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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD PERMITTING
AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND ENFORCEMENT)
COMMITTEE MEETING)
_____)
_____)
 -

DATE AND TIME: WEDNESDAY,
MARCH 19, 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.: 37742

APPEARANCES

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

STAFF PRESENT

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

MS. LORI LOPEZ, COMMITTEE SECRETARY MS. DOROTHY RICE,

DEPUTY DIRECTOR

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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, MARCH 19, 1997

2 9:30 A.M.

3

4 CHAIRMAN FRAZEE: THE MEETING WILL COME
5 TO ORDER, PLEASE. THIS IS THE MARCH 19TH MEETING
6 OF THE PERMITTING AND ENFORCEMENT COMMITTEE OF THE
7 INTEGRATED WASTE MANAGEMENT BOARD. IF THE
8 SECRETARY WILL CALL THE ROLL, PLEASE.

9 THE SECRETARY: BOARD MEMBER JONES.

10 MEMBER JONES: HERE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: HERE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

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

16 DO WE HAVE ANY EX PARTES?

17 MEMBER RELIS: MINE ARE CURRENT.

18 MEMBER JONES: MINE ARE ALL UP TO DATE.

19 CHAIRMAN FRAZEE: MINE ARE CURRENT.

20 MEMBER RELIS: MR. CHAIRMAN, WILL YOU
21 READ INTO THE RECORD THIS? I BELIEVE WE ALL
22 RECEIVED THIS LETTER.

23 CHAIRMAN FRAZEE: RIGHT. WE'LL DO THAT
24 WHEN WE GET TO THE ITEM.

25 AS A REMINDER TO THOSE WHO WISH TO

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1 SPEAK ON ITEMS ON TODAY'S AGENDA, THERE ARE
2 SPEAKER SLIPS AT THE BACK TABLE. IF YOU'D FILL
3 THOSE OUT, BRING THEM FORWARD SO THAT WE CAN CALL
4 UPON YOU AT THE APPROPRIATE TIME.

5 TODAY'S AGENDA IS GOING TO BE
6 SOMEWHAT JUMBLED FROM THE ORDER IN WHICH IT WAS
7 ORIGINALLY PUBLISHED IN ORDER TO ACCOMMODATE
8 VARIOUS TIME SCHEDULES OF VARIOUS PEOPLE AND
9 INTEREST GROUPS. WE HOPE THIS ALL WORKS OUT.
10 WE'LL ASK YOU JUST TO STAY WITH US ON TIME.

11 I'M NOT GOING TO TRY TO READ THESE
12 IN DETAIL HERE, BUT WE WILL BE VARYING THE ORDER
13 OF THE AGENDA AS STATED IN THE AGENDA THAT THIS
14 CAN HAPPEN.

15 FIRST OF ALL, WE'LL START WITH A
16 REPORT FROM THE DEPUTY DIRECTOR OF THE PERMITTING
17 AND ENFORCEMENT DIVISION. DOROTHY, READY FOR YOUR
18 REPORT.

19 MS. RICE: THANK YOU, MR. CHAIRMAN AND
20 MEMBERS. VERY BRIEFLY, I'D LIKE TO MENTION THREE
21 ITEMS THAT I PLAN TO BRING TO YOU FOR YOUR APRIL
22 COMMITTEE MEETING. ONE IS A PART OF MY DEPUTY
23 DIRECTOR'S REPORT TO YOU AND TWO WHICH YOU WILL
24 SEE AS AGENDIZED ITEMS FOR THE APRIL PERMITTING
25 AND ENFORCEMENT COMMITTEE MEETING.

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1 NO. 1, BEGINNING IN APRIL, AT THE
2 REQUEST OF THE COMMITTEE CHAIRMAN, I WILL BEGIN
3 PROVIDING QUARTERLY REPORTS ON ITEMS THAT ARE
4 ACTED ON WITHIN THE PROGRAM PURSUANT TO PRIOR
5 DELEGATION OF THOSE ACTIONS BY THE BOARD TO THE
6 EXECUTIVE DIRECTOR AND SUBSEQUENTLY TO THE
7 PROGRAM, TO MYSELF. IN MY REPORTS ON THESE
8 DELEGATED ACTIONS, I WOULD INTEND TO PROVIDE
AN
9 OVERVIEW AND HIGHLIGHTS OF DELEGATED DECISIONS
FOR
10 THE PRECEDING QUARTER. THUS, THE APRIL REPORT
11 WILL COVER JANUARY, FEBRUARY, AND MARCH.

12 I'D LIKE TO AT THIS TIME GIVE
YOU
13 SOME BRIEF HIGHLIGHTS OF ACTIONS TAKEN THUS
FAR IN
14 THE QUARTER SINCE I KNOW THIS REQUEST WAS MADE
15 SOME TIME AGO. I'LL IN APRIL AUGMENT THIS
WITH A
16 LITTLE MORE INFORMATION TO MAKE IT A COMPLETE
17 REPORT FOR THE QUARTER. BUT THUS FAR FOR
JANUARY,

18 FEBRUARY, AND MARCH, WE DO HAVE A NUMBER OF
19 MODIFIED PERMITS THAT WERE ACTED UPON WITHIN
THE

20 DIVISION, EIGHT. FIVE OF THEM FROM LOS
ANGELES

21 COUNTY, ONE FROM SAN BERNARDINO COUNTY, LASSEN
22 COUNTY, AND MARIN COUNTY ONE.

23 IN ADDITION, ACTION WAS TAKEN ON
24 FIVE EXCLUSIONS FROM THE TIRE PERMIT

REQUIREMENTS;

25 IN THE FINANCIAL ASSURANCE AREA, ONE
STIPULATED

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1 AGREEMENT WAS APPROVED, ONE DISBURSEMENT OF
2 CLOSURE FUNDS WAS APPROVED, AND ONE FINANCIAL
3 MECHANISM SWITCH FROM A TRUST BOND TO A SURETY
4 BOND. IN THE AREA OF CLOSURE, WE HAVE FIVE FINAL
5 CLOSURE PLANS APPROVED IN THE QUARTER THUS FAR,
6 FIVE PRELIMINARY CLOSURE PLANS, ONE ALTERNATIVE
7 DAILY COVER DEMONSTRATION PROJECT, AND ONE CLOSURE
8 TIME LINE EXTENSION.

9 DETAIL ON THE FACILITIES AFFECTED IS
10 AVAILABLE IF YOU WOULD LIKE TO HAVE THAT
11 INFORMATION. I'LL PROVIDE IT TO YOUR OFFICES IN
12 MORE DETAIL. AND, AGAIN, I WOULD HOPE TO BE
13 SUPPLEMENTING THIS INFORMATION IN APRIL TO MAKE IT
14 A MORE COMPLETE REPORT FOR THE QUARTER, INCLUDING
15 OTHER ITEMS THAT WE WEREN'T ABLE TO GET IN THE
16 TIME FRAME.

17 SECONDLY, PER COMMITTEE DIRECTION AT
18 YOUR JANUARY MEETING, I PLAN TO PROVIDE AN UPDATE
19 ON LANDFILL GAS COMPLIANCE ISSUES AT YOUR APRIL
20 COMMITTEE MEETING. THIS WILL BE AN UPDATE AND NOT
21 AN ACTION ITEM, BUT A TITLE WILL BE PLACED ON THE
22 APRIL PERMITTING AND ENFORCEMENT COMMITTEE AGENDA
23 DESCRIBING THE UPDATE ITEM AND ITS NATURE SO THAT
24 ANY INTERESTED MEMBER OF THE PUBLIC WOULD HAVE AN
25 OPPORTUNITY TO ATTEND A MEETING AND HEAR THE

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1 DISCUSSION.

2 I INTEND TO PROVIDE AT THAT TIME AN
3 OVERVIEW OF NEW FEDERAL AIR REQUIREMENTS, OVERVIEW
4 OF EXISTING STATE REQUIREMENTS, AND ENFORCEMENT
5 OPTIONS FOR ADDRESSING LANDFILL GAS VIOLATIONS,
6 INCLUDING THE ISSUE THAT WAS OF INTEREST TO THE
7 COMMITTEE IN JANUARY, THAT BEING THE OPTION OF
8 ACQUIRING ADJACENT PROPERTY WHERE THERE ARE GAS
9 EXCEEDANCES AT THE PERMITTED BOUNDARY, SO THAT
10 WOULD BE INCLUDED IN THAT DISCUSSION IN APRIL.

11 LASTLY, IN APRIL I PLAN TO PLACE AN
12 ITEM FOR YOUR CONSIDERATION ON THE PERMITTING AND
13 ENFORCEMENT COMMITTEE AGENDA REGARDING THE WORK I
14 HAVE BEEN DOING WITH STAFF IN THE PERMITTING AND
15 ENFORCEMENT DIVISION TO ANALYZE OUR PROGRAMS AND
16 TO DEVELOP GOALS AND OBJECTIVES FOR THOSE PROGRAMS
17 FOR YOUR CONSIDERATION, AS WELL AS SPECIFIC
18 STRATEGIES FOR ACHIEVING THE IDENTIFIED GOALS AND
19 OBJECTIVES.

20 THIS IS THE WORK WE HAVE BEEN
21 AFFECTIONATELY CALLING THE OTHER 50 PERCENT
22 INITIATIVE WITHIN THE DIVISION, FOCUSING ON THE
23 PROGRAMS WHOSE PRIMARY PURPOSE IS PROTECTION OF
24 PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT. WE'RE
25 LOOKING FORWARD TO RECEIVING YOUR INPUT AND PUBLIC

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1 INPUT, FEEDBACK, AND DIRECTION FROM YOU ON THIS
2 WORK, WHICH WE HOPE WILL SERVE AS A VALUABLE
3 COMPANION PIECE TO THE 50-PERCENT INITIATIVE WORK
4 THAT OTHER PARTS OF THE BOARD HAVE BEEN WORKING
5 ON. WE ALSO HOPE IT WILL BE A WAY TO ASSIST US AS
6 STAFF IN PRIORITIZING OUR WORK CONSISTENT WITH
7 YOUR GOALS AND OBJECTIVES FOR OUR PROGRAMS. SO
8 THAT'S THE EXTENT OF MY REPORT THIS MORNING.

9 CHAIRMAN FRAZEE: OKAY. THANK YOU. NOW
10 WE ARE READY TO MOVE TO THE CONSENT CALENDAR, AND
11 THE CONSENT CALENDAR CONSISTS OF JUST ONE ITEM
12 THIS MORNING, AND WE ALSO HAVE A REQUEST TO SPEAK
13 ON THIS ITEM PRIOR TO THE TIME WE TAKE IT UP.
14 THIS IS THE CONSIDERATION OF A NEW SOLID WASTE
15 FACILITY PERMIT FOR THE TULARE COUNTY RECYCLING
16 COMPLEX. RAY LUDWIG, REPRESENTING TULARE COUNTY
17 RECYCLING.

18 MR. LUDWIG: GOOD MORNING AND THANK YOU
19 VERY MUCH. IT'S A PLEASURE TO BE HERE BEFORE THE
20 BOARD. I'D LIKE TO JUST TAKE A FEW MINUTES. I
21 UNDERSTAND THAT, BECAUSE WE ARE ON THE CONSENT
22 CALENDAR, I WOULD LIKE TO JUST TAKE A MINUTE OR
23 TWO TO BRING YOU UP TO DATE AND ALSO LET OTHER
24 MEMBERS OF THE AUDIENCE KNOW WHO WE ARE AND WHAT
25 WE'RE ABOUT.

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1 WE'RE VERY PROUD OF THE FACT THAT,
2 WITH THE COOPERATION OF THE LEA IN TULARE, MR. JAY
3 JOHNSON AND HIS STAFF AND ESPECIALLY MR. CHUCK VAN
4 HORN ASSISTED IN THE REPORT OF STATION
5 INFORMATION, AND THAT WE WERE ABLE TO PERMIT -- GO
6 FROM A RECYCLING OPERATION TO A FULL TRANSFER
7 OPERATION WITH THE ABILITY TO PROCESS 1200 TONS A
8 DAY. AND WITH THAT ABILITY, WE'LL BE ASSURED TO
9 HELP TULARE COUNTY MEET THE DIVERSION GOALS OF
10 AB 939.

11 WE LOOK FORWARD TO THE OPPORTUNITY
12 TO SERVE THE COUNTY AND HELP MEET THE STATE
13 MANDATES AND REQUIREMENTS. AND ON BEHALF OF THE
14 OTHER TWO PRINCIPALS, MR. RON BEAVERS AND MR.
15 GABRIEL PENA, WE THANK YOU FOR YOUR SUPPORT AND
16 CONSIDERATION ON THIS CONSENT CALENDAR.

17 CHAIRMAN FRAZEE: OKAY. THANK YOU. WE
18 HAVE THE ITEM BEFORE US, THEN, FOR A MOTION.

19 MEMBER RELIS: I'LL MOVE.

20 MEMBER JONES: I'LL SECOND.

21 CHAIRMAN FRAZEE: WE HAVE A MOTION
BY MR.

22 RELIS AND A SECOND BY MR. JONES THAT THE
WASTE

23 FACILITIES PERMIT FOR THE TULARE COUNTY
RECYCLING

24 COMPLEX BE APPROVED AND RECOMMENDED TO THE
CONSENT
25 CALENDAR TO THE FULL BOARD. SECRETARY WILL
CALL

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1 THE ROLL ON THAT, PLEASE.

2 THE SECRETARY: BOARD MEMBER RELIS.

3 MEMBER RELIS: AYE.

4 THE SECRETARY: BOARD MEMBER JONES.

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN FRAZEE.

7 CHAIRMAN FRAZEE: AYE. MOTION IS

8 CARRIED.

9 NOW TO IN THE PROPER SEQUENCE OF
10 THINGS HERE, WE'RE GOING TO MOVE AT THIS TIME TO
11 ITEM 8, CORRECT?

12 MS. RICE: THAT'S CORRECT.

13 CHAIRMAN FRAZEE: AND ITEM 8 IS THE
14 CONSIDERATION OF A NEW MAJOR WASTE TIRE FACILITY
15 PERMIT FOR THE MODESTO ENERGY LIMITED PARTNERS,
16 STANISLAUS COUNTY.

17 MS. RICE: THANK YOU, MR. CHAIRMAN.
18 GARTH ADAMS OF STAFF WILL MAKE THE PRESENTATION ON
19 THIS ITEM AND ON THE NEXT ITEM.

20 MR. ADAMS: MORNING, MR. CHAIRMAN AND
21 MEMBERS OF THE COMMITTEE. MY NAME IS GARTH ADAMS
22 FOR THE RECORD, AS THOUGH YOU HAVEN'T SEEN ME
23 BEFORE.

24 BEFORE YOU THIS MORNING IS THE --
25 FOR YOUR CONSIDERATION IS THE APPLICATION FOR THE

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1 MODESTO ENERGY PARTNERSHIP'S MAJOR WASTE TIRE
2 FACILITY PERMIT FOR THE DELIVERY AREA. BASICALLY
3 THAT'S THE PAD AT THE BOTTOM OF THE HILL BELOW THE
4 CONVEYOR BELT.

5 THEY HAD PREVIOUSLY SUBMITTED AN
6 APPLICATION THAT WAS DEEMED INCOMPLETE BECAUSE OF
7 THE DEFICIENCIES IN PROPERTY OWNER SIGNATURE, A
8 LACK OF AN OPERATING LIABILITY CERTIFICATE OF
9 INSURANCE, A CLOSURE PLAN, AND A TRUST FUND
10 AGREEMENT WITH AN APPROVED FINANCIAL INSTITUTION.

11 THE APPLICATION HAS BEEN DEEMED
12 COMPLETE AS OF YESTERDAY. THOSE SUBMITTALS DID
13 COME IN, AND I'M GLAD TO SAY THAT THEY ARE HERE
14 AND WE ARE LOOKING AT THEM, BUT BASICALLY THEY ARE
15 HERE AND COMPLETE, AND THAT DOES NOT IMPLY THAT
16 THE CLOSURE PLAN IS APPROVED OR THE COSTS RELATED
17 TO THAT IN THE TRUST APPROVED AT THIS TIME, BUT
18 THE PARTS ARE ALL HERE.

19 THE -- BASICALLY FOR THIS PERMIT,
20 EVEN THOUGH WE DON'T HAVE ONE BEFORE YOU NOW, I
21 BELIEVE WE'LL BE CRAFTING ONE AFTER THIS COMMITTEE
22 MEETING WITH THE RECOMMENDATIONS OF THE COMMITTEE.

23 THE CLOSURE PLAN, AS PROPOSED, IS
24 RECOMMENDING OR PROPOSING THAT \$200,000 IN CASH BE
25 PUT INTO THE TRUST. THE TOTAL PERMITTED CAPACITY

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1 OF THE DELIVERY AREA IS 4,000 TONS OR 400,000
2 PASSENGER TIRE EQUIVALENTS. IN ADDITION TO THAT,
3 MELP IS WILLING TO INCLUDE IN THE PERMIT A 30-DAY
4 WRITTEN NOTICE TO THE BOARD OF ANY PERMANENT
5 SHUTDOWN OF THE MELP FACILITY. THAT WOULD ENABLE
6 THEM TO CEASE TAKING TIRES TO THE DELIVERY AREA
7 AND BURN THOSE TIRES DOWN TO ZERO WITHIN THAT
8 30-DAY PERIOD THAT THEY ARE NOTIFYING US AS TO THE
9 SHUTDOWN.

10 THEY ARE ALSO OFFERING A SIX-MONTH
11 REVIEW OR RECOMMENDING THAT A SIX-MONTH REVIEW BE
12 DONE OF THEIR PERMIT TO LOOK AT THE FINANCIAL
13 ASSURANCES THAT ARE BEING PROVIDED AND THE TOTAL
14 PERMITTED CAPACITY OF THE SITE. THAT SIX-MONTH
15 REVIEW WILL HAPPEN -- WOULD HIT AT THE AUGUST OF
16 THIS YEAR, AND THAT IS THE MONTH BEFORE THE
17 SEPTEMBER CLIFF DATE THAT MELP CAN SPEAK A LITTLE
18 BIT MORE TO PROBABLY THIS MORNING.

19 BASICALLY THAT IS THE DATE THAT IS
20 AN IMPORTANT ONE FOR US IN THAT THE FACILITY MAY
21 BE REQUIRED TO SHUT DOWN AT THAT TIME, BUT IN
22 AUGUST MELP HAD INDICATED TO US THAT THEY SHOULD
23 KNOW THE STATUS OF THE FACILITY OR THEIR
24 LITIGATION WITH PG&E AT THAT TIME.

25 THE CLOSURE COSTS FOR THE PROPOSED

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1 PLAN, DOING SOME SIMPLE MATH HERE, BASICALLY WE'RE
2 LOOKING AT ABOUT \$50 A TON TO REMOVE THOSE TIRES,
3 TO SHRED, LOAD, AND REMOVE THOSE TIRES TO AN
4 APPROVED FACILITY, AND THAT FACILITY THAT THEY
5 HAVE OPTED FOR IS THE KEEFER LANDFILL DOWN HERE IN
6 EAST SACRAMENTO. AND THAT'S \$50 A TON.

7 STAFF, SINCE RECEIVING THEIR CLOSURE
8 PLAN, SINCE WE HAVEN'T HAD IT FOR VERY LONG, HAVE
9 GONE THROUGH SOME PRELIMINARY COSTS AND PENCILED
10 OUT SOMETHING IN THE NEIGHBORHOOD OF ABOUT \$74 A
11 TON, AND OBVIOUSLY THERE'S A LITTLE BIT OF A
12 DIFFERENCE THERE OF ABOUT \$96,000. AND I HAD
13 SPOKE TO MR. GRECO IN THE BACK OF THE ROOM PRIOR
14 TO THIS MEETING AND INDICATED KIND OF WHERE OUR
15 DIFFERENCES ARE, AND WE WOULD BE WILLING TO WORK
16 WITH THEM IN TRYING TO RESOLVE ANY DIFFERENCES
17 THAT WE HAVE.

18 IN ADDITION TO THAT, BOARD STAFF
19 HAVE INSPECTED THE SITE. AND MR. KEITH CAMBRIDGE
20 CAN REPORT ON HIS FINDINGS ON THOSE INSPECTIONS OF
21 THAT FACILITY IF YOU WISH.

22 THAT BASICALLY CONCLUDES MY PART OF
23 THIS. I KNOW THE OPERATOR IS PRESENT. AND IF YOU
24 HAVE ANY QUESTIONS OF THEM, I'M SURE THEY'D BE
25 MORE THAN WILLING TO COME UP AND CHAT ABOUT IT.

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1 MS. RICE: MR. CHAIRMAN, WE SHOULD
2 PROBABLY POINT OUT THAT GIVEN THE TIMING OF OUR
3 RECEIPT OF THESE MATERIALS, OBVIOUSLY WE HAVE NO
4 WRITTEN PERMIT ITEM FOR YOU. AND CLEARLY THAT
5 MAKES IT DIFFICULT, PERHAPS IMPOSSIBLE, TO
6 CONSIDER THE ITEM TODAY.

7 OUR INTENT WAS TO PROVIDE YOU THE
8 INFORMATION THAT WE HAVE TO THE BEST OF OUR
9 ABILITY, PROVIDE THE OPERATOR WITH AN OPPORTUNITY
10 TO DESCRIBE ANY ISSUES THEY WOULD WISH TO
11 DESCRIBE, AND INTEND TO HAVE THE ITEM MOVED TO THE
12 BOARD SO THAT ACTION COULD BE TAKEN AT THAT TIME.

13 WE WOULD BE DOING OUR VERY BEST TO
14 GET A PERMIT DOCUMENT AND ITEM FOR YOUR
15 CONSIDERATION, I WOULD HOPE, BY MONDAY AT THE VERY
16 LATEST, SO THAT YOU COULD READ THE PERMIT AND THE
17 WRITEUP BY STAFF, AND BE PREPARED TO TAKE ACTION
18 AT THE BOARD MEETING.

19 WE RECOGNIZE THAT THOSE ARE VERY
20 TIGHT TIME FRAMES, AND WE'RE DOING OUR VERY BEST
21 TO GET THE WRITTEN MATERIAL TO YOU AS QUICKLY AS
22 POSSIBLE. SO BASICALLY I'D BE ASKING IF THAT
23 MEETS WITH YOUR APPROVAL; IN OTHER WORDS, TO HAVE
24 SO LITTLE TIME TO REVIEW THE PERMIT. WE'RE
25 PREPARED TO DO OUR BEST TO GET IT TO YOU BY

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1 MONDAY. I DON'T THINK THAT WE WOULD DO IT ANY
2 QUICKER THAN THAT.

3 CHAIRMAN FRAZEE: AND THE STATUTORY TIME
4 CONSTRAINTS ON HANDLING THIS PERMIT WOULD BE --

5 MS. RICE: WELL, THERE ESSENTIALLY
ARE

6 NONE THAT ARE AFFECTING US AT THE MOMENT. WE
HAVE

7 180 DAYS TO ACT ON THIS PERMIT WHICH WAS JUST
8 DEEMED COMPLETE YESTERDAY, SO ESSENTIALLY WE

HAVE

9 180 DAYS FROM THAT POINT. SO WE ARE DOING OUR
10 VERY BEST TO BE OF SERVICE REGARDLESS OF THAT

TIME

11 FRAME.

12 MEMBER JONES: ASK A QUESTION. THE
13 CLOSURE -- THE CLOSURE FUNDING ISSUES, ARE

THEY

14 GOING TO BE RESOLVED? ARE YOU GUYS GOING TO
TRY

15 TO RESOLVE THOSE PRIOR TO WRITING UP THE ITEM
16 PRIOR TO THE BOARD MEETING? OR ARE WE GOING

TO BE

17 FORCED TO NEGOTIATE THIS IN AN OPEN BOARD
MEETING?

18 MS. RICE: I THINK, AS GARTH

INDICATED,

19 WE WILL CERTAINLY BE IN DISCUSSIONS WITH THE
20 OPERATOR AND DO OUR VERY BEST TO RESOLVE ANY
21 DIFFERENCES, BUT WE WILL NATURALLY, AS WE
ALWAYS

22 ARE, BE GUIDED BY OUR UNDERSTANDING OF THE
23 REGULATIONS OF WHAT THE REQUIREMENTS ARE. AND
24 ULTIMATELY I CAN'T SAY THAT THERE WOULD NOT BE
ANY
25 DIFFERENCE OF OPINION BETWEEN OUR POINT OF
VIEW

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1 AND THE OPERATOR. AND WE WOULD DO OUR BEST TO
2 PRESENT THAT CLEARLY TO YOU AS WHAT OUR STAFF
3 RECOMMENDATION IS AND WHERE ANY DIFFERENCES OF
4 OPINION MAY LIE SO THAT YOU CAN MAKE YOUR JUDGMENT
5 ON WHAT THE APPROPRIATE DECISION IS.

6 MEMBER RELIS: MR. CHAIR, GIVEN THE FACT
7 THAT WE'RE NOT UNDER A STATUTORY CLOCK HERE, AND
8 GIVEN THE FACT THAT WE DON'T HAVE ANYTHING IN
9 WRITING, WE HAVE A VERBAL REPORT, I CERTAINLY
10 DON'T FEEL UNDER ANY COMPULSION TO FEEL HURRIED IN
11 ANY WAY ON THIS DECISION. IT'S AN IMPORTANT
12 DECISION. AND IT DOES BOTHER ME WE DON'T HAVE A
13 WRITTEN REPORT AGAINST WHICH -- IN EFFECT, WE
14 BYPASS THIS COMMITTEE'S CONSIDERATION OTHER THAN
15 HAVING A VERBAL DISCUSSION HERE. SO I THINK IT IS
16 AN IMPORTANT PROCESS MATTER, AND SO I'M JUST
17 OFFERING ONE MEMBER'S PERSPECTIVE.

18 MR. CHANDLER: MR. FRAZEE, MAYBE I COULD
19 SPEAK TO THAT JUST A LITTLE BIT BECAUSE I KNOW
20 NEITHER YOU OR MR. RELIS, APPROPRIATELY SO, WERE
21 PARTY TO THE CONVERSATION I HAD WITH THE APPLICANT
22 AND ONE MEMBER OF THE BOARD. AND THAT HAD TO DO
23 WITH A LETTER THAT I WAS SENDING TO THEM
24 INDICATING THAT WE WOULD NOT ALLOW THIRD-PARTY
25 TIRES TO COME TO THE DELIVERY AREA WITHOUT A

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1 PERMIT.

2 WE ALSO INDICATED TO THEM THAT WE
3 FELT THERE WAS A WAY IN WHICH THEY COULD RECEIVE A
4 SMALL PORTION OF THEIR FUEL SUPPLY FROM A THIRD-
5 PARTY ENTITY BY HAVING THE TIRES NOT TOUCH THE
6 GROUND, BUT DELIVERED DIRECTLY TO THE FACILITY
7 ITSELF; I.E., THE HOPPER. THAT RESULTS IN A
8 SIGNIFICANT EXPENSE, AND SO THE DISCUSSIONS THAT
9 ENSUED WERE THAT WE WOULD DO OUR BEST TO CONSIDER
10 THEIR PERMIT APPLICATION SO AS TO NOT PUT THIS
11 ADDITIONAL EXPENSE ON THE APPLICANT.

12 AND SO IT'S PRIMARILY FOR THAT
13 REASON THAT WE CONTINUE TO TRY TO WORK WITH THE
14 DIRECTION WE GOT A BIT EARLIER FROM THIS ONE
15 MEMBER AND THE APPLICANT TO DEAL WITH THEIR DESIRE
16 TO BRING IN THIRD-PARTY TIRES TO MEET THEIR FUEL
17 SUPPLIES IN LIGHT OF THE BREAKDOWN, IF YOU WILL,
18 OF THE NEGOTIATIONS BETWEEN OXFORD AND MELP. AND
19 I'M SURE YOU WILL HEAR MORE ABOUT THAT FROM THE
20 APPLICANT. BUT I WANTED YOU TO HAVE AN
21 APPRECIATION FOR WHY WE'RE BEING ASKED TO MOVE
22 THIS, IF WE CAN, ALONG. OKAY.

23 CHAIRMAN FRAZEE: LET'S HEAR FROM THE
24 ONLY SPEAKER SLIP I HAVE, EDWARD TOMEO REPRESENTING MELP.
25

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1 MR. TOMEO: GOOD MORNING. MY NAME IS
2 EDWARD TOMEO. I WORK FOR UNITED AMERICAN ENERGY
3 CORP, AND WE -- OUR SUBSIDIARY COMPANY IS THE
4 MANAGER AND OPERATOR OF THE MODESTO ENERGY
5 FACILITY. WE HAVE FILED FOR APPLICATION FOR A
6 PERMIT FOR OUR TIRE DELIVERY AREA.

7 I THINK IT'S IMPORTANT TO NOTE A
8 COUPLE OF ITEMS OF HISTORY DEALING WITH THIS
9 APPLICATION. PREVIOUSLY THIS AREA WAS CONSIDERED
10 PART OF OXFORD ENERGY'S PERMIT. BUT AS A RESULT
11 OF INDEPENDENT BUSINESS NEGOTIATIONS WITH THAT
12 PARTY, THERE WAS A DECISION MADE LATE LAST YEAR
13 THAT WE WOULD GO AHEAD AND PERMIT THAT FACILITY
14 FOR OURSELVES. THAT IS WHY WE ARE COMING WHAT
15 MIGHT BE CONSIDERED LATE TIMING, BUT IT IS OF
16 URGENCY FOR US TO GET THIS PERMITTED.

17 WE ARE LOOKING FOR NEW SOURCES OF
18 TIRES. OXFORD TIRE RECYCLING, WITH WHOM WE STILL
19 HAVE A CONTRACT, IS NOT LIVING UP TO THE TERMS OF
20 THEIR CONTRACT IN THAT THEY CONTINUE TO NOT PAY
21 US
22 FOR TIRES, WHICH IS PUTTING AN INCREDIBLE
23 FINANCIAL BURDEN ON MODESTO ENERGY. THAT ACCOUNT
24 HAS EXCEEDED NOW \$700,000. AND WE HAVE HAD SOME
 DISCUSSIONS, BUT NOTHING APPEARS TO BE FRUITFUL,

25 WITH REGARD TO OUR GETTING SOME KIND OF
SETTLEMENT

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1 OF THAT PROBLEM WITH OXFORD TIRE.

2 WE HAVE BEGUN ACCEPTING TIRES FROM
3 THIRD PARTIES, AS MR. CHANDLER STATED, AT THIS
4 TIME. BECAUSE OF OUR LACK OF THE PERMIT FOR THIS
5 AREA, WE ARE RECEIVING THE TIRES EITHER DIRECTLY
6 INTO OUR EQUIPMENT, ROLLING TIRES OUT OF TRAILERS
7 INTO THE LARGE BUCKETS OF OUR LOADERS, OR BACKING
8 THE TRAILERS UP TO OUR CONVEYOR BELT SYSTEM AND
9 HANDLING THEM ONE AT A TIME BY HAND AT THE RATE
10 THAT OUR SYSTEM CAN TAKE THEM AWAY. AS A RESULT,
11 WE ARE INCURRING ADDITIONAL MANPOWER COST, AND
12 ALSO IT LIMITS OUR ABILITY TO ACCEPT TIRES FROM
13 OTHER PAYING CUSTOMERS, SO FURTHER EXACERBATING
14 OUR FINANCIAL SITUATION BECAUSE OF OUR OXFORD TIRE
15 PROBLEM.

16 I THINK IT'S ALSO IMPORTANT TO POINT
17 OUT THAT THIS TIRE DELIVERY AREA IS PRETTY MUCH
18 IDENTICAL TO WHAT WOULD BE COVERED IF WE WERE A
19 CEMENT MILL, AND WE WOULD THEREFORE BE EXEMPTED
20 FROM THE NEED FOR A PERMIT.

21 WE ARE CONSIDERING BASICALLY CLEANUP
22 LEGISLATION THIS YEAR TO SEE IF OUR FACILITY COULD
23 GET RECOGNIZED AS HAVING A PARALLEL RELATIONSHIP
24 THERE WITH THE CEMENT MILLS. BECAUSE THIS IS A
25 FUEL SUPPLY PILE, IT REPRESENTS LESS THAN ONE

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1 MONTH WORTH OF BURN FOR US, AND IT'S CONSTANTLY
2 TURNING OVER, THAT REALLY THE PERMITTING HERE IS A
3 RESULT OF OUR NOT HAVING GOTTEN INTO AN EXEMPTION
4 THAT WE PROBABLY SHOULD HAVE.

5 ALSO PROBABLY IMPORTANT TO POINT OUT
6 IS THE NUMBER OF TIRES. WE ARE PERMITTING IT FOR
7 400,000; BUT BY THE NATURE OF THE BUSINESS, OUR
8 ANTICIPATION IS THAT THE AVERAGE QUANTITY OF TIRES
9 ON THAT AREA WILL BE HALF OF THAT, SOMEWHERE
10 BETWEEN 200 AND 250,000 TIRES. WE PERMIT FOR A
11 HIGHER LEVEL FOR THE CASE THAT IF WE GO DOWN FOR A
12 WEEK FOR MAINTENANCE OR SOMETHING OF THAT NATURE,
13 THAT WE HAVE SOME MARGIN LEFT TO CONTINUE TO
14 ACCEPT TIRES FROM OUR CUSTOMERS. WE BURN TIRES AT
15 THE RATE OF 18,000 A DAY OR ABOUT 500,000 A MONTH,
16 SO YOU CAN SEE THAT WE CAN TAKE CARE OF THESE
17 TIRES PRETTY QUICKLY UNDER A NORMAL OPERATING
18 SCENARIO.

19 I THINK AS FAR AS THE APPLICATION,
20 WE HAVE BEEN WORKING WITH THE BOARD STAFF. WE
21 HAVE GOTTEN THE APPLICATION COMPLETE. I THINK
22 WE'VE PUT TOGETHER A PACKAGE OF FINANCIAL
23 ASSURANCE WITH REGARD TO A CLOSURE PLAN THAT IS
24 COMPLETE. WE RECEIVED QUOTES FOR THE LANDFILL FOR
25 DISPOSAL, FOR TRANSPORTATION TO THE LANDFILL, FOR

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1 SHREDDING AND LOADING AT OUR SITE. I BELIEVE THAT
2 THERE ARE STILL SOME DIFFERENCES.

3 FOR INSTANCE, WE HAD NOT PUT IN
4 DOLLARS FOR SECURITY AND ADMINISTRATION. MELP HAS
5 OBLIGATIONS THAT ARE WELL BEYOND THIS TIRE PILE
6 WITH REGARD TO OUR FACILITY. AND SO, FOR
7 INSTANCE, WITH SECURITY, FOR THE SHORT PERIOD OF
8 TIME IT WOULD TAKE TO CLEAN UP AN EASILY
9 ACCESSIBLE TIRE PILE, IT HAS VERY GOOD TRUCK
10 ACCESS, WE'RE NOT TALKING ABOUT SOME HIDDEN
11 VALLEY, WE'RE TALKING ABOUT AN AREA THAT GETS
12 TIRES DELIVERED DAILY AND REMOVED DAILY.

13 THE SECURITY -- WE HAVE AN
14 OBLIGATION TO PROVIDE SECURITY EVEN IN THE
15 SHUTDOWN OF THIS FACILITY UNTIL SUCH TIME AS THE
16 FACILITY'S BUSINESS ITSELF WOULD BE WOUND UP, IF
17 THAT EVENT WERE TO OCCUR. AND WE ALSO HAVE AN
18 OBLIGATION UNDER OUR LAND AGREEMENT GOING TO THE
19 COUNTY'S FIRE MARSHAL AND FIRE COMMITTEE THAT WE
20 WILL PROVIDE A 24-HOUR FIRE WATCH.

21 SO WE FELT THAT THOSE PROVISIONS
22 WILL REMAIN AND THAT THE SECURITY AND
ADMINISTRA-
23 TION, THEREFORE, WOULD BE SUPERFLUOUS, AND I
THINK

24 THAT'S PART OF THE DOLLAR DIFFERENTIAL. I

BELIEVE

25 MAYBE WE ALSO HAVE A LITTLE BIT OF DIFFERENTIAL
ON

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1 TRANSPORTATION TIME, AND WE'D BE HAPPY TO WORK
2 WITH STAFF TO WORK THAT NUMBER OUT. BUT WE ALSO
3 HAD PUT IN ADDITIONAL DOLLARS FOR THE SHREDDING
4 ACTIVITY JUST TO ROUND THE NUMBER UP TO \$200,000.

5 WE ACTUALLY HAVE PUT IN MORE MONEY
6 THAN WE ANTICIPATE IS NECESSARY FOR CLOSURE. SO I
7 ANTICIPATE THAT OVER THE COURSE OF THE NEXT COUPLE
8 OF DAYS WE WOULD EASILY BE ABLE TO WORK THIS OUT
9 WITH STAFF. AND WE CERTAINLY DO INTEND TO HAVE
10 STAFF APPROVAL AND OFFER A DOLLAR BONDING AMOUNT
11 FOR THE BOARD MEETING THAT WILL SATISFY STAFF'S
12 RECOMMENDATIONS. SO IF WE -- IF 200,000 ISN'T THE
13 NUMBER, WE'LL WORK SOMETHING OUT THERE.

14 AND FINALLY, I THINK, AS GARTH HAD
15 MENTIONED, WE ARE OFFERING -- GOING BEYOND WHAT'S
16 REQUIRED UNDER THE LEGISLATION TO OFFER THAT
17 30-DAY NOTICE IN THE EVENT OF OUR INTENTION TO
18 SHUT DOWN OR THE REVIEW OPPORTUNITY IN AUGUST TO
19 ALLOW THE BOARD TO HAVE A SECOND LOOK AT THE RISKS
20 OF THIS SMALL TIRE DELIVERY AREA. AND WE'RE HAPPY
21 TO DO THAT IN ORDER TO PROVIDE ADDITIONAL COMFORT,
22 BUT THE IMPORTANT FEATURE IS FOR US TO GAIN THE
23 APPROVAL THIS MONTH SO THAT WE CAN ACCEPT MORE
24 TIRES FROM MORE PAYING CUSTOMERS AND TAKE CARE OF
25 AT LEAST ONE FINANCIAL PROBLEM.

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1 I'M HAPPY TO ANSWER ANY QUESTIONS IF
2 ANYBODY WOULD LIKE TO ASK.

3 CHAIRMAN FRAZEE: THE LAST YEAR IN
4 OPERATION THERE WAS INITIALLY A TWO-MONTH SHUTDOWN
5 WHICH WAS EXPANDED TO THREE MONTHS. QUESTION I
6 HAVE ON THAT, IF THAT OCCURS AGAIN THIS YEAR, HOW
7 MUCH NOTICE DO YOU GET OF THAT KIND OF A SHUTDOWN?

8 MR. TOMEIO: THAT KIND OF A SHUTDOWN IS A
9 NEGOTIATED RELATIONSHIP BETWEEN US AND THE
10 UTILITY. IT HAS GENERALLY TAKEN A MONTH OR TWO OF
11 NEGOTIATIONS TO WORK OUT THAT ARRANGEMENT WITH
12 THEM. WE HAVE HAD A PRELIMINARY DISCUSSION OF
13 WHETHER OR NOT THEY MIGHT EVEN HAVE INTEREST, AND
14 THEY DID NOT EVEN AT THIS POINT GIVE US A FIRM
15 YES.

16 WE WOULD GIVE PLENTY OF NOTICE. WE
17 WOULD ACTUALLY TAKE THE TIRE DELIVERY AREA DOWN TO
18 ZERO TIRES AT THAT TIME IN ORDER TO PROVIDE A
19 REASONABLE BUFFER FOR ANY INCOMING TIRES DURING
20 THAT SHUTDOWN. AND WE CERTAINLY WOULDN'T HAVE A
21 SHUTDOWN THAT WOULD BE OF ANY GREATER LENGTH THAN
22 WHAT WE HAD TIRE DELIVERY AREA ACCEPTANCE
23 CAPABILITY.

24 CHAIRMAN FRAZEE: BUT IN THE CASE OF LAST
25 YEAR, IT WAS INITIALLY A TWO-MONTH, 60-DAY,

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1 SHUTDOWN AND THEN THAT WAS EXPANDED TO 90 DAYS.

2 MR. TOMEO: THAT'S CORRECT. AND ACTUALLY
3 THAT EXPANSION WAS AT THE MUTUAL AGREEMENT BETWEEN
4 US AND THE UTILITY. THE TERMS OF OUR CURTAILMENT
5 ACTUALLY CALLS THAT EITHER PARTY CAN CANCEL THE
6 SHUTDOWN ARRANGEMENT WITH A, I BELIEVE IT WAS, A
7 14-DAY NOTICE SO THAT WE FEEL VERY COMFORTABLE
8 THAT IF THERE WERE ANY CONCERN ABOUT THE FIRE
9 DELIVERY AREA BUILDUP, WE WOULD JUST NOTIFY THE
10 UTILITY THAT WE LIKE TO GO BACK ON-LINE AND WOULD
11 DO SO. I DON'T BELIEVE THAT THAT WOULD PRESENT A
12 RISK FOR US OR FOR THE BOARD.

13 CHAIRMAN FRAZEE: ANOTHER CONCERN I HAVE
14 IS THE DELINEATION OF THE SO-CALLED DELIVERY AREA,
15 SEPARATING THAT FROM THE OXFORD TIRES THAT ARE ON
16 THE SITE ALSO. IS THE SITE IN SUCH A MANNER THAT
17 THAT CAN BE EASILY DONE? OR IS THERE THE
18 OPPORTUNITY THAT THESE -- THAT THIS IS ALL GOING
19 TO GET MERGED INTO ONE BIG PILE AGAIN?

20 MR. TOMEO: THERE USED TO BE THE
21 OPPORTUNITY AND I THINK IT WOULD BE RECREATED.
22 THE REASON I SAY THAT IS OUR TIRE DELIVERY AREA IS
23 A DISTINGUISHED AREA AS FAR AS A PARCEL MAP, AND
24 THE PARTIES DO KNOW WHERE IT EXISTS ON THE REAL
25 ESTATE. CURRENT PRACTICE HAS BEEN THAT OXFORD

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1 TIRE HAS BEEN UNLOADING THEIR TIRES AT THE TOP OF
2 THE HILL BEHIND THE DELIVERY AREA, AND THE BUILDUP
3 HAS GOTTEN TO THE DEGREE THAT THEY BASICALLY ROLL
4 DOWN THAT HILL. AND SOME OF THE MORE FRISKY TIRES
5 WILL MAKE IT INTO THE TIRE DELIVERY AREA.

6 THERE USED TO BE A FIRE BREAK
7 DIRECTLY BEHIND THE TIRE DELIVERY AREA. WE
8 BELIEVE THAT THAT FIRE BREAK SHOULD BE PUT BACK IN
9 PLACE. OXFORD'S PROCESS HAS BASICALLY FILLED THAT
10 TIRE BREAK. AND WE HAVE EXPRESSED OUR CONCERNS TO
11 THE FIRE MARSHAL WITH REGARD TO NOT ONLY THAT, BUT
12 OTHER FIRE BREAKS THAT HAVE BEEN FILLED WITH
13 TIRES. AND HOPEFULLY THAT WILL BE RESOLVED.

14 WE RECEIVED A LETTER FROM OXFORD
15 STATING THAT THEY WOULD RESOLVE THAT PROBLEM;
16 HOWEVER, THAT LETTER MUST BE A MONTH OR PROBABLY
17 MORE THAN TWO MONTHS OLD AT THIS POINT, AND WE
18 STILL HAVE NOT SEEN THAT ACTION. SO WE CERTAINLY
19 WOULD LIKE TO SEE THEIR CONTINUED COMPLIANCE WITH
20 THE FIRE AGREEMENTS.

21 CHAIRMAN FRAZEE: AND IN TODAY'S METHOD
22 OF OPERATION, YOU'RE CONTINUING TO TAKE TIRES FROM
23 THE OXFORD PILE WITHOUT COMPENSATION?

24 MR. TOMEO: THAT'S CORRECT. OUR CONTRACT
25 DOES GIVE US ACCESS TO THOSE TIRES. OUR CONTRACT

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1 ALSO DOES CALL FOR PAYMENT FOR THE CONSUMPTION OF
2 THOSE TIRES. PART OF THE CONTRACT IS STILL IN
3 FORCE, BUT SORRY TO SAY, THE PAYMENT PART IS NOT
4 WORKING OUT THAT WELL.

5 MEMBER RELIS: MR. CHAIR, IN LIGHT OF THE
6 COMMENT JUST MADE, I GUESS I'M COMPELLED TO ASK
7 OUR STAFF FOR A STATUS REPORT ON THE INSPECTION OF
8 THE SITE BECAUSE THERE'S BEEN AN ASSERTION THAT
9 THE FIRE CONTROL BREAKS HAVE BEEN COMPROMISED.
10 AND I'D LIKE TO KNOW IF THAT'S, IN FACT, THE CASE.

11 MS. RICE: WE DO HAVE STAFF HERE THAT DID
12 THE INSPECTIONS, AND KEITH CAMBRIDGE CAN SPEAK TO
13 THAT. I WONDER, PERHAPS, IF THAT IS MORE
14 APPROPRIATE ON THE OXFORD UPDATE. I ASSUME YOU'RE
15 TALKING ABOUT THE FIRE BREAKS IN THE OXFORD PILE.

16 MEMBER RELIS: THAT'S OKAY. DEFER TILL
17 THEN.

18 CHAIRMAN FRAZEE: DO YOU HAVE ANY --

19 MEMBER JONES: JUST ONE QUESTION. THE
20 DELIVERY FROM THE TRAILERS INTO THE FACILITY, IS
21 THAT -- I KNOW IT'S GOT TO BE VERY COSTLY. I KNOW
22 THAT IT'S, YOU KNOW, GOT TO BE A TREMENDOUS
23 HEARTACHE TO HAVE TO DO THOSE KINDS OF THINGS.
24 APPROXIMATELY HOW MANY TIRES A DAY -- HOW MANY
25 TRAILERS A DAY ARE COMING IN RIGHT NOW?

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1 MR. TOMEO: I'LL CHECK WITH JOE GRECO. I
2 THINK IT'S THREE OR FOUR -- TWO OR THREE.
3 BASICALLY IT REQUIRES US TO HAVE -- BECAUSE WE
4 DON'T KNOW WHEN THE TIRES -- I'M SORRY -- THE
5 TRAILERS WILL SHOW UP, IT REQUIRES US TO HAVE
6 EXTRA MANPOWER AVAILABLE TO UNLOAD THE TIRES
7 BECAUSE WE ARE PROVIDING A SERVICE TO THE TIRE
8 COMPANY TO EMPTY THEIR TRAILERS AND MAKE SURE
9 THEY'RE AVAILABLE FOR THEM THE NEXT DAY.

10 AND BECAUSE OF THE LIMITED SPACE,
11 THERE'S SOME COORDINATION THAT TAKES PLACE WITH
12 THE COMPANY. THEY ALSO ARE INCURRING SOME
13 ADDITIONAL EXPENSE TRYING TO WORK WITH US DURING
14 THIS TRANSITION PERIOD. NORMALLY THEY WOULD DROP
15 THE TRAILER AND GO. WE WOULD ROLL THE TIRES FROM
16 THE DELIVERY AREA FROM A CONVENIENT LOCATION. BUT
17 AS A RESULT OF OUR HAVING TO JOCKEY THIS INTO THE
18 LOADER, THEY PARK IT IN THE MIDDLE OF THE ROAD,
19 THE TRACTOR DRIVER HAS TO STAY AROUND FOR A WHILE,
20 AND THEY DO SOME OTHER SHUFFLING TO MAKE
21 ARRANGEMENTS.

22 SO LOGISTICALLY IT'S A LITTLE
23 DIFFICULT BECAUSE IT IS NOT A BIG AREA AND IT IS
24 BIG EQUIPMENT THAT WE'RE DEALING WITH. AND IT
25 JUST CREATES PROBLEMS. AS BIG AN IMPACT AS OUR

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1 INABILITY TO ACQUIRE TIRES FROM ANOTHER CONTRACTOR
2 WITH WHOM WE ARE NEAR COMPLETING TERMS UNTIL WE
3 HAVE THE SPACE AND ABILITY TO HANDLE.

4 MEMBER JONES: THANKS.

5 MR. ADAMS: MR. JONES, I WAS GOING TO SAY
6 THAT I WAS AT THE SITE ON FRIDAY, BUT NOT AS AN
7 INSPECTOR, BUT AS A TOUR GUIDE. AND I DID SEE TWO
8 TRAILERS PARKED THERE WITH A FRONT LOADER-TYPE
9 TRACTOR SITTING THERE, AS ED JUST DESCRIBED.

10 MEMBER JONES: THANK YOU.

11 MR. TOMEO: YOU'RE WELCOME. THANK YOU.

12 CHAIRMAN FRAZEE: I HAVE NO OTHER SPEAKER
13 SLIPS ON THIS ITEM. AND OUR ACTION WOULD BE TO
14 FORWARD THIS TO THE FULL BOARD.

15 MR. CHANDLER: YES, AS MS. RICE JUST
16 INDICATED, IT'S VERY IMPORTANT TO US THAT WE BE
17 CLEAR ON WHETHER OR NOT YOU'RE COMFORTABLE SEEING
18 THIS GO TO THE BOARD IN THE SHAPE IT'S IN NOW.
19 WE'RE PREPARED TO WORK THE REMAINING DAYS THIS
20 WEEK AND OVER THE WEEKEND TO DO THAT, BUT WE WANT
21 TO MAKE SURE THAT YOU UNDERSTAND THE TIME FRAMES
22 THAT WE'RE LOOKING AT. YOU'D BE LOOKING AT
23 GETTING A PERMIT. ESSENTIALLY, IT WAS MY
24 DIRECTION TO SHOOT FOR NO LATER THAN EARLY
25 AFTERNOON MONDAY, SO THAT YOU'D HAVE DAY AND A

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1 HALF.

2 MEMBER RELIS: MR. CHAIR, JUST SPEAKING
3 AGAIN FOR MYSELF, I'M NOT COMFORTABLE WITH THAT.
4 I KNOW WE HAVE A HUGE AGENDA COMING TO THE BOARD
5 TO PROCESS THIS. IN ADDITION TO THAT, WITH THE
6 QUESTIONS THAT HAVE BEEN RAISED, I THINK PUTS AN
7 UNDUE BURDEN ON STAFF AND THIS BOARD. SO I DON'T
8 FAVOR US PROCEEDING WITH THE ITEM AT THIS TIME.

9 MEMBER JONES: BOY, I HATE TO -- I MEAN
I
10 CAN APPRECIATE THAT ISSUE, BUT I THINK UNDER THE
11 CIRCUMSTANCES THIS BOARD MEMBER HAS NO PROBLEM
12 WITH DOING THAT. I DON'T -- I KNOW THAT STAFF
HAS
13 BEEN WORKING ON THIS ISSUE LONG AND HARD. THIS
IS
14 NOT A NEW PROCESS. IT WAS JUST SOME TIGHT ENDS
15 THAT OR SOME ISSUES THAT DIDN'T GET TAKEN CARE
OF.

16 I DON'T LIKE HAVING A DAY AND A
HALF
17 EITHER TO REVIEW A PERMIT APPLICATION, BUT I KNOW
18 THAT OR I AM ASSUMING THAT, AS MR. ADAMS SAID,
19 THAT THE ISSUES THAT CONCERN STAFF WERE, I THINK,
20 FOUR -- THREE OR FOUR ITEMS THAT HADN'T BEEN
21 COMPLETED IN THE NORMAL WORKUP OF DOING ANY TYPE

22 OF A PERMIT.

23 I CAN ONLY SPEAK FOR THIS BOARD

24 MEMBER, BUT UNDER THE CIRCUMSTANCES AND TIME

25 CONSTRAINTS AND HAVING TO DEAL WITH THIS
SITUATION

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1 THE WAY THEY HAVE BEEN DEALING WITH IT, NECESSITY
2 IS THE MOTHER OF INVENTION, AND I THINK THAT THEY
3 HAVE HAD TO GET CREATIVE AND TAKEN TIRES OUT OF A
4 TRAILER SO THAT THEY HAVE A SOURCE.

5 AND I SEE THIS MELP PLANT AS A
6 VIABLE SOLUTION TO SOME OF OUR TIRE NEEDS. AND
7 UNFORTUNATELY, WE CAN'T GET INVOLVED IN CONTRACT
8 ISSUES. IT'S NOT OUR PLACE. BUT I WOULD LIKE TO
9 AT LEAST GIVE IT A SHOT AND SEE IF WE COULD GET,
10 YOU KNOW, ENOUGH INFORMATION IN A SHORT PERIOD OF
11 TIME TO MAKE THE BOARD MEMBERS COMFORTABLE AS TO
12 HOW THEY'RE GOING TO ACT ON THIS THING.

13 CHAIRMAN FRAZEE: I WOULD BASICALLY AGREE
14 WITH MR. JONES' STATEMENT. THIS ENTIRE SITUATION
15 OF MELP/OXFORD IS ONE THAT'S, I GUESS YOU COULD
16 INDICATE, THERE'S NOTHING GOOD ABOUT IT, AND EACH
17 NEW TURN IN THE ROAD PRODUCES SOMETHING THAT'S
18 WORSE THAN YOU WOULD IMAGINE THAT COULD EVER
19 HAPPEN. AND THIS LOOKS LIKE AT LEAST A MINOR,
20 TEMPORARY SOLUTION TO KEEPING THE FACILITY GOING
21 AND THE GENERATING PLANT, WHICH IS PRETTY
22 IMPORTANT TO THE WHOLE OPERATION AND ANY HOPES OF
23 EVER REDUCING THE MAJOR TIRE PILE. IF THAT SHUTS
24 DOWN, IF THE PLANT SHUTS DOWN, THEN THERE'S NO
25 HOPE AT ALL, AND WE'LL BE INTO REMEDIATION OF THE

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1 ENTIRE SITE.

2 SO I THINK I'M WILLING TO GO ALONG
3 WITH WHATEVER IS NECESSARY TO KEEP THIS THING
4 MOVING. IT CREATES A DIFFICULT SITUATION FOR MELP
5 IN THEIR CURRENT METHOD OF OPERATION, BOTH BEING
6 COSTLY AND, I GUESS THE GOOD SIDE OF IT IS THIS
7 HISTORIC TIRE PILE IS BEING REDUCED, BUT NO ONE IS
8 GETTING PAID FOR IT, AND THERE'S A SIGNIFICANT
9 COST INVOLVED THERE. SO ALL THINGS CONSIDERED IN
10 TRYING TO MAKE THE PROVERBIAL SILK PURSE OUT OF A
11 SOW'S EAR, I WOULD GO ALONG WITH TRYING TO
12 EXPEDITE THIS PERMIT.

13 MR. CHANDLER: VERY GOOD.

14 CHAIRMAN FRAZEE: OKAY. THEN LET'S GO TO
15 ITEM 9, AND THIS IS CONSIDERATION --

16 MR. CHANDLER: MR. FRAZEE, MAYBE FOR MY
17 COMFORT LEVEL, IF YOU COULD JUST MAYBE TAKE A
18 MOTION AND MOVE IT TO THE BOARD WITHOUT
19 RECOMMENDATION, WE WOULD BE ON THE RECORD. I
20 THINK I CAN READ THE VOTES, BUT I WANT TO JUST GET
21 IT ON THE RECORD.

22 MEMBER JONES: MR. CHAIRMAN, I'D LIKE TO
23 MAKE A MOTION THAT WE MOVE THIS ON TO THE BOARD
24 FOR FULL CONSIDERATION AND HOPEFULLY HAVE A
25 COMPLETED PERMIT IN FRONT OF US.

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1 CHAIRMAN FRAZEE: I WILL SECOND THAT
2 MOTION. SECRETARY WILL CALL THE ROLL, PLEASE

3 THE SECRETARY: BOARD MEMBER RELIS.

4 MEMBER RELIS: ABSTAIN FOR REASONS
5 STATED.

6 THE SECRETARY: BOARD MEMBER JONES.

7 MEMBER JONES: AYE.

8 THE SECRETARY: CHAIRMAN FRAZEE.

9 CHAIRMAN FRAZEE: AYE. MOTION IS
10 CARRIED.

11 NOW ITEM 9 IS A CONSIDERATION OF THE
12 STATUS OF THE MAJOR WASTE TIRE FACILITY PERMIT FOR
13 THE OXFORD TIRE RECYCLING, STANISLAUS COUNTY.

14 MR. ADAMS: I'M STILL HERE. THIS ITEM IS
15 THE, AGAIN, AN ORAL PRESENTATION ON THE STATUS OF
16 THE OXFORD MAJOR WASTE TIRE FACILITY PERMIT. YOU
17 MAY RECALL, FOR THOSE MEMBERS THAT WERE HERE, THAT
18 THIS PERMIT WAS ISSUED ABOUT ALMOST EXACTLY A YEAR
19 AGO, AND WE ARE AT SOME MILESTONES IN THE PERMIT
20 AS IT WAS ISSUED TO THE OPERATOR.

21 AGAIN, THERE IS NO WRITTEN ITEM ON
22 THIS. I WOULD LIKE TO MENTION THAT KEITH
23 CAMBRIDGE OF THE ENFORCEMENT STAFF IS HERE TO
24 DISCUSS, AS MR. RELIS HAD INDICATED, AT THIS TIME
25 ON ANY OF THE VIOLATIONS OR AREAS OF CONCERN THAT

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1 WERE NOTED DURING STAFF'S INSPECTIONS OF THE
2 FACILITY. AND I ASSUME HE'LL BE WANDERING UP HERE
3 AS I SPEAK.

4 TWO OTHER POINTS I'D LIKE TO BRING
5 UP IN THE PERMIT THAT ARE AREAS THAT ARE OF
6 INTEREST. ITEM NO. 15 IN THE PERMIT REQUIRED THAT
7 A CLOSURE PLAN BE SUBMITTED ON MARCH 5TH AS
8 REQUIRED. THAT CONDITION WAS MET. THE OPERATOR
9 SUBMITTED A CLOSURE PLAN ON MARCH 5TH AT ABOUT
10 3:44 THAT DAY. AND THE CLOSURE PLAN RECOMMENDS
11 THAT A MONOFILL BE PUT ON SITE.

12 SINCE WE'VE ONLY HAD THAT PLAN FOR A
13 VERY SHORT PERIOD OF TIME, STAFF ARE CURRENTLY
14 REVIEWING THAT FOR ITS TECHNICAL MERITS AND COSTS
15 ASSOCIATED WITH THAT. AND THE OPERATOR WILL
16 PROBABLY WANT TO SPEAK A LITTLE BIT MORE TO THAT,
17 AS I SAW HIM JUST DROP OFF A SPEAKER SLIP.

18 ITEM NO. 11 IN THE PERMIT SPEAKS TO
19 THE FACT THAT OXFORD HAS UNTIL APRIL 1ST TO MEET
20 THE 7500-TON REDUCTION REQUIREMENT IN THE PERMIT.
21 AND WE ARE YET TO BE AT THAT DATE RIGHT NOW. AND
22 WE WILL NOT BE SPEAKING TO THAT, AS TO WHERE THEY
23 ARE AT THIS POINT. I THINK IT'S MAYBE MORE
24 APPROPRIATE WE DO THAT AT A LATER DATE WHEN WE SEE
25 IF THEY HAVE MET THAT CONDITION OR NOT.

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1 GIVEN THAT, I'LL ASK KEITH TO COME
2 UP AND ADDRESS THE COMMITTEE AS TO THE FINDINGS ON
3 THE INSPECTION.

4 MS. RICE: ALSO, MR. CHAIRMAN AND
5 MEMBERS, TO PROVIDE SOME BRIEF CONTEXT, WE HAD
6 PLACED THIS ITEM ON THE AGENDA PRIMARILY GIVEN THE
7 IMPORTANCE OF THE PERMIT AND KNOWING THAT YOU HAD
8 THE DESIRE TO GET AS MUCH INFORMATION AS POSSIBLE.
9 RECOGNIZING THE NATURE OF THE PERMIT CONDITIONS
10 THAT WE'RE LOOKING AT AND OBTAINING INFORMATION ON
11 AND THE FACT THAT PERHAPS THE MOST SIGNIFICANT OF
12 THEM, THE ONE RELATED TO REDUCTION IN THE SIZE OF
13 THE PILE, WE'RE NOT AT THE POINT OF REVIEWING
14 COMPLIANCE WITH THAT GIVEN THAT THE DATE IN THE
15 PERMIT IS APRIL 1.

16 WE ARE PRIMARILY BEFORE YOU TODAY
17 WITH AN INFORMATIONAL UPDATE AND WOULD NOT BE
18 EXPECTING ANY ACTION TO BE TAKEN. WE WOULD BE
19 PROPOSING TO BRING A CONSIDERATION ITEM TO YOU AT
20 YOUR APRIL MEETING WHERE THAT WOULD OCCUR. SO, IN
21 ESSENCE, WE HAVE A COMMITTEE UPDATE AT THIS TIME.
22 AND BASED ON YOUR VIEWS, THERE MAY NOT BE A NEED
23 FOR THIS ITEM TO BE FORWARDED TO THE BOARD AS
24 THERE IS NO CONSIDERATION BEING CONTEMPLATED.

25 MR. CAMBRIDGE: MORNING, MR.
CHAIRMAN,

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1 MEMBERS OF THE COMMITTEE. MY NAME IS KEITH
2 CAMBRIDGE OF THE WASTE TIRE ENFORCEMENT UNIT.
3 BASICALLY I WANT TO INFORM YOU OF WHAT WE HAVE
4 SEEN IN THE LAST THREE MONTHS AT THE OXFORD TIRE
5 RECYCLING FACILITY.

6 ON DECEMBER 12, 1996, WE CONDUCTED
7 OUR STATE ANNUAL INSPECTION OF THE FACILITY IN
8 CONJUNCTION WITH -- ACTUALLY AS A RESULT OF SOME
9 ISSUES THAT CAME UP REGARDING SOME CONDITION
10 STATEMENTS IN THE PERMIT VIOLATIONS. AT THAT
TIME

11 WE DETERMINED THERE WAS TWO PERMIT VIOLATIONS OF
12 THE OTR PERMIT.

13 THOSE BASICALLY BEING CONDITION 17,
14 WHICH STATED THAT THE PERMITTEE SHALL REMOVE FROM
15 THE FACILITY AND DISPOSE OF ALL WASTE TIRES
16 DELIVERED TO THE PERMITTEE FACILITY WHICH CANNOT
17 BE BURNED BY MELP WITHIN TEN DAYS OF DELIVERY.

AT

18 THAT TIME WE FOUND OUT AND DISCUSSED WITH OTR

THAT

19 THEY WERE NOT CONDUCTING THAT AND DUE TO THE FACT
20 OF THE COST OF THE REMOVAL OF THESE LARGE TIRES.

21 ALSO, WE DETERMINED THAT CONDITION
22 13 OF THE PERMIT STATED THAT IN NO EVENT SHALL

ANY

23 OF THE WASTE TIRES SOUTH OF PD 91, WHICH IS, FOR
24 THE REFERENCE, IS MR. PHILBIN'S TIRES LOCATED UP
25 ON THE HILL SOUTHWEST OF THE FACILITY, SHOULD BE

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1 DROPPED INTO THE OTR FACILITY WITHOUT PRIOR
2 NOTIFYING THE BOARD.

3 PURSUANT TO THE INSPECTION, WE SENT
4 OUT A LETTER OF VIOLATION TO OTR AND REQUESTED A
5 CORRECTIVE ACTION PLAN DUE BY JANUARY 31ST, I
6 BELIEVE. AT THAT TIME OTR DID, IN FACT, SUBMIT A
7 CORRECTIVE ACTION PLAN, STATING THAT IN THE FUTURE
8 THEY WILL NOTIFY THE BOARD SHOULD SOMETHING OF
9 THIS NATURE ON CONDITION 13 OCCUR AGAIN. HOWEVER,
10 AS HE STATED, MR. KIRKLAND STATED, THAT IT WAS
11 JUST TO NOTIFY THE BOARD AND NOT ACTUALLY
12 REQUESTING SOME BOARD APPROVAL.

13 AS FAR AS THE OTHER CONDITION OF THE
14 PERMIT, THEY STATED THAT THEY WOULD REMOVE THE
15 LARGE TIRES OFF THE FACILITY BY FEBRUARY 28TH,
16 WHICH WE FELT WAS ADEQUATE. SINCE THAT TIME OTR
17 HAS SUBMITTED A MARCH 5TH DOCUMENT TO US, STATING
18 THAT THEY HAVE CONTRACTED WITH TWO COMPANIES, OTR
19 OF MONTANA AND ALSO MR. MICHAEL BALL OF LOCALLY UP
20 IN THE AMADOR COUNTY, TO REMOVE APPROXIMATELY, I
21 BELIEVE, 350 TONS OF LARGE OVERSIZE TIRES FROM THE
22 OTR FACILITY WITHIN THE NEXT COUPLE MONTHS.

23 SINCE THE DECEMBER VISIT, WE
24 CONDUCTED SITE VISITS UP AT THE OTR FACILITY ON A
25 MONTHLY BASIS JANUARY 17TH AND ALSO FEBRUARY 3D,

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1 1997. DURING THE FEBRUARY 3D, 1997, VISIT, WE
2 WERE ABLE TO GAIN ACCESS TO THE WEST PROPERTY OF
3 THE OTR DUE TO THE INCLEMENT WEATHER CONDITIONS IN
4 THE PAST FEW MONTHS, AND WE OBSERVED THAT THERE'S
5 QUITE A FEW TIRES THAT HAD BEEN DROPPED DOWN ONTO
6 THE ACCESS ROAD, WHICH MR. RELIS WAS MAKING
7 REFERENCE TO, WHICH BLOCKED THE ACCESS ROAD.

8 AND THAT WAS THE DIRECT RESULT OF
9 MR. PHILBIN MOVING THE TIRES OFF THE PROPERTY ONTO
10 OTR'S PROPERTY. THAT INFORMATION WAS RELAYED TO
11 MR. FIRE CHIEF GUYSER OF THE STANISLAUS
12 CONSOLIDATED FIRE DISTRICT WITH HIS -- WITH THAT
13 INFORMATION AS WELL AS ANOTHER MINOR FIRE ISSUE.
14 MR. GUYSER STATED THAT HE WAS GOING TO LOOK INTO
15 THAT. I HAVE NOT HEARD BACK FROM HIM ON THAT.

16 MEMBER RELIS: THIS IS QUITE A MAJOR
17 CONCERN OF OURS IS THE PUBLIC HEALTH AND
18 SAFETY.

18 MR. CAMBRIDGE: CORRECT.

19 MEMBER RELIS: I THINK WE WANT TO BE
20 FULLY ON TOP OF ACCESS ISSUES THAT COULD
21 PREVENT

21 PROPER HANDLING OF ANY FIRE EQUIPMENT NEEDED ON
22 THE SCENE.

23 MR. CAMBRIDGE: I AGREE. THE PD 91 IS
24 BASICALLY IMPLEMENTED OR MONITORED BY THE

25 CONSOLIDATED FIRE DISTRICT.

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1 MEMBER RELIS: SO IT'S IN THEIR HANDS.

2 MR. CAMBRIDGE: IT'S IN THEIR HANDS.

3 MEMBER RELIS: WE NEED TO BE, I THINK,
4 INFORMED OF ANY ISSUES LIKE THAT.

5 MEMBER JONES: I AGREE.

6 MR. CAMBRIDGE: ANY QUESTIONS I COULD
7 ANSWER?

8 MEMBER JONES: WHAT STEPS -- IF -- YOU
9 KNOW, YOU'VE NOTIFIED THE FIRE DISTRICT ABOUT
10 THIS. IF THEY DON'T TAKE ANY ACTION, THEN WHAT
11 DO
12 WE DO? WHAT CAN WE DO BECAUSE IF THAT PILE GOES
13 UP IN SMOKE, WE'VE CREATED -- THERE'S BEEN THE
14 CREATION OF A HUGE ENVIRONMENTAL DISASTER.

15 MR. CAMBRIDGE: THAT'S TRUE. AT THAT
16 POINT IN TIME, IF THE FIRE DEPARTMENT DOES NOT DO
17 ANYTHING, I'D HAVE TO REFER TO OUR LEGAL TO
18 DETERMINE WHAT SORT OF -- WHAT SORT OF
19 OPPORTUNITY

20 OR JURISDICTION WE HAVE WITHIN THAT PD 91.

21 CHAIRMAN FRAZEE: I GUESS THERE ARE NO
22 QUESTIONS.

23 MR. CAMBRIDGE: OKAY.

CHAIRMAN FRAZEE: THANK YOU. NOW LET'S
HEAR FROM MARK KIRKLAND, REPRESENTING OXFORD
TIRE.

24

MR. KIRKLAND: MR. FRAZEE, MR. RELIS,

MR.

25 JONES, THANKS FOR THE CHANCE THIS MORNING TO
STAND

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1 UP AND PRESENT TO YOU OUR MONOFILL PROPOSAL.
2 HOPEFULLY, I WON'T BELABOR A SORE ISSUE IN FRONT
3 OF THE BOARD TOO MUCH LONGER. I KNOW THAT WE'VE
4 HAD A YEAR SINCE WE'VE BEEN UP HERE, AND I'VE
5 APPRECIATED THE REPRIEVE MYSELF.

6 DO YOU HAVE ANY QUESTIONS, FIRST OF
7 ALL, ABOUT ANYTHING THAT'S BEEN PRESENTED TO YOU
8 BY THE STAFF THAT I MIGHT ADDRESS AT THIS TIME?

9 MEMBER JONES: MY ONLY QUESTION WOULD BE
10 ON THIS FIRE BREAK, THIS ROAD ACCESS. WHAT -- DO
11 YOU HAVE A PLAN IN PLACE WHERE YOU ARE GOING TO
12 GET THOSE OUT OF THERE? WHAT'S THE --

13 MR. KIRKLAND: YES, SIR, WE DO. THE --
14 MR. PHILBIN, WHO PUSHED THOSE TIRES INTO THE
15 ACCESS ROAD, INDICATED TO ME THAT HE WOULD BE
16 MOVING THOSE OUT DURING THE NEXT TWO WEEKS. AND
17 JUST TO PUT THE STAFF ON NOTICE, HE ALSO
INDICATED

18 TO ME THAT HE MIGHT POSSIBLY BE MOVING SOME MORE
19 TIRES DOWN THE HILL.

20 MEMBER RELIS: YOU KNOW, I HAVE TO SAY,
21 IN LIGHT OF THESE COMMENTS, IT'S LIKE INJURY
22 HEAPED UPON INJURY. YOU KNOW, WE HAVE A
23 FUNDAMENTAL RESPONSIBILITY FOR OVERSIGHT ON THIS.
24 WE'RE HEARING ABOUT EVENTS THAT ARE SEEMINGLY OUT
25 OF ANYONE'S CONTROL, AND THEY'RE POINTING TO --

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1 YOU KNOW, ONE PARTY WHO IS POINTING TO THE OTHER.
2 PHILBIN PUSHES TIRES OVER; THEY COME DOWN AND
3 BLOCK THE ACCESS.

4 I THINK THIS IS, FRANKLY, FROM MY
5 STANDPOINT, AN EMERGENCY SITUATION WHERE WE HAVE
6 FIRE ACCESS POTENTIALLY BLOCKED. SO I WOULD HOPE
7 BY NEXT WEEK WE COULD GET A FULL UPDATE FROM THE
8 FIRE PEOPLE TO AT LEAST GIVE US SOME ASSURANCE
9 THAT THIS MATTER IS UNDERSTOOD AND BEING ACTED ON
10 BECAUSE AT THE LEAST WE CANNOT HAVE AN IMPAIRMENT
11 OF FIRE ACCESS. JUST ABSOLUTELY CAN'T.

12 MEMBER JONES: I AGREE A HUNDRED PERCENT,
13 MR. RELIS. THIS MAKES ME VERY NERVOUS. YOU KNOW,
14 THAT -- I DIDN'T HAVE THE OPPORTUNITY AS A NEW
15 BOARD MEMBER AND BEEN ABLE TO EXPERIENCE ALL OF
16 THESE EXPERIENCES THAT HAVE COME ALONG WITH THIS
17 PROJECT, BUT I'VE BEEN KEPT FAIRLY WELL UP-TO-DATE
18 THROUGH OUR INDUSTRY. AND THIS AMAZES ME THAT --
19 I GUESS IT DOESN'T AMAZE ME, BUT IT CONCERNS ME
20 THAT FIRE ACCESS IS GOING TO BE TAKEN CARE OF IN
21 TWO WEEKS. AND MAYBE THERE'S MORE TIRES GOING TO
22 BE PUSHED ON AND MAYBE THAT WILL BE TAKEN CARE OF
23 IN TWO WEEKS.

24 IT TAKES FIVE MINUTES TO START A
25 FIRE, AND THAT REALLY CONCERNS ME A LOT. AND I

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1 MEAN IT CONCERNS ME A LOT MORE THAN WHAT I'VE SEEN
2 AS FAR AS THE CONCERN OF ANYBODY ELSE. AND I
3 THINK MR. RELIS SHARES THAT AND I KNOW THE
4 CHAIRMAN DOES.

5 THIS IS A DISASTER WAITING TO
6 HAPPEN, AND IT HAS BEEN FOR YEARS AND YEARS AND
7 YEARS. AND I MEAN WE HAVE GOT TO COME TO THE
8 PLATE AND DEAL WITH THIS STUFF. THEY GET PUSHED
9 IN. I MEAN I'VE RAN ENOUGH FACILITIES TO KNOW
10 THAT WHEN SOMETHING GETS PUT IN THE WAY, YOU MOVE
11 IT, YOU KNOW, IRREGARDLESS OF THE VOLUME. I MEAN
12 I HAVE ENOUGH FACILITIES TO KNOW THAT THAT'S WHAT
13 YOU HAD TO DO TO OPERATE.

14 MR. KIRKLAND: THE VOLUME OF TIRES THAT
15 HAVE BEEN MOVED INTO THIS ACCESS ROAD IS NOT GREAT
16 IN TERMS OF BEING ABLE TO MOVE THEM. THE PROBLEM
17 HAS BEEN ACCESS DUE TO THE INCLEMENT WEATHER. IT
18 IS DRY ENOUGH AT THIS TIME, AND WE'LL HAVE THOSE
19 TIRES OUT OF THERE BY NEXT FRIDAY.

20 MEMBER JONES: BY WHEN?

21 MR. KIRKLAND: NEXT FRIDAY OUT OF THAT
22 ACCESS ROAD. DID YOU HAVE ANY OTHER CONCERNS?

23 CHAIRMAN FRAZEE: DID YOU HAVE A
24 STATEMENT YOU WISH TO MAKE?

25 MR. KIRKLAND: NO. I WANTED TO REAL

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1 BRIEFLY GO OVER OUR MONOFILL PLAN AND WHY -- ALSO,
2 THERE'S SEVERAL PEOPLE HERE WHO WOULD LIKE TO
3 ADDRESS YOU IN REGARDS TO THE MONOFILL PLAN.

4 WE LOOK AT THE MONOFILL PLAN AS A
5 WORST-CASE SCENARIO ONLY, THAT IF THERE ARE NO
6 OTHER VIABLE END USES FOR THESE TIRES OTHER THAN
7 LANDFILLING, THAT THE MONOFILL IS THE BEST OPTION.
8 WE FEEL THAT IT'S A LONG-TERM SOLUTION FOR THE
9 ELIMINATION OF THIS PILE.

10 WE'RE NOT ASKING -- I THINK IF I
11 COULD PUT THIS IN PERSPECTIVE. OUT OF EVERYBODY
12 WHO COMES INTO THIS BOARD, I THINK WE WILL BE THE
13 ONLY ONES WHO ARE NOT REQUESTING PUBLIC MONEY TO
14 CONTINUE DEALING WITH THIS TIRE PILE. WE HAVE
15 BEEN GRAPPLING WITH THIS PROBLEM OVER THE LAST
16 YEAR. WE HAVE NOT ATTEMPTED TO GET OUT OF THE
17 PROBLEM, AND OUR MONOFILL PLAN IS THE WORST-CASE
18 SCENARIO, THAT THERE ARE NO OTHER AREAS TO TAKE
19 THESE TIRES TO.

20 TRANSPORTING -- SHREDDING THEM AND
21 TRANSPORTING THEM TEN MILES DOWN THE ROAD IS NOT
22 PALATABLE TO VERY MANY PEOPLE, INCLUDING THE
23 COUNTY, WHO OWNS THE LANDFILL TEN MILES DOWN THE
24 ROAD. SO OUR HOPE IS THAT MELP WILL CONTINUE TO
25 OPERATE, THAT WE CAN WORK OUT OUR DIFFERENCES
WITH

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1 THEM, THAT OTHER END USES OF TIRES DO COME ON
2 LINE. IF NOTHING OCCURS, IF THERE IS NO SOLUTION
3 AT ANY TIME, WE WOULD LIKE TO SHRED THOSE TIRES
4 RESPONSIBLY AND BURY THEM WHERE THEY ARE AS THE
5 MOST EFFECTIVE MEANS OF DEALING WITH THAT PILE.

6 AS I SAID, IT IS ENVIRONMENTALLY
7 MORE DESIRABLE TO SHRED THEM AND BURY THEM WHERE
8 THEY ARE THAN TO MOVE THEM -- SHRED THEM AND MOVE
9 THEM TO ANOTHER FACILITY.

10 ACCORDING TO OUR ENGINEERS, THE SITE
11 APPEARS TO BE SUITABLE FOR A MONOFILL. AND THE
12 PLAN ENABLES US TO STAY IN BUSINESS AND CONTINUE
13 TO REDUCE THE PILE AND AT THE SAME TIME DEAL WITH
14 THE FLOW OF TIRES THAT ARE COMING OFF CARS
15 CURRENTLY, AND THE LANDOWNER ALSO SUPPORTS THIS
16 PLAN.

17 I MIGHT -- I'D LIKE TO ADD THAT, AS
18 I SAID, IF WE WERE TO MOVE THESE TIRES TO A
19 LANDFILL SHREDED, WE ARE LOSING A POTENTIAL
20 VALUABLE RESOURCE OF FUEL. IF IT GOES INTO A
21 LANDFILL, THE CHANCES -- IT'S LIKELY THAT THAT
22 WILL BE UNRECOVERABLE. IF WE SHRED THOSE TIRES
23 AND COVER THEM ON SITE, THERE'S A MUCH GREATER
24 OPPORTUNITY TO USE THEM AT SOME FUTURE DATE.

25 WITH THAT, I'D LIKE TO SAY WE'LL

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1 HAVE A COUPLE OF PEOPLE HERE TESTIFY IN OUR
2 BEHALF, AND I DO HAVE COPIES OF LETTERS FROM THE
3 CHIEF EXECUTIVE OFFICE OF STANISLAUS COUNTY,
4 SUPPORTING OUR PLAN. ALSO SENATOR DICK MONTEITH
5 HAS GIVEN US A LETTER IN SUPPORT OF OUR PLAN, AND
6 I BELIEVE THAT YOU HAVE. I WOULD LIKE AT THIS
7 TIME TO ASK KRYS JESIONEK FROM GEOSYNTEC
8 ENGINEERING, WHO IS WORKING UPON THE MONOFILL
9 PLAN, TO COME FORWARD AND MAYBE BRIEF YOU ON WHAT
10 OUR PLAN IS.

11 MR. JESIONEK: GOOD MORNING. MY NAME IS
12 KRYS JESIONEK. I'M WITH GEOSYNTEC CONSULTANTS IN
13 WALNUT CREEK. WE WERE ASKED BY OXFORD TIRE
14 RECYCLING A COUPLE MONTHS AGO TO PREPARE A CLOSURE
15 PLAN TO MEET THE PERMIT REQUIREMENTS. AND THE
16 OPTION WHICH WE PRESENTED IS, LIKE IT WAS
17 MENTIONED BEFORE, A MONOFILL, BASICALLY SHREDDING
18 THE TIRES PRESENTLY ON THE SITE, STOCKPILE THEM,
19 COVER WITH THREE FOOT COMPACTED FILL. AND, OF
20 COURSE, ON TOP OF THAT THERE WILL BE A VEGETATION
21 LAYER. THAT IS BASICALLY THE PLAN.

22 LIKE MR. KIRKLAND INDICATED, FROM
23 THE ENGINEERING POINT OF VIEW, HAVING THE TIRES
24 SHREDDED AND LEFT ON SITE CREATES FUTURE
25 OPPORTUNITY TO USE THIS MATERIAL TO RECYCLE IT.

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1 WE ARE SEEING POTENTIAL FUTURE FOR SHREDDED TIRES,
2 ENGINEERING APPLICATIONS OF SHREDDED TIRES AT
3 LANDFILLS AND OTHER APPLICATIONS. SO BASICALLY
4 THAT'S, IN GENERAL, HOW THE CLOSURE PLAN LOOKS
5 LIKE. ARE THERE ANY QUESTIONS?

6 MEMBER JONES: YEAH, I HAVE ONE QUESTION
7 ABOUT THE ENGINEERING THAT YOU DID. DOES IT --
8 YOU KNOW, THERE'S ALWAYS BEEN A CONCERN ABOUT
9 SHREDDED TIRE MONOFILLS, AND THERE'S BEEN SOME
10 HISTORY ABOUT FIRES COMING UP THROUGH THOSE AND
11 THE POTENTIAL FOR SOME UNUSUAL THINGS THAT I
DON'T

12 THINK ANYBODY REALLY UNDERSTANDS WHY THEY
13 HAPPENED. AS PART OF YOUR CLOSURE PLAN, DID YOU
14 DEAL WITH THE SCIENCE OF THOSE POTENTIAL
15 ENVIRONMENTAL PROBLEMS?

16 MR. JESIONEK: YES. AS INDICATED IN THE
17 CLOSURE PLAN, GEOSYNTEC CONSIDERED A POTENTIAL
FOR
18 FIRE HAZARD. AND AS WE INDICATED, AT THIS POINT,
19 SINCE THIS IS A CONCEPTUAL, AS MR. KIRKLAND
20 INDICATED, THE LAST-CASE SCENARIO, THIS IS NOT
THE
21 ENGINEERING FINAL DESIGN OF THE LANDFILL CLOSURE.
22 WE ARE STILL LOOKING INTO THE NEED FOR
23 SEPARATOR -- SOIL SEPARATORS WITHIN THE

STOCKPILE,

24 LET'S SAY, EVERY 10, EVERY 20 FEET. BUT WE HAVE
25 NOT CONCLUDED YET THE NEED AND THE DEPTH OR THE

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1 DISTANCES THOSE SEPARATORS ARE NEEDED.

2 MEMBER JONES: THANK YOU.

3 MEMBER RELIS: MR. CHAIR, I GUESS WITH
4 TIRES THERE'S NEVER AN EASY, EVEN WHEN WE LOOK TO
5 THE ISSUE OF MONOFILL. WE DON'T HAVE OR THERE'S
6 SOME QUESTION ABOUT REGULATIONS CONCERNING SUCH A
7 PROPOSAL AS THIS. COULD STAFF JUST OFFER BRIEFLY
8 YOUR UNDERSTANDING OF OUR REGULATORY SITUATION?

9 MS. RICE: SURE. I'LL DO MY BEST, MR.
10 RELIS. YOU'RE ABSOLUTELY RIGHT WHEN YOU SAY WE
11 HAVE SOME QUESTIONS ABOUT THE APPROPRIATE
12 REGULATORY APPROACH TO A SHREDDED TIRE MONOFILL
13 GIVEN THE CURRENT STATE OF THE LAW AND REGULATIONS
14 AS WE UNDERSTAND IT. AT THE CURRENT TIME, SHARING
15 THE SENTIMENTS THAT MR. JONES EXPRESSED, WE ARE
16 LOOKING VERY CLOSELY AT THIS AND SEEKING
17 INFORMATION WHEREVER WE CAN FIND IT FROM EXPERTS
18 AND FROM OTHER STATES REGARDING FIRE CONCERNS THAT
19 ONE MAY HAVE WHEN MONOFILLING VERY LARGE
20 QUANTITIES OF SHREDS POTENTIALLY DEEP. AND THERE
21 ARE SOME CONCERNS ABOUT THAT WE'RE LOOKING INTO.

22 BUT YOU'RE ABSOLUTELY RIGHT. THERE
23 ARE CURRENTLY NO REGULATIONS THAT WOULD GUIDE US.
24 AN ISSUE THAT WE WERE SEEKING THE OPPORTUNITY TO
25 BRING TO THIS COMMITTEE POTENTIALLY IN APRIL AS

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1 WELL FOR ANOTHER FULL AGENDA IN APRIL IS THE
2 QUESTION OF THE APPROPRIATE REGULATORY APPROACH TO
3 MONOFILLING TIRES AND HOW TO GO ABOUT A RULEMAKING
4 TO PUT SOME APPROPRIATE STANDARDS IN PLACE BECAUSE
5 RIGHT NOW WE DO HAVE NOTHING IN REGULATION THAT
6 WOULD SPEAK TO CONTROLS FOR FIRE CONCERNS OR ANY
7 OTHER CONCERN FOR THAT MATTER.

8 THE ONLY REGULATIONS THAT WE HAVE
9 SPECIFIC TO TIRES ARE THOSE GOVERNING THE PERMIT-
10 TING OF THE PILES. AND SO WHILE THE STATUTE DOES
11 NOT SAY THAT THE PERMIT IS ONLY INTENDED FOR PILES
12 ON TOP OF THE GROUND, THAT IS THE NATURE OF THE
13 CURRENT REGULATIONS THAT WE HAVE. SO THE FIRE
14 SAFETY PROVISIONS IN THOSE REGULATIONS WOULD BE OF
15 NO ASSISTANCE TO US WHEN YOU'RE LOOKING AT A
16 SITUATION OF BURIAL AND SOIL ON TOP AND THAT SORT
17 OF THING. SO WE DO NEED TO LOOK AT THAT.

18 MEMBER JONES: MR. CHAIRMAN, YOU KNOW,
19 I'M GLAD -- I MEAN WE NEED TO DO THAT, BUT IT
20 SEEMS TO ME THAT IT'S GOING TO BE A VERY INTENSIVE
21 PROCESS JUST BECAUSE OF THE UNKNOWNNS OF THE
22 SCIENCE. AND YOU KNOW, DO WE RUSH TO CREATE
23 REGULATION THAT COULD END UP CREATING
24 ENVIRONMENTAL DISASTER AT SOME POINT? SO I
THINK

25

WE NEED TO WEIGH THE SCIENCE OF, YOU KNOW, AND

51

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1 SOME OF THE EXPERIENCES THAT HAVE HAPPENED
2 THROUGHOUT THE UNITED STATES OVER THE YEARS ON
3 THESE TIRE PILES -- YOU KNOW, THESE TIRE FIRES
4 THAT NORMALLY NOBODY KNOWS HOW THEY STARTED. THEY
5 JUST KNOW THAT THEY STARTED IN DEEP, SHREDDED TIRE
6 AREAS THAT WERE COVERED.

7 SO I THINK WE HAVE A LOT MORE WORK
8 IN FRONT OF US THAN WOULD SEEM LIKE WOULD BE AN
9 EASY FIX. AND I KNOW THERE'S A LOT OF PROJECTS
10 THAT NEED TO FIND OUT WHAT OUR REGULATIONS ARE
11 GOING TO BE, BUT I JUST DON'T SEE IT AS BEING A
12 REAL QUICK AND EASY THING BECAUSE THE SCIENCE
13 COULD BE SO -- THERE COULD BE SO MANY DIVERSE
14 VIEWS AS TO WHAT CAUSES THIS, WHAT THE PROBLEMS
15 WOULD BE. AND I JUST THINK WE NEED TO CONSIDER
16 THOSE VERY CAREFULLY WHEN WE'RE GOING DOWN THERE.

17 AND THAT PUTS ANOTHER ISSUE AT
18 STAKE. I MEAN IF IT'S GOING TO TAKE US THIS LONG
19 TO COME UP WITH WHAT IS APPROPRIATE FOR MONOFILL,
20 THEN HOW DO WE DEAL WITH THE PLAN THAT IS A
21 MONOFILL? WE'RE CAUGHT -- I THINK WE'RE KIND OF
22 CAUGHT BETWEEN THE PROVERBIAL ROCK AND A HARD
23 PLACE ON THIS ONE BECAUSE -- BUT I GUESS WE'LL GET
24 IT WORKED OUT. THANKS.

25 MS. TOBIAS: SIR, COULD YOU SPELL YOUR

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1 NAME FOR THE RECORD, PLEASE?

2 MR. JESIONEK: LAST NAME IS SPELLED
3 J-E-S-I-O-N-E-K.

4 MS. TOBIAS: THANK YOU.

5 CHAIRMAN FRAZEE: NOW, MR. KIRKLAND, YOU
6 INDICATED THAT JAMI AGGERS WISHED TO SPEAK.

7 MR. KIRKLAND: YES, JAMI AGGERS FROM
8 STANISLAUS COUNTY.

9 MS. AGGERS: CHAIRMAN FRAZEE AND MEMBERS
10 OF THE COMMITTEE, I'M JAMI AGGERS REPRESENTING
11 STANISLAUS COUNTY. AS HAS ALREADY BEEN MENTIONED
12 TODAY, YOU RECEIVED CORRESPONDENCE FROM OUR CEO'S
13 OFFICE, SO I WON'T GO BACK OVER THE DETAILS OF
14 THAT. BUT I DID WANT TO STATE FOR THE RECORD THAT
15 WE HAVE MET WITH REPRESENTATIVES FROM OXFORD, AND
16 THE COUNTY IS SATISFIED WITH THE PROPOSED CLOSURE
17 PLAN AND THAT IT ADDRESSES OUR CONCERNS REGARDING
18 THE INTERIM DELIVERY OF TIRES AND CONTINUING TO
19 OPERATE AS WELL AS ELIMINATING THE STOCKPILE.
20 THAT IS, SHOULD THERE BE A LACK OF MARKETS.

21 MEMBER RELIS: COULD I ASK YOU A
22 QUESTION? YOU SAID THAT YOU'RE SATISFIED WITH
THE
23 CLOSURE PLAN, THE MONOFILL CONCEPT?

24 MS. AGGERS: CORRECT.

25 MEMBER RELIS: YOU'VE STUDIED. MAYBE WE

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1 COULD DRAW ON YOUR EXPERTISE.

2 MS. AGGERS: NO, I DIDN'T SAY THAT I WAS
3 AN EXPERT.

4 MEMBER RELIS: THERE WAS A DECISION-
5 MAKING PROCESS REGARDING THAT CONCLUSION? I'M
6 JUST CURIOUS BECAUSE YOU SAY YOU'RE SATISFIED WITH
7 THE CLOSURE PLAN. AND YOU JUST HEARD OUR
8 DISCUSSION. WE DON'T EVEN KNOW HOW TO DEAL WITH
9 THE MONOFILL, BUT OBVIOUSLY YOU -- I DON'T MEAN
10 YOU PERSONALLY, BUT STANISLAUS COUNTY UNDERSTANDS
11 THAT SEEMINGLY BETTER THAN WE DO. AND I THINK WE
12 NEED TO AVAIL OURSELVES OF YOUR DEBATES, DISCUS-
13 SION BECAUSE WE -- SITTING HERE AS A BOARD MEMBER
14 TODAY, I DON'T KNOW ANYTHING ABOUT MONOFILLS, TIRE
15 MONOFILLS, AND YOU CAN SEE WE HAVE A NEED FOR
16 EXPERTISE.

17 MS. AGGERS: I CAN CERTAINLY APPRECIATE
18 THAT NEED, BUT I'M UNFORTUNATELY NOT THE EXPERT ON
19 TIRE MONOFILLS EITHER.

20 MEMBER RELIS: COULD YOU PROVIDE THIS
21 BOARD WITH THE INFORMATION, YOUR DECISION-MAKING
22 PROCESS, SO WE CAN AT LEAST LEARN FROM IT?

23 MS. AGGERS: I CAN CERTAINLY TAKE THAT
24 REQUEST BACK AND ASK THAT THAT TYPE OF INFORMATION
25 BE SHARED WITH YOU.

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1 MEMBER RELIS: THANK YOU.

2 CHAIRMAN FRAZEE: QUESTIONS? THANK YOU.

3 THEN RAY LISS INDICATED HE WISHED TO SPEAK ON THAT
4 ITEM.

5 MR. LISS: THANK YOU FOR THE OPPORTUNITY
6 TO SPEAK. I WILL BE BRIEF AND BE PLEASED TO
7 ANSWER ANY QUESTIONS AFTERWARDS.

8 MY NAME IS RAY LISS. I'M A GENERAL
9 PARTNER IN A VENTURE CAPITAL FIRM CALLED FAIRFAX
10 PARTNERS. OUR FIRST FUND, FAIRFAX PARTNERS ONE,
11 HAS AN INVESTMENT IN A TIRE SHREDDING AND
12 GRANULATION COMPANY CALLED INDUSTRIAL FLEXIBLE
13 MATERIALS.

14 INDUSTRIAL FLEXIBLE BUILDING
15 MATERIALS IS A PUBLICLY OWNED COMPANY. OTHER
16 PRIME INVESTORS BESIDES OURSELVES INCLUDE MANTIS
17 HOLDINGS IN NEW YORK, WHICH ARE RECYCLING EXPERTS;
18 THE DYSON FAMILY PARTNERSHIP, AND THE DREYFUS
19 FAMILY OF FUNDS.

20 OTHER INVESTORS AND US AND, HENCE,
21 INVESTORS IN INDUSTRIAL FLEXIBLE MATERIALS INCLUDE
22 SOME BIG PUBLIC RETIREMENT FUNDS, THE DC
23 RETIREMENT FUND, AND THE SHEET METAL WORKERS. AND
24 I MENTION THESE NAMES JUST TO MAKE THE POINT TO
25 YOU THAT CERTAINLY I AND THE OTHER INVESTORS HAVE

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1 A FIDUCIARY RESPONSIBILITY THAT GOES TO ERISA,
2 THAT GOES TO PUBLICLY OWNED COMPANIES. AND WHEN
3 IT COMES TO DEALING WITH THINGS LIKE PERMITS, WE
4 ARE VERY CAREFUL ABOUT DOING THINGS LIKE THAT.

5 WE AS INDUSTRIAL FLEXIBLE MATERIALS
6 HAVE ENTERED INTO A LETTER OF INTENT WITH OXFORD.
7 THAT LETTER OF INTENT CALLS FOR A MERGER WITH US
8 SUBJECT TO SEVERAL IMPORTANT THINGS HAPPENING.
9 CERTAINLY ONE OF THOSE IS US BEING ASSURED THAT
10 THERE IS A LONG-TERM PERMIT AVAILABLE BECAUSE, AS
11 I MENTIONED BEFORE, WE CANNOT MERGE A PUBLICLY
12 OWNED COMPANY INTO SOMETHING WHERE WE HAVE A GREAT
13 UNCERTAINTY ABOUT WHAT THE FUTURE LOOKS LIKE.

14 AND I CAN ALSO TELL YOU THAT IF WE
15 CLOSE WITH OXFORD, THAT WE WOULD CERTAINLY MAKE
16 SURE THAT WE LIVE WITHIN THE PERMITS FOR ALL THE
17 REASONS STATED ABOVE. AND WITH THAT, I WILL STOP
18 AND BE PLEASED TO ANSWER ANY QUESTIONS THAT I CAN.

19 CHAIRMAN FRAZEE: THE INTENT OF THAT
20 MERGER WOULD BE AN ALTERNATIVE END USE FOR THE
21 TIRE PILE THAT EXISTS?

22 MR. LISS: THE ULTIMATE REASON THAT WE DO
23 IT WOULD BE TO BUILD A BUSINESS AND MAKE MONEY FOR
24 OUR INVESTORS. NOW, AS A SUBSET OF THAT, WE
25 OBVIOUSLY HAVE TO DEAL WITH THINGS LIKE PERMITS

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1 AND TIRE PILES AND THINGS LIKE THAT. BUT I'VE --
2 AS I'VE SAID TO MR. PENNINGTON, WE CANNOT GET INTO
3 A SITUATION WHERE THERE'S A BIG BLACK HOLE OF
4 UNCERTAINTY. AND WHAT WE NEED TO DO IS TO GET THE
5 UNCERTAINTY LEVEL DOWN BEFORE WE CAN PROCEED HERE.

6 CHAIRMAN FRAZEE: I'M STILL A BIT
7 CONFUSED AS TO WHAT THE INTENT WOULD BE OF YOUR
8 MERGED COMPANY TO USE THAT PILE OF TIRES. THAT'S
9 OUR CONCERN.

10 MR. LISS: EXCUSE ME. I DIDN'T ANSWER
11 YOUR QUESTION VERY WELL. OUR INTENT IN BUILDING A
12 LONG-TERM BUSINESS IS BASED ON A PHILOSOPHY THAT
13 THE TIRES HAVE A LONG-TERM COMMERCIAL VALUE. WE
14 WOULD NOT BE IN THIS BUSINESS AND HAVE INVESTED
15 QUITE A BIT OF MONEY IF WE DIDN'T THINK THAT WAS
16 THE SITUATION.

17 NOW, THE USES WE SEE OF THE TIRES
18 ARE THINGS LIKE TIRE SHREDDING AND SELLING TO --
19 FOR ENERGY USE, WHICH WE'RE DOING IN TEXAS NOW TO
20 CEMENT PLANTS, SO THERE'S THE TIRE CHIPS, IF YOU
21 WILL, TDF, AND WE'VE HAD A NUMBER OF DISCUSSIONS
22 WITH POTENTIAL TDF USERS HERE IN CALIFORNIA.

23 IN ADDITION, WE KNOW A LOT ABOUT
24 TIRE GRANULATION, AND WE WOULD ANTICIPATE MOVING
25 ASSETS INTO THE STATE THAT WE ALREADY OWN AND

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1 SETTING UP A GRANULATION PLANT. WE HAVE CUSTOMERS
2 WE'RE ALREADY SERVING IN CALIFORNIA. WE CAN SERVE
3 THEM BETTER HERE IN CALIFORNIA.

4 SO IT WOULD BE TDF, GRANULATION,
5 SOME OF THE OTHER THINGS I THINK KRYS MENTIONED,
6 THE ENGINEERED SOLUTIONS, CIVIL ENGINEERING TYPES
7 OF SITUATIONS. AND THE VIEW WE HAVE TOWARDS THE
8 TIRE PILE AND THE MONOFILL REQUEST IS THAT THAT IS
9 AN INTERIM TYPE OF SOLUTION UNTIL THESE COMMERCIAL
10 APPLICATIONS COME FULL BURST.

11 CHAIRMAN FRAZEE: SO YOU DO HAVE AN
12 INTEREST IN THE MONOFILL CONCEPT?

13 MR. LISS: WE -- LET ME JUST MAKE IT
14 CLEAR WHERE WE'RE COMING FROM. WE ARE NOT
15 PREPARED, NOR COULD WE FROM A FIDUCIARY SENSE
16 CLOSE A DEAL WITH OXFORD IF WE DON'T HAVE SOME
17 ASSURANCE THAT WE CAN DEAL WITH THE TIRE
18 SITUATION. AND WHAT I'VE SEEN SO FAR, THE BEST
19 SOLUTION IS A MONOFILL, A BEST SOLUTION FROM OUR
20 POINT OF VIEW. THAT'S AN INTERIM TYPE OF THING.
21 IT'S ATTRACTIVE FROM A COST POINT OF VIEW, AND IT
22 REMOVES A BIG CLOUD OF UNCERTAINTY OVER OXFORD AT
23 THIS POINT IN TIME. I'M SORRY.

24 CHAIRMAN FRAZEE: WELL, I'M GETTING A
BIT

25 LOST WITH YOU HERE. THAT'S DEALING WITH THE
PILE,

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1 WHICH IS OUR PRINCIPAL INTEREST, BUT SOMEWHERE
2 THERE'S GOING TO BE SOME USE OF THESE TIRES OR
3 ELSE YOU WOULD NOT INTERESTED IN THEM.

4 MR. LISS: IF THERE'S NOT A COMMERCIAL
5 USE --

6 CHAIRMAN FRAZEE: YOU ARE NOT INTERESTED.

7 MR. LISS: IF THERE'S NOT A COMMERCIAL
8 USE, WE'VE ALREADY INVESTED UPWARDS OF \$8 MILLION
9 BUCKS.

10 CHAIRMAN FRAZEE: YEAH.

11 MR. LISS: THAT'S SORT OF SAYONARA.

12 CHAIRMAN FRAZEE: BUT THAT DEALS WITH THE
13 ONGOING FLOW OF TIRES COMING INTO THE FACILITY.

14 MR. LISS: CORRECT. AND YOU'RE ASKING
15 WHAT ABOUT THE TIRE PILE.

16 CHAIRMAN FRAZEE: THAT'S OUR PRINCIPAL
17 INTEREST IS THE TIRE PILE.

18 MR. LISS: OKAY. I HAVE NOT PREPARED THE
19 PLAN GEOSYNTEC PREPARED, BUT I HAVE LOOKED AT IT.
20 I AM AN ENGINEER, AND IT APPEARS TO ME THAT
21 THEY'VE GOT A SOLUTION THERE FOR A REASONABLE COST
22 THAT WILL TAKE CARE OF THE TIRE PILE. YOU HAVE --
23 YOUR STAFF HAS TO LOOK AT THAT AND FIND
24 REGULATIONS AND THINGS LIKE THAT, BUT I THINK
25 THAT'S EMBEDDED IN WHAT'S BEEN PROPOSED HERE.

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1 CHAIRMAN FRAZEE: OKAY. QUESTIONS?

2 MEMBER JONES: YOU KNOW, I THINK THE
3 IDEA OF A MONOFILL MAKES SENSE. I THINK WHAT MY
4 CONCERN IS, AND I THINK WHAT THE OTHER BOARD
5 MEMBERS' CONCERN IS, IS THAT THERE ARE MONOFILLS
6 OF TIRES THAT HAVE CREATED OTHER PROBLEMS. AND
7 WE'RE NOT AWARE OF, YOU KNOW, WHAT CAUSED THOSE
8 PROBLEMS. SO YOU ARE TALKING ABOUT, YOU KNOW,
9 THAT YOU CAN'T INVEST IN A COMPANY IF THERE'S A
10 BLACK HOLE. AND I CAN APPRECIATE THAT. BUT
11 WHETHER OR NOT YOU APPRECIATE WHAT I'M GOING TO
12 SAY, I HAVE A CONCERN THAT BY CREATING A MONOFILL
13 WITHOUT US LOOKING AT THE SCIENCE, WE ARE DOING A
14 DISSERVICE TO NOT ONLY YOU AND TO OXFORD, BUT TO
15 THE RESIDENTS OF CALIFORNIA.

16 AND I JUST WANT TO MAKE SURE THAT
17 WE'VE TAKEN THOSE SCIENTIFIC ISSUES INTO ACCOUNT
18 BEFORE WE, YOU KNOW, ARE ABLE TO GRANT, EVEN START
19 LOOKING AT -- I MEAN AS PART OF THE PROCESS TO
20 COME UP WITH THE REGULATIONS SO THAT IT WOULD
21 WORK, AND THAT'S GOING TO TAKE SOME TIME. I THINK
22 IT'S GOING TO TAKE SOME TIME, AND I THINK
23 EVERYBODY -- I SEE DON NODDING HIS HEAD.

24 AND YOU HAVE TO BE AWARE OF THAT
25 THAT BECAUSE OF THAT SCIENCE AND BECAUSE OF THAT

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1 PROBLEM, BECAUSE OF THE OTHER ISSUES THAT HAVE
2 HAPPENED WITH, YOU KNOW, ROADS ON FIRE AND
3 THINGS -- AND PILES, OR NOT PILES, BUT MONOFILLS
4 IN LANDFILLS WHERE THEY DIDN'T KEEP THEM AS PART
5 OF THE SOLID WASTESTREAM, THEY PUT THEM INTO AN
6 AREA BY THEMSELVES IN A DEDICATED CELL AND HAD A
7 FIRE. WE NEED TO KNOW WHAT CAUSED THAT FIRE. AND
8 I THINK THAT'S -- I THINK THAT'S OUR FIDUCIARY
9 RESPONSIBILITY AS, YOU KNOW, REGULATORS AND POLICY
10 MAKERS. SO YOU NEED TO BEAR WITH US A LITTLE BIT
11 ON THIS BECAUSE YOU NEED IT, WE NEED IT, BUT IT'S
12 GOING TO TAKE SOME TIME TO GET US THERE.

13 MR. LISS: CERTAINLY IF I WERE A BOARD
14 MEMBER SITTING WHERE YOU'RE SITTING, I THINK I'D
15 PROBABLY HAVE THE SAME KIND OF REACTION. I THINK
16 THERE IS A LOT OF INFORMATION AVAILABLE, AND I
17 THINK COLLECTING IT IS, PERHAPS, NOT AS LONG-TERM
18 A PROCEDURE AS YOU THINK.

19 MEMBER JONES: THEN I'LL BE THE HAPPIEST
20 GUY HERE IF THAT'S THE CASE.

21 MEMBER RELIS: I THINK WE ALL CERTAINLY
22 LOOK FORWARD TO HEARING MORE FROM YOU. I THINK WE
23 TAKE SOME ENCOURAGEMENT THAT THE KINDS OF
24 RESOURCES YOU ARE REFERRING TO WOULD BE INTERESTED
25 IN THIS TIRE OPERATION. SO WE, I BELIEVE, WOULD

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1 LIKE TO WORK WITH YOU. I THINK YOU WILL FIND THE
2 HEARINGS, YOU KNOW, THE UPCOMING PERMIT DISCUSSION
3 WHEN WE HAVE IT AND ALL, EDIFYING AS FAR AS WHAT
4 OUR DILEMMAS ARE BECAUSE YOU'RE LOOKING FOR
5 CERTAINTY, WE'RE LOOKING FOR CERTAINTY. SO WE
6 HAVE A MUTUAL INTEREST THERE. IT'S JUST WHAT THAT
7 IS AND HOW TO GET THERE, WHICH HAS BEEN
8 CONFOUNDING US.

9 CHAIRMAN FRAZEE: OKAY. THANK YOU VERY
10 MUCH.

11 MR. LISS: THANK YOU.

12 CHAIRMAN FRAZEE: LET'S GO NOW TO EDWARD
13 TOMEIO, REPRESENTING MELP.

14 MR. TOMEIO: I AM ED TOMEIO AGAIN. AND
15 WOW. WE HAD NOT RECEIVED A COPY OF OTR'S CLOSURE
16 PLAN, SO I'M HEARING THIS FOR THE FIRST TIME THIS
17 MORNING. I GUESS I WISH TO OFFER SOME PRELIMINARY
18 COMMENTS TO THE CLOSURE PROPOSAL AND ALSO TO SOME
19 OF THE EARLIER STATEMENTS, BUT HOPEFULLY WITH AN
20 OPPORTUNITY TO GET A LITTLE TIME TO THINK AND
21 STUDY IT MORE CLOSELY.

22 FIRST, WITH REGARD TO THE FIRE
23 BREAKS, I DO APPRECIATE BOARD MEMBER RELIS AND
24 JONES AND HAVING A CONCERN ABOUT THE FIRE SAFETY
25 AND WE HAVE AS WELL. AND, IN FACT, WE SENT A

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1 LETTER TO OTR AND A LETTER TO THE BOARD WITH
2 REGARD TO THAT FIRE SAFETY CONCERN BACK IN EARLY
3 DECEMBER. AND WE RECEIVED THE RESPONSE WITHIN A
4 FEW DAYS THAT THE TIRES BLOCKING THE FIRE ACCESS
5 ROAD WOULD BE CLEARED PROMPTLY AND THAT MR.
6 GUYSER, FIRE MARSHAL GUYSER, HAD BEEN NOTIFIED.
7 WE ALSO HAD PROVIDED NOTIFICATION TO MR. GUYSER,
8 AND GENERALLY HE HAS BEEN VERY RESPONSIVE TO OUR
9 ORGANIZATION BECAUSE HE SHARES THE SAFETY CONCERN
10 THERE. WE HAVE WORKED WITH HIM OFTEN WITH OUR OWN
11 FIRE SUPPRESSION NEEDS AND HAVE BEEN A LITTLE BIT
12 SURPRISED AT HIS ABSENCE IN THIS REGARD.

13 THAT MEANS THAT FROM THE DECEMBER --
14 FIRST OF DECEMBER UNTIL NOW, OTR HAS HAD THE
15 OPPORTUNITY TO REMOVE THOSE TIRES FROM THE FIRE
16 ROAD. MARK MENTIONED THE WEATHER. FOR THOSE OF
17 YOU THAT HAVE SEEN THE SITE KNOW WHERE THE
18 TRAILERS ARE AT THE TOP OF THE HILL UNLOADING
19 TIRES, YOU WILL RECOGNIZE THAT THEY ARE DRIVING
20 TRACTOR TRAILERS TO THE TOP OF A HILL THAT IS FAR
21 MORE STEEP AND FAR MORE DIFFICULT TO ACCESS THAN
22 THIS TIRE -- I'M SORRY -- THIS FIRE ROAD. AND AS
23 A RESULT THE PROMISE THAT IT WILL BE DONE QUICKLY
24 AND THAT THE WEATHER IMPEDED THEIR ABILITY RINGS
25 QUITE HOLLOW.

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1 WE COULD HAVE -- YOU KNOW, WITH ANY
2 LOADING EQUIPMENT, WHICH IS WHAT THEY NEED TO
3 CLEAR THIS FAIRLY LARGE PILE OF TIRES THAT HAVE
4 BEEN MOVED BY MR. PHILBIN, THAT COULD EASILY HAVE
5 BEEN CLEARED.

6 THE OTHER FIRE BREAK I MENTIONED TO
7 YOU THIS MORNING IS YET ANOTHER THAT WAS NOT
8 MENTIONED IN -- I'M SORRY -- KEITH CAMBRIDGE'S
9 REPORT, AND THAT IS THE FIRE BREAK DIRECTLY BEHIND
10 OUR TIRE DELIVERY AREA. SO THAT IS AN ADDITIONAL
11 CONCERN. IN ADDITION TO THE FIRE ROAD, WE HAVE A
12 FIRE BREAK THAT HAS BEEN FILLED. AND I BELIEVE
13 YOU WILL SEE THAT THAT'S ALSO A PERMIT VIOLATION.

14 WITH REGARD TO SOME OF THE COMMENTS
15 WE'VE HEARD FROM OTR WITH REGARD TO THE MONOFILL
16 AND THE NEW BUSINESS OPPORTUNITY FOR FAIRFAX
17 PARTNERS, I AM HAPPY TO HEAR THAT NEW MONEY IS
18 BEING INTRODUCED TO OTR. PERHAPS THAT PROVIDES AN
19 OPPORTUNITY FOR MONIES OWED TO BE PAID TO MELP.

20 AS FAR AS A COMMERCIAL USE OF TIRES,
21 I HAVE TALKED WITH THE BOARD BEFORE AND I THINK
22 THEY RECOGNIZE THAT WE HAVE A VERY VIABLE
23 COMMERCIAL USE ON THE PROPERTY. WE ARE CONSUMING
24 SIX MILLION TIRES A YEAR, AND WE PRODUCE AS
25 ELECTRICITY -- I'M SORRY -- WE PRODUCE AS

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1 BY-PRODUCTS ELECTRICITY, GYPSUM FOR AGRICULTURE,
2 ZINC RICH FLY ASH FOR CHEMICAL PROCESSING, AND
3 BOTTOM ASH GOING TO CEMENT. SO RIGHT NOW OUR
4 FACILITY IS A FULLY RECYCLING TIRE CONSUMPTION AND
5 COMMERCIALLY VIABLE, ESPECIALLY IN THE CONTEXT OF
6 PEOPLE PAYING BILLS.

7 WE WOULD LOVE TO SEE OTR TAKE CARE
8 OF THEIR PERMITTING PROBLEMS AND BECOME A VIABLE
9 BUSINESS. WHAT HAS BEEN EXPLAINED TO ME IS THE
10 TENSION THAT THE MONEY THAT THEY NEED TO PROVIDE
11 FOR FINANCIAL ASSURANCES HAS PLACED SUCH A BURDEN
12 ON THEM THAT THEY HAVE NOT BEEN ABLE TO PAY US ANY
13 MONEY FOR TIRES SINCE LAST JUNE.

14 WE HAVE BEEN GOING THROUGH THE
15 PROCESS OF TRYING TO GET OTHER TIRE USES -- I'M
16 SORRY -- OTHER TIRE PROVIDERS. AND I DO VERY MUCH
17 APPRECIATE THIS COMMITTEE'S PASSING OUR PERMIT ON
18 TO THE BOARD TO GIVE US BETTER ABILITY TO BRING IN
19 TIRES FROM OTHER PARTIES.

20 WITH REGARD TO THE MONOFILL, I SHARE
21 THE CONCERNS THAT YOU HAVE MENTIONED. WE DO HAVE
22 A FEW TIRE EXPERTS IN THE ROOM THAT MAYBE COULD
23 GIVE US INSIGHTS, FOR INSTANCE, INTO -- IF YOU
24 RECALL, I THINK IT WAS MAYBE IN THE NOVEMBER TIME
25 FRAME, THERE WAS A BURNING ROAD UP IN NORTHERN

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1 CALIFORNIA. THAT ROAD HAD BEEN AN EXPERIMENT.
2 MAYBE IT WAS WASHINGTON. I DON'T KNOW. SOMEWHERE
3 NORTH I RECALL. IT WAS AN EXPERIMENT, THAT THAT
4 ROAD WAS BUILT ON A BED OF TIRE SHREDS. THERE
5 WAS -- THE EXPERIMENT WAS TO SEE WHETHER TIRE
6 SHREDS WOULD BE AN ENGINEERED FILL. YOU NEED AN
7 ENGINEERED FILL, A SOLID BASE TO PUT A ROAD ON IT.

8 THEY GOT THE GEOTECHNICAL
9 CHARACTERISTICS, THEY GOT A SOLID BASE. PROBLEM
10 IS IT DID CATCH ON FIRE. THE OILS FROM THE FIRE
11 BEGAN TO OOZE INTO THE ENVIRONMENT, INTO THE WATER
12 TABLE WOULD BE THE OBVIOUS RISK. THE ROAD BEGAN
13 TO CRACK. THE SMOKE WAS COMING UP THROUGH THE
14 ASPHALT, AND BASICALLY THEY SHUT IT DOWN AND TORE
15 IT ALL OUR AND REBUILT IT AS A STANDARD ROAD.

16 I WOULD THINK THAT THE CARE THAT
17 THEY WOULD PUT INTO THE BUILDING OF A ROAD WAS
18 PROBABLY GREATER THAN THE CARE WE WOULD SEE BEING
19 PUT INTO A MONOFILL. I HAVE MY DOUBTS, AND
20 CERTAINLY AS A NEIGHBOR TO THIS FACILITY WOULD
21 CONSIDER IT A TREMENDOUS RISK TO HAVE A PILE OF
22 TIRES, SHREDS OR OTHERWISE, THERE AS A POTENTIAL
23 FIRE RISK AND RISKING THE SAFETY OF OUR FACILITY
24 AND OUR PERSONNEL.

25 ALSO, AND I'M SURE THE BOARD AND

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1 STAFF WILL GET INTO THIS AS THEY START THINKING
2 ABOUT THE FINGERS OF THIS PROPOSED CLOSURE PLAN.
3 I WOULD GUESS THAT THERE'S A CEQA REVIEW REQUIRED.
4 I THINK YOU'RE ALL AWARE THAT THE ATTORNEY GENERAL
5 IS A PARTY TO THIS. THE ATTORNEY GENERAL HAS
6 ORDERED THAT THAT PILE BE REMOVED. AND CHOPPING
7 IT UP INTO LITTLE PIECES AND THROWING IT INTO THE
8 VALLEY, I DON'T BELIEVE REALLY CONSTITUTES
9 REMOVAL. SO THAT'S ANOTHER PARTY THAT WILL NEED
10 TO BE AT THE TABLE.

11 I THINK, THEREFORE, YOU KNOW, WE'RE
12 NOT LOOKING AT A PROPOSAL THAT REPRESENTS A VALID
13 CLOSURE PLAN. AND I GUESS THERE WOULD BE A NEW
14 PERMIT REQUIRED BECAUSE BASICALLY THIS PERMIT --
15 THEIR EXISTING PERMIT, I DON'T BELIEVE, ANTICI-
16 PATES SHREDS AT ALL. SO OFFERING THAT AS A
17 CLOSURE PLAN, I DON'T THINK REALLY WORKS FROM MY
18 CONTEXT.

19 AND I WOULD LIKE TO -- I WISH THAT
20 OTR WERE A PARTY THAT WAS EASY TO WORK WITH AND A
21 GOOD PARTNER. IN OUR ENERGY BUSINESS THEY HAVE
22 NOT BEEN. I DON'T THINK THEY HAVE BEEN A
23 COOPERATIVE PARTNER WITH THE STATE OF CALIFORNIA
24 IN THIS REGULATORY PROCESS, AND I WOULD REALLY
25 OBJECT TO THEM CONTINUING TO HAVE A VALID
PERMIT

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1 IN PLACE. THANK YOU VERY MUCH.

2 CHAIRMAN FRAZEE: THANK YOU. NOW,
3 FINALLY TERRY GRAY.

4 MR. GRAY: THANK YOU. TERRY GRAY WITH
5 TAG RESOURCE RECOVERY. I'D LIKE TO COMMENT ON
6 JUST A COUPLE THINGS. AND ONE OF THEM --

7 MEMBER RELIS: EXCUSE ME. MR. GRAY, JUST
8 TO UNDERSTAND, ARE YOU HERE AS A CONSULTANT TO THE
9 BOARD OR -- I'D JUST LIKE TO KNOW WHAT YOUR --

10 MR. GRAY: I'M HERE AS AN INTERESTED
11 PARTY AND NOT INVOICING FOR THIS TIME.

12 MEMBER RELIS: I WANTED TO BE CLEAR ON
13 THAT.

14 MR. GRAY: I OUGHT TO INTRODUCE MYSELF
15 THAT WAY, I GUESS.

16 COUPLE POINTS TO MAKE. ONE, I THINK
17 THAT WE CAN'T LOSE SIGHT OF THE FACT THAT THIS
18 CLOSURE PLAN IS BEING SUBMITTED, THIS MONOFILL
19 PLAN IS BEING SUBMITTED AS AN ALTERNATIVE CLOSURE
20 PLAN. OXFORD'S PERMIT IS BASED ON HAVING A
21 CLOSURE PLAN AND A BOND TO COVER THAT CLOSURE
22 PLAN.

23 THE PREVIOUS CLOSURE PLAN WAS BASED
24 ON DISPOSAL OF THE SHREDS AT THE MELP SITE. IT
25 WAS THE LOWEST COST ALTERNATIVE FOR THEM, AND

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1 THAT'S THE BASIS ON WHICH YOU AWARDED A PERMIT TO
2 THEM.

3 NOW, THROUGH FAILURE TO HONOR THAT
4 CONTRACT WITH MELP, OXFORD NO LONGER HAS A VIABLE
5 CONTRACT FOR THAT DISPOSAL OPTION AND REALLY HAS
6 TO SUPPLY AN ALTERNATIVE TO YOU IN ORDER TO REMAIN
7 VIABLE. SO I THINK THAT'S WHY THEY'VE CHOSEN THIS
8 ONE. IT IS POTENTIALLY THE LOWEST COST ONE.

9 BUT IN THEIR SUBMITTAL THEIR COSTS
10 DON'T DEAL WITH RETRIEVAL ISSUES AND OTHER THINGS
11 THAT ARE IMPORTANT IN TERMS OF THAT BONDING
12 REQUIREMENT. I'LL LEAVE THAT AT THIS POINT, BUT I
13 THINK IT'S SOMETHING THAT IS PART OF THE
14 PERSPECTIVE OF IT.

15 THE MONOFILL THAT HAS BEEN PROPOSED
16 HAS SOME REALLY QUESTIONABLE SCIENCE ASSOCIATED
17 WITH IT, AND THAT'S THE MAIN THING I'D LIKE TO
18 COMMENT ON. I THINK I UNDERSTAND THE MECHANISM OF
19 THE INTERNAL AUTO IGNITION OF COMPACTED, DEEP
20 STOCKPILES AS WELL AS ANYBODY, AND I DON'T
21 UNDERSTAND IT. WE KNOW THAT ARE AT LEAST THREE
22 POSSIBLE MECHANISMS. WE KNOW THAT THEY MAY WORK
23 IN CONCERT, BUT WE DO KNOW SOME BASIC THINGS. WE
24 DON'T KNOW WHY AND IT'S ALWAYS TOUGH TO SOLVE A
25 PROBLEM THAT YOU DON'T UNDERSTAND. IT'S TOUGH.

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1 BUT WE DO KNOW THAT THIS PHENOMENA OCCURS IN DEEP,
2 COMPACTED STOCKPILES.

3 TWO ROADWAYS THAT INVOLVE DEPTHS OF
4 20 SOME ODD FEET AND 40 SOME ODD FEET CAUGHT FIRE
5 INTERNALLY, INTERNAL AUTO IGNITION, NO OUTSIDE
6 SOURCE, JUST DECIDED TO BURN AND PYROLYZE,
7 DECOMPOSE IN THE ABSENCE OF OXYGEN. BUT -- AND
8 PEOPLE FOCUS ON THOSE TWO THINGS BECAUSE THEY
9 BROUGHT ATTENTION TO IT. BUT THIS PHENOMENA I'M
10 AWARE HAS BEEN GOING ON FOR AT LEAST 12 YEARS, AND
11 I'VE DEALT WITH SCRAP TIRES FOR 13 YEARS.

12 IN A SERIES OF PILES THOSE COVERED,
13 NOT COVERED, CONTAINING WIRE, NOT CONTAINING WIRE,
14 LARGE SHREDS, SMALL SHREDS, ALL OF THESE TYPES OF
15 PILES HAVE CAUGHT FIRE. AS I SAID, I KNOW OF AT
16 LEAST EIGHT OTHER CASES WHERE THIS HAS OCCURRED
17 BESIDES ROADS, AND THERE'S ONE MORE ROADWAY IN
18 OREGON RIGHT NOW THAT IS HEATING UP, AND THEY'RE
19 PUTTING THERMOCOUPLES IN SO THEY CAN WATCH IT HEAT
20 UP.

21 THE POTENTIAL, IF THIS ISN'T
22 UNDERSTOOD AND -- EXCUSE ME -- AND TWO OTHER
23 MONOFILLS THAT I KNOW OF HAVE BOTH HAD EVENTS.

24 TWO OTHER TIRE MONOFILLS HAVE BOTH HAD EVENTS.

25 SO THIS ISN'T AN EASY ISSUE FOR
THE

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1 BOARD TO ACCEPT. IF THIS ISN'T A VIABLE
2 ALTERNATIVE IN TERMS OF IMMEDIATE EFFORT BECAUSE
3 OF THE SCIENCE AND OTHER ISSUES INVOLVED ON THE
4 BOARD'S PART, THEN MAYBE IT ISN'T A VIABLE
5 ALTERNATIVE ON OXFORD'S PART AND MAYBE THEY OUGHT
6 TO HAVE TO SUBMIT ECONOMICS FOR ANOTHER
7 ALTERNATIVE FOR THEIR BONDING AND FINANCIAL
8 ASSURANCE REQUIREMENTS, BUT THAT'S YOUR BAILIWICK.

9 THE SCIENCE SAYS THAT THERE ARE REAL
10 ISSUES ASSOCIATED WITH IT. WE'RE NOT EVEN SURE
11 THAT SOIL LAYERS BETWEEN DIFFERENT LIFTS WILL
12 SOLVE THE PROBLEM.

13 ALSO, IF YOU GO TO PUT SOIL LAYERS
14 BETWEEN THEM, THE CONTAMINATION OF COARSE SHREDS
15 MAKES THEM VERY UNLIKELY TO BE USABLE BY RESOURCE
16 RECOVERY APPLICATIONS. THE COARSE SHREDS THEY'RE
17 TALKING ABOUT MAKING ARE BASICALLY TAKING A TIRE
18 AND USING A BARCLAY SHREDDER, WHICH IS VERY HIGH
19 VOLUME, DOES A GOOD JOB OF JUST SHREDDING A TIRE,
20 BUT IT DOES CUT EVERY 6 INCHES. SO TIRES ARE
21 BROKEN DOWN INTO JUST REALLY LIKE SIX OR EIGHT
22 PIECES GOING THROUGH THIS.

23 THOSE PIECES INTERLOCK AND BECOME
24 VERY DIFFICULT TO REHANDLE AND EVER GET ON A
25 CONVEYOR BELT TO SEND TO ANY OTHER PROCESSING.

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1 CONTAMINATE THEM WITH DIRT AND IT BECOMES DOUBLY
2 COMPLICATED. YOU DON'T WANT THOSE IN THERMAL
3 APPLICATIONS, AND YOU DON'T WANT IT IN CRUMB
4 RUBBER, OTHER APPLICATIONS EITHER. SO THE IDEA OF
5 MONOFILLING WITH THE IDEA OF RECOVERY OF THIS
6 RESOURCE, IT MAY HAPPEN SOMETIME, BUT I DON'T
7 THINK MY CHILDREN WILL SEE IT OR THEIR
8 GRANDCHILDREN BECAUSE OF THE DIFFICULTIES
9 ASSOCIATED WITH THIS UNLESS WE HAVE SOME WILD
10 ABERRATIONS IN THE FUTURE. THANK YOU.

11 CHAIRMAN FRAZEE: OKAY. THAT CONCLUDES
12 OUR LIST OF SPEAKERS. DO YOU WISH TO WRAP UP?

13 MR. KIRKLAND: JUST BRIEFLY, YOU KNOW,
14 WE'RE NOT -- WE'RE NOT PROMOTING BAD SCIENCE OR
15 BAD ENGINEERING HERE. WE'RE SAYING THAT WE'D

LIKE

16 TO WORK TOGETHER WITH THE BOARD AND THE STAFF
FOR

17 A VIABLE SOLUTION TO DEAL WITH THIS PROBLEM.

IT'S

18 AN ENORMOUS PROBLEM. AND TO QUOTE A POPULAR
19 PHRASE, "SHOW ME THE MONEY" IS WHAT PEOPLE ARE
20 GOING TO BE ASKING. WE DON'T WANT ANY MONEY

FROM

21 ANYBODY. WE WANT TO WORK TOGETHER IN

COOPERATION

22 WITH THE STATE, WITH THE STAFF AND FIND THE
23 CHEAPEST, LEAST COST, MOST EFFECTIVE WAY TO DEAL
24 WITH THESE TIRES.
25 I'VE REFRAINED FROM DEFENDING
MYSELF

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1 AND OXFORD UP TO THIS POINT, BUT I MUST SAY THAT
2 THE FIRE BREAK TO WHICH MR. TOMEO REFERRED TO IS
3 FULL OF TIRES AT THEIR VERBAL REQUEST. THEY'VE
4 ASKED US TO DELIVER TIRES TO THIS AREA FOR THEIR
5 EASE OF ACCESS. THAT WILL CEASE TODAY.

6 OUR ABILITY TO MOVE TIRES TO THE
7 TRAILERS TO THE TOP OF OUR HILL IS BECAUSE WE
8 SPENT A GREAT DEAL OF MONEY PREPARING THAT ROAD
9 FOR THE INCLEMENT WEATHER LAST YEAR. THAT'S THE
10 REASON WE'VE BEEN ABLE TO DO SOME OF THESE THINGS.

11 AS I STATED THOUGH, WE WOULD LIKE TO
12 WORK WITH THE STATE, WITH NEW PARTNERS THAT HAVE
13 RESOURCES. WE DON'T WANT ANY MONEY FROM THE
14 STATE, AND YOU NEED TO ASK YOURSELF WHO DOES WANT
15 MONEY FROM THE STATE OR WHO'S OFFERING YOU THE
16 LEAST COST, MOST EFFECTIVE AND COOPERATIVE PLAN.

17 AND I THINK YOU WILL FIND THAT WE
18 ARE, YOU KNOW, MAKING A GOOD FAITH EFFORT TO LIVE
19 WITHIN OUR CURRENT PERMIT CONDITIONS. WE'VE MADE
20 EXTRAORDINARY EFFORTS TO DO THAT. EVEN IN THE
21 FACE OF MELP BRINGING IN OUTSIDE TIRES, WE

STILL

22 ANTICIPATE LIVING WITHIN OUR CURRENT PERMIT
23 CONDITIONS AGAINST EFFORTS TO STOP US FROM

DOING

24 SO.

25
OFFER

ALSO, WE'VE MADE OFFER AFTER

73

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1 TO MELP WHICH HAS BEEN FLAT OUT REJECTED. NO
2 COUNTEROFFER HAS EVER BEEN MADE. THEY'VE JUST
3 REJECTED OUR OFFERS FLAT OUT. WE CAN'T FIGURE OUT
4 WHY. BUT I WOULD LIKE TO SAY WE ARE TRYING TO
5 COOPERATE WITH YOU, AND WE WOULD LIKE TO WORK
6 TOGETHER TO FIND THE LEAST COST SOURCE OF DEALING
7 WITH THIS PROBLEM. AS I SAID, WE'RE NOT RUNNING
8 AWAY FROM IT. WE'RE NOT AFRAID OF IT. WE'D LIKE
9 TO COOPERATE WITH YOU IN DEALING WITH IT.

10 MEMBER JONES: ASK A QUESTION. I
11 DON'T -- YOU KNOW, I DON'T WANT YOU TO
12 MISINTERPRET WHY THE CONCERNS ARE FOR THE
13 MONOFILL. I MEAN WHEN THE SCIENCE IS -- WHEN -- I
14 DON'T UNDERSTAND THE SCIENCE AND I CAN'T SPEAK FOR
15 THE OTHER BOARD MEMBERS, BUT I THINK THAT'S AN
16 ISSUE. I MEAN I LOVE THE FACT THAT YOU ARE NOT
17 COMING TO THE STATE FOR MONEY. BUT I HAVE A HARD
18 TIME REALIZING THAT IF YOUR CLOSURE PLAN IS
19 UNDERFUNDED AND THE OPTION IS A MONOFILL THAT
20 WE'RE NOT PREPARED TO TAKE, THAT MAYBE YOU NEED TO
21 UNDERSTAND THAT WE MAY BE NEEDING MORE MONEY IN
22 THE CLOSURE FUND TO BE ABLE TO ENSURE THAT YOU CAN
23 CONTINUE TO OPERATE.

24 SO I THINK THAT'S GOOD THAT YOU ARE
25 NOT ASKING FOR MONEY. I'M NOT SURE WE'RE NOT

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1 GOING TO ASK FOR MONEY. BUT WE NEED TO UNDERSTAND
2 THE SCIENCE OF THAT MONOFILL. IT DOESN'T MEAN
3 THAT IT'S NOT A GOOD IDEA. I SAID IT COULD BE A
4 GOOD IDEA. BUT I DON'T UNDERSTAND THE SCIENCE,
5 AND, YOU KNOW, WE NEED TO MAKE SURE THAT WE'RE NOT
6 GOING TO CREATE ANOTHER PROBLEM. AND THAT'S --
7 THAT'S A HUGE CONCERN, YOU KNOW. I DON'T WANT TO
8 GET INVOLVED, AND I DON'T THINK WE HAVE GOTTEN
9 INVOLVED, IN YOUR CONTRACTUAL RELATIONSHIPS.

10 I MEAN WE'RE NOT -- IT'S NOT OUR
11 ISSUE. THAT'S BETWEEN YOU AND WHOEVER YOU HAVE
12 CONTRACTUAL RELATIONSHIPS WITH. OUR ISSUE IS THE
13 CLOSURE FUND, YOU WORKING THROUGH THE CONDITIONS
14 OF YOUR PERMIT, GETTING THE TIRES DOWN, YOU KNOW,
15 GETTING THE PILES DOWN, DEALING WITH THE CLOSURE
16 ISSUES. YOU'VE PUT A LOT OF MONEY IN THE CLOSURE.
17 YOU HAVE AN OPTION HERE THAT IS PRETTY MUCH
18 IDENTICAL TO WHAT IS ALREADY IN PLACE AND THAT'S
19 FINE; BUT IF IT'S NOT THE ONE THAT'S GOING TO
20 WORK, THEN WE NEED TO KEEP WORKING THROUGH THAT.
21 YOU KNOW, WE NEED TO MAKE SURE THAT WE HAVE
22 SOMETHING THAT'S NOT GROWING TO CREATE ANOTHER
23 DISASTER. SO YOU NEED TO APPRECIATE THAT.

24 MR. KIRKLAND: MR. JONES, I AGREE WITH
25 YOU. THERE'S NOBODY IN THIS COUNTRY WHO HAS A

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1 BIGGER INTEREST IN DEALING WITH THAT PILE THAN THE
2 MAN STANDING BEFORE YOU TODAY. NOBODY HAS A
3 BIGGER INTEREST IN SEEING THAT THING BE DEALT WITH
4 IN A WAY THAT'S NOT GOING TO COME BACK TO BITE
5 THEM IN THE FUTURE.

6 MEMBER JONES: I APPRECIATE THAT.

7 MR. KIRKLAND: AND THAT'S ME. I'M THE
8 ONE THAT'S TRYING TO DO THAT. AS FAR AS WE -- I'M
9 NOT AN ENGINEER. I'M NOT A SCIENTIST. I'M SAYING
10 THAT THERE ARE ALTERNATIVES TO \$10 MILLION CLOSURE
11 FUNDS THAT WE THINK THAT WE CAN WORK WITH AND DEAL
12 WITH THIS. THAT'S ALL WE WANT TO DO. WE WANT TO
13 DEAL WITH THIS IN A WAY THAT DOES NOT COST THE
14 TAXPAYERS ANY MONEY AND ALLOWS US TO REMAIN
15 VIABLE.

16 I'M NOT RUNNING AWAY FROM THE
17 PROBLEM. I THINK YOU NEED TO APPRECIATE THAT.
18 YOU HAVE -- AND WE HAVE THE POTENTIAL OF OTHER
19 RESOURCES. THERE ARE POTENTIAL USES CURRENTLY
20 TAKING PLACE THAT YOU ARE AWARE OF IN THE FORM OF
21 OTHER FUEL USES THAT COULD SUBSTANTIALLY ELIMINATE
22 THE TIRE PROBLEM IN CALIFORNIA AND, IN FACT, GIVE
23 US -- THAT PILE COULD MAYBE NOT BE WORTH ANYTHING,
24 BUT MAYBE IT COULD BE WORTH NOTHING. MAYBE IT
25 COULD NOT HAVE A NEGATIVE VALUE. MAYBE IT COULD

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1 BE WORTH, I DON'T KNOW, A FEW CENTS A TIRE.

2 BUT I THINK THIS IS A PROBLEM WE
3 WOULD LIKE TO WORK WITH YOU ON. WE WOULD LIKE TO
4 COOPERATE AND DEAL WITH YOU IN A WAY THAT WE CAN
5 LIVE WITH AND THAT YOU CAN LIVE WITH. AND THAT'S
6 WHAT OUR PROPOSAL IS. THAT'S WHAT OUR CLOSURE
7 PLAN IS. THAT'S WHY WE WOULD LIKE TO HAVE IT
8 CONSIDERED.

9 MEMBER JONES: ABSOLUTELY.

10 CHAIRMAN FRAZEE: JUST ONE FINAL
11 CONSIDERATION. I, AS ONE MEMBER OF THIS BOARD, AM
12 SENSITIVE TO YOUR STATEMENT THAT YOU ARE NOT
13 ASKING FOR ANY MONEY. AND I THINK IT'S WELL-KNOWN
14 THAT THIS BOARD HAS GRANTED CLEANUP FUNDS TO QUITE
15 A NUMBER OF SITES AROUND THE STATE OF CALIFORNIA.
16 BUT I THINK THE ONE DIFFERENCE HERE IS THAT IN ALL
17 OF THOSE OTHER SITES, THEY ARE STATIC, ABANDONED,
18 IF YOU WILL, PILES OF TIRES THAT THERE'S SOME
19 FORESEEABLE END TO PUTTING EFFORT TO CLEANING THEM
20 UP.

21 IN THE SITUATION WITH THE OXFORD
22 PILE, WE DON'T KNOW WHETHER THAT'S GROWING OR
23 SHRINKING ON ANY GIVEN DAY. YOU'RE CONTINUING TO
24 BRING TIRES IN AND ADD TO IT. AND I'M JUST SORRY
25 THAT WE HAVE NOT FOUND THE MECHANISM THAT CEASES

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1 THAT BRINGING OF ADDITIONAL TIRES INTO THE SITE.
2 I WISH THAT SOME WAY IN OUR PERMITTING SCHEME THAT
3 COULD HAVE BEEN A CONDITION THAT WE COULD HAVE
4 IMPOSED SOMETIME BACK THAT WOULD CEASE TO BRING
5 TIRES INTO THE SITE, AND THEN PERHAPS THERE MIGHT
6 BE A CONSIDERATION OF PUBLIC FUND PARTICIPATION IN
7 CLEANING UP THE PROBLEM.

8 MR. KIRKLAND: MR. FRAZEE, I APPRECIATE
9 YOUR COMMENTS. AND LAST SUMMER WE DID SET FORTH A
10 PROPOSAL THAT WOULD STOP THE DELIVERY OF TIRES TO
11 THAT SITE, AND IT DID REQUEST LITTLE OVER A
12 MILLION DOLLARS GO TO MELP TO CLEAN UP THE -- THAT
13 PILE. AND I THINK IT WOULD HAVE BY NOW PERHAPS
14 BEEN SUBSTANTIALLY REMOVED, CLEANED UP. AND FOR
15 WHATEVER REASONS, THAT HASN'T HAPPENED. MELP'S
16 LONG-TERM VIABILITY IS IN QUESTION.

17 IF MELP GOES AWAY, WE NEED A PLAN TO
18 DEAL WITH MY TIRES. I OWN THOSE TIRES. I NEED A
19 PLAN TO DEAL WITH THEM ALL. I NEED SOMETHING THAT
20 I CAN DO AND LIVE WITH. AND, YOU KNOW, I'M GIVING
21 YOU A WORST-CASE SCENARIO THAT MELP GOES AWAY. IF
22 THEY DON'T, YOU KNOW, HOPEFULLY WE CAN SIT DOWN
23 AND WORK OUT SOME TYPE OF AN ARRANGEMENT. I THINK
24 THAT WE CAN AT SOME POINT, BUT WE NEED TO DEAL
25 WITH THOSE AT SOME POINT. AND THAT'S WHAT OUR

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1 PROPOSAL IS. IT'S THAT MELP MIGHT BE GONE IN
2 SEPTEMBER OR DECEMBER; AND IF THEY ARE, WHAT DO WE
3 DO WITH THE TIRES? AND THAT'S WHAT OUR PLAN IS.

4 CHAIRMAN FRAZEE: OKAY.

5 MR. GRAY: I THINK IT'S IMPORTANT FOR THE
6 BOARD TO RECOGNIZE THAT OTR IS NOT ASKING FOR
7 MONEY, BUT THEY ARE PROFITING FROM WHAT THEY'RE
8 DOING. \$700,000 THAT HASN'T BEEN PAID TO MELP IS
9 BASICALLY MELP HAS MADE A \$700,000 INVESTMENT IN
10 REDUCING THAT PILE, UNREIMBURSED VERSUS WHAT THEY
11 WOULD HAVE EXPECTED. AND AT THE SAME TIME OXFORD
12 HAS CONTINUED TO PUT MORE TIRES ON THAT PILE THAT
13 THEY HAVE NOT PAID FOR. THANK YOU.

14 CHAIRMAN FRAZEE: OKAY. WE --

15 MR. KIRKLAND: MR. FRAZEE, COULD I REAL
16 QUICK ANSWER THAT? I DIDN'T REALIZE MR. GRAY WAS
17 WORKING. I THOUGHT HE WAS A CONSULTANT TO THE
18 STATE. I DON'T KNOW WHY HE'S UP HERE DEFENDING
19 MELP. OUR CONTRACTUAL AGREEMENT IS NONE OF HIS
20 BUSINESS. WHETHER WE PAY MELP OR NOT IS BETWEEN
21 MELP AND OURSELVES. I CAN TELL YOU THAT WHETHER
22 WE PAY MELP OR NOT IS NOT GOING TO MAKE OR BREAK
23 THEM. THE 16 CENTS PER TIRE IS NOT GOING TO BREAK
24 THEM. I FEEL THE NEED TO DEFEND MYSELF ON THIS
25 POINT. IT'S NOT MR. GRAY'S BUSINESS WHETHER WE

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1 PAY MELP OR NOT, WHETHER WE'VE OFFERED THEM
2 ANYTHING, WHICH WE HAVE. I NEED TO DEFEND THAT
3 POINT. THANK YOU.

4 CHAIRMAN FRAZEE: SO THAT ITEM WILL --

5 MS. RICE: WE WOULD BE PROPOSING TO BRING
6 THE CONSIDERATION OF THE PERMIT FOR OXFORD BACK
7 BEFORE YOU AT YOUR APRIL MEETING. AT THAT TIME WE
8 WOULD BE ANTICIPATING THAT, PURSUANT TO THE PERMIT
9 CONDITION THAT SPEAKS TO PILE SIZE REDUCTION, THAT
10 WE WOULD BE RECEIVING INFORMATION FROM MR.
11 KIRKLAND ABOUT THE NUMBERS THAT HE SEES, AND THAT
12 WE WOULD BE LOOKING AT THOSE AND PROVIDING YOU
13 THOSE NUMBERS. AND I'M SURE HE WOULD BE HERE TO
14 DESCRIBE THEM HIMSELF, AS WELL AS OUR ANALYSIS AND
15 OUR UNDERSTANDING OF WHAT THE NUMBERS LOOK LIKE.
16 AND AT THAT TIME WE WOULD PRESENT THOSE MATTERS TO
17 YOU FOR YOUR CONSIDERATION.

18 BASED ON THE DISCUSSION WE'VE HEARD
19 TODAY, I WOULD ALSO ASSUME THAT YOU WOULD
20 APPRECIATE PERHAPS MORE FOLLOW-UP ON THE FIRE
21 SAFETY ISSUES.

22 CHAIRMAN FRAZEE: YES.

23 MS. RICE: AND WE WILL BE IN CONTACT WITH
24 THE FIRE MARSHAL AND SEE WHAT ADDITIONAL
25 INFORMATION WE CAN OBTAIN. AND IF PERHAPS HE OR

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1 SHE WOULD BE WILLING TO ATTEND THE MEETING SO THAT
2 YOU CAN ASK QUESTIONS DIRECTLY.

3 CHAIRMAN FRAZEE: OKAY. NOW WE'RE READY
4 TO MOVE ON TO, MY LIST SAYS, ITEM 7. WE'LL TAKE
5 JUST A FIVE-MINUTE BREAK HERE.

6 (RECESS TAKEN.)

7 CHAIRMAN FRAZEE: IF THE MEETING COULD
8 COME TO ORDER, PLEASE. IF THOSE IN THE AUDIENCE
9 WOULD TAKE YOUR SEATS, PLEASE, WE CAN BEGIN.

10 NOW, LET'S TAKE NEXT ITEM 7, WHICH
11 IS THE CONSIDERATION OF A REVISED SOLID WASTE
12 FACILITY PERMIT FOR THE CUMMINGS ROAD LANDFILL IN
13 HUMBOLDT COUNTY. HAVE THE STAFF REPORT ON THAT
14 PLEASE.

15 MS. RICE: THANK YOU, MR. CHAIRMAN.
16 SADIE GALOS WILL MAKE THE PRESENTATION FOR STAFF.
17 I BELIEVE KEVIN METCALF IS PRESENT TO REPRESENT
18 THE LOCAL ENFORCEMENT AGENCY AND ASSIST WITH THE
19 PRESENTATION AND ANY QUESTIONS.

20 MS. GALOS: YES, GOOD MORNING, MR.
21 CHAIRMAN AND COMMITTEE MEMBERS. I'VE JUST PASSED
22 OUT THE RESOLUTION NO. 97-93 AND ALSO A NEW PAGE
1
23 ON ATTACHMENT 3, THE PROPOSED PERMIT. ON PAGE 1,
24 NO. C, PERMITTED TONS PER DAY HAS BEEN CHANGED TO

25
CAN

SPECIFY THE TOTAL AMOUNT OF SPECIAL WASTE THAT

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1 BE ACCEPTED.

2 CUMMINGS ROAD LANDFILL IS LOCATED 2
3 MILES SOUTHEAST OF THE CITY OF EUREKA IN THE
4 UNINCORPORATED AREA OF HUMBOLDT COUNTY.

5 ORIGINALLY OPERATED AS A BURN DUMP IN THE 1930S,
6 THE SITE WAS CONVERTED TO A SANITARY LANDFILL IN
7 1969, AND THE SOLID WASTE FACILITY PERMIT WAS
8 ISSUED IN 1978.

9 THE LANDFILL IS NOT OPEN TO THE
10 PUBLIC. ALL INCOMING VEHICLES MUST BE CONTAIN
11 LOADS GREATER THAN 10 TONS. LOADS UNDER 10 TONS
12 AND PUBLIC SELF-HAULERS ARE DIRECTED TO TRANSFER
13 STATIONS AND COUNTY CONTAINER SITES.

14 MUNICIPAL SOLID WASTE FROM HUMBOLDT
15 COUNTY AND INCORPORATED CITIES IS DELIVERED TO THE
16 LANDFILL BY LOCAL REFUSE COLLECTION SERVICES AND
17 COMMERCIAL HAULERS. WASTE IS EITHER TAKEN
18 DIRECTLY TO THE LANDFILL OR TO THE CITY GARBAGE
19 COMPANY TRANSFER STATION IN EUREKA. THIS IS WHERE
20 THE MAJORITY OF THE SOLID WASTE IS HANDLED, AND
21 THEN IT'S HAULED TO THE LANDFILL IN TRANSFER
22 VEHICLES.

23 THE PROPOSED PERMIT BEFORE THE
24 COMMITTEE TODAY WOULD INCREASE THE DAILY MAXIMUM
25 TONNAGE FROM 175 TONS A DAY TO 500 TONS A DAY,

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1 SPECIFY A MAXIMUM ELEVATION OF 550 FEET ABOVE MEAN
2 SEA LEVEL, SPECIFY THE ALLOWABLE DAILY TOTAL
3 NUMBER OF VEHICLES, ADD SEWAGE SLUDGE, ASH,
4 NONFRIABLE ASBESTOS, SMALL DEAD ANIMALS AND FISH
5 WASTE, INCREASE OPERATING HOURS, CHANGE THE
6 CLOSURE DATE FROM 2007 TO 2003, CHANGE THE
7 LANDFILL DESIGN, AND ADD ENVIRONMENTAL CONTROLS.

8 THE LEA AND BOARD STAFF HAVE
9 DETERMINED THAT THE FACILITY IS IDENTIFIED AND
10 DESCRIBED IN THE HUMBOLDT COUNTY INTEGRATED WASTE
11 MANAGEMENT PLAN. THE ENVIRONMENTAL DOCUMENTS
12 PREPARED FOR COMPLIANCE WITH THE CALIFORNIA
13 ENVIRONMENTAL QUALITY ACT ARE ADEQUATE FOR THE
14 BOARD'S EVALUATION.

15 THE FACILITY'S DESIGN AND OPERATION
16 ARE IN COMPLIANCE WITH STATE MINIMUM STANDARDS FOR
17 SOLID WASTE HANDLING AND DISPOSAL EXCEPT FOR
18 VIOLATION OF TITLE 14 OF THE CALIFORNIA CODE OF
19 REGULATIONS, SECTION 17258.23(A)(2), METHANE GAS
20 READINGS IN EXCESS OF 5 PERCENT OF THE FACILITY
21 BOUNDARY. THIS HAS BEEN ADDRESSED BY THE LOCAL
22 ENFORCEMENT AGENCY BY ISSUANCE OF A NOTICE AND
23 ORDER NO. 97-01. IT'S DATED FEBRUARY 20, 1997,
24 WHICH REQUIRES THE OPERATOR TO INSTALL A

LANDFILL

25 GAS COLLECTION SYSTEM. IT HAS TO BE

OPERATIONAL

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1 BY OCTOBER 30, 1997. COMPLIANCE IS REQUIRED BY
2 JULY 1, 1998.

3 THE REASON FOR THE EXTENDED TIME
4 FRAME IS BECAUSE OF THE AMOUNT OF RAINFALL THIS
5 AREA RECEIVES. THE SITE IS GEOLOGICALLY VERY
6 COMPLEX, AND GAS LEVELS IN THE PROBES WERE FOUND
7 TO BE SUBSTANTIAL. BOARD STAFF, THE LEA, AND
8 OPERATOR ARE IN AGREEMENT WITH THESE TIME FRAMES
9 TO ALLOW FOR INSTALLATION, TESTING, AND
10 ADJUSTMENTS REQUIRED TO REACH COMPLIANCE.

11 IN CONCLUSION, STAFF RECOMMEND THAT
12 THE BOARD ADOPT RESOLUTION NO. 97-93, CONCURRING
13 IN THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.
14 12-AA-0005. BESIDES KEVIN METCALF, REPRESENTING
15 THE LOCAL ENFORCEMENT AGENCY, MR. TOM MATSON IS
16 ALSO HERE REPRESENTING THE OPERATOR.

17 CHAIRMAN FRAZEE: OKAY. DID YOU WISH TO
18 MAKE A STATEMENT?

19 MR. METCALF: KEVIN METCALF, HUMBOLDT
20 COUNTY HEALTH DEPARTMENT. I'D JUST SAY THAT I'VE
21 BEEN WITH THIS FOR TWO YEARS. AND WHEN I STARTED,
22 THIS PERMIT WAS UNDER REVISION AND HERE WE ARE
23 NOW, AND I'D LIKE TO HAVE IT BEHIND US.

24 MEMBER RELIS: SO THE -- AS I READ IT,
25 THE GAS SYSTEM IS PROCEEDING, WILL BE OPERATIONAL

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1 ON THE TIMETABLE SET FORTH?

2 MR. METCALF: THE OPERATOR CURRENTLY DOES
3 HAVE A DRAFT VERSION OF A GAS COLLECTION SYSTEM IN
4 THE WORKS RIGHT NOW. AND SO, YES, WE ANTICIPATE
5 THAT THEY'LL BE ABLE TO MEET THE DEADLINES
6 SPECIFIED IN THE NOTICE AND ORDER.

7 MEMBER RELIS: OKAY. THANK YOU.

8 CHAIRMAN FRAZEE: ANY QUESTIONS?

9 BOARD MEMBER CHESBRO: THIS IS -- IF
10 THERE'S ANY LANDFILL IN THE STATE I'M FAMILIAR
11 WITH, IT'S THIS ONE. THIS WAS IN MY SUPERVISORIAL
12 DISTRICT FOR THE TEN YEARS I SERVED ON THE BOARD
13 AND STILL IS IN THE SAME SUPERVISORIAL DISTRICT,
14 SO I SPENT A LOT OF TIME WORKING ON ISSUES. HI,
15 KEVIN. MANY, MANY YEARS WORKING ON ISSUES WITH
16 REGARDS TO THIS LANDFILL, AS DID MY FRIEND, STEVE
17 JONES, HERE, WHO WAS WORKING FOR THE OPERATOR AT
18 THE TIME.

19 THE ONLY QUESTION I HAVE WITH THIS
20 WITH REGARDS TO THE GAS SYSTEM, AND I THANK YOU
21 FOR YOUR INDULGENCE, IS THE DATE FOR COMPLETION
22 FOR INSTALLATION IS OCTOBER, WHICH ANYWHERE IN THE
23 STATE WOULD SOUND LIKE IT'S WELL BEFORE THE ONSET
24 OF THE WINTER. I'VE BEEN IN HUMBOLDT COUNTY
25 WINTERS WHEREBY BEGINNING OF OCTOBER THERE HAD

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1 ALREADY BEEN 10 INCHES OF RAIN.

2 I JUST WANT ASSURANCES THAT -- WOULD
3 LIKE ASSURANCE, AND I WOULD HOPE THAT THE
4 COMMITTEE WOULD ALSO INDULGE THE QUESTION, THAT
5 CONSTRUCTION IS GOING TO TAKE PLACE, TO BE SURE
6 THAT IT'S BEFORE -- IT WOULD BE NICE TO KNOW IT
7 WAS DONE BY THE END OF AUGUST OR BEGINNING OF
8 SEPTEMBER BECAUSE I KNOW THAT ONCE THAT RAIN
9 STARTS, IT'S VERY DIFFICULT TO DO CONSTRUCTION ON
10 THAT LANDFILL. AND I KNOW I WATCHED STEVE AND HIS
11 TROOPS WORK VERY HARD AND INVEST A LOT OF MONEY
12 TRYING TO FIX A LOT OF PROBLEMS UP THERE, BUT THAT
13 THE WEATHER CAN REALLY BE DIFFICULT.

14 SO CAN YOU, EITHER THE COMPANY OR
15 THE LEA, GIVE ME SOME SENSE THAT THE CONSTRUCTION
16 IS GOING TO BE DUE WELL BEFORE THE ONSET OF THE
17 RAINS?

18 CHAIRMAN FRAZEE: THE REPRESENTATIVE OF
19 THE OPERATOR IS HERE; IS THAT CORRECT? WOULD YOU
20 LIKE TO RESPOND TO THAT?

21 MS. GALOS: MR. DON GAMBELIN IS HERE
22 REPRESENTING THE OPERATOR.

23 MR. GAMBELIN: DON GAMBELIN WITH NORCAL
24 WASTE SYSTEMS. SPEAKING ON BEHALF OF CITY

GARBAGE

25 COMPANY, WE'RE ACTUALLY A YEAR AHEAD OF SCHEDULE

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1 ON OUR DESIGN PROJECT FOR THE GAS SYSTEM, AND WE
2 DO PLAN TO CONSTRUCT IT THIS SUMMER, JULY, AUGUST
3 TIME FRAME, WELL BEFORE THE RAINS SET IN IN
4 HUMBOLDT COUNTY.

5 CHAIRMAN FRAZEE: OKAY. THANK YOU.
6 ANYTHING ELSE? IF NOT, A MOTION IS IN ORDER.

7 MEMBER RELIS: MR. CHAIR, I'LL MOVE
8 CONCURRENCE.

9 MEMBER JONES: I'LL SECOND.

10 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
11 SECOND TO APPROVE PERMIT DECISION 97-93.
12 SECRETARY WILL CALL THE ROLL ON THAT.

13 THE SECRETARY: BOARD MEMBER RELIS.

14 MEMBER RELIS: AYE.

15 THE SECRETARY: BOARD MEMBER JONES.

16 MEMBER JONES: AYE.

17 THE SECRETARY: CHAIRMAN FRAZEE.

18 CHAIRMAN FRAZEE: AYE. MOTION IS
19 CARRIED. IS THERE ANY OBJECTION TO CONSENT ON
20 THIS ITEM? IF NOT, WE'LL RECOMMEND THIS ITEM FOR
21 CONSENT.

22 NOW LET'S GO TO ITEM 5. THIS IS THE
23 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT
24 FOR THE COACHELLA TRANSFER RECYCLING STATION IN
25 RIVERSIDE COUNTY.

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1 MS. RICE: THANK YOU, MR. CHAIRMAN. DAVE
2 OTSUBO WILL MAKE THE PRESENTATION FOR STAFF,
3 ASSISTED BY LAURIE HOLK, REPRESENTING THE LOCAL
4 ENFORCEMENT AGENCY FOR RIVERSIDE COUNTY.

5 MR. OTSUBO: GOOD MORNING, MR. CHAIRMAN
6 AND MEMBERS OF THE COMMITTEE. THIS ITEM REGARDS
7 CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A
8 NEW SOLID WASTE FACILITY PERMIT FOR THE COACHELLA
9 TRANSFER RECYCLING STATION IN THE COUNTY OF
10 RIVERSIDE. THIS FACILITY IS LOCATED NEAR THE CITY
11 OF COACHELLA WITHIN A BARROW AREA OF THE COACHELLA
12 LANDFILL, WHICH IS SCHEDULED TO CLOSE LATER THIS
13 YEAR.

14 THE PROJECT HAS A MAXIMUM OF --
15 WOULD HAVE A MAXIMUM OF 1100 TONS PER DAY MAXIMUM
16 DAILY TONNAGE WITH AN AVERAGE OF ABOUT 700 TONS
17 PER DAY. THE OPERATOR WOULD BE THE CITY OF
18 COACHELLA, AND THE LAND IS OWNED BY THE RIVERSIDE
19 COUNTY WASTE RESOURCES MANAGEMENT DISTRICT.

20 IN REVIEWING THE SUBMITTED
21 DOCUMENTATION, THE LEA AND BOARD STAFF HAVE
22 DETERMINED THE FOLLOWING: THE FACILITY IS
23 CONSISTENT WITH PRC SECTION 50000 BY VIRTUE OF IT
24 BEING CONSISTENT WITH THE NONDISPOSAL ELEMENT OF
25 COUNTY INTEGRATED WASTE MANAGEMENT PLAN. AND THE

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1 FACILITY IS IN CONFORMANCE WITH THE COUNTY GENERAL
2 PLAN, AS THE COUNTY BOARD OF SUPERVISORS, IN THEIR
3 ROLE OF BOARD OF DIRECTORS OF THE WASTE RESOURCES
4 MANAGEMENT DISTRICT, MADE THIS DETERMINATION.

5 AT THE TIME THAT THE ITEM WAS BEING
6 PREPARED, THESE TWO FINDINGS WERE NOT YET
7 VERIFIED. AND SINCE THAT TIME, THE BOARD'S OFFICE
8 OF LOCAL ASSISTANCE WAS ABLE TO MAKE THESE
9 FINDINGS. ALSO, CEQA HAS BEEN COMPLIED WITH.

10 STAFF HAVE REVIEWED THE PROPOSED
11 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM
12 TO BE ACCEPTABLE. IN CONCLUSION, STAFF RECOMMENDS
13 THAT THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
14 DECISION NO. 97-90, CONCURRING IN THE ISSUANCE OF
15 SOLID WASTE FACILITY PERMIT 33-AA-0248. THIS
16 CONCLUDES STAFF'S PRESENTATION, AND LAURIE HOLK OF
17 THE RIVERSIDE DEPARTMENT OF ENVIRONMENTAL HEALTH
18 ALSO WOULD LIKE TO MAKE A PRESENTATION.

19 MS. HOLK: GOOD MORNING, MEMBERS OF THE
20 BOARD. MY NAME IS LAURIE HOLK, RIVERSIDE LEA.
21 JUST A FEW ADDITIONS TO THE PRESENTATION.

22 THE COACHELLA LANDFILL IS SCHEDULED
23 TO CLOSE MAY 18TH OF THIS YEAR. THE 60-DAY NOTICE
24 HAS GONE OUT.

25 THERE ARE SEVERAL THINGS GOING ON IN

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1 THE COACHELLA VALLEY AT THIS TIME. THE COACHELLA
2 TRANSFER AND RECYCLING STATION IS ONE PROJECT THAT
3 IS FARTHEST ALONG. THERE ALSO IS AN EXPANSION FOR
4 THE EDAM HILL LANDFILL THAT IS PROPOSED, AND IT IS
5 YET IN THE DRAFT EIR STAGE. THERE ARE TWO OTHER
6 TRANSFER STATIONS THAT ARE BEING LOOKED INTO AT
7 THIS POINT. ONE OF THEM IS THE COACHELLA VALLEY
8 ASSOCIATION OF GOVERNMENTS MIDVALLEY MRF THAT AT
9 THIS POINT IS -- HAS -- DOES NOT HAVE A JPA OR A
10 SITE CHOSEN. ALSO THE CITY OF INDIO IS LOOKING
11 INTO A TRANSFER STATION -- TRANSFER RECYCLING
12 STATION IN THEIR CITY. THEY'RE AT THE NOP STAGE;
13 HOWEVER, NEGOTIATIONS ARE CURRENTLY GOING ON
14 BETWEEN THE CITY OF COACHELLA AND THE CITY OF
15 INDIO TO MERGE INTO ONE TRANSFER STATION PROBABLY
16 AT THIS SITE.

17 THIS CURRENT SITE IS SCHEDULED TO BE
18 AN OPEN AIR FACILITY AT THIS POINT; HOWEVER, IT'S
19 BEING DESIGNED AND BUILT SO THAT IT CAN BE
20 ENCLOSED AND ALSO CAN BE EXPANDED TO INCLUDE MORE
21 MRF-TYPE FACILITIES. WITH THE CLOSURE OF
22 COACHELLA AND THE DELAY IN THE EXPANSION OF EDAM
23 HILL, THIS IS BEING BUILT TO HELP SOLVE SOME OF
24 THE WASTE FLOW ABILITIES AND ABILITY TO TAKE CARE
25 OF TRASH IN THE COACHELLA VALLEY.

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1 CHAIRMAN FRAZEE: OKAY. THANK YOU.
2 THERE'S NO ONE ELSE TO SPEAK ON THIS. WE HAVE THE
3 ITEM BEFORE US.

4 MEMBER RELIS: MR. CHAIR, I'LL MOVE
5 CONCURRENCE ON PERMIT DECISION 97-90.

6 MEMBER JONES: I'LL SECOND.

7 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
8 AND A SECOND ON THE ADOPTION OF PERMIT DECISION
9 97-90. SECRETARY WILL CALL THE ROLL ON THAT ONE,
10 PLEASE.

11 THE SECRETARY: BOARD MEMBER RELIS.

12 MEMBER RELIS: AYE.

13 THE SECRETARY: BOARD MEMBER JONES.

14 MEMBER JONES: AYE.

15 THE SECRETARY: CHAIRMAN FRAZEE.

16 CHAIRMAN FRAZEE: AYE. MOTION IS
17 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
18 CONSENT ON THAT ITEM. THANK YOU.

19 NOW, LET'S GO TO ITEM 13. THIS IS
20 THE CONSIDERATION TO REVISE THE DESIGNATION
21 APPROVAL AND CERTIFICATION OF THE INYO COUNTY
22 DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES AS THE
23 LOCAL ENFORCEMENT AGENCY FOR INYO COUNTY TO A
24 PROBATIONARY STATUS.

25 MS. RICE: THANK YOU VERY MUCH, MR.

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1 CHAIRMAN. TOM UNSELL WILL MAKE THE PRESENTATION
2 ASSISTED BY GABE ABOUSHANAB.

3 MR. UNSELL: YES, MY NAME IS TOM UNSELL,
4 BRANCH MANAGER OF THE LOCAL ENFORCEMENT AGENCY
5 EVALUATION -- ENFORCEMENT AGENCY BRANCH. AND I DO
6 WANT TO ACKNOWLEDGE THAT INYO COUNTY ATTENDEES
7 INCLUDE BOARD OF SUPERVISOR JULIE BEAR AND THE
8 LEA, DIRECTOR OF ENVIRONMENTAL HEALTH, ROBERT
9 KENNEDY, AND CHERYL HAWKINS, LEA STAFF, ARE IN THE
10 AUDIENCE AS WELL.

11 FIRST OF ALL, I WOULD LIKE TO
12 RECOGNIZE AND COMMEND INYO COUNTY STAFF, THE LEA
13 STAFF, AS WELL AS THE BOARD OF SUPERVISORS. IN
14 1994 THEY WERE ONE OF THE FIRST COUNTIES TO ASK
15 OUR DIVISION FOR TECHNICAL ASSISTANCE IN THEIR
16 ENVIRONMENTAL HEALTH PROGRAM. THAT WHICH WE DID.
17 IN FACT, BOB HOLMES OF OUR ENFORCEMENT AGENCY
18 SECTION SPENT MANY DAYS AND WEEKS IN THAT
19 JURISDICTION OVER THE SUBSEQUENT YEAR, ALONG WITH
20 THE REGIONAL WATER QUALITY CONTROL BOARD, THE
21 OPERATOR, AND IN CONJUNCTION WITH THE LOCAL
22 ENFORCEMENT AGENCY TO DEVELOP A LONG-TERM
SOLUTION

23 TO THEIR OUTSTANDING ISSUES THAT SURROUNDED THE
24 ISSUES WITHIN INYO COUNTY.

25 THAT DOCUMENT WAS AGREED TO. DATES

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1 WERE SET FORTH FOR COMPLIANCE DATES, CONSTRUCTION
2 DATES, AS WELL AS COMPLETION DATES, AND ENDED UP
3 TO BE A FIVE-YEAR PERFORMANCE PLAN.

4 DURING THE COURSE OF -- SO I WOULD
5 LIKE TO, AGAIN, COMMEND THE COUNTY AND THE LEA FOR
6 TAKING THAT FIRST STEP TO MAKE THAT COMMITMENT TO
7 THE LEA -- THE LOCAL ENFORCEMENT AGENCY PROGRAM.

8 DURING THE WORKSHOP IN 1994, MARY
9 COYLE AND MYSELF ATTENDED AND SUPERVISOR JULIE
10 BEAR WAS IN ATTENDANCE AT THAT AS WELL. WE WERE
11 ASKED WHAT ARE THE OPTIONS FOR THE LOCAL LEVEL IN
12 IMPLEMENTING THEIR SOLID WASTE PROGRAM. AND WE
13 WENT OVER THE CERTIFICATION OF LOCAL ENFORCEMENT
14 AGENCIES AND THE EXPECTATIONS, ETC., AND THERE WAS
15 UNANIMOUS COMMITMENT BY THE BOARD OF SUPERVISORS
16 AT THAT TIME THAT, INDEED, THEY WANTED TO MAINTAIN
17 THE LOCAL ENFORCEMENT AGENCY PROGRAM AND WOULD
18 COMMIT TO ITS SUCCESS.

19 DURING THE EVALUATION PROCESS, WHICH
20 WE HAVE FOLLOWED, THAT WE HAVE BEEN IMPLEMENTING
21 OVER THE LAST THREE YEARS, DURING THE COURSE OF
22 THAT PROCESS, WE DID FIND THAT THE LOCAL
23 ENFORCEMENT AGENCY WAS NOT PERFORMING ALL OF ITS
24 RESPONSIBILITIES. NOW, THOSE RESPONSIBILITIES AND
25 THEIR RESOLUTION ACTUALLY COINCIDED WITH THOSE

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1 ISSUES THAT WERE IDENTIFIED WITHIN THEIR FIVE-YEAR
2 WORK PLAN, THAT THE JURISDICTION HAD CONCURRED
3 WITH AND IDENTIFIED WOULD BE THEIR SOLUTION.

4 SO IF YOU WILL RECALL, IN THE
5 EVALUATION PROCESS, THERE IS A FLOW CHART WHICH
6 INDICATES THAT WHEN THE LOCAL ENFORCEMENT AGENCY
7 IS FOUND NOT TO BE FULFILLING, THERE WOULD BE A
8 WORK PLAN FOR COMPLIANCE, WE WOULD MONITOR THAT
9 EVERY THREE MONTHS FOR A NINE-MONTH PERIOD TO SEE
10 HOW THE PLAN IS BEING IMPLEMENTED TO ENSURE ITS
11 SUCCESS. THAT WE HAVE DONE, AND THAT'S WHERE WE
12 ARE BEFORE YOU TODAY BECAUSE WE'RE AT THE
13 CONCLUSION OF THAT NINE-MONTH MONITORING PERIOD,
14 AND EVEN DURING THIS FIRST YEAR, WE HAVE SEEN SOME
15 DATES SLIP IN THAT -- IN THAT WORK PLAN.

16 WITHIN OUR PROCESS THE IDENTIFIED
17 NEXT STEP IS TO COME BACK BEFORE THE COMMITTEE
18 TO

19 DETERMINE WHAT THE COMMITTEE AND BOARD WISH
20 STAFF

21 TO DO, AND THAT'S WHERE IN YOUR COMMITTEE

PACKET

22 BEGINNING ON PAGE 112 BEGINS OPTIONS 1 THROUGH
23 8.

24 AND I'LL JUST RUN THOSE EXTREMELY BRIEFLY.

22 ONE -- OPTION 1 IS THE BOARD
SHALL
23 WITHDRAW THE APPROVAL OF THE DESIGNATION.
OPTION
24 2, THAT THE -- IF THERE'S AN IMMEDIATE THREAT
TO
25 PUBLIC HEALTH AND SAFETY, THE BOARD SHALL
BECOME

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1 WITHIN TEN DAYS THE ENFORCEMENT AGENCY. AND
2 OPTION 3, IF THEY'RE NOT FULFILLING, THEN THEY
3 SHALL NOTIFY THE LEA FOR PARTICULAR REASONS WHY
4 AND THROUGH THAT APPROVAL. THAT WE'VE ALREADY
5 DONE THROUGH THE EVALUATION PROCESS.

6 OPTION 4, THE BOARD MAY TAKE ANY
7 ACTION, AND I EMPHASIZE ANY ACTIONS, IT DETERMINES
8 TO BE NECESSARY TO ENSURE THE LEA'S FULFILL THEIR
9 OBLIGATIONS. SO THAT WOULD BE AN OPTION TO
10 CONSIDER. OPTION 5 IS THE BOARD MAY CONDUCT MORE
11 FREQUENT INSPECTIONS AND EVALUATIONS.

12 STAFF TOOK A LOOK AT THAT OPTION AND
13 IDENTIFIED THAT THE ISSUES HAVE ALREADY BEEN
14 IDENTIFIED. MORE FREQUENT INSPECTIONS AND
15 EVALUATIONS WOULD ONLY CONFIRM THAT THEY STILL
16 CONTINUE.

17 OPTION 6, THE BOARD MAY ESTABLISH A
18 SCHEDULE AND PROBATIONARY PERIOD FOR IMPROVED LEA
19 PERFORMANCE. OPTION 7, THE BOARD MAY ASSUME
20 PARTIAL RESPONSIBILITY FOR SPECIFIED LEA DUTIES.
21 AND OPTION 8, THE BOARD MAY IMPLEMENT ANY OTHER
22 MEASURES WHICH IT DETERMINES NECESSARY TO IMPROVE
23 THE PERFORMANCE.

24 STAFF HAVE RECOMMENDED A
COMBINATION
25 OF OPTION 6 AND 7, WHICH WOULD ESTABLISH A

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1 PROBATIONARY TIME PERIOD AS FOUND IN THE ATTACHED
2 PROPOSED RESOLUTION IN YOUR PACKET BEGINNING ON
3 PAGE 120, WHICH IDENTIFIES THE PROBATIONARY TIME
4 PERIOD WOULD CONTINUE THROUGH THIS EVALUATION
5 CYCLE, WHICH ENDS MAY 1998. COUPLED WITH THAT
6 WOULD BE THE PROSCRIPTION THAT THE WORK PLAN
7 COMMITMENTS WHICH WERE AGREED TO WITHIN THE
8 FIVE-YEAR PLAN WOULD BE MONITORED; AND IF THOSE
9 WERE TO SLIP AND APPROPRIATE ENFORCEMENT ACTION
10 WERE NOT TAKEN, THEN THE BOARD WOULD THEN TAKE THE
11 APPROPRIATE ENFORCEMENT ACTION AND TAKE OVER THAT
12 PORTION OF THE PROGRAM TO ENSURE ITS SUCCESS.

13 I WOULD LIKE TO ASK GABE TO GIVE A
14 BRIEF SCENARIO OF THE TWO FIELDS AS IDENTIFIED
15 ON -- BEGINNING ON AGENCY 118, BISHOP SUNLAND AND
16 LONE PINE, AND GIVE JUST A VERY BRIEF OVERVIEW OF
17 THEIR SIZE AND PERSPECTIVE OF ISSUES.

18 MR. ABOUSHANAB: MORNING, CHAIRMAN
19 FRAZEE AND MEMBERS RELIS AND JONES. ACTUALLY THE
20 INYO COUNTY FIVE-YEAR COMPLIANCE PROPOSAL INCLUDES
21 ALL THE COUNTY SITES ON THE STATE LIST OF
22 NONCOMPLYING FACILITIES, AND THESE INCLUDE AND ARE
23 THE LONE PINE DISPOSAL SITE, WHICH HAS A PEAK
24 PERMITTED TONNAGE OF 60 CUBIC YARDS PER DAY. THE
25 INDEPENDENCE DISPOSAL SITE IS AT 50 CUBIC YARDS

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1 PER DAY PEAK. THE BISHOP SUNLAND LANDFILL IS 200
2 CUBIC YARDS PER DAY PEAK AND CURRENTLY AND 47 PER
3 DAY PEAK. THE SHOSHONE DISPOSAL SITE, WHICH IS 2
4 CUBIC YARDS PER DAY, AND THE TECOPA DISPOSAL SITE,
5 WHICH IS ALSO 2 CUBIC YARDS PER DAY. SO IF I MAY
6 DIRECT YOU TO PAGE 118 OF YOUR PACKET, THE ISSUES
7 THAT REMAIN OUTSTANDING AT THIS POINT IN TIME, AS
8 TOM MENTIONED, ARE FOR BISHOP SUNLAND AND LONE
9 PINE.

10 IF YOU NOTICE, THE FIRST COLUMN
11 DETAILS THE OUTSTANDING ISSUES. AND THEY RANGE
12 FROM MINIMUM STANDARDS TO PERMIT TERMS AND
13 CONDITIONS. AND THE SECOND COLUMN DENOTES THE
14 GOVERNING DOCUMENT THE LEA ISSUED, WHICH WOULD BE
15 A NOTICE AND ORDER FOR EACH OF THE ITEMS, ALL
16 INCLUDED IN ONE. AND THE NEXT FOUR COLUMNS ARE
17 COMPLIANCE DATES OR DATES FOR ITEMS TO BE
18 COMPLETED.

19 IF YOU NOTICE FOR BISHOP SUNLAND, TO
20 DATE THE REMAINING OUTSTANDING ITEM UNDER PURVIEW
21 OF THE LEA IS THE CHANGE OF OCTOBER 15, '96, TO
22 MAY 30, '97, FOR A PROPOSED REVISED SOLID WASTE
23 FACILITY PERMIT. AND IF WE GO TO PAGE 119, FOR
24 THE LONE PINE LANDFILL, WE HAVE SOME MINIMUM
25 STANDARDS TO ADDRESS, STARTING WITH SECURITY,

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1 CHANGE COMPLIANCE DATE TO MAY OF '97; DAILY COVER,
2 JUNE 1ST OF '97; CEQA WILL BE JULY 3D OF '97;
3 LITTER CONTROL AND SITE ATTENDANT WILL BE JUNE 1ST
4 OF '97. THE LEA LOOKS FOR PROPOSED REVISED
5 PERMIT, CHANGE DATE TO JULY 30 OF '97.

6 THESE ARE THE TWO SITES THAT BRING
7 US HERE TODAY BASICALLY.

8 MR. UNSELL: JUST IN A QUICK RECAP
9 SUMMARY, A YEAR AGO WHEN THE FIVE-YEAR PLAN WAS
10 COMPLETED, WE DID RECEIVE A LETTER FROM THE COUNTY
11 BOARD OF SUPERVISORS COMMITTING TO THAT PLAN AND
12 ITS COMPLETION AND ASSURING ITS COMPLIANCE. AND
13 WE INCORPORATED THAT AS THE GOVERNING DOCUMENT FOR
14 THE CORRECTIVE ACTION WITHIN THE LOCAL ENFORCEMENT
15 AGENCY PROGRAM.

16 SO DURING THE NINE-MONTH MONITORING,
17 WE BECAME CONCERNED WHEN THERE WAS SLIPPAGE OF
18 DATES. WE'RE NOT HERE TO SURMISE WHY THAT
19 SLIPPED, BUT ON THE OTHER HAND, RECOGNIZING IT
20 DID, RECOGNIZING THIS A FIVE-YEAR PLAN, IF IT'S
21 SLIPPING NOW, WE WERE CONCERNED THAT THE END POINT
22 OF FIVE YEARS NOT SLIP AND CONTINUE. SO AT THIS
23 POINT, IF THERE'S ANY QUESTIONS OF STAFF OR IF THE
24 LOCAL ENFORCEMENT AGENCY OR THE BOARD OF
25 SUPERVISORS IS AVAILABLE.

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1 MEMBER RELIS: MR. CHAIR, I HAVE A NUMBER
2 OF QUESTIONS THAT I'D LIKE TO -- OBSERVATIONS.
3 FIRST, I LIKE ALL AREAS OF CALIFORNIA, BUT LONE
4 PINE AND BISHOP ARE AMONG MY FAVORITE PLACES ON
5 EARTH. I THINK THAT THE BEAUTY OF THESE AREAS IS
6 UNSURPASSED.

7 I AM VERY CONCERNED ABOUT THE
8 HISTORY OF ENFORCEMENT HERE. AND AS YOU KNOW,
9 WE'RE IN THE PROCESS -- WE'VE BEEN GOING THROUGH
10 AN EVALUATION OF OUR WHOLE LEA AND ENFORCEMENT
11 POLICY. AND I'VE BEEN PUSHING IN MY OWN WAY, I
12 THINK, FOR A TIGHTER REIN ON THE LEA AND
13 ENFORCEMENT SYSTEM.

14 HERE'S A CASE BEFORE US WHERE THERE
15 ARE SOME NOTABLE AND LONG-STANDING VIOLATIONS, AND
16 PARTICULARLY BASIC ISSUES LIKE COVER IN THE
17 DESERT. I DON'T KNOW WHAT THE LITTER SITUATION
18 IS, BUT THIS IS A SCENIC AREA. I WOULD HATE TO
19 THINK OF, APART FROM OUR GENERAL RESPONSIBILITY,
20 LITERALLY HUNDREDS OF THOUSANDS OF PEOPLE TRAVERSE
21 THIS AREA EVERY YEAR TO EITHER GO SKIING OR
22 VACATIONING IN THE SIERRAS. SO I THINK
23 ENFORCEMENT IN THIS CASE ACTUALLY GOES BEYOND --
24 ITS IMPLICATIONS GO BEYOND JUST THE NEIGHBORHOOD
25 WHICH SOMETIMES WE SEE.

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1 NOW, I UNDERSTAND THAT SOME -- THERE
2 IS AN ALLOCATION MADE BY THE COUNTY FOR FUNDING
3 ITS LANDFILL OPERATIONS, AND PLANS HAVE EVEN BEEN
4 CONDUCTED TO TRY AND CONSOLIDATE THE LANDFILL
5 SITUATION BECAUSE WE KNOW OPERATING SMALL,
6 SINGULAR LANDFILLS IS NOT COST-EFFICIENT. IT'S
7 NOT OUR BUSINESS DIRECTLY, BUT THE ENFORCEMENT IS.
8 AND I NEED TO HEAR SOME ASSURANCE TODAY FROM THE
9 SUPERVISOR AND FROM THE LEA THAT WE HAVE A
10 COMPLIANCE SCHEDULE THAT IS GOING TO BE COMPLIED
11 WITH. AND I WOULD WANT TO HEAR THAT AND THEN
12 OFFER A FEW SUGGESTIONS THAT WE MIGHT MAKE TO
13 SAFEGUARD THAT.

14 CHAIRMAN FRAZEE: I THINK THAT'S
15 APPROPRIATE. SUPERVISOR, WOULD YOU OR THE LEA OR
16 WHOMEVER FROM THE COUNTY COME FORWARD?

17 MR. KENNEDY: MY NAME IS BOB KENNEDY.
18 I'M DIRECTOR OF ENVIRONMENTAL HEALTH FOR INYO
19 COUNTY. AND IF YOU -- WOULD YOU LIKE TO ME TO
20 RESPOND TO YOUR QUESTION?

21 MEMBER RELIS: YES. WE HAVE A LONG-
22 STANDING HISTORY. IT APPEARS TO BE THAT THE
23 TIMETABLE IS FALTERING EVEN AS WE BEGIN IT
24 LITERALLY. THAT GIVES THIS MEMBER GREAT CONCERN
25 ABOUT WHAT THE PROSPECT OF SUCCESS IS HERE. SO

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1 I'D LIKE TO HEAR FROM YOU AS TO WHAT YOU BELIEVE
2 IS IN PLACE THAT WILL ASSURE THAT THE STAFF
3 RECOMMENDATION THAT HAS BEEN MADE IS REASONABLE
4 AND ONE THAT WE COULD EXPECT WILL MEET WITH
5 SUCCESS.

6 MR. KENNEDY: OKAY. I'VE BEEN WORKING
7 FOR INYO COUNTY FOR ABOUT 15 YEARS, SO I'VE
8 TRACKED THIS ISSUE FOR A LONG PERIOD OF TIME. AND
9 THERE HAVE BEEN NUMEROUS TIME PERIODS THROUGHOUT
10 THAT 15-YEAR PERIOD WHERE WE TRIED TO APPROACH THE
11 BOARD OF SUPERVISORS AND RAISE THE ISSUE THAT
12 SOLID WASTE ISSUES ARE VERY SIGNIFICANT AND
13 SOMETHING NEEDS TO BE DONE ABOUT IT. AND AS I
14 MENTIONED A LOT LOCALLY IN OUR OWN JURISDICTION,
15 UNFORTUNATELY SOLID WASTE ISSUES ARE NOT THE MOST
16 POPULAR ISSUES FOR BOARD OF SUPERVISORS TO HEAR.
17 IT'S NOT REAL POPULAR, AT LEAST IN THIS RURAL
18 AREA, TO PUT MONEY INTO THE DUMPS AND PULL THAT
19 AWAY FROM POLICE PROTECTION, ETC.

20 SO WE'VE GONE THROUGH THAT PERIOD OF
21 TIME. AND THE REASON I'M GOING TO EXPLAIN IT THIS
22 WAY BECAUSE I THINK I CAN ASSURE YOU THAT OVER THE
23 LAST TWO TO THREE YEARS, ALL THAT HAS REALLY
24 CHANGED. AS TOM HAS LINED OUT, WE DID GO THROUGH
25 A PERIOD OF TIME WHERE WE REALIZED THAT ALL THESE

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1 COMPLIANCE ISSUES CAN NO LONGER TREK ON AND NOT BE
2 COMPLIED WITH, BUT WE ALSO REALIZED THAT WE DIDN'T
3 HAVE THE RESOURCES OR THE POLITICAL WHEREWITHAL TO
4 BE ABLE TO TURN THAT AROUND RIGHT AWAY, SO THAT'S
5 WHY THE FIVE-YEAR PLAN WAS PUT INTO PLACE.

6 NOW, IT IS A FACT THAT MANY OF THOSE
7 BENCHMARKS HAVE NOT BEEN MET OVER THE LAST YEAR,
8 BUT WHAT IS SIGNIFICANT AT THIS TIME, ESPECIALLY
9 IN THE 15 YEARS THAT I'VE BEEN HERE, THERE ARE
10 FIVE BOARD MEMBERS FOR THE COUNTY THAT ARE
11 INVESTED IN THIS -- IN THIS PROGRAM. AND AT LEAST
12 SINCE LAST FALL, THEY TRULY UNDERSTAND WHAT ARE
13 THE RAMIFICATIONS AS WELL AS ONE OF THE BOARD
14 MEMBERS IS HERE TODAY.

15 THAT COMMITMENT GOES ALONG, FIRST OF
16 ALL, FINANCIALLY. WE HAVE A HALF-CENT USE TAX
17 THAT WAS ESTABLISHED YEARS AGO THAT IS DIRECTED
18 SOLELY TOWARDS THE SOLID WASTE OPERATIONS. THEY
19 ALSO HAVE SOME ADDITIONAL REVENUES. BUT IN THIS
20 YEAR'S BUDGET, THE BOARD OF SUPERVISORS APPROVED
21 AN ADDITIONAL \$60,000 OF GENERAL FUND MONIES,
22 WHICH WAS A VERY SIGNIFICANT STEP. AND WE'VE GONE
23 THROUGH PUBLIC MEETINGS TO PUT THE GATES ON THE
24 LONE PINE SITE AND THE INDEPENDENCE SITE. AND
25 PART OF THAT PACKAGE IS TO INCREASE THE PERSONNEL

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1 AT THOSE SITES AS WELL. AND THAT, AGAIN, IS
2 COUNTY GENERAL FUND DOLLARS.

3 THE BOARD IS ALSO LOOKING AT THIS
4 UPCOMING YEAR A \$2 MILLION SHORTFALL OUT OF A
5 TOTAL COUNTY BUDGET OF \$38 MILLION. SO THAT IS A
6 SIGNIFICANT STEP THAT THE BOARD HAS TAKEN TO USE
7 GENERAL FUND DOLLARS TO COME INTO COMPLIANCE WITH
8 THIS WITH THE POSSIBILITY SOME OF THE COMMUNITIES
9 NOT HAVING SHERIFF PROTECTION AROUND THE CLOCK.
10 SO FINANCIALLY THEY HAVE TAKEN THAT STEP.

11 AS FAR AS THE LEA AND THE OPERATOR,
12 WE MEET ON A TWO-WEEK BASIS. WE'RE NO LONGER
13 LOOKING AT THESE BENCHMARKS TO COMPLY BY THAT
14 DATE. WE HAVE ESTABLISHED WHAT YOU MIGHT
CONSIDER

15 BACKUP DATES. WE WANT TO ASSURE THAT WE'RE
GOING

16 TO MEET THESE DATES AS BEST AS POSSIBLE. SO
WE'VE

17 PUT A WHOLE MECHANISM IN PLACE NOW. AND I
TRULY

18 FEEL BY, SAY, OCTOBER 1 OF THIS YEAR, WE HAVE,
AS

19 YOU CAN SEE IN THE STAFF REPORT, THERE'S A LOT
OF

20 SIGNIFICANT ISSUES THAT NEED TO BE COMPLIED
WITH
21 THROUGHOUT THE REST OF THE SPRING AND SUMMER.
I
22 THINK BY OCTOBER 1, YOU WILL SEE, HOPEFULLY,
ALL
23 OF THOSE, IF NOT ALL OF THOSE, THE GREATER
24 MAJORITY OF THOSE COMPLIED WITH AS WELL AS
ANOTHER
25 BUDGET PROCESS WILL BE COMPLETED BY THAT TIME.

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1 MEMBER RELIS: NOW, JUST A QUESTION,
IF I
2 COULD, TO STAFF. THAT SEEMS TO BE A MILESTONE
3 FROM YOUR PERSPECTIVE. COULD, THEN, PERHAPS,
WE
4 UNDERSTAND THE NINE MONTHS. I MEAN I COUNT TO
5 SEVEN THAT WAY. OCTOBER. AND WE HAVE A
PROPOSAL,

6 I THINK, THAT WOULD SPAN NINE MONTHS.

7 MR. UNSELL: ACTUALLY OUR PROPOSAL
SPANS
8 12 MONTHS INTO MAY OF NEXT YEAR, THE REMAINDER
OF
9 THE EVALUATION CYCLE, BECAUSE OUR STATUTE
10 REQUIREMENT IS THAT WE EVALUATE EVERY THREE
YEARS.

11 WE'VE ALREADY GONE THROUGH THE EVALUATION, AND
12 STAFF'S PERCEPTION WAS IS THAT WE DIDN'T
13 ANTICIPATE THAT THE WORK PLANS WOULD FALTER IN
14 THIS FASHION. SO WE DIDN'T GO BEYOND THE
15 NINE-MONTH ISSUE, AND THIS IS KIND OF A NEW
GROUND
16 THAT WE'RE TREADING, WHAT THESE OPTIONS ARE NOW
17 THAT THE WORK PLAN, QUOTE, UNQUOTE, HASN'T BEEN
18 TOTALLY FULFILLED.

19 CERTAINLY THAT'S AN OPTION THAT
YOU
20 FOLKS CAN CONSIDER. WE WERE SUGGESTING THAT IT
--
21 WE LOOK THROUGH THE REMAINDER OF THE EVALUATION
22 CYCLE AND PERHAPS ON A QUARTERLY BASIS TO
23 DETERMINE WHETHER EACH QUARTER THOSE DATES
WITHIN
24 THAT QUARTER HAVE BEEN TAKEN CARE OF OR
25 REALISTICALLY, SUBSTANTIALLY COMPLIED WITH.
THE

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1 DESIRE WAS NOT TO GO OUT IN THE FIRST CHANCE OF
2 DAYLIGHT TAKE OVER AND ASSUME ENFORCEMENT ROLE.
3 THAT'S THE FARTHEST FROM OUR DESIRE.

4 MEMBER RELIS: MR. CHAIR, I WONDER IF
WE
5 COULD ALSO HEAR FROM THE SUPERVISOR, WHO'S
MADE A
6 LONG TRIP AS WELL.

7 MEMBER JONES: COULD I ASK A QUESTION
OF
8 THE LEA -- WELL, OKAY. I'LL SAVE IT. I'LL
SAVE
9 IT.

10 SUPERVISOR BEAR: GENTLEMEN, I'M
JULIE
11 BEAR. I'M THE COUNTY SUPERVISOR FROM THE
SECOND
12 DISTRICT AND THANK YOU FOR THE WONDERFUL
COMMENTS

13 ABOUT OUR COUNTY. I AGREE WITH YOU. IT'S A
14 COUNTY OF UNSURPASSED BEAUTY. WE HAVE ONE OF
THE
15 MOST PRISTINE PLACES TO LIVE IN THE ENTIRE
WORLD,
16 I BELIEVE.

17 I JUST WANT TO STATE, AS THE
18 IMMEDIATE PAST CHAIR OF THE BOARD OF
SUPERVISORS,
19 THAT THIS CURRENT BOARD OF SUPERVISORS ARE
20 COMMITTED AND RECOMMITTED TO MAINTAINING OUR -
-
21 MAINTAINING COMPLIANCE AND COMMITMENT TO THE
22 JURISDICTIONAL COMPLIANCE PROPOSAL, AND WE
WOULD
23 LIKE TO MAINTAIN OUR OWN LEA.
24 AND JUST TO REITERATE A BIT OF
WHAT
25 BOB HAS ALREADY SPOKEN OF, WE HAVE, EVEN AFTER

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1 LOSING 2 PLUS MILLION DOLLARS IN PROPERTY TAX
2 SHIFT TO THE STATE AND A POTENTIAL FOR ANOTHER
3 HALF MILLION THIS YEAR, WE HAVE COMMITTED ALL OF
4 OUR TUTT, HALF-CENT SALES TAX, TO OUR INTEGRATED
5 WASTE PROGRAM ALONG WITH, AS BOB STATED, \$60,000
6 IN ADDITIONAL GENERAL FUND MONIES THIS YEAR. AND
7 THAT EQUATES TO ABOUT ONE DEPUTY. AND BELIEVE ME
8 IN MY COUNTY THAT'S IMPORTANT TO MY CONSTITUENTS.

9 SO WE HAVE COMMITTED ECONOMICALLY,
10 FINANCIALLY. WE WILL CONTINUE TO COMMIT. AND I
11 WOULD JUST LIKE TO ASK, IMPLORE YOU TO MAINTAIN
12 OUR LOCAL LEA. DO YOU HAVE ANY QUESTIONS OR...

13 MEMBER RELIS: WELL, THIS IS PERHAPS -- I
14 ASSUME YOU'RE ALL, THIS BOARD THAT'S IN THAT HAS
15 MADE THIS COMMITMENT, WILL BE IN FOR THE NEXT
16 YEARS.

17 SUPERVISOR BEAR: WELL, I'M IN FOR FOUR,
18 AND WE HAVE TWO NEW BOARD MEMBERS THAT ARE IN FOR
19 FOUR.

20 MEMBER RELIS: A CRUEL QUESTION.

21 SUPERVISOR BEAR: YOU KNOW, I CAN SAY
22 THAT FOR TODAY I CAN SAY THAT THIS BOARD IS IN
23 FAVOR. BUT AS YOU ARE SEATED ON BOARDS KNOW, ONE
24 OF YOU CANNOT SPEAK FOR THE OTHER FOUR OF YOU WITH
25 ANY GUARANTEE. BUT THE BOARD UNDERSTAND THE

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1 SERIOUSNESS OF THE ISSUE, AND WE ARE TRYING TO
2 MAKE THIS WORK.

3 MEMBER RELIS: MR. CHAIR, WITH THAT,
4 UNLESS -- I HAVE A RECOMMENDATION THAT I'D LIKE TO
5 TRY TO FLY.

6 MEMBER JONES: CAN I ASK ONE QUESTION
7 BEFORE YOU MAKE YOUR RECOMMENDATION? THANK YOU.

8 QUESTION TO EITHER ONE OF YOU. THE
9 SECURITY ISSUE AT THE SITE, ON BOTH SITES, SAYS IN
10 AND OUT. I DON'T UNDERSTAND. IN AND OUT OF
11 COMPLIANCE? IN AND OUT OF -- WHAT FORM OF
12 SECURITY IS THERE?

13 MR. KENNEDY: IS THIS FOR LONE PINE AND
14 BISHOP?

15 MEMBER JONES: THIS WOULD BE FOR BISHOP
16 AND LONE PINE, YEAH.

17 MR. KENNEDY: FOR BISHOP IT WOULD MEAN
18 THAT AT CERTAIN TIMES OF THE YEAR, THERE MAY BE
19 DAMAGE TO THE SECURITY FENCE AROUND THE AREA.

AND

20 DURING THE INSPECTION, IT WOULD BE NOTED OUT OF
21 COMPLIANCE THAT DATE AND THEN IT'S REPAIRED AND
22 BE
23 IN COMPLIANCE AT THE NEXT TIME.

24 MEMBER JONES: BUT YOU HAVE SECURITY
25 FENCING NOW?

25
AT

MR. KENNEDY: WE HAVE SECURITY FENCING

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1 THE BISHOP SITE; AND AS WE ARE PUTTING GATES UP
2 RIGHT NOW AT THE LONE PINE SITE, THAT SECURITY
3 FENCING IS BEING MOVED TO ALIGN WITH THE GATE.

4 MEMBER JONES: ALL RIGHT. BECAUSE I
5 THINK -- DIDN'T THESE HAVE 24-HOUR ACCESS AT ONE
6 TIME FOR ANYBODY TO COME AND DUMP FOR FREE?

7 MR. KENNEDY: POSSIBLY BISHOP IN THE
8 PAST. BISHOP HAS HAD OPERATING HOURS FOR QUITE A
9 PERIOD OF TIME NOW, BUT DEFINITELY INDEPENDENCE
10 LONE PINE IS STILL 24 HOURS, SEVEN DAYS A WEEK
11 UNTIL APRIL 14TH AND APRIL 16TH. THERE WILL BE
12 GATES AND THERE WILL BE HOURS OF OPERATION FROM
13 7:30 TO 3:30, FIVE DAYS A WEEK.

14 MEMBER JONES: SO AT THAT TIME YOU'D GO
15 INTO COMPLIANCE ON THE LOADCHECKING AND THOSE
16 TYPES OF THINGS BECAUSE OPEN SITES DON'T HAVE ANY
17 LOADCHECKING. AND, YOU KNOW, BEING SHORT ONE
18 DEPUTY IS DRASTIC TO A COMMUNITY, BUT ALSO HAVING
19 SOMEBODY TAKE ADVANTAGE OF AN OPEN SITE AND
20 TURNING IT INTO A TOXIC SITE, IT HAPPENS. I MEAN
21 IT HAPPENS ALL THE TIME.

22 AND I THINK OUR CONCERN IS, YOU
23 KNOW, HOW DO WE ENSURE THAT THAT DOESN'T HAPPEN TO
24 YOU OR YOUR CONSTITUENCY, YOU KNOW. AND IT'S A
25 REAL CONCERN FOR -- OF ALL OF OURS, I THINK, THAT

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1 OPEN SITES INVITE THOSE THAT DON'T WANT TO DISPOSE
2 THE STUFF THE RIGHT WAY AND DON'T WANT TO PAY THE
3 FEES. AND UNFORTUNATELY THE RESIDENTS OF THE AREA
4 ARE THE ONES THAT END UP HAVING TO PAY FOR IT.

5 MR. KENNEDY: WE'RE WELL AWARE OF THAT
6 ISSUE, AND WE'VE HAD A FEW EVENTS LIKE THAT. AND
7 SO IT IS -- I THINK THAT IS ONE VIOLATION THAT CAN
8 SHIFT GEARS RATHER QUICKLY AS SOON AS THE GATES GO
9 UP. WE WILL HAVE AT LEAST ONE, POSSIBLY EVEN TWO
10 SITE ATTENDANTS AT BOTH OF THESE LANDFILLS DURING
11 THE HOURS OF OPERATION.

12 THE REASON I WAS A LITTLE HESITANT
13 AT FIRST ON YOUR COMMENT IS JUST BECAUSE THE GATES
14 GO UP, AS YOU KNOW, LANDFILLS HAVE BEEN OPERATED
15 THIS WAY FOR 60 YEARS JUST DON'T TURN THE CORNER
16 AND THERE'S NO MORE LITTER AND WE NEVER HAVE WINDS
17 UP THERE IN THE MONTH OF APRIL, MAY, AND JUNE.

18 MEMBER JONES: I UNDERSTAND. I
19 UNDERSTAND HOW THAT WORKS. I GOT A REAL CONCERN,
20 THOUGH, ABOUT THE -- IF THE FENCES AND THE GATES
21 ARE UP, WHEN SOMEBODY GETS TO WORK THE NEXT DAY,
22 THEY HAVE A PRETTY GOOD IDEA IF THERE WAS ACTIVITY
23 IN THERE OR NOT. WHEN THEY'RE WIDE OPEN, THEY
24 DON'T HAVE ANY IDEA OF ANYTHING THAT'S GOING ON.
25 AND THAT WAS WHAT MY CONCERN WAS. I'M SORRY.

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1 THANK YOU, MR. RELIS.

2 MEMBER RELIS: MR. CHAIR, I HAVE A
3 RECOMMENDATION TO MAKE. STAFF HAS SUGGESTED
THAT

4 WE ADOPT A COMBINATION OF OPTIONS 6 AND 7. I
5 WOULD LIKE TO SUPPLEMENT THAT, FIRST, BY
PROPOSING

6 THAT WE SHORTEN THE TIME FRAME TO SEVEN MONTHS
7 FROM A YEAR IN LINE WITH THIS OCTOBER DATE. AND
I

8 ADMIT THAT'S A BIT ARBITRARY, BUT I WOULD FEEL
9 MORE COMFORTABLE WITH A SHORTER TIME FRAME AND
10 THAT WE INCLUDE, AS WELL, INCREASED INSPECTION
AS

11 PART OF THIS INTERIM PERIOD BECAUSE OF THE
HISTORY

12 HERE.

13 AND I BELIEVE THAT WILL REINFORCE
14 OUR RESOLVE AND THE MESSAGE TO THE BOARD AND THE
15 PARTIES THAT THIS IS OF GREAT CONCERN TO THE
16 BOARD. AND WHILE WE WANT TO BE SUCCESSFUL,
WE'RE

17 ALSO BEING EXTRA VIGILANT IN THE INTERIM PERIOD.

18 MR. UNSELL: ONE POINT OF
CLARIFICATION.

19 IN REDUCING THE PROBATIONARY TIME TO OCTOBER
FROM
20 NEXT MAY, WE'RE ACTUALLY REDUCING THAT. AT THAT
21 POINT WOULD THAT -- THEN IS THE CONCEPT TO GO
BACK
22 TO FULL WITH NO ADDITIONAL OVERSIGHT, EXTRA
23 OVERSIGHT?
24 MEMBER RELIS: I WOULD LIKE TO SEE THIS
25 BROUGHT BACK TO US AT THAT POINT FOR AN

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1 EVALUATION.

2 MR. UNSELL: SO TO COME BACK IN OCTOBER
3 WITH AN AGENDA ITEM, IDENTIFYING HOW THIS
4 PROBATIONARY STATUS IS. OKAY. JUST POINT OF
5 CLARIFICATION.

6 MEMBER JONES: I'LL SECOND.

7 CHAIRMAN FRAZEE: SO THEN WE HAVE THE
8 RESOLUTION BEFORE US AS AMENDED, CHANGING THE
9 PROBATIONARY PERIOD TO END IN OCTOBER OF '97.

10 MEMBER RELIS: CORRECT.

11 CHAIRMAN FRAZEE: AND TO PROVIDE A
12 PROVISION FOR INCREASED INSPECTION.

13 MR. KENNEDY: COULD I ASK A QUESTION
14 ALONG THOSE LINES? COULD -- AS FAR AS THE OCTOBER
15 DATE AND WITH THE INCREASED INSPECTIONS, IS THERE
16 ANYTHING IN THE PROCESS THAT BEFORE THAT DATE, IF
17 FOR SOME REASON THERE'S SIGNIFICANT NONCOMPLIANCE,
18 IS THERE A RED FLAG THAT COMES UP THAT CHANGES
19 THIS -- BRINGS THIS ISSUE UP EARLIER THAN OCTOBER?

20 MEMBER RELIS: YOU MEAN FROM YOUR END OR
21 OUR END?

22 MR. KENNEDY: FROM YOUR END.

23 MEMBER JONES: FOR NONCOMPLIANCE?

24 MEANING THAT WITH THE HELP OF STAFF DOING PART OF
25 THE FUNCTIONS, NONE OF THE ITEMS GOT DONE AT ALL?

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1 IS THAT WHAT YOU ARE SAYING?

2 MR. KENNEDY: WELL, MY CONCERN IS THIS.
3 IN READING THE STAFF REPORT, IT WASN'T CLEAR TO ME
4 THAT WE WOULD GO THROUGH THIS PERIOD OF TIME, AND
5 AS I MENTIONED BEFORE, WE CAN HAVE LOADCHECKING
6 IMMEDIATELY, BUT WHAT ABOUT LITTER? IT'S GOING TO
7 TAKE TIME TO EVOLVE. AND WE DIDN'T KNOW IF DURING
8 THE STAFF INSPECTION IN, SAY, THE MONTH OF JUNE
9 THEY NOTE THAT TWO OF THE ITEMS AT ONE OF THE
10 LANDFILLS STILL ARE NOT IN COMPLIANCE, DOES THAT
11 RAISE AN ISSUE THAT THIS BOARD HAS ANOTHER AGENDA
12 ITEM, AND WE TALK ABOUT IT THEN, OR IS THAT
13 EVALUATED OVER THE SEVEN-MONTH PERIOD OF TIME AT
14 OCTOBER?

15 MEMBER RELIS: WE'RE ENTERING IN, IT
16 STRIKES ME, AS AN AGREEMENT. WE'RE ACCEPTING A
17 SEVEN-MONTH PERIOD FOR YOU TO BRING THE STANDARDS
18 UP. WE'RE NOT MAKING THAT A ONE-MONTH OR A
19 SEVEN-MONTH CONDITIONAL ON ONE MONTH. AT LEAST
20 THAT'S HOW I READ IT.

21 MR. UNSELL: OKAY. I'M GLAD YOU
22 CLARIFIED THAT BECAUSE THE LAST THEREFORE WITHIN
23 RESOLUTION DOES INDICATE IF THERE WERE SLIPPED
24 ENFORCEMENT ISSUES, WE WOULD INITIATE AN ACTION
25 IMMEDIATELY ON OUR END. IN OTHER WORDS, THERE

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1 WOULD NOT BE ANOTHER COMING BEFORE THE COMMITTEE.
2 SO IF THAT'S THE INTENT OF THE COMMITTEE, THEN
3 THAT -- IT'S YOUR PLEASURE, BUT WITHIN THE ACTION
4 ITSELF WAS A DUAL ACTION, THE PROBATIONARY TIME
5 AND IF THERE WERE SLIPPAGE AND THAT WERE NOT
6 FOLLOWED UP FROM AN ENFORCEMENT STANDPOINT WITH
7 APPROPRIATE ENFORCEMENT ACTIONS THAT HAD SUCCESS,
8 THEN THE BOARD WOULD STEP IN FOR ENFORCEMENT
9 ISSUES.

10 MEMBER RELIS: WELL, I WASN'T -- THEN LET
11 ME ALTER WHAT I SAID SLIGHTLY. I WASN'T LOOKING
12 TO WEAKEN THIS. I WAS LOOKING TO SHORTEN THE TIME
13 FRAME. AND SO I'M NOT LOOKING TO ALTER THAT
14 SCENARIO YOU'VE PORTRAYED BECAUSE THAT WOULD
15 ACTUALLY WEAKEN OUR ENFORCEMENT.

16 MR. UNSELL: THEN WHAT I WOULD UNDERSTAND
17 IS THE SECOND THEREFORE WOULD REMAIN; HOWEVER, THE
18 PROBATIONARY TIME IN THE FIRST THEREFORE ON PAGE
19 120 WOULD INDICATE THAT THE PROBATION WOULD END OR
20 BE REVISITED BY THE COMMITTEE AND THE BOARD AT
21 THEIR OCTOBER AGENDAS.

22 MEMBER RELIS: YES. THAT'S MY INTENT.

23 MR. UNSELL: THANK YOU.

24 CHAIRMAN FRAZEE: CLEAR ON THAT?

25 MR. KENNEDY: NO, I GUESS NOT. THAT

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1 SOUNDS AS THOUGH THAT OVER THE SEVEN-MONTH PERIOD
2 OF TIME, IF STAFF'S EVALUATION OF WHAT'S GOING ON
3 IN INYO COUNTY, IF THEY SEE A COUPLE OF VIOLATIONS
4 THAT ARE NOT COMING INTO COMPLIANCE OR THEY FEEL
5 THAT THE LEA IS NOT TAKING THE PROPER STEPS, THEN
6 THERE IS A POSSIBILITY THAT THAT COULD COME BACK
7 TO THIS COMMITTEE PRIOR TO THE OCTOBER DATE.

8 MS. RICE: ACTUALLY, TO CLARIFY, MR.
9 KENNEDY, I UNDERSTAND IT IS A FAIRLY COMPLEX
10 MOTION THAT STAFF IS SUGGESTING IN THE ITEM. WE
11 WERE ENVISIONING THAT IF THE COMMITTEE WENT WITH
12 THE STAFF'S RECOMMENDATION, IT WAS A TWO-PART
13 RECOMMENDATION THAT EMBODIED ABILITY OF STAFF TO
14 TAKE DIRECT ENFORCEMENT ACTION IF WE FELT THAT
15 WERE NECESSARY WITHOUT COMING BACK TO THE
16 COMMITTEE AND BOARD PRIOR TO, AS ALTERED BY MR.
17 RELIS' SUGGESTION, IT WOULD BE OCTOBER IN THIS
18 INSTANCE.

19 WE WOULD CERTAINLY NOT BE LOOKING TO
20 DO SO FOR MINOR ISSUES OR FOR ISSUES THAT WE WERE
21 WORKING WITH YOU ON AND FOUND GOOD FAITH EFFORT.
22 I THINK THE INTENT WAS TO SHOW TO THE BOARD
23 MEMBERS WHAT WE VIEWED TO BE THE GRAVITY OF THE
24 SITUATION, AND THAT IT WOULDN'T BE SOMETHING THAT
25 WE WOULD NOT WANT TO REVISIT AT ALL UNTIL NEXT MAY

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1 OR NOW AS THE CASE MAY BE OCTOBER TO PROVIDE
2 SOMETHING IN THE INTERIM SHOULD THE DATES SLIP
3 AGAIN.

4 BUT I FEEL WE WOULD BE LOOKING FOR
5 SIGNIFICANT ISSUES, NOT ISSUES JUST TO MAKE THIS A
6 DIFFICULT ARRANGEMENT TO WORK THROUGH, BUT MERELY
7 TO INDICATE THE SEVERITY OF IT.

8 MR. KENNEDY: OKAY.

9 CHAIRMAN FRAZEE: OKAY. WE HAVE THE
10 RESOLUTION AS AMENDED BEFORE US. CARE TO MOVE
11 THAT?

12 MEMBER RELIS: YES.

13 MEMBER JONES: AND I SECOND.

14 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
15 SECOND ON THE ADOPTION OF RESOLUTION 97-86 AS
16 AMENDED. SECRETARY WILL CALL THE ROLL ON THAT.

17 THE SECRETARY: BOARD MEMBER RELIS.

18 MEMBER RELIS: AYE.

19 THE SECRETARY: BOARD MEMBER JONES.

20 MEMBER JONES: AYE.

21 THE SECRETARY: CHAIRMAN FRAZEE.

22 CHAIRMAN FRAZEE: AYE. MOTION IS
23 CARRIED. AND DO WE WANT TO RECOMMEND CONSENT ON
24 THAT?

25 MS. RICE: I FEEL IT'S A RATHER

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1 SIGNIFICANT ITEM THAT THE BOARD MAY WISH TO HEAR.

2 CHAIRMAN FRAZEE: WE'LL NOT RECOMMEND
3 CONSENT. OKAY. MOTION IS CARRIED.

4 NOW WE HAVE THE DILEMMA OF ITEM 4 OR
5 LUNCH.

6 MEMBER RELIS: ITEM 4 IS GOING TO TAKE
7 AWHILE.

8 CHAIRMAN FRAZEE: LET'S RECESS THE
9 COMMITTEE, THEN, UNTIL 1:30, AND AT THAT TIME WE
10 WILL TAKE UP ITEM 4.

11 (RECESS TAKEN.)

12 CHAIRMAN FRAZEE: MEETING WILL COME TO
13 ORDER, PLEASE. WE ARE NOW READY TO PROCEED WITH
14 THE -- SOME OF THE PERMIT ITEMS ON OUR AGENDA.
15 AND WE'RE FIRST GOING TO TAKE AGENDA ITEM 3. THIS
16 IS THE CONSIDERATION OF A REVISED SOLID WASTE
17 FACILITIES PERMIT FOR THE WEST MIRAMAR LANDFILL IN
18 SAN DIEGO COUNTY.

19 MS. RICE: THANK YOU, MR. CHAIRMAN,
20 MEMBERS. AMALIA FERNANDEZ WILL MAKE THE
21 PRESENTATION FOR STAFF. SHE WILL BE ASSISTED BY
22 KEN CALVERT AND GINO YECTA WITH THE LOCAL
23 ENFORCEMENT AGENCY. DID I SAY THAT RIGHT, KEN?

24 MS. FERNANDEZ: GOOD AFTERNOON. THE
SAN
25 DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH,

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1 ACTING AS THE LOCAL ENFORCEMENT AGENCY, HAS
2 SUBMITTED A REVISED PROPOSED PERMIT FOR THE WEST
3 MIRAMAR LANDFILL. THE OPERATOR FOR THE WEST
4 MIRAMAR LANDFILL IS THE CITY OF SAN DIEGO
5 ENVIRONMENTAL SERVICES DEPARTMENT, AND THE
6 LANDOWNER IS THE UNITED STATES DEPARTMENT OF THE
7 NAVY.

8 THE PROPOSED PERMIT WOULD ALLOW THE
9 OPERATOR TO INCORPORATE THE FOLLOWING CHANGES:
10 INSTALLATION OF A LINER, INCREASE IN TONNAGE FROM
11 3,600 TO 8,000 TONS PER DAY WITH AN AVERAGE OF
12 1,000,400 TONS PER YEAR, REFLECT THE CURRENT SITE
13 ACCESS STREET ROAD OFF CONVOY STREET. PREVIOUSLY
14 ACCESS WAS FROM MERCURY STREET. IMPLEMENTATION OF
15 A HAZARDOUS WASTE SCREENING EXCLUSION PROGRAM,
16 IMPLEMENTATION OF RECYCLING PROGRAMS SUCH AS GREEN
17 WASTE AND DRY WOOD, OPERATION OF A FLEET STAGING
18 AREA, OPERATION OF A ROCK AND SAND RECOVERY
19 OPERATION, INSTALLATION OF A FLARE STATION, AND
20 EXTEND THE CLOSURE YEAR FROM 2004 TO 2011.

21 PLEASE NOTE THAT THE AGENDA ITEM
22 PREPARED FOR THIS MEETING STATED THAT A RECYCLING
23 FACILITY WAS WITHIN THE BOUNDARY OF THE LANDFILL.
24 A FURTHER REVIEW HAS INDICATED THAT SUCH RECYCLING
25 CENTER IS OUTSIDE THE BOUNDARY OF THE PROPOSED

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1 PROJECT.

2 AT THE TIME THIS ITEM WAS PREPARED,
3 THERE WERE FOUR ISSUES PENDING AND SINCE THEN HAVE
4 BEEN RESOLVED. THESE ISSUES WERE COMPLIANCE WITH
5 THE NATIONAL ENVIRONMENTAL POLICY ACT AND THE
6 CALIFORNIA ENVIRONMENTAL PROTECTION ACT,
7 VERIFICATION OF COMPLIANCE WITH STATE MINIMUM
8 STANDARDS, CONFORMANCE WITH THE COUNTY SOLID WASTE
9 MANAGEMENT PLAN, AND CONSISTENCY WITH THE GENERAL
10 PLAN, AND VERIFICATION OF ADEQUACY OF THE REPORT
11 OF DISPOSAL SITE INFORMATION.

12 ALL THESE ISSUES HAVE BEEN RESOLVED.
13 THE DETERMINATION OF COMPLIANCE WITH CEQA IS BASED
14 ON THE FOLLOWING: THE UNITED STATES DEPARTMENT OF
15 THE NAVY AND CITY OF SAN DIEGO, ACTING AS LEAD
16 AGENCIES, PREPARE A PROGRAM ENVIRONMENTAL IMPACT
17 STATEMENT REPORT, AND THE CITY OF SAN DIEGO
18 PREPARE SEVERAL NEGATIVE DECLARATIONS FOR THE
19 PROPOSED CHANGES IN THE SOLID WASTE FACILITY
20 PERMIT.

21 BECAUSE THE WEST MIRAMAR LANDFILL IS
22 LOCATED ON A MILITARY BASE AND A MODIFICATION WAS
23 NEEDED TO THE EXISTING EASEMENT, A RECORD OF
24 DECISION WAS PUBLISHED. THE SAN DIEGO CITY
25 COUNCIL ADOPTED A STATEMENT OF OVERRIDING

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1 CONSIDERATIONS IN ACCORDANCE WITH PUBLIC RESOURCES
2 CODE SECTION 21081, SUBSECTION B, AND FILED A
3 NOTICE OF DETERMINATION. THE STATEMENT OF
4 OVERRIDING CONSIDERATIONS REQUIRE ADDITIONAL
5 ENVIRONMENTAL ANALYSIS FOR SUBSEQUENT PROJECTS,
6 WHICH THE CITY OF SAN DIEGO PREPARE.

7 ON MARCH 4, 1997, BOARD STAFF AND
8 THE LEA CONDUCTED A JOINT INSPECTION OF THE SITE,
9 AND THE INSPECTION REVEALED VIOLATIONS OF STATE
10 MINIMUM STANDARDS, INVOLVING DAILY AND
11 INTERMEDIATE COVER. THE LEA CONDUCTED A
12 SUBSEQUENT INSPECTION ON MARCH 14, 1997, WHICH
13 REVEALED THAT THE VIOLATIONS HAVE BEEN CORRECTED
14 BY THE OPERATOR AND THAT THE FACILITY WAS IN
15 COMPLIANCE WITH STATE MINIMUM STANDARDS.

16 STAFF HAVE REVIEWED THE PROPOSED
17 PERMIT AND ACCOMPANYING DOCUMENTATION AND HAVE
18 DETERMINED THAT THEY'RE SUITABLE FOR BOARD'S
19 CONSIDERATION OF CONCURRENCE. BOARD STAFF
20 RECOMMEND THE BOARD ADOPT PERMIT DECISION NO.
21 97-88, CONCURRING IN THE ISSUANCE OF SOLID WASTE
22 FACILITY PERMIT NO. 37-AA-0020.

23 REPRESENTATIVES OF THE OPERATOR
24 ARE
24 PRESENT TO ANSWER YOUR QUESTIONS. THIS

CONCLUDES
25 STAFF'S PRESENTATION.

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1 CHAIRMAN FRAZEE: MR. CALVERT, DO YOU
2 HAVE ANYTHING TO ADD?

3 MR. CALVERT: YES. MY NAME IS KEN
4 CALVERT WITH SAN DIEGO COUNTY LEA. SAN DIEGO
5 COUNTY LEA IS VERY PLEASED TO BRING THE MIRAMAR
6 PERMIT BEFORE YOU FOR CONSIDERATION. AND FOR US
7 THIS MARKS A MILESTONE IN GETTING ALL OF THE
8 PERMITS IN SAN DIEGO COUNTY UP-TO-DATE.

9 IN 1992, WHEN I FIRST BEGAN MY
10 DUTIES AS LEA, AT THAT TIME 19 PERMITS WERE OUT OF
11 DATE. AFTER THIS ONE TODAY, WE WILL HAVE ONE MORE
12 MAJOR PERMIT AND TWO MINOR ONES STILL TO UPDATE.

13 ONE OF THE MAIN REASONS THAT THIS
14 PERMIT IS BEFORE YOU TODAY IS THAT IT'S PART OF
15 OUR ENFORCEMENT STRATEGY AS AN LEA. WE FOCUSED
16 OUR ATTENTION ON OTHER FACILITIES, BASICALLY OTHER
17 THAN MIRAMAR LANDFILL. AND THIS HAS BEEN DUE TO
18 WHAT I BELIEVE IS JUST AN EXCELLENT COMPLIANCE
19 HISTORY WITH THE CITY OF SAN DIEGO AND THE
20 OPERATION OF MIRAMAR LANDFILL.

21 IN MY VIEW I BELIEVE THIS IS ONE OF
22 THE BEST RUN AND WELL-MANAGED LANDFILLS IN THE
23 STATE. OVER THE YEARS THE CITY OF
SAN DIEGO, AS

24 THE OPERATOR, HAS REPEATEDLY SHOWN

THEIR DESIRE TO
25 MEET MINIMUM STANDARDS AND TO EXCEED
THEM WHEREVER

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1 POSSIBLE. THAT CONCLUDES MY REPORT.

2 CHAIRMAN FRAZEE: QUESTIONS?

3 MEMBER RELIS: JUST NICE TO HEAR A REPORT
4 LIKE THAT, ESPECIALLY AFTER THIS MORNING. IT'S
5 GOOD TO HEAR THAT. I'VE ALWAYS FOUND THE
6 MANAGEMENT OF THE SAN DIEGO SOLID WASTE PROGRAM TO
7 BE SOLID, AND SO IT'S GOOD TO HEAR THAT THEIR
8 COMPLIANCE IS CONSISTENT WITH WHAT I UNDERSTAND
9 THEIR MANAGEMENT TO BE. SO I WOULD, UNLESS
10 THERE'S SPEAKERS.

11 CHAIRMAN FRAZEE: WELL, WE HAVE THREE
12 SPEAKER SLIPS, BUT I'M GOING TO GO BACK TO A
13 STATEMENT THAT WE OFTEN USE WHEN I SERVED IN THE
14 ASSEMBLY. THESE ARE ALL THREE FROM REPRESENTA-
15 TIVES OF THE CITY OF SAN DIEGO, AND MY RESPONSE IS
16 DO YOU WANT TO TALK OR DO YOU WANT YOUR PERMIT?

17 UNIDENTIFIED SPEAKER: JUST CAME ALONG IN
18 CASE THE BOARD HAD QUESTIONS.

19 CHAIRMAN FRAZEE: I ASSUMED THAT WAS THE
20 CASE. OKAY. A MOTION IS IN ORDER.

21 MEMBER JONES: I'D LIKE TO MAKE A MOTION
22 THAT THE BOARD ACCEPT PERMIT DECISION NO. 97-88.

23 MEMBER RELIS: I'LL SECOND.

24 CHAIRMAN FRAZEE: WE HAVE A MOTION AND
25 SECOND ON THE ADOPTION OF THE PERMIT FOR THE
WEST

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1 MIRAMAR LANDFILL, SAN DIEGO COUNTY. SECRETARY
2 WILL CALL THE ROLL, PLEASE.

3 THE SECRETARY: BOARD MEMBER RELIS.

4 MEMBER RELIS: AYE.

5 THE SECRETARY: BOARD MEMBER JONES.

6 MEMBER JONES: AYE.

7 THE SECRETARY: CHAIRMAN FRAZEE.

8 CHAIRMAN FRAZEE: AYE. MOTION IS

9 CARRIED. IF THERE'S NO OBJECTION, WE'LL

RECOMMEND

10 THIS FOR CONSENT CALENDAR AT THE FULL BOARD
11 MEETING.

12 NOW WE'RE READY TO MOVE ON TO ITEM

13 4. THIS IS THE CONSIDERATION OF A NEW SOLID
WASTE

14 FACILITY PERMIT FOR THE MESQUITE REGIONAL
LANDFILL

15 IN IMPERIAL COUNTY.

16 LET ME, PRIOR TO DISCUSSION OF THIS
17 ONE, READ A STATEMENT INTO THE RECORD AND,
18 HOPEFULLY, IT WILL SERVE AS A BASIS FOR TESTIMONY
19 ON THIS MAJOR FACILITY PERMIT.

20 JUST AS A REMINDER, PUBLIC
RESOURCES

21 CODE SECTION 44009 PROVIDES THAT THE BOARD SHALL
22 EITHER CONCUR OR OBJECT TO A PROPOSED SOLID WASTE

23 FACILITIES PERMIT FOR A LANDFILL WITHIN 60 DAYS
OF
24 RECEIPT. THE BOARD MAY ONLY CONCUR OR OBJECT AND
25 MAY NOT CHANGE ANY TERMS IN THE PROPOSED PERMIT.

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1 IN ORDER TO OBJECT, THE BOARD MUST MAKE FINDINGS
2 THAT THERE IS SUBSTANTIAL EVIDENCE IN THE RECORD
3 THAT THE PERMIT IS NOT CONSISTENT WITH STATE
4 MINIMUM STANDARDS ADOPTED PURSUANT TO THE BOARD'S
5 AUTHORITY, FINANCIAL ASSURANCE REQUIREMENTS OR
6 REQUIREMENTS FOR LOCAL PLAN CONFORMANCE AND
7 CONSISTENCY.

8 PLEASE ALSO KEEP IN MIND THAT
9 AB 1220 AMENDED TITLE 14 THAT REQUIRES THE BOARD
10 TO ADOPT REGULATIONS WHICH SET FORTH MINIMUM
11 STANDARDS FOR SOLID WASTE HANDLING THAT, TO QUOTE
12 AB 1220, SHALL NOT INCLUDE ANY REQUIREMENTS THAT
13 ARE ALREADY UNDER THE AUTHORITY OF THE STATE AIR
14 RESOURCES BOARD FOR THE PREVENTION OF AIR
15 POLLUTION OR THE STATE WATER BOARD FOR THE
16 PREVENTION OF WATER POLLUTION.

17 FURTHER, STATE LAW PROVIDES THAT IN
18 MAKING THIS DECISION, WE ARE TO CONSIDER ONLY
19 WHETHER THE PROPOSED PERMIT IS OR IS NOT
20 CONSISTENT WITH THOSE STATE MINIMUM STANDARDS OVER
21 WHICH THIS BODY HAS JURISDICTION UNDER THIS POST
22 AB 1220 ENVIRONMENT. WE ARE NOT PERMITTED TO
23 REVIEW THE LAND USE SITING DECISION AS MADE
24 BY

24 IMPERIAL COUNTY WHICH IS GRANTED AND
CONDITIONAL

25 USE PERMIT AND RELATED APPROVAL FOR THE
PROJECT,

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1 NOR IS IT WITHIN OUR JURISDICTION TO DEBATE
2 CONCERNS REQUIRED BY LAW TO BE ADDRESSED BY
3 REGIONAL WATER QUALITY CONTROL BOARDS OR AIR
4 POLLUTION CONTROL DISTRICTS.

5 FINALLY, IT'S IMPORTANT TO NOTE THAT
6 THE GOVERNING STATUTE SECTION 44009 OF THE PUBLIC
7 RESOURCES CODE DOES NOT PERMIT US TO DENY A
8 PROPOSED SOLID WASTE FACILITY PERMIT BECAUSE WE
9 BELIEVE THAT THE PROPOSED FACILITY COULD SOMEHOW
10 UNDERMINE PLANNING EFFORTS UNDER AB 939.

11 SO WITH THAT LITTLE REMINDER IN
12 HAND, WE'D LIKE TO ASK THOSE WHO ARE TESTIFYING ON
13 THIS TO LIMIT YOUR COMMENTS TO THOSE ITEMS THAT
14 ARE WITHIN THE BOARD'S JURISDICTION.

15 WE HAVE A STAFF REPORT, PLEASE, ON
16 THIS.

17 MS. RICE: THANK YOU, MR. CHAIRMAN,
18 AMALIA FERNANDEZ WILL MAKE THE STAFF PRESENTATION
19 ASSISTED BY GERALD QUICK WITH THE IMPERIAL COUNTY
20 LOCAL ENFORCEMENT AGENCY.

21 MS. FERNANDEZ: GOOD AFTERNOON AGAIN.
22 THE IMPERIAL COUNTY LOCAL ENFORCEMENT AGENCY HAS
23 SUBMITTED A PROPOSED PERMIT FOR THE MESQUITE
24 REGIONAL LANDFILL. THE PROPOSED PERMIT FOR THE
25 NEW FACILITY IDENTIFIES ARID OPERATIONS

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1 INCORPORATED AS THE OPERATOR AND GOLD FIELDS
2 MINING CORPORATION AS THE LANDOWNER. IN ADDITION,
3 WESTERN WASTE, A SUBSIDIARY OF USA WASTE AND SB
4 ENVIRONMENTAL SYSTEMS ARE PARTNERS IN THE PROJECT.

5 THE PROPOSED MESQUITE REGIONAL
6 LANDFILL WILL BE CONSTRUCTED IN AN UNPOPULATED
7 DESERT AREA IN EASTERN IMPERIAL COUNTY. THE
8 CLOSEST POPULATION CENTERS ARE BRAWLEY AND PALO
9 VERDE, LOCATED ABOUT 35 MILES TO THE WEST AND
10 NORTHEAST RESPECTIVELY.

11 THE NEAREST PERMANENT RESIDENCES ARE
12 AT THE BOARDMAN AND GLAMIS BEACH RANCH STORE
13 AREAS, LOCATED 3 AND 3.5 MILES SOUTHWEST OF THE
14 PROPOSED LANDFILL. THE ACTIVE SANTA FE PACIFIC
15 GOLD MESQUITE MINE AND ORE PROCESSING FACILITY IS
16 LOCATED ADJACENT TO THE PROPOSED LANDFILL.

17 THE PROPOSED PROJECT ENCOMPASSES
18 4,250 ACRES OF WHICH 2,290 ACRES WILL BE USED FOR
19 DISPOSAL. THE TOTAL WASTE CAPACITY OF THE
20 LANDFILL WILL BE ABOUT 970 MILLION CUBIC YARDS,
21 APPROXIMATELY 600 MILLION TONS. THE ESTIMATED
22 MUNICIPAL SOLID WASTE TONNAGES WILL BE 4,000 TONS
23 PER DAY FOR YEAR ONE OF OPERATION, INCREASING UP
24 TO 20,000 TONS PER DAY AFTER YEAR SEVEN OF
25 OPERATION. THE LIFE OF THE PROPOSED FACILITY
WILL

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1 BE APPROXIMATELY A HUNDRED YEARS AT THE PERMITTED
2 RATE OF 20,000 TONS PER DAY.

3 THE POTENTIAL MARKET REGION FOR THE
4 MESQUITE REGIONAL LANDFILL IS THE SEVEN SOUTHERN
5 CALIFORNIA COUNTIES: LOS ANGELES, IMPERIAL, SAN
6 DIEGO, VENTURA, ORANGE, SAN BERNARDINO, AND
7 RIVERSIDE.

8 THE WASTE WILL BE TRANSPORTED BY
9 RAIL AND WILL INITIALLY COME FROM THE LOS ANGELES
10 AREA. TRANSPORT OF WASTE BY RAIL TO THE FACILITY
11 FROM OTHER -- FROM AREAS OTHER THAN THE LOS
12 ANGELES REGION WILL REQUIRE FURTHER ANALYSIS UNDER
13 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS
14 DESCRIBED IN THE CONDITIONAL USE PERMIT.

15 RAIL ACCESS TO THE SITE WILL BE
16 PROVIDED DURING INITIAL SITE DEVELOPMENT AND WILL
17 OCCUR VIA A RAIL SPUR THAT WILL BE CONSTRUCTED
18 BETWEEN THE SITE AND THE EXISTING SOUTHERN PACIFIC
19 RAILWAY LINE LOCATED APPROXIMATELY FOUR MILES TO
20 THE WEST OF THE SITE.

21 MUNICIPAL SOLID WASTE FROM IMPERIAL
22 COUNTY MAY BE DELIVERED TO THE SITE BY TRUCK IF
23 THE COUNTY DECIDES IN THE FUTURE TO INCLUDE THE
24 REGIONAL LANDFILL IN ITS MUNICIPAL SOLID WASTE
25 DISPOSAL PLANS. MUNICIPAL SOLID WASTE FROM

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1 IMPERIAL COUNTY WOULD NEED TO BE PROCESSED THROUGH
2 A TRANSFER STATION OR MRF PRIOR TO DISPOSAL AT THE
3 REGIONAL LANDFILL.

4 THE MESQUITE REGIONAL LANDFILL WILL
5 RECEIVE MUNICIPAL SOLID WASTE THAT HAS BEEN
6 PROCESSED THROUGH A TRANSFER STATION OR A MATERIAL
7 RECOVERY FACILITY. THE OWNER/OPERATOR OF ANY
8 TRANSFER STATION OR MRF OR OTHER SOLID WASTE
9 OPERATION WISHING TO SEND MUNICIPAL SOLID WASTE
10 RESIDUE TO THE MESQUITE REGIONAL LANDFILL WILL BE
11 REQUIRED TO ENTER INTO A CONTRACTUAL AGREEMENT
12 STIPULATING, AMONG OTHER THINGS, THAT THE
13 JURISDICTIONS GENERATING THE MUNICIPAL SOLID WASTE
14 HAVE ADOPTED AN UP-TO-DATE SOURCE REDUCTION AND
15 RECYCLING ELEMENT THAT HAS BEEN APPROVED BY THE
16 CIWMB IN THAT THE JURISDICTION IS MAKING GOOD
17 FAITH EFFORTS AS DETERMINED BY THE CIWMB TO COMPLY
18 WITH THIS PLAN. MUNICIPAL SOLID WASTE RESIDUE
19 WILL NOT BE ACCEPTED FROM TRANSFER STATIONS OR
20 MRF'S OR OTHER SOLID WASTE OPERATIONS THAT SERVE
21 JURISDICTIONS THAT CANNOT MEET THIS STIPULATION.

22 THE PROPOSED LANDFILL IS DESIGNED TO
23 MEET OR EXCEED STATE AND FEDERAL DESIGN REQUIRE-
24 MENTS FOR CLASS III DISPOSAL FACILITIES. THE
25 LANDFILL WILL BE CONSTRUCTED IN SEGMENTS OF

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1 APPROXIMATELY 50 ACRES EACH. AT FINAL BUILDOUT
2 THE PROPOSED LANDFILL WILL RISE 375 TO 475 FEET
3 ABOVE THE SURROUNDING TERRAIN TO A MAXIMUM
4 ELEVATION OF 1,140 FEET ABOVE SEA LEVEL.

5 THE PROPOSED DESIGN INCLUDES THE
6 FOLLOWING ENVIRONMENTAL MONITORING AND CONTROL
7 SYSTEMS: A THREE-COMPONENT COMPOSITE BASE LINER,
8 A LEACHATE COLLECTION AND RECOVERY SYSTEM, A
9 LANDFILL GAS COLLECTION SYSTEM, A LANDFILL GAS
10 MONITORING SYSTEM, A GROUNDWATER MONITORING
11 SYSTEM, A VADOSE ZONE MONITORING SYSTEM. MANY OF
12 PROPOSED ENVIRONMENTAL CONTROL SYSTEMS WILL BE
13 INSTALLED IN PHASES AS THE LANDFILL IS
14 CONSTRUCTED. IN ADDITION, THE EXTERIOR SLOPES OF
15 THE LANDFILL ARE DESIGNED SO THAT THE FINAL COVER
16 FOR THE SIDE SLOPES WILL BE PLACED AS THE LANDFILL
17 IS CONSTRUCTED AND CLOSURE OF THE TOP DECK
18 PORTIONS OF THE LANDFILL WILL OCCUR IN A PHASED
19 MANNER OVER THE LIFE OF THE LANDFILL.

20 MUCH OF THE EARTHEN MATERIAL TO BE
21 USED IN THE LANDFILL CONSTRUCTION WILL COME FROM
22 RINSED ORE RESIDUES AND OVERBURDEN FROM THE
23 ADJACENT GOLD MINING OPERATIONS. THE MESQUITE
24 GOLD MINE RECOVERS GOLD BY A CYANIDE HEAP LEACHING
25 PROCESS. AFTER RECOVERY OF THE GOLD, THE ORE

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1 RESIDUES ARE DETOXIFIED BY RINSING. OVERBURDEN IS
2 BARREN ROCK AND SOIL THAT HAS BEEN EXCAVATED
3 DURING THE MINING PROCESS. THE ORE RESIDUES AND
4 OVERBURDEN WILL BE USED AS DAILY, INTERMEDIATE,
5 AND FINAL COVER AS LANDFILL CONSTRUCTION ADVANCES.
6 THE OVERBURDEN AND ORE RESIDUE MATERIAL TO BE USED
7 AS COVER IS SILTY SAND WITH GRAVEL THAT ADDRESSES
8 THE CRITERIA OF CONTROLLING VECTORS, FIRE, WATER
9 INFILTRATION, EROSION, AND PREVENTING
10 UNSIGHTLINESS.

11 THE PROPOSED PROJECT WILL ALSO
12 INCLUDE AN INTERMODAL FACILITY CONSISTING OF A
13 SERIES OF UNLOADING, RUNAROUND, AND TAIL TRACKS
14 FOR TRAIN TRAFFIC CONTROL, SHORT SEGMENTS OF
15 SET-OUT TRACK FOR TEMPORARY PARKING OF RAIL CARS
16 OR ENGINES, CRANES FOR TRANSFERRING LOADED OR
17 EMPTY MUNICIPAL SOLID WASTE CONTAINERS BETWEEN THE
18 TRAINS AND TRUCKS AND REQUIRE SUPPORT FACILITIES.

19 DURING INITIAL OPERATIONS AT A RATE
20 OF 4,000 TONS PER DAY, THE FACILITY WILL EMPLOY A
21 SINGLE SHIFT ON A SIX-DAY WORKWEEK AND AS THE RATE
22 OF DISPOSAL INCREASES, ADDITIONAL SHIFTS WILL BE
23 ADDED UNTIL 24-HOUR OPERATIONS ARE REACHED.

24 APPROXIMATELY 86 PEOPLE WILL BE EMPLOYED FOR
25 ROUTINE OPERATIONS DURING THE INITIAL ACTIVITIES

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1 AND UP TO 268 PEOPLE COULD BE EMPLOYED WHEN THE
2 LANDFILL IS OPERATING AT ITS FULL CAPACITY.

3 WASTE WILL BE SHIPPED BY RAIL FROM
4 EXISTING AND NEW TRANSFER STATIONS AND MRF'S IN
5 ENCLOSED CONTAINERS. THE CONTAINERS WILL BE
6 APPROXIMATELY 40 FEET LONG AND HAVE A CAPACITY OF
7 APPROXIMATELY 25 TONS OF MUNICIPAL SOLID WASTE.
8 CONTAINERS WILL BE WEIGHED AND ELECTRONICALLY
9 TAGGED AT THE TRANSFER STATION. A COMPUTERIZED
10 INFORMATION MANAGEMENT SYSTEM WILL BE USED TO KEEP
11 TRACK OF THE MUNICIPAL SOLID WASTE CONTAINERS AS
12 THEY LEAVE THE TRANSFER STATIONS AND TRAVEL TO THE
13 LANDFILL AND WILL ASSURE THAT ONLY MUNICIPAL SOLID
14 WASTE CONTAINERS WHICH HAVE BEEN SCHEDULED FOR
15 DELIVERY AT THE LANDFILL ARE ACCEPTED.

16 LOADING AND UNLOADING OF THE
17 MUNICIPAL SOLID WASTE CONTAINERS FROM THE TRAINS
18 AT THE LANDFILL WILL OCCUR AT THE INTERMODAL
19 FACILITY. THERE CONTAINERS WILL BE LIFTED FROM
20 THE TRAINS BY FORKLIFT OR CRANE AND TRANSFERRED
21 ONTO TRACTOR TRUCKS AND BOGIES, WHICH ARE EMPTY
22 TRAILER CHASSIS, FOR TRANSPORT TO TIPPERS AT THE
23 LANDFILL WORKING FACES.

24 MUNICIPAL SOLID WASTE WILL BE
25 EMPTIED FROM THE TRANSFER CONTAINERS BY TIPPERS
AT

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1 THE LANDFILL WORKING FACE, SPREAD ON THE WORKING
2 FACE BY DOZERS INTO LAYERS APPROXIMATELY 2 FEET
3 THICK, AND THEN COMPACTED. THE ADVANCING WORKING
4 FACE WILL BE COVERED WITH 6 INCHES OF COMPACTED
5 COVER AT LEAST ONCE DAILY TO KEEP THE EXPOSED OPEN
6 FACE AS SMALL AS PRACTICAL. WORKING FACES WILL BE
7 KEPT TO A MINIMUM SIZE PRACTICAL FOR SAFE
8 OPERATIONS, NORMALLY LESS THAN ABOUT ONE-THIRD
9 ACRE EACH. IT IS ANTICIPATED THAT AT LEAST TWO
10 WORKING FACES WILL BE IN OPERATION INITIALLY AND
11 UP TO FIVE WORKING FACES COULD BE ACTIVE DURING
12 REGULAR LANDFILL OPERATIONS.

13 THE OPERATOR INTENDS TO UTILIZE
14 STRICT OPERATING PRACTICES TO AVOID CREATING ANY
15 NUISANCE. THE OPEN SPACE SETTING OF THE FACILITY
16 WILL FACILITATE THIS OBJECTIVE.

17 ENVIRONMENTAL CONTROLS ASSOCIATED
18 WITH FIRE, DUST, VECTORS, BIRDS, LITTER, NOISE,
19 AND ODORS HAVE BEEN ADDRESSED IN THE REPORT OF
20 DISPOSAL SITE INFORMATION. THE REPORT OF DISPOSAL
21 SITE INFORMATION ALSO DESCRIBES THE SITE'S
22 HAZARDOUS WASTE SCREENING PROGRAM, WHICH, IF
23 APPLIED AS DESCRIBED, WILL MEET STATE MINIMUM
24 STANDARDS.

25 THE MESQUITE REGIONAL LANDFILL

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1 PROJECT WAS FIRST PROPOSED IN 1991. OVER THE
2 INTERVENING YEARS, BOARD STAFF HAVE WORKED CLOSELY
3 WITH THE LEA, REGIONAL WATER QUALITY CONTROL
4 BOARD, AND THE PROPONENT IN THE REVIEW OF VARIOUS
5 ASPECTS OF THE PROPOSED PROJECT. AN ENVIRONMENTAL
6 IMPACT STATEMENT AND AN ENVIRONMENTAL IMPACT
7 REPORT WERE PREPARED FOR THE PROJECT TO SATISFY
8 THE REQUIREMENTS OF THE NATIONAL ENVIRONMENTAL
9 POLICY ACT AND THE CALIFORNIA ENVIRONMENTAL
10 QUALITY ACT.

11 PREPARATION OF THE ENVIRONMENTAL
12 IMPACT STATEMENT WAS NECESSARY SINCE PORTIONS OF
13 THE LAND FOR THE PROPOSED PROJECT WERE OWNED BY
14 THE UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF
15 LAND MANAGEMENT AND A LAND EXCHANGE WAS PROPOSED.
16 THE BUREAU OF LAND MANAGEMENT ISSUED A RECORD OF
17 DECISION, APPROVING THE LAND EXCHANGE ON FEBRUARY
18 14, 1996.

19 THE RECORD OF DECISION WAS APPEALED
20 TO THE INTERIOR BOARD OF LAND APPEALS, WHICH
21 SUBSEQUENTLY DISMISSED THE APPEAL AND AFFIRMED THE
22 RECORD OF DECISION.

23 THE LANDFILL OPPONENTS, SUCH AS THE
24 DESERT CITIZENS AGAINST POLLUTION, THE SIERRA
25 CLUB, AND THE DESERT PROTECTIVE COUNCIL, THEN

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1 FILED A COMPLAINT FOR INJUNCTIVE AND DECLARATORY
2 RELIEF IN THE UNITED STATES DISTRICT COURT. THE
3 DISTRICT COURT SUBSEQUENTLY DISMISSED THIS
4 COMPLAINT WITH PREJUDICE.

5 ON JANUARY 31, 1997, THE BUREAU OF
6 LAND MANAGEMENT AND GOLD FIELDS COMPLETED THE
LAND

7 EXCHANGE. ON FEBRUARY 28, 1997, THE LANDFILL
8 OPPONENTS FILED A NOTICE OF APPEAL WITH THE
NINTH

9 CIRCUIT COURT OF APPEALS. TO BOARD STAFF'S
10 KNOWLEDGE, THIS APPEAL IS PENDING.

11 ON SEPTEMBER 6, 1995, THE FINAL
12 ENVIRONMENTAL IMPACT REPORT WAS CERTIFIED AND
THE

13 PROJECT APPROVED BY THE IMPERIAL COUNTY BOARD OF
14 SUPERVISORS. A PETITION WAS FILED IN A
CALIFORNIA

15 SUPERIOR COURT TO INVALIDATE THE IMPERIAL COUNTY
16 BOARD OF SUPERVISORS CERTIFICATION OF THE FINAL
17 ENVIRONMENTAL IMPACT REPORT AND LOCAL PERMIT
18 APPROVAL.

19 THROUGH A WRIT OF MANDATE, THE
COURT
20 DIRECTED THE COUNTY TO CLARIFY CERTAIN ASPECTS
OF

21 THE ENVIRONMENTAL DOCUMENT. THE COURT DID NOT
22 INVALIDATE THE CEQA CERTIFICATION OR ANY
PERMITS.

23 THE COUNTY PREPARED AN ADDENDUM TO THE FINAL
24 ENVIRONMENTAL IMPACT REPORT AND HAS REQUESTED
THAT
25 THE COURT DISCHARGE THE WRIT OF MANDATE. THE

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1 HEARING IS PENDING AND WILL OCCUR ON APRIL 14,
2 1997.

3 ON NOVEMBER 29, 1995, THE COLORADO
4 RIVER BASIN REGIONAL WATER QUALITY CONTROL BOARD
5 APPROVED WASTE DISCHARGE REQUIREMENTS FOR THE
6 MESQUITE REGIONAL LANDFILL. THE WASTE DISCHARGE
7 REQUIREMENTS WERE SUBSEQUENTLY APPEALED, AND ON
8 APRIL 22, 1996, THE STATE WATER RESOURCES CONTROL
9 BOARD DISMISSED THE APPEAL FOR LACK OF SUPPORTING
10 DOCUMENTATION.

11 STAFF HAVE REVIEWED THE PROPOSED
12 PERMIT AND ACCOMPANYING DOCUMENTATION AND HAVE
13 DETERMINED THAT THEY ARE SUITABLE FOR BOARD'S
14 CONSIDERATION OF CONCURRENCE. BOARD STAFF,
15 THEREFORE, RECOMMEND THE BOARD ADOPT PERMIT
16 DECISION NO. 97-89, CONCURRING IN THE ISSUANCE OF
17 SOLID WASTE FACILITY PERMIT NO. 13-AA-0026.

18 MR. JOHN CLINKENBEARD AND MS.
19 JEANNIE BLAKESLEE OF BOARD STAFF, WHO WERE
20 INSTRUMENTAL IN THE REVIEW OF THIS PROJECT, ARE
21 IN
22 ATTENDANCE TO ASSIST WITH YOUR QUESTIONS. MR.
23 ROBERT FILLER, REPRESENTING THE PROPONENT, IS
24 PRESENT TO ANSWER YOUR QUESTIONS.

AS A SPECIAL NOTE, BOARD STAFF
WOULD

25

LIKE TO EXPRESS THEIR APPRECIATION TO THE LOCAL

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1 ENFORCEMENT AGENCY AND THE PROPONENT FOR THEIR
2 COOPERATION THROUGHOUT THE REVIEW PROCESS. THIS
3 CONCLUDES STAFF'S PRESENTATION. MR. GERALD QUICK
4 OF THE LEA WOULD LIKE TO ADDRESS COMMITTEE
5 MEMBERS.

6 CHAIRMAN FRAZEE: OKAY. MR. QUICK.

7 MR. QUICK: CHAIRMAN FRAZEE, MEMBERS OF
8 THE COMMITTEE, MY NAME IS GERALD QUICK,
9 REPRESENTING THE IMPERIAL COUNTY LEA.

10 HAVING READ YOUR STAFF'S REPORT TO
11 YOU AND AMALIA'S PRESENTATION, THERE'S NOT TOO
12 MUCH LEFT FOR THE LEA TO COMMENT UPON. HOWEVER, I
13 CAN RECALL A NUMBER OF YEARS BACK WHEN ABOUT 12 OR
14 14 OF YOUR STAFF CAME TO IMPERIAL COUNTY FOR AT
15 LEAST A FIELD ORIENTATION OF THIS PROPOSED
16 FACILITY. HOWEVER, I THINK I WAS INVOLVED IN IT
17 AT LEAST THREE MONTHS PRIOR TO THAT WHEN ARID
18 OPERATIONS FIRST CAME BEFORE OUR BOARD OF
19 SUPERVISORS AS AN INFORMATIONAL ITEM, INDICATING
20 THAT THEY DESIRED TO PURSUE SUCH A PROJECT DOWN
21 THERE.

22 SINCE THEN, FOR A GOOD FIVE YEARS,
23 WE'VE BEEN HEAVILY INVOLVED WITH THE CONDITIONAL
24 USE PERMIT THAT IS PREPARED BY THE COUNTY OF
25 IMPERIAL. CERTAINLY WE WERE INVOLVED IN THE

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1 COMBINED RDSI ROWD, PRACTICALLY PIONEERING THAT
2 FIELD HERE AT THE STATE, WHICH IS A WAY OF LIFE
3 FOR MOST OF US NOW MAKING SUCH PRESENTATIONS.

4 I SOMETIMES THINK THAT FOR 5 OR 6
5 FEET OF VOLUMES OF MATERIAL RELATED TO THIS
6 FACILITY, I'VE PROBABLY READ THEM A DOZEN TIMES
7 AND AT MY AGE PROBABLY FORGOTTEN HALF OF IT BY
8 NOW, BUT IT'S NOT REALLY TRUE. BUT WE FELT REALLY
9 THAT THE COMBINED RDSI ROWD ADDRESSED THE ISSUE OF
10 PERMIT STREAMLINING, AND REVIEWING THE DOCUMENT
11 ITSELF WAS RATHER EASY TO GO THROUGH AND
12 STRAIGHTFORWARD. AND WE LOOK AT IT FROM THE
13 STANDPOINT OF REQUIREMENTS OF TITLE 14. MORE
14 IMPORTANTLY TO THE LEA, THE WISHES OF OUR BOARD OF
15 SUPERVISORS OF WHAT THEY WANTED TO SEE IN IT.
16 BUT -- AND THEN WE HAD THE JOY OF ATTENDING ALL
17 THE PUBLIC HEARINGS RELATING TO THIS MATTER.

18 THE LEA IS QUITE CONFIDENT THAT
19 STATE MINIMUM STANDARDS CAN AND WILL BE COMPLIED
20 WITH AND THAT EVERY EFFORT WAS TAKEN TO ASSURE
21 THAT THE PUBLIC HEALTH AND SAFETY WOULD EXIST AS
22 WELL AS THE PROTECTION OF THE ENVIRONMENT. THEY
23 WERE FOREMOST IN OUR MINDS IN REVIEWING AND
24 COMMENTING ON THE VARIOUS DOCUMENTS FROM THE EIR
25 ON DOWN.

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1 I THOUGHT THERE WERE A COUPLE THINGS
2 UNIQUE TO THIS FACILITY. ONE WAS THE OFFER TO
3 STORE RECYCLABLE GOODS OUTSIDE THE FOOTPRINT THAT
4 COMMUNITIES MAY WISH TO AVAIL THEMSELVES OF IF
5 THEY CAN AFFORD TO SHIP IT OUT THERE BY RAIL,
6 WHICH HAD A LIMITED TIME FRAME OF TWO YEARS, AFTER
7 WHICH IT WOULD BE SHIPPED BACK TO THE COMMUNITY.
8 HOPEFULLY THE MARKET WOULD BE UP SUCH THAT YOU CAN
9 SELL IT.

10 THE LEAST LIKELY OPTION TO EVER
11 OCCUR WOULD BE FOR THE WASTE BOARD AND THE LEA TO
12 CONCUR IN THE BURIAL OF IT BECAUSE THAT WILL UPSET
13 THE WASTE DIVERSION CREDITS ALREADY BEEN GRANTED.
14 WE DON'T LOOK FORWARD TO THAT OCCURRING. AND THAT
15 THIS FACILITY IS ACCEPTING RESIDUAL WASTE AFTER IT
16 HAS GONE THROUGH A MRF'G OR TRANSFER PROCESSING
17 STATION TO REMOVE RECYCLABLE MATERIALS TO MEET THE
18 DIVERSION REQUIREMENTS. THAT'S NOT TO SAY THAT
19 EVERYTHING WOULD HAVE TO GO THROUGH A MRF OR A
20 TRANSFER STATION TO MEET YOUR REQUIREMENTS FOR
21 DIVERSION. IT COULD BE HANDLED VIA LOCAL
22 COMPOSTING, CURBSIDE PICKUP. THERE'S ALL KINDS
23 OF
24 OPTIONS. WHAT THEY MAY BE IN THE FUTURE IS
ANYBODY'S GUESS AT THE PRESENT TIME.

25

BUT I THINK THE THING THAT THE LEA

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1 LOOKS FORWARD TO IS OUR DEPARTMENT -- ADMINISTRA-
2 TION'S ASSURANCE TO THE LEA THAT WE WILL BE
3 PROVIDED ADEQUATE STAFF TRAINED TO MONITOR THE
4 CONSTRUCTION AND CARRY OUT THE INSPECTIONS THAT
5 ARE REQUIRED AT THIS FACILITY AND THE OTHER
6 FACILITIES WITHIN IMPERIAL COUNTY.

7 I WOULD PROBABLY BE SHOT BY OTHER
8 LEA'S, BUT I WOULD LIKE TO PERSONALLY THANK JOHN
9 CLINKENBEARD AND AMALIA FERNANDEZ OF YOUR STAFF
10 FOR THEIR UNDYING ASSISTANCE IN PERSEVERING
11 THROUGH FIVE YEARS OF TEDIOUS WORK, BUT I'M GOING
12 TO SAY IT ANYWAY. AND I THANK THEM PERSONALLY FOR
13 THAT. I'LL BE HAPPY TO ANSWER ANY QUESTIONS YOU
14 HAVE, AND I KNOW THAT MR. ROBERT FILLER, GENERAL
15 MANAGER OF ARID OPERATIONS, WOULD ALSO LIKE TO
16 ADDRESS YOUR BOARD. THANK YOU VERY MUCH.

17 CHAIRMAN FRAZEE: QUESTIONS? IF NOT,
18 ROBERT FILLER, REPRESENTING THE APPLICANT.

19 MR. FILLER: MR. CHAIRMAN, MEMBERS OF THE
20 COMMITTEE, MY NAME IS BOB FILLER. I'M GENERAL
21 MANAGER FOR ARID OPERATIONS AND TODAY LEAD FOR THE
22 APPLICANT AS WELL AS THE LANDOWNER, WHICH IS GOLD
23 FIELDS MINING. I'D LIKE TO MAKE A PRESENTATION OF
24 ABOUT 15 MINUTES HERE TO BRIEF YOU ON A FEW
25 SPECIFICS OF THE PROJECT, LET YOU KNOW WHO WE ARE,

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1 AND WHY WE BELIEVE THIS PROJECT SHOULD GO FORWARD.

2 I HAVE WITH ME TODAY DR. RICHARD
3 ELLISON, WHO'S THE PRESIDENT OF THE TRC
4 ENVIRONMENTAL SOLUTIONS. THAT'S THE FIRM THAT HAS
5 DONE ALL THE TECHNICAL WORK, NOT ONLY ON THIS
6 PROJECT, BUT FOR THE GOLD MINE THAT WE DEVELOPED
7 ON THE SITE IN THE 1980S. AND I ALSO HAVE
8 AVAILABLE MR. JIM MOOSE OF REMY, THOMAS & MOOSE,
9 TO RESPOND TO ANY QUESTIONS THAT YOU MAY HAVE ON
10 THE REGULATORY OR LEGAL ISSUES.

11 ALSO WITH US TODAY ARE CURT AARONSON
12 FROM SP ENVIRONMENTAL SYSTEMS AND JAKE SHIRVANI
13 OF WESTERN WASTE INDUSTRIES, AND JOHN FITZGERALD
14 OF GOLD FIELDS MINING, AND ALSO CHRIS CANNON, WITH
15 TRC ENVIRONMENTAL SOLUTIONS, FOR ANY QUESTIONS
16 THAT YOU MAY HAVE TODAY.

17 AS MR. QUICK INDICATED TO YOU, YOUR
18 STAFF HAS BEEN WORKING ON THIS PROJECT ALMOST AS
19 LONG AS WE HAVE. IT DOES GO BACK SOME FIVE YEARS,
20 NOT ONLY WITH THE SITE VISIT, BUT NUMEROUS
21 MEETINGS OVER THE LAST FIVE YEARS. AND I THINK
22 THIS BOARD SHOULD ALSO BE AWARE OF THE FACT THAT
23 YOUR STAFF HAS NOT ONLY BEEN PREPARING AN RDSI AND
24 WORKING WITH THE REGIONAL BOARD ON THE WDR TO MAKE
25 SURE WE HAVE CONSISTENCY THERE, BUT ALSO PLAYED AN

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1 IMPORTANT ROLE WITH THE LEAD AGENCIES, BOTH
2 IMPERIAL COUNTY AS WELL AS THE BUREAU OF LAND
3 MANAGEMENT, TO ASSURE THAT THE ENVIRONMENTAL WORK
4 AND THE PERMITTING WORK WAS CONSISTENT THROUGHOUT.
5 AND EXPRESS MY APPRECIATION TO YOUR STAFF AND TO
6 THE LEA FOR, AGAIN, THEIR PERSEVERANCE OVER THE
7 LAST FIVE YEARS.

8 ARID OPERATIONS IS THE APPLICANT.
9 WE WILL ALSO BE THE DEVELOPER AND THE OPERATOR OF
10 THE MESQUITE REGIONAL LANDFILL. THE LANDOWNER IS
11 OUR PARENT COMPANY, GOLD FIELDS MINING. THE
12 MESQUITE LANDFILL OWNERSHIP IS SHARED EQUALLY
13 BETWEEN THREE COMPANIES: GOLD FIELDS, WESTERN
14 WASTE INDUSTRIES, AND SP ENVIRONMENTAL SYSTEMS.

15 WHILE ARID HAS NOT OPERATED A
16 LANDFILL PREVIOUSLY, WE DO HAVE EXPERIENCE THAT IS
17 RELEVANT. 20,000 TONS A DAY OF TRASH IS A LOT OF
18 MATERIAL, BUT YOU SHOULD BE AWARE THAT GOLD FIELDS
19 ROUTINELY HANDLED OVER A 100,000 TONS OF ROCK ON A
20 DAILY BASIS AT THE SITE WHILE WE WERE MINING THERE
21 IN A SAFE AND ENVIRONMENTALLY SOUND MANNER AND
22 WITH GREAT ATTENTION TO DETAIL.

23 THE AVERAGE GRADE OF THE GOLD IN THE
24 ORE, AS A MATTER OF INTEREST, WAS ON THE ORDER OF
25 25 ONE-THOUSANDTHS OF AN OUNCE PER TON OF ROCK.

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1 AND SO WHILE WE MOVE LARGE QUANTITIES OF MATERIAL,
2 WE WERE ALSO SUCCESSFUL IN MAKING SURE THAT WE GOT
3 THE GOLD OUT, WHICH WAS WHAT WE WERE GOING AFTER.

4 BACK IN THE 1970S GOLD FIELDS WAS
5 ALSO A PIONEER WITHIN THE MINING INDUSTRY IN
6 DEVELOPING LINE CONTAINMENT SYSTEMS FOR THE HEAP
7 LEACHING TECHNOLOGY THAT HAS BEEN USED AT THE
8 MINING SITE OF MESQUITE. GOLD FIELDS DEVELOPED
9 THOSE LINE CONTAINMENT SYSTEMS, SPECIAL VADOSE
10 MONITORING SYSTEMS, GROUNDWATER SYSTEMS, ALL OF
11 THOSE THINGS THAT WERE NEEDED FOR THE CONTAINMENT
12 OF CYANIDE SOLUTIONS AND LEACHING. AND THAT SAME
13 TECHNOLOGY, OF COURSE, IS WHAT'S BEEN MORE
14 RECENTLY ADOPTED BY THE FEDERAL EPA AND CALIFORNIA
15 FOR APPLICATION TO CONTAIN LEACHATE WITHIN
16 MUNICIPAL SOLID WASTE LANDFILLS. OBVIOUSLY WE CAN
17 LOOK TO WESTERN WASTE AND THEIR EXPERIENCE IN
18 OPERATING LANDFILLS AND SP ENVIRONMENTAL SYSTEMS
19 AND THEIR ENVIRONMENTAL AND ENGINEERING WORK FOR
20 THAT EXPERTISE AS IT IS NEEDED.

21 RECENT REPORTS IN SOUTHERN
22 CALIFORNIA, MOST RECENTLY FOR THE COUNTY OF ORANGE
23 LAST FALL, INDICATE THAT THERE WILL BE A NEED FOR
24 RAIL-SERVED REGIONAL LANDFILLS IN SOUTHERN
25 CALIFORNIA SOON. THE INTEGRATED WASTE MANAGEMENT

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1 ACT REQUIRES THAT EACH COUNTY HAVE A MINIMUM OF 15
2 YEARS OF LANDFILL CAPACITY. NOW, WHILE THE DEMAND
3 FOR THAT CAPACITY HAS FALLEN OFF, WE KNOW THAT IT
4 IS GOING TO INCREASE DESPITE ACHIEVING THE
5 50-PERCENT DIVERSION GOALS THAT HAVE BEEN SET.

6 REGIONALLY IN SOUTHERN CALIFORNIA,
7 IF YOU LOOK AT THE EXISTING LANDFILL CAPACITY,
8 INCLUDING ALL OF THE PROPOSED EXPANSION IN THE
9 L.A. BASIN AND THE SOUTH COAST, THAT AREA ONLY HAS
10 BARELY 15 YEARS OF CAPACITY. AND THEN ONLY IF YOU
11 ASSUME THAT ALL OF THE PROPOSED EXPANSIONS WILL,
12 IN FACT, BE APPROVED AND BUILT. AS A PRACTICAL
13 MATTER, TO PROVIDE CAPACITY FOR THOSE GENERATORS
14 THAT HAVE FAR LESS THAN 15 YEARS CAPACITY, IT WILL
15 BE NECESSARY TO APPROVE RAIL-SERVED REGIONAL
16 LANDFILLS THAT CAN HANDLE THE DISPOSAL OF THAT
17 MUNICIPAL SOLID WASTE IN SOUTHERN CALIFORNIA.

18 FURTHER, IF CALIFORNIA WANTS TO
HAVE
19 SAFE WASTE DISPOSAL IN LANDFILLS THAT MEET THE
20 HIGHEST STANDARDS IN CALIFORNIA AND THE FEDERAL
21 STANDARDS, THEN IT'S ESSENTIAL THAT NEW CAPACITY,
22 MEETING THE SAME STANDARDS THAT HAVE BEEN
REQUIRED

23 FOR THE MESQUITE LANDFILL, IS IN FACT PERMITTED.

24 AND IF CALIFORNIA WANTS TO KEEP THAT WASTE WITHIN
25 THE STATE OF CALIFORNIA AND ALONG WITH IT THE
JOBS

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1 AND THE REVENUES AND PERHAPS, MOST IMPORTANTLY,
2 CONTROL OVER THE DISPOSAL SAFETY, THEN THERE WILL
3 HAVE TO BE SUFFICIENT CAPACITY PERMITTED WITHIN
4 THE STATE.

5 THE MESQUITE LANDFILL, HOWEVER, IS
6 ALSO COMPATIBLE WITH THE OTHER WASTE MANAGEMENT
7 GOALS IN CALIFORNIA. WE HAVE WASTE REDUCTION AND
8 DIVERSION REQUIREMENTS TO REDUCE THE DEMAND FOR
9 LANDFILLING AND, OF COURSE, THE STRICT ENVIRON-
10 MENTAL CONTROLS FOR DISPOSAL OF THE OTHER HALF OF
11 THE WASTESTREAM THAT WILL FIND ITS WAY INTO
12 LANDFILLS. THOSE QUANTITIES ARE ONLY GOING TO
13 INCREASE AS THE POPULATION IN SOUTHERN CALIFORNIA
14 INCREASES.

15 THEREFORE, CALIFORNIA DOES NEED
16 ENVIRONMENTALLY SOUND LANDFILL CAPACITY THAT
17 COMPLEMENTS THE OTHER WASTE MANAGEMENT GOALS OF
18 THE STATE AND DOES NOT SERVE AS A SUBTERFUGE
19 AROUND THEM. MESQUITE WILL MEET OR EXCEED THE
20 STATE STANDARDS FOR LANDFILL CONSTRUCTION AND WILL
21 HELP CALIFORNIA ACHIEVE ITS OTHER GOALS BY ONLY
22 ACCEPTING MUNICIPAL SOLID WASTE FROM JURISDICTIONS
23 WHICH ARE IN COMPLIANCE.

24 WITH THAT, I'D LIKE TO TURN IT OVER
25 TO DR. ELLISON TO GIVE YOU A FEW SPECIFICS ABOUT

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1 THE PROJECT, AND THEN I'LL FINISH UP. RICHARD.

2 DR. ELLISON: MY NAME IS DICK ELLISON. I
3 AM THE PRESIDENT OF TRC ENVIRONMENTAL SOLUTIONS.
4 OUR ROLE IN THIS PROJECT WAS TO DO ALL OF THE SITE
5 INVESTIGATIONS, ALL OF THE TECHNICAL ANALYSES, AND
6 THE DESIGN NECESSARY FOR ALL OF THE PERMITTING
7 ACTIVITIES THAT HAVE TAKEN PLACE TO DATE.

8 I AM GOING TO HIGHLIGHT SOME OF
9 THOSE ACTIVITIES. I WILL ADMIT THAT AMALIA GAVE
10 SUCH A THOROUGH ANALYSIS, THAT SHE COVERED MANY OF
11 THE TOPICS I WAS GOING TO COVER, SO I'LL JUST
12 HIGHLIGHT THE ONES ON SOME OF THE AREAS THAT I
13 THINK ARE PARTICULARLY IMPORTANT.

14 AS BOB MENTIONED, WE HAVE BEEN
15 INVOLVED AND I PERSONALLY HAVE BEEN INVOLVED IN
16 THAT SITE SINCE 1984. WE DID ALL THE PERMITTING
17 FOR THE GOLD MINE. I WAS THE REGISTERED
18 PROFESSIONAL ENGINEER FOR THAT ACTIVITY. WE DID
19 ALL THE GROUNDWATER INVESTIGATIONS, AND WE
20 DESIGNED THE CONTAINMENT SYSTEMS. WE DESIGNED ALL
21 OF THE MONITORING SYSTEMS, AND WE PERFORMED ANNUAL
22 AUDITS ON THAT SITE FOR -- FROM 1985 TILL 1990.
23 SO WE -- I HAVE EXTENSIVE KNOWLEDGE, AND I THINK
24 THAT'S ONE OF THE MOST INVESTIGATED SITES FOR A
25 NEW LANDFILL THAT YOU WILL FIND ANYWHERE.

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1 IN 1991, WHEN THE END OF THE MINE
2 WAS STARTING TO LOOK AT THE HORIZON, WE WERE ASKED
3 TO WORK WITH GOLD FIELDS TO SEE WHAT WE MIGHT DO
4 WITH THAT SITE IN THE FUTURE. THE SITE, AS I'LL
5 EXPLAIN, HAS MANY ATTRIBUTES THAT ARE UNIQUE.
6 IT'S A VERY DRY AREA. IT'S VERY DEEP TO
7 GROUNDWATER. IT'S VERY REMOTE FROM POPULATION.
8 AND SO WHEN WE LOOKED AT ALL THESE THINGS, WE
9 DETERMINED THAT A REGIONAL LANDFILL WOULD BE A
10 VERY GOOD SECOND USE. A LOT OF OPPORTUNITY TO
11 RECYCLE, CONDITIONS AT THE SITE THAT THE RECYCLED
12 MATERIALS AT THE SITE, AND SO THAT WAS KIND OF THE
13 BEGINNING OF THE LANDFILL IN 1991. OF COURSE,
14 WE'VE BEEN CONTINUOUSLY INVOLVED SINCE 1991 ON
15 SPECIFIC INVESTIGATIONS.

16 ON THE HANDOUT I GAVE YOU, THE
17 TOPICS THAT I WILL TOUCH ON A LITTLE LESS THAN I
18 WAS GOING TO, BUT I HIGHLIGHTED IN YELLOW, THE
19 OVERALL HANDOUT COVERS ALL THE REQUIREMENTS IN THE
20 RDSI, AND WE'RE PREPARED TO ADDRESS ANY QUESTIONS
21 YOU MIGHT HAVE. THE VERY TOP, THE FIRST THING I'D
22 LIKE TO MENTION IS THE STREAMLINING THAT OCCURRED.
23 THIS WAS BEFORE AB 1220, BUT WE HAD A JOINT
24 MEETING WITH THE LEA, THE REGIONAL BOARD, AND
25 INTEGRATED BOARD STAFF, AND IT WAS DETERMINED THAT

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1 THERE WAS A LOT OF OVERLAP AND POTENTIAL
2 REDUNDANCY. AND SO THE ENTIRE GROUP DECIDED TO
3 PROCEED WITH A STREAMLINED JOINT EFFORT, AND SO IT
4 WAS AGREED THAT WE WOULD DO A COMBINED RDSI AND
5 REPORT OF WASTE DISCHARGE AS ONE SINGLE REPORT FOR
6 BOTH AGENCIES AND IT WORKED VERY WELL.

7 WE SET OUT THE EXACT TABLE OF
8 CONTENTS SO THAT ALL REQUIREMENTS WERE MET. WE
9 ALSO ESTABLISHED FOUR MEETINGS, AND THE AGENDA FOR
10 THOSE MEETINGS WERE ALL OF THE STANDARDS THAT MUST
11 BE SATISFIED BY EACH OF THE TWO AGENCIES. AND
12 THEN THOSE FOUR MEETINGS WE WENT THROUGH EVERY
13 ISSUE THAT BOTH AGENCIES HAD, AND AT THE END OF
14 THOSE FOUR MEETINGS, IT WAS AGREED BY ALL PARTIES
15 THAT ALL STANDARDS REQUIRED BY THE STATE, FEDERAL
16 REQUIREMENTS FOR LANDFILLS WERE SATISFIED. IT WAS
17 A VERY EFFICIENT PROCESS, EVEN THOUGH IT TOOK A
18 LONG TIME, BUT IT WAS VERY EFFICIENT. AND I DO
19 WANT TO SAY THAT AMALIA AND JOHN CLINKENBEARD AND
20 CHARLENE HERBST AT THE VERY BEGINNING TO SET UP
21 THE PROGRAM AND IT WORKED VERY EFFICIENTLY AND
22 WELL, AND WE'RE TOTALLY CONFIDENT THAT ALL
23 STANDARDS ARE MET.

24 AND WITH THAT, I WILL USE PICTURES
25 TO SUPPLEMENT SOME OF THE DISCUSSION THAT AMALIA

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1 HAS ALREADY INTRODUCED. THIS FIRST FIGURE IS A --
2 SHOWS THE LOCATION OF THE SITE AND THE RAIL. THE
3 SITE IS OVER HERE. IT'S IN EASTERN IMPERIAL
4 COUNTY. NOTABLE ASPECTS OF THE SITE ARE THAT, IF
5 I CAN MAYBE ZOOM ON THIS A LITTLE BIT, THE SITE IS
6 ON THE EASTERN SIDE OF THE SAND HILLS. THE
7 POPULATED PORTION OF IMPERIAL COUNTY IS ON THE
8 WESTERN SIDE OF THE SAND HILLS, SO THE SITE IS
9 VERY REMOTE FROM ANY OF THE POPULATED AREAS.

10 THE BLUE LINE THAT YOU SEE COMING
11 DOWN FROM THE L.A. AREA IS THE MAIN SP LINE FROM
12 SOUTHERN CALIFORNIA TO THE MIDWEST. AND SO THAT
13 LINE WILL BE UTILIZED. THE ONLY ADDITION WILL BE
14 A SHORT 5-MILE SPUR BETWEEN THE SP LINE AND THE
15 SITE.

16 THIS FIGURE HERE SHOWS THE
17 RELATIONSHIP OF THE LANDFILL TO THE MINE. THE
18 AREAS HERE, WHICH ARE SHOWN IN KIND OF A GRAYISH
19 COLOR, ARE THE MINE PITS. THE LANDFILL WILL NOT
20 BE AT THE MINE PITS. INSTEAD, THE LANDFILL, WHICH
21 IS THIS GREEN AREA, WILL BE LOCATED ON THE DESERT
22 FLOOR. THE REASON TO DO THAT WAS THAT THE -- IF
23 YOU PUT IT IN THE MINE PITS, YOU WOULD BE AT THE
24 GROUNDWATER TABLE, AND WE WANTED TO PROTECT THE
25 VERY DEEP SEPARATION BETWEEN THE LANDFILL AND THE

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1 GROUNDWATER.

2 THE BROWN ZONES YOU SEE HERE ARE THE
3 LEACHED ORE, AND SO THE RECYCLED PART OF THE SITE
4 IS THAT PROGRAM -- IS THAT THE ORANGE COLOR, WHICH
5 IS THE UNMINERALIZED OVERBURDEN SOIL AND ROCK AND
6 THE LEACHED ORE AFTER IT'S BEEN RINSED, WILL BE
7 USED FOR DAILY COVER AND FINAL COVER. SO THAT
8 WHEN THE LANDFILL IS ESSENTIALLY COMPLETE, MUCH OF
9 THE WASTE MATERIAL THAT IS THERE FROM THE MINE
10 WILL HAVE BEEN USED IN THE LANDFILL. SO IT'S A
11 VERY GOOD USE OF A -- THE SAME SITE, AND THE
12 DISTURBANCE WILL NOT DUPLICATE DISTURBANCE TO THE
13 DESERT.

14 I CAN ALSO ZOOM A LITTLE BIT HERE.
15 ALL THE BLUE DOTS THAT YOU SEE THERE ARE EITHER
16 EXISTING GROUNDWATER WELLS OR VADOSE ZONE
17 MONITORING WELLS THAT HAVE BEEN OPERATING SINCE
18 THE MID-1980S. AND THE IMPORTANT PART OF THAT IS
19 THAT WE HAVE A TREMENDOUS AMOUNT OF CONFIDENCE AND
20 THE AGENCIES ALL CONCURRED THAT THIS SITE IS VERY
21 WELL UNDERSTOOD. THE GROUNDWATER PROTECTION
22 SYSTEMS AT THE MINE HAVE WORKED VERY WELL. THE
23 MONITORING SYSTEMS HAVE DEMONSTRATED NO PROBLEMS.

24 SOME SITE CHARACTERISTICS. THE
25 RAINFALL IN THAT AREA IS 4 INCHES A YEAR AVERAGE;

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1 THE EVAPORATION IS A HUNDRED INCHES. SO IT'S A
2 NET LOSS OF WATER. THERE IS NO REAL INFILTRATION
3 OF WATER IN THE AREA. THE SUBSURFACE IS A VERY
4 TIGHT CONGLOMERATE AND BASEMENT ROCK, SO THE ROCK
5 IS VERY LOW PERMEABILITY. THERE'S VERY LITTLE
6 WATER. THE DEPTH TO WATER IS 140 TO 300 FEET, AND
7 SO THE POTENTIAL FOR ANY MIGRATION OF WATER TO THE
8 GROUNDWATER IS -- ANY LEACHATE TO THE GROUNDWATER
9 IS VERY LOW. IN FACT, THERE PROBABLY WILL BE NO
10 LEACHATE AT ALL IN SPITE OF THAT. AND I'LL SHOW
11 YOU THERE IS A LOT OF PROTECTIVE SYSTEMS, EVEN
12 MORE THAN IS REQUIRED AS MINIMUM STANDARDS, AND A
13 VERY EXTENSIVE MONITORING PROGRAM TO ASSURE THAT
14 THE SYSTEM IS WORKING AS PLANNED.

15 THIS IS AN ILLUSTRATION OF THE
16 INTERMODAL THAT WILL BE USED AT THE LANDFILL.
17 AMALIA COVERED THIS PRETTY THOROUGHLY IN HER
18 DESCRIPTION, BUT MAYBE I'LL JUST HIGHLIGHT A
19 COUPLE POINTS. AND THAT IS, EXCEPT FOR THE
20 POTENTIAL FOR A SMALL AMOUNT OF MSW RESIDUE TO
21 COME FROM IMPERIAL COUNTY, EVERYTHING WILL COME BY
22 RAIL. ALL OF IT WILL BE IN CONTAINERS, COMPLETELY
23 CONTAINED. ALL THE WASTE WILL, AS AMALIA SAID AND
24 I BELIEVE JERRY QUICK ALSO SAID, THE WASTE WILL
25 ALL GO THROUGH A TRANSFER STATION OR MRF. AND SO

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1 THERE WILL BE NUMEROUS INSPECTIONS BEFORE THE
2 WASTE GETS TO THE SITE.

3 AT THE SITE THE CONTAINERS WILL BE
4 TRANSFERRED FROM THE TRAIN BY CRANES. THAT'S THE
5 RED CRANES OR FORKLIFTS. AND WHAT'S ILLUSTRATED
6 HERE IS THAT THIS IS INCOMING WASTE AND THE
7 CONTAINERS ARE TAKEN DIRECTLY OFF THE TRAIN ONTO
8 THE BOGIES AND THEN TAKEN TO THE FACE WHERE
9 THEY'RE DISPOSED WITH A TIPPER. AND THIS IS
10 SHOWING THE EMPTY CONTAINERS BEING BROUGHT BACK
11 AND PUT BACK ON THE TRAIN FOR THE TRIP BACK TO
12 THE
13 L.A. BASIN.

14 THE CONTAINERS WILL BE WASHED
15 PERIODICALLY. THERE'S A FACILITY ON SITE SO
16 THE
17 CONTAINERS WILL NOT HAVE ANY BUILDUP OF WASTE
18 MATERIAL ON THEM.

19 THIS FIGURE, AND I DO NOT BELIEVE
20 THAT AMALIA ADDRESSED THIS, AND I THINK IT'S
21 IMPORTANT, IS THE LANDFILL IS SUBDIVIDED INTO
55
22 INDIVIDUAL SEGMENTS. THOSE SEGMENTS ARE
23 SEPARATED
24 BY LINED BERMS, AND THE REASON FOR THAT

SEPARATION

22 IS THAT -- THIS MAY BE A LITTLE BIT MORE OF A

23 WATER BOARD ISSUE, BUT NONETHELESS IT'S

IMPORTANT

24 FROM AN ENVIRONMENTAL PROTECTION STANDPOINT,

THAT

25 IT'S DESIRABLE TO KNOW IF THERE IS ANY LEACHATE

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1 DEVELOPED, WHERE THAT LEACHATE OCCURS. SO EACH
2 ONE OF THESE INDIVIDUAL SQUARES IS 1500 FEET BY
3 1500 FEET AND HAS A TOTALLY INDEPENDENT AND
4 SEPARATE LEACHATE COLLECTION SYSTEM AND MONITORING
5 SYSTEM FROM EACH OTHER SEGMENT IN THE LANDFILL.

6 THIS FIGURE -- AND I WON'T GO
7 THROUGH IN DETAIL, BUT YOU HAVE IT IN YOUR
8 PACKET -- WHAT THIS SHOWS IS THE SKETCH AT THE
9 BOTTOM IS THE -- INDICATES THE LINER SYSTEM AND
10 THE LEACHATE COLLECTION SYSTEM AND THE MONITORING
11 SYSTEMS THAT AMALIA INTRODUCED.

12 THE PICTURE IN THE TOP SHOWS THE
13 LINER SYSTEMS. IF I COULD ZOOM IN FOR A MOMENT ON
14 THE TOP PART, THE LANDFILL IS BASICALLY A SHALLOW
15 SLOPE LANDFILL ON BOTH SIDES, AND THEN THE TOP IS
16 AN UNDULATED SURFACE. THAT WAS DONE PRIMARILY FOR
17 AESTHETIC AND DRAINAGE CONTROL PURPOSES.

18 THE -- AMALIA EXPLAINED THE COVER
19 SYSTEM. IF YOU DO INFILTRATION ANALYSES FOR THIS
20 AREA, YOU FIND THERE IS NONE, THAT YOU GET NO NET
21 INFILTRATION. NONETHELESS, ON THE TOP PORTION OF
22 THE LANDFILL, THERE'S AN FML OVER COMPACTED
23 SUB-BASE WITH A TWO-FOOT SOIL COVER. AND ON THE
24 SIDE SLOPES OF THE LANDFILL, THERE'S -- AS THE
25 LANDFILL IS BEING BUILT, THERE'S STABILITY BERMS.

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1 THE AGREEMENT MADE THROUGH THE
2 TECHNICAL EXCHANGE MEETINGS WAS THAT THE MATERIAL
3 USED FOR THESE BERMS WILL BE 10 TO THE MINUS 5
4 CENTIMETER PER SECOND MATERIAL. THE MINIMUM
5 THICKNESS WOULD BE 7 FEET, GIVING ADDED
6 CONSERVATIVE RELATIVE TO THE POTENTIAL FOR ANY
7 INFILTRATION EVER OCCURRING IN THE LANDFILL.

8 TWO MORE QUICK ONES I HAVE. THIS
9 FIGURE ILLUSTRATES KEY ASPECTS OF THE MONITORING
10 SYSTEM. IT'S A FAR MORE MONITORED LANDFILL THAN
11 ANY THAT I KNOW OF THAT EXIST IN CALIFORNIA OR
12 ANYWHERE ELSE FOR THAT MATTER. THIS IS A 1500
13 FOOT BY 1500 FOOT SEGMENT. AGAIN, THERE'S 55 OF
14 THOSE. UNDER EACH SEGMENT THERE ARE 25 VADOSE
15 WELLS THAT ARE LOCATED AT A DEPTH OF 50 FEET WITH
16 A PERFORATED ZONE OF 5 FEET. AND EVERY --
17 PERIODICALLY, STARTING QUARTERLY, THERE WILL BE A
18 VACUUM PULLED ON EACH ONE OF THOSE VADOSE WELLS TO
19 ASSURE THAT THERE'S NO METHANE OR VOC'S MIGRATING
20 INTO THE SUBSURFACE.

21 BECAUSE THE SITE IS SO DRY, THE
22 CHANCE OF LEACHATE IS EXTREMELY SMALL. SO MUCH
23 FOCUS WAS MADE ON MAKING SURE THAT GAS WOULD NOT
24 HAVE ANY EFFECT ON THE ENVIRONMENT. SO THOSE
25 VADOSE WELLS ARE A PROTECTOR. WHEN YOU THINK OF

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1 25 TIMES 55, THERE'S VADOSE WELLS UNDER A VERY
2 LARGE -- UNDER THE ENTIRE LANDFILL.

3 THE DARKER COLORED ZONE, THIS
4 TRIANGLE IN THE CORNER AND ALONG EACH OF THESE
5 AREAS, THE LANDFILL IS SLOPING FROM NORTHEAST TO
6 SOUTHWEST. AND SO THE PLACES WHERE LEACHATE, IF
7 THERE WERE LEACHATE, WOULD COLLECT WOULD BE ALONG
8 THIS PART OF THE BERM, THAT PART OF THE BERM, AND
9 IN THE CORNER. SO THERE WE HAVE NOT ONLY THE
10 STANDARD LINER SYSTEM, BUT WE HAVE A SECOND LINER
11 UNDERNEATH IT WITH A GEONET COLLECTION ZONE. AND
12 THE PURPOSE FOR THAT IS TO VERIFY THAT THERE IS NO
13 LEACHATE MIGRATING THROUGH THE LINER SYSTEM.

14 THERE ALSO, AS POINT OF INTEREST,
15 ARE PRESSURE MEASURING DEVICES IN THE BOTTOM OF
16 THE LANDFILL. I THINK THIS DOESN'T OCCUR IN OTHER
17 LANDFILLS, BUT WE HAVE DONE THAT TO ASSURE THAT WE
18 ARE CREATING A VACUUM SO THERE'S NO POSITIVE
19 PRESSURE ON THE LINER SYSTEM.

20 THEN FINALLY, THIS IS A CROSS
21 SECTION THROUGH THE LANDFILL SHOWING THE GAS
22 CONTROL SYSTEM. THE GAS CONTROL SYSTEM WILL BE
23 HORIZONTAL WELLS. THE TYPICAL SPACING OF THE
24 HORIZONTAL WELLS WILL BE 250 FEET HORIZONTALLY
AND

25 50 FEET VERTICALLY THROUGHOUT THE LANDFILL. EACH

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1 ONE OF THESE LITTLE DOTS IS A COLLECTOR SYSTEM.
2 TO MAKE SURE THAT THERE'S NO PRESSURE ON THE
3 BOTTOM, THE VERY BOTTOM ROW OF COLLECTORS WILL BE
4 125 FEET SPACING AND THERE WILL BE ONLY 20 FEET
5 ABOVE THE LINER SYSTEM. AND AGAIN, THERE ARE
6 PRESSURE SENSORS IN THE BOTTOM OF THE LINER TO
7 ASSURE THAT A VACUUM IS MAINTAINED.

8 SO WITH THAT, I HOPE I WASN'T TOO
9 REDUNDANT, BUT I'LL BE GLAD TO ANSWER ANY
10 QUESTIONS YOU MIGHT HAVE.

11 CHAIRMAN FRAZEE: QUESTIONS?

12 MR. FILLER: IF I MAY JUST MAKE A FEW
13 CLOSING REMARKS HERE. JUST TO REMIND YOU THAT
14 THERE ARE OTHER AUTHORITIES FROM THEIR OWN
15 PERSPECTIVE THAT HAVE LOOKED AT THIS PROJECT.
16 REITERATING THAT THE IMPERIAL COUNTY BOARD OF
17 SUPERVISORS UNANIMOUSLY CERTIFIED THE
18 ENVIRONMENTAL IMPACT REPORT AND UNANIMOUSLY
19 APPROVED THE CONDITIONAL USE PERMIT FOR THE
20 MESQUITE LANDFILL.

21 WHEN THE CEQA COURT ORDERED SOME
22 CLARIFICATIONS TO THE EIR AND CHANGES TO THE CUP,
23 UNANIMOUS APPROVAL AGAIN WAS RENDERED QUICKLY IN
24 ORDER TO HAVE THIS PROJECT MOVE FORWARD.
25 YOUR OWN RULES IN IMPERIAL COUNTY,

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1 WHERE THEY DID NOT HAVE AN UP-TO-DATE SOLID WASTE
2 PLAN, MANDATED THAT A MAJORITY OF THE CITIES
3 REPRESENTING A MAJORITY OF THE POPULATION WOULD
4 ALSO HAVE TO APPROVE THE PROJECT. PLEASED TO SAY
5 THAT ALL OF THE SEVEN CITIES AND THE COUNTY,
6 REPRESENTING A HUNDRED PERCENT OF THE POPULATION,
7 APPROVED THE PROJECT.

8 THE WASTE DISCHARGE ORDER, AGAIN,
9 WAS UNANIMOUSLY APPROVED BY THE REGION 7 OF THE
10 WATER QUALITY CONTROL BOARD. THAT DECISION WAS
11 UPHELD, AS AMALIA SAID, BY THE STATE WHEN THEY
12 DENIED AN APPEAL OF THAT PERMIT.

13 THE LAND EXCHANGE, THE RIGHT-OF-WAY
14 FOR THE RAIL SPUR ACROSS THE PUBLIC LANDS WAS
15 APPROVED BY THE BUREAU OF LAND MANAGEMENT, AND
16 THAT DECISION WAS UPHELD THROUGH A SUCCESSION OF
17 APPEALS, WHICH WERE DENIED BY FIRST THE STATE
18 DIRECTOR OF THE BLM IN SACRAMENTO, INTERIOR BOARD
19 OF LAND APPEALS IN WASHINGTON, D.C., AND THE U.S.
20 DISTRICT COURT HERE IN CALIFORNIA.

21 SO FOR PURPOSE OF YOUR
22 DELIBERATIONS, I'D SUGGEST THAT THE MESQUITE
23 ENVIRONMENTAL REVIEW HAS BEEN COMPLETED, THE
LAND
24 AND THE LAND USE HAS BEEN GRANTED, WATER

QUALITY

25 ASSURANCES ARE IN PLACE, AND ARID IS HERE TODAY
TO

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1 RESPECTFULLY REQUEST YOUR CONCURRENCE WITH THE
2 SOLID WASTE FACILITIES PERMIT. APPRECIATE YOUR
3 ATTENTION AND PREPARED TO ANSWER ANY QUESTIONS YOU
4 MAY HAVE. THANK YOU.

5 CHAIRMAN FRAZEE: DO WE HAVE QUESTIONS?

6 MEMBER RELIS: YES. I DON'T KNOW. I'LL
7 BE HAPPY TO START IF YOU WISH. I DON'T KNOW ABOUT
8 YOU, MR. CHAIR, OR STEVE. BUT THERE'S A LIST OF
9 THINGS THAT I WOULD LIKE TO COVER WITH YOU.

10 BUT FIRST LET ME JUST NOTE THAT, AT
11 LEAST IN A THEORETICAL SENSE, IF IT'S CONCURRED
12 WITH AND THE FACILITY WERE TO REACH ITS DESIRED, I
13 SUPPOSE, CAPACITY, THIS COULD BE THE LARGEST
14 LANDFILL IN THE WORLD BY MY RECKONING. I DON'T
15 KNOW IF THERE'S ANYTHING LARGER CONTEMPLATED, BUT
16 I'M NOT AWARE OF ANYTHING OF THAT ORDER.

17 I'VE LOOKED AT THE RECORD QUITE
18 EXTENSIVELY, AND I HAD A FEW CLARIFYING QUESTIONS
19 INITIALLY THAT I'D LIKE TO GO THROUGH. AND I'D
20 LIKE TO START WITH ONE -- A PARAGRAPH OR SEVERAL
21 REFERENCES THAT WERE MADE BY OUR STAFF AND IN THE
22 CONDITIONAL USE PERMIT THAT YOU RECEIVED FROM
23 COACHELLA COUNTY -- OR IMPERIAL COUNTY. SORRY.

24 THE REFERENCE, I'D JUST LIKE TO GET
25 YOUR UNDERSTANDING OF THIS STATEMENT IN 1.11 UNDER

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1 GENERAL CONDITIONS OF THE LOCAL PERMIT. BECAUSE
2 IT'S MY UNDERSTANDING THAT WOULD BE SUBSUMED UNDER
3 OUR PERMIT, CORRECT? THE LOCAL CONDITIONAL USE
4 PERMIT IS -- HOW DO WE DEAL WITH THE LOCAL? THE
5 CONDITIONAL USE PERMIT IS THE OPERATING STANDARD
6 FOR BOTH THE LAND USE ISSUES AND THE CONDITIONS
7 IMPOSED ON THE FACILITY BY THE LOCALS. WE HAVE
8 OUR STATE MINIMUM STANDARDS, BUT I'M JUST GOING
9 INTO THIS BY REFERENCE.

10 YOU STATE THAT OR IT'S STATED IN
11 THAT PERMIT THAT FUTURE TRANSFER STATIONS,
12 MATERIAL RECOVERY FACILITIES, MRF'S, WHERE IT
13 SHALL BE SORTED, THIS IS REFERENCED HOW THE WASTE
14 WOULD MOVE FROM THE VARIOUS LOCALES IN SOUTHERN
15 CALIFORNIA. IT SHALL BE SORTED AND PROCESSED TO
16 REMOVE RECYCLABLES, HAZARDOUS MATERIALS, AND OTHER
17 UNACCEPTABLE WASTE ACCORDING TO THE REQUIREMENTS
18 ESTABLISHED BY THE CIWMB. COULD YOU JUST, FOR
19 WHAT YOUR UNDERSTANDING OF THAT CONDITION IS.

20 MR. FILLER: COULD I GET THE CITATION,
21 WHICH CONDITION?

22 MEMBER RELIS: YES. IT'S PAGE 5 OF 61
23 UNDER -- IN THE CONDITIONAL USE PERMIT FOR THE
24 MESQUITE REGIONAL LANDFILL. I RECEIVED A COPY
OF

25 THIS. IT'S DATED 10-24-95.

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1 MR. FILLER: JUST WHAT'S THE CONDITION
2 NUMBER?

3 MEMBER RELIS: 1.11. IT'S THE SECOND
4 PARAGRAPH DOWN UNDER ONE, GENERAL CONDITIONS.

5 MR. FILLER: ALL OF THE MATERIAL THAT WE
6 EXPECT TO RECEIVE, THE MUNICIPAL WASTE AT THE
7 LANDFILL, WILL COME EITHER THROUGH A TRANSFER
8 STATION OR A MRF FACILITY. AND AS RECYCLABLES
9 HAVE BEEN REMOVED OR PERHAPS BEEN REMOVED UPSTREAM
10 AT THE CURBSIDE, SCREENING FOR HAZARDOUS WASTE HAS
11 TAKEN PLACE, INAPPROPRIATE MATERIAL, SUCH AS
12 TIRES, HAVE BEEN REMOVED AND SO FORTH, IT'S ONLY
13 THE RESIDUE THAT'S LEFT THAT WILL GET COMPACTED,
14 PLACED IN THE CONTAINERS, AND SENT TO THE LANDFILL
15 ITSELF.

16 MEMBER RELIS: SO WOULD REQUIREMENTS
17 ESTABLISHED BY THE CIWMB, I ASSUME, SINCE YOU'RE
18 REFERRING TO AB 939, IS THAT --

19 MR. FILLER: CERTAINLY. WHATEVER
20 CONSTRAINTS HAVE BEEN PUT ON THAT WASTESTREAM THAT
21 SHOULD NOT GO INTO A LANDFILL, THOSE TRANSFER
22 STATIONS WILL HAVE TO DEAL WITH.

23 MEMBER RELIS: AND --

24 MR. FILLER: WE WILL ALSO, OF COURSE,
25 HAVE THE LOADCHECKING AT THE SITE ITSELF, AT THE

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1 LANDFILL ITSELF, FOR SCREENING OUT ANY MATERIALS
2 THAT DO GET THROUGH.

3 MEMBER RELIS: AMALIA, I THINK IN YOUR
4 REPORT YOU REFERRED TO THIS IN ANOTHER WAY AS A
5 GOOD FAITH, THAT THEY WOULD COMPLY WITH THE GOOD
6 FAITH. I'M JUST TRYING TO BE CLEAR ON WHAT THIS
7 LANGUAGE MEANS. COULD YOU GIVE ME THE REFERENCE
8 THAT YOU MADE IN YOUR STAFF REPORT?

9 MS. FERNANDEZ: I GOT THAT FROM THE RDSI.

10 MEMBER RELIS: THAT'S IN THE RDSI. WHAT
11 DOES IT STATE SPECIFICALLY, IF YOU COULD? I CAN
12 COME BACK TO THAT IF YOU NEED A FEW MINUTES TO
13 LOOK IT UP.

14 MR. FILLER: I HAVE THAT REFERENCE IF
15 YOU'D LIKE FOR ME TO READ IT. SAYS IN THE RDSI
16 THE OWNER/OPERATOR OF ANY TRANSFER STATION, MRF'S,
17 OR OTHER SOLID WASTE OPERATION WISHING TO SEND MSW
18 RESIDUE TO THE MESQUITE REGIONAL LANDFILL WILL BE
19 REQUIRED TO ENTER INTO A CONTRACTUAL AGREEMENT
20 STIPULATING, AMONGST OTHER THINGS, THAT THE
21 JURISDICTION GENERATING THE MSW SHALL HAVE AN
22 ADOPTED AND UP-TO-DATE SRRE THAT HAS BEEN APPROVED
23 BY THE INTEGRATED BOARD AND THAT THE JURISDICTION
24 IS MAKING GOOD FAITH EFFORTS, AGAIN AS DETERMINED
25 BY THE INTEGRATED BOARD, TO COMPLY WITH THIS PLAN.

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1 MSW RESIDUE WILL NOT BE ACCEPTED FROM TRANSFER
2 STATIONS OR MRF'S OR OTHER SOLID WASTE OPERATIONS
3 THAT SERVE JURISDICTIONS THAT CANNOT MEET THIS
4 STIPULATION.

5 MEMBER RELIS: I THINK THAT'S A
6 NOTEWORTHY, I GUESS YOU WOULD CALL IT, CONDITION
7 THAT THE LOCALS AND YOU AGREED TO.

8 MR. FILLER: THAT'S PRECISELY WHAT I WAS
9 REFERRING TO WHEN I SAID THAT THIS PROJECT IS
10 GOING TO HELP THE STATE WITH COMPLIANCE WITH THESE
11 RULES BECAUSE WE WON'T BE A SUBTERFUGE. ANY WASTE
12 THAT COMES TO THE SITE WILL, IN FACT, HAVE TO HAVE
13 BEEN THROUGH THAT PROCESS.

14 MEMBER RELIS: AND RELATED TO THAT YOU
15 DISCUSS THAT IN YOUR PERMIT APPLICATION THERE IS
16 LAND DESIGNATED FOR STORAGE OF RECYCLABLES, AND
17 THAT WAS REFERENCED IN THE -- BY THE LEA. AND LET
18 ME JUST PURSUE THAT FOR A MINUTE.

19 NOW, NORMALLY, OF COURSE, RECYCLERS
20 DON'T LIKE TO HAVE TO -- NOBODY LIKES TO HAVE TO
21 STORE MATERIALS BECAUSE IT'S TYPICALLY EXPENSIVE
22 TO HANDLE AND THEN, LET ALONE, SHIP BACK. WHAT
23 WAS THE -- I'M JUST CURIOUS. WHAT'S THE ORIGIN OF
24 THAT CONCEPT? AND WHAT WOULD HAPPEN, IN YOUR
25 VIEW, AND HOW WOULD WE ACCOUNT? LET'S SUPPOSE

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1 MATERIALS WERE BROUGHT IN LARGE NUMBERS AND THEY
2 WERE STOCKPILED, AWAITING A MORE FAVORABLE MARKET.
3 BUT THEN IT WAS DETERMINED THAT, YOU KNOW, THAT
4 MARKET, FOR ONE REASON OR ANOTHER, OR IT WAS JUST
5 DECIDED TO DISPOSE. NOW, WHERE WOULD THE
6 ACCOUNTING TRAIL EXIST? BECAUSE SOMEONE IS GOING
7 TO GET A DIVERSION CREDIT UP FRONT, AND THEN IT'S
8 STOCKPILED. BUT THEN WHERE IS THE PAPER TRAIL
9 THAT WOULD SAY IF THAT WERE BURIED, HOW WOULD THAT
10 BE -- WORK BACK INTO THE COMPLIANCE OF THOSE LOCAL
11 JURISDICTIONS? THAT'S A -- THAT'S A QUESTION. I
12 DON'T KNOW WHERE -- WHAT'S YOUR TAKE ON THAT?

13 MR. FILLER: I THINK THERE WERE SEVERAL
14 QUESTIONS THERE, AND LET ME TAKE AT LEAST TWO OF
15 THEM.

16 MEMBER RELIS: THERE WERE PROBABLY AT
17 LEAST TWO.

18 MR. FILLER: THE FIRST ONE, WHERE DID
19 THAT NOTION COME FROM? AND I THINK ANY OF YOU
20 THAT HAVE BEEN IN THIS BUSINESS AND WHERE PEOPLE
21 HAVE BEEN TAKING RECYCLABLES OUT HAVE NOTED AT
22 TIMES THERE BECOMES A STOCKPILE OF MATERIALS
23 THERE. AND YOU'RE ABSOLUTELY CORRECT. THERE IS A
24 COST TO STORAGE.

25 BUT FRANKLY, THE REASON WE PUT THAT

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1 IN, AND IT'S BEEN A POINT OF INTEREST TO VIRTUALLY
2 EVERYONE THAT HAS LOOKED AT THIS PROJECT, REALLY
3 GOES BACK TO A LARGE EXTENT TO MY OWN EXPERIENCE
4 IN LARGE VOLUME MATERIAL HANDLING. AND THAT IS,
5 WHEN YOU GET LARGE QUANTITIES OF MATERIAL IN A
6 WASTESTREAM, THERE'S GOING TO BE A NEED FOR
7 TEMPORARY STORAGE -- IT'S CALLED STOCKPILES,
8 WAREHOUSING, WHAT HAVE YOU -- AT ONE OR MORE
9 POINTS ALONG THE, IN THIS CASE, THE WASTESTREAM
10 TRAIL.

11 AND SO THE NOTION THERE WAS JUST
12 SIMPLY THAT BECAUSE THAT HAPPENS AND BECAUSE WE
13 UNDERSTAND RECYCLING MARKETS, SOMETIMES THEY'RE UP
14 AND SOMETIMES THEY'RE DOWN, THAT THERE COULD WELL
15 BE A NEED FOR THAT, AND THAT NEED MAY BE VERY,
16 VERY LARGE IN TERMS OF QUANTITY, WHICH LED TO THE
17 600,000-TON NUMBER THAT WAS IN THERE. SO THAT WAS
18 THE CONCEPT, JUST A SIMPLE ONE, THAT IF YOU'RE
19 GOING TO HAVE LARGE QUANTITIES OF MATERIAL MOVING,
20 YOU BETTER HAVE SOMEPLACE IN THE SYSTEM TO SET IT
21 OUT. WE SAW THAT AS A POTENTIAL SERVICE TO A
22 GENERATOR THAT MAY NOT BE IN COMPLIANCE AT THE
23 PRESENT TIME AND, THEREFORE, COULD NOT PUT THAT
24 WASTE INTO A LANDFILL, BUT IF HE COULD STORE IT
25 FOR A PERIOD OF TIME, AS MR. QUICK HAD MENTIONED,

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1 PERHAPS THE MARKET WOULD COME BACK OR SOMETHING
2 ELSE TO ALLOW THE COMPLIANCE.

3 MEMBER RELIS: THEN IT TRIGGERS JUST ONE
4 FURTHER THOUGHT BEFORE I LOSE IT, AND THIS IS NOT
5 SOMETHING I THINK YOU NEED TO ANSWER, BUT IT MAY
6 BE SOMETHING WE DO. WHEN WE REFER TO A MATERIAL
7 BEING RECYCLED OR DIVERTED, WHEN WE USE THE TERM
8 "RECYCLED," WE APPLY IT TO SOMETHING THAT'S BEEN,
9 QUOTE, UNQUOTE, RETURNED TO THE ECONOMIC MAIN-
10 STREAM AS A STOCKPILED MATERIAL UNTIL THAT IS
11 RETURNED. THAT, I ASSUME, WOULD NOT NECESSARILY
12 COUNT AS DIVERSION.

13 MS. RICE: IN TERMS OF AB 939
COMPLIANCE,

14 AND MR. CHESBRO CAN HELP ME OUT IF HE WISHES,
15 REALLY NOWADAYS WITH THE CHANGES IN THE LAW,
WE'RE

16 REFERRING TO DISPOSAL REDUCTION RATHER THAN
17 DIVERSION CREDIT. SO IT'S NOT AS THOUGH SOMEONE
18 OBTAINED DIVERSION CREDIT FOR THAT STOCKPILED
19 MATERIAL; BUT SINCE IT DID NOT GO TO LANDFILL, IN
20 OTHER WORDS, IT WASN'T COUNTED AS TONNAGE FROM A
21 GIVEN JURISDICTION GOING INTO A LANDFILL,
22 PRESUMABLY SOME JURISDICTION OR JURISDICTIONS
WILL

23 GET DISPOSAL REDUCTION CREDIT, IF YOU WILL, FOR
24 THAT NOT HAVING GONE TO LANDFILL.
25 IF IT'S STOCKPILED AND THEN

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1 SUBSEQUENTLY NEEDS TO BE LANDFILLED BECAUSE THE
2 MARKETS DON'T COME, IF THEY'RE NOT THERE, AT THAT
3 POINT I WOULD ASSUME THERE WOULD NEED TO HAVE
BEEN

4 SOME MECHANISM FOR KNOWING WHERE THAT WASTE CAME
5 FROM. NOT WASTE. I GUESS AT THIS POINT IT'S
6 STILL STOCKPILED MATERIAL WAITING FOR MARKET.
7 YOU'D NEED TO KNOW THE JURISDICTION OF ORIGIN IN
8 ORDER TO KNOW, WHEN IT IS LANDFILLED, WHOSE
9 NUMBERS THAT COUNTS AGAINST AS DISPOSAL.

10 MEMBER RELIS: THAT'S WHY I SAID WHERE
11 MIGHT THE PAPER TRAIL LIE TO ESTABLISH THAT.

12 MS. RICE: THAT, PERHAPS, THE APPLICANT
13 COULD ANSWER WHAT THAT -- HOW THAT WORKS.

14 MR. FILLER: WHAT I ANTICIPATE THERE IS,
15 FRANKLY, I DON'T WANT TO GET LEFT HOLDING THE
16 RECYCLABLES. AND SO BEFORE --

17 MEMBER RELIS: I DIDN'T THINK THAT WAS
18 YOUR PRIMARY BUSINESS.

19 MR. FILLER: LISTENING TO THE
20 CONVERSATION THIS MORNING, I'M ABSOLUTELY SURE OF
21 THAT. NEVERTHELESS, WHAT I ANTICIPATE WOULD
22 HAPPEN THERE IS IF THERE WAS A JURISDICTION, AS A
23 SERVICE TO THAT CUSTOMER, THAT HAD A NEED FOR
THAT

24 STORAGE, IF THAT JURISDICTION COULD RATIONALIZE,

25
TO

AS MR. QUICK SAID, THE COST OF SHIPPING IT DOWN

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1 THE SITE AND STORING IT, THAT WE WOULD HAVE A
2 CONTRACT WITH THAT JURISDICTION, SUBJECT TO THE
3 APPROVAL OF THE LEA, THAT BASICALLY LEFT THE
4 OWNERSHIP WITH THEM, THE TERMS OF THE STORAGE FOR
5 THE TWO YEARS AND THE QUANTITIES INVOLVED, AT THE
6 END OF WHICH THAT MATERIAL WOULD HAVE TO GO
7 SOMEWHERE. AND IF THE JURISDICTION WAS IN
8 COMPLIANCE AND IF THIS MATERIAL WERE TO BE
9 LANDFILLED, THEY STILL WERE IN COMPLIANCE, PERHAPS
10 THAT'S A DISPOSITION OF THE MATERIAL? IF THEY
11 STILL WEREN'T IN COMPLIANCE AND COULDN'T BE
12 LANDFILLED, THEN THEY WOULD GET IT BACK, AND IT
13 WOULD BE THEIRS TO DO WITH AS THEY HAD TO. BUT IT
14 WAS JUST STRICTLY A SERVICE ORIENTATION THING,
15 FRANKLY.

16 MEMBER RELIS: SO YOU MIGHT JUST SHIP IT
17 BACK TO THEM AT SOME POINT.

18 MR. FILLER: WE WOULD SHIP IT BACK PER
19 THE CONTRACT THAT WE WOULD HAVE WITH THEM. THEY
20 WOULD SHIP IT BACK TO THEMSELVES ACTUALLY.

21 MEMBER RELIS: WELL, MOVING ON, I
22 LOOKED -- THE EIR, THE QUESTION OF -- THERE WAS IN
23 THE COURT RULING OR THE JUDGE'S DETERMINATION,
24 THERE WAS A QUESTION THAT PERHAPS IN THE EIR THERE
25 WAS THE INFERENCE THAT YOU COULD ACCEPT WASTE FROM

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1 ALL OVER. BUT THE JUDGE CLARIFIED IT AND SAID
2 WHAT WAS BEING APPROVED, AND I WANT TO SEE IF THIS
3 IS CLEAR, MY UNDERSTANDING, IS THAT IT'S THE SP
4 MAIN LINE THAT WAS SUBJECT. THAT WAS THE EIR. IF
5 MATERIAL WERE TO COME IN, AND I BELIEVE NO
6 MATERIAL WOULD COME IN OTHER THAN ON RAIL EXCEPT
7 FROM THE LOCAL AREA.

8 MR. FILLER: THAT'S CORRECT.

9 MEMBER RELIS: THAT A SUBSEQUENT EIR
10 WOULD HAVE TO BE PREPARED. SO IF ANOTHER GROUP OF
11 JURISDICTIONS USING ANOTHER RAIL MEANS WERE TO
12 ACCESS MESQUITE, A SUBSEQUENT EIR WOULD HAVE TO BE
13 PREPARED, AND THAT WOULD BE LOOKED AT SEPARATELY;
14 IS THAT A CORRECT UNDERSTANDING?

15 MR. FILLER: THAT'S CORRECT. AND IT
16 REALLY WASN'T AN INFERENCE THAT THE COURT PICKED
17 UP ON. WE IDENTIFIED THE SEVEN COUNTIES THAT
18 AMALIA READ ACROSS AS OUR MARKETING AREA. AND THE
19 COURT DID LOOK AT THIS AND SAY, "LOOK. THE ONLY
20 RAILROAD THAT HAS BEEN ANALYZED IN THIS EIR IS THE
21 SP MAIN LINE FROM DOWNTOWN LOS ANGELES TO THE SITE
22 ITSELF." AND SO THEY WANTED THE COUNTY TO CLARIFY
23 THE, IF IN FACT, FOR EXAMPLE, SAY, WASTE WAS
24 LOADED ON A BURLINGTON TRAIN IN SAN DIEGO AND
25 HAULED UP TO L.A. AND CAME TO THE SITE, THAT

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1 ADDITIONAL ENVIRONMENTAL REVIEW WOULD BE REQUIRED
2 FOR THAT LINE.

3 QUITE FRANKLY, THAT'S WHAT OUR
4 INTERPRETATION OF CEQA REQUIRES ANYWAY, BUT THE
5 COURT WANTED TO BE SURE THAT THAT WAS CLARIFIED
6 AND THE JURISDICTIONS THAT WOULD HAVE AN INTEREST
7 IN THAT WOULD HAVE NOTICE OF THAT. AND SO THAT'S
8 WHAT THE CLARIFICATION WAS ABOUT, AND THE COUNTY
9 HAD DISTRIBUTED NOTICE OF THAT TO THOSE JURISDIC-
10 TIONS.

11 MR. MOOSE: THE ONLY THING -- THIS IS JIM
12 MOOSE, APPLICANT'S ATTORNEY. IT WOULDN'T
13 NECESSARILY BE A SUBSEQUENT EIR. IT WOULD BE
14 SUBSEQUENT ENVIRONMENTAL REVIEW, WHICH WOULD BE
15 JUDGED ON A CASE-BY-CASE BASIS AS TO WHETHER IT
16 WOULD BE A NEGATIVE DECLARATION OR AN EIR. DEPEND
17 ON WHETHER THERE WERE SIGNIFICANT EFFECTS TO THE
18 ENVIRONMENT FOR THE PARTICULAR DECISION.

19 MEMBER RELIS: NOW, IF I COULD, A COUPLE
20 OF QUESTIONS, A FEW ON THE SPECIFICS OF THE
21 LANDFILL OPERATION ITSELF. YOU STATE THAT YOU ARE
22 GOING TO USE A THREE-COMPONENT LINER SYSTEM. IS
23 THAT A CORRECT WAY TO PUT IT?

24 MR. FILLER: THAT'S CORRECT, YES.
25 MEMBER RELIS: IF I'M -- DON'T WE

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1 NORMALLY REQUIRE A DOUBLE LINER? IS THIS IN
2 EXCESS OF OUR REQUIREMENTS? JUST CLARIFY THAT.

3 MR. FILLER: IT'S REALLY AN ALTERNATIVE
4 DESIGN. IF YOU LOOK AT THE STANDARD SUBTITLE D
5 DESIGN, IT CALLS FOR AN FML WITH CLAY UNDERNEATH
6 IT. WE WERE CONCERNED BECAUSE OF THAT VERY, VERY
7 LOW MOISTURE CONTENT OF THE SOILS, THAT IF YOU PUT
8 CLAY, WHICH DEPENDS ON THE MOISTURE CONTENT FOR
9 ITS QUALITY, THAT YOU COULD HAVE THAT MOISTURE
10 DRAWN OUT INTO THE SOIL, THE CLAY DESICCATES, AND
11 THEN YOU DON'T HAVE THE LINER THAT'S THERE. AND
12 SO IN LIEU OF THAT DESIGN, WE OFFERED AN ALTERNA-
13 TIVE THAT ALSO HAD AN FML UNDER THE CLAY,
14 COMPACTED CLAY IN BETWEEN AND A 60-MIL LINER ON
15 TOP, A SANDWICH, IF YOU WILL.

16 MEMBER RELIS: SO THIS WOULD AT LEAST BE
17 EQUAL TO THE --

18 MR. FILLER: WE BELIEVE IT EXCEEDS AND IS
19 THE KIND OF DESIGN THAT YOU WOULD NEED.

20 MEMBER RELIS: I'D BE INTERESTED JUST TO
21 HEAR FROM STAFF ON THAT. YOU'RE CONVINCED THAT
22 IT --

23 MS. RICE: I ASSUME THIS WOULD HAVE
BEEN
24 APPROVED BY THE REGIONAL BOARD, MR. RELIS,
RATHER

25 THAN OUR STAFF REVIEWING IT.

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1 MEMBER RELIS: OKAY. THEN ON THE ISSUE
2 OF COVER AND WINDBLOWN TRASH, WE HAD AN EARLIER
3 DISCUSSION TODAY IN THE LONE PINE AREA. OF
4 COURSE, THAT'S A CASE, YOU KNOW, WHERE WE HAVE
5 OTHER ISSUES. YOU'RE IN A HIGH WIND AREA. I
6 THINK ALL OF THE MEMBERS HAVE BEEN OUT TO YOUR
7 SITE.

8 WHAT DO YOU -- COULD YOU DESCRIBE
9 HOW YOU PLAN TO CONTAIN THE WINDBLOWN REFUSE
WHICH

10 IS CERTAIN TO HAPPEN? YOU'RE IN A SCENIC AREA.
11 YOU'RE IN A RECREATIONAL AREA OR NEAR ONE.

WHAT'S

12 YOUR APPROACH?

13 MR. FILLER: WE ARE -- I DON'T THINK
YOU

14 WOULD FIND OUR APPROACH UNIQUE AT ALL.

15 ESSENTIALLY, THE MATERIAL, OF COURSE, IS COMING
TO

16 THE SITE IN ENCLOSED CONTAINERS. THOSE
CONTAINERS

17 REMAIN SEALED UNTIL THEY'RE TAKEN UP ON THE

18 LANDFILL. AT THAT POINT THE CONTAINER IS OPENED

19 AND THE MATERIAL IS DUMPED OUT IN THE LANDFILL.

20 OBVIOUSLY, WE WANT TO GET ON TOP OF THAT,

COMPACT

21 IT AS SOON AS POSSIBLE, GET THE COVER MATERIAL
22 OVER IT OR THE SUBSEQUENT LAYER OF TRASH OVER
THE
23 TOP OF IT, AND BASICALLY DO EVERYTHING WE CAN TO
24 GET THAT MATERIAL STABILIZED AND COMPACTED AS
SOON
25 AS POSSIBLE.

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1 BUT MAKE NO MISTAKE. WE'RE GOING
TO
2 BE SUBJECT TO THE SAME VAGARIES OF WIND THAT --
3 WEATHER THAT EVERYONE ELSE IS. THERE IS GOING
TO
4 BE TRASH THAT ESCAPES THE IMMEDIATE FACE OF THE
5 LANDFILL; AND, THEREFORE, WE'VE JUST GOT TO TAKE
A
6 ZERO DEFECT APPROACH TO IT TO THE EXTENT THOSE
7 THINGS BLOW AWAY. IT'S OUR PAPER WHETHER IT
CAME
8 OFF OUR LANDFILL OR THE HIGHWAY OR SOMEPLACE
ELSE,
9 AND THEN WE WILL HAVE CREWS ULTIMATELY THAT WILL
10 BE PICKING THAT MATERIAL UP SHOULD IT ESCAPE THE
11 LANDFILL FACE.
12 MEMBER RELIS: I'D BE INTERESTED IN THE
13 LEA'S RESPONSE TO THIS.
14 MR. QUICK: IN ADDITION TO HIS LITTER
15 PATROL, MR. RELIS, WE'LL NORMALLY EXPECT TO
BEGIN
16 WITH TWO WORKING FACES. AND CHANCES ARE THEY'LL
17 BE AT OPPOSITE DIRECTIONS TO EACH OTHER, THAT WE
18 CAN WORK ONE FACE WHICH WOULD BE PROTECTIVE OF
19 THAT PARTICULAR PREVAILING WIND AT THE TIME. WE
20 ALSO HAVE PROVISIONS FOR LITTER FENCES THERE.

AND

21 IF THERE'S ANYTHING BEYOND THAT THAT HAS BEEN
22 THOUGHT OF, I'D BE GLAD TO HEAR ABOUT IT.

23 MEMBER RELIS: NO. I HAVE NOTHING IN
24 MIND. I JUST WANTED TO HEAR WHAT YOU --
25 MR. QUICK: WHATEVER IS HUMANLY
POSSIBLE

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1 I THINK WE WILL DO WITHIN REASON.

2 DR. ELLISON: JERRY, THE TWO FACES, BUT
3 ALL THE DOCUMENTATION ALSO INDICATE THAT THERE
4 WILL BE ONE -- THERE WILL ALWAYS BE A ZONE OF
5 LOWER ELEVATION PRESERVED FOR A FACE DURING A
6 WINDY PERIOD. SO THE LANDFILL ITSELF WILL BE THE
7 PROTECTOR AGAINST THAT SPECIAL FACE SO THAT YOU
8 WOULD OPERATE AT A LOW ELEVATION SO THAT YOU WOULD
9 BE PROTECTED BY WIND. THAT IS ONE OF THE ELEMENTS
10 THAT HAVE BEEN IN THE PLAN FROM THE VERY BEGINNING
11 THAT, IN ADDITION TO THE TWO FACES, YOU'D HAVE
12 ANOTHER WORKING AREA THAT WAS PROTECTED FROM THE
13 WIND.

14 MEMBER RELIS: DO YOU ANTICIPATE PUTTING
15 UP LIKE MOBILE FENCES THAT YOU WOULD --

16 DR. ELLISON: YES.

17 MEMBER RELIS: -- KEEP AROUND THE
18 WORKING --

19 DR. ELLISON: YES. THAT'S IN ALL THE
20 PERMITTING DOCUMENT ALSO.

21 MEMBER RELIS: AND JUST A COUPLE MORE IF
22 YOU WILL BEAR WITH ME. IN THE SIERRA CLUB
23 COMMUNICATION WE RECEIVED, I BELIEVE ALL OF US
24 RECEIVED, OF MARCH 19, ACTUALLY TODAY. WE JUST
25 GOT THIS, IN FACT.

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1 CHAIRMAN FRAZEE: I WAS GOING TO DO THAT
2 AT SOME POINT, ENTER INTO THE RECORD A
3 COMMUNICATION FROM THE SIERRA CLUB, SAN DIEGO
4 CHAPTER, DATED MARCH 18TH AND RECEIVED THIS
5 MORNING.

6 MEMBER RELIS: THERE CONTINUES TO BE A
7 REFERENCE, AND I'M TRYING TO UNDERSTAND FOR OUR
8 SAKE THIS WRIT BUSINESS. THE COURT -- I DON'T
9 KNOW THE TECHNICALITIES OF A WRIT VERSUS I DON'T
10 KNOW WHAT. BUT, ANYWAY, THERE'S A CONCERN RAISED
11 THAT, YOU KNOW, WE SHOULD -- THEY RAISE THIS
12 CONCERN, WELL, PERHAPS PUT CONSIDERATION OFF
UNTIL
13 APRIL 14TH. COULD OUR COUNSEL EXPLAIN TO US WHAT
14 OUR REQUIREMENTS ARE, AND WHAT IS THE
RELATIONSHIP
15 OF OUR REQUIREMENTS TO THAT WRIT?

16 MS. TOBIAS: SURE. THE PUBLIC RESOURCES
17 CODE PERTINENT TO CEQA UNDER SECTION 21167.3
18 BASICALLY REQUIRES THAT A RESPONSIBLE AGENCY ACT
19 EVEN THOUGH THE MATTER IS IN PENDING LITIGATION.

20 THERE ARE TWO DIFFERENT SECTIONS.
21 ONE APPLIES WHEN THERE IS A STAY OR SOME OTHER
22 KIND OF LIKE ACTION. ONE IS WHEN THERE IS NO
STAY
23 OR NO INJUNCTION. IN THIS CASE, AS FAR AS I

KNOW,

24 THERE IS NO STAY OR INJUNCTION, WHICH MEANS THAT
25 THE BOARD HAS TO GO AHEAD AND ACT AS A
RESPONSIBLE

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1 AGENCY.

2 IF THERE WERE A STAY OR INJUNCTION,
3 THEN THE BOARD WOULD BE GIVING WHAT'S CALLED IN
4 THE CODE A CONDITIONAL APPROVAL. AND, OF COURSE,
5 THAT'S NOT THE KIND OF CONDITIONAL APPROVAL WE
6 THINK OF, MEANING WE DON'T ISSUE APPROVALS WITH
7 CONDITIONS. BUT I TAKE THIS TO MEAN AN APPROVAL
8 THAT IF THE UNDERLYING DOCUMENTATION WAS
9 INVALIDATED, THEN THE APPROVAL IS THEREFORE VOID.

10 SO I DON'T HAVE ANY OTHER
11 INFORMATION FROM THE SIERRA CLUB THAT WOULD HELP
12 ARTICULATE WHY THEY DON'T THINK THIS APPLIES, AND
13 I THINK THAT WOULD BE HELPFUL IF THEY HAPPEN TO BE
14 HERE TODAY. I DON'T KNOW IF THERE ARE OR NOT.

15 ALSO, MR. MOOSE, THE APPLICANT'S
16 ATTORNEY, HAS SPENT SOME TIME ON THIS AS WELL.
17 AND IF HE HAS ANYTHING ELSE TO OFFER ON THAT, IF
18 YOU'D LIKE TO HEAR THAT. I SEE HE'S READY TO
19 SPEAK.

20 MS. MOOSE: JIM MOOSE AGAIN. I'M IN
21 COMPLETE AGREEMENT WITH YOUR COUNSEL'S

DESCRIPTION

22 OF THE PERTINENT STATUTE. I AM COMPLETELY
UNAWARE

23 OF ANY LEGAL AUTHORITY FOR THE PROPOSITION
OFFERED

24 BY THE SIERRA CLUB. AND CANDIDLY, I THINK

THEY'RE

25 SIMPLY UNAWARE OF THIS STATUTE BECAUSE I BELIEVE

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1 IT'S QUITE CLEAR THAT A RESPONSIBLE AGENCY HAS A
2 DUTY TO TAKE ACTION DESPITE THE PENDENCY OF THE
3 LAWSUIT.

4 AND THERE IS NO INJUNCTION OR STAY
5 IN PLACE. AS WAS MENTIONED EARLIER, THE SUPERIOR
6 COURT DID NOT INVALIDATE RESOLUTIONS APPROVING THE
7 PROJECT OR CERTIFYING THE EIR. INSTEAD, SHE ASKED
8 FOR A CLARIFICATION. SO I DON'T BELIEVE UNDER ANY
9 COMMON SENSE NOTION OF AN INJUNCTION OR STAY,
10 WHICH ARE TERMS THAT IS IN PLACE. THERE IS A
11 PEREMPTORY WRIT OF MANDATE, WHICH IS A TERM THAT'S
12 A RELIC FROM THE OLD ENGLISH COMMON LAW, I GUESS,
13 BUT THAT ESSENTIALLY WAS THE VEHICLE BY WHICH SHE
14 SOUGHT THE CLARIFICATION OF THESE ISSUES.

15 MEMBER RELIS: THANK YOU. AND A FINAL
16 QUESTION. ALSO RAISED IN THE SIERRA CLUB LETTER
17 IS A REFERENCE TO A CONCERN OVER THE COVER
18 MATERIAL BEING, I THINK THE TERM IS, "LACED WITH
19 CYANIDE." COULD YOU PLEASE -- SORT OF A GRAPHIC
20 SCARY SOUNDING STATEMENT. WOULD YOU PLEASE --

21 MR. FILLER: I'LL DEFER THAT ONE TO DR.
22 ELLISON IF I MAY. DICK.

23 DR. ELLISON: YES. SOME OF THE COVER
24 MATERIAL WILL BE THE RESIDUE FROM THE LEACHED ORE.
25 THE ORE IS LEACHED WITH A VERY DILUTE CYANIDE.

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1 THE CONCENTRATION IS VERY LOW. ACTUALLY NOT
2 LETHAL BEING IN CONTACT WITH IT. THE REGIONAL
3 BOARD FOR THE MINE HAS A REQUIREMENT THAT AT THE
4 END OF LEACHING OF THE ORE, THE ORE HAS TO BE
5 RINSED UNTIL THE CYANIDE LEVEL IN THE MATERIAL WAS
6 AT A LEVEL THAT WOULD NOT CREATE ANY IMPACT ON THE
7 ENVIRONMENT EITHER AIRBORNE OR LEACHED OUT AS A
8 WATER.

9 THIS ISSUE WAS RAISED IN OUR
10 TECHNICAL EXCHANGE MEETINGS. OUT OF THAT WE
11 PREPARED A SPECIAL APPENDIX TO THE RDSI IN WHICH
12 WE TOOK THE AMOUNT OF CYANIDE LEFT AFTER YOU
13 SATISFIED THE REGIONAL BOARD, WE DID A FAKE
14 TRANSPORT ANALYSIS OF WHAT COULD HAPPEN WITH THAT,
15 AND THE CONCENTRATIONS ARE SO LOW THAT THEY WOULD
16 BE NONDETECTABLE BECAUSE ARE YOU ARE PUTTING 6
17 INCHES OF THIS RINSED MATERIAL ON TOP OF EVERY 10
18 FEET OF WASTE. AND SO WHEN YOU DID THE FAKE
19 TRANSPORT ANALYSIS, THE CYANIDE IS BELOW DETECTION
20 LEVEL.

21 MEMBER RELIS: SO YOU WOULDN'T
22 CHARACTERIZE IT IN THE WAY I DID?

23 DR. ELLISON: IT IS NOT LACED -- THERE IS
24 NO THREAT TO HEALTH OR THE ENVIRONMENT FROM THAT
25 MATERIAL.

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1 MEMBER RELIS: THANK YOU.

2 MR. FILLER: JUST AS A POINT OF INTEREST,
3 BECAUSE OF CONCERNS ABOUT CYANIDE AND SO FORTH,
4 EMPLOYEE TRAINING AT THE SITE, OBVIOUSLY PEOPLE
5 THAT ARE WORKING IN AND AROUND THE CYANIDE
6 SOLUTIONS AND ORE THAT HAS MATERIAL ON IT, THE
7 STANDARD PRACTICE IS JUST GOOD HYGIENE. YOU CAN
8 WORK OUT IN IT, BUT BEFORE YOU EAT YOUR SANDWICH,
9 WASH YOUR HANDS. IN FACT, IF YOU WANT TO AVOID
10 CYANIDE, STOP SMOKING. THERE'S FAR MORE CYANIDE
11 IN EXPOSURE FROM SMOKING THAN THERE IS IN WORKING
12 AT THE LANDFILL. SO, MR. QUICK --

13 MEMBER RELIS: THAT'S NEWS TO A LOT OF
14 PEOPLE HERE. I'M DONE WITH MY QUESTIONS FOR NOW.

15 CHAIRMAN FRAZEE: OKAY. YOU ARE DONE.
16 DO YOU HAVE ANYTHING?

17 MEMBER JONES: I'D LIKE TO KNOW IF OUR
18 GUESTS HAVE ANYTHING.

19 BOARD MEMBER GOTCH: NO, I DON'T HAVE
20 ANY
21 QUESTIONS. THANK YOU.

22 BOARD MEMBER CHESBRO: NOT AT THIS
23 POINT.

24 MEMBER JONES: I DON'T HAVE ANY
25 QUESTIONS

26 ABOUT THE SITE, BUT I WOULD LIKE TO SAY THAT I

24 VISITED THE SITE. I VISITED WITH -- BOARD MEMBER
25 GOTCH AND I HOOKED UP. WE WERE BOTH ON DIFFERENT

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1 TRIPS AND WERE ABLE TO SEE THE SITE.

2 AS AN OPERATOR OR AS A FORMER
3 OPERATOR, I WAS VERY, VERY IMPRESSED WITH WHAT I
4 SAW THERE. I WAS VERY IMPRESSED WITH THE IDEA
5 THAT ONLY WAY -- THE ONLY WAY THESE GUYS MADE ANY
6 MONEY IN THE GOLD BUSINESS WAS TO MAKE SURE THAT
7 THEIR LEACHATE SYSTEMS WORKED, WHICH GIVE ME A
8 VERY HIGH LEVEL OF COMFORT IN KNOWING THAT WE ARE
9 GOING TO BE ABLE TO PROTECT THAT FRAGILE
10 ENVIRONMENT DOWN THERE.

11 THE OTHER THING THAT I LIKED ABOUT
12 THIS PARTNERSHIP BETWEEN THE RAIL SYSTEM, WESTERN
13 WASTE AS THE HAULER, AND ARID OPERATION AND GOLD
14 FIELDS WAS THAT GOLDS FIELDS MADE IT VERY CLEAR
15 THAT THEY WERE GOING TO BE THE OPERATOR, AND THEY
16 WERE GOING TO TAKE RESPONSIBILITY FOR THIS THING.
17 AND THE ONLY REASON THAT I BRING THAT OUT AS A
18 POINT IS THAT WHEN THE GOLD RESERVES START GOING
19 DOWN AND GOLD BECOMES A VERY VALUABLE COMMODITY,
20 THEY'RE GOING TO MAKE SURE THAT THEY CAN, YOU
21 KNOW -- I'M SURE THAT THEY WILL MAKE SURE THAT AT
22 SOME POINT THAT THEY ARE GOING TO STAY IN BOTH
23 BUSINESSES OR TRY TO. AND SO IT'S IN THEIR BEST
24 INTEREST TO MAKE SURE THAT EVERYTHING THAT THEY DO
25 IS DONE AS WELL AS POSSIBLE.

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1 THE OTHER THING THAT I AM ENCOURAGED
2 ABOUT. I SPENT A WEEK ON THE ROAD LAST WEEK IN --
3 ON A LITTLE ROAD SHOW AND WENT TO KINGS COUNTY AND
4 CITY OF L.A. AND COUNTY OF L.A. AND CITY OF SAN
5 DIEGO AND COUNTY OF SAN DIEGO AND ORANGE COUNTY
6 AND MET WITH ALL THE PUBLIC ENTITIES TO TRY TO GET
7 A BETTER UNDERSTANDING. AS A NORTHERN CALIFORNIA
8 GARBAGEMAN, I WANTED TO GET A BETTER UNDER-
9 STANDING, THAT'S MY SECOND TRIP IN THREE MONTHS OR
10 TWO AND A HALF MONTHS, DOWN TO SOUTHERN CALIFORNIA
11 TO GET AN IDEA OF WHAT THE ISSUES ARE.

12 AND I WILL TELL YOU RIGHT NOW THAT I
13 AM VERY, VERY NERVOUS. WHEN I'M STANDING AT
14 PUENTE HILLS AND I SEE THE BLUE FLAG GO UP AT
15 10:30 IN THE MORNING, WHICH MEANT THEY HAVE
16 REACHED THEIR CAPACITY, AND THEN ALL OF A SUDDEN
17 TRUCKS START GOING IN OTHER DIRECTIONS TO FIND A
18 HOME FOR THAT WASTE THAT'S IN THEIR TRUCKS, WE
19 HAVE AN OBLIGATION.

20 I THINK THAT THESE MEGASITES,
21 MESQUITE -- THERE'S THREE OF THEM OR THERE'S FOUR
22 OF THEM DOWN IN THAT PART OF THE COUNTRY. AND I'M
23 NOT GOING TO EVEN TRY TO LIST THEM BECAUSE
24 SOMEBODY WILL INTERPRET THAT AS THAT I'M TRYING TO
25 RANK THEM. IT JUST HAPPENS THAT THIS ONE IS IN

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1 FRONT OF US TODAY. IT'S -- I THINK THAT THEY ARE
2 A BENEFICIARY OF THE PROCESS THAT THE MESQUITE --
3 I MEAN THAT THE -- THAT THE EGBURG -- KAISER'S
4 PROJECT WENT THROUGH WITH EAGLE MOUNTAIN AND THE
5 ISSUES THAT THEY FACED, THIS GROUP USED THOSE
6 ISSUES AND MADE SURE THAT THEY PUT A PLAN TOGETHER
7 TO GET EVERYBODY INCLUDED INTO THE PROCESS SO THAT
8 THEY COULD BE PART OF THE PROCESS AND MAKE SURE
9 THAT WHAT THEY HAD TO OFFER WAS INCLUSIVE OF JUST
10 ABOUT EVERYBODY'S CONCERNS. AND WE'RE NEVER GOING
11 TO GET A HUNDRED PERCENT OF EVERYBODY'S CONCERNS
12 TAKEN CARE OF.

13 BUT I AM -- I FEEL GOOD THAT THIS
14 IS -- THIS IS A GOOD PROJECT. THIS MAKES A LOT OF
15 SENSE. THERE'S A LOT OF THOUGHT THAT WENT INTO
16 THIS PROCESS. I THINK THAT EVERYBODY IS GOING TO
17 BENEFIT. I THINK THE STATE'S GOING TO BENEFIT. I
18 THINK YOU'VE GOT A GREAT TEAM PUT TOGETHER. I
19 THINK JAKE SHIRVANIAN SITTING OUT THERE, LONG TIME
20 AGO BEFORE A LOT OF YOU FOLKS CAME TO WORK AT THIS
21 WASTE BOARD, JAKE WAS APPOINTED BY GOVERNOR
22 REAGAN, AND LATER REAPPOINTED BY GOVERNOR BROWN TO
23 SIT IN THE INDUSTRY SEAT FROM SOUTHERN CALIFORNIA.
24 USED TO BE TWO INDUSTRY SEATS ON THIS PART-TIME
25 BOARD. THE OTHER ONE WAS MY OLD PRESIDENT, JOHN

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1 MOSCONE.

2 SO I THINK THAT THAT MAKES A LOT OF
3 SENSE, AND IT'S -- I THINK WE'RE GOING IN THE
4 RIGHT DIRECTION. SO I HAVE NO QUESTIONS, BUT I'M
5 GLAD TO SEE US FINALLY MOVING ON. AND I THINK YOU
6 GUYS GOT TO FEEL PRETTY GOOD THAT THIS ONLY TOOK
7 SIX YEARS. TOOK ME SIX YEARS TO PERMIT A TRANSFER
8 STATION.

9 MR. FILLER: I'LL NOT COMMENT ON THAT.

10 CHAIRMAN FRAZEE: NOW, HAVE WE HEARD FROM
11 EVERYONE WHO WISHED TO BE HEARD ON THIS ITEM?
12 THAT'S ALL THE SPEAKER SLIPS I HAVE. YES, MR.
13 QUICK.

14 MR. QUICK: WITH MR. JONES' COMMENTS,
15 COULD YOU POSSIBLY PROCEED WITH THE CONSENT
16 CALENDAR?

17 CHAIRMAN FRAZEE: WE'D LIKE TO. NO, I
18 BELIEVE --

19 MEMBER JONES: ONLY ONE VOICE.

20 CHAIRMAN FRAZEE: I BELIEVE THE ITEM IS
21 BEFORE US AT THIS TIME, SO A MOTION IS IN ORDER.

22 MEMBER JONES: I WOULD LIKE TO MAKE A
23 MOTION THAT THE BOARD PUT PERMIT NO. 97-89
24 FORWARD, THAT WE ACCEPT THAT PERMIT.

25 MEMBER RELIS: MR. CHAIR, I'LL SECOND

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1 MEMBER RELIS: AYE.

2 THE SECRETARY: BOARD MEMBER JONES.

3 MEMBER JONES: AYE.

4 THE SECRETARY: CHAIRMAN FRAZEE.

5 CHAIRMAN FRAZEE: AYE. MOTION IS
6 CARRIED. THE -- I DON'T KNOW THAT WE WANT TO HEAR
7 THIS ITEM IN ITS ENTIRETY AT THE BOARD, BUT I'M
8 SUGGESTING THAT IT SHOULD STAY ON THE AGENDA FOR
9 THE FULL BOARD DECISION.

10 BOARD MEMBER CHESBRO: THAT WOULD BE MY
11 PREFERENCE. I THINK THIS PROJECT IS OF SUCH
12 SIGNIFICANCE, THAT I THINK IT'S THE WRONG SIGNAL
13 TO SAY THAT SOMETHING OF THIS MAGNITUDE GETS PUT
14 ON CONSENT. AS MUCH AS THAT WOULD BE CONVENIENT
15 FOR THE PARTIES INVOLVED, I THINK WE HAVE TO SEND
16 A MESSAGE THAT WE'RE READY TO HEAR ANYTHING THAT
17 ANYONE WANTS TO SAY ABOUT THE PROJECT.

18 CHAIRMAN FRAZEE: RIGHT. SO THIS WILL BE
19 FORWARDED TO THE BOARD WITH A RECOMMENDATION TO
20 CONCUR.

21 NOW, WE ARE READY FOR AGENDA ITEM 6.
22 BRIEF TIMEOUT HERE.

23 (RECESS TAKEN.)

24 CHAIRMAN FRAZEE: MEETING WILL COME TO
25 ORDER AGAIN, PLEASE. ITEM 6 IS CONSIDERATION OF

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1 REVISD SOLID WASTE FACILITY PERMIT FOR THE
2 HEALDSBURG TRANSFER STATION IN SONOMA COUNTY.

3 MS. RICE: THANK YOU, MR. CHAIRMAN. DAVE
4 OTSUBO WILL MAKE THIS PRESENTATION FOR STAFF,
5 ASSISTED BY BOB SWIFT OF THE SONOMA COUNTY LOCAL
6 ENFORCEMENT AGENCY.

7 MR. OTSUBO: GOOD AFTERNOON, MR. CHAIRMAN
8 AND MEMBERS OF THE COMMITTEE. THIS ITEM REGARDS
9 THE CONSIDERATION OF A REVISED SOLID WASTE
10 FACILITY PERMIT FOR THE HEALDSBURG TRANSFER
11 STATION IN THE COUNTY OF SONOMA. THIS FACILITY IS
12 LOCATED NEAR THE CITY OF HEALDSBURG AND IS
13 ADJACENT TO THE CLOSED HEALDSBURG LANDFILL.

14 THE PROJECT CONSISTS MAINLY OF THE
15 INCREASE IN MAXIMUM PERMITTED DAILY TONNAGE FROM
16 320 TO 450 TONS PER DAY. THE OWNER/OPERATOR IS
17 THE COUNTY DEPARTMENT OF TRANSPORTATION AND PUBLIC
18 WORKS.

19 IN REVIEWING THE SUBMITTED
20 DOCUMENTATION, THE LEA AND BOARD STAFF HAVE
21 DETERMINED THE FOLLOWING: THE COUNTY HAS AN
22 APPROVED INTEGRATED WASTE MANAGEMENT PLAN. AND
23 SINCE THE FACILITY IS NOT DESIGNED TO RECOVER FOR
24 REUSE OR RECYCLING AT LEAST 5 PERCENT, A
25 CONFORMANCE FINDING IS NOT REQUIRED. TWO, CEQA

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1 HAS BEEN COMPLIED WITH.

2 STAFF HAVE REVIEWED THE PROPOSED
3 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM
4 TO BE ACCEPTABLE. HOWEVER, IN AN INSPECTION ON
5 MARCH 11TH OF THIS YEAR, STAFF OF THE BOARD'S
6 ENFORCEMENT BRANCH NOTED FIVE VIOLATIONS OF STATE
7 MINIMUM STANDARDS. THESE ARE DRAINAGE, DUST,
8 SOLID WASTE REMOVAL, FIRE CONTROL, AND CLEANING.

9 THE LEA HAS ISSUED A STIPULATED
10 ORDER OF COMPLIANCE SIGNED BY THE OPERATOR TO
11 ADDRESS THE DRAINAGE AND DUST ISSUES. UNDER THE
12 TERMS OF THE STIP, THE DRAINAGE SYSTEM WOULD BE
13 CORRECTED WITHIN 120 DAYS AND A DUST CONTROL
14 SYSTEM INSTALLED WITHIN 180 DAYS. IN ADDITION, ON
15 MARCH 17TH THE LEA INSPECTED THE SITE AND NOTED
16 THAT THE OTHER THREE VIOLATIONS HAVE BEEN
17 CORRECTED.

18 AS A RESULT OF THE INSPECTION
19 RESULTS, STAFF DOES NOT HAVE A RECOMMENDATION AT
20 THIS TIME. WE ARE CURRENTLY REVIEWING THE STIP
21 FOR ITS APPROPRIATENESS TO ADDRESS THE LONG-TERM
22 ISSUES AT HAND. THIS CONCLUDES STAFF'S
23 PRESENTATION. BOB SWIFT OF THE LEA IS ALSO HERE
24 AND PRESENT TO ANSWER ANY QUESTIONS, AS IS RICHARD
25 DOBLE OF THE COUNTY DEPARTMENT OF TRANSPORTATION

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1 AND PUBLIC WORKS.

2 CHAIRMAN FRAZEE: OKAY. DID YOU HAVE ANY
3 COMMENT, MR. SWIFT?

4 MR. SWIFT: YES. GOOD AFTERNOON, MR.
5 CHAIRMAN, MEMBERS OF THE COMMITTEE. MY NAME IS
6 BOB SWIFT. I'M THE LEA FOR SONOMA COUNTY. I'D
7 LIKE TO GIVE A LITTLE MORE BACKGROUND AND UPDATE
8 YOU ON THE CURRENT STATUS OF THE HEALDSBURG
9 TRANSFER STATION.

10 TEN YEARS AGO WHEN THE TRANSFER
11 STATION WAS FIRST CONSTRUCTED, WINDSOR WAS A SMALL
12 UNINCOR- -- SPARSELY POPULATED, UNINCORPORATED
13 AREA OF SONOMA COUNTY. IT IS NOW THE FOURTH
14 LARGEST MUNICIPALITY IN SONOMA COUNTY. IN
15 ADDITION, TRAFFIC CONGESTION ON 101 CAUSES A
16 LOT
17 OF THE WASTE HAULERS TO GO NORTH TO THE
18 HEALDSBURG
19 TRANSFER STATION RATHER THAN SOUTH TO THE
20 DISPOSAL
21 SITE. THIS HAS RESULTED IN THE INCREASE OF
PERMITTED TONNAGE, WHICH IS WHY WE'RE HERE
FOR
REVISION.

REGARDING THE FIVE VIOLATIONS

THAT

22 HAVE BEEN NOTED, FIRST, THE DUST CONTROL,

THE

23 HEALDSBURG TRANSFER STATION, THE DESIGN AND

24 LOCATION, THE WIND PATTERNS IN THAT AREA DO

NOT

25 PROVIDE FOR MUCH -- AS MUCH NATURAL
VENTILATION AS

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1 DESIRED. IN ADDITION, THE DUST THAT IS VERY
2 SEASONAL. IT'S IN RESPONSE TO CONSTRUCTION
3 DEMOLITION DEBRIS THAT IS DROPPED ON THE FLOOR.

4 I HAVE ISSUED A STIPULATED NOTICE
5 AND ORDER, WHICH HAS BEEN SIGNED BY THE LEA AND
6 THE OPERATOR, IN WHICH THE REFUSE WILL BE WETTED
7 DOWN IMMEDIATELY, STARTING IMMEDIATELY, AND AS
8 NECESSARY, UNTIL A PERMANENT DUST SUPPRESSION
9 SYSTEM CAN BE INSTALLED.

10 I WAS OUT AT THE STATE -- ON THE
11 SITE ON LAST MONDAY, THE 17TH, AND THERE WAS NO
12 DUST BEING GENERATED AT THAT TIME.

13 ANOTHER ITEM WAS THE DRAINAGE
14 CONTROL SYSTEM. AGAIN, I'VE ISSUED A STIPULATED
15 NOTICE AND ORDER FOR THE DRAINAGE. IN THE PAST,
16 IN THE WINTER MONTHS, THE DRAINS IN THE BASE HAVE
17 BEEN OBSERVED OVERFLOWING. AND INITIALLY, THIS
18 WAS THOUGHT TO BE A PROBLEM WITH THE GRAY WATER
19 COLLECTION TANK AND THE ALARM SYSTEM NOT OPERATING
20 PROPERLY. HOWEVER, IT'S MORE OF A PROBLEM WITH
21 THE PLUMBING. IN THE STIPULATED NOTICE AND ORDER,
22 THE OPERATOR HAS AGREED TO DESIGN, CONSTRUCT, AND
23 RECONFIGURE THE PLUMBING TO ADDRESS THIS GRAY
24 WATER COLLECTION SYSTEM VIOLATION.

25 IN THE MEANTIME THE GATEHOUSE

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1 ATTENDANT IS CHECKING THE LEVEL IN THE GRAY WATER
2 TANKS DAILY, AND THAT HAS BEEN NOTED ON MY
3 INSPECTION REPORT ON 3-19. AT THIS TIME THERE'S
4 NO BACKUP OF GRAY WATER INTO THE STATION OVERFLOW.

5 OTHER VIOLATIONS, FIRE FIGHTING
6 EQUIPMENT, ON FEBRUARY 25TH I ASKED THE OPERATOR
7 TO REPAIR OR REPLACE DAMAGED FIRE HOSES. WHEN THE
8 WASTE BOARD'S STAFF AND I WERE OUT ON 3-11, THE
9 HOSES HAD BEEN REMOVED, BUT THE REPLACEMENT HOSES
10 HAD NOT BEEN PROVIDED. ON MONDAY THE 17TH THE
11 HOSES ARE THERE.

12 ANOTHER VIOLATION WAS CLEANING. THE
13 WASTE BOARD STAFF NOTED CLEANING REQUIRED IN THE
14 DRAINAGE DROP AT THE TIPPING FLOOR AND ALSO IN THE
15 INTERIOR OF THE BASE. ON MONDAY THE 17TH THOSE
16 AREAS HAD BEEN CLEANED. AND I HAVE A LETTER FROM
17 THE SUBCONTRACTOR THAT THE STATION WILL BE STEAM
18 CLEANED NEXT WEEK.

19 THE FINAL VIOLATION, SOLID WASTE
20 REMOVAL, THERE WAS A LARGE ACCUMULATION OF REFUSE
21 ON THE TIPPING FLOOR ON THE 11TH, AND THAT HAS
22 SINCE BEEN REMOVED. AND IN ADDITION, WE REQUIRED
23 24-HOUR REMOVAL RATHER THAN 48. AND IF YOU HAVE
24 ANY OTHER QUESTIONS.

25 MEMBER JONES: ASK A QUESTION. YOU

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1 CHANGED THE REMOVAL PATTERN FROM 48 DOWN TO 24 AS
2 A RESULT OF THAT?

3 MR. SWIFT: WE HAD THAT IN THE INITIAL
4 PERMIT.

5 MEMBER JONES: THAT WAS IN THE INITIAL
6 PERMIT.

7 MR. SWIFT: AND WE'RE KEEPING THAT.

8 MEMBER JONES: WAS IT AN EQUIPMENT
9 FAILURE OR SOMETHING OR JUST AN ONSLAUGHT OF
10 MATERIAL?

11 MR. SWIFT: IT'S SOMETHING THAT WE'VE PUT
12 IN ALL THE TRANSFER STATION PERMITS IN SONOMA,
13 24-HOUR REMOVAL.

14 MEMBER RELIS: MR. CHAIR, WHAT ADDITIONAL
15 WORK WOULD, SINCE THERE IS NO STAFF RECOMMENDA-
16 TION, WHAT ADDITIONAL WORK COULD BE CONTEMPLATED
17 BETWEEN NOW AND THE BOARD MEETING?

18 MS. RICE: WE WERE HOPING TO HAVE SOME
19 TIME TO REVIEW THE STIPULATED ORDER TO REVIEW
20 TERMS OF IT AND WHETHER WE FEEL THE TIME IS
21 APPROPRIATE AND THAT SORT OF THING. AND IN A
22 SENSE IS BEING APPROACHED AS SOMETHING OF A
23 LONGER-TERM VIOLATION, AS I UNDERSTAND IT -- AND
24 MR. SWIFT COULD CLARIFY IF I STATE IT WRONG --
25 TIME FRAMES ALLOWED FOR CORRECTING THE VIOLATIONS,

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1 CORRECTING THE PLUMBING, OBTAINING EQUIPMENT,
2 ETC., AND SO WE HAVE JUST RECEIVED THIS
3 INFORMATION AND WE'RE NOT PREPARED TODAY TO MAKE A
4 RECOMMENDATION TO YOU AS TO WHETHER WE FELT THIS
5 ADDRESSED THE VIOLATIONS IN AN APPROPRIATE MANNER.

6 MEMBER RELIS: MR. CHAIR, IN LIGHT OF
7 THAT, GIVEN -- COULD WE -- WOULD THERE BE SUPPORT
8 FOR FORWARDING THIS WITHOUT RECOMMENDATION? AND
9 COULD I JUST OFFER THAT WE CAN CONSIDER SHORTENING
10 THAT COMPLIANCE BECAUSE I HAVEN'T HEARD, GIVEN THE
11 ISSUES THAT WE'RE AT ISSUE OVER THE COMPLIANCE,
12 THEY SEEM RELATIVELY VERY MANAGEABLE TO ME AND
13 SHOULDN'T REQUIRE MUCH TIME AT ALL TO CORRECT.

14 MS. RICE: IT WAS DRAINAGE AND DUST, AND
15 PERHAPS DAVE OR THE LEA WOULD LIKE TO ELABORATE.

16 MR. SWIFT: YES, I CAN ELABORATE A LITTLE
17 BIT. I HAVE TWO COMPLIANCE DATES IN THE
18 STIPULATED NOTICE AND ORDER. ONE IS IMMEDIATELY
19 FOR THE DUST CONTROL, WET DOWN THE REFUSE ON THE
20 CONSTRUCTION DEMOLITION DEBRIS BECAUSE THAT'S
21 USUALLY WHERE THE DUST IS BEING GENERATED. AND
22 THAT IS TO BE DONE IMMEDIATELY AND IS BEING DONE
23 NOW. HOSES ARE PROVIDED.

24 THE LONGER-TERM SOLUTION IS
25 PERMANENTLY INSTALL A MIST SYSTEM FOR DUST

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1 SUPPRESSION. AND THAT WILL REQUIRE GOING BEFORE
2 THE BOARD OF SUPERVISORS FOR APPROVAL BECAUSE IT'S
3 A NONBUDGETED ITEM AND GOING OUT TO CONTRACT -- TO
4 BID AND SIGNING OF CONTRACTS. SO THAT WILL BE
5 INSTALLED WITHIN THE 180 DAYS. BUT THE IMMEDIATE
6 DUST SUPPRESSION SYSTEM WOULD BE -- MEASURE WOULD
7 BE WETTING DOWN THE REFUSE ON THE DEMOLITION --
8 CONSTRUCTION DEMOLITION DEBRIS LOADS AND ANY OTHER
9 LOADS AS NECESSARY.

10 AS FAR AS THE -- AND ALSO, THE -- AS
11 PART OF THIS SYSTEM, FIRE CONTROL SUPPRESSION
12 SYSTEM AND THE DUST CONTROL SUPPRESSION WILL BE
13 SEPARATE, SO ADDITIONAL MEASURE -- SEPARATE
14 SYSTEMS TO HANDLE THAT. FIRE HOSES WILL NOT BE
15 USED EXCLUSIVELY FOR DUST SUPPRESSION.

16 THE OTHER DRAINAGE CONTROL, AT THIS
17 POINT GRAY WATER TANKS ARE NOT OVERFLOWING. IT'S
18 ONLY IN THE WINTER MONTHS. WE HAD A LOT OF WET
19 GARBAGE. THE ATTENDANTS ARE MANUALLY CHECKING THE
20 WATER TANKS. THE DRAINS ARE BEING CLEANED AND
21 CLEANED AS NECESSARY. AND THE -- AGAIN, WE HAVE
22 TO GO TO THE BOARD OF SUPERVISORS FOR THIS MONEY
23 THAT WAS NOT BUDGETED IN THE ORIGINAL BUDGET, GO
24 OUT TO BID, AND SIGN THE CONTRACT, AND CONSTRUCT
25 THIS RECONFIGURATION OF THE PLUMBING WHICH WILL

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1 ADDRESS THIS PROBLEM.

2 MEMBER RELIS: WELL, AGAIN, I WOULD JUST,
3 WITHOUT BELABORING THE POINT, THOSE SEEM TO ME,
4 EVEN IF THEY'RE NOT BUDGETED, NOT HUGE
5 EXPENDITURES. AND WE'RE TALKING ABOUT, AS YOU
6 HEARD IF YOU WERE HERE EARLIER, AND UP --
7 TIGHTENING UP OUR ENFORCEMENT. AND SO I'LL JUST
8 LEAVE IT AT THAT FOR NOW.

9 MR. DOBLE: MY NAME IS RICH DOBLE. I'M
10 THE DIVISION MANAGER FOR ENGINEERING AND
11 OPERATIONS FOR THE COUNTY OF SONOMA INTEGRATED
12 WASTE DIVISION. I'D LIKE TO CLARIFY JUST A COUPLE
13 THINGS THAT BOB MENTIONED ABOUT, ONE, THE DUST
14 CONTROL. WE'RE GOING OUT WITH AN RFP. THEY ARE
15 BUDGETED ITEMS, BOTH OF THE ITEMS FOR THE DRAINAGE
16 AND THE DUST CONTROL ARE. BUT IT REQUIRES US TO
17 GO OUT FOR AN RFP ON THE DUST CONTROL AND GET A
18 CONTRACT TOGETHER TO BE ABLE TO HIRE SOMEBODY.

19 THE OTHER THING, THE DRAINAGE, THE
20 BOARD OF SUPERVISORS MET ON THAT ON THE 11TH AND
21 APPROVED THE PROJECT FOR CONSTRUCTION AND THE BID
22 PROCESS. SO WE'RE IN THE BID PROCESS ON IT, AND
23 WE SHOULD HAVE BIDS THIS WEEK SOMETIME AND DECIDE
24 ON WHO GETS THE BIDS, AND ALL THESE THINGS WILL BE
25 CONSTRUCTED WITHIN PROBABLY THE NEXT COUPLE OF

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1 MONTHS.

2 MEMBER RELIS: SO THEREFORE, CASE
3 DISMISSED.

4 MEMBER JONES: THOSE ARE THE TWO
5 STIPULATED ORDERS, CORRECT?

6 MR. SWIFT: CORRECT.

7 MEMBER JONES: I MEAN ONE ORDER WITH THE
8 TWO ITEMS.

9 CHAIRMAN FRAZEE: SO BASED ON THAT, CAN
10 WE MOVE AHEAD WITH A --

11 MEMBER JONES: I'D LIKE TO MAKE A MOTION.
12 I MEAN DO YOU -- CAN I ASK A QUESTION OF THE LEA?
13 ARE YOU COMFORTABLE THAT THE -- I MEAN THESE
14 THINGS HAVE GONE OUT TO RFP, SO THEY'RE GOING TO
15 BE DONE?

16 MR. SWIFT: RIGHT.

17 MEMBER JONES: YOU ARE A GOOD LEA.
18 YOU'VE GOT THE AUTHORITY, AS A LOCAL ENFORCEMENT
19 AGENT, TO MAKE SURE THAT THEY COMPLY?

20 MR. SWIFT: RIGHT.

21 MEMBER JONES: AND YOU DO YOUR JOB WELL?

22 MR. SWIFT: RIGHT.

23 MEMBER JONES: ALL RIGHT. I'LL MAKE A
24 MOTION THAT WE PUT THIS -- THAT WE FORWARD THIS
25 PERMIT ON TO THE BOARD OR THAT WE APPROVE THIS

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1 PERMIT BASED ON THAT CONDITION, THAT -- WE CAN'T
2 CONDITION. OKAY. WELL, I'M HAPPY THAT YOU ARE
3 GOING TO DO YOUR JOB. I WANT TO MOVE THIS THING
4 FORWARD FOR A PERMIT.

5 MS. TOBIAS: IS THAT A RECOMMENDATION
6 FROM THIS COMMITTEE TO THE BOARD?

7 MEMBER JONES: I'M MAKING A MOTION TO
8 THIS COMMITTEE THAT WE APPROVE A PERMIT FOR THIS
9 FACILITY FOR THE REVISION. SORRY ABOUT THAT.

10 MEMBER RELIS: WELL, I'M SYMPATHETIC TO
11 THAT, BUT I STILL FEEL THAT WE SHOULD HAVE THE
12 PAPERWORK. WE CAN DO THAT BETWEEN NOW AND THE
13 BOARD MEETING. AND I WOULD STILL FIRST LIKE TO
14 VOTE OUT THE MOTION ON THE -- WELL, IT WASN'T
15 SECONDED, SO MAYBE IT ISN'T GOING ANYWHERE.

16 CHAIRMAN FRAZEE: LET ME SECOND THE
17 MOTION THAT MR. JONES MADE, AND I THINK THAT'S
18 WITH THE UNDERSTANDING THAT THIS IS -- THE
19 DOCUMENTATION NECESSARY TO ACCOMPLISH THIS WILL BE
20 PREPARED BETWEEN NOW AND THE BOARD MEETING.

21 MS. RICE: IF THE MOTION IS TO CONCUR IN
22 THE PERMIT, AS I UNDERSTAND MR. JONES' MOTION, I
23 THINK THE PERMIT IS BEFORE YOU IN A CERTAIN FORM
24 WITH ORDERS DESCRIBED BY THE LEA THAT HAVE CERTAIN
25 TIME FRAMES IN THEM. SO IF YOUR DIRECTION IS TO

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1 CONCUR IN THE PERMIT, I WOULD BE ASSUMING THERE IS
2 NO ADDITIONAL WORK TO BE DONE ON THE PERMIT
3 BETWEEN NOW AND THE BOARD MEETING.

4 WHAT WE WERE SUGGESTING IN BRINGING
5 IT FORWARD WITHOUT RECOMMENDATION IS THAT WE HAD
6 NOT HAD ADEQUATE TIME TO REVIEW THE STIPULATED
7 ORDER AND LOOK AT THE DATES. AND SO THAT WAS KIND
8 OF OFFERED AS AN ALTERNATIVE TO CONCURRING IN THE
9 PERMIT TODAY OR RECOMMENDING CONCURRENCE TODAY.
10 SO I THINK IT'S KIND OF AN EITHER/OR AND HAPPY TO
11 TAKE YOUR DIRECTION, WHICHEVER WAY THAT IS.

12 MEMBER RELIS: LET ME JUST ASK AGAIN.
13 CERTAIN VERBAL COMMENTS HAVE BEEN MADE, AND
14 NORMALLY WE DO THAT AGAINST A STAFF REPORT WITH
15 TIME FRAMES. AND SO AT THE MOMENT THAT'S VERBAL.

16 MS. RICE: WE HAVE A STAFF REPORT, MR.
17 RELIS, IN YOUR PACKET.

18 MEMBER RELIS: NO, I HAVE THE STAFF
19 REPORT, BUT IN TERMS OF THE DATES --

20 MS. RICE: WHAT HAS OCCURRED IS AT THE
21 INSPECTION CONDUCTED BY THE LEA AND BOARD STAFF,
22 VIOLATIONS WERE IDENTIFIED. YOU'VE HEARD FROM THE
23 LEA THEIR PLANS TO ADDRESS THOSE VIOLATIONS. WE
24 AS STAFF HAVE INDICATED THAT WE HAVE NOT HAD
25 ADEQUATE TIME TO REVIEW THOSE PLANS TO DETERMINE

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1 IF WE WOULD AGREE WITH THOSE IN FULL AND RECOMMEND
2 CONCURRENCE TO YOU.

3 BUT IF YOU FEEL CONFIDENT, BASED ON
4 WHAT YOU HEARD FROM THE LEA THAT YOU'RE
5 COMFORTABLE CONCURRING IN THE PERMIT AS IS, WE
6 CERTAINLY RESPECT YOUR DESIRE TO DO SO. WE WERE
7 SIMPLY INDICATING THAT THIS WAS FAIRLY NEW
8 INFORMATION FOR US, AND WE WERE LOOKING AT THE
9 EXACT QUESTION YOU RAISED, MR. RELIS, AS TO
10 WHETHER THE TIME FRAMES WERE APPROPRIATE FOR THE
11 ISSUES OF DRAINAGE AND DUST CONTROL.

12 MEMBER RELIS: AND YOU ARE SAYING IF MR.
13 JONES' MOTION SECONDED WERE APPROVED, AND THERE
14 WOULD BE NO FURTHER STAFF WORK DONE BETWEEN --

15 MS. RICE: THAT WOULD BE MY
16 UNDERSTANDING. IT WOULD SIMPLY BE A MOTION TO
17 CONCUR IN THE PERMIT.

18 CHAIRMAN FRAZEE: BUT THAT PERMIT WOULD
19 DESCRIBE THE STIPULATED --

20 MS. RICE: THE PERMIT DOES NOT. THE
21 STIPULATED ORDER IS SOMETHING TO ADDRESS
22 VIOLATIONS NOTED AT THE SITE. THE PERMIT DOES NOT
23 INCORPORATE OR DESCRIBE THAT NOTICE. THE NOTICE
24 IS A RESULT OF THE VIOLATION AT THE SITE.

25 CHAIRMAN FRAZEE: BUT WE DO NORMALLY TAKE

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1 THOSE INTO CONSIDERATION.

2 MS. RICE: WELL, WHAT YOU EXPECT FROM
3 STAFF IS THAT THERE HAVE BEEN A PREPERMIT
4 INSPECTION AND THAT WE DESCRIBE TO YOU THE RESULTS
5 OF THAT INSPECTION. OUR UNDERSTANDING OF YOUR
6 INTENT IN WANTING THAT INFORMATION IS THAT YOU
7 WANT INFORMATION ON COMPLIANCE WITH STATE MINIMUM
8 STANDARDS PURSUANT TO THE STATUTORY PROVISION
9 THAT'S SAYS THAT'S ONE OF THE THINGS YOU LOOK AT
10 WHEN YOU'RE REVIEWING A PERMIT.

11 MEMBER JONES: AND THAT HASN'T CHANGED
12 BECAUSE THE LEA DID HIS JOB, ISSUED THE STIPULATED
13 ORDER. THE OPERATOR SAID WE HAVE ALREADY PUT THIS
14 OUT TO BID OR WE'RE GETTING READY TO PUT IT UP TO
15 RFP. SO THE ISSUE IS IS STAFF -- YOU KNOW, WOULD
16 STAFF SPEND A DAY LOOKING AT THE THING AND SAY,
17 OKAY, YEAH, THEY'VE DONE EVERYTHING THEY'RE
18 SUPPOSED TO. IF THAT WOULD HAVE COME IN A WEEK
19 AGO, THE STIPULATED ORDER, IS THAT --

20 MS. RICE: IT SOUNDS TO ME AS THOUGH THE
21 ONLY THING WE MIGHT HAVE BEEN SUGGESTING HAD WE
22 HAD MORE OPPORTUNITY TO TALK TO THE LEA ABOUT IT
23 WAS WHETHER THOSE TIME FRAMES MIGHT BE SHORTENED
24 IN THE ORDER. I UNDERSTAND FROM THE TESTIMONY
25 WE'VE RECEIVED THAT IN REALITY IT SOUNDS AS
THOUGH

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1 THE VIOLATIONS WILL BE CORRECTED IN SHORTER ORDER
2 THAN CALLED FOR IN THE STIPULATED ORDER IN ANY
3 CASE. SO THE END RESULT MAY BE THE SAME, BUT
4 THAT'S THE ONLY THING WE WERE LOOKING FOR A LITTLE
5 OPPORTUNITY TO TALK TO HIM FURTHER ABOUT WAS
6 WHETHER HE WOULD BE INTERESTED IN REVISING THAT
7 ORDER, I ASSUME, TO SHORTEN UP THE TIME FRAMES.

8 MEMBER JONES: I MEAN ONE-INCH OR INCH-
9 AND-A-HALF WATER HOSE ON THE DUST OR MISTING
10 SYSTEM, THEY ARE BOTH DUST SUPPRESSING, YOU KNOW,
11 ISSUES. AND THE PLUMBING ISSUE IS AN
12 HISTORICAL -- AN HISTORICAL CONDITION OF THE SITE
13 THAT WAS THERE TODAY IN YOUR REVISION OR FOUR
14 MONTHS AGO ON YOUR DAILY OPERATION. IT'S BEEN
15 IDENTIFIED AND IT'S GOING TO BE FIXED.

16 MR. SWIFT: RIGHT.

17 BOARD MEMBER JONES: I'M SATISFIED.

18 CHAIRMAN FRAZEE: WE HAVE A MOTION BEFORE
19 US THEN, CORRECT? CALL THE ROLL ON THAT, PLEASE.

20 THE SECRETARY: BOARD MEMBER RELIS.

21 MEMBER RELIS: ABSTAIN ON THE PROCEDURE.

22 THE SECRETARY: BOARD MEMBER JONES.

23 MEMBER JONES: AYE.

24 THE SECRETARY: CHAIRMAN FRAZEE.

25 CHAIRMAN FRAZEE: AYE. MOTION IS

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1 CARRIED. WE'LL FORWARD THIS ITEM TO THE FULL
2 BOARD WITH A RECOMMENDATION FOR APPROVAL.

3 NOW WE ARE READY TO GO TO ITEM 10.
4 THIS IS A CONSIDERATION OF SITES FOR REMEDIATION
5 UNDER THE WASTE TIRE STABILIZATION AND ABATEMENT
6 PROGRAM.

7 MS. RICE: THANK YOU, MR. CHAIRMAN,
8 MEMBERS. GALE REHBERG WILL MAKE THIS PRESENTATION
9 FOR STAFF.

10 MS. REHBERG: ONE MORE TIRE ITEM FOR
11 TODAY. THE PUBLIC RESOURCES CODE AUTHORIZES THE
12 BOARD TO EXPEND MONEY FROM THE CALIFORNIA TIRE
13 RECYCLING MANAGEMENT FUND TO PERFORM CLEANUP,
14 ABATEMENT, OR REMEDIAL WORK REQUIRED TO PREVENT
15 SUBSTANTIAL POLLUTION, NUISANCE, OR INJURY TO THE
16 PUBLIC'S HEALTH OR SAFETY AT WASTE TIRE SITES
17 WHERE THE RESPONSIBLE PARTIES HAVE FAILED TO TAKE
18 THE APPROPRIATE ACTIONS.

19 THERE'S ONE SITE IN THIS ITEM. IT'S
20 KNOWN AS THE TRI-COUNTY WASTE TIRE SITE LOCATED IN
21 EXETER. IT'S PROBABLY THE THIRD LARGEST SITE IN
22 CALIFORNIA RIGHT NOW AND HAS AN ESTIMATED 2.2
23 MILLION WASTE TIRES AND EQUIVALENTS ON SITE.

24 THE SITE IS A PRIORITY ONE SITE, AND
25 WE ARE REQUESTING FUNDS TO REMEDIATE THE SITE. I

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1 PREVIOUSLY BROUGHT THIS SITE BEFORE YOU REQUESTING
2 MONEY FOR STABILIZATION, AND YOU DID APPROVE
3 \$25,000. STAFF, THROUGH THE CURRENT CONTRACTOR,
4 SUKUT CONSTRUCTION, HAS REVIEWED THE SITE AND
5 DETERMINED THAT STABILIZATION MEASURES HAVE BEEN
6 TAKEN BY THE PROPERTY OWNER AND THAT AT THIS TIME
7 WE SHOULD LOOK TO START A REMEDIATION OF THE SITE.

8 I DON'T HAVE A PLAN FOR REMEDIATION
9 OF THE SITE AT THIS TIME. WE DON'T USUALLY HAVE A
10 PLAN WHEN WE BRING THE SITE FORWARD TO YOU AND ASK
11 FOR MONEY; HOWEVER, DUE TO THE SIZE OF THE SITE,
12 MORE THAN LIKELY IT WOULD BE A CLEAN THAT WOULD
13 SPREAD OVER A COUPLE YEARS.

14 DOES ANYBODY HAVE ANY QUESTIONS
15 REGARDING THIS SITE OR REMEDIATION?

16 CHAIRMAN FRAZEE: NO. WE DO HAVE A
17 REQUEST TO SPEAK ON THIS ITEM. ELI SEFCHOVICH; IS
18 THAT CORRECT?

19 MR. SEFCHOVICH: CLOSE. I'M ELI
20 SEFCHOVICH, AND WE ARE WITH A COMPANY CALLED WASTE
21 CLASSIFICATION TECHNOLOGY. WE HAVE SOME PATENTS
22 ON A PROCESS TO CONVERT USED TIRES INTO FUEL. WE
23 HAVE PUT IN THE PROPOSAL, WE HAVE A PILOT PLANT UP
24 IN OREGON, BUT OUR PLAN IS TO BRING THE PLANT DOWN
25 TO THE TRI-COUNTY TIRE SITE AT EXETER IN TULARE

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1 COUNTY.

2 AND IT'S A LITTLE MORE COMPLICATED
3 FROM THE LEGAL POINT OF VIEW, AS I GUESS EVERYBODY
4 KNOWS THAT BECAUSE IT WENT THROUGH SEVERAL
5 OWNERSHIPS AND WHATEVER LEGAL PROBLEMS THAT WERE
6 IN THERE. AND -- BUT WE'RE WILLING TO GET ALL THE
7 PERMITS FROM THE COUNTY. THEY'RE VERY INTERESTED
8 IN GETTING US GOING THERE.

9 WE'VE LOCATED POTENTIAL BUYERS OF
10 THE FUELS THAT WE'RE GOING TO PRODUCE, AND WE
11 WOULD LIKE TO SET UP OUR PLANT OVER THERE FOR AT
12 LEAST -- WE THINK WE CAN CLEAN IT UP IN TWO, THREE
13 YEARS.

14 I WOULD LIKE TO HAVE YOUR SUPPORT IN
15 THE SENSE OF OBTAINING THE PERMITS AND HELPING US
16 GET THE PERMITS FOR THAT PURPOSE. OF COURSE, FROM
17 OUR POINT OF VIEW, IT'S A BUSINESS AND IT WOULD
18 HELP US SET THAT UP AS A SHOWCASE FOR OUR
19 TECHNOLOGY. BUT WE DO BELIEVE WE HAVE A WAY OF
20 REALLY TAKING CARE OF THE TIRE PROBLEM IN A
21 VERY -- FROM OUR POINT OF VIEW IN AN ECONOMICALLY
22 ATTRACTIVE WAY AND ENVIRONMENTALLY A VERY BENIGN
23 MANNER.

24 THE DATA WE HAVE COLLECTED UP TO NOW
25 HAS SHOWN THAT WE CAN REALLY LIMIT THE EMISSIONS

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1 FROM THE POINT OF VIEW OF THE SULFUR THAT IS IN
2 THE TIRES ITSELF, WHICH IS A MAJOR CONSIDERATION,
3 OF COURSE. AND THAT WE CAN DO IN A VERY CLEAN AND
4 ECONOMIC MANNER.

5 AND I WAS JUST ASKING IF WE PROCEED
6 IN GETTING ALL THE PERMITS AND PUTTING --
7 INTEGRATE THE WHOLE PROJECT, AND I JUST WANTED TO
8 MAKE SURE THAT WE DON'T JUST DO THAT AND END UP
9 WITH POSSIBILITY OF NOT GETTING THE PERMIT FROM
10 HERE TO PROCEED WITH IT. SO I WOULD LIKE TO SEE
11 WHAT OPINION. I DON'T KNOW. I'D LIKE TO BELIEVE
12 THAT WE CAN PROCEED IN THAT MANNER.

13 CHAIRMAN FRAZEE: HAVE YOU DEALT WITH THE
14 CURRENT OWNERS OF THE TIRES?

15 MR. SEFCHOVICH: OH, THE TIRES, THE
16 OWNERSHIP BECAME -- WAS ASSIGNED TO THE COUNTY, I
17 THINK, ABOUT A YEAR AGO, BUT IT WAS IN DOUBT FOR
18 QUITE SOME TIME. THE PERSON THAT BROUGHT THE
19 TIRES ON THAT SITE APPARENTLY WENT BANKRUPT AND
20 JUST LEFT WHATEVER IT WAS.

21 SO, YEAH. BUT THE OWNERS OF THE
22 SITE, YEAH, WE KNOW THE OWNERS OF THE SITE. AND
23 WE'VE TALKED TO THE COUNTY ALSO. IN FACT, AS OF
24 YESTERDAY, THEY'RE VERY ANXIOUS TO SEE WHAT I COME
25 BACK FROM IN THIS MEETING, YOU KNOW, TO SEE IF

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1 THERE'S A POSITIVE ANSWER, THEY WANT TO PROCEED.
2 SO THEY ASKED ME TO CALL THEM TOMORROW AS A MATTER
3 OF FACT.

4 CHAIRMAN FRAZEE: I THINK AS THIS ITEM IS
5 BEFORE US, THERE'S NOTHING THAT HINDERS YOU
6 PROCEEDING WITH THAT. THIS IS MERELY
7 IDENTIFICATION AND APPROVAL OF THE FUNDS.

8 MR. DIER: MR. CHAIRMAN, MAYBE I CAN
9 OFFER A LITTLE CLARIFICATION. THIS ITEM BEFORE
10 YOU IS THE APPROVAL TO PROCEED WITH THE
11 REMEDICATION OF THE SITE. WE DON'T ANTICIPATE
12 UNDERTAKING THAT ACTIVITY THIS YEAR WITH THE SUKUT
13 CONTRACT. WE HAVE ENOUGH SITES WE'VE GAINED
14 PROPERTY ACCESS FROM IN ORDER TO PRETTY MUCH USE
15 UP THE REMAINING FUNDS IN THE EXISTING CONTRACT.

16 WHAT WE HAD ANTICIPATED WAS PERHAPS
17 UNDER THE -- UNDER THE CURRENT YEAR'S CONTRACT,
18 WHICH WE JUST NOW HAVE AN RFQ GOING OUT FOR, TO
19 PROBABLY UTILIZE THAT CONTRACT TO BEGIN REMEDIA-
20 TION OF THIS SITE. SO THAT WOULD PROBABLY BE
21 AFTER JULY 1 AT THE EARLIEST.

22 THERE'S ONE OPTION -- I SEE A COUPLE
23 OF OPTIONS HERE FOR THE GENTLEMAN. ONE WOULD BE
24 THAT IF THE SITE IS PURSUED AS A REMEDIATION
25 PROJECT UNDER THIS BOARD'S JURISDICTION, THE

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1 GENTLEMAN COULD PARTICIPATE IN THAT -- HE
COULD

2 BID ON THAT CLEANUP.

3 ANOTHER WHICH -- AND I WILL BE
HAPPY

4 TO MEET WITH HIM AFTER THIS MEETING TO
DISCUSS

5 ACQUISITION OF A MAJOR WASTE TIRE FACILITY
PERMIT.

6 WE HAVEN'T REALLY HAD ANY CONTACT WITH HIM
UP TO

7 THIS POINT, SO I'D BE MORE THAN HAPPY TO SIT
DOWN

8 WITH HIM AND GO OVER WHAT THE REQUIREMENTS
ARE FOR

9 A MAJOR WASTE TIRE PERMIT. IF THAT'S WHAT
HE'S

10 ASKING, WE'LL CERTAINLY DO THAT.

11 MR. SEFCHOVICH: WE WOULD LIKE THAT
VERY

12 MUCH.

13 CHAIRMAN FRAZEE: OKAY. I THINK
14 THAT'S --

15 MR. SEFCHOVICH: SO IT WOULD BE THE
NEXT

16 STEP. NEXT STEP.

17 CHAIRMAN FRAZEE: YES. OKAY. WE
HAVE

18 THE ITEM BEFORE US TO APPROVE OF THE SITE.

19 MEMBER RELIS: RESOLUTION 97-96 FOR
THE

20 REMEDIATION AND STABILIZATION ABATEMENT
PROGRAM.

21 MEMBER JONES: I'LL SECOND.

22 CHAIRMAN FRAZEE: OKAY. WE HAVE A
MOTION

23 AND SECOND. IF YOU WOULD CALL THE ROLL ON
THAT,

24 PLEASE.

25 THE SECRETARY: BOARD MEMBER RELIS.

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1 MEMBER RELIS: AYE.

2 THE SECRETARY: BOARD MEMBER JONES.

3 MEMBER JONES: AYE.

4 THE SECRETARY: CHAIRMAN FRAZEE.

5 CHAIRMAN FRAZEE: AYE. MOTION IS
6 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
7 CONSENT ON THAT ITEM.

8 NOW WE'RE READY FOR ITEM 11. THIS
9 IS THE CONSIDERATION OF THE CERTIFICATION OF
10 SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
11 DIVISION OF ENVIRONMENTAL HEALTH AS THE LOCAL
12 ENFORCEMENT AGENCY FOR SHASTA AND TRINITY
13 COUNTIES.

14 MS. RICE: THANK YOU, MR. CHAIRMAN. MARY
15 COYLE WILL MAKE THIS PRESENTATION AND ALSO THE
16 PRESENTATION FOR ITEM 12.

17 MS. COYLE: MR. CHAIRMAN AND MEMBERS, THE
18 ITEM BEFORE YOU TODAY IS TO CONSIDER SHASTA COUNTY
19 ACTING AS LEA FOR BOTH SHASTA AND TRINITY
20 COUNTIES. IN FEBRUARY OF 1996, TRINITY COUNTY
21 NOTIFIED THE BOARD THAT THEY WERE GOING TO
22 CONTRACT WITH SHASTA COUNTY TO PROVIDE LEA
23 SERVICES. SHASTA COUNTY LEA HAS BEEN
PERFORMING

24 THOSE DUTIES SINCE THAT DATE.

25

THE -- THEY -- SHASTA COUNTY HAS

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1 PROVIDED UPDATED DOCUMENTATION TO SHOW THAT NEW
2 JURISDICTIONAL ARRANGEMENT. THAT DOCUMENTATION
3 MEETS THE REQUIREMENTS OF STATUTE AND REGULATION.
4 THEY ARE COMPLETE AND ACCEPTABLE FOR THE BOARD TO
5 CONSIDER APPROVAL OF THE EPP ISSUANCE OF A
6 REQUESTED CERTIFICATION AND APPROVAL OF THE
7 CONTRACT JURISDICTION. THEREFORE, STAFF RECOMMEND
8 THE BOARD APPROVE AND ADOPT RESOLUTION 97-84.

9 CHAIRMAN FRAZEE: OKAY.

10 MEMBER JONES: I'LL MAKE A MOTION THAT WE
11 ADOPT 97-84.

12 MEMBER RELIS: SECOND.

13 CHAIRMAN FRAZEE: WE HAVE A MOTION AND A
14 SECOND ON THE ADOPTION OF RESOLUTION 97-84.

15 SECRETARY WILL CALL THE ROLL.

16 THE SECRETARY: BOARD MEMBER RELIS.

17 MEMBER RELIS: AYE.

18 THE SECRETARY: BOARD MEMBER JONES.

19 MEMBER JONES: AYE.

20 THE SECRETARY: CHAIRMAN FRAZEE.

21 CHAIRMAN FRAZEE: AYE. MOTION IS
22 CARRIED. IF THERE'S NO OBJECTION, WE'LL RECOMMEND
23 CONSENT ON THAT.

24 NOW ITEM 13 IS SIMILAR.
25 MS. COYLE: ITEM 13 -- OR 12 IS THE

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1 CONSIDERATION OF APPROVAL OF CERTIFICATION OF THE
2 SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES
3 DIVISION, HEALTHCARE SERVICES DEPARTMENT AS THE
4 LEA FOR SANTA BARBARA COUNTY.

5 THIS ITEM IS TO UPDATE SANTA BARBARA
6 COUNTY'S CERTIFICATION REFLECTING LOCAL
7 ORGANIZATIONAL CHANGES MADE WITHIN THE COUNTY.
8 THE LEA CONTINUES TO COMPLY WITH ALL CERTIFICATION
9 REQUIREMENTS AND ITS ENFORCEMENT PROGRAM PLAN.

10 PREVIOUSLY THE LEA WAS PART OF
11 AGRICULTURE AND ENVIRONMENTAL MANAGEMENT
12 DEPARTMENT. THE COUNTY HAS REORGANIZED AND NOW
13 THE LEA, WHICH IS SANTA BARBARA COUNTY
14 ENVIRONMENTAL HEALTH SERVICES DIVISION, IS NOW A
15 PART OF SANTA BARBARA COUNTY HEALTHCARE SERVICES
16 DEPARTMENT.

17 ALL THE DOCUMENTS ARE APPROPRIATE
18 FOR MEETING DESIGNATION AND CERTIFICATION
19 REQUIREMENTS. THE NEWLY FORMED AGENCY DOES NOT
20 HAVE ANY OPERATOR CONFLICT ISSUES. AND,
21 THEREFORE, BOARD STAFF RECOMMEND THE BOARD ADOPT
22 RESOLUTION 97-87.

23 MEMBER RELIS: MR. CHAIR, I'D LIKE TO
24 TAKE A PAROCHIAL PREROGATIVE AND MOVE

RESOLUTION
25 97-87.

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1 MEMBER JONES: I WOULD LIKE TO SUPPORT
2 OUR FRIEND FROM SAN BERNARDINO -- I MEAN SANTA
3 BARBARA.

4 CHAIRMAN FRAZEE: OKAY. WE HAVE A MOTION
5 AND A SECOND ON RESOLUTION 97-84. IF THERE'S NO
6 OBJECTION, WE'LL SUBSTITUTE PREVIOUS ROLL CALL ON
7 THAT AND RECOMMEND THAT FOR THE CONSENT CALENDAR.

8 NOW WE HAVE TWO ITEMS REMAINING. MY
9 NOTES TELLS ME THAT WE WANT TO DO 15 AHEAD OF 14.

10 MS. RICE: THAT'S CORRECT, MR. CHAIRMAN..

11 CHAIRMAN FRAZEE: ITEM 15 IS STATUS
12 REPORT ON THE DEPARTMENT OF FOOD AND AG REVIEW OF
13 NONHAZARDOUS ASH LAND APPLICATION ISSUES.

14 MS. RICE: THANK YOU. ELLIOT BLOCK FROM
15 THE LEGAL OFFICE WILL MAKE THE PRESENTATION.

16 MR. BLOCK: AS THE COMMITTEE MEMBERS
17 KNOW, WE RECEIVED A LETTER FROM THE DEPARTMENT OF
18 FOOD AND AGRICULTURE MONDAY AFTERNOON, AND SO I
19 HAVE ATTEMPTED TO QUICKLY PUT TOGETHER A LITTLE
20 BIT OF A PRESENTATION TRANSLATING THAT LETTER.

21 MEMBER RELIS: WE ALL GOT THAT LETTER?

22 MR. BLOCK: I BELIEVE YOU HAVE A COPY.
23 THERE ARE MORE COPIES ON THE BACK TABLE. AND IF
24 YOU NEED TO GET A COUPLE, WE CAN.

25 MEMBER RELIS: I HAVEN'T SEEN IT.

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1 CHAIRMAN FRAZEE: THE TRANSLATION WILL BE
2 EASIER.

3 MR. BLOCK: THAT INCLUDES A LITTLE BIT OF
4 BACKGROUND.

5 BASICALLY JUST TO TAKE US BACK
6 THROUGH WHAT -- WHERE WE'VE BEEN UP UNTIL NOW,
7 APPROXIMATELY A YEAR AGO WE STARTED THE INFORMAL
8 PROCESS IN DEVELOPING THESE REGULATIONS WITH
9 WORKSHOPS AND A WORKING GROUP MEETING, AND THAT'S
10 CONTINUED ON THROUGHOUT THE PAST YEAR.

11 THE DEPARTMENT OF FOOD AND
12 AGRICULTURE WAS INVOLVED IN THOSE MEETINGS. THEY
13 HAD REPRESENTATIVES AT THE WORKSHOPS AND AT THE
14 WORKING GROUPS, AND WAS AT THAT POINT IN TIME
15 COMFORTABLE WITH THE DIRECTION THE BOARD WAS
16 TAKING AND THE LIKE.

17 THOSE -- THE RESULT OF THOSE
18 INFORMAL WORKSHOPS AND WORKING GROUPS WERE TO COME
19 UP WITH REGULATIONS FOR NONHAZARDOUS ASH, WHICH
20 INCLUDED LAND APPLICATION. THOSE REGULATIONS WERE
21 FORMALLY NOTICED IN OCTOBER. AND AGAIN, THE
22 DEPARTMENT OF FOOD AND AG WAS INVOLVED IN
23 THAT
24 PROCESS AND AT THAT POINT IN TIME WAS
25 COMFORTABLE

26 WITH THE DRAFT REGULATIONS, THE PROPOSED

25 REGULATIONS, WHICH SLOTTED LAND
APPLICATION OF

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1 NONHAZARDOUS ASH IN THE NOTIFICATION TIER.

2 AT THE DECEMBER MEETING, THE
3 PERMITTING AND ENFORCEMENT COMMITTEE HEARING, THE
4 COMMITTEE CONSIDERED SOME REVISED REGULATIONS
5 WHICH NOW SLOTTED LAND APPLICATION IN THE EXCLUDED
6 TIER. AND AT THAT POINT IN TIME, THE DEPARTMENT
7 OF FOOD AND AGRICULTURE EXPRESSED SOME CONCERN
8 ABOUT THAT.

9 THEY ALSO SUBSEQUENT TO THAT MEETING
10 REQUESTED A DELAY IN OUR REGULATORY PROCESS SO
11 THEY COULD HAVE A PERIOD OF TIME. THEY
12 REQUESTED -- I DON'T REMEMBER IF THEY REQUESTED 90
13 DAYS OR 90 DAYS WAS WHAT WE ALLOWED, BUT THEY
14 REQUESTED SOME TIME TO CONSIDER THE ISSUE ON THEIR
15 OWN IN TERMS OF THEIR JURISDICTIONAL ISSUES AND
16 HOW THEY MIGHT WANT TO DEAL WITH THIS ISSUE IN
17 LIGHT OF THE BOARD'S DIRECTION ON THE REGULATIONS.

18 THEY PUT TOGETHER A WORKING GROUP,
19 WHICH I PARTICIPATED IN A COUPLE OF MEETINGS ON
20 WITH A SCHEDULE WHICH WOULD HAVE THEM COMING BACK
21 TO THIS BOARD WITH SOME INFORMATION IN MID-APRIL.
22 AND, IN FACT, THEY'VE COME BACK ABOUT A MONTH
23 EARLIER THAN THAT WITH THE LETTER THAT YOU SAW
24 EITHER NOW OR WHEN YOU GOT IT MONDAY AFTERNOON.
25 MEMBER RELIS: COULD WE JUST FOR PURPOSES

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1 EX PARTE THIS LETTER BECAUSE I DIDN'T GET IT?

2 CHAIRMAN FRAZEE: I DID, BUT WE'LL JUST
3 FOR THE RECORD TO IDENTIFY A LETTER FROM THE
4 DEPARTMENT OF FOOD AND AGRICULTURE DATED MARCH THE
5 11TH AND ADDRESSED TO CHAIRMAN PENNINGTON AND
6 MYSELF.

7 MR. BLOCK: THE LETTER ITSELF IS FAIRLY
8 BRIEF, AND SO MY TRANSLATION OF IT WILL BE FAIRLY
9 BRIEF. BASICALLY IT REFERENCES THE FACT THAT
10 DEPARTMENT OF FOOD AND AGRICULTURE HAS THE
11 AUTHORITY TO PROMOTE AND PROTECT THE AGRICULTURE
12 INDUSTRY OF THE STATE. AND ALONG THOSE LINES, TO
13 PROMOTE THE DISTRIBUTION OF EFFECTIVE AND SAFE
14 FERTILIZING MATERIALS AND ENSURE CONSUMER
15 PROTECTION IN TERMS OF THE LABELING OF THOSE
16 MATERIALS AND THE LIKE.

17 IN LOOKING AT THAT STATUTORY
18 AUTHORITY, IN THE LETTER, AND I JUST WENT AHEAD
19 AND QUOTED FROM THE LETTER BECAUSE I THINK IT'S
20 FAIRLY TELLING, IT PROVIDES THAT IT IS CDFA'S

ROLE

21 TO DEFINE A BENEFICIAL AGRICULTURAL USE AND ALSO
22 PROVIDES THAT CDFA BELIEVES THAT WHEN A RECYCLED
23 MATERIAL IS BEING PROPOSED FOR USE IN
AGRICULTURE,

24 THE EXISTING FOOD AND AGRICULTURE CODE AND
25 REGULATIONS SHOULD BE USED AS THE DETERMINANT FOR

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1 BENEFICIAL AGRICULTURAL USE.

2 AND AS HAS BEEN DISCUSSED IN THE
3 PAST, FOOD AND AGRICULTURE CODES AND REGULATIONS
4 HAVE VARIOUS REQUIREMENTS FOR THE REGISTRATION OF
5 AGRICULTURAL MINERALS, FERTILIZERS, AND THE LIKE,
6 AND THERE'S SOME LABELING REQUIREMENTS, REGISTRA-
7 TION REQUIREMENTS, AND THE LIKE.

8 BASED ON THE LETTER AND THEN SOME
9 CONVERSATIONS I HAVE HAD WITH STAFF AT DEPARTMENT
10 OF FOOD AND AGRICULTURE, I SHOULD MENTION, I
11 FORGOT TO MENTION, THAT MARY ROSE REPINE, THE --
12 AND I DON'T KNOW HER TITLE, BUT SHE'S ESSENTIALLY
13 DEPUTY DIRECTOR OF ONE OF THE DIVISIONS IN THAT
14 DEPARTMENT, WAS NOT ABLE TO MAKE IT TO THIS
15 MEETING TODAY. I DID EXTEND AN INVITATION, BUT
16 SHE HAD A SCHEDULING CONFLICT.

17 IN ESSENCE, WHAT THE DEPARTMENT IS
18 SAYING IS THAT BENEFICIAL USE OF, IN THIS CASE
19 ASH, BUT THEORETICALLY IT WOULD BE OF ANY TYPE OF
20 WASTE-DERIVED PRODUCT, IS THE EQUIVALENT OF
21 COMPLIANCE WITH THEIR STATUTES AND REGULATIONS.
22 IN OTHER WORDS, IF A MATERIAL IS BEING USED IN
23 COMPLIANCE WITH THEIR STATUTES AND REGULATIONS,
24 IT'S BENEFICIAL USE AND NOT DISPOSAL AND FALLS
25 WITHIN THEIR JURISDICTION TO DEAL WITH,
REGULATE,

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1 ETC.

2 AND AS I MENTIONED BEFORE, THOSE
3 INCLUDE REGISTRATION AND MINIMUM LABELING
4 REQUIREMENTS AND SIMILAR THINGS. AND THEN
5 DISPOSAL WOULD EQUAL NONCOMPLIANCE WITH CDFA
6 STATUTES AND REGULATIONS SO THAT IF A MATERIAL IS
7 NOT REGISTERED WITH THEM, IS NOT MEETING THEIR
8 REQUIREMENTS, IT WOULD BE CONSIDERED DISPOSAL, AT
9 WHICH POINT THE BOARD'S JURISDICTION WOULD
10 PRESUMABLY KICK IN.

11 THAT'S BASICALLY ABOUT AS MUCH AS
12 INFORMATION AS I'VE GOT. AS I MENTION, WE JUST
13 GOT THIS LETTER MONDAY AFTERNOON. WHAT WE'RE
14 PROPOSING TO DO IS TAKE THAT INTO CONSIDERATION,
15 GO BACK, TAKE A LOOK AT THE REGS WE'VE GOT, FIGURE
16 OUT HOW WE NOW NEED TO ADJUST THOSE IN LIGHT OF
17 CDFA'S POSITION, AND COME BACK IN APRIL WITH SOME
18 PROPOSED REVISED REGULATIONS TO GO OUT FOR AN
19 ADDITIONAL 15-DAY NOTICE. THAT WILL GIVE US SOME
20 TIME TO TALK TO ASH PRODUCERS AND USERS, LEA'S.

21 IF THERE'S SOME QUESTIONS THAT THE
22 COMMITTEE HAS THAT WE NEED FURTHER CLARIFICATION
23 FROM CDFA, OF COURSE, THAT WILL GIVE US SOME TIME
24 TO DO THAT AS WELL IN THE MEANTIME. AND JUST TO
25 MAKE SURE WE GET THE LANGUAGE RIGHT SO WE DON'T

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1 END UP HAVING AN EXTRA 15-DAY COMMENT PERIOD
2 SIMPLY BECAUSE WE TRIED TO MOVE A LITTLE BIT TOO
3 FAST.

4 WE HAVE -- ALLISON REYNOLDS DID TAKE
5 IT UPON HERSELF TO FAX COPIES OF THE LETTER TO AS
6 MANY INTERESTED PARTIES AS SHE COULD YESTERDAY.
7 SHE ACTUALLY DIDN'T GET A COPY OF IT TILL
8 YESTERDAY MORNING. AND REPRESENTATIVES OF THE
9 COAL ASH PRODUCERS, BIOMASS, WHEELABRATOR ALL GOT
10 COPIES, AND I BELIEVE CERTAIN LEA'S THAT HAVE BEEN
11 INTERESTED IN THIS PROCESS OVER THE LAST YEAR HAVE
12 ALSO GOTTEN COPIES OF THE FAX. I DON'T KNOW IF
13 ANY OF THEM ARE INTERESTED IN SPEAKING TODAY. I
14 DON'T KNOW IF YOU HAVE ANY SPEAKER SLIPS.

15 WE OBVIOUSLY HADN'T HAD A CHANCE TO
16 TALK WITH THEM ABOUT THIS TO FIGURE OUT HOW THE
17 REGS SHOULD NOW BE PHRASED IN ANY KIND OF DETAIL,
18 BUT WANTED TO GIVE YOU A STATUS UPDATE AND SEE IF
19 THERE WERE ANY QUESTIONS THAT WE EITHER NEEDED TO
20 MAKE SURE WE DEALT WITH BETWEEN NOW AND NEXT
21 MONTH, WHETHER THAT'S CONVERSATIONS WITH CDFA OR
22 OTHERWISE.

23 CHAIRMAN FRAZEE: FORGIVE ME IF I START
24 OFF BY SAYING I TOLD YOU SO IN THE BEGINNING.

BUT

25 BEYOND THAT, YOU KNOW, I THINK IT'S PRETTY
CLEAR

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1 OF WHERE WE'RE GOING WITH THE AGRICULTURAL
2 BENEFICIAL USE.

3 THE OPEN DOOR IS STILL THE
4 NONAGRICULTURAL BENEFICIAL USE. AND WE HAVE IN
5 THE, IF I RECALL THE DRAFT REGULATIONS, WE HAD
6 SOME SORT OF ESCAPE CLAUSES IN THERE WHERE IT WAS
7 USED AS A ROAD MATERIAL AND VARIOUS THINGS OF
8 THAT. AND I THINK THAT'S ONE OF THE AREAS WE NEED
9 TO BE LOOKING AT OF, YOU KNOW, WHAT IS THE
10 APPROPRIATE DELINEATION BETWEEN LAYING IT DOWN AS
11 A ROAD AND/OR DISPOSING OF IT THAT WAY AND CALLING
12 IT A ROAD.

13 AND THEN THE QUESTION ARISES WHERE
14 OUR JURISDICTION ENDS ON THE BENEFICIAL
15 AGRICULTURAL USE. DO WE WANT TO HAVE SOME
16 SPECIFICATION OR A REQUIREMENT THAT THE PRODUCER
17 OF THE MATERIAL CERTIFY ITS CHEMICAL MAKEUP AS OUR
18 ENDING POINT FOR OUR LEVEL OF REGULATION. ARE YOU
19 FOLLOWING ME?

20 MR. BLOCK: I'M SORRY. I DIDN'T REALIZE
21 YOU WERE ASKING FOR A RESPONSE RIGHT NOW AS
22 OPPOSED TO SOMETHING TO DEAL WITH FOR THE APRIL
23 MEETING. I THINK THOSE ARE THE ISSUES THAT COME
24 INTO PLAY. WE'RE NOT SURE -- IF CDFA -- IN
25 ESSENCE, WHAT THEY'RE SAYING IS IF THIS MATERIAL

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1 IS BEING USED IN AGRICULTURAL LAND, THAT IT'S
2 WITHIN THEIR AMBIT TO FIGURE OUT WHAT IS OR ISN'T
3 OKAY. AND IT'S REALLY ONLY ONCE IT FALLS OUT OF
4 THAT, ONCE THEY'VE DECIDED, IN A SENSE, IT DOESN'T
5 FIT WITHIN THEIR CONCEPT OF BENEFICIAL USE, THAT
6 WE THEN COME INTO PLAY, IF YOU WILL.

7 AND THERE'S OBVIOUSLY SOME DIFFERENT
8 WAYS THAT THAT CAN BE DELINEATED IN REGULATIONS.
9 CONCEPTUALLY IT'S FAIRLY EASY, BUT HOW YOU
10 ACTUALLY WRITE IT. DO WE STILL REQUIRE A COPY OF
11 A REGISTRATION, FOR INSTANCE, OR THAT SORT OF
12 THING. I MEAN THERE'S A LOT OF DIFFERENT WAYS
13 THAT MIGHT PLAY OUT, AND WE SIMPLY HAVEN'T HAD
14 TIME TO HAVE THOSE CONVERSATIONS WITH THE AFFECTED
15 PARTIES YET.

16 MEMBER RELIS: MR. CHAIRMAN, IT SEEMS TO
17 ME THAT I'D BE VERY INTERESTED IN KNOWING. MY
18 READ OF THE LETTER SAYS WOULD THIS APPLY TO GREEN
19 WASTE IN BULK, COMPOST IN BULK, SINCE THAT'S NOT
20 LABELED. AND AT LEAST MY READ OF THIS SAYS THAT
21 THE ASH PEOPLE, IF THIS WAS AGREED TO, WOULD GO TO
22 CDFA, NOT US. AND MORE IMPORTANTLY, I THINK IT
23 SAYS, IF I'M READING THIS CORRECTLY, UNDER ASH, AS
24 A CASE IN POINT, POTENTIAL -- IT'S CDFA'S ROLE TO
25 DEFINE BENEFICIAL USE. ABSENT FURTHER REGULATORY

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1 OR STATUTORY DEVELOPMENT -- I'M NOT SURE WHAT THAT
2 IS -- NO OTHER ACTIVITIES OR MATERIALS WOULD BE
3 CONSIDERED BENEFICIAL USES FOR AGRICULTURE. SO
4 THAT WOULD SAY WITHOUT FURTHER REGULATORY
5 ACTIVITY, I WOULD READ THAT ASH IS NOT ONE OF
6 THOSE MATERIALS. AM I MISREADING THIS?

7 MS. RICE: EXCEPT TO THE EXTENT THEY HAVE
8 ALREADY APPROVED ITS USE FOR THAT PURPOSE.

9 MR. BLOCK: AS I UNDERSTAND WHAT CDFA IS
10 SAYING, THEY HAVE REGULATIONS AND STATUTES ON THE
11 BOOKS RIGHT NOW WHICH ASH AS A SOIL AMENDMENT FALL
12 UNDER. AND I DON'T KNOW. YOU MAY WANT TO ASK
13 SOME OF THE REPRESENTATIVES HERE. MY UNDER-
14 STANDING IS THAT ALL OF THE MAJOR ASH PRODUCERS
15 THAT HAVE BEEN INVOLVED IN THIS PROCESS, THEY'RE
16 ALL REGISTERED AGRICULTURAL MINERALS, AND SO ARE
17 IN COMPLIANCE WITH CDFA'S REQUIREMENTS. SO AS I
18 UNDERSTAND THIS, THEY'RE ALL --

19 MEMBER RELIS: THEN -- NOW, WHERE WOULD
20 COMPOST AND GREEN WASTE FIT IN?

21 MR. BLOCK: YOU KNOW, IT WASN'T PART OF
22 THE DISCUSSION IN THIS.

23 MEMBER RELIS: I'M NOT SURE I'M LOOKING
24 FOR CLARIFICATION.

25 MR. BLOCK: ACTUALLY I DON'T THINK

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1 THERE'S GOING TO BE A PROBLEM. THAT WAS CERTAINLY
2 NOT SOMETHING THEY WERE TRYING TO REACH WITH THIS.

3 MEMBER RELIS: IT'S JUST UNCLEAR BECAUSE
4 IT SOUNDS LIKE THE UNIVERSE.

5 MR. BLOCK: I WILL MAKE A POINT OF BEING
6 ABLE TO ARTICULATE THE REASON WHY THAT'S OKAY IN
7 NEXT MONTH, BUT IT FALLS UNDER A DIFFERENT SORT OF
8 CLASSIFICATION WHERE THEY'RE NOT SUBJECT TO THE
9 SAME REQUIREMENTS.

10 MEMBER RELIS: REASSURED.

11 CHAIRMAN FRAZEE: SO WE'RE GOING TO BE
12 BACK AT THE APRIL MEETING WITH A NEW SET OF DRAFT
13 REGULATIONS THAT REFLECT THIS?

14 MR. BLOCK: RIGHT. THEY'LL ACTUALLY BE
15 REFLECTING SOME OF THE ISSUES THAT YOU HAD
16 REFERENCED THAT CAME UP IN DECEMBER ABOUT THE
17 NONAGRICULTURAL BENEFICIAL USES BECAUSE WE HAD
18 SOME ISSUES RAISED THAT WERE THERE AND THEN ALSO
19 REFLECT THE APPROPRIATE CHANGES.

20 CHAIRMAN FRAZEE: I WAS JUST NOTIFIED
21 THIS MORNING OF AN APPLICATION OF, I BELIEVE,
22 50,000 YARDS OF ASH THAT WAS SUPPOSEDLY LAID
DOWN

23 AS AN AIRCRAFT RUNWAY.

24 MR. BLOCK: THIS IS SEPARATE FROM
THE ONE

25

THAT WE HEARD ABOUT BEFORE, THE 13 FOOT HIGH

217

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1 RUNWAY. THAT'S ONE OF THE ISSUES WE WILL BE
2 TALKING ABOUT.

3 MEMBER RELIS: 120-TON LOADS, RIGHT?

4 CHAIRMAN FRAZEE: YEAH, RIGHT. SO
5 THAT'S, YOU KNOW, ON THE OTHER SIDE OF THE
6 PICTURE, THIS ISSUE OF WHAT DO WE CATEGORICALLY
7 EXCLUDE, I THINK WE HAVE TO BE VERY CAREFUL WITH.

8 MR. BLOCK: OKAY.

9 CHAIRMAN FRAZEE: SO ANY OTHER --

10 MR. BLOCK: IT WAS PRIMARILY A STATUS
11 UPDATE, SO THERE'S NOT A MOTION OR VOTE NECESSARY.

12 CHAIRMAN FRAZEE: OKAY. THEN LET'S MOVE
13 BACK TO 14, AND THIS IS THE CONSIDERATION OF AN
14 UPDATE TO THE SCHEDULE FOR PLACEMENT OF OPERATIONS
15 AND FACILITIES INTO REGULATORY TIERS AND DEVELOP-
16 MENT OF MINIMUM STANDARDS.

17 MS. RICE: THANK YOU. OUR FINAL ITEM
18 WILL BE PRESENTED BOB HOLMES.

19 MR. HOLMES: GOOD AFTERNOON, MR. CHAIR,
20 MEMBERS OF THE COMMITTEE. THIS ITEM IS A RETAKE
21 OF AN ITEM THAT WAS BEFORE YOU IN JANUARY HAVING
22 TO DO WITH THE SCHEDULE FOR PLACEMENT OF
23 FACILITIES AND OPERATIONS INTO THE REGULATORY
24 TIERS. AT THAT TIME YOU DELAYED ACTION ON THIS
25 ITEM PARTIALLY BECAUSE OF THE INVOLVEMENT OF CDFA

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1 IN THE ASH REGULATIONS AND THE EFFECT THAT MAY
2 HAVE ON THE SCHEDULING OF THE BIOSOLIDS
3 REGULATIONS. THERE WAS ALSO SOME DISCUSSION ON
4 THE DIVERSION ISSUES OF THE OTHER TWO WASTE TYPES
5 OR MATERIAL TYPES THAT ARE SCHEDULED OR
6 TENTATIVELY SCHEDULED FOR THIS YEAR; NAMELY,
7 ORGANICS AND CONSTRUCTION AND DEMOLITION WASTES
8 AND THE POSSIBILITY OF PRIORITIZING THOSE AHEAD OF
9 BIOSOLIDS.

10 SINCE JANUARY AND THIS MEETING,
11 THERE WAS A SERIES OF ROUNDTABLES. BOARD STAFF
12 TOOK THOSE ISSUES TO THE LEA'S, AND THERE WAS SOME
13 FEEDBACK FROM THEM, SOME INTEREST IN KEEPING
14 BIOSOLIDS WHERE IT IS; THAT IS, SCHEDULED BEFORE
15 ORGANICS AND BEFORE C&D WASTE. THEY SEE THAT AS A
16 CERTAIN DEFINITE PUBLIC HEALTH THREAT, AND THEY
17 HAD A DESIRE TO KEEP THAT WHERE IT IS.

18 WE HAVE ALSO -- THE LEGISLATION
19 BRANCH OF THE BOARD HAS BEEN -- BECOME AWARE OF A
20 PROPOSED BILL, ASSEMBLYWOMAN ESCUTIA, WHO HAS A
21 C&D OPERATION IN HER DISTRICT, WHICH IS NOT
22 FAVORABLE WITH THE NEIGHBORS. AND THIS BILL WOULD
23 ASK THE BOARD TO BEGIN THOSE REGULATIONS BY A DATE
24 CERTAIN. WE DON'T HAVE THAT DATE YET, BUT JUST
25 WANTED TO LET YOU KNOW THAT THAT IS COMING DOWN

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1 THE LINE.

2 SO THE STAFF RECOMMENDATION REMAINS
3 THE SAME AS IT WAS IN JANUARY WITH THE BIOSOLIDS
4 TENTATIVELY SCHEDULED TO BEGIN MAY OF THIS YEAR
5 WITH ORGANICS TO FOLLOW IN JULY AND THEN
6 CONSTRUCTION AND DEMOLITION IN OCTOBER. THAT
7 CONCLUDES MY PRESENTATION.

8 CHAIRMAN FRAZEE: THE ORGANICS, IN THE
9 CONTEXT OF REVIEWING THAT IN TOTAL AS OPPOSED TO
10 WHAT WE'VE JUST BEEN DOING ON THE FINE TUNING OF
11 THE COMPOSTING REGULATIONS AND PICKING UP ON SOME
12 OF THAT, HOW DOES THAT FIT TOGETHER?

13 MR. HOLMES: IF I UNDERSTAND YOUR
14 QUESTION CORRECTLY, I THINK IT WOULD BE OF A
15 SIMILAR EFFECT TO BIOSOLIDS; THAT IS, IF CDFA
GETS
16 INVOLVED IN THE LAND APPLICATION TO AGRICULTURAL
17 LANDS OF VARIOUS MATERIALS, THAT WOULD INCLUDE
18 BIOSOLIDS AND A PORTION OF THE ORGANIC WASTE-
19 STREAM. SO I THINK IT WOULD BE A SIMILAR
EFFECT.

20 MS. RICE: WERE YOU ASKING, MR.
CHAIRMAN,
21 ABOUT THE RELATIONSHIP BETWEEN THE EMERGENCY
22 REGULATIONS WE RECENTLY ADOPTED -- YOU RECENTLY
23 ADOPTED -- I DON'T HAVE A VOTE -- AND THE

PROPOSED

24 TIERING OF ORGANICS.

25 CHAIRMAN FRAZEE: RIGHT.

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1 MS. RICE: AND ITS A GOOD POINT BECAUSE
2 IN REALITY WE MAY BE LOOKING AT TWO ISSUES IN
3 ORGANICS. ONE, THE NEED TO EITHER TURN THOSE
4 EMERGENCY REGULATIONS INTO FINAL REGULATIONS
5 WITHIN THE TIME FRAMES REQUIRED BY STATUTE, WHICH
6 I BELIEVE IS 120 DAYS, ELLIOT; IS THAT RIGHT?

7 MR. BLOCK: THAT'S CORRECT, RIGHT.

8 MS. RICE: AND AT THE SAME TIME LOOKING
9 AT THE BROADER ISSUE OF TIERING ORGANICS
10 ACTIVITIES THAT WERE NOT SLOTTED BY THE COMPOST
11 REGULATIONS. SO WE WOULD BE LOOKING MORE IN-DEPTH
12 AT VERMICOMPOSTING AND ALL OF THE ISSUES THAT YOU
13 GOT KIND OF A SNAPSHOT OF WITH THE EMERGENCY REGS.
14 SO THERE MAY BE A NEED FOR A TWO-PRONGED APPROACH
15 IF, FOR EXAMPLE, YOU HAVE A CONCERN THAT THE
16 EMERGENCY REGS MAY LAPSE BEFORE A RULEMAKING TO
17 SLOT THESE ACTIVITIES CAN BE COMPLETED GIVEN THAT
18 YOU PUT CONSIDERABLE EFFORT INTO THAT EMERGENCY
19 RULEMAKING AND PROVIDING THAT TOOL FOR
ENFORCEMENT

20 BY THE LEA'S. THERE MAY BE MERIT IN RUNNING
THOSE

21 TO TRY TO GET THEM FINALED WHILE AT THE SAME
TIME

22 PURSUING THE SLOTTING INTO APPROPRIATE PERMIT
AND

23 ACTIVITY TIERS OF THOSE ACTIVITIES, IF THAT
HELPS.

24 MR. BLOCK: LET ME GO AHEAD AND ALSO

JUMP

25 IN AND SAY THE STATUTORY LIMITATION ON EMERGENCY

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1 REGULATIONS IS 120 DAYS. THE OFFICE OF
2 ADMINISTRATIVE LAW IN THE PAST HAS ALLOWED FOR
3 EXTENSIONS OR RESUBMITTALS, IF YOU WILL. AND SO
4 WHERE THERE'S SOME SHOWING THAT BASICALLY THE
5 PERMANENT REGULATIONS ARE ON TRACK, 120 DAYS IS
6 FAIRLY TIGHT FOR ANY NORMAL REGULATORY PACKAGE,
7 AND SO THEY RECOGNIZE THIS. SO I CAN SAY FAIRLY
8 CONFIDENTLY THAT AS LONG AS WE'RE MOVING FORWARD
9 WITH SOME PERMANENT PACKAGE ON THE REGS, WE COULD
10 PROBABLY STRETCH THAT OUT TO 240 DAYS. BUT ONCE
11 YOU GET PAST ONE EXTENSION, IT'S A LITTLE BIT MORE
12 IFFY.

13 AND SO REALLY THE CHOICE THERE IS IF
14 WE WOULD BE ABLE TO PULL TOGETHER AND GO THROUGH
15 THE FORMAL REGULATORY PROCESS FOR SLOTTING
16 ORGANICS WITHIN ABOUT 240 DAYS BASICALLY. IT'S
17 NOT AS BAD AS THAT SOUNDS; IN OTHER WORDS, THE 240
18 DAYS, IT'S THE RESUBMITTAL TO OAL, NOT THE FINAL
19 APPROVAL, SO IT'S SIX MONTHS, EIGHT MONTHS --
20 EXCUSE ME. THEN IT WOULD MAKE SENSE TO GO ONE WAY
21 IF WE FELT THAT WE STILL COULDN'T GET THOSE
22 PERMANENT REGULATIONS DONE WITH SLOTTING THAT
23 FAST, THEN WE'D PROBABLY WANT TO TURN THE CURRENT
24 LIMITED ORGANICS REGS INTO PERMANENT REGS FIRST,
25 AND THAT WOULD TAKE SOME PRESSURE OFF THE OTHER

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1 REGULATIONS. IT'S JUST A QUESTION OF THE
2 PRIORITIES THAT THE COMMITTEE AND THE BOARD WANTS
3 TO --

4 CHAIRMAN FRAZEE: CAN WE MODIFY THOSE
5 TEMPORARY EMERGENCY REGS?

6 MS. RICE: WHEN YOU'RE TURNING THEM INTO
7 PERMANENT REGULATIONS? I WOULD ASSUME YES. YOU'D
8 BE IN A RULEMAKING PROCESS WITH COMMENT AND COULD
9 MODIFY THOSE PROVISIONS.

10 MR. BLOCK: THE TURNING EMERGENCY
11 REGULATIONS INTO PERMANENT REGULATIONS IS
12 ESSENTIALLY JUST THE SAME AS THE FORMAL RULEMAKING
13 PACKAGE. YOU ARE JUST STARTING WITH A PREEXISTING
14 SET OF REGS.

15 CHAIRMAN FRAZEE: THE ENTIRE ORGANICS
16 PACKAGE WOULD NOT PROPOSE TO BE SUBMITTED UNTIL
17 DECEMBER OF '98.

18 MS. RICE: CORRECT. A LOT OF THAT
19 DEPENDS ON LEVEL OF CONTROVERSY AND LEVEL OF
20 DIFFICULTY. I THINK SOME OF THESE TIME LINES WE
21 BUILT BASED UPON OUR EXPERIENCE WITH THE COMPOST
22 REGULATIONS, WHICH, AS YOU RECALL, WERE VERY
23 DIFFICULT TO GET THROUGH THE PROCESS. WE MAY FIND
24 THAT WE CAN SHORTEN SOME OF THESE TIME FRAMES IF
25 THE ISSUES AREN'T THAT COMPLEX, BUT IT'S PRETTY

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1 HARD TO KNOW IN ADVANCE.

2 SO I THINK WE HAVE PROBABLY ERRED ON
3 THE SIDE OF PROVIDING MORE INFORMAL COMMENT, FOR
4 EXAMPLE, UP FRONT TO TRY TO WORK ISSUES OUT,
THAT

5 KIND OF THING, BUT WE MAY FIND THAT IT'S -- ALL
6 THAT TIME IS NOT NEEDED, SO WE WOULD ALWAYS HOPE
7 TO DO IT IN LESS TIME, BUT WOULDN'T GUARANTEE
IT.

8 CHAIRMAN FRAZEE: SO THE STAFF
9 RECOMMENDATION NOW IS THAT WE NOT CHANGE THE
10 BIOSOLIDS PROGRAM AND PROCEED WITH IT.

11 MS. RICE: THAT IS OUR RECOMMENDATION,
12 BUT WE'RE MORE THAN HAPPY TO TAKE ANY DIRECTION
13 THAT BOARDS MEMBERS MAY HAVE. WE ARE SIMPLY
14 BRINGING THIS FORWARD AS A STAFF RECOMMENDATION.

15 MEMBER RELIS: MR. CHAIR, ON THAT I
16 WOULD -- AGAIN, WE'RE GOING THROUGH THIS WHOLE
17 50-PERCENT INITIATIVE, WE'RE GEARING UP OUR
STAFF

18 RESOURCES FOR THIS THREE-YEAR CRUNCH ON 939. IT
19 WOULD BE -- I WOULD CERTAINLY FAVOR PUTTING
20 BIOSOLIDS AND SLIDING THAT TIME FRAME AND
21 ADDRESSING THE PRIORITY MATERIALS OR THE
PRIORITY

22 AREAS EARLIER.

23

I DON'T KNOW WHAT THE NET EFFECT

IF

24

WE WERE TO, SAY, PUT THE ORGANICS AS REFERRED TO

25

BY THE CHAIRMAN IN C&D, CONSTRUCTION AND

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1 DEMOLITION, AHEAD OF BIOSOLIDS, WHAT WOULD THE
NET

2 EFFECT OF THAT BE?

3 MS. RICE: IT'S ESSENTIALLY A SIX-MONTH
4 DELAY FOR THE BIOSOLIDS.

5 MEMBER RELIS: SO IF WE PUT -- DEFERRED
6 BIOSOLIDS, WE WOULD BRING THESE OTHERS FORWARD
BY

7 SIX MONTHS?

8 MS. RICE: WELL, THE ORGANICS IS
ALREADY

9 UP THERE. IT WOULD BRING C&D FORWARD BY SIX
10 MONTHS; IS THAT CORRECT, BOB?

11 MEMBER RELIS: I WOULD JUST SAY FROM
12 PURPOSES OF WHERE WE ARE TRYING TO GO AS A BOARD
13 IN DIVERSION, THAT ONE PERCENT OF THE
WASTESTREAM

14 OR ONE AND A HALF IS BIOSOLIDS, AND C&D IS 20
15 PLUS, AND I THINK WE NEED THOSE -- WE NEED TO
PUT

16 THE SIX MONTHS WORKING FOR THE BOARD MORE
17 PRODUCTIVELY.

18 MS. RICE: I CAN CERTAINLY UNDERSTAND
19 THAT. WE WERE SIMPLY REFLECTING THE PUBLIC
HEALTH

20 CONCERNS RAISED BY THE LEA'S IN NOT CHANGING OUR

21 RECOMMENDATION, BUT I CERTAINLY UNDERSTAND YOUR
22 POINT.

23 CHAIRMAN FRAZEE: YOU'VE CONVINCED ME.

I

24 WAS GOING THE OTHER DIRECTION ON THE PUBLIC

HEALTH

25 CONCERN, BUT ON WHAT OUR CHARGE IS AND OUR TIME

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1 LINE FOR THE 50 PERCENT, IT'S PROBABLY IMPORTANT
2 THAT WE GO AFTER THE BIG TARGETS.

3 MEMBER RELIS: I WOULD MAKE A MOTION TO
4 THAT EFFECT IF WE'VE HEARD THE TESTIMONY ON IT.

5 CHAIRMAN FRAZEE: WE DON'T -- IS THERE
6 ANYONE HERE WHO WISHED TO SPEAK ON THIS ITEM?

7 MR. EDGAR: EVAN EDGAR, CALIFORNIA REFUSE
8 REMOVAL COUNCIL. WE WOULD SUPPORT MR. RELIS'
9 MOTION THERE. WE FEEL THAT C&D AND ORGANICS ARE
10 PRIORITY ISSUES AS FOCUSED IN THE 50-PERCENT
11 INITIATIVE. BIOSOLIDS IS PRETTY DOWN THE LIST,
12 AND FROM THE INDUSTRY PERSPECTIVE, WE WOULD
13 SUPPORT THE FOCUSED MISSION OF THE WASTE BOARD ON
14 THOSE PRIORITY MATERIALS. THANK YOU.

15 CHAIRMAN FRAZEE: OKAY. YOU WANT TO MAKE
16 A MOTION?

17 MEMBER RELIS: I WOULD MOVE THAT IN THE,
18 CALL IT, THE PLACEMENT OF OPERATING FACILITIES
19 INTO REGULATORY TIERS, WE PLACE CONSTRUCTION
20 AND
21 DEMOLITION AND ORGANICS AHEAD OF BIOSOLIDS
22 IN THE
23 AGENDA AND ADJUST THE TIMETABLE ACCORDINGLY.

24 MEMBER JONES: I'LL SECOND THAT.

25 CHAIRMAN FRAZEE: OKAY. IS THERE
26 ANY

24 FURTHER DISCUSSION OF THAT ITEM? IF NOT,
25 SECRETARY CALL THE ROLL.

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1 THE SECRETARY: BOARD MEMBER RELIS.

2 MEMBER RELIS: AYE.

3 THE SECRETARY: BOARD MEMBER JONES.

4 MEMBER JONES: AYE.

5 THE SECRETARY: CHAIRMAN FRAZEE.

6 CHAIRMAN FRAZEE: AYE. MOTION IS

7 CARRIED.

8 NOW THAT WILL --

9 MR. HOLMES: CAN I JUST ASK, SO I CAN
10 BRING THIS BACK TO YOU NEXT WEEK, DO YOU THEN WANT
11 ORGANICS TO COME BEFORE C&D?

12 CHAIRMAN FRAZEE: THE C&D. THAT WAS YOUR
13 INTENT.

14 MEMBER RELIS: I THINK SO, YEAH. THAT'S
15 WHY WE TOOK UP THE EMERGENCY. WE NEED TO GET
16 THOSE DEALT WITH.

17 MEMBER JONES: WE CAN'T DO ALL THREE AT
18 THE SAME TIME. BUMMER.

19 CHAIRMAN FRAZEE: THAT WILL GO TO THE
20 FULL BOARD FOR DISCUSSION.

21 I THINK WE'VE FINISHED. THERE'S
22 NOTHING ELSE. OPEN DISCUSSION? NOTHING ELSE TO
23 COME BEFORE THE COMMITTEE. WE STAND ADJOURNED.

24
25

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1 (THE MEETING WAS THEN ADJOURNED AT
2 4:10 P.M.)
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