

APPEARANCES

MR. ROBERT C. FRAZEE, CHAIRMAN MR. STEVEN
R. JONES, MEMBER
MR. PAUL RELIS, MEMBER (NOT PRESENT)

STAFF PRESENT

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

MS. LORI LOPEZ, COMMITTEE SECRETARY

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I N D E X

	PAGE_NO. _____
CALL TO ORDER	5
EX PARTE COMMUNICATIONS	5
ITEM 1: REPORT FROM THE DEPUTY DIRECTOR	5 OF THE
PERMITTING AND ENFORCEMENT DIVISION	
ITEM 2: CONSIDERATION OF CONSENT AGENDA:	12
A: CONSIDERATION OF A NEW SOLID WASTE FACILITY	
PERMIT FOR THE EDCO STATION, SAN DIEGO COUNTY	
B: CONSIDERATION OF A REVISED SOLID WASTE	
FACILITY PERMIT FOR THE LOST HILLS SANITARY LANDFILL,	
KERN COUNTY	
ITEM 3: CONSIDERATION OF A REVISED SOLID WASTE FACILITY	
PERMIT FOR THE COAST WASTE MANAGEMENT TRANSFER STATION,	
SAN DIEGO COUNTY	
STAFF PRESENTATION	12
PUBLIC TESTIMONY	15
DISCUSSION	
ACTION	16
ITEM 4: CONSIDERATION OF THE ISSUANCE OF A NEW MAJOR	
WASTE TIRE FACILITY PERMIT FOR GOLDEN BY-PRODUCTS,	
INCORPORATED, MERCED COUNTY	
STAFF PRESENTATION	16
PUBLIC TESTIMONY	
DISCUSSION	20
ACTION	23
ITEM 5: CONSIDERATION OF ADOPTION OF A MITIGATED	
NEGATIVE DECLARATION FOR THE PASO ROBLES LANDFILL	
STAFF PRESENTATION	24
PUBLIC TESTIMONY	
DISCUSSION	
ACTION	28

ITEM 6: (PULLED) CONSIDERATION OF THE MAJOR WASTE TIRE FACILITY PERMIT LANGUAGE FOR OXFORD TIRE RECYCLING, STANISLAUS COUNTY.

ITEM 7: CONSIDERATION OF APPROVAL TO BEGIN RULEMAKING FOR REGULATIONS TO ADD NEW U.S. EPA FINANCIAL ASSURANCE MECHANISMS FOR LOCAL GOVERNMENTS TO STATE REGULATIONS

STAFF PRESENTATION	28
PUBLIC TESTIMONY	
DISCUSSION	33
ACTION	35

ITEM 8: CONSIDERATION OF DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO AUTHORIZE ASBESTOS CONTAINING WASTE PROGRAMS AND DISCUSSION OF AUTHORIZATION TO LOCAL ENFORCEMENT AGENCIES TO ENFORCE STANDARDS FOR HANDLING AND DISPOSAL OF ASBESTOS CONTAINING WASTE FACILITIES

STAFF PRESENTATION	35
PUBLIC TESTIMONY	40
DISCUSSION	
ACTION	43

ITEM 9: (PULLED) CONSIDERATION OF A DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO DETERMINE WHETHER OR NOT TO HEAR APPEALS FROM LOCAL HEARING PANEL DECISIONS

ITEM 10: PUBLIC HEARING ON PROPOSED REGULATIONS FOR ALTERNATIVE DAILY COVER; CONSIDERATION OF STAFF RECOMMENDED REVISIONS; AND APPROVAL TO NOTICE A 15-DAY COMMENT PERIOD

STAFF PRESENTATION	44
PUBLIC TESTIMONY	50
DISCUSSION	55
ACTION	60

ITEM 12: ADJOURNMENT 60

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1 SACRAMENTO, CALIFORNIA; TUESDAY, JUNE 17, 1997

2 10:00 A.M.

3

4 CHAIRMAN FRAZEE: MEETING WILL COME TO
5 ORDER, PLEASE. THIS IS THE JUNE 17TH MEETING OF
6 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 IS
12 ABSENT. CHAIRMAN FRAZEE.

13 CHAIRMAN FRAZEE: HERE. WE HAVE A QUORUM
14 PRESENT.

15 ANY EX PARTES?

16 MEMBER JONES: BRIEF CONVERSATION WITH
17 MR. MICHAEL GERSICK ABOUT SOME TIRE ALLOCATION
18 FUNDS.

19 CHAIRMAN FRAZEE: OKAY. I HAVE NONE.

20 WE HAVE THE REPORT OF THE DEPUTY
21 DIRECTOR OF THE PERMITTING AND ENFORCEMENT
22 DIVISION, DOROTHY RICE.

23 MS. RICE: GOOD MORNING, MR. CHAIRMAN

AND

24 BOARD MEMBER JONES. A BRIEF REPORT THIS MORNING,
25 THREE ITEMS THAT I WANTED TO COVER. ONE, A BRIEF

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1 UPDATE ON OUR TRAINING PROGRAM WITHIN THE
2 PERMITTING AND ENFORCEMENT DIVISION, AN UPDATE ON
3 OUR WORK INVOLVING CALIFORNIA/MEXICO BORDER
4 ISSUES, AND AN UPDATE ON THE MCCOURTNEY ROAD
5 LANDFILL.

6 FIRST OFF, OUR TRAINING PROGRAM FOR
7 LOCAL ENFORCEMENT AGENCIES, OPERATORS, BOARD
8 STAFF, AND OTHERS IS WELL UNDER WAY. NEXT WEEK
9 OUR SERIES OF WORKSHOP AND TRAINING EVENTS ON THE
10 STATE MINIMUM STANDARDS WILL BE COMPLETE. AFTER
11 THAT EVENT NEXT WEEK IS COMPLETED, AN ESTIMATED
12 120 LEA'S AND 97 OPERATORS IN ADDITION TO NUMEROUS
13 BOARD STAFF WILL HAVE ATTENDED AND RECEIVED THAT
14 TRAINING.

15 TWO ADDITIONAL TRAININGS ARE NOW
16 UPCOMING. A FLIER JUST WENT OUT ANNOUNCING SEVEN
17 LOCATIONS FOR ORGANIC MATERIAL RECYCLING
18 REGULATIONS TRAINING. THE TRAINING WILL BE HELD
19 MID-JULY THROUGH MID-AUGUST AND IS DESIGNED TO
20 REVIEW OUR CALIFORNIA COMPOSTING REGULATIONS,
21 THEIR APPLICATION TO DIFFERENT TYPES OF COMPOSTING
22 FACILITIES, AND AREAS OF THE REGULATIONS WHICH MAY
23 REQUIRE FUTURE CLARIFICATION IN THE RULEMAKING
24 WE'RE JUST BEGINNING FOR ORGANICS RECYCLING.
25 THIS TRAINING EVENT IS SPONSORED BY

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1 THIS BOARD, THE CALIFORNIA CONFERENCE OF DIRECTORS
2 OF ENVIRONMENTAL HEALTH IN COOPERATION WITH THE
3 CALIFORNIA ORGANICS RECYCLING COUNCIL, THE
4 ASSOCIATION OF COMPOST PRODUCERS, AND THE
5 CALIFORNIA REFUSE REMOVAL COUNCIL. SO WE'RE
6 HOPING FOR A VERY GOOD TRAINING.

7 TRAINING ON THE GAS MONITORING
8 PROCEDURES THAT WE UTILIZE WHEN THE BOARD SERVES
9 AS THE ENFORCEMENT AGENCY IS PLANNED FOR EIGHT
10 LOCATIONS IN SEPTEMBER. YOU CAN CONTACT MARK
11 DE BIE, THE DIVISION'S TRAINING COORDINATOR, FOR
12 ADDITIONAL INFORMATION ON ANY OF THESE TRAININGS
13 AND ON FUTURE PLANS AS WELL.

14 SECONDLY, I WANTED TO REPORT BRIEFLY
15 ON OUR WORK INVOLVING THE MEXICO/CALIFORNIA BORDER
16 REGION. FOR SOME TIME, SINCE 1996, BEGINNING OF
17 THE YEAR, THE BOARD HAS BEEN WORKING WITH CAL/EPA,
18 THE STATE WATER RESOURCES CONTROL BOARD, AND OTHER
19 STATE AND LOCAL AND FEDERAL AGENCIES TO ADDRESS
20 ENVIRONMENTAL ISSUES IN THE MEXICO/CALIFORNIA
21 BORDER REGION. SOME TIME AGO WE ASSIGNED ONE OF
22 OUR STAFF FROM THE PERMITTING AND ENFORCEMENT
23 DIVISION, PAULINO LUNA, TO WORK HALF-TIME ON THESE
24 EFFORTS, WHICH IT IS HOPED WILL ULTIMATELY LEAD TO
25 THE STATE SECURING FEDERAL FUNDS FOR MUCH NEEDED

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1 WORK IN THE BORDER REGION PRINCIPALLY IN THE AREAS
2 OF WASTEWATER TREATMENT AND SOLID WASTE
3 MANAGEMENT.

4 CURRENT ISSUES BEING FOCUSED ON THAT
5 MOST AFFECT THIS BOARD INCLUDE USED TIRE STOCK-
6 PILES IN THE BORDER REGION, THE NEED FOR USED OIL
7 RECYCLING PROGRAMS, PUBLIC OUTREACH ON RECYCLING
8 GENERALLY, AND TECHNICAL ASSISTANCE AS REGARDS
9 MARKET DEVELOPMENT. THESE ARE THE ISSUES THAT
10 PAULINO IS BRINGING TO THE TABLE FOR US IN THE
11 MEETINGS THAT HE'S ATTENDING.

12 WE ARE CURRENTLY WORKING WITH STATE
13 WATER RESOURCES CONTROL BOARD STAFF TO DEVELOP A
14 BORDER ENVIRONMENTAL NEEDS REPORT BY OCTOBER OF
15 THIS YEAR IS WHEN THAT REPORT IS DUE. THE REPORT
16 WILL IDENTIFY SOLID WASTE AND OTHER PROJECTS TO BE
17 SUBMITTED TO THE NORTH AMERICAN DEVELOPMENT BANK
18 AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
19 FUNDING REQUESTS AND WILL BE THE BASIS FOR A
20 COMPREHENSIVE STRATEGIC ENVIRONMENTAL PLAN FOR THE
21 BORDER REGION.

22 AT THE COMMITTEE'S PLEASURE, I WOULD
23 PROPOSE TO PLACE PERIODIC INFORMATIONAL ITEMS ON
24 YOUR FUTURE AGENDAS TO HAVE STAFF REPORT TO YOU ON
25 THIS IMPORTANT PROJECT. PERHAPS THAT FIRST REPORT

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1 WOULD BE TIMELY FOR WHEN THE BORDER ENVIRONMENTAL
2 NEEDS REPORT IS COMPLETED THIS OCTOBER, TO LET YOU
3 KNOW THE CONTENTS OF THAT AND THE CONTENTS OF THE
4 STATE'S APPLICATION FOR FUNDING.

5 LASTLY, I WANTED TO PROVIDE A BRIEF
6 UPDATE ON SOME GOOD NEWS REGARDING THE MCCOURTNEY
7 ROAD LANDFILL IN NEVADA COUNTY. AS YOU MAY
8 RECALL, THIS LANDFILL HAS BEEN REGULATED UNDER A
9 JUDGMENT PURSUANT TO STIPULATION SINCE MARCH OF
10 1991. THE LANDFILL CEASED ACCEPTING WASTE IN
11 1992, AND WE HAVE BEEN WORKING WITH OTHER STATE
12 AND LOCAL AGENCIES SINCE THAT TIME TO
ULTIMATELY

13 ACCOMPLISH FINAL CLOSURE OF THE LANDFILL.

14 THE JUDGMENT REQUIRED FINAL
CLOSURE

15 BY OCTOBER OF 1994. AND, OF COURSE, WE'RE PAST
16 THAT DATE. THROUGHOUT 1996 THE COUNTY MADE
17 SIGNIFICANT PROGRESS IN DEVELOPING CLOSURE AND
18 POSTCLOSURE MAINTENANCE PLANS FOR THE LANDFILL.
19 THE PLANS WERE FINALLY APPROVED BY BOARD STAFF
ON
20 MAY 27TH OF THIS YEAR. AND, OF COURSE, PRIOR
TO
21 THAT THE REGIONAL WATER BOARD AND THE LEA HAD

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22 APPROVED THOSE PLANS. AND A FIRM HAS BEEN

23 CONTRACTED WITH BY THE COUNTY TO COMMENCE

CLOSURE

24 THIS MONTH. I UNDERSTAND THAT CONSTRUCTION HAS

25 BEGUN AT THE LANDFILL AND TO HOPEFULLY CONCLUDE

1 CLOSURE WORK BY THE END OF OCTOBER.

2 I HAVE SUBMITTED A MEMORANDUM TO
3 BOARD MEMBERS WITH MORE DETAIL ON THE STATUS OF
4 CLOSURE ACTIVITIES AT THE MCCOURTNEY ROAD
5 LANDFILL, BUT WANTED TO PROVIDE THAT BRIEF UPDATE
6 TODAY. AND THAT CONCLUDES MY REPORT. I'M HAPPY
7 TO ANSWER ANY QUESTIONS YOU MAY HAVE.

8 CHAIRMAN FRAZEE: OKAY. THANK YOU. ANY
9 QUESTIONS?

10 MEMBER JONES: MR. CHAIRMAN, NOT SO MUCH
11 A QUESTION. I JUST WANT TO THANK MS. RICE AND HER
12 STAFF. YESTERDAY WE HAD -- CLOSURE BRANCH HAD AN
13 ALL-DAY WORKSHOP ON CIVIL ENGINEERING PROJECTS FOR
14 SHREDDED TIRES THAT WAS WELL ATTENDED AS WELL AS
15 VERY INFORMATIVE. AND I THINK, DOROTHY, YOUR
16 STAFF DID A TREMENDOUS JOB IN PUTTING THAT
17 TOGETHER.

18 WE HAD DANA HUMPHREY AS THE SPEAKER.
19 AND DR. HUMPHREY IS CONSIDERED TO BE THE EXPERT IN
20 DEALING WITH TIRE SHREDS. AND HE BROUGHT FORWARD
21 AN AWFUL LOT OF IDEAS OF GOOD USE THAT I DON'T
22 THINK WE HAD EVER THOUGHT OF.

23 AND WE NEED TO GET PUBLIC WORKS
24 DIRECTORS INFORMED ABOUT SOME OF THESE THINGS
25 BECAUSE I THINK THERE'S A REAL POTENTIAL TO SAVE

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1 DOLLARS FOR CITIES AND COUNTIES. I THINK IN
2 POLICY WE'RE GOING TO TALK A LITTLE BIT HOW WE'RE
3 GOING TO GET HIM OUT THERE SPEAKING TO PUBLIC
4 WORKS AT THEIR CONVENTIONS OR WHATEVER SO WE CAN
5 START USING SHREDDED TIRES, BUT I WANT TO THANK
6 YOU. IT WAS A VERY GOOD DAY.

7 MS. RICE: THANKS VERY MUCH, MR. JONES.
8 WE'RE ALSO LOOKING FORWARD TO UTILIZING WHAT WE
9 LEARNED AND THE EXPERTISE OF DR. HUMPHREY IN OUR
10 TIRE CLEANUP PROGRAM TO TRY TO FIND CIVIL
11 ENGINEERING PROJECTS TO GO IN CONJUNCTION WITH THE
12 CLEANUPS THAT WE HAVE PLANNED FOR THE UPCOMING
13 YEAR.

14 CHAIRMAN FRAZEE: OKAY. THANK YOU.

15 FOR PURPOSES OF THE AGENDA TODAY,
16 AGENDA ITEM 6 AND 9 HAVE BEEN PULLED FROM THE
17 AGENDA.

18 AND JUST A REMINDER TO ANYONE WHO
19 WISHES TO SPEAK TO THE COMMITTEE ON ANY ITEM ON
20 TODAY'S AGENDA, IF YOU WOULD FILL OUT A SPEAKER
21 SLIP LOCATED IN THE BACK OF THE ROOM AND BRING
22 THEM FORWARD TO THE COMMITTEE SECRETARY SO THAT WE
23 CAN ACCOMMODATE YOU AT THE APPROPRIATE TIME.

24 AT THIS TIME WE'RE READY TO MOVE
25 AHEAD WITH THE PERMIT AGENDA. FIRST IS THE

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1 CONSENT CALENDAR, WHICH CONSISTS OF THE
2 CONSIDERATION OF A NEW SOLID WASTE FACILITIES
3 PERMIT FOR THE EDCO STATION IN SAN DIEGO COUNTY
4 AND, NO. 2, THE CONSIDERATION OF A REVISED SOLID
5 WASTE FACILITY PERMIT FOR THE LOST HILLS SANITARY
6 LANDFILL IN KERN COUNTY.

7 MEMBER JONES: MR. CHAIRMAN, I WOULD LIKE
8 TO MAKE A MOTION THAT WE ACCEPT THE CONSENT
9 CALENDAR.

10 CHAIRMAN FRAZEE: OKAY. AND I WILL
11 SECOND. WE HAD A SPEAKER REQUEST FROM STEVE
12 SOUTH, BUT I THINK IT INDICATES ONLY IF NECESSARY.
13 AND GOING BACK TO MY RULE, YOU WANT TO SPEAK OR DO
14 YOU WANT A PERMIT? OKAY. WE HAVE A MOTION AND A
15 SECOND. SECRETARY CALL THE ROLL, PLEASE.

16 THE SECRETARY: BOARD MEMBER JONES.

17 MEMBER JONES: YES.

18 THE SECRETARY: CHAIRMAN FRAZEE.

19 CHAIRMAN FRAZEE: YES. MOTION IS
20 CARRIED.

21 NEXT IS CONSIDERATION OF A
REVISED
22 SOLID WASTE FACILITIES PERMIT FOR THE COAST
WASTE
23 MANAGEMENT TRANSFER STATION IN SAN DIEGO
COUNTY.

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24 MS. RICE: THANK YOU, MR. CHAIRMAN.
25 AMALIA FERNANDEZ WILL MAKE THE PRESENTATION
FOR

1 STAFF, ASSISTED BY KEN CALVERT AND REBECCA
2 LA FRENIERE OF THE LOCAL ENFORCEMENT AGENCY.

3 MS. FERNANDEZ: GOOD MORNING. COAST
4 WASTE MANAGEMENT TRANSFER STATION IS LOCATED IN
5 THE CITY OF CARLSBAD AND IS OPERATED BY COAST
6 WASTE MANAGEMENT INCORPORATED. THE FACILITY IS
7 OWNED BY THE COUNTY OF SAN DIEGO DEPARTMENT OF
8 PUBLIC WORKS.

9 THE FACILITY IS CURRENTLY OPERATING
10 UNDER A NOTICE AND ORDER THAT ALLOWS A MAXIMUM
11 DAILY TONNAGE OF 800 TONS PER DAY. THE PROPOSED
12 PERMIT WOULD ALLOW THE OPERATOR TO INCREASE THE
13 DAILY MAXIMUM TONNAGE FROM 400 TONS PER DAY TO 800
14 TONS PER DAY.

15 THE EXISTING PERMIT WAS MODIFIED IN
16 1994 TO INCORPORATE MINOR CHANGES IN HOURS OF
17 OPERATION AND TO UPDATE THE EXISTING PERMIT INTO
18 THE LATEST FORMAT. THE 1994 MODIFICATION ALLOWED
19 THE OPERATOR TO CONTINUE TO ACCEPT 400 TONS PER
20 DAY.

21 THE EXISTING CEQA DOCUMENTATION
22 PROVIDES JUSTIFICATION FOR 800 TONS PER DAY.
23 BECAUSE OF THAT, THE CITY OF CARLSBAD PREPARED AN
24 ENVIRONMENTAL IMPACT ASSESSMENT PART 2, STATING
25 THAT THE PROPOSED PROJECT OF 800 TONS PER DAY WAS

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1 DESCRIBED IN THE ENVIRONMENTAL IMPACT REPORTS
2 WHICH WERE PREPARED IN 1977 AND 1993.

3 THE CITY OF CARLSBAD FURTHER
4 DETERMINED THAT NO ADDITIONAL MITIGATION MEASURES
5 OR ALTERNATIVES WERE REQUIRED FOR THE PROPOSED
6 PROJECT. THE CITY OF CARLSBAD AND THE LEA
7 DETERMINED THAT A NOTICE OF EXEMPTION WAS ADEQUATE
8 TO ADDRESS CEQA. BOARD STAFF AGREE WITH THIS
9 DETERMINATION.

10 THE PERMIT FOR COAST WASTE
11 MANAGEMENT TRANSFER STATION WILL BE REVISED IN THE
12 FUTURE TO ALLOW AN ADDITIONAL INCREASE IN TONNAGE.
13 AT THIS POINT THE PROJECT IS UNDERGOING AN
14 ENVIRONMENTAL EVALUATION.

15 STAFF HAVE REVIEWED THE PROPOSED
16 PERMIT AND ACCOMPANYING DOCUMENTATION AND HAVE
17 DETERMINED THAT THEY'RE SUITABLE FOR BOARD'S
18 CONSIDERATION OF CONCURRENCE. STAFF, THEREFORE,
19 RECOMMEND THE BOARD ADOPT PERMIT DECISION NO.
20 97-241, CONCURRING IN THE ISSUANCE OF PERMIT NO.
21 37-AH-0001. STAFF ALSO RECOMMENDS THAT THE P&E
22 COMMITTEE PLACE THIS ITEM ON THE BOARD'S CONSENT
23 CALENDAR. THIS CONCLUDES STAFF'S PRESENTATION.

24 CHAIRMAN FRAZEE: OKAY. LEA WISH TO BE
25 HEARD?

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1 MR. CALVERT: THANK YOU, CHAIRMAN FRAZEE
2 AND MR. JONES. COAST WASTE IS ONE OF OUR TWO
3 LONGEST RUNNING FACILITIES IN SAN DIEGO COUNTY.
4 THIS IS A GOOD OPERATION. THEY'VE ALWAYS BEEN A
5 GOOD OPERATOR. MR. CONRAD, WHO IS THE OPERATOR,
6 IS KNOWLEDGEABLE. HE'S BEEN FASTIDIOUS IN HOW HE
7 MANAGES AND HANDLES HIS SITE. AND WE ARE VERY
8 PLEASED TO BRING THIS PERMIT BEFORE YOU.

9 TO SOME EXTENT COAST WASTE HAS BEEN
10 ASKED TO HELP RESOLVE IN THE NEED TO TRANSFER
11 WASTE OUT OF OUR NORTH COUNTY TO OTHER LOCATIONS.
12 AND THEY'VE DONE THAT WELL, AND THEY'VE DONE THAT
13 WITHOUT CONTROVERSY AND WITHOUT INCIDENT. SO JUST
14 THANK YOU FOR YOUR CONSIDERATION.

15 CHAIRMAN FRAZEE: OKAY. AND CONRAD
16 PAWELSKI, DO YOU WISH TO SPEAK ON THE ITEM?

17 MR. PAWELSKI: NO, ONLY IF YOU HAVE ANY
18 QUESTIONS.

19 CHAIRMAN FRAZEE: I CAN'T HELP BUT RECALL
20 THAT -- I GUESS IT GOES ALONG WITH THE OLD SAYING:
21 WHAT GOES AROUND COMES AROUND. TWENTY YEARS AGO,
22 WHEN THIS FACILITY WAS BUILT, I WAS MAYOR OF THE
23 CITY OF CARLSBAD AND PARTICIPATED IN THE LAND USE
24 DECISION THAT ALLOWED IT TO BE CONSTRUCTED AT THIS
25 LOCATION IN SPITE OF SOME OPPOSITION AT THE TIME.

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1 SO WE HAVE THE ITEM BEFORE US IN
2 PERMIT DECISION 97-241.

3 MEMBER JONES: DO YOU WANT TO MAKE THE
4 MOTION?

5 CHAIRMAN FRAZEE: NO, YOU CAN MAKE THE
6 MOTION.

7 MEMBER JONES: I'LL MAKE A MOTION THAT WE
8 ACCEPT PERMIT DECISION NO. 97-241.

9 CHAIRMAN FRAZEE: AND I'LL SECOND.
10 SECRETARY WILL CALL THE ROLL, PLEASE.

11 THE SECRETARY: BOARD MEMBER JONES.

12 MEMBER JONES: YES.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: AYE. MOTION IS
15 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND
16 THAT FOR THE CONSENT CALENDAR.

17 NOW, ITEM NO. 4 IS THE CONSIDERATION
18 OF THE ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY
19 PERMIT FOR THE GOLDEN BY-PRODUCTS INCORPORATED IN
20 MERCED COUNTY.

21 MS. RICE: THANK YOU, MR. CHAIRMAN. MIKE
22 KEFFER WILL MAKE THE PRESENTATION FOR STAFF.

23 MR. KEFFER: GOOD MORNING, MR. CHAIRMAN
24 AND MEMBERS OF THE COMMITTEE. AGENDA ITEM NO. 4
25 PERTAINS TO THE BOARD'S CONSIDERATION OF THE

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1 ISSUANCE OF A NEW MAJOR WASTE TIRE FACILITY PERMIT
2 FOR GOLDEN BY-PRODUCTS INCORPORATED LOCATED IN
3 MERCED COUNTY.

4 GOLDEN BY-PRODUCTS INCORPORATED,
5 OWNED BY JIM AND KAREN BARSTOW, PREVIOUSLY
6 PROCESSED ORCHARD PRUNINGS, STUMPS, AND ALMOND
7 SHELLS INTO BOILER FUEL USED BY WOOD BURNING
8 ENERGY PRODUCING PLANTS. WITH THE RECENT
9 DEREGULATION OF UTILITIES IN CALIFORNIA, THE
10 PRODUCTION OF BOILER FUEL FROM WOOD PRODUCTS IS
11 NOT CURRENTLY ECONOMICALLY FEASIBLE.

12 GOLDEN BY-PRODUCTS IS PROPOSING TO
13 DEVELOP A PROCESSING FACILITY WHICH WILL ACCEPT
14 WASTE TIRES AND CONVERT THEM INTO TIRE-DERIVED
15 FUEL. THE COMPANY IS SEEKING A MAJOR WASTE TIRE
16 FACILITY PERMIT IN ORDER TO LEGALLY RECEIVE,
17 STORE, AND PROCESS THE TIRES. ALL TRANSPORT OF
18 WASTE TIRES TO THE PROCESSING FACILITY AND ALL
19 TRANSPORT OF TIRE-DERIVED FUEL FROM THE FACILITY
20 ARE TO BE PERFORMED BY WASTE TIRE HAULERS
21 REGISTERED WITH THE BOARD. IN FACT, GOLDEN
22 BY-PRODUCTS HAS SECURED A WASTE TIRE HAULER
23 REGISTRATION FROM THE BOARD.

24 BOARD STAFF HAVE COMPLETED A
25 PREPERMIT INSPECTION. IN CONSIDERATION OF FIRE

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1 PREVENTION MEASURES, A LETTER WAS SENT TO GOLDEN
2 BY-PRODUCTS DATED JANUARY 13, 1997, FROM THE
3 MERCED COUNTY FIRE DEPARTMENT. THAT LETTER LISTED
4 SPECIFIC TIRE STORAGE CONDITIONS TO BE MAINTAINED
5 AS FIRE PREVENTION MEASURES BY THE APPLICANT. THE
6 LIST OF THOSE CONDITIONS CAN BE FOUND IN THE
7 AGENDA ITEM FOR GOLDEN BY-PRODUCTS.

8 WITH RESPECT TO VECTOR CONTROL
9 MEASURES, A LETTER AGAIN WAS SENT TO GOLDEN
10 BY-PRODUCTS DATED JANUARY 10, 1997, FROM THE
11 MERCED COUNTY MOSQUITO ABATEMENT DISTRICT LISTING
12 SPECIFIC TIRE STORAGE CONDITIONS TO BE MAINTAINED
13 AS VECTOR CONTROL MEASURES BY THE APPLICANT.
14 GOLDEN BY-PRODUCTS HAS AGREED TO ABIDE BY THESE
15 CONDITIONS.

16 THE NORTHERN AND EASTERN BOUNDARIES
17 OF THE SITE ON WHICH THE TIRE STORAGE AND
18 PROCESSING IS TO OCCUR ARE SECURED CYCLONE FENCING
19 AND GATES. THE SOUTHERN AND WESTERN BOUNDARIES
20 ARE BORDERED BY AN IRRIGATION CANAL ACCESSIBLE
21 ONLY THROUGH LOCKED GATES. THE GATES WILL BE
22 LOCKED DURING NONBUSINESS HOURS AND AN ATTENDANT
23 WILL BE ON SITE 24 HOURS A DAY.

24 ON APRIL 24, 1997, A DRAFT NEGATIVE
25 DECLARATION WAS PROVIDED TO RESPONSIBLE AGENCIES,

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1 TRUST AGENCIES, AND OTHER DEPARTMENTS WITHIN
2 MERCED COUNTY, AS WELL AS TO CONCERNED CITIZENS
3 REGARDING GOLDEN BY-PRODUCTS. THE COMMENT PERIOD
4 ENDED MAY 23, 1997.

5 BOARD STAFF PREPARED AND PRESENTED
6 COMMENTS ON MAY 21ST OF 1997. THE REQUEST TO
7 APPROVE THE NEGATIVE DECLARATION AND TO ISSUE A
8 CONDITIONAL USE PERMIT TO GOLDEN BY-PRODUCTS WAS
9 PRESENTED TO THE MERCED COUNTY PLANNING COMMISSION
10 ON JUNE 11, 1997. THE NEGATIVE DECLARATION AND
11 CONDITIONAL USE PERMIT WERE APPROVED BY A VOTE OF
12 THREE TO ZERO.

13 UPON REVIEW OF THE DOCUMENTS
14 PREPARED BY THE MERCED PLANNING DEPARTMENT FOR THE
15 COMMISSION MEETING, BOARD STAFF HAVE DETERMINED
16 THAT THEIR COMMENTS WERE RESPONDED TO ADEQUATELY.
17 A CLOSURE PLAN WAS SUBMITTED BY THE APPLICANT
18 ALONG WITH SECURED FINANCIAL GUARANTY BOND. BOARD
19 STAFF HAVE REVIEWED THESE DOCUMENTS AND CONSIDERED
20 THE BOND ADEQUATE IN PROVIDING NECESSARY FUNDING
21 FOR THE CLOSURE OF THE FACILITY, INCLUDING THE
22 REMOVAL AND DISPOSAL OF ALL WASTE TIRES BY A THIRD
23 PARTY. A CERTIFICATE OF LIABILITY WAS ALSO
24 PROVIDED BY THE APPLICANT AS PART OF THEIR
25 FACILITY APPLICATION.

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1 HAVING CONSIDERED ALL THE
2 ABOVE-MENTIONED FACTS, STAFF RECOMMEND THE
3 PERMITTING AND ENFORCEMENT COMMITTEE APPROVE THE
4 FORWARDING OF THE MAJOR WASTE TIRE FACILITY PERMIT
5 FOR GOLDEN BY-PRODUCTS TO THE FULL BOARD FOR
6 CONSIDERATION OF ISSUANCE.

7 THAT CONCLUDES MY PRESENTATION. IF
8 THERE ANY QUESTIONS AT THIS TIME, I WILL ATTEMPT
9 TO ANSWER THEM. MR. AND MRS. BARSTOW, THE OWNERS
10 AND OPERATORS OF GOLDEN BY-PRODUCTS, ARE PRESENT
11 IN THE AUDIENCE IF YOU WISH TO HAVE THEM PROVIDE
12 ANY ADDITIONAL INFORMATION.

13 CHAIRMAN FRAZEE: OKAY. ANY QUESTIONS?
14 KAREN BARSTOW, DID YOU WISH TO BE HEARD?

15 MS. BARSTOW: I WOULD LIKE TO, YES.
16 THANK YOU, CHAIRMAN FRAZEE. I APPRECIATE THE
17 OPPORTUNITY TO JUST TAKE A VERY BRIEF MINUTE TO
18 LET YOU KNOW A LITTLE BIT ABOUT GOLDEN
19 BY-PRODUCTS. WE ARE A 30-YEAR-OLD, 30-PLUS-
20 YEAR-OLD FAMILY BUSINESS LOCATED IN MERCED COUNTY.
21 AND OUR AREA OF EXPERTISE HAS BEEN THAT OF LARGE
22 VOLUME MATERIALS HANDLING AND SIZING REDUCTION
23 SINCE THE EARLY '60S.

24 AS MIKE POINTED OUT, OUR MOST
25 IMMEDIATE BACKGROUND COMES FROM THE WORLD OF

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1 BIOMASS FUEL WHERE WE DESIGNED A PROGRAM AND
2 COLLECTED ORCHARD PRUNINGS FROM THE MID-'70S,
3 ESPECIALLY FROM 1987 UNTIL '94. WE PRODUCED A
4 HUNDRED THOUSAND TONS OF WOOD CHIPS A YEAR FOR
5 ENERGY PLANTS, TWO SPECIFIC ENERGY PLANTS.

6 AS THAT INDUSTRY CHANGED DUE TO
7 DEREGULATION OF ELECTRICITY, WE BEGAN TO SEE THE
8 WRITING ON THE WALL. AND SINCE '95 WE HAVE VERY
9 ACTIVELY UNDERTAKEN STUDY THROUGHOUT THE UNITED
10 STATES. WE HAVE CRAWLED IN AND AROUND EVERY
11 NIGHTMARE TIRE PILE THAT WE COULD DISCOVER
12 THROUGHOUT THE EAST COAST AND TEXAS AND THROUGH
13 INDIANA, ILLINOIS, AND TAKEN A VERY SERIOUS LOOK
14 AT THIS INDUSTRY.

15 WE ARE CONSERVATIVE BUSINESS PEOPLE.
16 WE LIVE AND WORK ON THIS PIECE OF GROUND, THIS
17 PARTICULAR 39 ACRES WITH THE FIVE-ACRE SITE THAT
18 WILL BE IDENTIFIED FOR THE TIRE PROJECT. WE ALSO
19 FARM 200 ACRES AROUND THAT. WE HAVE NO INTENTION
20 OF BEING AN ADDITIONAL PROBLEM FOR THE WASTE BOARD
21 OR THE STATE OF CALIFORNIA. WE'D LIKE TO BE A
22 PART OF THE SOLUTION. WE STRONGLY BELIEVE THAT
23 THERE WILL COME A TIME AND WE HOPE WE'LL BE PART
24 OF THAT TIME IN WHICH TIRES WILL BECOME A
25 COMMODITY RATHER THAN A WASTE ITEM. I THANK YOU

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1 FOR YOUR TIME VERY MUCH.

2 CHAIRMAN FRAZEE: OKAY. THANK YOU. AND
3 NOW JERRY LAWRIE FROM THE MERCED COUNTY REGIONAL
4 RMDZ.

5 MR. LAWRIE: GOOD MORNING. AGAIN, I'M
6 REPRESENTING THE MERCED REGIONAL RMDZ AND HERE TO
7 SUPPORT THIS FACILITY IN THE ISSUANCE OF A MAJOR
8 WASTE TIRE FACILITY PERMIT. I BELIEVE THIS IS
9 GOING TO BE A MAJOR PLAYER IN THE STATE'S EFFORTS
10 TO SEEK ALTERNATIVES FOR WASTE TIRE ISSUES.

11 ONE ADDITIONAL COMMENT WOULD BE THAT
12 I'VE WORKED FOR ENVIRONMENTAL COMPLIANCE AGENCIES
13 FOR 20 YEARS IN THE CENTRAL VALLEY, AND I DO NOT
14 BELIEVE THE WASTE TIRE PROBLEM IS ANY DIFFERENT
15 TODAY THAN IT WAS 20 YEARS AGO.

16 THE MAJORITY OF WASTE TIRES ARE
17 MANAGED PROPERLY, BUT A SIGNIFICANT QUANTITY OF
18 MATERIALS ARE ILLEGALLY DISPOSED OF IN THE MORE
19 RURAL COUNTIES. THE REGULATORY ISSUES OF WASTE
20 HAULERS AND WASTE TIRE FACILITIES HAS APPEARED NOT
21 TO HAVE LESSENED THE PROBLEM IN RURAL COUNTIES.
22 AS THE COST OF DISPOSAL INCREASES, ILLEGAL
23 DISPOSAL WILL INCREASE IN RURAL COUNTIES.

24 MOST OF THE COUNTIES IN THE CENTRAL
25 VALLEY HAVE PROGRAMS TO PICK UP ILLEGALLY DISPOSED

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1 OF TIRES, SO THOSE CITIZENS PAY FOR THAT CLEANUP
2 OPERATION. MOST PEOPLE, WHEN THEY BUY TIRES, THEY
3 PAY FOR DISPOSAL OF TIRES. AND YET THEY END UP TO
4 BE PROBLEMS SOMEWHERE ELSE. AND IN MANY CASES
5 WE'RE PAYING TWO AND THREE TIMES TO GET RID OF THE
6 SAME TIRE.

7 I BELIEVE IT'S TIME TO REQUIRE THE
8 INDUSTRY TO TAKE RESPONSIBILITY FOR THEIR WASTE
9 TIRE PROBLEM. AND BY DOING SO, THEY WILL CONTRACT
10 WITH LEGITIMATE BUSINESSES THAT WILL SOLVE THE
11 TIRE PROBLEM ONCE AND FOR ALL RATHER THAN MOVING
12 IT FROM ONE PLACE TO THE OTHER. THANK YOU.

13 CHAIRMAN FRAZEE: GOOD. THANK YOU.
14 QUESTIONS?

15 MEMBER JONES: LIKE TO MAKE A MOTION, MR.
16 CHAIRMAN. I MAKE A MOTION THAT WE ACCEPT PERMIT
17 DECISION NO. 97-243 TO ISSUE A WASTE PERMIT FOR
18 THAT FACILITY.

19 CHAIRMAN FRAZEE: I WILL SECOND.
20 SECRETARY WILL CALL THE ROLL.

21 THE SECRETARY: BOARD MEMBER JONES.

22 MEMBER JONES: AYE.

23 THE SECRETARY: CHAIRMAN FRAZEE.

24 CHAIRMAN FRAZEE: AYE. MOTION IS
25 CARRIED. AND WITHOUT OBJECTION, WE'LL RECOMMEND

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1 THAT FOR THE CONSENT CALENDAR TO THE FULL BOARD.

2 AND NOW AGENDA ITEM 5 IS THE
3 CONSIDERATION OF THE ADOPTION OF A MITIGATED
4 NEGATIVE DECLARATION FOR THE PASO ROBLES LANDFILL.

5 MS. RICE: THANK YOU, MR. CHAIRMAN. BOB
6 HOLMES WILL MAKE THIS PRESENTATION.

7 MR. HOLMES: GOOD MORNING, MR. CHAIRMAN,
8 MR. JONES. THIS ITEM IS A CONTINUATION OF A
9 PERMITTING ITEM THAT THE BOARD -- THE COMMITTEE
10 AND THE BOARD HEARD IN JANUARY OF '96. IT WAS A
11 REVISED -- REQUEST FOR A REVISED SOLID WASTE
12 FACILITIES PERMIT FOR THE PASO ROBLES LANDFILL.
13 IN THAT CONSIDERATION, THE BOARD DETERMINED THAT
14 THE CEQA DOCUMENT -- DOCUMENTATION SUBMITTED FOR
15 THE REVISION NEEDED AUGMENTATION IN THE AREAS OF
16 AIR QUALITY AND TRAFFIC.

17 THE BOARD IS THE ENFORCEMENT AGENCY
18 FOR THE CITY OF PASO ROBLES, AND THE BOARD ALSO
19 ASSUMED LEAD AGENCY STATUS AND DIRECTED STAFF TO
20 PREPARE AN INITIAL STUDY OF THE TRAFFIC AND AIR
21 QUALITY IMPACTS.

22 THE BOARD CONTRACTED WITH JONES AND
23 STOKES ASSOCIATES, INC. THROUGH THE DEPARTMENT OF
24 GENERAL SERVICES TO PREPARE THAT ANALYSIS. THE
25 ANALYSIS WAS COMPLETED IN MARCH OF '97.

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1 THE ANALYSIS IDENTIFIES ONE
2 POTENTIAL SIGNIFICANT IMPACT, AN IMPACT TO AIR
3 QUALITY. WITH THE REASONABLE FORESEEABLE
4 CONDITIONS OF ADDITIONAL TRAFFIC, THE NITROGEN
5 OXIDE LIMIT SET BY THE SAN LUIS OBISPO COUNTY AIR
6 POLLUTION CONTROL DISTRICT WOULD BE EXCEEDED. THE
7 CITY HAS AGREED TO MITIGATE THAT IMPACT WITH THE
8 INSTALLATION OF THE BEST AVAILABLE CONTROL
9 TECHNOLOGY ON ON-SITE EQUIPMENT.

10 ONE OTHER POTENTIAL, ALTHOUGH LESS
11 THAN SIGNIFICANT, IMPACT WAS IDENTIFIED IN THE
12 ANALYSIS. IT'S AN INCREASE -- POTENTIAL INCREASE
13 TO ROADWAY HAZARD DUE TO SLOW MOVING VEHICLES
14 EXITING THE LANDFILL. ALTHOUGH NOT IDENTIFIED AS
15 SIGNIFICANT, THE CITY HAS ALSO AGREED TO TAKE
16 MEASURES TO LESSEN THE IMPACT.

17 THE 30-DAY PUBLIC COMMENT PERIOD FOR
18 THE INITIAL STUDY DRAFT MITIGATED NEGATIVE
19 DECLARATION RAN FROM MAY 14TH THROUGH JUNE 13TH,
20 AND WE RECEIVED TWO SETS OF COMMENTS. ONE FROM
21 THE AIR POLLUTION CONTROL DISTRICT, AND IT'S A
22 VERY SHORT COMMENT LETTER. I'D LIKE TO JUST READ
23 PART OF IT TO YOU.

24 THEY HAVE GENERAL COMMENTS AND
25 SPECIFIC COMMENTS. THE GENERAL COMMENT IS THE

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1 EXPANDED INITIAL STUDY APPEARS WELL ORGANIZED AND
2 CLEARLY WRITTEN. IN ADDITION, THE VARIOUS
3 SCENARIOS HAVE BEEN DEVELOPED SUFFICIENTLY TO
4 PROVIDE ADEQUATE UNDERSTANDING OF POTENTIAL AIR
5 QUALITY IMPACTS ASSOCIATED WITH THE PROPOSED
6 PROJECT.

7 THE TWO SPECIFIC COMMENTS THEY HAD
8 HAD TO DO WITH THE MITIGATION OF BEST AVAILABLE
9 CONTROL TECHNOLOGY. THEY SUGGEST THAT WE MODIFY
10 THE LANGUAGE TO REMOVE REFERENCE TO THE
PARTICULAR

11 TECHNOLOGY USED IN THAT. PART OF THE MITIGATION
12 IS TO INSTALL A MUFFLER ON THE EQUIPMENT. THEY
13 SAID A MUFFLER IS NOT APPLICABLE TO ON-SITE
14 EQUIPMENT. IT'S MORE APPLICABLE TO TRANSIT BUSES
15 AND THE LIKE. SO, IN ESSENCE, THAT'S NOT
REQUIRED

16 FOR THE ON-SITE EQUIPMENT. THEY ALSO WOULD LIKE
17 US TO PROVIDE FOR ALTERNATIVE MEANS AS LONG AS IT
18 MEETS THE PERFORMANCE STANDARD.

19 THE OTHER COMMENT -- THE OTHER SET
20 OF COMMENTS WE GOT IN LATE FROM CALTRANS. THE --
21 APPARENTLY THERE WAS A BREAKDOWN BETWEEN THE
STATE

22 CLEARINGHOUSE GETTING THE DOCUMENT TO CALTRANS,
SO

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23 THEY GOT IT LATE. WE GOT SOME CURSORY COMMENTS
24 FROM THEM YESTERDAY. THEY DO HAVE SOME CONCERNS
25 WITH THE TRAFFIC ANALYSIS, AND WE'LL BE TALKING
TO

1 THEM BETWEEN NOW AND THE BOARD MEETING AND TRY TO
2 WORK THOSE OUT.

3 IRIS YANG, LEGAL COUNSEL FOR THE
4 CITY OF PASO ROBLES, IS IN THE AUDIENCE IF
YOU
5 HAVE ANY QUESTIONS. THAT CONCLUDES MY
6 PRESENTATION.

7 CHAIRMAN FRAZEE: OKAY. MS. YANG,
DID
8 YOU WISH TO MAKE ANY COMMENTS?

9 MS. YANG: NOT REALLY UNLESS YOU
HAVE ANY
10 QUESTIONS. I'D LIKE TO THANK THE STAFF FOR
ALL
11 THEIR HELP.

12 CHAIRMAN FRAZEE: WE HAVE THE ITEM
BEFORE
13 US THEN.

14 MEMBER JONES: MR. CHAIRMAN, I'D
LIKE TO
15 MOVE THAT WE ACCEPT -- I DON'T THINK IT'S A
PERMIT
16 NUMBER, BUT THE EIR. ACTUALLY IT DOES.

17 MS. TOBIAS: ADOPTION OF THE
MITIGATED
18 NEG DEC.

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19 MEMBER JONES: THE ADOPTION OF THE
20 MITIGATED NEG DEC.

21 MS. TOBIAS: SORRY. NEGATIVE
22 DECLARATION.

23 BOARD MEMBER JONES: THAT WILL
WORK.

24 CHAIRMAN FRAZEE: WE HAVE A MOTION
AND I
25 WILL SECOND. IF THE SECRETARY WILL CALL THE
ROLL.

1 THE SECRETARY: BOARD MEMBER JONES.

2 MEMBER JONES: AYE.

3 THE SECRETARY: CHAIRMAN FRAZEE.

4 CHAIRMAN FRAZEE: AYE. MOTION IS
5 CARRIED. THIS ITEM CANNOT GO ON THE CONSENT
6 CALENDAR. WILL BE ON THE REGULAR CALENDAR.

7 ITEM 6 HAS BEEN PULLED.

8 ITEM 7 IS THE CONSIDERATION OF
9 APPROVAL TO BEGIN RULEMAKING FOR THE REGULATION TO
10 ADD NEW U.S. EPA FINANCIAL ASSURANCE MECHANISMS
11 FOR LOCAL GOVERNMENTS TO STATE REGULATIONS.

12 MS. RICE: THANK YOU, MR. CHAIRMAN.
13 NANCY JESTREBY WILL MAKE THIS PRESENTATION.

14 MS. JESTREBY: GOOD MORNING, CHAIRMAN
15 FRAZEE AND BOARD MEMBER JONES. THIS AGENDA ITEM
16 PROVIDES INFORMATION ON PROPOSED FINANCIAL
17 ASSURANCE REGULATIONS TO ADD TWO NEW MECHANISMS,
18 LOCAL GOVERNMENT FINANCIAL TEST AND LOCAL
19 GOVERNMENT GUARANTY, TO CALIFORNIA INTEGRATED
20 WASTE MANAGEMENT BOARD FINANCIAL ASSURANCE
21 REGULATIONS.

22 THE NEW MECHANISMS WERE DEVELOPED BY
23 THE U.S. ENVIRONMENTAL PROTECTION AGENCY. THE
24 LOCAL GOVERNMENT FINANCIAL TEST ALLOWS LOCAL
25 GOVERNMENTS TO MEET THEIR FINANCIAL
ASSURANCE

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1 OBLIGATIONS BY DEMONSTRATING THEIR FINANCIAL
2 STRENGTH. A LOCAL GOVERNMENT INTERESTED IN
3 PROVIDING A GUARANTY FOR ANOTHER PUBLIC OR PRIVATE
4 LANDFILL MUST ALSO PASS THE LOCAL GOVERNMENT
5 FINANCIAL TEST.

6 EPA'S ANALYSIS INDICATED 54 PERCENT
7 OF THE 2700 PUBLICLY OWNED LANDFILLS NATIONWIDE
8 THAT WERE REVIEWED COULD USE THE LOCAL GOVERNMENT
9 FINANCIAL TEST FOR THEIR CLOSURE/POSTCLOSURE AND
10 CORRECTIVE ACTION COSTS. TWO HUNDRED LANDFILLS OR
11 68 PERCENT OF ACTIVE AND INACTIVE CALIFORNIA SOLID
12 WASTE LANDFILLS THAT ARE REQUIRED TO MAINTAIN
13 FINANCIAL ASSURANCE FOR CLOSURE AND POSTCLOSURE
14 MAINTENANCE COSTS ARE PUBLIC LANDFILLS.

15 FOR A LOCAL GOVERNMENT TO PASS
16 EITHER TEST, THE LOCAL GOVERNMENT FINANCIAL TEST
17 MUST BE BASED ON FINANCIAL STATEMENTS PREPARED IN
18 CONFORMITY WITH GENERALLY ACCEPTED ACCOUNTING
19 PRINCIPLES FOR GOVERNMENTS AND AUDITED BY AN
20 INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT. THE
21 LOCAL GOVERNMENT IS LIMITED TO ASSURING COSTS
22 EQUAL TO 43 PERCENT OR LESS OF TOTAL ANNUAL
23 REVENUE.

24 THE LOCAL GOVERNMENT IS REQUIRED TO
25 INFORM THE PUBLIC, PLACING ON RECORD THE LOCAL

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1 GOVERNMENT'S COMMITMENT OF FUTURE LOCAL GOVERNMENT
2 FUNDS, REPORT TO THE BOARD ANNUALLY ON WHETHER IT
3 CONTINUES TO MEET THE LOCAL GOVERNMENT FINANCIAL
4 TEST, AND CERTIFY THAT SEVERAL FINANCIAL
5 CONDITIONS DO NOT EXIST.

6 TO PASS ALTERNATIVE 1, THE PUBLIC
7 AGENCY MUST SATISFY A LIQUIDITY RATIO AND A DEBT
8 SERVICE RATIO. TO PASS ALTERNATIVE 2, THE PUBLIC
9 AGENCY MUST DEMONSTRATE A CURRENT BOND INVESTMENT
10 GRADE RATING BY MOODY'S OR BY STANDARD AND POORS
11 THAT SATISFIES THE REGULATORY REQUIREMENTS.

12 EACH YEAR THE FINANCIAL TEST AND THE
13 REQUIRED DOCUMENTATION MUST BE RESUBMITTED. IF AT
14 ANY TIME THE BOARD FINDS THAT THE LOCAL GOVERNMENT
15 NO LONGER MEETS THE TEST REQUIREMENTS SPECIFIED IN
16 THE REGULATIONS, THE LOCAL GOVERNMENT WILL BE
17 REQUIRED TO OBTAIN ALTERNATE, ACCEPTABLE COVERAGE
18 WITHIN 60 DAYS AFTER RECEIVING NOTIFICATION OF THE
19 FINDING.

20 STAFF IS PROPOSING THE LOCAL
21 GOVERNMENT FINANCIAL TEST CAN BE USED TO
22 DEMONSTRATE FINANCIAL RESPONSIBILITY FOR
23 POSTCLOSURE MAINTENANCE COSTS AND/OR CORRECTIVE
24 ACTION COST. THE REGULATIONS CURRENTLY PROPOSED
25 DO NOT ALLOW THE USE OF THE LOCAL GOVERNMENT

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1 FINANCIAL TEST TO ASSURE CLOSURE COSTS. U.S. EPA
2 HAS INDICATED IF LOCAL GOVERNMENTS HAVE FUNDS FOR
3 CLOSURE COSTS IN A MANNER SATISFACTORY TO THE
4 STATE, THE LOCAL GOVERNMENT FINANCIAL TEST CAN BE
5 USED FOR POSTCLOSURE MAINTENANCE ONLY.

6 STAFF ANALYZED THE FEDERAL FINANCIAL
7 ASSURANCE REGULATIONS AND DETERMINED THAT TO BEST
8 PROTECT THE PUBLIC HEALTH, SAFETY, AND THE
9 ENVIRONMENT, THE LOCAL GOVERNMENT FINANCIAL TEST
10 SHOULD BE ALLOWED TO ASSURE POSTCLOSURE
11 MAINTENANCE AND CORRECTIVE ACTION COSTS, BUT NOT
12 TO ASSURE CLOSURE COSTS.

13 WHEN BOARD FINANCIAL ASSURANCE
14 REGULATIONS WERE DEVELOPED IN 1989, A KEY
15 CONSIDERATION WAS THE EFFECTIVENESS OF THE
16 MECHANISM IN INSURING FUNDS WILL BE AVAILABLE WHEN
17 NEEDED. THE BOARD DETERMINED SOME MECHANISMS WERE
18 ACCEPTABLE FOR ASSURING THE ONGOING OPERATING
19 COSTS OF POSTCLOSURE MAINTENANCE, BUT NOT THE
20 ONE-TIME CAPITAL EXPENSE OF CLOSURE.

21 THESE POSTCLOSURE MAINTENANCE ONLY
22 MECHANISMS ARE THE PLEDGE OF REVENUE FOR PUBLIC
23 OPERATORS AND THE FINANCIAL MEANS TEST AND
24 CORPORATE GUARANTEE FOR PRIVATE OPERATORS.
25 CONSISTENT WITH THE PLEDGE OF

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1 REVENUE AND FINANCIAL MEANS TEST, STAFF BELIEVE
2 THE LOCAL GOVERNMENT FINANCIAL TEST SHOULD NOT BE
3 ALLOWED TO ASSURE THE ONE-TIME CAPITAL EXPENSE OF
4 CLOSURE. STAFF BELIEVE THE LOCAL GOVERNMENT
5 FINANCIAL TEST PROVIDES LESS ASSURANCE THAN THE
6 OTHER BOARD MECHANISMS FOR CLOSURE COSTS. THERE'S
7 GREATER POTENTIAL FOR DELAY IN CONDUCTING CLOSURE
8 SHOULD AN OPERATOR USING A LOCAL GOVERNMENT
9 FINANCIAL TEST BE UNABLE TO PAY FOR CLOSURE
10 ACTIVITIES.

11 WHEN A LOCAL GOVERNMENT FINANCIAL
12 TEST IS APPROVED, THE LOCAL GOVERNMENT IS NOT
13 REQUIRED TO DEMONSTRATE TO THE BOARD THAT FUNDS
14 ARE BEING SET ASIDE FOR PLANNED CLOSURE
15 ACTIVITIES. DELAY IN CONDUCTING CLOSURE COULD
16 JEOPARDIZE PUBLIC HEALTH, SAFETY, AND THE
17 ENVIRONMENT AND INCREASE RESPONSE COST FOR
18 CORRECTIVE ACTION AT A SITE.

19 STAFF RECOMMENDS A CONSERVATIVE
20 IMPLEMENTATION POLICY FOR THE LOCAL GOVERNMENT
21 FINANCIAL TEST, INCLUDING NOT APPROVING ITS USE
22 FOR THE CAPITAL EXPENSE OF CLOSURE. THIS WILL
23 ALLEVIATE SUBSTITUTING THE LOCAL GOVERNMENT
24 FINANCIAL TEST FOR AN EXISTING APPROVED ADEQUATELY
25 FUNDED CLOSURE FUND. SHOULD AN OPERATOR SUBMIT TO

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1 THE BOARD A PASSING LOCAL GOVERNMENT FINANCIAL
2 TEST FOR CLOSURE COSTS AND REQUEST SUBSTITUTION OF
3 THE TEST FOR AN EXISTING CLOSURE FUND, THE BOARD
4 WOULD HAVE TO AUTHORIZE RELEASE OF THE CLOSURE
5 FUNDS AS SPECIFIED IN REGULATION.

6 IN A WORST-CASE SCENARIO, AN
7 OPERATOR COULD HAVE REDIRECTED THE CLOSURE FUNDS
8 AND, IN ADDITION TO JEOPARDIZING THE FINANCIAL
9 ASSURANCE FOR CLOSURE, NO LONGER HAVE THE FUNDS TO
10 REDEPOSIT. IF THE OPERATOR COULD NOT PROVIDE AN
11 ACCEPTABLE, ADEQUATELY FUNDED MECHANISM, THE BOARD
12 WOULD THEN HAVE TO TAKE ENFORCEMENT ACTION.

13 STAFF REQUESTS THE COMMITTEE
14 CONSIDER APPROVAL TO BEGIN THE RULEMAKING FOR
15 REGULATIONS TO ADD THE NEW U.S. EPA FINANCIAL
16 ASSURANCE MECHANISMS FOR LOCAL GOVERNMENTS TO
17 STATE REGULATIONS AND TO APPROVE MAIL-OUT OF
18 FINANCIAL ASSURANCES BULLETIN NO. 4.

19 THIS CONCLUDES MY PRESENTATION, AND
20 WE ARE READY TO RESPOND TO QUESTIONS AND COMMENTS.
21 THANK YOU.

22 CHAIRMAN FRAZEE: I THINK YOU ANSWERED
23 MOST OF MY QUESTIONS EXCEPT, AS I UNDERSTAND, THE
24 FEDERAL REGULATIONS WOULD ALLOW FOR CLOSURE TO BE
25 INCLUDED IN THIS ALSO, BUT IT'S OUR OPTION NOT TO

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1 DO THAT.

2 MS. JESTREBY: THAT'S CORRECT. OUR
3 PUBLIC RESOURCES CODE REQUIRES US TO ALLOW ANY
4 MECHANISM THAT THE FEDERAL GOVERNMENT ALLOWS, BUT
5 ALSO GIVES US THE ABILITY TO CONDITION MECHANISMS
6 AS WE SEE NEED TO.

7 CHAIRMAN FRAZEE: SO WE'RE CONDITIONING
8 THEN --

9 MS. JESTREBY: YES.

10 CHAIRMAN FRAZEE: -- IS THE OPERATIVE
11 WORD IN THIS.

12 MEMBER JONES: BASED ON THAT ANSWER,
13 BECAUSE I DON'T THINK THAT THIS SHOULD BE USED
14 FOR
15 CLOSURE, I THINK WE NEED TO APPROVE THE
16 DEVELOPMENT OF THE PROPOSED REGULATIONS MAIL-OUT
17 OF FINANCIAL ASSURANCES BULLETIN NO. 4 AND, YOU
18 KNOW, THE REST OF YOUR FIRST ONE. DO YOU WANT
19 THAT INCLUDED, THAT YOU HAVE A WORKSHOP, AN
20 INFORMAL WORKSHOP, IN THE MOTION?

21 MS. RICE: THE MOST IMPORTANT PORTION OF
22 THE STAFF RECOMMENDATION IS PROBABLY YOUR OKAY TO
23 BEGIN THE RULEMAKING PROCESS, INCLUDING NOTICING
24 A
45-DAY COMMENT ONCE DONE WITH THE WORKSHOP AND
INFORMAL COMMENT. SO THAT'S PRIMARILY WHAT WE'RE

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25 SEEKING TODAY, THE OKAY TO BEGIN THE RULEMAKING.

1 MEMBER JONES: JUST WANTED TO CHECK.

2 THAT'S MY MOTION.

3 CHAIRMAN FRAZEE: OKAY. AND I'LL SECOND
4 THAT. SECRETARY WILL CALL THE ROLL.

5 THE SECRETARY: BOARD MEMBER JONES.

6 MEMBER JONES: AYE.

7 THE SECRETARY: CHAIRMAN FRAZEE.

8 CHAIRMAN FRAZEE: AYE. MOTION IS
9 CARRIED. LET'S SEE. CAN THAT ONE GO CONSENT?

10 MS. RICE: THAT ITEM WOULD NOT NEED TO
11 GO
12 TO THE BOARD.

13 CHAIRMAN FRAZEE: THAT'S TRUE. OKAY.
14 RESOLVE IT RIGHT HERE.

15 NOW, ITEM NO. 8 IS THE
16 CONSIDERATION

17 OF DELEGATION OF AUTHORITY TO THE EXECUTIVE
18 DIRECTOR TO AUTHORIZE ASBESTOS-CONTAINING WASTE
19 PROGRAMS AND DISCUSSION OF AUTHORIZATION TO LOCAL
20 ENFORCEMENT AGENCIES TO ENFORCE STANDARDS FOR
21 HANDLING AND DISPOSAL OF ASBESTOS-CONTAINING
22 WASTE

23 FACILITIES.

MS. RICE: THANK YOU, MR. CHAIRMAN.
PAULINO LUNA OF DIVISION STAFF WILL MAKE THE
PRESENTATION ON THIS ITEM.

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24 MR. LUNA: GOOD MORNING, MR. CHAIRMAN
AND
25 MEMBERS OF THE COMMITTEE AND STAFF. MY NAME IS

1 PAULINO LUNA WITH THE P&E DIVISION ENFORCEMENT
2 BRANCH, AND I'M ACCOMPANIED BY JOHN BELL, MY
3 BRANCH MANAGER.

4 I GUESS I WOULD LIKE TO START MY
5 PRESENTATION BY GIVING YOU A LITTLE BIT OF
6 BACKGROUND WITH REGARDS TO THIS AGENDA ITEM. AS
7 YOU KNOW, BACK IN 1994 AB 688 WAS PASSED AND
8 BASICALLY MADE THE BOARD RESPONSIBLE FOR
9 REGULATING ASBESTOS-CONTAINING WASTE DISPOSAL AT
10 NON-CLASS I FACILITIES, SOLID WASTE FACILITIES.
11 IT ALSO REQUIRED THE BOARD TO ENTER INTO AN MOU
12 WITH DTSC, THE DEPARTMENT OF TOXIC SUBSTANCE
13 CONTROL.

14 I GUESS IN COMPLIANCE WITH THIS
15 STATUTORY MANDATES, THE BOARD DEVELOPED EMERGENCY
16 REGULATIONS, LATER ON ESTABLISHED PERMANENT
17 REGULATIONS SIX MONTHS AGO. AND ONE OF THE
18 SECTIONS OF THOSE REGULATIONS, SECTION 17897.25,
19 REQUIRES LOCAL ENFORCEMENT AGENCIES TO FILE A
20 PETITION WITH THE P&E DIVISION CHIEF EXPRESSING
21 THEIR DESIRE TO ENFORCE THESE REGULATIONS, THE
22 ASBESTOS WASTE CONTAINING REGULATIONS.

23 SO THE PURPOSE OF THIS AGENDA ITEM
24 TODAY IS TO REQUEST ON THE ONE HAND THE

DELEGATION

25 OF AUTHORITY TO BE -- THE REGULATION OF THE BOARD

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1 AUTHORITY TO BE DELEGATED TO THE EXECUTIVE
2 DIRECTOR. ON THE OTHER HAND, WE WOULD LIKE TO
3 FAMILIARIZE THE BOARD MEMBERS WITH WHAT WOULD THE
4 APPLICATION PROCESS FOR LEA'S TO BE AUTHORIZED,
5 PROPERLY AUTHORIZED, WOULD BE -- WOULD ENTAIL IN
6 REALITY.

7 SO THAT BEING SAID, I'D LIKE TO GO
8 INTO A COUPLE OF POINTS, I GUESS SUPPORTING FACTS,
9 AS TO WHAT RATIONALE BOARD STAFF WENT THROUGH IN
10 DEVELOPING THIS AGENDA ITEM. NO. 1, PRC SECTION
11 40430 ALLOWS THE BOARD TO DELEGATE SPECIFIC DUTIES
12 AND RESPONSIBILITIES TO THE EXECUTIVE DIRECTOR.
13 ON THIS CASE WE BELIEVE THAT DELEGATION OF THIS
14 PARTICULAR ISSUE, IT'S APPROPRIATE. SOMETHING
15 ELSE, THAT IT'S ALREADY CONTAINED IN THE
16 ASBESTOS-CONTAINING WASTE REGULATIONS.

17 SECTION -- AS I PREVIOUSLY
18 INDICATED, SECTION 17897.25 SPELLS OUT THE
19 REQUIREMENTS THAT A PROPERLY AUTHORIZED LEA WOULD
20 HAVE TO MEET. THAT IS, AN LEA IS REQUIRED TO BE
21 CERTIFIED BY THE BOARD. AN LEA IS REQUIRED TO BE
22 TRAINED AND EQUIPPED. AND AS WE ALL KNOW, AS PART
23 OF THE LOCAL ENFORCEMENT AGENCY REGULATIONS, ALSO
24 FOUND IN TITLE 14, I'M TALKING ABOUT SECTION
25 18081, THE LEA'S ARE ALSO REQUIRED TO AMEND THEIR

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1 ENFORCEMENT PROGRAM PLANS.

2 NOW, ALL THAT BEING SAID, WE BELIEVE
3 THAT LEA'S, MOST LEA'S, THROUGHOUT THE STATE ARE
4 PROPERLY QUALIFIED TO BE AUTHORIZED TO ENFORCE THE
5 PERMANENTLY ADOPTED ASBESTOS-CONTAINING WASTE
6 REGULATIONS.

7 NOW I WOULD LIKE TO DESCRIBE HOW THE
8 PROCESS ITSELF, THE AUTHORIZATION PROCESS ITSELF,
9 WOULD LOOK LIKE FOR HOW WE, BOARD STAFF, INTEND TO
10 IMPLEMENT THIS. IT'S A STRIKE-OVER, SIMPLE
11 PROCESS. IT'S A TWO-STEP PROCESS. THE
12 REGULATIONS, THE ACW REGULATIONS, REQUIRE AN LEA
13 TO FILE AN APPLICATION WITH OUR DEPUTY DIRECTOR,
14 P&E DEPUTY DIRECTOR. THAT APPLICATION WOULD COME
15 TO HER ATTENTION. AFTER THAT, WE, BOARD STAFF,
16 WOULD MAKE SURE THAT SUCH APPLICATION MEETS WHAT
17 HAS BEEN SPELLED OUT ALREADY IN THE ACW
18 REGULATIONS. I ALREADY INDICATED ONE OF THE
19 REQUIREMENTS, AN LEA HAS TO BE PROPERLY CERTIFIED
20 BY THE BOARD.

21 AFTER THAT, OUR DIVISION CHIEF WILL
22 PREPARE A LETTER FOR OUR EXECUTIVE DIRECTOR'S
23 SIGNATURE, AND THAT WILL GO BACK TO THE LEA,
24 INDICATING BOARD STAFF, IN THIS CASE EXECUTIVE
25 DIRECTOR'S, DECISION ON THAT PARTICULAR

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1 APPLICATION.

2 SO AFTER I HAVE SAID ALL THAT, THESE
3 ARE THE OPTIONS THAT BOARD STAFF WOULD LIKE TO
4 PRESENT TO THE COMMITTEE THIS MORNING. NO. 1, THE
5 COMMITTEE MAY APPROVE STAFF'S REQUEST FOR
6 DELEGATION TO THE EXECUTIVE DIRECTOR FOR GRANTING
7 PROVISIONAL OR FULL AUTHORIZATION TO THE
8 ENFORCEMENT -- TO ENFORCE THE STANDARDS FOR
9 HANDLING AND DISPOSAL.

10 NO. 2, THE COMMITTEE MAY APPROVE THE
11 DELEGATION REQUEST TO THE EXECUTIVE DIRECTOR FOR
12 GRANTING ONLY PROVISIONAL AUTHORIZATION TO LEA'S
13 TO ENFORCE ACW REGULATIONS.

14 NO. 3, THE COMMITTEE MAY CHOOSE NOT
15 TO DELEGATE THIS AUTHORITY.

16 THE STAFF -- BOARD STAFF RECOMMENDS
17 OPTION NO. 1 AND THE ADOPTION OF RESOLUTION NO.
18 97-271, APPROVING THE DELEGATION OF AUTHORITY TO
19 REQUEST THE EXECUTIVE DIRECTOR FOR GRANTING
20 PROVISIONAL OR FULL AUTHORIZATION TO THE LEA'S TO
21 ENFORCE THE ACW STANDARDS.

22 AND THAT CONCLUDES MY PRESENTATION.
23 IF YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO TRY
24 AND ANSWER THEM. THANK YOU.

25 CHAIRMAN FRAZEE: QUESTIONS?

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1 MEMBER JONES: ANY SPEAKERS?

2 CHAIRMAN FRAZEE: WE DO HAVE EVAN EDGAR,
3 WHO WISHES TO SPEAK ON THIS ITEM.

4 MR. EDGAR: GOOD MORNING. MY NAME IS
5 EVAN EDGAR, THE DIRECTOR OF REGULATORY AFFAIRS FOR
6 THE CALIFORNIA REFUSE REMOVAL COUNCIL. GREAT
7 INFORMATION TODAY ON ACW WITH REGARDS TO THE LEA
8 ADVISORY AND THE MANAGEMENT GUIDANCE. WE NEED
9 THAT STUFF IN THE FIELD.

10 WHAT MAKES THIS IMPORTANT IS THAT
11 ACW IS A HAZARDOUS WASTE, AND IT IS MANAGED AT A
12 SUBTITLE D LANDFILL, A NON-CLASS I. A FEW MONTHS
13 AGO I WAS UP HERE TALKING ABOUT THE BIGGER
14 PICTURE, ABOUT THE OTHER 50 PERCENT, HOW THERE'S A
15 CORE PROGRAM AS WASTE CLASSIFICATION.

16 WHAT WE HAVE HERE WITH ACW IS A CASE
17 STUDY OF THINGS THAT MAY COME IN THE FUTURE, SO I
18 WANT TO HIGHLIGHT THOSE WITH RESPECT TO THE OTHER
19 50 PERCENT, THE CORE PROGRAMS OF WASTE CLASSIFI-
20 CATION, AND WHAT'S GOING ON AT DTSC AND THE WATER
21 BOARD.

22 AS YOU KNOW, AT THE DEPARTMENT OF
23 TOXIC SUBSTANCE CONTROL, THERE'S A DELISTING, A
24 RELISTING, A LOT OF CONFUSION WITH REGARDS TO WHAT
25 THEY'RE DOING WITH REGARDS TO WHAT MAY LEAVE THE

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1 CLASS I WORLD AND ENTER THE SUBTITLE D WORLD. AND
2 WE'VE BEEN WATCHING THAT VERY CLOSELY. AND AT THE
3 LAST MEETING ELLIOT BLOCK WAS THERE, AND SOME KEY
4 STAFF PEOPLE ARE SHOWING UP TO THOSE MEETINGS TO
5 FIND OUT THE COORDINATION.

6 MEANWHILE OVER AT THE WATER BOARD
7 THEY'RE RATHER FOCUSED AS THEY MOVE FROM A CLASS
8 I, II, III WORLD INTO A SUBTITLE C AND SUBTITLE D
9 WORLD. WHAT'S GOING ON OUT THERE IS THERE'S A LOT
10 OF CONFUSION FROM THE THIRD PARTIES, STAKEHOLDERS,
11 AND ENVIRONMENTAL GROUPS ABOUT WHAT THAT REALLY
12 MEANS.

13 I THINK YOU HEARD THE TESTIMONY AT
14 THE MESQUITE REGIONAL LANDFILL ABOUT THE SCARE
15 THAT HAZARDOUS WASTE IS BEING DUMPED ON CLASS III
16 LANDFILLS. AND MORE AND MORE I HEAR THAT IN A
17 PUBLIC SETTING, AND THAT'S VERY DISTURBING TO THE
18 SOLID WASTE INDUSTRY THAT DOES A LOT OF GOOD WORK
19 OUT THERE IN ORDER TO MANAGE THESE WASTES IN AN
20 ACCEPTABLE MANNER.

21 WHAT DTSC HAS PROPOSED IS A NEW
22 WASTE CLASSIFICATION SYSTEM WHICH WOULD BE CALLED
23 MIW, MANAGED INDUSTRIAL WASTE. AND WHAT THEY'RE
24 ASKING WITHIN THE PROPOSAL IS THAT YOU HAVE
25 MANAGEMENT STANDARDS IN ORDER TO MANAGE THESE MIW

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1 WASTES AT SUBTITLE D LANDFILLS.

2 SO WHAT YOU HAVE HERE TODAY IN THE
3 FORM OF YOUR LEA ADVISORY AND IN THE FORM OF YOUR
4 MANAGEMENT STANDARDS FOR ACW IS A GREAT CASE
5 STUDY, WHICH IS ACTUALLY THE SOLUTION TO THE
6 CONFUSION OF WHAT'S GOING ON BETWEEN DTSC AND THE
7 WATER BOARD WITH REGARDS TO WHAT HAPPENS, WHAT'S
8 LEFT OVER, WHAT'S ON THE TABLE, WHERE'S THE VOID.

9 AND THERE'S HUGE VOIDS WITHIN THE
10 PROPOSAL. WHAT I SEE HERE WITH ACW IS AN
11 EXCELLENT SOLUTION WITHIN THE TITLE 14, WITHIN THE
12 WASTE BOARD'S AUTHORITY TO MANAGE THESE MIW'S AND
13 ACW AT A SUBTITLE D LANDFILL.

14 SO THAT'S WHY I HIGHLY SUPPORT
15 WHAT'S GOING ON TODAY WITH ACW. IT TOOK A LOT OF
16 HARD WORK TO GET THERE AND TO GET THIS INFORMATION
17 OUT, SO WE SUPPORT THAT. AND IT REALLY BRINGS A
18 REALITY CHECK TO WHAT'S GOING ON IN THE FIELD,
19 THESE OPERATIONAL STANDARDS INSTEAD OF ALL THE
20 EMOTIONAL ISSUES THAT I'VE BEEN HEARING TOO MUCH
21 LATELY. SO WITH THIS ACW PACKAGE, I'M GOING TO BE
22 USING THAT AS A CASE STUDY IN OTHER FORUMS TO SAY
23 HOW THINGS COULD WORK IN THE FUTURE AS DTSC
24 STRUGGLES WITH THEIR PROPOSAL. THANK YOU.

25 CHAIRMAN FRAZEE: OKAY. THANK YOU.

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1 MEMBER JONES: MR. CHAIRMAN, I'D LIKE TO
2 MAKE A MOTION THAT WE DELEGATE TO THE EXECUTIVE
3 DIRECTOR FOR GRANTING PROVISIONS OR FULL
4 AUTHORIZATION TO LEA'S TO ENFORCE STANDARDS FOR
5 HANDLING AND DISPOSAL OF ASBESTOS-CONTAINING
6 WASTE.

7 CHAIRMAN FRAZEE: AND I WILL SECOND,
8 FURTHER STATING THAT THAT INCLUDES THE ADOPTION OF
9 RESOLUTION 97-271. THE SECRETARY WILL CALL THE
10 ROLL.

11 THE SECRETARY: BOARD MEMBER JONES.

12 MEMBER JONES: AYE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: AYE. MOTION IS
15 CARRIED. THAT ONE SHOULD GO TO THE FULL BOARD.

16 MS. RICE: CORRECT. SHOULD BE HEARD BY
17 THE BOARD.

18 CHAIRMAN FRAZEE: OKAY. AND NOW WE GO TO
19 ITEM 10.

20 MS. RICE: THANK YOU, MR. CHAIRMAN.
21 SCOTT WALKER AND ELLIOT BLOCK WILL MAKE THIS
22 PRESENTATION. SORRY, CHRIS, I DIDN'T SEE YOU.

23 CHAIRMAN FRAZEE: I GUESS I SHOULD HAVE
24 READ THE TITLE OF THIS. THIS IS A PUBLIC HEARING
25 ON THE PROPOSED REGULATIONS FOR ALTERNATIVE DAILY

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1 COVER, THE CONSIDERATION OF THE STAFF
2 RECOMMENDATION -- RECOMMENDED REVISIONS, AND
3 APPROVAL TO NOTICE 15-DAY COMMENT PERIOD.

4 MR. WALKER: GOOD MORNING. PLEASE NOTE
5 THAT WE HAVE THREE ADDENDA UP AT THE FRONT DESK,
6 WHICH INCLUDE A SUMMARY OF THE COMMENTS RECEIVED,
7 LIST OF WRITTEN COMMENTERS, AND STAFF'S PROPOSED
8 REVISIONS FOR A 15-DAY COMMENT PERIOD.

9 IN FEBRUARY 1997 THE BOARD APPROVED
10 RELEASE OF REGULATIONS FOR ALTERNATIVE DAILY
COVER

11 TO IMPLEMENT THE PROVISIONS OF AB 1647,
WHICH IS
12 CODIFIED IN PUBLIC RESOURCES CODE 41791.3.

13 THE FORMAL 45-DAY COMMENT
PERIOD WAS

14 CONDUCTED. THE PERIOD ENDED JUNE 10TH.
TWENTY-

15 TWO WRITTEN COMMENTS WERE RECEIVED.
COMMENTS

16 MAINLY REQUESTED TECHNICAL AND CLARITY
CHANGES.

17 THERE WERE SOME BEYOND THE SCOPE OF THE
18 REGULATIONS, SUCH AS ON PERMITTING ISSUES.

19 IN TERMS OF A GENERAL SUMMARY
OF THE

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20 COMMENTS RECEIVED, SEVERAL COMMENTERS
MENTIONED
21 THAT THE PROPOSED STORAGE AND HANDLING TIME
FRAMES
22 FOR GREEN MATERIAL, ADC, WERE DIFFICULT TO
READ
23 AND FOLLOW AND A CONCERN FOR POTENTIALLY
BEING TOO
24 OVERBURDENSOME ON CERTAIN CASES AND THEN IN
SOME
25 CASES THEY MAY BE TOO LENIENT.

1 ANOTHER AREA WE RECEIVED A FEW
2 COMMENTS IS ON THE 25-PERCENT LIMIT ON USING
3 COMPOST, CO-COMPOST, AND CHEMICALLY FIXED SEWAGE
4 SLUDGE AS COVER MATERIAL OR COVER EXTENDERS FOR
5 USE AS DAILY COVER. THIS WAS REFERENCED TO PRC
6 CODE WHICH HAS THAT REQUIREMENT. THE COMMENTERS
7 WERE REQUESTING CLARITY AND CHANGES TO PROVIDE
8 CLARIFICATION ON WHAT THAT MEANT.

9 OTHER COMMENTS WERE REGARDING SOME
10 OF THE WORDING ON THE GREEN MATERIAL AND
11 GEOSYNTHETIC BLANKET PROPOSED STANDARDS. THEY
12 WERE SOMEWHAT UNCLEAR, AND THEY WERE SUGGESTING
13 SOME CHANGES TO IMPROVE THE CLARITY.

14 IN ADDITION, SEVERAL COMMENTERS
15 NOTED CONCERNS ABOUT REPORTING REQUIREMENTS.
16 STAFF NOTED A DAILY REQUIREMENT, BUT REFERRED TO
17 THE DISPOSAL REPORTING REGULATIONS. THE DISPOSAL
18 REPORTING REGULATIONS ESSENTIALLY REQUIRE
19 QUARTERLY MONITORING OF WASTE, OF ADC, AND WEEKLY
20 DURING THE SURVEY PERIODS.

21 THERE WERE ALSO COMMENTS REGARDING
22 WASTE CLASSIFICATION. THERE'S SOME INCONSIS-
23 TENCIES IN THE STANDARDS WITH REGARD TO
24 ALLOWING -- THE INTENT TO ALLOW FOR WHAT'S CALLED
25 DESIGNATED WASTE PER THE WATER BOARD TO BE USED AS

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1 ADC, WHICH WAS THE INTENT. THERE WAS SOME WORDING
2 IN THERE THAT WAS CONSIDERED INCONSISTENT.

3 THERE'S ALSO A CONCERN THAT THE
4 LANGUAGE STILL REQUIRED OR WOULD ALLOW THE LEA TO
5 REQUIRE TO A SITE-SPECIFIC DEMONSTRATION PROJECT
6 WHEN, IN FACT, THE STATE WAS SAYING NO SITE-
7 SPECIFIC DEMONSTRATION PROJECT WAS REQUIRED.

8 IN ADDITION, THE CITY OF LAMPOC WAS
9 CONCERNED THAT -- THEY WANTED CLARITY TO ENSURE
10 THAT THEIR PARTICULAR USE OF WATER TREATMENT
11 SLUDGE AS ALTERNATIVE DAILY AND ALTERNATIVE
12 INTERMEDIATE COVER WAS REFLECTED IN THE
13 REGULATIONS.

14 CEMENT AND LIME KILN DUST WAS
15 REQUESTED TO BE INCLUDED IN THE LANGUAGE FOR ASH
16 MATERIALS AND SLUDGE AND SLUDGE DERIVED MATERIALS.

17 THERE WAS ALSO CONCERNS OVER THE
18 STANDARD FOR CONSTRUCTION AND DEMOLITION WASTES
19 AND THICKNESS LIMITS FOR VARIOUS MATERIALS. WE
20 HAD LEFT OUT A COUPLE PROJECTS FOR THE
21 CONSTRUCTION AND DEMOLITION WASTE IN THE ORIGINAL
22 LISTING OF PROJECTS, AND THEY WERE QUESTIONING WHY
23 WE WERE PUTTING STANDARDS WITHOUT HAVING HAD
24 RECORD OF PROJECTS. AND WE DID FIND A COUPLE --
25 THERE ARE SEVERAL PROJECTS THAT WERE NOT INCLUDED

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1 THAT WE 'VE NOTED THAT ARE SUCCESSFUL DEMONSTRATION
2 PROJECTS.

3 WE ALSO RECEIVED FURTHER CONCERN
4 ABOUT THE INCLUSION OF ALTERNATIVE INTERMEDIATE
5 COVER. STAFF'S PROPOSED CHANGES, TO BEGIN WITH,
6 INSTEAD OF EXISTING LANGUAGE ON STORAGE AND
7 HOLDING TIME FOR GREEN MATERIAL FOR ADC, WE PULLED
8 THAT OUT AS REQUESTED IN THE COMMENT AND PROVIDED
9 A PURE PERFORMANCE STANDARD, THAT BASICALLY
10 STORAGE AND HANDLING OF WASTE-DERIVED MATERIALS
11 FOR ADC MUST PROTECT PUBLIC HEALTH AND SAFETY AND
12 THE ENVIRONMENT AND CONTROL NUISANCES, VECTORS,
13 ODORS, AND FIRES.

14 ON THE 25-PERCENT LIMIT ISSUE, WE
15 PROVIDED CLARITY TO NOTE WHAT THAT MEANT IN TERMS
16 OF WHAT CHEMICALLY FIXED SEWAGE SLUDGE MEANS,
17 ESSENTIALLY SOLID AND SEMISOLID RESIDUE FROM
18 TREATMENT OF DOMESTIC WASTEWATER. WE DEFINED
19 LANDFILL COVER EXTENDERS, AND WE ALSO PUT IN
20 THERE

21 THAT THE TIME LIMIT WAS BASED ON -- ON A
22 QUARTERLY

23 BASIS WHICH WOULD COINCIDE WITH THE DISPOSAL
24 REPORTING REGULATIONS.

 WE CHANGED THE WORDING ON THE GREEN
 MATERIAL AND GEOSYNTHETIC BLANKET STANDARDS AS

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25 REQUESTED TO PROVIDE CLARITY.

1 ON THE REPORTING REQUIREMENTS, WE
2 REMOVED THE WORD "DAILY" SO THAT THAT WOULD
3 COINCIDE WITH THE DISPOSAL REPORTING REGULATIONS.
4 WE DID ADD IN THE DISPOSAL REPORTING REGULATIONS
5 THAT DAILY OR ALTERNATIVE DAILY OR INTERMEDIATE
6 COVER WOULD BE REPORTED IN ORDER TO MAKE SURE THAT
7 IF ALTERNATIVE INTERMEDIATE COVER IS USED, IT IS
8 REPORTED TO US.

9 IN TERMS OF THE WASTE CLASSIFICATION
10 ISSUE, WE DID MAKE SOME CHANGES TO MAKE IT
11 CONSISTENT WITH THE INTENT TO ALLOW FOR BASICALLY
12 WASTES APPROVED BY THE WATER BOARD TO BE USED AS
13 ADC IF THEY MET THE SPECIFIC PERFORMANCE
14 REQUIREMENTS AS SPECIFIED.

15 WE PROPOSED TO REMOVE THE LANGUAGE
16 THAT A DEMONSTRATION PROJECT COULD STILL BE
17 REQUIRED BY THE LEA FOR SUCCESSFULLY TESTED
18 MATERIALS. IN TERMS OF SOME OF THE CONCERNS ABOUT
19 THE LEA'S, WE FELT THAT THE LEA'S STILL RETAIN THE
20 AUTHORITY TO ESTABLISH SITE-SPECIFIC CONDITIONS IN
21 THE SOLID WASTE FACILITIES PERMIT. WE FELT THAT
22 THAT WAS THE MECHANISM TO ADDRESS WHATEVER
23 ADDITIONAL CONTROLS THEY NEEDED.

24 IN TERMS OF THE ALTERNATIVE
25 INTERMEDIATE COVER ISSUE, IN THE FIRST PLACE,

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1 ALTERNATIVE INTERMEDIATE COVER WAS ALLOWED FOR
2 UNDER THE EXISTING REGULATIONS. WE ARE
3 PROVIDING -- PROPOSING ADDITIONAL CONTROLS TO MAKE
4 SURE ITS USE IS PROTECTIVE OF PUBLIC HEALTH AND
5 SAFETY BY REQUIRING SITE-SPECIFIC DEMONSTRATION
6 PROJECTS APPROVED BY THE EA WITH CONCURRENCE BY
7 THE BOARD.

8 WE ALSO WANT TO REITERATE THAT THE
9 POTENTIAL USES OF ALTERNATIVE INTERMEDIATE COVER
10 IS CONSIDERED BY STAFF TO BE MINIMAL. AND WHEN
11 YOU LOOK AT SHREDDED -- GREEN MATERIAL, PROCESSED
12 GREEN MATERIAL, IT'S VERY UNLIKELY WE'RE GOING TO
13 SEE ANY PROPOSALS FOR SEPARATE TESTING OF THAT FOR
14 EXTENDED PERIODS BECAUSE OF ITS GENERALLY
15 CONSTRAINED TIME FRAME THAT IT'S USED FOR.

16 IN ADDITION, THE CITY OF LAMPOC
17 BASICALLY ALREADY DID A DEMONSTRATION PROJECT FOR
18 BOTH ALTERNATIVE DAILY COVER AND ALTERNATIVE
19 INTERMEDIATE COVER. THEY HAVE A VERY UNIQUE
20 APPLICATION OF SEWAGE TREATMENT SLUDGE TO PROVIDE
21 DUST CONTROL FOR THEIR MATERIALS WHICH ARE VERY
22 PRONE TO DUST. AND WE MADE IT CLEAR THAT, BASED
23 ON THE REGULATIONS, THEY WOULD NOT HAVE TO

CONDUCT

24 ANOTHER DEMONSTRATION, THAT THE REGULATIONS WOULD
25 BE APPLICABLE OTHER THAN THE SPECIFIC STANDARD ON

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1 THE MIXING OF SEWAGE SLUDGE AND WATER TREATMENT
2 SLUDGE, WHICH IS THE MAIN TYPE OF METHOD USED FOR
3 WATER TREATMENT SLUDGE USE.

4 IN CONCLUSION, STAFF RECOMMEND
5 APPROVAL OF THE PROPOSED REVISIONS AND ALSO
6 APPROVAL TO NOTICE THE PROPOSED REVISIONS FOR A
7 FORMAL 15-DAY COMMENT PERIOD. THANK YOU.

8 CHAIRMAN FRAZEE: OKAY. THANK YOU. ANY
9 OTHER STAFF COMMENT? IF NOT, WE'LL MOVE TO PUBLIC
10 COMMENT. LARRY SWEETSER REPRESENTING NORCAL WASTE
11 SYSTEMS.

12 MR. SWEETSER: GOOD MORNING, BOARD
13 MEMBERS. MY NAME IS LARRY SWEETSER, DIRECTOR OF
14 REGULATORY AFFAIRS, NORCAL WASTE SYSTEMS. AND
15 I'LL BE BRIEF. IT FEELS LIKE DEJA VU ON THIS. I
16 DON'T KNOW HOW MANY TIMES I'VE BEEN UP HERE OVER
17 THE YEARS ON THESE REGULATIONS, AND I THINK WE'RE
18 ALMOST AT THE END OF IT.

19 FIRST OFF, I KNOW HE GETS
20 EMBARRASSED ON THIS, BUT I'D LIKE TO EXTEND SOME
21 CONGRATULATIONS TO SCOTT WALKER ON AN EXCELLENT
22 JOB ON GETTING THESE THINGS DONE. IN ADDITION,
23 MR. BLOCK AND MR. PECK ALSO HAVE BEEN VERY GOOD AT
24 THIS.

25 THERE HAVE BEEN SOME MINOR CONCERNS

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1 ON THE REGULATIONS, BUT I THINK STAFF HAS
2 ANTICIPATED THOSE AND IS EXPECTING TO REVISE --
3 MEET ALL THOSE CONCERNS IN THE NEXT 15 DAYS. SO I
4 THINK WITH THAT AND WITH THOSE CHANGES, YOU'RE
5 GOING TO HAVE AN EXCELLENT REGULATORY PACKAGE
6 GOING FORWARD, SOMETHING THAT'S VERY REALISTIC FOR
7 US TO DEAL WITH. AND I'D JUST LIKE TO URGE YOU
8 LET'S GET THIS FINALIZED AFTER ALL THESE YEARS,
9 AND LET'S GET ON WITH IT SO I'M SURE THERE'S OTHER
10 ISSUES WE'RE GOING TO WANT TO SPEND MORE TIME
11 WITH. THAT'S ALL I HAD TO SAY WAS GOOD JOB AND
12 LET'S GET ON WITH IT, AND THANK YOU VERY MUCH.

13 CHAIRMAN FRAZEE: OKAY. THANK YOU. MARK
14 LEARY, REPRESENTING BFI.

15 MR. LEARY: GOOD MORNING, MR. CHAIRMAN.
16 MY NAME IS MARK LEARY OF BROWNING-FERRIS
17 INDUSTRIES. AND ON BEHALF OF BROWNING-FERRIS
18 INDUSTRIES, I'D LIKE TO ECHO LARRY'S COMMENTS.
19 DESPITE ITS CONTROVERSIAL ORIGINS, I THINK THE
20 REASON THIS PROCESS HAS GONE SO WELL IS THE
21 QUALITY TEAM YOU'VE PUT TOGETHER TO MANAGE THIS
22 PROMULGATION PROCESS. IT IS RESULTING IN AN
23 EXCELLENT PROJECT, AND WE WOULD URGE YOUR APPROVAL
24 OF THEIR RECOMMENDATION TO MOVE THIS TO 15-DAY
25 COMMENT AND THEN HOPEFULLY TO FINALIZE THESE

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1 REGULATIONS. THANK YOU.

2 CHAIRMAN FRAZEE: AND EVAN EDGAR.

3 MR. EDGAR: EVAN EDGAR, DIRECTOR OF
4 REGULATORY AFFAIRS, CRRC. DITTO.

5 CHAIRMAN FRAZEE: AND ALSO WE HAVE GERALD
6 DE ROCO, REPRESENTING GLENN COUNTY DEPARTMENT OF
7 PUBLIC WORKS.

8 MR. DE ROCO: GOOD MORNING, CHAIRMAN
9 FRAZEE AND MEMBER JONES. I'M FROM THE SOLID WASTE
10 COORDINATOR FOR THE JPA OF GLENN COUNTY AND THE
11 CITIES OF ORLAND AND WILLOWS.

12 GLENN COUNTY IS A SMALL, BUT VERY
13 PROGRESSIVE RURAL COUNTY LOCATED ABOUT 90 MILES
14 NORTHERLY OF SACRAMENTO ON INTERSTATE 5. WE'RE
15 SEEKING TO PROTECT THE HEALTH, SAFETY, AND
16 ENVIRONMENT FOR OUR CITIZENS, AS WELL AS OFFER
17 MUNICIPAL SOLID WASTE DISPOSAL CAPACITY TO OTHER
18 SACRAMENTO VALLEY JURISDICTIONS.

19 OUR MEMBERS ARE THE REGIONAL
COUNCIL

20 OR RURAL COUNTIES, THE ENVIRONMENTAL SERVICES
JPA.

21 AND PLEASED WITH THE SUPPORT PROVIDED BY THE
WASTE

22 BOARD OF THAT ORGANIZATION, AS WELL AS ITS MEMBER
23 COUNTIES.

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24 I'M HERE TODAY TO FURNISH TESTIMONY
25 AND EVIDENCE IN SUPPORT OF THE ADOPTION OF THE

1 PROPOSED REGULATIONS FOR ADC AS SUBMITTED. WE
2 BELIEVE ALTERNATIVE MATERIALS OF ALTERNATIVE
3 THICKNESS OTHER THAN AT LEAST 6 INCHES OF EARTHEN
4 COVER SHOULD BE ACCEPTABLE IF APPROVED BY THE
5 LOCAL LEA WITH CONCURRENCE WITH THE WASTE BOARD.

6 APPROVAL SHOULD BE GRANTED IF THE
7 OWNER/OPERATOR DEMONSTRATES THAT THE ALTERNATIVE
8 MATERIAL AND THICKNESS CONTROL, DISEASE VECTORS,
9 FIRES, ODORS, BLOWING LITTER, AND SCAVENGING
10 WITHOUT PRESENTING A THREAT TO HUMAN HEALTH AND
11 THE ENVIRONMENT.

12 GLENN COUNTY HAS A MAJOR FIBERGLASS
13 INSULATION FACILITY LOCATED NEAR OUR LANDFILL, AND
14 WE RECEIVE A LARGE QUANTITY OF CONTAMINATED SCRAP
15 INSULATION FOR DISPOSAL. WE HAVE TRIED SHREDDING
16 MATERIAL, ADDING OTHER MATERIALS, ADDING LIQUIDS
17 AND WHATEVER TO PRODUCE A PRODUCT THAT MAY BE
18 SPREAD OVER WASTE AS A BLANKET COVER. BUT ANY
19 PROCESS WE HAVE TRIED HAS ALWAYS RESULTED IN
20 BLOWING LITTER AND GLASS PARTICLES, WHICH ARE
21 HEALTH AND SAFETY HAZARD. AND THE MATERIAL IS
22 ALSO GENERALLY TRACKED OFF SITE BY COMPACTION
23 MACHINERY.

24 CERTAIN AMOUNT OF SCRAP MATERIAL IS
25 SALVAGED AND DONATED TO OUR LOCAL HOUSING RESOURCE

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1 AGENCY, WHICH USES IT FOR RETROFITTING AND
2 INSULATING LOW INCOME HOUSING, BUT THE MAJORITY OF
3 THE SCRAP MATERIAL HAS TO BE LANDFILLED.

4 IN CONJUNCTION WITH THE
5 MANUFACTURER, WE'VE ARRIVED AT A PROCESS OF BALING
6 THE PRODUCT AND PLACING THE BALES ADJACENT TO EACH
7 OTHER OVER COMPACTED WASTE SIMILAR TO BUILDING A
8 BRICK SIDEWALK. THIS PROCEDURE CONTROLS DISEASE,
9 VECTORS, FIRES, ODORS, BLOWING LITTER, AND
10 SCAVENGING. IT ALSO IS A TRUE ALTERNATE DAILY
11 COVER BECAUSE WE USE IT ONE DAY OVER COMPACTED
12 WASTE AND THE NEXT DAY BRIDGE IT WITH COMPACTED
13 WASTE OR CONSTRUCTION DEMOLITION AND USE EARTHEN
14 COVER THE SECOND DAY.

15 I HAVE SUBMITTED HERE A BOOKLET OF
16 PHOTOGRAPHS THAT SHOWS THAT EXPERIMENT, AND ALSO
17 THE PHOTOGRAPH INCLUDES -- WE'VE ATTEMPTED TO USE
18 AND WE HAVE USED ALMOND SHELLS FOR DAILY COVER,
19 BUT WE'VE DISCOVERED A BETTER USE. WE USE IT FOR
20 SURFACING OUR HAUL ROADS BECAUSE IT RETAINS
21 MOISTURE AND CONTROLS DUST.

22 ONE OF THE OTHER PHOTOGRAPHS IN
23 THAT
24 BOOKLET WAS TAKEN LAST WEEK, SHOWING TREATED AUTO
SHREDDER WASTE AT THE ALTAMONT LANDFILL IN
ALAMEDA

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25 COUNTY. AND ANOTHER PHOTOGRAPH TAKEN LAST WEEK

1 SHOWS SHREDDED TIRES USED AS ADC AT THE CHICAGO
2 GRADE LANDFILL IN SAN LUIS OBISPO.

3 I SUBMIT TO YOU THAT THIS EVIDENCE
4 TRULY SHOWS THAT ALTERNATE MATERIALS OF ALTERNATE
5 THICKNESS CAN PRODUCE THE STANDARD REQUIRED OF THE
6 ADC RESULTS, AND IT WOULD ALSO CREATE JOBS AND
7 OPEN NEW MARKETS.

8 I WAS FORTUNATE TO ATTEND AN ADC
9 WORKSHOP IN SAN LEANDRO IN DECEMBER OF '96
10 CONDUCTED BY THE GENTLEMAN HERE AND ALSO TWO WEEKS
11 AGO A STATE MINIMUM STANDARDS WORKSHOP IN CHICO
12 CONDUCTED BY THE SAME PEOPLE. AND THEN YESTERDAY
13 I ATTENDED THE COURSE BY DR. HUMPHREYS ON CIVIL
14 ENGINEERING APPLICATION FOR TIRE SHREDS. AND I
15 WANT TO COMMEND THIS BOARD AND THEIR STAFF FOR THE
16 PROFESSIONAL METHOD IN WHICH THESE COURSES WERE
17 CONDUCTED.

18 I SAW NO EVIDENCE IN ANY OF THESE
19 EVENTS THAT THE WASTE BOARD OR ITS STAFF INTENDED
20 TO DICTATE TO LOCAL JURISDICTIONS POLICIES.
21 RATHER IT'S SEEKING A MUTUAL SOLUTION TO A MUTUAL
22 PROBLEM. AND I COMMEND THEM ON THAT. I THANK
23 YOU.

24 CHAIRMAN FRAZEE: THE APPLICATION OF THE
25 INSULATION IS ALLOWED UNDER THESE REGULATIONS.

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1 MR. DE ROCO: NO, SIR. WE HAVEN'T EVEN
2 STARTED A DEMONSTRATION PROJECT. WE'VE BEEN
3 WORKING FOR A YEAR AND A HALF TO DETERMINE SOME
4 METHOD TO CONTAIN THE MATERIAL, AND WE'VE ARRIVED
5 AT THIS BALING. AND WE WILL BE SUBMITTING TO OUR
6 LEA AS A DEMONSTRATION PROJECT.

7 CHAIRMAN FRAZEE: I SEE.

8 MEMBER JONES: IT'S NOT GOING TO BE A
9 PROBLEM BECAUSE OF THE HEIGHT OF THE BALE, IS IT?
10 I MEAN IT'S NOT -- BECAUSE DIDN'T WE SAY IT CAN
11 ONLY GO SO HIGH?

12 MR. DE ROCO: AS I UNDERSTAND THE
13 REGULATIONS, IT'S A MINIMUM THICKNESS. I DON'T
14 THINK THAT ANY MAXIMUM HAS BEEN SET. AND IT DOES
15 NOT -- WE CANNOT COMPRESS -- IF WE BREAK A BALE,
16 WE HAVE HUNDREDS OF BATS EVERYWHERE, AND IT JUST
17 TRACKS AND COMPACTION EQUIPMENT BLOWS. THE
18 MANUFACTURER BALES IT NOW AS TIGHT AS HE CAN, AND
19 WE JUST BRIDGE IT. BUT WE DO NOT PLACE ALTERNATE
20 LAYERS. WE WORK OUR WAY ACROSS THE FACE, AND THEN
21 WE GO SOMEWHERE ELSE BEFORE WE START. SO WE
22 PROBABLY DON'T PUT FIBERGLASS OVER FIBERGLASS FOR
23 10 OR 15 FEET.

24 BOARD MEMBER CHESBRO: MR. CHAIRMAN, IT'S
25 MY UNDERSTANDING THAT THERE IS AN UPPER LIMIT TO

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1 PREVENT ABUSE IN TERMS OF THE RECYCLING CREDIT; IS
2 THAT CORRECT?

3 MR. WALKER: YES. THERE IS A PERFORMANCE
4 REQUIREMENT THAT NO MORE THAN NECESSARY TO MEET
5 THE PERFORMANCE REQUIREMENT OF WASTE DERIVED ADC
6 BE USED. AND THEN FOR INDIVIDUAL MATERIALS, IT'S
7 ESTABLISHED IF THERE'S A THICKNESS LIMIT ON A
8 CASE-BY-CASE BASIS. THIS PROJECT WOULD BASICALLY
9 ESTABLISH THAT. SO PRESUMABLY, IF THEY HAD A
10 SYSTEM BY WHICH A BALE WAS CONSTRUCTED AND THAT
11 WAS BASICALLY THE MINIMUM THICKNESS THEY FELT WAS
12 NECESSARY AND THEY TESTED IT, THEN THAT WOULD BE
13 ESTABLISHED FOR THAT PARTICULAR MATERIAL.

14 MEMBER JONES: FOR THAT FIBERGLASS.

15 BOARD MEMBER CHESBRO: NOT TO, YOU KNOW,
16 GO BACK AND REOPEN THIS COMPLICATED AND THORNY AND
17 DIFFICULT ISSUE, BUT ONE OF THE CONCERNS THAT
18 EXISTED WITH AUTHORIZING ADC WAS THAT YOU'D WIND
19 UP TAKING UP LANDFILL CAPACITY IF SOMEONE COULD
20 EASILY GET CREDIT FOR COMING IN AND USING MORE
21 MATERIAL THAN WAS NECESSARY TO MEET THE MINIMUM
22 STANDARDS.

23 NOW, IT'S EXTREMELY COMPLEX. I
24 THINK THESE REGULATIONS ATTEMPT TO ADDRESS IT,
HOW
25 YOU KEEP TRACK OF THAT, BUT IT IS A CRITICAL

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1 ISSUE. AND I WOULD PRESUME ALSO THAT ONCE YOU
2 CAME BACK AND PUT MORE TRASH ON TOP AND YOU HAD
3 MACHINES GOING BACK AND FORTH OVER THE INSULATION,
4 THAT IT WOULD COMPACT. SO ONE OF THE ISSUES WOULD
5 BE, I GUESS, HOW MUCH SPACE IT WINDS UP TAKING
6 ONCE IT'S BEEN COVERED, YOU KNOW, AND WINDS UP
7 WITH A LOT OF WEIGHT ON TOP OF IT.

8 BUT NONETHELESS, EVEN THOUGH I DON'T
9 WANT THE ISSUE REOPENED, I DON'T WANT TO GO BACK
10 TO THAT DEBATE, I DO WANT TO STILL SPEAK FOR THE
11 IDEA THAT WE'RE TRYING TO ACHIEVE DIVERSION, YOU
12 KNOW, AND NOT CREATING MORE -- TAKING UP -- USING
13 UP MORE LANDFILL CAPACITY. AND THAT IS AN
14 UNDERLYING PRINCIPLE IN THE DISCUSSION THAT WE
15 WANT TO TRY TO STICK TO. I'M SURE THAT THAT'S NOT
16 THE INTENT THAT YOU HAVE.

17 MR. DE ROCO: OUR INTENT, IF I MAY
18 INTERJECT HERE, IS TO SEEK A METHOD TO PREVENT THE
19 DISEASE AND ODOR, SO WE DO NOT STACK IT 20 FEET
20 HIGH. WE GET 50 TO 70 BALES A WEEK AND THE BALES
21 ARE THE SIZE OF A PICKUP BED.

22 BOARD MEMBER CHESBRO: EVEN THE BALE, IF
23 IT WOUND UP WHEN YOU COMPACTED IT DOWN, IF IT
24 TAKES UP MORE SPACE THAN SOIL WOULD HAVE TAKEN,
25 THEN YOU'RE USING UP LANDFILL CAPACITY

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1 ESSENTIALLY. SO THAT'S THE DEFINITION OR THE
2 CONCERN ANYWAY. THE PURPOSE OF 939 AND DIVERSION
3 CREDIT WAS TO, AMONG OTHER THINGS, CONSERVE
4 LANDFILL CAPACITY, NOT INCREASE THE SPACE THAT'S
5 TAKEN UP IN A LANDFILL.

6 I GUESS THE OTHER QUESTION I NEED TO
7 ASK IS, LOOKING AT YOUR PICTURES, IT SEEMS LIKE
8 THAT MUST BE VALUABLE MATERIAL. THERE'S NO OTHER
9 WAY TO RECYCLE THAT?

10 MR. DE ROCO: WE RECEIVE APPROXIMATELY 50
11 TO 75 BALES A WEEK, AND THE MANUFACTURER HAS SAID
12 THAT IT'S CONTAMINATED. AND THE CONTAMINATION IS
13 THE ADHESIVE THAT THEY GLUE THE FOIL ON OR THE
14 CRAFT PAPER OR THE PLASTIC WRAPPING, WHAT HAVE
15 YOU, THAT IT CANNOT BE RECYCLED.

16 BOARD MEMBER CHESBRO: THAT'S A SHAME
17 BECAUSE IT'S HIGHLY MANUFACTURED MATERIAL THAT
18 SEEMS LIKE IT WOULD HAVE SOME SORT OF A VALUE
19 SOMEHOW.

20 MR. DE ROCO: WE DO SALVAGE THE UNRIPPED
21 BAGS OF BLOW INSULATION, AND WE'RE INSULATING LOW
22 INCOME HOUSING WITH IT. BUT THAT IS LIKE TWO OR
23 THREE PERCENT OF WHAT WE RECEIVE. IT'S A MAJOR
24 PROBLEM FOR US AND THE MANUFACTURER.

25 MEMBER JONES: ANYBODY ELSE?

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1 CHAIRMAN FRAZEE: THAT'S ALL. THANK YOU.

2 SO WE HAVE A STAFF RECOMMENDATION

3 TO --

4 MEMBER JONES: TO REVISE THE PROPOSED
5 REGULATIONS AS YOU HAVE SPOKEN TODAY AND RECOMMEND
6 THAT WE PROVIDE NOTICE FOR AN ADDITIONAL 15-DAY
7 PUBLIC REVIEW AND COMMENT PERIOD. THAT'S MY
8 MOTION.

9 CHAIRMAN FRAZEE: MOTION AND I'LL SECOND.
10 WILL THE SECRETARY CALL THE ROLL, PLEASE.

11 THE SECRETARY: BOARD MEMBER JONES.

12 MEMBER JONES: AYE.

13 THE SECRETARY: CHAIRMAN FRAZEE.

14 CHAIRMAN FRAZEE: AYE. MOTION IS
15 CARRIED. AND THIS ITEM WILL NOT NEED TO GO TO THE
16 BOARD.

17 OKAY. THAT COMPLETES OUR AGENDA.
18 ANY ITEMS TO COME BEFORE THE COMMITTEE? PUBLIC
19 COMMENT? IF NOT, WE WILL STAND ADJOURNED.

20

21 (END OF PROCEEDINGS AT 11:05 A.M.)

22

23

24

25

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