

5 DANIEL G. PENNINGTON, CHAIRMAN
6 ROBERT C. FRAZEE, VICE CHAIRMAN
7 DAN EATON, MEMBER
8 STEVEN R. JONES, MEMBER
9 STEPHEN M. RHODES, MEMBER
10 MARLENE KELLY, SECRETARY TO THE BOARD

11

12 EXECUTIVE STAFF:

13

14 RALPH E. CHANDLER, EXECUTIVE DIRECTOR
15 A. KEITH SMITH, CHIEF DEPUTY DIRECTOR
16 PATTI BERTRAM, ADMINISTRATIVE ASSISTANT
17 KATHRYN TOBIAS, CHIEF LEGAL COUNSEL

18

19 VARIOUS PRESENTERS AS IDENTIFIED IN THE
20 TRANSCRIPT

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22 AUDIENCE

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1 CHAIRMAN PENNINGTON: GOOD MORNING.

2 I FEEL LIKE I SHOULD BE SAYING, "HEAR

3 YE! HEAR YE!"

4 GOOD MORNING.

5 WELCOME TO THE SEPTEMBER 23RD MEETING

6 OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD.

7 I WOULD FIRST LIKE TO START BY

8 INTRODUCING STEPHEN RHODES, OUR NEWEST BOARD MEMBER.

9 STEVE COMES TO US FROM BEING THE EXECUTIVE DIRECTOR OF

10 THE CALIFORNIA ENERGY COMMISSION.

11 AUDIENCE MEMBER: CAN'T HEAR.

12 CHAIRMAN PENNINGTON: I'LL TRY IT THIS WAY.

13 HOW'S THAT?

14 BETTER?

15 I WAS INTRODUCING STEVE RHODES, OUR

16 NEWEST BOARD MEMBER, WHO COMES TO US FROM THE ENERGY

17 COMMISSION WHERE HE SERVED AS THE EXECUTIVE DIRECTOR

18 FROM 1996 AND HE WAS ALSO THERE FROM '86 TO '92.

19 HE HAS AN EXTENSIVE BACKGROUND IN

20 GOVERNMENT. HE'S A MEMBER OF THE BOARD OF DIRECTORS

21 OF THE EAST BAY CONSERVATION CORPS, WHICH DOES A LOT

22 OF RECYCLING EFFORTS AND WORKING IN OUR PARTICULAR

23 AREAS.

24 SO, WE WELCOME STEVE AND CONGRATULATE

25 HIM ON ON HIS APPOINTMENT BY THE GOVERNOR AND LOOK

1 FORWARD TO A LONG AND SUCCESSFUL FELLOWSHIP HERE ON

2 THE BOARD.

3 MEMBER RHODES: MAYBE I SHOULD SAY --

4 CHAIRMAN PENNINGTON: GO AHEAD.

5 MEMBER RHODES: WE ARE AT A LITTLE
6 INCONVENIENCE BECAUSE WE ONLY HAVE ONE MICROPHONE.
7 SO, IF YOU DON'T HEAR US, PLEASE LET US KNOW AND I
8 GUESS WE'LL WORK ON THAT IN A LITTLE WHILE.

9 I JUST WANT TO SAY IT'S GREAT TO BE IN
10 SANTA BARBARA. THE LAST COUPLE OF TIMES I WAS DOWN
11 HERE WAS THE DEDICATION OF ELECTRIC AND VERY, VERY
12 CLEAN NATURAL BUSES WITH YOUR SENATOR, JACK O'CONNELL.

13 AND IT IS REALLY JUST A FANTASTIC AND
14 VERY BEAUTIFUL PLACE AND IT'S ALWAYS A PLEASURE TO
15 COME TO SANTA BARBARA.

16 ON ENVIRONMENTAL ISSUES, YOU ALWAYS
17 BEAT THE REST OF THE STATE AND YOU ALWAYS PUSH US.
18 SO, WE ALWAYS LOOK TO SANTA BARBARA FOR GUIDANCE AND
19 IT'S A PLEASURE.

20 I ALSO WANT TO SAY IT'S GREAT TO BE ON
21 THE BOARD. I WANT TO CONGRATULATE STAFF AND I WANT TO
22 CONGRATULATE THE BOARD MEMBERS ON THE PROGRESS THEY
23 HAVE MADE. WE ARE CLEARLY THE EXAMPLE FOR THE REST OF
24 THE NATION.

25 THAT DOESN'T MEAN THAT --

1 THERE'S STILL A LOT OF WORK TO DO AND
2 I LOOK FORWARD TO PARTICIPATING IN THAT WORK AND I
3 LOOK FORWARD TO GETTING TO KNOW MANY OF YOU IN THE
4 AUDIENCE.

5 SO, THANK YOU VERY MUCH.

6 CHAIRMAN PENNINGTON: I MIGHT ALSO ADD THAT
7 IT'S VERY FITTING THAT MR. RHODES JOINS US HERE IN
8 SANTA BARBARA REPLACING ANOTHER FINE GENTLEMAN FROM

9 SANTA BARBARA, PAUL ELLIS, WHO WAS OUR COLLEAGUE FOR
10 MANY YEARS. HE SPENT A LOT OF TIME COMING HOME AND
11 BACK FROM SANTA BARBARA.

12 SO, IT'S SORT OF FITTING TO HAVE STEVE
13 JOIN US HERE IN THIS MEETING.

14 WOULD THE SECRETARY PLEASE CALL THE
15 ROLL?

16 SECRETARY KELLY: MEMBER EATON.

17 MEMBER EATON: HERE.

18 SECRETARY KELLY: MEMBER FRAZEE.

19 MEMBER FRAZEE: HERE.

20 SECRETARY KELLY: MEMBER JONES.

21 MEMBER JONES: HERE.

22 SECRETARY KELLY: MEMBER RHODES.

23 MEMBER RHODES: HERE.

24 SECRETARY KELLY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: HERE.

1 WE HAVE A QUORUM.

2 AS THE PUBLIC WILL NOTE, BOARD MEMBER
3 CHESBRO IS ABSENT TODAY. HE IS CURRENTLY ON A LEAVE
4 OF ABSENCE. THEREFORE, HIS NAME WILL NOT BE CALLED ON
5 ANY OF THE ROLL CALL VOTES.

6 WE'LL START ON MY LEFT WITH MR. EATON.

7 DO ANY BOARD MEMBERS HAVE ANY EX PARTE
8 COMMUNICATIONS TO REPORT?

9 MEMBER EATON: YES.

10 I DO HAVE, MR. CHAIR, A LETTER FROM
11 RICK SNYDER FROM U.S. RUBBER RECYCLING REGARDING SCRAP
12 TIRES AND WASTE FOAM RUBBER, AS WELL AS A LETTER FROM
13 YVONNE HUNTER, THE CITY REPRESENTATIVE, REGARDING

14 BIENNIAL REVIEWS.

15 THAT'S IT.

16 CHAIRMAN PENNINGTON: MR. JONES?

17 MEMBER JONES: MINE ARE ALL UP TO DATE, WITH
18 THE EXCEPTION OF A CONVERSATION WITH JOE MONTENOYA
19 (PHONETIC SPELLING) ON THE 21ST CENTURY PROJECT.

20 CHAIRMAN PENNINGTON: MR. RHODES?

21 MEMBER RHODES: I ALSO HAVE A LETTER FROM
22 YVONNE HUNTER. I'VE HAD NO CONVERSATIONS.

23 CHAIRMAN PENNINGTON: MR. FRAZEE?

24 MEMBER FRAZEE: YES.

25 MINE ARE ALL RECORDED IN THE RECORD.

1 CHAIRMAN PENNINGTON: I HAVE ONE, THE LETTER
2 FROM YVONNE HUNTER, AS WELL AS A CREDIT REPORT FROM
3 THE CITY OF MANTECA.

4 I WANT TO TELL YOU THAT ANYBODY WHO
5 WISHES TO ADDRESS ANY ITEM ON THE AGENDA, PLEASE FILL
6 OUT A SPEAKER REQUEST FORM WHICH YOU WILL FIND ON THE
7 TABLE AT THE BACK OF THE ROOM BY THE DOOR THERE AND
8 MAKE SURE THAT IT GETS TO MISS KELLY WHO WILL MAKE
9 SURE THAT I GET IT AND WE WILL HEAR FROM YOU AT THE
10 APPROPRIATE TIME.

11 A COUPLE OF ANNOUNCEMENTS:

12 THERE WILL NOT BE A STATUS REPORT OF
13 THE 21ST CENTURY POLICY DEVELOPMENT PROCESS.

14 THE PRESENTATION OF THE RESOLUTION OF
15 USED OIL RECYCLING WILL BE PART OF THE OCTOBER 6,
16 1998, MEETING IN SACRAMENTO.

17 NO BUSINESS WILL BE CONTINUED FROM THE
18 PAST BOARD MEETING TO TODAY.

19 AGENDA ITEMS 1 THROUGH 9-D, THE CITY

20 OF MANTECA, ARE PULLED FROM TODAY'S AGENDA.

21 AGENDA ITEM 8 WILL BE HEARD FOLLOWING
22 THE EXECUTIVE DIRECTOR'S REPORT.

23 WE NOW WILL MOVE TO THE LOCAL
24 PRESENTATION PART OF THE BOARD MEETING THIS MORNING.

25 NAOMI SCHWARTZ IS A MEMBER OF THE
1 SANTA BARBARA COUNTY BOARD OF SUPERVISORS THIS
2 APPOINTMENT.

3 GOOD MORNING.

4 MS. SCHWARTZ: GOOD MORNING, CHAIRMAN
5 PENNINGTON AND BOARD MEMBERS.

6 IT'S A PLEASURE FOR ME TO COME ACROSS
7 THE STREET FROM THE COUNTY ADMINISTRATION BUILDING AND
8 WELCOME YOU TO SANTA BARBARA THIS MORNING.

9 WE ARE VERY HAPPY THAT YOU'RE HERE.

10 WE UNDERSTAND YOU HAVE A COUPLE OF
11 DAYS OF ACTIVITIES PLANNED ACTUALLY AND WE ARE VERY
12 PLEASED, TOO, THAT WE COULD ACCOMMODATE YOU IN THIS
13 HISTORIC MURAL ROOM OF THE COURT HOUSE TODAY.

14 WE HOPE YOU WON'T BE TOO CONFINED BY
15 HISTORY AS YOU SIT IN THIS VERY HISTORIC ROOM WHERE A
16 LOT OF THINGS HAVE OCCURRED OVER MANY, MANY YEARS.

17 BUT CERTAINLY, YOUR WORK AND OUR WORK
18 IN THE INTEGRATED WASTE FIELD IN SANTA BARBARA COUNTY
19 IS AT A VERY, REALLY, I THINK, EXCITING PLACE,
20 HISTORICALLY.

21 AND YOU'LL BE HEARING MORE FROM SANTA
22 BARBARA COUNTY STAFF AS TO WHAT WE IN SANTA BARBARA
23 COUNTY ARE DOING.

24 RIGHT NOW, I JUST WANTED TO MAKE A

25 COUPLE OF FACTS KNOWN BECAUSE I THINK WE'VE MADE
1 EXCEPTIONAL PROGRESS WITHIN THE LAST COUPLE OF YEARS;
2 BUT WE HAVE SOME EXCEPTIONAL CHALLENGES IN FRONT OF
3 US, AS WELL.

4 A NEW RESIDENTIAL SOLID WASTE
5 COLLECTION SYSTEM WAS IMPLEMENTED HERE IN SANTA
6 BARBARA COUNTY LAST JULY.

7 THAT IS JULY OF '97.

8 AND THIS INCLUDES COMMINGLED
9 COLLECTION OF RECYCLABLES AND SEPARATE COLLECTION OF
10 GREEN WASTE TO ALL OF OUR RESIDENTS IN THE
11 UNINCORPORATED AREAS.

12 SEVENTY-FOUR PERCENT OF THE CUSTOMERS
13 RECEIVING SERVICE IN THE COUNTY NOW ARE PARTICIPATING
14 IN THE RECYCLING COLLECTION PROGRAM AND SIXTY-EIGHT
15 PERCENT IN THE GREEN WASTE COLLECTION PROGRAM.

16 THAT'S A CONSIDERABLE IMPROVEMENT.

17 WE ARE VERY EXCITED ABOUT THOSE
18 FIGURES.

19 LAST FISCAL YEAR, THE TONNAGE OF RECYCL-
20 ABLES COLLECTED HERE IN THE UNINCORPORATED AREAS
21 INCREASED THIRTY-TWO PERCENT OVER THE PREVIOUS YEAR
22 AND THIS TONNAGE WE EXPECT TO INCREASE EVEN FURTHER
23 WITH THE RECENT ADDITION OF MIXED PAPER.

24 THE TONNAGE OF GREEN WASTE COLLECTED
25 AND DIVERTED INCREASED TWO HUNDRED AND EIGHTY PERCENT
1 OVER THE PREVIOUS YEAR.

2 THE OVERALL TONNAGE OF MATERIALS
3 DIVERTED BY OUR RESIDENTIAL PROGRAM INCREASED
4 SEVENTY-SIX PERCENT FROM THE PREVIOUS YEAR.

5 SO, WE ARE CLEARLY ON A TRACK THAT'S

6 VERY IMPORTANT FOR US; BUT WE DO HAVE SOME CHALLENGES,
7 AS WELL, AS I MENTIONED.

8 WE ARE PRESENTLY INVOLVED IN AN
9 ENVIRONMENTAL IMPACT PROGRAM THAT HAS TO DO WITH
10 LOOKING INTO THE FUTURE OF OUR SOUTH COUNTY DISPOSAL
11 SITE AT TAJIGUAS.

12 I BELIEVE I'M GOING TO BE JOINING YOU
13 TOMORROW AS WE TOUR THAT FACILITY. THAT'S OBVIOUSLY
14 GOING TO BE A MAJOR DECISION FOR OUR COUNTY AND ONE
15 WHICH IS GOING TO REQUIRE A LOT OF OBJECTIVE DATA
16 COLLECTION AND THEN VERY SOME VERY HARD
17 DECISION-MAKING.

18 SO, WITH THAT, I WOULD LIKE TO TURN
19 THIS OVER TO OUR COUNTY SOLID WASTE STAFF AND I'LL
20 LOOK FORWARD TO PERSONALLY SEEING YOU AGAIN TOMORROW
21 MORNING.

22 I HOPE YOU HAVE A PRODUCTIVE DAY AND A
23 VERY PLEASANT ONE HERE IN OUR COMMUNITY.

24 AGAIN, WELCOME TO YOU ALL.

25 CHAIRMAN PENNINGTON: THANK YOU VERY MUCH.

1 NOW, WE WOULD LIKE TO HEAR FROM LESLIE
2 WELLS.

3 MS. WELLS: GOOD MORNING, CHAIRMAN PENNINGTON
4 AND MEMBERS OF THE BOARD.

5 AGAIN, WELCOME TO SANTA BARBARA
6 COUNTY. WE'RE EXCITED TO HOST YOU OVER THE NEXT TWO
7 DAYS.

8 AT THIS TIME, I WANT TO TAKE THE
9 OPPORTUNITY, IF THERE IS ANYTHING THAT YOU NEED IN THE
10 NEXT TWO DAYS, EVERETT KING, WHO'S HERE AT THE

11 OVERHEAD PROJECTOR, WILL BE HERE.

12 SO, IF THERE IS ANY ADDITIONAL
13 EQUIPMENT OR IF YOU NEED TO SEND FAXES, THAT TYPE OF
14 THING, HE WILL BE AVAILABLE TO YOU.

15 WE WERE INVITED TO MAKE A BRIEF
16 PRESENTATION ABOUT SANTA BARBARA COUNTY'S PROGRESS
17 TOWARD MEETING AB 939.

18 THIS MORNING, I'M GOING TO BE
19 FOCUSING ON OUR COLLECTION AND DIVERSION PROGRAMS.
20 TOMORROW, YOU'RE GOING TO BE TAKING THE TAJIGUAS
21 LANDFILL TOUR AND YOU'RE GOING TO HEAR MORE DETAILS ON
22 OUR SOLID WASTE FACILITIES.

23 OKAY.

24 SOLID WASTE COLLECTION SERVICES IN
25 SANTA BARBARA COUNTY IS PROVIDED THROUGH A RESIDENTIAL
1 AND COMMERCIAL FRANCHISE SYSTEM IN FIVE DIFFERENT
2 COLLECTION ZONES.

3 COLLECTION IS NOT MANDATORY IN SANTA
4 BARBARA COUNTY. PROBABLY CLOSE TO TWENTY PERCENT OF
5 RESIDENTS SELF-HAUL THEIR WASTE TO OUR FACILITIES.

6 WE HAVE A VARIETY OF COLLECTION
7 METHODOLOGIES I WOULD DESCRIBE AS ECLECTIC, AT BEST.
8 THE SOUTHERN PORTION OF OUR COUNTY CONSISTS OF
9 BACK-YARD MANUAL COLLECTION WHILE THE NORTH COUNTY
10 HAS AUTOMATED CURBSIDE COLLECTION.

11 DESPITE THIS VARIABILITY, A NEW
12 COLLECTION SYSTEM WAS IMPLEMENTED IN JULY OF 1997
13 WHICH REQUIRED ALL OF OUR FRANCHISEES TO PROVIDE THE
14 SEPARATE COLLECTION OF SOURCE SEPARATE GREEN WASTE
15 COMMINGLED WITH RECYCLABLES AND TRASH TO EACH
16 HOUSEHOLD.

17 WE DO USE A VARIABLE CAN RATING
18 SYSTEM.

19 ONE THING I WANTED TO HIGHLIGHT ABOUT
20 THIS NEW COLLECTION SYSTEM, WE PERFORMED A VERY
21 COMPREHENSIVE PUBLIC OUTREACH PROGRAM. WHEN WE
22 PROPOSED OUR ORIGINAL COLLECTION SYSTEM, FLIERS AND
23 NEWSLETTERS WERE SENT TO EVERY CUSTOMER. WE HAD
24 FOLLOW-UP POSTCARDS. WE HELD FIFTEEN DIFFERENT PUBLIC
25 FORUMS TO RECEIVE COMMENT FROM THE PUBLIC.

1 ONCE THE SYSTEM WAS FINALIZED, WE
2 ESTABLISHED A HOT LINE, HAD TELEVISION ADS AND VIDEO
3 THAT RAN ON CABLE AND GENERAL ACCESS TV, AS WELL AS
4 RADIO AND NEWSPAPER ADS.

5 THIS IS A SAMPLE OF ONE OF OUR
6 NEWSPAPER ADS ENCOURAGING THE PUBLIC TO PARTICIPATE IN
7 OUR ORGANICS COLLECTION PROGRAM.

8 JUNE 30 MARKED THE END OF OUR FIRST
9 YEAR AND WE SAW SOME PRETTY SIGNIFICANT RESULTS. WE
10 SAW A THIRTY-TWO PERCENT INCREASE IN THE QUANTITY OF
11 RECYCLABLES THAT WERE COLLECTED.

12 WE BELIEVE THAT IS DUE TO THE
13 INCREASED CONVENIENCE OF THE COMMINGLED CONTAINER. IN
14 ADDITION, WE SAW A TWO HUNDRED EIGHTY PERCENT INCREASE
15 IN THE GREEN WASTE THAT WAS COLLECTED. THAT WASN'T
16 TOO SURPRISING BECAUSE ABOUT THIRTY PERCENT OF OUR
17 WASTE STREAM IS GREEN WASTE.

18 OVERALL, WE HAD AN INCREASED
19 RESIDENTIAL TONNAGE DIVERTED OF SEVENTY-FOUR PERCENT.

20 WE ARE EXPECTING TO SEE AN ADDITIONAL
21 INCREASE IN THE FUTURE BECAUSE WE RECENTLY ADDED MIXED

22 PAPER TO THE LIST OF MATERIALS THAT CUSTOMERS CAN
23 THROW INTO THEIR COMMINGLED CONTAINERS.

24 SOLID WASTE IS DISPOSED OF IN A
25 VARIETY OF LANDFILLS, ALL WITHIN THE COUNTY OF SANTA
1 BARBARA.

2 ON THE SOUTH COAST, ALL OF OUR TRASH
3 GOES TO THE TAJIGUAS LANDFILL WHICH YOU WILL BE
4 VISITING TOMORROW.

5 THE NORTH COUNTY IS A LITTLE MORE
6 DISPERSED. TRASH IS DISPOSED OF AT TWO DIFFERENT CITY
7 LANDFILLS, A FEDERAL FACILITY, AND A SMALL,
8 COUNTY-OPERATED LANDFILL.

9 OUR RECYCLABLES ARE PROCESSED BY
10 PRIVATE COMPANIES. WE'VE BENEFITTED IN THE LAST
11 COUPLE OF YEARS. SEVERAL MRFS HAVE BEEN CONSTRUCTED
12 OR EXPANDED.

13 SO, AT THIS TIME, WE ARE ABLE TO GET A
14 VERY COMPETITIVE RATE FOR PROCESSING.

15 OUR GREEN WASTE IN THE NORTH COUNTY IS
16 GROUND BY OUR SOLID WASTE SERVICE PROVIDER. THEY
17 APPLY THIS GROUND MATERIAL TO AGRICULTURAL LAND THAT
18 THEY OWN. THEY'RE CURRENTLY PLANTING AVOCADO TREES ON
19 THIS LAND.

20 AND IN THE SOUTH COUNTY, THE COUNTY
21 GRINDS THE MATERIAL AND THE MULCH IS USED FOR A
22 VARIETY OF USES.

23 I WANTED TO JUST TAKE A FEW MINUTES TO
24 HIGHLIGHT SOME OF OUR GREEN WASTE DISTRIBUTION PLANS.
25 THE GOAL OF OUR PROGRAM IS THE BENEFICIAL REUSE OF OUR
1 MULCH AND WE CHOSE THE MULTI-USE APPROACH TO PROTECT
2 AGAINST CHANGES IN DEMAND.

3 FOR EXAMPLE, LAST YEAR EL NINO HIT US
4 PRETTY HARD. WE SAW A RADICAL INCREASE IN THE AMOUNT
5 OF GREEN WASTE THAT CAME IN OVER THE WINTER MONTHS.

6 ACCESS TO SOME OF OUR DISTRIBUTION
7 SITES WAS REAL LIMITED.

8 SO, IT HELPED US OUT TO HAVE A VARIETY
9 OF PLACES THAT WE COULD USE THIS MATERIAL. SOME OF
10 THESE USES INCLUDE DISTRIBUTION ON COUNTY PROPERTY:
11 PARKS, SCHOOLS, CALTRANS, NONPROFIT ORGANIZATIONS,
12 LOCAL AVOCADO ORCHARDS, BIOMASS CONVERSION.

13 AND WE ARE CURRENTLY EXPLORING
14 CONTRACTS WITH LOCAL COMPOSTERS.

15 LAST YEAR, OVER HALF OF OUR GROUND
16 MATERIAL WENT TO BE USED AS ALTERNATIVE DAILY COVER.
17 THIS YEAR WE DON'T WANT TO USE IT AS ADC BECAUSE WE
18 ARE TRYING TO CONVERT OUR ADC USE TO TARPS AS DAILY
19 COVER TODAY.

20 SO, WE'RE FOCUSING ON SOME OF OUR
21 ALTERNATIVE USES.

22 ANOTHER OUTLET FOR OUR MULCH MATERIAL
23 IS PARTICIPATING IN CIWMB'S SOUTHERN CALIFORNIA
24 AGRICULTURAL DEMO PROJECT.

25 THIS IS A COOPERATIVE PROJECT
1 CONNECTED WITH THE UNIVERSITY OF CALIFORNIA EXTENSION,
2 UNIVERSITY OF CALIFORNIA AT RIVERSIDE AND CIWMB.

3 WE ARE PARTICIPATING BY PROVIDING
4 FUNDING AT THE KICKOFF OF THE PROJECT AND WE CONTINUE
5 TO PROVIDE MULCH TO A DEMONSTRATION AVOCADO OPERATION
6 IN SANTA BARBARA.

7 NOW, I WOULD LIKE TO FOCUS ON OUR

8 STATUS OF COMPLIANCE WITH AB 939.

9 CURRENTLY, CIWMB HAS APPROVED OUR SRRE,
10 A COUNTYWIDE HOUSEHOLD HAZARDOUS WASTE ELEMENT,
11 A COUNTYWIDE NONDISPOSAL FACILITY ELEMENT.

12 IN OCTOBER, A CIWMB REVIEW COMMITTEE
13 WILL BE REVIEWING OUR FINAL DRAFT SITE ELEMENT AND
14 SUMMARY PLAN.

15 THIS IS AN EXTENSIVE LIST OF ALL THE
16 PROGRAMS THAT ARE INCLUDED IN OUR SRRE. I'M NOT GOING
17 TO GO THROUGH IT. I THINK IT'S JUST IMPORTANT TO LOOK
18 AT THE STATUS, THOUGH.

19 WE'VE ESSENTIALLY IMPLEMENTED ALL
20 PROGRAMS WE WERE COMMITTED TO IMPLEMENT, WITH THE
21 EXCEPTION OF THE CONSTRUCTION OF A MIXED ORGANICS AND
22 BIOSOLIDS COMPOSTING FACILITY.

23 AT THIS TIME, THE COUNTY'S DECIDED,
24 DUE TO SITING AND FUNDING ISSUES, WE ARE NOT GOING TO
25 PURSUE THAT.

1 REGARDING THE HOUSEHOLD HAZARDOUS
2 WASTE ELEMENT FOR THE SOUTH COUNTY OF SANTA BARBARA,
3 WE'VE GOT A HOUSEHOLD HAZARDOUS WASTE COLLECTION
4 CENTER.

5 WHAT THIS INFORMATION SHOWS, THE TOP
6 LINE IS THE QUANTITY, THE COST PER TON FOR OPERATING
7 OUR FACILITY OVER THE PAST FIVE YEARS. THAT HAS
8 STEADILY DECREASED. THE BARS ILLUSTRATE THE TOTAL
9 NUMBER OF TONS THAT ARE COLLECTED AT THIS FACILITY.
10 IT'S BEEN VERY SUCCESSFUL AND THE COMMUNITY NOW HAS AN
11 OPTION FOR RESPONSIBLY DISPOSING OF THEIR HOUSEHOLD
12 HAZARDOUS WASTE.

13 THIS IS A LISTING OF THE PROGRAMS THAT

14 WE HAVE COMMITTED TO IMPLEMENT IN OUR HHWE. ALL OF
15 THOSE PROGRAMS HAVE BEEN IMPLEMENTED.

16 OUR SECOND TABLE IS A LIST OF GRANT
17 FUNDING AND I WOULD LIKE TO TAKE THIS OPPORTUNITY TO
18 THANK THE CIWMB FOR BEING VERY GENEROUS. OVER THE
19 PAST THREE YEARS, WE HAVE RECEIVED A SIGNIFICANT
20 AMOUNT OF FUNDING FOR USED OIL AND HOUSEHOLD
21 HAZARDOUS WASTE PROGRAMS.

22 AS A RESULT OF THAT, OUR COMMUNITY
23 DOES HAVE SEVERAL OPTIONS FOR RESPONSIBLY DISPOSING OF
24 THEIR WASTE.

25 AS I INDICATED, ALL BUT ONE OF THE
1 PROGRAMS LISTED IN OUR EX PARTE HHWE HAVE BEEN
2 IMPLEMENTED. THIS YEAR, WE ARE TRYING TO EXPAND ON
3 SOME EXISTING PROGRAMS, INCLUDING OUR COMMERCIAL AND
4 MULTI-FAM RECYCLING COLLECTION, EDUCATIONAL AND
5 INSTITUTIONAL RECYCLING COLLECTION, CONSTRUCTION AND
6 DEMOLITION DEBRIS SORTING, PROMOTION OF EXISTING
7 PROGRAMS.

8 REGARDING OUR DIVERSION LEVELS, OUR
9 BASELINE DIVERSION LEVEL WAS ELEVEN PERCENT. WE HAD
10 ALREADY IMPLEMENTED CURBSIDE RECYCLING AND C AND D
11 SORTING.

12 OUR FOUR-YEAR CORE PLAN FOR '94
13 ILLUSTRATES WE WERE AT TWENTY-EIGHT PERCENT. IN 1996,
14 USING THE FORMULA THE STATE DEVELOPED, AS WELL AS THE
15 STATE-DEVELOPED DATA TABLES, WE WERE AT THIRTY
16 PERCENT.

17 IN 1997, WE WERE INFORMED WE COULDN'T
18 USE THE DATA THAT WE HAD USED THE YEAR BEFORE, WHICH

19 BROUGHT US DOWN TO TWENTY-EIGHT PERCENT.

20 AT THIS TIME, WE ARE IN NEGOTIATIONS
21 WITH STAFF BECAUSE IT'S NOT CLEAR TO US WHY WE HAD TO
22 CHANGE THE DATA WE WERE USING IN THE FORMULA.

23 OUR CORE CALCULATIONS SHOW WE SHOULD
24 BE AT THIRTY-THREE PERCENT.

25 I WANTED TO POINT OUT THAT THE COUNTY
1 IS COMMITTED TO RESPOND RESPONSIBLY TO THE STATE
2 MANDATES, BUT WE ARE HAVING DIFFICULTIES WITH THE
3 METHODOLOGY TO CALCULATE DIVERSION.

4 AND, JUST, I WANTED TO HIGHLIGHT ONE
5 OTHER ADMINISTRATIVE OBSTACLE. THE COUNTY IS
6 ACCOUNTABLE FOR A FEDERAL FACILITY AT VANDENBURG AIR
7 FORCE BASE.

8 APPARENTLY, WE NEED TO INCLUDE THEM
9 IN OUR DIVERSION CALCULATION. THEY DO HAVE THEIR OWN
10 LANDFILL. THEY'RE ACCOUNTABLE TO FEDERAL REGULATIONS.
11 THEY'RE NOT REFLECTED IN OUR POPULATION, EMPLOYMENT,
12 AND TAXABLE SALES DATA.

13 SO, WE SEE THAT THAT IS SOMEWHAT OF A
14 CUMBERSOME PROBLEM, TO HAVE TO INCLUDE THEM IN OUR
15 DIVERSION DATA.

16 WE'VE BEEN WORKING WITH YOUR STAFF
17 INQUIRING AS TO WHETHER WE CAN INDEED DISASSOCIATE
18 VANDENBURG, BUT TO DATE WE HAVEN'T BEEN ALLOWED TO DO
19 SO.

20 UNFORTUNATELY, I'M SORRY, THIS IS A
21 POOR-QUALITY GRAPH, BUT THE TOP LINE SHOWS WHERE OUR
22 DIVERSION WOULD BE WITHOUT VANDENBURG.

23 WHAT WE'VE PROJECTED.

24 IT'S CLOSE TO FORTY-EIGHT PERCENT BY

25 THE END OF 1999; BUT WITH VANDENBURG, WE CONTINUE TO
1 BE AT ABOUT THIRTY-NINE PERCENT.

2 SO, AS YOU CAN SEE, IT WOULD BE A
3 PRETTY SIGNIFICANT DIFFERENCE WHETHER WE HAD TO
4 INCLUDE THEM OR NOT.

5 JUST TO SUMMARIZE BRIEFLY, WE ARE
6 GOING TO CONTINUE TO AGGRESSIVELY PURSUE OUR DIVERSION
7 PROGRAMS.

8 WE'LL CONTINUE TO MAKE ADJUSTMENTS TO
9 CORRECT FOR INACCURACIES IN THE METHODOLOGY.

10 ONE OPTION WE MAY USE IS TO DO ANOTHER
11 WASTE GENERATION STUDY IN HOPES THAT THAT WOULD
12 ACCURATELY REFLECT OUR TRUE DIVERSION LEVELS.

13 SO, THAT'S THE END OF MY PRESENTATION.

14 IF YOU DON'T HAVE ANY QUESTIONS, WE
15 HAVE A FEW SOUVENIRS FOR YOU. I MIGHT BE ABLE TO PUT
16 THEM UP AT THE TABLE HERE AND YOU CAN COLLECT THEM
17 LATER.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS?

19 MR. RHODES?

20 MEMBER RHODES: ANY LESSONS THAT YOU WOULD
21 HAVE FOR OTHER AREAS OF THE STATE OR THROUGH YOUR
22 EXPERIENCE?

23 MS. SCHWARTZ: I THINK A PRETTY SIGNIFICANT
24 LESSON THAT WE'VE LEARNED, WE STARTED OUT WITH THE
25 THREE-BIN SEGREGATED RECYCLING SYSTEM AND THE
1 COMMUNITY WAS VERY RESPONSIVE TO THAT.

2 BUT WHAT WE SEE GOING TO THE
3 COMMINGLED COLLECTION IS SUCH A SIGNIFICANT INCREASE
4 IN THE AMOUNT OF QUANTITIES BEING DIVERTED THAT

5 CONVENIENCE REALLY MATTERS.

6 AND THIS COMMUNITY IS PRETTY
7 ENVIORNMENTALLY AWARE, BUT EVEN IN THIS COMMUNITY,
8 CONVENIENCE REALLY MATTERS.

9 THERE WAS A CONCERN THAT THE PAPER
10 PRODUCTS WOULD GET CONTAMINATED. WE HAVEN'T HAD ANY
11 PROBLEM MARKETING OUR PAPER PRODUCTS WHEN THEY ARE
12 COMMINGLED WITH BEVERAGE CONTAINERS.

13 SO, THAT WOULD PROBABLY BE MY BIGGEST
14 SUGGESTION TO OTHER JURISDICTIONS, TO GO WITH THE
15 COMMINGLED COLLECTION.

16 THANK YOU VERY MUCH.

17 CHAIRMAN PENNINGTON: MR. FRAZEE?.

18 MEMBER FRAZEE: I NOTE THAT YOU INDICATED THE
19 NEED TO DO A NEW GENERATION, WASTE GENERATION STUDY.

20 THE BOARD IS ABOUT TO EMBARK UPON A
21 COMPREHENSIVE STATE-WIDE GENERATION STUDY. I WONDER
22 IF THERE'S ANY POSSIBILITY OF TYING IN WITH THAT
23 EFFORT?

24 THERE MAY BE SOME JOINT WORK THAT
25 COULD BE DONE THAT WOULD BE A SAVING FOR BOTH.

1 MS. SCHWARTZ: AT THIS TIME, WE DON'T HAVE A
2 SCHEDULE OR A TIME LINE FOR WHEN WE'RE GOING TO
3 CONDUCT THIS WASTE GENERATION STUDY.

4 CURRENTLY, IT'S NOT IN OUR BUDGET, BUT
5 IT'S SOMETHING THAT WE ARE SEEING WE ARE GOING TO
6 PROBABLY NEED TO DO IN THE FUTURE. WHAT I CAN
7 CERTAINLY DO IS WORK WITH OUR LOCAL REPRESENTATIVE IN
8 DISCUSSING IF WE ARE INDEED GOING TO DO IT AND WHAT
9 OUR TIME LINE IS.

10 WE WOULD BE HAPPY TO WORK WITH YOU.

11 CHAIRMAN PENNINGTON: VERY GOOD.

12 ANY OTHER QUESTIONS OR RESPONSES?

13 THANK YOU VERY MUCH FOR THE VERY
14 COMPREHENSIVE REPORT.

15 WE APPRECIATE IT.

16 NOW, WE WILL MOVE TO --

17 ANY BOARD MEMBERS HAVE ANY REPORTS
18 THEY'VE PREPARED THEY WOULD LIKE TO PRESENT?

19 MR. EATON?

20 MEMBER EATON: NONE, MR. CHAIR.

21 I WOULD ONLY REQUEST TO ECHO YOUR
22 SENTIMENTS REGARDING THE GRACIOUS HOSPITALITY AND
23 ACCOMMODATIONS AND, LIKE YOU, I'D ALSO LIKE TO WELCOME
24 MR. RHODES TO THE BOARD AND HOPE THAT HIS TERM IS A
25 SUCCESSFUL VENTURE ON THE BOARD.

1 CHAIRMAN PENNINGTON: THANK YOU.

2 OKAY.

3 NOW WE WILL MOVE TO THE EXECUTIVE
4 DIRECTOR'S REPORT.

5 MR. CHANDLER.

6 EXECUTIVE DIRECTOR CHANDLER: THANK YOU, MR.
7 CHAIRMAN; AND GOOD MORNING, MEMBERS.

8 I HAVE THREE ITEMS I WOULD LIKE TO
9 BRING TO YOUR ATTENTION TODAY. AS MANY OF YOU HEARD,
10 A LARGE FIRE BROKE OUT LAST WEEK AT A COMPOSTING
11 FACILITY IN THE CHIPPING AND GRINDING OPERATION NEAR
12 DENALI.

13 STANISLAUS COUNTY ENVIRONMENTAL
14 RESOURCE OFFICIALS REPORT THERE ARE STILL A FEW HOT
15 SPOTS, BUT THAT THE FIRE SHOULD BE OUT COMPLETELY

16 WITHIN A WEEK.

17 THE FIRE ONLY AFFECTED THE CHIPPING
18 AND GRINDING OPERATION OPERATED BY WEAVER INDUSTRIES.
19 BECAUSE THE AREAS WERE WELL-SEPARATED, THE FIRE DID
20 NOT SPREAD TO THE FOOD/WASTE PROCESSING RESIDUE AREA
21 OR THE BERM AND COMPOSTING AREAS.

22 ALL OF THE OPERATIONS ARE EXCLUDED
23 ACTIVITIES UNDER THE BOARD'S REGULATORY PURVIEW AND
24 THEREFORE DO NOT REQUIRE PERMITS FROM THE BOARD.

25 HOWEVER, BOTH ACTIVITIES OPERATE UNDER
1 THE COUNTY'S RECYCLING PROGRAM AND HAVE PERMITS AS
2 SUCH.

3 APPARENTLY, CARDBOARD WAS IGNITED BY SOMEONE
4 SMOKING ADJACENT TO THE MATERIAL AND THE WINDY
5 CONDITIONS CAUSED THE EMBERS TO IGNITE THE WOOD PILE.

6 THE COUNTY REPORTS THAT WEAVER CEASED
7 ACCEPTING GREEN MATERIALS TWO YEARS AGO AND IS UNDER
8 ORDERS TO REMOVE ALL THE MATERIAL.

9 THE COMPANY WAS EVICTED IN MAY OF 1997
10 AND HAS REMOVED MORE THAN HALF OF ITS MATERIAL FROM
11 THE SITE.

12 ANOTHER COMPANY, GROVER ENVIRONMENTAL,
13 IS BEGINNING TO USE PART OF THE PROPERTY FOR A
14 COMPOSTING OPERATION AND RECENTLY MOVED SOME OF ITS
15 FINISHED COMPOST PRODUCT FROM MANTECA.

16 UNFORTUNATELY, THIS FINISHED COMPOST
17 ALSO WAS BURNED. GROVER IS PLANNING TO PREPARE AN
18 APPLICATION FOR SUBMITTAL TO THE BOARD FOR A
19 COMPOSTING OPERATION AT THIS LOCATION.

20 SECOND, I'D LIKE TO PROVIDE YOU WITH
21 AN UPDATE ON THE ROYSTER TIRE FIRE IN TRACY.

22 AND ALTHOUGH IT'S BEEN SOME SIX WEEKS
23 SINCE THE FIRE BEGAN, IT IS STILL SMOLDERING; WHICH IS
24 FORCING BOARD STAFF AND REPRESENTATIVES OF THE OTHER
25 AGENCIES TO HOLD OFF ON GETTING STARTED ON ANY
1 REMEDIATION EFFORTS.

2 AS YOU KNOW, THE SITE ASSESSMENT
3 INFORMATION WILL BE NEEDED TO PLAN REMEDIATION
4 EFFORTS; BUT THAT INFORMATION CAN NOT BE COLLECTED
5 UNTIL THE FIRE IS OUT BECAUSE OF SIGNIFICANT THREAT TO
6 WORKER HEALTH AND SAFETY, SUCH AS HEAT AND EXPOSURE TO
7 TOXIC MATERIALS.

8 AS YOU WILL REMEMBER, THE BOARD HAS
9 BEEN DESIGNATED THE LEAD AGENCY IN THE REMEDIATION
10 EFFORTS AND I WILL KEEP YOU INFORMED OF FURTHER
11 DEVELOPMENTS.

12 FINALLY, I WOULD LIKE TO UPDATE YOU ON
13 THE PROJECT THAT WE HAVE WITH CHICO STATE LOOKING AT
14 USING WASTE TIRES IN LEVY REPAIR.

15 SOME OF YOU MAY RECALL THAT
16 APPROXIMATELY \$600,000.00 OF FISCAL YEAR 97-98 TIRE
17 ALLOCATION WAS INCUMBERRED IN AN AGREEMENT WITH CHICO
18 STATE TO BUILD ON THE PREVIOUSLY-COMPLETED FEASABILITY
19 STUDY EVALUATING THE POTENTIAL OF USING WASTE TIRES IN
20 LEVY REPAIR PROJECTS.

21 THIS WORK HAS BEEN SLOWED BY THE NEED
22 TO RUN SUBSEQUENT TESTS ON SAMPLE MIXES TO RESPOND TO
23 CONCERNS RAISED IN THE INITIAL STUDY.

24 THE TESTS WERE SUCCESSFUL AND THE DATA
25 WERE USED TO SELECT A SITE LOCATION AND PURSUE THE
1 APPROPRIATE STATE AND LOCAL APPROVALS.

2 I'M PLEASED TO REPORT THAT THESE
3 APPROVALS HAVE BEEN OBTAINED AND WE ARE READY TO BEGIN
4 THE CONSTRUCTION PHASE.

5 AS PART OF THE AGREEMENT WITH CHICO
6 STATE, THE BOARD IS REQUIRED TO APPROVE MOVING INTO
7 THE CONSTRUCTION PHASE OF THIS PROJECT.

8 STAFF WILL BE BRINGING AN ITEM FORWARD
9 AT YOUR OCTOBER 6 MEETING TO DESCRIBE THESE NEXT STEPS
10 AND TO SEEK YOUR APPROVAL TO COMMENCE WORK.

11 IT IS OUR HOPE TO HAVE THIS PROJECT
12 COMPLETED IN TIME FOR AN EVALUATION DURING THE
13 UPCOMING RAINY SEASON.

14 THAT CONCLUDES MY REPORT, MR.
15 CHAIRMAN.

16 CHAIRMAN PENNINGTON: THANK YOU.

17 ANY QUESTIONS?

18 MR. JONES.

19 MEMBER JONES: MR. CHAIRMAN, JUST TO EXPAND A
20 LITTLE BIT FOR THE SAKE OF THE AUDIENCE OUT THERE WHO
21 JUST HEARD ABOUT A LEVY PROJECT AND GOING FORWARD WITH
22 USING TIRES.

23 THIS IS A PROJECT THAT CAME TO THE
24 BOARD THROUGH, ACTUALLY, IT WAS FORMER MEMBER JANET
25 GOTCH, WHO HAD AN IDEA THAT MAYBE WE COULD USE THESE
1 TIRES IN LEVIES.

2 THAT WAS A COUPLE WEEKS AFTER THE
3 FLOODS IN SUTTER COUNTY DEVASTATED THAT PART OF THE
4 STATE AND WE FOUND IN THE ORIGINAL TESTING THAT THE
5 STATE AND THE CORPS OF ENGINEERS WERE WORKING ON LEVY
6 PROJECTS WITH BETANITE AND CONCRETE.

7 AND WITH THE INCLUSION OF OR THE

8 ADDITION OF TIRE SHREDS TO THAT MATERIAL, INSTEAD OF
9 HAVING A LEVY BREAK, THE CONCRETE CRACK AND BREAK, THE
10 RUBBER ACTUALLY MADE THE PROJECT A BETTER PROJECT.

11 IT ACTUALLY --

12 IT KEPT IT TOGETHER.

13 SO, WHEN THE CRACKS OCCURRED, YOU
14 DIDN'T HAVE TOTAL FAILURE WITHIN THOSE WALLS.

15 SO, I THINK, FOR THE BENEFIT OF THE AUDIENCE
16 AND FOR OUR NEW BOARD MEMBER, WE NEED TO KNOW
17 THAT THIS IS A PROJECT WHERE TIRES MADE, ADD A VALUE
18 IN A RECYCLING MARKET THAT HAD NEVER EXISTED BEFORE.

19 WE HAVE GOT MILES AND MILES AND MILES
20 OF LEVIES THROUGHOUT THE STATE AND A HUGE AGRICULTURAL
21 COMMUNITY THAT DEPENDS ON THE INTEGRITY OF THOSE
22 LEVIES AND THAT WASTE TIRES CAN BE USED TO HELP SECURE
23 AND MAINTAIN THOSE LEVIES IN A WAY THAT IT PROTECTS
24 US.

25 THIS IS GOING TO BE AN INCREDIBLE
1 SUCCESS FOR THIS BOARD.

2 I JUST THOUGHT THAT THE AUDIENCE
3 NEEDED TO KNOW WHY THE HECK WE WOULD BE PUTTING TIRES
4 IN LEVIES.

5 THAT'S WHY.

6 CHAIRMAN PENNINGTON: THANK YOU, MR. JONES.

7 MR. EATON?

8 MEMBER EATON: I JUST HAVE ONE QUESTION WITH
9 REGARD TO THE SCOPE OF WORK. THERE HAVE BEEN MANY,
10 MANY RECENT REPORTS ABOUT THE INVASION OF THE INFAMOUS
11 CRAB FROM THE FAR EAST.

12 I WAS WONDERING IF OUR SCOPE OF WORK,

13 NOW THAT WE ARE AWARE OF THAT, IF SOMEHOW, BECAUSE
14 FISH AND GAME AND SOME OF THE OTHERS IN THE DELTA WILL
15 BE INVOLVED IN THIS PROJECT, IF IT MIGHT BE SUGGESTED,
16 IT MIGHT BE WORTH TAKING A LOOK AT SOME OF THE
17 RESISTANCE TO THE CRABS THROUGH THIS DIVERSION TO
18 RUBBER PRODUCTS THAT ARE MADE.

19 THAT MIGHT BE SOME HELP AND ADDITIONAL
20 TYPE OF SUPPORT FOR THE PROJECT.

21 EXECUTIVE DIRECTOR CHANDLER: WE'LL DO THAT.

22 AS YOU KNOW, THE INTEGRITY OF THESE
23 LEVIES IS DIMINISHED SIGNIFICANTLY BY RODENTS AND
24 OTHER VECTORS THAT CAN INTRUDE INTO THE LEVY AND THEN
25 WEAKEN ITS STABILITY.

1 SO, YOUR POINT IS WELL TAKEN, THAT
2 NOW, WITH THE ONSLAUGHT OF THIS CRAB PROBLEM. THAT WE
3 ARE STARTING TO SEE. IT, AS WELL, SHOULD BE LOOKED
4 AT. WE WILL SEE IF WE CAN TAKE A LOOK AT WHAT THE
5 PROPERTIES ARE THAT MIGHT BE BENEFICIAL IN THAT
6 REGARD.

7 CHAIRMAN PENNINGTON: VERY GOOD.

8 THANK YOU, MR. CHANDLER.

9 ANY OTHER QUESTIONS OF MR. CHANDLER?

10 IF NOT, WE'LL MOVE ON TO ITEM NUMBER
11 8, CONSIDERATION OF STAFF RECOMMENDATION ON THE
12 BIENNIAL REVIEW FINDINGS FOR THE SOURCE REDUCTION AND
13 RECYCLING ELEMENT OF VARIOUS JURISDICTIONS.

14 JUDY FRIEDMAN.

15 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN
16 PENNINGTON AND BOARD MEMBERS.

17 CATHERINE CARDOZO WILL MAKE THE
18 PRESENTATION FOR STAFF.

19 MS. CARDOZO: GOOD MORNING, CHAIRMAN
20 PENNINGTON AND BOARD MEMBERS.

21 CAN EVERYONE HEAR ME?

22 OKAY.

23 I'M CATHERINE CARDOZO WITH THE OFFICE
24 OF LOCAL ASSISTANCE, CENTRAL SECTION. I'M PLANNING TO
25 PRESENT TO YOU TODAY THIRTY-NINE MORE JURISDICTIONS
1 FROM TWELVE COUNTIES, INCLUDING FOUR JURISDICTIONS
2 FROM SANTA BARBARA COUNTY, THAT HAVE DEMONSTRATED
3 MEETING OR EXCEEDING THE 1995 GOAL OF TWENTY-FIVE
4 PERCENT IN 1995 AND 1996.

5 THESE FINDINGS ARE THE RESULT OF BOARD
6 STAFF'S REVIEW AND ANALYSIS OF THESE JURISDICTIONS'
7 SRRE'S OR SOURCE REDUCTION AND RECYCLING ELEMENTS AND
8 1995 AND 1996 ANNUAL REPORTS.

9 CLARIFICATION AND VERIFICATION OF PROGRAM
10 IMPLEMENTATION WAS CONDUCTED BY NUMEROUS PHONE
11 CALLS AND CORRESPONDENCE WITH THE JURISDICTIONS AND
12 CHECKING PERTINENT DIVERSION FACILITY-RELATED DATA
13 BASES.

14 THESE JURISDICTIONS HAVE IMPLEMENTED
15 AND CONTINUE TO IMPLEMENT NUMEROUS SOURCE REDUCTION,
16 RECYCLING, COMPOSTING, SPECIAL WASTE, AND EDUCATION
17 PROGRAMS TO HELP THEM REACH THE TWENTY-FIVE AND FIFTY
18 PERCENT GOALS.

19 THEIR SUCCESS IS THE RESULT OF
20 COOPERATIVE EFFORTS BY THE CITIES AND COUNTIES, THEIR
21 RESIDENTS, SCHOOLS, COMMERCIAL, AND INDUSTRIAL
22 SECTORS, AND WASTE MANAGEMENT INDUSTRY AND RECYCLING
23 INDUSTRY.

24 I WOULD NOW LIKE TO ACKNOWLEDGE EACH
25 JURISDICTION BY READING EACH INTO THE RECORD.
1 WE HAVE IN ALAMEDA COUNTY, LIVERMORE.
2 EXCUSE ME.
3 IN CONTRA COSTA COUNTY, DANVILLE,
4 LAFAYETTE, MORAGA, ORINDA, AND WALNUT CREEK.
5 IN FRESNO COUNTY, FRESNO COUNTY
6 UNINCORPORATED.
7 IN LOS ANGELES COUNTY, WE HAVE BEVERLY
8 HILLS, COMMERCE, HUNTINGTON PARK, INGLEWOOD,
9 LANCASTER, PASADENA, AND SANTA CLARITA.
10 IN ORANGE COUNTY, LOS ALAMITOS AND
11 ORANGE.
12 IN RIVERSIDE COUNTY, CATHEDRAL CITY,
13 HEMET, AND PALM DESERT.
14 IN SAN DIEGO COUNTY, CHULA VISTA,
15 CORONADO, DEL MAR, ESCONDIDO, IMPERIAL BEACH, LA MESA.
16 IN SAN JOAQUIN COUNTY, RIPON.
17 IN SAN LUIS OBISPO COUNTY, ATASCADERO.
18 IN SANTA BARBARA COUNTY, BUELLTON,
19 CARPINTERIA, SANTA BARBARA COUNTY UNINCORPORATED, AND
20 SANTA MARIA.
21 IN TULARE COUNTY, DINUBA,
22 FARMERSVILLE, LINDSAY, TULARE, AND VISALIA.
23 I WOULD LIKE TO POINT OUT THAT IN
24 TULARE, FARMERSVILLE AND LINDSAY HAVE REDUCED GOALS,
25 BOARD-APPROVED REDUCED GOALS FOR 1995.
1 IN VENTURA, WE HAVE SANTA
2 BUENAVENTURA, SANTA PAULA, VENTURA COUNTY
3 UNINCORPORATED.
4 THAT CONCLUDES MY PRESENTATION.

5 I WOULD BE HAPPY TO ANSWER QUESTIONS.

6 CHAIRMAN PENNINGTON: ANY QUESTIONS?

7 OKAY.

8 IF NOT, WE'LL ENTERTAIN A MOTION.

9 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
10 MOTION THAT WE ADOPT RESOLUTION 98-303, ACKNOWLEDGING
11 FULL COMPLIANCE... --

12 MEMBER RHODES: SECOND.

13 CHAIRMAN PENNINGTON: I DO HAVE A SPEAKER
14 HERE IN SUPPORT OF THAT, JEFF LAMBERT.

15 YOU WANT TO --

16 MR. LAMBERT: GOOD MORNING.

17 MY NAME IS JEFF LAMBERT.

18 I'M WITH THE CITY OF SANTA CLARITA.

19 I'M HONORED TO SPEAK BEFORE YOU THIS
20 MORNING.

21 THANK YOU FOR GIVING ME AN EXCUSE TO
22 COME TO SANTA BARBARA.

23 IN ADDITION TO SPEAKING BEFORE YOU, I
24 HAVE A PREPARED PRESENTATION, BUT I THINK THE MOTION
25 IS BEFORE YOU AND I URGE YOU TO GO AHEAD AND ACT ON
1 THAT MOTION.

2 CHAIRMAN PENNINGTON: THANK YOU.

3 IF THERE IS NO FURTHER DISCUSSION,
4 WILL THE SECRETARY CALL ROLL?

5 SECRETARY KELLY: MEMBER EATON.

6 MEMBER EATON: AYE.

7 SECRETARY KELLY: MEMBER FRAZEE.

8 MEMBER FRAZEE: AYE.

9 SECRETARY KELLY: MEMBER JONES.

10 MEMBER JONES: AYE.

11 SECRETARY KELLY: MEMBER RHODES.

12 MEMBER RHODES: AYE.

13 SECRETARY KELLY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE.

15 THE MOTION CARRIES.

16 WE'LL NOW MOVE ON TO ITEM NUMBER 2,
17 CONSIDERATION OF AWARD OF A CONTRACT FOR THE
18 CALIFORNIA STATEWIDE DISPOSAL CHARACTERIZATION STUDY.

19 MISS FRIEDMAN.

20 MS. FRIEDMAN: GOOD MORNING, AGAIN.

21 THIS ITEM WILL BE PRESENTED BY NANCY
22 CARR FOR STAFF.

23 MS. CARR: GOOD MORNING, CHAIRMAN PENNINGTON
24 AND BOARD MEMBERS.

25 MY NAME IS NANCY CARR.

1 I WORK IN THE WASTE ANALYSIS BRANCH,
2 PLANNING DIVISION.

3 THE ITEM BEFORE YOU TODAY IS THE
4 CONSIDERATION OF AWARD OF CONTRACT FOR THE CALIFORNIA
5 STATEWIDE DISPOSAL CHARACTERIZATION STUDY.

6 MEMBER JONES: COULD YOU PULL THE MIKE UP
7 JUST A HAIR?

8 THANK YOU.

9 MS. CARR: IS THAT BETTER?

10 MEMBER JONES: THAT'S BETTER.

11 THANK YOU.

12 MS. CARR: OKAY.

13 THE PROJECT FOR STATEWIDE DISPOSAL
14 CHARACTERIZATION STUDY WILL COLLECT INFORMATION ON THE
15 TYPES AND AMOUNT OF MATERIALS STILL BEING DISPOSED OF

16 IN THE WASTE STREAM.

17 THIS WILL HELP US KNOW WHAT WE NEED TO
18 TARGET FOR FUTURE DIVERSION PROGRAMS. THE PROJECT
19 WILL NOT COLLECT INFORMATION ON WHAT'S ALREADY BEING
20 DIVERTED.

21 THE PROJECT WILL SPECIFICALLY
22 DETERMINE THE AMOUNTS OF RIGID PLASTIC PACKAGING
23 CONTAINERS IN THE DISPOSAL WASTE STREAM OF THE STATE
24 AND THIS INFORMATION IS NEEDED TO CALCULATE THE
25 DIVERSION RATES OF THESE MATERIALS, AS REQUIRED BY
1 STATUTE.

2 THE INFORMATION FROM THE PROJECT WILL
3 BE ADDED TO THE BOARD'S WASTE CHARACTERIZATION DATA
4 BASE AND WEB PAGE AND THIS DATA BASE IS THE ONLY ONE
5 OF ITS KIND IN THE COUNTRY.

6 AS MR. RHODES SAID THIS MORNING,
7 CALIFORNIA REALLY IS THE LEADER IN THE COUNTRY, BUT WE
8 STILL HAVE A LOT OF WORK TO DO.

9 THAT IS VERY TRUE FOR THIS DATA BASE.

10 WE KNOW PEOPLE IN CALIFORNIA ARE USING
11 THIS DATA BASE, AS WELL AS PEOPLE AROUND THE COUNTRY;
12 AND EVEN PEOPLE IN OTHER COUNTRIES ARE USING OUR WEB
13 SITE.

14 THIS PROJECT GIVES US AN OPPORTUNITY
15 TO COLLECT A LOT MORE DATA FOR THAT DATA BASE AND MAKE
16 IT WHAT I THINK WILL BE ONE OF THE BEST, IF NOT THE
17 BEST, WASTE CHARACTERIZATION DATA BASES IN THE
18 COUNTRY.

19 THIS WILL BE THE FIRST STATEWIDE STUDY
20 DONE BY THE BOARD AND FIRST STATEWIDE UPDATE SINCE

21 1990. IN 1990, DATA WAS REALLY COLLECTED BY LOCAL
22 GOVERNMENTS IN INDIVIDUAL STUDIES.

23 THEY USED DIFFERENT METHODS WITH
24 VARYING RESULTS. THAT DATA WAS COMPILED TO GET A
25 STATEWIDE STUDY.

1 THIS PROJECT WILL LET US DO A COMPLETE
2 STATEWIDE STUDY USING OUR NEW METHOD AND NEW
3 STANDARDS.

4 I THINK THIS WILL RESULT IN REALLY
5 HIGH-QUALITY DATA.

6 THE BUDGET OF THIS PROJECT WAS
7 \$500,000.00.

8 WE'VE COMPLETED THE CONTRACT PROCESS.

9 THE BOARD APPROVED THE CONTRACT
10 CONTENT IN JUNE OF 1998. A REQUEST FOR PROPOSAL WAS
11 ADVERTISED BY THE PRESENT BOARD AND THE STATE CONTRACT
12 REGISTERS AND IT WAS ALSO MAILED TO ABOUT FIFTEEN
13 FIRMS ON JULY 13, 1998.

14 WE HELD A BIDDER'S SELECTION ON JULY
15 23RD TO ANSWER QUESTIONS ON R AND D AND THE PROPOSALS
16 WERE DUE AUGUST 14, 1998, WHICH GAVE THE FIRMS ABOUT
17 FIVE DAYS TO GET THEIR PROPOSAL TOGETHER.

18 WE RECEIVED ONE PROPOSAL BY THE
19 DEADLINE.

20 THAT PROPOSAL WAS REVIEWED AND SCORED
21 BY STAFF. BASED ON CRITERIA WE SET AHEAD OF TIME, THE
22 CONTRACT HAD TO MEET A MINIMUM SCORE IN FOUR DIFFERENT
23 AREAS. THOSE WERE THE OVERALL APPROACH, THE
24 METHODOLOGY, THE QUALIFICATIONS OF THE FIRM, AND THEIR
25 PAST WORK.

1 THIS PROPOSAL MET THE MINIMUM SCORING

2 IN EACH AREA. IT ALSO HAD TO MEET A MINIMUM SCORE
3 OVERALL OF EIGHTY-FIVE OUT OF A HUNDRED POINTS.

4 THE FINAL SCORE FOR THIS PROPOSAL WAS
5 NINETY-TWO OUT OF A HUNDRED.

6 WE OPENED THE BID PUBLICLY ON
7 SEPTEMBER 9 AND THE BID AMOUNT WAS \$489,000.00.

8 THE SELECTED CONTRACTOR WAS CASCADIA
9 CONSULTING GROUP AND IT REALLY WAS A COMBINATION OF
10 FOUR SOLID WASTE CONSULTING FIRMS.

11 CASCADIA, WHICH IS THE LEAD
12 CONSULTANT, S.C.S. ENGINEERS, SOLID WASTE ASSOCIATES,
13 AND EUGENE SON AND ASSOCIATES.

14 THESE FIRMS HAVE EXPERIENCE TOGETHER,
15 EXPERIENCE IN DOING STATEWIDE CORE STUDIES, ALSO DOING
16 A GENERATOR-BASED STUDY, WHICH IS KIND OF A LITTLE BIT
17 DIFFERENT TYPE OF WASTE CHARACTERIZATION STUDY.

18 NOT THAT MANY FIRMS HAVE EXPERIENCE
19 DOING THAT.

20 ALSO, IT'S VERY STRONG IN QUALITY
21 STATISTICS AND DATA ANALYSIS.

22 WE THINK THIS TEAM IS PROBABLY ONE OF
23 THE BEST COMBINATIONS WE COULD GET FOR THIS PARTICULAR
24 PART OF THE STUDY. THAT'S REALLY IMPORTANT FOR THE
25 STUDY DESIGN, ESPECIALLY ON SUCH AN EXTENSIVE PROJECT,
1 TO MAKE SURE WE GET GOOD DATA STATEWIDE.

2 WE CHECKED REFERENCES FOR EVERY ONE OF
3 THE FIRMS. THEY CAME BACK VERY FAVORABLE. EVERYONE
4 WE TALKED TO SAID THEY WOULD HIRE THAT FIRM AGAIN.

5 A LITTLE BIT ON THE SCOPE OF THE WORK
6 THAT -- WHAT THE CONTRACTOR WILL BE DOING FOR US. THE

7 SCOPE OF WORK CONSISTS OF SIX OVERALL TASKS.

8 FIRST IS DESIGNING THE STUDY; AND ONE
9 IMPORTANT THING THE CONTRACTOR WILL BE DOING IS
10 WORKING WITH AN ADVISORY GROUP OF INTERESTED PARTIES
11 FOR RPPC.

12 THIS GROUP WILL HAVE THE OPPORTUNITY
13 TO REVIEW AND COMMENT ON THE STUDY DESIGN AND THE
14 CONTRACTOR WILL NEED TO MAKE ADJUSTMENTS IN THAT BASED
15 ON INPUT FROM THE ADVISORY GROUP.

16 ONCE THE STUDY DESIGN IS FINALIZED,
17 THE CONTRACTOR WILL HAVE TO SELECT SAMPLING SITES,
18 CONDUCT FIELD SORTING, AND ALSO DO AN RPPC
19 CONTAMINATION STUDY.

20 WHAT THAT STUDY WILL DO IS SHOW THE
21 LEVEL OF CONTAMINATION OF THESE MATERIALS TO HELP US
22 GET A MORE ACCURATE ESTIMATION OF THEIR AMOUNT IN THE
23 DISPOSAL WASTE STREAM.

24 THE CONTRACTOR WILL BE RESPONSIBLE FOR
25 ALL DATA ENTRY AND ANALYSIS AND FOR PREPARING A
1 COMPREHENSIVE REPORT.

2 A LITTLE BIT ON THE RESULTS OF THE
3 STUDY THAT WE'LL BE GETTING: THE AMOUNT OF RPPC'S
4 DISPOSED OF STATEWIDE; WHAT REGION WE NEED TO HAVE IN
5 ORDER TO CALCULATE RECYCLING RATE; WASTE COMPOSITION
6 DATA, WHICH IS DATA ON THE TYPES AND AMOUNTS OF
7 MATERIALS BEING DISPOSED FOR THE OVERALL RESIDENTIAL
8 SECTOR, FOR THE SINGLE-FAMILY RESIDENTIAL SOURCES AND
9 MULTI-FAMILY RESIDENTIAL SOURCES, THE OVERALL
10 COMMERCIAL SECTOR; AS WELL AS INFORMATION FOR
11 COMMUNITY BUSINESS GROUPS IN THE COMMERCIAL SECTOR.

12 AND ALSO FOR THE SELF-HAUL SECTOR.

13 MORE RESULTS WE'LL BE GETTING IS THE
14 PERCENT OF THE STATE'S WASTE STREAM FROM EACH OF THE
15 MAJOR SECTORS, PERCENT OF THE RESIDENTIAL WASTE STREAM
16 THAT COMES FROM MULTI-FAMILY AND SINGLE-FAMILY, AND
17 PERCENT OF SELF-HAUL WASTE STREAM FROM RESIDENTIAL AND
18 CONSTRUCTION AND DEMOLITION, ROOFING, LANDSCAPER, AND
19 GENERAL COMMERCIAL INDUSTRIAL SOURCES.

20 ALSO THE PERCENT OF COMMERCIAL WASTE
21 FROM EACH OF THE BUSINESS GROUPS THAT WE'LL BE
22 STUDYING.

23 SINCE ONE OF THE MAIN USES OF THE DATA
24 WILL BE TO UPDATE OUR DATA BASE, SINCE WE HAVE A NEW
25 BOARD MEMBER, HE MIGHT NOT HAVE SEEN THIS IN THE LAST
1 THREE DAYS, I WANT TO JUST BRIEFLY GO OVER IT WITH HIM
2 BRIEFLY.

3 THIS IS OUR WEB PAGE SO JURISDICTIONS
4 CAN USE IT AND PEOPLE IN OTHER STATES AND OTHER
5 COUNTRIES ARE USING IT.

6 ACTUALLY, THIS WEB PAGE HAS IN THE
7 PAST FEW MONTHS BEEN ONE OF THE TOP FIVE ON THE NUMBER
8 OF HITS.

9 I THINK WE ARE NUMBER THREE RIGHT NOW.
10 SO, WHAT THE DATA BASE DOES IS TAKE INFORMATION
11 ON THE WASTE STREAM ON A STATEWIDE AVERAGE
12 AND COMBINES IT WITH LOCAL BUSINESS DATA FOR A
13 PARTICULAR JURISDICTION SO THEY CAN LOOK AT WHAT THEIR
14 PARTICULAR WASTE STREAM WOULD BE LIKE.

15 SO, THE FIRST THING YOU DO --

16 I'M GOING TO SHOW YOU WHAT WE HAVE ON
17 OUR WEB PAGE RIGHT NOW.

18 THAT'S FOR THE COMMERCIAL SECTOR.

19 THE FIRST THING YOU DO IS PICK THE
20 JURISDICTION YOU WANT TO WORK WITH. THEN YOU CAN LOOK
21 AT DATA FOR THE COMMERCIAL SECTOR FOUR DIFFERENT WAYS.

22 I'LL SHOW YOU FOUR DIFFERENT SCREENS
23 BRIEFLY.

24 WHAT THE FIRST SCREEN SHOWS YOU IS THE
25 OVERALL COMMERCIAL SECTOR BREAKDOWN. IT TELLS YOU
1 WHAT BUSINESS GROUPS ARE THE BIGGEST DISPOSERS IN YOUR
2 CITY.

3 THIS IS FOR THE CITY OF SACRAMENTO.

4 IT TELLS YOU THE NUMBER OF COMPANIES,
5 NUMBER OF EMPLOYEES, AND AN ESTIMATE OF THE AMOUNTS
6 DISPOSED OF BY EACH OF THOSE BUSINESS GROUPS.

7 SO, THIS HELPS JURISDICTIONS IDENTIFY
8 WHICH BUSINESS GROUPS ARE THE BIGGEST DISPOSERS IN
9 THEIR CITY. SO, IT MIGHT HELP THEM IDENTIFY WHO THEY
10 WANT TO WORK WITH WITH THEIR DIVERSION PROGRAMS.

11 ONCE YOU IDENTIFY A BUSINESS GROUP YOU
12 MIGHT WANT TO WORK WITH, THE NEXT THING IS TO FIND OUT
13 WHAT THE WASTE STREAM LOOKS LIKE FOR THAT PARTICULAR
14 BUSINESS GROUP.

15 SO, FOR MY EXAMPLE, I CHOSE FINANCE
16 AND INSURANCE'S WASTE STREAM IN THE CITY OF SACRAMENTO
17 AND THIS IS TYPICALLY WHAT YOU WOULD EXPECT THE WASTE
18 STREAM TO LOOK LIKE FROM THOSE TYPES OF BUSINESSES.

19 AND ONCE YOU CAN LOOK AT THIS, YOU CAN
20 SEE WHAT MATERIAL TYPES ARE, ARE, MIGHT BE THE MOST
21 IMPORTANT THING YOU WANT TO TARGET FOR THAT BUSINESS
22 GROUP.

23 ANOTHER THING THE DATA BASE DOES IS

24 ESTIMATE THE OVERALL COMMERCIAL SECTOR WASTE. SO, ALL
25 THE WASTE FROM ALL THE BUSINESSES COMBINED TOGETHER
1 WOULD GIVE YOU THIS KIND OF DATA.

2 THIS IS SOMETHING JURISDICTIONS CAN
3 USE TO TARGET A PARTICULAR MATERIAL TYPE, FIND OUT
4 WHAT THE BIGGEST MATERIAL TYPE THE COMMERCIAL SECTOR
5 IS DISPOSING OF.

6 ONCE YOU IDENTIFY A MATERIAL TYPE, YOU
7 MIGHT WANT TO KNOW WHAT BUSINESS GROUPS ARE
8 CONTRIBUTING THAT THE MOST.

9 SO, UNDER CORRUGATED CARDBOARD IN
10 SACRAMENTO, IT LISTS THE BUSINESS GROUPS THAT ARE
11 ESTIMATED TO DISPOSE OF THAT MATERIAL TYPE THE MOST.

12 SO, THAT'S WHAT THE DATA BASE LOOKS
13 LIKE QUICKLY.

14 THAT'S GOING TO BE ONE OF THE MAIN
15 USES FOR THE DATA WE GET OUT OF THIS STUDY.

16 STAFF RECOMMENDATION IS TO AWARD THE
17 CONTRACT FOR THE STATEWIDE DISPOSAL CHARACTERIZATION
18 STUDY TO THE CASCADIA COUNSULTING GROUP FOR
19 \$489,000.00.

20 ARE THERE ANY QUESTIONS?

21 CHAIRMAN PENNINGTON: QUESTIONS?

22 MR. EATON?

23 MEMBER EATON: I JUST HAVE A COUPLE OF
24 QUESTIONS; REALLY, JUST SOME HOUSEKEEPING MATTERS.

25 WITH REGARD TO THE TIMING OF THIS
1 SOURCE, WHEN ARE WE PLANNING TO DO EACH OF THE
2 SECTORS, THE TIMING OF THOSE; FOR INSTANCE, THE
3 RPPC'S?

4 WE TALKED EARLIER ABOUT THE FORMATION
5 THAT WE WOULD LIKE TO HAVE DONE.

6 ARE THOSE SOURCES GOING TO CONTINUE TO
7 DO THOSE; AND, IF SO, WHEN?

8 MS. CARR: THE WAY THE ORIGINAL SCOPE OF WORK
9 IS WRITTEN WAS TO DO TWO SEASONS, A WINTER SORT, WHICH
10 STARTS IN JANUARY AND FEBRUARY OF NEXT YEAR.

11 AND A SUMMER SORT, NEXT YEAR.

12 MEMBER EATON: ARE WE STILL ON LINE TO DO
13 THOSE, WITH THAT TIMING?

14 MS. CARR: WELL, IF THE CONTRACT IS APPROVED
15 TODAY, WE'LL PROBABLY BE ON LINE FOR THAT.

16 MEMBER EATON: THE OTHER THING -- AND I DON'T
17 THINK YOU CAN REALLY ANSWER THIS QUESTION, BUT MY
18 UNDERSTANDING IS THAT THIS WAS THE ONLY BID THAT WE
19 RECEIVED.

20 AND I THINK THAT IT WOULD BE GOOD FOR
21 THE RECORD TO INDICATE THAT, EVEN THOUGH IT WAS THE
22 ONLY BID THAT WE RECEIVED, THAT THERE IS AN
23 ALTERNATIVE PROCESS BY WHICH WE CAN ACCEPT THIS SOLE
24 BID.

25 AND, THEREFORE, I WOULD ASK LEGAL
1 COUNSEL: DO WE NEED TO INCLUDE THAT AS PART OF THE
2 RESOLUTION, THAT WE WENT THROUGH A PROCESS?

3 OR IS THE RESOLUTION SUFFICIENT?

4 MS. CARR: WELL, THAT --

5 MEMBER EATON: THAT'S NOT FOR YOU.

6 THAT'S FOR LEGAL COUNSEL.

7 MS. CARR: OKAY.

8 JUST TO LET YOU KNOW, THE NEXT STEP,
9 IF THE CONTRACT IS APPROVED TODAY, IT GOES TO THE

10 DEPARTMENT OF GENERAL SERVICES AND THEY CHECK
11 EVERYTHING.

12 AND ONE OF THE THINGS WE'LL INCLUDE IN
13 THAT PACKAGE IS THE EXPLANATION THAT WE ONLY GOT ONE
14 BID, YET IT WAS ADVERTISED WIDELY.

15 MS. FISH: EXCUSE ME, CHAIRMAN AND BOARD
16 MEMBERS.

17 KARIN FISH FROM ADMINISTRATION.

18 AND IN THE CASE OF A REQUEST FOR
19 PROPOSAL OR AN INVITATION FOR BID, THE CONTRACT CODE
20 DOES ALLOW US, IF IT IS WIDELY ADVERTISED, TO AWARD IT
21 TO A SINGLE BIDDER.

22 THAT IS DIFFERENT THAN THE RFQ PROCESS
23 WHERE WE'RE LOOKING FOR ENGINEERS AND ARCHITECTS AND
24 WE DO HAVE TO HAVE THREE BIDS IN ORDER TO MAKE A
25 DETERMINATION.

1 CHAIRMAN PENNINGTON: SO, WE ARE ON LINE?

2 MS. FISH: YES, WE ARE WITHIN THE LAW TO DO
3 THIS.

4 MEMBER EATON: THE OTHER FINAL QUESTION IS
5 THAT, WITH REGARD TO CASCADIA, IS CASCADIA, AS WELL AS
6 SKY VALUE ASSOCIATES, ARE THEY --

7 EVEN THOUGH ONE MAY BE THE LEAD, ARE
8 THEY SUBVENDORS OR SUBCONTRACTORS FROM CASCADIA OR
9 ARE THEY PRINCIPALS, EVEN THOUGH THEY MAY NOT BE LEAD;
10 BECAUSE THE RESOLUTION ONLY TALKS ABOUT CASCADIA?

11 MS. CARR: CASCADIA IS THE PRINCIPAL. THEY
12 ARE THE ONES WITH THE AUTHORITY TO SIGN THE CONTRACT.

13 MEMBER EATON: SO, THE OTHERS WILL BE
14 SUBCONTRACTORS?

15 MS. CARR: THEY WILL BE SUBCONTRACTORS.

16 MEMBER EATON: IT WILL BE SIGNED BY CASCADIA.

17 SO, IF THERE IS ANY KIND OF PROBLEM,
18 WE WILL BE ABLE TO GO TO CASCADIA AND NOT HAVE TO DEAL
19 WITH THE OTHERS?

20 MS. CARR: RIGHT.

21 THE MAIN PROJECT MANAGER NAMED IS ONE
22 OF THE PRINCIPALS IN THE CASCADIA CONSULTING GROUP.

23 MEMBER EATON: THANK YOU.

24 CHAIRMAN PENNINGTON: MR. JONES.

25 MEMBER JONES: I THINK THAT WHEN WE
1 ORIGINALLY DECIDED TO PUT OUT THIS RPP, WE BROUGHT UP
2 THE POSSIBILITY THAT, BECAUSE THIS IS A VERY NARROW
3 FIELD AND THERE ARE ONLY SO MANY PLAYERS, THAT THERE
4 WAS A FEAR THAT THERE MAY ONLY BE ONE BID.

5 SO, I THINK MR. EATON IS RIGHT. I
6 THINK IT NEEDS TO BE INCLUDED IN THE RESOLUTION MAYBE
7 JUST TO HAVE STAFF SOLICITED MANY BIDS.

8 MAYBE FILL THAT OUT.

9 MS. FISH: RIGHT.

10 IT WAS ADVERTISED IN THE CONTRACTS
11 REGISTER, AS WELL AS SENDING IT OUT TO, I BELIEVE,
12 OVER SIXTY-FIVE, WHICH WERE ALL OF THE KNOWN VENDORS
13 AT THIS TIME.

14 MEMBER JONES: MY OTHER QUESTION IS THE WASTE
15 SORT IS GOING TO BE DIVERSE AS FAR AS POPULATION,
16 TERRAIN, AND SOCIOECONOMIC CONDITIONS WITHIN CERTAIN
17 AREAS?

18 MS. CARR: WHAT THE STUDY DESIGN DOES, AS
19 PROPOSED BY THE CONTRACTOR, IS TO BREAK THE STATE UP
20 INTO REGIONS, THEN CHOOSE SAMPLE SITES IN EACH OF

21 THOSE REGIONS TO REPRESENT THE WHOLE STATE.

22 THAT STUDY DESIGN, AS WELL, WILL BE
23 DISCUSSED WITH THE ADVISORY GROUP BEFORE IT'S
24 FINALIZED.

25 MEMBER JONES: I THINK IT'S CRITICAL THAT
1 THIS INFORMATION IS GOING TO HAVE A REAL BEARING ON
2 SOME OF OUR 21ST CENTURY DISCUSSIONS AS TO HOW WASTE
3 STREAMS ARE CHANGING BASED ON PEOPLE AND BASED ON THE
4 MOVEMENT OF PEOPLE AND INDUSTRIES SHUTTING DOWN, THE
5 AGE, AND THINGS LIKE THAT.

6 SO, THE GOOD THING ABOUT THIS PROJECT
7 IS THAT IT COVERS A WHOLE LOT OF BASES, BUT THAT IS
8 ONE WE NEED TO REMEMBER, THAT THERE IS A FUTURE ROLE
9 FOR THIS IN THE 21ST CENTURY DISCUSSION.

10 CHAIRMAN PENNINGTON: ANY OTHER DISCUSSION?

11 MR. RHODES?

12 MEMBER RHODES: WHO IS ON THE ADVISORY GROUP?

13 MS. CARR: THAT HASN'T BEEN DETERMINED YET.

14 MEMBER RHODES: SO, THERE COULD BE A CHANCE
15 TO MAKE SURE LOCAL GOVERNMENT, FOR EXAMPLE, IS
16 INVOLVED?

17 MS. CARR: ABSOLUTELY.

18 WE DO WANT A COUPLE OF LOCAL
19 GOVERNMENT REPRESENTIVES, AS WELL AS OTHER INTERESTED
20 PARTIES.

21 MEMBER RHODES: WHEN DO YOU EXPECT THAT
22 INFORMATION WOULD BE UP ON THE WEB SITE?

23 MS. CARR: WELL, PROBABLY, IN LATE SPRING WE
24 CAN GET INFORMATION FROM THE FIRST SORT, ALL THE FIELD
25 DATA ENTERED INTO THE DATA BASE AND DELIVERED TO THE

1 BOARD.

2 MEMBER RHODES: AND THE SUMMER DATA --

3 MS. CARR: AND THE SUMMER DATA WILL PROBABLY
4 BE ENTERED NEXT YEAR.

5 CHAIRMAN PENNINGTON: OKAY.

6 ANY ADDITIONAL QUESTIONS OF MISS CARR?

7 MEMBER JONES: MR. CHAIR --

8 CHAIRMAN PENNINGTON: YES?

9 MEMBER JONES: JUST FOR CLARIFICATION, MY
10 PURPOSE, WHEN YOU GUYS HAVE THE FULL SCOPE OF WORK
11 WRITTEN OUT, THOSE WILL BE DELIVERED TO OUR OFFICE,
12 NOT FOR AN ACTION ITEM, BUT DIDN'T WE DETERMINE THAT
13 WE WOULD GET A CHANCE TO SEE THOSE?

14 CHAIRMAN PENNINGTON: YES.

15 MEMBER JONES: I SUPPORT THIS A HUNDRED
16 PERCENT. I DON'T HAVE A PROBLEM WITH IT. I WOULD
17 JUST LIKE TO SEE IT, JUST TO JUST SPEND TIME READING.

18 MS. CARR: YES. IT'S FASCINATING.

19 THE ORIGINAL SCOPE OF WORK IN THE RFP
20 WAS PRETTY DETAILED. THAT WAS CIRCULATED TO THE TWO
21 DIVISIONS AND TO THE MANAGERS.

22 SO, YOU WOULD LIKE TO SEE THE FINAL
23 SCOPE OF WORK AFTER THE ADVISORY GROUP?

24 CHAIRMAN PENNINGTON: I'LL ENTERTAIN A
25 MOTION.

1 MEMBER EATON: MR. CHANDLER HAD A COMMENT.

2 CHAIRMAN PENNINGTON: I'M SORRY.

3 EXECUTIVE DIRECTOR CHANDLER: I JUST THINK
4 THAT POINTING OUT THE SIGNIFICANCE THIS PROJECT DOES
5 HAVE FOR OUR FUTURE WORK, I THINK IT WOULD BE
6 APPROPRIATE THAT WE CALENDAR, ON SOME TYPE OF PERIODIC

7 BASIS, JUST SOME UPDATES FOR YOU ON WHERE WE ARE, WHAT
8 IS THE FINAL MAKEUP OF THE ADVISORY COMMITTEE, HOW IS
9 THE WORK PROCEEDING, ARE WE ON SCHEDULE WITH THE FALL
10 AND WINTER SORTS, SO THE RPPC CALCULATIONS --

11 I'M SURE JUDY AND HER PEOPLE AND NANCY
12 CAN BE APPROPRIATELY CALENDARING SOME ITEMS.

13 SO, WE'LL DO THAT, IN ADDITION TO
14 PROVIDING WITH YOU THE SCOPE OF THE WORK.

15 CHAIRMAN PENNINGTON: MR. EATON.

16 MEMBER EATON: MR. CHAIR, I'LL MOVE TO ACCEPT
17 RESOLUTION 98-311, WITH THE AMENDMENTS DISCUSSED BY
18 THE BOARD, THAT BOARD STAFF DID PROCEED IN A MANNER
19 CONSISTENT WITH STATE LAW ON GETTING THE BIDS.

20 WITH THAT LATEST AMENDMENT, I'LL MOVE
21 THAT WE ACCEPT THAT RESOLUTION.

22 CHAIRMAN PENNINGTON: OKAY.

23 MEMBER JONES: I'LL SECOND IT.

24 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
25 EATON AND SECONDED BY MR. JONES THAT WE ADOPT
1 RESOLUTION 98-311, AS AMENDED.

2 IF THERE IS NO FURTHER DISCUSSION,
3 WILL THE SECRETARY CALL ROLL?

4 SECRETARY KELLY: MEMBER EATON.

5 MEMBER EATON: AYE.

6 SECRETARY KELLY: MEMBER FRAZEE.

7 MEMBER FRAZEE: AYE.

8 SECRETARY KELLY: MEMBER JONES.

9 MEMBER JONES: AYE.

10 SECRETARY KELLY: MEMBER RHODES.

11 MEMBER RHODES: AYE.

12 SECRETARY KELLY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: AYE.

14 THE MOTION CARRIES.

15 WE'LL MOVE TO ITEM NUMBER 3.

16 ITEM NUMBER 3 IS CONSIDERATION OF
17 APPROVAL TO COMMIT BOARD RESOURCES TO PROMOTE THE
18 BOARD'S MANDATES IN COORDINATION WITH AMERICA RECYCLES
19 DAY ACTIVITIES, INCLUDING, BUT NOT LIMITED TO.

20 MR. JONES, HAS BEEN WORKING IN
21 CONJUNCTION WITH --

22 MEMBER JONES: WHERE DO YOU WANT ME TO SIT?

23 CHAIRMAN PENNINGTON: RIGHT THERE.

24 MEMBER JONES: THANK YOU, MR. CHAIRMAN.

25 THIS ITEM UNDER ITEM 3, CONSIDERATION
1 OF APPROVAL TO COMMIT BOARD RESOURCES TO PROMOTE THE
2 BOARD'S MANDATES IN COORDINATION WITH AMERICA RECYCLES
3 DAY, IS AN ITEM THAT --

4 MY STAFF HAS ACTUALLY BEEN CALLED TO
5 ACTIVE DUTY. SO, SOMEBODY THAT WOULD BE DOING THIS IS
6 OUT OF THE COUNTRY. SO, YOU HAVE TO BEAR WITH ME.

7 HE'S ONLY BEEN CALLED FOR A COUPLE OF
8 WEEKS, THREE WEEKS.

9 THE AMERICA RECYCLES DAY EFFORT
10 STARTED AS A NATIONWIDE PROGRAM LAST YEAR. IT WAS AN
11 ATTEMPT TO MAKE COMMUNITIES AWARE OF RECYCLING ISSUES
12 THAT ARE -- THAT WE DEAL WITH EVERY DAY.

13 IT IS GEARED TOWARDS THE BACKSIDE,
14 TOWARDS CLOSING THE LOOP.

15 IT IS --

16 THE TAG LINE FOR AMERICA RECYCLES DAY
17 IS: IF YOU ARE NOT BUYING RECYCLED, YOU ARE NOT

18 RECYCLING.

19 TOO MANY PEOPLE HAVE MET THE MANDATE.
20 THEY UNDERSTAND THAT PUTTING IT OUT ON THE CURB IS
21 PART OF THE SOLUTION.

22 WHAT THEY DON'T REALLY UNDERSTAND IS,
23 IF THEY DON'T BUY RECYCLED PRODUCTS, THEN THAT
24 MATERIAL WILL END UP IN WAREHOUSES OR LANDFILLS, AS
25 OPPOSED TO BACK INTO THE STREAM OF COMMERCE.

1 THE FIRST YEAR OF AMERICA RECYCLES
2 DAY, BOARD MEMBER CHESBRO WAS APPROACHED AND SERVED
3 AS THE STATE CO-CHAIR.

4 IT WAS AN EVENT THAT WAS HURRIED. NOT
5 A LOT OF DEVELOPMENT WENT INTO -- ON THE NATIONAL
6 PROGRAM, WENT INTO ACTUALLY GETTING EVENTS THROUGHOUT
7 THE UNITED STATES PUT TOGETHER VERY WELL, BUT IT WAS A
8 GOOD FIRST STEP.

9 THE BOARD HAD BEEN APPROACHED TO
10 SUPPORT AMERICA RECYCLES DAY THAT FIRST YEAR. WE
11 NEVER HAD ANYTHING IN OUR BUDGET WHERE WE COULD MAKE
12 AN ALLOCATION OR SPONSORSHIP, BUT WE DID AGREE TO USE
13 SOME IN-KIND SERVICES, WHICH INCLUDED SOME PRINTING
14 AND SOME MAILINGS AND THINGS LIKE THAT.

15 LAST YEAR, THERE WERE OVER A HUNDRED
16 EVENTS HELD WITHIN THE STATE OF CALIFORNIA.

17 AMERICA RECYCLES DAY WAS ONLY -- THE
18 STATE COMMITTEE WAS ONLY AWARE OF TEN OF THEM. SO,
19 WHEN NEWSPAPERS AND TV CREWS WERE CALLING TO FIND OUT
20 WHERE THERE WERE EVENTS THAT THEY COULD COVER TO BE
21 ABLE TO SEND THAT MESSAGE OUT TO THE POPULATION,
22 AMERICA RECYCLES DAY DIDN'T REALLY KNOW WHERE TO SEND

23 THEM, OTHER THAN TO ABOUT TEN EVENTS.

24 THIS YEAR, THE BOARD HAS ALLOCATED
25 \$20,000.00 IN A SPONSORSHIP BECAUSE IT FOLLOWS OUR
1 MANDATE.

2 PART OF OUR MANDATE IS NOT ONLY TO
3 HELP ORCHESTRATE THE 25-50 PERCENT MANDATE, IT IS ALSO
4 TO NOT ONLY EDUCATE THE PUBLIC, BUT TO CLOSE THE LOOP
5 IN BUY RECYCLED PROGRAMS.

6 WE HAVE A WHOLE COMMISSION THAT WORKS ON MARKET
7 DEVELOPMENT ZONES. WE HAVE PEOPLE THAT WORK ON RE-
8 CYCLING MARKET DEVELOPMENT ZONES, ON BUY RECYCLED
9 PROJECTS, ON ALL OF THESE TYPES OF THINGS.

10 SWANA (PHONETIC SPELLING) AND AMERICAN
11 RECYCLES DAY CAME TO THE BOARD, MET WITH ALL THE BOARD
12 MEMBERS, ASKED FOR SUPPORT; BUT ALSO ASKED THAT ONE OF
13 THE BOARD MEMBERS WOULD SERVE AS THE STATE CO-CHAIR.
14 THE CHAIRMAN, IN TALKING TO US, ASKED IF I WOULD SERVE
15 AS THE STATE CO-CHAIR.

16 I'VE BEEN IN MEETINGS EVERY MONTH TRYING TO
17 DEVELOP A COMPREHENSIVE PROGRAM WHERE EVENTS
18 ARE GOING TO BE HELD THROUGHOUT THE STATE, BUT IT
19 SEEMED TO ME THIS WAS A PERFECT OPPORTUNITY FOR OUR
20 BOARD TO ACKNOWLEDGE THOSE CITIES AND COUNTIES THAT
21 HAVE MET THE FIRST PART OF THE MANDATE AND AT THE SAME
22 TIME BRING NATIONAL OR STATEWIDE EXPOSURE TO OUR
23 MESSAGE; WHICH IS: DIVERSION OF MATERIAL OUT OF
24 LANDFILLS AND BUYING RECYCLES CLOSES THE LOOP.

25 SO, I ASKED THE BOARD MEMBERS, NOT IN
1 A BOARD AGENDA ITEM, BUT AT A COUPLE OF DIFFERENT
2 OCCASIONS AS PART OF MY -- PART OF THE BOARD MEMBERS'
3 REPORTS, HOW THEY WOULD FEEL ABOUT ALLOCATING TIME AND

4 SOME DOLLARS TO -- AND THE CREATION OF A CERTIFICATE
5 THAT, ALONG WITH THE BIENNIAL REVIEW, COULD BE AWARDED
6 TO CITIES AND COUNTIES AND TAKE ADVANTAGE OF LOCAL
7 EVENTS WHERE PEOPLE WERE ASSEMBLED TO LOOK AT EITHER
8 THE INFRASTRUCTURE OR PRODUCTS OR WHATEVER THE LOCAL
9 JURISDICTION, THAT WE COULD TAKE ADVANTAGE OF THAT
10 TIME BY BEING AT THOSE EVENTS AND PRESENTING AWARDS,
11 PRESENTING THEM TO MAYORS, CHAIRMENS OF BOARDS OF
12 SUPERVISORS, THE PEOPLE THAT HAD TO MAKE THE TOUGH
13 DECISIONS TO ROOMS FULL OF -- IN LOCAL ROOMS LIKE THIS
14 WHERE NEW PROGRAMS HAD TO BE VOTED ON BY CITY COUNCILS
15 AND BOARDS OF SUPERVISORS TO INCLUDE CURBSIDE
16 RECYCLING, HOUSEHOLD HAZARDOUS WASTE ELEMENTS,
17 COMPOSTING PROJECTS; ALL THE TYPES OF THINGS THAT, IN
18 A TIME WHEN OUR ECONOMY WAS NOT GOING THAT WELL,
19 CREATED A HARDSHIP.

20 SOME OF THOSE CITY OFFICIALS DID NOT
21 GET RE-ELECTED AND A LOT OF THE REASON WAS BECAUSE OF
22 THE STAND THAT THEY TOOK TO MAKE SURE THAT THEY
23 FULFILLED WHAT CAME FROM THE GOVERNOR'S
24 LEGISLATURE, WHICH WAS AB 939.

25 IT SEEMED TO ME THAT THIS WOULD LEND
1 CREDIBILITY AND VALIDATE THEIR EFFORTS.

2 SO, I HAD ASKED IF THERE WOULD BE A
3 PROBLEM WITH US GOING TO REGIONAL EVENTS, AMERICA
4 RECYCLES DAY EVENTS; AND IN REGIONS WHERE SEVEN OR
5 EIGHT JURISDICTIONS PARTICIPATED IN A JOINT EVENT TO
6 TRY TO BRING THEIR LOCAL COMMUNITY'S AWARENESS UP
7 ABOUT THESE MANDATES THAT WE FACE EVERY DAY.

8 IF WE COULDN'T BE THERE --

9 WHEN I SAY, "WE," I MEAN BOARD
10 MEMBERS, ADVISORS, ANALYSTS, EXEC STAFF, AND ANYBODY
11 THAT WANTS TO VOLUNTEER FROM OUR STAFF, BECAUSE WE
12 HAVE SOME PROBLEMS WITH --

13 AMERICA RECYCLES DAY IS ON SUNDAY THIS
14 YEAR. IT'S NOVEMBER 15.

15 SO --

16 BUT I BROUGHT THE ITEM FORWARD BECAUSE
17 IT GIVES US AN OPPORTUNITY TO PRESENT A CERTIFICATE
18 THAT ACKNOWLEDGES THEIR EFFORTS.

19 IT THEREFORE GIVES THAT CITY MAYOR OR
20 THAT CHAIRMAN OF THE BOARD OF SUPERVISORS AN
21 OPPORTUNITY TO LOOK AT HIS CONSTITUENTS AND SAY: THE
22 STATE HAS KNOWLEDGED OUR EFFORTS.

23 AND AT THE SAME TIME, CAN THANK THE
24 PARTICIPANTS IN THE INFRASTRUCTURE, THE PERSON THAT
25 RUNS THE BUY-BACK CENTERS, THE OIL COLLECTION CENTERS,
1 THE CURBSIDE PROGRAM, THE MRF, THE COMPOSTING
2 FACILITY.

3 IT IS AN OPPORTUNITY FOR PEOPLE TO
4 UNDERSTAND THE INFRASTRUCTURE THAT WAS CREATED.

5 SO, I'M USING THIS FOR PURPOSES OF
6 ASSEMBLING GROUPS, US VALIDATING IT; AND I THINK, IF
7 IT IS DONE THROUGHOUT THE STATE IN REGIONAL EVENTS, IT
8 IS NOT ONLY A LOCAL EVENT, IT IS NOT ONLY A STATEWIDE
9 EVENT, BUT IT COULD VERY WELL BE PERCEIVED AS A
10 NATIONAL EVENT WHERE THE STATE OF CALIFORNIA, THE
11 REGULATIVE COMMUNITY, ACKNOWLEDGES THE CITIES AND
12 COUNTIES THAT WERE FACED WITH THE MOST STRINGENT
13 MANDATE ON REDUCING THE AMOUNT OF WASTE GOING TO
14 LANDFILLS ANYWHERE IN THE UNITED STATES AND WITH THAT

15 ACKNOWLEDGEMENT.

16 SO, WITH THAT, I'M ASKING THIS BOARD
17 TO TAKE CONSIDERATION OF THE DOLLARS THAT WOULD BE
18 INVOLVED IN PRODUCING A CERTIFICATE.

19 I WILL TELL YOU THAT IT WOULD SEEM TO
20 ME THAT IT WOULD ONLY BE PRUDENT THAT THOSE
21 JURISDICTIONS THAT HAVE GONE THROUGH THE BIENNIAL
22 REVIEW AND WE CAN VALIDATE THAT THEY HAVE MET THE
23 FIRST PART OF THE MANDATE BE THE ONES THAT COULD
24 PARTICIPATE IN THIS FIRST YEAR.

25 BECAUSE I SURE DON'T WANT TO SEE ONE
1 OF OUR BOARD MEMBERS GIVE OUT AN AWARD TO A
2 JURISDICTION AND THEN FIND OUT THAT A YEAR LATER WE
3 HAVE THAT SAME JURISDICTION IN FRONT OF US AND THEY'RE
4 ARGUING WHETHER OR NOT THEIR FIFTH-GRADE EDUCATION
5 PROGRAM IN THEIR SCHOOL DISTRICT IS ENOUGH PROGRAMS
6 THAT EQUAL A GOOD FAITH EFFORT.

7 SO, I DON'T WANT TO PUT US IN THAT
8 POSITION; ESPECIALLY STARTING THIS PROGRAM; BUT THERE
9 IS NOTHING THAT SAYS IT CAN'T GROW.

10 I DON'T WANT TO SEE US GIVING THESE
11 CERTIFICATES OUT AT CITY COUNCIL MEETINGS WHERE THERE
12 ARE THREE PEOPLE IN THE AUDIENCE AND NOBODY REALLY
13 CARES.

14 THAT IS NOT THE PURPOSE.

15 THE PURPOSE IS TO GET OUR MESSAGE BACK
16 UP TO THE TOP OF THE PAGE, BECAUSE IT ISN'T AT THE TOP
17 OF THE PAGE. PEOPLE DON'T CARE. PEOPLE THINK PUTTING
18 THE MATERIAL OUT ON THE CURB IS SOLVING THE PROBLEM.

19 IN FACT, IT HASN'T.

20 CHAIRMAN PENNINGTON: MR. JONES, I AM VERY
21 SUPPORTIVE OF YOUR EFFORTS HERE. MY ONLY QUESTION
22 WOULD BE DO WE HAVE AN ESTIMATE OF WHAT THE COST IS SO
23 THAT WE CAN KIND OF DEFINE WHERE WE ARE?

24 MEMBER JONES: WE HAVE --

25 A HUNDRED FIFTY-FIVE JURISDICTIONS TO
1 DATE HAVE COMPLETED BIENNIAL REVIEW PROCESSES, AS I
2 UNDERSTAND IT. THEY'RE NOT ALL GOING TO HAVE EVENTS.
3 WE FOUND --

4 MR. FRITH, FROM THE PUBLIC EDUCATION
5 GROUP OR --

6 I'M SORRY.

7 I'M SORRY.

8 -- FROM OUR PUBLIC INFORMATION GROUP,
9 HAS FOUND FRAMES THAT ARE MADE OF A HUNDRED PERCENT
10 RECYCLED CONTENT MATERIAL FOR SEVEN NINETY-FIVE APIECE
11 THAT ARE NICE.

12 THE CERTIFICATES, I AM SURE, ARE GOING
13 TO COST US PROBABLY TEN OR TWELVE BUCKS APIECE. I
14 DON'T THINK WE ARE GOING TO SPEND --

15 AND UNFORTUNATELY, OF COURSE, MY STAFF
16 WORKED OUT THIS WITH THE, WITH THE --

17 I WOULD SAY THAT WE ARE NOT COUNTING
18 TRAVEL AND EVERYTHING; BECAUSE TRAVEL, I THINK, CAN BE
19 HANDLED THROUGH OUR OWN INDEPENDENT BUDGETS.

20 BUT I THINK WE ARE PROBABLY LOOKING AT
21 NOT TO EXCEED PROBABLY \$20,000.00, AND THAT'S HIGH.
22 THAT IS VERY HIGH, BUT I DON'T WANT TO MISLEAD YOU AND
23 SAY FIVE OR TEN THOUSAND AND FIND OUT I'M SHORT.

24 CHAIRMAN PENNINGTON: OKAY.

25 FINE.

1 ANY QUESTIONS OF MR. JONES?

2 WE DO HAVE A SPEAKER IN THE AUDIENCE
3 HERE.

4 MR. EDGAR.

5 MR. EDGAR: GOOD MORNING, CHAIRMAN, BOARD
6 MEMBERS. I'M PLEASED TO BE HERE.

7 MY NAME IS EVAN EDGAR OF EDGAR AND
8 ASSOCIATES ON BEHALF OF THE CALIFORNIA REFUSE REMOVAL
9 COUNCIL.

10 WE ARE A STATEWIDE NON-PROFIT TRADE ASSOCIATION
11 REPRESENTING OVER A HUNDRED FORTY SOLID COLLECTORS,
12 A HUNDRED TWENTY-FIVE CURBSIDE RECYCLABLES
13 COLLECTORS, THREE HUNDRED CONVENIENCE CENTERS,
14 FORTY-FIVE TRANSFER STATIONS, FORTY-FIVE MRFS, THIRTY
15 PERMITTED COMPOST FACILITIES, AND TWENTY LANDFILLS
16 THROUGHOUT THE STATE OF CALIFORNIA.

17 WE ARE VERY STRONG SUPPORTERS OF
18 AMERICA RECYCLES DAY.

19 BACK IN EARLY 1998, WHEN A STRATEGIC
20 PLAN WAS ADOPTED BY THIS WASTE BOARD, ONE OF THE MAJOR
21 PUSHES WAS TO VALIDATE AB 939 ASSISTING LOCAL
22 GOVERNMENTS TO ACHIEVE THE 2000 GOAL OF FIFTY PERCENT.

23 THIS WAS A CARROT APPROACH. WE HIGHLY
24 SUPPORTED THAT APPROACH. WE BELIEVE WE NEED THAT
25 VALIDATION OF TWENTY-FIVE PERCENT RECYCLING AND WE
1 BELIEVE THAT THE CONCEPT OF A TRASH COVERS AWARD WAS
2 ANOTHER GREAT PROGRAM.

3 AND WE ARE GOING TO BE PARTICIPATORY
4 IN AMERICA RECYCLES DAY THROUGHOUT CALIFORNIA.

5 A LOT OF OUR MEMBERS ARE GOING TO MAKE

6 MONEY ON A LOCAL LEVEL AND PARLAY OFF THE STRATEGIES
7 OF THE FEDERAL AND STATE PROGRAM.

8 SO, WE'LL BE THERE IN THE COMMUNITY;
9 BUT WE NEED THIS VALIDATION. WE DON'T HAVE GARBAGE
10 PROBLEMS ANYMORE. WE'RE NOT ON THE FRONT PAGE IF
11 THERE ISN'T A LANDFILL CRISIS.

12 SO, WE NEED TO BE BACK ON THE FRONT
13 PAGE. WE NEED THAT LOCAL VALIDATION ABOUT DOING THE
14 RIGHT THING; AND HOW DO YOU DO THIS OTHER THAN THROUGH
15 VALIDATION THAT WE HAVE ACHIEVED A MANDATE OF
16 TWENTY-FIVE PERCENT?

17 THE CARROT APPROACH WORKS.

18 BUT THE OTHER, FLIP SIDE OF THE COIN
19 IS, IN ORDER TO GET FROM TWENTY-FIVE TO FIFTY, WE NEED
20 THE STICK APPROACH TOO.

21 OVER THE NEXT FEW WEEKS, I'LL BE
22 WORKING WITH STAFF ON SOME KIND OF STICK APPROACH ON
23 THE JURISDICTIONS THAT HAVEN'T SUBMITTED ANNUAL
24 REPORTS, THE JURISDICTIONS THAT DON'T BELIEVE IN
25 AMERICA RECYCLES DAY OR THE FIFTY-PERCENT MANDATE.

1 AND WE WOULD LIKE SEE IF WE CAN GET ON
2 THE 1998 AGENDA SOMETIME IN ORDER TO SEND THAT MESSAGE
3 OUT TO LOCAL GOVERNMENTS THAT THERE IS A MANDATE AND
4 THE MANDATE IS ENFORCEABLE.

5 SO, IT'S A TWO-PRONGED APPROACH IN
6 ORDER TO FACILITATE THE MANDATE OF FIFTY PERCENT. WE
7 BELIEVE THAT WE NEED A CARROT AND A STICK. I'LL BE
8 WORKING WITH STAFF ON THAT THROUGHOUT 1998.

9 SO, THAT'S CRRC.

10 EVERY DAY IS AMERICA RECYCLES DAY.

11 WE'VE BEEN DOING THIS FOR MANY, MANY

12 YEARS. WE'LL CONTINUE TO DO SO AND WE BELIEVE IN THE
13 FIFTY PERCENT MANDATE AND WE WILL ACHIEVE IT.

14 THANK YOU FOR YOUR SUPPORT TODAY.

15 WE URGE YOUR SUPPORT OF THIS CONCEPT.

16 CHAIRMAN PENNINGTON: THANK YOU.

17 ANY QUESTIONS?

18 MR. RHODES?

19 MEMBER RHODES: WHAT WOULD YOU LIKE TO SEE
20 THE BOARD DO ON AMERICA RECYCLES DAY?

21 MR. EDGAR: I'M WORKING WITH MR. JONES AND
22 HIS STAFF ON AMERICA RECYCLES DAY.

23 ONE THING WE'RE GOING TO DO AT THE
24 LOCAL LEVEL THROUGHOUT THE HUNDRED TWENTY-FIVE
25 COMMUNITIES THAT WE PARTICIPATE IN, WE'RE GOING TO
1 PONY UP THE LOCAL DOLLARS TO SPONSOR SOME EVENTS.

2 BUT WHAT WE NEED IS A COORDINATED
3 MESSAGE AND I THINK THAT MESSAGE COMING FROM THE STATE
4 OFFICE, AS WELL AS THROUGH THE AMERICA RECYCLES DAY
5 BACK EAST, THAT WE WANT TO MAKE SURE THAT WE'RE ON THE
6 SAME PAGE, THAT WE PARLAY OFF THAT IN THE MOST
7 EFFICIENT MANNER, MATCH DOLLARS WHERE NEEDED AT A
8 LOCAL LEVEL.

9 I THINK MR. JONES HAD SOME EXCELLENT
10 IDEAS WITH REGARD TO THE CERTIFICATE PROGRAM, WITH
11 REGARD TO SENDING OUT THE VOLUNTEER STAFF ON A SUNDAY
12 SO THEY DON'T GET PAID OVERTIME AND TRAVEL TIME.

13 UH, YOU'RE THE DEDICATED STAFF OF THE
14 WASTE BOARD.

15 IN MANY COMMUNITIES, I KNOW A LOT OF
16 STAFF MEMBERS WOULD LOVE TO GO OUT IN THE FIELD ON A

17 SUNDAY IN THE SPIRIT OF AN EARTH DAY WE HAD OVER

18 TWENTY-TWO YEARS AGO, TWENTY-EIGHT YEARS AGO.

19 SO, I CAN SEE STAFF BEING ABLE TO
20 VOLUNTEER, A CERTIFICATE PROGRAM, AND UP TO \$20,000.00
21 IN ORDER TO CREATE A STATEWIDE MESSAGE THAT WE CAN
22 DOVETAIL IN AT THE LOCAL LEVEL.

23 THANK YOU.

24 CHAIRMAN PENNINGTON: ANY ADDITIONAL
25 QUESTIONS OF MR. EDGAR?

1 MR. JONES?

2 IF NOT, LET ME ASK YOU, IF MY MEMORY
3 SERVES ME, WE DID APPROVE A SPONSORSHIP ITEM IN THE
4 CONTRACT CONCEPT.

5 EXECUTIVE DIRECTOR CHANDLER: I BELIEVE
6 YOU'RE CORRECT, BUT LET ME GET SOME BACK-UP.

7 MS. FISH: KARIN FISH.

8 YES, IN THE ITEM, YOU WILL NOTICE THAT
9 THERE WAS TWO \$10,000.00 AMOUNTS IN THE EARLY SPRING
10 FOR A TOTAL OF TWENTY THOUSAND THAT YOU DID APPROVE
11 FOR A SPONSORSHIP; NOT FOR THIS PURPOSE, BUT JUST TO
12 SPONSOR THE ITEM IN GENERAL.

13 CHAIRMAN PENNINGTON: WE COULD TAKE THIS OUT
14 THEN; CORRECT?

15 MS. FISH: MAYBE JOHN COULD HELP ME OUT HERE.

16 I'M NOT SURE HOW MUCH OF THAT TWENTY
17 THOUSAND HAS BEEN ENCUMBERED FOR OTHER PURPOSES AT
18 THIS TIME.

19 MR. FRITH: TWO SEPARATE --

20 JOHN FRITH, IF ANYBODY'S KEEPING TRACK
21 FOR THE RECORD HERE.

22 TWO SEPARATE SPONSORSHIPS. ONE WAS

23 FOR LAST YEAR; AND AMERICA RECYCLES DAY WAS IN MR.
24 JONES' ITEM RECEIVED \$20,000.00.

25 THAT MONEY HAS ALREADY BEEN EARMARKED.
1 AMERICA RECYCLES DAY HAS DRAWN DOWN, I BELIEVE, ABOUT
2 HALF OF IT AND PROBABLY WILL DRAW DOWN THE REST OF IT.

3 WHAT THE BOARD DID LAST WEEK --

4 I THINK THAT'S WHAT YOU'RE ASKING, MR.
5 CHAIRMAN.

6 -- IS THE BOARD DID APPROVE, AS PART
7 OF THE CONTRACT CONCEPTS, WAS A \$100,000.00
8 PLACEHOLDER. WE HAVE NOT YET BROUGHT BACK TO THE
9 BOARD PROPOSALS ON HOW TO ALLOCATE THAT MONEY.

10 THE BOARD DID APPROVE LAST YEAR A
11 PROCEDURE BY WHICH IT WOULD ALLOCATE THOSE FUNDS. I
12 PRESUME THAT THE SAME PROCEDURE WILL BE IN EFFECT FOR
13 THIS YEAR AND WE WILL PRESUMABLY BE BRINGING BACK AN
14 AGENDA ITEM IN THE NOT TOO DISTANT FUTURE TO SEEK
15 GUIDANCE ON SOME ISSUES SURROUNDING THAT.

16 CHAIRMAN PENNINGTON: WHAT I WOULD LIKE TO DO
17 IS I WOULD LIKE TO MOVE THE ADOPTION OF RESOLUTION
18 98-294 AND PUT A CAP OF \$25,000.00 ON IT, ON THE
19 APPROPRIATE FUNDING OF THIS PROJECT.

20 IF POSSIBLE, I WOULD LIKE TO HAVE IT
21 COME OUT OF THE SPONSORSHIP PROGRAM.

22 WE CAN WORK THAT OUT.

23 MEMBER FRAZEE: I WOULD SECOND IT.

24 CHAIRMAN PENNINGTON: IF THERE IS NO FURTHER
25 DISCUSSION, WILL THE SECRETARY CALL THE ROLL?

1 SECRETARY KELLY: MEMBER EATON.

2 MEMBER EATON: AYE.

3 SECRETARY KELLY: MEMBER FRAZEE.

4 MEMBER FRAZEE: AYE.

5 SECRETARY KELLY: MEMBER JONES.

6 MEMBER JONES: AYE.

7 SECRETARY KELLY: MEMBER RHODES.

8 MEMBER RHODES: AYE.

9 SECRETARY KELLY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE.

11 THE MOTION CARRIES.

12 WE ARE GOING TO TAKE ABOUT A
13 TEN-MINUTE BREAK HERE AND GIVE EVERYBODY A CHANCE TO
14 GET CAUGHT UP AND THEY'RE GOING TO BRING SOME
15 MICROPHONES IN.

16 THEY FOUND SOME MICROPHONES.

17 (BREAK FROM 10:45 A.M. TO 11:00 A.M.)

18 CHAIRMAN PENNINGTON: OKAY, FOLKS.

19 LET'S TRY TO GET BACK TO ORDER HERE.

20 AS YOU CAN SEE, THEY HAVE WIRED US FOR
21 SOUND; AND FOR YOU BOARD MEMBERS, I THINK THEY
22 INSTRUCTED YOU THERE IS A LITTLE BUTTON ON HERE TO
23 TURN THEM ON AND OFF.

24 WE WOULD APPRECIATE YOU TURNING THEM
25 OFF, EXCEPT FOR WHEN YOU'RE SPEAKING, BECAUSE THEY ARE
1 SUPPOSED TO BE SENSITIVE ENOUGH TO PICK UP PAPER
2 NOISES AND OTHER SUCH THINGS.

3 CAN YOU ALL HEAR US BETTER OUT THERE?

4 SEVERAL AUDIENCE MEMBERS: YEAH.

5 CHAIRMAN PENNINGTON: GOOD.

6 OKAY. WE ARE HERE WITH ITEM NUMBER 4.
7 ITEM NUMBER 4 IS AFFIRMATION OF THE APPOINTMENT OF A
8 BOARD WORKING GROUP.

9 THIS IS MY ITEM.

10 I, AS A RESULT OF SOME LEGISLATION, WE
11 ASSUME THAT -- WE ARE HOPING THAT THE GOVERNOR WILL
12 SIGN WITHIN THE WEEK, AB 117, WHICH REQUIRES A REPORT
13 ON TIRES AND IT LOOKS AT THE FUTURE IN TERMS OF
14 POSSIBLE LEGISLATION, REGULATION, AND TO TAKE A
15 SERIOUS RE-EXAMINATION OF OUR TIRE PROGRAM.

16 AS A RESULT OF THAT, I'VE ASKED THAT
17 MYSELF AND MR. FRAZEE SERVE AS A WORKING GROUP TO WORK
18 WITH THAT AND I WOULD LIKE YOUR CONCURRENCE AS I
19 AGREED THAT, AS WE FORMED THESE WORKING GROUPS, THAT I
20 WOULD BRING THEM BACK TO THE BOARD FOR CONCURRENCE.

21 I WOULD ASK THAT YOU CONCUR IN MY
22 APPOINTMENT OF SELF AND MR. FRAZEE.

23 AND --

24 MR. JONES?

25 MEMBER JONES: SORRY ABOUT THAT.

1 MR. CHAIRMAN, I'LL MAKE A MOTION TO
2 ADOPT RESOLUTION NUMBER 98-315 APPOINTING YOU AND VICE
3 CHAIR FRAZEE TO DEAL WITH THE TIRE ISSUES.

4 MEMBER RHODES: I'LL SECOND IT.

5 CHAIRMAN PENNINGTON: OKAY.

6 IT'S BEEN MOVED BY MR. JONES AND
7 SECONDED BY MR. RHODES THAT --

8 WE CAN CALL THAT THE STEVE AND STEVE
9 MOTION THERE.

10 IF THERE IS NO FURTHER DISCUSSION,
11 WILL THE SECRETARY CALL THE ROLL?

12 SECRETARY KELLY: MEMBER EATON.

13 MEMBER EATON: AYE.

14 SECRETARY KELLY: MEMBER FRAZEE.

15 MEMBER FRAZEE: AYE.

16 SECRETARY KELLY: MEMBER JONES.

17 MEMBER JONES: AYE.

18 SECRETARY KELLY: MEMBER RHODES.

19 MEMBER RHODES: AYE.

20 SECRETARY KELLY: CHAIRMAN PENNINGTON.

21 CHAIRMAN PENNINGTON: AYE.

22 THE MOTION CARRIES.

23 THANK YOU, GENTLEMEN.

24 NOW, WE WILL MOVE TO ITEM 5:

25 CONSIDERATION OF STAFF RECOMMENDATIONS ON THE
1 ADEQUACY OF THE COUNTYWIDE INTEGRATED

2 MANAGEMENT PLAN FOR RIVERSIDE COUNTY.

3 JUDY FRIEDMAN.

4 MS. FRIEDMAN: GOOD MORNING, AGAIN, BOARD
5 MEMBERS.

6 THIS ITEM WILL BE PRESENTED BY PAT
7 SCHIAVO, MANAGER OF THE HASA BILNOS (PHONETIC
8 SPELLINGS).

9 MS. TOBIAS: WHAT'D SHE SAY?

10 MR. SCHIAVO: GOOD MORNING.

11 THIS ITEM HAS TO DO WITH THE
12 CONSIDERATION OF APPROVAL OF THE COUNTY OF RIVERSIDE'S
13 SUMMARY PLAN.

14 IN JUNE OF 1997, THE SUMMARY PLAN WAS
15 CONDITIONALLY APPROVED BY THE BOARD AS A COUPLE OF
16 OUTSTANDING JURISDICTIONS DID NOT SUBMIT ALL THEIR
17 DOCUMENTS.

18 IN APRIL, THE APRIL 29TH BOARD
19 MEETING, THE BOARD DID APPROVE THE CITY OF MARRIOTT'S

20 FINAL DOCUMENTS; AND IN JULY 29TH THIS BOARD APPROVED
21 THE FINAL DOCUMENTS FROM THE CITY OF HEMET.

22 BECAUSE WE HAVE RECEIVED ALL OF THE
23 DOCUMENTATION FROM THE COUNTY OF RIVERSIDE, STAFF
24 RECOMMENDS APPROVAL OF THE COUNTYWIDE INTEGRATED
25 WASTE MANAGEMENT PLAN.

1 ANY QUESTIONS?

2 CHAIRMAN PENNINGTON: ANY QUESTIONS?

3 MEMBER JONES: MR. CHAIRMAN.

4 CHAIRMAN PENNINGTON: MR. JONES.

5 MEMBER JONES: SORRY ABOUT THAT.

6 I'LL LEAVE IT ON AND HOPE I DON'T
7 MUTTER UNDER MY BREATH THE REST OF THE DAY.

8 MR. CHAIRMAN, I WANT TO TAKE THIS
9 OPPORTUNITY FIRST --

10 AND I'M SURE ROBERT NELSON IS IN THE
11 AUDIENCE.

12 OH, THERE HE IS.

13 I DON'T HAVE A PROBLEM WITH THIS
14 RIVERSIDE COUNTY PLAN, BUT I WANT TO USE IT AS AN
15 OPPORTUNITY TO ASK A COUPLE OF QUESTIONS BECAUSE I
16 NEVER SAT ON THE LOCAL ASSISTANCE COMMITTEE AND MOST
17 OF THESE ITEMS CAME FORWARD ON CONSENT.

18 SO, I NEED TO ASK A COUPLE OF
19 QUESTIONS JUST TO ENGAGE IN SOME CLARIFICATION.

20 THESE DOCUMENTS ARE GOING TO BE USED
21 FOR PURPOSES OF A BLUEPRINT FOR ENFORCEMENT BY THE
22 WASTE BOARD.

23 WHEN WE LOOK AT CONFORMANCE WITH THE
24 DIVERSION MANDATE, WE ARE GOING TO USE THESE DOCUMENTS
25 AS THE BLUEPRINT TO COMPARE DIVERSION SUCCESSES TO

1 PROGRAMS.

2 IS THAT CORRECT?

3 MR. SCHIAVO: RIGHT.

4 MEMBER JONES: OKAY.

5 SO, WE USE IT AS A BLUEPRINT FOR
6 COMPLIANCE FINDINGS.

7 CAN A LOCAL JURISDICTION USE THIS PLAN
8 AS AN ENFORCEMENT PLAN?

9 AND WHAT I MEAN BY THAT IS THERE HAS
10 BEEN DISCUSSIONS IN DIFFERENT PARTS OF THE STATE THAT
11 HAVE SAID THINGS LIKE, "WE'VE IDENTIFIED IN THE COUNTY
12 PLAN THAT YOU CAN ONLY RECEIVE WASTE FROM THIS AREA.
13 THEREFORE, YOU CANNOT RECEIVE WASTE FROM ANYWHERE
14 ELSE."

15 I'M NOT SURE THAT THAT IS A NEGOTIATED
16 AGREEMENT. I'M ALSO NOT SURE THAT THAT DOESN'T
17 VIOLATE FLOW CONTROL; BUT I'M WONDERING IF IN FACT
18 THIS DOCUMENT, PUT TOGETHER BY A LOCAL TASK FORCE, CAN
19 BE AN ENFORCEMENT DOCUMENT FOR THAT JURISDICTION?

20 MR. SCHIAVO: I WOULD LIKE TO TURN THAT OVER
21 TO MR. BLOCK.

22 MR. BLOCK: ELLIOTT BLOCK FROM THE LEGAL
23 OFFICE.

24 IT'S AN INTERESTING QUESTION.

25 I CAN CERTAINLY ANSWER THAT IF, BY THE
1 TERM, "ENFORCEMENT," YOU MEAN USING THE BOARD'S
2 ENFORCEMENT STATUTES OF THE PUBLIC RESOURCES CODES.
3 THE BOARD IS THE ONLY ENTITY THAT'S ENTITLED TO USE
4 THOSE.

5 WHETHER OR NOT THE SAME DOCUMENT CAN

6 BE USED BY A LOCAL JURISDICTION SEPARATELY UNDER SOME
7 SEPARATE AUTHORITY THEY MAY HAVE DEPENDS.

8 IT'S A CLASSICAL AREA, BUT IT REALLY
9 DEPENDS ON THE NUMBER OF ISSUES, TERMS, HOW THEY SET
10 IT UP, HOW THEY USED THAT DOCUMENT, AND WHAT THEY'VE
11 DONE WITH IT.

12 MEMBER JONES: OKAY.

13 I THINK THAT THAT'S GOING TO KEEP THIS
14 CONVERSATION GOING, BECAUSE, IF A JURISDICTION --

15 LET'S SAY A JURISDICTION IS IN THE
16 BUSINESS OF PROVIDING LANDFILL SERVICES WITHIN THEIR
17 COUNTY. SO, THE COUNTY IS AN OPERATOR OF ITS OWN
18 FACILITY AND IN THAT SAME COUNTY THERE ARE TWO OR
19 THREE OTHER PRIVATE COMPANIES WITHIN THAT
20 JURISDICTION.

21 IF THEY PUT CONDITIONS ON --

22 IF THEY'RE ASSUMING CONDITIONS OR
23 ENFORCEMENT THROUGH THE PLAN, COULDN'T THEY USE THAT
24 AS A MEANS TO STIFLE COMPETITION?

25 MR. BLOCK: IT'S KIND OF A LOADED QUESTION.

1 MEMBER JONES: IT IS LOADED.

2 ALL MY QUESTIONS ARE LOADED.

3 MR. BLOCK: THE PROBLEM IS, BASICALLY, IT'S
4 VERY DIFFICULT TO ANSWER A HYPOTHETICAL LIKE THAT.

5 YOU REALLY NEED TO LOOK AT SPECIFIC
6 SITUATIONS FOR A PARTICULAR COUNTY AND SEE WHAT IT'S
7 CALLED, WHAT ORDINANCES MIGHT BE CITED OR NOT, WHAT
8 AGREEMENTS ARE SET UP, AND THE LIKE.

9 THE FACT THAT THE PLAN IS OUR PLAN
10 DOESN'T MEAN THEY CAN'T TAKE AND USE IT IN ANOTHER
11 FORM.

12 THE POINT I GUESS I WOULD LIKE TO MAKE
13 IS IT WOULD HAVE TO BE IN ANOTHER FORM. THAT'S REALLY
14 THE QUESTION. THAT REVOLVES AROUND WHAT THAT OTHER
15 FORM IS.

16 CERTAINLY, I DON'T WANT TO PICK ON A
17 COUNTY, PICK ON ANYBODY, CERTAINLY X COUNTY COULDN'T
18 ENFORCE OUR STATUTE IN THE \$10,000.00 A DAY FINES.

19 THAT IS UNDER OUR STATUTE.

20 BUT THEY MIGHT BE ABLE TO TAKE THE
21 PLAN THAT THEY DEVELOPED TO MEET OUR REQUIREMENTS AND
22 THROUGH SOME SEPARATE STRUCTURE UNDER THEIR OWN
23 POLICEPOWERS AND SEPARATE STRUCTURE UTILIZE THAT IN
24 SOME MANNER.

25 IT WILL DEPEND ON ISSUES.

1 YOU ALSO MENTIONED A FLOW CONTROL
2 ISSUE, WHICH IS ANOTHER MONKEY WRENCH ON TOP OF
3 EVERYTHING ELSE.

4 MEMBER JONES: THAT WOULD TAKE SOME SEPARATE
5 ACTIONS WITHIN A JURISDICTION?

6 IF IT WAS A REGIONAL AGENCY, WOULD IT
7 NOT REQUIRE ALL THE DIFFERENT CITIES WITHIN THE COUNTY
8 TO TAKE AN ACTION ON THIS SO THAT THERE WAS PUBLIC
9 COMMENT; OR COULD IT JUST BE ARBITRARILY DECIDED BY
10 THE JPA OR A LOCAL TASK FORCE?

11 MR. BLOCK: AGAIN, THAT WOULD DEPEND ON HOW
12 IT'S SET UP IN THE PARTICULAR COUNTY.

13 IN SOME CASES, IT WOULD BE DONE ON A
14 COUNTY BASIS.

15 IN SOME CASES, IT COULD BE DONE WITH
16 THE JPA.

17 IN SOME CASES, THEY COULD BE DONE JUST
18 WITHIN A PARTICULAR CITY.

19 IT'S GOING TO DEPEND. IN THE CASE OF
20 A JPA, IT DEPENDS ON WHAT KIND OF AUTHORITY EACH OF
21 THE JURISDICTIONS GAVE THE JPA.

22 I DON'T MEAN TO NOT ANSWER THE
23 QUESTION, BUT I REALLY CAN'T ANSWER THAT QUESTION
24 WITHOUT GETTING ALL THE DOCUMENTS AND TAKING A LOOK AT
25 THEM, SEEING HOW THEY ALL FIT.

1 MEMBER JONES: MAYBE WHAT I'M LOOKING FOR
2 THEN IS THAT THE JPA --

3 I MEAN --

4 I'M SORRY.

5 -- COUNTY INTEGRATED WASTE MANAGEMENT
6 PLAN IN ITSELF CAN BE ENFORCED.

7 THAT DOCUMENT CAN BE ENFORCED BY US?

8 MR. BLOCK: CORRECT.

9 MEMBER JONES: IT'S OUR STATUTE THAT CREATED
10 THAT DOCUMENT?

11 MR. BLOCK: THAT'S CORRECT.

12 MEMBER JONES: SO, IF IT WERE TO BE USED IN
13 ANOTHER, AS A LOCAL DOCUMENT, THEY'D HAVE TO RELY ON
14 THEIR OWN STATUTORY OR LOCAL PROCESS TO VALIDATE THE
15 USE OF THAT --

16 MR. BLOCK: THAT'S CORRECT.

17 MEMBER JONES: -- THAT DOCUMENT AS AN
18 ENFORCEMENT DOCUMENT BECAUSE, WHEN THE ISSUE CAME UP,
19 IT WAS DEALING WITH WASTE SHEDS.

20 IT WAS DEALING WITH PROGRAMS.

21 AND IT SEEMED ABSURD BECAUSE, YOU
22 KNOW, IF YOU WANT TO USE IT TO STOP FLOW OF WASTE,

23 THEN IT WOULD SEEM TO ME THAT THE SAME, THE OTHER
24 EXAMPLE THAT YOU WOULD USE IS THAT IF YOU IDENTIFIED
25 THAT FAMOUS FOURTH-GRADE EDUCATIONAL PROGRAM IN THE
1 COUNTY INTEGRATED WASTE MANAGEMENT PLAN AS PART OF
2 THE EDUCATIONAL ELEMENT AND A TEACHER DID NOT CHOOSE
3 TO TEACH THAT COURSE, WHO WOULD THEY GO AFTER, THE
4 SCHOOL DISTRICT OR THE TEACHER, YOU KNOW?

5 I MEAN, IT IS AN ABSURD EXAMPLE, BUT I
6 THINK IT FOLLOWS THE SAME LOGIC: IF YOU CAN USE IT AS
7 ONE, YOU NEED TO BE ABLE TO ENFORCE ALL OF THE
8 ELEMENTS.

9 MR. BLOCK: WELL, YOUR COMMENTS ALSO MAKES ME
10 WANT TO EMPHASIZE WHAT I SAID EARLIER, PERHAPS A
11 LITTLE TOO QUICKLY.

12 A LOT ALSO DEPENDS ON WHAT YOU MEAN
13 WHEN YOU USE THE TERM, "ENFORCEMENT."

14 WE SORT OF VERY GENERALLY SAID THE
15 BOARD CAN ENFORCE THE DOCUMENT, THAT CEQA.

16 THAT'S WHAT WE'D USE, BUT REALLY,
17 WE'RE NOT NECESSARILY --

18 THE BOARD DOESN'T REALLY ENFORCE EVERY
19 PROVISION IN CEQA.

20 WHAT WE DO IS WE LOOK TO CEQA AS THE
21 BLUEPRINT --

22 YOU MENTIONED THAT BEFORE.

23 -- TO MEASURE WHETHER OR NOT THE
24 JURISDICTION HAS IN FACT MET THE REQUIREMENTS UNDER
25 THE STATUTE.

1 SO, IN THAT SENSE, THE BOARD --

2 I DON'T WANT TO LEAVE THE IMPRESSION

3 THE BOARD WOULD BE ENFORCING EVERY PARTICULAR PART OF
4 THAT.

5 SO, JUST TO CLARIFY THAT.

6 THE OTHER THING I THINK I SHOULD ALSO
7 CLARIFY IS, DESPITE WHAT I SAID ABOUT LOCAL
8 JURISDICTIONS UNDER THEIR OWN AUTHORITY USING THESE
9 PLANS IN SOME OTHER FORM, SOME OTHER WAY, THE ISSUE OF
10 FLOW CONTROL IS EVEN SEPARATE FROM THAT.

11 FLOW CONTROL AND THE PROHIBITIONS
12 AGAINST THAT ARE OVER AND ABOVE OR THEY'RE PROHIBITED
13 SEPARATELY FROM WHETHER OR NOT A JURISDICTION HAS THE
14 AUTHORITY OR NOT.

15 THE JURISIDITION MAY HAVE THE
16 AUTHORITY TO ENACT AN ORDINANCE, BUT IF IT VIOLATES
17 FLOW CONTROL, WHICH IS A CONSTITUTIONAL PROHIBITION,
18 THEN THEY'RE NOT GOING TO BE ABLE TO DO THAT, AS WELL,
19 EVEN IF THEY HAVE THE AUTHORITY TO ADOPT THE
20 ORDINANCE.

21 SO, THAT'S ANOTHER COMPLICATING
22 FACTOR.

23 MS. TOBIAS: OUR STATUTES DON'T GIVE THE LOCAL
24 ENTITIES ANY MORE POWERS THAN THEY EVER HAD.

25 CONVERSELY, WE CAN'T TAKE AWAY ANY
1 POWERS THAT THEY HAVE, EITHER.

2 SO, I THINK WHAT'S IMPORTANT TO KIND
3 OF SAY, IN SUMMARY, TO ADD TO WHAT ELLIOTT SAID, IS
4 THAT THEY STILL HAVE ALL THEIR GENERAL GOVERNMENTAL
5 POWERS. THEY CAN DO ANYTHING THAT THEY COULD HAVE
6 DONE BEFORE OR AFTER THEY DID THE PLAN, BUT THEY WOULD
7 HAVE TO TAKE THOSE STEPS BY THEIR NORMAL GOVERNMENTAL
8 PROCEDURES; WHICH IS USUALLY ADOPTING AN ORDINANCE AND

9 THEN MOVING AHEAD.

10 SO, YOU WOULD HAVE ALL THE PROTECTIONS
11 OF THE PUBLIC HEARINGS AT THE LOCAL LEVEL, WHETHER
12 THERE IS A JPA OR A CITY OR COUNTY, IN TRYING TO
13 ACHIEVE WHATEVER STEPS THEY WANTED TO TAKE.

14 MEMBER JONES: IT WASN'T MY INTENT TO TAKE
15 AWAY OR ADD.

16 I JUST WANTED TO GET CLARIFICATION,
17 BECAUSE I GET REAL NERVOUS WHEN I HEAR PEOPLE TELLING
18 ME THAT, YOU KNOW, CERTAIN CONDITIONS ARE GOING TO BE
19 IMPOSED AND THEY'RE USING THE ELEMENT AS, AS THE BASIS
20 FOR THAT.

21 THEN I WANT TO GET CLARIFICATION.

22 I'M NOT SURE I EVEN STILL, AT THIS
23 POINT --

24 I'LL WAIT AND SEE IF THERE ARE OTHER
25 QUESTIONS; BUT, YOU KNOW, I MAY ASK THAT WE -- I MAY
1 ASK THE CHAIRMAN IF WE GET, YOU KNOW, SOME THOUGHTS --

2 I MEAN, THE THOUGHTS ARE PERFECT,
3 ELLIOTT, BUT JUST SOME CLARIFICATION OF HOW THIS THING
4 WORKS, IF FOR NO OTHER REASON THAN TO MAKE THIS BOARD
5 AWARE SO THAT WHEN WE'RE ASKED THOSE QUESTIONS AND
6 I'LL PRESUME THIS ENDS THIS DISCUSSION.

7 I KNOW OTHERS WANT TO SPEAK, I THINK;
8 BUT, YOU KNOW, I WOULD HOPE THAT AT THE END OF THIS
9 DISCUSSION, WE COULD, BEFORE WE VOTE --

10 I MEAN, WE CAN VOTE ON RIVERSIDE.

11 I DON'T HAVE A PROBLEM WITH THAT, BUT
12 AT LEAST GET SOME DIRECTION WHETHER OR NOT IT COMES
13 BACK DEFINING, YOU KNOW, HOW WE --

14 MS. TOBIAS: I THINK THAT'S WHAT WOULD BE
15 APPROPRIATE, FOR STAFF TO COME BACK; AND, BASICALLY,
16 WE CAN ADDRESS THE ISSUE THAT I THINK YOU'RE TRYING TO
17 RAISE; WHICH IS, YOU KNOW, WHAT HAPPENS AFTER THESE
18 PLANS ARE APPROVED AND HOW WILL THOSE BE USED?

19 SO, IF ANYBODY ELSE HAS ANY MORE
20 DIRECTION/THOUGHTS THEY'VE BEEN LOOKING AT, I THINK
21 THAT WOULD BE HELPFUL FOR STAFF TO HEAR; BUT WE CAN
22 BRING THAT BACK IN A MONTH AND ADDRESS THE BOARD ON
23 IT.

24 CHAIRMAN PENNINGTON: I THINK MR. EATON HAS A
25 QUESTION.

1 MEMBER EATON: I WAS JUST WONDERING, AS WE
2 REVIEW SOME OF THESE PLANS; AND I'M NOT SPEAKING AT
3 THIS TIME WITH REGARD TO THE RIVERSIDE COUNTY PLAN
4 THAT'S BEFORE US.

5 I WANT TO MAKE THAT POINT, AS WELL, AS
6 MR. JONES EXPRESSED IT, AS WELL; BUT IN THAT REVIEW,
7 DO WE LOOK AT SOME OF THESE OTHER AREAS THAT MAY OR
8 MAY NOT ACTUALLY PERTAIN TO THE SPECIFIC ENFORCEMENT
9 MECHANISMS OR THE PART THAT WOULD AT LEAST GIVE US AN
10 INDICATION OR AT LEAST RAISE A SPECTOR OF INTEREST AS
11 TO WHETHER THEY MIGHT EITHER POTENTIALLY CONFLICT OR
12 FLOW CONTROL PROBLEMS OR WHAT IS THE REVIEW PROCESS?

13 DO WE LOOK AT SOME OF THESE OTHER
14 AREAS AS MAYBE POTENTIAL PROBLEMS THAT ARISE AND IS
15 THAT SOMETHING THAT WE LOOK AT OR HOW DOES THAT TAKE
16 PLACE?

17 BECAUSE WE KNOW THE LEA WORKS WITH A
18 LOT OF THE CONFORMANCE ISSUES, BUT I'M NOT SURE IN
19 TERMS OF, YOU KNOW, ALL OF US GET DOCUMENTS FROM TIME

20 TO TIME AND WE LOOK AT THAT THAT PERTAINS TO US,
21 SPECIFICALLY, BUT THERE MAY BE OTHER AREAS WITHIN THAT
22 DOCUMENT, THAT REVIEW IS NOT AS CLOSE IN TERMS OF SOME
23 OF THE LOCAL GOVERNMENTAL POWERS.

24 MS. FRIEDMAN: IN TERMS OF THAT, I THINK
25 KATHRYN HAD A GOOD SUGGESTION TO COME BACK TO THE
1 BOARD WITH FURTHER EXPLORATION OF THESE ISSUES; BUT
2 JUST IN TERMS OF REVIEW OF A PLAN, WE LOOK AT WHETHER
3 OR NOT THE JURISDICTION IS A JOINT-POWERS AUTHORITY ON
4 THE BASIS OF, YOU KNOW, THERE ARE STATUTORY PROVISIONS
5 THAT ALLOW JURISDICTIONS TO JOIN TOGETHER IN ORDER TO
6 ACHIEVE DIVERSION TOGETHER.

7 AND OF COURSE, THIS BOARD HAS TO
8 APPROVE THOSE AUTHORITIES AND THERE ARE CERTAIN
9 SPECIFIC STATUTORY SECTIONS THAT HAVE TO BE MET IN
10 ORDER FOR THE BOARD TO APPROVE THAT.

11 SO, IF WE ARE IN THAT SITUATION, WE
12 ARE LOOKING AT A, YOU KNOW, REGIONAL AGENCY PLAN --
13 THAT'S WHAT IT'S CALLED, REGIONAL
14 AGENCY.

15 -- WE MAKE SURE IT'S FOLLOWING THOSE
16 PROVISIONS THAT THE BOARD HAS ALREADY APPROVED.

17 SO, I HOPE THAT AT LEAST IN PART
18 ANSWERS YOUR QUESTION.

19 MEMBER EATON: COULD A REGIONAL AGENCY
20 PROHIBIT WASTE FROM ANOTHER REGION COMING INTO ITS
21 AREA?

22 MS. TOBIAS: YOU CAN'T DO ANYTHING AS A JPA
23 OR CITY OR COUNTY THAT YOU CAN'T OTHERWISE DO.

24 SO, THERE ARE NO ADDITIONAL POWERS

25 THAT THEY ACQUIRE IN THESE PLANS.

1 MEMBER JONES: I WOULD LIKE TO --
2 I HAVE A FOLLOW-UP QUESTION ON THAT.
3 WHAT IF, THROUGH THIS PLAN --
4 AND, AND THE ISSUE CAME UP WHEN I WAS
5 LOOKING AT THIS PLAN, BUT IT ALSO CAME UP WHEN I GOT
6 MY BRIEFING ON THE TRANSFER STATION REGS, THAT A
7 JURISDICTION HAD ASKED THAT THE REGS BE CHANGED TO
8 INCLUDE LOCAL APPROVALS, BUT IT DIDN'T DEFINE WHO THE
9 LOCAL APPROVALS WOULD BE FROM.

10 IF A JPA OR SOMEBODY LIKE THAT IN AN
11 ORDINANCE SAID, YOU KNOW, THAT, THAT THE JPA WOULD BE
12 ONE OF THE PEOPLE THAT WOULD, THAT WOULD DO A
13 CONFORMANCE FINDING, THAT THEY WOULD BE PART OF THE
14 APPROVAL MECHANISM, I WOULD, I ALWAYS UNDERSTOOD THAT
15 THE LEA WAS THE ONE THAT DID THE CONFORMANCE FINDING
16 AND THAT THAT WENT THROUGH ITS PROCESS LOCALLY AND
17 THEN IT CAME TO US.

18 AND I THINK I WOULD LIKE TO HAVE SOME,
19 YOU KNOW, AS PART OF THIS ITEM THAT'S GOING TO COME
20 BACK, WE'LL TALK ABOUT THAT, BECAUSE IT STRUCK ME, IF
21 THEY WANT TO -- IF THEY WANT TO ADD THAT A REGIONAL
22 AGENCY WOULD HAVE APPROVAL OVER ANY OF THESE THINGS,
23 PERMANENT REVISION, ANY OF THOSE THINGS, OTHER THAN
24 THE LEA OR IN ADDITION TO THE LEA, THEN WHAT IF THE
25 LEA APPROVES THE PROJECT AND THE JPA, FOR ITS OWN
1 WISDOM, DOESN'T APPROVE IT?

2 EVEN THOUGH IT WOULD HAVE TO HAVE GONE
3 THROUGH THE PUBLIC PROCESS, IT WOULD HAVE TO HAVE GONE
4 THROUGH CONDITIONAL USE PERMITS, CEQA, ALL THOSE TYPES
5 OF ISSUES, WHERE EVERYTHING COULD HAVE BEEN WEEDED

6 OUT, THEN ALL OF A SUDDEN A JPA SEES THAT OR SOME
7 AUTHORITY REFERS BACK TO THIS DOCUMENT AND SAYS, YOU
8 KNOW, WE ARE GOING TO ADD THAT WE GET APPROVAL AND WE
9 DENY APPROVAL, THEN WOULDN'T WE LIMIT THE LEA'S
10 RESPONSIBILITY IN FINDING CONFORMANCE?

11 MR. BLOCK: TWO THINGS.

12 NUMBER ONE, I WOULD SAY THAT THAT
13 COMMENT ON THE TRANSFER PROCESS IN TERMS OF ADDING
14 LOCAL APPROVALS, WE'RE RECOMMENDING YOU DON'T ADD
15 THAT.

16 MEMBER JONES: I --

17 NO, NO, I KNOW --

18 MR. BLOCK: THAT'S ONE THING I WANTED TO
19 MENTION.

20 MEMBER JONES: THANK GOD.

21 MR. BLOCK: AS FAR AS THE OTHER QUESTION
22 GOES, AGAIN, UNFORTUNATELY, I'VE GOT TO STAY WITH
23 MAYBE THE BEST THING TO DO IS TO COME BACK WITH THE
24 ANSWER: IT REALLY JUST DEPENDS ON THE SITUATION.

25 IN MOST CASES, A REGIONAL AGENCY, JUST
1 A BARE-BONES REGIONAL AGENCY, WILL NOT BE ABLE TO SAY,
2 "WE GET TO MAKE THE CONFORMANCE FINDING," BECAUSE THE
3 STATUTE PROVIDES OTHERWISE.

4 HOWEVER, IF YOU HAD A REGIONAL AGENCY
5 THAT WAS EVERY JURISDICTION IN THE COUNTY AND THEY SET
6 THEIR JPAS UP IN SUCH A WAY THAT EACH OF THEM WERE
7 REPRESENTATED BY THE JPA AND THE LEAS WITH AUTHORITY
8 FROM THEIR RESPECTIVE GOVERNMENT BODIES, THAT JPA
9 COULD FUNCTION AS THE BODY THAT HAD MAJORITY/MAJORITY
10 APPROVAL FOR THAT COUNTY; IF THEY DECIDE TO SET IT UP

11 THAT WAY; IN WHICH CASE THEY WOULDN'T BE -- THEY WOULD
12 BE IN LINE WITH THE WAY THE STATUTE IS SET OUT.

13 THE STATUTE SAYS THE LEA CERTIFIES
14 THAT IT'S IN CONFORMANCE, BUT THE APPROVAL PROCESS IS
15 ACTUALLY BY THE, BY THE STANDARD RIGHTS VESTED IN THE
16 CITY COUNCIL AND WE ADD UP THE TOTAL AT THE END AND
17 THE COUNTY HAS TO APPROVE IT AND THE MAJORITY OF
18 CITIES WITH THE MAJORITY OF THE POPULATION.

19 IF ALL OF THOSE REPRESENTATIVES ARE
20 ALL IN ONE ROOM AT ONE TIME IN THE JPA, THEY CAN HAVE
21 ONE OF THOSE A YEAR AND DO IT ALL AT ONCE.

22 THAT'S ONE OF THE REASONS, ONE OF THE
23 REASONS THAT A REGIONAL AGENCY MIGHT GET FORMED IS TO
24 SIMPLIFY THAT PROCESS, IN WHICH CASE IT WOULDN'T BE
25 SO.

1 I'M NOT SAYING THAT'S THE CASE IN ANY
2 COUNTY. I'M NOT NECESSARILY SURE THAT'S THE CASE FOR
3 ANY COUNTY IN CALIFORNIA.

4 THE POINT I'M JUST TRYING TO MAKE IS
5 IT REALLY JUST DEPENDS ON HOW IT'S SET UP, WHAT
6 DECISIONS ARE MADE BY THE DIFFERENT CITY COUNCILS AND
7 BOARDS OF SUPERVISORS, AND HOW THEY'RE SET UP.

8 YES, IF IT'S CONTRARY TO OUR STATUTE,
9 THAT'S A PROBLEM; BUT THERE ARE THINGS THAT CAN BE
10 DONE THAT AREN'T NECESSARILY CONTRARY TO OUR STATUTE.

11 CHAIRMAN PENNINGTON: OKAY.

12 ANY OTHER DISCUSSION?

13 MR. EATON?

14 MEMBER EATON: PERHAPS I CAN FOLLOW UP ON MR.
15 JONES' POINT.

16 WHAT ARE OUR OPTIONS IN TERMS OF A --

17 YOU SAID YOU WOULD LIKE TO SEE
18 SOMETHING COMING BACK AND MAYBE MR. CHANDLER OR MISS
19 FISH COULD JUST KIND OF GIVE US SOME OPTIONS THEY
20 THOUGHT MAY BE IMPORTANT FOR --

21 DISCUSSION IS ONE THING, BUT ARE THERE
22 OTHER KINDS OF OPTIONS THAT YOU'RE THINKING OF, AS
23 WELL, THAT WE'VE DONE IN THE PAST THAT HELPS KIND OF
24 FLESH OUT SOME OF THESE ISSUES AND SCOPE REALLY WHAT
25 WE ARE LOOKING AT?

1 MEMBER JONES: I THINK THAT AN ITEM COMING
2 FORWARD DISCUSSING THESE ISSUES AND IF ANYBODY ELSE
3 HAS ISSUES WE CAN MAKE STAFF AWARE OF, I THINK THAT
4 THE THIRTY DAYS WOULD MAKE SENSE, BUT I THINK WE HAVE
5 TO BE CAREFUL, BECAUSE I GET, I GET NERVOUS THAT --

6 I GET NERVOUS ANY TIME SOMEBODY WANTS
7 TO USE THE REGS TO LIMIT SOMEBODY'S ABILITY TO DO
8 THEIR JOB AND, YOU KNOW, THAT'S WHERE I'M COMING FROM.

9 AND AT THE SAME TIME, THE PROHIBITION,
10 OR WHATEVER.

11 THERE WAS AN LEA --

12 I'M NOT GOING TO SAY THE AREA.

13 THERE WAS AN LEA THAT TRIED TO GET A
14 PERMIT TO SACRAMENTO AND THE LOCAL GOVERNMENT, WHO
15 ALSO OPERATED A FACILITY IN THE SAME AREA, RAISED
16 EVERY POSSIBLE ROADBLOCK THAT IT COULD TO THAT LEA SO
17 THAT THE LEA WOULD NOT SEND THAT PERMIT TO SACRAMENTO
18 BECAUSE IT WAS A COMPETITIVE ISSUE.

19 IT WAS --

20 IF THAT FACILITY, WHICH MET ALL THE
21 MINIMUM STANDARDS, WERE TO BE, WERE TO HAVE THEIR

22 PERMIT REVISED, WHICH THE LEA FELT WAS REASONABLE,
23 THEN THEY WOULD HAVE BEEN IN A POSITION TO COMPETE
24 WITH THE PUBLIC ENTITY.

25 THE PUBLIC ENTITY WORKED TO TRY TO
1 STOP THAT PERMIT FROM EVER COMING UP AND THE LEA HAD
2 TO SAY, "WAIT A SECOND. YOU DON'T, YOU KNOW, THAT IS
3 NOT YOUR RIGHT. YOU KNOW, THEY HAVE CONFORMED. IT
4 HAS BEEN PASSED AT THE LOCAL LEVEL. IT IS GOING
5 FORWARD."

6 SO, I WANT US TO BE VERY AWARE OF
7 THAT, BECAUSE IN --

8 I KNOW ONE CASE IN THE STATE WHERE
9 THERE ARE FOUR OR FIVE COMPETING LANDFILLS, BUT THERE
10 IS A COUNTY THAT HAS BOUGHT UP AN INCREDIBLE AMOUNT OF
11 PROPERTY AND MAY WANT TO GO INTO THE LANDFILL
12 BUSINESS.

13 IF THEY DETERMINE THAT THEY ARE THE
14 ULTIMATE SAY AS TO IF ANYBODY CAN GO INTO THAT
15 BUSINESS AND THEN, AND EXERCISE THAT, THEN OPEN UP
16 THOSE LANDFILLS, WHAT ARE WE DOING?

17 I MEAN, YOU KNOW, IF IT'S OUR REGS
18 THAT ALLOWS THAT STIFLING OF BUSINESS TO GIVE AN
19 ADVANTAGE TO ANOTHER ENTITY -- AND I DON'T EVEN CARE
20 IF IT'S TWO PRIVATES, THAT ONE GETS AN ADVANTAGE BY
21 REGULATION AS OPPOSED TO THE OTHER, THAT ISN'T FAIR
22 EITHER.

23 YOU KNOW, I MEAN, IT'S A FAIRNESS
24 ISSUE THAT I THINK NEEDS TO BE PART OF OUR DISCUSSION
25 WITHIN THE CONTEXT OF WHAT DOES THE LAW ALLOW AND HOW
1 IS THE LAW INTERPRETED?

2 SO, IF NOTHING ELSE, WE CAN GIVE

3 GUIDANCE TO CITIES AND COUNTIES OF HOW WE VIEW THESE
4 THINGS.

5 CHAIRMAN PENNINGTON: MR. FRAZEE.

6 MEMBER FRAZEE: YES, MR. CHAIRMAN.

7 THERE IS A SLIGHTLY PARALLEL CASE THAT
8 GOES TO THIS, THE SAME ISSUE THAT BROUGHT THIS UP, AND
9 THAT'S ORANGE COUNTY, WHEREBY, I BELIEVE, BY DESIGN OF
10 THEIR ORIGINAL EIR, THEY WERE PROHIBITED FROM TAKING
11 OUT-OF-COUNTY WASTE.

12 THEN, WHEN THEIR BANKRUPTCY SITUATION
13 AROSE AND THAT WAS AN ENTERPRISE THAT THEY COULD BRING
14 SOME MONEY INTO THE TREASURY, THEY NEEDED TO DO
15 SOMETHING QUICKLY AND THE LEGISLATURE ACTED IN THAT
16 CASE BY ADOPTING URGENCY LEGISLATION.

17 AND I BELIEVE --

18 I'M NOT POSITIVE ON THIS, BUT I
19 BELIEVE THAT WENT TO THE DEVELOPMENT OF THE EIR OR IN
20 FACT RELIEVED THEM OF THE RESPONSIBILITY OF DOING A
21 SUBSEQUENT EIR.

22 IT WAS NOT A PROHIBITION, PER SE, BY
23 THE COUNTY LOCAL AGENCY, BUT IT WAS A CONDITION OF THE
24 EIR AND THAT'S WHAT THEY NEEDED TO CORRECT.

25 AND SO, THAT MAY HAVE SOME BEARING ON
1 THIS CASE, ALSO.

2 CHAIRMAN PENNINGTON: MR. RHODES.

3 MEMBER RHODES: I'M TRYING TO --

4 JUST ONE POINT.

5 I THINK WHAT MR. EATON WAS ASKING FOR,
6 MAYBE, IS SOME OPTIONS IF THE BOARD WANTED TO CLARIFY
7 THIS POINT OR HOW DO WE SEND A MESSAGE OUT TO THE

8 VARIOUS LOCAL AGENCIES.

9 SO, IN THAT REPORT THAT YOU GIVE US IN
10 A MONTH, COULD YOU ALSO GIVE US SOME OPTIONS THAT WE
11 COULD -- THINGS THAT WE CAN, TO DO TO CLARIFY THIS
12 THING, IF IT NEEDS TO BE?

13 MR. BLOCK: ONE THING, WHILE THE DISCUSSION
14 WAS GOING ON, I DID JUST CHECK FOR THE OCTOBER 21ST,
15 22ND BOARD MEETING, I WOULD HAVE TO HAVE THE AGENDA
16 ITEM WRITTEN BY NEXT THURSDAY.

17 SO, PERHAPS --

18 WE HAVE ANOTHER BOARD MEETING ACTUALLY
19 FAIRLY CLOSE AFTER THAT, I THINK, NOVEMBER 5TH AND
20 6TH, WHICH WOULD GIVE ME A COUPLE MORE WEEKS, AT LEAST
21 A LITTLE BIT OF TIME.

22 THESE ISSUES ARE FAIRLY COMPLEX.

23 IF THAT WOULD WORK, THAT WOULD MAKE
24 THIS A LITTLE BIT EASIER, JUST FROM A STAFFING POINT
25 OF VIEW.

1 CHAIRMAN PENNINGTON: I THINK THAT'S
2 SATISFACTORY. I THINK IT'S NOT AN URGENT ISSUE, BUT
3 AN ISSUE WE WANTED TO GET TO AS SOON AS WE CAN.

4 SO, YOU SAY NOVEMBER?

5 MR. BLOCK: I WILL MAKE ALL EFFORTS I CAN TO
6 DO THIS AS QUICKLY AS POSSIBLE, BUT I WANTED TO RAISE
7 THAT ISSUE BECAUSE IT IS A FAIRLY INVOLVED ISSUE AND I
8 WANTED TO DO IT SOME JUSTICE.

9 I DON'T WANT TO RUSH INTO IT AND PUT
10 SOMETHING TOGETHER THAT DIDN'T ADDRESS A LOT OF THE
11 ISSUES THAT HAVE BEEN RAISED.

12 CHAIRMAN PENNINGTON: VERY GOOD.

13 WE'LL WAIT TO HEAR FROM YOU.

14 I THINK WE COULD ENTERTAIN A MOTION
15 NOW.

16 MEMBER JONES: MR. CHAIRMAN AND MR. NELSON,
17 THANK YOU FOR LETTING US USE YOUR ITEM TO HAVE THIS
18 DISCUSSION, EVEN THOUGH YOU DIDN'T KNOW WE WERE GOING
19 TO, BUT I THINK IT'S AN IMPORTANT DISCUSSION.

20 I THINK IT'S SOMETHING WE NEED TO TALK
21 ABOUT AND CLARIFY.

22 MR. CHAIRMAN, I WOULD LIKE TO MOVE
23 RESOLUTION 98-302, THE APPROVAL OF THE COUNTYWIDE
24 INTEGRATED WASTE MANAGEMENT PLAN FOR RIVERSIDE
25 COUNTY. MEMBER EATON: I'LL SECOND.

1 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
2 SECONDED.

3 IF THERE IS NO FURTHER DISCUSSION,
4 WILL THE SECRETARY CALL THE ROLL?

5 SECRETARY KELLY: MEMBER EATON.

6 MEMBER EATON: AYE.

7 SECRETARY KELLY: MEMBER FRAZEE.

8 MEMBER FRAZEE: AYE.

9 SECRETARY KELLY: MEMBER JONES.

10 MEMBER JONES: AYE.

11 SECRETARY KELLY: MEMBER RHODES.

12 MEMBER RHODES: AYE.

13 SECRETARY KELLY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: AYE.

15 THE MOTION CARRIES.

16 NOW, WE WILL MOVE TO ITEM NUMBER 6,
17 CONSIDERATION OF STAFF RECOMMENDATION ON THE
18 ADEQUACY OF THE ALAMEDA -- AMENDED COUNTYWIDE

19 NONDISPOSAL FACILITY ELEMENT FOR SANTA CLARA COUNTY.

20 MISS FRIEDMAN.

21 MS. FRIEDMAN: YES. GOOD MORNING ONCE AGAIN.

22 CATHERINE CARDOZO, SECTION SUPERVISOR
23 WITH THE OFFICE OF LOCAL ASSISTANCE, WILL MAKE THE
24 PRESENTATION FOR STAFF.

25 MS. CARDOZO: GOOD MORNING AGAIN, CHAIRMAN
1 PENNINGTON AND BOARD MEMBERS.

2 AGAIN, AS JUDY SAID, I'M CATHERINE
3 CARDOZO. I'M WITH THE OFFICE OF LOCAL ASSISTANCE, THE
4 CENTRAL SECTION.

5 ITEM NUMBER 6 IS SANTA CLARA COUNTY'S
6 PROPOSAL TO AMEND THEIR COUNTYWIDE NONDISPOSAL
7 FACILITY ELEMENT, THEIR NDFE, TO INCLUDE A PROPOSED
8 GREEN WASTE RECOVERY FACILITY WHICH IS OWNED BY GREEN
9 WASTE RECOVERY, INCORPORATED.

10 THIS WILL BE THE THIRD AMENDMENT FOR
11 THIS NDFE.

12 THE STATUTE REQUIRES A JURISDICTION
13 SEEKING TO ESTABLISH OR EXPAND A NONDISPOSAL FACILITY
14 AFTER THE COUNTY -- THE COUNTYWIDE INTEGRATED WASTE
15 MANAGEMENT PLAN IS APPROVED BY THE BOARD TO INCLUDE
16 THE FACILITY DESCRIPTION IN THEIR NDFE.

17 IF THE BOARD-APPROVED NDFE DOES NOT
18 INCLUDE THE FACILITY DESCRIPTION, THEN THE NDFE MUST
19 BE AMENDED AND THE AMENDMENT APPROVED BY THE BOARD
20 PRIOR TO CONSIDERING THE FACILITY'S PERMITS.

21 THE PROPOSED FACILITY'S PRIMARY
22 FUNCTION WILL BE TO RECOVER RECYCLABLE MATERIALS FROM
23 THE WASTE STREAM FOR FURTHER PROCESSING AND MARKETING
24 AS DESCRIBED IN THE AGENDA ITEM.

25 THE FACILITY WILL BE OPERATING A
1 CURBSIDE RECYCLABLES AND PROCESSING OPERATION, A YARD
2 WASTE TRANSFER OPERATION, AND A DEBRIS BOX SORTING AND
3 RECYCLING OPERATION.

4 THE COUNTY HAS MET THE STATUTORY
5 REQUIREMENTS FOR THE AMENDED NDFE.

6 THEREFORE, STAFF RECOMMENDS THE
7 AMENDED NDFE AS SUBMITTED BE APPROVED.

8 THAT CONCLUDES MY PRESENTATION.

9 CHAIRMAN PENNINGTON: QUESTIONS FROM STAFF ON
10 THIS?

11 MEMBER JONES: MR. CHAIRMAN.

12 CHAIRMAN PENNINGTON: MR. JONES.

13 MEMBER JONES: SEEING THAT THERE IS
14 EIGHTY-FOUR PERCENT RECOVERY AND SIXTEEN PERCENT THAT
15 ISN'T RECOVERED, I'M GOING TO ASSUME IT'S GOING TO
16 NEED FACILITY PERMITS BECAUSE IT'S OVER THE TEN
17 PERCENT.

18 MS. CARDOZO: I'M SORRY.

19 I COULDN'T HEAR YOU.

20 YOU'RE ASSUMING WHAT?

21 I DIDN'T --

22 MEMBER JONES: IT'S GOING TO NEED A FACILITY
23 PERMIT BECAUSE IT'S OVER THE TEN PERCENT.

24 MS. CARDOZO: YES.

25 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A
1 MOTION TO APPROVE RESOLUTION 98-295, WHICH IS THE
2 STAFF RECOMMENDATION ON THE ADEQUACY OF THE, YEAH,
3 AMENDED COUNTYWIDE NDFE FOR SANTA CLARA COUNTY.

4 MEMBER EATON: I'LL SECOND.

5 CHAIRMAN PENNINGTON: OKAY.

6 IT'S BEEN MOVED BY MR. JONES, SECONDED
7 BY MR. EATON, ADOPTION OF RESOLUTION 98-295.

8 IF THERE IS NO FURTHER DISCUSSION,
9 WILL THE SECRETARY CALL THE ROLL?

10 SECRETARY KELLY: MEMBER EATON.

11 MEMBER EATON: AYE.

12 SECRETARY KELLY: MEMBER FRAZEE.

13 MEMBER FRAZEE: AYE.

14 SECRETARY KELLY: MEMBER JONES.

15 MEMBER JONES: AYE.

16 SECRETARY KELLY: MEMBER RHODES.

17 MEMBER RHODES: AYE.

18 SECRETARY KELLY: CHAIRMAN PENNINGTON.

19 CHAIRMAN PENNINGTON: AYE.

20 THE MOTION CARRIES.

21 WE'LL MOVE TO ITEM NUMBER 7,

22 CONSIDERATION OF STAFF RECOMMENDATION TO CHANGE THE
23 BASE YEAR TO 1997 FOR THE PREVIOUSLY-APPROVED SOURCE
24 REDUCTION AND RECYCLING ELEMENT FOR UNINCORPORATED
25 TULARE COUNTY.

1 JUDY FRIEDMAN.

2 MS. FRIEDMAN: GOOD MORNING, BOARD MEMBERS
3 AND STAFF.

4 CATHERINE CARDOZO WILL BE MAKING THE
5 PRESENTATION FOR STAFF.

6 I DID WANT TO REMIND THE BOARD AND I
7 KNOW CATHERINE WILL BE SPEAKING TO THIS, THAT IN TERMS
8 OF BASE YEAR ADJUSTMENTS, THE BOARD HAS CONSIDERED AND
9 APPROVED SOME SEVENTY-FIVE TO EIGHTY OF THESE AT THIS
10 POINT.

11 WITH THAT, I'LL TURN THE PRESENTATION
12 OVER TO CATHERINE.

13 MS. CARDOZO: GOOD MORNING AGAIN.

14 AS YOU CAN TELL, CENTRAL SECTION IS
15 QUITE A WIDE-SPREAD AREA OF THE STATE.

16 ITEM NUMBER 7 IS TULARE COUNTY
17 UNINCORPORATED AREA'S REQUEST FOR A BASE YEAR CHANGE
18 TO 1997.

19 I WANT TO MENTION THAT JEFF MONACO,
20 THE REPRESENTATIVE FROM TULARE COUNTY, IS ALSO HERE
21 TODAY AND IS PREPARED TO ANSWER ANY QUESTIONS YOU MAY
22 HAVE ABOUT THIS.

23 I WOULD LIKE TO START MY PRESENTATION
24 WITH A LITTLE BACKGROUND AS TO THIS ISSUE OF
25 INACCURATE BASE YEARS.

1 BACK IN 1995, STAFF BEGAN TO HEAR
2 CONCERNS FROM MANY JURISDICTIONS THAT THEIR BASE YEAR
3 NUMBERS FOR DISPOSABLE DIVERSION WERE INACCURATE AND
4 THAT THIS WOULD MAKE IT DIFFICULT OR IMPOSSIBLE FOR
5 THEM TO DEMONSTRATE ACHIEVEMENT OF THE 1995 AND 2000
6 DIVERSION GOALS.

7 STAFF CONDUCTED A SURVEY OF
8 JURISDICTIONS TO IDENTIFY THE EXTENT OF THE PROBLEM
9 AND FOUND THE PROBLEM TO BE WIDESPREAD AROUND THE
10 STATE AND THAT IT WARRANTED FURTHER INVESTIGATION.

11 IN RESPONSE TO THIS CONCERN, THE
12 BOARD'S LOCAL ASSISTANCE AND PLANNING COMMITTEE
13 DIRECTED STAFF IN JANUARY OF 1996 TO FORM A WORKING
14 GROUP COMPOSED OF JURISDICTION AND WASTE MANAGEMENT
15 REPRESENTATIVES TO LOOK AT THE PROBLEM AND TO DEVELOP

16 SOLUTIONS.

17 THE WORKING GROUP MET SEVERAL TIMES
18 DURING 1996 AND 1997 AND IDENTIFIED COMMON REASONS FOR
19 THE INACCURACIES AND POSSIBLE SOLUTIONS.

20 THE WORKING GROUP PROPOSED METHODS TO
21 CORRECT INACCURACIES IN MARCH, 1997; AN AGENDA ITEM
22 WHICH THE BOARD APPROVED.

23 THE LIST OF METHODS PROPOSED WAS NOT
24 AN EXCLUSIVE LIST, BUT RATHER A COMPILATION AND
25 ANALYSIS OF THE METHODS JURISDICTIONS HAVE PROPOSED IN
1 THEIR ANNUAL REPORTS THAT HAVE BEEN SUBMITTED TO STAFF
2 AND REVIEWED.

3 CHANGING THE BASE YEAR TO REFLECT MORE
4 CURRENT AND ACCURATE DATA WAS DETERMINED TO BE AN
5 APPROVED METHOD ONCE SUFFICIENT DOCUMENTATION WAS
6 SUBMITTED TO SUBSTANTIATE THE NEW BASE YEAR.

7 TO DATE, THE BOARD HAS CONSIDERED AND
8 APPROVED APPROXIMATELY --

9 EXCUSE ME, JUDY.

10 -- AROUND SEVENTY BASE YEAR REVISIONS
11 AND CHANGES AND STAFF ANTICIPATE BRINGING MANY MORE
12 REQUESTS TO THE BOARD AS THE BIENNIAL YEAR REVIEW
13 PROCESS CONTINUES AND AS JURISDICTIONS GET A BETTER
14 PICTURE OF THEIR WASTE STREAM THAN WHAT WAS AVAILABLE
15 IN 1990.

16 PART OF WHAT'S DRIVING THAT IS THE
17 DISPOSAL REPORTING SYSTEM THAT WAS FIRST STARTED IN
18 1995 AND JURISDICTIONS WERE FINDING A MUCH CLEARER
19 PICTURE OF THE ACTUAL WASTE ELEMENTS GOING ON IN THEIR
20 JURISDICTIONS THAN THEY HAD AVAILABLE IN 1990.

21 SOME OF THE PREVIOUS BASE YEAR

22 REVISIONS THAT HAVE BEEN APPROVED BY THE BOARD HAVE
23 BEEN BASED ON FOOD PROCESSING WASTE; FOR EXAMPLE, IN
24 STANISLAUS COUNTY AND FRESNO COUNTY.

25 AND TULARE COUNTY IS PROPOSING TO
1 ESTABLISH A NEW BASE YEAR USING A DISPOSAL AMOUNT OF
2 THE BOARD'S DISPOSAL POINT SYSTEM AND DIVERSION
3 AMOUNTS FROM FRUIT CULL DIVERSION IN THE FOOD
4 PROCESSING INDUSTRY; WHICH IS NOT CONSIDERED
5 AGRICULTURAL WASTE ACCORDING TO THE STATUTORY
6 DEFINITION OF AG WASTE; DIVERSION BY COUNTY WASTE
7 HAULERS, LANDFILL SALVAGE, C AND D DIVERSION,
8 COMPOSTING, AND OTHER RECYCLING SUCH AS REDEMPTION
9 CENTERS.

10 THE COUNTY'S DOCUMENTATION INCLUDES,
11 FOR THE FRUIT CULLS, DOCUMENTATION THAT FRUIT CULLS
12 FROM THE PACKING SHEDS WERE ALLOWED TO BE DISPOSED OF
13 IN THE COUNTY LANDFILLS IN THE 1970S AND THEY WERE
14 STILL BEING DISPOSED OF AS LATE AS 1986, WHICH IS IN
15 THEIR UPDATE TO THE CLOSE SWMP COUNTY MANAGEMENT PLAN
16 UPDATE OF 1996;

17 PACKING SHED CORRESPONDENCE SPECIFYING
18 THE AMOUNT OF CULLS DIVERTED AS ANIMAL FEED OR SOIL
19 AMENDMENT IN 1997;

20 A LETTER FROM THE COUNTY STATING THAT
21 DESPITE THE ADDITION OF FRUIT CULL DIVERSION TONNAGE
22 TO THEIR WASTE GENERATION RATE, THAT THEY WILL STILL
23 REQUIRE HAULERS TO IMPLEMENT DIVERSION PROGRAMS
24 SELECTED IN THE SRRE;

25 AND COPIES OF LETTERS TO THE HAULERS
1 REQUIRING CONTINUED DIVERSION ACHIEVEMENT AS A

2 CONDITION OF THEIR LICENSE TO OPERATE IN THE COUNTY.

3 FOR THE C AND D DIVERSION, THEY HAVE
4 SUBMITTED RESOLUTIONS SHOWING THE CHANGE IN DISPOSAL
5 FEES AT THEIR LANDFILL; THE C AND D WASTE BETWEEN 1991
6 AND '94; DISPOSAL TONNAGE RECORDS FROM THE LANDFILLS
7 ACCEPTING C AND D WASTE PRIOR TO THE CHANGE OF RATE
8 AND AFTER; AND CALCULATIONS FOR IDENTIFYING THE COUNTY
9 PORTION OF THE C AND D WASTE.

10 OTHER TONNAGE DATA FOR DIVERSION
11 TONNAGE DATA WAS PROVIDED BY THE COUNTY'S WASTE
12 HAULERS, LANDFILL SALVAGE PROGRAMS, DEPARTMENT OF
13 CONSERVATION'S REDEMPTION CENTERS, AND NONCERTIFIED
14 RECYCLING CENTERS.

15 BASED ON THE DOCUMENTATION RECEIVED
16 AND ON PRIOR BOARD APPROVAL OF SIMILAR REQUESTS TO
17 ESTABLISH MORE CURRENT AND ACCURATE BASE YEARS, STAFF
18 RECOMMENDS THE COUNTY BASE YEAR CHANGE BE APPROVED.

19 THAT CONCLUDES MY PRESENTATION.

20 ANY QUESTIONS?

21 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

22 MEMBER JONES: MR. CHAIRMAN, I HAVE A FEW
23 QUESTIONS.

24 WHEN THIS ITEM WAS ON THE AGENDA TWO
25 MONTHS AGO, THREE MONTHS AGO, I NOTICED THAT WHEN YOU
1 LOOK AT THE 1990 BASE YEAR NUMBERS, DISPOSAL WAS A
2 HUNDRED THOUSAND TONS; AND IN THE '97 UPDATE, IT'S AT
3 A HUNDRED THOUSAND AND EIGHT -- HUNDRED AND EIGHT
4 THOUSAND TONS; THAT GENERATION WENT FROM A HUNDRED
5 TWO THOUSAND OR ALMOST A HUNDRED THREE THOUSAND TONS
6 TO A HUNDRED AND NINETY-ONE THOUSAND TONS.

7 AND THAT --

8 SO, WE'RE LOOKING AT AN EIGHT PERCENT
9 RISE IN DISPOSAL. WE'RE LOOKING AT A NINETY PERCENT
10 RISE IN GENERATION.

11 AND THEN WE WENT FROM DIVERSION FROM
12 TWO THOUSAND NINE HUNDRED FORTY-FOUR TONS TO
13 EIGHTY-TWO THOUSAND FOUR HUNDRED AND EIGHTY TONS.

14 IT'S ONLY ABOUT A TWENTY-SEVEN HUNDRED
15 PERCENT INCREASE IN DIVERSION.

16 SO, MY QUESTION OF STAFF A COUPLE DAYS
17 PRIOR TO THE BOARD MEETING WAS: SHOW ME WHERE ALL
18 THIS IS.

19 I MEAN, I REALLY WANT TO SEE HOW;
20 BECAUSE I WOULD JUST AS SOON USE TULARE COUNTY AS THE
21 EXAMPLE FOR THE WHOLE STATE.

22 IF SOMEBODY COULD HAVE PROGRAMS THAT
23 WERE THAT AWESOME, THAT COULD DIVERT TWENTY-SEVEN
24 HUNDRED PERCENT, THEN I THINK THAT'S, YOU KNOW, I MEAN
25 THAT'S PHENOMENAL.

1 MEMBER EATON: I'D LIKE TO CASE THAT.

2 MEMBER JONES: YEAH.

3 SO, WHEN STAFF CAME FORWARD WITH THE
4 IDEA, YOU KNOW, WITH THE DOCUMENTATION, IT WASN'T
5 CULLS THAT WERE IDENTIFIED.

6 IN THE FIRST PLAN, IT WAS THE C AND D
7 WASTE. IT WAS C AND D WASTE TO THE TUNE OF
8 THIRTY-FIVE THOUSAND TONS IN THE YEAR OF '97 THAT HAD
9 BEEN DISTRIBUTED TO DIFFERENT CITIES WITHIN TULARE
10 COUNTY.

11 THE COUNTY WAS GOING TO TAKE A PORTION
12 OF THAT, WHICH I THINK WAS TEN THOUSAND TONS OR NINE

13 THOUSAND OR WHATEVER IT WAS.

14 I HONESTLY -- I DON'T REMEMBER THE
15 NUMBER.

16 BUT WHEN STAFF, WHEN I WAS TALKING TO
17 STAFF ABOUT THAT, I ASKED THEM TO TRY TO PUT THAT INTO
18 SOME KIND OF CONTEXT.

19 WHEN A TRUCK CARRIES TWENTY-TWO TONS
20 OF MATERIAL, LEGALLY, DOWN THE ROADS; OKAY?

21 TWENTY-TWO TONS, LEGALLY.

22 AND YET, IN TULARE COUNTY, ON THE
23 ROADS AND CONCRETE, THEY HAD THIRTY-FIVE THOUSAND TONS
24 IN ONE YEAR.

25 WHEN YOU GO TO THE REDWOOD LANDFILL IN
1 MARIN COUNTY, THEY HAVE ABOUT TWENTY THOUSAND TONS
2 ON-SITE, BUT IT IS AN ACCUMULATION OF MATERIAL OVER A
3 FOUR-YEAR PERIOD THAT'S BEING FED FROM THREE DIFFERENT
4 JURISDICTIONS.

5 SO, MY QUESTION ON THAT APPROPRIATE
6 TONNAGE IS: ARE WE COUNTING THE ACCUMULATION OR
7 STOCKPILING OF MATERIAL FOR FOUR OR FIVE YEARS AND
8 THEN, WHEN WE PROCESS IT, WE GET ALL THE DIVERSION
9 CREDIT THAT YEAR?

10 MS. CARDOZO: IT'S MY UNDERSTANDING THAT IN
11 THIS REVISED PROPOSAL FOR C AND D, WHICH IS
12 APPROXIMATELY TWENTY-SIX HUNDRED TONS FOR THE
13 UNINCORPORATED COUNTY, THAT THIS IS FOR A ONE-YEAR
14 PORTION TO THE UNINCORPORATED COUNTY FOR THEIR PERCENT
15 OF CELL FALL GOING INTO THE LANDFILLS.

16 SO, THAT'S C AND D WASTE GOING INTO
17 THE LANDFILL AND IT'S CELL FALL AND THAT IT'S A ONE
18 YEAR'S AMOUNT.

19 MAYBE JEFF MONACO WANTS TO ADDRESS
20 THAT, THE THIRTY-FIVE THOUSAND THAT WAS PREVIOUSLY
21 SUBMITTED; BUT IN THIS CASE, IT'S TWENTY-SIX HUNDRED
22 THAT THEY'RE CLAIMING AS BELONGING TO THE COUNTY
23 UNINCORPORATED.

24 MEMBER JONES: WELL, MY PROBLEM WITH THE ITEM
25 IS THAT WHEN THE ITEM CAME FORWARD THREE MONTHS AGO,
1 IT TOOK THEM FROM TWO POINT NINE PERCENT TO
2 FORTY-THREE PERCENT USING CONCRETE; BUT, TODAY, WE'RE
3 NOT LOOKING AT CONCRETE.

4 WE'RE LOOKING AT CULLS AND IT TAKES
5 THEM FROM TWO POINT NINE PERCENT TO FORTY-THREE
6 PERCENT.

7 SO, IT'S LIKE WE'RE CHANGING
8 COMMODITIES, BUT WE KEEP COMING UP WITH THE NUMBER
9 THAT MAKES EVERYBODY HAPPY, AND I'M NOT SURE --

10 THAT'S NOT --

11 THAT'S NOT WHAT I WANT TO SEE.

12 MS. CARDOZO: I BELIEVE WE'RE ASKING --

13 EXCUSE ME FOR CORRECTING THAT, BUT
14 IT'S ACTUALLY CLOSE TO ABOUT TWENTY-FOUR PERCENT; AND
15 BECAUSE OF YOUR QUESTIONS, WE WENT BACK. WE TALKED
16 WITH THE COUNTY AND ASKED THEM TO REVISIT THE
17 DOCUMENTATION AND THEIR JUSTIFICATION FOR THEIR CLAIM.

18 AND THEY'VE GONE BACK AND SUBMITTED, I
19 THINK, SUBSTANTIALLY BETTER INFORMATION; ESPECIALLY
20 FOR THE C AND D WASTE, SHOWING HOW THEY CAME UP WITH
21 THAT TWENTY-FIVE HUNDRED TONS, TWENTY-SIX HUNDRED
22 TONS.

23 IT DOES INCLUDE FRUIT CULLS AND ALL

24 THE OTHER DIVERSION, INCLUDING FROM THE HAULERS ABOUT
25 THIRTEEN THOUSAND TONS.

1 IT DOES EQUAL FORTY-THREE PERCENT.

2 MEMBER JONES: I DON'T HAVE ANY PROBLEM WITH
3 DIVERTING. I DON'T CARE ABOUT FRUITS CULLS.

4 I DON'T HAVE A PROBLEM WITH IT.

5 I THINK THAT'S WHAT THIS WHOLE LAW IS
6 ABOUT IS FINDING HOMES FOR THAT STUFF THAT HAS A
7 BENEFICIAL USE. I DON'T HAVE ANY PROBLEM WITH YOUR
8 PROGRAMS. I DON'T HAVE ANY PROBLEM WITH THAT.

9 WHERE I HAVE A PROBLEM IS THE
10 INTEGRITY OF THESE NUMBERS IN 1990.

11 THESE ARE NOT OUR NUMBERS.

12 YOU KNOW, THIS BOARD DID NOT GO OUT
13 AND DETERMINE WHAT THE NUMBERS FOR JURISDICTIONS
14 WOULD BE.

15 SO, THEY'RE LOCAL JURISDICTION NUMBERS
16 AND WE'RE COMING BACK IN BASE YEAR OR TO MAKE BASE
17 YEAR CHANGES BASED ON CRITERIA WE ADOPTED.

18 I DON'T HAVE A PROBLEM WITH THAT, BUT
19 IF THE CULLS HAD HISTORICALLY, PRIOR TO 1990, BEEN
20 EITHER TILLED INTO THE GROUND, DISPOSED OF AT A
21 LANDFILL, WHATEVER, THEY NEVER MADE IT TO DISPOSAL
22 SITES. THEY WERE NEVER PART OF A WASTE STREAM THAT
23 WAS MANAGED OR WHAT PORTION OF THAT WASTE STREAM WAS
24 MANAGED; BECAUSE, UNDER THE C AND D REGS, YOU DON'T
25 COUNT WHAT GOES TO UNPERMITTED FACILITIES.

1 YOU ONLY COUNT WHAT GOES TO PERMITTED
2 FACILITIES.

3 SO, YOU KNOW, JURISDICTIONS COME UP
4 AND MAKE THE ARGUMENT THAT: YOU KNOW, WE REALLY

5 GENERATED ALL THIS WASTE, BUT BECAUSE THESE GUYS WENT
6 TO UNPERMITTED FACILITIES, WE DIDN'T COUNT IT. DON'T
7 BEAT US UP FOR IT NOW BECAUSE NOW IT'S GOING TO
8 PERMITTED FACILITIES.

9 IF IT'S NOT GETTING RECYCLING, IT'S
10 DRIVING UP THEIR DISPOSAL NUMBER. THAT SAME RATIONALE
11 HAS TO HOLD TRUE FOR THESE HISTORIC WASTE STREAMS THAT
12 HAVE BEEN IN A JURISDICTION FOR A LONG PERIOD OF TIME
13 AND IF, IF, PRIOR TO THE ENACTMENT OF THIS LAW, THEY
14 WERE GOING INTO THE GROUND ON EACH LOCAL FARMER, YOU
15 KNOW, AS A WAY TO DISPOSE OF IT, AND NOW WE'VE TURNED
16 THAT LAND APPLICATION --

17 I JUST NEED A LITTLE MORE
18 CLARIFICATION WHERE WE'RE GOING; BECAUSE, THROUGHOUT
19 THE STATE, THERE HAS BEEN A TREMENDOUS INVESTMENT BY
20 CITIES AND COUNTIES TO MEET THE MANDATES.

21 AND SOME OF THOSE CITIES AND COUNTIES
22 DON'T HAVE THE OPPORTUNITY TO HAVE GREEN WASTE OR
23 CULLS OR ASH.

24 I MEAN, THERE IS ANOTHER CLASSIC
25 EXAMPLE: ASH GOING TO A LANDFILL FROM BIOMASS
1 FACILITIES WHERE THEY CAME UP WITH DIVERSION METHODS
2 TO USE THAT MATERIAL IN LAND APPLICATIONS.

3 AND NOW, BECAUSE FIVE COGEN PLANTS IN
4 A COUNTY SHUT DOWN, DON'T GENERATE THE ASH ANYMORE,
5 COUPLE HUNDRED PEOPLE ARE OUT OF WORK, DOES THAT GO
6 TOWARDS A DIVERSION RATE, YOU KNOW?

7 IS THAT SOURCE REDUCTION?

8 WE JUST SHUT DOWN THE PLANTS.

9 SO, WE NEED TO BE CAREFUL ABOUT WHERE

10 WE ARE GOING HERE BECAUSE I THINK --

11 I DON'T THINK IT'S FAIR.

12 I THINK IT IS ABSOLUTELY FAIR TO GO
13 THROUGH THE DOCUMENTS TO JUSTIFY IT AND IF IT'S REAL,
14 YOU KNOW, AND I'M SURE IT'S REAL, THEN ACKNOWLEDGE IT.

15 BUT I THINK WE HAVE TO ASK THE
16 QUESTIONS TO MAKE SURE WHAT IS BEING PERCEIVED AS
17 EXISTING, AS OPPOSED TO NEWLY-CREATED, JUST SO WE CAN
18 VERIFY IT.

19 THAT'S WHERE MY PROBLEMS ARE.

20 MS. CARDOZO: MAY I ADDRESS THAT OR --

21 MEMBER JONES: SURE.

22 MS. CARDOZO: THE STATUTE DOES ALLOW, IN
23 1990, JURISDICTIONS TO COUNT DIVERSION THAT WAS
24 ONGOING.

25 TULARE COUNTY, WHEN THEY DID THEIR
1 BASE YEAR, DID NOT INCLUDE THIS DIVERSION THAT HAD
2 STARTED IN 1986; AT LEAST NOT THE PART THAT WAS
3 TRADITIONALLY GOING INTO JAMS AND JELLIES AND JUICES;
4 BUT THE PARTS IN 1986 THAT THEY STARTED DIVERTING FROM
5 THE LANDFILLS, THEY STARTED DISPOSING OF AFTER 1997,
6 THEY REALIZED SOME OF THESE WERE JUST BEING ILLEGALLY
7 DUMPED HERE AND THERE AND WAS REALLY CREATING CRITICAL
8 VECTOR PROGRAMS.

9 SO, THE COUNTY BOARD OF SUPERVISORS
10 ADOPTED RESOLUTIONS TO ALLOW THESE WASTES ACTUALLY TO
11 BE LANDFILLED AND THEY WERE LANDFILLED IN PERMITTED
12 FACILITIES, THREE OF THE COUNTY FACILITIES.

13 IN 1986, THERE IS AN UPDATE IN THEIR
14 CLOSE SWMP THAT SAYS THEY WERE ALLOWED TO BE DISPOSED
15 AND WERE BEING DISPOSED OF IN THOSE THREE LANDFILLS IN

16 TULARE COUNTY.

17 AND THEY STARTED THEN, FOR ECONOMIC
18 REASONS, TO DIVERT THAT WASTE THROUGH LAND SPREADING
19 AND GOING INTO ANIMAL FEED.

20 IF THEY HAD INCLUDED THAT IN THEIR
21 1990 BASE YEAR, YOU WOULD SEE A MUCH HIGHER GENERATION
22 IN 1990, AS WELL AS DIVERSION.

23 THEY DIDN'T INCLUDE THIS THEN.

24 THEY'RE DOING A NEW BASE YEAR NOW.

25 THEY ARE INCLUDING THE INDUSTRY
1 DIVERSION AFTER THAT NOW, WHICH WASN'T HAPPENING THEN;
2 AND THAT, AS WELL, AND THAT IS ALLOWED.

3 IF, IF THIS HAD BEEN ACTUALLY AN
4 AGRICULTURAL WASTE, WHICH DOES NOT MEET THE
5 DEFINITION, BUT IF IT WAS, IT WAS AND SHOULD BE
6 CONSIDERED A RESTRICTED WASTE.

7 THERE ARE CONDITIONS FOR RESTRICTED
8 WASTE. THAT DIVERSION WAS A RESULT OF A LOCAL ACTION
9 WHICH THEY HAVE DOCUMENTED THAT IT WAS, THAT IT WAS
10 HISTORICALLY DISPOSED.

11 THEY HAVE DEMONSTRATED THAT.

12 AND THEY ARE CONTINUING TO IMPLEMENT
13 PROGRAMS DESPITE THIS LARGE DIVERSION AMOUNT, IN C
14 AND D, SCRAP METAL, PLASTICS, OR HAZARDOUS.

15 THEY HAVE LETTERS DEMONSTRATING THAT
16 THEY DO CONTINUE TO IMPLEMENT PROGRAMS. THEY ARE
17 ACTUALLY ONE OF THE TARGET JURISDICTIONS WITH THE
18 BOARD'S NEW TYPE OF ASSISTANCE GROUPS WHERE THEY ARE
19 COMMITTED TO WORKING WITH BOARD STAFF TO FIND NEW
20 PROGRAMS AND THEY'RE DEFINITELY COMMITTED TO AB 939

21 AND FINDING NEW WAYS OR OTHER WAYS --

22 THE OTHER HUNDRED AND EIGHT THOUSAND
23 TONS STILL BEING DISPOSED.

24 -- TO REDUCE THAT EVEN MORE.

25 MEMBER JONES: IF IT WOULD HAVE BEEN COUNTED
1 THE FIRST YEAR --

2 MS. CARDOZO: I'M SORRY?

3 MEMBER JONES: IF IT WOULD HAVE GONE INTO THE
4 DISPOSAL NUMBER THE FIRST YEAR --

5 MS. CARDOZO: INTO THE DIVERSION?

6 MEMBER JONES: INTO THE DISPOSAL, BECAUSE YOU
7 SAID, IN 1990, IT WAS BEING LANDFILLED.

8 WHAT WOULD THAT HAVE --

9 MS. CARDOZO: 1986 WAS THE LAST YEAR THAT WE
10 HAD THE CLOSE SWMP DOCUMENTS.

11 IT WAS BEING DISPOSED.

12 I DON'T HAVE ANY DOCUMENTATION SHOWING
13 WHAT YEAR AFTER THAT IT WAS COMPLETELY NOT DISPOSED,
14 BUT THEY HAVE SOME TONNAGE OF FOOD WASTE DISPOSAL IN
15 THEIR 1990 AND THAT'S WHERE THIS WASTE FALLS UNDER.

16 IT'S FOOD WASTE.

17 AND MY RECOLLECTION IS TO DEFINE FOOD
18 WASTE AS WASTE.

19 CHAIRMAN PENNINGTON: OKAY.

20 WE HAVE SOME PEOPLE IN THE AUDIENCE
21 WHO WANT TO ADDRESS THIS ISSUE.

22 FIRST WE'LL HEAR FROM EVAN EDGAR.

23 MR. EDGAR: CHAIRMAN, BOARD MEMBERS.

24 MY NAME IS EVAN EDGAR, EDGAR AND
25 ASSOCIATES, ON BEHALF OF THE CALIFORNIA REFUSE REMOVAL
1 COUNCIL.

2 WE WERE SUPPORTIVE OF THE ORIGINAL
3 BASE YEAR POLICY METHODS. WE SUPPORTED A LOT OF THE
4 CONDITIONS AND, ON A CASE-BY-CASE BASIS, WE BELIEVE
5 THE POLICY IS A GOOD POLICY WHEN USED CORRECTLY.

6 WE DON'T SUPPORT THE PERPETUATION OF
7 POOR PRACTICES. WE ENCOURAGE THE DEVELOPMENT AND
8 IMPLEMENTATION OF AB 939 PROGRAMS.

9 I'M GOING TO START OUT WITH THE
10 STATEWIDE ISSUE ABOUT AGRICULTURAL FOOD PROCESSING
11 WASTE AND DISCUSS HOW THAT'S DISPOSED OF IN LOCAL
12 MRFS.

13 WE OPPOSE STAFF RECOMMENDATION NUMBER ONE AND
14 SUPPORT STAFF RECOMMENDATION NUMBER TWO WHERE
15 WE CAN COME BACK NEXT MONTH OR NEXT YEAR, WHENEVER,
16 WHEN REAL INFORMATION IS AVAILABLE TO SUPPORT ACTUAL
17 DISPOSAL TONNAGE FOR TULARE COUNTY.

18 I WANT TO ENTER INTO THE RECORD A
19 LETTER DATED SEPTEMBER 20 TO THE CHAIRMAN OF THE WASTE
20 BOARD REGARDING THAT ISSUE.

21 I BELIEVE THAT TRUE DIVERSION IS LIKE
22 TRUE LOVE. I DON'T FEEL TOO MUCH LOVE HERE. I FEEL
23 PAIN IF IT'S DONE INCORRECTLY. WHAT I MEAN BY THAT IS
24 THAT WE SHOULD ONLY COUNT THINGS THAT ARE REALLY,
25 REALLY DIVERSION; AND FALSE DIVERSION ONLY HURTS THE
1 LONG-TERM GOAL OF AB 939.

2 I BELIEVE THE PEOPLE IN THE CENTRAL
3 VALLEY WHERE I REPRESENT SEVEN DIFFERENT MRF
4 FACILITIES HAVE BUILT THOSE FACILITIES BASED UPON THE
5 PROMISE OF AB 939, ON THE DIVERSION MSW PROGRAMS.

6 ANY FALSE DIVERSION COULD HURT THE

7 LONG-TERM FEASABILITY OF THOSE PROGRAMS.

8 WE'LL BE LOOKING AT QUICKLY
9 AGRICULTURAL AND FOOD PROCESSING WASTES. IN 1980,
10 AND I THINK THAT'S IN THE PACKAGE HERE, THERE WAS A
11 REPORT FROM THE STATE SOLID WASTE MANAGEMENT BOARD
12 WHERE THERE WAS FORTY-SIX MILLION TONS OF SOLID WASTE
13 GENERATED IN CALIFORNIA.

14 OF THAT, TWENTY-SIX MILLION TONS WERE
15 AG GENERATED. FIFTEEN OF THAT WAS AGRICULTURAL WASTE.
16 TEN MILLION TONS WAS SILVICULTURAL AND FOREST WASTES
17 AND ONE MILLION TONS WAS FOOD PROCESSING WASTE.

18 IN 1984, THE CALIFORNIA WASTE BOARD
19 PRODUCED A SPECIAL REPORT ON SPECIAL WASTE AND THAT'S
20 IN YOUR PACKAGE AS WELL AND THEY TALKED ABOUT THE
21 HANDLING OF LIQUID WASTE.

22 MOST OF THESE CANNERY WASTES AND
23 AGRICULTURAL WASTES WERE MORE THAN FIFTY PERCENT
24 LIQUID. A LOT OF THESE CULLS FROM THE ORANGE INDUSTRY
25 OR MANY INDUSTRIES OR THE TOMATO-BASED INDUSTRY WERE
1 DEFINITELY MORE THAN FIFTY PERCENT LIQUID.

2 IN 1984, THE REGIONAL WATER QUALITY
3 CONTROL BOARD ON BEHALF OF THE STATE WATER USAGE
4 CONTROL BOARD ADOPTED CHAPTER 15 THAT DISALLOWED ANY
5 DISPOSAL OF CANNERY WASTES INTO CLASS III LANDFILLS.

6 SO, IN 1984, A LOT OF THIS FOOD WASTE,
7 CANNERY WASTE, AG WASTE, WERE DIVERTED BASED UPON THE
8 WATER BOARD'S POOR POLICY. I SHOULD KNOW BECAUSE I
9 RAN FOURTEEN LANDFILLS IN KERN COUNTY IN THE 80'S AND
10 WE QUIT SEEING THE STUFF IN '84,'85, ONCE THE WASTE
11 WATER BILL GOT TOUGH AND PUT ITS FOOT DOWN ON NO
12 LONGER ACCEPTING THIS WASTE.

13 THE ONLY WASTE THAT WE DID TAKE BACK
14 THEN WAS THE MECHANICAL GRAPE WASTE BACK IN THE
15 CHILEAN GRAPE SCARE IN 1988 WHERE I KNOW IN THOSE
16 DIFFICULT TIMES WE WOULD TAKE SOME CANNERY WASTE OR
17 WASTE BACK THEN.

18 I WANT TO MOVE ON TO YOLO COUNTY.

19 IN THE EARLY 90'S, ONCE AGAIN, WE
20 DIDN'T TAKE ANY AGRICULTURAL WASTE; BUT BACK IN THE
21 EARLY 80'S --

22 I CHECKED THE RECORDS.

23 -- WE TOOK A LOT OF TOMATO WASTE AND
24 THAT'S WHERE WE GET THE LANDFILL GAS COLLECTION MODE
25 BECAUSE THOSE ARE THE AREAS WHERE WE TOOK A LOT OF
1 DIFFERENT LIQUID WASTE AND WE HAVE A LOT OF METHANE
2 GAS AS A RESULT OF THOSE, AS WELL.

3 SO, ANYBODY OPERATING LANDFILLS KNOWS
4 WHAT THEY TOOK, WHEN THEY TOOK IT, WHAT TYPE OF
5 ACCOUNTS THEY HAVE FOR THAT.

6 BACK IN 1990, WHEN PEOPLE WERE DOING
7 WASTE COMPOSITION STUDIES, THEY WERE LOOKING AT MSW
8 AND SEPARATING MSW BASED UPON PERCENTAGE OF FOOD
9 WASTE, RESIDENTIAL, COMMERCIAL.

10 ANY SOURCE-SEPARATED LOADS OF FOOD
11 WASTE, FOOD PROCESSING WASTE, AGRICULTURAL WASTE
12 WOULD COME IN HOMOGENOUS, SOURCE-SEPARATED.

13 THOSE CLIENTS ARE KNOWN.

14 THEY HAVE ACCOUNTS.

15 THEY HAVE RECORDS.

16 THEY'RE EASY TO FIND.

17 I FOUND THEM BEFORE.

18 YOU ALL, IN TURN, I'M SURE YOU CAN
19 FIND THESE SAME RECORDS FROM THE SOURCE-SEPARATED FOOD
20 WASTE FROM TULARE COUNTY.

21 YOU GET TO 1990, THERE'S ALMOST
22 SEVENTY THOUSAND TONS OF CROP RESIDUALS IN THE BASE
23 YEAR. THAT WAS IN THE 1992 ANNUAL REPORT BASED ON THE
24 COMPILATION OF THE SOURCE REDUCTION AND RECYCLING
25 ELEMENT.

1 SO, IT'S SEVENTY THOUSAND TONS OF CROP
2 RESIDUALS.

3 SO, IN A TEN-YEAR PERIOD, IT WENT FROM
4 TWENTY-FIVE MILLION TONS OF AGRICULTURAL WASTE
5 GENERATED IN CALIFORNIA DOWN TO SEVENTY THOUSAND TONS
6 DISPOSED OF IN REAL NUMBERS IN LANDFILLS.

7 MY FEAR HERE IS IF WE SOMEHOW START
8 USING THIS GENERATION INFORMATION ON AGRICULTURAL AND
9 FOOD PROCESSING WASTE AS A WAY TO GET AB 939 DIVERSION
10 CREDITS, YOU COULD SEE HOW, AT A STATEWIDE LEVEL, THAT
11 POLICY COULD BE CARRIED DOWN WITH REGARDS TO PICKING
12 UP TWENTY-FIVE MILLION TONS OF WASTE DIVERSION LIKE
13 THAT (SNAPPING FINGERS).

14 AB 939 IS DONE.

15 WE CAN GO HOME.

16 WE DON'T NEED THOSE MRFS.

17 THAT'S WHY I'M HERE TODAY TO OPPOSE
18 THIS, THIS BASE YEAR ADJUSTMENT.

19 I BELIEVE THAT THAT FOOD AND
20 RESTRICTED WASTE POLICY INCLUDES AGRICULTURAL WASTE OR
21 FOOD PROCESSING WASTE.

22 I HAVE THAT IN THE STATUTE. YOU CAN
23 LOOK AT IT WHERE IT CALLS IT PROCESSING WASTE FROM

24 AGRICULTURAL PRODUCTS.

25 IT'S IN THE PACKAGE.

1 BUT, REGARDLESS, IF IT DOES INCLUDE IT
2 OR NOT INCLUDE IT, THERE SHOULD BE RECORDS, REAL
3 INFORMATION, ON WHAT WAS DISPOSED, WHAT WAS DISPOSED
4 OF.

5 IT'S USUALLY FELT THE GAS WASTE ACT
6 SAYS THAT GAS CAN ONLY BE DISPOSED OF IN A GAS WASTE
7 PERMITTED FACILITY, HAS TO BE AP'D BY THE COUNTY, AND
8 IT'S GOT TO CONTINUE ITS AB 939 PROGRAMS.

9 THAT'S GREAT.

10 BUT I BELIEVE THAT THE ACT WAS NOT
11 DONE BY THE COUNTY IN 1986 WAS THE WATER BOARD'S THAT
12 FOLLOWED THAT WASTE WAS TO BE DIVERTED FROM CLASS III
13 LANDFILLS; AND IF WASTE WERE TAKEN TO PERMITTED
14 PACKING FACILITIES, THERE SHOULD BE RECORDS.

15 I SAW A TULARE COUNTY FARM ADVISORY
16 FROM THE EARLY 70'S, LIKE A LOT OF FARM ADVISORIES
17 THROUGHOUT THE CENTRAL VALLEY, WHERE AGRICULTURAL
18 TRADITIONAL PRACTICES WERE TO TILL THE STUFF UNDER.

19 IT'S A GOOD PRACTICE AND IT GOES ON
20 TODAY, THROUGHOUT NAPA AND THROUGHOUT THE WHOLE
21 CENTRAL VALLEY.

22 I BELIEVE THAT PRACTICE SHOULD
23 CONTINUE AND THAT IS TRUE DIVERSION, BUT IT IS NOT
24 DIVERSION IN THE SENSE OF AB 939.

25 IT'S NOT GOING TO THE LANDFILLS.

1 WHAT I WOULD SUGGEST TODAY IS THAT I
2 BELIEVE TULARE COUNTY CAN GO BACK THROUGH THE RECORDS
3 FROM 1984, FROM THE TIME WHEN THAT WAS DIVERTED BY THE

4 WATER BOARD, TO 1990, HOW MUCH COUNTY DISPOSED-OF FOOD
5 WASTE, TAKE AN AVERAGE ANNUAL, AND THAT COULD BE THE
6 NUMBER.

7 I DOUBT IF IT'S FIFTY THOUSAND TONS A
8 YEAR.

9 IT'S A LOT LESS THAN THAT.

10 SO, I THINK THE DOCUMENTATION SHOULD
11 BE THERE. I BELIEVE THE STAFF COULD BRING IT BACK. I
12 BELIEVE THAT EAS SHOULD TAKE A HARD LOOK AT IT AND
13 WHATEVER IT IS TRULY THAT WAS DISPOSED OF DURING '84
14 TO '90 THAT WAS ALLOWED INTO A PERMITTED DISPOSAL
15 FACILITY OR WASTE DISCHARGE ENVIRONMENT, IF IT
16 ACCEPTED CANNERY WASTE, FOOD PROCESSING WASTE, SHOULD
17 BE COUNTED.

18 BUT I THINK THAT NUMBER NEEDS TO COME
19 BACK TO THE BOARD FOR THAT CONSIDERATION.

20 UNTIL THAT TIME, WE WOULD NOT SUPPORT
21 THIS AND WE WOULD RECOMMEND TO BRING THIS BACK AT A
22 LATER TIME.

23 THANK YOU.

24 CHAIRMAN PENNINGTON: ARE THERE ANY QUESTIONS
25 OF MR. EDGAR?

1 THANK YOU.

2 NOW WE'LL HEAR FROM ROY LUDWIG.

3 MR. LUDWIG: MR. CHAIRMAN AND FELLOW BOARD
4 MEMBERS, MY NAME IS ROY LUDWIG. I REPRESENT A COMPANY
5 CALLED TULARE COUNTY RECYCLING, ONE OF THE ONLY
6 PRIVATELY-OWNED MRF TRANSFER STATIONS IN THE COUNTY OF
7 TULARE.

8 WE'RE COMING TODAY TO SPEAK OF OUR
9 OPPOSITION TO THIS ADJUSTMENT IN THE BASE YEAR. OUR

10 CONCERN IS THAT THE ADJUSTMENT IN THE BASE YEAR WILL
11 PROVIDE NO INCENTIVE FOR THE LICENSED HAULERS TO
12 CONTINUE A GOOD FAITH EFFORT TO IMPLEMENT ALL THE
13 RECYCLING ELEMENTS THAT HAVE BEEN NAMED IN THEIR
14 FREEZE AND OTHER APPLICATIONS AND THAT IT WILL HAVE A
15 DIVERSE EFFECT ON THEM TO MOVE FORWARD STRONGLY.

16 THAT'S THE REASON WE OPPOSE THIS.

17 THANK YOU.

18 CHAIRMAN PENNINGTON: QUESTIONS OF MR.
19 LUDWIG?

20 IF NOT, WE'LL HEAR FROM JEFF MONACO.

21 MR. MONACO: MR. CHAIRMAN, MEMBERS OF THE
22 BOARD, MY NAME IS JEFF MONACO. I'M THE RECYCLING
23 COORDINATOR FOR TULARE COUNTY.

24 THERE WERE A GOOD DEAL OF POINTS
25 RAISED IN THE LAST FIFTEEN MINUTES. I'M GOING TO DO
1 MY BEST TO ADDRESS AS MANY OF THEM AS I CAN.

2 FIRST OFF, MR. JONES, YOU WERE
3 CORRECT. WE DID SUBMIT A NEW BASE YEAR A NUMBER OF
4 MONTHS AGO.

5 THAT GAVE US, AT THAT POINT, WITHOUT
6 FRUIT CULLS, APPROXIMATELY -- I BELIEVE THE NUMBER WAS
7 TWENTY-SEVEN PERCENT; AND I DON'T MEAN TO STAND HERE
8 AND CORRECT YOU, BUT THE ORIGINAL C AND D GENERATION
9 WAS IN FACT TWENTY-THREE THOUSAND FIVE HUNDRED, WHICH
10 I REALIZE WAS CONCRETE AND ASPHALT, SOMEWHAT
11 INSIGNIFICANT.

12 DUE TO WHAT WE THOUGHT WAS GOOD INPUT
13 ON YOUR PART, STAFF DIRECTED US TO WITHDRAW THE ITEM.

14 WE THEN --

15 STAFF ENCOURAGED US TO TRY TO TRACE
16 THE C AND D RECYCLING TO A COUNTY ACTION, WHICH WE
17 DID. WE DOCUMENTED THROUGH TULARE COUNTY BOARD OF
18 SUPERVISORS RESOLUTIONS RATE INCREASES FOR INERTS AT
19 LANDFILLS AND WE TRACKED THE REDUCTION OF INERTS THAT
20 CAME TO OUR SITES AS A RESULT OF THAT RATE INCREASE.

21 WE TOOK THAT TOTAL REDUCTION AND
22 APPLIED THE COUNTY SELF-HAUL PERCENTAGE TO THAT FIGURE
23 AND WE CAME UP WITH, AS IT TURNS OUT, WHAT WE FEEL IS
24 QUITE FRANKLY A MUCH MORE ACCURATE NUMBER OF
25 APPROXIMATELY TWENTY-SIX HUNDRED TONS.

1 THE ORIGINAL SUBMISSION DID NOT HAVE
2 THE CULL FRUIT GENERATION IN IT AND THAT'S THE REASON
3 WHY ORIGINALLY IT WAS TWENTY-SEVEN PERCENT AND NOW
4 IT'S FORTY-THREE PERCENT.

5 THE ORIGINAL SUBMISSION DID NOT HAVE
6 THE CULL FRUIT DATA.

7 WHEN WE WITHDREW THE ITEM, WE HAD
8 ORIGINALLY THOUGHT THAT WE WERE GOING TO RESUBMIT IN
9 1998 A REVISED BASE YEAR AND WE WERE GOING TO INCLUDE
10 THE CULL FRUIT DATA AT THAT POINT.

11 SINCE WE HAD WITHDRAWN THE ITEM, WE
12 FIGURED WE MIGHT AS WELL GO AHEAD AND PROCEED AND PUT
13 THE CULL FRUIT ON FOR 1997.

14 SO, THAT EXPLAINS WHY THE INITIAL
15 SUBMISSION WAS TWENTY-SEVEN AND THE SECOND SUBMISSION
16 WAS FORTY-THREE PERCENT, BECAUSE THE SECOND DOES
17 INCLUDE CULL FRUIT.

18 LIKE I SAID, THERE WAS A NUMBER OF
19 POINTS THAT EDGAR --

20 I'M SORRY.

21 FOR SOME REASON, I ALWAYS WANT TO SAY
22 HIS NAME BACKWARDS. I ALWAYS WANT TO SAY EDGAR EVAN.
23 SO, IF I DO, IT'S NOTHING PERSONAL.
24 I'M SORRY.

25 EVAN INDICATED THAT, BETWEEN 1984 AND
1 1990, THERE WOULD BE ESSENTIALLY PROOF THAT THE CULLS
2 WERE TAKEN TO OUR SITES BECAUSE OF THE REGIONAL WATER
3 BOARD'S STIPULATIONS ON LIQUID WASTE.

4 THE RESOLUTION ADOPTED BY OUR BOARD OF
5 SUPERVISORS SPELLS OUT A PROCEDURE WHERE THE CULLS ARE
6 IN FACT TO BE DRIED BEFORE ADMITTED IN AND ACTUALLY
7 DEPOSITED IN LANDFILLS.

8 THE INTENT OF THAT PROCEDURE WAS IN
9 FACT TO NOT VIOLATE ANY, ANY LIQUID WASTE
10 STIPULATIONS.

11 I DO HAVE TO SAY THAT I DO TAKE
12 EXCEPTION TO THE NOTION OF FALSE DIVERSION. WE AT
13 COUNTY STAFF WENT THROUGH GREAT EFFORT TO CONTACT THE
14 INDIVIDUAL PACKING HOUSES AND TO GET VERY SPECIFIC
15 INFORMATION AS FAR AS THE TOTAL CULLS THAT WERE, THAT
16 WERE GENERATED BY THE INDIVIDUAL PACKING SHEDS.

17 WE MADE A POINT OF DISTINGUISHING THE
18 CULLS THAT WERE TRADITIONALLY MARKETED. WE MADE SURE
19 NOT TO INCLUDE THOSE. SOME FRUIT CULLS HAVE ALWAYS
20 BEEN USED IN SOME FOOD OR BEVERAGE PRODUCTS, EITHER
21 JUICES OR SOME SORT OF DRIED FRUIT.

22 WE MADE A VERY CONSCIOUS DECISION TO
23 MAKE SURE WE DIDN'T INCLUDE THOSE CULLS. WE TRIED TO
24 TARGET THE CULLS THAT WERE TRADITIONALLY LANDFILLED.

25 AND AS CATHERINE HAS INDICATED, WE DID
PROVIDE

1 DOCUMENTATION SHOWING THAT CULLS WERE ACCEPTED
2 AT OUR PERMITTED FACILITY.

3 SO, IN RESPONSE TO MR. JONES, TO YOUR
4 QUESTION, THE MATERIAL WAS TAKEN TO OUR PERMITTED
5 FACILITIES.

6 ONE OF THE LAST POINTS THAT I WOULD
7 LIKE TO ELABORATE ON --

8 OH, THERE WAS A QUESTION THAT EVAN
9 RAISED AS FAR AS BEING ABLE TO ESSENTIALLY PROVE THAT
10 THEY WERE ACTUALLY LANDFILL, ACTUALLY COME UP WITH
11 SOME WEIGHT TICKETS.

12 ONE OF THE PROBLEMS THAT I'M SURE THAT
13 MANY OF YOU ARE FAMILIAR WITH IS, BACK IN THE OLDER
14 DAYS OF LANDFILL OPERATION, THERE WEREN'T VERY MANY
15 MATERIAL TYPES.

16 A LOT OF THIS CAME IN AS GENERAL
17 REFUSE.

18 WE DIDN'T HAVE A SPECIFIC MATERIAL
19 TYPE THAT WAS DEDICATED TO CULLS.

20 HOWEVER, THERE WAS A PRICE STRUCTURE
21 IMPLEMENTED BY THE BOARD OF SUPERVISORS' RESOLUTION;
22 AND WHAT I CAN DO, IF IT'S THE BOARD'S DESIRE, IS TO
23 TRY TO TRACK DOWN SOME OF OUR OLD BUDGET STATEMENTS
24 THAT PROJECTED REVENUE AND THAT INDICATED REVENUE
25 FROM THE VARIOUS YEARS AND IN HOPES OF BEING ABLE TO
1 ACTUALLY SHOW YOU, TO ACTUALLY QUANTIFY AN AMOUNT OF
2 CULLS THAT WERE ACTUALLY LANDFILLED.

3 AND THEN, LASTLY, I THINK BOTH
4 GENTLEMEN RAISED A VERY GOOD POINT OF WHICH I AGREE
5 WITH ENTIRELY AND THAT IS THE POINT THAT I KNOW THAT

6 YOU GENTLEMEN HAVE TO CONSIDER, AND THAT'S THE EFFECT
7 THAT THESE REVISED OR NEW MEASURES HAVE ON THE SOLID
8 WASTE INDUSTRY.

9 AND I CAN ASSURE YOU THAT OUR TULARE
10 COUNTY BOARD OF SUPERVISORS IS VERY AWARE OF THIS
11 CONCERN AND IN FACT HAS TAKEN SEVERAL STEPS TO ASSURE
12 THAT REGARDLESS OF WHAT HAPPENS TODAY OR SEVERAL
13 MONTHS IN THE FUTURE, REGARDLESS OF THAT FACT, THE
14 HAULERS, ON CONDITION OF THEIR ONGOING LICENSE
15 RENEWAL, WILL BE REQUIRED TO QUITE SPECIFICALLY BY THE
16 END OF THIS YEAR RECYCLE TWENTY-FIVE PERCENT OF WHAT
17 THEY COLLECT;

18 BY THE END OF 1999, THIRTY-SEVEN
19 PERCENT OF WHAT THEY COLLECT;

20 AND BY THE END OF YEAR 2000, FIFTY
21 PERCENT OF WHAT THEY COLLECT AS A CONDITION OF THEIR
22 ONGOING LICENSE RENEWAL.

23 AND OUR BOARD IS QUITE SERIOUS ABOUT
24 THAT.

25 I HAVE COPIES, IF YOU WOULD LIKE, OF
1 CORRESPONDENCE THAT WE HAVE SENT TO EACH OF THE EIGHT
2 INDIVIDUAL HAULERS IN TULARE COUNTY INDICATING THAT
3 THAT IS OUR INTENT, WITH THOSE SPECIFIC MILESTONES
4 SPELLED OUT.

5 JUST ONE LAST POINT.

6 I WILL SAY THAT, TO PROVIDE SOME
7 EVIDENCE OF OUR BOARD'S WILLINGNESS TO SUPPORT THE
8 HAULERS IN THEIR ENDEAVORS, THEY DID WHAT POTENTIALLY
9 IN OUR COUNTY IS POLITICAL SUICIDE BY IMPLEMENTING
10 MANDATORY COLLECTION IN THE URBAN AREA BOUNDARIES OF
11 TULARE COUNTY BECAUSE THAT WAS WHAT THE LICENSED

12 HAULERS FELT WAS NECESSARY FOR THE SUCCESS OF THEIR
13 PROGRAM.

14 OUR BOARD WENT AHEAD AND DID THAT,
15 WHICH IS NOT ALWAYS, AS I AM SURE YOU CAN IMAGINE, NOT
16 THE MOST POLITICALLY EXPEDIENT THING TO DO.

17 SO, MY POINT BEING, IN CLOSING, OUR
18 BOARD IS VERY, VERY CONCERNED, AND WE HAVE -- OUR
19 BOARD HAS NO INTENTION OF, LIKE I SAY, REGARDLESS OF
20 WHAT HAPPENS TODAY, OF LETTING THE HAULERS ESSENTIALLY
21 OFF THE HOOK FOR WHAT THEY NEED TO DO.

22 I WOULD BE HAPPY TO ANSWER ANY
23 QUESTIONS.

24 CHAIRMAN PENNINGTON: MR. EATON, ANY
25 QUESTIONS?

1 MEMBER EATON: YES.

2 IF WE WERE TO ACCEPT YOUR OFFER TO GO
3 BACK AND DO THE SEARCH TO FURTHER, YOU KNOW, VERIFY OR
4 JUSTIFY, HOW LONG DO YOU THINK YOU WOULD NEED TO HAVE
5 IN ORDER TO BE ABLE TO TRY AND OBTAIN THIS INFORMATION
6 AND GET BACK TO THE BOARD WITHOUT UNREASONABLY
7 INTERFERING WITH THE PROCESS?

8 MR. MONACO: I DON'T THINK IT WOULD TAKE A
9 TREMENDOUSLY LONG TIME. WE USUALLY HAVE A VERY GOOD
10 PAPER TRAIL IN OUR DIVISION. SO, I THINK I COULD
11 PRETTY QUICKLY DETERMINE WHETHER THE FILES ARE THERE
12 OR NOT.

13 SO, I WOULD REALLY SAY AN ABSOLUTE
14 MAXIMUM OF FOUR WEEKS.

15 CHAIRMAN PENNINGTON: MR. JONES?

16 MEMBER JONES: MR. CHAIRMAN, I DON'T --

17 I THINK YOU HEAR WHAT I'M SAYING.

18 YOU UNDERSTAND?

19 I'M NOT QUESTIONING THE PROCESS.

20 I JUST --

21 IT'S A BIGGER ISSUE, YOU KNOW.

22 I MEAN, IT'S A BIG ISSUE FOR TULARE
23 COUNTY. IT IS A BIGGER ISSUE BECAUSE IT'S LIKE, WHERE
24 I GET NERVOUS ABOUT THESE TYPES OF OPERATIONS ON THE
25 CULLS IS, IF WE ARE -- IF WE ARE COUNTING A WASTE THAT
1 WE NEVER SAW, IT WOULD BE LIKE THE PERSON THAT
2 GENERATES YARD WASTE IN A COUNTY WHERE THEY HAVE
3 BURNING DURING CERTAIN TIMES OF THE MONTH, HE BURNS
4 THAT IN HIS BACK YARD.

5 DO WE COUNT THAT AS DIVERSION?

6 IT WAS SOMETHING THAT WAS GENERATED.

7 NOW, IT'S NOT GOING TO A LANDFILL.

8 DO WE COUNT IT AS DIVERSION?

9 IT'S THOSE TYPES OF THINGS THAT NEVER
10 WERE PART OF THE WASTE STREAM, BUT YET NOW WE COUNT
11 IT, THAT IS A FUNDAMENTAL PROBLEM WITH AB 939.

12 CITIES AND COUNTIES HAVE A HUGE
13 PROBLEM WITH TRYING TO, YOU KNOW, GATHER ALL OF THE
14 THINGS, ALL OF THE PIECES, TO GET TO THE NUMBER.

15 AND I FULLY APPRECIATE THAT.

16 I DON'T HAVE A PROBLEM WITH LOOKING AT
17 EVERY PART OF THE WASTE STREAM. I THINK YOU HAVE
18 EVERY RIGHT IN THE WORLD TO COUNT CULLS, IF THEY WERE
19 DIVERTED.

20 IF IT WAS A FARMER OR RANCHER THAT
21 GENERATED THOSE CULLS AT HIS OWN PACKING PLACE AND HE
22 WENT OUT AND PUT IT INTO HIS OWN PROPERTY AS A NORMAL

23 COURSE OF BUSINESS, THAT'S SOMETHING THAT WAS NEVER IN
24 THE WASTE STREAM.

25 SO, HOW DO YOU GIVE CREDIT FOR THAT?

1 YOU KNOW WHAT I MEAN?

2 AND THAT'S, THAT'S, THAT'S AN ISSUE I
3 THINK THAT IS AT THE HEART OF MY ISSUE.

4 MR. MONACO: I UNDERSTAND YOUR CONCERN ENTIRELY
5 AND WHAT I SO FAR UNDERSTAND YOU TO BE SAYING IS
6 BASICALLY FOR MYSELF TO GO BACK AND REALLY BASICALLY
7 COME UP WITH SOME HARD PROOF, SOME TOTALS.

8 AND MY QUESTION TO YOU, AS I
9 INDICATED, AT THE SITES THEMSELVES, ACTUAL SITE
10 TICKETS, AS I SAID, THERE WAS NEVER A MATERIAL TYPE.

11 HOWEVER, MY QUESTION IS: WOULD BUDGET
12 FORECASTS AND REVENUE REPORTS AS FAR AS THE DIFFERENT
13 MATERIAL THAT WERE ANTICIPATED TO COME IN, IS THAT THE
14 TYPE OF DOCUMENTATION THAT WOULD BE SUFFICIENT OR
15 PERHAPS ANOTHER OUTLET THAT WE COULD DO IS THE PACKING
16 SHED MOST LIKELY HAD ACCOUNTS AT OUR SITES.

17 I DON'T KNOW HOW FAR BACK WE ARCHIVE
18 OUR ACCOUNT DATA, BUT WITHIN FOUR WEEKS I'LL FIND OUT.

19 PERHAPS THAT WOULD BE --

20 I'M ACTUALLY KIND OF LOOKING FOR
21 DIRECTION AS FAR AS WHAT DO YOU THINK WOULD BE THE
22 BEST SUBSTANTIATION FOR ME TO GO BACK TO OUR BOARD AND
23 REPORT?

24 MEMBER JONES: IT'S GOING --

25 MR. CHAIRMAN, IF IT'S OKAY?

1 CHAIRMAN PENNINGTON: SURE.

2 MEMBER JONES: IT'S GOING TO BE TOUGH FOR YOU

3 TO QUANTIFY THIS. I THINK, YOU KNOW, WHEN OUR STAFF
4 SAID GO BACK AND FIND THE ORDINANCES AND RESOLUTIONS
5 THAT SAID YOU RAISED THE RATES SO THAT WOULD BE PROOF
6 THAT THIS STUFF HAPPENED, THAT'S A PIECE OF IT.

7 THAT SUBSTANTIATES AN ECONOMIC REASON
8 WHY SOMEBODY WOULD MAKE A CHANGE IN THEIR HABIT.

9 I THINK, IF YOU LOOK AT SOME OF THE
10 HAULING RECORDS OR SOME OF THOSE TYPES OF THINGS, I
11 DON'T KNOW AND I DON'T WANT TO SPLIT HAIRS; BUT, YOU
12 KNOW, IF WE GO TO THE PACKING COMPANIES AND WE SAY HOW
13 MANY LOADS DID YOU DO, YOU KNOW, THAT MAY BE ONE WAY
14 TO DO IT.

15 BUT REMEMBER, IF WE GO OFF THE WEIGHT,
16 THAT'S GOING TO BE A WET WEIGHT AND WHAT WAS APPLIED
17 AND WHAT WAS ACCEPTED AT THE LANDFILL WAS A DRY
18 WEIGHT.

19 SO, WE'RE GOING TO HAVE A DIFFERENCE
20 IN THE WEIGHT NUMBERS RIGHT THERE JUST, YOU KNOW,
21 BECAUSE OF THE WAY THAT IT WOULD HAVE BEEN DELIVERED
22 TO A LANDFILL.

23 I'M NOT THAT WORRIED ABOUT IT, BUT I
24 BRING IT UP BECAUSE IT IS A HUGE ISSUE IN A CANNERY'S
25 OPERATION AND WE HAVE A BIG ISSUE IN GETTING DIVERSION
1 FROM JUICE.

2 THAT IS NOT THE INTENT.

3 SO, I THINK THAT YOUR STAFF -- I MEAN,
4 OUR STAFF SHOULD BE ABLE TO COME UP WITH SOME METHODS
5 THAT AT LEAST GIVE US A COMFORT LEVEL AS TO --

6 MY BIGGEST CONCERN IS THE MATERIAL
7 THAT WAS NEVER THERE; OKAY?

8 I DON'T HAVE ANY PROBLEM WITH YOU

9 GETTING A HUNDRED PERCENT OF THE CREDIT FOR THAT
10 MATERIAL THAT WAS PART OF THE MANAGED WASTE STREAM.

11 YOU DESERVE IT.

12 YOU HAVE EVERY RIGHT TO IT.

13 I DON'T HAVE ANY PROBLEM WITH THAT.

14 I JUST WANT TO MAKE SURE WE DRAW THAT
15 LINE THAT WHAT WAS NEVER THERE SHOULDN'T BE COUNTED.

16 SO --

17 MR. MONACO: I UNDERSTAND AND WE WILL
18 CONTINUE TO WORK WITH STAFF AND TO DETERMINE WHAT IS
19 THE BEST COURSE OF ACTION TO PROVIDE THE DOCUMENTATION
20 YOU GENTLEMEN ARE LOOKING FOR.

21 CHAIRMAN PENNINGTON: OKAY?

22 MR. MONACO: I'M SORRY.

23 MAY I ASK, MR. CHAIRMAN, ONE LAST
24 BRIEF QUESTION?

25 IS IT ONLY THE CULLS THEN THAT'S YOUR
1 CONCERN WITH THE ITEM?

2 MEMBER JONES: YOU SATISFIED EVERY QUESTION I
3 HAD ABOUT C AND D AND I APPRECIATE THAT.

4 MR. MONACO: ALL RIGHT.

5 THANK YOU.

6 CHAIRMAN PENNINGTON: THANK YOU.

7 NOW, WE HAVE MISS SUSAN GRESS
8 (PRONOUNCING IT GREES).

9 MS. GRESS: GRESS.

10 CHAIRMAN PENNINGTON: GRESS.

11 MS. GRESS: GENTLEMEN, I'M HERE ON BEHALF OF
12 ALLIED DISPOSAL AND TULEY TRASH COMPANY, TWO OF THE
13 SEVEN FRANCHISED HAULERS IN UNINCORPORATED TULARE

14 COUNTY.

15 I JUST WANTED TO ADDRESS THE COMMENT
16 MADE BY ROY THAT HE FELT PASSAGE OF THIS AMENDMENT
17 WOULD DECREASE THE INTEREST THAT THE LOCAL HAULERS
18 HAVE IN COMPLYING WITH THE DIVERSION GOALS.

19 AND I VERY GREATLY DISAGREE WITH THAT.

20 WE HAVE WORKED VERY CLOSELY WITH JEFF
21 MONACO AND ROGER HUNT FROM THE COUNTY WASTE BOARD AND
22 WITH CATHERINE AND HER PEOPLE IN TRYING TO INCREASE
23 OUR DIVERSION GOALS FOR ALLIED DISPOSAL AND TULEY
24 TRASH.

25 WE ARE CONTINUING TO WORK WITH THEM
1 AND DOING EVERYTHING WE CAN. WE DO SEND MATERIAL THAT
2 WE CAN TO ROY'S MRF, BUT BECAUSE A HIGH PERCENTAGE OF
3 OUR TRASH IS COMMERCIAL WASTE, IT'S MADE A VERY SMALL
4 DENT IN OUR TOTAL DIVERSION RATE.

5 WE HAVE RUN UP AGAINST SOME REAL CATCH
6 22 SITUATIONS WHERE, BECAUSE ONE OF OUR CLIENTS IS
7 USING RECYCLED FOOD PRODUCTS, PUDDING, WHATEVER, AND
8 WE TAKE AWAY THE CUPS AND WHATEVER THAT CAME IN,
9 THAT'S A GREAT DEAL OF CREDIT AGAINST US.

10 IT HAS TO GO TO THE DUMP BECAUSE WE
11 DON'T HAVE ANYONE ELSE THAT WOULD TAKE IT AND YET IT'S
12 A RECYCLING PROJECT THAT'S GOING.

13 SO, JUST BECAUSE THIS DIDN'T COME OUT
14 OF THE GROUND, SOMETIMES, A AND B DON'T ADD UP TO C.

15 SO, WE THINK THIS IS A GREAT PROJECT.
16 IT WOULD HELP US A LOT. WE ARE WORKING VERY HARD AT
17 GETTING TOWARD OUR GOAL.

18 ONE OF THE PROBLEMS THAT WE HAVE IS
19 JEFF AND HIS BOSS, ROGER, WORK VERY HARD AT GETTING

20 REAL DIVERSION AND NOT JUST PLAYING WITH NUMBERS TO
21 MEET GOALS.

22 THEY REALLY WANT TO KNOW HOW THINGS
23 WORK.

24 SOMETIMES WE GET MAD AT THEM AND WISH
25 THEY WOULD PLAY WITH NUMBERS A LITTLE MORE.

1 THANK YOU VERY MUCH.

2 CHAIRMAN PENNINGTON: THANK YOU.

3 ANY QUESTIONS?

4 OKAY. THAT CONCLUDES THE PUBLIC
5 STATEMENTS ON THIS ISSUE.

6 WHAT'S YOUR PLEASURE?

7 MEMBER JONES: BASED ON, I THINK, THE
8 TESTIMONY FROM JEFF ON THE THING HE FEELS LIKE HE
9 COULD SATISFY SOME OF MY QUESTIONS, ANYWAY, IN A
10 MONTH, WOULD THE BOARD HAVE A PROBLEM WITH HOLDING
11 THIS OVER FOR TWO MONTHS?

12 WOULD THAT GIVE YOU THE TIME?

13 SIX WEEKS?

14 WE HAVE BOARD MEETINGS EVERY TWO
15 WEEKS.

16 SO, BELIEVE YOU ME, YOU GOT A LOT OF
17 CHANCES. I JUST HAVE TO KIND OF IDENTIFY HOW LONG WE
18 ARE GOING TO ROLL IT OVER TO, UNLESS WE HAVE A NEW
19 ITEM.

20 WHAT IS YOUR PLEASURE, JUST RENOTICE
21 IT?

22 EXECUTIVE DIRECTOR CHANDLER: I WOULD LIKE TO
23 JUST SEE THE ITEM CARRIED OVER TO AN APPROPRIATE DATE
24 THAT THE DOCUMENTATION IS FORTHCOMING.

25 WE COULD SHOOT FOR THE LAST BOARD

1 MEETING IN OCTOBER, IF THAT'S --

2 WAS THAT THE BOARD MEETING THAT

3 ELLIOTT SAID THE AGENDA ITEM WOULD NEED TO BE IN BY?

4 CHAIRMAN PENNINGTON: THE NOVEMBER ONE.

5 EXECUTIVE DIRECTOR CHANDLER: RIGHT.

6 CHAIRMAN PENNINGTON: NOVEMBER 5TH IS THE ONE

7 THAT ELLIOTT SAID THAT HE WOULD --

8 EXECUTIVE DIRECTOR CHANDLER: -- HE WOULD

9 SHOOT FOR, BUT IS THE MATERIAL DUE ON ANY ITEM THAT IS

10 BROUGHT TO THE BOARD AT THE OCTOBER BOARD MEETING?

11 DID HE SAY THAT WAS NEXT THURSDAY?

12 SO, THAT PROBABLY GIVES JEFF PLENTY OF

13 TIME.

14 DO YOU WANT TO CARRY THIS OVER TO THE

15 FIRST BOARD MEETING IN NOVEMBER?

16 MEMBER JONES: WOULD THAT WORK, FIRST BOARD

17 MEETING IN NOVEMBER?

18 CHAIRMAN PENNINGTON: WHAT'S YOUR PLEASURE?

19 OKAY.

20 WE WILL MOVE THIS ITEM TO THE NOVEMBER

21 5TH, I BELIEVE IT IS, BOARD MEETING IN SACRAMENTO; AND

22 I THINK IT'S TIME TO BREAK FOR LUNCH NOW.

23 MEMBER EATON: MR. CHAIR, BEFORE WE BREAK FOR

24 LUNCH, I WOULD ASK MY FELLOW COLLEAGUES AND THE

25 PUBLIC'S INDULGENCE.

1 I WOKE UP THIS MORNING AND I NOTICED

2 THAT ALL THE WEATHER STATIONS WERE TALKING ABOUT

3 TODAY'S THE FIRST DAY OF FALL AND HOW THE SEASONS

4 CHANGE AND REAPING THE HARVESTS AND END OF A NEW YEAR,

5 ALMOST THE BEGINNING OF ANOTHER, AS WELL AS THE TIME

6 OF THE YEAR FOR THOSE MEMBERS IN THE JEWISH FAITH TO
7 REFLECT UPON A NEW YEAR AND ATONING FOR THEIR SINS OF
8 THE PAST.

9 I JUST WOULD LIKE TO ASK THE BOARD AND
10 THE PUBLIC TO JOIN ME IN WISHING ARNIE SOLO A HAPPY
11 BIRTHDAY TODAY AND THE BEGINNING OF A NEW YEAR AND TO
12 ATONE FOR HIS SINS AGAINST OUR BOARD.

13 SO, PLEASE JOIN ME IN WISHING MR. SOLO
14 A HAPPY BIRTHDAY.

15 CHAIRMAN PENNINGTON: ABSOLUTELY.

16 WE WILL ADJOURN NOW UNTIL TWO O'CLOCK,
17 QUARTER TO TWO, ONE FORTY-FIVE.

18 (NOON BREAK IS TAKEN.)

19 CHAIRMAN PENNINGTON: WE WILL BRING THE
20 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD MEETING
21 BACK TO ORDER.

22 WILL THE SECRETARY CALL THE ROLL?

23 SECRETARY KELLY: MEMBER EATON.

24 MEMBER EATON: HERE.

25 SECRETARY KELLY: MEMBER FRAZEE.

1 MEMBER FRAZEE: HERE.

2 SECRETARY KELLY: MEMBER JONES.

3 MEMBER JONES: HERE.

4 SECRETARY KELLY: MEMBER RHODES.

5 MEMBER RHODES: HERE.

6 SECRETARY KELLY: CHAIRMAN PENNINGTON.

7 CHAIRMAN PENNINGTON: HERE.

8 WE HAVE A QUORUM.

9 STARTING WITH MR. RHODES, ANY EX
10 PARTES TO REPORT FROM LUNCH?

11 MEMBER RHODES: NO, SIR.

12 CHAIRMAN PENNINGTON: MR. FRAZEE?

13 MEMBER FRAZEE: NONE FOR ME.

14 CHAIRMAN PENNINGTON: MR. EATON?

15 MEMBER EATON: NONE.

16 CHAIRMAN PENNINGTON: MR. JONES?

17 MEMBER JONES: SORRY, JUST A QUICK ONE ON

18 WIDE SWEEPS ON RSP.

19 CHAIRMAN PENNINGTON: I HAD A QUICK

20 CONVERSATION WITH GEORGE LARSON CONSIDERING THE ENTIRE

21 REGS AND A QUICK CONVERSATION WITH MR. KIRKLAND ON THE

22 OXFORD SITUATION.

23 OKAY.

24 WE ARE MOVING TO ITEM NUMBER 9,

25 CONSIDERATION OF STAFF RECOMMENDATION ON THE BIENNIAL

1 REVIEW FINDINGS FOR THE SOURCE REDUCTION AND RECYCLING

2 ELEMENT FOR VARIOUS JURISDICTIONS.

3 JUDY FRIEDMAN.

4 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN

5 PENNINGTON AND BOARD MEMBERS.

6 THIS ITEM REPRESENTS A FIRST FOR THE

7 BOARD, THE FIRST TIME THE BOARD WILL CONSIDER THE GOOD

8 FAITH EFFORTS OF JURISDICTIONS TO IMPLEMENT THEIR

9 SOURCE REDUCTION AND RECYCLING ELEMENTS TO ACHIEVE THE

10 DIVERSION MANDATES.

11 BEFORE WE GET INTO THE DETAILS, I

12 WOULD LIKE TO PROVIDE A LITTLE BIT OF BACKGROUND.

13 THERE ARE TWO PLACES IN LAW WHERE THE

14 BOARD CAN CONSIDER ENFORCEMENT OPTIONS.

15 PRC 41813 CONCERNS FAILURE TO HAVE AN

16 ADEQUATE PLAN AND PUBLIC RESOURCES CODE 41850 CONCERNS

17 FAILURE TO IMPLEMENT THAT PLAN.

18 LAST JANUARY, THE BOARD FINISHED ITS
19 COMPLIANCE EFFORTS ON PLAN ADEQUACY AND THIS FOUR-YEAR
20 PROCESS RESULTED IN THE BOARD ASSESSING PENALTIES ON
21 FOUR JURISDICTIONS FOR FAILURE TO HAVE AN ADEQUATE
22 PLAN.

23 IN MAY, THE BOARD CONSIDERED THE FIRST
24 BIENNIAL REVIEWS; AND AS OF TODAY, WE WILL HAVE
25 CONSIDERED SOME ONE HUNDRED FIFTY OF THEM.

1 REMEMBER THAT THE BIENNIAL REVIEW IS
2 REQUIRED BY THE PUBLIC RESOURCE CODES, SECTION 41825,
3 WHICH REQUIRES THE BOARD TO REVIEW EACH CITY, COUNTY,
4 AND REGIONAL AGENCY'S SOURCE REDUCTION AND RECYCLING
5 ELEMENT ONCE EVERY TWO YEARS.

6 THIS BIENNIAL REVIEW IS THE BOARD'S
7 INDEPENDENT EVALUATION OF A JURISDICTION'S PROGRESS IN
8 IMPLEMENTING ITS SOURCE REDUCTION AND RECYCLING
9 ELEMENT.

10 AS A RESULT OF THIS BIENNIAL REVIEW,
11 THE BOARD MAY EITHER FIND THAT JURISDICTIONS HAVE
12 IMPLEMENTED PROGRAMS AND ACHIEVED THE DIVERSION GOALS
13 OR INITIATE A COMPLIANCE PROCESS FOR JURISDICTIONS
14 FAILING TO IMPLEMENT THEIR SOURCE REDUCTION AND
15 RECYCLING ELEMENT AND OR ACHIEVING THE GOALS.

16 BY FEBRUARY OF 1995, THE BOARD
17 DEVELOPED A POLICY CALLED PART TWO OF THE COUNTYWIDE
18 INTEGRATED WASTE MANAGEMENT PLAN ENFORCEMENT
19 REPORTS, FAILURE TO IMPLEMENT A SOURCE REDUCTION AND
20 RECYCLING ELEMENT.

21 THIS POLICY ADDRESSES THE PROCESSES

22 AND PROCEDURES THE BOARD IS UTILIZING IN DETERMINING
23 WHETHER JURISDICTIONS HAVE IMPLEMENTED THEIR PLANS.

24 INCLUDED IN THIS POLICY IS A
25 DESCRIPTION OF FOUR SCENARIOS WHICH WE USE TO
1 DETERMINE SOURCE REDUCTION AND RECYCLING ELEMENT
2 IMPLEMENTATION.

3 THESE SCENARIOS ARE: IS THE
4 JURISDICTION IMPLEMENTING ALL PROGRAMS AND MEETING
5 DIVERSION REQUIREMENTS?

6 THAT'S SCENARIO ONE.

7 SCENARIO TWO: NOT IMPLEMENTING ALL
8 PROGRAMS, BUT MEETING DIVERSION REQUIREMENTS.

9 THREE: IMPLEMENTING SOME OR ALL OF
10 THEIR PROGRAMS, BUT NOT MEETING DIVERSION
11 REQUIREMENTS.

12 AND FOUR: NOT IMPLEMENTING PROGRAMS
13 AND NOT MEETING DIVERSION REQUIREMENTS.

14 PRIOR TO THIS ITEM, THE HUNDRED AND
15 FIFTY SOME ODD BIENNIAL REVIEWS CONSIDERED TO DATE
16 WERE IN CATEGORIES ONE AND TWO.

17 TODAY WE ARE BRINGING FORTH THESE
18 JURISDICTIONS THAT FALL INTO CATEGORY THREE:
19 IMPLEMENTING SOME OR ALL OF THEIR PROGRAMS, BUT NOT
20 MEETING THE DIVERSION REQUIREMENTS NUMERICALLY.

21 BY THE BOARD'S POLICY, THE BOARD
22 SHOULD CONSIDER --

23 EXCUSE ME.

24 -- INITIATING A COMPLIANCE PROCESS FOR
25 JURISDICTIONS IN THIS CATEGORY.

1 HOWEVER, THE BOARD MUST ALSO CONSIDER
2 ON A CASE-BY-CASE BASIS THE EXTENT TO WHICH THE

3 JURISDICTIONS HAVE MADE A GOOD FAITH EFFORT TO
4 IMPLEMENT THEIR SOURCE REDUCTION AND RECYCLING
5 ELEMENTS.

6 I WOULD LIKE TO REMIND YOU THAT GOOD
7 FAITH EFFORT IS DEFINED TO BE ALL REASONABLE AND
8 FEASIBLE EFFORTS BY A CITY, COUNTY, OR REGIONAL AGENCY
9 TO IMPLEMENT THOSE PROGRAMS OR ACTIVITIES IDENTIFIED
10 IN ITS SOURCE REDUCTION AND RECYCLING ELEMENT OR
11 ALTERNATIVE PROGRAMS OR ACTIVITIES THAT ACHIEVE
12 SIMILAR RESULTS.

13 WITH THAT BACKGROUND AND CONTEXT, I
14 WOULD LIKE TO TURN THE PRESENTATION OVER TO PAT
15 SCHIAVO, WHO WILL PRESENT THE SPECIFICS OF THESE
16 PARTICULAR JURISDICTIONS.

17 MR. SCHIAVO: GOOD AFTERNOON.

18 FOR THE PRESENTATION TODAY, WE'VE
19 BROKEN THESE NINE JURISDICTIONS INTO THREE MAJOR
20 GROUPINGS.

21 THE FIRST GROUPING ARE THOSE
22 JURISDICTIONS THAT MET THE GOAL IN 1995, BUT THEIR
23 DIVERSION NUMBERS IN 1996 WENT DOWN BELOW THE GOAL
24 LEVEL; AND THESE TWO JURISDICTIONS ARE ALHAMBRA AND
25 RANCHO PALOS VERDES.

1 BOTH THESE JURISDICTIONS HAVE
2 CONTINUED TO IMPLEMENT ALL THE PROGRAMS IN 1996. IN
3 FACT, THEY INCREASED THE AMOUNT OF PROGRAMS BEING
4 IMPLEMENTED.

5 AND FOR THE CITY OF ALHAMBRA, THEY
6 WERE IMPACTED BY THE ELEVEN THOUSAND TON C AND D
7 PROJECT THAT SIGNIFICANTLY IMPACTED THEIR NUMERICAL

8 GOAL ACHIEVEMENT IN 1996.

9 HOWEVER, THE PRELIMINARY CALCULATIONS
10 FOR 1997 AGAIN SHOW THEM BACK UP AT THAT FORTY PERCENT
11 LEVEL AND ON TRACK TO GET THE FIFTY PERCENT.

12 RANCHO PALOS VERDES HAD SOME ISSUES
13 WITH DISPOSAL REPORTING ALLOCATIONS IN 1996. AGAIN,
14 LOOKING AT PRELIMINARY CALCULATIONS FOR 1997, AGAIN
15 ARE ON TRACK AT THE THIRTY-EIGHT PERCENT LEVEL IN
16 1997.

17 THE NEXT GROUPING THAT WE LOOKED AT
18 ARE THOSE JURISDICTIONS WHICH DID NOT MEET THE
19 NUMERICAL IN 1995.

20 HOWEVER, THEY DID ACHIEVE IT IN 1996.

21 ALL THESE JURISDICTIONS HAVE INCREASED
22 THE PROGRAM IMPLEMENTATION LEVELS FROM 1995. THESE
23 JURISDICTIONS ARE EXETER, WHICH WAS AT SIX PERCENT IN
24 1995, AND THEY WENT TO TWENTY-FIVE PERCENT IN 1996.

25 THEY ACTUALLY, BECAUSE THEY WERE A
1 RURAL JURISDICTION, ARE AT A REDUCED GOAL ACHIEVEMENT
2 LEVEL OF TWELVE POINT SEVEN PERCENT FOR 1995.

3 AGAIN, THEY HAVE A SIGNIFICANT
4 INCREASE IN PROGRAM IMPLEMENTATION EFFORTS IN 1996.

5 THE CITY OF LEMON GROVE WAS AT
6 NINETEEN PERCENT IN 1995. THEIR 1996 NUMBERS SHOWED
7 THIRTY-FOUR PERCENT. THIS IS A RESULT OF A
8 BOARD-APPROVED BASE YEAR IN WHICH THEY DID A NEW
9 GENERATION STUDY. IT SHOWED THEM ON PROGRESS TO
10 ACHIEVING THE GOAL.

11 THEY ALSO HAVE ACHIEVED ADDITIONAL
12 PROGRAMS FROM WHAT THEY WERE DOING IN 1995 AND ARE
13 IMPLEMENTING ALMOST ALL THE PROGRAMS THEY SAID THEY

14 WOULD.

15 THE CITY OF LONG BEACH WAS AT
16 TWENTY-ONE PERCENT IN 1995. THEY'VE GONE UP TO
17 TWENTY-EIGHT PERCENT IN 1996. THEY'VE BEGUN INCREASED
18 PROGRAM IMPLEMENTATION EFFORTS IN 1996 AND THEY'RE
19 IMPLEMENTING ALMOST ALL THE PROGRAMS THAT THEY
20 COMMITTED TO IN THEIR SRRE.

21 SAND CITY, IN 1995, WAS AT SEVEN
22 PERCENT. IN 1996, THEY WERE AT THIRTY PERCENT AND
23 THEY ALSO INCREASED PROGRAM IMPLEMENTATION LEVELS AND
24 ARE ALSO IMPLEMENTING ALMOST ALL THE PROGRAMS THEY
25 COMMITTED TO.

1 SIGNAL HILL WAS AT NINETEEN PERCENT IN
2 1995. THEY WENT TO THIRTY-EIGHT PERCENT IN 1996.
3 THEY ALSO ARE IMPLEMENTING MORE PROGRAMS THAN THEY
4 ORIGINALLY DID IN 1995, ALMOST IMPLEMENTING ALL OF
5 THEIR PROGRAMS.

6 IN ADDITION, THEY RECEIVED A NEW
7 BOARD-APPROVED BASE YEAR IN WHICH A GENERATION STUDY
8 WAS COMPLETED AND, AGAIN, THAT'S PART OF THE PRODUCT.

9 THAT'S WHY THEY SHOWED THEMSELVES THAT
10 THIRTY-EIGHT PERCENT.

11 FINALLY, STOCKTON IS AT TWENTY-FOUR
12 PERCENT IN 1995. THEY INCREASED TO TWENTY-SEVEN
13 PERCENT. THEY ALSO IMPROVED THEIR PROGRAM
14 IMPLEMENTATION EFFORTS IN 1996.

15 AND, FINALLY, THE LAST CATEGORY IS
16 JURISDICTIONS WHO DID NOT ACHIEVE THE GOAL IN 1995 OR
17 1996.

18 THIS IS THE RURAL JURISDICTION OF

19 WOODLAKE. THEY'RE IMPLEMENTING A LOT MORE PROGRAMS IN
20 1996 THAN THEY DID IN 1995. THEY'RE CURRENTLY WORKING
21 WITH BOARD STAFF, OUR TARGET IMPLEMENTATION SYSTEMS
22 GROUP, TO IMPLEMENT ADDITIONAL PROGRAMS FOCUSING ON C
23 AND D, FOOD WASTE, AND SPECIAL WASTE.

24 THEY WERE GOING TO COME FORWARD TO THE
25 BOARD WITH A PETITION FOR REDUCTION, BUT THEY DECIDED
1 TO WITHHOLD THAT UNTIL THEY SEE WHAT THE IMPACT OF OUR
2 BOARD'S ASSISTANCE WOULD BE; WHICH AGAIN, WE THINK,
3 SHOWS THAT THEY'RE COMMITTED TO A GOOD FAITH EFFORT IN
4 TRYING TO ACHIEVE THE GOAL.

5 STAFF FEELS THAT THESE JURISDICTIONS
6 ARE ALL MEETING THE INTENT OF AB 939 AND THAT THE
7 BOARD APPROVE STAFF'S FINDINGS.

8 CHAIRMAN PENNINGTON: ARE THERE ANY
9 QUESTIONS?

10 MEMBER RHODES: YES, I DO HAVE QUESTIONS.

11 CHAIRMAN PENNINGTON: MR. RHODES.

12 MEMBER RHODES: WHEN I WAS LOOKING OVER THESE
13 NUMBERS, THE THING THAT KIND OF STRUCK ME; AND YOU
14 TALKED ABOUT SEVERAL OF THEM; WAS THE GREAT CHANGE
15 BETWEEN '95 AND '96.

16 IN SOME OF THEM, I LOOKED AT THE
17 PREVIOUS LOCAL AREAS THAT WE APPROVED EARLIER IN THE
18 MORNING AND I DIDN'T SEE A GREAT DEAL OF CHANGE
19 BETWEEN '95 AND '96.

20 I SAW --

21 THE GREATEST CHANGE, I THINK, WAS LIKE
22 ELEVEN PERCENTAGE POINTS.

23 AND SO, IT REALLY KIND OF CAUGHT MY
24 EYE THAT HERE WE'RE DEALING WITH CHANGES OF PLUS

25 NINETEEN, TWENTY-THREE.

1 YOU'RE CONFIDENT THAT THOSE --

2 I MEAN, YOU CAN UNDERSTAND WHY THOSE
3 GREAT CHANGES HAVE OCCURRED BETWEEN '95 AND '96?

4 MR. SCHIAVO: AGAIN, AS I MENTIONED, IN SOME
5 CASES, THE NEW BASE YEARS CORRECTED SOME DEFICIENCIES
6 THEY HAD IN THE REPORTING.

7 WE FEEL VERY MUCH MORE CONFIDENT IN
8 THE NEW BOARD-APPROVED BASE YEARS.

9 LET'S SEE. THERE WAS ONE FIFTEEN
10 PERCENT IMPACT. ANOTHER HAD A NINETEEN PERCENT
11 IMPACT.

12 WE FEEL MUCH MORE CONFIDENT WITH THE
13 NEW BASE YEARS FROM WHAT WE SAW IN 1990.

14 THE OTHERS, AS I MENTIONED, ALL OF
15 THEM ARE IMPLEMENTING A LOT, WELL, MORE PROGRAMS THAN
16 THEY SAID THEY WERE GOING TO OR SAID THEY DID IN 1995.

17 SIGNAL HILL IS ACTUALLY IMPLEMENTING
18 MORE PROGRAMS THAN THEY SAID THEY WOULD DO IN THEIR
19 SRRE.

20 AS FAR AS CONFIDENCE IN THE TREND,
21 AGAIN, THAT SEEMS TO BE --

22 SOME OF THOSE STARTED A LITTLE LATE.
23 THEY STARTED IMPLEMENTING PROGRAMS A LITTLE BIT LATER.
24 SO, THEY WEREN'T FULLY IMPLEMENTING SOME OF THESE
25 PROGRAMS IN '95.

1 SO, THEY'RE FULLLY IMPLEMENTING THEM
2 IN 1996.

3 MEMBER RHODES: I TALKED WITH JUDY ABOUT THIS
4 YESTERDAY OR DAY BEFORE YESTERDAY WHEN WE WERE GOING

5 OVER THE AGENDA.

6 I WILL BE VERY INTERESTED IN GOING
7 THROUGH THESE NUMBERS AND GETTING A BETTER GRASP FOR
8 THEM. I THINK THESE ARE --

9 THIS IS AN EXTREMELY IMPORTANT ISSUE
10 AND ONE THAT WE JUST WANT TO MAKE VERY, VERY
11 COMFORTABLE AND FEEL VERY, VERY CONFIDENT WITH THE
12 NUMBERS, BECAUSE I DO THINK THIS IS A MAJOR DECISION
13 OF THE BOARD TODAY.

14 CHAIRMAN PENNINGTON: ANY ADDITIONAL
15 QUESTIONS?

16 MEMBER JONES: MR. CHAIRMAN.

17 CHAIRMAN PENNINGTON: MR. JONES.

18 MEMBER JONES: I AGREE WITH OUR NEWEST BOARD
19 MEMBER WHO I THINK HAS A GOOD GRASP ON HOW IMPORTANT
20 THESE NUMBERS ARE.

21 THESE ONES.

22 FOR THE FIRST TIME, WE ARE GOING TO
23 LOOK AT PROGRAMS AND SEE A GOOD FAITH EFFORT.

24 OKAY. WE ARE GOING TO --

25 STAFF IS GOING TO DETERMINE AND WE ARE
1 GOING TO CONCUR IF WE THINK IN FACT THAT'S A GOOD
2 FAITH EFFORT AND THEN PROBABLY IN ALL THESE CASES THEY
3 PROBABLY ARE, BUT I THINK WE NEED TO --

4 YOU KNOW, I COMPARED WHO ADDED, WHO
5 DROPPED, BETWEEN '95 AND '96; AND, YOU KNOW, TO BE, TO
6 BE REAL HONEST, THE LAW SAID 1995. IT DIDN'T SAY '95
7 OR '96 OR MAYBE '97.

8 THE LAW SAID '95 AND 2000.

9 WE HAVE JURISDICTIONS THAT HAVE ADDED
10 PROGRAMS. WE HAVE OTHER JURISDICTIONS THAT DROPPED

11 THEM.

12 THE MERE FACT THAT SOMEBODY HAS A
13 CURBSIDE RECYCLING PROGRAM AND GETS MARKED OFF WOULD,
14 ON THE SURFACE, GIVE US ALL REASON TO BELIEVE THEY ARE
15 DOING A PROGRAM. BUT IF THAT CURBSIDE ONLY PICKS UP
16 THREE ITEMS AND THEY ALL HAPPEN TO BE CRV ITEMS, WHAT
17 IMPACT HAVE WE HAD ON THE WASTE STREAM WITHIN THAT
18 JURISDICTION?

19 YOU KNOW, WHAT CHANGES HAVE WE MADE?
20 WHAT CHANGES HAVE BEEN FACILITATED BY
21 THOSE PROGRAMS TO THE PEOPLE THAT LIVE THERE?

22 SO, YOU KNOW, I WOULD THINK THAT WE
23 NEED TO --

24 I LOVE THE LAY-OUT. I LOVE THE WAY
25 YOU GUYS HAVE ALL THE PROGRAMS LAID DOWN.
1 THOSE OF YOU IN THE AUDIENCE DON'T
2 KNOW. EVERY ELEMENT HAS GOT ANYWHERE FROM FIVE
3 CATEGORIES TO PROBABLY FIFTEEN CATEGORIES TO DETERMINE
4 WHAT PROGRAMS ARE IN THERE.

5 BUT I THINK THAT WHEN WE TALK ABOUT
6 GOOD FAITH EFFORT, PART OF A GOOD FAITH EFFORT IS, I
7 THINK, LENDS ITSELF TO A NEGOTIATION.

8 I THINK, IF SOMEBODY DOESN'T COMPLY
9 WITH A, WITH PART OF AN AGREEMENT OR PART OF A PLAN,
10 THEN YOU NEGOTIATE.

11 YOU JUST DON'T PAT THEM ON THE HEAD
12 AND SAY: WELL, YOU DID A PRETTY GOOD JOB, AND GO DOWN
13 THE ROAD.

14 I WAS APPROACHED EARLIER TODAY BY
15 SOMEBODY THAT'S WORKING ON REREFINED OIL AND A WHOLE
16 PROJECT WITHIN THEIR COMMUNITY TO START GETTING PEOPLE

17 TO IDENTIFY AND TO USE REREFINED OIL.

18 THESE JURISDICTIONS MAY NOT HAVE A
19 WASTE STREAM THAT LENDS ITSELF TO EASY DIVERSION.
20 THAT DOESN'T MEAN THAT THEY DON'T RUN FLEETS OR THEY
21 DON'T DO OTHER THINGS WITHIN THEIR ENTITIES THAT WE
22 COULDN'T TALK TO THEM ABOUT WHAT ARE THE PROGRAMS WE
23 HAVE WHERE THEY CAN MAKE AN EFFORT, WHETHER IT BE
24 GRASS CYCLING, WHETHER IT BE MULCH.

25 WE HAVE ONE JURISDICTION HERE THAT
1 GAVE UP COMPOSTING. IN MY MIND, I WOULD LIKE TO KNOW
2 WHY THEY GAVE UP COMPOSTING; BECAUSE, OBVIOUSLY,
3 THAT -- IF THEY HAVE A NORMAL WASTE STREAM, THAT COULD
4 BE ATTACKING A LARGE PART OF THEIR WASTE STREAM.

5 SO, TO JUST SAY, YEAH, THAT WAS A GOOD
6 FAITH EFFORT, WHEN YOU'VE ELIMINATED ONE OF THE MAIN
7 PROGRAMS THAT COULD GET YOU DIVERSION DOESN'T MAKE A
8 WHOLE LOT OF SENSE TO ME.

9 BUT I THINK WE NEED TO TAKE THE
10 OPPORTUNITY AND COME OUT WITH A CRITERIA, MR.
11 CHAIRMAN, THAT MAYBE WE NEED TO TALK ABOUT AS A BOARD;
12 BECAUSE WE ARE GOING TO GET SOME THAT'S GOING TO BE A
13 HECK OF A LOT OF WORSE THAN THIS THAT WE HAVE THAT
14 DETERMINE WHAT WE THINK IS HOW WE ARE GOING, YOU KNOW,
15 NOT --

16 GOOD FAITH EFFORT IS IN THE LAW.

17 I DON'T HAVE ANY PROBLEM WITH THAT
18 DEFINITION, BUT I THINK WE NEED TO TAKE THE
19 OPPORTUNITY TO SHOW THESE JURISDICTIONS OPPORTUNITIES
20 THAT MAYBE THEY HADN'T THOUGHT ABOUT BEFORE THAT DON'T
21 IMPACT THEIR BOTTOM LINE, BUT THAT STILL PROVIDE FOR

22 MARKETS OR AVENUES TO REMOVE OTHER THINGS FROM THE
23 WASTE STREAM, LIKE REREFINED OIL, ANY OF THOSE TYPES
24 OF PROGRAMS; AND I WOULD LIKE US TO, YOU KNOW, AT SOME
25 POINT, DIRECT STAFF --

1 CHAIRMAN PENNINGTON: AS YOU KNOW, WE HAVE A
2 SCHEDULING FOR THE --

3 MEMBER JONES: TEN SIXTY-SIX?

4 CHAIRMAN PENNINGTON: RIGHT, TEN SIXTY-SIX;
5 AND THOSE WORKSHOPS TO TRY TO DEFINE WHAT WE REALLY DO
6 MEAN BY GOOD FAITH EFFORT --

7 MEMBER JONES: RIGHT.

8 CHAIRMAN PENNINGTON: -- AND WHAT ARE, I
9 THINK, PART OF THAT TOO IS TO LOOK AT SOME OF THE
10 PROGRAMS TO SEE HOW WELL THEY WORK, THAT KIND OF
11 THING.

12 SO, I THINK WE ARE MOVING IN THAT
13 DIRECTION. YOU ARE ABSOLUTELY RIGHT TO ENCOURAGE US
14 TO CONTINUE TO MOVE IN THAT DIRECTION.

15 LET'S SEE.

16 WE HAVE DENNIS SWINK FROM THE CITY OF
17 ALHAMBRA WHO WISHES TO --

18 MR. SWINK: GOOD AFTERNOON. I'M DENNIS SWINK
19 FROM THE CITY OF ALHAMBRA. I JUST CAME TO HEAR THE
20 DISCUSSION FIRSTHAND TODAY AND TO ANSWER ANY
21 QUESTIONS, IF YOU HAVE ANY, ABOUT OUR PLANS.

22 I THINK PAT DID A GOOD JOB OF
23 SUMMARIZING THAT WE HAD A ONE-TIME SITUATION WITH A
24 LOT OF C AND D WASTE THAT BUMPED UP OUR WASTE THAT ONE
25 PARTICULAR YEAR, TOOK US DOWN, AND WE ARE BACK ON
1 TRACK AGAIN.

2 IF YOU HAVE ANY QUESTIONS, PLEASE?

3 CHAIRMAN PENNINGTON: QUESTIONS?

4 MR. JONES.

5 MEMBER JONES: ON THE COMPOSTING FACILITY
6 THAT GOT DROPPED IN '96, AS OPPOSED TO '95, IS
7 THERE --

8 ARE THERE --

9 HOW ARE YOU DEALING WITH THE GREEN
10 WASTE IN YOUR JURISDICTION?

11 MR. SWINK: WELL, GREEN WASTE IS ABOUT
12 TWENTY-FIVE PERCENT OF OUR WASTE STREAM AND THE GREEN
13 WASTE IS PICKED UP IN SEPARATE CONTAINERS AT THIS TIME
14 AND IT'S USED AT THE LANDFILLS JUST FOR FILLING.

15 WE ARE NOT COMPOSTING AT THE MOMENT.

16 WE DO HAVE COMPOSTERS THAT WE GIVE OUT
17 EACH YEAR AS PART OF RECYCLING DAY.

18 WE ARE ENCOURAGING GARDENERS --

19 THEY'RE SUBSIDIZED BY THE CITY.

20 RESIDENTS CAN PURCHASE THE COMPOSTING
21 BINS AT A COST OF ABOUT TEN DOLLARS AND WE PAY THE
22 REST. IT'S ABOUT A FORTY-DOLLAR COMPOSTING BOX THING
23 AND THAT'S BEEN VERY SUCCESSFUL.

24 WE SOLD ALL OF THOSE LAST YEAR.

25 SO, PEOPLE ARE PARTICIPATING.

1 HOPEFULLY, THE IDEA THEN IS TO REDUCE
2 THE AMOUNT OF GREEN WASTE THAT IS BEING PRODUCED; BUT
3 WE HAVEN'T GOT A COMPOSTING FACILITY AT THIS POINT IN
4 TIME.

5 MEMBER JONES: BUT IT'S USED AS ADC?

6 IS IT USED AS ADC OR IS IT USED OR IS
7 IT JUST PUT INTO A LANDFILL?

8 MR. SWINK: I'M NOT CERTAIN.

9 I BELIEVE IT IS JUST PUT IN THE
10 LANDFILL.

11 MEMBER JONES: OKAY.

12 CHAIRMAN PENNINGTON: NEXT WE HAVE CHRIS
13 PARMENTER.

14 MR. PARMENTER: GOOD AFTERNOON, CHAIR AND
15 BOARD. MY NAME IS CHRIS PARMENTER FROM THE CITY OF
16 SIGNAL HILL.

17 WE WERE, I THINK, CAME HERE BASICALLY
18 TO EXPLAIN WHY WE WERE NOT IN COMPLIANCE IN THE YEAR
19 1995.

20 AT THAT TIME, WE HAD A SINGLE WASTE
21 HAULER, FRANCHISED HAULER. WE CONTINUE TO USE THAT
22 FRANCHISED HAULER.

23 AT THAT TIME, THE CITY ADMINISTRATION
24 WAS BASICALLY RELYING ON THE WASTE HAULER TO ACHIEVE
25 THE DIVERSION.

1 SOMETHING THE WASTE HAULER HAD NOT
2 CONSIDERED AND ALSO HAD NOT BEEN CONSIDERED IN OUR
3 ORIGINAL SRRE WASTE COMPOSITION STUDY WAS -- THAT WAS
4 SELF-HAUL.

5 WE USED --

6 IN 1995, WE CAME UP SHORT OF THE
7 TWENTY-FIVE PERCENT DIVERSION GOAL AND WE INVESTIGATED
8 THE WEIGHT TICKETS OF THE HAULER AND WHAT WAS REPORTED
9 AT THE LANDFILLS DURING THE REPORTING WEEKS AND WE
10 NOTICED APPROXIMATELY AN EIGHTEEN PERCENT DISCREPANCY.

11 WE INCLUDED IN OUR REPORT TO THE BOARD
12 THAT YEAR THAT WE FELT THIS WAS SELF-HAUL AND WE
13 WANTED TO MONITOR IT FOR 1996 TO SEE IF WE CAME UP

14 WITH APPROXIMATELY THE SAME AMOUNT OF DIFFERENCE
15 BETWEEN WHAT OUR HAULER WAS HAULING AND WHAT THE,
16 WHAT WAS BEING REPORTED AT LANDFILLS.

17 AGAIN, WE CAME UP WITH ABOUT SEVENTEEN
18 AND A HALF PERCENT DISCREPANCY. WE WENT BACK THROUGH
19 BUSINESS LICENSES IN THE CITY AND WE DISCOVERED THAT
20 PEOPLE THAT WERE SELF-HAULING AT THAT TIME ALSO HAD
21 BUSINESS LICENSES IN 1990.

22 SO, WE ASSUMED THAT WE WERE GETTING
23 APPROXIMATELY THE SAME AMOUNT PERCENTAGE OF SELF-HAUL
24 AT THAT TIME THAT WE WERE IN 1995 AND '96.

25 WE APPLIED TO THE BOARD FOR AN
1 ADJUSTED BASE YEAR TO ACCOUNT FOR THAT SELF-HAUL.

2 THAT WAS GRANTED IN JUNE OF THIS YEAR.

3 NOT ONLY HAVE WE PRETTY MUCH PLAYED
4 THE NUMBERS GAME BEFORE GETTING AN ADJUSTED BASE YEAR,
5 BUT WE'VE SHOWN CONSISTENTLY FOR THREE YEARS AN ACTUAL
6 DECREASE IN THE TONNAGES BEING DISPOSED OF IN THE
7 LANDFILLS.

8 IN 1995, WE HAD A DISPOSAL OF
9 TWENTY-ONE THOUSAND AND TWO TONS.

10 IN 1996, WE REDUCED THAT TO SEVENTEEN
11 THOUSAND FOUR HUNDRED AND TWENTY-EIGHT TONS.

12 IN 1996, WE CAME IN COMPLIANCE WITH AB
13 939 AND EXCEEDED THE TWENTY-FIVE PERCENT DIVERSION
14 GOALS.

15 IN 1997, WE REPORTED TO THE BOARD.

16 THE NEW BASE YEAR WAS ADJUSTED TO
17 TWENTY-FOUR THOUSAND ONE HUNDRED TWENTY-EIGHT TONS,
18 BUT OUR ACTUAL DISPOSAL AS REPORTED IN THE REPORTING

19 SYSTEM WAS ELEVEN THOUSAND FOUR HUNDRED AND
20 SEVENTY-THREE TONS.

21 WE HAD TOTAL DIVERSION THAT WAS
22 REPORTED TO THE BOARD IN OUR ANNUAL REPORT OF
23 SIXTY-FOUR POINT NINE PERCENT.

24 WE FEEL THAT THE STEPS WE HAVE TAKEN,
25 WHICH INCLUDED COMPOSTING OF STREET SWEEPINGS --

1 DURING THE FIRST NINE MONTHS OF 1998,
2 WE HAVE COMPOSTED APPROXIMATELY TWO HUNDRED
3 EIGHTY-FIVE TONS OF STREET SWEEPING.

4 WE ARE GETTING APPROXIMATELY
5 NINETY-SEVEN PERCENT DIVERSION OF OUR STREET SWEEPING.

6 WE ANTICIPATE A TOTAL DIVERSION OF
7 ABOUT THREE HUNDRED FORTY TO THREE HUNDRED FIFTY TONS
8 FOR 1998.

9 WE REQUIRED MORE ACCURATE REPORTING AT
10 THE LANDFILLS. OUR HAULER CREATED A WEIGHT TICKET
11 WHERE HE CAN --

12 WE HAVE SEVERAL MIXED ROUTES IN OUR
13 CITY WHERE THE HAULER HAULS BOTH FOR THE CITY OF LONG
14 BEACH AND THE CITY OF SIGNAL HILL.

15 WITHIN SIGNAL HILL --

16 WE ARE TWO POINT TWO SQUARE MILES AND
17 OUR HAULER CROSSES ACROSS CITY LIMITS.

18 THEY HAVE DONE SEVERAL HOLDOUTS OF
19 THAT PARTICULAR ROUTE AND DETERMINED THAT
20 APPROXIMATELY FORTY-FIVE PERCENT OF THAT LOAD BELONGS
21 TO THE CITY OF SIGNAL HILL.

22 THAT'S ON A FAIRLY CONSISTENT BASIS.

23 SO, THEY CREATED WEIGHT TICKETS THAT
24 THEY COULD GIVE TO THE SCALE HOUSE OPERATOR AT THE

25 LANDFILLS STATING THAT ONLY FORTY-FIVE PERCENT OF THE
1 LOAD.

2 WE FOUND OUT THAT, PREVIOUSLY, THE
3 LANDFILL OPERATORS WOULD LOOK AT THE TRUCKS SAYING
4 CITY OF SIGNAL HILL AND CREDITING US WITH A HUNDRED
5 PERCENT OF THE LOADS.

6 WE'RE A SMALL JURISDICTION. IT ONLY
7 HAS THIRTEEN TO FIFTEEN THOUSAND TONS. SEVERAL OF
8 THOSE LOADS DURING THE SURVEY WEEK CAN DISTORT THE
9 NUMBERS BEING RECORDED.

10 SO, WE FEEL WE ARE GETTING MUCH MORE
11 ACCURATE REPORTING DURING THE SURVEY WEEKS AT THE
12 LANDFILLS.

13 WE HAVE INSTITUTED AUTOMATED
14 COLLECTION AND AUTOMATED COMMINGLED RECYCLING INSTEAD
15 OF SEPARATED RECYCLING.

16 SINCE THAT TIME, WE HAVE INCREASED
17 PARTICIPATION IN OUR CURBSIDE RECYCLING PROGRAM TO
18 AROUND SEVENTY PERCENT AND WE HAVE A THIRTY PERCENT
19 INCREASE IN THE ACTUAL TONNAGE BEING HAULED IN THE
20 COMMINGLED RECYCLERS.

21 OUR GREEN WASTE PROGRAM IS A BACK-YARD
22 COMPOSTING PROGRAM BECAUSE WE DO HAVE VERY LIMITED
23 GREEN WASTE IN OUR CITY COMPOSED OF SEVEN TO EIGHT
24 PERCENT OF OUR TOTAL WASTE STREAM AND WE ENCOURAGE
25 BACK-YARD COMPOSTING.

1 ALSO, WE JUST ISSUED A CONTRACT FOR
2 LANDSCAPING AT CITYWIDE, CITY-OWNED FACILITIES AND WE
3 HAVE REQUIRED COMPOSTING IN THAT CONTRACT.

4 WE HAVE ALSO INSTITUTED A MANDATORY

5 C AND D RECYCLING ORDINANCE WITHIN THE CITY WHERE,
6 PRIOR TO OBTAINING A PERMIT, THE CONTRACTOR DOING THE
7 WORK HAS TO SUBMIT A PLAN TO RECYCLE THEIR
8 CONSTRUCTION AND DEMOLITION DEBRIS.

9 WE ARE GETTING APPROXIMATELY
10 SIXTY-EIGHT PERCENT DIVERSION FROM THAT PROGRAM.

11 SO, I FEEL THAT OUR CITY HAS PUSHED
12 VERY HARD IN THE LAST THREE YEARS NOT ONLY TO COME
13 INTO COMPLIANCE, BUT TO EXCEED THE YEAR 2000 GOAL, AND
14 WE ARE CONTINUING TO PUSH OUR SINGLE HAULER TO
15 CONTINUE TO DECREASE THE AMOUNT OF TONS ACTUALLY BEING
16 SENT TO THE LANDFILL.

17 THANK YOU.

18 CHAIRMAN PENNINGTON: QUESTIONS?

19 MR. JONES.

20 MEMBER JONES: NICE JOB.

21 I MEAN, THAT --

22 THOSE ARE THE KINDS OF THINGS I'M
23 TALKING ABOUT WHEN YOU DO AN ORDINANCE WHERE PEOPLE
24 WHO ARE GOING TO DO WORK IN YOUR COMMUNITY HAVE TO
25 DEAL WITH THE C AND D. THOSE ARE THE TYPES OF THINGS
1 I'M TALKING ABOUT.

2 YOU KNOW, THAT MAYBE THERE'S OTHER
3 WAYS THAT WE CAN GET THERE AND YOU SHOULD BE
4 COMMENDED.

5 MR. PARMENTER: WELL, ALL THE DECREASED --

6 THANK YOU VERY MUCH.

7 ALL THE THE DECREASED DIVERSION WE
8 ATTAINED IN THE SAME TIME WE RENEGOTIATED OUR CONTRACT
9 WITH THE HAULER AND WE HAVE GUARANTEED THE SAME RATE
10 WE HAD PREVIOUS TO RENEWING THE CONTRACT FOR THE NEXT

11 SIX YEARS FOR ALL OUR RESIDENTIAL CUSTOMERS AND WE
12 ACHIEVED A FIVE PERCENT RATE DECREASE FOR ALL OUR
13 COMMERCIAL AND INDUSTRIAL CUSTOMERS FOR THE FIRST
14 THREE YEARS AND ONE AND A HALF PERCENT DECREASE FOR
15 THE REMAINING THREE YEARS OF THAT CONTRACT.

16 SO, THANK YOU.

17 CHAIRMAN PENNINGTON: THANK YOU.

18 NEXT WE'LL HEAR FROM SUSAN GRESS
19 (PRONOUNCING IT GREES).

20 HOW DO YOU PRONOUNCE IT?

21 MS. GRESS: GRESS.

22 CHAIRMAN PENNINGTON: GRESS?

23 MS. GRESS: GOOD AFTERNOON.

24 I'M HERE SPEAKING FOR THE CITY OF
25 EXETER. I'M WITH ALLIED DISPOSAL. WE ARE THE HAULER
1 FOR THE TOWN AND ALSO DO THE REPORTING FOR THEM.

2 I JUST WANT TO MAKE IT CLEAR THAT,
3 ALTHOUGH THAT LOOKS LIKE THEY MADE A BIG JUMP FROM
4 SEVEN PERCENT UP TO TWENTY-ONE PERCENT IN 1996, AGAIN,
5 OUR '95 REPORT DID DOCUMENT THERE WAS A ONE-TIME
6 DEMOLITION IN THE TOWN OF AN EXTREMELY LARGE COLD
7 STORAGE BUILDING THAT ACCOUNTED FOR ABOUT TEN PERCENT
8 OF THE TOTAL WASTE STREAM THAT YEAR.

9 THERE IS AN ADDITIONAL CALCULATION
10 THAT, IF THAT ONE-TIME EVENT IS EXCLUDED, OUR WASTE
11 DIVERSION RATE FOR THAT YEAR WOULD HAVE BEEN SIXTEEN
12 POINT SEVEN PERCENT; WHICH IS A LITTLE MORE IN LINE
13 WITH THE PROGRAMS THAT WE DID IMPLEMENT IN '95 AND
14 '96.

15 SO, TAKING OUT THAT ONE-TIME EVENT,

16 INSTEAD OF GOING FROM SEVEN PERCENT TO TWENTY-ONE
17 PERCENT, WE WENT FROM SIXTEEN POINT SEVEN PERCENT TO
18 TWENTY-ONE PERCENT.

19 AND THE TOWN DID HAVE A REDUCED
20 DIVERSION GOAL OF TWELVE POINT SEVEN PERCENT.

21 SO, NOT ONLY DID WE EXCEED IT, IF YOU ALLOW US
22 THAT ONE-TIME EVENT IN '95 AND '96, WE ARE CONTINUING
23 TO WORK TOWARDS HIGHER NUMBERS AND WE WILL
24 CONTINUE TO WORK TO IMPROVE THIS YEAR'S TWENTY-SEVEN
25 PERCENT TO, NEXT YEAR, WE HOPE TO REACH THIRTY-FIVE.

1 CHAIRMAN PENNINGTON: ANY QUESTIONS?

2 MS. GRESS: WE HOPE YOU ALLOW THAT ONE-TIME
3 EVENT.

4 THANK YOU.

5 CHAIRMAN PENNINGTON: THANK YOU.

6 OKAY.

7 WHAT'S YOUR PLEASURE?

8 MEMBER JONES: MR. CHAIRMAN.

9 CHAIRMAN PENNINGTON: MR. JONES.

10 MEMBER JONES: I THINK YOU'RE A HUNDRED
11 PERCENT RIGHT.

12 I APOLOGIZE ON THE TEN SIXTY-SIX
13 STUFF.

14 I WAS --

15 YOU HAD ALREADY INSTRUCTED US WE WERE
16 GOING TO DO THAT AND SO I APOLOGIZE FOR BRINGING THIS
17 UP SEPARATELY, BUT I THINK THAT I WANT TO MOVE THAT
18 RESOLUTION 98-305, THAT WE ACCEPT THAT, WITH THE CLEAR
19 UNDERSTANDING THAT THROUGH THIS TEN SIXTY-SIX PROCESS,
20 WE TALK ABOUT GOOD FAITH EFFORTS, WE INCLUDE THINGS
21 LIKE USE OF REREFINED OIL, CITY ORDINANCES, TOOLS THAT

22 WILL LET US INSURE THAT A GOOD FAITH EFFORT IS NOT --

23 A GOOD FAITH EFFORT IS THEY'RE WILLING

24 TO DO EVEN BETTER EFFORTS.

25 HOW'S THAT?

1 SO --

2 CHAIRMAN PENNINGTON: FINE.

3 MEMBER JONES: SO, I'M MOVING ACCEPTANCE OF

4 RESOLUTION 98-305. THAT INCLUDES ALHAMBRA, LONG

5 BEACH, RANCHO PALOS VERDES, SIGNAL HILL, SAND CITY,

6 LEMON GROVE, SAN JOAQUIN COUNTY, MANTECA, STOCKTON,

7 TULARE COUNTY, EXETER, AND WOODLAKE.

8 MEMBER RHODES: I'LL SECOND THAT.

9 I DON'T KNOW ABOUT THE TEN SIXTY-SIX

10 RESOLUTION, BUT I JUST WANT TO SAY AGAIN I REGARD THIS

11 AS A VERY, VERY IMPORTANT ISSUE AND IT'S ONE THAT WE

12 HAVE TO TAKE VERY, VERY SERIOUSLY; AND I THINK WE NEED

13 TO TAKE A LOOK AT ALL THESE THAT COME BEFORE US ON A

14 GOOD FAITH AND MAKE SURE WE CAN JUSTIFY APPROVAL.

15 SO, BUT, WITH THAT, I WILL BE VERY

16 GLAD TO SECOND.

17 CHAIRMAN PENNINGTON: THERE IS ONE MINOR

18 TECHNICALITY. WE CAN'T INCLUDE MANTECA BECAUSE IT WAS

19 PULLED.

20 MEMBER JONES: I'M SORRY.

21 NEVER FAILS.

22 HOW ABOUT 98-305, THE WAY IT'S

23 SUPPOSED TO READ, OR WHATEVER?

24 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.

25 JONES, SECONDED BY MR. RHODES, TO ADOPT 98-305, LESS

1 THE MANTECA JURISDICTION.

2 IF THERE IS NO FURTHER DISCUSSION,
3 WILL THE SECRETARY CALL THE ROLL?

4 SECRETARY KELLY: MEMBER EATON.

5 MEMBER EATON: AYE.

6 SECRETARY KELLY: MEMBER FRAZEE.

7 MEMBER FRAZEE: AYE.

8 SECRETARY KELLY: MEMBER JONES.

9 MEMBER JONES: AYE.

10 SECRETARY KELLY: MEMBER RHODES.

11 MEMBER RHODES: AYE.

12 SECRETARY KELLY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: AYE.

14 THE MOTION CARRIES.

15 WE'LL MOVE TO ITEM 10, CONSIDERATION
16 OF STAFF RECOMMENDATION ON THE BIENNIAL REVIEW
17 FINDINGS FOR THE HOUSEHOLD HAZARDOUS WASTE ELEMENT
18 FOR VARIOUS JURISDICTIONS.

19 JUDY FRIEDMAN.

20 MEMBER EATON: I WAS WONDERING IF THE GENTLEMAN
21 FROM SIGNAL HILL COULD FORWARD THE ORDINANCE
22 THAT THEY ENACTED TO THE BOARD TO BE INCLUDED AS PART
23 OF OUR PACKET AS WE GO THROUGH OUR CONTRACT CONCEPT,
24 ORDINANCES, ANY KIND OF INFORMATION FROM PEOPLE WHO
25 HAVE DONE THE WORK BEFORE, SO WE DON'T HAVE TO REVISIT
1 IT OR TO BE ACTUALLY IMPROVED ON THAT.

2 THAT WOULD BE A GREAT HELP.

3 CHAIRMAN PENNINGTON: OKAY, MISS FRIEDMAN.

4 MS. FRIEDMAN: GOOD AFTERNOON AGAIN.

5 IT SHOULD BE THE LAST OF THE ITEMS IN
6 THIS CATEGORY. SO, CATHERINE CARDOZO WILL MAKE THE
7 PRESENTATION FOR STAFF.

8 MS. CARDOZO: GOOD AFTERNOON, CHAIRMAN
9 PENNINGTON AND BOARD MEMBERS.

10 ITEM 10 IS A LISTING OF FORTY-FIVE
11 JURISDICTIONS FROM THIRTEEN COUNTIES, INCLUDING FOUR
12 JURISDICTIONS FROM SANTA BARBARA COUNTY, THAT HAVE
13 SUCCESSFULLY IMPLEMENTED THEIR BOARD-APPROVED
14 HOUSEHOLD HAZARDOUS WASTE ELEMENTS.

15 BOARD STAFF HAVE REVIEWED THESE
16 ELEMENTS FOLLOWING THE REVIEW PROCESS APPROVED BY THE
17 BOARD IN OCTOBER, 1997, AND FIND THESE JURISDICTIONS
18 HAVE ADEQUATELY MET THE IMPLEMENTATION REQUIREMENTS
19 ANALYSIS.

20 AND IF YOU WOULD LIKE, I COULD READ
21 THESE JURISDICTIONS INTO THE RECORD.

22 CHAIRMAN PENNINGTON: IN THE SPIRIT OF TIME,
23 I THINK THAT'S ALL RIGHT.

24 WE CAN READ THEM.

25 ANYBODY HAVE ANY QUESTIONS?

1 WE HAVE MR. LAMBERT WHO WOULD LIKE TO,
2 FROM THE CITY OF SANTA CLARITA.

3 MR. LAMBERT: GOOD AFTERNOON, JEFF LAMBERT
4 FROM THE CITY OF SANTA CLARITA. I WILL SAY THE SAME
5 THING I SAID THIS MORNING, WHICH IS I SUPPORT STAFF'S
6 RECOMMENDATION.

7 I DO WANT TO JUST ADD ONE THING, JUST
8 TO PUBLICLY THANK YOUR STAFF FOR WORKING WITH US.
9 WE'RE VERY PLEASED WITH OUR RELATIONSHIP WITH STAFF.
10 THEY'VE BEEN VERY, VERY HELPFUL.

11 I WANT TO ACKNOWLEDGE THEIR HELP.

12 THANK YOU VERY MUCH.

13 CHAIRMAN PENNINGTON: VERY GOOD.
14 ARE THERE ANY QUESTIONS FOR MR.
15 LAMBERT?
16 MR. JONES.
17 MEMBER JONES: MR. CHAIRMAN, I WOULD LIKE TO
18 MOVE RESOLUTION 98-304 BE APPROVED.
19 MEMBER FRAZEE: I WILL SECOND.
20 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
21 JONES, SECONDED BY MR. FRAZEE.
22 IF THERE IS NO FURTHER DISCUSSION,
23 WILL THE SECRETARY CALL THE ROLL?
24 SECRETARY KELLY: MEMBER EATON.
25 MEMBER EATON: AYE.
1 SECRETARY KELLY: MEMBER FRAZEE.
2 MEMBER FRAZEE: AYE.
3 SECRETARY KELLY: MEMBER JONES.
4 MEMBER JONES: AYE.
5 SECRETARY KELLY: MEMBER RHODES.
6 MEMBER RHODES: AYE.
7 SECRETARY KELLY: CHAIRMAN PENNINGTON.
8 CHAIRMAN PENNINGTON: AYE.
9 THE MOTION CARRIES.
10 WE WILL MOVE TO ITEM NUMBER 11,
11 CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT
12 FOR WASTE RECOVERY AND RECYCLING FACILITY IN LOS
13 ANGELES COUNTY.
14 JULIE NAUMAN.
15 MS. NAUMAN: GOOD AFTERNOON, MR. CHAIRMAN AND
16 MEMBERS.
17 BILL MARSINIAC (PHONETIC SPELLING)
18 WILL PRESENT THIS ITEM, AS WELL AS ITEM 12.

19 MR. MARSINIAK: GOOD AFTERNOON, CHAIRMAN AND
20 BOARD MEMBERS. I WILL BE PRESENTING THE NEXT TWO
21 ITEMS.

22 ITEM 11 IS CONSIDERATION OF A REVISED
23 SOLID WASTE FACILITY PERMIT FOR WASTE RECOVERY AND
24 RECYCLING FACILITY IN LOS ANGELES COUNTY.

25 THE WASTE RECOVERY AND RECYCLING
1 FACILITY IS LOCATED IN THE CITY OF SOUTH GATE AND IS
2 OWNED AND OPERATED BY U.S.A. WASTE OF CALIFORNIA,
3 INCORPORATED.

4 MR. JACK YBARRA IS THE PLANT MANAGER.

5 THE PROPOSED PERMIT IS TO ALLOW AN
6 INCREASE IN THE WASTE RECEIPT FROM ONE THOUSAND TO TWO
7 THOUSAND TONS A DAY AND EXTEND THE HOURS OF SITE
8 OPERATION, AS WELL AS WASTE RECEIPT.

9 THE LEA AND BOARD STAFF HAVE MADE THE
10 FOLLOWING FINDINGS:

11 THE PROPOSED CHANGES AT THE FACILITY
12 ARE CONSISTENT WITH THE CITY OF SOUTH GATE'S GENERAL
13 PLAN AND THE FACILITY IS IN CONFORMANCE WITH THE
14 COUNTY SOLID WASTE MANAGEMENT PLAN.

15 THE PROPOSED PERMIT IS CONSISTENT WITH
16 THE REQUIREMENTS OF STATE MINIMUM STANDARDS AND THE
17 CALIFORNIA ENVIRONMENTAL QUALITY ACT IS BEING COMPLIED
18 WITH.

19 THE BOARD STAFF HAVE ALSO REVIEWED THE
20 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND
21 FOUND THEM TO BE ACCEPTABLE.

22 IN CONCLUSION, STAFF RECOMMENDS THE
23 BOARD ADOPT SOLID WASTE FACILITY PERMIT RESOLUTION

24 98-296, CONCURRING WITH THE ISSUANCE OF SOLID WASTE
25 FACILITY PERMIT NINETEEN FIFTY-EIGHT ZERO EIGHT FIVE
1 SIX.

2 THAT CONCLUDES STAFF'S PRESENTATION.
3 MRS. KATHY GROENERT (PHONETIC
4 SPELLING), THE LOS ANGELES COUNTY LEA, AND MYSELF ARE
5 ABLE TO ANSWER QUESTIONS YOU MAY HAVE.

6 CHAIRMAN PENNINGTON: ANY QUESTIONS OF STAFF
7 ON THIS?

8 IF NOT, I WILL ENTERTAIN A MOTION.

9 MR. FRAZEE.

10 MEMBER FRAZEE: MR. CHAIRMAN, I WOULD MOVE
11 ADOPTION OF RESOLUTION 98-296.

12 MEMBER JONES: I WILL SECOND.

13 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
14 FRAZEE, SECONDED BY MR. JONES.

15 IF THERE IS NO FURTHER DISCUSSION,
16 WILL THE SECRETARY PLEASE CALL THE ROLL?

17 SECRETARY KELLY: MEMBER EATON.

18 MEMBER EATON: AYE.

19 SECRETARY KELLY: MEMBER FRAZEE.

20 MEMBER FRAZEE: AYE.

21 SECRETARY KELLY: MEMBER JONES.

22 MEMBER JONES: AYE.

23 SECRETARY KELLY: MEMBER RHODES.

24 MEMBER RHODES: AYE.

25 SECRETARY KELLY: CHAIRMAN PENNINGTON.

1 CHAIRMAN PENNINGTON: AYE.

2 THE MOTION CARRIES.

3 WE'LL MOVE TO ITEM 12, CONSIDERATION
4 OF A REVISED SOLID WASTE FACILITY PERMIT FOR CHIQUITA

5 CANYON LANDFILL IN LOS ANGELES COUNTY.

6 WE'LL MOVE RIGHT TO IT.

7 MR. MARSINIAK: CHAIRMAN PENNINGTON, BOARD
8 MEMBERS.

9 AGAIN, I WOULD LIKE TO PRESENT THE
10 AGENDA ITEM NUMBER 12, CONSIDERATION OF A REVISED
11 SOLID WASTE FACILITY PERMIT FOR CHIQUITA CANYON
12 LANDFILL IN LOS ANGELES COUNTY.

13 CHIQUITA CANYON LANDFILL IS LOCATED IN
14 THE CITY OF VALENCIA.

15 THE LAND IS OWNED BY NEW HAUL LAND
16 COMPANY AND THE LANDFILL IS OPERATED BY U.S.A. WASTE
17 OF CALIFORNIA, INCORPORATED.

18 MR. BRIAN WIRTHER (PHONETIC SPELLING)
19 IS THE DISTRICT MANAGER.

20 THE PROPOSED PERMIT IS TO ALLOW AN
21 INCREASE IN THE MAXIMUM DAILY ALLOWABLE TONNAGE FROM
22 FIVE THOUSAND TO SIX THOUSAND TONS A DAY; ALLOW
23 LANDFILL ON AN ADDITIONAL HUNDRED AND THREE ACRES;
24 INCREASE THE MAXIMUM ELEVATION FROM TWELVE HUNDRED
25 FIFTY TO FOURTEEN HUNDRED THIRTY FEET; ALLOW DISPOSAL
1 OF AN ADDITIONAL TWENTY-THREE MILLION TONS OF REFUSE;
2 CHANGE THE ESTIMATED DATE OF CLOSURE FROM MARCH, 2000,
3 TO NOVEMBER, 2019; ALLOW THE OPERATION OF A GREEN
4 WASTE COMPOSTING FACILITY TO ACCEPT A MAXIMUM OF FIVE
5 HUNDRED SIXTY TONS A DAY; AND UPDATE A NAME CHANGE SO
6 THE OPERATOR CAN CHANGE ALL HIS SYSTEMS FROM CHIQUITA,
7 INC., TO CHIQUITA CANYON LANDFILL.

8 THE LEA AND BOARD STAFF MADE THE
9 FOLLOWING FINDINGS:

10 THE PROPOSED CHANGES AT THE FACILITY
11 ARE CONSISTENT WITH THE COUNTY GENERAL PLAN AND THE
12 FACILITY'S IN CONFORMANCE WITH THE COUNTY SOLID WASTE
13 MANAGEMENT PLAN.

14 THE FACILITY COMPLIES WITH THE CLOSURE
15 FUNDING REQUIREMENTS AND LIABILITY INSURANCE.

16 THE PROPOSED PERMIT IS CONSISTENT WITH
17 THE REQUIREMENTS AND STATE MINIMUM STANDARDS AND THE
18 CALIFORNIA ENVIRONMENTAL QUALITY ACT HAS BEEN COMPLIED
19 WITH.

20 BOARD STAFF HAVE ALSO REVIEWED THE
21 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION AND
22 FOUND THEM TO BE ACCEPTABLE.

23 IN CONCLUSION, STAFF RECOMMENDS THAT
24 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT RESOLUTION
25 98-297 CONCERNING THE ISSUANCE OF SOLID WASTE PERMIT
1 NINETEEN A A ZERO ZERO FIVE TWO.

2 THAT CONCLUDES STAFF'S PRESENTATION.

3 MRS. KINNIK (PHONETIC SPELLING) OF
4 THE LOS ANGELES COUNTY LEA, AS WELL AS MR. BRIAN BIRK
5 (PHONETIC SPELLING); AND SAM ROJAS, THE ENVIRONMENTAL
6 ENGINEER FOR THE LANDFILL; AND MYSELF ARE AVAILABLE TO
7 ANSWER QUESTIONS YOU MAY HAVE.

8 CHAIRMAN PENNINGTON: ANY QUESTIONS OF STAFF
9 ON THIS PERMIT?

10 IF NOT, I'LL ENTERTAIN A MOTION.

11 MEMBER FRAZEE: MR. CHAIRMAN, I MOVE THE
12 ADOPTION OF RESOLUTION 98-297.

13 MEMBER JONES: I'LL SECOND.

14 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
15 FRAZEE AND SECONDED BY MR. JONES, THE ADOPTION OF

16 98-297.

17 IF THERE IS NO FURTHER DISCUSSION,
18 WILL THE SECRETARY CALL THE ROLL?

19 SECRETARY KELLY: MEMBER EATON.

20 MEMBER EATON: AYE.

21 SECRETARY KELLY: MEMBER FRAZEE.

22 MEMBER FRAZEE: AYE.

23 SECRETARY KELLY: MEMBER JONES.

24 MEMBER JONES: AYE.

25 SECRETARY KELLY: MEMBER RHODES.

1 MEMBER RHODES: AYE.

2 SECRETARY KELLY: CHAIRMAN PENNINGTON.

3 CHAIRMAN PENNINGTON: AYE.

4 THE MOTION CARRIES.

5 WE'LL MOVE TO ITEM 13, CONSIDERATION
6 OF A REVISED SOLID WASTE FACILITY PERMIT FOR THE LAMB
7 CANYON LANDFILL IN RIVERSIDE COUNTY.

8 MS. NAUMAN: MR. CHAIRMAN, DAVE OTSUBO WILL
9 PRESENT THIS ON BEHALF OF STAFF.

10 MR. OTSUBO: GOOD AFTERNOON, BOARD MEMBERS.

11 ITEM NUMBER 13 REGARDS THE CONCURRENCE
12 IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY
13 PERMIT FOR THE LAMB CANYON LANDFILL.

14 THIS FACILITY IS LOCATED NEAR BANNING
15 IN THE COUNTY OF RIVERSIDE. THE CURRENT PERMIT WAS
16 ISSUED IN 1992. THE PROPOSED PERMIT WOULD ALLOW THE
17 SITE TO INCREASE ITS PERMITTED ACREAGE FROM SEVEN
18 HUNDRED EIGHTY-EIGHT TO ONE THOUSAND AND EIGHTY-EIGHT
19 ACRES.

20 IT PLACES AN ELEVATION LIMIT OF

21 TWENTY-FOUR HUNDRED AND TEN FEET ON THE FACILITY.

22 THIS ALSO ADDS SIX MILLION CUBIC YARDS
23 TO THE CAPACITY OF THE SITE.

24 THE PROPOSED PERMIT WOULD ALSO
25 PROHIBIT THE ACCEPTANCE OF SEPTIC AND GREASE TRAP
1 WASTE WHICH WERE FORMERLY ALLOWED TO GO INTO THE SITE.

2 THE REQUIRED MONEY PLANNING CLOSURE
3 PLANS HAVE BEEN MADE. FINANCIAL ASSURANCE STAFF HAVE
4 DETERMINED THE FUNDING FOR CLOSURE AND POST-CLOSURE
5 MAINTENANCE AND OPERATING LIABILITY DOCUMENTATION ARE
6 IN ORDER.

7 ENVIRONMENTAL REVIEW SECTION STAFF
8 HAVE REVIEWED AND COMMENTED ON THE MITIGATED NEGATIVE
9 DECLARATION PREPARED BY THE WASTE MANAGEMENT DISTRICT
10 AND BELIEVE THAT REMEDIATIONS WERE MADE AS REQUIRED TO
11 THE FUNDING AND RESPOND TO STAFF COMMENTS.

12 THEREFORE, ENVIRONMENTAL REVIEW STAFF
13 HAVE DETERMINED TO SEEK ADOPTION AND APPROVAL OF THE
14 BOARD'S CONSIDERATION FOR THOSE PROJECTED ACTIVITIES
15 WHICH ARE WITHIN THIS ADC'S JURISDICTION.

16 ON JULY 9TH, PERMITTING AND INSPECTION
17 STAFF WENT OUT AND CONDUCTED A JOINT INSPECTION OF THE
18 SITE WITH THE LEA AND NOTED NO VIOLATIONS OF STATE
19 MINIMUM STANDARDS.

20 THEREFORE, STAFF RECOMMENDS THAT THE
21 BOARD ADOPT RESOLUTION 98-298 CONCURRING WITH THE
22 ISSUANCE OF SOLID WASTE FACILITIES PERMIT THIRTY-THREE
23 A A ZERO ZERO ZERO SEVEN.

24 THE LEA AND A REPRESENTATIVE OF THE
25 OPERATOR ARE IN THE AUDIENCE AND THIS CONCLUDES
1 STAFF'S PRESENTATION.

2 CHAIRMAN PENNINGTON: ANY QUESTIONS FOR
3 STAFF?

4 IF NOT, I'LL MOVE FOR ADOPTION OF
5 RESOLUTION 98-298.

6 MEMBER FRAZEE: I'LL SECOND.

7 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY
8 CHAIRMAN PENNINGTON, SECONDED BY MR. FRAZEE, THE
9 ADOPTION OF RESOLUTION 98-298.

10 IF THERE IS NO FURTHER DISCUSSION,
11 WILL THE SECRETARY CALL THE ROLL?

12 SECRETARY KELLY: MEMBER EATON.

13 MEMBER EATON: AYE.

14 SECRETARY KELLY: MEMBER FRAZEE.

15 MEMBER FRAZEE: AYE.

16 SECRETARY KELLY: MEMBER JONES.

17 MEMBER JONES: AYE.

18 SECRETARY KELLY: MEMBER RHODES.

19 MEMBER RHODES: AYE.

20 SECRETARY KELLY: CHAIRMAN PENNINGTON.

21 CHAIRMAN PENNINGTON: AYE.

22 THE MOTION CARRIES.

23 WE'LL MOVE TO ITEM 14, CONSIDERATION
24 OF A NEW SOLID WASTE FACILITY PERMIT FOR THE
25 TWENTYNINE PALMS TRANSFER STATION IN SAN BERNARDINO
1 COUNTY.

2 MS. NAUMAN: MR. CHAIRMAN, MEMBERS, DIANNE
3 OHIOSUMUA WILL PRESENT THIS ITEM.

4 MS. OHIOSUMUA: GOOD AFTERNOON.

5 THIS IS AGENDA ITEM NUMBER 14.

6 THIS ITEM REGARDS THE CONSIDERATION OF

7 A NEW SOLID WASTE FACILITY PERMIT FOR THE TWENTYNINE
8 PALMS TRANSFER STATION IN SAN BERNARDINO COUNTY.

9 THE PROPOSED PERMIT IS TO ALLOW THE
10 OPERATION OF A NEW, LARGE-VOLUME TRANSFER STATION.
11 THE OWNER AND OPERATOR OF THE PROPOSED TRANSFER
12 STATION IS THE COUNTY OF SAN BERNARDINO WASTE SYSTEMS
13 DIVISION AND ITS CONTRACTOR IS NORCAL, SAN BERNARDINO.

14 BOARD STAFF AND THE LEA HAVE
15 DETERMINED THAT ALL THE REQUIREMENTS OF THE PROPOSED
16 PERMIT HAVE BEEN MET, THAT SINCE THE BOARD APPROVED
17 THE INTEGRATED WASTE MANAGEMENT PLAN FOR THE COUNTY
18 OF SAN BERNARDINO IN NOVEMBER OF 1997, THE TRANSFER
19 STATION IS NOT REQUIRED TO COMPLY WITH PRC SECTION
20 5001, UNDER THE PROVISION OF PRC SECTION 5001(B).

21 THAT THE PROPOSED DESIGN AND OPERATION
22 OF THE FACILITY AS DESCRIBED IN THE REPORT OF STATION
23 INFORMATION AND AMENDMENT THERETO WOULD ALLOW FOR
24 FACILITY OPERATIONS TO COMPLY WITH THE STATE MINIMUM
25 STANDARDS FOR SOLID WASTE PROCESSING AND HANDLING AND
1 THAT CEQA HAS BEEN COMPLIED WITH.

2 THE EXISTING CEQA DOCUMENT, STATE
3 CLEARING HOUSE NUMBER NINE EIGHT ZERO THREE ONE ZERO
4 NINE THREE, WAS CITED BY THE LEA AS EVIDENCE OF CEQA
5 COMPLIANCE.

6 IN CONCLUSION, STAFF RECOMMENDS THAT
7 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT RESOLUTION
8 NUMBER 98-299, CONCURRING WITH THE ISSUANCE OF SOLID
9 WASTE FACILITY PERMIT NUMBER THIRTY-SIX DOUBLE A ZERO
10 THREE NINE ZERO.

11 THAT CONCLUDES STAFF'S PRESENTATION AT
12 THIS TIME.

13 THE LEA, JACKIE ATKINS, AND THE
14 REPRESENTATIVES FROM THE OPERATOR, RON DARE (PHONETIC
15 SPELLING) AND PAT GALLAGHER, ARE AVAILABLE TO ANSWER
16 ANY QUESTIONS YOU MAY HAVE.

17 CHAIRMAN PENNINGTON: QUESTIONS?

18 MY ONLY QUESTION IS THAT I SEE THERE
19 ARE STRUCTURES LOCATED WITHIN A THOUSAND FEET OF THE
20 SITE.

21 DO YOU HAVE ANY IDEA HOW CLOSE AND ARE
22 THEY RESIDENTIAL STRUCTURES?

23 MS. OHIOSUMUA: I'M SORRY.

24 COULD YOU REPEAT THE QUESTION?

25 CHAIRMAN PENNINGTON: SURE.

1 I SEE WHERE THERE ARE STRUCTURES
2 LOCATED WITHIN A THOUSAND FEET OF THE SITE AND I
3 WONDERED HOW CLOSE IS THAT AND ARE THEY RESIDENTIAL
4 STRUCTURES?

5 MS. OHIOSUMUA: THEY ARE WITHIN A THOUSAND
6 FEET. THERE ARE SOME RESIDENCES.

7 CHAIRMAN PENNINGTON: THANK YOU.

8 I'LL ENTERTAIN A MOTION.

9 MEMBER FRAZEE: MR. CHAIRMAN, I WOULD MOVE
10 ADOPTION OF RESOLUTION 98-299.

11 MEMBER JONES: I'LL SECOND.

12 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
13 FRAZEE, SECONDED BY MR. JONES.

14 IF THERE IS NO FURTHER DISCUSSION,
15 WILL THE SECRETARY CALL THE ROLL?

16 SECRETARY KELLY: MEMBER EATON.

17 MEMBER EATON: AYE.

18 SECRETARY KELLY: MEMBER FRAZEE.

19 MEMBER FRAZEE: AYE.

20 SECRETARY KELLY: MEMBER JONES.

21 MEMBER JONES: AYE.

22 SECRETARY KELLY: MEMBER RHODES.

23 MEMBER RHODES: AYE.

24 SECRETARY KELLY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: AYE.

1 THE MOTION CARRIES.

2 WE'LL MOVE TO ITEM 15, CONSIDERATION
3 OF A NEW SOLID WASTE FACILITY PERMIT FOR THE
4 TRONA-ARGUS TRANSFER STATION IN SAN BERNARDINO COUNTY.

5 MS. NAUMAN: MR. CHAIRMAN, DIANNE OHIOSUMUA
6 WILL PRESENT THIS ITEM, AS WELL.

7 MS. OHIOSUMUA: ITEM 15 REGARDS THE
8 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT FOR
9 THE TRONA-ARGUS TRANSFER STATION LOCATED IN SAN
10 BERNARDINO COUNTY.

11 THE PROPOSED PERMIT IS TO ALLOW THE
12 OPERATION OF A NEW, LARGE-VOLUME TRANSFER STATION.

13 THE OWNER AND OPERATOR OF THE PROPOSED
14 TRANSFER STATION IS THE COUNTY OF SAN BERNARDINO WASTE
15 SYSTEMS DIVISION AND ITS CONTRACTOR IS NORCAL, SAN
16 BERNARDINO, INC..

17 BOARD STAFF AND THE LEA HAVE
18 DETERMINED THAT ALL THE REQUIREMENTS FOR THE PROPOSED
19 PERMIT HAVE BEEN MET, THAT SINCE THE BOARD APPROVED THE
20 INTEGRATED WASTE MANAGEMENT PLAN FOR THE COUNTY OF
21 SAN BERNARDINO IN NOVEMBER OF 1997, THE TRANSFER
22 STATION IS NOT REQUIRED TO COMPLY WITH PRC STATUTE
23 5001 UNDER THE PROVISIONS OF PRC SECTION 5001(B), THAT

24 THE PROPOSED DESIGN AND OPERATION OF THE FACILITY AS
25 DESCRIBED IN THE REPORTS OF STATION INFORMATION AND
1 AMENDMENT THERETO WOULD ALLOW FOR FACILITY OPERATIONS
2 IN COMPLIANCE WITH THE STATE MINIMUM STANDARDS FOR
3 SOLID WASTE PROCESSING AND HANDLING AND THAT CEQA HAS
4 BEEN COMPLIED WITH.

5 THE EXISTING CEQA DOCUMENT THAT WAS
6 CITED AS EVIDENCE OF CEQA COMPLIANCE BY THE LEA,
7 THAT'S STATE CLEARING HOUSE NUMBER NINETY-EIGHT ZERO
8 SIX ELEVEN OH SIX.

9 IN CONCLUSION, STAFF RECOMMENDS THAT
10 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT RESOLUTION
11 NUMBER 98-300, CONCURRING WITH THE ISSUANCE OF SOLID
12 WASTE FACILITY PERMIT NUMBER THIRTY-SIX DOUBLE A THREE
13 NINE ONE.

14 THAT CONCLUDES STAFF'S PRESENTATION.

15 THE LEA, CHRISTOPHER RAVENSTEIN
16 (PHONETIC SPELLING), AND REPRESENTATIVES FROM THE
17 OPERATOR, RON DARE AND PAT GALLAGHER, ARE AVAILABLE TO
18 ANSWER ANY QUESTIONS YOU MAY HAVE.

19 CHAIRMAN PENNINGTON: VERY GOOD.

20 QUESTIONS ON THIS ISSUE?

21 MEMBER JONES: MR. CHAIRMAN.

22 CHAIRMAN PENNINGTON: MR. JONES.

23 MEMBER JONES: I WOULD LIKE TO MAKE A MOTION
24 THAT WE ADOPT RESOLUTION 98-300; BUT I WOULD ALSO LIKE
25 TO THANK THE OPERATORS ON ALL OF THESE FACILITY
1 PERMITS, THE OPERATORS, THE LEAS FOR GETTING A PERMIT
2 IN A CONDITION THAT WE CAN APPROVE IT WITHOUT US
3 HAVING TO SPEND SIX AND A HALF HOURS DEBATING THE

4 COMPLETENESS OF DOCUMENTS.

5 SO, WITH THAT, I WANT TO MOVE
6 RESOLUTION 98-300.

7 CHAIRMAN PENNINGTON: OKAY.

8 MEMBER FRAZEE: SECOND.

9 CHAIRMAN PENNINGTON: THANK YOU.

10 IT'S BEEN MOVED BY MR. JONES AND
11 SECONDED BY MR. FRAZEE TO ADOPT RESOLUTION 98-300.

12 IF THERE IS NO FURTHER DISCUSSION,
13 WILL THE SECRETARY CALL THE ROLL?

14 SECRETARY KELLY: MEMBER EATON.

15 MEMBER EATON: AYE.

16 SECRETARY KELLY: MEMBER FRAZEE.

17 MEMBER FRAZEE: AYE.

18 SECRETARY KELLY: MEMBER JONES.

19 MEMBER JONES: AYE.

20 SECRETARY KELLY: MEMBER RHODES.

21 MEMBER RHODES: AYE.

22 SECRETARY KELLY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE.

24 THE MOTION CARRIES.

25 WE'LL MOVE TO ITEM NUMBER 16, THE
1 CONSIDERATION OF A NEW STANDARDIZED SOLID WASTE
2 FACILITY PERMIT FOR SOUTH SAN FRANCISCO/SAN BRUNO
3 COMPOSTING OPERATION IN SAN MATEO COUNTY.

4 MS. NAUMAN: CHAIRMAN PENNINGTON, MEMBERS,
5 DON DIER WILL BE MAKING THE STAFF PRESENTATION.

6 MR. DIER: GOOD AFTERNOON.

7 THIS ITEM REGARDS A SLUDGE COMPOSTING
8 OPERATION IN SOUTH SAN FRANCISCO. IT'S OPERATED BY
9 THE SAN BRUNO WASTE WATER QUALITY PLANT.

10 AT THE TIME THIS ITEM WAS PUT FORTH AS
11 A WRITTEN ITEM, STAFF WAS NOT ABLE TO MAKE A
12 REASONABLE RECOMMENDATION BECAUSE WE HAD NOT
13 CONDUCTED OUR PRE-PERMIT INSPECTION AND WE WERE STILL
14 EVALUATING THE ENVIRONMENTAL DOCUMENTS.

15 THE STAFF DID CONDUCT AN INSPECTION ON
16 SEPTEMBER 9 AND FOUND THE FACILITY OPERATING IN
17 COMPLIANCE WITH OUR COMPOSTING STANDARDS.

18 IN FACT, THAT'S REALLY WHY THE ITEM'S
19 BEFORE YOU TODAY.

20 THIS FACILITY HAS BEEN OPERATING FOR
21 TWENTY-SOME YEARS AT THIS LOCATION, EVER SINCE THE
22 SOLID WASTE PERMITTING REGULATIONS WENT INTO PLACE IN
23 1978.

24 THEY WERE NOT SUBJECT TO THOSE
25 REGULATIONS BECAUSE THEY WERE CONDUCTING THE
1 OPERATION AT A WASTE WATER TREATMENT FACILITY.

2 IT WAS ONLY WITH THE ADOPTION OF THE
3 BOARD'S COMPOSTING REGULATION THAT THEY CAME UNDER
4 OUR PURVIEW.

5 SO, THEY HAVE GONE THROUGH THE
6 NECESSARY STEPS TO OBTAIN THIS PERMIT.

7 WE ALSO DID AN EVALUATION OF THE
8 ENVIRONMENTAL DOCUMENTS. THE LEA AND THE APPLICANT
9 WERE RELYING UPON AN ENVIRONMENTAL IMPACT REPORT THAT
10 WAS DONE IN 1975 FOR THE WASTE WATER PLANT.

11 AND BECAUSE OF THE AGE OF THE
12 DOCUMENT, WE WANTED TO INSURE IT ADEQUATELY ADDRESSED
13 THIS OPERATION AND IN FACT IT DID.

14 AND TO FURTHER SUPPORT THAT, THE

15 FACILITY PREPARED A NEGATIVE DECLARATION IN 1996 FOR
16 SOME MODIFICATIONS AT THE PLANT AND THAT DID DESCRIBE
17 AND LOOK AT OR AT LEAST LOOKED AT ANY POTENTIAL
18 CHANGES IN THE SURROUNDING LAND USE.

19 BASED UPON THOSE TWO REVIEWS, WE FEEL
20 THAT THE ORIGINAL DOCUMENT ADEQUATELY SUPPORTS THIS
21 PERMIT PROPOSAL.

22 SO, WITH THAT, WE HAVE BEEN ABLE TO
23 MAKE ALL THE REQUIRED FINDINGS TO MAKE A STAFF
24 RECOMMENDATION OF CONCURRENCE AND WOULD RECOMMEND
25 THE BOARD ADOPT RESOLUTION 98-306 (SIC).

1 CHAIRMAN PENNINGTON: QUESTIONS?

2 MR. DIER: WE HAVE THE LEA AND GREG SHIRLEY
3 IF YOU HAVE ANY QUESTIONS.

4 CHAIRMAN PENNINGTON: ANY QUESTIONS OF MR.
5 DIER?

6 I'LL ENTERTAIN A MOTION.

7 MEMBER FRAZEE: I'LL MOVE THE ADOPTION OF
8 RESOLUTION 98-314.

9 MEMBER JONES: SECOND.

10 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
11 FRAZEE, SECONDED BY MR. JONES, THAT WE ADOPT
12 RESOLUTION 98-314.

13 IF THERE IS NO FURTHER DISCUSSION,
14 WILL THE SECRETARY CALL THE ROLL?

15 SECRETARY KELLY: MEMBER EATON.

16 MEMBER EATON: AYE.

17 SECRETARY KELLY: MEMBER FRAZEE.

18 MEMBER FRAZEE: AYE.

19 SECRETARY KELLY: MEMBER JONES.

20 MEMBER JONES: AYE.

21 SECRETARY KELLY: MEMBER RHODES.

22 MEMBER RHODES: AYE.

23 SECRETARY KELLY: CHAIRMAN PENNINGTON.

24 CHAIRMAN PENNINGTON: AYE.

25 THE MOTION CARRIES.

1 WE'LL MOVE TO ITEM 17: CONSIDERATION
2 OF THE ADOPTION OF THE NEGATIVE DECLARATION AND THE
3 PROPOSED REGULATIONS FOR TRANSFER/PROCESSING
4 OPERATIONS AND FACILITIES, AND APPROVAL OF A
5 MEMORANDUM OF UNDERSTANDING WITH THE DIVISION OF
6 OCCUPATIONAL SAFETY AND HEALTH.

7 MISS NAUMAN.

8 MS. NAUMAN: MR. CHAIRMAN, THIS WILL BE A
9 TWO-PART PRESENTATION.

10 ALLISON REYNOLDS WITH THE SECURITY
11 ENFORCEMENT DIVISION WILL MAKE THE PRESENTATION AND
12 WILL GIVE YOU THIS PACKAGE AND THEN WE'LL CALL ON
13 ELLIOTT BLOCK TO MAKE THE PRESENTATION ON THE MOU.

14 MS. REYNOLDS: GOOD AFTERNOON, CHAIRMAN
15 PENNINGTON AND BOARD MEMBERS.

16 THE PURPOSE OF THIS ITEM IS TO
17 CONSIDER THE ADOPTION OF THE NEGATIVE DECLARATION AND
18 PROPOSED REGULATIONS AND APPROVAL OF A MEMORANDUM OF
19 UNDERSTANDING WITH THE DIVISION OF OCCUPATIONAL SAFETY
20 AND HEALTH.

21 THE FIRST COMMENT PERIOD FOR THESE
22 REGULATIONS BEGAN JANUARY 1ST, 1998, AND ENDED ON
23 MARCH 16TH.

24 STAFF NOTICED A SUBSEQUENT FIFTEEN-DAY
25 COMMENT PERIOD WHICH BEGAN ON JULY 1ST AND ENDED ON

1 JULY 15TH.

2 A SECOND FIFTEEN-DAY COMMENT PERIOD
3 BEGAN ON SEPTEMBER 4TH AND ENDED ON SEPTEMBER 18TH.

4 SINCE THE LAST MEETING WE HELD TO
5 ADDRESS THIS MATTER, STAFF MEETINGS WERE HELD FOR
6 BOARD MEMBERS CONSISTING OF BOARD STAFF, LEAS, AND
7 INDUSTRY REPRESENTATIVES TO ADDRESS REMAINING ISSUES
8 PRIOR TO THE SECOND FIFTEEN-DAY COMMENT PERIOD.

9 STAFF SUBMITTED AN UPDATED DRAFT OF
10 THE NEW REGULATIONS TO ALL OF OUR BOARD MEMBERS FOR
11 UPDATES OR CHANGES TO BE MADE PRIOR TO THE SECOND
12 FIFTEEN-DAY COMMENT PERIOD AND STAFF MADE CHANGES TO
13 THE REGULATIONS TO THE EXTENT POSSIBLE TO ADDRESS AS
14 MANY OF THE CONCERNS EXPRESSED, AS WELL AS MAINTAIN
15 APPROPRIATE STANDARDS AND PROCEDURES.

16 STAFF HAS PROVIDED A SEPTEMBER 1ST,
17 1998, VERSION OF THE DRAFT REGULATIONS TO THE BOARD,
18 WHICH WOULD BE THE VERSION FOR APPROVAL TO ADOPT.

19 STAFF RECEIVED COMMENT LETTERS DURING
20 THE LAST FIFTEEN-DAY COMMENT PERIOD FROM FIVE
21 COMMENTERS:

22 COUNTY OF MARIN LEA,
23 COUNTY OF RIVERSIDE LEA,
24 CITY OF SAN DIEGO PUBLIC WORKS
25 DEPARTMENT,

1 COUNTY OF ORANGE LEA,
2 COUNTY OF VENTURA LEA.

3 NONE OF THE COMMENTS WARRANT ANOTHER
4 FIFTEEN-DAY COMMENT PERIOD, IN STAFF'S OPINION.

5 STAFF HAVE REPLIED TO EACH OF THESE
6 CONCERNS AND WILL ADDRESS THEM IF YOU WOULD LIKE.

7 OTHERWISE, THIS IS THE CONCLUSION OF
8 MY PORTION OF THE PRESENTATION.

9 STAFF RECOMMENDS ADOPTION, NUMBER ONE,
10 OF THE AGENDA ITEM TO SUPPORT THE PROPOSED NEGATIVE
11 DECLARATION AND REGULATIONS AND MEMORANDUM OF
12 UNDERSTANDING.

13 LEA BLOCK WILL NOW COVER OVERLAP OF
14 THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION
15 OF OCCUPATIONAL SAFETY AND HEALTH, UNLESS THERE ARE
16 QUESTIONS OF STAFF REGARDING THE MATERIAL I'VE
17 COVERED.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS?

19 OKAY.

20 MR. BLOCK: VERY BRIEFLY, LET ME TALK ABOUT
21 THE MOU.

22 I'LL KEEP IT BRIEF.

23 WE'VE TALKED ABOUT THIS AT LEAST TWO
24 OR THREE TIMES IN THE PAST.

25 ATTACHMENT 3, WHICH YOU RECENTLY GOT,
1 WHICH I UNDERSTAND WAS DISTRIBUTED IN THE BACK OF THE
2 ROOM, CONTAINS TWO ALTERNATIVE DRAFT MEMORANDUMS OF
3 UNDERSTANDING.

4 ALTERNATIVE 1 IS THE ONE YOU'VE SEEN
5 IN THE PAST, A MONTH AGO, AND THAT CONTAINS, AS
6 INDICATED UP ON THE OVERHEAD, THE AGREEMENT WITH
7 REDUCTION OF OVERLAP, THE REFERRAL PROCESS, INCLUDING
8 THE SHORTENED TIME LINES, THAT THE DEPARTMENT OF
9 OCCUPATIONAL SAFETY AND HEALTH HAS AGREED TO TREAT LEA
10 REFERRALS BY A DISPUTE RESOLUTION PROCESS.

11 AND MOU ALTERNATIVE 2, WHICH STARTS

12 ON PAGE 17 --

13 IT'S 17-66 OF THE PACKET.

14 -- IS WHAT'S ALSO BEEN REFERRED TO AS
15 A PHASE TWO AND WHAT, I THINK THE LAST TIME YOU TALKED
16 ABOUT THIS, I REFERRED TO AS A BEEFED-UP, FOR LACK OF
17 A BETTER TERM, REFERRAL PROCESS.

18 IT'S NOT STRICTLY DELEGATION IN THE
19 SENSE THIS HAS BEEN TALKED ABOUT BEFORE, BUT IT
20 PROVIDES A MECHANISM FOR LEAS TO PROVIDE WHAT WE ARE
21 CALLING ENFORCEMENT ASSISTANCE AND A METHOD FOR THE
22 PROBLEMS RELATING TO THE PREVIOUS WORKER HEALTH AND
23 SAFETY STANDARDS THAT USED TO BE TITLE 14, SHORT OF
24 HAVING TO MAKE A REFERRAL TO THE DEPARTMENT OF
25 OCCUPATIONAL SAFETY AND HEALTH.

1 VERY BRIEFLY, THAT PROCESS INVOLVES,
2 OF COURSE, ONLY THREATS THAT ARE NOT IMMINENT, THOSE
3 THREATS THAT ARE NOT IMMINENT. FOR LEAS THAT WISH TO,
4 THEY MAY NOTE THOSE POTENTIAL VIOLATIONS OF TITLE 8 ON
5 INSPECTION REPORTS WITH A TIME LINE FOR THE OPERATOR
6 TO CORRECT THOSE PRIOR TO THERE BEING A REFERRAL TO
7 THE DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH.

8 THERE IS ALSO A PROVISION REGARDING
9 TRAINING, JUST A TECHNICAL PROVISION I ADDED, MAKING
10 CLEAR WE ARE NOT REQUIRING THE LEAS TO HAVE ADDITIONAL
11 TRAINING FOR THIS PROCESS.

12 THE REASON FOR THAT IS THE CONTEXT
13 THIS COMES IN. WE ARE TALKING ABOUT JUST THOSE
14 STANDARDS THAT USED TO EXIST IN TITLE 14. SO, THE
15 LEAS WERE KIND OF RESPONSIBLE FOR MANY YEARS THAT WE
16 ARE NOW REMOVING FROM TITLE 14.

17 IF YOU WANT TO QUICKLY LOOK AT THE

18 LANGUAGE, IT'S THE UNDERLINED LANGUAGE IN ALTERNATIVE
19 2 THAT BEGINS ON PAGE 17-68 AND GOES ON TO PAGE 17-69.

20 THERE ARE STILL A FEW ISSUES THAT ARE
21 NOT COMPLETELY RESOLVED YET WITH ALTERNATIVE NUMBER 2.
22 THERE IS A DISPUTE -- YOU'LL NOTICE THAT IN THE
23 DRAFT -- AS TO WHAT TERM WILL BE USED FOR NOTING THESE
24 POTENTIAL VIOLATIONS ON THE INSPECTION REPORT.

25 THERE ARE CERTAINLY SOME CONCERNS ON
1 THE PART OF OPERATORS IN THE WORK GROUP THAT'S BEEN
2 LOOKING AT THE USE OF THE WORD, "VIOLATION"; EVEN IF
3 IT'S CALLED POSSIBLE VIOLATION OR POTENTIAL VIOLATION.

4 SO, THERE IS ALSO LANGUAGE THERE
5 REFERENCING THE USE OF THE TERM, "POTENTIAL HAZARD,"
6 FOR INSTANCE.

7 THERE IS A SEPARATE ISSUE REGARDING
8 WHAT -- HOW FAR ALONG THIS LEVEL OF ENFORCEMENT SYSTEM
9 SHOULD GO.

10 AT THE PRESENT TIME, IT APPEARS THAT
11 THE LEAS AND THE WORK GROUP ARE COMFORTABLE WITH
12 TAKING THAT JUST TO THE STAGE OF AN INSPECTION REPORT;
13 BUT IF THAT DOESN'T SOLVE THE PROBLEM, MAKING A
14 REFERRAL; BUT WE STILL HAVEN'T COMPLETELY RESOLVED THE
15 ISSUE AS TO WHETHER SOME LEAS MIGHT WANT TO BE ABLE TO
16 GO AS FAR AS ISSUING A NOTICE AND ORDER, THEN NOT
17 MAKING A REFERRAL UNTIL THAT, UNLESS THAT RESULTS IN
18 COMPLIANCE.

19 THE LAST BULLET ON THIS --
20 I'M SORRY.

21 THE LAST BULLET ON THE OVERHEAD IN
22 FRONT OF YOU RELATES TO WHY I HAVEN'T PROVIDED

23 ALTERNATIVE 3.

24 WE HAVE TALKED ABOUT DELEGATION.

25 IN FACT, THAT'S THE TERM WE'VE BEEN
1 USING FOR THE LAST, AT LEAST, SIX MONTHS WE'VE BEEN
2 TALKING ABOUT THESE.

3 AS WE STARTED, AS I STARTED TO LOOK
4 AND THE WORK GROUPS STARTED TO LOOK AT WHAT TERMS
5 MIGHT GO INTO THE MEMORANDUM OF UNDERSTANDING, GIVEN
6 THAT THIS WAS NOT A FULL DELEGATION FROM THE
7 DEPARTMENT TO THE BOARD FOR JUST TAKING OVER THESE
8 STANDARDS.

9 IT'S A DECISION THE BOARD MADE
10 SOMETIME AGO. THEY CLEARLY WANT TO RETAIN THE
11 ULTIMATE AUTHORITY TO MAKE A DETERMINATION OF WHAT IS
12 A TITLE 8 VIOLATION.

13 ONCE THOSE PERAMETERS ARE IN PLACE,
14 THERE IS NOT REALLY A LOT MORE TO BE GAINED BY
15 ACTUALLY TURNING THIS INTO A DELEGATION WHERE LEAS
16 SIGN ON.

17 IT'S GOT SOME ADDITIONAL FORMAL
18 LANGUAGE. THE SUBSTANCE IS NOT ANY DIFFERENT. WE
19 CERTAINLY HAD SOME LEAS THAT WERE VERY RELUCTANT TO
20 HAVE DOCUMENTS THEY WOULD HAVE TO SIGN.

21 THEY HAD A LOT OF QUESTIONS ABOUT WHAT
22 SORT OF APPROVALS THEY WOULD HAVE TO GET LOCALLY TO GO
23 BACK TO DO SO.

24 AT THIS POINT IN TIME, WE ARE NOT
25 RECOMMENDING TAKING THAT ADDITIONAL STEP AND TURNING
1 IT INTO A MORE FORMAL DELEGATION.

2 SO, I HAVE THREE OPTIONS UP HERE, BUT
3 I REALLY WOULD LIKE TO ONLY MENTION TWO.

4 ONE OPTION WE TALKED ABOUT THIS LAST
5 TIME IS TO, AT LEAST FOR THE TIME BEING, TO ADOPT
6 ALTERNATIVE 1 BECAUSE, ON ITS OWN, IT CONTAINS A
7 REFERRAL PROCESS.

8 IT DOES SOME THINGS WE NEED TO HAVE
9 TAKEN CARE OF IN THE REGULATION PACKAGE; BUT THE
10 BOARD, IF IT WANTED TO, COULD DECIDE THAT'S ALL THAT
11 YOU WANTED TO DO, THAT YOU DIDN'T WANT ANY ADDITIONAL
12 PROVISIONS IN THERE.

13 AN OBVIOUS ALTERNATIVE WE'VE BEEN
14 TALKING ABOUT IS TO ADOPT THAT FOR NOW AND ALSO DIRECT
15 STAFF TO CONTINUE WORKING ON FINALIZING WHAT I'VE
16 TERMED ALTERNATIVE 2, WITH THE ADDITIONAL PROVISIONS.

17 THAT DOES NOT HAVE TO BE DONE IN ORDER
18 FOR YOU TO ADOPT THE REGULATIONS.

19 I NEED TO MAKE THAT CLEAR.

20 THE MOU IS NOT TIED TO THE REGULATIONS
21 IN LANGUAGE OR IN ANY OTHER MANNER. THE REGULATIONS
22 IN FACT WILL MAKE THE PROCESS TO BE ANOTHER COUPLE
23 MONTHS BEFORE OAL LOOKS AT THAT AND APPROVES THOSE
24 REGULATIONS.

25 SO, WE HAVE A WINDOW OF TIME WHERE WE
1 CAN CONTINUE TO WORK ON THIS AND HAVE A FINAL MOU DONE
2 BEFORE THOSE REGULATIONS ARE OPERATIVE.

3 SO, WE ACTUALLY HAVE SOME TIME TO DO
4 THAT.

5 I HAVE LISTED A THIRD ALTERNATIVE,
6 WHICH WAS TO CONDITIONALLY ADOPT ALTERNATIVE 2 AND I
7 WOULD COME BACK TO YOU IF THERE WERE SOME SIGNIFICANT
8 CHANGES.

9 I WOULD ALSO ACTUALLY LIKE TO TAKE IT
10 OFF THE PAGE, IF YOU --

11 I, I DID GET A NUMBER OF E-MAILS FROM
12 SOME LEAS IN THE LAST DAY OR TWO WHO HAVE NOT
13 INDICATED THEY HAVE A PROBLEM WITH ALTERNATIVE 2, BUT
14 THEY JUST WANT SOME MORE TIME TO TAKE A LOOK AT THIS.

15 WE'VE BEEN WORKING ON THIS IN ONE FORM
16 OR ANOTHER, AS I SAID, I THINK AT LEAST SIX MONTHS;
17 AND SINCE THERE ISN'T A REASON IT HAS TO BE DECIDED
18 TODAY, THEY WOULD JUST LIKE A LITTLE BIT MORE TIME TO
19 MULL IT OVER AND LOOK AT THE PROVISIONS THAT ARE IN
20 THERE.

21 SO, I WOULD RECOMMEND ALTERNATIVE
22 NUMBER 2 AND I WOULD HOPE TO BE ABLE TO COME BACK TO
23 YOU AT THE BOARD MEETING AT THE END OF OCTOBER WITH A
24 FINAL VERSION OF THE MOU FOR FINAL ADOPTION WELL AHEAD
25 OF THE EFFECTIVE DATE OF THE TRANSFER PROCESS.

1 IF YOU HAVE ANY QUESTIONS ABOUT --

2 CHAIRMAN PENNINGTON: QUESTIONS?

3 MR. FRAZEE?

4 MEMBER FRAZEE: AS ONE MEMBER OF THIS BOARD,
5 I WOULD BE TOTALLY SATISFIED, AND I THINK IT'S
6 APPROPRIATE THAT WHAT'S CONTAINED IN ALTERNATIVE 1 IS
7 ADEQUATE.

8 I CANNOT SEE WHY LEAS WOULD WANT TO
9 GET INVOLVED IN ENFORCING OSHA PROGRAMS; BUT MY
10 QUESTION, BASED ON THAT, IS HOW MANY OF THEM ARE
11 CONTINUING TO SAY THAT THEY WOULD LIKE THAT OPTION?

12 IS IT JUST ONE OR ARE THERE SEVERAL?

13 MR. BLOCK: WELL, THIS IS ONE OF THE REASONS
14 REALLY, ALSO; AND IT'S TAKEN A LITTLE BIT MORE TIME TO

15 GET TO THIS POINT THAN I HOPED.

16 WE, OBVIOUSLY, ORIGINALLY NOTICED THIS
17 ITEM AS BEING ADOPTION OR APPROVAL OF THE MOU. WE
18 FOUND, OF COURSE, IN THE LAST THREE, FOUR WEEKS IT
19 WASN'T GOING TO GET DONE.

20 WE DID SURVEY THE LEAS AT THE MARY
21 POPPIN (SIC) CONFERENCE AND I WAS ACTUALLY SURPRISED
22 THAT THERE WERE ABOUT THIRTY-TWO LEAS THAT INDICATED
23 THEY WERE INTERESTED IN DELEGATION IN SOME FORM.

24 SO, I'VE BEEN WORKING WITH A WORK
25 GROUP OF ABOUT A DOZEN PEOPLE, SEVEN OR EIGHT OF WHOM
1 WERE LEAS, ON THE DOCUMENTS; BUT WHAT BECAME APPARENT
2 IS THAT WE NEEDED TO GET SOME WIDER DISSEMINATION OF
3 THIS, WIDER DISCUSSION ABOUT THAT, LEAS THAT WERE
4 INTERESTED.

5 THAT KIND OF SLOWED DOWN THE PROCESS.

6 MEMBER FRAZEE: YOU ARE SAYING THIRTY-TWO
7 LEAS.

8 THAT REPRESENTS THIRTY-TWO DIFFERENT
9 JURISDICTIONS?

10 MR. BLOCK: YES.

11 MEMBER FRAZEE: YOU ARE INDICATING THAT THEY
12 WOULD LIKE TO GO BEYOND THE REFERRAL PROVISION
13 PROVIDED IN OPTION 1?

14 MR. BLOCK: THEY'VE INDICATED THEY'RE
15 INTERESTED IN DELEGATION IN SOME FORM.

16 THE WAY WE DID THE SURVEY, OBVIOUSLY,
17 WE DIDN'T HAVE ALL THESE DOCUMENTS IN FRONT OF THEM.
18 IT WAS JUST TO TRY TO GAUGE THEIR INTEREST.

19 SO, WE WEREN'T ASKING THEM TO COMMIT

20 TO WANTING TO DO IT. SO, OBVIOUSLY, AS WE GET INTO A
21 LITTLE BIT MORE DISCUSSION WITH THEM, SOME OF THOSE
22 LEAS MAY DECIDE THEY'RE JUST NOT INTERESTED AFTER THEY
23 LOOK AT THE DOCUMENTS MORE CLOSELY.

24 BUT AS OF THIS STAGE, THIRTY-TWO OF
25 THEM SAID THEY WERE INTERESTED AND I BELIEVE SIX OR
1 SEVEN DEFINITELY SAID THEY WERE ABSOLUTELY NOT
2 INTERESTED.

3 OF COURSE, WE DIDN'T HAVE ACTUALLY
4 EVERY SINGLE LEA REPRESENTED.

5 MEMBER FRAZEE: IF THERE'S THAT KIND OF
6 PROPORTION, THEN I WOULD GUESS WE DO NEED TO PURSUE IT
7 FURTHER AND PLAY IT OUT TO SOME CONCLUSION OTHER THAN
8 THE ONE I THOUGHT WOULD BE APPROPRIATE.

9 MR. BLOCK: I WOULD LIKE TO EMPHASIZE, FOR
10 THE PURPOSES OF HAVING AT LEAST PART OF THIS, WHAT WAS
11 REFERRED TO AS PHASE ONE, TAKEN CARE OF, WE WOULD LIKE
12 ALTERNATIVE 1 APPROVED AS OF NOW.

13 ALTERNATIVE 2 JUST REALLY ADDS
14 ADDITIONAL PROVISIONS TO ALTERNATIVE 1.

15 AS I SAID, I WOULD LIKE TO JUST
16 CONTINUE TO WORK ON THAT AND, HOPEFULLY, BY THE END OF
17 NEXT MONTH BRING BACK A FINAL VERSION.

18 CHAIRMAN PENNINGTON: ANY OTHER QUESTIONS?

19 THANK YOU.

20 MR. EATON?

21 MEMBER EATON: IS THERE ANYONE ELSE WHO IS
22 GOING TO SPEAK FROM THE PUBLIC?

23 I'LL HOLD MY QUESTIONS.

24 IS THERE ANYONE?

25 CHAIRMAN PENNINGTON: SURE.

1 MR. SCHMAILING, DID YOU WANT TO SPEAK
2 ON THIS ONE?

3 MR. SCHMAILING: IS THAT SCHMAILING?

4 CHAIRMAN PENNINGTON: YES.

5 MR. SCHMAILING: OKAY.

6 HI, GENTLEMEN, BOARD MEMBERS,
7 CHAIRMAN.

8 WELCOME TO SANTA BARBARA COUNTY.

9 MY NAME IS MIKE SCHMAILING. I'M FROM
10 THE ENVIRONMENTAL HEALTH SERVICE, LEA FOR THIS COUNTY.

11 I SENT A LETTER BACK TO YOU FOLKS A
12 FEW MONTHS AGO DISCUSSING MY CONCERNS WITH BOTH THE
13 PROCEDURE AND THE CONTENT OF THE TRANSFER STATION
14 REGULATIONS IN THEIR DRAFT FORM.

15 MY BIGGEST CONCERN WAS THAT IF I SAW A
16 SAFETY HAZARD, I WASN'T GOING TO BE ABLE TO DO
17 ANYTHING ABOUT IT.

18 AS I MENTIONED IN MY LETTER, WE CAN'T
19 COUNT THE NUMBER OF LIVES WE'VE SAVED JUST -- OR
20 INJURIES WE'VE PREVENTED JUST BY TELLING SOMEBODY,
21 "PUT A SAFETY VEST ON," OR SOMETHING TO THAT EFFECT.

22 SO, I GUESS WHAT'S BROUGHT INTO THE
23 MIXOLOGY, BECAUSE OF PARTNERSHIP 2000, WE PROCEEDED TO
24 GET INVOLVED IN SOME WORK GROUPS.

25 THE BIGGEST PROBLEMS THAT WE SAW WERE
1 THE DIFFERENCES OF OPINION. AND THEY WERE VAST. AS
2 ELLIOTT MENTIONED HERE, THERE WERE THIRTY-TWO
3 DIFFERENT LEAS.

4 WELL, THERE WERE THIRTY-TWO DIFFERENT
5 OPINIONS ON THE AMOUNT OF INVOLVEMENT THAT WE SHOULD

6 OR SHOULDN'T HAVE.

7 I HAVE TO COMMEND ELLIOTT AND HIS
8 STAFF FOR DOING AN EXCELLENT JOB IN GETTING US
9 INVOLVED AND WORKING WITH THE OSH AND HAMMERING OUT A
10 VERY DIFFICULT SITUATION AND BRINGING IT TO A
11 RESOLUTION THAT I THINK MOST OF THE LEAS WILL BE
12 COMFORTABLE WITH.

13 I FEEL THAT WE WILL HAVE BETTER PROTECTION
14 THROUGH COOPERATION WITH DOSH WITH THIS MOU
15 AND I STILL FEEL THAT THERE ARE JUST A FEW MORE LITTLE
16 TWEAKS WE NEED TO PUT INTO IT.

17 I THINK IT'S GOING TO END UP WITH
18 SOMETHING WE CAN ALL BE COMFORTABLE WITH.

19 THANK YOU VERY MUCH AND, AGAIN,
20 WELCOME TO SANTA BARBARA.

21 CHAIRMAN PENNINGTON: THANK YOU.

22 LARRY SWEETSER.

23 MR. SWEETSER: GOOD AFTERNOON, CHAIRMAN AND
24 BOARD MEMBERS.

25 MY NAME IS LARRY SWEETSER, NORCAL
1 WASTE SYSTEMS. SOME OF THE AUDIENCE MAY BE
2 DISAPPOINTED, SOME MAY BE RELIEVED, I DON'T HAVE ANY
3 PICTURES OF BANANA PEELS TODAY.

4 WE DO HAVE SOME OPERATIONAL CONCERNS
5 I WOULD STILL LIKE TO HAMMER OUT AND ALSO COMMENT ON
6 THE MOU. I THINK THESE ARE MINOR ISSUES. I DON'T SEE
7 A NEED FOR DELAY ON THE REGS PACKAGE.

8 NEVERTHELESS, I DO WANT TO BRING THEM
9 UP. I BROUGHT THEM UP BEFORE. I'M JUST GOING TO DO
10 THAT ENTIRELY FROM OUR PERSPECTIVE OF HOW DIFFICULT IT
11 CAN BE TO LIVE WITH SOME OF THESE THINGS SOMETIMES.

12 BUT FIRST, I REMEMBER BACK IN THE
13 BEGINNING ALL THE CONVERSATIONS THAT WE HAD. THIS
14 GOES BACK SIX YEARS OR SO WHEN THESE REGS STARTED
15 BEFORE WE DEALT WITH TRYING TO PROVE THAT SHAM
16 RECYCLING EXISTED.

17 BUT AFTER YOU'VE DONE THAT, I THINK
18 WE'RE LEFT WITH A TOOL TO GO OUT AND USE TO PRESENT
19 THAT ACTIVITY IS DETRIMENTAL TO BOTH RECYCLING AND
20 SOLID WASTE STREAM DISTRICTS.

21 MY FIRST CONCERN IS DEALING WITH THE
22 OPERATING RECORDS. THAT'S ON PAGE 17-5. AND THERE'S
23 AN ALLOWANCE IN THERE FOR LOAD CHECKING RECORDS TO BE
24 HELD OFF-SITE.

25 WE APPRECIATE THAT. THE VOLUME OF
1 THAT MATERIAL CAN BE PRETTY HUGE, BUT I ALSO WOULD ASK
2 THAT WE EXTEND THAT ALLOWANCE FOR OFF-SITE STORAGE TO
3 OTHER OPERATING RECORDS.

4 SOME OF OUR SITES ARE PRETTY REMOTE,
5 DESERTS, WINDY WEATHER, RAINY WEATHER. THE INTEGRITY
6 OF THOSE RECORDS MAY NOT BE ABLE TO BE HELD AT THE
7 SITE.

8 WE WOULD GREATLY APPRECIATE THE
9 ABILITY TO BE ALLOWED TO DO THAT.

10 THE OTHER ONE IS MORE THE ISSUE ON THE
11 INDIVIDUAL SCREENING, WHICH IS AT PAGE 17-44.

12 I'M STILL CONCERNED ON HOW
13 THAT'S GOING TO BE INTERPRETED AND ENFORCED. AGAIN,
14 IT'S HOW DO YOU SET UP A FACILITY THAT'S AESTHETICALLY
15 ACCEPTABLE TO ALL PARTIES?

16 WE ARE DEALING WITH GARBAGE.

17 SOME FIND THAT ACCEPTABLE.

18 OTHERS DO NOT.

19 TO HAVE A STANDARD THAT SAYS WE HAVE
20 TO HAVE A FACILITY THAT'S AESTHETICALLY ACCEPTABLE, I
21 DON'T KNOW WHAT THAT MEANS.

22 I DON'T KNOW ANYBODY THAT DOES.

23 ONE OF THE THINGS WE THOUGHT THAT
24 MIGHT WORK FOR THAT, WHICH WOULD BE A MINOR CHANGE,
25 WOULD BE THE REQUIREMENT THAT WE MAINTAIN OUR
1 FACILITIES CONSISTENT WITH LOCAL SURROUNDING
2 ESTABLISHED USES.

3 SO, THAT WAY, IT DOESN'T STICK OUT:
4 THIS IS A SOLID WASTE FACILITY.

5 NONETHELESS, WE DON'T HAVE A
6 DEFINITION OF WHAT'S AESTHETICALLY ACCEPTABLE, IN MANY
7 RESPECTS. IF SOMEONE COULD EXPLAIN TO ME HOW THAT
8 COULD BE USED FOR US, I DON'T KNOW.

9 THAT'S ONE CHANGE WE COULD ACTUALLY
10 REQUEST.

11 I THINK IT'S MINOR. THE CONCEPT IS
12 STILL THERE. YOU DON'T WANT A FACILITY THAT LOOKS
13 BAD; BUT, NONETHELESS, SOME OF US WOULD FIND IT
14 AESTHETICALLY ACCEPTABLE. OTHERS WOULD NOT.

15 THAT'S ONE OF THE QUESTIONS THERE.

16 THERE HAD BEEN TALK OF PUTTING THAT IN
17 THE FINAL STATEMENT OF REASONS.

18 IF THAT'S THE ROUTE THAT'S CHOSEN, I
19 WOULD HOPE THEY WILL BE ABLE TO WAIVE THAT IF YOU GET
20 A VIOLATION AND SAY, "THAT'S NOT WHAT WAS INTENDED."

21 HOPEFULLY, THAT DOCUMENT WOULD HAVE
22 THAT KIND OF AUTHORITY.

23 LASTLY ON THE MOU, WE'VE COME A LONG
24 WAY. I HAVE BEEN PART OF THE WORK GROUP. I THINK
25 WE'VE GOT A PRETTY ACCEPTABLE DOCUMENT.

1 IT'S APPROPRIATE THAT THE BOARD HAD
2 THE DESIRE TO HAVE IT IN WRITING. I FEEL IT'S
3 APPROPRIATE TO WAIT A LITTLE BIT LONGER, FOR SOME
4 EXTRA TIME TO DO WHAT'S LEFT.

5 ONE OF THE THINGS WE HOPE THAT WON'T
6 COME OUT, WHICH IS A CONCERN FROM OUR OPERATORS, THAT
7 THIS STARTS A FLOOD OF CALLS TO OSHA TO COME OUT, THAT
8 EVERYTHING IS AN IMMINENT SAFETY VIOLATION.

9 THAT WAS A CONCERN. I HOPE THAT'S NOT
10 WHAT'S GOING TO HAPPEN. I DON'T THINK THAT'S THE
11 INTENT OF WHAT'S GOING TO HAPPEN.

12 I JUST WANT TO MAKE YOU'RE AWARE
13 THAT'S A REAL CONCERN OUT THERE, BUT WE'RE HOPING THAT
14 THE LEAS CONTINUE TO USE SOUND JUDGMENT AND NOT DEAL
15 WITH EVERY LITTLE SINGLE ISSUE.

16 THERE IS ONE CONCERN ON ALTERNATIVE 2
17 THAT WE HAVE TALKED ABOUT IN TERMS OF THE WORK GROUP.
18 IT TOOK A WHILE TO COME DOWN TO THE LANGUAGE, BUT WE
19 MUCH PREFER THE IDEA OF CALLING IT --

20 WHAT WAS IT HERE?

21 A POTENTIAL HAZARD, RATHER THAN
22 REFERRING TO POSSIBLE VIOLATIONS.

23 IF YOU'RE CALLING IT A POSSIBLE
24 VIOLATION, OSHA REQUIREMENTS, FROM THE LEAS'
25 PERSPECTIVE, THEY EITHER DON'T HAVE OR DON'T WANT THAT
1 KIND OF AUTHORITY.

2 SO, CALLING IT A POSSIBLE HAZARD COULD

3 BE A PROBLEM -- OR POSSIBLE VIOLATION.

4 SO, POTENTIAL HAZARD IS SOMETHING THAT
5 WE RECOGNIZE THAT IT'S POTENTIALLY A HAZARD. THAT
6 WOULD BE A MUCH MORE APPROPRIATE USE OF THE TERM.

7 THERE ARE SOME OTHER CONCERNS IN
8 NUMBER FIVE OF THAT ALTERNATIVE 2, BUT I THINK THE
9 APPROPRIATE TIME WOULD BE FURTHER DISCUSSIONS ON THAT
10 ISSUE.

11 LASTLY, IF WE DO GO AHEAD WITH
12 ALTERNATIVE NUMBER 2, THERE'S A SECTION ON TRAINING
13 AND I'LL REPEAT MY STANDARD STATEMENT THAT WHATEVER
14 TRAINING IS OFFERED TO LEAS, THOSE OF US OPERATORS GET
15 THE BENEFIT OF THAT, AS WELL; IF NOT IN THE TRAINING,
16 AT LEAST AWARE OF WHAT THE TRAINING IS.

17 WITH THAT REQUEST TO SEE THESE
18 CHANGES, WHICH ARE MINOR CHANGES, TO THE PACKET, I
19 DON'T ANTICIPATE ANY NEED FOR DELAY.

20 YOU GUYS WITHOUT ANY DOUBT EXPECT TO
21 USE THOSE. WE EXPECT TO USE THEM AS WELL. HOPEFULLY,
22 THESE WILL BE REGULATIONS THAT WILL BE ENFORCED
23 AGAINST THE SHAM CYCLERS THAT DO EXIST AND HAVE CAUSED
24 US TROUBLE.

25 WITH THAT, THANK YOU VERY MUCH.

1 CHAIRMAN PENNINGTON: THANK YOU.

2 MR. EATON, YOU HAD SOME QUESTIONS?

3 MEMBER EATON: YES.

4 WE HAVE A LOT OF PAPER IN FRONT OF US,
5 A LOT OF RESOLUTIONS WITH REGARD TO THIS ONE
6 PARTICULAR ITEM. I JUST WANT TO KIND OF MAKE SURE
7 WHICH ONE OF THE RESOLUTIONS STAFF IS RECOMMENDING AND
8 WHAT IS IN IT.

9 AS I UNDERSTAND IT, YOU DON'T HAVE A
10 PROBLEM, MR. SWEETSER, WITH OPTION 2, WHICH INCLUDED
11 ALTERNATIVE 1 AND FURTHER DISCUSSION WITH REGARD TO
12 ALTERNATIVE 2 BEING PART OF THE MEMORANDUM OF
13 UNDERSTANDING TO BE ADOPTED.

14 IS THAT CORRECT?

15 MR. SWEETSER: I'M ALSO GETTING LOST IN SOME
16 OF THE DOCUMENTS --

17 MEMBER EATON: PARDON?

18 IT'S HARD TO HEAR YOU.

19 MR. SWEETSER: I'M ALSO GETTING LOST IN SOME
20 OF THE DOCUMENTS THAT HAVE BEEN SUBMITTED HERE.

21 IN THE ALTERNATIVE 2, ATTACHMENT 3,
22 THERE IS A NUMBER OF ADDITIONS IN THERE THAT WERE
23 SUGGESTED THAT WOULD CAUSE SOME CONCERN, AS WORDED.

24 WE HAD VERY GOOD SUCCESS IN WORKING
25 THESE THINGS OUT.

1 I WOULD GO AHEAD AND REQUEST THE TIME.

2 MEMBER EATON: BUT THAT WAS ON ALTERNATIVE 2?

3 MR. SWEETSER: ALTERNATIVE 2.

4 MEMBER EATON: THAT'S WHY I THINK, FOR THE
5 BOARD HERE, AS YOU GO THROUGH THE PAPER HERE, WE'VE
6 GOT THREE DIFFERENT RESOLUTIONS IN WHICH THEY DO THIS
7 ITEM ON.

8 IF WE TAKE OURSELVES THROUGH IT, SO
9 THAT WE'RE CLEAR --

10 I KNOW IT'S LATE IN THE AFTERNOON.

11 BACK HOME, WE'D CALL THIS THE 7TH
12 INNING STRETCH AT WRIGLEY FIELD.

13 PERHAPS, YOU KNOW, WE NEED TO KIND OF

14 GO BACK THROUGH AND JUST IDENTIFY FOR BOTH OUR OWN
15 WELL-BEING, AS WELL AS THE PUBLIC'S, WHAT IT IS
16 EXACTLY.

17 BECAUSE I'VE GOT SIX DIFFERENT
18 RESOLUTIONS IN MY PACKET. THAT MAY JUST BE MY OWN
19 PROBLEM WITH THE OFFICE, BUT I WOULD SURE LIKE TO
20 KNOW; BECAUSE NONE OF THOSE MENTION ANY OF THE OPTIONS
21 THAT WERE PUT UP ON THE SCREEN, UNLESS I'M MISSING
22 SOMETHING.

23 SO, LET'S JUST -- IF YOU COULD JUST
24 TAKE US THROUGH WHAT STAFF IS RECOMMENDING.

25 THEN PERHAPS THE BOARD CAN ACT.

1 MEMBER RHODES: I WOULD ALSO LIKE TO ASK THE
2 QUESTION: ARE YOU OKAY WITH THE MEMORANDUM OF
3 UNDERSTANDING DEALING WITH ALTERNATIVE 1?

4 MR. SWEETSER: WE ARE OKAY WITH ALTERNATIVE
5 1'S DISCUSSION IN THERE. I THINK IT GIVES A LOT OF
6 THE BALANCE THAT'S NEEDED. IT ADDRESSES LEA CONCERNS
7 WHERE THEY WEREN'T BEING LISTENED TO BY OSHA ON MANY
8 ISSUES.

9 IT GIVES THEM A HIGHER LEVEL OF
10 RESPONSE REQUIREMENTS ON THE ISSUES WHICH WOULD HELP
11 AGAINST THOSE FACILITIES THAT JUST CAN'T SEEM TO DO
12 THINGS SAFELY.

13 THERE IS A CONCERN, AS I MENTIONED,
14 FROM OUR OPERATORS OF FORCING PEOPLE TO REPORT EVERY
15 SINGLE SAFETY VIOLATION.

16 I DON'T THINK THAT'S THE INTENT. I
17 DON'T THINK MOST LEAS WOULD LOOK AT THAT PHRASE.

18 MEMBER RHODES: SO, YOU WOULD BE IN FAVOR OF
19 US ADOPTING ALTERNATIVE 1 AND SPENDING MORE TIME

20 LOOKING AT ALTERNATIVE 2?

21 MR. SWEETSER: ALTERNATIVE 1 WORKS FOR US.

22 IF ANYTHING FROM ALTERNATIVE 2 IS
23 ADDED IN THERE, WE WOULD HAVE SOME CONCERNS WE WOULD
24 LIKE TO DISCUSS WITH THE STAFF.

25 THE THING I ALWAYS KEPT IN MIND IS WE
1 NEED TO GET THE REGULATIONS GOING FOR THE OFFICIAL
2 PROCESS.

3 THE MOU, AS LONG AS IT'S DONE BY THE
4 TIME THE REGS ARE READY, IT SHOULD BE FINE.

5 I THINK THERE IS TIME TO WORK ON THAT,
6 BUT THE REGS SHOULD BE COMPLETED.

7 MEMBER RHODES: I TOO AM CONFUSED WITH THE
8 PAPERWORK AND THE RESOLUTIONS.

9 MEMBER FRAZEE: THERE ARE TWO VERSIONS OF
10 98-307.

11 MEMBER EATON: 307, 308, 309.

12 MEMBER FRAZEE: CORRECT.

13 MEMBER EATON: AND THEN ONE OF THOSE WE HAVE
14 TO SELECT, IF I'M NOT MISTAKEN, ADOPTING ONE OF THE
15 OPTIONS, BE IT 1, 2, OR 3; AND STAFF, I BELIEVE, WAS
16 RECOMMENDING OPTION 2, CALLED ALTERNATIVE 1.

17 MR. BLOCK: THERE ACTUALLY SHOULD ONLY BE
18 THREE RESOLUTIONS. PERSONALLY, YOU APPARENTLY HAVE
19 TWO DIFFERENT COPIES OF TWO OF THE RESOLUTIONS, FOR
20 SOME REASON, TWO PIECES OF PAPER.

21 AND RESOLUTION NUMBER 98-307 IS THE
22 APPROPRIATE ONE.

23 I THINK THAT 307 HAS JUST TWO COPIES.

24 ONE IS IN WORD PERFECT.

25 ONE IS IN WORD --

1 CHAIRMAN PENNINGTON: BUT 98-308 AND 98-307
2 ARE PRETTY CLEAR.

3 IT'S 98-309 --

4 MR. BLOCK: THEN I WAS GOING TO JUST
5 EXPLAIN --

6 CHAIRMAN PENNINGTON: -- SOME CONFUSION ON.
7 CORRECT?

8 MR. BLOCK: THAT'S RIGHT.

9 98-309, I JUST NEED TO EXPLAIN.

10 THIS WAS ACTUALLY WRITTEN ABOUT THREE
11 OR FOUR WEEKS AGO WHEN THE AGENDA ITEM HADN'T BEEN
12 WRITTEN.

13 SO, IT DOESN'T CONTAIN ANY OF THE
14 OPTIONS BECAUSE THOSE CAME ABOUT OVER THE COURSE OF
15 THE LAST WEEK OR SO.

16 SO, IF YOU WERE --

17 THE OPTIONS THAT I HAD PROPOSED, WE
18 WOULD ACTUALLY NEED TO ADD THOSE INTO THE RESOLUTION
19 AND FIX THAT.

20 MEMBER EATON: THAT'S WHAT I WAS TRYING TO
21 GET AT.

22 CHAIRMAN PENNINGTON: I'VE GOT A COPY.

23 MEMBER JONES: MR. CHAIRMAN.

24 CHAIRMAN PENNINGTON: YES?

25 MEMBER JONES: ON THE AESTHETIC, THE
1 INDIVIDUAL AESTHETIC THING LARRY BROUGHT UP, AS I READ
2 THAT THING, THAT'S CHANGED TO IT'S GOING TO BE
3 WHATEVER THE LAND USE OR THE CUP HAS DETERMINED TO BE
4 THE PROPER VEGETATION ON THAT AND IT'S ONLY WHERE NO
5 CONDITIONS EXIST THAT THE EA IS CONSULTED.

6 I THINK WE GOT AWAY FROM THE ARBITRARY
7 DETERMINATION OF WHAT IS ASTHETICALLY PLEASING AND
8 THAT WAS THE INTENT, BECAUSE YOU CAN'T -- WHAT'S NICE
9 TO SOMEBODY ISN'T NICE TO, YOU KNOW, SOMEBODY ELSE
10 DOESN'T LIKE IT.

11 SO, UNLESS I'M MISUNDERSTANDING, IS
12 THERE SOMETHING ELSE WE SHOULD KNOW ABOUT THAT;
13 BECAUSE, TO ME, IT WORKS.

14 MR. SWEETSER: LARRY SWEETSER AGAIN WITH
15 NORCAL.

16 IT WORKS IF YOU HAVE SOMETHING
17 EXPLICIT IN YOUR LOCAL LAND USE SAYING WHAT YOUR
18 INDIVIDUAL AESTHETICS SHOULD BE OR INDIVIDUAL
19 SCREENING WOULD BE.

20 IF YOUR LAND USE DOESN'T HAVE ANYTHING
21 IN THERE, THE QUESTION IS: WOULD THIS BE APPLIED OR
22 FORCED TO BE APPLIED IF YOU DON'T HAVE SOMETHING
23 EXPLICIT TO DO WITH THE LAND USE?

24 MEMBER JONES: BUT IT SAYS, "WITH
25 CONSULTATION OF THE EA," NOT UNDER THE DIRECTION OF
1 THE LEA.

2 MR. SWEETSER: RIGHT.

3 MEMBER JONES: SO, OKAY.

4 I WOULD BE WILLING TO SEE IF THAT
5 WORKS. IF IT DOESN'T, THEN WE'LL FIGURE IT OUT
6 SOMEWHERE DOWN THE ROAD, YOU KNOW, PERSONALLY.

7 AND I COULDN'T HEAR YOUR FIRST ONE
8 WHEN YOU WERE TALKING, YOUR FIRST MINOR.

9 I DON'T KNOW IF YOU GUYS HEARD IT.

10 I COULDN'T.

11 IT WAS VERY HARD FOR US TO HEAR YOU AT
12 THAT TIME. WE HAD A GALE WIND BLOWING ACROSS HERE.

13 MR. SWEETSER: THE FIRST CONCERN WAS DEALING
14 WITH THE OPERATING RECORDS; AND AS MANY OF YOU HAVE
15 SEEN SITES THAT ARE PRETTY REMOTE.

16 WE HAVE CONCERN FOR INSURING THE
17 INTEGRITY OF THE RECORDS THAT MAY BE OUT THERE IN
18 DESERT SITES OR RAINY SITES.

19 WE WERE JUST ASKING FOR CONSISTENCY IN
20 ALLOWING TO US KEEP LOAD CHECKING RECORDS OFF SITE IF
21 THE LEA ALLOWS US TO KEEP OTHER OPERATING RECORDS OFF
22 SITE.

23 MEMBER JONES: THAT MAKE SENSE.

24 THAT JUST PRESERVES THE INTEGRITY OF
25 THE RECORD.

1 WOULD WE NEED TO DO SOMETHING IN THE
2 REG TO GIVE THAT OPTION?

3 CHAIRMAN PENNINGTON: I THOUGHT WE TOOK CARE
4 OF IT.

5 MEMBER JONES: I THOUGHT WE DID, TOO.

6 I THOUGHT WE SAID IT COULD BE AT THE
7 MAIN OFFICE OR SOMETHING.

8 MR. BLOCK: RIGHT.

9 WE MADE THAT CHANGE IN ONE OF THE
10 SECTIONS.

11 MR. SWEETSER IS SUGGESTING WE ADD
12 THAT.

13 WELL, THAT CHANGE.

14 AND WE COULD TRY TO CLARIFY THAT.

15 WE WOULD PROBABLY BE ABLE TO DO THAT
16 WITHOUT A FIFTEEN-DAY COMMENT PERIOD AND SENDING IT

17 BACK OUT.

18 WE COULD MODIFY THE LANGUAGE JUST TO
19 CLARIFY THAT THAT WAS THE INTENT.

20 MEMBER JONES: BECAUSE I THINK WE HAD
21 COMPLETE AGREEMENTS FROM LEAS, OPERATORS, AND THE
22 BOARD THAT IT MADE SENSE TO KEEP THOSE MAYBE AT A MAIN
23 OFFICE OR SOMETHING TO PRESERVE THE INTEGRITY.

24 I DON'T THINK ANYBODY HAD A PROBLEM
25 WITH THAT, AS I REMEMBER.

1 MR. BLOCK: IF THAT'S YOUR RECOLLECTION --

2 MEMBER JONES: AND THAT'S PRETTY MINOR.

3 OKAY.

4 MR. PENNINGTON: OKAY. ANYBODY WANT TO TAKE
5 A STAB AT THESE MOTIONS HERE?

6 MEMBER FRAZEE: WELL, MR. CHAIRMAN, IT SEEMS
7 TO ME THAT THE NEGATIVE DEC OUGHT TO BE ADOPTED FIRST.

8 CHAIRMAN PENNINGTON: RIGHT.

9 MEMBER FRAZEE: RIGHT.

10 SO, I'LL MOVE ADOPTION OF RESOLUTION
11 98-308, THE NEGATIVE DECLARATION ON THE PROPOSED
12 TRANSFER/PROCESSING OPERATIONS AND FACILITIES
13 REGULATORY REQUIREMENTS.

14 MEMBER EATON: I'LL SECOND THAT MOTION.

15 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.
16 FRAZEE AND SECONDED BY MR. EATON, ADOPTION OF
17 RESOLUTION 98-308.

18 IF THERE IS NO FURTHER DISCUSSION,
19 WILL THE SECRETARY CALL THE ROLL?

20 SECRETARY KELLY: MEMBER EATON.

21 MEMBER EATON: AYE.

22 SECRETARY KELLY: MEMBER FRAZEE.

23 MEMBER FRAZEE: AYE.

24 SECRETARY KELLY: MEMBER JONES.

25 MEMBER JONES: AYE.

1 SECRETARY KELLY: MEMBER RHODES.

2 MEMBER RHODES: AYE.

3 SECRETARY KELLY: CHAIRMAN PENNINGTON.

4 CHAIRMAN PENNINGTON: AYE.

5 THE MOTION CARRIES.

6 WE'LL MOVE TO THE NEXT MOTION.

7 MEMBER FRAZEE: YES, MR. CHAIRMAN, I WOULD

8 MOVE ADOPTION OF RESOLUTION 98-307.

9 THIS IS THE REGULATIONS THEMSELVES.

10 MEMBER JONES: I'LL SECOND.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED BY MR.

12 FRAZEE AND SECONDED BY MR. JONES, ADOPTION OF

13 RESOLUTION 98-307, TO APPROVE THE TRANSFER/PROCESSING

14 REGULATIONS.

15 IF THERE IS NO FURTHER DISCUSSION,

16 WILL THE SECRETARY CALL THE ROLL?

17 SECRETARY KELLY: MEMBER EATON.

18 MEMBER EATON: AYE.

19 SECRETARY KELLY: MEMBER FRAZEE.

20 MEMBER FRAZEE: AYE.

21 SECRETARY KELLY: MEMBER JONES.

22 MEMBER JONES: AYE.

23 SECRETARY KELLY: MEMBER RHODES.

24 MEMBER RHODES: AYE.

25 SECRETARY KELLY: CHAIRMAN PENNINGTON.

1 CHAIRMAN PENNINGTON: AYE.

2 THE MOTION CARRIES.

3 MEMBER FRAZEE: ON THE MOU, DO I UNDERSTAND
4 THAT THIS RESOLUTION MERELY ADOPTS, FOR OUR PART, THE
5 MOU WITH THE OSH; AND THEN YOU NEED A SEPARATE MOTION
6 ON PROCEEDING WITH PURSUING BEYOND THAT?

7 MR. BLOCK: WELL, ACTUALLY, THIS RESOLUTION
8 BEFORE YOU DOESN'T REFLECT EITHER OF THE ALTERNATIVES.

9 I THINK PROBABLY THE EASIEST WAY TO DO
10 THIS MIGHT BE TO JUST LET THE MOTION CONTAIN WHICH
11 ALTERNATIVE YOU WANT TO APPROVE AT THIS POINT IN TIME
12 AND THEN FURTHER DIRECTION TO WORK ON ALTERNATIVE 2.

13 WHAT I WILL DO IS I WILL THEN REVISE
14 THIS LANGUAGE TO REFLECT THAT AND DISTRIBUTE IT TO
15 YOUR OFFICE TO SEE THAT IT MATCHES.

16 THIS WAS SIMPLY TO ADOPT THE MOU IN
17 WHICHEVER FORM IT ENDED UP BEING. SO, YOU COULD ADOPT
18 THIS AS MODIFIED BY WHATEVER THE MOTION WOULD BE.

19 CHAIRMAN PENNINGTON: SO, WE WOULD ADOPT
20 RESOLUTION 98-309 WITH ALTERNATIVE WHATEVER?

21 MEMBER EATON: I THINK WE ADOPT SOMETHING.
22 IF YOU COULD PUT IT UP ON THE SCREEN, MAYBE THAT WOULD
23 HELP US AS WE FILL IN THE BLANKS.

24 IT MIGHT BE EASIER.

25 MEMBER FRAZEE: OKAY, WITH THAT, MR.

1 CHAIRMAN, I WOULD MOVE ADOPTION OF RESOLUTION 98-309.

2 THIS IS THE APPROVAL OF THE MEMORANDUM
3 OF UNDERSTANDING WITH THE DIVISION OF OCCUPATIONAL
4 SAFETY AND HEALTH AND MODIFY THAT MOTION BY INDICATING
5 THAT WE'RE ADOPTING ALTERNATIVE 1 FOR NOW AND
6 DIRECTING STAFF TO CONTINUE DISCUSSIONS ON ALTERNATIVE
7 2 AND BRING THE FINAL VERSION BEFORE THE BOARD'S

8 CONSIDERATION.

9 CHAIRMAN PENNINGTON: I'LL SECOND THAT.

10 IF THERE IS NO FURTHER DISCUSSION,
11 WILL THE SECRETARY CALL THE ROLL ON THE ADOPTION OF
12 RESOLUTION NUMBER 309, WHICH WAS MOVED BY MR. FRAZEE
13 AND SECONDED BY MYSELF?

14 SECRETARY KELLY: IS THERE A TIME TO BRING
15 THAT BACK?

16 CHAIRMAN PENNINGTON: WE DIDN'T SPECIFY.

17 DO YOU WANT TO SPECIFY A TIME?

18 ONE OF THE BOARD MEMBERS: IT'S ONLY THE
19 SECOND PART THAT COMES BACK.

20 MR. BLOCK: YOU CAN SPECIFY WHATEVER TIME YOU
21 WANT.

22 I'M THINKING ABOUT THE END OF OCTOBER.

23 IF YOU WOULD LIKE TO INCLUDE THAT IN
24 THE MOTION ON OCTOBER 21ST.

25 MEMBER FRAZEE: IT'LL TAKE SOME TIME FOR YOU
1 TO NEGOTIATE ALL THESE TERMS, WON'T IT?

2 CHAIRMAN PENNINGTON: WE CAN ALWAYS ASK YOU
3 TO BRING IT BACK IF WE THINK IT'S GONE ON TOO LONG.

4 I DON'T THINK IT'S NECESSARY.

5 THE MOTION DOES NOT CARRY A TIME
6 FRAME.

7 MEMBER JONES: MR. CHAIRMAN.

8 CHAIRMAN PENNINGTON: MR. JONES?

9 MEMBER JONES: JUST A QUESTION.

10 THE MOTION INCLUDED THAT WE ARE
11 ACCEPTING ALTERNATIVE NUMBER 1.

12 SO, WE HAVE AN MOU THAT WE'RE VOTING
13 ON --

14 CHAIRMAN PENNINGTON: YEAH, UM HUM.

15 MEMBER JONES: -- RIGHT?

16 IT IS ONLY NUMBER 2 THAT'S GOING TO
17 COME BACK AFTER IT GETS NEGOTIATED FURTHER FOR
18 DISCUSSION, AS I UNDERSTOOD IT.

19 CHAIRMAN PENNINGTON: THAT'S CORRECT.

20 SECRETARY CALL THE ROLL, PLEASE?

21 SECRETARY KELLY: MEMBER EATON.

22 MEMBER EATON: AYE.

23 SECRETARY KELLY: MEMBER FRAZEE.

24 MEMBER FRAZEE: AYE.

25 SECRETARY KELLY: MEMBER JONES.

1 MEMBER JONES: AYE.

2 SECRETARY KELLY: MEMBER RHODES.

3 MEMBER RHODES: AYE.

4 SECRETARY KELLY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE.

6 THE MOTION CARRIES.

7 WE'LL MOVE TO ITEM NUMBER 18.

8 ITEM NUMBER 18, CONSIDERATION OF
9 APPROVAL TO BEGIN A FORTY-FIVE DAY PUBLIC COMMENT
10 PERIOD FOR THE PERMANENT WASTE TIRE STORAGE, HAULER,
11 AND MONOFILL REGULATIONS.

12 MS. NAUMAN.

13 MS. NAUMAN: MR. CHAIRMAN, BERNIE VLACH WILL
14 PRESENT THIS ITEM FOR STAFF.

15 MR. VLACH: GOOD AFTERNOON, MR. CHAIRMAN,
16 MEMBERS OF THE BOARD. MY NAME IS BERNIE VLACH. I'M
17 THE CURRENT SUPERVISOR OF THE COMMITTEE ON ENFORCMENT
18 DIVISIONS.

25 STRIKING OF THE NON-STATUTORY EXCLUSION FOR FOREIGN
1 WASTE TIRE HAULERS FROM THE REQUIREMENT TO BE
2 REGISTERED AS WASTE TIRE HAULERS, FROM OBTAINING A
3 SURETY BOND, AND FROM THE USE OF THE WASTE TIRE HAULER
4 MANIFEST SYSTEM.

5 STAFF IS ALSO RECOMMENDING INCLUSION
6 OF A NEW SUBPART FOR PERMITTING AND OPERATION OF WASTE
7 TIRE MONOFILLS; AND CONTRARY TO WHAT THE AGENDA ITEM
8 SAYS, STAFF IS NOT PROPOSING THE CONVERSION OF THE
9 REGULATORY PROGRAM TO A WASTE TIRE WHOLE BASIS FROM
10 THE WASTE TIRE, FROM THE UNIT WASTE TIRE BASIS.

11 THAT'S SIMPLY SOMETHING WE HADN'T
12 CONSIDERED DISCUSSING HERE.

13 WE ARE NOT PROPOSING THAT AT THIS
14 TIME.

15 STAFF HAS HELD FOUR INFORMAL WORKSHOPS
16 IN 1998 AND, MOST RECENTLY, TWO WERE HELD IN AUGUST;
17 AND WE'RE PROPOSING TO HOLD A FIFTH WORKSHOP, A WASTE
18 TIRE CONFERENCE, ON OCTOBER THE 9TH.

19 STAFF LEARNED FROM THOSE WORKSHOPS
20 THAT THERE WERE SEVERAL IMPORTANT ISSUES. SOME OF
21 THEM WE'RE ATTEMPTING TO ADDRESS IN THESE REGULATIONS.

22 I CAN SAY THAT THERE ARE SEVERAL
23 ISSUES WHICH WE WERE NOT ABLE TO ADDRESS IN THESE
24 REGULATIONS THAT I THINK ARE STILL OUTSTANDING ISSUES
25 AND WE HOPE TO DEAL WITH IN THIS FORMAL FORTY-FIVE DAY
1 COMMENT PERIOD.

2 I WOULD LIKE, FOR THE RECORD, TO SAY
3 THE ISSUE OF --

4 THERE WERE SEVERAL SPEAKERS AT THE

5 WORKSHOPS THAT WERE PETITIONING THE BOARD AND STAFF TO
6 MAKE A DISTINCTION BETWEEN REUSABLE OR USED TIRES AND
7 JUNK TIRES AND ALSO FOR THE BOARD AND STAFF TO MAKE A
8 DISTINCTION BETWEEN JUNK TIRES AND TIRE-DERIVED
9 PRODUCTS THAT HAVE A READILY RECOGNIZABLE MARKET, SUCH
10 AS TIRE-DERIVED FUEL.

11 STAFF HAS NOT ADDRESSED THESE ISSUES
12 IN THIS SET OF DRAFT REGULATIONS, BUT WE HOPE TO
13 ADDRESS THAT OR WE WILL BE CONSIDERING THAT ISSUE IN
14 THE FORTY-FIVE DAY COMMENT PERIOD.

15 THERE WAS ANOTHER ISSUE THAT WAS
16 PRESENTED IN THESE WORKSHOPS. IT HAD TO DO WITH THE
17 CONVERSION OF THE PROGRAM FROM A UNIT TIRE BASE TO A
18 WASTE TIRE EQUIVALENT BASIS.

19 STAFF CONSIDERED THIS TO THE EXTENT
20 THAT WE COULD AND WE, WE FEEL WE ARE DEALING WITH SOME
21 LEGAL CONSTRAINTS HERE BECAUSE THE STATUTE DOESN'T
22 PERMIT US TO DO THAT IN REGULATION.

23 AND THERE WAS ALSO SIGNIFICANT COMMENT
24 ABOUT THE REVOCATION OF THE FOREIGN WASTE TIRE HAULER
25 EXCLUSION AND CONSIDERABLE DISCUSSION OF THE ENCLOSED
1 MOVABLE CONTAINERS EXCLUSION.

2 SCOTT WALKER OF THE BOARD STAFF IS
3 ALSO HERE TO MAKE A BRIEF PRESENTATION ON THE ADDITION
4 OF THE WASTE TIRE MONOFILL REGULATIONS.

5 MR. WALKER: THE WASTE TIRE -- PROPOSED WASTE
6 FIRE MONOFILL REGULATIONS WHICH ARE INCLUDED IN THIS
7 AGENDA ITEM; AND COPIES ARE ON THE DESK IN THE BACK
8 FOR THE PUBLIC.

9 THESE REGULATIONS, PROPOSED
10 REGULATIONS, ADDRESS THE FACILITIES WHICH DISPOSE OF

11 OLD TIRES TO DISCRETE INDUSTRIES.

12 THE REGULATIONS ARE BASED ON THE
13 BOARD'S TIRE MONOFILL REPORT OF APRIL 25TH, 1998,
14 WHICH WAS PREPARED BY A CONTRACTOR, GEOSYNTEC IN
15 SOLSTICE, AND OUR TIRE ENVIRONMENTAL AND ENGINEERING
16 SERVICES CONTRACTOR, DR. DANA HUMPHREY.

17 THE PURPOSE OF THESE REGULATIONS IS TO
18 INSURE THE PROTECTION OF PUBLIC HEALTH AND SAFETY FROM
19 WASTE TIRE MONOFILLS, INCLUDING MAINLY PREVENTION OF
20 LANDFILL FIRES.

21 THIS HAS BEEN THE TOPIC OF RECENT
22 CONCERN AND RESEARCH.

23 THE REGULATIONS PROVIDE FOR SITE
24 DESIGN AND OPERATIONAL STANDARDS, CLOSURE, AND
25 FINANCIAL ASSURANCE REQUIREMENTS, AND PERMITTING
1 REQUIREMENTS.

2 WE'VE TRIED TO BUILD IN AS MUCH
3 FLEXIBILITY AS WE CAN TO NOT DUPLICATE THE EXISTING
4 TIRE PERMITTING REQUIREMENTS AND MAKE IT AS FLEXIBLE
5 AS WE CAN.

6 AND WE HAVE A NUMBER OF ITEMS IN THERE
7 THAT WE HAVE TRIED TO ATTAIN THAT.

8 TO QUICKLY GO TO THE WORKSHOPS, WE HAD
9 A PRIMARY --

10 PRIMARILY, THE COMMENTS WERE REGARDING
11 CONCERNS WITH THE PRESCRIPTIVE NATURE OF THE
12 RECOMMENDED SPECIFICATIONS IN MONOFILLS.

13 I THINK THERE WAS QUITE A FEW
14 COMMENTERS THAT FELT THE NEED OR DESIRE TO HAVE A
15 LITTLE MORE FLEXIBILITY IN THEIR SITES WITH SPECIFIC

16 ENGINEERING ALTERNATIVES; AND WITH THIS PROPOSED
17 VERSION, WE'VE MADE A CHANGE TO ALLOW FOR THAT AND TO
18 HOPEFULLY RESPOND TO THOSE CONCERNS.

19 IN CONCLUSION, STAFF RECOMMENDS
20 APPROVAL OF RESOLUTION 98-310 AUTHORIZING THE FILING
21 OF THE PROPOSED WASTE TIRE STORAGE, HAULING, AND
22 MONOFILL REGULATIONS FOR THE FORTY-FIVE DAY COMMENT
23 PERIOD.

24 AND PRIOR TO ANY SPEAKERS, BERNIE AND
25 I WOULD BE HAPPY TO ANSWER QUESTIONS THAT YOU MAY
1 HAVE.

2 THANK YOU.

3 MEMBER EATON: I HAVE A COUPLE OF QUESTIONS.

4 THE FIRST ONE IS A QUESTION FOR YOU,
5 SCOTT, IS MY UNDERSTANDING, THAT IF WE HAVE TO GO
6 THROUGH PEER REVIEW, THAT THEY HAVE TO BE PRESCRIPTIVE
7 IN NATURE IN ORDER TO IMPOSE THE PEER REVIEW.

8 CORRECT?

9 IF IT'S PERFORMANCE BASED, WE NEED NOT
10 GO THROUGH THAT PROCESS.

11 MR. WALKER: CORRECT.

12 THE CURRENT VERSION OF THE POLICY THAT
13 WE ARE DEVELOPING, IT'S OUR POSITION THAT THESE WOULD
14 NOT FALL INTO PEER REVIEW BECAUSE, AGAIN, THE
15 PROVISION WE HAVE FOR ALTERNATIVES IN THE GUIDELINES,
16 SPECIFICATIONS OF THE GUIDELINES, WE HAVE MET THE
17 INTENT OF THE POLICY. THAT WOULD NOT REQUIRE A PEER
18 REVIEW. THAT'S OUR POSITION RIGHT NOW.

19 MEMBER EATON: BECAUSE, IF YOU LOOK AT OUR
20 OPERATING CRITERIA ON EIGHTEEN-TEN, IT'S PRESCRIPTIVE
21 IN NATURE.

22 IT KIND OF DESCRIBES THE SIZE, HOW
23 HIGH, WHATEVER.

24 THAT'S PRESCRIPTIVE.

25 SO, HELP ME FIND OUT WHERE THE
1 PERFORMANCE BASED OR KIND OF, YOU KNOW, LITTLE HOOK WE
2 CAN HAVE TO MAKE SURE THAT THEY ARE PERFORMANCE BASED.

3 MR. WALKER: IF YOU LOOK IN THE OPERATING
4 CRITERIA, SECTION SEVENTEEN TWO TWO NINE, (I), AND IT
5 STATES THAT THE OPERATOR MAY PROPOSE ALTERNATIVE
6 OPERATING CRITERIA FOR APPROVAL BY THE BOARD.

7 AND THE PROPOSAL SHALL INCLUDE A
8 DEMONSTRATION OF THE ALTERNATIVE OPERATING CRITERIA
9 TO PREVENT LANDFILL FIRES AND PROTECT THE PUBLIC
10 HEALTH AND SAFETY AND THE ENVIRONMENT.

11 THE WAY, THE WAY WE APPROACH THIS IS
12 THESE ARE LIKE GUIDELINES, RECOMMENDATIONS,
13 SPECIFICATIONS; AND THAT WITH THIS ALTERNATIVE
14 LANGUAGE IN THERE, IT ALLOWS FOR THE PERFORMANCE BASED
15 STANDARDS, OPERATING STANDARDS.

16 THAT'S WHAT WE HAVE.

17 MEMBER EATON: THAT'S THE BASIS FOR THE
18 CONSULTANT; CORRECT?

19 IT GIVES US THE OPTION?

20 MR. WALKER: CORRECT.

21 THERE IS EXAMPLES IN --

22 THE CONSULTANT'S REPORT KIND OF
23 LOOKS --

24 THERE ARE SITUATIONS IN WHICH A
25 LANDFILL PLACES A LOT OF DAILY COVER ON THEIR DEBRIS,
1 A VERY THIN LAYER; AND THAT TYPE OF CONCEPT, I THINK,

2 IS THE TYPE OF THING WE ARE LOOKING FOR.

3 WHAT THE MONOFILL REPORTS ARE LOOKING
4 MORE AT ARE THESE LARGE, SINGLE-QUANTITY, HUGE
5 THICKNESS TYPE OF LIFTS WHICH MAY BE AN OPERATIONAL
6 STANDARD THAT'S BEING USED.

7 IF IT IS, THEN THE GUIDELINES ARE
8 THERE; BUT WE ALLOW FOR THE ALTERNATIVES HERE.

9 IT'S PERFORMANCE BASED.

10 MEMBER EATON: JUST A MATTER NOT RELATED TO
11 YOUR ITEM, BUT JUST TO INSURE FOR THE RECORD THAT MY
12 UNDERSTANDING, AT LEAST WITH REGARD TO THE EXEMPTIONS,
13 THAT THESE DO NOT IN ANY WAY TAKE AWAY OR ARE
14 INJURIOUS TO PUBLIC RESOURCE CODES SECTION FOUR TWO
15 EIGHT TWO THREE AND FOUR TWO EIGHT TWO THREE POINT
16 FIVE, WHICH I THINK RELATED TO THE EXEMPTION FOR THE
17 CEMENT MANUFACTURING FACILITIES.

18 IS THAT CORRECT?

19 MR. VLACH: THAT'S CORRECT.

20 CHAIRMAN PENNINGTON: OKAY.

21 MEMBER JONES: I HAVE A QUESTION.

22 I DON'T KNOW IF IT'S A LEGAL OR WHO,
23 BUT I KNOW THAT TIRE EXEMPTIONS OR THE CONTAINERIZED
24 EXEMPTION IS GOING TO CAUSE A LOT OF PROBLEMS.

25 BUT IT'S ALSO AN AREA THAT CAN BE
1 ABUSED PRETTY EASILY AND IT'S NOT REQUIRED BY STATUTE,
2 BUT WHEN A WHOLE TIRE HAS BEEN ALTERED AND IS SHREDDED
3 AS A FUEL AND IT IS LOADED IN A TRAILER AND DELIVERED
4 TO A END USER WITH THE SOLE PURPOSE THAT IT IS THE
5 DELIVERY OF A PRODUCT TO THE END USER AND IT'S ON THAT
6 SITE TO BE USED AS AN END USER, IS THAT STILL A WASTE
7 TIRE OR IS THAT NOW A PRODUCT?

8 IF IT WERE GOING TO THE LANDFILL, IT
9 WOULD BE SOLID WASTE. IT WOULD NO LONGER BE A WHOLE
10 TIRE.

11 MS. TOBIAS: I'M LOOKING AROUND THE REST OF
12 THE ROOM WONDERING WHERE ALL THE STAFF IS ON THIS.

13 I'M NOT SURE I CAN ADDRESS THAT
14 QUESTION.

15 SCOTT OR BERNIE?

16 MEMBER EATON: NICE REFERRAL, SCOTT.

17 MS. TOBIAS: KARIN DOESN'T WANT TO ANSWER IT,
18 EITHER.

19 BERNIE?

20 MR. VLACH: IF I UNDERSTAND YOUR QUESTION
21 CORRECTLY, THE REGULATIONS DON'T MAKE A DISTINCTION
22 BETWEEN THE TWO SCENARIOS THAT YOU JUST PRESENTED.

23 SO, THEY WOULD BE CONSIDERED WASTE
24 TIRES.

25 MEMBER JONES: DO WE HAVE THE FLEXIBILITY --

1 IF THEY DON'T ADDRESS IT, DO WE HAVE
2 THE FLEXIBILITY TO DETERMINE WHAT THOSE UNITS ARE?

3 HERE'S MY GOAL, OKAY?

4 WE ARE ALL THE TIME WORKING ON END
5 USES. MR. VALLONE IS SITTING HERE FROM AN OPERATION
6 THAT WE FUNDED AIR TESTING AT.

7 WE CAME UP WITH A PRODUCT.

8 WE FOUND AN END USE.

9 TIRES ARE CUT INTO CHIPS THAT ARE THIS
10 BIG THAT AREN'T GOING TO BE USED FOR ANYTHING ELSE
11 EXCEPT FOR SUPPLEMENTAL FUEL AT HIS FACILITY, BUT THEY
12 GET THERE IN A TRAILER.

13 THEY LOAD UP TO A PRETTY SOPHISTICATED
14 SYSTEM THAT LOCKS THE TRAILER INTO PLACE. IT WALKS
15 THE TIRE CHIPS INTO ANOTHER WALKING FLOOR THAT'S
16 CONTAINED THAT TAKES THAT UP INTO A MIXING -- UP INTO
17 A BLENDING HOUSE AND BLENDS THAT SUPPLEMENTAL FUEL.

18 I DON'T THINK THAT THERE IS ANY
19 POTENTIAL FOR, ONCE THOSE TIRES ARE DELIVERED TO THAT
20 SITE, THAT THEY'RE GOING TO BE MISUSED.

21 THERE IS NO --

22 THIS ISN'T LIKE YOU'RE GOING TO CREATE
23 A BIG PILE OF TIRE CHIPS AND WALK AWAY FROM THEM.

24 BUT IN MY MIND, AT THAT POINT, WHEN
25 IT'S DELIVERED TO THAT FACILITY TO BE USED, IT IS A
1 PRODUCT; VERY SIMILAR TO THAT SAME TRAILER GOING TO A
2 LANDFILL TO BE BURIED.

3 AT THAT POINT, ONCE IT'S CHOPPED UP,
4 EVEN THOUGH THERE IS A PROHIBITION ON WHOLE TIRES,
5 ONCE IT'S BEEN CHOPPED, THEY'RE JUST MSW.

6 SO, I THINK WE NEED TO THINK ABOUT
7 THAT CORRELATION SO WE CAN MAKE A DETERMINATION THAT
8 THOSE END USERS --

9 MAYBE WE HAVE TO TALK ABOUT HOW MANY
10 TRAILERS OR WHATEVER OR WHAT WORKS.

11 -- DON'T HAVE TO GO THROUGH A WASTE
12 TIRE FACILITY PERMIT.

13 WE HAD THE VERY SAME DISCUSSION WHEN
14 WE TALKED ABOUT BALING TIRES AND BALED TIRES BEING
15 USED AS BACKSTOPS AT FIRING RANGES.

16 IN THAT CASE, IT WAS NOT GOING TO --
17 THAT MARKET WAS NOT GOING TO --
18 THERE WOULD STILL BE A DISPOSAL OR AN

19 END FINALITY TO THAT THAT HADN'T -- JUST THEM PUTTING
20 THAT AT A RIFLE RANGE DIDN'T -- THAT DIDN'T OCCUR;
21 BECAUSE, WHEN THOSE BALES BROKE, THEY WOULD HAVE TO BE
22 TAKEN SOMEWHERE ELSE TO BE FINALLY DISPOSED OF.

23 SO WE, YOU KNOW, WE PUT IN CLOSURE,
24 POST-CLOSURE REQUIREMENTS TO THOSE JURISDICTIONS THAT
25 HAVE PLEDGED REVENUE TO TAKE CARE OF DISPOSAL; RIGHT?

1 THIS IS A CASE WHERE THEY ARE BUYING A
2 PRODUCT THAT COMES TO THE DOOR, HOOKS UP TO A PLACE,
3 AND IT'S USED AS A PRODUCT.

4 IT IS FINAL DISPOSAL.

5 IT IS A PRODUCT THAT GETS, THAT ENDS
6 UP THERE IS NOTHING LEFT. I DON'T THINK WE WANT TO
7 DISCOURAGE USERS OF THOSE PRODUCTS AND STILL, YOU
8 KNOW, TO GET A WASTE TIRE FACILITY PERMIT FOR
9 SOMETHING THAT'S REALLY A PRODUCT THAT'S NO DIFFERENT
10 THAN A CHUNK OF COAL.

11 MS. TOBIAS: I THINK, WHEN YOU SAID, I THINK
12 YOU KIND OF STARTED OUT WITH THE IDEA OF WHAT'S A
13 WASTE TIRE AND WHAT'S A PRODUCT THAT'S GOING TO BE
14 USED, YOU KNOW, AS A FUEL OR SOMETHING ELSE.

15 ONE OF THE PROBLEMS HERE MAY BE JUST THAT WE
16 NEED SOME LEGISLATIVE CHANGE HERE WHICH ALLOWS
17 THE BOARD TO EITHER MAKE THESE KINDS OF DISTINCTIONS
18 WHERE, AS YOU'VE DESCRIBED, SOMETHING IS GOING
19 STRAIGHT TO AN END USER AND THEY'RE BASICALLY USING IT
20 WITHOUT ANY CHANGE TO IT, ANY OTHER ALTERATION OR
21 ANYTHING.

22 THE PROBLEM IS THAT WE DON'T HAVE THE
23 AUTHORITY TO DO THESE EXCLUSIONS THAT HAVE BASICALLY

24 BEEN PUT IN REGS SOMETIME AGO.

25 SO, WHAT WE ARE DOING AT THIS POINT IS
1 BASICALLY TRYING TO SAY WE DON'T HAVE THE AUTHORITY TO
2 DO THESE, AND, IN ADDITION, THESE EXCLUSIONS HAVE BEEN
3 A PROBLEM BECAUSE SOMETIMES THEY WORK AND SOMETIMES
4 THEY ALLOW OTHER THINGS TO HAPPEN.

5 SO, WHAT WE NEED TO DO AND WHAT STAFF
6 IS TALKING ABOUT DOING IS HOW DO WE ACCOMPLISH THAT?

7 WE'VE GOT SEVERAL DIFFERENT IDEAS IN
8 TERMS OF HOW TO COME AROUND THAT. ONE MAY BE
9 LEGISLATIVE CHANGE, BASICALLY, TRYING TO EITHER GET
10 THE AUTHORITY TO DO THAT OR GET THE EXCLUSIONS PUT
11 DIRECTLY IN THE LAW AND FIND OUT WHAT THE LEGISLATURE
12 WANTS THERE, WITH OUR INPUT.

13 BUT THERE ARE A COUPLE OF OTHER
14 APPROACHES WE ARE TALKING ABOUT WHICH I THINK ARE
15 PRETTY RUDIMENTARY AT THIS POINT I HATE TO KIND OF
16 JUST THROW OUT, BUT WE ARE AWARE THAT THAT'S A
17 PROBLEM, THAT WE NEED TO MAKE THESE DISTINCTIONS.

18 WE JUST DON'T HAVE THE AUTHORITY RIGHT
19 NOW THE WAY WE WERE DOING IT.

20 MEMBER JONES: CAN I ASK A QUESTION TO FOLLOW
21 UP ON THAT?

22 I DON'T WANT TO CREATE AN EXCLUSION
23 FOR THEM.

24 SO, I AGREE.

25 WHAT I WANT TO KNOW IS: WHO --

1 IS IT THROUGH LEGISLATION THAT MADE
2 THE DETERMINATION AND THE DEFINITION OF THAT PRODUCT?

3 IS THAT PART OF THE STATUTE THAT SAID
4 OR IS IT OUR JOB TO ADD A DEFINITION THAT CLEARLY

5 DEFINES HOW WE TREAT THAT PRODUCT?

6 THAT WAY WE DON'T NEED TO DO AN
7 EXCLUSION.

8 WE NEED TO ADD A DEFINITION.

9 MS. TOBIAS: RIGHT.

10 I THINK THAT IT'S BOTH.

11 I THINK THEY ALLEGE THE DEFINITION'S
12 IN THE STATUTE, BUT I THINK WE NEED TO LOOK BACK AT IT
13 AND SEE IF WE CAN DEAL IN SOME WAY WITH A PRODUCT.

14 AS I SAID, SOMETHING THAT PERHAPS GOES
15 TO THESE END USERS WITH NO CHANGE, DOESN'T --

16 THEY'RE NOT KEEPING PILES OF THIS FUEL
17 SOURCE THERE. IT'S COMING IN, BEING DUMPED, AND BEING
18 USED; BECAUSE YOU HAVE TO GO BACK TO THE INTENT OF THE
19 LEGISLATION IN THE FIRST PLACE, WHICH IS, WE DON'T
20 WANT A BUNCH OF TIRES IN ANY FORM, REALLY, SITTING
21 AROUND SOMEWHERE.

22 SO, I THINK THERE ARE A COUPLE
23 DIFFERENT PLACES TO LOOK AT. ONE'S THE DEFINITION.
24 ONE IS MAYBE A DIFFERENT SYSTEM OF HOW WE REGULATE
25 THIS.

1 SO, I THINK THERE IS A COUPLE OF
2 DIFFERENT WAYS.

3 WHAT WE WERE TRYING TO DO AT THIS
4 POINT IS CLEAN UP THE EXCLUSIONS AND I REALIZE THAT
5 THAT DOES, IN THE MEANTIME, LEAVE SOME OF THESE
6 SITUATIONS THAT MAKES IT VERY DIFFICULT FOR OPERATION;
7 BUT WE ARE ALSO ADDRESSING A HEALTH AND SAFETY ISSUE
8 AT THE SAME TIME.

9 MEMBER JONES: I DON'T HAVE ANY PROBLEM WITH

10 THE INTENT. I DON'T HAVE ANY PROBLEM WITH GETTING RID
11 OF THE EXCLUSION. I JUST WANT TO ADD A DEFINITION OF
12 WHAT IS A MARKETABLE PRODUCT.

13 MS. TOBIAS: WE CAN CERTAINLY LOOK AT IT IN
14 THE NEXT FOURTY-FIVE DAYS. I'M NOT SURE THAT'S
15 NECESSARILY GOING TO BE THE ANSWER. IT MIGHT BE ONE
16 OF THE ANSWERS. WE MIGHT BE ABLE TO DO SOMETHING WITH
17 THAT.

18 AND THEN I THINK, AS WE COME BACK TO
19 YOU AT THE END OF THE TIME PERIOD, I THINK AT THAT
20 POINT WE MIGHT BE ABLE TO TELL YOU SOME OF OUR
21 DIFFERENT IDEAS, AS WELL, ON EITHER WHAT WOULD BE
22 REQUIRED IN LEGISLATION OR IN SOME OTHER REG PACKAGE.

23 MEMBER JONES: CAN I JUST ASK ONE MORE
24 QUESTION?

25 CHAIRMAN PENNINGTON: SURE.

1 MEMBER JONES: THANK YOU FOR INDULGING ME
2 TODAY.

3 YOU DO EVERY DAY, BUT I KNOW WE WANT
4 TO TRY TO GET OUT OF HERE.

5 WHEN WE ARE TALKING ABOUT WASTE TIRE
6 EQUIVALENTS, WE'VE ALWAYS TALKED ABOUT WASTE TIRE
7 EQUIVALENTS IN THE -- FROM AN EQUATION STANDPOINT OF
8 WEIGHING ABOUT TWENTY POUNDS.

9 THAT'S WHY WE SAY THERE ARE A HUNDRED
10 TIRES IN A TON, YOU KNOW, AND THAT'S PRETTY STANDARD
11 MATH THAT WE USE, THE INDUSTRY USES, AND EVERYBODY
12 USES.

13 BUT I REALIZE IT CREATES A PROBLEM
14 WITH THE EARTH MOVING TIRES, BECAUSE FIVE HUNDRED
15 EARTH MOVING TIRES WEIGH, YOU KNOW, IF THEY WEIGH A

16 THOUSAND POUNDS APIECE, WE HAVE A REAL PROBLEM THERE.

17 IN DEALING WITH THE --

18 PART OF THE BRIEFING THAT I GOT WHEN
19 WE TALKED ABOUT WASTE TIRE EQUIVALENTS HAD SOME MATH
20 THAT SAID, YOU KNOW, A TIRE WEIGHS THIRTY, A TRUCK
21 TIRE WEIGHS A HUNDRED, AND WE ARE GOING TO COME UP
22 WITH A NUMBER OF FIFTY, AT FIFTY POUNDS FOR EVERY
23 WASTE TIRE EQUIVALENT.

24 I'M NOT SURE I AGREE WITH THAT, ONLY
25 BECAUSE IT COULD SCREW UP HOW WE INTERPRET, YOU KNOW,
1 A HUNDRED TIRES BEING A TON.

2 MR. VLACH: MR. JONES, STAFF IS NOT PROPOSING
3 THAT ANY LONGER.

4 MEMBER JONES: NO PROBLEM.

5 THAT'S WHAT I HEARD IN THE BRIEFING
6 AND IT JUST CONFUSED ME.

7 SO, THAT'S GOOD. I'M GLAD WE'RE NOT.

8 DO WE HAVE A WAY TO DEAL WITH THE BIG
9 EARTH MOVING TIRES, THOUGH, UNDER AN EQUIVALENCY
10 STANDPOINT UNDER OUR REGS SO THAT THE GUY THAT'S GOT
11 FOUR HUNDRED FIFTY OF THOSE FALLS INTO OUR REGS?

12 MR. VLACH: NO, SIR.

13 THE CURRENT RULES TREAT A WHEELBARROW
14 TIRE GENERALLY THE SAME WAY AS AN EARTH MOVING TIRE.

15 THEY'RE COUNTED AS ONE.

16 MEMBER JONES: HOW DO WE FIX THAT?

17 MR. VLACH: STATUTORY CHANGE AT THE
18 LEGISLATURE.

19 MEMBER JONES: THAT'S A DISASTER.

20 FOUR HUNDRED FIFTY EARTH MOVING TIRES

21 IN SOMEBODY'S BACK YARD IS AN INCREDIBLE HEALTH
22 HAZARD; AS THOSE CLOSE TO ORAVILLE WITH US KNOW.

23 CHAIRMAN PENNINGTON: ABSOLUTELY NOT.

24 MS. TOBIAS: LET ME JUST SAY THAT WE ARE
25 CONTINUING --

1 I DON'T THINK THAT THIS IS NECESSARILY
2 TOTALLY DEAD.

3 -- THAT WE ARE WORKING ON IT.

4 THE PROBLEM WE RAN INTO WAS AN
5 ENFORCEMENT PROBLEM WHICH IS THAT ONCE YOU MOVE TO AN
6 EQUIVALENCY THING, EQUIVALENCY MEASURE, WOULD
7 ENFORCEMENT STAFF IN GOING OUT AND LOOKING AT
8 SOMEBODY'S OPERATION BE ABLE TO SEE REALLY HOW MANY
9 TIRES WERE THERE.

10 AND IT RAN INTO A DIFFERENT SORT OF
11 PROBLEM.

12 SO, WE'RE STILL WORKING ON IT.

13 I DON'T KNOW WHETHER IT WILL COME BACK
14 THIS TIME, BUT IT'S SOMETHING THAT WE HAVE BEEN TRYING
15 TO GRAPPLE WITH, BUT WE RAN INTO AN ENFORCEMENT ISSUE.

16 CHAIRMAN PENNINGTON: VERY GOOD.

17 MEMBER EATON: THIS MAY VERY WELL BE A GOOD
18 LITTLE SUBSECTION OF YOUR REPORT THAT'S GOING TO BE
19 DUE THE LEGISLATURE AS TO SOME OF THE PROBLEMS WE
20 ENCOUNTER WITH SECTIONS SUCH AS THAT. THAT MAY BE THE
21 MOST APPROPRIATE PLACE TO SORT OF RAISE THIS ISSUE.

22 CHAIRMAN PENNINGTON: ABSOLUTELY.

23 MR. FRAZEE.

24 MEMBER FRAZEE: REFERRING TO SEVENTEEN TWO
25 TWENTY-FIVE POINT SEVEN OH ONE, AGRICULTURAL PURPOSES
1 AND DEFINITION OF AGRICULTURAL PURPOSES, I ASSUME THAT

2 THERE IS ANOTHER SECTION SOMEWHERE THAT THEN EXEMPTS
3 THOSE PURPOSES, TIRES USED FOR THOSE PURPOSES, FROM
4 REGULATION?

5 MS. TOBIAS: WHAT WAS THE SECTION AGAIN?

6 MEMBER FRAZEE: IT'S RIGHT ON THE, NEAR THE
7 TOP OF THE PAGE, SEVENTEEN TWO TWENTY-FIVE POINT SEVEN
8 OH ONE, UNDER DEFINITIONS; AND IT GIVES A DEFINITION
9 FOR AGRICULTURAL PURPOSES; BUT I DON'T KNOW WHERE THE
10 AGRICULTURAL PURPOSE EXEMPTION ITSELF IS.

11 MR. VLACH: I BELIEVE IT'S IN EIGHTEEN FOUR
12 TWO ZERO.

13 MEMBER JONES: SAY IT AGAIN.

14 MR. VLACH: I AM LOOKING.

15 I THINK IT'S EIGHTEEN FOUR TWO ZERO.

16 MEMBER FRAZEE: WHERE IT IS IS SORT OF
17 IRRELEVANT TO THE POINT I WANTED TO MAKE.

18 THIS SEEMS TO RESTRICT THE
19 AGRICULTURAL EXEMPTION TO TWO SPECIFIC USES AND THERE
20 ARE OTHER COMMON USES FOR TIRES THAN AGRICULTURAL AND
21 ONE OF THEM WHICH COMES TO MIND IS THE LAYING DOWN OF
22 A BED OF TIRES FOR CROSSING A PAVED ROAD WITH A PIECE
23 OF EQUIPMENT.

24 AND THERE IS QUITE A NUMBER OF TIRES
25 INVOLVED IN THAT.

1 THE OTHER ONE IS THE BURNING OF TIRES
2 FOR WIND DIRECTION INDICATORS FOR CROP DUSTERS AND
3 THIS SEEMS TO LIMIT THAT EXEMPTION.

4 IF IT REFERS TO AN EXEMPTION, IT WOULD
5 LIMIT IT TO THESE TWO SPECIFIC PURPOSES.

6 I JUST WANTED TO RAISE THAT AS AN

7 ISSUE AS SOMETHING TO LOOK AT.

8 MS. TOBIAS: WE COULD LOOK AT THAT.

9 MR. VLACH: YES, SIR.

10 WE'LL KEEP THAT IN MIND DURING THIS
11 FORTY-FIVE DAY COMMENT PERIOD.

12 THE REASON YOU'RE SEEING THAT SECTION
13 UNDER THE REGULATIONS, WE MOVED THAT DEFINITION FROM
14 ANOTHER PLACE TO CLEAN THAT UP.

15 I'M, I'M SORRY, BUT I CAN'T FIND THE
16 EXACT PLACE WHERE THAT REFERENCE WAS USED, BUT WE'LL
17 CERTAINLY KEEP THOSE ISSUES IN MIND.

18 CHAIRMAN PENNINGTON: OKAY.

19 WE HAVE A COUPLE COMMENTS FROM THE
20 PUBLIC.

21 MR. TED GUTH.

22 DR. GUTH: GOOD AFTERNOON, MR. CHAIRMAN,
23 BOARD MEMBERS.

24 MY NAME IS DR. TED GUTH. I'M A
25 PERMANENT CONSULTANT IN CALIFORNIA WITH OVER TWENTY
1 YEARS OF EXPERIENCE.

2 I'M HERE ON BEHALF OF TWO SOLID FUEL
3 TIRE GENERATION FACILITIES IN KERN COUNTY, RIO BRAVO
4 ROSE AND RIO BRAVO JASMINE. THESE PLANTS HAVE
5 OPERATED FOR OVER TEN YEARS IN KERN COUNTY.

6 THEY PRODUCE SEVENTY-FIVE MEGAWATTS OF
7 POWER AND THEY USE STATE OF THE ART TECHNOLOGY TO
8 CLEANLY COMBUST COAL AND PETROLEUM COKE. THEY'RE
9 RECOGNIZED AS THE BEST AVAILABLE CONTROL TECHNOLOGY BY
10 THE EPA, CALIFORNIA RESOURCES BOARD, AND THE AIR
11 DISTRICT.

12 WE ARE NOT WASTE TIRE FACILITIES.

13 WE ARE, HOWEVER, CONCERNED, CONFUSED,
14 AND A LITTLE DISCOURAGED. WE ARE PART OF THE
15 POTENTIAL SOLUTION FOR THE CALIFORNIA INTEGRATED WASTE
16 MANAGEMENT BOARD'S PROBLEM THAT IT HAS RECOGNIZED AND
17 SOUGHT SOLUTIONS TO FOR MANY YEARS NOW: THE EVER
18 INCREASING POPULATION OF WASTE TIRES.

19 THAT IS, WE HOPE TO CONTINUE TO BE A
20 PART OF THE SOLUTION.

21 AT THE URGING OF THE BOARD, WE APPLIED
22 FOR AND WERE GRANTED AN EXCLUSION TO THE TIRE-DERIVED
23 OR FOR THE TIRE-DERIVED FUEL PROCESS IN COMPLIANCE
24 WITH OR SINCE ALL OR OUR TDF WILL BE STORED IN
25 FULLY-ENCLOSED, MOVABLE CONTAINERS IN ACCORDANCE WITH
1 SECTION SEVENTEEN THREE FIFTY-SIX (B) OF CHAPTER 3.

2 ALL OF OUR FUEL IS GOING TO BE
3 DELIVERED IN CHIP FORM. WE ARE NOT GOING TO DO ANY
4 PROCESSING ON SITE. THE CHIPS ARE GOING TO BE COMING
5 IN IN THE COVERED TRUCKS AND FED DIRECTLY INTO THE
6 BOILERS.

7 THEY'RE MERELY CONVEYED INTO THE
8 BOILERS AND THE AVERAGE TRAILER STAY ON-SITE WILL BE
9 ONE TO TWO DAYS.

10 OUR FACILITIES ARE IDEAL CANDIDATES
11 AND FIT PERFECTLY WITH THE CONDITIONS OF THE EXCLUSION
12 CONTAINED IN THE CURRENT WASTE TIRE PERMITTING
13 REGULATIONS AND WE ARE END USERS, AS MR. JONES SAID.

14 ONCE --

15 WE ARE EXPECTING OUR EPA PERMITS AND
16 OUR AIR DISTRICT PERMITS IN OCTOBER. AT THAT TIME,
17 WE'RE PREPARED TO CONSTRUCT THE NECESSARY FEED SYSTEMS

18 TO AUGMENT OUR FUEL TDF. OUR UNITS CAN THEN BURN UP
19 TO SIX MILLION TIRES A YEAR, SIX MILLION TIRES THAT
20 WOULD ORDINARILY BE DESTINED FOR LANDFILLS OR, WORSE,
21 DISCARDED ALONG THE ROADWAYS.

22 OUR UNDERSTANDING IS THAT BY THE
23 PROPOSED ACTION THIS EXCLUSION WOULD BE DONE AWAY
24 WITH. WE WOULD THEN NEED TO GET A MAJOR WASTE TIRE
25 FACILITY PERMIT FROM THE INTEGRATED WASTE MANAGEMENT
1 BOARD.

2 THIS CREATES UNCERTAINTY AND DOES NOT
3 ALLOW US TO RELY ON EXCLUSIONS THAT WERE JUST GRANTED
4 TO US ONE MONTH AGO.

5 THE TIME REQUIRED FOR THE PERMITS TO
6 BE ISSUED IS NOT KNOWN. THAT'S ONE OF THE
7 UNCERTAINTIES. THE REQUIREMENTS AND CONDITIONS TO BE
8 IMPOSED AND THEIR IMPLICATIONS, FINANCIALLY, REPORTING
9 REQUIREMENTS, OPERATIONAL REQUIREMENTS, ARE ALSO NOT
10 KNOWN.

11 THE PERMITS COULD ALSO BE CHALLENGED
12 AND ULTIMATELY DENIED.

13 THE CEQA PROCESS WOULD VERY LIKELY BE
14 TRIGGERED BY THIS APPLICATION.

15 BASED ON THE CONCERNS AND THE FACT
16 THEY FINANCED A POWER PLANT, OUR BANK AND OUR OWNERS
17 DON'T WANT TO FUND AND OWN A WASTE TIRE FACILITY.

18 BASED ON THE RECEIPT OF THE EXCLUSION,
19 WE'VE ALREADY IN GOOD FAITH EXTENDED FUNDS TO DESIGN
20 TDF DELIVERY AND FUELING SYSTEMS. WE'RE PREPARED TO
21 GO FORWARD WITH IMPLEMENTING A PROGRAM TO COMBUST TDF
22 AND ASSIST YOU IN DEALING WITH THE TERRIBLE PROBLEM OF
23 WASTE TIRES IN THE STATE.

4 PERMITTING REQUIREMENTS.

5 THIS WAS INDEED TRUE, AS BOTH STOCKTON
6 COGEN AND BOTH OF OUR PLANTS RECEIVED EXCLUSIONS FROM
7 THE BOARD.

8 THE PROGRAM DID DEMONSTRATE THAT TDF
9 COULD BE USED AS A SUPPLEMENTAL FUEL WHILE STILL
10 ACHIEVING THE STRICT AIR POLLUTION MINIMUMS WE HAVE ON
11 OUR PLANTS.

12 WE BASICALLY HAD A WIN WIN SITUATION.

13 WE COULD USE A VERY HIGH BTU FUEL. WE
14 COULD ALSO ACCOMODATE THE BOARD'S DESIRE TO HELP
15 ELIMINATE AN ENVIRONMENTAL PROBLEM.

16 WE FOLLOWED YOUR INSTRUCTION.

17 YOUR STAFF CONDUCTED SITE VISITS.

18 WE FILED FOR AND WERE APPROVED FOR AN
19 EXCLUSION THAT HAS BEEN ON THE BOOKS FOR TEN YEARS
20 AND WE HAVE BEGUN SPENDING MONEY TO GET THE PROJECT
21 READY TO GO.

22 STOCKTON COGEN ALSO HAS AN EXCLUSION.
23 THEY HAVE RECEIVED THEIR AIR PERMITS. IN FACT,
24 THEY'RE OPERATIONAL. I CANNOT SPEAK FOR THEM.

25 YOU WILL HEAR FROM THEM SHORTLY.

1 BUT HAVING ALREADY EXPENDED THE MONEY
2 FOR THE EQUIPMENT, THIS UNCERTAINTY MUST PRESENT A
3 VERY DIFFICULT SITUATION.

4 IT'S BEEN NOTED THAT IF WE WERE USING
5 RUBBERIZED ASPHALT INSTEAD OF TDF, WE WOULDN'T EVEN BE
6 HERE TODAY. THIS WOULD NOT BE AN ISSUE.

7 IT IS AN ISSUE, HOWEVER.

8 IN CLOSING, WE WANT TO CONTINUE TO
9 HELP YOU SOLVE YOUR PROBLEM. WE CANNOT DO SO IF WE

10 HAVE TO HIT A MOVING TARGET.

11 THE PROPOSED REGULATIONS THAT WERE
12 WORKED OUT RECENTLY DID NOT CONTAIN OR DID, RATHER,
13 INCLUDE THE EXCLUSION. IT WAS ONLY DELETED AFTER THE
14 WORKSHOP IN SACRAMENTO AND WORKSHOP IN THE SOUTH
15 COAST WHICH I ATTENDED.

16 WE OPPOSE THE REMOVAL OF THE EXCLUSION
17 FROM THE REGS FOR TEMPORARY STORAGE SITUATIONS LIKE
18 OURS DURING THIS FORTY-FIVE DAY PUBLIC COMMENT PERIOD.

19 IT OUGHT TO GO OUT FOR PUBLIC COMMENT
20 FOR THE FORTY-FIVE DAYS WITH THAT EXCLUSION STILL IN
21 THERE WHILE THE STAFF FIGURES OUT WHAT DIRECTION THEY
22 WANT TO TAKE ON THIS.

23 LEAVE IT ALONE FOR THE TIME BEING.

24 THEN WE WILL FIGURE OUT WHAT TO DO
25 WITH IT. DON'T TAKE IT OUT NOW. IF YOU DO, OUR HANDS
1 ARE TIED. WE CAN'T MOVE AT ALL.

2 WE URGE THE BOARD TO RETAIN THE
3 EXCLUSIONS AS THEY ARE WITH RESPECT TO THIS QUESTION
4 AND THANK YOU VERY MUCH FOR YOUR TIME.

5 I'LL ANSWER ANY QUESTIONS.

6 CHAIRMAN PENNINGTON: DO YOU HAVE QUESTIONS?

7 THANK YOU.

8 MR. PAUL VALLONE.

9 MR. VALLONE: GOOD AFTERNOON.

10 I GUESS ONE ADVANTAGE OF GOING A
11 LITTLE BIT LATER IS EVERYONE HERE HAS ALREADY TALKED
12 ABOUT OUR PLANT.

13 LUCKILY, I WAS HERE TO HEAR ABOUT
14 THOSE THINGS AND PRETTY MUCH EVERYTHING THAT HAS BEEN

15 SAID HAS BEEN TRUE.

16 WE HAVE STARTED UP OUR PLANT. WE
17 BECAME OPER-- COMMERCIAL ABOUT A MONTH AGO AND WE
18 HAVE BEEN RUNNING QUITE WELL.

19 IN ADDITION TO ALL THOSE OTHER THINGS
20 THAT HAVE GONE ON, ONE OF THE OTHER THINGS WE DID DO
21 THAT WAS RIGHT ON WAS TO ORGANIZE WITH OUR COMMUNITY
22 COLLECTIONWIDE PROGRAM AND ALREADY WE'VE COLLECTED
23 OVER SIXTY THOUSAND TIRES THAT WERE ILLEGALLY DUMPED
24 IN AGRICULTURAL FIELDS AT NO COST FOR THE LANDOWNERS.

25 I REALLY BELIEVE THAT WHAT WE HAVE DONE
1 IS A BENEFIT TO BOTH OURSELVES, OBVIOUSLY --

2 THIS IS A CHEAPER-COST FUEL FOR US,
3 BUT IT IS A FUEL.

4 -- AND FOR OUR COMMUNITY, AS WELL AS
5 THE ENVIRONMENT.

6 I REALLY HAVE APPRECIATED ALL THE WORK
7 AND SUPPORT THAT THE STAFF AND BOARD HAVE GIVEN US
8 DURING THIS PERIOD OF TIME.

9 AND OVER THE LAST TWO YEARS, WE'VE
10 BEEN ABLE TO REALLY BENEFIT BY THEIR DIRECTION IN
11 BEING ABLE TO GET THIS PROJECT OFF THE GROUND.

12 HOWEVER, THERE ARE MAJOR CONCERNS THAT
13 WE WOULD HAVE IF WE WOULD HAVE TO GO GET A WASTE
14 PERMIT.

15 AS MR. GUTH MENTIONED, WE ARE NOT IN
16 THE BUSINESS OF GETTING WASTE PERMITS.

17 WE HAVE A CONCERN ABOUT THAT.

18 WHETHER IT'S REAL OR PERCEIVED, THERE
19 IS A STIGMA ATTACHED TO HAVING A WASTE PERMIT AND WE
20 JUST DON'T WANT TO HAVE TO DEAL WITH THOSE TYPE

21 ISSUES.

22 I BROUGHT UP THE SAME TYPE OF COMMENTS
23 AND ISSUES AS MR. JONES DID FROM THE GET-GO AS FAR AS
24 WHY SHOULD THIS EVEN BE LOOKED AT AS A WASTE MATERIAL?

25 I'M PAYING FOR THIS MATERIAL.

1 IT'S A FUEL, AS FAR AS I'M CONCERNED.
2 I'M REPLACING SOME OF MY OTHER FUELS THAT ARE HIGHER
3 COST; BUT NEVERTHELESS, THIS IS A COST THAT I'M
4 BEARING AT THE PLANT.

5 AND I CONSIDER THIS A FEE STOCK, AS I
6 WOULD ANYTHING ELSE. THERE ARE NO WASTE REQUIREMENTS
7 OR PERMITS THAT I HAVE TO HAVE FOR ANY OF MY OTHER
8 FUELS.

9 I ARGUED THAT POINT.

10 AT THAT TIME, THIS EXCLUSION WAS ON
11 THE BOOKS AND WE TOOK ADVANTAGE OF THAT EXCLUSION AND
12 FELT SATISFIED AND COMFORTABLE WITH THAT, THAT THAT
13 WOULD SATISFY THE WASTE BOARD'S REQUIREMENTS.

14 AND AS MR. GUTH MENTIONED, THAT --
15 APPARENTLY, THAT EXCLUSION HAS BEEN IN THERE FOR TEN
16 YEARS.

17 I WOULD DISAGREE SLIGHTLY WITH MR.
18 JONES THAT YOU'RE PROVIDING US WITH A SPECIAL
19 EXCLUSION. THIS IS AN EXCLUSION WE'VE TAKEN ADVANTAGE
20 OF AND ENGINEERED BASED ON WHAT THE REQUIREMENTS
21 ACTUALLY WERE AND IT'S NOT ANYTHING SPECIAL FOR US AS
22 TO ANYONE ELSE.

23 I DO UNDERSTAND AND I'M CONCERNED. I
24 SHARE YOUR CONCERNS AS FAR AS THE MISUSE AND ABUSE OF
25 LOOPHOLES OR WHAT HAVE YOU ON ANY OF THE TIRE PERMITS.

1 MY FACILITY IS LOCATED NEAR MY HOME.
2 IT'S LOCATED RIGHT NEXT TO THE OR RIGHT, FAIRLY CLOSE
3 TO THE TRACY FACILITY, TRACY PILE THAT JUST HAD A
4 FIRE.

5 I COULD SHARE MY OWN EXPERIENCES AS
6 FAR AS WHAT THAT CAN DO TO THE ENVIRONMENT. THE
7 NUMBER OF TIRES THAT BURNED THERE CREATED A LOT OF
8 ENVIRONMENTAL ISSUES THAT STILL ARE NOT DONE AND I
9 FULLY SUPPORT ANY CLARIFICATIONS AND ANYTHING THAT CAN
10 BE DONE TO THESE REGULATIONS TO BETTER ENFORCE AND
11 PREVENT THINGS LIKE THAT.

12 HOWEVER, IN OUR CASE, I, I AGREE WITH
13 MR. GUTH THAT UNTIL SOME KIND OF RESOLUTION CAN HAPPEN
14 ON THIS, WE REALLY FEEL THAT THIS EXCLUSION NEEDS TO
15 STAY ON THE BOOKS TO AT LEAST GIVE US SOME LEVEL OF
16 CERTAINTY THAT WE COULD HAVE SOME CERTAINTY UNTIL IT
17 CAN BE CLARIFIED.

18 IF, OBVIOUSLY, THAT DISCUSSION CAN
19 STILL TAKE PLACE IF THIS EXCLUSION IS REMOVED, BUT IT
20 JUST CREATES A LOT OF UNCERTAINTY FOR US BECAUSE WE
21 HAVE TO HOPE IN THAT FORTY-FIVE DAY PERIOD SOMETHING
22 WILL HAPPEN THAT WILL ACCOMODATE OUR NEEDS.

23 SO, I WOULD STRONGLY SUPPORT OR URGE
24 YOU ALL TO CONSIDER LEAVING THAT EXCLUSION IN UNTIL WE
25 CAN GET TO SOME OTHER KIND OF RESOLUTION ON THIS.

1 THANK YOU.

2 CHAIRMAN PENNINGTON: I DO THINK THAT THE
3 BOARD HAS DEMONSTRATED OVER THE LAST AT LEAST COUPLE
4 OF YEARS STRONG SUPPORT FOR FACILITIES LIKE YOURS AND
5 OTHERS LIKE THAT AND I DON'T THINK THAT ANYTHING WE
6 ARE GOING TO DO WOULD BE INTENDED OR UNINTENDED TO

7 RESTRICT THAT KIND OF AN ANSWER TO OUR PROBLEMS AND I
8 THINK THAT, YOU KNOW, YOU'RE RIGHT TO BRING THIS TO
9 OUR ATTENTION.

10 BUT I THINK THAT'S WHAT THE FORTY-FIVE
11 DAY PERIOD IS FOR, TOO, IS TO WORK THROUGH THESE KINDS
12 OF ISSUES THAT NEED TO BE WORKED THROUGH AND THERE ARE
13 OTHER ISSUES THAT WE'LL BE DISCUSSING OVER THIS
14 FORTY-FIVE DAY PERIOD OR MAYBE EVEN LONGER, BUT WE DO
15 APPRECIATE YOU BRINGING YOUR CONCERNS TO US.

16 MR. FRAZEE?

17 MEMBER FRAZEE: I HAVE A QUESTION.

18 YOU MENTIONED THE CLEAN-UP THAT YOU
19 PARTICIPATED IN.

20 WERE THOSE TIRES BROUGHT TO YOUR
21 FACILITY WHOLE AND THEN GROUND UP?

22 MR. VALLONE: NO. THEY WERE COLLECTED IN
23 TRUCKS AND THEN THEY WERE HAULED TO THE FACILITY THAT
24 WE ARE CONTRACTING WITH TO DO THE SHREDDING AND THEY
25 WERE DELIVERED TO US.

1 MEMBER FRAZEE: SO, WHEN THEY ARRIVED AT YOUR
2 FACILITY, THEY WERE SHREDDED?

3 MR. VALLONE: THAT'S CORRECT.

4 MEMBER FRAZEE: OKAY.

5 CHAIRMAN PENNINGTON: SO, MR. RHODES?

6 MEMBER RHODES: I HAVE A QUESTION.

7 ARE YOU FROM RIO BRAVO?

8 MR. VALLONE: NO, I'M FROM THE STOCKTON COGEN
9 FACILITY.

10 MEMBER RHODES: JUST OUT OF CURIOSITY, HOW
11 MANY MEGAWATTS DO YOU PRODUCE?

12 MR. VALLONE: WE PRODUCE SIXTY MEGAWATTS OF
13 ELECTRICITY.

14 MEMBER RHODES: AND IS THIS EXCLUSION, THE
15 FACT THAT IT'S TAKEN OUT OF THE REGULATIONS, IS THIS
16 GOING TO ENDANGER YOUR FINANCING OR --

17 MR. VALLONE: POTENTIALLY.

18 WE WOULD HAVE TO MAKE THE DECISION
19 WHETHER OR NOT WE WOULD WANT TO CONTINUE ON WITH THIS
20 PROJECT IF WE DID HAVE TO GET A WASTE FACILITY PERMIT.

21 AS MR. GUTH ALLUDED TO, BEING PART OF
22 OUR CONCERN, WE WOULD HAVE TO GO THROUGH THE FULL
23 CEQA PROCESS AGAIN.

24 WE DID THAT AT ONE TIME.

25 IT'S FAIRLY COSTLY TO GO THROUGH ALL
1 THOSE EFFORTS. WE WOULD HAVE TO MAKE THAT DECISION.

2 QUITE HONESTLY, I CAN'T ANSWER THAT.

3 WE DID MAKE THE ASSUMPTION AND BASED
4 OUR DECISION TO GO FORWARD ON THE FACT THAT WE WOULD
5 NOT HAVE TO GET ANY TYPE OF A WASTE FACILITY PERMIT.

6 MEMBER RHODES: I'M NOT FAMILIAR --

7 THIS IS PROBABLY A QUESTION FOR THE
8 STAFF.

9 WHAT WAS THE EXCLUSION THAT WAS IN THE
10 CURRENT LAW THAT WE ARE GETTING RID OF?

11 MEMBER FRAZEE: WASTE TIRES --

12 MR. VLACH: IN EXISTENCE NOW IS AN EXCLUSION
13 THAT IF TIRES ARE KEPT IN A FULLY-ENCLOSED, MOVABLE
14 CONTAINER, THAT THEY ARE NOT COUNTED TOWARDS THE
15 NUMBER OF TIRES THAT WOULD BE REGULATED.

16 IT'S AN UNLIMITED EXCLUSION IN THAT
17 SENSE.

18 MEMBER RHODES: WOULD YOU HAVE --
19 IS THERE --
20 DOES STAFF HAVE ANY DESIRE TO REQUIRE
21 FACILITIES LIKE THIS TO GET THIS PERMIT?

22 MR. VLACH: NO, SIR.

23 I THINK WE COMPLETELY UNDERSTAND THE
24 ISSUE. HOWEVER, STAFF FEELS THAT THERE IS SOME --
25 THERE ARE SOME LEGAL CONSTRAINTS ABOUT
1 WHAT CAN BE ALLOWED BY THE REGULATIONS PURSUANT TO THE
2 STATUTE.

3 MEMBER RHODES: YOU CAN'T PUT AN EXCLUSION
4 FOR FACILITIES LIKE THEIRS INTO THE REGULATIONS?

5 MR. VLACH: I THINK LEGAL COUNSEL CAN ANSWER
6 WHETHER OR NOT THE STATUTE ALLOWS US TO INCLUDE
7 EXCLUSIONS.

8 MY UNDERSTANDING IS THAT IT DOES NOT.

9 MS. TOBIAS: AND THAT'S CORRECT AND THAT'S
10 WHAT I WAS ALLUDING TO WHEN I SAID THERE MIGHT NEED TO
11 BE A LEGISLATIVE FIX ON THIS WHERE WE EITHER ASK FOR
12 THE AUTHORITY TO DO EXCLUSIONS IN CASES WHERE WE CAN
13 JUSTIFY IT IN OUR REGULATIONS OR WE ASK THE
14 LEGISLATURE TO DO STATUTORY EXCLUSIONS WHICH SAY WHICH
15 KINDS OF FACILITIES --

16 I DON'T THINK WE'RE SAYING THAT WE
17 HAVE A PROBLEM WITH THESE FACILITIES NOT HAVING A
18 WASTE TIRE PERMIT, FACILITY PERMIT, BUT THE CEMENT
19 INDUSTRY BASICALLY WENT IN AND GOT A STATUTORY
20 EXCLUSION.

21 THAT MAY BE WHAT WE HAVE TO DO ALONG
22 WITH THESE INDUSTRIES WHERE THERE IS A PROBLEM. THE

23 PROBLEM IS, RIGHT NOW, THERE IS NO STATUTORY AUTHORITY
24 FOR THE BOARD TO BE DOING THESE EXCLUSIONS.

25 THE PROBLEM IT RAISES IS THAT IF ONE
1 OF THESE FACILITIES IS OPERATING UNDER AN EXCLUSION
2 THAT WE HAVE GIVEN, BUT WE REALLY DIDN'T HAVE THE
3 AUTHORITY TO DO SO, THAT, YOU KNOW, IT RAISES THE
4 ISSUE THAT WE'RE OUTSIDE THE SCOPE OF OUR AUTHORITY
5 IN AUTHORIZING THESE EXCLUSIONS.

6 SO, AT THIS POINT, WHAT WE ARE TRYING
7 TO DO IS BASICALLY SAY THERE'S NO AUTHORITY FOR THESE
8 EXCLUSIONS.

9 AS I MENTIONED, I THINK THAT STAFF
10 HAVE A COUPLE OF OTHER IDEAS ON HOW WE MIGHT COME
11 AROUND THIS WITHOUT A LEGISLATIVE FIX, BUT I WILL SAY
12 THAT, THROUGHOUT, ONE END OF THE SPECTRUM IS A
13 LEGISLATIVE FIX.

14 WE MAY BE ABLE TO DO SOMETHING ELSE.

15 THE MARKET DIVISION HAS AN IDEA OF
16 WHAT WE MIGHT BE ABLE TO DO WITH IT.

17 MEMBER RHODES: MR. CHAIRMAN.

18 CHAIRMAN PENNINGTON: MR. RHODES

19 MEMBER RHODES: I'M VERY NEW AT THIS.

20 WHAT'S THE PRESSING NEED OF THE
21 REGULATIONS?

22 MS. TOBIAS: OF THE WHOLE PACKAGE OR THIS
23 PARTICULAR --

24 MEMBER RHODES: THE WHOLE PACKAGE.

25 EXECUTIVE DIRECTOR CHANDLER: ONE OF THE
1 OPTIONS THAT COUNSEL AND I WERE JUST DISCUSSING IS, AS
2 YOU KNOW AND HAVE HEARD IN THIS PRESENTATION, THERE'S
3 REALLY THREE LARGE SUBJECT AREAS: THE WASTE TIRE

4 STORAGE, WHICH IS MORE GERMANE TO YOUR QUESTION, MR.
5 RHODES.

6 THERE IS HAULER REGULATIONS OR REGULATIONS
7 THAT GOVERN HOW WE DO THE HAULING PROGRAM
8 AND CERTIFICATION, AS WELL AS THE MONOFILL REGULATIONS
9 THAT SCOTT WALKER SPOKE TO.

10 IT SEEMS TO ME WE MIGHT WANT TO
11 CONSIDER BREAKING THE PACKAGES UP INTO THREE DISTINCT
12 REGULATORY PACKAGES AND MOVE FORWARD QUICKLY AND
13 CLEARLY WITH THE HAULER AND MONOFILL REGULATIONS AS WE
14 CONTINUE TO SORT THROUGH SOME OF OUR ISSUES ON WASTE
15 TIRE STORAGE.

16 THAT MIGHT BE ONE APPROACH.

17 RIGHT NOW, THEY ARE COMBINED INTO ONE
18 COMPREHENSIVE REGULATORY PACKAGE.

19 MS. TOBIAS: I ALSO --

20 I UNDERSTAND --

21 I THINK THIS IS SOMEWHAT REPEATING
22 WHAT THE SPEAKERS ARE SAYING, BUT I THINK THAT THE
23 QUESTION FOR THE BOARD TO THINK ABOUT IS: ARE YOU
24 MORE COMFORTABLE WITH A SET OF PROPOSED REGS GOING OUT
25 THAT DOES SAY ON THE FACE OF IF THAT WE ARE REMOVING
1 THIS EXCLUSION, WHICH I THINK YOU ARE HEARING FROM THE
2 SPEAKERS CAUSES A PROBLEM FOR THEM IN TERMS OF THEIR
3 WILLINGNESS TO GO AHEAD WITH THE PROJECT IF THOSE
4 EXCLUSIONS ARE NOT REMOVED DURING THAT TIME FRAME.

5 SO, THE EXCLUSION IS STILL IN PLACE
6 UNTIL WE TAKE IT OUT. SO, THIS IS A FORTY-FIVE DAY
7 REVIEW PERIOD. IT COULD BE LONGER IF WE HAVEN'T
8 WORKED SOMETHING OUT OR IF YOU FEEL LIKE THERE IS

9 STILL SOMETHING TO WORK ON.

10 MEMBER RHODES: WHAT I HEARD FROM THE
11 GENTLEMEN --

12 I DON'T KNOW IF IT'S TRUE OR NOT.
13 -- IS THEIR FINANCING, THE CONDITIONS
14 THAT THEY WENT UNDER, HAVE TO BE REVISITED; AND THESE
15 ARE VERY, VERY NICE PROGRAMS AND --

16 MS. TOBIAS: I AGREE.

17 MEMBER RHODES: -- IT'S A GREAT SOLUTION TO
18 GETTING RID OF SOME OF THE TIRES THAT I THINK WE ALL
19 WANT TO GET RID OF AND I WOULD HATE TO HAVE US DO
20 SOMETHING THAT WOULD JEOPARDIZE THAT.

21 MS. TOBIAS: I AGREE WITH THAT.

22 I THINK THIS IS SOMETHING THE BOARD
23 NEEDS TO RESOLVE, BUT WHAT I DO HAVE TO SAY FROM A
24 LEGAL STANDPOINT AT THIS POINT IS THERE IS NO
25 STATUTORY AUTHORITY FOR THIS EXCLUSION.

1 SO, REALLY, THE CHOICE COMES DOWN TO
2 PUTTING THIS OUT AND PUTTING PEOPLE ON NOTICE; BUT
3 TRYING TO WORK OUT A SOLUTION, OR TAKING IT BACK;
4 WHICH I THINK IS EQUALLY VALID.

5 AND I'M NOT ADVOCATING EITHER.

6 I'M JUST TRYING TO PUT IT TOGETHER IS
7 TO BASICALLY SPEND SOME MORE TIME ON IT, BUT I REALLY
8 HAVE TO SAY THAT I THINK THERE IS A FAIRLY GOOD CHANCE
9 THAT THIS REQUIRES A LEGISLATIVE FIX.

10 I WILL SEE IF MARKETS HAS AN IDEA THAT
11 WE MIGHT BE ABLE TO LOOK AT.

12 MEMBER RHODES: I'M QUITE SURE WE WOULD BE
13 ABLE TO GET A LEGISLATIVE FIX, IF THAT WAS THE CASE.

14 MS. TOBIAS: SURE. I THINK SO, TOO.

15 CHAIRMAN PENNINGTON: MR. FRAZEE.

16 MEMBER FRAZEE: COULD I PURSUE THIS POINT
17 JUST A BIT MORE?

18 YOU ARE SAYING THAT OUR CURRENT
19 EXEMPTION FOR TIRES IN CONTAINERS IS INAPPROPRIATE,
20 ACCORDING TO STATUTE?

21 MS. TOBIAS: CORRECT.

22 MEMBER FRAZEE: EVEN THOUGH IT'S BEEN IN
23 EXISTENCE FOR YEARS?

24 MS. TOBIAS: MY UNDERSTANDING IS --

25 THIS OCCURRED PRIOR TO THE TIME THAT I
1 WAS AT THE BOARD.

2 -- IS THAT COUNSEL AT THAT TIME FELT
3 THAT THERE WAS AUTHORITY.

4 WHEN THIS CAME BACK UP, LEGAL OFFICE
5 LOOKED AT IT AND DECIDED THAT THERE WASN'T STATUTORY
6 AUTHORITY FOR IT.

7 CHAIRMAN PENNINGTON: SO, IF WE TALKED TO
8 ANOTHER ATTORNEY, WE MIGHT GET ANOTHER OPINION?

9 MEMBER FRAZEE: SO, IT'S NOT MERELY A CASE OF
10 MAKING A DISTINCTION BETWEEN SHREDDED TIRES AND WHOLE
11 TIRES THEN?

12 MS. TOBIAS: NO, THIS HAS --

13 MEMBER FRAZEE: IT'S STORAGE OF ANY TIRES?

14 MS. TOBIAS: IT HAS TO DO WITH THE BOARD'S
15 ABILITY TO GIVE EXCLUSIONS TO ANY KIND OF FACILITIES
16 IS WHERE IT COMES FROM.

17 MEMBER FRAZEE: YES, BUT IF YOU DECLARE A
18 SHREDDED TIRE NOT TO BE A --

19 MS. TOBIAS: A WASTE TIRE?

20 MEMBER FRAZEE: -- NO LONGER A WASTE TIRE,
21 THEN HAVEN'T YOU CLEARED THE PROBLEM?

22 MEMBER JONES: THAT'S THE HEART OF IT, YEAH,
23 AND THAT IS THE HEART OF IT BECAUSE, AT A LANDFILL,
24 YOU CAN'T TAKE A WHOLE TIRE, BUT IT IS VIEWED AS
25 MUNICIPAL SOLID WASTE WHEN IT IS SHREDDED.

1 IT IS NO LONGER --

2 IT'S NOT THE SAME.

3 THE CEMENT KILNS THAT GOT EXCLUSIONS
4 TOOK BOTH WHOLE AND SHREDDED TIRES.

5 RIGHT?

6 THEY DIDN'T WANT TO --

7 THEY DIDN'T WANT TO MAKE A

8 DETERMINATION AS TO WHAT KIND OF A PRODUCT THEY WERE
9 TAKING.

10 SO, THEY GOT THE EXCLUSION TO MAKE
11 SURE THEY COULD TAKE EITHER.

12 THIS IS A CASE HERE WHERE THEY'RE
13 CLEARLY NOT GETTING A TIRE. THEY'RE GETTING A FUEL
14 WHO AT ONE TIME WAS A TIRE.

15 NOW, IT IS A LITTLE CHIP.

16 IS IT A TIRE?

17 I DON'T THINK SO.

18 I THINK WE NEED TO WORK ON THE
19 DEFINITION BECAUSE I DON'T THINK THERE IS AN ISSUE
20 WITH THE EXCLUSION.

21 I THINK THAT THE ISSUE IS THE
22 DEFINITION.

23 MEMBER RHODES: WELL, I'D LIKE TO --

24 I'M NOT POSITIVE.

25 ARE YOU GETTING CHIPS OR ARE YOU

1 GETTING WHOLE TIRES?

2 MR. VALLONE: NO, WE ARE GETTING JUST CHIPS.

3 I WOULD LIKE TO ALSO ADD JUST THAT OUR
4 OTHER AIR PERMIT REQUIREMENTS, WE ARE LIMITED BY HOW
5 MANY TRAILERS WE CAN HAVE AT ANY TIME.

6 WE HAVE TO HAVE A TOTALLY-ENCLOSED
7 FACILITY BOTH FOR THE, THE -- THERE'S A NUMBER OF
8 RESTRICTIONS BOTH WITH THE AIR DISTRICT AS WELL AS
9 WITH THE WASTE BOARD THAT WE HAVE IN ADDITION TO THE,
10 JUST THE GENERAL EXCLUSIONS.

11 CHAIRMAN PENNINGTON: IN OTHER WORDS, IT'S
12 ABOUT THE DEFINITION?

13 MEMBER JONES: I THINK SO.

14 YOU KNOW WHAT I WOULD LIKE TO DO, MR.
15 CHAIRMAN --

16 I KNOW THESE THINGS HAVE TO GO
17 FORWARD.

18 WE HAVE MORE TO DEBATE ABOUT IT, BUT
19 WHAT I WOULD LIKE TO SEE IS THIS THING HELD OVER FOR
20 ANOTHER MONTH AND WORK ON THE ISSUE OF THE DEFINITION,
21 WORK ON THAT PART OF IT, AND THEN COME FORWARD, YOU
22 KNOW, AND THEN THE FORTY-FIVE DAYS CAN BE EXTENDED
23 ANOTHER FORTY-FIVE DAYS.

24 CHAIRMAN PENNINGTON: WOULD YOU LIKE TO DO
25 THAT OR WOULD YOU LIKE TO SPLIT IT UP?

1 MEMBER JONES: IT'S UP TO YOU GUYS, BUT I
2 DEFINITELY WANT --

3 I MEAN, PERSONALLY, I WOULD LIKE TO
4 SEE US WORK THROUGH THIS.

5 CHAIRMAN PENNINGTON: WE KNOW IT'S UP TO US.

6 MEMBER JONES: I KNOW.

7 YEAH. THAT'S RIGHT.

8 THERE ARE FIVE OF US NOW.

9 I WOULD LIKE TO SEE US HOLD IT FOR
10 THIRTY DAYS TO TALK ABOUT IT. I DON'T THINK WE LIVE
11 OR DIE ON THAT EXTRA COUPLE OF DAYS.

12 CHAIRMAN PENNINGTON: OKAY.

13 MEMBER JONES: CAN I MAKE THAT MOTION --

14 CHAIRMAN PENNINGTON: SURE.

15 MEMBER JONES: -- TO HOLD IT FOR THIRTY DAYS?

16 MEMBER EATON: LET ME JUST ASK ONE QUESTION.

17 IS THERE ANY PROBLEM WITH MR.

18 CHANDLER'S RECOMMENDATION IN TERMS OF, IF WE WERE TO
19 SPLIT IT?

20 NOT THAT I'M FOR OR AGAINST IT, IF YOU
21 HAVE STRONG FEELINGS ONE WAY OR THE OTHER; BUT ARE WE
22 INJURING THE OTHER TWO SECTIONS AT ALL, IF STAFF COULD
23 ANSWER THAT, OR SHOULD THOSE GO FORWARD?

24 CHAIRMAN PENNINGTON: DO WE HAVE A TIME FRAME
25 PROBLEM HERE?

1 I'M READING HERE IT SAYS OAL APPROVED
2 THE EMERGENCY REGULATIONS ON JUNE 16.

3 MS. TOBIAS: WE'RE EXTENDING THOSE. THEY'RE
4 GOING TO HAVE TO BE EXTENDED ANYWAY TO GET OUTSIDE
5 THIS TIME PERIOD. SO, WE ARE ALREADY EXTENDING THOSE
6 EMERGENCY REGS.

7 CHAIRMAN PENNINGTON: SO, WE ARE ALL RIGHT
8 THEN?

9 MS. TOBIAS: UM HUM.

10 EXECUTIVE DIRECTOR CHANDLER: PERHAPS, WHAT I
11 WOULD SUGGEST, IN TRYING TO ANSWER MR. JONES' POINT,

12 IS THAT WE DO BOTH.

13 IN OTHER WORDS, LET'S CONSIDER
14 SEPARATING OUT THE PACKAGES SO THAT WE CAN GET THE
15 MONOFILL REGULATIONS MOVING AS QUICKLY AS POSSIBLE, AS
16 WELL AS THE HAULER REGULATIONS.

17 AND I WILL LOOK TO THE QUESTION OF
18 WHETHER THERE IS ANY INTERRELATIONSHIPS BETWEEN THE
19 HAULER REGULATIONS AND THE WASTE TIRE STORAGE REGS
20 THAT MAKE THAT PROBLEMATIC; BUT ASSUMING THERE AREN'T,
21 THOSE SHOULD GO FORWARD.

22 IN THE MEANTIME, LET'S HOLD THE WASTE
23 STORAGE REGULATIONS WHILE WE CONTINUE TO DEFINITELY
24 LOOK AT OUR OPTIONS AND WHETHER THE DEFINITION ISSUE
25 IS A SOURCE TO OUR SOLUTION HERE OR IF WE HAVE EVEN
1 MORE PROBLEMS THERE WE HAVE TO CONSIDER OTHER
2 ALTERNATIVES, INCLUDING SOME STATUTORY CHANGES.

3 SO, I WOULD LIKE TO SEE THEM SPLIT OUT
4 AND THAT WE GO FORWARD WITH WHAT PACKAGES WE CAN AND
5 HOLD THE WASTE STORAGE UNTIL WE BRING THOSE BACK TO
6 YOU BEFORE THEY ARE RELEASED.

7 CHAIRMAN PENNINGTON: OKAY.

8 JUST ONE QUESTION. IF WE SPLIT OUT
9 THE WASTE TIRE STORAGE SECTION OF IT, DO WE HAVE TO
10 RE-AGENDIZE THAT OR CAN WE JUST MOVE IT FORWARD?

11 MS. TOBIAS: I THINK YOU JUST BASICALLY TELL
12 US TO COME BACK AND AND WE'LL DO THAT.

13 CHAIRMAN PENNINGTON: I'LL BE HAPPY TO MOVE
14 THAT WE SPLIT THE WASTE TIRE STORAGE AND THE HAULER
15 AND MONOFILL REGS INTO TWO SECTIONS, START THE
16 FORTY-FIVE DAY COMMENT PERIOD FOR THE HAULER AND

17 MONOFILL, AND HOLD THE WASTE TIRE STORAGE TO BE
18 BROUGHT BACK AT THE NOVEMBER 5TH MEETING.

19 MEMBER JONES: I'LL SECOND THAT.

20 CHAIRMAN PENNINGTON: THAT'S SIX WEEKS.

21 OKAY?

22 OKAY.

23 IF THERE IS NO FURTHER DISCUSSION,
24 WILL THE SECRETARY CALL THE ROLL?

25 SECRETARY KELLY: I DIDN'T GET THAT MOTION.

1 DID SOMEBODY SECOND?

2 MEMBER EATON: THE EASIEST WAY PROBABLY IS
3 JUST DELETE THE WORDS PERMANENT WASTE TIRE STORAGE IN
4 THE RESOLUTION. I THINK THAT IS WHERE THE CHAIR WAS
5 GOING AND THAT WOULD SOLVE THE PROBLEM.

6 CHAIRMAN PENNINGTON: LET'S DO IT THIS WAY.

7 WE'LL MAKE A MOTION TO BEGIN THE
8 FORTY-FIVE DAY COMMENT PERIOD FOR THE TIRE HAULER AND
9 MONOFILL REGULATIONS AND TO MOVE FORWARD TO THE
10 NOVEMBER 5TH BOARD MEETING THE WASTE TIRE STORAGE
11 REGULATIONS.

12 GOT IT?

13 SECRETARY KELLY: OKAY.

14 CHAIRMAN PENNINGTON: OKAY.

15 IF THERE IS NO FURTHER DISCUSSION,
16 WILL THE SECRETARY CALL THE ROLL, PLEASE?

17 SECRETARY KELLY: MEMBER EATON.

18 MEMBER EATON: AYE.

19 SECRETARY KELLY: MEMBER FRAZEE.

20 MEMBER FRAZEE: AYE.

21 SECRETARY KELLY: MEMBER JONES.

22 MEMBER JONES: AYE.

23 SECRETARY KELLY: MEMBER RHODES.

24 MEMBER RHODES: AYE.

25 SECRETARY KELLY: CHAIRMAN PENNINGTON.

1 CHAIRMAN PENNINGTON: AYE.

2 THE MOTION CARRIES.

3 I'D LIKE TO TAKE ABOUT A TEN-MINUTE

4 BREAK HERE.

5 (SHORT BREAK.)

6 CHAIRMAN PENNINGTON: HELLO.

7 HERE WE GO.

8 OKAY.

9 WE'LL MOVE NOW TO ITEM NUMBER 19.

10 I WANT TO MAKE SURE THAT YOU ALL
11 UNDERSTAND THAT WE HAVE APPROXIMATELY HALF AN HOUR
12 LEFT, THAT WE ARE TO BE OUT OF HERE BY FIVE O'CLOCK.

13 SO, LET'S MOVE ALONG.

14 UPDATE OF PLANS FOR CLOSURE AND
15 REMEDIATION OF THE OXFORD TIRE SITE IN WESTLEY,
16 CALIFORNIA.

17 MS. NAUMAN: CHAIRMAN PENNINGTON, SCOTT
18 WALKER WILL MAKE THE PRESENTATION.

19 CHAIRMAN PENNINGTON: THANK YOU, MISS
20 NAUMAN.

21 MR. WALKER: THANK YOU.

22 I'LL BE REAL BRIEF. I WANTED TO NOTE
23 THIS ITEM WAS ORIGINALLY A CONSIDERATION ITEM, BUT WE
24 DETERMINED THAT THERE WAS NO ACTION REQUIRED AT THIS
25 TIME AND THAT'S WHY WE'VE CHANGED IT TO AN UPDATE.

1 THE OXFORD TIRE RECYCLING SITE IS
2 ESTIMATED TO BE THE LARGEST REMAINING WASTE TIRE PILE

3 IN THE STATE, APPROXIMATELY SIX MILLION TIRES.

4 WE HAVE CERTAINLY HAD A LOT OF BOARD
5 MEETINGS HERE WHICH HAVE OCCUPIED ITSELF WITH ITEMS
6 RELATED TO THIS SITE.

7 SO, I'M NOT GOING TO GET INTO TOO MUCH
8 DETAIL OTHER THAN THERE HAS BEEN NUMEROUS ENFORCEMENT
9 ACTIONS TAKEN WHICH CULMINATED LAST MONTH IN
10 REVOCATION OF THE MAJOR WASTE TIRE FACILITY PERMIT.

11 LAST MONTH, AT THE REVOCATION --
12 REVOCATION ALSO DIRECTED STAFF TO TAKE
13 A NUMBER OF OTHER ACTIONS AND THESE INCLUDED PURSUE
14 SITE ACCESS, PURSUE CLAIMS ON INSURANCE POLICY, PURSUE
15 NECESSARY PENALTIES, PURSUE COST RECOVERY TO REMEDIATE
16 THE TIRE PILE.

17 THEN ALSO TO ESTABLISH A PLAN TO
18 REMEDIATE THE TIRE PILE, CONSIDERING ALL OPTIONS.

19 THE PURPOSE OF THIS ITEM IS TO GIVE
20 YOU AN UPDATE ON THAT STATUS AND WHERE WE ARE ON
21 DEVELOPING REMEDIATION PLANS.

22 SITE ACCESS.

23 STAFF ARE CURRENTLY UNDERGOING OUR DUE
24 PROCESS TO ESTABLISH SITE ACCESS. VOLUNTARY ACCESS IS
25 REQUESTED BOTH FOR THE OPERATOR AND OWNER. WE HAVE
1 BOTH OF THOSE PARTIES THAT WE ARE PURSUING RIGHT NOW
2 TO GET THAT ESTABLISHED AND WE THINK THAT THAT'S
3 SOMETHING THAT WE WILL BE ABLE TO CONTINUE TO ACT ON.

4 THE PROPERTY OWNER RIGHT NOW IS STILL
5 A LITTLE BIT OF A QUESTION MARK. THEY HAVE NOT BEEN
6 EXCEPTIONALLY RESPONSIVE, BUT WE WILL CONTINUE TO
7 PURSUE THAT.

8 CLAIMS ON THE INSURANCE POLICY.

9 WE HAVE --

10 STAFF HAVE ISSUED A CLAIM FOR
11 REIMBURSEMENT FROM THE CLOSURE INSURANCE POLICY WHICH
12 HAS A FACE VALUE OF ONE MILLION DOLLARS.

13 WE HAVE BEEN IN TOUCH WITH THE
14 INSURANCE COMPANY AND WILL CONTINUE TO PROVIDE AN
15 UPDATE ON THE STATUS OF THAT.

16 BASICALLY, THE CHECK'S NOT IN THE
17 MAIL, FROM WHAT I UNDERSTAND; BUT WE ARE PURSUING THAT
18 AND WILL KEEP YOU UPDATED ACCORDINGLY.

19 FOLLOW-UP ENFORCEMENT ACTION,
20 PENALTIES, AND COST RECOVERY.

21 BOARD STAFF WILL CONTINUE TO WORK WITH
22 LEGAL, OUR LEGAL OFFICE TO CONSIDER AND IMPLEMENT AS
23 APPROPRIATE FURTHER ENFORCEMENT ACTION; AGAIN, NOT
24 INSTIGATE ANY NEW ACTIONS THAN WHAT WE HAD OR ARE
25 CURRENTLY OUT THERE NOW, BUT WE WILL CONTINUE TO
1 ADDRESS THIS AND UPDATE THE BOARD AS NECESSARY.

2 THE CLOSURE AND REMEDIATION PROJECTS.

3 WE --

4 BOARD STAFF CONDUCTED A SITE
5 INSPECTION IN CONJUNCTION WITH THE LOCAL FIRE
6 AUTHORITY A COUPLE OF WEEKS AGO TO DETERMINE IF THERE
7 WAS ANY IMMEDIATE ACTIONS THAT WE NEED TO DO AT THE
8 SITE.

9 PERHAPS WE COULD USE OUR EXISTING
10 NORCAL CONTRACT. STAFF DETERMINED THAT THERE REALLY
11 WASN'T ANYTHING THAT WAS EFFECTIVE FOR US TO DO ON AN
12 INITIAL BASIS.

13 WHAT WE DID IDENTIFY IS A POTENTIAL

14 PROBLEM WITH CLEARING BRUSH THAT NEEDED TO BE TAKEN
15 CARE OF AND THE LOCAL FIRE AUTHORITIES INDICATED THEY
16 WILL BE FOLLOWING THAT UP WITH THE OPERATOR AND
17 TALKING TO HIM.

18 IN TERMS OF THE LONG-TERM REMEDIATION
19 CLOSURE OF THIS SITE, STAFF IN THE ITEM, HAVE PROVIDED
20 A PRELIMINARY COST ESTIMATE TO REMEDIATE THE ENTIRE
21 TIRE PILE AND BASED ON OUR EXPERIENCE WITH REMEDIATION
22 PROJECTS TO DATE, WE HAVE ESTIMATED, OUR PRELIMINARY
23 COST ESTIMATE WITH A CURRENT RANGE OF ESTIMATES ON THE
24 QUANTITY OF TIRES AND SCOPE OF THE TIRES IS FOUR
25 MILLION FIVE HUNDRED FORTY-SIX THOUSAND DOLLARS --
1 FOUR MILLION FIVE HUNDRED FORTY-FIVE THOUSAND EIGHT
2 HUNDRED FORTY DOLLARS.

3 THAT INCLUDES A CONTINGENCY OF TWENTY
4 PERCENT.

5 IT'S IMPORTANT TO NOTE THAT THIS IS A
6 VERY COMPLEX PILE AS YOU GO IN THERE AND THERE IS
7 REFINEMENT IN THE ESTIMATE OF THE PILE, WHAT'S THERE.
8 THERE MAY BE ASH THERE. THERE MAY BE TRASH. THERE
9 MAY BE BURIED TIRES. THERE CERTAINLY ARE A LOT OF
10 OVERSIZED TIRES AT THAT SITE.

11 I THINK ALSO IT'S IMPORTANT TO POINT
12 OUT THAT THE COSTS FOR REMEDIATION ARE CHANGING AND
13 THAT THOSE MAY ALSO AFFECT THE COST ESTIMATE.

14 WE HAVE EVALUATED OPTIONS WITH FUNDING
15 AND CONTRACTOR SELECTION. BASICALLY, IN A NUTSHELL, A
16 LITTLE OVER FOUR POINT FIVE MILLION DOLLARS.

17 WE DON'T HAVE ENOUGH MONEY CURRENTLY
18 IN ANY REMEDIATION CONTRACT TO HANDLE A PROJECT OF
19 THAT SIZE.

20 SO, WE HAVE LOOKED AT A COUPLE
21 DIFFERENT OPTIONS. ONE IS OUR EXISTING TIRE
22 STABILIZATION AND ABATEMENT CONTRACTS AND TWENTY-ONE
23 THIRTY-SIX CONTRACTS.

24 AND AGAIN, WITH THE CURRENT FUNDS
25 AVAILABLE, THERE IS NO ONE CONTRACT OF --

1 EVEN IT'S PROBLEMATIC THAT MULTIPLE
2 CONTRACTS COULD BE USED ON THIS TYPE OF PROJECT
3 BECAUSE, NUMBER ONE, IT'S DIFFICULT TO GET MULTIPLE
4 CONTRACTORS ON THE SAME SITE TO DO AN ACTIVITY.

5 NUMBER TWO, WE WILL LOSE A LOT OF
6 ADVANTAGES OF COMPETITIVE BIDDING.

7 AND NUMBER THREE, WE WILL --
8 ACTUALLY, I THINK THAT'S BASICALLY THE
9 TWO REASONS.

10 I, I DON'T --

11 I DON'T HAVE A THIRD REASON AT THIS
12 TIME.

13 BASED ON THAT, IT'S VERY PROBLEMATIC
14 TO USE THE EXISTING CONTRACTS.

15 THE OPTION THAT WE HAVE IDENTIFIED AT
16 THE PRESENT TIME AND ARE PURSUING IS A COMBINATION OF
17 WHAT WE, WHAT WE ARE GOING TO DO RIGHT NOW, UNLESS
18 DIRECTED OTHERWISE, IS TO PURSUE THE DEVELOPMENT OF A
19 REQUEST FOR PROPOSAL OPTION.

20 THIS OPTION WILL GIVE US THE FULL
21 BENEFITS OF COMPETITIVE BIDDING AND ALLOW FOR
22 CREATIVITY AMONGST THE CONTRACTOR COMMUNITY TO DEAL
23 WITH A PILE THIS SIZE.

24 TO FUND THIS, WE ARE LOOKING AT WHAT'S

25 TERMED SECTION TWENTY-SEVEN CHANGE TO RATE SUSPENSION
1 AUTHORITY FROM EXISTING TIRE FUNDS, WHICH THERE ARE
2 SUBSTANTIAL FUNDS IN THERE AND WE ARE PURSUING THAT
3 RIGHT NOW.

4 THAT IS DEPENDENT ON SEVERAL THINGS:
5 SUPPORT FROM THE GOVERNOR. IT'S DEPENDENT UPON ACTION
6 BY THE LEGISLATURE AND IT'S ALSO DEPENDENT UPON
7 CONTINUATION OF THE TIRE FEE AND SIGNING OF AB 117.

8 AND KARIN FISH IS HERE IF YOU HAD ANY
9 QUESTIONS ON THAT OR IF I'VE GONE OFF ON UNCHARTED
10 TERRITORY.

11 SO, THAT IS THE OPTION. THESE FUNDS
12 WILL BE USED TO SUPPLEMENT THE INSURANCE CLAIM WHEN
13 AND IF WE COLLECT ON IT.

14 A PRELIMINARY SCHEDULE RIGHT NOW FOR
15 USING THIS OPTION, RFP OPTION, OR AGAIN TO BACKTRACK,
16 IF THIS SECTION TWENTY-SEVEN CHANGE DOESN'T WORK OUT,
17 WHICH WE SHOULD BE ABLE TO DETERMINE HERE SHORTLY,
18 WE'LL HAVE TO COME BACK TO YOU AND GO BACK TO THE
19 DRAWING BOARD AND COME UP WITH SOME OTHER THINGS.

20 IN TERMS OF A PRELIMINARY SCHEDULE
21 WITH THE, THE REGULAR PROPOSAL PROCESS, WE CAN COME
22 BACK TO THE BOARD WITH THE SCOPE OF WORK AND WE WOULD
23 EXPECT THAT A, ANTICIPATE A FOUR TO SIX MONTH PERIOD
24 WHERE WE WOULD NEED TO BE ABLE TO COME BACK HERE TO
25 AWARD A CONTRACT AND ACTUALLY GET ON THE SITE.

1 SO, THAT WOULD TAKE US TO MARCH, 1999,
2 AT THE EARLIEST.

3 I THINK IT'S ALSO IMPORTANT TO POINT
4 OUT THAT THE ACTUAL START DATE IS GOING TO BE BASED ON
5 THE STATUS OF ENFORCEMENT ACTION AND WHATEVER

6 CONSTRAINTS ARE IMPOSED BY THE EXISTING ENFORCEMENT
7 ORDERS, ACTIONS, OR THE OTR AGREEMENT THAT'S IN PLACE.

8 THAT CONCLUDES MY PRESENTATION AND,
9 AGAIN, AS AN UPDATE, I HAVE -- WE ARE SEEKING ANY
10 COMMENTS, QUESTIONS, OR OTHER DIRECTION AT THIS TIME
11 AND WE WILL CONTINUE TO BRING THIS ITEM OR THIS SITE
12 BACK TO YOU FOR UPDATES AT FUTURE BOARD MEETINGS.

13 THANK YOU.

14 CHAIRMAN PENNINGTON: ANY QUESTIONS?

15 MEMBER EATON: YES, MR. CHAIR, JUST A COUPLE.

16 IN A BRIEFING THAT WE BROUGHT UP AS
17 WELL, THE FOUR POINT FIVE MILLION DOLLAR ESTIMATE,
18 THAT DOES NOT INCLUDE THE ONE MILLION DOLLAR POLICY;
19 CORRECT?

20 MR. WALKER: CORRECT.

21 MEMBER EATON: SO, IF WE WERE TO RECOVER THE
22 ONE MILLION DOLLARS OR THEREABOUTS AND WE NEVER
23 EVER DO FROM AN INSURANCE COMPANY, BUT ASSUMING THAT
24 BEST CASE SCENARIO, THAT WOULD DROP A POTENTIAL COST
25 TO ABOUT APPROXIMATELY THREE POINT FIVE?

1 MR. WALKER: CORRECT.

2 MEMBER EATON: THEN IF WE PLAYED WITH THE
3 CONTINGENCY A LITTLE BIT, WE MIGHT EVEN GET DOWN TO
4 SOMEWHERE BETWEEN TWO POINT FIVE AND THREE MILLION.

5 I'M NOT ADVOCATING THAT. I'M JUST
6 TRYING TO GET SOME SENSE OF THE OVERALL BREADTH OF
7 WHAT THE COST MIGHT BE.

8 MR. WALKER: RIGHT.

9 MEMBER EATON: WITH REGARD TO THE INSURANCE,
10 MORE OF A GENERAL QUESTION, CAN YOU REFRESH MY

11 RECOLLECTION, BECAUSE I WASN'T HERE, THE ONE MILLION
12 DOLLAR INSURANCE POLICY, WAS THAT A CONDITION OF THE
13 CONTRACT OR WAS THAT SOMETHING THAT WE JUST DID AS
14 PART OF THE CLOSURE?

15 CHAIRMAN PENNINGTON: IT WAS PART OF THE
16 PERMIT.

17 MEMBER EATON: IT WAS PART OF THE PERMIT.

18 THE REASON WHY I RAISE IT IS BECAUSE
19 THIS IS ONE OF THOSE GOOD EXAMPLES, I THINK, FOR ALL
20 OF US TO LEARN BY, WHEREIN WE MAY VERY WELL IN THE
21 FUTURE COME ACROSS OTHER KINDS OF SITUATIONS.

22 AND, REALLY, DO WE NEED TO TAKE A LOOK
23 AT WHETHER OR NOT THE WAY WE EVALUATE FINANCIAL
24 ASSURANCES, WE MAY ACTUALLY HAVE TO INCREASE THE
25 AMOUNT OVER AND ABOVE WHAT THE ESTIMATE MIGHT BE;
1 BECAUSE HERE WE FIND OURSELVES WITH A SITUATION WHERE
2 WE THOUGHT ONE MILLION, IF EVERYTHING WENT ACCORDING
3 TO PLAN, AND IT VERY WELL COULD HAVE.

4 THAT'S NOT A CRITICISM OR ANYTHING.
5 THAT'S JUST WHAT THE FACTS WERE. WE ASSUMED A BEST
6 CASE SCENARIO.

7 SOMEHOW, WE NEED TO BUILD INTO THE
8 CONTINGENCY, AS WE LOOK THROUGH SOME OF THESE, SO WE
9 CAN FIGURE OUT WHAT THE FINANCIAL OBLIGATION MAY VERY
10 WELL BE AND ANTICIPATE ANY KIND OF COMPLICATIONS THAT
11 MIGHT ARISE.

12 I THINK, IF YOU LOOK AT THAT, I THINK
13 THIS BOARD WOULD BE GLAD TO BACK YOU ON THOSE IF YOU
14 WERE CHALLENGED IN TERMS OF WHY YOU WERE REQUESTING,
15 YOU KNOW, ADDITIONAL KINDS OF ASSURANCES FROM US.

16 I THINK ALL ONE HAS TO DO IS LOOK BACK

17 AT THIS PARTICULAR SITUATION TO FIND WE MAY FIND
18 OURSELVES THERE.

19 SO, I THINK THAT IS AN IMPORTANT POINT
20 TO BE MADE.

21 CHAIRMAN PENNINGTON: THANK YOU.

22 MR. FRAZEE.

23 MEMBER FRAZEE: IN THAT REGARD, AS I RECALL
24 THE ITEM COMING TO US ORIGINALLY, STAFF WAS PROPOSING
25 A MUCH LARGER INSURANCE-GUARANTEED FUND AND I THINK IT
1 WAS THE ACTION OF THIS BOARD IN ATTEMPTING TO WORK
2 WITH THE OPERATOR AND REALLY DOING SOME NEGOTIATION
3 AND PUTTING PRESSURE ON, IF YOU WILL, TO REDUCE THE
4 AMOUNT OF THAT FUND JUST AS AN ACCOMMODATION TO THE
5 OPERATOR.

6 SO, I THINK IT'S A GOOD LESSON FOR ALL
7 OF US, AS YOU SAY, THAT PERHAPS WE NEED TO LISTEN TO
8 STAFF NOW AND THEN.

9 CHAIRMAN PENNINGTON: MR. JONES.

10 MEMBER EATON: THESE HAVE A WAY OF MAKING ONE
11 CONFESS, DON'T THEY?

12 MEMBER JONES: JUST ONE QUICK QUESTION.

13 HAS THE INSURANCE COMPANY TOLD US WHEN
14 WE'RE GOING TO GET THE CHECK?

15 (GENERAL LAUGHTER.)

16 MEMBER JONES: I JUST WANT TO KNOW WHEN WE
17 CAN START SPENDING THE MONEY ON THE CLEAN-UP. IS IT
18 GOING TO BE LIKE NEXT WEEK, THE WEEK AFTER, OR WEEK
19 AFTER THAT?

20 MR. WALKER: WE DON'T HAVE THAT AT THIS TIME.

21 AS SOON AS WE --

22 WE ARE PROCEEDING QUITE RAPIDLY TO GET
23 THAT DETERMINATION AND WE WILL BE BACK AS SOON AS WE
24 CAN AND CONTINUING TO PRESS ON IT.

25 CHAIRMAN PENNINGTON: OKAY.

1 THANK YOU VERY MUCH.

2 CAREN, I THINK YOU'RE UP NEXT.

3 ITEM 20, CONSIDERATION OF THE ANALYSIS
4 OF ENTERPRISE ZONE INCENTIVES AS THEY RELATE TO THE
5 RECYCLE MARKET DEVELOPMENT ZONE PROGRAM.

6 I'M WONDERING, IN LIGHT OF THE TIME --

7 MS. TRGOVICH: WE CAN CERTAINLY HOLD THIS
8 ITEM.

9 WHAT THIS ITEM IS IS CONSIDERATION OF
10 SUGGESTIONS THAT WERE MADE BY OUR ZONE ADMINISTRATOR
11 THAT REQUIRE LEGISLATION IMPLEMENTATION.

12 THERE ARE SEVEN OF THEM. WE WOULD BE
13 HAPPY TO DISCUSS THEM WITH YOU AT THE NEXT MEETING.

14 CHAIRMAN PENNINGTON: OKAY.

15 SO, YOU ARE SAYING WE CAN DELAY THIS
16 ITEM AND CONTINUE IT TO THE NEXT BOARD MEETING?

17 NOW, WE HAVE SOME PUBLIC COMMENTS,
18 FIRST FROM EVAN EDGAR.

19 MR. EDGAR: THANK YOU CHAIRMAN PENNINGTON.

20 MY NAME IS EVAN EDGAR FROM EDGAR AND
21 ASSOCIATES, ON BEHALF OF THE CALIFORNIA REFUSE REMOVAL
22 COUNCIL.

23 CHAIRMAN PENNINGTON: PLEASE BE QUIET.

24 WE CAN'T HEAR THE SPEAKER.

25 MR. EDGAR: THANK YOU, CHAIRMAN.

1 I'M HERE TODAY TO GIVE MY ANNUAL

2 STATEMENT OF THE COMPOSTING INDUSTRY IN THREE MINUTES

3 OR LESS. ONCE A YEAR, I COME IN FRONT OF THIS
4 HONORABLE COMMITTEE AND THE FULL BOARD TO GIVE A
5 SNAPSHOT OF WHAT'S GOING ON IN THE COMPOST INDUSTRY.

6 I REPRESENT OVER TWENTY PERMITTED
7 COMPOST FACILITIES AND AM CURRENT CHAIRMAN OF THE
8 CALIFORNIA COMPOST QUALITY COUNCIL THAT REGISTERS
9 COMPOST PRODUCTS FROM PERMITTED COMPOST FACILITIES.

10 OVER THE LAST YEAR, A LOT OF GOOD
11 ACTIVITY HAS HAPPENED. TO BENCHMARK IT, THE WASTE
12 BOARD ADOPTED THE STRATEGIC PLAN OF PUTTING ORGANICS
13 FIRST.

14 FROM THAT, A LOT OF GOOD IDEAS HAVE
15 BEEN SPAWNED, SUCH AS THE GREENING TEAM. FROM THE
16 GREENING TEAM AND FROM THE CONTRACT CONTENTS, A LOT OF
17 GOOD CONTACTS CALLED US FOR ORGANICS IN 1998 AND 1999
18 AND THE COMPOSTING INDUSTRY AS A WHOLE IS VERY
19 SUPPORTIVE OF THAT AND WE THANK THE BOARD FOR THAT.

20 WE HAVE DEMONSTRATION PROJECTS COMING
21 UP. WE HAVE FARM TRIPS COMING UP. WE ADDRESS VOTERS,
22 WHICH IS THE NUMBER ONE PROBLEM WITH THE COMPOST
23 INDUSTRY, AND ASPER GILLIS (PHONETIC SPELLINGS) FROM
24 THE FUNGUS ASPECT OF PUBLIC PERCEPTION.

25 SO, ON BOTH SIDES OF THE ASPECT FOR
1 MARKET DEVELOPMENT TO PERMITTING AND ENFORCEMENT, THE
2 WASTE BOARD IS ON TARGET WITH REGARD TO SETTING A GOOD
3 AGENDA FOR 1998-1999.

4 WHAT I HAVE HERE IN THIS PACKAGE IS A
5 GREAT DRAFT THAT WAS PUT TOGETHER LAST YEAR BY MR.
6 PITTS ABOUT HOW ALL THINGS MUST WORK TOGETHER FROM
7 PERMITS AND MARKETS AND SELECTION AND PROCESSING AND I

8 HAVE A LETTER FROM LAST YEAR THAT KIND OF BENCHMARKS
9 WHERE WE WERE AT LAST YEAR.

10 THE ONLY THING THIS YEAR THAT IS A
11 PROBLEM FOR US THAT WE WOULD LIKE TO POINT OUT AND
12 WOULD LIKE TO GET SOME RESOLUTION ON IS THE
13 CONTINUATION OF THE ENFORCEMENT LIST.

14 I UNDERSTAND THAT THIS IS GOING TO BE
15 A QUARTERLY REPORT. IT'S AN UPDATE OF THE ENFORCEMENT
16 ACTIONS TAKEN BY LEAS FOR VIOLATIONS OF STORAGE AND
17 CHIPPING AND GRINDING ACTIVITIES.

18 WE FEEL THIS HAS BEEN OF GREAT BENEFIT
19 AND WE WOULD LIKE TO SEE THAT DONE ON A QUARTERLY
20 BASIS, AS OPPOSED TO A MONTHLY BASIS.

21 THAT LIST PUTS OUT ALL THE --

22 I SHOULDN'T CALL THEM COMPOST
23 FACILITIES BECAUSE THEY'RE NOT. THEY'RE CHIPPING AND
24 GRINDING FACILITIES THAT ARE NOT REALLY EXCLUDED FROM
25 THE COMPOST REGS BECAUSE OVER A THOUSAND YARDS ON-SITE
1 AND STILL MUST FIT IN A STATEMENT OF STANDARDS.

2 AND AT A LATER DATE, YOU'LL BE SLOTTED
3 INTO THE TIERS.

4 BUT THE BIGGEST ASPECT WE HAVE WITH
5 SOME OF THESE FACILITIES COMPOST LISTS, THEY'RE ON THE
6 ENFORCEMENT LIST AND THEY'RE ON THE COMPOST, MULCH,
7 AND MARKET DEVELOPMENT LIST.

8 IT'S REALLY TOUGH TO BE ON BOTH LISTS
9 AT THE WASTE BOARD. ONE OF THEM WAS ON FIRE LAST
10 SATURDAY NIGHT AND I SAW THE NEWS SATURDAY NIGHT AND
11 THEY TALKED ABOUT HAVING A COMPOST FACILITY ON FIRE.

12 THAT WAS NOT A COMPOST FACILITY.

13 THAT WAS A MULCHING FACILITY.

14 SO, THIS IS MY ANNUAL PLEA TO THE
15 WASTE BOARD THAT MAYBE WE CAN HAVE TWO LISTS, ONE FOR
16 COMPOST FACILITIES THAT EARNED THE RIGHT TO HAVE A
17 PERMIT AND GONE THROUGH TRIAL FOR A PERMIT AND HAVE A
18 SEPARATE PERMIT ON THE WASTE BOARD'S HOME PAGE ABOUT
19 REAL COMPOST WITH REAL PERMITS AND REAL PATHOGEN
20 REDUCTION AND REAL METAL TESTING; AS OPPOSED TO OTHER
21 PEOPLE WHO ARE PRODUCING MULCH, WITHOUT PATHOGEN
22 REDUCTION, WITHOUT METAL TESTING, AND WITH FIRES.

23 TWO DIFFERENT TYPES OF PRODUCTS AND
24 TWO DIFFERENT TYPES OF LISTS.

25 SO, THIS IS MY ANNUAL PLEA TO THE
1 WASTE BOARD MAYBE THE COMPOST INDUSTRY WOULD TRULY
2 APPRECIATE HAVING A SECOND LIST FOR COMPOST ALONE.

3 THANK YOU FOR THESE THREE MINUTES, BUT
4 COMPOST HAS RISEN TO THE TOP OF THE HEAP. I BELIEVE
5 THAT WE HAVE A LOT TO OFFER THE PRESS FROM BOTH THE
6 CALIFORNIA HALF AND AUTO CYCLE, THE TRADE ARTICLE ON
7 RAY-D-P (PHONETIC SPELLING), AND PEOPLE LOOK TOWARDS
8 CALIFORNIA FOR THEIR AGRICULTURAL AND THEIR COMPOST
9 TIERED REGULATIONS, AND CALIFORNIA COMPOST QUALITY
10 COUNCIL AS SETTING A TONE FOR ORGANICS FOR THE NEXT
11 CENTURY.

12 SO, IT'S A GREAT JOB.

13 WE'LL BE HERE FOR A LONG LENGTH OF
14 TIME.

15 THANK YOU.

16 CHAIRMAN PENNINGTON: THANK YOU.

17 ANY QUESTIONS OF EVAN?

18 OKAY.

19 NOW, I HAVE TWO PEOPLE. I HAVE MARY
20 HICKS AND JIM KENNINGER.

21 ARE YOU TWO TOGETHER?

22 MS. HICKS: NO.

23 CHAIRMAN PENNINGTON: OKAY.

24 LET'S HEAR FROM MARY HICKS THEN.

25 MS. HICKS: MEMBERS OF THE BOARD, I REALLY
1 SEEK TO LET MR. KENNINGER MAKE HIS PRESENTATION FIRST
2 IF YOU CAN SPARE THE TIME.

3 YOU'LL BE GOING TO SEE THE TAJIGUAS
4 LANDFILL TOMORROW AND IF THERE IS INSUFFICIENT TIME
5 FOR YOU TO HEAR ME THIS AFTERNOON, I'D ASK THAT I BE
6 ABLE TO ADDRESS YOU ON YOUR RETURN TRIP FROM THE
7 TAJIJUAS LANDFILL.

8 I'LL BE ON THE SAME BUS THAT YOU ARE.

9 CHAIRMAN PENNINGTON: I'M NOT SURE THERE WILL
10 BE A QUORUM THERE TOMORROW AND I'M NOT SURE WHO ALL IS
11 GOING.

12 SO, AND IT'S SOMEBODY ELSE'S TOUR.

13 SO, I CAN'T TELL YOU THAT THEY'LL GIVE
14 YOU TIME.

15 YOU'RE WELCOME TO GO ON THE TOUR.

16 MR. KENNINGER: MY NAME IS JIM KENNINGER.

17 I LIVE IN THE COMMUNITY OF ARROYA
18 QUEMADO, WHICH IS IN THE BOTTOM OF THE PICTURE. THIS
19 IS AN OVERHEAD SHOT, AN AERIAL SHOT OF THE SANTA
20 BARBARA COUNTY TAJIGUAS LANDFILL.

21 SOME OF YOU WILL BE MAKING A TOUR OF
22 THIS LANDFILL TOMORROW.

23 YOU'RE GOING TO SEE THIS LANDFILL IN
24 ITS PREMIER STATE, CLEANED AND GROOMED AND LOOKING

25 VERY BEAUTIFUL.

1 I HAVE A FEW SHOTS TO SHOW WHERE IT'S
2 NOT ALWAYS THE SAME WAY.

3 IF I CAN GET THE PROJECTOR TO GO THE
4 RIGHT WAY.

5 WE HAVE SUNDOWNER WINDS FROM THE
6 GAVIOTA COAST. THIS COAST IS NOTED FOR ITS WIND AND
7 RUGGED CONDITIONS AND WEATHER.

8 THE CENTER OF YOUR PICTURE SHOWS DUST
9 COMING OUT OVER THE TAJIGUAS LANDFILL.

10 THERE'S ANOTHER SHOT OF DUST COMING
11 OFF THE LANDFILL.

12 WHEN THE SUNDOWNERS HIT, THEY GO RIGHT
13 OUT TOWARDS THE OCEAN OVER THE COMMUNITY I LIVE IN.
14 THEY POLLUTE THE COMMUNITY WITH DUST AND THE OCEAN.
15 THEY ALSO CARRY LITTER, OFTEN, AND WHATEVER GASSES THE
16 LANDFILL IS PUTTING OUT.

17 THERE IS THE DUST AGAIN.

18 I CAN MOVE THROUGH THESE QUICKLY.

19 THERE'S A LITTER FENCE. THEY'VE GONE
20 TO A LOT OF TROUBLE IN THE LAST YEAR BECAUSE THEY WERE
21 GOING FOR A PERMIT, MAYBE LATER THIS YEAR, FOR
22 EXPANSION. THEY WOULD LOVE TO EXPAND THIS LANDFILL.

23 IT'S ONLY A THOUSAND FEET FROM THE
24 OCEAN. WHEN THIS LANDFILL HAS A MISTAKE, IT WINDS UP
25 IN THE OCEAN. THE SOUTH COAST COMMUNITY OF SANTA
1 BARBARA IS SCREAMING ABOUT THE OCEAN POLLUTION.

2 THIS IS ONE OF THE CAUSES.

3 THERE'S LITTER THAT'S GONE OFF SITE
4 PAST THE FENCE, LITTER DOWN THE HILLSIDE ON PRIVATE

5 PROPERTY, LITTER A SEAGULL GOT INTO AND DIED.

6 LITTER ON THE BEACH, ON THE WAY OUT.

7 THAT'S CARRIED BY THE WIND.

8 THE NEXT THING I WOULD LOOK AT HERE IS
9 THE SILT POND BEHIND THE LANDFILL. THE CREEK, HEMIT
10 CREEK (PHONETIC SPELLING) COMES IN HERE. THIS IS
11 WHERE THEY MINE THE DIRT TO BURY THE TRASH.

12 THEY'VE TAKEN VERY LITTLE STEPS TO
13 OMIT THE EROSION. THE EROSION CARRIES THE DIRT FROM
14 THIS AREA DOWN INTO THE SILT POND, WHICH IS REALLY THE
15 CREEK.

16 THE CREEK IS DAMMED UP BY THE
17 LANDFILL. WHEN IT REACHES OVERFLOW, IT GOES OUT THAT
18 PIPE.

19 THEY USED TO --

20 A COUPLE OF YEARS AGO, THEY HAD A
21 COMMON CONDITION. THEY WOULD TAKE AND PUMP OUT THAT
22 SILT POND IN THE MIDDLE OF SUMMER.

23 THIS IS WHAT IT LOOKED LIKE IN FRONT
24 OF MY HOUSE WHEN, IN THE MIDDLE OF SUMMER, WHEN YOU
25 THOUGHT YOU WERE GOING TO GO DIVING THAT DAY, AND THEY
1 DECIDED TO PUMP OUT THAT SILT POND.

2 THE ARMY CORPS OF ENGINEERS PUT A STOP
3 TO THIS. THAT SAID THE SILT POND THERE IS A
4 VIOLATION. THEY TOLD THEM TO MOVE IT OUT OF THERE.
5 THE REGIONAL WATER BOARD HAS TOLD THEM TO MOVE IT OUT
6 OF THERE THIS YEAR. THEY'RE NOT GOING TO BE ABLE TO
7 DO IT YET. SO, WE'RE GOING TO HAVE ANOTHER YEAR
8 WITHOUT A PROPER WAY TO CONTAIN THE TRASH THAT COMES
9 OUT OF THIS DUMP.

10 THIS IS THE CREEK, PELE CREEK, RIGHT

11 BELOW THE LANDFILL. THIS IS FEBRUARY 14TH, THIS YEAR.
12 THAT'S A LITTER FENCE IN THE MIDDLE OF THE PICTURE.
13 THAT LITTER FENCE IS FILLED WITH TRASH. I MIGHT SEE
14 THIS IN A THIRD WORLD COUNTRY, BUT I DON'T EXPECT TO
15 SEE THIS IN SANTA BARBARA COUNTY.

16 THAT LITTER THAT GETS BY THIS TRASH
17 FENCE GOES DOWN TO THE BEACH. THIS IS THE CREEK AS IT
18 COMES DOWN TO THE BEACH. THOSE SPECKS IN THE PICTURE
19 ON THE LEFT SIDE ARE TRASH.

20 THERE IS A CLOSE-UP OF THE TRASH.

21 THERE IS MORE OF IT.

22 THAT'S IN SIDEWAYS.

23 THERE'S ALSO FOAM, WHICH IS ILLEGAL
24 DISCHARGE. THIS TRASH GOES RIGHT DOWN ON THE BEACH
25 AND GOES OUT INTO THE OCEAN.

1 SOME OF IT FLOATS.

2 SOME OF IT DOESN'T.

3 THIS TRASH IS SO PERVASIVE ON THE
4 BEACH THAT AFTER EVERY RAIN STORM, THE COUNTY SENDS
5 LITTER CREWS.

6 HERE'S A PICTURE OF ONE MAN.

7 HERE'S A PICTURE OF TWO.

8 THEY'RE DOWN THERE PICKING THE TRASH
9 UP OFF THE BEACH. THEY DO THE SAME THING AFTER THE
10 WIND STORMS WHEN IT LEAVES.

11 THESE ARE WOODS CHIPS THAT WERE USED
12 TO SUPPRESS THE DUST. THE ONLY TROUBLE IS, WHEN YOU
13 SUPPRESS THE DUST WITH WOOD CHIPS AND YOU HAVE A RAIN,
14 THE FIRST THING TO LEAVE THE LANDFILL IS WOOD CHIPS.

15 WOOD CHIPS WERE SO BAD THAT IT LOOKED

16 LIKE A PICTURE OF OCEAN WATER WITH OIL IN IT, BUT
17 THOSE ARE WOOD CHIPS IN THE OCEAN.

18 THERE WERE SO MANY WOOD CHIPS IN THIS
19 AREA THE OPERATOR OF THE LANDFILL ESTIMATED THERE WERE
20 FORTY CUBIC YARDS OF WOOD CHIPS ON THE BEACH.

21 THIS IS A LINER THEY PUT IN FOR
22 EXPANSION IN '87. OUR COMMUNITY COMPLAINED AT THAT
23 TIME ABOUT THE SAME THINGS WE ARE COMPLAINING ABOUT
24 TODAY.

25 OVER TEN YEARS HAVE GONE BY AND WE
1 HAVE THE SAME COMPLAINTS.

2 THIS LINER IS AT THE UPPER EDGE.

3 THIS LANDFILL IS UNLINED FOR THE VAST
4 MAJORITY. THEY'VE COVERED THIS LINER WITH DIRT TO
5 PROTECT IT, BUT THEY DIDN'T THINK LONG-TERM.

6 WHAT'S GOING TO HAPPEN TO THAT FINE
7 DIRT THEY PUT UP THERE?

8 FIRST RAIN, IT HITS THE CREEK.

9 THAT'S WHAT THE CREEK LOOKED LIKE WITH
10 THAT. IT GOES RIGHT DOWN, OUT INTO THE OCEAN, AND
11 THAT'S WHAT THE OCEAN LOOKED LIKE.

12 FEBRUARY 14TH OF THIS YEAR, WE FOUND
13 MEDICAL WASTE ON THE BEACH.

14 HERE'S A COUPLE PICTURES OF THE FOAM.

15 THEY HAD A FOAM MACHINE TO COVER
16 TRASH. THE MACHINE BROKE DOWN AND DUMPED FOAM ON THE
17 LANDFILL. IT RAINED THAT NIGHT. WE HAD FIVE FEET OF
18 FOAM ON THE BEACH.

19 THAT LANDFILL IS ONE THOUSAND FEET
20 FROM THE OCEAN. THERE IS NO TIME, THERE IS NO
21 DISTANCE TO MAKE A RECOVERY FROM A PROBLEM THEY HAVE

22 UP THERE ON THAT LANDFILL.

23 MEDICAL WASTE ON THE BEACH.

24 FEBRUARY 14TH THIS YEAR, VALENTINE'S
25 DAY, MY NIECE COMES UP TO MEET HER UNCLE JIM

1 THERE IS MEDICAL WASTE ON THE BEACH.

2 I HAVE WITH ME A BAG OF MEDICAL WASTE
3 WE PICKED UP THAT DAY ALONG THE BEACH COMING OUT OF
4 THAT CREEK.

5 YOU'RE GOING TO GO ON A TOUR TOMORROW.
6 I ASK YOU TO TAKE AND REMEMBER THESE SLIDES WHEN YOU
7 GO ON THAT TOUR. I MAY HAVE THE TIME. I MIGHT BE ON
8 THE BUS WITH YOU TOMORROW AND ON THE WAY BACK I'LL BE
9 ABLE TO ADDRESS YOU AT THAT TIME.

10 THIS IS A PROBLEM. THEY WANT TO
11 EXPAND THIS LANDFILL. THE COUNTY BOARD OF
12 SUPERVISORS, DUE TO PUBLIC OUTCRY, SET ASIDE AN
13 ALTERNATIVE COMMITTEE OF WHICH I'M A MEMBER OF TO LOOK
14 AT ALTERNATIVES.

15 BILL 939 SAID RECYCLE FIFTY PERCENT,
16 ALSO SAID PLAN FIFTEEN YEARS IN THE FUTURE. THE STAFF
17 OF THE SANTA BARBARA SOLID WASTE DIVISION CAME TO THE
18 BOARD OF SUPERVISORS WITH LESS THAN THREE YEARS OF
19 SPACE LEFT IN THIS LANDFILL SCREAMING THAT WE GOT A
20 PROBLEM, WE GOT TO EXPAND THIS THING.

21 WHERE WERE THEY PLANNING FIFTEEN YEARS
22 INTO THE FUTURE FOR OUR WASTE PROBLEM?

23 THANK YOU FOR YOUR TIME.

24 CHAIRMAN PENNINGTON: MS. HICKS.

25 ANY QUESTIONS?

1 ANY QUESTIONS?

2 NO?

3 MS. HICKS: MEMBERS OF THE BOARD, THANK YOU
4 FOR HEARING MY PRESENTATION THIS AFTERNOON.

5 MY NAME IS MARY HICKS. I'M THE
6 REPRESENTATIVE FOR THE COALITION OF SAFE NEIGHBORHOODS,
7 A GRASS ROOTS COMMUNITY ORGANIZATION THAT REPRESENTS
8 SIX HOMEOWNERS ASSOCIATIONS AND OVER ONE THOUSAND
9 HOUSEHOLDS SURROUNDING THE SOUTH COUNTY SOLID WASTE
10 TRANSFER STATION.

11 THE REASON THAT I'M HERE SPEAKING
12 BEFORE YOU IS BECAUSE THE SANTA BARBARA FINAL
13 COUNTYWIDE INTEGRATED WASTE SUMMARY PLAN IS ON YOUR
14 DESK IN SACRAMENTO AND LACKS ONLY YOUR SIGNATURE FOR
15 APPROVAL TO BE THE GOVERNING PLANNING DOCUMENT FOR
16 THE COUNTY OF SANTA BARBARA'S SOLID WASTE SOLUTIONS.

17 I WOULD LIKE TO SPEAK ABOUT THE
18 TRANSFER STATION. THERE ARE, THERE IS CONSIDERABLE
19 COMMUNITY OPPOSITION TO THE COUNTY PLANS TO EXPAND THE
20 TRANSFER STATION AND THIS HAS BEEN GOING ON SINCE, AT
21 LEAST WHEN I'VE BEEN INVOLVED, SINCE THE PANCAKE FIRE
22 IN 1990.

23 THE TRANSFER STATION IS ADJACENT TO A
24 MULTIPLE RESIDENTIAL NEIGHBORHOOD, THE OLDEST AND
25 CLOSEST IS RANCHO SOJUENO IMPROVEMENT ASSOCIATION. IT
1 DATES FROM THE 1920S AND THE CLOSEST HOUSE IS SIX
2 HUNDRED FEET FROM THE TRANSFER STATION.

3 WE AGAIN HAVE SUNDOWNER WINDS HERE
4 WHERE THE DUST FROM THE TRANSFER STATION BLOWS OVER
5 ALL THE NEIGHBORHOODS DOWNWIND, WHICH INCLUDES VERY
6 DENSELY POPULATED TRAILER PARKS.

7 ADDITIONALLY, AROUND THE TRANSFER

8 STATION, THERE -- HOUSING HAS BEEN APPROVED IN THE
9 SUBSEQUENT THIRTY YEARS THAT THE TRANSFER STATION HAS
10 BEEN IN OPERATION AND IT ALMOST COMPLETELY SURROUNDS
11 THE TRANSFER STATION.

12 THE LAND IS ZONED RECREATIONAL AND
13 GOLF COURSES AND FOR QUITE A FEW YEARS WE HAVE BEEN
14 TRYING TO GET THE COUNTY TO DOWNSIZE AND TO FULFILL
15 THEIR PROMISES THEY'VE MADE TO THE COALITION TO
16 DOWNSIZE THE FACILITY.

17 THE COUNTY HAS IN THE PAST, BETWEEN A
18 FORMER PERMIT AND THE PRESENT PERMIT WHICH WAS
19 APPROVED IN 1995, INTRODUCED AT THE COUNTY TRANSFER
20 STATION NUMEROUS, FIRST, INAPPROPRIATE PROPOSALS FOR
21 USE AT THE TRANSFER STATION: A CONCRETE RECYCLING
22 FACILITY, TWO CONCRETE RECYCLING FACILITIES, A
23 HAZARDOUS WASTE FACILITY, ETC..

24 IN ADDITION, THEY'VE ALSO ADDED TO THE
25 TRANSFER STATION NUMEROUS ILLEGAL ADDITIONS. ILLEGAL
1 I SAY BECAUSE THEY WERE PUT IN PLACE WITHOUT THE
2 BENEFIT OF PRIOR REVIEW OR PERMIT OR PUBLIC SCRUTINY;
3 AND THOSE INCLUDED A SHREDDER, A GRINDER, A HAZARDOUS
4 MATERIALS RECYCLING FACILITY, PAPER AND CARDBOARD
5 STORAGE, AND C AND D FACILITY.

6 THE PERMIT THAT WAS FINALLY APPROVED
7 IN 1995 GRANDFATHERED THESE ILLEGAL ADDITIONS TO THE
8 TRANSFER STATION INTO EFFECT.

9 THE COUNTY OF SANTA BARBARA PROPOSED
10 IN 1993 A MAJOR EXPANSION OF THE TRANSFER STATION WITH
11 BASICALLY A MRF, ALTHOUGH THEY DIDN'T IDENTIFY IT AS
12 SUCH, AND THE ONLY LIMIT, THE ONLY QUANTIFIABLE LIMIT

13 IN THE NEGATIVE DEC IN THE PROPOSAL IN 1993 WAS A
14 EXHAUST FROM THE SMOKE STACK AT THE MRF, WITH, WITH
15 CLASS ONE CONSIDERATIONS.

16 THAT WAS THE ONLY THING, OUTSIDE OF
17 THE SIZE, WHICH WAS FOUR STORIES HIGH AND LARGER THAN
18 A FOOTBALL FIELD.

19 THE COMMUNITIES OPPOSED IT QUICKLY AND
20 WITH GREAT STRENGTH AND THE PLANNING COMMISSION
21 RETURNED IT TO THE SOLID WASTE AND THE PUBLIC
22 UTILITIES, THE --

23 PHIL DERRICK (PHONETIC SPELLING).
24 EXCUSE ME.

25 -- THE FORMER DIRECTOR OF PUBLIC
1 WORKS; AND WHAT ENSUED FOR TWO YEARS WAS A FOCUS GROUP
2 IN WHICH THE COUNTY AND NEIGHBORHOODS ENGAGED IN GOOD
3 FAITH NEGOTIATIONS TO SOLVE THE TRANSFER STATION
4 PROBLEMS.

5 IT WAS A VERY GOOD EFFORT. IT CAME UP
6 WITH MANY GOOD SOLUTIONS THAT CREATIVELY HANDLED
7 SOME OF THE PROBLEMS OF THE TRANSFER STATION AND THE
8 NEIGHBORHOOD WAS IN AGREEMENT WITH HOW THIS WAS TAKEN
9 CARE OF AND IT CULMINATED IN A FIVE-YEAR PLAN AND,
10 WITH THE FIVE-YEAR PLAN, THE NEIGHBORHOODS FELT
11 REASSURED THAT THE COUNTY WOULD NOT EXPAND THE
12 TRANSFER STATION.

13 AND WE WENT ALONG WITH THE NEGATIVE
14 DECLARATION WHICH GRANDFATHERED IN ALL THESE
15 ACTIVITIES THAT WE DIDN'T LIKE. WE DIDN'T CHALLENGE
16 IT BECAUSE IT WAS AN INTERMEDIATE STEP THAT ALLOWED
17 THE TRANSFER STATION TO REMAIN IN OPERATION WHILE IT
18 DOWNSIZED TO A SELF-HAUL FACILITY ONLY.

19 INCLUDED IN THE NEGATIVE DEC WAS A
20 VERY SPECIFIC-SIZED, COVERED STRUCTURE, VERY SMALL,
21 FIFTEEN THOUSAND SQUARE FEET, THAT COULD NOT
22 ACCOMODATE ANY MORE THAN COVERING SELF-HAUL
23 FACILITIES.

24 OUR CONCERN AND MY PRESENCE BEFORE YOU
25 IS BECAUSE, IN THE LAST SIX MONTHS, IN THE SCOPING
1 PHASE OF THE TAJIGUAS LANDFILL EXPANSION PROJECT, THE
2 COMMUNITIES HAVE BECOME AWARE OF MULTIPLE DOCUMENTS
3 PREPARED BY THE COUNTY OF SANTA BARBARA WHICH INDICATE
4 A PLAN AND INTENT ON THEIR PART TO EXPAND THE
5 OPERATING FACILITIES AT THE TRANSFER STATION.

6 AND THIS IS IN CONTRAST TO THE
7 FIVE-YEAR PLAN WHICH HAS GONE THROUGH 1995, 1996, AND
8 1997 DRAFT VERSIONS. TWO OF THEM HAVE BEEN PRESENTED
9 TO THE BOARD OF SUPERVISORS, WHICH IS TO SAY COUNTER
10 TO WHAT THE AGREEMENTS THEY'VE REACHED WITH THE
11 NEIGHBORHOODS.

12 AND THE ONE THAT IS ON YOUR DESK RIGHT
13 NOW IS A SUMMARY PLAN, WHICH ON PAGE 412 --

14 YOU DON'T HAVE THAT.

15 I HAVE MY COPY BACK HERE.

16 IT INDICATES THAT THEIR SOLUTION FOR
17 DEALING WITH SINGLE-HOUSING RECYCLING, MULTIPLE-FAMILY
18 RECYCLING, AND SHREDDING FOR THE CITY OF SANTA BARBARA
19 IS PROBABLE, IS A PROBABLE --

20 THEY ANTICIPATE EXPANDING FACILITIES
21 AT THE SOUTH COAST TRANSFER STATION.

22 AND IN SUMMARY, WE, WE, I AND THE --

23 I'M SPEAKING FOR THE NEIGHBORHOODS.

24 -- BELIEVE THIS TO BE IN VIOLATION OF
25 THE GOOD FAITH AGREEMENT. IT IS NOT A LEGAL DOCUMENT.

1 WE HAVE GONE THROUGH THIS WITH THE
2 COUNTY.

3 THE BOARD OF SUPERVISORS LAST WEEK DID
4 SUPPORT OUR REQUEST TO HAVE THE TRANSFER STATION
5 VIEWED AT ITS CURRENT OPERATING SIZE RATHER THAN ITS
6 MAXIMUM CAPACITY FOR THE PURPOSES OF THE CURRENT EIR
7 AND I WISH TO JUST BRING TO YOUR ATTENTION THE STRONG
8 COMMUNITY OPPOSITION TO THE PROPOSAL TO EXPAND THE
9 TRANSFER STATION.

10 THANK YOU VERY MUCH.

11 CHAIRMAN PENNINGTON: THANK YOU.

12 ANY QUESTIONS OF MISS HICKS?

13 I WANT TO THANK BOTH OF YOU FOR COMING
14 AND PRESENTING THIS TO US. I KNOW WE RUSHED YOU
15 THROUGH THIS.

16 IT'S --

17 YOU KNOW, WE ARE AT THE END OF A LONG
18 DAY. SO, WE DO APPRECIATE HEARING IT. WE DO LISTEN
19 TO WHAT YOU HAVE TO SAY AND THAT'S WHY WE COME TO THE
20 COMMUNITIES LIKE THIS IS TO HEAR FROM THE COMMUNITY.

21 SO, EVEN THOUGH I SEEM LIKE I'M
22 RUSHING YOU, I DO APPRECIATE YOU BEING HERE.

23 MR. KENNINGER: THANK YOU.

24 CHAIRMAN PENNINGTON: THAT BRINGS US TO
25 ADJOURNMENT.

1 WE HAVE A RECEPTION TONIGHT, TOUR
2 TOMORROW.

3 WE ARE ADJOURNED.

4 (5:05 P.M.)

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REPORTER'S CERTIFICATE

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4

I, WILLIAM S. STEPHENS, CSR #10033, DO

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HEREBY CERTIFY THAT THESE FOREGOING PAGES, NUMBERED 1

6

THROUGH 293, INCLUSIVE, CONTAIN A FULL, TRUE AND

7

CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE

8

ABOVE-ENTITLED MATTER ON WEDNESDAY, SEPTEMBER 23,

9

1998.

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DATED: SANTA BARBARA, CALIFORNIA
OCTOBER 10, 1998

WILLIAM S. STEPHENS
CERTIFIED SHORTHAND REPORTER
NUMBER 10033
OF THE STATE OF CALIFORNIA