



APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN  
MR. PAUL RELIS, MEMBER  
MR. STEVEN JONES, MEMBER

STAFF PRESENT

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

MS. LORI LOPEZ, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; TUESDAY, FEBRUARY 11, 1997

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: MEETING WILL COME TO  
5 ORDER, PLEASE. THIS IS THE FEBRUARY 11TH MEETING  
6 OF THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE  
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. IF  
8 THE SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: HERE. ALL MEMBERS ARE  
15 PRESENT.

16 DO WE HAVE ANY EX PARTE  
17 COMMUNICATIONS?

18 MEMBER RELIS: MR. CHAIR, I HAD A  
19 TELEPHONE CONVERSATION WITH MIKE FALASCO OF THE  
20 WINE INSTITUTE REGARDING THE EMERGENCY REGULATIONS  
21 ITEM ON OUR AGENDA TODAY AND THEN A VERY BRIEF  
22 CONVERSATION WITH STEVE MAGUIN OF L.A. COUNTY  
23 REGARDING ADC, AND AL MARINO WAS WITH HIM, BUT

I

24 DON'T REMEMBER THAT WE EVEN SHARED A WORD ABOUT  
25 ANY PERMIT ISSUE.

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1                   MEMBER JONES:   MINE ARE ALL CURRENT.

2                   CHAIRMAN FRAZEE:   OKAY.   I HAD A  
3   CONVERSATION JUST NOW WITH STEVE SOUTH OF EDCO.  
4   EDCO HAS A PERMIT ITEM ON THE CONSENT CALENDAR  
5   TODAY.   ALSO HAD A CONVERSATION WITH MIKE FALASCO  
6   OF THE WINE INSTITUTE YESTERDAY ON AN ITEM ON  
7   TODAY'S AGENDA.

8                   IT'S OUR INTENTION, UNLESS I HEAR  
9   OTHERWISE, TO TAKE THE CALENDAR OF ITEMS IN THE  
10  ORDER IN WHICH THEY APPEAR TODAY.

11                  A COUPLE OF REMINDERS, FIRST OF ALL,  
12  BEFORE WE START ON THAT, THE TITLE FOR ITEM 12 HAS  
13  BEEN CORRECTED FROM THE WAY THAT IT'S PRINTED IN  
14  THE AGENDA, AND IT SHOULD READ CONSIDERATION OF  
15  ALLOCATION FOR THE FISCAL YEAR '96-'97 FUNDS INTO  
16  EXISTING SOLID WASTE DISPOSAL AND CODISPOSAL SITE  
17  CLEANUP PROGRAM AND APPROVAL AND AWARD OF AN  
18  AMENDMENT TO THE CONTRACT WITH CH2MHILL, WHICH IS  
19  PART OF THE AB 2126 PROGRAM.

20                  JUST THE USUAL REMINDER ALSO.   IF  
21  ANYONE WISHES TO SPEAK TO THE COMMITTEE ON ANY  
22  ITEM THAT'S BEFORE US TODAY, IF YOU WILL FILL OUT  
23  A SPEAKER SLIP AT THE BACK OF THE ROOM AND BRING  
24  IT FORWARD TO LORI, THE COMMITTEE SECRETARY, AND  
25  SO WE CAN BE SURE AND CALL UPON YOU AT THE

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1 APPROPRIATE TIME.

2 THE FIRST ITEM ON OUR AGENDA IS THE  
3 DEPUTY DIRECTOR'S REPORT.

4 MS. RICE: THANK YOU, MR. CHAIRMAN AND  
5 MEMBERS. I JUST HAVE ONE BRIEF ITEM THAT I WANTED  
6 TO PROVIDE TODAY, AND THAT IS AN UPDATE ON  
7 ACTIVITIES RELATING TO THE NONHAZARDOUS ASH  
8 REGULATIONS PER YOUR REQUEST OF LAST MONTH THAT WE  
9 UPDATE YOU MONTHLY DURING THIS CURRENT PERIOD.

10 AS YOU KNOW, AT YOUR JANUARY  
11 MEETING, YOU AGREED TO A 90-DAY STAY IN THE  
12 REGULATORY PROCESS INITIATED BY THIS BOARD LAST  
13 YEAR TO PLACE NONHAZARDOUS ASH OPERATIONS AND  
14 FACILITIES INTO THE REGULATORY TIERS. THE 90-DAY  
15 DELAY WAS REQUESTED BY THE DEPARTMENT OF FOOD AND  
16 AGRICULTURE TO ALLOW THAT DEPARTMENT ADEQUATE TIME  
17 TO DETERMINE THEIR APPROACH TO REGULATING LAND  
18 APPLICATION OF NONHAZARDOUS ASH ON AGRICULTURAL  
19 LAND.

20 AS OF YESTERDAY A WORK GROUP FORMED  
21 BY THAT DEPARTMENT HAS MET THREE TIMES ON THIS  
22 ISSUE AND IS PROGRESSING IN TERMS OF ITS PROJECTED  
23 MILESTONES FOR THIS 90-DAY PERIOD. LATER THIS  
24 MONTH THE WORK GROUP WILL FINISH COMPILING THE  
25 RESULTS OF SURVEYS FROM THE COUNTY AGRICULTURAL

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1 COMMISSIONERS. EARLY NEXT MONTH THE GROUP PLANS  
2 TO FINISH REVIEWING ISSUES REGARDING THE USE OF  
3 ASH AND PLANT, FOOD, ANIMAL AND HUMAN SAFETY  
4 ISSUES. THE GROUP IS ALSO REVIEWING ISSUES  
5 REGARDING HEAVY METALS AND LOADING RATES. THE  
6 WORK GROUP IS PROJECTING THAT IT WILL HAVE  
7 RECOMMENDATIONS BY APRIL.

8 THE CDFA WORK GROUP IS MADE UP OF  
9 MEMBERS OF ITS STAFF WITH EXPERTISE IN FERTILIZING  
10 MATERIALS, PLANT AND ANIMAL SAFETY, HUMAN HEALTH  
11 CONCERNS. IT ALSO INCLUDES A NUMBER OF REPRESENTATIVES OF THE COUNTY AGRICULTURAL COMMISSIONERS.  
12 ELLIOT BLOCK OF THE BOARD'S LEGAL OFFICE HAS BEEN  
13 ATTENDING THESE MEETINGS ON BEHALF OF THE BOARD.  
14 AND SO THAT'S BRIEFLY WHAT I HAD TO SAY REGARDING  
15 THE CDFA WORK THAT'S BEEN GOING ON.

17 ONE OTHER ASPECT OF THE ASH  
18 REGULATORY PROCESS THAT I WANT TO PROVIDE A BRIEF  
19 UPDATE ON IS THE PEER REVIEW PROCESS. AS YOU  
20 RECALL, IN NOVEMBER THE BOARD INITIATED A PEER  
21 REVIEW PROCESS TO OBTAIN ADDITIONAL INPUT  
22 REGARDING APPROPRIATE LEVELS OF MOLYBDENUM AND  
23 SELENIUM. AS YOU KNOW, THERE WAS A LEVEL PROPOSED  
24 BY DR. ROLAND MEYERS TO BE PLACED IN OUR DRAFT  
25 REGULATIONS. AND THOSE PROPOSED LEVELS WERE LOWER

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1 THAN THE LEVELS CONTAINED IN THE U.S. EPA 503  
2 REGULATIONS FOR THOSE TWO SUBSTANCES.

3 BECAUSE OF THAT DIFFERENCE AND THE  
4 DEBATE THAT OCCURRED AT THE COMMITTEE LAST YEAR ON  
5 THAT ISSUE, THE COMMITTEE REQUESTED THAT STAFF  
6 INITIATE A PEER REVIEW PROCESS TO RECEIVE  
7 ADDITIONAL COMMENT FROM EXPERTS ON THE APPROPRIATE  
8 LEVELS FOR MOLYBDENUM AND SELENIUM IN THE  
9 REGULATIONS. WE DID INITIATE THAT PROCESS IN  
10 NOVEMBER WITH COMMENTS REQUESTED BY JANUARY 31ST.  
11 TO DATE I BELIEVE WE HAVE RECEIVED SEVEN REVIEWS  
12 OF DR. MEYER'S PROPOSED LEVELS FROM A NUMBER OF  
13 PARTIES, INCLUDING STATE TOXICS, CDFA, BOARD  
14 STAFF, A COGENERATION ASH COALITION CONSULTANT,  
15 THE FARM BUREAU FEDERATION, AND THE U.S.  
16 DEPARTMENT OF AGRICULTURE.

17 WE WILL NEXT PROVIDE PEER REVIEW  
18 PANEL MEMBERS WITH ALL OF THE COMMENTS, AND WE  
19 WILL THEN SEEK TO SCHEDULE A MEETING TO ADDRESS  
20 COMMENTS, CLARIFICATION OF ISSUES, AND TO SEEK  
21 CONSENSUS ON THE APPROPRIATE LEVELS FOR

MOLYBDENUM

22 AND SELENIUM IN THE BOARD'S PROPOSED  
REGULATIONS.

23 WE WOULD THEN SEEK TO PREPARE A SUMMARY OF THE

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24 RESULTS OF THE PROCESS, THE COMMENTS RECEIVED,  
THE  
25 MEETINGS HELD, AND WHETHER ANY CONSENSUS WERE

1 REACHED TO PRESENT TO THE COMMITTEE AT A FUTURE  
2 DATE.

3 ONE QUESTION THAT THIS CERTAINLY  
4 POSES AT THIS TIME IS WHETHER IT IS TIMELY TO  
5 PROCEED WITH CONVENING MEETINGS TO DEBATE THE  
6 APPROPRIATE LEVELS NOT KNOWING THE OUTCOME OF THE  
7 CDFA'S WORK AND WHETHER THEY MAY, RATHER THAN THIS  
8 BOARD, BE REGULATING LAND APPLICATION, AND THUS  
9 THE ISSUE MAY BE MORE IN THEIR COURT. SO WE'RE  
10 ASSUMING THAT WE SHOULD GO A LITTLE SLOW AT THIS  
11 POINT IN TERMS OF CONVENING THE PEER REVIEW PANEL  
12 TO DEBATE THE APPROPRIATE LEVELS, BUT WE WILL  
13 CERTAINLY PROVIDE ALL OF THE COMMENTS RECEIVED TO  
14 ALL OF THE FOLKS WHO HAVE COMMENTED TO US SO THEY  
15 CAN SEE THE COMMENTS FROM OTHERS.

16 CHAIRMAN FRAZEE: THE LAST POINT THAT YOU  
17 MADE WAS THE ONE THAT I WANTED TO COMMENT ON.  
18 PERHAPS A QUESTION. IT SEEMS TO ME THAT THE VALUE  
19 OF THE PEER REVIEW AND THE IDENTIFICATION OF  
20 COMPONENTS OF THE ASH IS MORE APPROPRIATE FOR  
21 CDFA'S WORK THAN OUR OWN. ARE WE COORDINATING  
22 WITH THEM AND MAKING THAT INFORMATION THAT MAY  
23 COME OUT OF THE PEER REVIEW COMMITTEE AVAILABLE TO  
24 THEM?

25 MS. RICE: WE WILL CERTAINLY DO THAT. I

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1 UNDERSTAND THAT ON THEIR OWN THEY ARE ALSO IN A  
2 PEER REVIEW PROCESS ON THE SAME ISSUE. SO WE CAN  
3 CERTAINLY PROVIDE OUR INPUT TO THEIRS, AND THEY  
4 MAY BE RECEIVING THAT AND MORE FROM OTHER PARTIES.

5 CHAIRMAN FRAZEE: BUT IF THEY HAVE, AS  
6 THEY HAVE PRELIMINARILY INDICATED, THEY OCCUPY THE  
7 FIELD OF LAND APPLICATION, WE MAY NOT HAVE GREAT  
8 INTEREST IN THE COMPONENTS OF THE PRODUCT OTHER  
9 THAN REGULATING IT FOR LAND APPLICATION USE.

10 MS. RICE: ABSOLUTELY. DEPENDING UPON  
11 THE OUTCOME OF THEIR DISCUSSIONS AND COMMUNICA-  
12 TIONS I ASSUME THEY WILL HAVE WITH THIS COMMITTEE  
13 AND THE BOARD IN THE APRIL TIME FRAME, I ASSUME WE  
14 WOULD KNOW MUCH BETTER HOW TO PROCEED. BUT STAFF  
15 DID NOT FEEL WE SHOULD SIMPLY STOP THE PEER REVIEW  
16 PROCESS SINCE WE HAD HAD DIRECTION FROM THIS  
17 COMMITTEE TO BEGIN IT AND WE HAVE RECEIVED THE  
18 COMMENTS.

19 CHAIRMAN FRAZEE: BUT I THINK, AS YOU  
20 INDICATED, COMMITTEE MEMBERS CONCUR THAT THERE'S  
21 NO NEED TO PUSH THAT TO A CONCLUSION UNTIL SUCH  
22 TIME AS WE GET TO THAT DIVISION OF AUTHORITY THAT  
23 HOPEFULLY WE'RE GOING TO FIND.

24 MS. RICE: WE WILL AWAIT YOUR DIRECTION  
25 IN APRIL ON THAT POINT.

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1                   MEMBER RELIS:   WHAT'S THE STATUS OF THE  
2                   REVIEW?   WHEN WAS IT TO BE COMPLETED BY?

3                   MS. RICE:    THERE WAS NOT AN END DATE FOR  
4                   THE CONSENSUS REACHING.   THERE WAS A COMMENT  
5                   PERIOD THAT ENDED JANUARY 31ST, SO WE NOW HAVE THE  
6                   COMMENTS IN-HOUSE AND ARE PREPARED TO DISTRIBUTE  
7                   THEM TO INTERESTED PARTIES, BUT WOULD NOT PROPOSE  
8                   TO GO FORWARD WITH SCHEDULING MEETINGS TO DEBATE  
9                   THE ISSUE.

10                  MEMBER RELIS:   FINE.

11                  CHAIRMAN FRAZEE:   DO YOU HAVE ANY  
12                  QUESTIONS?   MR. CHANDLER, DO YOU HAVE ANYTHING FOR  
13                  US THIS MORNING?

14                  MR. CHANDLER:   NO, I'M FINE.

15                  CHAIRMAN FRAZEE:   I THINK WE'RE THEN  
16                  PREPARED TO GO AHEAD WITH THE AGENDA.   THE FIRST  
17                  ITEM, ITEM 2, IS A SINGLE ITEM ON THE CONSENT  
18                  CALENDAR, AND THIS IS CONSIDERATION OF A NEW SOLID  
19                  WASTE FACILITY PERMIT FOR THE FALLBROOK RECYCLING  
20                  AND TRANSFER STATION IN SAN DIEGO COUNTY.

21                  MIGHT INDICATE THAT I HAVE VISITED  
22                  THIS SITE; AND FROM EVERYTHING I WAS ABLE TO  
23                  DETERMINE, IT'S AN APPROPRIATE SITE FOR THIS  
24                  FACILITY, AND THERE ARE NO LOCAL PROBLEMS  
25                  ASSOCIATED WITH ESTABLISHING A TRANSFER FACILITY

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1 AT THIS SITE. AND IT'S ALSO CRITICALLY IMPORTANT  
2 FOR SAN DIEGO COUNTY, WITH THE CLOSURE OF THE  
3 LANDFILL COMING UP, THAT THIS ONE GET ON IN  
4 OPERATION VERY SOON.

5 MOTION ON THE CONSENT CALENDAR.

6 MEMBER JONES: I'LL MAKE THE MOTION.

7 MEMBER RELIS: SECOND IT.

8 CHAIRMAN FRAZEE: MOTION BY MR. JONES,  
9 SECOND BY MR. RELIS, APPROVAL OF THE CONSENT  
10 CALENDAR. SECRETARY CALL THE ROLL ON THAT ONE,  
11 PLEASE.

12 THE SECRETARY: BOARD MEMBER RELIS.

13 MEMBER RELIS: AYE.

14 THE SECRETARY: BOARD MEMBER JONES.

15 MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN FRAZEE.

17 CHAIRMAN FRAZEE: AYE. MOTION IS  
18 CARRIED.

19 NOW, ITEM 3 IS AN UPDATE AND  
20 PUBLICATION OF THE INVENTORY OF SOLID WASTE  
21 FACILITIES WHICH VIOLATE STATE MINIMUM  
STANDARDS.

22 AND AS THE SECOND PART OF THAT ITEM,  
CONSIDERATION

23 OF CONTINUING CURRENT METHOD OF INVENTORY

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24 IMPLEMENTATION.

25 MS. RICE: THANK YOU, MR. CHAIRMAN.

PAUL

1 WILLMAN WILL MAKE THE PRESENTATION FOR STAFF.

2 MR. WILLMAN: MORNING, COMMITTEE  
MEMBERS.

3 THIS IS A TWO-PART ITEM. THE FIRST PART  
PRESENTS

4 THE UPDATED INVENTORY OF SOLID WASTE FACILITIES  
5 WHICH VIOLATE STATE MINIMUM STANDARDS. AND THAT  
6 WOULD BE FOR FORWARDING TO THE FULL BOARD FOR  
7 PUBLICATION PURPOSES. THIS PART DOES NOT  
REQUIRE

8 ANY ACTION ON YOUR PART.

9 THE SECOND PART OF THE ITEM IS FOR  
10 CONSIDERATION OF CONTINUING THE CURRENT METHOD  
OF  
11 INVENTORY IMPLEMENTATION.

12 AS FAR AS THE INVENTORY UPDATE, IN  
13 AUGUST OF LAST YEAR, 46 FACILITIES WERE INCLUDED  
14 ON THE INVENTORY. SINCE THEN NINE HAVE BEEN  
ADDED

15 AND EIGHT HAVE BEEN REMOVED, LEAVING A TOTAL OF  
47

16 FACILITIES ON THE INVENTORY.

17 FOR THE REPORTING PERIOD, SIX  
18 MONTHS, 34 NOTICES OF INTENT TO INCLUDE SITES IN  
19 THE INVENTORY WERE ISSUED; 12 FACILITIES  
CORRECTED

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20 THE VIOLATIONS WITHIN THE 90-DAY PERIOD; NINE OF  
21 THEM FAILED TO CORRECT; AND 13 ARE STILL  
22 OUTSTANDING. OF THE 47 SITES CURRENTLY ON THE  
23 INVENTORY, 21 OF THEM HAVE LANDFILL GAS  
24 VIOLATIONS, WHICH IS DOWN FROM 24 AT THE LAST  
25 PUBLICATION. TWO OF THOSE GAS VIOLATIONS ARE  
FOR

1 LACK OF MONITORING, AND 19 ARE FOR GAS MIGRATION  
2 AT THE BOUNDARY. FOURTEEN OF THOSE 19 ARE UNDER  
3 SOME TYPE OF COMPLIANCE SCHEDULE AND NOTICE AND  
4 ORDER FOR CORRECTION.

5 AS FAR AS THE CONSIDERATION PART OF  
6 THE ITEM, THE ACTION PART, INVENTORY IMPLEMEN-  
7 TATION, THE CURRENT IMPLEMENTATION PROCESS HAS  
8 PROVEN EFFECTIVE IN BRINGING SITES INTO  
9 COMPLIANCE. IT ALSO HELPS ASSIST BOARD STAFF TO  
10 TRACK AND EVALUATE LEA AND OPERATOR PROGRESS IN  
11 CORRECTING VIOLATIONS, AND IT ALSO PROVIDES AN  
12 ACCURATE PICTURE OF THE STATEWIDE STATUS OF  
13 COMPLIANCE WITH STATE MINIMUM STANDARDS.

14 THE OLD POLICY FOR IMPLEMENTING THE  
15 INVENTORY UNDER LEA ADVISORY 14R DID NOT EFFEC-  
16 TIVELY ACHIEVE THOSE THREE OBJECTIVES. IN  
17 ADDITION, REGULATIONS WOULD NEED TO BE DEVELOPED  
18 IN ORDER TO IMPLEMENT THE INVENTORY UNDER THE OLD  
19 POLICY. THEREFORE, STAFF IS RECOMMENDING THAT YOU  
20 ADOPT RESOLUTION NO. 97-60, APPROVING THE  
21 CONTINUATION OF THE CURRENT METHOD OF INVENTORY  
22 IMPLEMENTATION WITHOUT THE DEVELOPMENT OF ANY  
23 REGULATIONS.

24 THAT CONCLUDES MY PRESENTATION. IF  
25 YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER

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1       THEM.

2                   MEMBER RELIS:   JUST A QUESTION ON THE  
3       AVAILABILITY OF THIS INFORMATION.  IS IT GOING TO  
4       BE PART OF OUR DATA SYSTEM, AND WHERE DOES IT  
5       RESIDE NOW?  IF YOU WERE TO WANT TO GET A COPY OF  
6       THE INVENTORY, WHERE WOULD ONE GO?

7                   MR. WILLMAN:   JUST THE ENFORCEMENT STAFF  
8       MAINTAINS IT.  IT'S NOT IN THE SWIS DATABASE PER  
9       SE.  IT'S A SEPARATE ENTITY.

10                  MEMBER RELIS:  IS THERE A REASON WHY IT  
11       SHOULDN'T BE?

12                  MR. WILLMAN:   NO.  WE COULD -- I MEAN  
13       SWIS HAS CERTAIN LIMITATIONS.  AND YOU KNOW,  
14       IT'S -- WE COULD PROBABLY SET UP A MODULE.  I  
15       DON'T KNOW.  I'M NOT A COMPUTER EXPERT.  WE HAVE  
16       DIFFERENT MODULES IN SWIS.

17                  MEMBER RELIS:  JUST IN LINE WITH WHAT  
18       WE'VE DISCUSSED HERE IN TERMS OF COMPLETED DATA  
19       MANAGEMENT SYSTEM AND THE REAL TIME SENSE OF  
20       WHAT'S GOING ON IN OUR ENTIRE SYSTEM, I THINK THAT  
21       SHOULD BE, MY VIEW, INCLUDED.

22                  MR. WILLMAN:   OKAY.

23                  CHAIRMAN FRAZEE:  IS IT THE KIND OF  
24       INFORMATION THAT WOULD BE APPROPRIATE ON THE  
25       BOARD'S HOME PAGE OR AS OPPOSED TO THE SWIS

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1 SYSTEM?

2 MR. WILLMAN: WE HAVE CONSIDERED THAT  
3 ACTUALLY, AND THAT'S ONE OF THE ITEMS. I THINK  
4 THERE'S ABOUT 20-SOME ODD ITEMS THAT THE P&E  
5 DIVISION IS CONSIDERING PUTTING ON THE NET AS A,  
6 YOU KNOW, OUR PRESENCE THERE.

7 MEMBER RELIS: THAT WOULD BE FINE. I'M  
8 JUST LOOKING SO THAT IT'S AVAILABLE, HOWEVER BEST  
9 THAT CAN BE ACCOMPLISHED.

10 MR. WILLMAN: WE CAN ALSO INCLUDE IT ON  
11 THE U DRIVE AS FAR AS A BOARDWIDE THING. EVERY-  
12 BODY HAS ACCESS TO THE U DRIVE. WE COULD PUT IT  
13 UNDER THAT TOO AS ANOTHER OPTION.

14 MEMBER JONES: MR. CHAIRMAN, I THINK  
15 UNDER POLICY COMMITTEE WE'VE BEEN TALKING ABOUT  
16 THE CALF SYSTEM WHERE WE'RE IDENTIFYING LANDFILLS  
17 AND WE'RE MAPPING OUT WHERE OUR FACILITIES ARE. I  
18 THINK THIS WOULD BE AN APPROPRIATE PLACE TO  
19 IDENTIFY CHRONIC VIOLATORS ON THAT MAP, ESPECIALLY  
20 IN THE -- WITH THE IDEA THAT IF THERE IS ANOTHER  
21 STATE EMERGENCY WITH FLOODS OR FIRES OR THINGS  
22 LIKE THAT WHERE WASTE HAS TO BE DIVERTED TO  
23 ANOTHER FACILITY, I THINK IT'S IMPORTANT  
24 INFORMATION FOR LOCAL JURISDICTIONS AND THE  
25 HAULERS TO KNOW WHICH SITES ARE CHRONIC VIOLATORS

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1 AND WHICH SITES ARE OPERATING IN COMPLIANCE WITH  
2 THE LAW. AND I THINK THAT WOULD BE A TOOL THAT --  
3 AN APPROPRIATE PLACE FOR IT TO LIST IT THERE AS  
4 WELL SO THAT PEOPLE UNDERSTAND EXACTLY WHERE THE  
5 GOOD ACTORS ARE AND WHERE THE BAD ACTORS ARE.

6 CHAIRMAN FRAZEE: WE HAVE A REQUEST TO  
7 SPEAK ON THIS ITEM. RICK BEST, CALIFORNIANS  
8 AGAINST WASTE.

9 MR. BEST: THANK YOU, CHAIRMAN AND  
10 COMMITTEE MEMBERS. I JUST WANT TO MAKE A BRIEF  
11 COMMENT WITH REGARDS TO AN ISSUE THAT WAS RAISED  
12 BY A COUPLE OF YOU IN TERMS OF HOW THIS INFOR-  
13 MATION IS BEING MADE PUBLIC.

14 THE REQUIREMENT UNDER THE STATUTE IS  
15 THAT THIS INVENTORY BE PUBLISHED BY THE WASTE  
16 BOARD, AND SO I TOOK A LOOK IN TERMS OF, WELL,  
17 WHERE COULD I FIND THIS. FIRST, I TOOK A LOOK AT  
18 THE WASTE BOARD'S 1995 ANNUAL REPORT. IN THE BACK  
19 THERE'S A LIST OF STATE REQUIRED REPORTS.  
20 UNFORTUNATELY THIS REPORT IS NOT LISTED IN THAT  
21 PUBLICATION.

22 I CALLED THE WASTE BOARD'S 1-800  
23 NUMBER TRYING TO GET A LIST OF PUBLICATIONS MADE  
24 AVAILABLE BY THE WASTE BOARD. THIS IS THE LIST  
25 HERE. UNFORTUNATELY THE INVENTORY IS NOT LISTED

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1 IN THIS LIST OF PUBLICATIONS.

2 AND THEN, FINALLY, I DID TAKE A LOOK  
3 AT THE WEB SITE, AND IT'S NOT LISTED THERE.

4 SO I THINK IT REALLY IS IMPORTANT  
5 FOR THE BOARD TO FULFILL THE STATUTE; THAT IS, TO  
6 PUBLISH THIS LIST AND MAKE IT AVAILABLE TO THE  
7 GENERAL PUBLIC, NOT JUST IN ONE FORM, BUT IN ALL  
8 THE FORMS THAT THE WASTE BOARD DISTRIBUTES  
9 INFORMATION TO THE PUBLIC. SO I WOULD URGE YOU TO  
10 MAKE THIS AVAILABLE WHEREVER THE BOARD IS  
11 DISTRIBUTING INFORMATION ON A REGULAR BASIS.

12 MEMBER RELIS: MR. CHAIR, I COMPLETELY  
13 AGREE WITH THAT. I THINK OUR PREVIOUS DISCUSSION  
14 REFLECTS OUR DESIRE TO SEE THAT REMEDIED IF IT  
15 ISN'T ON THE CURRENT LIST AND EXPANDED TO BE PART  
16 OF OUR INFORMATION.

17 MR. BEST: APPRECIATE IT.

18 CHAIRMAN FRAZEE: GREAT. THANK YOU.  
19 NOW, WE HAVE -- FIRST PORTION OF THIS ITEM WAS A  
20 REPORT, THE SECOND PORTION A RESOLUTION. YOU SAID  
21 RESOLUTION 97-60. I THINK WE HAVE 61 IN OUR  
22 PACKET. SO I HOPE THIS IS THE RIGHT ONE.

23 MEMBER RELIS: I'LL RECOMMEND CON-  
24 CURRENCE.

25 MEMBER JONES: I SECOND IT.

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1                   CHAIRMAN FRAZEE:   MOTION AND SECOND ON  
2                   THE ADOPTION OF RESOLUTION 97-61.   SECRETARY WILL  
3                   CALL THE ROLL ON THAT, PLEASE.

4                   THE SECRETARY:   BOARD MEMBER RELIS.

5                   MEMBER RELIS:   AYE.

6                   THE SECRETARY:   BOARD MEMBER JONES.

7                   MEMBER JONES:   AYE.

8                   THE SECRETARY:   CHAIRMAN FRAZEE.

9                   CHAIRMAN FRAZEE:   AYE.   MOTION IS  
10                  CARRIED.   THANK YOU.

11                  NOW, WE'RE READY TO MOVE TO ITEM 4,  
12                  AND ITEM 4 IS THE CONSIDERATION OF A BOARD  
13                  ENFORCEMENT POLICY AND AN IMPLEMENTATION ELEMENT  
14                  INCLUDING LEA ENFORCEMENT ADVISORY, LEA INSPECTION  
15                  AND ENFORCEMENT TRAINING SCHEDULE, AND STATE  
16                  OVERSIGHT ROLE PROCEDURES.   HAVE THE STAFF REPORT.

17                  MR. CHANDLER:   MR. CHAIRMAN, I THINK I'D  
18                  LIKE TO INTRODUCE THIS ITEM.   IT'S BEEN ONE WHICH  
19                  WE'VE WORKED LONG AND HARD ON, AND I'D LIKE TO  
20                  JUST MAKE SOME OPENING REMARKS.

21                  AS YOU KNOW, IN MID-1996 THE BOARD  
22                  ASKED STAFF TO ADDRESS SOME OUTSTANDING ENFORCE-  
23                  MENT ISSUES AND TO CLARIFY THE BOARD'S OVERSIGHT  
24                  ROLE OF LEA ENFORCEMENT PROGRAMS.   THE REQUEST  
25                  CAME IN PART AS A RESULT OF A NUMBER OF  
INSTANCES

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1 WHERE BOARD MEMBERS HAD SIGNIFICANT QUESTIONS  
2 ABOUT HOW THE ENFORCEMENT PROCESS IS INTENDED TO  
3 PROCEED IN LIGHT OF PERMITS COMING FORWARD WITH  
4 LONG-TERM VIOLATIONS OF VARIOUS TYPES.

5 AS A RESULT A JOINT LEA AND BOARD  
6 STAFF WORK GROUP WAS FORMED TO INVESTIGATE THESE  
7 ISSUES AND TO DEVELOP RECOMMENDATIONS FOR UPDATING  
8 THE BOARD'S ENFORCEMENT POLICIES AND RESPOND TO  
9 CHANGES IN STATE LAW AS WELL AS BOARD MEMBER  
10 CONCERNS.

11 THE JOINT WORK GROUP DEVELOPED AN  
12 ENFORCEMENT POLICY FRAMEWORK INCORPORATING INITIAL  
13 INPUT FROM WHAT WE CALL THE PARTNERSHIP 2000  
14 CONFLICT RESOLUTION EFFORT BETWEEN BOARD STAFF AND  
15 THE LEA'S. THE PARTNERSHIP 2000 MEETINGS PROVIDED  
16 AN OPPORTUNITY FOR BOARD STAFF AND LEA'S TO MEET  
17 AND DISCUSS ISSUES WITH THE COMMON GOAL OF  
18 DEVELOPING APPROACHES TO ISSUE RESOLUTION WHICH  
19 MEET THE INTERESTS OF BOTH GROUPS, AND THAT IS TO  
20 IMPROVE THE LEVEL OF COMPLIANCE AT SOLID WASTE  
21 MANAGEMENT FACILITIES IN THE STATE OF CALIFORNIA.

22 THE ENFORCEMENT POLICY FRAMEWORK,  
23 CONTAINING THE INITIAL RECOMMENDATIONS OF THE  
24 STAFF AND THE LEA WORK GROUP, WAS APPROVED BY THE  
25 COMMITTEE AND THE BOARD LAST OCTOBER. THE POLICY

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1 FRAMEWORK DESCRIBED AN APPROACH TO ENFORCEMENT BY  
2 LEA'S AND THE BOARD. HAVING OBTAINED APPROVAL FOR  
3 THE GENERAL APPROACH, THE WORK GROUP THEN  
4 CONTINUED TO MEET TO DEVELOP MORE DETAILED  
5 GUIDANCE ON HOW THE APPROACH WOULD BE IMPLEMENTED  
6 BY LEA AND BOARD STAFF. IN JANUARY STAFF  
7 PRESENTED THE ENFORCEMENT POLICY AND SOME OF THE  
8 IMPLEMENTATION ELEMENTS FOR YOUR CONSIDERATION.

9 SEVERAL ISSUES WERE RAISED BY THE  
10 COMMITTEE IN JANUARY, AND STAFF WAS ASKED TO  
11 ADDRESS THEM AND BRING THEM BACK THIS MONTH. THE  
12 ITEM BEFORE YOU ADDRESSES THOSE ISSUES. ANY  
13 QUESTIONS THAT YOU MAY HAVE ABOUT THE CHANGES IN  
14 THE ITEM FROM LAST MONTH CAN BE ANSWERED BY STAFF  
15 DURING THEIR PRESENTATION.

16 HOWEVER, BEFORE TURNING THE  
17 PRESENTATION OVER TO PAUL WILLMAN, I'D LIKE TO  
18 ACKNOWLEDGE THE SIGNIFICANT EFFORT THAT HAS  
GONE  
19 INTO THE PREPARATION OF THE VARIOUS ELEMENTS  
YOU  
20 HAVE BEFORE YOU TODAY. I BELIEVE PAUL HAS  
DONE AN  
21 EXCELLENT JOB IN LEADING THIS WORK GROUP TO  
THIS  
22 POINT. THIS EFFORT IS TRULY A COLLABORATIVE

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ONE

23 WITH OUR LEA PARTNERS .

24 WE BOTH RECOGNIZE THAT THE GOAL

OF

25 THE IMPROVED COMPLIANCE AT FACILITIES IS A

SHARED

1 GOAL WHERE WE BOTH HAVE SIGNIFICANT ROLES AND  
2 RESPONSIBILITIES. WITH THE ITEMS BEFORE YOU  
3 TODAY, WE HOPE TO CLARIFY THOSE ROLES AND  
4 RESPONSIBILITIES AND TO PROVIDE IMPROVED GUIDANCE  
5 TO LEA'S AND BOARD STAFF ON CARRYING OUT THESE  
6 IMPORTANT DUTIES.

7 WITH THAT INTRODUCTION, I'D LIKE TO  
8 TURN THE ITEM OVER TO PAUL FOR A BRIEF PRESENTA-  
9 TION OF THE ITEM HIGHLIGHTS, FOCUSING ON THE TWO  
10 ELEMENTS FOR WHICH WE'RE SEEKING YOUR APPROVAL  
11 TODAY.

12 MR. WILLMAN: GOOD MORNING, COMMITTEE  
13 MEMBERS. THIS ITEM PRESENTS FOR YOUR  
14 CONSIDERATION THE BOARD ENFORCEMENT POLICY. AS  
15 RALPH SAID, IT INCLUDES THE LEA ENFORCEMENT  
16 ADVISORY, THE LEA INSPECTION AND ENFORCEMENT  
17 TRAINING SCHEDULE, AND THE STATE OVERSIGHT ROLE  
18 PROCEDURES.

19 THE PERMIT COMPLIANCE STRATEGY HAS  
20 BEEN PULLED FROM THIS ITEM AND WILL BE BROUGHT  
21 BACK FOR YOUR CONSIDERATION AT A LATER DATE.  
22 OTHER THAN REMOVING THE PERMIT COMPLIANCE STRATEGY  
23 FROM CONSIDERATION, NO MAJOR CHANGES HAVE BEEN  
24 MADE SINCE THE LAST VERSION OF THE POLICY WAS  
25 PRESENTED TO YOU LAST MONTH.

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1                   THE PRIMARY GOAL OF THE ENFORCEMENT  
2                   POLICY IS STILL THE SAME, COMPLIANCE AT ALL SOLID  
3                   WASTE FACILITIES IN THE STATE. TWO MAIN  
4                   OBJECTIVES BY WHICH WE HOPE TO ACHIEVE THIS GOAL  
5                   ARE, ONE, PROVIDING THE LEA'S WITH TRAINING,  
6                   ASSISTANCE, GUIDANCE, AND SUPPORT; AND, TWO,  
7                   EVALUATING THE LEA'S EFFECTIVENESS IN ORDER TO  
8                   ENSURE THEY ARE TAKING APPROPRIATE ENFORCEMENT  
9                   ACTIONS IN MAINTAINING FACILITIES IN COMPLIANCE.

10                   A FEW MINOR CHANGES HAVE BEEN MADE  
11                   TO ADDRESS THE COMMENTS AND CONCERNS RAISED BY THE  
12                   COMMITTEE AND THE PUBLIC AT THE JANUARY MEETING.  
13                   AT THIS TIME I'D JUST LIKE TO BRIEFLY REVIEW THE  
14                   TWO MAIN ELEMENTS UP FOR YOUR CONSIDERATION TODAY,  
15                   THE LEA ENFORCEMENT ADVISORY AND THE STATE OVER-  
16                   SIGHT ROLE PROCEDURES.

17                   THE LEA ENFORCEMENT ADVISORY IS A  
18                   GUIDANCE DOCUMENT FOR LEA'S WHEN TAKING ENFORCE-  
19                   MENT ACTION TO REMEDY VIOLATIONS AT SOLID WASTE  
20                   FACILITIES. THE DOCUMENT COVERS EVERYTHING FROM  
21                   OPERATOR NOTIFICATION OF VIOLATIONS TO NOTICE AND  
22                   ORDER DEVELOPMENT TO THE SOMETIMES COMPLEX  
23                   ADMINISTRATIVE CIVIL PENALTIES PROCESS. THIS  
24                   ADVISORY, PARTICULARLY THE SECTION ON THE  
25                   ADMINISTRATIVE CIVIL PENALTIES, WILL BE THE BASIS

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1 FOR THE DEVELOPMENT OF REGULATIONS TO INCORPORATE  
2 CHANGES THAT WERE BROUGHT ABOUT BY AB 59 AND ALSO  
3 TO PROVIDE CLARITY TO THE SOLID WASTE ENFORCEMENT  
4 PROCESS.

5 ALSO INCLUDED IN THIS ADVISORY IS A  
6 SECTION ON BOARD ASSISTANCE, AS WELL AS GUIDANCE  
7 ON CASE DEVELOPMENT AND PREPARING FOR FORMAL  
8 ENFORCEMENT ACTIONS. THIS ADVISORY IS ALSO GOING  
9 TO BE USED EXTENSIVELY IN THE BOARD'S TRAINING  
10 EFFORTS FOR LEA'S LATER THIS YEAR.

11 THE STATE OVERSIGHT ROLE PROCEDURES  
12 LAY OUT A CLEAR PROCESS BY WHICH THE BOARD CAN  
13 FULFILL ITS STATUTORY MANDATE TO ENSURE THAT LEA'S  
14 ARE TAKING APPROPRIATE ENFORCEMENT ACTIONS TO KEEP  
15 THE FACILITIES IN THEIR JURISDICTION IN  
16 COMPLIANCE. THIS DOCUMENT DESCRIBES GENERAL  
17 CRITERIA WHICH THE BOARD WILL APPLY TO DETERMINE  
18 WHEN AN LEA IS OR IS NOT TAKING APPROPRIATE  
19 ENFORCEMENT ACTION, AND THE PROCEDURES THE BOARD  
20 WILL FOLLOW TO SUPPORT AND ENCOURAGE THE LEA'S IN  
21 TAKING THAT ACTION. ADDITIONALLY, IF NECESSARY,  
22 IT DOES CONTAIN THE PROCEDURES BOARD STAFF WOULD  
23 USE TO INITIATE ITS OWN ENFORCEMENT ACTION AND/OR  
24 TAKE OTHER ACTIONS AS REQUIRED BY LAW.

25 IN SUMMARY, BOARD STAFF IS

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1 RECOMMENDING APPROVAL OF THE ENFORCEMENT POLICY,  
2 INCLUDING THE LEA ENFORCEMENT ADVISORY AND THE  
3 STATE OVERSIGHT ROLE PROCEDURES FOR IMPLEMENTATION  
4 BY BOARD STAFF. PLEASE NOTE THAT IN ORDER TO  
5 FULLY IMPLEMENT THE ENFORCEMENT POLICY, REGULA-  
6 TIONS WILL NEED TO BE DEVELOPED. AS SUCH, THE  
7 COMMITTEE AND THE BOARD WILL BE DIRECTLY INVOLVED  
8 OVER THE LONG TERM IN CRAFTING THE FINAL PRODUCT  
9 THROUGH THEIR CONSIDERATION AND APPROVAL OF THOSE  
10 REGULATIONS.

11 IN CONCLUSION, BOARD STAFF  
12 RECOMMENDS THE COMMITTEE APPROVE RESOLUTION NO.  
13 97-60, APPROVING THE ENFORCEMENT POLICY ELEMENTS  
14 AS I'VE JUST OUTLINED. THIS CONCLUDES MY  
15 PRESENTATION. IF YOU HAVE ANY QUESTIONS, I'D BE  
16 HAPPY TO TRY AND ANSWER THEM.

17 CHAIRMAN FRAZEE: FIRST, HELP ME A BIT  
18 IN -- BY DISCUSSING THE DIFFERENCE BETWEEN THE  
19 STATE OVERSIGHT ROLE PROCEDURES AND THE PERMIT  
20 COMPLIANCE STRATEGY. I THINK I'M MISSING WHY  
21 THOSE ARE NOT ALL INCLUDED IN A SINGLE ITEM.

22 MR. WILLMAN: THE STATE OVERSIGHT ROLE  
23 PROCEDURE IS A MORE GENERAL WAY OF LOOKING AT  
24 SITES AND MAKING SURE THAT THEY'RE GETTING INTO  
25 COMPLIANCE, WHETHER IT'S A STATE MINIMUM STANDARD

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1 VIOLATION OR A PERMIT VIOLATION OR, YOU KNOW, ANY  
2 KIND OF VIOLATION, CLOSURE VIOLATION, ANYTHING.  
3 JUST MAKING SURE THAT THE OPERATOR'S MAKING  
4 PROGRESS TO CORRECT THE PROBLEM, TIMELY PROGRESS,  
5 AND, IF NOT, THAT THE LEA IS TAKING SOME TYPE OF  
6 ACTION TO ENSURE THAT THEY DO.

7 THE PERMIT COMPLIANCE STRATEGY IS  
8 MORE GEARED TOWARD SPECIFICS. IT'S GOT THREE  
9 PARTS, IF YOU RECALL, THE SPECIFICS OF GETTING A  
10 PERMIT REVISED, OKAY, AND THE SECOND PART IS  
11 GEARED TOWARDS THE USE OF NOTICE AND ORDER  
12 SPECIFICALLY FOR SIGNIFICANT CHANGE VIOLATIONS  
13 AND, YOU KNOW, THE WHOLE ASPECT OF DOING IT OVER A  
14 LONG PERIOD OF TIME WHILE THEY'RE STILL  
15 VIOLATING -- MAINTAINING THE VIOLATION PER SE.  
16 YOU KNOW, TAKING A LOOK AT THAT AND WHAT DO WE  
17 WANT TO DO ABOUT THAT.

18 AND THE THIRD PART WAS WHEN A PERMIT  
19 COMES BEFORE THE BOARD FOR -- WHEN A SITE COMES  
20 BEFORE THE BOARD FOR A PERMIT REVISION, AND  
21 THERE'S A LONG-TERM STATE MINIMUM STANDARD  
22 VIOLATION, WHAT TYPES OF CRITERIA NEED TO BE  
MET  
23 IN ORDER FOR THE BOARD TO CONCUR IN THAT  
PERMIT.

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24       OKAY.

25

THREE

AND SO THOSE ARE KIND OF THE

1 THINGS. THEY'RE ALL MORE PERMIT RELATED, NOT  
2 SPECIFICALLY RELATED TO WHAT ACTION IS THE LEA  
3 TAKING PER SE OR IS THE OPERATOR GETTING INTO  
4 COMPLIANCE; IT'S MORE RELATED TO THOSE TYPES OF  
5 THINGS.

6 CHAIRMAN FRAZEE: QUESTIONS?

7 MEMBER RELIS: WELL, MR. CHAIR, I'D LIKE  
8 TO COMMENT ON THIS BEFORE WE HEAR THE TESTIMONY.  
9 AS SOMEONE WHO'S PUSHED FOR THIS FOR SOME TIME, I  
10 WANT TO COMMEND STAFF FOR, I THINK, A VERY  
11 THOROUGH AND EXEMPLARY JOB OF GETTING YOUR HANDS  
12 AROUND THIS FUNDAMENTAL FUNCTION OF OURS WHICH IS  
13 ENFORCEMENT. IT'S BOTHERED SOME OF THE BOARD  
14 MEMBERS OVER THE YEARS, AS WAS MENTIONED IN THE  
15 STAFF REPORT, THAT WE WERE SEEING PROJECTS THAT,  
16 FRANKLY, WE WERE NOT SATISFIED WITH, BUT BEING  
17 ABLE TO PERPETUATE NONCOMPLIANCE FAR TOO LONG.

18 JUST A FEW OBSERVATIONS. FIRST, I  
19 THINK WHAT WE HAVE HERE IS A COMPLETE FRAMEWORK,  
20 AND THAT'S WHAT I'M VERY HAPPY TO SEE. I THINK  
21 THE ACTIONS AND PROCESSES OUTLINED IN THE SIX --  
22 BUT I KNOW WE'RE TAKING UP THREE OF THEM TODAY --  
23 THOSE SEEM APPROPRIATE SUBJECT TO A REASONABLENESS  
24 TEST REGARDING THE TIME FRAMES. THAT WILL BE  
25 IMPORTANT, AND I KNOW WE'LL BE DISCUSSING THAT

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1 FURTHER.

2 I THINK ESTABLISHING THE BOARD AS A  
3 HEARING PANEL, AS CALLED FOR HERE, SHOULD BE A  
4 STRONG, NEW DISINCENTIVE TO AVOID SUBSTANTIAL  
5 VIOLATIONS, JUST THE HEARING PROCESS ITSELF.  
6 SINGLING OUT A FACILITY WILL NOT POSSIBLY BE THE  
7 MOST PLEASANT EXPERIENCE.

8 FOR THE PROSPECT OF -- AND I KNOW  
9 THIS ISN'T THE ITEM TODAY THAT WE'RE GOING TO  
10 CONCLUDE -- BUT UNDER THE FRAMEWORK THE PROSPECT  
11 OF A REVISION TO PERMITTING -- TO PERMITTED  
12 OPERATING LEVELS WHERE A SUBSTANTIAL VIOLATION  
13 OCCURS COULD BE A VERY STRONG DISINCENTIVE FOR  
14 NONCOMPLIANCE.

15 AND FINALLY, THE NEED -- I KNOW THAT  
16 WE'LL BE WORKING FURTHER AND HAVE DISCUSSED THIS  
17 WITH SOME OF THE LEA REPRESENTATIVES REGARDING  
18 WHAT IS A SUBSTANTIAL VIOLATION. IN MY VIEW, EVEN  
19 THOUGH THAT WILL TAKE FURTHER WORK, WE ARE GOING  
20 TO NEED A BRIGHT LINE ON SOME LEVEL OF WHAT WE  
21 WOULD CALL SUBSTANTIAL VIOLATION. IT WOULDN'T BE  
22 AMBIGUOUS, AND IT WOULD BE A CLEAR ENFORCEMENT.  
23 WHAT THAT IS, I THINK, REMAINS TO BE WORKED OUT  
24 WITH THE LEA'S AND BOARD STAFF AND THE OTHER  
25 PARTIES. SO I'M VERY HAPPY TO SEE THIS BEFORE US

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1       TODAY.  AND, AGAIN, I THINK STAFF HAS DONE A GREAT  
2       JOB IN PREPARING THIS ITEM.

3               MEMBER JONES:  MR. CHAIRMAN, I TOO WANT  
4       TO LET EVERYBODY KNOW I THINK THIS IS GOOD POLICY.  
5       I THINK THE STAFF DID A GOOD JOB.  I THINK THE  
6       COOPERATIVE WORK BETWEEN THE LEA'S AND THE STAFF  
7       MADE A LOT OF SENSE.

8               I AM GOING TO OFFER JUST A LITTLE  
9       BIT OF LANGUAGE THAT DEALS WITH EQUALITY OF THE  
10      WAY THAT PUBLICS AND PRIVATES ARE TREATED BY LEA'S  
11      TO GET AN EQUITABLE FAIRNESS MEASURE INVOLVED.  AS  
12      PART OF THAT, I'M ALSO GOING TO INCLUDE A WAY TO  
13      SUPPORT THE LEA EFFORTS.

14              WHEN WE LOOK AT THE CHRONIC  
15      VIOLATORS, WE SEE 47 VIOLATORS, 43 WHICH ARE  
16      PUBLIC ENTITIES, FOUR OF WHICH ARE PRIVATE  
17      COMPANIES.  IT'S OBVIOUS TO ME THAT THE LEA'S ARE  
18      DOING THEIR JOB.  THE LEA'S ARE OUT THERE WRITING  
19      THE VIOLATIONS, LOOKING TO TRY TO PUT FACILITIES  
20      INTO MINIMUM STANDARDS COMPLIANCE.  WHEN I LOOK AT  
21      22 VIOLATIONS RELATED TO GAS, I MAY NOT HAVE THE  
22      EXACT SAME RAPID HEARTBEAT AS OTHERS AROUND HERE  
23      BECAUSE DEPENDING UPON WHERE THAT FACILITY IS  
24      LOCATED, DEPENDING UPON THE ISSUES AND WHAT THE  
25      NEXT STEPS ARE GOING TO BE AS FAR AS EXPANDING

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1        THAT SITE OR CLOSING THAT SITE, THOSE ISSUES CAN  
2        BE DEALT WITH AS PART OF A PROCESS.

3                    AT THE SAME TIME, SEVEN VIOLATIONS  
4        FOR RDSI AND RSI ISSUES DON'T GET MY HEARTBEAT  
5        GOING REAL FAST ALSO BECAUSE IT COULD BE A MEASURE  
6        OF SOMEBODY'S PERMIT SITTING ON SOMEBODY'S DESK  
7        BECAUSE THE OPERATOR WASN'T ABLE TO SHOW FINANCIAL  
8        ASSURANCES THROUGH A CLOSURE PLAN. THOSE TYPES OF  
9        ADMINISTRATIVE ISSUES.

10                    WHERE I DO HAVE A REAL PROBLEM WITH  
11        THIS IS THAT THERE ARE 22 VIOLATIONS FOR COVER AND  
12        INTERMEDIATE COVER. THAT IS A HEALTH AND SAFETY  
13        ISSUE. AND THAT IS OUR JOB AS A BOARD TO DEAL --  
14        TO MAKE SURE THAT THE PUBLIC IS PROTECTED FROM  
15        HEALTH AND SAFETY ISSUES AND THAT PEOPLE ARE IN  
16        COMPLIANCE. THERE ARE A LOT OF REASONS WHY COVER  
17        VIOLATIONS ARE HAPPENING; BUT AS A FORMER  
18        OPERATOR, THERE ARE ALSO ISSUES THAT CAN BE DEALT  
19        WITH AND SOMETIMES ARE IGNORED.

20                    I HAVE A PROBLEM WITH 17 VIOLATIONS  
21        THAT DEAL WITH SITE MAINTENANCE, WITH SITE  
22        ATTENDANCE, AND WITH SITE SECURITY. THOSE TYPES  
23        OF ISSUES BOTHER ME BECAUSE WE HAVE ALL  
24        EXPERIENCED AREAS IN THIS STATE WHERE WE HAVE HUGE  
25        HAZARDOUS WASTE PROBLEMS BECAUSE THERE WAS

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1 UNSUPERVISED UNLOADING OF MATERIAL INTO USUALLY  
2 PUBLIC DUMPS WHERE IT IS PART OF THE GENERAL  
3 FUNDED -- GENERAL FUND MECHANISM THAT PEOPLE HAD  
4 24-HOUR-A-DAY ACCESS TO A FACILITY, IT WAS ABUSED.  
5 WE HAVE A LAW THAT TELLS US THAT WE NEED TO LOAD-  
6 CHECK VEHICLES COMING IN TO ENSURE THAT LAND. I  
7 HAVE A REAL PROBLEM WITH THAT.

8 I ALSO HAVE A PROBLEM THAT WE HAVE  
9 NINE CONSISTENT LITTER VIOLATIONS. AND THE ONE OF  
10 THE REMEDIAL ACTIONS WAS THEY'RE GOING TO PICK IT  
11 UP ONCE EVERY SIX WEEKS. I WILL TELL YOU RIGHT  
12 NOW, AS A PRIVATE HAULER OR A PRIVATE OPERATOR, IF  
13 AN LEA EVER TOLD ME I HAD SIX WEEKS TO COMPLY, I  
14 WOULD PROBABLY HAVE A HEART ATTACK AND DIE BECAUSE  
15 THAT HAS NEVER HAPPENED TO ME IN MY LIFE.

16 SO I THINK THAT THE TREATMENT OF  
17 PUBLIC VERSUS PRIVATE, THAT THERE IS INEQUITY.  
18 UNFORTUNATELY FOR THE LEA'S, WHEN THEY TRY TO  
19 WRITE UP A VIOLATION, DEPENDING UPON THE  
20 CIRCUMSTANCES, BOTH POLITICAL OR FINANCIAL, IN  
21 THEIR COMMUNITIES, THEY HIT A ROADBLOCK. AND  
22 THAT'S A TOUGH PLACE TO BE.

23 SO IN THE SPIRIT OF TRYING TO BE  
24 PROACTIVE IN MANAGING SOLID WASTE AND THE  
25 ENFORCEMENT POLICY -- AND THESE WORDS WERE  
WRITTEN

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1 LAST NIGHT LATE, AND THERE'S GOING TO BE A LITTLE  
2 TWEAKING BETWEEN NOW AND THE BOARD MEETING, SO I  
3 DON'T WANT EVERYBODY TO GET NERVOUS, BUT I DO HOPE  
4 THAT THESE WORDS ARE INCLUDED IN THIS ACTION AFTER  
5 I READ THEM.

6 I'M INTENDING THAT THIS BE INSERTED  
7 AS PART OF THE BOARD'S ENFORCEMENT POLICY. I  
8 WOULD ALSO FOR THE, IF NOTHING ELSE, REDUNDANCIES  
9 SAKE, WANT TO SEE IT IN THE OVERSIGHT POLICY AND  
10 THE LEA ADVISORY. IT WON'T BE THREE DIFFERENT  
11 PLACES, ONE PLACE JUST REITERATED IN TWO OTHER  
12 PLACES.

13 IT IS POLICY OF THE BOARD TO ENSURE  
14 THAT LEA'S ENFORCE STATE MINIMUM STANDARDS  
15 CONSISTENTLY AND EQUITABLY AMONG PUBLIC AND  
16 PRIVATE FACILITIES. THE BOARD WILL PROVIDE  
17 TECHNICAL ASSISTANCE AND TRAINING TO THE LEA'S TO  
18 PROMOTE EFFECTIVE IMPLEMENTATION OF THIS POLICY.  
19 IN CASES WHERE THE LEA IS UNABLE TO GAIN  
20 CONFORMANCE WITH ITS APPROPRIATE ORDERS, THE LEA  
21 SHOULD SEEK TECHNICAL ASSISTANCE FROM THE BOARD IN  
22 A TIMELY MANNER.

23 WHEN CONDUCTING LEA EVALUATIONS, THE  
24 BOARD WILL REVIEW WHETHER THERE IS ANY EVIDENCE OF  
25 UNFAIR OR UNEQUAL TREATMENT AMONG PUBLIC AND

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1 PRIVATE FACILITIES IN THE ENFORCEMENT OF SOLID  
2 WASTE REGULATIONS AND INCLUDE ANY SUCH EVIDENCE IN  
3 ITS EVALUATION REPORT.

4 THE REASON THAT THIS IS WRITTEN THIS  
5 WAY ARE TWO REASONS. UNDER AB 59, LEA'S CAN GO TO  
6 THE BOARD AND ASK FOR TECHNICAL ASSISTANCE WITHOUT  
7 JEOPARDIZING THEIR CERTIFICATION OR BEING VIEWED  
8 THAT THEY CANNOT DO THEIR JOB.

9 WHEN CONFRONTED WITH A RESISTANCE TO  
10 COMPLY, IF THE LEA'S WERE TO INVOLVE THE WASTE  
11 BOARD IN TRYING TO WORK OUT A COMPLIANCE AND  
12 CONFORMANCE PLAN ALONG WITH THEM TO WHETHER -- TO  
13 THE OPERATOR, WHO COULD BE A PRIVATE ENTITY OR A  
14 PUBLIC ENTITY, THE BOARD WOULD BE INVOLVED AT THE  
15 REQUEST OF THE LEA TO HELP ASSIST THEM IN A  
16 CONFORMANCE PLAN. IF THE LEA FEELS THAT THEY  
17 CANNOT GO, FOR ONE REASON OR ANOTHER, TO THE  
18 BOARD, THEN I THINK THAT ISSUE OF PART OF THE LEA  
19 EVALUATION IS VERY, VERY IMPORTANT. THAT IF THEY  
20 DON'T WANT TO COME FOR HELP AND THEY CONTINUE TO  
21 HAVE CHRONIC VIOLATORS ON THE LIST, THEN WE NEED  
22 TO EVALUATE THAT LEA AND SEE WHERE THE INEQUITY  
23 LIES AS FAR AS CERTIFICATION GOES.

24 I THINK THIS IS A PROACTIVE TOOL  
25 THAT DOESN'T BRING STATE GOVERNMENT INTO A LOCAL

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1 JURISDICTION WITH A HAMMER, BUT BASICALLY BRINGS  
2 IN TECHNICAL EXPERTISE AT A TIME EARLY ENOUGH  
3 WHERE WE CAN FIX THE VIOLATION AS OPPOSED TO AT  
4 THE END OF THE TRAIL WHERE WE'RE GOING TO FINE OR  
5 DECERTIFY AN ENFORCEMENT AGENT. I THINK THIS IS  
6 IN SUPPORT FOR THE LEA'S THAT DO A GOOD JOB. I  
7 THINK IT GETS -- I THINK WE ADD VALUE IF WE DO  
8 THIS. I THINK THAT EVERYBODY WANTS TO RUN  
9 FACILITIES THAT ARE IN COMPLIANCE. THIS, I THINK,  
10 IS A TOOL TO GET US THERE WITHOUT HAVING BIG  
11 BROTHER POUNDING ON US. SO I WOULD OFFER THAT AND  
12 HOPE THAT IT IS INCLUDED IN THIS POLICY.

13 CHAIRMAN FRAZEE: COMMENTS?

14 MEMBER RELIS: SOUNDS FINE TO ME.

15 CHAIRMAN FRAZEE: LET ME SAY I FULLY  
16 AGREE AND WOULD INQUIRE OF STAFF. CAN THIS BE  
17 ACCOMMODATED IN THIS MATERIAL PRIOR TO THIS BOARD  
18 MEETING?

19 MS. RICE: WE CAN CERTAINLY LOOK AT  
20 CONTINUING TO WORK WITH BOARD MEMBER OFFICES IF  
21 IT'S YOUR WISH TO HAVE THIS INCORPORATED INTO THE  
22 THREE AREAS THAT MR. JONES OUTLINED. I THINK, AS  
23 HE INDICATED, WE'VE SEEN THE LANGUAGE JUST THIS  
24 MORNING AND WOULD LIKE AN OPPORTUNITY TO TALK A  
25 LITTLE FURTHER ABOUT IT AND LOOK AT THE EXACT

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1 WORDING AND WHERE IT MIGHT BEST FIT, BUT IT CAN  
2 CERTAINLY FIT IF THAT'S THE WISH OF THE COMMITTEE.

3 CHAIRMAN FRAZEE: AS ONE MEMBER OF THIS  
4 COMMITTEE, I WANT TO COMMEND MR. JONES AND HIS  
5 STAFF FOR DEVELOPING THIS. I THINK IT'S HANDLED  
6 IN A MANNER, AS HE MENTIONED, THAT DOESN'T COME  
7 DOWN HEAVY-HANDED, BUT MAKES A POLICY STATEMENT  
8 THAT'S -- SHOULD HAVE TO GO -- TO BE EVIDENT  
9 WITHOUT PUTTING IT IN LANGUAGE, BUT THAT'S PART OF  
10 OUR JOB HERE IS TO GIVE GUIDELINES. AND I THINK  
11 THIS IS WELL WORTH INCLUDING.

12 MR. WILLMAN: I THINK IT'S DEFINITELY IN  
13 THE SAME SPIRIT AS THE STATE OVERSIGHT ROLE IS  
14 ALREADY WRITTEN, AND I DON'T SEE ANY PROBLEM IN  
15 TRYING TO BLEND IT IN. NOT GOING TO INSTITUTE ANY  
16 CHANGES OR ANYTHING.

17 CHAIRMAN FRAZEE: I BELIEVE THERE'S  
18 CONSENSUS ON THAT. WE DON'T NEED TO TAKE A VOTE  
19 AS AN AMENDMENT.

20 OKAY. NOW, WE HAVE A NUMBER OF  
21 PEOPLE WHO WISH TO COMMENT ON THIS ITEM. LET'S  
22 START WITH DONALD KOEPP, IS IT?

23 MR. KOEPP: GOOD MORNING, MEMBERS OF THE  
24 COMMITTEE. I'M HERE TODAY REPRESENTING THE  
25 CALIFORNIA CONFERENCE OF DIRECTORS OF

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1 ENVIRONMENTAL HEALTH SOLID WASTE POLICY COMMITTEE,  
2 WHICH I AM CHAIR. JUST BY WAY OF ESTABLISHING, I  
3 GUESS, OUR BONA FIDES WITH THE BOARD, THAT OUR  
4 COMMITTEE COMPRISE MOST OF THE LEA'S IN THE STATE  
5 OF CALIFORNIA, INCLUDING CITIES AS WELL AS JOINT  
6 POWERS AGREEMENT. I SHOULD ALSO ADD THAT WE HAVE  
7 MEMBERSHIP ON THE SOLID WASTE POLICY COMMITTEE  
8 FROM NORTH, SOUTH, RURAL TO BAY AREA, SO WE HAVE A  
9 PRETTY GOOD MIX OF LEA REPRESENTATION, AS WELL AS  
10 DIRECTORS OF ENVIRONMENTAL HEALTH.

11 THE COMMITTEE WOULD LIKE TO OFFER  
12 SUPPORT OF THE ITEM BEFORE YOUR COMMITTEE TODAY  
13 AND TO POINT OUT THAT WE HAVE BEEN INVOLVED TO  
14 SOME EXTENT IN DEVELOPING OF THE POLICY FRAMEWORK  
15 THROUGH THE PROJECT 2000 EFFORT HEADED UP BY RALPH  
16 CHANDLER. ADDITIONALLY, WE'VE HAD MEMBERS ON YOUR  
17 WORK GROUP WHO WORKED WITH MR. WILLMAN TO PUT  
18 TOGETHER THE PIECES OF THE COMMITTEE AND WHOSE  
19 MEMBERS HAVE ADVISED THE SOLID WASTE POLICY  
20 COMMITTEE OF THE STAFF'S EFFORTS.

21 IN ESSENCE, WE'D LIKE TO OFFER OUR  
22 SUPPORT. AND I'D JUST LIKE TO HOLD UP ONE CAVEAT  
23 HERE. IN THE LETTER I FILED WITH THE BOARD, I DID  
24 NOT RECEIVE THE MOST RECENT COPY OF THE STAFF  
25 REPORT TO YOUR COMMITTEE, BUT I DID HAVE AN

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1 OPPORTUNITY TO REVIEW THIS THIS MORNING ON MY WAY  
2 UP HERE FROM LOS ANGELES. AND I FIND IT'S  
3 SUBSTANTIALLY, BASICALLY JUST EXPLAINS A LITTLE  
4 BIT MORE THAN IN THE ITEM BEFORE YOUR BOARD IN  
5 JANUARY.

6 IN ESSENCE, I'D LIKE TO POINT OUT  
7 THAT CCDEH SUPPORTS THE POLICY FRAMEWORK OUTLINED  
8 BY THE ITEM BEFORE YOUR BOARD, SPECIFICALLY THOSE  
9 AREAS OF THE POLICY WHICH REFER TO FACILITY-BASED  
10 COMPLIANCE. THAT'S AN IMPORTANT KEY ELEMENT; THAT  
11 IS TO SAY, IT'S NOT A ONE SIZE FITS ALL.

12 SECONDLY, THE POLICY RECOGNIZES THAT  
13 THE LEA'S NEED TO HAVE DISCRETION AND FLEXIBILITY  
14 IN ADMINISTERING THE STATE LAWS ON BEHALF OF YOUR  
15 BOARD AS AN LEA. AND WE THINK THE POLICY DOES  
16 PROVIDE THAT LATITUDE. THAT IS TO SAY, WE JUST  
17 DON'T HAVE A PROSCRIPTIVE APPROACH FOR ENFORCEMENT  
18 FOR EACH AND EVERY VIOLATION.

19 FINALLY, WE'D LIKE TO EMPHASIZE --  
20 WE'D LIKE TO POINT OUT THAT WE THINK THE POLICY  
21 PLACES EMPHASIS ON A COLLABORATIVE WORKING  
22 RELATIONSHIP BETWEEN THE LEA'S AND THE BOARD.  
23 SPECIFICALLY THE POLICY RECOGNIZES THE NEED FOR  
24 TECHNICAL ASSISTANCE AND TRAINING, A KEY ELEMENT  
25 TO BE PROVIDED BY YOUR BOARD. WE FEEL THAT THAT

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1 WILL GO A LONG WAYS IN ACHIEVING OUR MUTUAL GOAL  
2 OF ASSURING COMPLIANCE WITH THE APPLICABLE LAWS  
3 AND REGULATIONS.

4 FINALLY, THE COMMITTEE HAS ASKED ME  
5 TO EXPRESS SUPPORT FOR CONTINUED STRONG OVERSIGHT  
6 BY THE BOARD. AND WE THINK YOUR CONTINUED EFFORTS  
7 IN EVALUATING LEA'S IS A VERY IMPORTANT ROLE, SO  
8 WE WANT TO EXPRESS OUR SUPPORT FOR YOUR BOARD'S  
9 ACTION.

10 IN TERMS OF THE COMMENTS THAT WERE  
11 MADE BY SEVERAL OF THE BOARD MEMBERS THIS MORNING,  
12 WE AGREE THAT CERTAIN CRITICAL FACTORS SHOULD BE  
13 IDENTIFIED, AS POINTED OUT BY MR. RELIS. THOSE  
14 ARE IMPORTANT AREAS TO IDENTIFY FOR YOUR BOARD.

15 LASTLY, I THINK I HEARD THE COMMENTS  
16 BY MR. JONES; AND WITHOUT REVIEWING THE FULL  
17 LANGUAGE, BUT THAT'S AN AREA THAT I THINK IS VERY  
18 IMPORTANT TO LEA'S, THAT THERE IS EQUITY AND THAT  
19 THE BOARD SUPPORT THE EQUITY FOR THE LEA'S FOR  
20 DOING THE JOB IS IMPORTANT. FINALLY, WE'D LIKE TO  
21 SUPPORT THE STAFF'S RECOMMENDATION, AND I'LL  
22 ANSWER ANY QUESTIONS.

23 CHAIRMAN FRAZEE: THANK YOU. ANY  
24 QUESTIONS? JUSTIN MALAN, REPRESENTING LEA'S.  
25 MR. MALAN: MORNING, MR. CHAIRMAN, BOARD

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1 MEMBERS, STAFF. I'M THE EXECUTIVE DIRECTOR. THE  
2 NAME IS JUSTIN MALAN, EXECUTIVE DIRECTOR OF THE  
3 ENVIRONMENTAL HEALTH DIRECTORS. IT'S AN  
4 ASSOCIATION THAT, AMONGST OTHERS, DOES REPRESENT  
5 THE LEA'S. WE ALSO WORK ON FIVE OR SIX OTHER  
6 AREAS, HAZARDOUS MATERIALS, FOOD SANITATION, ALL  
7 THE OTHER ENVIRONMENTAL HEALTH AREAS IN THE STATE.

8 I WANTED TO START OFF WITH  
9 COMMENDING THE BOARD AND THE STAFF, EXECUTIVE  
10 STAFF, AND, OF COURSE, THE FOLKS THAT HAVE WORKED  
11 ON THIS PARTICULAR POLICY, BUT TO REITERATE WHAT  
12 DON KOEPP HAS JUST SAID TO YOU, I WANT TO GIVE YOU  
13 A SLIGHTLY BROADER PERSPECTIVE FROM LOCAL  
14 ENVIRONMENTAL HEALTH BECAUSE WE DO ENCOMPASS ALL  
15 THE OTHERS, INCLUDING SOLID WASTE. BUT THE ISSUES  
16 THAT I THINK ARE IMPORTANT HERE, THAT WE DO NEED  
17 TO STRESS, AND THE REASONS WHY I'M HERE AND DON IS  
18 HERE, TO SUPPORT THE GENERAL DIRECTION OF THIS  
19 ENFORCEMENT POLICY I THINK ARE FOURFOLD.

20 FIRSTLY, YOU'VE HEARD AGAIN TODAY  
21 ABOUT THE PARTNERSHIP 2000. THIS PARTNERSHIP  
22 2000, I THINK, IS FAIRLY UNIQUE, AND IT TIES IN  
23 VERY CLOSELY WITH WHAT WE'VE BEEN TALKING ABOUT  
24 TODAY. MORE SO THAN ANYTHING ELSE, WHAT IT DOES  
25 IS IT IS IMPROVING EFFICIENCY. I THINK THAT'S  
THE

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1 BOTTOM LINE.

2 WE'VE GOT A FAIRLY LARGE STATE  
3 AGENCY. WE'VE GOT 56 OR SO LOCAL AGENCIES  
4 BASICALLY ALL WITH THE SAME OBJECTIVES. AND WHAT  
5 HAS HAPPENED IN THE PAST, I HATE TO ADMIT IT, IS  
6 WE'VE HAD A DYSFUNCTIONALITY, AND WE HAD WHAT IS  
7 MARRIAGE COUNSELING LAST YEAR, AND IT'S WORKED,  
8 AND I THINK THE MARRIAGE HAS BEEN SAVED. AND FROM  
9 THE LEA'S PERSPECTIVE, I'D LIKE TO THANK YOU ALL  
10 FOR SAVING THE MARRIAGE. NOW WE GOT TO GET ON  
11 WITH RAISING THE KIDS.

12 BUT, YOU KNOW, ON A LESS FLIPPANT  
13 NOTE, I THINK THE PURPOSE OF THAT PARTNERSHIP 2000  
14 WAS TO IDENTIFY ROLES, OUR RESPECTIVE ROLES AND  
15 RESPONSIBILITIES, AND THIS ENFORCEMENT POLICY IS A  
16 KEY POINT IN THAT DEFINITION. THE ISSUES THAT ARE  
17 RAISED HERE, AND ONE OF THE REASONS WHY I THINK  
18 PART OF OUR PERMITTING COMPLIANCE SECTION AS  
19 POINTED OUT, WE'RE STILL GRAPPLING WITH SOME  
20 TRICKY ISSUES. WHAT IS SIGNIFICANT CHANGE? AND I  
21 KNOW WE'VE SPOKEN TO A COUPLE OF MEMBERS HERE.

22 WE ARE COMMITTED, A HUNDRED PERCENT  
23 COMMITTED, AS LEA'S TO WORK WITH YOU TO IDENTIFY  
24 THOSE CHANGES, TO PUT THEM DOWN CLEARLY IN  
25 REGULATION OR IN BOARD POLICY, AND WORK WITH YOU

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1 TO MAKE THAT WORK.

2 THE NEXT THING IS TRAINING. AS YOU  
3 MENTIONED, BOARD MEMBER JONES, AND I KNOW THAT MR.  
4 RELIS AND YOU, CHAIRMAN FRAZEE, HAVE OFTEN  
5 REFERRED TO THE NEED FOR THE BOARD TO TRAIN AND TO  
6 PROVIDE THEIR TECHNICAL ASSISTANCE. WE'RE VERY  
7 PLEASED TO HAVE BEEN COLLABORATIVELY WORKING WITH  
8 THE BOARD ON THE INITIAL 12- OR 18-MONTH TRAINING  
9 SCHEDULE. AND CCDG, WHICH IS OUR ORGANIZATION, IS  
10 A COSPONSOR OF THIS TRAINING PROGRAM WITH THE  
11 BOARD. SO WE'RE GOING HAND IN HAND WITH THE BOARD  
12 IN OUR NEW MARRIAGE TO ENSURE THAT WE CAN PROVIDE  
13 THIS TRAINING TO THE LEA'S AND, OF COURSE, TO THE  
14 BOARD STAFF AS WELL. I THINK THAT'S A DIRECT  
15 OUTCOME OF THIS PARTNERSHIP 2000.

16 THIRDLY, I WANTED TO STRESS, NOT  
17 ONLY FROM AN LEA PERSPECTIVE, BUT FROM A LOCAL  
18 GOVERNMENT PERSPECTIVE, WE SUPPORT 100 PERCENT  
19 STRONG, EFFECTIVE STATE OVERSIGHT. THAT'S HOW OUR  
20 PROGRAM IS RUN. 99.9 PERCENT OF OUR PROGRAMS ARE  
21 DELEGATED BY EITHER THE FEDS THROUGH THE STATE TO  
22 US OR FROM THE STATE TO US. IT'S THE NUTS AND  
23 BOLTS OF OUR BUSINESS. WE HUNDRED PERCENT SUPPORT  
24 EFFECTIVE STRONG STATE OVERSIGHT. SO I WANT THAT  
25 TO BE CLEAR FROM THE OUTSET.

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1                   AND FINALLY, WHAT IS REALLY  
2           IMPORTANT IS THAT, AS WE MOVE AHEAD, I THINK, WITH  
3           THIS NEW ERA OF COOPERATION, WE CAN WORK WITH  
4           BOARD MEMBER JONES IN ENSURING THAT YOUR CONCERNS  
5           ARE RAISED AND, BOARD MEMBER RELIS, THE CONCERNS  
6           OF ABOUT DEALING WITH THE BRIGHT LINE ISSUE. WE  
7           WANT TO FIND THAT BRIGHT LINE AND WORK WITH YOU TO  
8           STICK TO IT. THANK YOU VERY MUCH, MR. CHAIRMAN.

9                   CHAIRMAN FRAZEE: THANK YOU. NOW, NEXT  
10          CHUCK WHITE REPRESENTING WMX.

11                  MR. WHITE: CHUCK WHITE WITH WASTE  
12          MANAGEMENT. APPRECIATE THE OPPORTUNITY TO SPEAK  
13          BRIEFLY TO YOU TODAY. I SPOKE WITH YOU LAST MONTH  
14          ABOUT THIS ISSUE, AND I HAD SUGGESTED AT THAT  
15          POINT IN TIME THAT THE POLICY SHOULD BE AMENDED TO  
16          CLEARLY MAKE REFERENCE TO CAL/EPA'S POLICY ON  
17          INCENTIVES FOR SELF-EVALUATION ENFORCEMENT. I'M  
18          HAPPY TO REPORT THE STAFF DID A GREAT JOB AND DID  
19          INCORPORATE THAT INTO THE LEA ADVISORY.

20                  IT WAS INTERESTING WHEN I WAS --  
21          AFTER I MADE THAT SUGGESTION LAST MONTH, AND ONE  
22          OF THE CONSEQUENCES OF EPA'S POLICY IS IT DOES  
23          PROVIDE FOR PENALTY MITIGATION. AN INDIVIDUAL  
24          INDICATED TO ME, "WELL, GEE WHIZ, THERE'S NO NEED  
25          TO INCLUDE THAT KIND OF POLICY BECAUSE THE LEA'S

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1 AND BOARD NEVER FINE ANYBODY ANYWAY, SO IT DOESN'T  
2 MAKE ANY DIFFERENCE TO HAVE ANYTHING IN THE POLICY  
3 FOR PENALTY MITIGATION."

4 AND I THINK THAT POINTS OUT MORE  
5 THAN ANYTHING ELSE THE NEED FOR A POLICY LIKE YOU  
6 HAVE HERE. AND BY THE WAY, WE WHOLEHEARTEDLY  
7 SUPPORT THE SUGGESTIONS THAT MR. JONES PUT FORWARD  
8 FOR INCORPORATION INTO THE POLICY TO ADDRESS  
9 EXACTLY THIS ISSUE. BECAUSE I WOULD HOPE THAT  
10 WHEN THERE ARE EGREGIOUS VIOLATIONS OUT THERE, AS  
11 CITED BY MR. JONES, THAT THERE WOULD BE AN ACTION  
12 BY THE LEA'S AND THE BOARD TO TAKE A REAL AND  
13 MEANINGFUL ENFORCEMENT ACTION, AT THE SAME TIME  
14 RECOGNIZING THOSE COMPANIES AND INDIVIDUALS THAT  
15 HAVE A SELF-AUDIT PROGRAM, THAT HAVE ESTABLISHED  
16 AN IN-DEPTH PROCESS FOR SELF-REPORTING AND  
17 SELF-EVALUATING OURSELVES AND INDICATING AND  
18 REPORTING IN A QUICK AND FULL AND FRANK FASHION  
19 ANY PROBLEMS THAT WE DO DISCOVER IN OUR SOMEWHAT  
20 COMPLEX OPERATIONS PURSUANT TO VERY COMPLEX  
21 REGULATORY AND STATUTORY REQUIREMENTS.

22 BUT I GUESS THE ONLY COMMENT I WOULD  
23 HAVE -- WELL, TWO COMMENTS. ONE, WE SUPPORT MR.  
24 JONES' LANGUAGE, AND WE WOULD HOPE THAT VERSION WE  
25 SEE BEFORE THE BOARD WOULD INCORPORATE SOMETHING

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1        LIKE THAT.  MY ONLY OTHER WISH WOULD BE THAT  
2        SELF-EVALUATION ASPECT OF THIS WHOLE POLICY TOOK A  
3        LITTLE HIGHER PROFILE THAN IT DOES NOW AND BEING  
4        SIMPLY IN THE ADVISORY.  I THINK YOU'VE DONE A  
5        GREAT JOB IN MAKING REFERENCE TO IT, BUT IT WOULD  
6        BE GREAT TO SEE IN THE FUTURE, AS THIS POLICY IS  
7        AMENDED AND LOOKED FORWARD TO, IS THAT THE GREATER  
8        RELIANCE IS PUT ON PEOPLE TO BE RESPONSIBLE FOR  
9        DETECTING THEIR OWN VIOLATIONS AND STEPPING  
10       FORWARD AND SELF-REPORTING.  IF ANYTHING, I WOULD  
11       ENCOURAGE THAT TO BE AS THE HIGHEST PROFILE OF  
12       THIS POLICY AS YOU POSSIBLY CAN.  THANK YOU VERY  
13       MUCH.

14                    CHAIRMAN FRAZEE:  THANK YOU.  LARRY  
15       SWEETSER, NORCAL.

16                    MR. SWEETSER:  GOOD MORNING, BOARD  
17       MEMBERS.  MY NAME IS LARRY SWEETSER, DIRECTOR OF  
18       REGULATORY AFFAIRS FOR NORCAL WASTE SYSTEMS.  I'D  
19       ALSO LIKE TO LEND SUPPORT TO THE PROPOSAL.  I  
20       THINK IT CONTINUES A REASONABLE APPROACH THAT  
21       WE'VE HAD OUT THERE.  THE LEA CONCEPT IS A VIABLE  
22       CONCEPT, AND IT DOES PROVIDE -- THE WASTE BOARD'S  
23       ROLE DOES PROVIDE A POINT OF CONSISTENCY IN THIS  
24       PROCESS THAT WE'D LIKE TO SEE AND HELPS US TO  
25       UNDERSTAND WHAT THE RULES ARE.

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1 AS FAR AS THE ENFORCEMENT ADVISORY,  
2 I THINK THAT'S OKAY TO GO OUT. AND ANY TIME YOU  
3 CAN GET OPERATORS AND LEA'S TO AGREE ON SOMETHING  
4 AND SAY IT'S OKAY, I THINK THAT'S HIGH PRAISE TO  
5 DEAL WITH ENFORCEMENT ISSUES.

6 AS FAR AS INSPECTION AND  
ENFORCEMENT

7 TRAINING, THERE WAS SOME MENTION TO IT. I'D LIKE  
8 TO HAVE IT STRONGER IN TERMS OF KEEPING OPERATORS  
9 INVOLVED IN THE TRAINING LOOP. IT HELPS US TO  
10 KNOW WHAT GUIDANCE THE OPERATORS ARE GETTING OR  
11 THE LEA'S ARE GETTING SO THAT WE KNOW AS WELL.

IF

12 WE KNOW WHAT THE RULES ARE, IT'S EASIER TO COMPLY  
13 WITH.

14 WE'RE ALL HOPING FOR THAT CLARITY  
OF

15 A BRIGHT LINE IN THIS ISSUE. I THINK IN SOME  
16 ISSUES WE COULD DO; SOME ISSUES WILL BE VERY  
17 DIFFICULT TO DO. WE STILL NEED TO MAINTAIN SOME  
18 FLEXIBILITY BECAUSE EACH SITE IS DIFFERENT. AND  
19 THE LEA CONCEPT DOES GO THROUGH WITH THAT, AND I  
20 THINK THE ENFORCEMENT POLICY CURRENTLY DOES TAKE  
21 THAT INTO ACCOUNT.

22 THERE'S ALREADY SUFFICIENT  
INCENTIVE

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23 FOR OPERATORS TO BE COMPLYING WITH THE STANDARDS,  
24 SO WE HOPE THAT THE FOCUS ACTUALLY COULD BE MORE  
25 SO ON THOSE OPERATORS THAT CHOOSE NOT TO COMPLY,

1 AND THE BOARD CAN GO AFTER THOSE PEOPLE RATHER  
2 THAN SPENDING A LOT OF EFFORT GOING AFTER PEOPLE  
3 THAT ARE DOING LITTER VIOLATIONS OCCASIONALLY. I  
4 THINK THERE'S ENOUGH JUSTIFICATION AND ENOUGH  
5 ISSUES OUT THERE WITH THOSE PEOPLE THAT CHOOSE NOT  
6 TO COMPLY AND THOSE THAT DO.

7 IN THE FUTURE, ON THE HEARING PANEL  
8 ADVISORY, I THINK WE'VE SEEN ISSUES THAT DO NEED  
9 TO BE ADDRESSED IN THERE. WE HAVE SOME OF OUR OWN  
10 EXPERIENCES RECENTLY WE'D LIKE TO LEND INTO THAT  
11 PROCESS. SO WE'LL BE TALKING TO STAFF WHEN THE  
12 TIME COMES ON THAT ISSUE. BE GLAD TO PROVIDE THAT  
13 INPUT.

14 WITH THAT, I'D LIKE TO URGE YOU TO  
15 MOVE ON WITH THE PROPOSAL AND LET'S SEE IT IN  
16 ACTION. THANKS.

17 CHAIRMAN FRAZEE: THANK YOU. NOW EVAN  
18 EDGAR, CRRC.

19 MR. EDGAR: GOOD MORNING, COMMITTEE  
20 MEMBERS. MY NAME IS EVAN EDGAR. I'M THE MANAGER  
21 OF REGULATORY AFFAIRS FOR THE CALIFORNIA REFUSE  
22 REMOVAL COUNCIL, REPRESENTING THE PRIVATE  
23 INDEPENDENT LANDFILLS OF CALIFORNIA.

24 WE COMMEND THE STAFF. IT'S A  
GREAT  
25 PROPOSAL. WE SUPPORT STAFF PROPOSAL AND

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SUPPORT

1 MR. JONES' AMENDMENT TO THE PROPOSAL. WE HAVE  
2 REALIZED THE PUBLIC PRIVATE INEQUITIES OVER THE  
3 YEARS. AS EVIDENCED IN THE LAST COMMITTEE, THREE  
4 OUT OF 47 WERE PUBLIC LANDFILLS. SO I'VE BEEN IN  
5 THE FIELD FOR 13 YEARS, TEN YEARS ON THE PUBLIC  
6 SIDE AND THREE YEARS ON THE PRIVATE SIDE, AND I  
7 DEALT WITH THE INEQUITIES OVER THE YEARS WORKING  
8 FOR THE COUNTIES AS OPPOSED TO REPRESENTING THE  
9 PRIVATE OPERATORS. I BELIEVE MR. JONES'

AMENDMENT

10 WILL BE VERY HELPFUL IN DELIVERING THAT  
INEQUITY.

11 WE REALIZE THIS IS A FAULTY  
12 FRAMEWORK. THERE'S A LOT OF DETAILS TO BE  
WORKED

13 OUT IN THE NAME OF REGULATIONS. WE'LL BE  
14 PARTICIPATING IN THOSE REGULATIONS AS WELL.

SO WE

15 SUPPORT THE PROPOSAL. THANK YOU.

16 CHAIRMAN FRAZEE: THANK YOU. AND  
LAST

17 SPEAKER, RICK BEST, CAW.

18 MR. BEST: THANK YOU, COMMITTEE  
CHAIRMAN,

19 COMMITTEE MEMBERS. RICK BEST, POLICY  
DIRECTOR

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20 WITH CALIFORNIANS AGAINST WASTE.

21 I JUST WANTED TO OFFER ONE  
BRIEF

22 COMMENT. I HAVEN'T HAD A CHANCE TO REVIEW  
ALL THE

23 MATERIALS THAT HAVE BEEN PUT TOGETHER, BUT  
ONE

24 ISSUE THAT I DIDN'T SEE MENTIONED THAT I  
THINK IS

25 IMPORTANT THAT NEEDS TO BE CONSIDERED, AND  
IT'S AN

1       ISSUE THAT WE BROUGHT UP AS PART OF THE AB  
1220

2       DISCUSSIONS, WAS HOW THE COORDINATION  
BETWEEN THE

3       LEA'S AND THE OTHER REGULATORY AGENCIES, THE  
WATER

4       BOARD, AIR BOARDS, ISSUES GET COORDINATED.

5                        FOR EXAMPLE, IF AN LEA IS ON  
6       INSPECTION AND FINDS A VIOLATION THAT ISN'T  
WITHIN

7       THE BOARD'S OR LEA'S RESPONSIBILITY, BUT  
CLEARLY

8       IS SOMETHING THAT SHOULD BE CONSIDERED BY  
ONE OF

9       THE OTHER AGENCIES, MAKING SURE THAT THERE'S  
A

10      PROCESS, THAT THOSE KIND OF THINGS DON'T  
FALL

11      THROUGH THE CRACKS AND DO GET FORWARDED ON  
TO THE

12      APPROPRIATE AGENCIES.

13                        I DON'T SEE ANYTHING IN THIS  
POLICY

14      THAT MENTIONS THAT.  MAYBE THERE NEEDS TO BE  
SOME

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15 MORE DISCUSSION ABOUT THAT AND SOME CLEARER  
16 GUIDANCE TO THE LEA'S IN TERMS OF WHAT KIND  
OF  
17 PROCESS SHOULD GO ON IN TERMS OF MAKING SURE  
THOSE  
18 KIND OF VIOLATIONS THAT AREN'T WITHIN THEIR  
19 RESPONSIBILITY ARE AT LEAST FORWARDED ON TO  
THE  
20 OTHER AGENCIES.

21 MEMBER RELIS: MAYBE WE COULD HEAR  
JUST A

22 STAFF RESPONSE TO THAT.

23 MS. RICE: I'M SORRY. NOT HAVING  
HEARD

24 THE FIRST PART OF THE COMMENT, IF THE  
CONCERN WAS

25 IF VIOLATIONS ARE IDENTIFIED THAT ARE NOT  
WITHIN

1 THE PURVIEW OF THE LEA, STATUTE DOES REQUIRE  
2 NOTIFICATION OF THE RELEVANT AGENCY WITHIN A  
3 CERTAIN TIME FRAME, AND THEN LEA'S WOULD ROUTINELY  
4 FOLLOW UP IF THEY FEEL THAT AGENCY IS NOT TAKING  
5 THE ACTION THEY'RE SUPPOSED TO. SO THERE ARE A  
6 NUMBER OF SECTIONS IN LAW, AS I'M SURE YOU'RE  
7 FAMILIAR WITH, RICK, THAT DEAL WITH EXACTLY THAT  
8 KIND OF REFERRAL PROCESS, AND I UNDERSTAND THAT IT  
9 IS UTILIZED.

10 MR. BEST: I'M NOT SURE WHETHER -- YOU  
11 MEAN IN TERMS OF THE STATUTE OR WITHIN THE BOARD'S  
12 REGULATIONS?

13 MS. RICE: WITHIN LAW.

14 MR. BEST: I'D JUST WANT TO MAKE SURE  
15 THAT THOSE ARE PART OF THE TRAINING THAT GOES ON  
16 AND PART OF THE MATERIALS IN TERMS OF MAKING SURE  
17 LEA'S FULFILL THEM.

18 MR. WILLMAN: AND WE DO MENTION THAT IN  
19 THE LEA ADVISORY SPECIFICALLY. WE HIGHLIGHT THAT  
20 LAW AND THE FACT THAT THERE IS A NEED FOR  
21 COORDINATION AND THAT TYPE OF THING.

22 CHAIRMAN FRAZEE: THANK YOU. THAT  
23 COMPLETES OUR LIST OF SPEAKERS. WE HAVE THE ITEM  
24 BEFORE US NOW IN THE FORM OF RESOLUTION 97-60.  
25 ANY FURTHER DISCUSSION?

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1                   MEMBER RELIS: MR. CHAIR, I'LL MOVE 97-60  
2 WITH MR. JONES' ADDITIONAL LANGUAGE. AND IF I  
3 COULD JUST ADD FOR COMMENT, I DON'T KNOW THAT --  
4 WELL, LET'S SEE HERE.

5                   IN THE MOTION THERE'S NO PROVISION  
6 HERE FOR THE DISSEMINATION OF INFORMATION ABOUT  
7 OUR POLICY; THAT IS, THE PUBLIC ACCESS TO DATA ON  
8 VIOLATIONS AND ALL. THAT WOULD JUST BE HANDLED AS  
9 PART OF OUR INFORMATION SYSTEM, CORRECT?

10                  MS. RICE: YES.

11                  MEMBER RELIS: AND WHAT WE DISCUSSED  
12 EARLIER, INVENTORY AND SO FORTH. AND THEN WE WILL  
13 BE WORKING WITH THE LEA'S AND OTHERS ON CLARIFYING  
14 THE SIGNIFICANT VIOLATIONS. THAT WILL COME  
15 AFTER --

16                  MS. RICE: THAT WILL BE A SEPARATE EFFORT  
17 APART FROM THE ADVISORY THAT WE'RE SEEKING YOUR  
18 OKAY ON TODAY.

19                  MEMBER RELIS: SO THEN WITH MR. JONES'  
20 LANGUAGE, I'LL MOVE THE ITEM.

21                  MEMBER JONES: I'LL SECOND.

22                  CHAIRMAN FRAZEE: MOTION AND SECOND ON  
23 THE ADOPTION OF RESOLUTION 97-60. SECRETARY WILL  
24 CALL THE ROLL ON THAT.

25                  THE SECRETARY: BOARD MEMBER RELIS.

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1 MEMBER RELIS: AYE.

2 THE SECRETARY: BOARD MEMBER JONES.

3 MEMBER JONES: AYE.

4 THE SECRETARY: CHAIRMAN FRAZEE.

5 CHAIRMAN PENNINGTON: AYE. MOTION IS  
6 CARRIED. THIS SHOULD NOT BE CONSENT. IT WILL BE  
7 HEARD BEFORE THE BOARD.

8 NOW WE'RE READY TO MOVE TO THE  
9 PERMIT ITEMS. THE FIRST OF THOSE IS AGENDA ITEM  
10 5, CONSIDERATION OF A REVISED SOLID WASTE FACILITY  
11 PERMIT FOR THE TRACY MATERIAL RECOVERY AND  
12 TRANSFER FACILITY, SAN JOAQUIN COUNTY.

13 MS. RICE: THANK YOU. TERRY SMITH WITH  
14 BOARD STAFF WILL PRESENT THE ITEM, ASSISTED BY ED  
15 PADILLA, REPRESENTING THE LOCAL ENFORCEMENT  
16 AGENCY.

17 MR. SMITH: MORNING. ITEM NO. 5 IS A  
18 PROPOSED -- A PROPOSAL TO REVISE THE TRACY  
19 MATERIAL RECOVERY AND TRANSFER FACILITY PERMIT TO  
20 REFLECT A SITE BOUNDARY INCREASE OF 12.5 ACRES.  
21 THE 12.5 ACRES WILL BE USED EXCLUSIVELY FOR TOMATO  
22 MUD LANDSPREADING AND CATTLE FEEDING OPERATIONS  
23 THAT WILL BE CONDUCTED DURING THE CANNERY SEASON,  
24 WHICH RUNS FROM JULY TO NOVEMBER OF EACH YEAR.  
25 THE PROPOSED TOMATO WASTE OPERATIONS

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1 DO NOT FALL WITHIN THE BOARD'S SCOPE OF AUTHORITY;  
2 HOWEVER, THE REVISION OF THE SOLID WASTE FACILITY  
3 PERMIT TO REFLECT THE 12.5-ACRE EXPANSION DOES.

4 THE LEA AND BOARD STAFF HAVE  
5 ANALYZED THE PROPOSED PERMIT AND SUPPORTING  
6 DOCUMENTATION AND HAVE DETERMINED THAT ALL THE  
7 REQUIREMENTS FOR THIS PERMIT REVISION HAVE BEEN  
8 MET, INCLUDING CONSISTENCY WITH STATE MINIMUM  
9 STANDARDS, CONSISTENCY WITH THE SAN JOAQUIN COUNTY  
10 GENERAL PLAN, AND COMPLIANCE WITH THE CALIFORNIA  
11 ENVIRONMENTAL QUALITY ACT.

12 STAFF HAVE CONCLUDED THAT THE PERMIT  
13 AND SUPPORTING DOCUMENTATION IS ACCEPTABLE FOR THE  
14 BOARD'S USE IN CONSIDERATION OF THIS ITEM. AND  
15 STAFF RECOMMEND THAT THE BOARD ADOPT PERMIT  
16 DECISION NO. 97-51, CONCURRING WITH THE ISSUANCE  
17 OF SOLID WASTE FACILITY PERMIT NO. 39-AA-0024.  
18 THE OPERATOR IS PRESENT AND HERE TO ANSWER ANY  
19 QUESTIONS YOU MAY HAVE. THIS CONCLUDES OUR  
20 PRESENTATION.

21 CHAIRMAN FRAZEE: QUESTION THAT I DID NOT  
22 THINK ABOUT BEFORE OR DIDN'T COME UP DURING THE  
23 BRIEFING, YOUR STATEMENT THAT THE TOMATO CANNERY  
24 WASTE DOES NOT FALL UNDER THE JURISDICTION OF  
THE  
25 WASTE BOARD.

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1 MR. SMITH: THAT'S CORRECT.

2 CHAIRMAN FRAZEE: IT SEEMS I RECALL THE  
3 CASE OF STANISLAUS COUNTY. IN THEIR DIVERSION  
4 REQUIREMENTS, THERE WAS SOMETHING THAT OCCURRED  
5 WHERE WE WERE ABLE TO GIVE THEM CREDIT FOR CANNERY  
6 WASTE IN CALCULATING DIVERSION REQUIREMENTS. AND  
7 I'M WONDERING THE DIFFERENCE BETWEEN TOMATOES AND  
8 APRICOTS CAUSING THE PROBLEM.

9 MS. RICE: ONE'S RED. GOOD QUESTION. I  
10 DO RECALL THE DISCUSSION OVER THAT PLAN, AND MR.  
11 CHESBRO MAY RECALL IT BETTER THAN I DO, BUT THE  
12 ISSUE WAS CANNERY WASTE, AS I RECALL, AND THEY  
13 WERE ULTIMATELY --

14 CHAIRMAN FRAZEE: THEY WERE ALLOWED TO  
15 ADJUST THEIR DIVERSION BASED ON CANNERY WASTE.  
16 AND IF IT'S NOT WITHIN OUR JURISDICTION FOR  
17 REGULATION AS A WASTE, THEN SHOULDN'T BE COUNTED  
18 AS --

19 MS. RICE: I ASSUME THE ISSUE MAY HAVE  
20 BEEN THEY WERE LANDFILLING IT PRIOR TO A CERTAIN  
21 POINT AND THEN BEGAN A PROGRAM TO KEEP IT OUT OF  
22 THE LANDFILL, WHICH WE CALL A DIVERSION PROGRAM  
23 EVEN IF WE WOULD NOT HAVE REGULATED THE DISPOSAL  
24 OF THAT WASTE HAD IT NOT GONE TO THE LANDFILL.  
25 AGAIN, I CAN'T CLAIM TO KNOW THE DETAILS.

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1                   CHAIRMAN FRAZEE: I JUST FOR INFORMATION  
2                   WOULD LIKE A FOLLOW-UP ON THAT ONE IF WE COULD.

3                   ANY QUESTIONS ON THIS ITEM? MR.  
4                   PADILLA, DO YOU HAVE ANY COMMENTS?

5                   MR. PADILLA: NO.

6                   CHAIRMAN FRAZEE: OKAY. WE HAVE THE ITEM  
7                   BEFORE US IN THE FORM OF RESOLUTION 97-51.

8                   MEMBER JONES: I'LL MAKE THE MOTION.

9                   MEMBER RELIS: SECOND.

10                  CHAIRMAN FRAZEE: MOTION AND SECOND TO  
11                  APPROVE PERMIT DECISION NO. 97-51. SECRETARY WILL  
12                  CALL THE ROLL ON THAT, PLEASE.

13                  THE SECRETARY: BOARD MEMBER RELIS.

14                  MEMBER RELIS: AYE.

15                  THE SECRETARY: BOARD MEMBER JONES.

16                  MEMBER JONES: AYE.

17                  THE SECRETARY: CHAIRMAN FRAZEE.

18                  CHAIRMAN FRAZEE: AYE. MOTION IS  
19                  CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND  
20                  THAT FOR THE CONSENT CALENDAR TO THE BOARD.

21                  NOW LET'S GO TO ITEM 6. THIS IS THE  
22                  CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT  
23                  FOR THE HAPPY CAMP TRANSFER/RECYCLING STATION IN  
24                  SISKIYOU COUNTY.

25                  MS. RICE: THANK YOU. TERRY SMITH WILL A

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1 MAKE THIS PRESENTATION AS WELL. DON SHELLVACH,  
2 REPRESENTING THE LOCAL ENFORCEMENT AGENCY, IS ALSO  
3 PRESENT.

4 MR. SMITH: ITEM NO. 6 REGARDS THE  
5 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT  
6 FOR THE HAPPY CAMP TRANSFER/RECYCLING STATION.

7 PLEASE NOTE THAT THE RESOLUTION FOR  
8 THIS ITEM, I'M GOING TO HAVE TO PASS THIS OUT  
9 BECAUSE IT WASN'T INCLUDED IN YOUR PACKET.

10 THE TRANSFER STATION IS LOCATED  
11 APPROXIMATELY A MILE SOUTHWEST OF THE COMMUNITY OF  
12 HAPPY CAMP IN SISKIYOU COUNTY. THE SITE IS LESS  
13 THAN 2 ACRES AND CONSISTS OF A RETAINING WALL AND  
14 FOUR 40 CUBIC YARD BINS.

15 THE ITEM, AS INCLUDED IN YOUR  
16 COMMITTEE AGENDA, DOES NOT CONTAIN STAFF'S  
17 RECOMMENDATION BECAUSE AT THE TIME THE ITEM WAS  
18 PREPARED, STAFF HAD NOT COMPLETED THEIR REVIEW.  
19 THE CEQA PROCESS WAS STILL PENDING, AND THE JOINT  
20 BOARD STAFF AND LEA INSPECTION HADN'T BEEN  
21 CONDUCTED YET.

22 STAFF HAVE NOW COMPLETED THEIR  
23 REVIEW. ON JANUARY 28, 1997, SISKIYOU COUNTY  
24 BOARD OF SUPERVISORS CONSIDERED AND APPROVED A  
25 NEGATIVE DECLARATION THAT WAS PREPARED FOR THIS

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1 PROJECT, AND A NOTICE OF DETERMINATION WAS FILED  
2 WITH THE COUNTY CLERK FEBRUARY THE 6TH, 1997. ON  
3 FEBRUARY THE 7TH, 1997, THE LEA AND BOARD  
4 ENFORCEMENT STAFF INSPECTED THE TRANSFER STATION  
5 AND FOUND NO VIOLATIONS OF STATE MINIMUM  
6 STANDARDS.

7 AND AFTER REVIEWING THE PROPOSED  
8 PROJECT, THE LEA AND BOARD STAFF HAVE DETERMINED  
9 THAT THE FACILITY IS IN CONFORMANCE WITH THE  
10 SISKIYOU COUNTY SOLID WASTE MANAGEMENT PLAN. THE  
11 FACILITY IS CONSISTENT WITH SISKIYOU COUNTY  
12 GENERAL PLAN. THE PROJECT DESIGN AND OPERATION  
13 ARE CONSISTENT WITH STATE MINIMUM STANDARDS, AND  
14 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIRE-  
15 MENTS HAVE BEEN SATISFIED.

16 STAFF HAVE ANALYZED THE PROPOSED  
17 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM  
18 TO BE ACCEPTABLE, AND STAFF RECOMMEND THAT THE  
19 BOARD ADOPT PERMIT DECISION NO. 97-52, CONCURRING  
20 IN THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.  
21 47-AA-0050. THIS CONCLUDES STAFF PRESENTATION.

22 CHAIRMAN FRAZEE: COMMENTS FROM THE LEA  
23 ON THIS?

24 MEMBER RELIS: MR. CHAIR, I'LL MOVE  
25 PERMIT DECISION 97-52.

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1 MEMBER JONES: I'LL SECOND.

2 CHAIRMAN FRAZEE: WE HAVE A MOTION AND  
3 SECOND ON THE APPROVAL OF PERMIT DECISION 97-52.  
4 SECRETARY WILL CALL THE ROLL, PLEASE.

5 THE SECRETARY: BOARD MEMBER RELIS.

6 MEMBER RELIS: AYE.

7 THE SECRETARY: BOARD MEMBER JONES.

8 MEMBER JONES: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN PENNINGTON: AYE. MOTION IS  
11 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND  
12 THIS ITEM FOR THE CONSENT CALENDAR TO THE BOARD.

13 NOW WE'RE READY FOR ITEM 7. THIS IS  
14 THE CONSIDERATION OF THE ISSUANCE OF A REVISED  
15 SOLID WASTE FACILITY PERMIT FOR THE NEWBY ISLAND  
16 SANITARY LANDFILL IN SANTA CLARA COUNTY.

17 MS. RICE: THANK YOU. JOHN WHITEHILL  
18 WILL MAKE THE PRESENTATION FOR STAFF. DENNIS  
19 FARRIER, REPRESENTING THE LOCAL ENFORCEMENT  
20 AGENCY, IS ALSO PRESENT.

21 MR. WHITEHILL: ALSO RICHARD  
ARCHDEACON,

22 REPRESENTING THE LEA IS ALSO HERE.

23 AFTER REVIEWING THE 1989 PERMIT  
FOR  
24 THE NEWBY ISLAND SANITARY LANDFILL, THE LEA

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25 DETERMINED THAT THE PROPOSED CHANGES IN DESIGN  
AND

1 OPERATION WERE SIGNIFICANT AND WOULD REQUIRE THE  
2 PERMIT TO BE REVISED. IN GENERAL, THE PROPOSED  
3 CHANGES INCLUDE AN UPGRADE OF THE EXISTING  
4 ENVIRONMENTAL CONTROL SYSTEM FOR LEACHATE AND  
5 LANDFILL GAS MANAGEMENT, ACCOMMODATION OF NEW  
6 RECYCLING AND DIVERSION OPERATIONS, AND THE USE OF  
7 ALTERNATIVE TYPES AND FREQUENCIES OF DAILY COVERS.

8 IN SUMMARY, THE LEA AND BOARD STAFF  
9 HAVE DETERMINED THE FOLLOWING: THAT THE LEAD  
10 AGENCY AND THE OPERATOR HAVE COMPLIED WITH THE  
11 REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL  
12 QUALITY ACT. THE PROPOSED PROJECT IS CONSISTENT  
13 WITH THE JULY 1996 NEGATIVE DECLARATION AND THE  
14 FEBRUARY 1997 ADDENDUM. THE PROPOSED PERMIT IS  
15 CONSISTENT WITH THE STANDARDS ADOPTED BY THE  
16 BOARD; HOWEVER, AS THE COMMITTEE ITEM WENT TO  
17 PRINT, THE ADEQUACY OF THE CLOSURE PLAN HAD NOT  
18 YET BEEN EVALUATED, BUT THE BOARD'S FINANCIAL  
19 ASSURANCE SECTION HAS SINCE RECEIVED DOCUMENTATION  
20 THAT THE AMOUNT OF COVERAGE PROVIDED BY THE  
21 OPERATOR FOR CLOSURE AND POSTCLOSURE MAINTENANCE  
22 IS ADEQUATE.

23 OPERATION OF THIS FACILITY IS  
24 CONSISTENT WITH THE APPROVED COUNTY INTEGRATED  
25 WASTE MANAGEMENT PLAN. AT THE TIME THE COMMITTEE

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1 ITEM WENT TO PRINT, THE RESULTS OF THE JANUARY 28,  
2 1997, LEA AND BOARD INSPECTIONS WERE NOT YET  
3 AVAILABLE. THE BOARD AND LEA STAFF HAVE SINCE  
4 DOCUMENTED THAT THE DESIGN AND OPERATION IS IN  
5 COMPLIANCE WITH STATE MINIMUM STANDARDS FOR SOLID  
6 WASTE HANDLING AND DISPOSAL.

7 STAFF REVIEW OF THESE ITEMS WAS  
8 COMPLETED IN TIME TO INCLUDE THE RESOLUTION AND A  
9 RECOMMENDATION IN THE BOARD ITEM. IN CONCLUSION,  
10 STAFF HAS REVIEWED THE PROPOSED PERMIT AND  
11 SUPPORTING DOCUMENTATION AND FOUND THEM TO BE  
12 ACCEPTABLE. STAFF RECOMMEND THAT THE BOARD ADOPT  
13 RESOLUTION NO. 97-53, CONCURRING IN THE ISSUANCE  
14 OF SOLID WASTE FACILITY PERMIT NO. 43-AN-0003.

15 AS MENTIONED BEFORE, DENNIS FARRIER  
16 AND RICHARD ARCHDEACON, REPRESENTING THE LOCAL  
17 ENFORCEMENT AGENCY, ARE HERE IN CASE YOU HAVE ANY  
18 QUESTIONS. AND ALSO WILLIAM SHREEDER, THE SITE  
19 ENGINEER AND SITE MANAGER, AND LEANNE ANDERSON,  
20 REPRESENTING THE OPERATOR, ARE ALSO HERE TO ANSWER  
21 QUESTIONS.

22 CHAIRMAN FRAZEE: QUESTIONS? COMMENTS  
23 FROM THE LEA?

24 MR. FARRIER: NOTHING OTHER THAN THE SITE  
25 IS ONE OF THE -- THIS SITE HAS REALLY BEEN AN

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1 EXEMPLARY SITE. WE'VE NOT HAD ANY VIOLATIONS, AND  
2 I DON'T BELIEVE THE BOARD HAS REALLY HAD ANY  
3 VIOLATIONS. IT'S REALLY A WELL-RUN SITE.

4 CHAIRMAN FRAZEE: YOU INDICATE THAT I  
5 VISITED THIS SITE APPROXIMATELY A YEAR AGO, AND  
6 IT'S -- I WOULD CONCUR. MY OBSERVATION, AS A  
7 LAYMAN, THAT THE MANAGEMENT OF THE SITE, I FOUND  
8 IT VERY UNIQUE THAT A LANDFILL CAN BE CONSTRUCTED  
9 ESSENTIALLY ON THE EDGE OF WETLANDS IN THIS MANNER  
10 AND STILL BE A SATISFACTORY SITE. SO I THINK IT  
11 TAKES SOME UNIQUE MANAGEMENT SKILLS TO KEEP ONE  
12 OF -- A LANDFILL OF THIS TYPE GOING ALONG IN  
13 COMPLIANCE.

14 MEMBER JONES: I'LL MAKE THE MOTION. I  
15 DON'T HAVE A RESOLUTION.

16 CHAIRMAN FRAZEE: DID WE GET THE  
17 RESOLUTION ON THAT?

18 MR. WHITEHILL: I DON'T HAVE COPIES TO  
19 PASS OUT. THEY ARE IN THE BOARD ITEM. THEY WERE  
20 INCLUDED IN THE BOARD -- NOT THE COMMITTEE ITEM,  
21 BUT THE BOARD ITEM BEFORE IT WENT TO PRINT. BUT  
22 IT'S RESOLUTION NO. 97-53.

23 MEMBER RELIS: I'LL SECOND.

24 CHAIRMAN FRAZEE: HAVE A MOTION BY MR.  
25 JONES AND A SECOND BY MR. RELIS ON THE ADOPTION  
OF

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1 RESOLUTION 97-53, CONCURRING IN THE ISSUANCE OF A  
2 REVISED SOLID WASTE FACILITY PERMIT FOR THE NEWBY  
3 ISLAND SANITARY LANDFILL. SECRETARY WILL CALL  
THE  
4 ROLL ON THAT.

5 THE SECRETARY: BOARD MEMBER RELIS.

6 MEMBER RELIS: AYE.

7 THE SECRETARY: BOARD MEMBER JONES.

8 MEMBER JONES: AYE.

9 THE SECRETARY: CHAIRMAN FRAZEE.

10 CHAIRMAN FRAZEE: AYE. IS THERE ANY  
11 OBJECTION TO CONSENT ON THIS ITEM? IF NOT, WE'LL  
12 RECOMMEND THAT FOR CONSENT.

13 WE'RE READY FOR ITEM 8. THIS IS  
THE  
14 CONSIDERATION OF A REVISED SOLID WASTE FACILITY  
15 PERMIT FOR WASTE RECOVERY AND RECYCLING  
16 INCORPORATED IN LOS ANGELES COUNTY.

17 MS. RICE: THANK YOU. GEORGIANNE TURNER  
18 WILL MAKE THE PRESENTATION FOR STAFF. BEFORE SHE  
19 BEGINS, I'D LIKE TO WISH HER A HAPPY BIRTHDAY  
20 TODAY.

21 CHAIRMAN FRAZEE: IT'S MY ANNIVERSARY  
22 TOO.

23 MS. TURNER: GOOD DAY. ITEM NO. 8  
24 REGARDS THE CONSIDERATION OF THE ISSUANCE OF THE

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25 REVISED SOLID WASTE FACILITY PERMIT FOR WASTE

1 RECOVERY AND RECYCLING FACILITY LOCATED IN THE  
2 CITY OF SOUTH GATE. THIS FACILITY WAS ORIGINALLY  
3 PERMITTED IN 1993 FOR A MAXIMUM TONNAGE OF 500  
4 TONS PER DAY, AND THEN THE OPERATION BEGAN  
5 OPERATIONS IN 1995. AS PART OF THE SECOND PHASE  
6 OF THIS PROJECT, THE OPERATOR'S PROPOSING TO  
7 INCREASE THE FACILITY'S MAXIMUM TONNAGE FROM 500  
8 TONS PER DAY TO A THOUSAND TONS PER DAY AND ALSO  
9 INCLUDE A SORT LINE.

10 AS YOU KNOW, AT THE TIME THIS ITEM  
11 WENT TO PRINT, THERE WERE FOUR OUTSTANDING ISSUES:  
12 THE CONSISTENCY WITH STATE MINIMUM STANDARDS, THE  
13 CONFORMANCE WITH THE COUNTY SOLID WASTE MANAGEMENT  
14 PLAN, THE CONFORMANCE WITH THE CITY'S GENERAL  
15 PLAN, AND THE DETERMINATION THAT THE REPORT OF  
16 STATION INFORMATION MET THE REQUIREMENTS OF TITLE  
17 14.

18 THESE ITEMS HAVE BEEN RESOLVED AND  
19 HAVE BEEN FOUND CONSISTENT WITH STATE STANDARDS.  
20 THE LEA AND THE BOARD STAFF HAVE ALSO FOUND THE  
21 FACILITY CONSISTENT WITH CEQA. AS WE'RE TALKING  
22 ABOUT CEQA, I'D LIKE TO MENTION THAT THERE IS AN  
23 ERROR ON THE CEQA WRITEUP ON PAGE 3 ON THE LAST  
24 PARAGRAPH. THE LEAD AGENCY SHOULD READ THE CITY  
25 OF SOUTH GATE INSTEAD OF THE COUNTY OF LOS

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1 ANGELES.

2 THEREFORE, BOARD STAFF RECOMMEND  
3 THAT THE BOARD ADOPT PERMIT DECISION 97-54,  
4 CONCURRING IN THE ISSUANCE OF THE SOLID WASTE  
5 FACILITY PERMIT 19-AA-0856. AND I DO HAVE A COPY  
6 OF THE RESOLUTION THAT'S HOT OFF THE PRINTER FOR  
7 YOU.

8 CHAIRMAN FRAZEE: ARE THERE ANY QUESTIONS  
9 OR DISCUSSION ON THIS ITEM? IF NOT --

10 MEMBER RELIS: MR. CHAIR, I'LL MOVE  
11 PERMIT DECISION 97-54.

12 MEMBER JONES: I'LL SECOND.

13 CHAIRMAN FRAZEE: MOTION AND SECOND ON  
14 PERMIT DECISION 97-54. SECRETARY WILL CALL THE  
15 ROLL ON THAT.

16 THE SECRETARY: BOARD MEMBER RELIS.

17 MEMBER RELIS: AYE.

18 THE SECRETARY: BOARD MEMBER JONES.

19 MEMBER JONES: AYE.

20 THE SECRETARY: CHAIRMAN FRAZEE.

21 CHAIRMAN PENNINGTON: AYE. MOTION IS  
22 CARRIED. AND IF THERE'S NO OBJECTION, WE'LL  
23 RECOMMEND THAT ONE FOR CONSENT AT THE BOARD.

24 NOW ITEM -- AGENDA ITEM 9. THIS  
IS  
25 CONSIDERATION OF SITES FOR REMEDIATION UNDER THE

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1 WASTE TIRE STABILIZATION AND ABATEMENT PROGRAM.

2 MS. RICE: THANK YOU. GARTH ADAMS WILL  
3 MAKE THIS PRESENTATION.

4 MR. ADAMS: MORNING, MR. CHAIRMAN AND  
5 MEMBERS OF THE COMMITTEE.

6 THIS ITEM IS CONSIDERATION OF SITES  
7 FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION  
8 AND ABATEMENT PROGRAM. YOU WILL NOTICE THAT THERE  
9 ARE NINE SITES THAT ARE BEING CONSIDERED TODAY.  
10 AND NOT UNLIKE THE OTHER ITEMS THAT HAVE BEEN  
11 BROUGHT BEFORE YOU, THIS IS VERY SIMILAR. THE  
12 MAJOR DIFFERENCES ARE TYPICALLY WE BRING YOU MAYBE  
13 THREE OR FOUR AT A TIME. THIS TIME WE'VE BROUGHT  
14 A LARGER NUMBER FOR YOUR CONSIDERATION.

15 THE FIGURES ON PAGE 224 ARE FOR YOUR  
16 INFORMATION AS TO SOME OF THE SITES THAT THE BOARD  
17 HAS REMEDIATED TO DATE AND THE ASSOCIATED COST PER  
18 PASSENGER TIRE EQUIVALENT. AND I WOULD LIKE TO  
19 FURTHER MENTION THAT THE CEQA SECTION ON PAGE

226

20 INDICATES THAT WE WILL BE GIVING YOU AN UPDATE  
21 AS  
22 TO HOW CEQA HAS GONE ON THESE SITES.

23 AND I SPOKE TO CEQA STAFF THIS  
MORNING, AND CEQA STAFF HAVE DETERMINED THAT

ALL

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24 THE NINE SITES ARE EXEMPT UNDER THE CATEGORY 8  
25 EXEMPTION. ALL NINE OF THEM WILL BE EXEMPT  
UNDER

1 THAT CATEGORY.

2 THE ONE SITE THAT I WOULD WANT TO  
3 MENTION AS BEING A LITTLE ON THE DIFFERENT SIDE  
4 WOULD BE ONE THAT IS LOCATED IN TULARE COUNTY. AS  
5 WE HAD DISCUSSED ON OTHER OCCASIONS, THE EARLIMART  
6 SITE, AND THAT IT IS A SITE WHERE THERE ARE  
7 APPROXIMATELY 20,000 TIRES SPREAD ACROSS 20  
8 PARCELS THAT ARE DIFFICULT TO IDENTIFY AS FAR AS  
9 PROPERTY BOUNDARIES. ONE SITE, ONE PARCEL MAY  
10 HAVE 5,000 TIRES ON IT; ONE MAY HAVE FIVE. IT'S  
11 DIFFICULT FOR US TO DETERMINE WHICH ONES THEY ARE  
12 IN THE PRESENT SCHEME WITHOUT HAVING TO GO IN AND  
13 SURVEY THE SITE AND HAVING TO EXPEND CERTAINLY A  
14 LARGER PORTION OF THE FUNDS THAT WE MAY NOT BE  
15 ABLE TO RECOVER.

16 AND WE HAVE HAD SOME DISCUSSIONS AND  
17 THOUGHT WE WOULD CONSIDER SENDING OUT SITE ACCESS  
18 APPROVALS FOR THE BOARD TO CLEAN UP THESE TIRES  
19 AND THAT THE BOARD WOULD NOT SEEK COST RECOVERY ON  
20 THESE SITES IN ORDER TO GET ACCESS FOR ALL 20  
21 BECAUSE WE CAN'T DO IT WITHOUT ALL 20 OF THE SITES  
22 WITHOUT PERMISSION. AND WE MAY GET -- SEND OUT 20  
23 LETTERS AND ONLY GET BACK TEN, SO WE WILL BE  
24 MAKING THOSE EFFORTS TO SEE HOW WE CAN REMEDIATE  
25 THIS PARTICULAR SITUATION.

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1 I'D ALSO LIKE TO, FOR THE RECORD,  
2 POINT OUT TWO CORRECTIONS IN THIS PARTICULAR ITEM.  
3 AND THOSE CORRECTIONS HAVE BEEN MADE IN THE BOARD  
4 AGENDA PACKET. THE ATTACHMENT NO. 8, WHICH IS ON  
5 PAGE 236 IN YOUR PACKET, UNDER ENFORCEMENT ACTION,  
6 THAT SECOND LITTLE PARAGRAPH THAT SAYS AN ADMINIS-  
7 TRATIVE COMPLAINT WAS SUBSEQUENTLY FORWARDED.  
8 THAT IS IN ERROR. YOU CAN DELETE THOSE TWO  
9 SENTENCES.

10 AND THEN ON ATTACHMENT NO. 9 ON PAGE  
11 237, AT THE TOP IT IS ACTUALLY KINGS COUNTY, NOT  
12 TULARE COUNTY ON THAT ONE. THOSE HAVE BEEN  
13 CORRECTED FOR THE BOARD'S PACKET. IF YOU HAVE ANY  
14 OTHER QUESTIONS, WE'LL BE GLAD TO ANSWER THEM.

15 CHAIRMAN FRAZEE: IN THE CASE OF THE  
16 EARLIMART SITE THAT YOU MENTIONED, THE REPORT  
17 INDICATES THAT THERE'S OTHER ITEMS, GARBAGE AND  
18 LARGE ITEMS, FURNITURE AND APPLIANCES, ON THE  
19 SITE. HOW IS THAT CLEANUP GOING TO BE  
20 ACCOMPLISHED? AS PART OF THIS?

21 MR. ADAMS: WELL, TYPICALLY AS PART OF  
22 OUR TIRE REMEDIATION EFFORTS IS IF THERE'S  
23 INCIDENTAL WASTE MIXED IN WITH THE TIRES, A SMALL  
24 PORTION, THE CONTRACTOR DROPS A DROP BOX ON THE  
25 SITE AND HAULS OFF ALL THE INCIDENTAL WASTE.

THIS

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1 WAY WHEN WE LEAVE THE SITE, IT'S AT LEAST A CLEAN  
2 SITE. IF THE MAJORITY OF THE WASTE IS SOMETHING  
3 OTHER THAN TIRES, THEN IT FALLS UNDER SOMEONE  
4 ELSE'S PURVIEW, BUT WE TRY AND MAKE THE SITE LOOK  
5 CLEAN BEFORE WE LEAVE, AND WE WILL TAKE OFF MOST  
6 OF THAT STUFF. AND BASICALLY IT'S ALL PART OF  
7 THIS COST FOR THE TIRE PROGRAM.

8 CHAIRMAN FRAZEE: QUESTIONS FURTHER ON  
9 THIS ITEM? APPROVAL, THEN, FOR THIS ONE IS NOT IN  
10 THE FORM OF A RESOLUTION.

11 MR. ADAMS: I'M SORRY. YES, WE DO.  
12 STAFF RECOMMENDS THAT THE BOARD APPROVE THESE  
13 SITES AS DESCRIBED IN RESOLUTION 97-56.

14 MEMBER RELIS: MR. CHAIR, I'LL MOVE  
15 RESOLUTION 97-56.

16 MEMBER JONES: I'LL SECOND.

17 CHAIRMAN FRAZEE: I HAVE A MOTION AND A  
18 SECOND ON ADOPTION OF RESOLUTION 97-56. SECRETARY  
19 WILL CALL THE ROLL ON THAT ONE.

20 THE SECRETARY: BOARD MEMBER RELIS.

21 MEMBER RELIS: AYE.

22 THE SECRETARY: BOARD MEMBER JONES.

23 MEMBER JONES: AYE.

24 THE SECRETARY: CHAIRMAN FRAZEE.

25 CHAIRMAN FRAZEE: AYE. MOTION IS

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1 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND  
2 CONSENT ON THAT ITEM.

3 NOW ON TO ANOTHER AREA. AGENDA ITEM  
4 10 IS THE CONSIDERATION OF DRAFT EMERGENCY  
5 REGULATIONS TO EXPAND COMPOSTING OPERATIONS,  
6 REGULATORY REQUIREMENTS TO CLARIFY THE  
7 VERMICOMPOSTING EXCLUSION, AND TO REGULATE STORAGE  
8 AND CHIPPING AND GRINDING.

9 MS. RICE: THANK YOU. BRIAN LARIMORE  
10 WILL MAKE THE PRESENTATION ASSISTED BY ELLIOT  
11 BLOCK FROM THE LEGAL OFFICE.

12 MR. LARIMORE: GOOD MORNING, MR.  
13 CHAIRMAN, COMMITTEE MEMBERS. I'M HERE TO PRESENT  
14 EMERGENCY REGULATIONS FOR YOUR CONSIDERATION WHICH  
15 CLARIFY THE VERMICOMPOSTING EXCLUSION AND REGULATE  
16 STORAGE AND CHIPPING AND GRINDING.

17 AT THE DECEMBER 11TH MEETING, THE  
18 PERMITTING AND ENFORCEMENT COMMITTEE DIRECTED  
19 STAFF TO DRAFT EMERGENCY REGULATIONS TO ADDRESS  
20 IMPACTS ASSOCIATED WITH THE STORAGE OF ORGANIC  
21 MATERIALS. THIS AGENDA ITEM PRESENTS THOSE  
22 EMERGENCY REGULATIONS FOR YOUR CONSIDERATION.

23 THE ORIGINAL INTENT OF THE  
24 COMPOSTING REGULATIONS WAS TO EXCLUDE ACTIVITIES  
25 WHERE INADVERTENT COMPOSTING TAKES PLACE FROM

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1 BEING REGULATED, UNLIKE INTENTIONAL COMPOSTING  
2 WHERE THE PRODUCT IS MARKETED BASED ON ITS  
3 BIOLOGICAL DECOMPOSITION. HOWEVER, SINCE THE  
4 COMPOSTING REGULATIONS WERE IMPLEMENTED TWO YEARS  
5 AGO, SIGNIFICANT HEALTH, SAFETY, AND ENVIRONMENTAL  
6 IMPACTS HAVE BEEN IDENTIFIED FROM THE OPERATION,  
7 STORAGE, CHIPPING AND GRINDING, AND VERMI-  
8 COMPOSTING ACTIVITIES.

9 BOARD AND LEA STAFF HAVE DOCUMENTED  
10 IMPACTS WHICH INCLUDE ODORS, VECTORS, DUST, AND  
11 NOISE, NUMEROUS MULCH PILE FIRES, INCLUDING EIGHT  
12 FIRES IN INDIVIDUAL CHIPPING AND GRINDING  
13 ACTIVITIES DURING 1996, AND HUNDREDS OF  
14 COMPLAINTS.

15 STORAGE, CHIPPING AND GRINDING, AND  
16 VERMICOMPOSTING ACTIVITIES MAY OR MAY NOT BE  
17 SUBJECT TO THE BOARD'S EXISTING COMPOSTING  
18 REGULATIONS, LOCAL ORDINANCES, CONDITIONAL USE  
19 PERMITS, CEQA MITIGATION MEASURES, OR LEASE  
20 AGREEMENTS. LOCAL FIRE AUTHORITIES, AIR  
21 DISTRICTS, AND REGIONAL WATER CONTROL BOARDS ONLY  
22 REGULATE CERTAIN ASPECTS OF OPERATIONS AT THESE  
23 SITES.

24 EMERGENCY REGULATIONS HAVE BEEN  
25 DRAFTED TO ADDRESS HEALTH, SAFETY, AND ENVIRON-

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1 MENTAL IMPACTS AT THESE ACTIVITIES. THE EMERGENCY  
2 REGULATIONS WILL DO THE FOLLOWING: CLARIFY THE  
3 VERMICOMPOSTING EXCLUSION, REGULATE CHIPPING AND  
4 GRINDING ACTIVITIES, REGULATE STORAGE ACTIVITIES,  
5 AND REGULATE STABILIZED COMPOST WHICH HAS NOT BEEN  
6 SOLD, BAGGED FOR SALE, OR BENEFICIALLY USED.

7 STORAGE AND CHIPPING AND GRINDING  
8 ACTIVITIES WHICH HAVE 1,000 CUBIC YARDS OR GREATER  
9 ON SITE WILL BE SUBJECT TO A PERFORMANCE STANDARD  
10 FOR VECTORS, ODORS, LITTER, HAZARDS, NUISANCES,  
11 NOISE IMPACTS, DUST, AND PATHOGENIC ORGANISMS, A  
12 STANDARD FOR FIRE PREVENTION, PROTECTION, AND  
13 CONTROL, AND MINIMAL RECORDKEEPING REQUIREMENTS.

14 VERMICOMPOSTING ACTIVITIES REMAIN  
15 EXCLUDED FROM COMPOSTING REGULATION REQUIREMENTS  
16 ONCE ORGANIC MATERIALS ARE PLACED IN THE WORM  
17 BEDS. THE EMERGENCY REGULATIONS WOULD REVISE THE  
18 DEFINITION OF VERMICOMPOSTING TO CLARIFY THAT THE  
19 PRODUCTION OF GROWTH MEDIUM FOR WORMS IS NOT  
20 CONSIDERED COMPOSTING, VERMICOMPOSTING. THE  
21 PROCESSING OF ORGANIC MATERIALS, INCLUDING  
22 COMPOSTING, WOULD BE SUBJECT TO THE SAME  
23 REQUIREMENTS AS STORAGE AND CHIPPING AND GRINDING  
24 ACTIVITIES.

25 FEEDSTOCK, COMPOST, AND CHIPPED AND

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1 GROUND MATERIALS WHICH HAVE BEEN SOLD, BAGGED FOR  
2 SALE, OR BENEFICIALLY USED WOULD NOT BE SUBJECT TO  
3 THESE REGULATIONS UNLESS UNDERGOING FURTHER DECOM-  
4 POSITION AT A COMPOSTING OPERATION OR FACILITY.

5 THE OPTIONS FOR THE COMMITTEE ARE  
6 RECOMMEND THAT THE BOARD APPROVE THE DRAFT  
7 EMERGENCY REGULATIONS FOR SUBMISSION TO THE OFFICE  
8 OF ADMINISTRATIVE LAW WITH MINOR MODIFICATIONS  
9 WHICH I WILL DETAIL IN A MOMENT; TWO, RECOMMEND  
10 THAT THE BOARD APPROVE THE DRAFT EMERGENCY  
11 REGULATIONS FOR SUBMISSION TO OFFICE OF  
12 ADMINISTRATIVE LAW WITH SPECIFIED CHANGES; OR,  
13 THREE, DIRECT STAFF TO GATHER ADDITIONAL INPUT  
14 REGARDING THE DRAFT EMERGENCY REGULATIONS. STAFF  
15 RECOMMEND OPTION 1.

16 THE FOLLOWING CHANGES TO THE  
17 PROPOSED EMERGENCY REGULATIONS NEED TO BE MADE.  
18 THE LAST SENTENCE OF SECTION 17850(C), WHICH  
19 REFERS TO INADVERTENT COMPOSTING, WILL BE DELETED.  
20 THE DEFINITION OF MARKET PRODUCT --

21 CHAIRMAN FRAZEE: WOULD YOU IDENTIFY BY  
22 LINE AND PAGE?

23 MR. LARIMORE: SURE. THAT WOULD BE ON  
24 THE FIRST PAGE OF THE COMPOSTING REGULATIONS.

25 CHAIRMAN FRAZEE: AND LINE.

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1 MR. LARIMORE: LINE 14 THROUGH 15.

2 CHAIRMAN FRAZEE: DELETE STARTING...

3 MR. LARIMORE: STARTING AT AN ACTIVITY.

4 CHAIRMAN FRAZEE: OKAY.

5 THE AUDIENCE: WHAT'S THE CHANGE AGAIN?

6 CHAIRMAN FRAZEE: THIS FIRST CHANGE IS ON  
7 THE FIRST PAGE OF THE DRAFT REGULATIONS IN SECTION  
8 17850 ON LINE 14, STARTING WITH THE SENTENCE "AN  
9 ACTIVITY THAT PRODUCES MATERIAL" AND CONTINUING  
10 THROUGH THE END OF THAT SENTENCE ON LINE 15.

11 THE AUDIENCE: DELETE IT?

12 MS. RICE: YES. DELETE THE LAST  
13 SENTENCE.

14 MR. LARIMORE: THE DEFINITION OF MARKET  
15 PRODUCTS WILL INCLUDE BAGGED FOR SALE. THIS IS  
16 NECESSARY SO THAT AG BAGS ARE NOT EXCLUDED FROM  
17 THE COMPOSTING REGULATIONS.

18 THREE, REGULATORY LANGUAGE WILL HAVE  
19 TO BE REVISED SO THAT THE STORAGE OF ORGANIC  
20 MATERIALS AT VERMICOMPOSTING ACTIVITIES WILL BE  
21 SUBJECT TO THE PROPOSED STORAGE REGULATIONS, BUT  
22 NOT SUBJECT TO PERMIT REQUIREMENTS UNLESS THE  
23 ENFORCEMENT AGENCY DETERMINES THE ACTIVITY IS

NOT

24 A LEGITIMATE VERMICOMPOSTING ACTIVITY, BUT A  
25 TRADITIONAL --

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1 THE REPORTER: COULD YOU SLOW DOWN A  
2 LITTLE BIT?

3 MS. RICE: REPEAT -- BRIAN, I THINK IT  
4 WOULD HELP FOR THE BOARD MEMBERS IF YOU REPEATED  
5 AFTER THE FIRST CHANGE.

6 CHAIRMAN FRAZEE: IF IT'S A SPECIFIC  
7 CHANGE IN THE DOCUMENT THAT WE HAVE HERE, IF YOU  
8 WOULD IDENTIFY IT AS TO WHERE IT APPEARS.

9 MS. RICE: PAGE AND LINE.

10 MR. LARIMORE: IT'S GOING TO BE MORE  
THAN

11 ONE PAGE AND LINE, I'M AFRAID. LET ME READ THAT  
12 AGAIN. "REGULATORY LANGUAGE WILL HAVE TO BE  
13 REVISED SO THAT THE STORAGE OF ORGANIC MATERIALS  
14 AT VERMICOMPOSTING ACTIVITIES WILL BE SUBJECT TO  
15 THE PROPOSED STORAGE REGULATIONS, BUT NOT SUBJECT  
16 TO PERMIT REQUIREMENTS UNLESS THE ENFORCEMENT  
17 AGENCY DETERMINES THE ACTIVITY IS NOT A  
LEGITIMATE

18 VERMICOMPOSTING ACTIVITY."

19 MEMBER RELIS: MR. CHAIR, ONCE AGAIN, I  
20 DON'T KNOW WHERE WE ARE, PAGE AND LINE.

21 MR. LARIMORE: THIS WILL BE ON PAGE 6,  
22 LINE 5 AND 6.

23 MS. RICE: ARE YOU IN THE REGULATIONS,  
24 BRIAN, WITH THAT ONE?

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25

MR. LARIMORE: YES, OF THE REGULATIONS.

1 MEMBER JONES: 252 OF OUR AGENDA.

2 MEMBER RELIS: I THINK WE SHOULD GO BACK  
3 TO THE EARLIER ONE AND MAKE SURE WE GOT ALL OF  
4 THIS DOWN. WASN'T THAT ON PAGE 250 ON PRODUCT?  
5 COULD WE GO BACK AND JUST MAKE SURE WE'VE GOT  
6 EVERYTHING CLEAR ON PAGE AND LINE?

7 MR. LARIMORE: OKAY. THAT WOULD BE ON  
8 PAGE 4, BAGGED FOR SALE, THAT'S LINE 21. IT  
9 CURRENTLY STATES BAGGED, SO WE NEED TO ADD FOR  
10 SALE.

11 MEMBER RELIS: SO IT WILL BE BAGGED FOR  
12 SALE.

13 MR. LARIMORE: YES. THAT'S SO IT  
14 WOULDN'T INCLUDE AG BAGS.

15 CHAIRMAN FRAZEE: LET'S GO TO THE NEXT  
16 ONE.

17 MR. LARIMORE: OKAY. FEW LINES HERE.  
18 THIS WILL BE ON PAGE 6, LINE 5 THROUGH 7 WILL NEED  
19 SOME CHANGES. NO, WE CURRENTLY DON'T HAVE  
20 LANGUAGE FOR THIS, BUT THE CONCEPT IS THAT IT WILL  
21 NOT BE SUBJECT TO PERMIT REQUIREMENTS UNLESS THE  
22 EA DETERMINES THE ACTIVITY IS NOT A LEGITIMATE  
23 VERMICOMPOSTING ACTIVITY. WE'LL HAVE TO MAKE SOME  
24 CHANGES ALSO UNDER THE EXCLUDED ACTIVITIES  
25 SECTION.

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1 MS. RICE: FOR CLARIFICATION, IF I MIGHT,  
2 WHAT BRIAN IS SEEKING TO DO IS DESCRIBE CHANGES  
3 THAT WE THINK MAY BE NEEDED TO CLARIFY THAT WE  
4 WERE ONLY SEEKING THROUGH THIS EMERGENCY REGULA-  
5 TION TO IMPOSE A STORAGE REQUIREMENT, NOT TO  
6 ACTUALLY SLOT VERMICOMPOSTING FACILITIES INTO  
7 TIERS AS ANY CONSIDERATION OF THAT WOULD COME  
8 LATER.

9 IF THESE CHANGES THAT ARE BEING  
10 PROPOSED IN THE MOMENT, BECAUSE THIS IS SOMETHING  
11 THAT JUST CAME TO LIGHT YESTERDAY AND THE PRIOR  
12 DAY, IS CONFUSING TO MEMBERS, WE WOULD BE HAPPY  
13 TO  
14 TAKE THE TIME TO MAKE THE REVISIONS TO THE  
15 DOCUMENT AND EITHER PROVIDE THAT BETWEEN NOW AND  
16 THE TIME OF THE BOARD MEETING OR WHATEVER BEST  
17 FACILITATES YOUR UNDERSTANDING WHAT THE PROPOSED  
18 CHANGES ARE.

19 WE HAD NOT INTENDED TO IMPOSE  
20 PERMIT  
21 REQUIREMENTS. AND LOOKING MORE CLOSELY AT THE  
22 LANGUAGE, WE FEAR THAT IT COULD BE CONSTRUED  
23 THAT  
24 WAY, SO WE'RE SIMPLY TRYING TO MAKE CLARIFYING  
25 CHANGES TO INDICATE THAT WE DID NOT UNDERSTAND  
26 THAT TO BE YOUR DIRECTION IN DOING THE EMERGENCY

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24 REGS, TO BRING ANYBODY UNDER PERMIT.  
25 CHAIRMAN FRAZEE: DOES THAT ALSO APPLY  
TO

1 THE CHIPPING AND GRINDING AS FAR AS THIS ITEM IS  
2 CONCERNED?

3 MS. RICE: THAT WAS ALREADY CLEAR IS MY  
4 UNDERSTANDING. IT WAS ONLY NOT CLEAR AS REGARDS  
5 VERMICOMPOSTING, SO WE ARE TRYING TO TREAT THE TWO  
6 THE SAME ESSENTIALLY.

7 MEMBER RELIS: MR. CHAIR, I THINK  
8 THERE'RE TWO CONCERNS HERE. ONE IS FOR OUR OWN  
9 CLARITY AND THE OTHER IS FOR THE PUBLIC, WHO ARE  
10 TRYING TO FOLLOW THIS AS WELL. WE WILL BE  
11 PROVIDED -- IT'S FINE WITH ME IF WE GET THE  
12 LANGUAGE BETWEEN NOW AND THE BOARD MEETING AS LONG  
13 AS IT'S TIMELY. HOW WILL THAT BE MADE AVAILABLE  
14 TO THE PARTIES WHO HAVE AN INTEREST?

15 MR. LARIMORE: I SHOULD BE ABLE TO GET  
16 THE LANGUAGE ACTUALLY COMPLETED TODAY, AND I COULD  
17 SEND OUT THE CHANGES TO ALL THE INTERESTED  
18 PARTIES.

19 MS. RICE: SO AT THIS POINT IT MAY BE  
20 MORE HELPFUL IF WE JUST DESCRIBE THE NATURE OF THE  
21 CHANGES THAT WE'RE SEEKING AND WHY WE'RE SEEKING  
22 THEM AND THEN PROVIDE YOU THE ACTUAL LANGUAGE  
23 TOMORROW AND ALSO FAX TO INTERESTED PARTIES OR  
24 MAKE OTHER ARRANGEMENTS WITH THEM TO MEET THEIR  
25 NEEDS.

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1                   CHAIRMAN FRAZEE:   OKAY.   LET'S GO ON TO  
2   THE NEXT ONE THEN.

3                   MR. LARIMORE:   I BELIEVE THAT'S IT.

4                   CHAIRMAN FRAZEE:   THAT'S IT IN THE WAY OF  
5   CHANGES.

6                   MR. LARIMORE:   THIS CONCLUDES MY  
7   PRESENTATION.

8                   CHAIRMAN FRAZEE:   OKAY.   ANY QUESTIONS?

9                   MEMBER RELIS:   WELL, MR. CHAIR, I'D JUST  
10   LIKE TO, FIRST OF ALL, THANK YOU FOR MOVING ON  
11   THIS AS QUICKLY AS WE HAVE AND FOR STAFF GETTING  
12   THE NECESSARY INVESTIGATIONS AND BACKGROUND WORK  
13   DONE AND TO BRING THIS FORWARD AS A MATTER FOR  
14   ACTION BY THE BOARD.   I THINK WE'VE MOVED VERY  
15   QUICKLY ON THIS.

16                  MS. RICE:   I'D LIKE TO ADD THAT, DESPITE  
17   THE LANGUAGE DIFFICULTY WE'RE HAVING AT THE  
18   MOMENT, BRIAN HAS DONE AN EXCELLENT JOB ON THIS  
19   ITEM AND PUT A LOT OF TIME AND EFFORT INTO THIS.  
20   I THINK HE DISCOVERED AN ISSUE LATE IN THE  
21   PROCESS

22   AND FELT HE NEEDED TO BRING IT TO YOUR  
23   ATTENTION,

24   AND WE APOLOGIZE FOR THE CONFUSION THAT MAY  
25   HAVE

26   CAUSED, BUT HE HAS DONE AN EXCELLENT JOB ON

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THIS ,

24           AND I KNOW YOU REALIZE THAT.

25                           CHAIRMAN FRAZEE:   JUST FIRST OF ALL,  
FOR

1 THE RECORD, WE'VE BEEN DELIVERED THIS MORNING A  
2 LETTER FROM LARRY WALKER, SUPERVISOR OF THE 4TH  
3 DISTRICT IN SAN BERNARDINO COUNTY, ON THIS ITEM  
4 AND IDENTIFYING A PARTICULAR FACILITY, ALTHOUGH HE  
5 DOES NOT IDENTIFY IT BY NAME IN EXPRESSING HIS  
6 INTEREST IN THIS PARTICULAR ITEM.

7 LET ME JUST READ THE OPERATIVE  
8 PARAGRAPH HERE. THE LOCAL PROBLEM FACILITY IS A  
9 55-ACRE SITE WHICH HAS ACCUMULATED UP TO A HUNDRED  
10 THOUSAND TONS OF GREEN WASTE MIXED WITH PLASTIC  
11 DISPOSABLE DIAPERS, SYRINGES, AND OTHER SOLID  
12 WASTE. IMAGINE 14 PILES OF SOLID WASTE 30 FEET IN  
13 HEIGHT AND 70 FEET IN LENGTH. THIS FACILITY IS  
14 CLAIMING NO NEED FOR PERMIT. THE IMPACT ON  
15 NEIGHBORS AND LOCAL FARMS HAS BEEN EXTREMELY  
16 DETRIMENTAL, INCLUDING A FIRE WHICH DAMAGED FIVE  
17 SURROUNDING PROPERTIES AND LOSSES ESTIMATED AT  
18 300,000 TO \$500,000. AND THAT'S ONE IDENTIFIED.

19 ATTACHED TO THAT IS A LETTER FROM  
20 THE ENVIRONMENTAL HEALTH SERVICES AGENCY OF SAN  
21 BERNARDINO COUNTY WITH SOME SUGGESTED CHANGES. I  
22 HOPE THAT STAFF HAS THOSE ALSO.

23 MS. RICE: YES. WE RECEIVED A COPY THIS  
24 MORNING.

25 MEMBER CHESBRO: SUPERVISOR WALKER

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1       ORIGINALLY CONTACTED ME BY PHONE AND EXPRESSED HIS  
2       CONCERNS. I ENCOURAGED HIM TO SUBMIT THIS LETTER  
3       TO THE COMMITTEE TO LET THE COMMITTEE AND THE  
4       BOARD KNOW ABOUT THIS PARTICULAR SITUATION AND HIS  
5       PERSPECTIVE ON IT. HE EMPHASIZED TO ME -- HE  
6       DIDN'T EMPHASIZE IN THE LETTER, BUT HE DID  
7       EMPHASIZE TO ME ON THE PHONE THAT -- AND I KNOW  
8       FROM HIS HISTORY HE'S A STRONG SUPPORTER OF  
9       RECYCLING AND COMPOSTING AND REALLY HAS NO  
10      OBJECTION TO, IN GENERAL, EXEMPTING VERMICOM-  
11      POSTING WHERE APPROPRIATE. HE JUST WAS VERY MUCH  
12      CONCERNED WITH THERE SEEMING TO BE A LOOPHOLE THAT  
13      WAS BEING ABUSED, AND HE FAVORS RESTRICTIONS WHICH  
14      WOULD PROTECT LEGITIMATE VERMICOMPOSTING, BUT  
15      PERHAPS PREVENT ABUSES, WHICH HE SAYS HAVE  
16      OCCURRED AT THIS FACILITY.

17               MEMBER RELIS: MR. CHAIR, THIS LETTER  
18      UNDERScores, I THINK, WHY WE'RE DELIBERATING THIS  
19      TODAY BECAUSE IF YOU JUST LOOK AT THE CHARACTER-  
20      ISTICS OF THE PILE THAT THE SUPERVISOR IS  
21      DESCRIBING IS CERTAINLY CONSISTENT WITH WHAT I'VE  
22      SEEN OUT THERE. AND JUST LOOKING AT THE TONNAGE,  
23      IF THESE FIGURES ARE CORRECT, AT \$30 A TON  
24      DISPOSED, THAT'S A \$3 MILLION PROBLEM IF IT  
25      DOESN'T GET ADDRESSED IN SOME WAY. I MEAN  
THAT'S

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1 THE KIND OF LIABILITY THAT'S OUT THERE IF PEOPLE  
2 WALK AWAY FROM THESE, NOT TO MENTION THE  
3 DAY-TO-DAY PUBLIC HEALTH AND SAFETY. AND  
4 CERTAINLY SOMETHING THAT'S 30 FEET HIGH HAS GOT  
TO  
5 BE COMPOSTING INSIDE. IT'S JUST AXIOMATIC. SO  
6 I'M GLAD THAT WE HAVE THE ADDITIONAL LETTER, BUT  
I  
7 THINK WE'RE WELL AWARE OF THE PROBLEM.

8 MEMBER CHESBRO: THE OTHER THING THAT HE  
9 RAISED, MR. CHAIRMAN, AREN'T NECESSARILY  
ADDRESSED

10 BY THESE REGS, THOUGH WE MIGHT WANT TO THINK  
ABOUT  
11 IT IN THE FUTURE, IS QUESTIONS OF CONTAMINATION  
IN  
12 THE FEEDSTOCK AND WHETHER OR NOT, IN FACT,  
THERE'S  
13 A MIXED WASTE PROCESSING FACILITY OR EVEN  
DISPOSAL  
14 FACILITY AT SOME POINT.

15 NOW, THE LEA OUGHT TO BE LOOKING AT  
16 THAT TOO BECAUSE IF IT'S NOT WHAT THEY SAY IT IS,  
17 IF, IN FACT, IT'S A DUMP OR ILLEGAL DISPOSAL  
SITE,

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18        THEN IT OUGHT TO BE TREATED AS SUCH.    BUT I DO  
19        THINK THAT THAT'S ANOTHER ISSUE THAT TODAY'S ITEM  
20        DOESN'T REALLY DIRECTLY ADDRESS, BUT IT OUGHT TO  
21        BE KEPT IN MIND AS HE'S ALLEGING SIGNIFICANT  
22        LEVELS OF CONTAMINATION IN THIS MATERIAL BEYOND  
23        WHAT'S REQUIRED FOR COMPOSTING OR FOR VERMI-  
24        COMPOSTING.    THANK YOU.  
25                CHAIRMAN FRAZEE:    I MIGHT INDICATE THAT  
I

1 VISITED THIS SITE VERY EARLY ON WITH MR. EGIGIAN  
2 AND ALSO VISITED THE SITE WHERE MUCH OF THE GREEN  
3 MATERIAL IS GENERATED. I THINK I WOULD HAVE TO  
4 CONCUR, AT LEAST AT THAT TIME, WHICH IS ALMOST TWO  
5 YEARS AGO NOW, THAT CONTAMINATION WAS AN ISSUE.  
6 AND, IN FACT, MR. EGIGIAN RAISED THAT WITH THE  
7 OPERATOR AT THE TIME AT THE SITE.

8 WE HAVE A NUMBER OF MEMBERS OF THE  
9 PUBLIC WHO WISH TO COMMENT ON THIS ITEM. I'M  
10 GOING TO PERHAPS REARRANGE THOSE JUST A LITTLE BIT  
11 BECAUSE THERE ARE A COUPLE OF ISSUES THAT  
12 HOPEFULLY WE CAN DISPOSE OF EARLY ON. AND ASK  
13 MIKE FALASCO REPRESENTING THE WINE INSTITUTE AND  
14 THEN FOLLOWED UP WITH GARY CONOVER WITH WESTERN  
15 UNITED DAIRYMEN TO COME FORWARD AND BRING THEIR  
16 ISSUE TO US, AND PERHAPS WE CAN RESOLVE THAT ONE  
17 BEFORE WE GET FURTHER INTO DISCUSSIONS.

18 MR. FALASCO: MORNING. MIKE FALASCO WITH  
19 THE WINE INSTITUTE. THANK YOU, MR. FRAZEE AND  
20 COMMITTEE MEMBERS, FOR GIVING US A CHANCE TO MAKE  
21 SOME COMMENTS.

22 WE AGREE WITH THE -- WHAT WE BELIEVE  
23 IS THE INTENT OF THAT PART OF THE REGULATIONS THAT  
24 DEALS WITH -- ON THE HEADING OF FEEDSTOCK. WE  
25 RECOGNIZE THAT IF SOMEONE IS USING, AS FORMER

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1 CHAIR JESS HUFF'S COMMENT, CALLING THE BACK 40  
2 ACRES HAPPY ACRES AND TAKING AN ABANDONED ORCHARD  
3 AND STOCKPILING FEEDSTOCK, THAT IS NOT TRULY AN  
4 AGRICULTURAL OPERATION, AND THAT PROBABLY IS AN  
5 ILLEGAL DUMP.

6 WE DON'T SUPPORT THAT. THAT WOULD  
7 GIVE A VERY BAD NAME FOR THE INDUSTRY. THE PUBLIC  
8 DOESN'T KNOW THE DIFFERENCE BETWEEN GRAY PUMICE  
9 WHICH ISN'T REALLY COMPOST, BUT IF IT DID  
10 DECOMPOSE, AND TRUE COMPOST. SO ANY TYPE OF ABUSE  
11 HAS A REAL IMPACT ON THE FUTURE OF COMPOST, WE  
12 THINK, AS A GREAT ONE IN THE NEXT MILLENNIUM FOR  
13 AGRICULTURE.

14 WE DISAGREE WITH STAFF'S USE OF THE  
15 EXISTING PUBLIC RESOURCES CODE SECTION DEFINING  
16 COMPOST AS A RATIONALE TO DEAL WITH THIS PROBLEM  
17 THOUGH. WE DON'T THINK THAT DEFINITION IS  
18 INTENDED IN -- THE STATUTE IS INTENDED TO DEAL  
19 WITH THOSE CLOSED-LOOP AGRICULTURAL OPERATIONS  
20 WHERE THE COW MANURE OR THE GRAY PUMICE NEVER GETS  
21 INTO THE MUNICIPAL SOLID WASTESTREAM, RATHER IT'S  
22 JUST USED ON SITE FOR FARMING PURPOSES.

23 SO THERE IS A SEPARATE SET OF  
24 STANDARDS APPLYING TO AG WASTES, 14 CCR CHAPTER 3,  
25 I BELIEVE, IS AT LEAST ONE, AND THOSE STANDARDS

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1 SAY THAT YOU CAN'T HAVE EXCESSIVE VECTORS, YOU'VE  
2 GOT TO BE CONCERNED ABOUT FIRE PREVENTION. AND WE  
3 THINK THAT'S VERY APPROPRIATE AND JUST DECENT  
4 BUSINESS SENSE. SO THE REFERENCES IN THESE  
5 PROPOSED REGULATIONS TO THOSE TWO REQUIREMENTS, WE  
6 THINK, ARE REDUNDANT AND BUT STILL A GOOD IDEA,  
7 BUT SHOULDN'T BE REFERENCED WITH THE TERM  
8 "FEEDSTOCK" BECAUSE THESE ARE COMPOST REGS, NOT  
9 FEEDSTOCK AND COMPOST REGS.

10 THE OTHER REQUIREMENT ON THE  
11 FEEDSTOCK THAT THESE PROPOSED REGS HAVE IS THAT  
12 YOU KEEP RECORDS. IF YOU ARE A FARMING OPERATION  
13 AND YOU ARE NOT SELLING PRODUCT AND YOU'RE JUST  
14 USING YOUR OWN STUFF ON YOUR OWN SITE, I THINK  
15 IT'S A REALLY UNNECESSARY RECORDKEEPING  
16 REQUIREMENT TO KEEP TRACK OF HOW MANY TONS OF GRAY  
17 PUMICE YOU HAVE. UNNECESSARY. YOU KNOW, WE NEED  
18 TO BE CONVINCED.

19 WE WOULD LIKE TO WORK WITH STAFF AND  
20 TRY TO TACKLE THIS A LITTLE DIFFERENT WAY. AGAIN,  
21 TO DEAL WITH THE SITUATION WHERE SOMEONE IS TAKING  
22 AN ABANDONED ORCHARD, SHALL WE SAY, AND PUTTING 10  
23 FEET HIGH OF FEEDSTOCK ON IT. FOR EXAMPLE, I HAVE  
24 COPIES HERE OF THE WILLIAMSON ACT LAW WHERE THEY  
25 DEFINE PRIME AGRICULTURAL LAND, AND WE THINK MAYBE

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1        THAT USING THAT MODEL, WE CAN ATTACK THE PROBLEM  
2        IN THAT FASHION RATHER THAN HAVING TO REGULATE  
3        FEEDSTOCK, WHICH WE DON'T THINK THE COMPOST LAW IS  
4        BROAD ENOUGH TO INCLUDE THAT.

5                        SO WE'D LIKE TO WORK WITH STAFF TO  
6        DEAL WITH THAT PROBLEM.  AND I'M HERE AT THIS  
7        POINT TO ANSWER ANY QUESTIONS THAT THE COMMITTEE  
8        MEMBERS MAY HAVE.

9                        MEMBER RELIS:  MR. CHAIR, IT'S MY  
10       UNDERSTANDING, AND I'M LOOKING TO LEGAL FOR THIS,  
11       MR. BLOCK, THAT WE -- WE ARE ABLE TO DEAL WITH  
12       THIS CONCERN OR WE HAVE.  DID I --

13                      MR. BLOCK:  LET ME GO AHEAD AND JUMP IN  
14       AND FIRST SAY THAT THE CONCERNS THAT WERE RAISED  
15       WERE NOT ANYTHING THAT THESE REGULATIONS WERE  
16       AIMED AT.  IN OTHER WORDS, THESE REGULATIONS ARE  
17       NOT TRYING TO REGULATE CLOSED LOOP OF CALIFORNIA  
18       AGRICULTURE.  THE EXCLUSION THAT'S IN THE EXISTING  
19       COMPOST REGS, PAGE 7 OF THE REGULATION, SECTION  
20       17855(A)(2) REMAINS.  WE'RE NOT TRYING TO REGULATE  
21       THE STOCKPILE OF FEEDSTOCK WHEN IT'S BEING --  
22       COMPOST IS COMING FROM FARMS AND GOING BACK TO  
23       FARMS.

24                      I WILL BE THE FIRST ONE TO SAY THAT  
25       IF THERE'S A WAY WE CAN MAKE THAT A LITTLE BIT

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1 MORE CLEARER, WE'LL HAVE TO LOOK AT THE LANGUAGE  
2 AND WE CAN MAKE THAT EVEN CLEARER IF WE HAVE TO,  
3 BUT WE'RE NOT TRYING TO REGULATE THOSE ITEMS.

4 THEREFORE, WHAT WE'RE GETTING AT IS  
5 THE NONAGRICULTURAL SITUATIONS WHERE ORGANIC  
6 MATERIAL IS BEING STOCKPILED. AND THE  
7 AGRICULTURAL SOLID WASTE REGULATIONS THAT WERE  
8 REFERENCED DON'T COVER THOSE SITUATIONS BECAUSE  
9 WE'RE TALKING ABOUT A NUMBER OF DIFFERENT THINGS;  
10 FOR INSTANCE, MUNICIPAL CURBSIDE GREEN WASTE AND  
11 THE LIKE. SO WE DO NEED TO HAVE REGULATIONS TO  
12 COVER THOSE SITUATIONS. CERTAINLY WE CAN LOOK AT  
13 SOME LANGUAGE TO MAKE THAT CLEARER, BUT WE WERE  
14 CERTAINLY NOT SUDDENLY TALKING ABOUT REGULATING  
15 COMPOSTING ON -- IN TRADITIONAL AGRICULTURAL  
16 ACTIVITIES AT ALL.

17 MR. FALASCO: SO NO FEEDSTOCK REUSE  
18 BECAUSE, YOU KNOW, GRAY PUMICE BY ITSELF COULD  
19 DECOMPOSE, BUT IT'S NOT A VERY GOOD COMPOST. IT'S  
20 AN ORGANIC MATERIAL THAT YOU CAN USE ON YOUR  
21 FIELDS. THAT'S THE CLARIFICATION.

22 MR. BLOCK: THERE WAS NO INTENT TO DO  
23 THAT, SO WE CAN CERTAINLY ADD SOME LANGUAGE.

24 MEMBER RELIS: IF THERE WAS NO INTENT TO  
25 DO THAT, THEN THERE WOULD BE NO RECORDKEEPING

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1 REQUIREMENT.

2 MR. BLOCK: THAT'S CORRECT.

3 MEMBER RELIS: SO THAT WOULD APPEAR TO  
4 SOLVE THE WINE INSTITUTE'S CONCERN.

5 MR. BLOCK: WE'LL HAVE TO -- WE'LL COME  
6 UP WITH SOME LANGUAGE AND MAKE SURE THAT EVERYBODY  
7 IS OKAY WITH THAT.

8 MR. LARIMORE: AS IT STANDS NOW,  
9 RECORDKEEPING ONLY APPLIES TO OPERATIONS AND  
10 FACILITIES, SO THAT WOULDN'T APPLY.

11 MR. FALASCO: THEN I GUESS WE'LL WORK  
12 WITH STAFF SUBSEQUENTLY TO ADDRESS OUR CONCERNS.  
13 THANK YOU VERY MUCH.

14 CHAIRMAN FRAZEE: THEN A SIMILAR CONCERN  
15 BY THE DAIRYMEN, GARY CONOVER.

16 MR. CONOVER: MR. CHAIR AND MEMBERS, GARY  
17 CONOVER, REPRESENTING WESTERN UNITED DAIRYMEN.  
18 WESTERN UNITED IS A PRODUCER TRADE ASSOCIATION.

19 WE HAD THE SAME CONCERN THAT MR.  
20 FALASCO DID, SO I'M NOT GOING TO BELABOR IT. BUT  
21 WE DID GO THROUGH GREAT PAINS, AS MR. RELIS WOULD  
22 REMEMBER, AT THE BOARD LEVEL AND STAFF DRAFTING  
23 REGULATIONS THAT WOULD NOT PURPORT TO REGULATE

THE

24 INCIDENTAL STACKING OR UNINTENTIONAL STACKING OF  
25 OUR ANIMALS' MANURE, WHICH, AS YOU KNOW, WE STACK

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1 COMMONLY AND DISBURSE AMONGST OUR FIELDS OR SELL  
2 IT TO THE NEIGHBOR FOR AGRICULTURAL PURPOSES ONLY  
3 A FEW TIMES A YEAR. WE DON'T DO IT EVERY DAY, SO  
4 OUR STACKS CAN GET VERY VOLUMINOUS, AND THEY  
5 CERTAINLY COMPOST AND REACH ALL DEGREES NECESSARY.

6 AND THE STAFF WAS VERY COOPERATIVE,  
7 AS WAS THE BOARD, WHEN THOSE REGS WERE ADOPTED,  
8 AND I ACCEPT YOUR COUNSEL'S OPINION, THAT HE'LL  
9 WORK WITH BOTH MICHAEL AND MYSELF TO ENSURE THAT  
10 THOSE ARE NOT ABROGATED YOU CAN GO ON WITH YOUR  
11 OTHER REGULATIONS. THANK YOU.

12 CHAIRMAN FRAZEE: THANK YOU VERY MUCH.  
13 NOW, LET'S START WITH DERRICK ROACH FROM DISNEY  
14 ENTERPRISES.

15 MR. ROACH: GOOD MORNING, CHAIRMAN  
16 FRAZEE, BOARD MEMBERS RELIS AND JONES. MY NAME IS  
17 DERRICK ROACH. I'M EMPLOYED WITH DISNEY  
18 ENTERPRISES AT 2600 HOLLISTER STREET IN SAN DIEGO.

19 I STARTED WITH A LONG TALK THAT I  
20 WAS GOING TO -- HAD WRITTEN OUT AND WAS GOING TO  
21 GO WITH TODAY, BUT BASED UPON SOME OF THE  
22 COMMENTS, I THINK IT'S RELEVANT THAT I GO OFF ON A  
23 DIFFERENT TANGENT HERE. I HAD SOME OF THE SAME  
24 CONCERNS AS HAVE BEEN EXPRESSED BY SOME OF THE  
25 OTHER SPEAKERS.

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1 I APPLAUD THE BOARD'S EFFORTS IN  
2 TACKLING THIS ISSUE AND STAFF, ELLIOT AND BRIAN,  
3 FOR THEIR EFFORTS BECAUSE THIS IS A PROBLEM THAT  
4 NEEDS TO BE DEALT WITH HERE IN THIS STATE. THERE  
5 ARE A NUMBER OF OPERATIONS THROUGHOUT THE STATE  
6 THAT DO CLAIM THEY'RE OPERATING UNDER THE EXCLUDED  
7 TIER OF VERMICULTURE, AND WE KNOW THAT IT'S JUST A  
8 CHARADE.

9 LIKE IN THE WINERY BUSINESS OR THE  
10 DAIRY BUSINESS, IF I HAVE ONE GRAPEVINE AND I HAVE  
11 A STACK OF COMPOST, I'M PROBABLY NOT A WINERY. IF  
12 I HAVE ONE COW AND I HAVE A HUGE PILE OF COMPOST,  
13 ALSO I'M PROBABLY NOT A DAIRY. WELL, THE SAME  
14 APPLIES TO VERMICULTURE. IF WE HAVE A CAN OF  
15 WORMS AND WE HAVE A HUNDRED TONS OF WHAT WE'RE  
16 CALLING FEEDSTOCK, WELL, YOU ARE NOT VERMICULTURE.

17 AND I THINK THAT WE'RE ON THE RIGHT  
18 TRACK HERE. HOWEVER, I'D LIKE TO ENCOURAGE YOU TO  
19 REFER THIS TO STAFF BECAUSE I THINK WE NEED A  
20 BETTER DEFINITION OF WHAT IS VERMICULTURE. WE  
21 HAVE PART OF THE EQUATION HERE, AND PART OF THAT  
22 IS THE AMOUNT OF FEEDSTOCK, BUT THE MISSING PART  
23 OF THE EQUATION HERE IS HOW MANY WORMS DOES AN  
24 OPERATOR HAVE.

25 IN REFERENCE TO THE FACILITY YOU'RE

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1       READING ABOUT EARLIER FROM SAN BERNARDINO COUNTY,  
2       WE'VE BEEN CONTACTED BY THE SOURCE OF THAT, AND  
3       WE'RE NOT TOUCHING IT.  SO THERE ARE SOME  
4       LEGITIMATE OPERATORS OUT THERE.  I STOOD HERE  
5       BEFORE THE BOARD TWO MONTHS AGO AT THE DECEMBER  
6       MEETING WHEN THE BOARD WAS DEALING WITH POTASH.  
7       AND THE BOARD STATED IT IS NOT THEIR INTENT OR  
8       DESIRE TO REGULATE AGRICULTURE.  AND I HOPE THAT  
9       IS STILL THE INTENT OF THIS BOARD.

10                 ONE OTHER THING, I'D JUST LIKE --  
11       I'VE HEARD A COUPLE OF TIMES TODAY PEOPLE SAYING  
12       LEGITIMATE VERMICOMPOSTING ACTIVITY.  AND I DON'T  
13       FEEL THAT THAT HAS BEEN DEFINED CLEARLY ENOUGH  
14       BECAUSE I THINK SOME PEOPLE ARE STILL GOING TO  
15       FIGHT THAT.

16                 THAT'S ALL I HAVE.  SHORT AND  
17       SIMPLE.  AND I'D LIKE TO WELCOME ANY OF YOU TO OUR  
18       FACILITY TO TOUR AND SEE WHAT A VERMICOMPOSTING  
19       OPERATION LOOKS LIKE.  THANK YOU.

20                 CHAIRMAN FRAZEE:  BEFORE YOU GET AWAY,  
21       LET ME JUST GET IN CONTEXT OF WHERE WE'RE GOING  
22       BECAUSE WHAT WE'RE DOING TODAY HAS A BIT MORE TO  
23       DO WITH CLOSING THIS LOOPHOLE THAN JUST THE  
24       VERMICOMPOSTING.  AND I WILL READILY ADMIT I'M  
25       SOMEWHAT CONFUSED AS TO WHAT OTHER STEPS ARE WE

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1 TAKING IN THE FORM OF THESE REGULATIONS. LET ME  
2 JUST -- I WANT TO APOLOGIZE IN ADVANCE. I'M NOT  
3 TRYING TO PICK ON YOU ON THIS, BUT THE EXAMPLE OF  
4 THE SITE THAT DISNEY ENTERPRISES OPERATES --

5 MR. ROACH: I'LL BE THE FIRST TO TELL YOU  
6 WE HAVE A VERY BAD IMAGE. AND ONCE YOU GET THAT  
7 IMAGE, IT'S HARD TO CORRECT IT. HOWEVER, WE HAVE  
8 BEEN WORKING CLOSELY WITH THE LEA, AND IT'S  
9 SOMETHING THAT WE FEEL WE'RE ON THE RIGHT TRACK.

10 CHAIRMAN FRAZEE: LET ME GO TO A BIT OF  
11 SPECIFICS AND IT WILL HELP ME UNDERSTAND WHERE  
12 WE'RE GOING WITH THESE EMERGENCY REGULATIONS. YOU  
13 ARE THE FACILITY THAT DISNEY OPERATED ON THE  
14 CAMPUS OF CAL STATE SAN MARCOS.

15 MR. ROACH: THAT WAS NOT A VERMICULTURE  
16 OPERATION.

17 CHAIRMAN FRAZEE: IT WAS A MULCHING  
18 OPERATION.

19 MR. ROACH: RIGHT. THAT WAS SOMETHING  
20 THAT WAS DONE STRICTLY FOR CAL STATE SAN MARCOS.

21 CHAIRMAN FRAZEE: AND THAT FALLS UNDER  
22 THE, QUOTE, CHIPPING AND GRINDING OPERATIONS?

23 MR. ROACH: RIGHT. NOW, THAT WAS BEING  
24 CONDUCTED ON STATE PROPERTY, AND SO THERE WERE A  
25 COUPLE OTHER ISSUES THERE AS FAR AS PERMITTING AND

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1 THINGS LIKE THAT. HOWEVER, I WASN'T WITH THE  
2 COMPANY AT THE TIME. SINCE THEN THEY HAVE MOVED  
3 OPERATIONS AND THEY'RE CLOSING DOWN THAT FACILITY.

4 CHAIRMAN FRAZEE: THE LAST TIME I VISITED  
5 THAT SITE, IN FACT, GRINDING WAS GOING ON AND THE  
6 MULCH WAS BEING SPREAD ON SITE. BUT DO -- DOES  
7 WHAT WE'RE DOING HERE TODAY AFFECT THAT KIND OF AN  
8 OPERATION? TO WHAT LEVEL? MY UNDERSTANDING IS  
9 WE'RE NOT GOING FULLY INTO CHIPPING AND GRINDING  
10 AND TRYING TO SLOT IT TO A PARTICULAR SPOT WITH  
11 THIS, BUT STILL IT'S AN AREA THAT I THINK THAT ALL  
12 OF US FELT WAS OPERATING AS AN EXCLUSION THAT  
13 NEEDED TO BE TIGHTENED UP ON AN EMERGENCY BASIS.

14 MS. RICE: THAT'S CORRECT. THE  
15 REGULATIONS ESTABLISH A FAIRLY SIMPLE STORAGE  
16 STANDARD THAT STAFF CAN DESCRIBE MORE FULLY, BUT  
17 DO NOT ATTEMPT TO SLOT OR PLACE IN PERMIT TIERS OR  
18 GO ANY FURTHER WITH IT. OUR UNDERSTANDING IS THAT  
19 ANY WORK ON THAT KIND OF AN EFFORT WOULD BE A  
20 SEPARATE RULEMAKING, NOT AN EMERGENCY, AND WE WILL  
21 INITIATE THAT RULEMAKING BASED UPON THE GUIDANCE  
22 WE RECEIVE FROM YOU ON IN WHAT SEQUENCE YOU WANT  
23 US TO BEGIN THE DIFFERENT TIERING ACTIVITIES. SO  
24 WE'RE ASSUMING IT WILL BE ONE OF THE VERY NEXT  
25 THAT WE BEGIN, TO LOOK AT OTHER ASPECTS OF

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1 ORGANICS.

2 CHAIRMAN FRAZEE: SO IN AN OPERATION OF  
3 THE TYPE THAT I DESCRIBED HERE, EXCLUDING THE FACT  
4 THAT IT'S ON STATE PROPERTY AND THERE MAY OR MAY  
5 NOT BE SOME KIND OF SPECIAL TREATMENT THERE,  
6 ANYTHING IN WHAT WE'RE -- WE HAVE PROPOSED AFFECT  
7 THAT KIND OF AN OPERATION?

8 MR. LARIMORE: IF THERE WAS GREATER THAN  
9 A THOUSAND CUBIC YARDS ON SITE.

10 CHAIRMAN FRAZEE: AND THEN THEY WOULD  
11 FALL INTO WHAT CATEGORY OF REGULATION?

12 MR. LARIMORE: WELL, THERE'D BE A COUPLE  
13 OF GENERAL OPERATING STANDARDS AND ONE RECORD-  
14 KEEPING REQUIREMENT AS FAR AS THE AMOUNT OF  
15 CHIPPED AND GROUND MATERIAL. SO IT WOULD BE THE  
16 STANDARD WHICH SAY MINIMIZE ODORS, NUISANCES,  
17 VECTORS, LITTER, DUST.

18 MR. ROACH: ONE OF OUR MAIN CONCERNS IS  
19 WITH THE WAY THE STAFF RECOMMENDATION IS WRITTEN  
20 PRESENTLY, IT'S ANYTHING OVER 1,000 CUBIC YARDS OF  
21 COMPOST, FEEDSTOCK, GREEN WASTE, WHATEVER YOU WANT  
22 TO CALL IT. BUT IT DOESN'T SEEM TO HAVE A  
23 DEFINITION OF WHAT WOULD STILL CLASSIFY AS  
24 VERMICULTURE OPERATION. IS IT A LEGITIMATE  
25 VERMICULTURE ACTIVITY? AND I DON'T THINK THAT'S

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1 BEEN ADDRESSED FULLY.

2 MR. BLOCK: IF I MAY GO AHEAD AND JUMP  
3 IN, I THINK THE ISSUE THAT'S BEING RAISED HERE AS  
4 WELL, A MORE SPECIFIC OR DETAILED DEFINITION OF  
5 VERMICOMPOSTING, WHETHER THAT GETS INTO THE NUMBER  
6 OF WORMS PER CUBIC YARD OR THAT SORT OF THING IS  
7 ANOTHER ONE OF THOSE ISSUES THAT WE'RE GOING TO  
8 HAVE TO BE DEALING WITH SIMILARLY AS WE LOOK AT  
9 SLOTTING CHIPPING AND GRINDING AND THE LIKE.

10 WHAT STAFF WAS GIVEN WAS A FAIRLY  
11 NARROW TASK OF GETTING SOME REGULATIONS OUT  
12 QUICKLY, EMERGENCY REGULATIONS, TO DEAL WITH AN  
13 EMERGENCY PROBLEM, THE POTENTIAL FOR FIRE, AND WE  
14 WERE LOOKING AT ISSUES OF OTHERS AND THE LIKE AT  
15 STOCKPILES OF THIS MATERIAL AROUND THE STATE. AND  
16 SO THE REGULATIONS, THE PROPOSED REGULATIONS,  
17 BEFORE YOU ARE FAIRLY NARROW IN THAT REGARD. THEY  
18 BASICALLY ADD SOME DEFINITIONS AND SOME VERY  
19 MINIMAL TOOLS FOR LEA'S TO BE ABLE TO ADDRESS  
20 THOSE ISSUES NOW.

21 THE POTENTIAL PROBLEM WITH DEALING  
22 WITH ISSUES OF SLOTTING, WITH DEALING WITH ISSUES  
23 OF DEFINING VERMICOMPOSTING, AND THE LIKE, THAT  
24 TAKES A FAIR AMOUNT OF TIME. THAT'S NOT SOMETHING  
25 WE CAN PUT TOGETHER IN A MONTH OR TWO. THAT

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1 REQUIRES A CERTAIN AMOUNT OF RESEARCH AND THE  
2 LIKE, AND WE DIDN'T FEEL THAT WE COULD DO THAT IN  
3 A TIMELY MANNER AND PUT THEM INTO EMERGENCY  
4 REGULATIONS. SO THAT IS A LEGITIMATE ISSUE. IT'S  
5 ONE THAT CONTINUES TO COME UP, BUT WE WEREN'T IN A  
6 POSITION TO COME UP WITH A WORM PER CUBIC YARD OR  
7 SOME SIMILAR SORT OF A DEFINITION IN TIME TO DO  
8 SOME EMERGENCY REGS TO DEAL WITH THE OTHER ISSUES  
9 THAT WERE BEING RAISED IN DECEMBER, FIRE AND THOSE  
10 ISSUES.

11 CHAIRMAN FRAZEE: DO THESE REGS GO TO THE  
12 QUESTION OF THE AMOUNT OF UNPROCESSED MATERIAL ON  
13 SITE?

14 MR. BLOCK: AS -- I'M NOT EXACTLY SURE  
15 HOW YOU ARE ASKING THE QUESTION. WHAT THEY GO TO  
16 IS THE ISSUE OF THERE'S OVER A THOUSAND CUBIC  
17 YARDS.

18 CHAIRMAN FRAZEE: OF WHAT?

19 MR. BLOCK: OF MATERIAL, WHETHER IT IS  
20 PREPROCESSING, BEING PROCESSED, OR COMPOSTING,  
21 THEN THEY ARE SUBJECT TO REGULATION, DEPENDING ON  
22 THE NATURE OF THE OPERATION. IN OTHER WORDS, IF  
23 IT'S COMPOSTING AT -- IF IT'S COMPOSTING AT A SITE  
24 THAT -- OTHERWISE COMPOSTING MIGHT BE DEALT WITH  
25 IN A DIFFERENT WAY. BUT BASICALLY THIS IS JUST

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1 SORT OF ONE THRESHOLD; AND IF YOU LOOK AT THE  
2 LANGUAGE IN THE REGULATIONS, EVERY PLACE THERE'S A  
3 DISCUSSION OF -- YOU WILL SEE THE PHRASE  
4 FEEDSTOCK, COMPOST, CHIPPED AND GROUND, AND  
5 COMPOST MATERIAL. THEY'RE JUST SORT OF LUMPING  
6 THEM ALL UP TOGETHER BECAUSE WHAT THEY'RE TRYING  
7 TO DO WITH THE EMERGENCY REGULATIONS IS NOT GET  
8 TOO DEEPLY INTO TRYING TO MAKE DISTINCTIONS AS TO  
9 CHARACTERIZING THE DIFFERENT TYPES OF MATERIALS.

10 THAT'S ONE OF THE PROBLEMS WE RUN  
11 INTO IS, DEPENDING ON HOW YOU WANT TO DESCRIBE A  
12 PARTICULAR WINDROW, IT COULD BE COMPOSTING, IT  
13 COULD BE NOT YET PROCESSED, AND THERE REALLY ISN'T  
14 ANY EASY WAY TO DISTINGUISH BETWEEN THOSE. AND SO  
15 WE ELECT FOR THE FLAT, IF YOU'VE GOT MORE THAN A  
16 THOUSAND CUBIC YARDS OF MATERIAL WHATEVER YOU SAY  
17 YOU ARE DOING TO IT, YOU'RE COVERED BY AT LEAST  
18 THESE MINIMAL REGULATIONS.

19 MEMBER RELIS: MR. CHAIR, JUST PURSUING,  
20 I THINK, WHERE YOU ARE GOING. BECAUSE WHAT  
21 WE'RE -- THIS IS AN EMERGENCY ACTION BASED ON A  
22 PROBLEM THAT'S PERCEIVED TO BE EMERGENCY IN  
23 NATURE. AND SO WE'RE REALLY, I THINK, TRYING TO  
24 DO, AND I'M TRYING TO MAKE SURE WE'RE DOING THIS  
25 AS WELL, GIVING THE ENFORCEMENT COMMUNITY THE

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1 TOOLS THAT THEY'VE SAID THEY NEED AND WHICH WE  
2 RECOGNIZE MIGHT ADDRESS THIS PROBLEM OF STOCKPILED  
3 MATERIAL THAT LOOKS, BEHAVING IN WAYS THAT EITHER  
4 SUGGEST IT'S COMPOSTING, IT'S A FIRE HAZARD, IT'S  
5 AN ODOR PROBLEM, IT GENERALLY IS BOTH A NUISANCE  
6 AND A PUBLIC HEALTH THREAT. AND WE DON'T HAVE THE  
7 PRECISE -- WE HAVEN'T SLOTTED, BUT WE'VE NOW SAID,  
8 "OKAY. IF YOU ARE OVER A THOUSAND CUBIC YARDS,  
9 YOU HAVE OUR ATTENTION, AND WE'RE GIVING YOU THIS  
10 ADDED ENFORCEMENT ARRAY OF TOOLS." IS THAT A FAIR  
11 CHARACTERIZATION?

12 MS. RICE: THAT'S CORRECT. WE'RE  
13 ESTABLISHING A STATE STANDARD THAT THE LEA AT  
14 THEIR DISCRETION CAN ENFORCE AGAINST.

15 MR. BLOCK: AND BY NOT SLOTTING, I MEAN  
16 TO JUST PLAY IT OUT IN TERMS OF HOW THIS WOULD  
17 WORK IN REAL LIFE, BECAUSE THEY'RE NOT SLOTTED AND  
18 THEY'RE JUST SUBJECT TO THOSE STANDARDS, WE'RE NOT  
19 SETTING UP A SITUATION WHERE THERE ARE REGULAR  
20 INSPECTIONS AT THIS POINT OR THE LIKE. IT'S  
21 PURELY AS THE ABILITY FOR AN LEA WHERE THERE ISN'T  
22 A PROBLEM THAT THEY'VE BEEN APPRISED OF BECAUSE  
23 THERE'S ODOR COMPLAINTS OR THERE'S -- SOMEBODY IS  
24 CONCERNED ABOUT A POTENTIAL FIRE COMPLAINT, THEY  
25 HAVE THE ABILITY AT THAT POINT TO GO IN AND DEAL

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1 WITH THAT PARTICULAR OPERATION.

2 CHAIRMAN FRAZEE: LET ME GO TO SOME  
3 SPECIFICS AGAIN THEN. I THINK THE ITEM IN  
4 SUPERVISOR WALKER'S LETTER, THE SITE THAT WAS  
5 DISCUSSED THERE THAT WE'RE ALL, I THINK, FAMILIAR  
6 WITH, WOULD THESE REGULATIONS HAVE ANY EFFECT ON  
7 THE OPERATION OF THAT SITE?

8 MR. LARIMORE: YES. ONCE WE MAKE THE  
9 CHANGES TO SUBJECT THEM TO THE STORAGE STANDARDS,  
10 THAT SHOULD ADDRESS THIS PROBLEM.

11 CHAIRMAN FRAZEE: OKAY.

12 MEMBER RELIS: COULD YOU BE MORE -  
- LET'S

13 JUST SAY NOW, JUST TO VISUALIZE, BECAUSE I  
14 THINK  
15 THAT WILL HELP US, WERE WE TO ENACT THESE  
16 EMERGENCY REGULATIONS, WHAT COULD HAPPEN AT  
17 THIS,  
18 USING THIS AS A PARTICULAR EXAMPLE?

19 MR. LARIMORE: WELL, THE MATERIAL  
20 THAT  
21 WAS STORED ON SITE AT THIS VERMICOMPOSTING  
22 OPERATION, IF IT WAS GREATER THAN A  
23 THOUSAND CUBIC  
24 YARDS, WOULD BE SUBJECT TO THE GENERAL  
25 OPERATING

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21 STANDARDS. SO IF THERE WAS PROBLEMS WITH  
ODORS OR

22 LITTER, DUST, NOISE, ETC., THEN THEY COULD  
BE

23 FOUND IN VIOLATION OF THAT STANDARD.

24 CHAIRMAN FRAZEE: CONTAMINATION

FALL IN

25 THAT?

1                   MR. LARIMORE: WE DO NOT ADDRESS  
2 CONTAMINATION.

3                   MR. BLOCK: TO THE EXTENT THAT THE  
4 CONTAMINATION ISSUE IS CAUSING ONE OF THOSE  
5 PROBLEMS, LIKE A NUISANCE OR THE LIKE, THEN IT  
6 COULD BE ADDRESSED THAT WAY.

7                   MEMBER RELIS: SO IF THE FACILITY WERE  
8 NOT BROUGHT INTO OPERATIONAL STANDARDS, AND  
9 OPERATIONAL STANDARDS IN THIS CASE WOULD BE  
10 LIKE -- WOULD BE A COMPOST FACILITY, RIGHT, OR  
11 A -- I MEAN YOU WOULD HAVE TO HAVE THE TESTING  
12 PROCEDURES, THE PATHOGEN REDUCTION. IS THAT MY  
13 UNDERSTANDING?

14                  MR. BLOCK: THESE REGULATIONS WOULD NOT  
15 MAKE THOSE REQUIREMENTS.

16                  MEMBER RELIS: THEY WOULD NOT.

17                  MR. BLOCK: SO TESTING AND TIME/  
18 TEMPERATURE, NO, THESE ARE NOT ESTABLISHING  
19 THOSE.

20 WE'RE DEALING WITH SITUATIONS WHERE YOU'VE GOT  
21 STORAGE OR SOME OTHER CHIPPING AND GRINDING, SOME  
22 OTHER PROCESSING THAT'S GOING ON AND THE MATERIAL  
23 IS JUST SITTING THERE. AND IF IT STARTS TO  
24 CREATE

25 A NUISANCE AND/OR A POTENTIAL FOR FIRE, SIMPLY  
26 PILED WHERE THERE'S THE ABILITY FOR FIRE TO BREAK

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25 OUT, THE LEA CAN COME IN AND REQUIRE THAT BE

1           ADDRESSED.

2                   MEMBER RELIS:   JUST BEGIN WITH WHAT THEY  
3           WOULD DO TO ADDRESS IT.   THAT WOULD BE EITHER  
4           REMOVE IT, REARRANGE IT.

5                   MR. BLOCK:    IN TERMS OF FIRE, REARRANGE  
6           IT.   IN TERMS OF ODOR, TAKE ACTION TO ELIMINATE  
7           THAT ODOR.   WHETHER THAT MEANS REMOVING SOME OF  
8           THAT MATERIAL, CONFIGURING IT IN A DIFFERENT WAY,  
9           OR WHATEVER WAY OF TOOLS THERE WOULD BE FOR ANY  
10          PILE.

11                   CHAIRMAN FRAZEE:   THE SITE THAT DISNEY  
12          ENTERPRISES OPERATES NOW, THAT'S CURRENTLY A  
13          VERMICULTURE OPERATION.

14                   MR. ROACH:    THE ONE IN SAN DIEGO, YES.

15                   CHAIRMAN FRAZEE:   THAT'S THE ONE IN  
16          HOLLISTER, TIJUANA RIVER VALLEY.   BECAUSE I HAD  
17          SOME OTHER IDEA OF WHAT THAT WAS LIKE BASED ON  
18          PICTURES THAT WERE BROUGHT BACK BY BOARD STAFF.

19                   MR. ROACH:    I GUESS THAT WE HAD A BAD  
20          IMAGE WHEN WE STARTED.

21                   CHAIRMAN FRAZEE:   AND THE STATEMENT BOTH  
22          THERE AND AT THE ONE IN SAN BERNARDINO SAID YOU  
23          SHOULD COME BACK AND LOOK AT IT AGAIN.   WE'VE

MADE

24          SIGNIFICANT CORRECTIONS.   I INTEND ON DOING

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THAT

25 THIS NEXT WEEK AT YOURS. SO -- BUT THEY APPEAR

1 TO, AT LEAST FROM MY OBSERVATION AND  
PHOTOGRAPHS,

2 YOUR FACILITY APPEARS TO BE VERY MUCH ALIKE,  
HUGE

3 PILES OF UNPROCESSED MATERIAL.

4 MR. ROACH: AGAIN, WE DO HAVE -- WHEN  
YOU

5 COME DOWN, WE'LL SHOW YOU.

6 CHAIRMAN FRAZEE: I'LL BE DOWN TO SEE  
7 THAT NEXT WEEK.

8 MR. ROACH: JUST FOR YOUR INFORMATION,  
9 WE'RE KIND OF IN A UNIQUE SITUATION BECAUSE  
10 EVERYTHING THAT YOU'VE MENTIONED ABOUT  
LOADCHECKS,

11 CONTAMINATION, HEIGHT OF PILES, THINGS LIKE  
THAT,

12 OUR LEA IS ALSO OUR LANDLORD. AND SO IF THEY  
13 DON'T HAVE THE TOOLS TO DO AN ENFORCEMENT  
ACTION,

14 THEY HAVE IT THROUGH THEIR LEASE. AND SO FOR  
US,

15 THERE ARE WAYS TO ENFORCE THAT. HOWEVER, FOR  
16 OTHER FACILITIES THERE MAY NOT.

17 CHAIRMAN FRAZEE: JUST ONE FINAL  
COMMENT

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18 BECAUSE I'VE REFERRED TO TWO SPECIFIC  
FACILITIES.

19 I THINK WE HAVE HEARD FROM BOTH OPERATORS, THE  
SAN

20 BERNARDINO SITE, AT OUR PREVIOUS TIME AND  
VISITING

21 THIS SUBJECT, SAYING WE THINK WE OUGHT TO BE  
22 REGULATED IN SOME FORM OR ANOTHER, ALTHOUGH  
THEY

23 STARTED UP OPERATIONS, SUGGESTING THAT THEY  
FELL

24 OUTSIDE THE REGULATORY SCHEME. SO I THINK  
THAT'S

25 AT LEAST SOME PROGRESS. OKAY.

1                               NOW, LET'S GO ON TO JIM SULLIVAN.

2                               THE REPORTER: MR. CHAIRMAN, I NEED A  
3 BRIEF BREAK.

4                               BOARD MEMBER FRAZEE: LET'S TAKE A  
BRIEF,

5 JUST A COUPLE OF MINUTES.

6                               (RECESS TAKEN.)

7                               CHAIRMAN FRAZEE: MEETING WILL COME TO  
8 ORDER. NOW, CONTINUING WITH THE DRAFT COMPOSTING  
9 OPERATIONS ITEM, WE HAD JIM SULLIVAN UP NEXT,  
10 REPRESENTING THE ASSOCIATION OF COMPOST  
PRODUCERS.

11                              MR. SULLIVAN: JIM SULLIVAN, INLAND  
12 EMPIRE COMPOSTING, FULLERTON, CALIFORNIA,  
13 REPRESENTING THE ASSOCIATION OF COMPOST  
PRODUCERS.

14 MR. CHAIR, MEMBERS OF THE BOARD, I APPRECIATE  
YOUR  
15 TIME HERE THIS MORNING. I'LL BE VERY QUICK IN MY  
16 COMMENTS.

17                              I SPOKE WITH BETSY STARBUCK AND  
18 STAFF AT THE SUPERVISOR WALKER'S OFFICE  
YESTERDAY.

19 AND IT'S ANTICIPATED THAT THEY ARE ALSO SENDING  
20 YOU A COPY OF THE URGENCY ORDINANCE THAT WAS  
21 PASSED A WEEK AGO BY THE COUNTY OF SAN

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BERNARDINO ,

22 TRYING TO WORK WITHIN THE FRAMEWORK OF REGULATING

23 LAND USE WITHIN THE COUNTY WITHOUT STEPPING ON

THE

24 TOES OF THE INTEGRATED WASTE BOARD.

25 THE PROBLEM EXISTS PRIMARILY

BECAUSE

1 IN PRIVATE ENTERPRISE WE'RE OUT TRYING TO PROVIDE  
2 SERVICE, AT THE SAME TIME MINIMIZING COST AND  
3 BUREAUCRACY. AND UNFORTUNATELY SOME OF THESE  
4 THINGS CREATE OPPORTUNITIES OR WE LOOK FOR WAYS TO  
5 USE THE SYSTEM, AND IN A FEW, VERY FEW CASES, THIS  
6 BECOMES AN ABUSE OF THE SYSTEM.

7 I WOULD ASK THAT YOU CONSIDER  
8 LOOKING AT THE SOURCE OF MATERIALS. IF YOU HAVE A  
9 COPY OF THE ORDINANCE THAT SAN BERNARDINO PASSED,  
10 YOU WILL SEE HOW THAT'S THE EFFORT THAT THEY WENT  
11 INTO. SAN BERNARDINO COUNTY HAS CREATED A  
12 SITUATION WHERE THEIR LAND USE PERMITTING WILL BE  
13 SUCH THAT IF THERE'S INTERCOUNTY TRANSFER OF  
14 WASTESTREAM MATERIALS OR IF WASTESTREAM MATERIALS  
15 COME FROM COMMERCIAL HAULERS AND OPERATORS, THEN  
16 IT WILL BE DEEMED TO REQUIRE A SPECIAL USE PERMIT.

17 I THINK THAT THAT WOULD BE ONE OF  
18 THE THINGS THAT THIS BOARD SHOULD CERTAINLY LOOK  
19 AT AS A REGULATORY DEVICE. THE QUESTION IS NOT SO  
20 MUCH HOW A FACILITY IS WORKED, BUT RATHER THE  
21 QUANTITIES AND THE SOURCES OF MATERIAL. I HAVE A  
22 FACILITY, AND WE'RE WORKING UNDER AN APPLICATION  
23 FOR REGISTRATION, WE DO TAKE SOURCE SEPARATED  
24 MATERIALS FROM SEVERAL CITIES. I CAN TELL  
YOU  
25 THAT MATERIALS THAT WE RECEIVE FROM

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CURBSIDE, WE

1 HAVE A GREAT DEAL OF GRASS IN IT, REQUIRE A  
2 TREMENDOUS AMOUNT OF ATTENTION COMPARED TO  
3 MATERIALS THAT COME FROM LANDSCAPERS AND ARBORISTS  
4 WITH WOODY MATERIALS.

5 THE -- PROBABLY THE BEST OPPORTUNITY  
6 FOR THESE FACILITIES TO CREATE FEWER PROBLEMS IN  
7 THE PUBLIC HEALTH OR THE PUBLIC EYE WOULD BE TO  
8 WORK UNDER A STRONG MANAGEMENT PROGRAM WITH THE  
9 PURVIEW OF THE LEA. I RECOMMEND THIS STRONGLY. I  
10 WOULD ASK THAT YOU WOULD CONSIDER IN YOUR  
11 DEFINITIONS THAT UNDER FEEDSTOCK THAT ANY FACILITY  
12 RECEIVING FEEDSTOCKS FROM EITHER COMMERCIAL  
13 HAULERS, MRF'S, MATERIAL RECOVERY FACILITIES, OR  
14 FROM CURBSIDE PROGRAMS BE INCLUDED IN A  
15 REQUIREMENT FOR REGISTRATION OR THOSE RECEIVING  
16 FEEDSTOCKS FROM A COUNTY OTHER THAN THE  
17 JURISDICTION THAT THE FACILITY IS RESIDING IN.  
18 OTHERWISE ALL THAT'S GOING TO HAPPEN IS YOU MAY  
19 HAVE A CHANGE OF LOCATION AND AFTER TWO OR THREE  
20 OR FOUR LOCATION CHANGES, THEN MAYBE YOU'LL GET TO  
21 THE ROOT OF THE PROBLEM. BUT THIS IS ALREADY  
22 HAPPENING AND THE PEOPLE THAT ARE  
CREATING THE  
23 PROBLEM ARE NOT DOING THIS INDUSTRY, MY  
INDUSTRY,  
24 ANY GOOD. THANK YOU.

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25

CHAIRMAN FRAZEE: THANK YOU.

QUESTIONS?

1 IF NOT, LET'S GO TO WILL BAKX FROM CORC.

2 MR. BAKX: MORNING. WILL BAKX,  
3 CALIFORNIA ORGANIC RECYCLING COUNCIL. THANK YOU  
4 FOR GIVING ME AN OPPORTUNITY TO SPEAK OUT HERE.

5 LET ME START OUT TO SAY THAT WE AS  
6 COMPOSTING -- WE REPRESENT ABOUT 260 COMPOSTERS  
IN  
7 CALIFORNIA -- IN GENERAL DO NOT LIKE  
REGULATIONS.

8 WE FEEL LIKE WE'RE OVERREGULATED AND THE LESS WE  
9 HAVE THE BETTER. HOWEVER, IT'S VERY NICE TO BE  
10 OUT HERE TODAY. NOT TO OPPOSE WHAT YOU ARE  
DOING.

11 I THINK YOU'RE ACTUALLY DOING A JOB THAT SHOULD  
12 HAVE BEEN DONE YEARS AND YEARS AGO. MULCH WAS  
IN  
13 REGULATIONS IN THE FIRST DRAFT. I DON'T KNOW  
HOW  
14 LONG AGO THAT WAS, BUT QUITE SOME TIME AGO IT  
WAS  
15 ILL-DEFINED. IT WAS TAKEN OUT.

16 AND I REMEMBER THAT I STOOD HERE  
AT  
17 THE SAME PODIUM AND SAID THERE'S A RISK OF  
18 COMPOSTING BY NEGLECT. AND THAT'S EXACTLY  
WHAT'S

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19 GOING ON IN MANY FACILITIES. I HAVE ACTUALLY  
HAD  
20 COMPOST IN MY HAND AND SHOWED IT TO AN LEA AND  
21 SHOWN HIM A SAMPLE OF WHAT WAS COMPOSTED UNDER  
THE  
22 REGULATIONS AND WHAT WAS COMPOSTED BY NEGLECT.  
23 AND THE LEA COULD NOT TELL THE DIFFERENCE  
BETWEEN  
24 THE TWO PRODUCTS. THEY LOOKED EXACTLY THE SAME.  
25 THAT IS AN UNLEVEL PLAYING FIELD  
FOR

1 THE COMPOSTING INDUSTRY. IF WE HAVE SOMEONE OUT  
2 THERE THAT MAKES COMPOST BY JUST STOCKPILING  
3 MATERIAL, DOESN'T DO ANYTHING WITH IT, DOESN'T  
4 HAVE TO DO TESTING ON IT, THE FAIR PEOPLE, THE  
5 PEOPLE THAT PLAY BY THE RULES, THAT ARE REGISTERED  
6 OUT THERE, THEY LOSE OUT.

7 WE HAVE THE SAME FEELING ABOUT  
8 VERMICOMPOSTING. I DID NOT SPEAK UP ON THAT  
9 BECAUSE I DID NOT HAVE ENOUGH UNDERSTANDING OF  
10 WHAT THEY DID BECAUSE I WAS CONVINCED BY SOME  
11 PEOPLE THAT THERE WAS NO VERMICOMPOSTING GOING ON.  
12 I HAVE LEARNED SINCE THEN THAT MOST FACILITIES,  
13 AND I THINK THERE ARE A COUPLE FACILITIES THAT DO  
14 NOT DO THAT, BUT MOST FACILITIES ACTUALLY DO HAVE  
15 VERMIFILLED COMPOSTING BEFORE THEY GIVE THE  
16 MATERIALS TO THE WORMS. IF THAT'S THE CASE, THAT  
17 PART OF THE COMPOSTING PROCESS FALLS UNDER THE  
18 REGULATIONS, AND I THINK IT OUGHT TO. THAT IS  
19 COMPOSTING AT THAT POINT.

20 THEREAFTER YOU CAN CALL IT VERMI-  
21 CULTURE AND NOT VERMICOMPOSTING, AND IT DOES NOT  
22 FALL UNDER THE REGULATIONS. SO AT THIS POINT I  
23 THINK THAT CORC IS SUPPORTIVE OF WHAT YOU ARE  
24 DOING AND ACTUALLY PLEASED TO LET YOU KNOW ABOUT  
25 THAT, AND WE'LL KEEP AN EYE ON WHAT'S GOING ON.

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1           THANK YOU.

2                   CHAIRMAN FRAZEE:   THANK YOU.   QUESTIONS?  
3           NOW MARK LEARY, BFI.

4                   MR. LEARY:   MR. CHAIRMAN, I SUBMITTED A  
5           SLIP FOR ITEM 15.

6                   CHAIRMAN FRAZEE:   OH, I'M SORRY.   YOU  
7           SURE DID.   DON'T YOU WANT TO TALK ABOUT THIS?  
8           OKAY.   CHUCK WHITE, WASTE MANAGEMENT INCORPORATED.

9                   MR. WHITE:   KEEP ALL THESE NAMES  
10          STRAIGHT.   CHUCK WHITE WITH WASTE MANAGEMENT.  
11          APPRECIATE THE, AGAIN, THE OPPORTUNITY TO TALK ON  
12          THIS PROPOSED EMERGENCY REGULATIONS.   I REALLY  
13          HAVE ONE QUESTION AND THEN TWO REQUESTS.

14                   AND THE FIRST QUESTION IS I THINK I  
15          UNDERSTAND WHAT YOU ARE DOING WITH RESPECT TO  
16          THESE TYPES OF FACILITIES.   IN A SENSE YOU ARE  
17          SAYING THAT THEY'RE NOT IN THE EXCLUSION TIER, BUT  
18          THEY'RE NOT IN ANY OTHER TIER EITHER.   THEY'RE  
19          JUST KIND OF IN A HOLDING PATTERN, IN A SENSE  
20          ALMOST LIKE A SIXTH TIER BECAUSE IT'S NOT IN  
21          NOTIFICATION OR REGISTRATION OR STANDARDIZED OR  
22          FULL, BUT IT'S OUT OF EXCLUSION.

23                   I DON'T NECESSARILY HAVE A PROBLEM  
24          WITH THAT, ALTHOUGH I WANTED YOU TO RECOGNIZE IT'S  
25          THE FIRST TIME YOU'VE EVER DONE THAT, TAKEN WHERE

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1 YOU'VE SOMETHING OUT OF THE TIERS AND PUT IT UP  
2 INTO ITS OWN SEPARATE CATEGORY. AND YOU'RE  
3 LEADING DOWN THE PATH PERHAPS OF JUST SAYING,  
4 "WELL, MAYBE THERE ISN'T THIS FIVE-TIERED SYSTEM."  
5 THERE MAY BE A 6, 7, 8, 9, 10 TIERS FOCUSING ON  
6 THE TYPES OF SPECIFIC CONCERNS YOU HAVE ON A  
7 PARTICULAR OPERATION.

8 I'M NOT SAYING THAT'S BAD OR GOOD.  
9 I'M JUST SIMPLY SAYING IT SEEMS TO BE YOU FOUND  
10 SOMETHING THAT'S GREATER THAN A THOUSAND, IT'S NOT  
11 SMALL ENOUGH TO BE EXCLUDED, BUT YOU'RE NOT SURE  
12 WHERE IT GOES IN THE OTHER TIERS, SO IT'S KIND OF  
13 CREATED ITS OWN TIER IN A SENSE ALMOST BETWEEN  
14 EXCLUSION AND NOTIFICATION, DOESN'T GO AS FAR AS  
15 NOTIFICATION, BUT IT'S NOT FULLY EXCLUDED. THAT'S  
16 MY -- KIND OF MY QUESTION. I THINK THAT'S WHAT  
17 YOU ARE DOING. IS THAT BASICALLY CORRECT?

18 CHAIRMAN FRAZEE: WELL, I'M JUST --

19 MR. WHITE: MAYBE YOU WOULDN'T  
20 CHARACTERIZE IT THAT WAY.

21 CHAIRMAN FRAZEE: I SEE IT AS MERELY AN  
22 EXTENSION OF THE COMPOST REGULATIONS, AND  
23 COMPOSTING IS ALREADY SLOTTED, CORRECT? I WASN'T  
24 HERE WHEN THAT HAPPENED. AND SO THAT'S MY VIEW OF  
25 IT. I'M TAKEN BACK A BIT BY YOUR SUGGESTION.

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1                   MR. BLOCK:  IF I MAY, LET ME GO AHEAD AND  
2                   JUMP IN AND SAY THAT WHILE, I GUESS, TECHNICALLY  
3                   THAT'S AN ACCURATE DESCRIPTION BECAUSE THESE ARE  
4                   EMERGENCY REGULATIONS DESIGNED TO DEAL WITH AN  
5                   IMMEDIATE SITUATION, THE PLAN AS MENTIONED EARLIER  
6                   IS ALWAYS TO LATER ON, DEPENDING ON THE SCHEDULE  
7                   THAT THE BOARD ADOPTS, GO AHEAD AND PLACE THESE  
8                   OPERATIONS WITHIN THE TIERS.  IT'S BASICALLY A  
9                   TEMPORARY MEASURE.  AND SO I CERTAINLY WOULDN'T  
10                  DESCRIBE IT AS ADDING TIERS TO THE SYSTEM, BUT I  
11                  GUESS IN THE TEMPORARY SENSE IT COULD BE LOOKED AT  
12                  THAT WAY.  BUT THE PLAN, AND I GUESS THAT'S WHAT I  
13                  NEED TO CLARIFY AND MAKE SURE EVERYBODY  
14                  UNDERSTANDS, IS THAT WE ARE TALKING ABOUT  
15                  EVENTUALLY PLACING CHIPPING AND GRINDING AND  
16                  STORAGE ACTIVITIES WITHIN THE TIERS SOMEWHERE.

17                  MR. WHITE:  YEAH.  THAT'S MY UNDER-  
18                  STANDING AS WELL.  I WASN'T PUTTING A VALUE ON IT.  
19                  JUST SEEMED LIKE YOU ARE DOING THIS FOR THE FIRST  
20                  TIME ALBEIT ON A TEMPORARY BASIS.

21                  THE REAL REASON I WANTED TO GET UP  
22                  AND TALK TO YOU WAS CONCERNS ABOUT SOME OF THE  
23                  LANGUAGE YOU HAVE WITH RESPECT TO CHIPPING AND  
24                  GRINDING AND STORAGE OPERATIONS.  AND WE SUPPORT  
25                  THE IDEA THAT THERE OUGHT TO BE SOME KIND OF

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1 REGULATORY STANDARDS FOR THESE KIND OF OPERATIONS  
2 THAT ARE OUT THERE, THAT ARE UNPERMITTED, AND  
3 WHICH ARE OUT THERE AND KEEPING MATERIALS  
4 STOCKPILED FOR A LONG TIME AND SORT OF AKIN TO  
5 COMPOSTING.

6 A SMALL PROBLEM, BUT I THINK A VERY  
7 REAL PROBLEM IS THAT THESE PROPOSED REGULATIONS  
8 WILL CAPTURE THOSE KINDS OF SITUATIONS, BUT ALSO  
9 CAPTURE OTHER ONES AS WELL. THE FIRST CATEGORY IT  
10 WILL CAPTURE, IT WILL CAPTURE THOSE SITUATIONS  
11 WHERE WE ALREADY HAVE A SOLID WASTE PERMIT. AND,  
12 FOR EXAMPLE, WE HAVE A TRANSFER STATION THAT HAS A  
13 PART OF ITS PERMIT PROVISIONS RELATED TO STOCK-  
14 PILING OF CHIPPED AND GROUND GREEN WASTE. WE'RE  
15 NOT REQUIRED BY THAT PERMIT TO DO ANY WINDROW  
16 MONITORING OF TEMPERATURE, FOR EXAMPLE. IT LOOKS  
17 LIKE THESE REGULATIONS WOULD REQUIRE THAT WE'D  
18 HAVE TO FOR THOSE PERMITTED TYPES OF OPERATIONS DO  
19 MEASURES, INCLUDING BUT NOT LIMITED TO,  
20 TEMPERATURE MONITORING OF WINDROWS AND PILES.

21 IF WE HAVE ANYTHING DOWN FOR ANY  
22 PERIOD OF TIME WHATSOEVER AT AN ALREADY PERMITTED,  
23 BECAUSE -- AND I'VE SPOKEN TO STAFF ABOUT IT AND I  
24 THINK THEY AGREE THAT THIS APPLIES NOT ONLY TO  
25 UNPERMITTED CHIPPING AND GRINDING OPERATIONS, IT

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1 APPLIES TO ANY CHIPPING AND GRINDING OPERATION.  
2 AND MY SUGGESTION WOULD BE IS THAT YOU WOULD PUT  
3 IN SECTION 7862.1 AND 78 -- 17862.2 ON LINES,  
4 WELL, 14 AND 20 SAY AN UNPERMITTED CHIPPING AND  
5 GRINDING ACTIVITY OR UNPERMITTED STORAGE OF  
6 GREATER THAN A THOUSAND CUBIC YARDS WOULD BE THE  
7 ONES SUBJECT TO THESE REGULATORY STANDARDS.

8 SO FACILITIES AND TRANSFER STATIONS  
9 AND THE LIKE THAT HAVE ALREADY SOUGHT A SOLID  
10 WASTE PERMIT, THEY HAVE STANDARDS AND CRITERIA  
11 FROM AN LEA ON HOW THESE PILES SHOULD BE  
12 ESTABLISHED OR OPERATED WOULDN'T BE IN CONFLICT  
13 WITH ANY OF THESE REQUIREMENTS. SO JUST SIMPLY  
14 INSERTING THE WORD "UNPERMITTED FACILITY" WOULD BE  
15 SUBJECT TO THESE NEW REGULATORY, WHICH I BELIEVE  
16 IS THE INTENT OF THE BOARD IN REGULATING THOSE  
17 KINDS OF STOCKPILES AND CHIPPING AND GRINDING  
18 OPERATIONS THAT HAVE NEVER BEEN PERMITTED AND  
19 REGULATED AND NEED TO BE. AT LEAST THAT'S THE WAY  
20 I READ IT. AND IN THE BRIEF CONVERSATION I HAD  
21 WITH STAFF, I THINK THAT'S WHAT THEY WOULD AGREE  
22 THAT WOULD BE THE EFFECT OF THIS REGULATION.

23 THE OTHER ISSUE IS DO YOU REALLY  
24 NEED TO SUBJECT SMALL TIME FRAME STOCKPILES? YOU  
25 HAVE A CHIPPING AND GRINDING OPERATION AND IT HAS

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1 TO GO ON THE GROUND FOR A DAY OR TWO BEFORE YOU  
2 LIFT IT UP AND SHIP IT OFF SOMEPLACE ELSE. DO YOU  
3 REALLY NEED TO SUBJECT THESE VERY SHORT-TERM TYPE  
4 OPERATIONS WHERE THERE IS A PILE ON THE GROUND FOR  
5 A PERIOD OF TIME, ALBEIT IT A VERY SHORT PERIOD OF  
6 TIME, TO THE STANDARDS OF, FOR EXAMPLE, HAVING 12  
7 FEET SEPARATION BETWEEN THE PILES OR, AGAIN, THE  
8 NEED TO MAINTAIN WHAT APPEARS TO BE AT A MINIMUM  
9 TEMPERATURE MONITORING OF THOSE PILES.

10 AND ANOTHER WAY -- ONE WAY TO DEAL  
11 WITH THIS, AND I SUGGEST YOU CONSIDER IT, IS AGAIN  
12 BACK TO THOSE TWO DEFINITIONS OF CHIPPING AND  
13 GRINDING AND STORAGE, NOT ONLY RESTRICT IT TO  
14 UNPERMITTED FACILITIES, BUT RESTRICT IT TO THOSE  
15 THOUSAND CUBIC YARD OPERATIONS THAT KEEP THE  
16 MATERIAL ON SITE FOR LONGER THAN A WEEK BECAUSE  
17 YOU'RE JUST BASICALLY KEEPING IT ON SITE FOR A  
18 SHORT PERIOD OF TIME WHERE THERE'S VERY LITTLE  
19 OPPORTUNITY FOR COMPOSTING OR THOSE TYPE OF  
20 OPERATIONS. DO YOU REALLY NEED TO SUBJECT IT  
21 THESE TEMPERATURE MONITORING STANDARDS AND TO  
22 MINIMUM WINDROW SEPARATION FOR VERY SHORT-  
TERM,  
23 EVEN THOUGH THEY MAY BE UNPERMITTED, SHORT-  
TERM

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24 TYPE OF STORAGE OPERATIONS?

25 SO I WOULD ASK YOU TO CONSIDER

1        ADDING, AGAIN, THOSE TWO PIECES OF CLARIFYING  
2        LANGUAGE THAT THESE TWO PARAGRAPHS ON PAGE 10  
3        WOULD ONLY APPLY TO UNPERMITTED AND LONG-TERM, SAY  
4        GREATER THAN A WEEK, OPERATIONS, DURING THE COURSE  
5        OF THESE EMERGENCY REGULATIONS.

6                                AND THEN IF YOU DECIDE TO DO  
7        SOMETHING DIFFERENT OR MORE EXTENSIVE IN THE  
8        COURSE OF YOUR MORE FULL DELIBERATIONS DURING THE  
9        FORMAL RULEMAKING, WE'LL CERTAINLY PARTICIPATE IN  
10      THAT DISCUSSION. FOR THE EMERGENCY PURPOSE, I  
11      THINK THE REAL CONCERN IS UNPERMITTED OPERATIONS  
12      BUT ARE STORING MATERIAL FOR A LONG PERIOD OF  
13      TIME. AND I WOULD SUGGEST THE EMERGENCY  
14      REGULATIONS OUGHT TO BE DIRECTED TO THOSE KINDS OF  
15      CONCERNS RATHER THAN BY ALSO CAPTURING OTHER TYPES  
16      OF ACTIVITIES THAT AS FAR AS I'M AWARE AREN'T YOUR  
17      PRIMARY CONCERN.

18                              THOSE ARE THE TWO. AND I APOLOGIZE  
19      FOR NOT GETTING ANYTHING IN WRITING TO YOU, BUT I  
20      DIDN'T GET THIS LANGUAGE UNTIL LATE LAST WEEK.  
21      I'D BE HAPPY TO SUBMIT A LETTER TO THE BOARD PRIOR  
22      TO THE BOARD MEETING AT THE END OF THE MONTH.

23                              MEMBER JONES: COULD I ASK A QUESTION,  
24      MR. WHITE? WHAT IF IT IS AN UNPERMITTED OR A NEW  
25      PROJECT AT A PERMITTED FACILITY? WOULDN'T BY

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1 SAYING AN UNPERMITTED FACILITY OR AN UNPERMITTED  
2 SITE KIND OF OPEN -- YOU KNOW WHAT I'M GETTING AT?  
3 LET'S SAY THAT YOUR SITE IS NOT SPECIFICALLY  
4 PERMITTED FOR A COMPOSTING OR CHIPPING OR GRINDING  
5 OR ANYTHING LIKE THAT, BUT IT IS A FULLY PERMITTED  
6 FACILITY, AND YOU STARTED A NEW PROJECT THAT  
7 INCLUDED CHIPPING AND GRINDING AND SOME STORAGE.  
8 HELP ME CLARIFY THAT AS FAR AS WHAT YOU'VE ASKED  
9 FOR HERE BY SAYING UNPERMITTED. IS IT UNPERMITTED  
10 ACTIVITY OR AT AN UNPERMITTED PIECE OF REAL  
11 ESTATE?

12 MR. WHITE: THAT'S A VERY GOOD POINT. MY  
13 INTENT WOULD BE A TYPE OF OPERATION THAT IS  
14 MENTIONED IN THE REPORT OF FACILITY OPERATIONS,  
15 FOR EXAMPLE, REPORT OF STATION INFORMATION. IF  
16 THERE IS ACKNOWLEDGMENT THAT THERE IS CHIPPING AND  
17 GRINDING OPERATION AND THE LEA HAS OR HAS NOT  
18 ESTABLISHED ANY PARTICULAR OPERATIONAL CRITERIA,  
19 BUT HE KNOWS ABOUT IT, IT'S ADDRESSED IN THE  
20 STATION REPORT, THAT TO ME SHOULD BE SUFFICIENT TO  
21 DEAL WITH THIS KIND OF SITUATION AT A PERMITTED  
22 FACILITY.

23 IF IT'S SIMPLY BEING DONE AND  
24 THERE'S NO -- THE LEA DOESN'T KNOW ABOUT IT AND  
25 THERE'S NO RECOGNITION OF IT, THERE'S NEVER BEEN

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1 ANY EXCHANGE OF INFORMATION ABOUT IT, THEN THAT'S  
2 A DIFFERENT STORY ALTOGETHER. AND MAYBE JUST THE  
3 WORD "UNPERMITTED" IS MAYBE NOT AS -- PROVIDE AS  
4 MUCH CLARITY AS YOU MIGHT -- MAYBE A FACILITY THAT  
5 IS NOT -- OPERATION IS NOT REFLECTED IN THE REPORT  
6 OF STATION INFORMATION, FOR EXAMPLE, SOMETHING  
7 LIKE THAT.

8 MEMBER JONES: THEY CAN LOOK AT IT. I  
9 JUST WAS A LITTLE CONFUSED BECAUSE I COULD SEE  
10 THAT AS CREATING A WHOLE ANOTHER SET OF PROBLEMS.

11 MR. WHITE: GIVEN THE SHORT TIME FRAME TO  
12 LOOK AT THIS, BUT, AGAIN, I DON'T THINK IT'S  
13 YOUR -- I DON'T THINK YOUR CONCERN IS WITH  
14 FACILITIES OR OPERATIONS THAT ARE AT PERMITTED  
15 SOLID WASTE FACILITIES.

16 MEMBER JONES: I AGREE.

17 MR. WHITE: SO I'M NOT EVEN SURE THAT  
18 DISTINCTION IS REALLY NECESSARY GIVEN THE  
19 EMERGENCY NATURE OF THESE REGULATIONS. YOU'RE  
20 LOOKING AT PLACES THAT OFF -- THAT AREN'T  
21 ASSOCIATED WITH ANY KIND OF SOLID WASTE FACILITY,  
22 LEA'S MAY OR MAY NOT KNOW ABOUT THEM, OR ARE  
23 UNCERTAIN AS TO WHETHER OR NOT THEY SHOULD EVEN GO  
24 ONTO THIS SITE.

25 THERE'S NO QUESTION AT AN ALREADY

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1 PERMITTED SOLID WASTE FACILITY THAT THEY KNOW  
2 ABOUT IT, THEY'RE THERE, THEY'RE WITNESSING THE  
3 OPERATIONS, THEY CAN TAKE WHATEVER STEPS ARE  
4 APPROPRIATE. AND WE'D BE HAPPY TO WORK WITH THE  
5 LEA IN THOSE CASES. I'M JUST CONCERNED ABOUT  
6 SOMEHOW ADDING THESE CONDITIONS HERE, WHICH AREN'T  
7 REALLY THAT ONEROUS, THEY JUST MAY DIFFER FROM  
8 WHAT WE ALREADY ESTABLISHED THE UNDERSTANDING WITH  
9 AN LEA AND AT AN ALREADY PERMITTED FACILITY.

10 MEMBER JONES: THAT I UNDERSTAND.  
11 THANKS.

12 CHAIRMAN FRAZEE: ANY STAFF COMMENT ON  
13 THE OTHER ISSUES, THE STORAGE QUESTION THAT MR.  
14 WHITE BROUGHT UP?

15 MR. WHITE: LENGTH OF TIME. SHOULD IT BE  
16 A WEEK.

17 MR. LARIMORE: WELL, WE DIDN'T WANT TO  
18 PUT ANY TIME REQUIREMENTS ON THE STORAGE. IF YOU  
19 HAVE A GOOD OPERATION, YOU DON'T WANT TO PUT A  
20 TIME LIMIT ON THE STORAGE AND SUBJECT THEM TO  
21 STANDARDS.

22 MR. WHITE: THAT'S MY POINT. YOU WOULD  
23 BE BY NOT HAVING A TIME LIMIT. IF I JUST HAVE A  
24 CHIPPING AND GRINDING OPERATION AND I PUT IT ON  
25 THE GROUND FOR A COUPLE HOURS AND THEN I PICK IT

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1 UP, STRICT READING OF THIS MEANS I'VE GOT TO HAVE  
2 A TEMPERATURE PROBE IN THERE OR SOME KIND OF  
3 EVIDENCE I'M MAINTAINING TEMPERATURE EVEN THOUGH  
4 THERE'S NO NEED FOR IT BECAUSE YOU KNOW IT'S NOT  
5 GOING TO BE THERE LONG ENOUGH. I MAY BE GOING A  
6 LITTLE BIT OVERBOARD, BUT THE CONCERN IS DO YOU  
7 REALLY NEED TO HAVE THESE KIND OF REGULATIONS ON  
8 THE EMERGENCY BASIS FOR VERY SHORT-TERM STORAGE  
9 OPERATIONS.

10 MS. RICE: IT'S CERTAINLY NOT THE INTENT  
11 OF WHAT WE UNDERSTOOD YOUR DIRECTION TO BE TO BE  
12 CONCERNED ABOUT SOMETHING THAT WAS ON THE GROUND  
13 FROM ONE DAY TO SEVEN DAYS. THE CONCERN WAS  
14 SITUATIONS THAT ARE THERE FOR A LONG ENOUGH PERIOD  
15 OF TIME TO CAUSE A NUISANCE IN THE COMMUNITY THAT  
16 WOULD COME TO THE ATTENTION OF THE LEA.

17 I THINK WE HAVE TO KEEP IN MIND THAT  
18 THIS IS IN A SENSE A PASSIVE TOOL. IT'S NOT A  
19 REQUIREMENT THAT THE LEA DO REGULAR INSPECTIONS OR  
20 DO ANYTHING IN PARTICULAR, SO IT'S A TOOL  
21 AVAILABLE TO THE LEA IF THEY FIND OUT ABOUT OR  
22 ENCOUNTER A PROBLEM THAT THEY WANT TO ADDRESS. SO  
23 IT WOULD BE UNLIKELY THAT SOMETHING WOULD BE DEALT  
24 WITH IN A TWO-DAY TO SEVEN-DAY TIME FRAME IN ANY  
25 CASE. SO I DON'T THINK WE FELT IT WAS NECESSARY

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1 TO STATE. BY THE TIME THE LEA WOULD GET OUT THERE  
2 AND ISSUE AN ORDER OR DO WHATEVER THEY DID, YOU'VE  
3 PAST SEVEN DAYS PROBABLY RIGHT THERE.

4 MR. WHITE: I WOULD HOPE THAT AN LEA  
5 WOULD EXERCISE JUDGMENT IN THAT CASE. IN FACT  
6 MOST LEA'S WOULD, I'M SURE. BUT THE CONCERN IS  
7 THE WAY IT'S WRITTEN, YOU SHALL COMPLY IF YOU ARE  
8 A CHIPPING AND GRINDING OPERATION WITH A PILE OF  
9 GREATER THAN A THOUSAND CUBIC YARDS REGARDLESS OF  
10 THE AMOUNT OF TIME OR REGARDLESS OF WHETHER YOU  
11 ALREADY HAVE A PERMIT OR IT'S AT A PERMITTED SOLID  
12 WASTE FACILITY.

13 I JUST THINK FOR PURPOSES OF  
14 EMERGENCY REGULATIONS, YOU OUGHT TO GO AFTER THE  
15 PROBLEM YOU'RE AFTER RATHER THAN CAPTURING OTHER  
16 KINDS OF THINGS THAT, YOU KNOW, YOU REALLY HADN'T  
17 THOUGHT ABOUT AND WHICH ARE PERFECTLY APPROPRIATE  
18 FOR YOUR FULL BLOWN RULEMAKING PROCESS FOR THE 45  
19 DAYS FOR PUBLIC REVIEW AND COMMENT. YOU CAN  
20 DELIBERATE ALL THESE THINGS AD NAUSEUM, BUT FOR  
21 THE TIME BEING, FOR EMERGENCY RULES, I WOULD  
22 SUGGEST YOU RESTRICT IT TO OTHER THAN PERMITTED  
23 FACILITIES AND THOSE THAT HAVE ONLY FOR A LONG  
24 PERIOD OF TIME, SAY OVER A WEEK, AND IT'S  
25 ADMITTEDLY AN ARBITRARY NUMBER, BUT I THINK FOR

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1 THE PURPOSE OF EMERGENCY RULES --

2 MEMBER RELIS: MR. CHAIR, MAY I RECOMMEND  
3 THAT THIS IS A TECHNICAL DISCUSSION AT THIS POINT,  
4 THAT I WOULD SUGGEST WE HAVE STAFF EVALUATE  
5 BETWEEN NOW AND THE BOARD MEETING RATHER THAN TRY  
6 TO DO IT HERE.

7 CHAIRMAN FRAZEE: YES.

8 MR. WHITE: I'LL TRY TO GET YOU SOME  
9 CORRESPONDENCE BETWEEN NOW AND THEN.

10 CHAIRMAN FRAZEE: ON THE STORAGE ISSUE,  
11 IT DOES RAISE IN MY MIND THREE SPECIFIC THINGS I  
12 THINK WE OUGHT TO LOOK AT. FIRST OF ALL, GOING  
13 BACK TO THE EXPERIENCES OF LOOKING AT FACILITIES,  
14 ONE FACILITY I VISITED THAT'S PROCESSING GREEN  
15 WASTE AND THEN RUNNING IT THROUGH A TRAMMEL SCREEN  
16 AND DEVELOPING ACTUALLY SEVEN DIFFERENT CATEGORIES  
17 OF MATERIAL OUT OF THAT BASED ON SIZE, AND THEN  
18 IT'S STORED ON SITE, SOME OF IT MAY GO OUT TO BE  
19 USED AS MULCH, SOME OF IT IS OF A SIZE THAT IT'S  
20 APPROPRIATE FOR COMPOSTING, SOME OF IT GOES FOR  
21 DAILY COVER AFTER IT'S BEEN THROUGH THIS GRINDING  
22 OPERATION. AS THEY STORE THIS ON SITE, ARE WE  
23 BRINGING THEM INTO THIS REGULATORY SCHEME AND IN  
24 ORDER TO ACCUMULATE USABLE PILES OF THIS MATERIAL,  
25 THEY MAY HAVE TO ACCUMULATE FOR LONGER THAN --

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1 MR. WHITE: YOU WOULD BE, I THINK.

2 CHAIRMAN FRAZEE: JUST IN THE CONTEXT.

3 NO. 2, A MRF THAT HAS -- AGAIN, I'M THINKING OF A  
4 SPECIFIC INSTANCE THAT IS PROCESSING WOOD AND  
5 GREEN WASTE AND IS STORING MATERIAL AND SEPARATING  
6 IT INTO THREE CATEGORIES, ONE OF THOSE IS BIOMASS  
7 FUEL AND THEY'RE ACCUMULATING A SIGNIFICANT AMOUNT  
8 OF THAT, IS THAT GOING TO FALL INTO THIS SCHEME OF  
9 TEMPERATURE AND ALL OF THAT SORT OF THING OR NOT?

10 MR. BLOCK: AS THE REGULATIONS ARE  
11 WRITTEN NOW, YES, BOTH OF THOSE EXAMPLES THAT YOU  
12 GAVE WOULD BE COVERED BY THE EMERGENCY REGULA-  
13 TIONS.

14 CHAIRMAN FRAZEE: DO WE REALLY NEED TO DO  
15 THAT?

16 MR. BLOCK: WELL, YOU ARE TALKING ABOUT  
17 MATERIAL THAT'S CHIPPED AND GROUND AND THEN STORED  
18 AND WILL HEAT UP, AND IT HAS THE SAME CHARACTER-  
19 ISTICS AS THE OTHER SITUATIONS THAT YOU ARE TRYING  
20 TO DEAL WITH. CERTAINLY IT'S UP THE COMMITTEE AND  
21 THE BOARD WHETHER YOU WANT TO HAVE US GO INTO  
22 THESE REGULATIONS AND MAKE FURTHER DISTINCTIONS.  
23 THE PROBLEM THAT WE RUN INTO IN THAT KIND OF A  
24 SITUATION IS THEN HOW DO YOU MAKE THAT DISTINCTION  
25 BECAUSE THE MATERIAL IS THE SAME, SO WE WOULD BE

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1 GETTING WHAT DO YOU CALL IT.

2 CHAIRMAN FRAZEE: LET ME --

3 MR. BLOCK: THAT'S WHERE THE DIFFICULTY  
4 IS.

5 CHAIRMAN FRAZEE: LET ME THROW THE FINAL  
6 WRENCH, MONKEY WRENCH, INTO THE WORKS HERE. AN  
7 UNPERMITTED FACILITY, AS FAR AS WE'RE CONCERNED, A  
8 COGENERATION PLANT, BIOMASS FED, THAT ACCUMULATES  
9 HUGE QUANTITIES OF GROUND WOODWASTE, ARE WE  
10 BRINGING THAT INTO A REGULATORY SCHEME?

11 MEMBER JONES: WELL, IF YOU LOOK UNDER --

12 MR. BLOCK: MAYBE --

13 MEMBER JONES: IF YOU LOOK UNDER SECTION  
14 17862.2, ONE OF THE EXCLUSIONS IS MARKET PRODUCTS.  
15 NOW, IT'S SHIPPED MATERIAL READY TO GO, IS THAT A  
16 FINISHED MARKET PRODUCT OR A PRODUCT THAT IS GOING  
17 TO MARKET? BECAUSE IF YOU'VE GROUND A MATERIAL  
18 FOR BIOMASS AND YOU'RE STORING IT THERE, THAT'S A  
19 MARKET PRODUCT. SO I THINK THAT'S EXCLUDED FROM  
20 THESE REGULATIONS, I MEAN FROM THESE STORAGE  
21 REGULATIONS, AREN'T THEY?

22 MR. BLOCK: AS WE'VE DEFINED MARKET  
23 PRODUCT, WHICH IS ON PAGE 4 OF THE REGULATIONS,  
24 PAGE 250 OF THE AGENDA ITEM, RIGHT NOW MARKET  
25 PRODUCT IS THAT IT'S SOLD, BAGGED FOR SALE, AND,

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1 AS BRIAN INDICATED THE CHANGE, OR BENEFICIALLY  
2 USED. THE PROBLEM THAT WE RUN INTO IN TRYING TO  
3 MAKE THE DISTINCTIONS, AND IF IT'S THE COMMITTEE'S  
4 DESIRE, WE CAN GO BACK AND LOOK AT THAT, IS WHEN  
5 YOU GET INTO A -- AND THIS IS ONE OF THE THINGS  
6 WE'RE TRYING TO GET AWAY FROM WITH THIS -- IS WHEN  
7 YOU GET INTO STARTING TO MAKE THOSE DISTINCTIONS,  
8 YOU ARE BASICALLY TALKING ABOUT INTENT. AND WHAT  
9 SOMEBODY CALLS SOMETHING BECAUSE TEN PEOPLE IN THE  
10 ROOM COULD CALL THAT MATERIAL MARKET PRODUCT OR  
11 FEEDSTOCK OR WHATEVER THEY WANT TO CALL IT. I  
12 THINK IN THE EXAMPLE THAT WAS GIVEN, IT'S SEVEN  
13 STREAMS AND WHATEVER THE SIZE FITS, THAT'S WHERE  
14 IT'S GOING TO GO. THERE'S NO, IN A REGULATORY  
15 SENSE, WAY TO CHARACTERIZE THAT MATERIAL  
16 OBJECTIVELY.

17 AND SO WHAT WE DID WAS WE WENT --  
18 STAYED AWAY FROM THAT DISTINCTION AND SAID THERE'S  
19 A BRIGHT LINE WHERE IT'S SOLD, BAGGED FOR SALE, OR  
20 ACTUALLY BENEFICIALLY USED. WE KNOW THERE'S A  
21 DIVIDING LINE THERE, BUT FURTHER THAN THAT WE  
22 DIDN'T GO.

23 IN TERMS OF THE BIOMASS, I SHOULD  
24 CLARIFY BECAUSE THERE IS AN EXCLUSION FOR BIOMASS,  
25 BUT YOU HAVE RAISED, AND THE REASON THAT I SAID

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1 MAYBE IS THAT WE PROBABLY SHOULD GO IN AND  
2 SPECIFY, IF THAT'S, AGAIN, THE COMMITTEE'S DESIRE,  
3 THAT WE ALSO DON'T WANT TO COVER STORAGE AT  
4 BIOMASS PLANTS IF THAT'S THE WAY YOU WANT TO GO.  
5 RIGHT NOW IT IS ACTUALLY A LITTLE BIT AMBIGUOUS.

6 CHAIRMAN FRAZEE: I DON'T SEE THAT  
7 THERE'S A PROBLEM THERE.

8 MEMBER RELIS: WE HAVEN'T HAD --

9 MR. WHITE: THAT'S NOT YOUR PROBLEM.

10 MEMBER RELIS: THE REASON THIS IS BEFORE  
11 US IS NOT BECAUSE OF PERMITTED FACILITIES, BIOMASS  
12 OR OTHERWISE.

13 MR. BLOCK: WE CAN ADDRESS THAT AND  
14 CLARIFY THAT. THAT SHOULDN'T BE A PROBLEM. BUT  
15 THE OTHER ISSUE THAT YOU HAVE RAISED, IT'S AN  
16 ISSUE, AND IT'S PRIMARILY A DEFINITIONAL ISSUE,  
17 HOW DO YOU MAKE A DISTINCTION BETWEEN WHAT'S A  
18 MARKET PRODUCT VERSUS WHAT'S SIMPLY BEING STORED  
19 VERSUS WHAT'S SOMETHING ELSE. AND THAT'S  
20 PROBLEMATIC.

21 MEMBER RELIS: I THINK WE ALSO HAVE TO  
22 KEEP IN MIND WHAT WE'RE AFTER, WHAT WE'RE REALLY  
23 DOING HERE. THIS IS AN INTERIM ACTION THAT THEN  
24 IS AWAITING THE SLOTTING AND THE WHOLE RESOLUTION  
25 OF DEFINITIONS AND DETAIL THAT WE KNOW WHAT IS

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1        ENTAILED WHEN WE DID THE COMPOST REGS.  SO I THINK  
2        WHAT WE'RE TRYING TO DO, AND I SEE THE ISSUES  
3        ARISING, BUT THUS FAR AT LEAST THE ENFORCEMENT  
4        COMMUNITY, WHICH MR. WHITE HAS RAISED, HAS NOT  
5        BEEN ABUSING ENFORCEMENT POWER.  THIS AROSE OUT OF  
6        THE LACK OF TOOLS TO DEAL WITH AN EXISTING LIMITED  
7        PROBLEM, AND SO I HOPE WE CAN STEER IT AND KEEP IT  
8        IN PERSPECTIVE --

9                MR. WHITE:  I'M NOT SUGGESTING YOU  
10        SHOULDN'T --

11                MEMBER RELIS:  -- AND NOT TRY TO DO  
12        SOMETHING WE'RE NOT PREPARED TO DO.

13                MR. WHITE:  -- DO SOMETHING I'M PROPOSING  
14        HERE.  ALL I'M SUGGESTING IS MAKING SURE YOU DON'T  
15        OVERREACH BEYOND THE AREA THAT IS YOUR PRIMARY  
16        CONCERN.  I THINK YOU CAN DO THIS.  I THINK THIS  
17        NEEDS A LITTLE BIT OF TWEAKING ON SOME OF THE  
18        THINGS WE'VE BEEN TALKING ABOUT HERE WITHOUT TOO  
19        MUCH GREAT DIFFICULTY ALTHOUGH IT DOES RAISE THE  
20        SPECTER, EVERY TIME YOU ADOPT REGULATIONS GOING  
21        AFTER ONE THING, YOU INVARIABLY START CAPTURING  
22        STUFF THAT YOU ONLY START HEARING ABOUT WEEKS OR  
23        MONTHS LATER.  OH, MY GOD, WHAT DID WE DO?

24                MEMBER RELIS:  THIS MAY BE A GOOD  
25        ARGUMENT TO MOVE INTO THE SLOTTING VERY QUICKLY.

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1                   CHAIRMAN FRAZEE:   OKAY.   THANKS VERY  
2                   MUCH.   NOW EVAN EDGAR.

3                   MR. EDGAR:   GOOD AFTERNOON, COMMITTEE  
4                   MEMBERS.   MY NAME IS EVAN EDGAR.   I'M THE MANAGER  
5                   OF REGULATORY AFFAIRS FOR THE CALIFORNIA REFUSE  
6                   REMOVAL COUNCIL, REPRESENTING THE PRIVATE  
7                   INDEPENDENT COMPOST OPERATORS IN CALIFORNIA.   WE  
8                   OPERATE 15 PERMITTED COMPOST FACILITIES IN  
9                   CALIFORNIA.   WE ARE THE TRUE COMPOSTERS AND  
10                  BIOMASS FUEL OPERATORS.

11                  WE SUPPORT STAFF'S RECOMMENDATION  
12                  NO. 1, THE ORIGINAL CONCEPTUAL LANGUAGE THAT WAS  
13                  ADDRESSED ORIGINALLY.   I DON'T THINK WE NEED TO  
14                  MUDDLE THE ISSUE SEEING THAT WE WILL BE ADOPTING  
15                  FORMAL RULEMAKING PROCESS.   I THINK THE INTENT  
16                  THAT MR. RELIS POINTED OUT A SECOND AGO IS WHAT  
17                  WE'RE TRYING TO DO HERE TODAY AND WE SUPPORT  
18                  THAT.

19                  I DO BELIEVE THAT THE STAFF REPORT  
20                  IS EXCELLENT WITH REGARDS TO WHAT NEEDS TO BE  
21                  INCLUDED AND WHAT DOES NOT.   I THINK IN THE  
22                  ORIGINAL FORMAT IT HAS WELL-WRITTEN DESCRIPTION  
23                  OF  
24                  THE LOOPHOLES THAT HAVE BEEN EXPLOITED OVER THE  
25                  LAST COUPLE YEARS.   CRRC HAS BEEN TRYING TO  
26                  EXAMINE THE LOOPHOLES AND HOW BEST WAY TO MANAGE

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25        THEM.    I BELIEVE THE EMERGENCY REGULATIONS DOES

1 HANDLE THEM QUITE WELL FOR THE SHORT TERM.

2 I THINK THE LEA'S NEED THE TOOLS.  
3 I'VE BEEN THROUGHOUT CALIFORNIA AND TALKING TO A  
4 LOT OF COMPOSTERS AND MULCHERS. AND LEA'S DON'T  
5 HAVE THE TOOLS IN THE CURRENT COMPOST REGS. I  
6 BELIEVE THESE EMERGENCY REGULATIONS WILL DELIVER  
7 THOSE TOOLS.

8 THE REASON BEING, WHY AM I HERE?  
9 BECAUSE WITHIN THE 1996 MARKET DEVELOPMENT PLAN  
10 FOR THE WASTE BOARD, THERE'S A GOAL TO DIVERT 50  
11 PERCENT. SEVENTY-FIVE PERCENT OF THAT TARGET IS  
12 THAT GREEN WASTE. THERE'S ABOUT 10 MILLION TONS  
13 OF URBAN ORGANICS OUT THERE. THAT MEANS ABOUT 7.5  
14 MILLION TONS OF DIVERSION. SAY THERE'S ABOUT  
15 THREE, THREE AND A HALF MILLION TONS ALREADY OUT  
16 THERE CAUSING LOTS OF PROBLEMS, ANOTHER THREE  
17 MILLION TONS OVER THE NEXT THREE YEARS, I BELIEVE  
18 THIS IS A BENCHMARK REGULATION IN ORDER TO  
19 UNDERSTAND THE CURRENT MARKETPLACE OF BEING  
20 SOMEWHAT CONTAMINATED AND TO SET A FRAMEWORK OVER  
21 THE NEXT THREE YEARS TO DEVELOP THE MARKETPLACE IN  
22 ORDER TO ACCOMMODATE THREE AND A HALF MORE MILLION  
23 TONS OF PRODUCT COMING OUT TO THE MARKETPLACE. SO  
24 THIS IS RATHER TIMELY, VERY TIMELY.

25 I THINK THE LEA'S WILL DEFINITELY BE

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1 EMPOWERED WITH REGARDS TO HAVING THE TOOLS ON  
2 STORAGE. THIS IS ONE SMALL STEP. WE'RE GOING TO  
3 BE GETTING INTO SLOTTING. ALL THE ISSUES THAT  
4 CHUCK WHITE BROUGHT UP ARE VALID ISSUES I THINK WE  
5 CAN ADDRESS DURING THE FORMAL RULEMAKING PROCESS.  
6 BUT THIS IS ONE SMALL STEP ON STORAGE, WHICH IS  
7 NEEDED, AND I BELIEVE THEY'RE ACTUALLY GOING TO BE  
8 ABLE TO USE THESE TOOLS IN ORDER TO GO TO THESE  
9 FACILITIES, FIND OUT THEY TRULY ARE COMPOSTING,  
10 AND THEN IF THEY GO OUT THERE, USING THE TOOLS  
11 UNDER THE STORAGE REGULATIONS TO DISCOVER THAT  
12 COMPOSTING IS GOING ON, AND THEN THEY CAN SET AN  
13 ENFORCEMENT PATH ON COMPOSTING.

14 IF IT'S TRULY STORAGE, THEN THEY  
15 HAVE PERFORMANCE-BASED STANDARDS, MINIMUM CRITERIA  
16 IN ORDER TO REGULATE STORAGE IF IT'S TRULY  
17 STORAGE. SO I THINK IT ALLOWS THE LEA'S ON SITE  
18 IN ORDER TO FIND OUT WHAT'S REALLY GOING ON. I  
19 BELIEVE THE STAFF REPORT AND THE REGULATIONS  
20 DEFINITELY TAKE AWAY THE LOOPHOLE OF INADVERTENT  
21 COMPOSTING. THE REASON THAT'S OF CONCERN TO US IS  
22 THAT, AS WAS BROUGHT UP TODAY, IS THAT IF IT LOOKS  
23 LIKE COMPOST, SMELLS WORSE THAN COMPOST, WELL,  
24 IT'S DEFINITELY NOT COMPOST, BUT IT'S BEING SOLD  
25 AS COMPOST.

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1                   THE REASON WHY THAT'S A CONCERN IS  
2                   THAT WE GO THROUGH A TIME-TEMP, WE GO THROUGH  
3                   PATHOGEN REDUCTION, WE GO THROUGH WEED SEED KILL.  
4                   OUT IN THE MARKETPLACE WHEN STUFF LOOKS LIKE  
5                   COMPOST AND IT HAS BEEN VALIDATED OR VERIFIED THAT  
6                   IT IS, IT IS RATHER CONFUSING AT A MARKET RATE  
7                   THAT IS VERY LESS THAN IT WOULD TO MAKE TRUE  
8                   COMPOST. SO BY HAVING THESE REGULATIONS, IT DOES  
9                   ALLOW THIS CONFUSION IN THE MARKETPLACE TO BE  
10                  SOMEWHAT UNDERSTOOD WITH REGARDS TO THE LEA'S  
11                  ACTIVITIES.

12                  I BELIEVE THAT FIRE CONTROL IS A  
13                  NEEDED TOOL. I THINK THAT SOME COMPOST PRODUCERS  
14                  OR INADVERTENT COMPOST PRODUCERS USE FIRE AS AN  
15                  INVENTORY CONTROL MEASURE. I THINK THAT NEEDS TO  
16                  STOP. BUT QUALITY CONTROL IS THE MOST VALID  
17                  REASON. I THINK WE NEED A VERIFIABLE PROCESS. WE  
18                  HAVE BEEN WORKING HARD, CRRC, ON COMPOST QUALITY  
19                  STANDARDS TO HAVE A VERIFIABLE PROCESS FOR COMPOST  
20                  QUALITY. AND BY HAVING SOME TYPE OF VERIFIABLE  
21                  AND PUBLIC HEALTH AND SAFETY ON STORAGE IS ANOTHER  
22                  NEEDED TOOL.

23                  I BELIEVE THAT THE AG MARKET IS A  
24                  PRIME MARKET. I BELIEVE THAT THE FARMERS WILL  
BE  
25                  SEEING MOST OF THAT. I BELIEVE THAT AS

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1       CLOSED-LOOP AGRICULTURE, IT SHOULD BE TOTALLY  
2       EXCLUDED. THAT WAS THE ORIGINAL INTENTION THREE  
3       YEARS AGO AND IT SHOULD STAY THE INTENTION. IF  
4       YOU PRODUCE IT ON SITE, MAKE IT ON SITE, IT STAYS  
5       ON SITE, STORAGE SHOULD NOT APPLY TO AG. WITH  
6       THAT, WE WHOLLY SUPPORT THE EMERGENCY REGULATIONS  
7       AND COMMEND THE STAFF FOR TAKING THIS BENCHMARK  
8       STEP. THANK YOU.

9                   CHAIRMAN FRAZEE: THANK YOU. NOW,  
10       FINALLY ON THIS ITEM, DAVID KOEPP FROM VENTURA.

11                   MR. KOEPP: THANK YOU, MR. CHAIR. DON  
12       KOEPP, ENVIRONMENTAL HEALTH DIRECTOR THE COUNTY OF  
13       VENTURA AND THE LEA FOR THE COUNTY OF VENTURA.

14                   WE DID FILE A LETTER WITH BRIAN  
15       LARIMORE ON SOME OF THE PROBLEMS WE HAVE  
16       EXPERIENCED IN VENTURA COUNTY AND JUST TO  
17       UNDERScore THE NEED FOR THE ACTION I BELIEVE YOUR  
18       BOARD IS ABOUT -- YOUR COMMITTEE IS ABOUT TO TAKE.

19                   WE HAVE FOUR SUCH SITES, CHIPPING  
20       AND GRINDING, MULCHING, SHAM COMPOSTING, OPERATING  
21       CURRENTLY WITHIN THE COUNTY, AND WE RECEIVE  
22       NUMEROUS COMPLAINTS. ONE FACILITY HAS HAD OVER  
23       EIGHT FIRES OR DUST PROBLEMS, AND WE CURRENTLY  
24       HAVE NO WAY IN WHICH WE HAVE APPROPRIATE TOOLS  
TO  
25       REGULATE. CERTAINLY WE DON'T WANT TO OVER-

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1 REGULATE, BUT WE DO NEED SOME TOOLS.

2 I THINK THE ACTION THAT YOUR BOARD  
3 TAKES MAY ALSO ASSIST COMMUNITIES, COUNTIES  
4 PARTICULARLY, AND WE DON'T END UP WITH 58  
5 DIFFERENT WAYS TO REGULATE THESE FACILITIES  
6 BECAUSE IF YOUR BOARD DOES NOT ACT OR YOUR  
7 COMMITTEE DOESN'T ACT, I'M SURE THAT LOCAL  
8 COMMUNITIES WILL BE ACTING ON THEIR OWN. AND THIS  
9 WILL HELP SET A LEVEL PLAYING FIELD, AS IT WERE,  
10 RELATIVE TO STANDARDS.

11 WE DO HAVE ONE REQUEST OF YOUR BOARD  
12 BECAUSE I WANT TO THANK YOU FOR THE TOOLS, BUT IT  
13 DOES PUT US IN JUXTAPOSITION TO ANOTHER POLICY OF  
14 YOUR BOARD WHICH IS ENCOURAGING DIVERSION. AND SO  
15 MANY MUNICIPALITIES, LARGE PORTIONS OF COUNTY  
16 UNINCORPORATED AREA CONTAIN DESIRABLE, LARGE  
17 PARCELS OF PROPERTY FOR SOME OF THIS MATERIAL TO  
18 END UP ON. AND WHILE MUNICIPALITIES AND COUNTIES  
19 ARE MOVING FORWARD TO MEET YOUR BOARD'S DIVERSION  
20 POLICIES, THESE ARE THE PROBLEMS THAT WE'RE HAVING  
21 TO DEAL WITH. AND I WOULD ASK, TO WHATEVER DEGREE  
22 YOUR BOARD COULD ASSIST US IN PUBLICIZING THESE  
23 REGULATIONS, PERHAPS LOOK AT THE DISINCENTIVE SIDE  
24 OF THE EQUATION TO ASSURE COMMUNITIES RECOGNIZE  
25 THE PROBLEMS THAT ARE OCCURRING AS WELL AS THE

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1       NEED TO COMPLY WITH STANDARDS.

2                       SO IN OTHER WORDS, WHILE YOU'VE  
3       GIVEN US THE TOOLS TO REGULATE, ON THE OTHER HAND,  
4       THIS MATERIAL IS BEING SHIPPED TO US FROM THE  
5       MUNICIPALITIES, AND WE WOULD LIKE ASSISTANCE  
6       THROUGH YOUR BOARD IN EDUCATING HAULERS, MANAGERS  
7       OF FRANCHISE OPERATIONS, AND NOTIFYING THOSE  
8       PEOPLE AS TO YOUR BOARD'S ADOPTION OF THE  
9       EMERGENCY REGULATIONS. THAT WAY WE DON'T END UP  
10      GETTING INTO AN UNNECESSARY CLASH WITH MUNICI-  
11      PALITIES WHO ARE TRYING TO MEET YOUR BOARD'S  
12      DIVERSION REQUIREMENTS FOR GREEN WASTE. THAT'S  
13      THE HELP THAT I WOULD ASK OF YOUR COMMITTEE.

14                    MEMBER RELIS: MR. CHAIR, IN RESPONSE TO  
15      MR. KOEPP, FIRST, I'M ENCOURAGED THAT YOU THINK  
16      THAT THIS ACTION WILL HELP YOU IN THE FIELD, AND I  
17      GUESS YOU'RE VALIDATING THAT.

18                    ON THE LATTER MATTER OF HOW THIS IS  
19      PUBLICIZED AND HANDLED, I THINK THIS IS A VERY  
20      CRITICAL ISSUE. WHAT'S THE MESSAGE WE'RE  
21      DELIVERING? I THINK, ASSUMING WE ACT ON THIS, I  
22      THINK THAT A PRESS PACKET NEEDS TO BE PREPARED  
23      THAT CLEARLY DELINEATES THAT THIS IS AN EMERGENCY  
24      ACTION AGAINST PROBLEM SITES FOR THE REASONS  
25      SPECIFIED. IT IS NOT MEANT IN ANY WAY AS A

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1 STATEMENT AGAINST LEGITIMATE COMPOSTING, MULCHING,  
2 OTHER OPERATIONS. I THINK THAT THAT MESSAGE NEEDS  
3 TO BE VERY CAREFULLY HANDLED BY OUR PRESS OFFICE.

4 MS. RICE: YES. WE CAN CERTAINLY LOOK  
5 INTO THAT. MR. KOEPP'S POINTS ARE VERY WELL TAKEN  
6 AND SOMETHING WE'VE TALKED ABOUT BEFORE. AND I  
7 HAVE DISCUSSED WITH THE DIRECTOR. I THINK WHAT  
8 HE'S BRINGING TO YOUR ATTENTION IS THAT WHAT WE'RE  
9 SEEING ARE SOME OF THE FRUITS OF THE EFFORTS OF  
10 THE CITIES AND COUNTIES TO DIVERT MATERIAL FROM  
11 LANDFILL, AND THERE MAY OR MAY NOT BE ADEQUATE  
12 MARKETS FOR IT, SO SOME OF IT IS TURNING UP IN  
13 THESE WAYS.

14 AND I THINK WE AS STAFF NEED TO NOW  
15 LOOK AT LITTLE DEEPER, AND I NEED TO BRING THIS  
16 ISSUE TO PLANNING STAFF, MARKET DEVELOPMENT STAFF  
17 AND SEE, IN ADDITION TO GETTING THE WORD OUT ON  
18 THESE REGULATIONS, ARE THERE OTHER THINGS THAT WE  
19 CAN BE DOING IN COMMUNICATING WITH LOCAL  
20 GOVERNMENTS WHO WORK ON THE OTHER SIDE OF THE  
21 EQUATION, THE DIVERSION SIDE, PLANNERS, WHOMEVER  
22 THEY MIGHT BE, HAULERS, BECAUSE EVERYONE HAS A  
23 PART OF WHY THIS SITUATION DEVELOPED POTENTIALLY.

24 AND SO WHILE THERE'S AN ENFORCEMENT  
25 OUTCOME THAT WE'RE SEEKING TODAY, IF YOU FOLLOW,

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1 YOU KNOW, THAT CHAIN UPWARD WHERE IT BEGAN, I  
2 THINK THERE'S SOME OTHER ISSUES THAT THE BOARD IN  
3 THE FUTURE MAY WANT TO ADDRESS AS WELL. SO IN  
4 ADDITION TO GETTING INFORMATION OUT, I THINK WE  
5 NEED TO DO A LITTLE MORE DIGGING AND FIGURE OUT IF  
6 THERE ARE OTHER ISSUES WE MAY WANT TO BRING  
7 FORWARD.

8 CHAIRMAN FRAZEE: OKAY. THANK YOU VERY  
9 MUCH. THAT COMPLETES OUR LIST OF SPEAKERS. I  
10 BELIEVE THE APPROPRIATE ACTION HERE IS TO MOVE  
11 THIS ITEM TO THE FULL BOARD WITHOUT -- WITH THE  
12 INPUT FROM TODAY'S MEETING.

13 MS. RICE: YES. WE'RE ASSUMING WE'LL BE  
14 MAKING A NUMBER OF CHANGES IN PARTLY THE ISSUES  
15 THAT BRIAN RAISED AND OTHER TECHNICAL POINTS THAT  
16 WE'RE ABLE TO ADDRESS, AND WE'LL BRING THAT TO YOU  
17 AS QUICKLY AS POSSIBLE FOR HEARING AT THE BOARD  
18 MEETING.

19 MEMBER RELIS: AND, YOU KNOW, I'M JUST  
20 STATING THAT I INTEND, SUBJECT TO THE REVISIONS  
21 THAT MIGHT COME OUT OF THIS PROFITABLE DISCUSSION,  
22 TO SUPPORT THIS AT BOARD.

23 MEMBER JONES: AS DO I.

24 CHAIRMAN FRAZEE: OKAY. SHOULD WE DO  
25 THAT IN THE FORM OF A MOTION, MOVE THIS ITEM TO

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1 THE FULL BOARD?

2 MEMBER RELIS: MR. CHAIR, I WOULD  
3 RECOMMEND THAT THE CONSIDERATION OF THE DRAFT  
4 EMERGENCY REGULATIONS REGARDING COMPOSTING  
5 OPERATIONS AND REGULATORY REQUIREMENTS TO CLARIFY  
6 THE VERMICOMPOSTING EXCLUSION AND REGULATE STORAGE  
7 OF CHIPPING AND GRINDING BE MOVED TO THE BOARD  
8 WITHOUT RECOMMENDATION, BUT WITH THE UNDERSTANDING  
9 THAT THE PUBLIC TESTIMONY RECEIVED TODAY WILL BE  
10 INCORPORATED INTO A REVISED DRAFT, AND THAT WE  
11 WOULD TAKE ACTION AT THE FULL BOARD MEETING.

12 BOARD MEMBER JONES: I SECOND IT.

13 CHAIRMAN FRAZEE: SECRETARY WILL CALL  
14 THE  
15 ROLL ON THAT MOTION.

16 THE SECRETARY: BOARD MEMBER RELIS.

17 MEMBER RELIS: AYE.

18 THE SECRETARY: BOARD MEMBER JONES.

19 MEMBER JONES: AYE.

20 THE SECRETARY: CHAIRMAN FRAZEE.

21 CHAIRMAN PENNINGTON: AYE. MOTION IS  
22 CARRIED.

23 NOW WE ARE INTO THE LUNCH HOUR  
24 ALTHOUGH ITEM 11 IS ONE THAT I THINK WE COULD DO  
25 RATHER QUICKLY. AND SOMEONE HAS TRAVELED UP FROM  
BAKERSFIELD FOR THIS ITEM, SO IT WOULD BE

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1 APPROPRIATE TO DISPOSE OF THIS BEFORE WE TAKE A  
2 LUNCH BREAK.

3 THIS IS CONSIDERATION OF A NEW SITE  
4 FOR THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE  
5 CLEANUP PROGRAM.

6 MS. RICE: THANK YOU. MARGE ROUCH WILL  
7 PRESENT THIS ITEM.

8 MS. ROUCH: ACTUALLY JEFF CORNETTE IS  
9 HERE AND HE'LL PRESENT IT.

10 MR. CORNETTE: GOOD AFTERNOON, MR.  
11 CHAIRMAN AND COMMITTEE MEMBERS. THE ROSEDALE  
BURN

12 DUMP IS A COUNTY OPERATED FACILITY THAT WAS  
WORKED

13 ON IN THE '50S AND '60S FOR WASTE GENERATED BY  
THE

14 COUNTY OF -- CITY OF BAKERSFIELD, SORRY, AND THE  
15 ROSEDALE AREA WEST OF BAKERSFIELD.

16 DEVELOPMENT AND GROWTH NOW HAS  
17 EXTENDED TO THIS AREA WITH PROPERTY SOUTH AND  
EAST

18 OF THE BURN DUMP, PRELIMINARY STAGES OF  
19 RESIDENTIAL DEVELOPMENT. THE TRACT IMMEDIATELY  
TO

20 THE WEST IS BEING DEVELOPED AS A HIGH SCHOOL  
21 CAMPUS WITH START OF CONSTRUCTION SCHEDULED FOR

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22 MARCH 1 OF '97.

23 THE REMEDIATION OF THE SITE,

24 PROPOSED REMEDIATION, INCLUDES RELOCATION OF BURN

25 ASH MATERIALS WITHIN 3 FEET OF THE GROUND SURFACE

1 INTO AREAS TO BE PAVED FOR VEHICULAR ROADWAYS AND  
2 PARKING. AREAS OF BURN ASH REMAINING OUTSIDE THE  
3 PAVED AREAS WILL BE COVERED WITH LOW PERMEABILITY  
4 GEOSYNTHETIC AND BACKFILLED WITH 3 FEET OF CLEAN  
5 SOIL. NONWASTE -- NONASH WASTE MATERIALS WILL BE  
6 REMOVED FROM THE SITE AND DISPOSED OF AT THE  
7 SHAFTER SANITARY LANDFILL.

8 TOTAL COST OF THE PROJECT IS  
9 ESTIMATED TO BE APPROXIMATELY \$900,000. FUNDING  
10 BY THE AB 2136 PROGRAM IS ESTIMATED TO BE  
11 \$525,000. THE REMAINDER OF THE MONEY FOR THE  
12 PROJECT WILL BE EXPENDED BY THE KERN COUNTY WASTE  
13 MANAGEMENT DISTRICT FOR COMPLETION OF THE SITE.

14 WE HAVE LETTERS OF SUPPORT FROM THE  
15 HIGH SCHOOL DISTRICT AND FROM COUNTY SUPERVISOR.  
16 ADDITIONALLY WE HAVE NANCY EWERT AND LYNN BERMAN  
17 WITH THE KERN COUNTY WASTE MANAGEMENT DISTRICT TO  
18 ANSWER QUESTIONS, AND NANCY EWERT HAS A STATEMENT  
19 THAT SHE WOULD LIKE TO READ.

20 CHAIRMAN FRAZEE: WE HAVE A SPEAKER SLIP  
21 FROM NANCY EWERT, KERN COUNTY WASTE MANAGEMENT  
22 DEPARTMENT.

23 MS. EWERT: GOOD AFTERNOON, COMMITTEE  
24 MEMBERS. I AM NANCY EWERT. I AM A TECHNICAL  
25 RESOURCES MANAGER FOR THE KERN COUNTY WASTE

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1 MANAGEMENT DEPARTMENT. AND THANK YOU VERY MUCH  
2 FOR HEARING THIS ITEM BEFORE LUNCH.

3 IN THE 1960S AND EARLY '70S, KERN  
4 COUNTY CONVERTED AND CONSOLIDATED MANAGEMENT OF  
5 OVER 60 BURN DUMPS DOWN TO 14 SANITARY LANDFILLS.  
6 PRESENTLY KERN COUNTY IS FURTHER CONSOLIDATING OUR  
7 LANDFILLS DOWN TO THREE LANDFILLS AND 11 TRANSFER  
8 STATIONS.

9 THE LEGACY OF BURN DUMPS HAS COME  
10 BACK TO HAUNT US AND HAS COME BACK AT A TIME WHEN  
11 WE ARE FACED WITH SEVERAL OTHER EXPENSIVE  
12 CHALLENGES. GAS ISSUES RELATED TO NSPS AND TITLE  
13 5 ISSUES, STORMWATER ISSUES RELATED TO NPDES, AS  
14 WELL AS TRANSITIONING FURTHER TO SUBTITLE D  
15 LANDFILLS, THESE ISSUES ARE CHALLENGING ENOUGH,  
16 BUT ARE FURTHER COMPLICATED BY PROPOSITION 218 AND  
17 FUNDING UNCERTAINTIES.

18 BURN DUMPS FROM THE PAST ARE RAISING  
19 THEIR UGLY HEAD AS DEVELOPMENT ENCROACHES AND AS  
20 RESIDENTIAL TOLERANCES DECREASE. THE CASE OF THE  
21 ROSEDALE BURN DUMP, THIS IS A 20-ACRE SITE THAT  
22 WAS IN RURAL ROSEDALE. IN THE PAST IT HAS BEEN  
23 CULTIVATED FOR BOTH COTTON AND ALFALFA, BUT NOW  
24 CASTLE & COOK IS LOOKING AT DEVELOPING THE ENTIRE  
25 SECTION OF LAND AROUND ROSEDALE BURN DUMP. AND  
AS

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1 JEFF INDICATED, THE KERN HIGH SCHOOL DISTRICT IS  
2 GOING TO BEGIN GROUNDBREAKING ON MARCH 1ST FOR  
3 CAMPUS NO. 4.

4 IN 1995 KERN COUNTY SWEPT 1.5  
5 MILLION INTO A BURN DUMP REMEDIATION FUND;  
6 HOWEVER, CONSERVATIVE ESTIMATES, LOOKING AT THE  
7 NUMBER OF BURN DUMPS THAT WE HAVE, IS ESTIMATED AT  
8 OVER 12 MILLION TO REMEDIATE THESE BURN DUMPS.  
9 OUR DEPARTMENT IS DEVELOPING A STRATEGY TO TAKE  
10 FORWARD TO OUR BOARD OF SUPERVISORS WHICH OUTLINES  
11 THESE ISSUES, WHICH, FOLLOWING THE SWAT PROGRAM,  
12 ACTUALLY RANKS THESE SITES ACCORDING TO HEALTH  
13 RISK, AND THEN SLOTS THESE SITES SO THAT WE CAN  
14 HANDLE THEM IN A VERY CONSISTENT FORM AND HANDLE  
15 THEM FIVE TO SIX A YEAR SO THAT WE TAKE CARE OF  
16 ALL OF THESE SITES.

17 KERN COUNTY HAS SPENT APPROXIMATELY  
18 \$84,000 ON THIS SITE TO DATE FOR BURN DUMP  
19 CHARACTERIZATION AND FOR HEALTH RISK ASSESSMENT.  
20 THE KERN COUNTY BOARD OF SUPERVISORS HAS COMMITTED  
21 \$325,000 TO COMPLETE THE REMEDIATION OF THIS SITE,  
22 AND KERN COUNTY HAS DEVELOPED A DRAFT AGREEMENT  
23 WITH THE NORTH BAKERSFIELD REC AND PARK DISTRICT  
24 TO MAINTAIN AND USE THIS SITE AS SOCCER FIELDS AND  
25 RECREATIONAL FIELDS.

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1                   AND AS JEFF STATED, WE DO HAVE SOME  
2                   LETTERS OF SUPPORT FROM THE HIGH SCHOOL DISTRICT.  
3                   THEY ARE VERY SUPPORTIVE OF THIS PROJECT. AND  
4                   SUPERVISOR BARBARA PATRICK, WHO IS THE SUPERVISOR  
5                   FOR THE THIRD DISTRICT IN KERN COUNTY.

6                   I WOULD ACTUALLY LIKE TO COMPLIMENT  
7                   YOU AND THANK YOU FOR THE AB 2136 PROJECT. MARGE  
8                   ROUCH, JEFF CORNETTE, AND WES MINDERMAN HAVE BEEN  
9                   EXTREMELY HELPFUL TO US. THEY PROVED TO BE  
10                  PRACTICAL AND PRAGMATIC. CH2MHILL, SUKUT, AND  
11                  GRANITE CONSTRUCTION HAVE PROVEN TO BE TOPNOTCH  
12                  FIRMS WITH VERY PROFESSIONAL FIRMS. AND THE  
13                  COMBINATION OF STAFF AND CONSULTANTS TENDS TO  
14                  REALLY JUMP IN AND GET THESE PROJECTS DONE.

15                  KERN COUNTY IS EXTREMELY  
16                  APPRECIATIVE FOR THE AB 2136 PROGRAM AND HELP THAT  
17                  THE INTEGRATED WASTE MANAGEMENT BOARD IS GIVING TO  
18                  US TO HELP JURISDICTIONS HANDLE THESE BURN DUMP  
19                  ISSUES. WE DO HOPE THAT YOU WILL SUPPORT AND  
20                  CONCUR WITH OUR REQUEST TO HELP US WITH THE  
21                  ROSEDALE BURN DUMP AND GET THIS PROJECT  
22                  REMEDiated. IF YOU DO HAVE ANY QUESTIONS, LYNN  
23                  BERMAN IS THE PROJECT MANAGER FOR OUR OVERALL  
BURN  
24                  DUMP APPROACH AND STRATEGY, AND TOGETHER I'M SURE

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25 WE CAN ANSWER ANY OF YOUR QUESTIONS.

1                   CHAIRMAN FRAZEE:   OKAY.   THANK YOU.   ANY  
2   QUESTIONS?

3                   MEMBER RELIS:   MR. CHAIR, I'LL MOVE THAT  
4   WE ADOPT RESOLUTION 97-57 REGARDING THE ROSEDALE  
5   BURN DUMP.

6                   MEMBER JONES:   AND I WILL SECOND.

7                   CHAIRMAN FRAZEE:   MOTION AND SECOND.   I  
8   WANT TO JUST COMMENT THAT THIS IS A SITE THAT HAS  
9   ALL THE MARKINGS OF EXACTLY WHAT THIS PROGRAM  
10  SHOULD BE.   I WISH THEY WERE ALL AS GOOD AS THIS  
11  PARTICULAR ONE AND HAD ALL THE LONG-RANGE  
12  BENEFITS.   HERE WE HAVE LOCAL GOVERNMENT  
13  PARTICIPATING, CREATING A SITE THAT'S GOING TO  
14  BE  
15  USED FOR PUBLIC PURPOSES, AND REMEDIATING A  
16  PROBLEM, AND IS POSITIVE ALL THE WAY ALONG.   I  
17  SAY  
18  I WISH THEY WERE ALL THIS EASY.

19                   SECRETARY CALL THE ROLL ON THIS  
20  ITEM.

21                   THE SECRETARY:   BOARD MEMBER RELIS.

22                   MEMBER RELIS:   AYE.

23                   THE SECRETARY:   BOARD MEMBER JONES.

24                   MEMBER JONES:   AYE.

                  THE SECRETARY:   CHAIRMAN FRAZEE.

                  CHAIRMAN FRAZEE:   AYE.   MOTION IS

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25 CARRIED. IF THERE'S NO OBJECTION, WE'LL  
RECOMMEND

1 CONSENT ON THIS ONE.

2 NOW LET'S TAKE A RECESS AT THIS  
3 POINT. AND 2 O'CLOCK ALL RIGHT? UNTIL TWO. WE  
4 WILL RECONVENE AT THAT TIME.

5 (RECESS TAKEN.)

6 CHAIRMAN FRAZEE: THE MEETING WILL COME  
7 TO ORDER. WE ARE READY TO PROCEED AT THIS TIME  
8 WITH ITEM 12, CONSIDERATION OF ALLOCATION OF THE  
9 1996/97 FUNDS INTO EXISTING SOLID WASTE DISPOSAL  
10 AND CODISPOSAL SITE CLEANUP PROGRAM FUNDS,  
11 CONTRACTS, AB 2126.

12 MS. RICE: THANK YOU. MARGE ROUCH WILL  
13 PRESENT THIS ITEM, I THINK, AS WELL AS THE NEXT  
14 ITEM.

15 MS. ROUCH: THE SECOND ITEM FOR THE 2136  
16 PROGRAM IS A REQUEST FOR APPROVAL TO AMEND THE  
17 CH2MHILL ENGINEERING SERVICES CONTRACT IWM C5051  
18 FOR \$150,000. THE MONEY IS NEEDED FOR CONSTRUC-  
19 TION MANAGEMENT OF SEVERAL PROJECTS THAT ARE  
20 UPCOMING AND FOR FUTURE ENGINEERING SERVICES TO  
21 SUPPORT THE PROGRAM. STAFF REQUEST APPROVAL OF  
22 THIS CONTRACT AMENDMENT. IF YOU HAVE ANY  
23 QUESTIONS, I'D BE HAPPY TO ANSWER THEM.

24 CHAIRMAN FRAZEE: THE ENGINEERING  
25 CONTRACTS ARE THE SAME AS THE ACTUAL WORK

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1           CONTRACTS IN THAT THEY'RE ONLY USED TO THE EXTENT  
2           THAT WORK IS PERFORMED. IT'S NOT A BLANKET AWARD  
3           TO --

4                    MS. ROUCH: WELL, IT'S NOT TIED TO  
5           SPECIFIC SITE LIKE THE CLEANUP CONTRACTS.

6                    CHAIRMAN FRAZEE: THEIR BILLING IS ON A  
7           SERVICE BASIS.

8                    MS. ROUCH: YES, IT'S IDENTICAL.

9                    CHAIRMAN FRAZEE: NOT A LUMP SUM.

10                   MS. ROUCH: NO.

11                   CHAIRMAN FRAZEE: ANY QUESTIONS?

12                   MEMBER JONES: I'LL MOVE TO ACCEPT 97-  
13           58,  
14           RESOLUTION 97-58.

15                   MEMBER RELIS: SECOND.

16                   CHAIRMAN FRAZEE: SECOND ON ADOPTION OF  
17           RESOLUTION 97-58. SECRETARY WILL CALL THE ROLL,  
18           PLEASE.

19                   THE SECRETARY: BOARD MEMBER RELIS.

20                   MEMBER RELIS: AYE.

21                   THE SECRETARY: BOARD MEMBER JONES.

22                   MEMBER JONES: AYE.

23                   THE SECRETARY: CHAIRMAN FRAZEE.

24                   CHAIRMAN FRAZEE: AYE. THIS WILL NOT BE  
25           ON THE CONSENT CALENDAR BECAUSE OF THE CHANGE IN  
          TITLE THAT OCCURRED. THAT ONE WILL GO TO THE

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1 BOARD.

2 NOW, ITEM 13 IS CONSIDERATION OF  
3 CONTRACT CONCEPT FOR THE SOLID WASTE DISPOSAL AND  
4 CODISPOSAL SITE CLEANUP PROGRAM.

5 MS. ROUCH: THIS LAST ITEM FOR OUR  
6 PROGRAM IS A REQUEST FOR APPROVAL OF A CONTRACT  
7 CONCEPT TO PROCURE A NEW CONSTRUCTION CLEANUP  
8 CONTRACTOR AND A NEW ENGINEERING SERVICES  
9 CONTRACTOR. THE MONEY FOR THESE CONTRACTS WILL  
10 COME FROM ANY LEFTOVER FUNDS FROM THIS FISCAL YEAR  
11 WHICH NEEDS TO BE ENCUMBERED OR FROM NEXT FISCAL  
12 YEAR'S FUNDS AS DETERMINED BY THIS BOARD.

13 THIS IS AN ATTEMPT TO STAGGER FUTURE  
14 PROCUREMENT OF CONSTRUCTION CLEANUP CONTRACTS SO  
15 THAT ALL CONTRACTS DO NOT TERMINATE ON THE SAME  
16 DATE. THE NEXT FISCAL YEAR STAFF WILL BE  
17 REQUESTING A SECOND CONSTRUCTION CONTRACT FOR THIS  
18 PROGRAM.

19 IF YOU HAVE ANY QUESTIONS, I'D BE  
20 HAPPY TO ANSWER THEM. OTHERWISE I'M REQUESTING  
21 APPROVAL FOR THIS CONTRACT CONCEPT.

22 CHAIRMAN FRAZEE: THESE CONTRACTS ARE NOT  
23 GEOGRAPHICAL. THEY'RE STATEWIDE.

24 MS. ROUCH: THEY ARE NOT GEOGRAPHICAL.  
25 CHAIRMAN FRAZEE: AND THEN ON THE SECOND

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1 ROUND, COULD THE FIRST CONTRACTOR BID FOR THE  
2 SECOND ROUND OF CONTRACTS?

3 MS. ROUCH: WE WOULD PREFER THEY DIDN'T  
4 BECAUSE WE WOULD LIKE TO HAVE TWO DIFFERENT  
5 CONTRACTS. UNLESS LEGAL TELLS US DIFFERENTLY, WE  
6 WOULD STIPULATE THAT BECAUSE WE WANT TO HAVE TWO  
7 DIFFERENT COMPANIES TO SUPPORT US. OTHERWISE WE  
8 WOULD JUST NEED ONLY ONE CONTRACT.

9 CHAIRMAN FRAZEE: AND THEN WORK WOULD BE  
10 ASSIGNED BASED ON WHO IS BEST ABLE TO PERFORM IN A  
11 PARTICULAR AREA.

12 MS. ROUCH: THAT AND WHO'S AVAILABLE, WHO  
13 HAS THE EQUIPMENT, WHO HAS -- SOMETIMES IT WORKS  
14 OUT THAT IT'S PRETTY 50-50 IN TERMS OF HOW MUCH  
15 MONEY THEY GET.

16 CHAIRMAN FRAZEE: SO THIS IS NOT, THEN,  
17 NOT GOING TO EXCLUSIVE CONTRACT. YOU'RE JUST  
18 SPLITTING IT FOR FISCAL YEAR PURPOSES.

19 MS. ROUCH: EXACTLY. WE'VE RUN INTO TIME  
20 FRAMES IN THE PAST WHERE IT'S BEEN VERY AWKWARD  
21 FOR US WITH THE PROJECTS WE HAD TO FINISH IN A  
22 CERTAIN LENGTH OF TIME BECAUSE THE FISCAL YEAR WAS  
23 ENDING AND THE CONTRACTS WERE TERMINATING, AND  
24 WE'RE TRYING TO PRECLUDE ANY PROBLEMS IN THAT WAY  
25 FOR THE FUTURE.

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1                   CHAIRMAN FRAZEE:  ARE THERE ANY QUESTIONS  
2                   OR DISCUSSION?

3                   MEMBER RELIS:  MOVE ADOPTION OF AGENDA  
4                   ITEM 13, THE RESOLUTION 97-59.

5                   MEMBER JONES:  SECOND.

6                   CHAIRMAN FRAZEE:  WE HAVE A MOTION AND  
7                   SECOND ON THE ADOPTION OF RESOLUTION 97-59.  
8                   SECRETARY WILL CALL THE ROLL ON THAT.

9                   THE SECRETARY:  BOARD MEMBER RELIS.

10                  MEMBER RELIS:  AYE.

11                  THE SECRETARY:  BOARD MEMBER JONES.

12                  MEMBER JONES:  AYE.

13                  THE SECRETARY:  CHAIRMAN FRAZEE.

14                  CHAIRMAN PENNINGTON:  AYE.  IS THERE ANY  
15                  OBJECTION TO CONSENT ON THAT ITEM?  IF NOT, WE  
16                  WILL RECOMMEND IT FOR CONSENT TO THE FULL BOARD.

17                                 NOW, ITEM 14 IS MY ITEM.

18                  MS. RICE:  THANK YOU, MR. CHAIRMAN AND  
19                  MEMBERS.  THIS ITEM REQUESTS THE COMMITTEE AND THE  
20                  BOARD TO CONSIDER REVISING THE PRACTICE WHEREBY TO  
21                  DATE PERMITS BROUGHT FORWARD FOR YOUR CONSIDERA-  
22                  TION WHERE THE BOARD IS THE ENFORCEMENT AGENCY  
23                  HAVE NOT BEEN FORWARDED TO THE FULL BOARD ON  
24                  CONSENT.  AFTER SEVERAL YEARS OF HAVING THIS  
25                  CURRENT POLICY IN PLACE, IT'S MY UNDERSTANDING

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1 THAT BOARD MEMBERS WOULD LIKE TO RECONSIDER THAT,  
2 AND WE BRING THAT TO YOU FOR YOUR CONSIDERATION.  
3 STAFF WOULD RECOMMEND THAT IF SUCH PERMITS DO NOT  
4 POSE ANY ISSUES AND YOU WOULD OTHERWISE HAVE  
5 PLACED IT ON THE CONSENT CALENDAR, WE WOULD  
6 RECOMMEND THAT YOU DO SO.

7 CHAIRMAN FRAZEE: DISCUSSION ON THIS  
8 ITEM? IN OUR ATTEMPT TO CLEAR UP THE CALENDAR A  
9 BIT BY USING THE CONSENT CALENDAR, WE'VE FOUND IN  
10 PRACTICE THERE'S ONLY BEEN ONE ITEM EACH TIME.  
11 AND THOSE THAT MAY BE ELIGIBLE FOR CONSENT  
12 CONSIDERATION STILL HAVE AN OUTSTANDING ISSUE AT  
13 THE TIME THAT THEY'RE BROUGHT BEFORE US, BUT WE'LL  
14 KEEP ON TRYING, I GUESS, AND SEE IF AT SOME POINT  
15 IT GETS TO BE A LITTLE BIGGER THAN A SINGLE ITEM.

16 ANY DISCUSSION? OR THE ACTION ON  
17 THIS, I GUESS, WE NEED TO ACTUALLY SEND THIS BACK  
18 TO THE FULL BOARD ON AN AGENDA ITEM SO THEY CAN  
19 TAKE ACTION ON IT.

20 MS. TOBIAS: THAT'S PROBABLY THE MOST  
21 APPROPRIATE THING TO DO. WHAT YOU'RE DOING IS  
22 REALLY ADOPTING A PROCEDURE, SO IT REALLY DOESN'T  
23 TECHNICALLY NEED A HEARING. BUT SINCE EACH OF THE  
24 COMMITTEES IS KIND OF HANDLING THEIR CONSENT  
25 CALENDARS A LITTLE BIT DIFFERENTLY, IT'S PROBABLY

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1 A NICE COURTESY.

2 CHAIRMAN FRAZEE: I THINK BY CONSENSUS WE  
3 CAN JUST REFER THIS ONE TO THE FULL BOARD FOR  
4 ACTION.

5 MS. RICE: JUST ONE POINT OF  
6 CLARIFICATION, IF I MIGHT, SINCE IT'S NOT THAT  
7 CLEAR FROM THE WRITEUP. I'M ASSUMING BY YOUR  
8 COMMENTS, MR. FRAZEE, THAT YOU WOULD BE FINE WITH  
9 US PLACING THESE BOTH ON COMMITTEE CONSENT AND  
10 ALSO TO BE FORWARDED FOR BOARD CONSENT?

11 CHAIRMAN FRAZEE: YES. THAT WAS MY  
12 INTENT.

13 NOW, ITEM 15 IS CONSIDERATION OF  
14 POLICY ON ALTERNATIVE DAILY COVER AND DEVELOPMENT  
15 OF REGULATIONS REQUIRED BY THE STATUTES OF 1996  
16 KNOWN AS AB 1647, BUSTAMANTE.

17 MS. ZWARTS: GOOD AFTERNOON, MEMBERS.  
18 THIS ITEM IS BEFORE YOU TODAY AS A RESULT OF  
19 LEGISLATION ENACTED THAT BECAME EFFECTIVE JANUARY  
20 1ST. AB 1647 BY SPEAKER BUSTAMANTE REQUIRES THE  
21 BOARD BY DECEMBER 31ST OF THIS YEAR TO ESTABLISH  
22 REGULATIONS ON CONDITIONS FOR THE USE OF ADC  
23 CONSISTENT WITH EXISTING INTEGRATED WASTE  
24 MANAGEMENT LAWS.

25 IT ALSO ASKS US TO CONSIDER CERTAIN

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1           CONDITIONS WHEN ADOPTING THESE REGULATIONS.   THE  
2           ITEM THAT IS BEFORE YOU IS AS A RESULT OF THE  
3           INTERDIVISIONAL TEAM OF STAFF AND SPANS ISSUES OF  
4           DIVERSION, PERMITTING AND ENFORCEMENT, AND MARKET  
5           DEVELOPMENT.   I'LL HAND IT OVER AT THIS TIME TO  
6           CHRIS PECK TO PRESENT THE ITEM AND THE POLICY  
7           CONSIDERATIONS FOR THE COMMITTEE.

8                         MR. PECK:   THANK YOU, PATTY.   THE -- IN  
9           ANTICIPATION OF THE NEED TO COME TO THE COMMITTEE  
10          AND THE BOARD FOR SOME POLICY MAKING DISCUSSION IN  
11          TERMS OF WHERE THESE REGULATIONS GO, WE DID, AS  
12          PATTY SUGGESTED, CONDUCT A COUPLE OF PUBLIC  
13          WORKSHOPS BACK IN DECEMBER AND RECEIVED A FAIR  
14          AMOUNT OF COMMENT, WHICH WE HAVE ATTEMPTED TO  
15          INCORPORATE INTO THE DISCUSSION IN THE AGENDA  
16          ITEM.   I DON'T PLAN TO TAKE UP TIME TO GO INTO A  
17          DETAILED DISCUSSION OF WHAT WE HEARD AND WHAT OUR  
18          BASIC CONCLUSIONS WERE.   RATHER, I SUGGEST WE GO  
19          DIRECTLY TO SORT OF THE POLICY CONSIDERATIONS THAT  
20          WE'D LIKE TO PLACE BEFORE THE COMMITTEE AND BOARD  
21          TO SEEK YOUR DIRECTION.

22                         THE FIRST IS SHOULD ANY LIMIT BE  
23          PLACED ON THE AMOUNT OF WASTE DERIVED ALTERNATIVE  
24          DAILY COVER THAT INDIVIDUAL JURISDICTIONS CAN  
25          COUNT AS A DIVERSION.   THE BACKGROUND FOR THIS

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1 SPECIFIC ISSUE IS THAT THE ORIGINAL BOARD POLICY  
2 ADOPTED IN DECEMBER OF 1993 PLACED A 7-PERCENT  
3 LIMIT ON THE AMOUNT OF WASTE DERIVED ADC  
4 CONTRIBUTION TOWARDS THE 25-PERCENT DIVERSION GOAL  
5 FOR EACH JURISDICTION.

6 THAT POLICY WAS SUBSEQUENTLY  
7 BASICALLY REJECTED IN THE OAL DECISION IN JANUARY  
8 OF 1994 AND -- 5 ACTUALLY -- EXCUSE ME -- AND THE  
9 BOARD ADOPTED SUBSEQUENT POLICY. BASED ON THE  
10 STATUTE, THAT IS PRC SECTION 41781.3, AND THE LACK  
11 OF ANY EVIDENCE THAT SUCH A LIMITATION IS  
12 NECESSARY, STAFF RECOMMENDS THAT NO LIMIT BE  
13 PLACED ON THE AMOUNT OF WASTE DERIVED ADC THAT  
14 INDIVIDUAL JURISDICTIONS CAN COUNT AS DIVERSION.  
15 SO THAT'S POLICY ISSUE NUMBER ONE IS WHETHER OR  
16 NOT THERE SHOULD BE A LIMIT ON THE  
JURISDICTION AT  
17 THE JURISDICTION LEVEL.

18 SECONDLY IS WHETHER THE BOARD  
SHOULD  
19 ADOPT -- DEVELOP TECHNICAL STANDARDS ON THE  
USE OF  
20 ALTERNATIVE DAILY COVER. THE EXISTING  
BOARD  
21 POLICY ADOPTED IN JANUARY 1995 DIRECTED  
STAFF TO

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22 DEVELOP MINIMUM STANDARDS REGULATING THE  
USE OF

23 GREEN MATERIAL USED AS COVER.

24 DRAFT REGULATIONS WERE

DEVELOPED AND

25 INCLUDED AS PART OF THE EARLY PHASE OF THE  
AB 1220

1 RULEMAKING PROJECT AND SUBSEQUENTLY REMOVED  
2 BECAUSE IT WAS NOT DIRECTLY RELATED TO THE  
3 DIVISION OF ROLES AND RESPONSIBILITIES BETWEEN  
4 THIS BOARD, THE STATE AND REGIONAL WATER BOARDS,  
5 AND THE LEA'S.

6 THE FOCUS OF THE 1220 REGULATIONS  
7 TOOK THAT TACK, SO THE TECHNICAL REGULATIONS ON  
8 ALTERNATIVE DAILY COVER WERE REMOVED FROM THOSE  
9 REGULATIONS. THEY WERE, THOUGH, AS A CONSEQUENCE  
10 OF THAT EARLY INVOLVEMENT IN THE 1220 PROCESS,  
11 SUBJECT TO SOME PUBLIC DISCUSSION AND COMMENT. SO  
12 THESE REGULATIONS AND AN EARLIER VERSION, WHAT'S  
13 ATTACHED TO THE AGENDA ITEM, WAS RELEASED AND  
14 REVIEWED AT LEAST SOMEWHAT EARLIER ON.

15 THE NEW STATUTE CLEARLY REQUIRES THE  
16 BOARD TO ADOPT NEW REGULATIONS BY THE END OF 1997.  
17 WE HAVE ATTACHED A DRAFT TEXT OF ADC REGULATIONS  
18 TO THE AGENDA ITEM AND RECOMMEND THAT THE DRAFT  
19 REGULATIONS BE RELEASED FOR INFORMAL PUBLIC  
20 COMMENT.

21 THE THIRD ITEM THAT WE'VE CALLED OUT  
22 IS WHETHER OR NOT ANY RESTRICTIONS SHOULD BE  
23 PLACED ON THE USE OF WASTE DERIVED ADC'S.  
24 EXTENSIVE EXPERIENCE IN THE DEMONSTRATION  
25 PROJECTS, WHICH IS PART OF THE BOARD'S CURRENT

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1 POLICY, THAT IS THAT THE USE OF ADC IS GOVERNED  
2 THROUGH DEMONSTRATION PROJECTS, SUPPORTS THE  
3 RETENTION OF THE 12-INCH MAXIMUM THICKNESS THAT  
4 WAS SET FOR GREEN WASTE IN THE BOARD'S EXISTING  
5 POLICY THAT WAS ADOPTED IN JANUARY 1995.

6 STAFF BELIEVES THAT THE DEVELOPMENT  
7 OF PERFORMANCE BASED LIMITS, THAT IS BASICALLY THE  
8 FUNCTIONAL EQUIVALENT TO 6 INCHES OF DIRT, FOR  
9 OTHER WASTE DERIVED ADC'S ARE APPROPRIATE AT THIS  
10 TIME AND SUGGEST IN THE DRAFT REGULATIONS A  
11 VARIETY OF THICKNESSES FOR DIFFERENT KINDS OF  
12 WASTE DERIVED ADC MATERIALS.

13 I WOULD ALSO ADD THAT THEY ALSO  
14 INCLUDE REGULATIONS FOR SYNTHETIC BLANKETS AND  
15 FOAM PRODUCTS AND COMMERCIAL PRODUCTS AS WELL IN  
16 ADDITION TO WASTE DERIVED ALTERNATIVE DAILY  
COVER

17 MATERIALS. THESE PROSCRIPTIVE LIMITS, THEN,  
WOULD

18 ELIMINATE THE NEED FOR SITE-BY-SITE  
DEMONSTRATION

19 OF THE ADC FOR THESE SPECIFIC MATERIALS, AND  
THAT

20 WOULD BE SPECIFIED IN THE STANDARDS. DEMONSTRATION  
21 PROJECTS WOULD STILL BE REQUIRED FOR  
22 MATERIALS WHICH DO NOT HAVE PROSCRIPTIVE LIMITS

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23       SET IN REGULATION.

24                               RELATED TO THE TECHNICAL

STANDARDS,

25       THERE'S -- SOME CONCERN HAS BEEN EXPRESSED THAT

1 THICKNESS LIMITS ALONE MIGHT NOT PROVIDE ENOUGH  
2 CONTROL TO PREVENT POTENTIAL OVERUSE OF ADC. TO  
3 ADDRESS THE CONCERN, STAFF HAS INCLUDED IN THE  
4 INFORMAL DRAFT REGULATIONS A GENERAL STANDARD  
5 WHICH RESTRICTS WASTE DERIVED ADC USE TO NO MORE  
6 THAN IS NECESSARY TO MEET PERFORMANCE REQUIRED;  
7 I.E., IF 12 INCHES WILL DO WHAT 6 INCHES OF DIRT  
8 WOULD DO, THAT WOULD BE THE MAXIMUM AVERAGE  
9 THICKNESS PERMITTED IN THE REGULATIONS.

10 SO THE DRAFT TEXT INCLUDES STANDARDS  
11 FOR THE USE OF GEOSYNTHETIC BLANKETS AND FOAM  
12 PRODUCTS, STANDARDS AND THICKNESS LIMITS FOR  
13 SPECIFIED WASTE DERIVED ADC'S, AND ALLOWS  
14 DEMONSTRATION PROJECTS FOR OTHER ADC'S AND  
15 ALTERNATIVE MATERIALS USED FOR INTERMEDIATE COVER.

16 AND THEN THE LAST POLICY  
17 CONSIDERATION IS WHETHER OR NOT ADDITIONAL  
18 MONITORING AND REPORTING REQUIREMENTS SHOULD BE  
19 PLACED ON THE USE OF ADC. BASED ON THE DISCUSSION  
20 AT THE WORKSHOPS, STAFF BELIEVES THAT MINOR  
21 CHANGES TO THE DISPOSAL REPORTING REGULATIONS  
22 WOULD PROVIDE BETTER DATA TO MONITOR THE  
AMOUNT

23 AND TYPES OF ADC USED IN CALIFORNIA LANDFILLS  
AND  
24 CLAIMED FOR DIVERSION CREDIT BY LOCAL

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JURISDIC-  
25 TIONS. AND SUCH A CHANGE WOULD NOT BE

1 (UNINTELLIGIBLE) TO LOCAL AGENCIES OR PRIVATE  
2 OPERATORS.

3 WE SUPPORT THIS CHANGE AND HAVE  
4 INCLUDED IT -- THERE ACTUALLY ARE TWO SETS OF  
5 DRAFT REGULATIONS ATTACHED. ONE IS CHANGES TO THE  
6 EXISTING DISPOSAL REPORTING REGULATIONS WHEREIN WE  
7 WOULD INCLUDE A REQUIREMENT THAT ADC'S BE TRACKED  
8 BY TYPE AS WELL AS AMOUNT. AND SIMILARLY, THEN,  
9 IN THE TECHNICAL STANDARDS, THERE WOULD BE A  
10 REQUIREMENT THAT IT BE TRACKED BY TYPE AND AMOUNT  
11 POINTING BACK TO THE DISPOSAL REPORTING SYSTEM  
12 REGULATIONS.

13 WITH THAT, I'D BE HAPPY TO, I GUESS,  
14 SIT FOR ANY QUESTIONS. I KNOW WE HAVE SOME PEOPLE  
15 WHO WOULD LIKE TO DISCUSS THIS ISSUE.

16 CHAIRMAN FRAZEE: WE HAVE A NUMBER.

17 MR. PECK: MR. CHAIRMAN, JUST ONE OTHER  
18 COMMENT. I JUST WANTED TO POINT OUT THAT A LOT OF  
19 CREDIT NEEDS TO BE GIVEN TO OTHER FOLKS THAT HAVE  
20 BEEN INVOLVED IN THIS PROJECT. AND AT THE TABLE  
21 WITH ME NOW ARE SCOTT WALKER FROM THE PERMITTING  
22 AND ENFORCEMENT DIVISION, JOHN SITTS FROM THE  
23 LOCAL PLANNING AND ASSISTANCE DIVISION, AND THE  
24 OTHER KEY MEMBER OF THE INTERDISCIPLINARY GROUP  
25 THAT'S BEEN WORKING ON THIS IS ELLIOT BLOCK

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1 SITTING AT THE FRONT TABLE UP HERE. WE'RE ALL  
2 AVAILABLE TO ANSWER QUESTIONS.

3 CHAIRMAN FRAZEE: OKAY. LET ME TRY A FEW  
4 THINGS HERE TO HELP ME GET A BETTER UNDERSTANDING.  
5 THE PERFORMANCE STANDARD IS STATED AS AN  
6 EQUIVALENCY OF 6 INCHES OF SOIL; IS THAT CORRECT?

7 MR. WALKER: SCOTT WALKER, PERMITTING AND  
8 ENFORCEMENT DIVISION. THE PERFORMANCE STANDARD  
9 ESSENTIALLY STATES THAT NO MORE WASTE DERIVED ADC  
10 BE USED THAN IS NECESSARY TO MEET PERFORMANCE  
11 STANDARDS TO CONTROL ODORS, VECTORS, FIRE, LITTER.

12 CHAIRMAN FRAZEE: SO THAT WOULD APPLY TO  
13 GREEN WASTE, SYNTHETIC BLANKET, WOULD ALSO APPLY  
14 TO TIRE RUBBER?

15 MR. WALKER: IT WOULD APPLY TO ANY  
16 WASTE-DERIVED ALTERNATIVE.

17 CHAIRMAN FRAZEE: WASTE DERIVED, SO IT  
18 WOULD NOT APPLY TO THE BLANKET.

19 MR. WALKER: IT WOULD NOT APPLY TO THE  
20 GEOSYNTHETIC BLANKETS.

21 CHAIRMAN FRAZEE: SLUDGE?

22 MR. WALKER: YES, IT WOULD APPLY.

23 CHAIRMAN FRAZEE: SO THAT'S THE ONLY  
24 REFERENCE. WE'RE NOT DEVELOPING DOWN SAYING SO  
25 MANY INCHES OF SLUDGE OR SO MANY INCHES OF GREEN

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1 WASTE. WE ONLY HAVE A PERFORMANCE STANDARD.

2 MR. WALKER: WE HAVE A BROAD PERFORMANCE  
3 STANDARD FOR NO MORE USE THAN IS NECESSARY; AND  
4 THEN WHERE WE'VE ESTABLISHED AN ACTUAL THICKNESS  
5 LIMIT, SUCH AS SHREDDED GREEN MATERIAL, AUTO  
6 SHREDDER WASTE, WE HAVE ESTABLISHED THE MAXIMUM  
7 THICKNESS, COMPACTED THICKNESS. FOR SEWAGE  
8 SLUDGE, COMPOST, AND CO-COMPOST, THE THICKNESS AND  
9 THE AMOUNT'S ESSENTIALLY RESTRICTED BY VIRTUE OF  
10 CURRENT STATUTE WHICH RESTRICTS TO THE USE OF UP  
11 TO 25 PERCENT OF TOTAL COVER USE BE THESE -- THIS  
12 AMOUNT.

13 CHAIRMAN FRAZEE: I SEE. SO UNDER  
14 CURRENT STANDARDS, YOU COULD NOT USE SEWAGE SLUDGE  
15 ENTIRELY.

16 MR. WALKER: UNDER THE CURRENT STANDARDS,  
17 FOR A TOTAL, YOU COULD USE UP TO 25 PERCENT OF  
18 TOTAL COVER NEEDS COULD BE SEWAGE SLUDGE. AND  
19 THAT IS A STATUTORY REQUIREMENT. I BELIEVE IT'S  
20 PRC 42245.

21 CHAIRMAN FRAZEE: DOES THAT MEAN A SINGLE  
22 LAYER MUST BE COMPOSED OF NOT MORE THAN 25 PERCENT  
23 SLUDGE? OR DOES IT MEAN YOU CAN COVER THIS AREA  
24 WITH SLUDGE AND THIS AREA WITH GREEN WASTE.

25 MR. WALKER: TO MY KNOWLEDGE THE STATUTE

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1 IS NOT SPECIFIC TO THAT, AND THAT WOULD BE  
2 CERTAINLY A TOPIC FOR COMMENT AND INPUT DURING  
3 INFORMAL COMMENT.

4 IN MY DISCUSSION WITH LEA'S, ONE  
5 PARTICULAR LEA WOULD PREFER TO BE CONSIDERED MORE  
6 IN TERMS OF LIKE ON AN OVERALL BASIS, LIKE OVER A  
7 QUARTER. BECAUSE THEY MAY GET A CERTAIN AMOUNT OF  
8 SLUDGE IN ON A JOB WHICH OVER A QUARTER IS NOT  
9 GOING TO AMOUNT TO, YOU KNOW, THAT MUCH, BUT THEY  
10 WANT TO BE ABLE TO USE IT AS MUCH AS POSSIBLE  
11 DURING A SHORT TIME WINDOW SO THAT THEY DON'T HAVE  
12 TO STOCKPILE IT. SO THAT'S THE ONE COMMENT THAT I  
13 HAVE RECEIVED FROM LEA'S, AND THAT WOULD BE A  
14 TOPIC THAT WOULD WARRANT FURTHER DISCUSSION.

15 CHAIRMAN FRAZEE: AND THEN IN SLUDGE USE,  
16 IS THERE A MOISTURE STANDARD?

17 MR. WALKER: ON SLUDGE USE, IN DRAFTING  
18 THESE REGULATIONS WITH INPUT FROM THE LEA'S, IT  
19 WAS CLEAR WE WANTED TO PUT LESS PROSCRIPTIVE  
20 REQUIREMENTS. WE WANTED THINGS EASIER TO ENFORCE.  
21 ALTHOUGH MOISTURE, TYPICALLY MINIMUM 50 PERCENT  
22 SOLIDS IS USED, WE FELT THAT THE STANDARDS THAT WE  
23 DRAFTED WERE MUCH MORE CONSISTENT WITH THE WAY THE  
24 LEA'S DESIRE THE STANDARDS TO BE WRITTEN AND STILL  
25 MAINTAIN PROTECTION OF PUBLIC HEALTH AND SAFETY.

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1 SO WE DID NOT INCLUDE AN ACTUAL MOISTURE CONTENT.

2 SLUDGE IS VERY, IN GENERAL AGAIN,  
3 MINIMUM 50 PERCENT, BUT THAT CAN VARY, BUT WE FELT  
4 THAT THE STANDARD AS WRITTEN IN LIEU OF A  
5 PROSCRIPTIVE MOISTURE CONTENT STANDARD WOULD BE  
6 MUCH EASIER TO ENFORCE.

7 CHAIRMAN FRAZEE: THEN YOU USED THE TERM  
8 "PERMITTED TO BE USED." DOES THAT MEAN PERMITTED  
9 TO BE COUNTED -- TO BE USED OR TO BE COUNTED AS  
10 DIVERSION? IN OTHER WORDS, LET ME RESTATE THAT.  
11 IF AN OPERATOR -- IF WE HAVE A STANDARD OF 12  
12 INCHES OF GREEN WASTE EQUIVALENT TO 6 INCHES OF  
13 SOIL, IS THE WAY THIS IS WRITTEN, DOES THAT  
14 ABSOLUTELY PROHIBIT THE APPLICATION OF MORE THAN  
15 12 INCHES, OR DOES IT JUST ALLOW THE NOT COUNTING  
16 OF MORE THAN 12 INCHES?

17 MR. WALKER: IT DOESN'T --

18 CHAIRMAN FRAZEE: OR BOTH.

19 MR. WALKER: ONLY IF A DIFFERENT  
20 OPERATIONAL PRACTICE IS DESIRED FOR A GIVEN  
21 CATEGORY OF ADC. THE REGULATIONS ALLOW FOR SITE  
22 SPECIFIC DEMONSTRATION PROJECTS, BUT IF USED IN  
23 ACCORDANCE WITH THE STANDARDS AS WRITTEN, THAT IS  
24 TO SAY A 12-INCH MAXIMUM THICKNESS, THEN NO  
25 DEMONSTRATION PROJECT WOULD BE REQUIRED.

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1 I SAW YOU MOVING TOWARDS COMMENTING.

2 FOR THE MOMENT THAT MAY BE ALL I  
3 HAVE. DO YOU HAVE ANYTHING?

4 MEMBER RELIS: I'LL WAIT FOR THE  
5 TESTIMONY.

6 CHAIRMAN FRAZEE: OKAY. LET'S GO TO THE  
7 TESTIMONY AND START WITH RICK BEST REPRESENTING  
8 CALIFORNIANS AGAINST WASTE.

9 MR. BEST: RICK BEST, POLICY DIRECTOR FOR  
10 CALIFORNIANS AGAINST WASTE. THANK YOU, MR.  
11 CHAIRMAN AND COMMITTEE MEMBERS.

12 I GUESS TO BEGIN WITH, I MEAN, WE  
13 CAN GO INTO A LOT OF DISCUSSION ABOUT THE MERITS  
14 OF ADC, AND I THINK THAT'S PAST US NOW WITH THIS  
15 LEGISLATION. WE CERTAINLY WOULD RATHER NOT HAVE  
16 SEEN THIS LEGISLATION ENACTED; BUT, NONETHELESS,  
17 THIS IS WHAT WE HAVE TO WORK WITH. SO I'LL TRY  
18 AND FOCUS MY COMMENTS IN TERMS OF SPECIFIC THINGS  
19 AND HOW I THINK THEY NEED TO BE ADDRESSED IN TERMS  
20 OF THE LEGISLATION.

21 TO BEGIN WITH, ONE OF THE  
22 REQUIREMENTS OF THE LEGISLATION WAS TO LOOK AT  
23 WHAT KIND OF PERFORMANCE STANDARDS ARE NECESSARY  
24 TO BE APPLIED TO THE USE OF ADC. AND IT LOOKS  
25 LIKE THE BOARD STAFF HAVE TAKEN A LOT OF WHAT WAS

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1 IN THE ADVISORY AND PUT THAT INTO PROPOSED NEW  
2 REGULATIONS, BUT THERE'S A COUPLE THINGS THAT SEEM  
3 TO BE LEFT OUT. ONE WAS ODOR AND THEN MOISTURE.  
4 I'M NOT SURE AS TO WHY THOSE TWO WERE TAKEN OUT OF  
5 THOSE REGULATIONS. THAT'S ONE ISSUE I'D LIKE TO  
6 GET SOME CLARIFICATION ON.

7 SECONDLY IS IN THE BOARD'S AB 1220  
8 REGULATIONS THAT WERE JUST RECENTLY ADOPTED, THERE  
9 WAS A PLACEHOLDER LEFT FOR SLOPE STABILITY ISSUES  
10 WITH REGARDS TO DAILY COVER AND, I BELIEVE,  
11 INTERMEDIATE COVER, AND SO I'M NOT SURE WHETHER  
12 THAT'S GOING TO BE FILLED IN AS PART OF THIS  
13 REGULATORY PROCESS. IT WAS MENTIONED IN --  
14 THERE'S GOING TO BE PLACEHOLDER AND THAT ISSUE  
15 WOULD BE ADDRESSED. SO THAT'S KIND OF ON THE  
16 REGULATORY SIDE.

17 AND IN TERMS OF THE PLANNING SIDE,  
18 YOU KNOW, WE CONTINUE TO BELIEVE THAT THERE IS AN  
19 IMPACT ON THE COMPOSTING INDUSTRY THROUGH THE USE  
20 OF ADC. BECAUSE OF THE WAY THE STATUTE IS  
21 WRITTEN, I THINK THE BOARD IS SOMEWHAT LIMITED IN  
22 TERMS OF WHAT IT CAN DO, BUT I THINK THE BOARD  
23 NEEDS TO DO A LITTLE BIT MORE WORK IN TERMS OF  
24 LOOKING AT THE PLANNING ISSUES. AND I DON'T

KNOW

25 WHETHER IT'S MORE APPROPRIATE IN THIS COMMITTEE

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OR

1 MAYBE AS PART OF THE PLANNING COMMITTEE, BUT I  
2 THINK LOOKING AT HOW TO BETTER TRACK THE NUMBERS  
3 AND MAKING SURE THAT THE TRACKING SYSTEM THAT'S  
4 BEEN INSTITUTED AS PART OF THE DISPOSAL REPORTING  
5 SYSTEM, IS THAT PROPERLY ACCOUNTING FOR ALL OF THE  
6 ADC THAT'S GOING ON BECAUSE THERE IS A  
7 DISCREPANCY, FOR EXAMPLE, WITH SOME NUMBERS IN  
8 ALAMEDA COUNTY THAT WAS UNCOVERED AS PART OF THE  
9 LEGISLATION LAST YEAR.

10 ANOTHER RELATED ISSUE ON THE  
11 PLANNING AND THE NUMBERS IS THE ISSUE OF  
12 CONTAMINATED SOILS. HOW IS THAT GOING TO BE  
13 ADDRESSED? IT'S MENTIONED IN THE REGULATIONS THAT  
14 CONTAMINATED SOILS COULD BE CONSIDERED EARTHEN  
15 MATERIALS. BUT IF THOSE NUMBERS WERE PART OF THE  
16 BASELINE, I THINK SOME OF THOSE ISSUES NEED TO BE  
17 WORKED OUT IN TERMS OF HOW THE CONTAMINATED SOILS  
18 ARE GOING TO BE FACTORED INTO THE DISPOSAL  
19 REPORTING SYSTEM.

20 AND THIRD ISSUE IN TERMS OF THE  
21 NUMBERS IS HOW DO WE MAKE SURE THAT THE 12-INCH  
22 REQUIREMENT IS BEING ADHERED TO. I HAVEN'T SEEN  
23 ANY SORT OF WORK DONE BY THE BOARD IN TERMS OF THE  
24 1995 NUMBERS ON MAKING SURE THAT THOSE NUMBERS ARE  
25 APPROPRIATE BASED UPON THE BOARD'S 12-INCH

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1 REQUIREMENT. I DON'T KNOW WHETHER THE BOARD IS  
2 GOING TO HAVE A STEP WHERE THEY ACTUALLY EVALUATE  
3 THAT AND MAKE SURE THAT THE 12-INCH REQUIREMENT IS  
4 BEING ADHERED TO.

5 THERE'S SOME REFERENCE MADE IN THE  
6 STAFF ANALYSIS THAT IT WILL BE TOO DIFFICULT,  
7 THAT, YOU KNOW, LANDFILL OPERATORS WANT TO TAKE IN  
8 MORE MATERIAL ANY GIVEN DAY THAN THEY WOULD NEED.  
9 I CAN UNDERSTAND AND WE'RE NOT SUGGESTING THAT.  
10 BUT I THINK AT THE END OF THE YEAR ON AN ANNUAL  
11 BASIS THERE SHOULD BE SOME STEP WHERE THE BOARD  
12 EVALUATES TO MAKE SURE THAT FOR THE MOST PART  
13 LANDFILL OPERATORS ARE ADHERING TO THE 12-INCH  
14 RULE. SO THAT'S KIND OF ON THE PLANNING SIDE.

15 IN TERMS OF, YOU KNOW, IMPACT ON THE  
16 COMPOSTING INDUSTRY, I GUESS WHAT I WANT TO SAY IS  
17 I THINK THE BOARD REALLY NEEDS TO RELOOK AT THIS  
18 ISSUE IN A COUPLE OF YEARS, YOU KNOW, AND MAKE  
19 SURE THAT WHATEVER IS INSTITUTED BY THIS BOARD  
20 DOESN'T HAVE A LONG-TERM IMPACT ON THE COMPOSTING  
21 INDUSTRY. SO WHATEVER THE BOARD ADOPTS AS A  
22 POLICY, I THINK IT SHOULD BE TEMPORARY, AND THE  
23 BOARD SHOULD BE FORCED TO COME BACK AND RELOOK AT  
24 THIS ISSUE IN A COUPLE OF YEARS. SO THOSE ARE ALL  
25 KIND OF THE MINOR THINGS.

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1                   THE BIG ISSUE THAT I WANT TO BRING  
2 UP IS SOMETHING THAT HAS NOT BEEN DISCUSSED  
3 PREVIOUSLY AT ALL IN ANY OF THE ADC NEGOTIATIONS  
4 THAT I'VE BEEN UNDERSTANDING. THAT'S THE ISSUE OF  
5 INTERMEDIATE COVER, AND THAT'S SOMETHING THAT  
6 SEEMS TO BE ADDED INTO THESE REGULATIONS. AND  
7 SPECIFICALLY ON THE LAST PAGE, IT SAYS THAT  
8 INTERMEDIATE COVER CAN INCLUDE EARTHEN ALTERNATIVE  
9 MATERIALS.

10                   AND AS I SAID, YOU KNOW, ALL THE  
11 ANALYSIS IN TERMS OF THE IMPACTS ON THE COMPOSTING  
12 INDUSTRY HAVE ALL FOCUSED ON DAILY COVER, AND TO  
13 SUDDENLY HAVE INTERMEDIATE COVER THROWN INTO THE  
14 MIX, I THINK THERE NEEDS TO BE SOME ANALYSIS DONE  
15 BY THE BOARD AS TO WHAT THE IMPACTS ARE REALLY ON  
16 ALL THREE OF THOSE PROVISIONS THAT WERE  
17 ESTABLISHED IN AB 1647, NOT ONLY PAST POLICIES,  
18 BUT THE FACT THAT THIS HAS NEVER BEEN ALLOWED BY  
19 THE BOARD PREVIOUSLY. IMPACTS ON THE COMPOSTING  
20 INDUSTRY, WE HAVE NO IDEA WHAT THE NUMBERS AND THE  
21 NUMERICAL IMPACT WOULD BE.

22                   THIRD, IN TERMS OF THE PERFORMANCE  
23 STANDARDS, THE PERFORMANCE STANDARD ESTABLISHED  
24 FOR DAILY COVER SAYS THAT IT CAN ONLY BE EXPOSED  
25 FOR AT MOST 21 DAYS. YET IF YOU LOOK AT THE

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1 STATUTES FOR AB 1220, INTERMEDIATE COVER IS  
2 MATERIAL THAT'S GOING TO BE EXPOSED FOR 180 DAYS  
3 OR MORE. SO, YOU KNOW, SOMETHING DOESN'T JIVE  
4 THERE.

5 SO I THINK THAT THE INTERMEDIATE  
6 COVER ISSUE IS THE ONE THAT I'M MOST CONCERNED  
7 ABOUT, AND I REALLY -- YOU KNOW, THERE'S NO  
8 MENTION OF IT IN THE STAFF ANALYSIS, AND I THINK  
9 THERE NEEDS TO BE A LOT MORE WORK DONE BY THE  
10 BOARD STAFF TO JUSTIFY MAINTAINING THAT AND HOW  
11 IT'S GOING TO WORK CONSIDERING ALL THESE OTHER  
12 ISSUES THAT HAVE BEEN RAISED WITH DAILY COVER.

13 MEMBER RELIS: MR. CHAIR, SINCE WE'RE ON  
14 THE SUBJECT, WHY DON'T WE ASK STAFF. FIRST, WHERE  
15 IS THE REFERENCE TO INTERMEDIATE COVER? I'D LIKE  
16 TO --

17 MR. BEST: SECTION 2000 -- 20700, SECOND  
18 TO THE LAST PAGE.

19 MEMBER RELIS: 356. DOES STAFF -- COULD  
20 YOU TELL US BECAUSE WE HAVE CALCULATIONS ON THE  
21 ESTIMATED USE. IS THERE SOME CONFUSION HERE OR IS  
22 THIS --

23 MR. WALKER: WELL, THE ORIGINAL  
24 DEMONSTRATION PROJECT POLICY DID NOT PRECLUDE  
25 TESTING INTERMEDIATE -- ALTERNATIVE INTERMEDIATE

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1 COVER. AND THE FEDERAL SUBTITLE D DEFINITION OF  
2 ALTERNATIVE DAILY COVER, THEY DON'T DEFINE  
3 INTERMEDIATE COVER, SO IT COULD INCLUDE AREAS  
4 COVERED THAT WOULD BE EXPOSED FOR OVER 180 DAYS.  
5 SO WE FELT TO CONTROL THE POTENTIAL USE OF  
6 ALTERNATIVE INTERMEDIATE COVER, RATHER THAN ALLOW  
7 IT, AS PER THE DAILY COVER STANDARDS IN LIEU OF A  
8 DEMONSTRATION, SINCE IT'S NEVER BEEN TESTED  
9 FORMALLY WHERE IT'S BEEN ALLOWED FOR TESTING, THAT  
10 WE'D MAKE SURE THAT WE CONTINUE TO MAINTAIN A  
11 SITE-SPECIFIC DEMONSTRATION OF THAT APPROVED BY  
12 THE LEA WITH CONCURRENCE BY THE BOARD.

13 IN ADDITION, INTERMEDIATE COVER, BY  
14 VIRTUE OF IT'S PART OF THE NORMAL LANDFILL  
15 OPERATION, REPRESENTS A MUCH SMALLER FRACTION OF  
16 THE TOTAL COVER OF THE LANDFILL. AND IF IN THE  
17 INFORMAL COMMENT AND IN THE DEVELOPMENT OF THESE  
18 REGULATIONS FURTHER, THAT MAY BE SOMETHING THAT  
19 WE  
20 FURTHER ANALYZE AND PROVIDE THE ADDITIONAL  
21 INFORMATION TO SUPPORT THAT OR TO POTENTIALLY  
22 REMOVE THAT FROM THE STANDARD.

23 MEMBER RELIS: ALL I WOULD SAY, THIS  
24 MEMBER, ALL I'VE EVER HEARD OVER THE WHOLE COURSE  
25 OF THIS DISCUSSION WAS ALTERNATE DAILY COVER.  
MAYBE I MISSED THE WORD "INTERMEDIATE" SOMEWHERE,

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1 BUT I DON'T REMEMBER IT. AND I'M HOPING WE'RE  
2 JUST KEEPING TO WHAT WE'VE ALL BEEN DEALING WITH,  
3 I THINK, ALL ALONG, WHICH WAS ALTERNATE DAILY  
4 COVER. THAT'S WHERE THE NUMBERS COME FROM.

5 MR. BEST: HONESTLY, I'VE NEVER DONE AN  
6 ANALYSIS AS TO WHAT IMPACTS WOULD BE, BUT THERE  
7 WAS A LETTER THAT WAS SUBMITTED BACK IN 1993 WHEN  
8 THIS ISSUE WAS FIRST BEING DEVELOPED. AND ONE OF  
9 THE ESTIMATES BY ONE OF THE COMMENTERS WAS WHEREAS  
10 THE NUMERICAL VALUE FOR DAILY COVER WAS ON THE  
11 ORDER OF 2 TO 2 AND A HALF PERCENT, FOR  
12 INTERMEDIATE COVER IT WAS ON THE ORDER OF 7 AND A  
13 HALF TO 10 AND A HALF PERCENT, SO SIGNIFICANT  
14 AMOUNT OF MATERIAL COULD BE USED AS INTERMEDIATE  
15 COVER BASED ON THIS ONE COMMENT. SO I THINK IT'S  
16 SOMETHING THAT THE BOARD STAFF NEEDS TO EVALUATE  
17 FURTHER.

18 MEMBER RELIS: I WONDERED IF WE COULD,  
19 MR. CHAIR, JUST QUICKLY GO THROUGH. I ASSUME THAT  
20 YOUR CONCERNS ABOUT ODOR, MOISTURE, SLOPE  
21 STABILITY WOULD ALL BE FACTORED AS WE WOULD ANY  
22 ALTERNATIVE COVER. I MEAN IT WOULD HAVE TO  
23 SATISFY THE NUISANCE TEST, THE VECTORS BECAUSE  
24 ODOR WOULD MEAN WE'D BE ATTRACTING VECTORS, I  
25 ASSUME. COULD YOU JUST OFFER SOME ASSURANCE?

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1                   MR. WALKER:   ODOR IS RETAINED AS PART OF  
2                   THE BASIC ODOR CONTROL AS PART OF THE BASIC  
3                   REQUIREMENT OF ALTERNATIVE DAILY COVER AS PER OUR  
4                   SUBTITLE D DEFINITION.   PRIMARY JURISDICTION AT  
5                   LANDFILLS OVER ODOR IS WITH THE AIR DISTRICTS.  
6                   AND SO AS PER OUR GUIDANCE IN LEA ADVISORIES FOR  
7                   ODOR ISSUES, THE LEA'S WOULD COORDINATE WITH THE  
8                   AIR DISTRICT ON RESPONSE TO ODOR CONTROL.   SO ODOR  
9                   CONTROL IS RETAINED IN THAT MANNER.

10                               AS FAR AS MOISTURE INFILTRATION, AS  
11                   PER 1220, WE POINT TO THE WATER BOARD'S REGULATION  
12                   FOR MOISTURE INFILTRATION SINCE THEY HAVE THAT AS  
13                   A PRIMARY WATER QUALITY ISSUE, AND SO THEY HAVE  
14                   AUTHORITY OVER CONTROLLING THE MOISTURE INFILTRA-  
15                   TION.

16                               AS FAR AS THE SLOPE STABILITY, AB  
17                   1220, WE WILL BE PROCEEDING WITH A PHASE II, WHICH  
18                   WOULD BE MORE OUR SUBSTANTIVE CHANGES TO  
19                   REGULATION, AND THE SLOPE STABILITY ASPECT HAS  
20                   BEEN CONSIDERED MORE OF A LANDFILL DESIGN ISSUE  
21                   THAT WOULD BE ADDRESSED UNDER THAT SEPARATE  
22                   PROCESS RATHER THAN THE ALTERNATIVE COVER  
23                   REGULATIONS.

24                               MR. BEST:   I GUESS WHAT I WOULD RESPOND  
25                   IS THAT IF INDEED THE BOARD AND STAFF IS PROPOSING

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1 TO MAKE ALTERNATIVE DAILY COVER BE A MORE REGULAR  
2 OCCURRENCE, NOT JUST SIMPLY A DEMONSTRATION  
3 PROJECT, WHERE, YOU KNOW, YOU HAVE THE CONTROLS  
4 AND OVERSIGHT OF THE LEA, I THINK YOU NEED TO MAKE  
5 SURE THOSE KINDS OF STANDARDS ARE PUT INTO PLACE  
6 BEFORE YOU OPEN THE DOOR FOR ANYONE TO DO THAT.

7 MR. WALKER: I THINK ANOTHER ISSUE TO  
8 RAISE IS THAT CURRENT TRACK RECORD WITH OUR  
9 DEMONSTRATION PROJECTS, WE'RE NOT AWARE OF ANY  
10 SLOPE STABILITY PROBLEM AS A RESULT OF THE USE OF  
11 ANY OF THESE MATERIALS AS SPECIFIED.

12 CHAIRMAN FRAZEE: SPECIFICALLY USED AS  
13 INTERMEDIATE COVER, HAS THERE BEEN ANY EXPERIENCE?

14 MR. WALKER: THAT WOULD BE PART OF WHAT  
15 WOULD BE NECESSARY. IF THERE WAS AN ALTERNATIVE  
16 INTERMEDIATE COVER STANDARD, THAT WOULD BE PART OF  
17 SOME OF THE DIFFERENCES IN FUNCTION OF  
18 INTERMEDIATE COVER THAT WOULD HAVE TO BE ANALYZED  
19 TO JUSTIFY ITS USE.

20 CHAIRMAN FRAZEE: SO IF AN OPERATOR CAME  
21 IN AND SUGGESTED THAT GREEN WASTE BE USED AS AN  
22 INTERMEDIATE COVER UNDER THE DEMONSTRATION  
23 PROGRAM, THAT WOULD BE A CONDITION OF THAT  
24 APPROVAL?

25 MR. WALKER: YES, BUT I WOULD ADD THAT IT

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1        WOULD BE EXTREMELY UNLIKELY THAT SHREDDED GREEN  
2        WASTE WOULD EVER BE APPROVED AS ALTERNATIVE DAILY  
3        COVER. WE HAVE A TIME LIMIT OF EXPOSURE OF 21  
4        DAYS BECAUSE WHAT HAPPENS WITH GREEN WASTE IS THAT  
5        IT DRIES UP, IT CAN BE MORE OF A FIRE HAZARD, AND  
6        IT ALSO DRIES UP AND JUST SHRINKS SO YOU DON'T  
7        REALLY HAVE A COVER ANYMORE THAT IS ACCEPTABLE.

8                    CHAIRMAN FRAZEE: WHAT ABOUT A MULCHING  
9        LATER ON?

10                   MR. WALKER: WELL, THE WAY IT'S CURRENTLY  
11        WRITTEN, INTERMEDIATE COVER, AS LONG AS ONE FOOT  
12        OF SOIL IS USED, IT'S NOT, YOU KNOW, ALTERNATIVE  
13        INTERMEDIATE COVER. SO ANY MULCHING OR SOIL  
14        AMENDMENT THAT WOULD OCCUR TO IMPROVE AN EXISTING  
15        INTERMEDIATE COVER WOULD NOT BE CONSIDERED  
16        ALTERNATIVE DAILY COVER.

17                   CHAIRMAN FRAZEE: OKAY. ANY QUESTIONS?  
18        THANK YOU. LET'S GO TO WILL BAKX, CORC.

19                   MR. BAKX: WILL BAKX, CALIFORNIA ORGANIC  
20        RECYCLING COUNCIL. FIRST, WHAT I'D LIKE TO DO IS  
21        MAKE A CORRECTION ON THE ATTACHMENT OF CORC THAT'S  
22        OUT THERE. THESE WERE -- THAT'S -- WHAT YOU HAVE  
23        IN YOUR HANDOUT THERE IS A SURVEY THAT WAS NOT  
24        APPROVED BY THE BOARD. IT WAS SENT OUT UPON  
25        REQUEST BY SOMEONE HERE AT THE INTEGRATED WASTE

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1 MANAGEMENT BOARD. AND WE LET IT GO, BUT IT WAS  
2 NOT APPROVED BY THE BOARD.

3 THE CHANGE THAT WILL BE IN THERE  
4 WILL BE TWO CHANGES. NUMBER ONE IS IT SHOULD READ  
5 THAT 60 PERCENT OF THE COMPOSTERS WERE OPPOSED TO  
6 THE USE OF ADC. SO NOT 40 PERCENT APPROVES OF IT.  
7 IT'S 60 PERCENT OPPOSES. HAS A DIFFERENT RING TO  
8 IT.

9 THE SECOND ONE, AND THAT'S A MINOR  
10 ONE, HAS NOTHING TO DO WITH THIS AGENDA ITEM. WE  
11 ALSO WILL TAKE OUT THAT IT WAS ONLY ONE BIOSOLIDS  
12 PERSON THAT RESPONDED. THERE WAS NO REASON TO  
13 MENTION THAT. KIND OF SOUNDS BAD. SO WE'RE GOING  
14 TO TAKE THAT OUT, BUT YOU WILL GET THE REVISED  
15 COPY OF THIS HERE.

16 AS ADC STANDS RIGHT NOW, PARTICU-  
17 LARLY SINCE 60 PERCENT OF OUR PEOPLE THAT WE  
18 REPRESENT OPPOSE THIS HERE, WE OPPOSE THE  
19 REGULATIONS AS THEY STAND RIGHT NOW. AND THE  
20 REASON WHY WE ARE OPPOSED IS THAT WE DON'T FEEL  
21 THAT THERE ARE ENOUGH PROTECTIVE GUARDS BUILT INTO  
22 THE REGULATIONS AS DRAFTED AT THIS POINT.

23 NOW, WHAT CAME UP IN THE WORKSHOP  
24 THAT I ATTENDED WAS, WELL, WE COULD NOT PROVE THAT  
25 THERE WILL BE A NEGATIVE EFFECT ON WHAT WAS

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1 HAPPENING IN THE COMPOSTING INDUSTRY. AND I GRANT  
2 YOU, I CANNOT PROVE THAT AT THIS POINT. HOWEVER,  
3 I HAVE TALKED TO COMPOSTING FACILITIES THAT WERE  
4 ON TRACK TO GET CONTRACTS, AND THEY HAD THE  
5 FACILITIES BASED ON THE VERBAL WORD THAT THEY WERE  
6 GIVEN BY MUNICIPALITIES. YES, WE ARE GOING TO  
7 BRING OUR MATERIAL TO YOU, THAT HAVE NOW SAID,  
8 "WAIT A MINUTE. I HAVE ADC. THAT'S A HELL OF LOT  
9 CHEAPER THAN BRINGING IT TO YOU." AND THESE  
10 CONTRACTS ARE GOING OUT. NOW, THESE ARE HIDDEN  
11 EFFECTS THAT YOU WILL NOT SEE IN REAL NUMBERS OUT  
12 HERE RIGHT NOW.

13 WHAT IT MEANS IS THAT THE GROWTH OF  
14 THE COMPOSTING INDUSTRY HAS HALTED OR WILL  
15 CONTINUE TO HALT.

16 NEXT, WE HAVE TO LOOK AT THE FUTURE  
17 EFFECTS. AND I AGREE WITH RICK BEST, WHAT HE SAID  
18 OUT HERE. WHAT WE NEED TO INCLUDE, IF THIS SET OF  
19 REGULATIONS GOES THROUGH, WE NEED TO INCLUDE A  
20 REEVALUATION TIME. AND I WOULD RECOMMEND THAT WE  
21 DO IT IN THE YEAR '98 OR '99, DEFINITELY BEFORE  
22 THE YEAR 2000 BEFORE WE KICK INTO THE 50 PERCENT  
23 WHERE WE LOOK AT WHAT HAS REALLY HAPPENED. WHERE  
24 DID THIS MATERIAL GO? BECAUSE THERE ARE OUT-  
25 STANDING CONTRACTS OUT HERE RIGHT NOW. PEOPLE MAY

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1 HAVE TWO-, THREE-, FOUR-, FIVE-YEAR CONTRACTS THAT  
2 WILL COME UP FOR RENEGOTIATION. AND THE  
3 MUNICIPALITIES MAY SAY, "WAIT A MINUTE. I HAVE  
4 ANOTHER OPTION HERE RIGHT NOW. I CAN DO ADC."  
5 AND IT MAY BE ECONOMICALLY MORE VIABLE TO THEM TO  
6 SAY LET'S GO FOR ADC. SO I DON'T THINK WE HAVE  
7 SEEN THE EFFECT OF ADC AT THIS POINT YET. AND I  
8 THINK THAT YOU NEED TO KEEP THE DOOR OPEN TO BE  
9 ABLE TO REEVALUATE THIS HERE IN THE APPROPRIATE  
10 AMOUNT OF TIME.

11 THOSE ARE BASICALLY MY COMMENTS, AND  
12 I ALSO AGREE WITH RICK WITH THE INTERMEDIATE  
13 COVER, THAT WE NEED TO LOOK INTO THAT AND SEE WHAT  
14 THAT REALLY MEANS AND WHAT IMPACT THAT WOULD HAVE.  
15 THOSE ARE MY COMMENTS. AND IF THERE ARE ANY  
16 QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM.

17 CHAIRMAN FRAZEE: YOU OPERATE IN SONOMA  
18 COUNTY?

19 MR. BAKX: CORRECT.

20 CHAIRMAN FRAZEE: I SEE ON THE LIST ONE  
21 OF THE COUNTIES USING GREEN MATERIAL AS ADC IS  
22 SONOMA COUNTY, IN FACT SIDE BY SIDE.

23 MR. BAKX: AND LET ME ADD THIS TO THIS.

24 CORC DOES NOT OPPOSE ADC BECAUSE THERE ARE  
25 MEMBERS -- 40 PERCENT OF OUR MEMBERS SAY THEY

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1 PROBABLY WOULD UTILIZE ADC. WHAT WE WANT TO SEE  
2 IS HAVE PROTECTION.

3 CHAIRMAN FRAZEE: I'M WONDERING ABOUT  
4 YOUR OWN EXPERIENCE THERE. IS THE DEMAND FOR  
5 DAILY COVER SUCH THAT YOU FEEL IT'S A SHORTAGE OF  
6 MATERIAL IN YOUR COUNTY FOR COMPOSTING?

7 MR. BAKX: NO. WHAT WE UTILIZE FOR  
8 ALTERNATIVE DAILY COVER IS MATERIAL THAT COMES  
9 THROUGH THAT AFTER THE COMPOSTING PROCESS HAS BEEN  
10 SCREENED OUT AND IS NOT MARKETABLE OR NOT  
11 ECONOMICALLY FEASIBLE TO CLEAN IT OFF, AND THAT  
12 MAKES AN EXCELLENT ADC. FOR THAT PURPOSE, I THINK  
13 ADC IS VERY USEFUL.

14 CHAIRMAN FRAZEE: I DIDN'T KNOW THAT WAS  
15 THE CIRCUMSTANCE, BUT THAT WAS MY NEXT POINT. IS  
16 THERE NOT AN OPPORTUNITY TO SEPARATE MATERIALS SO  
17 THAT SOME INCREMENT OF ORGANIC MATERIALS GOES TO  
18 COMPOSTING WHICH IS SUITABLE FOR THAT PURPOSE AND  
19 ANOTHER INCREMENT GOES FOR ADC? AND I MADE  
20 REFERENCE TO A FACILITY I VISITED IN SOUTHERN  
21 CALIFORNIA EARLIER WHERE THAT VERY THING IS GOING  
22 ON. IN FACT, THE SEPARATION IS NOT JUST TWO  
23 COMPONENTS, BUT AS MANY AS SEVEN TO WHERE AN  
24 INCREMENT OF THAT GREEN WASTE IS SUITABLE FOR  
25 COMPOSTING AND THE OTHER PARTS OF IT ARE USED FOR

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1 GREEN WASTE.

2 MR. BAKX: IN OUR SITUATION -- AND I  
3 BELIEVE ACTUALLY THAT SHOULD BE THE CASE FOR ADC  
4 IN GENERAL. I DON'T THINK THAT -- THIS IS MY  
5 PERSONAL OPINION. I'M NOT TALKING FOR CORC RIGHT  
6 NOW -- THAT ADC SHOULD NOT BE FRESH GREEN  
7 MATERIAL, THAT IT SHOULD HAVE GONE THROUGH THE  
8 COMPOST PROCESS SO THAT YOU DON'T HAVE THE  
9 PATHOGENS ASSOCIATED WITH IT, THAT THERE COULD NOT  
10 BE POTENTIAL OF ATTRACTING BIRDS AND RODENTS INTO  
11 IT BECAUSE THERE MAY BE SEEDS IN THERE THAT COULD  
12 ATTRACT RODENTS TO THE ADC. I THINK IT SHOULD  
13 HAVE GONE THROUGH THE COMPOSTING PROCESS. WHAT WE  
14 DO IS AFTER THE SCREENING PROCESS, WHAT IS LEFT  
15 OVER AFTER THE COMPOSTING THAT IS NOT MARKETABLE  
16 GOES TO AN ALTERNATIVE DAILY COVER.

17 CHAIRMAN FRAZEE: I SEE. IS THAT THE  
18 TOTAL SOURCE, THEN, OF THE 13,000 TONS?

19 MR. BAKX: ABSOLUTELY.

20 CHAIRMAN FRAZEE: OKAY. I UNDERSTAND A  
21 LITTLE BETTER NOW. THANK YOU.

22 NOW LET'S GO TO MARK LEARY FROM BFI.

23 MR. LEARY: I THINK I'D LIKE TO GO AHEAD  
24 AND COMMENT ON AGENDA ITEM 10 NOW.

25 CHAIRMAN FRAZEE: YOU CAN GO BACK TO ONE

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1 IF YOU WANT TO.

2 MR. LEARY: THANK YOU, MR. CHAIRMAN.

3 YES, MY NAME IS MARK LEARY. I'M HERE REPRESENTING  
4 NOT ONLY BROWNING FERRIS INDUSTRIES, BUT ALSO THE  
5 CALIFORNIA CHAPTER OF THE SOLID WASTE ASSOCIATION  
6 OF NORTH AMERICA, THE COUNTY SANITATION DISTRICTS  
7 OF LOS ANGELES, AND THE L.A. BOARD OF SUPERVISORS.  
8 THAT IS AT LEAST UNTIL JACK OR STEVE OR SOMEBODY  
9 YANKS ME BY THE BACK OF THE COLLAR AND THEN I  
10 WON'T REPRESENT THEM ANY LONGER.

11 AS I PREPARED MY THOUGHTS ON THIS  
12 AGENDA ITEM, THE THOUGHT THAT OCCURRED TO ME IS  
13 THIS IS KIND OF A UNIQUE CIRCUMSTANCE, I THINK,  
14 FOR THE BOARD. OUTSIDE OF TRADITIONAL TRANSFER  
15 STATIONS AND LANDFILLS, WHAT SUBJECT HAS BEEN MORE  
16 STUDIED BY THE BOARD THAN ALTERNATIVE DAILY COVER?  
17 CONSIDERING THE POLICY CONSIDERATIONS BACK IN '93  
18 AND THE EVOLUTION OF THE POLICY DISCUSSIONS AND  
19 ALL THE WAY THROUGH 1647, I THINK SELDOM HAS SO  
20 MUCH ATTENTION BEEN FOCUSED ON SUCH A SMALL  
21 PORTION OF THE MANAGEMENT OF SOLID WASTE IN  
22 CALIFORNIA.

23 MR. CHESBRO: CAN I ACTUALLY CORRECT  
YOU

24 AND SAY THAT IN 1990, BEFORE I WAS ACTUALLY  
25 APPOINTED, I KNEW I WAS GOING TO BE APPOINTED, I

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1 ATTENDED ONE OF THE OLD BOARD'S MEETINGS, AND  
THEY

2 WERE TALKING ABOUT WHETHER ADC SHOULD GET  
CREDIT.

3 SO IT GOES BACK EVEN FURTHER. I JUST WANTED TO  
4 POINT THAT OUT.

5 MR. LEARY: AND MY RELATIVE INVOLVEMENT  
6 IN SOLID WASTE HAS BEEN MUCH SHORTER THAN THAT.

I  
7 ONLY LOOK BACK IN THE RECORDS BACK TO '93. I  
8 STAND CORRECTED.

9 CHAIRMAN FRAZEE: IN DEFENSE OF THE  
10 BOARD, I THINK THAT MOST OF THIS HAS BEEN DRIVEN  
11 NOT BY ACTIONS HERE OR BY THE WASTE INDUSTRY,  
BUT

12 BY EXTERNAL FACTORS SUCH AS THE COURTS AND OTHER  
13 INTERESTED PARTIES. IT PROBABLY WAS CLOSED OUT  
AT

14 ONE POINT LONG BEFORE I GOT HERE IN TERMS OF THE  
15 MINDS OF THE MEMBERS.

16 MEMBER RELIS: WE WERE FINE UNTIL OAL  
GOT  
17 INTO THE MATTER.

18 CHAIRMAN FRAZEE: SORRY TO INTERRUPT.

19 MR. LEARY: THAT'S FINE. THAT IS MY  
20 POINT REALLY IS THAT THIS SUBJECT HAS BEEN

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STUDIED

21 LONG AND HARD. I THINK THE ADC PROJECT INTEGRA-  
22 TION TEAM, AS REPRESENTED BY THE FOUR FOLKS  
23 MENTIONED EARLIER, HAS DONE AN OUTSTANDING JOB  
IN  
24 DOING THE ANALYSIS, FIRST OF ALL, SEEKING INPUT,  
25 DOING A COMPREHENSIVE EFFORT TO GATHER AS MUCH

1 INPUT AS POSSIBLE, TO ANALYZE ALL OF THAT INPUT,  
2 ALL THE APPLICABLE INFORMATION, CONSIDERED THE  
3 MANDATES OF AB 1647 WHICH RESOLVED SOME OF THE  
4 POLICY DISCUSSION, AND THEN DRAW WHAT I THINK ARE  
5 THE MOST APPROPRIATE AND TECHNICALLY JUSTIFIED  
6 CONCLUSIONS.

7 I THINK, WITHOUT HAVING HIS RESUME  
8 IN FRONT OF ME, I THINK THE BOARD HAS ONE OF THE  
9 NATION'S EXPERTS ON ALTERNATIVE DAILY COVER IN THE  
10 PERSON OF SCOTT WALKER. THIS GENTLEMAN HAS BEEN  
11 GIVING PAPERS ON THIS SUBJECT NATIONALLY. HE GOES  
12 TO EVERY DEMONSTRATION PROJECT. AND WHAT STATE IS  
13 DEMONSTRATING ADC MORE FREQUENTLY AND AT MORE  
14 OPPORTUNITIES THAN THE STATE OF CALIFORNIA? IF  
15 THERE ARE STANDARDS TO BE DEVELOPED, WHO BETTER TO  
16 JUDGE TO DEVELOP THEM?

17 I THINK THESE REGULATIONS ARE READY  
18 FOR INFORMAL PUBLIC COMMENT. I THINK LET'S GET ON  
19 WITH IT. TO THE EXTENT THAT THE BOARD WANTS TO  
20 REEVALUATE IT SOMETIME DOWN THE ROAD, THEY ALWAYS  
21 HAVE THAT OPPORTUNITY. THE BOARD CAN REEVALUATE  
22 ANYTHING AT ANY TIME. IF YOU WANT TO REWRITE  
23 REGULATIONS IN A YEAR, THAT'S OBVIOUSLY YOUR  
24 DECISION. BUT I SPEAK IN SUPPORT OF THESE --  
25 STAFF PROPOSAL AND STAFF RECOMMENDATION, AND I

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1 SUGGEST WE GO AHEAD AND MOVE FORWARD TO THE PUBLIC  
2 COMMENT. THANK YOU.

3 CHAIRMAN FRAZEE: THANK YOU. QUESTIONS  
4 OF MR. LEARY? IF NOT, LET'S SEE, JIM SULLIVAN,  
5 ASSOCIATION OF COMPOST PRODUCERS.

6 MR. SULLIVAN: MR. CHAIR, THE BOARD, JIM  
7 SULLIVAN, INLAND EMPIRE COMPOSTING, REPRESENTING  
8 THE ASSOCIATION OF COMPOST PRODUCERS.

9 WE OPPOSE THIS AS IT'S WRITTEN  
10 TODAY. I UNDERSTAND THAT YOU ARE NOT PASSING IT  
11 TODAY. THIS IS MERELY TO GO TO PUBLIC COMMENT.  
12 BUT SOME OF THE ISSUES AT HAND WERE WELL SPOKEN TO  
13 BY RICK BEST. AND MY CONCERNS I'LL JUST FOCUS A  
14 LITTLE BIT DIFFERENTLY.

15 EARLIER TODAY WE HAD DISCUSSION  
16 ABOUT THE OPPORTUNITY TO ABUSE REGULATIONS BY A  
17 PARTICULAR FACILITY IN SAN BERNARDINO COUNTY.  
18 THERE'S NO PROVISION AS TO SOURCING ON THE  
19 MATERIALS THAT WOULD BE UTILIZED BY A LANDFILL FOR  
20 ADC. THAT MAY BE PART OF THAT I'M NOT AWARE OF,  
21 PART OF THE STUDY LEADING UP TO ADC. I THINK THAT  
22 AS A PROVISION, CERTAINLY A REGULATED EITHER  
23 HAULER OR FACILITY SHOULD BE GENERATING ANY OF  
24 THESE MATERIALS AS OPPOSED TO COMING FROM AN  
25 UNREGULATED SOURCE FOR THE LANDFILL. AND I DON'T

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1 SEE THAT ADDRESSED WITHIN THE BODY OF THIS.

2 ADDITIONALLY, I WOULD OPPOSE THE  
3 ELIMINATION OF ANY OF THE ODOR REGULATIONS  
4 PRIMARILY BECAUSE, AND AGAIN AS THIS BOARD HAS  
5 HEARD TODAY, A ROSE IS A ROSE. IT DOESN'T MATTER  
6 WHAT YOU CALL IT, BUT WHEN YOU HAVE GREEN WASTE  
7 THAT IS COMING IN AND BEING GROUND, IT IMMEDIATELY  
8 BEGINS TO COMPOST. AND THE MOST ODOROUS ISSUES IN  
9 COMPOSTING COME WITHIN THE FIRST TEN DAYS OF THAT  
10 PROCESS.

11 IF YOU ELIMINATE ODOR, THEN YOU'RE  
12 REALLY GIVING UP ANY OF THE PROTECTION THAT AB 59  
13 PROVIDES EITHER FACILITIES LIKE MINE OR THE  
14 LANDFILLS, AND I THINK THAT NEEDS TO BE CAREFULLY  
15 STUDIED.

16 ADDITIONALLY, I DID NOT AND DO NOT  
17 HAVE THE EXPERTISE TO UNDERSTAND WHAT THE  
18 INTERMEDIARY LANGUAGE FOR COVER MEANS, BUT  
19 CERTAINLY ANY CHANGE AND DELETION THAT WOULD, AS  
20 STATED HERE, BE UNFORESEEN AND ITS EFFECTS NEEDS  
21 TO BE VIEWED VERY CAUTIOUSLY AND CAREFULLY.

22 WITH THAT, I THANK YOU FOR THE  
23 OPPORTUNITY TO DISCUSS THIS WITH YOU.

24 CHAIRMAN FRAZEE: OKAY. THANK YOU VERY  
25 MUCH. NOW LARRY SWEETSER, NORCAL.

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1                   MR. BLOCK: CHAIRMAN FRAZEE, IF I MAY FOR  
2                   A MOMENT ADD A LITTLE CLARIFICATION IN TERMS OF  
3                   THE ODOR ISSUE SINCE THE DISCUSSION FROM THIS  
4                   MORNING CAME UP. PURSUANT -- AS WAS MENTIONED  
5                   EARLIER, PURSUANT TO 1220, ODOR AUTHORITY FOR  
6                   ENFORCING REGARDING ODOR ISSUES DOES RESIDE WITH  
7                   THE AIR DISTRICTS. HOWEVER, AB 59 SPECIFIED THAT  
8                   FOR A SPECIFIED PERIOD OF TIME FOR COMPOST  
9                   OPERATIONS AND FACILITIES, THE BOARD HAS AUTHORITY  
10                  OVER ODOR ISSUES. AND SO THAT'S WHY THE  
11                  REGULATORY PACKAGE THAT YOU WERE DISCUSSING THIS  
12                  MORNING DID CONTAIN PROVISIONS REGARDING ODOR THAT  
13                  THE BOARD WOULD BE ENFORCING BECAUSE IT WAS IN THE  
14                  CONTEXT OF COMPOST FACILITIES, BUT THE BOARD STILL  
15                  DOES NOT HAVE THAT AUTHORITY REGARDING LANDFILLS.  
16                  THOUGHT I WOULD MAKE SURE --

17                  CHAIRMAN FRAZEE: THERE WAS NOT A SUNSET  
18                  ON THAT AUTHORITY?

19                  MR. BLOCK: IT WILL BE AT THE END OF '97.

20                  CHAIRMAN FRAZEE: END OF '97. OKAY.

21                  MR. BLOCK: TWO YEARS UNLESS IT'S RE- --

22                  CHAIRMAN FRAZEE: SO WE CURRENTLY HAVE  
23                  THAT AUTHORITY AS IT RELATES TO COMPOST  
24                  OPERATIONS.

25                  MR. BLOCK: THAT'S CORRECT, RIGHT. AND

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1 THAT'S THE REASON WHY WE DO HAVE ODOR PROVISIONS  
2 IN THOSE EMERGENCY REGS THAT YOU SAW THIS MORNING.

3 CHAIRMAN FRAZEE: EXCEPT IN THE JURISDIC-  
4 TION OF THE BAY AREA DISTRICT?

5 MR. BLOCK: ACTUALLY EVEN IN THE BAY AREA  
6 DISTRICT. THE PROVISION REGARDING THEM, THEY  
7 ALREADY HAD SOME STANDARDS, AND IT JUST ALLOWED  
8 THEM TO RETAIN THOSE.

9 CHAIRMAN FRAZEE: OKAY.

10 MR. SWEETSER: GOOD AFTERNOON, CHAIRMAN,  
11 MEMBERS OF THE COMMITTEE. MY NAME IS LARRY  
12 SWEETSER, DIRECTOR OF REGULATORY AFFAIRS FOR  
13 NORCAL. ALSO LIKE TO ADD CONGRATULATIONS TO STAFF  
14 ON THEIR WORK PRODUCT, PARTICULARLY SCOTT WALKER.  
15 IT'S SO NICE TO HAVE A PHONE NUMBER WE CAN SEND  
16 EITHER TECHNICAL PEOPLE OR PEOPLE LOOKING FOR  
17 VALIDATION OF THE CONCEPT TO OTHER THAN OURSELVES.  
18 SO IT'S NICE TO HAVE THAT. AND APPRECIATE THE  
19 EXCELLENT WORK WENT INTO THIS.

20 ONE MINOR CORRECTION ON MR. LEARY.  
21 I THINK THERE HAS BEEN AN ISSUE PROBABLY TALKED  
22 ABOUT AS MUCH AS, IF NOT MORE, AND I THINK THAT'S  
23 TIRES.

24 I'M ALSO GLAD IN THIS PROPOSAL WE'RE  
25 NOT REHASHING SOME OF THE OLD ARGUMENTS. IT'S

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1 TIME TO MOVE ON FROM THAT PROPOSAL. I THINK WE'VE  
2 PROVEN ADC, ALTERNATIVE DAILY COVER, IS DIVERSION.  
3 LET'S MOVE ON. LET'S GET REGULATIONS IN PLACE AND  
4 LET'S START DOING IT.

5 SPECIFIC POLICY QUESTIONS, TOTALLY  
6 AGREE THAT THERE'S NO LIMIT ON DIVERSION  
7 NECESSARY. I THINK THAT WAS APPROPRIATE WHAT WAS  
8 TALKED ABOUT IN AB 1647. AND DESPITE WHATEVER  
9 POLICIES OR HOW EASY YOU MAKE IT, THERE'S NOT  
10 GOING TO BE ANY RUSH TO USE ADC ANY TIME SOON.  
11 MOST OPERATORS LIKE DIRT AS MUCH AS POSSIBLE. SO  
12 I DON'T THINK WE'RE GOING TO SEE THAT KIND OF  
13 IMPACT OUT THERE.

14 AS FAR AS RELOOKING AT THE POLICY,  
15 AGAIN, YOU HAVE EVERY RIGHT TO DO THAT. I'M SURE  
16 YOU ALWAYS KEEP IN MIND THE FACT THAT LOCAL  
17 GOVERNMENT HAS A CONCERN AS FAR AS WHAT'S IN,  
18 WHAT'S OUT, AND PLAYING WITH THAT TOO MUCH TENDS  
19 TO GET THEM RATHER IRRITATED. I'M SURE YOU'LL  
20 KEEP THAT IN MIND.

21 THE FUNCTIONAL EQUIVALENCY ISSUE,  
22 THAT'S DEFINITELY A CONCEPT THAT WORKS. I THINK  
23 WE FOUND A GOOD NUMBER THAT WORKS OUT THERE FOR  
24 THAT, 12 INCHES FOR SHREDDED MATERIAL AND THE  
25 OTHER NUMBERS.

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1                   ALSO APPRECIATE THE REMOVAL OF THE  
2 DEMONSTRATION PROJECT IN EVERY CASE. I THINK IT'S  
3 TIME THAT THAT'S BEEN DONE. HOW MANY TIMES DO WE  
4 HAVE TO RETEST THE SAME CONCEPT OVER AND OVER, SO  
5 I THINK IT'S WELL WORTH PROCEEDING WITH THAT.

6                   THE MONITORING QUESTION, I THINK, IS  
7 ONE THAT IS ALMOST STRANGE TO BE BRINGING UP IN  
8 TERMS OF THAT'S ESSENTIALLY WHAT THE LEA'S JOB IS  
9 OUT THERE IS MONITORING THAT ALL THE TIME. I  
10 WOULD ALWAYS ASSUME, NO MATTER WHAT COVER IS USED,  
11 THEY'RE ALWAYS OUT THERE DOING THAT. WE'VE SEEN  
12 IT IN OUR FACILITIES; I'M SURE OTHERS HAVE. SO I  
13 THINK IT'S ALMOST A MOOT QUESTION AS FAR AS  
14 ADDITIONAL NEED FOR MONITORING. YOU'VE GOT IT  
15 EVERY MONTH. THAT'S PROBABLY A MORE STRINGENT  
16 STANDARD THAN MOST FACILITIES HAVE AROUND THE  
17 STATE FOR OTHER THINGS. SO I THINK AS FAR AS  
18 MONITORING, IT'S SUFFICIENT. WHAT WE HAVE, THAT'S  
19 PART OF THE LEA'S JOB.

20                   AS FAR AS THE NEED FOR COVER, ANY  
21 COVER, WHETHER IT'S DAILY OR INTERMEDIATE OR FINAL  
22 COVER, HAS A CERTAIN STANDARD TO MEET. IF THAT  
23 STANDARD IS NOT MET, IT'S AN ENFORCEMENT ISSUE.

24 THAT'S ALWAYS BEEN THE CASE, AND I DON'T EXPECT  
25 THAT TO CHANGE WITH THIS POLICY. SO THERE MAY  
BE

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1 SOME USES, LIMITED USES FOR INTERMEDIATE COVER,  
2 EVEN FINAL COVER FOR ADC, BUT AGAIN THAT'S  
3 SOMETHING THAT HAS TO MEET THE PERFORMANCE  
4 STANDARDS. AND I DON'T KNOW HOW MANY FACILITIES  
5 YOU MAY SEE MAY BE DOING THAT, BUT STILL THAT  
6 PROCESS IS OUT THERE. IF IT DOESN'T MEET THAT  
7 STANDARD, THE LEA HAS EVERY RIGHT TO ENFORCE  
8 MINIMUM STANDARDS ON THAT FACILITY.

9 AS FAR AS DISPOSAL REPORTING  
10 CHANGES, I THINK THAT'S SOMETHING WE CAN LIVE  
11 WITH. THE PROCESS NOW IS PROBABLY ABOUT AS EASY  
12 AND BEST INFORMATION AS WE CAN GET AT THIS POINT,  
13 SO WE DON'T HAVE ANY OBJECTIONS TO CONTINUING THAT  
14 WITH SHARPENING THE QUESTION A LITTLE BIT.

15 AND SO WE'D ASK THAT YOU GET THIS  
16 INFORMAL DRAFT OUT ON THE STREETS BECAUSE I THINK  
17 THAT'S THE BEST WAY TO GET SOME COMMENTS BACK WHEN  
18 YOU'RE DEALING WITH ACTUAL LANGUAGE. SO WE'RE  
19 SUPPORTING GETTING THAT PROPOSAL OUT THERE SO WE  
20 CAN HAVE SOMETHING FINALIZED HOPEFULLY SOON. SO  
21 WE URGE YOU TO GET A STAMP ON THIS AND GET IT IN  
22 THE MAIL. THANK YOU.

23 CHAIRMAN FRAZEE: OKAY. THANK YOU. NOW  
24 FINALLY EVAN EDGAR.  
25 MR. EDGAR: GOOD AFTERNOON, BOARD

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1 MEMBERS. MY NAME IS EVAN EDGAR. I'M THE ENGINEER  
2 FOR THE CALIFORNIA REFUSE REMOVAL COUNCIL,  
3 REPRESENTING THE PRIVATE INDEPENDENT LANDFILL  
4 OPERATORS AND COMPOSTERS.

5 ON TECHNICAL ISSUES, WE SUPPORT THE  
6 NEED TO REMOVE THE DEMONSTRATION PROJECT. WE'VE  
7 BEEN DOING THAT FOR MANY YEARS. I'VE DONE THEM  
8 FOR THREE YEARS. IT WAS A GREAT SCIENCE PROJECT.  
9 THAT'S DONE. WE SUPPORT THE AB 1220 THEMES  
10 INCORPORATED IN THE DRAFT REGULATIONS, AND WE  
11 SUPPORT THE RELEASE OF INFORMAL DRAFT REGULATIONS,  
12 AND GREAT WORK BY STAFF. THANK YOU.

13 CHAIRMAN FRAZEE: THAT COMPLETES OUR LIST  
14 OF INDIVIDUALS WHO WISH TO SPEAK ON THIS ITEM.  
15 COMMITTEE COMMENT OR DISCUSSION?

16 MEMBER RELIS: WELL, MR. CHAIR, I HAVE A  
17 COUPLE OF OBSERVATIONS AT THIS POINT, AND I KNOW  
18 WE'LL PROBABLY DISCUSS THIS A BIT. FIRST OF ALL,  
19 GOING BACK IN THE CHRONOLOGY MATTERS, WE HAD, I  
20 THINK WHEN WE HAD DEVELOPED THE ORIGINAL 7  
21 PERCENT, THE STAFF HAD ESTIMATED AT THAT TIME THAT  
22 THE PRACTICAL BOUNDARIES OF USE WERE SOMEWHERE, I  
23 THINK, BETWEEN ONE AND TWO MILLION TONS. TODAY I  
24 LOOK AT THE NUMBERS BASED ON WHAT WE RECEIVED  
25 TODAY AND PRELIMINARY ESTIMATE FOR 1996 BEING

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1 ROUGHLY 560,000 TONS, UP FROM THE PREVIOUS YEAR,  
2 IF THOSE ARE ACCURATE, OF AROUND 400,000.

3 WE WERE USING THE ONE TO TWO -- ONE  
4 TO TWO MILLION WITHIN THE CONTEXT OF AN OUTSIDE  
5 NUMBER OF 7 PERCENT AT THAT TIME. SO I DON'T SEE  
6 THAT WE'RE MOVING, AT LEAST RAPIDLY, TO THOSE  
7 NUMBERS. WE HAVE INCHED UP A BIT OVER A YEAR.  
8 NOW, A FULL HALF OF THAT IS L.A. COUNTY. I MEAN  
9 IT'S FOCUSED PRIMARILY IN ONE AREA. THERE ARE A  
10 FEW OTHER. AS I LOOK DOWN THESE NUMBERS, A FEW  
11 AREAS SEEM TO BE USING A FAIRLY HIGH PERCENTAGE,  
12 BUT IT'S CERTAINLY NOT UNIFORM AROUND THE STATE.

13 SO MY SUGGESTION WOULD BE, LISTENING  
14 TO THE COMMENTS BY CORC AND -- THE BOARD HAS A  
15 VERY LARGE INTEREST IN THE COMPOST AND ORGANICS  
16 MARKET DEVELOPMENT OVERALL. SO I WOULD HOPE THAT  
17 WE COULD TRACK THIS. YOU KNOW, LIKE, WE GOT THIS  
18 REPORT MAYBE EVERY SIX MONTHS, GET A REPORT BACK  
19 BY STAFF ON ESTIMATED USE SO THAT WE CAN SEE  
20 WHETHER THIS IS GOING TO BECOME -- INHIBIT THE  
21 MARKET AND KEEP LISTENING TO THE PARTIES OUT THERE  
22 WHO ARE TRYING TO BUILD A COMPOSTING AND ORGANICS  
23 INFRASTRUCTURE FOR THE STATE.

24 I DON'T THINK THE SITUATION IS  
25 ALARMING FROM MY PERSPECTIVE AT THIS POINT, BUT

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1 THAT'S NOT TO SAY THERE COULD BE FACTORS AT PLAY  
2 THAT WOULD TAKE SHAPE AND COULD INHIBIT THE  
3 MARKET. AND I THINK THE LEGISLATION SPEAKS TO  
4 THAT BECAUSE IT SAYS IN THE REGULATIONS ON PAGE --  
5 REFERENCE SECTION 41781. IT ASKS US TO CONSIDER,  
6 IN ADOPTING REGULATIONS, THOSE CONDITIONS  
7 NECESSARY TO PROVIDE FOR THE CONTINUED ECONOMIC  
8 DEVELOPMENT, VIABILITY, AND EMPLOYMENT  
9 OPPORTUNITIES PROVIDED BY THE COMPOST INDUSTRY AND  
10 SO ON. SO THEY ASK US TO TAKE NOTE OF THAT.

11 THE OTHER QUESTION IS JUST THIS  
12 INTERMEDIATE. YOU KNOW, FOR THE FIRST TIME, AT  
13 LEAST I RECALL AND I MAY HAVE MISSED THIS EARLIER,  
14 BUT I LOOKED BACK QUICKLY OVER MY NOTES AND IN THE  
15 REGULATION, AND I HADN'T SEEN THIS TERM  
16 "INTERMEDIATE." I'M A LITTLE UNCOMFORTABLE WITH  
17 IT TODAY JUST NOT KNOWING WHAT THAT MEANS. IT MAY  
18 BE NOTHING; IT MAY BE SIGNIFICANT. SO I'D JUST AS  
19 SOON KEEP TO THE USE OF THE TERM "ADC" BECAUSE  
20 THAT'S WHAT WE USED ALL THE WAY THROUGH OUR ENTIRE  
21 HEARING AND DELIBERATIVE PROCESS. AND SO I DON'T  
22 THINK THAT'S OUT OF BOUNDS WITH WHAT OUR  
23 HISTORICAL UNDERSTANDING HAS BEEN. SO THOSE ARE  
24 MY TWO COMMENTS.

25 MEMBER JONES: MR. CHAIRMAN, I HAVE A

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1 QUESTION OF MR. RELIS. ON THE INTERMEDIATE STUFF,  
2 THE WAY IT'S WRITTEN, IT'S A PILOT PROGRAM. AND  
3 IT OBVIOUSLY OR IN MY MIND IT WOULD PROBABLY BE  
4 SOMETHING ELSE THAT, YOU KNOW, OTHER THAN GREEN  
5 MATERIAL THAT WOULD BE USED. AS LONG AS IT'S  
6 UNDER A PILOT PROGRAM, DOES THAT CREATE A PROBLEM  
7 OR JUST THE FACT THAT IT'S EVEN IN THE ADC REGS?

8 MEMBER RELIS: RIGHT NOW I JUST DON'T  
9 FEEL LIKE WE'VE EVER PROCESSED THAT HERE AT THE  
10 BOARD, MEANING WE DIDN'T GET ANY INFORMATION ON  
11 IT. WE DIDN'T, AS FAR AS I KNOW, GET ANY SENSE OF  
12 WHAT THE BOUNDARIES ARE. I DON'T UNDERSTAND IT IS  
13 WHAT I'M SAYING. SO I'M NOT -- I'M UNCOMFORTABLE  
14 DEALING WITH LANGUAGE THAT WASN'T THERE. THAT'S  
15 THE ONLY REASON. I JUST DON'T UNDERSTAND IT.

16 MEMBER JONES: YOU KNOW, I CAME FROM SOME  
17 AREAS WHERE ASH COULD HAVE BEEN USED VERY  
18 POSITIVELY FOR INTERMEDIATE COVER, YOU KNOW, AND  
19 WITH THE PARAMETERS OF IT AS A PILOT PROJECT TO  
20 SEE HOW IT WORKS AND THINGS LIKE THAT, IT'S

GOING

21 TO BE MIXED WITH DIRT ANYWAY. I LOOK AT IT, YOU  
22 KNOW, FROM THAT STANDPOINT, CONDUCTED UNDER A  
23 PILOT.

24 MEMBER RELIS: I ALWAYS UNDERSTOOD THE

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25 GREEN WASTE AS BEING IN THIS DAILY APPLICATION,

1 NOT SITTING AROUND FOR PERIODS OF EXTENDED TIME  
2 BECAUSE, AS STAFF POINTED OUT, I THINK IT CEASES  
3 TO PERFORM THE FUNCTION AND IT BECOMES A FIRE  
4 HAZARD. AND THAT'S WHY I'M RAISING IT. IT JUST  
5 DOESN'T ADD UP WITH THE PERFORMANCE AND THE  
6 DEMONSTRATIONS THAT WE HAVE GONE THROUGH WITH ADC.

7 MS. RICE: BUT THE LANGUAGE IS NOT  
8 SPECIFIC TO GREEN MATERIAL, CORRECT, SCOTT? IT  
9 WOULD SPEAK TO ANY WASTE-DERIVED MATERIAL USED FOR  
10 INTERMEDIATE COVER THROUGH A PILOT PROJECT.

11 MR. WALKER: AND THE PILOT PROJECT WOULD  
12 HAVE TO BE APPROVED BY THE LEA AND WITH CON-  
13 CURRENCE BY THE BOARD BEFORE STARTING.

14 MEMBER RELIS: YOU ARE SAYING YOU DOUBT,  
15 AT LEAST THE WAY I HEARD, THAT INTERMEDIATE --  
16 USING GREEN MATERIAL WOULD BE, IN FACT, DESIRABLE?

17 MR. WALKER: YES.

18 MEMBER RELIS: AND IF THAT'S THE CASE,  
19 MAYBE IT'S A MOOT POINT, BUT I JUST -- I'M NOT

--

20 I HAVE NO EXPERIENCE WITH THAT.

21 MEMBER JONES: MY COMMENTS WOULD BE,  
NO.

22 1, I THINK THESE ARE GREAT. I THINK WHAT YOU  
PUT

23 TOGETHER IS A VERY, VERY GOOD PLAN.

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24

COMING FROM THE INDUSTRY,

OBVIOUSLY

25

WE HAVE A TREMENDOUS AMOUNT OF INVOLVEMENT

INTO

1 THE COMPOSTING MARKETS, AS WE DO INTO LANDFILL  
2 COVER ISSUES AND THINGS LIKE THAT. AND I WILL  
3 TELL YOU, WHEN YOU HAVE TO BUY A MOUNTAIN TO FIND  
4 THE DIRT TO COVER THE MATERIAL AND HAUL IT, WHEN  
5 THERE IS AN ALTERNATIVE COVER, WHETHER IT BE ASH,  
6 THE IMPORTATION OF TIRE CHIPS, ADC, GREEN WASTE,  
7 ANY OF THOSE THINGS, THAT MAKES SENSE AND THAT  
8 MAKES AN INTEGRATED PROGRAM WORK.

9 I MEAN WE CANNOT COMPOST EVERYTHING.  
10 I DON'T WANT TO SEE ADC AFFECT THE COMPOST  
11 MARKETS, BUT I THINK IF WE LOOK AT ADC IN THE  
12 SPIRIT, IT IS NOT ONLY GREEN WASTE, IT IS TIRE  
13 CHIPS, IT IS ASH, IT IS A LOT OF REUSE OF A LOT OF  
14 MATERIALS THAT COME OUT OF THE WASTESTREAM THAT  
15 CAN BENEFICIALLY BE USED TO KEEP OPERATOR COSTS  
16 DOWN.

17 ONE OF THE COMMENTS WAS WE NEED TO  
18 BE PROTECTED. UNFORTUNATELY, I THINK THOSE  
19 MARKETS CAN PROTECT THEMSELVES. I THINK THAT  
20 WHERE THERE IS A NEED, WHERE A JURISDICTION HAS TO  
21 GO OUT AND SPEND TREMENDOUS AMOUNTS OF MONEY FOR  
22 IMPORTATION OF DIRT OR THOSE TYPES OF MATERIALS TO  
23 COMPLY WITH COVER LAW, AND YET THEY HAVE A STREAM  
24 OF WASTE, MAYBE IT'S THREE OR FOUR DIFFERENT TYPES  
25 OF WASTE THAT COULD ACCOMPLISH THE SAME THING, I

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1 THINK WE HAVE TO UTILIZE THAT. I THINK WE HAVE TO  
2 LET THE MARKET DETERMINE WHERE THOSE SUCCESSFUL  
3 COMPOSTING PROGRAMS AND SUCCESSFUL ADC PROGRAMS  
4 ARE. THEY'RE GOING TO MARRIAGE -- I MEAN THEY'RE  
5 GOING TO INTEGRATE THEMSELVES CONTINUALLY. AND  
6 IT'S GOING TO BE DRIVEN BY WHAT THE NEEDS ARE.

7 I THINK IF EVERYBODY FOCUSES THAT  
8 ADC IS ONLY GREEN WASTE, I THINK WE DO OURSELVES A  
9 HUGE DISSERVICE. SO I AGREE WITH THE STAFF. I  
10 THINK THE STAFF DID A GOOD JOB. I FULLY SUPPORT  
11 THIS GOING OUT FOR FORMAL COMMENT, AND I ALSO  
12 CONCUR THAT WE SHOULD LOOK AT THE IMPACTS BECAUSE  
13 I THINK IT'S GOING TO BE SURPRISING THAT THE  
14 IMPACTS AS YOU NOTED WEREN'T WHAT PEOPLE THOUGHT  
15 THEY WOULD BE INITIALLY IN THE AMOUNT OF DIVERSION  
16 OUT OF COMPOST FEEDSTOCKS, WHAT WAS ADC, AND I  
17 THINK WE'RE GOING TO SEE A GOOD, POSITIVE USE OF A  
18 LOT OF OTHER MATERIALS THAT WOULD OTHERWISE BE  
19 LANDFILLED. I THINK IT MAKES GOOD SENSE.

20 CHAIRMAN FRAZEE: JUST A BIT, PERHAPS  
21 AGREEING WITH YOU, BUT ON THE FLIP SIDE OF IT, AS  
22 WE MOVE, AT LEAST MY OBSERVATION AS A LAYMAN, AS  
23 WE MOVE FROM AN ERA OF SMALL, LOCAL LANDFILLS TO  
24 MANY FEWER, VERY LARGE LANDFILLS, NEW LANDFILLS  
25 WHEREVER POSSIBLE ARE DESIGNED WITH A BALANCE OF

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1 SOIL. WITH THE EQUIPMENT AND THE DESIGN OUT THERE  
2 NOW, AT LEAST ONES I'VE OBSERVED, THAT'S THE GOAL  
3 IS TO END UP WITH ENOUGH SOIL ON SITE TO PROVIDE  
4 DAILY COVER. I THINK THE HAULING SOIL IN FROM  
5 SOMEWHERE ELSE IS A TREMENDOUSLY EXPENSIVE  
6 PROPOSITION. SO THE GREAT EXPANSION OF USE OF  
7 GREEN MATERIAL FOR DAILY COVER IS GOING TO BE  
8 COUNTED BY THAT NEW LANDFILL DESIGN, AND I DON'T  
9 THINK IT'S GOING TO GROW IN GREAT LEAPS AND BOUNDS  
10 FROM WHERE WE ARE RIGHT NOW.

11 I WAS VERY INTERESTED IN WILL BAKX'  
12 COMMENT ON THE FACT THAT 13,000 TONS OF MATERIAL  
13 USED THERE IS, IN EFFECT, WASTE FROM COMPOSTING  
14 OPERATIONS. SO IT'S GOING TO BE PUT IN THE  
15 LANDFILL ONE WAY OR ANOTHER. IT'S THERE. IT'S  
16 NOT GOING TO BE HAULED OFF FOR OTHER PURPOSE.  
17 THERE MAY BE SOME MORE OF THAT GOING ON. I DON'T  
18 KNOW IF THAT IS OCCURRING OR NOT. SO IT'S A GOOD  
19 USE FOR THE MATERIAL.

20 I THINK ALL OF THOSE ARE OF -- THE  
21 FEAR IS SOMEWHAT MITIGATED BY WHAT WILL HAPPEN IN  
22 THE FUTURE.

23 ANY OTHER DISCUSSION ON THIS? I  
24 THINK OUR ACTION ON THIS IS -- DO WE NOTICE IT?  
25 DO WE SEND IT OUT FOR INFORMAL COMMENT, OR DOES

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1 THAT HAVE TO GO TO THE BOARD TO DO THAT?

2 MS. ZWARTS: THIS IS JUST WE'RE ASKING  
3 FOR APPROVAL TO GO OUT FOR INFORMAL COMMENT, TO  
4 GET ADDITIONAL COMMENTS ON WHAT'S HERE. WE'LL  
5 THEN BRING IT BACK TO THE COMMITTEE WITH THOSE  
6 COMMENTS.

7 CHAIRMAN FRAZEE: SO THIS WILL NOT GO TO  
8 THE BOARD THIS TIME. THIS ACTION WILL OPEN THE  
9 INFORMAL COMMENT.

10 MS. ZWARTS: I GUESS I'LL HAVE TO ASK  
11 LEGAL IF WE NEED TO GO TO THE BOARD TO APPROVE FOR  
12 INFORMAL COMMENT.

13 MR. BLOCK: GOOD QUESTION. THE ITEM  
14 BEFORE YOU HAS AS A RECOMMENDATION THAT IT BE  
15 FORWARDED TO THE BOARD FOR DISCUSSION BEFORE  
16 GOING. THAT'S THE WAY THE ITEM WENT OUT AND I  
17 THINK PROBABLY THE SAFEST.

18 CHAIRMAN FRAZEE: SHOULD STICK TO THAT.

19 MR. BLOCK: YOU ARE GOING TO HAVE SOME  
20 EXPECTATIONS PERHAPS FROM PEOPLE THAT THIS WILL  
21 ALSO BE HEARD AT THE BOARD BEFORE GOING OUT FOR  
22 INFORMAL COMMENT.

23 MS. ZWARTS: ALL WE'RE ASKING IT GO OUT  
24 FOR INFORMAL, FOR MORE INFORMATION BY THOSE  
25 AFFECTED BY THIS.

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1                   CHAIRMAN FRAZEE:   JUST ONE FINAL THOUGHT.  
2                   I DO AGREE WITH MR. RELIS AND SOME OTHER  
3                   COMMENTERS THAT THIS WHOLE ISSUE OUGHT TO BE  
4                   WEIGHED IN SOME KIND OF A TIME FRAME.   WE OUGHT TO  
5                   MAKE PROVISIONS FOR NOW, THAT A TWO-YEAR REVIEW OR  
6                   SOMETHING OF THAT NATURE, AND SEE HOW IT IS  
7                   PROGRESSING AS IT AFFECTS THE AVAILABLE MATERIAL  
8                   FOR COMPOSTING.

9                   MEMBER RELIS:   MR. CHAIR, I'D BE IN FAVOR  
10                  OF THAT.   I WOULD PREFER IF WE SHRUNK THAT TIME A  
11                  LITTLE JUST SO WE COULD EITHER GET A REPORT SIX  
12                  MONTHS OR A YEAR, SOMEWHERE IN THAT TIME FRAME,  
13                  AND JUST MONITOR.   I GUESS THAT'S DIFFERENT THAN  
14                  REVIEW.   BUT I'D LIKE TO SEE AN INFORMATION SYSTEM  
15                  THAT WE COULD GET A REGULAR FEEDBACK AS TO THE  
16                  GROWTH OF ADC USE.

17                  MEMBER JONES:   IS IT READILY AVAILABLE,  
18                  THAT INFORMATION, OR WOULD IT TAKE SPECIAL  
19                  SERVICE?

20                  MR. SITTS:   JOHN SITTS, WASTE  
21                  CHARACTERIZATION AND ANALYSIS.   WE HAVE IN PLACE A  
22                  DISPOSAL REPORTING SYSTEM NOW.   WE GET QUARTERLY  
23                  REPORTS FROM COUNTIES ON ADC USE.   THE DRAFT  
24                  REGULATIONS HERE WOULD INCLUDE MORE INFORMATION ON  
25                  THE TYPE OF MATERIAL, BUT WE CAN TELL BY TALKING

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1 TO THE OPERATORS AND THE COUNTIES AND LOOKING AT  
2 THEIR APPROVALS FOR THE DIFFERENT TYPES OF  
3 MATERIALS PRETTY MUCH WHAT EVERYONE IS USING AND  
4 HOW MUCH.

5 AS FAR AS TIMING GOES, WE GET THOSE  
6 REPORTS QUARTERLY. SOME COUNTIES ARE HAVING A  
7 LITTLE MORE TROUBLE GETTING THEIR NUMBERS TOGETHER  
8 THAN OTHERS, BUT CERTAINLY WE CAN HAVE INFORMA-  
9 TION.

10 MEMBER RELIS: IS THAT A LOT OF WORK TO  
11 COMPILE?

12 MR. SITTS: WE COMPILE IT AS PART OF THE  
13 STANDARD TRACKING DISPOSAL REPORTING SYSTEM.

14 CHAIRMAN FRAZEE: THAT WOULD BE EVEN  
15 BETTER THAN THE TWO-YEAR REVIEW.

16 MEMBER RELIS: YES, JUST A QUARTERLY  
17 REPORT.

18 MEMBER JONES: DO IT QUARTERLY.

19 CHAIRMAN FRAZEE: SO THAT YOU HAVE  
20 TRACKING.

21 MEMBER JONES: AND THAT WILL BE, THOUGH,  
22 IN ARREARS, LOOKING AT THE QUARTER.

23 MR. PECK: I JUST WANTED TO ADD, MR.  
24 CHAIRMAN, THAT AB 1647 SPECIFICALLY SAYS THAT  
25 UNTIL THE BOARD ADOPTS NEW REGULATIONS, THAT ITS

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1       EXISTING REGULATIONS AND THE POLICY ADOPTED IN  
2       JANUARY OF 1995, WHICH INCLUDES THE DEMONSTRATION  
3       PROJECTS, WILL REMAIN IN EFFECT.  SO IF WE  
4       ACTUALLY TAKE UNTIL THE END OF THIS CALENDAR YEAR  
5       TO ADOPT NEW REGULATIONS, AND OUR PROPOSAL WOULD  
6       BE TO GET THROUGH THE INFORMAL PROCESS AND COME  
7       BACK AND START THE FORMAL PROCESS BY ABOUT MIDYEAR  
8       IN ORDER TO ACCOMPLISH THE END OF THE YEAR  
9       HORIZON, IT MAY BE -- IT WILL BE PROBABLY, ELLIOT,  
10      MARCH, APRIL 1998 AT THE EARLIEST, THEN, BEFORE WE  
11      HAD EFFECTIVE REGULATIONS WHEREIN WE WOULD DO AWAY  
12      WITH THE DEMONSTRATION PROJECTS.  WE MIGHT NOT SEE  
13      ANY RESULTS OF THE IMPACT OF OUR CHANGE IN POLICY  
14      UNTIL MID TO LATTER PART OF 1998.  SO THINKING  
15      AHEAD IN TERMS OF IN A YEAR OR TWO EVALUATION, WE  
16      MAY NOT SEE RESULTS OF THIS CHANGE IN POLICY FOR A  
17      WHILE.

18                 MEMBER RELIS:  ONE FURTHER POINT, IF  
19      WE'RE MONITORING IT AND GET THESE QUARTERLY  
20      REPORTS, THEN IF RIGHT NOW THE SUGGESTION HAS BEEN  
21      MADE BY MR. FRAZEE THAT IF WE WERE TO REVIEW THE  
22      SITUATION, MAYBE WE COULD HAVE A FORMAL REVIEW,  
23      BUT IT WOULD ONLY, LET'S SEE, BE -- I MEAN WE  
24      WOULD HAVE THE INFORMATION THERE, SO THAT COULD  
25      EITHER -- WE COULD SET IT OUT IN TIME AND IT'S

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1           EITHER AN ISSUE OR IT ISN'T, BUT --

2                   CHAIRMAN FRAZEE:  IF IT PROVES NOT TO BE  
3           AN ISSUE, THERE'S NO NEED OF REVIEWING IT.

4                   MEMBER RELIS:  I'M JUST TRYING TO THINK  
5           IF WE'RE MONITORING, WOULD IT BE AT THE

DISCRETION

6           OF THE BOARD TO BRING IT UP IF SOME OF US FELT IT  
7           WAS A PROBLEM AS OPPOSED TO SETTING A TIME FRAME  
8           NOW?  THAT WOULD BE AN ITEM THAT A BOARD MEMBER  
9           COULD AGENDA?

10                   CHAIRMAN FRAZEE:  SURE.

11                   MEMBER RELIS:  OKAY.  AS LONG AS IT'S  
12           CLEAR.

13                   CHAIRMAN FRAZEE:  PARTICULARLY IN  
CONTEXT

14           OF THE TWO-YEAR TIME FRAME AND THEN THE  
SUGGESTION

15           THAT IT'S GOING TO TAKE ALL YEAR JUST TO GET  
16           THROUGH THE ADOPTION OF THESE.

17                   MEMBER RELIS:  SO WE MONITOR IT AND THEN  
18           TWO YEARS WE WOULD HAVE A FORMAL REVIEW AND IT  
19           MIGHT NOT TAKE ANYTHING.

20                   MS. ZWARTS:  IF I COULD BE OF SOME  
21           ASSISTANCE, MR. RELIS, WHEN -- SINCE THIS IS THE  
22           START OF THE INFORMAL COMMENT PERIOD BEFORE EVEN  
23           THE FORMAL COMMENT PERIOD, WHEN THE BOARD HAS AT

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24 SOME POINT ADOPTED REGULATIONS, PERHAPS WE COULD  
25 REVISIT THE ISSUE OF WHEN IT WOULD BE APPROPRIATE

1 TO LOOK AT THE PROGRAM. BECAUSE THEN YOU HAVE A  
2 SENSE OF WHAT WOULD BE APPROPRIATE TIME, A YEAR,  
3 TWO YEARS, AFTER IT'S IN PLACE TO SEE HOW IT  
4 WORKS.

5 MEMBER RELIS: I THINK I NEED TO THINK  
6 THAT THROUGH FURTHER TOO BECAUSE, REMEMBER, WE'RE  
7 ON A THREE-YEAR TRACK. SO IF WE DO SOMETHING TOO  
8 FAR DOWN IN TIME, IT WILL HAVE NO BEARING ON OUR  
9 OUTCOME TO AFFECT THE MARKETPLACE. SO I THINK I  
10 NEED TO JUST THINK THAT THROUGH A BIT BETTER.

11 CHAIRMAN FRAZEE: OKAY. THE -- WE NEED A  
12 MOTION TO MOVE THIS TO THE BOARD OR IT'S ALREADY  
13 ON THE AGENDA.

14 MR. BLOCK: YOU WOULD WANT TO HAVE A VOTE  
15 TO MOVE IT FORWARD.

16 CHAIRMAN FRAZEE: MOTION TO REFER TO FULL  
17 BOARD WOULD BE APPROPRIATE.

18 MEMBER JONES: I'LL MAKE THE MOTION.

19 MEMBER RELIS: I'LL SECOND.

20 CHAIRMAN FRAZEE: IF THERE'S NO  
21 OBJECTION, WE'LL SUBSTITUTE ROLL CALL ON THAT.

22 NOW ARE WE READY TO MOVE ON TO ITEM  
23 16. WE HAVE TWO ORAL REPORT ITEMS. THIS ONE IS  
24 CONSIDERATION OF STRATEGIES RELATIVE TO TRAINING  
25 ON ORGANIC MATERIAL RECYCLING, AND THIS IS ONE OF

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1 THE CONCEPTS FROM THE 50 PERCENT.

2 MS. RICE: THANK YOU, MR. CHAIRMAN. MARK  
3 DE BIE WILL MAKE AN ORAL PRESENTATION.

4 MR. DE BIE: GOOD AFTERNOON, MR.  
5 CHAIRMAN, MEMBERS. MY NAME IS MARK DE BIE. I  
6 WORK IN THE PERMITTING AND ENFORCEMENT DIVISION.  
7 AND THIS IS REGARDING CONCEPT NO. 42 OUT OF THE  
8 50-PERCENT INITIATIVE THAT WAS PRESENTED TO THE  
9 BOARD IN JANUARY. AND AS DOROTHY INDICATED, IT'S  
10 AN ORAL PRESENTATION.

11 HANDOUTS ARE GOING AROUND, AND  
12 THEY'RE JUST COPIES OF THE OVERHEADS THAT I'M  
13 PRESENTING. I'LL ASK THE PLEASURE OF THE  
14 COMMITTEE IF YOU WOULD LIKE THE QUICKY OVERVIEW,  
15 OR SHOULD I GO INTO SOME DETAIL CONSIDERING THE  
16 HOUR?

17 CHAIRMAN FRAZEE: WHAT'S YOUR DESIRE?

18 MEMBER RELIS: I NEED TO BE OUT OF HERE  
19 AT FOUR.

20 CHAIRMAN FRAZEE: THE OVERVIEW WOULD  
21 SATISFY ME.

22 MR. DE BIE: THEN THE QUICKY OVERVIEW IT  
23 IS. THE CONCEPT WAS TO CONDUCT ADDITIONAL  
24 WORKSHOPS AND TRAINING ON ORGANIC MATERIAL  
25 RECYCLING AND FOCUS ON THE PRACTICES AND INCLUDE

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1 OPERATORS AND USERS. AND THE STRATEGY WAS TO,  
2 FIRST OF ALL, ANALYZE THE FIRST WORKSHOP AND THEN,  
3 BASED ON THAT, DEVELOP A PLAN FOR EXPANDING THESE  
4 WORKSHOPS AND TRAININGS.

5 SO WHAT YOU HAVE ON THE FIRST  
6 OVERHEAD IS, JUST IN A NUTSHELL, SOME OF THE  
7 RESULTS FROM THE FIRST WORKSHOP THAT WERE  
8 CONDUCTED NOVEMBER AND DECEMBER '96. THIS IS A  
9 ONE-ISSUE SPECIFIC WORKSHOP. IT WAS ON ODOR  
10 CONTROL ISSUES AT COMPOST FACILITIES. WE HAD  
11 ABOUT 170 ATTENDEES, AND WE FELT, AND I THINK THE  
12 RESPONSE FROM THE ATTENDEES WAS, THAT WE DID  
13 ACCOMPLISH THE MAJOR OBJECTIVES, WHICH WERE TO,  
14 FIRST OF ALL, ESTABLISH A NEUTRAL FORUM FOR  
15 DISCUSSION OF THE ISSUES IN AND AROUND ODOR  
16 CONTROL, INCREASE UNDERSTANDING OF ALL  
ASPECTS OF

17 THE ISSUE, AND ESTABLISH SOME FIRST STEPS  
TOWARDS  
18 RESOLUTION OF SOME OF THE KEY ISSUES  
INVOLVED WITH  
19 ODOR CONTROL.

20 THE STRATEGY ALSO ASKED US TO  
LOOK  
21 AT THE WORKSHOP -- RESPONSES TO THE  
WORKSHOP, AND

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22 SO I SUMMARIZED SOME OF THE KEY ASPECTS OF  
THOSE

23 RESPONSES. ONE WAS TO CONTINUE ISSUE  
DISCUSSION

24 AND EXPAND IT OUT BEYOND ODOR TO LOOK AT THE

OTHER

25 ISSUES THAT HAVE BEEN IDENTIFIED, ASSOCIATED  
WITH

1 ORGANIC MATERIAL RECYCLING, FOCUS DISCUSSION  
2 TOWARDS FINDING RESOLUTIONS.

3 SOME OF THE ISSUES THAT WERE  
4 ENUMERATED BOTH IN THE WORKSHOP AND THROUGH  
5 VARIOUS SURVEYS WERE PATHOGEN REDUCTION, TIER  
6 STRUCTURE, MULCHING OPERATIONS, AND FEEDSTOCKS.  
7 IT WAS ASKED THAT THESE WORKSHOPS CONTINUE TO BE  
8 OPEN TO OPERATORS, REGULATORS, AND MAYBE EXPANDED  
9 OUT EVEN MORE THAN WHAT WAS DONE WITH THE INITIAL  
10 WORKSHOP TO USERS, PLANNERS, LOCAL GOVERNMENT,  
11 MANY OTHERS.

12 IT WAS FELT THAT THE -- HAVING THE  
13 MIXED AUDIENCE REALLY ENRICHED THE WORKSHOPS. IT  
14 WAS ASKED THAT THERE BE HANDS-ON FIELD ORIENTED  
15 OPPORTUNITIES AT THE WORKSHOPS, THAT THERE BE A  
16 HIGHER LEVEL OF TECHNICAL INFORMATION TRANSFERAL,  
17 AND THAT THERE BE A FEW MORE VENUES. THE FIRST  
18 WORKSHOP ONLY HAD TWO VENUES, ONE IN THE BAY AREA  
19 AND ONE IN SOUTHERN CALIFORNIA.

20 SO THE PROPOSED PLAN IS TO UTILIZE  
21 THE SAME MODEL THAT WE USED IN DEVELOPING THE  
ODOR  
22 WORKSHOP THAT WAS IN NOVEMBER/DECEMBER. AND THAT  
23 MODEL UTILIZES AN ADVISORY COMMITTEE. THE  
24 FUNCTION OF THAT COMMITTEE IS TO SCOPE AND  
PROVIDE

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25        DIRECTION FOR THE WORKSHOPS. WE'RE PROPOSING  
THAT

1 THE PARTICIPANTS ON THAT COMMITTEE INCLUDE LEA'S,  
2 INDUSTRY, LOCAL AGENCIES, STATE AGENCIES SUCH AS  
3 AIR DISTRICTS, WATER BOARD, ETC., AND THEN ALSO BE  
4 ALL INCLUSIVE OF ALL THE WASTE MANAGEMENT BOARD  
5 DIVISIONS, NOT JUST THE P&E DIVISION.

6 THE INITIAL PARAMETERS THAT WE WILL  
7 PASS ON TO THE ADVISORY COMMITTEE, I THINK, ARE  
8 REFLECTIVE OF THE RESPONSES AND RESULTS OF THE  
9 WORKSHOP. WELL, FIRST OF ALL, THAT WE UTILIZE  
10 THEM AND THEN ALSO THAT THE WORKSHOPS BE DEVELOPED  
11 AND ALSO IMPLEMENTED IN CONCERT WITH ALL OF OUR  
12 CLIENTS, COVER THE MAJOR ISSUES, BE AVAILABLE  
13 STATEWIDE, BE OPEN TO ALL OUR CLIENTS, AND  
14 DEFINITELY INCLUDE THE FIELD COMPONENT AND INCLUDE  
15 THE DISCUSSION PROBLEM SOLVING INFORMATION  
16 TRANSMITTAL WITH THE AIM OF DEVELOPING THOSE  
17 RESOLUTIONS ON KEY ISSUES.

18 WE'RE TARGETING JULY/AUGUST TIME  
19 PERIOD OF THIS YEAR. SO THAT'S THE QUICKY  
20 OVERVIEW. ANY QUESTIONS?

21 MEMBER JONES: THE 170 PARTICIPANTS, WHAT  
22 WAS THE GENERAL BREAKDOWN OF --

23 MR. DE BIE: I THINK WE HAD ABOUT 50, 55  
24 LEA'S, AND THEN THE REST WAS INDUSTRY, ETC. THE  
25 MAJORITY WERE INDUSTRY.

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1                   MEMBER JONES:   GOOD.   GOOD.   OKAY.

2                   MR. DE BIE:   IF IT'S WITH THE PLEASURE OF  
3   THE COMMITTEE, WE'LL MOVE THIS TO JOIN WITH THE  
4   OTHER STRATEGIES AND CONCEPTS BEING MOVED TO THE  
5   BOARD IN MARCH.

6                   CHAIRMAN FRAZEE:   OKAY.   THEN WE'RE GOING  
7   TO HAVE UNDER ITEM 17 THE CONSIDERATION OF  
8   STRATEGIES RELATIVE TO DIVERSION ACTIVITIES AT  
9   FACILITIES AND LANDFILLS.

10                  MS. RICE:   THANK YOU.   I'LL BE VERY  
11   BRIEF.   CONCEPT NO. 43 IS TO PROVIDE A FACT SHEET  
12   OR GUIDANCE DOCUMENT ON DIVERSION ACTIVITIES AT  
13   DISPOSAL FACILITIES.   WE FEEL THIS CONCEPT COULD  
14   VERY EASILY BE INCORPORATED INTO OUR EXISTING  
15   SCHEDULE FOR LEA ADVISORIES UNDER DEVELOPMENT.  
16   AND WE WOULD BE PREPARED TO COME TO THE MARCH  
17   BOARD MEETING WITH A SCHEDULE AND PLAN FOR  
18   DEVELOPMENT AND DISSEMINATION OF AN ADVISORY OF  
19   THAT NATURE.

20                  SIMILARLY, CONCEPT NO. 44 FROM THE  
21   50-PERCENT INITIATIVE SPEAKS TO PROVIDING GUIDANCE  
22   TO ENCOURAGE THE OPERATION OF DIVERSION FACILITIES  
23   AT LANDFILLS AND DISPOSAL SITES.   SIMILAR TO NO.  
24   43, THIS CONCEPT COULD CERTAINLY BE INCORPORATED  
25   INTO AN ADVISORY FORMAT AND PROVIDED TO LEA'S AND

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1 OTHER INTERESTED PARTIES. AND WE WOULD BE HAPPY  
2 TO COME FORWARD WITH A SCHEDULE FOR DEVELOPING AND  
3 DISSEMINATING THAT INFORMATION IN MARCH.

4 CHAIRMAN FRAZEE: ON THE FINAL ITEM, THIS  
5 WAS ONE THAT I'VE HAD SOME CONCERN ABOUT. AND IT  
6 LOOKS LIKE THERE'S SOME OPPORTUNITIES, AS I VISIT  
7 LANDFILLS AND SEE EVEN IN SOME OF THE JURISDIC-  
8 TIONS THAT HAVE VERY BEST MRF'S AND THE BEST  
9 SEPARATION FACILITIES AND THE BEST PROGRAMS, AND  
10 THEN STILL SEE VAST AMOUNTS OF RECYCLABLE MATERIAL  
11 THAT GETS BURIED IN LANDFILL, THAT IN CONTEXT OF  
12 HOW DO YOU DO THAT WITH -- IN LIGHT OF ALL OF THE  
13 OSHA PROBLEMS AND ALL THE PUBLIC SAFETY PROBLEMS  
14 AND ALL THINGS THAT ARE ASSOCIATED WITH THAT. SO  
15 I THINK IT'S A BIG CHALLENGE, BUT ONE THAT HAS AN  
16 OPPORTUNITY FOR SIGNIFICANT RECOVERY.

17 I'M TEMPTED TO SCAVENGE MYSELF AS I  
18 GO OUT. AND RECENTLY AT OSTROM ROAD, AS I SAW AN  
19 ENTIRE TRUCKLOAD OF BEAUTIFUL PINE MOLDINGS BEING  
20 SHOVED INTO -- BEING BURIED IN THE LANDFILL AS WE  
21 WATCHED THEM BEING DUMPED THERE. AND I THINK  
22 THERE'S A LEGITIMATE EXCUSE FOR IT BECAUSE IT WAS  
23 FLOOD DAMAGED MATERIAL, BUT IT WOULD HAVE MADE  
24 GREAT FIREWOOD, IF NOTHING ELSE.

25 MS. RICE: YOU MAKE A GOOD POINT, WHICH

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1 IS WHY WE'D BE BRINGING A SCHEDULE RATHER THAN THE  
2 ACTUAL ADVISORY BECAUSE THERE ARE A NUMBER OF  
3 ISSUES THAT WE NEED TO LOOK INTO.

4 MEMBER RELIS: AND STAFF BELIEVES THAT  
5 THE ADVISORY IS THE WAY?

6 MS. RICE: WELL, THE RECOMMENDATION FROM  
7 THE 50-PERCENT INITIATIVE SPOKE TO COMMUNICATION  
8 WITH LEA'S. AND FOR THAT WE THINK THE ADVISORY IS  
9 AN APPROPRIATE FORMAT. IT ALSO SPEAKS TO  
10 COMMUNICATION WITH OTHER AUDIENCES, AND WE HAVE TO  
11 FIGURE OUT WHAT THE RIGHT FORMAT FOR THAT KIND OF  
12 COMMUNICATION IS.

13 MEMBER RELIS: SO IT ISN'T ONLY  
14 NECESSARILY RESTRICTED TO ADVISORY?

15 MS. RICE: NO.

16 MEMBER RELIS: NO.

17 CHAIRMAN FRAZEE: OKAY. ANYTHING ELSE?  
18 WE'RE TIME ON THE AGENDA FOR PUBLIC DISCUSSION OR  
19 ANYTHING OF THAT NATURE.

20 LET ME JUST INDICATE, IN WRAPPING  
21 UP, I GUESS ONE OF THE REASONS THAT I ENJOY THIS  
22 PROCESS AND PARTICIPATING ARE DAYS LIKE TODAY. I  
23 THINK WE ACCOMPLISHED A LOT. IT WAS A GOOD  
24 MEETING AND A LOT OF GOOD INPUT, AND EVERYONE HAD  
25 SOME GREAT STAFF WORK AND COMPLIMENT THE STAFF ON

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1 THAT. AND IT FEELS LIKE YOUR TIME IS WELL SPENT  
2 AND YOU'VE EARNED YOUR MONEY --

3 MS. RICE: THANK YOU VERY MUCH.

4 CHAIRMAN FRAZEE: -- ON A DAY LIKE THIS.  
5 AGAIN, THANKS TO ALL OF THE STAFF, DOROTHY, AND  
6 EVERYONE ELSE AT THE BOARD AND COMMITTEE MEMBERS.  
7 IF THERE'S NOTHING ELSE, WE'LL STAND ADJOURNED.

8 CHAIRMAN FRAZEE: I WAS ASKED A QUESTION  
9 ABOUT WHETHER THE ADC, ITEM 15, SHOULD GO ON  
10 CONSENT. I DON'T THINK IT SHOULD.

11

12 (END OF PROCEEDINGS AT 3:35 P.M.)

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