

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

2

3 CHAIRMAN PENNINGTON: OKAY. ITEM NO. 22,
4 CONSIDERATION OF APPROVAL OF PROPOSED RANKING CRITERIA
5 AND SCORING PROCESS FOR TWO FISCAL YEAR 1998-99 TIRE
6 RECYCLING GRANTS: (1) LOCAL GOVERNMENT PUBLIC
7 EDUCATION AND AMNESTY DAY GRANTS AND (2) LOCAL
8 GOVERNMENT PLAYGROUND COVER AND SURFACING GRANTS,
9 CAREN TRGOVCICH.

10

AGENDA ITEM NO. 22:

11 CONSIDERATION OF APPROVAL OF PROPOSED RANKING CRITERIA
12 AND SCORING PROCESS FOR TWO FISCAL YEAR 1998-99 TIRE
13 RECYCLING GRANTS:(1) LOCAL GOVERNMENT PUBLIC EDUCATION
14 AND AMNESTY DAY GRANTS AND (2) LOCAL GOVERNMENT
15 PLAYGROUND COVER AND SURFACING GRANTS

16

MS. TRGOVCICH: GOOD MORNING CHAIRMAN
17 PENNINGTON AND MEMBERS. AS YOU SAID, THIS IS A
18 CONTINUED ITEM FROM LAST MONTH. CHARLOTTE SABEH WILL
19 MAKE A VERY BRIEF PRESENTATION AND HIGHLIGHT FOR YOU
20 THE CHANGES THAT WE MADE TO THE ITEM.

21

CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.

22

MS. SABEH: GOOD MORNING CHAIRMAN PENNINGTON
23 AND BOARD MEMBERS.

24

A LITTLE BACKGROUND. THE TIRE RECYCLING
25 ACT AUTHORIZED THE BOARD TO AWARD GRANTS TO PUBLIC

1 ENTITIES TO FUND ACTIVITIES THAT RESULT IN REDUCED
2 LANDFILL DISPOSAL OF WASTE TIRES. ON APRIL 29TH OF
3 THIS YEAR THE BOARD ADOPTED A FUNDING ALLOCATION OF
4 \$300,000 FOR PLAYGROUND COVER AND SURFACING GRANTS AND
5 WITH A MAXIMUM GRANT AWARD OF \$25,000 WITH A 50
6 PERCENT MATCH BY THE LOCAL GOVERNMENT.

7 ALSO AT THE APRIL 29TH, 1998, MEETING
8 THE BOARD ALLOCATED 150,000 FOR PUBLIC EDUCATION AND
9 AMNESTY GRANTS ALSO AVAILABLE TO CALIFORNIA CITIES,
10 COUNTIES AND THEIR SUBDIVISIONS. THE MAXIMUM GRANT
11 AWARD UNDER THIS PROGRAM IS \$15,000 WITH A 50 PERCENT
12 MATCH, ALSO.

13 DETAILS OF THE PROPOSED CRITERIA AND
14 SCORING IN THE ITEM ARE LISTED IN ATTACHMENTS 2 AND 3.

15 AVAILABLE POINTS UNDER GENERAL CRITERIA IS BEING
16 PROPOSED TO INCREASE FROM 60 POINTS FOR FISCAL YEAR
17 '97-98 TO 70 POINTS FOR '98-99. THIS PROPOSED CHANGE
18 IS SUGGESTED UNDER INCREASED POINTS FOR THE CATEGORY
19 OF NEED. THE PURPOSE OF THIS PROPOSED INCREASE IS TO
20 ASSIST JURISDICTIONS WITH CLEARLY DEMONSTRATED NEED TO
21 BE COMPETITIVE, ALL OTHER CRITERIA BEING EQUAL.

22 THE SECOND CHANGE IS UNDER THE
23 PREFERENCE CRITERIA. PREFERENCE CRITERIA EIGHT AND
24 NINE ARE REQUIRED BY STATUTE.

25 NUMBER SEVEN HAS BEEN CHANGED TO CLARIFY

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1 ITS MEANING. THIS PARTICULAR ONE, ITEM SEVEN, THAT'S
2 BEING SUGGESTED PROVIDES A MAXIMUM OF 10 POINTS BASED
3 ON THE POLITICAL SUBDIVISION'S PAST THREE FISCAL YEAR
4 TIRE GRANT PARTICIPATION.

5 THE PURPOSE OF THIS CRITERION AND WHY
6 IT'S BEING SUGGESTED IS TO ENCOURAGE GREATER
7 PARTICIPATION OF JURISDICTIONS WHICH HAVE NOT
8 PREVIOUSLY RECEIVED TIRE GRANTS AND, ADDITIONALLY, TO
9 HEIGHTEN STATEWIDE VISIBILITY OF THE TIRE PROBLEM AND
10 SOLUTIONS USING RECYCLED TIRE MATERIALS.

11 JURISDICTIONS THAT HAVE NOT APPLIED
12 PREVIOUSLY OR DID NOT RECEIVE A MINIMUM SCORE TO
13 QUALIFY UNDER PAST GRANT CYCLES MAY RECONSIDER AND
14 SUBMIT A TIRE GRANT APPLICATION TO BENEFIT FROM THIS
15 CRITERION.

16 THE NOTICE OF FUNDS AVAILABLE FOR BOTH
17 GRANT PROGRAMS ARE PREPARED FOR MAILING EARLY NEXT
18 WEEK, AND THE NOFAS WILL ALSO BE MADE AVAILABLE ON THE
19 BOARD NET. OVER 4,000 INTERESTED PARTIES WILL RECEIVE
20 COPIES OF THE NOTICE OF FUNDS AVAILABLE AND SHOULD
21 ELICIT SUFFICIENT PARTICIPATION BY CALIFORNIA CITIES
22 AND COUNTIES.

23 AS AN EXAMPLE, LAST FISCAL YEAR WE
24 RECEIVED ABOUT TWICE AS MANY TIRE GRANT APPLICATIONS
25 THAN COULD BE FUNDED. WE EXPECT AT LEAST THAT MANY

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1 THIS YEAR, OR MORE, SINCE WE'VE BEEN RECEIVING
2 NUMEROUS PHONE AND LETTER INQUIRIES FROM ADDITIONAL
3 LOCAL JURISDICTIONS, PRIMARILY FROM SCHOOLS WHO WOULD
4 LIKE TO PARTICIPATE IN THE PLAYGROUND GRANT PROGRAM.

5 AND THAT'S MY PRESENTATION. AND DO YOU
6 HAVE ANY QUESTIONS?

7 CHAIRMAN PENNINGTON: THANK YOU. ANY
8 QUESTIONS?

9 MEMBER EATON: COULD YOU GIVE ME A DEFINITION
10 OF POLITICAL SUBDIVISION?

11 MS. SABEH: THE SMALLEST ENTITY. FOR
12 EXAMPLE, IT COULD BE EITHER THE CITY ITSELF, OR IT
13 COULD BE THE COUNTY, IT COULD BE AN INDIVIDUAL SCHOOL.

14 MEMBER EATON: SO YOU THINK -- YOU'RE NOT
15 LUMPING THE COUNTY AND THE CITY TOGETHER.

16 MS. SABEH: NO, NO. THEY'RE INDIVIDUAL.

17 MEMBER EATON: SO IF WE HAD A SITUATION
18 WHEREIN THE COUNTY OF ELDORADO HAD GIVEN A GRANT TO
19 ITS PARKS AND REC DEPARTMENT IN PLACERVILLE, FOR
20 WHATEVER REASON, THEN SOUTH LAKE TAHOE WOULD BE
21 INELIGIBLE IF THE COUNTY MADE AN APPLICATION ON ITS
22 BEHALF. IS THAT CORRECT?

23 MS. SABEH: EACH INDIVIDUAL JURISDICTION
24 MAKES THE APPLICATION.

25 MEMBER EATON: BUT IT COULD BE THE COUNTY.

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1 MS. SABEH: RIGHT. BUT IT WOULD BE THE PARKS
2 AND REC PORTION OF THE COUNTY FOR ELDORADO, OR THE
3 PARKS AND REC PORTION OF LAKE TAHOE. SO, THEY'RE
4 CONSIDERED SEPARATE.

5 MS. TRGOVCICH: THEY WOULD BE REQUIRED UNDER
6 THE APPLICATION TO SPECIFY THE UNIT THAT WAS TO
7 RECEIVE THE FUNDING. SO EVEN IF ELDORADO COUNTY
8 SUBMITTED THE APPLICATION, THE APPLICATION WOULD NEED
9 TO BE MADE ON BEHALF OF --

10 MEMBER EATON: RIGHT.

11 MS. TRGOVCICH: -- AND THAT WOULD BE THE
12 POLITICAL SUBDIVISION. SO IF THE COUNTY MADE IT ON
13 BEHALF OF THE CITY OF PLACERVILLE, THEN THE OTHER
14 INCORPORATED CITY, SOUTH LAKE TAHOE, WOULD NOT BE
15 PENALIZED AS A RESULT OF THAT PRIOR YEAR APPLICATION.

16 MEMBER EATON: AND WOULD THE SAME BE TRUE OF
17 SCHOOLS?

18 MS. SABEH: CORRECT.

19 MS. TRGOVCICH: YES.

20 MEMER EATON: SO, FOR INSTANCE, YOU MAY HAVE
21 THE SACRAMENTO CITY SCHOOL, LET'S CALL IT SCHOOL A.
22 NOW, IF SCHOOL B WANTED TO PARTICIPATE THE FOLLOWING
23 YEAR, THEY WOULD NOT BE PENALIZED OR THEY WOULD NOT
24 COME UNDER THIS PARTICULAR CRITERIA. IS THAT CORRECT?

25 MS. SABEH: RIGHT.

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1 MS. TRGOVCICH: CORRECT.

2 WHAT I DO WANT TO MAKE SURE THAT THERE IS NO
3 CONFUSION ABOUT, THOUGH, IS THAT IN PRIOR YEAR WE HAVE
4 HAD INDIVIDUAL POLITICAL SUBDIVISIONS THAT HAVE
5 RECEIVED MULTIPLE GRANT AWARDS. WE HAVE SPECIFICALLY
6 SCHOOLS THAT HAVE RECEIVED MULTIPLE AWARDS IN PRIOR
7 YEARS, INDIVIDUAL SCHOOLS. AND UNDER THIS CRITERIA
8 THEY WOULD NOT, THEN, BE ELIGIBLE -- OR, THEY WOULD
9 NOT RECEIVE THE 10 POINTS UNDER THE PREFERENCE
10 CRITERIA.

11 THEY COULD, HOWEVER, POTENTIALLY
12 DEMONSTRATE A NEED, AS WE DISCUSSED AT THE LAST
13 MEETING UNDER THE NEED CRITERIA, UNDER THE GENERAL
14 SECTION, THE GENERAL SCORING SECTION.

15 MEMBER EATON: AND THE RATIONALE FOR GOING
16 BACK THREE YEARS, THAT'S A CHANGE AS WELL.

17 MS. SABEH: NO, IT'S THE SAME. THAT WAS --

18 MEMBER EATON: THE RATIONALE FOR THREE AS
19 OPPOSED TO ONE OR TWO. THREE YEARS IS QUITE A
20 DISTANCE IN TIME --

21 MS. TRGOVCICH: ALMOST ALL OF OUR GRANT
22 AWARDS RUN A THREE-YEAR CYCLE. THE FUNDING IS
23 AVAILABLE ON A THREE-YEAR BASIS. SO THAT WAS THE
24 RATIONALE. BECAUSE WE MAY, IN FACT, HAVE CURRENTLY
25 OPERATING GRANTS GOING BACK TO '96-97 AT THIS POINT,

1 AND '95-96 THAT ARE CURRENTLY BEING CLOSED OUT.

2 MEMBER EATON: OKAY.

3 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS ON
4 THIS ITEM?

5 MEMBER JONES: I JUST HAVE ONE.

6 CHAIRMAN PENNINGTON: YES, MR. JONES.

7 MEMBER JONES: UNDER THIS NUMBER SEVEN ON THE
8 PREFERENCE, IS IT A BOARD TIRE GRANT FOR AN AMNESTY
9 DAY OR ANY GRANT THAT WE'VE GIVEN ON TIRES?

10 LIKE IF THEY WERE TO DO A PLAYGROUND AND
11 THEN THEY WERE GOING TO DO A RUNNING TRACK, THE SAME
12 SCHOOL, DIFFERENT YEARS -- ACTUALLY THAT'S A BAD
13 EXAMPLE, THEY'D BOTH BE UNDER THE SAME PROGRAM.

14 HOW ABOUT IF THEY DID SOME PLAYGROUND
15 COVER MAT AND THEN FOR SOME REASON -- I MEAN, HOW MANY
16 ARE THEY (SIC) AVAILABLE TO THE SCHOOLS? TWO
17 DIFFERENT PROGRAMS?

18 MS. TRGOVCICH: TO THE SCHOOLS HERE?

19 MEMBER JONES: YEAH.

20 MS. TRGOVCICH: UNDER WHAT'S BEING PROPOSED
21 RIGHT HERE?

22 MEMBER JONES: OR WHAT PROGRAMS WE HAVE.

23 MS. TRGOVCICH: JUST THE ONE?

24 MEMBER JONES: JUST THE ONE. OKAY. ALL
25 RIGHT.

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1 MS. TRGOVCICH: THE PLAYGROUND GRANT PROGRAM.

2 MEMBER JONES: IF A CITY WERE TO GET A
3 RUBBERIZED ASPHALT -- LET'S SAY OUR GRANT WHERE WE DO
4 RUBBERIZED PAVEMENT AND WE GIVE THEM THE MONEY TO DO
5 THE TESTING AND THEN THEY CAME BACK AND WANTED TO DO
6 AN AMNESTY PROGRAM, WOULD THEY BE PENALIZED?

7 MS. TRGOVCICH: I WOULD ANSWER NO BECAUSE
8 THOSE FUNDS ARE NOT BEING MADE AVAILABLE THROUGH THE
9 BOARD. THEY ARE BEING MADE AVAILABLE THROUGH THE
10 TECHNOLOGY CENTER.

11 MEMBER JONES: THROUGH THE TECH CENTER.
12 OKAY. NO PROBLEM THEN.

13 CHAIRMAN PENNINGTON: ANY ADDITIONAL
14 QUESTIONS? MR. FRAZEE?

15 MEMBER FRAZEE: IF NOT, I WOULD MOVE ADOPTION
16 OF RESOLUTION 98-265.

17 MEMBER JONES: I'LL SECOND.

18 CHAIRMAN PENNINGTON: IF THE STAFF WILL
19 CHANGE THE RESOLUTION? IT DOESN'T HAVE THE WORDS
20 "POLITICAL SUBDIVISION" IN IT, IF THEY'LL MAKE THAT
21 CHANGE?

22 ANY FURTHER DISCUSSION?

23 IF NOT, WILL THE SECRETARY CALL THE
24 ROLL, PLEASE?

25 THE SECRETARY: BOARD MEMBER EATON?

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1 MEMBER EATON: NO.

2 THE SECRETARY: FRAZEE?

3 MEMBER FRAZEE: AYE.

4 THE SECRETARY: JONES?

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN PENNINGTON?

7 CHAIRMAN PENNINGTON: AYE.

8 MOTION FAILS.

9 NOW WE'LL MOVE TO --

10 MS. TRGOVCICH: CHAIRMAN PENNINGTON, CAN I
11 SEEK SOME CLARIFICATION?

12 CHAIRMAN PENNINGTON: SURE.

13 MS. TRGOVCICH: SINCE THAT MOTION HAS FAILED
14 WE HAVE TWO GRANT PROGRAMS NOW TOTALING \$450,000 THAT
15 WE DO NOT HAVE CRITERIA TO PROCEED WITH. WHAT WOULD
16 BE THE BOARD'S DIRECTION IN TERMS OF MAKING THOSE
17 FUNDS AVAILABLE OR HAVING THEM CONSIDERED FOR
18 REALLOCATION AT A SUBSEQUENT DATE?

19 CHAIRMAN PENNINGTON: WELL, I THINK SINCE WE
20 HAVE NO CRITERIA TO ISSUE IT THEN WE CAN'T ISSUE THE
21 MONEY. AND SO IT WOULD BE MY ASSUMPTION THAT WE'LL
22 HAVE TO BRING IT BACK TO THE BOARD.

23 MS. TRGOVCICH: WOULD THAT BE BROUGHT BACK AS
24 A REALLOCATION ITEM OR AS PROPOSED CRITERIA FOR THESE
25 SAME TWO PROGRAMS?

1 CHAIRMAN PENNINGTON: I WOULD THINK PROPOSED
2 CRITERIA FOR THESE TWO PROGRAMS.

3 MEMBER JONES: WELL --

4 CHAIRMAN PENNINGTON: MR. JONES?

5 MEMBER JONES: MAYBE WE NEED -- ARE THERE
6 ISSUES WE CAN FIX TODAY OR IS THERE --

7 MEMBER EATON: NO. I HAD A DISCUSSION WITH
8 REGARD TO THE CRITERIA THAT I DISCUSSED AND THEN GOT
9 THE AGENDA ITEM AND HAD NO FURTHER SUBSEQUENT
10 DISCUSSION ON IT, AND I THINK IT CAN BE FIXED. I'M
11 JUST NOT REAL COMFORTABLE WITH THE WAY THE POLITICAL
12 SUBDIVISION STUFF WORKS. AND I THINK THAT'S A
13 SITUATION THAT I THINK CAN BE CORRECTED. I AM WILLING
14 TO WORK ON IT AND WILL CONTINUE TO WORK ON IT. AND I
15 DON'T THINK IT'S AN ALL OR NOTHING. I'M JUST NOT
16 COMFORTABLE WITH IT.

17 MEMBER JONES: CAN WE CONTINUE IT FOR TWO
18 WEEKS THEN, TO GET IT --

19 CHAIRMAN PENNINGTON: WELL, YOU HAVE A MOTION
20 THAT WAS DEFEATED. I ASSUME YOU CAN MAKE A MOTION TO
21 CONTINUE THIS AT THE NEXT MEETING.

22 MEMBER JONES: YEAH, BECAUSE WE DIDN'T CONCUR
23 OR NOT CONCUR, SO I'D LIKE TO JUST CONTINUE IT TO THE
24 NEXT BOARD MEETING AND SEE IF THAT GIVES EVERYBODY THE
25 TIME TO GET IT FIXED.

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1 MEMBER EATON: I'D BE HAPPY TO SECOND THAT
2 MOTION.

3 MEMBER JONES: DOES THAT WORK?

4 MS. TRGOVCICH: SO WHAT WE ARE GOING TO BE
5 REVISITING IS, THEN, THE DEFINITION OF THE POLITICAL
6 SUBDIVISION? IS THAT WHAT YOU WOULD LIKE BROUGHT
7 BACK?

8 MEMBER EATON: YEAH. I'M NOT JUST GOING TO
9 LIMIT IT JUST TO POLITICAL SUBDIVISIONS. I MEAN, THAT
10 IS MY MAIN POINT BUT I THINK THAT THERE COULD BE OTHER
11 ISSUES THAT ARISE IN THE DISCUSSION, AND I'M NOT GOING
12 TO -- I RESERVE THE RIGHT TO RAISE OTHER ISSUES. I'M
13 JUST NOT GOING TO LIMIT IT TO THAT.

14 MEMBER JONES: SURE. SURE. YEAH. I DON'T
15 HAVE A PROBLEM WITH THAT.

16 CHAIRMAN PENNINGTON: OKAY. WE HAVE A MOTION
17 TO CONTINUE THIS ITEM OR BRING THIS ITEM BACK TO THE
18 NEXT BOARD MEETING. IT'S BEEN SECONDED.

19 IF THERE'S NO FURTHER DISCUSSION, WILL
20 THE SECRETARY CALL THE ROLL?

21 THE SECRETARY: BOARD MEMBER EATON?

22 MEMBER EATON: AYE.

23 THE SECRETARY: FRAZEE?

24 MEMBER FRAZEE: AYE.

25 THE SECRETARY: JONES?

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1 MEMBER JONES: AYE.

2 THE SECRETARY: CHAIRMAN PENNINGTON?

3 CHAIRMAN PENNINGTON: AYE.

4 THE MOTION CARRIES.

5 MOVE TO ITEM NO. 11, CONSIDERATION OF A
6 NEW SOLID WASTE FACILITY PERMIT FOR THE HUMBOLDT
7 COUNTY WASTE MANAGEMENT AUTHORITY TEMPORARY TRANSFER
8 STATION IN HUMBOLDT COUNTY. GEORGEANN.

9 AGENDA ITEM NO. 11: CONSIDERATION OF A NEW SOLID
10 WASTE FACILITY PERMIT FOR THE HUMBOLDT COUNTY WASTE
11 MANAGEMENT AUTHORITY TEMPORARY TRANSFER STATION IN
12 HUMBOLDT COUNTY

13 MS. TURNER: GOOD MORNING, CHAIRMAN --

14 CHAIRMAN PENNINGTON: EXCUSE ME JUST ONE
15 SECOND. WHEN IS THE NEXT BOARD MEETING?

16 MR. EATON: SEPTEMBER 10TH.

17 CHAIRMAN PENNINGTON: SEPTEMBER 10TH, OKAY.

18 GOOD MORNING.

19 MS. TURNER: -- AND BOARD MEMBERS. I'M
20 GEORGIANNE TURNER OF THE PERMITTING AND INSPECTION
21 BRANCH. AS YOU MENTIONED, THIS ITEM IS FOR
22 CONSIDERATION OF A 550-TON A DAY NEW TRANSFER STATION
23 FOR HUMBOLDT COUNTY.

24 BEFORE WE GET -- THERE ARE SEVERAL
25 ISSUES SURROUNDING THIS SITE, AND WHAT I'D LIKE TO DO

1 IS OUTLINE SOME OF THE OUTSTANDING ISSUES THAT WERE
2 LEFT IN THE AGENDA ITEM AND TELL YOU WHAT THE PROJECT
3 CHANGES HAVE BEEN, GO THROUGH THOSE BORING DETAILS,
4 AND THEN WE'LL GET ON TO THE MORE INTERESTING TOPICS.

5 BASICALLY, AS YOU KNOW, THE AGENDA ITEM,
6 WHEN IT WAS WRITTEN WE HAD OUTSTANDING CEQA ISSUES.
7 BASICALLY THE CITY OF ARCATA'S CITY COUNCIL HAD NOT
8 ACTED ON THE PROJECT. THEY HAVE DONE SO, AND THEY
9 APPROVED THE PROJECT ON AUGUST 19TH, 1998. AND, BASED
10 ON PUBLIC COMMENT, THERE HAVE BEEN SEVERAL CHANGES TO
11 THE PROJECT WHICH WOULD CHANGE OUR AGENDA ITEM AND THE
12 PROPOSED PERMIT. SO, I'D LIKE TO GO THROUGH THOSE
13 RIGHT NOW.

14 THE FIRST PAGE, PAGE 11-1 IN THE AGENDA
15 PACKAGE, THE PROPOSED AREA IS NOW TWO-POINT-FIVE
16 INSTEAD OF THREE ACRES. THIS IS BASED ON THE LOCATION
17 OF THE TRANSFER STATION BEING MOVED, AND I'LL GO INTO
18 FURTHER DETAIL IN JUST A MOMENT.

19 ON PAGE TWO, HUMBOLDT COUNTY HAS A NEW
20 DIRECTOR, BRIAN COX, AND SO THAT SHOULD BE NOTED IN
21 THE AGENDA ITEM.

22 ON PARAGRAPH ONE, THE SECOND-TO-LAST
23 SENTENCE, IT STATES THAT THE CITY OF FORTUNA IS NOT IN
24 THE AUTHORITY YET. THEY HAVE NOW JOINED THE
25 AUTHORITY.

1 ON PAGE THREE, THE PROPOSED PROJECT
2 DESCRIBES THE HOURS OF OPERATIONS BETWEEN 6:00 A.M.
3 AND 4:00 P.M., MONDAY THROUGH FRIDAY. THIS HAS BEEN
4 CHANGED, AS PART OF MITIGATING SOME ENVIRONMENTAL
5 CONCERNS FROM THE PUBLIC, TO 7:00 A.M. TO 5:00 P.M.,
6 AND THE OPERATIONS ON SUNDAY WILL NOW BE OMITTED.

7 ON PAGE FOUR, THE LAST SENTENCE OF THE
8 LAST PARAGRAPH INDICATES THAT THE CITY OF ARCATA HAD
9 NOT TAKEN ACTION ON THE ITEM, AND AS I JUST MENTIONED,
10 THERE WAS ACTION FOR APPROVAL ON AUGUST 19TH, AND THE
11 NOTICE OF DETERMINATION WAS FILED ON AUGUST 21ST,
12 1998.

13 ADDITIONALLY, WE HAVE RECEIVED AN
14 AMENDMENT TO THAT MITIGATED NEGATIVE DEC ON AUGUST
15 25TH CLARIFYING SOME OF THE PROJECT DESCRIPTION.

16 ON ATTACHMENT ONE, WHICH SHOULD HAVE
17 BEEN PASSED OUT PRIOR TO THIS ITEM, SHOWS THE CHANGED
18 PROJECT OUTLINE OR DESIGN. THE BUILDING IN YOUR ITEM
19 IS LOCATED ON PARCEL NINE, AND NOW IT HAS BEEN
20 RELOCATED ON PARCEL EIGHT. ORIGINALLY THE PROJECT
21 INCLUDED TWO BUILDINGS. IT HAS BEEN SCALED BACK TO
22 ONE BUILDING. THIS IS BASED ON THE FACT THAT THERE
23 WILL BE NO SELF-HAUL TO THIS TRANSFER STATION, WHICH
24 WAS A DECISION OF THE CITY COUNCIL IN RESPONSE TO
25 TRAFFIC ISSUES. SO, THE TRAFFIC WILL NOW BE REDUCED

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1 APPROXIMATELY BY HALF BY NOT ALLOWING SELF-HAUL TO
2 THIS FACILITY.

3 THE TRANSFER STATION MOVING TO THIS
4 OTHER PARCEL HAD TO DO WITH OTHER MITIGATION MEASURES,
5 TOO, OR MITIGATING CONCERNS.

6 OKAY. THE NEXT ATTACHMENT, ATTACHMENT
7 TWO, WAS THE PROPOSED PERMIT. YOU SHOULD HAVE
8 RECEIVED A NEW PROPOSED PERMIT. AND SIMILAR CHANGES
9 HAVE OCCURRED IN THIS, BUT I'LL JUST GO THROUGH THEM
10 FOR THE RECORD.

11 THE PERMITTED HOURS OF OPERATIONS HAVE
12 CHANGED, 7:00 TO 5:00 ON MONDAY THROUGH FRIDAY.
13 SUNDAY HAS BEEN OMITTED.

14 AND THE HANDLING AND PROCESSING OF WASTE
15 HAS BEEN ADJUSTED ACCORDINGLY.

16 THE LEA HAS ADDED IN A TRAFFIC VOLUME OF
17 150 VEHICLES, AND THE PERMITTED AREA IS NOW TWO-POINT-
18 FIVE INSTEAD OF THREE.

19 ON PAGE TWO,
20 FINDING D TALKS ABOUT THE DESIGN OPERATION BEING IN
21 COMPLIANCE WITH STATE STANDARDS. AND THIS IS BASED ON
22 THE REVIEW OF THE RSI DATED AUGUST, 1998, INSTEAD OF
23 JUNE 10TH, 1998.

24 AND FINDING E, THIS NOW STATES THAT THE
25 NOTICE OF DETERMINATION WAS FILED ON THE 21ST OF THIS

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1 MONTH, AS WELL AS THE APPROVAL OF THE PROJECT ON THE
2 19TH.

3 OKAY. I THINK THAT CONCLUDES THE
4 CHANGES IN THE PACKAGE, AND I APOLOGIZE FOR THE LATE
5 SUBMITTAL OF THAT, BUT I JUST RECEIVED THEM MYSELF.

6 AS PART OF THE PERMIT PACKAGE THE LEA
7 MUST CERTIFY THAT THE RSI MEETS THE TITLE 14
8 REQUIREMENTS OF THE RSI, AND THAT THE CEQA DOCUMENT IS
9 CONSISTENT WITH THE MITIGATED NEG DEC OR ANY OTHER
10 CEQA DOCUMENT THAT'S BEEN PREPARED. THE LEA HAS DONE
11 THAT IN A LETTER DATED AUGUST 19TH, 1998.

12 AT THIS TIME I'D LIKE TO TURN IT OVER TO
13 KEVIN METCALF OF THE HUMBOLDT COUNTY ENVIRONMENTAL
14 HEALTH DEPARTMENT, LEA, FOR HIM TO GO INTO SOME
15 FURTHER DETAIL OF HIS REVIEW ON THIS PROJECT.

16 MR. METCALF: HELLO AND GOOD MORNING, BOARD
17 MEMBERS AND ALL OF YOU.

18 AS THE LEA, WE HAVE PROPOSED THIS PERMIT
19 ON BEHALF OF THE HUMBOLDT COUNTY WASTE MANAGEMENT
20 AUTHORITY. WE HAVE DETERMINED THAT THE PROPOSED
21 PERMIT IS CONSISTENT WITH THE PUBLIC RESOURCES CODE
22 AND THE REGULATIONS ADOPTED BY THE BOARD APPLICABLE TO
23 THIS FACILITY.

24 I DO BELIEVE THAT THE BOARD CAN FIND
25 THAT THE PROPOSED PERMIT IS CONSISTENT WITH STATE

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1 MINIMUM STANDARDS AND CAN CONCUR IN THE ISSUANCE OF
2 THE PERMIT SUBMITTED.

3 I KNOW THAT YOU WILL HAVE -- OR HEAR
4 COMMENTS TODAY. AND SO I WON'T SAY ANYTHING MORE AT
5 THIS TIME. BUT I WILL BE AVAILABLE FOR ADDITIONAL
6 QUESTIONS THAT MAY BE DIRECTED TOWARDS THE LEA. THANK
7 YOU.

8 MS. TURNER: IT IS MY UNDERSTANDING AT THIS
9 TIME THE APPLICANT AND NORCAL WASTE SYSTEMS HAS QUITE
10 A BIT OF INFORMATION THAT THEY MAY WANT TO PROVIDE TO
11 US, THAT WE MAY WANT TO CONSIDER PRIOR TO MAKING A
12 DECISION OR RECOMMENDATION ON THIS ITEM.

13 CHAIRMAN PENNINGTON: ANY QUESTIONS OF STAFF
14 AT THIS POINT? OKAY. IF NOT, WE'LL HEAR FROM THE
15 PUBLIC. THE FIRST ONE IS GERALD KINSFATHER.

16 MR. KINSFATHER: GOOD MORNING. THANK YOU TO
17 BOARD MEMBERS FOR HEARING THIS. MY NAME IS GERALD
18 KINSFATHER, GENERAL MANAGER FOR THE HUMBOLDT COUNTY
19 SOLID WASTE AUTHORITY.

20 THE SOLID WASTE AUTHORITY WAS FORMED
21 ABOUT A YEAR AND A HALF AGO FOR THE PURPOSE OF DOING
22 DISPOSAL PLANNING FOR THE AGENCIES IN HUMBOLDT COUNTY.

23 THERE ARE SEVEN CITIES -- SIX CITIES IN THE COUNTY
24 THAT ARE IN THE AUTHORITY.

25 AFTER FORMATION THE AUTHORITY DRAFTED A

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1 REQUEST FOR PROPOSALS AND DISTRIBUTED WELL OVER A
2 HUNDRED OF THOSE PROPOSALS AROUND THE COUNTRY,
3 RECEIVED EIGHT PROPOSALS IN RESPONSE, EIGHT GOOD
4 PROPOSALS, AND THEN WENT THROUGH THE PROCESS OF
5 NARROWING THAT DOWN TO OUR FINALIST. IT WAS A VERY
6 DETAILED AND EXHAUSTIVE PROCESS BECAUSE WE HAD EIGHT
7 GOOD PROPOSALS. THE TWO FINALISTS WERE BLT
8 ENTERPRISES AND ECDC ENVIRONMENTAL. OF THOSE TWO
9 FINALISTS, ECDC ENVIRONMENTAL WAS CHOSEN AS THE
10 FINALIST.

11 WHAT THE AUTHORITY IS LOOKING FOR HERE
12 IS A PUBLICLY-OWNED TRANSFER STATION OPERATED BY A
13 PRIVATE OPERATOR TRANSPORT BY A PRIVATE TRANSPORT
14 COMPANY AND LANDFILL BY A PRIVATE COMPANY.

15 THE REASON FOR PUBLIC OWNERSHIP IS TWO-
16 FOLD. ONE IS WE FEEL THAT -- THE AUTHORITY BOARD
17 FEELS THAT THE PUBLIC SHOULD TAKE THE FINANCIAL
18 RESPONSIBILITY FOR PURCHASING AND INVESTING IN A
19 TRANSFER STATION, AND ALSO GET THE BENEFIT, THE LONG-
20 TERM BENEFIT OF THAT INVESTMENT.

21 SECONDLY, BECAUSE HUMBOLDT COUNTY IS SO
22 GEOGRAPHICALLY ISOLATED, IT'S IMPERATIVE THAT THERE BE
23 PUBLIC CONTROL OF THAT TRANSFER STATION. HUMBOLDT
24 COUNTY IS VERY ISOLATED. IT IS ROUGHLY FIVE HOURS'
25 DRIVE TO THE NEXT DISPOSAL FACILITY. YOU'RE LOOKING

1 AT MEDFORD, REDDING SOUTH TO THE POTERO HILLS AREA.
2 BECAUSE OF THAT GEOGRAPHIC ISOLATION, WE CAN
3 ESSENTIALLY BE HELD HOSTAGE. SO THE BOARD FELT IT WAS
4 IMPERATIVE THAT PUBLIC CONTROL OF THE TRANSFER STATION
5 WOULD COME THROUGH PUBLIC OWNERSHIP OF THE TRANSFER
6 STATION.

7 WHEN WE DID THE REQUEST FOR PROPOSALS --
8 AS YOU MAY KNOW, CURRENTLY OPERATING IN HUMBOLDT
9 COUNTY IS THE CUMMINGS ROAD LANDFILL. THE LANDFILL
10 STARTED IN THE 1930S. THERE WAS A CONTRACT WRITTEN IN
11 1978, ACTUALLY SEPTEMBER OF 1978, FOR USE OF THAT
12 LANDFILL. THAT CONTRACT EXPIRES IN '98, IN ABOUT A
13 MONTH FROM NOW -- A LITTLE OVER A MONTH.

14 IN DOING THE REQUEST FOR PROPOSALS WE
15 ACKNOWLEDGED THAT THERE WAS SOME REMAINING CAPACITY AT
16 THAT LANDFILL. AND IN THE REQUEST FOR PROPOSALS WE
17 HAD SPECIAL PROVISIONS FOR USE OF THAT CAPACITY, AND
18 THOSE PROVISIONS INCLUDED HAVING THE EXISTING
19 CONTRACTOR SUBMIT A PROPOSAL SPECIFICALLY FOR THAT
20 CAPACITY.

21 ALSO, IF THEY CHOSE TO DO SO, WE
22 ACKNOWLEDGED THAT WE WERE WILLING TO LISTEN TO A
23 PROPOSAL THAT THEY COULD SUBCONTRACT THE USE OF THAT
24 CAPACITY. WE SUBMITTED A DRAFT AGREEMENT TO GET
25 NEGOTIATIONS GOING. WE RECEIVED NO PROPOSAL FROM THAT

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1 COMPANY.

2 SO, IN PROCEEDING WITH OUR EFFORTS TO
3 SITE A TRANSFER STATION, WE LOCATED A SITE ON
4 HILLTHICKER LANE IN EUREKA. THE PERMITTING FOR THAT
5 SITE ON HILLTHICKER LANE, BECAUSE IT WOULD REQUIRE A
6 ZONE CHANGE IN THE CITY OF EUREKA, DROVE THE DECISION
7 TO GO TO THE -- DO AN EIR FOR THAT FACILITY.

8 ALSO THERE ARE WETLANDS ON THAT
9 FACILITY, THAT FISH AND GAME IDENTIFIED SOME POSSIBLE
10 WETLANDS, AND WE HAVE TO DO AN ANALYSIS ON THAT SITE.

11 ALSO, BECAUSE OF THE DESIGN THAT WE'RE
12 LOOKING FOR IN THIS FACILITY WE'RE LOOKING FOR THE
13 GRAVITY COMPACTION SYSTEM WHEREIN YOU HAVE A TRAILER
14 THAT IS IN A TUNNEL UNDERNEATH THE TIPPING FLOOR. AND
15 BECAUSE OF THE EFFICIENCIES OF THAT, WE ARE ANXIOUS TO
16 GET TO THAT IN OUR PERMANENT FACILITY. AND BECAUSE OF
17 THAT DESIGN THERE'S A SUBSTANTIAL AMOUNT OF FILL THAT
18 WOULD NEED TO BE BROUGHT IN, AND THAT WOULD CHANGE THE
19 DRAINAGE OF THE SITE.

20 SO THOSE -- THE ZONE CHANGE, THE
21 WETLANDS ANALYSIS, THE CHANGE BECAUSE OF THE GRAVITY
22 SYSTEM, THE GEOTECHNICAL THAT IS DRIVEN FROM THAT, ALL
23 OF THOSE DROVE THE DECISION TO HAVE AN EIR.

24 UNFORTUNATELY, DEMOLITION OF THE
25 BUILDINGS ON THE HILLTHICKER SITE REQUIRE -- WE WERE

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1 REQUIRED TO GO THROUGH THE COASTAL COMMISSION. SO
2 THERE WERE ESSENTIALLY TWO LOOPS THROUGH THE COASTAL
3 COMMISSION FOR THIS SITE. ONE IS DEMOLITION OF THE
4 EXISTING STRUCTURES. SECONDLY WOULD BE OUR
5 PERMITTING TO GO ON THE SITE. THE COASTAL COMMISSION
6 HAS A BACKUP AND THERE IS A SUBSTANTIAL AMOUNT TIME
7 GOING THROUGH IT IN ONE LOOP, AND WE WOULD HAVE TO GO
8 THROUGH TWO LOOPS.

9 WE'VE ATTEMPTED TO NEGOTIATE WITH CITY
10 GARBAGE COMPANY FOR USE OF THEIR EXISTING TRANSFER
11 STATION. THEY HAVE BEEN UNWILLING TO NEGOTIATE FOR
12 USE OF THAT TO ALLOW US ENOUGH TIME TO DESIGN, PERMIT,
13 AND OPEN OUR PERMANENT FACILITY.

14 SO, WE'RE ESSENTIALLY FORCED INTO A
15 SITUATION OF LOOKING AT AN INTERIM FACILITY, AND
16 THAT'S THE PERMIT THAT YOU HAVE BEFORE YOU TODAY.

17 I UNDERSTAND THERE ARE SOME CONCERNS
18 THAT THIS NEG DEC FOR THIS INTERIM FACILITY IS A
19 CIRCUMVENTING OF THE ULTIMATE EIR THAT WE PROPOSED FOR
20 THE HILLTHICKER SITE OR THE PERMITTING OF THE
21 PERMANENT. I ASSURE YOU THAT IS NOT THE CASE. WE
22 PLAN ON BEING BEFORE YOU IN ABOUT A YEAR FOR
23 PERMITTING OF OUR PERMANENT SITE.

24 WE ARE VERY PROUD OF OUR WASTE REDUCTION
25 ACTIVITIES IN HUMBOLDT COUNTY. AS YOU MAY KNOW, WE

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1 HAVE ALREADY REACHED OUR 50 PERCENT GOAL. WE INTEND
2 ON GOING BEYOND THAT 50-PERCENT GOAL. WE PLAN ON NOT
3 STOPPING -- ONE OF THE REASONS ECDC ENVIRONMENTAL WAS
4 CHOSEN AS OUR FINALIST IS BECAUSE OF THEIR WILLINGNESS
5 AND THEIR CREATIVITY IN WORKING WITH US ON FURTHERING
6 THOSE WASTE REDUCTION EFFORTS.

7 WE WOULD LIKE TO BE EQUALLY AS PROUD OF
8 THE DISPOSAL METHOD THAT WE HAVE FOR WHAT WASTE DOES
9 REMAIN. WE NEED YOUR HELP IN DOING THAT. WE WOULD
10 LIKE -- WE REQUEST A DECISION FROM THE BOARD, IF THAT
11 IS POSSIBLE, TODAY ON THIS ISSUE.

12 WE HAVE WITH US TODAY ALSO BILL GRAHAM
13 FROM ECDC ENVIRONMENTAL, THE OPERATOR. WE HAVE DAVID
14 TICESON FROM THE CITY OF EUREKA, WHICH YOU MET DAVE
15 EARLIER IN THE PRESENTATION CEREMONY. KEN CURTIS,
16 ARCATA PLANNING DIRECTOR. AND LIZ CITRINO, WHOM YOU
17 ALSO MET THIS MORNING AND ALREADY KNOW.

18 I'LL BE AVAILABLE FOR FURTHER QUESTIONS
19 IF YOU HAVE ANY.

20 CHAIRMAN PENNINGTON: ANY QUESTIONS AT THIS
21 TIME?

22 MEMBER JONES: I HAVE A COUPLE.

23 CHAIRMAN PENNINGTON: YES, MR. JONES.

24 MEMBER JONES: THE CITY OF ARCATA SAYS NO
25 SELF-HAUL AT THIS TEMPORARY FACILITY?

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1 MR. KINSFATHER: CORRECT.

2 MEMBER JONES: WHERE IS THAT GARBAGE GOING TO
3 GO?

4 MR. KINSFATHER: THERE IS NO MANDATORY
5 GARBAGE CURRENTLY --

6 MEMBER JONES: YEAH, BUT PEOPLE USUALLY
7 GENERATE IT.

8 MR. KINSFATHER: WHAT'S THAT?

9 MEMBER JONES: THEY USUALLY GENERATE IT.

10 MR. KINSFATHER: CORRECT. AND WHAT I'M
11 SAYING IS THE PEOPLE WHO -- BECAUSE THERE'S NO
12 MANDATORY GARBAGE, THERE SOME PEOPLE WHO DO A
13 SUBSTANTIAL AMOUNT OF SELF-HAUL. ONE OF THE FAIRLY
14 EASY SOLUTIONS WOULD THAT THOSE PEOPLE COULD SIGN UP -
15 - THOSE PEOPLE IN EUREKA COULD SIGN UP FOR GARBAGE
16 SERVICE, THAT WOULD BE MORE BUSINESS FOR CITY GARBAGE,
17 THE COLLECTION OF THE -- YOU'RE FROWNING.

18 CURRENTLY A LOT OF THE SELF-HAUL IS
19 BECAUSE THERE IS NO MANDATORY GARBAGE IN HUMBOLDT
20 COUNTY. A LARGE PERCENTAGE OF PEOPLE DO SELF-HAUL TO
21 THE TRANSFER STATION. IF THAT IS NOT AVAILABLE, THEY
22 CAN SIMPLY SIGN UP FOR GARBAGE SERVICE. THE PEOPLE IN
23 EUREKA CAN SIGN UP FOR GARBAGE SERVICE WITH CITY
24 GARBAGE. THOSE PEOPLE IN ARCATA CAN SIGN UP THROUGH
25 ARCATA GARBAGE FOR GARBAGE SERVICE.

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1 AND THEN FOR ADDITIONAL SELF-HAUL THE
2 EEL RIVER DISPOSAL TRANSFER STATION DOES TAKE SELF-
3 HAUL FOR PEOPLE WHO LIVE IN THAT AREA. MCKINLEYVILLE
4 DOES HAVE A SMALL SELF-HAUL TRANSFER STATION. THERE
5 ARE ALSO OUTLYING TRANSFER SITES. AND, ODDLY ENOUGH,
6 PEOPLE DO DRIVE OUT TO THE OUTLYING TRANSFER SITES TO
7 SELF-HAUL. FOR EXAMPLE, THE CARLOTTA SITE, WHICH IS A
8 RURAL SITE, 20 PERCENT OF ITS BUSINESS COMES FROM THE
9 CITY OF FORTUNA, AND WHY THESE PEOPLE WANT TO DRIVE
10 OUT TO THE COUNTRY TO GO TO AN OUTLYING TRANSFER SITE
11 IS BEYOND ME. BUT, THE POINT IS, IS THAT THOSE PEOPLE
12 WILL DO IT IF THEY NEED IT. IT IS THERE.

13 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS FROM
14 THE BOARD MEMBERS?

15 THANK YOU.

16 MR. KINSFATHER: THANK YOU.

17 CHAIRMAN PENNINGTON: NOW, NEXT WE'LL HEAR
18 FROM KEN CURTIS.

19 MR. CURTIS: GOOD MORNING. MY NAME IS KEN
20 CURTIS, COMMUNITY DEVELOPMENT DIRECTOR FOR THE CITY OF
21 ARCATA.

22 AS WAS INDICATED, THE CITY COUNCIL OF
23 THE CITY OF ARCATA DID APPROVE THE CONDITIONAL USE
24 PERMIT FOR THIS WASTE TRANSFER STATION ON AUGUST 19TH.
25 I THINK OUR CITY IS KNOWN, ON THE NORTH COAST, AS

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1 BEING VERY THOROUGH AND EXHAUSTIVE, SOME WOULD SAY
2 EXCRUCIATINGLY SO, WITH RESPECT TO THE PERMITS THAT
3 COME BEFORE IT AND THE ENVIRONMENTAL DOCUMENTS THAT
4 COME BEFORE IT.

5 YOU HAVE HAD OUTLINED IN YOUR REPORTS
6 EARLIER SOME OF THE CHANGES THAT WERE REQUIRED BY OUR
7 CITY COUNCIL IN APPROVING THIS PROJECT. THESE WERE
8 CHANGES NOT TO REDUCE THE LEVEL OF SIGNIFICANCE OF
9 ENVIRONMENTAL EFFECTS, THEY WERE CHANGES TO MAKE THE
10 PROJECT MORE ACCEPTABLE TO RESIDENTS AND BUSINESSES IN
11 THE VICINITY OF THIS PROPOSED SITE.

12 AMONG THOSE CHANGES WERE TO REQUIRE THAT
13 THE BUILDING BE FULLY ENCLOSED TO REDUCE GENERATION OF
14 ODORS, TO IMPROVE THE ORIENTATION OF THE BUILDING TO
15 WIND, TO ELIMINATE THE PUBLIC SELF-HAUL, TO REDUCE THE
16 OPERATING HOURS, TO IMPROVE THE MONITORING ON THE SITE
17 OF BOTH NOISE AND WATER QUALITY, AND TO INCREASE THE
18 VISUAL SCREENING OF THE SITE FROM A STATE HIGHWAY AND
19 ALSO FROM NEARBY RESIDENTIAL AND BUSINESS AREAS.

20 SO, OUR CITY TOOK VERY SERIOUSLY ITS
21 RESPONSIBILITIES, BOTH IN TERMS OF THE REGULATORY
22 PERMIT AND ITS RESPONSIBILITIES UNDER THE CALIFORNIA
23 ENVIRONMENTAL QUALITY ACT. THE CITY COUNCIL DID
24 APPROVE A MITIGATED NEGATIVE DECLARATION FOR THE
25 PROJECT. THAT MITIGATED NEGATIVE DECLARATION, WE

1 THINK, IS VERY THOROUGH.

2 WE AT THE CITY ENCOURAGE THE BOARD TODAY
3 TO APPROVE THIS PROJECT. AND I'M AVAILABLE FOR ANY
4 QUESTIONS THAT YOU MAY HAVE FOR ME LATER.

5 CHAIRMAN PENNINGTON: ANY QUESTIONS?

6 MEMBER EATON: NO,
7 MR. CHAIR. BUT I DON'T HAVE -- AND MAYBE IT'S JUST I
8 MISPLACED IT -- BUT, IS THERE A COPY OF THE MITIGATING
9 NEGATIVE DECLARATION IN THE BOARD MEMBERS' PACKET? I
10 KNOW IT CAME LATE, BUT I JUST -- I MEAN, IT WOULD HELP
11 US AS WE'RE TALKING TO LOOK WHEN AN INDIVIDUAL SAYS
12 THERE'S SUBSTANTIAL INFORMATION AND ET CETERA -- CAN
13 WE GET A COPY OF THAT? PERHAPS THAT WOULD HELP US IN
14 OUR DISCUSSION.

15 MS. TOBIAS: I THINK YOU CAN GET A COPY OF
16 IT. WE DID NOT PUT THOSE IN THE PACKETS, BUT WE CAN
17 GO OUT AND HAVE THOSE DUPLICATED.

18 DO YOU HAVE THAT RIGHT NOW, GEORGIANNE:

19 MS. TURNER: WOULD YOU LIKE A COPY WHILE
20 YOU'RE HERE RIGHT NOW?

21 MEMBER EATON: PLEASE.

22 MS. TURNER: OKAY.

23 MEMBER EATON: AND I JUST HAVE A QUICK
24 QUESTION OF OUR STAFF.

25 CHAIRMAN PENNINGTON: GO AHEAD, MR. EATON.

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1 MEMBER EATON: YOU GOT THIS YESTERDAY?

2 MS. TURNER: WE RECEIVED THE MITIGATION
3 MEASURES ON MONDAY MORNING. AND WE HAVE BEEN
4 REVIEWING THIS AND DISCUSSING IT WITH THE PARTIES THAT
5 NEED TO BE INVOLVED IN THAT DISCUSSION.

6 MR. EATON: OKAY.

7 MS. TURNER: AND WE JUST GOT THE ADDENDUM
8 YESTERDAY.

9 MEMBER JONES: CAN I ASK A QUESTION WHILE
10 STAFF --

11 CHAIRMAN PENNINGTON: CERTAINLY, MR. JONES.

12 MEMBER JONES: I KNOW THERE'S GOING TO BE AN
13 AWFUL LOT OF TESTIMONY. I JUST I KNOW ALL THE PARTIES
14 INVOLVED HERE, PLAYED UP IN THAT PART OF THE COUNTRY,
15 AND DON'T HAVE A PROBLEM WITH ANY OF THEM, BUT I DO
16 HAVE A PROBLEM WITH THE PROCESS.

17 AND I'VE SEEN OUR STAFF WRITE A LETTER -
18 - WELL, LET ME GO BACK. I'M LOOKING AT A LETTER FROM
19 HUMBOLDT COUNTY DEPARTMENT OF PUBLIC HEALTH THAT HAS
20 IDENTIFIED THE HUMBOLDT COUNTY WASTE MANAGEMENT
21 AUTHORITY AS THE LEAD AGENCY. THE LEAD AGENCY MEANING
22 THE PROPONENT OR THE LEAD AGENCY FOR THE PURPOSE OF
23 PREPARATION OF THE EIR AND ALL THOSE THINGS? I'M
24 ASKING THE LEA, I GUESS.

25 MR. METCALF: I'M NOT SURE WHICH LETTER IT IS

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1 YOU HAVE IN YOUR POSSESSION. AND, I'M NOT SURE IF
2 IT'S RELATING TO THE HILLTHICKER SITE, THE PERMANENT
3 SITE, OR THIS SITE HERE.

4 MEMBER JONES: OKAY. NOW, THAT SCARES ME.
5 IS THERE AN EIR -- IF YOU THINK -- IS IT BECAUSE IT'S
6 A TEMPORARY SITE IT DOESN'T HAVE TO GO THROUGH
7 ENVIRONMENTAL REVIEW? OR IS THERE DIFFERENT LEVELS OF
8 ENVIRONMENTAL IMPACTS BASED ON HOW LONG YOU'RE GOING
9 TO OPERATE A FACILITY?

10 MR. METCALF: FOR THE SITE -- THE PROJECT
11 THAT WE ARE TALKING ABOUT TODAY, A MITIGATED NEG DEC
12 HAS BEEN PREPARED AND CIRCULATED. AND WE'VE REVIEWED
13 THAT AND DETERMINED THAT'S ADEQUATE FOR OUR APPROVAL
14 OF THE TEMPORARY TRANSFER STATION SITE.

15 MEMBER JONES: OKAY. BECAUSE IN THE LETTER
16 IT SAYS IT WAS APPROPRIATE FOR THEM TO DO AN EIR FROM
17 YOU.

18 MR. METCALF: I AM NOT SURE WHAT LETTER
19 YOU'RE TALKING TO. COULD I SEE A COPY OF THAT LETTER?

20 MEMBER JONES: AND WHAT I'M WONDERING IS,
21 UNDER THE ENVIRONMENTAL IMPACT REPORTS -- FIRST OFF,
22 I'M NOT SURE WHERE IN OUR STATUTES WE HAVE A SECTION
23 THAT'S CALLED TEMPORARY TRANSFER STATIONS. NOW, I
24 ASKED THAT QUESTION IN MY BRIEFING. BECAUSE, WHEN WE
25 GIVE OUT A TRANSFER STATION PERMIT IT'S FOREVER, AND

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1 IT GETS REVIEWED EVERY FIVE YEARS.

2 HAS THERE BEEN SOME STATUTE THAT HAS
3 CHANGED THAT I AM NOT AWARE OF?

4 MS. TURNER: NO, WE DO NOT ISSUE TEMPORARY
5 PERMITS. THAT'S TRUE.

6 MEMBER JONES: OKAY. IF WE ARE DOING A
7 NEGATIVE DEC, ARE THERE ENVIRONMENTAL CONCERNS TO BE
8 TAKEN INTO ACCOUNT WHETHER IT IS TEMPORARY OR NOT
9 TEMPORARY?

10 IS THERE A DIFFERENCE IN THE LEVEL OF
11 ENVIRONMENTAL PROTECTION THAT IS NEEDED?

12 MS. TURNER: I HAD A BRIEF DISCUSSION WITH
13 THE PREPARER OF THE CEQA DOCUMENT. HE SAID THAT THE
14 CEQA ANALYSIS WAS NOT DONE BASED ON A TWO-YEAR PERIOD.

15 AND MAYBE HE COULD FURTHER ELABORATE ON THAT, IF YOU
16 WOULD LIKE HIM TO.

17 MEMBER JONES: WHO WAS THE PREPARER OF THE
18 CEQA DOCUMENT?

19 MS. TURNER: KEN CURTIS, I THINK.

20 MS. TOBIAS: NO, BILL GRAHAM, I THINK, FROM
21 ECDC.

22 CHAIRMAN PENNINGTON: HE'S OUR NEXT WITNESS,
23 IF YOU'D LIKE TO HEAR FROM HIM.

24 MEMBER JONES: OKAY.

25 MR. METCALF: WOULD YOU LIKE ME TO RESPOND TO

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1 YOUR EARLIER QUESTION?

2 MEMBER JONES: YEAH.

3 MR. METCALF: THIS LETTER, WHICH I AM THE
4 PERSON WHO WROTE AND SIGNED IT, IS TO COMMENT ON THE
5 NOTICE OF PREPARATION FOR THE PERMANENT SITE IN
6 EUREKA, AND IS NOT FOR THE SITE THAT WE ARE TALKING
7 ABOUT TODAY.

8 MEMBER JONES: OKAY. SO THERE WAS A NOTICE
9 OF PREPARATION WAS SENT OUT THAT SAYS THERE WAS GOING
10 TO BE A TRANSFER STATION. AT THE SAME TIME THEY SENT
11 THAT OUT FOR THIS PERMANENT SITE, DID THEY ALSO SEND
12 OUT A NOTICE OF PREPARATION THAT THEY'RE GOING TO DO
13 AN INTERIM SITE?

14 MR. METCALF: NO. NO, THEY DIDN'T SEND
15 ANYTHING OUT. THIS WAS INDEPENDENT OF THE PROJECT
16 THAT WE ARE DOING NOW.

17 MEMBER JONES: OKAY. SO, FOR A PERMANENT
18 SITE A FULL EIR WAS NECESSARY. RIGHT?

19 MS. TURNER: THAT'S CORRECT.

20 MR. METCALF: IT WAS NECESSARY BASED ON HOW
21 THE LEAD AGENCY CHECKED THE RESPONSES.

22 MEMBER JONES: OKAY.

23 MR. METCALF: WE DIDN'T INFORM THEM THAT AN
24 EIR WAS APPROPRIATE FOR THAT.

25 MEMBER JONES: OUR STAFF DID, THOUGH. I'M

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1 SORRY. IF YOU DID -- YOU DON'T THINK AN EIR'S
2 NECESSARY FOR A SOLID WASTE FACILITY PERMIT?

3 MR. METCALF: ON AN INDIVIDUAL CASE BASIS
4 IT'S DECIDED WHAT THE APPROPRIATE ENVIRONMENTAL
5 DOCUMENT IS. I DON'T THINK IT'S MANDATORY FOR AN EIR
6 TO BE PREPARED FOR EVERY TRANSFER STATION OR SOLID
7 WASTE FACILITY.

8 MEMBER JONES: YOU'RE PROBABLY RIGHT. BUT, I
9 MEAN, THERE -- AND I GUESS WHAT I DON'T UNDERSTAND IS
10 WHY IT'S PERMANENT -- WHY FOR A PERMANENT FACILITY WE
11 NEED A FULL-BLOWN EIR. OUR STAFF ALSO ON THE NOTICE
12 OF PREPARATION SAID IT NEEDED AN EIR.

13 AND YET WE GET A NEG DEC THAT -- AND I
14 HAVEN'T HAD A CHANCE TO READ IT, BUT I WILL -- BECAUSE
15 I DON'T SEE ANYTHING IN STATUTE THAT ALLOWS US TO
16 ISSUE A TEMPORARY PERMIT. AND THEN WHAT WAS GOING TO
17 BE A FULL EIR IS NOW A NEG DEC.

18 IT RAISES MY LEVEL OF ATTENTION, BECAUSE
19 WHILE ONE OF OUR WITNESSES SAYS THE JPA WON'T BE HELD
20 HOSTAGE -- I DON'T HAVE ANY PROBLEM WITH THAT. I
21 DON'T THINK THE JPA SHOULD BE HELD HOSTAGE. I
22 PERSONALLY DON'T CARE WHO GETS A CONTRACT IN HUMBOLDT
23 COUNTY.

24 BUT, I DO HAVE A PROBLEM WITH THE
25 PROCESS WHEN ONE LEVEL OF ENVIRONMENTAL PROTECTION IS

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1 DIRECTED TO A CERTAIN TYPE OF OPERATOR AND ANOTHER ONE
2 ISN'T. THAT IS NOT THE WAY THAT THIS SYSTEM SHOULD
3 WORK. WE SHOULD HAVE A LEVEL PLAYING FIELD WHETHER
4 YOU ARE PUBLIC, PRIVATE, OR WHATEVER.

5 AND THAT'S WHERE I AM HAVING A HUGE
6 PROBLEM AS TO SLAPPING OUT SOMETHING THAT SAYS
7 EVERYTHING IS OKAY. AND WHEN YOU LOOK AT THE
8 TRANSPORTATION THAT'S GOING TO BE INVOLVED TO GET THAT
9 MATERIAL THERE, IT WOULD SEEM TO ME THAT IN AN AREA
10 WHERE THE PM-10 IS ALREADY EXCEEDING THE STATE LEVEL
11 IT WOULD REQUIRE A LITTLE BIT MORE DISCUSSION. BUT,
12 THAT'S....

13 MS. TURNER: I JUST WANTED TO RESPOND THAT
14 THAT DID CONCERN US, TOO. AND THERE WERE SOME
15 RESPONSES FROM THE APPLICANT, AND MAYBE AT THIS TIME
16 THEY WOULD LIKE TO TRY AND EXPLAIN THEIR POSITION ON
17 THAT.

18 MR. METCALF: I WOULD LIKE TO FURTHER CLARIFY
19 THAT THE DIFFERENCES -- THE WAY THAT THE ENVIRONMENTAL
20 CHECKLIST WAS CHECKED FOR THE SITE THAT AN EIR AND A
21 NOTICE OF PREPARATION WAS PREPARED IS BECAUSE OF THE
22 NEED TO CHANGE THE ZONING FROM COASTAL DEPENDENT TO
23 HEAVY INDUSTRIAL. THEY IDENTIFIED THAT AS A
24 SIGNIFICANT IMPACT, SO THEY HAVE TO DO AN EIR FOR
25 THAT.

1 AND, ALSO, BECAUSE OF THE SITE
2 CHARACTERISTICS, WITH THE POSSIBILITY OF WETLANDS, THE
3 IMPROVEMENTS THAT MR. KINSFATHER POINTED OUT, DO
4 REQUIRE -- OR ARE THE BASIS FOR THEIR REASON TO DO AN
5 EIR. THOSE TYPES OF CHECKS, THOSE TYPES OF RESPONSES
6 WERE NOT MADE ON THE INITIAL STUDY FOR THE MITIGATED
7 NEG DEC, AND THAT'S WHY THEY'RE DOING THE MITIGATED
8 NEG DEC FOR THIS PROJECT.

9 MEMBER JONES: I DON'T HAVE A COPY OF WHAT
10 YOU'RE RESPONSE WAS TO THE NEGATIVE -- TO THE
11 MITIGATED NEG DEC. WHAT BOXES WERE CHECKED IN THAT
12 ONE -- IN THAT APPLICATION?

13 MR. METCALF: THE RESPONSES ON THE MITIGATED
14 NEG DEC, NONE OF THE RESPONSES WERE THAT THERE WILL BE
15 A SIGNIFICANT IMPACT. AT MOST IT WERE THAT THERE MAY
16 BE A POTENTIAL SIGNIFICANT IMPACT UNLESS MITIGATED.

17 MS. TURNER: IF YOU WOULD LIKE TO REFER TO
18 THE INITIAL STUDY, IT IS IN YOUR PACKAGE FOR THE
19 MITIGATED NEG DEC; HOWEVER, THE EIR ONE IS NOT IN
20 THERE. IT'S ON PAGE FOUR, AND IT LOOKS LIKE THIS.

21 MEMBER JONES: OH, IN THIS ONE?

22 MS. TURNER: YEAH. IT'S TOWARDS THE BACK.

23 MEMBER JONES: OKAY. WAS THIS FACILITY
24 LISTED IN THE NDFC?

25 MS. TURNER: NO, IT WAS NOT. ACCORDING TO

1 50,001(B) IT WAS OUR UNDERSTANDING THAT THAT WAS NOT A
2 REQUIREMENT. AND I HAVE CONSULTED WITH OUR LEGAL
3 STAFF ON THIS, AND SHE IS MUCH MORE ELOQUENT IN TRYING
4 TO EXPLAIN THIS THAN I AM.

5 MS. TOBIAS: WOULD YOU LIKE TO HAVE MR. BLOCK
6 ADDRESS THIS? HE IS PREPARED TO BASICALLY WALK YOU
7 THROUGH THAT, IF YOU'D LIKE TO HAVE THAT DONE.

8 MEMBER JONES: SURE.

9 MS. TOBIAS: OKAY. ELLIOT?

10 MR. BLOCK: ELLIOT BLOCK FROM THE LEGAL
11 OFFICE.

12 OKAY. VERY BRIEFLY, HUMBOLDT COUNTY IS
13 POST-GAP, WHICH MEANS PRC SECTION 50,001 APPLIES FOR
14 CONFORMANCE FINDINGS. THIS IS THE FIRST PORTION OF
15 SECTION 50,001, WHICH PROVIDES THAT NO SOLID WASTE
16 FACILITY SHALL RECEIVE -- SHALL BE ESTABLISHED OR
17 EXPANDED UNLESS IT MEETS THE FOLLOWING CRITERIA.

18 IN THE CASE OF A DISPOSAL FACILITY OR A
19 TRANSFORMATION FACILITY, IT HAS TO BE IDENTIFIED IN
20 THE COUNTYWIDE SITING ELEMENT.

21 AND IN THE CASE OF A -- OTHER
22 FACILITIES, IN THIS CASE IT WOULD INCLUDE TRANSFER
23 FACILITY TRANSFER STATION, WHICH WILL RECOVER AT LEAST
24 FIVE PERCENT OF THE TOTAL VOLUME OF MATERIAL RECEIVED,
25 IT HAS TO BE IDENTIFIED IN THE NON-DISPOSAL FACILITY

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1 ELEMENT.

2 AND THEN SPECIFICALLY SUBSECTION B OF
3 50,001 PROVIDES THAT SOLID WASTE FACILITIES OTHER THAN
4 THOSE SPECIFIED IN THE TWO PARAGRAPHS ABOVE SHALL NOT
5 BE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THIS
6 SECTION. AND SUBSECTION B -- I WENT THROUGH THAT A
7 LITTLE QUICKLY -- IS ALSO, OF COURSE, REFERENCED RIGHT
8 IN THE BEGINNING OF A, AS AN EXCEPTION TO THE
9 REQUIREMENT TO MEET SECTION 50,001.

10 THERE'S A STRANGE LITTLE ANOMALY IN THE
11 STATUTE. THESE TYPES OF FACILITIES ARE REQUIRED --
12 LET'S SEE IF I CAN GET THAT A LITTLE CLOSER -- TO BE
13 IN THE NDFE EVEN IF THEY ARE REQUIRING LESS THAN FIVE
14 PERCENT. HOWEVER, THIS STATUTE SPECIFICALLY PROVIDES
15 THAT THAT'S NOT A BASIS FOR DISAPPROVING THE DOCUMENT.

16 SO, TYPICALLY WHAT WE'VE DONE IN THESE
17 SITUATIONS -- AND WE'VE HAD ONE OR TWO THAT HAVE COME
18 THROUGH THE BOARD IN THE PAST -- AGAIN, THESE --
19 BECAUSE OF THE WORDING OF SECTION 50,001, A FAILURE
20 FOR A TRANSFER STATION RECOVERING LESS THAN FIVE
21 PERCENT TO BE IN THE NON-DISPOSAL FACILITY ELEMENT IS
22 NOT A BASIS FOR OBJECTING FOR THE PERMIT. HOWEVER, WE
23 DO THEN SPECIFICALLY INFORM THE JURISDICTION THAT THEY
24 ARE REQUIRED TO PUT THIS FACILITY IN THE NDFE AT A
25 FUTURE DATE. AND THAT'S, IN FACT, THE WAY THAT HAS

1 PLAYED OUT WITH US.

2 SO, IN THIS PARTICULAR CASE WE'VE GOT A
3 TRANSFER FACILITY THAT'S RECOVERING LESS THAN FIVE
4 PERCENT, AND SO IS EXEMPT FROM THE REQUIREMENTS OF
5 SECTION 50,0001.

6 DID YOU HAVE ANY QUESTIONS ABOUT THAT?

7 MEMBER JONES: NO, THAT WAS MY QUESTION. I
8 WANTED TO KNOW ON THE NDFE, BECAUSE I THINK WHEN YOU
9 LOOK AT THE NEGATIVE DEC THERE IS -- YOU KNOW, WHAT
10 THOUGHT HAS BEEN GIVEN TO THAT 20 PERCENT OF THE WASTE
11 STREAM THAT NOW YOU WON'T ACCEPT.

12 YOU HAVE A SELF-HAULER WASTE STREAM
13 THAT, BECAUSE OF YOUR ACTION IN -- TWO DAYS AGO, NOW
14 HASN'T BEEN TAKEN CARE OF IN THE NEGATIVE DEC.
15 BECAUSE NOW THAT MATERIAL'S NOT GOING TO -- HAS
16 NOWHERE TO GO.

17 AND I THINK THE REASON I -- JUST SO YOU
18 KNOW THE REASON WHY I'M BRINGING THESE THINGS UP IS
19 BECAUSE THIS LOOKS LIKE A PIECEMEALED PROJECT THAT WE
20 NEED TO REACT TO, WHERE WE DON'T HAVE STATUTORY
21 AUTHORITY TO GIVE A TEMPORARY PERMIT. AND THEN ALL
22 THE PIECES, TO ME, FEEL LIKE HERE'S A QUESTION, LET'S
23 DRAW UP A RESPONSE. HERE'S A QUESTION, LET'S DRAW UP
24 A RESPONSE. AND THAT'S WHERE I'M COMING FROM, BECAUSE
25 THAT IS NOT THE WAY IT IS PLAYED NORMALLY.

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1 SO, IT WAS IMPORTANT THAT I KNEW ABOUT
2 THE NDFE, BECAUSE IF IT WASN'T EVEN THOUGHT OF WHEN
3 THEY DID THEIR NON-DISPOSAL FACILITY ELEMENTS, THEN
4 HOW DO YOU TAKE CARE OF IT IN THE MITIGATED NEGATIVE
5 DEC WHEN YOU'RE TALKING ABOUT SELF-HAULERS THAT ARE
6 GOING TO BE EXCLUDED FROM THAT FACILITY.

7 CHAIRMAN PENNINGTON: OKAY?

8 MEMBER JONES: THAT'S IT FROM ME.

9 CHAIRMAN PENNINGTON: OKAY. NEXT WE'LL HEAR
10 FROM MR. BILL GRAHAM.

11 MR. GRAHAM: THANK YOU, CHAIRMAN, MEMBERS OF
12 THE BOARD, AND PEOPLE IN THE AUDIENCE. MY NAME IS
13 BILL GRAHAM. I'M WITH ECDC ENVIRONMENTAL, I'M THE
14 PROJECT MANAGER FOR THIS PROJECT. I'VE BEEN WORKING
15 UP IN HUMBOLDT COUNTY ON WASTE-RELATED ISSUES, WASTE
16 AND RECYCLING ISSUES FOR THE PAST SEVEN YEARS. IN
17 FACT, I WROTE THE CITY OF EUREKA'S AB-939 PLAN, WHICH
18 THE CITY OF EUREKA RECEIVED AN AWARD TODAY, AS YOU ALL
19 KNOW.

20 I'VE BEEN WITH ECDC SINCE THE COMPANY
21 STARTED OVER SIX YEARS AGO. ECDC OPERATES RAIL
22 SERVICE TRANSFER STATIONS THROUGHOUT THE WEST. IN
23 FACT, OUR OFFICE OPERATES THE RAIL YARD AT PIER 96 IN
24 SAN FRANCISCO. AND THROUGH THAT -- OVER THE LAST SIX
25 YEARS, WE'VE HAD, I LIKE TO THINK, MORE WASTE-BY-RAIL

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1 EXPERIENCE THAN ANY OTHER BUSINESS IN THE STATE.

2 WE'VE WORKED WITH THE HUMBOLDT COUNTY
3 WASTE MANAGEMENT AUTHORITY SINCE ITS INCEPTION. WE
4 BELIEVE THAT THE SYSTEM THAT WE'RE OFFERING OFFERS THE
5 MOST FLEXIBLE, ENVIRONMENTALLY SOUND, AND COST
6 EFFECTIVE PROGRAM AVAILABLE.

7 IT'S GOING TO USE ENVIRONMENTALLY SOUND
8 SUBTITLE D-COMPLIANT LANDFILLS. AND ALSO IT HAS THE
9 ADDED BENEFIT OF BENEFITTING THE AREA ECONOMICALLY,
10 THROUGH INCREASED USE OF THE RAILROAD AND THE PORT.

11 AND I'VE BEEN INVOLVED, AS I SAID, WITH
12 THE PROJECT. I PUT TOGETHER THE NEG DEC AND A LOT OF
13 THE DOCUMENTS RELATING TO THE PERMIT APPLICATION. WE
14 PLAN ON BEING OPERATORS OF THE FACILITY, AS WELL.

15 AND, I'D LIKE TO ANSWER ANY QUESTIONS
16 THAT YOU HAVE.

17 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
18 GRAHAM?

19 MEMBER JONES: NO. JUST A COMMENT. I KNOW
20 BILL, AND BILL'S A GOOD OPERATOR. BILL'S COMPANY IS A
21 GOOD OPERATOR.

22 I DON'T HAVE A PROBLEM WITH YOU GUYS --
23 YOU KNOW, WITH THAT. MY PROBLEMS STEM FROM (1) A
24 TEMPORARY FACILITY, (2) NOT THE PROPER ENVIRONMENTAL
25 REPORTING.

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1 AND I JUST GOT THIS TO READ. BUT, YOU
2 KNOW, WHEN YOU EXCLUDE A PART OF THE WASTE STREAM, AND
3 THE ANSWER IS, "WELL, THEY CAN GET GARBAGE SERVICE,"
4 YOU AND I BOTH KNOW --

5 MR. GRAHAM: YEAH.

6 MEMBER JONES: -- THAT AIN'T THE RIGHT
7 ANSWER.

8 MR. GRAHAM: I'D LIKE TO ELABORATE A LITTLE
9 BIT FURTHER ON THAT RESPONSE, IF I COULD?

10 CERTAINLY, SUBSCRIPTION GARBAGE SERVICE
11 IS AN ALTERNATIVE FOR THE PUBLIC SELF-HAULERS.
12 HOWEVER, AS GERALD MENTIONED, THERE ARE OTHER TRANSFER
13 STATIONS, PERMANENT TRANSFER STATIONS IN THE COUNTY.
14 INCLUDING -- CITY GARBAGE HAS A TRANSFER STATION IN
15 EUREKA THAT THE SELF-HAULERS CAN CONTINUE GOING TO.
16 SO, WE'RE NOT EXCLUDING ALL SELF-HAULERS.

17 THIS HAS BASICALLY BECOME A COMMERCIAL
18 FRANCHISE-ONLY FACILITY. SO, I DON'T WANT TO GIVE THE
19 IMPRESSION THAT WE'RE LEAVING THE SELF-HAULERS HIGH
20 AND DRY. THEY DO HAVE OTHER OPTIONS AND EXISTING
21 OPTIONS, SO I'D LIKE TO MAKE THAT CLEAR.

22 MEMBER JONES: BUT WHEN YOU DID THE NEG DEC,
23 DID YOU ACCOUNT FOR THAT?

24 MR. GRAHAM: THAT THERE WERE OTHER OPTIONS
25 FOR SELF-HAULERS? WELL, WE INCLUDED THE SELF-HAULERS

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1 IN THE INITIAL NEG DEC. AND THROUGH ACTION OF THE
2 CITY COUNCIL, AS LEAD AGENCY, THEY WANTED TO TAKE THE
3 PUBLIC SELF-HAULERS OUT. SO WE VIEW THAT AS ACTUALLY
4 ENHANCING THE PROJECT BECAUSE IT'S GOING TO MINIMIZE
5 TRAFFIC IMPACTS AND THE LIKE.

6 AND, AS I MENTIONED EARLIER, THERE ARE
7 EXISTING ALTERNATIVES FOR THE SELF-HAULERS TO GO TO.

8 MEMBER JONES: AND I AGREE WITH THAT IN
9 PRINCIPLE. BUT, AS PART OF THE NEG DEC, YOU
10 IDENTIFIED -- I MEAN, AS PART OF THE TRAFFIC
11 GENERATION AND THE GENERATION OF WASTE AND HOW IT'S
12 GOING TO BE DELIVERED TO DIFFERENT FACILITIES, THAT'S
13 PART OF THE -- OF A NEG DEC. YOU KNOW, THESE MANY
14 TRUCKS ARE COMING IN; THESE MANY ARE LEAVING; THIS IS
15 HAPPENING, THAT'S HAPPENING. AND WHEN YOU TAKE 20
16 PERCENT OF THAT WASTE STREAM AWAY IT HAS AN IMPACT ON
17 THE FACILITY. MAYBE IT'S POSITIVE, MAYBE IT'S
18 NEGATIVE. I DON'T KNOW.

19 DO YOU KNOW WHAT I'M SAYING?

20 MR. GRAHAM: SORT OF.

21 MEMBER JONES: IT WASN'T ACCOUNTED FOR. IT'S
22 NOT ACCOUNTED FOR. AND IT'S JUST ANOTHER PATCH JOB.
23 YOU KNOW, AND THAT AND THE FACT THAT IT'S A TEMPORARY
24 TRANSFER STATION....

25 MR. GRAHAM: THE TEMPORARY NATURE, I'D LIKE

1 TO ADDRESS THAT FOR A MINUTE. IT'S -- YOU KNOW, I DO
2 UNDERSTAND THE WASTE BOARD GRANTS PERMITS FOR FIVE-
3 YEAR PERIODS FOR FACILITIES.

4 HOWEVER, IN THE USE PERMIT FROM THE LEAD
5 AGENCY IT SPECIFIES THAT THIS IS GOING TO BE A TWO-
6 YEAR FACILITY. AND AT THE END OF THAT TWO YEARS THAT
7 PERMIT EXPIRES. SO THERE'S GOING TO BE NO ADDITIONAL
8 TRANSFER OPERATIONS GOING ON AT THAT FACILITY.

9 IN FACT, THE BUILDING'S GOING TO BE
10 DECOMMISSIONED. WE ARE PLANNING ON ACTUALLY TAKING
11 DOWN THE BUILDING FROM THE TEMPORARY SITE AND ACTUALLY
12 REUSING IT AT THE PERMANENT STATION. THE PERMANENT
13 STATION WILL HAVE TWO STRUCTURES. ONE WILL BE A LARGE
14 COMMERCIAL FRANCHISE STRUCTURE, THEN THERE'S A SELF-
15 HAUL RECYCLING STRUCTURE.

16 WELL, IT JUST SO HAPPENS THAT THIS
17 BUILDING THAT WE'RE UTILIZING AT THE TEMPORARY STATION
18 IS THE SAME CONFIGURATION, EXACTLY, AS WHAT WE'RE
19 GOING TO BE USING FOR THE PUBLIC SELF-HAUL RECYCLING
20 AREA AT THE PERMANENT STATION. SO, LITERALLY -- AND I
21 DON'T KNOW IF YOU'VE EVER HAD THIS BEFORE, BUT WE'RE
22 GOING TO BE RECYCLING A TRANSFER STATION AND REUSING
23 IT.

24 MEMBER JONES: IF YOU DON'T GET THE FIRST ONE
25 DONE IN -- OR, THE SECOND ONE DONE IN TWO YEARS, BILL,

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1 THEN WHAT HAPPENS? IF THE PERMIT IS ONLY GOOD FOR TWO
2 YEARS AND YOU DON'T GET IT DONE, THEN WHAT HAPPENS TO
3 ALL THE WASTE IN HUMBOLDT COUNTY?

4 MR. GRAHAM: WE WILL GET IT DONE.

5 MEMBER JONES: WELL, I HEARD ABOUT HOOPS
6 THROUGH THE COASTAL COMMISSION. IS THAT STILL TRUE?
7 I MEAN, YOU'VE GOT SOME THINGS TO GO THROUGH WITH THE
8 COASTAL COMMISSION? OR, THE OPERATOR DOES?

9 MR. GRAHAM: YES, THEY DO. THEY HAVE TO --
10 THEY HAVE THE OPTION ALSO TO EXTEND IT BY GOING BACK
11 TO THE CITY PLANNING COMMISSION TO EXTEND IT FOR
12 ANOTHER YEAR. SO, THEY HAVE THREE YEARS SHOULD
13 SOMETHING COME UP IN THE PERMITTING PROCESS AT THE
14 PERMANENT SITE.

15 MEMBER JONES: SO THIS COULD BE A THREE-YEAR
16 TRANSFER STATION AS OPPOSED TO A TWO-YEAR TRANSFER
17 STATION.

18 MR. GRAHAM: CORRECT. I'D ALSO LIKE TO POINT
19 OUT THAT WE KEEP PUTTING IN THIS TEMPORARY HERE, THAT
20 WE'RE NOT MITIGATING, HOLDING BACK OR VIOLATING ANY
21 STATE MINIMUM STANDARD. THIS PROJECT IS MEETING ALL
22 THE STATE MINIMUM STANDARDS APPLICABLE TO A TRANSFER
23 STATION.

24 MEMBER JONES: IT'S NOT THE STANDARDS OF HOW
25 YOU OPERATE THE STATION. IT'S WHAT ARE THE

1 ENVIRONMENTAL IMPACTS ON THE SURROUNDING
2 NEIGHBORHOODS. THAT IF THEY'RE NOT -- IF YOU'RE
3 FOCUSED ON A PERMANENT ONE THAT'S FIVE MILES AWAY --
4 AND I DON'T KNOW HOW FAR AWAY IT IS, OKAY? -- MAYBE
5 IT'S FIVE, MAYBE IT'S 10, MAYBE IT'S TWO BLOCKS, I
6 DON'T KNOW -- AND YOU'RE FOCUSED ON THAT BUT YOU'RE
7 NOT FOCUSED ON WHAT'S GOING TO BE OPERATING FOR THE
8 NEXT THREE YEARS, THERE ARE STILL ENVIRONMENTAL
9 IMPACTS THERE.

10 AND ALL I'M TRYING TO GET ACROSS IS THAT
11 YOU CAN'T DO IT WITH A WINK AND A NOD. IT DON'T
12 HAPPEN THAT WAY, OR IT'S NOT SUPPOSED TO HAPPEN THAT
13 WAY.

14 MR. GRAHAM: THAT HAS NEVER BEEN THE ATTEMPT.
15 LET ME JUST SAY IT'S NEVER BEEN THE ATTEMPT.

16 MEMBER JONES: AND THAT'S FINE, BUT WHEN I
17 SEE ALL THESE THINGS PIECED, THEN I HAVE TO ASK THE
18 QUESTION IF IT'S A TEMPORARY FACILITY -- OKAY? --
19 THAT'S FINE. HAVE WE TAKEN INTO ACCOUNT THE
20 ENVIRONMENTAL IMPACTS OF OPERATING THAT TEMPORARY
21 FACILITY.

22 MR. GRAHAM: WE BELIEVE WE HAVE, AND THE LEAD
23 AGENCY CONCURS.

24 MEMBER JONES: BUT THE LEAD AGENCY IS CITY OF
25 ARCATA OR THE JPA?

1 MR. GRAHAM: THE CITY OF ARCATA.

2 MEMBER JONES: OKAY. NOT THE JPA?

3 MR. GRAHAM: NO. THE JPA'S THE APPLICANT.

4 CHAIRMAN PENNINGTON: OKAY. WE'LL NOW MOVE
5 TO DAVID TICESON.

6 MR. TICESON: THANK YOU BOARD AND STAFF.
7 THEY DRAGGED ME ALONG BECAUSE I'M USUALLY THE
8 EMOTIONAL ONE AND I GET CAUGHT UP IN THESE THINGS.
9 I'VE BEEN DEALING WITH IT FROM A POLITICAL AND A STAFF
10 POSITION FOR A NUMBER OF YEARS.

11 I'M HERE TO ANSWER QUESTIONS AS FAR AS
12 THE CITY OF EUREKA'S CONCERNED. OUR CITY COUNCIL AND
13 THE CITY COUNCILS AND BOARD OF SUPERVISORS IN HUMBOLDT
14 COUNTY, I THINK, HAVE MADE AN UNPRECEDENTED VOTE ON
15 THIS ISSUE, THIRTY TO ZERO, THAT THEY WANT THE TRASH
16 TO BE HAULED OUT OF HUMBOLDT COUNTY.

17 CHANGE IS VERY HARD, AS YOU KNOW WITH
18 AB-939, AND DEALING WITH THOSE ISSUES. WELL, WE'RE
19 TRYING TO MAKE A POSITIVE CHANGE IN HUMBOLDT COUNTY,
20 AND APPARENTLY IT'S VERY HARD FOR SOME TO ACCEPT.

21 YOU'RE GOING TO HEAR FROM A NUMBER OF
22 HIRED INDIVIDUALS WHO WILL COME AND TRY TO POKE HOLES
23 INTO OUR ENVIRONMENTAL DOCUMENTS, OUR PROCESS. IF
24 THERE ARE PROBLEMS WITH OUR DOCUMENTS, PLEASE SPEAK TO
25 US. WE WILL ANSWER THOSE QUESTIONS, BUT PLEASE

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1 REALIZE ALSO THAT THOSE INDIVIDUALS STAND TO GAIN
2 FINANCIALLY GREATLY FROM THIS CONTRACT IN HUMBOLDT
3 COUNTY.

4 WE ARE INTERESTED, THE JPA IS
5 INTERESTED, THE SIX MEMBERS OF THIS JPA, THE 30
6 INDIVIDUALS THAT VOTED FOR THIS, THE 116 CONSTITUENTS
7 IN HUMBOLDT COUNTY WANT THIS ISSUE TO GO THROUGH. WE
8 NEED THE TEMPORARY TRANSFER STATION SO THAT WE'RE NOT
9 HELD HOSTAGE BY OUR CURRENT PROVIDER.

10 AS GERALD HAS STATED, WE WENT THROUGH A
11 BID PROCESS. OUR CURRENT PROVIDER WAS INVITED MORE
12 THAN ONCE TO BID ON THIS. THEY CHOSE NOT TO BID
13 BECAUSE, AS THEY STATED, IT WAS NOT TO THEIR
14 COMPETITIVE ADVANTAGE TO BID ON THIS CONTRACT. THEY
15 ALSO HAVE STATED PUBLICLY THAT THEY THOUGHT THE JPA
16 WOULD FAIL IN ITS PROCESSING. WELL, SURPRISE, WE
17 HAVEN'T YET.

18 WE WOULD LIKE TO CONTINUE WITH THE
19 PROCESS. WE WOULD LIKE TO BE RELEASED FROM THE
20 SHACKLES THAT THE COMMUNITY HAS BEEN HELD UNDER FOR A
21 NUMBER OF YEARS, AND WE'D LIKE TO MOVE FORWARD. AS
22 YOU ARE TRYING TO MOVE FORWARD WITH YOUR 21ST CENTURY
23 PLANNING, SO ARE WE. AND WE WANT TO GET AWAY FROM THE
24 WAY THINGS HAVE BEEN DONE IN HUMBOLDT COUNTY FOR 30
25 YEARS, AND WE'D LIKE TO MOVE FORWARD WITH A

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1 PROGRESSIVE TYPE OF WASTE SOLUTION, SOMETHING THAT
2 WOULD LOWER OUR CONSTITUENTS' COSTS AND BE MORE
3 ENVIRONMENTALLY SOUND.

4 WITH THAT, I'D BE HAPPY TO ANSWER ANY
5 QUESTIONS OR TO COME BACK LATER ON. THANK YOU.

6 CHAIRMAN PENNINGTON: QUESTIONS? THANK YOU.

7 NOW WE'LL HEAR FROM LIZ CITRINO.

8 MS. CITRINO: GOOD MORNING ONCE AGAIN. I
9 GUESS I GET TO WEAR A LITTLE BIT OF A DIFFERENT HAT
10 THIS TIME.

11 I HAVE BEEN INVOLVED WITH THE AUTHORITY
12 SINCE ITS BEGINNING. I AUTHORED THE COUNTYWIDE
13 INTEGRATED WASTE MANAGEMENT PLAN WHICH INCLUDES WITHIN
14 IT THE STRUCTURE THAT WE CURRENTLY ARE WORKING UNDER.
15 IT INCLUDES A COMMITMENT -- A PROPOSED COMMITMENT ON
16 THE PART OF ALL JURISDICTIONS TO WORK TOGETHER FOR
17 SOLUTIONS WHICH BEST SERVE THE COMMUNITY OF WHICH THIS
18 IS A PART.

19 WHAT I'D LIKE TO DO IS I WOULD LIKE TO
20 DISTRIBUTE TO EACH OF YOU TWO DOCUMENTS. THE FIRST IS
21 A ONE-PAGE, DOUBLE-SIDED EXCERPT FROM THE COUNTYWIDE
22 INTEGRATED WASTE MANAGEMENT PLAN WHICH MAKES IT CLEAR
23 THAT THE AUTHORITY HAS BEEN PART OF OUR PLANNING
24 PROCESS SINCE THE VERY BEGINNING OF AB-939 AND WHICH
25 SPECIFICALLY LISTS COOPERATING AND WORKING TOGETHER

1 AND CONSOLIDATING, IN TERMS OF DISPOSAL CAPACITY, OF
2 ONE OF THE COMMITMENTS THAT ALL THE JURISDICTIONS MADE
3 THAT WAS INCLUDED IN THE COUNTYWIDE WASTE MANAGEMENT
4 PLAN, WHICH WAS APPROVED BY ALL THE JURISDICTIONS,
5 WHICH WENT THROUGH THAT CEQA PROCESS AND WAS APPROVED
6 BY THIS BOARD. SO THAT'S THE FIRST OF WHAT I HAVE TO
7 DISTRIBUTE FOR YOU HERE.

8 THE SECOND DOCUMENT THAT I BROUGHT WITH
9 YOU (SIC) IS TO MAKE IT CLEAR THAT WE RECOGNIZE THAT
10 THIS IS A FLUID PROCESS, AND THAT AS YOU IMPLEMENT
11 PROGRAMS, YOUR CIRCUMSTANCES CHANGE. AND THAT WE
12 BELIEVE THAT THE BOARD HAS DONE A VERY EFFECTIVE JOB
13 OF UNDERSTANDING THAT IN THE WAY IT'S STRUCTURED ITS
14 PROCESS.

15 FOR EXAMPLE, WHEN I FILED THE ANNUAL
16 REPORT FOR HUMBOLDT COUNTY FOR THIS YEAR, IT WAS
17 STRUCTURED IN SUCH A WAY AS TO ALLOW US TO UPDATE THE
18 INFORMATION IN OUR PREVIOUS SITING ELEMENT.

19 AND ONCE AGAIN, I WOULD POINT OUT THAT
20 THE SITING ELEMENT THAT WAS APPROVED FOR HUMBOLDT
21 COUNTY INCLUDED AS PART OF THE PROCESS HAVING THIS JPA
22 WITH THE TIME LINE THAT WE'RE NOW WORKING ON.

23 OUR FIRST STRATEGY WAS TO ATTEMPT TO
24 NEGOTIATE A SHORT-TERM EXTENSION OF OUR CURRENT
25 AGREEMENT TO GIVE US A BETTER WINDOW OF TIME TO PUT

1 EVERYTHING IN PLACE SO THAT WE WEREN'T IN A POSITION
2 OF HAVING TO STAND BEFORE YOU AND SAY, "OKAY, WE'RE
3 DOING OUR BEST TO MEET EVERYBODY'S REQUIREMENTS
4 INCLUDING OUR CITIZENS', INCLUDING THE BOARD'S,
5 INCLUDING THE LAW, AND HERE IS WHAT WE'RE UP AGAINST,
6 AND HERE IS WHAT WE'RE DOING TO TRY TO MAKE SURE THAT
7 OUR SOLUTION IS THE APPROPRIATE SOLUTION.'" SO THAT
8 WAS PART OF THE SITING ELEMENT.

9 THE SECOND STRATEGY IN THE SITING
10 ELEMENT WAS AT THE END OF THAT SHORT-TERM EXTENSION TO
11 OUR EXISTING CONTRACT, IT WAS OUR INTENTION TO EXPLORE
12 A WIDE VARIETY OF OPTIONS. AT THAT POINT THAT
13 INCLUDED POTENTIALLY AN IN-COUNTY LANDFILL. IT
14 INCLUDED, AS WELL, LOOKING TOWARDS FORMING A
15 RELATIONSHIP WITH OTHER JURISDICTIONS, WHICH IS WHERE
16 WE NOW ARE BASED ON THE PROCESS THAT WE'VE BEEN
17 THROUGH. AND SO THIS WAS ALL ANTICIPATED. THIS IS
18 ALL DOCUMENTED, AND THIS IS ALL PART OF THE RECORD.

19 AND I'D LIKE TO PASS OUT A SECTION OF
20 THIS YEAR'S ANNUAL REPORT WHICH MAKES IT CLEAR THAT
21 THAT'S THE PROCESS THAT WE'VE UNDERTAKEN.

22 AND I'D LIKE TO CORRECT JUST ONE OR TWO
23 THINGS THAT MAY BE A SLIGHT MISUNDERSTANDING. IT'S MY
24 UNDERSTANDING THAT THE PORTION OF SELF-HAUL WHICH HAS
25 BEEN PRECLUDED FROM THE ARCATA FACILITY IS NOT THE

1 ENTIRE SELF-HAUL WASTE STREAM BUT THE GENERAL PUBLIC
2 SELF-HAUL WASTE STREAM. IN OTHER WORDS, THE
3 RESIDENTIAL PORTION OF THE WASTE STREAM. AND THAT'S
4 MORE LIKE 10 PERCENT OF THE TOTAL AND NOT 20 PERCENT
5 OF THE TOTAL.

6 THAT THE INTENTION IS THAT THE FACILITY
7 WOULD STILL HANDLE WHAT IS CALLED COMMERCIAL AND
8 ROUTE-COLLECTED WASTE SO THAT THE DEMOLITION
9 CONTRACTORS AND THE LARGER GENERATORS WOULD STILL BE
10 INCLUDED UNDER WHAT'S ADDRESSED BY THAT FACILITY.

11 SO, IN ESSENCE WHAT THAT MEANS IS THAT A
12 LOT OF THE RESIDENTS WHO CURRENTLY DRIVE FROM OTHER
13 AREAS OF THE COUNTY TO THE CITY OF EUREKA TO USE THAT
14 TRANSFER STATION AS SELF-HAULERS MAY OR MAY NOT STILL
15 HAVE THAT OPPORTUNITY, BUT THAT'S NOT THE
16 RESPONSIBILITY OF THE AUTHORITY. THAT WILL BE BASED ON
17 A DECISION BY CITY GARBAGE COMPANY WHETHER OR NOT TO
18 CONTINUE TO OPERATE THEIR TRANSFER STATION IN EUREKA.

19 IN THE ABSCENCE -- IN THE EVENT THAT
20 THEY SHOULD DECIDE TO CLOSE THAT FACILITY THEN THERE
21 WILL BE SELF-HAULERS LOOKING FOR AN ALTERNATIVE.
22 THOSE SELF-HAULERS CURRENTLY HAVE OPPORTUNITIES IN
23 FORTUNA, IN REDWAY, AND IN MCKINLEYVILLE, AS YOU'VE
24 PREVIOUSLY HEARD, FOR MANAGING THEIR WASTE.

25 SO I DON'T THINK THERE'S AN EXPECTATION

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1 THAT WE WOULD SEE MANDATORY COLLECTION OR EVEN PUSHING
2 PEOPLE TOWARDS COLLECTION AS AN OPTION.

3 MY PERSONAL FEELING HAS ALWAYS BEEN THAT
4 THE REASON MANY PEOPLE SELF-HAUL IS BECAUSE THEY
5 ALREADY GENERATE SIGNIFICANTLY LESS WASTE ON A PER
6 CAPITA BASIS THAN IS THE CASE FOR MOST PEOPLE WHO HAVE
7 FRANCHISED COLLECTION SERVICE. IN OUR EXPERIENCE,
8 IT'S PROBABLY ABOUT A THIRD OF A TON PER CAPITA FOR
9 THE AVERAGE SELF-HAULER COMPARED TO IN THE
10 NEIGHBORHOOD OF THREE-QUARTERS OF A TON PER AVERAGE
11 ROUTE COLLECTION CUSTOMER IN OUR AREA.

12 AND SO I HAVE ALWAYS BEEN RELUCTANT TO
13 PUSH PEOPLE TOWARD FRANCHISED COLLECTION SERVICE
14 SIMPLY BECAUSE IF YOU CHARGE PEOPLE FOR A SERVICE
15 WHICH IS MORE THAN THEY NEED, THEY WILL DO THEIR BEST
16 TO MAKE SURE THAT THEY GET THEIR MONEY'S WORTH. AND
17 THAT'S A LITTLE COUNTERPRODUCTIVE IN TERMS OF WASTE
18 REDUCTION.

19 SO, WE CERTAINLY HAVE A COMMITMENT. I
20 FOUGHT LONG AND HARD TO MAKE SURE THAT WE HAD A
21 COMMITMENT TO ADDRESSING SELF-HAUL AT OUR PERMANENT
22 FACILITY. AND WE WILL MAKE SURE THAT THOSE PEOPLE ARE
23 DEALT WITH.

24 BUT I THINK MY -- UNDERSTANDING OF HOW
25 YOU MAKE A DETERMINATION ON THE ENVIRONMENTAL DOCUMENT

1 GOES TO THE QUESTION OF IS THERE AN IMPACT HERE THAT
2 CAN'T BE ADDRESSED AND RESOLVED AND REDUCED THROUGH
3 MITIGATION? AND THAT REALLY IS THE DETERMINING
4 CRITERIA WHEN YOU LOOK AT WHAT LEVEL OF ENVIRONMENTAL
5 REPORT IS REQUIRED.

6 SO, TO ME, IF YOU SAY, WELL, OKAY, WE'VE
7 MADE CHANGES TO THE PROJECT DESCRIPTION, WE'VE MADE
8 CHANGES TO WHAT WE'RE PROPOSING, I THINK THAT -- I
9 HAVE A CONCERN THAT THAT, IN ESSENCE, SAYS THAT YOU
10 HAVE TO GO BACK TO SQUARE ONE AND START OVER,

11 BECAUSE REALLY WHAT THAT DOES IS SAY "WE
12 UNDERSTAND THAT THERE ARE CONCERNS. WE UNDERSTAND
13 THAT THERE ARE ISSUES. WE'RE COMMITTED TO ADDRESSING
14 THEM AND RESOLVING THEM, AND THESE ADDITIONAL CHANGES,
15 THESE ADDITIONAL MITIGATIONS WE BELIEVE DO THE BEST
16 JOB POSSIBLE OF ADDRESSING THOSE CONCERNS AND THOSE
17 POTENTIAL IMPACTS."

18 A POTENTIAL IMPACT IS NOT THE SAME AS A
19 SIGNIFICANT IMPACT, AND I THINK THAT'S HOW YOU MAKE A
20 DETERMINATION ON WHAT LEVEL OF ENVIRONMENTAL REPORTING
21 DOCUMENTATION IS REQUIRED.

22 SO, I THINK THAT ABOUT COVERS WHAT I
23 HAVE TO SAY.

24 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

25 QUESTIONS OF LIZ? THANK YOU.

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1 NEXT WE'LL HEAR FROM LARRY SWEETSER.

2 MR. SWEETSER: GOOD MORNING, CHAIRMAN
3 PENNINGTON, BOARD MEMBERS. MY NAME IS LARRY SWEETSER.
4 I'M DIRECTOR OF REGULATORY AFFAIRS FOR NORCAL WASTE
5 SYSTEMS.

6 WE'RE HERE TODAY IN FRONT OF YOU IN AN
7 UNUSUAL POSITION FOR US AT NORCAL. WE STAND BEFORE
8 YOU IN OPPOSITION OF SOMEONE ELSE'S PERMIT. WE'VE
9 NEVER DONE THAT. WE ONLY DO IT WITH CAUSE. AND THAT
10 PERMIT IS THE HUMBOLDT COUNTY'S, QUOTE, "TEMPORARY
11 TRANSFER STATION."

12 WE'RE NOT CHALLENGING THE LOCAL
13 AUTHORITY. WE'RE NOT CHALLENGING THE LEA CONCEPT. IN
14 FACT, WE HAVE BEEN ONE OF THE MOST ADAMANT SUPPORTERS
15 OF BOTH. LOCAL AGENCIES ARE FREE TO ESTABLISH THEIR
16 OWN PROGRAMS ANY WAY THEY WANT, BUT THEY HAVE TO
17 FOLLOW PROCESS. WE HAVE VERY SERIOUS CONCERNS BOTH ON
18 PROCESS AND ENVIRONMENTAL CONCERNS AND OPERATIONAL
19 CONCERNS.

20 YOU'VE PROBABLY HEARD A NUMBER OF
21 EXTRANEIOUS ISSUES BEING THROWN AROUND AND ALLEGATIONS
22 OF SOUR GRAPES, INEQUITIES, PUBLIC/PRIVATE ISSUES, ALL
23 OF THOSE. BUT ALWAYS THERE'S TWO SIDES TO AN
24 ARGUMENT. AND, QUITE FRANKLY, THOSE ARE NOT REALLY
25 GERMANE TO THE ISSUE BEFORE THE BOARD, AND THAT ISSUE

1 IS THE CONSIDERATION OF A SOLID WASTE FACILITY PERMIT.
2 HUMBOLDT COUNTY, IN OUR BELIEF, HAS
3 SUBMITTED AN INCOMPLETE AND INACCURATE, INCORRECT
4 PERMIT APPLICATION. IT HAS MISREPRESENTED THE
5 PROJECT, RESULTING IN INADEQUATE ENVIRONMENTAL REVIEW
6 IN ATTEMPTS TO FAST TRACK AND PIECEMEAL CEQA. THEY
7 HAVE CIRCUMVENTED THE PUBLIC PROCESS BY IGNORING AND
8 DISMISSING ENVIRONMENTAL CONCERNS RAISED BY THE
9 PUBLIC.

10 WE ARE NOT PROVIDING ANY NEW
11 INFORMATION. OUR CONCERNS ARE ON RECORD. WE HAVE
12 CONVEYED THOSE TO BOARD MEMBERS. WE'VE CONVEYED THEM
13 THROUGHOUT THE PROCESS. EVERYTHING IS THERE. ALL
14 DOCUMENTS ARE ON RECORD.

15 BOARD STAFF HAS BEEN INUNDATED WITHIN
16 THE LAST FEW DAYS WITH SUCH VOLUMES OF NEW
17 INFORMATION. THESE DOCUMENTS ARE JUST TWO DAYS AGO.
18 WE BELIEVE THERE MAY BE INSUFFICIENT TIME FOR STAFF TO
19 REVIEW. WE ALSO CONTEND THAT YOU HAVE BEFORE YOU NOT
20 SIMPLY LAST-MINUTE CHANGES BUT AN ENTIRELY NEW PERMIT.

21 WE'RE CONVINCED THERE'S EVIDENCE STRONG
22 ENOUGH FOR THE BOARD TO DENY THE PERMIT TODAY. WE
23 BELIEVE THERE'S INSUFFICIENT TIME TO CONDUCT A PROPER
24 CEQA REVIEW BEFORE THE PERMIT CLOCK EXPIRES ON
25 SEPTEMBER 11TH. AND WE'RE REQUESTING THE BOARD UPHOLD

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1 YOUR OWN PERMIT PROCESS BY DENYING THE PERMIT.

2 WE HAVE A BRIEF PRESENTATION, A FEW
3 OTHER SPEAKERS. MARCUS LODUCA WILL BE PRESENTING OUR
4 LEGAL AND CEQA ARGUMENTS. DON GAMBELIN WILL BE
5 PRESENTING SOME TECHNICAL ARGUMENTS. AND I'LL
6 SUMMARIZE QUICKLY AFTER THAT. WE'RE AVAILABLE FOR
7 QUESTIONS.

8 WE HAVE ASSEMBLED SOME OF THE EXISTING
9 DOCUMENTS THAT YOU SHOULD HAVE WITHIN YOUR OWN FILES
10 IN THIS BOX OVER HERE. AGAIN, THEY SHOULD BE IN YOUR
11 OWN FILES. IN THE INTEREST OF SOURCE REDUCTION WE
12 HAVEN'T DUPLICATED THOSE COPIES. THEY SHOULD ALL BE
13 AVAILABLE. IF YOU NEED SO, WE CAN HAVE THAT DONE.

14 AND WITH THAT, I'LL HAVE MARCUS COME UP,
15 AND I'LL PASS OUT TO YOU -- JUST A COUPLE OF THE BRIEF
16 POINTS THAT WE'VE CONVEYED TO ALL OF YOU AND THAT ARE
17 ON THE RECORD ALREADY.

18 CHAIRMAN PENNINGTON: OKAY.

19 MR. LODUCA: MR. CHAIRMAN, MEMBERS OF THE
20 BOARD, MARCUS LODUCA OF SANDBERG & LODUCA, ON BEHALF
21 OF CITY GARBAGE COMPANY OF EUREKA AND NORCAL WASTE
22 SYSTEMS.

23 A SIGNIFICANT AMOUNT OF TESTIMONY, BOTH
24 FROM THE PUBLIC IN ARCATA AND FROM CITY GARBAGE, HAS
25 BEEN SUBMITTED PREVIOUSLY TO THE CITY AND WE ASSUMED

1 THAT IT HAD BEEN FORWARDED TO YOU AS PART OF THE
2 RECORD FOR YOU TO REVIEW ON POTENTIALLY SIGNIFICANT
3 ADVERSE ENVIRONMENTAL IMPACTS, WHICH WE BELIEVE
4 CONCLUDE THAT THERE IS A FAIR ARGUMENT THAT COULD BE
5 MADE OF ADVERSE ENVIRONMENTAL IMPACTS AND, THEREFORE,
6 AN EIR SHOULD BE PREPARED, AND THAT A NEGATIVE
7 DECLARATION IN THIS CASE IS THE INSUFFICIENT DOCUMENT.

8 IN A NUMBER OF AREAS NO DATA WAS
9 PRESENTED IN THOSE ENVIRONMENTAL DOCUMENTS -- YOU CAN
10 LOOK THROUGH THEM AND IT'S NOT THERE -- IN SUCH
11 CRITICAL AREAS AS AIR QUALITY AND TRAFFIC NOISE.

12 WE HIGHLIGHT THESE TWO ISSUES FOR A VERY
13 SPECIFIC REASON. ON TWO TRANSFER STATION PROJECTS
14 PROPOSED IN THE CITY OF SACRAMENTO FOR BLT ENTERPRISES
15 AND CAL WASTE, RECENT EIRS THAT WERE RELEASED, AIR
16 QUALITY WAS NOT ONLY ANALYZED IN ENVIRONMENTAL IMPACT
17 REPORTS, NOT IN NEGATIVE DECLARATIONS -- BUT, WERE
18 FOUND TO BE, AFTER ANALYSIS, PRESENTATION OF DETAILED
19 DATA THROUGH MODELING, AS SIGNIFICANT, UNAVOIDABLE
20 ADVERSE IMPACT.

21 AS BOARD MEMBER JONES NOTED, THERE IS A
22 PARTICULATE MATTER ISSUE IN HUMBOLDT COUNTY, ACCORDING
23 TO THE CITY'S OWN DOCUMENTS, AN EXCEEDANCE OF STATE
24 STANDARDS AND, THEREFORE, WE BELIEVE WITH NO DATA
25 WHATSOEVER, NOT A SINGLE LINE OF ACTUAL DATA

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1 PRESENTED, THERE IS NO WAY TO CONCLUDE WHETHER THERE'S
2 A SIGNIFICANT IMPACT OR NOT.

3 IN THE AREA OF TRAFFIC NOISE, IN THE CAL
4 WASTE EIR RECENTLY RELEASED BY THE CITY OF SACRAMENTO,
5 TRAFFIC NOISE WAS FOUND AFTER ALL MITIGATIONS,
6 INCLUDING THOSE THAT ARE PROPOSED HERE BY THE CITY AND
7 THE JPA AND OPERATOR AND OTHER CONDITIONS, THAT THERE
8 IN FACT WAS A SIGNIFICANT, UNAVOIDABLE ADVERSE IMPACT.

9 WE HAVE HAD EIP ASSOCIATES -- WHO
10 PREPARED BOTH OF THOSE EIRS SUBMIT COMMENTS,
11 THEY'RE PART OF THE RECORD BEFORE YOU -- THAT DETAILS
12 A WHOLE HOST OF AREAS BASED ON THEIR EXPERTISE,
13 PREPARING ENVIRONMENTAL DOCUMENTS THROUGHOUT THE STATE
14 THAT, IN FACT, A NEGATIVE DECLARATION IN THIS INSTANCE
15 IS SIMPLY INADEQUATE.

16 A NUMBER OF OTHER AREAS -- AND WE
17 HIGHLIGHT STORM WATER RUNOFF, OPERATIONAL NOISE, AND
18 ODORS. RESIDENTS FROM THE CITY, NOT JUST CITY
19 GARBAGE, TESTIFIED AS TO SIGNIFICANT IMPACTS THAT NEED
20 TO BE ANALYZED AND THE INFORMATION WAS NOT PROVIDED.

21 FOR EXAMPLE, STORM WATER RUNOFF. THE
22 DOCUMENTS BEFORE YOU FROM THE CITY NOTE THAT THERE IS
23 AN OPEN DRAINAGE CHANNEL NEXT TO THE SITE. IT DRAINS
24 INTO JANIS CREEK WITH NOW 100 PERCENT OF THE DRAINAGE,
25 GIVEN THE CHANGES IN THE PROJECT, DRAINING INTO THAT

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1 WATERSHED. YET, THEY MITIGATE ONLY FOR A 15- TO 20-
2 YEAR STORM EVENT.

3 IN LAND DEVELOPMENT PROJECTS I HANDLE
4 THROUGHOUT THE REGION IN NORTHERN CALIFORNIA, HUNDRED-
5 YEAR FLOODS ARE USUALLY THE MINIMUM STANDARDS THAT
6 PEOPLE LOOK AT IN TERMS OF STORM WATER RUNOFF.

7 WHAT HAPPENS IF THERE'S A GREATER THAN
8 15- TO 20-YEAR EVENT? AT THE PUBLIC HEARING LAST WEEK
9 WE BROUGHT UP THIS COMMENT. IT WASN'T ADDRESSED. IT
10 WAS JUST, NO, WELL, WE'VE MITIGATED FOR THE 15- OR 20-
11 YEAR EVENT. WHAT HAPPENS, PARTICULARLY GIVEN OUR
12 RAINS OVER THE PAST THREE OR FOUR YEARS, WHEN YOU HAVE
13 A HIGHER STORM EVENT? WHAT HAPPENS TO THAT OPEN
14 DRAINAGE CHANNEL WITH RUNOFF? WHAT HAPPENS TO JANIS
15 CREEK?

16 AGAIN, THERE IS NO ANALYSIS FOR YOU, FOR
17 ANYBODY, FRANKLY, TO CONCLUDE WHETHER THERE'S A
18 SIGNIFICANT IMPACT OR NOT. THERE'S EVIDENCE IN THE
19 RECORD THAT, IN FACT, THERE MAY BE A POTENTIAL
20 SIGNIFICANT IMPACT. A FAIR ARGUMENT CAN BE MADE.
21 UNDER CEQA AN EIR MUST BE PREPARED.

22 WHAT IS, I THINK, THE BIGGEST ISSUE
23 RELATIVE TO THE DOCUMENTS BEFORE YOU IS THE WAY THAT
24 THE PROJECT HAS BEEN DEFINED FOR PURPOSES OF CEQA.
25 AGAIN, AND IF I COULD -- AND BOARD MEMBER JONES

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1 REVIEWED THE PROJECT DESCRIPTION OR ISSUES FROM THE
2 PROJECT DESCRIPTION RELATIVE TO THE PERMANENT SITE --
3 IF I COULD READ BRIEFLY FROM THAT PROJECT DESCRIPTION
4 THE SENTENCE THAT DESCRIBES THE PROJECT ON THE
5 HILLTHICKER LANE SITE: "HUMBOLDT COUNTY WASTE
6 MANAGEMENT AUTHORITY WILL BE THE LEAD AGENCY AND WILL
7 PREPARE AN EIR FOR (1) THE CONSTRUCTION OF A SOLID
8 WASTE TRANSFER AND RECYCLING FACILITY AND (2) THE
9 TRANSPORT OF WASTE FROM HUMBOLDT COUNTY BY RAIL TO
10 EITHER THE POTERO HILL LANDFILL LOCATED IN SOLANO
11 COUNTY OR THE LOCKWOOD LANDFILL LOCATED NEAR RENO,
12 NEVADA."

13 SOUND FAMILIAR? IT'S VERY FAMILIAR.
14 IT'S BASICALLY FOR ALL RELEVANT PURPOSES IDENTICAL TO
15 THE PROJECT BEFORE YOU. AGAIN, WE HAVE A PROJECT IN A
16 COASTAL ZONE IN BOTH SITES, POTENTIAL -- WITHIN 1,000
17 FEET OF RESIDENCES ON BOTH SITES, HIGH GROUND WATER ON
18 BOTH SITES -- IN SOME CASES, ACCORDING TO THE CITY
19 ENGINEERS, VERY NEAR THE SURFACE -- AGAIN, WITH OPEN
20 DRAINAGE CHANNELS, ISSUES LIKE THAT, THAT THEY ARE
21 IDENTICAL FOR ALL PURPOSES FOR YOUR REVIEW. AND YET,
22 THERE'S DIFFERENT DOCUMENTS BEFORE YOU.

23 IN THAT NOTICE OF PREPARATION ISSUED
24 LAST DECEMBER BY THE JPA AS THE LEAD AGENCY, THERE WAS
25 NOTED IN TERMS OF BOXES MARKED -- YOU HEARD THAT

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1 EARLIER -- 23 POTENTIALLY SIGNIFICANT IMPACTS.

2 ON THE NEG DEC STRANGELY ENOUGH, WITH
3 ALL THESE IDENTICAL CHARACTERISTICS, YOU HAD SIX BOXES
4 MARKED. SO, AGAIN, FROM THE VERY OUTSET THERE WAS A
5 DIFFERENCE. IT WAS ISSUED LATE MAY, THERE HAS BEEN
6 THIS RUSH TO JUDGEMENT AS OPPOSED TO DOING ADEQUATE
7 REVIEW. WE'RE JUST SAYING THAT THAT'S WHAT NEEDS TO
8 BE DONE IN TERMS OF ADEQUATE REVIEW ON THIS DOCUMENT.

9 WE WOULD AGREE, AND WE'RE GLAD TO HEAR
10 COMMENTS, THAT THE ISSUE WHETHER IT'S PERMANENT OR
11 TEMPORARY IS LEGALLY IRRELEVANT FOR PURPOSES OF A CEQA
12 DOCUMENT. YOU HAVE A MAJOR PROJECT BEFORE YOU, A
13 MAJOR SOLID WASTE FACILITY, AND ALL WE'RE SAYING IS
14 EVERYONE NEEDS TO PLAY BY THE SAME RULES.

15 THE JPA, ON AUGUST 12TH, AFTER AGAIN ISSUING
16 THAT NOTICE OF PREPARATION FOR AN EIR TO THE PROJECT,
17 WHICH IS A MAJOR CHANGE IN THE SYSTEM IN TRANSPORTING
18 WASTE OUT OF THE COUNTY, A TOTAL CHANGE TO THEIR
19 COUNTYWIDE SYSTEM, DIDN'T DO ANYTHING AFTER THAT
20 ISSUANCE OF THE NOP IN TERMS OF PREPARING AN
21 ENVIRONMENTAL DOCUMENT. AND WHERE THEY ARE AT NOW IS
22 THEY ADOPTED A CONTRACT WITH ECDC IN CLEAR VIOLATION
23 OF PUBLIC RESOURCES CODE THAT SAYS APPROVAL OF A
24 CONTRACT IS A PROJECT. IT NEEDS CEQA REVIEW. WE
25 NOTED THAT TO THEM, THEY IGNORED IT.

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1 SO NOW YOU HAVE ONE AGENCY AS LEAD
2 AGENCY THAT IGNORES CEQA, IN TERMS OF APPROVING A
3 CONTRACT, LONG-TERM CONTRACT FOR CONSTRUCTION
4 OPERATION OF ITS TRANSFER STATION SITE. YOU HAVE THE
5 CITY THAT HAS COMPOUNDED THAT ERROR BY SIMPLY
6 PERFORMING A MITIGATED NEGATIVE DECLARATION. AND
7 THEY'RE ASKING YOU AS A RESPONSIBLE AGENCY TO JOIN IN
8 THE PARTY, AND COMPOUND FURTHER THE MISTAKE AND SIMPLY
9 IGNORE YOUR DUTIES AND THE CALIFORNIA ENVIRONMENTAL
10 QUALITY ACT.

11 AGAIN, WE'VE SUBMITTED A GREAT DEAL OF
12 INFORMATION, WE THOUGHT THAT THAT WOULD HAVE BEEN
13 PRESENTED TO YOU AS PART OF THE RECORD. APPARENTLY IT
14 WAS NOT. WE'D BE HAPPY TO PROVIDE FURTHER COPIES TO
15 YOU AND ANSWER ANY QUESTIONS YOU MIGHT HAVE.

16 CHAIRMAN PENNINGTON: QUESTIONS? OKAY.

17 NEXT WE'LL HAVE MR. GAMBELIN.

18

19 MR. GAMBELIN: GOOD AFTERNOON. I'VE BEEN
20 ASKED TO TAKE A LOOK AT A COUPLE OF MORE TECHNICAL-
21 RELATED ITEMS. BUT I DID WANT TO GET A POINT OF
22 CLARIFICATION, HOPEFULLY, FROM STAFF.

23 AND THAT IS, ON THE NDFE YOUR FINDING IS
24 BASED ON THE FACT THAT THIS FACILITY WILL DO LESS THAN
25 FIVE PERCENT DIVERSION AND, THEREFORE, DOESN'T HAVE TO

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1 BE INCLUDED IN THE NDFE. IS THAT CORRECT?

2 AND, THEREFORE, WHAT YOU'RE SAYING IS
3 THAT THIS FACILITY IS NOT ALLOWED TO RECYCLE.

4 MS. TURNER: AND THAT IS WHAT OUR DECISION
5 WAS BASED ON, YES.

6 MR. GAMBELIN: OKAY. I JUST WANTED TO GET
7 CLEAR ON THAT POINT.

8 I'VE PREPARED FACILITY INFORMATION
9 REPORTS, RDSIS, RFIS FOR OVER 10 YEARS NOW, AND SO I
10 DO KNOW HOW THEY'RE DEVELOPED AND WHETHER THEY MEET
11 STATE MINIMUM STANDARDS OR NOT. IN FACT, HAVING BEEN
12 THROUGH SOME RE-PERMITTING UP IN HUMBOLDT COUNTY, IN
13 FACT, I DO KNOW THAT THE LEA DOES SCRUTINIZE THESE
14 DOCUMENTS QUITE CAREFULLY. ALTHOUGH, IT APPEARS IN
15 THE INTEREST OF RUSHING THIS THING THROUGH SOME THINGS
16 HAVE BEEN MISSED. AND THE FINDING THAT IT IS AN
17 ACCURATE DOCUMENT I BELIEVE IS QUESTIONABLE.

18 LET ME JUST GIVE YOU A FEW EXAMPLES IF I
19 CAN. ON THE OPENING PARAGRAPHS IT STATES THAT THE
20 TRANSFER STATION IS DESIGNED TO ACCOMMODATE PUBLIC
21 SELF-HAUL TRAFFIC, YET IT WILL ONLY ACCOMMODATE
22 FRANCHISED COMMERCIAL WASTE.

23 NOW, BY THE AUTHORITY'S REQUEST TO
24 APPROVE THE PERMIT WITH THIS DOCUMENT ATTACHED THEY'RE
25 ASKING YOU TO ENDORSE THE FACT THAT THE DESIGN CAN

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1 ACCOMMODATE SELF-HAUL, YET THERE IS NO INFORMATION IN
2 THE DOCUMENT AS TO HOW THE DESIGN OR THE OPERATION CAN
3 ACCOMMODATE THAT SELF-HAUL. SO, I QUESTION THAT
4 STATEMENT AND ITS ACCURACY.

5 I DO WANT TO NOTE THAT WASTE TYPES
6 PERMITTED TO THE FACILITY -- AND THIS IS SOMETHING
7 THAT'S VERY ODD TO ME -- THE PERMITTED WASTE AT THE
8 FACILITY ARE TIED TO THE LANDFILLS PERMIT NOT THE
9 TRANSFER STATION. SO I ASK IF THE LANDFILL'S
10 DEFINITION OF WHAT IT CAN RECEIVE OR CAN'T RECEIVE
11 CHANGES, I BELIEVE THEN THAT THE TRANSFER STATION'S
12 DEFINITION OF PERMITTED WASTE SEEMS TO AUTOMATICALLY
13 CHANGE.

14 THE APPLICANT HAS ALSO INCLUDED A
15 RESTRICTED WASTE AS DESIGNATED WASTE, CANNOT RECEIVE
16 DESIGNATED WASTE AT THE TRANSFER STATION. WELL, AS
17 SOME OF YOU MIGHT REALIZE OR UNDERSTAND, WITH WATER
18 BOARD REGULATIONS DESIGNATED WASTE IS NOT RELEVANT TO
19 A TRANSFER STATION OPERATION.

20 NOW, IF THEY THINK IT'S RELEVANT TO THE
21 LANDFILL, THAT ALSO MAY BE INCORRECT BECAUSE OF THEIR
22 IMMEDIATE DESIRE TO TRANSFER WASTE TO THE DRY CREEK
23 LANDFILL IN OREGON. OREGON REGULATIONS DO NOT HAVE A
24 DESIGNATION WASTE CATEGORY. SO, I QUESTION AGAIN,
25 WHAT IS THAT WASTE STREAM THAT THE FACILITY WILL OR

1 WILL NOT RECEIVE? IT'S DIFFICULT FOR ME TO DETERMINE.

2 I THINK THE DESIGN CAPACITY OF THE
3 FACILITY, PART OF IT -- AND LET ME BACK UP HERE. PART
4 OF THE DESIGN CAPACITY IS BASED ON THE CAPACITY OF
5 TRANSFER TRAILERS FOR OFF-SITE TRANSPORT. THAT'S PART
6 OF THE THROUGHPUT CAPACITY, IT'S IMPORTANT IN LOOKING
7 AT HEALTH AND SAFETY FACTORS AND ENVIRONMENTAL
8 PROTECTION FACTORS. AND, IN FACT, HAS A LOT TO DO
9 WITH THEIR ODOR MITIGATION PLAN AND THEIR NOISE
10 MITIGATION PLAN. AND THAT IS, HOW FAST CAN THEY
11 PROCESS THIS WASTE THROUGH THE FACILITY.

12 AND WHAT THEY HAVE NOTED IS THAT THAT
13 CAPACITY IS BASED IN PART OF THE CAPACITY OF TRANSFER
14 TRAILERS FOR OFF-SITE TRANSPORT. AND IN THAT THEY GO
15 INTO SOME DETAIL MAKING CLAIMS THAT THESE TRANSFER
16 TRAILERS CAN, IN FACT, HOLD 25 TONS OF WASTE.

17 WELL, I CERTAINLY QUESTION THAT, AND I
18 THINK ANYBODY IN THE INDUSTRY WILL QUESTION, AS A TOP-
19 LOADING TRANSFER TRAILER, WHERE YOU HAVE TO LIFT A
20 FULL 13 FEET, OR CLOSE TO IT, WITHOUT ANY ABILITY TO
21 TAMP WASTE INTO THAT TRAILER THE ABILITY TO GET 25
22 TONS IN THAT TRAILER IS QUITE QUESTIONABLE. AND, SO I
23 DO THINK THERE IS SOME FLAW IN THE DESIGN CAPACITY
24 INFORMATION.

25 NOW, MOST DISTURBINGLY, I THINK, IS THE

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1 INFORMATION PRESENTED AS FAR AS NOISE CONTROL AND ALSO
2 ODOR CONTROL. THEY LIST SEVERAL CONTROL MEASURES TO
3 BE USED. ONE, THEY WILL CONDUCT ALL ACTIVITIES INSIDE
4 THE FULLY-ENCLOSED TRANSFER STRUCTURE.

5 WELL, AS I LOOK AT THAT PLAN THERE IS
6 ONE SIDE OF THAT TRANSFER STRUCTURE THAT IS EQUIPPED
7 COMPLETELY WITH 25-FOOT ROLL-UP DOORS, SO IT
8 ESSENTIALLY OPENS UP THAT WHOLE SIDE OF THE BUILDING.

9 NOW, THEY CLAIM THAT THEY'LL KEEP THOSE
10 DOORS CLOSED AS MUCH AS POSSIBLE -- I'M NOT QUITE SURE
11 WHAT THAT MEANS -- BUT, THEY ALSO CLAIM THAT PART OF
12 THEIR DESIGN CAPACITY IS THE EFFICIENT AND QUICK
13 HANDLING OF TRANSFER TRUCKS, AND BECAUSE THEY HAVE SO
14 MANY LOADING BAYS AVAILABLE, OR UNLOADING BAYS
15 AVAILABLE THEY'LL BE ABLE TO HANDLE THAT TRAFFIC.
16 YET, THEY'RE ALSO SAYING THAT THEY'RE GOING TO KEEP
17 THEM CLOSED AS MUCH AS POSSIBLE. I THINK THERE'S A
18 DISCREPANCY THERE.

19 THEY ALSO MAKE STATEMENTS THAT THEY WILL
20 PROVIDE LOADING EQUIPMENT WITH MUFFLERS AND TURN BACK-
21 UP INDICATOR DEVICES DOWN OR REPLACE THEM WITH BACK-UP
22 STROBES. NOW, WE ALL KNOW IN THE INDUSTRY THAT IS
23 SIMPLY NOT ALLOWED BY OSHA REGULATION. AND TO PORTRAY
24 THIS AS A MITIGATION MEASURE TO DEAL WITH NOISE IS
25 QUITE CONCERNING.

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1 THEY ALSO SAY THAT TRAFFIC FLOWS --
2 THEY'LL UTILIZE TRAFFIC FLOWS RUNNING THROUGH THE
3 BUILDING SO AS TO MINIMIZE THE BACKUP OF VEHICLES.
4 NOW, I DON'T SEE ANY TRAFFIC FLOW PLANS IN THE RSI
5 THAT DEMONSTRATES THAT, AND I QUESTION IF THE BUILDING
6 IS SIZED APPROPRIATELY TO HANDLE THE VOLUME OF TRAFFIC
7 THAT THEY CLAIM IT CAN.

8 AND, IN FACT, WHEN THEY CLAIM THAT IT
9 CAN HANDLE A CERTAIN AMOUNT OF TRAFFIC THEY MAKE A
10 POINT TO NOTE THAT IT WILL BE HANDLED THROUGH THOSE
11 OPEN LOADING BAYS, NOT THROUGH THE ENCLOSED BUILDING
12 AND ROUTING THESE THINGS IN A CIRCULAR FASHION WITH NO
13 BACKING UP.

14 AS FAR AS ODOR CONTROL, IT SAYS THAT
15 THEY WILL PLACE WASTE IN THE SEALED TRANSFER TRAILERS.

16 WELL THAT, TO ME, MEANS YOU'RE GOING TO PUT A TARP OF
17 SOME SORT OVER IT AND TAPE IT OR GLUE IT SHUT, AND I
18 DON'T THINK THAT'S THE CASE HERE.

19 AGAIN, UNDER ODOR CONTROL, THEY'LL KEEP
20 THOSE SAME DOORS, THE DOORS THAT THEY'RE DEPENDANT
21 UPON FOR CAPACITY AND FOR HANDLING OF THE TRAFFIC
22 FLOWS -- THEY'LL KEEP THEM CLOSED AS MUCH AS POSSIBLE.

23 WHAT EXACTLY DOES THAT MEAN? I QUESTION THAT.

24 IN NO CASE SHALL ODOROUS WASTE REMAIN ON
25 THE TRANSFER STATION FLOOR FOR PERIODS GREATER THAN

1 TWO HOURS. WHAT IS ODOROUS WASTE? THAT'S NOT
2 DEFINED. I THINK IT'S ENTIRELY SUBJECTIVE, AND
3 CERTAINLY WILL BE DIFFICULT TO APPLY A STATE MINIMUM
4 STANDARD TO.

5 AND THE, FINALLY, AND MY LAST COMMENT
6 HERE, IS TARPS MADE WITH AN IMPERMEABLE FABRIC WILL
7 FIT OVER THE TOPS OF THE TRANSPORT CONTAINERS TO
8 PROVIDE A SECURE SEAL, AND THAT THE OPERATOR HAS USED
9 THESE FOR SEVERAL YEARS IN A UTAH-BASED OPERATION.

10 WELL, I WASN'T AWARE THAT CHIP TRUCKS --
11 WHICH IS WHAT THEY ARE PROPOSING TO UTILIZE UP IN
12 HUMBOLDT COUNTY -- HAD BEEN USED IN UTAH. AND I
13 WASN'T AWARE THAT THOSE CHIP TRUCKS HAD SEALED,
14 IMPERMEABLE TARPS ABOVE THEM.

15 SO, AGAIN, IN MY SHORT TIME I HAD TO
16 REVIEW THIS RSI, THIS CURRENT RSI ON WHICH THIS PERMIT
17 IS BASED -- AND, MIND YOU, THAT I FINALLY WAS ABLE TO
18 SEE ALMOST A FULL RSI YESTERDAY BY A REQUEST FOR -- BY
19 A PUBLIC FILE REVIEW REQUEST TO BOARD STAFF FOR AN RSI
20 DATED AUGUST 21ST -- THERE WAS STILL FOUR APPENDICES
21 THAT WERE NOT AVAILABLE IN THAT RSI. SO, I HAVE YET
22 TO SEE A FULL DOCUMENT, ALTHOUGH YOU'RE BEING ASKED TO
23 INCLUDE THAT RSI IN YOUR PERMIT.

24 AND I CERTAINLY WAS ABLE, IN THE SHORT
25 TIME THAT I HAD, TO GLANCE THROUGH A FEW CRITICAL

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1 AREAS AND FIND SOME -- OR, AT LEAST BE ABLE TO RAISE A
2 QUESTION IN MY MIND AS TO THE ACCURACY OF THE
3 STATEMENTS IN THAT DOCUMENT. THANK YOU.

4 CHAIRMAN PENNINGTON: THANK YOU.

5 ANY QUESTIONS OF MR. GAMBELIN? OKAY.

6 MR. SWEETSER, YOU'RE GOING TO SUMMARIZE

7 --

8 MR. SWEETSER: REALLY QUICKLY.

9 CHAIRMAN PENNINGTON: LET ME JUST CHECK, ARE
10 YOU ALL RIGHT ON PAPER? OH, OKAY, FINE, THANK YOU.
11 WE THOUGHT YOU WERE RUNNING LOW THERE.

12 MR. SWEETSER: I'LL BE BRIEF. YOU HAVE THE
13 ISSUES, THEY'RE CEQA-BASED, AND THE RFI ISSUES.

14 THE CEQA IS BASED UPON THE COUNTY'S OWN
15 DEFINITION OF THE PROJECT. THE QUESTION IS, WHAT IS
16 THE PROJECT FOR CONSIDERATION?

17 AND, I'M A LITTLE TROUBLED IN THAT I
18 HEARD EARLIER THAT APPARENTLY THE COUNTY HAS STATED
19 THAT THERE IS A NEW PROJECT DESCRIPTION. AND TO MY
20 KNOWLEDGE, IF THAT IS TRUE, THAT HAS NOT BEEN
21 CIRCULATED FOR PUBLIC COMMENT AS REQUIRED. AND, SO WE
22 HAVE ANOTHER ISSUE THERE IF THAT'S TRUE. THE RFI HAS
23 DESIGNED AN (SIC) OPERATIONAL DEFICIENCIES.

24 WE'VE RAISED THESE CHALLENGES BASED UPON
25 THE EVIDENCE, BASED UPON THE PROCESS. COMMUNITIES ARE

1 ALLOWED TO CHANGE THEIR STRUCTURE ANY WAY THEY WANT,
2 WE'RE NOT QUESTIONING THAT AT ALL. BUT, THEY DO HAVE
3 AN OBLIGATION TO DO IT RIGHT, THEY HAVE TO FOLLOW
4 PROCESS IN ACCORDANCE WITH THE STATE STATUTES AND
5 REGULATIONS.

6 THANK YOU. WE'RE AVAILABLE FOR ANY
7 QUESTIONS.

8 CHAIRMAN PENNINGTON: OKAY.

9 MEMBER EATON: I HAVE ONE QUESTION.

10 CHAIRMAN PENNINGTON: MR. EATON.

11 MEMBER EATON: COULD I GET SOME
12 CLARIFICATION? YOU MADE THE STATEMENT THAT YOU
13 THOUGHT THIS WAS AN ENTIRELY NEW PERMIT. IS THIS A
14 NEW PERMIT BASED UPON THE INFORMATION THAT WAS
15 SUBMITTED TO STAFF OVER THE LAST COUPLE OF DAYS OR
16 JUST A CUMULATIVE EFFECT?

17 MR. SWEETSER: THE APPEARANCE TO US, FROM THE
18 LAST COUPLE OF DAYS, IS WHEN YOU CHANGE LOCATION YOU
19 CHANGE THE SIZE OF THE BUILDING, YOU CHANGE THE SHAPE
20 OF THE BUILDING, YOU CHANGE ALL THE WAY THE MATERIALS
21 ARE HANDLED. YOU ADDRESS WHOLE NEW SETS OF ISSUES.
22 IT HAS ALL THE APPEARANCES OF BEING AN ENTIRELY
23 DIFFERENT PERMIT.

24 MEMBER EATON: THANK YOU.

25 CHAIRMAN PENNINGTON: I THINK THERE IS SOME

1 LEGAL QUESTIONS HERE THAT I THINK MAYBE WE WOULD LIKE
2 TO CONSULT WITH OUR COUNSEL ON. I THINK THAT THE
3 AGENDA ITEM CALLS A THE RECOMMENDATION AT THE END OF
4 THIS BY THE STAFF, AND I DON'T THINK THEY'VE HAD A
5 CHANCE TO DO THAT. WE'RE ALSO RUNNING INTO A LUNCH
6 PERIOD HERE. SO, MAYBE WE COULD BREAK, TAKE LUNCH,
7 AND HAVE A CLOSED SESSION FOR A FEW MINUTES, AND THEN
8 COME BACK --

9 MEMBER EATON: MR. CHAIR, COULD I ASK ONE
10 QUESTION --

11 CHAIRMAN PENNINGTON: CERTAINLY. SURE.

12 MEMBER EATON: -- OF EITHER THE CITY AND/OR
13 THE LEA WITH REGARD TO A MATTER?

14 IF THIS PERMIT WERE TO BE APPROVED AND
15 THE TRANSFER STATION OPERATIONAL OVER THE NEXT TWO
16 YEARS, SOME OF THE WASTE WOULD BE HAULED BY RAIL. IS
17 THAT CORRECT?

18 CHAIRMAN PENNINGTON: DOES THE LEA WANT TO
19 ADDRESS THAT, OR...?

20 MR. LODUCA: MAYBE BILL GRAHAM WOULD BEST
21 ADDRESS THAT.

22 MR. EATON: YEAH. THE QUESTION IS IF THE
23 TRANSFER STATION WERE TO BE APPROVED WOULD SOME OF THE
24 WASTE BE DISPOSED OF VIA RAIL?

25 MR. GRAHAM: THAT IS CORRECT. THE

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1 TRANSPORTATION -- OUR PLANS RIGHT NOW ARE INITIALLY --
2 BECAUSE IT TAKES TIME TO GET OUR TRANSPORT VEHICLES
3 MANUFACTURED -- WOULD BE TO GO BY TRUCK INITIALLY UP
4 TO MEDFORD FOR PROBABLY TILL SPRINGTIME NEXT YEAR.
5 AND AT THAT POINT WE WOULD SWITCH OVER TO RAIL.

6 MR. EATON: OKAY. AND THE REASON WHY I ASK
7 IS -- AND I'M SORT OF NEW TO THIS -- BUT IT SAYS HERE
8 THAT TRAILERS THAT WILL BE HAULED BY RAIL WILL BE
9 PARKED ON SITE. IS THAT THE TRANSFER FACILITY SITE?
10 IF I'M NOT MISTAKEN --

11 MR. GRAHAM: THERE IS A --

12 MEMBER EATON: -- I MEAN, ISN'T THERE SOME
13 REGULATION WITH REGARD TO HOW LONG MATERIALS CAN STAY
14 ON SITE AT A TRANSFER STATION?

15 AND, I JUST PICKED THIS UP BECAUSE I
16 LOOKED THROUGH THE DOCUMENT AND I HAVEN'T -- IS THAT
17 CORRECT? IS IT IF YOU WERE GOING TO UTILIZE RAIL
18 EITHER -- YOU KNOW, WHEN YOU GOT EVERYTHING READY,
19 WHILE IT WAS GETTING READY TO GET LOADED ON THE RAIL,
20 THAT THESE CONTAINERS WOULD BE STORED ON SITE OF THE
21 TRANSFER STATION? IS THAT CORRECT?

22 MR. GRAHAM: THAT'S CORRECT. THERE'S A PLACE
23 ON THE TRANSFER STATION, ON THE SITE PLAN, WHERE THEY
24 WOULD BE PARKED. RAIL SERVICE WOULD BE DAILY OR, AT
25 MOST, EVERY OTHER DAY.

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1 MS. TURNER: THEIR DESIGN MEETS THE 48
2 REMOVAL FOR FREQUENCY AND STATE STANDARDS.

3 MEMBER EATON: I UNDERSTAND, I'M JUST KIND OF
4 GOING THROUGH THIS STUFF.

5 MS. TURNER: RIGHT. RIGHT.

6 MEMBER JONES: I HAVE A FOLLOW-UP BASED ON --

7 MEMBER EATON: -- A LITTLE BIT OF INFORMATION
8 COULD BE DANGEROUS --

9 [THE PARTIES SIMULTANEOUSLY SPEAK.]

10 MEMBER JONES: -- IF IT'S OKAY.

11 CHAIRMAN PENNINGTON: SURE. SURE.

12 MEMBER JONES: THIS DOCUMENT SHOWS -- I'M
13 ASSUMING THIS IS THE STORAGE AREA HERE THAT YOU'RE
14 REFERRING TO?

15 MR. GRAHAM: THAT'S THE OLD PLAN --

16 MEMBER FRAZEE: THAT'S THE OLD SITE PLAN --

17 [THE PARTIES SIMULTANEOUSLY SPEAK.]

18 MEMBER JONES: -- SHOWS WHERE TRAILERS ARE
19 GOING TO GO?

20 MEMBER FRAZEE: OH, OKAY.

21 CHAIRMAN PENNINGTON: HERE'S THE NEW SITE
22 PLAN.

23 MEMBER JONES: OKAY. OKAY.

24 MS. TURNER: THE DESIGN THAT I GAVE YOU THIS
25 MORNING HAS GOT THAT ON THERE.

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1 CHAIRMAN PENNINGTON: OKAY. THAT'S WHAT I'D
2 LIKE TO DO, I'D LIKE TO BREAK NOW AND....

3 YES, MR. SWEETSER?

4 MR. SWEETSER: IF YOU'LL INDULGE ME FOR A
5 MOMENT? I APPRECIATE THE NEED TO MAYBE BREAK AND
6 CONSIDER THE LEGAL COMPLEXITY OF THIS. WE HAVE ONE
7 LITTLE PROBLEM, THAT OUR ATTORNEY HAS A MANDATORY
8 COMMITMENT THIS AFTERNOON. IF THERE'S ANY QUESTIONS
9 YOU MAY HAVE MAYBE A I CAN GET THEM ADDRESSED NOW? IF
10 NOT, WE'LL TRY TO DO THE BEST WE CAN AFTER.

11 CHAIRMAN PENNINGTON: NO, I THINK WE'RE FINE.

12 MR. SWEETSER: THANK YOU.

13 MS. TOBIAS: MR. CHAIRMAN?

14 CHAIRMAN PENNINGTON: YES?

15 MS. TOBIAS: MAY I SUGGEST THAT IF YOU WANT
16 STAFF TO MEET, I WOULD SUGGEST THAT WE RECONVENE AT A
17 CERTAIN TIME, SO COME BACK INTO SESSION HERE IF THE
18 STAFF DOES HAVE A RECOMMENDATION, AND THEN ADJOURN TO
19 CLOSED SESSION.

20 CHAIRMAN PENNINGTON: OKAY. THAT'S FINE.

21 IT'S ALMOST 12:15, A LITTLE AFTER 12:15.
22 IS 1:30 ALL RIGHT TO RECONVENE, AND THEN WE CAN GO
23 INTO.... WILL THAT WORK FOR EVERYBODY? OKAY.

24 WE WILL RECESS NOW UNTIL 1:30, AT WHICH
25 TIME WE'LL HAVE SOME DISCUSSION, AND THEN GO INTO A

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1 CLOSED SESSION.

2 (WHEREUPON, THE LUNCHEON RECESS WAS TAKEN
3 FROM 12:20 TO 1:45.)

4 CHAIRMAN PENNINGTON: OKAY. WE'LL CALL US
5 BACK INTO SESSION, WE'RE STILL ON ITEM NUMBER 11,
6 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
7 THE HUMBOLDT COUNTY WASTE MANAGEMENT AUTHORITY
8 TEMPORARY TRANSFER STATION IN HUMBOLDT COUNTY. WE
9 LEFT AT THE POINT WHERE THE STAFF WAS GOING TO HUDDLE
10 AND GIVE US A STAFF REPORT NOW.

11 MR. JONES REMINDS ME THAT I SHOULD ASK
12 ABOUT *EX PARTE*.

13 EX PARTE COMMUNICATIONS

14 CHAIRMAN PENNINGTON: MR. EATON?

15 MEMBER EATON: WE CAN START AT THE LEFT AND
16 MOVE RIGHT, I'M SURE, TODAY.

17 ONE ADDENDUM TO WHAT'S ALREADY BEEN
18 PREVIOUSLY SUBMITTED. AS PART OF A MEETING I HAD
19 YESTERDAY ON THIS PARTICULAR MATTER, ITEM THAT WE'RE
20 ON, I ALSO -- PART OF THE MEETING WAS BRUCE GONDRY AS
21 WELL AS DON GAMBELIN. AND THAT WOULD HAVE BEEN WITH
22 REGARD TO MY *EX PARTE* 8640.

23 IN ADDITION, I HAD A CONVERSATION WITH
24 JOHN CUPPS REGARDING TRANSFER STATION REGULATIONS ON
25 TODAY'S AGENDA. AND A SUBSEQUENT CONVERSATION WITH

1 SWEETSER REGARDING THE LANDERS CENTER LANDFILL IN SAN
2 BERNARDINO, AGAIN ON TODAY'S AGENDA.

3 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

4 MR. JONES?

5 MEMBER JONES: MR. CHAIRMAN, JUST A BRIEF
6 DISCUSSION WITH BILL GRAHAM FROM ECDC. AND THEN ONE
7 WITH MS. PANDEE LEACHMAN ON TRANSFER STATION REGS.

8 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU.

9 MEMBER FRAZEE: I DIDN'T TALK TO ANYONE.

10 CHAIRMAN PENNINGTON: I DIDN'T EITHER.
11 UNLIKE YOU, I WENT AND HAD LUNCH AND TALKED TO MY
12 STAFF.

13 OKAY.

14 MS. TURNER: OKAY. GOOD AFTERNOON. BASED ON
15 OUR DOCUMENTATION AND TESTIMONY THAT WE'RE RECEIVED
16 TODAY STAFF RECOMMEND THAT THE BOARD ASK THE APPLICANT
17 TO COME BACK ON THE SEPTEMBER 10TH, 1998, BOARD
18 MEETING.

19 BEFORE THAT MEETING IT WOULD BE
20 NECESSARY FOR THE APPLICANT TO COMPLETELY ADDRESS THE
21 FOLLOWING CEQA ISSUES IN THE APPROPRIATE MATTER (SIC),
22 PERHAPS IN AN ADDENDUM TO THE MITIGATED NEG DEC. THE
23 ADDENDUM OR OTHER APPROPRIATE DOCUMENTATION SHALL
24 ADDRESS THE FOLLOWING ISSUES.

25 THE FIRST ISSUE IS THE PROJECT

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1 DESCRIPTION MUST CLEARLY IDENTIFY THE PROJECT SITE,
2 INCLUDING THE PARCEL NUMBER.

3 AND THE EXISTING NUMBER OF TRUCKS WHICH
4 ARE GOING BETWEEN OREGON AND EUREKA NEED TO BE
5 IDENTIFIED IN THAT PROJECT DESCRIPTION.

6 THE PERMANENT -- THE PROJECT DESCRIPTION
7 MUST ALSO EXCLUDE PROJECT DESCRIPTION MUST ALSO
8 EXCLUDE RAIL HAUL MOVEMENT, SINCE THIS WAS NOT
9 ANALYZED IN THE CEQA DOCUMENT BEFORE US. AND,
10 OTHERWISE, IT WOULD HAVE TO BE ADDITIONALLY ANALYZED
11 IN ANOTHER CEQA DOCUMENT OR CEQA REVIEW.

12 THE MITIGATION -- THERE SHOULD BE A
13 MITIGATION MEASURE IN PLACE FOR THE SELF-HAUL, IN CASE
14 THE CITY GARBAGE COMPANY TRANSFER STATION CLOSES.
15 THIS COULD BE DONE IN VARIOUS DIFFERENT WAYS, BUT THAT
16 MITIGATION MEASURE ALSO HAS TO BE IN THAT ADDENDUM.
17 OR, OTHER APPROPRIATE CEQA DOCUMENTATION.

18 THE JPA MUST ALSO NOT USE THIS DOCUMENT
19 FOR THEIR PERMANENT FACILITY, AND THIS SHOULD BE CLEAR
20 IN THE ADDENDUM, OR OTHER APPROPRIATE CEQA
21 DOCUMENTATION.

22 STAFF FEEL VERY SATISFIED WITH LEA'S
23 DETERMINATION THAT THE RSI MEETS THE TITLE 14
24 REQUIREMENTS AT THIS TIME.

25 AND, IT IS MY UNDERSTANDING THAT THE

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1 APPLICANT WAS UNWILLING TO PUSH THIS ITEM, OR CARRY
2 OVER THIS ITEM TO THE SEPTEMBER 10TH MEETING. AND HE
3 MAY FEEL A LITTLE BIT DIFFERENTLY NOW. IF THAT IS THE
4 CASE, THEN STAFF DOES NOT HAVE ADEQUATE CEQA
5 DOCUMENTATION TO SUPPORT THE PROJECT.

6 CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS?

7 MEMBER JONES: MR. CHAIRMAN? MAY I ASK STAFF

8 --

9 CHAIRMAN PENNINGTON: MR. JONES.

10 MEMBER JONES: GEORGIANNE, THE SECOND ONE WAS
11 TRUCKS, YOU SAID, FROM EUREKA TO OREGON. IT WOULD BE
12 FROM ARCATA TO OREGON, RIGHT?

13 MS. TURNER: YOU'RE CORRECT. THANK YOU.

14 MEMBER JONES: AND THEN DO WE TAKE INTO
15 ACCOUNT THE TRUCKS THAT ARE GOING TO BE GOING FROM --
16 DO THEY ADEQUATELY TAKE CARE OF THE TRUCKS THAT WOULD
17 -- IT USED TO BE FOUR OR FIVE TRUCKS CAME DOWN FROM
18 ARCATA DOWN TO EUREKA. NOW HOW MANY TRUCKS ARE GOING
19 UP TO ARCATA?

20 MS. TOBIAS: DON'T THINK WE HAVE AN ISSUE
21 WITH THE LOCAL TRAFFIC PATTERN.

22 MEMBER JONES: OKAY. WHAT WAS THE THIRD ONE?
23 I WAS WRITING AND --

24 MS. TURNER: I WAS TRYING TO TALK SLOW.

25 MEMBER JONES: NO, I WAS DOING SOMETHING

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1 ELSE, IT'S MY FAULT. SORRY.

2 MS. TURNER: THAT'S OKAY. THE PROJECT
3 DESCRIPTION WOULD HAVE TO EXCLUDE RAIL MOVEMENT,
4 UNLESS THEY WANTED TO DO FURTHER CEQA ANALYSIS ON
5 THAT, BECAUSE THAT'S NOT DESCRIBED IN THE DOCUMENT.

6 MEMBER JONES: OKAY.

7 CHAIRMAN PENNINGTON: OKAY? MR. SWEETSER?

8 MR. SWEETSER: ONE POINT, ALSO, AND I BELIEVE
9 ON THE SECOND ITEM ON -- FOR FROM EUREKA OR ARCATA UP
10 TO OREGON, THERE'S ALSO OTHER OPTIONS IN THERE, AS FAR
11 AS POTERO HILLS AND POSSIBLY OTHERS THAT MAY NEED TO
12 BE LOOKED AT, AS FAR AS FINAL DISPOSAL.

13 MS. TOBIAS: I THINK WHAT WE'RE SAYING IS
14 THAT THIS DOCUMENT WOULD BE ADEQUATE TO DEAL WITH A
15 PROJECT WHICH BASICALLY USES THE EXISTING TRUCKS TO
16 MOVE BETWEEN ARCATA AND THE OREGON LANDFILL, AND NO
17 OTHER DISPOSAL ROUTES AT THIS TIME. SO, THE DOCUMENT
18 SHOULD BE CLARIFIED TO SAY THAT THE PROJECT
19 DESCRIPTION ONLY ENCOMPASSES THE EXISTING TRUCK
20 TRAFFIC.

21 DOES THAT MAKE SENSE? YOU LOOK PUZZLED.

22 AM I NOT BEING CLEAR?

23 MR. SWEETSER: I MAY HAVE TO BRING SOMEONE
24 ELSE UP TO ANSWER THAT QUESTION. BUT THERE WAS
25 DISCUSSION -- AND I DON'T THINK IT HAD BEEN RESOLVED,

1 ALTHOUGH IT LOOKS LIKE IT MAY BE GOING TO OREGON, IT
2 ALSO -- IT IS OPEN TO POSSIBILITIES, AND MAYBE THIS IS
3 THE COUNTY'S QUESTION, TO POTERO HILLS IN SOLANO
4 COUNTY.

5 MS. TURNER: THE POTERO HILLS ROUTE WOULD BE
6 DONE BY RAIL. THAT'S HOW IT WAS DESCRIBED IN THE CEQA
7 DOCUMENT. WE'RE ASKING FOR THAT TO BE COMPLETELY
8 TAKEN OUT OF THE PROJECT DESCRIPTION.

9 MR. SWEETSER: OR TRUCK TRAFFIC TO POTERO?
10 TRUCK TRAFFIC TO POTERO WOULD ALSO BE INCLUDED IN
11 THAT?

12 MS. TURNER: THAT WAS NOT INCLUDED IN THE
13 PROJECT DESCRIPTION. THAT WOULD NOT --

14 MS. TOBIAS: WE WOULD ANTICIPATE THAT THERE'S
15 NOTHING IN THE DOCUMENT THAT COVERS TRUCK TRAFFIC TO
16 POTERO HILLS.

17 MR. SWEETSER: THANK YOU.

18 CHAIRMAN PENNINGTON: ANYTHING ELSE

19 MEMBRE FRAZEE: THAT SATISFIES ME.

20 CHAIRMAN PENNINGTON: I GUESS WE'D LIKE TO
21 HEAR A RESPONSE FROM THE CITY. DO YOU WISH TO
22 RESPOND?

23 MR. KINSFATHER: MAY WE REQUEST FIVE MINUTES
24 TO STEP OUTSIDE AND DISCUSS THIS?

25 CHAIRMAN PENNINGTON: SURE.

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1 MR. KINSFATHER: THANK YOU.

2 (OFF THE RECORD.)

3 CHAIRMAN PENNINGTON: OKAY. WE'LL COME BACK
4 TO ORDER HERE. I THINK THE CITY IS READY TO RESPOND
5 TO OUR QUESTION.

6 MR. KINSFATHER: THE APPLICANT ACCEPTS THE
7 STAFF'S RECOMMENDATION.

8 CHAIRMAN PENNINGTON: OKAY. THAT MEANS WE'LL
9 CARRY THIS OVER, THEN, TILL THE SEPTEMBER 10TH
10 MEETING. IS THAT ACCEPTABLE WITH EVERYBODY?

11 MEMBER JONES: YEAH. WORKS FOR ME.

12 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

13 MR. GRAHAM: I DON'T KNOW IF YOU'VE CLOSED
14 THE ITEM. I WAS INTERESTED IN GETTING A BIT OF
15 CLARIFICATION ON AN ITEM THAT STAFF RAISED. IS THAT
16 POSSIBLE?

17 CHAIRMAN PENNINGTON: I THINK YOU CAN DEAL
18 WITH THE STAFF AFTER THIS, AND YOU CAN TALK WITH THEM.

19 MR. GRAHAM: OKAY. THANK YOU. WELL,
20 ACTUALLY, I WAS INTERESTED ON GETTING IT ON THE RECORD
21 FOR THE BENEFIT OF OUR ATTORNEY, WHO IS NOT HERE. BUT
22 IF THE ITEM'S BEEN CLOSED WE'LL TAKE IT UP WITH STAFF
23 THEN.

24 CHAIRMAN PENNINGTON: YEAH, I THINK THAT'S
25 BEST TO DO.

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1 MR. GRAHAM: THANK YOU.

2 CHAIRMAN PENNINGTON: THANK YOU.

3 MEMBER EATON: MR. CHAIR, EVERYONE IS WELCOME
4 TO STAY, ARE THEY NOT?

5 CHAIRMAN PENNINGTON: CERTAINLY.

6 MEMBER EATON: FOR THE REST OF THE
7 PROCEEDINGS?

8 CHAIRMAN PENNINGTON: ABSOLUTELY. YOU'RE ALL
9 WELCOME.

10 OKAY. NOW WE'RE GOING TO MOVE TO ITEM
11 NO. 10, WHICH IS THE CONSIDERATION OF A REVISED SOLID
12 WASTE FACILITY PERMIT FOR LANDERS SANITARY LANDFILL IN
13 SAN BERNARDINO COUNTY.

14 ITEM NO. 10: CONSIDERATION OF A REVISED SOLID WASTE
15 FACILITY PERMIT FOR LANDERS SANITARY LANDFILL IN SAN
16 BERNARDINO COUNTY

17 MS. HAMBLETON: GOOD AFTERNOON, MY NAME IS
18 SUZANNE HAMBLETON. I'M PRESENTING THIS ITEM FOR DIANA
19 HASMER WHO CANNOT BE HERE TODAY.

20 THE LANDERS --

21 CHAIRMAN PENNINGTON: DOES SHE HAVE JURY
22 DUTY, TOO?

23 MS. HAMBLETON: NO, SHE'S IN THE FIELD.

24 THE LANDERS SANITARY LANDFILL HAS BEEN
25 OPERATING SINCE 1965. THE PROPOSED PERMIT WILL ALLOW

1 FOR AN INCREASE IN DAILY WASTE TONNAGE FROM 381 TONS
2 PER DAY TO 1,200 TONS PER DAY.

3 INCIDENTALLY, THERE'S A TYPO ON PAGE
4 10.2 AT THE TOP OF THE PAGE, WHICH STATES THAT IT
5 WOULD BE 1600 TONS PER DAY. THAT'S INCORRECT, IT
6 SHOULD BE 1200 TONS PER DAY.

7 AND IT WOULD ALSO ALLOW FOR AN INCREASE
8 IN OPERATION DAYS FROM SIX TO SEVEN DAYS PER WEEK,
9 EXPAND THE HOURS OF OPERATION FROM 12 TO 13 HOURS PER
10 DAY, INCORPORATE THE FEBRUARY, 1998, RDSI, WHICH
11 DESCRIBES THE CURRENT OPERATIONS, AND CHANGE THE
12 ESTIMATED CLOSURE DATE FOR ONE YEAR, FROM THE YEAR
13 2007 TO THE YEAR 2008. AND THIS IS DUE TO A MORE
14 RECENT FLY-OVER WITH AN UPDATED CAPACITY CALCULATIONS.

15 THE INCREASE IN TONNAGE IS PRIMARILY DUE
16 TO THE CLOSING OF SEVERAL LANDFILLS IN SAN BERNARDINO
17 COUNTY. THIS LANDFILL WILL BE TAKING WASTE THAT WAS
18 ORIGINALLY SENT TO MORANGO LANDFILL, TWENTY-NINE PALMS
19 LANDFILL, AND EVENTUALLY PERHAPS TAKING WASTE FROM
20 CAMP ROCK TRANSFER STATION.

21 AT THE TIME THE ITEM WAS WRITTEN THE LEA
22 AND BOARD STAFF HAD MADE ALL THE NECESSARY FINDINGS,
23 INCLUDING COMPLIANCE WITH 50,001, PRC 50,001. THE
24 LANDFILL IS IDENTIFIED AND DESCRIBED IN THE CEQA.
25 THE FACILITY IS CONSISTENT WITH STATE MINIMUM

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1 STANDARDS. AND CEQA HAS BEEN COMPLIED WITH. THE
2 MITIGATED NEG DEC WAS PREPARED IN SEPTEMBER OF 1997.

3 THE INFORMATION PROVIDED BY THE OPERATOR
4 REGARDING CLOSURE/POST-CLOSURE MAINTENANCE PLANS,
5 FUNDING FOR CLOSURE/POST-CLOSURE, AND OPERATING
6 LIABILITY INSURANCE ARE ADEQUATE.

7 AT THIS TIME THE LEA AND STAFF RECOMMEND
8 THE BOARD ADOPT RESOLUTION 98-272, CONCURRING IN THE
9 REVISION OF THE LANDERS SANITARY LANDFILL SOLID WASTE
10 FACILITY PERMIT.

11 THIS CONCLUDES MY PRESENTATION. THE LEA
12 FROM SAN BERNARDINO IS ALSO HERE IF YOU HAVE ANY
13 QUESTIONS.

14 CHAIRMAN PENNINGTON: QUESTIONS? MR. EATON?

15 MEMBER EATON: I JUST HAVE A COUPLE OF
16 QUESTIONS. AND I THANK MY FELLOW BOARD MEMBERS, AS
17 WELL AS STAFF, AND THE APPLICANT AS WELL. BUT, AS WE
18 BEGIN THIS NEW PROCESS OF TWO BOARD MEETINGS -- AND,
19 AS I STATED BEFORE, I BELIEVE THAT WHEN IT COMES TO
20 PERMITS AND ENFORCEMENT, THAT THOSE TYPES OF ACTION
21 SHOULD HAVE A FULL HEARING. AND THAT WHILE THERE MAY
22 BE TIMES WHEN CONSENT IS APPROPRIATE, I THINK WE'LL
23 DEVELOP WHEN THOSE TIMES ARE APPROPRIATE AS WE GO
24 ALONG, BUT I THINK THAT THIS IS ONE OF THOSE SENSITIVE
25 AREAS.

1 AND THE ONE QUESTION I HAD WAS
2 BASICALLY, WHEN IS MORANGO AND TWENTY-NINE PALMS
3 SCHEDULED TO CLOSE?

4 MS. HAMBLETON: MORANGO IS ALREADY CLOSED.
5 IT'S OPERATING OUT OF A TRANSFER STATION.

6 CURRENTLY TWENTY-NINE PALMS, MATT?

7 MR. SLOVIK: MATT SLOVIK, SAN BERNARDINO
8 COUNTY LEA. TWENTY-NINE PALMS I BELIEVE SHOULD BE
9 CLOSED SOMEWHERE TOWARDS THE END OF THE YEAR, POSSIBLY
10 NOVEMBER. AND A TRANSFER STATION WOULD ALSO BE
11 CONSTRUCTED, LOCATED AT THAT SITE, SIMILAR TO MORANGO
12 VALLEY.

13 MEMBER EATON: AND FOR PURPOSES OF WHAT I
14 ASKED, IS WE'RE MOVING UP -- WHICH AT THE TIME, AND
15 LOOKING AT IT, WAS NEARLY AN 800-TON INCREASE. THE
16 FIGURES THAT I HAVE, JUST FOR THE RECORD, ARE -- IS
17 THAT THE MAXIMUM MORANGO COULD HAVE WAS 236 AND
18 TWENTY-NINE PALMS WAS 452. DOES THAT MEET WITH YOUR
19 RECORDS, AS WELL?

20 MR. SLOVIK: THE TABLE PROVIDED TO YOU THAT
21 REFLECTS THOSE FIGURES?

22 MEMBER EATON: YEAH.

23 MR. SLOVIK: AGAIN, THAT INDICATES THE
24 MAXIMUM TONNAGES ON THOSE PEAK DAYS THAT WAS
25 EXPERIENCED AT THOSE RESPECTIVE SITES.

1 ON AVERAGE, ON A NORMAL DAY, DO THEY
2 REACH THOSE LEVELS? NO, THEY DON'T. SO ON AVERAGE, A
3 NORMAL DAY'S -- IN TERMS OF THE AMOUNT OF WASTE THAT'S
4 TRANSFERRED TO LANDERS, WILL IT BE THAT HIGH OR THAT
5 QUANTITY? NO. IT'LL PROBABLY BE MORE REFLECTIVE OF
6 THE AVERAGE AS SHOWN IN THAT TABLE.

7 MEMBER EATON: OKAY. AND THE FOOTPRINT IS
8 ADEQUATE TO HANDLE THE UPPER LOAD.

9 MR. SLOVIK: YEAH. THE LANDERS FOOTPRINT?

10 MEMBER EATON: YEAH.

11 MR. SLOVIK: THAT'S CORRECT. YES.

12 MEMBER EATON: OKAY. THAT'S ALL I HAVE.

13 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
14 QUESTIONS OF STAFF OR THE LEA?

15 IF NOT, I'LL ENTERTAIN A MOTION.

16 MEMBER JONES: I MAKE A MOTION THAT WE ADOPT
17 RESOLUTION 98-272, REVISED FACILITY PERMIT FOR THE
18 LANDERS SANITARY LANDFILL.

19 MEMBER FRAZEE: I'LL SECOND.

20 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED
21 AND SECONDED.

22 IF THERE'S NO FURTHER DISCUSSION WILL
23 THE SECRETARY CALL THE ROLL, PLEASE?

24 THE SECRETARY: BOARD MEMBER EATON?

25 MEMBER EATON: AYE.

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1 THE SECRETARY: FRAZEE?

2 MEMBER FRAZEE: AYE.

3 THE SECRETARY: JONES?

4 MEMBER JONES: AYE.

5 THE SECRETARY: CHAIRMAN PENNINGTON?

6 CHAIRMAN PENNINGTON: AYE.

7 THE MOTION CARRIES.

8 WE MOVE TO ITEM NO. 5 NOW, CONSIDERATION
9 OF EQUITY ISSUES RELATED TO THE INTEGRATED WASTE
10 MANAGEMENT FUND. MAUREEN GOODALL.

11 ITEM NO. 5: CONSIDERATION OF EQUITY ISSUES
12 RELATED TO THE INTEGRATED WASTE MANAGEMENT FUND

13 MS. GOODALL: GOOD AFTERNOON, CHAIRMAN AND
14 BOARD MEMBERS. FOR THE RECORD, MY NAME IS MAUREEN
15 GOODALL, AND I'M WORKING IN THE POLICY AND ANALYSIS
16 OFFICE, AND I'LL BE PRESENTING TODAY'S AGENDA ITEM 5,
17 CONSIDERATION OF EQUITY ISSUES RELATED TO THE
18 INTEGRATED WASTE MANAGEMENT FUND.

19 ELLIOT BLOCK IS ALSO HERE TODAY, AND HE
20 WILL BE ADDRESSING SOME OF THE LEGAL QUESTIONS THAT
21 WERE RAISED DURING OUR WORKSHOPS IN MARCH.

22 GETTING INTO THE ITEM, BASICALLY I'M
23 GOING TO UPDATE YOU ON WHAT'S HAPPENED SINCE THE LAST
24 TIME WE HEARD THIS ITEM, IN JANUARY AT THE ADMIN
25 COMMITTEE.

1 SINCE THEN WE HAD TWO BOARD WORKSHOPS IN
2 MARCH OF '98, ONE IN SACRAMENTO AND ONE IN BURBANK.
3 AND THE ATTENDANCE IN THESE WORKSHOPS INCLUDE BOARD
4 MEMBERS, STAFF, LEGISLATIVE STATE AND LOCAL GOVERNMENT
5 STAFF, AND/OR THEIR REPRESENTATIVES, AND
6 REPRESENTATIVES FROM THE WASTE INDUSTRY IN CALIFORNIA
7 AND FROM OUT OF STATE.

8 THE PARTICIPANTS WERE PROVIDED A COPY OF
9 QUESTIONS AHEAD OF TIME TO FACILITATE THE WORKSHOPS,
10 AND THAT IS ALSO ATTACHED TO THIS ITEM IN ATTACHMENT
11 1. AND DURING THE WORKSHOP WE HAD A GREAT INTERACTIVE
12 DISCUSSION, AND STAFF FEELS THAT WE GOT A LOT OF
13 VALUABLE INFORMATION OUT OF THE WORKSHOPS.

14 SINCE THEN WE PREPARED A SUMMARY OF THE
15 COMMENTS THAT WE RECEIVED FROM THE WORKSHOPS, AND WE
16 MAILED THAT TO ALL INTERESTED PARTIES IN MID MAY. AND
17 THAT'S ALSO ATTACHED TO YOUR ITEM, THAT'S ATTACHMENT
18 2.

19 BASICALLY, ALL THE PARTICIPANTS, OR THE
20 MAJORITY OF ALL THE PARTICIPANTS AGREED THAT THERE
21 WERE EQUITY ISSUES INVOLVED IN THIS, REGARDING THIS
22 ISSUE.

23 AND FROM THAT STAFF, AFTER RECEIVING A
24 LOT OF PUBLIC INPUT THROUGH THE WORKSHOP, AND ALSO
25 FROM SOME LETTERS THAT WE RECEIVED, WE FOCUSED OUR

1 RESEARCH IN THE AREA OF REQUIRING EXPORTING
2 JURISDICTIONS TO PAY THEIR FAIR SHARE OF BOARD
3 PROGRAMS AND SERVICES, AND CHANGING THE POINTS OF
4 COLLECTION FOR WASTE LEAVING CALIFORNIA IN ORDER TO
5 RECAPTURE THOSE IWMA FEES.

6 HOWEVER, ANY CHANGE IN COLLECTION POINT
7 IS GOING TO REQUIRE LEGISLATIVE ACTION. I JUST WANT
8 TO MAKE SURE THAT THAT POINTS BROUGHT UP.

9 WE DID PUT TOGETHER THREE OPTIONS, AND
10 THOSE ARE IN THE PACKET BEGINNING ON PAGE 5-4, AND GO
11 THROUGH MOST OF 5-5.

12 THE FIRST BEING REQUIRING TRANSFER
13 STATIONS WHO EXPORT WASTE OUT OF STATE TO PAY A
14 DISCOUNTED IWM FEE, AND THIS FEE, AND THIS FEE WOULD
15 NOT INCLUDE PAYMENT FOR BOARD SERVICES TO REGULATE
16 LANDFILLS IN THE STATE.

17 THE SECOND OPTION WE DEVELOPED WAS TO
18 REQUIRE ANYBODY WHO EXPORTS WASTE OUT OF STATE,
19 INCLUDING TRANSFER STATIONS, MATERIAL RECOVERY
20 FACILITIES, OR DIRECT HAULERS, TO PAY A DISCOUNTED IWM
21 FEE. THIS FEE WOULD NOT INCLUDE PAYMENT FOR BOARD
22 SERVICES TO REGULATE LANDFILLS IN THE STATE.

23 AND THE THIRD OPTION THAT WE DEVELOPED
24 WAS TO REQUIRE THOSE JURISDICTIONS WHO EXPORT WASTE
25 OUT OF STATE TO REPORT EXPORT TONNAGES TO THE BOARD

1 AND PAY A DISCOUNTED IWM FEE BASED ON THESE REPORTS.

2 THOSE ARE THE OPTIONS WE DEVELOPED. AND
3 THERE WERE ALSO SOME LEGAL QUESTIONS THAT CAME UP
4 DURING THE WORKSHOPS, AND ELLIOT'S GOING TO ADDRESS
5 THOSE.

6 MR. BLOCK: IF YOU'LL JUST GIVE ME A SECOND
7 TO GET THE SCREEN. THEY GAVE ME A NEW TOY TODAY TO
8 USE, THIS IS THE FIRST TIME WE HAVE A REMOTE CONTROL
9 MOUSE TO TRY TO DO THIS, SO BEAR WITH ME IF IT DOESN'T
10 DO ITS THING.

11 CHAIRMAN PENNINGTON: OH, GOOD.

12 MR. BLOCK: AS MAUREEN HAD MENTIONED, THERE
13 WERE A NUMBER OF LEGAL ISSUES THAT WERE RAISED AT THE
14 WORKSHOPS, AND ACTUALLY IN THE AGENDA ITEMS PRIOR TO
15 THE WORKSHOPS. AND THE DISCUSSION THAT'S IN THE
16 AGENDA ITEM, AND THAT I'M JUST GOING TO BRIEFLY GO
17 THROUGH TODAY, IS BY NO MEANS AN EXHAUSTIVE ANALYSIS
18 OF THOSE.

19 WE'RE TOUCHING ON SOME OF THOSE ISSUES
20 AND PROVIDING THE BASIC STANDARDS THAT APPLY BUT, OF
21 COURSE, DEPENDING ON THE DIRECTION THE BOARD WOULD
22 GIVE US WE WOULD, THEN, AT THAT POINT DO SOME MORE
23 EXTENSIVE ANALYSIS AND WRITING OF DIFFERENT OPTIONS
24 AND THE LIKE.

25 THERE WERE ACTUALLY A LARGE NUMBER OF

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1 LEGAL QUESTIONS THAT CAME UP, AND FOR TODAY'S
2 PRESENTATION FOR THE AGENDA ITEM I HAVE SCALED THOSE
3 DOWN TO JUST FIVE BASIC LEGAL QUESTIONS THAT I AM
4 GOING TO ADDRESS TODAY.

5 FOR THOSE THAT HAVE AGENDA ITEMS THAT
6 WOULD PREFER TO FOLLOW ALONG IN THAT FORMAT, THE
7 DISCUSSION IS ON PAGE 5-5 OF THE ITEM THROUGH PAGE 5-
8 9. THOSE QUESTIONS ARE UP ON THE BOARD. AND, DOES
9 THE EXISTING STATUTE ALLOW FOR AN EXPORT FEE? ARE
10 THERE OTHER EXISTING STATUTES ALREADY IN THE PRC THAT
11 COULD BE USED TO ADDRESS THE EXPORT FEE? WOULD THE
12 COMMERCE CLAUSE RESTRICT THE EXPORT FEE?

13 AND THEN TWO RELATED QUESTIONS, BUT THEY
14 WEREN'T THAT SPECIFIC TO THE EXPORT FEE, BUT ALSO
15 RECEIVED A NUMBER OF COMMENTS SO I THOUGHT I WOULD
16 ADDRESS THEM. DOES THE IWM FEE APPLY TO C&D DISPOSAL?
17 AND, DOES THE IWM FEE APPLY TO TRANSFORMATION?

18 FIRST, THE IWM FEE. THIS IS AN EXCERPT
19 OF PRC 48,000, WHICH IS THE IWM FEE. AND, AS YOU CAN
20 SEE AND AS YOU KNOW, IT'S FAIRLY SPECIFIC. IT DEALS
21 WITH THE FEE BEING CHARGED TO THE OPERATOR OF A
22 DISPOSAL SITE FOR SOLID WASTE DISPOSED. THEREFORE,
23 ANY OF THE OPTIONS THAT HAVE BEEN DISCUSSED TO THIS
24 POINT RELATING TO EXPORT FEE WHICH INVOLVED EITHER
25 CHARGING THE FEE AT A TRANSFER STATION OR CHARGING

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1 JURISDICTIONS DIRECTLY WOULD REQUIRE A STATUTORY
2 CHANGE.

3 ON THE SCREEN BEFORE YOU THERE ARE EIGHT
4 FEE PROVISIONS FROM THE PRC. I BASICALLY WENT THROUGH
5 AND PULLED OUT EVERY FEE PROVISION THAT THERE WAS.
6 THIS QUESTION CAME UP AT THE WORKSHOP AS TO WHETHER
7 THERE WAS AN EXISTING STATUTE THAT WE COULD SOMEHOW
8 USE TO GET AT THE EXPORT FEE ISSUE OR FEE EQUITY
9 ISSUES. AND THEY'RE BRIEFLY DESCRIBED ON THE SCREEN,
10 I WON'T READ THEM ALL TO YOU, BUT NONE OF THEM WOULD
11 FIT THE SITUATION THAT WE'RE TALKING ABOUT.

12 THE THIRD ISSUE THAT WAS RAISED WAS
13 REGARDING THE COMMERCE CLAUSE. AND THIS I'M GOING TO
14 GO VERY QUICKLY THROUGH. I STARTED WRITING AN
15 ANALYSIS OF THIS AND REALIZED THAT I COULD PROBABLY
16 WRITE 50 PAGES, AND THAT WOULDN'T DO MUCH GOOD FOR THE
17 PURPOSES OF THIS AGENDA ITEM.

18 VERY QUICKLY, OF COURSE, THE COMMERCE
19 CLAUSE HAS BEEN USED AS A TOOL BY THOSE OPPOSING
20 WHAT'S KNOWN AS FLOW CONTROL AND SOLID WASTE HAS BEEN
21 CONSIDERED AN ARTICLE OF COMMERCE, WHICH IS SUBJECT TO
22 THE COMMERCE CLAUSE.

23 THE PROVISIONS OF CASE LAW PROVIDES THAT
24 -- I'M GOING TO SKIP SOME OF THESE JUST TO GO THROUGH
25 THIS QUICK. BUT BASICALLY, THE STATE, AND BY

1 EXTENSION A MUNICIPALITY, CANNOT DISCRIMINATE AGAINST
2 THE FLOW OF INTERSTATE COMMERCE. AND SO THAT'S BEEN
3 EXTENDED BY THE CASES TO INCLUDE EITHER RESTRICTIONS
4 OR FEES CHARGED TO SOLID WASTE THAT COULD SOMEHOW
5 RESTRICT THEIR FLOW BETWEEN STATES, AND THAT'S THE
6 ISSUE THAT'S BEEN RAISED IN TERMS OF THE EXPORT FEE
7 THAT WE'VE BEEN DISCUSSING, AS TO WHETHER SOMEHOW THAT
8 WOULD VIOLATE THOSE PROVISIONS.

9 THERE IS, THOUGH, WHAT I'VE CALLED THE
10 COMPENSATORY FEE DOCTRINE -- ALTHOUGH THE CASES SO FAR
11 HAVE TALKED ABOUT THEM AS A COMPENSATORY TAX DOCTRINE,
12 BECAUSE THEY'VE BEEN DEALING WITH TAXES -- THAT
13 PROVIDES THAT ARTICLES OF COMMERCE MAY BE MADE TO PAY
14 THEIR WAY AS THEY MOVE THROUGH INTERSTATE COMMERCE, AS
15 LONG AS THE STATE IS NOT TRYING TO EXACT MORE THAN A
16 JUST SHARE FROM THE INTERSTATE COMMERCE.

17 THE U.S. SUPREME COURT HAS ACTUALLY
18 APPLIED, AGAIN, WHAT THEY CALL THE COMPENSATORY TAX
19 DOCTRINE TO A FEE SITUATION AND SAID THAT IT WOULD BE
20 APPLICABLE TO FEES ON SOLID WASTE. THIS IS THE OREGON
21 WASTE SYSTEMS CASE. IN THAT PARTICULAR CASE THEY
22 DIDN'T MEET THE TEST OF THE COMPENSATORY FEE DOCTRINE.

23 BUT IT IS -- THE U.S. SUPREME COURT HAS INDICATED
24 THAT THIS IS AN EXCEPTION THAT'S AVAILABLE IN THE FLOW
25 CONTROL CASES.

1 IN THE CONTEXT OF THE AGENDA ITEM BEFORE
2 YOU THIS IS WHAT GIVES RISE TO THE OPTION OF CHARGING
3 A DISCOUNTED FEE FOR WASTE THAT GOES OUT OF STATE. IN
4 OTHER WORDS, THE KEY, OF COURSE, IS CORRECTLY
5 ANALYZING WHAT THAT WASTE MOVING OUT OF THE STATE --
6 WHAT IT'S JUST SHARE IS, AND AS LONG AS THAT'S DONE
7 CORRECTLY IT WOULD, IN FACT, NOT VIOLATE THE FLOW
8 CONTROL PROVISIONS.

9 IN TERMS OF THE OPTIONS THERE BEFORE YOU
10 IN THE AGENDA ITEM ANALYSIS, THIS IS WHERE THE IDEA OF
11 A -- AND I'M FORGETTING NOW IF IT WAS FIVE OR SIX
12 PERCENT -- BUT, THE SIX PERCENT DISCOUNT IN TERMS OF
13 THE IWM FEE, THAT SIX PERCENT WAS CALCULATED TO REMOVE
14 THE COST ASSOCIATED WITH LANDFILL REGULATION.
15 BECAUSE, OBVIOUSLY, THE WASTE MOVING OUT OF STATE
16 WOULD NOT BE INCURRING THOSE COSTS WITHIN THE STATE.

17 BUT, ALL THE OTHER PROGRAMS THAT THE
18 BOARD CONDUCTS RELATING TO WASTE AND RECYCLING AND THE
19 LIKE, AND MARKET DEVELOPMENT -- WHICH ALL, OF COURSE,
20 TIE IN -- THOSE COSTS WOULD ALL STILL BE A PART AND
21 PARCEL OF WHAT THAT WASTE, AND THE JURISDICTIONS THAT
22 ARE EXPORTING THAT WASTE, BENEFITS THEY GET FROM THE
23 BOARD.

24 ANOTHER QUESTION THAT WAS RAISED AT THE
25 WORKSHOP WAS A REQUEST FOR SOME CLARIFICATION

1 REGARDING THE APPLICATION OF THE IWM FEE TO
2 CONSTRUCTION AND DEMOLITION DISPOSAL. I WON'T READ
3 THROUGH WHAT'S ON THE SCREEN IN FRONT OF YOU. BUT,
4 THE SHORT ANSWER IS CONSTRUCTION AND DEMOLITION
5 DISPOSAL SITE WASTE DISPOSED AT THAT SITE WOULD BE
6 SUBJECT TO THE FEE. CONSTRUCTION AND DEMOLITION IS
7 SPECIFICALLY IDENTIFIED AS A TYPE OF SOLID WASTE.
8 IT'S BEING DISPOSED OF AT A PERMITTED DISPOSAL
9 FACILITY PERMITTED BY THE BOARD, AND FITS ALL THOSE
10 REQUIREMENTS.

11 WE HAVE HAD SOME ISSUES COME UP OVER THE
12 PAST FEW YEARS AS TO HOW EFFECTIVELY CERTAIN SITES
13 HAVE BEEN TRACKED FOR THAT DISPOSAL AND PAYING THE
14 FEE, AND THEN I UNDERSTAND THAT THE BOARD OF
15 EQUALIZATION IS IN THE PROCESS OF TAKING CARE OF THAT.

16 BUT THERE'S NO QUESTION, LEGALLY, THAT THOSE SITES
17 WOULD BE SUBJECT TO THE IWM FEE.

18 TRANSFORMATION FACILITIES.
19 TRANSFORMATION FACILITIES HAVE NOT BEEN, AND ARE NOT
20 SUBJECT, TO THE IWM FEE. AS I SHOWED ON THE SCREEN
21 BEFORE, THE FEE IS RELATED TO DISPOSAL SITES. THERE
22 WAS SOME CONFUSION ABOUT FIVE YEARS AGO BECAUSE SOME
23 OF DIVERSION STATUTES LUMP DIVERSION AND
24 TRANSFORMATION TOGETHER IN TERMS OF HOW THOSE STATUTES
25 ARE PHRASED.

1 AND, SO A COUPLE OF YEARS AGO THE
2 STATUTE WAS -- OUR STATUTES WERE MODIFIED TO SPECIFY
3 FOR THE PURPOSES OF PART TWO, WHICH ARE THE PLANNING
4 STATUTES, TRANSFORMATION IS INCLUDED IN DISPOSAL. BUT
5 NOT FOR ANY OTHER PARTS.

6 THAT STILL ENGENDERED SOME CONFUSION,
7 AND SO IN THE CURRENT -- THAT STATUTE WAS REVISED ONE
8 MORE TIME, AND PUBLIC RESOURCES CODE SECTION 40192
9 CONTAINS THREE DIFFERENT DEFINITIONS OF DISPOSAL,
10 DEPENDING ON THE PURPOSE YOU'RE DEALING WITH.

11 PART A CONTAINS THE GENERAL DEFINITION
12 OF DISPOSAL, WHICH INCLUDES FINAL DEPOSITION OF SOLID
13 WASTE ONTO LAND, INTO THE ATMOSPHERE, AND INTO THE
14 WATERS OF THE STATE. THAT WAS THE EXISTING STATUTE,
15 AND IT WAS THE DEPOSITION INTO THE ATMOSPHERE LANGUAGE
16 THAT GAVE RISE TO SOME CONFUSION OVER TRANSFORMATION
17 AND TO WHETHER IT WAS A TYPE OF DISPOSAL.

18 THAT STATUTE ALSO, IN PART B, CONTAINS
19 THE SECOND ITERATION THAT I MENTIONED, WHICH IS FOR
20 THE PURPOSES OF PART TWO, WHICH IS THE PLANNING
21 STATUTES. TRANSFORMATION IS INCLUDED WITHIN DISPOSAL.

22 AND THAT WAS IMPLY A DRAFTING CONVENIENCE, BECAUSE
23 ALTHOUGH THOSE STATUTES REFERENCE DISPOSAL IT
24 BASICALLY CUT OUT A COUPLE OF PAGES WORTH OF STATUTES,
25 BECAUSE EVERY TIME IT SAID DISPOSAL IT WOULD HAVE TO

1 SAY DISPOSAL AND TRANSFORMATION, AND SO THEY'VE, FOR
2 CONVENIENCE PURPOSES, DONE THAT.

3 THE RELEVANT PART SPECIFICALLY SAYS THAT FOR
4 THE PURPOSES OF CHAPTER TWO OF PART SEVEN -- AND THIS
5 IS THE PART OF OUR STATUTE THAT DEALS WITH THE IWM
6 FEE, SOLID WASTE DISPOSAL MEANS THE FINAL DEPOSITION
7 OF SOLID WASTE ONTO LAND. AGAIN, TAKING OUT OF THAT
8 DEFINITION "DEPOSITION INTO THE ATMOSPHERE," AND
9 CLARIFYING THAT TRANSFORMATION IS NOT A TYPE OF
10 DISPOSAL FOR THE PURPOSES OF THE FEE.

11 TRANSFORMATION FACILITIES ARE STILL
12 SUBJECT TO OTHER FEES. PUBLIC RESOURCES CODE
13 SPECIFICALLY ALLOWS LEAS TO CHARGE THE COSTS OF
14 PROCESSING A SOLID WASTE FACILITIES PERMIT. AND ALSO
15 TO CHARGE FOR THE COST OF DOING PERMITTING AND
16 ENFORCEMENT ACTIVITIES AT THOSE FACILITIES. BUT, THEY
17 AREN'T SUBJECT TO THE TIPPING BASED ON TONNAGE.

18 AND THAT WAS THE END OF MY PRESENTATION.

19 I DON'T KNOW IF YOU HAD ANY QUESTIONS ABOUT THOSE
20 ISSUES.

21 CHAIRMAN PENNINGTON: QUESTIONS? SEEMS NOT.

22 MS. GOODALL: OKAY. TO FINISH UP THE ITEM,
23 I'VE ALSO INCLUDED IN YOUR ITEM, ON PAGE 5-9, SOME
24 INFORMATION ON THE FISCAL IMPACT. THERE ARE SEVERAL
25 CATEGORIES OF WASTE THAT AREN'T CURRENTLY ASSESSED THE

1 IWM FEE, AND ELLIOT TALKED ABOUT A FEW OF THEM IN HIS
2 PRESENTATION.

3 BUT TO SUMMARIZE, WASTE THAT'S EXPORTED
4 OUT OF STATE, WASTE THAT'S TRANSFORMED, AND ALSO C&D
5 AND INERT WASTE AREN'T CURRENTLY BEING CHARGED THE
6 FEE.

7 AND THERE'S A LITTLE TABLE THAT I'VE
8 INCLUDED THAT SHOWS THE APPROXIMATE TONS THAT AREN'T
9 BEING SUBJECT TO OUR FEE. FOR WASTE EXPORT, THAT'S
10 APPROXIMATELY 500,000 TONS, FOR WASTE TRANSFORMED IT'S
11 APPROXIMATELY 700,000 TONS, AND FOR THE C&D AND INERT
12 GROUP IT'S ABOUT A MILLION TONS, FOR A TOTAL OF
13 APPROXIMATELY 2.2 MILLION TONS.

14 AS YOU HEARD FROM ELLIOT, TRANSFORMATION
15 OF SOLID WASTE ISN'T CONSIDERED DISPOSAL, AND ISN'T
16 SUBJECT TO THE BOARD'S FEE, AND STAFF ISN'T
17 RECOMMENDING ANY CHANGE TO THAT BY PURSUING
18 LEGISLATION.

19 AND CURRENTLY THE BOARD IS DEALING WITH
20 THE C&D AND INERT GROUP THROUGH THE TIERED REGULATION
21 PROCESS. AND THE BULK OF THOSE GROUPS, THE WASTE IN
22 THOSE GROUPS, WILL BE PLACED IN THE APPROPRIATE TIER
23 AND MOST LIKELY WILL BE PAYING THE FEE AT SOME POINT.

24 THE ONLY OTHER GROUP THAT ISN'T
25 ADDRESSED RIGHT NOW IS WASTE EXPORT.

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1 AND THAT'S ALL I WANTED TO SAY ON THE
2 FISCAL IMPACT. STAFF DOESN'T HAVE A RECOMMENDATION ON
3 THIS ITEM. WE HAVE, HOWEVER, OUTLINED SOME OPTIONS
4 FOR YOU, AND THOSE ARE ON PAGE 5-1.

5 THE FIRST OPTION IS TO INCLUDE THIS
6 ISSUE THAT -- THE EQUITY ISSUES RELATED TO THIS
7 INTEGRATED WASTE MANAGEMENT FUND IN OUR 21ST CENTURY
8 POLICY PROJECT ANALYSIS.

9 AND THE SECOND IS TO DIRECT STAFF TO
10 FURTHER EXAMINE THE IMPACTS OF THE FEE EQUITY ISSUE,
11 AND POSSIBLY TO PROVIDE ADDITIONAL INFORMATION AND
12 OPTIONS AT A FUTURE MEETING.

13 AND THE THIRD IS TO CONCLUDE DISCUSSION
14 ON THIS ISSUE, AND TO RETAIN CURRENT PRACTICE.

15 AND I AM AVAILABLE TO ANSWER ANY
16 QUESTIONS YOU MIGHT HAVE.

17 CHAIRMAN PENNINGTON: OKAY. QUESTIONS? IT
18 WOULD SEEM TO ME THAT --

19 MEMBER FRAZEE: YES, MR. CHANDLER, DID YOU
20 HAVE SOME --

21 CHAIRMAN PENNINGTON: OH, SORRY, MR.
22 CHANDLER.

23 MR. CHANDLER: PERHAPS I SHOULD KNOW THE
24 ANSWER TO THIS, BUT I'LL GO AHEAD AND ASK IT ANYWAY.
25 BUT, YOU KNOW, MAUREEN, IT SEEMS TO ME WHEN YOU TALK

1 ABOUT THE BASIS OF THIS BEING AN EQUITY ISSUE, OR AT
2 LEAST PART OF WHAT WE'RE LOOKING AT AS AN EQUITY
3 ISSUE, IN ELLIOT'S PRESENTATION HE REFERENCED THAT C&D
4 WASTE, WE ARE ASSESSING A FEE IN SOME INSTANCES. YET
5 WE'VE GOT A MILLION TONS OF C&D WASTE THAT WE ARE
6 CURRENTLY NOT ASSESSING A FEE AGAINST, A WASTE STREAM
7 THAT WE ARE CONSIDERING ONE OF OUR PRIORITY AREAS FOR
8 DIVERSION.

9 WOULD IT MAKE SENSE FOR US TO HAVE SOME
10 DISCUSSION AS TO WHY WE SHOULD WAIT FOR THE TIERED
11 REGULATIONS TO RESOLVE THIS INEQUITY?

12 MS. GOODALL: THE NUMBER I RECEIVED IS FROM
13 THE WASTE CHARACTERIZATION GROUP. AND, CERTAINLY, WE
14 COULD HAVE A DISCUSSION ABOUT HOW WE COULD DO THAT
15 SOONER. MY UNDERSTANDING IS AT THIS POINT THAT THAT
16 WAS WHAT WE WERE WAITING FOR, WAS THE TIER. BUT, YOU
17 KNOW, CERTAINLY THAT'S OPEN.

18 MR. BLOCK: LET ME GO AHEAD AND CLARIFY,
19 BECAUSE THAT'S PROBABLY MY FAULT THAT I CONFUSED THAT
20 SLIGHTLY. THE QUESTION THAT I WAS DEALING WITH WAS A
21 VERY NARROW QUESTION OF WHETHER A C&D DISPOSAL SITE IS
22 SUBJECT TO THE FEE. AND THERE'S NO QUESTION ABOUT
23 THAT.

24 THE TONNAGE AMOUNTS THAT MAUREEN IS
25 TALKING ABOUT, AND THAT ARE IN THE AGENDA ITEM, RELATE

1 TO FACILITIES THAT CURRENTLY DO NOT HAVE A PERMIT.
2 THEY'RE OPERATING, AND THERE HAS BEEN SOME QUESTION AS
3 TO WHETHER THEY, IN FACT, ARE DISPOSAL SITES OR NOT.
4 AND WHAT WE'RE DOING WITH THE C&D REGS IS BASICALLY
5 CLARIFYING, THROUGH SOME DEFINITIONS THAT THEY INCLUDE
6 IN THE TIERS, WHAT ARE DISPOSAL SITES AND WHAT AREN'T.

7 THERE'S BEEN A LOT OF DISCUSSION AND A
8 LOT OF DISPUTE, REALLY, OVER HOW YOU DEFINE WHEN A
9 PARTICULAR SITE BECOMES A DISPOSAL SITE VERSUS WHEN
10 IT'S EITHER A STORAGE SITE OR PERHAPS EVEN A RECYCLING
11 SITE.

12 AND THAT'S EXACERBATED WITH CONSTRUCTION
13 AND DEMOLITION DEBRIS, WHERE WE HAVE HEARD, FOR
14 INSTANCE, OVER TIME THAT -- FROM C&D RECYCLERS THAT
15 THEY WILL SOMETIMES STORE THAT MATERIAL FOR IN EXCESS
16 OF THREE OR FOUR YEARS. AND SO ONE OF THE THINGS THAT
17 WE'RE DOING WITH THE -- AND THEY'VE USED THAT AS A
18 BASIS FOR SAYING THEY'RE NOT A DISPOSAL SITE AND HAVE
19 OPERATED WITHOUT A PERMIT UP UNTIL THIS POINT IN TIME.

20 SO, THAT'S ONE OF THE ISSUES THAT THE
21 C&D REGS ARE DESIGNED TO ADDRESS. WE'VE PUT IN SOME
22 DEFINITIONS AND PRESUMPTIONS AS TO HOW TO DRAW THAT
23 LINE. AND, SO THE TONNAGE THAT'S IN THE AGENDA ITEM
24 REALLY RELATES TO THOSE FACILITIES. AND SO I SHOULD
25 HAVE PROBABLY REFERENCED THOSE, AND THE DISTINCTION

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1 THERE IN MY PRESENTATION.

2 MR. CHANDLER: SO, ELLIOT, WHAT TIME TABLE
3 ARE -- REFRESH MY MEMORY -- ARE WE ON TO ADDRESS THE
4 QUESTION OF WHO'S IN AND WHO'S OUT OF THE PERMIT LOOP
5 ON THESE C&D TYPE FACILITIES AND, THEREFORE, CLARITY
6 AROUND THE WHOLE -- WHETHER YOU PAY A FEE OR NOT FOR
7 THIS TYPE OF MATERIAL?

8 MR. BLOCK: THE BOARD -- WELL, IT WAS THE
9 COMMITTEE AT THE TIME. THE P&E COMMITTEE APPROVED
10 DRAFT REGULATIONS TO GO OUT TO FORMAL PUBLIC NOTICE,
11 AND I DON'T REMEMBER THE EXACT DATE BUT IT WAS AT
12 LEAST A COUPLE OF MONTHS AGO, ACTUALLY.

13 THOSE DOCUMENTS HAVE BEEN PULLED
14 TOGETHER AND, ACTUALLY, AT THE MOMENT WE'RE WAITING
15 FOR SIGN-OFF FROM CAL EPA ON THE FISCAL IMPACT
16 STATEMENT, WHICH IS -- UNDER A CHANGE IN THE LAW LAST
17 YEAR THE FISCAL IMPACT STATEMENT HAS TO BE DONE, AND
18 THE ECONOMIC ANALYSIS HAS TO BE DONE PRIOR TO GOING TO
19 NOTICE RATHER THAN LATER IN THE PROCESS. SO, ONCE WE
20 GET THAT BACK WE'LL BE ABLE TO PUT THESE OUT FOR
21 NOTICE AND MOVE ALONG.

22 I KNOW THAT THE DEVELOPMENT OF THOSE
23 REGULATIONS AND THOSE DEFINITIONS WENT THROUGH A
24 NUMBER OF INFORMAL DRAFTS AND WORKSHOPS, AND SO I
25 DON'T -- I HAVEN'T BEEN WORKING THAT DIRECTLY WITH

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1 THAT PARTICULAR REG PACKAGE. BUT, MY SENSE IS THAT
2 THEY'RE FAIRLY WELL DEVELOPED AND THAT THERE'S NOT A
3 LOT OF DISPUTE LEFT AT THIS POINT AS TO THE
4 DEFINITIONS THAT ARE IN THERE. SO, ONCE WE GET THE
5 FISCAL IMPACT STATEMENT SIGNED IT COULD MOVE FAIRLY
6 QUICKLY.

7 MR. CHANDLER: WELL, I THINK THIS IS A VERY
8 IMPORTANT AREA. IT'S A PRIORITY AREA. THERE'S A --
9 YOU KNOW, WE WANT AN INCENTIVE OUT THERE THAT THIS
10 MATERIAL GETS DIVERTED AND PUT INTO USEFUL -- I THINK
11 IT WOULD BE A NICE INCENTIVE FOR THOSE LEGITIMATE
12 OPERATIONS THAT SHOULD BE BROUGHT UNDER PERMIT TO BE
13 PAYING THE FEE AND, THEREFORE, PERHAPS IT EVEN
14 PROVIDES A GREATER INCENTIVE FOR THE DIVERSION INTO A
15 SECONDARY USE.

16 SO, I'LL WORK WITH THE AGENCY TO SEE
17 WHAT THE DELAY IS IN GETTING THIS MOVING ALONG. BUT,
18 I APPRECIATE THE CLARIFICATION AND HOPE I DIDN'T COVER
19 GROUND THAT YOU WERE ALREADY FAMILIAR WITH, BECAUSE I
20 HAD FORGOTTEN WHERE WE WERE ON THIS. THANK YOU.

21 CHAIRMAN PENNINGTON: WE HAVE ONE -- YES, MR.
22 FRAZEE:

23 MEMBER FRAZEE: I JUST WANTED TO COMMENT ON
24 THIS ITEM. I THINK IT'S IMPORTANT THAT WE MOVE AHEAD
25 WITH SEEING FEE EQUITY. AND I THINK THE FIRST STEP IN

1 THAT IS TO REMOVE FROM OUR VOCABULARY THE TERM "EXPORT
2 FEE," BECAUSE IT'S NOT AN EXPORT FEE, IT'S A FEE, IF
3 YOU WILL, THAT ACCESSES THE PROGRAMS THAT THIS BOARD
4 SPONSORS. AND I THINK WE NEED TO GET THAT ONE --
5 ELLIOT'S NOT LISTENING TO ME HERE.

6 MR. BLOCK: I'M SORRY. I'M SORRY.

7 MEMBER FRAZEE: I WAS JUST SAYING THAT WE
8 NEED TO REMOVE THE TERM "EXPORT FEE" FROM OUR WHOLE
9 RANGE OF DISCUSSION ON THIS SUBJECT BECAUSE IT'S NOT
10 AN EXPORT FEE, IT'S A FEE EQUITY ISSUE. AND THE FEE
11 HAS NOTHING TO DO WITH THE ACTUAL PHYSICAL ACT OF
12 EXPORTING WASTE.

13 BUT, IT IS OF A SIGNIFICANT DIFFERENTIAL
14 TO TRIGGER VARIATIONS IN BIDDING ON DISPOSAL. AND I
15 THINK WE'RE HEARING THAT FROM -- AS THESE RAIL-HAUL
16 PROGRAMS DEVELOP, THAT THE \$1.34 IS SUFFICIENT TO
17 CAUSE DISTORTIONS IN THE ECONOMICS OF THAT. AND SO
18 THAT -- ONE REASON THAT WE NEED TO GET ON WITH THAT,
19 AND BALANCE THAT ONE OUT.

20 ON THE QUESTION OF C&D, I THINK THAT'S
21 MORE PROBLEMATIC, BECAUSE I JUST WISH US GOOD LUCK ON
22 DEFINING WHAT IS DISPOSAL OF C&D.

23 I VISITED SITES WHERE THE CLAIM IS --
24 AND THEY'RE NOT PAYING A FEE, BECAUSE IT'S MINE
25 RECLAMATION. AND THAT SOUNDS LEGITIMATE. YET, WHAT'S

1 THE DIFFERENCE BETWEEN PUTTING IT IN ONE HOLE IN THE
2 GROUND THAT YOU CALL A WASTE DISPOSAL SITE AND ANOTHER
3 HOLE THAT'S MINE RECLAMATION? SO, I THINK WE HAVE
4 SOME REAL PROBLEMS IN THAT.

5 AND THEN THE REUSE, WHERE IT DOES -- THE
6 MATERIAL -- PARTICULARLY IN THE CASE OF HIGHWAYS,
7 WHERE THE MATERIAL IS ACCUMULATED, AND THEN IS TOTALLY
8 REUSED, IS IT APPROPRIATE TO COLLECT A FEE IN THAT
9 REGARD? AND I THINK WE'RE GOING TO HAVE SOME
10 DIFFICULT TIMES DECIDING ON THAT ONE.

11 THE TRANSFORMATION ONE IS EASY. I THINK
12 THERE NEEDS TO BE FEE EQUITY ON THAT ONE BECAUSE WE
13 HAVE JURISDICTIONS THAT ARE PARTICIPATING IN PROGRAMS
14 THAT THIS BOARD FUNDS FROM THE IWM FEE, AND THAT ARE
15 DISPOSING OF ALL OF THEIR WASTE BY TRANSFORMATION AND,
16 THEREFORE, NOT CONTRIBUTING TO IT. AND SO I THINK A
17 GOOD CASE CAN BE MADE IN THAT AREA.

18 SO, RECOGNIZING IT REQUIRES LEGISLATION,
19 I'D LIKE TO SEE US MOVE AHEAD IN THIS NEXT SESSION OF
20 THE LEGISLATURE WITH PURSUING THAT LEGISLATION. AND I
21 THINK IF WE FORGET ABOUT THE INTERSTATE COMMERCE ISSUE
22 AND THE EXPORT ISSUE, AND COUCH IT IN TERMS OF EQUITY
23 AND FAIRNESS WITHIN THE STATE OF CALIFORNIA, I THINK
24 THAT CAN BE SOLD TO THE LEGISLATURE.

25 MR. CHANDLER: WELL, MR. FRAZEE, YOUR

1 RECOMMENDATION WITH REGARD TO TIMING IS PRETTY GOOD,
2 FROM THE STANDPOINT WE ARE CURRENTLY BEING REQUESTED
3 BY CAL EPA TO BEGIN DEVELOPING LEGISLATIVE PROPOSALS
4 FOR THE NEXT LEGISLATIVE SESSION. I THINK THAT CALL'S
5 BEEN OUT.

6 AND I DON'T KNOW IF WE HAD CONSIDERED
7 THIS A -- YOU KNOW, A 21ST CENTURY ISSUE THAT WE WERE
8 GOING TO POSTPONE ANY LEGISLATIVE ACTION, IF YOU WILL,
9 AT THE STAFF LEVEL TO WAIT AND SEE WHERE WE GO WITH
10 THAT INITIATIVE, AND INCORPORATE THESE CONCEPTS INTO
11 THAT WORK. OR, IF YOU WANT TO SIMPLY DIRECT STAFF TO
12 BEGIN DEVELOPING A DRAFT PROPOSAL FOR UPCOMING SESSION
13 NOW, AND START REFINING IT AND WORKING WITH YOUR
14 OFFICES ON HOW IT READS.

15 BUT, MAYBE I SHOULD ASK STAFF. DO YOU
16 FEEL THAT THROUGH THE WORKSHOPS AND THE WORK THAT
17 YOU'VE DONE TO DATE YOU WOULD BE IN A POSITION TO
18 BEGIN DRAFTING A DRAFT LEGISLATIVE PROPOSAL FOR THE
19 BOARD'S CONSIDERATION? ARE WE AT THAT STAGE NOW?
20 WOULD THERE BE MORE SHOPPING OF CERTAIN ISSUES THAT
21 YOU FEEL NEED TO BE DONE WITH THE AFFECTED PARTIES?

22 MS. GOODALL: THE INFORMATION WE GOT AT THE
23 WORKSHOP WAS THE MAJORITY OF PEOPLE THERE FELT THAT
24 EVERYBODY SHOULD BE CONTRIBUTING IF THEY'RE GETTING
25 BENEFITS. SO, I DON'T SEE THAT AS BEING A PROBLEM TO

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1 GO TO THE TRANSFORMATION AS OPPOSED TO JUST WASTE THAT
2 WAS BEING EXPORTED, IS WHAT WE WERE TALKING ABOUT
3 BEFORE.

4 AND, CERTAINLY WE COULD START TO PUT
5 TOGETHER SOME LANGUAGE IF THAT'S WHAT THE DIRECTION
6 IS.

7 CHAIRMAN PENNINGTON: I CERTAINLY WOULD
8 SUPPORT MOVING AHEAD ON IT AT THIS POINT.

9 MEMBER FRAZEE: WELL, CONSIDERING THE TIMING
10 OF THE LEGISLATIVE SESSION, AND JUST THE FACTS OF LIFE
11 IN THAT PLACE, THAT IT'S GOING TO TAKE TWO YEARS TO
12 ACCOMPLISH THIS, I THINK IT'S IMPERATIVE THAT WE MOVE
13 AHEAD WITH A PLAN AND BEGIN WORKING ON LEGISLATION,
14 AND THEN SUBMIT THAT ONE FOR APPROVAL.

15 CHARIMAN PENNINGTON: I WOULD CERTAINLY
16 AGREE. YEAH, I THINK -- THERE'S A CONSENSUS HERE FOR
17 THAT.

18 MR. EDGER WANTS TO ADDRESS US ON THIS
19 SUBJECT.

20 MR. EDGER: MY NAME IS EVAN EDGER FROM EDGER&
21 ASSOCIATES. GOOD AFTERNOON, BOARD CHAIRMAN AND
22 MEMBERS. I'M HERE ON BEHALF OF THE CALIFORNIA REFUSE
23 REMOVAL COUNCIL. AND IN OUR LAST FEW YEARS YOU CAN
24 CALL ME MR. EQUITY, BECAUSE THAT'S WHAT I'VE BEEN
25 TALKING ABOUT FOR THE LAST FEW YEARS.

1 WHAT STARTED OUT AS AN EXPORT FEE ISSUE
2 HAS TURNED INTO FEE EQUITY OVER THE LAST FOUR YEARS.
3 AND FOR THE LAST SIX -- I GUESS FOR EVERY SIX MONTHS,
4 WE HAVE HAD WORKSHOPS OR DISCUSSIONS, OR POLICY
5 DISCUSSIONS ABOUT THIS, AND IT'S BEEN A VERY DYNAMIC
6 PROCESS. AND WE NEED TO MOVE BEYOND STATUS QUO.

7 WE WOULD SUPPORT OPTION ONE, WITH
8 REGARDS TO INCLUDING THE EQUITY ISSUES INTO THE 21ST
9 CENTURY POLICY. WE WOULD SUPPORT OPTION TWO, WITH
10 RESPECT TO DIRECTING STAFF TO FURTHER EXAMINE THE
11 IMPACTS OF FEE EQUITY ISSUES AND PROVIDE ADDITIONAL
12 INFORMATION AND OPTIONS AT FURTHER COMMITTEE MEETINGS
13 TO THE BOARD. WE WOULD NOT SUPPORT OPTION NUMBER
14 THREE, THE STATUS QUO DOES NOT WORK.

15 WE HAVE A LOT OF CHOICES IN FRONT OF US.
16 THERE ARE THINGS THAT CAN BE DONE ON A LEGISLATIVE
17 FRONT, OTHER THINGS MAY BE ADMINISTRATIVE.

18 ON A LEGISLATIVE FRONT, KEY ISSUES "A"
19 AND "F" WERE DISCUSSED. WE WOULD SUPPORT KEY ISSUES
20 "A" AND "F," WHICH IS ABOUT FAIR SHARE. I THINK
21 EVERYBODY IN THE ROOM AGREED UPON WE NEED A FAIR
22 SHARE, AND THERE ARE THREE DIFFERENT OPTIONS ON HOW
23 THAT FEE TO GET A FAIR SHARE WITH REGARDS TO THE
24 EXPORT OF WASTE COULD BE ACHIEVED. AND I BELIEVE
25 THOSE DISCUSSIONS WILL HAPPEN IN THIS ARENA WITH

1 ASSISTANCE BY THE WASTE BOARD, AND WE CAN DISCUSS
2 THOSE NEXT YEAR. SO, I THINK WE WOULD SUPPORT THE
3 CONCEPT OF "A" AND "F" TO CONTINUE THAT DIALOGUE AMONG
4 THOSE THREE OPTIONS.

5 WITH RESPECT TO C&D DISPOSAL SITES, THAT
6 HAS BEEN A BIG ISSUE FOR US. WE BELIEVE IN FEE EQUITY
7 THERE. I BELIEVE THERE'S ENOUGH DEFINITIONS IN PLACE.

8 WE'VE BEEN THROUGH FOUR WORKSHOPS ON THAT. WE HAVE
9 THE DRAFT REGULATIONS THAT PEOPLE BELIEVE IN. I
10 BELIEVE THAT MINE RECLAMATION IS WELL DEFINED AS CLEAN
11 INERTS THAT HAVE BEEN ENGINEERED IN PLACE UNDER THE
12 SMAR PLAN. I BELIEVE THAT WE HAVE PRETTY GOOD IDEAS
13 OF WHAT IS DISPOSAL WITH REGARDS TO MINE RECLAMATION,
14 AND WHAT IS C&D AS COMMINGLED AND PUT IN AN INERT C&D
15 LANDFILL.

16 I BELIEVE THAT WE CAN MOVE AHEAD WITH
17 FEE EQUITY WITH C&D AND MAYBE START 1/1/99, AT A
18 BEGINNING OF A QUARTER, BECAUSE THE BOARD OF
19 EQUALIZATION COLLECTS A FEE ON A QUARTERLY BASIS. I
20 BELIEVE EVERYBODY NEEDS FAIR WARNING BEFORE ANY TYPE
21 OF FEE IS IMPOSED ON THEM. AND MAYBE A START DATE OF
22 JANUARY 1, 1999, OR MARCH 1 -- OR APRIL 1, 1999, OR
23 SOME TIME IN THE FUTURE.

24 WE HAVE A PRETTY GOOD UNDERSTANDING OF
25 THE DEFINITIONS WITHIN THE DRAFT REGS THAT HAVE GONE

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1 TO OAL. I THINK THE OFFICE OF ADMINISTRATIVE LAW WILL
2 BE GETTING THESE REGS PRETTY SOON. AND WE'VE BEEN
3 VERY SUPPORTIVE OF THE DRAFT REGS.

4 WITH REGARDS TO TRANSFORMATION,
5 CONCEPTUALLY WE HAVE SUPPORT OF FEE EQUITY. I'M GOING
6 TO BRING THAT TO MY STATE EXEC FOR FURTHER DIRECTION.

7 LAST WEEK I DID HAVE A CHANCE TO TALK TO
8 OUR EXECUTIVE COMMITTEE AT CRC ABOUT ADMINISTRATIVE
9 FEE EQUITY, ABOUT FAIR SHARE, WITH RESPECT TO KEY
10 ISSUES "B," "C," "D," "E," AND "G." ALL THOSE ARE
11 ISSUES THAT COULD BE DONE ADMINISTRATIVELY.

12 AND SOME OF THE THINGS OVER THE LAST FEW
13 YEARS WE'VE TALKED ABOUT, ABOUT FEE EQUITY, WAS PEOPLE
14 NOT PAYING INTO THE INTEGRATED WASTE MANAGEMENT
15 ACCOUNT. IF YOU DON'T PAY INTO THE ACCOUNT YOU DON'T
16 GET LOAN. YOU DON'T GET A LEA GRANT. YOU DON'T GET
17 WASTE GRANTS. YOU DON'T GET AB-2136 MONEY.

18 BUT, I THINK WE RECOGNIZED, AS MR.
19 FRAZEE HAS POINTED OUT TIME AND TIME AGAIN, THAT YOU
20 GUYS HAVE STATUTORY AUTHORITY ON PUBLIC HEALTH AND
21 SAFETY. THAT THESE JURISDICTIONS NEED THAT HELP.
22 THEY NEED TO HAVE LEA GRANTS, THEY NEED TO HAVE WA
23 WASTE GRANTS. THEY NEED AB-2136 MONEY. SO, THAT'S
24 RECOGNIZED. WITH REGARD TO THE LOANS THERE IS
25 AUTHORITY AT THE WASTE BOARD TO PROMOTE AB-939

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1 ACHIEVEMENT. AND THOSE RMDZ LOANS ARE VERY IMPORTANT.

2 SO, OVER THE LAST COUPLE YEARS I'VE
3 TALKED ABOUT A LOAN AS AN ADMINISTRATIVE FEE EQUITY
4 POLICY. AND WE TALKED ABOUT HAVING THINGS LIKE
5 MATCHED FUNDING, A POINT SYSTEM, LIMITED ACCESS TO THE
6 FUNDS, OR PARTIAL REIMBURSEMENT.

7 MAYBE IT'S NOT APPROPRIATE TODAY TO GET
8 INTO THAT, BUT MAYBE IN THE NEXT SIX-MONTH UPDATE
9 THAT'LL BE FURTHER DISCUSSED, FEE EQUITY. MAYBE WE
10 CAN REVISIT SOME OF THOSE THINGS.

11 SO INSTEAD OF MAKING ANY POINT TODAY
12 ABOUT ANY RECOMMENDATIONS TODAY, I BELIEVE OVER THE
13 NEXT THREE TO SIX MONTHS WE CAN BRING SOME OF THOSE
14 ITEMS BACK AND SEE IF THERE'S ANY VALID POINTS TO THEM
15 WITH REGARDS TO HAVING SOME TYPE OF ADMINISTRATIVE FEE
16 EQUITY AS PART OF ANY GRANTS AND LOANS PROGRAMS. SO,
17 I'D LIKE TO CONTINUE THE DISCUSSION ON THOSE ISSUES.

18 SO, WE WOULD SUPPORT NUMBER ONE AND TWO,
19 APPRECIATE THE CONTINUED DIALOGUE. IT'S BEEN MOVING
20 QUITE WELL OVER THE LAST FOUR YEARS. WE MADE A LOT OF
21 PROGRESS, AND I COMMEND STAFF ON THEIR WORK.

22 THANK YOU FOR THE OPPORTUNITY TO SPEAK
23 TODAY.

24 CHAIRMAN PENNINGTON: THANK YOU.

25 ANY QUESTIONS OF EVAN?

1 MEMBER FRAZEE: JUST A COMMENT THAT, ON THE
2 OTHER SIDE OF THE ISSUE THAT EVAN RAISED, YOU KNOW ON
3 THE OTHER SIDE OF THINGS, I THINK THAT ONE GETS VERY
4 DIFFICULT TO ADMINISTER, BECAUSE IT BOTH CUTS ACROSS
5 JURISDICTIONAL BOUNDARIES, AS IN THE CASE OF NAPA
6 COUNTY, WHERE ALL OF THE WASTE DOES NOT GO BY RAIL, IS
7 NOT EXPORTED, AND THE CITY OF VALLEJO IN SOLANO COUNTY
8 DOES. AND, SO THEN HOW DO YOU MATCH UP THOSE GRANTS
9 AND LOANS WITH THE JURISDICTIONAL BOUNDARIES?

10 THE OTHER PART OF IT IS MY OWN CITY OF
11 CARLSBAD, WHICH EXPORTED AT ONE TIME, AND SO WOULD
12 HAVE BEEN DECLARED INELIGIBLE, BUT THEN IN THE MATTER
13 OF A WEEK SHIFTED TO DOMESTICATING THEIR DISPOSAL,
14 EXPORTING AS FAR AS GOING TO ORANGE COUNTY, BUT STILL
15 WITHIN THE STATE OF CALIFORNIA. AND SO HOW DO YOU
16 MATCH UP THE GRANT CYCLES WITH THOSE THAT MAY GO IN
17 AND OUT?

18 SO, I THINK IT'S ONE THAT I HAVE HAD A
19 LOT OF INTEREST IN, BUT IT'S AN ADMINISTRATIVE
20 NIGHTMARE, I BELIEVE.

21 CHAIRMAN PENNINGTON: OKAY. THANK YOU, MR.
22 FRAZEE.

23 NOW WE'LL HEAR FROM LARRY SWEETSER.

24 MR. SWEETSER: LARRY SWEETSER WITH NORCAL
25 WASTE SYSTEMS. I'LL BE REAL BRIEF.

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1 I COMPLETELY SUPPORT EVERYTHING THAT MR.
2 FRAZEE SAID. I THINK ACTUALLY IT MAKES AN EXCELLENT
3 LEGISLATIVE INTENT PREAMBLE FOR ANY LEGISLATION GOING
4 FORWARD. I THINK IT ENCAPSULATED A LOT OF THE ISSUES
5 AND GOT RIGHT TO THE HEART, THAT THIS IS AN INTEGRATED
6 WASTE MANAGEMENT ACCOUNT FEE, IT'S NOT AN EXPORT FEE,
7 IT'S NOT A DISPOSAL FEE, IT IS A FEE FOR A LOT OF THE
8 OTHER SERVICES THE BOARD DOES, AND THAT'S EXACTLY WHAT
9 IT NEEDS TO BE PERCEIVED AS, DESPITE MISINFORMATION.

10 I THINK THE STAFF HAS REPEATEDLY
11 JUSTIFIED THE USE OF THE FUNDS, WHERE THIS MONEY GOES.

12 I DON'T KNOW WHAT OTHER RESEARCH CAN REALLY BE DONE
13 IN THIS ISSUE.

14 AND, I THINK THE SOONER YOU ACT PROBABLY
15 WOULD BE BETTER. I DON'T BELIEVE THIS IS JUST A 21ST
16 CENTURY ISSUE. I THINK IT'S A 20TH CENTURY ISSUE,
17 IT'S AN ISSUE NOW, IT'S HAPPENING RIGHT NOW, IT'S
18 HAPPENED ALREADY IN MANY COMMUNITIES. AND THE SOONER
19 THIS GETS ADDRESSED, I THINK THE BETTER EVERYONE WILL
20 BENEFIT FROM THE PROCESS.

21 THANK YOU.

22 CHAIRMAN PENNINGTON: THANK YOU, MR.
23 SWEETSER.

24 ANY QUESTIONS OF MR. SWEETSER? IF NOT,
25 WE WILL ASK THE STAFF TO GO AHEAD AND START DRAFTING

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1 SOME LEGISLATION AND WE'LL MOVE FORWARD ON --

2 MR. CHANDLER: WHAT I'LL DO IS, EVEN THOUGH
3 IT'S NOT LISTED AS AN OPTION, I THINK WE CAN ASSUME
4 IT'S MAYBE A VARIATION ON NUMBER TWO --

5 CHAIRMAN PENNINGTON: CORRECT.

6 MR. CHANDLER: -- THAT YOUR DIRECTION WILL BE
7 -- AND THIS IS A CONSIDERATION ITEM, SO I KNOW YOU'LL
8 BE TAKING A VOTE ON THIS IN A SECOND -- BUT, THAT
9 YOU'RE DIRECTING STAFF TO PURSUE A LEGISLATIVE
10 PROPOSAL TO BEGIN DEVELOPING THESE ISSUES FURTHER FOR
11 YOUR FUTURE CONSIDERATION.

12 CHAIRMAN PENNINGTON: OKAY.

13 MEMBER FRAZEE: DO WE NEED TO VOTE ON THAT:

14 CHAIRMAN PENNINGTON: YEAH, I GUESS WE DO.

15 MEMBER FRAZEE: I WILL MOVE THEN, MR.

16 CHAIRMAN, THAT THIS BOARD DIRECT STAFF TO PROCEED WITH
17 DEVELOPING A LEGISLATIVE PROPOSAL TO MOVE FORWARD THE
18 FEE EQUITY IN THE CASE OF THE IWMA FEE.

19 MEMBER JONES: I'LL SECOND.

20 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED
21 AND SECONDED.

22 IF THERE'S NO FURTHER DISCUSSION, WILL
23 THE SECRETARY CALL THE ROLL?

24 THE SECRETARY: BOARD MEMBER EATON?

25 MEMBER EATON: AYE.

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1 THE SECRETARY: FRAZEE?

2 MEMBER FRAZEE: AYE.

3 THE SECRETARY: JONES?

4 MEMBER JONES: AYE.

5 THE SECRETARY: CHAIRMAN PENNINGTON?

6 CHAIRMAN PENNINGTON: AYE.

7 THE MOTION CARRIES.

8 WE'LL NOW MOVE TO ITEM NO. 6,
9 CONSIDERATION AND APPROVAL OF CONTRACT CONCEPTS FOR
10 DISCRETIONARY CONSULTING AND PROFESSIONAL SERVICES FOR
11 FISCAL YEAR '98-99.

12 WE SEEM TO HAVE A LOT OF PEOPLE STILL
13 HERE IN THE AUDIENCE. I WONDER IF WE COULD PUT THIS
14 ITEM OVER AND MOVE ON TO SEVEN, AND GET BACK TO THIS
15 MAYBE LATE THIS AFTERNOON OR TOMORROW, IF THERE'S NO
16 OBJECTION?

17 MEMBER JONES: FINE WITH ME.

18 MEMBER EATON: I HAVE NO PROBLEM WITH THAT.

19 CHAIRMAN PENNINGTON: OKAY. WE'LL MOVE ON TO
20 NUMBER SEVEN, UPDATE ON THE STATUS OF THE INTERAGENCY
21 AGREEMENT WITH THE DEPARTMENT OF FINANCE TO AUDIT THE
22 USED OIL RECYCLING FUND.

23 AGENDA ITEM NO. 7:

24 UPDATE ON THE STATUS OF THE INTERAGENCY AGREEMENT
25 WITH THE DEPARTMENT OF FINANCE TO AUDIT THE USED OIL

1 RECYCLING FUND

2 MS. FISH: YES, THANK YOU, CHAIRMAN
3 PENNINGTON. I'M KARIN FISH, DEPUTY DIRECTOR OF THE
4 DIVISION OF ADMINISTRATION. MITCH WEISS IS GOING TO
5 BE PRESENTING THIS ITEM.

6 MR. WEISS: GOOD AFTERNOON. MY NAME IS MITCH
7 WEISS WITH THE BOARD'S FINANCIAL ASSISTANCE BRANCH.
8 THIS ITEM IS AN UPDATE ON THE STATUS OF THE
9 INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF FINANCE
10 TO AUDIT THE USED OIL RECYCLING FUND.

11 UNDER THE SCOPE OF THE AGREEMENT THE
12 DEPARTMENT OF FINANCE WILL PERFORM AN AUDIT OF THE
13 PROGRAM FOR THE '94-95, '95-96, AND '96-97 FISCAL
14 YEARS. THAT AUDIT WILL INCLUDE THREE THINGS. THE
15 FIRST IS AN OPINION AS TO THE OVERALL PRESENTATION OF
16 FAIRNESS, AND FAIRNESS OF THE FINANCIAL STATEMENTS OF
17 THE FUND. THE SECOND WILL BE BASED ON A REVIEW OF THE
18 AUDITS CONDUCTED BY THE BOARD OF EQUALIZATION OF THE
19 FEE PAYERS, PEOPLE PAYING INTO THIS FUND. THE THIRD
20 IS A REVIEW BASED ON THE AUDITS CONDUCTED BY THE BOARD
21 OF THE GRANTEEES RECEIVING MONEY FROM THIS FUND.

22 BASED ON THE LATTER TWO REVIEWS THE
23 DEPARTMENT OF FINANCE WILL THEN MAKE A DETERMINATION
24 AS TO WHETHER THEY NEED TO CONDUCT AUDITS OF EITHER
25 THE GRANTEEES OR THE FEE PAYERS.

1 THEY ESTIMATE STARTING THIS IN THE
2 MIDDLE OF SEPTEMBER, AND ANTICIPATE TAKING SIX TO
3 EIGHT MONTHS TO CONDUCT THIS AUDIT.

4 THAT CONCLUDES MY PRESENTATION. IF
5 THERE ARE ANY QUESTIONS?

6 CHAIRMAN PENNINGTON: QUESTIONS?

7 OKAY. THANK YOU VERY MUCH.

8 AND, WE'LL MOVE ON TO ITEM NUMBER EIGHT,
9 CONSIDERATION OF STATE LEGISLATIONS.

10 AGENDA ITEM NO. 8: CONSIDERATION OF STATE
11 LEGISLATION

12 CHAIRMAN PENNINGTON: NO BILLS TO CONSIDER.
13 I DON'T THINK THERE'S ANYTHING. MR. EATON, DO YOU
14 HAVE ANYTHING TO MOVE FORWARD ON THAT?

15 IF NOT, WE'LL MOVE ON TO ITEM NO. 9 --

16 MEMBER JONES: GEEZ, ALL THIS.

17 CHAIRMAN PENNINGTON: -- CONSIDERATION OF
18 STAFF RECOMMENDATIONS ON THE TEHEMA COUNTY REGIONAL
19 AGENCY AGREEMENT FOR THE CITY OF CORNING, RED BLUFF,
20 TEHEMA, AND THE UNINCORPORATED TEHEMA COUNTY. JUDY
21 FRIEDMAN.

22 AGENDA ITEM NO. 9: CONSIDERATION OF STAFF
23 RECOMMENDATIONS ON THE TEHEMA COUNTY REGIONAL
24 AGENCY AGREEMENT FOR THE CITY OF CORNING,
25 RED BLUFF, TEHEMA, AND THE UNINCORPORATED

1 FIRST, A LISTING OF THE JPA MEMBERS.

2 SECOND, A DESCRIPTION OF THE METHOD BY
3 WHICH CIVIL PENALTIES IMPOSED BY THE BOARD WILL BE
4 ALLOCATED AMONGST THE MEMBERS.

5 THREE IS A DESCRIPTION OF THE
6 CONTINGENCY PLAN WHICH SHOWS HOW EACH MEMBER WILL
7 COMPLY WITH THE PLANNING AND DIVERSION REQUIREMENTS IF
8 THE REGIONAL AGENCY IS DISSOLVED.

9 FOUR IS THE DESCRIPTION OF THE DUTIES
10 AND RESPONSIBILITIES OF EACH MEMBER TO ACHIEVE THE
11 PLANNING AND DIVERSION REQUIREMENTS.

12 FIVE IS A DESCRIPTION OF SOURCE
13 REDUCTION, RECYCLING, AND COMPOSTING PROGRAMS TO BE
14 IMPLEMENTED BY THE REGIONAL AGENCY.

15 AND, SIX IS ANY ADDITIONAL INFORMATION
16 DEEMED NECESSARY BY THE MEMBERS.

17 AS IDENTIFIED IN THE AGENDA ITEM, THE
18 JPA AGREEMENT HAS MET THE CRITERIA NECESSARY TO DEEM
19 IT A REGIONAL AGENCY AGREEMENT. ADDITIONALLY, THIS
20 AGREEMENT IS INNOVATIVE BECAUSE IT APPORTIONS ANY
21 FUTURE CIVIL PENALTIES AMONG THE MEMBERS BASED ON EACH
22 MEMBER'S CONTRIBUTION TO THE PREVIOUS 12 MONTHS OF
23 DISPOSAL, THEREBY REDUCING THE MEMBER'S LIABILITY IF
24 SOURCE REDUCTION AND DIVERSION PROGRAMS ARE
25 IMPLEMENTED.

1 THERE ARE SEVERAL BENEFITS OF FORMING A
2 REGIONAL AGENCY. IT REDUCES THE 939 REPORTING
3 REQUIREMENTS, BECAUSE A REGIONAL AGENCY MAY SUBMIT
4 ANNUAL REPORTS, DISPOSAL REPORTS, AND OTHER REPORTING
5 DATA AS ONE ENTITY INSTEAD OF SUBMITTING SEPARATE
6 REPORTS FOR EACH JURISDICTION.

7 IT INCREASES THE ACCURACY OF SEXUAL
8 NUMBERS BY ELIMINATING THE ALLOCATION PROBLEMS BETWEEN
9 JURISDICTIONS.

10 AND A REGIONAL AGENCY WILL SAVE THE
11 COUNTY TIME AND MONEY IN BOTH GATHERING THE
12 INFORMATION AND PREPARING THE REPORTS.

13 REGIONAL AGENCIES HAVE GREATER
14 POPULATIONS WHICH INCREASES THE COST-EFFECTIVENESS OF
15 THE PROGRAMS.

16 AND, LASTLY, BEING A REGION BRINGS
17 JURISDICTIONS TOGETHER TO WORK TO FIND REGIONAL
18 SOLUTIONS TO THEIR SOLID WASTE PROBLEMS.

19 TEHEMA EXPANDED AN EXISTING JPA IN JUNE
20 OF THIS YEAR TO BECOME A REGIONAL AGENCY, AND LOOKS
21 FORWARD TO THE BOARD APPROVING IT AS SUCH.

22 STAFF FIND THAT THE JPA MEETS THE
23 REQUIREMENTS AND RECOMMENDS THAT THE BOARD APPROVES
24 THE TEHEMA JOINT POWERS AUTHORITY AS A REGIONAL
25 AGENCY.

1 BOB KOHN, THE TEHEMA COUNTY SOLID WASTE
2 MANAGER IS HERE AND WOULD LIKE TO PRESENT TO YOU THE
3 PROGRAMS THE REGIONAL AGENCY IS WORKING TO IMPLEMENT.

4 BOB STARTED WITH THE COUNTY JANUARY OF '97, AND SINCE
5 THAT TIME HAS NEGOTIATED NEW LANDFILL OPERATION AND
6 SOLID WASTE AGREEMENTS WITH AN EMPHASIS ON DIVERSION,
7 HAS INSTALLED SCALES AT THE LANDFILL, HE'S COMPLETED
8 THE COUNTY SOLID WASTE INTEGRATED WASTE MANAGEMENT
9 PLAN, AND HAS CREATED ENOUGH TRUST BETWEEN THE
10 JURISDICTIONS THAT THEY FELT COMFORTABLE IN FORMING A
11 REGIONAL AGENCY.

12 SO, WITH THAT I'D LIKE TO TURN IT OVER
13 TO BOB.

14 CHAIRMAN PENNINGTON: OKAY. MR. KOHN.

15 MR. KOHN: GOOD AFTERNOON, CHAIRMAN AND
16 MEMBERS OF THE BOARD. I KNOW YOU'VE GOT A LONG
17 MEETING, AND HEIDI HAS COVERED IT PRETTY MUCH AS WELL
18 AS I COULD, SO I'LL BE BRIEF. I DID SUBMIT A WRITTEN
19 STATEMENT, IT ACTUALLY WAS WHAT I WAS GOING TO SAY,
20 AND I'M GOING TO SHORTEN THAT UP EVEN MORE IN JUST A
21 FEW MINUTES.

22 BUT, I APPEARED BEFORE THE LOCAL TASK
23 FORCE FOR THE PLANNING COMMITTEE BACK IN FEBRUARY OF
24 '97, AND ASKED FOR TIME TO GET THINGS STRAIGHTENED OUT
25 IN TEHEMA COUNTY AND I THINK WE'VE COME A LONG WAY

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1 FROM THAT MEETING, WE DEVELOPED A PLAN AND A TIME
2 LINE, AND WE'VE BASICALLY MET THAT. ONE OF THE GOALS
3 AT THAT TIME WAS TO FORM THIS REGIONAL AGENCY
4 AGREEMENT.

5 AND I THINK, IN ADDITION TO THAT, WHAT'S
6 BEEN MOST SIGNIFICANT IS THE LANDFILL AND COLLECTIONS
7 AGREEMENTS. THE COUNTY OPERATES A REGIONAL LANDFILL,
8 IT'S THE ONLY ONE WITHIN THE COUNTY. AND I THINK AS
9 PART OF THAT LANDFILL AGREEMENT, CONSTRUCTION OF A
10 MATERIALS RECOVERY FACILITY IS INCLUDED IN THERE, AS
11 WELL AS A REGIONAL COMPOST FACILITY. AND THEY'RE
12 COMING ON LINE, BEING DESIGNED EVEN AS I SPEAK.

13 AS FAR AS THE COLLECTION AGREEMENTS, IN
14 ALL THE JURISDICTIONS -- THE CITY OF RED BLUFF, THEIR
15 AGREEMENT IS EFFECTIVE NOVEMBER 6 OF '98, SO 1998'S
16 GOING TO BE A VERY GOOD YEAR AS FAR AS DIVERSION GOES.

17 BUT, THOSE AGREEMENTS INCLUDE ALL YOUR BASIC
18 RECYCLING.

19 IN ADDITION, THEY INCLUDE THE COLLECTION
20 OF PHONE BOOKS AND MAGAZINES AND JUNK MAIL. USING OIL
21 LATEX PAINT. SO, IT'S PRETTY EXPANSIVE. WE TRIED TO
22 COVER ALL THE BASES ON ALL YOUR BASIC PROGRAMS.

23 WE ALSO ARE WORKING TOWARDS, THROUGH A
24 GRANT, PUTTING IN A BOX FACILITY WHICH SHOULD BE
25 INSTALLED IN THE NEXT COUPLE WEEKS. IT'LL BE THE

1 FIRST THAT ACCEPTS ANTIFREEZE AND PAINT WITHIN THE
2 COUNTY ON A REGULAR BASIS.

3 I THINK ANOTHER SIGNIFICANT THING THAT'S
4 OCCURRED BECAUSE OF THE NEW CONTRACTS IS THAT -- WHEN
5 I STARTED IN JANUARY OF '97, ONLY 44 PERCENT OF THE
6 HOUSEHOLDS WITHIN THE COUNTY WERE RECEIVING SERVICE,
7 THE REST WERE SELF-HAUL. SINCE THEN THE CITY OF
8 CORNING HAS GONE TO MANDATORY SERVICE. ALL OF THE
9 CONTRACTS ARE ON A VARIABLE RATE STRUCTURE, SO THAT IF
10 PEOPLE RECYCLE THEY CAN ACTUALLY PAY LESS NOW THAN
11 THEY USED TO.

12 SINCE JULY 1ST OF '98, THE COUNTY
13 STARTED THEIR NEW COLLECTIONS AGREEMENT WITH GREEN
14 WASTE OF TEHEMA, IT'S CALLED. THEY BID ON THE
15 CONTRACT ON THE ESTIMATED 5500 CUSTOMERS. WELL,
16 THEY'RE NOW AT 8,000 AND CLIMBING.

17 SO, WE'VE HAD A LOT OF POSITIVE THINGS THAT
18 HAVE OCCURRED.

19 AND I THINK I'LL JUST LET YOU DIGEST THE
20 WRITTEN REPORT THAT I'VE SUBMITTED. I HAVE A SPECIAL
21 NOTE THERE, BUT I WON'T READ THAT. ANYWAY, THAT'S
22 BASICALLY ALL I HAVE TO SAY. AND I WANT TO THANK
23 STAFF FOR THEIR HELP.

24 CHAIRMAN PENNINGTON: THANK YOU.

25 ANY QUESTIONS OF MR. KOHN?

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1 MEMBER JONES: NO, MR. CHAIR. BUT I DO HAVE
2 A COMMENT THAT'S REALLY -- IT'S RELEVANT ONLY IN THE
3 SENSE THAT AS WE TAKE UP MORE AND MORE OF THESE JPAS -
4 - I THINK IT'S GOOD TO NOTE THAT WITH THE PREVIOUS
5 AGENDA ITEM, WITH REGARD TO THE FEE ISSUE AND THE
6 PARTICIPATION IN PROGRAMS, THAT THE ADVANTAGES OF
7 ORGANIZING A JPA IS SOMETHING THAT NOT ONLY THE 21ST
8 CENTURY SHOULD LOOK AT BECAUSE IT IS A WAY, AS YOU
9 START MOVING AROUND DIVERSION AND SHARING THOSE KINDS
10 OF THINGS, YOU BRING IN THE FEE EQUITY ISSUE. AND
11 STAFF IS BEING TOO MODEST AND IN NOT TRYING TO TELL
12 YOU THAT THEY'RE SEEING A TREND AS THIS IS MOVING MORE
13 AND MORE TOWARDS THIS AS THE LOCAL JURISDICTIONS AND I
14 THINK THAT IS GOING TO BE SOMETHING HOW WE'RE GOING TO
15 HAVE TO LOOK AROUND AND TRY AND SEPARATE THE WHITE
16 HATS FROM, LET'S SAY, THE BLACK HATS IN THE SENSE THAT
17 THESE MECHANISMS I THINK ARE GREAT FOR AREAS SUCH AS
18 TEHEMA AND OTHER PLACES. IN OTHER PLACES THEY MAY
19 JUST BE USED AS A RUSE TO TRY AND MOVE DIVERSION AND
20 NOT GET AROUND IT AND SHARE SOME OF THE KINDS OF
21 THINGS.

22 AND SO, THEREFORE, AS WE LOOK AT THESE
23 WE HAVE TO LOOK AT THEM BOTH NOT ONLY IN TERMS OF THE
24 LEGISLATION, THAT WE TRY TO TAKE A LOOK AT HOW WE
25 ASSESS MAYBE JUST A GENERAL FEE ON A JPA. WHICH,

1 THEREFORE, SOLVES THE ISSUE OF ELIGIBILITY ON SOME OF
2 THESE PROGRAMS, AS WELL AS THE 21ST CENTURY.

3 BECAUSE, IF WE'RE DEALING WITH
4 JURISDICTIONS AND NO LONGER LOCAL GOVERNMENTS HOW ARE
5 WE GOING TO PROVIDE THE TECHNICAL ASSISTANCE TO A JPA?
6 AND NORMALLY WE GO OUT TO AN INDIVIDUAL LOCAL
7 JURISDICTION AND WE'D HAVE A WORKSHOP. IT'S GOING TO
8 BE A VERY COMPLICATED MATTER, AND I THINK STAFF HAS
9 BEEN AHEAD OF THE CURVE AND YOU RECOGNIZE IT.

10 AND SO I JUST THINK THAT IT WOULD BE
11 GOOD TO KEEP NOTING IT AS WE MOVE ALONG, BECAUSE THERE
12 ARE SOME GOOD ADVANTAGES TO IT.

13 CHAIRMAN PENNINGTON: VERY GOOD. THANK YOU,
14 MR. JONES.

15 I'LL ENTERTAIN A MOTION.

16 MEMBER JONES: WELL, I'D LIKE TO MAKE A
17 MOTION THAT WE ADOPT RESOLUTION NO. 98-260,
18 CONSIDERATION OF THE REGIONAL AGENCY AGREEMENT FOR THE
19 CITIES OF CORNING, RED BLUFF, TEHEMA, AND THE
20 UNINCORPORATED TEHEMA COUNTY.

21 MEMBER FRAZEE: I'LL SECOND IT.

22 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
23 SECONDED.

24 IF THERE'S NO FURTHER DISCUSSION, WILL
25 THE SECRETARY CALL THE ROLL, PLEASE?

1 THE SECRETARY: BOARD MEMBER EATON?

2 MEMBER EATON: AYE.

3 THE SECRETARY: FRAZEE?

4 MEMBER FRAZEE: AYE.

5 THE SECRETARY: JONES?

6 MEMBER JONES: AYE.

7 THE SECRETARY: CHAIRMAN PENNINGTON?

8 CHAIRMAN PENNINGTON: AYE.

9 THE MOTION CARRIES.

10 MOVE TO ITEM 12, CONSIDERATION OF A NEW
11 SOLID WASTE FACILITY PERMIT FOR THE ZANKER MATERIALS
12 PROCESSING FACILITY IN SANTA CLARA COUNTY.

13 AGENDA ITEM NO. 12: CONSIDERATION OF A NEW SOLID
14 WASTE FACILITY PERMIT FOR THE ZANKER
15 MATERIALS PROCESSING FACILITY IN SANTA CLARA
16 COUNTY

17 MR. WHITEHILL: GOOD AFTERNOON, MR. CHAIRMAN,
18 BOARD MEMBERS. THIS ITEM IS REGARDING CONSIDERATION
19 OF A --

20 CHAIRMAN PENNINGTON: DO YOU WANT TO GIVE HER
21 YOUR NAME?

22 MR. WHITEHILL: EXCUSE ME. MY NAME IS JON
23 WHITEHILL, I'M WITH THE PERMITTING AND INSPECTIONS
24 BRANCH.

25 THIS ITEM IS REGARDING CONSIDERATION OF

1 THE REVISED SOLID WASTE FACILITY PERMIT FOR THE ZANKER
2 MATERIAL PROCESSING FACILITY IN SANTA CLARA COUNTY.
3 THIS FACILITY WILL BE LOCATED AT THE ACTIVE OWENS
4 CORNING LANDFILL IN THE CITY OF SAN JOSE. ZANKER ROAD
5 RESOURCE MANAGEMENT PROPOSES TO ASSUME OWNERSHIP OF
6 THE SITE AND TO OPERATE THE LANDFILL, IN ADDITION TO A
7 MATERIAL RECOVERY AND PROCESSING FACILITY.

8 THE RECOVERY OPERATIONS WILL BE LOCATED
9 IN THE SOUTHERN 12 ACRES OF THE SITE, AND WILL INCLUDE
10 RECEIPT, STORAGE, AND PROCESSING OF CONCRETE, ASPHALT,
11 WALL BOARD, DEMOLITION DEBRIS, WOOD WASTE, AND GLASS.

12 WASTE THAT CANNOT BE RECYCLED WILL BE
13 LANDFILLED ON SITE, OR AT ANOTHER APPROVED WASTE
14 DISPOSAL FACILITY. THE PROPOSED LANDFILL WILL OCCUPY
15 THE 28 ACRES PREVIOUSLY FILLED. THE MATERIALS TO BE
16 LANDFILLED WILL LIKELY CONSIST OF SUCH ITEMS AS PVC
17 PIPING, OTHER PLASTIC MATERIALS, LINOLEUM FLOORING,
18 WIRING, ASPHALT SHINGLES, AND OTHER NON-WOOD ROOFING
19 MATERIALS.

20 IN ADDITION, THE SITE WILL CONTINUE TO
21 ACCEPT THE WASTE FROM THE OWENS-CORNING FIBERGLASS
22 CORPORATION.

23 THE PERMIT PROHIBITS THE ACCEPTANCE OF
24 ANY PUTRESSIBLE GARBAGE, HOUSEHOLD WASTE, YARD WASTE,
25 GREEN WASTE, FOOD OR RESTAURANT WASTE.

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1 THE LEA HAS SINCE SUBMITTED CLARIFYING
2 AMENDMENTS TO THE PROPOSED PERMIT, WHICH IS ATTACHED
3 TO YOUR AGENDA ITEM. DENNIS FERRIER, REPRESENTING THE
4 LEA, WILL PRESENT THESE CLARIFYING AMENDMENTS.

5 MR. FERRIER: GOOD AFTERNOON BOARD, CHAIR AND
6 MEMBERS.

7 WE RECEIVED SOME COMMENTS ON THIS PERMIT
8 SINCE IT WAS SUBMITTED IN A PACKET, AND IN ORDER TO
9 CLARIFY IT FOR ALL THE PARTIES INVOLVED WE SUBMITTED
10 SOME NON-SIGNIFICANT CHANGES. I'LL WALK THROUGH THEM.

11 UNDER SPECIFICATIONS ON PAGE ONE OF
12 FIVE, WE HAVE THE BOX MATERIAL RECOVERY FACILITY
13 CHECKED. THAT'S AN ADDITION.

14 THE ITEM FIVE "C," TO CLARIFY THAT IT'S
15 AN OPERATING DAY THAT WE'RE TALKING ABOUT, WE'VE
16 INSERTED "OPERATING DAY."

17 ALSO UNDER FIVE "C" WE'VE INCLUDED THE
18 DESCRIPTION ANNUAL AVERAGE FOR THEIR PERMITTED AVERAGE
19 TONS DISPOSAL PER DAY.

20 ON PAGE TWO OF FIVE, UNDER ITEM 14,
21 PROHIBITIONS, WE HAVE ADDED "YARD WASTE" AND "GREEN
22 WASTE" INTO THE TEXT. THAT'S EXPLICITLY PROHIBITED IN
23 THEIR ENVIRONMENTAL DOCUMENT.

24 UNDER PAGE THREE OF FIVE, UNDER ITEM 16,
25 SELF-MONITORING, WE'VE INCLUDED THAT THE OPERATOR

1 SHALL RECORD ALL COMPLAINTS. PREVIOUSLY IT SAID
2 "ENVIRONMENTAL AND REGULATORY COMPLAINTS."

3 THESE HAVE BEEN DONE FOR CONSISTENCY
4 WITH OTHER PERMITS WITH OTHER OPERATORS.

5 THE NEXT CHANGE IS ON PAGE FOUR, ITEM
6 17, LEA CONDITIONS, ITEM NO. 6. WE'VE INCLUDED
7 PUTRESSIBLE WASTES OR HOUSEHOLD GARBAGE, SINCE THE
8 ENVIRONMENTAL DOCUMENT, AGAIN, AND FEEDING PERMITS
9 LOCAL LAND USE EXCLUDES HOUSEHOLD GARBAGE.

10 ITEM 17(C)(4), WE'VE INCLUDED THE TERM
11 "PEAK" AT THE END OF SENTENCE FOUR, A PEAK OF 350 TONS
12 PER DAY AT THE END OF THE SENTENCE --

13 MEMBER JONES: COULD YOU HOLD ON JUST HALF A
14 SECOND? BELIEVE IT OR NOT, WE'RE TRYING TO FOLLOW YOU
15 ON THIS.

16 MR. FERRIER: SURE.

17 CHAIRMAN PENNINGTON: YOUR NUMBERING AND OURS
18 SEEMS TO BE DIFFERENT.

19 MEMBER JONES: YEAH, OUR NUMBERS ARE JUST --

20 SORRY ABOUT THAT --

21 CHARIMAN PENNINGTON: STILL THOSE NUMBERS ARE
22 DIFFERENT.

23 MR. FERRIER: THE NUMBERING SHOULD REMAIN THE
24 SAME.

25 MEMBER FRAZEE: THIS IS ALREADY 17. I CAN

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1 RUN THROUGH THEM AGAIN.

2 MEMBER JONES: IT'S OKAY. 17(6) YOU ADDED
3 PUTRICIBLE AND HOUSEHOLD GARBAGE AS BEING THINGS THAT
4 --

5 MR. FERRIER: ARE PROHIBITED.

6 MEMBER JONES: -- ARE PROHIBITED. OKAY.

7 MR. FERRIER: YEAH.

8 MEMBER JONES: IS MEDICAL WASTE INCLUDED IN
9 THAT?

10 MR. FERRIER: YES. THIS IS A NON-SUBTITLED
11 SITE, THEY'RE STRICTLY AN INERT DISPOSAL SITE. AND
12 THE FACILITY IS PRIMARILY A -- FOR LACK OF A BETTER
13 TERM, AN OUTDOOR MURPH. THEY REALLY RECYCLE FROM 50
14 TO 90 PERCENT OF THE MATERIAL THAT COMES IN, SO THAT
15 THIS IS JUST THE RESIDUAL OF THE INERT MATERIALS AND
16 PROCESSING OF THOSE MATERIALS THAT THEY'RE DISPOSING
17 OF.

18 MEMBER JONES: AND I'M ASSUMING THE GREEN
19 WASTE THAT YOU EXCLUDED IS BECAUSE IT'S -- GETS
20 DELIVERED TO THE OTHER LOCATION.

21 MR. FERRIER: CORRECT.

22 MEMBER JONES: OKAY. ALL RIGHT.

23 MR. FERRIER: THEY HAVE TWO FACILITIES, WHO
24 THIS COMPANY DOES IN THAT LOCATION. THEY'RE PRIMARILY
25 BOTH OUTDOOR RECYCLING FACILITIES THAT HAVE LANDFILL

1 FUNCTIONS ALSO.

2 I'LL GO AHEAD FROM 17(C), WHICH IS ON
3 PAGE FIVE OF FIVE, 17(C)(9). WE HAVE EXCLUDED THE
4 WORD "YARD WASTE" WHICH WAS INITIALLY INCLUDED IN
5 NUMBER NINE. WE'VE REMOVED THAT. AND THE ITEM NOW
6 READS THAT: "STOCKPILING OF RECYCLABLE MATERIALS SUCH
7 AS CONSTRUCTION, DEMOLITION WASTE, CONCRETE, WOOD,
8 ROOFING MATERIALS, AND HOG FUEL WILL BE CARRIED OUT IN
9 THE MANNER DESCRIBED IN THE MOST RECENT LEA-APPROVED
10 JTD." PREVIOUSLY IT HAD THE WORD "YARD WASTE" IN
11 THERE, AND THAT'S IN CONFLICT WITH THEIR ENVIRONMENTAL
12 DOCUMENT AND LAND USE PERMITS.

13 ARE THERE ANY OTHER -- WOULD YOU LIKE ME
14 TO GO BACK AND GO OVER ANY OF THE OTHER ITEMS?

15 CHAIRMAN PENNINGTON: I'M FINE, I CAUGHT UP.

16 I DIDN'T SEE THE --

17 MR. WHITEHILL: I JUST WANT TO ADD THAT BOARD
18 STAFF AGREES WITH THE LEA'S DETERMINATION THAT THESE
19 CHANGES ARE NOT SUBSTANTIAL, AND THEY DO NOT AFFECT
20 ANY OF THE OTHER BOARD'S FINDINGS THAT WE'VE HAD TO
21 MADE (SIC) UP TO THIS POINT.

22 ALSO, AT THE TIME THAT THE BOARD ITEM
23 WAS PREPARED BOARD STAFF HAD NOT YET VERIFIED THE
24 INTEGRATED WASTE MANAGEMENT PLAN CONFORMANCE OR
25 FINANCIAL ASSURANCE REQUIREMENTS. BUT, SINCE THE

1 BOARD ITEM WENT TO PRINT WE'VE BEEN ABLE TO VERIFY
2 BOTH OF THOSE FINDINGS.

3 SO, IN CONCLUSION, THE LEA OR THE LEAD
4 AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF THE
5 CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROPOSED
6 PERMIT IS CONSISTENT WITH THE STANDARDS ADOPTED BY THE
7 BOARD. THE FACILITY IS IDENTIFIED AND CONSISTENT WITH
8 THE APPROVED INTEGRATED WASTE MANAGEMENT PLAN. AND
9 BOARD AND LEA STAFF HAVE DETERMINED THAT THE DESIGN
10 AND OPERATION IS IN COMPLIANCE WITH STATE MINIMUM
11 STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL.

12 IN CONCLUSION, STAFF HAS REVIEWED THE
13 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND FOUND
14 THEM TO BE ACCEPTABLE.

15 STAFF RECOMMEND THAT THE BOARD ADOPT
16 RESOLUTION NO. 98-249, CONCURRING IN THE ISSUANCE OF
17 SOLID WASTE FACILITY PERMIT 43AN0001.

18 DENNIS FERRIER AND RICHARD ARCHDEACON,
19 REPRESENTING THE LEA, ARE HERE TO ANSWER ANY
20 QUESTIONS. AND I BELIEVE A REPRESENTATIVE OF THE
21 OPERATOR IS ALSO HERE.

22 CHAIRMAN PENNINGTON: ANY QUESTIONS?

23 MEMBER EATON: I JUST HAVE ONE. I UNDERSTAND
24 THAT THERE'S A LAW SUIT PENDING, IT'S AN ENVIRONMENTAL
25 EQUITY LAW SUIT IN ALVISO. DOES IT HAVE ANY KIND OF

1 IMPACT, OR WOULD IT HAVE ANY KIND OF EFFECT ON THIS
2 PARTICULAR SITE?

3 MR WHITEHILL: THE ONLY ACTION THAT I'M AWARE
4 OF, THAT TOOK PLACE QUITE SOME TIME AGO, AND I BELIEVE
5 THAT WHEN WE COPIED DOCUMENTS TO THE ATTORNEY FOR THE
6 FILING PARTY THEY WERE NO LONGER CONCERNED. THEY HAD
7 SETTLED THEIR ISSUES WITH THE FACILITY.

8 CHAIRMAN PENNINGTON: MR. FRAZEE:

9 MR. FRAZEE: AS I INDICATED, THAT I VISITED
10 THIS SITE AND THAT ISSUE WAS RAISED AT THE TIME, AND
11 THE OPERATOR INDICATED THAT THEY HAD COME TO A
12 SETTLEMENT WITH THE RESIDENTS AT A SIGNIFICANT
13 MITIGATION, WHICH INCLUDED BUILDING A COMMUNITY CENTER
14 FOR THE RESIDENTS OF ALVISO.

15 MR. WHITEHILL: YEAH, THAT'S CORRECT. YEAH,
16 THAT SUIT WAS SETTLED OUT OF COURT.

17 CHAIRMAN PENNINGTON: MR. JONES?

18 MEMBER JONES: MR. CHAIRMAN, THIS VERTICAL
19 EXPANSION, THAT MAKES A LOT OF SENSE TO ME. BUT, I
20 DON'T HAVE A RESOLUTION, I DON'T -- OH, YEAH, MAYBE I
21 DO.

22 CHAIRMAN PENNINGTON: 98-249.

23 MEMBER JONES: OKAY, 98-249. I WOULD LIKE TO
24 MOVE THAT, REFERRING TO THE ZANKER MATERIAL PROCESSING
25 FACILITY.

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1 CHAIRMAN PENNINGTON: OKAY.

2 MR. FRAZEE: I'LL SECOND.

3 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED
4 AND SECONDED TO ADOPT RESOLUTION 98-249.

5 IF THERE IS NO FURTHER DISCUSSION, WILL
6 THE SECRETARY CALL THE ROLL, PLEASE?

7 THE SECRETARY: BOARD MEMBER EATON?

8 MEMBER EATON: AYE.

9 THE SECRETARY: FRAZEE?

10 MEMBER FRAZEE: AYE.

11 THE SECRETARY: JONES?

12 MEMBER JONES: AYE.

13 THE SECRETARY: CHAIRMAN PENNINGTON?

14 CHAIRMAN PENNINGTON: AYE.

15 THE MOTION CARRIES.

16 WE'LL MOVE TO ITEM 13, CONSIDERATION OF
17 NEW SITES FOR THE SOLID WASTE DISPOSAL AND CURRENT
18 DISPOSAL SITE CLEANUP PROGRAM, AB-21.36. MARGE ROUCH.

19 AGENDA ITEM NO. 13: CONSIDERATION OF NEW SITES FOR
20 THE SOLID WASTE DISPOSAL AND CURRENT DISPOSAL SITE
21 CLEANUP PROGRAM

22 MS. ROUCH: GOOD AFTERNOON, CHAIRMAN
23 PENNINGTON AND BOARD MEMBERS. ITEM 13 IS FOR
24 CONSIDERATION OF THREE ILLEGAL DISPOSAL SITES AND TWO
25 BURN DUMPS FOR 21.36 CLEANUP PROGRAM FUNDING.

1 THE THREE ILLEGAL DISPOSAL SITES ARE
2 LOCATED IN GLEN, SANTA CLARA, AND SOLANO COUNTY. THEY
3 ARE ALL TYPICAL OF MOST ILLEGAL DISPOSAL SITES.

4 TWO OF THESE SITES ARE ADJACENT TO
5 RIVERS, AND THESE SITES POSE A THREAT TO PUBLIC HEALTH
6 AND SAFETY IN TERMS OF HOUSEHOLD HAZARDOUS WASTE AND
7 GROUND WATER CONTAMINATION.

8 THE TWO BURN DUMPS ARE BOTH LOCATED IN
9 SANTA CRUZ COUNTY. ONE OF THEM, THE DAVENPORT BURN
10 DUMP, IS LOCATED ON UNION PACIFIC RAILROAD LAND. WE
11 HAVE NEGOTIATED AN AGREEMENT WHERE UNION PACIFIC
12 RAILROAD IS WILLING TO TRANSPORT, AT NO COST TO THE
13 BOARD, THE WASTE FROM BOTH THE DAVENPORT AND THE
14 WILDER RANCH SITES.

15 THESE TWO SITES POSE A THREAT TO PUBLIC
16 HEALTH AND SAFETY DUE TO THE HIGH LEAD LEVELS IN THE
17 BURN ASH, AND THE ASHES ERODING INTO THE OCEAN AT ONE
18 OF THE SITES, AND ONTO THE BEACH AT ANOTHER SITE WHERE
19 ULTIMATELY IT COULD BE PICKED UP BY THE OCEAN, AND
20 THERE IS A RISK TO THE PEOPLE USING THE BEACH AT BOTH
21 SITES.

22 THE WASTE, IF IT WERE TRANSPORTED BY THE
23 UNION PACIFIC RAILROAD, WOULD BE DISPOSED OF AT A
24 REDUCED TIPPING FEE TO US IN UTAH, AS COMPARED TO
25 DISPOSAL IN CALIFORNIA. AND SO --

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1 MEMBER EATON: SO WE'RE GOING TO PARTICIPATE
2 IN RAIL HAUL?

3 MS. ROUCH: YEAH.

4 MEMBER EATON: I JUST WANT TO MAKE SURE.
5 USE THE TRAIN, LOSE OUR PAY.

6 MS. ROUCH: TODD HAS WHAT -- TODD HAS WORKED
7 UP SOME FIGURES, WHICH YOU HAVE A COPY OF, THERE WAS A
8 HANDOUT ON THE COST SAVINGS TO US IF WE DO IT THIS
9 WAY.

10 MR. THALHAMER: TODD THALHAMER, INTEGRATED
11 WASTE MANAGEMENT BOARD. BEFORE YOU, YOU HAVE TWO
12 SHEETS, DOUBLE-SIDED, WASTE REDUCTION HERE.

13 MS. ROUCH: NO.

14 MR. THALHAMER: NO? WE DON'T HAVE THE
15 DOUBLE-SIDED? OKAY.

16 BASICALLY THERE WERE SOME QUESTIONS,
17 CONCERNS, OF WHAT WAS THE TRAIN COSTS, WHAT WOULD --
18 IN OTHER WORDS, WHAT WOULD IT COST TO DISPOSE OF THE
19 MATERIAL IN CALIFORNIA VERSUS UTAH. IF YOU TURN TO
20 THE DAVENPORT SHEET --

21 MEMBER JONES: BEFORE YOU START, I THINK YOU
22 NEED TO PREFACE THIS BY SAYING THAT THERE ARE SOME
23 CALIFORNIA-ONLY LEVELS OF MATERIALS, SO THAT PEOPLE
24 UNDERSTAND WHAT WE'RE TALKING ABOUT.

25 MR. THALHAMER: RIGHT. I'M GOING TO BREAK

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1 THIS DOWN, AND WE'LL GO THROUGH SOME STEPS HERE.

2 BUT, BASICALLY WHAT WE'RE LOOKING AT IN
3 THE TWO BURN DUMPS IS, WE HAVE A NON-RCRA HAZARDOUS
4 WASTE. IF THE MATERIAL IS IN CALIFORNIA IT'S
5 DESIGNATED AS A HAZARDOUS WASTE, AND IT'S CLASSIFIED
6 AS A CALIFORNIA HAZARDOUS WASTE. AND THAT'S BASICALLY
7 DUE TO THE LEAD LEVELS THAT -- WHEN WE SAMPLED THE
8 MATERIAL THAT CAME OUT.

9 SO, WITH THAT SAID, IN CALIFORNIA, I'D
10 HAVE TO SHOP THAT MATERIAL TO KETTLEMAN CLASS ROOM.
11 ALTHOUGH IT IS A NON-RCRA HAZARDOUS WASTE, I'M ALLOWED
12 A DISCOUNTED TIPPING FEE AT KETTLEMAN AT \$60 A TON.
13 AT UTAH IT'S APPROXIMATELY -- IT'S AN ECDC SITE, IT'S
14 A CLASS TWO/THREE. AND I JUST TALKED TO U.P. AND THE
15 NUMBER THAT YOU HAVE THERE, 35 A TON, HAS DROPPED DOWN
16 TO 25 A TON.

17 MEMBER JONES: COOL.

18 MR. THALHAMER: BASICALLY, IF YOU GO THROUGH
19 THAT, YOU WOULD HAVE TRANSPORTATION COSTS IN
20 CALIFORNIA WHERE WE WOULD NOT HAVE ANY TRANSPORTATIONS
21 IF WE USED UNION PACIFIC.

22 BOTTOM LINE, THE SAVINGS TO US -- YOU
23 CAN READJUST THIS NUMBER -- BASICALLY IS \$134,000 FOR
24 DAVENPORT. AND IF YOU FLIPPED IT OVER TO THE NEXT
25 SIDE, A BOTTOM LINE HERE IS A SAVINGS OF \$80,000.

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1 COMBINED, WE'RE OVER \$200,000, WHICH MORE THAN COVERS
2 A CLEANUP OF ONE OF THE SITES. IT'S ALMOST A TWO-FOR-
3 ONE.

4 I FEEL THAT WE'VE NEGOTIATED WITH THEM
5 IN A REAL GOOD-FAITH EFFORT, THEY'RE GOING TO ASSIST
6 US ON THE OTHER PROJECT AS WELL.

7 MS. ROUCH: ACTUALLY, A LITTLE EARLIER A
8 REPRESENTATIVE FROM UNION PACIFIC WAS HERE, BUT HE HAD
9 TO LEAVE BECAUSE WE ENDED UP SO LATE ON THE AGENDA.
10 BUT THEY FEEL REAL COMFORTABLE WITH WORKING WITH US,
11 AND THEY'VE SAID THAT THEY THOUGHT THAT WAS A GOOD
12 DEAL FOR BOTH OF US.

13 AND, I WANTED TO POINT OUT THAT NO
14 ENFORCEMENT HAS BEEN TAKEN AGAINST THE DAVENPORT
15 PROPERTY BECAUSE WE DON'T HAVE A RESPONSIBLE PARTY.
16 THE WASTE WAS DUMPED THERE BY THE LOCAL FOLKS WHO
17 LIVED IN THE CITY OF DAVENPORT, WHICH IS NO LONGER
18 INCORPORATED.

19 AND IN ORDER TO BRING THIS SITE TO YOU,
20 AND TO DO ALL OUR HOMEWORK, WE DID A TITLE SEARCH ON
21 THIS PROPERTY BECAUSE IT WASN'T CLEAR WHO OWNED THE
22 PROPERTY TODAY. AND THAT'S HOW WE FOUND OUT UNION
23 PACIFIC OWNED IT. AND THEY WERE JUST AS SURPRISED AS
24 WE WERE, BECAUSE UNTIL WE DID THE TITLE SEARCH THEY
25 DIDN'T KNOW THAT --

1 MR. THALHAMER: WE DID BOUNDARY SURVEYS.

2 MS. ROUCH: PARDON?

3 MR. THALHAMER: WE DID BOUNDARY SURVEYS.

4 MS. ROUCH: OH, I'M SORRY, WE DID A BOUNDARY
5 SURVEY, I MISSPOKE.

6 AND, SO IN THAT SENSE WE HAVE -- NO
7 ENFORCEMENT HAS BEEN DONE AGAINST UNION PACIFIC
8 BECAUSE THEY DIDN'T DO THE DUMPING.

9 FINALLY, A QUESTION HAS ARISEN ABOUT THE
10 2136 BUDGET, AND WE HAVE HANDED OUT A SHEET TO YOU
11 EARLIER THAT LOOKS LIKE THIS. AND ALL I WANT TO SAY
12 ABOUT THIS, UNLESS YOU HAVE SOME QUESTIONS, IS THAT
13 THE GRADE NUMBERS ARE THE MONEY THAT IS STILL
14 AVAILABLE FOR USE. AND IT COMES -- I'VE DIVIDED IT
15 INTO OLD MONEY AND INTO NEW MONEY, AND THE NEW MONEY
16 IS PREDICATED ON THIS YEAR'S BUDGET, WHICH I
17 UNDERSTAND THE GOVERNOR HAS SIGNED, SO WE COULD START
18 USING IT NOW.

19 AND, THAT'S ALL I HAVE TO SAY. ARE
20 THERE ANY QUESTIONS ABOUT THIS ITEM?

21 CHAIRMAN PENNINGTON: I WOULD SAY THAT IT'S
22 NICE TO BE SENDING SOMETHING TO UTAH SINCE THEY SEND
23 US MOST OF THEIR TIRES.

24 MEMBER JONES: HERE, HERE.

25 CHAIRMAN PENNINGTON: DOES THIS MEAN THAT WE

1 HAVE APPROXIMATELY TWO-POINT-FOUR, TWO-POINT-FIVE
2 MILLION AVAILABLE FOR PROJECTS?

3 MS. ROUCH: EXISTING IN CONTRACTS TODAY, I
4 BELIEVE WE HAVE APPROXIMATELY THREE-POINT-FIVE MILLION
5 AVAILABLE FOR PROJECTS.

6 THEN AT THE VERY BOTTOM OF THIS PIECE OF
7 PAPER, WE HAVE A CONSTRUCTION CONTRACT CONCEPT THAT
8 WAS APPROVED BY THE BOARD LAST MONTH, AND A CONSULTANT
9 CONTRACT CONCEPT. AND SO THAT WILL ADD ANOTHER
10 MILLION FOR CONSTRUCTION, AND THEN A NEW CONSULTING --
11 ENGINEERING SERVICES CONSULTANT FOR \$825,000. AND IT
12 ALSO LEAVES US \$1.2 MILLION FOR GRANTS AND LOANS,
13 THAT'S JUST SET ASIDE.

14 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

15 ANY QUESTIONS? ALL RIGHT.

16 MEMBER EATON: I JUST HAVE A GENERAL QUESTION
17 ON 2136 THAT I HAD HOPED TO HAVE THE ANSWER TO TODAY.

18 BUT, IS IT TRUE THAT UNDER THE 2136 PROGRAM WE HAVE
19 TO HAVE EVIDENCE THAT THE PROPERTY OWNER HAS BEEN
20 GIVEN AN OPPORTUNITY TO PERFORM A TIMELY REMEDIATION,
21 OR -- IN ORDER TO DO SO? IS THAT A REQUIREMENT?

22 MS. ROUCH: IN MOST CASES WE TRY TO HAVE SOME
23 DUE PROCESS DONE. WHETHER WE DO IT OR -- IT'S USUALLY
24 DONE BY THE LOCAL GOVERNMENTS. THE CASE WHERE WE
25 DON'T DO SOME ENFORCEMENT IS IF THE LAND IS OWNED --

1 THE PROPERTY THAT WE'RE GOING TO WORK ON IS OWNED BY A
2 LOCAL GOVERNMENT, A CITY OR A COUNTY. THEN WE HAVE
3 TRADITIONALLY, IF I CAN USE THAT WORD, "NOT" DONE ANY
4 ENFORCEMENT AGAINST THE GOVERNMENT.

5 WE HAVE DONE A FEW PROJECTS WHERE THEY
6 HAD PRIVATE OWNERSHIP OF THE LAND, AND FOR ONE REASON
7 OR ANOTHER WE HAVE NOT DONE ENFORCEMENT. AND USUALLY
8 THAT'S WHEN THEY ARE SUPPLEMENTING OUR MONEY WITH
9 SOMETHING, EITHER A SERVICE OR FUNDS OF THEIRS.

10 MR THALHAMER: I CAN PROVIDE YOU WITH A QUICK
11 EXAMPLE, NEVADA CITY. THIS SITE WAS OWNED BY A
12 PRIVATE PARTY. WE PERFORMED THE REMEDIATION, IT WAS A
13 BURN DUMP, WE CAPSULATED IT. IT WAS AN EXPOSED BURN
14 DUMP AND WE HAD A SEVERE PUBLIC HEALTH AND SAFETY
15 (SIC). AS SOON AS THE REMEDIATION WAS COMPLETED THE
16 CITY PURCHASED THE LAND FOR \$1.00 AND ARE NOW
17 COMMITTED TO A 30-YEAR POST-CLOSURE MAINTENANCE ON OUR
18 REMEDIATION. SO, WE DID A COMBINED EFFORT.

19 IN OTHER WORDS, WE DIDN'T PURSUE AGAINST
20 THE PRIVATE OWNER BECAUSE WE HAD RECORDS THAT SHOWED
21 THE CITY OPERATED THAT FACILITY. IT JUST SO HAPPENED
22 THAT, THROUGH DISCLOSURE LAWS IN THE '70S, IT WAS
23 PURCHASED AT A VERY CHEAP PRICE, BUT WE FELT THAT IT
24 WAS BEST SERVED BY THE BOARD TO COMPLETE THAT
25 REMEDIATION.

1 MEMBER EATON: BUT WHAT ARE THE REQUIREMENTS
2 UNDER THE STATUTE?

3 MS. ROUCH: I DON'T HAVE A COPY OF THE
4 STATUTE WITH ME --

5 MEMBER EATON: OKAY. WELL, WE CAN DISCUSS IT
6 AT ANOTHER TIME.

7 I HAD ASKED THE OTHER DAY, AND I WAS
8 HOPING TO MAYBE GET AN ANSWER TO SEE THAT IF WE WERE
9 GOING TO BE CONSISTENT WITH -- AS WE VOTE FOR THIS
10 ITEM.

11 MR. THALHAMER: IT'S CONSISTENT WITH OUR
12 POLICIES TO DATE.

13 MS. ROUCH: WELL, I THINK IT'S THE CODE,
14 THOUGH, THAT HE'S TALKING ABOUT.

15 MR. THALHAMER: YEAH.

16 MS. ROUCH: WE'LL GET BACK TO YOU ON THAT, IF
17 THAT'S ALL RIGHT.

18 CHAIRMAN PENNINGTON: BUT I'D LIKE TO SEE
19 WHAT OUR POLICIES AND PROCEDURES ARE ON COST RECOVERY
20 ANYWAY. MAYBE WE COULD HAVE AN AGENDA ITEM THAT WOULD
21 OR --

22 MS. TOBIA: I'D PREFER TO TALK TO YOU ABOUT
23 THAT IN CLOSED SESSION. BUT, I WOULD BE HAPPY TO
24 BRING THAT FORWARD IN A CLOSED SESSION ITEM.

25 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

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1 I ASSUME THAT'S THE SAME ANSWER TO MY
2 QUESTION IN REGARDS TO WHAT TO DO ABOUT THE LEWIS
3 ROAD, ARE WE GOING TO PURSUE COST RECOVERY THERE.
4 YOU'D PROBABLY RATHER TALK ABOUT THAT --

5 MS. TOBIAS: WELL, I CAN SAY GENERALLY THAT
6 WE PURSUE COST RECOVERY WHEREVER THAT WE THINK THAT
7 THERE IS A RESPONSIBLE PARTY, AND THAT THERE ARE
8 ASSETS TO BE RECOVERED. AND THOSE ARE EITHER ASSETS
9 THAT ARE IN THE LAND ITSELF, OR THAT THE PARTIES HAVE
10 SOME KIND OF ASSETS.

11 IF IT'S CLEAR TO US AFTER AN ASSET
12 SEARCH THAT THERE'S NO ASSETS TO BE RECOVERED, THEN
13 GENERALLY WE HAVE NOT PURSUED THOSE KINDS OF COST
14 RECOVERIES. SO, WE DO AN ASSET SEARCH FIRST. BUT, I
15 CAN TALK TO YOU MORE ABOUT THAT.

16 CHAIRMAN PENNINGTON: OKAY. FINE.

17 OKAY. I THINK -- ARE THERE ANY FURTHER
18 QUESTIONS? IF NOT, I'LL ENTERTAIN A MOTION.

19 MEMBER FRAZEE: MR. CHAIRMAN, I MOVE ADOPTION
20 OF RESOLUTION 98-270.

21 MEMBER JONES: I'LL SECOND.

22 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED
23 AND SECONDED THAT WE ADOPT RESOLUTION 98-270, TO
24 IMPROVE THE CLEANUP OF SITES AS RECOMMENDED BY THE
25 STAFF.

1 IF THERE'S NO FURTHER DISCUSSION WILL
2 THE SECRETARY CALL THE ROLL?

3 THE SECRETARY: BOARD MEMBER EATON?

4 MEMBER EATON: AYE.

5 THE SECRETARY: FRAZEE?

6 MEMBER FRAZEE: AYE.

7 THE SECRETARY: JONES?

8 MEMBER JONES: AYE.

9 THE SECRETARY: CHAIRMAN PENNINGTON?

10 CHAIRMAN PENNINGTON: AYE.

11 THE MOTION CARRIES.

12 NOW WE'LL MOVE TO ITEM 14, CONSIDERATION
13 OF THE ADOPTION OF THE NEGATIVE DECLARATION ON THE
14 PROPOSED REGULATIONS FOR TRANSFER PROCESSING
15 OPERATIONS AND FACILITIES, OR APPROVAL TO NOTICE AN
16 ADDITIONAL 15-DAY COMMENT PERIOD FOR THESE REVISIONS.
17 ALLISON?

18 AGENDA ITEM NO. 14:

19 CONSIDERATION OF THE ADOPTION OF THE PROPOSED
20 REGULATIONS FOR TRANSFER PROCESSING OPERATIONS AND
21 FACILITIES, OR APPROVAL TO NOTICE AN ADDITIONAL 15-DAY
22 COMMENT PERIOD FOR THESE REVISIONS

23 MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN
24 PENNINGTON AND BOARD MEMBERS. I AM ALLISON REYNOLDS
25 OF THE PERMITTING AND ENFORCEMENT DIVISION.

1 THE PURPOSE OF THIS ITEM IS TO CONSIDER
2 INFORMATION AND DIRECT STAFF IN MODIFYING THE PROPOSED
3 REGULATIONS FOR AN ADDITIONAL 15-DAY COMMENT PERIOD.
4 THE FIRST COMMENT FOR THESE REGULATIONS BEGAN JULY
5 30TH, 1998 (SIC), AND ENDED ON MARCH 16TH (SIC).
6 STAFF NOTICED A SUBSEQUENT 15-DAY COMMENT PERIOD WHICH
7 BEGAN ON JULY 1ST AND ENDED ON JULY 15TH.

8 SOME OF THE MORE SIGNIFICANT ISSUES
9 SINCE THE LAST COMMITTEE MEETING CENTERED AROUND
10 OVERLAP CONCERNS WITH THE DEPARTMENT OF INDUSTRIAL
11 RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH,
12 LANGUAGE IN THE STATEMENT OF STANDARDS REGARDING ODOR,
13 LITTER AND SANITARY FACILITIES, AND USAGE OF THE TERM
14 "PREVENT" VERSUS "MINIMIZE AND CONTROL."

15 SINCE THE LAST COMMITTEE MEETING ON THIS
16 REGULATIONS PACKAGE STAFF COMMUNICATED WITH SPECIFIC
17 WORK GROUP MEMBERS CONSISTING OF BOARD STAFF, LEAS AND
18 INDUSTRY REPRESENTATIVES TO DISCUSS SIGNIFICANT
19 ISSUES.

20 STAFF SENT AN UPDATED DRAFT VERSION OF
21 THE REGULATIONS TO ALL WORK GROUP MEMBERS FOR AN
22 UPDATE ON CHANGES MADE AFTER THE 15-DAY COMMENT
23 PERIOD, AND STAFF MADE CHANGES TO THE DRAFT
24 REGULATIONS TO THE EXTENT POSSIBLE TO ADDRESS AS MANY
25 OF THE CONCERNS EXPRESSED WHILE MAINTAINING

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1 APPROPRIATE STANDARDS OF PROCEDURES.

2 THE MORE IMPORTANT CHANGES TO THE
3 REGULATIONS, BASED ON COMMENTS RECEIVED, INCLUDE THE
4 ADDITION OF LANGUAGE EXCLUDING TOP-LOADING IN THE
5 DIRECT TRANSFER FACILITY SECTION, ALLOWING OFF-SITE
6 LOCATIONS OF OPERATING RECORD STORAGE TO PREVENT
7 WEATHER EXPOSURE, THE ADDITION OF LANGUAGE REGARDING
8 EXTREME ACTS OF NATURE TO THE LITTER STANDARD AND
9 DRAINAGE CONTROL STANDARD, THE ADDITION OF LANGUAGE
10 FOR SWEEPING, CLEANING AS POSSIBLE EXAMPLES OF DUST
11 CONTROL METHODS, AND AMENDED LANGUAGE TO BIRD AND
12 ANIMAL CONTROL AMONG OTHER MISCELLANEOUS CLARIFYING
13 CHANGES.

14 STAFF HAS PROVIDED AN AUGUST 14TH, 1998,
15 VERSION OF THE DRAFT REGULATIONS TO THE BOARD WHICH
16 WILL BE THE VERSION TO RELEASE FOR AN ADDITIONAL 15-
17 DAY COMMENT PERIOD, PENDING ANY CHANGES MADE AT BOARD
18 DIRECTION. COPIES OF THIS DOCUMENT ARE AVAILABLE IN
19 THE BACK OF THE ROOM, WITH THE LATEST AMENDMENTS
20 INDICATED WITH DIAGONAL LINES.

21 IN CONCLUSION OF MY PORTION OF THE
22 PRESENTATION, STAFF RECOMMEND OPTION NUMBER ONE OF THE
23 AGENDA ITEM TO PROVIDE STAFF WITH GUIDANCE AND DIRECT
24 STAFF TO MODIFY THE PROPOSED REGULATIONS, AND TO
25 NOTICE THE PROPOSED REGULATIONS FOR AN ADDITIONAL 15-

1 DAY PUBLIC REVIEW AND COMMENT PERIOD.

2 ELLIOT BLOCK WILL NOT COVER OVERLAP
3 ISSUES AND THE MEMORANDUM OF UNDERSTANDING WITH THE
4 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH, UNLESS
5 THERE ARE ANY QUESTIONS OF STAFF REGARDING THE
6 MATERIAL I'VE COVERED.

7 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

8 ELLIOT.

9 MR. BLOCK: OKAY. JUST BRIEFLY -- BECAUSE
10 THIS IS RELATED TO THESE REGULATIONS BUT, OF COURSE,
11 IT'S NOT PART OF THE REGULATIONS THEMSELVES -- I JUST
12 WANTED TO UPDATE YOU ON THE STATUS OF THE MEMORANDUM
13 OF UNDERSTANDING WE'VE BEEN TALKING ABOUT WITH THE
14 DIVISION OF OCCUPATIONAL SAFETY AND HEALTH.

15 THE DRAFT MEMORANDUM OF UNDERSTANDING AT
16 THIS POINT IN TIME IS CONTAINED IN ATTACHMENT 3 OF
17 YOUR AGENDA ITEM. AND THIS IS ACTUALLY THE FIRST TIME
18 THAT YOU'VE SEEN A DRAFT DOCUMENT, WE'VE BEEN TALKING
19 ABOUT THIS ISSUE IN THE LAST COUPLE OF MEETINGS.

20 THE DRAFT IN THE AGENDA ITEM -- AND IT
21 BEGINS, I BELIEVE, ON PAGE 14-5 OF THE ITEM -- HAS
22 BEEN THE SUBJECT OF NUMEROUS COMMUNICATIONS BETWEEN
23 WORK GROUP MEMBERS AND A COUPLE OF MEETINGS. THAT
24 WORK GROUP CONSISTS OF REPRESENTATIVES OF DEPARTMENT
25 OF OCCUPATIONAL SAFETY AND HEALTH, THE BOARD, LEAS,

1 AND THE WASTE INDUSTRY.

2 THE CURRENT DRAFT THAT'S IN YOUR PACKET
3 HAS BEEN REVISED TO ADDRESS ISSUES THAT THEY'VE
4 RAISED, AND THE CONSENSUS OF THAT GROUP -- UNLESS WE
5 HEAR SOMETHING TODAY THAT I'M NOT AWARE OF -- IS THAT
6 THE DRAFT IN YOUR PACKET IS ACCEPTABLE.

7 VERY BRIEFLY, THAT AGREEMENT CONTAINS
8 ITEMS THAT THE PERMITTING AND ENFORCEMENT COMMITTEE
9 DIRECTED US TO INCLUDE IN THE MOU THE LAST TIME WE HAD
10 A SPECIFIC DISCUSSION ABOUT THIS ITEM. IT CONTAINS
11 THE AGREEMENT OF THE AGENCIES THAT THE REVISED
12 REGULATIONS DO NOT CONTAIN JURISDICTIONAL OVERLAP. IT
13 CONTAINS A VOLUNTARY REFERRAL PROCESS.

14 AND THERE'S ALSO SOME OPTIONAL LANGUAGE
15 REGARDING DISPUTE RESOLUTION. WHEN THE COMMITTEE
16 CONSIDERED THAT THE LAST TIME WE WERE DIRECTED TO
17 DRAFT SOME LANGUAGE REGARDING DISPUTE RESOLUTION, BUT
18 NOT NECESSARILY TO INCLUDE IT IN THE MOU. THAT'S ON
19 PAGE THREE OF THE MOU, WHICH IS PAGE 14-7 OF THE ITEM.

20 I'D SPECIFICALLY LIKE TO CALL OUT, IN
21 TERMS OF THE VOLUNTARY REFERRAL PROCESS, AND MENTION
22 THAT THE DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH
23 HAS AGREED TO HANDLE LEA REFERRALS IN THE SAME MANNER
24 THAT THEY HANDLE FORMAL EMPLOYEE COMPLAINTS. THAT IS,
25 THEY MUST RESPOND TO THOSE WITHIN THREE WORKING DAYS

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1 IF THEY'RE SERIOUS, AND 14 CALENDAR DAYS OTHERWISE.
2 THEY'VE ALSO AGREED TO NOTIFY THE LEA IN WRITING OF
3 THE ACTION THAT THEY TAKE AFTER RECEIVING THOSE
4 REFERRALS.

5 IN ADDITION TO THE DRAFT MOU THAT'S
6 BEFORE YOU THERE HAS BEEN SOME OTHER DISCUSSIONS GOING
7 ON, AND I THINK I JUST MENTIONED THIS LAST MONTH WHEN
8 WE HAD A DISCUSSION ABOUT THIS, REGARDING THE
9 POSSIBILITY OF INDIVIDUAL LEAS HAVING SPECIFIC
10 DELEGATIONS JUST TO THEM, EVEN THOUGH WE'RE NOT HAVING
11 A DELEGATION TO ALL LEAS AROUND THE STATE. THOSE
12 DISCUSSIONS ARE ONGOING, AND THEY'RE IN A FAIRLY
13 FORMATIVE PROCESS AT THIS POINT. THERE'S SOME
14 DISCUSSION GOING ON RIGHT NOW ABOUT WHETHER THAT NEEDS
15 TO BE A DELEGATION, OR PERHAPS JUST BE A MORE
16 ELABORATE REFERRAL PROCESS.

17 WE DID SURVEY LEAS AT THE GRANLEY-BOCHEN
18 CONFERENCE LAST WEEK. NOT ALL LEAS WERE REPRESENTED
19 AT THAT CONFERENCE. BUT, WE HAD RESPONSES FROM 32 OF
20 THE LEAS, ACTUALLY IN SOME CASES MORE THAN ONE
21 EMPLOYEE OF THE LEA, BUT WE COMBINED THIS TOGETHER.
22 EIGHTEEN OF THOSE 32 INDICATED THAT THEY WERE
23 INTERESTED IN SOME FORM OF DELEGATION, SEVEN SAID
24 MAYBE, AND SEVEN SAID NO. SO, THERE'S AN INDICATION
25 THAT THIS IS OF INTEREST TO A NUMBER OF LEAS SO WE'RE

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1 GOING TO CONTINUE TO DEVELOP THIS AND HOPEFULLY COME
2 BACK TO YOU NEXT MONTH WITH SOME ADDITIONAL LANGUAGE
3 ALONG THOSE REGARDS.

4 AND SO THE PURPOSE, AS I MENTIONED
5 EARLIER, OF THE DISCUSSION TODAY IS JUST TO SIMPLY
6 GIVE YOU A CHANCE TO LOOK AT THAT DRAFT DOCUMENT FOR
7 THE FIRST TIME. AND WE'RE NOT LOOKING FOR FINAL
8 APPROVAL OF THE DRAFT BEFORE YOU, ALTHOUGH WOULD
9 APPRECIATE HAVING SOME DIRECTION OR DISCUSSION ABOUT
10 WHETHER OR NOT WHAT'S BEFORE YOU AT THIS POINT IN TIME
11 IS ACCEPTABLE SO THAT WE KNOW WHETHER WE NEED TO
12 EITHER FINE TUNE SOME OF THIS LANGUAGE, OR WE CAN MOVE
13 ON AND CONTINUE WITH THE OTHER ISSUES THAT I
14 MENTIONED.

15 AND THAT CONCLUDES MY PRESENTATION ON
16 THE MOU. I DON'T KNOW IF ANYBODY HAD ANY QUESTIONS
17 REGARDING IT.

18 CHAIRMAN PENNINGTON: QUESTIONS OF ELLIOT?

19 MR. BLOCK: THANK YOU.

20 CHAIRMAN PENNINGTON: OKAY. THANK YOU,
21 ELLIOT.

22 MR. FRAZEE?

23 MEMBER FRAZEE: I THINK HE WAS SEEKING SOME
24 COMMENTS, WHETHER WE WANTED ANY FURTHER DIRECTION ON
25 THIS OR NOT. AND SPEAKING FOR MYSELF, I'M WELL

1 SATISFIED WITH THIS.

2 THE ONLY AREA OF CONCERN I HAVE IS THIS
3 DELEGATION OF AUTHORITY. AND I THINK THERE NEEDS TO
4 BE MORE RESEARCH DONE UNDER THE STATUTORY AUTHORITY TO
5 DO THAT. THAT PUTS LEAS OUT OF THEIR FIELD WHEN
6 THEY'RE ENFORCING OCCUPATIONAL HEALTH AND SAFETY
7 PROVISIONS, AND I JUST WONDER ABOUT THE
8 APPROPRIATENESS OF THAT OR -- AND I KNOW THERE ARE
9 NUMBERS OF THEM WHO ARE REALLY INTERESTED IN DOING
10 THAT, BUT I WONDER ABOUT THE STATUTORY AUTHORITY FOR
11 THEM TO PERFORM IN THAT ROLE.

12 MR. BLOCK: AND THAT'S THE REASON THAT I
13 DIDN'T INCLUDE LANGUAGE REGARDING THAT IN THE AGENDA
14 ITEM AT THIS POINT. I THINK THAT THERE ARE A NUMBER
15 OF LEAS THAT ARE INTERESTED IN THAT, BUT REALLY UNTIL
16 THEY ACTUALLY SEE THE LANGUAGE THEY'RE NOT GOING TO BE
17 IN A POSITION OF WHAT IT MIGHT HAVE TO LOOK LIKE.
18 THEY'RE NOT NECESSARILY GOING TO BE IN A POSITION
19 WHERE THEY CAN REALLY DECIDE HOW THEY WANT TO PROCEED.

20 THERE'S BEEN SOME DISCUSSION, AND I
21 THINK EVERYBODY AGREES, INCLUDING THE DEPARTMENT OF
22 OCCUPATIONAL SAFETY AND HEALTH, THAT IF THERE WAS SOME
23 SORT OF DELEGATION -- AND, IN FACT, EVEN IF THERE WAS
24 JUST SOME MORE ELABORATE KIND OF A REFERRAL PROCESS,
25 THAT THERE WOULD NEED TO BE SOME TRAINING BY

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1 OCCUPATIONAL SAFETY AND HEALTH OF LEAS, AND WE NEED TO
2 ADDRESS THOSE ISSUES. A NUMBER OF LEAS HAVE RAISED
3 THAT VERY ISSUE EITHER GENERALLY AS A CONCERN, OR AS
4 CITING THAT AS THEIR REASON WHY THEY WERE NOT
5 INTERESTED. IN THE DELEGATION.

6 SO, IT'S JUST A FAIRLY -- IT'S VERY EASY
7 FOR THIS TO GET VERY DETAILED VERY QUICKLY, AND SO
8 THAT WAS MORE TO KIND OF LET YOU KNOW THAT WE'RE STILL
9 WORKING ON THAT TRACK, BUT WE'RE NOT READY YET.

10 BUT, THE VERSION OF THE MOU THAT'S
11 BEFORE YOU NOW CONTAINS PROVISIONS TO ADDRESS ALL THE
12 ISSUES YOU DID WANT ADDRESSED. AND, SO I WANTED TO AT
13 LEAST BRING THAT BEFORE YOU SO WE COULD MAKE SURE
14 WE'RE ON TRACK.

15 AND THAT ACCOMPLISHES THE INITIAL
16 PURPOSE THAT WE WERE DIRECTED TO MOVE FORWARD ON
17 BEFORE. AND I'M DOING THIS IN SOMETHING A TWO-PHASE
18 PROCESS, IF YOU WILL, SO.

19 MEMBER FRAZEE: IT SEEMS TO ME THAT IF I WERE
20 AN LEA, AND THIS MEMORANDUM OF UNDERSTANDING PROVIDES
21 ACCESS -- THE THREE-DAY REFERRAL IN THE CASE OF A
22 SERIOUS NOTICE, I THINK I'D BE SATISFIED AND NOT BE
23 SEEKING ANY MORE AUTHORITY OR ANY MORE WORK TO DO. I
24 THINK THEY HAVE PLENTY TO DO WITH THEIR CURRENT
25 STATUTORY AUTHORITY, AND TO GO INTO AN ENTIRE NEW

1 FIELD JUST DOESN'T SEEM APPROPRIATE, AND I HOPE WE CAN
2 RESIST THAT ONE.

3 CHAIRMAN PENNINGTON: OKAY.

4 MEMBER JONES: YEAH, I WOULD CONCUR.

5 MR. BLOCK: ACTUALLY, WHILE I HAVE YOUR
6 ATTENTION, I KNOW THAT I DID REFERENCE IT VERY
7 QUICKLY, THE LANGUAGE THAT'S IN THE MOU -- AND IT'S
8 PAGE 14-7 OF THE ITEM -- THERE IS SOME OPTIONAL
9 LANGUAGE REGARDING DISPUTE RESOLUTION. AND IT'S
10 OPTIONAL BECAUSE AT THE TIME WE GOT DIRECTION FROM THE
11 COMMITTEE THERE WAS STILL SOME UNCERTAINTY AS TO
12 WHETHER WE WANTED TO INCLUDE LANGUAGE ABOUT DISPUTE
13 RESOLUTION OR NOT. AND I DON'T KNOW IF TODAY YOU WANT
14 TO GIVE ME SOME DIRECTION ON THAT.

15 THE LANGUAGE ITSELF IS FAIRLY INNOCUOUS,
16 IT SIMPLY SETS UP A QUICK AND EASY PROCEDURE FOR
17 RESOLVING DISPUTES IF THERE ARE ANY. I DRAFTED IT AS
18 SUCH, BECAUSE IT'S PROBABLY THE WAY THAT A DISPUTE
19 RESOLUTION WOULD OCCUR ANYWAY, WHETHER OR NOT WE PUT
20 IT IN THE MOU, SO.

21 CHAIRMAN PENNINGTON: WHAT PAGE IS THAT?

22

23 MR. BLOCK: I BELIEVE IT WAS --

24 MEMBER FRAZEE: -- 14-7, RIGHT IN THE MIDDLE.

25 MR. BLOCK: YEAH. I WANTED TO DRAW YOUR

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1 ATTENTION TO IT JUST -- IF THE BOARD IS PREPARED TO
2 GIVE US SOME DIRECTION ON THAT NOW, THAT'S FINE. IF
3 NOT, WE WILL EVENTUALLY NEED DIRECTION I THINK WHEN WE
4 COME BACK TO HAVE THIS APPROVED, HOPEFULLY NEXT MONTH.

5 AND, SO I JUST WANTED TO MAKE SURE YOU SAW THAT
6 LANGUAGE BECAUSE RIGHT NOW IT'S STILL LABELED AS BEING
7 OPTIONAL.

8 MEMBER FRAZEE: THIS DOESN'T PROVIDE FOR A
9 THIRD PARTY TO RESOLVE THE DISPUTES, IT JUST STATES
10 THAT IT'S A REFERRAL OF A MEMBER FROM EACH AGENCY?
11 AND HOW DO THEY RESOLVE THE DISPUTE WITHOUT A THIRD-
12 PARTY MEDIATOR?

13 MR. BLOCK: WELL, NO, IT DOES NOT INCLUDE --
14 IT'S BASICALLY JUST A PROCEDURE FOR HOW TO GET THE TWO
15 AGENCIES TOGETHER TO TRY TO HAVE SOME DISCUSSION TO
16 RESOLVE IT.

17 WE'RE ASSUMING THAT IT'S -- LET ME
18 REPHRASE THAT, I'M ASSUMING THAT FOR THE MOST PART
19 WE'RE TALKING ABOUT JURISDICTIONAL ISSUES, AND THAT
20 THE IDEA WAS JUST TO HAVE SOME PROCESS TO GET THIS TO
21 DECISION-MAKERS, IF YOU WILL, OF THE TWO AGENCIES.

22 MEMBER FRAZEE: WELL, JUST TO MOVE IT UP THE
23 CHAIN OF COMMAND A BIT --

24 MR. BLOCK: RIGHT. AS OPPOSED TO LETTING IT
25 STEW, FOR LACK OF A BETTER WORD.

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1 MEMBER FRAZEE: YEAH. ALL RIGHT. OKAY. I
2 CAN SEE WHERE YOU'RE GOING.

3 MR. BLOCK: AND SO, AGAIN, WE DON'T NEED
4 DIRECTION ON THAT SPECIFICALLY TODAY, BUT IF -- I DID
5 WANT TO DRAW YOUR ATTENTION TO IT BECAUSE WE WILL AT
6 SOME POINT IN TIME, WHEN YOU'RE READY TO APPROVE THIS,
7 NEED A DETERMINATION ON THAT.

8 CHAIRMAN PENNINGTON: OKAY. VERY GOOD. WE
9 HAVE SOME PEOPLE IN THE AUDIENCE, ROB BERNHEIMER.

10 MR. BERNHEIMER: GOOD DAY, MR. CHAIRMAN,
11 BOARD MEMBERS, ROB BERNHEIMER WITH FERGUSON &
12 BERNHEIMER REPRESENTING AGENCY DISPOSAL. I DON'T HAVE
13 ANYTHING AS SCINTILLATING TO DISCUSS AS THE MOU, JUST
14 THE DIRECT TRANSFER LANGUAGE IN THE DRAFT PACKET.

15 IN MY DISCUSSIONS WITH VARIOUS INTERESTS
16 I UNDERSTAND THAT THERE IS NO OPPOSITION TO ANY OF THE
17 LANGUAGE IN DIRECT TRANSFER ANYMORE. I HAD A
18 CONVERSATION, A LONG CONVERSATION, WITH JOHN CUPPS
19 YESTERDAY AND WE WORKED OUT, I THINK, WHAT ERIC'S
20 CONCERNS WERE TO THE LANGUAGE, AND THEY'D LIKE TO SEE
21 THIS GET THROUGH AND SEE HOW IT WORKS.

22 AGAIN, WE DO HAVE FULL SUPPORT OF
23 CALIFORNIA REFUSE REMOVAL COUNCIL, AND EVAN EDGER HAS
24 WORKED VERY HARD TO GET THIS LANGUAGE TO WHERE IT IS.
25 I DID SPEAK WITH CHUCK WHITE, WHO COULDN'T STAY THIS

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1 AFTERNOON, WASTE MANAGEMENT IS IN SUPPORT OF THE
2 LANGUAGE, AND BFI, MARK LEARY, HAS INDICATED THEY'RE
3 IN SUPPORT OF THE LANGUAGE. RICK BEST A CAW HAS TOLD
4 ME THAT THEY'RE IN SUPPORT OF THE LANGUAGE. AND I
5 DON'T KNOW OF ANY OPPOSITION RIGHT NOW. I DO KNOW
6 THAT NORCAL IS TAKING NO POSITION ON IT, THEY'RE NOT
7 OPPOSING IT, EITHER.

8 AND I THINK STAFF'S DONE A GOOD JOB.
9 AND I KNOW, BOARD MEMBER JONES, YOU'VE PUT A LOT OF
10 TIME INTO DRAFTING SOME OF THE FINER POINTS OF THE
11 LANGUAGE, OR HAVING SUGGESTIONS TO STAFF THAT HAVE --
12 HAVE HAD SUGGESTIONS AT SOME OF THE PRIOR MEETINGS
13 THAT HAVE LED TO SOME OF THE LANGUAGE.

14 AND WE'D CERTAINLY LIKE TO SEE THAT GO
15 FORWARD AND SEE HOW THAT CAN OPERATE, AT LEAST GIVE IT
16 A CHANCE TO OPERATE IN CALIFORNIA AND, YOU KNOW, TAKE
17 A LOOK AT IT LATER IF THERE ARE ANY PROBLEMS THAT
18 DEVELOP. THANK YOU.

19 CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS?

20 MEMBER FRAZEE: MR. CHAIRMAN, CAN I OFFER --

21 CHAIRMAN PENNINGTON: MR. FRAZEE?

22 MEMBER FRAZEE: -- MY OWN LEGISLATIVE
23 ADMONITION? DO YOU WANT TO TALK OR DO YOU WANT YOUR
24 BILL OUT?

25 MEMBER JONES: THAT'S IT, YEAH.

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1 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.

2 MR. BERNHEIMER: THANKS.

3 CHAIRMAN PENNINGTON: THANK YOU.

4 OKAY. NEXT IS CATHY PUENTES.

5 MS. PUENTES: TO NEW MEMBERS, MY NAME IS
6 KATHY PUENTES, I'M WITH THE FLANIGAN LAW FIRM, AND WE
7 REPRESENT ISRI.

8 WE WOULD JUST LIKE TO THANK STAFF AND
9 THE BOARD FOR ALL THE WORK THEY'VE PUT INTO THIS
10 REGULATION PACKAGE. AND WE WOULD LIKE TO SEE IT GO
11 FURTHER. THANK YOU.

12 CHAIRMAN PENNINGTON: THANK YOU. ANY
13 QUESTIONS?

14 MEMBER JONES: JUST A QUICK COMMENT. I THINK
15 THERE WAS A LOT OF WORK BY YOUR LEAD, MR. FLANAGAN,
16 THAT HELPED BRING THIS TOGETHER.

17 MS. PUENTES: THANK YOU.

18 MEMBER JONES: THAT, I THINK, NEEDS TO BE
19 RECOGNIZED. THAT WHEN BOTH PARTIES WERE SO FAR APART,
20 WHEN THEY SAT DOWN AND TALKED AND FIGURED OUT WHERE
21 THE PROBLEM WAS THEY SAID, YOU'RE RIGHT, THAT IS A
22 PROBLEM FOR BOTH OF US. AND THAT --

23 MS. PUENTES: EXACTLY.

24 MEMBER JONES: -- IS THE WAY THESE THINGS
25 HAVE TO WORK, THAT'S WHY WE GO THROUGH THIS PROCESS.

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1 BUT MR. FLANAGAN NEEDS TO KNOW HE WAS -- HE HAD A LOT
2 TO DO WITH HOW WE MOVED THIS THING ALONG.

3 MS. PUENTES: I'LL LET HIM KNOW. THANK YOU.

4 CHAIRMAN PENNINGTON: OKAY. PANDEE LEACHMAN.

5 MS. LEACHMAN: GOOD AFTERNOON, MR. CHAIRMAN
6 AND MEMBERS OF THE COMMITTEE. I'M PANDEE LEACHMAN, I
7 REPRESENT THE ASSOCIATION OF CALIFORNIA RECYCLING
8 INDUSTRIES, ACRI, AND HERE ARE MY BRIEF COMMENTS,
9 AFTER THESE MANY, MANY LONG YEARS.

10 THE REGULATIONS ARE CLEAR AND
11 COMPREHENSIBLE. WE FEEL THE REGULATIONS ARE VERY FAIR
12 AND REFLECT A LEVEL OF OVERSIGHT THAT IS APPROPRIATE
13 AND IS BASED ON A FACILITY'S ACTIVITIES. THERE IS NO
14 HUH FACTOR, YOU DON'T HAVE TO READ SOMETHING TWICE TO
15 GET IT. AND I APPRECIATED THAT BECAUSE I FELT, IN
16 READING THROUGH IT YOU JUST GET IT AND YOU CAN MOVE
17 FORWARD.

18 THE BURNING QUESTION FROM THE BEGINNING
19 ON THIS WAS WHO IS IN AND WHO IS OUT. IT WAS CLEARLY
20 ANSWERED, AND THE ANSWER WAS REITERATED IN A CHART
21 WHICH IS ALSO VERY GOOD.

22 THE STAFF HAS BEEN TERRIFIC. THEY WERE
23 DIPLOMATIC AND VERY PROFESSIONAL WHEN THINGS GOT TENSE
24 AND THEY ALWAYS KEPT THEIR SENSE OF HUMOR, WHICH MADE
25 THE MEETINGS REALLY MOVE FORWARD.

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1 I FELT THAT THE REGULATIONS SHOWED THAT
2 STAFF REALLY READ OUR COMMENTS, ALL THE IMPACTED
3 STAKEHOLDERS' COMMENTS, AND THEN MADE GENUINE EFFORTS
4 TO EFFECTIVELY UTILIZE THOSE COMMENTS. THE REVISIONS
5 AS WE RECEIVED THEM SHOWED THAT CHANGES WERE
6 REFLECTIVE OF OUR INPUT.

7 I SINCERELY COMMEND AND APPLAUD ALL OF
8 THEIR HARD WORK, PARTICULARLY ELLIOT BLOCK, ALLISON
9 REYNOLDS, SUE HAPERSBERGER, AND DOROTHY RICE.

10 ANY QUESTIONS? THANKS.

11 CHAIRMAN PENNINGTON: QUESTIONS?

12 SEE, AND I PROMISED YOU YOU DIDN'T HAVE
13 TO SLEEP IN YOUR CAR TONIGHT.

14 LARRY SWEETSER.

15 MR. SWEETSER: ONE MORE TIME, LARRY SWEETSER,
16 DIRECTOR OF REGULATORY AFFAIRS, NORCAL WASTE SYSTEMS.

17 AND THIS IS A LITTLE BIT EASIER ONE THAN THE REST
18 TODAY.

19 I BELIEVE WE'RE PRETTY CLOSE. THERE'S A
20 FEW OTHER ISSUES THAT THOSE OF US THAT HAVE TO LIVE
21 WITH REGULATIONS AND LIVE UNDER PERMITS HAD -- I HAVE
22 A FEW QUESTIONS ON. I'VE TALKED WITH STAFF A LITTLE
23 BIT AND THOSE -- PARTICULARLY A COUPLE OF OPERATING
24 STANDARDS.

25 THE ONE ISSUE ON DIRECT TRANSFER, WE

1 HAVE NOT AGREED ON THAT LANGUAGE, BUT WE'RE NOT
2 OPPOSING IT EITHER. IF THE BOARD IS COMFORTABLE WITH
3 THE ACTIVITIES THERE, AND THE CONSTRAINTS IN WHICH
4 THEY OPERATE, I'M SURE IF THERE'S ANY CONCERN THAT YOU
5 HAVE YOU'LL WATCH WHAT GOES ON. BUT AT THIS POINT
6 WE'RE NOT -- WE'RE TAKING A NEUTRAL POSITION ON THAT
7 ACTIVITY.

8 THE ISSUES IN QUESTION DEALT WITH THE
9 NOISE, THE NUISANCE, AND THE PARKING. AND IT'S THE
10 ISSUE I RAISED BEFORE, IN JUST IN TERMS OF HOW THEY
11 MAY CONFLICT WITH LOCAL REQUIREMENTS. AND THERE IS
12 PROVISIONS UNDER ANOTHER SECTION, UNDER THE VISUAL
13 SCREENING, THAT DOES TALK ABOUT IF THERE ARE LOCAL
14 ISSUES OR LOCAL STANDARDS USE PERMIT OR CEQA ISSUES
15 THAT ARE OUT THERE, THOSE WOULD BE SUFFICIENT.

16 MANY FACILITIES -- NOT ALL OF THEM --
17 HAVE ORDINANCES DEALING WITH NOISE, NUISANCE, PARKING.

18 I THINK WE OBSERVED THAT SAME KIND OF WEIGHT,
19 OTHERWISE WE MAY RUN INTO SOME CONFLICTS.

20 THE OTHER IS THE ISSUE ON THE SANITARY
21 FACILITIES. IT SEEMS LIKE THERE'S AN ISSUE THERE WITH
22 THE PROBLEM WE HAVE IN THAT -- AND IT'S 17409.3 -- IT
23 SAYS -- AND IT'S ON PAGE 29 OF THE COPY I HAVE.

24 MEMBER JONES: POINT-THREE OR POINT-TWO?

25 MR. SWEETSER: POINT-TWO, SORRY.

1 "THE OPERATOR SHALL MAINTAIN ALL SANITARY AND
2 HAND-WASHING FACILITIES THAT ARE PURSUANT TO
3 APPLICABLE STATE AND LOCAL REQUIREMENTS IN A CLEAN AND
4 ADEQUATELY-SUPPLIED CONDITION."

5 THAT READS TO ME THAT YOU'RE JUST
6 TELLING US WE HAVE TO ABIDE BY SOMEBODY ELSE'S
7 REQUIREMENTS. SO THERE'S A POTENTIAL THAT WE COULD
8 GET A DOUBLE VIOLATION ON AN ISSUE LIKE THAT, ONCE
9 FROM THE OTHER STANDARD AS WELL AS UNDER THIS. AND
10 THOSE ARE QUESTIONS THAT HAPPEN OUT THERE.

11 THE LAST ISSUE IS DEALING WITH THE
12 VISUAL SCREENING. AND MAYBE IT'S MY SCIENTIFIC
13 BACKGROUND AND NOT MY ARTISTIC BACKGROUND, I DIDN'T DO
14 TOO WELL -- I STILL DO NOT UNDERSTAND WHAT OUR -- WHAT
15 AESTHETICALLY ACCEPTABLE APPEARANCE MEANS IN TERMS OF
16 GARBAGE.

17 ALONG WITH MR. JONES, SIDE-BY-SIDE
18 SOMETIMES, WE WALKED THROUGH IT, PLAYED WITH IT, AND
19 ALL KINDS OF THOSE THINGS. WE FIND THAT ACCEPTABLE --

20 MEMBER JONES: -- AS IT IS TO ME.

21 MR. SWEETSER: I HAVE DIFFICULTY TRYING TO
22 UNDERSTAND HOW WE CAN HAVE A DISCUSSION WITH AN LEA
23 WHETHER A PILE OF GARBAGE SITTING THERE IS
24 AESTHETICALLY ACCEPTABLE. I WOULD DEFINITELY SEEK
25 SOME CLARIFICATION FOR OUR PART, ON THOSE OF US

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1 OPERATING FACILITIES.

2 THE LAST ISSUE ITSELF IS NOT A STANDARD,
3 BUT IT'S THE MOU ISSUE. AS I GUESS THE ONLY INDUSTRY
4 REPRESENTED IN SOME OF THOSE MEETINGS, I THINK THE
5 PROCESS HAS WORKED OUT WITH THAT MOU. WE WERE LEERY
6 AT FIRST. I'M COMFORTABLE WITH IT AT THIS POINT, AT
7 WHAT YOU HAVE IN HERE.

8 I STILL CANNOT UNDERSTAND WHERE ANY LEAS
9 WOULD WANT TO GO BEYOND THAT, PARTICULARLY GIVEN WHAT
10 CAL OSHA HAS -- STATEMENTS THEY HAVE MADE IN SOME OF
11 THESE MEETINGS ON THE POSITION WHERE THEY'RE GOING TO
12 BE ENFORCING THESE STANDARDS, AND ALL THE LEAS WOULD
13 BE DOING IS REFERRAL. I DON'T KNOW HOW YOU'RE GOING
14 TO BE ABLE TO GO BEYOND THAT.

15 AND I THINK WHAT THE REFERRAL IS, IS
16 BENEFICIAL. I THINK WHAT THIS MOU DOES, DOES PROVIDE
17 A LOT OF CLARITY AND ADDRESSES A LOT OF LEA CONCERNS
18 ON WHAT WAS HAPPENING WITH THINGS GETTING TAKEN AWAY
19 FROM THEM. IT GIVES A PROCESS AND IT PUTS IT ON THE
20 HIGHEST STANDARD OF OSHA, WHERE LEA CONCERNS WILL HAVE
21 THE SAME STATUS AS AN EMPLOYEE COMPLAINT. AND IF
22 YOU'VE EVER BEEN THROUGH AN OSHA INSPECTION THAT'S
23 PRETTY GOOD. THEY HAVE GAINED A LOT BY THAT STANDARD
24 WHICH THEY DID NOT HAVE.

25 AND THERE'S PROVISIONS IN THE MOU THAT

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1 HELP US A LOT IN OPERATIONS, WHEN WE GET INTO THOSE
2 DISPUTES WITH OPERATORS, THAT TELL US BLANKETLY WE CAN
3 HOLD UP SOMETHING IN WRITING THAT SAYS WASTE BOARD AND
4 OSHA AGREE THAT THESE ARE ISSUES THAT ARE THEIRS OR
5 THESE ARE ISSUES THAT ARE OSHA'S. IT SAYS THAT IN
6 THERE, IT REFERENCES THE SECTIONS IN LAW. SO, THAT
7 REALLY HELPS.

8 AND I DO HAVE A REQUEST ON THE TRAINING
9 ISSUES. AND BY ALL MEANS, I THINK THE LEAS DO NEED
10 ADEQUATE TRAINING. I DO NOT WANT TO SEE LEAS PUTTING
11 THE BLINDERS ON WHEN SOMETHING HAPPENS OUT THERE. BY
12 ALL MEANS, LET US KNOW IF SOMETHING GOES ON.

13 BUT THEY NEED TO UNDERSTAND WHAT THE
14 RULES ARE ON CAL OSHA. THEY'RE FAR DIFFERENT, THEY'RE
15 FAR MORE PRESCRIPTIVE-BASED STANDARDS THAN WHAT WE
16 HAVE UNDER THESE STANDARDS. THEY NEED TO KNOW WHAT 85
17 DECIBELS MEANS. THEY NEED TO KNOW WHAT THOSE
18 STANDARDS ARE.

19 AND WE WOULD APPRECIATE, FROM AN
20 OPERATOR'S PERSPECTIVE, THAT WHATEVER YOU PROVIDE THEM
21 AS TRAINING YOU CAN GIVE US THAT INFORMATION AS WELL.

22 MAYBE NOT NECESSARILY ON THE TRAINING, BUT AT LEAST
23 THE SAME INFORMATION THAT THEY'RE RECEIVING.

24 AND AS FAR AS THE DISPUTE MECHANISM,
25 WE'RE COMFORTABLE WITH WHAT'S IN THERE. THAT'S A

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1 DISPUTE BETWEEN THE PARTIES ON THE AGREEMENT. WE FEEL
2 THAT IF THERE'S AN ISSUE OR A DISPUTE ON AN ITEM, OF A
3 STANDARD OF SOME SORT, IT'S EITHER A WASTE BOARD OR AN
4 OSHA ISSUE. BOTH OF YOU HAVE PROCESSES IN PLACE THAT
5 ADDRESS DISPUTES FOR THOSE OF US OPERATING FACILITIES,
6 AND WE'RE COMFORTABLE WITH THAT ARRANGEMENT.

7 AND I HAVE A LAST PICTURE, COURTESY OF
8 MR. BERNHEIMER. I FEEL VINDICATED AFTER ALL THESE
9 YEARS OF STATEMENTS I'VE MADE AND ALLEGATIONS RELATED
10 TO TYPES OF FACILITIES AND THINGS. A PILE OF GARBAGE,
11 PILE OF RECYCLABLES, YOU MAKE UP YOUR MIND, YOUR
12 REGULATIONS WILL DEFINE THAT.

13 YOU WILL NOTICE RIGHT HERE IS MY BANANA PEEL.
14 IT EXISTS.

15 MEMBER JONES: YES, IT DOES.

16 MR. SWEETSER: THANK YOU VERY MUCH.

17 CHAIRMAN PENNINGTON: ARE THERE ANY QUESTIONS
18 OF MR. SWEETSER?

19 IF NOT, WE'LL HEAR FROM MIKE MOHAJER.

20 MR. MOHAJER: MR. CHAIRMAN, MEMBERS OF THE
21 BOARD, MY NAME IS MIKE MOHAJER, I'M WITH THE LOS
22 ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS.

23 PREVIOUSLY I SUBMITTED OUR BOARD OF
24 SUPERVISOR MOTION IN SUPPORT OF DIRECT TRANSFER.
25 THERE WAS ANOTHER LETTER WE SUBMITTED LAST JUNE, AGAIN

1 IN SUPPORT OF THE REVISED DRAFT REGULATION ADDRESSING
2 DIRECT TRANSFER. AND TODAY I'M REEMPHASIZING AGAIN
3 THAT WE ARE STILL SUPPORTING THE 8/14/98 DRAFT
4 REGULATION FOR DIRECT TRANSFER.

5 THANK YOU VERY MUCH.

6 CHAIRMAN PENNINGTON: THANK YOU.

7 ARE THERE ANY QUESTIONS?

8 MEMBER JONES: I JUST HOPE WE DON'T HAVE
9 DIRECT TRANSFERS ALL OVER LA COUNTY THAT ARE OWNED BY
10 THE --

11 MR. MOHAJER: BUT IT IS A SERIOUS PROBLEM,
12 MR. JONES, AS YOU KNOW. IT WILL ASSIST US TO HANDLE
13 WHAT CAN'T BE REDUCED.

14 MEMBER JONES: A HUNDRED AND FIFTY TONS.

15 MR. MOHAJER: THAT IS CORRECT.

16 MEMBER JONES: OKAY.

17 CHAIRMAN PENNINGTON: OKAY. THAT COMPLETES
18 PUBLIC COMMENT.

19 MEMBER JONES: MR. CHAIRMAN?

20 CHAIRMAN PENNINGTON: YES, MR. JONES.

21 MEMBER JONES: I JUST HAVE TWO OR THREE VERY
22 SMALL ISSUES THAT I JUST WANT TO BRING OUT, BECAUSE
23 YOU'VE GOT TO GO FOR ANOTHER 15 DAYS, JUST SOMETHING
24 TO THINK ABOUT.

25 ON PAGE 24 OF THE REGS, SECTION 17407-4

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1 WHERE WE TALK ABOUT DUST CONTROL, IS THERE ANY VALUE
2 UNDER -- I GUESS IT WOULD BE LINE 30, IS THERE ANY
3 VALUE TO ADDING THE WORD "UNNECESSARY" IN FRONT OF
4 "HANDLING?"

5 "SHALL MINIMIZE THE HANDLING OF WASTE
6 DURING PROCESSING TO PREVENT THE CREATION OF DUST"
7 COULD CREATE A PROBLEM WHEN YOU'RE TRYING TO DO
8 RECYCLING DEPENDING UPON WHO IS THERE, OR WHO HAPPENS
9 TO BE OPPOSED TO CERTAIN ACTIVITIES? BUT I THINK THE
10 WORD "UNNECESSARY" WOULD ALLOW SOMEBODY TO CONTINUE TO
11 DO THEIR WORK WITHOUT -- YOU KNOW, AND STILL GET WHAT
12 YOU WANT, WHICH IS TO MINIMIZE THE CREATION OF DUST.

13 I DON'T KNOW IF THAT MAKES SENSE, BUT IT
14 JUST MAY HELP IN DEFINING -- IF THAT....

15 MR. BLOCK: I DON'T THINK THAT -- THAT
16 CERTAINLY WOULD CLARIFY THAT, I DON'T THINK IT WOULD
17 CHANGE THE MEANING OF THAT.

18 MEMBER JONES: IT DOESN'T CHANGE IT, IT JUST
19 HELPS WHERE SOMEBODY DOESN'T WANT TO -- YOU KNOW,
20 QUITE MOVING THAT STUFF, YOU'RE RAISING DUST.

21 ON PAGE 29, 17409-2, MR. FRAZEE AND I,
22 IN ONE OF OUR LAST COMMITTEE MEETINGS WERE -- WHEN WE
23 HAD THIS ISSUE, WE TALKED ABOUT -- AT THE END OF LINE
24 14, IT'S: "THE OPERATOR SHALL MAINTAIN A SANITARY AND
25 HAND-WASHING FACILITIES THAT ARE PURSUANT TO

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1 APPLICABLE STATE AND LOCAL REQUIREMENTS IN A CLEAN AND
2 ADEQUATELY-SUPPLIED CONDITION."

3 AND THERE WAS TESTIMONY THAT IF THEY
4 WALKED INTO A REST ROOM AND THERE WAS NO TOILET PAPER
5 THAT'S NOT RIGHT. SURE IT'S NOT RIGHT, BUT IF IT'S IN
6 THE MIDDLE OF THE DAY, RIGHT AFTER A BREAK BEFORE
7 SOMEBODY COULD GET IN THERE, COULD AN LEA WRITE AN
8 OPERATOR BECAUSE SOMEBODY DECIDED TO TAKE SOME OF
9 THOSE THINGS HOME WITH THEM BEFORE THE MAINTENANCE GUY
10 WENT IN AND CLEANED IT UP?

11 IT SOUNDS STUPID, YEAH, THE TYPE OF
12 THINGS THAT PEOPLE THAT GET REGULATED GET A DEAL WITH
13 SOMETIMES. IT JUST KIND OF SCARES ME THAT WE HAVE IT
14 IN OUR REGS, "IN A CLEAN AND ADEQUATELY-SUPPLIED
15 CONDITION." IT NEEDS TO BE THERE SOMETIME DURING THE
16 DAY, I AGREE. BUT THERE'S TIMES OF THE DAY WHERE REST
17 ROOMS GET DIRTY.

18 MR. BLOCK: BUT SUPPOSE WE ADDED THE WORD
19 "REASONABLY" IN FRONT OF THE WORD "CLEAN"?

20 MEMBER JONES: IT WORKS FOR ME. THAT WORKS
21 FOR ME.

22 I MEAN, WE HAD SOMEBODY TESTIFYING THAT
23 HE NEEDED THE RIGHT, SO I JUST BRING IT UP BECAUSE IT
24 GOT HIS ATTENTION.

25 AND THEN I THINK ON THE "ADEQUATELY-

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1 TRAINED," THIS WAS PART OF MY BRIEFING, WHEN WE TALK
2 ON PAGE 31, 17410, ON LINE 16 WHERE IT SAYS:
3 "PERSONNEL WITHIN THE OPERATION OF THE FACILITY SHALL
4 BE ADEQUATELY TRAINED."

5 AND I THINK WE ALL UNDERSTAND THAT
6 TRAINING IS AN ONGOING ISSUE, AND THE GUY THAT STARTS
7 THE -- THE MAN OR WOMAN THAT STARTS THE SECOND DAY HAS
8 A LEVEL OF TRAINING COMMENSURATE WITH SOMEBODY THAT'S
9 BEEN THERE ONE OR TWO DAYS, AS OPPOSED TO WHAT YOU
10 WANT TO SEE THAT PERSON TRAINED TO WHEN THEY'RE DOING
11 THEIR JOB. AND THAT'S -- I DON'T KNOW IF IT IS
12 QUESTIONABLE, IF IT COULD CREATE A PROBLEM. I THINK
13 THERE ARE LEVELS OF TRAINING.

14 THIS SAYS ADEQUATELY TRAINED. THAT IS
15 PRETTY SUBSTANTIVE EXISTING LANGUAGE, BUT WE COULD
16 PROVIDE SOME ADDITIONAL EXPLANATION IN THE STATEMENT
17 OF REASONS, ALONG THE LINES THAT YOU'VE JUST
18 MENTIONED, IF THAT WOULD --

19 MEMBER JONES: IF THE OTHER BOARD MEMBERS --
20 YOU KNOW, I JUST -- I DON'T THINK IT'S REALLY AN
21 ISSUE. I MEAN, IT'S NEVER BEEN AN ISSUE WITH ME, IT
22 WAS JUST SOMETHING THAT KIND OF STUCK OUT WHEN I WAS
23 READING IT.

24 OTHER THAN THAT, I AGREE WITH -- I GOT
25 SOME UNDUE CREDIT EARLIER, I'VE GOT TO TELL YOU, MR.

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1 FRAZEE'S P&E COMMITTEE WITH A CAST OF CHARACTERS
2 SHEPHERDED THIS THING THROUGH, AND I WAS -- I'M GLAD I
3 WAS ABLE TO PARTICIPATE. BUT THE STAFF DID A GREAT
4 JOB ON THIS, SO DID ALL THE STAKEHOLDERS, AND IT
5 WORKED.

6 SO, I DON'T KNOW IF THERE'S ANY OTHER
7 COMMENTS, BUT IF THERE AREN'T --

8 CHAIRMAN PENNINGTON: I'LL ENTERTAIN A
9 MOTION.

10 MEMBER JONES: -- I'LL MAKE A MOTION THAT WE
11 DO OUR FINAL 15-DAY -- NOW, I UNDERSTAND IT HAS TO GO
12 OUT FOR ANOTHER 15 DAYS, FOR ME IT'S FINE, BUT....

13 DOES IT HAVE TO GO OUT FOR ANOTHER 15
14 DAYS?

15 MR. BLOCK: YEAH. THE STANDARD FOR DOING A
16 15-DAY COMMENT PERIOD IS FAIRLY LOW. IT'S NOT THAT
17 THE CHANGE IS SIGNIFICANT, IT'S THAT IT CHANGES A
18 SUBSTANTIVE RIGHT IN SOME FORM OR ANOTHER. SO,
19 BASICALLY, UNLESS IT'S CLERICAL OR SOME SORT OF
20 CLARIFICATION --

21 MEMBER JONES: OKAY.

22 MR. BLOCK: -- BUT, IT'S ACTUALLY CHANGING
23 THE STANDARD AT ALL. FOR INSTANCE, THE SANITARY
24 FACILITIES ONE IS A CHANGE FROM THE LAST TIME. WE DO
25 NEED TO GO TO 15-DAY.

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1 MEMBER JONES: OKAY. I WILL MAKE THE MOTION,
2 THEN, THAT WE DO THE 15-DAY --

3 CHAIRMAN PENNINGTON: OKAY. YOU ARE MOVING
4 THE OPTION FOR -- YOU'RE MOVING THAT THE MODIFIED
5 PROPOSED REGULATIONS AS RECOMMENDED BY STAFF NOTICE
6 THOSE REGULATIONS FOR AN ADDITIONAL 15-DAY PUBLIC
7 REVIEW AND COMMENT PERIOD?

8 MEMBER JONES: YES, I AM.

9 CHAIRMAN PENNINGTON: OKAY. SO MOVED --

10 MEMBER FRAZEE: JUST PROCEDURALLY, THIS WAS
11 ALSO THE ADOPTION OF THE NEGATIVE DEC. WE'VE ALWAYS
12 IN THE PAST DONE THAT IN A SEPARATE MOTION, AND IT'S
13 CONTAINED IN A SINGLE RESOLUTION THIS TIME. IS THAT -
14 -

15 MR. BLOCK: ACTUALLY, LET ME SAY, THE REASON
16 THAT THAT APPEARS IN THE ITEM AND IS IN THE TITLE IS
17 BECAUSE WE PROVIDED OPTIONS FOR THE BOARD IN CASE THE
18 BOARD WAS READY TO NOT MAKE ANY CHANGES AND JUST ADOPT
19 TODAY.

20 MEMBER FRAZEE: OH, I SEE. BUT YOU DON'T
21 NEED TO ADOPT THE NEGATIVE DEC TODAY --

22 MR. BLOCK: EXACTLY. IT'S IN THE TITLE SO
23 THAT YOU HAD THAT OPTION, BUT WE DON'T NEED THAT
24 TODAY.

25 MEMBER FRAZEE: OH, I SEE. OKAY.

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1 CHAIRMAN PENNINGTON: OKAY. SO I NEED A
2 SECOND.

3 MEMBER FRAZEE: I'LL SECOND.

4 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN MOVED
5 AND SECONDED THAT WE SUBMIT THE REGULATIONS FOR AN
6 ADDITIONAL 15-DAY PUBLIC REVIEW AND COMMENT PERIOD.

7 IF THERE'S NO FURTHER DISCUSSION, WILL
8 THE SECRETARY CALL THE ROLL, PLEASE?

9 THE SECRETARY: BOARD MEMBER EATON?

10 MEMBER EATON: AYE.

11 THE SECRETARY: FRAZEE?

12 MEMBER FRAZEE: AYE.

13 THE SECRETARY: JONES?

14 MEMBER JONES: AYE.

15 THE SECRETARY: CHAIRMAN PENNINGTON?

16 CHAIRMAN PENNINGTON: AYE.

17 THE MOTION CARRIES.

18 WE MOVE TO ITEM 15. BEFORE WE DO THAT,
19 CAN WE TAKE ABOUT A 10-MINUTE BREAK, AND WE'LL BE BACK
20 AT 4:00?

21 (OFF THE RECORD; BRIEF RECESS.)

22 CHAIRMAN PENNINGTON: OKAY. WE'RE BACK IN
23 SESSION HERE.

24 WE'RE GOING TO DO A LITTLE REARRANGING
25 AROUND. FOR THOSE OF YOU WHO ARE HERE FOR THE

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1 CONTRACT CONCEPTS, WHICH WAS ITEM NUMBER SIX, WE ARE
2 GOING TO POSTPONE THAT UNTIL THE SEPTEMBER 10TH
3 MEETING SO THAT WE CAN GET OUT OF HERE. WE HAVE
4 CONSTRAINTS FOR PEOPLE TO LEAVE BY FIVE O'CLOCK, SO WE
5 NEED TO DO THAT. AND TRY TO GET THE REST OF THE STUFF
6 DONE TODAY.

7 SO, WE'RE AT THE NEXT -- ITEM 15, WHICH
8 IS AN ORAL PRESENTATION OF THE VERTICAL EXPANSION OF
9 MUNICIPAL SOLID WASTE LANDFILLS. ANDERSON, *ET AL.*

10 MEMBER FRAZEE: MOTION TO SAVE THIS ONE FOR
11 SANTA BARBARA SO PAUL WILLIS COULD HEAR IT.

12 CHAIRMAN PENNINGTON: YES. THAT'S TRUE.

13 MEMBER EATON: WE STILL HAVE TIME.

14 CHAIRMAN PENNINGTON: WE SHOULD HAVE AT LEAST
15 VIDEOD IT AND SENT IT TO HIM.

16 AGENDA ITEM NO. 15: ORAL PRESENTATION OF THE
17 VERTICAL EXPANSION OF MUNICIPAL SOLID WASTE
18 LANDFILLS

19 MR. ANDERSON: GOOD AFTERNOON, CHAIRMAN
20 PENNINGTON AND BOARD MEMBERS. I'M BOB ANDERSON FROM
21 THE CLOSURE, REMEDIATION AND TECHNICAL SERVICES BRANCH
22 OF THE WASTE MANAGEMENT BOARD.

23 AND MY BRANCH WAS ASKED SEVERAL
24 MONTHS AGO BY FORMER BOARD MEMBER REIS TO BRING A ITEM
25 ON VERTICAL EXPANSIONS BEFORE THE BOARD. IT'S AN

1 INFORMATIONAL ITEM. AND THE ISSUE THAT REALLY
2 UNDERLIES THIS PARTICULAR ITEM HAPPENS TO DEAL WITH
3 LINERS, AND THE REQUIREMENTS FOR HAVING LINERS, WHICH
4 IS NOW UNDER THE REGIONAL WATER QUALITY CONTROL BOARD,
5 STATE WATER BOARD VENUE FOR CALIFORNIA.

6 WHAT WE'RE LOOKING AT IS WHY DO WE HAVE
7 LINERS FOR LATERAL EXPANSIONS VERSUS WHY DON'T WE
8 HAVE, UNDER REGULATORY AUTHORITY THROUGH THE WATER
9 BOARD OR THROUGH OURSELVES, A REQUIREMENT FOR A LINER
10 FOR VERTICAL EXPANSION, ESPECIALLY FOR SOME OF THE
11 OLDER SITES THAT HAVE NO LINER WHATSOEVER.

12 SO, WITH THAT AS A LITTLE BACKGROUND TO
13 THIS, I'D LIKE TO TRY TO GET THIS GOING HERE. LET'S
14 SEE, FOR THE FIRST....

15 OKAY. WHAT WE HAVE HERE IS THE
16 INTRODUCTION. ONE OF THE THINGS I'D LIKE TO BRING
17 OUT, FIRST AND FOREMOST, IS PEOPLE TOSS AROUND THE
18 TERM, PHRASE "VERTICAL EXPANSION" ALL THE TIME
19 THROUGHOUT CALIFORNIA AND THE UNITED STATES, WHILE AS
20 THERE IS NO DEFINITION UNDER CALIFORNIA CODE OF
21 REGULATIONS NOR SUBTITLE D OF THE CODE OF FEDERAL
22 REGULATIONS FOR WHAT IS A VERTICAL EXPANSION.

23 SO, WITH THIS IN MIND, I CAME UP WITH MY
24 OWN WORKING VERTICAL EXPANSION DEFINITION. THIS IS
25 INFORMATIONAL ONLY, THERE IS NO KIND OF BINDING

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1 AGREEMENT TO WHAT THIS DEFINITION REALLY IS. THAT IS
2 THE PLACEMENT OF WASTE OVER AN EXISTING FOOTPRINT OF A
3 LANDFILL, UP TO A CERTAIN MAXIMUM ELEVATION, AFTER
4 CONSIDERATION OF CERTAIN PARAMETERS. AND THESE ARE
5 RELATIVE TO CEQA, RELATIVE TO HEALTH AND SAFETY, AND
6 RELATIVE TO GEOTECHNICAL CHARACTERISTICS OF YOUR SITE.

7 AND, ALSO, ONE OF THE KEY ELEMENTS OF
8 THIS IS RELATIVE TO THE ESTABLISHMENT OF ADDITIONAL
9 CAPACITY WITHIN A COMMUNITY WITHOUT THE BURDENSOME
10 EXPENSE OF PLACING A LINER DOWN AT A SITE.

11 YOU'LL SEE THAT THERE'S A COUPLE OF
12 EXCEPTIONS TO THAT, WHERE THE WATER BOARDS HAVE
13 REQUIRED A LINER AND LCRSS FOR CERTAIN EXPANSIONS,
14 VERTICAL EXPANSIONS, SO.

15 OKAY. THERE'S TWO PRINCIPAL TYPES OF
16 VERTICAL EXPANSIONS. WE SAID BASICALLY WHAT A
17 VERTICAL EXPANSION WAS. WHAT WE HAVE IS WHERE YOU
18 HAVE VERTICAL EXPANSION OVER THE LANDFILL ITSELF,
19 EXISTING LANDFILL.

20 ANOTHER ONE THAT WE COINED IS AN ON-LAP
21 VERTICAL EXPANSION. IF YOU THINK BACK TO OUR
22 WOODWORKING DAYS AND SUCH, THAT ON-LAP TYPE JOINT,
23 WHAT YOU HAVE IS YOU HAVE LATERAL EXPANSION THAT HAS A
24 VERTICAL COMPONENT TO IT, AND THAT VERTICAL COMPONENT
25 HAPPENS TO OVERLY EXISTING WASTES, BE IT LINED OR

1 UNLINED. AND TYPICALLY YOU WOULD HAVE THE LATERAL
2 EXPANSION -- NOWADAYS, UNDER THE SUBTITLE D AND TITLE
3 27, WOULD BE REQUIRED TO BE LINED. AND POSSIBLE THE
4 OVERLAPPED AREA BETWEEN THE TWO CELLS WOULD ALSO BE
5 LINED. THAT'S A WATER BOARD CALL.

6 OKAY. HERE'S COMPARISON CONTRASTS
7 BETWEEN THE TWO TYPES OF EXPANSIONS. AND YOU HAVE NO
8 CHANGES IN THE PLANNED VIEW OF THE FOOTPRINT FOR
9 VERTICAL EXPANSION, A TRUE VERTICAL EXPANSION.
10 WHEREAS, YOU HAVE A CHANGE TO THE FOOTPRINT OF THE
11 LANDFILL FOR A LATERAL EXPANSION.

12 NOW, THERE'S NO LINER REQUIRED FOR --
13 GENERALLY FOR A VERTICAL EXPANSION UNDER SUBTITLE D.
14 THAT'S DEBATABLE BY THE REGIONAL WATER QUALITY CONTROL
15 BOARD, AND IT DEPENDS ON THE CIRCUMSTANCES FOR A SITE.

16 WE HAVE A NUMBER OF SITES -- THREE SITES THAT I'LL
17 TALK ABOUT THAT DO HAVE LINERS INSTALLED. AND, THAT
18 WAS DRIVEN BY THE REGIONAL WATER QUALITY CONTROL
19 BOARD.

20 AND WHAT WE'RE LOOKING AT HERE IS A
21 BENEFIT OF WHY THE HECK WE HAVE THIS. WE HAVE AN
22 EFFICIENT USE OF AIR SPACE AT A SITE WITHOUT GOING
23 THROUGH ALL THE TEDIOUS PROCESSES FOR PERMITTING A
24 BRAND-NEW LANDFILL ON AN ADJACENT CELL AT AN EXISTING
25 SITE, SO.

1 OKAY. WE JUST HAD A DEAD -- THAT WAS
2 SUPPOSED TO BE A PICTURE OF SOME CROSS-SECTIONS. WHAT
3 WE HAVE HERE IS -- JUST TO LIVEN THINGS UP A LITTLE
4 BIT -- AND I HAVE A WONDERFUL SECRETARY THAT KNOWS ALL
5 THE INS AND OUTS OF THIS, BUT I DON'T -- IS AN EXCEL
6 SPREADSHEET TALKING ABOUT NINE DIFFERENT SITES
7 RELATIVE TO VARIOUS ASPECTS IN VERTICAL EXPANSION.
8 AND I'D LIKE TO POINT OUT TWO OF THEM, IN THE INTEREST
9 OF TIME HERE.

10 THE FIRST ONE IS SAN MARCOS LANDFILL --
11 THIS WAS A LINER SITE THAT HAD A INTERMEDIATE COVER
12 LINER COMPACTICALLY COVER REQUIRED IN A LCRS, IT'S ONE
13 OF THREE SITES THAT WE'VE BEEN TRACKING IN THE STATE
14 THAT HAVE INTERMEDIATE LINERS THAT ARE ACTUALLY
15 INSTALLED AND ARE OPERATING AT THIS TIME -- HAD
16 PROPOSED A 200-FOOT VERTICAL EXPANSION. THEY BUILT
17 ABOUT 50 FOOT (SIC) OF THAT EXPANSION OUT AND THEN
18 THEY TERMINATED OPERATIONS OUT THERE AS THE
19 CONDITIONAL USE PERMIT WAS PULLED, A NUMBER OF YEARS
20 AGO.

21 AND THEN I'D LIKE TO TALK ABOUT THE
22 TOLAND ROAD LANDFILL. HOPEFULLY, WE'RE GOING TO HAVE
23 SOME AIR PHOTOS OF THIS SITE. IT'S A VERTICAL
24 EXPANSION WITH A LATERAL COMPONENT TO IT, SO IT'S SORT
25 OF BACKWARDS FROM YOUR TYPICAL LATERAL EXPANSION.

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1 BUT, IN FACT, IT STILL IS UNDER THE REQUIREMENTS OF
2 LATERAL EXPANSION UNDER THE REGIONAL WATER QUALITY
3 CONTROL BOARD IN SUBTITLE D.

4 TOLAND LANDFILL IS OUR LARGEST EXPANSION
5 THAT WE HAVE SO FAR IN CALIFORNIA RELATIVE TO THE NEW
6 REQUIREMENTS UNDER SUBTITLE D. IT'S A 24 MILLION
7 CUBIC YARD EXPANSION. AND ALSO HAD TO DO WITH SOME
8 SITING ELEMENTS RELEVANT TO THE SITE GEOLOGY, IN AS
9 MUCH AS THEY THOUGHT THERE WAS AN ACTIVE FAULT THERE.

10 AND IT TURNS OUT TO BE THAT THE WATER BOARD HAS SAID
11 THAT THEY DON'T THINK IT'S ACTIVE, SO THEY COULD GO
12 AHEAD AND GO WITH THE EXPANSION.

13 BUT, AGAIN, 31 YEARS' MORE CAPACITY.
14 IT'S THE SECOND SITE THAT HAS COMPACTED CLAY,
15 INTERMEDIATE LINER, WITH A COMPOSITE LINER ON THE SIDE
16 SLOPES OF THE CANYON.

17 SO, HOPEFULLY, WE'LL SEE A PICTURE HERE.

18 HERE IS A 1995 AERIAL OBLIQUE PHOTO OF THE TOLAND
19 LANDFILL IN VENTURA COUNTY. AND WHAT WE HAVE HERE IS
20 WITHIN -- WELL, LET'S SEE HERE. I WAS GOING THROUGH
21 HERE -- RIGHT IN HERE YOU CAN SEE WHERE THE LANDFILL
22 IS RIGHT HERE. AND THEN WE'RE GOING TO FILL UP
23 AGAINST THE SIDE OF THIS CANYON WALL, UP IN THROUGH
24 HERE AND OVER TO THE SIDES HERE.

25 NOW WE'RE GOING TO HAVE AN AERIAL PHOTO,

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1 HOPEFULLY, OF 1997. RIGHT THERE. AND THIS IS A PHOTO
2 OF THE SAME SITE TWO YEARS LATER, WHERE THEY ACTUALLY
3 HAD PUT THEIR COMPACTED CLAY LINER DOWN. AND YOU CAN
4 SEE -- AT THE EDGE OF THE CANYON WALL YOU CAN SEE
5 WHERE THEY ACTUALLY HAVE FLEXIBLE MEMBRANE LINER
6 INSTALLED AT THAT SITE, AND CLAY WITH IT. SO, YOU
7 HAVE YOUR COMPOSITE LINER ON THE SIDE SLOPE OF THE
8 CANYON, SO.

9 WE HAVE A COUPLE CONSIDERATIONS THAT MY
10 BRANCH PARTICULARLY LOOKS AT WITH THE LEAS, IT HELPS
11 THE LEAS, AND IN SOME CASES WE LOOK AT THEM JOINTLY
12 WITH THE REGIONAL WATER QUALITY BOARDS NOW, SUCH AS
13 FOUNDATION ISSUES.

14 LIKE AT TRI-CITIES LANDFILL WHERE
15 THERE'S SETTLEMENT SIGNIFICANTLY INTO BAY MUDS, OR AT
16 TOLAND LANDFILL WHERE THERE'S SLOPE STABILITY ISSUES,
17 POSSIBLY WITH AN ACTIVE FAULT OR A HIGH, STRONG MOTION
18 AT THE SITE. YOU HAVE INTEGRITY OF INTERMEDIATE
19 LINERS AND LEECHATE COLLECTION CONTROL SYSTEMS. WE
20 HAVE THREE SITES LIKE THAT RIGHT NOW. ALL THREE SEEM
21 TO BE WORKING. WE HAVEN'T DONE ANY FORENSICS ON ANY
22 OF THEM, AND HOPEFULLY WE WON'T FOR A WHILE, TO SEE
23 HOW THINGS ARE GOING ALONG. BUT, SO FAR, SO GOOD.

24 DRAINAGE AND EROSION CONTROL ISSUES
25 CHANGE AT A SITE BECAUSE YOU HAVE MORE SURFACE AREA TO

1 CONTEND WITH, AND YOU CAN HAVE THAT MUCH MORE SURFACE
2 WATER DRAINAGE TO HAVE TO DEAL WITH.

3 THEN YOU HAVE LANDFILL GAS CONTROL AS
4 YOU INCREASE THE SIZE -- ESPECIALLY LIKE TOLAND
5 LANDFILL -- 24 MILLION CUBIC YARDS IS THE EQUIVALENT
6 UNDER THE NSPS EP OR EG ROLLS OF ABOUT SEVEN NEW
7 LANDFILLS, MINIMUM-SIZED LANDFILLS. SO, IF YOU THINK
8 OF THAT, THAT PARTICULAR SITE HAD A SIGNIFICANT AMOUNT
9 OF POTENTIAL GAS GENERATION TO CONTEND WITH.

10 FILL SEQUENCING AND CONSTRUCTION IS
11 CRITICAL HERE. AND WHAT WE'RE LOOKING AT IS SOMETHING
12 THAT THE WATER BOARD DOESN'T NECESSARILY LOOK AT SO
13 MUCH AS WE DO, BECAUSE THERE ARE CERTAIN SLIVER FILLS
14 AND OTHER AREAS THAT YOU DON'T WANT TO BUILD YOURSELF
15 INTO A CORNER WHERE YOU'RE TRYING TO DO YOUR
16 EXPANSION, MAKE SURE YOU HAVE ENOUGH ROOM TO OPERATE
17 YOUR SITE DURING AN EXPANSION. SORT OF LIKE KELLER
18 CANYON'S DOING WITH THEIR LATERAL EXPANSION UP-CANYON
19 RIGHT NOW.

20 CEQA AND LOCAL ISSUES, IT COMES TO
21 KIEFER LANDFILL. KIEFER IS A LARGE LANDFILL IN
22 SACRAMENTO COUNTY, HERE IN OUR HOME COUNTY. IT TURNS
23 OUT TO BE THEY ARE GOING UP TO A 450-FOOT MSL, ABOVE
24 MEAN SEA LEVEL WITH THEIR EXPANSION.

25 FOLKS FROM RANCHO MYRUETA COMPLAINED TO

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1 THE COUNTY AND SAID THAT WE DON'T LIKE THE VIEW SHED
2 THAT THAT WOULD IMPACT OUT THERE, WE WANT TO KEEP OUR
3 VIEW SHED NICE OUT THERE. AND AT LEAST FOR NOW THEY
4 STOPPED VERTICAL EXPANSION. KIEFER'S DOING LATERAL
5 EXPANSION AND MAY COME BACK TO US FOR A VERTICAL IN
6 THE FUTURE, BUT FOR NOW THEY'VE GOT IT STOPPED.

7 SITE CAPACITY AND LONGEVITY. AS THE
8 INCREASED VERTICAL -- THIS IS THE WHOLE SECRET, WHY
9 ARE WE DOING THIS? ASK YOURSELF WHY, THE QUESTION.
10 EVERYBODY LIKES THAT. IT'S JUST REAL EXPENSIVE TO DO
11 THIS. YOU LIKE THE SITE CAPACITY AND LONGEVITY, THE
12 MORE SITE CAPACITY YOU HAVE WITH WHATEVER KIND OF RATE
13 THAT YOU HAVE FOR A TIPPING FEE GIVES YOU ADDITIONAL
14 REVENUE TO PAY FOR OTHER KINDS OF ACTIVITY, INCLUDING
15 CLOSURE.

16 ALSO IT HELPS MEET ONE OF THE
17 REQUIREMENTS BY THE WASTE MANAGEMENT BOARD OF HAVING
18 ENOUGH CAPACITY IN A COUNTY, HOPEFULLY, BETWEEN THE
19 VARIOUS SITES THAT YOU HAVE TO MEET THE BASIC AMOUNT
20 OF CAPACITY REQUIREMENTS FOR THAT PARTICULAR LOCATION.

21 CLOSURE/POST-CLOSURE COSTS, AS YOU
22 CHANGE THE SIZE OF THE SITE, WITH A GAS SYSTEM, WITH
23 DRAINAGE/EROSION CONTROL AND STABILITY, AND OTHER
24 ISSUES, IT SIGNIFICANTLY IMPACTS THE COST. IT ALSO
25 AFFECTS THE RATE OF FUNDING FOR CLOSURE AND POST-

1 CLOSURE.

2 AND, I JUST HAVE ONE OR TWO MORE SLIDES
3 LEFT HERE. WELL, THE BIG THING, THE KEY TO LOOK AT IN
4 THE FUTURE FOR US RIGHT NOW, IS INTERMEDIATE LINERS
5 AND LCRSS.

6 THE QUESTION THAT COMES BACK, WHAT MR.
7 CHANDLER HAD TALKED TO ME AT THE SITE EARLIER, AND WHY
8 ARE WE LOOKING AT THIS IN THE FIRST PLACE, IS WHY DO
9 WE HAVE SOME SITES AND THE CONCERN FOR LINERS OVER
10 VERTICAL EXPANSIONS AS AN INTERMEDIATE LINER, AND WHY
11 DO WE HAVE LINERS ON A LATERAL EXPANSION, ON
12 ENGINEERED GROUND OFF TO THE SIDE.

13 IT TURNS OUT TO BE, WHAT THE SITE
14 EXPECTS SIGNIFICANT DEFORMATION, ESPECIALLY IF YOU HAD
15 100, 200, 300 FOOT OF FILL OVER AN EXISTING
16 INTERMEDIATE LINER. AND AS THAT SITE SETTLES AND
17 DEFORMS THAT LINER'S INTEGRITY CAN BE COMPROMISED
18 SEVERELY.

19 THE QUESTION IS, IS THE LCRS SYSTEM
20 STILL WORKING EVEN THOUGH THE LINER MAY BE SEVERELY
21 DEFORMED. AND THAT'S THE KEY RIGHT THERE. IT'S A
22 PERFORMANCE ISSUE, IT'S NO LONGER PRESCRIPTIVE. AND
23 IN MY VIEW, AS A STAFF PERSON, I DON'T SEE
24 PRESCRIPTIVE A LINER PERFORMANCE IS THE ISSUE, IT'S
25 WHAT ARE WE GETTING THE LCRS. DO WE HAVE ENOUGH

1 PROTECTION, ENOUGH GAS GENERATION, ENOUGH GAS THAT WE
2 CAN RECOVER IT TO MAKE IT WORTH WHILE TO HAVE A LINER
3 IN THERE. OTHERWISE, MAYBE THE ANSWER IS NO LINER,
4 IT'S A WASTE OF MONEY.

5 THAT'S BASICALLY IT. A SUMMARY SLIDE
6 HERE, CONCLUSIONS. VERTICAL EXPANSIONS HELP MEET THE
7 NEED FOR THE COUNTY TO HAVE ENOUGH CAPACITY IN THEIR
8 AREA, IN ORDER TO MEET THE REQUIREMENTS BY THE WASTE
9 MANAGEMENT BOARD, AND ALSO TO SET ASIDE FUTURE
10 PLANNING FOR -- AND SET ASIDE WHERE WE DON'T HAVE TO
11 SITE A NEW LANDFILL ADDITIONALLY INTO THE COUNTY.

12 WE'RE ALSO CONTINUING TO MONITOR THIS KIND OF
13 ACTIVITY IN THE FUTURE. WE HAVE 11 SITES THAT WE'RE
14 LOOKING AT RIGHT NOW.

15 I'LL TAKE ANY QUESTIONS.

16 CHAIRMAN PENNINGTON: QUESTIONS?

17 MEMBER FRAZEE: MR. CHAIR?

18 CHAIRMAN PENNINGTON: YES, MR. FRAZEE?

19 MEMBER FRAZEE: THE SANTA MONICA SITE THAT
20 YOU MENTIONED, IS THAT BOTH A COMPOSITE AND A CLAY
21 CAP?

22 MR. ANDERSON: NO, SIR. IT'S A COMPACTED
23 CLAY LINER THAT HAS A LCRS SYSTEM IN IT. AND A LCRS
24 SYSTEM'S A LEACHER COLLECTION RECOVERY SYSTEM, IT
25 WASN'T A COMPOSITE.

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1 THAT HAD DIFFERENT AVENUES THAT THEY
2 WERE LOOKING AT, AT THAT TIME, INCLUDING WHAT I CALL
3 THE PANCAKE LINING, WHICH THEY WOULD HAVE VARIOUS
4 INTERMEDIATE LINERS OVER ABOVE ONE ANOTHER, AND THEY
5 NEVER DID THAT. IT WAS COMPACTED CLAY LINER.

6

7 MEMBER FRAZEE: AND YOU RECALL THE CONTENTION
8 ON THAT ONE WAS BECAUSE OF UNEVEN COMPACTION AND
9 SETTLING, THAT THE INTEGRITY OF THAT CAP WAS NOT VALID
10 --

11 MR. ANDERSON: AND THAT'S WHAT I WAS TRYING
12 TO POINT OUT --

13 MEMBER FRAZEE: -- IS THERE ANY WAY OF
14 DETERMINING THAT?

15 MR. ANDERSON: THE BASIC WAY TO LOOK AT THIS
16 WITHOUT ACTUALLY DIGGING IT UP RIGHT NOW IS TO WATCH
17 THE PERFORMANCE OF THE LEECHATE COLLECTION RECOVERY
18 SYSTEM. AND AS THAT PERFORMS OVER TIME -- AND, THAT
19 IS WHAT WE HAVE TO GAUGE ON ANYTHING. IT'S ALL
20 RELATIVE TO ITS OWN PERFORMANCE INTERNALLY. SO YOU
21 HAVE TO WATCH IT RELATIVE TO ITSELF.

22 THE LINER ISSUE YOU CAN'T REALLY JUDGE
23 UNLESS YOU DUG IT UP. AND THAT'S NOT REALLY PRACTICAL
24 AT THAT SITE.

25 MEMBER FRAZEE: YEAH. YEAH.

1 AND THEN, DO YOU HAVE -- IF IT DOES
2 RETAIN ITS INTEGRITY, THEN DO YOU CREATE A DOME -- A
3 METHANE-CAPTURED POCKET?

4 MR. ANDERSON: YES, SIR. IT TURNS OUT TO BE
5 --

6 MEMBER FRAZEE: WHERE IT EXTENDS THE LIFE OF
7 THE NEED TO MAINTAIN THE LANDFILL WITH SLOWING DOWN
8 THE METHANE PRODUCTION?

9 MR. ANDERSON: NO, SIR. THINK OF IT AS A
10 TWO-COMPONENT SANDWICH, IF YOU WILL, WHERE YOU HAVE
11 MEAT ON THE TOP, THEN YOU HAVE CHEESE, AND MEAT ON THE
12 BOTTOM KIND OF THING. AND WHAT YOU'RE LOOKING AT
13 HERE, ON THE TOP PART IT GENERATES ITS OWN GAS, ON THE
14 BOTTOM THERE'S SO MUCH MOISTURE IN THAT FILL ANYWAY
15 THAT IT'LL GENERATE TO A CERTAIN POINT ITS OWN GAS AT
16 ITS OWN RATE. OKAY?

17 YOU CAN TRAP GAS UNDER THE LINER SYSTEM.
18 THE POINT IS THAT YOU HAVE GAS COLLECTION CONTROL
19 ELEMENTS THAT WOULD EXTRACT THAT GAS, AND IN SOME
20 CASES USE THAT FOR PRODUCTION OF ENERGY, OR JUST FLARE
21 IT OFF.

22 SO, IT DOESN'T NECESSARILY PROLONG THE
23 GAS ISSUE *AD INFINITUM*, BUT IT MIGHT PROLONG IT
24 SLIGHTLY. WE DON'T KNOW YET, AND THAT'S ANOTHER THING
25 TO LOOK AT.

1 THE OTHER THING TO LOOK AT IS FOR THESE
2 INTERMEDIATE LINERS, IS THOSE ARE BUILT IN PLANES THAT
3 MAY BE PRONE TO SLOPE FAILURES, AND THAT'S SOMETHING
4 THAT REALLY WORRIES ME AS A PERSON THAT WORKS IN THE
5 BRANCH, SO.

6 MEMBER FRAZEE: SO MY LAYMAN'S CONCLUSION IS,
7 THAT YOU'RE BETTER OFF WITHOUT A CAP BETWEEN -- FOR
8 VERTICAL EXPANSION THAN YOU ARE WITH ONE.

9 MR. ANDERSON: THERE MAY BE SOME VERY VALID
10 LOGIC BEHIND THAT. RIGHT NOW THAT'S A WATER BOARD
11 CALL, AND THERE MIGHT BE ISSUES OTHER THAN JUST
12 TECHNICAL ISSUES THAT DRIVE THAT. AND THEY WOULD HAVE
13 TO BE CONSIDERED, AS WELL.

14 CHAIRMAN PENNINGTON: VERY GOOD. ANY OTHER
15 QUESTIONS?

16 THANK YOU, MR. ANDERSON.

17 MR. ANDERSON: THANK YOU.

18 CHAIRMAN PENNINGTON: WE'RE SORRY TO HAVE
19 KEPT YOU OVER FOR THREE TIMES.

20 OKAY. NOW WE'LL MOVE TO ITEM 16,
21 CONSIDERATION OF THE PROPOSED 1998 WASTE REDUCTION
22 AWARDS PROGRAM. CAREN TRGOVCICH. OKAY, JEFF IS GOING
23 TO DO IT.

24 AGENDA ITEM NO. 16: CONSIDERATION OF THE PROPOSED
25 1998 WASTE REDUCTION AWARDS PROGRAM

1 MR. HUNTS: GOOD AFTERNOON, MR.
2 CHAIRMAN, BOARD MEMBERS. MY NAME IS JEFF HUNTS, I'M
3 THE SUPERVISOR OF THE BUSINESS RESOURCE EFFICIENCY
4 SECTION. AND WITH ME TODAY IS LINDA HENNESSEY, THE
5 MANAGER/COORDINATOR OF THE WASTE REDUCTION AWARDS
6 PROGRAM.

7 THIS ITEM IS THE BOARD'S CONSIDERATION
8 OF THE PROPOSED LIST OF 1998 WASTE REDUCTION AWARD
9 PROGRAM, OR WRAP, WINNERS.

10 I DO WANT TO NOTE RIGHT UP FRONT, THE
11 MIDDLE PARAGRAPH WITHIN YOUR PACKAGE ON THE SUMMARY,
12 WHERE IT SAYS THE LIST OF WRAP WINNERS HAS GONE TO P&E
13 FOR A REVIEW. AND IT DETERMINED THERE WERE (SIC) NO
14 EXISTING P&E COMPLIANCE ISSUE THAT SHOULD HAVE READ
15 THAT IT WENT TO P&E TO DETERMINE IF THERE WERE ANY
16 COMPLIANCE ISSUES.

17 HAVING SAID THAT, 1998 WAS AN
18 OUTSTANDING YEAR FOR THE WASTE REDUCTION AWARDS
19 PROGRAM. THE WASTE REDUCTION AWARDS PROGRAM WAS
20 ESTABLISHED IN 1993 BY THE CALIFORNIA INTEGRATED WASTE
21 MANAGEMENT BOARD TO RECOGNIZE CALIFORNIA BUSINESSES
22 THAT HAVE MADE SPECIAL EFFORTS TO REDUCE NONHAZARDOUS
23 WASTE AND SEND LESS GARBAGE TO LANDFILLS.

24 SUCCESSFUL APPLICANTS RECEIVE PROMOTION
25 VIA BOARD PRESS RELEASES, THEY RECEIVE A CERTIFICATE

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1 FROM THE WASTE MANAGEMENT BOARD, CAMERA-READY ART THAT
2 THEY CAN USE IN ADVERTISING AND ON PRODUCTS, AND
3 EDUCATIONAL MATERIALS, AS WELL AS A STICKER THAT THEY
4 CAN PUT ON THE WINDOW OF THEIR OPERATION. MOST OF
5 ALL, THEY'RE RECEIVING IMPLICIT ENDORSEMENT FROM THE
6 STATE FOR THEIR ACTIVITIES.

7 THE SCORING NECESSARY FOR BUSINESSES TO
8 FILL OUT AN APPLICATION. THE SCORING NECESSARY TO WIN
9 THIS YEAR WAS 75 PERCENT. IT'S WORTH NOTING THAT OVER
10 THE YEARS THE OVERALL SCORES HAVE -- THE AVERAGE
11 SCORES CONTINUE TO INCREASE.

12 AS I NOTED UP FRONT IN THE PRESENTATION,
13 WE SEND THE LIST OF PROPOSED WINNERS TO THE PERMITTING
14 AND ENFORCEMENT DIVISION TO DETERMINE WHETHER THERE
15 ARE ANY OUTSTANDING PERMITTING ENFORCEMENT ISSUES
16 ASSOCIATED WITH ANY OF THE APPLICANT BUSINESSES THAT
17 SHOULD PRECLUDE POTENTIAL WINNERS FROM BEING
18 RECOGNIZED AS WRAP WINNERS. THAT REVIEW WAS DONE.

19 THIS YEAR THERE WERE 403 APPLICANTS --
20 WELL, I'LL GET INTO THAT IN JUST A SECOND. WE HAVE
21 RECEIVED 403 APPLICANTS. OF THOSE ONLY FOUR WERE
22 CONSIDERED NON-WINNERS, WE DON'T LIKE TO USE THE TERM
23 "LOSER" -- NON-WINNERS BY SCORING. IN FACT, I THINK
24 WELL OVER -- OR, NEARLY 60 PERCENT OF OUR APPLICANTS
25 SCORED 90 PERCENT OR ABOVE. ONE APPLICANT WAS DEEMED

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1 NON-ELIGIBLE, IT WAS A LOCAL GOVERNMENT. AND TWO WRAP
2 APPLICANTS WERE RECOMMENDED BY THE PERMITTING AND
3 ENFORCEMENT DIVISION TO NOT BE RECOGNIZED AT THIS TIME
4 AS WASTE REDUCTION AWARD PROGRAM WINNERS. SO, ON
5 ATTACHMENT 1 IN FRONT OF YOU WE HAVE 396 WINNERS.

6 SOMETHING THAT CAME UP YESTERDAY, AFTER
7 ALL BRIEFINGS WERE CONCLUDED, WAS TWO PHONE CALLS,
8 INTERESTING PHONE CALLS FROM TWO SEPARATE BUSINESSES,
9 ONE TO OUR CONTRACTOR, ONE TO BOARD STAFF, INQUIRING
10 ABOUT THE STATUS OF THE PROGRAM AND WHETHER OR NOT
11 THEY WERE WINNERS. AND WHILE WE DO HAVE RECORDS IN
12 OUR DATABASE THAT THEY -- WE HAD SENT THESE BUSINESSES
13 AN APPLICATION WE HAVE NO RECORD OF RECEIVING AN
14 APPLICATION FROM THEM. THESE BUSINESSES FAXED US
15 THEIR COVER LETTER THAT THEY HAD SENT IN. WE HAVE
16 EVERY REASON TO BELIEVE THAT THEY DID SUBMIT AN
17 APPLICATION ON TIME. WE DON'T HAVE IT, IT'S LOST IN
18 THE MAIL.

19 SO, WHAT WE'D LIKE TO BUILD IN AS PART
20 OF THE BOARD MOTION IS THE AUTHORIZATION OF STAFF TO
21 PROCESS THESE SUBSEQUENT APPLICATIONS THAT AREN'T
22 CONTAINED IN THE LIST IN FRONT OF YOU, AND PERHAPS ANY
23 OTHERS THAT SHOULD POP UP, HOPEFULLY NOT, PUT THEM
24 THROUGH OUR REVIEW, OUR SCORING, AND P&E REVIEW, AND
25 ADD THEM TO THE LIST OF WINNERS IN THE NEAR FUTURE.

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1 I JUST WANTED TO COVER A FEW
2 ENHANCEMENTS TO THE PROGRAM THIS YEAR. I KNOW IT'S
3 BEEN A LONG DAY SO I'LL KEEP THIS SHORT.

4 WE'RE WORKING ON IMPROVING THE WRAP
5 DATABASE. INCREASINGLY, AS LOCAL GOVERNMENTS HAVE
6 COME AROUND TO ADDRESSING THEIR BUSINESS WASTE STREAM,
7 THEY ARE COMING TO THE BOARD ASKING US WHAT OTHER
8 BUSINESSES ARE DOING TO REDUCE WASTE. I FEEL LIKE
9 WE'RE KIND OF CLOSING THE LOOP ON THE DAY TODAY WHERE
10 WE STARTED OUT RECOGNIZING LOCAL GOVERNMENTS AND THEIR
11 EFFORTS. WE WERE ABLE TO PROVIDE CANDIDATE BUSINESSES
12 FOR THE 21ST CENTURY EFFORTS FROM THE WRAP DATABASE.

13 IN THE INTEREST OF TIME HERE WE WON'T
14 COVER ALL OF THE IMPROVEMENTS TO THE PROGRAM.

15 BUT, IN ADDITION TO HAVING THE BOARD
16 ADOPT ATTACHMENT NO. 1, WHICH IS THE LIST OF PROPOSED
17 WINNERS, STAFF WOULD LIKE TO SUGGEST THAT WE BE
18 AUTHORIZED TO PROCESS ANY ADDITIONAL APPLICATIONS, AS
19 WELL AS THE TWO BUSINESSES THAT WERE IDENTIFIED BY P&E
20 AS HAVING OUTSTANDING ISSUES. SHOULD THOSE ISSUES BE
21 FAVORABLY RESOLVED IN THE NEAR FUTURE, THAT WE COULD
22 ADD THOSE TO THE WINNERS' LIST AND THEN REPORT BACK TO
23 THE BOARD EITHER VIA THE DEPUTY DIRECTOR OR THE
24 EXECUTIVE DIRECTOR REPORT.

25 CHAIRMAN PENNINGTON: VERY GOOD. QUESTIONS

1 OF STAFF?

2 MEMBER JONES: I DON'T THINK I'D HAVE A
3 PROBLEM WITH THE P&E ONES, UNLESS THEY WERE IN MY
4 FAVORITE CATEGORY OF PERSON, YOU KNOW, SOMEBODY THAT
5 JUST DISREGARDS THE RULES. THEN I WOULD -- I DON'T
6 THINK -- IF THEY RECTIFY IT THEY COULD APPLY NEXT
7 YEAR. I MEAN, IF IT'S AN EGREGIOUS VIOLATION.

8 CHAIRMAN PENNINGTON: WELL, ONE OF THEM IS
9 NOT. THEY APPARENTLY FORGOT SOME STUFF THAT THEY
10 WEREN'T AWARE OF.

11 MEMBER JONES: WELL, YOU KNOW.

12 CHAIRMAN PENNINGTON: WELL, I'LL ENTERTAIN A
13 MOTION HERE.

14 MEMBER JONES: I'LL MAKE A MOTION THAT WE
15 ADOPT RESOLUTION 98-264, AND ADD MR. HUNT'S
16 RECOMMENDATIONS THAT HE GETS THE ONES THAT FILED AND
17 YOU COULDN'T FIND, AND WHATEVER OTHER ONES YOU WANTED
18 TO ADD THERE.

19 I THINK YOU SAID YOU WANTED TO KEEP IT
20 OPEN FOR A LITTLE BIT LONGER?

21 MR. HUNTS: IN CASE SOMETHING COMES UP.

22 MEMBER EATON: SO, DO WE HAVE A PROCESS BY
23 WHICH WE FILE THEM? I MEAN, I COULD SAY I SENT IT IN.

24 MR. HUNTS: YOU CERTAINLY COULD. WE KEEP
25 TRACK OF EVERY APPLICANT THAT WE SEND AN APPLICATION

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1 TO DIRECTLY, OR A POTENTIAL APPLICANT.

2 MEMBER EATON: RIGHT.

3 MR. HUNTS: SINCE WRAP RELIES HEAVILY ON
4 LOCAL PROMOTERS WHO WE SEND OUT BUNCHES OF
5 APPLICATIONS TO WE DON'T KNOW ALL THE POTENTIAL
6 APPLICANTS.

7 IN THE CASE OF THE TWO BUSINESSES THAT
8 CALLED INQUIRING ABOUT THE STATUS OF THEIR
9 APPLICATION, WE HAVE THEM IN OUR DATABASE AS HAVING
10 BEEN SENT AN APPLICATION FROM US. AND WE HAVE EVERY
11 REASON TO BELIEVE THAT THESE WERE LEGITIMATE, LOST IN
12 THE MAIL, OR THAT WE DON'T KNOW WHAT HAPPENED BETWEEN
13 HERE AND THERE.

14 WE'VE THOUGHT ABOUT BETTER WAYS OF
15 TRACKING CERTIFIED MAIL FOR THE APPLICATION. WE FEEL
16 ANY EXPENSE ON THE PART OF THE POTENTIAL APPLICANT IS
17 A BARRIER TO PARTICIPATION IN THE PROGRAM.

18 SO, SURE, I GUESS THERE IS THE POTENTIAL
19 FOR CHEATING.

20 CHAIRMAN PENNINGTON: BUT THEY HAVE TO SEND
21 YOU AN APPLICATION, NOW DON'T THEY?

22 MS. TRGOVCICH: CORRECT. I THINK THAT WHAT
23 WE'RE LOOKING -- WE'RE NOT LOOKING FOR AN OPEN-ENDED
24 FILING PERIOD. WHAT WE'RE SIMPLY LOOKING FOR IS THAT
25 WHERE WE CAN CONFIRM THAT APPLICATIONS WERE SENT OUT -

1 - AND ONE OF THEM ACTUALLY PROVIDED US A FAX COPY WITH
2 A LETTER DATED PRIOR TO THE CLOSE OF THE APPLICATION
3 PERIOD -- WHERE WE CAN VERIFY THAT THEY DID MAKE EVERY
4 ATTEMPT TO GET IT TO US, AND PERHAPS DID, THAT WE HAVE
5 THE OPPORTUNITY TO SCORE THEM. AND IF THEY ACHIEVE
6 THE PASSING SCORE THAT THEY WOULD BE ADDED TO THE LIST
7 OF RECIPIENTS. WE ARE NOT ASKING THAT IT BE KEPT OPEN
8 SO THAT ANY ADDITIONAL FILINGS CAN BE MADE.

9 MR. HUNTS: I WOULDN'T EXPECT THAT TO HAPPEN
10 ANYWAY.

11 MEMBER JONES: BUREAUCRAT BUTTON DOWN.

12 MS. HENNESSY: I WOULDN'T EXPECT THAT TO
13 HAPPEN. IN THE, LET'S SEE, '96, '97, '98, THAT I'VE
14 BEEN HANDLING THE PROGRAM THIS IS THE FIRST TIME THAT
15 THIS HAS HAPPENED.

16 MEMBER JONES: ALL RIGHT.

17 MS. HENNESSY: THAT PEOPLE SAID THEY SENT --

18 MEMBER JONES: I CHANGE MY MOTION TO JUST SAY
19 THAT WE'LL ADOPT --

20 MEMBER EATON: TO INCLUDE THE IRISH
21 SWEEPSTAKES WHERE OUR TICKET THAT WE SENT IN.

22 MEMBER JONES: -- THE RESOLUTION 98-264,
23 CONSIDERATION OF '98 WASTE REDUCTION AWARD PROGRAM,
24 WRAP, WINNERS TO INCLUDE THOSE TWO APPLICATIONS THAT
25 ARE IN QUESTION.

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1 MS. TRGOVCICH: AND IN ADDITION, THAT -- NOW
2 THIS GOES BACK TO THE OTHER ISSUE THAT JEFF RAISED --
3 IF THE ISSUES AROUND THE P&E REVIEW ARE RESOLVED WITH
4 RESPECT TO THE TWO ENTITIES, THAT THEY BE THEN ADDED
5 TO THE LIST.

6 THERE IS ONE OUTSTANDING ISSUE WHERE THE
7 PERMITTING AND ENFORCEMENT DIVISION HAS NOT RECEIVED
8 SUFFICIENT INFORMATION TO MAKE A DETERMINATION AT THIS
9 POINT. SO, WE WOULD LIKE THE OPPORTUNITY TO ADD THEM
10 IF THEY CAN MAKE THAT DETERMINATION.

11 MEMBER EATON: BUT THAT BECOMES OPEN-ENDED
12 THEN.

13 MS. TRGOVCICH: WE COULD SET A DATE ON THAT,
14 OR WE COULD SIMPLY TELL THEM TO APPLY THE NEXT TIME
15 AROUND.

16 MEMBER JONES: THAT'LL WORK FOR ME.

17 MS. TRGOVCICH: OKAY.

18 CHAIRMAN PENNINGTON: OKAY. WE NEED A SECOND
19 TO YOUR MOTION.

20 MEMBER EATON: I'LL SECOND.

21 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
22 SECONDED BY MR. EATON.

23 IF THERE'S NO FURTHER DISCUSSION, WILL
24 THE SECRETARY CALL THE ROLL?

25 THE SECRETARY: BOARD MEMBER EATON?

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1 MEMBER EATON: AYE.

2 THE SECRETARY: FRAZEE?

3 MEMBER FRAZEE: AYE.

4 THE SECRETARY: JONES?

5 MEMBER JONES: AYE.

6 THE SECRETARY: CHAIRMAN PENNINGTON?

7 CHAIRMAN PENNINGTON: AYE.

8 THE MOTION CARRIES.

9 MEMBER JONES: MR. CHAIRMAN?

10 CHAIRMAN PENNINGTON: YES?

11 MEMBER JONES: I JUST WANT TO MAKE ONE QUICK
12 COMMENT. WE HAD THE CITY COUNCILWOMAN HERE FROM
13 CARSON WITH HER TWO BODYGUARDS -- NO, I'M ONLY
14 KIDDING, HER TWO HELPERS. FORTY-TWO OF THE WRAP AWARD
15 WINNERS FROM LA COUNTY CAME FROM CARSON. I THINK
16 THAT'S PRETTY COMMENDABLE FOR THEM PUTTING THEIR MONEY
17 WHERE THEIR MOUTH IS. I MEAN, THEY'RE OUT DOING IT,
18 THEY'RE SOLICITING SUPPORT, AND I THINK THAT'S REAL
19 IMPORTANT.

20 CHAIRMAN PENNINGTON: OKAY, FOLKS, WE'VE GOT
21 ABOUT 25 MINUTES TO GET THROUGH ITEM 17, CONSIDERATION
22 OF DELEGATION OF AUTHORITY TO ALLOW EXTENSIONS OF TIME
23 FOR SUBMISSION OF RIGID PLASTIC PACKAGING CONTAINERS,
24 RPPC, PRODUCT MANUFACTURED CERTIFICATION FORMS AND
25 INCREASED IN REQUIRED TIME FOR RETENTION OF SUPPORTING

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1 DOCUMENTS BY PRODUCT MANUFACTURER --

2 AGENDA ITEM NO. 17: CONSIDERATION OF DELEGATION
3 OF AUTHORITY TO ALLOW EXTENSIONS OF TIME FOR
4 SUBMISSION OF RIGID PLASTIC PACKAGING
5 CONTAINERS, RPPC, PRODUCT MANUFACTURED CERTIFICATION
6 FORMS AND INCREASED IN REQUIRED TIME FOR RETENTION OF
7 SUPPORTING DOCUMENTS BY PRODUCT MANUFACTURER

8 MS. TRGOVCICH: THIS IS A TWO-PART ITEM
9 THAT WILL BE PRESENTED BY JOHN NUFFER, AND WE DO HAVE
10 SOME INTERESTED PARTIES IN THE AUDIENCE THAT MAY WISH
11 TO ADDRESS THE BOARD ON THIS.

12 CHAIRMAN PENNINGTON: IF THEY DO WE NEED TO
13 GET THEIR SLIPS UP HERE.

14 MR. NUFFER: GOOD AFTERNOON, MR. CHAIRMAN,
15 BOARD MEMBERS. I'M JOHN NUFFER WITH THE WASTE
16 PREVENTION AND MARKET DEVELOPMENT DIVISION.

17 AS YOU KNOW, IN APRIL THE BOARD DIRECTED
18 STAFF TO RANDOMLY SELECT UP TO 500 COMPANIES AND ASK
19 THEM TO CERTIFY THAT THEY WERE IN COMPLIANCE WITH THE
20 RIGID PLASTIC PACKAGING LAW IN 1996.

21 BUT, BEFORE I PRESENT TODAY'S ITEM I
22 WOULD LIKE TO GIVE YOU A BRIEF UPDATE ON THIS
23 CERTIFICATION PROCESS.

24 WE MAILED FORMS TO 500 COMPANIES ON JULY
25 6TH, AND TO DATE PRICE WATERHOUSE HAS RECEIVED FORMS

1 FROM ABOUT 150 OF THOSE COMPANIES. AND WE HERE AT THE
2 BOARD HAVE RECEIVED QUESTIONS AND REQUESTS FOR
3 INFORMATION FROM ABOUT 50 OTHER COMPANIES OVER THE
4 PHONE. TWENTY-FIVE COMPANIES HAVE FORMALLY REQUESTED
5 EXEMPTIONS FROM THE REQUIREMENTS. TWO COMPANIES HAVE
6 FORMALLY REQUESTED WAIVERS OF THE REQUIREMENTS. AND
7 ABOUT 10, TO DATE, HAVE REQUESTED EXTENSIONS OF TIME
8 TO SUBMIT THE FORMS TO US. AND WE EXPECT THAT THERE
9 MAY BE MORE OF THOSE AS THE DEADLINE DRAWS NEARER.

10 ALL OF THE FORMS ARE DUE BACK IN EARLY
11 SEPTEMBER. AND THE DUE DATE IS BASED ON WHEN A
12 COMPANY RECEIVED THE CERTIFICATION FORM. THEY HAVE 60
13 DAYS FROM WHICH THEY RECEIVED THE FORMS TO SUBMIT THEM
14 TO US, AND IN THIS CASE PRICE WATERHOUSE IS COLLECTING
15 THE DATE AND ENTERING IT INTO A DATABASE FOR US.

16 WE PLAN TO GIVE YOU ANOTHER UPDATE AT
17 THE SEPTEMBER 10TH BOARD MEETING, AND A FORMAL REPORT
18 ON THE FINDINGS OF THE PROCESS ON OCTOBER 21ST.

19 AND, BASED UPON WHAT WE'RE LEARNING WITH
20 THIS PROCESS, THE PURPOSE OF TODAY'S ITEM WAS TWOFOLD.

21 FIRST, THE DELEGATION OF AUTHORITY FOR GRANTING TIME
22 EXTENSIONS AND, SECOND, REQUIRING COMPANIES TO RETAIN
23 RECORDS FOR AN ADDITIONAL YEAR.

24 FIRST, STAFF IS ASKING THE BOARD TO
25 DELEGATE ITS AUTHORITY TO APPROVE OR DENY REQUESTS FOR

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1 TIME EXTENSIONS. THESE REQUESTS ARE FROM COMPANIES
2 THAT WANT MORE TIME TO SUBMIT THEIR CERTIFICATION
3 FORMS. STAFF RECOMMENDS DELEGATING THIS AUTHORITY TO
4 THE EXECUTIVE DIRECTOR, WITH THE INTENT THAT THE
5 EXECUTIVE DIRECTOR WOULD DELEGATE THE AUTHORITY TO THE
6 DEPUTY DIRECTOR OF THE WASTE PREVENTION AND MARKET
7 DEVELOPMENT DIVISION.

8 THIS WOULD ALLOW STAFF TIME TO RESPOND
9 QUICKLY TO COMPANIES REQUESTING EXTENSIONS. COMPANIES
10 NOW HAVE 60 DAYS WITHIN WHICH TO SUBMIT THEIR FORMS,
11 AND THE REGULATIONS ALLOW THE BOARD TO GRANT UP TO AN
12 ADDITIONAL 30 DAYS. WE'VE HEARD FROM INDIVIDUAL
13 COMPANIES AND REPRESENTS OF MANUFACTURERS WHICH HAVE A
14 NUMBER OF CONCERNS ABOUT THE 60-DAY TIME FRAME.

15 NOW, THESE CONCERNS INCLUDE PRODUCT
16 MANUFACTURERS -- AND WHEN I SAY A PRODUCT MANUFACTURER
17 I MEAN THE COMPANIES WHO USE THESE RIGID PLASTIC
18 CONTAINERS -- PRODUCT MANUFACTURERS MAY HAVE PURCHASED
19 CONTAINERS FROM MULTIPLE CONTAINER MANUFACTURERS,
20 REQUIRING THE COMPLETION OF MANY, POSSIBLY HUNDREDS OF
21 CONTAINER MANUFACTURER CERTIFICATION FORMS FOR A
22 SINGLE PRODUCT CATEGORY.

23 TWO, PRODUCT MANUFACTURERS MAY HAVE
24 PURCHASED CONTAINERS THROUGH INTERMEDIARIES, THUS
25 MAKING MORE COMPLEX THE ABILITY TO APPROPRIATELY

1 IDENTIFY THE CORRECT CONTAINER MANUFACTURER OR
2 MANUFACTURERS TO COMPLETE THE CONTAINER MANUFACTURER
3 CERTIFICATION FORM.

4 THREE, CONTAINER MANUFACTURERS PERHAPS
5 PREVIOUSLY UNAWARE OF THE RPPC PROGRAM DID NOT
6 MAINTAIN RECORDS IN A FASHION TO READILY RETRIEVE
7 INFORMATION TO COMPLETE THE CONTAINER MANUFACTURER
8 CERTIFICATION FORMS.

9 FOUR, CONTAINER MANUFACTURERS ARE
10 PHYSICALLY LOCATED IN JAPAN, CANADA, OR OTHER
11 COUNTRIES.

12 FIVE, CONTAINER MANUFACTURERS MAY BE
13 SWAMPED WITH FORMS FROM MANY COMPANIES THAT ARE BEING
14 CERTIFIED.

15 AND, SIX, THAT IT MAY BE OTHERWISE
16 DIFFICULT TO PERSUADE CONTAINER MANUFACTURERS TO
17 COMPLETE THE FORMS IN A TIMELY MANNER.

18 IN THE AGENDA ITEM STAFF LISTED THREE
19 OPTIONS FOR YOUR CONSIDERATION. THE FIRST WAS TO
20 APPROVE THE STAFF RECOMMENDATION TO DELEGATE AUTHORITY
21 TO THE EXECUTIVE DIRECTOR TO APPROVE OR DENY EACH
22 REQUEST FOR AN EXTENSION.

23 THE SECOND WAS TO DELEGATE ONLY THE
24 AUTHORITY TO APPROVE EACH EXTENSION REQUEST, BUT NOT
25 DENY REQUESTS. THAT WOULD REST WITH THE BOARD.

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1 AND THE THIRD OPTION WOULD BE NOT TO
2 DELEGATE ANY AUTHORITY TO STAFF. THE BOARD THEN WOULD
3 HEAR EACH REQUEST ON AN INDIVIDUAL BASIS.

4 NOW, A FOURTH OPTION WHICH HAS BEEN
5 DISCUSSED SINCE THE AGENDA ITEM WAS PREPARED IS TO
6 GRANT A BLANKET 30-DAY EXTENSION FOR PRODUCT
7 MANUFACTURERS REQUESTING AN EXTENSION THAT MEET
8 SPECIFIED CRITERIA.

9 FOR EXAMPLE, THE BOARD MIGHT WISH TO
10 IDENTIFY PRODUCT MANUFACTURERS THAT ARE HAVING
11 DIFFICULTY OBTAINING CONTAINER MANUFACTURER
12 CERTIFICATION FORMS AS ELIGIBLE FOR EXEMPTION. AS I
13 PREVIOUSLY MENTIONED, WE ARE AWARE OF MANY REASONS WHY
14 PRODUCT MANUFACTURERS ARE HAVING DIFFICULTY OBTAINING
15 THESE FORMS.

16 OUR RECOMMENDATION REGARDING THIS
17 PORTION OF THE ITEM IS THAT THE BOARD ADOPT BASICALLY
18 TWO OPTIONS, THIS FOURTH OPTION AND THE FIRST OPTION.

19 THE FOURTH OPTION WOULD BE A BLANKET EXTENSION FOR
20 PROBLEMS RELATED TO OBTAINING CONTAINER MANUFACTURER
21 CERTIFICATION FORMS, AND THE FIRST OPTION WOULD BE TO
22 DELEGATE AUTHORITY TO GRANT OR DENY EXTENSIONS FOR ANY
23 OTHER REASONS.

24 AND THAT CONCLUDES THE FIRST PART OF THE
25 AGENDA ITEM REGARDING EXTENSIONS.

1 MS. TRGOVCICH: PERHAPS, JOHN, LET ME JUST
2 INTERJECT HERE FOR A MINUTE.

3 THE FOURTH OPTION HAD ORIGINALLY BEEN
4 DISCUSSED AS A REQUEST FOR A BLANKET EXTENSION THAT
5 WOULD BE GRANTED FOR ALL PRODUCT MANUFACTURERS, SO
6 THAT INSTEAD OF WORKING OFF THE 60-DAY CLOCK WE WOULD
7 BE WORKING OFF A 90-DAY CLOCK. AND THIS WOULD GREATLY
8 ALLEVIATE THE STAFF WORKLOAD IN TERMS OF PROCESSING
9 ALL THE EXTENSION REQUESTS COMING IN, MAKING
10 DETERMINATIONS, AND THEN PROVIDING THE RESPONSES BACK
11 OUT.

12 HOWEVER, BASED UPON A LEGAL REVIEW OF
13 THE STATUTE IT WAS DETERMINED THAT THE BOARD DOES NOT
14 HAVE THE AUTHORITY TO GRANT AN ACROSS-THE-BOARD
15 EXTENSION, THAT THE EXTENSION NEEDS TO BE FOR
16 SPECIFIED REASONS. THUS, THE SUGGESTION BY JOHN THAT
17 THE SPECIFIED REASON BE PERTAINING TO THE CONTAINER
18 MANUFACTURER CERTIFICATION FORM.

19 AND I'LL ASK JOHN TO CONTINUE NOW.

20 MS. TOBIAS: LET ME JUST CLARIFY, CAREN. IF
21 YOU WANT TO -- I DON'T THINK THERES A PROBLEM IF YOU
22 WANT TO DO A BLANKET EXTENSION OR WHATEVER YOU WANT TO
23 CALL IT FOR CERTAIN REASONS. SO, FOR EXAMPLE, THE
24 STATUTE SAYS ONE OF THE REASONS THAT YOU CAN GET AN
25 EXTENSION IS CORPORATE ACQUISITIONS OR CORPORATE

1 REORGANIZATIONS. IF YOU WANT TO DO A BLANKET
2 EXTENSION ON 30 DAYS FOR THOSE PARTICULAR REASONS,
3 THAT'S FINE.

4 THE STATUTE ALSO SAYS "OR OTHER CRITERIA
5 DEEMED ACCEPTABLE UPON THE BOARD'S EVALUATION." SO,
6 IF YOU WANT TO SPECIFY TODAY, SUCH AS SOME OF THE
7 REASONS THAT JOHN BASICALLY WENT THROUGH, THAT YOU
8 WOULD GIVE A BLANKET TO ANY OR ALL OF THOSE, THAT'S
9 FINE TOO.

10 BUT, THE STATUTE BASICALLY IS FAIRLY
11 SPECIFIC IN SAYING THAT YOU HAVE TO BASICALLY GET YOUR
12 CRITERIA OUT IN TERMS OF DEALING WITH THAT EXTENSION.

13 MEMBER EATON: IT WAS REALLY DISCUSSION THAT
14 I HAD WITH STAFF THAT I THOUGHT THAT RATHER THAN TAKE
15 UP BOTH THE BOARD'S TIME AND ANY OF THE EXECUTIVE
16 DIRECTOR'S TIME, OR THE STAFF TIME -- THIS IS A NEW
17 PROGRAM, IT'S FIRST OUT OF THE BOX, WE SHOULDN'T BE
18 TRYING TO PULL THE CURTAIN DOWN QUICKLY, THAT WE
19 SHOULD HAVE SOME MECHANISM BY WHICH WE EXPERIMENT AND
20 GO THROUGH IN SETTING UP THE CRITERIA.

21 WITH THE EXCEPTION THAT IGNORANCE OF THE
22 LAW IS NO EXCUSE, IT'S A BASIC PRINCIPLE. SO THE FACT
23 THAT THEY WEREN'T AWARE OF IT I DON'T THINK IS A
24 CRITERIA THAT I'M PREPARED....

25 BUT, I THINK THAT IN TERMS OF THE

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1 OVERALL WORKLOAD IT JUST MAKES SENSE TO SOMEHOW CRAFT
2 SOMETHING AS WE GO THROUGH WITH THE INDUSTRY AND THOSE
3 WHO ARE PART OF THAT 500 TO HAVE SOME WAY TO JUST SAY,
4 LOOK IT, YOU'VE GOT AN EXTRA 30 DAYS WHILE YOU CAN GET
5 IT TOGETHER, THEN WE WILL LOOK AT THE STUFF. IT JUST
6 MAKES GOOD ADMINISTRATIVE SENSE, IT MAKES GOOD POLICY
7 SENSE, AND IT MAKES GOOD POLITICAL SENSE, AS WELL.
8 AND, SO THAT WAS THE WHOLE UNDERPINNINGS.

9 AND I THINK WE PROBABLY COULD CRAFT
10 SOMETHING, COULD WE NOT IN TERMS OF BEING ABLE TO DO A
11 BLANKET, BUT JUST AN ADDITIONAL 30 DAYS? BUT THAT
12 WOULD BE UP TO THE OTHER BOARD MEMBERS, AS WELL.

13 MS. TOBIAS: AND I THINK AS OPPOSED TO
14 CALLING IT BLANKET, WHAT YOU MIGHT WANT TO SAY IS, IS
15 THAT THE BOARD UNDERSTANDS THAT THERE'S BEEN SOME
16 CONSISTENCY IN TERMS OF THE REASONS THAT PEOPLE ARE
17 NOT COMPLYING. AND, SO FOR THE FOLLOWING REASONS THE
18 BOARD WILL BASICALLY GIVE AN EXTENSION FOR THOSE.

19 I HAVE TO SAY THAT A COUPLE OF THE ONES
20 THAT JOHN BROUGHT UP I'M NOT SURE ARE RESOLVABLE IN 30
21 DAYS. AND SO I THINK THAT YOU HAVE THE LEGISLATIVE
22 WHEREWITHAL TO GIVE THE EXTENSION FOR 30 DAYS ON
23 THOSE, BUT YOU MIGHT WANT TO AT LEAST THINK ABOUT THE
24 FACT THAT -- FOR INSTANCE, IF THE CONTAINER
25 MANUFACTURER DIDN'T MAINTAIN RECORDS 30 MORE DAYS TO

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1 DEAL WITH THAT'S PROBABLY NOT GOING TO FIX THE
2 PROBLEM.

3 SO, I MIGHT JUST ASK YOU THAT YOU
4 CONSIDER AT LEAST IF YOU WANT TO DO THAT, WHETHER ALL
5 OF THOSE ARE THINGS YOU WANT TO EXTEND FOR. AND I DO
6 THINK YOU COULD EXTEND FOR ALL OF THEM, BECAUSE IT'S -
7 - IF THAT'S THE CRITERIA THAT YOU DEEM IMPORTANT THEN
8 THAT'S FINE, UNDER THE STATUTE.

9 MS. TRGOVCICH: I JUST WANT TO GET ONE MORE
10 THING ON THE RECORD, BECAUSE I DID COMMIT TO RAISE
11 THIS ISSUE AS WELL. THERE IS ALSO MANY OTHER
12 UNRESOLVABLE ISSUES, AND THE EXAMPLE I'D LIKE TO GIVE
13 -- BECAUSE YOU'LL CERTAINLY BE HEARING FROM THESE
14 FOLKS -- ARE DISTRIBUTORS WHO ARE CONSIDERED, IF THEIR
15 NAME IS ON THE LABEL OF A PRODUCT, TO BE THE PRODUCT
16 MANUFACTURER UNDER THE LAW AND THE REGULATIONS, AND
17 YET THEY HAVE NO RELATIONSHIP TO THE CONTAINER
18 MANUFACTURER AT ALL, THEY ARE NOT IN REALITY THE
19 PRODUCT MANUFACTURER OF THE ACTUAL PRODUCT, AND
20 THEREFORE THEY HAVE ABSOLUTELY NO LINK TO BE ABLE TO
21 IDENTIFY WHAT CONTAINER MANUFACTURERS TO PURSUE. SO,
22 AS A DISTRIBUTOR, THEY ARE IN A VERY DIFFICULT
23 POSITION FOR COMPLIANCE.

24 CHAIRMAN PENNINGTON: I'M WONDERING, THOUGH,
25 WHILE I AGREE WITH MR. EATON, THAT THE BLANKET SEEMS

1 TO BE THE ANSWER TO IT, PARTICULARLY FROM A STAFF TIME
2 -- BUT, ARE YOU GOING TO HAVE TO STILL GO THROUGH AND
3 DECIDE WHETHER THEY MEET THIS CRITERIA?

4 MS. TRGOVCICH: WE WOULD STILL NEED TO ACCEPT
5 THE EXTENSION REQUEST, WE WOULD STILL NEED TO GET
6 POTENTIALLY A REQUEST, IF IT WAS CRAFTED -- AND EXCUSE
7 ME IF I'M CONFUSED -- IF IT WAS CRAFTED SUCH THAT IT
8 WOULD HAVE TO MEET SPECIFIC CRITERIA IN ORDER TO FALL
9 UNDER THE BLANKET EXTENSION THEN, YES, WE WOULD HAVE
10 TO REVIEW IT.

11 BUT, IF THERE WAS SOME OTHER WAY, AS
12 KATHRYN WAS STATING, TO CRAFT IT SUCH THAT FOR THE
13 FOLLOWING REASONS IT WAS GRANTED ACROSS THE BOARD,
14 THEN WE WOULD NOT.

15 MS. TOBIAS: AND I GUESS THAT'S WHAT I'M
16 SAYING, IS THAT I THINK GIVEN THE STATUTE WHERE IT
17 SAYS "OTHER CRITERIA DEEMED ACCEPTABLE," THAT IF YOU
18 HAVE A LIST THEN THAT'S FINE. WHAT I DON'T THINK IS
19 OKAY IS JUST TO SAY LET'S JUST GIVE EVERYBODY A 30.

20 MEMBER EATON: CORRECT.

21 MS. TOBIAS: OKAY.

22 MEMBER EATON: SO, IN OTHER WORDS, IF YOU HAD
23 A LIST OF FIVE OR SIX THINGS, YOU GO DOWN THE FIVE OR
24 SIX THINGS, IF IT'S THERE --

25 MEMBER JONES: RIGHT.

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1 MEMBER EATON: -- IT'S GONE. IF NOT, IT'S
2 NOT. IT'S THAT SIMPLE.

3 CHAIRMAN PENNINGTON: DO WE HAVE SOME TIME TO
4 CRAFT THIS LEGAL EXTENSION, THE WORDS, THE CRITERIA?
5 I MEAN, WHEN DOES THIS 30 DAYS HAVE TO BE -- WHEN ARE
6 WE RUNNING OUT OF TIME?

7 MS. TRGOVCICH: THE 30 DAYS WOULD NEED TO
8 BEGIN UPON THE CONCLUSION OR PRIOR TO THE CONCLUSION
9 OF THEIR 60-DAY CLOCK, WHICH WILL BE SOMEWHERE AROUND
10 SEPTEMBER 7TH, 6TH, 7TH, IT ALL DEPENDS UPON WHEN THEY
11 ACTUALLY RECEIVED THE ORIGINAL CERTIFICATION.

12 WHAT WE WOULD PROPOSE IS THAT FOR THE
13 REASONS CONTAINED ON PAGE 17-4 OF YOUR PACKET, THAT
14 THOSE BE CONSIDERED REASONS FOR GRANTING OF THE
15 EXTENSION, TIME EXTENSION. THERE MAY BE ADDITIONAL
16 REASONS THAT INDIVIDUALS THAT WILL BE SPEAKING ON THIS
17 ITEM MAY RAISE, OR THAT YOU MAY WISH TO ADD
18 YOURSELVES.

19 CHAIRMAN PENNINGTON: OKAY. SHALL WE HEAR
20 FROM THE PUBLIC ON THIS NOW?

21 MS. TRGOVCICH: WOULD YOU LIKE US TO GO TO
22 THE SECOND PART OF THE ITEM OR WOULD YOU LIKE TO TAKE
23 COMMENT ON THIS PART RIGHT NOW?

24 CHAIRMAN PENNINGTON: I THINK WE'D LIKE TO
25 HEAR WHAT THEY HAVE TO SAY ABOUT THIS PART.

1 LANCE HASTINGS.

2 MR. HASTINGS: THANK YOU, MR. CHAIRMAN AND
3 MEMBERS. LANCE HASTINGS FROM THE GROCERY
4 MANUFACTURERS OF AMERICA.

5 WE LIKE WHAT WE'RE HEARING NOW BECAUSE
6 THERE IS A RECOGNITION THAT THERE IS DIFFICULTY IN
7 MEETING THAT FIRST 60-DAY TIME CLOCK, AND THE REASONS
8 ARE VARIED. BUT MOST PREDOMINANT AMONG THEM IS THE
9 ABILITY TO CAPTURE INFORMATION FROM OUR CONTAINER
10 MANUFACTURERS, PUT IT IN A FORM THAT'S ACCEPTABLE TO
11 THE BOARD, AND COMMUNICATING THAT TO PRICE WATERHOUSE.

12 THE CONCERN I HAVE, OR AT LEAST I CAN
13 RECOGNIZE WITH THIS 30-DAY TIME EXTENSION ISSUE, IF IN
14 FACT YOU GO DOWN THE FIVE REASON OR BLANKET APPROACH -
15 - IS THAT THE CLOCK IS WINDING DOWN RIGHT NOW, AND
16 THERE ARE PRODUCT MANUFACTURERS ARE SCRAMBLING TO GET
17 THE DATA TOGETHER. AND IF THEY ARE GOING TO RECEIVE
18 AN EXTRA 30 DAYS, AS QUICKLY AS WE CAN COMMUNICATE
19 THAT TO THEM WOULD BE HELPFUL RATHER THAN GETTING A
20 NOTE ON SEPTEMBER 1ST, OH, BY THE WAY, YOU HAVE AN
21 ADDITIONAL 30 DAYS IF YOU MEET THESE FIVE CRITERIA, OR
22 ONE OF THESE FIVE. IT'LL KIND OF START AND STOP THE
23 PROCESS IN A MORE, I GUESS, A CUMBERSOME AND AWKWARD
24 FASHION.

25 BUT, I DON'T KNOW HOW YOU GO ABOUT THAT.

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1 WE HAD SOME DIFFICULTY GETTING THE CERTIFICATION
2 FORMS TO THE PROPER ENTITY IN THE FIRST PLACE, SO IF
3 YOU USE YOUR EXISTING DATABASE TO COMMUNICATE THAT 30-
4 DAY EXTENSION AVAILABILITY THAT SHOULD PROBABLY BE
5 EXPEDITED TO BE EFFECTIVE.

6 BUT, I JUST SEE THAT AS A -- PERHAPS A
7 FOIBLE OF WHAT YOU'RE DISCUSSING NOW. BUT, CERTAINLY
8 THE 30 DAYS WILL BE HELPFUL. I'M NOT CERTAIN THAT ALL
9 OF THE PROBLEMS COULD BE ADDRESSED WITHIN THAT FIRST
10 30 DAYS, BUT IT'S CERTAINLY A STEP IN THE RIGHT
11 DIRECTION.

12 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.

13 MR. POLLACK, RANDY POLLACK.

14 MR. POLLACK: RANDY POLLACK, ON BEHALF OF THE
15 SOAP AND DETERGENT ASSOCIATIONS.

16 MR. CHAIRMAN AND MEMBERS OF THE BOARD,
17 MY SENTIMENTS ARE WITH LANCE ON THAT, AND I WON'T TAKE
18 MUCH MORE TIME ON THIS ISSUE. WE APPRECIATE THE WAY
19 THE BOARD IS DIRECTING THIS ISSUE AND LOOK FORWARD TO
20 WORKING WITH THEM IN THE FUTURE ON THIS ISSUE. THANK
21 YOU.

22 CHAIRMAN PENNINGTON: ALL RIGHT, GREAT.
23 THANK YOU.

24 ANY QUESTIONS? OKAY, LET'S GO ON TO
25 NUMBER TWO.

1 MR. NUFFER: THE SECOND HALF OF THE ITEM
2 RELATES TO THE RETENTION OF RECORDS. STAFF IS ASKING
3 THE BOARD TO REQUIRE THOSE 500 COMPANIES TO WHICH WE
4 SENT CERTIFICATION FORMS TO RETAIN THEIR RECORDS FOR
5 AN ADDITIONAL YEAR BEYOND THE TWO YEARS REQUIRED BY
6 LAW. AND THIS WILL GIVE THE BOARD THE FLEXIBILITY TO
7 REQUEST ADDITIONAL SUPPORTING DOCUMENTATION AND/OR
8 CONDUCT AUDITS IF YOU SO CHOOSE.

9 AND I SHOULD SAY THAT THE REGULATIONS
10 ALLOW -- OR, REQUIRE COMPANIES TO MAINTAIN RECORDS AT
11 LEAST TWO YEARS.

12 AND STAFF INTENDS TO PRESENT A FORMAL
13 REPORT TO YOU, AS I SAID, ON OCTOBER 21ST.

14 AND, BASED ON OUR FINDINGS, YOU MAY OR
15 MAY NOT WISH TO SEEK ADDITIONAL DOCUMENTATION OR
16 CONDUCT AUDITS. IF YOU CHOOSE TO DO ONE OR BOTH OF
17 THESE WE WOULD ONLY HAVE NOVEMBER AND DECEMBER OF THIS
18 YEAR TO DO THAT. AND COMPANIES ARE ONLY REQUIRED TO
19 RETAIN THEIR RECORDS FROM 1996 THROUGH THE END OF THIS
20 YEAR.

21 SO, OUR RECOMMENDATION TO YOU IS TO
22 REQUIRE THAT COMPANIES THAT WE'RE CERTIFYING RETAIN
23 THEIR RECORDS FOR ONE MORE YEAR. AND THAT CONCLUDES
24 MY PRESENTATION.

25 CHAIRMAN PENNINGTON: OKAY. ANY QUESTIONS ON

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1 THAT?

2 ALL RIGHT. DO YOU GENTLEMEN HAVE
3 ANYTHING TO ADD TO THAT? MR. HASTINGS.

4 MR. HASTINGS: LANCE HASTINGS, GROCERY
5 MANUFACTURERS OF AMERICA AGAIN.

6 WE MET WITH THE BOARD STAFF AND TALKED
7 ABOUT THIS ISSUE SPECIFICALLY. WE DO HAVE SOME
8 CONCERNS IN THAT THE UNIVERSE OF CALIFORNIA COMPANIES
9 THAT WOULD BE SINGLED OUT FOR REQUIRING THE RETENTION
10 OF THEIR INFORMATION WILL BE JUST TO THAT UNIVERSE
11 THAT RECEIVED A COMPLIANCE FORM, AND PERHAPS EVEN
12 FURTHER CULLED DOWN TO THE LIST OF THE COMPANIES THAT
13 YOU MAY BE INTERESTED IN AUDITING, IF THAT IS A PATH
14 THAT YOU PURSUE.

15 I'D LIKE TO WAIT UNTIL YOU RECEIVE SOME
16 PRELIMINARY INFORMATION BACK FROM PRICE WATERHOUSE,
17 BEFORE YOU GO DOWN THAT PATH, IN TERMS OF REQUIRING
18 ANY ADDITIONAL INFORMATION. BUT WE DO RECOGNIZE THE
19 LIMITATIONS WITH YOUR ABILITY TO REVIEW THE
20 DOCUMENTATION FROM PRODUCT MANUFACTURERS INTO THE NEXT
21 YEAR.

22 BUT, IT MAY BE PREMATURE, I'M GLAD WE'RE
23 DISCUSSING IT NOW AT LEAST AT THIS POINT, RECOGNIZING
24 THAT THE CLOCK, 1998, IS RUNNING OUT.

25 CHAIRMAN PENNINGTON: MR. POLLACK.

1 MR. POLLACK: RANDY POLLACK ON BEHALF OF THE
2 SOAP AND DETERGENT ASSOCIATION.

3 I ALSO AGREE WITH LANCE IN THE COMMENTS
4 HE JUST MADE.

5 BUT, ADDITIONALLY, I'D LIKE TO RAISE THE
6 POINT THAT I AM UNCERTAIN AT THIS TIME WHETHER THE
7 BOARD COULD DIRECT COMPANIES TO KEEP THEIR RECORDS
8 BEYOND THE TWO-YEAR PERIOD. I KNOW IT SAYS IN THE
9 REGULATIONS AT LEAST, BUT I DO NOT BELIEVE THAT THAT
10 GIVES THE BOARD DISCRETION TO EXTEND THAT PERIOD TO A
11 TIME IT DEEMS APPROPRIATE.

12 SO, I WOULD AGREE WITH LANCE, AND MAYBE
13 THIS ISSUE BE POSTPONED UNTIL THE NEXT BOARD MEETING
14 SO THIS COULD FURTHER BE LOOKED INTO.

15 MEMBER EATON: AREN'T THESE RECORDS SUBJECT
16 TO THE IRS?

17 MS. TOBIAS: DON'T YOU HAVE TO MAINTAIN YOUR
18 RECORDS ANYWAY?

19 MEMBER EATON: FOR SEVEN YEARS?

20 MR. POLLACK: I'M SAYING WHAT OUR CORPORATE
21 RETENTION POLICY IS, IT VARIES AMONG COMPANIES. AND
22 WHAT I AM SAYING -- AND I'M LOOKING AT THE
23 REGULATIONS, AND WHAT THE REGULATIONS PROVIDE, IS THAT
24 YOU KEEP YOUR RECORDS AT LEAST TWO YEARS. I DON'T
25 BELIEVE THAT LANGUAGE ENTITLES THE BOARD -- OR, I'M

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1 UNCERTAIN AT THIS TIME WHETHER THE BOARD HAS THE
2 DISCRETION TO EXTEND THAT PERIOD.

3 BECAUSE ONE OF THE ISSUES IT RAISED,
4 ONE, ARE YOU GOING TO REQUIRE ONLY THE RECORD
5 RETENTION FOR ONLY THOSE COMPANIES THAT HAVE BEEN
6 AUDITED? THAT'S DISCRIMINATORY IN NATURE, BECAUSE YOU
7 HAVE A WHOLE UNIVERSE OF COMPANIES OUT HERE WHO ARE
8 SUBJECT TO THESE PROVISIONS.

9 MEMBER EATON: BUT AT SOME POINT YOU'VE GOT
10 TO BE WORKING WITH US, BECAUSE DON'T --

11 MR. POLLACK: NO, I AGREE --

12 MEMBER EATON: -- DON'T PUT US IN A POSITION
13 WHERE YOU FORCE THE ISSUE WHERE WE SAY, FINE, WE JUST
14 WANT ALL YOUR RECORDS AT TWO YEARS. I MEAN, THAT'S
15 WHERE YOU'VE GOT TO GO, YOU CAN'T HAVE IT BOTH WAYS.

16 MR. POLLACK: THAT'S WHY WE WANT TO HAVE
17 DISCUSSION ON THIS MATTER FURTHER. THAT'S THE WAY WE
18 WOULD LIKE TO APPROACH IT.

19 MS. TOBIAS: WELL, I HAVE TO SAY FROM A LEGAL
20 POINT OF VIEW THAT IF THE REGULATIONS SAY AT LEAST TWO
21 YEARS, AND I THINK THAT -- THE BOARD DECIDES TO HAVE
22 ANOTHER YEAR BECAUSE THE PROGRAM'S NEW, I THINK THAT'S
23 FAIRLY REASONABLE. I THINK IF THE BOARD SAID WE'D
24 LIKE YOU TO KEEP THEM 10 YEARS AND THE REGULATION SAID
25 AT LEAST TWO, THEN IT MIGHT BE GETTING INTO AN

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1 UNREASONABLE AND ARBITRARY TYPE OF DECISION.

2 BUT I'M HARD PRESSED TO FIND ANY
3 ARGUMENT THAT WOULD SAY THAT WE CAN'T BASICALLY CHANGE
4 THAT, IN THE SENSE OF A NEW PROGRAM, AND TRYING TO
5 BASICALLY MAKE SURE THAT WE MEET WHAT THE STATUTE'S
6 CALLED FOR.

7 MR. POLLACK: AND I UNDERSTAND THE CONCERNS
8 OF THE BOARD, AND THAT'S WHY WE WANT TO WORK WITH YOU
9 ON THIS ISSUE. I DON'T RAISE THIS IN A COMPETITION
10 WITH THE BOARD, I'M JUST RAISING THIS -- AS WE HAVE
11 BEEN GOING THROUGH THIS PROCESS OTHER ISSUES ABOUT THE
12 REGULATIONS HAVE BEEN RAISED WHERE THE REGULATIONS
13 HAVE BEEN STRICTLY CONSTRUED.

14 AND BY LOOKING AT THIS -- AND I'M NOT
15 SAYING WHAT IS THE CORRECT DETERMINATION HERE, I JUST
16 THINK FURTHER INVESTIGATION OF THE ISSUE SHOULD BE
17 LOOKED AT AND BE REPORTED ON AT THE NEXT MEETING.
18 AND, WE'RE WILLING TO WORK WITH THE BOARD ON THIS.

19 MEMBER JONES: BUT WHAT WOULD THE HARM BE IF
20 THE STATUTE SAYS AT LEAST TWO YEARS AND WE NOTIFY THEM
21 NOW INSTEAD OF TWO DAYS BEFORE THEY WERE GOING TO
22 PURGE THOSE RECORDS, WOULDN'T WE BE DOING THEM A
23 SERVICE?

24 MR. POLLACK: ABSOLUTELY. I MEAN, WE WOULD
25 ALL APPRECIATE THE EXTENSION. I MEAN, I THINK IF

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1 YOU'RE LOOKING AT THIS AREA -- IF IN ONE AREA WE'RE
2 SAYING THAT YOU CAN ONLY GIVE AN ADDITIONAL 30 DAYS
3 AND NO MORE, BUT IN THIS AREA WE SAY AT LEAST TWO
4 YEARS BUT WE'RE GOING TO GIVE A RETENTION FOR A YEAR -
5 - I MEAN, I THINK WE'VE GOT TO LOOK AT ALL THESE
6 ISSUES TOGETHER WHEN WE'RE LOOKING AT THIS AREA THAT
7 WE ARE TRYING TO GET THE INFORMATION AS QUICK AS
8 POSSIBLE.

9 AT THE LAST MEETING I BROUGHT UP THE ISSUES
10 OF CONCERN, WHICH WERE REITERATED HERE TODAY. WE WANT
11 TO PROVIDE YOU THE INFORMATION. AND, BUT I'M JUST
12 SAYING THAT THERE IS SOME CONCERN OUT THERE, YOU KNOW,
13 EXACTLY WHAT'S THE INTERPRETATION OF THE REGULATIONS.

14 AND IF YOU'RE GOING TO APPLY IT TO ONE DO YOU NEED TO
15 APPLY IT TO ALL. AND I'M JUST ASKING FOR FURTHER
16 INVESTIGATION OF THAT MATTER.

17 MS. TOBIAS: WELL, AND I DON'T WANT TO APPEAR
18 ARGUMENTATIVE, BUT I HAVE TO SAY THAT I THINK THERE'S
19 A BIG DIFFERENCE IN A REGULATION THAT SAYS THAT YOU
20 MAY REQUEST AN EXTENSION UP TO AN ADDITIONAL 30 DAYS
21 AND A REGULATION THAT SAYS AT LEAST TWO YEARS. SO, I
22 DON'T THINK THOSE TWO ARE REALLY COMPARABLE IN TERMS
23 OF LOOKING AT IT AND SAYING IS THERE A DIFFERENCE IN
24 FLEXIBILITY.

25 ONE SAYS THAT THERE'S A MINIMUM BUT NO

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1 MAXIMUM, AND ONE SAYS THERE'S 30 ADDITIONAL DAYS. SO
2 FROM THE LEGAL STANDPOINT I DON'T HAVE A PROBLEM WITH
3 THAT.

4 MR. POLLACK: I JUST I'D JUST GIVE ONE
5 RESPONSE. BUT I DON'T KNOW IF THERE IS AN UNFETTERED
6 RIGHT FOR THE BOARD TO DETERMINE WHAT LENGTH OF TIME
7 IS APPROPRIATE WITHOUT A PUBLIC HEARING ON THE ISSUE.
8 AND THAT IS WHAT I'M TRYING TO GET AT, THAT MAYBE
9 THERE NEEDS TO BE FURTHER DISCUSSION ON THIS.

10 MS. TOBIAS: THIS IS NOT THE PUBLIC HEARING?

11 MR. POLLACK: THROUGH A REGULATORY PROCESS
12 POSSIBLY.

13 MS. TOBIAS: IF A REGULATION SAYS AT LEAST
14 TWO YEARS I DON'T THINK YOU NEED TO EXTEND TO -- TO
15 EXTEND IT I DON'T THINK YOU HAVE TO CHANGE THE
16 REGULATION.

17 CHAIRMAN PENNINGTON: I GUESS I'M NOT SURE I
18 UNDERSTAND ALL THIS. YOU'VE GOT THEM IN A BOX, WHY
19 NOT KEEP THEM ANOTHER YEAR? I MEAN, KEEP THE BOX,
20 KEEP THEM THERE. I MEAN, COME ON --

21 MR. POLLACK: I'M NOT SAYING THAT -- YOU
22 KNOW, A LOT OF TIMES THE CORPORATE RETENTION POLICIES
23 ARE FOR A LONGER PERIOD OF TIME. BUT, I'M JUST
24 RAISING AN ISSUE HERE THAT HAS BEEN SOME CONCERN OUT
25 THERE. WHEN YOU LOOK AT THE REGULATIONS, AND IF

1 YOU'RE GOING TO TALK ABOUT THE UNIVERSE, HOW ARE THOSE
2 FOLKS GOING TO KNOW ABOUT THAT, IF THEY'RE SUPPOSED TO
3 KEEP THEIR RECORDS FOR LONGER THAN TWO YEARS?

4 I THINK THE ONLY WAY TO DO THAT IS MAYBE
5 THROUGH AMENDING THE REGULATION. I MEAN, HOW DO
6 PEOPLE KNOW THAT, IF WE'RE GOING TO DO THAT IN A
7 UNIVERSAL STANDARD?

8 MS. TOBIAS: THEY'RE GOING TO GET A LETTER.

9 CHAIRMAN PENNINGTON: YEAH, THEY'LL GET A
10 LETTER, AND HOPEFULLY YOU WILL TELL THEM TOO.

11 MR. POLLACK: BUT THAT'S ONLY THE 500,
12 THOUGH, THAT YOU'RE TALKING ABOUT. I MEAN, ARE YOU
13 NARROWING THIS TO ONLY THOSE 500 WHO HAVE BEEN
14 AUDITED?

15 MS. TOBIAS: THE STAFF RECOMMENDATION IS TO
16 FOCUS THE RECORD RETENTION EXTENSION PERIOD ONLY TO
17 THOSE THAT RECEIVED THE RANDOM CERTIFICATIONS, SINCE
18 THOSE ARE THE ONLY -- THAT IS THE UNIVERSE, THE
19 POTENTIAL POOL THAT THE BOARD MAY CHOOSE TO PURSUE FOR
20 AUDIT OR ENFORCEMENT PURPOSES.

21 AND, AS INFORMATION, WE DID A QUESTION
22 AND ANSWER SHEET LABELED NUMBER ONE APPROXIMATELY TWO
23 TO THREE WEEKS AGO. ONE OF THE QUESTIONS THAT WE
24 RECEIVED WAS HOW LONG MUST I RETAIN MY RECORDS. AND
25 IN THAT Q AND A SHEET THAT WENT OUT TO ALL 500

1 RECIPIENTS OF THE CERTIFICATION FORM THE ANSWER WAS AT
2 LEAST TWO YEARS, AND THE BOARD MAY CHOOSE TO EXTEND
3 THIS. SO, WE TRIED TO PROVIDE SOME INITIAL
4 NOTIFICATION TO THOSE 500 PRODUCT MANUFACTURERS THAT
5 THIS MAY BE AN ISSUE THAT THE BOARD MAY CONSIDER AT A
6 FUTURE DATE.

7 CHAIRMAN PENNINGTON: OKAY. VERY GOOD.
8 THANK YOU.

9 MR. POLLACK: THANK YOU.

10 CHAIRMAN PENNINGTON: QUESTIONS? ANY
11 QUESTIONS?

12 WHAT'S YOUR PLEASURE, DO YOU WANT TO DO
13 IT ALL IN ONE MOTION, OR DO YOU WANT TO DO IT IN TWO
14 MOTIONS?

15 MEMBER EATON: PROBABLY TWO MOTIONS, I WOULD
16 THINK, FOR CLARITY PURPOSES.

17 CHAIRMAN PENNINGTON: WHAT WOULD OUR COUNSEL
18 LIKE US TO DO?

19 MS. TOBIAS: I THINK YOU COULD DO IT EITHER
20 WAY. IT MIGHT BE MORE CLEAR IF YOU DID IT IN TWO
21 MOTIONS.

22 CHAIRMAN PENNINGTON: OKAY. I'M READY TO
23 ENTERTAIN THOSE. OKAY, I'LL MOVE ADOPTION OF
24 RESOLUTION 98-281, TO DELEGATE AUTHORITY TO THE
25 EXECUTIVE DIRECTOR OR HIS DESIGNATEE (SIC) TO APPROVE

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1 OR DENY EXTENSION REQUESTS SUBMITTED BY THE PRODUCT
2 MANUFACTURERS.

3 AND, TWO, TO EXTEND THE RECORD RETENTION
4 REQUIREMENT AS RECOMMENDED BY STAFF.

5 MEMBER EATON: MR. CHAIRMAN, THERE IS NO
6 DELEGATION, THIS WOULD BE JUST A SIMPLE BOARD ACTION,
7 IT'S MY UNDERSTANDING, IF THERE WERE SELECTED
8 CRITERIA. IS THAT CORRECT? I JUST WANT TO MAKE SURE
9 THAT WE'RE ON THE RIGHT GROUND.

10 CHAIRMAN PENNINGTON: OH, OKAY, I'M SORRY.
11 I'M SORRY, YOU ARE RIGHT.

12 MEMBER JONES: WE'LL DO THE THIRTY DAYS.

13 CHAIRMAN PENNINGTON: WE WANT TO DO THE 30-
14 DAY BLANKET, RIGHT?

15 MEMBER EATON: NO, 30-DAY EXTENSION ALONG
16 CRITERIA THAT THE BOARD HAS DEEMED --

17 CHAIRMAN PENNINGTON: OKAY, I'LL REPHRASE MY
18 MOTION.

19 MEMBER EATON: -- ACCEPTABLE, I THINK.

20 CHAIRMAN PENNINGTON: I'M SORRY, I WAS --

21 MEMBER EATON: YEAH, WE'VE HAD SO MUCH PAPER
22 TODAY IT'S --

23 CHAIRMAN PENNINGTON: YEAH. I'LL MOVE THAT
24 WE ADOPT A 30-DAY EXTENSION FOR THOSE FIRMS THAT MEET
25 THE CRITERIA DEVELOPED BY STAFF AND LEGAL STAFF.

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1 AND I'LL ALSO MOVE TO EXTEND THE RECORD
2 RETENTION REQUIREMENTS AS RECOMMENDED BY THE STAFF.

3 MEMBER JONES: I'LL SECOND IT.

4 MS. TOBIAS: MR. CHAIR, I HEARD STAFF
5 INDICATE TWO -- ACTUALLY, THREE OTHER REASONS TO
6 EXTEND: THAT THE CONTAINER MANUFACTURERS WERE
7 OVERSEAS, THAT THE CONTAINER MANUFACTURERS ARE
8 SWAMPED, AND THAT IT'S OTHERWISE DIFFICULT TO GET THE
9 CONTAINER MANUFACTURERS TO COMPLY.

10 I HAVE TO SAY THAT I DON'T THINK THAT
11 IT'S OTHERWISE DIFFICULT TO GET THE CONTAINER
12 MANUFACTURERS TO COMPLY IS PROBABLY A LEGITIMATE
13 EXTENSION IF IT'S JUST -- IF IT'S NOT -- THERE'S NO
14 REASON GIVEN.

15 HOWEVER, I GUESS I WOULD ASK EITHER
16 STAFF OR THE BOARD WHETHER THEY WANT TO INCLUDE THOSE
17 OTHER TWO REASONS, OF BEING OVERSEAS OR THAT THERE IS
18 SOME KIND OF -- YOU KNOW, THERE'S CONTAINER
19 MANUFACTURERS WHO ARE GETTING SO MANY REQUESTS THAT
20 THEY CAN'T DO IT.

21 I DON'T KNOW, JOHN, DO YOU NEED TO ADD
22 TO THAT?

23 MR. NUFFER: YES. I THINK I WOULD LIKE TO
24 ADD THOSE TWO, BASED ON MY CONVERSATIONS WITH
25 COMPANIES.

1 CHAIRMAN PENNINGTON: AS MY MOTION ADDRESSES,
2 THAT THERE WOULD BE THE CRITERIA DEVELOPED BY STAFF
3 AND LEGAL COUNSEL.

4 MS. TOBIAS: OKAY. SO WE BASICALLY NOW HAVE
5 FIVE CRITERIA, AS I UNDERSTAND IT: MULTIPLE CONTAINER
6 MANUFACTURERS, PURCHASED THROUGH INTERMEDIARIES,
7 CONTAINER MANUFACTURERS DIDN'T MAINTAIN RECORDS,
8 CONTAINER MANUFACTURERS ARE OVERSEAS, AND THAT
9 CONTAINER MANUFACTURERS ARE SWAMPED.

10 MS. TRGOVCICH: AS WE ARE, TOO.

11 CHAIRMAN PENNINGTON: AND FOR THOSE WHO
12 DIDN'T MAINTAIN RECORDS, I WANT THEM TO KEEP THEM FOR
13 ANOTHER YEAR.

14 MEMBER EATON: I WOULD JUST, TO QUICKLY -- I
15 DON'T MEAN TO BELABOR IT, BUT THE POINT ABOUT NOT
16 HAVING RECORDS, A 30-DAY EXTENSION IS SORT OF
17 ILLOGICAL SINCE THEY DON'T HAVE IT. SO I WOULD JUST
18 ASK THAT THAT BE EXCLUDED.

19 CHAIRMAN PENNINGTON: -- GIVE THEM 30 DAYS TO
20 FIND THEM.

21 MEMBER JONES: THE OTHER ONE, IN TERMS OF
22 SWAMPED, THAT TOO, I THINK THAT PROBABLY IF THEY MET
23 SOME OF THE OTHER CRITERIA THAT WOULD BE FAIR. THOSE
24 TWO DON'T SEEM TO BE ACTUALLY REASONABLE.

25 MEMBER EATON: BUT, YOU KNOW, MAYBE THE

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1 EASIEST WAY TO DO IT IS JUST TO PUT THE THREE IN. AND
2 I'M SURE WE'LL HAVE MORE EXCUSES AND REASONS AS THE
3 WEEK GOES BY, AND SO MAYBE WE CAN TAKE IT UP THE NEXT
4 TIME AND WE'LL HAVE ANOTHER MOTION.

5 MS. TRGOVCICH: THE NEXT MEETING WILL BE PAST
6 THE -- SO WHAT WE WOULD REQUEST IS THAT, AS A PART OF
7 YOUR MOTION, THAT YOU INCLUDE AS WELL A DELEGATION TO
8 THE EXECUTIVE DIRECTOR TO CONSIDER ANY OTHER REQUESTS
9 THAT DO NOT FIT WITHIN THIS. BECAUSE, I DO NOT
10 BELIEVE -- WE WILL NOT HAVE THE OPPORTUNITY TO BRING
11 ANY ADDITIONAL EXTENSION REQUESTS TO YOU PRIOR TO THE
12 CONCLUSION OF THE 60-DAY CLOCK, GIVEN THAT THE NEXT
13 BOARD MEETING IS SCHEDULED FOR SEPTEMBER 10TH.

14 MEMBER EATON: SO WE WOULD EXCLUDE THREE AND
15 FIVE, SWAMPED AND DON'T HAVE RECORDS. AND MAYBE ADD A
16 FOURTH -- BECAUSE THEN WE WOULD BE DOWN TO THREE -- OR
17 OTHER REASONS THE EXECUTIVE DIRECTOR, BASED UPON A
18 DELEGATION, WOULD DEEM APPROPRIATE AND CONSISTENT WITH
19 --

20 MS. TOBIAS: THE REGULATIONS.

21 MEMBER EATON: -- THE REGULATIONS.

22 MS. TOBIAS: BECAUSE BASICALLY --

23 MEMBER EATON: -- THAT SOLVES SOME OF, I
24 THINK, STAFF'S PROBLEM AS WELL AS --

25 CHAIRMAN PENNINGTON: I THINK MR. HASTINGS

1 WANTS TO COMMENT ON THE NOT HAVING RECORDS.

2 MR. HASTINGS: IF I MAY? IF YOU WOULD
3 INDULGE ME FOR JUST A MOMENT?

4 THE REASON I HAVE DIFFICULTY WITH THE
5 CONTAINER SIDE IS THE CONTAINER MANUFACTURERS NOT
6 KEEPING THEIR RECORDS OR ACCESSING THEIR RECORDS, NOT
7 THE PRODUCT MANUFACTURER. AND I THINK THAT NEEDS TO
8 BE A DISTINCTION RECOGNIZED.

9 YOU'RE RIGHT, THE 30 DAYS IS NOT GOING
10 TO GIVE ANYBODY ANY MORE TIME IF THEY DON'T HAVE THE
11 RECORDS. BUT, GETTING THEM FROM ONE SOURCE, COMPILING
12 THEM FOR OUR PURPOSES TO SUBMIT TO PRICE WATERHOUSE,
13 THEREIN LIES THE DELAY THAT WE'RE FACING.

14 SO, I THINK THAT THE LACK OF ABILITY TO
15 GARNER THE INFORMATION FROM THE CONTAINER MANUFACTURER
16 IS STILL A LEGITIMATE REASON THAT OUGHT TO BE INCLUDED
17 IN THE LIST.

18 THEN THE OTHER THAT I RAISED EARLIER IN
19 THE PRESENTATION IS HOW WE COMMUNICATE THIS ONE-TIME
20 EXTENSION TO THE PRODUCT MANUFACTURERS WHO RECEIVED
21 THE FORM. I WOULD LIKE THAT TO BE NOTIFIED TO THEM AS
22 SOON AS POSSIBLE, IN EITHER WRITING FROM THE WASTE
23 BOARD OR SOME OTHER SUFFICIENT WAY, BUT SO THAT THEY
24 FIND OUT WITHIN THE NEXT FEW DAYS THAT THEY HAVE THIS
25 OPPORTUNITY, WITH THE CRITERIAS (SIC) AS YOU'VE

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1 DETERMINED.

2 MS. TRGOVCICH: IT WOULD BE OUR GOAL TO BE
3 ABLE TO GET A LETTER DRAFTED AND IN THE MAIL TOMORROW
4 AFTERNOON. IF THAT COULD WORK OUT, BASED UPON THE
5 CRITERIA.

6 MS. TOBIAS: AND I WOULD LIKE TO ADD, MR.
7 CHAIR, THAT WHEN YOU DELEGATE TO THE EXECUTIVE
8 DIRECTOR THIS TYPE OF AUTHORITY, THAT OTHER CATEGORY
9 THAT MR. EATON PUT IN, THE KIND OF AS PROVIDED BY THE
10 REGULATIONS -- THE REGULATIONS BASICALLY GIVE THREE
11 REASONS: CORPORATE ACQUISITIONS, CORPORATE
12 REORGANIZATIONS, OR CATASTROPHIC ACTS OF GOD.

13 SO, I WANT TO POINT OUT THAT THE REASONS
14 NEED TO BE -- ONE OF THE REASONS WE WANTED YOU TO
15 SPECIFY TODAY THESE REASONS IS THAT YOU CAN'T JUST
16 OPEN-ENDED DELEGATE TO YOUR ADMINISTRATOR. YOU
17 BASICALLY NEED TO GIVE THEM A FAIRLY CONFINED SPACE TO
18 WORK IN.

19 SO, IT'S NOT -- YOU KNOW, BY HAVING THAT
20 OTHER CATEGORY IT'S NOT GOING TO BE VERY OPEN, BECAUSE
21 IT'S GOING TO HAVE TO MATCH, IN ESSENCE, SOMETHING IN
22 EITHER THE LIST YOU DID TODAY OR THIS LIST IN THE
23 REGULATIONS.

24 CHAIRMAN PENNINGTON: OKAY. YES, MR. FRAZEE?

25 MEMBER FRAZEE: IT'S GETTING LATE, AND I

1 PROBABLY SHOULDN'T GO INTO MY DIATRIBE ON THIS ONE.
2 BUT, THIS JUST POINTS OUT MY WHOLE CONTENTION THAT
3 THIS PROGRAM IS FLAWED FROM THE BEGINNING, THAT IT'S
4 NOTHING BUT AN EXERCISE IN FUTILITY.

5 IF YOU LOOK FORWARD TO THE NET RESULT OF
6 ALL OF THIS WORK AND -- IT'S GOING TO BE AN
7 INFINITESIMAL SAMPLING OF SOMETHING THAT YOU CAN'T
8 EVEN GET YOUR HANDS ON. AND THEN WE'RE GOING TO ENTER
9 INTO AN ENFORCEMENT PROGRAM BASED ON THAT?

10 IT REALLY HIGHLIGHTS, I GUESS, MY
11 BIGGEST LESSON FROM SERVING ON A BOARD AFTER SERVING
12 IN THE LEGISLATURE, IS THAT THE LEGISLATURE ISN'T ALL-
13 WISE, AND SOMETIMES THINGS THAT SEEM SO SIMPLE WHEN
14 YOU PROMOTE LAWS OR DRAFT THEM, OR VOTE FOR THEM, WHEN
15 IT COMES TO IMPLEMENTING THEM IT JUST DOESN'T WORK.

16 AND, I THINK THIS ONE IS A NOMINATION
17 FOR THE LEDGE PROGRAM FOR THIS NEXT YEAR TO SEND IT
18 BACK AND SAY CLEAN THIS THING UP, AND FIND THE RIGHT
19 WAY OF ACHIEVING THIS GOAL, AND NOT JUST CONTINUE TO
20 WASTE TIME AND EFFORT AND MONEY FOR SOMETHING THAT'S
21 GOING TO COME TO NAUGHT.

22 I'LL PROMISE YOU, THERE WILL BE
23 ABSOLUTELY NO ENFORCEMENT OUT OF THIS, NO CONCLUSIONS.

24 YOUR SAMPLING IS TOO SMALL. THERE'S NOTHING TO GET
25 YOUR HANDS ON.

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1 IT'S JUST -- I AM TEMPTED TO VOTE
2 AGAINST THIS WHOLE THING AND LET IT BLOW UP. I GUESS
3 I WON'T.

4 CHAIRMAN PENNINGTON: OKAY.

5 MEMBER EATON: I'M GOING TO CHECK YOUR RECORD
6 ON THIS BILL.

7 MEMBER FRAZEE: I PROBABLY VOTED FOR IT.

8 CHAIRMAN PENNINGTON: IS OUR MOTION CLEAR?

9 MS. GOODALL: IT'S NOT CLEAR TO ME.

10 CHAIRMAN PENNINGTON: IS IT CLEAR TO THOSE
11 WHO ARE GOING TO VOTE?

12 MEMBER EATON: IT'S CLEAR TO ME.

13 CHAIRMAN PENNINGTON: OKAY. LET'S VOTE.

14 WILL THE SECRETARY CALL THE ROLL, PLEASE?

15 THE SECRETARY: BOARD MEMBER EATON?

16 MEMBER EATON: AYE.

17 THE SECRETARY: FRAZEE?

18 MEMBER FRAZEE: AYE.

19 THE SECRETARY: JONES?

20 MEMBER JONES: AYE.

21 THE SECRETARY: CHAIRMAN PENNINGTON?

22 CHAIRMAN PENNINGTON: AYE.

23 OKAY. IF THERE'S NO FURTHER BUSINESS,
24 ANY OPEN DISCUSSION FROM ANYONE? I HEAR NONE.

25 WE'RE ADJOURNED.

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1 MEMBER FRAZEE: OH, NO WE'RE NOT. WE'RE
2 RECESSED UNTIL TOMORROW MORNING, AREN'T WE?

3 CHAIRMAN PENNINGTON: NO.

4 MEMBER FRAZEE: OH, WE'RE NOT?

5 CHAIRMAN PENNINGTON: WE MOVED ITEM SIX TO --

6 MEMBER JONES: SEPTEMBER 10TH AS A CONTINUED
7 ITEM.

8 CHAIRMAN PENNINGTON: NO, WE'RE NOT IN A
9 CLOSED SESSION TODAY, WE'LL GET IT SOMEWHERE ELSE.

10 (MEETING ADJOURNED AT 5:20 P.M.)

11