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BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
COMBINED PUBLIC MEETING)
)
_____)
 -

DATE AND TIME: TUESDAY, JANUARY 7, 1997
 9 A.M.

PLACE: BOARD HEARING ROOM
 8800 CAL CENTER
 DRIVE SACRAMENTO,
 CALIFORNIA

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

BRS FILE NO.: 37292A

APPEARANCES

STATE WATER RESOURCES CONTROL BOARD:

MR. JOHN BROWN, VICE CHAIRMAN
MR. MARC DEL PIERO, MEMBER
MS. MARY JANE FORSTER, MEMBER

WATER BOARD STAFF PRESENT:

LISA BABCOCK
ELIZABETH HAVEN
ED WOSIKA
JOHN RICHARDS

INTEGRATED WASTE MANAGEMENT BOARD:

MR. ROBERT C. FRAZEE, CHAIRMAN
MR. DANIEL G. PENNINGTON, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MS. KATHRYN TOBIAS, LEGAL COUNSEL

MS. LORI LOPEZ, COMMITTEE SECRETARY MS. DOROTHY RICE,
DEPUTY DIRECTOR MS. SHARON ANDERSON

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CALL TO ORDER	9
ITEM 1: CONSIDERATION OF ADOPTION OF COMBINED STATE WATER RESOURCES CONTROL BOARD/ CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PROPOSED REGULATIONS IN TITLE 27, IMPLEMENTING THE PROVISIONS OF ASSEMBLY BILL 1220	
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1 SACRAMENTO, CALIFORNIA; TUESDAY, JANUARY 7, 1997

2 9:15 A.M.

3

4 CHAIRMAN FRAZEE: GOOD MORNING. IF THE
5 MEETING WOULD COME TO ORDER, PLEASE. THIS IS A
6 COMBINED MEETING OF THE STATE WATER RESOURCES
7 CONTROL BOARD AND THE CALIFORNIA INTEGRATED WASTE
8 MANAGEMENT BOARD PERMITTING AND ENFORCEMENT
9 COMMITTEE. PURPOSE TODAY IS TO CONSIDER THE AB
10 1220 REGULATIONS AND RECEIVE PUBLIC COMMENT.

11 SECRETARY WOULD CALL THE ROLL FOR
12 THE WASTE BOARD.

13 THE SECRETARY: BOARD MEMBER PENNINGTON.

14 MEMBER PENNINGTON: HERE.

15 THE SECRETARY: BOARD MEMBER RELIS.

16 MEMBER RELIS: HERE.

17 THE SECRETARY: BOARD MEMBER FRAZEE.

18 CHAIRMAN FRAZEE: HERE. ALL MEMBERS OF
19 THE COMMITTEE ARE PRESENT.

20 THE -- AS I INDICATED, THE PURPOSE
21 OF THE MEETING TODAY IS TO RECEIVE PUBLIC COMMENT
22 ON THE AB 1220 REGULATIONS. THIS IS THE SECOND
23 15-DAY COMMENT PERIOD WHICH WILL CLOSE AT THE END
24 OF TODAY'S JOINT MEETING. FOLLOWING PUBLIC
25 TESTIMONY, THE PUBLIC -- OR THE PERMITTING AND

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1 ENFORCEMENT COMMITTEE WILL TAKE ACTION ON THIS
2 ISSUE. CONSIDERATION OF FINAL ADOPTION OF THESE
3 REGULATIONS WILL OCCUR AT A JOINT MEETING OF CIWMB
4 AND SWRCB ON JANUARY 23D AT 2 P.M. IN THE
5 CALIFORNIA ENERGY COMMISSION'S HEARING ROOM A AT
6 1516 9TH STREET.

7 AGAIN, LET ME REMIND THOSE IN THE
8 AUDIENCE, ANYONE WHO WISHES TO SPEAK ON THE ITEMS
9 ON TODAY'S AGENDA SHOULD FILL OUT A SPEAKER SLIP
10 IN THE BACK OF THE ROOM AND BRING IT FORWARD TO
11 THE COMMITTEE SECRETARY. AND ALSO TO INDICATE
12 THAT ANY WRITTEN COMMENTS THAT ANYONE WOULD LIKE
13 TO ADDRESS TO THE JOINT MEETING ON THIS PARTICULAR
14 ISSUE WILL BE RECEIVED BY THE COMMITTEE SECRETARY
15 AT ANY TIME PRIOR TO THE END OF THE JOINT MEETING.

16 AT THIS TIME I'D LIKE TO INTRODUCE
17 MR. JOHN BROWN, VICE CHAIR OF THE STATE WATER
18 RESOURCES CONTROL BOARD, FOR OUR JOINT HEARING
19 PURPOSE TODAY. MR. BROWN.

20 MR. BROWN: THANK YOU, VICE CHAIRMAN
21 FRAZEE. GOOD MORNING. MY NAME IS JOHN BROWN. I
22 AM THE VICE CHAIRMAN OF THE STATE WATER RESOURCES
23 CONTROL BOARD. I'D LIKE TO INTRODUCE TO YOU MY
24 FELLOW BOARD MEMBERS, MARY JANE FORSTER TO MY
25 RIGHT. TO MARY JANE'S RIGHT IS MR. MARC DEL

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1 PIERO. AND OUR CHAIRMAN, JOHN CAFFREY, SENDS HIS
2 KIND REGARDS, AND HE'S TIED UP WITH STATE
3 BUSINESS, AS IS MR. JIM STUBCHAER.

4 THIS IS THE TIME FOR US TO HEAR YOUR
5 COMMENTS ABOUT THE PROPOSED CONSOLIDATION AND
6 AMENDMENT TO THE STATE SOLID WASTE REGULATIONS.
7 THIS WORKSHOP IS BEING HELD IN ACCORDANCE WITH THE
8 NOTICE ISSUED ON DECEMBER 16, 1996, AND WE WILL BE
9 ACCEPTING COMMENTS ADDRESSING ONLY THE MOST RECENT
10 MODIFICATIONS TO THE PROPOSED REGULATIONS AS SET
11 FORTH IN THE NOTICE. THESE MODIFICATIONS REFLECT
12 AND ADDRESS COMMENTS MADE EARLIER IN THESE
13 PROCEEDINGS.

14 IF YOU INTEND TO SPEAK TODAY, AS
15 INDICATED, PLEASE FILL OUT A SPEAKER'S CARD AND
16 GIVE IT TO LORI HERE AT THE FRONT DESK. SINCE
17 EACH OF US IS RESPONSIBLE FOR ITS RESPECTIVE
18 COMPONENTS OF THE CONSOLIDATED SOLID WASTE
19 REGULATIONS, PLEASE INDICATE ON THE CARD WHETHER
20 YOU WISH TO SPEAK ABOUT THE PROPOSED REGULATIONS
21 OF THE WASTE BOARD OR THE WATER BOARD OR BOTH.

I

22 WILL CALL EACH PERSON WHO HAS SUBMITTED A CARD
IN
23 THE ORDER IN WHICH I RECEIVE THE CARDS FROM
STAFF.

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24 IF YOU HAVE A WRITTEN COPY OF YOUR
25 STATEMENT, PLEASE PROVIDE IT TO OUR STAFF FOR
OUR

1 RECORDS AND FOR THE CONVENIENCE OF THE REPORTER.
2 OUR REPORTER IS BETH DRAIN SITTING IN THE FRONT,
3 SO PROVIDE THOSE COMMENTS TO HER IF YOU HAVE THEM.
4 WE INTEND TO COMPLETE THIS MEETING AS EXPEDI-
5 TIOUSLY AS POSSIBLE. EACH PERSON WILL HAVE UP TO
6 FIVE MINUTES TO SPEAK. IF YOU FEEL YOU NEED
7 ADDITIONAL TIME, YOU MAY REQUEST IT WHEN YOU ARE
8 CALLED. PLEASE BE PREPARED, THOUGH, TO EXPLAIN
9 WHY YOU BELIEVE THAT ADDITIONAL TIME SHOULD BE
10 ALLOTTED TO YOU. IF I CANNOT GIVE YOU ALL THE
11 TIME THAT YOU REQUEST, YOU MAY SUBMIT YOUR
12 COMMENTS IN WRITING BY THE END OF THE MEETING.

13 AS STATED IN THE NOTICE PUBLISHED
ON

14 DECEMBER 16, 1996, A CURRENT 15-DAY COMMENT
PERIOD

15 FOR THESE RULEMAKING PROCEEDINGS WILL CLOSE AT
THE
16 END OF THIS MEETING. ANY MATERIALS SUBMITTED TO
17 THE STAFF AT THIS MEETING WILL BE INCLUDED IN
THE
18 APPROPRIATE ADMINISTRATIVE RECORD AND WILL BE
19 AVAILABLE FOR INSPECTION BY ANY INTERESTED
PERSON.

20 IN THE INTEREST OF ALL CONCERNED,

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I

21 ASK YOU NOT REPEAT COMMENTS ALREADY PRESENTED BY

22 OTHERS. YOU ARE ENCOURAGED TO EXPRESS

CONCURRENCE

23 OR AGREEMENT WITH PRIOR STATEMENTS. ALSO,

PERSONS

24 WITH SIMILAR CONCERNS ARE ENCOURAGED TO CONSOLI-

25 DATE THEIR COMMENTS IN A JOINT STATEMENT, IF IT

IS

1 POSSIBLE. IN ADDITION, IT IS NOT NECESSARY TO
2 REITERATE COMMENTS MADE IN EARLIER PRESENTATIONS
3 DURING THIS RULEMAKING. ALL SUCH COMMENTS HAVE
4 BEEN INCORPORATED INTO THE RESPECTIVE ADMINIS-
5 TRATIVE RECORD OF EACH AGENCY AND WILL BE
6 CONSIDERED IN THE FINAL ANALYSIS.

7 IF YOUR COMMENT DID NOT RESULT IN A
8 MODIFICATION OF THE PROPOSED REGULATIONS, WE WILL
9 EXPLAIN OUR REASONS FOR THAT DECISION IN THE FINAL
10 STATEMENT OF REASONS THAT WILL BE PREPARED WHEN WE
11 CONSIDER ADOPTION OF THE PROPOSED REGULATIONS AS
12 MODIFIED.

13 THE COURT REPORTER TODAY WILL
14 PREPARE A TRANSCRIPT OF THE HEARING. IF YOU WANT
15 A COPY, YOU MUST MAKE YOUR OWN ARRANGEMENTS WITH
16 MS. DRAIN.

17 FINALLY, LET ME REMIND YOU THAT THE
18 STATE WATER RESOURCES CONTROL BOARD MEMBERS WILL
19 NOT BE TAKING ACTION AT TODAY'S MEETING. THE
20 STATE WATER RESOURCES CONTROL BOARD WILL CONSIDER
21 ANY COMMENTS THAT WE HEAR TODAY TOGETHER WITH THE
22 REST OF THE MATERIAL IN OUR ADMINISTRATIVE RECORD
23 FOR THIS PROCEEDING, INCLUDING PROPOSED RESPONSES
24 TO ALL THE COMMENTS RECEIVED. WHEN WE MEET AGAIN
25 ON JANUARY THE 23D, 1997, WE WILL ACT ON THE

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1 PROPOSED CHANGES TO OUR REGULATIONS.

2 LIZ HAVEN, SENIOR ENGINEERING
3 GEOLOGIST AND CHIEF OF CHAPTER 15 UNIT, WILL BE
4 MAKING OUR STAFF PRESENTATION FOR THE WATER BOARD.
5 MS. HAVEN.

6 MS. ANDERSON: ACTUALLY I'M GOING TO GO
7 AHEAD AND KICK IT OFF. LIZ AND I HAD SPOKEN
8 EARLIER, AND SHE HAD REQUESTED THAT SHARON
9 ANDERSON, MYSELF, START THE STAFF PRESENTATION,
10 AND THEN I WAS GOING TO TURN IT OVER TO HER AND
11 SHE WAS GOING TO TURN IT BACK TO ME, AND BACK TO
12 HER AND ME.

13 MR. BROWN: WITH THAT MINOR CORRECTION,
14 MS. ANDERSON, WOULD YOU PROCEED FIRST.

15 MS. ANDERSON: AS YOU KNOW, I JUST SAID
16 MY NAME IS SHARON ANDERSON. AND WHAT WE WILL BE
17 ASKING PERMITTING AND ENFORCEMENT COMMITTEE
18 MEMBERS TO DO TODAY IS TAKE A LOOK AT THIS
19 RULEMAKING EFFORT AND DECIDE WHETHER YOU FIND
20 THAT

21 THE PROPOSED REGULATIONS IMPLEMENTING AB 1220
22 SHOULD BE MOVED FORWARD FOR OUR BOARDS'
APPROVAL.

TOGETHER THE WASTE BOARD AND THE STATE WATER
BOARD

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23 HAVE CONDUCTED SEVERAL WORKSHOPS, MEETINGS, AND
24 SCOPING SESSIONS WHICH LED TO THE PRECURSOR
DRAFTS
25 OF THESE REGULATIONS.

1 THE FIRST CUT OF THE PROPOSED
2 REGULATIONS WERE SENT TO OAL, THUS STARTING THE
3 RULEMAKING BACK IN JULY OF '96. THE REGS HAVE
4 BEEN REVISED TWICE SINCE THEN AS A RESULT OF TWO
5 COMMENT PERIODS, AND WE'RE CURRENTLY IN A THIRD
6 COMMENT PERIOD. WE'LL HEAR TESTIMONY TODAY IF ANY
7 INTERESTED PARTY WISHES TO COMMENT ON THE MOST
8 RECENT CHANGES MADE TO THE REGULATIONS, WHICH ARE
9 CURRENTLY OUT FOR COMMENT.

10 I'M GOING TO GO AHEAD AND POP OVER
11 TO MY FLOW CHART SO YOU CAN SEE WHERE WE ARE IN
12 THE PROCESS.

13 I KNOW THAT THIS IS TOUGH TO SEE
14 BECAUSE THE MAGNIFICATION IS KIND OF BAD -- NOT
15 BAD, BUT WE'VE ACTUALLY MADE IT DOWN THE FIRST
16 LEFT-HAND COLUMN AND WE'RE CURRENTLY IN THE
17 RIGHT-HAND COLUMN. AND I'M GOING TO ZOOM IN.

THE

18 TOP BOX WHERE IT SAYS JOINT P&E COMMITTEE MEETING
19 AND STATE WATER BOARD WORKSHOP IS WHERE WE ARE.

20 SHOULD OUR COMMITTEE MEMBERS AND
21 THE -- SHOULD OUR COMMITTEE MEMBERS APPROVE THESE
22 REGULATIONS FOR ADOPTION, YOU WILL SEE THAT WE
23 WILL GO DOWN TO CONDUCTING THE JOINT WATER
24 BOARD/WASTE BOARD MEETING FOR ADOPTION OF THE

FULL

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25 FORMAL BOARD MEETINGS. AFTER THAT, BASED ON THE

1 DECISION, WE CAN EITHER GO TO OAL OR WE MAY GO
2 BACK. SO THAT'S WHERE WE ARE IN THIS FLOW CHART
3 PROCESS.

4 SOME OF THE HIGHLIGHTS OF THE WASTE
5 MANAGEMENT BOARD REGULATIONS AND THE CHANGES MADE
6 AS A RESULT OF THE COMMENTS WERE WE HAVE RESTORED
7 MANY OF THE EXISTING TITLE 14 REQUIREMENTS INTO
8 THE REGULATIONS. WHERE WE HAVE PROPOSED MAYBE
9 SOME CHANGES, WE'VE ROLLED BACK AGAIN FURTHER TO
10 TITLE 14. WE CONSISTENTLY INCLUDED THE
11 ENFORCEMENT AGENCY DURING THE CLOSURE PLAN REVIEW
12 AND APPROVAL PROCESS, AND WE OFFERED CLARIFYING
13 WORDING REGARDING PARTIAL CLOSURE. WE ALSO HAVE
14 OFFERED CLARIFYING LANGUAGE FOR THE PERMITTING
15 PROCESS TO ENSURE CONSISTENT USAGE OF WORDS, AND
16 THEN WE ALSO REMOVED THE APPLICATION FORM FROM THE
17 RULEMAKING SO THAT WE CAN MAKE SOME FURTHER
18 MODIFICATIONS THAT WOULDN'T HOLD THIS RULEMAKING
19 PACKAGE UP.

20 WE'VE MADE INCREDIBLE EDITORIAL
21 CORRECTIONS THROUGHOUT. WE'VE ALSO FURTHER
22 REMOVED DUPLICATION OR OVERLAP JUST WITHIN THE
23 INTEGRATED WASTE MANAGEMENT BOARD REGULATIONS.
24 FOR INSTANCE, WE HAD SEVERAL AREAS WHERE WE DEALT
25 WITH NUISANCE. WE'VE JUST LET THAT STAND NOW IN

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1 ONE REGULATION, NUISANCE CONTROL, FOR THE STATE
2 MINIMUM STANDARDS.

3 WE'VE ALSO RESTORED EXISTING TITLE
4 14 LANGUAGE REGARDING LEA CERTIFICATION TECHNICAL
5 EXPERTISE. THAT WAS AT THE REQUEST OF MANY OF OUR
6 PARTNERS IN THE LOCAL ENFORCEMENT AGENCY
7 COMMUNITY, THAT WE NOT CHANGE THAT CURRENT
8 REGULATION.

9 THE CURRENT COMMENTS, ALTHOUGH STILL
10 TRICKLING IN, CENTER AROUND FURTHER CONCERNS WITH
11 THE REGULATIONS ON THE PERMIT PROCESS AND ON THE
12 TECHNICAL EXPERTISE REQUIREMENTS. MANY OF THE NEW
13 COMMENTS ARE OUTSIDE THE SCOPE OF THIS COMMENT
14 PERIOD. IN OTHER WORDS, THE COMMENTS DO NOT
15 ADDRESS THE CHANGES MADE IN THE MOST RECENT
16 VERSION OF THE REVISED REGULATIONS.

17 AT THIS TIME, HOWEVER, STAFF FIND
18 THAT ALL THE COMMENTS HAVE BEEN ADEQUATELY
19 ADDRESSED IN THE MANNER SET FORTH FOR THIS
20 RULEMAKING. IN OTHER WORDS, IN THE FINAL
21 STATEMENT OF REASONS, WE WILL MOST LIKELY BE
22 ADDRESSING ANY CONCERNS THAT MAY STILL BE OUT
23 THERE AND TRICKLING IN.

24 UPON APPROVAL BY THE BOARDS, STAFF
25 WILL THEN FINALIZE THE RULEMAKING PACKAGE AND

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1 SUBMIT IT TO OAL. THE THINGS THAT ARE INVOLVED
2 WITH THAT IS THAT WE WILL HAVE TO PREPARE THE
3 FINAL STATEMENT OF REASONS, THE FINAL RESPONSE TO
4 COMMENTS, AND SUBMIT A FINAL VERSION OF THE
5 PROPOSED REGULATIONS, AMONG OTHER THINGS.

6 UNLESS THERE ARE QUESTIONS OF ME,
7 THIS CONCLUDES MY PRESENTATION. FOLLOWING LIZ'
8 PRESENTATION, WE PLAN TO OPEN THE FLOOR TO
9 COMMENTS AND THAT, REMEMBER, IF YOU PLAN TO
10 PRESENT COMMENTS TODAY, STAFF WILL NEED TO RECEIVE
11 THAT IN WRITING AS WELL.

12 ARE THERE ANY QUESTIONS THAT I CAN
13 ANSWER FROM THE COMMITTEE MEMBERS? LIZ.

14 MS. HAVEN: GOOD MORNING. MY NAME IS LIZ
15 HAVEN. I'M FROM THE STATE WATER RESOURCES CONTROL
16 BOARD'S DIVISION OF CLEAN WATER PROGRAMS. I'D
17 LIKE TO BRIEFLY DESCRIBE THE WATER BOARD'S PORTION
18 OF THESE PROPOSED REGULATIONS.

19 WE HAVE TAKEN THE EXISTING CHAPTER
20 15 REQUIREMENTS GOVERNING DISCHARGES OF SOLID
21 WASTE TO LAND AND MOVED THEM TO TITLE 27. OUR
22 REGULATIONS GOVERNING DISCHARGES OF HAZARDOUS
23 WASTE TO LAND WILL REMAIN IN CHAPTER 15. WE'VE
24 MERGED BY TOPIC OUR EXISTING SOLID WASTE
25 REQUIREMENTS WITH THE WASTE BOARD'S EXISTING

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1 REQUIREMENTS.

2 AS PART OF THIS PROCESS, WE HAVE
3 INCORPORATED SOME EXISTING WASTE BOARD REQUIRE-
4 MENTS FOR WATER QUALITY PROTECTION INTO OUR
5 EXISTING REQUIREMENTS IN THESE AREAS. THE WASTE
6 BOARD IS ELIMINATING THESE REQUIREMENTS, AND OUR
7 ADDITION OF THEM WILL ENSURE THAT THE LEVEL OF
8 ENVIRONMENTAL PROTECTION IS NOT REDUCED AS
9 REQUIRED BY AB 1220.

10 IN ADDITION, WE'VE MADE A FEW
11 NONCONTROVERSIAL ADJUSTMENTS TO EXISTING LANGUAGE
12 PRIMARILY TO ALLOW FOR MORE FLEXIBILITY IN
13 MONITORING REQUIREMENTS.

14 AS SHARON SAID, WE HAVE ALREADY HAD
15 A 45-DAY INITIAL COMMENT PERIOD, ENDING SEPTEMBER
16 11TH, AND A 15-DAY COMMENT PERIOD, ENDING DECEMBER
17 4TH. WE HAD A TOTAL OF 44 COMMENTERS FOR BOTH
18 COMMENT PERIODS. AFTER THIS 15-DAY COMMENT
19 PERIOD, WE MADE SOME VERY MINOR CHANGES TO THE
20 WATER BOARD'S REGULATIONS PRIMARILY RETURNING TO
21 EXISTING CHAPTER 15 LANGUAGE. WE ARE NOW CON-
22 CLUDING A SECOND 15-DAY COMMENT PERIOD ON THOSE
23 MINOR CHANGES.

24 IF BOTH BOARDS ADOPT THESE REGU-
25 LATIONS IN JANUARY, WE WOULD FORWARD THEM TO THE

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1 OFFICE OF ADMINISTRATIVE LAW IN FEBRUARY. AND THE
2 EARLIEST THE REGULATIONS WOULD BE IN EFFECT IS IN
3 APRIL OF 1997. AS MANY OF YOU KNOW, SUBSTANTIVE
4 REVISIONS TO THE WATER BOARD'S REGULATIONS WILL BE
5 CONSIDERED IN A FUTURE RULEMAKING KNOWN AS PHASE
6 II.

7 FOR PHASE II WE ARE PROPOSING TO
8 MAKE OUR MUNICIPAL SOLID WASTE LANDFILL REGU-
9 LATIONS CONFORM MORE CLOSELY WITH THE FEDERAL
10 SUBTITLE D REGULATIONS. WE PLAN -- THIS IS A
11 LITTLE FAR IN ADVANCE HERE, BUT WE ARE PLANNING
12 AT
13 THIS POINT TO PROVIDE NOTICE OF THESE REGULATIONS
14 SOMETIME AROUND AUGUST AND HOLD A PUBLIC HEARING
15 A
16 FEW MONTHS AFTER THAT.

17 THANK YOU. BACK TO SHARON.

18 MS. ANDERSON: AT THIS TIME I'D LIKE TO
19 TURN IT OVER TO THE COMMITTEE MEMBERS AND MR.
20 BROWN TO ENTERTAIN EITHER QUESTIONS OF STAFF OR
21 OPEN UP THE COMMENT PERIOD.

22 MR. BROWN: MR. FRAZEE, DO YOU HAVE
23 ANYTHING ELSE?

24 MEMBER FRAZEE: NO QUESTIONS OF STAFF.

25 MR. BROWN: WITH OUR SPEAKERS IN ORDER
OF

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24 THE CARDS RECEIVED, MR. CHARLES WHITE.
25 MR. WHITE: THANK YOU, MR. CHAIRMAN,

1 MEMBERS OF THE BOARDS. MY NAME IS CHARLES WHITE,
2 DIRECTOR OF REGULATORY AFFAIRS FOR WASTE MANAGE-
3 MENT AND WMX TECHNOLOGIES. I WILL TRY TO BE
4 BRIEF. I DO HAVE THREE COMMENTS THAT I WANT TO
5 MAKE ON THESE PROPOSED FINAL CHANGES.

6 I HAVE PROVIDED E-MAIL MESSAGES ON
7 ALL THREE TO SHARON ANDERSON. I PRESUME THOSE
8 WILL SUFFICE FOR WRITTEN COMMENT.

9 MS. ANDERSON: YES, I TOLD YOU THEY
10 WOULD.

11 MR. WHITE: THEY ALL PERTAIN TO THE AREAS
12 OF THE REGULATIONS THAT ARE THE PURVIEW OF THE
13 WASTE BOARD.

14 AND THE FIRST ONE APPEARS ON PAGE 2
15 OF THE REGULATIONS PACKAGE THAT YOU HAVE BEFORE
16 YOU. IT'S IN SECTION 20530, AND THERE'S -- THE
17 SECOND SENTENCE IN THAT PROPOSED SECTION IS A
18 SENTENCE THAT'S BEEN ADDED BACK IN AGAIN RELATED
19 TO THE OPEN STORAGE OF HAZARDOUS MATERIALS. AND
20 WE HAD THOUGHT THAT THIS VAGUE SECTION HAD BEEN
21 DELETED FROM THE PREVIOUS VERSIONS AND IS NOW
22 BEING PROPOSED TO BE ADDED BACK IN AGAIN.
23 ALTHOUGH IT IS CURRENTLY CONSISTENT WITH THE
24 EXISTING REGULATION, IT IS SOMEWHAT OBSCURE IN
ITS
25 MEANING.

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1 FOR EXAMPLE, THE INTENT SEEMS TO BE
2 THAT WHEN YOU HAVE PONDING OR OPEN STORAGE OF
3 HAZARDOUS WASTES, THAT THOSE AREAS SHOULD BE
4 SEPARATELY FENCED. HOWEVER, THE LANGUAGE MAKES
5 REFERENCE TO HAZARDOUS MATERIALS, WHICH IS A FAR
6 BROADER CATEGORY OF MATERIALS THAN JUST SIMPLY
7 HAZARDOUS WASTES. FOR EXAMPLE, DOES THE STORAGE
8 OF DIESEL FUEL, DOES THE STORAGE OF GASOLINE, DOES
9 THE STORAGE OF OTHER TYPES OF HAZARDOUS MATERIALS
10 REQUIRE SEPARATE FENCING? WHICH LEADS TO THE
11 SECOND AREA OF VAGUENESS IN THIS LANGUAGE IS WHAT
12 IS CONSTITUTED TO BE OPEN STORAGE. DOES OPEN
13 STORAGE MEAN OPEN TO THE PUBLIC, OR DOES IT MEAN
14 OPEN TO THE ATMOSPHERE?

15 IF IT MEANS OPEN TO THE ATMOSPHERE,
16 WHICH I THINK MAY BE THE ORIGINAL INTENT WHEN THIS
17 OLD LANGUAGE WAS PUT IN SOME MANY YEARS AGO, I
18 THINK THEY WERE TALKING ABOUT OPEN STORAGE AND
19 OPEN TANKS AND PONDS OF PRIMARILY HAZARDOUS WASTE.
20 IF THAT IS THE INTENT, I WOULD SUGGEST EITHER THE
21 LANGUAGE BE MODIFIED TO REFLECT THAT INTENT AND
22 NOT CAPTURE THINGS LIKE TANK STORAGE OF HAZARDOUS
23 MATERIALS, GASOLINE, DIESEL FUEL, AND THE LIKE, OR
24 BE VERY CLEAR IN THE STATEMENT OF REASONS THAT
25 THAT IS THE INTENT, NOT TO CAPTURE THE SEPARATE

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1 STORAGE OF CONTAINERIZED HAZARDOUS MATERIALS THAT
2 MAY BE AN ADJUNCT TO THE OPERATION OF THE SOLID
3 WASTE FACILITY.

4 MY SECOND COMMENT HAS TO DO ON PAGE
5 4 ON SECTION 21600. THERE'S A NEW SENTENCE
ADDED.

6 IN FACT, I'M SOMEWHAT CHAGRINED TO SAY I THINK
7 THIS WAS ADDED IN RESPONSE TO ONE OF OUR PREVIOUS
8 COMMENTS WHERE WE POINTED OUT THAT LANGUAGE
SEEMED

9 TO INDICATE THAT YOU HAD TO IDENTIFY OFF-SITE AND
10 ON-SITE SOURCES OF MATERIAL. NOW, THERE'S A
11 SPECIFIC SENTENCE SAYING YOU HAVE TO IDENTIFY,
12 DESCRIBE OFF-SITE SOURCES OF COVER MATERIALS FOR
A
13 FIVE-YEAR DURATION. THAT IS VERY, VERY PROBLEM-
14 ATIC TO IDENTIFY THE SOURCE OF YOUR CLEANUP SOIL
15 THAT MAY BE USED FOR COVER, YOUR SOURCE OF YOUR
16 AUTO SHREDDER MATERIAL NEXT MONTH LET ALONE NEXT
17 YEAR, LET ALONE FOR A FIVE-YEAR PERIOD TO
IDENTIFY

18 THE ACTUAL SOURCES OF THESE COVER MATERIALS.

19 NOW, IF THE MEANING OR THE INTENT
IS
20 TO IDENTIFY THE TYPES OF COVER MATERIALS, FOR

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21 EXAMPLE, IF YOU ARE PROPOSING TO USE THREE OR
FOUR
22 DIFFERENT TYPES OF ADC LIKE GREEN WASTE, LIKE
AUTO
23 SHREDDER WASTE, LIKE SHREDDED TIRES, AND YOU
24 IDENTIFY THOSE TYPES AND THAT SUFFICES, THAT'S
ONE
25 THING. BUT CLEANUP SOILS ARE NOT ADC, FOR

1 EXAMPLE, AND WOULD YOU HAVE TO IDENTIFY -- COULD
2 YOU JUST SIMPLY SAY I PLAN ON USING CLEANUP SOILS
3 FOR COVER FOR THE NEXT FIVE YEARS? OR DO I HAVE
4 TO IDENTIFY 100 FILLING STATION CLEANUPS THAT ARE
5 LIKELY TO COME DOWN THE ROAD IN THE NEXT FIVE
6 YEARS?

7 AND ALL I'M SUGGESTING HERE IS THIS
8 LANGUAGE SHOULD PROBABLY BE DELETED OR AT LEAST
9 CLARIFIED. I'M NOT CERTAIN YOU CAN DO JUSTICE TO
10 IT IN THE STATEMENT OF REASONS TO REALLY CLARIFY
11 THIS LANGUAGE BECAUSE IT DOES SAY SOURCES, AND
12 SOURCES HAS A SPECIFIC MEANING TO ME, AND I WOULD
13 PRESUME TO THE LEA'S AS WELL.

14 MY LAST COMMENT IS ON PAGE 5, AND
15 IT'S POTENTIALLY THE MOST TROUBLESOME AND MOST
16 COMPLICATED TO DESCRIBE. AND IT ACTUALLY IS
17 LANGUAGE THAT HAD BEEN PREVIOUSLY PROPOSED, NOT IN
18 THIS VERSION, BUT IN A PRIOR VERSION. I THINK THE
19 JULY VERSION WHEN IT WAS ACTUALLY PROPOSED. THE
20 REASON I RAISE IT TODAY IS THAT I THINK IT'S IN
21 CONFLICT WITH THE PUBLIC RESOURCES CODE.

22 MS. ANDERSON: IT'S SECTION 21685.

23 MR. WHITE: I'M SORRY, YEAH. SECTION
24 21685 ON THE BOTTOM LEFT OF PAGE 5. THERE ARE TWO
25 SECTIONS IN THE PUBLIC RESOURCES CODE, 44008 AND

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1 44009, THAT PROTECT A PERMIT APPLICANT IN TERMS OF
2 ENSURING THAT THEY WILL GET A PERMIT DECISION FROM
3 THE WASTE BOARD AND THE LEA'S WITHIN CERTAIN
4 SPECIFIED TIME PERIODS, BASICALLY 120 DAYS AND SO
5 ON AND SO FORTH.

6 PREVIOUS LANGUAGE BASICALLY SAID
7 THAT AN LEA OR AN APPLICANT, IF THEY SUBMIT
8 REVISIONS, CAN, IN FACT, WOULD HAVE TO WAIVE THE
9 STATUTORY TIME FRAME. HOWEVER, IN THE OLD
10 LANGUAGE, IF THE LEA WAS GOING TO SUBMIT A
11 REVISION, ADDITION, OR AMENDMENT, IT REFERRED BACK
12 TO OLD SECTION 18203, AND IT SAID YOU HAVE TO
13 COMPLY WITH THE CONDITIONS. AND 18203 WERE
14 BASICALLY ONLY IF AN APPLICANT REQUESTS A
15 REVISION, AMENDMENT, THEN AT THAT POINT IN TIME
16 WOULD THE TIME FRAMES BE WAIVED.

17 NOW YOU'VE SEPARATED TOTALLY THE
18 TWO, AND NOW YOU'RE GIVING SEPARATE, INDEPENDENT
19 AUTHORITY IN THE REGULATIONS FOR THE ENFORCEMENT
20 AGENCY TO WAIVE THE TIME FRAMES THAT ARE IMPOSED
21 UPON BOTH THEM AND THE BOARD IN STATUTE. AND I
22 DON'T THINK YOU CAN DO THAT THROUGH REGULATIONS.

23 AND I WANT TO APOLOGIZE TO THE
BOARD
24 FOR NOT PICKING UP ON THIS EARLIER ON IN THE

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JULY

25 VERSION, BUT I BELIEVE THAT YOU CANNOT GRANT
THE

1 EA THE AUTHORITY TO WAIVE THE STATUTORY TIME
2 FRAMES IF THEY ON THEIR OWN MOTION SUBMIT A
3 REVISION, ADDITION, OR AMENDMENT TO A PROPOSED
4 PERMIT.

5 IT ONLY -- THOSE KIND OF THINGS
HAVE
6 TO COME FROM THE PROJECT APPLICANT RATHER THAN
7 FROM THE EA ON THEIR OWN MOTION. SO I THINK
THIS

8 IS PROBABLY THE MOST SERIOUS OF THE THREE
COMMENTS

9 IN THE SENSE THAT IT DOES APPEAR TO BE DIRECT
10 CONFLICT WITH THE PUBLIC RESOURCES CODE. AND
I'M
11 NOT SURE IT CAN BE ADDRESSED THROUGH AN ELABORA-
12 TION IN THE STATEMENT OF REASONS.

13 THOSE ARE THE THREE COMMENTS I
HAVE.

14 I APPRECIATE THE TIME YOU'VE OFFERED TO ME, AND
I
15 REALLY SHOULD HAVE SAID AT THE BEGINNING THIS
HAS
16 BEEN A TREMENDOUS EFFORT BY THE STAFF AND EVERY-
17 BODY INVOLVED TO BRING THESE REGULATIONS
TOGETHER.

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18 AND IF THESE ARE THE ONLY THREE RELATIVELY
19 MINOR -- WELL, MAYBE MORE THAN RELATIVELY MINOR
20 ISSUES, BUT MY COMMENDATION GOES TO THE STAFF
AND
21 THE BOARDS FOR PULLING THIS WHOLE THING OFF, AND
I
22 THINK IT'S BEEN A TREMENDOUS EFFORT ON
EVERYBODY'S
23 PART. THANK YOU VERY MUCH.

24 MR. BROWN: THANK YOU, MR. WHITE. ANY
25 QUESTIONS BY STAFF OR BOARD MEMBERS?

1 CHAIRMAN FRAZEE: I WONDER IF OUR STAFF
2 WANTED TO COMMENT ON ANY OF THOSE CHANGES OR
3 RECOMMENDATIONS AT THIS TIME.

4 MS. ANDERSON: NOT AT THIS TIME.

5 MR. BROWN: THANK YOU, MR. WHITE. NEXT
6 SPEAKER J. C. ISHAM.

7 MR. ISHAM: GOOD MORNING. MY NAME IS
8 J. C. ISHAM, AND I REPRESENT THE ASSOCIATION OF
9 ENGINEERING GEOLOGISTS. AND I HAVE A COUPLE OF
10 COMMENTS.

11 MY FIRST COMMENT IS WE'VE ALSO -- I
12 REPRESENT THREE CHAPTERS OF THE ASSOCIATION OF
13 GEOLOGISTS, IN THE PAST CHAIRMAN OF THE SACRAMENTO
14 SECTION. I ALSO REPRESENT THE SECTION AND THE
15 SECTION IN SOUTHERN CALIFORNIA, AND ALL CURRENT
16 SECTION CHAIRMANS -- ALL THE CURRENT SECTION
17 CHAIRMANS HAVE SENT LETTERS OF COMMENT IN TO THE
18 COMBINED BOARD.

19 AND MY FIRST COMMENT IS ON PAGE 3,
20 SECTION 20700, AND THAT'S -- I'M SORRY -- 21140.
21 THAT'S THE SECTION THAT STRIKES THE REQUIREMENT TO
22 HAVE THE FINAL COVER DESIGNED BY EITHER A
23 REGISTERED ENGINEER OR CERTIFIED ENGINEERING
24 GEOLOGIST. AND WE FEEL THAT THE MINIMUM STATE
25 STANDARDS FOR REGISTRATION OF ENGINEERS AND

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1 GEOLOGISTS HELP TO PROTECT THE PUBLIC HEALTH,
2 SAFETY, AND WELFARE OF THE CITIZENS OF THE STATE
3 OF CALIFORNIA, AND WE BELIEVE THAT THAT LANGUAGE
4 SHOULD REMAIN IN THE REGULATIONS, THAT THERE
5 SHOULD BE REQUIREMENT THAT THE DESIGNERS BE
6 REGISTERED AS EITHER CIVIL ENGINEERS OR CERTIFIED
7 ENGINEERING GEOLOGISTS.

8 MY NEXT COMMENT IS -- ACTUALLY IT'S
9 KIND OF INTERESTING. ON PAGE 5, THE SECTION
10 21810, WHICH DESCRIBES THE CLOSURE PLANS FOR CLEAN
11 CLOSURE, SPELLS OUT THE REQUIREMENT OF THE USE OF
12 REGISTERED CIVIL ENGINEERS AND CERTIFIED ENGINEER-
13 ING GEOLOGISTS. SO IT SEEMS APPROPRIATE THAT
14 OTHER SECTIONS OF THE REGULATIONS THAT DESCRIBE
15 THE USE OF REGISTERED PROFESSIONALS IN THE STATE
16 OF CALIFORNIA SHOULD ALSO REMAIN.

17 BUT MY FINAL COMMENT IS ON PAGE 7,
18 SECTION 18072, WHICH IS THE LEA CERTIFICATION.
19 AND WITHIN THAT -- WITHIN THAT SECTION THERE
ALSO

20 IS THE STRIKEOUT OF THE REPORTS PREPARED BY
21 REGISTERED CIVIL ENGINEERS AND CERTIFIED
22 ENGINEERING GEOLOGISTS, THAT THOSE REPORTS SHALL
23 BE REVIEWED BY INDIVIDUALS OF LIKE -- OF SIMILAR
24 LICENSING. AND WE RECOMMEND THAT THAT LANGUAGE
OF

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25 SIMILAR LICENSING REMAIN IN THE REGULATION. AND

1 THAT CONCLUDES MY COMMENTS.

2 MR. BROWN: THANK YOU, MR. ISHAM.

FELLOW

3 BOARD MEMBERS, COMMENTS?

4 CHAIRMAN FRAZEE: JUST ON THE FIRST

ISSUE

5 THAT MR. ISHAM BROUGHT UP ON THE STRIKING OF --
6 IS

7 THAT NOT COVERED IN THE SECOND SECTION THAT HE
8 REFERRED TO? ISN'T THAT OVERRIDING THE

DELETION?

9 MS. HAVEN: IF I MAY SPEAK TO THAT.

10 WE -- THIS IS THE WATER BOARD'S PURVIEW AS FAR
11 AS

12 REVIEW OF MOST OF THE FINAL COVER ASPECTS, AND
13 WE

14 DO CALL FOR A -- THE LICENSED PROFESSIONAL TO DO
15 THAT REVIEW FOR THE FINAL COVER. SO THE REASON
16 IT

17 WAS DELETED, IF I MAY SPEAK FOR SHARON FOR A
18 MINUTE HERE, IS THAT THE WATER BOARD ALREADY HAD
19 A

20 PROVISION FOR THAT IN REGULATIONS FOR THE DESIGN
21 OF THE FINAL COVER.

22 IT WAS DUPLICATING IT. AND SO
23 THERE'S NO NEED FOR BOTH AGENCIES TO CALL FOR

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THE

19 SAME THING.

20 MS. ANDERSON: AND THE ASPECTS THAT

21 REMAIN FOR FINAL COVER WITHIN THE WASTE

MANAGEMENT

22 BOARD REGULATIONS WILL DEAL WITH THINGS OTHER

THAN

23 WATER QUALITY. AND SO THE DESIGN REQUIREMENTS

ARE

24 NOW LOCATED AND THE CERTIFICATION REQUIREMENTS

ARE

25 LOCATED IN THE WATER BOARD'S REGULATIONS.

1 YOU WILL PROBABLY HEAR ADDITIONAL
2 COMMENT ON 18072, TECHNICAL EXPERTISE. I COULD
3 OFFER AN INSIGHT ONTO THAT IF YOU HAD A CONCERN,
4 OTHERWISE I'LL JUST LISTEN TO SOME MORE COMMENT.

5 MR. BROWN: I HAVE A CONCERN. I THINK
6 THAT THE REGISTERED PROFESSIONAL REVIEW IS
7 EXTREMELY IMPORTANT. AND IF WE HAVE IT COVERED,
8 THEN LET'S LET MR. ISHAM KNOW. IF WE'VE REMOVED
9 IT FOR SOME REASON, WE'D LIKE TO KNOW THAT TOO.

10 MS. ANDERSON: WHAT WE'VE DONE WITH THIS
11 REGULATION IS WE'VE PEELED BACK TO EXISTING TITLE
12 14 LANGUAGE FOR LEA CERTIFICATION. THAT'S BEEN IN
13 EXISTENCE SINCE 1991. CURRENTLY THE BOARD OF
14 ENGINEERS AND THE BOARD OF GEOLOGY HAS THEIR OWN
15 LICENSING REQUIREMENTS, AND OUR -- I THINK I'M
16 GOING TO PUNT AT THIS POINT TO DOROTHY RICE.

17 MS. RICE: THANK YOU, SHARON. I'M
18 DOROTHY RICE, DEPUTY DIRECTOR FOR PERMITTING AND
19 ENFORCEMENT.

20 WE DID REVIEW A NUMBER OF COMMENTS
21 VERY CAREFULLY THAT HAD TO DO WITH THE TECHNICAL
22 EXPERTISE REQUIREMENT THAT WAS IN THE PRIOR DRAFT
23 OF THE REGULATIONS. WE RECEIVED CONSIDERABLE
24 NEGATIVE COMMENT ABOUT IT BEING IN THERE

PRIMARILY

25 FROM THE POINT OF VIEW THAT IT WAS DUPLICATIVE OF

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1 EXISTING LAW AND REGULATION THAT APPLIES TO THOSE
2 OTHER BOARDS, THOSE LICENSING BOARDS, AND THAT
3 PUBLIC ENTITIES, LOCAL AGENCIES WERE AWARE OF
4 THOSE REQUIREMENTS FROM THOSE OTHER BOARDS AND
5 COMPLIED WITH THEM.

6 ONE THING THAT WE THOUGHT WE WOULD
7 DO TO HELP STRENGTHEN THE LEVEL OF INFORMATION
8 AVAILABLE TO OUR LOCAL ENFORCEMENT AGENCIES WAS
9 WORK ON AN ADVISORY THAT WOULD LIST THE THINGS
10 IN
11 OUR AREA THAT WE FEEL WOULD REQUIRE ENGINEERING
12 REVIEW, GET THAT REVIEWED BY THE APPROPRIATE
13 LICENSING BOARDS, PUT THAT OUT TO OUR LEA'S,
14 AND
15 THEN REFER THEM BACK TO THOSE APPROPRIATE
16 LICENS-
17 ING BOARDS FOR ANY FURTHER GUIDANCE THEY MAY
18 NEED.

19 OUR THOUGHT WAS IT IS NOT IN THE
20 WASTE BOARD'S PURVIEW TO SAY WHAT DOES AND DOES
21 NOT REQUIRE ENGINEERING REVIEW. IT IS UP TO
22 THOSE
23 OTHER LICENSING BOARDS. IF WE CAN BE A HELPFUL
24 SOURCE OF INFORMATION TO THE LEA'S, WE WOULD
25 LIKE
26 TO DO THAT, BUT WE DID NOT FEEL IT WAS

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APPROPRIATE

21 TO REITERATE THAT LANGUAGE IN WASTE BOARD
22 REGULATION, AND THAT WAS OUR PRIMARY RATIONALE
FOR
23 THAT.

24 ALSO, ONE WAY TO LOOK AT IT IS IT
IS
25 NOT ESSENTIALLY A 1220 ISSUE WHERE WE ARE

1 PRIMARILY LOOKING AT OVERLAP BETWEEN STATE AND
2 LOCAL AGENCIES RATHER THAN SPECIFIC ISSUES LIKE
3 THAT. SO THAT WAS ANOTHER FACTOR WE CONSIDERED
IN
4 DELETING. SO ESSENTIALLY WE ARE RETURNING TO
5 EXISTING PRIOR REGULATION WITH ONE SLIGHT
ADDITION

6 OF THE SUB B, YOU WILL NOTE, WHICH SPEAKS TO AN
7 LEA MAY SEEK ASSISTANCE FROM OUR STAFF OR OTHERS
8 IF THEY LACK THE EXPERTISE.

9 MR. BROWN: THANK YOU, MS. RICE, FOR
THAT
10 CLARIFICATION.

11 ANY FURTHER COMMENTS BY STAFF OR
12 BOARD MEMBERS?

13 THE NEXT SPEAKER WILL BE MR.
DALTON

14 POLLARD.

15 MR. POLLARD: GOOD MORNING, MEMBERS AND
16 REPRESENTATIVES OF THE STATE WATER RESOURCES
17 CONTROL BOARD AND THE CALIFORNIA INTEGRATED
WASTE

18 MANAGEMENT CONTROL BOARD. I WOULD LIKE TO
ADDRESS

19 BOTH BOARDS. I AM DALTON POLLARD, THE EXECUTIVE
20 OFFICER OF THE STATE BOARD OF REGISTRATION FOR

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21 GEOLOGISTS AND GEOPHYSICISTS. I'M HERE TO

EXPRESS

22 CONCERNS THE BOARD HAS ABOUT THE POSSIBILITY

THAT

23 SOME OF YOUR EMPLOYEES ARE PRACTICING GEOLOGY

24 WITHOUT BEING LICENSED.

25 YOUR PROPOSED TITLE 27 REGULATIONS

1 TO IMPLEMENT AB 1220 WOULD APPEAR TO BE A GOOD
2 PLACE TO IMPLEMENT SOME CHANGES TO SOLVE THE
3 POTENTIAL PROBLEM OF UNLICENSED ACTIVITY IN YOUR
4 AGENCIES. THE PREVIOUS VERSION OF THE PROPOSED
5 REGULATIONS CAME CLOSE TO ADDRESSING A PART OF THE
6 PROBLEM IN SECTION 18072(A)(3)(A), BUT NOT QUITE.
7 EVEN THIS HAS BEEN DELETED IN THE CURRENT VERSION.

8 THE PROBLEM IS THIS. OUR BOARD IS
9 RECEIVING AN INCREASING NUMBER OF COMPLAINTS FROM
10 LICENSED GEOLOGISTS ALLEGING THAT SOME, NOT ALL,
11 TECHNICAL REPORTS SUBMITTED BY THEM TO YOUR
12 AGENCIES ARE BEING REVIEWED BY UNLICENSED
13 INDIVIDUALS THAT DO NOT HAVE THE EXPERTISE TO
14 DETERMINE WHETHER THE TECHNICAL REPORTS ARE
15 ADEQUATE OR NOT. THEY CLAIM THAT REPORTS ARE
16 BEING TURNED DOWN OR ASKED TO BE MODIFIED BY
17 UNQUALIFIED REVIEWERS.

18 IN THE COURSE OF DOING THIS, THE
19 REVIEWERS HAVE TO DRAW GEOLOGIC CONCLUSIONS AND
20 MAKE GEOLOGIC JUDGMENTS. THIS IS CONSIDERED THE
21 PRACTICE OF GEOLOGY.

22 SOME OF THE INDIVIDUALS ALLEGED TO
23 BE PRACTICING ILLEGALLY MAY NOT BE DIRECT
24 EMPLOYEES OF YOUR AGENCIES, BUT OF CITY, COUNTY,
25 OR PRIVATE FIRMS THAT YOUR AGENCIES HAVE

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1 CONTRACTED WITH TO DO CERTAIN WORK. IF THESE
2 ALLEGATIONS ARE TRUE, THEN YOU UNKNOWINGLY MAY BE
3 PROMOTING UNLICENSED ACTIVITY WITHIN AND OUTSIDE
4 YOUR AGENCIES.

5 I'M SURE THAT YOUR BOARDS ARE AWARE
6 OF THE COMPLAINTS -- THESE COMPLAINTS AS SEVERAL
7 LICENSEES HAVE WRITTEN TO YOU MAKING ALLEGATIONS
8 OF UNLICENSED ACTIVITY ON THE PART OF SOME OF YOUR
9 REVIEWERS. OUR BOARD HAS NOT SUBSTANTIATED THAT
10 THERE IS ANY MERIT TO THESE ALLEGATIONS, BUT IT
11 MAY HAVE TO INVESTIGATE SOME OF YOUR EMPLOYEES IN
12 THE NEAR FUTURE. WE WOULD PREFER NOT TO DO THIS.

13 SURELY THE PROBLEM CAN BE RESOLVED
14 BY THE AGENCIES CONCERNED. THE BOARD OF
15 REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS
16 SUGGEST THAT YOU ANALYZE THE MANNER IN WHICH YOU
17 DO BUSINESS AND DETERMINE IF YOUR AGENCIES ARE
18 CREATING AN ATMOSPHERE CONDUCIVE TO THE ILLEGAL
19 PRACTICE OF GEOLOGY WITHIN YOUR ORGANIZATIONS AND
20 THOSE YOU CONTRACT WITH. IF YOU DETERMINE THAT
21 INTERNAL MEASURES OR REGULATIONS COULD PREVENT
22 SOME OF YOUR EMPLOYEES AND CONTRACTORS FROM
23 POTENTIALLY VIOLATING THE GEOLOGISTS AND
24 GEOPHYSICISTS ACT, WE STRONGLY RECOMMEND THAT YOU
25 TAKE APPROPRIATE CORRECTIVE ACTIONS.

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1 IT IS THIS BOARD'S POSITION THAT
2 ESSENTIALLY ALL THE PROBLEMS COULD BE RESOLVED IF
3 REPORTS REQUIRED BY YOUR AGENCIES BE PREPARED BY A
4 LICENSED GEOLOGIST, ENGINEERING GEOLOGIST, OR
5 HYDROGEOLOGIST ALSO BE REVIEWED BY AN EQUIVALENTLY
6 LICENSED PERSON AT AGENCY LEVEL. SEVERAL AGENCIES
7 HAVE ADOPTED SIMILAR REQUIREMENTS. AT A MINIMUM A
8 REVIEWER SHOULD WORK UNDER THE DIRECT SUPERVISION
9 OF AN APPROPRIATELY LICENSED INDIVIDUAL.

10 OUR BOARD HAS NO INTEREST IN
11 DISRUPTING THE OPERATIONS OF YOUR BOARDS, BUT AS
12 YOU KNOW, ALL STATE AGENCIES ARE REQUIRED TO TAKE
13 ACTION ON COMPLAINTS THAT HAVE MERIT, EVEN IF THE
14 COMPLAINT IS AGAINST AN EMPLOYEE OF A STATE
15 AGENCY. OUR BOARD WOULD LIKE TO CIRCUMVENT THIS
16 POSSIBILITY.

17 IT IS WITH THE SPIRIT OF
18 COOPERATION, AND WE SINCERELY MEAN THIS, THAT I
19 SUGGEST YOU REVIEW MY COMMENTS AND DETERMINE IF
20 THE PROBLEM UNDER DISCUSSION CAN BE RESOLVED BY
21 MAKING CHANGES TO THE TITLE 27 REGULATIONS ON
22 WHICH YOU'RE HOLDING A HEARING TODAY. ON BEHALF
23 OF THE BOARD OF REGISTRATION FOR GEOLOGISTS AND
24 GEOPHYSICISTS, I WOULD LIKE TO THANK YOU FOR
25 LETTING ME SPEAK TO YOU TODAY ON THIS MATTER. IF

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1 YOU HAVE ANY QUESTIONS, I'LL BE PLEASED TO ANSWER
2 THEM.

3 MR. BROWN: BOARD MEMBERS?

4 MEMBER RELIS: JUST A POINT OF
5 CLARIFICATION. IS THIS WITHIN THE SCOPE OF OUR
6 REVIEW, OR IS THIS TO BE VIEWED AS A SEPARATE
7 MATTER THAT PERTAINS TO OUR OPERATING PROCEDURES?
8 IN OTHER WORDS, I DIDN'T READ THIS AS BEING -- THE
9 COMMENTS AS DIRECTLY PERTAINING TO THE HEARING
10 TODAY.

11 MS. RICE: HE IS COMMENTING ON THE SAME
12 CHANGES THE COMMENTER BEFORE THE LAST ONE WAS
13 COMMENTING ON, THE TECHNICAL EXPERTISE PROVISION
14 THAT WAS CHANGED IN THIS DRAFT.

15 MEMBER RELIS: AS I UNDERSTAND IT, THAT
16 THAT IS COVERED. THE REQUIREMENTS FOR LICENSING
17 ARE COVERED. AND THEN THE MATTER THAT'S BEING
18 RAISED BY MR. POLLARD, IF THAT'S CORRECT, IS ONE
19 OF HOW WE ACTUALLY OPERATE.

20 MS. RICE: THAT WAS OUR DETERMINATION IN
21 SUGGESTING GOING TO THE LANGUAGE THAT WE NOW HAVE
22 IN THE DRAFT BEFORE YOU. I THINK IT WILL ALSO BE
23 ASSISTED WHEN WE CONDUCT OUR REVIEW OF ALL THE
24 DOCUMENTS THAT WE REQUIRE TO BE PREPARED AND THE
25 LEVEL OF APPROPRIATE REVIEW FOR THEM AND PROVIDE

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1 THAT AS GUIDANCE TO LEA'S. AT THE SAME TIME WE
2 CAN CERTAINLY LOOK INTO THE ISSUE HE IS RAISING OF
3 WHETHER STAFF OR LEA'S ARE DOING ANYTHING
4 INAPPROPRIATE THAT WOULD COME TO THE ATTENTION OF
5 THAT BOARD.

6 MR. BROWN: ANY OTHER COMMENTS BY STAFF
7 OR BOARD MEMBERS? THANK YOU, MR. POLLARD. THANK
8 YOU FOR YOUR WRITTEN COMMENTS.

9 THE NEXT SPEAKER IS LARRY SWEETSER.

10 MR. SWEETSER: GOOD MORNING. MY NAME IS
11 LARRY SWEETSER, DIRECTOR OF REGULATORY AFFAIRS FOR
12 NORCAL WASTE SYSTEMS. A PLEASURE TO HOPEFULLY BE
13 UP HERE ONE LAST TIME ON THIS ISSUE. WE'VE BEEN
14 WITH IT FOR A FULL FIVE OR SIX YEARS NOW, HAS IT
15 BEEN? THE PART GREW FROM 1220, AND HOPEFULLY WE
16 CAN COME TO AN END OF IT TODAY.

17 FIRST OFF, I'D LIKE TO EXTEND SOME
18 CONGRATULATIONS TO BOTH THE BOARD AND THE STAFFS.
19 I THINK THIS PACKAGE FINALLY ACCOMPLISHES A LOT OF
20 WHAT'S IN 1220. I THINK THERE'S A FEW CLARIFI-
21 CATIONS TO IMPLEMENT IT, BUT I THINK OVERALL I
22 THINK WE'VE DONE WHAT 1220 INTENDED. IT'S BEEN A
23 LOT OF DILIGENCE OVER THE YEARS AND A LOT OF WORK
24 HAS GONE INTO IT. I KNOW STAFF HAS LISTENED TO A
25 LOT OF OUR CONCERNS. FEW THINGS WE'RE STILL

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1 TINKERING WITH TRYING TO GET THEM JUST RIGHT.
2 HOPEFULLY WE CAN FINISH THAT TODAY.

3 I'M GOING TO ADDRESS WHERE WE'VE
4 BEEN, WHERE WE'RE AT, AND WHERE WE'RE GOING WITH
5 THIS. FIRST, I THINK OVERALL THE PROCESS THAT
6 WE'VE GONE THROUGH HAS BEEN MOST PRODUCTIVE WHERE
7 WE'VE ALL HAD A CHANCE TO SIT DOWN AND FORMALLY GO
8 THROUGH THE PROCESS, FIGURE OUT WHAT WE WANT TO
9 HAVE IN THE PACKAGE, AND THEN COME FORWARD WITH A
10 FORMAL RULEMAKING. I THINK THAT'S BEEN MOST
11 CONSTRUCTIVE. I THINK IT WOULD WORK WELL TOGETHER
12 WITH THAT ISSUE. CAUSES A LOT LESS CONTROVERSY
13 WHEN IT'S DONE THAT WAY RATHER THAN A FORMAL
14 RULEMAKING PACKAGE WHERE WE ALL HAVE TO BE
15 REACTIVE TO IT. THESE ARE VERY TECHNICAL ISSUES.
16 IT TAKES A LOT OF EFFORT, A LOT MORE EFFORT TO DO
17 IT THAT WAY IN THE LONG RUN THAN IT WOULD WITH
18 INFORMALITY FIRST.

19 SO I HOPE THE TREND CONTINUES FOR
20 THAT INFORMALITY THAT WE'VE DONE ON THIS BECAUSE I
21 THINK THE RESULT IS A LOT MORE REALISTIC REGULA-
22 TIONS, A LOT MORE PRACTICAL REGULATIONS, A LOT
23 MORE ECONOMICAL REGULATIONS FOR THOSE OF US HAVING
24 TO IMPLEMENT IT.

25 AS WE SAID, THE OBJECTIVES OF 1220

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1 IS DELINEATING RESPONSIBILITY BETWEEN THE
2 AGENCIES. THIS PACKAGE DOES THAT PRETTY WELL. I
3 KNOW THERE'S STILL SOME AREAS WHERE THERE'S -- ONE
4 AGENCY IS MORE PRINCIPAL THAN THE OTHER, AND SOME
5 OF THAT WILL CONTINUE, BUT I THINK WE'LL CONTINUE
6 TO WORK ON THAT AS WE GO THROUGH. AND ONCE THESE
7 REGULATIONS ARE APPROVED, WE'LL HAVE A PIECE OF
8 PAPER THAT SAYS WHAT IT'S SUPPOSED TO DO. NOW
9 WE'LL HAVE TO WORRY ABOUT IMPLEMENTING IT, AND
10 THAT WILL COME WITH TRIAL AND ERROR.

11 I'D URGE AS PART OF THIS PACKAGE
12 THAT IS FINALLY COMPLETE, THERE'S A LOT OF US WITH
13 QUESTIONS AND CONCERN THAT SOME SORT OF FORMAL
14 NOTICE IS GOING OUT TO TRY TO EXPLAIN TO ALL THE
15 INVOLVED PARTIES, BOTH PUBLIC AND PRIVATE
16 INTERESTS AND OTHERS, WHAT THE INTENT OF 1220 IS
17 AS FAR AS DELINEATING THAT RESPONSIBILITY. I
18 THINK IT WILL HELP. HOPEFULLY THIS CAN BREAK THAT
19 CYCLE OF HAVING A CHANGE IN ONE PERMIT BECAUSE OF
20 A WASTE BOARD PERMIT CHANGE FORCING A CHANGE IN A
21 WATER BOARD PERMIT AND GOING BACK AND FORTH. WE
22 HOPE TO STOP THAT CYCLE BECAUSE THESE PERMITS ARE
23 GETTING EXPENSIVE.

24 SPECIFICALLY ON 1220, I AGREE WITH
25 MR. WHITE'S CONCERNS, AND MR. EVAN EDGAR WILL

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1 RAISE A FEW WE'RE PRETTY MUCH IN AGREEMENT WITH AS
2 WELL. I'D LIKE TO ADD A COUPLE MORE. THERE WAS
3 ONE ISSUE, AND I HAVEN'T SEEN HOW IT WAS HANDLED
4 DIRECTLY IN THE CONVERSATION WITH STAFF A FEW
5 WEEKS AGO, BUT THERE WAS ONE STATEMENT IN THE
6 BEGINNING OF SECTION 20005 THAT BASICALLY -- AND
7 IT'S NOT IN THAT PACKAGE YOU HAVE THERE, BUT IT
8 WAS IN THE THICKER VERSION -- THAT SEEMED TO
9 IMPLY, AND I DON'T THINK THAT WAS THE INTENT, THAT
10 ALL CURRENT STANDARDS WOULD APPLY TO OLD SITES,
11 CLOSED, ABANDONED, ILLEGAL SITES, THAT THOSE
12 STANDARDS WOULD APPLY. I DON'T THINK THAT WAS THE
13 INTENT, BUT IT MAY JUST BE A WORD CHOICE. THAT'S
14 A DISCUSSION I HAD WITH STAFF EARLIER THAT MAYBE
15 CAN BE LOOKED AT OR MAYBE THAT'S SOMETHING WE CAN
16 CLEAN UP AS WE GO AS TO WHAT THE INTENT WAS.

17 IT BASICALLY STATED THAT ALL SITES
18 WERE APPLICABLE TO, I BELIEVE, SECTIONS 3, 4, AND
19 5. AND SECTION 3, I BELIEVE, DEALT WITH ALL THE
20 PERMIT ASPECTS. SUE AND I HAD CHATTED ON THAT
21 ONE. ANOTHER ONE DEALT WITH SECTION 21190 ON
22 POSTCLOSURE LAND USE. THIS HAS BEEN AN ISSUE
23 THAT'S GONE ON FOR SOME TIME AS FAR AS WHO
24 APPROVES LANDFILL POSTCLOSURE LAND USE. BASICALLY
25 THAT'S A FUNCTION OF THE LOCAL PLANNING AGENCY,

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1 NOT NECESSARILY DIRECTLY THE LEA. IT WOULD ASSIST
2 THE LEA IN THAT DETERMINATION, BUT IT'S BASICALLY
3 THE PURVIEW OF THE PLANNING AGENCY. THAT WOULD BE
4 HELPFUL TO BE EXPLICIT WITH THAT.

5 THERE ARE OTHER CEQA ISSUES. ONE
6 SPECIFICALLY MENTIONED IN OUR EARLIER COMMENTS
7 THAT WERE SUBMITTED ON SECTION 21665, AND THAT'S A
8 MORE BROADER ISSUE ON HOW CEQA IS ACTUALLY LOOKED
9 AT IN TERMS OF LANDFILLS WE NEED TO TAKE A LOOK
10 AT. BUT OTHER THAN THAT, I THINK OVERALL THE GOAL
11 HAS BEEN ACCOMPLISHED; IN OTHER WORDS, MOVING
12 FORWARD WITH THIS PACKAGE WITH THESE CLARIFI-
13 CATIONS. LET'S FINALLY GET IT OVER WITH AND MOVE
14 ON TO THE NEXT PART.

15 WE'VE DONE THE EASY PART WITH THIS
16 CUT AND PASTE ACTIVITY. NOW WE NEED TO LOOK AT
17 PHASE II. THE WATER BOARD HAS STARTED THAT. THE
18 WASTE BOARD HAS DONE SOME OF THAT IN TERMS OF THE
19 TIERED PERMITTING. WE'VE BEEN INVOLVED IN SOME OF
20 THE MEETINGS THAT THE WATER BOARD HAS HAD. WE'VE
21 GOT ONE COMING UP. THERE'S A LOT OF WORK TO BE
22 DONE IN THAT, AND I THINK WE HAVE THE OPPORTUNITY
23 NOW THAT'S NEVER HAPPENED BEFORE. WE'VE ALWAYS
24 BEEN REACTIVE TO FEDERAL MANDATES AND LEGISLATION
25 AND OTHER THINGS WITH LANDFILL REGULATIONS. WE

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1 NEVER HAD A CHANCE TO TAKE A LOOK AT WHAT IT
2 SHOULD LOOK LIKE IN CALIFORNIA, AND THIS PHASE II
3 PROCESS ALLOWS THAT OPPORTUNITY.

4 WE WILL BE WORKING WITH THE OTHERS
5 IN THE INDUSTRY TO COME UP WITH OUR WISH LIST OF
6 THINGS. WE'D LIKE TO SEE WHAT THEY LOOK LIKE, AND
7 WE'VE HAD SOME DISCUSSIONS WITH STAFF. THEY'VE
8 BEEN PRETTY RECEPTIVE OF MANY OF OUR COMMENTS.

9 SOME PRINCIPLES I'D LIKE TO SEE
10 CARRIED FORTH WITH THAT THAT WE STARTED WITH 1220,
11 AND LET'S NOT THROW OUT ALL THE OLD REGULATIONS
12 AND COME UP WITH SOMETHING NEW OR JUST USE
13 STRAIGHT FEDERAL. THAT DOESN'T WORK IN CALI-
14 FORNIA. THERE'S REASONS CALIFORNIA IMPLEMENTED
15 SOME OF THESE REQUIREMENTS, AND WE NEED TO LOOK AT
16 THAT BEFORE WE THROW THEM OUT. WE CAN GET RID OF
17 A LOT OF THOSE REQUIREMENTS, BUT LET'S DO IT IN A
18 PROCESS THAT WE ALL AGREE WORKS. TO DO OTHERWISE,
19 I THINK, WOULD INSULT A LOT OF OUR EFFORTS IN PAST
20 YEARS IN TRYING TO PUT THESE REGULATIONS IN PLACE
21 BECAUSE CALIFORNIA IS DIFFICULT.

22 THERE'S ALSO SPECIAL CONSIDERATIONS
23 THAT CALIFORNIA HAS, LIKE SEISMIC ISSUES, THAT WE
24 NEED TO BE LOOKING AT. WE'VE CHATTED WITH STAFF
25 ABOUT HAVING SOME OF THESE ISSUES GO CONCURRENTLY.

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1 SOME OF THE QUICK FIXES THAT WE ALL AGREE NEED TO
2 BE LOOKED AT CAN BE DONE. SOME THINGS MAY TAKE
3 LONGER. LET'S NOT BE AFRAID OF THAT.

4 WE SHOULD ALSO NOT BE AFRAID AT
5 PROPOSING ANY LEGISLATIVE CHANGES THAT NEED TO BE
6 DONE. WE'VE HEARD MANY A BOARD MEMBER EXPLAIN
7 THAT WE SHOULDN'T BE FIXING BAD LAWS IN A SENSE.
8 WE'RE TRYING TO REACT TO SOMETHING. LET'S LOOK AT
9 MAYBE CHANGING THE STATUTES THAT THEY SHOULD BE TO
10 REFLECT WHAT GOES ON OUT THERE. LET'S ALSO NOT BE
11 AFRAID OF GOING BACK TO EPA AND IN SOME SENSE
12 DEMANDING WHAT CALIFORNIA SHOULD HAVE AS FAR AS
13 REQUIREMENTS UNDER SUBTITLE D.

14 SPECIFICALLY SOME THINGS WE NEED TO
15 BE LOOKING AT, AS I SAID, SEISMIC. WASTE
16 CLASSIFICATION WE'VE ALREADY STARTED SOME
17 DISCUSSIONS ON. MANY OF US IN THE INDUSTRY STILL
18 FEEL A NEED FOR DISTINCTION BETWEEN SOMETHING IN
19 THERE BETWEEN SOLID AND HAZARDOUS WASTE TO WARRANT
20 SPECIAL CONSIDERATION. IT MAY NOT BE SOLELY A
21 WATER BOARD ISSUE; IT MAY NOT BE SOLELY A WASTE
22 BOARD ISSUE. WE THINK SOME DIVISION REMAINS.
23 THERE'S A NUMBER OF ISSUES UNDER GROUNDWATER
24 MONITORING THAT CAN HELP STREAMLINE THE PROCESS
25 AND BE A LOT MORE INFORMATIVE AS WELL AS LESS

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1 EXPENSIVE THAN WHAT'S GOING ON.

2 CLOSURE ISSUES, ESPECIALLY
3 ALTERNATIVE COVERS FOR CLOSURE. WE'RE WORKING ON
4 PROJECTS WITH MONOLITHIC COVERS THAT SOME REGIONS
5 HAVE GOTTEN A LOT OF ACCEPTABILITY TO TRY THAT
6 PROPOSAL. IT CAN SAVE A LOT OF MONEY WITHOUT ANY
7 DETRIMENT TO THE ENVIRONMENT.

8 LANDFILL GAS IS ANOTHER ISSUE THAT
9 NEEDS TO BE LOOKED AT. THERE WAS SOME DISCUSSION
10 IN THE FIRST DRAFT OF 1220 THAT WE NEEDED TO SEND
11 BACK FOR SOME RETHINKING. THAT'S ONE ISSUE WE'D
12 LIKE TO LOOK AT.

13 PERMITTING ISSUES, HOW PERMITS ARE
14 APPROACHED, QUESTIONS AND CONDITIONS OF PERMITS
15 ARE THINGS WE'D LIKE TO LOOK AT AND OPEN THE DOOR
16 FOR.

17 AS I SAID, WE'LL BE WORKING WITH THE
18 REST OF INDUSTRY IN COMING UP WITH OUR LIST AND
19 FORWARDING THAT TO YOU SOON AS PART OF THE
20 PROCESS. IN CONCLUSION, LET'S MOVE ON WITH THIS
21 1220 PACKAGE. LET'S GET THOSE CLARIFICATIONS
22 DONE. LET'S GET IT OVER WITH AND LET'S MOVE ON TO
23 THE BIGGER TASK OF FINALLY GETTING CALIFORNIA'S
24 REGULATIONS THE WAY THEY SHOULD LOOK. THANK

YOU
25 VERY MUCH.

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1 BOARD AND WATER BOARD STAFF ON AB 1220. IT'S A
2 BENCHMARK DAY. AND I DO HAVE FIVE SPECIFIC
3 COMMENTS, ECHOING SOME OF THE PREVIOUS COMMENTS
4 THAT WE TALKED ABOUT.

5 IN SECTION 20530, I'D HAVE TO CONCUR
6 WITH CHUCK WHITE'S COMMENT ABOUT ADDING SOME
7 CLARITY WITH RESPECT TO HAZARDOUS MATERIALS. I
8 BELIEVE THAT COULD BE CLEANED UP A LITTLE.

9 ON SECTION 21140 ABOUT FINAL COVER,
10 AND FIRST COMMENT HAS TO DO WITH THE NEED FOR
11 REGISTERED CIVIL ENGINEER. I BELIEVE THERE'S A
12 LOT OF APTNESS TO HAVE THE REGISTERED ENGINEER.
13 AT THE WASTE BOARD'S PERSPECTIVE, STAMP THE PLANS.
14 WITH REGARDS TO THE WATER BOARD, THERE'S SOME
15 WATER QUALITY ISSUES THAT I UNDERSTAND IN THE
16 WATER BOARD'S REGS FOR THE RCE, BUT OVER AT THE
17 TITLE 14, I BELIEVE ENGINEERING NEEDS TO
18 UNDERSTAND THE EROSION CONTROL COMPATIBILITIES,
19 COMPATIBILITIES OF FLOOD CONTROL PLANS,
20 COMPATIBILITY WITH DRAINAGE PLANS AND SIDE SLOPES.

21 I BELIEVE AN ENGINEER NEEDS TO
22 DESIGN THE FINAL COVER IN ORDER TO HAVE THAT TYPE
23 OF COMPATIBILITY WITH TITLE 14 BEYOND JUST THE
24 WATER QUALITY CONCERNS. AND, DARN IT, I'M AN
25 ENGINEER, NOT A REFERRAL AGENCY, AND I BELIEVE
WE

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1 NEED TO HAVE THOSE TYPE OF ENGINEERING PLANS IN
2 TITLE 14. SO I WOULD CONCUR WITH THE STATEMENTS
3 J. C. ISHAM IN ORDER TO HAVE THE ENGINEER PLAN IN
4 TITLE 14. IT'S NEEDED.

5 NEXT IS SECTION 21600, THE RDSI,
6 ABOUT IDENTIFYING OR DESCRIBING OFF-SITE SOURCES.
7 CHUCK WHITE HAD A FEW COMMENTS ABOUT THAT. TO
8 HAVE YOUR OFF-SITE SOURCES DESCRIBED FOR FIVE
9 YEARS IS A TOUGH JOB TO DO. OPERATING LANDFILLS,
10 YOU WORK IN THE MARKETPLACE, AND YOU COULD HAVE A
11 LARGE DEVELOPMENT PRODUCE ALL TYPES OF SOILS NEXT
12 DOOR. THAT COULD HAPPEN OR A COUPLE MILES AWAY.
13 YOU CAN TAKE NONHAZARDOUS CONTAMINATED SOILS THAT
14 IS APPLICABLE UNDER YOUR WASTE DISCHARGE
15 REQUIREMENTS. DAY-TO-DAY OPERATIONS HAVE SOILS
16 THAT COMES ACROSS THE GATE.

17 SO I BELIEVE THAT YOU CAN TALK ABOUT
18 DIFFERENT TYPES OF COVER INSTEAD OF SOURCES. IT'S
19 REALLY TOUGH TO SOURCE OUT SOIL FOR FIVE YEARS,
20 BUT YOU CAN DESCRIBE THE TYPES OF SOILS THAT COULD
21 COME ACROSS A GATE THAT WOULD BE COMPATIBLE WITH
22 FINAL COVER.

23 NEXT SECTION IS 21685 AND HAS TO DO
24 WITH 60-DAY CLOCK AND REVISIONS BY THE EA. I
25 THINK CHUCK WHITE HIGHLIGHTED THAT QUITE CLEAR.

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1 SO I'D HAVE TO CONCUR THAT IT WAS SOMETHING THAT
2 WE DIDN'T TAKE UP IN THE EARLIER PACKAGE, BUT I
3 THINK IT'S ONE OF THE MOST SERIOUS ASPECTS OF
4 THESE AB 1220 REGS IS TO PUT THAT BACK TO THE
5 ORIGINAL LANGUAGE AND REMOVE THAT EA ABILITY TO
6 HAVE THE REVISION WITHIN 60 DAYS AND PUT IT BACK
7 ON THE OPERATOR IN ORDER TO NOT STOP THE CLOCK.
8 AND THAT'S IN STATUTE, AND THIS REGULATION WILL
9 NOT BE IN COMPATIBILITY WITH THE STATUTE.

10 MY LAST COMMENT WOULD BE IN SECTION
11 18072 ABOUT TECHNICAL EXPERTISE, GOING BACK TO THE
12 ENGINEERING LICENSING. I BELIEVE THAT YOU NEED TO
13 HAVE SOME TYPE OF A PROFESSIONAL CERTIFICATION
14 WITHIN TITLE 14 BECAUSE OF THE REASONS I DESCRIBED
15 BEFORE BEYOND JUST WATER QUALITY CONCERNS.

16 I THINK LARRY SWEETSER HIGHLIGHTED
17 THE PENDING PHASE II COMING UP. WE LIKE THE
18 PROCESS SO FAR. WE'RE GOING TO HAVE SOME COMMENTS
19 ON THAT, AND I'LL HAVE TO CONCUR WITH LARRY
20 SWEETSER'S OPENING AND ENDING COMMENTS. THAT'S MY
21 FIVE MINUTES. THANK YOU FOR HAVING A JOINT
22 HEARING TODAY.

23 MR. BROWN: THANK YOU VERY MUCH, MR.
24 EDGAR. WE APPRECIATE YOUR PARTICIPATION.
25 ARE THERE ANY QUESTIONS OR

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1 CLARIFYING REMARKS FROM STAFF? BOARD MEMBERS?

2 LIZ, DO YOU HAVE ANY CLARIFYING
3 REMARKS ON THE REGISTRATION?

4 MS. HAVEN: YES. IF I JUST MIGHT ADD AS
5 FAR AS THE WATER BOARD'S REQUIREMENTS FOR
6 REGISTRATION, JUST BECAUSE THIS IS AN ISSUE THAT
7 EVAN BROUGHT UP AND OTHERS HAVE BROUGHT UP, I
8 WANTED TO POINT OUT THAT WE DO HAVE REQUIREMENT,
9 FOR EXAMPLE, IN SECTION 20310, THAT CONTAINMENT
10 STRUCTURES BE DESIGNED AND CERTIFIED BY REGISTERED
11 CIVIL ENGINEERS OR CERTIFIED ENGINEERING
12 GEOLOGISTS. THAT IS OUR GENERAL REQUIREMENT FOR
13 LICENSED PROFESSIONALS TO PREPARE DESIGN REPORTS.

14 AS FAR AS REVIEW OF THE DESIGN
15 REPORTS, AN ISSUE THAT'S BEEN BROUGHT UP BY
16 SEVERAL, WE DO HAVE REGISTERED TECHNICAL STAFF
17 REVIEWING OR AT LEAST SUPERVISING THE REVIEW OF
18 ANY REPORTS THAT ARE SUBMITTED AT THE REGIONAL
19 BOARDS AND THE STATE WATER BOARD.

20 MR. BROWN: THANK YOU, MS. HAVEN.

21 IN CONCLUSION, I AND MY FELLOW

BOARD

22 MEMBERS, WE THANK ALL OF YOU FOR ATTENDING OUR
23 JOINT MEETING AND FOR COMMENTING ON THE -- EXCUSE
24 ME -- ARE THERE ANY OTHER CARDS FOR SPEAKERS?

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25 THEN THAT CONCLUDES OUR SPEAKERS' PRESENTATIONS.

1 MR. CHANDLER: MR. BROWN, IF YOU HAVEN'T
2 CONCLUDED THE OPEN HEARING PROCESS AS FAR AS
3 COMMENTS, I WOULD LIKE TO HAVE THE STAFF RESPOND
4 WITH A LITTLE BIT MORE SPECIFICITY TO THE ISSUES
5 THAT WERE RAISED THIS MORNING WITH REGARD TO
6 REGISTRATION, WITH REGARD TO THE WAIVING OF TIME
7 FRAMES RELATIVE TO PERMIT REVISIONS, AND WITH
8 REGARD TO THE ENGINEERING REQUIREMENTS.

9 I DO HAVE A NEED FOR A FEW MINUTES
10 OF CONSULTATION WITH STAFF RELATIVE TO WHAT I
11 INTERPRET A QUESTION OF OUR STATUTORY AUTHORITY,
12 AND I'D LIKE TO REQUEST ABOUT A FIVE-MINUTE RECESS
13 TO JUST GET OUR HEADS TOGETHER. AND THEN I WOULD
14 LIKE TO RESPOND TO THOSE AREAS BEFORE WE CONCLUDE
15 THE HEARING.

16 MR. BROWN: OKAY. THERE'S TWO
17 CONCLUSIONS, OF COURSE, FROM THE WATER BOARD AND
18 FROM THE WASTE BOARD. THAT MAY BE BETTER UNDER
19 YOUR SCENARIO. MR. VICE CHAIRMAN, WHAT WOULD YOU
20 PREFER?

21 CHAIRMAN FRAZEE: I THINK IT WOULD BE
22 WORTHWHILE TO ADDRESS THOSE ISSUES HERE AND NOW.
23 I SHARE SOME CONCERNS.

24 MR. CHANDLER: I PREFER TO DO THEM ONLY
25 WHEN YOU FEEL YOU HAVE CLOSED THE COMMENT PERIOD

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1 FROM THE PUBLIC. I'LL ADD TO MY LIST IF THERE'S
2 ANY MORE CONCERNS THAT COME FORWARD, BUT AT THIS
3 POINT I'VE HEARD THREE THAT I THINK WE DO NEED TO
4 SPEAK TO.

5 MR. BROWN: ALL RIGHT. ARE THERE ANY
6 OTHER COMMENTS FROM THE PUBLIC BEFORE WE TAKE THE
7 FIVE-MINUTE RECESS HERE?

8 MEMBER RELIS: MR. CHAIR, JUST BEFORE WE
9 CLOSE FOR THE RECESS, IF I COULD JUST ASK STAFF.
10 I RECEIVED ON JANUARY 6TH, I THINK IT WAS DIRECTED
11 TO YOU, SHARON, ON THE WASTE BOARD SIDE A LETTER
12 FROM CAW DETAILING SOME CONCERNS ON THESE
13 REGULATIONS.

14 I'VE HAD FURTHER DISCUSSIONS ON
15 EARLIER CORRESPONDENCE WITH NRDC CONCERNING THEIR
16 REPEATED STATEMENTS ABOUT OR CONCERNS ABOUT
17 WEAKENING. I THINK WE'VE CLARIFIED WITH THEM SOME
18 OF THE CONFUSION THAT MAY EXIST ABOUT THE UNDER-
19 LYING SUBTITLE 14 REQUIREMENTS BEING INTACT.

20 WHAT WILL BE THE DISPOSITION OF ANY
21 WRITTEN COMMENTS AT THIS POINT? WILL YOU BE
22 DISCUSSING THIS AT ALL FURTHER WITH THEM, OR
23 DEPENDING ON OUR ACTION, WILL WE CONSIDER THE
24 MATTER CLOSED WITH THE MATERIAL RECEIVED?
25 CLARIFICATION.

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1 MS. ANDERSON: THE COMMENTS THAT WE
2 RECEIVED FROM CALIFORNIANS AGAINST WASTE, MR. RICK
3 BEST, ACTUALLY HAVE BEEN ADDRESSED IN THE
4 RULEMAKING AND IN THE RESPONSE TO COMMENTS.

5 MEMBER RELIS: ALL RIGHT.

6 MR. BROWN: ONE FINAL REQUEST FOR ANY
7 MORE COMMENTS FROM THE AUDIENCE. THEN WE'LL TAKE
8 A TEN-MINUTE BREAK AND RETURN BACK HERE, LET'S
9 SAY, AT 25 AFTER TEN.

10 (RECESS TAKEN.)

11 MR. BROWN: IF YOU WILL TAKE YOUR SEATS,
12 PLEASE. IF YOU WOULD BE SEATED, PLEASE.

13 WHAT I PROPOSE TO DO IS TO KEEP THE
14 PUBLIC COMMENT PERIOD OPEN UNTIL YOU HAVE HAD A
15 CHANCE TO HEAR REMARKS BY MR. RALPH CHANDLER
16 RELATIVE TO THE ISSUES RAISED DURING OUR MEETING
17 HERE THIS MORNING. SO, MR. CHANDLER, IF YOU WOULD
18 PLEASE, YOU HAVE SOME COMMENTS ON THOSE ISSUES.

19 MR. CHANDLER: THANK YOU, MR. BROWN AND
20 COMMITTEE MEMBERS. LET ME JUST SUMMARIZE THE
21 THREE AREAS THAT WE HEARD THIS MORNING THAT WE
22 FEEL REQUIRE FURTHER CLARIFICATION AND PERHAPS IN
23 THE REGULATIONS. AND I'LL ASK STAFF TO ADDRESS
24 EACH ONE SPECIFICALLY.

25 THE THREE AREAS THAT I WANT TO
SPEAK

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1 TO YOU IN MORE DETAIL DEAL WITH THE PACKET THAT
2 YOU'VE ALL BEEN WORKING FROM. FIRST, ON PAGE 4
3 DEALT WITH COVER. IT WAS SECTION 21600(A), AND
4 YOU HAVE SOME SUGGESTED LANGUAGE CHANGES THERE
5 THAT ARE VERY MINOR.

6 THE SECOND AREA THAT WE'LL SPEAK TO
7 IN JUST A MOMENT IS THE AREA THAT DEALS WITH THE
8 REGISTRATION REQUIREMENTS ON PAGE 7, SECTION
9 18072. WE'LL SPEAK TO THAT AREA AS WELL.

10 AND FINALLY, SECTION 21685, DEALING
11 WITH REVISIONS TO APPLICATIONS AND WHETHER THAT
12 REQUIRES ANY CHANGES, THE WAIVING REQUIREMENTS
13 THAT THE BOARD MAY OR MAY NOT HAVE AUTHORITY.

14 SO I'D LIKE TO GO BACK TO SHARON
15 ANDERSON AND ASK THAT SHE COVER WHAT PROPOSED
16 STAFF CHANGES WE ARE PROPOSING FOR SECTION
17 21600(A) ON COVER.

18 MS. ANDERSON: YES. THANKS, RALPH.

19 ON TO 1600, WE DID TAKE A LOOK AT
20 POSSIBLY IDENTIFYING WHAT WAS INTENDED WITHIN THIS
21 SECTION WITHIN THE FINAL STATEMENT OF REASONS AND
22 ALSO THE INSERTION OF THE WORD "OR TYPES" AFTER
23 OFF-SITE SOURCES. "OR TYPES" I THINK WOULD BE
24 BEST LOCATED RIGHT HERE IN THIS REGULATION. SO
25 THAT MINOR MODIFICATION WILL BE INCLUDED IN
THESE

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1 REGULATIONS WHEN WE SUBMIT THEM TO OAL.

2 MR. CHANDLER: SO, SHARON, WOULD YOU
READ

3 THAT ENTIRE SENTENCE THAT IS NOW --

4 MS. ANDERSON: I WILL READ THE ENTIRE
5 LAST SENTENCE OF COVER MATERIALS UNDER A:
6 IDENTIFY OR DESCRIBE OFF-SITE SOURCES OR TYPES
OF
7 COVER MATERIALS NEEDED FOR A FIVE-YEAR DURATION
IF
8 NOT INCLUDED ON THE PLOT PLAN.

9 MR. CHANDLER: AND AS YOU INDICATED,
MR.
10 BROWN, WE HAVE THE COMMENT OPEN; SO AFTER WE
11 COMPLETE OUR REVIEW, WE CAN ALLOW THE PUBLIC TO
12 COME FORWARD AND SEE IF THERE IS SUFFICIENT
13 CLARITY PROVIDED; OR IF NOT, ANY OTHER SUGGESTED
14 CHANGES.

15 WITH RESPECT TO THE NEXT SECTION,
16 I'D LIKE TO ASK DOROTHY RICE TO SPEAK TO, AGAIN,
17 PAGE 7, 18072 ON REGISTRATION REQUIREMENTS.

18 MS. RICE: AS YOU KNOW, I RESPONDED TO
A
19 NUMBER OF YOUR QUESTIONS IN RESPONSE TO COMMENTS
20 ON THIS. WE DO FEEL THAT THE CHANGES WE MADE
THAT

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21 ARE REFLECTED IN THE DRAFT BEFORE YOU ARE
22 APPROPRIATE GIVEN THE FACT THAT THE LICENSING
23 BOARDS FOR THESE AREAS OF EXPERTISE, BE IT
24 ENGINEERS OR GEOLOGISTS, ARE THE APPROPRIATE
25 BOARDS TO DETERMINE WHAT LEVEL OF REVIEW IS
NEEDED

1 AND TO PURSUE ENFORCEMENT. WE DO HAVE A PLAN IN
2 PLACE FOR DEVELOPING INFORMATION ON THIS AND
3 DISSEMINATING IT TO LEA'S. AND WITH THAT UNDER
4 WAY, WE FEEL THAT THE LANGUAGE AS WRITTEN IS
5 APPROPRIATE.

6 MR. CHANDLER: SO WE WOULD BE NOT
7 SUGGESTING ANY CHANGES AT THIS TIME TO THAT
8 SECTION OF THE PROPOSED REGULATIONS.

9 THE LAST AREA, SHARON, I'LL ASK THAT
10 YOU STAND AND MAYBE PUT ON THE SCREEN, DEALT WITH
11 SECTION 21685 WHICH WERE REVISIONS TO
12 APPLICATIONS. THAT WAS PAGE 5.

13 SHARON, I'LL LET YOU DESCRIBE THE
14 APPROACH WE THINK IS APPROPRIATE THERE.

15 MS. ANDERSON: I LOVE MODERN TECHNOLOGY.
16 WE IN DISCUSSION FOUND THAT IT MIGHT BE CONFUSING
17 WHAT WE WANTED TO DO, AND SO TO REDUCE THE
18 CONFUSION, WE'RE JUST SIMPLY -- WHAT WE'D LIKE TO
19 DO WITH 21685 IS RETURN TO EXISTING TITLE 14
20 LANGUAGE, WHICH CURRENTLY SHOWS AS STRIKEOUT. AND
21 WHAT WE WILL DO IS DELETE OUR PROPOSAL TO EXISTING
22 TITLE 14 LANGUAGE AND JUST STAY WITH EXISTING
23 TITLE 14 LANGUAGE.

24 YOU WILL ALSO NOTE THAT IF WE
25 RESTORE THAT SECTION E UNDER 21685, THAT IT

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1 REFERENCES A STRIKEOUT 18203. THAT NEW SECTION --
2 WELL, THE NEW NUMBER FOR IT IS 21650. AND SO WE
3 WILL BE MAKING A CONFORMING RESTORATION OF
4 21650(E). THERE'S SOME MINOR STRIKEOUT IN THERE
5 THAT WILL BE RESTORED APPROPRIATELY. SO 21650(E)
6 WILL BE RESTORED TO READ AS 18203(E) AS IT NOW
7 CURRENTLY READS. AND SO ESSENTIALLY ALL WE'RE
8 DOING IS RETURNING TO TITLE 14 EXISTING
9 REQUIREMENTS. IT'S ACTUALLY NOT A PROPOSED --

10 MR. CHANDLER: MEMBERS, I THINK, IN
11 REVIEWING THIS LANGUAGE, WE CONCURRED WITH THE
12 COMMENTS FROM MR. WHITE AND MR. EDGAR, THAT IT
13 APPEARS THAT WE HAVE MADE -- AND THEY ACKNOWLEDGE
14 THEY DIDN'T CATCH THEM EARLIER IN THE PROCESS.
15 THE DRAFTING STRUCTURE IS SUCH THAT IT APPEARED TO
16 GIVE THE BOARD THE RIGHT TO WAIVE, AND THAT WASN'T
17 WHAT WE WANTED, THE APPLICANT OR THE LEA WITH THE
18 KINDS OF CHANGES THAT ARE COMING FORWARD, TO
19 REVERT BACK TO THE LANGUAGE WE'VE ALWAYS HAD AND
20 NOT PUT THAT AT THE BOARD LEVEL. SO THIS IS THE
21 PROPOSED CHANGE.

22 I'D ALSO WANT TO ADD WE'RE OF THE
23 OPINION THAT THESE CHANGES ARE MINOR IN NATURE,
24 AND WE WOULD RECOMMEND TO THE COMMITTEE THAT
25 STAFF'S RECOMMENDATION OF ADOPTING THE REGULATIONS

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1 WITH THESE MINOR CHANGES AND FORWARDING THE
2 RECOMMENDATION TO THE FULL BOARD LATER THIS MONTH
3 CONTINUES TO BE STAFF'S RECOMMENDATION.

4 SO THAT WILL COMPLETE MY COMMENTS AT
5 THIS TIME. OBVIOUSLY IF WE HEAR NOW FROM THE
6 PUBLIC, WE CAN ADDRESS ANY ADDITIONAL CONCERNS OR
7 QUESTIONS YOU MAY HAVE OF STAFF'S PROPOSED
8 CHANGES.

9 MR. BROWN: THANK YOU, MR. CHANDLER.

10 CHAIRMAN FRAZEE: ON THE ISSUE OF
11 PROFESSIONAL EXPERTISE, THERE WERE REALLY TWO
12 SEPARATE ISSUES. ONE DEALING WITH THE REVIEW OF
13 WORK BY REGISTERED PROFESSIONALS. THE OTHER
14 HAVING TO DO WITH DESIGN REQUIREMENTS THAT WERE --
15 AND I DON'T KNOW THE SECTION NOW. IS WHAT WE ARE
16 DOING TAKING CARE OF BOTH OF THOSE CIRCUMSTANCES?

17 MS. RICE: MY UNDERSTANDING IS THAT THE
18 DESIGN REQUIREMENTS ARE UNDER THE PURVIEW OF THE
19 WATER BOARD, AND WE WERE NOT SUGGESTING ANY
20 CHANGES TO THOSE PROVISIONS.

21 CHAIRMAN FRAZEE: AND I THINK THERE
22 CONTINUED TO BE PUBLIC COMMENT THAT INDICATED THAT
23 IT OUGHT TO BE STATED IN OUR REGULATIONS ALSO.

24 MS. RICE: I THINK THE DISTINCTION THERE
25 IS THAT THEY ARE SPEAKING TO DESIGN OF FACILITIES.

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1 OURS IS TO REVIEW OF DOCUMENTS, WHICH IS A
2 DIFFERENT LEVEL OF ACTIVITY. AND PERHAPS WATER
3 BOARD WOULD LIKE TO ELABORATE ON THAT.

4 MS. ANDERSON: I HAVE ONE LITTLE QUICKY.

5 ON 21140, THE AREA OF CONCERN,
6 THAT'S NOT NECESSARILY A PLANNING REQUIREMENT,
7 ALTHOUGH THE PLANS DO HAVE TO REFLECT THIS MINIMUM
8 STANDARD. THIS IS ESSENTIALLY A MINIMUM STANDARD
9 REGARDING PERFORMANCE OF THE FINAL COVER, WHICH IS
10 THE OPERATOR'S ABILITY TO ENSURE THAT FINAL COVER
11 OPERATES IN THIS FASHION. THE ACTUAL DESIGNING
12 REQUIREMENTS ARE LOCATED IN OUR CLOSURE PLAN
13 SEGMENT, SO THAT'S WHERE OUR DESIGN REQUIREMENTS
14 ARE.

15 CHAIRMAN FRAZEE: AND AT THAT POINT,
16 THERE IS A STATEMENT THAT INDICATES THAT PLAN MUST
17 BE DONE BY A LICENSED PROFESSIONAL.

18 MS. ANDERSON: YES.

19 MR. BROWN: ALL RIGHT. DOES THAT
20 CONCLUDE YOUR REMARKS, MR. CHANDLER?

21 MR. CHANDLER: YES, IT DOES.

22 MR. BROWN: MR. WHITE, DO YOU HAVE ANY
23 FURTHER COMMENTS?

24 MR. WHITE: YES. THANK YOU, MR.
25 CHAIRMAN, MEMBERS OF THE BOARDS. CHARLES WHITE

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1 WITH WMX AND WASTE MANAGEMENT.

2 I THINK THE PROPOSAL THAT STAFF HAS
3 FOR THOSE TWO ISSUES, WHILE IT WOULDN'T BE MY
4 FIRST CHOICE, I THINK WILL SUFFICE. I'VE HAD JUST
5 A, YOU KNOW, BRIEF NODDING ACROSS THE ROOM WITH
6 MOST OTHER FOLKS THAT WERE ALSO CONCURRING WITH
7 THE CONCERNS THAT WE RAISED, AND I THINK THAT FOR
8 THE MOST PART THAT IS WITH RESPECT TO THE EA
9 SUBMITTAL OF REVISIONS, RETURNING TO THE ORIGINAL
10 LANGUAGE, AND TO THE ADDING "OR TYPES" AFTER
11 SOURCES WITH RESPECT TO COVER SHOULD ADDRESS THE
12 ISSUE.

13 THE ONLY THING I WAS WONDERING IF I
14 COULD REQUEST SOME INDICATION OF WHERE YOU MIGHT
15 GO, PERHAPS THROUGH THE STATEMENT OF REASONS, IS
16 WITH THAT HAZARDOUS MATERIALS ISSUE, WHICH WAS THE
17 THIRD ISSUE, WHICH I THINK CAN BE ADDRESSED
18 THROUGH THE STATEMENT OF REASONS, BUT IS THERE ANY
19 GUIDANCE YOU CAN GIVE ME AS TO WHAT YOU THINK OPEN
20 STORAGE MEANS AND WITH RESPECT ARE YOU TALKING
21 ABOUT ALL HAZARDOUS MATERIALS OR ONLY HAZARDOUS
22 WASTES? OPEN STORAGE, DOES THAT MEAN OPEN
23 CONTAINERS, OPEN TO THE ATMOSPHERE, OR OPEN TO THE
24 PUBLIC? I WOULD JUST LIKE TO HAVE SOME CERTAINTY
25 AS -- THAT I KNOW WHAT I HAVE TO DO TO COMPLY WITH

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1 THIS SECTION IS ALL.

2 MS. ANDERSON: THAT SECTION WILL CONTINUE
3 TO BE APPLIED AS IT IS NOW. AS WE DISCUSSED, THIS
4 IS EXISTING LANGUAGE IN TITLE 14. AND ALL WE'RE
5 DOING IS REVERTING BACK TO THE EXISTING LANGUAGE
6 IN TITLE 14. THAT CURRENTLY EXISTS, SO THERE IS
7 NO NEW REQUIREMENT AND NO NEW STANDARD AND NO NEW
8 APPLICATION. SO HOWEVER IT'S CURRENTLY BEING
9 APPLIED.

10 MR. WHITE: HOW DO YOU INTERPRET OPEN
11 STORAGE TO MEAN? DOES THAT MEET THE STANDARD OF
12 CLARITY FOR ADDING IT BACK IN? I'M JUST NOT
13 CERTAIN IT DOES. SO EVEN THOUGH IT IS EXISTING
14 REGULATIONS, IT IS OPEN TO COMMENT. THIS IS A
15 PROPOSED CHANGE YOU'RE PUTTING INTO THIS COMMENT
16 PERIOD, AND I'M JUST CURIOUS WHAT OPEN STORAGE
17 MEANS.

18 I THINK IT MEANS OPEN TO THE
19 ATMOSPHERE, AND IF YOU CAN JUST PUT IN THE
20 STATEMENT OF REASONS THAT IF YOU HAVE HAZARDOUS
21 MATERIALS THAT ARE OPEN TO THE ATMOSPHERE, THAT
22 MEANS THEY'VE GOT TO BE FENCED, I THINK THAT
WOULD

23 MEET MY CONCERN IF IT'S STATED AS SUCH IN THE
24 STATEMENT OF REASONS.

25 MR. CHANDLER: THAT IS, WHEN YOU HAVE

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1 OPEN MODIFYING STORAGE AS WELL AS PONDING. WE'RE
2 UNDER THE SAME IMPRESSION, THAT THEY'RE REFERRING
3 TO OPEN TO THE ATMOSPHERE, LIKE A POND WOULD BE,
4 STORAGE THAT IS OPEN TO THE ATMOSPHERE. SO WE'LL
5 CLARIFY THAT.

6 MR. WHITE: I THINK IF THAT'S THE
7 UNDERSTANDING, I THINK MY CONCERNS ARE ADDRESSED.
8 THANK YOU VERY MUCH.

9 MR. BROWN: THANK YOU, MR. WHITE. MR.
10 ISHAM, ANY FURTHER COMMENT ON YOURS? MR. POLLARD?

11 MR. POLLARD: NO, NONE. THANK YOU.

12 MR. BROWN: MR. SWEETSER? MR. EDGAR.

13 MR. EDGAR: EVAN EDGAR, CALIFORNIA REFUSE
14 REMOVAL COUNCIL. I WOULD CONCUR WITH THE THREE
15 CHANGES AND MR. FRAZEE'S CONCERN ABOUT MY
16 CONCERNS. I HAVE NOTICED SECTION 21830 ABOUT THE
17 FINAL CLOSURE PLANS DOES HAVE REGISTERED CIVIL
18 ENGINEER IN IT, SO IT'S THE PERFORMANCE ASPECT, AS
19 MS. ANDERSON POINTED OUT, IS CORRECT. AND I'M
20 SATISFIED WITH RCE LICENSING IN 21830. THANK YOU.

21 MR. BROWN: THANK YOU, MR. EDGAR. DOES
22 ANY OTHER MEMBER OF THE PUBLIC WISH TO COMMENT?

23 IN CONCLUSION, THEN, THANK ALL OF
24 YOU FOR ATTENDING OUR JOINT MEETING AND FOR
25 COMMENTING ON THE PROPOSED CONSOLIDATION AND

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1 AMENDMENT TO THE STATE SOLID WASTE REGULATIONS.

2 WE APPRECIATE YOUR INTEREST AND COMMENTS.

3 WE WILL CONSIDER ALL OF THEM
4 CAREFULLY WHEN WE CONSIDER ACTION ON THE PROPOSED
5 REGULATIONS. I AGAIN REMIND YOU THAT THE STATE
6 WATER RESOURCES CONTROL BOARD WILL NOT BE TAKING
7 ANY ACTION TODAY. THE WATER BOARD WILL MEET ON
8 JANUARY 23, 1997, TO CONSIDER ADOPTION OF THE
9 PROPOSED CHANGES. THANK YOU. AND I TURN THE
10 MEETING BACK OVER TO MR. FRAZEE.

11 CHAIRMAN FRAZEE: THANK YOU, MR. BROWN
12 AND WATER BOARD MEMBERS. AGAIN, I ALSO WANT TO
13 THANK ALL THOSE WHO HAVE PARTICIPATED. THIS HAS
14 BEEN A LONG, TRYING TASK TO GET TO THIS POINT.
15 AND I THINK THE STAFF HAS DONE A MARVELOUS JOB OF
16 BRINGING US HERE.

17 TO ME IT'S A GOOD LESSON, I THINK,
18 IN HAVING SERVED IN THE LEGISLATURE AND VOTING ON
19 THINGS SUCH AS AB 1220. I RECENTLY MET A FORMER
20 COLLEAGUE WHO IS NOW IN ANOTHER STATE AGENCY AND
21 SAID -- WANTED TO KNOW IF I HAD THE SAME REACTION
22 HE DID, THAT IT -- PERHAPS OUR ROLES SHOULD HAVE
23 BEEN REVERSED. WE SHOULD HAVE SERVED IN A STATE
24 AGENCY FIRST BEFORE GOING TO THE LEGISLATURE, AND
25 WE'D HAVE A LITTLE BETTER IDEA OF WHAT WE WERE

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1 DOING WHEN WE AUTHORED OR VOTED ON LEGISLATION.

2 AND I THINK AT THE POINT OF THE
3 LEGISLATURE, THESE THINGS SOUND IN CONCEPT LIKE AN
4 EXCELLENT IDEA; AND WHEN THEY GO OUT THE DOOR OF
5 THE STATE CAPITOL WITH THE GOVERNOR'S SIGNATURE ON
6 THEM, THERE TENDS TO BE A SENSE OF ACCOMPLISHMENT
7 AND RELIEF THEN. LITTLE DID WE KNOW WHAT MIGHT
8 OPEN UP IN THE FUTURE FOR BOTH THE PUBLIC AND FOR
9 THE AGENCIES CHARGED WITH IMPLEMENTING THESE
10 ACTIONS.

11 SO IT CERTAINLY HAS BEEN -- THIS
12 PROCESS HAS BEEN AN EYE OPENER AND A LEARNING
13 PROCESS FOR ME.

14 OUR ACTION ON THE PART OF THE
15 COMMITTEE TODAY WOULD THEN BE TO, FIRST OF ALL, I
16 BELIEVE, TO CLOSE THE COMMENT PERIOD ON THIS
17 PARTICULAR ITEM AND THEN, SECOND, TO TAKE ACTION
18 TO MOVE, AS SLIGHTLY MODIFIED HERE THIS MORNING,
19 ON TO THE FULL BOARD FOR THE RECOMMENDATION OF
20 ADOPTION AT OUR BOARD MEETING.

21 MR. CHANDLER: THAT'S CORRECT.

22 MEMBER PENNINGTON: MR. CHAIRMAN, I WOULD
23 MOVE THAT WE MOVE THE ITEM TO THE FULL BOARD WITH
24 OUR RECOMMENDATION FOR APPROVAL.

25 MEMBER RELIS: SECOND.

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1 CHAIRMAN FRAZEE: MOTION AND SECOND TO
2 MOVE THIS ITEM THEN TO THE FULL BOARD. THE
3 SECRETARY CALL THE ROLL, PLEASE.

4 THE SECRETARY: BOARD MEMBER PENNINGTON.
5 MEMBER PENNINGTON: AYE.

6 THE SECRETARY: BOARD MEMBER RELIS.
7 MEMBER RELIS: AYE.

8 THE SECRETARY: BOARD MEMBER FRAZEE.

9 CHAIRMAN PENNINGTON: AYE. MOTION IS
10 CARRIED. AND IT'S PASSED, THEN, ON TO THE BOARD.

11 AGAIN, I WANT TO THANK WATER BOARD
12 MEMBERS AND STAFF FOR ALL OF YOUR HARD WORK ON
13 THIS ISSUE, AND IT WILL BE INTERESTING TO SEE
14 WHERE IT GOES FROM HERE AS WE MOVE INTO PHASE II
15 OF THIS.

16 I THINK AT THIS POINT, BEFORE WE
17 START THE COMMITTEE'S REGULAR AGENDA, WE'LL TAKE
18 JUST A FIVE-MINUTE RECESS, IF WE COULD, IN ORDER
19 TO ALLOW THOSE WHO ARE NOT REALLY INTERESTED IN
20 THE REST OF THE AGENDA TO LEAVE.

21

22 (END OF THE JOINT MEETING AT 10:50 A.M.)

23

24

25

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