



APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN  
MR. ROBERT C. FRAZEE, VICE CHAIRMAN  
MR. JOHN AMODIO, MEMBER  
MR. WESLEY CHESBRO, MEMBER  
MR. DAN EATON, MEMBER  
MR. STEVEN R. JONES, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER  
MR. KEITH SMITH, DEPUTY EXECUTIVE OFFICER  
MS. KATHRYN TOBIAS, CHIEF LEGAL COUNSEL  
MS. MARLENE KELLY, BOARD SECRETARY  
MS. PATTI BERTRAM, ADMINISTRATIVE ASSISTANT



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1 SAN DIEGO, CALIFORNIA; WEDNESDAY, APRIL 29, 1998  
2 9:30 A.M.  
3  
4 CHAIRMAN PENNINGTON: GOOD MORNING AND WELCOME  
5 TO THE APRIL MEETING OF THE CALIFORNIA INTEGRATED WASTE  
6 MANAGEMENT BOARD. WILL THE SECRETARY CALL THE ROLL,  
7 PLEASE.  
8 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.  
9 BOARD MEMBER CHESBRO.  
10 BOARD MEMBER CHESBRO: HERE.  
11 THE SECRETARY: EATON.  
12 BOARD MEMBER EATON: HERE.  
13 THE SECRETARY: FRAZEE.  
14 BOARD MEMBER FRAZEE: HERE.  
15 THE SECRETARY: JONES.  
16 BOARD MEMBER JONES: HERE.  
17 THE SECRETARY: CHAIRMAN PENNINGTON.  
18 CHAIRMAN PENNINGTON: HERE. MR. AMODIO WAS IN  
19 NEW JERSEY WAS HIS FATHER, WHO HAD A HEART ATTACK  
20 EARLIER THIS WEEK, AND SO I TALKED TO HIM AT 5:15 THIS  
21 MORNING AND HE APOLOGIZED FOR NOT BEING HERE. HE'LL BE  
22 BACK AS QUICK AS HE CAN.  
23 THERE IS A QUORUM PRESENT. DO ANY BOARD  
24 MEMBERS HAVE ANY EX PARTE COMMUNICATIONS? MR. EATON.  
25 BOARD MEMBER EATON: YES. I HAVE A WRITTEN



1 REPORT I'LL SUBMIT TO MS. KELLY.

2 CHAIRMAN PENNINGTON: OKAY. VERY GOOD. MR.  
3 JONES.

4 BOARD MEMBER JONES: JUST A COUPLE. SPOKE  
5 WITH DAVE CAREY AND ALISA CASADO FROM THE CITY OF SAN  
6 DIEGO AS WELL AS KEN CALVERT AND GEORGE LARSON.

7 CHAIRMAN PENNINGTON: MR. CHESBRO.

8 BOARD MEMBER CHESBRO: YES. I ALSO SPOKE WITH  
9 DAVE CAREY AND ALISA CASADO REGARDING THE STATUS OF THE  
10 CITY'S LEA, AND SPOKE WITH CLINT WHITNEY OF JBS  
11 ASSOCIATES REGARDING EMERGENCY REGS AND THE REDWOOD  
12 LANDFILL ISSUE. RECEIVED LETTERS FROM MARK APREA OF  
13 BFI REGARDING AB 2181, A LETTER FROM JAMES MOOSE  
14 REGARDING ITEM 36, REDWOOD LANDFILL, A LETTER FROM JIM  
15 COSTA, SENATOR JIM COSTA, REGARDING THE CITY OF  
16 LEMOORE'S TIRE GRANT APPLICATION.

17 CHAIRMAN PENNINGTON: MR. FRAZEE.

18 BOARD MEMBER FRAZEE: MINE ARE ALL IN ORDER.

19 CHAIRMAN PENNINGTON: AND I HAD THE LETTER  
20 FROM SENATOR COSTA AND SPOKE WITH GEORGE LARSON THIS  
21 MORNING.

22 THERE ARE ON THE SIDE TABLE OVER HERE  
23 SPEAKER REQUEST FORMS. IF ANYBODY WISHES TO ADDRESS  
24 ANY OF THE AGENDA ITEMS, PLEASE FILL ONE OUT AND GET IT  
25 TO MS. KELLY, WHO WILL GET IT TO ME.



1 JUST A COUPLE OF ANNOUNCEMENTS. ITEM NO.  
2 9C AND NO. 9D HAVE BEEN PULLED FROM TODAY'S AGENDA.  
3 ITEM 5 WILL BE HEARD FOLLOWING ITEM 28.  
4 AND NOW WE'LL MOVE TO THE LOCAL  
5 PRESENTATIONS, AND WE'LL HEAR FIRST FROM SUPERVISOR  
6 PAMELA SLATER, VICE CHAIR OF THE SAN DIEGO BOARD OF  
7 SUPERVISORS. GOOD MORNING.  
8 MS. SLATER: GOOD MORNING. AND I BRING YOU  
9 GREETINGS FROM ALL MY BOARD MEMBERS. AS YOU KNOW,  
10 WE'RE HOLDING A WORKSHOP DOWN THE HALL HERE.  
11 FIRST OF ALL, WE WANTED TO WELCOME YOU TO  
12 SAN DIEGO AND THANK YOU AGAIN FOR ALL OF YOUR  
13 ASSISTANCE. AS YOU KNOW, WE ARE A TRASH FREE  
14 GOVERNMENT HERE AT THE COUNTY OF SAN DIEGO, AND WE'RE  
15 50 HAPPY BECAUSE WHEN I HEAR ALL THE OTHER  
16 JURISDICTIONS NOW TALKING ABOUT THEIR TRASH PROBLEMS,  
17 JUST SMILE AND SAY I WISH YOU THE BEST BECAUSE WE FOUND  
18 THAT FOR OUR SITUATION PRIVATIZATION HAS WORKED WELL TO  
19 DATE. AND WE BELIEVE THAT WE HAVE A VERY GOOD WORKING  
20 RELATIONSHIP WITH ALLIED, THAT THEY ARE AS COMMITTED TO  
21 SERVING THE CUSTOMERS AS WE HAVE BEEN AND CONTINUE TO  
22 DO A GOOD JOB.  
23 IT'S REALLY A PLEASURE TO WELCOME ALL OF  
24 YOU HERE, THE CHAIRMAN, DANIEL PENNINGTON; OUR FORMER  
25 ASSEMBLYMAN, VICE CHAIRMAN BOB FRAZEE, WHO I'D LIKE



1 JUST TO TAKE A MOMENT TO SAY SERVED US ALL SO VERY WELL  
2 FOR ALL THE MANY YEARS HE SERVED US ON THE ASSEMBLY;  
3 MEMBER CHESBRO, DAN EATON, AND STEVEN JONES. AND I  
4 WOULD LIKE TO SPECIFICALLY THANK YOU FOR THE MANY AID  
5 AND ASSISTANCE STEPS YOU GAVE US DURING OUR DIVESTITURE  
6 PROCESS AND ASSURE YOU WE COULD NOT HAVE DONE IT  
7 WITHOUT YOUR ASSISTANCE.  
8 AS YOU KNOW, WE HAD A NUMBER OF  
9 ADMINISTRATIVE HURDLES TO OVERCOME IN ORDER TO ACHIEVE  
10 THAT GOAL, NOT THE LEAST OF WHICH 16 PERMIT TRANSFERS  
11 THAT WE HAD TO ACHIEVE SIMULTANEOUSLY IN ORDER TO MAKE  
12 THIS DEAL HAPPEN. AND I'M SURE ALL OF YOU KNOW,  
13 ALTHOUGH THE AUDIENCE MAY NOT, THAT EVEN PROCESSING ONE  
14 OF THOSE CAN TAKE UP TO A YEAR. THANKS TO YOUR ABLE  
15 ASSISTANCE, WE WERE ABLE TO DO ALL 16 IN ONE DAY, AND  
16 WE REALLY, REALLY THANK YOU FOR THAT. WE OWE YOU A  
17 DEBT OF GRATITUDE BECAUSE WE WOULD NOT BE A SUCCESS  
18 STORY WITHOUT YOUR ASSISTANCE.  
19 AT THE DIRECTION OF RALPH CHANDLER, THE  
20 STAFF OF THE INTEGRATED WASTE MANAGEMENT BOARD HELPED  
21 US TO ESTABLISH SOME STREAMLINE PROCESSES FOR GETTING  
22 THESE PERMITS TRANSFERRED IN SUCH A SIMULTANEOUS AND  
23 EXPEDITIOUS MANNER. AND WE BELIEVE YOUR STAFF HAS JUST  
24 SHOWN TREMENDOUS EXAMPLES OF ENTREPRENEURSHIP AND  
25 INNOVATION THAT WE'RE TRYING TO ENCOURAGE IN OUR



1 COUNTY. SO WE THINK YOU'VE GOT AN EXCELLENT STAFF  
2 WORKING FOR YOU AND CARRYING OUT THE DIRECTION THAT  
3 YOUR BOARD GIVES.  
4 THE BOARD, HERE AGAIN, HAS BEEN VERY,  
5 VERY SENSITIVE TO THE UNIQUE CIRCUMSTANCES HERE IN SAN  
6 DIEGO. I WON'T GO THROUGH ALL THAT DIRTY LAUNDRY. YOU  
7 KNOW WHAT WE HAVE GONE THROUGH AND ALL OF YOU ARE  
8 FAMILIAR WITH. BUT WHEN IT COMES TO TRASH, I CAN TELL  
9 YOU THAT ALL OF US ON THE BOARD OF SUPERVISORS ARE  
10 HAPPY CAMPERS. OUR CONSTITUENCIES ARE ALL HAPPY  
11 CAMPERS, AND WE HAVE YOU TO THANK. THANK YOU AGAIN  
12 VERY MUCH. WELCOME TO SAN DIEGO.

13           CHAIRMAN PENNINGTON: THANK YOU. NOW WE'LL  
14 HEAR FROM KEN CALVERT, CHIEF OF THE SAN DIEGO COUNTY  
15 DEPARTMENT OF ENVIRONMENTAL HEALTH AND HEAD OF THE  
16 LOCAL ENFORCEMENT AGENCY.

17           MR. CALVERT: GOOD MORNING. CHAIRMAN  
18 PENNINGTON AND MEMBERS OF THE BOARD, WELCOME TO SAN  
19 DIEGO AND THANKS ONCE AGAIN FOR BRINGING THE BOARD HERE  
20 TO SAN DIEGO. I GUESS, LIKE SOME OF YOU, I'VE COME  
21 INTO THE SOLID WASTE BUSINESS AFTER OR MAYBE EVEN AS A  
22 RESULT OF THE IMPLEMENTATION OF AB 939. IN MY VIEW  
23 MUCH OF THE WORK THAT WE DO IS REALLY IN RESPONSE TO  
24 THE CHALLENGES POSED BY THE MANDATES AND IMPLICATIONS  
25 OF AB 939.



1 AND SINCE THAT TIME, I'VE WATCHED YOUR  
2 BOARD AND YOUR STAFF RESHAPE THEMSELVES. AND FROM MY  
3 PERSPECTIVE THOSE CHANGES ARE POSITIVE. CONSISTENTLY  
4 THOSE CHANGES HAVE BEEN AIMED AT THE OVERALL GOAL, AND  
5 AT CERTAIN TIMES I THINK YOU'VE EVEN BEEN COURAGEOUS.  
6 WE'VE HAD MANY DISTRACTORS.  
7 THANK YOU ALSO FOR LISTENING TO ME AND TO  
8 OTHERS IN OUR CONCERNS ABOUT GREEN WASTE ISSUES HERE IN  
9 SAN DIEGO. THAT CONTINUES TO BE A CONCERN. AND I  
10 THANK YOU FOR THE ADOPTION OF THE EMERGENCY REGULATIONS  
11 AND PERMANENT REGULATIONS. THEY ARE A HELP, AND THEY  
12 HAVE HELPED US A GREAT DEAL.  
13 AND PERSONALLY I BELIEVE THAT THE  
14 RELATIONSHIP BETWEEN THE BOARD, BOARD STAFF, AND LEA'S  
15 ARE THE BEST THAT THEY HAVE BEEN IN MANY YEARS. I  
16 THINK THAT'S IN PART DUE TO THE DIRECTION YOU GUYS HAVE  
17 SET AND ALSO THAT YOUR STAFF HAVE TAKEN UPON  
18 THEMSELVES. SO WE THANK YOU, AND I LOOK FORWARD TO  
19 WORKING WITH YOU IN MANY OTHER AREAS.

20 CHAIRMAN PENNINGTON: THANK YOU. OKAY. NEXT  
21 WE'LL MOVE TO THE EXECUTIVE MOVE TO THE COMMITTEE  
22 REPORTS. WE'LL START WAS LOCAL ASSISTANCE AND PLANNING  
23 CHAIRED BY MR. CHESBRO.

24 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE  
25 COMMITTEE AT ITS MEETING THIS MONTH APPROVED 14



1 PLANNING DOCUMENTS, ALL OF WHICH ARE ON THE CONSENT  
2 CALENDAR. OF THOSE, PLUMAS COUNTY'S PETITION TO REDUCE  
3 THE DIVERSION GOAL PENDING STATUTORY OR REGULATORY  
4 CHANGES THAT MAKE THE DEFINITION OF A RURAL  
5 JURISDICTION MORE REALISTIC, AND THAT IS SIMILAR TO THE  
6 DEL NORTE COUNTY PROBLEM, WHICH WE, I THINK, DISCUSSED  
7 LAST MONTH AND WE WILL BE PURSUING, I PRESUME, WITH THE  
8 LEGISLATIVE COMMITTEE AND WILL GO TO THE LEG.  
9 COMMITTEE, AND STAFF WILL BE PREPARING AND ALSO LOOKING  
10 AT WHAT APPROACHES WE CAN TAKE REGULATORILY TO ADDRESS  
11 THIS QUESTION OF DEFINING RURAL JURISDICTIONS. BUT  
12 THIS ITEM WAS PLACED ON CONSENT AS WELL.  
13 SOME UPDATES, CALMAX PRESENTED THEIR  
14 CALMAX MATCH OF THE YEA. AWARD TO A CHICO COMPANY,  
15 WHICH I BELIEVE WE'LL BE MAKING A PRESENTATION AT OUR  
16 NEXT BOARD MEETING IS WHAT I UNDERSTAND ON THAT. IT'S  
17 A COMPANY EXECUTIVE SUITE THAT RECOVERS 750 TONS OF  
18 COMPUTERS, PRECIOUS METALS, AND ELECTRONIC SCRAP EACH  
19 YEAR, AND IT HAS DOUBLED THE NUMBER OF EXCHANGES  
20 THROUGH CALMAX EACH YEAR. THEY DIVERT 150 TONS OF  
21 WASTE.  
22 IN ADDITION TO THAT, OUR IN-HOUSE WASTE  
23 PREVENTION ACTION COMMITTEE HAD ITS THREE-YEAR GOALS  
24 ACCEPTED BY U.S. EPA'S WASTE WISE PROGRAM. IT'S A  
25 VOLUNTARY PARTNERSHIP EFFORT THAT RECOGNIZES



1 ORGANIZATIONS THAT COMMIT TO REDUCING THEIR SOLID  
2 WASTE. THE IN-HOUSE COMMITTEE MEMBERS ARE DEVELOPING  
3 APPROACHES TO MEETING THOSE GOALS.  
4 USED OIL AND HOUSEHOLD HAZARDOUS WASTE  
5 PROGRAM CERTIFIED 86 CENTERS, BRINGING THE NUMBER OF  
6 CERTIFIED CENTERS UP TO NEARLY 3,000, AND PROJECT  
7 RECYCLE ADDED 11 NEW RECYCLING PROGRAM SITES AT STATE  
8 OFFICES.  
9 BOARD GRANT STAFF ASSISTED THE LOCAL  
10 GOVERNMENT COMMISSION IN DEVELOPING A WORKSHOP FOR  
11 LOCAL GOVERNMENT GRANT PROGRAM STAFF TO PROVIDE  
12 PRACTICAL TOOLS AND TECHNIQUES FOR EVALUATING THEIR  
13 DIVERSION PROGRAM'S SUCCESSES. THERE ARE SIX WORKSHOPS  
14 SCHEDULED, ONE OF WHICH WILL BE HELD HERE IN SAN DIEGO  
15 ON MAY 18TH.  
16 AND FINALLY, STAFF COMPLETED THE MAILING  
17 OF THE REVISED MODEL ANNUAL REPORT TO MAKE IT EASIER  
18 FOR JURISDICTIONS TO REPORT ON THE PROGRESS OF THEIR  
19 DIVERSION GOALS. AND SO AS YOU CAN SEE, STAFFS OF BOTH  
20 DIVISIONS THAT HAVE ISSUES THAT COME BEFORE LOCAL  
21 ASSISTANCE HAVE BEEN HARD AT WORK ON A NUMBER OF  
22 PROGRAMS. AND THAT COMPLETES MY REPORT.

23 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU,  
24 MR. CHESBRO. NOW WE'LL HAVE THE REPORT OF THE  
25 LEGISLATION AND PUBLIC EDUCATION COMMITTEE CHAIRED BY



1 MR. EATON.

2 BOARD MEMBER EATON: THANK YOU, MR. CHAIRMAN,  
3 AND THANK CITY OF SAN DIEGO FOR WELCOMING US HERE  
4 TODAY.

5 ON APRIL 14TH I HAD THE DUTY TO CHAIR MY  
6 FIRST LEGISLATION AND PUBLIC EDUCATION COMMITTEE, AND  
7 BY SOME REVIEWS, THEY LIKENED IT TO A PICTURE OF A  
8 HERKY JERKY MOTION, BUT WE GOT THROUGH AND WE ACTUALLY  
9 HIT TWO HOME RUNS.

10 BOARD MEMBER CHESBRO: I DIDN'T SAY THAT.

11 BOARD MEMBER EATON: I THANK YOU FOR YOUR  
12 COURTESY.

13 BUT IN ANY EVENT, THE COMMITTEE  
14 CONSIDERED FIVE MEASURES THAT DAY: AB 1799 BY MS.  
15 MIGDEN, AB 2432 BY MS. BOWEN, AB 2531 BY CARDOZA, AND  
16 AB 2555 BY MS. ARONER, AS WELL AS SENATE BILL 1924 BY  
17 MR. MCPHERSON. WE ALSO HAD AN UPDATE ON MR.  
18 FIRESTONE'S TIRE BILL, AB 2181.  
19 WITH REGARD TO MS. MIGDEN'S BILL,  
20 AB 1799, REGARDING INCREASING ILLEGAL DUMPING FEES, AND  
21 AB 2432, REGARDING INCORPORATING GREEN BUILDING  
22 REQUIREMENTS INTO THE DEPARTMENT OF GENERAL SERVICES  
23 BID SPECIFICATION, THOSE MEASURES ARE ON TODAY'S  
24 CONSENT CALENDAR FOR OUR VOTE.  
25 WITH REGARD TO MR. MCPHERSON'S BILL



1 REGARDING THE DEREGULATION OF HOUSEHOLD BATTERIES, IT  
2 WAS DEFERRED TO THE DEPARTMENT OF TOXIC SUBSTANCES  
3 CONTROL AND STATE WATER RESOURCES CONTROL BOARD FOR  
4 THEIR REVIEW AND RECOMMENDATION WITH THE RESERVATION  
5 THAT IF ANYTHING WERE TO CHANGE THAT WOULD IMPACT US  
6 ANY MORE THAN IT CURRENTLY IS, WE WOULD REVIEW IT AT  
7 THAT TIME.  
8 TWO OTHER MEASURES I JUST WANTED THE  
9 COMMITTEE TO NOTE ARE MS. ARONER'S BILL, 2555, AND MR.  
10 CARDOZA'S 2531, THOSE WERE BILLS, WITH REGARD TO MS.  
11 ARONER'S BILL, RIGID PLASTICS, AND MR. CARDOZA'S, WHICH  
12 REGARDS INCINERATION, BOTH OF THOSE WERE ORIGINALLY  
13 PLANNED TO BE CONSIDERED, BUT BECAUSE THEY WERE HELD  
14 OVER SHORTLY BEFORE WE HELD OUR MEETING ON THAT  
15 TUESDAY, WE DID NOT CONSIDER THEM IN FULL. AND  
16 SUBSEQUENTLY THEY WERE NOT GRANTED THE APPROPRIATE  
17 PROCEDURAL RULE WAIVERS; THEREFORE, I WOULD ASK THAT  
18 THEY BE TAKEN OFF TODAY'S AGENDA SINCE THEY WERE  
19 REGARDED TO BE INAPPROPRIATE, BUT I THINK NOT VERY  
20 PRUDENT TO PROCEED BECAUSE THOSE MEASURES ARE IN NEED  
21 OF A GREAT DEAL OF WORK AS WELL AS SOME PROCEDURAL  
22 HURDLES. I DON'T THINK IT'S VERY FAIR FOR ANY OF US TO  
23 HAVE TO EMBARK UPON THAT ROAD TODAY.  
24 QUICKLY GOING OVER THE PUBLIC EDUCATION  
25 PART OF OUR COMMITTEE, HEARD FROM NATALIE LEE. I'D



1 LIKE TO THANK THE USED OIL AND HOUSEHOLD HAZARDOUS  
2 WASTE BRANCH ON THE HIGH SCHOOL RESOURCES CURRICULUM.  
3 THEY DID A GREAT JOB IN OUTLINING THE CASE STUDIES, THE  
4 K THROUGH 6 SCIENCE PROGRAM, AND NOW ARE LOOKING  
5 TOWARDS AIMING AT NINTH AND TENTH GRADERS.  
6 FINALLY, MR. FRITH DID HIS USUAL BANG-UP  
7 JOB ON GIVING US A GOOD RUNDOWN ON ALL THE KINDS OF  
8 GOOD THINGS THAT WE AS A BOARD DO, AND HE HAS THE HONOR  
9 OF GETTING OUT THERE AND TALKING IN PUBLIC ABOUT THE  
10 "MOW DOWN POLLUTION" CAMPAIGN, WHICH STARTED ON APRIL  
11 18TH, AS WELL AS THE KCBS TRASH TALK PROGRAM.  
12 FINALLY, ONE LAST NOTE, MR. JONES, MY  
13 COLLEAGUE TO THE RIGHT OF ME, AND I HAD A GREAT TIME  
14 GOING UP INTO THE AREA OF SONORA IN NORTHERN CALIFORNIA  
15 AND OPENING UP THE USED OIL RECYCLING FACILITY AT THE  
16 OROVILLE AIRPORT ON EARTH DAY. AND THEY WERE JUST  
17 THRILLED, AND I THINK IT, FROM MY PERSPECTIVE, SHOWED  
18 ME JUST HOW WELL A LITTLE BIT OF MONEY CAN GO A LONG  
19 WAY IN TERMS OF ACTUALLY DOING SOMETHING FOR THE  
20 ENVIRONMENT AS WELL AS SOMETHING FOR THE PEOPLE WHO  
21 LIVE IN THAT AREA. THAT CONCLUDES MY REPORT.

22 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.

23 NEXT WE'LL HAVE THE PERMITTING AND ENFORCEMENT  
24 COMMITTEE CHAIRED BY MR. FRAZEE.

25 BOARD MEMBER FRAZEE: THANK YOU, MR. CHAIRMAN.



1 THE PERMITTING AND ENFORCEMENT COMMITTEE MET ON APRIL  
2 16TH AND HEARD SEVEN ITEMS. FOUR OF THOSE ARE  
3 RECOMMENDED FOR THE CONSENT CALENDAR TODAY. THEY  
4 CONSIST OF CONSIDERATION OF A NEW SOLID WASTE FACILITY  
5 PERMIT FOR INNOVATIVE WASTE CONTROL TRANSFER STATION IN  
6 LOS ANGELES COUNTY, CONSIDERATION OF DELEGATION OF  
7 AUTHORITY AND OTHER OPTIONS FOR STREAMLINING THE  
8 PROCESSING OF PERMITS FOR MINOR WASTE TIRE FACILITIES,  
9 AND THEN, THIRD, AN ITEM THAT NEEDS SOME EXPLANATION.  
10 IT'S LISTED ON THE AGENDA AS  
11 CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS  
12 REGARDING REGULATORY VIOLATIONS AND ENFORCEMENT ACTIONS  
13 UNDER AB 59. THIS IS ON THE CONSENT CALENDAR, BUT I DO  
14 NEED TO EXPLAIN THE ACTION THAT THE COMMITTEE TOOK IN  
15 THIS REGARD. AND THAT WAS TO REJECT AT THIS TIME THE  
16 EMERGENCY REGULATIONS ON AB 59 AND TO INDICATE THAT  
17 THOSE SHOULD GO FORWARD -- THAT SUBJECT AREA SHOULD GO  
18 FORWARD IN THE ADOPTION OF THE ENTIRE AB 59 REGULATORY  
19 PACKAGE.  
20 AND THEN FOURTH, THE CONSIDERATION OF  
21 ADOPTION OF EMERGENCY REGULATIONS TO IMPLEMENT NEW  
22 SUBTITLE D FLEXIBILITY RELATING TO MUNICIPAL SOLID  
23 WASTE LANDFILLS RECEIVING 20 TONS OR LESS PER DAY.  
24 THEN AN ITEM FOR THE REGULAR AGENDA  
25 TODAY, THE CONSIDERATION OF ALTERNATIVE PROPOSALS TO



1 ESTABLISH FILING DATES FOR PROPOSED SOLID WASTE  
2 FACILITIES PERMITS.  
3 AND THEN ITEMS IN THE COMMITTEE THAT ARE  
4 NOT ON THE AGENDA TODAY, ONE, CONSIDERATION OF APPROVAL  
5 TO BEGIN A 45-DAY PUBLIC COMMENT PERIOD FOR THE FARM  
6 AND RANCH SOLID WASTE CLEANUP AND ABATEMENT GRANT  
7 PROGRAM, BETTER KNOWN AS SB 1330 PROGRAM. THAT - -  
8 THOSE REGULATIONS WILL GO OUT FOR A 45-DAY COMMENT  
9 PERIOD.  
10 AND THEN FINALLY, THE CONSIDERATION OF  
11 APPROVAL TO BEGIN A 45-DAY PUBLIC COMMENT PERIOD FOR  
12 THE CONSTRUCTION AND DEMOLITION OF INERT DEBRIS TIER  
13 REGULATIONS. THOSE ALSO WILL GO OUT FOR A 45-DAY  
14 COMMENT PERIOD. THAT COMPLETES MY REPORT.

15           CHAIRMAN PENNINGTON: THANK YOU, MR. FRAZEE.  
16 NEXT WE HAVE THE POLICY, RESEARCH, AND TECHNICAL  
17 ASSISTANCE COMMITTEE BY MR. JONES.

18           BOARD MEMBER JONES: THANK YOU, MR. CHAIRMAN.  
19 THE POLICY, RESEARCH, AND TECHNICAL ASSISTANCE  
20 COMMITTEE MET ON APRIL 7TH AND HEARD THREE ITEMS.  
21 STAFF PRESENTED FINDINGS OF THE SHIPPING AND  
22 DISTRIBUTION PARTNERSHIP, WHICH ARE THE RESULT OF A  
23 WORKSHOP THAT WAS HELD IN SAN JOSE STATE. PARTICIPANTS  
24 IN THAT WORKSHOP RECEIVED QUESTIONNAIRES AND A SUMMARY  
25 OF RESOLUTIONS THAT CAME OUT OF THAT. RESPONSE WAS



1 VERY LIGHT AS FAR AS THOSE STAKEHOLDERS TRYING TO GET  
2 INVOLVED, STAYING INVOLVED IN THE PROCESS.  
3 WE HAD IDENTIFIED RETAILERS AND PRODUCT  
4 MANUFACTURERS AS PROBABLY THE KEY ELEMENTS IN TRYING TO  
5 REDUCE PACKAGING WASTE AT THE MANUFACTURING AT THE VERY  
6 FRONT SIDE OF THE ISSUE. SO WITH THAT LIGHT TURNOUT OR  
7 RESPONSE, WE -- STAFF RECOMMENDED THAT WE WOULD BE  
8 EDUCATING BUSINESSES ABOUT SHIPPING AND DISTRIBUTION  
9 EFFICIENCIES AND THE ADVANTAGES OF INCLUDING A  
10 PACKAGING PROFESSIONAL EARLY IN THE PRODUCT DESIGN  
11 PHASE TO MAXIMIZE BOTH EFFICIENCIES AND SAVINGS AS WELL  
12 AS WASTE REDUCTION. THEY'LL BE DOING THAT ON THE WEB,  
13 AND THEY WILL ALSO BE DOING THAT IN PRINTED EDUCATIONAL  
14 INFORMATION THAT GOES OUT IN OUR BUSINESS PACKETS TO  
15 DIFFERENT GROUPS.  
16 COMMITTEE ADOPTED THE RECOMMENDATION  
17 THAT'S ON THE CONSENT CALENDAR TODAY. PART OF THAT  
18 ITEM WAS ALSO A REQUEST FROM THE INDUSTRIAL PACKAGING  
19 PEOPLE TO CIRCULATE A DEFINITION OF WHAT IS INDUSTRIAL  
20 PACKAGING. THE DIRECTION OF THE COMMITTEE WAS TO HAVE  
21 STAFF CIRCULATE THAT DESCRIPTION; AND IF THERE  
22 WASN'T -- WE DIDN'T CREATE ANOTHER DISASTER BECAUSE OF  
23 DEFINING WHAT INDUSTRIAL PACKAGING WAS, THEN AT SOME  
24 POINT THE DIRECTION WAS TO HAVE STAFF INCLUDE THAT IN  
25 OUR GLOSSARY OF DEFINITIONS, HOWEVER WE DO THAT, AS A



1 REGULATION, WHATEVER.  
2 SECOND ITEM WAS THE REALLOCATION OF  
3 '97-'98 TIRE PROGRAM FUNDS. MOLDED RUBBER PRODUCTS,  
4 PLAYGROUND COVERS, AND TIRE ENFORCEMENT GRANT PROGRAMS  
5 WERE SHORT APPROXIMATELY \$88,744 FROM BEING FULLY  
6 FUNDED. REQUESTS CAME IN EXCEEDING WHAT WE HAD  
7 ALLOCATED IN DOLLARS. SO ONE OF THE MOTIONS WAS TO  
8 COMPLETELY FUND THAT OUT OF THE '97-'98 DOLLARS. WE'LL  
9 HEAR THIS ITEM AS PART OF ITEM 27.  
10 WE HAD -- I THINK I'LL SAVE THE REST OF  
11 THAT LITTLE DESCRIPTION FOR WHEN THAT ITEM COMES  
12 FORWARD.  
13 OUR THIRD ITEM WAS THE ALLOCATION OF TIRE  
14 FUNDS FOR '98-'99, AND THAT'S ALWAYS A LOT OF FUN WHERE  
15 WE'RE GOING TO SPEND THE MONEY. ALTHOUGH I WANT  
16 EVERYBODY TO UNDERSTAND THIS MIGHT BE THE LAST TIME  
17 THAT WE HAVE ANY FUNDS TO PUT INTO THE TIRE REMEDIATION  
18 OR PRODUCT -- ANY OF THE PRODUCTS BECAUSE WHILE THE  
19 MANDATES CONTINUE, THE FUND MECHANISM EXPIRES AT THE  
20 END OF '99. SO THIS MAY BE THE VERY LAST TIME WE  
21 ALLOCATE ANY OF THOSE DOLLARS. I DON'T KNOW. THAT WAS  
22 THE COMMITTEE MEETING, MR. CHAIRMAN. THANK YOU.  
23 CHAIRMAN PENNINGTON: THANK YOU, MR. JONES.  
24 MR. JONES ALSO ON AN INTERIM BASIS CHAIRS THE MARKET  
25 DEVELOPMENT COMMITTEE.



1 BOARD MEMBER JONES: YEAH. MY PROBABLY ONE  
2 AND ONLY MEETING AS THE CHAIRMAN OF THE MARKET  
3 DEVELOPMENT. THANK YOU, MR. CHAIRMAN.  
4 ON APRIL 15, 1998, WE CONSIDERED TWO  
5 ITEMS IN THE MARKET DEVELOPMENT COMMITTEE. BOTH THOSE  
6 ITEMS RECEIVED UNANIMOUS SUPPORT AND ARE ON THE CONSENT  
7 AGENDA TODAY. THE FIRST ITEM WAS TO REDUCE THE LOAN  
8 FEE POINTS ON THE RECYCLING MARKET DEVELOPMENT ZONE  
9 LOAN PROGRAM FROM 3 POINTS TO 2 POINTS WAS WHAT THE  
10 AGENDA ITEM WAS. IN DISCUSSIONS WE ACTUALLY MOVED THAT  
11 THE POINTS GO FROM THREE TO ONE AND A HALF POINTS.  
12 THE BENEFIT OF THAT RIGHT NOW, MARKET  
13 STAFF HAS ALREADY SAID JUST THAT ACTION HAS ALREADY  
14 RAISED INTEREST, AND THEY'VE HAD QUITE A BIT OF  
15 ACTIVITY, PEOPLE REQUESTING THAT LOAN INFORMATION.  
16 PART OF THE DISCUSSION WAS AND PART OF THE  
17 RECOMMENDATION WAS THAT WE WANT TO CONTINUE TO MONITOR  
18 THAT BECAUSE IF WE HAVE TO OR IF IT LOOKS LIKE IT'S  
19 PRUDENT, WE MAY JUST DROP IT SOME MORE. WE NEED TO GET  
20 RMDZ LOANS OUT THERE; AND IF IT MEANS SHAVING A LITTLE  
21 BIT OF POINTS, THEN WE NEED TO DO THAT.  
22 OUR SECOND ITEM WAS CONSIDERATION OF  
23 STAFF RECOMMENDATION ON THREE DIFFERENT RECYCLING  
24 ISSUES AS A RESULT OF THE BOARD'S PAPER DIVERSION AND  
25 UTILIZATION FORUM. FIRST RECOMMENDATION WAS TO MONITOR



1 RECOVERED PAPER QUALITY DUE TO THE GROWTH AND CHANGES  
2 IN COMMINGLED COLLECTION RECYCLABLES. THEY WILL REPORT  
3 BACK IN APPROXIMATELY A YEAR.  
4 SECOND WAS TO DEVELOP AN EDUCATIONAL  
5 CAMPAIGN TO MINIMIZE THE USE OF PRESSURE SENSITIVE  
6 ADHESIVES. THIS IS CAUSING A REAL PROBLEM WHEN  
7 RECYCLING RECOVERED PRODUCTS, THAT IF THERE'S -- SOME  
8 OF THESE ADHESIVES CAUSE CONSIDERABLE DAMAGE TO THE  
9 PROCESS ONCE THEY GET TO A PULPER - - COMPANY MAKING THE  
10 PRODUCT. WE WILL BE - - THE AMERICAN FOREST AND PAPER  
11 ASSOCIATION HAS BEEN WORKING WITH THE POST OFFICE, WITH  
12 EVERYBODY TO TRY TO COME UP WITH AN ADHESIVE THAT WILL  
13 NOT HURT THE PROCESS. AND I THINK ONCE WE'VE GOT SOME  
14 CLARITY AS TO WHAT'S GOING TO WORK AND WHAT ISN'T, THEN  
15 THIS MOTION WAS THAT WE WOULD PROMOTE THAT ADHESIVE  
16 VERY HEAVILY TO MAKE SURE THAT WE GOT THOSE  
17 CONTAMINANTS OUT OF THE STREAM.  
18 AND THE THIRD WAS TO UPDATE THE PAPER  
19 RECOVERY RATE CALCULATIONS. WHEN THE BOARD COMPLETES  
20 THE STATEWIDE WASTE CHARACTERIZATION STUDY, THAT  
21 INFORMATION WILL BE INCLUDED AND WE WILL HAVE UPDATED  
22 NUMBERS. WE'RE USING NUMBERS FROM THE U.S. GOVERNMENT  
23 THAT ARE ACTUALLY GOING TO CEASE EXISTING HERE PRETTY  
24 QUICK. SO WE NEED TO DO SOMETHING.  
25 I WANTED TO REPORT, MR. CHAIRMAN, TWO



1 EVENTS THAT I PARTICIPATED IN IN THE MONTH OF APRIL.  
2 ONE WAS PRESENTING A WRAP AWARD TO THE SAN FRANCISCO  
3 HILTON AND TOWERS FOR THE INCREDIBLE WORK THAT THEY  
4 HAVE BEEN DOING. FOR THOSE OF YOU WHO DON'T KNOW,  
5 THAT'S A VERY, VERY BIG HOTEL COMPLEX IN SAN FRANCISCO  
6 THAT HAS RECYCLED OVER 200 TONS OF MATERIAL OUT OF THE  
7 WASTESTREAM, AS WELL AS ENERGY CONSERVATION WHERE THEY  
8 DO WATER RECIRCULATION FROM THEIR GRAY WATER OUT OF  
9 THEIR LAUNDROMAT. THEY'VE SAVED OVER \$500,000 IN  
10 PUTTING IN MOTION SENSORS ON THEIR HEATING AND AIR  
11 CONDITIONING THERMOSTATS IN THE HOTEL ROOMS. THEY ALSO  
12 WORK WITH COMMUNITY GROUPS TO -- AS OUTLETS FOR THEIR  
13 MATTRESSES, LINENS, PLATES, GLASSES, FURNITURE, THAT,  
14 YOU KNOW, AS YOU OPERATE A BUSINESS, YOU'RE CONSTANTLY  
15 TURNING OVER. THEY'RE GETTING THAT OUT IN THE  
16 COMMUNITY, AND THEY'RE ACTUALLY SPEARHEADING A GROUP OF  
17 NINE OTHER MAJOR HOTELS IN SAN FRANCISCO THAT WANT TO  
18 GET ON BOARD AND DO THAT.  
19 SO IT WAS A REAL PLEASURE FOR ME TO GIVE  
20 THAT AWARD BECAUSE AS PART OF THE PRESENTATION, I LET  
21 THEM KNOW THAT 16 YEARS AGO MY GARBAGE ROUTE ENDED  
22 ACROSS THE STREET. SO I GUESS, YOU KNOW, THAT THINGS  
23 ARE CHANGING WHEN YOU USED TO PICK UP GARBAGE THERE AND  
24 THEN YOU WALK IN AND HAND THEM A TROPHY AS A  
25 REPRESENTATIVE OF THE STATE, SO I ENJOYED THAT.



1 THE OTHER ONE WAS THE MEETING THAT MR.  
2 EATON HAD TALKED ABOUT WHERE WE WENT TO TUOLUMNE  
3 COUNTY, AND I THINK HE GAVE A GOOD UPDATE OF THAT. BUT  
4 WHAT HE DIDN'T TALK TO YOU ABOUT WAS THE FACT THAT A  
5 FEW MONTHS AGO TUOLUMNE COUNTY'S CARE FOR TUOLUMNE, A  
6 NONPROFIT GROUP THAT CLEANS UP ILLEGAL DUMPING  
7 THROUGHOUT TUOLUMNE COUNTY ON THEIR OWN NICKEL AND HAVE  
8 BEEN DOING IT FOR QUITE A FEW YEARS, WHEN MR. EATON SAW  
9 THAT, HE HAD THE IDEA, AND I AGREED, AS DID THE OTHER  
10 BOARD MEMBERS, THAT WE NEEDED TO RECOGNIZE THIS GROUP.  
11 SO PART OF OUR EARTH DAY PRESENTATION WAS  
12 TO RECOGNIZE THE CITIZENS THAT HAD BEEN DOING THAT  
13 WORK. AND I'LL TELL YOU WHAT, WE HAD THE WIFE OF --  
14 WHO WAS OUT THERE WORKING PRETTY HARD WITH TEARS IN HER  
15 EYES. SHE APPRECIATED THE GESTURE FROM THIS BOARD, AND  
16 I THINK THOSE ARE THE TYPES OF THINGS THAT I AGREE WITH  
17 MR. EATON. YOU SPEND A COUPLE OF PENNIES, LITTLE BIT  
18 OF MONEY, AND MAKE PEOPLE FEEL AWFULLY GOOD ABOUT WHAT  
19 THEY DO. AND WHAT THEY DO IS HELP TUOLUMNE COUNTY BE A  
20 BETTER PLACE TO LIVE. SO I REALLY ENJOYED THE DAY, AND  
21 IT WAS WELL WORTH IT. SO THANK YOU, MR. CHAIRMAN.

22 CHAIRMAN PENNINGTON: THANK YOU, MR. JONES.  
23 FINAL REPORT IS THE ADMINISTRATION COMMITTEE, WHICH I  
24 CHAIR. THE ADMINISTRATION COMMITTEE MET ON APRIL 7TH,  
25 1998, AND HEARD FIVE ITEMS. FOUR OF THE ITEMS WERE



1 FORWARDED TO THE BOARD FOR ACTION: APPROVAL OF THE  
2 MOLDED RUBBER PRODUCTS GRANTS AND HOUSEHOLD HAZARDOUS  
3 WASTE GRANTS, THE ADOPTION OF EMERGENCY REGULATIONS  
4 REGARDING PUBLIC BENEFIT FOR ALIENS, AND CONSIDERATION  
5 OF BOARD COMMITTEE ASSIGNMENTS.  
6  
7 THE FIFTH ITEM WAS THE CONSIDERATION OF  
8 THE STAFF REPORT ON ADDRESSING MARKETING ISSUES RELATED  
9 TO THE RIGID PLASTIC PACKAGING CONTAINER PROGRAM, WHICH  
10 THE COMMITTEE DIRECTED TO BE DISCUSSED AT THE MAY 1998  
11 MARKET DEVELOPMENT COMMITTEE.  
12 I ALSO GAVE A COUPLE OF WRAP AWARDS. ONE  
13 WAS AT WARNER BROTHERS, WHICH WAS FASCINATING. THEY'RE  
14 TAKING THEIR FOOD WASTE - - THEY HAVE A COMMISSARY THERE  
15 AND HAVE A LOT OF FOOD LEFT OVER. THEY'RE GIVING THAT  
16 TO NONPROFITS TO FEED THE HOMELESS. THAT WHICH THEY  
17 CAN'T, THEY'RE USING COMPOST WITH. THEY'RE DOING A LOT  
18 OF INNOVATIVE THINGS.  
19 ONE OF THE THINGS THAT I THOUGHT WAS VERY  
20 INTERESTING WAS IN THEIR SETS, THEY DO THEM WITH WOOD;  
21 AND WHEN THEY'RE THROUGH WITH THEM, THEY USED TO JUST  
22 TEAR THEM DOWN AND SHIP THE WOOD TO THE LANDFILL. NOW  
23 THEY HAVE WORKED OUT WITH MANY OF THE LOCAL AREA HIGH  
24 SCHOOLS, AND THEY SEND THE WOOD TO THE HIGH SCHOOLS TO  
25 USE IN THEIR HIGH SCHOOL IN THEIR SHOPS. SO WE HAD A  
26 VERY PLEASANT DAY THERE, AND THEY'RE REALLY COMMITTED



1 TO EFFORTS TO REDUCE THEIR WASTESTREAM.  
2 ON THE OTHER HAND, WE WENT YESTERDAY TO  
3 HILLSIDE PRESS IN ROLLING HILLS, A FOUR-PERSON  
4 OPERATION, BUT ONE OF THE TEN WRAP WINNERS THIS YEAR.  
5 AND THEY'RE DOING AN EXCELLENT JOB OF RECYCLING THEIR  
6 CHEMICALS AND THEIR RAGS AND THEIR PAPER. AND IT WAS  
7 FASCINATING TO SEE FOUR PEOPLE WHO WERE REALLY  
8 ENTHUSIASTIC ABOUT THIS AND HAD SIGNS UP. THEY'RE  
9 BEGINNING TO GET THEIR COMMUNITY TO THINK IN TERMS OF  
10 RECYCLING. THEY BECAME A CENTER FOR RECYCLING PHONE  
11 BOOKS, AND IT WAS QUITE INTERESTING.  
12 MOVING NOW TO THE EXECUTIVE DIRECTOR'S  
13 REPORT, MR. CHANDLER.  
14 I DID WANT TO THANK MR. JONES FOR HIS  
15 LEADERSHIP ON THE MARKETING COMMITTEE. I DO APPRECIATE  
16 YOU FILLING IN ON A SHORT-TERM BASIS THERE. WHO KNOWS,  
17 YOU MAY HAVE TO DO IT SOMEDAY AGAIN.  
18 MR. CHANDLER: GOOD MORNING, MEMBERS.  
19 ORIGINALLY I HAD IN MY NOTES THAT I MIGHT BE ABLE TO  
20 REPORT TO YOU THIS MORNING ON THE STATUS OF AT LEAST  
21 ONE OF OUR SUBCOMMITTEE BUDGET HEARINGS; BUT AS SEVERAL  
22 OF YOU ARE AWARE, WE HAVE HAD BOTH HEARINGS, BOTH ON  
23 THE ASSEMBLY AND THE SENATE, POSTPONED. AND WE ARE  
24 SLATED FOR THE ASSEMBLY ON MAY 5TH AND SENATE MAY 7TH.  
25 I'LL KEEP YOU POSTED ON HOW WE FAIR IN BOTH THE



1 ASSEMBLY AND SENATE HEARINGS COMING UP NEXT WEEK.  
2 MOVING ON, STAFF WAS NOTIFIED JUST LAST  
3 WEEK THAT THE BOARD HAS BEEN AWARDED \$200,000 IN A  
4 GRANT FOR ACTIVITIES TO BE UNDERTAKEN IN THE U.S. EPA  
5 1998 JOBS THROUGH RECYCLING GRANT PROGRAM. THE GRANT  
6 HAS TWO PRIMARY OBJECTIVES. THE FIRST IS TO ESTABLISH  
7 MARKETS FOR RECYCLABLES BY RECRUITING BUSINESSES TO  
8 LOCATE NEAR EXISTING PROCESSING FACILITIES TO TAKE  
9 ADVANTAGE OF LOCAL AVAILABLE FEEDSTOCKS. THIS CONCEPT  
10 IS LOOSELY REFERRED TO AS AN ECOINDUSTRIAL PARK.  
11 THE SECOND OBJECTIVE IS TO EVALUATE THE  
12 ADVANTAGES OF AN ECOINDUSTRIAL PARK BY ANALYZING THE  
13 REAL COST OF TRANSPORTATION, LABOR, AND STATE AND LOCAL  
14 APPROVAL PROCESSES SUCH AS ZONING AND PERMITTING.  
15 OUR PARTNERS IN THIS GRANT ARE THE CITY  
16 OF SAN LEANDRO, THE DAVIS STREET TRANSFER STATION, THE  
17 OAKLAND-BERKELEY RMDZ, MATERIALS FOR THE FUTURE, AND  
18 CORPORATION FOR MANUFACTURING EXCELLENCE.  
19 AS SOME OF YOU MAY BE AWARE, MR.  
20 PENNINGTON ASKED ME TO PARTICIPATE IN THE GRAND OPENING  
21 AT THAT ECOINDUSTRIAL PARK THIS FRIDAY WHERE THE DAVIS  
22 STREET TRANSFER STATION WILL BE INAUGURATED AS ONE OF  
23 THE FIRST FACILITIES GOING INTO THAT INDUSTRIAL PARK,  
24 AND THE CRUMB RUBBER OPERATION WAS RECENTLY PERMITTED  
25 JUST A FEW BOARD MEETINGS BACK. AND I'LL BE JOINING



1 THE MAYOR AND KICKING OFF THAT GRAND OPENING THIS  
2 FRIDAY IN SAN LEANDRO.  
3 ALSO AT THIS TIME I'D LIKE TO ACKNOWLEDGE  
4 CAREN TRGOVCICH AND HER STAFF FOR THEIR AGGRESSIVE WORK  
5 IN SEEKING OUT THESE TYPES OF GRANTS. DOLLARS ARE  
6 SHORT. THAT PROGRAM HAS DONE AN EXCELLENT JOB OF  
7 FINDING ADDITIONAL FUNDING FOR THESE TYPES OF EFFORTS.  
8 I KNOW THAT THE BOARD WILL BENEFIT FROM THE RESEARCH  
9 THAT WILL BE ASSOCIATED WITH THIS GRANT.  
10 NEXT, I'M PLEASED TO ANNOUNCE THAT THE  
11 DEPARTMENT OF TOXIC SUBSTANCE CONTROL HAS ACCEPTED MR.  
12 PENNINGTON'S INVITATION TO PRESENT ITS PROPOSAL FOR  
13 REVISING THE HAZARDOUS WASTE CLASSIFICATION SYSTEM, ITS  
14 RSU INITIATIVE, AT A WORKSHOP IN SACRAMENTO AT THE  
15 BOARDROOM ON MAY 14TH. TOXICS DIRECTOR JESS HUFF HAS  
16 AGREED TO ATTEND THIS WORKSHOP TO GIVE THE BOARD  
17 MEMBERS, STAFF, AND OUR STAKEHOLDERS AN OPPORTUNITY TO  
18 BETTER UNDERSTAND THE PROPOSAL AND ITS POTENTIAL  
19 IMPACTS.  
20 AS YOU KNOW, THIS PROPOSAL WILL  
21 RECLASSIFY CALIFORNIA ONLY REGULATED HAZARDOUS WASTE  
22 INTO A TWO-TIER SYSTEM, THE HIGHER RISK TIER WITH FULL  
23 REGULATION AND THE LOWER RISK TIER WITH MANAGEMENT  
24 STANDARDS. THE HAZARDOUS WASTE AND THE LOWER RISK TIER  
25 WILL BE ELIGIBLE FOR DISPOSAL IN NONHAZARDOUS WASTE



1 LANDFILLS THAT IS APPROVED BY THE REGIONAL WATER  
2 QUALITY CONTROL BOARD. WE WILL BE MAKING A SPECIAL  
3 EFFORT TO ENSURE THAT ALL OF OUR STAKEHOLDERS ARE AWARE  
4 OF THE WORKSHOP AND ALL POTENTIAL IMPACTS ARE  
5 IDENTIFIED AND CONSIDERED.  
6 FINALLY, I'D LIKE TO REPORT TO THE BOARD  
7 THAT THE ADMINISTRATION COMMITTEE DID HOLD TWO  
8 WORKSHOPS ON FEE EQUITY ISSUES ON MARCH 24TH IN  
9 SACRAMENTO AND MARCH 31ST IN BURBANK, AND THE WORKSHOPS  
10 WERE DESIGNED TO SOLICIT INPUT FROM INTERESTED PARTIES  
11 ON DETERMINING VIABLE OPTIONS REGARDING EQUITY ISSUES  
12 RELATED TO PAYMENT OF THE INTEGRATED WASTE MANAGEMENT  
13 FEE.  
14 STAFF IS PREPARING A SUMMARY OF COMMENTS  
15 FROM THE WORKSHOPS AS WELL AS THE DISCUSSIONS, AND WE  
16 WILL BE PROVIDING THAT SUMMARY TO BOARD MEMBERS AND  
17 WORKSHOP PARTICIPANTS IN EARLY MAY. IN ADDITION, WE  
18 ARE PLANNING TO BRING AN AGENDA ITEM WITH OPTIONS FOR  
19 ACTION AND STAFF RECOMMENDATIONS TO THE BOARD THROUGH  
20 THE ADMINISTRATION COMMITTEE IN JULY.  
21 AND THAT, MR. CHAIRMAN, MEMBERS,  
22 COMPLETES MY REPORT. THANK YOU.  
23 CHAIRMAN PENNINGTON: THANK YOU, MR.  
24 CHANDLER. ANY QUESTIONS OF MR. CHANDLER'S REPORT?  
25 THANK YOU.



1 WE'LL NOW MOVE TO CONSIDERATION OF  
2 CONSENT CALENDAR ITEMS. THE CONSENT CALENDAR INCLUDES  
3 ITEMS 9A, 9B, 10 THROUGH 24, 26, 29 THROUGH 32, 34, AND  
4 35. IS THERE ANYBODY WHO WISHES TO PULL ANYTHING FROM  
5 THE CONSENT CALENDAR?

6 BOARD MEMBER EATON: NO. 26 THROUGH 32 OR 26  
7 AND PICKING UP AGAIN AT 29?

8 CHAIRMAN PENNINGTON: CORRECT. IT'S 26 AND  
9 PICK UP AGAIN AT 29 THROUGH 32.

10 MR. CHANDLER: MR. EATON, DID YOU ALSO NOT  
11 MENTION IN YOUR REPORT LOOKING AT PERHAPS NOT DEALING  
12 WITH A COUPLE OF --

13 CHAIRMAN PENNINGTON: WE ACTUALLY ANNOUNCED  
14 THAT WE HAD PULLED THOSE.

15 MR. CHANDLER: VERY GOOD

16 BOARD MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A  
17 MOTION THAT WE ADOPT THE CONSENT AGENDA.

18 BOARD MEMBER FRAZEE: SECOND.

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

22 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.  
23 BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 THE SECRETARY: EATON.



1 BOARD MEMBER EATON: AYE.  
2 THE SECRETARY: FRAZEE.  
3 BOARD MEMBER FRAZEE: AYE.  
4 THE SECRETARY: JONES.  
5 BOARD MEMBER JONES: AYE.  
6 THE SECRETARY: CHAIRMAN PENNINGTON.  
7 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
8 NOW MOVE TO ITEM 6, THE 1997-98 HHW  
9 GRANTS AWARD. CONSIDERATION OF FISCAL YEAR '97-'98  
10 HOUSEHOLD HAZARDOUS WASTE GRANT AWARDS. JUDY  
11 FRIEDMAN.  
12 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN  
13 PENNINGTON AND BOARD MEMBERS. SHIRLEY WILLD-WAGNER  
14 WILL MAKE THE PRESENTATION FOR STAFF, WHICH INCLUDES  
15 SOME UPDATES FROM THE TIME OF THE COMMITTEE AND SOME  
16 CORRECTIONS.  
17 MS. WILLD-WAGNER: MORNING, CHAIRMAN  
18 PENNINGTON AND BOARD MEMBERS. I'M SHIRLEY WILLD-WAGNER  
19 OF THE USED OIL AND HOUSEHOLD HAZARDOUS WASTE BRANCH  
20 HERE TO PRESENT STAFF RECOMMENDATIONS FOR THE 13  
21 HOUSEHOLD HAZARDOUS WASTE GRANTS, TOTAL DOLLAR AMOUNT  
22 OF \$1.5 MILLION.  
23 IN OCTOBER A NOTICE OF FUNDING  
24 AVAILABILITY WAS MAILED TO OVER 1200 POTENTIAL GRANTEEES  
25 AND INTERESTED PARTIES, AND STAFF RECEIVED 42



1 APPLICATIONS FOR OVER \$6.8 MILLION. WITH ONLY 1.5  
2 MILLION AVAILABLE, IT WAS A HIGHLY COMPETITIVE PROCESS  
3 THIS YEAR. THE CRITERIA HAD BEEN ESTABLISHED BY THE  
4 BOARD LAST YEAR WHICH FOCUSED PRIORITY ON PERMANENT,  
5 SUSTAINABLE SOLUTIONS FOR HHW PROBLEMS.  
6 STAFF ALSO WANTED TO CONSIDER PROJECT  
7 READINESS THIS YEAR. THESE ARE FUNDS THAT ARE ONLY  
8 AVAILABLE FOR EXPENDITURE THROUGH JUNE OF THE YEAR  
9 2000, SO WE WANTED TO MAKE SURE THAT THE PROJECTS THAT  
10 YOU ARE RECOMMENDING FOR FUNDING WERE ALL COMPLETELY  
11 READY TO GO AND COULD BE COMPLETED WITHIN THE TWO-YEAR  
12 PROJECT PERIOD.  
13 FOUR REVIEW PANELS WERE CONVENED WITH  
14 THREE PEOPLE ON EACH PANEL, AND THESE INDIVIDUALS MET  
15 AS A FULL GROUP TO DISCUSS THE CRITERIA FOR THE REVIEW  
16 OF THE APPLICATIONS AND DISCUSS INTERPRETATION OF THIS  
17 BOARD APPROVED CRITERIA. THIS TIME WE PROVIDED A  
18 SCORING CRITERIA TO THE PANEL MEMBERS AND DISCUSSED ANY  
19 QUESTIONS THAT ANYONE HAD. INDIVIDUALS WERE SENT OFF  
20 ON THEIR OWN TO SCORE ALL THE GRANTS THAT HAD BEEN  
21 ASSIGNED TO THEM. INDIVIDUALS SCORED THE GRANTS  
22 INDIVIDUALLY AND CAME TOGETHER AS THEIR TEAM AND  
23 DISCUSSED EACH INDIVIDUAL APPLICATION.  
24 AND I WANT TO STRESS THAT IT'S NOT JUST  
25 AN AVERAGING OF THE INDIVIDUAL SCORES, BUT THE TEAM



1 MEMBERS MEET TOGETHER, DISCUSS THE MERITS, THE  
2 STRENGTHS AND WEAKNESSES OF EACH PROPOSAL, AND REALLY  
3 REACH A CONSENSUS ON EACH APPLICATION ONCE THE SCORING  
4 HAS BEEN DEVELOPED FOR EACH APPLICATION. FINALLY, THE  
5 PANEL CHAIRS MEET TO MAKE SURE THAT THE CRITERIA HAVE  
6 BEEN APPLIED EQUITABLY BETWEEN THE DIFFERENT PANELS,  
7 WHICH TOTALS ABOUT SEVEN TO NINE HOURS ON EACH  
8 APPLICATION PROBABLY SPENT IN STAFF TIME IN REVIEWING  
9 EACH APPLICATION.  
10 ATTACHMENT 2 IN YOUR AGENDA ITEM IS THE  
11 RESULTING LIST OF THIS PROCESS. AT THE ADMINISTRATION  
12 COMMITTEE MEETING ON APRIL 7TH, TWO APPLICANTS APPEARED  
13 TO DISCUSS THE MERITS OF THEIR INDIVIDUAL PROPOSALS,  
14 AND THE COMMITTEE CONSIDERED THE COMMENTS AND CONCERNS,  
15 AND THEN VOTED TO FORWARD STAFF'S RECOMMENDATIONS TO  
16 THE FULL BOARD FOR APPROVAL.  
17 AT THE TIME IN THE MEETING, STAFF  
18 REITERATED SOME OF THE KEY ELEMENTS OF THE HHW PROGRAM  
19 KIND OF IN RESPONSE TO SOME OF THE ISSUES THAT WERE  
20 BROUGHT UP. SPECIFICALLY, EACH YEAR THE POLICY  
21 COMMITTEE AND THE BOARD DO APPROVE THE CRITERIA FOR THE  
22 HHW GRANT, AND SO EACH YEAR WE HAVE A CHANCE TO ADAPT  
23 THAT CRITERIA, IF NECESSARY. PREFERENCE IS GIVEN TO  
24 APPLICANTS WHO HAVE NOT RECEIVED AN APPLICATION THE  
25 YEAR BEFORE, WHO HAVE NOT RECEIVED A GRANT THE PREVIOUS



1 YEAR, AND STAFF IS ALWAYS AVAILABLE AND ACCESSIBLE TO  
2 THE GRANTEES TO WORK ON THE APPLICATION AND HELP  
3 IMPROVE THEIR PROPOSAL FOR NEXT YEAR. AND SEVERAL OF  
4 THESE MEETINGS HAVE BEEN SET UP ALREADY THIS YEAR FOR  
5 APPLICANTS FROM THIS YEAR'S CYCLE.  
6 AFTER THE COMMITTEE MEETING APRIL 7TH,  
7 STAFF RECEIVED A LETTER FROM LOS ANGELES COUNTY  
8 WITHDRAWING THEIR PROPOSAL THAT THEY RECOMMENDED FOR  
9 FUNDING FOR \$120,000. THE COUNTY DID WITHDRAW THAT  
10 PROPOSAL, AND SO STAFF CONSULTED WITH THE  
11 ADMINISTRATION COMMITTEE CHAIRMAN AND STAFF AND  
12 REALLOCATED THAT \$120,000 TO RESTORE SOME OF THE BUDGET  
13 CUTS THAT HAD BEEN PREVIOUSLY MADE FOR THE PROJECTS  
14 THAT ARE RECOMMENDED FO FUNDING.  
15 ONE OTHER ISSUE TO NOTE AND A SMALL  
16 CORRECTION, THE ATTACHMENT 2 IN YOUR RESOLUTION LISTS  
17 THE PROJECTS THAT ARE RECOMMENDED FOR FUNDING AND THE  
18 COUNTY THAT THE PROJECT IS LOCATED IN. AND CARPENTERIA  
19 IS LISTED AS BEING IN VENTURA COUNTY. I REALLY DO KNOW  
20 BETTER. I KNOW THAT CARPENTERIA IS IN SANTA BARBARA  
21 COUNTY, SO I APOLOGIZE FOR THAT OVERSIGHT. YOU  
22 RECEIVED REVISIONS THAT HAVE THE CORRECT COUNTY.  
23 STAFF'S RECOMMENDATION THIS MORNING IS TO  
24 APPROVE THE AWARD GRANTS FOR THE 13 RECOMMENDED  
25 PROJECTS FOR THE 1997-98 HOUSEHOLD HAZARDOUS WASTE



1 GRANT PROGRAM AS LISTED AND APPROVE RESOLUTION 98-72.

2 I'LL BE HAPPY TO ANSWER ANY QUESTIONS.

3 CHAIRMAN PENNINGTON: ANY QUESTIONS? MR.

4 CHESBRO.

5 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I NOTE

6 THAT THERE ARE TWO EXAMPLES WHERE THERE'S TWO GRANTS IN

7 THE SAME COUNTY, BOTH IN SHASTA AND SAN BERNARDINO

8 COUNTIES, AND THERE ARE OTHERS THAT ARE LISTED AS

9 REGIONAL PROPOSALS. I'M JUST CURIOUS WHETHER IN THOSE

10 TWO COUNTIES THERE'S ANY INTERCONNECTION BETWEEN THE

11 TWO AND WHETHER THERE'S BEEN ANY ATTEMPT BY THE TWO

12 JURISDICTIONS TO MAKE SURE THAT THEIR MESSAGES AREN'T

13 CONFLICTING OR WHETHER THERE'S SOME COORDINATION. DO

14 YOU HAVE ANY INFORMATION ON THAT?

15 MS. WILLD-WAGNER: THE CITY OF SHASTA WORKS

16 EXTENSIVELY. THE COUNTY OF SHASTA WORKS WITH THE CITY

17 OF REDDING. THESE PROJECTS ARE ACTUALLY - - THE SHASTA

18 COUNTY PROJECT WILL TAKE SOME OF THE HAZARDOUS WASTE --

19 COLLECTED HOUSEHOLD HAZARDOUS WASTE TO THE COUNTY

20 FACILITY OR TO THE FACILITY THAT'S IN REDDING, SO THEY

21 DO WORK TOGETHER. SAN BERNARDINO - - I HAVE PROJECT

22 SUMMARIES IF ANY OF YOU HAVE NOT RECEIVED THOSE. THE

23 COUNTIES, WE DO GENERALLY MAKE SURE THAT THEY'RE IN

24 CONNECTION. THEY'VE BEEN DOING THE GRANT PROJECTS FOR

25 QUITE A WHILE NOW. THEY USUALLY DO COMMUNICATE AND



1 COORDINATE THEIR EFFORTS.  
2 SAN BERNARDINO COUNTY AND THE CITY OF SAN  
3 BERNARDINO FOR HOUSEHOLD HAZARDOUS WASTE, PERMITTED  
4 FACILITY WAS THE CITY OF SAN BERNARDINO AND A  
5 COLLECTION OF SHARPS PROGRAM. THERE'S A PRETTY STRONG  
6 REGIONAL GROUP THAT WORKS IN SAN BERNARDINO THAT WORKS  
7 ON PUBLIC EDUCATION, AND LOT OF THE PROJECTS ARE MORE  
8 REGIONAL IN NATURE.

9 BOARD MEMBER CHESBRO: WELL, MY POINT IN  
10 ASKING THE QUESTION WASN'T TO PUT YOU ON THE SPOT. IT  
11 WAS MORE JUST WHILE I DON'T THINK WE CAN FORCE  
12 COOPERATION, WE SHOULD ENCOURAGE IT. SO I HOPE IN THE  
13 ADMINISTRATION, IN BOTH CASES, OF THE GRANTS THAT WE  
14 WOULD ENCOURAGE THEM TO COORDINATE THEIR MESSAGES AND  
15 TRY TO MAXIMIZE THE INVESTMENT OF MONEY BY NOT CREATING  
16 CONFLICTING PROGRAMS.

17 CHAIRMAN PENNINGTON: ANY ADDITIONAL QUESTIONS  
18 OF STAFF?

19 BOARD MEMBER JONES: MR. CHAIRMAN, JUST A  
20 COMMENT. AS PART OF THE COMMITTEE MEETING, WHEN WE  
21 HEARD THIS THING, THERE WERE TWO ENTITIES THAT  
22 TESTIFIED AND FELT THAT PART OF THE CHARACTERIZATION AS  
23 FAR AS THE WRITTEN REPORT AS TO WHETHER THEY  
24 DISQUALIFIED THEY TOOK EXCEPTION TO. YOU COULDN'T  
25 REOPEN THIS BACK UP BECAUSE YOU WOULD END UP WITH 20



1 MORE THAT WOULD BE HAVING A PROBLEM WITH THE SAME  
2 ISSUES.  
3 BUT ONE OF THE DISCUSSIONS WE HAD WAS  
4 COUPLE OF POINTS THAT I WAS TRYING TO BRING OUT. THE  
5 WAY THIS IS SET UP NOW IS THERE'S FOUR INDEPENDENT  
6 GROUPS THAT REVIEW A QUARTER OF - - EACH ONE HAS A  
7 QUARTER, I GUESS, OF THE APPLICANTS. AND I HAD  
8 SUGGESTED THAT IT MAY ELIMINATE SOME CONFUSION DOWN THE  
9 ROAD IF, IN FACT, THEY'RE CUT IN HALF AND TWO SEPARATE  
10 GROUPS, WITHOUT SEEING ANY GRADING, DOES EQUAL GRADING,  
11 SO THAT IF YOU -- BIASES DON'T COME OUT OR ISSUES THAT  
12 MAY BE LOOKED AT ONE WAY BY ONE GROUP DIDN'T LOOK AT  
13 THE OTHER, AND IF YOU HAD DIFFERENT SCORING CRITERIA,  
14 BOTH GROUPS WERE VERY, VERY DIFFERENT IN THE WAY THEY  
15 SCORED IT. I THINK THAT WOULD BE ABLE TO ELIMINATE A  
16 LOT OF THE CONCERN OF THE APPLICANTS THAT TWO DIFFERENT  
17 GROUPS WERE LOOKING AT THIS.  
18 IT MAY BE MORE BURDENSOME FOR STAFF, BUT  
19 I WANTED TO THROW IT OUT THERE AS PART OF THE  
20 DISCUSSION TO SEE IF THERE WOULD BE SOME VALUE IN  
21 HAVING IT CHECKED WHEN WE'RE TALKING ABOUT WE HAD A  
22 MILLION AND A HALF IN THIS FUND THIS YEAR, WE'VE GOT  
23 THREE MILLION NEXT YEAR. PEOPLE ARE LOOKING AT  
24 PERMANENT FACILITIES, AND THEY MAY JUST WANT THE - -  
25 THEY MAY JUST WANT TO BE ABLE TO KNOW THAT TWO



1 DIFFERENT SETS OF THE GROUP ARE LOOKING AT THEIR  
2 ISSUES. I GOT NERVOUS WHEN ONE OF THEM THOUGHT THEY  
3 WERE DISQUALIFIED BECAUSE THE FACILITY WAS GOING TO BE  
4 AT A LANDFILL.

5 MS. WILLD-WAGNER: WE CAN WORK WITH THE BOARD  
6 MEMBER AND YOUR STAFF BY COMING UP WITH A PROCESS FOR  
7 NEXT YEAR. I THINK THAT WE SHOULD POINT OUT THAT IF  
8 CHANGE SOMETHING LIKE THAT, IT WOULD AFFECT ALL THE  
9 GRANTS THAT ARE COORDINATED BY THE GRANTS  
10 ADMINISTRATION UNIT. WE WOULD GET THEM INVOLVED IN  
11 PUTTING TOGETHER SOME KIND OF A REVISED PROPOSAL FOR  
12 THAT SCORING.

13 BOARD MEMBER JONES: MR. CHAIRMAN, BASED ON  
14 THAT, I'LL MOVE RESOLUTION NO. 98-72.

15 BOARD MEMBER CHESBRO: I'LL SECOND IT. ONE  
16 ADDITIONAL COMMENT. I JUST WANTED TO POINT OUT THAT  
17 THE AMOUNT OF DOLLARS AVAILABLE IS LIKELY TO DOUBLE  
18 NEXT YEAR, GO BACK TO THE THREE MILLION MARK, IF  
19 THINGS -

20 BOARD MEMBER JONES: THAT'S WHAT I SAID.

21 BOARD MEMBER CHESBRO: SAY IT AGAIN.

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

25 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.



1 BOARD MEMBER CHESBRO.  
2 BOARD MEMBER CHESBRO: AYE.  
3 THE SECRETARY: EATON.  
4 BOARD MEMBER EATON: AYE.  
5 THE SECRETARY: FRAZEE.  
6 BOARD MEMBER FRAZEE: AYE.  
7 THE SECRETARY: JONES.  
8 BOARD MEMBER JONES: AYE.  
9 THE SECRETARY: CHAIRMAN PENNINGTON.  
10 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
11 NOW WE MOVE TO ITEM NO. 7, CONSIDERATION  
12 OF ADOPTION OF EMERGENCY REGULATIONS REGARDING PUBLIC  
13 BENEFITS FOR ALIENS.  
14 MR. BLOCK: MR. CHAIRMAN AND BOARD MEMBERS, IT  
15 WILL TAKE ME A MINUTE TO TURN ON THE MACHINE AND GET  
16 SET UP FOR OUR PRESENTATION.  
17 (INTERRUPTION IN PROCEEDINGS.)  
18 MR. BLOCK: GOOD MORNING AGAIN, CHAIRMAN  
19 PENNINGTON AND BOARD MEMBERS. I'M ELLIOT BLOCK FROM  
20 THE LEGAL OFFICE, AND I'M HERE TO PRESENT TO YOU ITEM  
21 NO. 7, WHICH IS CONSIDERATION OF ADOPTION OF THE  
22 PROPOSED EMERGENCY REGULATION ON LIMITATIONS ON PUBLIC  
23 BENEFITS FOR ALIENS.  
24 THIS REGULATORY PACKAGE IS DESIGNED TO  
25 IMPLEMENT THE FEDERAL PERSONAL RESPONSIBILITY WORK



1 OPPORTUNITY RECONCILIATION ACT OF 1996, WHICH PROHIBITS  
2 PUBLIC BENEFITS TO NONQUALIFIED ALIENS FOR ANY GRANT,  
3 CONTRACT, LOAN, PROFESSIONAL LICENSE, COMMERCIAL  
4 LICENSE PROVIDED BY AN AGENCY OR STATE OR LOCAL  
5 GOVERNMENT. AND IN 1996 GOVERNOR WILSON ISSUED AN  
6 EXECUTIVE ORDER REQUIRING ALL STATE AGENCIES TO  
7 IMPLEMENT THIS ACT.  
8 AS PART OF THAT IMPLEMENTATION, ALL STATE  
9 AGENCIES, INCLUDING OUR OWN, LOOKED AT THEIR PROGRAMS  
10 AND IDENTIFIED PROGRAMS THAT COULD POTENTIALLY PROVIDE  
11 THE PUBLIC BENEFITS TO ALIENS. FROM THE BOARD THE FIVE  
12 PROGRAMS THAT WERE IDENTIFIED ARE LISTED ON THE  
13 OVERHEAD: TIRE RECYCLING GRANTS, USED OIL RECYCLING  
14 GRANTS, MARKET ZONE LOANS, GENERAL CONTRACTS, AND WASTE  
15 TIRE HAULER REGISTRATION.  
16 THEN ALSO AS PART OF THIS PROCESS, THE  
17 ATTORNEY GENERAL'S OFFICE DRAFTED SOME MODEL  
18 REGULATIONS FOR USE BY THE VARIOUS AGENCIES. AND WHAT  
19 WE AND MOST OTHER AGENCIES HAVE DONE IS TAKEN THOSE  
20 REGULATIONS, THOSE DRAFTS, FILLED IN THE BLANKS FOR OUR  
21 PARTICULAR PROGRAMS, AND THAT'S THE PROPOSED REGULATION  
22 THAT'S IN THE PACKET BEFORE YOU TODAY.  
23 THOSE REGULATIONS DEFINE QUALIFIED  
24 ALIENS, SET FORTH THE FORM THAT WILL HAVE TO BE FILLED  
25 OUT FOR EACH APPLICATION FOR THESE PROGRAMS.



1 APPLICANTS WILL HAVE TO VERIFY THAT THEY'RE U.S.  
2 CITIZENS OR OTHERWISE QUALIFIED UNDER THE CRITERIA IN  
3 THE REGULATIONS, AND THEN PROVIDE DOCUMENTATION OF  
4 THEIR STATUS.  
5 THE REGULATION ALSO SETS FORTH SOME  
6 PROCEDURES FOR VERIFICATION IF THOSE DOCUMENTS ON THEIR  
7 FACE DO NOT APPEAR GENUINE OR RELATE TO THE INDIVIDUAL  
8 PRESENTING THEM. AND THOSE VERIFICATION PROCEDURES  
9 GENERALLY INVOLVE EITHER CONTACT WAS WITH INS OR IF THE  
10 DOCUMENT IS FROM A DIFFERENT AGENCY, CONTACTING THAT  
11 AGENCY TO FOLLOW UP.  
12 THESE REGULATIONS ARE COMING FORWARD AS  
13 EMERGENCY REGULATIONS. THEY DO QUALIFY UNDER THE  
14 EMERGENCY REGULATIONS REQUIREMENTS OF THE  
15 ADMINISTRATIVE PROCEDURE ACT. AND, IN FACT, LAST YEAR  
16 THERE WAS SOME LITIGATION REGARDING JUST THIS ISSUE  
17 WHEN DEPARTMENT OF HEALTH SERVICES BROUGHT FORWARD  
18 THEIR REGULATIONS, AND THE COURT OF APPEALS UPHELD  
19 BRINGING FORWARD THESE REGULATIONS AS EMERGENCY  
20 REGULATIONS.  
21 I DO HAVE TO AMEND A LITTLE BIT WHAT WAS  
22 IN THE AGENDA ITEM THAT'S BEFORE YOU. AT THE TIME THE  
23 AGENDA ITEM WAS WRITTEN, THERE WAS SOME DISCUSSION IN  
24 THE ITEM ABOUT SOME POTENTIAL INCONSISTENCIES THAT WE  
25 WERE SEEKING CLARIFICATION ON. BOTH THE AIR RESOURCES



1 BOARD AND THE DEPARTMENT OF PESTICIDE REGULATIONS HAD  
2 BEEN ASKED TO ADOPT THESE REGULATIONS FOR SOME OF THEIR  
3 PROGRAMS, BUT NOT FOR THEIR CONTRACT PROGRAMS. SO WE  
4 HAD ASKED THE QUESTION REGARDING WHY THE WASTE BOARD  
5 WAS BEING ASKED TO ADOPT THE REGULATIONS FOR THOSE  
6 PROGRAMS.  
7 AND AT THIS POINT IN TIME, AS OF LAST  
8 WEEK, THE GOVERNOR'S OFFICE HAS GONE BACK TO THE AIR  
9 RESOURCES BOARD AND DEPARTMENT OF PESTICIDE REGULATIONS  
10 AND ASKED THEM TO ALSO COVER THEIR CONTRACT PROGRAMS  
11 UNDER THEIR REGULATIONS.  
12 THE ANALYSIS THAT THEY'VE DONE AND  
13 PROVIDED IS THAT THE REGULATIONS THAT ARE BEFORE YOU  
14 NOW PROVIDE SOME ADDITIONAL SAFEGUARDS IN ADDITION TO  
15 THE EXISTING SAM MANUAL PROVISIONS REGARDING  
16 DOCUMENTATION, ENSURING THAT THE BENEFITS ARE PROVIDED  
17 AS APPROPRIATE. AND THEN OUR WASTE TIRE HAULER  
18 REGISTRATIONS ARE NOT ACTUALLY COVERED BY ANYTHING IN  
19 THAT PROVISION CURRENTLY REGARDING FEDERAL TAXPAYER  
20 I.D. NUMBER.  
21 THE FISCAL IMPACT THAT'S BEEN IDENTIFIED  
22 FOR THESE PROPOSED REGULATIONS ARE ONE-TIME DEVELOPMENT  
23 COSTS OF \$57,000. THAT'S .7 PY, AND THAT RELATES TO  
24 SOME TRAINING AND SETTING UP SOME DIFFERENT PROCEDURES  
25 AND THE LIKE, AND THEN ALSO DEALING WITH QUESTIONS THAT



1 WILL INEVITABLY COME AS WE ROLL THIS PROGRAM OUT AND  
2 SOME OF THOSE APPLICATIONS, AND THEN ONGOING STAFF  
3 REQUIREMENTS FOR REVIEWING THE DOCUMENTS OF \$31,000 A  
4 YEAR.  
5 THAT'S -- THOSE COSTS HAVE BEEN  
6 IDENTIFIED IN THE OIL AND TIRE RECYCLING PROGRAMS, THE  
7 LOANS AND CONTRACTS, AND TIRE PROGRAMS AND IDENTIFY  
8 SOME MINOR COSTS, ALL OF WHICH THEY CONSIDERED TO BE  
9 ABSORBABLE. THAT RELATES PRIMARILY TO THE NUMBER OF  
10 APPLICATIONS THEY'RE LOOKING AT IN THE ALREADY EXISTING  
11]. ANALYSIS THAT THEY'RE DOING. THIS FISCAL IMPACT  
12 ANALYSIS FALLS PRETTY SQUARELY WITHIN ABOUT THE SAME  
13 DOLLAR AMOUNTS THAT THE OTHER CAL-EPA AGENCIES HAVE  
14 FOUND IN THEIR ANALYSIS THAT THEY'RE DOING.  
15 THAT, IN ESSENCE, CONCLUDES MY  
16 PRESENTATION. WE ASK JUST THAT THE BOARD ADOPT THE  
17 PROPOSED EMERGENCY REGULATION AND DIRECT STAFF THAT IT  
18 BE FILED WITH THE OFFICE OF ADMINISTRATIVE LAW.

19 CHAIRMAN PENNINGTON: THANK YOU, MR. BLOCK.

20 ANY QUESTIONS OF MR. BLOCK?

21 BOARD MEMBER EATON: I HAVE A COUPLE OF  
22 QUESTIONS FOR MR. BLOCK. HAVING WORKED ON MANY OF  
23 THESE REGULATIONS OVER THE LAST YEAR AS IT RELATED TO  
24 DIRECT BENEFITS UNDER THE PROPOSED WELFARE REFORM BILLS  
25 THAT MOVED THROUGH THE LEGISLATURE LAST YEAR, ONE OF



1 THE CONCERNS WE HAD WAS DUPLICATION AND OVERBURDENSOME  
2 BETWEEN THE AGENCIES AND COORDINATION BETWEEN THE  
3 AGENCIES WITH REGARD TO THEIR VERIFICATION PROCEDURES  
4 AS IT RELATES TO DIRECT BENEFITS AND THAT, I WOULD  
5 ASSUME, BECAUSE THESE ARE A LITTLE BIT MORE REMOVED,  
6 THEY'RE NOT REALLY DIRECT, BUT THEY COULD BE, AS YOU  
7 SAID, POTENTIALLY CONSIDERED PUBLIC BENEFITS, THAT THE  
8 FIRST QUESTION THAT ARISES, AT LEAST UNDER THE  
9 EXPLANATION ON 7-3 OF OUR BINDER, IS THE ISSUE AS  
10 CURRENTLY STATED IN THE ADMINISTRATIVE MANUAL AS  
11 OUTLINED IN OUR BINDER REQUIRE FEDERAL, STATE, AND  
12 TAXPAYER I.D. NUMBERS AS PART OF THE PROCEDURE; IS THAT  
13 CORRECT?

14 MR. BLOCK: THAT'S CORRECT. SAM MANUAL  
15 REQUIRES THAT BEFORE DISBURSEMENTS CAN BE MADE, THE  
16 AGENCY SEEKING APPROVAL OF THE DISBURSEMENTS MUST  
17 PROVIDE -- OBTAIN THE STATE AND FEDERAL TAXPAYER I.D.  
18 NUMBER BE PROVIDED AS WELL TO FINANCE BECAUSE CERTAIN  
19 REPORTS HAVE TO BE MADE AT THE SAME TIME REIMBURSEMENTS  
20 ARE MADE.

21 BOARD MEMBER EATON: HENCE, THE TAXPAYER I.D.  
22 NUMBER WOULD BE PRIMA FACIE EVIDENCE THAT THEY ARE  
23 QUALIFIED RATHER THAN NONQUALIFYING ALIENS UNDER THAT  
24 PROCEDURE, CORRECT?

25 MR. BLOCK: THAT WOULD BE CORRECT, YES.



1 BOARD MEMBER EATON: ALSO, THERE WAS AN  
2 ARTICLE IN THE SACRAMENTO BEE, WHICH I HAVE COPIES OF,  
3 A MONTH OR TWO AGO WHERE THE DEPARTMENT OF MOTOR  
4 VEHICLES IS UNDERGOING THEIR REGULATIONS AS WELL. BUT  
5 BEFORE WE GET TO THAT, WITH REGARD TO THE STATE  
6 ADMINISTRATIVE MANUAL, THAT WOULD COVER JUST THE  
7 CONTRACT AND NOT THE WASTE TIRE HAULER PORTIONS OF THE  
8 FIVE UP THERE.

9 MR. BLOCK: IT WOULD COVER THE CONTRACTS, AND  
10 THEN IT WOULD ALSO COVER THE LOANS AND GRANTS BECAUSE  
11 OF THE METHOD THAT WE PROVIDE THOSE FUNDS AS WELL. IN  
12 TERMS OF -- AS FAR AS CONTRACTS GO, THAT'S ALSO -- I'M  
13 SORRY. AS FAR AS LOANS GO, WE PROVIDE THE LOAN MONEY  
14 THROUGH A CONTRACT AND THEN THE LOAN DOCUMENT ITSELF IS  
15 A FORM OF CONTRACT.

16 BOARD MEMBER EATON: WITH REGARD TO THE OTHER  
17 SORT OF PARTS, THE WASTE TIRE HAULER PROVISIONS, DO YOU  
18 KNOW IF THEY'RE REQUIRED TO HAVE A DRIVER'S LICENSE?

19 MR. BLOCK: MY UNDERSTANDING IS THAT PART OF  
20 THE APPLICATION FOR WASTE TIRE HAULER REGISTRATION IS  
21 THAT A COPY OF THE DRIVER'S LICENSE BE PROVIDED.

22 BOARD MEMBER EATON: I THINK IT'S PROBABLY A  
23 COMMERCIAL DRIVER'S LICENSE CONSIDERING THE FACT THAT  
24 THEY'RE CARRYING A CERTAIN AMOUNT OF WEIGHT AND IT  
25 INVOLVES CERTAIN KINDS OF LIABILITY. THAT'S A LEGAL



1 OPINION. THE REASON WHY I RAISE THE ISSUE IS BECAUSE  
2 IN B IT OUTLINED DMV'S EXPENSE OF VERIFICATION  
3 PROCEDURE, WHICH AMOUNTED TO BASICALLY ASKING THEM  
4 BEFORE ANY LICENSE COULD BE ISSUED, COMMERCIAL OR  
5 OTHERWISE, THAT A VERIFICATION, A VERY LENGTHY  
6 VERIFICATION PROCESS TAKE PLACE WITH REGARD TO THIS  
7 ISSUE WHETHER OR NOT IT WAS BEING ISSUED TO A  
8 NONQUALIFIED ALIEN.  
9 AND THEREFORE, I SEE THAT WE HAVE  
10 NUMEROUS KINDS OF CONTACTS WITH THOSE AGENCIES; AND IF  
11 THERE ISN'T A WAY, AT LEAST THE WAY THE REGULATION IS  
12 WRITTEN, ALL THESE ARE BOILERPLATE REGULATIONS ANYWAY  
13 FOR MANY REASONS, BUT IN THIS CASE, NOT BECAUSE I HAVE  
14 ANY DISPUTE SINCE I WORKED ON A LOT OF LEGISLATION, BUT  
15 I AM VERY CONCERNED ABOUT THE FACT THAT, ONE, WE WOULD  
16 BE DUPLICATING, THEREFORE, SPENDING FUNDS UNNECESSARILY  
17 WHERE THERE MIGHT BE A BETTER PROCEDURE FOR  
18 VERIFICATION THAT MIGHT BE BETTER REFLECTED FOR OUR  
19 AGENCY SINCE IT'S VERY MINIMAL AND VERY QUESTIONABLE  
20 THE PUBLIC BENEFITS THAT MIGHT BE ADVANCED.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I'D LIKE  
22 TO PREFACE MY REMARKS BY SAYING -- ASKING THE CHAIRMAN  
23 AND MR. BLOCK AND MR. CHANDLER NOT TO TAKE IT  
24 PERSONALLY. IT'S CLEAR WHAT THEY CONVEYED THAT THE  
25 ADMINISTRATION WANTED US TO HAVE BEFORE US, BUT MY



1 RESPONSE IS IT'S A SOLUTION IN SEARCH OF A PROBLEM. IT  
2 REALLY IS NOT A PROBLEM THAT'S BEEN IDENTIFIED.  
3 THERE'S NO DOCUMENTATION OR EVIDENCE THAT ANY OF OUR  
4 PROGRAMS ARE SOMEHOW BEING ABUSED BY ILLEGAL ALIENS.  
5 AND MEANWHILE THE DOWNSIDE OF THIS IS  
6 THAT IT CREATES ADDITIONAL BURDENS FOR INDIVIDUALS AND  
7 BUSINESSES WHO ARE PARTICIPATING IN THE BOARD'S  
8 PROGRAMS IN TERMS OF HAVING TO GO THROUGH MORE HOOPS  
9 AND EXPENSES -- JUMP THROUGH MORE HOOPS AND SPEND MORE  
10 MONEY TO DEMONSTRATE THEIR CITIZENSHIP.  
11 AND IN ADDITION TO THAT, AS YOU CAN SEE  
12 FROM THE SLIDE, THERE'S, I THINK, A NOT INSIGNIFICANT  
13 AMOUNT OF RATEPAYER DOLLARS BEING EXPENDED TO SOLVE A  
14 PROBLEM THAT HASN'T BEEN DEMONSTRATED TO EXIST.  
15 OTHER THING I WANTED TO POINT OUT, IN  
16 THIS YEAR'S BUDGET ANALYSIS BY THE LEGISLATIVE ANALYST  
17 OFFICE WITH REGARDS TO HOUSING AND COMMUNITY  
18 DEVELOPMENT'S PROPOSAL TO RESPOND TO THIS, THE  
19 LEGISLATIVE ANALYST ESTABLISHED THAT THERE HAS BEEN NO  
20 CLEAR FEDERAL GUIDELINES OR FEDERAL PUSH FOR THE STATE  
21 AGENCIES TO RESPOND THIS WAY AND THAT THIS IS THE  
22 WILSON ADMINISTRATIVE INTERPRETATION, BUT THAT THE  
23 FEDERAL GOVERNMENT HAS NOT BEEN LEANING ON THE STATE  
24 AND RECOMMENDED AGAINST THE BUDGET ITEM, THE HCD, TO  
25 IMPLEMENT THIS BASED ON -- AND BASICALLY RECOMMENDED



1 DENYING APPROVAL OF THE BUDGET REQUEST PENDING FEDERAL  
2 GUIDELINE -- PENDING CLARITY FROM THE FEDERAL  
3 GOVERNMENT THAT THESE STEPS WERE ACTUALLY REQUIRED  
4 ACROSS THE BOARD IN ALL THESE DIFFERENT PROGRAMS. I'M  
5 OPPOSED TO THIS FOR THOSE REASONS.

6 BOARD MEMBER JONES: MR. CHAIRMAN.

7 CHAIRMAN PENNINGTON: MR. JONES.

8 BOARD MEMBER JONES: I WANTED TO ASK ELLIOT A  
9 COUPLE OF QUESTIONS. TAXPAYER I.D. NUMBERS ARE PRETTY  
10 MUCH LIKE SOCIAL SECURITY NUMBERS?

11 MR. BLOCK: FOR INDIVIDUALS AND FOR SOLE  
12 PROPRIETORS IT IS THEIR SOCIAL SECURITY NUMBER.

13 BOARD MEMBER JONES: ANYBODY CAN USE ANYBODY'S  
14 TAXPAYER I.D. NUMBER.

15 MR. BLOCK: IN TERMS OF PUTTING A NUMBER ON A  
16 DOCUMENT, CERTAINLY. IN ORDER TO OBTAIN A SOCIAL  
17 SECURITY NUMBER, I BELIEVE YOU HAVE TO PROVIDE A BIRTH  
18 CERTIFICATE TO THE SOCIAL SECURITY ADMINISTRATION.

19 BOARD MEMBER JONES: IF THEY COME TO OUR BOARD  
20 AND FILE FOR ONE OF THOSE THINGS, THEY FILL OUT THE  
21 LINE THAT SAYS TAXPAYER I.D., THEY PUT A NUMBER IN  
22 THERE, HOW DO YOU VERIFY IT?

23 MR. BLOCK: THE VERIFICATION OF THAT NUMBER  
24 DOESN'T OCCUR UP FRONT, IF YOU WILL. IN OTHER WORDS,  
25 WE'D PROBABLY FIND IT AT THE TIME OF REPORTING TO



1 FEDERAL -- TO THE FTB OR TO THE IRS. THE NUMBER WOULD  
2 MATCH THE NAME.

3 BOARD MEMBER JONES: YEAH, IF IT WAS A VALID  
4 NUMBER, OKAY, YOU WOULD NEVER PICK IT UP.

5 MR. BLOCK: THE NUMBER AND THE NAME WOULD GO  
6 TOGETHER TO THOSE AGENCIES. SO EITHER FTB AND IRS  
7 SHOULD BE THEN TELLING FINANCE THAT TAX I.D. NUMBER FOR  
8 THAT PERSON IS NOT THE ONE THAT --

9 BOARD MEMBER JONES: DIDN'T CORRESPOND BECAUSE  
10 AS A -- WHAT STRUCK ME ABOUT THIS THING WAS IT'S  
11 ABSOLUTELY NO DIFFERENT THAN IF YOU ARE OUT HIRING  
12 ANYBODY. I MEAN ANYBODY THAT'S HAD TO HIRE ANYBODY IN  
13 THE LAST TWO OR THREE YEARS UNDERSTANDS THAT THE BURDEN  
14 IS ALREADY ON BUSINESS. THEY COME IN, YOU HAVE GOT TO  
15 MAKE SURE THAT THEY ARE QUALIFIED. AND THAT IS A  
16 BURDEN OF PEOPLE, ANYBODY APPLYING FOR A JOB. IF I  
17 WENT AND APPLIED FOR A JOB TOMORROW, I WOULD HAVE TO  
18 PROVIDE THE INFORMATION.

19 AND I DON'T -- I DON'T HAVE A PROBLEM  
20 WITH THIS. WHY SHOULD OUR STATE AGENCIES THAT'S  
21 DEALING WITH THESE KINDS OF DOLLARS BE ANY DIFFERENT OR  
22 TREAT THE ISSUE ANY DIFFERENTLY THAN ANY EMPLOYER AT  
23 MCDONALD'S, AT BURGER KING, AT A LOCAL RECYCLING CENTER  
24 THAT HAD TO VERIFY WHETHER OR NOT THIS WAS A QUALIFIED  
25 ALIEN? THERE IS NO DIFFERENCE. ONLY HERE WE'RE



1 DEALING WITH TAXPAYER DOLLARS AND WE'RE DEALING WITH  
2 RATEPAYER DOLLARS AND HANDING THEM OUT, AND ARE THEY  
3 BEING HANDED OUT TO SOMEBODY THAT IS QUALIFIED TO GET  
4 THOSE DOLLARS?  
5 AND I'VE -- AND THE FACT THAT A TAXPAYER  
6 I.D. -- THE REASON I ASKED THE QUESTION WAS I FILLED  
7 THESE FORMS OUT. NOBODY EVER ASKED ME TO SEE A COPY OF  
8 MY TAXPAYER I.D. NUMBER. I COULD HAVE PUT THE WRONG  
9 NUMBER. THERE IS NO VERIFICATION. SO I DON'T THINK IT  
10 IS A REDUNDANT SET OF ISSUES. I THINK THAT, YOU KNOW,  
11 WE NEED TO VERIFY WHERE OUR DOLLARS ARE GOING. THAT'S  
12 WHY I'M GOING TO SUPPORT THIS.

13 CHAIRMAN PENNINGTON: THANK YOU, MR. JONES.  
14 MR. CHESBRO.

15 BOARD MEMBER CHESBRO: I RESPECT MR. JONES'  
16 POINT, BUT ONE THING I'D LIKE TO POINT OUT IS THAT  
17 THERE IS A DIFFERENCE BETWEEN A JOB APPLICANT WHO IS  
18 REQUIRED ON THE SITE WHEN THEY'RE APPLYING FOR THE JOB  
19 TO PROVIDE SOME VERIFICATION OF CITIZENSHIP VERSUS AN  
20 AGENCY THAT'S LOCATED IN SACRAMENTO AND SOMEBODY WHO'S  
21 DEALING WITH US BEING LOCATED IN CRESCENT CITY OR  
22 COLEXICO OR SOME REMOTE LOCATION AT THE CORNER OF THE  
23 STATE AND HAVING TO ADD EXTRA DAYS AND EXTRA FEDERAL  
24 EXPRESS REQUIREMENTS OR WHATEVER ADDITIONAL STEPS ARE  
25 NECESSARY TO GET THE RIGHT DOCUMENT IN THE HANDS OF OUR



1 STAFF TO PROVIDE THE VERIFICATION. AND I THINK THAT  
2 LOGISTICALLY THERE ARE SIGNIFICANT DIFFERENCES; AND IF  
3 THERE WERE A PROBLEM THAT HAD BEEN CLEARLY IDENTIFIED,  
4 THAT THESE KINDS OF STATE PROGRAMS WERE BEING ABUSED BY  
5 ILLEGAL ALIENS, THEN IT WOULD PROBABLY BE WORTH THAT  
6 LEVEL OF ADDITIONAL HASSLE FOR THE BUSINESSES. BUT I  
7 GUESS MY MAIN POINT IS JUST THAT I DON'T KNOW THAT THE  
8 BENEFITS OUTWEIGH THE PROBLEMS.  
9 AND SINCE THE PROBLEM HASN'T REALLY BEEN  
10 IDENTIFIED, SORT OF A BLANKET THING THAT'S BEING DONE  
11 ON ASSUMPTION RATHER THAN ON ANY REAL EVIDENCE THAT  
12 THERE'S A PROBLEM.

13 CHAIRMAN PENNINGTON: I WOULD SAY I WONDER WHY  
14 THE FEDERAL GOVERNMENT FELT IT NECESSARY TO GET  
15 INVOLVED.

16 BOARD MEMBER CHESBRO: I'M NOT ANY MORE HAPPY  
17 ABOUT THAT THAN I AM ABOUT THE STATE TAKING THE STEPS  
18 TO IMPLEMENT THIS. ALTHOUGH I DO THINK THE LEG.  
19 ANALYST'S REPORT DOES POINT OUT THAT THE DEGREE WHICH  
20 THE FEDERAL GOVERNMENT IS PURSUING IT PROBABLY DOESN'T  
21 JUSTIFY THE LEVEL OF STATE AGENCY RESPONSE, THAT THERE  
22 REALLY ISN'T MUCH IN THE WAY OF DIRECT PRESSURE ON THE  
23 STATE AGENCIES OR CLEAR GUIDELINES IN TERMS OF WHAT IT  
24 IS WE'RE SUPPOSED TO DO ABOUT IT. LEG. ANALYST IS  
25 SAYING, WELL, YOU KNOW, WHY MAKE THESE KINDS OF



1 SPECIFIC DECISIONS UNTIL WE HAVE TO.

2 CHAIRMAN PENNINGTON: ANY FURTHER DISCUSSION?

3 IF NOT, I'LL MOVE ADOPTION OF RESOLUTION 98-103.

4 BOARD MEMBER FRAZEE: I'LL SECOND.

5 CHAIRMAN PENNINGTON: IF THERE'S NO FURTHER

6 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

7 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

8 BOARD MEMBER CHESBRO.

9 BOARD MEMBER CHESBRO: NO.

10 THE SECRETARY: EATON.

11 BOARD MEMBER EATON: NO.

12 THE SECRETARY: FRAZEE.

13 BOARD MEMBER FRAZEE: AYE.

14 THE SECRETARY: JONES.

15 BOARD MEMBER JONES: AYE.

16 THE SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: AYE. MOTION FAILS.

18 WE'LL MOVE TO 8, BOARD COMMITTEE

19 ASSIGNMENTS. THIS IS MY ITEM FROM THE ADMINISTRATION

20 COMMITTEE. I THINK YOU ALL HAVE THE LIST.

21 BOARD MEMBER CHESBRO: I ASSUME THE NEW ONE

22 THAT'S BEEN HANDED OUT IS THE SAME.

23 CHAIRMAN PENNINGTON: YES. I'LL READ IT REAL

24 QUICKLY JUST TO MAKE SURE. ADMINISTRATION COMMITTEE, MYSELF AS

25 CHAIR, MR. EATON AND MR. JONES; LEGISLATION



1 AND PUBLIC EDUCATION COMMITTEE, MR. EATON CHAIR, MR.  
2 CHESBRO, MR. FRAZEE; LOCAL ASSISTANCE AND PLANNING, MR.  
3 CHESBRO CHAIR, MR. AMODIO, MR. FRAZEE; MARKET  
4 DEVELOPMENT, JOHN AMODIO CHAIR, MR. CHESBRO, MYSELF;  
5 PERMITTING AND ENFORCEMENT COMMITTEE, MR. FRAZEE CHAIR,  
6 MR. JONES, MR. AMODIO; POLICY, RESEARCH AND TECHNICAL  
7 ASSISTANCE COMMITTEE, MR. JONES CHAIR, MR. EATON AND  
8 MYSELF.

9 IF THERE'S NO DISCUSSION, I'LL MOVE THE  
10 ITEM.

11 BOARD MEMBER EATON: I'LL SECOND.

12 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
13 SECONDED. ANY DISCUSSION? IF NOT, WILL THE SECRETARY  
14 CALL THE ROLL, PLEASE.

15 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

16 BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: AYE.

18 THE SECRETARY: EATON.

19 BOARD MEMBER EATON: AYE.

20 THE SECRETARY: FRAZEE.

21 BOARD MEMBER FRAZEE: AYE.

22 THE SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 THE SECRETARY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.



1 ITEM 9E, CONSIDERATION OF STATE  
2 LEGISLATION, SB 1924, MCPHERSON, HAZARDOUS WASTE, DRY  
3 CELL BATTERIES. GREGSON PORTEOUS.  
4 MR. PORTEOUS: MR. CHAIRMAN AND BOARD MEMBERS,  
5 I'M GREGSON PORTEOUS OF THE LEGISLATION AND EXTERNAL  
6 AFFAIRS UNIT. ONLY ONE BILL LEFT HERE FOR  
7 CONSIDERATION, SB 1924 BY MCPHERSON. THE BILL WOULD  
8 EXCLUDE SPENT DRY CELL BATTERIES CONTAINING ZINC  
9 ELECTRODES FROM REGULATION BY THE DEPARTMENT OF TOXIC  
10 SUBSTANCE CONTROL. AND THE EXCLUSION WOULD BE  
11 PREDICATED ON EITHER THE SPENT DRY CELL BATTERIES BEING  
12 DISPOSED OF IN THE MUNICIPAL SOLID WASTESTREAM OR IF  
13 THE SPENT DRY CELLS ARE ACCUMULATED FOR RECYCLING BY  
14 THE PERSON OBTAINING THE RECYCLING PERMIT WOULD BE  
15 REQUIRED TO DEMONSTRATE THE MATERIAL IS POTENTIALLY  
16 RECYCLABLE AND AT LEAST 75 PERCENT BY WEIGHT OR BY  
17 VOLUME OF THE ACCUMULATED SPENT DRY CELL BATTERIES  
18 WOULD HAVE TO BE RECYCLED OR MOVED TO ANOTHER FACILITY  
19 WITHIN THE YEAR.  
20 AND WE HAVE, AS DAN EATON, THE LPEC  
21 CHAIR, INDICATED IN HIS TESTIMONY, THE MOTION WAS TO --  
22 OR THE POSITION OF THE LPEC COMMITTEE WAS TO GO AHEAD  
23 AND MOVE THIS BILL ON A DEFERRED BASIS TO DEPARTMENT OF  
24 TOXIC SUBSTANCE CONTROL AND THE DEPARTMENT OF WATER  
25 RESOURCES CONTROL.



1 HOWEVER, WE JUST WANT TO RAISE A FEW  
2 ISSUES FOR YOUR CONSIDERATION, AND WE ALSO ADDRESSED  
3 DURING THE LPEC COMMITTEE AND ISSUED A REPORT AND  
4 THOUGHT IT WAS IMPORTANT FOR YOU TO KNOW ABOUT. AS  
5 INDICATED IN EARLIER TESTIMONY, THE DEPARTMENT OF TOXIC  
6 SUBSTANCES CONTROL IS UNDERGOING A RECLASSIFICATION  
7 PROCEDURE RIGHT NOW. AND THIS IS JUST ONE OF A NUMBER  
8 OF BILLS THAT MAY BE COMING OUR WAY. I JUST WANTED TO  
9 POINT THAT OUT, AND THE IMPLICATION IS THAT AS THEY  
10 MOVE TO EXCLUDE DIFFERENT MATERIALS FROM BEING  
11 REGULATED AS TOXIC OR HAZARDOUS WASTE, IT COULD IMPACT,  
12 DEPENDING ON THE AMOUNT OF MATERIALS THAT WOULD BE  
13 DEREGULATED, COULD IMPACT THE ABILITY OF THE LOCAL  
14 COMMUNITIES TO MEET THEIR YEAR 2000 DIVERSION GOALS.  
15 SO JUST RAISE THAT AS ONE ISSUE.  
16 THE OTHER ISSUE THAT WE HAVE, ONE OF THE  
17 OTHER ISSUES IS THE BILL SPEAKS OF THE MUNICIPAL  
18 WASTESTREAM, BUT IT DOESN'T DEFINE IT. MUNICIPAL  
19 WASTESTREAM IS NOT DEFINED EITHER IN STATUTE OR IN  
20 REGULATION. JUST WANTED TO CALL THAT TO YOUR  
21 ATTENTION.  
22 ALSO, THE OTHER ISSUE IS THE BILL WOULD  
23 PERMIT STOCKPILING OF THESE BATTERIES. IF YOU ALLOW  
24 THAT THAT HAPPENS, THEN YOU COULD END UP WITH MULTIPLE  
25 POINT SOURCES WHERE SOME ENTITY WOULD HAVE TO HAVE



1 RESPONSIBILITY TO REGULATE AND MONITOR. THE BILL IS  
2 SILENT ON WHO THAT ENTITY WOULD BE.  
3 THESE ARE THE CONCERNS WE HAVE, JUST  
4 WANTED TO MAKE YOU AWARE OF. WE HAVE TRANSMITTED THESE  
5 CONCERNS TO BOTH THE AUTHOR AS WELL AS THE DEPARTMENT  
6 OF TOXIC SUBSTANCE CONTROL. AND THAT'S ALL I HAVE  
7 UNLESS YOU HAVE ANY QUESTIONS.

8 CHAIRMAN PENNINGTON: QUESTIONS?

9 BOARD MEMBER EATON: NO. I'D JUST LIKE TO  
10 THANK THE BOARD MEMBERS TODAY FOR ALLOWING GREGSON TO  
11 SPEAK ON IT. I JUST WANTED YOU TO BE AWARE OF THE  
12 ISSUE, THAT IT MAY POP UP AGAIN. IT'S JUST RECENTLY  
13 BEEN AMENDED AFTER WE HAD CONSIDERED IT IN OUR  
14 COMMITTEE, AND I THINK IT'S JUST A GOOD THING FOR US TO  
15 WATCH. AND JUST WANTED TO ALERT YOU THAT IF IT DOES  
16 POP UP AGAIN IN THE FUTURE, IT'S NOT BECAUSE WE'VE  
17 TAKEN A POSITION ON IT. IT'S BECAUSE WE WANTED TO HAVE  
18 IT ON THE WATCH LIST. THANK YOU.

19 MR. PORTEOUS: THANK YOU.

20 CHAIRMAN PENNINGTON: THANK YOU. ANY OTHER  
21 QUESTIONS?

22 BOARD MEMBER CHESBRO: ONLY OTHER THING I  
23 WANTED TO MENTION THAT CAME UP IN SORT OF A HUMOROUS  
24 LIGHT IN COMMITTEE RELATIVE TO ANOTHER BILL REGARDING  
25 INCINERATION IS THAT WE'VE GOT TO REMEMBER THAT THAT --



1 THIS IS ACTUALLY SERIOUS -- THE BATTERIES THAT WE'RE  
2 TALKING ABOUT DON'T GET -- IT'S NOT JUST A QUESTION OF  
3 GOING TO LANDFILLS. IT'S ALSO THE QUESTION OF WHETHER  
4 OR NOT THEY'RE GOING TO GO TO INCINERATORS, IN WHICH  
5 CASE THERE IS THE POTENTIAL OF THE ZINC OR OTHER  
6 CONTAMINANTS BEING BROADCAST. AND SO THAT -- AGAIN,  
7 THAT'S NOT NECESSARILY OUR AREA OF PRIMARY  
8 RESPONSIBILITY, BUT THERE IS ANOTHER MILDLY CONCERNING  
9 FACTOR THAT WE NEED TO KEEP IN THE BACK OF OUR MINDS AS  
10 WE MONITOR THIS BILL.

11 CHAIRMAN PENNINGTON: IF THERE'S NO FURTHER  
12 DISCUSSION, I'LL TAKE A MOTION.

13 BOARD MEMBER EATON: MR. CHAIRMAN, I'D MOVE  
14 THAT WE ADOPT THE POSITION TAKEN BY THE COMMITTEE AT  
15 ITS APRIL 14TH MEETING.

16 BOARD MEMBER FRAZEE: SECOND.

17 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
18 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL THE  
19 SECRETARY CALL THE ROLL.

20 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

21 BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 THE SECRETARY: EATON.

24 BOARD MEMBER EATON: AYE.

25 THE SECRETARY: FRAZEE.



1 BOARD MEMBER FRAZEE: AYE.  
2 THE SECRETARY: JONES.  
3 BOARD MEMBER JONES: AYE.  
4 THE SECRETARY: CHAIRMAN PENNINGTON.  
5 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
6 I'D LIKE TO TAKE ABOUT A FIVE-MINUTE  
7 BREAK HERE.  
8 (RECESS TAKEN.)  
9 CHAIRMAN PENNINGTON: GET BACK TO BUSINESS  
10 HERE, FOLKS. OKAY. THE NEXT ITEM UP IS CONSIDERATION  
11 OF RECOMMENDATION FOR CALCULATING THE 1997 AND 1998  
12 PETE AND RPPC ALL-CONTAINER RECYCLING RATES. CAREN  
13 TRGOVCICH, PLEASE.  
14 MS. TRGOVCICH: GOOD MORNING, CHAIRMAN  
15 PENNINGTON AND MEMBERS. AS YOU JUST STATED, THE  
16 PURPOSE OF THIS ITEM IS TO CONSIDER THE METHODOLOGIES  
17 BY WHICH STAFF WOULD THEN PROCEED TO CALCULATE BOTH THE  
18 1997 AND 1998 PET AND ALL-CONTAINER RATES UNDER THE  
19 RPPC PROGRAM, THE RIGID PLASTIC PACKAGING CONTAINER  
20 PROGRAM.  
21 THIS IS A FAIRLY COMPLEX ITEM. THERE ARE  
22 MULTIPLE PARTS TO IT. JOHN NUFFER OF THE DIVISION WILL  
23 BE MAKING THE PRESENTATION, AND HE WILL ENDEAVOR TO TRY  
24 TO KEEP THE TWO DIFFERENT RATES AND MULTIPLE CALENDAR  
25 YEARS SEPARATE FOR YOU. IF AT ANY TIME WE SEEM TO BE



1 OVERLAPPING THE TWO, PLEASE INTERJECT AND WE WILL MOVE  
2 BACK AND TRY TO CLARIFY WHAT'S BEEN SAID.  
3 I WOULD ALSO LIKE TO MAKE SURE THAT  
4 EVERYONE IS CLEAR THAT THE METHODOLOGY RECOMMENDATIONS  
5 ALSO INCLUDE A FUNDING COMPONENT WITH THEM, AND THIS  
6 FUNDING WOULD BE TAKEN OUT OF THE FISCAL YEAR 1998-1999  
7 CONTRACTS AND PROFESSIONAL SERVICES LINE ITEM FOR  
8 PURPOSES OF CALCULATING THE 1997 RATE. SO THIS -- WE  
9 WILL TRY TO KEEP THINGS SEPARATE. PLEASE INTERJECT AS  
10 WE PROCEED IF WE TEND TO MUDDY THE WATERS.

11           CHAIRMAN PENNINGTON: BEFORE JOHN STARTS, I  
12 NEGLECTED TO ASK IF THERE WERE ANY EX PARTE  
13 COMMUNICATIONS ANY BOARD MEMBER NEEDS TO REPORT FROM  
14 THE BREAK. OKAY. THANK YOU.

15 MR. NUFFER: GOOD MORNING, MR. CHAIRMAN, BOARD  
16 MEMBERS. MY NAME IS JOHN NUFFER WITH THE WASTE  
17 PREVENTION AND MARKET DEVELOPMENT DIVISION.  
18 AS CAREN SAID, WE'RE HERE TODAY TO  
19 RECOMMEND METHODS FOR CALCULATING THE '97 AND '98  
20 RECYCLING RATES FOR PET AND ALL RIGID PLASTIC PACKAGING  
21 CONTAINERS OR RPPC FOR SHORT. AS YOU KNOW, THE BOARD  
22 IS ANNUALLY REQUIRED TO PUBLISH A PET RECYCLING RATE  
23 AND AN AGGREGATE FOR ALL-CONTAINER RECYCLING RATE.  
24 EACH RATE HAS A NUMERATOR, WHICH IS THE AMOUNT OF  
25 PLASTICS RECYCLED, AND DENOMINATOR, WHICH IS THE AMOUNT



1 OF PLASTICS GENERATED. THE RATE IS CALCULATED BY  
2 DIVIDING THE AMOUNT RECYCLED BY THE AMOUNT GENERATED.  
3 FIRST, I'LL SUMMARIZE STAFF'S  
4 RECOMMENDATIONS AND THE LOCAL ASSISTANCE AND PLANNING  
5 COMMITTEE RESPONSE. THEN I'LL DISCUSS THE PET AND  
6 ALL-CONTAINER RATES IN MORE DETAIL. AND AT THE END OF  
7 MY PRESENTATION, I'LL SUMMARIZE THE RECOMMENDATION SO  
8 IT IS CLEAR WHAT WE'D LIKE YOU TO CONSIDER.  
9 NO. 1, STAFF RECOMMENDS CALCULATING THE  
10 1997 AND 1998 PET RATES IN THE SAME WAY THAT THE '95  
11 AND '96 RATES WERE CALCULATED EXCEPT THAT RETAIL SALES  
12 FROM THE DEPARTMENT OF COMMERCE WILL NO LONGER BE  
13 AVAILABLE IN COMPUTING THE DENOMINATOR FOR THE AMOUNT  
14 GENERATED. THE COMMITTEE APPROVED THIS RECOMMENDATION  
15 ON APRIL 15TH.  
16 NO. 2, STAFF RECOMMENDS CALCULATING THE  
17 1997 ALL-CONTAINER RATE IN THE SAME WAY THAT THE '96  
18 RATE WAS CALCULATED EXCEPT THAT WE ARE RECOMMENDING A  
19 RECLAIMER SURVEY BE ADDED IN COMPUTING THE NUMERATOR  
20 FOR THE AMOUNT OF PLASTIC RECYCLED. THE COMMITTEE  
21 FORWARDED THIS METHOD TO YOU WITHOUT A RECOMMENDATION.  
22 AND THREE, STAFF RECOMMENDS CALCULATING  
23 THE 1998 ALL-CONTAINER RATE IN THE SAME WAY AS THE '97  
24 RATE EXCEPT THAT A NEW WASTE GENERATION STUDY WILL BE  
25 USED TO COMPUTE THE DENOMINATOR. THE COMMITTEE



1 APPROVED STAFF'S RECOMMENDATION FOR THE DENOMINATOR  
2 WITH DIRECTION TO STAFF THAT THE NEW WASTE  
3 CHARACTERIZATION STUDY ENSURE SEASONAL VARIATION,  
4 MEANING THAT THE STUDY INCLUDE A SPRING AND SUMMER  
5 WASTE SORT. AS BEFORE, THE COMMITTEE DID NOT HAVE A  
6 RECOMMENDATION REGARDING THE METHOD FOR COMPUTING THE  
7 NUMERATOR.  
8 THE STAFF'S RECOMMENDATION FOR EVALUATION  
9 OF 18 ALTERNATIVE METHODS CONDUCTED BY THE BOARD'S  
10 CONTRACTOR, CASCADIA CONSULTING GROUP, AND INTERESTED  
11 PARTIES IN PREPARING CALCULATION OF THE 1996 RATE. I'D  
12 LIKE NOW TO DISCUSS THE STAFF RECOMMENDATION NO. 1 FOR  
13 HOW WE CALCULATE THE PET RECYCLING RATE FOR '97 AND  
14 '98.  
15 THE BOARD ADOPTED A METHODOLOGY FOR  
16 CALCULATING THE PET RATE IN JUNE OF 1995. THE PET  
17 RECYCLING RATE IS BASICALLY THE AMOUNT OF PET  
18 CONTAINERS RECYCLED BY THE AMOUNT OF PET CONTAINERS  
19 SOLD. THE AMOUNT OF PET RECYCLED INCLUDES THE  
20 CALIFORNIA REDEMPTION VALUE OR CRV BEVERAGE CONTAINERS  
21 AND ALL OTHER PET CONTAINERS. CALIFORNIA DEPARTMENT OF  
22 CONSERVATION OR DOC COLLECTS THESE DATA. THE AMOUNT OF  
23 PET CONTAINERS SOLD IS COMPUTED BY ADDING ACTUAL  
24 CALIFORNIA CRV BEVERAGE SALES AND CALIFORNIA'S SHARE OF  
25 ALL OTHER PET SALES. THESE TWO DATA SETS COME FROM DOC



1 AND THE PERIODICAL "MODERN PLASTICS."  
2 IN THE PAST CONCERNING CALIFORNIA'S SHARE  
3 OF NATIONAL CUSTOM BOTTLES, SALES WERE ALL UNDER PET  
4 CONTAINER SALES. NATIONAL SALES WERE PRORATED TO  
5 CALIFORNIA BASED ON CALIFORNIA'S SHARE OF THE U.S.  
6 POPULATION AND RETAIL SALES. POPULATION AND RETAIL  
7 SALES WERE WEIGHTED EQUALLY. THE DEPARTMENT OF  
8 COMMERCE, HOWEVER, IS NO LONGER TRACKING RETAIL SALES  
9 BY STATE. AND AFTER SOME RESEARCH, WE HAVEN'T FOUND  
10 ANY EXPEDIENT OR INEXPENSIVE WAY TO REPLACE THIS DATA.  
11 SO WE'RE RECOMMENDING THAT THE 1997 AND  
12 '98 PET RATES BE CALCULATED IN THE SAME WAY THAT THE  
13 '95 AND '96 RATES WERE CALCULATED WITHOUT INCLUDING  
14 THAT STATEWIDE RETAIL SALES NUMBERS. YET THE '95 AND  
15 '96 RATES HAD BEEN CALCULATED THIS WAY; THAT IS,  
16 WITHOUT THE RETAIL SALES FIGURE. THE PET RECYCLING  
17 RATES FOR BOTH OF THOSE YEARS WOULD HAVE BEEN ABOUT 1  
18 PERCENT LOWER. BECAUSE THE PET RECYCLING RATE IS SO  
19 FAR FROM THE 55 PERCENT STATUTORY MINIMUM, THE  
20 DIFFERENCE OF 1 PERCENT BECOMES INSIGNIFICANT. FOR  
21 1995, THE RATE WOULD HAVE BEEN ABOUT 38 PERCENT RATHER  
22 THAN 39 PERCENT, AND FOR '96, THE RATE WOULD HAVE BEEN  
23 ABOUT 35 PERCENT RATHER THAN 36 PERCENT.  
24 NEXT I'LL DISCUSS RECOMMENDATIONS NO. 2  
25 AND NO. 3 FOR HOW TO CALCULATE THE '97 AND '98



1 ALL-CONTAINER RECYCLING RATES. AS BACKGROUND TO ASSIST  
2 US IN DEVELOPING A COST-EFFECTIVE METHOD FOR  
3 CALCULATING THE 1996 RATE, THE BOARD CONTRACTED WITH  
4 CASCADIA CONSULTING. THE BOARD ALSO CONVENED A GROUP  
5 OF 16 WELL-RESPECTED EXPERTS CALLED INTERESTED PARTIES  
6 WHO REPRESENTED A WIDE SPECTRUM OF INTEREST TO EVALUATE  
7 ALTERNATIVE METHODS AND MAKE RECOMMENDATIONS TO THE  
8 BOARD.

9 BASED ON THIS WORK, THE BOARD ADOPTED A  
10 COST-EFFECTIVE METHOD FOR CALCULATING THE '96 RATE IN  
11 APRIL OF 1997. STAFF THEN CALCULATED AND THE BOARD  
12 ADOPTED A 1996 RATE OF 23.2 PERCENT IN JANUARY 1998.  
13 FOR DEVELOPMENT OF THIS AGENDA ITEM, WE  
14 DID NOT HOLD AN Interested PARTIES MEETING TO DISCUSS  
15 CALCULATION OF THE '97 AND '98 RATES. THIS IS BECAUSE  
16 CASCADIA AND THE INTERESTED PARTIES MET FOR MONTHS AND  
17 EXTENSIVELY ANALYZED AND EVALUATED VIRTUALLY EVERY  
18 POSSIBLE METHOD, NINE FOR THE NUMERATOR AND NINE FOR  
19 THE DENOMINATOR, AND WE ARE RELYING ON THAT WORK IN  
20 MAKING OUR RECOMMENDATIONS TODAY.

21 ALSO, ONLY CALIFORNIANS AGAINST WASTE,  
22 THE AMERICAN PLASTICS COUNCIL, AND MOORE RECYCLING  
23 RESPONDED TO OUR REQUEST FOR ANOTHER MEETING PRIOR TO  
24 THE LOCAL ASSISTANCE AND PLANNING COMMITTEE MEETING FOR  
25 THE PURPOSE OF DRAFTING THE AGENDA ITEM. WE HAVE BEEN



1 IN CONTACT WITH ALL OF THESE GROUPS. APC IS OKAY WITH  
2 OUR RECOMMENDATION TO USE BOTH THE PROCESSOR SURVEY AND  
3 THE RECLAIMER SURVEY IN DETERMINING THE NUMERATOR, AND  
4 MOORE RECYCLING IS OKAY WITH DOING TWO SURVEYS, THE  
5 PROCESSOR SURVEY AND THE RECLAIMER SURVEY. CAW IS  
6 OPPOSED TO ADDING A RECLAIMER SURVEY THAT IS SPONSORED  
7 BY APC OR AMERICAN PLASTICS COUNCIL.  
8 BECAUSE THERE IS DISAGREEMENT ABOUT HOW  
9 MUCH PLASTIC WAS RECYCLED IN 1997, I'D LIKE TO EXPLAIN  
10 STAFF'S RATIONALE FOR RECOMMENDING THE ADDITION OF A  
11 RECLAIMER SURVEY IN COMPUTING THE NUMERATOR. BUT  
12 FIRST, I'D LIKE TO GIVE YOU SOME BACKGROUND. AT THE  
13 RISK OF SIMPLIFYING THE SYSTEM, RPPC'S GENERALLY FLOW  
14 FROM HOUSEHOLDS AND BUSINESSES WHERE FAMILIES AND  
15 BUSINESSES PUT OUT THEIR SODA BOTTLES AND MILK JUGS AND  
16 DETERGENT BOTTLES AT THE CURBSIDE TO PROCESSORS TO  
17 SORT, GRIND, AND BALE THESE CONTAINERS TO RECLAIMERS  
18 WHO WASH, FLAKE, AND PELLETIZE THE PLASTIC FOR USE AS  
19 FEEDSTOCK OR PRODUCT MANUFACTURERS WHO MAKE NEW  
20 PRODUCTS OUT OF PLASTIC, LIKE PLASTIC LUMBER, OR  
21 EXPORTERS WHO SHIP PLASTIC OVERSEAS WITH BROKERS  
22 ASSISTING THEM ALONG THE WAY.  
23 IF WE THINK OF THE SYSTEM AS A STREAM, WE  
24 CAN MEASURE THE VOLUME OF RPPC THAT FLOWS PAST CERTAIN  
25 POINTS IN THE STREAM. WHEN CALCULATING THE 1995 RATE,



1 WE MEASURED AT THREE POINTS ALONG THIS STREAM. WE  
2 MEASURED AT THE CURBSIDE UPSTREAM, WE MEASURED  
3 DOWNSTREAM AT THE PROCESSOR, AND WE MEASURED AT THE  
4 RECLAIMER, MANUFACTURER, AND EXPORTER NEAR THE MOUTH OF  
5 THE STREAM. THE RESULTS OF THESE THREE MEASUREMENTS AT  
6 DIFFERENT POINTS ALONG THE STREAM WERE WITHIN 7 PERCENT  
7 OF ONE ANOTHER, CLOSE ENOUGH THAT THE INTERESTED  
8 PARTIES RECOMMENDED THAT THE BOARD USE EITHER A  
9 PROCESSOR SURVEY OR A RECLAIMER SURVEY FOR 1996. THE  
10 BOARD AGREED AND ADOPTED THE PROCESSOR SURVEY, WHICH  
11 WAS LESS COSTLY BY HALF AND EQUALLY ACCEPTABLE TO THE  
12 INTERESTED PARTIES.  
13 DOC CONDUCTED THE SURVEY FOR THE BOARD  
14 THROUGH AN INTERAGENCY AGREEMENT. APC, HOWEVER,  
15 DISPUTED DOC'S FINDING THAT THE AMOUNT OF HDPE PLASTIC  
16 PROCESSED IN CALIFORNIA DROPPED DURING 1996. APC  
17 ASSERTED THAT THE RECYCLING OF HDPE INCREASED. BECAUSE  
18 OF THIS, STAFF RESEARCHED MARKET PRICE FLUCTUATIONS AND  
19 OTHER DATA FOR 1996 AND INFORMALLY SURVEYED A NUMBER OF  
20 MUNICIPALITIES AND OPERATORS. THE RESULTS OF OUR WORK  
21 MADE US FEEL COMFORTABLE THAT DOC'S FINDINGS WERE  
22 ACCURATE, BUT WE HAD NO BENCHMARK OR REFERENCE POINT  
23 WITH WHICH TO COMPARE THEM.  
24 ALTHOUGH WE TRIED TO FACILITATE AN ACTUAL  
25 COMPARISON OF DOC'S SURVEY OF 1996 WITH THE SURVEY



1 CONDUCTED BY CASCADIA IN 1995, DOC FELT THAT THIS  
2 COMPARISON MIGHT COMPROMISE THE CONFIDENTIALITY OF  
3 THEIR DATA. SO EVEN THOUGH WE WERE ABLE TO EXPLAIN THE  
4 DIFFERENCE TO OUR SATISFACTION, WE WERE NOT ABLE TO  
5 EXPLAIN IT WITH 100 PERCENT CERTAINTY.  
6 BECAUSE OF THIS DIFFERENCE, AND AT THE  
7 REQUEST FROM THE BOARD, THAT WE GET A BETTER  
8 UNDERSTANDING OF THE ENTIRE RECYCLING SYSTEM FOR RIGID  
9 PLASTICS, STAFF RECOMMENDS CONDUCTING A SURVEY OF  
10 PROCESSORS AND A SURVEY OF RECLAIMERS. AS SHOWN IN THE  
11 AGENDA ITEM, THE RECLAIMERS SURVEY METHOD HAD THE  
12 HIGHEST SCORE OF ANY OF THE NUMERATOR METHODS. THIS IS  
13 BECAUSE THE RECLAIMER SURVEY WAS JUDGED TO BE THE MOST  
14 ACCURATE AND DEFENSIBLE BY INTERESTED PARTIES AND  
15 CASCADIA. THERE'S ALSO LESS OPPORTUNITY FOR DOUBLE  
16 COUNTING WITH THE RECLAIMER SURVEY. AND FROM A  
17 SCIENTIFIC STANDPOINT, IT WOULD GIVE US ADDITIONAL  
18 INFORMATION WITH WHICH TO UNDERSTAND THE WHOLE SYSTEM  
19 OF RPPC RECYCLING.  
20 DOC HAS TENTATIVELY AGREED TO CONDUCT THE  
21 PROCESSOR SURVEY FOR US. WE ASKED THEM TO ASSIST AGAIN  
22 AND DETERMINE HOW MANY POUNDS OF PLASTIC WAS RECYCLED  
23 IN 1997 AND THEY AGREED. WE'RE HOPING THAT THIS WILL  
24 ALLOW US TO BEGIN TO CONSISTENTLY COMPARE DATA FROM ONE  
25 YEAR TO THE NEXT AND IDENTIFY TRENDS. WE PROPOSE USING



1 R.W. BECK DATA, WHICH IS THE NATIONAL RECLAIMER SURVEY,  
2 ADJUSTED FOR CALIFORNIA. ALTHOUGH WE ARE EXPLORING  
3 OTHER OPTIONS SUCH AS USING ANOTHER CONSULTANT OR DOC  
4 TO PERFORM THE SURVEY OF RECLAIMERS OR CONDUCTING A  
5 STAFF SURVEY OF RECLAIMERS, THE RESULTS OF BOTH THE  
6 PROCESSOR SURVEY AND THE RECLAIMER SURVEY WOULD THEN BE  
7 COMPARED.  
8 AS YOU MAY RECALL, THE PROCESSOR AND  
9 RECLAIMER SURVEYS FOR '95 PROVIDED VERY SIMILAR  
10 RESULTS. AND ACTUALLY FOR 1995 THE PROCESSOR SURVEY  
11 YIELDED THE HIGHEST RECYCLING RATE AND THE RECLAIMER  
12 SURVEY THE LOWEST. IF THERE IS A DIFFERENCE WHEN WE  
13 CALCULATE THE RATE AND IT IS SIGNIFICANT, IN OTHER  
14 WORDS, IF THE DIFFERENCE MIGHT TAKE THE ALL-CONTAINER  
15 RATE ABOVE OR BELOW THE 25-PERCENT LEVEL, THEN WE WOULD  
16 CALL A MEETING OF INTERESTED PARTIES TO EXPLORE THE  
17 ISSUE WITH AN INFORMATIVE ATMOSPHERE. THE MEETINGS  
18 WOULD BE CALLED TO EXPLORE THE BOARD'S OPTIONS IN  
19 ADOPTING A NUMERATOR. ULTIMATELY IF WE'RE GOING TO BE  
20 CERTIFYING MANUFACTURERS WITH THE POSSIBILITY OF FINES,  
21 WE NEED TO HAVE A BETTER UNDERSTANDING OF THE ENTIRE  
22 SYSTEM. AND WE BELIEVE THAT MEASURING THE FLOW OF  
23 RPPC'S AT MORE THAN ONE POINT ALONG THE STREAM WILL  
24 HELP GIVE US THAT UNDERSTANDING.  
25 AGAIN, WE RECOMMEND ADDING A RECLAIMER



1 SURVEY FOR THE FOLLOWING REASONS: FIRST, THE BOARD AT  
2 ITS JANUARY MEETING DIRECTED STAFF TO LEARN MORE ABOUT  
3 THE OVERALL RECYCLING SYSTEM FOR RIGID PLASTIC  
4 CONTAINERS. ADDING A RECLAIMER SURVEY WILL GIVE US  
5 MORE INFORMATION WITH WHICH TO BETTER UNDERSTAND THE  
6 SYSTEM.  
7 NO. 2, THE RECLAIMER SURVEY WILL ALSO  
8 GIVE US INFORMATION AGAINST WHICH TO COMPARE THE  
9 RESULTS OF THE PROCESSOR SURVEY. DISCUSSING THE  
10 SIMILARITIES AND DIFFERENCES SHOULD ALSO DEEPEN OUR  
11 UNDERSTANDING OF THE SYSTEM AND HOW TO INFLUENCE IT TO  
12 INCREASE THE RECYCLING OF RPPC'S.  
13 THIRD, THE NATIONAL RECLAIMERS SURVEY  
14 METHOD WAS SCORED HIGHEST BY INTERESTED PARTIES AND  
15 CASCADIA IN TERMS OF ACCURACY AND DEFENSIBILITY WHILE  
16 IT WOULD COST MORE THAN THE PROCESSOR SURVEY.  
17 FOUR, IF THE BOARD'S SELECTED  
18 CERTIFICATION PROCESS BECOMES A SUSTAINED EFFORT, IT  
19 WILL BE CRUCIAL TO HAVE AS MUCH INFORMATION AS POSSIBLE  
20 ABOUT THE FLOW OF RPPC'S THROUGH THE RECYCLING SYSTEM.  
21 IN CONCLUSION, THE CHART I HANDED OUT  
22 SHOWS HOW THE RATE WAS CALCULATED FOR '95 AND '96. IT  
23 ALSO SHOWS OUR RECOMMENDATIONS FOR 1997 AND 1998. AS  
24 YOU CAN SEE, WE RECOMMENDED ADDING A SURVEY OF  
25 RECLAIMERS TO DETERMINE THE AMOUNT OF RECYCLED PLASTICS



1 FOR THE '97 NUMERATOR. FOR '98 WE RECOMMEND USING A  
2 SURVEY OF RECLAIMERS AND PROCESSORS TO DETERMINE THE  
3 AMOUNT OF PLASTICS RECYCLED FOR THE NUMERATOR, AND WE  
4 RECOMMEND USING THE BOARD'S NEW WASTE GENERATION STUDY  
5 FOR THE DENOMINATOR.  
6 THE COMMITTEE ADOPTED STAFF'S  
7 RECOMMENDATIONS WITHOUT PROVIDING ANY DIRECTION TO THE  
8 BOARD ABOUT ADDING A RECLAIMER SURVEY. THE COMMITTEE  
9 ALSO WANTED THE BOARD'S UPCOMING WASTE GENERATION STUDY  
10 TO INCLUDE SPRING AND SUMMER SORTS. COST FOR THE '97  
11 WORK IS ESTIMATED TO BE BETWEEN 59,000 AND 64,000. THE  
12 SURVEY OF PROCESSORS WILL COST ABOUT \$25,000. WE  
13 ESTIMATE THE RECLAIMERS SURVEY WILL COST ABOUT 35,000,  
14 AND THE DENOMINATOR WORK SHOULD COST ABOUT 4,000.  
15 FOR 1998 THAT COST WOULD INCREASE BASED  
16 ON OUR SHARE OF THE WASTE CHARACTERIZATION BUDGET. I  
17 ASK THAT YOU CONSIDER RESOLUTION 98-132, AND THAT  
18 REFERS TO THE LOCAL ASSISTANCE AND PLANNING COMMITTEE  
19 AGENDA ITEM NO. 20, AND BASICALLY THOSE ARE STAFF  
20 RECOMMENDATIONS WHICH ARE LISTED ON PAGE 3 OF YOUR  
21 AGENDA PACKET, PAGE 25-3. THOSE WERE THE  
22 RECOMMENDATIONS THAT WERE IN THAT PLANNING COMMITTEE  
23 AGENDA ITEM NO. 20. AND THOSE ARE, NO. 1, CALCULATING  
24 THE PETE RATE FOR '97 AND '98 IN THE SAME WAY THAT THE  
25 '95 AND '96 RATES WERE CALCULATED WITHOUT USING RETAIL



1 SALES DATA. NO. 2, ADDING A RECLAIMER SURVEY IN  
2 CALCULATING THE 1997 RATE, AND FOR 1998 ADDING A  
3 RECLAIMER SURVEY AND A NEW WASTE CHARACTERIZATION  
4 STUDY.  
5 THE PLANNING COMMITTEE APPROVED THE  
6 METHOD FOR CALCULATING THE '97 AND '98 PET RATES AND  
7 USING THE NEW WASTE CHARACTERIZATION STUDY FOR THE '98  
8 ALL-CONTAINER RATE. THE COMMITTEE, HOWEVER, DID NOT  
9 AGREE -- DID NOT HAVE A RECOMMENDATION REGARDING THE  
10 RECLAIMER SURVEY. THAT CONCLUDES MY PRESENTATION. I'D  
11 BE HAPPY TO ANSWER QUESTIONS.  
12 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?  
13 BOARD MEMBER EATON: YES, I HAVE A COUPLE OF  
14 QUESTIONS, THEN I'LL PROBABLY HAVE SOME MORE  
15 QUESTIONS. I JUST WANT TO BE CLEAR.  
16 STAFF IS RECOMMENDING A SURVEY, AN  
17 ALL-CONTAINER SURVEY, ALL-CONTAINER RATE, NUMERATOR OF  
18 PROCESSORS PLUS RECLAIMER. PROCESSOR TO BE DONE BY  
19 DEPARTMENT OF CONSERVATION.  
20 MR. NUFFER: YES.  
21 BOARD MEMBER EATON: RECLAIMER TO BE DONE BY  
22 R. W. BECK.  
23 MR. NUFFER: THAT WOULD BE OUR FIRST CHOICE.  
24 BOARD MEMBER EATON: SECOND QUESTION, AND I'LL  
25 GET BACK, WITH REGARD TO THE DENOMINATOR IN THE 1998



1 ALL-CONTAINER RATE WASTE CHARACTERIZATION STUDY,  
2 COMPLETION DATE OF THAT STUDY, WHEN WOULD THAT BE?  
3 MR. NUFFER: IF THEY INCLUDE A SPRING AND  
4 SUMMER SORT, IT WOULD BE IN '99.

5 BOARD MEMBER EATON: THAT'S ALL I HAVE AT THIS  
6 TIME, BUT I WILL HAVE SOME OTHER QUESTIONS.

7 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS  
8 BEFORE WE TAKE MEMBERS FROM THE AUDIENCE?

9 BOARD MEMBER FRAZEE: YES, MR. CHAIRMAN. YOU  
10 INDICATED THAT ON THE RECLAIMERS SURVEY, THE PREFERENCE  
11 IS TO GO WITH R. W. BECK, BUT I THINK I UNDERSTOOD YOU  
12 TO SAY THAT THERE WAS AN ALTERNATIVE GOING WITH DOC ON  
13 THAT. IS THAT VERIFIED OR --

14 MR. NUFFER: WE'VE BEEN EXPLORING OTHER  
15 OPTIONS IN CASE THE BOARD DECIDED NOT TO USE THE R. W.  
16 BECK AND APC NATIONAL RECLAIMER SURVEY.

17 MS. TRGOVCICH: MAYBE JUST TO PROVIDE A LITTLE  
18 MORE INFORMATION AS WELL. WE ARE -- IN THE OPTIONS  
19 THAT WE ARE LOOKING AT WITH RESPECT TO DOC, I'VE  
20 DISCUSSED THAT AS AN OPTION, AND WE'RE LOOKING AT IT.  
21 ONE ISSUE THAT HAS COME UP IS SINCE WE ARE LOOKING AT  
22 DOC TO CONDUCT THE PROCESSOR SURVEY, WHICH THEY HAVE  
23 AGREED TO, WHICH IS THE METHODOLOGY ITSELF, A QUESTION  
24 IN THEIR MIND HAS BEEN RAISED AND A QUESTION IN OUR  
25 MINDS HAS BEEN RAISED. IS THERE A POTENTIAL CONFLICT



1 BY HAVING THEM TO CONDUCT THE SURVEY TO PREPARE THE  
2 BENCHMARK THAT WOULD THEN BE USED TO COMPARE THE  
3 RESULTS FROM THE PROCESSOR SURVEY?  
4 IF WHAT YOU'RE LOOKING AT IS TO LOOK AT,  
5 ONE, COMPARISON JUST GENERALLY; TWO, ACCURACY; THREE,  
6 METHODOLOGY AND APPROACH, AN ISSUE HAS JUST BEEN RAISED  
7 AROUND IS THERE THE POTENTIAL FOR A CONFLICT THERE.  
8 AND THAT'S SOMETHING THAT DOC IS LOOKING AT AS WELL AS  
9 US.  
10 AS FAR AS THE R. W. BECK INFORMATION IS  
11 CONCERNED, WE'VE CONTACTED SOME OF THE RECLAIMERS, AND  
12 THERE HAS BEEN SOME QUESTIONS RAISED. AND WE WOULD  
13 NEED TO LOOK AT THE METHODOLOGY THAT R. W. BECK USES TO  
14 BE ABLE TO COME UP WITH THAT NUMBER. IT IS OUR  
15 UNDERSTANDING THAT IN 1996 THAT THEY BEGAN PRECLUDING  
16 THE CALCULATION OR FACTORING IN OF WHAT IS REFERRED TO  
17 AS YIELD LOSS, WHAT ACTUALLY COMES IN THE DOOR IN THE  
18 FORM OF THE BALES THAT DOESN'T MAKE IT OUT INTO  
19 FINISHED PRODUCT, AND THAT IS CURRENTLY FACTORED INTO  
20 THE BOARD'S RATE CALCULATION. SO WE WOULD NEED TO LOOK  
21 AT THAT AND DETERMINE WHETHER OR NOT WE CAN ADDRESS  
22 THAT ISSUE BECAUSE THAT WOULD BE VERY IMPORTANT FROM  
23 THE RECLAIMERS PERSPECTIVE.  
24 NOW, WE ARE ALSO LOOKING AT THE  
25 POSSIBILITY OF STAFF ACTUALLY DOING THE SURVEY AS



1 WELL.

2 BOARD MEMBER FRAZEE: THE -- YOU'VE INDICATED  
3 THAT R. W. BECK IS THE PREFERRED CONSULTANT FOR THIS.  
4 ARE THERE OTHER CONSULTANTS IN THAT AREA, AND WHAT'S  
5 THE RELATIONSHIP BETWEEN CASCADIA AND R. W. BECK?

6 MS. TRGOVCICH: I CANNOT SPEAK FOR THE  
7 RELATIONSHIP AT THIS POINT IN TIME BETWEEN CASCADIA AND  
8 R. W. BECK. ANOTHER OPTION THAT WE ARE LOOKING AT AS  
9 WELL IS PUTTING THIS OUT TO BID, AND IT MAY BE THAT  
10 CASCADIA, WHO WAS THE BOARD'S CONSULTANT IN CALCULATION  
11 OF THE 1996 RATE, MAY RESPOND IN TERMS OF PERFORMING  
12 THE RECLAIMER SURVEY AS WELL. SO THERE'S A VARIETY OF  
13 OPTIONS THAT WE ARE LOOKING AT AT THIS TIME.  
14 OUR REQUEST IS THAT THE BOARD CONSIDER  
15 AND APPROVE THE PREPARATION OF A RECLAIMER SURVEY TO  
16 USE AS A BENCHMARK AND THAT WE WOULD EXPLORE AND  
17 CONTACT THE INTERESTED PARTIES TO ARRIVE AT THE  
18 PREFERRED APPROACH. FOR EXAMPLE, WE WOULD -- IN R. W.  
19 BECK'S INFORMATION, ONE OF THE THINGS WE WANT TO MAKE  
20 SURE OF IS DO ALL RECLAIMERS FEED INTO THAT? DO THEY  
21 ACTUALLY ALL RESPOND? WE WANT TO LOOK AT THE YIELD  
22 LOSS INFORMATION. AS FAR AS STAFF IS CONCERNED, WE  
23 WANT TO ASK THE QUESTION: WILL YOU RESPOND TO US? CAN  
24 THE EXTENT TO WHICH WE CAN MAINTAIN CONFIDENTIALITY  
25 AROUND THIS DATA MEET YOUR NEEDS? WE WOULD WANT TO ASK



1 THE SAME QUESTION OF DOC.

2 CHAIRMAN PENNINGTON: MR. CHESBRO.

3 BOARD MEMBER CHESBRO: I'M A LITTLE MYSTIFIED  
4 BY THE IDEA OF CONFLICT THAT DOC -- DOESN'T THE IDEA OF  
5 CONFLICT IMPLY THAT THERE'S SOME KIND OF INTEREST IN  
6 THE OUTCOME, POTENTIAL INTEREST?

7 MS. TRGOVCICH: THAT'S ONE WAY OF LOOKING AT  
8 IT. ANOTHER WAY TO LOOK AT IT AS WELL IS ARE YOU JUST  
9 LOOKING AT DOING A CHECK ON THE BASIC APPROACH THAT WAS  
10 TAKEN. SO NOT AT ALL ASSUMING THAT THERE'S A CONFLICT  
11 OF INTEREST IN THE OUTCOME, BUT A CHECK ON THE BASIC  
12 APPROACH THAT WAS TAKEN BY THE ENTITY PERFORMING THE  
13 ACTUAL NUMERATOR CALCULATION. THAT'S THE ISSUE THAT'S  
14 BEEN RAISED.

15 BOARD MEMBER CHESBRO: JUST TO DRAW A PARALLEL  
16 OR HYPOTHETICAL, IF YOU HAD A PROFESSOR OR A UNIVERSITY  
17 DOING SOME RESEARCH ON DIFFERENT DATA SOURCES AND  
18 COMPARE THAT, YOU WOULDN'T SAY THAT A DIFFERENT  
19 PROFESSOR AT A DIFFERENT UNIVERSITY HAD TO GATHER THE  
20 DATA IN ORDER TO REDUCE CONFLICT.

21 MS. TRGOVCICH: NO, BUT I THINK WITHIN DOC,  
22 THE -- IT'S ONLY A SINGLE UNIT THAT WOULD BE PERFORMING  
23 THIS WORK AND THAT'S THEIR CONCERN.

24 CHAIRMAN PENNINGTON: OKAY. FROM THE AUDIENCE  
25 WE'D LIKE TO HEAR FROM MR. GEORGE LARSON.



1 MR. LARSON: THANK YOU, MR. CHAIRMAN, MEMBERS.  
2 GEORGE LARSON REPRESENTING AMERICAN PLASTICS COUNCIL.  
3 I WON'T GO INTO THE MINUTIAE OF DETAIL, BUT REITERATE A  
4 FEW POINTS THAT YOUR STAFF HIGHLIGHTED, THAT IN 1995  
5 THE CONCEPT OF PROVIDING BENCHMARKS FOR MEASUREMENT  
6 SEEMED TO BE THE PREVAILING OR UNDERLYING INSURANCE  
7 POLICY, AS IT WERE, THAT INFORMATION GATHERED AT THE  
8 COLLECTION POINT, AT THE PROCESSING POINT, AND AT THE  
9 RECLAIMER POINT COULD BE COMPARED. AND OBVIOUSLY NOT  
10 KNOWING WHAT THAT PROCESS WOULD RESULT IN AT THE  
11 OUTSET, I BELIEVE THE INTERESTED PARTIES AND THE  
12 RECYCLING RATE ADVISORY COMMITTEE, AS IT WAS CALLED  
13 THEN, WERE ALL QUITE PLEASED THAT IT LEGITIMIZED THE  
14 EFFORTS THAT THEY AS INDIVIDUALS AND THAT CASCADIA HAD  
15 UNDERTAKEN IN CONDUCTING THAT SURVEY.  
16 ON THE, I GUESS, PARALLEL OF IMPORTANCE  
17 IS THE FACTOR OF COST. AMERICAN PLASTICS COUNCIL SPENT  
18 \$400,000 CONDUCTING THAT SURVEY USING CASCADIA. WE  
19 RECOGNIZE THAT COST IS A VERY CRITICAL CONSIDERATION AS  
20 THE BOARD ALLOCATES SCARCE RESOURCES ACROSS A LOT OF  
21 PRIORITIES. THIS PROVIDES FOR ME A SEGUE INTO WHAT I  
22 THINK IS ANOTHER COMPELLING REASON IN THE 1997  
23 CALCULATION RATE TO CONSIDER THE UTILIZATION OF  
24 INFORMATION THAT'S DERIVED FROM THE SURVEY OF  
25 RECLAIMERS THAT IS CONDUCTED BY R. W. BECK IN THE FACT



1 THAT THAT SURVEY IS UNDER WAY, IT IS BEING FUNDED  
2 THROUGH THE AMERICAN PLASTICS COUNCIL, R. W. BECK IS  
3 ABLE TO MAINTAIN THE PROPRIETARY INFORMATION FROM THOSE  
4 WHO CONTRIBUTE TO THEIR DATA. AND WE HAVE MADE THE  
5 OFFER, I'M HERE TO REITERATE, THAT THE INFORMATION  
6 GATHERED THROUGH THE RECLAIMER SURVEY BY R. W. BECK IS  
7 OFFERED TO THE BOARD AT NO COST. WE WILL PROVIDE THE  
8 CALIFORNIA SPECIFIC INFORMATION. IT WILL BE PROVIDED  
9 BY R. W. BECK TO YOUR STAFF, NOT THROUGH THE AMERICAN  
10 PLASTICS COUNCIL. YOU CAN UTILIZE THE INFORMATION IN  
11 ANY MANNER.  
12 I KNOW THERE ARE A LOT OF QUESTIONS TO BE  
13 ANSWERED IN THE PROCESS AS WE GO FORWARD, AND HOPEFULLY  
14 THAT WILL BE A PROCESS THAT WILL INVOLVE INTERESTED  
15 PARTIES. THE SURVEY OF PROCESSORS LAST YEAR, I WON'T  
16 GO INTO THE DETAILS, BUT AS WAS NOTED IN THE STAFF  
17 PRESENTATION, THERE'S SERIOUS QUESTION IN OUR MINDS AS  
18 TO THE COMPLETENESS OF THE INFORMATION THAT WAS  
19 GATHERED REGARDING HDPE PLASTICS RECYCLING.  
20 TO ADDRESS THAT, WE BELIEVE THAT HAVING A  
21 BENCHMARK, WHICH WAS THE MOST CRITICAL FACTOR IN THE  
22 1995 EFFORT, WILL PROVIDE TOOLS NECESSARY FOR THE BOARD  
23 TO BE ABLE TO VALIDATE THE INFORMATION AND THE OUTCOME  
24 OF THAT PROCESS. THE RECLAIMERS REALLY ARE THE END OF  
25 THE PIKE. IT WAS STATED THAT THE PROCESSORS AND



1 RECLAIMERS WERE BOTH RECOMMENDED BY THE INTERESTED  
2 PARTIES. HOWEVER, TO CLARIFY COMMENTS MADE DURING  
3 THOSE MEETINGS, IT WAS INDICATED BOTH BY THE  
4 REPRESENTATIVE FROM THE CALIFORNIANS AGAINST WASTE AND  
5 BY THE REPRESENTATIVE FROM AMERICAN PLASTICS COUNCIL  
6 THAT THE RECLAIMERS WOULD PROVIDE THE MOST ACCURATE AS  
7 THEY ARE THE END OF THE PIKE. THE INFORMATION THAT IS  
8 GENERATED OUT OF STUDIES PERFORMED BY R. W. BECK ARE  
9 ENDORSED BY AND PARTICIPATED IN THE OUTCOME BY THE  
10 ASSOCIATION OF RECYCLED PLASTIC RESIN MANUFACTURERS, SO  
11 I THINK THERE'S SOME UNANIMITY IN THE FACT THAT THE  
12 RECLAIMERS ARE A VERY ACCURATE BENCHMARK THAT WILL  
13 ASSIST IN PROVIDING A MEASUREMENT AGAINST THE PROCESSOR  
14 SURVEY, WHICH IS ALSO RECOMMENDED BY STAFF. WITH THAT,  
15 I'D BE GLAD TO ANSWER ANY QUESTIONS.

16 CHAIRMAN PENNINGTON: QUESTIONS OF MR.  
17 LARSON? THANK YOU, MR. LARSON. MR. JONES.

18 BOARD MEMBER JONES: I THINK THAT -- YOU KNOW,  
19 I DON'T REALLY HAVE ANY PROBLEM WITH EITHER USING BOARD  
20 STAFF OR DOC JUST TO HAVE THAT SECONDARY ONE. AND THEN  
21 THEY CAN COMPARE IT AGAINST R. W. BECK IF THEY WANT.

22 BOARD MEMBER EATON: YOU WOULD PROBABLY AGREE  
23 THAT IF THAT WERE THE CASE, THAT WE'D PROBABLY SEE  
24 R. W. BECK'S FIGURES FOR FREE ANYWAY.

25 BOARD MEMBER JONES: EXACTLY. THAT'S WHAT I'M



1 SAYING. AND I THINK THE LAST TIME WE HAD THE  
2 DISCUSSION, THERE WAS A DISCREPANCY BETWEEN APC'S  
3 NUMBERS AND WHAT DOC GOT. SO I LIKE THE IDEA OF USING  
4 OUR STAFF. I THINK THERE'S ONLY 38 OR 41 RECLAIMERS.  
5 I MEAN I THINK THIS CAN BE DONE, YOU KNOW, EITHER BY  
6 STAFF OR BY DOC.  
7 I THINK, THOUGH, THAT WE NEED TO -- YOU  
8 KNOW, ONE OF THE DISCUSSIONS WE HAD IN JANUARY, WHEN WE  
9 ADOPTED THE RATE, WAS, YOU KNOW, SOME THINGS I SAID  
10 ABOUT WHERE -- YOU KNOW, THERE'S FIVE ELEMENTS IN HOW  
11 IT GETS FROM THE CURB OR FROM THE GENERATOR'S HOME TO  
12 AN END USE. AND I THINK THAT THIS IS GOING TO SHOW US  
13 THE STARK REALIZATION THAT PEOPLE ARE COLLECTING IT AND  
14 IT'S NOT GETTING TO END USES. THAT'S HOW I THINK THIS  
15 NUMBER IS GOING TO COME OUT.  
16 THE OTHER THING I'D LIKE TO TIE THAT TO,  
17 AND I THINK IT'S IMPORTANT FOR THE FUTURE, IS THAT OUR  
18 RMDZ STAFF, OUR LOAN STAFF, WAS DOWN AT AN AGRI-  
19 CULTURAL - - DOWN IN FRESNO OR DOWN IN L.A. AT AN AG  
20 CONFERENCE, AND THEY WENT OUT LOOKING AT IRRIGATION  
21 PIPE MANUFACTURERS, TALKING TO THEM ABOUT THE POTENTIAL  
22 OF USING RECYCLED MATERIAL TO MAKE PIPE. EVERY  
23 MANUFACTURER THEY TALKED TO OF THAT PIPE SAID IT WON'T  
24 WORK. NOW, I DON'T KNOW WHERE THEY GOT THAT  
25 INFORMATION. I DON'T KNOW WHERE THEY GOT THAT STUFF,



1 BUT IF IT'S FROM THE VIRGIN PLASTIC PEOPLE THAT ARE  
2 SAYING YOU CAN COLLECT ALL YOU WANT, IT CAN'T BE USED,  
3 THEN THEY ARE FALLING DOWN EVEN MORE DRAMATICALLY THAN  
4 I THOUGHT THEY WERE.  
5 SO I DON'T HAVE ANY PROBLEM WITH HAVING  
6 THESE BECAUSE I THINK IT IS GOING TO BE PROOF POSITIVE  
7 THAT THE CITIZENS, THE HAULERS, THE PROCESSORS ARE  
8 DOING THEIR JOBS. IT'S NOT GETTING TO END MARKETS.  
9 AND WHY? BECAUSE IT'S BEING FORCED OUT BY LOWER VIRGIN  
10 PRICES THAT KEEP IT OUT OF THOSE END USES. AND THEN WE  
11 CAN COMPARE TO R. W. BECK, SEE WHAT THAT NUMBER IS.  
12 BOARD MEMBER CHESBRO: MR. CHAIRMAN.  
13 CHAIRMAN PENNINGTON: MR. CHESBRO.  
14 BOARD MEMBER CHESBRO: YES. TO REITERATE WHAT  
15 HAPPENED AT THE COMMITTEE, MR. FRAZEE AND I AGREED  
16 ABOUT THE PETE RATE AND WE ALSO AGREED ABOUT THE  
17 DENOMINATOR, DEVELOPMENT OF THE DENOMINATOR. WE WERE  
18 UNABLE TO MAKE A RECOMMENDATION AT THAT TIME WITH  
19 REGARDS TO THE NUMERATOR, AND WHAT WE WERE IN  
20 DISAGREEMENT ABOUT WAS THE STAFF RECOMMENDATION TO BOTH  
21 SURVEY THE PROCESSORS AND RECLAIMERS. AND I CONTINUE  
22 TO HAVE SOME SIGNIFICANT PROBLEMS WITH DOING BOTH, BUT  
23 I WON'T GO INTO THOSE ARGUMENTS TODAY BECAUSE IF WE ARE  
24 ABLE TO MOVE THE SURVEYS AWAY FROM THE CONTRACTORS THAT  
25 HAVE BEEN MENTIONED AND INTO EITHER DOC OR THE BOARD



1 STAFF, THEN I'LL DROP MY OBJECTION TO DOING BOTH  
2 SURVEYS. AND I THINK THAT, HOPEFULLY, THAT CAN MOVE US  
3 FORWARD.  
4 AND PART OF MY CONCERN IS I WAS WORRIED  
5 ABOUT A THREE-TWO VOTE HERE AND US NOT GETTING GOING ON  
6 THIS STUFF. AND I THINK CLEARLY FROM A REGULATORY  
7 STANDPOINT, WE HAVE TO TRY TO FIND A RESOLUTION, AND I  
8 APPRECIATE MR. JONES' SUGGESTION THAT WE LOOK AT DOING  
9 IT EITHER WITH BOARD STAFF OR THE DOC STAFF.  
10 ONE OTHER AREA THAT I THINK NEEDS TO  
11 BE -- THAT REMAINS OF CONCERN IS THE QUESTION OF TRYING  
12 TO GET AN ALL SEASON SORT OR AS CLOSE TO IT AS POSSIBLE  
13 ON THE WASTE CHARACTERIZATION STUDY IN ORDER TO MAKE  
14 SURE IT REFLECTS THE SEASONAL VARIATIONS. AND ONE  
15 METHOD THAT HAS OCCURRED TO ME TO HELP ACHIEVE THAT,  
16 ALTHOUGH I THINK IT WOULD BEND OUR NORMAL PROCEDURES A  
17 LITTLE BIT, WOULD BE TO DIRECT STAFF TO GO AHEAD AND  
18 DEVELOP AND ISSUE A WASTE CHARACTERIZATION STUDY RFP  
19 WITH A QUALIFICATION THAT IT'S PENDING FUNDING APPROVAL  
20 SO THAT WE COULD HAVE THAT OUT THERE AND BE READY TO  
21 MOVE AS SOON AS THE FUNDING BECOMES AVAILABLE IN ORDER  
22 TO SPEED IT UP IN THE HOPES THAT WE MIGHT BE ABLE TO  
23 GET A SUMMER SORT THIS SUMMER OR CLOSER TO THE SUMMER  
24 OR SOMETHING. SO THAT WOULD BE AN ADDITIONAL  
25 SUGGESTION I WOULD LIKE TO SEE INCORPORATED INTO OUR



1 ACTION TODAY.

2 MS. TRGOVCICH: MAYBE JUST TO FOLLOW UP ON  
3 THAT, MEMBER CHESBRO. I BELIEVE THAT STAFF ARE  
4 CURRENTLY WORKING ON A SCOPE OF WORK WITH THE INTENT TO  
5 RELEASE THAT SCOPE OF WORK ONCE THE COMMITTEE AND BOARD  
6 APPROVAL ON THE CONCEPT CAME IN MAY. SO THAT THE SCOPE  
7 OF WORK WOULD ACTUALLY BE ON THE STREET PRIOR TO  
8 SIGNATURE OF THE BUDGET ACT. AND JUDY WILL HAVE MORE  
9 TO ADD TO THAT.

10 MS. FRIEDMAN: AND JUST TO CONFIRM WHAT CAREN  
11 IS SAYING, WE'RE WORKING ON THE SCOPE OF WORK RIGHT NOW  
12 TRYING TO ISSUE IT IN CONJUNCTION WITH CAREN. AND AS  
13 SOON AS THE BOARD ACTION IN MAY OCCURS, WE'RE HOPING TO  
14 BE ABLE TO HIT THE STREET.

15 BOARD MEMBER CHESBRO: I'M READY TO MAKE A  
16 MOTION UNLESS THERE'S QUESTIONS.

17 BOARD MEMBER FRAZEE: I DID HAVE A QUESTION OF  
18 STAFF. IF WE CONDUCT BOTH OF THESE SURVEYS, PROCESSORS  
19 AND RECLAIMERS, HOW WILL THAT INFORMATION BE USED?  
20 WILL IT BE EQUAL WEIGHTING, JUST AN AVERAGING OF THOSE  
21 TWO NUMBERS?

22 MS. TRGOVCICH: WE ARE NOT PROPOSING TO MODIFY  
23 THE METHODOLOGY, SO THE METHODOLOGY FOR CALCULATING THE  
24 ALL-CONTAINER RATE WOULD REMAIN THE SAME WITH THE  
25 PROCESSOR SURVEY SERVING AS THE NUMERATOR, AND THE



1 RECLAIMER SURVEY WOULD SERVE AS, THEN, A BENCHMARK. SO  
2 IF THE NUMBER FROM THE RECLAIMER SURVEY CAME BACK AND  
3 IT WAS SIGNIFICANTLY DIFFERENT THAN THE PROCESSOR  
4 SURVEY NUMBER, THEN WE WOULD PROCEED WITH THE  
5 RECOMMENDATIONS THAT JOHN MADE IN THE STAFF  
6 PRESENTATION, TO CONVENE THE INTERESTED PARTIES TO  
7 UNDERSTAND AND EVALUATE WHERE THAT DIFFERENCE CAME  
8 FROM. FOR EXAMPLE, THAT DIFFERENCE COULD COME FROM  
9 IMPORTS. THAT'S JUST A POSSIBILITY. WE KNOW THAT  
10 RECLAIMERS, THE FEW RECLAIMERS HERE IN CALIFORNIA, WE  
11 KNOW THAT AT LEAST ONE OF THEM BRINGS MATERIAL IN FROM  
12 OUT OF STATE. SO THERE ARE A NUMBER OF REASONS. IT  
13 COULD POTENTIALLY BE DUE TO THE YIELD LOSS. THERE'S A  
14 NUMBER OF THINGS THAT COULD AFFECT IT, SO WE ARE NOT  
15 PROPOSING A CHANGE IN THE METHODOLOGY. WE WILL NOT BE  
16 AVERAGING THE TWO. IT IS NOT AN AVERAGE.  
17 AND MAYBE BASED UPON MEMBER CHESBRO'S  
18 SUGGESTION IT EITHER BE BOARD STAFF OR DOC, IF THERE IS  
19 ANY ISSUE THAT DOC RAISES, IF THEY SAY THEY DO NOT WANT  
20 TO PROCEED TO DO BOTH, OR IF WE FIND THAT IN OUR  
21 INITIAL CONTACT WITH RECLAIMERS THAT THEY DO NOT WANT  
22 TO PROVIDE US WITH THE INFORMATION BECAUSE OF THE  
23 CONFIDENTIALITY ISSUE, WE WILL REPORT BACK IMMEDIATELY  
24 TO PLANNING COMMITTEE TO APPRISE YOU OF THAT.  
25 BOARD MEMBER FRAZEE: THEN I THINK THE WAY THE



1 ITEM WAS PRESENTED, THE ACTION THAT WAS RECOMMENDED  
2 HERE WAS FOR US TO TAKE THIS ACTION, BUT LEAVE THAT  
3 DETERMINATION OF WHO THE RECLAIMERS SURVEYOR WAS GOING  
4 TO BE. AND I THINK THERE'S PROBABLY A CONSENSUS HERE  
5 THAT WE GO WITH STAFF OR DOC. AND I DON'T KNOW WHY WE  
6 CAN'T TAKE THAT STEP AT THE SAME TIME. IT'S MY  
7 PREFERENCE, AND THIS IS WITHOUT CONSULTING WITH STAFF,  
8 BUT I THINK, AS MR. JONES MENTIONED, THERE ARE 38  
9 RECLAIMERS. I THINK THAT'S A PROJECT THAT COULD BE  
10 HANDLED IN-HOUSE.

11 MS. TRGOVCICH: THE ISSUE THAT WAS RAISED WHEN  
12 THE INTERESTED PARTIES FIRST EVALUATED THIS, IT WASN'T  
13 SO MUCH THE NUMBER, BUT IT WAS HOW CAN WE MAINTAIN  
14 CONFIDENTIALITY OF THE INFORMATION. SO THAT'S  
15 SOMETHING WE'LL NEED TO EXPLORE WITH THE RECLAIMERS.

16 BOARD MEMBER EATON: I JUST HAVE A COUPLE OF  
17 QUESTIONS THAT I WANT TO GO BACK ON THE DENOMINATOR.  
18 KNOW IN MAY THE SCOPE OF WORK WAS BROUGHT FORWARD.  
19 COULD SOMEONE HELP ME, SINCE I'M NEW, AS TO THE PROCESS  
20 THEREAFTER? WHAT WOULD BE DONE? THE RFP WOULD BE  
21 ISSUED.

22 MS. TRGOVCICH: WHAT WE'RE LOOKING AT RIGHT  
23 NOW IS PUTTING THE SCOPE OF WORK ON THE STREET AFTER  
24 APPROVAL OF THE CONCEPT BY THE BOARD. THAT WOULD BE ON  
25 THE STREET FOR A FOUR- TO SIX-WEEK PERIOD OF TIME.



1 THAT SCOPE OF WORK WILL THEN RESULT IN PROPOSALS BEING  
2 RECEIVED AND A SELECTION PROCESS. THE AWARD OF THAT  
3 RFP WOULD THEN BE BROUGHT BACK TO THE BOARD. I'M NOT  
4 QUITE SURE WHAT WILL COME FIRST, THE SIGNING OF THE  
5 BUDGET ACT OR COMPLETION OF THE EVALUATION CRITERIA.  
6 AND THEN WHAT STAFF, AND I THINK THAT IT MAY BE  
7 VALUABLE TO HAVE A BRIEFING ON THIS ANOTHER TIME, AND  
8 JUDY'S STAFF IS THE BROADER WORK GROUP WORKING ON THIS,  
9 BUT THERE WOULD BE THE CONVENING OF THE ADVISORY GROUP  
10 TO BE ABLE TO ASSIST US IN DEVELOPING THE PROTOCOL.  
11 THIS IS A VERY IMPORTANT STUDY. THERE'S  
12 GOING TO BE A LOT OF FOLKS INTERESTED IN HOW IT'S  
13 CONDUCTED, HOW MANY SAMPLES, HOW MANY SORTS, HOW DO YOU  
14 RANDOMLY SELECT, WHAT'S THE EDUCATION PROCESS, HOW MANY  
15 WASTE CATEGORIES ARE GOING TO BE IDENTIFIED. THERE'S A  
16 LOT OF VARIABLES TO BE WORKED OUT, SO IMMEDIATELY UPON  
17 SELECTION OF A CONTRACTOR, WE WILL PROCEED WITH THAT  
18 CONTRACTOR TO WORK ON EACH OF THOSE AREAS.  
19 WE WOULD DO PREWORK. WE WOULD HOPE -- IN  
20 THE DISCUSSIONS THAT WE'VE HAD AT THE STAFF LEVEL, WE  
21 WOULD HOPE TO BE ABLE TO HAVE THE FIRST SORT TAKE PLACE  
22 TOWARDS THE LATTER PART OF THIS CALENDAR YEAR OF 1998.  
23 WE DO NOT BELIEVE THAT THERE'S ANY OPPORTUNITY TO BE  
24 ABLE TO HAVE A PEAK SUMMER SEASON SORT THIS YEAR JUST  
25 GIVEN THE TIMING AND ALL THE ISSUES THAT NEED TO BE



1 ADDRESSED. IT TOOK THE INTERESTED PARTIES, AND PERHAPS  
2 GEORGE CAN CALL OUT A FIGURE, BUT MONTHS TO WORK ON THE  
3 SAMPLING PROTOCOL WITH CASCADIA AND THAT WAS JUST ONE  
4 WASTE TYPE. SO THERE'S A LOT INVOLVED THERE. SO WE  
5 HOPE TO HAVE THE FIRST SORT THIS YEAR, CONCLUDING WITH  
6 A SUMMER SORT IDEALLY IN '99.

7 BOARD MEMBER EATON: I HEARD SPRING AND SUMMER  
8 SORT. I DIDN'T HEAR END-OF-THE-YEAR SORT.

9 MS. TRGOVCICH: I THINK WE'RE LOOKING FOR  
10 SEASONAL VARIATION. IF IN THE CONVENING OF THE  
11 ADVISORY GROUP AND THE DEVELOPMENT OF THE PROTOCOL IT'S  
12 DETERMINED THAT THERE ONLY NEED TO BE TWO SORTS, THEN  
13 THERE WOULD ONLY BE TWO SORTS -- EXCUSE ME FOR  
14 MISSPEAKING THERE -- BUT I THINK AT A MINIMUM WHAT'S  
15 BEEN SUGGESTED TO US IS AT A MINIMUM WE NEED TO HAVE A  
16 PEAK SUMMER SORT FOR PURPOSES OF RPPC AS WELL AS MANY  
17 OTHER ITEMS, AND WE DO NOT BELIEVE WE CAN ACHIEVE THAT  
18 THIS YEAR.

19 BOARD MEMBER EATON: IS THERE AN ALTERNATIVE  
20 PROCESS TO THE RFP THAT CAN BE MADE AVAILABLE ON THESE  
21 TYPES OF STUDIES AND CONTRACTS?

22 MR. CHANDLER: WHAT WAS THE QUESTION AGAIN?

23 BOARD MEMBER EATON: OTHER THAN THE RFP  
24 PROCESS, IS THERE AN ALTERNATIVE PROCESS BY WHICH WE  
25 CAN CONTRACT TO GET THESE STUDIES DONE ABSENT GOING



1 THROUGH AN RFP?

2 MR. CHANDLER: YOU MEAN LIKE AN INTERAGENCY  
3 AGREEMENT WITH THE UNIVERSITY OF CALIFORNIA?

4 BOARD MEMBER EATON: I'M JUST ASKING IS THERE  
5 A PROCESS?

6 MR. CHANDLER: THERE IS AN ALTERNATIVE  
7 PROCESS, INTERAGENCY AGREEMENTS. I DON'T KNOW IF THAT  
8 WORKS. I THINK ONE THING THAT NEEDS TO BE STATED HERE  
9 AGAIN IS THAT, YOU KNOW, WE HAVE NOT HAD AN ACCURATE  
10 WASTE CHARACTERIZATION FOR CALIFORNIA'S WASTESTREAM  
11 SINCE 1990. THIS IS A VERY IMPORTANT UNDERTAKING, AND  
12 I'M PLEASED THE DEPARTMENT OF FINANCE AND THE  
13 ADMINISTRATION IS SUPPORTING OUR REQUEST FOR THIS HALF  
14 A MILLION DOLLAR EFFORT WE LOOK AT THE RPPC  
15 SUBCOMPONENT AS OBVIOUSLY A CRITICAL AND SIGNIFICANT  
16 COMPONENT OF DOING THE WASTE CHARACTERIZATION, BUT IT  
17 HAS IMPLICATIONS ACROSS THE WASTESTREAM AS IT RELATES  
18 TO PLANNING PROGRAMS AND SEVERAL OTHER ASPECTS OF OUR  
19 WORK HERE.

20 NOW, WE HAVE UTILIZED THE SERVICES OF  
21 STUDENTS; IS THAT CORRECT?

22 MS. FRIEDMAN: IN THE PAST.

23 MR. CHANDLER: PERHAPS SPEEDING UP THIS  
24 PROCESS, IF WE WENT DIRECTLY TO SOME OTHER FORM OF  
25 SOLICITATION.



1 MS. FRIEDMAN: WE'VE BEEN LOOKING AT THE  
2 VARIOUS OPTIONS FOR CONDUCTING THIS LARGE STUDY, RPPC  
3 BEING ONE ASPECT OF IT, AND CURRENTLY WE ARE CONCERNED  
4 THAT THE UNIVERSITY, FOR EXAMPLE, IF WE WANT TO DO AN  
5 INTERAGENCY AGREEMENT, THE SCOPE AND BREADTH OF  
6 EXPERIENCE ISN'T BROAD ENOUGH TO BE ABLE TO CONDUCT  
7 THIS KIND OF STUDY. SO WE ARE AT THIS POINT LOOKING AT  
8 AN RFP PROCESS IN ORDER TO BE ABLE TO GET THE KIND OF  
9 EXPERTISE THAT WE NEED THAT WOULD MEET THE NEEDS OF  
10 BOTH THE RPPC STUDY AND THE BROADER STUDY AS WELL AT  
11 THIS POINT, BUT WE ARE STILL LOOKING AT OPTIONS. AND  
12 BY MAY ACTION OF THE BOARD, WE WILL HAVE THE EXACT  
13 RECOMMENDATION.

14 BOARD MEMBER CHESBRO: WELL, THE CONFLICT WE  
15 HAVE IS BETWEEN THE FACT THAT WE'RE TRYING TO DETERMINE  
16 WHAT HAPPENED DURING A CALENDAR YEAR AND THE FACT THAT  
17 WE'RE GOING TO BE GATHERING DATA INTO THE FOLLOWING  
18 CALENDAR YEAR, AND THE TRADE-OFF IS BETWEEN TRYING TO  
19 GET A YEAR-ROUND PICTURE WITH THE SEASONAL VARIATION  
20 VERSUS WHETHER OR NOT WE HAVE DATA THAT'S AS CLOSE AS  
21 POSSIBLE TO THE CALENDAR YEAR THAT WE'RE TRYING TO  
22 DETERMINE A RECYCLING RATE FOR.

23 MS. TRGOVCICH: IN KEYING OFF THAT POINT, AT  
24 THE STAFF LEVEL WE'VE RECENTLY BEEN HAVING DISCUSSION  
25 AROUND THAT, WANTING TO MAKE SURE THE BOARD IS



1 COMFORTABLE WITH IS IT A 1998 WASTE CHARACTERIZATION  
2 STUDY OR 1999 AND WHAT YEAR IS THE DATA BEING USED  
3 FOR. THE REASON WHY WE ARE REQUESTING A WASTE  
4 CHARACTERIZATION STUDY FOR '98 WAS BECAUSE THERE WAS  
5 CONCERN AROUND MULTIPLE-YEAR EXTRAPOLATION OF THE 1995  
6 DATA.  
7 WHAT WE COULD EXPLORE IS EXTRAPOLATING  
8 BACKWARDS THE WASTE CHARACTERIZATION STUDY INFORMATION  
9 THAT WOULD BE DEVELOPED. IF THERE WAS CONCERN, FOR  
10 EXAMPLE, THAT THE MAJORITY OF THE WASTE SORT WAS GOING  
11 TO BE CONDUCTED IN 1999, FOR EXAMPLE, WE COULD EXPLORE  
12 WHETHER OR NOT WE COULD USE THE SAME METHODOLOGY, THE  
13 SAME EXTRAPOLATION APPROACH, TO TAKE THAT INFORMATION  
14 AND EXTRAPOLATE USING THE SAME FACTORS, THE SAME  
15 ECONOMIC GROWTH PRODUCTION DATA, ETC. , AND BACK INTO  
16 '98 TO COME UP WITH A '98 FIGURE. AND THEN THE REAL  
17 TIME DATA WOULD THEN BE MADE AVAILABLE FOR THE '99  
18 CALCULATION.  
19 I'M JUST TRYING -- WE HEARD RECENTLY THAT  
20 THAT WAS A CONCERN, SO WE'VE BEEN TRYING TO PUT OUR  
21 HEADS TOGETHER TO THINK ABOUT WHAT ARE SOME APPROACHES  
22 TO ADDRESS THAT PROBLEM.

23 BOARD MEMBER CHESBRO: THERE'S SOME MERIT TO  
24 THAT. IF WE HAVE TO, THAT'S THE BEST AVAILABLE OPTION.  
25 I GUESS THE OTHER THING THAT WORRIES ME IS THAT WE'RE



1 GOING TO BE TRYING TO DO SO MANY THINGS WITH THIS WASTE  
2 CHARACTERIZATION STUDY, THAT THIS WORKING GROUP OR  
3 WHOEVER WE PUT TOGETHER TO COMMENT ON AND PARTICIPATE  
4 IN IT, THAT THE THING CAN GET BOGGED DOWN BECAUSE  
5 THERE'S GOING TO BE SO MANY ISSUES. I WANT TO MAKE  
6 SURE THAT OUR NEED FOR PLASTICS REGULATIONS -- LET'S  
7 SAY WE COULDN'T AGREE AND WE WERE GOING BACK AND FORTH  
8 BETWEEN THE GROUPS AND THE BOARD AND THE COMMITTEE,  
9 WHATEVER, AND WE'RE INTO THE NEW YEAR AND WE STILL  
10 HAVEN'T STARTED OUR PLASTICS. FOR PURPOSES OF THE  
11 PLASTICS REGULATORY PROCESS, THE CLOCK'S TICKING. YOU  
12 KNOW, WE'RE GETTING FURTHER AND FURTHER AWAY FROM '98.  
13 SO I GUESS I ALSO -- WE NEED TO THINK  
14 ABOUT SOME ALTERNATE PLAN IF FOR SOME REASON THE LARGER  
15 ISSUES THAT ARE INVOLVED IN THE WASTE CHARACTERIZATION  
16 BOG IT DOWN AND KEEP US -- I HATE TO ANTICIPATE  
17 PROBLEMS. WE SHOULDN'T ASSUME THAT THEY'RE THERE WHEN,  
18 IN FACT, THEY USUALLY POP UP, DON'T THEY?

19 MS. FRIEDMAN: FOR WHAT IT'S WORTH, BOTH CAREN  
20 AND I FEEL THAT WE WON'T HAVE THAT PROBLEM, THAT WE'LL  
21 BE ABLE TO RESOLVE WHATEVER CONCERNS THERE ARE AND GET  
22 MOVING PRETTY RAPIDLY.

23 BOARD MEMBER CHESBRO: I GUESS ALL WE CAN DO  
24 TODAY IS TO ASK THEM TO PUT EVERYTHING POSSIBLE IN  
25 PLACE SO THAT THIS CAN GET GOING AS EARLY AS POSSIBLE



1 ONCE THE BUDGET IS ADOPTED, AND WE'LL ALL BE OPTIMISTIC  
2 THAT THE GOVERNOR AND THE LEGISLATURE WILL REACH  
3 AGREEMENT, AND THIS THING, ALONG WITH THE OTHER  
4 SPENDING, CAN MOVE FORWARD.

5 BOARD MEMBER JONES: MR. CHAIRMAN, MAY I ASK A  
6 QUESTION. ON THE SECOND -- ON THE DENOMINATOR, THEY  
7 ALSO HAD THE STANDARD STAFF WILL EXTRAPOLATE USING THE  
8 '95 NUMBERS. DO WE -- IT'S WHAT WE'VE BEEN USING. I  
9 THINK THIS WASTE CHARACTERIZATION STUDY IS CRITICALLY  
10 IMPORTANT. I MEAN WE HEARD AN ITEM ABOUT THE PAPER  
11 UTILIZATION, WE'VE GOT THE RPPC, AND WE'RE ALSO COMING  
12 UP ON THE YEAR 2000, WHICH IS GOING TO -- WE NEED TO  
13 HAVE GOOD, SOLID INFORMATION WHEN WE GET INTO THE  
14 ENFORCEMENT ISSUES AND LOOKING AT WHAT IS GOING TO BE,  
15 YOU KNOW, WHAT'S A GOOD FAITH EFFORT, WHAT ISN'T A GOOD  
16 FAITH EFFORT. SO I THINK THAT THIS WASTE  
17 CHARACTERIZATION STUDY IS INCREDIBLY IMPORTANT.  
18 IS THERE -- I JUST WANT TO KNOW FROM  
19 HERE. IS THERE A PROBLEM, OR FROM STAFF, FOR THIS '98  
20 ALL-CONTAINER RATE, IF WE DID NOT GET THE WASTE  
21 CHARACTERIZATION DONE, OF USING THE '95, USING WHAT HAD  
22 BEEN THE STANDARD, THE '95 WASTE CHARACTERIZATION AND  
23 EXTRAPOLATING IT? IT'S NOT THE BEST OF ALL WORLDS.  
24 BUT I JUST DON'T WANT TO SPEND \$400,000 TO GET  
25 SOMETHING THAT'S GOING TO BE A TOOL THAT'S GOING TO BE



1 USED FOR AN AWFUL LOT OF ISSUES AND THROW THAT OUT TO  
2 COME UP WITH THIS. I JUST WANT TO GET A LITTLE  
3 COMFORT.  
4 MS. TRGOVCICH: IT'S CERTAINLY AN OPTION THAT  
5 THE BOARD HAS BEFORE IT FOR PURPOSES OF CALCULATING THE  
6 '98 RATE. IN THE MEETINGS OF THE INTERESTED PARTY AND  
7 IN THE PRESENTATION OF THIS ITEM IN 1996, FOR  
8 METHODOLOGY FOR CALCULATING THE '96 RATE, AT THAT TIME  
9 STAFF RECOGNIZED THE PROBLEMS ASSOCIATED WITH MULTIPLE  
10 YEAR EXTRAPOLATIONS AND RECOMMENDED AT THAT TIME THAT A  
11 WASTE CHARACTERIZATION STUDY BE PERFORMED FOR PURPOSES  
12 OF ANY CALCULATION FOR CALENDAR YEAR 1998 AT THAT  
13 POINT. SO IT IS CERTAINLY AN OPTION THAT YOU HAVE  
14 BEFORE YOU, BUT THERE IS A LOT OF RECORD CURRENTLY  
15 AROUND INTERESTED PARTY MEETINGS, COMMITTEE MEETINGS,  
16 AND BOARD MEETINGS THAT HAVE INDICATED THAT IT WOULD BE  
17 VERY DIFFICULT, AND WE WOULD LOSE THE INTEGRITY OF THE  
18 INFORMATION IF WE MOVE FURTHER OUT. SO THAT BECOMES AN  
19 ISSUE.  
20 IF YOU WISH TO PURSUE CERTIFICATION AND  
21 ENFORCEMENT AS FOLLOW-UP, BASING THE RATE ON THAT, THAT  
22 MAY BECOME AN ISSUE. AND THAT'S WHY WE TRIED TO LOOK  
23 AT ALTERNATIVES TO BE ABLE TO MAKE SURE THIS STUDY IS  
24 WHAT IT NEEDS TO BE AND THE PROPER TIME IS PUT INTO IT.  
25 THAT'S WHY WE'VE BEEN LOOKING AT POSSIBLY EXTRAPOLATING



1 IN ARREARS BECAUSE YOU ARE STILL ONLY ONE YEAR OFF, AND  
2 OUR ISSUE WASN'T ONE YEAR, BUT THREE YEARS.

3 BOARD MEMBER CHESBRO: I THINK WE WOULD BE  
4 BETTER OFF EXTRAPOLATING FOR A SHORTER PERIOD OF TIME  
5 EVEN IF IT'S EXTRAPOLATING BACKWARDS.

6 BOARD MEMBER JONES: I DON'T HAVE A PROBLEM  
7 WITH THAT. I JUST WANTED TO BRING THE ISSUE UP BECAUSE  
8 I DON'T WANT -- I MEAN -- THE ISSUES THAT YOU GUYS  
9 BROUGHT UP ABOUT SEASONAL I THINK IS INCREDIBLY  
10 IMPORTANT TO THIS WHOLE DISCUSSION BECAUSE IT CHANGES.  
11 YOU KNOW, EVERY MONTH THE WASTESTREAM CHANGES. AND  
12 THAT'S HOW YOU KNOW IT; AND IF WE DON'T HAVE THAT  
13 INFORMATION IN FRONT OF US, I DON'T THINK WE'VE GOT THE  
14 TOOLS TO DO OUR JOB WHEN WE GET INTO THE YEAR 2000. I  
15 WAS JUST TRYING TO FIGURE OUT IF THERE WERE OPTIONS.  
16 IN FACT, IF WE HAD TO RUSH ONE AND DIDN'T GET ALL THE  
17 INFORMATION, THEN WE COULD REFER BACK. I'M NOT IN LOVE  
18 WITH IT. I'M JUST LOOKING FOR BACKUP.

19 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I WOULD  
20 LIKE TO MOVE THAT WITH REGARDS TO THE PETE RECYCLING  
21 RATE, THAT WE APPROVE THE STAFF AND COMMITTEE  
22 RECOMMENDATIONS. WITH REGARDS TO THE ALL-CONTAINER  
23 RATE, THAT WE APPROVE THE DENOMINATOR AS RECOMMENDED BY  
24 THE COMMITTEE AND THE STAFF, THE DENOMINATOR  
25 METHODOLOGY, ADDING IN WHAT STAFF INDICATED THEY'RE



1 ALREADY PLANNING TO DO, WHICH IS THAT STAFF DEVELOP A  
2 WASTE CHARACTERIZATION STUDY RFP AS SOON AS POSSIBLE,  
3 THE AWARD TO BE CONDITIONAL PENDING FUNDING OF THE  
4 APPROVED 1998-1999 BUDGET ACT. AND WITH REGARDS TO THE  
5 NUMERATOR FOR '97 AND '98, THAT THE BOARD EITHER  
6 CONTRACT WITH DOC OR UTILIZE BOARD STAFF TO PERFORM THE  
7 SURVEYS OF BOTH PROCESSORS AND THE RECLAIMERS.

8 BOARD MEMBER EATON: DO WE STILL HAVE TO SPEND  
9 THE \$45,000 FOR A RECLAIMER SURVEY UNDER THAT MOTION?

10 BOARD MEMBER CHESBRO: I GUESS WE NEED TO  
11 AUTHORIZE THAT AMOUNT, NOT KNOWING WHAT IT WILL  
12 ACTUALLY COST STAFF.

13 MS. TRGOVCICH: IT WOULD BE UP TO AND DEPENDS,  
14 ONCE AGAIN, WHAT PRICE DOC CAME IN WITH. I'D LIKE TO  
15 POINT OUT THAT THE 35,000 OR 45 -- I FORGET WHICH LINE  
16 ITEM IT WAS -- THAT NUMBER WAS DEVELOPED BASED UPON THE  
17 COST AT THE TIME THAT WE AND THE INTERESTED PARTIES  
18 FELT WE WOULD ACQUIRE THE R. W. BECK DATA FOR. WE WILL  
19 BE PERFORMING A WHOLLY SEPARATE SURVEY AT THIS POINT,  
20 SO THAT WILL BE A SEPARATE UNDERTAKING.

21 BOARD MEMBER CHESBRO: I THINK THE FIGURE WAS  
22 35.

23 BOARD MEMBER JONES: I'LL SECOND, BUT I'D LIKE  
24 TO ASK A QUESTION. THE DOC IS GOING TO DEAL WITH  
25 THE -- THEY'RE FOR SURE GOING TO DEAL WITH THE



1 PROCESSORS, NOT OUR STAFF.

2 BOARD MEMBER CHESBRO: THAT WAS REFERRING TO  
3 THE RECLAIMER SURVEY. HOPEFULLY WE'LL PIECE ALL THIS  
4 TOGETHER.

5 BOARD MEMBER JONES: I KNEW IT. I JUST WANTED  
6 TO GET IT ON THE RECORD. THEN I SECOND IT.

7 CHAIRMAN PENNINGTON: MR. LARSON, DID YOU WANT  
8 TO SPEAK?

9 MR. LARSON: YES, IF I MAY, JUST ONE POINT OF  
10 CLARIFICATION. CERTAINLY THE DENOMINATOR WORK TO BE  
11 DONE HERE IS THE MORE FORMIDABLE TASK OF HAVING GONE  
12 FOR THE MONTHS AND WHAT RAN INTO YEARS TRYING TO GRASP  
13 THAT FIGURE, WHICH I THINK EVERYBODY CAME OUT WITH A  
14 HIGH DEGREE OF RELIABILITY. I'M CONCERNED THAT THE  
15 ACTION BEING TAKEN BY THE BOARD TODAY RELATIVE TO THE  
16 NUMERATOR PROCESS SEEMS TO SUMMARILY DISMISS THE  
17 VALIDITY OF ANY DATA COLLECTED BY THE FIRM OF R. W.  
18 BECK AND WOULD BE IN QUESTION.

19 I THINK THAT TO DENY OR NOT AVAIL  
20 YOURSELVES ACCESS TO EVERY DATA POINT THAT'S POSSIBLE  
21 REALLY RESTRICTS OR LIMITS YOUR REFERENCING POINTS.  
22 AND I HEARTILY AGREE WITH DCC DOING IT. I THINK DOC  
23 SHOULD DO IT, STAFF SHOULD DO IT, AND I THINK WE SHOULD  
24 BENCHMARK OFF A NATIONAL SURVEY AS MANY MEASURING  
25 POINTS AS YOU CAN IDENTIFY. SO I JUST WOULD LIKE TO



1 HAVE THE BOARD'S STATEMENT AND CLARIFICATION ON ANY  
2 ROLE THE R. W. BECK INFORMATION MIGHT PLAY.  
3 BOARD MEMBER CHESBRO: IN THE INTEREST OF  
4 MOVING THIS THING FORWARD, AND IN LIGHT OF THE HISTORY  
5 WE'VE HAD OF, YOU KNOW, ALL KINDS OF BAD FEELING AND  
6 IMPLICATIONS, ETC., I REALLY DIDN'T GO INTO THAT AT  
7 ALL, AND I'M NOT GOING TO, BUT I PRESUME THAT, AS I  
8 THINK MR. EATON INDICATED, YOU KNOW, THAT DATA COMES  
9 FORWARD, WE'LL LOOK AT IT. BUT, YOU KNOW, I WAS  
10 SEEKING TO FIND SOMETHING THAT WE COULD GET THE VOTES  
11 AND PASS THIS AND MOVE FORWARD ON. AND SO DIDN'T GET  
12 INTO, AS I SAID IN THE PAST, CASTING NASTURTIUMS ABOUT  
13 ANYBODY'S CREDIBILITY OR ANYTHING ELSE, JUST WANTING TO  
14 MOVE THIS THING FORWARD IN AN AGREED-UPON FASHION.  
15 THAT'S WHAT I WAS TRYING TO ACHIEVE HERE TODAY AND I  
16 BELIEVE WHAT MR. JONES WAS TRYING TO ACHIEVE.

17 CHAIRMAN PENNINGTON: IF THERE'S NO FURTHER  
18 DISCUSSION, WE HAVE A MOTION ON THE FLOOR. WILL THE  
19 SECRETARY CALL THE ROLL.

20 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

21 BOARD MEMBER CHESBRO.

22 BOARD MEMBER CHESBRO: AYE.

23 THE SECRETARY: EATON.

24 BOARD MEMBER EATON: AYE.

25 THE SECRETARY: FRAZEE.



1 BOARD MEMBER FRAZEE: AYE.

2 THE SECRETARY: JONES.

3 BOARD MEMBER JONES: AYE.

4 THE SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

6 BOARD MEMBER JONES: MR. CHAIRMAN, QUICK

7 COMMENT. I DIDN'T -- I HOPE IT WASN'T INTENDED THAT --

8 I DIDN'T DISCOUNT R. W. BECK. I ACTUALLY BROUGHT UP AS

9 PART OF MY DISCUSSION THAT IT WOULD BE ANOTHER SET OF

10 INFORMATION THAT WE WOULD HAVE, AND THERE WOULD

11 ACTUALLY BE A COMPARISON. BUT I JUST MEANT THE MOTION

12 HERE IS NOT INTENDED TO DISPARAGE R. W. BECK, BUT TO

13 DEAL WITH THE ISSUES AND WE CAN DO IT IN-HOUSE, YOU

14 KNOW, JUST COMPARE THEM.

15 CHAIRMAN PENNINGTON: OKAY. NOW WE'LL MOVE TO

16 ITEM 27, CONSIDERATION OF THE REALLOCATION OF UNUSED

17 FISCAL YEAR '97-'98 WASTE TIRE MANAGEMENT PROGRAM

18 FUNDS. KARIN FISH.

19 MS. FISH: THANK YOU, CHAIRMAN PENNINGTON,

20 BOARD MEMBERS. I'M GOING TO INTRODUCE THIS ITEM BY

21 BRINGING YOU A LITTLE BIT OF BACKGROUND ON THE '97-'98

22 TIRE ALLOCATION, AND THEN PROGRAM WILL PROVIDE

23 PRESENTATION ON THE RECOMMENDATION FOR THE

24 REALLOCATIONS. SO GIVE ME A MINUTE. OKAY.

25 THIS DISCUSSION WILL START WITH THE



1 ALLOCATION FOR 97-'98 AND THEN THE REALLOCATED DOLLARS  
2 OR THE REALLOCATION DOLLARS THAT ARE AVAILABLE, AS WELL  
3 AS THE NEEDS, AND THEN THE PROGRAM PRESENTATION AND  
4 DISCUSSION.  
5 THE TOTAL APPROPRIATION FOR '97-'98  
6 STARTED OUT AT \$9,136,000. SALARY AND WAGES AND  
7 OPERATING EXPENSES WERE 1.7 MILLION, EXCLUDING THE  
8 DISCRETIONARY CONSULTING AND PROFESSIONAL. PERMITTING  
9 AND ENFORCEMENT WAS ALLOCATED 3.5 MILLION, MARKET  
10 DEVELOPMENT 3.2 MILLION, LEAVING A PRUDENT RESERVE OF  
11 664,000 THAT WAS THEN UTILIZED WITH THE MELP  
12 AGREEMENT. THESE ARE THE DOLLARS THAT ARE AVAILABLE  
13 FOR THE REALLOCATION AS WELL AS, THEN, A COLUMN  
14 INDICATING THE RECOMMENDED NEEDS. PROGRAM STAFF.  
15 MS. RICE: THANK YOU, KARIN. MR. CHAIRMAN,  
16 BOARD MEMBERS, IN LOOKING AT THE REALLOCATION DOLLARS,  
17 THE COLUMN IN THE MIDDLE, WHAT SHOWS THE FUNDS  
18 AVAILABLE FOR REALLOCATION, THE TABLE ON PAGE 27-2 OF  
19 YOUR ITEM SHOWS THE COMMITTEE RECOMMENDATIONS FOR  
20 REALLOCATION THAT WE'RE BEFORE YOU WITH TODAY.  
21 IN TERMS OF THE ITEMS, OF COURSE, THERE  
22 ARE TWO WITHIN THE LEGAL OFFICE WHERE THERE WERE NO  
23 REALLOCATION NEEDS IDENTIFIED FOR THE FIRST TWO ITEMS.  
24 AND THEN MOVING ON INTO THE WASTE TIRE STABILIZATION  
25 AND ABATEMENT CONTRACT, THE COMMITTEE HAD RECOMMENDED



1 THAT AN ADDITIONAL \$821,000 BE REALLOCATED TO THAT  
2 CONTRACT.  
3 MOVING DOWN, THE ENVIRONMENTAL SERVICES  
4 CONTRACT, IT WAS RECOMMENDED THAT A HUNDRED THOUSAND BE  
5 REALLOCATED TO THAT. \$12,014 INTO THE WASTE TIRE  
6 ENFORCEMENT GRANT PROGRAM, WHICH FULLY FUNDS THE  
7 ELIGIBLE GRANTS. THE ONE ITEM OF CLARIFICATION, THE  
8 NEXT ITEM IS THE LOCAL GOVERNMENT CLEANUP MATCHING  
9 GRANT PROGRAM. I BELIEVE COMING INTO COMMITTEE, WE HAD  
10 INDICATED THAT THERE WERE FUNDS AVAILABLE FOR  
11 REALLOCATION, AND THE COMMITTEE HAD MADE RECOMMENDA-  
12 TIONS REGARDING THAT REALLOCATION BASED ON ACTION OF  
13 THE PERMITTING AND ENFORCEMENT COMMITTEE AND THE BOARD,  
14 I BELIEVE, LAST MONTH WHERE YOU REVISED SOME OF THE  
15 CRITERIA FOR THIS PARTICULAR GRANT PROGRAM.  
16 ADDITIONAL APPLICATIONS DID COME IN BASED  
17 ON AN AMENDED NOTICE OF FUNDS AVAILABLE THAT WENT OUT.  
18 AT THIS TIME STAFF ARE ANTICIPATING THAT WE WILL COME  
19 TO YOU IN MAY WITH A RECOMMENDATION TO FULLY FUND THAT  
20 PROGRAM UP TO THE \$200,000 MARK.  
21 IN ADDITION, AS YOU WILL NOTICE, I  
22 BELIEVE AT THE BOTTOM OF THIS CHART SHOWS A DEFICIT, IN  
23 OTHER WORDS, AN OVERALLOCATION, OF APPROXIMATELY  
24 \$28,000. WHAT WE WOULD RECOMMEND AS STAFF, THAT GIVEN  
25 THE 22,000 IS IN A SENSE, DEPENDING ON YOUR ACTION IN



1 NEXT MONTH, IN MAY, NO LONGER AVAILABLE FOR  
2 REALLOCATION, AND ALSO THAT THE ORIGINAL CHART YOU SAW  
3 IN COMMITTEE DOES SHOW A DEFICIT, WE WOULD RECOMMEND  
4 REDUCING THE REALLOCATION FOR THE STABILIZATION AND  
5 REMEDIATION CONTRACT BY THE SUM OF THOSE TWO NUMBERS SO  
6 THAT THE CHART WILL BALANCE.  
7 AND I BELIEVE THAT BRINGS THE FIGURE FOR  
8 STABILIZATION AND ABATEMENT CONTRACT TO 771,000 RATHER  
9 THAN 821, SO IT'S A MINUS 50, WHICH IS THE SUM OF THE  
10 22,000 AND THE 28,000; IS THAT CORRECT, KARIN?

11 MS. FISH: YEAH.

12 MS. RICE: SO WITH THAT CHANGE THEN, MOVING  
13 DOWN, I BELIEVE THAT'S THE ONLY CHANGE IN THE AREAS OF  
14 THE ALLOCATION, REALLOCATION RELATED TO MY PROGRAM  
15 AREA.

16 MS. TRGOVCICH: MOVING IN TO OTHER PROGRAM  
17 AREAS, FOR PURPOSES OF REALLOCATION, THE RMDZ LOAN  
18 PROGRAM HAD ORIGINALLY BEEN ALLOCATED \$1 MILLION TO BE  
19 MADE AVAILABLE TO TIRE RECYCLING BUSINESSES ELIGIBLE  
20 AND CREDITWORTHY UNDER THE RMDZ LOAN PROGRAM. THERE  
21 WERE NO SUCCESSFUL APPLICANTS DURING THIS FISCAL YEAR  
22 FOR THAT \$1 MILLION, SO THAT \$1 MILLION SHOWS AS  
23 AVAILABLE FOR REALLOCATION.  
24 THE PLAYGROUND COVER MATCHING GRANT  
25 PROGRAM, WHICH WAS ALLOCATED BY THE BOARD AT ITS APRIL



1 '97 MEETING AT A \$300,000 LEVEL, IDENTIFIED AN  
2 ADDITIONAL \$70,843 IN REQUESTED FUNDING TO FULLY FUND  
3 ALL ELIGIBLE APPLICANTS. AND THE LCCDC GRANT PROGRAM,  
4 WHICH WAS MADE AVAILABLE BY THE BOARD AT \$200,000,  
5 WE'VE IDENTIFIED APPROXIMATELY 38,000 IN REQUESTED  
6 FUNDS IN THAT LINE ITEM THAT WILL BE MADE AVAILABLE.  
7 AND FINALLY, THE DEPARTMENT OF JUSTICE  
8 HAD REQUESTED FUNDS FOR A RAC PROJECT, AND THEY HAVE  
9 REQUESTED FUNDS. I BELIEVE THEIR TOTAL REQUEST IS  
10 \$276,000. AT THE COMMITTEE, COMMITTEE'S ACTION WAS TO  
11 APPROVE \$117,885 BASED UPON AN EVALUATION OF THE WORK  
12 PLAN SUBMITTED AND THE COSTS ASSOCIATED WITH EACH LINE  
13 ITEM.  
14 STAFF HAVE SINCE MET WITH THE DEPARTMENT  
15 OF GENERAL SERVICES, AND I HANDED TO YOU A LETTER  
16 PROVIDED TO ME BY THE DEPARTMENT OF GENERAL SERVICES --  
17 AND THE DEPARTMENT OF JUSTICE WAS AT THAT MEETING AS  
18 WELL -- WHERE WE WENT THROUGH THEIR SPECIFIC WORK PLAN.  
19 IF THE BOARD WERE TO WISH TO RECONSIDER THAT 117,000  
20 AND GRANT THE DEPARTMENT OF JUSTICE'S REQUEST TO  
21 INCREASE THAT AMOUNT, THERE ARE SEVERAL LINE ITEMS IN  
22 THERE WHICH THE BOARD COULD CHOOSE TO INCREASE ITS  
23 FUNDING LEVEL FOR TO A 75 OR 100 PERCENT FIGURE IF YOU  
24 WISH TO INCREASE THAT LINE.  
25 AND I BELIEVE THE LETTER THAT I PASSED



1 OUT REFERS TO THAT MEETING THAT OCCURRED. AND SO WITH  
2 THE CHANGES THAT DOROTHY IDENTIFIED, SHOWING THE  
3 DEPARTMENT OF JUSTICE IN THERE AT 117,885, AND TAKING  
4 THE 50,000 OUT OF THE WASTE TIRE STABILIZATION AND  
5 ABATEMENT CONTRACT, THAT WOULD BRING THIS CHART INTO --  
6 WHAT'S THE WORD, KARIN? -- ALIGNMENT, BALANCE.

7 MS. FISH: BALANCE, THERE YOU GO.

8 CHAIRMAN PENNINGTON: WHAT YOUR CHECKBOOK IS  
9 SUPPOSED TO DO.

10 BOARD MEMBER CHESBRO: SYMMETRY.

11 MS. TRGOVCICH: IF YOU HAVE ANY QUESTIONS,  
12 WE'RE AVAILABLE TO ANSWER THEM.

13 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

14 BOARD MEMBER JONES: YES, MR. CHAIRMAN.

15 CAREN, THE DEPARTMENT OF JUSTICE REQUEST, WHEN WE WENT  
16 INTO COMMITTEE, WE HAD GOTTEN THAT REQUEST AND KIND OF  
17 WENT THROUGH IT, AND THE 276,000 WASN'T GOING TO FLY.

18 AND STAFF HADN'T DONE ANYTHING -- I MEAN HADN'T  
19 EVALUATED IT FROM THAT STANDPOINT. IT WAS JUST A  
20 REQUEST, AND I STARTED JUST MARKING THINGS OFF.

21 IN YOUR MEETINGS WHERE YOU SAY THAT THERE  
22 ARE SOME ITEMS THAT COULD GO UP, THE DGS LETTER SAYS  
23 SOMETHING AROUND 200 GRAND TOTAL. I DON'T KNOW IF  
24 THAT'S A NUMBER THAT STAFF AND MARTHA AND YOU ARE  
25 COMFORTABLE WITH OR NOT. IS THAT -- WHAT DOES YOUR



1 STAFF LOOK AT ON THIS AS FAR AS WHAT WOULD BE - - WHAT  
2 COULD BE OR WOULD BE ACCEPTABLE?  
3 MS. TRGOVCICH: WHEN WE SAT DOWN WITH THE TWO  
4 AGENCIES, WE IDENTIFIED FOR THEM THE SPECIFIC LINE  
5 ITEMS THAT WE FEEL THAT WE COULD RECOMMEND TO THE BOARD  
6 AS AVAILABLE FOR FUNDING. THOSE LINE ITEMS DID NOT  
7 CHANGE. WE STILL WOULD NOT RECOMMEND, FOR EXAMPLE,  
8 FUNDING FOR PURPOSES OF THE GATE THAT NEEDS TO GO IN OR  
9 SOME OF THE OTHER COSTS THAT WOULD BE ASSOCIATED WITH A  
10 PROJECT NO MATTER WHAT.  
11 BUT WHAT WE DID DISCUSS WITH THEM, WITH  
12 THE BOARD, AND I BELIEVE THIS IS WHERE THE COMMITTEE  
13 ACTION CAME FROM, HAS IN THE PAST SET A PERCENTAGE  
14 LEVEL OF FUNDING. SO RATHER THAN FULLY FUNDING, FOR  
15 EXAMPLE, LET'S GO TO THE LARGEST LINE ITEM HERE, THE  
16 PAVING, CURB, GUTTER, AND WALKS, THAT THE BOARD WOULD  
17 FUND, FOR EXAMPLE, 50 PERCENT. THAT HAS BEEN IN  
18 KEEPING WITH PAST BOARD PRACTICES.  
19 SO OUR MEETING WITH THEM WAS NOT  
20 IDENTIFYING ADDITIONAL LINE ITEMS, BUT THAT IF THE  
21 BOARD WISHES TO CONSIDER INCREASING THE FUNDING LEVEL,  
22 FROM THE COMMITTEE'S RECOMMENDATION OF 117,885, THAT  
23 YOU COULD CONSIDER UPPING THE PERCENTAGE THAT YOU WOULD  
24 PAY FOR UNDER THE RECOMMENDED LINE ITEMS, INCLUDING  
25 SITE PREPARATION, THE PAVING WORK THAT WOULD BE DONE,



1 SOME OF THE DRAINAGE WORK, THE CONSTRUCTION SUPERVISION  
2 AND INSPECTION, THE GUARANTEE INSPECTIONS, AND THEN  
3 PROJECT MANAGEMENT, AND A FEW OTHER LINE ITEMS. SO IT  
4 WOULD NOT BE A MATTER OF ADDING NEW AREAS FOR FUNDING,  
5 BUT INCREASING THE TOTAL PERCENTAGE FUNDED.

6 BOARD MEMBER JONES: LIKE I SAID, I JUST DID A  
7 REAL QUICK TO GET, YOU KNOW, BECAUSE IT DIDN'T SEEM  
8 NORMAL OR DIDN'T -- A LOT OF THEM WEREN'T NORMALLY  
9 ACCEPTABLE. IF WE PUT A PLACEHOLDER HERE FOR SOME  
10 DOLLAR AMOUNT, AND AFTER YOU GOT -- AFTER YOUR STAFF  
11 AND DOJ AND DGS WORKED ON IT AND SEE WHAT WAS  
12 ACCEPTABLE AND WHAT WASN'T AND DIDN'T EXCEED THE DOLLAR  
13 AMOUNT OF 200 GRAND OR WHATEVER THE NUMBER IS, COULD  
14 THOSE DOLLARS BE -- IN A MOTION COULD THOSE DOLLARS  
15 THAT WERE NOT ALLOCATED TO THIS BE IDENTIFIED RIGHT  
16 AWAY AND GO INTO TIRE REMEDIATION, TIRE STABILIZATION,  
17 THEN, WITHOUT HAVING TO REALLOCATE IF WE WERE TO DO  
18 THAT?

19 MS. TRGOVCICH: IF THAT WERE TO BE MADE A PART  
20 OF YOUR MOTION; BUT AS STAFF WHAT WE WOULD LIKE THE  
21 DIRECTION FROM THE BOARD IS DO YOU WANT US -- IN  
22 FIGURING OUT WHAT THAT DOLLAR AMOUNT IS, DO YOU WANT US  
23 TO FULLY FUND THE APPLICABLE LINE ITEMS, OR DO YOU  
24 STILL WANT IT TO BE A PERCENTAGE? BECAUSE IN THE PAST  
25 WE'VE FUNDED AROUND 50 PERCENT. SO IN DOING THAT, WE



1 WOULD WANT THE DIRECTION FROM THE BOARD THAT YOU ARE  
2 COMFORTABLE WITH A ONE HUNDRED PERCENT FUNDING, LET'S  
3 SAY, OF THOSE LINE ITEMS.

4 BOARD MEMBER EATON: PERHAPS FOR MY  
5 CLARIFICATION, MR. JONES, COULD YOU GO THROUGH HOW YOU  
6 ARRIVED AT THE 117, WHICH ITEMS, JUST TO HELP?

7 BOARD MEMBER JONES: WHAT I STARTED DOING --

8 BOARD MEMBER EATON: THAT GOT US TO ROUGHLY 50  
9 PERCENT. WHAT I'M LOOKING FOR -- I THINK THERE'S  
10 SEVERAL QUESTIONS HERE. ONE OF THEM IS DOES THIS BOARD  
11 SORT OF, YOU KNOW, IN THIS PARTICULAR INSTANCE, VIOLATE  
12 ITS OWN SORT OF INTERNAL OR EXTERNAL POLICY OF 50  
13 PERCENT? AND IN ORDER TO GET THERE, LET'S JUST FIND  
14 OUT WHAT WE INCLUDED INITIALLY AND GO INTO THE OTHER  
15 QUESTIONS.

16 BOARD MEMBER JONES: YEAH. WHEN YOU GO  
17 DOWN -- THIS WAS DONE ABOUT 20 MINUTES BEFORE A POLICY  
18 COMMITTEE MEETING BECAUSE THAT'S WHEN I SAW IT.  
19 DEMOLITION, I SAID ZERO, AND THAT WAS JUST TO GET A  
20 NUMBER THAT WAS QUICK. SITE PREPARATION, I PUT A HALF;  
21 EARTH WORK, I PUT A HALF; THE PAVING, CURB, GUTTER, AND  
22 WALKS, I PUT THREE-QUARTERS; THE DRAINAGE, I PUT ZERO;  
23 THE GATE, I PUT ZERO; THE LANDSCAPING, I PUT ZERO; AND  
24 ELECTRICAL, I PUT ZERO. SO I TOOK THAT 206,000 AND  
25 DROPPED IT DOWN TO \$90,500. I DIDN'T GIVE THEM



1 ANYTHING ON THE INDEX. I DIDN'T GIVE THEM ANYTHING ON  
2 THE EXCAVATION. OH, I DID GIVE THEM A PIECE OF THIS,  
3 THE CONTINGENCY, AND THEN JUST FIGURED IT ON 90,500.  
4 AND THEN WHEN YOU TURN, I GAVE THEM A  
5 QUARTER OF THE ENGINEERING, I GAVE THEM A HALF OF  
6 SUPERVISION AND INSPECTION, DIDN'T GIVE THEM ANYTHING  
7 ON TRAVEL TIME. I FIGURE THAT WAS ONLY A COUPLE  
8 BLOCKS, WHAT THE HECK. I GAVE THEM HALF ON THE  
9 INSPECTION. I GAVE THEM HALF ON THE CONTRACT  
10 MANAGEMENT. I GAVE THEM ALL THE ADVERTISING BECAUSE I  
11 FIGURE IT WAS A RAC PROJECT AND WE WANTED TO MAKE SURE  
12 THAT IT GETS ADVERTISED AS A RAC PROJECT. MATERIALS  
13 TESTING I FIGURED A HUNDRED PERCENT. AS BUILT  
14 DRAWINGS, I FIGURED A HUNDRED PERCENT. NOTHING ON  
15 THE -- DIDN'T DO ANYTHING ON THE 600, 400, OR 1100.  
16 AND THEN HALF OF THE PROJECT MANAGEMENT.  
17 SO LIKE I SAY, IT WAS VERY ARBITRARY. I  
18 DIDN'T LOOK AT DRAINAGE. I DIDN'T LOOK AT THOSE  
19 THINGS. I JUST SAID WHAT CAN WE DO TO GET THIS A  
20 LITTLE BIT CLOSER. WHAT I HAD HOPED WAS, AS PART OF  
21 THE ITEM WAS OR PART OF THE MOTION WAS PUT A NUMBER UP  
22 THERE, 117,885 AND SAID, YOU KNOW, YOU FOLKS NEED TO  
23 WORK WITH OUR STAFF TO GET A NUMBER DIALED IN, YOU  
24 KNOW, AS TO WHAT IS ACCEPTABLE AND WHAT ISN'T BECAUSE I  
25 WASN'T GOING TO MAKE A MOTION FOR \$276,000 BECAUSE THAT



1 JUST DID NOT -- IT WAS CONTRARY TO EVERYTHING WE DO.  
2 BUT AS FAR AS THE 117,000, RIGHT, YOU KNOW, I DON'T  
3 KNOW. I MEAN IT WAS JUST A NUMBER THAT I PUT TOGETHER  
4 REAL QUICK WITHOUT ANY DISCUSSION WITH ANYBODY.  
5 AND UNFORTUNATELY, I THINK IT WAS FRIDAY  
6 LAST WEEK IS WHEN WE -- IS WHEN DGS AND DOJ CAME IN TO  
7 START TALKING ABOUT THIS. AND I DIDN'T EVEN KNOW IF  
8 THEY MET WITH STAFF UNTIL MONDAY OR TUESDAY, AND THAT'S  
9 WHY I WAS ASKING A QUESTION ABOUT PLACEHOLDER, THAT IF,  
10 YOU KNOW, WHATEVER WAS ACCEPTED BY STAFF, THEN THE REST  
11 COULD GET REVERTED INTO TIRE STABILIZATION BECAUSE I  
12 DON'T KNOW. I JUST DON'T KNOW WHAT THE RIGHT NUMBER  
13 IS.

14           CHAIRMAN PENNINGTON: LET ME SAY THAT WE HAVE  
15 A REPRESENTATIVE HERE FROM DEPARTMENT OF JUSTICE,  
16 WILLIAM FIPPIN, AND WE HAVE ONE FROM THE DEPARTMENT OF  
17 GENERAL SERVICES, ZACHARY MILLER. IF YOU HAVE  
18 SOMETHING YOU TRULY WANT THE BOARD TO HEAR AND ALLOW  
19 THE BOARD TO QUESTION YOU.

20           MR. FIPPIN: GOOD MORNING, CHAIRMAN. MY NAME  
21 IS BILL FIPPIN. I'M WITH THE CALIFORNIA DEPARTMENT OF  
22 JUSTICE. I'M HERE TO ENCOURAGE YOU TO ACCEPT GENERAL  
23 SERVICES' REQUEST FOR A GRANT TO BUILD A DEMONSTRATION  
24 PARKING PROJECT ON A LAW ENFORCEMENT FACILITY IN  
25 SACRAMENTO.



1 I RECOGNIZE THAT WE'RE ASKING YOU TO  
2 TREAT THIS PROJECT A LITTLE BIT DIFFERENTLY AS FAR AS  
3 THE MIX OF FUNDING. THERE ARE RESTRICTIONS IN THE  
4 CALIFORNIA BUDGET WHICH WOULD LIMIT US IN OUR ABILITY  
5 TO MATCH FUNDS WITH THE GRANT TO \$35,000 UNDER SECTION  
6 6 OF THE BUDGET ACT. AND SO I WOULD HAVE TO SAY, AND I  
7 THINK DEPARTMENT OF GENERAL SERVICES WOULD CONCUR, THAT  
8 50 PERCENT FUNDING WOULDN'T SERVE OUR PURPOSES WITH  
9 THAT PROJECT.

10 BOARD MEMBER CHESBRO: HOW WOULD YOU PAVE THE  
11 PARKING LOT IF WE WEREN'T PARTICIPATING?

12 MR. FIPPIN: WE WOULD NOT BE.

13 BOARD MEMBER EATON: WHAT SERVICES ARE  
14 PROVIDED BY DOJ AT THIS LOCATION?

15 MR. FIPPIN: THIS FACILITY IS OUR CENTRAL LAW  
16 ENFORCEMENT INFORMATION SERVICES FACILITY FOR THE STATE  
17 OF CALIFORNIA. WE SERVE ALL LOCAL AGENCIES, PROVIDING  
18 INFORMATION ON FINGERPRINTS, WANTED CRIMINALS, THAT  
19 SORT OF THING. WE ALSO PROVIDE A TRAINING SERVICE FOR  
20 LAW ENFORCEMENT SO THAT WE HAVE LOCAL LAW ENFORCEMENT  
21 THROUGHOUT THE STATE COME TO THAT FACILITY FOR A DAY'S  
22 CLASS, A WEEK'S CLASS, A TWO WEEKS' CLASS IN BOTH THE  
23 LAW ENFORCEMENT AND FORENSICS PROFESSIONS.

24 BOARD MEMBER EATON: SECURED FACILITY FOR THE  
25 MOST PART?



1 MR. FIPPIN: YES, FOR THE MOST PART.

2 BOARD MEMBER EATON: SO, IN ESSENCE, THE  
3 PUBLIC'S OPPORTUNITY TO VIEW THIS PROJECT IS SOMEWHAT  
4 LIMITED COMPARED TO AN OPEN PUBLIC BUILDING. I JUST  
5 WANT TO FIND OUT, AS WE GO THROUGH SOME OF THESE  
6 FIGURES, THE ALLOCATION, 45,000 FOR PUBLIC RELATION AND  
7 WHAT IT DOES, WE ARE UNDER A DUTY AND RESPONSIBILITY TO  
8 GET PUBLIC EDUCATION OUT THERE. THIS IS MORE OF AN  
9 INTERNAL INTERAGENCY KIND OF, YOU KNOW.

10 MR. FIPPIN: THERE IS A SIGNIFICANT NUMBER OF  
11 THE PUBLIC WHO VISIT THE SITE EVERY DAY TO BE  
12 FINGERPRINTED FOR APPLICATIONS, TEACHERS, DAY CARE  
13 EMPLOYEES. AND THE FACILITY IS FRONTED ON BROADWAY,  
14 WHICH IS A FAIRLY LARGE FACILITY AND THOROUGHFARE IN  
15 SACRAMENTO.

16 BOARD MEMBER EATON: AND YOUR ABILITY TO  
17 INFLUENCE -- THE PROJECT WITH DGS IS SIMPLY JUST THAT  
18 YOU LIKE THE PROJECT, BUT YOU HAVE NO ABILITY TO  
19 INFLUENCE WHAT MIGHT BE PART OF THAT PROJECT?

20 MR. FIPPIN: WE CAN CERTAINLY LOOK AT REDUCING  
21 SOME OF THE SCOPE OF THE PROJECT; THE GATE, FOR  
22 INSTANCE, AND WE DO HAVE THE ABILITY TO CONTRIBUTE SOME  
23 AMOUNT OF MONEY, BUT IT'S LIMITED TO \$35,000 AND WE  
24 WOULD DO THAT.

25 CHAIRMAN PENNINGTON: IS THAT 35,000



1 RESTRICTED TO EACH FISCAL YEAR?

2 MR. FIPPIN: THAT'S FOR PROJECTS IS OUR

3 READING OF THE BUDGET ACT.

4 CHAIRMAN PENNINGTON: SO IF WE SPLIT-FUNDED

5 IT, IT WOULDN'T BE \$70,000?

6 MR. FIPPIN: I DON'T BELIEVE SO. I BELIEVE

7 THAT WOULD BE A CORRECT INTERPRETATION.

8 MR. CHANDLER: MR. CHAIRMAN.

9 CHAIRMAN PENNINGTON: MR. CHANDLER.

10 MR. CHANDLER: PERHAPS THIS IS APPROPRIATE TO

11 RAISE THIS ISSUE NOW, BUT IT SEEMS TO ME IF WE'RE

12 LOOKING AT ADDITIONAL BENEFITS THAT WE'D LIKE TO SEE

13 ACCRUE WITH THE LIMITED DOLLARS WE HAVE HERE, IS THIS

14 FUNDING GOING TO DOJ OR DGS?

15 MR. FIPPIN: I SUPPOSE YOU COULD LOOK AT IT

16 EITHER WAY. THE FACILITY IS A DEPARTMENT OF GENERAL

17 SERVICES FACILITY THAT WE --

18 MR. CHANDLER: I THINK YOU COULD. I GUESS

19 WHAT I WOULD WANT AND MAYBE THE BOARD COULD STIPULATE

20 SOMETHING IN THIS AGREEMENT THAT WOULD REQUIRE THE

21 DEPARTMENT OF GENERAL SERVICES TO UNDERTAKE EFFORTS TO

22 MAXIMIZE THE USE OF RUBBERIZED ASPHALT AT ALL STATE

23 FACILITIES THAT ARE DOING PAVING PROJECTS. WHAT I MEAN

24 BY THAT IS NOT NECESSARILY A CAPITAL OUTLAY. I REALIZE

25 THAT CAN'T BE DONE, BUT, AS YOU KNOW, WE ARE STRUGGLING



1 WITH THE DEPARTMENT OF GENERAL SERVICES TO CONSTANTLY  
2 TAKE A LEADERSHIP POSITION. MAYBE THERE'S JUST SOME  
3 LANGUAGE THAT WOULD PUT THEM IN A POSITION OF BEING AN  
4 ADVOCATE AS WELL AS ADVOCACY. WE HAVE THE OPPORTUNITY  
5 WITH THIS SINGLE PROJECT, FOR THE RIBBON CUTTING  
6 CEREMONY, FOR PUBLIC AWARENESS.  
7 ALL I'M SUGGESTING IS WE LOOK FOR  
8 ADDITIONAL BENEFITS THAT THIS PROJECT MIGHT ACCRUE. WE  
9 ASK GENERAL SERVICES TO LOOK AT NOT ONLY THIS PROJECT,  
10 BUT ALL THE OTHER PROJECTS THEY'RE LOOKING AT WITH  
11 STATE AGENCIES AS A WAY TO BRING PUBLIC AWARENESS TO  
12 STATE PROJECTS THAT DEAL WITH REFURBISHING PARKING  
13 LOTS. HENCE, THE CONCEPT I THINK WE'RE LOOKING FOR IS  
14 ADDITIONAL BANG FOR THE BUCK HERE. SINCE THEY WANT A  
15 FEW MORE BUCKS, MAYBE WE OUGHT TO GET A LITTLE MORE  
16 BANG.

17 BOARD MEMBER JONES: MR. CHAIRMAN.

18 CHAIRMAN PENNINGTON: MR. JONES.

19 BOARD MEMBER JONES: THE CAL-EPA BUILDING THAT  
20 WE HAD DISCUSSIONS ON, ISN'T THAT GOING TO HAVE A  
21 PARKING LOT BUILT ACROSS THE STREET?

22 MR. CHANDLER: THEY FORGOT THE PARKING LOTS AT  
23 THAT BUILDING.

24 BOARD MEMBER JONES: I THINK THERE IS SOME  
25 EXISTING PARKING LOTS.



1 CHAIRMAN PENNINGTON: MR. MILLER, I THINK YOU  
2 BETTER COME UP HERE.  
3 BOARD MEMBER EATON: WELCOME TO SAN DIEGO.  
4 MR. MILLER: MR. CHAIRMAN AND MEMBERS OF THE  
5 BOARD, MY NAME IS ZACHARY MILLER. I'M WITH THE  
6 DEPARTMENT OF GENERAL SERVICES DIVISION. WE ARE THE  
7 BUILDING OWNER. DOJ IS THE TENANT. THOSE WHO ARE  
8 FAMILIAR WITH STATE GOVERNMENT IN THE LONG RUN KNOW  
9 THAT GENERAL SERVICES RARELY GETS FUNDING FOR ALL THE  
10 BUILDING NEEDS, AND OFTENTIMES WE HIT UP OUR TENANTS  
11 FOR HELP ON DOING WHAT WE CONSIDER CAPITAL  
12 IMPROVEMENTS. THAT'S THE WAY WE HAVE TO DO IT.  
13 THERE WAS AN ORIGINAL REQUEST ATTACHED, A  
14 NEED ASSESSMENT, FROM THE DEPARTMENT OF JUSTICE, AND  
15 ONE OF THE BASIC CONCLUSIONS WAS THAT THERE'S 13,000  
16 MEMBERS OF THE PUBLIC THAT COME TO THE FACILITY EACH  
17 YEAR JUST TO BE FINGERPRINTED. THEN THEY WENT ON TO  
18 LIST THE LAW STUDENTS THAT COME AND ADVANCED DOJ  
19 TRAINING, AND THAT LETTER IS DATED MARCH 4TH AND  
20 ADDRESSED TO MR. PENNINGTON.  
21 IN TERMS OF DGS'S COMMITMENT, IN A LETTER  
22 I PROVIDED FOR YOU TODAY OR THAT MS. TRGOVCICH DID,  
23 WHEN I BROUGHT THIS PROJECT TO OUR DEPUTY DIRECTOR TO  
24 SIGN THAT MARCH 4TH LETTER, WE HAD SOME DISCUSSION  
25 ABOUT THE GENERAL SERVICES TAKING HEAT FOR NOT DOING



1 MORE TO USE RECYCLED MATERIALS AND THOUGHT THIS WAS A  
2 WAY TO RAISE OUR OWN CONSCIOUSNESS ABOUT IT. AND IN  
3 TERMS OF THE COMMITMENT IN THAT LETTER, GENERAL  
4 SERVICES CONSTRUCTION IS TYPICALLY DONE BY A  
5 PERFORMANCE SPECIFICATION. OFTENTIMES IT WILL SAY WE  
6 WILL SPECIFY A PRODUCT EQUAL OR BETTER ALTHOUGH  
7 OFTENTIMES WE'LL SPECIFICALLY STATE A PRODUCT.  
8 SO IF THIS DEMONSTRATION PROJECT WORKS  
9 OUT AS WE HOPE AND THE RAC PROVES ITSELF, WE'RE IN A  
10 POSITION TO ACTUALLY HAVE THE PERFORMANCE SPEC STATE  
11 CONTRACTORS WILL USE THE RUBBERIZED ASPHALT CONCRETE  
12 FOR THE FACILITIES. AND IN THE MEETING ON MONDAY, I  
13 HAVE TOLD YOUR STAFF AND I WILL SEND OVER AS MANY  
14 SAMPLES AS I CAN OF THAT PERFORMANCE SPEC SO YOU CAN  
15 SEE IT'S THE REAL THING AND NOT SOMETHING THAT'S  
16 TRANSPIRING HERE TO RAISE THE FUNDING.  
17 I STATED IN THE LETTER THE COMMITMENT  
18 BESIDES RIBBON CUTTING CEREMONIES, YOUR STAFF POINTED  
19 OUT SOME OF THE THINGS WE MIGHT REQUEST TO INCREASE THE  
20 FUNDING WAS TO USE RECYCLED MATERIALS, FOR INSTANCE,  
21 THE CRUSHED AGGREGATE, TO USE CONCRETE THAT'S BEEN  
22 RECYCLED AND CRUSHED AGGREGATE AS A BASE UNDER THE RAC,  
23 AND TO USE RECYCLED MATERIALS FOR LANDSCAPING, LUMBER,  
24 BENCHES, ANYTHING LIKE THAT. AND OUR COMMITMENT IS  
25 THERE TO DO THAT AND ALSO TO PROVIDE A LOBBY DISPLAY



1 WITH THE HELP OF YOUR STAFF TO CREATE IT AND TO HAVE  
2 POSTED AT THE PARKING LOT LEVEL AND AGAIN TO REQUIRE  
3 STATE BIDDERS TO TAKE A LOOK AT THE MATERIAL.  
4 FRANKLY, OUR NEW REORGANIZED DIVISION  
5 INCORPORATES WHAT WAS THE OFFICE OF THE STATE ARCHITECT  
6 AS WELL AS WHAT WAS PROJECT MANAGEMENT DEVELOPMENT AND  
7 LEASING DESIGN. SO WE'RE IN A POSITION IN THAT  
8 DIVISION TO HAVE ALL ASPECTS OF DESIGN BOTH FOR STATE  
9 OWNED AND LEASING VIEW THE PROJECT AND SEE HOW THE  
10 MATERIAL FITS THE NEEDS FOR OUR CONSTRUCTION.

11 CHAIRMAN PENNINGTON: MR. CHESBRO.

12 BOARD MEMBER CHESBRO: DOES THE -- DOES DGS OR  
13 DOES THE STATE HAVE SOME SORT OF REGULAR PROGRAM FOR  
14 REPLACING WORN OUT PARKING LOTS? I'M A LITTLE  
15 MYSTIFIED THAT WE'RE REPLACING ONE THAT APPARENTLY  
16 WOULDN'T BE REPLACED IF WE WEREN'T PARTICIPATING.

17 MR. MILLER: ACTUALLY THIS ISN'T A  
18 REPLACEMENT. IT'S AN EXPANSION OF IT.

19 BOARD MEMBER CHESBRO: IT'S A NEW --

20 MR. MILLER: WELL, THIS RECLAIMS WHAT BEFORE  
21 HAD BEEN SECURED PARKING WHICH WASN'T NEEDED AND THE  
22 EXPANSION OF A LOT. WHAT HAPPENED THE BUILDING WAS  
23 CREATED, FRANKLY, 15, 20 YEARS AGO AND THE STATE'S  
24 POLICY WASN'T TO PROVIDE ADEQUATE PARKING -- HOW SHOULD  
25 I SAY THAT? -- IT'S CALLED URBAN STRATEGY AND DIDN'T



1 NECESSARILY INVOLVE THE PARKING PRIVATE SECTOR  
2 DEVELOPER. WASN'T A PROBLEM AT THIS FACILITY AT THE  
3 TIME IT WAS BUILT BECAUSE, FRANKLY, IT WAS IN THE  
4 MIDDLE OF NOWHERE. UC DAVIS HAS NOW EXPANDED THE  
5 MEDICAL FACILITIES, CITY AND COUNTY MEDICAL FACILITIES,  
6 AND THEN BECAUSE UC DAVIS BUILT A PARKING STRUCTURE AND  
7 WANTED IT USED, THE CITY IS NOW TAKING AWAY THE  
8 ON-STREET PARKING, SO IT'S JUST CREATED ALL OF A SUDDEN  
9 A DISASTER IN TERMS OF --

10 BOARD MEMBER CHESBRO: SO THERE'S A NEED. SO  
11 HOW DOES DGS NORMALLY DEAL WITH A PARKING NEED IF A  
12 NEED EXISTS LIKE THIS?

13 MR. MILLER: IN A SITUATION LIKE THIS, WE  
14 WOULD GO FORWARD WITH A' BUDGET PROPOSAL AND DO IT IN  
15 APPROXIMATELY THREE YEARS.

16 BOARD MEMBER CHESBRO: IN THIS CASE THERE IS A  
17 NEED THAT HAS BEEN IDENTIFIED, BUT IT HASN'T BEEN PUT  
18 IN THE BUDGET AT THIS POINT?

19 MR. MILLER: RIGHT. WHEN WE HEARD OF THE  
20 PROGRAM, FRANKLY, FROM SOME MEMBERS OF THE FORMER STAFF  
21 HERE IN YOUR DEPARTMENT, WE PURSUED IT. AND AS I SAY,  
22 FRANKLY, IT COINCIDED WITH GENERAL SERVICES GETTING  
23 THEIR TAIL TWISTED FOR NOT DOING MORE RECYCLING IN THE  
24 CONSTRUCTION.

25 BOARD MEMBER CHESBRO: ARE THERE SOMEWHERE IN



1 SACRAMENTO -- IS THERE SOMEWHERE IN SACRAMENTO A  
2 PARKING LOT REPLACEMENT OR EXPANSION PROJECT THAT IS  
3 FUNDED IN THIS BUDGET THAT WE COULD PARTICIPATE IN THAT  
4 WOULD MEET THE KIND OF MATCHING CONCERNS THAT MR. JONES  
5 HAS BROUGHT UP RELATIVE TO OUR NORMAL POLICIES FOR  
6 FUNDING PART OF A PROJECT?

7 MR. MILLER: THAT'S A QUESTION I CAN'T  
8 PERSONALLY ANSWER RIGHT NOW, BUT I'D BE GLAD TO CHECK  
9 AND GET BACK TO YOUR STAFF.

10 BOARD MEMBER CHESBRO: THANKS.

11 MR. MILLER: ABOUT THE CAL-EPA BUILDING, I CAN  
12 TELL YOU --

13 BOARD MEMBER EATON: I DON'T THINK YOU WANT TO  
14 GO THERE.

15 MR. MILLER: ALL I WANT TO SAY ABOUT THE  
16 PARKING LOT, THE LOT THAT GOES WITH THAT BUILDING IS  
17 ALREADY BUILT. IT'S THE ONE WHERE THE WATER CASCADES  
18 DOWN THE PILLAR ON THE CORNER. THAT'S THE MAIN LOT.  
19 THAT'S PART OF THE CITY'S BID PACKAGE.

20 CHAIRMAN PENNINGTON: FIVE BLOCKS AWAY.

21 MR. MILLER: IT'S ACROSS THE STREET. IT'S NOT  
22 USED BY ANYBODY RIGHT NOW.

23 MR. CHANDLER: MR. PENNINGTON, I'M HEARTENED  
24 BY WHAT I HEAR, BUT WHERE YOU'RE GOING IS STILL A  
25 LITTLE TROUBLING, AND THAT IS THE COMMENT THAT IF THE



1 DEMONSTRATION PROJECT PROVES TO BE SUCCESSFUL OR TURNS  
2 OUT THE WAY WE HOPE, THEN WE WOULD CONSIDER A  
3 PERFORMANCE SPECIFICATION. I DON'T LOOK AT THIS AS A  
4 TEST CASE TO PROVE WHETHER OR NOT RUBBERIZED ASPHALT  
5 CAN BE PUT DOWN IN A PARKING LOT. WE HAVE PLENTY OF  
6 EVIDENCE OVER THE YEARS TO SHOW THAT THE APPLICATION OF  
7 RUBBERIZED ASPHALT IS COST-EFFECTIVE AND CAN BE APPLIED  
8 TO MEET PERFORMANCE STANDARDS.  
9 I WOULD HOPE WE WOULDN'T HAVE TO ONCE  
10 AGAIN HAVE A DEMONSTRATION GO FORWARD WITH JUDGMENT  
11 HANGING IN THE BALANCE ON WHETHER OR NOT TO USE  
12 RUBBERIZED ASPHALT IN A PARKING LOT SITUATION. WE ARE  
13 WELL PAST THAT, AND THAT WE DO NEED TO GET IT IN STATE  
14 FACILITIES AND REPLICATE IT AROUND THE STATE, IT WOULD  
15 APPEAR TO ME.

16 MR. MILLER: I'M NOT IN A POSITION TO MAKE  
17 THAT POLICY. THAT'S THE REASON I STATED IT THE WAY I  
18 DID. IF THE BOARD ALLOCATES THE MONEY CONTINGENT UPON  
19 THAT, I WILL RAISE IT AND HAVE THAT BECOME AN ISSUE,  
20 THAT IF THEY DICTATE IT, PEOPLE ABOVE ME CAN PUT IT IN  
21 THE SPECIFICATION AND REQUIRE IT AT ALL FACILITIES.

22 CHAIRMAN PENNINGTON: THANK YOU, MR. MILLER.

23 BOARD MEMBER CHESBRO: WANTED TO MENTION THAT  
24 I HEARD, BUT IT HASN'T ARRIVED YET, A LETTER OF SUPPORT  
25 FROM SENATOR LOCKYER ON THIS PROJECT.



1 CHAIRMAN PENNINGTON: OKAY. WE ALREADY HAVE  
2 LARRY STERLING. OKAY. WHAT'S THE PLEASURE HERE? WE  
3 HAVE REALLOCATION NUMBERS.

4 BOARD MEMBER CHESBRO: I HAVE A QUESTION ABOUT  
5 ONE OF THIS YEAR'S EXPENDITURES. THIS MIGHT OR MIGHT  
6 NOT BE RELEVANT TO THE DECISION-MAKING PROCESS. AND  
7 THAT'S GOING BACK ON PAGE 27-12 IN THE AGENDA, GOING  
8 BACK TO THE VIDEO, THE TDF AND CRUMB RUBBER EDUCATIONAL  
9 VIDEO, AND I WAS JUST CURIOUS WHETHER WE WERE GOING  
10 FORWARD WITH THAT, WHAT THE STATUS WAS RELATIVE TO THE  
11 DISCUSSION THE BOARD HAD ABOUT HAVING -- RELATIVE TO A  
12 POLICY OR NONPOLICY ON TIRE-DERIVED FUEL. SO WHAT IS  
13 THE SORT OF PURPOSE AND MESSAGE OF THE VIDEO IN LIGHT  
14 OF THAT POLICY?

15 MS. TRGOVCICH: THERE IS AN ITEM ON THE  
16 ADMINISTRATION COMMITTEE'S AGENDA NEXT MONTH FOR THE  
17 COMMITTEE MEETING FOR MAY WHICH IS AWARD OF THAT  
18 CONTRACT. BECAUSE THESE ARE SOME STANDARD SERVICES  
19 THAT ARE OFFERED TO A LOT OF AGENCIES THROUGHOUT STATE  
20 GOVERNMENT, WE UTILIZE THE PREQUALIFIED BIDDERS LISTING  
21 THAT THE DEPARTMENT OF GENERAL SERVICES MAINTAINS FOR A  
22 VARIETY -- FOR ANY CONTRACTOR THAT WANTS TO COME  
23 FORWARD AND APPROVE THEIR WORK ON THESE SERVICES, DGS  
24 PREQUALIFIES A LIST OF BIDDERS.  
25 THEN WHAT WE DO IS SAY WHAT KIND OF



1 SERVICES WE NEED AND THEN WE GO OUT AND GET BIDS ON  
2 THOSE. SO THE ITEM THAT'S COMING BEFORE MAY ADMIN NEXT  
3 MONTH WILL BE TO AWARD THE CONTRACT. THE SPECIFIC  
4 CONTENT OF THE VIDEO WILL THEN BE THE SUBJECT OF  
5 MEETINGS BETWEEN BOARD, BOARD STAFF, AND THE  
6 CONTRACTOR, BUT THE CONTRACT ITEM WILL ENCUMBER THE  
7 FUNDS, AND THEN WE WILL WORK ON THE CONTENT.  
8 THE CONTRACTOR HAS BEEN EVALUATED BASED  
9 UPON THEIR ABILITY TO PROVIDE THE SERVICES, TO HAVE THE  
10 CREATIVE TALENT, TO BE ABLE TO HAVE THE PRODUCTION  
11 CAPACITY FOR A VIDEO, OR ANY OTHER SERVICES THAT ARE  
12 REQUIRED.

13 BOARD MEMBER CHESBRO: AT THIS POINT THERE'S  
14 BEEN NO FURTHER DISCUSSION ABOUT THE ORIGINAL  
15 JUSTIFICATION OR THE MESSAGE OR THE CONTENT RELATIVE TO  
16 THE DISCUSSION THAT THE BOARD HAD ABOUT A POLICY ON  
17 TIRE-DERIVED FUEL.

18 MS. TRGOVCICH: NO. THERE'S BEEN NO MOVE IN  
19 THAT DIRECTION RIGHT NOW. ONCE WE HAVE THE CONTRACTOR  
20 ON BOARD, THEN WE CAN BRING THE CONTRACTOR IN FOR  
21 MEETINGS, SIT DOWN, THEIR CREATIVE STAFF WILL HEAR THE  
22 IDEAS THAT WE HAVE, AND DEVELOP AN APPROACH FOR THAT.

23 BOARD MEMBER EATON: MR. CHAIRMAN.

24 CHAIRMAN PENNINGTON: YES, MR. EATON.

25 BOARD MEMBER EATON: THAT -- WHAT COMES UP IN



1 ADMINISTRATION IS WHAT YOU PASSED OUT ON APRIL 8TH  
2 WOULD BE THE SCOPE OF WORK. I JUST HAVE ONE QUESTION.  
3 ON 27-12 WE HAVE AN ALLOCATION OF 150,000, AND HERE THE  
4 AMOUNT OF THE MASTER SERVICE AGREEMENT IS A HUNDRED  
5 THOUSAND. IS THERE -- ARE WE GOING TO BE ABLE TO GET  
6 ANOTHER 50? WE'RE GETTING CLOSE TO THAT PARKING LOT.

7 MS. TRGOVCICH: IT'S MY UNDERSTANDING, AND  
PERHAPS DIRECTOR CHANDLER WOULD LIKE TO INTERJECT, THAT  
9 THE BOARD REQUESTED MANY MONTHS AGO ADDITIONAL SERVICES  
10 PERTAINING TO THE MELP-OTR SITE.

11 MR. CHANDLER: I REALLY CAN'T HELP YOU, CAREN.  
12 I'M NOT SURE EXACTLY WHERE YOU'RE GOING. I DON'T HAVE  
13 ENOUGH BACKGROUND ON THIS. IF WE HAVE A PROPOSAL THAT  
14 COMES IN BELOW THE AMOUNT OF THE 50,000 DISCRETIONARY,  
15 WHAT WE'RE REFERRING TO IS WE MAY WANT TO MAINTAIN SOME  
16 DISCRETIONARY DOLLARS THAT WE MAY WANT TO CONSIDER  
17 ALLOCATING.

18 AS YOU KNOW, WE'RE IN ONGOING DISCUSSIONS  
19 WITH RESPECT TO ADDITIONAL PROPOSALS THAT WE KEEP  
20 ENTERTAINING, THEN PERHAPS THAT'S SOMETHING YOU WANT TO  
21 KEEP AS A CONSIDERATION. BUT I DON'T HAVE ANY SET  
22 RECOMMENDATIONS FOR YOU AT THIS TIME ON HOW YOU WANT  
23 TO --

24 MS. RICE: WHAT WE WERE REFERRING TO, RALPH,  
25 IS THAT THE FUNDS WERE -- HAVE ALREADY BEEN REALLOCATED



1 INTO A MASTER SERVICES AGREEMENT TO PROVIDE THE  
2 NEGOTIATION SERVICES THAT HAVE ALREADY BEEN UTILIZED  
3 AND I ASSUME MAY BE UTILIZED ON AN ONGOING BASIS FOR  
4 THE MELP-OTR SITUATION.

5 MR. CHANDLER: LET ME MAKE SURE. THIS IS  
6 WHERE I'M A LITTLE SLOW ON THE UPTAKE. I APOLOGIZE.  
7 WHAT WE HAVE DONE IN THE PAST IS UTILIZE THE FINANCIAL  
8 SERVICES OF KPMG THROUGH AN AGREEMENT THAT ESSENTIALLY  
9 TAPPED MARKET DEVELOPMENT LOAN DOLLARS, ADMINISTRATION  
10 DOLLARS, MARKET DEVELOPMENT LOAN PROGRAM. WE FELT IT  
11 WAS APPROPRIATE, IF WE'RE GOING TO ASSIGN THOSE  
12 ADDITIONAL HOURS OF TIME ON THOSE NEGOTIATIONS TO THE  
13 MELP-OTR DISCUSSIONS, THAT THE DOLLARS APPROPRIATELY  
14 SHOULD COME FROM THE TIE FUND. AND THAT IS FROM THIS  
15 AREA THAT WE HAVE TENTATIVELY EARMARKED THE DOLLARS TO  
16 COMPENSATE.

17 NOW, I CAN GO ON TO SAY I DON'T BELIEVE  
18 BILLABLE HOURS ANYWHERE APPROACH THAT AMOUNT, BUT WE  
19 HAVE THAT AMOUNT SET ASIDE RIGHT NOW FOR THAT KIND OF  
20 ONGOING NEGOTIATIONS THAT WERE UNDER WAY CURRENTLY.

21 BOARD MEMBER EATON: THANK YOU.

22 CHAIRMAN PENNINGTON: OKAY. IF THERE'S NO  
23 FURTHER QUESTIONS, I'LL ENTERTAIN A MOTION.

24 BOARD MEMBER EATON: I WOULD JUST LIKE TO  
25 SUGGEST THAT PERHAPS WITH REGARD TO THE FUNDS WITH



1 REGARD TO DOJ AND DEPARTMENT OF GENERAL SERVICES, THAT  
2 WE SORT OF JUST NOT DEAL WITH THAT ISSUE AND LET THEM  
3 CONTINUE TO NEGOTIATE. I THINK WE'VE MADE THE POINT  
4 WITH BOTH AGENCIES OF OUR CONCERN, AND PERHAPS MAYBE  
5 EITHER FOLLOWING UP ON WHAT MR. JONES HAD STATED OR MR.  
6 CHESBRO IS THERE MIGHT BE ANOTHER PROJECT OUT THERE BY  
7 WHICH THE FUNDING IS THERE, AND WE CAN USE THIS,  
8 WHETHER IT BE 90, A HUNDRED, A 117,000, WHATEVER IT  
9 MIGHT BE, TO REALLY PUSH IT OVER AND AT THE SAME TIME  
10 BE A LITTLE MORE VISIBLE, BE A LITTLE MORE BENEFICIAL.  
11 ALSO, I WOULD BE REAL CONCERNED WHEN WE  
12 START GETTING INTO LANDSCAPING AND ELECTRICAL KINDS OF  
13 MONIES THAT WE'D BE USING HERE TO SUPPORT THESE  
14 PROJECTS AND WHAT THAT MIGHT MEAN FROM A PUBLIC  
15 PERCEPTION STANDPOINT, AS WELL AS LANDSCAPING PROVIDES  
16 ANOTHER OPPORTUNITY TO USE SOME PRODUCTS, PAPER  
17 PRODUCTS THAT CALTRANS HAS BEEN USING FOR LANDSCAPING  
18 AND GETTING THOSE TO BE COMMITTED TO IN PROJECTS THAT  
19 WE DO AND WHETHER THIS PROJECT OR NOT. I THINK ABSENT  
20 THAT --

21 CHAIRMAN PENNINGTON: WHAT WE NEED TO DO IS  
22 HAVE A PLACEHOLDER.

23 BOARD MEMBER JONES: HAVE A PLACEHOLDER.

24 BOARD MEMBER EATON: I THINK THAT THESE KINDS  
25 OF THINGS ARE GOOD FOR US. ABSOLUTELY. I JUST THINK



1 THAT WE GET INTO THE KIND OF PAYING FOR ALL AND ALL OF  
2 THOSE KINDS OF THINGS, AND SOME OF THE OTHER ISSUES  
3 THAT WERE RAISED, WE SHOULD TRY AND MAXIMIZE WHATEVER  
4 WE CAN. IF WE CAN'T HAVE THEM, STAFF CAN COME BACK AND  
5 TELL US WHERE WE'RE CLOSE. GENERAL SERVICES CAN KICK  
6 IN SOME EXTRA MONEY. THEY'RE GETTING INTO THEIR BUDGET  
7 AS WELL, SO THEY MAY FIND SOME EXTRA DOLLARS AS WELL.

8 CHAIRMAN PENNINGTON: KARIN, IF WE PUT A  
9 PLACEHOLDER, DO WE HAVE TO ENCUMBER IT BY JULY 1?

10 MS. FISH: BY JUNE 30TH.

11 CHAIRMAN PENNINGTON: BY JUNE. SO WE'VE GOT A  
12 LITTLE TIME TO WORK ON IT. AS LONG AS IT'S THERE, WE  
13 CAN ENCUMBER. IF WE DON'T ENCUMBER BY JUNE 30TH, DO WE  
14 LOSE IT?

15 MS. FISH: YOU LOSE THE APPROPRIATION  
16 AUTHORITY. YOU DO NOT LOSE THE ACTUAL DOLLARS. THEY  
17 WILL FORWARD TO NEXT YEAR, BUT WITHOUT THE  
18 APPROPRIATION AUTHORITY, YOU HAVE NO ABILITY TO  
19 ENCUMBER.

20 MS. TRGOVCICH: I BELIEVE THE SUGGESTION CAME  
21 UP PRIOR THAT IN THE EVENT THAT WE DID NOT ENCUMBER BY  
22 A CERTAIN DATE, THAT WE COULD MOVE THOSE MONIES INTO  
23 THE EXISTING CLEANUP CONTRACT.

24 BOARD MEMBER JONES: AND THAT WORKS. I'D LIKE  
25 TO AND --



1 CHAIRMAN PENNINGTON: MR. JONES.

2 BOARD MEMBER EATON: WILL WE HAVE AN  
3 OPPORTUNITY TO VIEW WHEN THOSE MONIES WOULD BE MOVED  
4 INTO AND HOW THEY WOULD BE UTILIZED?

5 CHAIRMAN PENNINGTON: THEY WOULD GO INTO OUR  
6 TIRE STABILIZATION AND ABATEMENT CONTRACT.

7 BOARD MEMBER JONES: MR. CHAIRMAN, I -- WHEN  
8 WE GOT THE ITEM, I DID NOT GET THE 32,000 OR SOMETHING  
9 THAT WAS AVAILABLE. SO I MAY END UP MAKING A MISTAKE  
10 ON THIS.

11 MS. TRGOVCICH: DID YOU RECEIVE A COPY? WE  
12 HANDED OUT A REVISED CHART THAT SHOWS THE 50,000 AT THE  
13 BOTTOM AS THE DEFICIT, AND I THINK DOROTHY SAID THAT  
14 THAT WAS REFERRING TO TE WASTE TIRE STABILIZATION AND  
15 ABATEMENT CONTRACT AT 771,000.

16 BOARD MEMBER JONES: RIGHT. I GOT THAT PART.  
17 I JUST WASN'T SURE WHEN I WENT THROUGH THIS. IF I  
18 MISSTATE SOMETHING, GO AHEAD AND CORRECT ME.  
19 I'D LIKE -- I'M GOING TO MAKE A MOTION  
20 THAT WE REALLOCATE \$100,000 TO ENVIRONMENTAL SERVICES  
21 CONTRACT; \$12,014 TO THE WASTE TIRE ENFORCEMENT GRANT  
22 PROGRAM; \$5,887 TO THE MOLDED RUBBER PRODUCTS; \$70,843  
23 TO THE PLAYGROUND MATS; AND THEN TO THE DEPARTMENT OF  
24 JUSTICE PARKING LOT, \$198,885, WHICH AS I DID THE MATH  
25 REAL QUICK WOULD HAVE TAKEN WASTE STABILIZATION DOWN TO



1 \$700,000, AN EVEN NUMBER, WITH THE UNDERSTANDING THAT  
2 IF OUR STAFF, DOJ, AND DGS DON'T COME UP WITH A NUMBER  
3 OR THAT THE NUMBER IS -- MEETS OUR NORMAL CRITERIA,  
4 WHATEVER DOLLARS THAT ARE UNEXPENDED OUT OF THIS GET  
5 ROLLED INTO THE WASTE TIRE STABILIZATION NUMBER, WHICH  
6 WOULD ADD TO THE 700,000 WHATEVER PORTION OF THE DOJ.

7 MS. TRGOVCICH: MEMBER JONES, WHERE I WOULD  
8 LIKE CLARIFICATION IS WHEN YOU SAID BASED UPON OUR  
9 NORMAL PROCESS, IN THE PAST WE'VE ALLOCATED ESSENTIALLY  
10 50 PERCENT. SO WHAT I'M SEEKING FROM YOU IS YOUR  
11 DIRECTION THAT WITHIN THE LINE ITEMS THAT WE'VE  
12 APPROVED FUNDING FOR IN THE PAST, THAT YOU ARE  
13 DIRECTING US TO LOOK AT FULLY FUNDING THOSE LINE ITEMS  
14 BECAUSE THE 117 WAS AT 0 PERCENT OR GREATER OF THOSE  
15 TRADITIONAL LINE ITEMS.

16 CHAIRMAN PENNINGTON: IF I MAY, I THINK WHAT  
17 THE IDEA HERE IS THAT YOU GO BACK TO DGS AND SAY, OKAY,  
18 YOU GOT A PARKING LOT TO PAVE OVER HERE. THAT'S GOING  
19 TO COST YOU A HUNDRED THOUSAND DOLLARS. YOU USE  
20 RUBBERIZED ASPHALT AND THAT WORKS AS -- THE MATCHING  
21 FUND WAS FOR THIS PARKING LOT, IS THAT NOT WHAT I  
22 HEARD?

23 BOARD MEMBER JONES: I THINK THAT'S WHAT WE  
24 WERE TALKING ABOUT IS ADDING -- FIND A WAY THAT WE CAN  
25 DO SOME MATCHES BY USING OTHER PROJECTS.



1 CHAIRMAN PENNINGTON: I'LL SECOND YOUR MOTION,  
2 MR. JONES. IF THERE'S NO FURTHER DISCUSSION, WILL THE  
3 SECRETARY CALL THE ROLL.

4 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

5 BOARD MEMBER CHESBRO.

6 BOARD MEMBER CHESBRO: AYE.

7 THE SECRETARY: EATON.

8 BOARD MEMBER EATON: AYE.

9 THE SECRETARY: FRAZEE.

10 BOARD MEMBER FRAZEE: AYE.

11 THE SECRETARY: JONES.

12 BOARD MEMBER JONES: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.

15 IT'S NOW 12:30. LET'S BREAK AND BE BACK AT 2 O'CLOCK.

16 (LUNCH RECESS-TAKEN.)

17 CHAIRMAN PENNINGTON: OKAY. WE'RE GOING TO

18 COME BACK INTO SESSION. WE'VE GOT A CORRECTION ON ITEM

19 27. WE HAVE A TECHNICAL AMENDMENT WE HAVE TO MAKE

20 HERE. WHO WANTS TO MAKE THE --

21 MS. FISH: THERE'S JUST A SLIGHT CHANGE IN THE

22 WASTE TIRE STABILIZATION. INSTEAD OF 700,000, IT WILL

23 BE 690,371.

24 CHAIRMAN PENNINGTON: OKAY. I DON'T REALLY

25 THINK WE NEED TO TAKE A VOTE ON ANYTHING, JUST SO THE



1 RECORD SHOWS WHAT THE DIFFERENCE WAS IN THE CHART.

2 OKAY. WELCOME BACK. ITEM 28 WILL BE THE

3 NEXT ITEM. LET ME FIRST ASK IF ANYBODY HAS ANY EX

4 PARTES. MR. CHESBRO.

5 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I HAD A

6 CONVERSATION WITH MR. GEORGE LARSON REPRESENTING

7 REDWOOD LANDFILL REGARDING ITEM NO. 36.

8 CHAIRMAN PENNINGTON: OKAY. ANYBODY ELSE?

9 BOARD MEMBER JONES: MR. CHAIRMAN, I'VE GOT

10 GEORGE LARSON AS WELL ON RPPC.

11 CHAIRMAN PENNINGTON: OKAY. I'D LIKE TO

12 REMIND EVERYONE THAT THERE ARE SPEAKER REQUEST SLIPS AT

13 THE TABLE JUST BY THE DOOR. IF YOU WISH TO ADDRESS ANY

14 ITEM ON THE AGENDA, PLEASE FILL ONE OUT AND GET IT TO

15 MS. KELLY HERE, WHO WILL GET THEM TO ME AND MAKE SURE

16 THAT YOU GET HEARD. I THINK THAT'S ALL THE LITTLE

17 ANNOUNCEMENTS I HAVE, SO WE'LL MOVE TO ITEM 28,

18 CONSIDERATION OF FISCAL YEAR 1998-99 WASTE TIRE

19 MANAGEMENT PROGRAM FUNDING ALLOCATION. KARIN FISH.

20 MS. FISH: YES. I WILL BE INTRODUCING THAT

21 ITEM. LET ME GET TO THE RIGHT SLIDE HERE. OKAY.

22 THESE ARE THE ALLOCATIONS FOR '98-'99 THAT WILL BE

23 PRESENTED. WE'LL START WITH AN OVERVIEW OF THE

24 APPROPRIATION AUTHORITY. IT'S SIGNIFICANTLY REDUCED

25 FROM THE PREVIOUS YEAR, AND WE'LL GO THROUGH THAT, AS



1 WELL AS AN ALLOCATION OVERVIEW, AND THEN THE  
2 ALLOCATIONS THAT WERE RECOMMENDED DURING THE COMMITTEE.  
3 IT'S IMPORTANT TO NOTE THAT BOTH THE  
4 SENATE AND THE ASSEMBLY HAVE EXPRESSED INTEREST IN  
5 THIS. IN THE ASSEMBLY THEY DELAYED OUR HEARING SO THAT  
6 THEY WOULD SEE WHAT THE BOARD VOTE WAS ON THIS ITEM.  
7 SO UPON CONCLUSION OF THIS, WE WILL BE PROVIDING THAT  
8 INFORMATION TO THE ASSEMBLY IN PREPARATION FOR THE  
9 HEARINGS THAT ARE ON THE 5TH AND THE 7TH.  
10 THE APPROPRIATION FOR '97-'98 OR LAST  
11 YEAR'S APPROPRIATION, WE STARTED WITH \$9 MILLION. WE  
12 NEEDED TO BACK OUT ONE-TIME COSTS OF A BCP THAT WAS  
13 DONE IN '97-'98 TO CAPTURE SOME FUNDING THAT HAD COME  
14 IN RELATIVE TO SOME INTEREST EARNINGS, A FUND SWEEP, AS  
15 WELL AS SOME LEGISLATION THAT SOME ONE-TIME REVENUES  
16 WERE REALIZED. THE '98-'99 BCP COSTS WERE 232,000  
17 ADDED TO OUR APPROPRIATION AUTHORITY AND SOME  
18 MISCELLANEOUS ADJUSTMENTS, SO THE APPROPRIATION BEFORE  
19 YOU TODAY IS ALMOST 4.9 MILLION.  
20 OF THAT 1.9 MILLION FOR SALARIES, WAGES,  
21 AND OPERATING EXPENSES FOR THE MANDATORY CONSULTING AND  
22 PROFESSIONAL SERVICES, AND THE BALANCE FOR ALLOCATION  
23 HERE TODAY IS 2.9 MILLION.  
24 PERMITTING AND ENFORCEMENT HAS REQUESTED  
25 ONE POINT -- OR THE RECOMMENDATION IS 1.6 MILLION, AND



1 THE WASTE PREVENTION, THE RECOMMENDATION IS 1.2  
2 MILLION. PROGRAM, WOULD YOU LIKE TO SPEAK TO --  
3 DOROTHY.

4 MS. RICE: GOOD AFTERNOON, MR. CHAIRMAN, BOARD  
5 MEMBERS. DOROTHY RICE WITH THE PERMITTING AND  
6 ENFORCEMENT DIVISION. THIS IS OBVIOUSLY THE COMMITTEE  
7 RECOMMENDATION FOR FUNDING IN THE AREA OF PERMITTING  
8 AND ENFORCEMENT: 385,000 FOR THE STABILIZATION AND  
9 ABATEMENT CONTRACT AUTHORITY, THE WASTE TIRE  
10 STABILIZATION AND ABATEMENT CONTRACT; 100,000 FOR  
11 ENVIRONMENTAL SERVICES; 100,000 FOR LOCAL GOVERNMENT  
12 CLEANUP MATCHING GRANTS; 611,000 FOR WASTE TIRE  
13 ENFORCEMENT GRANTS; 175,000 FOR OES AND CDF SPECIALIZED  
14 FIRE FIGHTING EQUIPMENT'; AND, LASTLY, 290,000 TIRE FIRE  
15 CHEMICAL ANALYSIS, FOR A TOTAL OF \$1,161,000.

16 MS. TRGOVCICH: GOOD AFTERNOON. CAREN  
17 TRGOVCICH, WASTE PREVENTION/MARKET DEVELOPMENT  
18 DIVISION. THOSE PROGRAM REQUESTS IDENTIFIED UNDER THIS  
19 HEADING INCLUDE TIRE PRODUCTS PROMOTION AND PROCESSING  
20 MATCHING GRANTS. IT'S BEEN A COUPLE OF YEARS SINCE WE  
21 PROVIDED THESE BROADER GRANTS. THEY ARE PROPOSED UP TO  
22 A MAXIMUM OF \$80,000 PER RECIPIENT AT \$400,000. LOCAL  
23 GOVERNMENT AMNESTY AND PUBLIC EDUCATION EVENT MATCHING  
24 GRANTS, \$250,000. THESE HAVE PROVED FAIRLY SUCCESSFUL  
25 IN PRIOR YEARS. THEY GO FOR CLEANUP DAYS, PUBLIC



1 EDUCATION EFFORTS, TIRE ROTATIONAL, INFLATION, PUBLIC  
2 EDUCATION EFFORTS, ALL SORTS OF THINGS.  
3 MEMBER JONES PROPOSED AT THE COMMITTEE  
4 MEETING A SEPTIC TANK USE DEVELOPMENT 2-INCH MINUS  
5 CHIPS THAT WOULD BE A DEMONSTRATION PROJECT. AT THAT  
6 MEETING ALSO PLAYGROUND COVER MATCHING GRANT PROGRAM  
7 WAS PROPOSED, VERY SIMILAR TO THE ONE THAT IS JUST  
8 CONCLUDING THIS YEAR, FOR 300,000. MARKET OUTREACH FOR  
9 20,000. WHAT THAT IS IS PUBLICATION AND DISTRIBUTION  
10 OF MATERIALS THAT WE SIMPLY DO NOT HAVE A BUDGET TO  
11 MAKE THOSE MATERIALS AVAILABLE THROUGH. AND CALMAX AT  
12 15,000, VERY SIMILAR TO LAST YEAR, BUT CALMAX DOES  
13 CONTAIN LISTINGS AND THIS APPROPRIATE PERCENTAGE FOR  
14 PURPOSES OF CATALOG PRODUCTION.  
15 AND THAT IS A SUMMARY BASICALLY FROM BOTH  
16 OF THE DIVISIONS ON THE PROGRAM EFFORTS REQUESTED.  
17 IN THE WASTE PREVENTION AND MARKET  
18 DEVELOPMENT AREA, WE HAVE ONE ADDITIONAL REQUEST TO  
19 MAKE. WE WERE NOT AWARE OF THIS INFORMATION AT THE  
20 TIME OF THE COMMITTEE MEETING, AND I BELIEVE I TRIED TO  
21 SPEAK WITH AS MANY OFFICES AS I COULD GET BRIEFINGS  
22 WITH BETWEEN COMMITTEE AND BOARD MEETING. AS YOU'RE  
23 AWARE, THE '97-'98 ALLOCATION, THE BOARD MADE AVAILABLE  
24 FUNDS FOR TIRE-DERIVED FUEL EMISSION AND ASH TESTING  
25 FOR COAL FIRE COGEN FACILITIES AROUND THE STATE. WE



1 HAVE COMPLETED ONE SET OF TESTING, AS YOU ARE WELL  
2 AWARE OF, AT THE AIR PRODUCTS FACILITY. WE WILL BE  
3 UNDERTAKING A SUBSEQUENT TESTING THAT THE PROTOCOL IS  
4 CURRENTLY FINALIZED FOR. AND WE WOULD PROPOSE THERE  
5 WILL BE APPROXIMATELY \$60,000 REMAINING IN THAT  
6 CONTRACT.

7 EACH SET OF TESTING COSTS ANYWHERE FROM  
8 APPROXIMATELY 80 TO 90 TO A HUNDRED OR A \$110,000,  
9 DEPENDING UPON THE COMPLEXITY OF THE BOILER UNIT AND  
10 THE TYPE OF EMISSIONS WORK THAT THE AIR DISTRICT IS  
11 SPECIFICALLY REQUESTING TO HAVE COMPLETED.

12 AND WHAT WE ARE REQUESTING IS AN  
13 ADDITIONAL \$35,000 IN FISCAL YEAR 8-9 TO AUGMENT THE  
14 EXISTING TDF EMISSIONS AND ASH LABORATORY CONTRACT TO  
15 COMPLETE A THIRD SET OF TESTING, IF YOU SO CHOOSE. SO  
16 THAT IS ONE ADDITIONAL REQUEST FOR \$35,000 THAT THE  
17 DIVISION IS MAKING AT THIS TIME AS WELL.

18 CHAIRMAN PENNINGTON: OKAY.

19 MS. FISH: YES. WHAT I COULD DO AT THIS TIME,  
20 IF WE WANT TO GO THROUGH DIFFERENT ALLOCATIONS, I'LL  
21 PUT UP ANOTHER SPREADSHEET SIMILAR TO THE LAST ONE, AND  
22 THEN YOU CAN CONTINUE WITH YOUR DISCUSSION.

23 CHAIRMAN PENNINGTON: OKAY. QUESTIONS OF  
24 STAFF?

25 BOARD MEMBER CHESBRO: THE TIRE PRODUCTS B&P



1 GRANTS, WHO IS THAT TARGETED ON? IS THAT LOCAL

2 GOVERNMENT? OR IS IT TARGETED TO --

3 MS. TRGOVCICH: RIGHT NOW THOSE GRANTS ARE

4 TARGETED AT BUSINESSES. IT'S NOT TARGETED AT LOCAL

5 GOVERNMENTS RIGHT NOW. THEY WOULD BE GRANTS THAT WOULD

6 BE MADE AVAILABLE FOR INNOVATION IN THE TIRE AREA.

7 WE'RE NOT LOOKING REALLY AT BRAND NEW TECHNOLOGY, BUT

8 WE'RE HOPING TO DEVELOP THE CRITERIA FOR TECHNOLOGY

9 THAT BASICALLY EXISTED, BUT JUST NEEDED A BOOST TO GO

10 TO COMMERCIALIZATION.

11 LAST YEAR FUNDING FOR THE PROGRAM, WE

12 DON'T WANT TO START SOMETHING NEW, BUT WE FEEL THERE'S

13 AN AWFUL LOT OUT THERE RIGHT NOW WITH TREMENDOUS

14 POTENTIAL THAT CAN'T GET TO COMMERCIALIZATION.

15 BOARD MEMBER CHESBRO: IN THE LOCAL

16 GOVERNMENTS WOULD NOT BE ELIGIBLE, WAS IT PRIMARILY

17 TARGETED ON PRIVATE?

18 MS. TRGOVCICH: RIGHT NOW TARGETED ON PRIVATE.

19 ONCE AGAIN, IT WOULD BE UP TO THE BOARD TO DECIDE HOW

20 YOU WOULD LIKE TO FOCUS THAT PROGRAM. OUR SUGGESTION

21 IS TO TARGET IT AT BUSINESSES.

22 BOARD MEMBER CHESBRO: I HAVE NO PROBLEM WITH

23 BUSINESSES, OBVIOUSLY, BUT I CAN IMAGINE PUBLIC WORKS

24 APPLICATIONS AND OTHER KINDS OF SITUATIONS WHERE LOCAL

25 GOVERNMENT WOULD BE THE APPROPRIATE PARTY. SO...



1 CHAIRMAN PENNINGTON: OKAY. ANY ADDITIONAL  
2 QUESTIONS? MR. FRAZEE.

3 BOARD MEMBER FRAZEE: GOING BACK OVER THE  
4 CHANGES, YOU SUGGESTED THAT 35,000, IS IT, FOR AN  
5 ADDITIONAL CONTRACT FOR - -

6 MS. TRGOVCICH: WHAT WE WOULD BE PROPOSING TO  
7 DO IS TO AUGMENT THE EXISTING CONTRACT. THAT CONTRACT  
8 WAS AWARDED THROUGH THE STATE'S BIDDING PROCESS TO  
9 ACUREX. THAT'S THE CURRENT LABORATORY UNDER CONTRACT,  
10 AND THE PROPOSAL IS TO AUGMENT THAT CONTRACT BY AN  
11 ADDITIONAL \$35,000.

12 BOARD MEMBER FRAZEE: AND THAT MONEY WOULD  
13 COME OUT OF THE PLAYGROUND ITEM.

14 MS. TRGOVCICH: IT WOULD COME OUT OF WHATEVER  
15 ITEM YOU COULD --

16 BOARD MEMBER FRAZEE: YOU DID NOT SUGGEST IT.

17 MS. TRGOVCICH: TO BE VERY TRUTHFUL, WE'VE  
18 SUGGESTED THAT WE BACK AWAY FROM THAT SUGGESTION AND  
19 LEAVE IT UP TO YOUR DISCRETION ON WHERE YOU'D LIKE TO  
20 TAKE THAT FROM.

21 BOARD MEMBER FRAZEE: NOW FOR THE REAL  
22 QUESTION. AT THE TIME OF OUR POLICY ADOPTION ON THE  
23 WHOLE RANGE OF HIERARCHY OF USES FOR TIRES, AND THE  
24 CONTROVERSY WE HAD OVER THE TIRE BURNING, AS YOU  
25 RECALL, IT WAS -- I THOUGHT THERE WAS SOME DEGREE OF



1 CREDIBILITY OF THE PEOPLE TESTIFYING FROM SUNNYVALE --  
2 CUPERTINO, THAT THEY QUESTIONED THE VALUE OF THESE  
3 STATISTICS IN SAYING THAT'S ALL THEY WERE AND REALLY  
4 DIDN'T GO INTO A FULL-BLOWN HEALTH RISK ASSESSMENT. IS  
5 THERE VALUE IN GAINING THAT INFORMATION, JUST COMPILING  
6 THE INFORMATION WHEN IT IS IN QUESTION AS TO HOW FAR IT  
7 REALLY GOES?

8 MS. TRGOVCICH: THE ADDITIONAL TESTING OR JUST  
9 THE TESTING WE ARE DOING AND ANY ADDITIONAL TESTING  
10 WILL ADD VALUE AND WOULD ADDRESS A NUMBER OF CONCERNS  
11 THAT PRINCIPALLY THE WEST VALLEY CITIZENS AIR WATCH,  
12 FOR EXAMPLE, RAISED IN THE PAST. ONE WAS THAT THERE  
13 WASN'T SIGNIFICANT ENOUGH CALIFORNIA DATA. THEY HAD A  
14 LARGE CONCERN THAT THE DAMES & MOORE STUDY DID NOT  
15 CONTAIN A LARGE ENOUGH PERCENTAGE OF CALIFORNIA DATA  
16 AND, THEREFORE, WAS NOT VALID. THIS WOULD ADD TO THE  
17 CALIFORNIA DATA POOL.  
18 AS IT RELATES TO HEALTH RISK ASSESSMENT,  
19 THESE STUDIES ARE NOT INTENDED TO BE AT ALL REFLECTIVE  
20 OF A HEALTH RISK ASSESSMENT; HOWEVER, IT IS THESE VERY  
21 NUMBERS AND THIS DATA THAT THE LOCAL AIR DISTRICTS USE  
22 IN THEIR EVALUATION AND RANKING OF THESE FACILITIES TO  
23 DETERMINE WHETHER THE LEVEL OF RISK INCREASES SUCH THAT  
24 IT WOULD WARRANT ADDITIONAL AND FURTHER TESTING ON THE  
25 PART OF THE INDIVIDUAL FACILITIES TO ADDRESS THE HEALTH



1 RISK ISSUES. THE AIR DISTRICTS RANK THESE FACILITIES  
2 IN CERTAIN CATEGORIES, AND THIS DATA IS LARGELY THERE  
3 TO ASSIST THEM IN DETERMINING WHETHER THAT FACILITY  
4 MOVES FROM A CURRENT LEVEL OF RISK INTO A HIGHER LEVEL  
5 OF RISK AND, THEREFORE, WHETHER FURTHER TESTING AND  
6 EVALUATION IS WARRANTED.

7 BOARD MEMBER FRAZEE: SO THERE WOULD BE NO  
8 VALUE IN US PUTTING AN ADDITIONAL AMOUNT OF MONEY IN TO  
9 DO HEALTH RISK ASSESSMENTS.

10 MS. TRGOVCICH: I'M NOT SAYING THAT HERE. I  
11 WAS JUST TRYING TO DESCRIBE WHAT THE CURRENT CONTRACT  
12 WAS. I THINK THAT WHAT YOU ARE SUGGESTING IS A MUCH  
13 BROADER, LARGER CONCEPT THAT WOULD ENCOMPASS MULTIPLE  
14 OTHER AGENCIES, AND IT WOULD BE A FAR LARGER AND MORE  
15 SIGNIFICANT UNDERTAKING.

16 BOARD MEMBER FRAZEE: OKAY.

17 BOARD MEMBER CHESBRO: MR. CHAIRMAN, IS THERE  
18 A PARTICULAR FACILITY THAT THAT RESEARCH IS INTENDED  
19 FOR?

20 MS. TRGOVCICH: IN - - YES. WE WENT OUT AND  
21 DID A SURVEY OF THE COAL FIRE COGEN FACILITIES AROUND  
22 THE STATE, AND WE IDENTIFIED THREE THAT WERE INTERESTED  
23 AND HAVE ACTUALLY MOVED THEMSELVES FORWARD ON THE  
24 PROCESS. WE'VE DONE ONE OF THEM. TWO MORE WILL BE  
25 PROCEEDING.



1 BOARD MEMBER CHESBRO: WHICH ONES ARE THEY?

2 MS. TRGOVCICH: JACKSON VALLEY, A  
3 LIGNITE FACILITY. THEY BURN LIGNITE AS A FUEL SOURCE,  
4 AND THEN THE BETTER ONE IS POSDEF FACILITY.

5 CHAIRMAN PENNINGTON: OKAY.

6 BOARD MEMBER EATON: COUPLE OF QUESTIONS. I'M  
7 GOING TO GO THROUGH SOME OF THE STUFF AND THEN I'LL  
8 HAVE MS. RICE COME UP AND TALK ABOUT HER SECTION. WHAT  
9 WAS THE DEMAND LAST YEAR FOR THE TIRE PRODUCTS GRANTS?

10 MS. TRGOVCICH: WE DID NOT HAVE THIS GRANT  
11 PROGRAM LAST YEAR. WE RAN SIMILAR PROGRAMS IN THE  
12 EARLY PART OF THE PROGRAM, AND THOSE FUNDS WERE FULLY  
13 UTILIZED.

14 BOARD MEMBER EATON: AND THE DEMAND FOR THE  
15 PLAYGROUND MATCHING GRANTS WAS APPROXIMATELY 370.

16 MS. TRGOVCICH: 370, 70,000 OVER.

17 BOARD MEMBER EATON: AND WITH REGARD TO THE  
18 LOCAL GOVERNMENT AMNESTY PORTION WERE NOT FUNDED LAST  
19 YEAR, WE DIDN'T HAVE THAT PROGRAM, CORRECT?

20 MS. TRGOVCICH: CORRECT.

21 BOARD MEMBER EATON: WE'RE BRINGING THIS ONE  
22 BACK.

23 MS. TRGOVCICH: CORRECT.

24 BOARD MEMBER EATON: WHAT DATA DO WE HAVE, IF  
25 ANY, AS TO THE SUCCESS OF THAT PROGRAM IN TERMS OF RAW



1 NUMBERS?

2 MS. TRGOVCICH: WHAT WE'VE DONE, AND I THINK  
3 THAT WE DID A SUPPLEMENTAL REPORT TO THE LEGISLATURE  
4 APPROXIMATELY A YEAR AND A HALF AGO, AND WHAT IT DID  
5 WAS SUMMARIZED ALL PRIOR YEAR GRANTS AND CONTRACTS.  
6 AND WHAT THAT REPORT SUMMARIZED, AND I CANNOT RECITE  
7 THE NUMBERS FOR YOU OFF THE TOP OF MY HEAD, WITH  
8 RESPECT TO LOCAL GOVERNMENT AMNESTY DAYS, IT IDENTIFIED  
9 THE NUMBERS OF TIRES THAT WERE COLLECTED LOCALLY AND  
10 MOVED OFF TO END USE, IT IDENTIFIED THE NUMBER OF  
11 EDUCATIONAL EFFORTS BOTH RELATED TO TIRE DISPOSAL AS  
12 WELL AS TIRE EFFICIENCY, PROPER INFLATION, YOU KNOW,  
13 ROTATION, ETC.

14 BOARD MEMBER EATON: AND THE GRANT LEVEL AT  
15 THAT WAS ABOUT 15,000, CORRECT, MAXIMUM UP TO, SAYS  
16 ACCORDING TO HERE. I JUST --

17 MS. TRGOVCICH: I'M SURE THE WRITTEN WORD IS  
18 CORRECT.

19 MR. CHANDLER: CAREN, YOU MIGHT WANT TO ADD TO  
20 YOUR ANSWER THE RESULTS OF THE MANY AMNESTY PROGRAMS.

21 MS. TRGOVCICH: ACTUALLY AIR PRODUCTS IN THE  
22 SAN JOAQUIN AREA IS JUST ABOUT TO LAUNCH AN AMNESTY  
23 PROGRAM IN CONJUNCTION WITH THE CITY OF STOCKTON. AS  
24 YOU'RE AWARE, THEY JUST RECENTLY RECEIVED THEIR PERMIT  
25 TO AUGMENT THEIR FUEL SOURCE BY 11 PERCENT TIRE-DERIVED



1 FUEL. IN KICKING THAT OFF, THEY WILL BE HOLDING FOUR  
2 LOCAL AMNESTY EVENTS, AND THOSE ARE ACTUALLY TARGETED  
3 AT FARMERS RIGHT NOW. AND THIS PROGRAM WOULD NOT BE  
4 TARGETED AT FARMERS, BUT WITH THE 25-PERCENT RESPONSE  
5 THEY RECEIVED FROM FARMERS IN THE IMMEDIATE STOCKTON  
6 VICINITY, THEY FOUND OVER 30,000 ILLEGAL PILES RIGHT  
7 NOW THAT HAVE NOTHING TO DO WITH THE FARMERS' DISPOSAL  
8 PRACTICES. THEY WERE ALL JUST DUMPED THERE.

9 BOARD MEMBER EATON: AS YOU AND I SPOKE THE  
10 OTHER DAY, PERHAPS FOR THE OTHER BOARD MEMBERS, YOU CAN  
11 CLARIFY HOW WE MIGHT BE ABLE TO ENSURE THAT THIS  
12 DOESN'T CONFLICT WITH SENATOR LOCKYER'S MEASURE, SB  
13 1330, THE CLEANUP, SO THAT THERE'S NOT A DOUBLING OF  
14 THE EFFORTS FOR THE BOARD AS IT MIGHT BE ABLE TO  
15 PROTECT ITSELF IN TERMS OF BECAUSE THEY COULD BE VERY  
16 SIMILAR IF THIS IS A FARM AND RANCH CLEANUP.

17 MS. TRGOVCICH: WE'RE NOT PROPOSING TO TARGET  
18 THE FARM AND RANCH CLEANUP BECAUSE THERE WOULD BE  
19 MONIES AVAILABLE THROUGH THAT 1330 PROGRAM.

20 BOARD MEMBER EATON: BUT THE STOCKTON IS FARM  
21 AND RANCH.

22 MS. TRGOVCICH: BUT WE ARE NOT FUNDING THAT.  
23 THAT IS BEING FUNDED BY AIR PRODUCTS.

24 MR. CHANDLER: MY ONLY POINT WAS JUST TO SHOW  
25 THE RESPONSIVENESS THAT SEEMS TO BE OUT THERE WITH



1 RESPECT TO THE AMNESTY EVENT THAT IS SPONSORED, IF YOU  
2 WILL, THAT APPEARS TO BE TIRES THAT SEEM TO COME  
3 FORWARD TO THESE EVENTS FOR PEOPLE WHO WANT TO TAKE  
4 ADVANTAGE OF THE OFFERING. THIS IS STRICTLY A PRIVATE  
5 OFFERING ON THE PARTS OF THEIR PRODUCTS ANALOGOUS WITH  
6 WHAT WE'VE BEEN DOING IN THE URBAN SETTING WITH THIS  
7 PROGRAM.

8 BOARD MEMBER EATON: WOULD THESE BE DONE IN  
9 CONJUNCTION WITH OUR OTHER TYPES OF AMNESTY PROGRAMS OR  
10 HOUSEHOLD HAZARDOUS WASTE CLEANUP DAYS OR DIFFERENT  
11 DAYS SO WE COULD MAXIMIZE OUR EFFICIENCY OF RESOURCES  
12 AND, THEREFORE, MAYBE THE ITEM IS NOT NEEDED TO BE  
13 FUNDED AT THE LEVEL IT DOES?

14 MS. TRGOVCICH: IT COULD CERTAINLY BE INCLUDED  
15 AS PART OF THE PREFERENCE CRITERIA, THAT YOU COULD GET  
16 ADDITIONAL POINTS BY COMMINGLING THOSE DAYS OR  
17 CONSOLIDATING THOSE COLLECTION DAYS. I DON'T KNOW IF  
18 THERE WOULD BE ANY EFFICIENCIES ASSOCIATED WITH DOING  
19 THAT BECAUSE I DON'T KNOW IF THE SAME INDIVIDUALS WOULD  
20 BE HANDLING THE TIRES. I DON'T KNOW WHERE THEY ALL  
21 WOULD BE GOING. I DON'T KNOW IF THE EVENTS ARE BEING  
22 HELD AT A SITE THAT COULD TAKE TIRES OR THAT WOULD EVEN  
23 WANT TO.

24 BOARD MEMBER EATON: YOU WOULD AGREE THAT WITH  
25 REGARD TO THE CONSUMER WHO'S OUT THERE, THE ABILITY TO



1 GO TO ONE PLACE AND DO ALL OF THEIR THINGS IS MUCH MORE  
2 CONVENIENT THAN HAVING TO GO MAYBE IT'S THE THIRD  
3 THURSDAY OR FRIDAY FOR TIRES, SECOND TUESDAY FOR  
4 HOUSEHOLD HAZARDOUS WASTE. I'M SAYING WHATEVER WE CAN  
5 DO I THINK WE NEED TO DO TO ENCOURAGE THAT THEY GO  
6 FORWARD WITH THIS PROGRAM.

7 MS. TRGOVCICH: IT CAN CERTAINLY BE INCLUDED  
8 IN THE PREFERENCE CRITERIA. ALLS I DON'T WANT TO DO IS  
9 TO PRECLUDE VERY LEGITIMATE PROGRAMS WHERE THE  
10 CONNECTION MAY NOT BE WORTHWHILE TO MAKE.

11 BOARD MEMBER EATON: I THINK THAT'S ALL I HAVE  
12 FOR WASTE PREVENTION AND MARKETING. DO HAVE SOME  
13 QUESTIONS ON PERMITTING AND ENFORCEMENT.

14 CHAIRMAN PENNINGTON: MS. RICE.

15 BOARD MEMBER EATON: TELL ME ABOUT THE  
16 VEHICLE, THE FIRE TRUCK. WHAT IS IT? WHO REQUESTED  
17 IT?

18 MS. RICE: THIS WAS BASICALLY A STAFF  
19 INITIATIVE, SO WE WERE NOT REQUESTED BY ANY OF THESE  
20 AGENCIES LISTED OR ANYONE IN PARTICULAR TO PUT THIS  
21 FORWARD. MY STAFF WERE INTIMATELY INVOLVED WITH THE  
22 RESPONSE AND THE SUBSEQUENT REMEDIATION AFTER THE LARGE  
23 TIRE FIRE AT THE PENOCHÉ FACILITY. AND AS A RESULT OF  
24 THAT EXPERIENCE, THEY CAME TO ME WITH SOME  
25 RECOMMENDATIONS FOR WAYS TO MAKE IT BETTER NEXT TIME.



1 THEY FELT THAT THEY WERE VERY MUCH IN A  
2 FIRE DRILL MODE WHEN THAT FIRE OCCURRED. THERE HAS  
3 BEEN NO PREPLANNING, NO THOUGHT WHO WAS THE LEAD  
4 AGENCY, WHO SHOULD GET OUT THERE, WHO SHOULD DO WHAT.  
5 THE LOCAL AUTHORITIES WERE OVERWHELMED, LOCAL FIRE  
6 DEPARTMENT NEAR FIREBAUGH. SO THEY CALLED ON U.S. EPA,  
7 CAL. EPA, THE WASTE BOARD FOR ANY HELP THEY COULD GET.  
8 AND IT BECAME VERY CLEAR TO MY STAFF THAT  
9 THEY FELT WHAT WOULD BE VERY HELPFUL IS TO HAVE A  
10 COORDINATED STATEWIDE PLAN AND RESPONSE SHOULD AN EVENT  
11 LIKE THIS HAPPEN AGAIN SO THAT WHEN WE GOT A CALL FROM  
12 A CITY, A COUNTY, A RURAL AREA, WHEREVER IT MIGHT BE,  
13 THERE WOULD BE PROTOCOL FOR THE STATE ON HOW TO HANDLE  
14 A LARGE TIRE FIRE AND EQUIPMENT AVAILABLE TO BRING  
15 QUICKLY TO THE SITE.  
16 50 I THINK ULTIMATELY THE OUTCOME HERE  
17 WAS VERY POSITIVE. ALL THE AGENCIES REALLY GOT  
18 TOGETHER, AND U.S. EPA AND THIS AGENCY IN PARTICULAR  
19 PROVIDED A WHOLE LOT OF HELP, BUT IT TOOK SEVERAL DAYS  
20 BEFORE THAT EFFORT WAS MOBILIZED IN THAT AREA, AND BY  
21 THAT TIME A LOT OF DAMAGE HAD OCCURRED.  
22 SO I THINK THE IDEA IS THAT THESE  
23 SITUATIONS HAVE A TREMENDOUS IMPACT. WE AS THE STATE  
24 AGENCY WITH THE TIRE MANDATES, MY STAFF FELT WE HAD A  
25 RESPONSIBILITY TO PUT FORWARD SOME IDEAS ON HOW TO PLAN



1 FOR THIS IN THE FUTURE. ONE OF THE THINGS THEY THOUGHT  
2 THAT WAS REALLY LACKING BECAUSE I GATHER THAT THE  
3 RESPONDERS ON THE SCENE TRIED TO PULL TOGETHER  
4 EQUIPMENT FROM VARIOUS AGENCIES, CALLED ALL OVER THE  
5 STATE, NEIGHBORING STATES TO FIND APPROPRIATE EQUIPMENT  
6 TO GET OUT TO THE SITE, AND I THINK THEY ULTIMATELY DID  
7 PULL SOMETHING TOGETHER BUT FELT IF THERE WAS A  
8 STANDING VEHICLE AVAILABLE THAT HAD THE EQUIPMENT THAT  
9 WAS NEEDED, AND I THINK, AS YOUR ITEM INDICATES, THAT  
10 THE IDEA IS THAT THE EQUIPMENT BE AVAILABLE FOR OTHER  
11 SIMILAR USES RATHER THAN JUST SITTING THERE WAITING FOR  
12 A TIRE FIRE, WHICH HOPEFULLY WON'T OCCUR VERY OFTEN,  
13 BUT IT IS EQUIPMENT THAT WOULD BE USEFUL IN A SIMILAR  
14 FIRE RELATED DISASTER. BUT THE IDEA IS ADVANCED  
15 PREPAREDNESS IN TERMS OF A STATEWIDE PROTOCOL. WHO DO  
16 YOU CALL FIRST? WHO HAS EQUIPMENT? WHO HAS THIS  
17 EXPERTISE TO HELP ANY CITY, ANY AREA, ANY FIRE  
18 DEPARTMENT THAT NEEDS IT WHEN IT HAPPENS, SO WE'RE NOT  
19 TRYING TO FIGURE OUT WHAT TO DO AFTER IT HAPPENS.

20 BOARD MEMBER EATON: DOES OES HAVE ANY  
21 REGULATIONS OR DISASTER PREPAREDNESS PLAN NOW?

22 MS. RICE: I'M SURE THAT THEY DO. I DON'T  
23 KNOW THE DETAIL OF WHAT OES DOES OR DOESN'T HAVE. I  
24 KNOW STAFF CONSULTED EXTENSIVELY WITH OES IN PUTTING  
25 THIS TOGETHER, WHAT WOULD BE MOST HELPFUL TO ALL THE



1 TYPES OF AGENCIES THAT RESPOND TO DISASTERS. AND THEY  
2 WERE VERY SUPPORTIVE OF THIS APPROACH AND THE  
3 ASSISTANCE THAT THE BOARD COULD PROVIDE.

4 BOARD MEMBER EATON: LET ME TURN TO WASTE TIRE  
5 ENFORCEMENT GRANTS. THAT PROGRAM WAS ACTIVE LAST YEAR.

6 MS. RICE: CORRECT.

7 BOARD MEMBER EATON: WHAT DO WE FUND THAT?

8 MS. RICE: 400,000.

9 BOARD MEMBER EATON: YOU KNOW WHAT THE DEMAND  
10 WAS?

11 MS. RICE: IT'S SHOWN IN YOUR LAST ITEM. I  
12 THINK 412 BECAUSE YOU AUGMENTED WITH APPROXIMATELY  
13 \$12,000 TO FULLY FUND THE ELIGIBLE.

14 BOARD MEMBER EATON: YOU WANTED TO MOVE THAT  
15 TO NEARLY 50 PERCENT GREATER TO 611,000 APPROXIMATELY.  
16 UPON WHAT DO YOU BASE THAT INCREASED DEMAND?

17 MS. RICE: PRIMARILY I THINK WE'LL BE GIVING  
18 PERMITTING AND ENFORCEMENT COMMITTEE NEXT MONTH, WHICH  
19 DOESN'T HELP YOU AT THIS MOMENT, ON THE SUCCESS OF THE  
20 GRANTS THUS FAR. WHAT WE FOUND IS TOWARDS THE END OF  
21 THE CYCLE WHILE AWARDING THE 412,000, THE INCREASE IN  
22 INTEREST WAS VERY NOTICEABLE. LEA'S AND OTHER AGENCIES  
23 THAT WORK IN CODE ENFORCEMENT AND SIMILAR THINGS THAT  
24 MIGHT GET INVOLVED WITH THIS GRANT WERE CALLING IN MORE  
25 AND MORE AND SEEKING TO GET INVOLVED WITH THIS PROGRAM



1 WHEN THE NOTICE OF FUNDING AVAILABILITY WAS TOO LATE  
2 FOR THEM TO MAKE APPLICATION. SO OUR SENSE WAS THAT  
3 THE INTEREST IS GROWING, THE ABILITY OF LOCAL AGENCIES  
4 TO GET INVOLVED IS GROWING, THEIR DESIRE TO DO SO, THE  
5 WORD HAD GOTTEN OUT.

6 BOARD MEMBER EATON: UNLIKE PLAYGROUND MATS OR  
7 SOME OF THE OTHER PROGRAMS THAT WE HAVE, WE HAVE NO  
8 REAL RAW NUMBERS OR DOCUMENTATION FOR THE DEMAND BEING  
9 THAT HIGH OR THAT SUBSTANTIAL WHERE THESE OTHER  
10 PROGRAMS, WE HAD EITHER GRANTS THAT WE WEREN'T ABLE TO  
11 FUND OR GRANTS THAT FOR ONE REASON OR ANOTHER WEREN'T  
12 FUNDED, SO HARD DATA.

13 MS. RICE: IT'S A VERY DIFFERENT KIND OF  
14 PROGRAM. THE INTEREST HERE WOULD BE FROM AGENCIES, AND  
15 WE WOULD HAVE NO WAY OF QUANTIFYING THAT TO A PER TIRE  
16 EQUIVALENT AS IN SOME OF YOUR OTHER GRANT PROGRAMS.  
17 THE CONCEPT HERE, I THINK, IS A DIFFERENT  
18 SORT OF CONCEPT THAT HAS TO DO WITH THE FACT THAT AT  
19 THE STATE LEVEL, WE HAVE A MINIMAL ABILITY TO HAVE AN  
20 ENFORCEMENT PRESENCE STATEWIDE. WHAT WE BRING TO YOU  
21 IN TERMS OF CLEANUP AND ENFORCEMENT ACTION HAS TO DATE  
22 BEEN BASED ON THE ABILITY OF TWO STAFF PEOPLE TO BRING  
23 THOSE ENFORCEMENT CASES FORWARD AND DEVELOP THEM FOR  
24 EVENTUAL EITHER COMPLIANCE BY THE OPERATOR OR CLEANUP.  
25 HAVING THE LEA OR ANY OTHER LOCAL AGENCY



1 IN THE FIELD MULTIPLIES BY MANY ORDERS OF MAGNITUDE OUR  
2 ABILITY AS A STATE AGENCY TO OVERSEE GETTING THAT WORK  
3 DONE. SO I THINK OUR THOUGHT AS STAFF IS THAT IT  
4 DOESN'T JUST MULTIPLY, YOU KNOW, BY THE ACTUAL NUMBERS  
5 OF AGENCIES INVOLVED, BUT MULTIPLIES EXPONENTIALLY WHEN  
6 YOU GET MORE AGENCIES INVOLVED AND MORE STAFF INVOLVED  
7 IN TURNING UP WHERE THE PILES ARE, FOLLOWING UP WITH  
8 THE OWNERS AND OPERATORS, AND ALL THAT SORT OF THING.  
9 IT'S CERTAINLY THE CASE THAT WHENEVER MY STAFF GO INTO  
10 THE FIELD TO LOOK AT ONE TIRE PILE THAT THEY'RE AWARE  
11 OF, THEY FIND TEN OTHERS THAT THEY WEREN'T AWARE OF,  
12 AND WE CAN ONLY LOOK AT SO MUCH OF THE STATE.

13 BOARD MEMBER EATON: OKAY. FINAL AREA I'D  
14 LIKE TO INQUIRE ON, CAN YOU GIVE ME SOME EXPLANATION ON  
15 THE TIRE FIRE ANALYSIS ITEM FOR \$290,000?

16 MS. RICE: SURE.

17 BOARD MEMBER EATON: OR ROUGHLY 25 PERCENT,  
18 THAT ITEM.

19 MS. RICE: IT'S VERY CLOSELY RELATED TO THE  
20 ITEM DIRECTLY ABOVE IT, THE SPECIALIZED FIRE FIGHTING  
21 EQUIPMENT, IN THE SENSE THAT IT ALSO COMES OUT WITH THE  
22 EXPERIENCE WITH THE PENOCHÉ TIRE FIRE WHERE MY STAFF  
23 WHO WERE ON SITE AND WORKING WITH THAT FIRE AND  
24 ACTUALLY DID USE SOME OF OUR CONTRACTORS TO GET SOME  
25 ANALYSIS DONE OF CHEMICAL RESIDUES IN THE ASH AND WHAT



1 WAS PRESENT IN THE AIR, BUT WERE DOING IT ON KIND OF AN  
2 EMERGENCY BASIS AND AFTER-THE-FACT BASIS.  
3 AND THE LITTLE BIT OF DATA THAT THEY DID  
4 FIND, THEY FOUND FROM THAT FIRE TO FIRE APPARENTLY  
5 THERE HAS BEEN SOME TESTING DONE AT DIFFERENT LARGE  
6 FIRES THAT HAVE OCCURRED, OF COURSE, IT'S EITHER DURING  
7 MOMENT OF EXTREME CRISIS WHEN MINIMAL TESTING IS DONE  
8 OR AFTER THE FACT, AND TREMENDOUS VARIABILITY IS FOUND  
9 FROM FIRE TO FIRE ON WHAT CHEMICALS ARE PRESENT AND IN  
10 WHAT LEVELS. SO STAFF FELT IT WOULD BE VERY USEFUL TO  
11 FIRE FIGHTING AGENCIES, COMMUNITIES NEARBY, ANYONE WHO  
12 WOULD BE IMPACTED BY THE SMOKE, THE RUNOFF, THE  
13 RESIDUES, THE SOIL, THE ASH TO KNOW WHAT ARE THE  
14 VARIOUS FACTORS THAT AFFECT THE DEFINITE LEVELS OF  
15 CHEMICALS THAT ENTER THE ENVIRONMENT AND HOW CAN WE GET  
16 A SENSE OF WHAT KIND OF ADVICE TO GIVE FIRE FIGHTING  
17 PERSONNEL OR CITY OR COUNTY THAT'S WONDERING SHOULD  
18 THEY EVACUATE A COMMUNITY, WHAT IS THE RISK POSED, WHAT  
19 ARE THE LEVELS THERE BECAUSE THE LITTLE BIT THAT WE SEE  
20 IS PRETTY INCLUSIVE SHOWING A TREMENDOUS RANGE. AND  
21 STAFF FELT IT HAS TO DO WITH WE'VE NEVER BEEN ABLE TO  
22 DO ANY CONTROLLED ANALYSIS OF TRYING TO MIMIC WHAT  
23 HAPPENS WITH A TIRE FIRE IN A LABORATORY SITUATION THAT  
24 COULD BE CONTROLLED.  
25 AND I RECOGNIZE THE NUMBERS ARE HIGH. I



1 THINK YOU GOT A SENSE FROM CAREN'S DESCRIPTION OF  
2 TRYING TO DO ANALYSIS OF EMISSIONS IN A CONTROLLED  
3 SETTING. THESE TESTS ARE VERY COSTLY TO RUN. SO I  
4 THINK THIS HIGH FIGURE HAS TO DO WITH STAFF WANTED TO  
5 RUN THE TEST IN A NUMBER OF SITUATIONS SO YOU CAN GET  
6 A SENSE OF THE RANGE OF LEVELS OF CHEMICALS THAT ARE  
7 PRESENT AT DIFFERENT TEMPERATURES, DIFFERENT TYPES OF  
8 BURNS, THAT SORT OF THING THAT BETTER INFORM THE  
9 INFORMATION THAT WE GIVE TO LOCAL GOVERNMENT AND  
10 FIREFIGHTERS, ETC.

11 BOARD MEMBER EATON: YOU ARE NOT AWARE OF ANY  
12 OTHER TESTING OF THIS SORT IN THE UNITED STATES?

13 MS. RICE: THAT'S CORRECT.

14 BOARD MEMBER EATON: AND CAN YOU GIVE ME SOME  
15 IDEA OF WHAT -- WHO WOULD BE DOING THIS TESTING?

16 MS. RICE: I THINK WE'RE LOOKING AT DOING AN  
17 RFP, GETTING APPROPRIATE BIDDERS IN.

18 BOARD MEMBER EATON: SO WE ACTUALLY HAVEN'T  
19 HAD ANY KIND OF CONTACT WITH THE STATE FIRE MARSHAL OR  
20 THE LOCAL FIRE DEPARTMENTS.

21 MS. RICE: WE HAVE HAD EXTENSIVE CONTACT WITH  
22 THE STATE FIRE MARSHAL, AND THEY FEEL DATA IS LACKING.  
23 THEY'D LOVE FOR THE STATE TO GET INVOLVED IN PROVIDING  
24 THE DATA. THEY'RE NOT, TO MY KNOWLEDGE, PUTTING  
25 FORWARD ANY FUNDS TO TRY TO OBTAIN THIS DATA.



1 BOARD MEMBER EATON: THEY'VE MADE NO BUDGET  
2 REQUESTS OF THEIR OWN IN TERMS OF THEIR PRIORITIES.

3 MS. RICE: NOT THAT I'M AWARE OF.

4 BOARD MEMBER EATON: MR. CHAIRMAN, I HAVE,  
5 BASED UPON MY QUESTIONING, HAVE COME UP WITH AN  
6 ALTERNATIVE ALLOCATION, WHICH I'VE GIVEN TO MS. FISH TO  
7 PASS AROUND JUST FOR PURPOSES OF DISCUSSION BASED ON  
8 QUESTIONING AS WELL FROM STAFF.

9 CHAIRMAN PENNINGTON: FINE. I MIGHT AT THIS  
10 TIME, WHILE YOU'RE PASSING IT OUT, THERE ARE TWO  
11 INDIVIDUALS IN THE AUDIENCE WHO WISH TO ADDRESS THIS  
12 ITEM, MR. JOHN PORTER AND PAUL NICHOLSON.

13 MR. PORTER: IT'S A SLIGHT CHANGE IN PACE.  
14 ACTUALLY PAUL NICHOLSON AND MYSELF, I'M JOHN PORTER,  
15 ARE HERE TO SUPPORT THE IDEA OF ONE IDEA, MOLDED RUBBER  
16 PRODUCTS, FOR OUR PROGRAM INITIATIVE AGAIN, AND IN  
17 PARTICULAR TO ALLOW THE HIGH SCHOOL RUBBERIZED TRACKS  
18 TO BE CONSIDERED FOR SUCH A GRANT. AND I GUESS EVEN  
19 MORE PARTICULAR, TO HAVE OUR HIGH SCHOOL, THOUSAND OAKS  
20 HIGH SCHOOL, BE ELIGIBLE FOR RECEIVING SUCH A GRANT.

21 I PERSONALLY REPRESENT THE THOUSAND OAKS  
22 FLYERS YOUTH TRACK CLUB AT THE TRACK AND FIELD CLUB FOR  
23 270 KIDS AGE 5 TO 14. WE ARE PART OF THE VENTURA  
24 COUNTY YOUTH TRACK CONFERENCE WHICH HAS ABOUT 2,000  
25 CHILDREN RUNNING TRACK, AND THESE CHILDREN PRETTY MUCH



1 FEED INTO THE HIGH SCHOOL TRACK PROGRAMS.  
2 TRACK AND FIELD IN HIGH SCHOOL IS A HIGH  
3 PARTICIPATION SPORT, AND WE'VE GOT ATHLETES IN OUR CLUB  
4 THAT ARE ALREADY COMPETING AT THE NATIONAL LEVEL. OUR  
5 CLUB PRACTICES AT THOUSAND OAKS HIGH SCHOOL. NONE OF  
6 THE HIGH SCHOOLS IN OUR UNIFIED SCHOOL DISTRICT HAVE  
7 RUBBERIZED TRACKS, AND WE WOULD LIKE TO SEE THAT  
8 SITUATION CHANGED.  
9 NOW, I REPRESENT A CLUB WITH PART OF THE  
10 VENTURA COUNTY YOUTH PROGRAM WHICH IS A NOT FOR PROFIT  
11 ORGANIZATION. I UNDERSTAND SUCH A BODY WOULD NOT BE  
12 ELIGIBLE FOR RECEIVING A GRANT. MY COLLEAGUE, PAUL  
13 NICHOLSON, ACTUALLY REPRESENTS AN ACRONYM, TOFIC,  
14 THOUSAND OAKS FIELD IMPROVEMENTS COMMITTEE, THAT'S IN  
15 THE PROCESS OF BECOMING A RECOGNIZED BOOSTER CLUB, AND  
16 SO WOULD BE ELIGIBLE TO RECEIVE A GRANT. SO I'M GOING  
17 TO HAND OVER THE MICROPHONE TO PAUL TO TALK A LITTLE  
18 BIT ABOUT THAT.

19 MR. NICHOLSON: AGAIN, LIKE JOHN SAID, I WANT  
20 TO URGE THAT WE CONSIDER AGAIN THE MOLDED RUBBER  
21 PRODUCTS GRANT FOR HIGH SCHOOL TRACKS. AND I'M  
22 REPRESENTING THE THOUSAND OAKS FIELD IMPROVEMENTS  
23 COMMITTEE. AS JOHN SAID, WE'RE IN THE PROCESS OF  
24 BECOMING A RECOGNIZED BOOSTER CLUB WHICH ESSENTIALLY  
25 LET'S US WORK AS AN ARM OF THE CONEJO VALLEY UNIFIED



1 SCHOOL DISTRICT. SO THE FUNDS WOULD BE FOR THE CONEJO  
2 VALLEY UNIFIED SCHOOL DISTRICT FOR CONSTRUCTION OF A  
3 HIGH SCHOOL TRACK ON THOUSAND OAKS HIGH SCHOOL CAMPUS.  
4 WE HAD A BOND MEASURE ON APRIL 14TH. I  
5 DON'T KNOW WHY THEY CHOSE THIS DATE FOR A BOND MEASURE,  
6 BUT IT GOT 66 PERCENT OF THE VOTE. PROBLEM IS OUR  
7 SCHOOLS ARE CHRONICALLY UNDERFUNDED, AND THERE'S NO  
8 MONEY COMING FROM THE SCHOOL DISTRICT FOR HIGH SCHOOL  
9 TRACKS. WE'VE STARTED AN ALL VOLUNTEER EFFORT TO TRY  
10 TO PUT ONE IN, AND WE'RE HOPING THAT WE WILL HAVE THE  
11 CHANCE THIS YEAR TO APPLY FOR A GRANT. WE HAVE FOUR  
12 HIGH SCHOOLS IN THE CONEJO VALLEY ALL WITH DIRT TRACKS.  
13 WE HAVE ABOUT 150 KIDS AT THE THOUSAND OAKS HIGH SCHOOL  
14 THAT RUN TRACK. WE'RE NOW IN THE PROCESS OF SOLICITING  
15 DONATIONS FROM LOCAL BUSINESSES INCLUDING ROCKWELL AND  
16 WELLS FARGO, GTE, HOME DEPOT. WE HAVE AN ARCHITECT AND  
17 CIVIL ENGINEER WHO HAVE DONATED THEIR SERVICES TO DO  
18 THE DESIGN.  
19 WE FEEL THAT THIS IS A VERY GOOD  
20 OPPORTUNITY FOR THE STATE TO GET A VERY LARGE RETURN ON  
21 ITS INVESTMENT FROM THIS GRANT BECAUSE WE HAVE LOCATED  
22 LOTS OF SOURCES AND INDIVIDUALS WHO WILL DONATE THEIR  
23 PRIVATE MONEY AND PRIVATE TIME FOR THIS PROJECT. WE  
24 WOULD LIKE TO THINK THAT WE COULD OFFER A BIG BANG FOR  
25 THE BUCK, AND WE'RE QUITE AMENABLE TO ANY SOLUTIONS,



1 FOR INSTANCE, ANY ADVERTISING TO PROMOTE YOUR AGENDA.  
2 ON THE TRACK WE HAVE A LOT OF SURFACE AREA THAT WE  
3 COULD PUT RECYCLING SYMBOLS ON OR WHATEVER TO PROMOTE  
4 YOUR AGENDA. AGAIN, I URGE YOU TO CONSIDER OUR REQUEST  
5 TO CONTINUE THIS PROGRAM. THANK YOU.

6 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.  
7 PORTER OR MR. NICHOLSON? OKAY. THANK YOU, GENTLEMEN.

8 BOARD MEMBER JONES: MR. CHAIRMAN, BEFORE WE  
9 START DISCUSSING MR. EATON'S ALTERNATE ALLOCATION,  
10 THERE'S A COUPLE ITEMS THAT CAME UP IN THE QUESTION AND  
11 ANSWERING. I THINK THAT MR. EATON'S QUESTION ON THE  
12 TIRE FIRE CHEMICAL ANALYSIS WAS A GOOD QUESTION. I  
13 THINK ONE OF THE THINGS THAT WE NEED TO LOOK AT IS  
14 EVERY TIRE PILE THAT COULD POTENTIALLY IGNITE HAS A  
15 DIFFERENT SET OF CIRCUMSTANCES. IF IT'S A CANYON FILL  
16 WITH STEEP WALLS, THERE'S NOWHERE FOR THAT HEAT TO GO  
17 EXCEPT, YOU KNOW, TO FEED BACK IN, WHICH CREATES MORE  
18 OIL, MORE PYROLYSIS, CREATES ANOTHER SET OF  
19 ENVIRONMENTAL ISSUES THAT AREN'T THE SAME AS A TIRE  
20 PILE ON TOP OF AN OPEN -- TOP OF A KNOLL WHERE THE WIND  
21 CAN GET TO IT, IT CAN TAKE IT OFF. IT'S A DIFFERENT  
22 BURN. IT'S A DIFFERENT AMOUNT OF HEAT WHICH CAUSES A  
23 DIFFERENT CHEMICAL REACTION.  
24 AND I THINK ONE OF THE REASONS THAT THIS  
25 IS IMPORTANT IS THAT WHEN WE KNOW -- NO. 1, WE KNOW



1 THIS MAY BE THE LAST TIRE ALLOCATION WE MAKE WITH TIRE  
2 FUNDS. I MEAN WE MAY STILL HAVE TO MAKE ALLOCATIONS,  
3 BUT THEY MAY BE OUT OF THE IWMA FUND. BUT IT WOULD  
4 SEEM TO ME THAT AS A RESULT OF THESE CHEMICAL ANALYSES,  
5 THAT WE CAN ALSO IDENTIFY TIRE PILES AND PUT A PRIORITY  
6 ON THEM. WHICH ONES ARE GOING TO CREATE -- THEY'RE ALL  
7 GOING TO CREATE ENVIRONMENTAL DAMAGE, BUT WHICH ONES  
8 ARE GOING TO CREATE ENVIRONMENTAL DAMAGE THAT ARE GOING  
9 TO BE SO DEVASTATING THAT WE NEED TO GET THOSE TIRES  
10 OUT OF THERE PRIOR TO A BIGGER PILE, BUT IN AN AREA  
11 WHERE THAT ENVIRONMENTAL DAMAGE ISN'T GOING TO BE QUITE  
12 AS SEVERE. THAT WAS ONE OF THE THINGS THAT I THOUGHT  
13 WE NEEDED TO TALK ABOUT A LITTLE BIT ON THAT.  
14 I THINK WE USE THIS AS A TOOL, NOT ONLY  
15 TO IDENTIFY WHAT THE POLLUTANTS ARE, BUT TO IDENTIFY  
16 WHERE THE RISKS ARE. I JUST THROW THAT OUT THERE  
17 BECAUSE I THINK WE NEED TO TALK ABOUT IT.  
18 AND THEN ON THE AND I SEE AS PART OF  
19 THE ALLOCATIONS THE FIRE TRUCK. ONE OF THE THINGS I  
20 DON'T THINK WAS LISTED WAS WE HAVE AIR MONITORING  
21 DEVICES ON THAT TRUCK THAT ARE GOING TO BE INCLUDED,  
22 WHICH I THINK WE NEED TO MAKE SURE THE PUBLIC KNOWS, AS  
23 WELL AS HAZMAT RESPONSE EQUIPMENT. BECAUSE WHEN YOU'RE  
24 IN THE MIDDLE OF A TIRE FIRE, IF YOU GO IN THERE WITH  
25 JUST A REGULAR RESPIRATOR, YOU DON'T KNOW WHAT YOU ARE



1 GOING TO BE BREATHING, YOU DON'T KNOW WHAT THOSE ISSUES  
2 ARE.  
3 THIS WOULD ACTUALLY GIVE US A CREW --  
4 COUPLE OF CREWS THAT WHILE THEY WOULDN'T BE ASSIGNED TO  
5 THE TRUCK, WOULD BE TRAINED AND KNOW HOW TO DEAL WITH  
6 THESE THINGS, BE ABLE TO READ THE AIR MONITORING AND  
7 GET A BETTER IDEA ON SOME OF THOSE ENVIRONMENTAL  
8 ISSUES. AND IT - - MR. EATON KEPT IT IN HIS  
9 ALTERNATIVES, BUT I JUST WANTED TO THROW THAT IN JUST  
10 FOR THE RECORD, THAT THOSE THINGS WOULD BE INCLUDED AND  
11 THERE'S REAL VALUE THERE.  
12 THE AMNESTY DAY THINGS, AND THEY CAN BE  
13 DONE A LOT OF DIFFERENT WAYS, AND I WOULD HOPE THAT  
14 WHEN A CRITERIA WAS -- WHEN SOME CRITERIA WAS THOUGHT  
15 UP, THAT THEY COME TO THE BOARD FOR US TO DETERMINE HOW  
16 WE WANTED TO SEE THOSE DOLLARS GO OUT. NORMALLY THE  
17 ONES THAT WE'VE ALWAYS PARTICIPATED IN WOULD BE AN  
18 AMOUNT OF FUNDING TO A LOCAL JURISDICTION WHERE YOU HAD  
19 TRAILERS ON SITE AND PEOPLE JUST BROUGHT THOSE TIRES IN  
20 AS OPPOSED TO HAZARDOUS WASTE DAYS OR COUNTYWIDE  
21 CLEANUP DAYS AND THINGS LIKE THAT.  
22 AND I KNOW WHEN THE FUNDING RAN OUT, I,  
23 FOR ONE, DIDN'T ENJOY THAT BECAUSE WHEN WE DID OUR  
24 COUNTY CLEANUP DAYS, EVERYBODY BROUGHT THEIR TIRES.  
25 AND THAT COST ME -- YOU KNOW, COST ME MORE MONEY. IT



1 COST ME TWO FIFTY JUST ABOUT FOR EVERY TIRE TO GET  
2 DISPOSED OF. SO -- BUT THEY CAN BE DONE -- YOU GIVE A  
3 COUNTY 25 GRAND, 30 GRAND AND THAT PAYS FOR A COUPLE  
4 TRAILERS, AND IT GETS ALL THOSE PEOPLES THAT HAVE 10  
5 TIRES, 20 TIRES, 50 TIRES, YOU KNOW, SOME SCHMUCK THAT  
6 DROPPED A HUNDRED TIRES IN AN EMPTY LOT, THAT STUFF ALL  
7 GETS CLEANED OUT, AND I THINK THERE'S SOME VALUE THERE.  
8 THE PLAYGROUND MATS AND ALL THAT STUFF,  
9 LOVE PLAYGROUND MATS. THAT'S WHY I INCLUDED IT. AND  
10 THE RUNNING SURFACE, AS I SAID, WE COULD SPLIT IT.  
11 ARNIE IS LAUGHING.  
12 THE 35,000 TO AUGMENT THE TIRES, IF WE  
13 WANT, WE CAN TAKE IT OUT OF SEPTIC TANK. THAT WAS MY  
14 ITEM. IT -- MR. CHANDLER AND I WENT BACK TO  
15 LOUISVILLE, KENTUCKY, TO THE INTERNATIONAL TIRE  
16 RECYCLING ASSOCIATION CONVENTION TO GO THROUGH ALL THE  
17 TRACKS ON WASTE TIRES. WHAT WE HAD NEVER -- I DON'T  
18 THINK WE EVER THOUGHT ABOUT IT, BUT WE WERE -- HE WAS  
19 IN ONE TRACK, I WAS IN ANOTHER, AND PEOPLE FROM SOUTH  
20 CAROLINA AND FLORIDA WERE TALKING ABOUT USING A  
21 THOUSAND TIRES FOR EVERY SEPTIC TANK INSTALLATION.  
22 THAT ACTUALLY IMPROVED THE FUNCTIONING ASPECTS OF THE  
23 SEPTIC TANK. AND THOUSAND TIRES IN THIS ONE COUNTY WAS  
24 DOING 1200 INSTALLATIONS A YEAR. THAT'S A LOT OF  
25 TIRES, FOLKS.



1 AND IT'S NOT GOING TO TAKE CARE OF THE  
2 PROBLEM, BUT IT'S LIKE EVERYTHING THAT THIS BOARD HAS  
3 ALWAYS DONE. IT IS A PIECE. IT'S ANOTHER PIECE OF THE  
4 MENU THAT WE NEED TO HAVE OUT THERE AND AVAILABLE AND  
5 TRY TO MOVE. I DON'T KNOW IF -- YOU KNOW, I PUT  
6 \$300,000 IN THERE, THINKING THAT WE COULD ATTRACT SOME  
7 AREAS THAT AREN'T ON SEPTIC TANK SYSTEMS WHERE THERE IS  
8 HIGH BUILDING. YOU KNOW, WHERE WE'RE BUILDING UP  
9 ELDORADO COUNTY, PLACER COUNTY, WHEREVER, I MEAN I  
10 DON'T CARE, JUST TO SEE IF WE HAVE THE FUNDS THERE SO  
11 WE COULD START THERE BECAUSE UNBELIEVABLY IN FLORIDA  
12 AND IN SOUTH CAROLINA THEY ACTUALLY PAID FOR THE TIRE  
13 CHIPS. IT'S AN ACTUAL REAL MARKET, NOT JUST AN END USE  
14 THAT'S BEING SUBSIDIZED'.  
15 50 - - BUT I DON'T HAVE ANY PROBLEM WITH  
16 TAKING THAT DOWN TO 265,000. I THINK THAT'S STILL  
17 ENOUGH MONEY TO GET IT DONE. AND THEN TO FINISH THE  
18 AIR TEST AT WHATEVER THE OTHER FACILITY IS.  
19 I WOULD -- WE DON'T HAVE A LOT OF DATA ON  
20 WHAT, YOU KNOW, HOW MUCH USE OR HOW MANY PEOPLE ARE  
21 REALLY ASKING FOR LIKE THE WASTE TIRE ENFORCEMENT  
22 GRANTS AND THINGS LIKE THAT, BUT WITH TWO PEOPLE IN THE  
23 STATE, THOSE TWO ALONE, WE GOT THE REPORT TWO MONTHS  
24 AGO OR LAST MONTH, GOT RID OF THREE MILLION SOMETHING  
25 TIRES BY OWNERS WHO DIDN'T COST THE STATE ANY MONEY.



1 IF THIS 611,000 DOES THAT, GETS RID OF ANOTHER THREE  
2 MILLION TIRES, THAT'S -- AND IT'S GOING TO GET RID OF  
3 MORE THAN THAT, THAT'S MONEY PRETTY WELL INVESTED, I  
4 THINK. I MEAN IT BEATS PAYING EIGHT BUCKS A TIRE FOR  
5 SOME OF THE USES THAT WE HAVE.

6 BOARD MEMBER EATON: MR. CHAIRMAN, IF IT'S  
7 APPROPRIATE RIGHT NOW AT THIS TIME TO, UNLESS MR.  
8 FRAZEE HAS SOMETHING, FOR ME TO KIND OF GO THROUGH THE  
9 PROPOSAL BECAUSE OBVIOUSLY THESE ARE MY OWN IDEAS. THE  
10 NUMBERS ARE FLEXIBLE, BUT I ALSO THINK THAT IT'S  
11 IMPORTANT THAT WE LOOK AT THE PHILOSOPHICAL  
12 UNDERPINNINGS FOR THE ALTERNATE ALLOCATIONS VERSUS THE  
13 OTHER ALLOCATIONS THAT HAVE BEEN PROPOSED.  
14 FIRST AND FOREMOST, TO REITERATE WHAT MS.  
15 FISH TALKED ABOUT, IS THAT THIS ALLOCATION WILL BE  
16 SCRUTINIZED BY THE VERY INDIVIDUALS WHO ARE GOING TO  
17 APPROVE OUR BUDGET AND HAVE ASKED THAT WE PROVIDE THIS  
18 INFORMATION. THEY WILL BE LOOKING AT THIS INFORMATION  
19 AND THEY WILL BE SCRUTINIZING IT. AND I THINK I WOULD  
20 BE HARD-PRESSED TO GO UP -- WHERE I'M SAYING THIS MAY  
21 BE MY LAST OPPORTUNITY AND NO REAUTHORIZATION OF THE  
22 TIRE FUND -- TO GO UP AND SAY I'M GOING TO GET A FIRE  
23 TRUCK AND I'M GOING TO DO A \$300,000 STUDY WHEN ALL  
24 WE'VE BEEN TALKING ABOUT WITH REGARD TO THESE  
25 INDIVIDUAL MARKETS IS HOW WE ARE GOING TO CREATE THE



1 MARKETS WHEN WE KNOW WE'RE SAVING THE STUFF AND  
2 SPENDING A LOT IN CLEANUP.  
3 I AGREE WITH YOU, MR. JONES, WE'RE  
4 SPENDING A TON IN CLEANUP AND WE MAY NOT BE GETTING A  
5 LOT FOR IT, BUT WE'RE DOING OUR JOB. I THINK WE'VE GOT  
6 TO LOOK AT WHO WE HAVE TO ANSWER TO ON THESE. AND  
7 WE'VE GOT TO DO -- IF IT IS THE LAST TIME, WE'VE GOT TO  
8 INCREASE THE MARKETS, AND WE'VE GOT TO STOP NOW. I  
9 THINK YOUR NEW MARKET FOR SEPTIC TANKS IS A GOOD ONE  
10 AND THAT'S THERE.  
11 MORE IMPORTANTLY, WITH REGARD TO THE AIR  
12 EMISSIONS, I THINK MR. CHANDLER PROBABLY CAN CONFIRM  
13 THIS AS WELL, AT LEAST IT'S MY UNDERSTANDING IS THAT  
14 THERE'S AN EXTREME INTEREST THAT WE AVOID A THIRD TEST  
15 OR ANY KIND OF TESTING OUT OF OUR OWN MONIES ON THESE  
16 TYPES OF PROJECTS. I THINK MORE IMPORTANTLY, AS WE  
17 LOOK AT THIS WHERE ARE WE GOING TO GO NEXT YEAR AND THE  
18 YEAR AFTER IF WE ONLY HAVE ONE MORE ALLOCATION. AND I  
19 THINK IF YOU LOOK AT THE ALTERNATIVE ALLOCATION,  
20 IRRESPECTIVE OF THE FIGURES, YOU WILL SEE AND YOU WILL  
21 SEND A MESSAGE THAT WE'RE MOVING TOWARDS A MARKET  
22 VIABILITY, NOT JUST A SIMPLE ANALYZE, ANALYZE, ANALYZE  
23 BECAUSE THAT'S NOT WHERE WE NEED TO BE. THAT'S NOT  
24 WHERE WE NEED TO GO OR WE'LL NEVER SOLVE THE PROBLEM.  
25 FURTHERMORE, I'M NOT SURE IT'S TOTALLY



1 INCONSISTENT WITH OUR STRATEGIC PLAN, AS I WENT THROUGH  
2 IT THE LAST COUPLE OF DAYS. THESE WONDERFUL  
3 DISCUSSIONS ACTUALLY HAVE FORCED ME TO READ THIS STUFF,  
4 AND I REALLY AM HAPPY TO DO IT LATE AT NIGHT. I DIDN'T  
5 SEE ANYTHING IN THERE WITH REGARD TO CERTAIN KINDS OF  
6 HEALTH AND WELFARE ISSUES WHERE I THINK THAT -- THAT'S  
7 WHY WE HAVE A STATE FIRE MARSHAL, THAT'S WHY WE HAVE  
8 FIRE DEPARTMENTS. WE'RE HAPPY TO MATCH THEM WITH  
9 GRANTS, BUT I DON'T THINK WE OUGHT TO BE IN THE  
10 BUSINESS OF JUST CARRYING THE LOADS OURSELVES. IT'S  
11 JUST NOT RIGHT. AND I THINK THAT'S THE MESSAGE. IF  
12 THESE TWO COMMITTEES THAT ARE GOING TO BE MOVING OUR  
13 BUDGETS LOOK AT THIS, THEY'RE GOING TO SAY, THE FIRST  
14 THING THAT'S GOING TO STICK OUT -- AND I'M GOING TO  
15 SUPPORT YOUR FIRE TRUCK -- BUT THEY'RE GOING TO HIT US  
16 ON THE FIRE TRUCK. THEY'RE JUST GOING TO SAY WHAT ARE  
17 WE BUYING A FIRE TRUCK FOR? ISN'T THAT THE STATE FIRE  
18 MARSHAL'S JOB? AND THEN THEY'RE GOING TO LOOK FOR A  
19 STUDY. I THINK THAT WE HAVE TO LOOK AND GO THROUGH  
20 SOME OF THESE THINGS.  
21 THE OTHER IDEA, IF WE DON'T HAVE ANY  
22 DATA, LET'S TALK DATA. IF WE DO HAVE DATA, THEN WE  
23 DON'T HAVE THE DEMAND FOR WASTE TIRE ENFORCEMENT  
24 GRANTS. WE DO HAVE IT FOR OTHER AREAS, AND THOSE AREAS  
25 HAPPEN TO BE IN THE MARKET DEVELOPMENT AND MARKET



1 CREATION AREAS. AND I THINK IF YOU GO THROUGH EACH OF  
2 THOSE, YOU WILL SEE THAT THOSE ARE APPROPRIATE WAYS TO  
3 SPEND OUR MONIES. MORE IMPORTANTLY, MARKET OUTREACH.  
4 I MEAN HOW ARE WE GOING TO CREATE MARKETS IF WE DON'T  
5 DO MORE IN THE OUTREACH? NOT JUST DISTRIBUTING  
6 PAMPHLETS, BUT ACTUALLY GOING OUT AND LOOKING AT WHAT'S  
7 OUR MARKETING PLAN. HOW DO WE GET OUT THERE? WE CAN  
8 COMBINE A NUMBER OF FUNCTIONS. THAT'S WHY I INCREASED  
9 THIS BECAUSE I THINK ANY GOOD BUSINESS PERSON WILL TELL  
10 YOU THAT ADVERTISING OR MARKETING IS THE KEY TO  
11 SUCCESS, WHETHER IT BE LOCATION FOR RESTAURANTS OR  
12 ANYTHING AND HOW YOUR ADVERTISERS CAN ONLY BE SO GOOD.  
13 THE NEXT STEP IS YOU GO OUT AND SELL  
14 YOURSELVES. I THINK THAT'S ONE OF THE REASONS FOR THE  
15 INCREASE. I THINK JUST WITH THAT BASIS, I'LL JUST  
16 LEAVE IT THERE AND COMMENT AS WE GO AROUND IF ANY OTHER  
17 MEMBERS HAVE COMMENTS.

18 BOARD MEMBER CHESBRO: I ASKED IT AS A  
19 QUESTION, BUT ON THE LOCAL GOVERNMENT -- I'M SORRY --  
20 TIRE PRODUCTS, THE P AND P GRANTS, I THINK IT'S  
21 EXTREMELY IMPORTANT THAT THAT BE AVAILABLE TO LOCAL  
22 GOVERNMENTS BOTH FOR POTENTIAL PUBLIC WORKS  
23 APPLICATIONS AND USES OF TIRES AND ALSO THE PRODUCT  
24 PROCUREMENT PORTION OF IT. SO I'M NOT AT ALL ADVERSE  
25 TO THE IDEA OF TRYING TO GET THE PRIVATE SECTOR TO DO



1 IT, BUT I THINK WE NEED TO BE CREATING THOSE USES AND  
2 THOSE DEMANDS IN BOTH THE GOVERNMENT AGENCIES AND IN  
3 THE PRIVATE SECTOR AND HAVE THAT BE BROADLY DEFINED TO  
4 INCLUDE LOCAL GOVERNMENT AGENCIES.

5 BOARD MEMBER FRAZEE: COMMENT OR TWO. IN THE  
6 PRODUCT PROCUREMENT AND PROBABLY MORE SO IN THE  
7 PLAYGROUND MATS MATCHING GRANTS, I IN MY OWN MIND  
8 QUESTION THE VALUE OF THOSE. AND I THINK IT GOES BACK  
9 TO THE ISSUE OF WHAT'S OUR REAL GOAL IN BUYING  
10 PLAYGROUND MATS? ARE WE JUST BUYING PLAYGROUND MATS  
11 BECAUSE IT'S A NICE THING TO DO, AS I CLASSIFIED IT  
12 ONCE A FEEL GOOD PROPOSAL, OR IS OUR GOAL TO  
13 DEMONSTRATE THE USE AND TO HELP BUILD GREATER MARKETS?  
14 AND, YOU KNOW, WE'VE ALREADY PUT OUT 300,000 THIS LAST  
15 YEAR IN PLAYGROUND MATS, AND WE'RE PROPOSING ANOTHER  
16 THREE OR \$400,000 HERE AGAIN. AND WE NEVER CAN SATISFY  
17 THE TOTAL DEMAND FOR PLAYGROUND MATS.  
18 AND FOR A DEMONSTRATION, I THINK WE'VE  
19 GONE FAR ENOUGH TO GET ENOUGH OF THEM OUT THERE, THAT  
20 WE'VE BUILT SOME INTEREST IN THEM. THERE'S GOING TO BE  
21 A MARKET DEVELOP FOR THEM WITH THAT. AND I JUST -- YOU  
22 KNOW, I WOULD BE SATISFIED WITH SOME LESSER LEVEL OF  
23 FUNDING ON THAT.  
24 THE WHOLE TIRE THING, I GUESS, DISTURBS  
25 ME IN THAT WE'RE SPENDING MONEY BUYING PRODUCT, AND



1 THAT DOESN'T REALLY ACHIEVE A GOAL. IT'S CREATING  
2 MARKETS AND, MORE IMPORTANTLY, CLEANING UP THIS VAST  
3 SEA OF TIRES THAT WE STILL HAVE OUT THERE, AND THAT'S  
4 WHERE MY PRIORITIES LIE.

5 BOARD MEMBER EATON: I THINK IN RESPONSE TO --  
6 IN REGARD TO PLAYGROUNDS, I THINK IF YOU LOOK AT A  
7 RECENT SURVEY WHERE THEY FOUND 90 PERCENT OF THE  
8 PLAYGROUNDS UNSAFE. AND OVER THE UNITED STATES IF YOU  
9 TAKE IT'S ABOUT RESULTING IN \$1.2 BILLION WORTH OF  
10 INJURY, IF YOU EXTRAPOLATE THOSE FIGURES FOR  
11 CALIFORNIA, YOU WILL FIND THAT IT COST THE STATE OF  
12 CALIFORNIA APPROXIMATELY \$120 MILLION A YEAR IN  
13 SCHOOLYARD INJURIES. THOSE ARE THE KINDS OF COSTS THAT  
14 I THINK, WHEN YOU ASK WHAT IS THE VALIDITY, WHAT IS THE  
15 SUPPORT FOR THESE KINDS OF PROGRAMS, THOSE ARE THE  
16 KINDS OF PROGRAMS AND -- THAT HELP IN THE HIDDEN COST  
17 THAT WE DON'T SEE IN REDUCED INSURANCE FOR SCHOOL  
18 DISTRICTS, ALTHOUGH A LOT OF THEM ARE SELF-INSURED. WE  
19 FIND ALSO THAT WE HAVE A GREAT DEAL OF INSURANCE, AND I  
20 THINK THAT IT'S A GOOD -- IT'S NOT JUST A FEEL GOOD  
21 PROPOSAL.  
22 THERE'S SOLID EVIDENCE THAT THEY DO  
23 PREVENT INJURIES, AND THOSE INJURIES DIRECTLY RELATE TO  
24 STATE SAVINGS IN TERMS OF OVERALL HEALTH COSTS. AND  
25 THOSE ARE COSTS, IF YOU LOOK AND PUT THOSE INTO THE



1 EQUATION AND TRY AND FIGURE OUT WHAT 200,000 OR  
2 \$300,000 OF PLAYGROUND DO, THEN THE COST BENEFIT  
3 ANALYSIS COMES OUT OVERWHELMINGLY IN FAVOR OF THIS  
4 PROGRAM SHOULD CONTINUE AND CONTINUE AT THE LEVEL OF  
5 FUNDING THAT WE HAVE.  
6 ALSO, I AGREE. WHAT KIND OF THINGS DO  
7 YOU BELIEVE CAN CREATE MARKETS? WHAT'S HERE AND  
8 ANYTHING THAT'S LISTED CAN CREATE MARKETS. THAT'S WHAT  
9 WE'RE LOOKING FOR WITH THE TIRES. WHAT CAN CREATE THE  
10 MARKETS? IF PURCHASING THE PRODUCTS OR BEING ABLE TO  
11 SHOWCASE THEM, I MEAN IF WE DO THE DOJ PARKING LOT,  
12 WE'RE SHOWCASING AND HOPING TO CREATE A MARKET. IF WE  
13 BUY THESE PRODUCTS AND WE USE SOME OF THESE GREEN  
14 BUILDING PRODUCT PROCUREMENT FOR OUR OWN BUILDING  
15 THAT'S GOING TO COME UP IN THE YEAR 2000, WE MAY NOT BE  
16 ABLE TO PURCHASE THOSE. IT'S I THINK INCUMBENT UPON  
17 THIS ORGANIZATION AND THIS BOARD TO START AT HOME DOING  
18 SOME OF THE THINGS THAT ARE NECESSARY SO THAT WE DO  
19 CREATE THE MARKETS, AND I'M NOT A GENIUS AT CREATING  
20 MARKETS. YOU ARE A GOOD BUSINESSMAN. HOW WOULD YOU  
21 CREATE THE MARKET?  
22 BOARD MEMBER FRAZEE: WELL, I WOULD LIKE TO  
23 HEAR MORE OF YOUR PROPOSAL ON THE GREEN BUILDING  
24 PRODUCT PROCUREMENT, BUT BEYOND THAT -- AND I WILL  
25 GRANT YOU THAT THERE ARE PROBABLY SOME SAVINGS IN SAFER



1 PLAYGROUNDS; BUT JUST LIKE THE FIRE TRUCK, IS THAT OUR  
2 AREA OF CONCERN, OR IS THAT A MUCH BIGGER SOCIAL  
3 CONCERN? AND IS OUR AREA MORE FOCUSED ON DOING  
4 SOMETHING ABOUT THIS MASS OF TIRES THAT WE HAVE OUT  
5 THERE AND GETTING RID OF THEM AND STIMULATING MARKETS  
6 RATHER THAN BUYING PRODUCT TO SATISFY A SOCIAL NEED.

7 BOARD MEMBER EATON: HOW DOES ADVERTISING AND  
8 CREATING DEMONSTRATION PROJECTS OR PROJECTS FOR SCHOOLS  
9 NOT CREATE OR ENHANCE THE MARKET FOR THESE TYPES OF  
10 PRODUCTS BEING USED? WILL THEY BE ON PLAYGROUNDS OR  
11 STREETS AND ROADS? I MEAN THOSE ARE ALL SEGMENTS THAT  
12 FEED INTO A MARKET. THERE'S GOING TO BE -- AS WE ALL  
13 KNOW, THERE'S NO HOME RUN IN THIS BUSINESS. IF WE'RE  
14 LOOKING FOR A HOME RUN TO SOLVE ANY OF THESE PROBLEMS,  
15 WHETHER IT BE PAPER OR TIRES, IT'S NOT THERE. WE HAVE  
16 TO HIT THE SINGLES, WE HAVE TO HIT THE DOUBLES, AND  
17 ONCE IN A WHILE GET LUCKY AND HIT A TRIPLE TO BE ABLE  
18 TO SCORE THE RUNS NECESSARY TO WIN THE GAME. AND I  
19 THINK THAT'S ALL I'M TRYING TO GET AT IN TRYING TO LOOK  
20 AT - -

21 BOARD MEMBER FRAZEE: YOU KNOW, I SAID FROM  
22 THE BEGINNING THERE'S SOME VALUE IN FUNDING SOME LEVEL  
23 OF PLAYGROUND MATS TO GET SOME OUT THERE. IT GOES BACK  
24 TO MY FIRST YEAR ON THIS BOARD WHEN WE WERE FUNDING FOR  
25 INDIVIDUAL CITIES AND RUBBERIZED ASPHALT PROJECTS. AND



1 I THOUGHT, BOY, THAT'S GREAT. WE'RE GOING TO GET THIS  
2 STUFF OUT THERE, AND SO PEOPLE CAN SEE WHAT IT LOOKS  
3 LIKE, AND THAT'S GOING TO HELP BUILD THE MARKET, AND  
4 PLUS IT'S GOING TO GIVE US AN OPPORTUNITY TO TEST THESE  
5 AND SEE IF IT REALLY WORKS.  
6 AND THEN I'M ENLIGHTENED BY THE FACT THAT  
7 THE COUNTY OF LOS ANGELES ALREADY HAS A THOUSAND LANE  
8 MILES OF RUBBERIZED ASPHALT. WHY DO WE NEED TO BE  
9 TAKING MONEY THAT CAN BE USED IN BETTER PLACES TO FUND  
10 MORE TESTS WHEN THE TESTS HAVE ALREADY BEEN DONE AND TO  
11 PUT \$10,000 INTO SEVERAL SMALL CITIES TO HELP THEM ON A  
12 ROAD PROJECT THAT WE NEVER HEARD FROM, THERE WAS NO  
13 FOLLOW-UP, NO TESTING THAT WAS DONE, JUST MONEY DOWN  
14 THE DRAIN IN MY VIEW. AND THAT'S MY CONCERN WITH THE  
15 PLAYGROUND MAT PROPOSAL ALSO.

16 CHAIRMAN PENNINGTON: MR. EATON, COULD YOU  
17 TELL US A LITTLE BIT MORE ABOUT THE 150 FOR THE GREEN  
18 BUILDING PROCUREMENT? I'M NOT SURE WE GOT THAT.

19 BOARD MEMBER EATON: IN THIS SITUATION IT  
20 COULD BE ANYTHING. BUT I THINK THAT THE THOUGHT BEHIND  
21 IT AND THAT PROVOKED THE DISCUSSION WAS BASICALLY THE  
22 FOLLOWING. WE SAW HERE TODAY TWO AGENCIES OF STATE  
23 GOVERNMENT BASICALLY LOOKING TO DO CERTAIN KINDS OF  
24 ACTIVITIES AND PERHAPS UTILIZE SOME OF THE TECHNOLOGY  
25 THAT WE HAVE HAD. I THINK THAT PROBABLY SOME OF THE



1 GREEN BUILDING PRODUCT PROCUREMENT FOR A COUPLE OF  
2 THINGS. I THINK, ONE, TRYING TO ENCUMBER SOME OF THE  
3 PRODUCTS THAT WE MIGHT BE ABLE TO USE IN TENANT  
4 IMPROVEMENTS AS WE MOVE INTO THE NEW BUILDING BECAUSE I  
5 DON'T HAVE MUCH CONFIDENCE THAT DEPARTMENT OF GENERAL  
6 SERVICES AND THOSE WHO ARE CHARGED WITH PROVIDING US  
7 WITH A SAFE WORK ENVIRONMENT WILL ACTUALLY GO OUT AND  
8 PURCHASE THOSE TYPES OF PRODUCTS. I THINK THERE ARE A  
9 NUMBER OF THINGS THAT WE CAN PURCHASE TO ASSIST IN  
10 MAKING OUR OFFICE A SHOWCASE.  
11 I ALSO BELIEVE THAT THERE ARE A NUMBER OF  
12 KINDS OF ITEMS WHERE WE CAN GO OUT AND ACTUALLY DO  
13 THESE DEMONSTRATION PROJECTS. IF WE WERE TO DO A  
14 DEMONSTRATION PROJECT WITH ASPHALT WHERE WE GO OUT AND  
15 BUY RUBBER CONCRETE BARRIERS SOMETIMES WHERE THE CARS  
16 PULL UP, THOSE DON'T NECESSARILY HAVE TO BE CONCRETE.  
17 THOSE COULD BE ACTUALLY RECYCLED RUBBER, THOSE KINDS OF  
18 THINGS. AND I THINK THAT THE MENTALITY THAT IS  
19 EXPLAINED TO ME, AND I KNOW WE'RE UNDER A HEAVY BURDEN,  
20 BUT WE HAVE AN OPPORTUNITY THIS MORNING WHERE  
21 DEPARTMENT OF JUSTICE COMES TO US, AND ALL WE CAN THINK  
22 OF IS DOING THE ASPHALT. WHY NOT THINK OF THE STUFF  
23 THAT DEALS WITH THE MULCHING? I MEAN WE CAN REALLY DO  
24 A DEMONSTRATION PROJECT BY PULLING FROM ALL OF THESE  
25 TYPES OF AREAS AND PUTTING IT THERE WITH THESE



1 BARRIERS, WITH THE LANDSCAPING, THE SIGNAGE. THE  
2 SIGNAGE COULD BE RECYCLED PLASTIC SIGNAGE, ALL KINDS OF  
3 THINGS. AND ALL WE CAN THINK ABOUT IS, WELL, THEY WANT  
4 THE MONEY FOR ENGINEERING.  
5 SO THE GREEN BUILDING PRODUCT PROCUREMENT  
6 IS, WHEN WE HAVE THESE OPPORTUNITIES TO DO THESE KINDS  
7 OF THINGS, LET'S GO OUT AND SHOW THAT, FIRST, THESE  
8 PRODUCTS ARE AVAILABLE. AND I WOULD AGREE WITH YOU.  
9 THEY ARE COSTLY. THEY ARE COSTLY BECAUSE THE MARKET  
10 HAS YET TO REALLY CATCH FIRE OR GET DEVELOPED, AND WE  
11 WON'T KNOW, BUT I THINK WE CAN HELP SHOW THE DEMAND CAN  
12 BE THERE; TWO, THAT WE ARE MEETING OUR OWN INTERNAL  
13 GOALS, AND WE'RE SETTING THE EXAMPLE BY DOING IT  
14 OURSELVES. AND I THINK THOSE -- I KNOW THAT'S NOT AS  
15 SPECIFIC AS PROBABLY YOU WANT, BUT I'M LOOKING AT  
16 TRYING TO GET US THERE.  
17 I MEAN THAT FIGURE COULD BE SMALLER. I'M  
18 JUST TRYING TO SAY WE NEED TO GET THERE. WE NEED TO  
19 SEND THAT MESSAGE WHEN WE GO BEFORE THOSE BUDGET  
20 SUBCOMMITTEES THAT, HEY, WE UNDERSTAND WHERE YOU'RE  
21 GOING. MS. DEBORAH BOWEN, SHE IS CARRYING A BILL RIGHT  
22 NOW THAT'S GOING TO DEAL WITH GREEN BUILDINGS IN THE  
23 YEAR, YOU KNOW, 2000 AND BEYOND AND BIDS AND STUFF LIKE  
24 THAT. THIS IS A WAY TO SAY, YOU KNOW, WE'RE BEHIND  
25 YOU. WE'VE ALREADY GONE ON RECORD IN SUPPORT OF YOUR



1 BILL. NOW WE'RE GOING TO TAKE IT AND WE'RE GOING TO GO  
2 FURTHER, AND SHE CAN USE US AS AN EXAMPLE OF STATE  
3 AGENCIES THAT ARE ACTUALLY OUT THERE PROCURING INSTEAD  
4 OF US ALWAYS BEING ON OUR HEELS WITH PROJECT RECYCLE OR  
5 NOT DOING ENOUGH, FUNDS BALANCE TOO HIGH.  
6 I THINK ALL OF THOSE GO AND, YES, IT IS A  
7 PERCEPTION, PERCEPTION WITH SUBSTANCE AS WE GO BEFORE  
8 THESE COMMITTEES, AND THAT'S PART OF THE UNDERLYING  
9 UNDERPINNING BASIS FOR THE ADVANCEMENT. AND I'M NOT  
10 TIED TO ANYTHING THAT'S IN HERE, BUT I AM TIED TO THE  
11 FACT THAT DO HAVE TO MOVE BEYOND WHERE WE'VE BEEN AND  
12 HOW WE PRESENT OURSELVES IN A PUBLIC SETTING BEFORE THE  
13 LEGISLATIVE BODIES.

14           CHAIRMAN PENNINGTON: THANK YOU. I MUST SAY  
15 WITH THE PLAYGROUND MATS MATCHING FUNDS, SINCE I'VE  
16 BEEN ON THIS BOARD, WE'VE SPENT OVER A MILLION DOLLARS,  
17 I BELIEVE, ON PLAYGROUND MATS. IT WOULD SEEM IF IT IS  
18 A MARKET, IT SHOULD BE BY NOW DEVELOPED TO A MARKET  
19 AFTER SPENDING THAT KIND OF MONEY. NOT ONLY HAVE WE  
20 SPENT MONEY ON THE PURCHASE OF THE PRODUCT, WE SPENT  
21 MONEY IN LOANS AND GRANTS SOME \$300,000 OR MAYBE  
22 MORE - - SOMEBODY TELL ME BETTER - - IN DEVELOPING THE  
23 COMPANY THAT MAKES THE MATS, AND THEN WE TURN AROUND  
24 AND BUY THEM. IT SEEMS TO ME MAYBE THAT'S GOING A  
25 LITTLE TOO FAR.



1 I ASKED AT THE MARCH ADMINISTRATION  
2 COMMITTEE MEETING THAT THE STAFF LOOK INTO PREPARING AN  
3 EVALUATION OF THE EFFECTIVENESS OF THE ACTIVITY  
4 RELATIVE TO THE NUMBER OF TIRES USED, AVERAGE COST OF  
5 THE MATS PRODUCED ON A SQUARE-FOOT BASIS, AND THE  
6 AVERAGE LIFE EXPECTANCY OF THE PRODUCTS, MARKETABILITY  
7 OF THE PRODUCT, AND THE COST PER TIRE. AND I DON'T  
8 KNOW. HAS THE STAFF HAD ANY OPPORTUNITY TO LOOK INTO  
9 ANY OF THOSE QUESTIONS? I GUESS MY BIGGEST CONCERN IS  
10 WE JUST KEEP THROWING MONEY AT THIS.

11 BOARD MEMBER EATON: I GRANT YOU IT'S A HIGH  
12 COST. EVERYONE KNOWS IT'S A HIGH COST, BUT IT'S A HIGH  
13 COST TO DEVELOP MARKETS IN ALL OF THESE ITEMS,  
14 WHICHEVER WE HAVE, ARE COSTLY. THE QUESTION IS ARE WE  
15 GOING TO MOVE FORWARD WITH A MARKET DEVELOPMENT  
16 STRATEGY, OR ARE WE GOING TO BE STUCK IN THE SAME OLD  
17 KIND OF GRIND, OR ARE WE JUST TRYING TO GET RID OF THE  
18 PROBLEM BY THROWING MORE MONEY AT PLACES WHERE WE NEED  
19 TO BASICALLY HAVE A MARKET MOVE FROM POINT A TO POINT  
20 B? HERE I THINK MR. VILLARAIGOSO, WHO HAD A BILL  
21 VETOED, SAW THE WISDOM OF THAT.

22 MS. TRGOVCICH: WE HAVE NOT HAD THE  
23 OPPORTUNITY TO DO THE EVALUATION THAT YOU REQUESTED.  
24 WE'VE BEEN SPENDING OUR TIME PUTTING THESE ITEMS  
25 TOGETHER. WE HAVE VERY LIMITED TIRE STAFF. WE WERE



1 ABLE TO DO SOME VERY BRIEF CALCULATIONS, AND I MIGHT  
2 QUALIFY THESE BY SAYING WE NEED TO GO BACK AND PICK  
3 THROUGH THE COST. I'LL GIVE ONE SPECIFIC EXAMPLE AND  
4 THEN I'LL GIVE YOU A RANGE. AND THIS IS NOT ON A  
5 SQUARE-FOOT BASIS, BUT A COST-PER-TIRE BASIS.  
6 FOR A RECENTLY COMPLETED GRANT IN THE  
7 CITY OF FULLERTON, APPROXIMATE COST PER TIRE WAS  
8 APPROXIMATELY \$26.25 PER TIRE. THAT IS NOT THE ENTIRE  
9 GRANT COST. THAT IS ONLY THE LINE ITEMS FOR MATERIALS  
10 AND INSTALLATION. THAT DOES NOT INCLUDE ANY OF THE  
11 COST ASSOCIATED WITH THE GROUND PREPARATION, SITE  
12 CLEARING, ETC.  
13 WHAT WE HAVE FOUND WHEN WE CALCULATE IN A  
14 BROAD RANGE THE MATERIAL COSTS -- ONCE AGAIN, WE WOULD  
15 NEED TO GO BACK THROUGH, PICK APART THESE GRANTS, SO WE  
16 CAN REALLY FIGURE OUT WHAT COSTS WOULD HAVE BEEN BORNE  
17 REGARDLESS -- WE SEE A RANGE OF APPROXIMATELY ON THE  
18 LOW END OF \$5 PER TIRE TO A HIGH END OF \$34 PER TIRE.  
19 I APOLOGIZE FOR NOT HAVING MORE INFORMATION FOR YOU AT  
20 THIS TIME; HOWEVER, WE'LL DO THAT IN THE COMING MONTHS.

21 CHAIRMAN PENNINGTON: THAT'S FINE. THANK  
22 YOU. I GUESS IT JUST BEARS OUT MY FEELING THAT, YOU  
23 KNOW, WE'VE INVESTED AN AWFUL LOT OF MONEY INTO THESE  
24 TO TRY TO KICK START THE MARKET HERE. THERE'S TWO  
25 COMPANIES IN CALIFORNIA THAT ARE BENEFITING FROM THIS



1 PROGRAM. YOU KNOW, I WAS WILLING TO GO ALONG WITH THE  
2 300,000 THAT WE HAD PROPOSED SIMPLY BECAUSE I WANTED TO  
3 WAIT AND SEE WHAT THE STAFF'S EVALUATION OF ALL THESE  
4 THINGS WERE AND TRY TO TACKLE THE PROBLEM NEXT FISCAL  
5 YEAR AS TO WHETHER OR NOT WE'RE REALLY GETTING THE BEST  
6 BANG FOR OUR BUCKS AND WHETHER WE REALLY ARE CREATING A  
7 MARKET OR JUST THROWING GOOD MONEY AFTER BAD. SO, YOU KNOW, I FEEL 8  
UNCOMFORTABLE IN  
9 INCREASING THE AMOUNT THAT WE'RE ALREADY SPENDING ON  
10 THAT ITEM. I THINK YOU MAKE A POINT WITH THE GREEN  
11 BUILDING PROCUREMENT. I'M NOT SURE THAT WE SHOULDN'T  
12 BE DOING SOME ANALYSIS OF WHAT HAPPENS IN A TIRE FIRE.  
13 WHILE I AGREE WITH YOU IN TERMS OF IT IS A FIRE  
14 DEPARTMENT PROBLEM, MAYBE WE SHOULDN'T BE GETTING INTO  
15 IT THAT DEEP, WE ARE THE ONLY PEOPLE THAT REALLY DEAL  
16 WITH USED TIRES. AND I THINK THAT WE COULD BE DOING A  
17 SERVICE TO MANY CALIFORNIANS IF WE KNEW WHAT WAS  
18 HAPPENING WHEN A TIRE FIRE DID START AND HOW FAST WE  
19 CAN HANDLE IT AND HOW FAST TO MINIMIZE THE  
20 ENVIRONMENTAL DAMAGE THAT THEY MAY CREATE. I DON'T  
21 KNOW THAT \$290,000 WILL DO IT EITHER.  
22 THERE MAY BE SOME COMPROMISE THERE. IF  
23 WE TOOK THE HUNDRED THOUSAND FROM PLAYGROUND MATS AND  
24 PUT IT BACK IN THE TIRE FIRE ANALYSIS, THAT WOULD SEEM  
25 TO HELP. I THINK THAT'S -- I WOULD SAY THAT'S ABOUT MY



1 CONCERNS HERE.

2 BOARD MEMBER JONES: MR. CHAIRMAN, I THINK ON  
3 THE ANALYSIS, I THINK WE EITHER GO FOR ALL THE ANALYSES  
4 OR WE DON'T GO FOR ANY. YOU KNOW, YOU CAN'T DO -- YOU  
5 CAN'T GET VALUE OUT OF IT IF YOU DON'T TRY TO GET  
6 EVERYTHING INCLUDED.  
7 YOU KNOW, I DON'T HAVE A PROBLEM WITH THE  
8 MARKET OUTREACH. I'M WONDERING WITH THE TIRE  
9 CONFERENCE THAT'S COMING ON, I THINK WE FUNDED IT OUT  
10 OF LAST YEAR'S BUDGET. WE WERE HOPING TO INCLUDE, YOU  
11 KNOW, TALK ABOUT SEPTIC TANK. WE'RE TRYING TO GET IN  
12 PUBLIC WORKS DIRECTORS, TRYING TO GET IN A LOT OF THOSE  
13 TYPES OF FOLKS WHO ARE A MARKETPLACE, ESPECIALLY ON THE  
14 CIVIL ENGINEERING AND TE POUR IN PLACE, STUFF LIKE  
15 THAT, THE RAC. IN FACT, I THINK WE NEED SOME PRETTY  
16 BIG NAMES TO MAKE SURE WE GET TO WHERE WE'RE GOING TO  
17 HAVE THIS THING TO SEE IF WE CAN GET THEM THERE.  
18 I THINK WITH THAT IN MIND, IT MAKES SENSE  
19 TO HAVE A MARKET OUTREACH REVENUE, YOU KNOW, LITTLE BIT  
20 OF RESERVE MONEY TO FOLLOW UP WHATEVER WE GET OUT OF  
21 OUR WORKSHOP. I DON'T KNOW IF A HUNDRED THOUSAND  
22 DOLLARS IS THE RIGHT NUMBER. OKAY. I DON'T HAVE A  
23 PROBLEM WITH THAT, BUT MAYBE SOMEWHERE IN BETWEEN. BUT  
24 I THINK THAT MAKES SENSE. BUT I WANT TO TIE IT TO THE  
25 OUTCOMES OF THE TIRE CONFERENCE BECAUSE, YOU KNOW, WE



1 CAN'T JUST -- WE GOT TO HAVE -- YOU KNOW, WE GOT TO  
2 HAVE SOME - - GOT TO HAVE A VISION OR A PURPOSE AS TO  
3 WHAT WE'RE GOING TO SPEND THOSE ON. AND IF WE CAN  
4 REALLY HIT SOME ITEMS PRETTY GOOD IN THAT CONFERENCE,  
5 THEN WE JUST DIRECT THOSE DOLLARS AS BACKUP MIGHT BE A  
6 WAY TO DO IT. I WOULDN'T HAVE A PROBLEM WITH THAT.  
7 I DO WANT TO KNOW IF -- WHEN I HAD MADE  
8 THE ORIGINAL PROPOSAL, THE 300,000 WAS FOR PLAYGROUND  
9 MATS AND POUR-IN-PLACE SURFACES. AND THAT WAS TO TRY  
10 TO - - IT WAS ACTUALLY FOR A COUPLE REASONS. IT WAS TO  
11 INCREASE MARKET, TRY TO KEEP MY COLLEAGUES HAPPY, AND  
12 TO, WHICH SO FAR I'M FAILING ON THOSE, AND THEN TO BE  
13 ABLE TO SPLIT THE FUND. I MEAN HERE WE GOT A COUPLE OF  
14 FELLAS THAT HAVE COME UP AND THEY NEED SOME HELP IN  
15 GETTING POUR-IN-PLACE TRACK PUT TOGETHER. AND, YOU  
16 KNOW, AND -- YOU KNOW, I JUST KIND OF WANTED -- YOU  
17 KNOW, I WAS HOPING THAT THAT COULD BE EITHER-OR,  
18 WHATEVER HAS THE MOST MERIT, WE JUST DEAL WITH IT,  
19 AND, YOU KNOW, SPEND X AMOUNT OF DOLLARS. WHATEVER HAS  
20 THE MERIT.  
21 I MEAN -- BUT I THINK THAT IF -- YOU  
22 KNOW, I DON'T HAVE ANY PROBLEM WITH THE GREEN BUILDING  
23 PRODUCT STUFF. JUST WHEN DOJ CAME INTO MY OFFICE, A  
24 LOT OF THE ISSUES THAT YOU BROUGHT UP WERE ACTUALLY  
25 ISSUES WE KIND OF THREW BACK AT THEM AND SAID WE SHOULD



1 BE ABLE TO USE THIS, YOU SHOULD BE ABLE TO DO THIS.  
2 YOU KNOW, BECAUSE I AGREE. I MEAN IT'S NOT JUST --  
3 IT'S JUST NOT THE PARKING LOT, AND WE'RE TRYING TO GET  
4 THEM TO GO ALONG WITH THAT.  
5 I THINK THE TIRE FIRE ANALYSIS, YOU  
6 UNDERSTAND THE LEGISLATURE AS DOES MR. FRAZEE, AND I  
7 GUESS EVERYBODY HERE EXCEPT ME. I'M JUST THE  
8 GARBAGEMAN, BUT --

9 BOARD MEMBER EATON: I DON'T THINK YOU SHOULD  
10 GO ON TUESDAY.

11 BOARD MEMBER JONES: PART OF THE REASONING FOR  
12 THESE ALLOCATIONS WAS JUST FOR THE REASONS THAT WE'VE  
13 BEEN TALKING ABOUT HERE TODAY, BUT MY SLANT ON IT WAS  
14 IF THIS IS THE LAST FUNDING, I WANT TO MAKE SURE THAT  
15 WHEN THINGS LIKE THE CHOPPERENA FIRE START AND THOSE  
16 TYPES OF THINGS, THERE WAS NOBODY ELSE IN THE STATE  
17 DEALING WITH TIRES EXCEPT US. AND IT'S ACTUALLY, I  
18 THINK, ONE OF THE - I THINK WE'RE GETTING, YOU KNOW,  
19 MOVING IN THE RIGHT DIRECTION TRYING TO SOLVE THIS  
20 PROBLEM OR AT LEAST A LITTLE BIT CHIPPING AWAY AT IT,  
21 WE KEEP GETTING MONEY TO DEAL WITH IT.  
22 BUT I JUST THINK IT'S CRITICALLY  
23 IMPORTANT TO KNOW THE RESULTS OF A TIRE FIRE. WE HAVE  
24 SIX A YEAR, AND WITHOUT THE CHEMICAL ANALYSIS, IT'S ALL  
25 GUESSWORK. AND I THINK WE NEED TO KNOW THAT, AND I



1 THINK WE NEED -- I THINK THAT NEEDS TO BE FUNDED, YOU  
2 KNOW.

3 I THINK THAT THE PRODUCT, THE PRODUCT  
4 GRANTS AT 400 GRAND, I DON'T KNOW. THAT SEEMED LIKE A  
5 LOT OF MONEY BECAUSE BETWEEN PRODUCT GRANTS AND  
6 PLAYGROUND MATS, THAT'S \$700,000 AND POUR IN PLACE --  
7 SORRY -- \$700,000. THAT'S AN AWFUL LOT OF -- THAT'S A  
8 LOT OF MARKET DEVELOPMENT FOR A \$2 MILLION OR \$3  
9 MILLION FUND.

10 CHAIRMAN PENNINGTON: LET'S SEE. I'M LOOKING  
11 AT THIS, AND I CAN PICK UP ABOUT 300,000 THAT WE NEED,  
12 \$325,000, DON'T WE? LET ME RUN THROUGH.

13 BOARD MEMBER EATON: IF YOU GO BY SOME OF THE  
14 NUMBERS HERE, WE DON'T HAVE TO BE BEHOLDEN TO ANY OF  
15 THESE NUMBERS, BUT KIND OF GO THROUGH. ONE IS  
16 STABILIZATION AND ABATEMENT CONTRACT. STAFF PROPOSAL  
17 WAS A MILLION, MR. JONES 385, MINE WAS 400. I DON'T  
18 HAVE ANY PROBLEM WITH 385. I THINK THAT'S A SOMEWHAT  
19 FAIR NUMBER.

20 I MEAN KIND OF GO THROUGH AND OBVIOUSLY  
21 THE POLICIES COMMITTEE HAD SOME WISDOM, A LOT OF WISDOM  
22 WHEN THEY WENT THROUGH IN DELIBERATING ON THESE. SO IF  
23 WE JUST KIND OF GO THROUGH EACH OF THESE AND SEE WHAT  
24 WE END UP WITH, AND KIND OF BEAT OUR HUMAN CALCULATORS  
25 HERE, AND MAYBE WE CAN TRY AND GET OVER THE HUMP



1 INSTEAD OF TRYING TO DO IT PIECEMEAL. IF WE GO ONE BY  
2 ONE AND YOU WANT TO LEAD, MR. CHAIRMAN, I'M HAPPY TO  
3 GO. MAYBE TO SAY THERE'S A PROBLEM WITH 385.

4 BOARD MEMBER JONES: CAN I MAKE A COMMENT ON  
5 THIS, MR. CHAIRMAN? 385 WAS BECAUSE WE HAVE ALLOCATED  
6 \$2,400,000 OR SOMETHING ALREADY IN THE WASTE TIRE  
7 STABILIZATION, BETWEEN -- AREN'T WE ABOUT TWO AND A  
8 HALF MILLION?

9 MS. RICE: WELL, WITH ALL YOUR ALLOCATIONS, A  
10 LITTLE MORE THAN THAT. YOU WOULD HAVE, I BELIEVE,  
11 AROUND 2.9 MILLION IN THE '96-'97 CONTRACTS, SO THE  
12 EXISTING CONTRACT. AND THEN IN THE CONTRACT THAT YOU  
13 HAVE NOT YET AWARDED THAT YOU HAD ALLOCATED SOME MONEY  
14 FOR THAT WILL COME FORWARD IN JUNE, BASED ON THE  
15 DIFFERENT ALLOCATIONS, AND I HAVEN'T DONE THE MATH  
16 BECAUSE YOU REDUCED THE REALLOCATION AMOUNT FROM 821  
17 TO, IF I GOT THE LATEST FIGURE, 690,371. SO I BELIEVE  
18 WE'RE AROUND 1.6 MILLION FOR THE UPCOMING AVAILABLE  
19 MONEY, SO IT'S THE 2.9 PLUS THE 1.6.

20 BOARD MEMBER JONES: RIGHT. INCLUDING THIS  
21 385.

22 MS. RICE: THAT'S PART OF IT. I ADDED THAT  
23 IN.

24 BOARD MEMBER JONES: I JUST WANTED TO INCLUDE  
25 THAT BECAUSE STABILIZATION, WHEN WE LOOK AT THE LAST



1 THREE YEARS' CONTRACTS, IS GOING TO BE UP AROUND \$3  
2 MILLION, AND THAT MADE SENSE. THAT'S WHY WE WENT WITH  
3 THE 385.

4 BOARD MEMBER EATON: I DON'T THINK THERE'S ANY  
5 DISAGREEMENT.

6 BOARD MEMBER FRAZEE: I DON'T DISAGREE FOR  
7 WHAT IT'S WORTH. ONE THOUGHT THAT COMES TO MIND IS THE  
8 DOLLAR THAT YOU SPEND ON STABILIZATION AND ABATEMENT  
9 CONTRACT IS A DOLLAR THAT CLEANS UP A CALIFORNIA TIRE.  
10 THE DOLLAR YOU SPEND ON PLAYGROUND MATS AND MOLDED  
11 RUBBER PRODUCTS MAY ONLY BE 50 PERCENT CALIFORNIA  
12 RUBBER. WE CAN'T DO ANYTHING ABOUT THAT, AND WE KNOW  
13 THAT THE CRUMB RUBBER PRODUCERS ARE BRINGING IN TIRES  
14 FROM OUT OF STATE AND LEAVING OURS OUT IN THE FIELD TO  
15 CREATE THE CONTINUING HAZARD, AND AT THE SAME TIME  
16 WE'RE ALLOCATING MONEY TO BUY SOMEONE ELSE'S TIRES,  
17 UTAH'S TIRES, ARIZONA AND TEXAS TIRES IN MOLDED RUBBER  
18 PRODUCTS. AND THAT'S ANOTHER REASON THAT I FAVOR, AT  
19 LEAST IN THESE EARLY STAGES, MORE MONEY IN THE  
20 STABILIZATION AND ABATEMENT CONTRACT. I KNOW I'M A  
21 MINORITY OF ONE IN THAT, SO I'LL SAY THAT AND LET IT  
22 GO.

23 BOARD MEMBER EATON: I REALLY DON'T BELIEVE  
24 THAT YOU ARE A MINORITY. LET'S TRY AND GO THROUGH THE  
25 PROCESS. WE HAVE THE 385. THAT'S WHERE WE CAN START.



1 IF THERE'S DOLLARS THAT ARE LEFT OVER, OBVIOUSLY IF WE  
2 CAN GET THROUGH SOME OF THESE, MR. PENNINGTON MADE A  
3 PROPOSAL THAT IF WE TAKE A HUNDRED THOUSAND DOLLARS OFF  
4 THE PLAYGROUND AND MOVE THAT UP INTO WHERE THE TIRE  
5 FIRE ANALYSIS IS, AND THAT MAY FREE UP THE OTHER  
6 \$190,000 THAT WE'RE LEFT WITH OUT OF THAT CONTRACT. IT  
7 MAY VERY WELL BE YOUR THAT POINT ABOUT ABATEMENT IS NOT  
8 A MINORITY VOICE, BUT A PLACE THAT WE SHOULD PUT THOSE  
9 EXTRA SUMS. AND THAT'S THE PROCESS WE CAN KIND OF GO  
10 THROUGH IF IT MEETS WITH THIS BOARD'S APPROVAL, THEN WE  
11 MAY GET TO WHERE WE GET THE MOST BANG FOR OUR BUCK.

12 BOARD MEMBER FRAZEE: I APPRECIATE THE POINT  
13 THAT WAS MADE THAT WE ALREADY HAVE A LOT OF MONEY HELD  
14 BACK. I THINK PROBABLY THAT'S CAUSED BY SOME LAG IN  
15 GETTING CONTRACTS OUT THERE. BUT THERE'S PLENTY OF  
16 TIRES TO BE CLEANED UP, LOT MORE THAN WE HAVE MONEY TO  
17 EFFECT.

18 CHAIRMAN PENNINGTON: OKAY. WE'LL START WITH  
19 THE 400,000, REDUCE IT BACK TO 385. THAT PICKS UP  
20 15,000. MOVE DOWN TO TIRE PRODUCTS, PP. AND GRANTS.  
21 OKAY.

22 BOARD MEMBER EATON: ENVIRONMENTAL SERVICES  
23 SEEMS TO BE CONSISTENT.

24 CHAIRMAN PENNINGTON: LOCAL GOVERNMENT AND  
25 CLEANUP MATCHING GRANTS, A HUNDRED FIFTY THOUSAND. I



1 DON'T HAVE A PROBLEM WITH THAT. WASTE TIRE ENFORCEMENT  
2 GRANTS, 425. OKAY. THE OES-CDF VEHICLE, 175. OKAY.  
3 FIND THE MONEY FOR THE TIRE FIRE ANALYSIS. SO WE GO  
4 DOWN TO TIRE PRODUCTS, P AND P GRANTS, TAKE A HUNDRED  
5 THOUSAND FROM THAT, AND LEAVE THAT AT 481. LOCAL  
6 GOVERNMENT AMNESTY, 150,000 IS OKAY WITH ME. THE  
7 MARKET OUTREACH, SINCE WE DON'T KNOW -- ACTUALLY GO TO  
8 50,000, 50 PICK UP 50,000 THERE. PLAYGROUND MATS AT  
9 \$400,000, REDUCE BACK DOWN TO 300,000. AND SEPTIC  
10 TANK, YOU SAID WE COULD TAKE THE MONEY FOR THE 35,000  
11 OUT OF THAT. I SAY TAKE 50 OUT OF THAT. THAT LEAVES  
12 YOU 250. SO LEAVE THE 150 IN FOR THE BUILDING  
13 PRODUCTS, GREEN BUILDING PRODUCTS.  
14 SO I'VE PICKED UP --  
15 MS. FISH: DAN, COULD YOU GO BACK THROUGH  
16 THOSE AGAIN? YOU LOST ME.  
17 CHAIRMAN PENNINGTON: SURE. STABILIZATION AND  
18 ABATEMENT CONTROL WOULD BE 385,000. THAT WOULD PICK UP  
19 15,000. THEN MOVE DOWN TO THE TIRE PRODUCTS, REDUCE  
20 THAT TO 481,000. THAT WOULD PICK UP A HUNDRED THOUSAND  
21 THERE. THE MARKET OUTREACH, I REDUCE IT BY 50,000 TO  
22 50,000. WE PICK UP 50,000 THERE. AND THE PLAYGROUND  
23 MATS, GO BACK TO 300,000, AND PICK UP A HUNDRED  
24 THOUSAND THERE. AND THE SEPTIC TANK GRANTS, 250,000.  
25 PICK UP 50,000 THERE. THAT WILL BE 315,000.



1 I BELIEVE THAT'S A LITTLE SHORT BECAUSE

2 WE WANT 290 FOR THE TIRE FIRE ANALYSIS.

3 MS. FISH: YOU SAID 315 ON THE PLAYGROUND  
4 MATS?

5 BOARD MEMBER EATON: 300.

6 MS. FISH: 300.

7 CHAIRMAN PENNINGTON: I'M SAYING WE PICKED UP  
8 315,000. THAT LEAVES US - - THAT'S 10,000 SHORT OF WHAT  
9 WE NEED TO DO THE BURN AND TO GET --

10 MS. FISH: NOW, ADDING 290 INTO THE TIRE FIRE  
11 CHEMICAL ANALYSIS, WITH WHAT YOU HAVE ALLOCATED NOW,  
12 YOU'RE WITHIN -- YOU COULD ALLOCATE AN ADDITIONAL  
13 23,000.

14 BOARD MEMBER JONES: DID YOU INCLUDE THE  
15 AMOUNT TO AUGMENT THE AIR TESTING?

16 MS. FISH: THAT IS THE TIRE FIRE CHEMICAL  
17 ANALYSIS.

18 CHAIRMAN PENNINGTON: THAT'S THE TEST BURN.

19 MR. CHANDLER: ADDITIONAL 35,000 REQUESTED BY  
20 STAFF IS NOT ON YOUR SPREADSHEET. I THINK THAT'S WHAT  
21 THE MEMBERS ARE REFERRING TO.

22 BOARD MEMBER JONES: WE'VE ALREADY ALLOCATED  
23 60,000. THERE'S 60,000 ALREADY SITTING IN A PILE. WE  
24 NEED ANOTHER 35 GRAND TO GET THE THING DONE.

25 MS. FISH: RIGHT. THEN YOU'RE TEN OVER.



1 BOARD MEMBER EATON: SO WHERE I SEE THE BONES  
2 OF CONTENTION MIGHT BE UNDER THIS ALLOCATION IS THE  
3 BURN MONEY, WHICH FROM MY STANDPOINT, LET ME CAUTION  
4 THAT WE OUGHT NOT TO GO DOWN THAT ROAD. THE TIRE FIRE  
5 ANALYSIS AT FULL FUNDING AT 290. I THINK AT A HUNDRED  
6 THOUSAND IT PROBABLY IS A GOOD START.  
7 THE REMAINING MONIES WHICH WOULD BE LEFT,  
8 I WOULD BE HAPPY TO TAKE THE LEAD OF MR. FRAZEE AND  
9 TALKING ABOUT HIS CONVINCING ARGUMENT ABOUT THE  
10 ABATEMENT CONTRACT, JUST ADDING THAT INTO THAT  
11 CATEGORY. LET'S SEE.

12 CHAIRMAN PENNINGTON: LET ME JUST FOLLOW WHAT  
13 YOU ARE SAYING SO FAR. YOU ARE SAYING THAT THE TIRE  
14 FIRE ANALYSIS, WE PUT A HUNDRED THOUSAND INTO?

15 BOARD MEMBER EATON: YEAH.

16 CHAIRMAN PENNINGTON: THAT WOULD BE OKAY WITH  
17 ME.

18 BOARD MEMBER JONES: JUST DON'T DO IT. YOU'RE  
19 BETTER OFF SPENDING ZERO. YOU CAN'T TEST WATER AT A  
20 LANDFILL FOR A HUNDRED THOUSAND DOLLARS. I DON'T KNOW  
21 IF WE KNOW THAT OR NOT HERE. YOU CAN'T TEST LEACHATE  
22 FOR A HUNDRED GRAND. WE'RE TALKING ABOUT PYROLYTIC OIL  
23 FROM A FIRE. SO DON'T EVEN BOTHER. BUT --

24 CHAIRMAN PENNINGTON: I GUESS THE QUESTION IS  
25 IS IT 290 THOUGH? IS THERE SOME ROOM THERE?



1 BOARD MEMBER EATON: WE DON'T HAVE EVEN --  
2 THAT'S JUST AN ESTIMATE. WE DON'T HAVE ANY DATA THAT  
3 BACKS UP, NOT ANY CONTRACTS OR ALLOCATIONS OR ANY OF  
4 THAT. I'M JUST SAYING, YOU KNOW, A HUNDRED THOUSAND  
5 THERE. ONE OF THE THINGS THAT'S ATTRACTIVE THAT BEGAN  
6 THE PROCESS WAS TO LOOK AT TRYING TO UTILIZE WHAT EACH  
7 OF THE MEMBERS OF THE BOARD HAD TALKED ABOUT AND THEN  
8 PERHAPS HAVING A CONTINGENCY FUND AT THE END EITHER  
9 BASED UPON THE TIRE CONFERENCE OR SOME OF THOSE OTHER  
10 THINGS. WE'RE ALMOST BACK TO WHERE WE WERE BEFORE  
11 WHERE WE WANTED TO RUSH IN AND FUND EVERYTHING. WE  
12 DON'T NEED TO DO THAT OR AT LEAST FROM MY PERSPECTIVE  
13 WE DON'T NEED TO DO ALL OF THOSE THINGS.  
14 WE SHOULD LOOK AT WHAT IT IS WE HAVE  
15 GOING AND COME BACK AGAIN AND SEE WHERE WE CAN REACH  
16 ACROSS AND TRY AND COME TO SOME CONSENSUS INSTEAD OF  
17 JUST TRYING TO SEE WHAT SHOULD BE FULLY FUNDED AND WHAT  
18 SHOULD NOT BE.  
19 I DON'T KNOW. WE ARE DOING SOME OTHER  
20 TIRE TESTING AS WELL AS WITH CRUMB, AREN'T WE?

21 MS. RICE: WELL, THE TESTING THAT CAREN WAS  
22 REFERRING TO WAS COAL FIRED PLANTS.

23 MS. TRGOVCICH: UNDER THE CURRENT RAC CONTRACT  
24 WITH THE LOS ANGELES TECHNOLOGY CENTER, WE PROVIDE  
25 DEFLECTION TESTING, WHICH IS ROADWAY TESTING, UP TO



1 \$5,000 PER JURISDICTION. THAT'S NOT TESTING OF THE  
2 MATERIAL. THAT'S ROADWAY TESTING TO DETERMINE IF RAC  
3 IS EVEN APPROPRIATE AT THAT POINT.

4 BOARD MEMBER EATON: THAT'S UNDER THE  
5 ENVIRONMENTAL SERVICES CONTRACT? WHAT ARE WE DOING  
6 THERE?

7 MS. TRGOVCICH: ARE YOU LOOKING AT THE ONE  
8 UNDER PERMITTING AND ENFORCEMENT?

9 BOARD MEMBER EATON: WHAT KIND OF TESTING ARE  
10 WE DOING THERE?

11 MS. RICE: THE ENVIRONMENTAL SERVICES - -

12 BOARD MEMBER EATON: SPONTANEOUS COMBUSTION OF  
13 TIRE RETREAD FILLS. IS THERE A WAY WE CAN COMBINE  
14 THOSE KINDS OF TESTING, NOT THAT THEY WOULD BE ONE IN  
15 THE SAME, BUT THAT WHEN WE CONTRACT, WE PROVIDE -- YOU  
16 KNOW, THE X, Y, AND Z, THEREFORE, THE HUNDRED GOES A  
17 LONG WAY.

18 MS. RICE: THERE MAY BE. THE PRIMARY PURPOSE  
19 OF THE ENVIRONMENTAL SERVICES CONTRACT IS SIMILAR IN  
20 THE AB 2136 PROGRAM. YOU HAVE A TECHNICAL SUPPORT  
21 CONTRACT FOR THE CLEANUP PROGRAM OR ANYTHING IN  
22 ADDITION THAT COMES UP ON A CLEANUP PROJECT, YOU HAVE  
23 EXPERTISE THAT YOU CAN SEND OUT TO THE SITE TO DO  
24 ANALYSIS, TESTING, WHATEVER NEEDS TO BE DONE.  
25 PRIMARILY IT'S A SUPPORT CONTRACT FOR THE CLEANUP



1 CONTRACT RATHER THAN INDEPENDENT TESTING.  
2 I THINK YOU ARE CORRECT, MR. JONES. THE  
3 NUMBER WAS HIGH BECAUSE THESE TESTS ARE VERY EXPENSIVE,  
4 AND STAFF TRIED TO GET A ROUGH FIGURE OF WHAT IS THE  
5 MINIMUM NUMBER OF TESTS YOU COULD DO WITH DIFFERENT  
6 VARIABLES TO GET A PRETTY GOOD PICTURE OF WHAT THE  
7 CHEMICALS ARE THAT ARE GOING TO BE COMING OFF A FIRE SO  
8 THAT WE COULD INFORM NOT SO MUCH JUST FIRE DEPARTMENTS,  
9 WE VIEW THIS AS A PUBLIC HEALTH ISSUE. AS BOARD  
10 MEMBERS WILL RECALL, WHEN THE TIRE FIRE OCCURRED, A LOT  
11 OF ATTENTION WAS FOCUSED ON THIS BOARD IN TERMS OF  
12 PEOPLE ASKING WHAT ARE YOU GOING TO DO, WASTE  
13 MANAGEMENT BOARD, WITH THE TIRE STATUTE TO ADMINISTER.  
14 SO THERE AS A SENSE THAT WE HAD A  
15 MANDATE TO LOOK AT THESE ISSUES AND TO BE THE POINT FOR  
16 THE STATE OF CALIFORNIA ON THIS. SO IT WAS FROM THAT  
17 PERSPECTIVE THAT STAFF BROUGHT IT FORWARD, THAT WE HAD  
18 AN OBLIGATION IN THE PUBLIC HEALTH ARENA AS WELL.  
19 CHAIRMAN PENNINGTON: WELL, IS IT THE KIND OF  
20 THING, THOUGH, AS MR. EATON POINTS OUT, COULD WE FUND  
21 SOME OF IT AND GET STARTED AND LOOK FOR ADDITIONAL  
22 FUNDING AS WE GET DOWN THE ROAD? I MEAN AT THIS POINT  
23 IT IS FAIRLY WELL TAKEN THAT WOULD YOU HAVE 20,000  
24 MARKET RESEARCH, BUT WE'RE LOOKING AT 50,000 IN THERE.  
25 DO WE REALLY NEED THAT MUCH? MAYBE THE 20 WAS THE



1 RIGHT THING. WELL, WE PICKED UP 30,000. YOU KNOW,  
2 MAYBE IN THE STABILIZATION AND ABATEMENT CONTRACT,  
3 MAYBE ADD A LITTLE MORE TO IT. MAYBE WE DON'T NEED A  
4 LITTLE MORE.

5 MS. RICE: IN THE STABILIZATION AND ABATEMENT  
6 AREA, I THINK, AS BOARD MEMBERS KNOW, WE COULD ABSORB  
7 AS MUCH AS YOU PUT IN THERE. THE MONEY THAT YOU  
8 ALREADY ALLOCATED IN A SENSE HAS ALREADY BEEN SPENT.  
9 YOU HAVE APPROVED CLEANUPS FOR IN EXCESS OF THE MONEY  
10 THAT'S ALREADY BEEN ALLOCATED. THERE IS IN A SENSE A  
11 BOTTOMLESS PIT IN TERMS OF THE CLEANUPS. WE COULD DO  
12 MUCH MORE. YOU COULD DO MUCH MORE.  
13 IN TERMS OF THIS PARTICULAR CONTRACT  
14 ITEM, I DON'T HAVE THE EXPERTISE WITH ME IN THE  
15 AUDIENCE TO KNOW HOW MANY LESS TESTS WE'D GET IF YOU  
16 REDUCED IT AND HOW USEFUL THAT WOULD BE TO THE STATE OF  
17 CALIFORNIA. I'M SURE IF YOU WERE TO REDUCE THAT  
18 ALLOCATION, WE'D DO OUR BEST TO FIGURE OUT WHAT WE  
19 COULD DELIVER FOR YOU WITH THE REDUCED AMOUNT OF MONEY.  
20 IF IT TURNED OUT AS YOU SUSPECT, MR. JONES, THAT IT WAS  
21 NOT WORTHWHILE, WE'D COME BACK TO YOU WITH THAT  
22 INFORMATION.

23 BOARD MEMBER JONES: WHY WASTE THE MONEY? I'M  
24 NOT IN LOVE WITH THIS THING. WHAT I'M TRYING TO SAY,  
25 MAYBE THERE'S SOME AVAILABILITY IN THE GRANTS WITH U.S.



1 EPA. I DON'T KNOW.

2 BOARD MEMBER EATON: FOR THE FIRE MARSHAL.

3 BOARD MEMBER JONES: WE'RE GIVING THE FIRE  
4 MARSHAL MONEY. WE GIVE THEM MONEY TO DO TWO RINGS OF  
5 FIRES. WE GIVE THEM MONEY TO DEAL WITH HOW TO TRAIN  
6 THEIR PEOPLE HOW TO FIGHT FIRES. WE'RE GOING TO GIVE  
7 THEM A TRUCK TO FIGHT FIRES. WE'RE JUST NOT GOING TO  
8 TELL THEM WHAT'S GOING TO HAPPEN WHEN THE FIRE STARTS.

9 MS. RICE: THEY'RE NOT FOCUSING ON FIRES.

10 BOARD MEMBER EATON: ABSORB THEM INTO US AND  
11 TAKE OVER THEIR BUDGET.

12 MS. RICE: THEY VIEW US AS TIRE EXPERTISE.  
13 RIGHTFULLY OR WRONGFULLY, THEY TURN TO US FOR  
14 INFORMATION ON TIRE FIRES.

15 BOARD MEMBER EATON: I WOULD LOVE TO BE ABLE  
16 TO TEAR UP THAT BUDGET.

17 CHAIRMAN PENNINGTON: WHAT I'M ASKING HERE IS,  
18 REALIZING WHAT BOTH BOARD MEMBERS ARE SAYING, I DON'T  
19 WANT US TO START DOWN A ROAD THAT WE DON'T GET  
20 SOMETHING OUT IF WE FUND IT AT A LOWER LEVEL. I DON'T  
21 WANT TO START DOWN THAT ROAD AND THEN FIND OURSELVES  
22 WASTING A HUNDRED THOUSAND DOLLARS. I DON'T MIND YOU  
23 STARTING DOWN IT WITH A HUNDRED THOUSAND OR 150,000 IF  
24 WE THINK THAT WE ARE GOING TO BE ABLE TO PICK UP THE  
25 ADDITIONAL MONEY TO GET SOME VALUE OFF IT.



1 I GUESS IT'S PARTLY THE ANSWER  
2 CONSIDERING THAT WE'VE GOT \$176,000 RIDING ON THE DOJ  
3 THING, THAT STABILIZATION AND ABATEMENT PROGRAM,  
4 THERE'S THAT MONEY THAT WE PROBABLY PICK UP TO HELP  
5 DEVELOP THIS. I'D BE WILLING TO, YOU KNOW, LOOK AT  
6 THAT AT A DIFFERENT LEVEL AS OPPOSED TO 290. MAYBE AT  
7 190.

8 BOARD MEMBER JONES: MR. CHAIRMAN, I MEAN FOR  
9 ME, YOU KNOW, I THOUGHT IT WAS A VALUABLE LINE ITEM,  
10 BUT I WOULD RATHER SEE -- RATHER THAN START DOWN A ROAD  
11 WHERE WE ONLY GET ONE OUT OF SIX TESTS OR TEN TESTS OR  
12 EIGHT TESTS THAT WE NEED, I MEAN I'D RATHER SEE THE  
13 MONEY GO INTO WASTE TIRE ENFORCEMENT GRANTS. I'D  
14 RATHER SEE US FUND THAT 611,000 AS OPPOSED TO DOING A  
15 PARTIAL BECAUSE IF THIS IS LAST YEAR FUNDING AND WE GET  
16 THE LEA'S OR THOSE ENFORCEMENT AGENCIES USED TO --  
17 MAYBE THEY IDENTIFY EVERYBODY IN THEIR COUNTY WITH THIS  
18 611,000. WE AT LEAST KNOW WHERE THE TIRES ARE. WE AT  
19 LEAST BRING DOWN SOME OF THE PEOPLE THAT ARE CAUSING  
20 THE PROBLEM. THAT MIGHT BE MONEY BETTER SPENT.  
21 I JUST DON'T -- YOU KNOW, 425 MAY BE THE  
22 RIGHT NUMBER. I MEAN I DON'T KNOW. IT SEEMED TO ME  
23 THAT THERE WAS LOGIC WITH THE 611 JUST BECAUSE OF THE  
24 ACTIVITY. AND THAT WOULD LEAVE -- I MEAN THAT'S 190,  
25 RIGHT? TO GET THAT ONE FUNDED OR, YEAH, ABOUT 190.



1 BOARD MEMBER EATON: DO YOU HAVE A PROBLEM IF  
2 WE WERE TO TAKE THE 290, ADD IT TO THE STABILIZATION  
3 AND ABATEMENT CONTRACT, BRING THAT TO 675, AND THEN  
4 TAKING UP THE WASTE TIRE ENFORCEMENT GRANTS TO 500,000,  
5 HALF A MILLION DOLLARS, AND THEN GOING THROUGH MR.  
6 PENNINGTON'S OTHER FIGURES FOR 481 FOR TIRE PRODUCTS  
7 AND PP GRANTS, 150 FOR AMNESTY, MARKET OUTREACH WOULD  
8 BE 50,000, PLAYGROUND MATS AND OTHER THINGS WOULD BE  
9 300,000, CALMAX WOULD REMAIN AT THE 15,000, SEPTIC  
10 TANKS, YOU KNOW, SAY, 250. I'M OPEN THERE. GREEN  
11 BUILDING, 150. I DON'T KNOW WHERE THAT GETS US. AND  
12 WE HAVE A CERTAIN REMAINDER WITHOUT EVEN GOING INTO THE  
13 BURN ISSUE. WHERE DOES THAT GET US?

14 BOARD MEMBER JONES: PRETTY CLOSE.

15 MS. FISH: WITH THE BURN ISSUE?

16 BOARD MEMBER JONES: IT'S NOT A BURN ISSUE.  
17 IT'S AN AIR ISSUE.

18 BOARD MEMBER EATON: WITHOUT THE AIR ISSUE,  
19 FOR THE TIME BEING.

20 MS. FISH: YOU'D HAVE ABOUT 23,000 AVAILABLE  
21 TO ALLOCATE.

22 BOARD MEMBER EATON: THAT WOULD BE ZEROING OUT  
23 THE TIRE FIRE ANALYSIS.

24 MS. FISH: YES, YOUR LAST OPTION, YOU HAVE  
25 25,000 AVAILABLE. IT'S THE OPTION, THE BLUE OPTION.



1 BOARD MEMBER EATON: SO THE BLUE COLUMN IS  
2 KIND OF WHERE WE ARE AT THIS POINT IN TIME AND  
3 THAT'S --  
4 MS. FISH: RIGHT.  
5 BOARD MEMBER JONES: THAT'S NOT MR. EATON'S  
6 LATEST.  
7 BOARD MEMBER EATON: KIND OF A COMBINATION OF  
8 WHAT THE CHAIRMAN SAID AS WELL AS SOME OF US HAVE JUST  
9 KIND OF GONE THROUGH IN DISCUSSION AND LEAVES IT THERE.  
10 BOARD MEMBER JONES: I THOUGHT THE WASTE TIRE  
11 ENFORCEMENT GRANTS YOU HAD SAID TO RAISE.  
12 BOARD MEMBER EATON: TO \$500,000. YOU'RE  
13 ABSOLUTELY CORRECT TO A HALF MILLION. REDUCES THAT  
14 FROM 425 TO 500,000.  
15 MS. FISH: SO NOW YOU ARE A LITTLE OVER.  
16 YOU'RE OVER SOME 50,000.  
17 BOARD MEMBER EATON: HOW MUCH?  
18 MS. FISH: OVER 50,000.  
19 BOARD MEMBER EATON: SO IF WE WERE TO TAKE --  
20 CHAIRMAN PENNINGTON: STABILIZATION AND  
21 ABATEMENT AT 625, THAT GIVES YOU THE 50.  
22 BOARD MEMBER EATON: WITHOUT HAVING DETERMINED  
23 THE AIR SLASH -  
24 MS. FISH: OKAY. THAT GETS YOU THERE.  
25 BOARD MEMBER EATON: CORRECT. IT DOESN'T



1 INCLUDE THE AIR ISSUE.

2 BOARD MEMBER JONES: I DON'T HAVE ANY PROBLEM  
3 WITH THAT.

4 BOARD MEMBER EATON: ONLY OUTSTANDING ISSUE  
5 THEN WOULD BE THE AIR ISSUE. AND YOU KNOW, I THINK  
6 THAT THAT'S ROUGHLY A \$30,000 ITEM THAT'S, AS WE  
7 PROCEED DOWN, THAT SOMEWHERE ALONG THE WAY ONE OF THESE  
8 IS GOING TO FALL OUT. YOU KNOW, I'LL LEAVE THAT UP TO  
9 THE BOARD.

10 BOARD MEMBER FRAZEE: DID WE GET THE 35,000  
11 PLUGGED BACK IN THERE?

12 BOARD MEMBER EATON: NO. THIS PARTICULAR  
13 POINT IN TIME DOES NOT INCLUDE THAT 35. DOES NOT.

14 BOARD MEMBER FAZEE: BUT AM I MISSING  
15 SOMETHING? DOES THAT NEED TO BE IN THAT TOTAL?

16 BOARD MEMBER EATON: WE HAVEN'T GOTTEN TO THAT  
17 POINT. THAT WAS THE ONE THAT DIDN'T SEEM TO HAVE ANY  
18 CONSENSUS RIGHT AWAY, SO WE'RE LEAVING IT TO THE SIDE.

19 CHAIRMAN PENNINGTON: MR. CHANDLER.

20 MR. CHANDLER: WELL, JUST SAY AS I SENSE WE'RE  
21 STARTING TO MOVE TOWARDS A POSITION OF CONSENSUS, THERE  
22 ARE A COUPLE OF ADMINISTRATIVE POINTS I WANT TO MAKE.  
23 FIRST OF ALL, CLEARLY WHERE THE BOARD WOULD LIKE TO  
24 DIRECT STAFF TO GO, THERE'S A COUPLE OF THINGS I'D LIKE  
25 TO POINT OUT FOR THE RECORD.



1 NO. 1 IS WHEN STAFF PUT THEIR ORIGINAL  
2 PROPOSAL TOGETHER, THEY DID SO WITH SENSITIVITY TO THE  
3 EXISTING RESOURCES THAT WE HAVE TO ADMINISTER IN THESE  
4 PROGRAMS. AS YOU CAN SEE, STAFF PROPOSAL HAD SOMEWHAT  
5 OF A MODEST SUITE OF PROPOSALS PARTICULARLY BECAUSE OF  
6 THE NUMBER OF PROGRAMS EXISTING AND UNDER WAY RIGHT  
7 NOW. WITH THE AUGMENTATION OF FOUR NEW PROGRAMS,  
8 ESSENTIALLY PLAYGROUND MAT PROGRAM, NEW MARKET  
9 INITIATIVES, GREEN BUILDING, AND ENHANCING OUR MARKET  
10 OUTREACH EFFORTS, I WILL BE LOOKING WITH KEITH TO  
11 REDIRECT RESOURCES INTO THAT AREA TO RUN THESE  
12 PROGRAMS.  
13 I JUST WANT TO TELL YOU WE'RE LOOKING AT  
14 TWO OR THREE MORE PY. THAT'S SOMEWHAT PROBLEMATIC  
15 BECAUSE OF THE ADMINISTRATIVE CAPS ON THESE PROGRAMS.  
16 THIS IS AN AUGMENTATION OF EFFORT IN THE MARKET  
17 DEVELOPMENT AREA. CLEARLY OUR PROPOSAL WAS 670,000.  
18 THIS IS THE ALTERNATE PROPOSAL OF \$1.7 MILLION IN THE  
19 AREA OF MARKET DEVELOPMENT, SO I DON'T KNOW WHAT THE  
20 FIGURE IS NOW. LOOKS LIKE IT'S ABOUT 1.4. MY POINT IS  
21 WITH THAT ADDITIONAL ALLOCATION, WE'LL HAVE RESOURCE  
22 NEEDS. THAT'S FINE. WE WILL DO THAT IF, AGAIN, THIS  
23 IS WHERE THE BOARD WANTS TO GO.  
24 THE OTHER AREA I WANTED TO MAKE IS WITH  
25 RESPECT TO MR. JONES' INITIATIVE ON THE SEPTIC TANK



1 MR. NICHOLSON: YES, I JUST WANTED TO SAY I'VE  
2 BEEN LOOKING AT ALL-WEATHER TRACKS. ONE OF THE THINGS  
3 THAT'S DONE IS SUBSURFACE DRAINAGE, WHICH IS  
4 ESSENTIALLY TO REMOVE THE WATER TO IRRIGATE THE PLAYING  
5 FIELD FROM UNDERNEATH THE ROADWAY WHERE THE ALL-WEATHER  
6 SURFACE IS BUILT. THIS IS ESSENTIALLY A SEPTIC TANK IN  
7 REVERSE MADE ROUGHLY THE SAME WAY AS THE SEPTIC TANK  
8 WITH GRAVEL AND WITH A DRAIN THAT'S PERFORATED, SO IT  
9 WORKS EXACTLY THE OPPOSITE OF A SEPTIC TANK. IT DRAINS  
10 WATER OUT RATHER THAN PUTTING THE WATER IN.  
11 THIS MIGHT BE A POSSIBLE APPLICATION FOR  
12 CHIPPED RUBBER. THESE ARE NOT ONLY USED FOR HIGH  
13 SCHOOL TRACKS, BUT THEY'RE USED QUITE A LOT IN  
14 BUILDINGS BUILT UP AGAINST SURFACES AND THINGS LIKE  
15 THAT WHERE YOU HAVE TO REMOVE SUBSURFACE WATER.

16 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.  
17 OKAY. LET ME TRY. I'LL MAKE A --

18 BOARD MEMBER CHESBRO: BEFORE YOU GO THROUGH  
19 THE LIST, DO THE ONLY THING THAT I'VE SPOKEN FOR HERE  
20 TODAY. YOU GUYS DID A GREAT JOB. I SHOULD TELL YOU,  
21 YOU GUYS DID A GREAT JOB.

22 BOARD MEMBER EATON: MODEL CITIZEN.

23 BOARD MEMBER CHESBRO: I DO WANT ONE THING  
24 INTO THIS MOTION, AND THAT IS THAT THE P AND P GRANTS,  
25 LOCAL GOVERNMENTS ARE ELIGIBLE FOR THEM. MAKE SURE TO



1 PROPOSAL, HE'S CORRECT. WE JUST HEARD ABOUT THIS IN  
2 THE LAST COUPLE OF WEEKS IN OUR RECENT TRIP. I WOULD  
3 JUST LIKE TO HAVE A PRECURSOR WHEN WE START TO ROLL  
4 THIS PROGRAM OUT, JUST DOING A LITTLE BIT MORE  
5 BACKGROUND ON WHAT HAS BEEN THE HISTORY IN THE  
6 PERFORMANCE OF THESE PROGRAMS IN FLORIDA, IN NORTH  
7 CAROLINA, PARTICULARLY AS IT RELATES TO WATER QUALITY  
8 ISSUES. THAT'S NOT PARTICULARLY OUR AREA. I'M NOT  
9 SURE THEY'RE LAYING THIS DOWN AS BEDDING, WHATEVER THE  
10 FOUNDATION IS FOR THE SEPTIC TANK SYSTEMS. WE WILL  
11 WORK WITH OUR LOCAL REGIONAL WATER BOARDS, STATE BOARDS  
12 TO MAKE SURE WE'RE NOT ENTERING ANY WATER QUALITY  
13 ISSUES.  
14 IN ADDITION, THERE'S RESEARCH OR SOME  
15 WORK, STAFF WORK, THAT NEEDS TO BE DONE BEFORE WE  
16 LAUNCH A DEMONSTRATION PROGRAM. WE'LL COME BACK TO YOU  
17 WITH THE RESULTS OF THAT ANALYSIS.  
18 THOSE ARE MY TWO PRIMARY POINTS.  
19 FRONT-END WORK NEEDS TO BE DONE ON THE APPROPRIATENESS  
20 OF THE SEPTIC TANK PROPOSAL AND, OF COURSE, THE  
21 RESOURCE ALLOCATION ISSUE THAT I WILL ADDRESS WAS THE  
22 KIND OF EMPHASIS THAT YOU ARE PUTTING ON THE MARKET  
23 DEVELOPMENT ARENA.  
24 CHAIRMAN PENNINGTON: THANK YOU, MR.  
25 CHANDLER. MR. NICHOLSON.



1 INCLUDE THAT LANGUAGE IN THE MOTION, PLEASE.

2 MS. TRGOVCICH: COULD I JUST ASK FOR A  
3 CLARIFICATION ON THAT? IF THE PLAYGROUND ITEM IS GOING  
4 TO BE AUGMENTED TO INCLUDE OTHER TYPES OF POUR-IN-PLACE  
5 TYPE OF SURFACES, WOULD THAT GET AT THE LOCAL  
6 GOVERNMENT PROCUREMENT ISSUE?

7 BOARD MEMBER CHESBRO: THERE ARE OTHER  
8 APPLICATIONS BESIDES THOSE. I WOULDN'T OBJECT TO  
9 SAYING THAT WE'RE NOT TALKING ABOUT THOSE OTHER P AND P  
10 PROGRAMS, BUT I WANT -- I DO WANT TO MAKE SURE THAT --

11 BOARD MEMBER EATON: CERTAIN THINGS SUCH AS  
12 THE TRACK WOULD QUALIFY UNDER THE P AND P GRANTS, WOULD  
13 THEY NOT?

14 MS. TRGOVCICH: WELL, THEY WOULD, BUT THEY  
15 COULD ALSO FALL, AS MR. JONES STATED, HE SAW THE  
16 PLAYGROUND ITEMS ALSO INCLUDED, POUR-IN-PLACE SURFACES,  
17 WHICH WOULD INCLUDE YOUR TRACK THERE AS WELL.

18 CHAIRMAN PENNINGTON: OKAY. ALL RIGHT. IF  
19 YOU WILL, I'LL MOVE A MOTION HERE. AND IF YOU WILL  
20 STICK WITH ME, I'LL TRY TO RUN THROUGH IT. I MOVE THAT  
21 THE BOARD ADOPT THE FOLLOWING TIRE FUND ALLOCATION FOR  
22 FISCAL YEAR 1998-99, STARTING WITH THE STABILIZATION  
23 AND ABATEMENT AT 625,000; ENVIRONMENTAL SERVICES AT A  
24 HUNDRED THOUSAND; LOCAL GOVERNMENT CLEANUP MATCHING  
25 GRANTS AT 150,000; WASTE TIRE ENFORCEMENT GRANTS AT



1 500,000; OES AND CDF SPECIALIZED FIRE FIGHTING  
2 EQUIPMENT, 175,000, FOR A TOTAL OF 1,550,000, WITH TIRE  
3 PRODUCTS PROMOTION AND PRODUCT MATCHING GRANTS AT 400.  
4 BOARD MEMBER CHESBRO: INCLUDING LOCAL  
5 GOVERNMENTS.  
6 CHAIRMAN PENNINGTON: INCLUDING LOCAL  
7 GOVERNMENT. LOCAL GOVERNMENT AMNESTY, PUBLIC EDUCATION  
8 MATCHING GRANTS AT \$150,000; SEPTIC TANK FOR  
9 DEVELOPMENT OF 2-INCH CHIPS AT 250,000; PLAYGROUND  
10 COVER MATS FOR SURFACES GRANTS AT 300,000; MARKET  
11 OUTREACH AT 50,000; CALMAX AT 15,000; GREEN BUILDING  
12 PRODUCTS PROCUREMENT AT 150,000; THE REMAINING 396,000,  
13 FOR A TOTAL OF \$2,946,000.  
14 BOARD MEMBER JONES: I'LL SECOND.  
15 CHAIRMAN PENNINGTON: COULD WE HAVE THE  
16 LIGHTS? OKAY. YOU'VE HEARD THE MOTION. IT'S BEEN  
17 SECONDED. ANY FURTHER DISCUSSION? STAFF CLEAR?  
18 MR. CHANDLER: I THINK WE'RE CLEAR.  
19 CHAIRMAN PENNINGTON: OKAY. IF THERE'S NO  
20 FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL,  
21 PLEASE.  
22 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.  
23 BOARD MEMBER CHESBRO.  
24 BOARD MEMBER CHESBRO: AYE.  
25 THE SECRETARY: EATON.



1 BOARD MEMBER EATON: AYE.  
2 THE SECRETARY: FRAZEE.  
3 BOARD MEMBER FRAZEE: AYE.  
4 THE SECRETARY: JONES.  
5 BOARD MEMBER JONES: AYE.  
6 THE SECRETARY: CHAIRMAN PENNINGTON.  
7 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
8 MOVE TO ITEM NO. 5, CONSIDERATION OF  
9 AWARDS IN FISCAL YEAR '97-'98 MOLDED RUBBER PRODUCT  
10 GRANTS.  
11 MS. TRGOVCICH: ITEM NO. 5, I WILL MAKE VERY  
12 BRIEF. LAST APRIL THE BOARD ALLOCATED \$300,000 FOR  
13 MOLDED RUBBER PRODUCTS, A GRANT PROGRAM WHICH WAS GOING  
14 TO BE MADE AVAILABLE TO LOCAL GOVERNMENTS AND THEIR  
15 SUBDIVISIONS FOR THE PROCUREMENT OF PRODUCTS THAT ARE  
16 MANUFACTURED FROM CALIFORNIA TIRE RUBBER. AND WE GAVE  
17 THE LISTING OF ELIGIBLE PRODUCTS. WE RECEIVED 12  
18 APPLICATIONS REQUESTING \$530,000. THE TOTAL NUMBER OF  
19 DOLLARS FOR WHICH APPLICATIONS RECEIVED A PASSING  
20 SCORE, WHICH WAS THE REST, FAILED THE MINIMUM SCORING  
21 CRITERIA WAS \$305,887.  
22 AND THE ACTION THAT YOU TOOK ON THE  
23 REALLOCATION ITEM, YOU ADDED AN ADDITIONAL \$5,887 TO  
24 THIS PROGRAM. SO WHAT STAFF ARE REQUESTING IS THAT YOU  
25 APPROVE LIST A, WHICH IS PROJECTS MEETING THE MINIMUM



1 SCORE AT A LEVEL TO FULLY FUND THOSE APPLICATIONS FOR  
2 ELIGIBLE COSTS, WHICH WOULD TOTAL \$305,887.

3 CHAIRMAN PENNINGTON: OKAY. IS THERE ANY  
4 DISCUSSION ON THIS? NOTED THAT SENATOR COSTA HAD ASKED  
5 US TO APPROVE THE CITY OF LEMOORE RIGHT THERE, NO. 1.  
6 IF THERE'S NO DISCUSSION.

7 BOARD MEMBER JONES: MR. CHAIRMAN, I MOVE THAT  
8 WE ADOPT RESOLUTION NO. 98-16, CONSIDERATION OF THE  
9 AWARD OF FISCAL YEAR '97-'98 MOLDED RUBBER PRODUCTS TO  
10 INCLUDE LIST A.

11 BOARD MEMBER EATON: I'D BE HAPPY TO SECOND  
12 THAT MOTION.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND  
14 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL THE  
15 SECRETARY CALL THE ROLL.

16 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

17 BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: AYE.

19 THE SECRETARY: EATON.

20 BOARD MEMBER EATON: AYE.

21 THE SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE: AYE.

23 THE SECRETARY: JONES.

24 BOARD MEMBER JONES: AYE.

25 THE SECRETARY: CHAIRMAN PENNINGTON.



1                   CHAIRMAN PENNINGTON: AYE. OKAY.  
2 ITEM 33, CONSIDERATION OF PROPOSALS TO  
3 ESTABLISH FILING DATES FOR PROPOSED SOLID WASTE  
4 FACILITIES PERMITS. DON DIER.  
5                   MR. DIER: THANK YOU, MR. CHAIRMAN. DON DIER  
6 WITH THE PERMITTING AND ENFORCEMENT BRANCH. I TOO WILL  
7 BE BRIEF. THIS ITEM HAS TO DO WITH PROCESSING PERMIT  
8 PACKAGES ONCE THEY'VE BEEN RECEIVED AT THE BOARD.  
9 THIS IDEA HAS BEEN DISCUSSED IN COMMITTEE  
10 PROBABLY FOR A COUPLE OF YEARS AT LEAST, AND WE'VE  
11 KICKED AROUND DIFFERENT IDEAS TO DEAL WITH CERTAIN  
12 SITUATIONS THAT ARISE. THOSE SITUATIONS ARE WHEN  
13 PERHAPS AROUND TIMING, PERHAPS A PERMIT COMES IN A TIME  
14 FRAME THAT CAUSES A VERY SHORT PERIOD FOR STAFF TO BE  
15 ABLE TO DO AN ANALYSIS AND MAKE A RECOMMENDATION. SO  
16 QUITE OFTEN OUR WRITTEN ITEMS HAVE NO WRITTEN  
17 RECOMMENDATION BECAUSE WE'RE STILL ANALYZING THE  
18 PACKAGE.  
19 IN OTHER CIRCUMSTANCES WHEN WE GET A  
20 PACKAGE FROM AN LEA AND PERHAPS THERE'S PROBLEMS WITH  
21 IT, EITHER DO AN INSPECTION AND WE HAVE VIOLATION OR  
22 THERE'S PIECES MISSING FROM THE PERMIT PACKAGE THAT  
23 CAUSE US TO PERHAPS RECOMMEND OBJECTION, WE PREFER TO  
24 WORK THOSE ISSUES OUT SO THAT WE CAN PRESENT A CLEAN  
25 PACKAGE TO THE COMMITTEE AND BOARD. SO WE'VE KICKED



1 AROUND VARIOUS IDEAS ON HOW TO DEAL WITH THOSE  
2 CIRCUMSTANCES.  
3 THIS ITEM INCLUDES NINE DIFFERENT  
4 APPROACHES, FOUR OF WHICH HAVE TO DO WITH COMPLETENESS  
5 REVIEW, HAVING TO DO WITH PERHAPS SETTING UP FRAMEWORKS  
6 WHEREBY STAFF ACTUALLY CONDUCT A COMPLETENESS REVIEW ON  
7 THOSE PACKAGES. SOME OF THOSE CHANGES MAY TAKE ONLY A  
8 CHANGE IN REGULATION; SOME TAKE A CHANGE IN STATUTE.  
9 OTHER POSSIBILITIES, AND IN THE ESSENCE OF TIME, I  
10 WON'T GO THROUGH EACH ONE. I WILL GET QUICKLY TO A  
11 RECOMMENDATION. BUT THE OTHER ITEMS HAVE TO DO WITH  
12 ACTUALLY CHANGING THE TIME FRAMES FOR PROCESSING  
13 PERMITS.  
14 AGAIN, SOME OF THOSE -- ONE OF THOSE  
15 WOULD TAKE A REGULATION CHANGE, BUT MOST ALL THE OTHERS  
16 TAKE A STATUTORY CHANGE. IN THINKING THAT PERHAPS  
17 NEITHER A REG CHANGE OR STATUTE CHANGE WOULD BE POPULAR  
18 AT THIS TIME, WE HAD FOCUSED ON INSTEAD REINFORCING  
19 SOME THINGS THAT WE'VE BEEN DOING ALREADY WITH LOCAL  
20 ENFORCEMENT AGENCIES, AND THAT IS BY PUBLISHING -- AND  
21 I BELIEVE I GAVE YOU A HANDOUT OF A LETTER THAT I  
22 PROVIDE TO LOCAL ENFORCEMENT AGENCIES EACH YEAR GIVING  
23 THEM THE CALENDAR OF BOARD MEETINGS AND PERMITTING AND  
24 ENFORCEMENT COMMITTEE MEETINGS WITH A SUGGESTED  
25 SUBMITTAL PERIOD FOR SUBMITTING PROPOSED PERMITS.



1 THIS HAS BEEN DONE ON A VOLUNTARY BASIS.  
2 AS YOU CAN SEE, IT WENT OUT UNDER MY SIGNATURE. IT'S  
3 BEEN SOMEWHAT MIXED REACTION ON THE SUCCESS OF IT. WE  
4 STILL GET PACKAGES IN FOR VARIOUS REASONS THAT JAM US  
5 ON TIME, AND WE STILL GET PACKAGES IN THAT STILL NEED  
6 SOME WORK. BUT WHEN WE WENT TO COMMITTEE THIS MONTH,  
7 THE COMMITTEE DID NOT HAVE A RECOMMENDATION ON THIS  
8 ITEM PARTLY BECAUSE WE, THE STAFF, ME, I DID NOT HAVE A  
9 GOOD RECOMMENDATION TO MAKE TO THE COMMITTEE.  
10 SO WE TALKED ABOUT IT IN THE LAST COUPLE  
11 OF WEEKS, AND WHAT WE WOULD LIKE TO SEEK THE BOARD'S  
12 CONCURRENCE WITH IS TO SUPPORT ESSENTIALLY WHAT WE'VE  
13 DONE AT THE STAFF LEVEL, AND THAT IS IF THE BOARD WOULD  
14 SUPPORT US AND BACK WHAT WE CALL THE PREFERRED PERMIT  
15 SUBMITTAL PERIOD ON THIS CHART ON THE RIGHT-HAND SIDE.  
16 THIS IS TYPICALLY A TWO-WEEK PERIOD WITHIN OUR 60-DAY  
17 STATUTORY TIME FRAME THAT IF WE RECEIVE THE PERMIT  
18 PACKAGES IN THAT TIME FRAME, TYPICALLY WE WILL HAVE  
19 ENOUGH TIME TO PROCESS THEM AND GET A RECOMMENDATION  
20 INTO THE WRITTEN ITEM TO THE COMMITTEE; OR EVEN IF  
21 THEY'VE IDENTIFIED SOME PROBLEMS, TYPICALLY THE  
22 PROBLEMS IDENTIFIED EVEN GIVE US ENOUGH TIME TO  
23 PROBABLY TO WORK THOSE OUT.  
24 WE'RE NOT SUGGESTING AT THIS POINT THAT  
25 THIS APPROACH BE EMBODIED IN A REGULATION. WE'RE

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1 MERELY AGAIN SORT OF TAKING IT A STEP, KICKING IT UP A  
2 NOTCH FROM JUST A STAFF LETTER TO THE LEA'S AND ASKING  
3 IF YOU, THE BOARD, WOULD BACK US SO THAT WE CAN TELL  
4 THE LEA'S THAT THIS IS REALLY A BOARD PREFERRED  
5 SUBMITTAL PERIOD. THERE'S NO -- WE'RE NOT GOING TO  
6 RECOMMEND OBJECTION IF THEY DON'T GET IT IN IN THAT  
7 TIME PERIOD, BUT IT'S TO FACILITATE OUR GETTING A GOOD  
8 PACKAGE TO YOU.  
9 I THINK YOU HEARD EARLIER TODAY FROM KEN  
10 CALVERT THAT HE THINKS THE RELATIONSHIPS BETWEEN BOARD  
11 STAFF AND LEA'S HAVE BEEN IMPROVING, AND I THINK BY  
12 YOUR ADOPTION OF THIS, THIS WOULDN'T SEND A SIGNAL TO  
13 DO ANYTHING TO ERODE THAT RELATIONSHIP. IT WOULD  
14 ENHANCE IT SO THAT WE'RE ALL WORKING TOGETHER. SO  
15 THAT'S OUR RECOMMENDATION. WE DO NOT HAVE A RESOLUTION  
16 AT THIS TIME, BUT IF YOU SUPPORT US ON THIS, IF YOU  
17 LIKE THE IDEA OF HAVING A PREFERRED SUBMITTAL PERIOD,  
18 THEN WE WOULD TAKE THAT SUPPORT AND ACTION OF TODAY AND  
19 EMBODY IT INTO A RESOLUTION. PROBABLY CAN START  
20 CONVEYING THIS IN MAY WHEN WE HAVE OUR NEXT SET OF LEA  
21 ROUND TABLES. ANY QUESTIONS?  
22                   CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?  
23 DOES NOT APPEAR TO BE ANY QUESTIONS. I'LL ENTERTAIN A  
24 MOTION, ALTHOUGH WE DON'T HAVE A --  
25                   BOARD MEMBER FRAZEE: WE DO HAVE A STAFF

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1 RECOMMENDATION; DON'T HAVE A RESOLUTION.

2 I'LL MAKE A MOTION THAT WE ADOPT STAFF

3 RECOMMENDATION, WHICH IS THAT THE BOARD DIRECT STAFF TO

4 DEVELOP A POLICY FOR CONSIDERATION. I DON'T KNOW IF I

5 NEED TO SAY MORE THAN THAT.

6 MS. TOBIAS: MAYBE JUST SAY SOMETHING LIKE

7 PREFERRED FILING PERIOD JUST TO MAKE IT CLEAR.

8 BOARD MEMBER FRAZEE: OKAY. THAT THE BOARD

9 DIRECT THE STAFF TO DEVELOP A POLICY FOR CONSIDERATION

10 WITH A PREFERRED FILING PERIOD FOR PERMITS.

11 BOARD MEMBER JONES: I WILL SECOND.

12 BOARD MEMBER FRAZEE: COULD I ASK A QUESTION?

13 WHAT ABOUT STANDARDIZED PERMITS? HOW DOES IT AFFECT

14 THOSE?

15 MR. DIER: IT UNFORTUNATELY DOESN'T REALLY

16 AFFECT THEM TOO MUCH. WE STILL HAVE A PROBLEM BECAUSE

17 WE HAVE THE 30-DAY CLOCK.

18 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED

19 AND SECONDED. ANY DISCUSSION? IF NOT, WILL THE

20 SECRETARY CALL THE ROLL, PLEASE.

21 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

22 BOARD MEMBER CHESBRO.

23 BOARD MEMBER CHESBRO: AYE.

24 THE SECRETARY: EATON.

25 BOARD MEMBER EATON: AYE.



1 THE SECRETARY: FRAZEE.  
2 BOARD MEMBER FRAZEE: AYE.  
3 THE SECRETARY: JONES.  
4 BOARD MEMBER JONES: AYE.  
5 THE SECRETARY: CHAIRMAN PENNINGTON.  
6 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
7 BOARD MEMBER EATON: MR. CHAIRMAN, MAKE A  
8 SUGGESTION ON THE ITEM WE JUST APPROVED. AND I DON'T  
9 KNOW IF THERE'S A PROCEDURE WE HAVE TO GO, EITHER  
10 PERHAPS MAYBE UNDER YOUR OFFICE, MR. CHAIR. I GUESS  
11 PROBABLY MR. FRAZEE AS CHAIR OF PERMITS OR SOMETHING,  
12 OTHERWISE THE BOARD MEMBERS, IF IT HELPS IN HAVING A  
13 LETTER TRANSMITTED BY ALL OF US SIGNED OR THE TWO OF  
14 YOU, SOME WAY THAT WE CAN KIND OF SAY IT'S OUR DESIRE  
15 TO HELP STAFF. I THINK THAT'S GOING TO BE BENEFICIAL.  
16 THAT MIGHT BE SOMETHING EITHER THE TWO OF YOU OR ALL  
17 FIVE OF US SHOULD DO.  
18 CHAIRMAN PENNINGTON: I'LL WORK WITH MR.  
19 FRAZEE AND STAFF.  
20 MS. RICE: SO WE'LL DRAFT THE LETTER PROPOSAL  
21 FOR THE SIGNATURE OF THE CHAIR.  
22 CHAIRMAN PENNINGTON: IT'S NOW 4 O'CLOCK.  
23 WE'RE GOING TO TAKE FIVE MINUTES TO GIVE HER A MINUTE  
24 TO REST. I'M GOING TO DO A COUPLE THINGS, AND WE'LL  
25 GET BACK IN. DON'T STRAY. WE'VE GOT TO KEEP MOVING

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1 HERE.

2 (RECESS TAKEN.)

3 CHAIRMAN PENNINGTON: OKAY, FOLKS. LET'S TRY  
4 TO GET BACK TO SESSION HERE. OKAY. OUR NEXT ITEM IS  
5 ITEM 36, CONSIDERATION OF WHETHER TO HEAR AN APPEAL  
6 FROM REDWOOD LANDFILL REGARDING A DECISION OF THE MARIN  
7 COUNTY LEA TO NOT CONVENE A HEARING PANEL.

8 MS. TOBIAS: NO. I WAS JUST GOING TO  
9 INTRODUCE HER. LIZ IS GOING TO MAKE THE PRESENTATION.

10 MS. CLAYTON: YOU WILL HAVE TO EXCUSE ME FOR  
11 READING THE PRESENTATION. I WANTED TO MAKE SURE THAT  
12 WE HAVE A CLEAR AND ACCURATE RECORD. THIS ITEM  
13 INVOLVES AN APPEAL FILED BY REDWOOD LANDFILL OF MARIN  
14 COUNTY LEA'S DECISION TO NOT CONVENE A HEARING PANEL.  
15 THE ISSUE INVOLVED IS REDWOOD'S USE OF  
16 SLUDGE-TYPE ADC. REDWOOD BEGAN USING THE SLUDGE AS  
17 PART OF A DEMONSTRATION PROJECT. WHEN THE PROJECT  
18 ENDED, THE LEA GAVE REDWOOD PERMISSION TO CONTINUE  
19 USING THE SLUDGE ADC WITH THE UNDERSTANDING THAT  
20 REDWOOD WOULD REVISE ITS PERMIT IMMINENTLY SO THE USE  
21 OF THE SLUDGE WOULD BE ALLOWED IN REDWOOD'S PERMIT.  
22 WHEN A YEAR AND A HALF PASSED AND  
23 REDWOOD'S PERMIT HAD NOT BEEN REVISED, THE LEA THEN  
24 SENT REDWOOD A LETTER DIRECTING REDWOOD TO DISCONTINUE  
25 USING THE SLUDGE. THE LEA DECIDED NOT TO CONVENE A



1 HEARING PANEL BASED ON THEIR -- A CERTIFICATION THAT  
2 THE LEA'S LETTER WAS NOT AN ENFORCEMENT ACTION, AND THE  
3 ISSUES WEREN'T RIPE FOR A HEARING PANEL TO DECIDE.  
4 REDWOOD THEN BROUGHT THIS APPEAL BEFORE THE BOARD.  
5 THERE ARE TWO POSSIBLE GROUNDS WHICH  
6 REDWOOD COULD USE TO REQUEST A HEARING PANEL. PUBLIC  
7 RESOURCES CODE 44307 -- LET ME JUST TAKE A MINUTE. THE  
8 REASON WHY I'M USING THE OVERHEAD INSTEAD OF USING A  
9 POWERPOINT PRESENTATION IS THAT ONE OF THE STATUTES  
10 THAT WE WANT TO SHOW YOU IS SO LONG THAT WE ENDED UP  
11 WITH 18 POWERPOINT PAGES, SO WE DECIDED TO USE THE  
12 OLD-FASHIONED OVERHEAD JUST TO GET IT ALL ON ONE.  
13 IN SECTION 44307, THE FIRST PHRASE HERE  
14 ABOUT CONDITIONS IS NOT RELEVANT HERE. IF YOU LOOK AT  
15 THE FIRST BOLDED PART, THIS IS THE FIRST OF TWO  
16 POSSIBLE GROUNDS IN REDWOOD'S SITUATION THAT COULD BE  
17 THE BASIS FOR AN APPEAL. AFTER THE TAKING OF AN  
18 ENFORCEMENT ACTION PURSUANT TO PART 5, COMMENCING WITH  
19 SECTION 45000, WHICH REFERS TO CEASE AND DESIST ORDERS  
20 AND CORRECTIVE ACTION ORDERS BY THE ENFORCEMENT AGENCY,  
21 THE ENFORCEMENT AGENCY SHALL HOLD A HEARING IF  
22 REQUESTED TO DO SO BY THE PERSON SUBJECT TO THE ACTION  
23 IN ACCORDANCE WITH THE REQUIREMENTS IN SECTION 44310.  
24 SO THE SECOND POSSIBLE GROUNDS IS BOLDED  
25 AT THE BOTTOM, AND THAT IS AN ALLEGED FAILURE OF THE



1 ENFORCEMENT AGENCY TO ACT AS REQUIRED BY LAW OR  
2 REGULATION. WHEN REDWOOD REQUESTED THAT THE LEA  
3 CONVENE A HEARING PANEL, REDWOOD ONLY BROUGHT UP THE  
4 FIRST GROUND, THE ENFORCEMENT ACTION GROUNDS, ARGUING  
5 THAT THE LEA'S LETTER TO STOP USING THE SLUDGE WAS AN  
6 ENFORCEMENT ACTION. REDWOOD DIDN'T BRING UP THE SECOND  
7 GROUND ON FAILURE TO ACT.  
8 WE'VE DISCUSSED BOTH GROUNDS IN THE  
9 AGENDA ITEM, AND I'LL REVIEW THEM BRIEFLY HERE.  
10 ALTHOUGH FAILURE TO ACT IS ACTUALLY NOT A PROPER ISSUE  
11 HERE AT THIS HEARING, SINCE THE LEA NEVER HAD A CHANCE  
12 TO CONSIDER IT, STAFF ARGUE THAT THE LEA'S LETTER DOES  
13 NOT RISE TO THE LEVEL OF ENFORCEMENT ACTION SINCE THE  
14 LETTER IS NOT AN ENFORCEMENT ORDER, WHICH BY LEGAL  
15 DEFINITION IS THE MEANING OF AN ENFORCEMENT ACTION.  
16 ALSO, THE LETTER DOESN'T MEET THE REQUIREMENTS OF A  
17 NOTICE AND ORDER.  
18 AND THE NEXT OVERHEAD WE'LL SHOW YOU HERE  
19 HAS SEVERAL PARTS. THIS IS 14 CCR 18304(A). HERE IS  
20 BASICALLY THE PURPOSE OF A NOTICE AND ORDER, AND I JUST  
21 WANT TO DIRECT YOUR ATTENTION TO THE BOLD PART. IF THE  
22 ENFORCEMENT AGENCY DETERMINES THAT ANY PERSON IS  
23 OPERATING OR PROPOSING TO OPERATE A FACILITY IN  
24 VIOLATION OF A PERMIT, THE ENFORCEMENT AGENCY SHALL  
25 ISSUE A NOTICE AND ORDER AS IT DEEMS APPROPRIATE. SO



1 THIS IS THE PURPOSE OF A NOTICE AND ORDER.  
2 THEN IF WE LOOK AT SUBDIVISION B, WHICH  
3 I'M NOT SHOWING YOU, IT LISTS THE COMPONENTS -- SOME OF  
4 THE COMPONENTS OF A NOTICE AND ORDER, SUCH AS THE WHAT  
5 VIOLATION IN THE PERMIT, THE NAME OF THE OPERATOR,  
6 THINGS SUCH AS THAT.  
7 THEN IF WE GO TO C, THIS IS ANOTHER  
8 REQUIREMENT IN THE NOTICE AND ORDER, THAT NOTICE AND  
9 ORDERS HAVE TO BE ACCOMPANIED BY A DECLARATION OR  
10 AFFIDAVIT SIGNED BY THE EA THAT IS ATTESTING TO THE  
11 FACTS IN THE NOTICE AND ORDER.  
12 THEN SUBDIVISION D IS THE TYPES OF  
13 NOTICES AND ORDER, AND NO. 1 HERE IS A CEASE AND DESIST  
14 ORDER, AN ORDER DIRECTING THE OPERATOR, OWNER, OR BOTH  
15 TO CEASE AND DESIST FROM CONTINUING TO COMMIT THE  
16 SPECIFIC VIOLATIONS BY A SPECIFIED DATE.  
17 THIS LAST PHRASE "BY A SPECIFIED DATE" IS  
18 IMPORTANT, AND I'LL GO INTO THAT IN A MINUTE. OF THE  
19 REQUIREMENTS OF A NOTICE AND ORDER, MOST IMPORTANT  
20 HERE, THE NOTICE AND ORDER MUST HAVE A DECLARATION  
21 UNDER PENALTY OF PERJURY, SIGNED BY THE OPERATOR OR  
22 SIGNED BY THE LEA'S.  
23 A CEASE AND DESIST TYPE OF NOTICE AND  
24 ORDER MUST ALSO SPECIFY A DATE BY WHICH THE OPERATOR  
25 MUST CEASE THE ILLEGAL ACTIVITY. SINCE THE LEA'S

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1 LETTER DOESN'T MEET THE REQUIREMENTS OF A FORMAL CEASE  
2 AND DESIST ORDER, IT'S NOT AN ENFORCEMENT ACTION, AND  
3 REDWOOD DOESN'T HAVE GROUNDS TO REQUEST A HEARING PANEL  
4 ON THAT BASIS.  
5 STAFF ALSO ARGUE THAT REDWOOD DOES NOT  
6 HAVE GROUNDS TO REQUEST A HEARING PANEL ON THE BASIS  
7 THAT THE LEA ALLEGEDLY FAILED TO ACT AS REQUIRED BY  
8 LAW. THIS LANGUAGE MEANS THAT THERE IS AN OMISSION  
9 WHERE THE LEA HAS FAILED IN ITS DUTIES TO ENFORCE SOLID  
10 WASTE LAWS AND PERMITS. THIS LANGUAGE DOES NOT  
11 ENCOMPASS A SITUATION WHERE THE LEA HAS TAKEN A CERTAIN  
12 STEP, SUCH AS THE LEA'S LETTER TO REDWOOD WHICH REDWOOD  
13 DISPUTES IS IMPROPER.  
14 THE BOARD HAS THREE OPTIONS: NOT HEAR  
15 THE APPEAL, HEAR THE APPEAL BASED ON WRITTEN ARGUMENTS,  
16 OR HEAR THE APPEAL BASED ON A HEARING. OUR INITIAL  
17 RECOMMENDATION WAS TO NOT HEAR THE APPEAL BECAUSE THE  
18 LEA'S LETTER TO REDWOOD DID NOT FALL WITHIN THE LEGAL  
19 DEFINITION OF ENFORCEMENT ACTION.  
20 I'D LIKE TO EXPAND ON THE SECOND OPTION,  
21 TO HEAR THE APPEAL BASED ON WRITTEN ARGUMENTS. STAFF  
22 IS NOW RECOMMENDING THIS OPTION WITH THE ADDITIONAL  
23 ANALYSIS THAT I'LL NOW EXPLAIN. IT'S CLEAR THAT  
24 THERE'S A DISPUTE ABOUT THE LEGAL EFFECT OF THE LEA'S  
25 LETTER TO REDWOOD. IT'S NOT CLEAR IF THE LEA'S LETTER



1 WAS INTENDED TO BE A CEASE AND DESIST ORDER. IF SO,  
2 THEN THE LETTER DOESN'T COMPLY WITH THE REQUIREMENTS  
3 FOR A NOTICE AND ORDER, SUCH AS THE DECLARATION OR  
4 AFFIDAVIT TO BE SIGNED BY THE LEA.  
5 THE BOARD HAS THE AUTHORITY TO OVERTURN  
6 THE LEA'S DECISION AND ALSO TO DIRECT THE LEA TO TAKE  
7 THE APPROPRIATE ACTION. ALTHOUGH LEA'S ALWAYS HAVE THE  
8 RIGHT TO COMMUNICATE WITH OPERATORS ABOUT PERMIT  
9 DISPUTES, IF AN LEA WANTS TO ORDER AN OPERATOR TO CEASE  
10 AND DESIST, THE LEA NEEDS TO ISSUE A FORMAL CEASE AND  
11 DESIST ORDER THAT COMPLIES WITH REGULATORY GUIDELINES.  
12 STAFF IS RECOMMENDING THAT THE BOARD  
13 DIRECT THE LEA TO CLARIFY THE ACTION THAT THE LEA  
14 WISHES TO TAKE. IF THE LEA WISHES TO HAVE A CEASE AND  
15 DESIST ORDER IN PLACE, THE LEA NEEDS TO ISSUE A PROPER  
16 CEASE AND DESIST ORDER. AFTER THAT, IF REDWOOD AGAIN  
17 REQUESTS THE LEA TO CONVENE A HEARING PANEL, THEN THE  
18 LEA IS DIRECTED TO HOLD A HEARING. AFTER THE HEARING,  
19 IF ONE OF THE PARTIES WISHES TO APPEAL THE HEARING  
20 PANEL DECISION TO THE BOARD, THE BOARD FINDS IN ADVANCE  
21 THAT THERE IS A SUBSTANTIAL ISSUE ABOUT WHETHER THE  
22 PERMIT ALLOWS REDWOOD TO USE SLUDGE AS ADC AND THE  
23 LEA'S AUTHORITY TO ENFORCE REDWOOD'S PERMIT. THE BOARD  
24 WILL NOT NEED TO HOLD ANOTHER HEARING TO DECIDE WHETHER  
25 TO ANTICIPATE THE APPEAL. THE BOARD CAN SCHEDULE A



1 HEARING ON THE SUBSTANTIAL ISSUES CONCERNING THE  
2 DISPUTE BETWEEN THE LEA AND REDWOOD.  
3 THAT CONCLUDES STAFF'S PRESENTATION.  
4 WE'RE OPEN FOR QUESTIONS OR YOU CAN GO DIRECTLY TO  
5 SPEAKERS.

6 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF? MR.  
7 FRAZEE.

8 MS. CLAYTON: YOU DO HAVE TWO RESOLUTIONS, THE  
9 ORIGINAL RESOLUTION IN YOUR PACKET AND A REVISED  
10 RESOLUTION THAT WAS GIVEN TO YOU BEFORE THE BOARD  
11 MEETING.

12 BOARD MEMBER FRAZEE: I DO HAVE A COUPLE OF  
13 QUESTIONS. IN YOUR BEGINNING STATEMENT YOU SAID WHEN  
14 THE PROJECT ENDED, THAT'S THE DEMONSTRATION PROJECT?

15 MS. CLAYTON: RIGHT.

16 BOARD MEMBER FRAZEE: MY UNDERSTANDING IS THAT  
17 THAT IS STILL ONGOING, THAT THE ACTIVITY IS STILL  
18 PROGRESSING TO THIS DATE.

19 MS. CLAYTON: THE DEMONSTRATION PROJECT HAS  
20 ENDED. IT'S MY UNDERSTANDING THAT SLUDGE IS STILL  
21 BEING USED AS ADC, YES.

22 BOARD MEMBER FRAZEE: BUT IT'S A CONTINUATION  
23 OF THAT PERMIT.

24 MS. CLAYTON: IT ORIGINALLY WAS USED AS A  
25 DEMONSTRATION PROJECT, AND THEN IT WAS USED UNDER THE



1 LEA'S AUTHORITY TO ALLOW THEM TO CONTINUE USING IT  
2 UNTIL REDWOOD REVISED ITS PERMIT. AND IT'S NOW BEING  
3 USED UNDER THE STAY THAT REDWOOD WAS GRANTED WHEN IT  
4 FILED THIS APPEAL.

5 BOARD MEMBER FRAZEE: WAS THERE A TIME LIMIT,  
6 DO YOU RECALL, ON THAT DEMONSTRATION PROJECT, THAT IT  
7 WAS TO START AT A CERTAIN DATE AND THEN END AT ANOTHER  
8 DATE?

9 MS. CLAYTON: I BELIEVE IT ENDED ON A CERTAIN  
10 DATE. WHAT DIDN'T HAVE AN END DATE WAS THE LEA'S  
11 LETTER THAT ALLOWED THEM TO USE IT AFTER THE  
12 DEMONSTRATION PROJECT ENDED. IT ALLOWED IT TO USE THE  
13 SLUDGE INDEFINITELY UNTIL THEY REVISED THEIR PERMIT.

14 BOARD MEMBER FAZEE: SO THERE WAS REALLY TWO  
15 ACTIONS, A DEMONSTRATION PROGRAM AND THAT ENDED, AND  
16 THEN THERE WAS THE AUTHORITY -- INFORMAL AUTHORITY TO  
17 CONTINUE USING SLUDGE.

18 MS. CLAYTON: RIGHT.

19 BOARD MEMBER FRAZEE: SO THAT WAS THE ACTION,  
20 THEN, THAT CAUSED THE LETTER THAT SAYS STOP?

21 MS. CLAYTON: RIGHT.

22 BOARD MEMBER FRAZEE: THE QUESTION, I GUESS,  
23 THAT I HAVE IN MY MIND, AND WE CAN HEAR FROM SPEAKERS  
24 ON THIS, IS WHAT -- YOU KNOW, IF THIS IS NOT AN  
25 ENFORCEMENT ORDER, THEN WHAT IS IT? AND IT SEEMS TO ME



1 IT HAS THE EFFECT OF AN ENFORCEMENT ORDER. IT'S THE  
2 PROVERB A ROSE BY ANY OTHER NAME. IF THE LETTER DOES  
3 NOT MEET THE REQUIREMENT OF AN ENFORCEMENT ORDER, AND  
4 YOU CITED LANGUAGE THAT SAID THAT IT DIDN'T, THEN IT  
5 WOULD NOT HAVE THE EFFECT OF BEING ENFORCEABLE, WOULD  
6 IT?

7 MS. TOBIAS: I THINK THAT REALLY SUMS IT. I  
8 THINK THAT'S WHAT THE LEGAL OFFICE -- WE THINK IT'S NOT  
9 CLEAR WHAT THE LEGAL EFFECT OF THAT LETTER IS AT THIS  
10 TIME. IT DOESN'T CONSTITUTE A CEASE AND DESIST BECAUSE  
11 IT DOESN'T MEET THE REQUIREMENTS OF THE REGULATIONS,  
12 YET THE LETTER ITSELF DOES SAY THAT YOU NEED TO CEASE  
13 THIS ACTIVITY AT THIS TIME. SO THAT'S THE REASON THAT  
14 WE'RE RECOMMENDING THAT WE SEND THIS BACK TO THE LEA TO  
15 CLARIFY. WELL, WHAT IS YOUR ACTION? IF IT'S A CEASE  
16 AND DESIST, YOU NEED TO SAY SO-AND-SO.  
17 IT -- PROCEDURALLY, IF IT'S NOT AND IF  
18 IT'S SOMETHING ELSE, THEN MAKE CLEAR WHAT ELSE IT IS.  
19 AND WE CAN GO FROM THERE IN TERMS OF SEEING WHETHER THE  
20 APPEAL, WHATEVER THAT IS, OR WHETHER THEY'RE STILL  
21 TALKING.

22 BOARD MEMBER FRAZEE: SO THAT'S THE CURRENT  
23 ACTION THAT YOU ARE RECOMMENDING, THAT --

24 MS. TOBIAS: RIGHT.

25 BOARD MEMBER FRAZEE: -- IT GO BACK TO THE LEA



1 WITH A RECOMMENDATION OR, I GUESS, THE OPTION OF THEM  
2 TAKING ISSUE IN THE FORM OF CEASE AND DESIST ORDERS.

3 MS. TOBIAS: CORRECT.

4 BOARD MEMBER FRAZEE: AND THEN THAT WOULD BE  
5 THE SUBJECT OF AN APPEAL.

6 MS. TOBIAS: YES.

7 BOARD MEMBER FRAZEE: AND FAILING TO RECEIVE  
8 SATISFACTION THERE, IT WOULD FIND ITS WAY BACK TO US  
9 AGAIN.

10 MS. TOBIAS: YES.

11 BOARD MEMBER JONES: ALONG THE SAME LINES, MR.  
12 FRAZEE, IN READING THESE LETTERS, OKAY, IT'S CLEAR,  
13 THAT THESE WERE -- DISCONTINUE, TO ME, MEANS CEASE WHAT  
14 YOU ARE DOING. BUT INTERESTINGLY IN ONE OF THE LETTERS  
15 FROM COUNTY COUNSEL, IT STATED THAT BECAUSE IT WAS NOT  
16 A FORMAL ACTION, THE OPERATOR HAD NO RECOURSE. I DON'T  
17 THINK THAT'S THE INTENT OF THE REGULATION. I THINK THE  
18 INTENT OF THE REGULATION IS TO AFFORD PEOPLE THE  
19 OPPORTUNITY.

20 AND THIS IS A HUGE LOOPHOLE IN THE FACT  
21 THAT YOU WRITE A LETTER, YOU TELL AN OPERATOR TO STOP,  
22 YOU SAY I'M NOT GOING TO PUT IT IN THIS FORMAT, SO YOU  
23 DO NOT HAVE A RIGHT TO APPEAL MY ISSUANCE HERE. AND I  
24 THINK THAT HAS TO GO TO THE HEART OF THIS DISCUSSION.  
25 I THINK THAT IS -- WHETHER WE DEAL WITH



1 IT ON THIS ISSUE, BECAUSE OBVIOUSLY AT OUR BOARD WE'VE  
2 HAD A LOT OF DISCUSSION ABOUT THIS, I DON'T THINK OUR  
3 REGULATIONS -- THE INTENT OF OUR REGULATIONS IS TO  
4 EXCLUDE ANY PARTY FROM DUE PROCESS. THE AB 59 REGS  
5 THAT WERE HELD ON CONSENT, THERE WAS A PORTION OF THAT  
6 THAT WOULD HAVE DEALT WITH THE EMERGENCY REGS DEALING  
7 WITH THIS.  
8 MR. FRAZEE BROUGHT UP IN THOSE HEARINGS  
9 OR IN THAT DISCUSSION IN OUR COMMITTEE MEETING, WOULD  
10 THE PUBLIC, IF WE DID THE EMERGENCY REGULATIONS, WHICH  
11 WOULD NOT HAVE ALLOWED ANY OF THOSE APPEALS TO COME  
12 FORWARD, WOULD THE PUBLIC STILL HAVE A RIGHT TO COME IN  
13 FRONT OF THIS BOARD AND IN FRONT OF A LOCAL HEARING  
14 PANEL AND MAKE THEIR CASE. AND THE ANSWER WAS YES. SO  
15 THE LEA WOULD HAVE THE OPPORTUNITY, THE PUBLIC WOULD  
16 HAVE THE OPPORTUNITY, BUT THE ONLY PERSON THAT WOULD BE  
17 EXCLUDED, IF WE WOULD HAVE ADOPTED THOSE, WOULD HAVE  
18 BEEN OPERATORS, EITHER PUBLIC OR PRIVATE.  
19 I DON'T THINK THAT IS THE INTENT OF THE  
20 LAW, AND I WAS VERY PLEASED TO SEE THAT STAFF  
21 RECOGNIZED SOME OF THOSE ARGUMENTS AND HAVE ASKED FOR  
22 THE ACTION THAT THEY'VE ASKED FOR OR IS SUGGESTING.  
23 BUT I THINK -- YOU KNOW, I GUESS MY  
24 QUESTION OF LEGAL STAFF IS AFTER WE HEAR TESTIMONY AND  
25 WE DECIDE WHAT TO HAVE, IF, IN FACT, WE TAKE THE SECOND



1 RECOMMENDATION, THE LATEST ONE THAT SAYS THIS NEEDS TO  
2 GO BACK, YOU NEED TO DETERMINE -- YOU KNOW, YOU NEED TO  
3 PUT THIS IN THE RIGHT FORMAT, THE POLICY ISSUE THAT I  
4 WANT TO KNOW IS IF WE CAN EFFECT HERE IS I DON'T  
5 KNOW -- I SEE THIS AS AN ISSUE OF USING OUR REGULATIONS  
6 AGAINST A PARTY, YOU KNOW, FINDING THE LOOPHOLE AND  
7 BEING ABLE TO EXCLUDE THEM FROM THE PROCESS BY THE FACT  
8 THAT YOU SEND A LETTER, YOU DON'T PUT IT IN NOTICE AND  
9 ORDER FORMAT, SO THERE'S NO HEARING PANEL.

10 WOULD THE ACTION THAT WE TAKE TODAY BE  
11 THE FIRST STEP IN TRYING TO STRAIGHTEN THAT OUT IF, IN  
12 FACT, THAT'S THE INTENT OF THIS BOARD TO SEND IT BACK?  
13 WOULD THAT STRAIGHTEN THAT OUT, OR WOULD WE SEE THESE  
14 TYPES OF MANEUVERS COME' FORWARD AGAIN?

15 MS. TOBIAS: WELL, I THINK IT'S SENDING BACK  
16 TO THE LEA, IF THAT'S THE PLEASURE OF THE BOARD, I  
17 THINK WHAT IT DOES SAY IS THAT THERE NEEDS TO BE  
18 CLARITY ON THE PART OF ANY ENFORCEMENT AGENCIES,  
19 WHETHER THE LEA, THE BOARD, ANY GOVERNMENTAL AGENCY, IN  
20 BEING CLEAR ABOUT WHAT THE ACTION IS THAT THEY WANT TO  
21 TAKE. AND THEY HAVE THE AUTHORITY TO DO SO, AND THEY  
22 DO IT PROPERLY, MEANING PROCEDURALLY CORRECT.  
23 THE ISSUE AS IT COMES BACK WILL PROBABLY  
24 COME BACK MORE IN -- LIKE IF THE LEA ISSUES A CEASE AND  
25 DESIST ORDER, THE APPEAL THAT'S LIKELY TO COME BACK, IF



1 REDWOOD APPEALS IT, DOES THE LEA HAVE THE AUTHORITY TO  
2 DO SO. I THINK IT'S MORE LIKELY THAT WE'LL BE DEALING  
3 WITH THE KINDS OF CONCERNS THAT YOU BROUGHT UP IN THE  
4 REG PACKAGE THAT I THINK YOU ALL TALKED ABOUT IN PERMIT  
5 COMMITTEE IN TERMS OF TRYING TO WORK OUT SOME OF THESE  
6 ISSUES ON, YOU KNOW, WHAT KINDS OF ACTIONS COME FORWARD  
7 AND HOW THOSE ARE HANDLED, HOW PEOPLE HAVE AN  
8 OPPORTUNITY TO APPEAL.

9 BOARD MEMBER FRAZEE: MY FIRST THOUGHT WAS IS  
10 THIS GOOD SUBJECT MATTER FOR AN LEA ADVISORY. I MAY BE  
11 GETTING AHEAD. WE HAVEN'T HEARD ANY TESTIMONY HERE,  
12 BUT TO MAKE IT CLEAR THAT AN ORDER IS AN ORDER AND THAT  
13 OTHER THINGS ARE NOT. AND I WAS ADVISED PRIVATELY THAT  
14 THAT MAY HAVE SOME DAMPENING ON THE ABILITY OF LEA'S TO  
15 COMMUNICATE CONCERNS, AREAS OF CONCERN, WHICH IS  
16 ANOTHER AREA, AND I DON'T THINK IT PRECLUDES THAT.  
17 I THINK THERE'S STILL THAT OPPORTUNITY  
18 FOR LETTERS TO BE WRITTEN BY LEA'S SAYING THIS IS AN  
19 AREA OF CONCERN. WE THINK YOU SHOULD DO THIS. AND TO  
20 ME THERE'S A CLEAR DISTINCTION BETWEEN THAT AND AN  
21 ORDER TO DO SOMETHING.

22 MS. TOBIAS: I WOULD TEND TO AGREE WITH YOU ON  
23 THAT. I THINK THERE ARE THREE DIFFERENT WAYS TO GET  
24 THE CLARITY OUT IN THE FIELD. ONE IS THE REGS THAT  
25 WILL BE PREPARED. THE SECOND IS BASICALLY TRAINING. I



1 THINK THERE'S BEEN SEVERAL SUCCESSES SINCE THIS ISSUE  
2 CAME UP THROUGH TRAINING, EITHER THE LEA WORKSHOP  
3 THAT'S HELD IN AUGUST WHERE WE COULD BASICALLY GO IN  
4 AND DO A -- WE DID A VERY SUCCESSFUL TRAINING LAST YEAR  
5 ON THE HEARING PANEL ITSELF, AND NOW THIS YEAR WE MAY  
6 DO SOMETHING MORE ON THE, YOU KNOW, EITHER HOW TO WRITE  
7 AN ORDER, HOW THE ENFORCEMENT PROCESS PROCEEDS. AND I  
8 THINK THE ADVISORIES ARE ALWAYS A WAY TO COMMUNICATE AS  
9 WELL.

10 SO I THINK WE PROBABLY SEE ALL THREE OF  
11 THOSE AS WAYS OF HANDLING THAT ISSUE. WE MAY NEED TO  
12 DO A WORKSHOP AT SOME POINT OR MAY USE THE LEA  
13 WORKSHOPS, ROUND TABLES, TO BASICALLY TRY TO GET THIS  
14 ISSUE OUT AND WORK -- THERE'S A LOT OF ISSUES ABOUT  
15 AREAS OF CONCERN, NOTICE OF VIOLATION, NOTICE AND  
16 ORDER, WHEN THOSE ARE APPROPRIATELY TO BE USED.  
17 I KNOW DOROTHY'S FACILITY COMPLIANCE TEAM  
18 THAT'S BEEN WORKING WITH THE STRATEGIC PLAN HAS DONE  
19 SOME WORK ON THIS TOO IN TERMS OF TALKING ABOUT, YOU  
20 KNOW, HOW THESE DIFFERENT STEPS WORK.

21 CHAIRMAN PENNINGTON: OKAY. NOW WE'LL HEAR  
22 FROM ED STEWART, THE LEA. AND WITH HIM IS DEBORAH  
23 BIALOSKY.

24 MS. BIALOSKY: GOOD AFTERNOON, CHAIRMAN  
25 PENNINGTON AND BOARD MEMBERS. I'M DEBORAH BIALOSKY,



1 DEPUTY COUNTY COUNSEL, MARIN COUNTY. AND I PROVIDE  
2 LEGAL ADVICE TO THE ENVIRONMENTAL HEALTH DEPARTMENT,  
3 WHICH SERVES AS THE LOCAL ENFORCEMENT AGENCY. AND I  
4 WOULD LIKE TO SAY IT HAD BEEN OUR HOPE ACTUALLY TO GO  
5 SECOND IN THAT IT'S REDWOOD IS REQUESTING THE APPEAL  
6 TODAY, AND WE HAD HOPED TO HAVE AN OPPORTUNITY TO  
7 RESPOND TO SOME OF THEIR ARGUMENTS. SO PERHAPS THERE  
8 MAY BE ANOTHER OPPORTUNITY LATER FOR REBUTTAL.  
9 HOWEVER, YOU HAVE RAISED SOME EXCELLENT QUESTIONS  
10 ALREADY TO STAFF. WE'D BE HAPPY TO HAVE AN OPPORTUNITY  
11 TO RESPOND TO THEM RIGHT NOW.  
12 FIRST OFF, I WOULD LIKE TO SAY THAT THERE  
13 IS A SCARCITY OF GUIDELINES IN THIS ISSUE RIGHT NOW, AS  
14 YOU ARE FINDING OUT, AS TO WHEN TO CONVENE A HEARING  
15 PANEL AND WHEN NOT TO. AND SO I AM LOOKING FORWARD TO  
16 THIS DISCUSSION, AND I'M LOOKING FORWARD TO HOPEFULLY A  
17 RESOLUTION AND MORE GUIDANCE FOR THE LOCAL ENFORCEMENT  
18 AGENCIES.  
19 THE LETTER THAT WAS SENT OUT BY THE LEA  
20 ON MARCH 10TH RESCINDED PERMISSION, AND I SHOULD STRESS  
21 INTERIM PERMISSION, TO REDWOOD TO USE SLUDGE-DERIVED  
22 ADC. THE LEA HAD ALLOWED REDWOOD TO USE THE SLUDGE-  
23 DERIVED ADC AT THE EXPIRATION OF THE DEMONSTRATION  
24 PROJECT IN AUGUST OF 1996. AT THAT TIME REDWOOD SAID,  
25 "WE'RE PLANNING ON DOING A PERMIT REVISION OR



1 MODIFICATION, BUT WE WANT TO CONTINUE USING THIS  
2 PROCESS. WILL YOU LET US DO IT IN THE INTERIM?" AND  
3 WE SAID YES ON THE CONDITION THAT AN APPLICATION FOR  
4 PERMIT REVISION WAS IMMINENT.  
5 ONE AND A HALF YEARS LATER, WHEN THAT  
6 APPLICATION FOR PERMIT REVISION HAD NOT BEEN SUBMITTED  
7 TO THE LEA, THE LEA SENT THE LETTER OF MARCH 10TH  
8 SAYING THIS APPLICATION IS NOT IMMINENT, SO WE ARE  
9 RESCINDING YOUR INTERIM PERMISSION TO USE SLUDGE-  
10 DERIVED ADC. AND I NEED TO STRESS THAT THERE'S NO  
11 PERMIT. THERE'S NO ABILITY ON REDWOOD'S PERMIT TO USE  
12 SLUDGE-DERIVED ADC. IT WAS INTERIM PERMISSION GRANTED  
13 BY A LETTER DATED SEPTEMBER 3, 1996, AND THAT INTERIM  
14 PERMISSION WAS RESCINDED BY A LETTER DATED MARCH 10,  
15 1998.  
16 NOW, YOU ASKED US IF THAT LETTER WASN'T  
17 INTENDED TO BE AN ENFORCEMENT ORDER, WHAT WAS THAT  
18 LETTER INTENDING TO BE? NOW, STAFF PRESENTED TO YOU  
19 THE TYPES OF SCENARIOS FOR WHEN YOU CAN ISSUE AN  
20 ENFORCEMENT ORDER. ONE OF THOSE IS A CEASE AND DESIST  
21 ORDER, WHICH MEANS SOMEBODY IS OPERATING OUTSIDE THE  
22 SCOPE OF THEIR PERMIT. WELL, REDWOOD KNEW THEY HAD  
23 PERMISSION TO USE THE SLUDGE-DERIVED ADC, SO WE NEEDED  
24 TO SEND A LETTER TELLING THEM THEY WOULD NO LONGER HAVE  
25 PERMISSION TO DO THIS BEFORE THERE WAS ANY ACTIVITY



1 UPON WHICH WE COULD ISSUE A CEASE AND DESIST ORDER.  
2 HOW CAN WE ISSUE A CEASE AND DESIST ORDER ON MARCH 10TH  
3 SAYING STOP DOING AN ACTIVITY THAT THEY HAVE A LETTER  
4 GIVING THEM PERMISSION TO DO? THAT WAS NOT AN OPTION.  
5 WE NEEDED TO TAKE THE FIRST STEP. WE NEEDED TO ISSUE  
6 THIS PRELIMINARY LETTER. WE NEEDED TO STATE STOP DOING  
7 THIS.  
8 WE GOT A LETTER BACK FROM REDWOOD DATED  
9 MARCH 12TH SAYING THIS SOUNDS AN AWFUL LOT TO ME LIKE  
10 AN ENFORCEMENT ACTION. EITHER RESCIND YOUR LETTER OR  
11 LET US HOLD A HEARING PANEL. WE SENT THEM BACK A  
12 LETTER DATED MARCH 27TH WHICH ADDRESSES ALL OF THE  
13 ISSUES THAT YOUR STAFF IS ASKING THAT YOU REMAND BACK  
14 TO HAVE US CLARIFY. THOSE ISSUES WERE CLARIFIED IN THE  
15 LETTER TO REDWOOD DATED MARCH 27, 1998.  
16 IN THAT LETTER IT SAYS THIS IS NOT AN  
17 ENFORCEMENT ACTION. WE ADMIT WE HAVE NOT FOLLOWED THE  
18 PROPER PROCEDURES FOR AN ENFORCEMENT ACTION. WHILE WE  
19 WOULD WELCOME A TRAINING ON HOW TO WRITE GREAT  
20 ENFORCEMENT ORDERS, WE KNOW WHAT AN AFFIDAVIT IS. WE  
21 KNOW WHAT A DECLARATION IS. WE KNOW HOW TO WRITE A  
22 CEASE AND DESIST ORDER. THAT WAS NOT THE INTENT, AND  
23 IN OUR LETTER OF MARCH 27TH WE TOLD REDWOOD THIS IS NOT  
24 OUR INTENT. WHAT WE WOULD LIKE YOU TO DO IS  
25 VOLUNTARILY COMPLY TO STOP USING SLUDGE-DERIVED ADC



1 UNTIL YOU FILE YOUR PERMIT FOR REVISION AND INCLUDE  
2 THAT AS AN ACTIVITY ON YOUR REVISED PERMIT.  
3 50 WE SAID IF YOU CONTINUE TO USE  
4 SLUDGE-DERIVED ADC, THAT WILL TRIGGER AN ENFORCEMENT  
5 ACTION. WE WILL ISSUE A CEASE AND DESIST ORDER, AND  
6 YOU WILL GET YOUR HEARING, BUT IT'S NOT RIPE FOR A  
7 HEARING YET. I SHOULD MENTION THAT AFTER SENDING THAT  
8 LETTER TO REDWOOD, THEY DID, IN FACT, SUBMIT THEIR  
9 APPLICATION FOR PERMIT REVISION, WHICH WE HAD BEEN  
10 WAITING A YEAR AND A HALF FOR, AND THAT CAME ON MARCH  
11 31ST, 21 DAYS AFTER THE LETTER SAYING WE WERE GOING TO  
12 SUSPEND THIS ACTIVITY.  
13 NOW, IN A PLAIN READING OF THE STATUTE  
14 REGARDING WHAT IS AN ENFORCEMENT ACTION, I THINK WE ALL  
15 AGREE THAT WHATEVER IT WAS THAT WAS SENT TO THEM DID  
16 NOT MEET THE LEGAL REQUIREMENTS FOR A CEASE AND DESIST  
17 ORDER; THEREFORE, IT WASN'T A CEASE AND DESIST ORDER.  
18 IN OUR OPINION THEY DIDN'T HAVE THE RIGHT TO ASK FOR A  
19 HEARING PANEL. WHAT IT WAS INTENDED TO DO - - AND THIS  
20 GETS DOWN TO THE CRUX OF IT, AND THIS IS ACTUALLY  
21 SOMETHING THAT WE WOULD REALLY LIKE THE BOARD TO  
22 CONSIDER. WE ARE VERY AWARE OF THE PENALTIES OR THE  
23 STIGMA THAT IS INVOLVED IF AN OPERATOR ACTUALLY SEES A  
24 CEASE AND DESIST ORDER. MR. MOOSE MADE SOME COMPELLING  
25 ARGUMENTS AS TO WHY THAT'S SOMETHING THAT SHOULD BE



1 AVOIDED SIMILAR TO THE PROCESS UNDER PUBLIC RESOURCES  
2 CODE SECTION 45011(B).  
3 NOW, THAT SECTION ADDRESSES THE PROCESS  
4 WHEN AN LEA IS GOING TO ISSUE AN ORDER REQUIRING CIVIL  
5 PENALTIES. IT DOESN'T ADDRESS THE CEASE AND DESIST  
6 ORDER. THIS IS A PROCESS THAT WE FOLLOWED, AND WE  
7 THINK IT'S A GOOD ONE, AND THAT IS THAT YOU SEND A  
8 LETTER TO AN OPERATOR NOTIFYING THEM OF A VIOLATION OF  
9 THEIR PERMIT, AND THEN YOU ASK THE OPERATOR IF THEY  
10 WILL VOLUNTARILY MEET WITH YOU TO SEE WHAT CAN BE DONE  
11 TO GET COMPLIANCE. AND THIS IS WHAT WE WERE INTENDING  
12 BY THE LETTER OF MARCH 10TH.  
13 WE WERE INTENDING TO HAVE THEM -- NOTIFY  
14 THEM THAT THEY NO LONGER HAD PERMISSION TO USE  
15 SLUDGE-DERIVED ADC AND TO MEET WITH US AND SEE IF WE  
16 COULD VOLUNTARILY REACH SOME SORT OF RESOLUTION.  
17 THERE'S BEEN ONE MEETING WITH THE ATTORNEYS AND UPPER  
18 MANAGEMENT; THERE'S BEEN TWO MEETINGS SO FAR WITH STAFF  
19 TO TRY AND RESOLVE THIS ISSUE. AND I THINK THAT  
20 THERE'S A GOOD POSSIBILITY THAT THESE LOCAL ISSUES CAN  
21 BE RESOLVED AT A LOCAL LEVEL WITHOUT INVOLVING THE  
22 BOARD AT YOUR LEVEL MAKING A DECISION ON A HEARING  
23 PANEL.  
24 I'D LIKE TO TALK MORE ABOUT THAT. I  
25 THINK IT'S IMPORTANT TO UNDERSTAND THE CONSEQUENCES OF



1 WHAT'S GOING ON HERE. WHY WOULD -- IF REDWOOD HAS --  
2 REDWOOD DOES HAVE THE OPPORTUNITY TO MEET WITH YOU AND  
3 TO HAVE A HEARING PANEL IF WE ISSUE A CEASE AND DESIST  
4 ORDER, SO WHY WOULD THEIR DUE PROCESS RIGHTS BE  
5 VIOLATED IF YOU DECIDE TO HEAR THE SUBSTANTIVE FACTS AT  
6 THAT TIME? THEY WANT ONE NOW.  
7 AS STATED IN THE PROVISIONS IN THE PUBLIC  
8 RESOURCES CODE, IF THEY CONTINUE TO BE USING ADC RIGHT  
9 NOW, WHICH THEY ARE DOING, BECAUSE WHEN THEY REQUESTED  
10 THE HEARING PANEL, EVERYTHING IS STAYED.  
11 THE OTHER CONCERN THAT WE HAVE AT THE  
12 LOCAL LEVEL, IF YOU DECIDE THAT OPERATORS HAVE THE  
13 RIGHT TO REQUEST A HEARING PANEL ON A WRITTEN  
14 COMMUNICATION THAT'S SOMETHING LESS THAN A CEASE AND  
15 DESIST ORDER IS THAT IT WILL RESULT IN A TERM, WHAT WE  
16 CALL IN LAW SCHOOL, FORUM SHOPPING. AND THAT RATHER  
17 THAN TRYING TO WORK THINGS OUT AT A LOCAL LEVEL WITH  
18 THE LEA'S, THEY WILL INSTEAD GO TO THE BOARD FOR  
19 WHAT -- ALL IMPORTANT DECISIONS AND TRY TO GET A  
20 DIFFERENT AND MORE FAVORABLE RESULT WITH THE BOARD.  
21 AND THAT IS SOMETHING THAT WE WANT TO AVOID.  
22 AND IN THIS SITUATION, ALTHOUGH WE'VE HAD  
23 THREE MEETINGS WITH REDWOOD, WE STILL HAVEN'T REACHED A  
24 RESOLUTION. BUT IF THERE WAS NO STAY IN EFFECT, IF WE  
25 HADN'T ISSUED A CEASE AND DESIST ORDER, WHICH WE



1 HAVEN'T YET, THERE'S NO PENALTY YET, THERE'S NO PENALTY  
2 THAT ATTACHES TO REDWOOD IF IT CHOOSES TO DISREGARD OUR  
3 LETTER AND IF IT CHOOSES TO CONTINUE USING ADC.  
4 WHAT'S THE PENALTY RIGHT NOW? NOTHING  
5 EXCEPT THEY RUN THE RISK OF VIOLATION OF THIS LEA  
6 LETTER. AND WHAT ARE THE CONSEQUENCES GOING TO BE?  
7 RIGHT NOW, BECAUSE THEY CAN APPEAL THAT TO YOU, BECAUSE  
8 OF THE STAY, THERE ARE NO CONSEQUENCES. IF THERE WAS  
9 NO STAY IN PLACE, THERE WOULD BE MORE MOTIVATION AT THE  
10 LOCAL LEVEL FOR REDWOOD OR ANY OPERATOR TO TRY AND  
11 REVOLVE DISPUTES WITH THE LOCAL LEA BEFORE IT GOT  
12 KICKED UP TO THE LEVEL OF CEASE AND DESIST ORDER. AND  
13 THAT'S SOMETHING THAT WE'RE TRYING TO ACHIEVE HERE  
14 TODAY.  
15 NOW, MR. JONES, YOU SEEM TO BELIEVE THAT  
16 THIS LETTER IN SOME WAY WAS A MANIPULATION, THAT THE  
17 LEA INTENDED TO SORT OF TRICK REDWOOD INTO NOT HAVING  
18 AN OPPORTUNITY TO HAVE A HEARING PANEL. AND YOU SAID  
19 HERE THE OPERATOR HAS NO RECOURSE BECAUSE IT'S NOT AN  
20 ENFORCEMENT ACTION. SO YOU KNOW WHAT CAN THEY DO? AND  
21 I WOULD LIKE TO ADDRESS THAT BECAUSE I THINK THAT  
22 REDWOOD IN THIS SITUATION HAS MANY THINGS THAT IT COULD  
23 DO. ONE THING THAT IT COULD DO IS VOLUNTARILY COMPLY  
24 WITH THE LETTER AND SUBMIT A PERMIT FOR REVISION, WHICH  
25 IS WHAT WE HAD ASKED, THAT THEY RENEGOTIATE WITH THE



1 LEA AT THE LOCAL LEVEL TO RESCIND THE LETTER.  
2 ANOTHER THING THAT IT COULD DO IS  
3 TEMPORARILY SUSPEND ADC OPERATIONS AND ENTER INTO  
4 NEGOTIATIONS WITH THE LEA TO TRY AND COME OUT WITH A  
5 MUTUALLY ACCEPTABLE RESOLUTION. ANOTHER THING YOU  
6 COULD DO IS ASK THE LEA TO TEMPORARILY STAY ITS LETTER  
7 AND ENTER INTO GOOD FAITH NEGOTIATIONS WITH THE LEA TO  
8 TRY AND COME OUT WITH A RESOLUTION. AND ALL OF THIS  
9 COULD HAPPEN PRIOR TO THE ISSUANCE OF A CEASE AND  
10 DESIST ORDER.  
11 AND I WANT YOU TO THINK -- NOW, YOU SEEM  
12 TO THINK THAT WE WERE USING THESE REGULATIONS AGAINST  
13 REDWOOD. AND I FELT IN A WAY REDWOOD IS USING THE  
14 STATE PROVISIONS AGAINST THE LEA. AND IT SORT OF  
15 STYMIED US IN THIS PARTICULAR CASE, AND I WANT YOU TO  
16 THINK OF WHAT THE PUBLIC POLICY IMPLICATIONS WOULD BE  
17 IF A WRITTEN COMMUNICATION SUCH AS THAT, WHICH WAS SENT  
18 TO REDWOOD IN THIS CASE, WOULD BE SUBJECT TO A HEARING  
19 PANEL. AND I THINK THAT THERE'S SEVERAL PUBLIC POLICY  
20 IMPLICATIONS.  
21 I THINK ONE POTENTIAL PROBLEM IS THAT  
22 THERE WOULD BE THAT ALL REGULATORS WANT TO GO THIS  
23 ROUTE TO TRY AND AFFECT THE STATE PROVISIONS AS SOON AS  
24 POSSIBLE, SO THEY COULD CONTINUE DOING THEIR ACTIVITY.  
25 ANOTHER OUTCOME, THE PRACTICAL EFFECT ON THE LEA WOULD



1 BE DEVASTATING IN TERMS OF STAFF TIME AND RESOURCES.  
2 WE DIDN'T HAVE A HEARING PANEL ON THIS. WE CAME  
3 STRAIGHT UP HERE TO THE APPEAL. IT'S ALREADY GENERATED  
4 AN INCH OR TWO OF PAPER, WRITTEN CORRESPONDENCE,  
5 PREPARING FOR THIS FIRST LEVEL OF BOARD PANEL. I'VE  
6 SPENT ABOUT A WEEK OF MY TIME, 40 HOURS ALREADY, AND WE  
7 HAVEN'T HAD A HEARING. SO EVEN IF YOU DENY A LOT OF  
8 THESE HEARINGS BASED ON LACK OF SUBSTANTIVE ISSUES,  
9 MORE AND MORE OPERATORS ARE GOING TO BE BRINGING THESE  
10 TYPES OF APPEALS. EVEN JUST PREPARING FOR A HEARING  
11 LIKE THAT TAKES A TREMENDOUS AMOUNT OF STAFF TIME, PLUS  
12 ED STEWART IS HERE. MY TIME, IT'S THE STAFF TIME AT  
13 THE LOCAL LEA'S, IT'S THE PLANE TICKET, IT'S A  
14 TREMENDOUS FINANCIAL BURDEN FOR US ON THE LOCAL LEVEL.  
15           OTHER THING THAT I WANT YOU TO CONSIDER  
16 IF YOU ARE GOING TO VIEW THESE WRITTEN COMMUNICATIONS  
17 AS HAVING THE PRACTICAL EFFECT OF ENFORCEMENT ORDERS  
18 AND REQUIRING A HEARING, WE'RE NOT GOING TO DO -- WE'RE  
19 NOT GOING TO HAVE THESE PRELIMINARY COMMUNICATIONS,  
20 WRITTEN COMMUNICATIONS, WITH OPERATORS. WE'RE NOT  
21 GOING TO SEND THEM A NOTICE OF VIOLATION. WE'RE NOT  
22 GOING TO SEND THEM A TYPED LETTER ASKING THEM TO MEET  
23 WITH US AND LET'S TRY AND WORK THIS OUT. IF YOU DON'T,  
24 WE ARE GOING TO ISSUE THE ENFORCEMENT ORDER, WHICH IS  
25 EXACTLY WHAT THE OPERATORS SAY THEY DON'T WANT.



1 IF INSURANCE COMPANIES LOOK AT THAT,  
2 THAT'S THE THING THAT THE PUBLIC LOOKS AT, THAT'S THE  
3 THING THAT THE STOCKHOLDERS LOOK AT, IF AN ATTEMPT AT  
4 NEGOTIATING WITH THEM IS GOING TO AUTOMATICALLY START  
5 THE APPEAL BASED ON THE CONTENTS OF THAT LETTER, DON'T  
6 SEND THAT LETTER. GO STRAIGHT FOR THE ENFORCEMENT  
7 ACTION. AND I THINK THAT -- I DON'T THINK THAT'S GOING  
8 TO BE HELPING OPERATORS.  
9 SO IT'S MY REQUEST THAT -- AND I THINK  
10 IT'S CLEAR THAT WE NEED MORE GUIDANCE IN THIS AREA, AND  
11 WE NEED MORE CLARIFICATION OF THESE REGULATIONS BECAUSE  
12 THIS IS THE FIRST TIME THIS HAS COME BEFORE THE BOARD.  
13 EVERYBODY IS GOING TO BE LOOKING AT THIS DECISION TODAY  
14 AS AN INDICATOR OF THE FUTURE. AND I THINK BEFORE YOU  
15 MAKE A DECISION IN THIS KIND OF CASE, THIS TYPE OF  
16 WRITTEN COMMUNICATION MIGHT ENTITLE ONE TO A HEARING  
17 PANEL, I THINK THAT YOU NEED TO LOOK AT THE PARTICULAR  
18 FACTS OF THIS CASE AND SEE IF THIS IS THE TYPE OF CASE  
19 THAT YOU WANT TO MAKE THAT DECISION ON BECAUSE IN THIS  
20 CASE THERE'S BEEN NO PENALTY SO FAR TO REDWOOD.  
21 NOTHING HAS HAPPENED TO THEM. THERE'S BEEN NO  
22 SANCTIONS. THERE'S BEEN A LETTER TO THEM TELLING THEM  
23 TO RESCIND AN ACTIVITY IN YOUR PERMIT TODAY.  
24 BOARD MEMBER JONES: JUST A COUPLE OF  
25 QUESTIONS. YOU SAY THERE'S NO VIOLATION. MAYBE I'M --



1 SURE, THERE ISN'T A VIOLATION. WOULD THERE HAVE BEEN A  
2 VIOLATION HAD THEY NOT APPEALED?

3 MS. BIALOSKY: IF REDWOOD HAD NOT APPEALED AND  
4 HAD CONTINUED TO USE SLUDGE-DERIVED ADC ON A DAILY  
5 BASIS, THEN THE LEA WOULD HAVE -- AND WERE UNWILLING TO  
6 MEET WITH US AND NEGOTIATE, THEN THE LEA WOULD HAVE TO  
7 MAKE A DECISION WHETHER TO ISSUE A CEASE AND DESIST  
8 ORDER. WE HAVE NOT YET REACHED THAT DECISION YET.

9 BOARD MEMBER JONES: OKAY. THE LETTER THAT  
10 WAS SENT ON MARCH 10TH SAYS, YOU KNOW, THAT -- FIRST,  
11 SHOULD SAY THAT THE PERMIT INCLUDES NONHAZARDOUS SLUDGE  
12 AS AN ACCEPTABLE WASTESTREAM. SO WE'RE NOT TALKING  
13 ABOUT SOMETHING THAT IS ALREADY ALLOWED TO COME INTO  
14 THE WASTESTREAM UNDER PERMIT NOT AS ADC. IT IS AN  
15 ACCEPTABLE WASTE AS PART OF THE WASTESTREAM. SO  
16 THROUGH THIS PROCESS, GOING WITH THE ADC ISSUE, THE  
17 LETTER -- THE LETTER FROM MR. STEWART, THE LEA SAYS,  
18 YOU KNOW, THE ALLOWANCE WAS GRANTED. IT'S OUR  
19 EXPECTATION THAT THE REVISION WOULD BE IMMINENT.

20 THAT'S A PRETTY SUBJECTIVE TERM, "IMMINENT."  
21 AND THEN -- BUT FOURTH PARAGRAPH, FIFTH  
22 PARAGRAPH, "THEREFORE, DUE TO THE ABOVE AND FOLLOWING  
23 CONSIDERATIONS, THE LEA DIRECTS YOU TO DISCONTINUE... ."  
24 THAT MEANS CEASE.

25 MS. BIALOSKY: YES.



1 BOARD MEMBER JONES: OKAY. THEN MR. MOOSE  
2 WRITES A LETTER. IN RESPONSE TO THAT LETTER, IN THE  
3 SECOND PARAGRAPH, IT SAYS THAT THE EXPRESS INTENT OF  
4 MR. STEWART'S MARCH 10TH LETTER WAS TO PUT RLI ON  
5 NOTICE THAT THE LEA HAS RESCINDED ITS PERMISSION FOR  
6 RLI TO USE SLUDGE-DERIVED ALTERNATIVE DAILY COVER ON AN  
7 INTERIM BASIS PENDING RLI'S APPLICATION FOR REVISION OF  
8 ITS SOLID WASTE FACILITIES PERMIT. THE MARCH 10TH  
9 LETTER WAS NOT INTENDED AS A FORMAL NOTICE. AS SUCH,  
10 THE PROCEDURAL STEPS OUTLINED IN PUBLIC RESOURCES CODE  
11 45000-45024 AND CALIFORNIA CODE OF REGULATIONS TITLE  
12 14, ARTICLE 4 WERE NOT FOLLOWED. THE LETTER WAS  
13 INTENDED TO GIVE RLI THE OPPORTUNITY TO VOLUNTARILY  
14 COMPLY WITH THE LEA'S DIRECTIVE. BECAUSE THE LETTER  
15 WAS NOT AN ENFORCEMENT ACTION, RLI IS NOT ENTITLED TO A  
16 HEARING PANEL UNDER THE PUBLIC RESOURCES CODE 43407 AT  
17 THIS TIME. THUS, THE LEA CANNOT ACCEDE TO YOUR REQUEST  
18 FOR SUCH A HEARING."  
19 I GUESS WHERE I'M HAVING THE HARDEST  
20 PROBLEM WITH THAT IS THAT LEA'S NEED TO TALK TO  
21 OPERATORS, OPERATORS NEED TO TALK TO LEA'S. I DON'T  
22 KNOW WHAT TRANSPIRED. OKAY. WE DON'T HAVE ANY  
23 EVIDENCE OF DISCUSSIONS THAT YOU ARE TALKING ABOUT THAT  
24 YOU WOULD HOPE WOULD BE FACILITATED. I DON'T THINK  
25 THIS IS A CASE WHERE -- IN MY OWN VIEW I'M NOT SURE.



1 I'M NOT REAL COMFORTABLE WITH EITHER PARTY'S POSITION.  
2 OKAY. BUT I AM COMFORTABLE WITH THE IDEA THAT THE  
3 POLICY WHEN SOMEBODY GETS A LETTER THAT SAYS  
4 DISCONTINUE DOING THIS, LEA -- OPERATORS TAKE THAT VERY  
5 SERIOUSLY. OKAY. THE IDEA THAT AN OPERATOR COULD SAY  
6 WE WILL KIND OF CONSIDER WHETHER OR NOT TO TAKE THIS  
7 SERIOUSLY AS I SHOULD BECAUSE IT'S NOT IN A SPECIAL  
8 FORMAT I DON'T THINK HOLDS WATER. I DON'T THINK THAT  
9 THAT IS REALITY.  
10 I THINK WHAT REALITY IS IS THAT WHEN YOU  
11 GET AN ORDER FROM AN LEA, YOU COMPLY WITH IT, OR YOU  
12 TAKE WHATEVER ACTION YOU CAN TAKE. I THINK WHAT  
13 BOTHERS ME THE MOST ABOUT THIS WAS IN THE SECOND  
14 PARAGRAPH OF THE LETTER TO MR. MOOSE SAYING BECAUSE WE  
15 DIDN'T DO IT IN THIS FORMAT, YOU HAVE NO RIGHT TO A  
16 HEARING PANEL. THAT'S -- THAT TAKES IT AWAY FROM THE  
17 OPERATOR/LEA DISCUSSION. OKAY. IN MY MIND THAT IS NO  
18 LONGER LEA/OPERATOR DISCUSSION. THAT IS, WE DIDN'T PUT  
19 IT IN THIS FORM, YOU DON'T HAVE ANY OPTIONS, AND THAT'S  
20 WHERE I SEE A PROBLEM.  
21 I SUPPORT LEA'S. OKAY. I'M TOUGH. I  
22 THINK WE OUGHT TO MAKE SURE LEA'S DO THEIR JOB TO MAKE  
23 SURE OPERATORS ARE IN COMPLIANCE.  
24 UNDER THE -- AS PART OF YOUR TESTIMONY,  
25 YOU TALKED ABOUT THE AB 59 CIVIL PENALTIES VEHICLE FOR



1 A WAY TO DO THIS. I CONSIDER EVERY VIOLATION UNDER AB  
2 59 THAT CAN BE TAGGED WITH \$5,000 PER VIOLATION, THAT  
3 IF YOU WROTE A VIOLATION, YOU COULD GO IN AND SAY THIS  
4 VIOLATION, THIS IS NO. 1 OF 3, WHEN YOU GET THREE,  
5 WE'RE GOING TO START FINING YOU \$5,000 A DAY.  
6 I THINK THAT FIRST LETTER CLEARLY SET THE  
7 TABLE FOR THE NEXT SITE INSPECTION WHERE YOU JUST --  
8 YOU CHECKED VIOLATION. YOU DON'T CHECK AREA OF  
9 CONCERN. YOU CHECK VIOLATION. YOU DIDN'T LISTEN TO MY  
10 LETTER. YOU DIDN'T CEASE DOING WHAT I TOLD YOU TO DO.  
11 IN THAT SCENARIO, THE LEA CAN DO THAT THREE TIMES AND  
12 THEN START DOING CIVIL PENALTIES. AND I DON'T THINK  
13 THAT'S -- I DON'T THINK THAT'S A FAIR POSITION TO PUT  
14 ANY OPERATOR IN, PUBLIC OR PRIVATE, BECAUSE IT TAKES  
15 AWAY ANY RIGHT THEY HAVE.  
16 ALL THE LEA'S GET ALONG. IF THEY CAN'T  
17 HAVE A LEGAL HEARING PANEL LOCALLY, AND THEY WANT TO  
18 COME TO THE STATE HEARING PANEL, WHAT ARE WE SUPPOSED  
19 TO DO, NOT AFFORD SOMEBODY THAT DON'T WANT TO HURT AN  
20 LEA'S FEELINGS. YOU KNOW, I'M CONFUSED.

21 MS. BIALOSKY: AND I'D LIKE TO ADDRESS SOME OF  
22 THE ISSUES YOU RAISE BECAUSE I UNDERSTAND THE CONCERNS  
23 THAT YOU ARE EXPRESSING. YOU HAVE HEARD, I'M SURE, IN  
24 YOUR TENURE ON THE BOARD, A LOT OF ANECDOTAL EVIDENCE,  
25 EXPERIENCE YOU'VE HAD YOURSELF IN VARIOUS COUNTIES.



1 UNFORTUNATELY OR FORTUNATELY, I CAN JUST RESPOND TO THE  
2 FACTS OF THIS SITUATION THAT WE'RE IN RIGHT NOW.  
3 AND THE SCENARIO THAT WE'RE IN RIGHT NOW  
4 IS IN THE WAY THAT MARIN COUNTY WOULD RESPOND TO SOME  
5 OF THE CONCERNS THAT YOU'VE RAISED. AND WE WOULD  
6 CERTAINLY NOT ISSUE CIVIL PENALTIES ON THE BASIS OF  
7 VIOLATIONS NOTICED IN INSPECTION REPORTS WITHOUT FIRST  
8 TAKING AN ENFORCEMENT ACTION ON THOSE VIOLATIONS AND  
9 CERTAINLY GIVING SOMEBODY THEIR DUE PROCESS RIGHTS.  
10 AND THIS IS NOT SORT OF A PERNICIOUS ATTEMPT TO STRIP  
11 REDWOOD OF ITS HEARING RIGHTS. AND THAT'S REALLY THE  
12 POINT THAT I WAS TRYING TO GET ACROSS TO YOU.  
13 THE LETTER SAID THAT REDWOOD WAS NOT  
14 ENTITLED TO A HEARING PANEL AT THIS TIME. THE LETTER  
15 CONCEDED THAT AS SOON AS THE CEASE AND DESIST ORDER WAS  
16 ISSUED, THEY WOULD AUTOMATICALLY BE ENTITLED TO A  
17 HEARING PANEL. AND WE DON'T WANT TO BE PUT IN A  
18 POSITION WHERE AN OPERATOR DOESN'T TAKE AN LEA LETTER  
19 SERIOUSLY. WE WANT TO BE IN A POSITION WHERE WE CAN  
20 DIFFUSE THE SITUATION BEFORE IT COMES TO THE POINT  
21 WHERE THERE'S A CEASE AND DESIST ORDER AND BEFORE IT  
22 COMES TO THE POINT WHERE DUE PROCESS RIGHTS ARE  
23 TRIGGERED. AND THAT'S WHERE A PENALTY -- A PENALTY  
24 WOULD BE INVOLVED, THE PENALTY IMPOSED ON AN OPERATOR  
25 OR A PERMIT, AN ACTIVITY, PROPERTY RIGHT TO A PERMIT



1 WOULD BE TAKEN AWAY FROM AN OPERATOR.  
2 WHAT WE'RE TRYING TO GET AT IS A  
3 SITUATION WHERE A LETTER, WHICH IS BASICALLY IN THIS  
4 CASE A NOTICE OF VIOLATION, A LETTER SAYING DON'T DO  
5 THIS ANYMORE. IF YOU DO DO IT, WE'RE GOING TO CONSIDER  
6 YOU IN VIOLATION. WHAT WE WANT IN ISSUING A LETTER  
7 LIKE THAT IS FOR THE OPERATOR TO THEN CONSIDER WHAT  
8 THEIR OPTIONS ARE. THEIR OPTIONS ARE TO COMPLY WITH  
9 THE LETTER. THEIR OPTIONS ARE TO COMPLY WITH THE  
10 LETTER BY TRYING TO ASK FOR AN IMMEDIATE MEETING WITH  
11 THE LEA AND TRY AND WORK THINGS OUT. THEIR OPTIONS ARE  
12 TO ASK THE LEA TO STAY THE LETTER AND TRY AND WORK  
13 THINGS OUT, OR THEIR OPTIONS ARE, IF THEY FEEL THAT  
14 THEY HAVE A GOOD FAITH ARGUMENT BASED ON THEIR LEGAL  
15 INTERPRETATION OF THE PUBLIC RESOURCES CODE, AND THEY  
16 HONESTLY BELIEVE THAT THE LEA INTERPRETATION IS WRONG,  
17 THEY CAN CONTINUE THE ACTIVITY THAT THE LETTER ASKS  
18 THEM TO STOP DOING. THIS IS AFTER THEY'VE EXHAUSTED  
19 THEIR OTHER OPTIONS, THEY BELIEVE IN GOOD FAITH THAT  
20 THE LEA IS WRONG, AND IN WHICH CASE THE LEA HAS NO  
21 CHOICE BUT TO ISSUE THE CEASE AND DESIST ORDER WHICH  
22 TRIGGERS THE HEARING PANEL.  
23 BUT IF YOU SHORT-CIRCUITED THAT PROCESS  
24 BY ALLOWING OPERATORS TO REQUEST HEARINGS ANY TIME THAT  
25 THERE IS A LETTER THAT'S BASICALLY A NOTICE OF



1 VIOLATION SAYING THAT IF YOU DON'T CHANGE THIS  
2 ACTIVITY, WE ARE GOING TO ISSUE A CEASE AND DESIST  
3 ORDER AND LET'S GET TOGETHER AND TALK ABOUT IT, IF YOU  
4 ALLOW THEM TO APPEAL THAT AND BASICALLY STAY THE  
5 PROVISIONS OF THE LETTER, THEN THERE'S NO INCENTIVE.  
6 WHAT IS THE INCENTIVE TO WORK IT OUT ON THE LOCAL  
7 LEVEL?

8 BOARD MEMBER JONES: WHAT YOU JUST RELATED TO  
9 ME ON THIS MARCH 10TH LETTER, IT SAYS, THEREFORE, THE  
10 LEA DIRECTS YOU TO DISCONTINUE THE USE. SO YOU SAID  
11 THEY HAD FOUR OPTIONS. COMPLY WITH THE LETTER, WHICH  
12 MEANS CEASE AND DESIST USING THE SLUDGE, RIGHT?

13 MS. BIALOSKY: UNTIL IT SAYS -- UNTIL THEY  
14 INCLUDE THE ACTIVITY IN THEIR PERMIT REVISION.

15 BOARD MEMBER JONES: UNDERSTOOD. YOU GET THE  
16 LETTER ON MARCH 10TH, THE INTENT ON MARCH 11TH IS YOU  
17 CEASE USING ADC. SO THAT'S ONE WAY TO COMPLY, TO DO  
18 WHAT THE LEA ASKS. THE OTHER WAY WAS ACTUALLY COMPLY,  
19 JUST QUIT USING ADC WITH SLUDGE AS ADC. WHAT IF I HAVE  
20 NO OTHER COVER MATERIAL? WHERE DO THEY GET THEIR COVER  
21 FROM? WHERE DOES THIS LANDFILL GET ITS COVER? RIGHT  
22 NOW THEY'RE USING ADC MIXED WITH GREEN WASTE, MIXED  
23 WITH OTHER THINGS. THAT'S THE SOURCE OF THE COVER. DO  
24 THEY HAVE A BARROW PIT, OTHER PLACES TO AUGMENT BY  
25 GETTING COVER MATERIAL, AND IS IT POSSIBLE FOR THEM TO



1 CHANGE THEIR OPERATION IN ONE DAY TO BE ABLE TO  
2 OPERATIONALLY COMPLY WITH THE LETTER?  
3 MS. BIALOSKY: WOULD YOU LIKE ME TO RESPOND TO  
4 THAT? I'M GOING TO PARTIALLY DEFER SOME OF THE  
5 TECHNICAL INFORMATION ABOUT WHAT'S AVAILABLE AT THE  
6 LANDFILL TO ED STEWART. BUT IT'S MY UNDERSTANDING IN  
7 THE LETTER IT SAYS THAT THEY CAN CONTINUE TO USE JUST  
8 GREEN WASTE AS ADC. THEY'RE ALSO ALLOWED TO USE  
9 COMPOSTING MATERIALS AS ADC. AND THERE IS A BIG BERM  
10 IN THIS PARTICULAR SITE CONSISTING OF SOIL, WHICH THE  
11 OPERATING PERMIT AT THIS POINT ALLOWS THEM TO USE IF  
12 THEY NEED TO USE IT AT SOME POINT IN THE FUTURE AS THEY  
13 NEED TO USE THAT SOIL AS COVER.  
14 AND I'M SORRY. I THINK -- WHAT WAS YOUR  
15 SECOND QUESTION?

16 BOARD MEMBER JONES: BOTH OF THE ISSUES YOU  
17 GAVE THEM, BOTH OF THE REMEDIES WERE COMPLIED -- THE  
18 COMPLIANCE WAS THE ORDER. ONE WAS JUST DO WHAT THE LEA  
19 SAYS AND THEN YOU ADDED ANOTHER ONE.

20 MS. BIALOSKY: OTHER REMEDY, THERE'S NOTHING  
21 IN THE REGULATIONS THAT PROHIBIT AN LEA FROM STAYING  
22 ITS OWN NOTICE OF VIOLATION.

23 BOARD MEMBER JONES: THAT WAS THE THIRD ONE.

24 MS. BIALOSKY: IF GOOD FAITH NEGOTIATIONS WERE  
25 ENTERED INTO BETWEEN THE LEA AND THE OPERATOR -- I KNOW



1 WHAT MY POINT WAS. YOU HAVE A VALID CONCERN THAT THIS  
2 LETTER AND THE TIMING OF THIS LETTER WOULD LEAVE  
3 REDWOOD WITHOUT ANY OPTIONS FOR COVER. AND I THINK  
4 THAT WAS THE SORT OF UNDERLYING CONCERNS IN YOUR  
5 QUESTION. AND I DO THINK THEY HAVE OPTIONS.  
6 I ALSO WANT TO POINT OUT THAT THEY NEVER  
7 HAD AN ENTITLEMENT IN THE PERMIT FOR THE PERMANENT  
8 PERMISSION. AND AS SOUND BUSINESS PEOPLE, THERE WAS NO  
9 GUARANTEE OF GETTING PERMISSION TO DO THIS IN THE  
10 REVISED PERMIT. SOUND BUSINESS PRACTICES. IT WOULD  
11 I THINK IT WAS THEIR OBLIGATION TO PLAN FOR THAT  
12 CONTINGENCY.

13 BOARD MEMBER JONES: RIGHT. IF YOU ENTER --  
14 WHEN YOU ENTER INTO AN AGREEMENT AND YOU ARE DOING A  
15 PILOT PROJECT ON ADC AND IT'S GOING ALONG FINE AND --  
16 LIKE I SAY, I DON'T KNOW THE RELATIONSHIP BETWEEN THE  
17 TWO ENTITIES, THE RELATIONSHIP BETWEEN REDWOOD AND MR.  
18 STEWART -- BUT THERE'S USUALLY SOME TIME INVOLVED WHEN  
19 YOU ARE GOING TO WEAN YOURSELF AWAY FROM THAT ACTIVITY  
20 TO ANOTHER FORM OF OPERATION. AND THE LETTER THAT SAYS  
21 DISCONTINUE IS VERY -- THAT'S AN ORDER IN MY MIND, ONLY  
22 IN MY MIND, MAYBE NOT LEGALLY, MAYBE IT'S NOT ON THE  
23 RIGHT EIGHT AND A HALF BY 11 PIECE OF PAPER, BUT IT IS  
24 A CEASE AND DESIST ORDER. IT IS AN ORDER FROM AN LEA.  
25 AND SO TWO OF THE REMEDIES WERE COMPLY, THE OTHER WAS



1 ASK THE LEA TO STAY HIS LETTER, AND THAT'S REASONABLE.  
2 I'VE SEEN THAT HAPPEN BEFORE. AND THE OTHER OPTION WAS  
3 VIOLATE THE CEASE AND DESIST ORDER.

4 MS. BIALOSKY: RIGHT. IT'S BASICALLY -- NO.  
5 I'M SORRY. VIOLATE THE LETTER, THAT WAS THE --  
6 BASICALLY THE NOTICE AND THEN RUN THE RISK OF HAVING A  
7 CEASE AND DESIST ORDER ISSUED, AT WHICH POINT THEY  
8 COULD REQUEST THE HEARING PANEL AND GET THE STAY, SAME  
9 STAY THAT THEY'VE GOTTEN IN THESE CIRCUMSTANCES.  
10 I GUESS WHAT I AM NOT GETTING FROM WHAT  
11 YOU ARE SAYING IS WHERE HAS THE PENALTY IN THE  
12 PROCEDURE THAT WE FOLLOWED, WHICH I COULD SEE TROUBLES  
13 YOU AND PROBABLY OTHER BOARD MEMBERS, I DON'T SEE WHERE  
14 REDWOOD HAS BEEN PENALIZED AT ALL YET BY THIS PROCEDURE  
15 AND --

16 BOARD MEMBER JONES: BUT THAT'S A DIRECT  
17 RESULT OF THEM FILING THE APPEAL. THEY FILED AN  
18 APPEAL. THAT'S WHY THEY HAVEN'T BEEN PENALIZED BECAUSE  
19 THEY GOT A STAY ON ANY ACTIVITY.

20 MS. BIALOSKY: WHAT IF THEY HADN'T FILED THIS  
21 APPEAL? IF THERE WAS NO PROCEDURE FOR THEM TO FILE AN  
22 APPEAL ON THE LETTER THAT WE HAD WRITTEN THEM, WHAT  
23 WOULD THE SCENARIO HAVE BEEN? ONE, THEY WOULD HAVE  
24 POTENTIALLY HAD THESE MEETINGS, AND THE CONTENT OF  
25 THESE MEETINGS WOULD HAVE BEEN ACCELERATED, THE DESIRE



1 TO WORK THINGS OUT GREATLY ENHANCED ON THEIR SIDE; OR,  
2 TWO, THEY WOULD DECIDE TO BASICALLY THUMB THEIR NOSE AT  
3 THE LETTER, IN WHICH CASE WE WOULD ISSUE A PROPER CEASE  
4 AND DESIST ORDER, AND THEY WOULD HAVE THE RIGHT TO A  
5 HEARING PANEL.

6 SO WHAT I'M ASKING YOU, I CAN SEE THAT  
7 YOU'RE VERY UNCLEAR WITH THIS OR UNCOMFORTABLE.

8 BOARD MEMBER JONES: I'M CLEAR. BELIEVE ME  
9 I'M CLEAR.

10 MS. BIALOSKY: WHAT PROCEDURE IS THERE  
11 AVAILABLE TO THE LEA TO PUT AN OPERATOR ON NOTICE THAT  
12 THEY ARE VIOLATING SOMETHING WITHOUT IMMEDIATELY  
13 BUMPING IT UP TO THE LEVEL OF CEASE AND DESIST ORDER,  
14 BUT IT HAS ENOUGH OF A BITE TO IT THAT AN OPERATOR WILL  
15 ENTER INTO GOOD FAITH NEGOTIATIONS AT THE LOCAL LEVEL  
16 WITH THE LEA TO SOLVE THE PROBLEM WITHOUT THIS  
17 INCREDIBLY FINANCIALLY AND TIME-CONSUMING PROCESS OF  
18 REFERRING EVERYTHING TO A HEARING PANEL FOR A DECISION?

19 BOARD MEMBER EATON: I'D LIKE TO BE ABLE TO  
20 ANSWER THAT. I THINK I HAVE AN ANSWER. GO AHEAD, MR.  
21 CHAIRMAN. I THINK WHAT TROUBLES, AT LEAST, US HERE ON  
22 THE BOARD IS THE FACT THAT NO ONE COMES AWAY WITH CLEAN  
23 HANDS, NEITHER THE OPERATOR NOR THE LEA, IN THE SENSE  
24 THAT THINGS COULD HAVE BEEN DIFFERENT, BUT WE'RE ONLY  
25 LOOKING AT IT AFTER THE FACT, NOT BEFORE THE FACT. BUT



1 You ASKED THE QUESTION WHAT COULD HAVE BEEN DONE. I  
2 THINK YOU SPOKE, CORRECT ME, THAT THERE WAS NO  
3 RESUBMISSION OF THE APPLICATION AFTER 1996; IS THAT  
4 CORRECT? OR WAS THERE --

5 MS. BIALOSKY: I'M SORRY. RESUBMISSION FOR --  
6 BOARD MEMBER EATON: PERMIT REVISION.

7 MS. BIALOSKY: WHAT I SAID WAS WE ISSUED THIS  
8 LETTER RESCINDING INTERIM PERMISSION FOR SLUDGE-DERIVED  
9 ADC UNTIL THEY SUBMITTED AN APPLICATION FOR PERMIT  
10 REVISION. THE LETTER THAT WE ISSUED WAS ON MAY 10TH.  
11 BUT IT WAS A YEAR AND A HALF AFTER WE GAVE THEM THE  
12 PERMISSION, THEY THEN SUBMITTED THEIR APPLICATION FOR  
13 PERMIT REVISIONS ON MARCH 31ST.

14 BOARD MEMBER EATON: ACCORDING TO YOUR OWN  
15 LETTER, THEY SUBMITTED AN APPLICATION ON JANUARY --

16 MS. BIALOSKY: DECEMBER OF 1996.

17 BOARD MEMBER EATON: '97.

18 MS. BIALOSKY: YES.

19 BOARD MEMBER EATON: THEY DID -- YOU DEEMED IT  
20 AS INCOMPLETE. I'M TRYING TO GET THE CHRONOLOGY HERE  
21 HOW YOU DEAL WITH AN ISSUE. I WANT YOU TO GO THROUGH  
22 THE CHRONOLOGIES WITH ME, AND I THINK IT'S RIGHT IN  
23 HERE. AND IT'S LIKE 1997, JANUARY, IT WAS SUBMITTED,  
24 AND IT WAS DEEMED INCOMPLETE. THE LEA THEN SAID, WELL,  
25 I WILL GIVE YOU TILL MARCH 1ST. YOUR OWN COUNTY



1 COUNSEL IS WRITING THIS. SUBMIT THE ADDITIONAL  
2 INFORMATION TO MAKE THE APPLICATION COMPLETE.  
3 THEREFORE, MARCH 1ST COMES BY AND REDWOOD, JUST AS YOU  
4 HAD GIVEN THEM TO MARCH 1ST, DID NOT SUBMIT A PACKAGE  
5 TO MAKE IT A COMPLETE PACKAGE SO THAT THE COUNTY OR  
6 WHOMEVER, THE LEA, COULD EVALUATE. SO THAT'S WHERE WE  
7 ARE, AT LEAST THE FACTS ARE. I JUST WANT TO GET THE  
8 CORRECT FACTS.  
9 NINE DAYS AFTER THE DEADLINE SET, THE  
10 LETTER COMES OUT FROM THE COUNTY TO DISCONTINUE THE  
11 USE. AT THE APPROPRIATE TIME, MAYBE WHAT WOULD HAVE  
12 BEEN BETTER AND HOW WE SOLVE THE PROBLEM IS THAT ON THE  
13 10TH SAID, AS PER OUR AGREEMENT OF JANUARY, THAT YOU  
14 WOULD SUBMIT BY MARCH 1T A COMPLETE PACKAGE, YOU LEAVE  
15 US NO ALTERNATIVE THAT IF WE DO NOT RECEIVE THE PACKAGE  
16 WITHIN A REASONABLE AMOUNT OF TIME, WITHIN 15 DAYS OR  
17 30 DAYS, THEN WE WILL ELECT TO TAKE THE ACTIONS WHICH  
18 WE DEEM APPROPRIATE THROUGH ANY LAWFUL MEANS. YOU KNOW  
19 THE LANGUAGE. YOU'VE WRITTEN IT A THOUSAND TIMES.  
20 THAT WOULD HAVE SAID, OKAY, GUYS, YOU  
21 KNOW WE ARE TRYING TO SEE WHAT'S GOING ON. THERE IS NO  
22 PENALTY. I THINK THAT'S WHAT I'M TRYING TO ANSWER YOUR  
23 QUESTION, THAT THAT WOULD HAVE BEEN THE WAY TO PREVENT  
24 THE KIND OF PROBLEM THAT HAS FACED US TODAY AND WILL  
25 SOLVE THE PROBLEM. IN A SENSE THESE ARE CONTENTIOUS



1 ISSUES, NOT ALWAYS EASY.  
2 AND THE PERSONALITIES POINT, YOU ASKED  
3 HOW DO YOU GET TO THE BARGAINING TABLE, THEN IT WOULD  
4 SURELY HAVE BEEN WITHIN YOUR RIGHT TO ISSUE WHATEVER  
5 FORM AND PROPER FORM FOR THEM TO DISCONTINUE. NOT ONLY  
6 DID YOU GIVE THEM A DEADLINE THAT THEY DIDN'T MEET -- I  
7 UNDERSTAND THINGS CAN HAPPEN. NOW WE'RE GOING TO GIVE  
8 YOU AN ADDITIONAL AMOUNT OF TIME IN WHICH TO GET THE  
9 PACKAGE AND GET THE NEGOTIATIONS. DOES THAT ANSWER  
10 YOUR QUESTION WITH REGARD TO THAT?  
11 I THINK THE OTHER PROBLEM THAT TROUBLES  
12 US IS THE FACT THAT, YOU KNOW, WE DON'T WANT -- THE  
13 LETTER INDICATES, AND YOU KNOW YOU CAN LOOK IT UP IN  
14 THE DICTIONARY TO SEE WHAT DISCONTINUE IS DEFINED AS,  
15 BUT I THINK BY ANY MEANS WE ARE NOT ANXIOUS TO PUT  
16 EITHER THE OPERATOR OR THE LEA IN A POSITION WHERE HE  
17 OR SHE HAS TO COMMIT A VIOLATION IN ORDER TO OBTAIN A  
18 RIGHT. AND THAT'S KIND OF WHERE THE LETTER GOES. BY  
19 SAYING DISCONTINUE, BECAUSE THEN THEY HAVE TO BASICALLY  
20 NOT FOLLOW WHAT YOU ARE ASKING THEM IN ORDER TO BE ABLE  
21 TO GET A HEARING APPEAL.  
22 THAT'S KIND OF JUST WHAT I WANTED TO  
23 RELATE, HAVE AN OPEN MIND, GO THROUGH THE CHRONOLOGY,  
24 AND ANSWER YOUR QUESTIONS ABOUT HOW WE'VE GOTTEN TO THE  
25 POINT WHERE YOU WANT TO GET CONTROL. NO ONE DOES TALK



1 ABOUT THE FACT THAT IT WAS SUBMITTED AND DEEMED  
2 INCOMPLETE. I MAKE NO VALUE JUDGMENT ON THAT, BUT AT  
3 THE TIME THAT THE DEADLINE OCCURRED NINE DAYS OUT,  
4 PLEASE DISCONTINUE OR, YOU KNOW, WHATEVER, I THINK WAS  
5 PROBABLY THE CRUX OF THE ISSUE, COULD HAVE TURNED IT;  
6 AND NEGOTIATIONS OR OTHERWISE, YOU KNEW AT THAT POINT  
7 YOU HAD TO GO THROUGH THE PROPER FORUM.

8           CHAIRMAN PENNINGTON: OKAY. I THINK UNLESS  
9 YOU WANT TO -- TO RESPOND TO THAT, MR. FRAZEE HAS SOME  
10 QUESTIONS.

11           MS. BIALOSKY: I WOULD BRIEFLY RESPOND TO  
12 THAT. WHAT I WAS TRYING TO RESTRICT MY COMMENTS TO  
13 TODAY WAS SORT OF THE PROCEDURAL POSTURE THAT WE'RE IN  
14 RIGHT NOW, AND PROCEDURALLY IS THERE A RIGHT TO AN  
15 APPEAL AT THIS POINT. AND, MR. EATON, YOU RAISED SOME  
16 REALLY GOOD QUESTIONS; AND TO FULLY RESPOND TO WHAT YOU  
17 SAY, I WOULD HAVE TO GET INTO A WHOLE FACTUAL SCENARIO,  
18 WHICH IS MORE APPEAL. IF THERE IS GOING TO BE A  
19 SUBSTANTIVE APPEAL, BELIEVE ME I WOULD LOVE TO GIVE A  
20 BIG LONG RESPONSE. I'M GOING TO REFRAIN FROM DOING  
21 THAT.  
22 SUFFICE IT TO SAY THERE HAVE BEEN  
23 NUMEROUS ORAL AND WRITTEN COMMUNICATIONS BETWEEN THE  
24 LEA AND THE OPERATOR SAYING WHERE IS THIS SO-CALLED  
25 PERMIT REVISION. OVER THE LAST YEAR AND A HALF -- JUST



1 ONE OTHER THING. THAT PERMIT WAS -- THAT WAS SUBMITTED  
2 IN JANUARY, IT WAS DEEMED INCOMPLETE BY THE LEA, BUT IT  
3 WAS SUBMITTED AS AN INCOMPLETE APPLICATION BY REDWOOD.  
4 I MEAN THEY ASKED -- I DON'T HAVE THE REGULATION IN MY  
5 BRAIN -- THEY ASKED THAT WE ACCEPT IT AS AN INCOMPLETE  
6 APPLICATION AND GO THAT ROUTE, AND THAT THEY WOULD GET  
7 THE REMAINING DOCUMENTS TO US BY MARCH 1ST. WE  
8 DECLINED TO DO THAT WITH THE EXPECTATION THAT THEY  
9 WOULD RESUBMIT THE COMPLETE APPLICATION ON MARCH 1ST.  
10 AS INDICATED, THAT WAS A REASONABLE  
11 DEADLINE FOR THEM, AND WE DIDN'T SEE THAT, BUT THIS IS  
12 JUST -- THAT'S JUST THE TAIL END OF MANY MONTHS WORTH  
13 OF COMMUNICATIONS ON THAT PARTICULAR SUBJECT.

14 CHAIRMAN PENNINGTON: MR. FRAZEE.

15 BOARD MEMBER FRAZEE: I'M GOING TO DEFER MY  
16 REMARKS. I THINK MR. EATON HIT ON A COUPLE OF THE  
17 POINTS I WANTED TO MAKE.

18 CHAIRMAN PENNINGTON: OKAY. FINE. IN THE  
19 EFFORT TO KIND OF MOVE THIS ALONG, I THINK WE HAVE  
20 QUESTIONED YOU SUFFICIENTLY, AND WE'LL GET ON WITH THE  
21 SPEAKERS. JIM MOOSE.

22 MS. BIALOSKY: ED STEWART.

23 CHAIRMAN PENNINGTON: YES, IF HE'D LIKE TO  
24 COME, YES.

25 MR. STEWART: THANK YOU. THANK YOU VERY MUCH



1 FOR ALLOWING ME TO FOLLOW THAT UP, BUT I DO WANT TO BE  
2 AVAILABLE FOR QUESTIONS. AND I HEARD SOME THINGS THAT  
3 PERHAPS WEREN'T CLEAR IN YOUR OWN MIND ABOUT WHAT'S  
4 HAPPENING AT REDWOOD. I THINK THE PRIMARY CONCERN I  
5 HAVE IS MORE THE PROCESS THAT WE'VE BEEN THROUGH WITH  
6 THE STATE AND HOW THIS HAS WORKED AND NOT WORKED. AND  
7 IN MY OWN MIND HASN'T WORKED -- HASN'T WORKED VERY WELL  
8 AT ALL.  
9 I THINK WHAT WE'RE TRYING TO DO IS  
10 DEVELOP THIS RELATIONSHIP, MAKE SURE THE RELATIONSHIP  
11 WORKS. AND I'VE SEEN IN THE LAST, YOU KNOW, MONTH OR  
12 SO THAT IT'S GONE A LONG WAY TO TEAR IT APART. AND  
13 THAT BOTHERS ME.  
14 I DON'T KNOW. I DON'T DO THIS. I DON'T  
15 KNOW HOW THIS PROCESS WORKS, BUT KIND OF LAST MINUTE  
16 COMMUNICATION FROM LEGAL STAFF, GEE, WE KNOW WE HAD OUR  
17 ORIGINAL RECOMMENDATION FOR YA'LL, BUT HERE'S THE WAY  
18 WE'RE GOING TO CHANGE IT YESTERDAY. AND THAT, YOU  
19 KNOW, THAT'S BOTHERSOME AND THE FACT THAT NONE OF THE  
20 OTHER STAFF OF THE STATE KNEW ANYTHING ABOUT IT. WE'RE  
21 NOT ASKING ABOUT HOW PERTINENT THAT IS. I DON'T KNOW.  
22 AGAIN, I DON'T GO THROUGH THIS PROCESS, BUT I THINK  
23 THAT I HAVE A REAL PROBLEM WITH THAT. SO TO THE DEGREE  
24 THAT THIS IS AN ANOMALY AND DOESN'T HAPPEN VERY OFTEN,  
25 FINE. BUT I DON'T THINK IT'S AN ACCEPTABLE LONG-TERM,



1 You KNOW, KIND OF A RELATIONSHIP ISSUE. IT'S NOT GOING  
2 TO WORK.  
3 OTHER THAN THAT, I CAN ANSWER QUESTIONS  
4 IF YOU LIKE. I JUST WANT TO EXPLAIN ONE FURTHER  
5 POINT. DEBORAH SAID IT VERY WELL, BETTER THAN I COULD  
6 SAY IT. TO MAKE A DECISION ABOUT THIS ISSUE WITH  
7 REDWOOD AND WHAT WE'VE BEEN THROUGH AND HOW WE'RE GOING  
8 RELATIVE TO THE WHAT APPEARS A LARGER DILEMMA YOU'RE  
9 FACED WITH, IT IS PROBABLY, IN MY OPINION, A MISTAKE TO  
10 LOOK AT THIS PARTICULAR ISSUE AND THE FACTS SURROUNDING  
11 THIS ISSUE. HOW THIS WORKED AND DIDN'T WORK IS  
12 PROBABLY A BETTER WAY TO DEAL WITH THAT PROCEDURE.  
13 WE HAVE TRIED OUR BEST TO HELP REDWOOD DO  
14 WHAT WE THINK IS A VERY WELL-RUN OPERATION ON THE WHOLE  
15 TO ALLOW THEM TO DO CERTAIN THINGS THAT WE KNEW WERE  
16 NOT PERMISSIBLE. AND SO WE REACHED OUT BECAUSE THEY  
17 ASKED US TO AND BECAUSE IT SERVES THE COMMUNITY AND  
18 BECAUSE WE GET TO MAKE SOME REASONABLE JUDGMENT ABOUT  
19 IS IT GOING TO ADVERSELY AFFECT THE ENVIRONMENT AND  
20 HEALTH AND SAFETY. AND I THINK THAT WAS THE RIGHT  
21 THING.  
22 WE'RE STABBED IN THE BACK RIGHT NOW.  
23 IT'S THE -- YOU KNOW, THEY DIDN'T GET THE APPLICATION  
24 IN FOR A YEAR AND A HALF. WE ALLOWED THEM TO CONTINUE  
25 TO DO IT ON GOOD FAITH, AND THEN TURN AROUND AND, FOR



1 ALL INTENTS AND PURPOSES, I GUESS, IMPLY THAT, YOU  
2 KNOW, THAT WE'RE OPERATING OUTSIDE OF THE TERMS AND  
3 CONDITIONS OF THE PROCESS. AND ALL WE WERE TRYING TO  
4 DO IS HELP THEM.

5 50 THIS IS A LEGAL THING. YOU ARE GOING  
6 TO HEAR A LOT OF LEGAL STUFF. I WANTED TO GIVE YOU A  
7 BETTER SENSE OF MAYBE THE RELATIONSHIP STUFF AND SO  
8 THAT YOU GET A BETTER PICTURE.

9 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.  
10 ANY QUESTIONS OF MR. STEWART? IF NOT, WE'LL HEAR FROM  
11 JIM MOOSE.

12 MR. MOOSE: GOOD AFTERNOON, MR. CHAIRMAN,  
13 BOARD MEMBERS. I'M AWARE THAT IT'S 5:12 AND MS.  
14 BIALOSKY TOOK 40 MINUTES BY MY CALCULATIONS, AND I'LL  
15 TRY TO BE HERE FOR A FAR SHORTER AMOUNT OF TIME BY  
16 INTRODUCING DOUG DIEMER, FACILITY MANAGER, TO GIVE YOU  
17 A FACTUAL BACKGROUND. I'M A LITTLE FRUSTRATED SITTING  
18 HERE BECAUSE IT SOUNDS LIKE REDWOOD HAS MADE  
19 INCOMPLETE. APPLICATION THAT'S NOT TRUE. I WILL  
20 INVITE MR. DIEMER UP HERE IN A MINUTE TO TALK TO YOU  
21 BRIEFLY ABOUT HIS EFFORTS TO GET AN APPLICATION IN THE  
22 FORM THAT THE COUNTY WOULD ACCEPT AS COMPLETE.  
23 I ALSO WANT TO RESPOND TO MR. STEWART'S  
24 STATEMENTS ABOUT THE RELATIONSHIP. WE ARE TRYING HARD  
25 TO HEAL THE BREACHES IN THE RELATIONSHIP. WE REALIZE



1 FROM SELF-INTEREST, IF NOTHING ELSE, THAT THEY REGULATE  
2 US, AND WE NEED TO GET ALONG WITH THEM. WE'RE TRYING  
3 TO DO THAT, AND ACTUALLY HAVE MADE RECENT PROGRESS ON  
4 THAT SCORE. SOME MEETINGS HAVE OCCURRED, AND WE DIDN'T  
5 FILE THIS APPEAL FOR A HEARING PANEL. WE WERE FORCED  
6 INTO IT.  
7 BEFORE I DO INTRODUCE MR. DIEMER, THOUGH,  
8 I JUST WANT TO SAY FOR THE RECORD THAT I HAVE NEVER  
9 ADVISED A CLIENT, AND I HOPE I NEVER DO, TO THUMB ITS  
10 NOSE AT A REGULATORY AGENCY'S DIRECT COMMAND. I DON'T  
11 CONSIDER THAT TO HAVE BEEN AN OPTION, AND I DO BELIEVE  
12 THE MARCH 10TH LETTER WAS A DIRECTIVE THAT LEFT US NO  
13 CHOICE BUT TO TAKE ADVANTAGE OF WHAT I BELIEVE IS A  
14 RIGHT THE LEGISLATURE GAVE US TO GET A STAY BY  
15 INITIATING THE HEARING PANEL PROCESS.  
16 THE OTHER OPTION WOULD HAVE BEEN,  
17 ACCORDING TO MS. BIALOSKY, VIABLE OPTION TO BREAK THE  
18 LAW AS THEY DEFINE IT. TO US, THAT'S THE FUNDAMENTAL  
19 FLAW IN THEIR LEGAL POSITION. THE OPTIONS, ONE OF  
20 WHICH WAS IGNORE THE PLAIN WORDS IN THE ENGLISH  
21 LANGUAGE, STOP WHAT YOU ARE DOING AND THREATENING TO  
22 COME AFTER US WITH AN ENFORCEMENT ACTION IF WE DIDN'T  
23 DO AS THEY SAID. THEY DID NOT SAY TO US, COME TALK TO  
24 US BECAUSE WE ARE THINKING ABOUT SHUTTING YOU DOWN IF  
25 YOU DON'T GET THE PERMIT REVISION IN. WE'RE GOING ON



1 LETTERS INTERPRETED AS SAYING THOSE THINGS THAT, IN  
2 FACT, DID NOT SAY THAT.  
3 I AM PREPARED TO ACCEPT THE SECOND STAFF  
4 RECOMMENDATION BECAUSE I THINK IT GETS US WHERE WE NEED  
5 TO GO WITH THE UNDERSTANDING THAT THE EFFECT OF THAT IS  
6 TO CONCLUDE THAT THE MARCH 10TH AND MARCH 27TH LETTERS  
7 HAVE NO LEGAL EFFECT. THEREFORE, I CAN ADVISE MY  
8 CLIENT THAT THEY WOULD NOT BE BREAKING THE LAW BY  
9 IGNORING THEM.  
10 I HEARD MS. TOBIAS, HER VIEW, BOARD'S  
11 VIEW THAT THEY FEEL COMFORTABLE, WITH DISAGREEMENTS,  
12 WITH THEIR READING OF THE STATUTE. I DON'T THINK BY  
13 ANYONE'S INTERPRETATION OF THAT STATUTE THIS IS  
14 SETTLED. I BELIEVE THAT WE HAVE AN ENFORCEMENT ACTION  
15 HERE EVEN THOUGH WE DON'T HAVE A FORMAL CEASE AND  
16 DESIST ORDER. I BELIEVE THAT THE DEFINITION IS BROAD  
17 ENOUGH TO ENCOMPASS THIS LETTER. THAT VIEW SPEAKS TO  
18 MS. BIALOSKY'S CONCERN THAT SHE DOESN'T WANT TO BE  
19 PUSHED INTO A CEASE AND DESIST ORDER. I WOULD ARGUE  
20 THAT HER LETTER, WHETHER IT WAS OR NOT A CEASE AND  
21 DESIST ORDER, IS SUFFICIENT FOR US TO GET THE HEARING  
22 PANEL REVIEW BECAUSE IT WAS AN UNAMBIGUOUS COMMAND TO  
23 STOP DOING SOMETHING. IT WAS NOT A STATEMENT THAT HAD  
24 CONCERNS. IT WAS A COMMAND.  
25 I ALSO BELIEVE THAT THE SECOND SENTENCE



1 OF 44307, FAILURE TO ACT AS REQUIRED BY LAWS OR  
2 REGULATIONS, IS BROAD ENOUGH TO ENCOMPASS THIS. I  
3 INTERPRET THAT LANGUAGE TO MEAN NOT ONLY INACTION, BUT  
4 ALSO ACTION INCONSISTENT WITH LAW. I THINK THAT WHEN  
5 WE GO THROUGH THE AB 59 REGULATION PROCESS AND HAVE  
6 THOSE VIEWS JUST ARTICULATED BROUGHT BACK TO YOU BY  
7 INDUSTRIES BECAUSE WE WERE FORCED EITHER INTO A FORMAL  
8 ENFORCEMENT ACTION OR LEFT WITH NO REMEDY EXCEPT FOR  
9 MATTERS OF INACTION. NEVERTHELESS, THAT'S FOR ANOTHER  
10 DAY.  
11 WE WILL BE HAPPY TO ACCEPT THE RESOLUTION  
12 THAT WAS PASSED OUT TODAY IF THAT'S YOUR ORDER.  
13 HOWEVER, I JUST WANTED TO SAY FOR THE RECORD THAT WE  
14 BELIEVE THE STATUTE COULD BE INTERPRETED MORE BROADLY.  
15 I DO THINK IT'S IMPORTANT TO HAVE MR. DIEMER COME UP  
16 HERE AND TELL YOU WHAT I CONSIDER HERE REGARDING THEIR  
17 EFFORTS GOING BACK TO DECEMBER OF 1996 TO GET BEFORE  
18 THE COUNTY AN APPLICATION THAT IT WOULD FIND  
19 ACCEPTABLE. THE CHARACTERIZATION OF US HAVING WAITED A  
20 YEAR AND A HALF TO GET AN APPLICATION IN IS JUST  
21 INACCURATE. THERE WOULD HAVE BEEN NO INCENTIVE FOR  
22 REDWOOD TO SIT ON ITS HANDS FOR THAT WHOLE PERIOD OF  
23 TIME. I MEAN WHY SIT AROUND AND NOT DO ANYTHING? IN  
24 FACT, WE'VE DONE STUDIES AND DEMONSTRATION PROJECTS AND  
25 GATHERED MORE AND MORE ENGINEERING INFORMATION. WE NOW



1 HAVE AN APPLICATION IN, BUT THAT WAS PUT IN IN DECEMBER  
2 1996. THEN ANOTHER VERSION WAS PUT IN IN MID-1997 AND  
3 WAS REJECTED AGAIN. WE'VE WITHDRAWN SOME OF THE  
4 APPLICATIONS TO MODIFY THE PROJECT, TO DOWNSCALE THE  
5 SLUDGE TONNAGE AS A WAY TO TRY TO ADDRESS SOME OF THE  
6 CONCERNS THAT HAVE BEEN RAISED IN THE PAST, ALSO TO  
7 PHASE OUT AIR DRYING, SO A COMBINATION OF EFFORTS TO  
8 GET THE APPLICATION COMPLETE AND TO MODIFY THE PROJECT  
9 TO MAKE IT MORE ACCEPTABLE TO THE SURROUNDING AREA.  
10 I THINK THAT VERY BRIEFLY MR. DIEMER CAN  
11 SET THE RECORD STRAIGHT ON THAT. I THINK AN IMPORTANT  
12 MATTER, AND I DID DETECT SOME CONCERN ON THE PART OF  
13 BOARD MEMBERS, IS THAT MAYBE WE WEREN'T AS DILIGENT AS  
14 WE SHOULD HAVE BEEN. WITH THAT, I HAVE MR. DIEMER,  
15 FACILITY MANAGER FOR REDWOOD, AND HE WILL TRY TO BE  
16 BRIEF.

17 CHAIRMAN PENNINGTON: ASK BOARD MEMBERS IF  
18 THEY HAVE ANY QUESTIONS OF MR. MOOSE.

19 BOARD MEMBER EATON: I HAVE. WITH REGARD  
20 TO -- I ASKED YOU THE OTHER DAY WHEN WE MET IF YOU  
21 COULD PROVIDE ME WITH -- WHAT SECOND SENTENCE, I DO  
22 AGREE WITH THE SECOND HALF OF THE STATUTE WHICH TALKS  
23 ABOUT -- I AGREE INACTION CAN BE ACTION OR INACTION,  
24 BUT WHAT REGULATION OF LAW DID THE LEA FAIL TO ENFORCE?  
25 AND YOU SAID IT WAS BASED UPON THE THEORY OF ESTOPPEL.



1 IS THAT STILL YOUR POSITION TODAY, OR HAVE YOU FOUND ME  
2 ONE THAT I ASKED YOU TO BRING TODAY?  
3 MR. MOOSE: THAT ESSENTIALLY IS A THEORY.  
4 THERE WAS -- I'LL ELUCIDATE VERY QUICKLY A BETTER  
5 THEORY THAN PERHAPS YOUR QUESTION SUGGESTS. THE  
6 PERMISSION THAT WAS GRANTED TO REDWOOD IN THE FALL OF  
7 1996 LAID OUT SEVERAL CONDITIONS THAT REDWOOD HAD TO  
8 FOLLOW, ONE OF WHICH WAS NOT THAT THE FILING OF THE  
9 PERMIT REVISION APPLICATION WAS IMMINENT. THAT MAY  
10 HAVE BEEN AN ASSUMPTION. I DON'T QUARREL WITH THE  
11 SPECIFIC CONDITION.  
12 REDWOOD RELIED ON THAT APPROVAL AND HAS  
13 FAITHFULLY FOLLOWED ALL THOSE CONDITIONS AND HAS RELIED  
14 ON THAT IT HAS REASONABLE INVESTMENT EXPECTATIONS,  
15 WHICH IS A PARTICULAR CASE LAW FROM THE SUPREME COURT,  
16 GOVERNMENT, IN MY JUDGMENT, AND CASE LAW TO SUPPORT  
17 THIS, AND I PUT A FOOTNOTE IN MY LAST LETTER FOR THE  
18 BENEFIT OF MR. EATON TO PROVIDE THE AUTHORITY THAT THE  
19 GOVERNMENT UNDER THE STATE OF CALIFORNIA CASE LAW  
20 CANNOT LEAD A REGULATED ENTITY DOWN THE PRIMROSE PATH  
21 BY SAYING IF YOU DO XYZ, YOU WILL GET SOME SORT OF  
22 ENTITLEMENT, AND THEN ARGUE THAT THEY WILL TEMPORARILY  
23 PULL THE RUG OUT FROM UNDER THEM. THAT, I GUESS, IS  
24 ESTOPPEL, BUT IT'S CERTAINLY A CONCEPT TRIED IN  
25 ANGLO --



1 BOARD MEMBER EATON: DON'T TALK ABOUT THE THEORY OF 2  
ESTOPPEL. I'M TRYING TO LOOK FOR THE LAW OR  
3 REGULATION.

4 MR. MOOSE: IT IS LAW.

5 BOARD MEMBER EATON: IT IS LAW. I DON'T KNOW  
6 IF THE LEA WOULD VIOLATE THAT.

7 MR. MOOSE: WELL, THEIR POSITION --

8 BOARD MEMBER EATON: I'M JUST TRYING TO SEE IF  
9 WE HAD THAT BECAUSE I THINK IT'S AN IMPORTANT  
10 DISCUSSION SEPARATE AND APART FOR US AT THE BOARD AS WE  
11 GO THROUGH, WHICH I THINK ALL THE BOARD MEMBERS WOULD  
12 ADHERE TO DO, HAVE TO DO SOME KIND OF EITHER WORKSHOP  
13 OR SOME KIND OF STRAIGHTENING OUT OF THESE ISSUES  
14 LOOKING AT CONSTITUTIONAL ISSUES. WHO CAN AVAIL  
15 THEMSELVES OF WHAT PART OF AB 59? THAT'S WHY I ASKED  
16 FOR IT, NOT FOR PURPOSES OF CITING THIS ISSUE, BUT FOR  
17 THE FUTURE BECAUSE I'M NOT SO SURE, BASED ON MY  
18 CONVERSATION WITH THOSE WHO DRAFTED THIS, THAT FIRST  
19 PART WAS INTENDED FOR THE RELATIONSHIP BETWEEN THE  
20 OPERATOR AND THE LEA, AND THE SECOND PART WAS BETWEEN  
21 THOSE WHO MIGHT BE AFFECTED THAT ARE NOT OPERATORS,  
22 PUBLIC. AT LAST THE LEA FAILED TO ACT ON BEHALF OF THE  
23 PUBLIC AT LARGE AGAINST THE OPERATOR.

24 MR. MOOSE: I AGREE WITH YOUR BROAD READING OF  
25 THE SECOND SENTENCE, AND I THINK IT DEALS WITH WHAT I



1 REGARD AS AN ANOMALY IN STAFF'S INTERPRETATION OF A  
2 VERY FORMAL ENFORCEMENT ACTION, WHICH THE LEA SAYS IT  
3 IS RELUCTANT TO ISSUE, AND ALSO DEALS WITH THE ANOMALY  
4 OF MS. BIALOSKY'S POSITION, WHICH IS THAT WE HAVE TO  
5 THUMB OUR NOSE AND BREAK THE LAW IN ORDER TO GET AN  
6 ADMINISTRATIVE REMEDY THAT IS SUPPOSED TO AVOID US  
7 GOING TO COURT. COURT IS A MORE ATTRACTIVE OPTION IN  
8 THAT SCENARIO TO AVOID VIOLATIONS ON THE RECORD. OF  
9 COURSE, THAT IS A GOAL. VIOLATION IS A VERY REAL  
10 CONSEQUENCE. WITH THAT, MR. DIEMER.

11 BOARD MEMBER EATON: TWENTY-SIX MINUTES WITH  
12 MY --

13 MR. DIEMER: MR. CHAIRMAN, BOARD MEMBERS, MY  
14 NAME IS DOUG DIEMER, FACILITY MANAGER FOR REDWOOD  
15 LANDFILL. THANKS FOR TAKING THE TIME TO HEAR THIS  
16 IMPORTANT ISSUE. I THINK THE DISCUSSION SO FAR HAS  
17 DETERMINED THAT IT IS AN IMPORTANT ISSUE AND ONE THAT  
18 COMMANDS ATTENTION. I'D ALSO LIKE TO THANK MR. FRAZEE  
19 FOR TAKING THE TIME LAST WEEK TO VISIT REDWOOD LANDFILL  
20 FOR A HANDS-ON FEEL FOR WHAT WE DO OUT THERE.  
21 APPRECIATE THAT.

22 BUT IF I MAY, I'D JUST LIKE TO BRIEFLY,  
23 AS QUICK AS POSSIBLE, I KNOW THE CLOCK IS RUNNING, BUT  
24 JUMP INTO THE HISTORY OF HOW WE GOT TO THE ISSUE. I'LL  
25 TAKE TWO MINUTES TO EXPLAIN THE HISTORY OF OUR PERMIT



1 AND THEN ADDRESS BULLET BY BULLET SORT OF THE TIME  
2 FRAME FOR MORE OR LESS THE LAST COUPLE YEARS RELATIVE  
3 TO THE DEMONSTRATION PROGRAMS SO FAR.  
4 THE REDWOOD PERMIT THAT WAS OBTAINED IN  
5 1995 ALLOWED FOR US TAKE IN MUNICIPAL SEWAGE SLUDGE,  
6 AND THE PROCESS THAT WAS STUDIED IN OUR ENVIRONMENTAL  
7 DOCUMENTS AND PERMIT DOCUMENTS, WHICH WAS THE ONLY  
8 APPROVED PROCESS AT THAT TIME, WAS TO TURN SLUDGE INTO  
9 AN ALTERNATIVE DAILY COVER. DURING THE TIME THAT WE  
10 WERE PREPARING ENVIRONMENTAL DOCUMENTS AND OUR PROJECT  
11 DOCUMENTS, AND VIRTUALLY AT THE SAME TIME THAT WE GOT  
12 OUR PERMIT, THERE WERE REGULATIONS CHANGES WHICH  
13 CHANGED THE ENTIRE SLUDGE MARKET. WHEN WE PUT THE  
14 PROGRAM IN PLACE AT REDWOOD, ALTERNATIVE DAILY COVER  
15 COMMANDED A TIP FEE OF \$40 A TON. THE MARKET WAS  
16 BURYING AT THAT TIME. BUT WITH EPA'S ULTIMATE  
17 PROMULGATION OF THE EPA PART 504 REGULATIONS, SLUDGE  
18 HAD TO GO TO LAND APPLICATION. THAT'S WHERE IT ALL  
19 WENT, AND TIP FEES AT REDWOOD LANDFILL WENT FROM 35,  
20 \$40 DOWN TO 15, 20. IT BECAME IMMEDIATELY APPARENT TO  
21 US THAT IF WE WANTED TO USE SLUDGE FOR DAILY COVER, WE  
22 HAD TO DO SOMETHING ELSE. IT JUST WASN'T FINANCIALLY,  
23 ECONOMICALLY FEASIBLE.  
24 YOU SAID YOU TOOK VARIOUS DEMONSTRATION  
25 PROGRAMS, AND BY THE WAY, THESE DEMONSTRATION PROGRAMS

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1 WERE ALSO IN RESPONSE TO MARIN COUNTY'S NEEDS TO  
2 INCREASE RECYCLING. THEY DIDN'T HAVE GREEN WASTE  
3 RECYCLING PROGRAMS IN PLACE. IN FACT, OUR PERMIT  
4 DIDN'T ADDRESS ANY OF THOSE PARTICULAR PROGRAMS  
5 EITHER. SO WE HAD MARKETED ON DEMONSTRATION PROGRAMS  
6 TO TAKE CARE OF THE THINGS, ONE TO START OUR  
7 ALTERNATIVE DAILY COVER PROGRAM FROM THE PRODUCT  
8 STABILIZATION OF SLUDGE TO DIFFERENT FORM OF SLUDGE,  
9 BUT ALSO I THINK PROGRAMS WHICH ALLOWED US TO PROVIDE  
10 RECYCLING BENEFITS, AB 939 BENEFITS, TO MARIN COUNTY.  
11 IN SEPTEMBER OF 1995, COUPLE MONTHS AFTER  
12 WE GOT OUR SOLID WASTE FACILITIES PERMITS, WE APPLIED  
13 TO THE COUNTY AND GOT THE APPROVED DEMONSTRATION  
14 PROGRAM USING VARIOUS FORMS OF SLUDGE FOR DAILY COVER.  
15 ONE WAS WET SLUDGE MIXED WITH SHREDDED GREEN WASTE,  
16 ONE WAS DIRT, ONE WAS DRIED SLUDGE. ALL THOSE WERE  
17 TESTED OVER THE COURSE OF A YEAR.  
18 IN SEPTEMBER OF 1996, THE LEA AGREED THAT  
19 THE SLUDGE THAT WAS USED IN OUR DEMONSTRATION MET THE  
20 PERFORMANCE STANDARDS FOR ALTERNATIVE DAILY COVER AND  
21 ALLOWED CONTINUING USE PENDING THE SOLID WASTE FACILITY  
22 PERMIT UPDATE THAT WAS IN SEPTEMBER OF 1996.  
23 IN DECEMBER OF 1996, THREE MONTHS LATER,  
24 WE SUBMITTED AN APPLICATION. IT WAS A REVISED REPORT  
25 OF DISPOSAL SITE INFORMATION, AND CAREFUL ANALYSIS BY



1 OUR ATTORNEYS, WHICH DEMONSTRATED THAT WHAT WE WERE  
2 PROPOSING TO DO UNDER OUR NEW PROGRAM WAS CONSISTENT  
3 WITH THE EXISTING ENVIRONMENTAL DOCUMENTATION AND, FOR  
4 THE MOST PART, CONSISTENT WITH THE EXISTING PERMIT, IT  
5 WAS AN APPLICATION FOR A MODIFICATIONS. JIM MOOSE  
6 MENTIONED EARLIER THAT APPLICATION WAS REJECTED. SOME  
7 OF THE BASIS FOR THE REJECTION WAS THE FACT THE LEA  
8 STILL CONSIDERED ODOR PROBLEMS AT THE LANDFILL. THE  
9 ODOR ISSUES HAVE BEEN A PROBLEM AT THE LANDFILL;  
10 HOWEVER, WITH OUR EXTENSIVE ODOR CONTROL PROGRAMS PUT  
11 IN PLACE BETWEEN 1994 AND 1996, WHEN THESE  
12 DEMONSTRATION PROGRAMS WERE TAKING PLACE, REDUCED ODOR  
13 COMPLAINTS BY OVER 75 PERCENT. THERE WAS A DRAMATIC  
14 IMPACT ON THE LEVEL OF ODORS EXPERIENCED IN THE  
15 COMMUNITIES DOWNWIND FROM US.  
16 AFTER THE REJECTION OF THE APPLICATION IN  
17 19 -- DECEMBER 1996, WE WENT ON TO TRY AND INVESTIGATE  
18 OTHER PROGRAMS. WE DID ANOTHER SLUDGE AIR DRYING  
19 DEMONSTRATION THAT ALSO CONTRIBUTED TO SOME ODORS.  
20 HOWEVER, WE RESUBMITTED A NEW PROGRAM, A NEW PROJECT,  
21 IN NOVEMBER OF 1997 FOLLOWING THE DEMONSTRATION PROGRAM  
22 THAT TOOK PLACE IN THE SUMMER OF 1997. WE SUBMITTED  
23 THAT PROJECT, AS I SAID, IN NOVEMBER OF '97, AND THE  
24 LEA ACTUALLY GAVE US COMMENTS ON THAT DRAFT OR ON THAT  
25 PROJECT DESCRIPTION THAT WE SUBMITTED TO THEM ON



1 DECEMBER 5TH, 1997. SO WE'RE MOVING AHEAD WITH THE  
2 PROGRAM ALL ALONG HERE.  
3 AND AS MR. EATON MENTIONED EARLIER, THERE  
4 WAS A LETTER -- EXCUSE ME -- AN APPLICATION THAT WE  
5 SUBMITTED TO THE LEA ON JANUARY 9, 1998, WHICH BROUGHT  
6 TOGETHER THE COMMENTS THAT THE LEA HAD, OUR SUBMITTAL  
7 FROM THE PREVIOUS MONTHS, BROUGHT TOGETHER SOME OF THE  
8 OTHER SCIENCE AND DATA THAT WE HAD PUT TOGETHER  
9 RELATIVE TO ALL THOSE PROGRAMS, AND WE SUBMITTED THAT  
10 ON JANUARY 9TH AS A PROJECT DESCRIPTION, AND INCLUDED  
11 VARIOUS OTHER DOCUMENTS. ONLY THING IT DIDN'T INCLUDE,  
12 PRIMARY THING, WAS A JOINT TECHNICAL DOCUMENT, AND THAT  
13 WAS BEING PUT TOGETHER, WORKED ON AT THE SAME TIME THAT  
14 THIS PROJECT DESCRIPTION WAS SUBMITTED. THE PROJECT  
15 DESCRIPTION CONTAINED THE SAME INFORMATION THAT THE  
16 JOINT TECHNICAL DOCUMENT ULTIMATELY CONTAINED. AND THE  
17 LEA REJECTED THE INCOMPLETE APPLICATION IN FEBRUARY,  
18 AND WE RESUBMITTED OUR TOTAL APPLICATION TECHNICAL  
19 DOCUMENT ON MARCH 31ST.  
20 ANYWAY, THAT'S SORT OF A BRIEF HISTORY.  
21 I HOPE IT HELPS. I HOPE IT PROVIDES FOR YOU EVIDENCE  
22 THAT WE HAVE BEEN DILIGENTLY WORKING IN TRYING TO GET  
23 OUR SOLID WASTE FACILITY PERMIT UPDATED. WE'RE ALSO  
24 VERY INTERESTED IN HAVING PROGRESS IN HELPING MARIN  
25 COUNTY WITH RECYCLING. THESE PROGRAMS ARE WORKING

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1 TOGETHER IN PROVIDING BENEFITS IN BOTH REGARDS. WE  
2 HOPE THAT YOU CAN SUPPORT THE SECOND STAFF  
3 RECOMMENDATION OF OUR PROPOSAL THAT WAS PREPARED AND  
4 SUBMITTED TO YOU, I THINK, YESTERDAY. I'M AVAILABLE  
5 FOR QUESTIONS. THANK YOU FOR LISTENING.

6 CHAIRMAN PENNINGTON: THANK YOU, MR. DIEMER.  
7 ANY QUESTIONS OF MR. DIEMER? OKAY. I GUESS WE'RE  
8 READY. DID YOU WISH TO COUNTER ANYTHING, MS. BIALOSKY?

9 MR. STEWART: I COULD PROBABLY SPEND A LOT OF  
10 TIME TALKING ABOUT SOME OF THE ISSUES MR. DIEMER TALKED  
11 ABOUT AND OUR PERSPECTIVE ON WHETHER OR NOT THERE WAS A  
12 TIMELY ATTEMPT TO GET THE PERMIT APPLICATION IN. I  
13 DON'T THINK THAT'S FOR OUR PURPOSES ANYWAY. IT'S MORE  
14 SUBSTANTIVE, AND WE'RE LOOKING -- I'M -- I THINK YOU  
15 ARE TALKING ABOUT PROCEDURAL ISSUES, SO I COULD MAKE A  
16 LOT OF, YOU KNOW, COUNTER ARGUMENTS. YOU KNOW, IT'S  
17 GETTING LATE. I DON'T THINK YOU REALLY ARE IN THAT  
18 SPOT RIGHT NOW, WITH ALL DUE RESPECT. UNLESS YOU HAVE  
19 ANY OTHER QUESTIONS, I HAVE NOTHING TO SAY.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.  
21 STEWART? THANK YOU.

22 BOARD MEMBER EATON: MR. CHAIRMAN, COUPLE OF  
23 QUESTIONS OF STAFF. WITH REGARD TO THE SECOND  
24 RESOLUTION THAT WAS DATED APRIL 29TH, JUST FOR  
25 CLARIFICATION, ON THE BACK PAGE WAS THE BOARD ACTION.



1 PARAGRAPH 2 STARTS OUT THE BOARD DECIDES TO OVERTURN  
2 THE LEA'S DECISION NOT TO CONVENE A HEARING PANEL AND  
3 DIRECT THE LEA TO TAKE THE ACTION, IS THAT IN THE BACK?  
4 IS THAT WHAT WE WOULD BE DOING HERE IS OVERTURNING HIS  
5 DECISION OR JUST SIMPLY SAYING THAT WE'RE REMANDING IT  
6 BACK BECAUSE THE ISSUE JUST NEEDS CLARIFICATION, JUST  
7 THE WORDING OF IT, THAT FOR PURPOSES OF LONG-TERM  
8 EFFECT?  
9 MS. CLAYTON: THE PROPER PHRASE IS THAT YOU  
10 WOULD BE REMANDING IT, BUT YOU HAVE HEARD THE APPEAL ON  
11 THE RECORD. YOU'VE OVERTURNED THEIR DECISION NOT TO  
12 CONVENE A HEARING PANEL, AND YOU'RE DIRECTING THEM TO,  
13 IF THEY WISH, ISSUE A NOTICE AND ORDER IF THAT'S  
14 APPROPRIATE.  
15 BOARD MEMBER EATON: DOING THAT UNDER AB 59.  
16 MS. CLAYTON: 45032(C)(1).  
17 BOARD MEMBER EATON: AND THEN WITH REGARD  
18 TO -- ON THAT SAME PAGE UNDER NO. 2, CEASE AND DESIST  
19 ORDER/ENFORCEMENT ACTION. PARAGRAPH 3, THE BOARD FINDS  
20 A SUBSTANTIAL ISSUE HAS BEEN RAISED ABOUT REDWOOD'S USE  
21 OF SLUDGE-DERIVED ADC, AND LEA'S HAVE THE AUTHORITY TO  
22 REGULATE SUCH USE UNDER REDWOOD'S PERMIT. MY  
23 UNDERSTANDING WAS -- IS THAT THERE WAS NO DISAGREEMENT  
24 AS TO WHETHER OR NOT THE PERMIT ALLOWED THIS, THAT  
25 THERE WAS NO PERMIT THAT WOULD ALLOW THIS; IS THAT

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1 CORRECT? THAT THE PERMIT NEVER WAS ISSUED THAT ALLOWED  
2 THEM TO USE THE SLUDGE AS ADC. SO I JUST WANT TO BE  
3 CLEAR THAT MAYBE THE LEA'S -- IT'S NOT THE LEA'S  
4 AUTHORITY, BUT, YOU KNOW, THE LEA'S -- YOU KNOW, DO YOU  
5 KNOW WHAT I'M TRYING TO SAY? IT'S NOT VERY CLEAR.  
6 THERE WAS NO PERMIT ISSUED FOR THE DEMONSTRATION  
7 PROJECT SO --

8 MS. TOBIAS: WE KNOW LEA'S HAVE AUTHORITY TO  
9 REGULATE SUCH USE UNDER REDWOOD'S PERMIT. WHAT -- WE  
10 WERE EXPECTING THAT THE QUESTION WOULD COME UP AS TO  
11 WHETHER THE LEA CAN CARRY OUT SOME KIND OF ACTION TO  
12 PRECLUDE THEM FROM USING ADC AT THAT TIME.

13 BOARD MEMBER EATON: OKAY. THAT'S ALL.

14 BOARD MEMBER JONES: MR. CHAIRMAN, COUPLE OF  
15 ISSUES THAT HAVE COME UP TODAY. I THINK THIS SECOND  
16 RESOLUTION, WHILE IT BOTHERED ME SOME THAT IT WASN'T IN  
17 THE ORIGINAL BOARD PACKAGE, I THINK THAT THAT IS A  
18 RESULT OF AN AWFUL LOT OF DISCUSSIONS ON A POLICY  
19 ISSUE. AND, YOU KNOW, YOU CAN DO IT ON TIME AND DO IT  
20 WRONG, OR YOU CAN DO IT WITH SHORT NOTICE AND TRY TO  
21 GET IT, YOU KNOW, RIGHT. BUT I THINK THAT IT'S VERY,  
22 VERY IMPORTANT HERE THAT THE LEA'S ARE DOING THEIR  
23 JOB. I MEAN THIS IS NOT AN ISSUE OF MR. STEWART NOT  
24 DOING HIS JOB BECAUSE I THINK CLEARLY MR. STEWART IS  
25 DOING HIS JOB. EVERYTHING I'VE HEARD ABOUT THE LEA IN



1 MARIN COUNTY, MR. STEWART DOES A GOOD JOB.  
2 I THINK WHAT THIS IS AN ISSUE -- I THINK  
3 WHAT THIS IS AN ISSUE OF, THOUGH, IS THAT OUR  
4 REGULATIONS CAN BE USED AGAINST US AT TIMES OR AGAINST  
5 ANYBODY IF THEY'RE NOT USED THE WAY THEY WERE INTENDED  
6 WHEN THEY WERE WRITTEN.  
7 AND I THINK AS PART OF OUR JOB TO DEAL  
8 WITH THOSE POLICY ISSUES, PEOPLE GET CAUGHT IN THE  
9 CROSSFIRE. THEIR ISSUES ARE THE ONES THAT BRING  
10 IT TO THE FOREFRONT. THERE WAS A SIMILAR ISSUE, NOT  
11 THAT IT WILL MAKE YOU FEEL MUCH BETTER, THERE WAS AN  
12 ISSUE IN ANOTHER -- IN A SOUTHERN CALIFORNIA COUNTY  
13 WHERE AN LEA DETERMINED THAT A PILE OF WOOD CHIPS THAT  
14 WERE CLEARLY ORGANICS AND WERE DEALT -- THAT IGNITED  
15 WAS OPEN BURNING OF SOLID WASTE. AND THE OPERATOR  
16 FREAKED OUT WHEN HE GOT A VIOLATION OF THAT AND WANTED  
17 THE SAME HEARING PANEL. THAT GOT WORKED OUT WHERE THE  
18 ISSUE NEVER CAME IN FRONT OF US.  
19 THIS IS CLEARLY THE SAME TYPE OF THING.  
20 IT'S CLEARLY AN INTERPRETATION, AND I'M GOING TO MOVE  
21 THAT WE ADOPT RESOLUTION 98-130, CONSIDERATION OF  
22 WHETHER TO HEAR THE APPEAL BY REDWOOD EMPIRE REGARDING  
23 THE DECISION OF MARIN COUNTY LEA NOT TO CONVENE A  
24 HEARING PANEL, WHICH YOU HAVE A COPY OF. I THINK  
25 THAT'S ALL WE NEED. I DON'T HAVE TO STATE THE WHOLE



1 THING, BUT I THINK THIS IS PART OF THE COMMENT ON THIS  
2 MOTION. I THINK IT'S IMPORTANT FOR THE RECORD THAT  
3 LEA'S ARE DOING THEIR JOBS, AND THAT IT IS IMPORTANT  
4 THAT LEA'S CONTINUE TO DO THEIR JOBS, AND IT'S  
5 IMPORTANT THAT OPERATORS LISTEN TO LEA'S, AND CONTINUE  
6 TO DO THEIR JOBS. BUT THAT IS AN ISSUE THAT I THINK WE  
7 JUST NEED TO SEND BACK AND GET CLARIFIED, AND WE'LL  
8 DEAL WITH THIS IN THE AB 59 REG PACKAGES.  
9 MR. FRAZEE'S IDEA TO SEND OUT AN LEA  
10 ADVISORY ABOUT THE TREATMENT OF THIS ISSUE, I THINK, IS  
11 CRITICAL BECAUSE I DON'T WANT TO SEE THAT RELATIONSHIP  
12 THAT'S FRAGILE AT TIMES BE RUINED BY THE ACTION OF THIS  
13 BOARD.

14 CHAIRMAN PENNINGTON: MR. JONES, I THINK YOU  
15 NEED TO CLARIFY WHICH 98. THEY'RE BOTH NUMBERED THE  
16 SAME.

17 MS. TOBIAS: JUST SAY THE SECOND ONE.

18 BOARD MEMBER JONES: OKAY. I WOULD LIKE THE  
19 ALTERNATE.

20 CHAIRMAN PENNINGTON: OKAY. I'LL SECOND THE  
21 MOTION. OKAY. IT'S BEEN MOVED AND SECONDED THAT WE  
22 ADOPT RESOLUTION 98-130, THE ALTERNATE. IF THERE'S NO  
23 FURTHER DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

24 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.

25 BOARD MEMBER CHESBRO.



1 CHAIRMAN PENNINGTON: HE'S ABSENT.  
2 THE SECRETARY: EATON.  
3 BOARD MEMBER EATON: AYE.  
4 THE SECRETARY: FRAZEE.  
5 BOARD MEMBER FRAZEE: AYE.  
6 THE SECRETARY: JONES.  
7 BOARD MEMBER JONES: AYE.  
8 THE SECRETARY: CHAIRMAN PENNINGTON.  
9 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
10 NOW WE'LL MOVE ON TO ITEM 37, WHICH IS  
11 CONSIDERATION OF ADOPTION OF REVISED 1998 RULEMAKING  
12 CALENDAR AND RULEMAKING PRIORITIES RELATED TO  
13 IMPLEMENTATION OF THE 1997 STRATEGIC PLAN. CHRIS PECK.  
14 MR. PECK: MR. CHAIRMAN, BOARD MEMBERS, CHRIS  
15 PECK WITH THE LEGISLATIVE AND EXTERNAL AFFAIRS OFFICE.  
16 I WAS CHALLENGED TO KEEP IT TO THREE MINUTES. I'LL TRY  
17 TO DO IT IN 20 SECONDS. I JUST WANT TO MAKE SURE THAT  
18 THIS IS CLEAR.  
19 WHAT WE WOULD BE ASKING THE BOARD TO DO  
20 IS TO ADOPT A REVISED RULEMAKING CALENDAR FOR 1998 AND  
21 TO CONCUR IN A LISTING OF THE PRIORITY RULEMAKING  
22 ACTIVITY FOR IMPLEMENTATION FOR THE 1997 STRATEGIC  
23 PLAN.  
24 WITH RESPECT TO THE CHANGES IN THE  
25 RULEMAKING CALENDAR, THOSE WERE LISTED IN THE ITEM. WE



1 ARE REMOVING FIVE SETS OF PLANNING RELATED REGULATIONS  
2 WHICH WE, STAFF, NO LONGER BELIEVE ARE ESSENTIAL TO  
3 COMPLETE THIS YEAR. IN FACT, WE CAN ISSUE SOME  
4 GUIDANCE DOCUMENTS TO ACCOMPLISH WHAT WE NEED TO THERE.  
5 AND WE'RE ALSO ADDING SUBTITLE D TO  
6 REFLECT SOLID WASTE LANDFILL EMERGENCY REGULATIONS TO  
7 DO THAT. ALSO PLACE THEM OFFICIALLY ON THE RULEMAKING  
8 CALENDAR.  
9 SECOND PART WAS WITH RESPECT TO STRATEGIC  
10 PLAN RULEMAKING PRIORITIES. WE'VE LISTED THE TIERED  
11 REGULATIONS BEING THOSE FACILITIES AND OPERATIONS THAT  
12 HANDLE ORGANIC MATERIALS, CONSTRUCTION AND DEMOLITION  
13 WASTE, AND ALSO TRANSFER AND PROCESSING STATION  
14 REGULATIONS, ENFORCEMENT AND COMPLIANCE PROCEDURES.  
15 THERE IS ONE OTHER WRITTEN ITEM IN THE  
16 PACKET THAT I WANT TO MAKE SURE BECOMES PART OF THE  
17 RECORD, AND THAT IS OUR REGULATIONS EFFORTS RELATED TO  
18 THE MODIFIED PLANNING REQUIREMENTS THAT WERE SET FORTH  
19 IN SB 1066 SPECIFICALLY HAVING TO DO WITH TIME  
20 EXTENSIONS AND ALTERNATIVE DIVERSION GOALS FOR  
21 JURISDICTIONS. THAT ALSO IS A PRIORITY WITH RESPECT TO  
22 THE STRATEGIC PLAN RULEMAKING.  
23 SO WITH THAT, I WOULD ASK THAT YOU ADOPT  
24 RESOLUTION 98-151, WHICH, I BELIEVE, WAS PASSED OUT  
25 BEFORE THE MEETING STARTED, THAT WOULD APPROVE THE



1 REVISED 1998 RULEMAKING CALENDAR AND DIRECT STAFF TO  
2 SUBMIT IT TO THE OFFICE OF ADMINISTRATIVE LAW AND  
3 CONCURRING IN THE STRATEGIC PLAN RULEMAKING PRIORITIES.

4 CHAIRMAN PENNINGTON: VERY GOOD, MR. PECK.  
5 I'LL MOVE RESOLUTION 98-151.

6 BOARD MEMBER JONES: I WILL PROBABLY SECOND  
7 IT. I JUST WANT TO -- I'LL SECOND WITH A QUESTION.  
8 I'D ASKED YOU ABOUT THIS. OKAY. ON THE HEARING  
9 PANELS, PROCEDURAL RULES FOR CONDUCTING REVIEW OF  
10 APPEALS, THE EMERGENCY REGULATIONS, WAS THIS ON THE  
11 RULEMAKING PACKAGE? WAS THIS WHAT WE HAD HELD IN  
12 COMMITTEE?

13 MR. PECK: WHAT IS ACTUALLY ON THE RULEMAKING  
14 CALENDAR IS THE BROADER ISSUE OF THE HEARING PANEL  
15 APPEALS PROCESS UNDER AB 59. AND WE'VE TALKED ABOUT  
16 THAT WITH THE LEGAL OFFICE, AND I THINK THAT IF THE  
17 BOARD CONCURS, WE CAN ROLL ALL OF THAT INTO THE OLD AB  
18 59 ENFORCEMENT AND COMPLIANCE STUFF AND HEARING PANELS  
19 ALTOGETHER.

20 BOARD MEMBER FRAZEE: I BELIEVE THAT IF I  
21 HEARD YOU CORRECT, YOU SAID THAT WE TOOK ACTION TO  
22 ADOPT THE EMERGENCY REGULATIONS.

23 MR. PECK: THAT WAS ON THE --

24 BOARD MEMBER FRAZEE: WE DID NOT DO THAT.

25 MR. PECK: -- SUBTITLE FLEXIBILITY FOR SMALL



1 MUNICIPAL LANDFILLS, ANOTHER ITEM.

2 MS. TOBIAS: CAN YOU CLARIFY WHAT YOU'RE  
3 TALKING ABOUT? THESE AREN'T NUMBERED, SO IF WE'RE  
4 TALKING ABOUT HEARING PANEL APPEALS PROCEDURAL RULES,  
5 THOSE ARE ACTUALLY PROCEDURES TO DEAL WITH THE HEARING  
6 PANELS, HOW APPEALS CAN COME UP. THESE ARE SEPARATE  
7 FROM THE EMERGENCY REGS THAT WE PUT ON THE PERMITTING  
8 AND ENFORCEMENT COMMITTEE THIS MONTH, WHICH ARE GOING  
9 INTO A DIFFERENT RULEMAKING ON AB 59 IS MY  
10 UNDERSTANDING. SO AM -- IS THAT CORRECT OR IS THAT  
11 DIFFERENT FROM WHAT YOU --

12 MR. PECK: I'M NOT -- WHICHEVER YOU GUYS --

13 MS. TOBIAS: THERE ARE TWO SEPARATE ONES.  
14 ONE'S REALLY OUR RULES OF PROCEDURE FOR HANDLING  
15 HEARING PANELS. ONE IS A WHOLE SET OF ENFORCEMENT REGS  
16 IN WHICH THIS ISSUE OF WHETHER THIS IS AN ISSUE THAT  
17 CAN BE APPEALED WILL BE TAKEN CARE OF IN THAT ONE.

18 BOARD MEMBER JONES: USE TODAY AS A WORKSHOP  
19 IS WHAT YOU ARE SAYING.

20 MR. PECK: RULEMAKING CALENDAR WOULD NOT  
21 PRECLUDE US FROM DOING THEM EITHER SEPARATELY OR  
22 TOGETHER AS FAR AS I'M AWARE.

23 CHAIRMAN PENNINGTON: THERE BEING NO FURTHER  
24 DISCUSSION, WILL THE SECRETARY CALL THE ROLL.

25 THE SECRETARY: BOARD MEMBER AMODIO. ABSENT.



1 BOARD MEMBER CHESBRO.  
2 BOARD MEMBER CHESBRO: AYE.  
3 THE SECRETARY: EATON.  
4 BOARD MEMBER EATON: AYE.  
5 THE SECRETARY: FRAZEE.  
6 BOARD MEMBER FRAZEE: AYE.  
7 THE SECRETARY: JONES.  
8 BOARD MEMBER JONES: AYE.  
9 THE SECRETARY: CHAIRMAN PENNINGTON.  
10 CHAIRMAN PENNINGTON: AYE. MOTION CARRIES.  
11 WE WILL NOW ADJOURN INTO A CLOSED  
12 SESSION, WHICH WILL BE HELD IN ROOM 306A, WHICH IS DOWN  
13 THE HALL HERE ON YOUR RIGHT, FOR A SHORT BRIEFING ON  
14 LEGAL ISSUES, AND THERE'S A PERIOD HERE FOR OPEN  
15 DISCUSSION. HEARING NONE, WE WILL BE ADJOURNED.  
16  
17 (THE MEETING WAS THEN ADJOURNED AT 5:35  
18 P.M.)  
19  
20  
21  
22  
23  
24  
25



## *Reporter's Certificate*

\* \* \* \* \*

I, Beth C. Drain hereby certify:

that on the 24th day of  
April, 1998, I did report In  
shorthand the testimony of the foregoing  
proceedings;

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

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

*Beth C. Drain*

Certified Shorthand Reporter

Certificate No. 7152



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

**Board Member Dan Eaton's**

**EXPARTE DISCLOSURE LIST**

(as of Tuesday, April 28, 1998)

CIWMB BOARD MEETING (April 29<sup>th</sup> & 30<sup>th</sup> 1998) in Sacramento

1) OPPOSE Letter from  
Mark Aprea  
Browning-Ferris Industries  
Re: AB 2181 (Firestone)  
Letter dtd.: April 23, 1998  
Exparte #8 175

2) SUPPORT Letter from  
Robert Epler & Paul Yoder  
SWANA  
Re: AB 228 (Migden)  
Letter dtd.: April 16, 1998  
Exparte #8 139

3) Letter from  
Jean Kujawa  
Resident of Oceanside  
Re: Transfer Station  
Ltr. dtd.: April 7, 1998  
Exparte #8075

4) Letter from  
Tom Faust, CEO  
Redwood Rubber LLC  
Re: Grant request  
Ltr. dtd.: April 22, 1998  
Exparte #8 153

5) Letter from  
Joyce M. Eden  
West Valley Citizen's Air Watch  
Re: Rubber in Tires  
Ltr. dtd.: April 7, 1998  
Exparte #8076

6) Letter from  
Silver  
Compacator Specialist, Fresno  
Re: Orange Avenue Disposal  
Ltr. dtd.: April 7, 1998  
Exparte #8079

7) Letter from  
George H. Larson  
George H. Larson & Associates, Inc.  
Re: Waste tire management  
Ltr. dtd.: April 14, 1998  
Exparte #8114

8) Letter from  
R. Morris  
SWFIM  
Re: Kern County waste facilities  
Ltr. dtd.: April 2, 1998  
Exparte #8085

**Not cc'd to Dan Eaton, Board Member: (#9 & #10 Only)**

9) SUPPORT Letter from  
Gerald L. Dunbar, Director  
City of Pittsburg  
Re: RMDZ Loan Program Fee  
Ltr. dtd.: April 20, 1998  
Exparte #8 176

10) Letter from  
Kelly T. Smith, Consultant  
Coalition for Alternatives to Kiefer Landfill  
Re: Kiefer Landfill, financial assurance  
Ltr. dtd.: April 7, 1998  
Exparte #8086

(continued on the back)

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

Page 2 of 2

Board Meeting Expertes for Dan Eaton  
4/29/98

11) Letter from  
Perfesser Mark Creek-Water  
City of San Ramon  
Re: CalMax & Virgin Materials & Sustainable Markets  
Ltr. dtd.: April 10, 1998  
Exparte #8140

**Bdmg429.doc in Word; 4/29/98**