THIS AMENDMENT AND OTHER AMENDMENTS
25 THAT HAVE BEEN MADE WAS TO MAXIMIZE THE NUMBER OF

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1 COMPLIANCE OPTIONS SO THAT YOU'D HAVE AS MARKET
2 DRIVEN AN APPROACH AS POSSIBLE AND AS UNGOVERNMENT
3 DICTATED APPROACH AS POSSIBLE.

4 THE ONE THING I WANT TO RESPOND TO
5 THAT YOU SAID, THROUGH, BOARD MEMBER FRAZEE, WITH
6 REGARDS TO OTHER PLASTIC CONTAINERS, I THINK THAT
7 BROADENING THE REUSE OPTION IS A GREAT IDEA. YOU
8 KNOW, I THINK THAT'S ONE OF THE THINGS THAT MAYBE
9 WASN'T ADEQUATELY CONSIDERED IN THE ORIGINAL LAW,
10 AND WE OUGHT TO LOOK AT THAT QUESTION IF WE'RE
11 GOING TO CONTINUE TO WORK ON PLASTIC RECYCLING.

12 AFTER ALL, THE STATEWIDE LEGISLA-
13 TIVELY ESTABLISHED PRIORITY IN AB 939 HAS WASTE
14 REDUCTION OR PREVENTION AT THE TOP OF THE TIER AND
15 PEOPLE WHO ARE USING -- REUSING DURABLE PRODUCTS
16 LIKE THESE CONTAINERS ARE ACHIEVING THAT AND OUGHT
17 TO BE RECOGNIZED FOR IT. SO NOT JUST IN THE
18 FLORAL INDUSTRY, BUT I THINK IN ANY OTHER NUMBER
19 OF INDUSTRIES THAT IN FACT REUSE THESE TYPES OF
20 CONTAINERS, WE HAVE TO BE LOOKING FOR WAYS TO
21 ENCOURAGE IT AND NOT OVERREGULATE IT, I THINK.

22 MR. CHANDLER: MR. CHAIRMAN, I THINK
IT'S

23 IMPORTANT TO NOTE OR JUST TO CLARIFY THAT THIS
24 COMPLIANCE OPTION THAT WE'RE DISCUSSING TODAY IS

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A

25 COMPLIANCE OPTION THAT THE FLORAL INDUSTRY WOULD

1 ONLY AVAIL THEMSELVES OF IN THE EVENT THAT THE
2 OVERALL RIGID PLASTIC PACKAGING RATE FALLS BELOW
3 25 PERCENT. SO INASMUCH AS WE'VE NOT ADOPTED A
4 RATE, INDUSTRIES LIKE THE FLORAL INDUSTRY ARE
5 LOOKING FOR NOW THEIR OWN INDIVIDUAL COMPLIANCE
6 OPTIONS.

7 SO THAT MATTER OUT BEFORE US, IF YOU
8 WILL, OR AT LEAST ADOPTED, I WANT TO MAKE SURE YOU
9 RECOGNIZE THAT WE'RE TALKING ABOUT A COMPLIANCE
10 OPTION ABSENT THE STATEWIDE OPTION OF AN OVERALL
11 RIGID PLASTIC PACKAGING RATE. IN OTHER WORDS, IF
12 THE RATE WAS, LET'S SAY, ABOVE 25 PERCENT, THERE
13 WOULD BE NO COMPLIANCE OPTION REQUIRED OF THE
14 FLORAL INDUSTRY. I JUST NEED TO MAKE SURE WE HAVE
15 THAT IN CONTEXT AS WE GET FOCUSED ON THIS.

16 CHAIRMAN PENNINGTON: ANY OTHER DIS-
17 CUSSION? IF NOT, WILL THE SECRETARY CALL THE
18 ROLL.

19 THE SECRETARY: WE NEED A MOTION.

20 BOARD MEMBER CHESBRO: I'LL MOVE
21 ADOPTION.

22 BOARD MEMBER GOTCH: I'LL SECOND.

23 CHAIRMAN PENNINGTON: NOW, IF THERE IS
NO
24 FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
25 ROLL.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: AYE.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: NO.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 BOARD SECRETARY: RELIS.

8 BOARD MEMBER RELIS: AYE.

9 BOARD SECRETARY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE. MOTION

11 CARRIES.

12 AND WE'LL MOVE TO, LET'S SEE, 17.

13 ITEM 17, CONSIDERATION OF A SOLID WASTE FACILITY

14 PERMIT FOR THE POTRERO HILLS LANDFILL IN SOLANO

15 COUNTY. DOROTHY RICE.

16 MS. RICE: THANK YOU. RUSS KANZ WILL

17 MAKE THIS PRESENTATION FOR STAFF.

18 MR. KANZ: GOOD MORNING. POTRERO HILLS

19 LANDFILL INCORPORATED, THE OWNER AND OPERATOR OF

20 POTRERO HILLS LANDFILL, HAS REQUESTED A REVISION

21 TO THEIR PERMIT TO ALLOW THE FOLLOWING: AN

22 INCREASE IN TONNAGE FROM 2500 TONS PER DAY TO A

23 MAXIMUM OF 3400 TONS PER DAY AVERAGED OVER A

24 SEVEN-DAY WEEK WITH A DAILY MAXIMUM OF 4,330 TONS

25 PER DAY; AN INCREASE IN THE AMOUNT OF SEWAGE

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1 SLUDGE THAT CAN BE ACCEPTED FROM AN AVERAGE OF 100
2 TONS PER DAY ON A WEEKLY AVERAGE TO AN AVERAGE OF
3 250 TONS PER DAY AVERAGED OVER A SEVEN-DAY WEEK;
4 AN INCREASE IN THE HOURS OF OPERATION FROM 6 A.M.
5 TO 4:30 P.M. SEVEN DAYS A WEEK TO 4 A.M. TO 1 A.M.
6 THE NEXT DAY, SEVEN DAYS PER WEEK; GRINDING OF
7 WOODWASTE ON SITE AND ELIMINATION OF THE WEEKLY
8 REMOVAL REQUIREMENT; AN INCREASE IN THE AMOUNT OF
9 CONCRETE THAT CAN BE STOCKPILED FROM 1500 TONS TO
10 60,000 TONS; ELIMINATION OF THE REQUIREMENT THAT
11 ASPHALT BE PROCESSED EVERY TWO WEEKS; A CHANGE IN
12 THE DESIGN OF THE PUBLIC DISPOSAL AREA TO STREAM-
13 LINE WASTE HANDLING AND PROVIDE FOR ADDITIONAL
14 RECYCLING; ALLOW THE STORAGE OF VEHICLE BATTERIES.

15 THE LEA AND BOARD STAFF HAVE
16 DETERMINED THAT THE FACILITY IS FOUND IN THE
17 SOLANO COUNTY SOLID WASTE MANAGEMENT PLAN, PROJECT
18 IS CONSISTENT WITH THE SOLANO COUNTY GENERAL PLAN,
19 PROJECT IS CONSISTENT WITH THE WASTE DIVERSION
20 GOALS OF AB 939, AND CEQA HAS BEEN COMPLIED WITH.
21 AS STATED IN THE AGENDA ITEM, WHEN THE PROPOSED
22 PERMIT WAS RECEIVED, THE LAND USE PERMIT HAD NOT
23 BEEN ISSUED BY SOLANO COUNTY.

24 THE LAND USE PERMIT WAS SIGNED AND
25 ISSUED LAST WEDNESDAY, DECEMBER 11TH. THEREFORE,

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1 STAFF ARE RECOMMENDING THAT THE BOARD ADOPT SOLID
2 WASTE FACILITY PERMIT DECISION NO. 96-509,
3 CONCURRING IN THE ISSUANCE OF SOLID WASTE
4 FACILITIES PERMIT NO. 48-AA-0075.

5 LARRY BURCH IS HERE REPRESENTING
6 POTRERO HILLS LANDFILL AND KEVIN CULLEN WITH THE
7 SOLANO COUNTY LEA IS PRESENT. AND I'D ALSO LIKE
8 TO THANK KEVIN FOR HIS HARD WORK AND COOPERATION ON
9 THIS PERMIT.

10 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
11 ANY QUESTIONS OF STAFF? IF NOT, JUNE GUIDOTTI.

12 MS. GUIDOTTI: JUNE GUIDOTTI, 3703 SKELLY
13 ROAD, SUISUN, CALIFORNIA 94585. THANK YOU FOR
14 HEARING ME TODAY.

15 THE PAPERS THAT I HAVE GIVEN YOU, I
16 WOULD LIKE TO SPEAK A LITTLE ON THEM, AND I WOULD
17 LIKE TO HAVE THEM ADDED TO THE MINUTES.

18 TODAY I ASK YOU AGAIN TO DENY THE
19 SOLID WASTE PERMIT THAT IS SET BEFORE YOU FOR
20 POTRERO HILLS LANDFILL. I ASK THAT THERE BE NO
21 NIGHTTIME DELIVERIES. WHEN THE SUN GOES DOWN, THE
22 TRUCKS STOP. WHEN THE SUN COMES UP, THE TRUCKS
23 START. IT'S IN VIOLATION OF THE SUISUN MARSH
24 PRESERVATION ACT, AND THERE IS TO BE NO NIGHTTIME
25 DELIVERIES.

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1 THE COUNTY CHANGED THE GENERAL PLAN.
2 THEY'RE CONSISTENT WITH THE GENERAL PLAN RIGHT
3 NOW, BUT THE COUNTY CHANGED THE GENERAL PLAN. AND
4 I ASK THIS BOARD TO GO BACK TO THE ORIGINAL
5 GENERAL PLAN.

6 THE LITTER THAT'S ON MY PROPERTY, IF
7 THE COUNTY AND THIS BOARD IS GOING TO USE MY
8 PARCEL OF LAND AS A BUFFER TO THE WETLANDS, IN
9 PROTECTION OF THE WETLANDS AND AS A PUBLIC PERSON,
10 I REFUSE TO HAVE THE LITTER PICKED UP. IT CAN
11 BLOW ALL OVER THE 87,000 ACRES OF WETLAND. THE
12 DUCK CLUB, THE 200 DUCK CLUB OWNERS CAN PICK UP
13 THE PLASTIC BAGS LIKE I HAVE AND MY NEIGHBORS FOR
14 THE LAST 12 YEARS THAT I HAVE BEEN OUT THERE.

15 IF YOU GIVE THE PERMIT TODAY, THE
16 LITTER WILL STAY BECAUSE SOMEHOW SOMEONE HAS TO
17 PROTECT THE MARSH AND STOP THE MISUSE OF THE
18 MARSH, THE NIGHTTIME DELIVERIES, AND ALL THE
19 THINGS THAT GO ON OUT THERE. I ASK THAT THEY --
20 THE COUNTY GO BACK TO THE GENERAL PLAN, THAT IT'S
21 NOT IN CONFORMANCE WITH THE MARSH PROTECTION
22 PROGRAM. IT HAS A SIGNIFICANT ECOLOGICAL AND
23 ADVERSE IMPACT ON THE MARSH. THEIR PERMIT THAT
24 THEY GO FOR YOU TODAY STATES THAT IF THEY HAVE
25 THIS, THAT THEY CANNOT GET A PERMIT. I'M ASKING

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1 THAT THIS BOARD PROTECT AND DENY THE MARSH AND
2 STOP THE MISUSE OF IT. THANK YOU.

3 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
4 MRS. GUIDOTTI? COMMENTS?

5 BOARD MEMBER CHESBRO: WELL, I WOULD JUST
6 SAY THAT I ASSUME -- AND, STAFF, CORRECT IF I'M
7 WRONG -- BUT THAT THEY RECEIVED ALL THE NECESSARY
8 APPROVALS BY THE AGENCIES THAT ARE RESPONSIBLE FOR
9 PROTECTION OF THE MARSH.

10 MR. KANZ: YEAH, THAT'S CORRECT. THE USE
11 PERMIT THAT WAS ISSUED LAST WEEK HAS INCLUDED IN
12 IT MARSH DEVELOPMENT PERMITS AND THE MITIGATION
13 MONITORING REPORTING PLAN. AND THE MARSH DEVELOP-
14 MENT PERMITS HAVE BEEN APPEALED ALL THE WAY TO THE
15 BAY CONSERVATION DEVELOPMENT COMMISSION WHO OVER-
16 SEES THE MARSH, AS WELL AS THE COUNTY.

17 BOARD MEMBER CHESBRO: AND THEY RECEIVED
18 APPROVAL?

19 MR. KANZ: THEY HAVE. AND OBVIOUSLY THE
20 EIR WAS ALSO APPROVED FOR THIS PROJECT.

21 CHAIRMAN PENNINGTON: OKAY.

22 BOARD MEMBER FRAZEE: I WAS JUST GOING TO
23 COMMENT TO THE MOTION. THE P&E COMMITTEE HELD A
24 VERY EXTENSIVE HEARING ON THIS ITEM AND THE
25 OUTSTANDING ISSUES THAT WERE BROUGHT UP AGAIN

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1 TODAY, GENERAL PLAN COMPLIANCE, AND THAT'S ONE
2 THAT I THINK IS PRETTY CLEAR THAT THERE IS
3 COMPLIANCE WITH THE GENERAL PLAN. GENERAL PLANS
4 ARE WHAT THE COUNTY SAYS THEY ARE, AND THEY CAN BE
5 CHANGED. AND IN THIS CASE THE GENERAL PLAN WAS
6 CHANGED.

7 THE NIGHTTIME DELIVERY ISSUE IS ONE
8 THAT WE CERTAINLY SHOULD BE CONCERNED ABOUT, BUT
9 MY UNDERSTANDING, THAT THAT IS NOT IN VIOLATION OF
10 THE MARSH DEVELOPMENT PROTECTION PLAN FOR THAT
11 AREA, AND I THINK THAT'S WHAT STAFF REPORTED, AND
12 IN COMPLIANCE WITH THAT PLAN ALTOGETHER. AND I
13 THINK WE HAVE A REPORT THAT THEY ARE IN COM-
14 PLIANCE.

15 THE ONE OUTSTANDING ISSUE THAT
16 CONTINUES TO CONCERN ME IS THE LITTER PICKUP
17 ISSUE. AND WE HAD DISCUSSIONS WITH THE OPERATOR
18 ABOUT THAT, AND WE HAVE ASSURANCES FROM BOTH THE
19 OPERATOR AND THE LEA THAT THEY WILL PAY PARTICULAR
20 ATTENTION TO THAT AND TAKE EVERY OPPORTUNITY TO
21 WORK OUT SOMETHING WITH MRS. GUIDOTTI AS FAR AS
22 ACCESS TO HER PROPERTY SO THAT THEY CAN DEAL WITH
23 THAT CLEANUP.

24 I HOPE THAT WE CONTINUE TO MONITOR
25 THAT AND SEE THAT THAT IS HAPPENING OVER A PERIOD

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1 OF TIME AND DISCUSSIONS WITH THE LEA TO SEE THAT
2 THAT'S BEING DONE. BUT OTHERWISE, ALL COMPLIANCE
3 HAS BEEN MET, AND THERE'S NO LEGAL REASON THAT WE
4 SHOULD NOT OR CANNOT GRANT THIS PERMIT.

5 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
6 COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION.

7 BOARD MEMBER RELIS: MR. CHAIR, I'LL MOVE
8 CONCURRENCE OF PERMIT DECISION 96-509.

9 BOARD MEMBER CHESBRO: SECOND.

10 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
11 MOVED AND SECONDED. WILL THE SECRETARY CALL THE
12 ROLL.

13 BOARD SECRETARY: BOARD MEMBER CHESBRO.

14 BOARD MEMBER CHESBRO: AYE.

15 BOARD SECRETARY: FRAZEE.

16 BOARD MEMBER FRAZEE: AYE.

17 BOARD SECRETARY: GOTCH.

18 BOARD MEMBER GOTCH: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE.

23 BOARD MEMBER RELIS: AND PERHAPS WE

COULD

24 GET AT SOME POINT A VERY BRIEF COMMENT FROM STAFF
25 AS TO THE COMPLIANCE ON THE LITTER, THE STATUS OF

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1 THE LITTER ISSUE THERE, AS MR. FRAZEE SUGGESTED.

2 MR. KANZ: I'M SURE THAT WE CAN DO THAT.
3 THE LEA, AS WE SPEAK, IS WORKING DILIGENTLY ON
4 THIS ISSUE TRYING TO RESOLVE IT.

5 CHAIRMAN PENNINGTON: YES, WE WOULD LIKE
6 TO BE KEPT INFORMED. THANK YOU.

7 NEXT IS ITEM NO. 19, PRESENTATION
8 OF
9 THE LIST OF SITES FOR THE SOLID WASTE DISPOSAL
10 AND
11 CODISPOSAL SITE CLEANUP PROGRAM, AB 2136.

12 MS. RICE: THANK YOU. MARGE ROUCH WILL
13 MAKE THIS PRESENTATION.

14 MS. ROUCH: GOOD MORNING, BOARD MEMBERS.
15 AT THE REQUEST OF THE COMMITTEE, STAFF -- AT THE
16 REQUEST OF THE P&E COMMITTEE, STAFF ARE
17 PRESENTING

18 TO YOU THE LIST OF SITES WHICH WE ARE WORKING
19 WITH

20 FOR THE AB 2136 CLEANUP PROGRAM. THE LIST IS
21 DIVIDED INTO FOUR TABLES. TABLE 1 CONSISTS OF
22 THE

23 SITES THAT ARE COMPLETED OR IN PROGRESS. THE --
24 THIS LISTS INCLUDES THE PRIOR SITES APPROVED BY
25 THE BOARD.

26 TABLE 2 CONSISTS OF LANDFILLS AND

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22 BURN DUMPS CURRENTLY BEING CONSIDERED FOR

23 POTENTIAL FUNDING.

24 TABLE 3 CONSISTS OF ILLEGAL

DISPOSAL

25 SITES CURRENTLY BEING CONSIDERED FOR POTENTIAL

1 FUNDING.

2 AND TABLE 4 IS REST OF THE SITES.
3 THAT IS, THOSE THAT ARE IN THE SWIS DATABASE
4 CLASSIFIED AS CLOSED, ILLEGAL, AND/OR ABANDONED.

5 THIS IS THE UNIVERSE OF SITES THAT
6 WE ARE WORKING WITH, AND IT IS A SNAPSHOT IN TIME
7 AS CURRENT AS THE NEXT PIECE OF INFORMATION THAT
8 WOULD EITHER ADD OR DELETE A SITE.

9 REGARDING TABLE 4 SITES, AFTER THE
10 FIRST OF THE YEAR, WE WILL SEND LETTERS TO THE
11 LEA'S ASKING FOR THEIR INPUT ON THE SITES IN THEIR
12 COUNTIES. THIS ACTION WILL REFINE THE LIST,
13 ELIMINATING ANY SITES THAT DO NOT NEED TO BE ON IT
14 OR FURTHER CLARIFY THOSE SITES WHICH WILL BE
15 POTENTIAL CANDIDATES FOR FUNDING FROM THE 2136
16 PROGRAM.

17 THIS CONCLUDES MY PRESENTATION. I'D
18 BE HAPPY TO ANSWER ANY QUESTIONS.

19 CHAIRMAN PENNINGTON: QUESTIONS?

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

21 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

22 BOARD MEMBER CHESBRO: I HAVE TO ADMIT
23 THAT IT'S RATHER DAUNTING TO LOOK AT A LIST OF 138
24 TO 156, THAT'S 18 PAGES OF SMALL TYPE OF ONES THAT
25 ARE NOT YET INVESTIGATED. IN MY BRIEFING WITH

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1 STAFF, YOU KNOW, THEY INDICATED THAT MANY OF
2 THESE -- I'M FAMILIAR ACTUALLY WITH SEVERAL OF
3 THEM IN HUMBOLDT COUNTY, WHICH CONFIRMS THIS, BUT
4 MANY OF THEM ARE RATHER MINOR. BUT IT STILL MAKES
5 YOU AWARE OF HOW WIDESPREAD A PROBLEM THERE IS IN
6 THIS STATE COMPARED TO THE RESOURCES THAT ARE
7 AVAILABLE TO ADDRESS THE PROBLEM.

8 AND I REALLY -- I DON'T KNOW WHERE
9 I'M GOING WITH THIS. I DIDN'T HAVE A SPECIFIC
10 POINT EXCEPT TO JUST TO EXPRESS SOME CONCERN ABOUT
11 HOW MANY SITES THERE ARE WHERE WE ONLY HAVE A
12 TIDBIT OF INFORMATION THAT THERE'S SOME PROBLEM
13 THERE, BUT WE KNOW VIRTUALLY NOTHING ELSE ABOUT
14 IT.

15 MS. RICE: YES, BUT I THINK SOME INITIAL
16 WORK THAT WE PLAN TO DO WITH WORKING WITH THE
17 LEA'S AND GETTING A LITTLE MORE INFORMATION BY
18 COUNTY, WE CAN, YOU KNOW, PROBABLY FAIRLY QUICKLY
19 WITHIN THE NEXT YEAR OR TWO WHITTLE THAT DOWN TO
20 THOSE THAT ARE OF MOST CONCERN TO THE BOARD
21 BECAUSE IT IS A LARGE LIST, BUT IT'S AN ALL
22 INCLUSIVE LIST OF EVERYTHING THAT WE KNEW ABOUT
23 FROM OUR VARIOUS DATABASES. THAT DOES NOT MEAN
24 THAT WE WILL EVER NEED TO TAKE ACTION AT MOST OF
25 THESE SITES.

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1 SO WE'RE HOPEFUL THAT, YOU KNOW,
2 WITHIN THE NEAR FUTURE, WHEN WE COME BACK TO YOU
3 AGAIN WITH THIS KIND OF A LIST, WE CAN HAVE
4 WHITTLED THAT LATTER, THE LIST 4, DOWN CONSID-
5 ERABLY.

6 BOARD MEMBER CHESBRO: IN ONE HAND IT'S
7 GOOD THAT WE HAVE AS COMPREHENSIVE A LIST AS
8 POSSIBLE. ON THE OTHER HAND, IT'S A LITTLE
9 ALARMING WHEN YOU START GOING PAGE BY PAGE BY
10 PAGE.

11 I DO KNOW WITH MY OWN PERSONAL
12 FAMILIARITY IN HUMBOLDT WITH THE LEA, COUNTY
BOARD
13 OF SUPERVISORS, AND WITH THE SITES THAT EXIST IN
14 HUMBOLDT, THAT THAT LEA KNOWS THESE SITES FAIRLY
15 WELL. AND I DON'T KNOW IF THAT'S TYPICAL AROUND
16 THE STATE, BUT IT DOES SEEM LIKE THERE'S PROBABLY
17 A RESERVOIR OF KNOWLEDGE THAT WE DON'T HAVE IN
OUR
18 DATABASES. BUT PROBABLY A LOT OF THESE -- I
19 ASSUME A LOT OF THESE SITES HAVE BEEN IDENTIFIED
20 BY THE LEA'S BECAUSE SOMEBODY HAS COMPLAINED OR
21 THERE'S SOME AWARENESS THAT HAS COME FORWARD
22 LOCALLY.

23 MS. ROUCH: I BELIEVE THE LEA'S INVESTI-
24 GATE THE SITES AND PROVIDE A SITE INFORMATION

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FORM

25 THAT GOES INTO OUR SWIS DATABASE.

1 BOARD MEMBER CHESBRO: SO I ASSUME THAT
2 ON AN ONGOING BASIS, THEY ARE, WE WOULD HOPE
3 ANYWAY, THEY'D BE A PRIMARY SOURCE OF INFORMATION
4 AND THEY COULD HELP US FURTHER INVESTIGATE THESE
5 THINGS.

6 BOARD MEMBER FRAZEE: I HAVE A COMMENT ON
7 THIS ALSO. I THINK WE'RE ALL A BIT SURPRISED BY
8 THE LENGTH OF THE LIST ON THIS, AND I TOO AM
9 FAMILIAR WITH A NUMBER OF SITES IN MY OWN AREA.
10 AND I'M PROBABLY THE LAST ONE THAT WOULD WANT TO
11 CREATE MORE WORK FOR LOCAL GOVERNMENTS, BUT IN
12 REVIEWING THIS, IT SEEMS THERE OUGHT TO BE SOME
13 LOCAL IDENTIFICATION OF THESE SITES.

14 I KNOW ONE THAT I'M VERY FAMILIAR
15 WITH, AND I KNOW IT'S AN OLD CLOSED LANDFILL
16 BECAUSE I'M OLD ENOUGH TO REMEMBER IT, BUT THE
17 CITY STAFF DOESN'T. AND I'VE TALKED TO CITY
STAFF

18 WHO DO NOT KNOW THERE'S A LANDFILL UNDERNEATH
THAT
19 PARTICULAR SITE. AND THERE'S ALWAYS THE
20 POTENTIAL. WE'VE HEARD THESE OVER A NUMBER OF
21 CASES WHERE DEVELOPMENT HAS BEEN APPROVED ON TOP
22 OF AN OLD LANDFILL. AND WE HAD A CASE IN
23 BAKERSFIELD SOMETIME IN RECENT YEARS AGO WHERE

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24 HOMES WERE BUILT ON A LANDFILL.
25 AND, YOU KNOW, PERHAPS IT WOULD
TAKE

1 LEGISLATION OR, YOU KNOW, THE -- IN SOME OF OUR
2 PLANNING EFFORT SOMETHING THAT WOULD REQUIRE
3 PUBLIC IDENTIFICATION OF THESE SITES FOR FUTURE
4 REFERENCE BECAUSE AS TIME GOES ON, THERE'S GOING
5 TO BE LESS AND LESS HISTORIC MEMORY OF THESE
6 SITES. AND WE'RE GOING INTO SOME MORE SITUATIONS
7 WHERE HOMES ARE BUILT ON TOP OF OR OTHER PUBLIC
8 FACILITIES ON TOP OF LANDFILLS.

9 I THINK THERE WAS ALSO ONE IN SAN
10 DIEGO COUNTY THAT WE PUT SOME MONEY INTO REMEDI-
11 ATION, THE SO-CALLED DUCK POND SITE, WHERE AN AUTO
12 DEALERSHIP WAS BUILT ON TOP OF A CLOSED LANDFILL.
13 SO I THINK THE GENERAL IDENTIFICATION OF THESE
14 SITES NEEDS MORE WORK ON THE PART OF THIS BOARD
15 ALSO.

16 BOARD MEMBER CHESBRO: ONE OF THEM THAT
17 YOU ACTUALLY MAY HAVE VISITED, MR. FRAZEE, I KNOW
18 FORMER ASSEMBLYMAN HOUSE IS VERY PROUD OF IT AS
19 HIS PERSONAL PROJECT, THE OLD ARCATA LANDFILL,
20 WHICH WAS CLOSED IN THE '70S WITH THE WATER
21 BOARD'S AND THE OLD WASTE BOARD'S APPROVAL AND
22 THEY WENT THROUGH ALL THE STEPS. AND THEN THE
23 WELL-KNOWN ARCATA MARSH PROJECT WAS BUILT
24 SURROUNDING IT IN THE DIKED-OFF AREAS THAT HAD
25 ORIGINALLY BEEN INTENDED FOR LANDFILLING AND HAS

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1 GOTTEN NATIONAL, INTERNATIONAL RECOGNITION FOR THE
2 PROJECT. IT WAS ONE OF OUR PROBLEM SITES, AND
3 ALSO HAPPENS TO BE TWO BLOCKS FROM MY HOUSE IN
4 ARCATA.

5 BUT ANYWAY, I THINK THERE'S PROBABLY
6 SOME UNKNOWN ASPECTS TO THE LANDFILL IN TERMS --
7 BECAUSE IT WAS THERE FOR A LONG, LONG TIME IN
8 TERMS OF GROUNDWATER AND AQUIFER AND THINGS LIKE
9 THAT, BUT IT'S CERTAINLY NOT A SITE THAT THERE'S
10 NOT A LOT OF AWARENESS THAT IT EXISTS. I THINK
11 THE CITY AND THE LEA AND THE REGIONAL WATER BOARD
12 AND NO DOUBT SOME OF OUR STAFF WHO WERE AROUND AT
13 THE TIME THAT THE CLOSURE OCCURRED UNDER THE OLD
14 BOARD ALL KNOW QUITE A BIT ABOUT IT.

15 MS. ROUCH: SOME OF THESE LANDFILLS THAT
16 WERE CLOSED UNDER WATER BOARD AND WASTE BOARD
17 APPROVAL IN THE PAST WERE CLOSED UNDER THE
18 TECHNOLOGY OF THE TIMES. IT MAY NOT HAVE BEEN AS
19 GOOD AS IT IS NOW AND PROBLEMS COULD BE CREATED
20 JUST BASED ON THE INABILITY TO DO ANYTHING BETTER
21 AT THAT TIME.

22 BOARD MEMBER RELIS: MR. CHAIR, I THINK
23 MR. FRAZEE BRINGS UP A VERY GOOD POINT AND ECHOES
24 OR BUILDS ON WHAT MR. CHANDLER SAID AT THE
OUTSET.

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25 IF THE BOARD IS GOING TO BE THIS SOURCE OF
INFOR-

1 MATION, IT MAY END UP BEING THE SOURCE OF BEING
2 THE INSTITUTIONAL MEMORY OF THE STATE BECAUSE I
3 THINK ALL OF US COME FROM AREAS WHERE WE HAVE A
4 VAGUE RECOLLECTION OR WE'VE HEARD THAT, OH, THAT
5 PLACE WAS AN OLD LANDFILL SITE. AND I THINK THERE
6 IS A RESPONSIBILITY THAT WE HAVE AS THE LEAD
7 AGENCY CERTAINLY ON HAVING AS COMPLETE SURVEY
8 INFORMATION AND SHARING THIS WITH LOCAL GOVERNMENT
9 AND MAKING SURE THAT IN SOME WAY THIS INFORMATION
10 GETS INTO THE LOCAL SYSTEM AND IS PRESERVED THERE
11 SO THAT -- IT'S KIND OF A BUYER BEWARE. IT'S PART
12 OF A LARGER SET OF CONCERNS THAT WILL PREVENT
13 ABUSES OR SEVERE PROBLEMS IN THE FUTURE BY SIMPLY
14 HAVING THE INFORMATION AVAILABLE.

15 MS. ROUCH: IN THE BEST OF SITUATIONS, IT
16 WOULD SEEM THAT LOCAL GOVERNMENTS SHOULD RECORD ON
17 THE DEED FOR THAT PROPERTY WHATEVER HAD HAPPENED
18 THERE. IN THE 2136 PROGRAM, WHEN WE COMPLETE A
19 SITE, IF WE HAVE NOT CLEAN CLOSED IT, LIKE AN
20 ILLEGAL DISPOSAL SITE, MAYBE IF WE WORKED LANDFILL
21 OR SOMETHING, WE RECORD OUR ACTIVITY IN THE SITE
22 SITUATION ON THE RECORD IN THE HALL OF RECORDS.

23 CHAIRMAN PENNINGTON: ANY OTHER
24 DISCUSSION?

25 MR. EDGAR: THANK YOU. MY NAME IS EVAN

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1 EDGAR FROM THE CALIFORNIA REFUSE REMOVAL COUNCIL.
2 ONE THING THAT'S MISSING IN TODAY'S TESTIMONY WAS
3 A LOT OF THESE SITES HAVE BEEN INVESTIGATED UNDER
4 THE SOLID WASTE ASSESSMENT TEST. BACK IN THE LATE
5 '80S AND EARLY '90S UNDER THE CALDERON PROGRAM,
6 THERE WAS LEGISLATION, AND PERSONALLY WORKED ON
7 MANY OF THESE SITES THROUGHOUT CALIFORNIA THAT WE
8 HAVE IDENTIFIED THE WATER QUALITY ASPECT FROM THE
9 SWAT PROGRAM. TO HAVE THEM NOT INVESTIGATED
10 DOESN'T REALLY EXPRESS THE DATA THAT IS AVAILABLE
11 AT THE WATER BOARD. AT THE AIR BOARD THE SAME
12 THING HAPPENED UNDER THE SOLID WASTE AIR QUALITY
13 ASSESSMENT TEST. SO THERE IS A VAST AMOUNT OF
14 INFORMATION AT THE WATER BOARD AND AT THE AIR
15 BOARD.

16 MEANWHILE A LOT OF THESE FACILITIES
17 WERE CLOSED UNDER TITLE 14, PART OF THE EASTIN
18 BILL. THEY WERE CLOSED WITH BEST AVAILABLE
19 TECHNOLOGY AT THE TIME AFTER CHAPTER 15 AS WELL.
20 SO BY SAYING THAT THERE'S A BIG FEAR OF ALL THESE
21 CLOSED LANDFILLS OUT THERE, I WANTED TO PROVIDE
22 ADDITIONAL INFORMATION THAT A LOT OF INFORMATION
23 HAS BEEN COLLECTED, A LOT OF CLOSURE HAS OCCURRED
24 AT THE TIME WHEN THE REGULATIONS WERE ENFORCED,
25 AND A LOT OF THESE ARE IDENTIFIED IN THE GENERAL

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1 PLAN.

2 WHEN I WORKED IN KERN COUNTY AND
3 YOLO COUNTY AND MANY COUNTIES STATEWIDE, A LOT OF
4 COUNTIES HAVE INCLUDED THESE OLD BURN DUMPS AND
5 CLOSED FACILITIES WITHIN THE COUNTY SOLID WASTE
6 MANAGEMENT PLAN BACK IN THE '80S, AS WELL AS THE
7 COUNTY INTEGRATED WASTE MANAGEMENT PLAN. SO I
8 DON'T THINK THERE'S THE LARGE FEAR THAT I HEAR
9 TODAY IS OUT THERE WITHIN THE LOCAL GOVERNMENT
10 COMMUNITY. AND MAYBE THE LEA'S COULD HAVE MORE
11 INFORMATION ABOUT THAT. BUT FROM THE SOLID WASTE
12 INDUSTRY ASPECT, I DON'T SEE THE FEAR OUT THERE
13 THAT I HEAR TODAY. THERE'S A LOT OF INFORMATION
14 ON THESE FACILITIES. THANK YOU.

15 CHAIRMAN PENNINGTON: THANK YOU, EVAN.

16 MS. ROUCH: I WOULD LIKE TO JUST NOTE
17 THAT WHEN WE SAY TO BE INVESTIGATED, IT MEANS TO
18 BE INVESTIGATED FOR OUR PROGRAM, NOT THAT THERE
19 ISN'T INFORMATION ABOUT THE SITES. WE JUST HAVE
20 NOT HAD TIME TO GO THROUGH THESE SITES.

21 CHAIRMAN PENNINGTON: ANY OTHER
22 DISCUSSION?

23 ONE THING, THAT I WOULD LIKE THIS TO
24 SORT OF BE A LIVING DOCUMENT THOUGH, AND MAYBE YOU
25 CAN REPORT BACK TO THE BOARD ON A QUARTERLY BASIS

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1 AS TO THOSE THAT HAVE BEEN DEALT WITH AND IF
2 THERE'S ANY ADDED TO THE LISTS OR ANY CHANGE SO
3 THAT WE CAN TRACK WHAT WE'RE DOING.

4 MS. ROUCH: I'D BE HAPPY TO.

5 MS. RICE: QUARTERLY OR PERHAPS SIX
6 MONTHS MIGHT BE A LITTLE EASIER FOR US. I DON'T
7 THINK NECESSARILY A WHOLE LOT WILL HAPPEN IN A
8 THREE-MONTH PERIOD. TWICE A YEAR, PERHAPS, TO THE
9 COMMITTEE.

10 CHAIRMAN PENNINGTON: HOW ABOUT FOUR AND
11 A HALF MONTHS. SIX IS FINE. OKAY.

12 MOVE ON TO ITEM NO. 20,
13 CONSIDERATION OF AUTHORITY TO ADOPT REGULATIONS
14 AND STAFF OPTIONS ON THE REGULATION OF NON-
15 HAZARDOUS ASH OPERATIONS AND FACILITIES. ELLIOT
16 BLOCK.

17 MR. BLOCK: THE ITEM THAT I'M BEFORE YOU
18 TODAY ON THE NONHAZARDOUS ASH AUTHORITY IS A
19 FAIRLY LIMITED ITEM. AS MANY OF YOU ARE AWARE,
20 THERE IS ANOTHER ITEM GOING FORWARD, WAS AT THE
21 COMMITTEE LAST WEEK, PERMITTING AND ENFORCEMENT
22 COMMITTEE, WILL ALSO BE BACK IN JANUARY
23 SPECIFICALLY ON THE REGULATIONS AND THE SLOTTING,
24 THE PLACEMENT WITHIN THE TIERS OF VARIOUS TYPES OF
25 NONHAZARDOUS ASH FACILITIES AND OPERATIONS.

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1 WHAT I'M BEFORE THE BOARD TODAY WITH
2 IS THE LIMITED ISSUE OF LEGAL AUTHORITY. ABOUT A
3 YEAR AND A HALF AGO, WHEN THE BOARD ADOPTED ITS
4 GENERAL METHODOLOGY FOR PLACEMENT WITHIN THE
5 TIERS, IT SET FORTH A NUMBER OF FACTORS TO LOOK AT
6 AND ALSO PROVIDED THAT WHEN WE WOULD BE COMING
7 FORWARD WITH EACH OF THE TYPES OF OPERATIONS AND
8 FACILITIES, WE WOULD SEPARATELY DO WHAT WE CALL
9 THE LEGAL AUTHORITY ITEM TO GET PART WAY THROUGH
10 THE PROCESS TO GET SOME DIRECTION AND CONCURRENCE
11 FROM THE BOARD AS WE MOVE FORWARD WITH THE SECOND
12 PRONG OF THAT, WHICH WOULD BE THE ACTUAL REGU-
13 LATIONS THEMSELVES.

14 SO NOTHING THAT I AM ASKING -- THAT
15 WE ARE ASKING FOR THE BOARD TO APPROVE TODAY IS
16 GOING TO BE A DECISION ON WHAT THOSE REGULATIONS
17 WILL SAY OR WHERE THOSE FACILITIES OR OPERATIONS
18 WILL BE PLACED WITHIN THE TIERS. AND I SHOULD
19 NOTE THAT AT THE COMMITTEE MEETING LAST WEEK,
20 ALTHOUGH THE AGENDA ITEM REGARDING THE REGULATIONS
21 THEMSELVES HAD A FAIR AMOUNT OF TESTIMONY, THERE
22 WAS NO PUBLIC TESTIMONY OR CONCERN OVER THE
23 AUTHORITY ITEM.

24 BASICALLY THE ITEM THAT'S IN FRONT
25 OF YOU ON PAGE 159 OF YOUR BOARD PACKET, WHICH IS

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1 PAGE 3 OF THE ITEM, THAT ITEM WAS ACTUALLY WRITTEN
2 PRIOR TO A NUMBER OF DIFFERENT THINGS HAPPENING.
3 IT'S AN ITEM THAT IS ABOUT A MONTH OLD, AND A
4 WORKSHOP THAT WENT ON AT THE BEGINNING OF DECEMBER
5 HAD NOT OCCURRED YET, WHICH WE WERE WAITING TO
6 HAPPEN WITH INTERESTED PARTIES PRIOR TO REVISING
7 THIS.

8 SO, UNFORTUNATELY, WHAT YOU HAVE IS
9 THE -- IS AN ITEM THAT'S ABOUT A MONTH BEHIND. IF
10 YOU LOOK ON THE BOTTOM OF PAGE 159 OF YOUR PACKET,
11 PAGE 3 OF THE ITEM, THERE ARE FIVE STAFF
12 RECOMMENDATIONS. WHAT'S NOT COMING THROUGH ON THE
13 OVERHEAD RIGHT NOW, ITEMS 1 THROUGH 4 ARE
14 IDENTICAL TO THOSE THAT ARE ON THE PRINTED PAGE,
15 AND I'LL GO AHEAD AND READ FIVE WHEN I GET TO THAT
16 POINT SO THAT IT'S CLEAR BECAUSE IT'S OBVIOUSLY
17 NOT BIG ENOUGH ON THIS SCREEN.

18 ITEMS 1 THROUGH 4 ARE -- BASICALLY
19 ARE FAIRLY STRAIGHTFORWARD IN THE SENSE THAT WE'RE
20 LOOKING FOR THE BOARD TO APPROVE OR FOR THE
21 BOARD'S CONSENSUS ON OUR AUTHORITY TO REGULATE
22 NONHAZARDOUS ASH OPERATIONS IN THE SAME MANNER
23 THAT WE HAVE DONE SO WITH CONTAMINATED SOIL
24 OPERATIONS IN THE PAST.

25 SO ITEM 1 PROVIDES THE BOARD HAS

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1 AUTHORITY TO REGULATE NONHAZARDOUS ASH AS
2 DISPOSED. AND THAT'S CONSISTENT WITH WHAT WE'VE
3 DONE IN THE PAST.

4 ITEM 2, THAT THE BOARD HAS AUTHORITY
5 TO REGULATE NONHAZARDOUS ASH THAT MIGHT BE HANDLED
6 AT A TRANSFER AND/OR PROCESSING STATION. I
7 SUPPOSE I SHOULD NOTE THAT WE'VE GOTTEN THIS
8 COMMENT BEFORE. I DON'T THINK THAT WE'RE AWARE OF
9 ANY EXISTING TRANSFER PROCESSING STATIONS AT THIS
10 POINT IN TIME, BUT WE DECIDED TO PUT THAT IN THERE
11 TO MAKE THE -- IN THIS PACKAGE TO MAKE IT
12 COMPREHENSIVE SHOULD ONE OF THOSE TYPES OF
13 OPERATIONS POP UP.

14 ITEM 3, INDICATING THAT THE BOARD IS
15 NOT GOING TO BE REGULATING MANUFACTURING OPERA-
16 TIONS THAT USE NONHAZARDOUS ASH AS A FEEDSTOCK.
17 AGAIN, THAT'S CONSISTENT WITH WHAT WE DID WITH
18 CONTAMINATED SOIL.

19 ITEM 4, THERE ARE CERTAIN SPECIFIED
20 TYPES OF WHAT I'VE TERMED OTHER PRODUCTIVE USES
21 THAT ALSO WOULD BE OUTSIDE OF THE PROPOSED REGU-
22 LATIONS. AND THOSE WOULD BE THINGS LIKE USING ASH
23 FOR SNOW AND ICE CONTROL, THAT TYPE OF USE. AND
24 AGAIN, THAT'S CONSISTENT WITH THE REGULATIONS WE
25 ADOPTED ON CONTAMINATED SOIL.

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1 NO. 5 IN YOUR AGENDA ITEM AND I
2 THINK IS FAIRLY OPEN-ENDED IN THE SENSE OF WHAT IT
3 STATES. AND I HAVE REVISED THAT TO STATE FAIRLY
4 SIMPLY JUST THAT THE BOARD HAS AUTHORITY TO
5 REGULATE LAND APPLICATION OPERATIONS OR RECLA-
6 MATION PROJECTS WHERE SUCH OPERATIONS OR PROJECTS
7 MAY CONSTITUTE DISPOSAL, AND THAT THE BOARD HAS
8 THE AUTHORITY TO DEFINE IN REGULATION WHAT THAT
9 DIVIDING LINE BETWEEN DISPOSAL AND RECYCLING WOULD
10 BE SO THAT IT WOULD BE SIMPLY NOT WITHIN THE
11 BOARD'S JURISDICTION.

12 THERE ARE A NUMBER OF ISSUES RELATED
13 TO LAND APPLICATION, AND THERE'S BEEN SOME
14 EXTENSIVE DISCUSSION AT THE COMMITTEES ABOUT WHERE
15 THAT LINE SHOULD BE DRAWN. AND IN FACT IN THE
16 AGENDA ITEM BEFORE YOU, THERE'S A DISCUSSION
17 PRIMARILY FOR CONTEXT AS TO HOW THAT DISCUSSION
18 HAS GONE. TODAY WE'RE NOT ASKING FOR ANY
19 DECISIONS REGARDING THE ISSUES OF PLACEMENT IN THE
20 TIERS, JUST SIMPLY THE GENERAL PROPOSITION THAT
21 THE BOARD HAS SOME ROLE IN THIS AREA IN THE SENSE
22 OF AT LEAST SETTING UP DIVIDING LINES OR THE LIKE.

23 EXACTLY WHERE THAT DIVIDING LINE
24 WILL BE AND WHAT THAT'S GOING TO LOOK LIKE IS
25 GOING TO BE TAKEN CARE OF IN THE AGENDA ITEMS

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1 COMING FORWARD STARTING NEXT MONTH ON THE
2 REGULATIONS THEMSELVES.

3 THAT WAS PROBABLY ALL I WAS PLANNING
4 ON SAYING UNLESS THERE WERE SOME QUESTIONS
5 SPECIFICALLY ABOUT THE PRESENTATION.

6 BOARD MEMBER FRAZEE: I'M NOT INTENDING
7 TO THROW YOU A CURVE BECAUSE WE'VE SPENT SO MUCH
8 TIME AND HAD INTENSIVE DISCUSSION ON THIS ITEM,
9 BUT SOMETHING THAT JUMPS OUT NOW AFTER OUR
10 EXPERIENCE IN LOOKING AT VARIOUS FACILITIES. ON
11 ITEM 3, INDICATING THAT WE WOULD NOT HAVE
12 JURISDICTION OVER MANUFACTURING OPERATIONS, IF YOU
13 RECALL, WE LOOKED AT A FACILITY IN THE REDDING
14 AREA AS A CONSTITUENT TO A SOIL MIX NONHAZARDOUS
15 ASH. WOULD THAT CLASSIFY AS A MANUFACTURING
16 OPERATION OR NOT?

17 AND FROM A LAND USE ASPECT, AT LEAST
18 ONE JURISDICTION I'M FAMILIAR WITH IN THE AREA OF
19 COMPOSTING SAY THAT WHEN YOU BRING IN OTHER
20 OUTSIDE MATERIALS, THEN THAT IS MANUFACTURING AND,
21 THEREFORE, REQUIRES A PERMIT FOR MANUFACTURING AS
22 A LAND USE OPTION. I DON'T KNOW IF THAT'S THE --
23 COMES INTO PLAY IN THIS OR NOT.

24 MR. BLOCK: ACTUALLY IT'S A VERY GOOD
25 QUESTION, AND I THINK I DON'T HAVE AN ANSWER

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1 BECAUSE I THINK THAT WILL DEPEND REALLY ON --
2 THAT'S SOMETHING THAT'S WITHIN THE REALM OF WHAT
3 WE CAN DO. I THINK THE QUESTION WAS ASKED AT THE
4 COMMITTEE MEETING LAST WEEK: HOW MUCH WOULD THE
5 BOARD BEING TYING ITS HANDS IN THIS REGARD. AND
6 MY RESPONSE WAS, DEPENDING UPON THE PARTICULAR
7 FACTUAL SITUATIONS THAT WE ARE AWARE OF OR COME
8 ACROSS, AND THAT BEING ONE OF THEM, WE MIGHT
WANT
9 TO BE ADJUSTING OUR REGULATIONS. SO IN THE
10 PROCESS OF ADOPTING THESE REGULATIONS, WE HAVE A
11 DEFINITION OF MANUFACTURING.
12 THE ONE THAT WE ADOPTED FOR CON-
13 TAMINATED SOIL IS FAIRLY STRAIGHTFORWARD AND
TALKS
14 ABOUT USING FEEDSTOCK AND MAKING A PRODUCT
THAT'S
15 DIFFERENT FROM THE FEEDSTOCK ITSELF. WHETHER OR
16 NOT IN THE CONTEXT OF ASH AND LAND APPLICATION
WE
17 NEED TO TWEAK THAT DEFINITION IS SOMETHING THAT
WE
18 NEED TO LOOK AT. FOR INSTANCE, WITH ASH AND USE
19 FOR LAND APPLICATION, IT'S NOT OBVIOUS WHAT A
20 DIFFERENT PRODUCT IS. AND SO WE'RE GOING TO

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LOOK

21 AT THAT.

22 BOARD MEMBER FRAZEE: AS WE WORK INTO

THE

23 REGULATIONS, WE NEED TO TAKE THAT INTO CONSIDER-

24 ATION AND MAYBE REFINE IT MORE. I'M NOT

THINKING

25 ABOUT THAT PARTICULAR INSTANCE AS MUCH AS WHAT

THE

1 LOOPHOLES THAT COULD DEVELOP WITH TAKING ASH AND
2 ADDING SOMETHING ELSE. THE USE OF THE ASH FROM
3 THE COGENERATION FACILITIES IN LOS ANGELES COUNTY
4 IS VERY, IF THIS IS THE RIGHT WORD, CLEVERLY
5 MANUFACTURED INTO ANOTHER PRODUCT BY JUST ADDING
6 ONE MINOR CONSTITUENT PROPERTY TO THAT SO THAT IT
7 THEN GOES TO LANDFILLS IN A DIFFERENT FORM THAN IT
8 WOULD IF IT WAS HAULED DIRECTLY OUT OF THE --

9 BOARD MEMBER RELIS: DOES OUR NOTION OF
10 MANUFACTURING -- MAYBE I COULD ASK YOU, ELLIOT.
11 WAS THE IDEA HERE THAT MANUFACTURING SOMEHOW
12 IMPLIED THAT THE MATERIAL MOVED INTO AN ACTUAL
13 PRODUCT LIKE A BRICK OR INERT TYPE OF PRODUCT?

14 BOARD MEMBER FRAZEE: INTENT.

15 MR. BLOCK: IN CONTAMINATED SOIL WHAT WE
16 HAD WAS A SITUATION WHERE YOU HAD ASPHALT OR -- I
17 FORGET THE OTHER PRODUCT -- ASPHALT WAS ONE OF THE
18 MATERIALS WHERE CONTAMINATED SOIL WAS IN THE MIX.
19 THERE WERE TWO OR THREE OTHER MAIN CONSTITUENTS
20 AND ASPHALT CAME OUT THE BACK END AND WAS THEN
21 USED FOR ROADS OR WHATEVER ELSE THAT WAS NEEDED.
22 SO THAT WAS THE IDEA WITH CONTAMINATED SOIL. IT'S
23 A VERY -- WE'RE GOING TO HAVE TO TAKE A LOOK AT
24 THAT ISSUE. IT'S A LITTLE BIT FUZZIER IN THE
25 CONTEXT OF LAND APPLICATION. SO WE'RE GOING TO

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1 HAVE TO MAYBE ADD SOME LANGUAGE TO CLARIFY THAT.

2 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
3 QUESTIONS? OKAY. THEN WE NEED A MOTION ON THIS.

4 BOARD MEMBER RELIS: MR. CHAIR, I'LL MOVE
5 THAT THE FIVE RECOMMENDED ACTIONS BY STAFF OR
6 CLARIFICATION OF OUR REGULATORY AUTHORITY WHICH IS
7 DESCRIBED NOT SPECIFICALLY IN THE MOTION, BUT
8 THESE FIVE FACTORS FOR CONCURRENCE.

9 BOARD MEMBER FRAZEE: SECOND.

10 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
11 MOVED AND SECONDED THAT WE ADOPT THESE CRITERIA.
12 WILL THE SECRETARY CALL THE ROLL.

13 BOARD SECRETARY: BOARD MEMBER CHESBRO.

14 BOARD MEMBER CHESBRO: AYE.

15 BOARD SECRETARY: FRAZEE.

16 BOARD MEMBER FRAZEE: AYE.

17 BOARD SECRETARY: GOTCH.

18 BOARD MEMBER GOTCH: AYE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: AYE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: AYE. MOTION

23 CARRIES.

24 MOVE ON TO ITEM 23, CONSIDERATION
OF
25 CONCURRENCE IN THE ISSUANCE OF A NEW STANDARDIZED

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1 PERMIT FOR THE WEST CONTRA COSTA COUNTY SANITARY
2 LANDFILL COMPOST FACILITY IN CONTRA COSTA COUNTY.

3 MS. RICE: THANK YOU. JOHN WHITEHILL
4 WILL PRESENT THIS ITEM.

5 MR. WHITEHILL: GOOD MORNING, MR.
6 CHAIRMAN AND MEMBERS OF THE BOARD. BECAUSE THIS
7 BOARD ONLY HAS 30 DAYS TO CONCUR OR OBJECT TO THE
8 ISSUANCE OF A STANDARDIZED PERMIT, WE WERE UNABLE
9 TO SCHEDULE THIS ITEM FOR THE DECEMBER 11TH
10 COMMITTEE MEETING, SO YOU WILL BE HEARING SOME OF
11 THIS INFORMATION FOR THE FIRST TIME.

12 ALTHOUGH THIS FACILITY RECEIVED A
13 NEW PERMIT IN 1995, THE BOARD'S TIERED PERMIT
14 REGULATIONS REQUIRE AN OPERATOR TO APPLY FOR A NEW
15 PERMIT WHENEVER A CHANGE IN OPERATION IS PROPOSED.
16 THE EXISTING FACILITY IS LOCATED ON AN INTER-
17 MEDIATE COVER OF THE ACTIVE WEST CONTRA COSTA
18 SANITARY LANDFILL, WHICH IS EXPECTED TO REACH
19 CAPACITY 1998.

20 THE OPERATOR PROPOSES TO RELOCATE
21 THE COMPOST FACILITY SEVERAL HUNDRED FEET TO THE
22 EAST OF THE -- TO AN AREA OF THE LANDFILL THAT
HAS
23 FINAL COVER IN PLACE. THE PERMITTED CAPACITY AND
24 THE FEEDSTOCK OF THE FACILITY WILL REMAIN THE
25 SAME.

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1 IN SUMMARY, THE LEA AND BOARD STAFF
2 HAVE DETERMINED THE FOLLOWING: THAT THE LEAD
3 AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF THE
4 CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THAT THE
5 PROPOSED PROJECT IS CONSISTENT WITH THE 1991 EIR.
6 THE PROPOSED PERMIT IS CONSISTENT WITH THE
7 STANDARDS ADOPTED BY THE BOARD. THE OPERATION OF
8 THIS FACILITY IS CONSISTENT WITH THE APPROVED
9 COUNTY INTEGRATED WASTE MANAGEMENT PLAN.

10 AT THE TIME THE AGENDA ITEM WENT TO
11 PRINT, THE RESULTS OF THE DECEMBER 2D INSPECTION
12 WERE NOT YET AVAILABLE. THE BOARD STAFF AND THE
13 LEA HAVE SINCE DETERMINED THAT THE DESIGN AND
14 OPERATION IS IN COMPLIANCE WITH STATE MINIMUM
15 STANDARDS FOR COMPOSTING OPERATIONS.

16 IN CONCLUSION, STAFF HAS REVIEWED
17 THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION
18 AND FOUND THEM TO BE ACCEPTABLE. STAFF RECOMMEND
19 THAT THE BOARD ADOPT RESOLUTION NO. 96-527,
20 CONCURRING IN THE ISSUANCE OF SOLID WASTE
21 FACILITIES PERMIT NO. 07-AA-0044. THE LEA AND
22 THE
23 OPERATOR ARE BOTH HERE IN CASE YOU HAVE ANY
24 QUESTIONS.

24 CHAIRMAN PENNINGTON: QUESTIONS?
25 BOARD MEMBER FRAZEE: COMMENT IF I

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COULD,

1 MR. CHAIRMAN. I VISITED THIS SITE A FEW MONTHS
2 AGO, AND I CANNOT THINK OF A BETTER SITE FOR A
3 COMPOSTING FACILITY IN AN URBAN SETTING THAN THIS
4 ONE AND THE USE OF A CLOSED LANDFILL, AND ITS
5 PROXIMITY TO THE GENERATION OF MATERIAL IS REALLY
6 GOOD ALL THE WAY AROUND. I THINK THIS IS ONE OF
7 THOSE WIN-WIN SITUATIONS FOR EVERYONE CONCERNED.

8 BOARD MEMBER CHESBRO: IT'S ALSO GOT
9 FABULOUS VIEWS.

10 BOARD MEMBER RELIS: I HAVEN'T SEEN IT,
11 BUT THE IDEA OF POTENTIALLY BARGING ORGANICS INTO
12 THE VALLEY FROM HERE IS AN INTRIGUING ONE. I'LL
13 LOOK FORWARD TO THE INAUGURAL IF THAT EVER COMES
14 TO PASS.

15 BOARD MEMBER FRAZEE: MOVE ADOPTION OF
16 RESOLUTION 96-527.

17 BOARD MEMBER GOTCH: SECOND.

18 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
19 SECONDED. FURTHER DISCUSSION? WILL THE
20 SECRETARY CALL THE ROLL, PLEASE?

21 BOARD SECRETARY: BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 BOARD SECRETARY: FRAZEE.

24 BOARD MEMBER FRAZEE:

AYE.

25 BOARD SECRETARY: GOTCH.

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1 BOARD MEMBER GOTCH: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 BOARD SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE. MOTION

6 CARRIES.

7 ITEM 25 IS OPEN DISCUSSION. ANYONE
8 HERE WHO WANTS TO BRING ANYTHING BEFORE THE BOARD?

9 BOARD MEMBER RELIS: MR. CHAIR, BEFORE WE
10 ADJOURN, COULD I JUST CLARIFY THE EARLIER MOTION
11 ON AGENDA ITEM 20. I REFERENCED FIVE FACTORS.
12 AND FOR THE RECORD, I WANT TO BE CLEAR THAT THE
13 FIVE I WAS REFERRING TO WERE THOSE IN THE REVISED
14 STAFF RECOMMENDATION AND NOT IN THE ITEM.

15 BOARD MEMBER FRAZEE: COULD I, MR.
16 CHAIRMAN, MAKE A STATEMENT FOR THE RECORD?

17 CHAIRMAN PENNINGTON: CERTAINLY.

18 BOARD MEMBER FRAZEE: BECAUSE OF THE ITEM
19 CONCERNING THE FLORAL CONTAINERS, JUST FOR THE
20 RECORD, I WANTED TO INDICATE THAT AT ONE TIME I
21 WAS A MEMBER OF THE ORGANIZATION THAT WAS THE
22 SPONSOR OF THIS LEGISLATION AND WAS ALSO INVOLVED
23 IN THE FLORAL INDUSTRY. ALL FINANCIAL INTEREST
24 AND MEMBERSHIP IN THAT ORGANIZATION CEASED 18
25 YEARS AGO. SO I HAVE NO CURRENT FINANCIAL

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1 INTEREST WHATSOEVER IN THE FLORAL INDUSTRY.

2 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
3 WE WILL NOW RECESS INTO A CLOSED SESSION FOR THE
4 PURPOSE OF DISCUSSING SOME LEGAL MATTERS, AND
5 FOLLOWING THAT WE WILL ADJOURN.

6 I DID WANT TO MAKE ONE STATEMENT
7 THAT MR. FRAZEE HAS A FANTASTIC CHRISTMAS TIE ON
8 THERE. HE SEEMS TO BE THE ONLY ONE.

9 BOARD MEMBER RELIS: NOT REALLY, LOOKING
10 AT IT, I THINK IT COULD QUALIFY.

11 CHAIRMAN PENNINGTON: WE'LL GIVE YOU A
12 HALF A POINT FOR THAT ONE.

13 BOARD MEMBER RELIS: THANK YOU VERY MUCH.

14

15 (END OF PROCEEDINGS AT 11:10 A.M.)

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