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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

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

DATE AND TIME: WEDNESDAY, FEBRUARY 26, 1997
9:30 A.M.
WEDNESDAY, FEBRUARY 27, 1997
9:30 A.M.

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

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

BRS FILE NO.: 37739
38611

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APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
(NOT PRESENT)
MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

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

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LOS BANOS, DOS PALOS, LIVINGSTON, GUSTINE, AND REMAINING UNINCORPORATED AREAS OF MERCED COUNTY

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24 AND RECYCLING, INC., LOS ANGELES COUNTY
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1 THURSDAY, FEBRUARY 27, 1997

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SACRAMENTO, CALIFORNIA

WEDNESDAY, FEBRUARY 25, 1997

9:30 A.M.

CHAIRMAN PENNINGTON: GOOD MORNING. WELCOME TO THE FEBRUARY MEETING OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. WOULD THE SECRETARY PLEASE CALL THE ROLL.

BOARD SECRETARY: BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: HERE.

BOARD SECRETARY: FRAZEE. GOTCH.

BOARD MEMBER GOTCH: HERE.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: HERE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: HERE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: HERE. THERE'S A QUORUM PRESENT. DO ANY OF THE BOARD MEMBERS HAVE ANY EX PARTES? I'LL START WITH MR. RELIS.

BOARD MEMBER RELIS: I JUST HAD A CONVERSATION WITH RICK BEST OF CAW REGARDING THE ADC MATTER BEFORE US.

CHAIRMAN PENNINGTON: OKAY. MR. JONES.

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BOARD MEMBER JONES: NO. SAID HELLO TO A COUPLE PEOPLE AND THAT WAS IT.

CHAIRMAN PENNINGTON: I DON'T BELIEVE I HAVE ANY. MS. GOTCH.

BOARD MEMBER GOTCH: LETTER FROM SENATOR JIM COSTA, MEMBER OF THE SENATE, DATED FEBRUARY 18TH, REGARDING WASTE TIRE CLEANUP FROM FRESNO, TULARE, AND KING COUNTY.

BOARD MEMBER CHESBRO: GOT THE SAME LETTER.

CHAIRMAN PENNINGTON: I DON'T THINK I GOT THAT. I DID GET A LETTER FROM SAN BERNARDINO COUNTY YESTERDAY DEALING WITH ITEM 20.

BOARD MEMBER RELIS: MR. CHAIR, COULD WE ENTER THAT COSTA LETTER FOR THE RECORD BECAUSE I GOT THAT TOO?

BOARD MEMBER CHESBRO: AND I THINK WE SHOULD DO THE SAME WITH SUPERVISOR WALK - - SAN BERNARDINO COUNTY SUPERVISOR WALKER'S LETTER ON THE COMPOSTING REGS.

CHAIRMAN PENNINGTON: DID YOU ALL GET COPIES OF THIS LETTER? GOOD. OKAY. DOESN'T SHOW IN HERE. OKAY.

FOR THOSE OF YOU IN THE AUDIENCE, THERE ARE SPEAKER FORMS IN THE BACK OF THE ROOM.

IF YOU WISH TO ADDRESS ANY ITEM ON THE AGENDA, IF YOU WOULD FILL ONE OUT AND GET IT TO MS. KELLY HERE, WE WILL BE SURE THAT YOU HAVE AN OPPORTUNITY TO MAKE YOUR FEELINGS KNOWN TO THE BOARD.

I HAVE TWO ANNOUNCEMENTS ABOUT THE BOARD AGENDA. ITEMS 5, 6, AND 28 HAVE BEEN PULLED FROM TODAY'S AGENDA, AND A PORTION OF ITEM 30, WHICH IS THE OPEN DISCUSSION, WILL BE HELD AFTER ITEM 3.

BOARD MEMBER CHESBRO: MR. CHAIRMAN, BEFORE CONSENTING TO PULLING ITEM 28, I WANTED TO MAKE A COUPLE COMMENTS IF I MAY.

CHAIRMAN PENNINGTON: SURE.

BOARD MEMBER CHESBRO: I'M NOT ENTIRELY CLEAR ON WHY THIS ITEM IS BEING PULLED. THE COMMITTEE CONSIDERATION DISCUSSION SOUNDED PRETTY CLEAR FROM BOTH - - AND THAT BASICALLY IS FROM BOTH A POLICY AND A LEGAL STANDPOINT. PAYING SOMEONE RETROACTIVELY FOR CLEANING UP A TIRE PILE IS A BAD IDEA.

WHILE I'M WILLING TO GO ALONG WITH PULLING THE ITEM OUT OF COURTESY TO THE POLICY COMMITTEE CHAIR AND HIS NEWNESS ON THE BOARD AND HIS DESIRE TO LOOK AT THE ISSUE MORE IN A BROADER CONTEXT, I'M VERY CONCERNED THAT WE NOT BE SENDING

1 THE WRONG MESSAGE TO MR. DILLINGHAM OR ANY OTHER
2 PROPERTY OWNER THAT THERE MIGHT BE SOME LEGAL WAY
3 OF DOING THIS.
4 I WANT TO SAY THAT THAT'S CLEARLY
5 NOT WHAT THE LEGISLATURE INTENDED THE PROGRAM TO
6 DO. AND I THINK IT'S ALSO QUESTIONABLE WHETHER WE
7 OUGHT TO BE SETTING PRIORITIES FOR SPENDING AFTER
8 SOME ACTIVITY HAS TAKEN PLACE RATHER THAN HAVING A
9 LOGICAL PUBLIC DISCOURSE ABOUT WHICH PILES ARE THE
10 HIGHEST PRIORITY FOR CLEANUP. IT'S MY UNDER-
11 STANDING THAT A MAJORITY OF THE BOARD MEMBERS HAVE
12 EXPRESSED THIS VIEW, SO NO MESSAGE OF HOPE SHOULD
13 BE TAKEN FROM THIS ITEM BEING PULLED. AND I JUST
14 WANTED TO EXPRESS THAT. AND HAVING SAID THAT,
15 IT'S FINE TO BE SENT TO THE COMMITTEE FOR GENERAL
16 DISCUSSION.
17 CHAIRMAN PENNINGTON: THANK YOU. ANY
18 OTHER COMMENTS?
19 BOARD MEMBER GOTCH: MAY I ASK A
20 QUESTION? IT'S SOMETHING I TALKED WITH MR. JONES
21 ABOUT, AND THAT IS THAT I'D LIKE TO SEE THIS ITEM
22 COME BACK TO COMMITTEE NEXT MONTH, THAT WE NOT PUT
23 IT OFF MUCH LONGER BECAUSE WE HAVE TAKEN A LOOK AT
24 THIS AND IT HAS BEEN HANGING THERE FOR A WHILE
25 NOW. AND WE HAD A BRIEF DISCUSSION PRIOR TO THE

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1 MEETING REGARDING THAT. THANK YOU.

2 CHAIRMAN PENNINGTON: OKAY. REPORT FROM

3 THE BOARD'S COMMITTEES. WE'LL START WITH THE

4 LEGISLATIVE AND PUBLIC EDUCATION COMMITTEE. MRS.

5 GOTCH IS CHAIR.

6 BOARD MEMBER GOTCH: THANK YOU, MR.

7 CHAIR. THE LEGISLATION AND PUBLIC EDUCATION

8 COMMITTEE MET ON FEBRUARY 13TH FOR AN

9 INFORMATIONAL HEARING. GIVEN THAT THE '97-'98

10 REGULAR LEGISLATIVE SESSION HAS JUST BEGUN, I

11 THOUGHT IT WOULD BE HELPFUL FOR THE COMMITTEE TO

12 GET AN INITIAL GLIMPSE AT SOME OF THE BILLS IN THE

13 SOLID WASTE AREA.

14 WE ALSO DISCUSSED A FEW OF THE

15 FEDERAL MEASURES ON THE HORIZON AS WELL. IN YOUR

16 BOARD PACKET STAFF HAS COMPILED A LIST OF THE

17 PRIORITY BILLS THAT WE ARE AWARE OF AT THIS TIME.

18 THIS FRIDAY CONSTITUTES THE DEADLINE

19 FOR BILL INTRODUCTION, SO WE WILL KNOW MORE ABOUT

20 WHAT IS COMING OUR WAY AFTER THAT DATE. JUDGING

21 FROM WHAT WE KNOW THUS FAR, LOOKS LIKE ANOTHER

22 BUSY YEAR IN THE LEGISLATIVE ARENA.

23 ON A HOUSEKEEPING NOTE, TALKED WITH

24 LEG. STAFF ABOUT TRYING TO GROUP BILLS BY SUBJECT

25 MATTER FOR COMMITTEE HEARINGS, IN ESSENCE, TAKING

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1 UP ALL THE BILLS ON ENFORCEMENT OR ADC OR PLASTICS
2 AT ONE TIME. I BELIEVE THIS TYPE OF APPROACH WILL
3 BENEFIT THE BOARD AND STAFF IN TERMS OF OUR
4 ABILITY TO CONCENTRATE ON ANY GIVEN TOPIC.
5 THE COMMITTEE ALSO RECEIVED AN
6 UPDATE FROM OUR PUBLIC EDUCATION COMMITTEE. SOME
7 OF THE HIGHLIGHTS FROM THEIR PRESENTATION ARE THAT
8 THE STATE RECENTLY RECEIVED PUBLICATION RIGHTS AND
9 COPYRIGHT FOR THE "CLOSING THE LOOP CURRICULUM."
10 AND STAFF IS CURRENTLY WORKING ON A REVISED DRAFT
11 FOR THE K THROUGH 3D AND 3D THROUGH 6TH GRADE
12 MODULES.
13 STAFF ALSO NOTED UPCOMING DATES FOR
14 HOTEL WASTE REDUCTION WORKSHOPS AND PROVIDED
15 FOLLOW-UP INFORMATION ON THE CSAC AND LEAGUE
16 CONTRACTS.
17 WE'RE IN THE PROCESS OF DECIDING OUR
18 AGENDA FOR NEXT MONTH. IT MAY BE TOO EARLY TO
19 TAKE UP BILLS SINCE THEY WILL HAVE JUST BEEN
20 INTRODUCED, BUT WE WILL BE WORKING ON THE
21 50-PERCENT INITIATIVE IN THE AREAS OF PUBLIC
22 EDUCATION AND OUTREACH THAT FALL UNDER OUR
23 PURVIEW. AND THAT CONCLUDES MY REPORT.
24 CHAIRMAN PENNINGTON: THANK YOU, MRS.
25 GOTCH. NEXT WE'LL HEAR FROM THE LOCAL ASSISTANCE

1 AND PLANNING COMMITTEE. MR. CHESBRO, CHAIR.

2 BOARD MEMBER CHESBRO: MR. CHAIRMAN,

3 MEMBERS OF THE BOARD, THE COMMITTEE CONSIDERED SIX

4 PLANNING DOCUMENTS, WHICH COVERED PLANS FOR SIX

5 JURISDICTIONS, AND ALL OF THOSE PLANS ARE ON THE

6 CONSENT CALENDAR.

7 COMMITTEE RECEIVED A STATUS REPORT

8 ON EXISTING OPPORTUNITIES AVAILABLE FOR LOCAL

9 JURISDICTIONS TO ADDRESS THE IMPACT OF BIOMASS

10 FACILITY CLOSURE ON THE 50-PERCENT DIVERSION GOAL.

11 AND THIS ITEM WAS INFORMATIONAL ONLY. DIDN'T COME

12 TO THE FULL BOARD, BUT, OF COURSE, IS AVAILABLE

13 FOR THE PUBLIC AND THE MEMBERS OF THE BOARD TO

14 REVIEW.

15 THE COMMITTEE ALSO DISCUSSED THE

16 STATUS REPORT ON THE ENFORCEMENT OPTIONS AVAILABLE

17 TO THE BOARD WITH REGARDS TO JURISDICTIONS THAT

18 HAVE FAILED TO SUBMIT SRRE'S OR NDFE'S. THIS ITEM

19 IS ON THE AGENDA AND WILL BE DISCUSSED LATER.

20 IN OTHER NEWS, WITH REGARDS TO WASTE

21 PREVENTION, LAST MONTH STAFF REPORTED THAT MORE

22 THAN 1200 WAL-MART, ACE, TRUE VALUE, AND ORCHARD

23 HARDWARE STORES HAVE AGREED TO PLACE THE "MY

24 NEIGHBOR'S GREEN WITH ENVY" POSTER IN THEIRS

25 STORES ALONG WITH COPIES OF THE BOARD'S GRASS

1 CYCLING BROCHURES. AND SINCE THAT TIME K MART HAS
2 JOINED THIS CAMPAIGN WITH AN ADDITIONAL 173
3 STORES.
4 STAFF BEGAN DISTRIBUTION OF THESE
5 MATERIALS TO THE STORES ON FEBRUARY 18TH. I THINK
6 IT'S AN OUTSTANDING EXAMPLE OF THE BOARD'S PUBLIC/
7 PRIVATE PARTNERSHIP EFFORTS AND IS WORK THAT OUR
8 STAFF HAS BEEN DOING TO WORK IN PARTNERSHIP WITH
9 THE PRIVATE SECTOR TO EDUCATE THE PUBLIC. AND
10 ALSO, OF COURSE, WE THANK THE PRIVATE BUSINESSES
11 FOR THEIR COOPERATION WITH US.
12 WITH REGARDS TO LOCAL ASSISTANCE,
13 STAFF PREPARED A FLOOD ADVISORY FOR EACH
14 JURISDICTION TO REMIND THEM HOW TO COLLECT
15 ACCURATE DISASTER-RELATED WASTE TONNAGE DATA FOR
16 LATER USE IN THEIR ANNUAL REPORT TO THE BOARD.
17 THIS WAS IN RESPONSE TO THE PROBLEMS THAT OCCURRED
18 IN 1995 WHEN MANY JURISDICTIONS FAILED TO TRACK
19 AND THEN CORRECT THE DISASTER-RELATED DISPOSAL
20 NUMBERS EARLY ENOUGH TO REALLY GET ACCURATE DATA.
21 AND THIS RESULTED IN LOWER 1995 DIVERSION RATES
22 FOR SEVERAL JURISDICTIONS. SO STAFF HAS ATTEMPTED
23 TO ASSIST THE LOCALS IN TRYING TO MAKE SURE THAT
24 WE DON'T EXPERIENCE - - THEY DON'T EXPERIENCE THOSE
25 PROBLEMS AGAIN.

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1 AND FINALLY, WASTE REDUCTION STAFF
2 CONDUCTED TWO WORKSHOPS IN JANUARY IN CONJUNCTION
3 WITH THE PROJECT RECYCLE STAFF AT THE DEPARTMENT
4 OF WATER RESOURCES OFFICES IN GLENDALE AND THE AIR
5 RESOURCES BOARD IN EL MONTE. EACH OF THESE TWO
6 OFFICES ARE PARTICIPATING IN A STATE OFFICE WASTE
7 REDUCTION PILOT PROJECT. AS YOU MAY RECALL, THESE
8 PILOTS WILL ASSESS THE TRANSFERABILITY OF THE
9 WASTE REDUCTION LESSONS THAT WE LEARNED AS A
10 RESULT OF OUR IN-HOUSE WASTE REDUCTION PROJECT AND
11 OUR ABILITY TO THEN TRANSFER THAT INFORMATION TO
12 OTHER STATE AGENCIES. AND THAT CONCLUDES MY
13 REPORT.
14 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
15 MR. CHESBRO. NEXT WE'LL HAVE THE PERMITTING AND
16 ENFORCEMENT COMMITTEE REPORT WILL BE GIVEN BY MR.
17 RELIS IN THE ABSENCE OF MR. FRAZEE.
18 BOARD MEMBER RELIS: THANK YOU, MR.
19 CHAIR. JUST TO BRIEFLY REVIEW, THERE ARE A NUMBER
20 OF CONSENT MATTERS BEFORE THE BOARD THAT WERE
21 TAKEN UP IN THE PERMIT AND ENFORCEMENT COMMITTEE:
22 FALLBROOK RECYCLING TRANSFER FACILITY, THE TRACY
23 MATERIAL RECOVERY TRANSFER FACILITY, HAPPY CAMP
24 TRANSFER AND RECYCLING STATION, THE NEWBY ISLAND
25 LANDFILL, AND THE WASTE RECOVERY AND RECYCLING

1 INCORPORATED. THOSE ARE MATTERS ON THE CONSENT
2 AGENDA.
3 OTHER CONSIDERATION ITEMS WERE SITES
4 FOR REMEDIATION UNDER THE WASTE TIRE STABILIZATION
5 AND ABATEMENT PROGRAM, NEW SITES FOR SOLID WASTE
6 DISPOSAL AND CODISPOSAL SITE CLEANUP, AND A
7 CONTRACT CONCEPT FOR THE SOLID WASTE DISPOSAL AND
8 CODISPOSAL SITE CLEANUP PROGRAM.
9 ON THE REGULAR AGENDA WE HAD A VERY
10 BUSY, FULL AGENDA. WE HAD THE DRAFT EMERGENCY
11 REGULATIONS TO EXPAND THE COMPOST REGULATIONS TO
12 CLARIFY THE VERMICOMPOSTING EXCLUSION AND REGULATE
13 THE STORAGE AND CHIPPING AND GRINDING; WE HAVE THE
14 ALLOCATION OF THE 1996/97 FUNDS INTO THE EXISTING
15 CLEANUP PROGRAM CONTRACTS; THE PROPOSAL TO INCLUDE
16 PERMITS ON THE CONSENT CALENDAR WHEN THE BOARD IS
17 SERVING AS THE ENFORCEMENT AGENCY; THE BOARD
18 ENFORCEMENT POLICY AND IMPLEMENTATION ELEMENTS
19 REGULATIONS ON ALTERNATIVE DAILY COVER; AND UPDATE
20 AND PUBLICATION OF THE INVENTORY OF SOLID WASTE
21 FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS.
22 THIS LATTER GROUP IS MORE OR LESS
23 THE CORE, I THINK, OF TODAY'S AGENDA. SO THAT
24 COMPLETES THE P&E REPORT.
25 CHAIRMAN PENNINGTON: THANK YOU, MR.

1 RELIS. NOW WE'LL HEAR ABOUT THE MARKET
2 DEVELOPMENT COMMITTEE ALSO FROM MR. RELIS, WHO
3 CHAIRS THAT COMMITTEE.
4 BOARD MEMBER RELIS: MR. CHAIR, WE HAD
5 THREE ITEMS BEFORE THE MARKET DEVELOPMENT
6 COMMITTEE IN FEBRUARY. FIRST, WE TOOK UP THE
7 EXPANSION OF THE MID-MERCED/ATWATER RECYCLING
8 MARKET DEVELOPMENT ZONE AND RECOMMENDED APPROVAL
9 AND PLACED THIS ON THE CONSENT AGENDA FOR TODAY.
10 SECONDLY, WE CONSIDERED CHANGES TO
11 THE RMDZ PROGRAM PURSUANT TO THE FEBRUARY 5TH
12 WORKSHOP, WHICH MANY OF THE BOARD MEMBERS WERE IN
13 ATTENDANCE AT. AND THE WORKSHOP INVOLVED
14 LITERALLY HALF OF THE RECYCLING MARKET DEVELOPMENT
15 ZONE COORDINATORS IN THE STATE, PEOPLE FROM THE
16 INVESTMENT COMMUNITY, CONSULTANTS TO THIS BOARD,
17 OUR STAFFS AND ADVISORS.
18 I THINK ALL IN ALL, AND CERTAINLY
19 FROM THE COMMENTS THAT WERE HEARD, IT WAS A VERY
20 EFFECTIVE WORKSHOP TO BEGIN TO REEXAMINE WHAT'S
21 WORKING AND WHAT ISN'T IN THE LOAN PROGRAM, HOW WE
22 CAN IMPROVE IT, HOW WE CAN GENERATE MORE ACTIVITY
23 IN THAT AREA. WE HAVE THE INPUT, MOST EFFECTIVE
24 INPUT, FROM THE LOAN COMMITTEE, WHICH IS OUR
25 ADVISORY COMMITTEE THAT REVIEWS LOANS THAT COME TO

1 THIS BOARD AND PASSES JUDGMENT ON THE VIABILITY OF THOSE LOANS.
2 AT THE FEBRUARY COMMITTEE MEETING,
3 THE COMMITTEE ALSO DIRECTED STAFF TO BEGIN WORKING
4 WITH THE CALIFORNIA POLLUTION CONTROL FINANCE
5 AUTHORITY ON AN AGREEMENT TO ENTER INTO THE CALCAP
6 PROGRAM AS AUTHORIZED BY LAST YEAR'S SUCCESSFUL
7 SB 1535. THAT WILL ALLOW THIS BOARD TO ACCESS A
8 NEW FUNDING SOURCE AND CAPITALIZE DIFFERENT TYPES
9 OF LOANS THAN WE'VE HISTORICALLY MADE.
10 SO ALL IN ALL, I BELIEVE THE
11 WORKSHOP WAS A GREAT SUCCESS. STAFF DID A
12 TERRIFIC JOB. AND THEN THE SUBSEQUENT DISCUSSION
13 IN COMMITTEE WAS QUITE FRUITFUL.
14 WE ALSO HEARD AN UPDATE ON THE
15 RECYCLING MARKET DEVELOPMENT ZONE PROGRAMS AND
16 MARKETING ACTIVITIES. SO THAT COMPLETES THE
17 MARKETS REPORT FOR THE COMMITTEE.
18 CHAIRMAN PENNINGTON: THANK YOU, MR. RELIS. NOW WE'LL
19 HEAR ABOUT THE POLICY, RESEARCH, AND TECHNICAL ASSISTANCE COMMITTEE
20 CHAIRED BY MR. JONES.
21 BOARD MEMBER JONES: POLICY COMMITTEE HAD
22 ONE ITEM IN FRONT OF IT, AND IT WAS THE ITEM THAT
23 I ASKED TO HAVE PULLED TODAY. THE ITEM WAS
24
25

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1 REIMBURSEMENT OF TIRE CLEANUPS TO INNOCENT
2 LANDOWNERS.
3 I HAD BEEN AT THIS BOARD FOR ABOUT
4 TWO WEEKS WHEN THE ITEM WAS DELIVERED TO MY OFFICE
5 AND HAD JUST BEEN ASSIGNED AS THE CHAIRMAN OF THAT
6 COMMITTEE. AND I THINK THE STAFF DID A GOOD JOB
7 ON DEALING WITH THE LEGAL ASPECT OF THE WAY THE
8 THING IS - - THE WAY THE ISSUE STANDS RIGHT NOW.
9 BUT MY CONCERN WAS IS THERE POSITIVE
10 BENEFIT THAT COULD HAVE BEEN DEVELOPED THROUGH
11 POLICY IF WE DIDN'T JUST RULE OUT EVER LOOKING AT
12 THE ISSUE BECAUSE OF A LEGAL INTERPRETATION OF
13 WHAT THE STATUTE GIVES US AUTHORITY FOR.
14 SO WHAT I HAD INFORMALLY ASKED THE
15 OTHER BOARD MEMBERS AND FORMALLY ASKED THE
16 CHAIRMAN TO DO WAS TO PULL THE ITEM TO GIVE THE
17 POLICY COMMITTEE A CHANCE TO AT LEAST INVESTIGATE
18 THE IDEAS. AND WHERE I'M LOOKING ON THIS ISSUE IS
19 THAT INNOCENT LANDOWNERS WHO DEFINITELY HAD NO
20 KNOWLEDGE ABOUT ANYTHING BEING ON THEIR PROPERTY,
21 IF THEY DO NOTHING AND THEY POSE A THREAT HIGH
22 ENOUGH ON OUR LIST, THE STATE IS GOING TO PAY FOR
23 THAT CLEANUP, AND THEN WE'RE GOING TO GO THROUGH
24 THE LEGAL RAMIFICATIONS OF TRYING TO GET SOME TYPE
25 OF PAYMENT BACK FROM THAT INNOCENT PARTY.

1 DOESN'T IT MAKE SENSE TO AT LEAST
2 LOOK AT THE ISSUE OF WHERE WE CAN WORK AND UNDER
3 CERTAIN GUIDELINES BE ABLE TO MINIMIZE THAT
4 EXPENSE TO THE RESIDENTS OF CALIFORNIA BY
5 NEGOTIATING SOMETHING? I DON'T KNOW. I WASN'T
6 GIVEN AN OPPORTUNITY TO LOOK AT WHAT THIS WOULD BE
7 FRAMED AT IN A POLICY. AND WHAT I WOULD LIKE TO
8 DO IS THERE MAY NOT BE ANYTHING HERE, BUT I THINK
9 WE OWE IT TO OURSELVES AS BOARD MEMBERS AND AS
10 MEMBERS OF THE WASTE BOARD TO LOOK AT A POTENTIAL
11 THAT COULD END UP SAVING RESIDENTS OF CALIFORNIA
12 DOLLARS.
13 I INSTRUCTED AL LIPSON TO CALL THE
14 ATTORNEY FOR MR. DILLINGHAM AND LET HIM KNOW NOT
15 TO READ THIS AS OVERTURNING OF WHAT WE HAD ALREADY
16 TALKED ABOUT, JUST WE ARE POSTPONING THE IDEA SO
17 WE CAN AT LEAST LOOK AT A POLICY. AND I THINK
18 THAT'S FAIR, AND I THINK THAT'S DOING OUR JOB.
19 I UNDERSTAND THE CONCERNS OF MR.
20 CHESBRO AND OF MS. GOTCH AND THE OTHER BOARD
21 MEMBERS, AND I APPRECIATE THEIR INDULGENCE WITH
22 GIVING ME ANOTHER MONTH OR TWO. I'M NOT SURE,
23 BECAUSE OF THE 13 ITEMS THAT ARE COMING IN FRONT
24 OF POLICY'S MEETING DEALING WITH THE 50-PERCENT
25 ISSUES, IF WE'RE GOING TO BE ABLE TO GIVE THE TIME

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1 TO THIS TO ADDRESS IT IN THE MARCH MEETING TO HAVE
2 IT BACK IN FRONT OF THE BOARD.
3 I WOULD ASK THAT IF I'M ALLOWED TO
4 AT LEAST GIVE AN UPDATE, IF IT COULD BE HELD OFF
5 TILL THE APRIL MEETING, IF THAT, YOU KNOW, IF THAT
6 WOULD WORK. BECAUSE I DON'T WANT TO PROMISE
7 SOMETHING WE MAY NOT BE ABLE TO DELIVER JUST
8 BECAUSE OF THE SHORTAGE OF STAFF TIME TRYING TO
9 DEVELOP SOMETHING THAT COULD POTENTIALLY SAVE US
10 ALL SOME MONEY. SO WITH THAT, THAT'S THE REPORT.
11 SORRY ABOUT THAT FIRST TIME OUT OF THE SHOOT.
12 AND...
13 CHAIRMAN PENNINGTON: YOU'RE CHAIR OF THE
14 COMMITTEE, SO YOU SHOULD MANAGE THE FLOW OF
15 INFORMATION. AND YOU DO HAVE A BUSY SCHEDULE FOR
16 THE MARCH MEETING, SO I'M SURE THAT YOU WILL ACT
17 DILIGENTLY AND GET IT TO US AS QUICKLY AS
18 POSSIBLE.
19 BOARD MEMBER JONES: YES, MR. CHAIRMAN,
20 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
21 MR. JONES.
22 AND FINALLY, THE ADMINISTRATION
23 COMMITTEE, WHICH I CHAIR. THE ADMINISTRATION
24 COMMITTEE MET ON FEBRUARY THE 6TH AND HEARD TWO
25 ITEMS. THE FIRST ITEM WAS THE CONSIDERATION OF

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1 THE SUPPLEMENTAL REPORT ON THE TIRE RECYCLING
2 PROGRAM REQUIRED BY THE 1996 BUDGET ACT. THE
3 FINAL REPORT IS BEFORE THE BOARD TODAY FOR
4 APPROVAL.
5 THE SECOND ITEM WAS THE UPDATE ON
6 THE TRANSFER OF THE OIL RECYCLING FEE COLLECTION
7 RESPONSIBILITY FROM THE STATE, THE BOARD OF
8 EQUALIZATION TO THE CALIFORNIA INTEGRATED WASTE
9 MANAGEMENT BOARD. THE ADMINISTRATION STAFF HAVE
10 MADE EXCELLENT PROGRESS AND ARE ON TRACK TO
11 IMPLEMENT OUR COLLECTION SYSTEM AS PLANNED ON JULY
12 THE FIRST
13 NOW HEAR FROM THE EXECUTIVE
14 DIRECTOR
15 MR. CHANDLER: THANK YOU, MR. CHAIRMAN,
16 AND, GOOD MORNING, MEMBERS. WE'VE SEEN THAT THIS
17 WEEK WAS THE WEEK FOR INFORMATIONAL HEARINGS IN
18 THE LEGISLATURE. I'D LIKE TO BRIEFLY FOR THE
19 AUDIENCE BENEFIT FOR THOSE THAT DID NOT ATTEND
20 JUST TO BRIEFLY HIGHLIGHT THOSE.
21 AS YOU KNOW, ON FEBRUARY 24TH THE
22 NEWLY ASSEMBLED, IF YOU WILL, ASSEMBLY NATURAL
23 RESOURCES COMMITTEE, UNDER THE CHAIR OF DEBORAH
24 BOWEN, CONVENED AN INFORMATIONAL HEARING ON SOLID
25 WASTE RECYCLING COAST AND LAND USE ISSUES.

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1 CHAIRMAN PENNINGTON AND MEMBER GOTCH TESTIFIED AT
2 THAT HEARING.
3 MR. PENNINGTON'S TESTIMONY PROVIDED
4 AN OVERVIEW OF THE BOARD'S PROGRAMS AND I THINK
5 APPROPRIATELY SO ALSO HIGHLIGHTED OUR IMPENDING
6 BUDGET SHORTFALL.
7 I THINK OVERALL IT WAS A GOOD
8 PRESENTATION FROM ALL AFFECTED PARTIES WHO WERE
9 ASKED TO SPEAK AT SHORT INTERVALS. GOT SOME
10 QUESTIONS ON OUR OIL RECYCLING PROGRAM, GOT SOME
11 QUESTIONS ON THE AMOUNT OF COVERAGE OF CURBSIDE
12 PROGRAMS AND THE LIKE. AND OF COURSE, THAT OFTEN
13 REFERRED TO INITIATIVE TIRE PROGRAM. CONTINUED TO
14 RECEIVE QUESTIONS. AND REST ASSURED, I WILL BE
15 DEVELOPING INDIVIDUAL RESPONSES TO ALL OF THE
16 MEMBERS WHO ASKED FOR A LITTLE BIT MORE
17 INFORMATION. AND MENTIONED TO YOU YESTERDAY, MS.
18 GOTCH, I'LL MAKE SURE THOSE ARE RUN BY YOUR OFFICE
19 AND WILL BE RESPONSIVE TO THOSE MEMBERS THAT
20 WANTED ADDITIONAL INFORMATION.
21 THEN YESTERDAY IN THE SENATE
22 COMMITTEE ON ENERGY, UTILITIES, AND COMMUNICATION,
23 AN INFORMATIONAL HEARING ON THE IMPLEMENTATION OF
24 THE ASSEMBLY BILL 1890. AS YOU KNOW, BOARD STAFF
25 HAVE A SMALL PIECE IN THAT COMPLICATED IMPLEMENTA-

1 TION EFFORT WHERE WE ARE TASKED, IF YOU WILL,
2 THROUGH CAL/EPA TO PROVIDE A REPORT TO THE
3 LEGISLATURE MARCH 31ST ON BASICALLY THE BENEFITS
4 OF THE BIOMASS INDUSTRY, TRYING TO QUANTIFY THOSE
5 BENEFITS, AND LOOKING AT COST SHIFTING STRATEGIES
6 TO THE BENEFICIARIES OF THE BIOMASS INDUSTRY SO
7 THAT OVERALL COST TO RATEPAYERS CAN BE REDUCED.
8 I, ALONG WITH ASSISTANT DIRECTOR
9 TRGOVCICH, WERE IN ATTENDANCE, AND I PROVIDED A
10 BRIEF OVERVIEW OF OUR STATUS REPORT. AND THAT
11 HEARING AND TESTIMONY WENT VERY WELL. RECEIVED
12 REALLY NO DIRECT COMMENTS FROM THE COMMITTEE.
13 LOOKING FORWARD TO SEEING OUR REPORT.
14 THE THIRD AREA I'D LIKE TO HIGHLIGHT
15 BRIEFLY IS THE LEGISLATIVE ANALYST'S OFFICE
16 REPORT. I'VE BEEN IN, OH, I'D SAY HALF OF YOUR
17 OFFICES THIS WEEK, INTEND TO FOLLOW UP WITH THE
18 REST OF YOU EARLY NEXT ON THE LAO REPORT. THE
19 REPORT CONTAINS SOME DISCUSSION OF THE INTEGRATED
20 WASTE MANAGEMENT REVENUE PROJECTIONS AND SOME
21 CONCERNS RELATING TO THE STATUS OF OUR RESERVE FOR
22 THE ACCOUNT FOR FISCAL YEAR 7-8.
23 ESSENTIALLY THEY'RE LOOKING FOR A
24 PRUDENT RESERVE IN THE AREA OF 3 PERCENT, A
25 MILLION ONE. WE NEED TO, I THINK, ALL CONTINUE TO

1 FOCUS ON WHERE WE WANT TO SEE SOME PROGRAM
2 EFFICIENCIES OCCUR TO ADDRESS THE RESERVE, THE
3 DESIRE OF THE BOARD TO MOVE AWAY FROM THE WAY THE
4 BUDGET IS CURRENTLY CRAFTED. AND I'LL BE TALKING
5 WITH ALL OF YOU MORE ABOUT THAT, BUT WE NEED TO
6 DISCUSS NOT ONLY THAT, BUT THE OTHER AREAS OF THE
7 REPORT THAT ARE FEATURED.
8 AND THAT IS THE TIRE PROGRAM
9 ALLOCATIONS AND THE SUGGESTION THAT $5.4 BE
10 REJECTED IN OUR BUDGET FOR NEXT YEAR'S ALLOCATION
11 OF TIRE DOLLARS IN LIEU OF EARLIER REPORTING, IF
12 YOU WILL, TO THE LEGISLATURE ON THE CATEGORIES OF
13 FUNDING FOR BOTH OUR MARKET DEVELOPMENT AND SITE
14 REMEDIATION WORK. SO WE NEED TO TALK MORE ABOUT
15 THAT, AND I'LL BE KEEPING YOU POSTED AS WE DEVELOP
16 OUR THINKING ON THAT.
17 SPEAKING OF THE TIRE PROGRAM, NEXT
18 WEEK I INTEND TO PROVIDE ALL OF YOUR OFFICES WITH
19 A STATUS REPORT OF JUST WHERE WE ARE WITH ALL OF
20 THE INDIVIDUAL ELEMENTS THAT YOU VOTED ON LATE
21 LAST YEAR TO ASK FOR, IF YOU WILL, ALLOCATION OF
22 TIRE DOLLARS. WE HAVE SEVERAL NOPA'S NOW THAT ARE
23 ON THE STREET. WORK IS UNDER WAY WITH THE
24 COGENERATION PLANTS ON THE AIR QUALITY TESTING.
25 AND, OF COURSE, WE HAVE, AS MR. RELIS REFERRED TO,

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1 COMING UP SOON THE MAJOR SITE REMEDIATION
2 CONTRACT. SO I'LL BE PROVIDING YOU MORE DETAIL IN
3 A MEMO NEXT WEEK.
4 I KNOW THERE'S SOME REFERENCE TO A
5 MEMO THAT YOU ALL RECEIVED FROM A REPRESENTATIVE
6 OF THE LEGISLATURE, AND IT SHOULD BE NOTED, FOR
7 EXAMPLE, THAT FRESNO, KINGS, AND TULARE COUNTY
8 HAVE RECEIVED COMMUNICATION TO PROVIDE ADDITIONAL
9 FUNDING ASSISTANCE IN THE TIRE-RELATED AREA
10 THROUGH OUR LEA PROGRAM. WE'LL BE PROVIDING
11 GRANTS TO LEA'S TO WORK DIRECTLY IN THOSE
12 COMMUNITIES FOR TRYING TO IDENTIFY SOME PROBLEM
13 SITES AND WORKING WITH OVERSIGHT ON THE TIRE
14 PROGRAM. SO, AGAIN, ALL OF THIS WILL BE IN MY
15 MEMO, AND WE WILL PROVIDE YOU WITH A GOOD CURRENT
16 UPDATE.
17 NEXT AREA IS THE 1997 BOARD
18 STRATEGIC PLAN. STAFF WILL BE PROVIDING YOU WITH
19 AN UPDATE ON OUR STRATEGIC PLANNING PROCESS AT
20 TOMORROW'S BOARD MEETING. BUT I WANTED TO MENTION
21 THIS ITEM IN THE CONTEXT OF WHAT WILL BE COMING TO
22 YOU FOR CONSIDERATION IN THE NEAR FUTURE.
23 AS YOU KNOW, TOMORROW'S ITEM COVERS
24 THE PROPOSED VISION, MISSION, AND VALUE STATEMENTS
25 THAT WERE DEVELOPED WITH INPUT FROM ALL OF YOU,

1 YOUR STAFF, MY STAFF, AND BY CONSIDERING THE INPUT
2 RECEIVED FROM COMBINED STAFF IN THE ORGANIZATION
3 THROUGH OUR PROGRAM INTEGRATION PLAN.
4 IN ADDITION, WE'RE WORKING ON SOME
5 STRATEGIC GOALS AND OBJECTIVES TO ACHIEVE OUR
6 MISSION. AND WE'LL BRING THE DRAFT GOALS TO THE
7 BOARD FOR CONSIDERATION IN MARCH AND DRAFT
8 OBJECTIVES IN APRIL. AND WE'LL ALSO BRING DRAFT
9 PERFORMANCE MEASURES TO THE BOARD IN APRIL. AND,
10 AS YOU KNOW, THIS IS AGAIN ALL IN RESPONSE TO THE
11 TIME LINE OF BRINGING TO THE GOVERNOR'S OFFICE A
12 COMPLETED STRATEGIC PLAN BY JULY 1ST, 1997.
13 I'D LIKE TO PROVIDE, LASTLY, AN
14 UPDATE ON THE STATUS OF THE BOARD'S EFFORTS TO
15 AUTOMATE THE USED OIL RECYCLING HOTLINE. I'VE
16 TALKED TO YOU ABOUT THIS IN PAST DIRECTOR UPDATES.
17 AND IT'S TIME, I THINK, FOR AN UPDATE ON WHAT THE
18 LATEST EFFORTS ARE UNDER WAY NOW.
19 IN THAT REGARD, IN AN EFFORT TO SAVE
20 MORE THAN $80,000 IN FIRST-YEAR COST, THE OFFICE
21 OF PUBLIC AFFAIRS AND THE USED OIL PROGRAM ARE
22 WORKING TO PROVIDE OUR HOTLINE DATABASE TO THE
23 U.S. ENVIRONMENTAL RECYCLING HOTLINE, WHICH HAS
24 OFFERED TO PLACE THE INFORMATION ON A 24-HOUR-A-
25 DAY AUTOMATED SYSTEM AT NO CHARGE TO THE STATE.

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

1 THIS IS A NATIONWIDE SYSTEM THAT CAN BE ACCESSED
2 BY CALLING 1-800-CLEANUP
3 THE SYSTEM HAS RECYCLING INFORMATION
4 FROM ALL 50 STATES, AND HERE IN CALIFORNIA THE
5 PLAN IS FOR STATE INFORMATION TO BE PERSONALIZED
6 AS THE CAL/EPA HOTLINE. WE HAVE BEEN TOLD THE
7 USED OIL INFORMATION SHOULD BE OPERATIONAL IN
8 MARCH. IT IS EXPECTED THAT IN THE NEXT FEW MONTHS
9 A WIDE VARIETY OF INFORMATION FROM VARIOUS CAL-EPA
10 BOARDS AND DEPARTMENTS WILL BE AVAILABLE WITH EACH
11 BOARD AND DEPARTMENT DETERMINING WHAT INFORMATION
12 IS AVAILABLE AND HOW IT IS PRESENTED
13 AS YOU MAY REMEMBER, WE HAD BEEN
14 EXPLORING THE POSSIBILITY OF DESIGNING A CUSTOM
15 SERVICE CONTROLLED BY US AND THE DEPARTMENT OF
16 CONSERVATION. PACIFIC BELL, WHICH WOULD HAVE BEEN
17 THE VENDOR, INFORMED STAFF IN DECEMBER THAT THE
18 DESIGN AND SETUP COST WOULD BE ABOUT $60,000
19 DIVIDED EQUALLY BETWEEN THE BOARD AND THE
20 DEPARTMENT OF CONSERVATION
21 IN ADDITION, PACIFIC BELL ESTIMATED
22 THE MONTHLY COST TO THE BOARD FOR MAINTENANCE AND
23 THE 800 CALLS THEMSELVES WOULD AVERAGE APPROXI-
24 MATELY $52,000 A YEAR. AGAIN, BECAUSE OF OUR
25 BUDGETARY SITUATION, WE PLAN TO GIVE THE

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1 1-800-CLEANUP USED OIL CENTER INFORMATION AND
2 OTHER INFORMATION ON BOARD ACTIVITIES AND PROGRAMS
3 AS WELL, AND THEN MONITOR THE SERVICE FOR SIX
4 MONTHS TO A YEAR.
5 AT THE TIME WE WILL CONTINUE
6 PROVIDING OUR EXISTING SERVICE, WHICH WILL BE
7 SIGNIFICANTLY ENHANCED BECAUSE NOW PEOPLE WHO CALL
8 AFTER 5 P.M. OR ON WEEKENDS WILL HEAR A RECORDED
9 MESSAGE TO CALL 1-800-CLEANUP. AS YOU KNOW, THE
10 LACK OF INFORMATION DURING THE DAYS AND TIMES MOST
11 PEOPLE ARE CHANGING THEIR OIL HAS ALWAYS BEEN
12 IDENTIFIED AS A MAJOR DRAWBACK WITH OUR CURRENT
13 SYSTEM.
14 IF AT THE END OF THE EVALUATION
15 PERIOD IT IS CLEAR THAT 1-800-CLEANUP IS MEETING
16 OUR NEEDS, WE CAN BEGIN PHASING OUT THE SYSTEM.
17 IF IT'S CLEAR THAT 1-800-CLEANUP IS FALLING SHORT,
18 WE WILL STILL HAVE OUR EXISTING SYSTEM OPERATIONAL
19 TO PROVIDE INFORMATION TO THE PUBLIC.
20 AND LASTLY, SPEAKING OF THE OIL
21 PROGRAM, I USUALLY DON'T LIKE TO RECEIVE MY
22 VEHICLE REGISTRATION, WHICH I OPENED LAST NIGHT,
23 BUT I WAS PLEASED TO SEE ON THE BACK THAT WE AND
24 ALL CALIFORNIANS THAT HAVE THEIR CARS REGISTERED
25 IN THE STATE SAW OUR RECYCLING USED OIL LOGO,

1 INCLUDING THE CALIFORNIA INTEGRATED WASTE

2 MANAGEMENT BOARD'S NAME AT THE BOTTOM. SO I WANT

3 TO ACKNOWLEDGE THE PROGRAM STAFF FOR DOING A JOB

4 OF INNOVATIVE ADVERTISING AND GETTING THE MESSAGE

5 OUT TO ALL CALIFORNIANS.

6 MR. CHAIRMAN AND MEMBERS, THAT

7 COMPLETES MY REPORT. THANK YOU

8 CHAIRMAN PENNINGTON: THANK YOU,

9 MR. CHANDLER

10 NEXT WE'LL TAKE UP CONSIDERATION OF

11 THE CONSENT CALENDAR. THE CONSENT CALENDAR

12 INCLUDES ITEMS 7 THROUGH 19, 21 AND 23. ANY

13 MEMBER WHO WISHES TO PULL ANY OF THE CONSENT

14 ITEMS? IF NOT, I'LL ENTERTAIN A MOTION.

15 BOARD MEMBER JONES: MAKE A MOTION TO

16 ACCEPT THE CONSENT.

17 BOARD MEMBER RELIS: SECOND.

18 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND

19 SECONDED. WILL THE SECRETARY CALL THE ROLL,

20 PLEASE.

21 BOARD SECRETARY:BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 BOARD SECRETARY: JONES.

BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

NOW WE'RE GOING TO TAKE UP PART OF ITEM 30, WHICH IS THE OPEN DISCUSSION, AND TAKE IT OUT OF ORDER FOR MR. LARRY PRIOR, WHO IS THE CHIEF ADMINISTRATIVE OFFICER WITH SAN DIEGO COUNTY. HE'S HERE TO UPDATE THE BOARD ON THE SAN DIEGO COUNTY SOLID WASTE SYSTEM. AFTER MR. PRIOR GIVES HIS PRESENTATION, WE'LL RETURN TO THE AGENDA AND TAKE UP ITEM 4. MR. PRIOR.

MR. PRIOR: MR. CHAIRMAN, MEMBERS OF THE BOARD, MR. CHANDLER, GOOD MORNING. THANK YOU FOR ALLOWING ME TO BE HERE TODAY.

WE WANTED TO PROVIDE YOU A STATUS REPORT OF OUR PRIVATIZATION EFFORTS OF THE SAN DIEGO COUNTY LANDFILL SYSTEM. WE THOUGHT THAT WE OUGHT TO START A REGULAR CONVERSATION WITH YOU AS WE PROCEED DOWN THIS PROCESS.

WE HAVE PROVIDED SOME BACKGROUND INFORMATION FROM A LETTER THAT WE DOCKETED TO MY BOARD ON DECEMBER 17TH. WE WILL BE UPDATING THEM

1 NEXT WEEK, AND WE'LL PROVIDE THAT TO YOUR STAFF AS
2 WELL.
3 MY BOARD MEMBERS CONSIDERED FOUR
4 OPTIONS WHEN LOOKING AT THE SYSTEM WITHIN SAN
5 DIEGO COUNTY. FIRST WAS TO CONTINUE TO OWN AND
6 OPERATE THE SYSTEM. SECOND WAS TO CONTINUE TO OWN
7 IT, BUT TO CONTRACT OUT SYSTEMS MANAGEMENT. THIRD
8 WAS THE DIVESTITURE OPTION, AND FOURTH WAS WHAT WE
9 CALLED THE GOOD GOVERNMENT MODEL WHERE YOU TRY TO
10 PUT TOGETHER A REGIONAL APPROACH ACROSS OUR 18
11 CITIES, THE COUNTY OF SAN DIEGO, AND THE MANY
12 PRIVATE OPERATORS.
13 THE BOARD SELECTED THE OPTION 3, TO
14 DIVEST THE SYSTEM, FOR A VARIETY OF REASONS.
15 FIRST WAS THE RECOGNITION THAT THERE IS A
16 DISTINCTION IN OUR RESPONSIBILITY IN THE COUNTY OF
17 SAN DIEGO AND A CLEAR ONE, THAT WE MUST MAINTAIN
18 OUR REGULATORY RESPONSIBILITY AS A CORE BUSINESS
19 OF THE SAN DIEGO COUNTY MANAGEMENT OF THE SOLID
20 WASTE. BUT WE RECOGNIZED THAT THE OPERATION OF
21 THE SYSTEM WAS NOT A CORE COMPETENCY OF SAN DIEGO
22 COUNTY.
23 WE ALSO LOOKED AT JUST THE
24 COMPETITIVENESS OF THE MARKET WITHIN SAN DIEGO.
25 IT IS RICHLY COMPETITIVE. THERE ARE MANY GOOD

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1 COMPANIES. THERE ARE EXTERNAL COMPETITIVE
2 PRESSURES FROM BOTH ORANGE, IMPERIAL COUNTIES, AS
3 WELL AS THE STATE OF ARIZONA. AND WE FEEL THAT WE
4 ARE FAIRLY UNIQUE AND HOW MUCH COMPETITION IS
5 ALIVE AND WELL IN THE COUNTY OF SAN DIEGO.
6 THIS HAS BEEN ESPECIALLY APPARENT IN
7 LANDFILL FEES, AND WE BELIEVE SAN DIEGO COUNTY HAS
8 BECOME PROBABLY ONE OF THE MORE COMPETITIVE
9 MARKETS FOR DISPOSAL SINCE 1992. THIS FOLLOWS
10 THAT OUR BOARD RECOGNIZES THAT WE BELIEVE THAT THE
11 PRIVATE SECTOR IS FAR MORE EFFECTIVE IN DEALING
12 WITH THIS SORT OF A MARKET THAN THE PUBLIC SECTOR
13 FOR A VARIETY OF REASONS.
14 WE ALSO RECOGNIZE THAT LOOKING AT
15 THE MARKET ACROSS THE UNITED STATES, LOOKING AT
16 MANY OF THE COMPANIES AND THEIR BUSINESS PLANS,
17 THAT THE TIMING OF THIS DIVESTITURE FITS WELL IN
18 MANY OF THE BUSINESS PLANS FROM ANY OF THESE
19 COMPANIES, AND THAT THERE IS A GREAT DEAL OF
20 FUNDING AVAILABLE FOR INVESTMENT OPPORTUNITIES AND
21 FOR CAPITALIZATION.
22 FINALLY, THE BOARD ALSO RECOGNIZED,
23 AS WE LOOKED AT ALL FOUR OPTIONS, THIS WAS OUR
24 FIRST ONE. AND IF THE BOARD DOES NOT ACHIEVE THE
25 PRICE NOR THE RELATIONSHIP THAT IT WANTS, THE

1 OTHER THREE OPTIONS STILL REMAIN FOR THE BOARD OF
2 SUPERVISORS AND THE COUNTY OF SAN DIEGO, SO WE
3 HAVE STAIRSTEPPED OUR APPROACH.
4 WE HAVE HIRED A CONSULTANT. WE WENT
5 THROUGH A COMPETITIVE BIDDING PROCESS TO BRING IN
6 AN INVESTMENT BANKER. WE HAD TEN OFFERS. WE
7 HACKED IT DOWN TO FOUR THAT WE INTERVIEWED,
8 QUALIFIED THREE, AND BEGAN THE NEGOTIATION PROCESS
9 WHERE WE SELECTED J. P. MORGAN. THEY WILL ASSIST
10 US IN PREPARING THE OFFERING. THEY WILL MARKET
11 THE SYSTEM TO THE WASTE COMPANIES, AS WELL AS TO
12 SOLICIT OFFERS. THEY WILL ASSIST THE BOARD IN
13 EVALUATION OF THE PURCHASE BIDS AND WILL ASSIST US
14 IN NEGOTIATIONS FOR OUR FINAL SALES CONTRACT.
15 THE TIMETABLE THAT WE ARE ON, AS I
16 SAID, I WILL BE UPDATING MY BOARD ON MARCH 4TH.
17 WE HOPE TO HAVE A DRAFT OFFERING BEFORE THE BOARD
18 ON APRIL 15TH, AND THEN THE FINAL DATE FOR
19 SUBMISSION OF THE PRELIMINARY OFFERS FOR THE
20 PURCHASE WILL BE JUNE 24TH OF THIS YEAR.
21 I AM PREPARED TO TAKE ANY QUESTIONS
22 AND ANSWERS. I'VE ALSO BROUGHT TO KEY STAFF
23 MEMBERS WITH ME. FIRST, I'D LIKE TO INTRODUCE
24 LARRY AKER, MY SPECIAL ASSISTANT FOR SOLID WASTE.
25 HE'S LEADING THE DIVESTITURE EFFORT, AND HE'S ALSO

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1 MY CHAMPION FOR REGULATION TO MAKE SURE THAT THERE
2 REMAINS A CORE COMPETENCY FOR THE COUNTY OF SAN
3 DIEGO. AND SECOND, JOE MINER, DIRECTOR OF SOLID
4 WASTE SERVICES. HE'S WORRYING ABOUT THE OPERATION
5 OF THE SYSTEM DAY TO DAY AS WELL AS WHAT WE CALL
6 OUR 18-MONTH STABILIZATION PLAN.
7 WHEN I JOINED THE COUNTY ON
8 SEPTEMBER 3D, THERE WAS SOME DISARRAY IN THE
9 MARKET. AND ONE OF THE THINGS THAT WE WANTED TO
10 TRY TO DO WAS TO CREATE SOME STABILITY AS WE
11 APPROACHED THIS OPERATION. I THANK YOU FOR YOUR
12 ATTENTION. AND IF THERE ARE ANY QUESTIONS, I CAN
13 TAKE THEM NOW OR LATER.
14 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
15 MR. PRIOR?
16 BOARD MEMBER CHESBRO: MR. CHAIRMAN.
17 CHAIRMAN PENNINGTON: MR. CHESBRO.
18 BOARD MEMBER CHESBRO: I'M INTERESTED IN
19 KNOWING HOW - - TO WHAT DEGREE THERE'S BEEN A
20 DISCUSSION AROUND HOW THIS WILL AFFECT THE
21 COUNTY'S ABILITY TO ACHIEVE THE DIVERSION RATES IN
22 STATE LAW. HAS THERE BEEN ANY FOCUS ON THAT? I
23 KNOW THAT THE FACILITIES YOU'RE TALKING ABOUT ARE
24 PRIMARILY DISPOSAL. AND I'D JUST BE INTERESTED IN
25 WHETHER THERE'S BEEN ANY EXAMINATION OF THAT

QUESTION.

MR. PRIOR: SURE. LET ME LET JOE FIELD THAT ONE.

MR. MINER: THANK YOU. YOU RAISE AN EXCELLENT QUESTION. AS MR. PRIOR JUST MENTIONED, THE DIVESTITURE IS FOCUSED ON JUST THE LANDFILLS. AND SO EACH OF THE CITIES AND THE COUNTY FOR THE UNINCORPORATED AREA WILL STILL BE RESPONSIBLE FOR ACHIEVING THEIR INDIVIDUAL DIVERSION GOALS. ONE OF OUR OBSERVATIONS ABOUT THE CHANGING MARKET IN SAN DIEGO COUNTY IS THAT THERE IS AN INCREASE IN THE NUMBER OF TRANSFER STATIONS IN SAN DIEGO COUNTY. IN FACT, THERE'S ONE ON YOUR CONSENT AGENDA TODAY. AND WITH THOSE TRANSFER STATIONS, THE LOCAL COMMUNITIES FEEL THAT THEY'LL BE ABLE TO ACHIEVE THE DIVERSION GOALS FOR THE YEAR 2000 EVEN TO A GREATER EXTENT THAN WE ARE RIGHT NOW.

CHAIRMAN PENNINGTON: MR. CHANDLER.

MR. CHANDLER: I JUST WANTED TO SAY TO MR. PRIOR. I THANK YOU FOR COMING TODAY. I KNOW WE ATTEMPTED TO GET TOGETHER BEFORE THE END OF THE CALENDAR YEAR, AND I THINK THE FLOODS HERE IN NORTHERN CALIFORNIA PREVENTED ME FROM GETTING DOWN. BUT I APPRECIATE THE OPPORTUNITY. I WANT

1 TO THANK YOU FOR HAVING YOUR STAFF MEET WITH ME
2 PERSONALLY EARLIER IN THE WEEK.
3 AS YOU KNOW, THE ISSUE AROUND THE
4 CLOSURE FOR THE SAN MARCOS FACILITY IS ONE THAT
5 WE'RE WORKING CLOSELY WITH THE LEA, COUNTY
6 COUNSEL, AND, OF COURSE, THE INTERESTED GROUPS
7 THAT WANT TO FOLLOW, NOT ONLY THE CITY'S ACTIONS,
8 THE COUNTY'S ACTIONS, BUT THE BOARD'S OVERSIGHT.
9 AND SO I LOOK FORWARD TO CONTINUED DIALOGUE WITH
10 YOU AND YOUR STAFF AS WE MOVE THROUGH THAT
11 DELICATE PROCESS. AND THANK YOU.
12 BOARD MEMBER RELIS: MR. CHAIR, I WANTED
13 TO JUST PERHAPS DRAW YOUR ATTENTION TO THE FACT,
14 DON'T KNOW IF YOU ARE PLANNING TO STAY, BUT WE'RE
15 HAVING A DISCUSSION A LITTLE LATER ON EMERGENCY
16 REGULATIONS THAT YOU MIGHT FIND RELEVANT TO SOME
17 FACILITIES IN THE SAN DIEGO COUNTY WHERE WE'VE
18 HAD - - I WON'T CALL THEM FACILITIES BECAUSE THEY
19 WEREN'T UNDER OUR PERMIT - - BUT WHERE WE'VE HAD
20 SOME ENFORCEMENT ISSUES RELATED TO VERMICOMPOSTING
21 OPERATIONS AND GREEN WASTE STORAGE. AND SO WE'VE
22 SPENT QUITE A BIT OF TIME THROUGH OUR STAFFS
23 LOOKING INTO THESE ISSUES IN THE AREA AND THOUGHT
24 YOU MIGHT FIND THAT DISCUSSION OF SOME INTEREST.
25 MR. PRIOR: WE'LL STAY TUNED. AND I'LL

1 ALSO GET TO TALK TO MY STAFF ABOUT WHY I DON'T
2 KNOW IT AS I STAND UP HERE AT THE PODIUM.
3 CHAIRMAN PENNINGTON: THANK YOU, MR.
4 PRIOR.
5 MR. PRIOR: THANK YOU VERY MUCH.
6 CHAIRMAN PENNINGTON: NOW WE'LL MOVE TO
7 ITEM 4, CONSIDERATION OF THE SUPPLEMENTAL REPORT,
8 TIRE RECYCLING PROGRAM REQUIRED BY THE 1996 BUDGET
9 ACT. CAREN TRGOVCICH.
10 MS. TRGOVCICH: GOOD MORNING, MR.
11 CHAIRMAN AND MEMBERS. ITEM NO. 4 BEFORE YOU TODAY
12 IS CONSIDERATION OF THE SUPPLEMENTAL REPORT
13 REQUIRED BY THE 1996 BUDGET ACT. THE SUPPLEMENTAL
14 REPORT LANGUAGE REQUIRED THAT THE BOARD SUBMIT
15 INFORMATION ON THE EFFECTIVENESS OF ITS GRANTS,
16 LOANS, AND CONTRACTS PROVIDED FOR UNDER THE TIRE
17 RECYCLING PROGRAM.
18 THIS REPORT IS INTENDED TO FOCUS THE
19 LEGISLATURE'S INTEREST AND TARGET THEIR DISCUS-
20 SIONS AS TO WHETHER OR NOT THE TIRE RECYCLING
21 PROGRAM ACTIVITIES HAVE BEEN FOCUSED IN THE RIGHT,
22 MOST EFFECTIVE DIRECTION.
23 THE INFORMATION THAT THE LEGISLATURE
24 REQUESTED TO BE INCLUDED IN THIS REPORT INCLUDED
25 INFORMATION ON PAST GRANT ACTIVITIES, PAST

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1 CONTRACT ACTIVITIES, AND LOAN ACTIVITIES. WE HAVE
2 STRUCTURED THE REPORT TO PROVIDE THIS INFORMATION
3 ON A FISCAL YEAR BASIS.
4 THIS ITEM WAS PRESENTED AT THE
5 ADMINISTRATION COMMITTEE THIS PAST MONTH. AND AT
6 THAT TIME THE COMMITTEE MEMBERS REQUESTED TO SEE
7 ADDITIONAL CHANGES THAT WERE IDENTIFIED SUBMITTED
8 IN AN UNDERLINE AND STRIKEOUT FORMAT. THAT
9 REVISION WAS PROVIDED TO YOUR OFFICES SEVERAL DAYS
10 AFTER THE ADMINISTRATION COMMITTEE MEETING.
11 THE ITEM AS CONTAINED IN THE PACKET
12 FOR YOUR DISCUSSION AND CONSIDERATION DOES NOT
13 CONTAIN ANY OF THE UNDERLINE, STRIKEOUT. IT IS
14 THE DOCUMENT THAT WOULD BE CONSIDERED TO BE THE
15 FINAL REPORT.
16 WE ARE PREPARED TO PROVIDE YOU WITH
17 A PRESENTATION AND OVERVIEW OF THE REPORT AND ITS
18 CONTENTS, BUT I'LL LEAVE THAT UP TO YOU AS TO
19 WHETHER OR NOT YOU WOULD LIKE US TO PROCEED WITH
20 THAT.
21 CHAIRMAN PENNINGTON: OKAY. WHAT'S THE
22 BOARD'S PLEASURE? MY STAFF AND I HAVE READ IT, SO
23 WE'RE OKAY IF YOU ARE ALL RIGHT. I THINK WE'RE
24 SUFFICIENTLY COVERED.
25 MS. TRGOVCICH: THEN I GUESS THE ISSUE

1 THAT WOULD BE BEFORE YOU IS THE ADOPTION OF THE
2 SUPPLEMENTAL REPORT.
3 CHAIRMAN PENNINGTON: OKAY. I'LL
4 ENTERTAIN A MOTION.
5 BOARD MEMBER JONES: I'LL MAKE THE
6 MOTION.
7 BOARD MEMBER GOTCH: I'LL SECOND.
8 CHAIRMAN PENNINGTON: MR. JONES, MRS.
9 GOTCH SECONDS. WILL THE SECRETARY CALL THE ROLL.
10 BOARD SECRETARY:BOARD MEMBER CHESBRO.
11 BOARD MEMBER CHESBRO: AYE.
12 BOARD SECRETARY: GOTCH.
13 BOARD MEMBER GOTCH: AYE.
14 BOARD SECRETARY: JONES.
15 BOARD MEMBER JONES: AYE.
16 BOARD SECRETARY: RELIS.
17 BOARD MEMBER RELIS: AYE.
18 BOARD SECRETARY: CHAIRMAN PENNINGTON.
19 CHAIRMAN PENNINGTON: AYE.
20 MR. CHANDLER: MR. CHAIRMAN, I'D LIKE TO
21 JUST USE THIS AS AN OPPORTUNITY TO ASK CAREN A
22 QUESTION. THIS WAS THE SUPPLEMENTAL REPORT THAT
23 YOU'VE ALL JUST VOTED. WHAT'S THE STATUS OF OUR
24 1996 ANNUAL TIRE REPORT THAT THE BOARD APPROVED
25 BACK IN MAY?

1 MS. TRGOVCICH: I BELIEVE THAT WOULD BE
2 THE 1995 REPORT COVERING CALENDAR YEAR 1995. AND
3 IT'S MY UNDERSTANDING THAT THAT REPORT IS STILL
4 AWAITING APPROVAL AT THE GOVERNOR'S OFFICE.
5 MR. CHANDLER: THIS REPORT IS THE
6 SUPPLEMENTAL REPORT, AND I WANTED YOU TO KNOW OUR
7 OTHER REPORT HAS NOT YET BEEN FINALLY APPROVED.
8 MS. TRGOVCICH: THE REPORT COVERING
9 CALENDAR YEAR 1996 IS DUE THIS MAY, AND WE ARE ON
10 TARGET FOR PREPARING THE INFORMATION TO BE
11 INCORPORATED INTO THAT REPORT.
12 CHAIRMAN PENNINGTON: THANK YOU. NOW
13 WE'LL MOVE TO ITEM 20, CONSIDERATION OF DRAFT
14 EMERGENCY REGULATIONS TO EXPAND COMPOSTING
15 OPERATIONS REGULATORY REQUIREMENTS TO CLARIFY THE
16 VERMICOMPOSTING EXCLUSION AND REGULATE STORAGE AND
17 CHIPPING AND GRINDING.
18 MS. RICE: THANK YOU, MR. CHAIRMAN AND
19 MEMBERS. BRIAN LARIMORE WILL PRESENT THE ITEM,
20 ASSISTED BY ELLIOT BLOCK FROM THE LEGAL OFFICE.
21 MR. LARIMORE: GOOD MORNING, MR.
22 CHAIRMAN, BOARD MEMBERS. AT THE DECEMBER 11TH
23 MEETING, THE PERMITTING AND ENFORCEMENT COMMITTEE
24 DIRECTED STAFF TO DRAFT EMERGENCY REGULATIONS TO
25 ADDRESS IMPACTS ASSOCIATED WITH THE STORAGE OF

1 ORGANIC MATERIALS. DRAFT EMERGENCY REGULATIONS
2 WERE PRESENTED AT THE FEBRUARY 11TH MEETING.
3 AND AT THAT MEETING STAFF WAS
4 DIRECTED TO MAKE SPECIFIED CHANGES TO THE
5 REGULATIONS AND BRING THEM FORWARD TO THE BOARD.
6 THIS AGENDA ITEM PRESENTS THOSE EMERGENCY
7 REGULATIONS WITH THE SPECIFIED CHANGES FOR YOUR
8 CONSIDERATION.
9 THE ORIGINAL INTENT OF THE
10 COMPOSTING REGULATIONS WAS TO EXCLUDE ACTIVITIES
11 WHERE INADVERTENT COMPOSTING TAKES PLACE FROM
12 BEING REGULATED. HOWEVER, SINCE THE COMPOSTING
13 REGULATIONS WERE IMPLEMENTED TWO YEARS AGO,
14 SIGNIFICANT HEALTH, SAFETY, AND ENVIRONMENTAL
15 IMPACTS HAVE BEEN IDENTIFIED FROM THE OPERATION OF
16 STORAGE, CHIPPING AND GRINDING, AND VERMI-
17 COMPOSTING ACTIVITIES.
18 BOARD AND LEA STAFF HAVE DOCUMENTED
19 IMPACTS WHICH INCLUDE ODORS, VECTORS, DUST, AND
20 NOISE, NUMEROUS MULCH PILE FIRES, INCLUDING EIGHT
21 FIRES AT ONE INDIVIDUAL CHIPPING AND GRINDING
22 ACTIVITY DURING 1996, AND HUNDREDS OF COMPLAINTS.
23 STORAGE, CHIPPING AND GRINDING, AND
24 VERMICOMPOSTING ACTIVITIES MAY OR MAY NOT BE
25 SUBJECT TO THE BOARD'S EXISTING COMPOSTING

1 REGULATIONS, LOCAL ORDINANCES, CONDITIONAL USE
2 PERMITS, CEQA MITIGATION MEASURES, OR LEASE
3 AGREEMENTS. LOCAL FIRE AUTHORITIES, AIR
4 DISTRICTS, AND REGIONAL WATER QUALITY CONTROL
5 BOARDS REGULATE ONLY CERTAIN ASPECTS OF OPERATIONS
6 AT THESE SITES.
7 EMERGENCY REGULATIONS HAVE BEEN
8 DRAFTED TO ADDRESS HEALTH, SAFETY, AND ENVIRON-
9 MENTAL IMPACTS AT THESE ACTIVITIES. THE EMERGENCY
10 REGULATIONS WILL DO THE FOLLOWING: CLARIFY THE
11 VERMICOMPOSTING EXCLUSION, REGULATE CHIPPING AND
12 GRINDING ACTIVITIES, REGULATE STORAGE ACTIVITIES,
13 AND REGULATE STABILIZED COMPOST WHICH HAS NOT BEEN
14 SOLD, BAGGED FOR SALE, OR BENEFICIALLY USED.
15 STORAGE AND CHIPPING AND GRINDING
16 ACTIVITIES WHICH HAVE 1,000 CUBIC YARDS OR GREATER
17 ON SITE WILL BE SUBJECT TO A PERFORMANCE STANDARD
18 FOR VECTORS, ODORS, LITTER, HAZARDS, NUISANCES,
19 NOISE IMPACTS, DUST, AND PATHOGENIC ORGANISMS, A
20 STANDARD FOR FIRE PREVENTION, PROTECTION AND
21 CONTROL, AND MINIMAL RECORDKEEPING REQUIREMENTS.
22 THE FOLLOWING WOULD BE EXCLUDED FROM
23 THE STORAGE AND CHIPPING AND GRINDING REQUIRE-
24 MENTS: MATERIALS STORED ON SITE FOR SEVEN DAYS OR
25 LESS, CHIPPING AND GRINDING OR STORAGE OF ANIMAL

1 MATERIAL OR AGRICULTURAL COMMODITIES ON THE
2 PROPERTY WHERE THE MATERIAL IS GENERATED, STORAGE
3 AND CHIPPING AND GRINDING ACTIVITIES LOCATED ON
4 THE OPERATION OR A FACILITY THAT HAS TIERED OR
5 FULL PERMIT IF THE ACTIVITY IS IDENTIFIED AND
6 DESCRIBED IN THEIR REPORT OF FACILITY INFORMATION,
7 AND STORAGE AND CHIPPING AND GRINDING ACTIVITIES
8 LOCATED AT A BIOMASS CONVERSION ACTIVITY.
9 FEEDSTOCK, COMPOST, AND CHIPPED AND
10 GROUND MATERIALS WHICH HAVE BEEN SOLD, BAGGED FOR
11 SALE, OR BENEFICIALLY USED WILL BE EXCLUDED FROM
12 THESE REGULATIONS UNLESS UNDERGOING FURTHER
13 DECOMPOSITION IN A COMPOSTING OPERATION OR
14 FACILITY.
15 THE EMERGENCY REGULATIONS WOULD
16 REVISE THE DEFINITION OF VERMICOMPOSTING TO
17 CLARIFY WHICH ACTIVITIES ASSOCIATED WITH VERMI-
18 COMPOSTING ARE SUBJECT TO REGULATION BY THE WASTE
19 BOARD. VERMICOMPOSTING ACTIVITY WILL REMAIN
20 EXCLUDED FROM COMPOSTING REGULATIONS REQUIREMENTS
21 DURING THE PERIOD ORGANIC MATERIALS ARE PLACED IN
22 THE WORM BEDS.
23 THE STORAGE AND PROCESSING GROWTH
24 MEDIUM AND ITS FEEDSTOCK WOULD BE SUBJECT TO THE
25 SAME REQUIREMENTS AS STORAGE AND CHIPPING AND

1 GRINDING ACTIVITIES.

2 THE OPTIONS FOR THE BOARD ARE

3 APPROVE THE DRAFT EMERGENCY REGULATIONS FOR

4 SUBMISSION TO THE OFFICE OF ADMINISTRATIVE LAW

5 WITH MINOR MODIFICATIONS, WHICH I WILL DETAIL IN A

6 MOMENT; TWO, APPROVE THE DRAFT EMERGENCY REGULA-

7 TIONS FOR SUBMISSION TO THE OFFICE OF ADMINISTRA-

8 TIVE LAW WITH SPECIFIED CHANGES; THREE, DIRECT

9 STAFF TO GATHER ADDITIONAL INPUT REGARDING THE

10 DRAFT EMERGENCY REGULATIONS. STAFF RECOMMEND

11 OPTION 1.

12 THE FOLLOWING MINOR CHANGES TO THE

13 PROPOSED EMERGENCY REGULATIONS NEED TO BE MADE:

14 SUBSECTION 17855(A)(3) AND (A)(6) ON PAGE 7, LINES

15 16 TO 17 AND 22 TO 23, THE LANGUAGE WILL BE

16 REVISED TO READ SEVEN DAYS INSTEAD OF ONE WEEK.

17 SUBSECTIONS 17862.1(B)(1) AND

18 17862.2(B)(1) ON PAGE 11, LINES 6 AND 17 WILL BE

19 REVISED TO READ “THE OPERATOR MAINTAINS RECORDS

20 WHICH DOCUMENT THAT MATERIAL IS NOT STORED ON SITE

21 FOR MORE THAN SEVEN DAYS.”

22 AND SUBSECTION 17869(D), PAGE 26,

23 LINES 14 TO 15 WILL BE DELETED WHERE IT READS “AND

24 THE LENGTH OF TIME CHIPPED AND GROUND MATERIAL AND

25 ITS FEEDSTOCK IS STORED ON SITE.”

1 THIS CONCLUDES MY PRESENTATION. I'D
2 BE GLAD TO ANSWER ANY QUESTIONS YOU HAVE.
3 CHAIRMAN PENNINGTON: MR. RELIS.
4 BOARD MEMBER RELIS: MR. CHAIR, FIRST,
5 THIS HAS BEEN AN ISSUE OF REAL IMPORTANCE TO ME.
6 AND I WANT TO FIRST THANK DOROTHY AND THE STAFF OF
7 PERMITS AND ENFORCEMENT FOR BEING SO DILIGENT
8 ABOUT BRINGING THIS MATTER QUICKLY BEFORE US AS AN
9 EMERGENCY MATTER BECAUSE I BELIEVE WE DO INDEED
10 HAVE AN EMERGENCY SITUATION ON OUR HANDS.
11 AT THE OUTSET I HAVE A FEW COMMENTS
12 TO MAKE SPECIFICALLY, SOME SEEKING CLARIFICATION
13 ON DEFINITIONAL MATTERS. BUT AT THE OUTSET, LET
14 ME JUST SAY THAT I THINK THE INTENT HERE, AND I
15 KNOW THIS HAS BEEN RAISED, IS TO NOT BRING
16 AGRICULTURE INTO OUR PURVIEW, THAT WE ARE GOING TO
17 BE CONSISTENT WITH AGRICULTURAL EXCLUSIONS AND
18 HOWEVER WE NEED TO NOTE THAT.
19 I DO BELIEVE WE NEED TO UNDERSCORE
20 THAT WE'RE NOT SOMEHOW IN AN EFFORT TO GET A
21 HANDLE AROUND A VERY SPECIFIC AND NARROW SET OF
22 PROBLEMS THAT WE'RE ENCROACHING INTO AREAS WE
23 NEVER INTENDED TO GO.
24 THERE ARE A FEW QUESTIONS, THOUGH,
25 DO HAVE RELATED TO PAGE 4 OF THE AGENDA ITEM. I

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1 BELIEVE THAT'S 139. AND LET ME TAKE A MOMENT AND
2 EXPLAIN WHAT I'M INTERESTED IN. THE AGENDA ITEM
3 INDICATES THAT THE EMERGENCY REGULATIONS - - THIS
4 IS DOWN AT THE BOTTOM OF THE PAGE - - WOULD APPLY
5 TO STABILIZED COMPOST EXCLUDING MARKET PRODUCT.
6 NOW, THIS COULD REQUIRE THE
7 REGULATION OF SOME BULK PROVIDERS, INCLUDING
8 LANDSCAPE NURSERIES, THAT PRODUCE COMPOST. I'M
9 REMINDED I MADE A SITE VISIT PROBABLY TWO OR THREE
10 YEARS AGO TO MONROVIA NURSERY, AND THEY WERE
11 CONCERNED AT THE TIME WE WERE TAKING UP THE GREEN
12 WASTE REGULATIONS AND COMPOST DISCUSSION, THAT
13 THEY HAD INCIDENTAL TO THEIR OPERATION OR PART OF
14 IT A LARGE PILE OF SOIL AMENDMENT, WHICH WE MIGHT
15 CONSIDER BULK. IT IS BULK. AND SO THEY ARE
16 CONCERNED ARE WE NOW REGULATING THE NURSERY
17 BUSINESS. SO I'M RAISING THIS IN THAT CONTEXT.
18 COULD THIS REQUIRE THE REGULATION OF
19 SOME BULK PROVIDERS, INCLUDING LANDSCAPE NURSERIES
20 THAT PRODUCE COMPOST? THE DRAFT REGULATIONS WOULD
21 APPLY TO THE STORAGE OF FINISHED PRODUCT BY BULK
22 PROVIDERS UNLESS THE MATERIAL WAS PURCHASED BY THE
23 OPERATOR, BAGGED FOR SALE, OR BENEFICIALLY USED.
24 THAT'S HOW I READ IT. THEN THE DEFINITION OF
25 MARKET PRODUCT IS, AND I QUOTE, "FEEDSTOCK COMPOST

1 OR CHIPPED AND GROUND MATERIALS WHICH HAVE BEEN
2 SOLD, BAGGED FOR SALE, OR BENEFICIALLY USED." SO
3 YOU CAN SEE WHERE THE DEFINITIONAL MATTERS IS
4 IMPORTANT.
5 STORAGE OR HANDLING OF MARKET
6 PRODUCT IS PROPOSED TO BE AN EXCLUDED ACTIVITY.
7 NOW, I NOTE THAT THIS DEFINITION REFERS TO
8 COMPOST, BUT APPARENTLY DOES NOT INCLUDE
9 STABILIZED COMPOST. SO THERE'S THIS FUZZY AREA
10 THAT I'M STRUGGLING TO UNDERSTAND. WHAT ARE WE
11 TRYING TO DO? ARE WE WORRIED ABOUT STABILIZED
12 COMPOST AND PILES OF THAT EVEN THOUGH THERE'S NO
13 REGULATORY DEFINITION OF COMPOST?
14 AND WHAT IS THE RATIONALE FOR
15 APPLYING STORAGE REQUIREMENTS TO STABILIZED
16 COMPOST? IN OTHER WORDS, IT FOLLOWS - - THE ONLY
17 REFERENCE TO STABILIZED COMPOST IS ONE ON PAGE 4
18 MENTIONED ABOVE. ARE STAFF AND LEA'S CONCERNED
19 REALLY ABOUT THE HEALTH AND SAFETY OF BULK
20 STABILIZED COMPOST?
21 I KNOW THIS SEEMS LIKE MAYBE A VERY
22 PICKY MATTER, BUT I DO BELIEVE IT INADVERTENTLY
23 COULD TAKE US INTO SOME AREAS WE PROBABLY NEVER
24 INTENDED TO GO WITH THIS. AND SO I OPEN IT AS A
25 QUESTION TO THE BOARD. IS THIS SOMETHING THE

1 BOARD WANTS TO REGULATE?

2 MS. RICE: PERHAPS ELLIOT OR BRIAN COULD

3 SEEK TO CLARIFY.

4 MR. LARIMORE: WELL, THE REASON THAT WAS

5 PLACED IN THE REGULATIONS IS BECAUSE WHEN AN

6 INSPECTOR INSPECTS A COMPOST FACILITY, HE WILL

7 HAVE STABILIZED COMPOST, MAYBE YOU'LL HAVE

8 WINDROWS AND YOU MAY HAVE A PILE OF STABILIZED

9 COMPOST, AND THE ODORS MAY COME FROM ONE OR THE

10 OTHER, AND IT'S KIND OF HARD TO DETERMINE

11 SOMETIMES. SO THAT'S WHY THAT WAS INCLUDED.

12 BOARD MEMBER RELIS: WELL, LET ME JUST

13 PURSUE THAT, THEN, A MINUTE. USUALLY WHEN COMPOST

14 IS STABILIZED, IT DOESN'T . - THE ODOR - - THE ODOR

15 IS A RESULT OF SOME BIOLOGICAL BREAKDOWN, WHETHER

16 AEROBIC OR ANAEROBIC; AND IF IT IS INDEED STABLE,

17 AND THAT'S, OF COURSE, A QUESTION IN SOME CASES,

18 IT SHOULDN'T EXHIBIT THOSE CHARACTERISTICS.

19 MR. LARIMORE: WELL, IT WOULD ONLY BE

20 SUBJECT TO THE GENERAL OPERATING STANDARDS ANYWAY.

21 SO IF THERE WAS NO PROBLEM, THEN THE LEA WOULDN'T

22 BE USING THAT TOOL ANYWAYS.

23 MS. RICE: WAS THE CONCERN, BRIAN, THAT

24 AN LEA MAY NOT KNOW WHETHER OR NOT THE MATERIAL IS

25 STABILIZED; AND IF THE OPERATOR SAYS THIS IS MY

1 STABILIZED COMPOST, BUT THE LEA HAS REASON TO
2 THINK THAT THE ODORS ARE EMANATING FROM THAT AREA,
3 THAT THIS LANGUAGE MAY GIVE HIM FLEXIBILITY TO
4 LOOK AT THAT AREA? I ASSUME THAT'S PART OF THE
5 RATIONALE FOR INCLUDING IT; BUT THEN AS BRIAN
6 NOTED, IF IT WERE FOUND THAT THERE WAS NO
7 VIOLATION OF ANY OF THE STANDARDS FROM THAT AREA,
8 THERE WOULD BE NO NEED TO DO ANYTHING FURTHER.
9 BOARD MEMBER RELIS: SO YOU DON'T THINK
10 IT OPENS UP ANOTHER CAN OF WORMS OR WINDROW FULL
11 OF WORMS OR MAYBE IT'S NOT EVEN A WINDROW, SMALL
12 BED OF WORMS.
13 MR. BLOCK: DOROTHY CORRECTLY ANALYZED.
14 THAT'S THE REASON THAT WE ADDED THAT LANGUAGE IN
15 THERE WAS PRIMARILY TO ALLOW THE LEA'S BECAUSE IN
16 A PRACTICAL WORLD THEY'RE EXPERIENCING THIS
17 PROBLEM.
18 BOARD MEMBER RELIS: SO IF THEY'RE OUT ON
19 INSPECTION AND THEY'VE HEARD A COMPLAINT, UNDER
20 THESE REGULATIONS THE MATTER OF WHETHER - - THEY
21 HAVE THE LATITUDE TO MAKE A DETERMINATION. OTHERWISE IF WE DIDN'T
22 HAVE THIS, THEY WOULD NOT BE
23 ABLE TO ADDRESS THE STABILIZED, THE QUOTE,
24 UNQUOTE, STABILIZED PORTION?
25 MS. RICE: THAT'S THE CONCERN.

BOARD MEMBER RELIS: OKAY.

MR. BLOCK: AND IT REALLY ISN'T SO MUCH AN ISSUE OF THE REGS PER SE AS THE LABEL THAT GETS USED. OBVIOUSLY WE'VE DEFINED STABILIZED COMPOST AS ONE THAT'S ALREADY - - DOESN'T HAVE THOSE ISSUES, BUT THAT LABEL IS BEING USED IN OTHER WAYS, AND SO WE MODIFIED THESE REGULATIONS SO THAT AN LEA HAS THE ABILITY TO DEAL WITH THAT ISSUE. AND OF COURSE, IF IT'S TRULY STABILIZED, IT'S NOT GOING TO CREATE AN ISSUE ANYWAY.

BOARD MEMBER RELIS: OKAY. THANK YOU.

CHAIRMAN PENNINGTON: ARE YOU THROUGH? MS. GOTCH.

BOARD MEMBER GOTCH: SINCE I DON'T SIT ON THE PERMITTING, I HAVE A QUICK QUESTION FOR STAFF. AND THAT IS THE LETTER THAT WAS ADDRESSED TO CHAIRMAN PENNINGTON FROM THE COUNTY SUPERVISOR FROM SAN BERNARDINO ADDRESSING THE SIZE RESTRIC- TIONS, LIMITING THE EXCLUSION OF WORM FARMS OF LESS THAN BLANK ACRES, IS THAT SOMETHING THAT HAS ALREADY COME UP AND YOU HAVE ADDRESSED? AND AM I ASKING YOU FOR SOMETHING YOU HAVEN'T SEEN, I GUESS?

BASICALLY THE QUESTION IS HAS STAFF ADDRESSED SIZE RESTRICTIONS TO THESE WORM FARMS,

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1 LIMITING THE EXCLUSION OF WORM FARMS OF A SPECIFIC
2 AMOUNT OF ACREAGE?
3 MR. LARIMORE: YOU WOULD HAVE TO HAVE
4 MORE THAN 1,000 CUBIC YARDS OF FEEDSTOCK ON SITE.
5 BOARD MEMBER GOTCH: YES. BUT SHE
6 ADDRESSES THE CUBIC YARDS, BUT HE'S ASKING HERE
7 THAT WE TAKE A LOOK AT THE SIZE RESTRICTIONS ALSO
8 ACREAGEWISE, YES.
9 MR. LARIMORE: NO, THERE'S NO RESTRICTION
10 ON THE ACREAGE.
11 BOARD MEMBER GOTCH: IS THAT SOMETHING
12 THAT HAS BEEN ADDRESSED BY STAFF THOUGH?
13 MS. RICE: WE WERE SEEKING TO PROVIDE THE
14 OPPORTUNITY TO IMPOSE THE STANDARDS ANY TIME YOU
15 HAVE A CERTAIN AMOUNT OF MATERIAL REGARDLESS OF
16 THE SIZE OVERALL OF THE FACILITY, WHICH WOULD BE
17 CONSISTENT WITH THE APPROACH TO ANY TYPE OF
18 FACILITY WHERE I'M NOT AWARE OF ANY REGULATIONS
19 WHERE WE LIMIT THE SIZE OF A TRANSFER STATION OR A
20 LANDFILL OR ANY OTHER TYPE OF COMPOSTING FACILITY,
21 IT WOULD DEPEND ON THEIR ABILITY TO MANAGE IT
22 APPROPRIATELY.
23 BOARD MEMBER GOTCH: THANK YOU.
24 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THAT
25 WAS . - ACTUALLY I WAS GOING TO ASK THAT SAME

1 QUESTION. APPRECIATE THAT,BOARD MEMBER GOTCH.
2 THE ONLY OTHER THING I WOULD SAY IS
3 THAT HE DOES SAY HERE HE WANTS US TO PROCEED WITH
4 THE EMERGENCY REGS AS DRAFTED. HE DID SUPPORT
5 THEM, AND HE JUST ASKED THAT WHEN WE WERE
6 CONSIDERING PERMIT CHANGES TO THE REGS, WE'D
7 CONSIDER THIS OPTION. SO I WOULD JUST WANT TO
8 MAKE SURE THE LETTER GOT REFERRED TO THAT PROCESS,
9 SO STAFF COULD RESPOND TO IT IN THAT PROCESS
10 BECAUSE THAT'S WHAT HE'S ASKING FOR. THAT WOULD
11 BE MY ONLY ADDITIONAL COMMENT.
12 CHAIRMAN PENNINGTON: OKAY. THANK YOU.
13 ALL RIGHT. ANY OTHER QUESTIONS FROM BOARD
14 MEMBERS? OKAY.
15 NEXT WE'LL HEAR FROM BARRY MEIJER.
16 MR. MEIJER: GOOD MORNING, GENTLEMEN.
17 MORNING, MA'AM. I'M THE WORM FARMER IN SAN
18 BERNARDINO COUNTY, AND I'M HERE JUST TO TALK ABOUT
19 SOME OF THE REGULATIONS HERE TODAY.
20 WE ESSENTIALLY, AS I SAID IN
21 DECEMBER, SUPPORT ANY REGULATION THAT MAKES MY
22 LIFE A LITTLE EASIER IN TERMS OF CLARITY AND HOW
23 TO DEAL WITH THE LOCAL LEA'S SO THAT WE CAN BETTER
24 DEAL WITH GOVERNMENT. OKAY.
25 I'D LIKE TO ADDRESS INITIALLY THE

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1 SIZE OF WORM FARMS. THE CALIFORNIA AGRICULTURAL
2 CODE 23.7 SPECIFICALLY SAYS THAT VERMICULTURE IS
3 AN AGRICULTURAL ACTIVITY. AND IF YOU INTEND TO
4 DETERMINE THAT WE'RE ONLY ALLOWED TO HAVE A
5 CERTAIN SIZE FACILITY, THEN CAN YOU APPLY THAT TO
6 DAIRY FARMERS, TO APPLE ORCHARDS, OR ANY OTHER
7 FACILITY THAT'S AGRICULTURE AS WELL? AND I DON'T
8 THINK THAT THAT WOULD BE RIGHT.
9 WE'VE WORKED HARD TO BUILD OUR
10 FACILITY. THE FACT THAT ONE FARMER FARMS 50,000
11 ACRES OF CARROTS AND ANOTHER FARMER ONLY FARMS
12 1100 ACRES OF CARROTS IS NOT, IN MY OPINION, THE
13 CONSIDERATION FOR GOVERNMENT. I MEAN THAT'S FREE
14 ENTERPRISE.
15 I OBVIOUSLY HAVE SOME OF THE SAME
16 CONCERNS YOU HAVE AS FAR AS BULK PROVIDERS ARE
17 CONCERNED FOR GRINDING. I'M GOING TO TALK ABOUT
18 TWO ISSUES TODAY. ONE BEING GRINDING BECAUSE WE
19 DO SOME GRINDING OFF SITE, AND NONE OF THAT
20 MATERIAL COMES TO THE WORM FARM. WE USE THAT
21 MATERIAL IN OTHER PURPOSES. I HAVE A LANDSCAPE
22 COMPANY. WE EMPLOY ABOUT 120 PEOPLE IN THAT
23 LANDSCAPE COMPANY. WE PRODUCE A CERTAIN AMOUNT OF
24 WOOD CHIPS IN THAT OPERATION.
25 AND CONSEQUENTLY, I'D LIKE TO

1 DISCUSS INITIALLY THAT AT FIRST. IN YOUR
2 DEFINITION OF MARKET MATERIAL, I'D JUST LIKE TO
3 HAVE A CLARIFICATION THERE. IT SAYS HERE THAT
4 BENEFIT USES INCLUDE BUT ARE NOT LIMITED TO LAND
5 APPLICATION AT AN AGRONOMIC RATE, LAND RECLAMA-
6 TION, SLOPE STABILIZATION, AND WEED SUPPRESSION AS
7 DETERMINED BY THE ENFORCEMENT AGENCY.
8 WHAT I'M ASKING IS WHAT IS THE
9 ENFORCEMENT AGENCY DETERMINING? ARE THEY
10 DETERMINING THE BENEFICIAL USE OR JUST THE
11 SUPPRESSION OF WEEDS?
12 MR. LARIMORE: ACTUALLY BOTH. IF THERE'S
13 OTHER BENEFICIAL USES, THEY CAN APPROVE THOSE.
14 THEY CAN PUT LIMITATIONS ON BENEFICIAL USES.
15 MR. MEIJER: OKAY. ONE OF THE THINGS
16 THAT THIS MAKES IT SOUND LIKE IS THAT VERMI- - -
17 USING THE MATERIAL IN VERMICOMPOSTING IS NOT A
18 BENEFICIAL USE BECAUSE IT'S NOT EXCLUDED. IT'S
19 SORT OF EXCLUDED THERE.
20 BOARD MEMBER RELIS: CAN WE GET THE
21 REFERENCE?
22 MR. MEIJER: I'M SORRY, SIR. IT'S PAGE
23 147 NEXT TO WHERE IT DESCRIBES MARKET PRODUCT.
24 MR. BLOCK: COULD YOU ASK THAT QUESTION
25 AGAIN?

1 MR. MEIJER: I'M SORRY, SIR. I DON'T
2 REMEMBER YOUR NAME.
3 MR. BLOCK: ELLIOT BLOCK.
4 MR. MEIJER: ELLIOT. WHAT I'M ASKING IS
5 IS VERMICULTURE CONSIDERED A BENEFICIAL USE OF THE
6 MATERIAL?
7 MR. BLOCK: WELL, IF WHAT YOU ARE ASKING
8 IS WHY VERMICULTURE OR VERMICOMPOSTING, WHICH IS
9 THE TERM WE'RE USING IN THESE REGULATIONS, IS NOT
10 IN THAT DEFINITION, IT'S BECAUSE VERMICOMPOSTING
11 ITSELF IS EXCLUDED FROM REGULATION. AND THE
12 CHANGES THAT WE MADE TO THESE REGULATIONS RELATE
13 TO STORAGE OR CHIPPING AND GRINDING ACTIVITIES
14 PRIOR TO THE ACTUAL VERMICOMPOST. SO IN A SENSE
15 IT'S NOT - - IT NEVER COMES INTO PLAY IN THE
16 DEFINITION OF MARKET.
17 MR. MEIJER: AS LONG AS THAT'S ON THE
18 RECORD, I REALLY APPRECIATE THAT.
19 THE OTHER ISSUES, WE'VE SPENT QUITE
20 A BIT OF TIME GOING TO CITIES AND PLANNERS AND
21 ARCHITECTS AND SAYING, YOU KNOW, IN THE REST OF
22 THE COUNTRY MANY, MANY STATES USE BARK AS A GROUND
23 COVER IN PLANTERS AND THINGS LIKE THAT TO SUPPRESS
24 WEEDS. OKAY. AND IN FLORIDA THEY USE MALLALUCA
25 (PHONETIC), WHICH IS GROUND UP, WHICH IS CHOKING

1 THE EVERGLADES, AND THEY'RE PAYING PEOPLE TO
2 REMOVE IT. AND THERE'S A MAJOR PROGRAM TO
3 ENCOURAGE PEOPLE TO USE THAT, SPREAD IT IN
4 LANDSCAPE AREAS TO SUPPRESS WEEDS.
5 ONE OF THE ONLY QUESTIONS I HAVE
6 HERE IS DOES THIS MEAN THAT ALL ARCHITECTURAL
7 DRAWINGS REQUESTING THE USE OF MULCH IN PLANTERS
8 TO SUPPRESS WEEDS, WILL THOSE DRAWINGS HAVE TO BE
9 SUBMITTED TO THE LEA FOR APPROVAL?
10 MR. LARIMORE: NO, THAT'S NOT REQUIRED.
11 MR. MEIJER: BECAUSE IT DOES SAY HERE THE
12 LEA HAS TO APPROVE THOSE, THOSE USES.
13 MR. BLOCK: WE'RE HAVING A LITTLE BIT OF
14 DIFFICULTY UNDERSTANDING THE QUESTION YOU ARE
15 ASKING. LET ME TRY TO ANSWER IT IN A DIFFERENT
16 WAY, WHICH IS JUST TO SAY THAT THE EXAMPLE THAT
17 YOU'VE GIVEN OR ANY OTHER SIMILAR TYPE OF EXAMPLE,
18 REALLY THE ISSUE COMES UP, HOW THE LEA FINDS OUT
19 ABOUT IT. AND SO THIS DEFINITION AND RELATED
20 REGULATIONS ONLY COME INTO PLAY IF THERE'S A
21 SITUATION WHERE THERE'S THE STORAGE OF MATERIAL,
22 PERHAPS THE BARK YOU'RE REFERENCING, MAYBE, MAYBE
23 NOT, AND IT'S OVER A THOUSAND CUBIC YARDS AND IT'S
24 CREATING SOME PROBLEMS.
25 AND THEN THIS DEFINITION COMES INTO

1 PLAY IF AT THAT POINT IN TIME THE - - I DON'T WANT
2 TO USE THE WORD "OPERATOR" - - BUT THE PERSON
3 THAT'S STORING THAT MATERIAL SAYS, "OH, NO. I'M
4 NOT STORING ORGANIC MATERIAL. I'M DOING X." AND
5 AT THAT POINT THE LEA, WHICH IS GOING TO BE TRUE
6 REALLY WHETHER THIS LANGUAGE IS THERE OR NOT,
7 BASICALLY HAS TO MAKE A DETERMINATION WHAT'S THE
8 NATURE OF THIS OPERATION. IS IT SOMETHING THAT'S
9 SUBJECT TO THE BOARD'S REGULATIONS OR NOT.
10 MR. MEIJER: I UNDERSTAND. I WAS JUST
11 WORRIED THAT, YOU KNOW, CALTRANS IN MY AREA HAS
12 COMMITTED TO TAKE 25 PERCENT OF THEIR TOTAL
13 CONSUMPTION OF ORGANICS IN TERMS OF YARD WASTE, IT
14 DOESN'T HAVE TO BE COMPOSTED, TO APPLY ALONG THE
15 SIDE OF THE FREEWAYS TO IMPROVE THE LOOK OF THE
16 FREEWAYS.
17 MR. BLOCK: THE OTHER THING TO KEEP IN
18 MIND WOULD BE THESE REGULATIONS, IN TERMS OF
19 CONTEXT, IS IN TERMS OF CHIPPING AND GRINDING AND
20 STORAGE. THESE EMERGENCY REGULATIONS ARE NOT
21 SLOTTING THESE OPERATIONS; THEY'RE NOT PUTTING ANY
22 PERMIT REQUIREMENTS ON THEM. THEY ARE APPLYING
23 SOME BASIC MINIMUM STANDARDS TO THOSE OPERATIONS.
24 SO AGAIN, THE REGULATIONS, IN A SENSE, ONLY COME
25 INTO PLAY IF THERE IS A PROBLEM WITH ODORS,

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1 VECTORS, ETC., THAT'S OCCURRED AND GIVES THE LEA
2 THE ABILITY TO ADDRESS THAT. SO THERE ARE NO
3 PERMIT REQUIREMENTS THAT ARE BEING APPLIED OR
4 SIMILAR REQUIREMENTS IN THESE EMERGENCY REGULA-
5 TIONS.
6 MR. MEIJER: THEN ON PAGE 150 OR NO. 7,
7 WHERE YOU SAY, NO. 5, VERMICOMPOSTING IS AN
8 EXCLUDED ACTIVITY. THE STORAGE OF FEEDSTOCK TO BE
9 USED IN PRODUCTION OF GROWTH MEDIUM FOR WORMS IS
10 NOT AN EXCLUDED ACTIVITY. AND I THINK THIS, FOR
11 ME, IS THE BIG QUESTION.
12 WHAT WE'D LIKE TO KNOW IS WHAT IS
13 IT - - LET'S SAY MATERIAL COMES TO THE SITE. OKAY.
14 WE WINDROW IT, OKAY, AS WE DO RIGHT NOW. THEN WE
15 LET THE MATERIAL DECOMPOSE FOR A PERIOD OF TIME.
16 WE DON'T ACTUALLY TURN IT OR ANYTHING LIKE THAT.
17 WE TAKE MATERIAL OUT OF THERE AND PUT IT IN THE
18 WORM BEDS.
19 THE QUESTION THAT I HAVE WITH
20 REGARDS TO THAT IS WHICH OF THE REGULATIONS ARE WE
21 SUBJECT TO? ARE THOSE ONLY THE ONES SPECIFIED ON
22 PAGE 11 UNDER STORAGE, OR IS IT ALL THE REGULA-
23 TIONS EXCEPT THAT WE JUST DON'T HAVE TO GET THE
24 PERMITS?
25 MR. LARIMORE: NO. YOU'D JUST BE SUBJECT

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1 TO THE STORAGE STANDARDS, COUPLE GENERATING

2 STANDARDS.

3 MR. MEIJER: OKAY.

4 MR. BLOCK: THE ONES ON PAGE 11 OF THE

5 REGULATIONS.

6 MR. MEIJER: OKAY. SO IT DOESN'T MEAN

7 WE'RE GOING TO HAVE TO HAVE CLOSURE PLAN; WE'RE

8 GOING TO HAVE TO GET AN ENGINEERING COMPANY OUT

9 THERE.

10 MR. BLOCK: THAT'S CORRECT.

11 MR. MEIJER: THAT MAKES IT A LOT EASIER.

12 OKAY.

13 OTHER THAN THAT, I REALLY DON'T

14 HAVE - I MEAN WE REALLY SUPPORT - - I MEAN

15 ANYTHING THAT CLARIFIES OUR POSITION. OBVIOUSLY I

16 MEAN I'D LIKE TO REITERATE REALLY THAT WE FEEL

17 THAT VERMICULTURE IS AN AGRICULTURAL ACTIVITY, AND

18 WE'D LIKE TO BE REGULATED AS SUCH. AND ANYTHING

19 SUCH AS THIS THAT YOU DO THAT CLARIFIES OUR

20 POSITION WITH OUR LOCAL LEA'S MAKES OUR LIFE A LOT

21 EASIER. AND I THINK THAT'S ABOUT ALL I HAVE TO

22 SAY. IF THERE ARE ANY QUESTIONS.

23 CHAIRMAN PENNINGTON: ANY QUESTIONS OF

24 MR. MEIJER? THANK YOU. NEXT WE'LL HAVE MIKE

25 FALASCO.

MR. FALASCO: GOOD MORNING, MR. CHAIRMAN AND COMMITTEE MEMBERS. I WILL BE BRIEF. MOSTLY HERE TO SAY THANK YOU. MAKE ONE SIMPLE REQUEST. WHEN STAFF AND THE COMMITTEE, P&E COMMITTEE, LOOKED AT THE DRAFT SET OF REGULATIONS A FEW WEEKS AGO, I TESTIFIED AT THAT POINT, SAYING THAT WE WERE CONCERNED THAT UNINTENTIONALLY THE EMERGENCY REGS COULD HAVE APPLIED TO AND ENCROACHED UPON, AS MR. RELIS SAID, AGRICULTURAL PRACTICES. PLEASED TO SAY THAT THE DRAFTING SINCE THEN BY MR. BLOCK, MR. LARIMORE, AND MS. RICE HAVE EFFECTIVELY DEALT WITH THE SITUATION SUCH THAT THE REGULATIONS DO NOT APPLY TO THE USE OF ORGANIC MATERIALS EITHER ON SITE BY THE AGRICULTURALIST, WINERY, OR DAIRY FARMER, NOR DO THEY TELL THE DAIRYMEN OR VINTNER THAT YOU HAVE TO COMPLY WITH THESE REGULATIONS IF YOU SELL YOUR PRODUCT TO YOUR NEIGHBOR OR GIVE SOME OF IT AWAY. SO THANK YOU VERY MUCH.

AND I ALSO THINK THAT THE REGULATIONS DO DEAL WITH THE HAPPY ACRES PROBLEM, BUT DO NOT IMPACT PRODUCTION AGRICULTURE.

THE ONLY REQUEST I HAVE THIS MORNING IS, BECAUSE OF THE COMPLEXITY TO TRY TO INTERPRET WHAT THE REGULATIONS ARE, I WOULD HOPE THAT THE

1 BOARD COULD DIRECT STAFF TO SEND - - INCLUDE IN ANY
2 LEA ADVISORY THIS INFORMATION, THAT THE REGULA-
3 TIONS DO NOT APPLY TO AGRICULTURAL ORGANIC
4 MATERIAL. THAT'S MY REQUEST.
5 I THINK IT'S IMPORTANT TO NOTE, AS A
6 FOOTNOTE, FOR THOSE IN THE AUDIENCE WHO ARE
7 UNAWARE OF IT, EVEN THOUGH THESE REGULATIONS DO
8 NOT APPLY TO AGRICULTURAL ORGANIC MATERIAL,
9 EXISTING REGULATIONS DEALING WITH VECTOR CONTROL
10 AND FIRE PREVENTION DO REGULATE THE - OUR
11 PARTICULAR PRODUCTS AND RIGHTFULLY SHOULD. THANK
12 YOU.
13 CHAIRMAN PENNINGTON: THANK YOU. ANY
14 QUESTIONS? OKAY.
15 MR. FALASCO: DO YOU THINK, MR.
16 PENNINGTON, THAT AN ADVISORY TO THE LEA'S COULD
17 INCLUDE CLARITY ON THIS ISSUE?
18 MS. RICE: IF I MIGHT RESPOND. MR.
19 FALASCO AND I DID DISCUSS THIS A COUPLE OF DAYS
20 AGO, AND I INDICATED TO HIM WITH A PACKAGE OF THIS
21 NATURE OF SUCH IMPORTANCE TO LEA'S, WE WOULD WANT
22 TO BE TRANSMITTING IT TO EACH LEA ONCE IT'S
23 APPROVED BY OAL. AND AT THAT TIME WE WOULD WANT
24 TO INCLUDE SOME KIND OF ADVISORY, WALKING THROUGH
25 A LITTLE BIT WHAT THE INTENT WAS AND WHAT IT MEANS

1 AND HOW TO UTILIZE IT. AND WE WOULD CERTAINLY
2 INCLUDE IN THERE SOME MENTION OF THE ISSUES THAT
3 HE'S DESCRIBING.
4 MR. FALASCO: THANK YOU VERY MUCH.
5 CHAIRMAN PENNINGTON: SURE. OKAY.
6 BOARD MEMBER RELIS: MR. CHAIR, BEFORE WE
7 CLOSE IT AND MOVE TO A MOTION, LET ME JUST PURSUE
8 ONCE AGAIN FOR MY OWN SATISFACTION, I GUESS HERE.
9 THE INTENT OF THESE EMERGENCY REGULATIONS IS
10 PRIMARILY, IN MY MIND, TO DEAL WITH THE STOCK.
11 PILING ISSUE. THE STORAGE OF FINISHED PRODUCT
12 IS . - YOU KNOW, I UNDERSTAND THE GRAY AREA THERE
13 SOMETIMES FOR THE LEA. BUT THE PROBLEM SEEMS TO
14 HAVE ARISED, THE EMERGENCY BASIS HAS BEEN IN THE
15 IMPROPER STORAGE OF MATERIALS AND THEN ALL THE
16 ATTENDANT PROBLEMS ASSOCIATED WITH THAT.
17 50 I DON'T KNOW WHETHER IT MAKES ANY
18 SENSE TO HIGHLIGHT THAT IN AN ADVISORY, OR WHETHER
19 IT WOULD BE BENEFICIAL TO TAKE THE STORAGE PART
20 AND PUT IT IN OUR REGULATORY PROCESS THAT WE'RE,
21 YOU KNOW, GOING THROUGH. LET ME JUST RAISE THAT.
22 MS. RICE: CERTAINLY IN AN ADVISORY WE
23 WOULD SEEK TO DESCRIBE THE BOARD'S INTENT IN
24 PASSING THESE REGULATIONS, WHAT THE SITUATIONS
25 WERE THAT BROUGHT RISE TO THIS EMERGENCY, AND THE

1 NEED TO DO THIS. AND SO HOPEFULLY IN THAT

2 CONTEXT, IT WOULD BECOME CLEAR THAT IT IS

3 PRIMARILY STOCKPILING OF MATERIAL WITHOUT ANY

4 CONTROLS THAT WE ARE TRYING TO ALLOW THE LEA TO

5 HAVE SOME TOOLS TO DEAL WITH.

6 BOARD MEMBER RELIS: I'M SENSITIVE TO

7 THAT BECAUSE, AS THIS EMERGENCY EFFORT FILTERS

8 OUT, THERE MAY BE A LOT OF PEOPLE WHO ARE - -

9 BECOME VERY CONCERNED THAT WE'RE NOW LOOKING INTO

10 SOMETHING THAT THEY THOUGHT WAS SETTLED. SO I

11 THINK THIS INTENT BECOMES VERY IMPORTANT IN

12 WHATEVER RELEASE, THE LEA ADVISORY.

13 MS. RICE: I AGREE WITH YOU. WE'D BE

14 HAPPY TO SHARE THE LANGUAGE WITH YOUR OFFICE.

15 BOARD MEMBER RELIS: WITH THAT, I WOULD

16 MOVE ADOPTION -

17 BOARD MEMBER GOTCH: I'LL SECOND.

18 BOARD MEMBER RELIS: . - OF THE EMERGENCY

19 REGULATIONS.

20 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

21 MOVED AND SECONDED FOR THE ADOPTION OF THE DRAFT

22 EMERGENCY REGS, RESOLUTION 97-62. SECRETARY CALL

23 THE ROLL.

24 BOARD SECRETARY:BOARD MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO: AYE.

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BOARD SECRETARY: FRAZEE. GOTCH.

BOARD MEMBER GOTCH: AYE.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

MOVE TO ITEM 22, CONSIDERATION OF ALLOCATION OF FISCAL YEAR '96- '97 FUNDS INTO EXISTING SOLID WASTE DISPOSAL, CODISPOSAL SITE CLEANUP PROGRAM CONTRACTS APPROVAL AND AWARD OF THE AMENDMENT TO THE CONTRACT WITH CH2MHILL.

MS. RICE: THANK YOU VERY MUCH. MARGE ROUCH WILL PRESENT THIS ITEM. PERHAPS ONE SECOND BEFORE SHE BEGINS, I'D LIKE TO THANK BRIAN LARIMORE AND ELLIOT BLOCK FOR ALL THEIR WORK ON THAT PACKAGE. THEY PUT A LOT OF TIME INTO IT.

BOARD MEMBER RELIS: COULD I ALSO ASK, BEFORE WE LEAVE THAT, THAT WE ASK STAFF TO EVALUATE FOR US ON A REGULAR BASIS HOW THESE EMERGENCY REGULATIONS ARE PLAYING OUT IN THE FIELD AND WHETHER THEY ARE ADDRESSING, IN FACT, THE

1 EMERGENCY?

2 MS. RICE: ABSOLUTELY. AND AS EMERGENCY

3 REGULATIONS, I THINK THEY'RE ONLY IN PLACE FOR.

4 WHAT, A HUNDRED TWENTY DAYS, SO WE HAVE TO COME UP

5 WITH SOMETHING FINAL IN THAT TIME FRAME ANYWAY.

6 MS. ROUCH: THIS ITEM IS A REQUEST TO PUT

7 $150,000 INTO AN EXISTING CH2MHILL CONTRACT TO -

8 FOR THE SUPPORT - - ENGINEERING SERVICES SUPPORT

9 FOR THE AB 2136 PROGRAM. THIS MONEY WILL BE

10 COMING FROM A BLOCK OF MONEY SET ASIDE FOR BOARD

11 MANAGED CLEANUPS. AND STAFF RECOMMENDS THAT YOU

12 APPROVE THIS REQUEST.

13 CHAIRMAN PENNINGTON: COMMENTS?

14 QUESTIONS? GOT ANY QUESTIONS?

15 BOARD MEMBER CHESBRO: MOVE THE ITEM.

16 BOARD MEMBER JONES: I'LL SECOND.

17 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

18 MOVED AND SECONDED. WE DON'T HAVE A QUORUM.

19 WE'LL HAVE TO WAIT A MINUTE.

20 THE REPORTER: YOU WANT TO TAKE A QUICK

21 BREAK NOW?

22 CHAIRMAN PENNINGTON: SURE. WE CAN TAKE

23 A BREAK NOW.

24 (RECESS TAKEN.)

25 CHAIRMAN PENNINGTON: OKAY. LET'S COME

1 BACK TO ORDER HERE. AND WE HAVE ITEM 22. I THINK
2 MR. CHESBRO MOVED AND MR. JONES SECONDED. SO IF
3 YOU ALL ARE READY, WE'LL HAVE THE SECRETARY CALL
4 THE ROLL.
5 BOARD SECRETARY:BOARD MEMBER CHESBRO.
6 BOARD MEMBER CHESBRO: AYE.
7 BOARD SECRETARY: GOTCH.
8 BOARD MEMBER GOTCH: AYE.
9 BOARD SECRETARY: JONES.
10 BOARD MEMBER JONES: AYE.
11. BOARD SECRETARY: RELIS.
12 BOARD MEMBER RELIS: AYE.
13 BOARD SECRETARY: CHAIRMAN PENNINGTON.
14 CHAIRMAN PENNINGTON: AYE. MOTION
15 CARRIES.
16 MOVE TO ITEM 24, CONSIDERATION OF
17 INCLUDING PROPOSED PERMITS ON THE BOARD'S CONSENT
18 CALENDAR FOR WHEN THE BOARD IS THE ENFORCEMENT
19 AGENCY.
20 MS. RICE: THANK YOU, MR. CHAIRMAN.
21 SHARON ANDERSON WILL MAKE THIS PRESENTATION.
22 MS. ANDERSON: CURRENT POLICY
23 ESTABLISHED - - WAS ESTABLISHED WITHOUT FORMAL
24 BOARD VOTE TO HAVE ENFORCEMENT AGENCY PERMITS
25 HEARD AT THE FULL BOARD LEVEL SIMPLY BECAUSE WHEN

1 THE BOARD IS THE EA, CHAIRMAN HUFF IN THE PAST
2 FELT THAT IT WAS APPROPRIATE TO HAVE THE FULL
3 BOARD VOTE ON THESE. BUT AT THE JANUARY P&E
4 COMMITTEE MEETING, BECAUSE OUR PERMITS WERE SORT
5 OF SLAM DUNKISH, MR. FRAZEE SUGGESTED THAT MAYBE
6 WE CONSIDER THE ABILITY TO PLACE EA PERMITS ON
7 CONSENT CALENDAR, NOT JUST FOR THE BOARD, BUT FOR
8 THE COMMITTEE AS WELL.
9 AS YOU KNOW, MUCH OF THE HARD
10 NEGOTIATING OF OUR PERMITS ARE DONE BEFORE THEY
11 COME TO YOU. IN OTHER WORDS, A LOT OF THE THINGS
12 THAT THE OPERATOR - - THE HOOPS THE OPERATORS HAVE
13 TO GO THROUGH, THEY'VE ALREADY GONE THROUGH THE
14 HOOPS. SO WHEN WE BRING A PERMIT BEFORE YOU,
15 WE'RE JUST AS CONFIDENT AS A LOCAL ENFORCEMENT
16 AGENCY ABOUT ITS SUCCESS AND THAT ANY PERMIT THAT
17 CONTAINS CONTROVERSY WOULD STILL BE HEARD BEFORE
18 THE FULL BOARD AT YOUR DISCRETION AND AT YOUR FULL
19 DECISION.
20 ALL THIS POLICY DOES IS ESTABLISH AN
21 ABILITY FOR YOU TO HAVE THE FLEXIBILITY TO SUGGEST
22 THAT OUR PERMITS BE PLACED ON CONSENT CALENDAR
23 SIMILAR TO THE LOCAL PROCESS, THE LOCAL ENFORCE-
24 MENT AGENCY'S ABILITY TO HAVE IT AS WELL.
25 SO ANY QUESTIONS?

1 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

2 CHAIRMAN PENNINGTON: MR. CHESBRO.

3 BOARD MEMBER CHESBRO: I HAVE SOME

4 COMMENTS. MR. FRAZEE APPARENTLY WANTED IT

5 DECIDED, BUT AT COMMITTEE HE DIDN'T MAKE OR

6 ENCOURAGE ANY MOTION TO MAKE A RECOMMENDATION TO

7 THE BOARD. SO I'M NOT SURE THAT HE FELT THAT

8 STRONGLY ABOUT IT. I'M GOING TO EXPRESS MY

9 FEELINGS ABOUT IT, WHICH DO MAKE SOME NEGATIVE

10 ARGUMENTS ABOUT THE IDEA OF AUTOMATICALLY PLACING

11 THESE ITEMS ON CONSENT.

12 I THINK THERE'S TWO ISSUES. FIRST

13 OF ALL, WHEN THE BOARD IS ACTING AS THE EA, THE

14 STAFF IS ACTUALLY FILLING THE ROLE OF EA, WE'VE

15 DECIDED THAT, I THINK, PREVIOUSLY, AND THE BOARD

16 THEN IS INDEPENDENTLY ACTING ON THE PERMIT

17 ESSENTIALLY AND CONFIRMING THE EA DECISION AT THE

18 LOCAL LEVEL - - CONCURRING IN THE EA DECISION AT

19 THE STAFF LEVEL THAT HAS TAKEN PLACE.

20 I THINK THERE SHOULD BE SOME

21 DISTANCE BETWEEN THOSE TWO STEPS. AND I THINK

22 PLACING IT ON CONSENT KIND OF STREAMLINES IT AND

23 MAKES IT SEEM LIKE IT'S ALL ONE PROCESS AND

24 DOESN'T REALLY CLEARLY DISTINCTLY ENOUGH SEPARATE

25 THE TWO.

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1 AND SECONDLY, WE DISCUSS - - ACTUALLY
2 THIS IS NOT THE FIRST TIME WE DISCUSSED IT. I
3 DON'T THINK WE DISCUSSED IN TERMS OF ANY KIND OF
4 DECISION. WE HAVE DISCUSSED PREVIOUSLY THE
5 QUESTION OF WHETHER OR NOT WE WANT TO MAKE IT MORE
6 ATTRACTIVE TO HAVE THE BOARD ACT AS AN EA OR NOT,
7 THIS ISSUE OF EA SHOPPING AND AT THE LOCAL LEVEL
8 WHETHER SOME JURISDICTIONS WILL THINK, GEE, GOING
9 TO THE BOARD IS A BETTER WAY OR SOME APPLICANT
10 MIGHT GO TO THEIR JURISDICTION, "SET IT UP WITH
11 THE BOARD."
12 I THINK WE SHOULD SEND A CLEAR
13 MESSAGE THAT THE BOARD WILL NOT BE FAST TRACKING
14 PERMITS BECAUSE THEY'RE THE EA. AND I THINK
15 THERE'S - - THERE'S AN APPEARANCE THAT WE'RE
16 ESSENTIALLY AUTOMATICALLY STREAMLINING THE PROCESS
17 BY SHIFTING THE ENFORCEMENT RESPONSIBILITY TO THE
18 BOARD. AND SO I'D JUST AS SOON SEND MESSAGES OF
19 DISCOURAGEMENT BECAUSE I DON'T THINK IT'S IN THE
20 BOARD'S INTEREST TO HAVE LOCAL JURISDICTIONS
21 HANDING OFF THE EA RESPONSIBILITY TO US. IF THAT
22 BECOMES NECESSARY AND WE ARE REQUIRED TO DO IT
23 UNDER THE LAW, FINE, BUT I DON'T THINK THAT WE
24 NEED TO NECESSARILY WANT TO MAKE IT ATTRACTIVE,
25 MORE ATTRACTIVE THAN NECESSARY.

1 MS. RICE: IF I MIGHT, MR. CHAIRMAN, JUST
2 A FEW WORDS IN RESPONSE TO MR. CHESBRO'S REMARKS,
3 HOPEFULLY TO CLARIFY ANY POINTS. FIRST OF ALL,
4 WE'RE CERTAINLY NOT PROPOSING ANY FAST TRACKING
5 WHATSOEVER OF THESE PERMITS. IT'S SIMPLY THAT
6 THEY BE TREATED IN THE SAME MANNER AS ANY OTHER
7 PERMIT. IF ALL THE ISSUES HAVE BEEN WORKED OUT
8 AND ALL THE APPROPRIATE FINDINGS HAVE BEEN MADE,
9 THE SUGGESTION WAS SIMPLY THAT THEY BE VIEWED AS
10 ANY OTHER PERMIT AND CONSIDERED FOR CONSENT,
11 EITHER AT THE COMMITTEE LEVEL OR AT THE BOARD
12 LEVEL, DEPENDING ON THE VIEWS OF STAFF AS TO
13 WHETHER THE ISSUES HAD BEEN DEALT WITH PRIOR TO
14 COMMITTEE.
15 IN TERMS OF THE P&E COMMITTEE
16 DISCUSSION - AND I'M SURE THE MEMBERS WHO WERE
17 THERE CAN DESCRIBE THIS AS WELL. I PRESENTED THE
18 ITEM AT THAT TIME AND GOT THE CLEAR IMPRESSION
19 FROM THE COMMITTEE MEMBERS THAT THERE WAS NOT A
20 CONCERN WITH THE NOTION, BUT THAT THERE WAS A
21 FEELING THAT THE FULL BOARD SHOULD VOTE ON THE
22 MATTER BECAUSE IT WAS A POLICY FOR THE FULL BOARD.
23 50 I DID NOT GET THE SENSE THAT THE
24 WITHHOLDING OF VOTE HAD ANYTHING TO DO WITH THE
25 MERITS OF THE SUGGESTION AND, IN FACT, WOULD OFFER

1 THAT I THINK IT DEMONSTRATES THAT SOMEWHAT IN THE
2 MOMENT MR. FRAZEE FELT COMFORTABLE TO EXPAND THE
3 ORIGINAL DISCUSSION, WHICH HAD TO DO ONLY WITH
4 CONSIDERING CONSENT AT THE BOARD LEVEL, TO ALSO
5 INDICATE HIS COMFORT WITH HAVING US PROPOSE
6 PERMITS FOR CONSENT AT THE COMMITTEE LEVEL. SO IN
7 MY MIND THAT INDICATED A FAIR COMFORT LEVEL ON THE
8 PART OF THE CHAIRMAN OF THE COMMITTEE WITH THAT
9 NOTION.
10 AS FAR AS THE THOUGHT OF ENCOURAGING
11 THE JURISDICTIONS TO OPT OUT OF THE LEA PROGRAM,
12 WE CERTAINLY SHARE YOUR VIEWS AND WOULD HAVE NO
13 DESIRE TO DO ANYTHING THAT WOULD FURTHER THAT AND
14 DON'T FEEL THAT THIS DOES THAT. I THINK THAT MOST
15 OF THE ISSUES SURROUNDING WHY A CITY WOULD OR
16 WOULD NOT WISH TO BE PART OF THE COUNTY LEA SYSTEM
17 HAVE A LOT TO DO WITH ISSUES AT THE LOCAL LEVEL
18 AND PROBABLY NOT SO MUCH TO DO WITH HOW WE PROCESS
19 PERMITS. BUT THAT'S JUST A PERSPECTIVE TO OFFER.
20 BOARD MEMBER CHESBRO: I'D LIKE TO MAKE
21 IT CLEAR I WASN'T TRYING TO SPEAK FOR MR. FRAZEE.
22 I JUST THINK -- ALL I'M SAYING IS I THINK THAT
23 IT'S SORT OF A - - THERE'S ONLY A FEW OF THESE
24 PERMITS. IT'S NOT LIKE THIS HUGE ISSUE. I JUST
25 LOOKED AT IT, AND I'M TRYING TO OVERSTATE THE CASE

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1 AND SAY IT'S THE END OF THE WORLD EITHER. I HAVE
2 SOME AMBIVALENCE ABOUT IT.
3 I'M JUST SAYING IT'S ONE MORE LITTLE
4 THING THAT CONTRIBUTES TO THE TWO ISSUES I
5 MENTIONED. IT'S NOT THE CENTRAL ISSUE ON EITHER
6 OF THOSE. IT'S NOT THE CENTRAL ISSUE ON WHETHER
7 OR NOT THE PROCESS IS SEPARATED BETWEEN THE STAFF
8 AND LEA DECISION AND BOARD FINAL APPROVAL OR THE
9 CRITICAL ISSUE OF WHETHER AN LEA CHOOSES - - OR A
10 LOCAL JURISDICTION CHOOSES TO SELECT THE BOARD - -
11 REFER TO THE - - DELEGATE TO THE BOARD THE EA AND
12 DELEGATE UPWARD THE EA RESPONSIBILITY, BUT IN BOTH
13 CASES I THINK IT'S ONE MORE LITTLE THING. AND SO
14 I JUST LEAN THAT WAY. THAT'S ALL I'M SAYING.
15 MS. ANDERSON: ONE OF THE BRIGHT SIDES
16 IS, TO A RESPOND A LITTLE BIT, A BRIGHT SIDE IF
17 YOU ESTABLISH THIS ABILITY AND CHOOSE THIS
18 FLEXIBILITY IS WE HAD ONE OF OUR OPERATORS, A VERY
19 DISTANT OPERATOR IN SANTA CRUZ COME DURING
20 INCLEMENT WEATHER, BOTH DURING THE COMMITTEE
21 MEETING AND THE BOARD MEETING, AND PROBABLY DIDN'T
22 EVEN HAVE TO COME TO EITHER, BUT HE CHOSE - - THAT
23 WAS HIS CHOICE AND HIS DECISION, BUT COMING TO THE
24 BOARD MEETING, I THINK THE WEATHER WAS NOT THAT
25 GOOD FOR HIM TO TRAVEL IN. THAT'S JUST A LITTLE

1 TEENY TINY THING, BUT THAT'S A DAY OUT OF HIS
2 LIFE.
3 BOARD MEMBER CHESBRO: I ACTUALLY THINK
4 THAT REINFORCES MY POINT. IF THERE HAD BEEN A
5 SANTA CRUZ EA, THAT MIGHT NOT HAVE BEEN NECESSARY
6 IF IT HAD GONE ON CONSENT.
7 BOARD MEMBER GOTCH: HAVE WE HEARD ANY
8 COMMENTS EITHER WRITTEN OR ORAL TOWARDS ANOTHER
9 LEVEL OF SCRUTINY WHEN WE'RE ACTING AS THE EA?
10 MS. RICE: NOT THAT I'M AWARE OF, NEITHER
11 NOW NOR AT ANY TIME IN THE PAST.
12 BOARD MEMBER GOTCH: THANK YOU.
13 BOARD MEMBER JONES: MR. CHAIRMAN.
14 CHAIRMAN PENNINGTON: MR. JONES.
15 BOARD MEMBER JONES: AS A MEMBER OF THAT
16 COMMITTEE, WE HAD A PRETTY GOOD DISCUSSION ABOUT
17 THAT. I THINK WHAT WE'RE TALKING ABOUT HERE ARE
18 NONCONTROVERSIAL ITEMS. WE'RE NOT TALKING ABOUT
19 JUST PUTTING THEM ON FAST TRACK THROUGH COMMITTEE.
20 WE'RE TALKING ABOUT SAVING STAFF TIME AND OPERATOR
21 TIME COMING TO A BOARD MEETING AFTER IT WAS A
22 TOTALLY NONCONTROVERSIAL ISSUE AT THE PERMIT
23 COMMITTEE, AND THEN JUST PUTTING IT ON A CONSENT
24 CALENDAR RATHER THAN TAKING UP THE TIME AND
25 RESOURCES OF STAFF OR THOSE OPERATORS AND

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1 FACILITIES WHERE WE ARE THE EA ON WHAT IS
2 ESSENTIALLY A, YOU KNOW, TWO-MINUTE OR
3 THREE-MINUTE PRESENTATION IN FRONT OF THE BOARD
4 THAT MAY TAKE SIX OR SEVEN HOURS OF TRAVEL TIME
5 FOR PEOPLE TO GET HERE AND TAKE UP OUR TIME AS
6 PART OF THE DAY.
7 I DON'T THINK - - I WOULD HOPE THAT
8 THESE ITEMS WOULD CONTINUE TO BE HEARD IN
9 COMMITTEE AND WITH THE RECOMMENDATION OF THE
10 COMMITTEE SAY I THINK THIS IS JUST SO INCONSE-
11 QUENTIAL AS FAR AS CONTROVERSY AND STUFF GOES TO
12 NOT WASTE THE TIME OF THE BOARD. I DON'T THINK WE
13 SEND OUT A BAD MESSAGE, BUT I UNDERSTAND SOME OF
14 BOARD MEMBER CHESBRO'S CONCERNS.
15 AND I THINK APPEARANCE IS IMPORTANT
16 TO PEOPLE. BUT I THINK ANOTHER APPEARANCE THAT WE
17 GIVE THERE IS THAT WE UNDERSTAND THAT MAN TIME AND
18 MAN HOURS ARE SOMETHING THAT ARE BUDGETED. AND IF
19 WE COULD HELP FACILITATE GETTING THOSE CITIES AND
20 COUNTIES TO BETTER USE THEIR MANPOWER AND MAN
21 TIME, I THINK THEY WOULD BE MORE APPRECIATIVE OF
22 THIS BOARD.
23 CHAIRMAN PENNINGTON: ANY OTHER
24 DISCUSSION? DOES ANYBODY ON THE BOARD FEEL WE
25 SHOULD HOLD THIS OVER UNTIL MR. FRAZEE IS HERE?

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1 OKAY. IF NOT, I'LL ENTERTAIN A MOTION.

2 BOARD MEMBER JONES: I'LL MAKE A MOTION

3 THAT WE CHOOSE TO PLACE NONCONTROVERSIAL PERMIT

4 DECISIONS FROM THE COMMITTEE ON THE BOARD'S

5 CONSENT CALENDAR. I CHANGED ONE WORD IN THERE,

6 JUST SO YOU GOT IT.

7 BOARD MEMBER RELIS: I'LL SECOND THAT.

8 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

9 MOVED AND SECONDED. IF THERE'S NO FURTHER

10 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

11 BOARD SECRETARY:BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: NO.

13 BOARD SECRETARY: GOTCH.

14 BOARD MEMBER GOTCH: AYE.

15 BOARD SECRETARY: JONES.

16 BOARD MEMBER JONES: AYE.

17 BOARD SECRETARY: RELIS.

18 BOARD MEMBER RELIS: AYE.

19 BOARD SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: AYE. MOTION

21 CARRIES.

22 NOW WE'LL MOVE TO ITEM 24. I KNOW.

23 WE NEED A RESOLUTION, DON'T WE, FOR 24? WILL

24 SOMEBODY MOVE THAT WE - - DO WE HAVE A RESOLUTION?

25 MS. RICE: WE WILL PREPARE A RESOLUTION

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1 AND PROVIDE IT TO MS. BERTRAM.

2 CHAIRMAN PENNINGTON: OKAY. SO WE DON'T

3 NEED TO VOTE ON THAT.

4 MOVING ALONG TO 25, CONSIDERATION OF

5 A BOARD ENFORCEMENT POLICY AND IMPLEMENTATION

6 ELEMENTS INCLUDING LEA ENFORCEMENT ADVISORY, LEA

7 INSPECTION AND ENFORCEMENT TRAINING SCHEDULE, AND

8 STATE OVERSIGHT ROLE PROCEDURES. DOROTHY RICE.

9 MR. CHANDLER: ACTUALLY, MR. CHAIRMAN,

10 I'M GOING TO INTRODUCE THIS ITEM, AS I DID AT THE

11 COMMITTEE. INASMUCH AS THE MAJORITY OF THE BOARD

12 TODAY, THREE OUT OF FIVE, DID NOT HEAR THIS

13 INTRODUCTION, I FEEL IT'S WORTH REPEATING AND THE

14 OTHER TWO JUST BEAR WITH ME. THIS IS AN IMPORTANT

15 ITEM, AND I FEEL IT'S IMPORTANT THAT WE SET SOME

16 CONTEXT FOR ALL OF US.

17 SO I'M GOING TO START OFF BY SIMPLY

18 SAYING, AS YOU KNOW, IN MID-1996 THE BOARD ASKED

19 STAFF TO ADDRESS THE OUTSTANDING ENFORCEMENT

20 ISSUES AND TO CLARIFY THE BOARD'S OVERSIGHT ROLE

21 OF THE LEA ENFORCEMENT PROGRAMS. THE REQUEST CAME

22 IN PART AS A RESULT OF THE NUMBER OF INSTANCES

23 WHERE BOARD MEMBERS HAD SIGNIFICANT QUESTIONS

24 ABOUT HOW THE ENFORCEMENT PROCESS IS INTENDED TO

25 PROCEED IN LIGHT OF PERMITS COMING FORWARD WITH

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1 LONG-TERM VIOLATIONS OF VARIOUS TYPES.

2 AS A RESULT, A JOINT LEA AND BOARD

3 STAFF WORK GROUP WAS FORMED TO INVESTIGATE THESE

4 ISSUES AND DEVELOP RECOMMENDATIONS FOR UPDATING

5 THE BOARD'S ENFORCEMENT POLICIES TO RESPOND TO

6 CHANGE IN STATE LAW, AS WELL ASBOARD MEMBER

7 CONCERNS. THE JOINT WORK GROUP DEVELOPED THE

8 ENFORCEMENT POLICY FRAMEWORK, INCORPORATING

9 INITIAL INPUT FROM WHAT WE HAVE REFERRED TO AS OUR

10 PARTNERSHIP 2000 IN A CONFLICT RESOLUTION EFFORT

11 BETWEEN BOARD STAFF AND LEA'S.

12 THE PARTNERSHIP 2000 MEETINGS

13 PROVIDED AN OPPORTUNITY FOR BOARD STAFF AND LEA'S

14 TO MEET AND DISCUSS ISSUES WITH THE COMMON GOAL OF

15 DEVELOPING APPROACHES TO ISSUE RESOLUTION WHICH

16 MET THE INTERESTS OF BOTH GROUPS TO IMPROVE THE

17 LEVEL OF COMPLIANCE AT SOLID WASTE MANAGEMENT

18 FACILITIES THROUGHOUT THE STATE.

19 THE ENFORCEMENT POLICY FRAMEWORK

20 CONTAINING THE INITIAL RECOMMENDATIONS OF STAFF

21 AND THE LEA WORK GROUP WAS APPROVED BY THE

22 COMMITTEE AND THE BOARD LAST OCTOBER. THE POLICY

23 FRAMEWORK DESCRIBED AN APPROACH TO ENFORCEMENT BY

24 LEA'S AND THIS BOARD. AND HAVING OBTAINED

25 APPROVAL FOR THE GENERAL APPROACH, THE WORK GROUP

1 THEN CONTINUED TO MEET TO DEVELOP MORE DETAILED
2 GUIDANCE ON HOW THE APPROACH WOULD BE IMPLEMENTED
3 BY LEA'S AND BOARD STAFF.
4 IN JANUARY WE PRESENTED THE ENFORCE-
5 MENT POLICY AND SOME OF THE IMPLEMENTATION
6 ELEMENTS FOR YOUR CONSIDERATION. AT THAT TIME
7 SEVERAL ISSUES WERE RAISED BY THE COMMITTEE, AND
8 STAFF WAS ASKED TO ADDRESS THEM AND BRING THEM
9 BACK THIS MONTH. THE ITEM BEFORE YOU ADDRESSES
10 THOSE ISSUES.
11 ANY QUESTIONS YOU MAY HAVE ABOUT THE
12 CHANGES IN THE ITEM FROM LAST MONTH CAN BE
13 ANSWERED BY STAFF DURING THE PRESENTATION TODAY.
14 BUT BEFORE TURNING THE PRESENTATION OVER TO PAUL
15 WILLMAN, I'D ONCE AGAIN LIKE TO ACKNOWLEDGE THE
16 SIGNIFICANT EFFORT THAT HAS GONE INTO PREPARATION
17 OF THE VARIOUS ELEMENTS BEFORE YOU TODAY. AS I
18 SAID AT COMMITTEE AND I'LL SAY AGAIN, PAUL HAS
19 DONE AN EXCELLENT JOB IN LEADING THE WORK GROUP TO
20 THIS POINT. THE EFFORT HAS BEEN A TRULY COLLABOR-
21 ATIVE ONE WITH OUR LEA PARTNERS, AND WE BOTH
22 RECOGNIZE THAT THE GOAL OF IMPROVED COMPLIANCE AT
23 FACILITIES IS A SHARED GOAL WHERE WE BOTH HAVE
24 SIGNIFICANT ROLES AND RESPONSIBILITIES.
25 WITH THE ITEM BEFORE YOU TODAY, WE

1 HOPE TO CLARIFY THOSE ROLES AND RESPONSIBILITIES
2 AND TO PROVIDE IMPROVED GUIDANCE TO LEA'S AND
3 BOARD STAFF ON CARRYING OUT THESE IMPORTANT
4 DUTIES. SO WITH THAT CONTEXT AND INTRODUCTION,
5 I'D LIKE TO TURN THE ITEM OVER TO PAUL WILLMAN FOR
6 A BRIEF PRESENTATION OF THE ITEM'S HIGHLIGHTS,
7 FOCUSING ON THOSE ELEMENTS FOR WHICH WE ARE
8 SEEKING YOUR APPROVAL TODAY.
9 MR. WILLMAN: THANKS A LOT. MORNING,
10 BOARD MEMBERS. THIS ITEM DOES PRESENT FOR YOUR
11 CONSIDERATION TODAY THE BOARD ENFORCEMENT POLICY,
12 INCLUDING THE LEA ENFORCEMENT ADVISORY, THE LEA
13 INSPECTION AND ENFORCEMENT TRAINING SCHEDULE, AND
14 STATE OVERSIGHT ROLE PROCEDURES. ONE OTHER MAJOR
15 ELEMENT IS THE PERMIT COMPLIANCE STRATEGY, AND
16 THAT IS STILL UNDER DEVELOPMENT AND WILL BE
17 BROUGHT BACK FOR YOUR CONSIDERATION AT A LATER
18 DATE.
19 AS MR. CHANDLER SAID, THIS ITEM WAS
20 PRESENTED TO THE P&E COMMITTEE IN JANUARY.
21 COMMITTEE MEMBERS DID RAISE SEVERAL ISSUES AND
22 DIRECTED STAFF TO ADDRESS THEM AND BRING THE ITEM
23 BACK THIS MONTH. WE DID MAKE SOME CHANGES TO
24 ADDRESS THOSE ISSUES AND OBTAINED APPROVAL EARLIER
25 THIS MONTH FROM THE COMMITTEE. THE ITEM BEFORE

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1 YOU TODAY IS THE RESULT.

2 THE PRIMARY GOAL OF THE ENFORCEMENT

3 POLICY IS, OF COURSE, COMPLIANCE AT ALL SOLID

4 WASTE FACILITIES IN THE STATE. THE TWO MAIN

5 OBJECTIVES BY WHICH WE HOPE TO ACHIEVE THIS GOAL

6 ARE, NO. 1, PROVIDING THE LEA'S WITH TRAINING,

7 ASSISTANCE, GUIDANCE, AND SUPPORT; NO. 2,

8 EVALUATING THE LEA'S EFFECTIVENESS IN ORDER TO

9 ENSURE THEY ARE TAKING APPROPRIATE ENFORCEMENT

10 ACTIONS AND MAINTAINING THE FACILITIES IN

11 COMPLIANCE.

12 I'D JUST LIKE TO BRIEFLY REVIEW THE

13 TWO MAIN ELEMENTS UP FOR YOUR CONSIDERATION TODAY,

14 THE ENFORCEMENT ADVISORY AND THE STATE OVERSIGHT

15 ROLE PROCEDURES. THE ENFORCEMENT ADVISORY IS A

16 GUIDANCE DOCUMENT FOR LEA'S WHEN TAKING

17 ENFORCEMENT ACTION TO REMEDY VIOLATIONS AT SOLID

18 WASTE FACILITIES. THE DOCUMENT COVERS EVERYTHING

19 FROM OPERATOR NOTIFICATION OF VIOLATION TO NOTICE

20 AND ORDER DEVELOPMENT TO THE COMPLEX ADMINISTRA-

21 TIVE CIVIL PENALTIES PROCESS.

22 THIS ADVISORY, PARTICULARLY THE

23 SECTION ON ADMINISTRATIVE CIVIL PENALTIES, WILL BE

24 THE BASIS FOR THE DEVELOPMENT OF REGULATIONS TO

25 INCORPORATE CHANGES BROUGHT ABOUT BY AB 59 AND TO

1 PROVIDE CLARITY TO THE SOLID WASTE ENFORCEMENT
2 PROCESS IN GENERAL. ALSO INCLUDED IN THIS
3 ADVISORY IS A SECTION ON BOARD ASSISTANCE AS WELL
4 AS GUIDANCE ON CASE DEVELOPMENT AND PREPARING FOR
5 FORMAL ENFORCEMENT ACTIONS. THIS ADVISORY WILL BE
6 USED EXTENSIVELY IN THE BOARD'S TRAINING EFFORTS
7 FOR LEA'S OVER THE NEXT 18 MONTHS.
8 THE STATE OVERSIGHT ROLE PROCEDURES
9 LAY OUT A CLEAR PROCESS BY WHICH THE BOARD CAN
10 FULFILL ITS STATUTORY MANDATE TO ENSURE LEA'S ARE
11 TAKING APPROPRIATE ENFORCEMENT ACTIONS TO KEEP THE
12 FACILITIES IN THEIR JURISDICTION IN COMPLIANCE.
13 THIS DOCUMENT DESCRIBES THE CRITERIA WHICH THE
14 BOARD WILL APPLY TO DETERMINE WHEN AN LEA IS NOT
15 TAKING THE APPROPRIATE ENFORCEMENT ACTION AND,
16 ADDITIONALLY, THE PROCEDURES THE BOARD WILL FOLLOW
17 TO ENCOURAGE THE LEA TO TAKE APPROPRIATE ACTION.
18 ADDITIONALLY, WHEN NECESSARY
19 CONTAINS PROCEDURES BOARD STAFF WILL FOLLOW TO
20 INITIATE ITS OWN ENFORCEMENT ACTION AND/OR TAKE
21 OTHER ACTIONS AS REQUIRED BY LAW.
22 IN SUMMARY, BOARD STAFF IS
23 RECOMMENDING TODAY APPROVAL OF THE ENFORCEMENT
24 POLICY INCLUDING THE LEA ENFORCEMENT ADVISORY FOR
25 RELEASE AS AN LEA ADVISORY AND THE STATE OVERSIGHT

1 ROLE PROCEDURES FOR IMPLEMENTATION BY BOARD STAFF.

2 PLEASE NOTE THAT IN ORDER TO FULLY IMPLEMENT THE

3 ENFORCEMENT POLICY, REGULATIONS WILL NEED TO BE

4 DEVELOPED. AS SUCH, THE P&E COMMITTEE AND THE

5 BOARD WILL BE DIRECTLY INVOLVED OVER THE LONG TERM

6 IN CRAFTING THE FINAL PRODUCT THROUGH THEIR

7 CONSIDERATION AND APPROVAL OF THOSE REGULATIONS. IN CONCLUSION, 8

STAFF RECOMMEND THE

9 BOARD APPROVE RESOLUTION NO. 97-60, APPROVING THE

10 ENFORCEMENT POLICY ELEMENTS AS I JUST OUTLINED.

11 THIS CONCLUDES MY PRESENTATION. IF YOU HAVE ANY

12 QUESTIONS, I'LL BE GLAD TO TRY AND ANSWER THEM.

13 CHAIRMAN PENNINGTON: MR. RELIS.

14 QUESTIONS?.

15 BOARD MEMBER RELIS: WELL, MR. CHAIR, ON

16 THE - - FIRST, AGAIN, LET ME COMMEND STAFF FOR - -

17 THIS IS PROBABLY ONE OF THE MOST SIGNIFICANT

18 UNDERTAKINGS THIS BOARD HAS TAKEN IN THE

19 ENFORCEMENT AREA AND PRIMARY RESPONSIBILITY. SO

20 THIS IS A STEP ON THAT ROAD TO A MORE SATISFACTORY

21 OVERSIGHT AND ENFORCEMENT ROLE

22 KEY TO THAT IS THE FLOW OF

23 INFORMATION OR THE DEVELOPMENT OF AN INFORMATION

24 SYSTEM THAT - - I USE THE TERM - - REAL TIME, BUT

25 ESSENTIALLY KEEPS THE BOARD INFORMED AS WE HAVE IN

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1 THE INVENTORY LIST HERE. I DON'T KNOW - - I DON'T
2 KNOW HOW OTHER BOARD MEMBERS FEEL, WHETHER WE
3 SHOULD KEEP IT MORE OR LESS LIKE AT THIS LEVEL AND
4 THEN HAVE MAYBE A SECOND TIER OF INFORMATION
5 AVAILABLE THAT IF YOU WANT TO GO INTO THIS, YOU
6 CAN LOOK AND GET A MORE DETAILED EXPLANATION OF
7 WHAT MIGHT BE GOING ON ACTUALLY IN THE FIELD AT
8 THE GIVEN SITE.
9 I DON'T KNOW THAT WE SHOULD DO THAT
10 IN - - THAT WE SHOULD INTERFERE WITH AN ABBREVIATED
11 FORM BECAUSE THEN IT STARTS TO BE A WHOLE REPORT
12 UNTO ITSELF. SO I DON'T REALLY KNOW THE LEVEL OF
13 INFORMATION THAT I'M CURIOUS ABOUT, BUT I BELIEVE
14 IT WOULD BE HELPFUL TO HAVE THIS AS A FIRST TIER
15 OF INFORMATION. AND THEN IF OUTSIDE PARTIES,
16 BOARD MEMBERS, ANYONE PARTICIPATING IN THE PUBLIC
17 PROCESS WOULD WANT TO ACCESS INFORMATION, WE WOULD
18 HAVE A CLEAR-CUT PATHWAY FOR THEM TO GO DEEPER
19 INTO THE MATERIAL.
20 IS THAT POSSIBLE? OR IS THAT
21 ENVISIONED IN THE SYSTEM THAT WILL BE COMING DOWN
22 THE LINE?
23 MR. WILLMAN: YEAH. WHAT WE'RE PLANNING
24 ON DOING RIGHT NOW, PARTICULARLY WITH THE
25 INVENTORY, IS PUTTING IT ON THE INTERNET AND THEN

1 ALSO ON THE BOARD LIST OF PUBLICATIONS. SO - . AND
2 IT WOULD BE JUST THE ABBREVIATED VERSION THAT WE
3 PRESENT, THE INITIAL CHART: BUT AT THE BOTTOM OF
4 THE CHART, IT WOULD INDICATE SPECIFICALLY WHERE - -
5 WHO THEY COULD CONTACT TO GET SPECIFIC INFORMATION
6 ON EITHER OPERATOR ACTIONS, LEA ACTIONS, OR IF THE
7 BOARD HAS TAKEN SOME ACTIONS, THAT TYPE OF
8 INFORMATION.
9 BOARD MEMBER RELIS: WELL, I GUESS WHAT
10 I'D LIKE TO SEE IS THAT THAT NOT BE AN OBSCURE
11 EFFORT, THAT YOU COULD READILY ACCESS THAT
12 INFORMATION IF YOU WANT IT. WE COULD THROUGH OUR
13 SYSTEM HERE AT THE BOARD.
14 MR. WILLMAN: RIGHT. THE IDEA NOW IS TO
15 INCLUDE THAT INFORMATION. AS I SAID BEFORE, EVERY
16 TWO MONTHS WE ACTUALLY UPDATE THE INVENTORY,
17 ALTHOUGH WE ONLY PRESENT IT EVERY SIX MONTHS TO
18 YOU. AND THAT THAT REAL TIME DATA WOULD BE INPUT
19 RIGHT INTO THE SWIS SYSTEM. WE CAN EXTRACT THE
20 COMPLIANCE DATA SHEET FOR ANY FACILITY ON THE
21 INVENTORY AT A MOMENT'S NOTICE, AND IT'D BE
22 UPDATED, AS I SAID, TO A TWO-MONTH WINDOW.
23 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
24 HAVE SEVERAL CONCERNS. FIRST OF ALL, I'D LIKE TO
25 SEE THE BOARD - - THIS IS A BROADER CONCERN, NOT

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1 JUST WITH THIS SPECIFIC POLICY. I'D LIKE TO SEE
2 THE BOARD SEND A STRONGER MESSAGE THAT FACILITIES
3 NEED TO BE OPERATING WITHIN THE LAW. WE SHOULD BE
4 SENDING A STRONGER MESSAGE ABOUT CURRENT PRACTICE
5 OF ALLOWING LONG-TERM VIOLATIONS AND FACILITIES
6 OPERATING UNDER NOTICES AND ORDERS RATHER THAN
7 REQUIRING COMPLIANCE WHEN THEY ARE ISSUED PERMITS
8 OR PERMITS ARE REVIEWED AND UPDATED.
9 ALSO, I THINK WE NEED A MORE
10 COORDINATED ENFORCEMENT PLAN WITH OTHER ENFORCE-
11 MENT AGENCIES INCLUDING THE WATER BOARD AND LOCAL
12 AIR DISTRICTS. OUR GUIDANCE DOCUMENTS TO THE
13 LEA'S SHOULD PROVIDE CLEAR DIRECTION FOR CONSOLI-
14 DATED INSPECTIONS.
15 ANOTHER ISSUE RELATES TO THE
16 REFERENCE IN THIS GUIDANCE DOCUMENT TO THE CAL/EPA
17 POLICY ON INCENTIVES FOR SELF-ENFORCEMENT. THE
18 POLICY SUGGESTS THAT THE LEA'S CAN USE THE CAL/EPA
19 ENFORCEMENT POLICY AS THE BASIS FOR DETERMINING
20 PENALTIES. THE BOARD, AS FAR AS I KNOW, NOR THE
21 COMMITTEE HAS REVIEWED THAT POLICY. AND I'M NOT
22 PERSONALLY SURE AT ALL WHAT THE STATUS OF THAT
23 POLICY IS AT CAL/EPA. HAS IT BEEN ADOPTED BY
24 CAL/EPA OR BY ANY OF THE BOARDS OR DEPARTMENTS?
25 DON'T KNOW.

1 THE POLICY APPEARS RATHER PROSCRIP-

2 TIVE TO ME. IT LIMITS CRIMINAL REFERRALS AND

3 ESTABLISHES SELF-AUDIT PROCEDURES. AND SO I THINK

4 THERE'S SEVERAL QUESTIONS THAT ARE LEFT HANGING

5 HERE. FIRST OF ALL, SHOULD THE BOARD BE

6 SPECIFICALLY ACTING ON THE LEA - - EXCUSE ME - - THE

7 CAL/EPA ENFORCEMENT POLICY, WHICH WE HAVEN'T

8 DISCUSSED OR REVIEWED?

9 SECONDLY, APPARENTLY THE BOARD - - IF

10 THE BOARD IS ADOPTING OR AUTHORIZING THE USE OF

11 THIS POLICY, IT SHOULD BE DONE AS A REGULATION, I

12 THINK, RATHER THAN AS AN ADVISORY POLICY. AND THE

13 QUESTION REMAINS WHO WILL BE RESPONSIBLE FOR

14 REVIEWING AND APPROVING SELF-AUDITS IF THAT IS THE

15 PATHWAY THAT IS CHOSEN BY THE LEA?

16 MR. WILLMAN: I'D LIKE TO RESPOND TO

17 THAT. IN THE ENFORCEMENT ADVISORY IT IS PRETTY

18 CLEAR THAT THE ENFORCEMENT AGENCY MUST CONSIDER

19 THE FACTORS LISTED IN THE PUBLIC RESOURCES CODE

20 SECTION 45016 AND THAT THAT IS THEIR FIRST

21 RESPONSIBILITY IS WHEN CALCULATING FINES OR ANY

22 TYPE OF PENALTIES, THAT THEY HAVE TO TAKE THOSE

23 TYPES OF FACTORS INTO ACCOUNT. AND THEN WE STATE,

24 IN ADDITION TO CONSIDERING 45016, THAT THE CAL/EPA

25 POLICY IS AVAILABLE AS A GUIDANCE DOCUMENT.

1 AND THAT - - AND ON THE STATUS OF IT,
2 IT WAS APPROVED AND ADOPTED BY CAL/EPA, DISSEMI-
3 NATED TO ALL THE BOARDS AND DEPARTMENTS, AND WE
4 ARE ENCOURAGED TO INCORPORATE IT INTO OUR
5 POLICIES. NOW, AS A GUIDANCE DOCUMENT, LEA'S CAN
6 USE IT IF THEY WANT OR NOT.
7 AND YOUR POINT AS FAR AS REGULA-
8 TIONS, SHOULD THIS BE IN REGULATIONS IS WELL
9 TAKEN. WHEN THE REGULATIONS ARE DEVELOPED TO
10 BRING ABOUT THE CHANGES, YOU KNOW, MADE BY AB 59
11 AND TO CLARIFY THE ENFORCEMENT PROCESS, THAT WE
12 WILL CONSIDER AT THAT TIME WHETHER OR NOT TO
13 ELEVATE ANY OF THE CAL/EPA'S POLICY FROM STATUS OF
14 GUIDANCE TO REGULATIONS, BUT AT THIS POINT IN TIME
15 IT'S MERELY GUIDANCE.
16 CHAIRMAN PENNINGTON: ANY OTHER
17 QUESTIONS? MR. CHUCK WHITE.
18 MR. WHITE: CHUCK WHITE REPRESENTING
19 WASTE MANAGEMENT INCORPORATED. AND I WASN'T
20 PLANNING TO GET UP AND SPEAK, BUT GIVEN THE FACT
21 THAT MR. CHESBRO RAISED THE ISSUE OF THE CAL/EPA
22 ENFORCEMENT POLICY, I THOUGHT I WOULD MENTION THAT
23 I THINK THE MAJORITY, IF NOT ALL, THE SOLID WASTE
24 INDUSTRY, AND I CAN CERTAINLY SPEAK FOR WASTE
25 MANAGEMENT, AND THE BFI REPRESENTATIVE INDICATED

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1 THEY FEEL LIKEWISE, THAT IT'S REALLY AN IMPORTANT
2 MESSAGE TO SEND BY INCLUDING A REFERENCE TO THE
3 CAL/EPA ENFORCEMENT POLICY.
4 CLEAR MESSAGE IS THAT YOU WANT TO
5 ENCOURAGE PEOPLE TO DO SELF-REPORTING AND FINDING
6 THEIR OWN PROBLEMS. AND THAT'S REALLY THE EXTENT
7 OF THE CAL/EPA POLICY IS THAT IF THERE IS A SELF-
8 REPORTED VIOLATION, THEN YOU CAN GIVE CREDIBILITY
9 TO THAT FACT. DOESN'T DEAL WITH ANY OTHER
10 VIOLATION THAT MAY BE FOUND BY AN LEA OR ANYBODY
11 ELSE. IT'S A SELF-REPORTED VIOLATION. AND THE
12 WHOLE MESSAGE IS BASICALLY TO ENCOURAGE TO FIND
13 AND SELF-REPORT THEIR OWN PROBLEMS.
14 AND THE - - THAT THE POLICY DOES GO
15 INTO THE FACT THAT IF IT'S REALLY A SIGNIFICANT
16 ISSUE OF HEALTH AND SAFETY, AND - - THEN ALL BETS
17 ARE OFF AND ENFORCEMENT ACTION CAN PROCEED. SO I
18 WOULD ENCOURAGE THE BOARD TO CONTINUE REFERENCE TO
19 THAT CAL/EPA POLICY. AND AS WAS INDICATED BY THE
20 STAFF, THAT THE CAL/EPA HAS REQUESTED THAT THE
21 POLICY BE INCORPORATED INTO ANY OTHER ENFORCEMENT
22 POLICIES OF THE CAL/EPA MEMBER AGENCIES. THANK
23 YOU VERY MUCH.
24 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
25 MY - - I GUESS MY CONCERN, I JUST GOT A COPY THIS

1 MORNING. AND MY CONCERN IS THAT IF WE'RE GOING TO
2 DO THAT, WE OUGHT TO HAVE IT ON OUR AGENDA, KNOW
3 WHAT'S IN IT, HEAR THAT ALL THE INDUSTRY LIKES IT.
4 I WAS READING THROUGH THE DOCUMENT AND FOUND THAT
5 AND SAID, YOU KNOW, WHAT EXACTLY IS IN THAT, ASKED
6 FOR A COPY. I HAVE A COPY, BUT I JUST THINK THAT
7 WE HAVEN'T REALLY FOCUSED ON IT IN THE SENSE OF IS
8 IT OUR POLICY AND OUR APPROACH THAT WE WANT TO
9 TAKE. SO I'M NOT SPECIFICALLY CRITICIZING IT SO
10 MUCH AS SAYING WE'RE DOING IT BY REFERENCE WITHOUT
11 TRULY MAKING IT OURS AND DETERMINING WHETHER IT IS
12 OR NOT. THAT'S MY CONCERN.
13 MR. WHITE: I THINK IT'S THE RIGHT
14 MESSAGE FOR THE BOARD TO SEND
15 CHAIRMAN PENNINGTON: MR. JONES.
16 BOARD MEMBER JONES: YEAH. I DON'T HAVE
17 A QUESTION.
18 I DID WANT TO BRING UP AN ITEM THAT
19 WHEN IT DID COME TO COMMITTEE, I MADE AN AMENDMENT
20 TO IT THAT DID A COUPLE OF THINGS. IT TRIED TO
21 ENSURE EQUAL TREATMENT BY LEA'S ON OUR CHRONIC
22 VIOLATOR LIST THAT WE'RE GOING TO HIT IN A COUPLE
23 OF MINUTES HERE. WE HAVE 43 OF THE 47 CHRONIC
24 VIOLATORS ARE PUBLIC AGENCIES, AND WE OFFERED SOME
25 LANGUAGE THAT'S BEEN INCLUDED IN PAGE 202 AND 203

1 OR PAGE 2 AND 3 OF OUR - - OF THE POLICY.
2 WHAT IT ALSO DOES IS UNDER AB 59 AND
3 WHAT THE REAL HEART OF THIS ISSUE IS IS THAT WE DO
4 WANT TO BRING VIOLATORS INTO COMPLIANCE. AND
5 SOMETIMES WE END UP NOT BEING ALLOWED TO GET
6 INVOLVED IN THE PROCESS UNTIL IT WOULD COME BEFORE
7 THE BOARD IN SOME FORM OF AN ACTION. AND WHAT
8 THIS BASICALLY MAKES AVAILABLE TO LOCAL AGENCIES,
9 TO LOCAL ENFORCEMENT AGENTS IS THAT THEY CAN CALL
10 THE WASTE BOARD AND ASK FOR TECHNICAL ASSISTANCE
11 IN PUTTING TOGETHER A COMPLIANCE AND PLAN TO HELP
12 BRING THAT OPERATOR INTO COMPLIANCE.
13 AND I THINK THAT'S WHAT OUR GOAL HAS
14 TO BE IS TO GET THESE PEOPLE TO LIVE TO THE
15 MINIMUM STANDARDS. AND I THINK THAT THIS
16 AMENDMENT HELPS TO ADDRESS THAT. AND IN CASES
17 WHERE THE PUBLIC AGENCY IS THE OPERATOR, THE
18 OWNER, AND THE LEA AND A CAO OF A COUNTY DECIDES
19 THAT HE DOESN'T WANT THE LEA ANYWHERE NEAR HIS
20 OFFICE OR HIS SOLID WASTE DEPARTMENT, THE LEA,
21 WHEN WE SEE UNFAIR ACTION OR UNEQUAL ACTION AND
22 ISSUES CONTINUE NOT TO BE RESOLVED, THEN AS PART
23 OF THE LEA EVALUATION, WE WILL BE ABLE TO LOOK AT
24 THAT AND TRY TO MAKE A DETERMINATION TO HELP FIX
25 THAT.

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1 AND I THINK WHAT THAT GIVES, IT
2 GIVES THE LEA'S SOME MEAT WHEN THEY WALK INTO THE
3 SOLID WASTE DEPARTMENT AND WHOEVER THE AUTHORITY
4 IS IN THAT AREA AND SAYS, "LOOK. I NEED TO GET
5 HELP BECAUSE I WANT TO KEEP MY CERTIFICATION. I
6 NEED HELP FROM THE STATE. UNDER AB 59 I'M NOT
7 GOING TO HURT MY CERTIFICATION BY ASKING FOR THAT
8 TECHNICAL ASSISTANCE." WE'RE NOT BIG BROTHER THEN
9 CRAMMING DOWN A COMPLIANCE SCHEDULE. WE'RE JUST
10 THERE TO HELP ASSIST GETTING SOME COMPLIANCE AND
11 GETTING CONFORMITY TO THE LAW.
12 AND I THINK THAT'S CRITICAL. I
13 THINK THAT'S WHAT OUR MISSION HAS TO BE IS TO GET
14 THESE CHRONIC OPERATORS, ALL OPERATORS, TO LIVE BY
15 THE MINIMUM STANDARDS. SO HOPEFULLY THAT APPEASES
16 SOME OF THE ISSUES THAT WERE BROUGHT UP, AND
17 HOPEFULLY IT'S A METHOD THAT WILL BE PROACTIVE.
18 THAT WAS THE INTENT.
19 I THINK THE COMMENTS THAT DAY AT THE
20 PERMITTING COMMITTEE FROM BOTH THE LEA ORGANIZA-
21 TIONS AND OTHER ENFORCEMENT AGENCIES, AS WELL AS
22 PUBLIC AND PRIVATE ENTITIES, WERE THAT THEY
23 THOUGHT THAT THIS WAS A POSITIVE PERMITTING AND
24 ENFORCEMENT POLICY, AND THEY ENCOURAGED US TO GO
25 FORWARD WITH IT.

1 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
2 DISCUSSION? IF NOT, I'LL ENTERTAIN A MOTION.
3 BOARD MEMBER RELIS: ONE LAST POINT.
4 BACK ON THE INFORMATION. I JUST WAS REMINDED
5 THAT - - LET'S SEE. WE HAVE THE - - IN TERMS OF OUR
6 TRACKING SYSTEM, WE HAVE THE FACILITIES WITH THE
7 SIGNIFICANT CHANGE VIOLATIONS AND THEN WE HAVE THE
8 INVENTORY. WILL WE HAVE BOTH IN THAT SYSTEM?
9 MR. WILLMAN: YEAH. WE'RE GOING TO
10 MAINTAIN BOTH OF THEM SIMILAR TO THE INVENTORY ON
11 THE STATE MINIMUM STANDARDS. THE LIST THAT YOU
12 SEE, THE SIGNIFICANT CHANGE VIOLATIONS, WE'RE
13 GOING TO AUGMENT THAT WITH, YOU KNOW, THE TYPE OF
14 INFORMATION REGARDING TRACKING STATE MINIMUM SITE
15 ROLE PROCEDURES AND THINGS LIKE THAT.
16 MR. CHANDLER: MR. CHAIRMAN, IF I COULD,
17 I GUESS I AM A LITTLE TROUBLED TO HEAR THAT AT
18 LEAST WE HAVE ONE MEMBER WHO HAS SIGNIFICANT
19 CONCERNS ABOUT THIS ENFORCEMENT POLICY. AND I
20 THINK MR. RELIS OPENED THIS ITEM UP WITH THE
21 APPROPRIATE REMARKS, THAT THIS IS THE MOST
22 SIGNIFICANT ENFORCEMENT RELATED PIECE OF WORK THAT
23 WE HAVE BEFORE THE BOARD SINCE I'VE BEEN HERE.
24 I, FOR ONE, REPRESENTING THE STAFF
25 WORK, FEEL IT'S IMPORTANT THAT WE HAVE SOME

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1 UNANIMOUS SIGNAL SENT FROM THIS BOARD. AND I
2 WOULD LIKE TO ASK IF THERE'S ANYTHING WE CAN DO AT
3 LEAST WITH YOUR CONCERNS, MR. CHESBRO, WHERE THE
4 RESPONSES THAT MR. WILLMAN OR THE CLARIFICATION
5 THAT MR. JONES GAVE, DOING ANYTHING TO APPEASE
6 THOSE CONCERNS.
7 I WANT TO WORK WITH YOU ON THIS, AND
8 I WANT TO SEND A SIGNAL TO THOSE LEA'S IN THE
9 AUDIENCE AND THE BOARD STAFF AND, OF COURSE, TO
10 THE INDUSTRY THAT WE'RE UNITED IN OUR PERSPECTIVE
11 ON OUR ENFORCEMENT POLICY ON THIS BOARD. IF WE'RE
12 NOT, I THINK I'M WILLING TO CONTINUE WORK WITH ANY
13 FACTION IN ANY OFFICE ON THIS BOARD TO MAKE SURE
14 WE DO HAVE A UNITED POSITION. I DO WANT TO LEAVE
15 NO STONE UNTURNED WITH REGARD TO YOUR COMFORT
16 LEVEL WITH THIS ENFORCEMENT POLICY.
17 AND SO I HAVEN'T HEARD FROM YOU, MR.
18 CHAIRMAN, OR YOU, MS. GOTCH, BUT MR. RELIS HAS
19 SPOKEN HIS PERSPECTIVE, AND I HEARD FROM MR.
20 JONES, AND I GUESS I'D ASK MR. CHESBRO, HAS THE
21 DIALOGUE THAT'S ENSUED SINCE YOU RAISED THOSE
22 QUESTIONS PROVIDED YOU ANY GREATER COMFORT LEVEL.
23 AND IF NOT, YOU KNOW, I'M PREPARED TO CONTINUE TO
24 WORK WITH MR. CHESBRO'S OFFICE ON THOSE ISSUES.
25 BUT I HOPE YOU CAN SEE I'M NOT

1 TRYING TO MAKE THIS DIFFICULT, BUT I DO THINK THAT
2 THIS BOARD NEEDS TO BE UNITED IN ITS ADOPTION OF
3 ITS ENFORCEMENT POLICY FOR THE FACILITIES THAT WE
4 MONITOR. AND LIKE I SAID, I WANT TO WORK WITH MR.
5 CHESBRO IF HE STILL HAS - - I THINK THE PHRASE HE
6 USED WAS - - SOME SIGNIFICANT CONCERNS AROUND THIS
7 ENFORCEMENT POLICY.
8 BOARD MEMBER CHESBRO: WELL, MR.
9 CHANDLER, FIRST OF ALL, THERE'S A REASON FOR A
10 DIVERSIFIED BOARD, AND THAT IS THAT WE HAVE
11 DIFFERENT OPINIONS THAT WE BRING TO SITUATIONS AS
12 WITNESSED AT LEAST ONE OR TWO VOTES THIS MORNING.
13 SO I DON'T THINK ANYBODY NEEDS TO TAKE IT, YOU
14 KNOW, PERSONALLY OR CRITICISM. I THINK THAT
15 THERE'S A LOT OF GOOD HERE, AND I'M NOT LEVELING
16 PERSONAL CRITICISM TO STAFF.
17 I'M CONCERNED MORE WITH, I THINK,
18 THE OVERALL APPROACH THAT THE BOARD TAKES IN SOME
19 CASES. AND I THINK STAFF'S RESPONDING TO THE
20 BOARD, SO, YOU KNOW, THIS IS NOT CASTING STONES AT
21 STAFF. I DIDN'T INTEND TO DO THAT.
22 YOU KNOW, THE TWO MAIN THINGS HAVE
23 TO DO WITH, AND I PERHAPS SEE IT PARTLY AS MY ROLE
24 AND IT'S NOT THE FIRST TIME I'VE BROUGHT IT UP,
25 I'VE CONTINUALLY RAISED THE QUESTION OF HOW FAR DO

1 WE GET DOWN THE PATH OF COMPLIANCE WHEN WE HAVE A
2 PERMIT BEFORE US. AND THAT - - I GUESS IF I CAN
3 HELP GET ATTENTION TO THAT BY BEING THE ODD ONE
4 OUT, THEN HOPEFULLY I WILL HAVE ACHIEVED A LITTLE
5 BIT.
6 SECONDLY, IF YOU ARE LOOKING FOR
7 AREAS THAT WOULD HELP, YOU KNOW, I THINK A
8 SEPARATE REVIEW OF THE CAL/EPA POLICY ON INCEN-
9 TIVES FOR SELF-ENFORCEMENT SO THAT THE BOARD
10 DECIDES WHETHER OR NOT THAT'S OUR DOCUMENT RATHER
11 THAN JUST AN INDIRECT REFERENCE OR ADOPTION WOULD
12 CERTAINLY HELP FOR ME. SO THOSE ARE TWO AREAS.
13 AND, AGAIN, I WOULD HOPE THAT IT WOULD BE VIEWED
14 AS BROAD INDICTMENT OF OUR ENFORCEMENT EFFORTS.
15 SEE THAT AS MY ROLE.
16 MR. CHANDLER: NO. I CERTAINLY DIDN'T
17 TAKE IT THAT WAY, AND I CERTAINLY DIDN'T TAKE IT
18 AS A PERSONAL COMMENT. I WAS THINKING MORE JUST
19 THE SIGNAL THAT WE'RE SENDING OUT THERE. I KNOW
20 WE HAVE THIS ISSUE. YOU MAY HAVE A LONG-TERM GAS
21 VIOLATION, AND IT MAY BE ON A CORRECTIVE PLAN TO
22 CORRECT THAT, AND IT MAY TAKE FIVE YEARS. SO YOU
23 ARE GOING TO SEE A SITUATION EVERY MONTH WHERE
24 THIS FACILITY IS IN VIOLATION. AND THAT'S THE
25 ENFORCEMENT APPROACH WE'VE TAKEN, TO BRING THEM IN

1 UNDER A CORRECTIVE PLAN AND TO HAVE THAT KIND OF
2 SITUATION MONITORED AND BE ON OUR LIST. BUT,
3 AGAIN, I THINK IT WAS A PROCESS THAT WE WENT
4 THROUGH TO WORK WITH OUR EAC OR LEA'S, BOARD
5 STAFF, INPUT FROM ALL OF YOU. AND I GUESS I WAS
6 JUST HOPEFUL THAT WE COULD SEE A UNITED POSITION.
7 THAT ASIDE, I CERTAINLY APPRECIATE
8 THE DIVERSITY THAT THE BOARD BRINGS TO THESE
9 ISSUES, AND I DON'T PERHAPS WANT TO BELABOR THIS
10 ANY LONGER. I JUST AM A BIT CONCERNED THAT WE DO
11 NOT LEAVE ANY ONE MEMBER'S OFFICE WITH A COMFORT
12 LEVEL THAT PERHAPS I CAN IMPROVE ON BY GETTING
13 STAFF PERHAPS DOING A LITTLE BIT MORE WORK OR A
14 LITTLE BIT MORE INFORMATION TO THAT OFFICE IF
15 THAT'S WHAT'S NEEDED. BACK TO YOU, MR. CHAIR.
16 BOARD MEMBER RELIS: COULD I OFFER A
17 PERSPECTIVE BECAUSE AS SOMEONE WHO HAS LONG
18 SHARED, I THINK MR. CHESBRO KNOWS THIS, BUT
19 CONCERN OVER OUR ENFORCEMENT IMPETUS TO GET THIS
20 MATTER BEFORE US, I THINK WE MAY BE TALKING IN
21 PART ABOUT TWO DIFFERENT LEVELS HERE. AT THIS
22 STAGE WE HAVE NOT TAKEN UP THE DETAILS OF THE
23 COMPLIANCE PORTION. AND THAT'S THE GUTS, REALLY,
24 IN MY VIEW, OF HOW THIS BROADER FRAMEWORK RESOLVES
25 ITSELF IN TERMS OF A STRONGER ENFORCEMENT APPROACH

1 SO WE DON'T - - WE DEAL WITH BOTH THE LONG-STANDING
2 VIOLATIONS AND WAYS OF ADDRESSING THE PROBLEM OF
3 THE PERMIT THAT COMES IN AND IT'S AFTER THE FACT
4 AND WE'RE JUST MORE OR LESS STUCK WITH AN
5 INCREASED TONNAGE OR WHATEVER IT IS. THAT - - I
6 UNDERSTAND THAT'S COMING OUR WAY.
7 MS. RICE: THAT'S CORRECT. IN RESPONSE
8 TO THE INPUT WE GOT EITHER IN JANUARY OR EVEN
9 EARLIER JANUARY, THERE WAS A DECISION MADE BY
10 STAFF TO TAKE OUT THE PORTIONS THAT WE WERE
11 BRINGING FORWARD DEALING WITH HOW TO BRING THOSE
12 PERMITS INTO COMPLIANCE, THOSE PERMITS THAT HAVE
13 NOT BEEN UPDATED IN MANY, MANY YEARS, THOSE
14 PERMITS WHERE THERE ARE LONG-STANDING VIOLATIONS
15 THAT ARE PRECLUDING THE PERMIT BEING CONCURRED IN
16 BY THIS BOARD. AND THOSE ISSUES WERE NOT FULLY
17 FLUSHED OUT, SO WE WITHDREW THEM FROM
18 CONSIDERATION TODAY.
19 SO TODAY ALL WE ARE ASKING FOR IS
20 APPROVAL OF THE ADVISORY THAT WOULD PROVIDE A
21 GENERAL FRAMEWORK FOR APPROACHING ENFORCEMENT, AND
22 IT'S GUIDANCE ONLY. IT'S AN ADVISORY. AND ALSO
23 THE WORDS ON THE STATE OVERSIGHT ROLE; THAT IS,
24 WHAT WE WILL DO AS REGARDS ENFORCEMENT ACTION NOT
25 TAKEN OR TAKEN BY AN LEA AND HOW WE VIEW OUR ROLE

1 IN THAT.

2 SO THOSE ARE THE TWO PIECES WE WERE

3 SEEKING APPROVAL ON TODAY. THE PERMIT-RELATED

4 ISSUES WOULD COME BACK TO YOU IN THE COMING MONTHS

5 AS WE DO MUCH MORE WORK ON IT, AND WE'LL BE

6 WORKING WITH THE BOARD OFFICES AND CERTAINLY

7 HEARING MR. CHESBRO'S CONCERNS, ESPECIALLY WITH

8 HIM AS WELL

9 BOARD MEMBER RELIS: ISN'T THAT WHERE

10 ALSO THE ISSUE, I THINK MR. WILLMAN ADDRESSED IT,

11 ON THE CAL/EPA, THE ASSESSMENT MATTER WOULD COME

12 TO PLAY?

13 MS. RICE: WELL, I THINK THE CONCERN HE'S

14 RAISING THERE IS THAT IT IS REFERENCED IN THE

15 ADVISORY DOCUMENT THAT WE'RE ASKING FOR YOUR

16 ACTION ON TODAY. IT IS A REFERENCE. IT SIMPLY

17 INDICATES IT'S AVAILABLE TO LEA'S AS A GUIDANCE

18 DOCUMENT. IT DOES NOT INDICATE THEY MUST USE IT

19 OR THEY SHOULD USE IT. I THINK WHAT PAUL IS

20 TRYING TO DESCRIBE IS THAT IF YOU AS A BOARD EVER

21 WANTED TO REQUIRE ITS USE, IT WOULD NEED TO GO

22 INTO REGULATION AND THAT WOULD TO BACK BEFORE YOU

23 FOR YOUR CONSIDERATION

24 BOARD MEMBER RELIS: THAT WOULD BE A

25 PUBLIC HEARING

1 MS. RICE: ABSOLUTELY.

2 CHAIRMAN PENNINGTON: ANY FURTHER

3 DISCUSSION?

4 BOARD MEMBER CHESBRO: WELL, I GUESS I

5 WOULD OFFER UP, IN AN ATTEMPT TO BE CONSTRUCTIVE,

6 IF A UNANIMOUS VOTE IS CONSIDERED THAT CRITICAL,

7 IF YOU WANT TO HOLD IT OVER A MONTH AND IF WE HAVE

8 A CHANCE TO EXAMINE SOME OF THE CONCERNS THAT I'VE

9 RAISED, I WOULD CERTAINLY CONSIDER THAT POSITIVE

10 VOTE FOR THAT.

11 MR. WILLMAN: WELL

12 MS. RICE: WE'D REALLY NOT IF POSSIBLE.

13 WE HAVE PENDING - - WE'RE WORKING ON TRAINING ON

14 ENFORCEMENT GENERALLY FOR LEA'S. IT'S BEEN LONG

15 AWAITED, AND WE'RE WORKING ON IT, AND WE'D REALLY

16 LIKE TO GET SOME CLOSURE ON THE ADVISORY DOCUMENT,

17 WHICH WILL BE THE BASIS FOR OUR TRAINING.

18 MR. WILLMAN: AND I THINK A KEY POINT IS

19 THAT WE'RE GOING TO START DEVELOPING SOME

20 REGULATIONS FOR BOTH OF THESE DOCUMENTS, THE

21 ENFORCEMENT ADVISORY AND THE STATE OVERSIGHT ROLE

22 PROCEDURE. DURING THE DEVELOPMENT OF REGULATIONS,

23 WE WILL BE EVALUATING THAT - . THE CAL/EPA POLICY

24 CLOSELY, COMPARING IT TO 45016 AND THE STATUTORY

25 REQUIREMENTS AND THAT, AS I SAID EARLIER, ANYTHING

1 THAT WE WANTED TO GET OUT OF THAT POLICY AND

2 REALLY HAVE THE LEA'S DO, WE CAN PUT IN THE

3 REGULATIONS.

4 BOARD MEMBER RELIS: MR. CHAIR, WITH ALL

5 DUE RESPECT, I THINK WE NEED TO MOVE THIS FORWARD.

6 I THINK THE CONCERNS THAT HAVE BEEN RAISED ARE

7 VALID, AND THAT THEY ARE IN THE PROCESS, AS I

8 UNDERSTAND IT. SO I DON'T SEE WHAT WE WOULD

9 ACCOMPLISH BY PUTTING IT OFF A MONTH.

10 CHAIRMAN PENNINGTON: OKAY. I'LL

11 ENTERTAIN A MOTION.

12 BOARD MEMBER JONES: MAKE A MOTION THAT

13 WE ACCEPT THE DOCUMENT, THE THREE DOCUMENTS, THE

14 THREE ELEMENTS UNDER RESOLUTION 97-60.

15 BOARD MEMBER RELIS: SECOND.

16 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND

17 SECONDED THAT WE ADOPT STAFF OPTION NO. 1,

18 RESOLUTION 97-60. FURTHER DISCUSSION? WILL THE

19 SECRETARY CALL THE ROLL.

20 BOARD SECRETARY:BOARD MEMBER CHESBRO.

21 BOARD MEMBER CHESBRO: NO.

22 BOARD SECRETARY: GOTCH.

23 BOARD MEMBER GOTCH: AYE.

24 BOARD SECRETARY: JONES.

25 BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

MOVE TO ITEM 26, CONSIDERATION OF POLICY ON ALTERNATIVE DAILY COVER AND DEVELOPMENT OF REGULATIONS REQUIRED BY STATUTE. PATTY ZWARTS AND CHRIS PECK.

MS. ZWARTS: GOOD MORNING, CHAIRMAN PENNINGTON AND MEMBERS. YOU HAVE BEFORE YOU CONSIDERATION OF POLICY ON ALTERNATIVE DAILY COVER AND DEVELOPMENT OF TECHNICAL REGULATIONS REQUIRED BY STATUTE. THIS ITEM IS BEFORE YOU AS A RESULT OF LEGISLATION FROM LAST YEAR, AB 1647, BY NOW SPEAKER BUSTAMANTE, WHICH REQUIRES THE BOARD TO ADOPT REGULATIONS BY THE END OF THIS YEAR AND ASKS US TO CONSIDER CERTAIN ELEMENTS WHEN ADOPTING THE REGULATIONS.

IT WAS DEVELOPED BY AN INTER-DIVISIONAL TEAM, WHO ARE SITTING BEFORE YOU, REPRESENTING THE MARKETS AREA, PERMITTING AND ENFORCEMENT, LEGAL OFFICE, AND LOCAL ASSISTANCE AND PLANNING DIVISION.

I WILL NOW HAND IT OVER TO CHRIS

1 PECK, WHO WILL TELL YOU A LITTLE BIT ABOUT WHAT'S
2 IN THE ITEM.
3 MR. PECK: THANK YOU, MR. CHAIRMAN. BOARD
4 MEMBERS. FIRST, I WANTED TO CLARIFY THAT WHAT
5 WE'RE ASKING FOR TODAY IS THE BOARD'S AUTHORIZA-
6 TION TO GO AHEAD AND RELEASE DRAFT REGULATIONS FOR
7 FORMAL PUBLIC COMMENT UNDER THE ADMINISTRATIVE
8 PROCEDURES ACT FOR THE USE OF VARIOUS TYPES OF
9 ALTERNATIVE DAILY COVER MATERIALS.
10 BY WAY OF BACKGROUND, AB 1647,
11 CHAPTER 978 OF THE STATUTES OF 1996 REQUIRED THE
12 BOARD TO CONSIDER, IN ADOPTING REGULATIONS,
13 VARIOUS ITEMS RELATED TO PAST POLICY OF THE BOARD
14 RELATED TO ALTERNATIVE DAILY COVER USE, THE IMPACT
15 ON THE STATE'S COMPOSTING INDUSTRY, AS WELL AS
16 TECHNICAL STANDARDS REQUIRED TO PROTECT PUBLIC
17 HEALTH AND SAFETY IN THE USE OF ALTERNATIVE DAILY
18 COVER MATERIAL.
19 WE HELD TWO WORKSHOPS IN ANTICIPA-
20 TION OF THE DEVELOPMENT OF SOME GUIDANCE BY THE
21 BOARD AND STANDARDS ON ADC BACK IN EARLY DECEMBER
22 IN NORTHERN AND SOUTHERN CALIFORNIA. WE HAD ABOUT
23 A HUNDRED PEOPLE ATTENDING THE TWO COMBINED, AND
24 THE AGENDA ITEM SUMMARIZES THE COMMENT AND INPUT
25 THAT WE RECEIVED AT THOSE WORKSHOPS.

1 AND I'D BE HAPPY, AFTER SOME OTHER
2 DISCUSSION, TO RESPOND TO ANY QUESTIONS THAT YOU
3 MIGHT HAVE ABOUT THAT INPUT OR STAFF'S INTERPRE-
4 TATION. WHAT I WOULD LIKE TO DO IS GO DIRECTLY TO
5 ESSENTIALLY WHAT THE PROPOSED REGULATIONS ARE AND
6 JUST TALK BRIEFLY ABOUT HOW WHAT'S IN THESE
7 REGULATIONS RELATES TO EXISTING BOARD POLICY
8 BECAUSE WE'RE ASKING FOR SOME POLICY DIRECTION
9 WHICH WE'VE INCORPORATED INTO REGULATION.
10 THE FIRST THING IS THAT PROPOSED
11 REGULATIONS PROPOSE STANDARDS FOR THE USE OF
12 VARIOUS ALTERNATIVE DAILY COVER MATERIALS BOTH
13 COMMERCIAL PRODUCTS, I.E., SYNTHETIC BLANKETS AND
14 FOAM PRODUCTS, AS WELL AS WASTE-DERIVED MATERIALS.
15 THE EXISTING BOARD POLICY SPECIFIES A MAXIMUM
16 THICKNESS FOR GREEN WASTE-DERIVED ADC. THE
17 PROPOSED STANDARDS WOULD RESTATE THAT EXISTING
18 POLICY AS WELL AS SET STANDARDS FOR VARIOUS OTHER
19 WASTE-DERIVED MATERIALS BASED UPON PRACTICAL
20 EXPERIENCE GAINED FROM ABOUT 80 DEMONSTRATION
21 PROJECTS THROUGHOUT THE STATE.
22 SECONDLY, THE PROPOSED REGULATIONS
23 WOULD ELIMINATE THE NEED FOR DEMONSTRATION
24 PROJECTS ON A CONTINUING BASIS FOR USE OF ALTERNA-
25 TIVE DAILY COVER MATERIALS CONSISTENT WITH THE

1 STANDARD FOR THE VARIOUS TYPES OF MATERIALS. THE
2 BOARD'S EXISTING POLICY IS THAT A DEMONSTRATION
3 PROJECT IS REQUIRED FOR ALL ADC USE. STAFF
4 BELIEVES THAT THERE'S BEEN ENOUGH EXPERIENCE
5 GAINED IN THE USE OF MOST OF THESE MATERIALS TO
6 ALLOW US TO SET STANDARDS AND, THEREFORE,
7 ELIMINATE WHAT'S BEEN CONCEIVED BY MANY PEOPLE AS
8 AN UNNECESSARY AND BURDENSOME PROCESS THAT USE
9 THESE MATERIALS.
10 AND THIRDLY, THERE'S A CHANGE IN
11 THE - - I'M SORRY - - THERE STILL WOULD BE
12 DEMONSTRATION PROJECTS FOR OTHER MATERIALS THAT
13 ARE NOT SPECIFIED IN THE STANDARDS, FOR WHICH WE
14 HAVE NOT SET STANDARDS, AND ALSO FOR THE USE OF
15 ADC . . I'M SORRY - - ALTERNATIVE COVER MATERIAL AS
16 INTERMEDIATE COVER.
17 AND THAT WAS ONE OF THE ISSUES THAT
18 THERE WAS SOME DISCUSSION AT THE COMMITTEE, AND
19 STAFF PROMISED TO COME BACK WITH SOME ADDITIONAL
20 CLARIFICATION AND INFORMATION TODAY, AND WE'LL DO
21 THAT IN JUST A MINUTE.
22 THE LAST PART OF THE REGULATIONS
23 WOULD BE A CHANGE TO THE DISPOSAL REPORTING SYSTEM
24 REQUIREMENTS TO INCLUDE THE REPORTING OF ADC USE
25 BY TYPE IN ADDITION TO QUANTITY.

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1 THERE WERE TWO ISSUES THAT WERE
2 RAISED AT THE COMMITTEE LEVEL. THE FIRST WAS THE
3 ISSUE OF INTERMEDIATE COVER. I'M GOING TO ASK
4 SCOTT WALKER FROM THE PERMITTING AND ENFORCEMENT
5 DIVISION TO TALK ABOUT THAT IN JUST A MINUTE.
6 AND THE OTHER ISSUE WAS THAT OF AN
7 ONGOING MONITORING AND A CONTINUING LOOK BY THE
8 BOARD AT THE IMPACT OF THESE REGULATIONS AND THE
9 USE OF ADC, PARTICULARLY GREEN WASTE ADC, ON
10 MARKETS AND THE COMPOST INDUSTRY. AND THE
11 COMMITTEE ASKED FOR AND STAFF AGREED TO ON A
12 QUARTERLY BASIS BRING BACK THE RESULTS OF
13 REPORTING BY JURISDICTIONS, THE DISPOSAL REPORTING
14 INFORMATION.
15 WE'RE ALREADY GETTING A LOT OF
16 INFORMATION BASED ON TYPE IN ADDITION TO QUANTITY.
17 THE JURISDICTIONS SEEM TO BE WILLING TO DO THAT.
18 WE'D BE PUTTING THAT REQUIREMENT IN THE
19 REGULATION, AS I SAID, BUT WE WOULD ALSO AGREE
20 TO . - STAFF COMMITTED TO DO THAT ON A QUARTERLY
21 BASIS FOR THE REPORT AT THE PERMITTING AND
22 ENFORCEMENT COMMITTEE, IF NOT THE ENTIRE BOARD, ON
23 THE USE OF AND ANY CHANGES WE SEE IN THE USE OF
24 MATERIAL AND THE QUANTITY OF MATERIAL BEING
25 UTILIZED AS ADC.

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1 I JUST WANT TO REITERATE THAT
2 REGULATIONS ON GREEN WASTE ADC, ON WASTE-DERIVED
3 ADC'S OF ALL TYPES, AS WELL AS COMMERCIAL
4 ALTERNATIVE DAILY COVER PRODUCTS.
5 SO WITH THAT, I WANTED TO ASK SCOTT
6 TO PROVIDE A LITTLE BIT MORE CLARITY ON THE
7 INTERMEDIATE COVER ISSUE.
8 MR. WALKER: REGARDING ALTERNATIVE
9 INTERMEDIATE COVER, THERE WERE CONCERNS EXPRESSED
10 AT THE COMMITTEE ABOUT THE POTENTIAL FOR THAT
11 AFFECTING THE OVERALL QUANTITY OF USE OF, IN
12 PARTICULAR, GREEN WASTE. ESSENTIALLY TO ADDRESS
13 THAT, THE CURRENT DEFINITION WHICH IS MAINTAINED
14 FOR DAILY COVER AND ALTERNATIVE DAILY COVER IS
15 GENERAL. IT ESSENTIALLY IS COVER THAT IS PLACED
16 AT THE END OF THE OPERATING DAY REGARDLESS OF THE
17 LENGTH FOR COVER, DAILY COVER, OR ALTERNATIVE
18 DAILY COVER EXPOSED GREATER THAN A HUNDRED EIGHTY
19 DAYS, THEN THAT WOULD ALSO MEET THE DEFINITION OF
20 INTERMEDIATE COVER.
21 SO THE CURRENT POLICY AND REGULA-
22 TIONS ALLOW FOR TESTING OF ALTERNATIVE INTERME-
23 DIATE COVER. THERE HAVE BEEN NO SPECIFIC REQUESTS
24 FOR TESTING OF ALTERNATIVE INTERMEDIATE COVER FOR
25 MATERIALS TO BE EXPOSED GREATER THAN A HUNDRED

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

1 EIGHTY DAYS, BUT IT'S CURRENTLY ALLOWED FOR. WE
2 HAVE PROPOSED, RATHER THAN HAVE STANDARDS IN LIEU
3 OF DEMONSTRATION PROJECTS FOR INTERMEDIATE COVER,
4 THAT WE RETAIN A REQUIREMENT FOR SITE-SPECIFIC
5 DEMONSTRATIONS FOR ALTERNATIVE INTERMEDIATE COVER.
6 REGARDING GREEN WASTE, THERE - -
7 CURRENTLY WE WOULD IN THE STANDARDS REQUIRE A
8 SITE-SPECIFIC DEMONSTRATION PROJECT FOR ANY
9 PROPOSED GREEN WASTE ALTERNATIVE DAILY COVER USE
10 WHICH WOULD BE EXPOSED FOR GREATER THAN 21 DAYS.
11 BY VIRTUE OF THE PROPERTIES OF GREEN WASTE, IT'S
12 UNLIKELY THAT EXTENDED PERIODS OF TIME WOULD BE
13 PROPOSED FOR TESTING.
14 ON A SECOND ITEM, WITH REGARD TO THE
15 ORIGINAL PROJECTIONS OF SHREDDED GREEN WASTE USE,
16 THOSE CALCULATIONS WHICH WERE DONE IN PART OF THE
17 AGENDA IN MARCH OF '95 ON THE POLICY ESTIMATED USE
18 BASED ON DAILY COVER, AND IT DIDN'T REMOVE
19 INTERMEDIATE COVER FROM THE ESTIMATE, SO IT'S NOT
20 CHANGED. AND THE BETWEEN ONE- AND TWO-MILLION TON
21 ESTIMATE IS STILL IN EFFECT.
22 THE OTHER THING IS I THINK THAT IT'S
23 IMPORTANT TO POINT OUT, TOO, THAT INTERMEDIATE
24 COVER, IF YOU LOOK AT SOIL, IT'S A RELATIVELY
25 SMALL FRACTION OF THE TOTAL DAILY COVER. IT'S

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1 APPROXIMATELY 10 PERCENT, PROBABLY LESS THAN 10
2 PERCENT OF MOST LANDFILLS. AND SO IT'S A FAIRLY
3 SMALL FRACTION OF THE DAILY COVER, AND CERTAIN
4 MATERIALS LIKE ASH, POSSIBLY BIOSOLIDS AND MIXED
5 WITH SOIL, MAY ACTUALLY BE A VERY USEFUL INTERME-
6 DIATE COVER PROPOSAL.
7 BOARD MEMBER CHESBRO: MAY I ASK A
8 QUESTION?
9 CHAIRMAN PENNINGTON: CERTAINLY.
10 BOARD MEMBER CHESBRO: DID ASSEMBLY BILL
11 1674 REFER TO INTERMEDIATE COVER OR DIRECT US TO
12 DO ANYTHING WITH INTERMEDIATE COVER?
13 MS. ZWARTS: IT ASKED US TO DO ON
14 ALTERNATIVE DAILY COVER.
15 BOARD MEMBER CHESBRO: AND NOT - . DIDN'T
16 MENTION INTERMEDIATE DAILY COVER
17 MS. ZWARTS: NOT SPECIFICALLY.
18 MR. WALKER: TO ADD, THE DEFINITION OF
19 ALTERNATIVE DAILY COVER INCLUDES ANY COVER PLACED
20 AT THE END OF THE OPERATING DAY. SO IT WOULD
21 INCLUDE MATERIALS LEFT FOR GREATER THAN A HUNDRED
22 EIGHTY DAYS AND WOULD ALSO - - THAT WOULD ALSO MEET
23 THE DEFINITION OF INTERMEDIATE COVER.
24 BOARD MEMBER CHESBRO: SO IS IT OUR LEGAL
25 OFFICE'S INTERPRETATION THAT INCLUDED WITHIN

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1 ALTERNATIVE DAILY COVER IS INTERMEDIATE COVER?

2 THAT WAS THE LEGISLATIVE INTENT?

3 MR. BLOCK: THE LEGISLATIVE INTENT OF

4 AB 1647 WAS SPECIFIC TO ALTERNATIVE DAILY COVER.

5 I THINK, AS SCOTT HAS EXPLAINED, THE REASON THAT

6 ALTERNATIVE INTERMEDIATE COVER APPEARS IN THESE

7 REGULATIONS IS THE NEED TO ADDRESS IT SEPARATELY

8 BECAUSE WE DIDN'T WANT TO ALLOW FOR THE AUTOMATIC

9 USE OF GREEN WASTE, FOR INSTANCE, UP TO 12 INCHES

10 AS INTERMEDIATE COVER WITHOUT A DEMONSTRATION

11 PROJECT. SO THE FACT THAT WE'RE SETTING SOME

12 PREAPPROVED LEVELS OF USE FOR ALTERNATIVE DAILY

13 COVER REQUIRES US IN A SENSE TO REFERENCE

14 SEPARATELY INTERMEDIATE COVER.

15 IN TERMS OF AB 1647, IT DOES NOT

16 EVER ADDRESS THE ISSUE OF INTERMEDIATE COVER

17 SPECIFICALLY; HOWEVER, THE DEFINITIONS THAT IT

18 USES FOR DIVERSION - - I'M ASSUMING THIS IS THE

19 QUESTION YOU'RE ACTUALLY - - WHERE YOU'RE GOING

20 WITH YOUR QUESTION - - IS A GENERAL REFERENCE FOR

21 BENEFICIAL USE WITHIN THE LANDFILL OF THESE

22 MATERIALS AND THEN SAYS INCLUDING BUT NOT LIMITED

23 TO ALTERNATIVE DAILY COVER. SO ALTERNATIVE

24 INTERMEDIATE COVER, IF APPROVED PURSUANT TO THE

25 REGULATIONS THAT WE'RE TALKING ABOUT ADOPTING,

1 COULD BE CONSIDERED DIVERSION UNDER THAT STATUTORY
2 SCHEME.
3 BOARD MEMBER CHESBRO: OKAY. THANK YOU.
4 CHAIRMAN PENNINGTON: FURTHER QUESTIONS?
5 STAFF IS THROUGH?
6 BOARD MEMBER RELIS: MR. CHAIR, HAVING
7 RAISED THIS QUESTION BECAUSE THE TERM "ALTERNATE
8 INTERMEDIATE COVER" HAD NOT BEEN ONE THAT I WAS
9 FAMILIAR WITH IN ALL THE DELIBERATIONS ON ADC, I
10 ASKED FOR CLARIFICATION. NOW, I THINK WHERE WE
11 ARE WITH THIS, IF I UNDERSTAND STAFF'S ANALYSIS,
12 IS THAT ALTERNATE INTERMEDIATE COVER IS . - USING
13 GREEN WASTE IS, IF I WOULD CHARACTERIZE IT,
14 UNLIKELY. IT IS LIKELY, PERHAPS, WITH ASH OR
15 OTHER MATERIALS. SO I THINK WHEN PRESSED, AND I
16 DON'T WANT TO HOLD YOU TO THIS NUMBER, BUT IT
17 COULD AS A BALLPARK BE, AT LEAST FROM THE INITIAL
18 STAFF REVIEW, SOMETHING LIKE LESS THAN 10 PERCENT
19 OR MAYBE EVEN LESS THAN THAT OF THE - - OF YOUR
20 TOTAL CALCULATION THAT REFERS TO POTENTIAL GREEN
21 WASTE USE AS ADC.
22 NOW, I STILL THINK - . YOU KNOW, IT'S
23 KIND OF A VERY MINOR AREA TO ATTACH TO THIS
24 PACKAGE, AND I THINK IT JUST TO SOME DEGREE ALMOST
25 UNNECESSARILY CONFUSED IT BECAUSE IF IT'S SO

1 INSIGNIFICANT, WHY TAKE IT UP?

2 MR. BLOCK: LET ME JUST - - WHAT I WAS

3 ALLUDING TO BEFORE IS REALLY IT'S JUST A FUNCTION

4 OF REGULATIONS THEMSELVES AND THE WAY THEY'RE

5 WRITTEN. IF WE DON'T REFERENCE ALTERNATIVE

6 INTERMEDIATE COVER IN THESE REGULATIONS AT ALL,

7 THEN WHAT WE'RE LEFT WITH IS WHAT WE HAVE NOW, BUT

8 WE DON'T HAVE REGULATIONS, TECHNICAL REGULATIONS

9 FOR EITHER ADC OR INTERMEDIATE COVER. WE HAVE THE

10 LEA ADVISORY THAT HAS BEEN OUT NOW FOR A NUMBER OF

11 YEARS, AND THEORETICALLY THAT WOULD STILL APPLY.

12 WE'RE REALLY IN A SITUATION WHERE

13 WE'RE TALKING ABOUT REGULATORY ACTIVITY LIKE THAT

14 IF WE HAVE THE OPPORTUNITY TO PUT THE MECHANISM

15 FOR HAVING ALTERNATIVE INTERMEDIATE COVER APPROVED

16 IN A REGULATIONS PACKET, THAT IS THE SAFEST WAY TO

17 DEAL WITH IT. IN OTHER WORDS, OTHERWISE IF WE

18 DON'T REFERENCE IT AT ALL IN THESE REGULATIONS AND

19 WE STILL HAVE THE EXISTING POLICY THAT APPLIES,

20 BUT YOU WILL BASICALLY BE IN THE SITUATION WHERE

21 THERE'S PROBABLY GOING TO BE A LOT OF UNCERTAINTY

22 WHAT DOES APPLY, WHAT DOESN'T APPLY, WHAT'S THE

23 STATUS OF THE EXISTING ADVISORY, BECAUSE THE

24 REGULATIONS THEMSELVES, WHILE THEY TRACK PRETTY

25 MUCH WHAT THE EXISTING STANDARDS ARE AND THEY'RE

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1 WRITTEN DIFFERENTLY BECAUSE THEY ARE REGULATIONS
2 AND THEY'RE A LITTLE BIT MORE SPECIFIC. AND SO WE
3 FELT WE NEEDED TO REFERENCE THEM IN THE REGULA-
4 TIONS. WE COULDN'T JUST NOT REFERENCE THEM.
5 AND CERTAINLY WE'RE IN THE SITUATION
6 WHERE WE WANTED TO NOT ALLOW ANY ALTERNATIVE
7 INTERMEDIATE COVER. SUB D REGULATIONS ALLOW FOR
8 IT IF THEY'RE APPROVED. THEY DON'T ACTUALLY
9 REFERENCE DEMONSTRATION PROJECTS. THAT'S OUR MORE
10 SPECIFIC. AND SO THAT'S WHY THE REGULATIONS
11 INCLUDE IT, AND I THINK, AS SCOTT HAS INDICATED,
12 IN TERMS OF - - WELL, GREEN WASTE CERTAINLY, WE
13 DON'T ANTICIPATE - -
14 BOARD MEMBER RELIS: I MEAN ISN'T IT AS A
15 PRACTICAL MATTER, YOU DON'T USE GREEN WASTE FOR
16 LONG TERM. IT DRIES OUT. IT - - SO I GUESS I'M
17 JUST TRYING TO - - IS THIS EVEN, YOU KNOW, A REAL
18 ISSUE? I MEAN YOU TOOK A BALLPARK ESTIMATE OF HOW
19 IT WOULD BE USED. YOU'VE ESTABLISHED THE FACT
20 THAT THERE WOULD BE A DEMONSTRATION REQUIREMENT
21 FOR IT. WE DON'T KNOW IF WE'LL EVEN - - I GUESS
22 YOU ARE SAYING WE DON'T EVEN KNOW IF WE'LL SEE
23 THIS.
24 MR. BLOCK: SCOTT CAN JUMP IN AS WELL,
25 BUT WHEN SCOTT'S REFERENCING 5 OR 10 PERCENT OF

1 OUR COVER BEING INTERMEDIATE COVER, HE'S NOT
2 REFERENCING 5 OR 10 PERCENT OF IT BEING GREEN
3 WASTE INTERMEDIATE COVER. HE'S TALKING ABOUT ANY
4 INTERMEDIATE COVERS. I DON'T WANT TO PUT WORDS IN
5 YOUR MOUTH, BUT I ASSUME THE NUMBER IS CLOSER TO
6 ZERO FOR GREEN WASTE FOR INTERMEDIATE COVER AT
7 LEAST - -
8 BOARD MEMBER RELIS: WELL, THAT'S
9 IMPORTANT TO CLARIFY THAT BECAUSE SOME OF US HAVE
10 STRUGGLED WITH THIS WHOLE ADC-GREEN WASTE ISSUE.
11 AND SO WHEN WE HAVE TERMINOLOGY COME OUT, WE DON'T
12 KNOW QUITE WHAT ITS PRACTICAL SIGNIFICANCE IS.
13 AND I THINK I UNDERSTAND IT BETTER.
14 MR. WALKER: ONE POINT I'D LIKE TO ADD.
15 THERE ARE CERTAIN REALLY UNIQUE LANDFILLING
16 PROCESSES OF THE FUTURE; NAMELY, WET CELLS, LIKE
17 YOLO COUNTY IS DOING RIGHT NOW. AND IT'S
18 CONCEIVABLE THAT SOMETHING LIKE GREEN WASTE MAY
19 ACTUALLY BE INCORPORATED IN THAT TYPE OF
20 OPERATION, BUT THAT'S THE ONLY PROJECT IN THE
21 STATE WE'RE AWARE OF. AND THAT'S SOMETHING WHERE
22 MAYBE GREEN WASTE MAY PLAY A PART IN A WET CELL
23 LANDFILL, GREEN WASTE AS INTERMEDIATE COVER, BUT,
24 AGAIN, IT'S A VERY RARE TYPE OF OPERATION.
25 BOARD MEMBER RELIS: THAT WOULDN'T BE

1 INTERMEDIATE COVER, WOULD IT? THAT WOULD JUST
2 BE - - YOU'D BE PURPOSELY PUTTING GREEN WASTE IN
3 THE LANDFILL TO INCREASE THE, WHAT, GAS?
4 MR. WALKER: WELL, IT WOULD PERHAPS
5 ASSIST IN THE PRODUCTION OF GAS AND THE BREAKDOWN.
6 AND ALSO, WITH THE WET CELL, YOU'RE PROBABLY GOING
7 TO WANT TO USE MORE RELATIVELY PERMEABLE COVER
8 MATERIALS. NOW, WHETHER OR NOT YOU ARE GOING TO
9 HAVE SOMETHING GREATER THAN A HUNDRED EIGHTY DAYS
10 EITHER IS - - FOR INSTANCE, YOLO RIGHT NOW DOES NOT
11 NEED IT BECAUSE THEY HAVE A FAIRLY SMALL CELL.
12 BUT IN THE FUTURE SOMEBODY MIGHT PROPOSE TO HAVE A
13 LARGER WET CELL. BUT, AGAIN, I KNOW THAT YOLO HAS
14 LOOKED AT SOME PERMEABLE TARP-TYPE MATERIALS IN
15 THE WET CELL AND EVEN SHREDDED TIRES AND OTHER
16 TYPES OF ADC PRODUCTS TO ALLOW THE INFILTRATION.
17 CHAIRMAN PENNINGTON: ANY ADDITIONAL
18 QUESTIONS FROM THE BOARD? MR. CHESBRO.
19 BOARD MEMBER CHESBRO: YES, MR. CHAIRMAN.
20 I'M CURIOUS WHAT THE PURPOSE OF THE CHANGES IN THE
21 ODOR, FIRE, AND LITTER REGULATIONS HERE ARE, HOW
22 THEY'RE RELATED TO THE ADC.
23 MR. WALKER: WITH REGARD TO THE PERFORM-
24 ANCE STANDARDS, THE PROSCRIPTIVE PERFORMANCE
25 STANDARDS ON COVER, WHICH ARE CURRENTLY IN OUR

1 CURRENT REGULATIONS, THEY WERE INTENDED FOR
2 OPERATIONS IN LIEU OF COVER, WHICH NOW IS SUB D,
3 IS BASICALLY NOT ALLOWED ANYMORE. THOSE ARE
4 PROSCRIPTIVE VECTOR, YOU KNOW, AND MOISTURE
5 INFILTRATION AND ODOR STANDARDS, LIKE ODOR PANELS
6 AND THINGS TO ASSESS AND TO CONFIRM THE
7 PERFORMANCE REQUIREMENTS ARE MET.
8 THOSE HAVE BEEN APPLIED IN THE
9 DEMONSTRATION PROJECTS. WHAT WE PROPOSE TO DO IN
10 THESE REGULATIONS IS TO RETAIN THEM IN A MANNER
11 SUCH THAT THEY ARE CONSISTENT WITH AB 1220 AND
12 ALSO PROVIDE THE LEA'S, THE EA'S WITH FLEXIBILITY
13 TO TEST NEW MATERIALS AND ALSO, IF THEY SEE A
14 PROBLEM AND NEED SOME ADDITIONAL ENFORCEMENT
15 AUTHORITY, TO USE THOSE.
16 WITH REGARD TO 1220, THE MOISTURE
17 INFILTRATION IS BASICALLY A - - PRIMARILY A WATER
18 QUALITY ISSUE, AND THAT IS REFERRED TO IN THE
19 STATE BOARD REGULATIONS NOW. SO THAT PERFORMANCE
20 STANDARD IS NOT NECESSARY AND NOT - - AND IT ALSO
21 NEEDS TO BE REMOVED TO COMPLY WITH 1220.
22 WITH REGARD TO THE ODOR, ODOR
23 CONTROL IS STILL A BASIC PERFORMANCE REQUIREMENT
24 OF COVER MATERIAL AND IT'S RETAINED. HOWEVER, THE
25 PERFORMANCE STANDARD REQUIREMENT HAS BEEN REMOVED

1 BECAUSE THE PRIMARY JURISDICTION OVER ODORS AT
2 LANDFILLS IS THE AIR DISTRICT. IN ADDITION, THE
3 ODOR PERFORMANCE STANDARD, IT HAS A VERY ELABORATE
4 DESCRIPTION OF ODOR PANELS AND KIND OF A SAMPLING.
5 TYPE PROCEDURES AND TO MY KNOWLEDGE HAS NEVER BEEN
6 USED. IN MOST CASES WITH ADC DEMONSTRATION
7 PROJECTS, AND ODOR PROBLEMS HAVE BEEN DETECTED, IT
8 IS - - THEY STOP AND RESOLVE IT. THE EA'S HAVE NOT
9 HAD A PROBLEM WITH GETTING CONTROL WITHOUT HAVING
10 TO USE THAT ODOR PANEL REQUIREMENT.
11 AND NOW WITH THE AIR DISTRICTS, WE
12 FURTHER HAVE THE AUTHORITY WITH THE DISTRICTS IN
13 FOLLOWING UP ON ODOR ISSUES, AND WE ALSO HAVE THE
14 GUIDANCE TO LEA'S IN TERMS OF THEIR INTERACTION
15 WITH THE AIR DISTRICTS ON RESPONDING TO ODOR
16 COMPLAINTS.
17 BOARD MEMBER CHESBRO: I GUESS MY FINAL
18 QUESTION IS WHY THE CHANGE IN THE RECOMMENDATION
19 FROM COMMITTEE FOR THE, FIRST, FOR THE INFORMAL
20 COMMENT PERIOD TO NOW RECOMMENDING THAT IT GO
21 DIRECTLY TO OAL FOR THE FORMAL PROCESS?
22 MR. PECK: A COUPLE OF REASONS, MR.
23 CHESBRO. ONE, FIRST OF ALL, IS THAT THE STAFF,
24 HAVING DONE THE SORT OF STARTING THE INFORMAL
25 PROCESS EARLY ON BACK IN DECEMBER AND GETTING

1 INPUT ON THINGS, THE FACT THAT THE TECHNICAL
2 REGULATIONS THAT, FOR THE MOST PART, ARE BEFORE
3 YOU TODAY WERE EARLIER PART OF THE AB 1220
4 RULEMAKING PROCESS AND HAVE BEEN DISCUSSED
5 SOMEWHAT PUBLICLY ALREADY IN THE INFORMAL PROCESS.
6 THEY WERE LATER REMOVED BECAUSE WE STRIPPED THAT
7 REGULATION PACKAGE OF THINGS NOT RELATED TO THE
8 DIFFERENTIATION OF ROLES AND RESPONSIBILITIES
9 BETWEEN OUR BOARD, WATER BOARD, REGIONAL BOARDS,
10 AND THE LEA'S. AND ALSO THE FACT THAT WE DO HAVE
11 A STATUTORY DEADLINE TO COMPLETE THE RULEMAKING
12 PROCESS, WE'RE REQUIRED BY AB 1647 TO ADOPT
13 REGULATIONS BY THE END OF THIS CALENDAR YEAR.
14 WE HAVEN'T REALLY HEARD FROM
15 INTERESTED PARTIES, SO FAR IN THIS PROCESS,
16 ANYTHING THAT WE REALLY HAVEN'T HEARD BEFORE. I
17 DID PERSONALLY CONTACT EVERYBODY WHO WAS HERE AT
18 THE COMMITTEE MEETING AND HAD MADE SOME REMARKS.
19 I ALSO CONTACTED REPRESENTATIVE FROM NRDC WHO WAS
20 NOT HERE TO EXPLAIN TO THEM THE CHANGE IN OUR
21 RECOMMENDATION, AND NO ONE REALLY HAD ANY
22 CONCERNS. I ACTUALLY TOOK A PHONE CALL EARLIER
23 WHEN I STEPPED OUT FROM WILL BAKX, WHO SAID THAT
24 HIS ONE REMAINING CONCERN ABOUT THE PROCESS IS THE
25 NEED TO HAVE SOME ONGOING MONITORING, AND STAFF

1 HAS AGREED THAT WE WOULD COME BACK AND DO THAT ON
2 A QUARTERLY BASIS.
3 SO WE DON'T SEE, CONSIDERING THE
4 STRICT PUBLIC COMMENT PROCESS AND RESPONSE THAT WE
5 MUST HAVE GIVE TO ALL PUBLIC COMMENTS REQUIRED BY
6 ADMINISTRATIVE PROCEDURES ACT, WE DON'T SEE ANY
7 REASON AT THIS POINT IN TIME NOT TO GO AHEAD.
8 THERE CERTAINLY IS NO DIMINUTION OF PUBLIC
9 OPPORTUNITY TO COMMENT ON THE REGULATIONS.
10 BOARD MEMBER CHESBRO: MY COMMENT ON
11 THESE REGS IS THAT, LIKE PAUL, I'VE BEEN AT THIS
12 FOR SEEMS LIKE A LONG, LONG TIME.
13 BOARD MEMBER RELIS: I KNOW. WE'VE BEEN
14 AT IT FOR FIVE YEARS.
15 BOARD MEMBER CHESBRO: AND I STARTED OUT
16 THIS PROCESS BEING IN FAVOR OF SOME SORT OF A
17 BALANCED, MODEST, RESTRICTED APPROACH WHICH
18 ATTEMPTED TO MAKE SURE THAT WE WEREN'T IMPOSING ON
19 THE DEVELOPMENT OF COMPOST MARKETS. AND WE HAVE
20 BEEN SLAPPED AROUND EVERY WHICH WAY IN OUR
21 ATTEMPTS TO DO THAT. AND THEN WHEN WE MOVED A
22 LITTLE FURTHER ALONG, I THINK, TOWARDS ALLOWING
23 IT, THANKS TO THE OFFICE OF ADMINISTRATIVE LAW
24 ARBITRARILY DECIDING THAT WE WERE BEING ARBITRARY,
25 WE WENT AND AHEAD AND APPROVED IT.

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1 BUT I CONTINUE TO HAVE MY
2 RESERVATIONS. I AM TO THE POINT NOW, AS I WAS
3 WHEN WE VOTED TO APPEAL THE LAWSUIT, THAT ON THE
4 BASIS OF CONSISTENCY AND FAIRNESS, THE WATER IS
5 UNDER THE BRIDGE, SO TO SPEAK. AND I THINK WE'VE
6 SEEN THAT THE COMPOST MARKET HAS NOT BEEN HELD
7 BACK SIGNIFICANTLY BY THE EXPANSION OF ALTERNATIVE
8 DAILY COVER.
9 THE ONE CONCERN THAT REMAINS,
10 THOUGH, AND I CAN JUST SPEAK FOR MYSELF, IF I WAS
11 A HOMEOWNER WHO WAS SEPARATING GREEN WASTE AND
12 PUTTING SOME EFFORT INTO THAT, AND I HEARD IT WAS
13 GOING BACK INTO THE LANDFILL, I'D STOP DOING IT.
14 I THINK WE HAVE A REAL PUBLIC RELATIONS PROBLEM.
15 AND THIS IS A WARNING TO THOSE JURISDICTIONS THAT
16 ARE DOING THIS IN TERMS OF THEIR DIVERSION RATE.
17 I THINK THEY'VE GOT A REAL EDUCATION PROBLEM WHEN
18 THE WORD GETS OUT IN THEIR COMMUNITIES THAT THE
19 EFFORT THAT THEY'RE GOING THROUGH TO SEPARATE
20 GREEN WASTE FROM THE REST OF THEIR WASTE MATERIAL
21 AND PUT IT IN A SEPARATE CONTAINER SENDS THE
22 MATERIAL BACK TO THE LANDFILL IN ANY CASE. TRYING
23 TO EXPLAIN TO THEM WHY THAT'S RECYCLING. SO THAT
24 RESERVATION REMAINS. I THINK IT'S A REAL THREAT
25 TO THE PUBLIC ATTITUDE TOWARDS RECYCLING.

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1 AND I DON'T KNOW WHAT WE DO ABOUT IT
2 THOUGH. THE BOARD AND THE LEGISLATURE HAVE SAID
3 THAT ALTERNATIVE DAILY COVER IS RECYCLING, AND SO
4 I THINK WE HAVE TO GO FORWARD WITH IT AND JUST
5 HOPE THAT THOSE JURISDICTIONS FIGURE OUT HOW TO
6 EXPLAIN IT ADEQUATELY TO THEIR COMMUNITY MEMBERS.
7 SO I'M PREPARED TO VOTE FOR THIS.
8 CHAIRMAN PENNINGTON: OKAY. ANY OTHER?
9 WE HAVE THREE PEOPLE IN THE AUDIENCE THAT WISH TO
10 ADDRESS THIS ISSUE. FIRST IS MARK LEARY.
11 MR. LEARY: GOOD MORNING. WELL, STILL
12 GOOD MORNING. MY NAME IS MARK LEARY OF
13 BROWNING-FERRIS INDUSTRIES, ALSO SPEAKING ON
14 BEHALF OF THE CALIFORNIA CHAPTERS OF THE SOLID
15 WASTE ASSOCIATION OF NORTH AMERICA AND THE COUNTY
16 SANITATION DISTRICTS OF LOS ANGELES.
17 WE URGE YOUR SUPPORT. GIVEN MR.
18 CHESBRO'S MOST RECENT COMMENTS, I WON'T PROLONG
19 THIS ANY LONGER. I THINK SUPPORTING AND ADOPTING
20 THE STAFF RECOMMENDATIONS IS THE RIGHT WAY TO GO.
21 JUST BY WAY OF COMPLIMENT, THE
22 STAFF, I THINK, HAS DONE A VERY THOROUGH,
23 COMPREHENSIVE JOB, AND DEMONSTRATION PROJECTS HAVE
24 PROVIDED A WEALTH OF DATA FROM WHICH TO BASE
25 DETAILED, THOUGHTFUL REGULATION. AND THAT'S WHAT

1 WE'VE GOT HERE. AND I URGE YOU TO AND RESPECT-
2 FULLY REQUEST YOU TO ADOPT THESE. THANK YOU.
3 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
4 MR. LEARY? IF NOT, NEXT IS MR. SWEETSER.
5 MR. SWEETSER: IT'S STILL GOOD MORNING
6 ALSO. MY NAME IS LARRY SWEETSER, DIRECTOR OF
7 REGULATORY AFFAIRS FOR NORCAL WASTE SYSTEMS. AND
8 WE ALSO AGREE WITH MR. LEARY'S COMMENTS ON THE
9 REGULATIONS, PARTICULARLY STAFF'S WORK. AND I
10 KNOW HE GETS EMBARRASSED, BUT MR. SCOTT WALKER HAS
11 BEEN REALLY BENEFICIAL IN THIS PROCESS. IT'S HARD
12 TO PUT SOMETHING THAT WORKS IN REALITY IN REGULA-
13 TIONS, AND I THINK HE'S DONE IT WITH THIS PACKAGE.
14 THIS IS SOUND POLICY, BOTH FROM A
15 TECHNICAL AND ENVIRONMENTAL STANDPOINT. ADC IS
16 DIVERSION, AND THAT'S WHAT THESE REGULATIONS POINT
17 OUT, THE ABILITY TO OPERATE UNDER REASONABLE
18 CONDITIONS.
19 WE'D URGE GOING AHEAD WITH THIS
20 FORMAL RULEMAKING. THERE MAY BE SOME MINOR
21 QUESTIONS THAT COME UP, BUT OVERALL I THINK THIS
22 PACKAGE IS READY FOR THAT.
23 WE ESPECIALLY APPRECIATE THE REMOVAL
24 OF THE DEMONSTRATION PROJECT. IN FACT, OUR
25 ENGINEERS WERE QUITE HAPPY TO SEE THAT ABILITY NOT

1 TO HAVE TO DEMONSTRATE OVER AND OVER AGAIN THAT
2 SOMETHING WORKS. SO THIS REGULATION ALLOWS THAT
3 TO OCCUR. ALLOWS THOSE PROJECTS TO GO FORWARD AND
4 EVENTUALLY SAVE TREMENDOUS AMOUNTS OF MONEY TRYING
5 TO DEMONSTRATE WHAT EVERYBODY KNOWS CAN WORK.
6 THE INTERMEDIATE COVER ISSUE KEEPS
7 BEING BROUGHT UP, AND WE FULLY SUPPORT WHAT STAFF
8 HAS DONE IN HERE. THIS IS NOT JUST A GREEN WASTE
9 ISSUE. AND QUITE PLEASED WITH MR. RELIS' RESEARCH
10 THAT HE'S DONE AND OUR SAME CONCLUSIONS THAT WE
11 HAVE WITH THAT. IT'S EXTREMELY LIMITED USE THAT
12 GREEN WASTE WOULD HAVE IN AN INTERMEDIATE COVER
13 SITUATION. THERE IS SOME LIMITED USE THAT COULD
14 HAPPEN WITH THAT AS FAR AS EITHER COMPOSTED
15 MATERIAL OR OTHERS. I THINK THERE'S A FERTILIZER
16 BASIS BECAUSE THAT MATERIAL WILL BE SITTING THERE
17 FOR A LONG TIME. BUT ANY WHOLESALE USE OF GREEN
18 WASTE AS INTERMEDIATE COVER JUST WON'T HAPPEN
19 TECHNICALLY.
20 AND AGAIN, WHAT YOU HAVE IN HERE IS
21 A PROPOSAL THAT THE BURDEN OF PROOF IS ON US AS
22 OPERATORS TO PROVE TO YOUR STAFF'S SATISFACTION
23 AND TO YOUR SATISFACTION THAT THE CONCEPT WILL
24 WORK. MOST ENGINEERS THAT I'VE TALKED TO SAID
25 WHOLESALE USE OF GREEN WASTE WON'T WORK, BUT THERE

1 IS SOME LIMITED APPLICATIONS THAT WOULD BE
2 BENEFICIAL TO REMAIN IN HERE, THAT WE WOULD HAVE
3 TO DEMONSTRATE WHAT WORKS. BUT THE CONCEPT OF
4 ALLOWING IT IN THE LANGUAGE IN HERE FOR OTHER
5 ALTERNATIVES FOR USE IN INTERMEDIATE COVER IS
6 EXTREMELY HELPFUL.
7 THAT'S THE DIRECTION A LOT OF THINGS
8 ARE GOING IN REGULATION ON A PERFORMANCE STANDARD
9 BASIS. THERE'S OTHER PROJECTS THAT WE HAVE IN THE
10 WORKS THAT WILL TAKE ADVANTAGE OF THE USE OF OTHER
11 MATERIALS FOR INTERMEDIATE COVERS, AND WE'LL BE
12 HAPPY TO GO THROUGH A DEMONSTRATION, BUT WE HATE
13 TO SEE ANY AVENUES LEFT OUT, ESPECIALLY SINCE THE
14 BURDEN OF PROOF IS ON US TO PROVE THAT IT CAN
15 HAPPEN - - WHETHER IT CAN HAPPEN OR NOT. IF IT
16 DOESN'T WORK, THEN WE HAVE TO GO BACK TO THE OTHER
17 ALTERNATIVES. BUT LET'S NOT CLOSE THE DOOR ON THE
18 ABILITY OF PEOPLE TO TRY AND DO SOMETHING THAT CAN
19 WORK, ESPECIALLY SINCE WE HAVE TO DEMONSTRATE IT.
20 WE JUST URGE GETTING ON WITH THIS
21 PROCESS. THERE'S NO NEED TO HOLD IT UP ANY
22 FURTHER AND APPRECIATE AND LOOKING FORWARD TO
23 USING THESE REQUIREMENTS.
24 CHAIRMAN PENNINGTON: THANK YOU. ANY
25 QUESTION OF MR. SWEETSER? IF NOT, NEXT IS MR.

1 EVAN EDGAR.

2 MR. EDGAR: GOOD AFTERNOON. EVAN EDGAR,

3 MANAGER OF TECHNICAL SERVICES FOR THE CALIFORNIA

4 REFUSE REMOVAL COUNCIL. WE WOULD SUPPORT TODAY'S

5 RECOMMENDATIONS. I ECHO MY ESTEEMED COLLEAGUES,

6 MR. LEARY AND MR. SWEETSER, ON ALL ISSUES ON

7 INTERMEDIATE COVER AND BEYOND GREEN WASTE FOR

8 INTERMEDIATE COVER.

9 USING ADC IN THE COMMUNITIES AND

10 CITY OF WOODLAND AND WEST SACRAMENTO AND DAVIS FOR

1]. THE LAST FIVE YEARS OR SIX YEARS, THE PUBLIC

12 UNDERSTANDS THE USE OF GREEN WASTE BEING USED AS

13 ADC. DAVIS IS ECO-CONSCIOUS, WOODLAND IS MIDDLE

14 AMERICA, AND WEST SACRAMENTO IS INDUSTRIAL MUSCLE.

15 THE PEOPLE IN THOSE COMMUNITIES UNDERSTAND GREEN

16 WASTE IS BEING USED AS ADC, AND THEY'RE SUPPORTIVE

17 OF IT FOR SIX YEARS.

18 I THINK A LOT OF COMMUNITY MEMBERS

19 WOULD UNDERSTAND THAT ADC IS BEING USED AND IT'S

20 NOT A SECRET ANYMORE. BEEN VERY PUBLIC FOR MANY

21 YEARS. SO WE HIGHLY SUPPORT THE USE OF GREEN

22 WASTE AS ADC AND SUPPORT TODAY'S REGULATIONS AND

23 THE FINE STAFF WORK THAT WAS PUT INTO IT. THANK

24 YOU.

25 CHAIRMAN PENNINGTON: ANY QUESTIONS OF

MR. EDGAR?

BOARD MEMBER GOTCH: MR. CHAIR, MY TENURE ON THE BOARD HAS MADE ME INCREASINGLY MORE AWARE THAT THE PROCESS OF REGULATION WRITING IS NEITHER SPEEDY NOR EASY. AND SO I'D FIRST LIKE TO THANK STAFF FOR THEIR HARD WORK AND THEIR FORTITUDE IN PREPARING THESE REGULATIONS AND THE ITEM BEFORE US TODAY.

AS SOME OF YOU MAY REMEMBER, IN ONE OF MY FIRST BOARD MEETINGS AFTER BEING APPOINTED, I CAST THE LONE VOTE AGAINST CURRENT POLICY OF USING ADC - - OUR CURRENT ADC POLICY. IN MY OPINION, THE HIGHEST AND BEST USE FOR GREEN MATERIAL IS NOT AS LANDFILL COVER, AND - - BUT AS COMPOST OR OTHER ORGANIC PRODUCTS - - MATERIAL PRODUCTS.

LARGE SEGMENTS OF CALIFORNIA'S POPULATION, I THINK, WOULD BE OUTRAGED WERE THEY TO FIND THAT AFTER GOING THROUGH THE INCONVENIENCE OF SEPARATING THE GREEN MATERIAL AND TAKING IT OUT TO THE CURB, THAT IT DOES, IN FACT, END UP IN THE LANDFILL ANYWAY. SO I DON'T FEEL THAT ADC IS DIVERSION. AND WITH ALL DUE RESPECT TO STAFF'S HARD WORK AND THE COMMENTS THAT WE'VE HEARD, I MUST VOTE AGAINST THE ADC REGULATIONS. THANK YOU.

1 BOARD MEMBER CHESBRO: ONE LAST QUESTION.
2 I'M STILL NOT CLEAR ON WHY WE WOULD CHANGE THE
3 DEFINITION OF LITTER. THE WAY I READ THIS
4 CURRENTLY, LITTER IS - - SAYS NOT ALLOWED TO
5 MIGRATE OFF SITE, AND NOW WE'RE GOING TO SAY THAT
6 IT HAS TO CREATE A NUISANCE OR IMPAIR PUBLIC
7 HEALTH AND SAFETY, WHICH, I SUPPOSE, MAKES IT
8 HARDER TO DEFINE AS A PROBLEM. WHY IS THAT?
9 MR. WALKER: WE'RE NOT CHANGING THE
10 OVERALL DEFINITION AND LITTER CONTROL STANDARD.
11 THAT IS THE EXISTING LITTER PERFORMANCE STANDARD
12 IN THE CURRENT PERFORMANCE STANDARD REGULATION.
13 BOARD MEMBER CHESBRO: SO THIS IS JUST AN
14 ATTEMPT TO MAKE IT CONSISTENT?
15 MR. WALKER: IN TERMS OF ALLOWED TO
16 MIGRATE OFF SITE AND CREATE A NUISANCE OR IMPAIR
17 PUBLIC HEALTH AND SAFETY, IT WAS OUR INTENT TO
18 RETAIN THE EXISTING REQUIREMENTS OF LITTER
19 CONTROL. WE DIDN'T INTEND TO PROPOSE ALLOWING OR
20 ESSENTIALLY ALLOWING IT TO MIGRATE OFF SITE AS
21 LONG AS IT DOESN'T CREATE A NUISANCE.
22 BOARD MEMBER CHESBRO: LOOKING AT IT,
23 THAT IS WHAT IT SOUNDS LIKE.
24 MR. WALKER: THAT IS NOT THE INTENT.
25 AND THAT MIGHT BE AN AREA TO REVISE OR RECEIVE PUBLIC

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1 COMMENT ON, BUT CLEARLY THAT'S NOT OUR INTENT TO
2 GIVE YOU THAT IMPRESSION OR GIVE YOU THAT
3 IMPRESSION.
4 CHAIRMAN PENNINGTON: IF THERE'S NO
5 FURTHER DISCUSSION, I'LL ENTERTAIN A MOTION.
6 BOARD MEMBER JONES: I'LL MAKE A MOTION
7 THAT WE - - THAT WE - - FORMAL NOTICE OF ADC
8 REGULATIONS.
9 THE REPORTER: I'M SORRY, MR. JONES. I
10 DIDN'T HEAR THE LAST COUPLE OF WORDS.
11 BOARD MEMBER JONES: THERE WAS A REASON
12 FOR THAT. I MAKE A MOTION THAT WE APPROVE THIS
13 POLICY AND SEND IT OUT FOR FORMAL COMMENT.
14 BOARD MEMBER RELIS: I'LL SECOND THAT.
15 AND I UNDERSTAND THAT IN SECONDING IT, THE FORMAL
16 NOTICE, WE ARE OPEN TO COMMENTS AND ADJUSTMENTS IN
17 THIS AS WE WOULD IN ANY REGULATORY PACKAGE.
18 MS. ZWARTS: MOST CERTAINLY WE WOULD. WE
19 HAVE A VERY STRINGENT DUE PROCESS FOR THOSE
20 RESPONDING, SO IT'S A VERY OPEN PROCESS.
21 CHAIRMAN PENNINGTON: OKAY. THERE BEING
22 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
23 ROLL, PLEASE.
24 BOARD MEMBER CHESBRO: MAY I ASK FIRST IS
25 THERE A RESOLUTION?

CHAIRMAN PENNINGTON: NO, THERE IS NO RESOLUTION.

MR. PECK: WE'RE NOT ASKING FOR ADOPTION OF THE REGULATIONS. THESE ARE NOT EMERGENCY REGULATIONS.

BOARD MEMBER CHESBRO: I KNOW THAT. BUT THERE'S NO REQUIREMENT FOR A RESOLUTION - -

MR. BLOCK: TYPICALLY WE SAVE THE RESOLUTIONS FOR THE ACTUAL FINAL ADOPTION.

BOARD MEMBER CHESBRO: OKAY, THEN. AYE.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: NO.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

LOOKS LIKE IT'S LUNCHTIME. LET'S BREAK UNTIL QUARTER TO TWO.

(LUNCH RECESS TAKEN.)

CHAIRMAN PENNINGTON: THANK YOU. WELCOME BACK TO THE AFTERNOON SESSION. WE WILL START OFF WITH ITEM 27, UPDATE AND PUBLICATION OF THE

1 INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE
2 STATE MINIMUM STANDARDS AND CONSIDERATION OF
3 CONTINUING THE CURRENT METHOD OF INVENTORY
4 IMPLEMENTATION.
5 MS. RICE: THANK YOU. PAUL WILLMAN WILL
6 MAKE THIS PRESENTATION.
7 CHAIRMAN PENNINGTON: PAUL WILLMAN'S DAY.
8 MR. WILLMAN: GOOD AFTERNOON. THIS IS A
9 TWO-PART ITEM. THE FIRST PART PRESENTS THE
10 UPDATED INVENTORY OF SOLID WASTE FACILITIES FOR
11 PUBLICATION PURPOSES. THIS DOES NOT REQUIRE ANY
12 ACTION ON YOUR PART.
13 THE SECOND PART OF THIS ITEM IS FOR
14 CONSIDERATION OF CONTINUING THE CURRENT METHOD OF
15 INVENTORY IMPLEMENTATION.
16 REGARDING THE INVENTORY UPDATE, IN
17 AUGUST OF 1996, THERE WERE 46 FACILITIES ON THE
18 INVENTORY. ACTIVITIES SINCE THEN IS THAT NINE
19 HAVE BEEN ADDED AND EIGHT HAVE BEEN REMOVED. WE
20 NOW HAVE A TOTAL OF 47 ON THE INVENTORY.
21 THIRTY-FOUR NOTICES OF INTENT WERE ISSUED IN THE
22 REPORTING PERIOD, 12 WERE CORRECTED WITHIN THE
23 90-DAY PERIOD, NINE FAILED TO CORRECT AND WERE
24 INCLUDED ON THE INVENTORY, 13 ARE STILL
25 OUTSTANDING.

1 OF THE 47 SITES ON THE INVENTORY, 21
2 OF THOSE HAVE GAS VIOLATIONS, WHICH IS DOWN FROM
3 24 ON THE LAST PUBLICATION. THERE WAS A CONCERN
4 RAISED AT THE PERMITTING AND ENFORCEMENT COMMITTEE
5 MEETING ON THE LACK OF READY AVAILABILITY OF THE
6 INVENTORY TO THE GENERAL PUBLIC.
7 AND AS I MENTIONED DURING THE
8 ENFORCEMENT POLICY ITEM, BOARD STAFF WILL BE
9 INCLUDING THE INVENTORY ON THE BOARD LIST OF
10 PUBLICATIONS AS WELL AS ON THE INTERNET,
11 ACCESSIBLE THROUGH THE HOME PAGE OF THE BOARD.
12 THE SECOND PART OF THE ITEM IS OUR
13 INVENTORY IMPLEMENTATION. CURRENT IMPLEMENTATION
14 PROCESS UNDER THE STRICT INTERPRETATION OF THE
15 LAW, WHICH WE'VE BEEN DOING SINCE ROUGHLY APRIL OF
16 LAST YEAR, HAS PROVEN EFFECTIVE IN BRINGING SITES
17 INTO COMPLIANCE. IT ALSO HELPS ASSIST BOARD STAFF
18 IN TRACKING AND EVALUATING LEA AND OPERATOR
19 PROGRESS IN CORRECTING VIOLATIONS. AND IT
20 PROVIDES AN ACCURATE PICTURE OF THE STATEWIDE
21 STATUS OF COMPLIANCE WITH STATE MINIMUM STANDARDS.
22 THE OLD POLICY FOR IMPLEMENTING THE
23 INVENTORY UNDER THE LEA ADVISORY 14R DID NOT
24 EFFECTIVELY ACHIEVE THOSE OBJECTIVES. IN ADDI-
25 TION, REGULATIONS WOULD NEED TO BE DEVELOPED IN

1 ORDER TO IMPLEMENT THE INVENTORY UNDER THE OLD
2 POLICY.
3 THEREFORE, STAFF IS RECOMMENDING
4 THAT YOU ADOPT RESOLUTION NO. 97-61, APPROVING THE
5 CONTINUATION OF THE CURRENT METHOD OF INVENTORY
6 IMPLEMENTATION UNDER THE STRICT INTERPRETATION
7 WITHOUT THE NEED TO DEVELOP ANY REGULATIONS.
8 THAT CONCLUDES MY PRESENTATION.
9 I'LL ANSWER ANY QUESTIONS IF YOU HAVE THEM.
10 CHAIRMAN PENNINGTON: QUESTIONS? MR.
11 CHESBRO.
12 BOARD MEMBER CHESBRO: THIS IS HALF
13 SERIOUS AND HALF FACETIOUS, BUT I NOTE THAT
14 SEVERAL OF THE FACILITIES ARE IN JURISDICTIONS FOR
15 WHICH WE ARE THE LOCAL ENFORCEMENT AGENCY, AND I
16 WAS JUST KIND OF CURIOUS WHETHER WE'LL BE PUTTING
17 OURSELVES ON THE LEA EVALUATION LIST.
18 MR. CHANDLER: NO, WE'LL BE PUTTING
19 OURSELVES ON CONSENT.
20 BOARD MEMBER CHESBRO: WAIT A MINUTE NOW.
21 I SAID HALF SERIOUS.
22 MR. CHANDLER: ME TOO.
23 MR. WILLMAN: WELL, SIMPLY BEING ON THE
24 INVENTORY DOESN'T MEAN WE'RE GOING TO EVALUATE THE
25 LEA. IF THEY'RE ON THE INVENTORY FOR AN EXTENDED

1 PERIOD OF TIME, THERE'S NO COMPLIANCE SCHEDULE, IT
2 ALL RELATES BACK TO THAT STATE OVERSIGHT ROLE
3 PROCEDURES. WE GO THROUGH THAT PROCESS WITH OUR
4 OWN PEOPLE. WE COULD DO THAT.
5 BOARD MEMBER CHESBRO: WELL, THE SERIOUS
6 PART OF THE QUESTION IS, SINCE I GUESS I'LL MAKE
7 IT EXPLICIT, IS SHOULDN'T WE BE MAKING A LITTLE
8 BIT GREATER EFFORT WHERE WE'RE THE EA TO
9 DEMONSTRATE OR LEAD BY EXAMPLE IN TERMS OF TRYING
10 TO BRING THESE FACILITIES INTO COMPLIANCE? THEY
11 SORT OF JUMP OUT AT YOU A LITTLE BIT MORE WHEN
12 WE'RE BOTH THE LOCAL AND THE STATE REGULATOR FOR
13 THE FACILITY, YOU KNOW.
14 MS. RICE: WE'LL TAKE A CLOSER LOOK AFTER
15 THIS MEETING AT THE FACILITIES THAT ARE IN EA
16 JURISDICTIONS AND SEE WHAT THE ISSUES ARE THAT ARE
17 IMPEDING COMPLIANCE WITH THE STANDARDS AND IF
18 THERE'S ANY MORE WE COULD DO.
19 BOARD MEMBER CHESBRO: THANK YOU.
20 CHAIRMAN PENNINGTON: ANY OTHER
21 QUESTIONS? I JUST - - MAYBE I'M A LITTLE CONFUSED
22 ABOUT THIS. WE TALK ABOUT PUTTING ON THE INTERNET
23 THE LIST OF THE INVENTORY OF THE FACILITIES. WILL
24 IT BE THE SAME AS THIS LIST THAT WE SEE HERE IN
25 THIS FORMAT?

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MR. WILLMAN: IT WAS ENVISIONED TO BE IN THIS FORMAT, YES. AND THE ADDITION, THOUGH, WOULD BE AT THE END, WE WOULD HAVE A PARAGRAPH ON THE AVAILABILITY OF DETAILED INFORMATION AND HOW THEY COULD GET THAT INFORMATION, IF THEY WANTED TO KNOW MORE DETAILS ABOUT ANY PARTICULAR SITE. IT WAS NOT ENVISIONED THAT WE WOULD PUT MASS QUANTITIES OF DETAILS ON THE ACTUAL INVENTORY ON THE INTERNET OR ON THE PUBLICATION. IF THEY WANTED TO KNOW ABOUT A PARTICULAR SITE A LOT OF DETAILS, THAT WE WOULD HAVE A CONTACT PERSON THEY COULD CONTACT TO GET THAT INFORMATION.

CHAIRMAN PENNINGTON: I'M JUST CONCERNED THAT WE, YOU KNOW, ARE A LITTLE MISLEADING ON IT. THERE ARE SOME THAT ARE HEALTH AND SAFETY IMPACTS WHERE THEY TALK ABOUT EXPLOSIVE GAS OR HAZARDOUS WASTE AND THOSE KINDS OF THINGS WHERE WE UNDER-STAND WHAT IT IS, BUT SOMEBODY RUNNING THROUGH PLAYING ON THE INTERNET, COME ACROSS FOUR LANDFILLS IN TULARE COUNTY ALL HAVE EXPLOSIVE GAS. I WONDER IF WE WANT TO THINK ABOUT TRYING TO IDENTIFY WHAT THAT MEANS A LITTLE MORE.

MS. RICE: I THINK THAT WE DO. THE WHOLE IDEA OF TREATING THIS MORE LIKE A PUBLICATION THAT WOULD BE AVAILABLE IS FAIRLY NEW TO US. I THINK

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1 IT CAME UP AT THE COMMITTEE MEETING, AND WE DO
2 NEED TO THINK IN TERMS OF IF THIS INFORMATION WERE
3 VIEWED BY ANYONE WHO POTENTIALLY HAD NO BACKGROUND
4 IN SOLID WASTE OR EVEN SOME BACKGROUND THAT DIDN'T
5 KNOW WHAT THE STANDARDS WERE, HOW WOULD THAT
6 INFORMATION STRIKE THEM.
7 THERE PROBABLY IS A NEED FOR SOME
8 EXPLANATION OF WHAT STATE MINIMUM STANDARDS ARE,
9 WHICH ARE THE ONES THAT ARE REFERENCED, AND WHAT
10 THOSE ARE, AND WHAT IT ALL MEANS A LITTLE BIT
11 BECAUSE THERE IS NO CONTEXT FOR ANY OF THIS
12 WITHOUT THAT. AND YOU'RE RIGHT. IF IT'S JUST ON
13 THE INTERNET, ANYONE COULD SEE THAT MATERIAL AND
14 SHOULD, BUT THEY NEED TO HAVE ENOUGH INFORMATION
15 SO THAT SOME OF THE IMMEDIATE QUESTIONS THAT MIGHT
16 COME TO MIND GET ANSWERED WITHOUT HAVING TO MAKE A
17 PHONE CALL.
18 SO I THINK WE NEED TO THINK THROUGH
19 A LITTLE BIT HOW TO PROVIDE, WITHOUT TOO MUCH MORE
20 WORK, I HOPE, SOME KIND OF A PACKAGE AROUND IT SO
21 IT MAKES A LITTLE MORE SENSE TO THE GENERAL PUBLIC
22 BECAUSE THIS LIST WAS NEVER IN THE PAST INTENDED
23 AS SOMETHING THAT WOULD BE GENERALLY AVAILABLE TO
24 THE GENERAL PUBLIC. IT WAS PART OF, YOU KNOW, THE
25 ITEMS THAT CAME FORWARD AND WASN'T DISTRIBUTED

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1 BEYOND THAT POINT.

2 CHAIRMAN PENNINGTON: OKAY. IF THERE'S

3 NO QUESTIONS, I'LL ENTERTAIN A MOTION HERE.

4 BOARD MEMBER JONES: WELL, I'LL MAKE A

5 MOTION, THEN, THAT WE ADOPT RESOLUTION 97-61.

6 BOARD MEMBER RELIS: SECOND THAT.

7 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN

8 MOVED AND SECONDED. WITHOUT ANY FURTHER

9 DISCUSSION, WILL THE SECRETARY CALL THE ROLL,

10 PLEASE.

11 BOARD SECRETARY:BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: GOTCH.

14 BOARD MEMBER GOTCH: AYE.

15 BOARD SECRETARY: JONES.

16 BOARD MEMBER JONES: AYE.

17 BOARD SECRETARY: RELIS.

18 BOARD MEMBER RELIS: AYE.

19 BOARD SECRETARY: CHAIRMAN PENNINGTON.

20 CHAIRMAN PENNINGTON: AYE. MOTION

21 CARRIES.

22 MOVE ON TO ITEM 29, CONSIDERATION OF

23 STAFF RECOMMENDATIONS ON THE PROPOSED COMPLIANCE

24 SCHEDULE AND ENFORCEMENT OPTIONS FOR JURISDICTIONS

25 THAT HAVE FAILED TO SUBMIT A SOURCE REDUCTION AND

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1 RECYCLING ELEMENT AND/OR NONDISPOSAL FACILITY
2 ELEMENT. JUDY FRIEDMAN.
3 MS. FRIEDMAN: GOOD AFTERNOON, BOARD
4 MEMBERS. I CAN'T GET CLOSE ENOUGH TO THE
5 MICROPHONE, I GUESS.
6 CHAIRMAN PENNINGTON: THAT'S WHY I HAVE
7 TWO.
8 MS. FRIEDMAN: JUST WANT TO GIVE A BRIEF
9 CONTEXT FOR THIS ITEM BEFORE I INTRODUCE STAFF.
10 AS YOU RECALL, LAST MONTH DURING THE BOARD'S
11 DISCUSSION OF THE 50-PERCENT INITIATIVE, THE BOARD
12 MADE A SECOND MOTION THAT HAD TO DO WITH ENFORCE-
13 MENT. AND THE ISSUE HAD TO DO WITH LOOKING AT
14 ENFORCEMENT ISSUES WITH REGARD TO JURISDICTIONS'
15 COMPLIANCE WITH THE DIVERSION MANDATES.
16 AND THIS ITEM THAT'S BEFORE YOU
17 TODAY IS THE FIRST STEP IN DOING JUST THAT. AND
18 IT LOOKS AT THE PART OF ENFORCEMENT THAT DEALS
19 WITH ADEQUATE PLANS. AND WITH THAT, I'D LIKE TO
20 TURN THE PRESENTATION OVER TO LLOYD DILLON, WHO
21 WILL BE PROVIDING YOU WITH THE ITEM.
22 MR. DILLON: GOOD MORNING, CHAIRMAN
23 PENNINGTON AND BOARD MEMBERS. THE LOCAL
24 ASSISTANCE AND PLANNING COMMITTEE AND THE BOARD
25 ACCEPTED STAFF'S RECOMMENDATIONS IDENTIFYING

1 POTENTIAL ENFORCEMENT OPTIONS FOR THE BOARD'S
2 ACTION BACK IN 1996. AND WE ARE PROCEEDING WITH
3 IMPLEMENTING THAT STEPWISE APPROACH THAT YOU
4 APPROVED.
5 STAFF HAS BEEN WORKING ON VARIOUS
6 ASPECTS OF THAT. WE'VE SENT LETTERS OUT TO THOSE
7 JURISDICTIONS ORIGINALLY NOTIFIED, AND WE GOT
8 QUITE A BIT OF RESPONSE BACK. THIS AGENDA ITEM IS
9 TO RECOMMEND TAKING THE NEXT STEPS IN THAT
10 APPROACH AS WE MOVE FORWARD.
11 WE DO CONTINUE TO TRACK THOSE
12 JURISDICTIONS THAT HAVE NOT SUBMITTED THEIR
13 ELEMENTS TO THE BOARD FOR CONSIDERATION AND ALSO
14 THOSE THAT HAVE NOT SUBMITTED COMPLETE DOCUMENTS
15 TO US FOR YOUR ACTION. THE LIST CONSTANTLY
16 CHANGES AS WE GET JURISDICTIONS' DOCUMENTS IN AND
17 AS WE GET THE COMPLETE FILINGS DONE.
18 IN THE AGENDA ITEM THERE ARE LISTS
19 THAT SHOW THOSE JURISDICTIONS THAT WERE EITHER
20 NONSUBMITTAL OR INCOMPLETE AT THE TIME THE AGENDA
21 ITEM WAS PREPARED. I THINK THOSE ARE TABLES 1 AND
22 2 IN THE BACK OF THE AGENDA ITEM.
23 THE ENFORCEMENT ITEM OPTIONS THE
24 BOARD CONSIDERED IN 1996 AND WE HAVE PURSUED
25 INCLUDE SENDING A BOARD ENFORCEMENT NOTIFICATION

1 LETTER TO THOSE JURISDICTIONS ON THE LIST, ASKING
2 THEM TO LET US KNOW WHAT THEIR COMPLIANCE SCHEDULE
3 WAS AND WHAT THE STATUS OF THEIR SUBMITTAL WAS AT
4 THE TIME. THIS WAS FOR THE SOURCE REDUCTION AND
5 RECYCLING ELEMENTS AND THE NONDISPOSAL FACILITY
6 ELEMENTS
7 THE SECOND THING WE'VE DONE IS WE
8 DID A FOLLOW-UP LETTER TO SOME OF THOSE JURISDIC-
9 TIONS, AND WE DID HAVE SOME RESPONSE COME IN. WE
10 GOT QUITE A FEW OF THE SRRE'S AND NDFE'S SUBMITTED
11 AT THAT TIME.
12 THE NEXT ITEM ON THE STEPWISE
13 APPROACH WAS TO PREPARE COMPLIANCE SCHEDULES. WE
14 DID THAT WITH THE MAJORITY OF THE JURISDICTIONS.
15 WE HAD THEM IDENTIFY WHEN THEIR DOCUMENTS WOULD BE
16 COMING IN TO US. AND THAT'S ALSO IN TODAY'S
17 AGENDA. ON THE TABLES THAT WERE SUBMITTED,
18 THERE'S ALSO A SECTION ON THERE CALLED "COMPLIANCE
19 SCHEDULE," AND THOSE ARE THE DATES THE JURISDIC-
20 TIONS INFORMED STAFF THEY WOULD BE SUBMITTING
21 EITHER THE FINAL DOCUMENTS OR THE REMAINING
22 DOCUMENTATION FOR THE INCOMPLETES.
23 WHERE WE ARE NOW IS TO GO TOWARDS
24 THE NEXT STEP, AND THAT WOULD BE SPECIFIC ACTION.
25 SO WE'RE PROPOSING THAT THE NEXT STEP WE TAKE

1 WOULD BE TO COME BACK TO YOU IN APRIL WITH A LIST
2 IDENTIFYING WHAT ENFORCEMENT OPTIONS ARE AVAILABLE
3 TO THE BOARD. AND STAFF WOULD RECOMMEND PER THE
4 REASON GIVEN FOR NOT GETTING THE DOCUMENTS IN AT
5 THIS TIME. THIS - - IN DOING THIS, IT WOULD SET
6 THE GUIDANCE FOR FUTURE BOARD ACTION, WHETHER IT
7 BE A COMPLIANCE SCHEDULE OR REGIONAL HEARING OR
8 OTHER ACTION. THERE MAY BE SOME DEBATE ON DOING
9 THIS, AND IT MAY BE CONSTRUED BY SOME AS
10 ARBITRARY.
11 ONE OF THE NEXT STEPS ALSO IS TO
12 CONSIDER HOLDING REGIONAL HEARINGS PRIOR TO
13 ORDERING COMPLIANCE SCHEDULES. THOSE WOULD BE FOR
14 THE ONES THAT ARE OVERLY LATE OR DON'T HAVE
15 GENUINE COMPLIANCE SCHEDULES COMING IN. WE WOULD
16 PROPOSE THESE AS MILESTONES AND MEASURABLE TASKS.
17 THESE WOULD ALSO COME BEFORE YOU AT
18 THE APRIL MEETING FOR YOUR CONSIDERATION AND
19 APPROVAL AT THAT TIME. THE KEY ISSUES HERE, THIS
20 WOULD DEMONSTRATE THE BOARD'S HOLDING THE
21 JURISDICTIONS ACCOUNTABLE WITH THEIR COMPLIANCE
22 WITH THE INTEGRATED WASTE MANAGEMENT ACT. THIS IS
23 REALLY THE FIRST PHASE OF ANY ADMINISTRATIVE
24 ACTION YOU MIGHT TAKE BECAUSE YOU WILL HAVE A
25 MEASURABLE COMPLIANCE SCHEDULE TO GO ON.

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1 THE STAFF HAS BEEN WORKING ON SOME

2 OTHER STEPS ALSO. THOSE ARE THE THINGS WE

3 RECOMMEND COMING BACK IN APRIL WITH YOU FOR.

4 WE ALSO CONSIDER THAT YOU WOULD

5 DIRECT STAFF TO RESTRICT . - TO COME BACK TO YOU

6 WITH OPTIONS ON RESTRICTING THE ISSUANCE OF GRANTS

7 AND LOANS TO THOSE JURISDICTIONS WITH - . TO ONLY

8 THOSE WITH APPROVED SRRE'S OR NDFE'S.

9 A GROUP OF STAFF HAVE BEEN MEETING

10 INTERNALLY HERE TO FURTHER IDENTIFY THIS PROPOSAL.

11 WE'RE CONSIDERING WHETHER IT HAS TO BE REGULATORY

12 CHANGE, STATUTORY CHANGE, OR JUST A POLICY CHANGE.

13 AND IT WOULD BE TO ONLY AUTHORIZE THE RELEASE OF

14 THOSE MONIES WHERE EITHER A SRRE HAS BEEN

15 SUBMITTED, A COMPLIANCE SCHEDULE WAS IN PLACE, OR

16 OTHER ACCEPTABLE DOCUMENTATION ACCEPTED BY STAFF

17 AND THE BOARD. AND THE IDEA WOULD BE TO

18 INCREMENTALLY RELEASE THE FUNDS TO THOSE

19 APPLICANTS WHERE PROGRESS IS MADE.

20 WE'D SPECIFY IN THE GRANT AND LOAN

21 CRITERIA THE WORD TO BE RESTRICTED TO THOSE

22 JURISDICTIONS OR PREFERENCE GIVEN TO THOSE

23 JURISDICTIONS THAT HAVE THAT.

24 ALSO, WE'RE PROPOSING THAT YOU

25 CONTINUE TO MONITOR THE PROGRESS MADE BY THOSE

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1 JURISDICTIONS AND OTHER JURISDICTIONS. WE'D GIVE
2 THROUGH JUDY AND HER DEPUTY DIRECTOR PRESENTATION
3 AT THE PLANNING COMMITTEE MEETING UPDATES ON HOW
4 MANY JURISDICTIONS ARE STILL OUTSTANDING AND HOW
5 MANY HAVE FINALLY SUBMITTED THEIR DOCUMENTS AND
6 ARE MOVING FORWARD WITH THAT. AND YOU COULD ALSO
7 REQUEST SPECIFIC UPDATES ON THE REGIONAL BASIS OR
8 ANOTHER BASIS ON NONCOMPLYING JURISDICTIONS.
9 50 STAFF RECOMMENDS THAT THE BOARD
10 ACCEPT OUR STAFF'S REPORT AND DIRECT US TO MOVE
11 FORWARD WITH THE NEXT STEPS, COMING BACK BEFORE
12 YOU WITH A LIST OF THE REASONS GIVEN FOR NOT
13 SUBMITTING AND PROVIDING OUR RECOMMENDATION ON
14 POSSIBLE FURTHER ACTION FOR EACH OF THOSE. ALSO,
15 TO DEVELOP A PROPOSED PROCEDURES AND SCHEDULES FOR
16 THE RECOMMENDED REGIONAL BOARD HEARINGS TO BE
17 HELD. AND WE'RE DOING THAT UNDER THE COMPETENT
18 GUIDANCE OF MR. ELLIOT BLOCK, OUR STAFF COUNSEL,
19 ON THESE MATTERS. HE HAS BEEN A GREAT HELP ON
20 THIS TO US.
21. WE ALSO RECOMMEND TO THE BOARD
22 ENCOURAGING STAFF TO ACTIVELY INVESTIGATE THE
23 BOARD'S ABILITY TO RESTRICT GRANT AND LOAN
24 PAYMENTS TO THOSE LOCAL JURISDICTIONS THAT HAVE
25 BOARD APPROVED OR BOARD ACTED ON DOCUMENTS AND TO

1 RECEIVE REGULAR UPDATES. WHENEVER - - OF COURSE,
2 WHENEVER A JURISDICTION DOES SUBMIT ITS DOCUMENTS
3 OR ITS ELEMENTS TO US, WE WILL CONTINUE TO FOLLOW
4 OUR STANDARD PROCEDURES, WORK WITH THEM TO GET
5 THEM COMPLETED AND ON THE BOARD'S AGENDA, AND
6 REMOVE THEM, OF COURSE, FROM THE LIST THAT WE
7 HAVE.
8 YOU MAY NOTICE THERE'S NO RESOLUTION
9 INCLUDED IN THIS ITEM AT THIS TIME. STAFF WILL
10 PREPARE ONE IMMEDIATELY AFTER THE MEETING BASED ON
11 THE DECISION THE BOARD MAKES TODAY. AND THAT
12 CONCLUDES STAFF'S PRESENTATION.
13 CHAIRMAN PENNINGTON: YES, SIR, MR.
14 CHESBRO.
15 BOARD MEMBER CHESBRO: THIS ITEM WAS
16 DISCUSSED BY THE PLANNING COMMITTEE, BUT BECAUSE
17 OF PROBLEMS WITH THE WAY IT WAS TITLED, THE
18 COMMITTEE WAS NOT ABLE TO MAKE A FORMAL
19 RECOMMENDATION TO THE BOARD. HOWEVER, IN THE
20 DISCUSSION COMMITTEE MEMBERS UNANIMOUSLY EXPRESSED
21 THE VIEW THAT THE BOARD SHOULD CONTINUE TO
22 ACTIVELY PURSUE THOSE JURISDICTIONS THAT HAVE NOT
23 SUBMITTED PLANS TO DATE. EVEN IN THE BEST CASE,
24 JURISDICTIONS ARE THREE YEARS LATE IN SUBMITTING
25 THEIR REQUIRED DOCUMENTATION.

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1 THE BOARD HAS SHOWN, I GUESS, WHAT I
2 REFER TO AS RESTRAINED TOUGHNESS UP TO THIS POINT
3 WITH THOSE JURISDICTIONS. WE'VE TRIED TO WORK
4 COOPERATIVELY WITH LOCAL GOVERNMENTS. WE'VE SENT
5 LETTERS, AS MR. DILLON INDICATED, TO THE BOARDS OF
6 SUPERVISORS, COSIGNED BY THE CHAIRMAN FOR THE
7 BOARD AND MYSELF. AND FOR THE MOST PART, THIS
8 EFFORT HAS BEEN SUCCESSFUL. I THINK THAT BETWEEN
9 THE STAFF AND THE BOARD, WE'VE REALLY GOTTEN A
10 VERY HIGH LEVEL OF COMPLIANCE NOW.
11 HOWEVER, BEFORE THE BOARD
12 PRIORITIZES ENFORCEMENT OF THE 25-PERCENT GOAL, AS
13 DISCUSSED DURING THE 50-PERCENT DISCUSSION, WE
14 MUST FIRST DEAL WITH THOSE JURISDICTIONS THAT HAVE
15 NOT SUBMITTED ANY PLANNING DOCUMENTS AT ALL. AS
16 OUTLINED IN OUR ENFORCEMENT POLICY, JURISDICTIONS
17 MUST HAVE BOARD APPROVED SRRE'S BEFORE WE CAN
18 DECIDE WHETHER THAT SRRE HAS BEEN ADEQUATELY
19 IMPLEMENTED, SO WE GOT TO SORT OF GET OUR DUCKS IN
20 LINE HERE.
21 AND SO I'M PREPARED, ONCE THE
22 DISCUSSION IS COMPLETED HERE, TO MAKE A MOTION TO
23 DIRECT STAFF TO PREPARE AN APRIL PLANNING
24 COMMITTEE AND BOARD AGENDA ITEM RECOMMENDING
25 SPECIFIC TYPES OF ACTION FOR THOSE LOCAL

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1 JURISDICTIONS THAT HAVE NOT SUBMITTED THEIR FINAL

2 SRRE'S OR NDFE'S TO THE BOARD.

3 THE ONE OTHER . - I DON'T KNOW

4 WHETHER IT NEEDS TO BE IN THE MOTION OR JUST

5 EDITORIAL COMMENT HERE. I'D LIKE SOME FEEDBACK

6 FROM THE BOARD MEMBERS ON IT. THE IDEA OF A

7 COMPLIANCE SCHEDULE SOUNDS GREAT TO ME, BUT IT

8 REALLY REQUIRES ACTION BY THE JURISDICTIONS. IT

9 SHOULDN'T BE LIKE A TIME EXTENSION.

10 50 I THINK IT'S IMPORTANT FOR US TO

11 DEFINE THAT AS SOMETHING THAT THE LOCAL JURISDIC-

12 TION HAS ACTIVELY COMMITTED ITSELF TO FOLLOWING

13 THROUGH BEFORE WE APPROVE IT WHEN THEY DO BRING

14 THAT ALTERNATIVE FOR A PARTICULAR JURISDICTION.

15 DON'T THINK IT SHOULD BE LIKE, YOU KNOW, WE'RE

16 GOING TO TRY THIS AND SEE WHAT HAPPENS. I THINK

17 WE'RE PAST THAT POINT THINKING LIKE THAT. SO

18 THAT'S BASICALLY WHAT HAPPENED AT THE COMMITTEE

19 AND WHAT MY THOUGHTS ARE ON IT.

20 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

21 MR. JONES.

22 BOARD MEMBER JONES: YEAH, I AGREE WITH

23 WHAT BOARD MEMBER CHESBRO SAID. I'VE GOT SOME

24 REAL CONCERNS HERE WHEN THERE ARE SOME OF THE

25 JURISDICTIONS THAT DON'T EVEN RETURN OR WON'T

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1 ACCEPT WASTE BOARD PHONE CALLS, WON'T SIGN FOR
2 REGISTERED MAIL BEING DELIVERED TO THEM. I THINK
3 THAT IT'S BEEN VERY HONORABLE OF THIS BOARD TO
4 GIVE PEOPLE AS MUCH TIME AS THEY COULD, BUT I
5 THINK AT SOME POINT, MAYBE AS PART OF THIS - - AS
6 PART OF WESLEY'S MOTION, AND I ONLY OFFER AS AN
7 IDEA FOR DISCUSSION, WE MAY WANT TO INCLUDE THE
8 REGIONAL HEARING SCHEDULE IN THOSE LETTERS SO THAT
9 THEY UNDERSTAND THAT THIS THING IS GOING TO
10 MOVE - - NOT BE DELAYED ANOTHER TWO OR THREE MONTHS
11 WHILE WE TRY TO PUT SOMETHING LIKE THAT TOGETHER,
12 BUT, IN FACT, THINK ABOUT THE IDEA OF HAVING THESE
13 REGIONAL MEETINGS THAT HERE IT IS, FOLKS, YOU'VE
14 HAD THREE YEARS, YOU KNOW. YOU'VE GOT SOME MONTHS
15 AND THEN WE'RE GOING TO GO AND HAVE REGIONAL
16 MEETINGS AND DEAL WITH THE ISSUE TO GET YOU INTO
17 COMPLIANCE BECAUSE WE CAN'T EVEN START TO LOOK AT
18 THE AMOUNT OF INFORMATION THAT'S COME IN AS FAR AS
19 HOW PEOPLE HAVE HIT, HOW THEY'VE DONE IN RELATION-
20 SHIP TO THE 25-PERCENT MANDATE ON LOCAL ISSUES.
21 SO I THINK THE SOONER THE MOVE ON
22 THIS - - I MEAN I ONLY THROW IT OUT AS DISCUSSION,
23 BUT I THINK THAT THIS BOARD HAS BEEN MORE THAN
24 TOLERANT WITH THOSE THAT HAVE NOT BEEN ABLE TO GET
25 THE DUST OFF THE DOCUMENTS AND SEND THEM IN.

SO...

BOARD MEMBER RELIS: MR. CHAIR, I'M IN ALIGNMENT WITH THE PREVIOUS TWO BOARD MEMBERS AND THEIR COMMENTS. I WOULD JUST, AS A PROCEDURAL MATTER, SUGGEST - - I KNOW THAT WE'RE REQUIRED UNDER STATUTE TO HAVE REGIONAL HEARINGS WHEN WE COME TO THE IMPLEMENTATION PHASE. AND I WAS WONDERING WHAT MEMBERS' THOUGHTS WERE, WHETHER IT MIGHT NOT BE BETTER TO HAVE THE PLANNING MATTER DEALT WITH HERE, KNOWING OUR BUDGETARY PROBLEMS AND JUST GOING AROUND THE STATE AT THE PLANNING LEVEL. IT'S ONE THING AT THE IMPLEMENTATION LEVEL. IT KIND OF UNDERSCORES, I THINK, TOO, YOU HAVE TO COME TO SACRAMENTO IF YOU HAVEN'T DONE YOUR PLAN.

CHAIRMAN PENNINGTON: KIND OF LIKE GOING TO THE PRINCIPAL'S OFFICE.

BOARD MEMBER CHESBRO: WHAT'S THE STATUTORY REGULATORY REQUIREMENT?

MR. BLOCK: MR. RELIS HAS CORRECTLY DESCRIBED THE FACT THAT THE STATUTE ACTUALLY ONLY SPECIFIES REGIONAL HEARINGS FOR A REVIEW OF IMPLEMENTATION, NOT THE PLANNING REQUIREMENTS. AS WE WROTE THE AGENDA ITEM LAST YEAR WITH THE STEPWISE COMPLIANCE PROGRAM, WE PUT REGIONAL

1 HEARINGS IN, BUT NOT BECAUSE STATUTE REQUIRED IT
2 AS JUST PART - - IN ORDER TO DESCRIBE MAYBE A
3 LITTLE BIT BETTER WHAT THE REASONING BEHIND THAT,
4 BUT THE BOARD DOES HAVE THE OPTION OF NOT HAVING
5 REGIONAL HEARINGS FOR THE PLAN COMPLIANCE, IF
6 THAT'S YOUR DESIRE.
7 MR. DILLON: STAFF'S INTENT THERE WAS TO
8 HAVE THE REGIONAL HEARINGS MAYBE AS THE BOARD'S
9 SECOND-DAY ACTIVITY AND INVITE THOSE JURISDICTIONS
10 WHICH ARE IN THOSE AREAS, SUCH AS IN JUNE THE
11 BOARD WILL BE IN PASADENA - - SCHEDULED TO BE IN
12 PASADENA, SO WE COULD INVITE THE SOUTHERN
13 CALIFORNIA CITIES THERE, AND IN AUGUST TO THE BAY
14 AREA.
15 BOARD MEMBER CHESBRO: ONLY THING I WOULD
16 WANT TO MAKE SURE IF WE DID THAT IS THE BUDGETARY
17 CONSIDERATION THAT PAUL MENTIONS, BUT ALSO THE
18 SCHEDULE. I MEAN I DO THINK WE NEED TO GET THIS
19 SHOW ON THE ROAD, AND I WOULDN'T WANT US TO HOLD
20 OFF ANOTHER MONTH OR TWO BECAUSE WE'RE GOING TO BE
21 MEETING IN JURISDICTION X OR THAT REGION. IT
22 SEEMS TO ME WE GOT TO KIND OF GET THIS - - SINCE
23 THERE'S SO MANY THINGS - - THE DOMINOES ARE BACKED
24 UP HERE, ONE IS GOING TO FALL BEFORE THE NEXT ONE
25 DOES, I WANT TO MAKE SURE THAT WE - - WE'RE NOT

1 DELAYING FOR ANOTHER FOUR OR FIVE MONTHS THE WHOLE
2 PROCESS BECAUSE WE'VE GOT TO DO THIS FIRST, YOU
3 KNOW.
4 BOARD MEMBER JONES: I ONLY THREW OUT THE
5 IDEA OF REGIONALS BECAUSE I THOUGHT IT WAS A
6 REQUIREMENT. SO I RESPECTFULLY PULL THAT BACK AND
7 SAY IF THEY CAN COME TO SACRAMENTO, THAT'S FINE
8 WITH ME, BUT I JUST THINK •WE DO NEED TO MOVE
9 QUICKER THAN LATER.
10 CHAIRMAN PENNINGTON: CERTAINLY, I AGREE
11 THAT WE SHOULD BRING THEM HERE AND THAT WE NEED TO
12 GET ON WITH THIS, AND WE NEED TO LET THEM KNOW
13 THAT WE'RE PREPARED TO ENFORCE WHAT THEY'RE
14 SUPPOSED TO DO. SO I THINK WE'RE PROBABLY IN
15 CONCURRENCE IF YOU WANT TO OFFER YOUR MOTION.
16 BOARD MEMBER CHESBRO: WELL, I'LL MOVE
17 THAT WE DIRECT STAFF TO PREPARE AN AGENDA ITEM FOR
18 THE APRIL PLANNING COMMITTEE MEETING REGARDING - -
19 RECOMMENDING SPECIFIC TYPES OF ACTION FOR THOSE
20 LOCAL JURISDICTIONS THAT HAVE NOT SUBMITTED A
21 FINAL SRRE OR NDFE FOR THE BOARD FOR APPROVAL AND
22 TAG ONTO THAT THAT ANY COMPLIANCE SCHEDULES THAT
23 ARE APPLIED TO LOCAL JURISDICTIONS ONLY BE BROUGHT
24 TO THE BOARD IF IT APPEARS CLEARLY THAT THE LOCAL
25 JURISDICTION HAS SIGNED ONTO THAT AND IS PREPARED

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1 TO GO FORWARD WITH IT, THAT THAT NOT BE SOMETHING
2 THAT FURTHER DELAYS CONSIDERATION OF ACTION UNLESS
3 THE JURISDICTION IS REALLY READY TO GO.
4 BOARD MEMBER RELIS: I'LL SECOND.
5 CHAIRMAN PENNINGTON: OKAY. IF THERE'S
6 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
7 ROLL.
8 BOARD SECRETARY:BOARD MEMBER CHESBRO.
9 BOARD MEMBER CHESBRO: AYE.
10 BOARD SECRETARY: GOTCH.
11 BOARD MEMBER GOTCH: AYE.
12 BOARD SECRETARY: JONES.
13 BOARD MEMBER JONES: AYE.
14 BOARD SECRETARY: RELIS.
15 BOARD MEMBER RELIS: AYE.
16 BOARD SECRETARY: CHAIRMAN PENNINGTON.
17 CHAIRMAN PENNINGTON: AYE.
18 BOARD MEMBER CHESBRO: I DIDN'T PUT IN
19 THE MOTION ANY REFERENCE TO THE REGIONAL MEETINGS.
20 I JUST THINK THAT THERE WAS A SENSE - - SHOULD WE
21 FORMALIZE THAT, OR IS THERE A SENSE THAT THERE WAS
22 A MAJORITY OF BOARD MEMBERS?
23 BOARD MEMBER JONES: IT WON'T BE
24 REGIONAL, IT WILL BE IN SACRAMENTO, BUT IT WILL
25 STILL BE - - IT WILL BE PART OF THE COMPLIANCE

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PLAN, CORRECT?

MR. DILLON: ONE OF THE THINGS WE INTENDED TO DO WAS TO SEND THIS AGENDA ITEM TO THOSE CITIES ON THE LIST WITH A LETTER SAYING THIS IS GOING TO BE HAPPENING AND WILL HAPPEN AT THE APRIL MEETING. STAFFWISE WE COULD ADJUST TO HAVING A MEETING IN SACRAMENTO RATHER THAN SOMEPLACE ELSE.

CHAIRMAN PENNINGTON: TALKING ABOUT THE APRIL COMMITTEE OR APRIL BOARD? APRIL BOARD MEETING IS IN SAN BERNARDINO.

BOARD MEMBER CHESBRO: WE COULD CONSIDER THAT A REGIONAL MEETING FOR SOUTHERN CALIFORNIA.

MS. FRIEDMAN: THE IDEA BEHIND ANYTHING WE DID REGIONALLY WAS THAT WE WERE GOING TO TACK ONTO WHATEVER BOARD SCHEDULE WE HAD. SO IF IT WORKS OUT THAT IT ENDS UP BEING IN ANOTHER LOCATION, IT'S REGIONAL. IF IT'S HERE, IT'S HERE. WE WEREN'T GOING TO CREATE SEPARATE - - NECESSARILY SEPARATE MEETINGS.

BOARD MEMBER CHESBRO: OBVIOUSLY DELAYING IT IN ORDER TO HOLD IT IN SACRAMENTO DOESN'T MAKE SENSE EITHER. IF WE'RE MEETING IN SAN BERNARDINO IN APRIL AND WE CAN DO IT, YOU KNOW, PHYSICALLY POSSIBLE FOR STAFF TO PUT IT TOGETHER, THEN I SAY

1 CONSIDER THAT THE REGIONAL MEETING FOR SOUTHERN
2 CALIFORNIA.
3 MS. FRIEDMAN: I BELIEVE THE APRIL
4 MEETING WE'LL BE LOOKING AT THE TYPES OF ACTIONS
5 THAT ARE APPROPRIATE FOR THE SITUATION AT HAND.
6 SO YOU KNOW, THE BOARD WILL BE NEEDING TO MAKE
7 DECISIONS ABOUT WHAT THEY WANT TO DO, WHICH WOULD
8 THEN BE INCLUDING HAVING THOSE HEARINGS. SO IT
9 MAY BE PREMATURE AT THAT POINT.
10 BOARD MEMBER RELIS: WITHOUT FURTHER - -
11 DON'T WANT TO GO ABOUT THIS WHERE WE MEET, BUT,
12 YOU KNOW, IF WE GAVE THE SIGNAL THAT WE WERE GOING
13 TO MEET REGIONALLY, IT WOULD - - MY PREFERENCE
14 WOULD BE MAKE IT A REGULAR PART OF OUR CALENDARING
15 OVER THE NEXT YEAR AS WE HOLD BOARD MEETINGS.
16 MAYBE WE INCLUDE A PART OF IT AS THE SECOND-DAY
17 ACTIVITY. AND SINCE WE'RE GOING TO BE IN
18 ENFORCEMENT MODE FOR AT LEAST A LITTLE WHILE,
19 HOPEFULLY MOST OF THESE JURISDICTIONS WILL COME
20 INTO - - WILL GET BUSY WITH THEIR PLANS NOW THAT
21 THEY KNOW WE'RE READY TO MEAN BUSINESS HERE. BUT
22 I'D SEE IT AS SORT OF A REGULAR ORDER OF BOARD
23 BUSINESS FROM HERE ON OUT.
24 MS. FRIEDMAN: I MEAN I DON'T - - ELLIOT,
25 YOU MAY WANT TO ADD TO THIS. I DON'T SEE THAT

1 THERE'S ANY PROHIBITION AGAINST DOING THAT, BUT
2 YOU MAY NOT WANT TO HAVE TO DO THAT IF THERE ISN'T
3 A PARTICULAR - YOU MAY WANT TO KEEP IT FLEXIBLE
4 50 THAT IF THERE ISN'T A NEED FOR THAT, YOU DON'T
5 HAVE TO HAVE A STANDING ITEM WHERE YOU SAY THERE
6 ISN'T AN ACTION HERE. SO I DON'T KNOW IF YOU WANT
7 TO ADD TO THAT.
8 MR. BLOCK: ALL I WAS GOING TO SAY IS I
9 THINK THAT'S ONE OF THE THINGS THAT YOU WILL SEE
10 IN THE APRIL AGENDA ITEM. WE'RE GOING TO BE
11 TALKING ABOUT PROCESS AND PROCEDURE AND HOW YOU
12 SEE THAT GOING FORWARD. AND I'M NOT SURE IF THERE
13 ARE A NUMBER OF OPTIONS OR IF THAT'S REALLY JUST
14 ONE WAY TO DO IT. BUT WE'LL BE BRINGING THAT
15 FORWARD IN APRIL.
16 I WAS GOING TO SAY, THOUGH, THE
17 QUESTION STARTED TO GET ASKED ABOUT A MOTION. AND
18 I WAS GOING TO SUGGEST THAT SINCE RIGHT NOW THE
19 BOARD PREVIOUSLY HAD ADOPTED THE STEPWISE
20 ENFORCEMENT PROCEDURE WHICH REFERENCES REGIONAL
21 HEARINGS, THAT IT WOULD BE APPROPRIATE TO HAVE A
22 MOTION THAT INCLUDES CHANGING THAT IF THAT WAS THE
23 BOARD'S SENSE, THAT WE'RE NOT GOING TO BE DOING
24 REGIONAL HEARINGS BECAUSE THAT WOULD BE A CHANGE
25 TO THE PREVIOUSLY ADOPTED PROCEDURE.

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BOARD MEMBER CHESBRO: I'LL MOVE THAT WE REMOVE THE REQUIREMENT FOR REGIONAL HEARINGS FOR THIS PART OF THE ENFORCEMENT THAT IT'S RELEVANT TO, PREPARATION OF DOCUMENTS AND GETTING THEM APPROVED. AND THEN INSTEAD, THAT THE DECISION ABOUT TIMING FOR THE MEETINGS AND LOCATION BE BASED ON GETTING THEM ON THE BOARD'S AGENDA AT THE EARLIEST OPPORTUNITY.

BOARD MEMBER GOTCH: SECOND.

CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND SECONDED. IF THERE'S NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

BOARD SECRETARY:BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: AYE.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: AYE.

BOARD SECRETARY: JONES.

BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES. THANK YOU.

NOW, WE MOVE TO ITEM 30, WHICH IS OPEN DISCUSSION. IS THERE ANYONE HERE THAT WISHES

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1 TO ADDRESS THE BOARD? APPEARS NOT TO BE, SO WE

2 WILL RECESS TO A CLOSED SESSION TO DISCUSS

3 LITIGATION; AND FROM THERE WE WILL RECESS UNTIL

4 TOMORROW MORNING AT 9:30 HERE IN THIS ROOM TO TAKE

5 UP ITEM 31, THE BOARD'S 1997 STRATEGIC PLAN.

6

7 (END OF PROCEEDINGS AT 2:20 P.M.)

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1 SACRAMENTO, CALIFORNIA

2 THURSDAY, FEBRUARY 27, 1997

3 9:30 A.M.

4

5 CHAIRMAN PENNINGTON: GOOD MORNING.

6 WELCOME TO THE SECOND DAY OF THE FEBRUARY

7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8 MEETING. WILL THE SECRETARY CALL THE ROLL,

9 PLEASE.

10 BOARD SECRETARY:BOARD MEMBER CHESBRO.

11 BOARD MEMBER CHESBRO: HERE.

12 BOARD SECRETARY: FRAZEE. GOTCH.

13 BOARD MEMBER GOTCH: HERE.

14 BOARD SECRETARY: JONES.

15 BOARD MEMBER JONES: HERE.

16 BOARD SECRETARY: RELIS.

17 BOARD MEMBER RELIS: HERE.

18 BOARD SECRETARY: CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: HERE. WE HAVE A

20 QUORUM.

21 DOES ANYBODY HAVE AN EX PARTES THIS

22 MORNING?

23 BOARD MEMBER GOTCH: I TALKED TO SUE

24 PEDERSEN.

25 MS. PEDERSEN: BETTER REPORT THAT ONE.

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CHAIRMAN PENNINGTON: THAT'S LEGIT. OKAY. ANYBODY HAS ANY COMMENTS THEY WANT TO MAKE BEFORE THE BOARD THIS MORNING. THERE'S A SIGN-IN SHEET IN THE BACK OF THE ROOM. AND IF YOU WILL GET IT TO MS. KELLY, WE'LL MAKE SURE WE HEAR YOUR COMMENTS.

AND WE ONLY HAVE ONE ITEM ON THE BOARD THIS MORNING, ITEM 31, CONSIDERATION OF ELEMENTS OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD'S 1997 STRATEGIC PLAN.

BEFORE THE STAFF MAKES ITS PRESENTATION, I WANT TO ACKNOWLEDGE ALL THE BOARD STAFF THAT HAS PUT IN SUCH TREMENDOUS AMOUNT OF TIME AND EFFORT AND PERSONAL CONTRIBUTION TO THE DEVELOPMENT OF THIS WORK, AND I WANT TO PARTICULARLY ACKNOWLEDGE THE FINE WORK OF JUDY FRIEDMAN, JILL JONES, HOWARD LEVENSON, RUBIA PACKARD, SUSAN PEDERSEN, DOROTHY RICE, AND ARNIE SOWELL, AND SUSAN WESTLAKE. AND I THINK WE HAVE A GOOD PRODUCT FOR US THIS MORNING AND LOOK FORWARD TO THE STAFF PRESENTATION.

MR. CHANDLER: THANK YOU, MR. CHAIRMAN. I HAVE A FEW INTRODUCTORY REMARKS. AND MAYBE BEFORE I GET INTO THOSE, I'D JUST LIKE TO SAY THAT I THINK I TOO SENSE YOUR PLEASURE WITH THE

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1 PROGRESS WE'VE MADE. AS SERVING AS YOUR EXECUTIVE
2 DIRECTOR FOR GOING ON SIX YEARS NOW, I'VE HAD SOME
3 EXPERIENCE WITH HARD EFFORTS PREVIOUSLY TO DEVELOP
4 A STRATEGIC PLAN. AND I JUST WANT TO SAY THAT I
5 SENSE FROM THIS BOARD A STRONG COMMITMENT TO THE
6 IMPORTANCE OF STRATEGIC PLANNING, A RECOGNITION OF
7 THE DIVERSITY THE BOARD BRINGS TO FORMULATING A
8 SOLID STRATEGIC PLAN. I THINK IT'S A TRIBUTE NOT
9 ONLY TO THE COMMENTS YOU OFFERED THIS MORNING, BUT
10 THE VERY FACT THAT YOU DEDICATED A SEPARATE DAY TO
11 LOOK AT STRATEGIC PLANNING AND GO THROUGH THE
12 DEVELOPMENT SO FAR IS A REFLECTION OF THE UNITY
13 THAT I'M FEELING FROM THIS BOARD AROUND STRATEGIC
14 PLANNING.
15 I'VE PREPARED A FEW OPENING REMARKS,
16 AND THEN I WILL TURN IT OVER TO THE STAFF. AND
17 LET ME JUST SAY THAT I DO SEE STRATEGIC PLANNING
18 AS ONE OF THE KEYS TO THE SUCCESS OF AN ORGANIZA-
19 TION'S EFFORTS TO CONTINUOUSLY IMPROVE THE
20 EFFICIENCY AND THE EFFECTIVENESS OF ITS PROGRAMS
21 AND OPERATIONS. IT IS A LONG-TERM, FUTURE
22 ORIENTED PROCESS OF ASSESSMENT, GOAL SETTING, AND
23 STRATEGY BUILDING THAT MAPS AN EXPLICIT PATH
24 BETWEEN THE PRESENT AND THE VISION OF THE FUTURE.
25 THE PLANNING PROCESS IS CRITICAL TO

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1 OUR ORGANIZATION AND RELIES ON THE CAREFUL
2 CONSIDERATION OF OUR ORGANIZATION'S CAPABILITIES
3 AND THE ENVIRONMENT AND LEADS TO A PRIORITY-BASED
4 RESOURCE ALLOCATION AND OTHER KEY BUSINESS AND
5 POLICY DECISIONS. I KNOW YOU ALL RECOGNIZE THAT
6 DEVELOPMENT OF A STRATEGIC PLAN IS CRITICAL IN
7 MEETING THE INTERNAL NEEDS IN AREAS OF LONG-TERM
8 PLANNING, IDENTIFYING AND COMMITTING TO KEY
9 STRATEGIC GOALS AND OBJECTIVES, PROVIDING CLEAR
10 POLICY DIRECTION, AND SETTING A CLEAR VISION OF
11 THE ROLE OF THE BOARD FOR THE FUTURE.
12 ALSO, STAFF HAVE EXPRESSED A NEED
13 FOR THIS PLANNING TOOL THROUGH OUR OWN PROGRAM
14 INTEGRATION PLAN ACTIVITIES. THE BOARD'S 1997
15 STRATEGIC PLAN WILL PULL ALL OF OUR RECENT
16 PLANNING AND ASSESSMENT EFFORTS INTO ONE PROCESS,
17 ENSURING THAT ALL NEEDS IN PROGRAM AREAS ARE
18 CONSIDERED IN A COMPREHENSIVE AND COORDINATED
19 MANNER.
20 AS YOU KNOW, ADDITIONALLY, GOVERNOR
21 WILSON IS REQUIRING ALL STATE AGENCIES AND BOARDS
22 AND DEPARTMENTS TO SUBMIT A STRATEGIC PLAN TO HIS
23 OFFICE BY JULY 1ST AND THAT FUTURE BUDGET
24 DECISIONS WILL BE SCREENED, IF YOU WILL, AGAINST
25 EACH ORGANIZATIONS'S STRATEGIC PLAN. THE OFFICE

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1 OF THE SECRETARY FOR CALIFORNIA'S ENVIRONMENTAL
2 PROTECTION AGENCY, CAL/EPA, HAS ASKED THAT OUR
3 PLAN BE SUBMITTED TO THAT OFFICE BY MARCH 31ST OF
4 THIS YEAR.
5 THE ITEM BEFORE YOU TODAY PRESENTS
6 THE DRAFT BOARD'S VISION, MISSION, AND VALUE
7 STATEMENTS FOR YOUR CONSIDERATION. ONCE FINALIZED
8 BY YOU, THESE STRATEGIC PLAN ELEMENTS WILL FORM
9 THE BASIS FOR IDENTIFYING KEY STRATEGIC GOALS,
10 OBJECTIVES, AND PERFORMANCE MEASURES, WHICH ARE
11 THE THREE - - REMAINING THREE STRATEGIC PLAN
12 ELEMENTS REQUIRED BY THE GOVERNOR'S OFFICE. THE
13 GOALS, OBJECTIVES, AND PERFORMANCE MEASURES WILL
14 BE BROUGHT FORWARD FOR YOUR CONSIDERATION IN MARCH
15 AND APRIL OF THIS YEAR.
16 IN ADDITION, STAFF WILL BE
17 DEVELOPING ACTION PLANS FOR IMPLEMENTING THE GOALS
18 AND OBJECTIVES AS WELL AS MONITORING EVALUATION
19 PLANS. THESE ELEMENTS WILL BE BROUGHT FORWARD FOR
20 YOUR INFORMATION SOMETIME THIS SUMMER.
21 I WOULD ALSO LIKE TO COMMEND THE
22 STAFF AND THE TREMENDOUS EFFORTS THEY HAVE PUT
23 INTO THE DEVELOPMENT AND SUCCESS OF MANY OF THE
24 BOARD'S OTHER KEY PLANNING INITIATIVES TO DATE.
25 THESE PLANNING INITIATIVES REALLY SERVE AS THE

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1 UNDERPINNINGS TO OUR STRATEGIC PLAN. AND OF
2 COURSE, I'M REFERRING TO THE MARKET DEVELOPMENT
3 PLAN, WHAT WE HAVE REFERRED TO AS THE GETTING TO
4 50-PERCENT INITIATIVE, THE WASTE PREVENTION PLAN,
5 THE WORK UNDER WAY CURRENTLY IN THE PERMITTING AND
6 ENFORCEMENT DIVISION, THE, QUOTE, OTHER 50-PERCENT
7 INITIATIVE, OUR BUDGET REVIEW PROCESS, THE
8 ASSESSMENT OF THE TIRE FUND ALLOCATIONS, AND THE
9 PROGRAM INTEGRATION PLAN.
10 AGAIN, THESE PLANNING EFFORTS WILL
11 ASSIST IN ENSURING THAT OUR STRATEGIC PLAN HAS
12 CONSIDERED ALL NEEDS IN ALL PROGRAM AREAS.
13 PERSONALLY I FEEL THAT THE PROCESS OF DEVELOPING
14 THIS STRATEGIC PLAN WILL PROVE IMMENSELY USEFUL TO
15 ALL OF US IN CRITICALLY THINKING ABOUT THE BOARD'S
16 FUTURE DIRECTION AND GIVING FOCUS TO THE
17 IMPORTANCE OF CONTINUOUSLY IMPROVING HOW WE
18 APPROACH AND CARRY OUT OUR WORK HERE AT THE BOARD.
19 SO AGAIN, THANK YOU. AS I SAID
20 EARLIER, I SENSE A REAL SENSE OF UNITY IN MOVING
21 THIS EFFORT FORWARD. AND I WANT TO NOW TURN IT
22 OVER TO SUSAN PEDERSEN AND THE TEAM THAT HAVE BEEN
23 WORKING ON THIS WITH YOUR OFFICES. AND THANK YOU
24 VERY MUCH.
25 MS. PEDERSEN: THANK YOU, RALPH. AND

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1 GOOD MORNING, MR. CHAIRMAN AND MEMBERS OF THE
2 BOARD. I AM SUSAN PEDERSEN AND VERY MUCH PLEASED
3 TO COME BEFORE YOU TODAY TO TALK A LITTLE BIT
4 ABOUT THE BEGINNING OF WHAT WE SEE TO BE OUR
5 FUTURE.
6 FIRST, LET ME SAY A FEW WORDS ABOUT
7 THE PROCESS. WHEN THIS ASSIGNMENT CAME FROM THE
8 GOVERNOR AND IN RECOGNITION OF THE INITIATIVES
9 YOU'VE ALREADY INITIATED, RALPH ASKED MYSELF,
10 ALONG WITH RUBIA PACKARD FROM THE POLICY ANALYSIS
11 OFFICE AND JILL JONES, OUR QUALITY IMPROVEMENT
12 COORDINATOR, TO TAKE A LOOK AT HOW WE CAN PROCEED
13 WITH THIS AND DEVELOP STEPS THAT COULD INVOLVE
14 MULTIPLE LEVELS OF THE ORGANIZATION WITH YOUR
15 LEADERSHIP AT THE TOP.
16 AND TO DO THAT, WE ALSO PULLED
17 TOGETHER SOME ADDITIONAL FOLKS FROM THE EXECUTIVE
18 STAFF AND FROM YOUR OWN OFFICES INTO A BROADER
19 STRATEGIC PLANNING TEAM TO DRAFT THE MISSION AND
20 THE VALUE STATEMENTS THAT YOU HAVE BEFORE YOU
21 TODAY AND TO SUPPORT YOU IN YOUR WORK ON THE
22 VISION STATEMENT. AND THOSE PEOPLE, AGAIN, WERE
23 JUDY FRIEDMAN AND DOROTHY RICE FROM THE EXECUTIVE
24 STAFF, AS WELL AS SUSAN WESTLAKE, ARNIE SOWELL,
25 AND HOWARD LEVENSON FROM YOUR OWN OFFICES.

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1 SO BEFORE WE TALK MORE SPECIFICALLY
2 ABOUT THE VISION, MISSION, AND VALUES THAT YOU
3 HAVE BEFORE YOU TODAY, I WANTED TO TAKE A COUPLE
4 MOMENTS TO JUST QUICKLY RUN THROUGH THE ELEMENTS
5 OF A STRATEGIC PLAN IN GENERAL AND THEN LOOK AT
6 WHAT WE HAVE TODAY.
7 THE FIRST STEP IN ANY STRATEGIC
8 PLANNING EFFORT INVOLVES INTERNAL AND EXTERNAL
9 ASSESSMENT, WHICH IS REALLY CANVASSING YOUR
10 STAKEHOLDERS BOTH EXTERNALLY AS WELL AS YOUR
11 INTERNAL STAFF AND CUSTOMERS TO SEE WHAT ARE THE
12 KEY ISSUES THAT NEED TO BE EXAMINED IF WE'RE GOING
13 TO FORM AND DEFINE WHAT OUR FUTURE STATE SHOULD
14 BE, AS WELL AS HOW WE WOULD GET THERE. THIS BOARD
15 HAS DONE AN EXCEPTIONAL JOB, I FEEL, OF DOING THAT
16 AS A CULTURE.
17 THROUGH OUR REGULATORY WORKSHOPS
18 THAT WE HOLD ON ANY REG PACKAGE, WE HAVE GAINED A
19 LOT OF INPUT. AND THEN AS RALPH MENTIONED,
20 THROUGH THE VARIOUS INITIATIVES, THE 50 PERCENT,
21 THE OTHER 50 PERCENT, WASTE PREVENTION, MARKET
22 DEVELOPMENT PLANS, OUR PARTNERSHIP 2000 EFFORT
23 WHERE WE SAT DOWN WITH SOME OF THE LEA'S TO LOOK
24 AT WHAT THEIR CONCERNS ARE, WE'VE DONE QUITE A BIT
25 OF CANVASSING FOR THAT, AS WELL AS INTERNALLY,

1 BOTH THROUGH SOME OF THOSE SAME INITIATIVES AND
2 THE PROGRAM INTEGRATION PLAN, WHICH IS AN EFFORT
3 TO LOOK AT OUR INTERNAL PROCESSES AND HOW WE CAN
4 IMPROVE THOSE ISSUES AS WELL. SO WE'VE DONE QUITE
5 A BIT OF INTERNAL AND EXTERNAL ASSESSMENT ALREADY
6 THAT HELPS US START WHERE WE ARE TODAY.
7 THE NEXT ELEMENT IN THE STRATEGIC
8 PLAN IS THE MISSION, WHICH IS YOUR CURRENT STATE,
9 YOUR PURPOSE FOR BEING, WHAT MAKES YOU UNIQUE IN
10 THE STRUCTURE THAT YOU SERVE, OUR UNIQUE PURPOSE
11 IN STATE GOVERNMENT IN THIS CASE.
12 THE VALUES ARE THE BEHAVIORS OR THE
13 WAY WE ARE GOING TO CHOOSE TO ACT AS WE TRY TO
14 MOVE FORWARD IN THE WHAT OF WHAT WE WILL DO
15 THROUGH THE STRATEGIC PLAN.
16 THE VISION IS THE COMPELLING IDEA OF
17 THE FUTURE STATE THAT HELPS SET THE KEY DIRECTION
18 AND MOTIVATES PEOPLE TO WANT TO GO THERE WITH YOU.
19 THE GOALS ARE THE NEXT MORE SPECIFIC
20 ELEMENT OF THE STRATEGIC PLAN THAT START TO LAY
21 OUT IN MAYBE A FOUR- OR FIVE-ELEMENT WAY TO SAY
22 HERE ARE THE TOP PRIORITIES FOR THE ORGANIZATION.
23 THEY MAY NOT ENCOMPASS EVERYTHING THAT WE DO, BUT
24 THEY DO GIVE A SENSE OF WHAT MIGHT BE MOST
25 IMPORTANT AS WE MOVE FROM OUR CURRENT STATE OF THE

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1 MISSION INTO OUR FUTURE STATE OF THE VISION.
2 THE OBJECTIVES, THEN, ARE THE NEXT
3 WAY OF MORE SPECIFICALLY SAYING HOW WE WILL
4 ACHIEVE THE GOALS. WHAT ARE THE BROADER
5 ACTIVITIES OR ACTIONS THAT WE WOULD NEED TO TAKE
6 TO SERVE THOSE GOALS WHICH WILL GET US TO
7 ULTIMATELY OUR VISION STATE.
8 AND THEN PERFORMANCE MEASURES ARE A
9 CRITICAL ELEMENT THAT DEMONSTRATE HOW ONCE WE KNOW
10 WHERE WE'RE GOING TO GO, HOW DO WE KNOW WE'RE
11 GETTING THERE? HOW CAN WE SEE IF WE'RE SUCCEEDING
12 OR NOT, WHICH THEN CAN BE A WAY FOR US TO RESHAPE
13 IN THE FUTURE OUR DIRECTIONS. WE MAY FIND THAT AS
14 WE GO ALONG SOME THINGS WE'D WANT TO CHANGE
15 SLIGHTLY IN ORDER TO BE MORE EFFICIENT AND
16 EFFECTIVE IN REACHING OUR FUTURE STATE.
17 THEN WE HAVE THE ACTION PLANS, WHICH
18 ARE THE MORE SPECIFIC DETAILED ACTIVITY OR TASK
19 LEVEL OF WHAT WE WILL BE DOING. WHEN STAFF COME
20 TO WORK EVERY DAY, WHAT IS IT THAT THEY WILL BE
21 DOING IN THEIR PRIORITIES IN ORDER TO SERVE THE
22 OBJECTIVES AND GOALS?
23 AND THEN FINALLY A MONITORING AND
24 EVALUATION SYSTEM WHERE YOU HAVE A WAY TO
25 CONTINUALLY CHECK AND LOOK AT HOW YOU ARE DOING

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1 AND CONTINUE TO IMPROVE ON YOUR PATH TO YOUR
2 FUTURE GOALS.
3 SO THOSE ARE THE KEY ELEMENTS OF ANY
4 STRATEGIC PLAN. TODAY WE HAVE THE MISSION,
5 VALUES, AND VISION BEFORE YOU. AND I THOUGHT I
6 WOULD YOU WALK YOU BRIEFLY THROUGH THOSE THREE
7 OPTIONS; THEN MAYBE, IF IT'S YOUR PLEASURE, WE
8 COULD GO BACK AND TALK ABOUT THEM INDIVIDUALLY.
9 WOULD THAT WORK FOR YOU?
10 CHAIRMAN PENNINGTON: FINE.
11 MS. PEDERSEN: FINE. FIRST, FOR THE
12 VISION STATEMENT, YOU HAVE TWO OPTIONS BEFORE YOU
13 TODAY THAT ARE ON PAGE 31 OF THE ITEM - - EXCUSE
14 ME - - 453 OF THE ITEM.
15 THE FIRST OPTION THAT YOU HAVE
16 REALLY LOOKS AT THE FUTURE STATE OR VISION FROM
17 THE FUTURE, THAT WHEN WE LOOK INTO THE FUTURE - -
18 AND FOR THE PURPOSES OF OUR STRATEGIC PLAN, WE'RE
19 THINKING OF THE YEAR 2001. WHAT WILL WE LOOK LIKE
20 AFTER THE YEAR 2000? AND WE'VE BEEN DEALING WITH
21 OUR 50-PERCENT DIVERSION INITIATIVES. WE'VE BEEN
22 PROGRESSING WITH OUR PERMITTING AND ENFORCEMENT
23 ISSUES.
24 THIS RECITATION IN THE FIRST OPTION
25 IS REALLY HOW WE SEE IT FROM THE FUTURE, THAT WE

1 ARE ALREADY REALIZED IN THAT STATE.

2 THE SECOND OPTION ALSO DESCRIBES HOW

3 WE WANT TO BE IN THE FUTURE, BUT FROM A VIEWPOINT

4 OF THE PRESENT. WHAT WE DO ABOUT DEVELOPING

5 PROGRAMS FOR CALIFORNIA AND OUR DESIRE TO BECOME A

6 NATIONAL LEADER IN THE FUTURE.

7 WHEN YOU LOOK AT THE MISSION

8 STATEMENT, WE HAVE ONE OPTION TODAY. AND I WANT

9 TO SAY A LITTLE BIT ABOUT HOW THIS CAME TOGETHER

10 AS WELL. WE HAD INPUT THROUGH OUR PROGRAM

11 INTEGRATION PLAN FROM STAFF THAT THE STRATEGIC

12 PLANNING TEAM LOOKED AT WHEN WE FIRST SAT DOWN TO

13 DRAFT SOMETHING FOR YOU. IN THE BEGINNING OF THE

14 PIP PROCESS, WE HAD EACH SECTION, BRANCH, AND

15 ULTIMATELY DIVISION DRAFT A MISSION STATEMENT FROM

16 THEIR OWN PROGRAM AREA. WE UTILIZED THOSE

17 DIVISION MISSION STATEMENTS AS OUR FIRST REVIEW

18 FOR LOOKING AT THIS.

19 IT SHOULD ALSO BE SAID THAT THERE

20 ARE OTHER CRITICAL STAKEHOLDERS THAT - - AND

21 STAKEHOLDER DOCUMENTS THAT WERE REVIEWED IN

22 LOOKING AT THESE ACTIVITIES. SPECIFICALLY WE HAVE

23 OUR LEGISLATIVE MANDATES, DIRECTION THAT THE

24 LEGISLATURE HAS GIVEN US ABOUT OUR PROGRAM AND

25 WHAT OUR CURRENT STATE SHOULD BE. WE HAVE HAD

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1 INFORMATION AND DIRECTION FROM THE ADMINISTRATION,
2 THROUGH THE GOVERNOR, THROUGH EXECUTIVE ORDERS,
3 OTHER LEGISLATION RELATED TO THAT, LIKE SB 1082 ON
4 HOW CAL/EPA BOARDS AND PROGRAMS ARE TO LOOK AT
5 QUALITY IMPROVEMENT AS WE PURSUE OUR ACTIVITIES,
6 AS WELL AS OTHER DIRECTIONAL INFORMATION THAT
7 WE'VE GOTTEN FROM THE ADMINISTRATION OVER TIME.
8 SO TAKING ALL THOSE FACTORS TOGETHER
9 AND LOOKING AT WHAT OUR STAFF SEE AS THEIR CURRENT
10 MISSION THROUGH THEIR DIVISION STATEMENTS, WE
11 DRAFTED THE OPTION THAT YOU HAVE BEFORE YOU TODAY.
12 AND IT TALKS SPECIFICALLY ABOUT SOME OF OUR KEY
13 PROGRAMS TO REDUCE GENERATION AND IMPROVE
14 MANAGEMENT OF SOLID WASTE THROUGH CONVERSATION OF
15 RESOURCES, DEVELOPING SUSTAINABLE RECYCLING
16 MARKETS, AND PROTECTING PUBLIC HEALTH, SAFETY, AND
17 THE ENVIRONMENT.
18 THE NEXT - . ON THE VALUE STATEMENTS,
19 AGAIN, WE - - THE STRATEGIC PLANNING TEAM HAD SOME
20 IMPORTANT INPUT FROM THE STAFF IN ORDER TO GUIDE
21 OUR THINKING ON WHAT THESE COULD LOOK LIKE.
22 AGAIN, THROUGH THE PROGRAM INTEGRATION PLAN, WITH
23 THE EXAMINATION OF OUR INTERNAL PROCESSES, WHAT'S
24 WORKING AND WHAT WE CAN ENHANCE IN TERMS OF OUR
25 COMMUNICATION AND ORGANIZATIONAL PROCESSES, THE

1 DATA THAT THEY GAVE US PRETTY MUCH CAME DIRECTLY
2 INTO THIS VALUE STATEMENT OPTIONS THAT YOU SEE
3 BEFORE YOU TODAY.
4 YOU DO HAVE TWO OPTIONS ON THIS STEP
5 AS WELL. THE FIRST RECITATION OF THE VALUES IS
6 MORE OF A LIST-TYPE PRESENTATION WHERE EACH
7 THOUGHT AND CONCERN FOR HOW WE ACT STANDS ALONE IN
8 THE PARTICULAR LINE. THE SECOND OPTION IS MORE IN
9 A PARAGRAPH FORM. AND AGAIN, I THINK THERE COULD
10 BE SOME DISTINCTIONS MADE IN TERMS OF HOW WE'RE
11 SEEING IT FROM A FUTURE STATE SENSE VERSUS A
12 CURRENT STATE SENSE.
13 WE ALSO HAVE A THIRD IDEA THAT WE
14 WANTED TO DISCUSS WITH YOU THIS MORNING, AND I'LL
15 BE COMING BACK TO THAT WHEN WE REVISIT THIS
16 PARTICULAR ELEMENT IN A FEW MOMENTS.
17 SO ARE THERE ANY QUESTIONS, OR WOULD
18 YOU LIKE TO PROCEED WITH LOOKING AT THE VISION?
19 CHAIRMAN PENNINGTON: LET'S START WITH
20 THE VISION, I THINK, IS FINE.
21 MS. PEDERSEN: IS THERE ANY PARTICULAR
22 QUESTIONS PERHAPS OR CONCERNS YOU MIGHT HAVE ABOUT
23 EITHER OF THE OPTIONS YOU HAVE BEFORE YOU TODAY?
24 CHAIRMAN PENNINGTON: ANY OF YOU HAVE ANY
25 THOUGHTS? IF NOT, I WILL CERTAINLY SAY THAT MY

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1 PREFERENCE IS OPTION 2, WHICH IS, ONE, BECAUSE I
2 THINK WE NEED TO LOOK FORWARD, AND THE OTHER IS
3 THAT I'D LIKED THE VERY LAST REFERENCE ON
4 ENVIRONMENT WHERE WE TALK ABOUT WHERE IT SAYS
5 ENVIRONMENT OF CALIFORNIA. I THINK IT'S IMPORTANT
6 THAT WE REMEMBER THAT THAT IS OUR - - YOU KNOW,
7 WE'RE HERE FOR CALIFORNIA. THE FACT THAT WE MAY
8 AFFECT OTHER ENVIRONMENTS IS FINE, BUT OUR THRUST
9 SHOULD BE TOWARDS CALIFORNIA. AND I THINK THAT WE
10 SHOULD STATE THAT.
11 MS. PEDERSEN: MR. CHAIRMAN, IF I COULD
12 INTERJECT AT THIS MOMENT, I WANTED TO PASS ON
13 ANOTHER THOUGHT TOO THAT'S COME FORWARD SINCE WE
14 DRAFTED THESE OPTIONS. THROUGH THE PIP PROCESS
15 WE'VE BEEN HOLDING A SERIES OF FOCUS GROUPS ON
16 VARIOUS ISSUES. ONE RECENTLY ON THE EXTERNAL
17 COMMUNICATION, STAFF BROUGHT FORWARD SOME THINKING
18 AROUND WHAT WE DO THAT SERVES THE INTERNATIONAL
19 COMMUNITY AS WELL AS HOW THAT RELATES TO OUR
20 FUTURE PROGRAM DEVELOPMENT. PARTICULARLY IN THE
21 PACIFIC RIM AND IN LATIN AMERICA OR MEXICO, WE
22 HAVE A LOT OF INTEREST FROM OTHER COUNTRIES ABOUT
23 WHAT WE ARE DOING.
24 IN ADDITION, IN OUR RESOURCE
25 MANAGEMENT AND MATERIALS MANAGEMENT APPROACHES, WE

1 HAVE BEEN LOOKING AT INTERNATIONAL OUTLETS AS WAYS
2 TO SUPPORT OUR INFRASTRUCTURE AND OUR SUCCESS IN
3 THOSE AREAS. SO I WANTED TO MENTION FOR YOUR
4 CONSIDERATION TODAY AS WELL WHETHER IN YOUR VISION
5 YOU WANT TO REFERENCE ANY SORT OF WORLD OR
6 INTERNATIONAL STATUS.
7 CHAIRMAN PENNINGTON: WE TALKED ABOUT
8 THIS A LITTLE BIT THE OTHER DAY. AND I CERTAINLY
9 SUPPORT THE IDEA OF PUTTING THE WORDS AFTER
10 “RECOGNIZE NATIONAL,” PUT IN “AND INTERNATIONAL”
11 50 THAT IT WOULD SAY “THE RECOGNIZED NATIONAL AND
12 INTERNATIONAL LEADER IN THE DEVELOPMENT OF
13 INTEGRATED WASTE RECOVERY, MATERIAL MANAGEMENT
14 PROGRAMS THAT BEST SERVE THE PEOPLE, THE ECONOMY,
15 AND THE ENVIRONMENT OF CALIFORNIA.”
16 IF PEOPLE ARE LOOKING TO US, THERE’S
17 NOTHING WRONG IN US SAYING THAT WE INTEND TO BE
18 THE INTERNATIONAL LEADER IN THIS FIELD.
19 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
20 AGREE WITH EVERYTHING YOU SAID ABOUT OPTION 2,
21 INCLUDING THE RESPONSE TO MS. PEDERSEN’S COMMENT
22 ABOUT INTERNATIONAL. THE ONE THING, THOUGH, THAT
23 TROUBLES ME A LITTLE BIT ABOUT OPTION 2 IS THAT IT
24 REFERS TO PROGRAMS WHICH I FEEL IS TOO NARROW.
25 YOU KNOW, I THINK THAT THERE’S POLICIES. I MEAN

1 THIS IS A VISION STATEMENT.

2 TO ME PROGRAMS REFERS TO - - EVEN

3 THOUGH THAT'S MOST OF WHAT WE CURRENTLY DO IS

4 RELATED TO PROGRAMS, I THINK TALKING ABOUT A

5 VISION, THE PHRASEOLOGY IN THE FIRST ONE THAT

6 REFERS MORE BROADLY TO INTEGRATED WASTE MANAGEMENT

7 AND MATERIALS RECOVERY, MATERIALS MANAGEMENT

8 SEEMED TO HAVE MORE OF A VISION KIND OF A TONE TO

9 IT THAN NARROWING IT TO PROGRAMS.

10 SO OTHER THAN THAT, OPTION 2, I

11 THINK, WITH THE MODIFICATION MS. PEDERSEN

12 SUGGESTED, MAKES SENSE TO ME, BUT THAT'S MY

13 THOUGHT. THAT WOULD MAKE IT MORE - - FIT MORE

14 CLOSELY MY SENSE OF WHAT MAKES SENSE.

15 BOARD MEMBER GOTCH: MAY I MAKE A

16 SUGGESTION HERE, MR. CHAIR? I AGREE WITH WHAT MR.

17 CHESBRO SAID. IN FACT, I TALKED WITH MS. PEDERSEN

18 ABOUT THIS AWHILE AGO. AND WHAT I'D LIKE TO

19 SUGGEST, THEN, IS THAT WE USE OPTION 1, CHANGING

20 THE WORDS "IS THE" TO "WILL BE" BECAUSE I AGREE

21 WITH YOU ON THAT. WE SHOULD BE FORWARD THINKING

22 ON THIS. AND ADDING NATIONAL AND INTERNATIONAL

23 LEADER, AS YOU HAD STATED, BUT KEEP - - AND THEN IN

24 THE END, AND THE ENVIRONMENT AND ADD OF

25 CALIFORNIA. I BASICALLY THINK IT COVERS THE

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1 POINTS THAT WE ALL AGREE ON AND INCORPORATES THE
2 OTHERS AND IT FLOWS A LITTLE MORE.
3 MS. PEDERSEN: SO IF I COULD CHECK WHAT
4 YOU ARE SAYING, COULD I TRY READING BACK WHAT I
5 HEARD YOU SAY TO SEE IF IT'S ACCURATE?
6 OUR VISION IS THAT THE CALIFORNIA
7 INTEGRATED WASTE MANAGEMENT BOARD WILL BE THE
8 RECOGNIZED NATIONAL AND INTERNATIONAL LEADER IN
9 THE INTEGRATED MANAGEMENT OF WASTE AND RECOVERED
10 MATERIALS TO BEST SERVE THE PUBLIC, THE ECONOMY,
11 AND THE ENVIRONMENT OF CALIFORNIA. IS THAT YOUR
12 SUGGESTION?
13 BOARD MEMBER GOTCH: THAT IS. THANK YOU.
14 CHAIRMAN PENNINGTON: OKAY. OTHER
15 COMMENTS?
16 BOARD MEMBER RELIS: SOUNDS FINE TO ME.
17 CHAIRMAN PENNINGTON: I DON'T HAVE A
18 PROBLEM.
19 BOARD MEMBER JONES: WHAT'S THE
20 DIFFERENCE? I MEAN I DON'T HAVE ANY PROBLEM WITH
21 IT. I THOUGHT IT WAS GOOD. WHAT IS DIFFERENT
22 WITH THE CHANGES TO ONE AS OPPOSED TO TWO. I WAS
23 TRYING TO READ IT ALONG.
24 MR. CHANDLER: AT THIS POINT I'M NOT SURE
25 THERE REALLY IS. IT'S ESSENTIALLY A BLENDING OF

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1 THE TWO.

2 BOARD MEMBER CHESBRO: THAT TERM

3 “PROGRAMS,” I THINK THAT’S THE ONE -.

4 BOARD MEMBER JONES: I DON’T HAVE A

5 PROBLEM WITH THE ADDITIONAL PROGRAMS TO TWO.

6 EVERYTHING THAT MRS. GOTCH SAID, I AGREE WITH.

7 FOR MY OWN MIND I’M TRYING TO FIGURE OUT WHAT THE

8 ONE OR TWO WORDS.

9 MR. CHANDLER: THE WORD “PROGRAM” WOULD

10 NOT BE IN PART OF OUR VISION STATEMENT.

11 BOARD MEMBER GOTCH: AND THEN DEVELOPMENT

12 OF.

13 BOARD MEMBER JONES: PROGRAM WOULD NOT

14 BE AS PART.

15 BOARD MEMBER GOTCH: CORRECT.

16 BOARD MEMBER JONES: OKAY.

17 MS. PEDERSEN: LET ME READ IT ONE MORE

18 TIME TOO. OUR VISION IS THAT THE CALIFORNIA

19 INTEGRATED WASTE MANAGEMENT BOARD WILL BE THE

20 RECOGNIZED NATIONAL AND INTERNATIONAL LEADER IN

21 THE INTEGRATED MANAGEMENT OF WASTE AND RECOVERED

22 MATERIALS TO BEST SERVE THE PUBLIC, THE ECONOMY,

23 AND THE ENVIRONMENT OF CALIFORNIA.

24 BOARD MEMBER RELIS: IN THAT SENSE,

25 PROGRAMS IMPLIED - - I MEAN IT’S MUCH BROADER, NOT

1 LIMITED BY - -

2 CHAIRMAN PENNINGTON: I THINK WE HAVE

3 CONSENSUS ON THAT.

4 MS. PEDERSEN: IS IT YOUR PLEASURE TO

5 VOTE ON THESE INDIVIDUALLY, OR DO YOU WANT - - HOW

6 DO YOU WANT TO DO THAT? WHAT'S BEST FOR YOU?

7 CHAIRMAN PENNINGTON: WHY NOT GO THROUGH

8 IT AND WE CAN VOTE ON IT AS ONE PACKAGE IF THAT'S

9 FINE WITH THE BOARD.

10 MS. PEDERSEN: VERY GOOD. THEN THAT

11 TAKES US TO THE VISION STATEMENT FOR WHICH WE HAVE

12 ONE OPTION FOR YOU TODAY. IS THERE ANY DISCUSSION

13 OR QUESTIONS ON THAT STATEMENT?

14 CHAIRMAN PENNINGTON: THAT'S FINE. OKAY.

15 SHALL WE MOVE ON TO VALUES.

16 MS. PEDERSEN: OKAY. THAT WAS EASY.

17 THANK YOU VERY MUCH FOR THAT.

18 THEN MOVING ON TO THE VALUE

19 STATEMENT, THERE ARE TWO OPTIONS IN YOUR ITEM

20 TODAY. AND I'M GOING TO ASK JILL TO HAND OUT A

21 THIRD OPTION THAT WE WANTED TO GIVE YOU FOR

22 CONSIDERATION TODAY THAT ADDRESSES SOME OF THE

23 INPUT WE GOT AROUND THESE TWO DIFFERENT OPTIONS.

24 ONE OF THE THINGS ABOUT THE VALUES

25 THAT I THINK IS UNIQUE IN A STRATEGIC PLAN IS THAT

1 REALLY ALL THE ELEMENTS OF A STRATEGIC PLAN EXCEPT
2 FOR THE VALUES TALK ABOUT THE SPECIFIC TASKS OR
3 ACTIVITIES OR THE WHAT, IF YOU WILL. OF WHAT WE
4 DO. THE VALUES, ON THE OTHER HAND, TALK MORE
5 ABOUT HOW WE ACT. YOU KNOW, HOW WE TREAT EACH
6 OTHER AND HOW WE WORK TOGETHER. AND FOR THAT
7 REASON, THEY CAN BE VERY STRONGLY FELT, VERY
8 PERSONALIZED, AND, YOU KNOW, SIGNIFICANT TO US IN
9 AN INDIVIDUAL WAY.
10 ONE THING THAT I HAVE SENSED THROUGH
11 THE INPUT THAT WE HAVE GOTTEN IN THIS PROCESS IS
12 THAT THERE IS A SINCERE CONCERN FOR OUR
13 CREDIBILITY IN HOW WE APPROACH THIS ELEMENT OF THE
14 STRATEGIC PLAN, THAT, YOU KNOW, WE ARE NOT PERFECT
15 PEOPLE. WE TRY HARD TO DO WELL, BUT WE'RE NOT
16 ALWAYS THERE. AND THAT IN OUR STATEMENT OF THESE
17 VALUES, IT WAS IMPORTANT TO FIND A WAY TO BRIDGE
18 THAT GAP AND REFLECT THAT WE ARE TRYING TO DO THIS
19 AND NOT NECESSARILY THERE AT THIS TIME.
20 SO OUT OF THAT THINKING, THE
21 SUGGESTION THAT YOU HAVE BEFORE YOU MAKES SOME
22 CHANGES WHICH YOU WILL SEE IN ITALICS.
23 SPECIFICALLY IN THE FIRST INTRODUCTORY TWO-LINE
24 PARAGRAPH IN OUR STATEMENT ABOUT HOW ARE THESE
25 IMPORTANT OR HOW DO WE SEE THEM, WE SAY IT IS THE

1 RESPONSIBILITY OF EACH MEMBER OF THIS ORGANIZATION
2 TO KNOW THESE VALUES WE STAND FOR AND ACT IN
3 ACCORDANCE WITH THEM. THAT IS A CHANGE FROM THE
4 OTHER OPTIONS YOU HAVE BEFORE YOU.
5 I ALSO WANT TO POINT OUT A SLIGHT
6 CHANGE TOO IN THE LAST VALUE STATEMENT UNDER OUR
7 COMMITMENT TO PEOPLE, THAT WHEN WE TALK ABOUT OUR
8 WORK IN THE ORGANIZATION AND HOW WE VIEW IT, THAT
9 WE SAY WE RECOGNIZE EACH OTHER'S SUCCESSFUL
10 CONTRIBUTIONS AND DEAL CONSTRUCTIVELY WITH OUR
11 FAILURES. THAT'S A SLIGHT AMENDMENT FROM THE
12 PAST.
13 AND THEN A LAST LINE THAT WE ADDED
14 SAYING, THROUGH ACCEPTANCE OF THESE RESPONSIBI-
15 LITIES, WE HOPE TO DELIVER MORE THAN WE PROMISE
16 AND EARN THE TRUST AND SUPPORT OF THE PEOPLE OF
17 CALIFORNIA. SO THAT'S ANOTHER AREA FOR YOUR
18 CONSIDERATION. DO YOU HAVE ANY QUESTIONS?
19 CHAIRMAN PENNINGTON: JUST AS SORT OF A
20 LEAD-OFF TO GET THE DISCUSSION GOING, I - - MY
21 FAVORITE IS THREE. I KIND OF LIKE THE
22 SUCCINCTNESS OF KIND OF AN OUTLINE, AND YET THE
23 ADDITION OF THESE FEW WORDS, I THINK, MAKE IT EVEN
24 STRONGER. WITHOUT GETTING INTO, YOU KNOW, THE
25 MOST DRIVING FACTOR IN LIFE IS TO CHANGE SOMEBODY

1 ELSE'S COPY.

2 MS. PEDERSEN: OH, NO.

3 CHAIRMAN PENNINGTON: I THINK IT'S VERY GOOD, SO I

4 WON'T GET INTO THAT.

5 BOARD MEMBER GOTCH: I AGREE WITH YOU.

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN.

7 CHAIRMAN PENNINGTON: YES, MR. CHESBRO.

8 BOARD MEMBER CHESBRO: I'D JUST LIKE TO

9 SAY THAT I THINK THAT THIS IS THE MOST IMPORTANT

10 PART OF THE STRATEGIC PLANNING DOCUMENT. AND I

11 SAY THAT BECAUSE I SPENT - - I THINK MOST OF YOU

12 KNOW. MAYBE STEVE DOESN'T KNOW - - I JUST

13 COMPLETED A DEGREE PROGRAM IN WHICH I DID A SURVEY

14 OF BOARD STAFF, WHICH WAS QUITE ENLIGHTENING.

15 PROBABLY MORE ENLIGHTENING WAS THE SPACE I

16 PROVIDED FOR INFORMAL WRITTEN COMMENTS. AND THIS

17 WAS ALL, BY THE WAY, ANONYMOUS. PEOPLE WERE ABLE

18 TO MAIL THEM BACK TO ME AT HOME IN ENVELOPES THAT

19 WERE NOT - - DIDN'T HAVE A RETURN ADDRESS ON THEM.

20 SO ASIDE FROM THE STATISTICS I

21 ACQUIRED, I ALSO SAT DOWN AND READ THROUGH THE

22 COMMENTS FROM PEOPLE. AND I KNOW FROM THEORY THAT

23 I STUDIED IN MY DEGREE PROGRAM, IT ALSO WAS REAL

24 CLEAR FROM THE FEEDBACK THAT I GOT ON THE SURVEYS,

25 THAT THE PERCEPTION THAT PEOPLE WALK THEIR TALK,

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1 PEOPLE AT THE TOP OF THE ORGANIZATION, BUT
2 ACTUALLY FROM TOP TO BOTTOM, WALK THEIR TALK, BUT
3 ALSO OPERATE FROM A CONSISTENT BASIS OF VALUES
4 CREATES THE CREDIBILITY SO THE REST OF WHAT WE SAY
5 AND DO IS BELIEVED AND THE LEADERS ARE FOLLOWED
6 BECAUSE THEY HAVE CREDIBILITY AS OPPOSED TO NOT.
7 I WON'T GO ANY FURTHER. I DO THINK
8 THAT WE HAVE THE OPPORTUNITY BY TAKING THESE
9 SERIOUSLY AND ASKING OUR STAFF TO TAKE THEM
10 SERIOUSLY TO CREATE A MORE UNIFIED ORGANIZATION
11 AND A MORE - - A STRONGER SENSE THAT WE'RE ALL
12 MOVING IN THE SAME DIRECTION AND ARE ON THE SAME
13 TEAM. IT WILL NEVER BE PERFECT, AND IT'S NOT A
14 PANACEA, AND I'M NOT TRYING TO BE OVERLY NAIVE
15 ABOUT HOW IMPORTANT SOMETHING LIKE THIS IS, BUT I
16 DO THINK THAT IT GREATLY STRENGTHENS THE ABILITY
17 TO DO EVERYTHING ELSE THAT WE DO, INCLUDING HAVING
18 A VISION AND A MISSION THAT PEOPLE TAKE SERIOUSLY.
19 50 - - AND I THINK IT'S BEEN VERY
20 WELL DRAFTED. IT'S OBVIOUS THAT A LOT OF PEOPLE
21 HAVE HAD INPUT INTO IT. I LIKE THE FORMAT OF IT
22 BEING EASILY LIFTED OUT OF THE STRATEGIC PLAN
23 DOCUMENT SO THAT YOU COULD POST-IT OR YOU COULD
24 PUT IT IN ANOTHER DOCUMENT AND QUICKLY SEE SIMPLE
25 BULLETS THAT SAY THESE ARE THE VALUES THAT THE

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1 BOARD TRIES TO OPERATE UNDER ON A DAILY BASIS.
2 AND I FULLY EXPECT WHEN I WANDER
3 AWAY FROM THESE, I MIGHT SAY, "WESLEY, YOU
4 APPROVED THIS, REMEMBER." AND LIKEWISE I'LL FEEL
5 FREE TO DO THAT TO ANY OF YOU. SERIOUSLY THOUGH,
6 I THINK IT'S VERY WELL DONE AND IS A VERY
7 IMPORTANT PIECE OF AND PERHAPS THE MOST IMPORTANT
8 PIECE OF THIS WHOLE PROCESS.
9 BOARD MEMBER JONES: BEING NEW TO THIS
10 BOARD, TO THIS ORGANIZATION, I ABSOLUTELY
11 APPRECIATED THE FACT THAT WE WERE INVOLVED IN THIS
12 PROCESS. AND IT'S AMAZING HOW WE NEGOTIATE
13 BETWEEN PARAGRAPHS AND LINES AND WHAT'S REAL AND
14 WHAT'S NOT REAL. BUT I THINK THAT IF I CAN SAY
15 ANYTHING ABOUT THIS, IT IS THAT I PRETTY MUCH LIVE
16 MY LIFE AND DEAL WITH MY CAREER BASED ON ONE
17 VALUE. AND THAT IS THAT I DELIVER MORE THAN I
18 PROMISE. AND THAT IS AN IMPORTANT PART OF WHAT I
19 AM AND WHAT MY SUCCESS IS.
20 I CAME FROM A COMPANY THAT HAD A
21 HERITAGE THAT WENT BACK TO THE 1906 EARTHQUAKE.
22 WE HAD VALUES. OUR VALUE WAS TO PROVIDE A SERVICE
23 TO OUR CUSTOMERS. AND I'VE DEALT WITH THE WASTE
24 BOARD IN ITS SERIES OF . - IN A - - DIFFERENT FROM
25 THE OTHER SIDE, AND I THINK THAT THE COMMITMENT OF

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1 THE INDIVIDUALS THAT MAKE UP THIS ORGANIZATION IS
2 INCREDIBLE. I DON'T ALWAYS AGREE WITH WHAT THEY
3 SAY. I DON'T ALWAYS AGREE WITH HOW THEY FEEL
4 ABOUT THEMSELVES.
5 I WAS MORE CONCERNED THAT WE DIDN'T
6 HAVE A TOUCHY FEELLY DOCUMENT THAT JUST MADE US
7 INTERNALLY FEEL GOOD. BECAUSE, IN FACT, WE HAVE
8 TO DEAL WITH THE STAKEHOLDERS. WE HAVE TO DEAL
9 WITH THE CUSTOMERS AND MAKE SURE THAT WHAT WE'RE
10 PUTTING OUT THERE BOTH ACCOMPLISHES WHAT OUR
11 MISSION AND GOALS ARE, BUT ALSO HOW WE DEAL WITH
12 PEOPLE. SO I THINK THAT BY PUTTING THE LATTER OR
13 PUTTING THE BAR HIGH ENOUGH THAT WE ALWAYS HAVE
14 SOMETHING TO REACH FOR IS VERY, VERY IMPORTANT.
15 BUT I WILL TELL YOU WORDS ON A PIECE
16 OF PAPER DO NOT MEAN ANYTHING. THE CONSTITUTION
17 OR THE BILL OF RIGHTS WERE A PIECE OF PAPER UNTIL
18 PEOPLE PUT THEIR HEARTS AND SOUL INTO IT. IF THIS
19 IS VIEWED AS JUST ANOTHER PIECE OF PAPER, THEN WE
20 SHOULD RECYCLE IT NOW AND NOT EVEN DEAL WITH WASTE
21 AND MORE. BUT IF, IN FACT, WE WANT TO BE A BETTER
22 ORGANIZATION AND STRIVE FOR THE FUTURE, PEOPLE
23 NEED TO EMBRACE THIS. EVERYBODY IN THE STAFF HAD
24 A PIECE OF FORMULATING THIS THING. AND I THINK
25 IT'S CRITICALLY IMPORTANT.

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1 I THINK IT'S IMPORTANT THAT OUR
2 OUTSIDE CUSTOMERS HAD SOME INPUT INTO IT BECAUSE
3 THIS IS A DOCUMENT THAT WE'RE GOING TO BE JUDGED
4 BY. AND IF EVERYBODY IS WILLING TO WALK THE TALK,
5 THEN WE WILL BE A BETTER ORGANIZATION. IF IT'S
6 JUST WORDS, RECYCLE IT. I DON'T THINK THAT'S
7 GOING TO HAPPEN. I THINK PEOPLE ARE GOING TO TAKE
8 HEART TO THIS. I'M PROUD TO BE PART OF THIS
9 ORGANIZATION, AND I APPRECIATE THE FACT THAT I WAS
10 ALLOWED TO HAVE SOME INPUT INTO THIS.
11 SO THANKS. ENOUGH SPEECHES. YOU
12 KNOW, VALUES ARE IMPORTANT TO ME. I MEAN I HAD A
13 COMPANY THAT ALMOST WENT BANKRUPT, AND IT WAS
14 THESE VALUES, THE VALUES THAT WE HAD AND THE WORK
15 ETHIC THAT WE HAD IN BUILDING A PLAN AND TAKING IT
16 TO THE NEXT STEP SO WE COULD KEEP THAT THING
17 ALIVE. YOU PUT A LOT OF BLOOD AND GUTS INTO
18 SOMETHING LIKE THAT, AND YOU LEAVE BLOOD ON THE
19 FLOOR. AND WHEN YOU HAVE TO LIVE THROUGH
20 SOMETHING LIKE THAT AND YOU'RE SUCCESSFUL, YOU CAN
21 APPRECIATE THIS. SO WHILE MAYBE EVERYBODY THINKS
22 I'M A LITTLE BIT NUTS BECAUSE I GOT AS INVOLVED AS
23 I DID IN THIS, I'LL TELL YOU IT COMES FROM MY
24 HEART. IF IT CAN COME FROM YOUR HEART TO LIVE BY
25 IT, WE'LL BE A BETTER ORGANIZATION FOR IT.

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1 BOARD MEMBER CHESBRO: WHAT I HEAR YOU
2 SAYING, STEVE, THAT I THINK IS REALLY THE CRITICAL
3 COUNTERPOINT TO WHAT I WAS SAYING IS - -
4 BOARD MEMBER JONES: I DIDN'T HAVE A
5 COUNTERPOINT.
6 BOARD MEMBER CHESBRO: NO, I DIDN'T MEAN
7 IT IN A NEGATIVE SENSE.
8 MS. PEDERSEN: HIS SUPPORTING POINT.
9 BOARD MEMBER CHESBRO: BALANCING POINT IS
10 THAT IF YOU DON'T, IF YOU ADOPT SOMETHING LIKE
11 THIS AND DON'T EMBRACE IT AND DON'T WALK THE TALK,
12 IT DOES MORE DAMAGE THAN NOT HAVING IT AT ALL. SO
13 I THINK THAT'S THE OTHER - - THE DOWNSIDE OF THIS
14 PROCESS, IF YOU DON'T TAKE IT SERIOUSLY AND DON'T
15 ENGAGE IN WALKING FORWARD WITH IT AS A GUIDING
16 DOCUMENT.
17 CHAIRMAN PENNINGTON: OKAY. THEN I
18 THINK, AS THE CHAIR, I WILL TAKE THE PRIVILEGE OF
19 MOVING THE MOTION THAT WE ACCEPT STAFF RECOMMEN-
20 DATION OPTION 1 WITH THE REVISIONS ON THE VISION,
21 OPTION 1 ON THE MISSION, AND OPTION 3 ON THE
22 VALUES. AND IF THE STAFF WILL PREPARE A
23 RESOLUTION BASED UPON THOSE.
24 MS. PEDERSEN: WE WILL AMEND OUR
25 RESOLUTION TO REFLECT THAT ACTION.

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1 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
2 THERE'S AN ADDITIONAL THOUGHT THAT I HAVE, AND IT
3 CAN EITHER BE PART OF THIS MOTION OR WE CAN DO IT
4 SEPARATELY.
5 IN REVIEWING THIS, THE ONE THING
6 THAT WAS MISSING IN MY MIND WAS A CLEAR STATEMENT
7 OF WHERE - - FROM WHENCE WE COME AND WHERE OUR
8 AUTHORITY - - WHAT OUR AUTHORITY DERIVES FROM. AND
9 LEST YOU FEAR THAT I'M GOING TO SUGGEST THAT WE
10 TRY TO REWRITE ANY OF THESE STATEMENTS THAT WE'RE
11 VOTING ON TODAY, I THINK THAT THAT WOULD BE THE
12 WRONG PLACE TO PUT IT.
13 WHAT WE DID LAST TIME, AND I'M NOT
14 ADVOCATING IT'S A NOVEL BECAUSE IT'S LIKE TWO
15 PAGES LONG AND FAR MORE CONVOLUTED THAN I WOULD
16 SUGGEST, BUT WHEN WE DID IT LAST TIME, WE HAD AN
17 INTRODUCTION TO THE OVERALL STRATEGIC PLAN
18 DOCUMENT, WHICH ESSENTIALLY SAID HOW THE BOARD WAS
19 CREATED AND WHAT THE LEGISLATURE AND THE GOVERNOR
20 CREATED THE BOARD FOR.
21 AND I WOULD - - WE CAN WORRY ABOUT
22 CONTENT IN GREATER DETAIL LATER, BUT I WOULD
23 SUGGEST WE HAVE A STATEMENT THAT ESSENTIALLY, YOU
24 KNOW, LAYS OUT THE BASICS OF THE MANDATE, WHICH
25 IS, YOU KNOW, THE REDUCTION OF WASTE AND THE

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1 HIERARCHY, THAT SORT OF THING, BUT JUST POINTS WHO
2 CREATED THE BOARD WHEN AND WHY. AND HOPEFULLY NOT
3 MORE THAN A PARAGRAPH OR TWO.
4 MS. PEDERSEN: IF IT'S HELPFUL TO YOU,
5 THESE ELEMENTS THAT YOU'RE ADOPTING TODAY WILL GO
6 INTO A DOCUMENT THAT'S WRITTEN, YOU KNOW, WITH
7 CONNECTING PIECES BETWEEN IT. THERE WILL BE AN
8 EXECUTIVE SUMMARY WHERE SOME CONTEXT, INCLUDING
9 OUR INTERNAL/EXTERNAL ASSESSMENT, AND, YOU KNOW,
10 JUST WHAT YOU ARE SAYING, WHY ARE WE HERE, WHAT
11 CREATES OUR PURPOSE, THAT COULD BE INCLUDED. AND
12 WE ENVISION BEFORE EACH ELEMENT WITHIN THE
13 STRATEGIC PLAN SETTING SOME CONTEXT FOR IT, SO
14 THERE ARE WAYS WITHIN THE WRITTEN DOCUMENT ITSELF
15 THAT TYPE OF THINKING CAN BE REFLECTED.
16 BOARD MEMBER CHESBRO: I WANT TO MAKE
17 SURE, THOUGH, THAT IT'S MORE THAN JUST PART OF A
18 MUCH BROADER ASSESSMENT OF ALL THE FACTORS. I
19 THINK IT'S FAIRLY SINGULAR IN TERMS OF ITS
20 IMPORTANCE TO REALIZE THAT THE BOARD'S AUTHORITY
21 TO BE PURSUING ALL THESE THINGS FLOWS FROM A
22 PUBLIC POLICY DECISION OF THE LEGISLATIVE BODY AND
23 CHIEF EXECUTIVE OF CALIFORNIA THAT SAID, YOU KNOW,
24 WE HAVE THIS - - WE HAVE CREATED THIS VISION OF
25 PROGRAMS. SO I THINK IT NEEDS TO BE DISTINCT AND

1 SET APART AND NOT JUST BE PART OF, YOU KNOW, ALL
2 WHO OUR CUSTOMERS ARE AND WHAT ALL THE OTHER
3 FACTORS ARE THAT ASSESS - - AFFECT WHO WE ARE.
4 MS. PEDERSEN: TO SATISFY THAT CONCERN,
S THINK WHEN WE PRESENT THE MISSION STATEMENT WITHIN
6 THE STRATEGIC PLAN, THAT WOULD BE A GOOD PLACE IN
7 TERMS OF TALKING ABOUT OUR PURPOSE, WHAT ARE WE
8 HERE TO DO, WHAT CREATED US IN TERMS OF OUR
9 STATUTES, OUR LEGISLATIVE AND, YOU KNOW, EXECUTIVE
10 BACKGROUND. IT COULD FIT THERE JUST IN THE WAY
11 YOU DESCRIBE IT.
12 BOARD MEMBER CHESBRO: I DIDN'T PROPOSE
13 TODAY THAT WE TRY TO WORK OUT THESE DETAILS. I
14 JUST WANTED TO, IF THE OTHER BOARD MEMBERS
15 CONCURRED, GIVE GENERAL DIRECTION TO THE TEAM AS
16 THEY PROCEED WITH THESE OTHER ELEMENTS TO COME UP
17 WITH SOME WAY OF ADDRESSING THIS.
18 CHAIRMAN PENNINGTON: I THINK WE ALL
19 CONCUR IN THAT. I'M NOT SURE THAT IT SHOULD BE IN
20 THE MOTION BECAUSE IT'S PART - -
21 MS. PEDERSEN: WE CAN TAKE THAT AS STAFF
22 DIRECTION.
23 CHAIRMAN PENNINGTON: WE CAN CERTAINLY DO
24 IT WITH STAFF.
25 HOWEVER, IF I DON'T GET A SECOND - -

BOARD MEMBER GOTCH: I'LL SECOND.

CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND SECONDED. AND NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

BOARD SECRETARY:BOARD MEMBER CHESBRO.

BOARD MEMBER CHESBRO: AYE.

BOARD SECRETARY: GOTCH.

BOARD MEMBER GOTCH: AYE.

BOARD SECRETARY: JONES

BOARD MEMBER JONES: AYE.

BOARD SECRETARY: RELIS.

BOARD MEMBER RELIS: AYE.

BOARD SECRETARY: CHAIRMAN PENNINGTON.

CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

AGAIN, THANK YOU FOR ALL YOUR HARD WORK AND FOR YOUR TACTFULNESS IN GETTING US ALL TO AGREE. LOOK FORWARD TO MORE.

MS. PEDERSEN: WE'LL BE BACK IN MARCH WITH THE GOALS, AND WE'RE IN THE PROCESS OF FINALIZING THOSE. THE STRATEGIC PLANNING TEAM HAS DRAFTED SOME THE BROADER EXECUTIVE STAFF AND ADVISORS WILL BE REVIEWING. AND WE'LL BE COMING FORWARD IN APRIL WITH OBJECTIVES THAT WE'LL BE ASKING THE STAFF TO SUPPORT US IN CREATING.

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CHAIRMAN PENNINGTON: GREAT. THANK YOU. THAT CONCLUDES THE FEBRUARY MEETING OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

(END OF PROCEEDINGS AT 10 A.M.)

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Reporter's Certificate

* * * * *

I, Beth C. Drain hereby certify:

that on the 26th & 27th day of February, 1997, I did report in shorthand the testimony of the foregoing proceedings;

that on the conclusion of the above entitled matter, I did transcribe my shorthand notes into typewriting;

that the foregoing transcript is a true and correct record of my shorthand notes thereof.

Beth C. Drain

Certified Shorthand Reporter
Certificate No. 7152