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1 SACRAMENTO, CALIFORNIA, SEPTEMBER 20, 2000 - 9:45 A.M.

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3 CHAIR MOULTON-PATTERSON: I'd like to call the
4 meeting back to order please and welcome back to everyone
5 to the second day of our September meeting. We're on
6 Item Number 2, the second half, and I'll turn it over to
7 Ms. Jordan when you're ready.

8 Excuse me. We've got to call roll and
9 stuff. It was a long day yesterday. I'm sorry.

10 BOARD MEMBER EATON: The audience may have left,
11 we stayed.

12 CHAIR MOULTON-PATTERSON: Secretary, please call
13 the roll.

14 BOARD SECRETARY: Eaton.

15 BOARD MEMBER EATON: Here.

16 BOARD SECRETARY: Jones.

17 BOARD MEMBER JONES: Here.

18 BOARD SECRETARY: Medina.

19 BOARD MEMBER MEDINA: Here.

20 BOARD SECRETARY: Papanian.

21 BOARD MEMBER PAPANIAN: Here.

22 BOARD SECRETARY: Roberti.

23 Moulton-Patterson.

24 CHAIR MOULTON-PATTERSON: Here. Please leave
25 the roll open for Senator Roberti.

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1 Ex partes, Mr. Eaton.

2 BOARD MEMBER EATON: I'm up to date, thank you.

3 CHAIR MOULTON-PATTERSON: Mr. Jones.

4 BOARD MEMBER JONES: Good.

5 CHAIR MOULTON-PATTERSON: Mr. Medina.

6 BOARD MEMBER MEDINA: None to report.

7 CHAIR MOULTON-PATTERSON: Mr. Papanian.

8 BOARD MEMBER PAPANIAN: None to report.

9 CHAIR MOULTON-PATTERSON: I have none.

10 Ms. Jordan, we're on Number 2.

11 MS. JORDAN: Thank you. We are back again.

12 This is in regards to agenda Item Number 2,
13 consideration of approval of fiscal year 2000-2001
14 consulting and professional services concepts, and
15 consideration of approval of reallocation Provision 1
16 Recycling Market Development funding. I'm Terry Jordan,
17 Deputy of the Administration and Finance Division, and
18 Susan Villa and I will be presenting the remainder of
19 this item.

20 I'd like to bring to the Board's attention I
21 walked away last night and we gave some thought as to the
22 direction that were going and we'd like to offer a
23 recommendation if that's possible.

24 CHAIR MOULTON-PATTERSON: Great.

25 MS. JORDAN: With regards to the concepts that

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1 we were discussing yesterday afternoon, the ones that
2 seem to be pinpointed were the Number 39, the conversion
3 technology conferences; Number 26, the green building
4 technical support; Number 45, the school instructional
5 gardens; Number 42, the school district diversion grants;
6 Number 43, recycling diversion grants; and we added on to
7 this list Concept Number 1 that we were not funding out
8 of the IWMA but proposed to fund under the RMDZ, which
9 was for the AB 75 training video.

10 With regards to the Concept Number 39, we are
11 recommending that at this time no funding be provided for
12 that particular concept. However, I would like to
13 mention that we have spoken with Program and they say
14 that they can conduct some workshops internally through
15 their current resources, and in addition there is a
16 proposal that is likely to go forward for the next budget
17 year that might be able to address some funding for this
18 purpose.

19 With regards to Number 26, the green building
20 technical support, we are also recommending that at this
21 time no funding be provided. However, I would like to
22 provide some information with regards to what we have
23 done and what we're currently doing in that respect. In
24 the current fiscal year, this fiscal year 2000-2001,
25 budget we were approved BCP number one, sustainable

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1 building plan, and within that particular BCP, there is
2 \$50,000 of CMP. It's actually within this item under the
3 BCP implementation portion which was at the beginning of
4 the presentation. The \$50,000 goes for two efforts --
5 \$20,000 to augment grants for the sustainable building
6 grants and \$30,000 for support of an executive committee,
7 and in particular that executive committee was to be
8 established with regards to the sustainable building plan
9 and the \$30,000 specifically is to provide consulting and
10 professional services funding for contracts to support
11 the committee. And this goes directly towards what the
12 Governor's Executive Order D-16-00 is laying out with
13 regards to the needs in sustainable building.

14 In addition, we have previously, through the
15 allocations that the Board has provided in the RMDZ
16 Provision 1 funding, provided approximately \$965,000
17 through Concepts 75 and 78 during 99-2000 and Concept
18 Number 47 during 98-99, and in particular those concepts'
19 titles are Concept 75, green building design and
20 construction technical support. There was \$150,000 that
21 was dedicated to that. Concept Number 78, green building
22 design and construction project grants, there's \$423,000
23 that is dedicated towards that. And in Concept Number
24 47, green building technology program grants, there is
25 \$392,000 in that. Of course those grants are ongoing and

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1 can be augmented.

2 So I wanted to address that concern on the green
3 building and sustainable building issue.

4 CHAIR MOULTON-PATTERSON: So we have spent like
5 over a million dollars on green buildings?

6 MS. JORDAN: Correct.

7 CHAIR MOULTON-PATTERSON: So we really have
8 under Mr. Eaton's leadership and others done quite a bit
9 in that area?

10 MS. JORDAN: That's correct.

11 CHAIR MOULTON-PATTERSON: Thank you.

12 MS. JORDAN: To go on with the actual
13 recommendations past the last two concepts, we were
14 looking at the others that were being discussed yesterday
15 in Number 45, the school instructional gardens, and we're
16 proposing \$150,000 towards that effort; Number 42, school
17 district diversion grants, \$110,000; Concept 43, the AB
18 75 recycling diversion grants, \$100,000; and I skipped
19 one. Excuse me. Concept Number 42, school district
20 diversion grants \$110,000. Did I say that one? I'm
21 sorry. And of course the AB 75 training video, and we're
22 only proposing \$20,000 towards that effort. However,
23 because of the equipment that we currently have and
24 knowing that and with Frank Simpson's commitment to this
25 we felt that we would be able to at least have an outside

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1 source come in and provide the training necessary to be
2 able to utilize this equipment to conduct our own video.

3 The total of those sums is \$380,000.

4 CHAIR MOULTON-PATTERSON: Okay. Do we have -- I
5 think Frank mentioned it yesterday. Do we have like
6 editing equipment already in place?

7 MS. VILLA: Yes. We do have the equipment
8 necessary to make the video, we just need the editor.

9 CHAIR MOULTON-PATTERSON: Okay. Thank you for
10 that proposal.

11 MS. JORDAN: You're welcome. Any comments from
12 the Board?

13 Mr. Eaton.

14 BOARD MEMBER EATON: I have a question. I just
15 want to -- let me just get -- I don't have a problem with
16 the categories selected, the amounts I do. With number
17 42, the school diversion, doesn't that tie into the
18 projects that we just spent \$400,000 on with regard to
19 the Clint Whitney contract? Isn't that a tie into that?
20 And I don't have a problem, but I don't think we should
21 fund something that we haven't gotten any results on yet.
22 I think we should fund it at a level that if you want to
23 start and reserve \$50,000, but I think the other couple
24 of categories could use it since those are in process.

25 MR. SCHIAVO: Pat Schiavo, Diversion, Planning

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1 and Local Assistance Division.

2 The diversion grants for schools are to be a
3 follow-up to the Clint Whitney project. The Clint
4 Whitney project is essentially setting up models
5 throughout the state based on different parameters, and
6 then once we develop models and programs that appear to
7 work, be most workable, then the grants would follow.

8 BOARD MEMBER EATON: When are we supposed to get
9 the Whitney stuff? Because we haven't gotten the
10 priorities yet. My problem is -- I don't have a problem,
11 but when we start setting money aside for things that we
12 haven't gotten any kind of clarification of or had a
13 Board policy about where we want to go as a result of
14 that, then I think that's a little bit overreaching on
15 our part.

16 And I don't have a problem giving some money,
17 but I think when you have AB 75 and some of the other
18 categories that are listed here, that that would be a
19 reach and I don't think it's really keeping with what we
20 have when we have limited resources.

21 CHAIR MOULTON-PATTERSON: Mr. Schiavo.

22 BOARD MEMBER EATON: Do you understand my point?

23 CHAIR MOULTON-PATTERSON: I certainly do,

24 Mr. Eaton.

25 BOARD MEMBER EATON: If we want to put \$50,000

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1 to that, that's fine and we can start and that would be a
2 good model, but we haven't even gotten anything back from
3 him yet.

4 CHAIR MOULTON-PATTERSON: If possible could
5 Ms. Morgan give us a little report on what's being done?
6 I hate to put you on the spot.

7 MR. SCHIAVO: Cara's the project manager.

8 CHAIR MOULTON-PATTERSON: I know a lot of work
9 has been done on the project and if you could just update
10 us and tell us if you think this is the logical next
11 step.

12 MS. MORGAN: I appreciate Mr. Eaton's questions
13 regarding this.

14 The contract concept is proposed to be a grant
15 program for school districts. What we're looking at is
16 completing the school district diversion project next
17 spring. We will have by then the tools and models
18 available to offer to school districts.

19 Right now we have -- the Office of Local
20 Assistance is actively working with jurisdictions from
21 around the state to help implement school district
22 diversion based upon the current tools we have, but the
23 tools that we have right now are focused more on waste
24 prevention and school district recycling.

25 We're -- this project is helping us focus more

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1 in the area of green building, C&D diversion and organics
2 diversion, and the C&D part of the project will be
3 hopefully pretty much completed in December. So we hope
4 to be able to start disseminating that information. So
5 our plan was by the time we get the grant guidelines
6 ready and the information out next spring, we've got the
7 tools in place, the technical assistance training for our
8 staff in place, and we can start getting these grants in
9 place next spring. So we felt that the timing did fit.

10 BOARD MEMBER EATON: But we have to approve some
11 of that; do we not? That under the contract has to come
12 back. And my first look at the list of schools that were
13 selected by the contractor with the exception of East
14 Palo Alto, most of those were high-end schools, Moraga,
15 Orinda. You look at some of the others, there wasn't a
16 good geographic split. That was where I thought when we
17 approved the contract we would as a Board get to see some
18 of that stuff come back. While there may be guidelines
19 and things of that nature in place, we're talking about
20 probably not until May or something like that and that
21 going on and we should look at funding for the next
22 fiscal.

23 I'm willing to give some money on my part, but I
24 think there's other categories which are standing ready,
25 willing and able to state agencies, some of the things

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1 that either Mr. Jones or Senator Roberti or Mr. Papanian
2 had been which willing to give up in order to fund.
3 Something that is not in place we ought not to be funding
4 or do set-asides. We had that whole discussion yesterday
5 with regard to the AGR or JRC with the loan program. And
6 I appreciate it, but I think we also need to kind of be a
7 little more prudent.

8 BOARD MEMBER JONES: Madam Chair.

9 CHAIR MOULTON-PATTERSON: Yes, Mr. Jones.

10 BOARD MEMBER JONES: This discussion kind of
11 brings up a thought that if we're spending \$400,000 to
12 put together a study, is it predicated that the results
13 and the success of the study is only if we provide grants
14 to get the work done? If that's the case --

15 CHAIR MOULTON-PATTERSON: That's not my
16 understanding.

17 BOARD MEMBER JONES: -- then we've wasted
18 \$400,000. I mean the idea is to be able to give people
19 tools they can use within their existing budget where
20 they can save money.

21 MS. MORGAN: Right. Right. One of the things
22 that we're finding with the grant program is there are
23 certain types of equipment as it relates to organics, for
24 example chippers, shredders, that kind of thing that
25 we're looking at the grant program would help school

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1 districts be able to afford certain pieces of equipment
2 now rather than trying to get it into their budget, which
3 it could be two to three to four years for some school
4 districts. So it was to help some districts purchase
5 equipment now to get diversion plans going.

6 BOARD MEMBER JONES: This study is going to have
7 school districts become operators of recycling programs?
8 They're going to put chippers and grinders and put people
9 on the payroll to do this?

10 MS. MORGAN: The grant program was to help
11 school districts --

12 BOARD MEMBER JONES: Not the grant program, the
13 \$40,000 for this study. Is it advocating that school
14 districts create a recycling infrastructure other than
15 collection?

16 MS. MORGAN: For some school districts. For
17 example, with grasscycling we are looking at promoting
18 that aspect of using mulchers, having the school district
19 use mulchers to grasscycle their materials. Many school
20 districts do their own tree trimming. So we're looking
21 at incorporating into their program so that they could.
22 We do have some school districts throughout the state
23 that are doing those kinds of programs, so we're looking
24 at utilizing those as models.

25 There's a number of aspects of the school

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1 district diversion project that are in place, and the
2 grant program as proposed in the contract concept is to
3 help school districts purchase various types of
4 equipment, whether it's bins for collection or mulchers
5 if they're going to do a grasscycling program. I think
6 it was fairly open in that respect.

7 BOARD MEMBER JONES: What's the focus of the
8 study? Is it to -- I thought we were going after the
9 schools to try to help them in diversion programs on a
10 pretty wide range and show them how it becomes
11 economical.

12 MS. MORGAN: It's institutionalized and it's
13 economical.

14 BOARD MEMBER JONES: But we're attacking
15 grasscycling and tree trimming. What are we doing in the
16 classrooms and in the cafeterias and those areas?

17 MS. MORGAN: We're really hitting all parts of
18 it. We're hitting organics, food waste diversion either
19 with on-site composting or being able to connect them
20 with food reuse programs, as well as if there's a local
21 composting infrastructure. There's really a lot of --
22 there's a number of different menu options that we're
23 looking at, as well as procurement, district-wide
24 recycling, waste prevention activities such as purchasing
25 double-sided photocopiers and what not.

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1 Green building and C&D diversion is a big piece
2 of the school district diversion project, setting up
3 modeling and tools such as model RFPs, building specs,
4 things of that nature. As it relates to the organic
5 wastestream, again I mentioned food waste diversion and
6 green waste is a part of it.

7 BOARD MEMBER JONES: I remember when this thing
8 came forward, one of the examples was that schools wanted
9 to set up programs but the hauling mechanisms drove the
10 cost so high they couldn't do it. I thought that this
11 study was to try to figure out how to do those kinds of
12 things more self-sufficiently.

13 I'm a little blown away we're talking about
14 chippers and grinders because that certainly was not what
15 was sold to us.

16 CHAIR MOULTON-PATTERSON: Well, you know,
17 Mr. Jones, I disagree. I do think that -- you know, I
18 worked for a very small district. They did their own
19 gardening and there would be some -- I think some real
20 benefits. And I also -- we did not have a two-sided
21 printer and tremendous amounts of paper were wasted.

22 So I think a lot of good things are coming out
23 of this program. I would like to have more of a Board
24 report and I agree with Mr. Eaton that possibly we would
25 maybe do \$50,000 and then see some results, but I think

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1 it's a lack of communication because I know you have had
2 many, many meetings and I do think there's a lot of
3 results.

4 I haven't seen a list of the schools that are on
5 it and I would be very sensitive to the fact if it is
6 just high-end schools. So I think if there's a way --
7 and maybe, Mr. Eaton, you can propose it since you're the
8 one that brought it up that I wouldn't want to lose this
9 money but we could hold \$60,000 until we got a report
10 because I think there's a lot of misunderstanding and
11 there's some things I would like to know also, and
12 Mr. Jones obviously has concerns.

13 BOARD MEMBER EATON: And then what I would like
14 to do is keep the money in the educational arena, though,
15 that if it only is funded at a certain level, drop from
16 what Ms. Jordan recommended that that money go into
17 school gardens or the state diversion grants, I think
18 whichever.

19 But one of the things that I want to caution all
20 of us here about, and it was something that happened, and
21 Ms. Fish, you can sort of verify the situation.
22 Ms. Morgan as well, you should remember. We went before
23 the legislature and the subcommittee and it was the
24 subcommittee in the Senate and we were chastised for
25 setting up a grant program without statutory authority.

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1 Do you remember that?

2 MS. FISH: Yes, I do.

3 BOARD MEMBER EATON: So I'm wondering -- I mean
4 I don't have a problem with the set-aside with the caveat
5 that if you remember Senator Wright, and I'm trying to
6 think of the program which that came up. It was just the
7 last time and we had to do -- we were going to give away
8 money and she came back and wanted to do interest-free
9 loans on -- was it Mr. Jones's equipment?

10 MS. FISH: Mr. Eaton, that is true, but the fact
11 that we had Provision 1 out of the RMDZ fund gave us the
12 authority to do some grant programs that were market
13 development-related. And so I think we're still going
14 down that same path, but you are correct. When we tried
15 to set up a grant program that was not market
16 development-related, they said that's what we do.

17 BOARD MEMBER EATON: Right. So we have to do
18 that. So if we could just put the caveat and seek that
19 clarification, I don't have a problem setting aside the
20 money, let's just put the caveat that we -- expend it
21 without some sort of --

22 MS. FISH: But my concern is we've allocated a
23 significant portion of the \$7 million under Provision 1
24 to grant programs, and so I don't see this one as being
25 any different.

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1 BOARD MEMBER EATON: Well, where's the market
2 development?

3 MS. FISH: The market development fund in the
4 RMDZ account under Provision 1, that language gave us the
5 legislative ability and permission to proceed.

6 BOARD MEMBER EATON: For a grant.

7 MS. FISH: Right.

8 BOARD MEMBER EATON: But we have it whereas it
9 relates to a grant for --

10 MS. FISH: Market development activities, and we
11 saw this as being consistent with that activity.

12 BOARD MEMBER EATON: I'm sure, but I'm happy to
13 make a proposal, if you would like, based upon the
14 discussion.

15 I would move that we would fund Item Number --
16 first one I believe was 45; is that right, Ms. Jordan?

17 MS. JORDAN: That's correct.

18 BOARD MEMBER EATON: That would be at the
19 original executive staff recommendation of \$150,000.

20 MS. JORDAN: Yes.

21 BOARD MEMBER EATON: The AB 75 recycling would
22 be at \$100,000. Then was that -- do you have four that
23 were funded? Help me out. Either three you were funding
24 or four. I know there was the video, but I'm trying to
25 get more money into the video.

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1 MS. JORDAN: Yes. There's Concept 45, the
2 \$150,000. 42 for \$110,000.

3 BOARD MEMBER EATON: If we drop that to \$50,000
4 contingent upon authority.

5 MS. JORDAN: Number 43, that one's at \$100,000.
6 That's the AB 75 recycling grants.

7 BOARD MEMBER EATON: Okay.

8 MS. JORDAN: And the last one was the AB 75
9 training video.

10 BOARD MEMBER EATON: Okay. So if we were to
11 go -- if I may ask, Senator, with the training video,
12 what was your estimate of the cost on that?

13 BOARD MEMBER ROBERTI: The cost I thought was
14 \$56,000.

15 BOARD MEMBER EATON: So if we did \$50,000 in
16 there.

17 BOARD MEMBER ROBERTI: Pardon?

18 BOARD MEMBER EATON: \$50,000 or \$60,000 for
19 that, I'm just trying to get the numbers.

20 BOARD MEMBER ROBERTI: \$50,000.

21 BOARD MEMBER EATON: \$50,000. So it would be
22 \$150,000.

23 BOARD MEMBER ROBERTI: I understand. Okay.
24 Wait.

25 BOARD MEMBER EATON: I'm sorry.

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1 BOARD MEMBER ROBERTI: I suspect we could
2 probably do it on \$20,000 and use our own equipment. My
3 concern wasn't using our own equipment, it was having
4 professionals doing the production.

5 BOARD MEMBER EATON: Okay. I'll try -- I'm
6 sorry, Madam Chair. So we'll go \$150,000 for Item 45,
7 school instructional garden; \$20,000 for the video. That
8 gets us to \$170,000. Did you say you thought \$60,000,
9 Madam Chair, as a reserve for the school diversion
10 grants?

11 CHAIR MOULTON-PATTERSON: Are you saying -- are
12 we going to put something toward it now?

13 BOARD MEMBER EATON: Yes.

14 CHAIR MOULTON-PATTERSON: Yes. Yes. I don't
15 want to lose it.

16 BOARD MEMBER EATON: No, I understand.

17 CHAIR MOULTON-PATTERSON: I think there's some
18 questions because it's my understanding the schools have
19 not been selected yet, Mr. Eaton.

20 BOARD MEMBER EATON: Right. I'm just trying to
21 get a placeholder, a substantial value.

22 CHAIR MOULTON-PATTERSON: Thank you.

23 BOARD MEMBER EATON: I put \$60,000 there, so
24 that would be \$230,000. And then if we raise the state
25 diversion grants per AB 75 from \$100,000 to \$150,000,

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1 that would bolster the state's -- our activities within
2 the state AB 75 realm.

3 CHAIR MOULTON-PATTERSON: I have no problem with
4 that. Do you want to make it into a motion? Sure. I
5 see Mr. Paparian, would you like some green building
6 technical support reinstated?

7 BOARD MEMBER PAPARIAN: A couple of questions
8 first. At -- well, one of the things we lost here is the
9 organic cross-media partnerships, and I think in the
10 organics area I think that's one of the more lucrative
11 areas in terms of waste reduction over the coming years
12 given the amount of organics that's out there and the
13 variety of ways we're going to need to deal with them.

14 There was a concept -- was it 39? And at one
15 point the staff had \$58,000 in that concept and then we
16 were told this morning that we could do some stuff
17 in-house but some of this was going to be in partnership
18 with other agencies like Food and Agriculture. I'm
19 wondering if there's a need there that can be met with a
20 little bit of this leftover money or whether we're better
21 off going with the in-house stuff.

22 BOARD MEMBER EATON: Probably the in-house I
23 know in the front end the organics got the bulk of the
24 money got the first year. They got a bulk of money.

25 MS. FISH: They did.

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1 BOARD MEMBER PAPARIAN: It's a big problem out
2 there that's --

3 MS. FISH: Would you like staff to address that?

4 BOARD MEMBER PAPARIAN: Please.

5 MS. FISH: Judy Freedman.

6 MS. FREEDMAN: Item 39 -- Judy Freedman, Market
7 Development Division.

8 Item 39 is really one of our biggest priorities.
9 We're looking to do a conversion technology conference
10 and also some cross-media partnerships with other state
11 agencies like CDFA. There has been a four agency
12 secretary signed BCP proposal for the diversion
13 technology arena and one of the things that we are
14 proposing to do is a conference and we really could use
15 some money in this area. \$45,000 would probably do it
16 for us.

17 BOARD MEMBER EATON: My problem happens to be is
18 that within AB 75 we've done five years of trying to get
19 this bill passed. Right here in the legislation it talks
20 about having to establish, shall establish an awards
21 system. That is the one area where we haven't had any
22 money put in in organics. If you want to add it up, it
23 will multiply and probably be the largest department
24 we've had in this whole Board in terms of getting money.
25 You have to at least concede that point.

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1 What I'm trying to do is that when we go back
2 for our budget subcommittee hearing next year before the
3 author of this bill, it probably will lead to
4 subcommittee again. We can at least say that we funded
5 at a level commensurate with the other programs we have
6 and that's why I'm trying to reach, from a hundred to
7 hundred and a half.

8 MS. FREEDMAN: Could I just say one thing about
9 the organics? It is 40 percent of the state's
10 wastestream, so of course putting funding in that area
11 makes some sense.

12 BOARD MEMBER PAPARIAN: It's one of the more
13 difficult wastestreams to deal with.

14 BOARD MEMBER EATON: Well, what I would like to
15 be able to do is why don't we just say we'll do a hundred
16 and a half and in the AB 75 but at least \$50,000 of that
17 should go for organics or our state agencies who deal
18 with organics and teaching them how to handle their food
19 waste and things of that nature within our state agencies
20 because that would also solve that problem because that's
21 one of the biggest problems we have within our own state
22 organics is not so much the paper but the organics that
23 are generated by us as employees.

24 BOARD MEMBER JONES: Madam Chair.

25 CHAIR MOULTON-PATTERSON: Mr. Jones.

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1 BOARD MEMBER JONES: I think -- I'm not going to
2 really weigh in on how this money gets doled out other
3 than the fact that conversion technology isn't about just
4 composting some green waste or looking at it. It's
5 looking at a new technology that's going to take
6 cellulose and not burn it but change it into ethanol or
7 other fuel sources, that if there's not a more critical
8 time for this state to be thinking about alternative fuel
9 sources, now is it.

10 We had a tire fire that let us get our tire
11 legislation to the top of the page. I don't know how
12 much higher the gas prices have to be for us to start
13 understanding that we have a potential fuel source in
14 organics and contaminated paper that is untapped and
15 untouched. BMW in Europe right now is running hydrogen
16 cars that never had much of a chance to be successful
17 until fuel prices got up to about \$5.50 a gallon in
18 England. And now that BMW hydrogen-powered car on a fuel
19 cell looks like the best bargain in town.

20 So I think that we have an -- we need to be
21 looking at not just composting this stuff but getting
22 people together that can understand that this is a
23 technology that's going to need support and I think
24 it's -- I think one thing that Judy said, you've got four
25 agency secretaries that have committed to work together

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1 at the Governor's instruction to start looking at this
2 technology and I think we ought to be part of that.

3 BOARD MEMBER EATON: But my motion makes that
4 perfectly clear and fits in with that.

5 BOARD MEMBER JONES: That's fine, but I don't
6 want it to be for composting. I'm saying for conversion
7 technology.

8 BOARD MEMBER EATON: I hear that. They'll still
9 have to come back to us for that. That's what I'm
10 saying.

11 CHAIR MOULTON-PATTERSON: Mr. Eaton, Senator
12 Roberti wanted to say something.

13 BOARD MEMBER ROBERTI: Would you repeat your
14 motion, Mr. Eaton?

15 BOARD MEMBER EATON: That what we would have --
16 I would move that we allocate the following amounts for
17 discretionary consulting professional services contract
18 concepts out of the Revolving Market Development
19 revolving loan account, better known as the RMDZ account.
20 Thank you, Mr. Roberti, for the acronym. That we would
21 put \$150,000 into Item Number 45, which would be the
22 school gardens; that we would take \$60,000 to Item Number
23 42 as simply a placeholder which can be increased upon
24 the Board receiving more information as a result of the
25 ongoing project entered into with Mr. Whitney; that there

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1 would be \$20,000 allocated for the state diversion media
2 video/information; and that the -- and \$150,000 would be
3 allocated for Item Number 43, AB 75, of which \$50,000 of
4 that would be dedicated to the principles as outlined in
5 Concept Number 39, which is the state agency organics
6 cross-media partnership, which would get us to where we
7 wanted to go because that does fit in with the AB 75
8 item.

9 CHAIR MOULTON-PATTERSON: And that's your
10 motion? I'll second it. Any more comments before we go?

11 BOARD MEMBER JONES: We're \$450 over budget.

12 BOARD MEMBER EATON: \$450.

13 BOARD MEMBER JONES: \$450, it's just pocket
14 money.

15 CHAIR MOULTON-PATTERSON: Okay. I see no other
16 questions or comments.

17 Would you call the roll.

18 BOARD SECRETARY: Eaton.

19 BOARD MEMBER EATON: Aye.

20 BOARD SECRETARY: Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Medina.

23 BOARD MEMBER MEDINA: Aye.

24 BOARD SECRETARY: Papanian.

25 BOARD MEMBER PAPANIAN: Aye.

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1 BOARD SECRETARY: Roberti.

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY: Moulton-Patterson.

4 CHAIR MOULTON-PATTERSON: Aye.

5 Senator Roberti, do you have any ex partes to
6 report? Or I can give you a moment if you need to.

7 BOARD MEMBER ROBERTI: No, I have no ex partes
8 to report. However, just for the record I would like to
9 take this opportunity. I'm watching the video of the
10 joint audit committee and then other matters that are
11 currently before the legislature and I would hope that --
12 maybe if the Board could designate our staff to come back
13 and discuss how we could put a project together to get an
14 accounting of all waste and stakeholder facilities for
15 purposes of environmental justice.

16 One of the issues in the video was particularly
17 a Los Angeles thing reflected statewide, the concern is
18 statewide, and that is that a poorer part of the San
19 Fernando Valley was the recipient of most of the waste
20 facilities in the county. I frankly don't know if that's
21 true. The area that they had indicated, which is my
22 former district, I know has an enormous number of the
23 facilities but I don't know if it has more than other
24 areas also areas such as Carson, which is poor too.

25 But I think it wouldn't be bad for us to sort of

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1 be ahead of the game rather than react to something which
2 I think is going to come our way at some point, as is
3 going to come to every other environmental agency, and
4 that is for us to do our own inventory, our own
5 background on each facility. And I state that if we do
6 this, if we should do this out of -- out of shop, that it
7 should be subject to all the contract bidding proposals
8 so that everybody would have a chance at participating or
9 have the opportunity to do this.

10 But I really think it's something that is very,
11 very current and something which in the one year plus
12 that I've been on the Board we've talked about but we
13 haven't directed our attention toward. So I would hope
14 maybe staff could come up with a proposal of -- both the
15 one which we direct inside but also I'm thinking in terms
16 of maybe something independent totally of us so we get an
17 independent view of inventory on the outside about the
18 history of every facility and where they are and what
19 they do and what the potential environmental dangers are.

20 The legislature I know is looking at this in a
21 general sense, but I think we should look at it
22 specifically with waste management.

23 CHAIR MOULTON-PATTERSON: Would that -- didn't
24 we have -- aren't we getting a report? Would that
25 include all the facilities that Senator Roberti is

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1 talking about?

2 MS. FISH: There was an audit that is currently
3 being conducted right now that was directed by that
4 committee.

5 CHAIR MOULTON-PATTERSON: I didn't mean the
6 audit, I meant the -- I can't even remember the name of
7 it. The study, I think it was \$400,000 or \$600,000.

8 MS. FISH: The facility compliance study.

9 CHAIR MOULTON-PATTERSON: Right. Would that
10 include that or not?

11 BOARD MEMBER ROBERTI: At first, that's only
12 facilities. Secondly, it doesn't give us the reasons why
13 the facilities are there.

14 CHAIR MOULTON-PATTERSON: So you would want the
15 history?

16 BOARD MEMBER ROBERTI: One problem is if there's
17 a facility in a community and is servicing that
18 community, nobody can complain. If, however, it's
19 servicing the entire state or the entire county and all
20 those facilities are deposited in one area, there may be
21 a legitimate reason for this, but the suspicion is there
22 probably isn't. It's just you could to the point of
23 least resistance.

24 Furthermore, I'm not thinking only in terms of
25 publicly owned facilities, I'm thinking in terms of

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1 facilities in which we permit stakeholders as well -- I
2 guess that's the right terminology -- and where they're
3 located. I'm not saying we should go on a witch hunt on
4 anybody. We should know where things are and what the
5 reason is so we can make a decision. I don't know if
6 I've made myself clear.

7 BOARD MEMBER JONES: Madam Chair.

8 BOARD MEMBER PAPARIAN: Wasn't there a
9 legislative oversight hearing on this either last week or
10 this week?

11 BOARD MEMBER JONES: Last week.

12 BOARD MEMBER PAPARIAN: Did we participate on
13 this?

14 MS. TOBIAS: We did. Mr. Chandler and myself
15 attended that hearing and I could talk about that a
16 little bit if you want.

17 CHAIR MOULTON-PATTERSON: Mr. Jones wanted to
18 speak before Mr. Paparian.

19 BOARD MEMBER JONES: I think that that hearing
20 is asking Cal/EPA and all the departments to say what
21 they're going to look at, but I think that before ever
22 giving staff direction to go out and start accumulating
23 any list or anything it warrants a discussion here
24 because I think that environmental justice is something
25 that doesn't need to be --

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1 BOARD MEMBER ROBERTI: I didn't ask for them to
2 accumulate a list. I asked for them to come back with a
3 proposal for us.

4 BOARD MEMBER JONES: But what I'm saying is --

5 BOARD MEMBER ROBERTI: And then we'll figure out
6 about what list we're going to accumulate, if any.

7 BOARD MEMBER JONES: I agree with you that when
8 you go into a depressed neighborhood and take advantage
9 of those types of things to site something, that that is
10 environmental injustice. I don't think that's accurate.
11 But I think that when we're looking at facilities
12 throughout this state and have been throughout this state
13 since the turn of the century or since the '50s or '60s,
14 you've got to realize what that neighborhood looked like
15 when it was created, what the local reason was for
16 putting them in.

17 What I always get worried about on these types
18 of things, the question that was asked of me the first
19 time I got confirmed by Senator Hughes because there was
20 legislation that was going through at the time, is that
21 it gets back to those local processes and second-guessing
22 in what did the neighborhood look like back then --

23 BOARD MEMBER ROBERTI: I have no complaint,
24 no -- what I want to know is exactly what you're
25 suggesting. If there is a reason why something is

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1 concentrated in an area, then we should know that and
2 that there wasn't an attempt to go to the point of least
3 resistance. But I think we do have to reflect back as to
4 what's happened in the past so we don't make mistakes in
5 the future.

6 Frankly, one of the things that triggered my
7 statement today was the video of the joint audit
8 committee because frankly, the statement was made that
9 the concentration in the northeast San Fernando Valley,
10 which I used to represent and which is essentially a
11 fairly poor area, was the worst in Los Angeles County if
12 not southern California. Now I know it's bad, but my own
13 recollection of viewing at maps is that the concentration
14 in other areas is worse. So if I'm wrong, I want to know
15 it because I want to then operate from a premise of
16 intelligence, but if I'm right we should know that too.

17 A look at the map would have indicated maybe
18 this isn't the case. So I'm trying to get information
19 from both the point of view of some point mitigating this
20 thing but also from the point of view of maybe hopefully,
21 maybe, reassuring people that no one area is really being
22 singled out. We don't know.

23 BOARD MEMBER JONES: Right. So we're looking at
24 closed sites as well.

25 BOARD MEMBER ROBERTI: Absolutely.

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1 BOARD MEMBER JONES: Because I -- I mean you
2 look at areas like Mountain View, Mountain View where the
3 landfill was for 40 years did not have a building near
4 it, didn't have anything within miles of it, and then
5 some smart city manager decided that they needed to
6 develop that so they put high tech businesses right next
7 to that landfill. Why do you think that shut down?

8 BOARD MEMBER ROBERTI: The history of Mountain
9 View Landfill was one which was a peculiar and grand
10 interest when I was early on in the legislature. So I'm
11 aware of the problem and sometimes there was nothing
12 there and low and behold all of a sudden you have
13 something. But we should know.

14 One thing people should know, we should know who
15 was there first.

16 BOARD MEMBER JONES: Right.

17 BOARD MEMBER ROBERTI: I don't think we know. I
18 think all of us spend our time when we answer these
19 questions giving our surmises.

20 CHAIR MOULTON-PATTERSON: Thank you.

21 Ms. Fish, I certainly agree with Senator Roberti
22 that we do have to be proactive in this area, and so I'd
23 like to see staff come back to us with something, if they
24 have a feeling of what is wanted and I'll ask you that.
25 Do you?

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1 MS. FISH: Do we have a feeling? I'm a little
2 lacking in clarity here.

3 MS. NAUMAN: Julie Nauman, Deputy Director of
4 the Permitting and Enforcement Division.

5 I am aware. I also have reviewed that tape and
6 had some conversations with the auditors that I know are
7 looking at that same issue. I think we can come back to
8 you with maybe a discussion item. As Chief Counsel
9 indicated, she did participate in that legislative
10 hearing and perhaps just an overview of the discussions
11 to date of that environmental justice would be helpful as
12 a foundation, and then we can try to present to you
13 information that we currently have available as a
14 starting point and then maybe talk about what other steps
15 or methodologies we want to develop to --

16 BOARD MEMBER ROBERTI: Yes. If we somehow --
17 when you collate it all together we have everything at
18 our finger tips and it has to be collated, that's fine.
19 I don't think so, but maybe we do. I just don't know.

20 MS. TOBIAS: Actually, there are a lot of
21 open-ended questions once you get into a methodology of
22 assessing environmental justice. There are a lot of
23 questions about how to do that. So I think -- my sense
24 was from the legislative last year and then the hearing
25 the other day is that we're now getting past the idea

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1 that we need to have environmental justice addressed so
2 that's clear and there's that moving forward.

3 Now the question is how do we do that, and the
4 questions of existing sites, as Board Member Jones
5 brought up, versus siting and all those kinds of things.
6 I do think we could bring back an informational item that
7 would kind of tell you the state of environmental justice
8 assessment at this point and might give the Board some
9 sense of where you would like to go next.

10 CHAIR MOULTON-PATTERSON: Is that what you would
11 like, Senator Roberti?

12 BOARD MEMBER ROBERTI: That's fine. I would
13 also just like to note what numbers are out there and
14 what explanations for facilities are out there, both
15 active and inactive.

16 MS. NAUMAN: We've start with the databases that
17 we have operating here.

18 BOARD MEMBER ROBERTI: If something is in area
19 which is densely urbanized, I'd like to know if it was
20 densely urbanized before or after. I know there's cases
21 where incinerators, public incinerators were proposed in
22 what are densely urbanized areas. I also know some of
23 them are in areas that you couldn't shoot a cannon and
24 hit anybody.

25 So I really want information and I'm not at this

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1 point trying to say we've done a terrible thing or
2 everything is terrific. I don't know.

3 BOARD MEMBER JONES: As part of that would you
4 include the zoning?

5 BOARD MEMBER ROBERTI: Yes.

6 BOARD MEMBER JONES: Because I think without
7 that, then we have -- that's what predicates where
8 something gets sited.

9 MS. TOBIAS: You're talking about local land use
10 control?

11 BOARD MEMBER JONES: Absolutely. It could be
12 densely populated, but if it was an industrial area then
13 later became a redevelopment area, that's a choice the
14 people make. And to have somebody sit up in a Senate
15 hearing and say that that is an environmental
16 injustice --

17 CHAIR MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER JONES: -- or two.

19 CHAIR MOULTON-PATTERSON: Excuse me.

20 BOARD MEMBER PAPARIAN: Back to the hearing. It
21 was this week, I believe, or last week?

22 MS. TOBIAS: Last week.

23 BOARD MEMBER PAPARIAN: Last week. Was anything
24 substantive said on behalf of the Board with regards to
25 environmental justice?

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1 MS. TOBIAS: The committee asked all of the
2 Cal/EPA agencies to come up and testify, so it was led
3 off by Cal/EPA. We talked about the fact that they were
4 developing mission statements and that the boards and
5 departments were participating in that effort.

6 Then they called up each of the BDOs and Senator
7 Alarcon had questions, fairly specific questions really
8 honing in on each -- the jurisdiction of each of the
9 BDOs. So they did -- Mr. Chandler did present testimony
10 on behalf of the Board that indicated that it was
11 something that we would look at, that we did have a
12 permitting function, that we also had other kinds of
13 programs that might figure into it such as the loan --
14 the zones and where those are located, do those have a
15 good impact or a bad impact or whatever.

16 And the Senator did ask about whether we could
17 turn down a permit on the basis of environmental justice
18 and when we said that we could not based on both our
19 limited jurisdiction and the way our statute is
20 structured, I think he felt like there was an issue there
21 and that is something that should be looked at, and I
22 think we said that we agreed that should be looked at.

23 BOARD MEMBER PAPARIAN: In terms of the
24 participation and development of environmental justice
25 mission statement, how are we participating?

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1 MS. TOBIAS: With Cal/EPA. They have the lead.
2 Cal/EPA has a position that they are -- they have not
3 started recruiting for it, but it is an approved position
4 waiting for DPA to do the final approval, whatever that
5 is on it, and once that person gets on board then I think
6 you'll see a bigger push forward on the mission
7 statements.

8 BOARD MEMBER PAPARIAN: Who will work on behalf
9 of the Board in developing that?

10 MS. TOBIAS: Right now the Legal Office, P&E and
11 Policy are the assigned sections on it.

12 CHAIR MOULTON-PATTERSON: Also, Mr. Paparian, we
13 will address this through our strategic plan and I want
14 to talk to the Board about who wants to be actively
15 involved on the strategic plan.

16 BOARD MEMBER PAPARIAN: In terms of how this
17 relates to out -- how this relates to the development of
18 a mission statement that applies across Cal/EPA agencies,
19 things are being said on behalf of the Board. I think
20 there should be some Board Member participation in the
21 development.

22 CHAIR MOULTON-PATTERSON: This was an unusual --
23 we got notification rather late and Mr. Chandler and
24 Ms. Tobias were kind enough to attend.

25 BOARD MEMBER PAPARIAN: I have no problem with

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1 that. I'm sure they did a fine job. In terms of
2 actually developing something that will be said on behalf
3 of the Board --

4 CHAIR MOULTON-PATTERSON: And that will be when
5 we're developing our strategic plan which has our mission
6 statement. Mr. Medina was next. Excuse me,
7 Mr. Paparian, when you're finished.

8 BOARD MEMBER PAPARIAN: Just as I understand it,
9 Cal/EPA is developing a mission statement in terms of
10 environmental justice and that the Board is contributing
11 in some way to the development of that mission statement.
12 To the extent that the Board is speaking to Cal/EPA about
13 development of this mission statement with regards to
14 environmental justice, I think there should be Board
15 Member participation in the development of that. That's
16 what I'm saying.

17 CHAIR MOULTON-PATTERSON: Thank you.
18 Mr. Medina.

19 BOARD MEMBER MEDINA: Thank you, Madam Chair.

20 I think that the issue of environmental justice
21 is indeed very timely. I think it's timely for this
22 Board to take a look at it, and no doubt there are
23 instances of people that move to the nuisance, such as
24 Mr. Jones pointed out. However, historically if you look
25 to see where sewage waste water treatment plants,

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1 freeways, social services such as parole offices, drug
2 rehab centers, incinerators, that you mentioned, and we
3 had such a battle in Hunter's Point in San Francisco, bus
4 yards, train yards, you can see that they are
5 concentrated in certain areas.

6 It's because of that that -- and books --
7 libraries are filled with books pointing out this
8 specific issue. So I think it is very timely to be
9 looked at. The state legislature is looking at it. I
10 think that our Board is certainly in a position to look
11 at it and work with our own EPA in regard to making some
12 of our own recommendations in this area.

13 CHAIR MOULTON-PATTERSON: I certainly agree with
14 you and Mr. Paparian on that.

15 BOARD MEMBER MEDINA: Secondly, on the previous
16 report I would like -- I think the Board needs more
17 information on the Clint Whitney program and also the
18 issues related to that and the criteria used for the
19 selection of schools, and also the time line that they're
20 following in regard to the implementation of the program.

21 CHAIR MOULTON-PATTERSON: I think they'll be
22 getting back to us with an update on that. We --

23 BOARD MEMBER ROBERTI: Madam Chair.

24 CHAIR MOULTON-PATTERSON: -- granted that
25 proposal in May, and I would assume that they're going to

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1 be getting back to us soon because the schools have not
2 been selected.

3 Senator Roberti.

4 BOARD MEMBER ROBERTI: Just one point. I'm
5 happy EPA is trying to move in this area, but for my own
6 sake I'm not too excited about on our waiting for EPA to
7 hire somebody to get around to looking at the question.

8 Everybody has their own priorities. A good
9 chunk of the environmental facilities are within the
10 purview of this agency, and for my own feelings of
11 self-credibility I want to be ahead -- I want to be ahead
12 of the game and not wait on another agency to get around
13 to hiring somebody, which I favor their doing. I'm just
14 stating that point.

15 CHAIR MOULTON-PATTERSON: Thank you. That
16 certainly will be conveyed to Cal/EPA and I think we can
17 have a really good policy discussion on this. As you
18 see, there's a lot of interest from all the Board Members
19 and so if we could schedule that as soon as possible,
20 that would be great. I know you have to get the
21 information together, but we would really appreciate it.
22 Is that satisfactory with the Board?

23 MS. TOBIAS: Would you like to see that, Madam
24 Chair, in October when we're away or see it in November
25 when we're back here?

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1 BOARD MEMBER JONES: You've got to give them
2 some time.

3 CHAIR MOULTON-PATTERSON: I think November would
4 be fine. Can you do it in November?

5 MS. NAUMAN: We can do it in November and we'll
6 probably have to take this in some bite-sized chunks.
7 When we give the overview of environmental justice and
8 information we're able to gather to help further educate
9 the Board about the concept, but in terms of bringing
10 information to you, some of the information that Senator
11 Roberti is talking about certainly is available to us and
12 we can present that to you in November. Some of the more
13 deeper underlying issues are going to take a significant
14 amount of research.

15 We may want to choose a couple areas of the
16 state, maybe do some pilot studies of some type, but
17 we're going to need to work with the local governments
18 and the operators and really understand the land use
19 history of the development of these facilities and that
20 will take some time, but we can begin in November.

21 CHAIR MOULTON-PATTERSON: Thank you. Just
22 because it came up, for the record, on the diversion
23 study or the diversion model schools, I know that Long
24 Beach, Santa Ana, East Palo Alto have been suggested and
25 that diversity and color, as well as economics, are

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1 really being looked at and this group is getting back to
2 us in October, I believe, on the selection of six
3 districts. So I just didn't want to leave the thought
4 that these were all very wealthy, affluent school
5 districts, because they're not.

6 With that, I understand that we need a
7 resolution to accept the entire -- that we need a motion
8 to accept the entire resolution for 2000-413. Could
9 someone make that motion for me? So that would be all of
10 Item 2.

11 BOARD MEMBER EATON: I'll be happy to. I move
12 that we adopt Resolution 2000-413 as proposed with the
13 allocations for the IWMA and the RMDZ.

14 BOARD MEMBER JONES: I'll second.

15 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton
16 and Mr. Jones.

17 It was moved by Mr. Eaton, seconded by
18 Mr. Jones, for Resolution 2000-413 in its entirety.

19 Please call the roll.

20 BOARD SECRETARY: Eaton.

21 BOARD MEMBER EATON: Aye.

22 BOARD SECRETARY: Jones.

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY: Medina.

25 BOARD MEMBER MEDINA: Aye.

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1 BOARD SECRETARY: Paparian.

2 BOARD MEMBER PAPARIAN: Aye.

3 BOARD SECRETARY: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 CHAIR MOULTON-PATTERSON: Aye.

7 We move now to Waste Prevention and Market
8 Development. Item Number 4.

9 BOARD MEMBER JONES: Madam Chair.

10 CHAIR MOULTON-PATTERSON: Mr. Jones.

11 BOARD MEMBER JONES: While they're coming up,
12 Mr. Medina's suggestion on getting that information on
13 the school program, are you going to --

14 CHAIR MOULTON-PATTERSON: Yes. We had said we
15 wanted that information before, so definitely we will
16 have that back.

17 BOARD MEMBER JONES: If we're going to do
18 this --

19 CHAIR MOULTON-PATTERSON: We have a message for
20 Beverly McCullough. Is Ms. McCullough here?

21 MS. WOHL: Madam Chair, Board Members, we're on
22 agenda Item Number 4, consideration of approval of the
23 National Recycling Coalition as contractor for the
24 California recycling economic information project, and
25 John Smith will give a brief overview.

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1 MR. SMITH: This is a \$78,000 sole source
2 contract. It allows to be part of a national study where
3 they're going to survey recycling businesses, both on the
4 diversion side and recycling manufacture side. We'll
5 look at 35 targeted categories. The information will be
6 provided in both a state and national report, but to
7 ensure confidentiality the state will not be given any
8 specific business names. And where we have the case
9 where one particular business has a significant market
10 share, those numbers will be masked in another category.

11 We're going sole source with this contract
12 because we will achieve significant savings in having an
13 RC do this contract. We project at least \$100,000
14 savings there. And also by using an RC we're taking part
15 in a national study where data from state to state can be
16 compared.

17 What we would recommend is that you adopt
18 Resolution 2000-383 approving the award of the contract
19 to the National Recycling Coalition for the recycling and
20 economic information project. If you have any questions,
21 I'll be glad to answer them.

22 CHAIR MOULTON-PATTERSON: What was the
23 resolution number again?

24 MR. SMITH: 2000-383.

25 CHAIR MOULTON-PATTERSON: Because the one I

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1 have, it says 347. I just want to make sure it's right
2 in my packet. The actual -- Mr. Eaton taught me this, to
3 always look at the resolution. The actual resolution I
4 have is 2000-347. Is that --

5 BOARD MEMBER EATON: Is that for Item Number --

6 MS. COVINGTON-WEBB: Are you on Item Number 4?

7 BOARD MEMBER JONES: Mine says 383.

8 CHAIR MOULTON-PATTERSON: The resolution?

9 BOARD MEMBER MEDINA: Mine says 383.

10 BOARD MEMBER EATON: Mine says 383.

11 CHAIR MOULTON-PATTERSON: Mine says 347, but 383
12 is in front of it. Okay. Thank you.

13 MS. WOHL: 2000-383.

14 CHAIR MOULTON-PATTERSON: That's right. Thank
15 you for your patience. Do we have any discussion or do
16 we have a motion for this item?

17 BOARD MEMBER MEDINA: So moved, Item Number
18 2000-383, approval of the National Recycling Coalition as
19 contractor for the California recycling and economic
20 information project.

21 BOARD MEMBER JONES: Second.

22 CHAIR MOULTON-PATTERSON: Did I hear a second
23 over there? Mr. Medina moves, Mr. Jones seconds
24 Resolution 2000-383. Thank you.

25 Call the roll please.

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1 BOARD SECRETARY: Eaton.
2 BOARD MEMBER EATON: Aye.
3 BOARD SECRETARY: Jones.
4 BOARD MEMBER JONES: Aye.
5 BOARD SECRETARY: Medina.
6 BOARD MEMBER MEDINA: Aye.
7 BOARD SECRETARY: Papanian.
8 BOARD MEMBER PAPANIAN: Aye.
9 BOARD SECRETARY: Roberti.
10 BOARD MEMBER ROBERTI: Aye.
11 BOARD SECRETARY: Moulton-Patterson.
12 CHAIR MOULTON-PATTERSON: Aye.
13 Moving on to Item Number 6.
14 MS. WOHL: Actually, I believe we're on Item
15 Number 8. Is that correct?
16 CHAIR MOULTON-PATTERSON: We did 6.
17 MS. WOHL: We did 5, 6 and 7 yesterday. Let me
18 verify.
19 CHAIR MOULTON-PATTERSON: We're on Item Number
20 8.
21 MS. WOHL: That's the one I asked you to do
22 ahead of time. We're moving right along to Number 8.
23 Number 8 is consideration of approval of scope
24 of work for the second annual recycled products trade
25 show and Jerry Hart will give a brief presentation on

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1 that.

2 MR. HART: Madam Chair, Board Members, my name
3 is Jerry Hart. I work in the Buy Recycle Section.

4 Before you today for consideration in agenda
5 Item Number 8 is approval of the scope of work for the
6 second annual recycled product trade show. The scope of
7 work follows fairly closely to the recipe of that we
8 developed for last year's show. We are entering into a
9 contract with the Sacramento Convention Center to again
10 have the show at that venue.

11 We have a third of the funding approved through
12 agenda Item Number 2, and I believe the following
13 two-thirds will come later on before your consideration
14 in the following months.

15 We have a similar scope of work. We've made
16 some minor revisions to address things that we overlooked
17 the first time through, but basically we're following
18 again pretty closely with the scope of work we had for
19 last year.

20 So we hope that you'll approve the scope of work
21 and adopt Resolution Number 401.

22 CHAIR MOULTON-PATTERSON: Thank you.

23 Mr. Papanian.

24 BOARD MEMBER PAPANIAN: Have we got a detailed
25 breakdown of the expenses and income on this that I can

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1 get?

2 MR. HART: Well, we won't. It will depend upon
3 how many exhibitors we get registered and it will, you
4 know, depend on the how things come through. We have an
5 approximate breakdown based on how the expenditures
6 rolled out from last year's, but we won't know on income
7 until we see the final registration figures.

8 BOARD MEMBER PAPARIAN: How much income did we
9 have this last year? Any kind of breakdown in income and
10 expenses?

11 MR. HART: We had just about \$35,000. We had
12 125 exhibitors. They were paying \$250 per exhibit space,
13 and then if they were registering late that bumped up to
14 \$325, as well as we had a number of exhibitors that were
15 co-sponsors.

16 One of the primary improvements we think we made
17 in the scope of work this year is asking the contractor
18 to really promote that co-sponsorship option for the
19 exhibitors because we did end up having quite a bit of
20 money come through co-sponsorships. We expect 175
21 exhibitors this year at \$325 per booth fee. So again,
22 depending on how registration goes and if we really
23 promote that co-sponsorship, obviously we're going to
24 have quite a bit more money coming in.

25 BOARD MEMBER PAPARIAN: Now over time we're

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1 hoping this will become self-sufficient?

2 MR. HART: Absolutely. As I mentioned, not only
3 increasing the number of exhibitors but the cost to
4 exhibit and to see how we can develop that co-sponsorship
5 opportunities. We certainly expect, as long as we
6 continue to have the success we enjoyed the first show,
7 to get to an area where the co-sponsorship plus the
8 exhibitor registration fees comes into the neighborhood
9 of the total cost for the show.

10 BOARD MEMBER PAPARIAN: Okay. The total cost
11 figures that we have here of \$158,000.

12 MR. HART: That's right.

13 BOARD MEMBER PAPARIAN: Is that -- is that
14 before or after the income?

15 MR. HART: That is -- that is the total expected
16 cost right now, again taking into account that we're
17 putting this contract out for bid. So if we have
18 \$150,000 in our pool, depending upon the actual value of
19 the award of the contract, I don't expect it to go for
20 the full \$150,000. So we're going to have some money
21 there to reallocate hopefully, but that \$158,000 right
22 now is the total projected cost.

23 BOARD MEMBER PAPARIAN: But we're expecting if
24 we're successful maybe, if my math is right, maybe
25 \$75,000 in income.

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1 MR. HART: That's right.

2 BOARD MEMBER PAPARIAN: So if the cost is
3 \$150,000, then the actual amount we need to allocate then
4 is \$80,000 to \$90,000.

5 MR. HART: That's not true because what we do
6 with the exhibitor registration fees is we cover the cost
7 of the food and beverages that isn't included in the
8 scope of work. Because we go through the Sacramento
9 Convention Center, the caterers are a sole source. So we
10 match those funds incoming through the registration fees
11 to the cost of the catering.

12 BOARD MEMBER PAPARIAN: This -- I have asked a
13 couple times in the last couple of weeks to get a
14 detailed breakdown, and this discussion is why I wanted
15 to get that ahead of time because I'm having questions
16 now about how the income and expenses match up and
17 whether the \$150,000 is the right amount, whether it's
18 more or less, and if it's less whether we should have
19 revisited some of the stuff that we talked about
20 yesterday in terms of what's available in the IWMA.

21 MR. HART: Based upon last year's show, again a
22 smaller size, 125 exhibitors and about 1,300 attendees,
23 we E-mailed all of the Members and exec staff a breakdown
24 of last year's show. That's what we have now. We don't
25 have any breakdown of this year's show and we won't until

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1 after the show, until we know the number of exhibitors
2 and we know the co-sponsorship and we know the cost of
3 the catering. All of that is yet to be determined.

4 But again, based on last year's show, 125
5 exhibitors, the co-sponsorships we received, about 1,300
6 attendees, we spent \$115,000. So to grow from 125
7 exhibitors to 175 exhibitors and 1300 attendees hopefully
8 to the neighborhood of 2,000 attendees, we think \$150,000
9 in that contract award pool will get us to where we need
10 to go.

11 BOARD MEMBER PAPARIAN: But again, if the actual
12 costs are \$150,000 and we're bringing \$70,000 in income,
13 we don't need to be allocating the \$150,000 that we're
14 allocating in the budget, we need to be allocating
15 \$80,000.

16 MR. HART: That's not true, Member Paparian,
17 because again, as we saw last year, we brought in about
18 \$35,000 in exhibitor registration fees and co-sponsorship
19 and we spent \$34,900 to the caterer. So this year again
20 what we're going to do is we're going to match -- because
21 of contracting we can't spend our contract dollars on
22 food and beverage. So what we're doing is matching those
23 exhibitor registration fees and the co-sponsorship
24 dollars with those catering costs.

25 BOARD MEMBER PAPARIAN: So you're thinking

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1 there's a one-for-one match-up between exhibitor fees and
2 catering costs.

3 MR. HART: To less than a hundred bucks last
4 year. So based on one year's experience we would expect,
5 again because of the incremental growth in income through
6 exhibitor registration fees and co-sponsorship and a much
7 larger attendee we hope, that that will remain very, very
8 close, a one-to-one incoming to outgoing.

9 BOARD MEMBER PAPARIAN: So if that's what the
10 income is then used for, to offset that in the costs and
11 the rest of it are \$150,000, how are we over time going
12 to reduce that \$150,000 to where it's self-supporting?

13 BOARD MEMBER EATON: I think that basically any
14 program we put on, Board Member Paparian, any program
15 this Board puts on has that. If you want to do that kind
16 of baseline budgeting, when we go and we do the LEA
17 conference, we spend a lot more money because we pay a
18 lot of time for some of the individuals from those
19 different areas.

20 That's just what this is. You go through any
21 kind of workshop or anything you put on, you can't look
22 at it that way. You have to look at what value you're
23 going to get from the promotion of it. I would support
24 the fact that I believe that General Services ought to be
25 picking up a large amount of the recycled trade show

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1 since it's really their procurement department that ought
2 to be paying a large part of this. Did they sponsor
3 anything last year with us or give us any money?

4 MR. HART: They put in approximately \$20,000 of
5 in-kind services through printing and mailing through
6 OSB.

7 BOARD MEMBER EATON: So those kinds of things.
8 But I think if you look at any government workshops and
9 want to start doing a baseline kind of analysis, you're
10 going to find the situation that whatever we spend
11 doesn't cover the costs. That's just kind of where -- it
12 is not because it's a trade show, but I don't think
13 you're going to find that.

14 Also I believe that at least in this situation
15 where they've taken the legal action to protect the
16 Board, quite frankly, because we cannot spend money for
17 food. That's why when we go back into the room we all
18 have to dig in our pockets for our sandwiches because not
19 even the Board can pay for sandwiches and so forth. And
20 we don't have any sort of office hold or accounts that
21 allow us to pay for those things, although perhaps maybe
22 sometime in the future that they decide to raise some of
23 the limits.

24 I think you have to look at it that way. These
25 are not -- not this particular program but any program

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1 that we sponsor. It was very funny the first time I came
2 to the Board. Believe it or not, my office was charged
3 for registration to go to Lake Tahoe for the LEA
4 conference. The third floor was charged. That's just
5 the way it works. I couldn't believe it. I said, "I'm a
6 Board Member. I should go for free." They said, "Yeah,
7 but you're paying." So my budget got charged.

8 I'm happy to go into the accounting, but if it's
9 not only going to be only the trade show, it's should to
10 be everything that we do at the Board.

11 BOARD MEMBER MEDINA: Madam Chair.

12 CHAIR MOULTON-PATTERSON: Mr. Medina.

13 BOARD MEMBER MEDINA: I think there's a
14 distinction to be made between conferences and trade
15 shows. I think that trade shows do have great potential
16 as revenue generators and I would have to go along with
17 Mr. Paparian in regard to that. You can't just hope to
18 match last year's. I think you can set realistic goals
19 of the revenue you want to generate from your next trade
20 show.

21 I think our staff did an outstanding job. I was
22 very impressed. I've been to a lot of trade shows and I
23 can see for a first-time effort it was very well done.
24 The one area that I saw that needed improvement, and this
25 is strictly from the vendors' point of view that were

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1 there, there were not enough state agencies that were
2 there for them to be able to talk to about the products
3 that some of the vendors had to offer, many of whom got
4 their start because of grants from the Waste Board.

5 So they were very happy to be there. They were
6 very happy to pay their registration fees. I think

7 there's a great potential to really expand on the trade
8 show and I do think that, as Mr. Paparian has suggested,
9 that we can get some more realistic figures. We should
10 give a report to the Board in regard to your projected
11 expenses, your projected revenue, and at the same time
12 just improve the outreach to other state agencies.

13 CHAIR MOULTON-PATTERSON: Thank you, Mr. Medina.

14 MR. HART: Madam Chair.

15 CHAIR MOULTON-PATTERSON: I would just like to
16 say that I thought it was a tremendous success. If
17 anything, I would like to see it expanded to southern
18 California next year, as we talked in the briefings, and
19 obviously if there's money that we can get where it is
20 self-sufficient, that's great. But I think this is one
21 of the areas that is so important. Maybe with DGS
22 having -- is that it? General Services?

23 BOARD MEMBER EATON: General Services.

24 CHAIR MOULTON-PATTERSON: I'm doing it, Senator
25 Roberti. Scary.

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1 (Laughter)

2 BOARD MEMBER ROBERTI: Poisonous virus.

3 (Laughter)

4 CHAIR MOULTON-PATTERSON: Maybe having a new
5 director, and it seems like to me that the connection
6 would be there that this is really going to help them
7 with AB 75, that we might be able to meet and maybe even
8 get some more financial support this year.

9 But I just think it's a wonderful event and I
10 would really like to see it continued, and thank you for
11 the good points that everybody's brought up. Any more
12 comments?

13 BOARD MEMBER PAPARIAN: I agree. It is a
14 fantastic thing and I want to see it grow and flourish
15 and I would also like to see it grow and flourish in
16 other communities in California, especially somewhere in
17 southern California where the need really is.

18 I think if we can get a handle on the income and
19 expenses to the point where we can project some better
20 self-sufficiency of the one in Sacramento, I think at
21 that point we may be able to afford having one in
22 southern California. But I think until we have some
23 better understanding of these numbers I'm having
24 difficulty getting a handle on, it's going to be
25 difficult for to us say hey, we can afford it and we can

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1 do it.

2 MS. WOHL: Can I respond to your concept about
3 whether we could make it somewhat sustainable at some
4 point? And I think staff's thought is when we first had
5 this trade show, it became apparent that many vendors
6 were not interested in doing a first-time trade show.
7 They want to have some tried and true background and know
8 how many attendees you're going to have.

9 Obviously our second one we're hoping for a
10 little bit of historical data that will eventually grow
11 the vendor population. Once they feel that it's a
12 situation where it's viable, that they get business from
13 it, they may be willing to pay more.

14 The other option is right now we don't charge
15 anybody to attend, and that's partly because we're trying
16 to get them in and we're encouraging them with food. So
17 what we need to look at is if there's a potential at some
18 point to even charge a nominal fee to attend, and maybe
19 those combined, more vendors and paying a nominal fee,
20 can get that sustainability you're looking for. But we
21 just feel like with only one historical view now we don't
22 have enough to really build on that data yet.

23 BOARD MEMBER PAPARIAN: I think it may be
24 possible to build over time some experimentation with
25 what might work. I think the standard for a trade show

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1 like this is it is free to get in. It costs for the
2 vendors and often it costs for an associated seminar
3 track, and I don't know if that's possible or something
4 like this, but I would bet that there are, for example,
5 businesses out there that would be willing to pay for a
6 seminar on how to break through the state procurement
7 process.

8 MR. HART: And --

9 BOARD MEMBER EATON: Actually maybe getting them
10 to do their workshops and have their training on AB 75 to
11 be coordinated with the trade show aspect will not only
12 increase the participation but also fulfill their
13 obligation because that's really been the difficult
14 point, what we've run up against and the reason why the
15 trade show was put together is the fact that every time
16 you go and talk to people about buying green products or
17 products made of recycled content, we don't know where to
18 get them.

19 So finally what we're able to do is put this
20 together all in one room, but I like your idea of perhaps
21 coordinating it because it's really truly semantics
22 whether you call it a conference or a trade show. But
23 there is a way that we can get the AB 75 of the other
24 state agencies involved to learn how to do it. And
25 because it is at a place such as the convention center

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1 which has a series of other kinds of meeting rooms in
2 that facility where you don't have to go to different
3 locations, we've got them all in the same place. We
4 might as well brain wash them all at the same time.

5 I think those are the kinds of things that
6 really if we can push for that and at that direction, I'm
7 happy to push with you on that. I think that would be a
8 great idea. That's really what we should be talking
9 about as well.

10 CHAIR MOULTON-PATTERSON: Thank you. We are
11 going to have to take a break if we don't have a motion
12 here soon for the court reporter. Did somebody want to
13 make a motion?

14 BOARD MEMBER EATON: I'll make a motion. I'll
15 move that we adopt Resolution 2000-401, and that in
16 addition as amended that we seek to have increased the
17 amount of sponsorships from our fellow state agencies
18 such as Department General Services, Caltrans, and some
19 of the other major procurement agencies in the state, as
20 well as trying to explore perhaps expanding the
21 seminar/conference aspect as it relates to state agency
22 training for purposes of diversion.

23 BOARD MEMBER MEDINA: Second.

24 CHAIR MOULTON-PATTERSON: We have a motion by
25 Mr. Eaton, seconded by Mr. Medina, for Resolution

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1 2000-401 for the approval of scope of work for the second
2 annual recycled product trade show.

3 Please call the roll.

4 BOARD SECRETARY: Eaton.

5 BOARD MEMBER EATON: Aye.

6 BOARD SECRETARY: Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Medina.

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY: Paparian.

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY: Roberti.

13 BOARD MEMBER ROBERTI: Aye.

14 BOARD SECRETARY: Moulton-Patterson.

15 CHAIR MOULTON-PATTERSON: Aye.

16 We'll take a ten-minute break.

17 (Recess taken)

18 CHAIR MOULTON-PATTERSON: We had some continued
19 business from Item 20 on the conformance finding process.

20 During the break this morning, staff handed out a draft
21 resolution based on our decision from yesterday.

22 Hopefully you've all had a chance to review it or if
23 you'd review it at this time, and if you all believe that

24 it accurately reflects our decision, we can make it part

25 of the record at this time. So if you would take a

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1 moment to look at it.

2 Do we need to vote again or just if there's no
3 objection it's becomes part of the record?

4 BOARD MEMBER ROBERTI: Well now, I don't have a
5 problem if it becomes part of the record because I think
6 it's an accurate reflection, but I voted no so I don't
7 want it to look --

8 CHAIR MOULTON-PATTERSON: Well, should we take a
9 vote on it?

10 MS. TOBIAS: I think a vote would be good. The
11 purpose of coming back is to make sure that the
12 resolution reflects the sense of the Board.

13 CHAIR MOULTON-PATTERSON: Okay. We've all had a
14 chance to look at Resolution 2000-330, consideration of
15 Board direction on the appropriate method for making
16 conformance findings for permit revisions as they relate
17 to Countywide Siting Elements and Non-Disposal Facility
18 Elements.

19 MS. TOBIAS: Madam Chair, I'm sorry to
20 interrupt. Are the copies of the resolution in the back
21 of the room? I would suggest the Board not vote until
22 the public has had a chance to see the resolution.

23 CHAIR MOULTON-PATTERSON: I'll wait a moment so
24 we can get this done. While we're waiting, Mr. Eaton, do
25 you have any ex partes?

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1 BOARD MEMBER EATON: No.

2 CHAIR MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: Just a friendly
4 conversation with Denise.

5 CHAIR MOULTON-PATTERSON: Mr. Medina.

6 BOARD MEMBER MEDINA: None.

7 CHAIR MOULTON-PATTERSON: Mr. Papanian.

8 BOARD MEMBER PAPANIAN: Brief conversations with
9 Denise and with John Cupps.

10 CHAIR MOULTON-PATTERSON: Senator Roberti.

11 BOARD MEMBER ROBERTI: No ex partes.

12 CHAIR MOULTON-PATTERSON: And I have none.

13 BOARD MEMBER JONES: Madam Chair.

14 CHAIR MOULTON-PATTERSON: Mr. Jones.

15 BOARD MEMBER JONES: I'm going to move adoption
16 of Resolution 2000-330.

17 BOARD MEMBER MEDINA: Second.

18 CHAIR MOULTON-PATTERSON: It was moved by
19 Mr. Jones, seconded by Mr. Roberti, Resolution 2000 --

20 BOARD MEMBER ROBERTI: No, no second.

21 (Laughter)

22 CHAIR MOULTON-PATTERSON: I'm so sorry. I'm
23 rushing.

24 BOARD MEMBER EATON: No one told me we could
25 switch our votes.

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1 (Laughter)

2 BOARD MEMBER JONES: We thank you for that
3 second, Senator.

4 (Laughter)

5 CHAIR MOULTON-PATTERSON: It was moved by
6 Mr. Jones, seconded by Mr. Medina, to approve Resolution
7 2000-330.

8 Please call the roll.

9 BOARD SECRETARY: Eaton.

10 BOARD MEMBER EATON: Aye.

11 BOARD SECRETARY: Jones.

12 BOARD MEMBER JONES: Aye.

13 BOARD SECRETARY: Medina.

14 BOARD MEMBER MEDINA: Aye.

15 BOARD SECRETARY: Papanian.

16 BOARD MEMBER PAPANIAN: No.

17 BOARD SECRETARY: Roberti.

18 BOARD MEMBER ROBERTI: No.

19 BOARD SECRETARY: Moulton-Patterson.

20 CHAIR MOULTON-PATTERSON: Aye.

21 Item 9.

22 MS. WOHL: Patty Wohl, Waste Prevention and
23 Market Development.

24 Item 9 is consideration of approval of fiscal
25 year 1999-2000 deconstruction grant awards, and Francisco

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1 Gutterres will present.

2 MR. GUTTERRES: A couple years back, the Board
3 identified C&D as a priority material. A C&D priority
4 group was then established to develop a performance plan
5 to divert C&D material away from the landfill.

6 In October 1999, the Board adopted Contract
7 Concept Number 55 which is deconstruction grants for
8 local governments for deconstruction projects. The
9 deconstruction grant is a portion of the goal to the C&D
10 performance plan which is establish partnership with the
11 local government.

12 On January the 25th, year 2000 meeting, the
13 Board adopted a scoring criteria for the deconstruction
14 grant. The NOFR was sent out on March the 1st, year 2000
15 to approximately 1,400 interested parties and it was also
16 made available on the Board's web site. The application
17 period was from March the 1st, 2000 to July the 7th,
18 2000.

19 The Board received five applications. None of
20 the applicants were disqualified. The total requested
21 funds was \$345,845. Two met and exceeded our minimum
22 criteria score of 70 points. A Board review panel
23 consisted of five staff. The need panel -- excuse me.
24 The panel lead and three staff were from the Sustainable
25 Section Building Section and one staff was from the Grant

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1 Administration Unit.

2 The review panel used the scoring criteria
3 adopted by the Board to review the applications. The
4 panel member review and scored the applications
5 individually, then met as a group to discuss the scoring.
6 The highest and lowest score was discarded and an average
7 score was calculated from the final cumulative score.

8 The Board recommends funding two proposals. The
9 first one is City of L.A. which comes to \$100,000. The
10 second one is City and County of San Francisco which
11 comes to \$98,450.

12 The Board has two options. Option one is to
13 approve staff's recommendation and award grants for
14 deconstruction grants, and the second one is to direct
15 staff to reevaluate the results of the scoring and award
16 recommendation and then return to the Board with award
17 recommendation at the October 2000 board meeting.

18 The staff recommend the Board would adopt option
19 one.

20 CHAIR MOULTON-PATTERSON: Thank you very much.

21 BOARD MEMBER JONES: Madam Chair.

22 CHAIR MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: I'll move adoption of
24 Resolution 2000-400, consideration of approval of fiscal
25 year 99-2000 deconstruction grant awards.

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1 BOARD MEMBER EATON: I'll second.

2 BOARD MEMBER MEDINA: Second.

3 BOARD MEMBER EATON: Mr. Medina, please.

4 CHAIR MOULTON-PATTERSON: It was moved by

5 Mr. Jones, seconded by Mr. Medina, to approve Resolution

6 2000-400.

7 Secretary, please call the roll.

8 BOARD SECRETARY: Eaton.

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY: Jones.

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY: Medina.

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY: Papanian.

15 BOARD MEMBER PAPANIAN: Aye.

16 BOARD SECRETARY: Roberti.

17 BOARD MEMBER ROBERTI: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 CHAIR MOULTON-PATTERSON: Aye.

20 Thank you, Ms. Wohl. We'll move into Permits at

21 this time.

22 At the beginning of the meeting I think I

23 neglected to mention that there are speaker forms on the

24 back table. If you would like to speak to the Board,

25 please bring them up to Ms. Villa right up here and

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1 she'll let us know of your intention to speak.

2 MS. NAUMAN: Good morning, Board Members.

3 Julie Nauman.

4 Item Number 10 is consideration of a revised
5 Solid Waste Facilities Permit for the Willits Solid
6 Waste Transfer and Recycling Center located in Mendocino
7 County.

8 MR. HOHLWEIN: Good morning, Madam Chair and
9 Board Members. I'm Reinhold Hohlwein from the Permitting
10 and Inspection Branch.

11 Item Number 10 is consideration of a revised
12 Solid Waste Facility Permit for the Willits Transfer and
13 Recycling Center in Mendocino County. The facility is
14 currently permitted as a large volume transfer station
15 owned and operated by Solid Waste of Willits,
16 Incorporated.

17 After issuance of a revised Solid Waste Facility
18 Permit, the facility will be increasing the permitted
19 tonnage to about 150 tons a day. Municipal solid waste
20 handled by the transfer station will be transferred to
21 Solano County and disposed of in Portrero Hills Landfill
22 rather than the Ukiah Landfill which will be closing in
23 the near future.

24 This revised permit will acknowledge
25 construction of the transfer station to handle and

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1 transfer all municipal solid waste to long-haul trailers
2 for out-of-county disposal, increase the maximum daily
3 allowable tonnage from 2 to 140 tons per day MSW and 6
4 tons per day of green waste. On average the site expects
5 to average about 85 tons a day.

6 CEQA findings, all applicable CEQA findings have
7 been made relative to the expansion of the facility, and
8 notice of determination regarding the applicable
9 mitigated neg dec was posted by the Clerk of the County
10 in September of 1999.

11 Some inconsistency exists with the conformance
12 findings. Staff from the Office of local Assistance were
13 not able to determine consistency with the Non-Disposal
14 Facility Element of the County Integrated Waste
15 Management Plan. The facility is identified in the NDFE
16 but not accurately described.

17 Yesterday the LEA was here and the operator was
18 here. They're not here today, but we still recommend
19 conclusion -- in conclusion that the Board adopt
20 Resolution 2000-408 and concur in the issuance of
21 23-AA-0038. Are there any questions?

22 CHAIR MOULTON-PATTERSON: Thank you very much.
23 Any questions?

24 BOARD MEMBER JONES: Madam Chair.

25 CHAIR MOULTON-PATTERSON: Mr. Jones.

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1 BOARD MEMBER JONES: I'll move adoption of
2 Resolution 2000-408, consideration of a revised Solid
3 Waste Facility Permit for the Willits Solid Waste
4 Transfer and Recycling Center in Mendocino.

5 CHAIR MOULTON-PATTERSON: I'll second it.
6 We have a motion by Mr. Jones, seconded by
7 Moulton-Patterson, to approve Resolution 2000-408.

8 Secretary, please call the roll.

9 BOARD SECRETARY: Eaton.

10 BOARD MEMBER EATON: Aye.

11 BOARD SECRETARY: Jones.

12 BOARD MEMBER JONES: Aye.

13 BOARD SECRETARY: Medina.

14 BOARD MEMBER MEDINA: Aye.

15 BOARD SECRETARY: Paparian.

16 BOARD MEMBER PAPARIAN: Aye.

17 BOARD SECRETARY: Roberti.

18 BOARD MEMBER ROBERTI: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 CHAIR MOULTON-PATTERSON: Aye.

21 Number 11.

22 MS. NAUMAN: Item 11 is consideration of a new
23 standardized solid waste facility permit for the Palo
24 Alto Landfill composting facility located in Santa Clara
25 County, and Christine Karl will be making the

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1 presentation.

2 MS. KARL: Good morning, Madam Chair and Members
3 of the Board.

4 This item before you considers a new
5 standardized composting permit for the Palo Alto Landfill
6 and Compost Facility in Santa Clara County which is owned
7 and operated by the City of Palo Alto.

8 I was unable to provide a recommendation to
9 concur -- this facility is moving up one tier in the
10 permitting process from a registration permit to
11 accommodate 19,673 cubic yards of active compost. I was
12 unable to provide a recommendation when this item went to
13 print due to outstanding CEQA issues and conformance with
14 the Non-Disposal Facility Element and the County
15 Integrated Waste Management Plan.

16 Since that time staff has found this facility in
17 compliance with CEQA. However, staff of the Office of
18 Local Assistance were not able to determine consistency
19 with the Non-Disposal Facility Element. The facility's
20 location is in the NDFE but is not accurately described.

21 Pending the Board's determination regarding
22 conformance finding, Board staff recommend you concur in
23 the proposed new standardized composting permit Number
24 43-AA-0014.

25 This concludes staff's presentation and the LEA

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1 is available to answer any questions you may have.

2 CHAIR MOULTON-PATTERSON: Thank you very much.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: I think I asked this at
5 the workshop but just to confirm, there's no community
6 concern that's been raised about this facility?

7 MR. CHAU: That is correct.

8 BOARD MEMBER PAPARIAN: Thank you.

9 CHAIR MOULTON-PATTERSON: Would you like to make
10 a motion?

11 MS. KARL: This is Stan Chau with the Palo --
12 Santa Clara County LEA.

13 CHAIR MOULTON-PATTERSON: Thank you.

14 Senator Roberti.

15 BOARD MEMBER ROBERTI: The issue here is that we
16 will be processing more cubic yards of compost?

17 MS. KARL: Right. The registration permit
18 limited them to 10,000 cubic yards of active material.

19 BOARD MEMBER ROBERTI: And now?

20 MS. KARL: They're increasing it to 19,673 cubic
21 yards.

22 BOARD MEMBER ROBERTI: Not wanting to be picky
23 but where does it say that in my brief?

24 MS. KARL: It's in the proposed permit.

25 BOARD MEMBER ROBERTI: The last item was the

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1 same thing. There was -- the summary didn't have really
2 anything to do with what we were discussing.

3 MR. DE BIE: To speak to this one, in the agenda
4 item on the first page it talks about the total cubic
5 yards that are included in the feedstock as well as the
6 active composting, and then if you look at the proposed
7 standardized permit, realizing that this is a
8 standardized permit, there is a fill-in-the-blank on the
9 second page of the permit that indicates the total amount
10 of active compost that will be allowed at the facility.

11 BOARD MEMBER ROBERTI: But the summary should
12 tell me what we're doing and it doesn't seem to tell me
13 anything. It sort of -- I guess I'm talking procedure
14 more than anything. The summary sort of tells me --
15 describes the landfill and then there's a key issue. So
16 I went to that and it says allows the facility to process
17 113,000 cubic yards of material annually, but it doesn't
18 say here if that's more, less, we're going from what to
19 what. It's not very helpful.

20 MR. DE BIE: Understood, Senator, and we'll work
21 to improve that to make it more clear.

22 BOARD MEMBER ROBERTI: I don't want to be picky,
23 but really if the only thing I looked at were these three
24 pages, the issue that I would be determining my vote on
25 is -- well, helps me determine my vote is we're going

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1 from how much to how much and it doesn't say so. The
2 last one didn't say either and I didn't say anything
3 because I didn't want to overdo something, but now it's
4 happened on two and I think it passed -- in the past
5 agenda items I don't think that's been the case. It's
6 the first time I think. I think it's too -- you'll take
7 care of it. Thank you.

8 CHAIR MOULTON-PATTERSON: Thank you, Senator
9 Roberti, for bringing that up.

10 MR. DE BIE: If I might ask a question on --

11 CHAIR MOULTON-PATTERSON: Certainly.

12 MR. DE BIE: -- what might help. One idea that
13 we've had in dealing with how we describe the current
14 state and then the change is on that first page to, in
15 addition, or outline what is currently allowed and then
16 right next to it, side-by-side, indicate what's proposed.
17 Would that be something helpful?

18 BOARD MEMBER ROBERTI: That would be helpful.

19 MR. DE BIE: Very good. Thank you.

20 CHAIR MOULTON-PATTERSON: I think we would all
21 appreciate that. Thank you.

22 May I have a motion for Item Number 11 please?

23 BOARD MEMBER JONES: Madam Chair.

24 CHAIR MOULTON-PATTERSON: Mr. Jones.

25 BOARD MEMBER JONES: I'll move adoption of

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1 Resolution 2000-409, consideration of a new standardized
2 facility permit for the Palo Alto Landfill composting
3 facility in Santa Clara County.

4 BOARD MEMBER PAPARIAN: Second.

5 CHAIR MOULTON-PATTERSON: We have a motion by
6 Mr. Jones, seconded by Mr. Paparian, for Resolution
7 2000-409.

8 Please call the roll.

9 BOARD SECRETARY: Eaton.

10 BOARD MEMBER EATON: Aye.

11 BOARD SECRETARY: Jones.

12 BOARD MEMBER JONES: Aye.

13 BOARD SECRETARY: Medina.

14 BOARD MEMBER MEDINA: Aye.

15 BOARD SECRETARY: Paparian.

16 BOARD MEMBER PAPARIAN: Aye.

17 BOARD SECRETARY: Roberti.

18 BOARD MEMBER ROBERTI: Aye.

19 BOARD SECRETARY: Moulton-Patterson.

20 CHAIR MOULTON-PATTERSON: Aye.

21 Thank you very much.

22 Item Number 12.

23 MS. NAUMAN: This item is consideration of a new
24 Solid Waste Facility Permit for the Blue Line Materials
25 Recovery Facility and Transfer Station located in San

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1 Mateo County, and again Reinhold Hohlwein will make the
2 presentation.

3 MR. HOHLWEIN: Just to illuminate where you
4 might find the information you're looking for, it's not
5 in the summary in the item. It's in the analysis for
6 section five. So if you look in that section, that will
7 give you before and afters on the --

8 MS. TOBIAS: Reinhold can you put your mike on?

9 MR. HOHLWEIN: In any case, this is for the Blue
10 Line Transfer Station. This is going to be a new
11 building for an operator that's currently operating in
12 South San Francisco and has been there since 1980.

13 Upon the issuance of this permit the current
14 facility will be closed and the operator will move to the
15 new building. That facility will feature a significantly
16 more sophisticated sorting operation which can divert up
17 to 70 percent of the incoming material for recovery. The
18 permitted tonnage will roughly double to 1,250 tons a
19 day, and the operator will also be permitted to accept
20 waste materials 24 hours a day.

21 All applicable CEQA findings have been made
22 relative to the relocation of this facility. A notice of
23 determination was filed on February 16th, 1999, by the
24 City of South San Francisco regarding a new EIR which was
25 prepared for the new facility.

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1 Staff from the Office of Local Assistance have
2 determined that this facility is in conformance with the
3 County Integrated Waste Management Plan.

4 The operator is here, the LEA is not. If you
5 have any questions, I'm available to answer those.

6 CHAIR MOULTON-PATTERSON: Thank you.

7 BOARD MEMBER JONES: Madam Chair.

8 CHAIR MOULTON-PATTERSON: Mr. Jones.

9 BOARD MEMBER JONES: This -- I'm going to move
10 adoption of this resolution. I think some people have
11 seen it. South City Scavengers are building a large MRF.
12 Their president was here yesterday but didn't come back
13 today. So I just wanted you to know that Doug Button was
14 here to answer anybody's questions.

15 I want to move adoption of Resolution 2000-410,
16 consideration of a new Solid Waste Facility Permit for
17 the Blue Line Materials Recovery Facility and Transfer
18 Station in San Mateo County.

19 BOARD MEMBER MEDINA: Second.

20 CHAIR MOULTON-PATTERSON: We have a motion by
21 Mr. Jones, seconded by Mr. Medina. I just wanted to ask
22 one quick question before I voted. In reading the
23 background this is in a pretty industrial area?

24 MR. HOHLWEIN: There are no residential homes at
25 all on that side of the freeway.

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1 CHAIR MOULTON-PATTERSON: Thank you. Please
2 call the roll.

3 BOARD SECRETARY: Eaton.

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY: Jones.

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY: Medina.

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY: Papanian.

10 BOARD MEMBER PAPANIAN: Aye.

11 BOARD SECRETARY: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY: Moulton-Patterson.

14 CHAIR MOULTON-PATTERSON: Aye.

15 Item 14.

16 MS. NAUMAN: This item is consideration of a
17 revised Solid Waste Facility Permit for the Billy Wright
18 Landfill located in Merced County. I believe both the
19 LEA and the operator are here.

20 MS. KIGER: The operator is here, but the LEA is
21 not.

22 Good morning, Madam Chairman and Board Members.
23 I'm Jennifer Kiger with the Permitting and Inspection
24 Branch. Changes have been made to the agenda item since
25 it was printed, so I'm going to go through and make those

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1 changes for you.

2 The first one is on page 1 at the bottom of the
3 page under "operator." The contact should read Scott
4 Johnston, Deputy Director. And if you would turn to page
5 3, the second paragraph down, last sentence should read,
6 "The nearest residence is located to the east
7 approximately 1,200 feet from the site."

8 The next change is on page 6, second paragraph,
9 the finding one under "status." It's the second sentence
10 should read, "The closest residence is approximately
11 1,200 feet to the east of the facility." And one last
12 change on page 7, fourth paragraph down it reads
13 highlighted composting within expansion buffer zone, that
14 paragraph, last sentence should read "A registration
15 permit for the compost facility and revision to the RDSI
16 for the compost facility may or may not be submitted
17 within 18 to 24 months."

18 We also received a revised cover page for the
19 proposed permit. There should be copies in the back of
20 the room and we also have a resolution at this point in
21 time I believe.

22 CHAIR MOULTON-PATTERSON: Yes, we have it.

23 MS. KIGER: It's been passed out.

24 MR. DE BIE: Just for the audience, all -- a
25 revised agenda item with all those changes will be made

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1 available through the BODS system on the internet as well
2 as the resolution which is in the back of the room.

3 CHAIR MOULTON-PATTERSON: Thank you.

4 Senator Roberti.

5 BOARD MEMBER ROBERTI: Maybe staff can speak to
6 my concern. I'm a little bit concerned that when we have
7 a gas migration problem, as it appears in this case, that
8 what we are doing is we're in essence expanding the
9 footprint. When we expand a footprint we no longer have
10 a gas migration problem. It doesn't sound too different
11 than counting trash differently and suddenly we have a
12 city that has met its diversion needs because they come
13 up with a different weight per volume. Here maybe we're
14 doing the same thing where we've taken care of our gas
15 migration problem, not by reducing the gas but by
16 increasing the landfill.

17 CHAIR MOULTON-PATTERSON: Were you going to
18 cover that in your presentation?

19 BOARD MEMBER ROBERTI: Maybe not. That's what
20 it sounds like.

21 MS. NAUMAN: Yes, we'll be covering that.

22 MS. KIGER: I'll be covering that.

23 The Billy Wright Landfill is owned by the County
24 of Merced and operated by the Merced County Department of
25 Public Works. The revised permit is for the operation of

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1 an existing Class III landfill located on 87.1 acres.

2 The proposed permit will include the following
3 changes: Incorporate the addition of 85.6 acres from
4 adjacent properties into the facility property boundaries
5 as a corrective action to resolve the explosive gas
6 violations; increase the daily permitted tonnage from 400
7 tons per day to a maximum peak of 800 tons with a maximum
8 daily average not to exceed 400 tons per day; increase
9 the permitted operating hours to 24 hours per day; the
10 landfill will remain open to the general public six days
11 a week from 8:00 a.m. to 4:00 p.m. and Sunday from 12:00
12 p.m. to 4:00 p.m. excluding Thanksgiving, Christmas and
13 New Year's Day; the facility will have extended hours for
14 commercial vehicles and community cleanup events as
15 needed; use of alternative daily cover materials such as
16 ADC materials, biodegradable plastic films, processed
17 green material such as June synthetic blankets and tarps
18 are also included as part of this permit.

19 This facility serves the western half of Merced
20 County, including the cities of Los Banos, Gustine and
21 Dos Palos.

22 Staff reviewed the proposed permit and
23 supporting documentation and have found it meets most of
24 the following listed requirements on page 4 of this item.

25 First, conformance. The Billy Wright Landfill

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1 and new proposed boundaries are identified and described
2 in the amendment to the Merced County Siting Element.
3 Therefore, the facility is in conformance with 50001.

4 CEQA, compliance with the California
5 Environmental Quality Act has been completed. No issues
6 were raised during the CEQA process.

7 The closure post-closure maintenance plan has
8 been deemed complete.

9 Funding for closure and post-closure
10 maintenance, the Financial Assurances Section completed a
11 review and determined that the fund balance for Billy
12 Wright Landfill is adequately funded at this time and
13 that the County has also demonstrated acceptable evidence
14 of operating liability of coverage.

15 At the time the agenda item was prepared, the
16 adequacy of the Report of Disposal Site Information,
17 RDSI, was yet to be determined. I'm pleased to report
18 that Mr. Johnston and his staff worked very hard and in a
19 very short time frame to submit a revised RDSI or Joint
20 Technical Document on September 6th. Staff received the
21 needed revisions and completed their review of the
22 revised JTD and have determined that it meets the
23 requirements of Title 27, Section 21600, and supports the
24 proposed permit.

25 Consistency with the state minimum standards,

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1 staff conducted a pre-permit inspection of the facility
2 for consistency with state minimum standards on August
3 29th and the following violations were noted: Violation
4 of Title 30, PRC Section 44014(b), terms and conditions
5 of the permit. Concurrence in the proposed permit will
6 correct this violation by removing LEA Condition 14 from
7 the permit. An additional violation was for Title 27
8 Section 21600(a), Report of Disposal Site Information.
9 Concurrence in this proposed permit would correct this
10 violation by approving a new JTD or RDSI.

11 An additional violation was noted for Title 27,
12 Section 2919.5, explosive gas control. This facility is
13 currently listed on the inventory of facilities that
14 violates the state minimum standards. The Board's
15 long-term violation policy allows for a proposed permit
16 to be considered consistent with the state minimum
17 standards if staff are able to make the required four
18 findings as outlined on page 6 of this agenda item.

19 First the first finding is to determine that
20 there's no immediate threat to public health and safety
21 or the environment. The status of this finding is that
22 newly acquired property provides a 690-foot buffer on the
23 west and a 692-foot-plus buffer on the south in the
24 facility boundary. The closest residence is
25 approximately 1,200 feet to the east of the facility. At

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1 the present facility boundary there are measurable gas
2 levels above the regulatory thresholds. Staff were
3 unable to measure for presence of gas with the new
4 southeastern and new southern property boundaries due to
5 water flooding in gas monitoring probes GW-14, GW-15 and
6 GW-16.

7 Mr. DeBie, is there anything you would like to
8 add to this finding at this time?

9 MR. DE BIE: Thanks, Jennifer. I think you
10 intend to run through the other findings; correct?

11 MS. KIGER: Yes, I do.

12 MR. DE BIE: So maybe I'll just wait and address
13 all of them at the same time.

14 MS. KIGER: The second finding is to determine
15 whether the LEA has prepared an enforcement order
16 identifying the elements to be completed in order to
17 achieve compliance within the specified date.

18 The LEA prepared a corrective action order and
19 the order required the operator to do two things: First,
20 purchase the adjacent property by December 15th, 1999;
21 and second, revise the legal description of the property
22 boundary by submitting completed application for a
23 revised Solid Waste Facility Permit and RDSI amendment by
24 March 15th.

25 The operator purchased the property on December

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1 14th, 1999 and the operator submitted an application by
2 the March 15th compliance date. However, the application
3 was rejected by the LEA as incomplete and at this time
4 there's no current enforcement order to order to revise
5 the Solid Waste Facility Permit.

6 Third, determine whether the operator has
7 submitted an interim gas control plan that details the
8 problem and how the problem of violation will be
9 corrected. Since the operator has purchased the adjacent
10 property as a buffer, the Merced County LEA does not
11 believe that a gas control plan is necessary.

12 Finally, determine whether the operator is
13 making a good faith effort in line with the enforcement
14 order and/or LEA or Board approved gas control plan.
15 Board staff have determined that the operator has made a
16 good faith effort in meeting the previously issued
17 corrective action order. According to the Board's
18 policy, if all of these findings can be made, then the
19 proposed permit could be considered consistent with state
20 minimum standards.

21 As there are unusual circumstances associated
22 with some of these findings, Board staff cannot make a
23 definitive finding and seek's Board's direction relative
24 to the required findings under the Board's long-term
25 violation policy. Mr. DeBie.

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1 MR. DE BIE: Thanks, Jennifer.

2 To make sure that we do speak to the Senator's
3 concerns and also to provide the Board with how staff
4 approached this particular permit with these issues, I
5 wanted to back up a little bit to July and August when
6 Permitting and Enforcement conducted a couple -- or two
7 workshops on the permitting process. And in the August
8 one we brought the long-term violation policy forward to
9 provide the Board with information and provide panel
10 discussion relative to that, as well as having John Bell
11 provide information about the long-term violation issues,
12 most of which we found deal with gas.

13 And as you might recall, he gave sort of a
14 "Landfill Gas 101" presentation and then indicated how
15 issues relative to long-term gas violations have been
16 addressed in the past, both through putting in control
17 systems as well as land acquisitions, and the Board was
18 provided information about those issues at that time.

19 During that workshop, the Board Members
20 discussed these two, the policy as well as the
21 acquisition aspects, with staff and indicated through
22 their questioning some concerns. So when this permit
23 came forward where Board staff was faced with looking at
24 the long-term violation policy as well as land
25 acquisition, we looked at it with more vigor than we

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1 might have in the past. We took a fresh look at it, new
2 eyes to look at that, keeping in mind the questions and
3 concerns the Board Members had brought forward.

4 So when we looked at the four findings required
5 by Board staff to be made relative to the long-term
6 violation policy, we wanted to make sure that we were
7 covering all the bases. I recall Member Papanian asking
8 what is it that Board staff looks at when we determine
9 whether or not there's a threat to the public health,
10 safety and the environment. We reflected back to the
11 original policy and noted that it was specific in looking
12 at eminent threat to public health, safety and the
13 environment. And so staff is interpreting that as a
14 threat that is actually occurring as we speak.

15 In this situation with Billy Wright we did not
16 find that. We reviewed the CEQA documentation, found
17 that the CEQA documentation found that there were no
18 potential significant impacts in any aspect of the
19 environment or public health or safety. There were
20 issues discussed in the CEQA documentation relative to
21 potential endangered species habitat, but again it was in
22 the context of potential habitat. Biological surveys
23 that have been conducted relative to CEQA and after the
24 CEQA process have shown that there are no endangered
25 species habitat or burrows and such in this area.

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1 So staff, based on discussions with the operator
2 and communications with Fish and Game, have been able to
3 determine that there is no eminent threat to the
4 environment at this time.

5 We also looked at the question of whether or not
6 there's an enforcement order in place. Today there is no
7 enforcement order. The LEA did issue an enforcement
8 order requiring the operator to come into compliance.
9 The method chosen was to acquire land around the
10 landfill, thus moving the compliance boundary for
11 landfill gas to a point where they are or can be found in
12 compliance once that new boundary is drawn.

13 So basically the LEA would be in a place of
14 writing an enforcement order from the time the operator
15 purchased the land to the time the permit was able to be
16 revised. So staff felt that the two-month gap or
17 three-month gap between that time and today didn't
18 warrant necessarily a whole new enforcement order, but be
19 aware there is no current enforcement order on this site.
20 But again, also if the Board chooses to concur on this
21 permit and it is issued by the LEA, the operator will be
22 in compliance with the violation relative to the gas.

23 CHAIR MOULTON-PATTERSON: Senator Roberti, did
24 you have additional questions?

25 BOARD MEMBER ROBERTI: I have a -- we're in

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1 effect expanding the footprint in order to create a
2 buffer. Would you explain to me how the buffer will --
3 that just means nobody will be living in that buffer area
4 or and, therefore, the escaping gas will be in -- what
5 does the buffer do to mitigate the problem?

6 MR. DE BIE: I don't know if I personally would
7 have chosen the term "buffer." First of all, let's be
8 clear that the disposal area, the place where waste is
9 placed, is not expanding. It's 40 acres and will not
10 expand. So what it is expanding is the permitted
11 boundary around that disposal area.

12 So currently where the permitted boundary is,
13 there is landfill gas above the 5 percent allowed. With
14 the drawing of the permitted boundary beyond the current
15 line, there would be no landfill gas, say. They are
16 currently monitoring wells in that area and they're
17 indicating zero levels.

18 BOARD MEMBER ROBERTI: The boundary area, in the
19 buffer again, the buffer area, whatever.

20 MR. DE BIE: If you choose to refer to it as a
21 buffer, it will be within the permitted boundary of the
22 landfill and in effect it is a buffer. Your follow-up
23 question was would landfill gas be allowed to escape into
24 the atmosphere. Yes, it will be.

25 We checked in with the Air Management District

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1 and questioned whether or not this facility triggers the
2 thresholds or is at the thresholds requiring them to put
3 in a control system. That threshold is based on volume
4 and the -- I believe the -- what's the term -- the
5 possibility of producing a certain amount of landfill
6 gas. They're below that threshold and so the Air
7 District does not require them to put in a control
8 system. That's the federal requirement through the Clean
9 Air Act.

10 BOARD MEMBER ROBERTI: So right now the problem
11 is simply a violation, I guess, of our regulations that
12 there is escaping landfill gas.

13 MR. DE BIE: Our piece of the landfill gas
14 picture is lateral migration, usually through soil, and
15 the Subtitle D requirements that landfill gas at the
16 compliance boundary be less than 5 percent. That is
17 measured through monitoring wells in the ground to detect
18 that lateral migration.

19 We also talked to the Water Board and asked them
20 if they had a concern about landfill gas and its
21 potential affect on surface or groundwater and they
22 indicated they were fine with the situation.

23 BOARD MEMBER ROBERTI: So if the problem is 5
24 percent at the boundary, so we are just moving the
25 boundary out.

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1 MR. DE BIE: That's correct.

2 BOARD MEMBER ROBERTI: I mean -- I -- if the
3 other problems of the escaping of the gas doesn't offend
4 the Air Resources Board and the Water Board is satisfied,
5 I'm really on the cusps of this and probably could vote
6 for it, but there is a problem in my mind in trying -- if
7 we have a problem with our own regulations, then we allow
8 people to mitigate by expansion.

9 Maybe it isn't that big a problem on this
10 landfill. I'm not sure, but I'm fearful we're
11 establishing a precedent that could be a problem, and in
12 my mind it's no different than what Mr. Jones was talking
13 about yesterday, and that is we recount. We've got a
14 problem so we're going to recount the way we count
15 disposal.

16 Here we've got a problem at the boundary so
17 we'll just extend the boundary. So I don't know.

18 MR. DE BIE: There are other things that play
19 in, and the operator maybe could speak to the details on
20 this, but when looking at ways to address a landfill gas
21 issue and deciding whether or not to put in a control
22 system that would prevent it from migrating or to do
23 something like land acquisition, you have to look at the
24 volume of gas that's being generated and whether or not a
25 control system and the capital outlay required to do that

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1 makes sense. And so there's a lot of technical as well
2 as economic issues that play into how an operator might
3 choose to address that.

4 BOARD MEMBER ROBERTI: Staff feels that the
5 amount of gas that is escaping is not that significant to
6 warrant --

7 MR. DE BIE: Certainly not. We -- the
8 regulations are very clear that the 5 percent shall not
9 be exceeded over the boundary or at the boundary, and we
10 have noted the violation, as well as the LEA, and the LEA
11 did issue a Notice and Order to require the operator to
12 address that. So no one is ignoring the fact that
13 they're out of compliance with the requirements.

14 BOARD MEMBER ROBERTI: Well Madam Chair, I hope
15 we can -- unless I hear something to the contrary, I'm
16 going to vote for this permit, but I would hope that we
17 can establish some kind of general policy that gives us
18 some controls that we don't just expand a facility in
19 order to mitigate a problem, we don't just recompute the
20 trash in order to come up with a new number.

21 So I don't want to vote no on this one. I think
22 staff has given a lot of detailed attention and the
23 problem is not that significant. I think there is a
24 general policy problem of expanding the landfill when we
25 have a problem at the boundary just to make the landfill

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1 bigger.

2 CHAIR MOULTON-PATTERSON: I certainly agree with
3 you.

4 Mr. Eaton.

5 BOARD MEMBER EATON: I share the Senator's
6 concern and it was very disconcerting to me when I first
7 came here to just get rid of a problem by making more
8 space and, therefore, the figures or the fraction are
9 reduced and so on and so forth and would support efforts
10 to figure out a way to do it, but one of the things I'm
11 wondering is that we had a program of a no-interest loan,
12 if I'm not mistaken; did we not? Was that for landfill
13 violations?

14 BOARD MEMBER JONES: Absolutely.

15 BOARD MEMBER EATON: Would -- and I don't want
16 to go into that particular facility right here, but could
17 that facility or any facility that had a gas violation
18 apply that they could put a recovery system in that would
19 negate the fact of expansion of property boundary/buffer
20 to where we could do that? Would our program help that?
21 And if so, how would an organization, which I think kind
22 of dovetails your point, which is still the valid point
23 about expansion, that we could maybe get to some of these
24 jurisdictions that have had chronic problems or new
25 problems to help them get that to the facility,

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1 especially for capital outlay? And kind of like Merced
2 is very strapped for funds and I know has been over the
3 years.

4 MS. NAUMAN: Mr. Eaton, the program you
5 described is exactly what we're in the process of
6 implementing right now. You recall you were very
7 instrumental in establishing that program through budget.

8 BOARD MEMBER EATON: Kathy Wright was. We had a
9 different idea for that. We wanted to give the money
10 away. She told us we had to have a loan program.

11 MS. NAUMAN: Details, details. We do have a
12 program. We have a total of \$2.8 million available. We
13 have received -- we have done an extensive outreach
14 program to local governments to make them aware, as well
15 as private operators, of the availability of the funds.
16 As you recall, the program through legislative design was
17 to target small, rural public facilities and we went
18 through a process with the Board where we established the
19 kind of priority of corrective actions that would be
20 funded through the program with an eye toward the
21 long-term gas violation situations.

22 So yes, this jurisdiction could have applied for
23 a no-interest loan from the program. It's my
24 understanding they did not. We have received, from
25 memory here, something like 16 applications totaling

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1 somewhere -- I think it's like \$8 million, \$7 or \$8
2 million in requests.

3 So others have stepped forward and this
4 solicitation shows the need out there, and I think this
5 need is going to be confirmed by the landfill compliance
6 study that we mentioned earlier on the discussion this
7 morning. So I think there is definitely a need. We have
8 a program. Admittedly it's small, but it's designed to
9 help exactly these kinds of situations. It's unfortunate
10 that they didn't apply.

11 MR. DE BIE: Madam Chair, I might have an
12 explanation for that if I might. I believe --

13 BOARD MEMBER EATON: I was making it more
14 generic. I wasn't trying to make it to this facility.

15 MR. DE BIE: Certainly. But just since we're in
16 the midst of this permit decision, I believe this gas
17 violation was noted several years ago or a while ago,
18 before the program was really instituted, and the
19 operator, based on the information they were gathering
20 about the extent of gas and that sort of thing, started
21 going down the road of the land acquisition. So they at
22 one point got committed in terms of purchasing the land
23 and that sort of thing. So I could see why perhaps they
24 would not put in an application during that time.

25 CHAIR MOULTON-PATTERSON: Thank you.

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1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: The 5 percent standard
3 is at the boundary. We say nothing in our standards
4 about how far away from the actual landfill that the
5 violation occurs; right? We say it's at the boundary, no
6 matter if the boundary is a mile or a hundred feet; is
7 that right?

8 MR. DE BIE: It's at the -- actually, it's at
9 the permitted boundary of the landfill. 5 percent is the
10 Subtitle D requirement. I'm not sure if I'm getting the
11 full extent of your question.

12 BOARD MEMBER PAPARIAN: If we chose to change
13 the standard to have it be 5 percent at some fixed length
14 or fixed distance from the boundary of the landfill
15 itself, presumably we could do that; right?

16 MR. DE BIE: I think we're allowing --

17 BOARD MEMBER PAPARIAN: Not in the context of
18 this permit but in the context of the standards.

19 MR. DE BIE: I think we're allowed flexibility
20 to be more stringent than the federal Subtitle D
21 requirement of that 5 percent. I recall when we
22 instituted the 5 percent there was some discussion about
23 where the line should be. There was some discussion
24 about perhaps the line is adjacent to the fill area and
25 some discussion that it's on the property boundary.

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1 The Board decided in their -- when they became
2 an approved state to utilize the permitted boundary,
3 which usually is the property boundary to some extent but
4 not always.

5 BOARD MEMBER PAPARIAN: This and some of the
6 other things I've seen indicate to me we may want to take
7 a close look at some of the standards to see if they make
8 sense in the context of what's been coming before the
9 Board in the context of what we now about some of the
10 potential problems with some of the facilities that are
11 out there.

12 Let me ask you a couple of specific questions
13 about this one now. How much -- is it right at 5 percent
14 at the boundary? Is it above 5 percent? How much above
15 if it's above?

16 MR. DE BIE: Jennifer has the latest monitoring
17 results from the wells.

18 MS. KIGER: When we conducted our inspection on
19 29th, Gas Well Number 6 was at -- the shallow probe was
20 at 8.6 percent and the deep probe was at 37.0 percent.
21 GW-7 was at 2.1 percent, which is below the threshold. I
22 do have the operator's --

23 BOARD MEMBER EATON: How far apart are they?

24 MS. KIGER: I don't have that detailed
25 information.

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1 BOARD MEMBER EATON: They're a relatively

2 short --

3 MR. DE BIE: There are wells that surround the
4 existing facility and then also they've placed new wells
5 in this expected buffer area. Again, all those new wells
6 show zero. The wells that Jennifer was indicating are
7 the ones that are along the boundary where the initial
8 landfill gas migration issue was noted, and I think
9 within that area there were at one time some temporary
10 wells they put in in order to characterize the extent of
11 the landfill gas and they were fairly close. I don't
12 have the exact measurements, but when you look at the map
13 they're right there, and then as well as having wells at
14 the actual boundary they have a few set back at 50 feet,
15 again in an effort to characterize the extent of the
16 migration.

17 The operator can give you all those details if
18 you would like them.

19 BOARD MEMBER EATON: They showed a map and
20 that's what I was trying to figure out because some of
21 the wells look very close together that were showing
22 nothing or were below the level I think, and others
23 relatively short distance, be it 50 feet or a hundred
24 feet with nothing. And then you make the assumption then
25 it's not migrating further or --

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1 MR. DE BIE: There's a lot of things that
2 influence the path of gas. If it enters into a saturated
3 area, maybe a low spot and there's some standing water
4 and the ground is saturated, they'll go around that or
5 bump into it. There's subtleties in the geology. If you
6 have sand or clay, you know, it will migrate differently,
7 those sorts of things. So -- but -- Scott Johnston can
8 tell you more.

9 CHAIR MOULTON-PATTERSON: If you would like to
10 state your name for the record.

11 MR. JOHNSTON: Scott Johnston, I'm the Deputy
12 Director of Public Works in charge of this facility. And
13 I would like to clarify a couple of things.

14 The boundaries we're talking about, where we
15 have this landfill gas problem is adjacent to the first
16 placement of waste at this facility and they placed that
17 waste very close to that boundary. There is no buffer.
18 Now when we do landfills we put buffers normally about a
19 hundred feet from the property line to where we place
20 waste. So this is a problem area that we have.

21 The probes that we put in on a temporary basis
22 to try to characterize how much of a gas problem we have,
23 one row was placed at five feet from the boundary and
24 that's where we had some problems. The next row of gas
25 wells we had at 50 feet. Only one well at 50 feet away

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1 from our current boundary showed methane concentration
2 higher than the 5 percent. Now, it has since receded.
3 It doesn't exceed the 5 percent now.

4 The problem area that we have is somewhere
5 between the boundary and 50 feet, if you will. All the
6 wells we put at 200 feet were clean, had no methane
7 problem whatsoever.

8 We did look at different alternatives when we
9 first had this problem. Initially our LEA determined
10 that because of the nature of the area that there really
11 isn't anything out adjacent to this property. It didn't
12 constitute a health and safety problem, and so when we
13 went to the Board with that and said that okay, the LEA
14 says it's not really a problem, well the Board staff did
15 not accept that. So we looked at other alternatives.

16 We have a representative from SCS Engineers with
17 us here today if you have some specific questions about
18 landfill gas collection systems, this sort of thing. We
19 did look at it to put a system in out there because the
20 quantity or the quality of gas that we could extract from
21 this area is so small that if we did put that in, we have
22 to add butane or some other substance to keep a flame
23 going and actually the air quality would be worse than
24 just letting it vent into the atmosphere.

25 Again, he can answer those questions certainly

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1 much better than I can, but I just wanted to kind of let
2 you know that these -- that this gas problem, even though
3 it's been there for a considerable amount of time, it's
4 been in a very localized area where there actually hasn't
5 even been any planting there for a considerable amount of
6 time. All that area we have purchased.

7 We could have -- if we had wanted to put in a
8 collection system, we would have had to purchase property
9 to put one in. There's just no room to put one in, and
10 when we initially contacted the property owners of that
11 parcel where the landfill gas problem exists, they were
12 willing to sell us the entire 40-acre parcel but they did
13 not want to chop it up. So rather than go through a
14 condemnation process, we decided okay, we'll go ahead and
15 expand the boundaries a little further than what we had
16 originally intended, and we worked with the property
17 owners to come up with the property acquisitions that we
18 did, that satisfied the neighbors and we felt would give
19 us sufficient buffer areas to get us out of a violation
20 problem that we're in and to keep us out of violation
21 status.

22 CHAIR MOULTON-PATTERSON: Thank you very much.
23 Did that answer your questions?

24 BOARD MEMBER EATON: Very well. Thank you.

25 CHAIR MOULTON-PATTERSON: Mr. Papanian.

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1 BOARD MEMBER PAPARIAN: Mark, you mentioned that
2 there's -- you found that there's no immediate threat to
3 the environment from this.

4 MR. DE BIE: Based on our CEQA analysis, as well
5 as discussions with the other agencies, we determined
6 that there's no eminent threat and we're defining eminent
7 as it's occurring right now, that there's an endangered
8 species being affected or a residence is being affected,
9 those sorts of things.

10 BOARD MEMBER PAPARIAN: Other than an affect on
11 wildlife, can you imagine a threat on the environment, a
12 circumstance where there would be a threat on the
13 environment?

14 MR. DE BIE: Well, certainly this site is
15 contributing to the greenhouse effect and that's a threat
16 to the environment, and we looked to the Air District and
17 they determined that based on the federal thresholds
18 there wasn't a need to address that situation.

19 BOARD MEMBER PAPARIAN: What's your best guess
20 of how much gas is escaping to the atmosphere?

21 MR. JOHNSTON: We don't have that quantified.
22 The problem that we have is that we have a source, and
23 that is the waste that was placed earlier on in this
24 facility. As it decomposes it creates these gases and
25 builds up. It moves into an area of least resistance.

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1 So instead of going up right above this area, we actually
2 have our haul road. So it's completely covered. We keep
3 it moist and keep dust down, everything else, which
4 forces the gas to move to the side. Obviously it's not
5 working too far to the side since it's within 50 feet of
6 our boundary.

7 As far as a quantity of gas, I don't know. It's
8 a matter that because of the size of our facility the Air
9 District in their Title 5 regulations have basically
10 placed us in an exempt status from landfill gas
11 collection systems at this point. I can't answer your
12 question as far as just how much gas.

13 BOARD MEMBER PAPARIAN: When you get into the
14 question of global warming --

15 MR. DE BIE: Title 5 speaks to that and that was
16 the intent of addressing landfills and their emissions in
17 those requirements, and I believe -- and staff could do a
18 little bit more work to dig up the basis for those
19 requirements and the volumes of or the size of sites that
20 were required to do certain things -- because it would
21 be based on methane and the affect on greenhouse gases. So
22 there is data out there at the federal level and that's
23 what they base those requirements on.

24 BOARD MEMBER PAPARIAN: From your discussion
25 with the Air District, how close were they to thinking

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1 they might have to step in here? You said not high
2 enough for them to be of concern about it. Are they far
3 away from concern or --

4 MR. DE BIE: My recollection is one of the
5 criteria that determines what's required is the volume of
6 waste, and I'm trying to recall the numbers but I believe
7 Billy Wright Landfill is around half of the first
8 threshold.

9 BOARD MEMBER PAPARIAN: So the Air District
10 based it on the volume of waste going in as opposed to
11 any specific information regarding the air quality.

12 MR. DE BIE: Based on the federal requirements
13 and the guidance, yeah.

14 MR. JOHNSTON: If I might, just to kind of put
15 this in perspective for you, we have two facilities in
16 Merced County. Our larger facility is closer to the
17 community of Merced. It is four to five times the size
18 of our Billy Wright facility.

19 It falls underneath these Title 5 guidelines and
20 we, of course, had to go through the permit process
21 through Title 5. We've had our SCS Engineers go out
22 there and do the different tiered analysis. And in a
23 facility that has four to five times this size after all
24 the studies that have been taken, the Air District has
25 given us a five-year exemption on putting any gas

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1 facilities in it at our larger site.

2 So hopefully that will give you a little bit of
3 perspective that our facility that started about this
4 same time that's four to five times the size still is not
5 emitting enough gas to require any sort of collection
6 system.

7 MR. DE BIE: And that's a little bit of
8 foreshadowing on a permit that will be coming up to the
9 Board in the future too.

10 CHAIR MOULTON-PATTERSON: Thank you.

11 Mr. Paparian, were you finished?

12 BOARD MEMBER ROBERTI: How long is the permit
13 good for?

14 MR. DE BIE: How long is the permit good for?

15 BOARD MEMBER ROBERTI: How long are we
16 permitting?

17 MR. DE BIE: The site life with this revision
18 will bring the facility out to 2010.

19 BOARD MEMBER ROBERTI: 2010, and the closure
20 date for the landfill?

21 MR. DE BIE: That's the closure date, yes.

22 BOARD MEMBER ROBERTI: Can we take air emissions
23 into consideration when we vote, counsel?

24 MS. TOBIAS: What you can take into account is
25 our state minimum standards, which is the 5 percent gas

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1 violation standard that we have in place right now. And
2 I think that was the discussion the Board was having a
3 minute ago was whether you want to look at changing that,
4 but right now that's the state minimum standard and
5 that's what you would need to basically assess that
6 relationship. So right now the actual air emissions
7 other than the 5 percent gas violation are really under
8 the jurisdiction of the Air Districts.

9 BOARD MEMBER ROBERTI: But we can take the 5
10 percent minimum standard into consideration whether that
11 is as a vertical emission or a horizontal emission.

12 MS. TOBIAS: I would bow to staff's expertise on
13 how they interpret that state minimum standards as
14 opposed to a legal --

15 MR. DE BIE: It -- I'm going to stumble on this
16 one a little bit because I wasn't deeply involved with
17 the Subtitle D and our incorporation of that into our
18 requirements, but I'm fairly certain that there was
19 general consensus and agreement on the Board through
20 adoption of the regs that the way to assess that 5
21 percent is at the boundary and in soil, basically lateral
22 migration, and not to address it through vertical or
23 emissions directly into the atmosphere.

24 BOARD MEMBER PAPARIAN: But if it's a threat to
25 the environment that we're also considering, wouldn't a

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1 threat to the environment be a threat to the air or a
2 threat to the wildlife or --

3 MR. DE BIE: Certainly, and by statute the Board
4 is to limit their authority to those aspects of solid
5 waste management outlined in statute and regulation. And
6 so I think in staff's mind it's very clear that direct
7 air emissions affecting the air quality are not within
8 our statutory authority.

9 BOARD MEMBER ROBERTI: But if those direct
10 emissions affect the vegetation, I guess the wildlife is
11 the most obvious, that is something that we can take into
12 consideration.

13 MS. TOBIAS: I think what staff is trying to say
14 is that they have evaluated the eminent threat aspect of
15 it and there's no substantial evidence in the record.

16 BOARD MEMBER ROBERTI: But Mr. DeBie -- does the
17 statute confine us to eminent threat?

18 MS. TOBIAS: I think that's out policy.

19 MR. DE BIE: The eminent threat language is in
20 policy. It's a guiding tool to help us determine whether
21 or not we can make a finding of this facility being
22 consistent with state minimum standards. And the
23 standards that we're assessing is 5 percent landfill gas
24 at the boundary.

25 BOARD MEMBER ROBERTI: Well, the eminent threat

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1 standard or policy seems to be very, very restrictive. I
2 understand that's something this Board may have been
3 operating under for sometime, but if every environmental
4 question is reduced to eminent threat, we wouldn't have
5 much longer on this planet.

6 BOARD MEMBER JONES: We'd never do another
7 composting facility because there the gas is higher at
8 the face than it is what we're talking about here,
9 usually.

10 MR. DE BIE: Staff has been not interpreting the
11 policies language as eminent threat to the environment as
12 broad, it's just within our authority. So if we, for
13 instance, saw that landfill gas migrating into a
14 residence and that the landfill gas or the residence,
15 people in the house, were being exposed to methane and
16 its constituents, that would be something that we would
17 definitely determine as an eminent threat, but it's
18 connected to the lateral migration aspect.

19 We have to look to our sister agencies to get
20 guidance from them on whether or not they determine
21 there's threats outside our authority.

22 BOARD MEMBER ROBERTI: I understand that.

23 BOARD MEMBER JONES: Madam Chair.

24 BOARD MEMBER ROBERTI: I had a question but I
25 lost it.

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1 CHAIR MOULTON-PATTERSON: Mr. Jones.

2 BOARD MEMBER JONES: I think -- I understand
3 where you're going. I've voiced the same concerns on
4 some of these things, but I think there's a couple of key
5 points here. One is the placement of that waste right
6 next to the existing boundary line. It's not good
7 planning. And it probably existed -- it started -- how
8 long ago did you start putting waste in that cell?

9 MR. JOHNSTON: 1973.

10 BOARD MEMBER JONES: So that's 27 years ago.
11 And we're starting to see gas, which part of the landfill
12 study that we're going to do is going to start showing us
13 where these issues are and what kind of problems go with
14 it.

15 One of the key issues that I heard was that if
16 they were to put a landfill collection system here, they
17 would have to flare the gas off and they would have to
18 augment that methane with butane just to keep the match
19 lit. So I think that eminent threat --

20 BOARD MEMBER ROBERTI: That's an important
21 point, but is there any other way of mitigation? Is that
22 the only way to mitigate.

23 BOARD MEMBER JONES: Buy the land.

24 MR. DE BIE: As presented in workshop, there's a
25 suite of ways of approaching mitigation of landfill gas,

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1 but each site needs to assess whether or not those
2 alternatives work for them. And things like volume of
3 gas, quality of gas, are things that will determine which
4 ones they use or not.

5 There are new methodologies being developed. I
6 recall seeing a demonstration of a mobile flare that
7 could be taken to a site, hooked up to some temporary
8 collection wells and the gas flared for a short time in
9 order to get the facility into compliance and then would
10 hauled away and then the gas would build up again and
11 they would come back in a month or two and do that sort
12 of thing.

13 That is something we never saw four or five
14 years ago that's being instituted. So I think the
15 alternatives are going to increase on how a facility
16 could handle landfill gas.

17 BOARD MEMBER ROBERTI: Do all these alternatives
18 presume the introduction of other gaseous materials to
19 burn?

20 MR. DE BIE: No.

21 BOARD MEMBER ROBERTI: Well, Madam Chair, for my
22 own vote -- this is a very tough one. And for my own
23 vote only I think I changed my mind. I'm going to vote
24 no, and I sort of indicated to the proponents an "aye"
25 vote. Sorry about that, but that's what these hearings

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1 are about.

2 CHAIR MOULTON-PATTERSON: Hearing no more
3 questions, I will entertain a motion, if there is one.

4 MR. DE BIE: Just for the record, staff does
5 have a recommendation. So we would like to read that
6 into the record.

7 CHAIR MOULTON-PATTERSON: We'd like to hear it.

8 MS. KIGER: In conclusion, if the Board uses the
9 long-term violation policy to find the facility to be
10 consistent with state minimum standards, Board staff
11 would recommend concurrence and the adoption of
12 Resolution 2000-412 and the issuance of Solid Waste
13 Facility Permit 24-AA-0002.

14 This concludes the presentation.

15 CHAIR MOULTON-PATTERSON: Thank you.

16 BOARD MEMBER JONES: Madam Chair.

17 CHAIR MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: I'll move adoption of
19 Resolution Number 2000-412 for a revised Solid Waste
20 Facility Permit for the Billy Wright Landfill in Merced
21 County.

22 CHAIR MOULTON-PATTERSON: Do we have a second?

23 BOARD MEMBER EATON: I'll second.

24 CHAIR MOULTON-PATTERSON: Mr. Jones moves and
25 Mr. Eaton seconds Resolution 2000-412.

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1 I have a question before the vote. On a 3-3, is
2 it deemed approved?

3 MS. TOBIAS: It is.

4 CHAIR MOULTON-PATTERSON: Okay. Thank you.

5 Please call the roll.

6 BOARD SECRETARY: Eaton.

7 BOARD MEMBER EATON: Aye.

8 BOARD SECRETARY: Jones.

9 BOARD MEMBER JONES: Aye.

10 BOARD SECRETARY: Medina.

11 BOARD MEMBER MEDINA: No.

12 BOARD SECRETARY: Papanian.

13 BOARD MEMBER PAPANIAN: No.

14 BOARD SECRETARY: Roberti.

15 BOARD MEMBER ROBERTI: No.

16 BOARD SECRETARY: Moulton-Patterson.

17 CHAIR MOULTON-PATTERSON: No.

18 The waste facility is not approved. Do you

19 want to comment on that?

20 BOARD MEMBER JONES: I have a question.

21 MS. TOBIAS: Well --

22 BOARD MEMBER JONES: Go ahead.

23 MS. TOBIAS: I might want to talk to the Board

24 in closed session about it.

25 BOARD MEMBER JONES: Madam Chair.

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1 CHAIR MOULTON-PATTERSON: Mr. Jones.

2 BOARD MEMBER JONES: I don't know about the
3 closed session part, but I want to know what the findings
4 are because the only way we can deny a permit is with a
5 finding of not meeting the standards. Staff has
6 concurred that this has met our long-term violation, so I
7 want to know what the findings are or how these --

8 BOARD MEMBER ROBERTI: Madam Chair.

9 CHAIR MOULTON-PATTERSON: Senator Roberti.

10 BOARD MEMBER ROBERTI: The findings are that the
11 Board disagrees and that the lateral gas emissions do
12 have a threat to the environment, if only for wildlife
13 that would be traversing.

14 BOARD MEMBER JONES: At the proposed boundary or
15 at the existing boundary?

16 BOARD MEMBER ROBERTI: I would suggest at the
17 existing boundary.

18 BOARD MEMBER JONES: So the permit is to remove
19 that boundary line. All I'm trying to get to is we can
20 get sued for not having findings. So you have to have a
21 finding for why you vote to oppose a permit.

22 CHAIR MOULTON-PATTERSON: Can't you come back to
23 us with findings? I know with the Coastal Commission
24 they used to. I don't know. Please let us know. We
25 don't want to get sued.

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1 MS. TOBIAS: We can do that. I still would like
2 to address the Board in closed session on this issue. So
3 you might want to hold this.

4 CHAIR MOULTON-PATTERSON: Okay.

5 MR. MOOSE: Is it too late for the applicant's
6 attorney to be heard on this? I was hoping I wouldn't
7 because I didn't wear a tie today and I'm a little
8 embarrassed. I wasn't expecting to comment.

9 CHAIR MOULTON-PATTERSON: Certainly if you'd
10 like to speak.

11 MR. MOOSE: My understanding is that if this
12 application does meet -- James Moose, Thomas and Moose,
13 attorneys for the applicant. My understanding is as a
14 legal matter, if the application meets state minimum
15 standards that there's essentially ministerial obligation
16 on the part of this Board to approve it. And subjective
17 concerns about things that the Air District has found not
18 to be a problem or the Water Quality Control Board has
19 found not to be a problem don't rise to the level of
20 issues that your Board is permitted to consider.

21 BOARD MEMBER ROBERTI: We understand that and I
22 think we're discussing that. We're discussing
23 specifically lateral emissions, which is our purview.
24 Now the question before us is, I believe, at what
25 boundary we can talk about those lateral emissions, and

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1 certainly if the existing boundary. Then the issue is do
2 we -- can we increase a boundary of a landfill in order
3 to eliminate the lateral emission consideration, but I
4 tend to think, and maybe counsel can tell me otherwise,
5 that has to be elicit consideration on our part.
6 Otherwise we would just increase -- we would have to
7 approve everything because every boundary could be
8 increased until you cease to have a problem.

9 MR. MOOSE: Well, what -- I understand that.
10 What I thought I heard you all moving towards --

11 BOARD MEMBER ROBERTI: I specifically spoke to
12 lateral emissions and wildlife traversing through. We
13 are -- and for the record, because I think it's important
14 for my vote and that of the Board, we are aware that we
15 are restricted as far as horizontal emissions and
16 emissions into the water from making those the basis of
17 our vote, and I voted and I'm sure the other Members of
18 the Board voted as well with that in mind.

19 MR. MOOSE: What I meant to focus on was our
20 understanding that with the boundary adjustment we will
21 comply with the state minimum standard with respect to
22 this issue because it's measured at the boundary. And
23 what I thought I heard you all saying earlier was you
24 might want to revisit the wisdom of your policy, but you
25 wouldn't try to do that here because we're trying to

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1 comply with the policy and the standards that are in
2 place, so that any change would be prospective and might
3 result in a new state standard, which would then be
4 relative to future applications but not this one.

5 BOARD MEMBER ROBERTI: When was this policy
6 instituted?

7 MS. NAUMAN: I don't know the exact year, but my
8 guess is it's been in place probably since the mid-90s,
9 '96 perhaps. I know the Board has utilized the policy to
10 correct -- to allow the correction of a violation of
11 state minimum standards through revision to the permit
12 probably 10 to 12 times, but the connection here is that,
13 and the facts show that, there is a violation of state
14 minimum standards. In order to overcome that and issue
15 the permit, you would need to invoke the policy that the
16 Board adopted.

17 So I'm trying to make it clear what is your
18 statutory and regulatory requirement, and that is to
19 look -- to ensure that there is no violation of state
20 minimum standards. However, you have operated under a
21 policy whereby you have allowed a facility where there
22 has been one or more violations of state minimum
23 standards --

24 BOARD MEMBER ROBERTI: The problem with a new
25 day is that many of these policies were established by a

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1 Board which is philosophically in many ways light years
2 different from the Board we have right now. And
3 certainly, certainly those kinds of policies that were
4 established at that time should be brought to our
5 attention if -- supposedly they're to control us, and I
6 don't suspect that they really are designed that they
7 have to control us.

8 MS. NAUMAN: Senator, that's one of the reasons
9 why in the workshop we had with you in August we focused
10 on this and other policies that the Board has operated
11 under in the past in order to ensure that all the Members
12 understood the genesis of those policies and the
13 application of them to date and then we presented to you
14 this morning information for your use relative to the
15 four findings that at that time the Board had crafted as
16 a way to provide guidance on the utilization of the
17 policy.

18 MR. MOOSE: If I could just wrap up with great
19 respect here, and I appreciate your indulging me.

20 I understand the issue. I would just
21 respectfully ask for perhaps another vote here because of
22 the fact that we have relied on past policy and have gone
23 way down the path based on the expectations created by
24 that policy and we have that dilemma that the need for
25 the additional fuel to keep a flare sustained would

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1 itself have worse environmental impacts than are
2 currently out there. So we really feel like there are no
3 other options for us.

4 BOARD MEMBER ROBERTI: My vote also was based on
5 the representations of staff that there are other
6 alternatives than a flare which would cause the
7 re-introduction of more gaseous material. I'm not trying
8 to be argumentative with you because I appreciate your
9 coming here, but I'm also trying to establish a record on
10 our part and I can't let your statement be the last word
11 on the matter.

12 MR. MOOSE: I understand. I'm just making a
13 plea I guess on fairness and on the notion that we are
14 relying on what have been policies of this Board.

15 CHAIR MOULTON-PATTERSON: Thank you. Any final
16 comments? And we will be listening to closed session and
17 then reaffirming the vote. Is that -- or having another
18 vote. Is that procedurally -- could you help me?

19 MS. TOBIAS: I think we were scheduled for
20 closed session anyway, and if the Board wishes to discuss
21 this in light of the concerns and potential litigation,
22 then the Board can discuss this in closed session.

23 It's my recollection, and I can check this in a
24 moment, that in order to have another vote on it I think
25 someone, the person who would like to change their vote,

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1 needs to make the motion.

2 CHAIR MOULTON-PATTERSON: So we will just listen
3 in closed session.

4 BOARD MEMBER MEDINA: Madam Chair, I think just
5 on the vote itself it reflects that the Board Members are
6 not comfortable with the recommendations that have been
7 made, and that Board Members, myself included, that we
8 have serious questions in regard to this particular
9 matter that's before us today.

10 CHAIR MOULTON-PATTERSON: Thank you, Mr. Medina.
11 Okay.

12 I was planning on taking your last item, but
13 people expressed to me about an hour and 15 minutes ago
14 they were really hungry. I think we are going to take a
15 lunch break. We still have quite a few items. We have
16 to establish when our closed session is going to be and I
17 do have one item just in case we might lose a member or
18 two that I want to bring up. How long do we want to take
19 for the lunch break? It's up to the Board. I'm not
20 going to make that decision.

21 BOARD MEMBER ROBERTI: Well, the problem with
22 that is we have to wait for the lunch to get here, but --

23 CHAIR MOULTON-PATTERSON: 2:00? Before you
24 break, just one quick thing just in case we lose some
25 Members. We really need to get working on our strategic

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1 plan and we had hoped to blend in the 21st Century
2 Project into this. It's due over at Cal/EPA by January.
3 Rubia Packard will be the lead staff person on this. Do
4 I have any volunteers to work on that, Board Members?

5 BOARD MEMBER PAPARIAN: Love to.

6 CHAIR MOULTON-PATTERSON: Mr. Paparian. Another
7 Board Member?

8 BOARD MEMBER JONES: I'll help.

9 CHAIR MOULTON-PATTERSON: Mr. Jones.

10 And if Mr. Jones is going to help with this, he
11 would like to have somebody else work on the RMDZ working
12 group that we discussed yesterday. So do I have a
13 volunteer for that or two volunteers? Remember we talked
14 about an RMDZ working group? I'll talk to you about that
15 later. We really had to get the strategic plan pinned
16 down.

17 See you at 2:00.

18 (Lunch recess taken)

19 CHAIR MOULTON-PATTERSON: I'd like to call the
20 meeting back to order. We're going to go ahead and
21 finish the Permits part of the agenda. We're going on to
22 Item 16.

23 MS. NAUMAN: Thank you, Madam Chairman. Julie
24 Nauman.

25 Item Number 16 is consideration of approval for

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1 new sites for the solid waste disposal and codisposal
2 cleanup program. Scott Walker will be making the
3 presentation.

4 MR. WALKER: Madam Chair, Members of the Board,
5 this item presents consideration of approval of a
6 matching grant application from the City of Chula Vista
7 for cleanup of the Shinohara illegal disposal site
8 pursuant to the solid waste disposal and codisposal
9 cleanup program or AB 2136 program. The total estimated
10 cost for this project is \$722,740, of which the Board's
11 share of the costs would be \$361,370. The following is a
12 brief description of the site and project.

13 The Shinohara site is located in the city of
14 Chula Vista, which is within the border zone of Mexico.
15 We also looked at some of the demographic data and the
16 area has a mean family income below the statewide average
17 and it's primarily a Hispanic-Latino community.

18 In addition to being within a blighted
19 commercial area with residences within 500 feet, the site
20 is adjacent to an environmentally sensitive site which is
21 the Otai River.

22 The site consists of a 1.6-acre lot that was
23 part of a farm from the 1940s to 1990 owned by a
24 Mr. Shinohara, who is now deceased. This site can be
25 considered a brown fields site, which is a term used to

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1 describe blighted property primarily in urban areas where
2 real or perceived environmental problems are a barrier to
3 cleanup and reuse to the local community's benefit.

4 The soils -- the site consists of soils that are
5 contaminated with heavy metals from a pre-regulation
6 solid waste municipal burn dump site. These soils were
7 brought to the site as fill in the late '70s.
8 Approximately 34,000 cubic yards of soils are
9 contaminated, again with metals and solid wastes, but
10 they're classified as non-hazardous but they are exposed
11 to potential contact with the public and also the
12 environmentally sensitive wetlands area consisting of
13 both a surface pile and some subsurface fill.

14 The City of Chula Vista Redevelopment Agency has
15 been negotiating with the property owner since 1990 to
16 clean up this property. The property owner has been
17 unable and unwilling to perform the cleanup as required,
18 and in an effort to resolve this problem the City has
19 developed a final remediation plan to remove all
20 contaminated soils and recycle these soils as part of the
21 final cover foundation layer to be used at the Otai Class
22 I landfill closure project which is scheduled for
23 November-December this year.

24 The County of San Diego has agreed to this
25 alternative and also is committed to waiving the

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1 estimated \$2 million in tipping fees that would incur
2 otherwise. In addition, the City and the Shinohara
3 estate have entered into a legal settlement that would,
4 upon cleanup, transfer ownership to the City for \$1.

5 The City intends to sell this property in the
6 future to a private party. However, the property is
7 landlocked, has limited redevelopment potential for uses
8 as vehicle storage area adjacent to an auto park, and
9 upon cleanup, the estimated value of the property is
10 significantly less than the total cleanup costs. The
11 estimated value of the property upon cleanup is also
12 significantly less than the additional costs that the
13 City has incurred beyond their share of the proposed
14 matching grant.

15 The City has requested a matching grant pursuant
16 to the AB 2136 program because they have insufficient
17 funds to clean up this site and take advantage of the
18 window of opportunity to recycle the soil as final cover.
19 Because this project -- this is the first project from a
20 local redevelopment agency since the Board's approved
21 cost recovery policy and also the redevelopment agency
22 intends to sell the property in the future to a private
23 party, staff's recommendation reflects that cost recovery
24 would be pursued if the Board approves this site, and
25 that prior to payment from the grant, if the Board should

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1 approve this site, a cost recovery agreement be
2 established between the Board's legal office and the
3 City.

4 In a letter addressed to the Chair and Members
5 of the Board dated September 8th, the City has requested
6 that the Board consider waiving cost recovery for this
7 project. Should the Board decide to approve the matching
8 grant and modify staff's recommendation to waive cost
9 recovery, Resolution 2000-414 would be revised to reflect
10 that cost recovery would be waived.

11 Rather than go into the cost recovery policy, I
12 can go over that if the Board so desires, but in a sense
13 there are a number of factors which the Board has adopted
14 to consider in potentially waiving cost recovery, and the
15 actual waiver of cost recovery requires four affirmative
16 votes.

17 In conclusion, pursuant to the AB 2136 program,
18 staff conclude that the proposed project meets AB 2136
19 program criteria and recommend adoption of Resolution
20 2000-414 approving the Shinohara Farms cleanup project,
21 City of Chula Vista. Patricia Beard of the City of Chula
22 Vista is present to provide testimony from the City and
23 staff are available to answer any questions.

24 CHAIR MOULTON-PATTERSON: Thank you, Mr. Walker.
25 Before we get to Ms. Beard, ex partes, Mr. Eaton?

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1 BOARD MEMBER EATON: I just changed pleasantries
2 and jokingly with Jim Moose as I was walking in from
3 lunch, and his group.

4 CHAIR MOULTON-PATTERSON: Thank you.
5 Mr. Jones.

6 BOARD MEMBER JONES: Patricia Beard.

7 CHAIR MOULTON-PATTERSON: Mr. Medina.

8 BOARD MEMBER JONES: Oh --

9 CHAIR MOULTON-PATTERSON: Excuse me.

10 BOARD MEMBER JONES: Kent Stoddard and Eugene
11 Tseng on our numbers issues.

12 CHAIR MOULTON-PATTERSON: Thank you.
13 Mr. Medina.

14 BOARD MEMBER MEDINA: None to report.

15 CHAIR MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: None.

17 CHAIR MOULTON-PATTERSON: Senator Roberti.

18 BOARD MEMBER ROBERTI: No.

19 CHAIR MOULTON-PATTERSON: And I have none.
20 Ms. Beard.

21 MS. BEARD: Madam Chairman and Members of the
22 Board, I'm Pat Beard. I'm with the City of Chula Vista
23 Redevelopment Agency and in the lead on our Otai Valley
24 Road redevelopment area.

25 I gave you a packet that you got, it's in a blue

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1 folder, and I want to make this short because you've had
2 an incredibly long meeting. I think most of you know
3 Michael Miecham (phonetic), who is our Recycling and
4 conservation Coordinator. He has given me our brochure
5 on recycling to give you, but I wanted to go to this
6 little map that we printed in our office.

7 The second page map is the map that was in the
8 grant application and it's actually accurate but it
9 doesn't show the parcels. And the map that's in color
10 shows the parcels and there's a yellow dot on there that
11 pretty closely shows where the stockpile location is and
12 you can see that it's landlocked. Those properties
13 so-called above are both owned by Fuller Ford and the
14 property adjacent is owned by Fuller Honda.

15 The only person who is going to buy this site
16 from us is Mr. Doug Fuller. He's a wonderful corporate
17 citizen. So we're hoping he'll do that, but of course we
18 have no commitment and it's certainly not a seller's
19 market on that site. It's just sitting there by the
20 river.

21 The main reason that we want to clean it up is
22 to clean it up, to get rid of an eyesore and a potential
23 health hazard in the community. It is not something we
24 think we're going to make money on in the end.

25 We have provided you a list of our waste

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1 reduction efforts in the city, and we believe that we
2 have met or exceeded the standards for several years
3 running and we're actually kind of proud of ourselves and
4 there's some other information in there.

5 We wanted to point out to you that while we are
6 the 28th largest city in the state of California, our
7 redevelopment agency is only 78th in terms of income. We
8 are not a wealthy organization.

9 I wanted to tell you that prior to applying for
10 this grant and not including the monies that we're going
11 to commit to the cleanup, we have already spent \$383,000
12 on this site and that's in about an eight-year period
13 since 1992. That includes testing that includes what I
14 would call some ditching around it so that there's no
15 runoff. It includes lots of attorneys fees because we've
16 been negotiating, as Scott said, with the estate for
17 several years and to -- I don't think I'm going to
18 reiterate you all that. I think our letter -- and that
19 is our main argument.

20 I would suggest that we had asked for a waiver
21 of cost recovery, which I am here to do, but the other
22 alternative is that we would like to go for what we think
23 is a fair cost recovery. We do not think we will be able
24 to sell this property for more than it's cost us already
25 and more than, if we get the grant, our share of the cost

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1 of the cleanup.

2 So what we would like to suggest to you is that
3 if the sale price exceeds our cost of cleanup and the
4 costs that we've incurred to date, we would be willing to
5 share with you our tax increment benefit from the date of
6 sale for ten years, 50-50, and that's the cost recovery
7 that we're suggesting to you. I think it results in no
8 cost recovery because I don't think we'll sell the
9 property for that much, but if the Board feels strongly
10 about holding to its policy, that is what we would
11 request.

12 Thank you. Do you have any questions?

13 CHAIR MOULTON-PATTERSON: Questions?

14 MS. TOBIAS: Could I ask a question on the cost
15 recovery, Madam Chair? I didn't understand, Ms. Beard,
16 exactly what you said that if the sale price exceeds the
17 cost of cleanup, why wouldn't your proposal just be to
18 share that tax increment for ten years as opposed to
19 if -- understandably you already have costs in this.

20 MS. BEARD: Right.

21 MS. TOBIAS: And I also understand that you feel
22 that you're not going to get a lot for the property, but
23 you will get that tax increment on top of it due to the
24 additional --

25 MS. BEARD: Right.

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1 MS. TOBIAS: So --

2 MS. BEARD: We feel that we ought to be allowed
3 to first pay ourselves back because we didn't cause this
4 dumping to happen. The only benefit we're getting is a
5 benefit for our community. It's not where we're going to
6 go and market this property and put in an aerospace plant
7 or a Toys R Us and get a tremendous revenue. We're not.

8 We are going to get a place where Mr. Fuller can
9 park some of his Fords and Hondas, and it's not going to
10 generate much revenue and not bring much of a sale price.
11 So we feel like -- and you may disagree, and that's the
12 Board's prerogative, but we feel like this has been a big
13 mountain to climb for us. It's a pretty small mountain
14 if you look at it, Wes Minnerman (phonetic) was looking
15 at it with us, but we feel like it should be a shared
16 collaborative effort.

17 The County has really stepped up to the plate.
18 We think we are. We've invested significant dollars in
19 this, and staff time above the dollars we're telling you
20 about. We did not include any salaries in that cost and
21 now we're saying let us absorb back if we can make any
22 money and then we'll be happy to share the tax proceeds
23 from development with you.

24 MS. TOBIAS: But I heard you say that that's
25 contingent if the sale price exceeds your cost first.

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1 MS. BEARD: Right. If we take a loss on sale,
2 then we think that that's obviously proven we've given a
3 lot to this project and to the environment by trying to
4 clean it up.

5 MS. TOBIAS: But that is pretty much within your
6 control.

7 MS. BEARD: Our alternative is not to clean it
8 up. We don't have any responsibility to clean it up.
9 It's not our property. Our option is to walk away from
10 this opportunity. We prefer not to do that. We prefer
11 to clean it up.

12 MS. TOBIAS: I think I was talking about more
13 the option of selling it to this one buyer, and I think I
14 just I'm trying to make sure the Board understands tax
15 increment financing in the redevelopment authority arena,
16 and that is that even though you may get -- sell the
17 property for a dollar or whatever, that you don't -- that
18 the redevelopment agencies don't normally expect to make
19 their money on the sale of property, that the money is
20 made on the tax increment change once you have an auto
21 dealer on a piece of property as opposed to no one.

22 MS. BEARD: There's not going to be an auto
23 dealer on this property. It can't be. There's no access
24 to this property. It's landlocked, and the tax
25 increment -- that's why we're willing to share it with

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1 you because it's not going to be much, but -- honestly,
2 it's not going to be much, but we're saying no, we aren't
3 going to make money on the sale. We admit it fully, but
4 we think it would be fair to take what we've already
5 spent and include that as part of our contribution to the
6 project.

7 MS. TOBIAS: But this is an auto dealer who you
8 think might be interested in the property.

9 MS. BEARD: We hope.

10 MS. TOBIAS: Okay. And he would be -- once
11 he -- if he buys the property, it would be designated as
12 part of the car dealership, which means that that would
13 then generate some level of tax increment financing off
14 that parcel.

15 MS. BEARD: There would be an increase in the
16 value of the property. Therefore, obviously, the
17 property taxes will rise, but it would not be the same as
18 if the dealership and sales went on on-site and it's not
19 going to be.

20 Our -- some of this is a little beyond my
21 understanding. I think you've spoken with our attorney
22 previously, but our attorney has told me that you can't
23 take all these parcels and level out income. That's not
24 how it works. The income will be to this parcel only and
25 that's how the law would -- and that's beyond me, so

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1 that's a layman's description of what that is.

2 CHAIR MOULTON-PATTERSON: Thank you.

3 Any questions? Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Just a couple things.

5 In terms of the resolution, I think it's a little -- I'd
6 like to make it less ambiguous, I guess is how you would
7 say this, in terms of how much the Board is actually
8 putting into this project. I would like to either spell
9 out \$361,000 or say half of the \$722,000. I think if you
10 read, it could read that --

11 MS. TOBIAS: I think, and I would ask Scott if
12 this reflects his understanding, but I think in the
13 second line after it says, "For a matching grant," you
14 might want to add the words, "From the Board for
15 \$361,370," not -- and "with a match of \$361,370 from
16 CCBRA not to exceed a total cost," so that it makes clear
17 the Board's contribution is \$361,000.

18 MR. PAPARIAN: From the Board and up to --

19 MS. TOBIAS: Right. And you could say "up to"
20 instead of "for." Scott, does that reflect your
21 understanding?

22 MR. WALKER: Yes. I think in the fourth whereas
23 we can say, "Whereas the total Board project costs are
24 estimated at \$361,370."

25 BOARD MEMBER PAPARIAN: And then is there a

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1 recommendation from staff as to how to handle this cost
2 recovery issue?

3 MS. TOBIAS: I was going to suggest that at the
4 end of the fourth line, it says, "The Board hereby
5 directs staff to develop and execute a grant agreement
6 with the grant recipient." I would like to see the words
7 "prior to any project activity."

8 I heard in Scott's staff report, and so correct
9 me if I'm wrong, Scott, is that he said basically
10 prior -- how did you phrase it? Prior to --

11 MR. WALKER: I think the intent was prior to any
12 payment on an invoice pursuant to an approved matching
13 grant, that the recommendation reflect that a cost
14 recovery agreement be established.

15 MS. TOBIAS: And although I understand that time
16 is of the essence for this project for the reasons that
17 Mr. Walker has delineated, I would also say from the
18 legal office's standpoint that I think that would make
19 the redevelopment agency motivated to get that cost
20 recovery agreement in place as opposed to going ahead and
21 working on it and then coming in at the end and saying
22 well, if you want to get your money, let's work out the
23 agreement.

24 These cost recovery agreements aren't always the
25 easiest thing to actually button down. Certainly if we

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1 bog down on something, we can come back to the
2 Board.

3 MS. WALKER: The resolution could be also
4 changed to reflect exactly that if that's what the Board
5 desires to do, is that prior to executing the grant, that
6 the cost recovery agreement be established.

7 MS. TOBIAS: That's what legal would like, but
8 it's up to the Board.

9 BOARD MEMBER JONES: Don't we have a -- Madam
10 Chair.

11 CHAIR MOULTON-PATTERSON: Yes. Mr. Jones.

12 BOARD MEMBER JONES: Don't we have a real short
13 time frame to take advantage of Otai?

14 MR. WALKER: Yes, we do.

15 BOARD MEMBER JONES: I mean --

16 MR. WALKER: November-December.

17 BOARD MEMBER JONES: November-December to get
18 rid of 19,000 tons of material as part of that matching
19 grant. And if we lost this opportunity, what would we be
20 looking at? We would be looking at no cleanup.

21 MR. WALKER: We would be looking at no cleanup,
22 and I think the work plan would have to be completely a
23 new work plan. And I think with the tipping fees and the
24 potential facility, that this would add to the
25 transportation costs. It could exceed far more than base

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1 tipping fees of \$2 million to just get this thing cleaned
2 up.

3 BOARD MEMBER JONES: I bring that up because if
4 we get tied up in who's getting what share of the tax
5 dollar, and I'm not going to talk out of both sides of my
6 mouth, I think that it is critical to get cost recovery.
7 But I'm wondering if we can set -- you have a proposal
8 that says once your \$700,000 and whatever that we share.

9 MS. BEARD: Right. Exactly.

10 BOARD MEMBER JONES: For ten years.

11 MS. TOBIAS: And I guess I would suggest if the
12 Board wants to do cost recovery that the cost recovery
13 agreements should basically say we would share the tax
14 increment for ten years, since that was her proposal,
15 50-50 notwithstanding what they sell the property for or
16 whatever, but this is a redevelopment agency that exists
17 to generate more money based on getting property
18 redeveloped.

19 So if the Board is putting in \$361,000 into this
20 and that the City is going to basically benefit for the
21 long-term on this, it seems to me that one possibility is
22 to just basically say for "X" period of time they will
23 share that increment. Now, I'm not sure that's going to
24 amount to \$361,000.

25 BOARD MEMBER JONES: It won't. But I think the

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1 other thing might be to try to stay consistent with
2 matching grants is that if they're putting in two-thirds
3 and we're putting in a third, then why don't we look at
4 the tax incremental, if we were to start day one, that we
5 would share it. Forget the sale of the property, that we
6 would share it. They keep two-thirds, we keep a third.

7 MS. TOBIAS: I thought this was 50-50.

8 BOARD MEMBER JONES: They've got in --

9 MS. TOBIAS: You're counting the earlier costs.

10 BOARD MEMBER JONES: Sure. We've counted those
11 in other projects.

12 BOARD MEMBER PAPARIAN: It gets pretty
13 complicated because they're also getting perhaps
14 something from the selling price of the property, and if
15 Mr. Fuller is a decent car dealer, he's going to use this
16 to help his volume of car sales and that's a real sales
17 tax benefits to the local community too, but we're not
18 talking about capturing that.

19 BOARD MEMBER JONES: No, we are because we're
20 saying --

21 BOARD MEMBER PAPARIAN: Not the sales tax
22 benefits.

23 MS. BEARD: I think the State gets sales tax, I
24 believe.

25 BOARD MEMBER PAPARIAN: Yeah, it's for the local

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1 community, though.

2 MS. BEARD: Yeah. Absolutely.

3 BOARD MEMBER PAPARIAN: Through this action, if
4 he is able to sell more hopefully electric cars --

5 (Laughter)

6 BOARD MEMBER PAPARIAN: -- he will be generating
7 more income and be generating a lot more income for the
8 City. It gets pretty complicated. I think 50-50 on the
9 property tax increase, I think, is a reasonable way to do
10 this.

11 CHAIR MOULTON-PATTERSON: Thank you.

12 MS. TOBIAS: And then if that's the case, I
13 don't think it will take us any time to work out the cost
14 recovery agreement if the Board's sense is in that
15 direction.

16 CHAIR MOULTON-PATTERSON: Thank you.

17 BOARD MEMBER PAPARIAN: I'm ready to move this
18 with the changes that we've discussed.

19 I move approval of Resolution 2000-414,
20 consideration of approval of new sites for the solid
21 waste disposal and codisposal site cleanup program.

22 BOARD MEMBER JONES: To include --

23 BOARD MEMBER EATON: And which changes? Is
24 it -- because she had proposed something. I just want to
25 make that --

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1 BOARD MEMBER PAPARIAN: Well, what my
2 understanding is changes to specify our share as
3 \$361,000 -- as up to \$361,370.

4 MS. TOBIAS: I think Mr. Paparian is suggesting
5 that the last whereas would read the total Board project
6 costs are estimated or maybe estimated is not to exceed
7 \$361,370.

8 BOARD MEMBER PAPARIAN: Right. And then there
9 was some language with regards to delegating to staff to
10 negotiate with Chula Vista over the cost recovery, and
11 then there's a sense that we've given to the staff but
12 not an absolute mandate in terms of what the Board thinks
13 about that; is that right?

14 BOARD MEMBER EATON: I heard two proposals on
15 cost recovery, one that was a one-third two-third and one
16 that was a 50-50.

17 BOARD MEMBER PAPARIAN: Right. Do you want to
18 take a vote on the 50-50 or what?

19 BOARD MEMBER EATON: It's your motion. I'm just
20 trying to figure out what I can vote on.

21 BOARD MEMBER PAPARIAN: I don't want to tie --
22 they're going to negotiate over this and I would like to
23 give them a sense that we would like them to achieve
24 50-50. I don't want to tie their hands and prevent this
25 thing from going forward if they ultimately come up with

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1 something slightly different than that.

2 BOARD MEMBER EATON: On the other hand, I always
3 believe that we shouldn't delegate cost recovery because
4 we fought so hard to get cost recovery for this program.
5 I think if you want specific direction, I'm happy to
6 support your 50-50, if that's where you want to go. I'm
7 happy to support Mr. Jones's one-third two-third.

8 BOARD MEMBER PAPARIAN: If that's what it takes
9 to get this motion out of here, I'm happy to do that.

10 MS. TOBIAS: I will say in terms of negotiating,
11 Mr. Eaton, is that I don't see a lot of negotiation in
12 this. If the Board specifies how much they want, I see a
13 letter of agreement that just basically reflects this.
14 I'm not seeing a five-page agreement here that goes into
15 a lot of other details and would basically just say that
16 on either the 50-50 basis or one-third two-thirds basis
17 that once the property starts to generate an increase in
18 the property tax, that that would be figured on a yearly
19 basis with the redevelopment agency and that it would be
20 shared in that amount.

21 CHAIR MOULTON-PATTERSON: Could you restate -- I
22 know there's a motion on the floor. Could you restate
23 it? And Mr. Medina, I don't know if you wanted to second
24 or comment.

25 BOARD MEMBER MEDINA: I wanted to comment.

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1 BOARD MEMBER PAPARIAN: We have the motion
2 before us, the change to the last whereas. I don't
3 remember the exact words, but change it to the effect of
4 whereas the CIWMB's share of the cost of this cleanup
5 will not exceed \$361,370. And in the resolved paragraph,
6 we have existing language of, "The Board hereby directs
7 the staff to develop and execute" -- the last portion of
8 that, "The Board's legal office reach an agreement with
9 respect to cost recovery efforts against responsible
10 parties." I think Mr. Eaton suggested specifying in
11 there the parameters of that cost recovery agreement.

12 MS. BEARD: Well, we couldn't be named as a
13 responsible party because we are not responsible for this
14 dump site and we will not be held to be responsible for
15 this dump site. We just want to clean it up for the
16 benefit of our community. It's not our dump site.

17 MS. TOBIAS: We can put in as opposed to
18 responsible party language to a certain extent. So we
19 can just substitute in the City of Chula Vista
20 Redevelopment Agency instead of responsible parties
21 there.

22 MS. BEARD: And then is that the purpose?
23 Because one of your factors for exempting is when it was
24 not willfully caused by the owner and when it was not
25 maliciously caused, why would we be asked to pay back a

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1 grant when we're trying to work with you to clean up the
2 environment? Why is the concern of money instead of the
3 environment? That's where I'm losing my understanding
4 here because we have expended a lot of money already and
5 we're asking the Board to expend some money with us, and
6 we've asked the County to expend money and we're all
7 doing that. None of us are really going to gain from
8 this.

9 CHAIR MOULTON-PATTERSON: Thank you. We have a
10 motion on the floor.

11 Mr. Medina, did you want to comment on it?

12 BOARD MEMBER MEDINA: I'm supportive of the
13 motion. The only thing is whether it was one-third or 50
14 percent, also our cost recovery not exceed the amount
15 we're putting in basically, \$361,370.

16 MS. TOBIAS: That's a very good point.

17 BOARD MEMBER JONES: Which do you prefer, the
18 one-third two-thirds or the half?

19 BOARD MEMBER MEDINA: I'm not the maker of the
20 motion.

21 BOARD MEMBER PAPARIAN: The motion is for 50-50.

22 CHAIR MOULTON-PATTERSON: We have -- did you
23 want to second the motion now?

24 BOARD MEMBER MEDINA: I'll second.

25 CHAIR MOULTON-PATTERSON: There's a motion to

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1 approve Resolution 2000-414 by Mr. Paparian, seconded by
2 Mr. Medina.

3 Secretary, please call the roll.

4 BOARD SECRETARY: Eaton.

5 BOARD MEMBER EATON: Aye.

6 BOARD SECRETARY: Jones.

7 BOARD MEMBER JONES: Aye.

8 BOARD SECRETARY: Medina.

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY: Paparian.

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY: Roberti.

13 BOARD MEMBER ROBERTI: Aye.

14 BOARD SECRETARY: Moulton-Patterson.

15 CHAIR MOULTON-PATTERSON: Aye.

16 It's come to my attention that we need to go
17 back to Item 14.

18 Ms. Nauman.

19 MS. NAUMAN: Thank you. Madam Chair, since your
20 consideration of this item this morning we've had some
21 further discussions among our staff and the operator, and
22 I think there is an interest in trying to find some
23 compromised positions and accommodation here, recognizing
24 the Board's concerns that were expressed this morning and
25 acknowledging the concerns that have been expressed by

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1 the operator. I believe there is a willingness on the
2 operator to waive time to allow us to continue to work on
3 this and bring it back to you at your November board
4 meeting, and I believe the operator will testify to that.

5 MR. JOHNSTON: Scott Johnston again representing
6 Merced County and the Billy Wright Landfill.

7 We have had discussions with staff. After the
8 meeting there seems to be some concerns that have not
9 been adequately addressed to the Board's satisfaction at
10 this point in time, so we feel there's probably a
11 compromise out there. Maybe we don't need to take in all
12 the acreage that we've purchased for this expansion.

13 We're willing to work with the staff members to
14 try to resolve all these issues. We -- at this point I
15 guess we need to waive our time for a 60-day period to
16 come back to you at your November meeting.

17 CHAIR MOULTON-PATTERSON: Thank you very much.

18 Ms. Tobias. Excuse me.

19 MS. NAUMAN: I would just like to also for the
20 record indicate that we will need to have confirmation of
21 that in writing from the operator and also from the LEA.

22 CHAIR MOULTON-PATTERSON: We'll have that
23 confirmation?

24 MR. JOHNSTON: Yes.

25 CHAIR MOULTON-PATTERSON: Ms. Tobias, what do we

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1 need to do?

2 MS. TOBIAS: I think if it's the Board's --
3 if -- you can basically poll the Members and the previous
4 motion failed, but if the applicant is waiving the time
5 frame, then the item will be continued. Was there a time
6 certain?

7 CHAIR MOULTON-PATTERSON: To November.

8 MS. TOBIAS: So I think that's all you need to
9 do.

10 CHAIR MOULTON-PATTERSON: So is that fine with
11 the Board Members?

12 BOARD MEMBER ROBERTI: Take a vote or what?

13 CHAIR MOULTON-PATTERSON: We don't need to take
14 a vote then.

15 MS. TOBIAS: You don't need to. If you'd like
16 to, you can, but you don't need to.

17 BOARD MEMBER EATON: That would be the November
18 meeting as opposed to November 1st.

19 CHAIR MOULTON-PATTERSON: Right. Thank you,
20 Mr. Eaton.

21 BOARD MEMBER JONES: Fine.

22 CHAIR MOULTON-PATTERSON: Thank you. Back to
23 the agenda. Thank you, Ms. Nauman.

24 At this time we'll go to Item 17.

25 Good afternoon, Mr. Leary.

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1 MR. LEARY: Good afternoon, Madam Chair. My
2 name is Mark Leary from the Special Waste Division.

3 As you might recall, in our briefing last week
4 during the workshop I had proposed on agenda Item 17 and
5 18 to do as part of 17 kind of a comprehensive overview
6 of the oil block grant program. In recognition that
7 we're not quite the same place that I anticipated we
8 would be in terms of time, we're going to make our
9 presentation very short but also ask a little bit of
10 indulgence in the sense that a number of our grantees and
11 local stakeholders have been here all day, hoping to
12 speak to this item. And I'll mention now I've asked them
13 also to be as brief as possible given you've got quite an
14 agenda ahead of you and it is a late hour.

15 So I'll turn this over initially to Shirley,
16 whose presentation will be much briefer than we had
17 originally anticipated, and then turn it over to the
18 locals and we'll go from there.

19 CHAIR MOULTON-PATTERSON: Thank you.

20 MS. WILLD-WAGNER: Good afternoon, Chairperson
21 Patterson and Board Members. I'm Shirley Willd-Wagner,
22 Manager of the Used Oil and Household Hazardous Waste
23 Branch. I will just do a very brief overview of the used
24 oil block grant program.

25 We've been offering this program since 1993. As

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1 you're aware, the statute mandates the Board to collect
2 15 cents per gallon from oil manufacturers on the sale of
3 new lubricating oil, and the statute specifies certain
4 activities that the fund be used for.

5 One of those activities is the block grants, and
6 in 1993 we started the block grant program and we were
7 all learning, everything was new. We reached -- this
8 slide shows that the percentage of the population that
9 we've reached through the years through the block grant
10 programs, and I'll just highlight a couple of the things
11 that we've learned through the years.

12 In the beginning we used to have very strict
13 application processes and very stringent and restrictive
14 budgets and work statements that were provided by the
15 local governments. That did not allow them the
16 flexibility to plan in their -- to plan in reaction to
17 the needs of their local communities, so those guidelines
18 were streamlined in about the third year of our block
19 grant cycle, as you see the little chart moving up there.

20 And in 1995 we also simplified the application.
21 The Board approved a two-page application which allowed
22 the local governments to be able to be more responsive to
23 their locate governments to their local needs, but they
24 did still have the problem of spending the grants within
25 one year. And some of their accounting problems of

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1 closing out books every year was taking away from program
2 staff implementing the actual program in their community.

3 So we went to a three-year block grant in 1996,
4 and this is when our participation jumps up to 99
5 percent. Starting in 1996 basically we've had 99 percent
6 of the population represented through a block grant. We
7 have minimum -- we established minimum grants of \$5,000
8 for cities and \$10,000 for counties so that people could
9 have a viable program to produce, and we went to the
10 three-year grant term.

11 A lot of the local governments are going to be
12 able to speak to the successes they've had with the fund
13 through the years, talk a little bit about the
14 measurement and evaluation that we've started to do with
15 this program, and we'll be able to share some of their
16 successes. They're really our partners in this program.
17 I found then to be an incredibly dedicated group of
18 professionals that are very enthusiastic about their
19 programs, and we have a lot of avenues of continuing to
20 work with them through our household hazardous waste
21 information exchanges.

22 So I'll turn this over in the essence of brevity
23 to some of our local groups. We had a couple of speakers
24 that we had at first lined up as a panel, and Sharon
25 Dowell is still here from the County of Santa Clara and

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1 she can start off with comments.

2 CHAIR MOULTON-PATTERSON: Thank you.

3 MS. DOWELL: Hi. I'm Sharon Dowell from Santa
4 Clara County and I represent our regional local
5 government. We provide services for 14 jurisdictions.

6 I've been involved with the block grant program
7 since its inception in 1993 and I would like to comment
8 on what a good job the grant managers have done. They
9 have been on our side. They go to bat for us and they
10 offer us all kinds of flexibility. I'm just going to
11 talk about a couple of different things that I think are
12 important.

13 A lot of the programs just wouldn't have
14 happened without the block grant funds. For instance, in
15 our local research we found that 40 percent of the
16 do-it-yourselfers lived in apartments, and we weren't
17 offering curbside oil or filter recycling in apartments.
18 So the City of San Jose worked with us.

19 We identified a neighborhood that 70 percent of
20 the population spoke Spanish and half of the population
21 had not graduated from high school. We implemented a
22 bilingual curbside oil and oil filter collection. It was
23 a six-month pilot. The City determined it was a success
24 and now it's been turned over to the commercial garbage
25 hauler.

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1 I think that one of the best things that we've
2 been able to do with the grant money we've received is to
3 invest in collection infrastructure. And right away, in
4 1993, our first project we proposed was building a
5 battery oil paint center. We completed two of them and
6 at the time the block grants were year-to-year. Our
7 capital programs people told us we couldn't do it in a
8 year. Well, we didn't believe them, so we went to our
9 Board of Supervisors and had them declare a public
10 emergency, that we had to circumvent the regular bid
11 process in order to prevent forfeiture of grant funds.

12 They did that once. As if turned out, we still
13 needed a year extension to complete those two facilities.
14 Those facilities have now been upgraded into permanent,
15 full-service HHW facilities and we have grant funds for a
16 third facility in San Martine.

17 I would like to be able to see other local
18 governments take advantage of this infrastructure because
19 it does help in cost containment for all household
20 hazardous waste collection. And I just wanted to run
21 down the time line and explain to you why a year isn't
22 long enough.

23 First, you need to have your grant award, and
24 these facilities are subject to the CEQA process which
25 has a mandatory public comment period. At that point you

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1 have to hire a design engineer, an architect, and you
2 have to have review by multiple agencies -- planning,
3 building, fire and hazmat. They don't always agree all
4 the time. Sometimes their recommendations conflict.

5 After that, it takes Santa Clara County four
6 months from the time the Board of Supervisors issues the
7 bid documents until the contract can be awarded, and
8 several weeks after that until the bonds and insurance
9 papers are in order and construction can begin.

10 Since this is on a fiscal year, the problem is
11 by that time you're into the winter, even if you started
12 on that first day, and you're subject to weather delays
13 and unknown site conditions.

14 I would like to pose to the Board that for
15 capital improvements three years might not actually be a
16 long enough time in all cases. We're finding that with
17 our San Martine facility it is taking longer.

18 I'd like to thank you for all your help and
19 support with the grant money we've received from you.

20 CHAIR MOULTON-PATTERSON: Thank you and thank
21 you for coming and sharing with us.

22 MS. WILLD-WAGNER: Gerry de Roca is going to
23 give a presentation representing the rural counties.
24 Bonnie Lo was here earlier but had to take off.

25 MR. DE ROCA: Good afternoon. I'm going to

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1 represent I guess Butte and Glenn Counties and probably
2 some of the other regional council rural counties.

3 The rural jurisdictions are spread throughout
4 our state, and while rich in diversity, we're typically
5 poor in resources, which is funding and staff. We must
6 plan our projects carefully and consider staff
7 commitments and funding sources every step of the way.
8 We have to be very creative and we tend to stretch both
9 staff and funding to the max.

10 The block grant program has been a Godsend to
11 rural jurisdictions. It's been our lifeline. We have
12 been guaranteed a minimum award each year. This is money
13 we have come to count on.

14 We're able to project from year to year the
15 programs that we can afford to undertake, continue and
16 even expand. We don't have to dedicate considerable
17 staff time to a competitive grant process where we find
18 ourselves competing against other jurisdictions and with
19 professional grant writers and consultants. We don't
20 spend considerable time planning projects and wait months
21 to find out we weren't funded. We don't have to spend
22 our limited resources and wait for reimbursements. In
23 many cases this along can make or break a program for a
24 rural jurisdiction. If the money isn't there, it can't
25 be spent, even if it will later be reimbursed.

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1 This Board has stressed regionalization in
2 recent years. Regionalization is key for many rural
3 jurisdictions. Small cities have been able to pool their
4 modest block grant applications with other cities and
5 counties, and staff and resources. The built-in
6 flexibility of the block grant program has let us all
7 operate because of it, not in spite of it.

8 You'll hear today from many people that this is
9 a critical funding source. The program works. It's not
10 broke, so please don't fix it.

11 Thank you.

12 CHAIR MOULTON-PATTERSON: Thank you very much.

13 We have some other speakers. Leslie Daniel.

14 MS. DANIEL: Thank you very much, Board. My
15 name is Leslie Daniel from the Sonoma County Waste
16 Management Agency where I serve as the Household
17 Hazardous Waste Program Manager.

18 Before -- I'm here to share with you that this
19 has been a very successful program and we want to assure
20 the Board that the grants are working. Before the grants
21 came out for oil, our county might have had five
22 collection points for oil, none of which were advertised.
23 The County was operating two of those five collection
24 sites, but we didn't have any plans for expanding that
25 program.

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1 Under the block grant we now have 75 collection
2 centers for oil and we're collecting nearly 2,000 gallons
3 of oil per year. We don't know exactly what we were
4 collecting before the grant, but we know it was very
5 little. We know that two years after the grant was
6 instituted we still had over 7,000 gallons going into the
7 landfill.

8 In 1998, we calculated our generation and
9 estimate that in 1998 we recycled 50 percent of
10 generation. In 1999, just one year later, we had
11 increased that to 65 percent and we increased oil filter
12 recycling, which we only started three years prior, 150
13 percent.

14 We conducted a telephone survey. Mind you,
15 everything we do is with grant monies, and we were able
16 to determine that 98 percent of our residents were
17 telling us they were recycling their oil. We were a
18 little concerned that how could we have a 48 percent halo
19 affect in our survey, so we went out and did a survey of
20 repair centers wondering if oil recycling was occurring
21 through other avenues, and to our shock and surprise it
22 wasn't. There were not repair stores, shops, taking oil,
23 even from their own employees for the most part. So the
24 only oil collection going on in the county that we can
25 identify is going through our collection program.

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1 I make those points and I'm bringing up these
2 statistics because I want to you understand how
3 successful the program is and the fact that we are really
4 make end roads and we're able to measure those end roads.

5 We are very thankful for the funds. As a matter
6 of fact, my Board's only frustration is that we can't use
7 that wonderful big chunk of money for anything else,
8 which is to say they'd love to have more of it for other
9 materials.

10 The agency, and myself in particular, are very
11 thankful to the Integrated Waste Management Board staff.
12 The consistency, the flexibility and for the most part
13 the interpretation of the grants has really provided us a
14 comfort level where we're able to build and maintain
15 programs and plan ahead. But most of all, it's been the
16 flexibility.

17 The Board staff has been and the Board has been
18 very responsive to our comments and concerns, and we've
19 been very impressed with their (inaudible) approach to
20 it, which is probably why you haven't heard from us
21 before. We're happy.

22 Naturally I'd like to see some changes.
23 Specifically I'd like to see some improvements in the
24 evaluation reporting. However, I trust that the
25 Integrated Waste Management Board and its staff will work

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1 with us, the local jurisdictions, to come out of this in
2 the next several months.

3 We're exceedingly lucky to have a household
4 hazardous waste information exchange venue for which we
5 share information ideas every time we meet. And we just
6 got that networked via the internet through an
7 interactive network web site. So we can have a server,
8 we can post, we have calendars, and not only has local
9 government, but the Integrated Waste Management Board
10 staff has been making use of that site and it will be
11 growing from here on out, which is to simply say we are
12 well-networked and communicating well.

13 So I want to thank you for your support and your
14 ears and we hope that you continue on the same path, most
15 importantly maintaining the spirit of block grants which
16 is flexibility and we won't go wrong.

17 Thank you.

18 CHAIR MOULTON-PATTERSON: Thank you very much
19 for coming, and we have Mark Rappaport.

20 MR. RAPPAPORT: Thank you, Madam Chair and
21 Members of the Board. I appreciate this opportunity to
22 address you today in this long meeting.

23 I'd like to thank the Board and particularly the
24 staff for the block grant program, the grants that have
25 helped us to implement and face special challenges for

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1 rural jurisdictions.

2 I support the comments made by Gerry de Roca
3 instead of Bonnie Lo in regard to regionalization and
4 most importantly the flexibility of the block grant
5 program. Maintaining flexibility in the block grant
6 program will allow rural counties and cities to maximize
7 the indispensable and valuable resource, that is the use
8 of a block grant.

9 I'm also the key contact person for the
10 technical advisory group of the Regional Council of Rural
11 Counties Environmental Services Joint Powers Authority,
12 and Jim Hemminger is the new Program Director. He can't
13 be here today. He wanted to be here today but the RCRC
14 is having their annual conference.

15 I'd like to touch on the buying power that the
16 block grant, through its flexibility, has enabled the JPA
17 to achieve an obvious advantage to a pooling of funds
18 from our rural jurisdictions as well as resources to
19 purchase in large quantities. A couple of cases in point
20 where a local individual jurisdiction may be needing
21 \$5,000 or \$10,000 wouldn't be able to buy oil tanks at a
22 good price or oil recycling containers, and the
23 flexibility that the block grant enables allows us to do
24 that. The block grant is indispensable as a backup and
25 supplemental funding to local jurisdictions. Without the

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1 money, we wouldn't be able to establish or maintain or
2 promote our collection facilities.

3 Essentially without the block grant funding, in
4 Tuolumne County in particular, our used oil program may
5 not exist. We have gone from collecting hundreds of
6 gallons of oil in the early 1900's, 1992 -- 1990s I
7 should say, 1992, to collecting tens of thousands of
8 gallons of used oil and ten-fold amounts of filters.
9 We've gone from one used oil collection center to 18
10 total, ten of which collect filters and 11 are certified
11 used oil collection centers. Again, without the use of
12 block grant funding and the flexibility once again that
13 the Waste Board and staff has given the local
14 jurisdictions, we wouldn't have been able to achieve
15 this.

16 Used oil recycling in Tuolumne County is second
17 nature, and we would appreciate working with the Waste
18 Board and staff to continue that used oil block grants.

19 Thank you.

20 CHAIR MOULTON-PATTERSON: Thank you very much.

21 MS. WILLD-WAGNER: I would like to just make
22 one final wrap-up comment. On the display there is the
23 slide that shows the percentage of grant funds that have
24 been expended on the used oil programs by the grantees.
25 You'll see that through the years, out of the all of the

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1 awards that have been made to the local governments,
2 we're up to between -- we've spent -- between 82 percent
3 and 93 percent of the block grants have actually been
4 expended by the local governments. I think it's a good
5 example of how the State works with our local partners to
6 achieve the goals of the used oil recycling program.

7 CHAIR MOULTON-PATTERSON: Thank you very much
8 for that report. Was that it?

9 MR. LEARY: Appreciate your indulgence on that.

10 CHAIR MOULTON-PATTERSON: We appreciate it, and
11 thank you for coming out and telling us about the used
12 oil project program and how it affects the counties and
13 jurisdictions.

14 MR. LEARY: Let me take whatever questions the
15 Board Members might have at this point.

16 BOARD MEMBER EATON: Under the current process,
17 you make a statement in one of the sections that it's
18 impossible in the third year to expend funds because it's
19 based on a first-year allocation. If you have \$100
20 that's allocated in the first year, what are you going
21 to allocate the next year? Don't the jurisdictions know
22 that they're getting another amount?

23 MS. WILLD-WAGNER: I'm sorry. I didn't quite
24 follow.

25 BOARD MEMBER EATON: Well, one of the things you

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1 want to change in the next item -- I'm happy to discuss
2 it in the next item, but as long as we're here -- is the
3 fact that somehow you say that the grant term ends June
4 30th of third year and sometimes jurisdictions have less
5 than one year to expend their last allocation of block
6 money.

7 So if you have year one money, correct, and you
8 have two years to spend that, how come your year three
9 money has to be spent in the last year if the same would
10 apply?

11 MS. WILLD-WAGNER: That's a difference between
12 the current process and the proposed process, and this is
13 in Item 18. Should we --

14 BOARD MEMBER EATON: Sure. We can go there, but
15 I just figured -- I'm happy to go there.

16 CHAIR MOULTON-PATTERSON: Okay. Ms. Villa, is
17 this a speaker slip for 17? Sylvia Monica Edwards.

18 MS. WILLD-WAGNER: She had to leave.

19 CHAIR MOULTON-PATTERSON: She had to leave.
20 Okay. Thank you. Let's go on to 18.

21 MR. LEARY: Agenda Item 18, I think we'll skip
22 our presentation and go right into answering questions.

23 (Laughter)

24 CHAIR MOULTON-PATTERSON: Okay.

25 MR. LEARY: Well, I think Board Member Eaton hit

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1 on the intent of our first proposed change.

2 BOARD MEMBER EATON: And I'm not suspicious by
3 nature. But obviously there was no money getting out on
4 the street, we made the change so that there's money
5 getting out on the street, and now I see things coming
6 back which allows them to store money again and then
7 we're going to get high reserves again, and then that's
8 going to bring the oil companies back to say that we
9 shouldn't be spending the money.

10 So I just want to make sure that the money gets
11 out on the street because the policy by which we've
12 gotten the money out on the street is a good one and
13 protects us from the wolves of the den.

14 MS. WILLD-WAGNER: I'll just go through and
15 refer to the proposed process, which is Attachment 2 in
16 your agenda Item 18. Hopefully this will answer your
17 question, but if not we'll go deeper into it.

18 This shows the proposed process is to have a
19 three-year grant term, but each year staff will come to
20 the Board with the allocation. So each of those three
21 years, each of those grants, each of those different
22 colors, if you will, on the chart will have their own
23 separate tracking mechanism where we track separately and
24 we'll have three years to spend the money. So each June
25 or July -- or each May or June staff will come to the

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1 Board, we'll issue an allocation, we'll make an award and
2 the grantee will have three years to spend it.

3 I believe what you're referring to, less than
4 one year was the old process, the current process where
5 it was a three-year grant period and by the third year
6 there was only one year left to spend that money of the
7 third-year money. But under the proposed process, which
8 is what we worked out with the Administration Division
9 and legal, is that we would have three years for each
10 allocation.

11 Also as part of this process, we had discussion
12 at the last meeting in July. I'll refer to you
13 Attachment 3 -- and we don't have a slide for this, so I
14 apologize to the audience, but basically what it is is
15 the staff would come back to the Board with that annual
16 allocation in May and recommend the grantees that fully
17 met all the application requirements and were fully
18 complying with all the statutory requirements and the
19 reporting requirements, and that would -- all those
20 grantees would be placed in one group for recommendation
21 to the Board.

22 Then there would be another group that was
23 perhaps conditional or a compliance group where they had
24 not been making progress, so that in other words maybe
25 there was no money being spent on the grant, no plan to

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1 spend the grant money that had been submitted, and no
2 reporting requirements been fulfilled. So that would be
3 another group and we would ask the Board for direction on
4 what to do with those particular grantees at that time.

5 Hence the green light, red light at the very
6 bottom of your Attachment 3, the green boxes and the red
7 boxes. So basically come July 1st of 2001, for instance,
8 if a grantee who had received the green money --

9 BOARD MEMBER JONES: We don't have a color-coded
10 one.

11 MS. WILLD-WAGNER: I apologize. On July 1 of
12 2001, anyone who had received the allocation of the 2000
13 allocation but had not met the reporting requirements,
14 staff would recommend they not yet be awarded that money
15 for the next fiscal year 2001 through 2004. So that
16 would provide the fiscal oversight that might help with
17 the Board concern from last meeting.

18 Should I move into the second recommendation?

19 BOARD MEMBER EATON: What if I had a hundred
20 dollars under the current process?

21 MR. LEARY: Each year?

22 MS. WILLD-WAGNER: Under the current process?

23 BOARD MEMBER EATON: Well, part of the problem
24 is that you're saying you're not being able to plan, but
25 if you know you're getting money for three years in a

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1 three-year cycle, you know in year one you're getting it
2 and you have to spend it by year three, you get the other
3 \$100 in year two and you have to spend it by year three
4 because that was the whole idea of capital outlay, and in
5 year three you get your final installment.

6 MR. LEARY: But for instance if you didn't
7 finalize your plan for the capital outlay until the end
8 of the second year or the beginning of the third year,
9 you were indecisive or had another use for the \$100, you
10 then don't have three years for that final year
11 allocation. You just have the remaining part of that
12 year and that was --

13 BOARD MEMBER EATON: That's what's caused the
14 high reserves in the past --

15 MR. LEARY: The money --

16 BOARD MEMBER EATON: -- as part of it because of
17 the indecisiveness and because there was no hammer.

18 MR. LEARY: This new process provides the
19 reporting period twice a year whereas the current grant
20 cycle does not provide that same kind of level of
21 scrutiny and it gives us an opportunity and a basis not
22 to award subsequent years if we haven't received the
23 prior year's reporting documents as we're proposing,
24 whereas with the award of each individual year and a new
25 agreement every year, then we can exercise discretion,

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1 whereas in a three-year grant cycle we may not have had
2 that discretion.

3 BOARD MEMBER EATON: But under your scenario, in
4 June of 2004 I could come back to you and say I really
5 can't meet my second allocation of July 1st, 2002, 2005
6 because I was indecisive and, therefore, I need an
7 extension to 2006.

8 MS. WILLD-WAGNER: For the 2001 to 2004 monies?

9 BOARD MEMBER EATON: No, for the 2002 to 2005
10 money.

11 MS. WILLD-WAGNER: Well, we have said that no
12 extensions would be granted by staff and it would have to
13 come to the Board and make that as a case to the Board.

14 BOARD MEMBER EATON: I understand that, but the
15 same problem exists, the fact of the indecisiveness.
16 You're trying to get rid of the indecisiveness and get
17 them to spend their money, there still isn't -- it's just
18 a different shape, that's all it is. It's the same
19 effect.

20 MS. WILLD-WAGNER: These are still going to be
21 advances as far as the surplus in the fund. That's the
22 current process still.

23 BOARD MEMBER JONES: Mr. Paparian.

24 BOARD MEMBER PAPARIAN: I'm trying to reconcile
25 this with the state auditor's letter in the last agenda

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1 item where it indicates instead of a \$100 that's going to
2 get sent to them, you get \$90. 90 percent of the money
3 is advanced to them?

4 MS. WILLD-WAGNER: That's correct.

5 BOARD MEMBER PAPARIAN: And then we're going to
6 get back interest on the money they have sitting around
7 for whatever amount of time that that money is sitting
8 around; right?

9 MS. WILLD-WAGNER: If it is not spent right
10 away, correct. Well, the requirement is that the
11 money -- the interest that is earned actually be spent in
12 program-related activity, used oil-related activities.
13 If it's not spent, then yes, it would be returned to the
14 Board.

15 BOARD MEMBER PAPARIAN: The interest? They get
16 to spend the interest or we get the interest back?

17 MS. WILLD-WAGNER: No. They get to spend the
18 interest on eligible activities, and if they don't, then
19 it would be returned to the Board, just like the grant
20 fund itself, the interest also.

21 BOARD MEMBER PAPARIAN: So they might wind up
22 getting then more than a hundred percent of the money --
23 okay. Do we need to --

24 BOARD MEMBER EATON: If they don't spend the
25 money and they get interest on the money, yes they get

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1 their increment, the additional increment.

2 BOARD MEMBER PAPARIAN: And they're going to
3 have to show us that they're doing that for that
4 additional increment or they're going to have to send the
5 money back to us.

6 MS. WILLD-WAGNER: They have to account to --

7 BOARD MEMBER PAPARIAN: Send the interest back
8 to us. Do we need to specify some of that here, some of
9 these 10 percent withholding and interest and so forth?

10 MR. LEARY: I think we're anticipating that will
11 be written into the individual grant agreements pursuant
12 to this direction from the Department of Finance.

13 MS. FISH: If I could help because I seem to
14 have been so close to this for a number of years, the
15 problem that we had in the beginning with the high
16 reserves building in the funds was because we didn't
17 advance the money first. It was reimbursement. The
18 grantees were somewhat slow in requesting the
19 reimbursement, and the grant agreements would extend into
20 a fourth year with the money still remaining at the Board
21 with us earning all the interest.

22 We felt that it would be more important to get
23 the money, and based on Board Member Eaton's direction,
24 change that to eliminate the ability for the grants to go
25 into a fourth year. What happened then was to change and

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1 make a three-year grant term, but we didn't intend to
2 circumvent the yearly legislative process by doing that.

3 The fact that they would get the money in the
4 first year as an allocation by the Board and then have
5 two years to spend that encumbrance was not a dynamic we
6 wanted to change. So this new proposed method will have
7 the Board making the yearly allocation based on the
8 revenues in the fund, which is according to statute.
9 They will have -- they'll get money in advance in that
10 first year, and then we'll have to submit reports to the
11 Board for the remaining two years on how they spent the
12 money. And if at the end of that third year they have
13 not documented that expenditure on appropriate oil --
14 based on what they've submitted in their plan, then they
15 will be required to either return the money or come to
16 the Board for an extension into the fourth year.

17 So by doing this we will no longer have a
18 reserve built up in the Board fund, but we need to ensure
19 that our local grantees -- and I'm sure they would never
20 do this -- do not build up a reserve in their accounts.
21 And so what we're trying to work through now is to ensure
22 that reporting dynamic occurs.

23 BOARD MEMBER PAPARIAN: We'll have a reserve, it
24 will just be much lower. It will be the 10 percent
25 monies.

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1 BOARD MEMBER EATON: It's moving the reserve
2 from our treasury to the local government's treasury.

3 BOARD MEMBER PAPARIAN: 90 percent of it.

4 BOARD MEMBER EATON: Right. What I tried to
5 change was the fact that the local governments weren't --
6 used to have to submit receipts before we gave them the
7 money. I changed that and said, "Here. Here's the
8 money. Send us the receipts after you spent the money."
9 That seemed to be a much more logical way to get the
10 money out on the street and get a multiplier affect
11 going.

12 What I don't want to have happen and what scares
13 me about this process is are we just shifting the fact
14 that we stand clean and our accounts stand clean in the
15 eyes of the legislature and the money-hungry oil
16 companies who want to get this money back and saying we
17 have no reserves, but meanwhile the money still isn't
18 getting spent out in the local entities. That's all I'm
19 trying -- that's what scares me about it.

20 It's like blue smoke and mirrors and it's making
21 me nervous, and I just think we need some checks and
22 balances, and reporting doesn't give me a check and
23 balance.

24 MS. WILLD-WAGNER: The semi-annual reports that
25 are submitted each six months by the local jurisdictions

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1 do include a budget itemization that in effect are the
2 receipts. This is the actual accounting of what they've
3 expended.

4 We would come to the Board each year saying
5 whether jurisdictions are not spending the money, and
6 that's when we would identify that and ask for Board
7 direction at that time to decide what to do with those
8 jurisdictions who are not spending the money, and that
9 would occur every year based on those semi-annual
10 reports.

11 BOARD MEMBER JONES: Then I have a question. If
12 in that semi-annual report we have jurisdictions that
13 have not spent that money and have no plans to spend the
14 money, do we sweep that account plus the interest?

15 MS. WILLD-WAGNER: We would -- yes. Well, we
16 wouldn't until that grant period is over, but we would
17 not award -- you would choose whether or not --

18 BOARD MEMBER JONES: We wouldn't award the next
19 year or the year after.

20 MW. WILLD-WAGNER: Correct.

21 MR. LEARY: Right.

22 BOARD MEMBER JONES: Until they did it, and
23 that's the hammer there.

24 MS. WILLD-WAGNER: Yes.

25 BOARD MEMBER JONES: And then would those

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1 dollars -- based on your semi-annual report when you get
2 ready to do this distribution of block grants to all
3 these jurisdictions, those dollars that won't be spent in
4 certain areas because they have not lived up to their --
5 they haven't been able to meet their deadlines, would
6 that money get allocated thereby increasing some of the
7 block grant allocations to the rest of the state?

8 MS. WILLD-WAGNER: It would in the next fiscal
9 year according to the formula in statute.

10 BOARD MEMBER JONES: And Mr. Leary -- are there
11 any other questions of the Board on this issue?

12 There are speaker slips. I apologize. She had
13 to go make a phone call and asked me to do this.

14 BOARD MEMBER PAPARIAN: You're doing a good job.

15 BOARD MEMBER JONES: Bonnie Lo has --

16 MS. WILLD-WAGNER: She left.

17 BOARD MEMBER JONES: Mr. de Roca.

18 MR. DE ROCA: I've already spoken.

19 BOARD MEMBER JONES: You're happy with that one.
20 Would like to speak on 18, Diann Paul.

21 MS. PAUL: Hi. I thought you forgot about me.

22 BOARD MEMBER JONES: No way.

23 MS. PAUL: Good afternoon. My name is Diann
24 Paul and I am the City of West Covina's Used Oil
25 Recycling Administrator.

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1 You heard from counties and you heard from other
2 jurisdictions. I didn't hear anything from cities. I
3 won't reiterate what's been said. We have been thrilled
4 with our program and we really don't want to see the
5 program changed.

6 Our programs make a difference in West Covina.
7 We have community and promotional events every year. We
8 have several collection programs every year. Our waste
9 hauler states that because of the City's used oil
10 recycling program, the public has been better informed
11 about proper disposal and there's a lot less illegal oil
12 in the wastestream. The program works.

13 What we would like to say at this point is that
14 we would like to see a little more flexibility in the
15 program; not less but a little more. We're all aware of
16 the criteria of the grant process and we would ask that
17 the Board allow the jurisdictions to make decisions as to
18 how we would spend those funds as long as they meet the
19 criteria. Again, our concern is that if there are many
20 more restrictions, the process becomes onerous. We are
21 short-staffed as is, and for us to allocate staff and
22 funding processes -- I'm sorry.

23 With additional restrictions it would become
24 cumbersome because we would have to apply additional
25 staff to meet those requirements. Again, thank you for

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1 the opportunity to comment, and West Covina thanks the
2 Board for allowing us to use this grant to help clean our
3 environment. We appreciate it.

4 Thank you.

5 CHAIR MOULTON-PATTERSON: Thank you very much.
6 Gail Kaufman.

7 MS. WILLD-WAGNER: She's left.

8 CHAIR MOULTON-PATTERSON: Sharon Dowell.

9 Spoken? Thank you. Those are the speakers.

10 BOARD MEMBER JONES: Madam Chair, I would -- I
11 just have a question.

12 When the speakers say don't change the program,
13 is it because they like the idea that they only have one
14 year to spend that money on the third year, or would they
15 like to see it changed that they have three years'
16 flexibility?

17 MS. PAUL: I can speak to that.

18 CHAIR MOULTON-PATTERSON: Ms. Paul.

19 MS. PAUL: I'm a living example here. Right now
20 I have an intern position and a recycling specialist
21 position that are vacant. Our used oil program has not
22 moved because we're recruiting. So right now we
23 haven't -- we have not used funds for July, August and
24 September because our program -- because I can't staff
25 the program because we're -- we don't have staff. So

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1 this is just an example. We wouldn't be able to use the
2 funds in a year.

3 BOARD MEMBER JONES: So you would prefer three
4 years.

5 MS. PAUL: We would prefer three years.

6 BOARD MEMBER JONES: Okay. I appreciate it.
7 That answers the question. Thank you.

8 CHAIR MOULTON-PATTERSON: Thank you.

9 Do we have any other questions from Board
10 Members? Had you finished? I'm sorry I had to leave.

11 MR. LEARY: There is a second part of this.

12 MR. DE ROCA: I would like to address that for a
13 moment. In Glenn County we have spent our allocation.

14 CHAIR MOULTON-PATTERSON: Could you state your
15 name for the record.

16 MR. DE ROCA: Gerry de Roca, Glenn County Solid
17 Waste Manager.

18 CHAIR MOULTON-PATTERSON: Thank you.

19 MR. DE ROCA: We have managed to spend our
20 allocation every year. And including our used oil
21 filters and our used oil collection, it has funded --
22 well, we've led the state in certified used oil
23 collection centers for five years in a row per capita,
24 and it has funded numerous programs including our
25 rerefined oil programs and our recycling. And we ran out

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1 of our funding currently in June, so we are starting to
2 shut down programs because we have not received any money
3 for July, August and September.

4 So we shut down our rerefined oil racing
5 programs and we're starting to get worked about our ag
6 oil collection centers which are running \$1200, \$1500 a
7 month on oil collection because we have a tremendous
8 amount of agricultural, some spending money out of county
9 funds and getting some rick-racks thrown at me because
10 I'm supposed to be using grant funds.

11 It is not -- if you're active in a program, it's
12 not difficult spending your money. So I don't care if it
13 runs three years, two years, we spend it every year.

14 Thank you.

15 CHAIR MOULTON-PATTERSON: Thank you.

16 MR. RAPPAPORT: Mark Rappaport, Tuolumne County,
17 once again. And I'd like to take Bonnie's spot.

18 In regard to Mr. Jones's comment, I think when
19 we say don't change anything, we mean don't take the
20 money away. I think that the proposal that staff has is
21 going to allow the local jurisdictions more time to spend
22 the money. The reporting requirement that we tell you
23 when we prove to you we've been spending the money and we
24 in Tuolumne County also spend all of our money, but now
25 that we've got infrastructure in place, we want to look

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1 further into finding greater uses for this money and we
2 would be able to do better planning, for example, use
3 some of our oil block grant money to help us build
4 permanent household hazardous waste facilities, which we
5 can't do in a year as was evidenced by Sharon Dowell.

6 I think the proposal that staff has is going to
7 allow us local jurisdictions more flexibility, again
8 there's that word, in this block grant program which
9 makes it successful to go for a longer period to use the
10 money. And of course we want to prove to you that we're
11 doing it and you want the results and the
12 accountability.

13 If the jurisdictions out there aren't spending
14 the money, that's going to be to my benefit because I'll
15 be getting my reports in and the pot will be increasing
16 and my per capita is going to go up so the guys that are
17 doing the right thing are going to be able to get more
18 money.

19 So I support staff's recommendation for that,
20 and we appreciate your keeping it going and not changing
21 that aspect of it but making the change that they're
22 suggesting.

23 BOARD MEMBER JONES: Madam Chair.

24 CHAIR MOULTON-PATTERSON: Yes. Mr. Jones.

25 BOARD MEMBER JONES: I think that's good. I

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1 think if we use it for permanent facilities, that's
2 absolutely appropriate. Just I tell everybody, build
3 Chevys, don't build Cadillacs.

4 MR. RAPPAPORT: We're building a Volkswagen.

5 (Laughter)

6 BOARD MEMBER JONES: Volkswagen? See, Mark
7 knows that that's important.

8 MR. RAPPAPORT: Thank you very much.

9 BOARD MEMBER JONES: Build that Chevy, don't
10 build the Cadillac.

11 MS. DANIEL: Madam Chair, I'd like to make a
12 statement. In regards to the three years --

13 CHAIR MOULTON-PATTERSON: Just state your name
14 for the record.

15 MS. DANIEL: Leslie Daniel, Sonoma County Waste
16 Management Agency.

17 CHAIR MOULTON-PATTERSON: Thank you.

18 MS. DANIEL: Those of us that have larger grant
19 funds than Jerry and Mark do have a more difficult time
20 spending that money in one year. When we had to do that
21 we often didn't make some of the best expenditures that
22 we could because we were needing to go spend the money
23 and that was important to the State. I don't use as many
24 give-aways as I had before.

25 Also, when we are doing larger projects, for

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1 instance, we're right now working on setting up curbside
2 oil, we'd like to build that fund over those three years
3 so that we can make bigger capital investments. So the
4 three years is very important.

5 Under the current scenario it would require us
6 to spend a large sum of money at the end of a three-year
7 cycle. So I want to support strongly a rotating
8 three-year cycle for every allocation.

9 CHAIR MOULTON-PATTERSON: Thank you.

10 Where are we?

11 MR. LEARY: I think we can conclude our
12 presentation.

13 CHAIR MOULTON-PATTERSON: Thank you very much.

14 BOARD MEMBER EATON: Could you show me in the
15 resolution where your proposed process is for tracking?
16 I don't seem to read it. I don't see anything about
17 reporting.

18 MS. WILLD-WAGNER: Reporting is in the item.

19 BOARD MEMBER EATON: I know, but it's not in the
20 resolution. I learned a long time ago it can be in the
21 item, but if it's not in the resolution, it has no force
22 and effect.

23 CHAIR MOULTON-PATTERSON: Can we add it to the
24 resolution?

25 BOARD MEMBER EATON: It states they have to file

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1 annual reports --

2 MS. FISH: Statute addresses --

3 BOARD MEMBER EATON: -- but they don't have this
4 process.

5 MS. FISH: It is annual or bi-annual?

6 MS. WILLD-WAGNER: In the statute it's annual.

7 BOARD MEMBER EATON: So you're going to a
8 twice-a-year, which is not in the resolution, and it's
9 not in there for tracking about the fact they don't get
10 an allocation if they haven't spent their previous years.
11 It's not in there.

12 MS. FISH: Is it part of the current grant
13 terms? It is part of the current grant terms, and so
14 when they sign the grant agreement they do acknowledge
15 that requirement, but we could add it to the resolution.

16 MR. LEARY: Certainly.

17 BOARD MEMBER EATON: Or at least make reference
18 that the process is being adopted by the Board and is
19 going to require this.

20 CHAIR MOULTON-PATTERSON: So you'll add that to
21 the resolution.

22 BOARD MEMBER EATON: For those of you, I'm not
23 opposed to your money because I'm the one who got it out
24 to you on the streets, but I do believe that I want the
25 money spent because if you don't spend the money, the oil

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1 doesn't get recycled.

2 BOARD MEMBER JONES: Madam Chair.

3 CHAIR MOULTON-PATTERSON: Thank you.

4 Mr. Jones.

5 BOARD MEMBER JONES: I'm going to move adoption
6 of Resolution 2000-415 and I want it to include that
7 there is a bi-annual review and that dollars not spent at
8 the end of that or that those dollars not spent without a
9 plan -- I know what I want to get to, so give me a little
10 help with the right wording here. I don't want to say
11 this wrong. Those dollars that are -- those grantees
12 that do not live up to the grant agreements,
13 Board-approved grant agreements, will --

14 MS. FISH: Can Debbie Garrett help you out here?

15 BOARD MEMBER JONES: Absolutely. Somebody needs
16 to help me. I want to get to what it needs and makes
17 sense. I just hate crafting resolutions.

18 MS. GARRETT: Debbra Garrett, the Manager for
19 the Financial Assistance Branch. Something to this
20 effect may meet our needs here.

21 "Whereas those jurisdictions that have not met
22 the bi-annual reporting requirements, future funding will
23 be withheld for those jurisdictions who have not met the
24 bi-annual reporting requirements."

25 BOARD MEMBER JONES: That's exactly the way I

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1 was going to say it.

2 (Laughter)

3 CHAIR MOULTON-PATTERSON: Thank you,
4 Ms. Garrett. Sounds great.

5 BOARD MEMBER JONES: That's my motion.

6 CHAIR MOULTON-PATTERSON: We have a motion by
7 Mr. Jones.

8 BOARD MEMBER MEDINA: Second.

9 BOARD MEMBER JONES: I may be changing my
10 motion. Hold on.

11 MS. GARRETT: I'm sorry. Debra Garrett again.
12 Can I change that to semi-annual rather than bi-annual?

13 BOARD MEMBER JONES: I'm sorry.

14 CHAIR MOULTON-PATTERSON: Okay. And we
15 reflected that.

16 Motion by Mr. Jones, seconded by Mr. Medina, to
17 approve Resolution 2000-415 with the changes in the
18 resolution.

19 Please call the roll.

20 BOARD SECRETARY: Eaton.

21 BOARD MEMBER EATON: Aye.

22 BOARD SECRETARY: Jones.

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY: Medina.

25 BOARD MEMBER MEDINA: Aye.

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1 BOARD SECRETARY: Papanian.

2 BOARD MEMBER PAPANIAN: Aye.

3 BOARD SECRETARY: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 CHAIR MOULTON-PATTERSON: Aye.

7 Thank you. Number 19.

8 MR. LEARY: Thank you, Madam Chair. Agenda Item

9 Number 19 is consideration of approval of sites for
10 remediation under our waste tire stabilization and
11 abatement program.

12 I will turn the presentation over to Gail
13 Pavelko.

14 MS. PAVELKO: I'm presenting agenda Item 19
15 which was revised prior to the briefings. The Public
16 Resources Code Section 42826 authorizes the Board to
17 spend money from the California Tire Recycling Management
18 Funds to perform cleanup, abatement or remedial work
19 required to prevent substantial pollution nuisance,
20 injury to the public health or safety at the waste tire
21 sites where the responsible parties have failed to take
22 the appropriate action.

23 The item as amended contains four illegal waste
24 tire sites for remediation under the program. I need to
25 amend the item one more time. One of the sites, the site

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1 described as Triple A Salvage, is being deleted from the
2 item. This site was in Sutter County and the property
3 owner went ahead and cleaned the site just days before
4 the board meeting. I'm going to go ahead and describe
5 the three remaining sites on the item.

6 The first site is known as Evans Waste Tire
7 Site. It's a site located in a rural residential
8 commercial area in Hinkley. Staff estimates there are
9 about 25,000 passenger tire equivalents illegally
10 stockpiled on this property. The property is about three
11 acres in size and is used as the primary residence for
12 the elderly property owner and his wife, and they in the
13 past operated the parcel as a scrap yard for at least 30
14 years. The property owner presently raises pigs on this
15 property. The tires are stockpiled in a fenced structure
16 all around the perimeter of the property and there's no
17 other fencing or a fire hydrant in the area.

18 As a result of our enforcement actions, the
19 property owner spent \$9,000 of their own money to
20 remediate the site. However, they were not able to
21 remove all the tires on-site. The property owners have
22 voluntarily agreed to sign a stipulated lien on all real
23 property to cover the cost of remediation. We're also in
24 the process of verifying liquid assets right now.
25 Preliminary cost of remediation is \$50,000.

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1 The second site is known as Schultz Waste Tire
2 Site. This site is located in a rural residential area
3 in Lucerne Valley. Staff estimates there are about
4 15,000 passenger tire equivalents stockpiled on private
5 property. The property is about five acres in size, no
6 perimeter fencing and no fire hydrant in the area either.
7 The tires are stockpiled around the residence which is
8 now burnt down.

9 The tires were stockpiled without the knowledge
10 of the property owner. There's a chance the tenant who
11 lived on the property at that time brought the tires in.
12 The tenant has since been arrested and was convicted on
13 unrelated charges.

14 The property owners have already signed a
15 \$15,000 stipulated lien which has been recorded against
16 the property to cover the cost of the Board-managed
17 remediation. Our preliminary cost of remediation is
18 \$15,000.

19 The last site, Clark Road Waste Tire Site, is
20 located in a remote and a rural residential area near
21 Paradise in Butte County. Staff estimates there are at
22 least 15,000 passenger tire equivalents illegally
23 stockpiled there.

24 There's two sites there. The first site is in a
25 gully and those tires are very visible. The second site

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1 is completely covered over by berry bushes. Both of
2 these sites are over 20 years old.

3 The current property owners purchased the
4 property about ten years ago. The tires were on the
5 property. However, they claimed they had no knowledge
6 the tires were stockpiled. Vehicle access to the sites
7 is very limited and there's no paved roads. There's no
8 perimeter fencing around this property or water supply in
9 the area. Preliminary cost of remediation is \$30,000.

10 Where we're at in the enforcement process on
11 this site, we have filed an administrative complaint and
12 anticipate a hearing in December. Any penalties awarded
13 in the administrative hearing would be converted into a
14 lien against the property. We're seeking a \$9,000
15 penalty and we'll be seeking cost recovery also. There's
16 a chance we will be able to enter into a stipulated
17 agreement with the property owner prior to the hearing.

18 In summary, these sites contain an estimated
19 55,000 passenger tire equivalents. The property owners
20 have not taken the appropriate actions as required by the
21 Board to remediate the waste tire sites which do pose a
22 significant threat to the public health, safety and to
23 the environment.

24 Staff recommends approving these three sites for
25 Board-managed remediation under the waste tire

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1 stabilization and abatement program by adoption of
2 Resolution 2000-416 revised, and I need to revise it one
3 more time to delete Triple A Salvage off the list.

4 CEQA requirements for all three sites will be
5 met through a notice of exemption filed by CIWMB as lead
6 agency.

7 This concludes my presentation.

8 CHAIR MOULTON-PATTERSON: Thank you very much.
9 We have a speaker on this, Sandy Stovall.

10 MR. LEARY: Ms. Stovall was here yesterday and
11 submitted that slip and then left. She's the property
12 owner of the Clark Road Waste Site. She wanted the Board
13 to know kind of the story that Gail has already told you
14 about not seeing those tires when she bought the property
15 ten years ago. They were buried in berry bushes and she
16 also wanted to warn us, to the extent that we decided to
17 clean this site, that there were a lot of rattle snakes
18 out there and she wanted to make sure our staff were
19 taking care and our contractors would potentially take
20 care to protect against rattle snakes.

21 CHAIR MOULTON-PATTERSON: So you'll warn them.

22 MR. LEARY: The word is passed on.

23 CHAIR MOULTON-PATTERSON: Thank you. Board
24 Members, comments, motion?

25 BOARD MEMBER JONES: Madam Chair, just a

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1 question and then the agenda item. The house burned and
2 the tires stayed? That's it?

3 MS. PAVELKO: Yes.

4 BOARD MEMBER JONES: I just want to make sure I
5 have it right.

6 I'll move adoption of Resolution 2000-416 to
7 approve sites for remediation on the waste tire
8 stabilization and abatement program to include Evans
9 Waste Tire Site, Schultz Waste Tire Site and the Clark
10 Road Waste Tire Site.

11 BOARD MEMBER MEDINA: Second.

12 CHAIR MOULTON-PATTERSON: We have a motion by
13 Mr. Jones, seconded by Mr. Medina, to approve Resolution
14 2000-416 with the revisions.

15 Madam Secretary, please call the roll.

16 BOARD SECRETARY: Eaton.

17 BOARD MEMBER EATON: Aye.

18 BOARD SECRETARY: Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Medina.

21 BOARD MEMBER MEDINA: Aye.

22 BOARD SECRETARY: Papanian.

23 BOARD MEMBER PAPANIAN: Aye.

24 BOARD SECRETARY: Roberti.

25 Moulton-Patterson.

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1 CHAIR MOULTON-PATTERSON: Aye.

2 Thank you, Mr. Leary.

3 MR. LEARY: Thank you.

4 CHAIR MOULTON-PATTERSON: Mr. Schiavo, we're
5 moving into Local Assistance and Planning Compliance.
6 You'll probably suggest this, but I'm suggesting that we
7 do 27, 29 and 30 because I understand we've had people
8 waiting for two days, if they're still here. So we would
9 like to do those.

10 Number 27.

11 MR. BISSINGER: Good afternoon, Madam Chair and
12 Board Members. I'm Eric Bissinger from the Office of
13 Local Assistance and I'm presenting agenda Item Number
14 27, which is the City of Hayward's request to correct
15 their 1990 base year by including additional diversion
16 and disposal that was not counted in the original base
17 year. Also, this item includes the '97 and 1998 biennial
18 review.

19 Staff has concluded that the request has been
20 adequately documented and therefore recommends approval.
21 If there are any questions, we can answer them, and there
22 are also representatives from the city here.

23 CHAIR MOULTON-PATTERSON: Okay. Thank you.

24 Questions from the Board?

25 BOARD MEMBER MEDINA: If there are no questions,

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1 I'd like to move this resolution.

2 BOARD MEMBER PAPARIAN: I'm sorry. I've got a
3 question.

4 CHAIR MOULTON-PATTERSON: Mr. Paparian.

5 BOARD MEMBER PAPARIAN: I don't want to let this
6 pass without noting that there were some questions raised
7 at our workshop last week about the methodology used in
8 surveying their households and the extrapolations based
9 on that.

10 I understand that the amount of waste that's
11 credited to their source reduction and recycling as a
12 result of those items is not materially significant, but
13 I did want to note that there was some serious question
14 about the methodology and not let that go so that other
15 jurisdictions might use that same flawed methodology.

16 CHAIR MOULTON-PATTERSON: Thank you,
17 Mr. Paparian.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: I would like to move
20 Resolution 2000-392, staff recommendation to correct the
21 base year for the previously approved Source Reduction
22 and Recycling Element, consideration of staff
23 recommendation on the 97-98 biennial review findings for
24 the Source Reduction and Recycling Element and Household
25 Hazardous Waste Element for the City of Hayward, Alameda

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1 County.

2 CHAIR MOULTON-PATTERSON: Thank you.

3 BOARD MEMBER JONES: I'll second.

4 CHAIR MOULTON-PATTERSON: We have a motion by
5 Mr. Medina, seconded by Mr. Jones, to approve Resolution
6 200-392.

7 Please call the roll.

8 BOARD SECRETARY: Eaton.

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY: Jones.

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY: Medina.

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY: Papanian.

15 BOARD MEMBER PAPANIAN: Aye.

16 BOARD SECRETARY: Roberti.

17 Moulton-Patterson.

18 CHAIR MOULTON-PATTERSON: Aye.

19 Item 29.

20 MR. SCHMIDLE: Board Chair and Members, good
21 afternoon. I'm Chris Schmidle of the Office of Local
22 Assistance, south section.

23 This is agenda Item Number 29, consideration of
24 staff recommendation regarding completion of Compliance
25 Order IWMA BR 99-44, consideration of staff

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1 recommendation to change the base year to 1999 for the
2 previously approved Source Reduction and Recycling
3 Element, and consideration of staff recommendation on the
4 1997-1998 biennial review findings for the Source
5 Reduction and Recycling Element and Household Hazardous
6 Waste Element for the City of Montebello in Los Angeles
7 County.

8 The City of Montebello has requested a change in
9 their base year to 1999 and have done a new waste
10 generation study to support their request. With the new
11 base year, the City's diversion rate will be 51 percent
12 for 1999.

13 Board staff conducted a 1997-1998 biennial
14 review and the SRRE and the HHWE, and found the City had
15 successfully implemented its diversion programs. The
16 listing of implemented programs is provided in Attachment
17 1. The City also submitted documentation demonstrating
18 the completion of their compliance order.

19 Board staff recommends that the City adopt
20 option one to approve the City's base year change, accept
21 the 1997-1998 SRRE and HHWE biennial review findings, and
22 end the compliance order.

23 Representatives of the City are here and that is
24 the end of my presentation. Do you have any questions?

25 CHAIR MOULTON-PATTERSON: Mr. Eaton.

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1 BOARD MEMBER EATON: I have a couple of
2 questions. What was their rate prior thereto or was it
3 indeterminable?

4 MR. SCHMIDLE: It was indeterminable, but it was
5 in the negatives.

6 BOARD MEMBER EATON: So how much of this new
7 rate was based upon source reduction and how much is
8 based upon programs?

9 MR. SCHMIDLE: Let's see.

10 BOARD MEMBER EATON: Because the way I look at
11 it you got almost 70 percent of the 51 percent going to
12 source reduction.

13 CHAIR MOULTON-PATTERSON: If I might interrupt
14 for just a moment, would Ana Marie LeNoue -- I'm sorry I
15 don't know how to pronounce your last name -- come
16 forward in case she needs to answer questions? She's
17 from the City of Montebello, my high school alma matter.

18 MS. LE NOUE: It is? Mine too. Hello. My name
19 is Ana Marie LeNoue with the City of Montebello, and with
20 me is one of the members of the consulting team, Ruth
21 Abby, and we do have answers to questions. So did you
22 want to have her address that one specific question?

23 BOARD MEMBER EATON: Please.

24 MS. ABBY: Madam Chair and Board, the specific
25 answers to the question is that there's 38 percent source

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1 reduction, 3 percent composting, 41 percent recycling,
2 and 18 percent diversion at the landfill site. And the
3 source reduction at the -- that we quantified was for
4 primarily reuse of things like food waste at a
5 commercial-industrial bakery, pallet repair and reuse,
6 and that type of thing. There is a small amount of what
7 we would say is classic source reduction at a printer
8 where they actually changed the machines to reduce actual
9 wasted paper and so there was paper source reduction at a
10 printer, but the primary number of tons diverted were in
11 reuse. So these were actual physical tons that went
12 through the facility and were being reused.

13 BOARD MEMBER EATON: Well -- so approximately 40
14 percent of the total was based on source reduction;
15 right? 38 percent of your numbers.

16 MS. ABBY: Source reduction but primarily reuse.
17 So instead of the same load of food waste could go to a
18 pig farmer or could go to a compost facility, in this
19 case it would go to a pig farmer. If it went to the
20 compost facility, we would consider that composting, and
21 in this case it went to a pig farmer and that is
22 considered reuse and is in the source reduction category
23 as an example.

24 BOARD MEMBER EATON: Well, reuse and source
25 reduction are not one and the same.

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1 MS. ABBY: Perhaps staff could give you the
2 explicit definition of source reduction, but in the
3 regulations source reduction includes reuse.

4 BOARD MEMBER EATON: I'm going to tell you right
5 now I think that until we have an ability to quantify
6 this, and no one has been able to explain this process to
7 me at all, I don't think we ought to be approving
8 extrapolations or programs such as this.

9 MR. SCHMIDLE: There's no extrapolation.

10 BOARD MEMBER EATON: I just said or things like
11 this.

12 CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER EATON: Or Mr. Tseng's methodology.

14 CHAIR MOULTON-PATTERSON: Mr. Jones.

15 BOARD MEMBER JONES: The reuse going to a pig
16 farmer, what exactly -- was that historically going to
17 the landfill?

18 MS. ABBY: That one example that I'm giving you
19 is from an industrial bakery, and prior to a program
20 implemented in '95 this was going into a compactor and
21 being disposed. When we surveyed the site in 1999, they
22 had already made the change and they were diverting the
23 waste from landfill to agricultural and -- farm, I should
24 say, in this case a pig farmer.

25 So yeah, this is actual tons driving in a truck.

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1 Instead of going to the landfill, it's going for animal
2 feed.

3 BOARD MEMBER JONES: And then under here we
4 show -- under B, your calculations, we show commercial
5 disposal from a licensed hauler as almost 20,000 tons,
6 industrial disposal by a licensed hauler. What is the
7 difference between those two?

8 MS. ABBY: We consider commercial disposal --
9 and it's somewhat arbitrary, but we consider commercial
10 disposal to be anything that is on a regular route and
11 received primarily through front loader trucks, and
12 anything that is in a rolled-off box to be and is on
13 non-regular service to be considered industrial for
14 purposes of distinguishing commercial from industrial.

15 BOARD MEMBER JONES: Are these based on weight
16 tags or based on an average weight per container?

17 MS. ABBY: Neither one. These are -- these are
18 based on landfilled tons that the landfills report to us.
19 So in other words, the total disposal by the City is a
20 number. And then in order to allocate between the
21 industrial and the commercial tonnage we have received
22 quarterly hauler reports where they supply their weight
23 tags, their receipts and their numbers of accounts and
24 bin sizes. So it's a reporting process that the haulers
25 go through.

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1 BOARD MEMBER JONES: So --

2 MS. ABBY: That is merely to allocate between
3 commercial and industrial. It doesn't affect the bottom
4 line. It doesn't affect the -- it doesn't change the
5 disposal amount. The disposal amount is static. That's
6 reported by the landfill. The only thing we're doing is
7 differentiating between commercial and industrial.

8 BOARD MEMBER JONES: But based on your
9 allocations you come up with a number that says self-haul
10 waste. That's everything that remains.

11 MS. ABBY: Yes.

12 BOARD MEMBER JONES: So in your jurisdiction,
13 which is open to everybody?

14 MS. LE NOUE: No. As of April 1, 1999 we had an
15 ordinance enacted that now limits to the existing number
16 of haulers. We have 24 haulers that provide business and
17 commercial or industrial waste service.

18 BOARD MEMBER JONES: 24 haulers that are
19 permitted.

20 MS. LE NOUE: Yes.

21 BOARD MEMBER JONES: And those 24 haulers
22 hauled 37,000 tons of waste for the year. 24 haulers
23 hauled 37,000 tons. So each one of your haulers is
24 making a killing.

25 MS. LE NOUE: We have about five that do the

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1 majority of the wastestream.

2 BOARD MEMBER JONES: All right. This is about
3 1500 tons each, 20 tons a load or 10 tons a load.

4 Just the number doesn't make sense to me. If
5 you excluded everybody else from hauling -- you've said
6 these 24 people are going to haul. So your licensed
7 haulers are doing 38,000 tons and self-haul is 35,000.
8 Where does that come from? Is that pickup trucks? Is
9 that roofing trucks?

10 MS. ABBY: We have reviewed the landfill records
11 from L.A. San. We've looked at every entry, and there
12 would be roofers, there would be landscapers, there would
13 be pickup trucks. There is a facility -- there's no
14 prohibition in the city from self-haul of commercial
15 waste. So for example, there is a mattress refurbisher
16 that self-hauls their own mattresses with their own
17 trucks. So this is -- so self-haul includes everything
18 except for the permitted haulers.

19 BOARD MEMBER JONES: I understand. So the
20 landscape trucks that are going to the landfill are
21 disposing it, not recycling it?

22 MS. ABBY: Well, not necessarily. It depends on
23 what their waste is. If it's yard waste but it's
24 diverted by the landfill, then it's going to diversion at
25 the landfill and we do have a figure for that.

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1 BOARD MEMBER JONES: Right.

2 MS. ABBY: But just in terms of the type, it may
3 not be a landscaper. It may be someone who's hauling
4 from a cleanup or your typical guy with pickup truck,
5 yard cleanup.

6 BOARD MEMBER JONES: And that's where I'm having
7 problems because the guy with the pickup truck is not
8 going to haul the same amount of waste as your licensed
9 haulers, yet this waste has basically been apportioned
10 almost 50-50.

11 MS. LE NOUE: If I may, this is not a problem
12 not only for Montebello but neighboring communities.

13 BOARD MEMBER JONES: We know.

14 MS. LE NOUE: We have sometimes up to a list of
15 40 haulers. I don't know half of them on the list that
16 say that they went and made deposits at the landfill, say
17 it's -- claiming it's from Montebello. And by the
18 time -- I'm the staff at Montebello. By the time we get
19 to try to find them, get their phone numbers, contact
20 them, they're either gone, they don't respond or I have
21 wrong information, that I have no way to obtain that
22 information or get them to get on board with our program.

23 And it's a large number. Many times drivers
24 don't know that they're -- they say Montebello because we
25 have 12 hauling companies that reside in Montebello, that

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1 have their home base there. We're the home. So it's a
2 very sticky issue and we share it with Commerce and
3 others that butt up next to us. So it's common.

4 BOARD MEMBER JONES: So that's getting to the
5 heart of what my issue is. You've got all these
6 businesses that reside there. They may be assigning
7 waste to Montebello that isn't Montebello's, but your
8 efforts are so incredible that you're at 51 percent
9 recycling.

10 That doesn't make sense to me. That -- you're
11 telling me that all these people could be using your
12 address, so that's what's driving the disposal number up,
13 but when I get to the bottom line -- and I'm not trying
14 to pick on you.

15 What I'm trying to do is save the integrity of
16 every city, and the consultants are trying to get their
17 job done. I'm not questioning the work. I'm just not
18 sure that we're getting here because for to you get to 51
19 percent -- is that the number?

20 MS. LE NOUE: Yes, 51.

21 BOARD MEMBER JONES: 51 percent when half of it
22 is self-haul, you don't know if it's assigned there. It
23 could be somebody that didn't even haul it in your
24 community. So if they were taken out, you would be at
25 like 90 percent or 80 percent.

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1 MR. SCHIAVO: I'd like to bring some
2 clarification to this. I think the use of whether it's
3 commercial, industrial, self-haul waste in this
4 particular instance for the City of Montebello becomes
5 irrelevant and it's kind of confusing because it's in
6 here. There was no extrapolation. The disposal number
7 used, the almost 99,000 tons of disposal is based on the
8 Disposal Reporting System. The diversion number is based
9 on actual surveys of particular entities, but the
10 break-outs of -- and again, I think it brings confusion
11 in this particular instance -- is not used for the
12 calculation of diversion; right?

13 MS. LE NOUE: Right.

14 MR. SCHIAVO: I just want to bring clarity to
15 that.

16 MS. LE NOUE: If I may just add, when we were
17 issued the compliance order, I would say at first, "Oh,
18 my gosh. What's going to happen?" It was -- it's a
19 gift. I attended many of the site visits as part of this
20 program to analyze our waste, to analyze our program, and
21 I was impressed, remarkably impressed by the businesses
22 in our community that do good business. It's part of the
23 way that they operate. And hopefully you're going to see
24 them here next time, next year when the WRAP awards come
25 around, and now because -- we had no idea.

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1 When we were issued the compliance order, our
2 attitude wasn't oh, we have to get 50 percent or bust.
3 We wanted to see what is our situation. We want a true
4 account of our situation so from this point on we can now
5 have an accurate way of gauging what our progress is.

6 And progress is exactly what Montebello wants to
7 do. We're not sitting back and saying oh, we've reached
8 51 percent, we're not going to do anything. If anything,
9 I now get to focus more on programs, on education, on
10 those issues. So I mean -- I don't know. This is the
11 numbers that the data provide. It's not -- we didn't
12 pull it out of a hat.

13 BOARD MEMBER JONES: The -- and I don't think
14 you pulled it out of a hat. I just don't know how big
15 the hat is. You know what I mean? That's my problem.

16 We're looking at BVA on-site assessments, which
17 are on-site surveys, which are -- which account for
18 41,000 tons of the material that's being diverted. What
19 does that encompass? What's that survey mean? Is that
20 hard receipts for recycling?

21 MS. ABBY: We did an on-site survey at every
22 major business in the City of Montebello. Montebello is
23 a heavily industrialized city and has the regional baker
24 for all of the western United States. It has the
25 printing company of envelopes for half of the United

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1 States.

2 These are huge facilities. They divert huge
3 amounts of materials. They have the dog food processor
4 for all of L.A. County. These are very large facilities
5 and they are diverting huge amounts of material. We were
6 very impressed. Our eyes were wide open when we went in
7 and saw how much they were doing. They are -- they can
8 produce for you their records in terms of their
9 recycling. We also interviewed them in terms of their
10 waste prevention and reuse practices.

11 So we have documented all of their diversion.
12 It's actual tons diverted from landfill, not
13 extrapolated. These are actual site visits of actual
14 businesses, and we would be more than happy to have you
15 come and visit them and be impressed as well. They are
16 diverting huge amounts.

17 BOARD MEMBER JONES: And in all likelihood I
18 would be very impressed. You got to the heart of my
19 question. My question was were they hard numbers or were
20 they just somebody's guess, not your guess, but somebody
21 that worked there, so no, I think we recycled like 40
22 percent.

23 MS. LE NOUE: No, no. They provided paper
24 documentation. They actually --

25 BOARD MEMBER JONES: What they did.

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1 MS. LE NOUE: Sure. We would get back to the
2 office, it would be faxed there. They were excited to
3 share it with us.

4 BOARD MEMBER JONES: So this 41,000 tons is
5 those types of materials, and they were on-site. The
6 business calls for phone surveys that came up with 13,000
7 tons, what are those? Are they the same thing?

8 MS. ABBY: Instead of actually going physically
9 to the site, a number of businesses were called instead
10 of actually being visited. We would identify the same,
11 either business owner or manager of the program, and talk
12 through them all of their programs. When they had
13 something that they could fax to us, we included that in
14 our site write-up and we interviewed them on using the
15 on-site survey form for all of their -- so in fact, it
16 was a virtual site audit when we have done survey calls.

17 Again, none of these numbers were extrapolated
18 to profile an entire business sector. Only those tons
19 diverted by the businesses surveyed are included in this
20 report.

21 CHAIR MOULTON-PATTERSON: Okay. Thank you very
22 much. If we have additional questions -- did you have
23 any more, Mr. Eaton?

24 Two things. First of all, you ought to
25 encourage these businesses to apply for our WRAP awards.

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1 If they're doing this great of a job, we'd love to hear
2 about them. And secondly, I'd love to come and visit
3 Montebello.

4 MS. LE NOUE: We'd like to have you. Thank you.

5 CHAIR MOULTON-PATTERSON: Mr. Paparian.

6 BOARD MEMBER PAPARIAN: We just got this. I'm
7 sorry. Would you come back up for just a second? We
8 just got this list and I'm just kind of going through it
9 and curious about a couple of things.

10 The dirt and so forth that counts as diversion
11 from the L.A. San District pursuant to some section of
12 state law, but what happens to the dirt?

13 MS. ABBY: This is used in landfill
14 construction, and under the Bustamante Bill, which was
15 the ADC bill, it allows for any diversion at a landfill,
16 including for landfill construction, to be counted as a
17 diversion activity. And that's a statute.

18 BOARD MEMBER PAPARIAN: So the dirt comes from
19 the landfill and goes into the landfill. Comes from some
20 portion of the landfill and is reused in the landfill?

21 MS. ABBY: No. The dirt comes from -- is being
22 disposed by generators and instead of being taken to the
23 landfill face, it's taken to a stockpile area where it is
24 then used for construction.

25 BOARD MEMBER PAPARIAN: Okay. And there was one

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1 just -- you mentioned the bakery and I think I figured
2 out which one that may be, but you also had a company
3 that had donated food product of 2,987 tons. What's
4 going on there?

5 MS. ABBY: Can you -- is there --

6 BOARD MEMBER PAPARIAN: Bottom of page 2 of the
7 list. Page 2 of table one.

8 MS. ABBY: Actually, that was the dog food
9 processor. When the material comes in, when the feed
10 comes in, it is processed and there is a residue, there
11 is a feed residue that then is instead of being disposed
12 is diverted for other lower grade feed uses. So this
13 would be either in when they are handling the bags or
14 cans of dog food that then are damaged, they are donated.
15 Or if they are processing and there is a residue, that is
16 donated. So this is a way of diverting feed material for
17 feed that does not end up in a finished retail product.

18 BOARD MEMBER PAPARIAN: Did this previously go
19 to landfills?

20 MS. ABBY: At this particular company this is
21 their current practice for donating this excess or
22 damaged goods. I wasn't on this particular site visit,
23 so I don't know the history of their practices. But in
24 terms of this type of waste, this is not a restricted
25 waste.

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1 In other words, if it's a normally disposed of
2 type of material, which food waste is, it can count
3 towards a diversion activity, even if the business has
4 been practicing it for some years. It is not
5 agricultural waste, inert material. It is not
6 restricted, in other words. So even if it's a long-held
7 practice, it's countable towards a diversion activity.

8 BOARD MEMBER PAPARIAN: It almost sounds like
9 some of it may be a commercial product.

10 MS. ABBY: An example would be, if you are
11 familiar with any kind of food processing, you know,
12 cookie bakery, cookies go down the line. Some fall on
13 the floor. The cookies that stay on the line get put
14 into packages and are sold retail. The ones that fall on
15 the floor are scooped up and swept and they are donated
16 or sometimes you have to pay a tipping fee to someone who
17 then processes them for feed and they're used in
18 developing animal feed.

19 BOARD MEMBER PAPARIAN: If the person taking
20 that animal feed paid for it, that would still be counted
21 as recycling?

22 MS. ABBY: If this was a product that would be
23 normally disposed, broken cookies.

24 BOARD MEMBER PAPARIAN: What if the practice
25 forever has been not to dispose of it but to feed it to

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1 animals? Sometimes the market allows you to sell it
2 maybe and sometimes you just give it away.

3 MS. ABBY: But that would be the case for
4 anything. Sometimes -- I've always recycled my paper.
5 It's the same issue. I think your question is this a
6 good faith effort, is this business avoiding disposal by
7 taking care of that waste product appropriately, and I
8 would say the answer is yes.

9 There are food products that do end up in the
10 landfill from processing. And we can go to the landfill
11 and we can show you food product ending up in the
12 landfill from food processing. It's being disposed
13 rather than diverted for other reasons, economic
14 conditions, they couldn't find a buyer, they couldn't
15 find someone to take it, the market dried up.

16 When a business is diverting that instead of
17 disposing it, that's considered a diversion activity for
18 purposes of establishing the City's diversion level.
19 There's no difference between food waste, paper waste and
20 metal waste, bottles and cans for this purpose. It's all
21 material that ends up in the landfill.

22 BOARD MEMBER PAPARIAN: Right. But some of
23 it -- what I'm having a little difficulty discerning is
24 in the past some of this may not have wound up in the
25 landfill. If you're canning peaches and you can those

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1 perfect peaches and you realize that you're going to have
2 some leftover peaches, you do something else commercially
3 with those leftover peaches, I don't think those leftover
4 peaches necessarily should be counted as recycling.

5 MS. ABBY: But I would do the same thing with
6 cardboard.

7 CHAIR MOULTON-PATTERSON: Excuse me one moment.
8 I really hate to interrupt, but our court reporter has
9 not had a break for over three hours. I really have to
10 interrupt. She needs one. And I'm sorry to hold you
11 ladies up, but unless we were going to have a motion we
12 really need to give her a break.

13 So we'll have a ten-minute break.

14 (Recess taken)

15 CHAIR MOULTON-PATTERSON: I'd like to call the
16 meeting back to order.

17 Mr. Eaton, do you have any ex partes?

18 BOARD MEMBER EATON: No.

19 CHAIR MOULTON-PATTERSON: I guess we need two
20 more Board Members here.

21 Mr. Papanian.

22 BOARD MEMBER PAPANIAN: I just had a
23 conversation with the representatives from Montebello.

24 CHAIR MOULTON-PATTERSON: Okay.

25 Mr. Jones.

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1 BOARD MEMBER JONES: As did I.

2 CHAIR MOULTON-PATTERSON: And I talked with them
3 about their airplanes, not about this subject, but I will
4 report it anyway, just in case. Okay.

5 So we're back. If you wouldn't mind coming up
6 if there's additional questions, I'd appreciate it. I'm
7 so sorry to have interrupted you mid-sentence
8 practically, Mr. Paparian. Did you want to continue?

9 BOARD MEMBER PAPARIAN: Just a couple of things.
10 Let me ask about pallets for a second because it was on
11 my mind.

12 If I'm a business, I use a lot of pallets, and
13 you've got some in here that are recycling a lot of
14 pallets. If you've got a pallet coming in and you take
15 the product off, you give the pallet back to the person,
16 that counts as recycling that pallet in the study; right?
17 If that pallet comes back to you again and you send it
18 back again, that counts again or does it just count the
19 first time?

20 MS. ABBY: We have taken what we consider to be
21 a conservative approach to counting pallet use, which is
22 we count it one time per year. So even if the business
23 is using up that same pallet every day, we agree with you
24 that they are not going to be throwing away a pallet
25 every day, but if they have replaced a one-way pallet

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1 system where the pallets leave and never come back with a
2 two-way pallet system where they are accepting used
3 pallets and putting their product on used pallets, then
4 that is a diversion activity because it is reducing the
5 amount of new pallets reused.

6 We aren't counting every single time that pallet
7 is reused. We're counting it once per year because we
8 want to take a conservative approach to identifying for
9 that business that they are taking the step of not buying
10 new pallets but accepting used and repaired pallets for
11 their system.

12 BOARD MEMBER PAPARIAN: So under your approach,
13 if you took the average day that they're in operation and
14 look at all the pallets on their facility if they're
15 recycling all of them, that would be -- so a facility in
16 here that's got 3,300 tons of pallets truly has on their
17 average day 3,300 tons of pallets sitting at their
18 facility?

19 MS. ABBY: No. That would be the -- that would
20 be the amount that were coming through the system.

21 BOARD MEMBER PAPARIAN: On that average day.

22 MS. ABBY: For the period that we're looking at.
23 We're only going to count it once. We're not counting
24 that pallet every time. We're counting that pallet once.

25 BOARD MEMBER PAPARIAN: In a year.

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1 MS. ABBY: In a year.

2 BOARD MEMBER PAPARIAN: Why a year as opposed
3 to -- I don't know what the average life of a pallet
4 might be.

5 MS. ABBY: Just because these are annualized
6 figures. So all of our figures are for a year. Even if
7 I recycle one aluminum can a week, that's 52 aluminum
8 cans.

9 BOARD MEMBER PAPARIAN: Right. But if you're
10 only counting the pallet once during the year, why a year
11 as opposed to two years? Why -- like some of the new
12 plastic pallets I think last much longer than that. Do
13 you see what I'm asking?

14 MS. ABBY: It's somewhat arbitrary and there are
15 guidelines or -- but I think that what we rationally --
16 what our rationalization was, what is reasonable. You
17 have a program where instead of buying new products to
18 ship out -- new pallets to ship out your product, you are
19 receiving used pallets and reusing them in your business.
20 That's good because that's reducing the total number of
21 pallets in the system. So I am quantifying for that
22 business what is the number of pallets and we're going to
23 count that once, not every time it goes in and out but
24 the through-put, what are you using.

25 So you could take the position that you should

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1 count the pallet for the life of the pallet -- and there
2 may be a study that tells you what the life of the pallet
3 is. We don't have that information. That may reduce
4 really the number of pallets, but a lot of pallets have
5 one-use life and some pallets have hundreds. Some
6 pallets are sturdy and last for a long time, hundreds of
7 uses. Some have a life of two uses.

8 So we're counting the pallet once because they
9 have a program in place for reused pallets as opposed to
10 one-way pallets.

11 BOARD MEMBER PAPARIAN: And is our staff
12 comfortable with that methodology?

13 MR. SCHIAVO: It's actually -- I don't remember
14 the exact number, but that's pretty conservative compared
15 to some of the statistics. We're trying to find them
16 now, but I've heard a higher number used.

17 46 times.

18 BOARD MEMBER JONES: Can I ask a follow-up
19 question of that? If one of these big firms, a firm that
20 sells dog food, has had a program since 1989 where their
21 pallets were multiple-use pallets, they never bought
22 one-time pallets, and they required a \$20 deposit on
23 pallets when they delivered them to their clientele so
24 they would get returned, do you count every one of those?

25 MS. ABBY: We count them once. We don't count

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1 them every time they're used. We count them for that
2 one-time activity in 1989 but we did it in 1999.

3 BOARD MEMBER JONES: But what I'm saying is --

4 MS. ABBY: We're counting it once.

5 BOARD MEMBER JONES: If they never --

6 MS. ABBY: If they were purchased in '89, we're
7 using them in '99, we're counting them once. We're just
8 counting them in '99. We're giving them credit for their
9 program.

10 BOARD MEMBER JONES: In 1990 did they throw them
11 in the landfill or did they reuse them every day?

12 MS. ABBY: No. It's an existing program just
13 like if they were recycling their aluminum cans in 1989,
14 they were recycling their aluminum cans at the facility
15 in 1989. They were recycling one ton a year of aluminum
16 cans. They are recycling one ton a year of aluminum cans
17 in 1999. Do I say well, you had your program in 1989 so
18 you can't count your recycled aluminum cans. You count
19 it once, one ton.

20 They started their pallet program in 1989. It
21 is in existence in 1999. I'm going to count it once.
22 I'm not going to count it for every year, I'm not going
23 to multiply it, but I'm going to give them credit for one
24 time. They made that one good decision in '89. Great.

25 With regards to getting paid for the material, I

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1 was hoping to be able to address that issue. They're
2 getting paid for their food waste. Many other facilities
3 in Montebello are not getting paid for their food waste
4 or their food waste is going to the landfill.

5 Same thing with cardboard. Many of our grocery
6 stores are recycling cardboard. Many of them are getting
7 paid for that cardboard. It is a byproduct of their
8 process. And a good, sane business practice if you're in
9 a grocery store is to recycle your cardboard, but we get
10 to count that recycled cardboard as being recycled, once,
11 the one time it's being recycled in 1999, even if they
12 had their program in existence in 1974. They're
13 recycling that cardboard. It's a common business
14 practice. It counts as a diversion activity just like
15 the one ton of aluminum cans and the one reused pallet
16 that's still there in 1989 -- I mean in 1999, even though
17 it was purchased in 1989, that one pallet, that good old
18 one pallet.

19 They are diverting because they don't have to
20 choose that system. They can choose alternative systems
21 and there are facilities that choose alternative systems.

22 CHAIR MOULTON-PATTERSON: Thank you. I --
23 another question.

24 BOARD MEMBER PAPARIAN: One question that came
25 up to us, and maybe legal counsel could help us with

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1 this, the question of food waste, in some situations it's
2 been the practice in the food processing that the
3 byproducts of their main manufacturing process have been
4 used for a long time. A chocolate manufacturer, for
5 example, might take their odd-sized chocolate pieces and
6 feed them to the cows at the next-door facility and
7 that's been the practice forever; yet it sounds like what
8 we're saying is even if it's been the practice forever,
9 even if it isn't a commercially usable byproduct of their
10 main manufacturing process, that we would count that
11 byproduct against the recycling.

12 MR. BLOCK: As long as that type of a waste was
13 disposed, "normally disposed" is the term used in the
14 statute, by that jurisdiction in some amount, actually
15 the regulations provide -- we can put this on the screen
16 if we need to -- that .001 percent of the total waste
17 from that jurisdiction, then other activities, even
18 though they may have been ongoing for many years prior to
19 1990, count as diversion activities.

20 And if you look at the original waste generation
21 studies that were done in '90, '91, around that period of
22 time and the statewide numbers, the 1990 diversion rate
23 is about somewhere in the 10 percent or higher. I'm not
24 sure of the exact number, but it's over 10 percent in
25 1990 because there were existing diversion programs in

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1 place. A number of cities had those, and my
2 understanding -- I was not actually at the Board in '90
3 or '89, but that was a big discussion back at the time
4 when AB 939 first came in.

5 Those cities didn't want to be put at a
6 disadvantage because they had in fact been engaging in
7 and encouraging recycling for many years prior to the
8 passage of AB 939, so this normally disposed language and
9 definition that's been in regs -- in the emergency regs
10 since 1990 to set forth this concept of normally disposed
11 waste types was put into place to allow for that
12 preexisting diversion to count.

13 BOARD MEMBER PAPARIAN: What you're saying, it
14 sounds like, is that if many businesses didn't normally
15 dispose of that waste but one or two did normally dispose
16 of that waste, then you can go back and credit all those
17 ones that didn't normally dispose of that waste with some
18 number for diversion.

19 MR. BLOCK: That's the way the statute is set
20 up. If there are some businesses that are disposing of
21 that material and some businesses that aren't, they
22 recycle it for some other use, then the statute allows
23 that to count as recycling.

24 CHAIR MOULTON-PATTERSON: If I might just
25 comment on that, Mr. Paparian. On some of my site

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1 visits, it seemed -- and I don't know, I wasn't on the
2 Board -- if this was the reason for this, but some of the
3 cities that had been doing the best job on recycling are
4 the ones that the numbers didn't reflect it because they
5 were already doing it.

6 BOARD MEMBER PAPARIAN: I'm all for rewarding
7 them, but it seems like there have been some creative
8 ways of allowing the numbers to escalate, the diversion
9 numbers. I don't fault the people of Montebello for
10 doing what they see is right under the law, but it seems
11 like a lot of things are being counted towards diversion
12 that never were envisioned as being counted towards
13 diversion when this law passed.

14 MR. BLOCK: And I certainly am not in a position
15 to dispute that in any which way. There's a couple of
16 different issues that are being talked about now.
17 Normally disposed is one of them. There's issues of
18 extrapolation issues, of source reduction and the like.
19 But in terms of this specific issue of normally disposed,
20 that's the way that the statute and regulations are set
21 out.

22 It's a system that's been relied upon in all
23 of -- I'm thinking of the acronym. SWGS, Solid Waste
24 Generation Studies that were done back in 1990, '91.
25 Some of the anomalies that we run into, and there's no

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1 question that we do because we're now looking at the fact
2 that some of those were less than fully adequate.

3 We've gotten into this mode in the last few
4 years of allowing for corrections and changing of base
5 years and it has put us on this path where some things
6 feel a little bit funny because clearly in 1990 nobody
7 was thinking about the fact that we would have to be ten
8 years out and going back and fixing numbers. The
9 legislation is written with the assumption that everybody
10 will go out and get the numbers and everything will be
11 fine. And of course the system is much more complicated
12 than I think anybody thought it was back in 1990.

13 So the normally disposed concept certainly has
14 some interesting twists as you try to apply it down the
15 road. I think what staff is grappling with and folks
16 that are trying to do these studies is we've got the set
17 of rules out there and they're trying to apply that the
18 best they can. You've heard some discussion about using
19 some conservative numbers because I think that is a
20 recognition that we've got some interesting, if you will,
21 results when you carry those out sort of by the letter of
22 the law. So I don't know if that's -- if I answered that
23 question for you or not.

24 CHAIR MOULTON-PATTERSON: Thank you. In the
25 interest of time, I just want to say I'm going to support

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1 the staff on this one and your answers have certainly
2 convinced me. The hour is late and air conditioning is
3 off and I know your last plane is about ready to go.

4 I'm going to go ahead and make a motion to
5 approve Resolution 2000-351 regarding the completion of
6 Compliance Order BR 99-44, consideration of staff
7 recommendation to change the base year to 1999 for the
8 previously approved Source Reduction and Recycling
9 Element, and consideration of staff recommendation on the
10 1997-98 biennial review findings for the Source Reduction
11 and Recycling Element and Household Hazardous Waste
12 Element for the City of Montebello, Los Angeles County.

13 I hope I get a second.

14 BOARD MEMBER MEDINA: I'll second that.

15 CHAIR MOULTON-PATTERSON: Thank you.

16 Let's call the roll.

17 BOARD SECRETARY: Eaton.

18 BOARD MEMBER EATON: For the previous reasons
19 stated at previous board meetings with regard to the
20 methodology and the questions surrounding it and the fact
21 that the Board hasn't really had an examination of that,
22 I'll abstain.

23 BOARD SECRETARY: Jones.

24 BOARD MEMBER JONES: This -- I have a meeting
25 tomorrow to get to the bottom of some of these things. I

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1 don't agree with some of this stuff. I do agree with the
2 existing programs. I don't agree with -- I'm having a
3 hard time understanding how 12 haulers can be assigning
4 waste to Montebello and we're still at 51 percent. It's
5 absolutely contrary to everything I know so I'm going to
6 abstain.

7 BOARD SECRETARY: Medina.

8 BOARD MEMBER MEDINA: I seconded the motion, so
9 I will vote yes on this, even though I did have some
10 concerns in regard to the manner that some of these
11 numbers were extrapolated. I quickly noted the
12 difference between the way that L.A. San reported, you
13 know, the -- their numbers compared to the way that
14 Montebello calculated those.

15 BOARD SECRETARY: Papanian.

16 BOARD MEMBER PAPANIAN: I'm going to abstain.

17 CHAIR MOULTON-PATTERSON: Well, the motion
18 fails. You know, I really -- well, never mind.

19 Thank you for your patience.

20 BOARD MEMBER PAPANIAN: I think that some of us
21 were hoping to get a better handle on this whole
22 situation in the coming weeks.

23 CHAIR MOULTON-PATTERSON: Well, yeah, but this
24 is --

25 BOARD MEMBER PAPANIAN: At the point we do maybe

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1 we'll be more comfortable with some of these things.

2 It's just not quite sitting right, at least for me.

3 CHAIR MOULTON-PATTERSON: Next item.

4 BOARD MEMBER JONES: Madam Chair, while we're
5 still on this Item 30 and before these people run away,
6 we've got some issues here that we've got to get to the
7 bottom of and if we've given -- I want to know one thing.
8 They're working off of a diversion application process
9 that we've already approved, not the one that we're
10 dealing with; right? Not Item 21. Are they working --
11 are all these -- do all of these issues that they have
12 brought forward today reflect what the Board staff and
13 the Board, whoever approved whatever study, do they
14 reflect that honestly?

15 MR. SCHIAVO: Yes. Actually this study is
16 cleaner than ones that used extrapolation. Again,
17 there's been about a dozen or 15 that used extrapolation.
18 There was no extrapolation in this. It used the Disposal
19 Reporting System. They went out and did the audits, and
20 I think where we -- the source reduction as high as you
21 mentioned, and it is higher than the average, but part of
22 that is a product of having big food processing
23 facilities that produce that kind of material.

24 In the past there have been jurisdictions that
25 have had similar circumstances that have been approved by

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1 the Board, but this really doesn't get -- I think the
2 crux of the matter is -- and maybe we can help facilitate
3 this through a workshop or whatever -- what are we going
4 to define source reduction in the future. It currently
5 is defined. This falls within that, but maybe we need to
6 do some work on defining it more narrowly for purposes of
7 counting, but this is -- again, it looks like a pretty
8 clean study from staff's perspective.

9 BOARD MEMBER JONES: This is the back side of
10 the issue where we were not allowing a lot because people
11 weren't doing programs.

12 CHAIR MOULTON-PATTERSON: I'm going to --

13 BOARD MEMBER JONES: Wait. I'm going to --
14 well, it is hot and it's been long, but you know what?
15 I'd be prepared to remake this motion if we can get four
16 votes on one, just because they followed this study. But
17 I'm going to tell you I'm not going to go for Item 21
18 until we sit down and figure out this stuff.

19 CHAIR MOULTON-PATTERSON: I don't think anyone
20 is on Item 21.

21 BOARD MEMBER JONES: Go ahead and restate. If
22 somebody wants to restate or if you want to restate your
23 motion on 29, I'm prepared to support it.

24 CHAIR MOULTON-PATTERSON: I still need three
25 votes.

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1 BOARD MEMBER PAPARIAN: What happens with three
2 votes with five of us here?

3 BOARD MEMBER JONES: You still have to have
4 four.

5 CHAIR MOULTON-PATTERSON: It doesn't pass. It
6 takes four for anything.

7 MR. SCHIAVO: I'd also like to reiterate what
8 was said earlier. This was a jurisdiction that was
9 placed on compliance and they pretty much followed the
10 processes that have been laid out before them. So we
11 have that issue to contend with as well.

12 BOARD MEMBER JONES: Madam Chair.

13 CHAIR MOULTON-PATTERSON: Yes.

14 Mr. Jones.

15 BOARD MEMBER JONES: I'll move adoption of
16 Resolution 2000-351, consideration of staff
17 recommendation regarding the completion of compliance
18 order to change the base year to '99 and for the
19 previously approved Source Reduction and Recycling
20 Element, consideration of staff recommendation of the
21 97-98 biennial review finding for the Source Reduction
22 and Recycling Element and Household Hazardous Waste
23 Element for the City of Montebello.

24 CHAIR MOULTON-PATTERSON: I'll second.

25 Please call the roll again.

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1 BOARD SECRETARY: Eaton.

2 BOARD MEMBER EATON: Abstain.

3 BOARD SECRETARY: Jones.

4 BOARD MEMBER JONES: Aye.

5 BOARD SECRETARY: Medina.

6 BOARD MEMBER MEDINA: Aye.

7 BOARD SECRETARY: Papanian.

8 BOARD MEMBER PAPANIAN: I run some risk in being

9 inconsistent with some of these in the future because I

10 am very uncomfortable with this whole process. I'm going

11 to vote yes on this one recognizing that I may be much

12 harsher on some future ones that are similar.

13 Aye.

14 BOARD SECRETARY: Senator Roberti absent.

15 Moulton-Patterson.

16 CHAIR MOULTON-PATTERSON: Aye.

17 Item 30.

18 MR. SCHMIDLE: Board Chair and Members, Chris

19 Schmidle once again from the Office of Local Assistance.

20 This is consideration of staff recommendation

21 regarding completion of Compliance Order IWMA BR99-89,

22 consideration of staff recommendation to change the base

23 year to 1999 for the previously approved Source Reduction

24 and Recycling Element, and consideration of staff

25 recommendation on the 1997-1998 biennial review findings

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1 for the Source Reduction and Recycling Element and
2 Household Hazardous Waste Element for the City of Walnut
3 in Los Angeles County.

4 The City of Walnut has requested to change their
5 base year to 1999 and did a new generation study to
6 support their request. With the new base year, the
7 City's diversion rate would be 37 percent for 1999.

8 In addition, staff conducted a biennial review
9 of the City's SRRE and HHWE and found the City's
10 successfully implemented its programs. The City has also
11 submitted documentation demonstrating completion of the
12 Compliance Order.

13 Therefore, board staff recommends option number
14 one, to approve the City's base year change, accept the
15 1997-98 biennial review findings, and end the Compliance
16 Order.

17 A representative of the City is here today and
18 that is the end of my presentation. If you have
19 questions of staff, please.

20 CHAIR MOULTON-PATTERSON: Thank you. Mr. Tseng.

21 MR. TSENG: Yes. Any questions?

22 BOARD MEMBER JONES: I have one.

23 There's a notation on page 30-18 that talks
24 about your new base year generation and it says of the
25 37,000 tons of material that is disposed of, that 20,000

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1 of that -- or 20,000 of that is self-haul and then under
2 that there's a notation that says study is under way to
3 verify the source.

4 MR. TSENG: Yes. The City of Walnut lies next
5 to an unincorporated area and the zip code and the
6 mailing addresses of the unincorporated area is the same.
7 So they've had this problem where the people servicing
8 the unincorporated area has been reporting trash to the
9 City. So what we show there as another page is that
10 exclusive hauler, franchise hauler, is disposal tonnage,
11 and then we separate out the tonnage that the exclusive
12 hauler did not have.

13 A lot of that self-haul is also people taking
14 construction loads like cleaning out garages, like
15 roofers taking stuff to the landfill. That all falls
16 under the self-haul.

17 The -- one of the things that they're looking at
18 doing is to go to the actual businesses and actually try
19 to get a physical location of each business and to see
20 whether it lies in the unincorporated area or in the City
21 of Walnut. That's a study that's being planned out.

22 BOARD MEMBER JONES: So you're at 36 percent.

23 MR. TSENG: Yeah. The unique thing about the
24 city is that the city has a population of about 30,000
25 people. We went through about 200 businesses and it was

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1 pretty obvious there's not very much going on in the
2 city. It happens that there is a very large university
3 with over 40,000 students there and they had less than a
4 5 percent diversion rate.

5 So the most important thing was to get programs
6 put in place at the university and within -- I think
7 within three weeks of the actual audit at the university
8 they started implementing a paper recycling program. But
9 that's not counted here because the base year is 1999,
10 the new base year.

11 There's no extrapolation here in this study.
12 This is all actual reported diversion tons from the
13 haulers, from the County, from the Department of
14 Conservation, from the Christmas tree recycling program.
15 The source reduction is less than 10 percent of the total
16 diversion credit here that's claimed.

17 So if you look on the certification form, you'll
18 see that the source reduction that you're concerned about
19 is only about 1,400 tons of the 21,000 tons of diversion
20 that's claimed.

21 BOARD MEMBER PAPARIAN: But you're suggesting
22 that it's 14 percent or it's --

23 MR. TSENG: Less than 10 percent.

24 BOARD MEMBER PAPARIAN: But if you pull out the
25 self -- you're talking about pulling out the self-haul,

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1 though.

2 MR. TSENG: No, no. We left the self-haul in
3 there and that lowers the diversion rate. We used -- the
4 disposal number that's actually used here is the Disposal
5 Reporting System number.

6 BOARD MEMBER PAPARIAN: Again, are we going to
7 see some revision in the future where that self-haul
8 comes out based on the information you just told us about
9 self-haul?

10 MR. TSENG: Yes. The City is going to conduct a
11 survey to see where the loads are coming from, and I
12 think the County has gone to day-to-day or considering
13 it. So we're trying to get the weigh tickets for the
14 day-to-day analysis.

15 BOARD MEMBER PAPARIAN: So that this 20,000 tons
16 would then get assigned to Los Angeles County.

17 MR. TSENG: Of the 20,000 diversion tons, most
18 of this is from --

19 BOARD MEMBER PAPARIAN: The self-haul I'm
20 talking about.

21 MR. TSENG: The self-haul? I don't think all of
22 it is going to go to the County. I think a lot of it is
23 actually from the --

24 BOARD MEMBER PAPARIAN: It is truly self-haul
25 from this area.

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1 MR. TSENG: Hmm?

2 BOARD MEMBER PAPARIAN: You're saying a lot of
3 it is truly self-haul from this area.

4 MR. TSENG: Yes. Because there was a lot of
5 actually roofing projects and landscaping projects and
6 driveway reconstruction, things like that.

7 BOARD MEMBER JONES: Madam Chair.

8 CHAIR MOULTON-PATTERSON: Mr. Jones.

9 BOARD MEMBER JONES: I'll move adoption of
10 Resolution 2000-352.

11 BOARD MEMBER MEDINA: Second.

12 CHAIR MOULTON-PATTERSON: We have a motion by
13 Mr. Jones, seconded by Mr. Medina, to approve Resolution
14 2000-352.

15 Would you call the roll please.

16 BOARD SECRETARY: Eaton.

17 BOARD MEMBER EATON: Abstain.

18 BOARD SECRETARY: Jones.

19 BOARD MEMBER JONES: Yep.

20 BOARD SECRETARY: Medina.

21 BOARD MEMBER MEDINA: Aye.

22 BOARD SECRETARY: Papanian.

23 BOARD MEMBER PAPARIAN: Reluctantly aye.

24 BOARD SECRETARY: Roberti absent.

25 Moulton-Patterson.

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1 CHAIR MOULTON-PATTERSON: Aye.

2 Mr. Schiavo, should we go back to 21 and decide
3 what we're going to do there?

4 MR. SCHIAVO: We still have 41 also, which is a
5 real --

6 CHAIR MOULTON-PATTERSON: We have several, don't
7 we?

8 MR. SCHIAVO: Just one. I think it's just 41
9 and 21.

10 BOARD MEMBER JONES: 21 and 41.

11 CHAIR MOULTON-PATTERSON: What happened to 38?

12 MR. SCHIAVO: Which one is 38?

13 CHAIR MOULTON-PATTERSON: Did we do that?

14 BOARD MEMBER JONES: It was on consent.

15 CHAIR MOULTON-PATTERSON: Okay. I didn't have
16 that. Sorry. Okay. Do you want to do 41 first or --

17 MR. SCHIAVO: 41 is just a real quick, brief
18 update.

19 MS. SULLIVAN: Good evening, Chair
20 Moulton-Patterson and Members of the Board. I'm Carolyn
21 Sullivan representing the Office of Local Assistance and
22 I'll be updating you on the current status of those
23 jurisdictions who were issued compliance orders as part
24 of the 1995-1996 biennial review process.

25 Since the last compliance order update in July,

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1 15 quarterly or final status reports were due and all
2 have been received. Four jurisdictions have also been
3 removed from compliance. On the current agenda, four
4 jurisdictions were removed from compliance. And with
5 approval of these, 42 jurisdictions remain on compliance.

6 This concludes the compliance order update at
7 this time. Are there any questions?

8 CHAIR MOULTON-PATTERSON: I don't have a
9 question, just a respectful request. Could we have this
10 table beforehand or at this time so we can look at it
11 or --

12 MS. SULLIVAN: Sure. I think we do have copies.

13 CHAIR MOULTON-PATTERSON: Okay. Thank you.
14 Thank you very much. Any other questions? Thank you.

15 Mr. Schiavo, Item 21.

16 MR. SCHIAVO: Do you want us to go ahead and
17 give the presentation or I heard earlier -- this
18 concludes -- no.

19 (Laughter)

20 CHAIR MOULTON-PATTERSON: I think this is
21 something that we're going to really want to look at, but
22 I ask my colleagues. Do you want them to go through the
23 presentation? Do you want this just continued until we
24 have most of our questions answered? What is your
25 pleasure?

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1 BOARD MEMBER EATON: I would like to see the
2 presentation done and when we have some more information,
3 and also I'd like to move that we have a moratorium on
4 anyone bringing these kinds of matters before the Board
5 until such time as the Board takes an official action
6 because that way it will give notice to the local
7 jurisdictions that they are not to be able to do these
8 generation-type studies without the Board because
9 otherwise we get into a situation where they've relied
10 upon it. And as it's talked about in the communities,
11 it's the silver bullet that's going to kill it. And I
12 know, Mr. Tseng, you can sit out in the audience and
13 smile at me every time I say that, but somewhere, somehow
14 the figures don't rattle. And I think at the appropriate
15 time it's going to come out.

16 So you can do what you want, but I'm going to
17 move that there be a moratorium and that this Board not
18 do anything until such time that we've had a full
19 verification of it.

20 When we start bringing studies together where we
21 have information that's not even verified and our staff
22 is approving it and presenting it to the Board, I find it
23 very hard to understand. Maybe I won't get a second,
24 maybe I will.

25 CHAIR MOULTON-PATTERSON: Do we have a second?

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1 BOARD MEMBER JONES: Well, I think as far as
2 holding off a little bit on these generation moratoriums,
3 I'd like to see us kind of slow down here because we --
4 to put this in the context and to get it on the record,
5 some issues have come up within the last, I don't know,
6 three weeks, four weeks, three weeks, about a month, that
7 have to really be flushed out and we've got to get to the
8 bottom of these things to get a comfort level.

9 My -- we cannot grow this wastestream to 80
10 million tons just to get people to 50 percent. And if it
11 doesn't exist, we do a disservice to just start playing
12 with this stuff.

13 So I'd support the moratorium until we could at
14 least get to the bottom of this. It is late in the game,
15 and that's why I went back to support that one motion is
16 we had given direction, but I think it's got to be clear
17 coming out of this meeting that we've got to look at all
18 of this stuff and that should be part of what our
19 diversion study shows.

20 So I think we need to hold off on that and I'd
21 like to maybe get an idea of how many jurisdictions --
22 and you don't have to answer this now but I think the
23 Board needs it for this motion or for this consideration,
24 how many jurisdictions are coming forward. We saw a lot
25 that came in that had hard numbers for all the different

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1 stuff. I don't think -- I don't have a problem with
2 those, some of those. I have a problem when source
3 reduction exceeds the national average, which is 11
4 percent, and I have a problem when diversion is
5 extrapolated based on container capacity.

6 I don't want to see those until I get answers as
7 to where the heck this is coming from. I'd support that.
8 Does that make -- is that close to what we're talking
9 about? And then I don't think you have to have folks
10 getting nervous that we're trying to do, you know --

11 CHAIR MOULTON-PATTERSON: I don't know if we
12 need anything as formal as a motion. Maybe we do and we
13 can vote it up or down, but I would think in fairness to
14 the Board Members and to the jurisdictions that until
15 these answers -- these questions get answered, you know,
16 I don't want to be put in the position until I know. And
17 I can hear from others.

18 If you want to vote the motion up or down, I
19 think the message is clear. Mr. Eaton, it doesn't matter
20 to me.

21 BOARD MEMBER EATON: I would like a motion
22 because I think the jurisdictions will then engage in
23 contracts and I don't want to give them a false sense of
24 hope or optimism or the opposite if we just find that it
25 gets further studies. Then we're going to see that

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1 people have relied upon this in the next couple of months
2 hoping that we might change our mind or we might get some
3 of our fears aligned.

4 If we put a moratorium, they will look to other
5 mechanisms that we at least have a comfort level on to
6 bring forward to the Board and to evaluate their good
7 faith efforts. I find it very --

8 CHAIR MOULTON-PATTERSON: Did you second that,
9 Mr. Jones? I'm sorry. I didn't mean to -- I thought you
10 were finished.

11 BOARD MEMBER EATON: No. I just said I find it
12 very, very interesting that we have had such an outrage
13 at the fact that we haven't really formalized a 1066
14 extension process and we haven't had yet one come before
15 us. That to me tells me that something is out there and
16 I think that there's also a number of contracts out there
17 I think that will become clear as we move through this
18 process which I think also will bear upon the issues.

19 BOARD MEMBER JONES: Madam Chair, I'll second
20 that motion. I would just ask the maker of the motion
21 that those people that are on compliance orders that were
22 going to use the methodology that we may be putting a
23 moratorium on them, that we'll grant them that little
24 extra time.

25 BOARD MEMBER EATON: How many are there?

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1 MS. MORGAN: Unfortunately, I don't know exactly
2 out of the 40 or so that are still on compliance how many
3 would be using the proposed extrapolation methodology
4 versus actual data.

5 BOARD MEMBER EATON: The couple of, yeah.

6 MS. MORGAN: Yeah. I don't know.

7 BOARD MEMBER EATON: There's two or three
8 different methods.

9 MS. MORGAN: Yeah. We don't have a breakdown of
10 that, but we do have about 40 jurisdictions that are
11 still on compliance that would be doing new base year
12 studies.

13 BOARD MEMBER JONES: Are you okay with whatever
14 that moratorium is? That we at least give them that bit
15 of time, that extra bit of time?

16 BOARD MEMBER EATON: You mean that we would --
17 because they didn't meet their compliance date?

18 BOARD MEMBER JONES: Yes.

19 BOARD MEMBER EATON: I don't have a problem with
20 their compliance date as long as they don't go forward
21 with their studies based upon that --

22 BOARD MEMBER JONES: Right.

23 BOARD MEMBER EATON: -- because that's unfair.

24 BOARD MEMBER JONES: Right. That's what I'm
25 saying.

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1 MR. SCHIAVO: I would also like to add that of
2 the 60 base years approved by the Board, there's been
3 about 14 that used extrapolation to some extent. So I
4 would imagine that the percentages will be somewhat close
5 to that.

6 BOARD MEMBER EATON: And how many tons was that?

7 MR. SCHIAVO: 200 million. I don't know.

8 BOARD MEMBER JONES: Quite a bit; wasn't it? It
9 was almost as generated -- we should know that.

10 MR. SCHIAVO: Well --

11 BOARD MEMBER JONES: I'm dead serious about
12 this, Pat. I'm not playing games around here. I want to
13 know what the tons are. When I see it multiplied where
14 you have like 6,000 tons go to 40,000 tons and then you
15 see the statewide average, you don't have any way to
16 reconcile that.

17 MR. SCHIAVO: We can track that. I'm just
18 saying I don't have it off the top of my head right now.

19 CHAIR MOULTON-PATTERSON: Mr. Eaton, just for
20 clarification, I hate to ask you but would you mind just
21 restating it so it's clear to everyone again?

22 BOARD MEMBER EATON: That the staff be
23 instructed that they should notify any and all
24 jurisdictions, whether they be on compliance or not on
25 compliance, that there will be a moratorium on the types

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1 of adjustments based on source reduction using methods
2 such as extrapolation and other non-prudent methods of
3 calculations until such time as the Board decides to act
4 in an act of formal policy with regard to those types of
5 methodologies.

6 CHAIR MOULTON-PATTERSON: Okay.

7 BOARD MEMBER EATON: And that those
8 jurisdictions that may be on compliance now will have the
9 extension of time granted to them in order to comply once
10 the Board has made their determination.

11 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.

12 Mr. Eaton moves, Mr. Jones seconds.

13 Please call the roll.

14 BOARD SECRETARY: Eaton.

15 BOARD MEMBER EATON: Aye.

16 BOARD SECRETARY: Jones.

17 BOARD MEMBER JONES: Aye.

18 BOARD SECRETARY: Medina.

19 BOARD MEMBER MEDINA: Aye.

20 BOARD SECRETARY: Papanian.

21 BOARD MEMBER PAPANIAN: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 CHAIR MOULTON-PATTERSON: Aye.

24 We did have a speaker slip on -- I assume we're
25 going to continue Item 21. You don't want to hear the

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1 present presentation; do you?

2 BOARD MEMBER EATON: No. I think your sage
3 advice early on about an hour and a half hour ago still
4 holds true to this hour.

5 CHAIR MOULTON-PATTERSON: Well, you know, I did
6 predict we would be through by lunch.

7 (Laughter)

8 BOARD MEMBER EATON: Do you remember what I told
9 you what Dan Pennington told me?

10 CHAIR MOULTON-PATTERSON: No.

11 BOARD MEMBER EATON: Dan Pennington said you
12 should never predict when it comes to time.

13 CHAIR MOULTON-PATTERSON: I've learned my
14 lesson. Believe me.

15 BOARD MEMBER EATON: And I never was able to
16 successfully complete it either, and I'm glad to see that
17 you're following in all of our footsteps as well.

18 (Laughter)

19 CHAIR MOULTON-PATTERSON: We do have a speaker
20 on this item, and thank you for your patience. Larry
21 Sweetser.

22 MR. SWEETSER: I think in the interest of time
23 and self-preservation -- Larry Sweetser, Sweetser and
24 Associates on Environmental Services Joint Powers
25 Authority. I think I would agree with some more time on

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1 it because there is a concern out there of enforcing this
2 guide as a mandate. So let's take some time and get it
3 right.

4 Thank you.

5 CHAIR MOULTON-PATTERSON: Thank you,
6 Mr. Sweetser.

7 Before we take our public comments,
8 Mr. Paparian, you --

9 BOARD MEMBER PAPARIAN: Very quickly. I wanted
10 to ask if the staff would be so kind as to prepare for
11 us, perhaps for our October meeting, a compilation of our
12 existing Board policies. This has come up a couple times
13 in the last couple days, and I'd like to be able to have
14 the Board have at least a compilation of what the past
15 Board policies have been and then leave open for us the
16 option of reevaluating some of those policies as
17 appropriate.

18 MR. BLOCK: Just for point of clarification,
19 you're talking about policies Boardwide, not just for
20 DPLA?

21 BOARD MEMBER PAPARIAN: Correct. Thank you.

22 CHAIR MOULTON-PATTERSON: Okay. Thank you,
23 Mr. Schiavo.

24 It's the end of our meeting but we have a public
25 comment period. Did anyone wish to address the Board?

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1 Please come forward.

2 Hearing none, this meeting is adjourned.

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1 STATE OF CALIFORNIA

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4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California,
6 do hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place
12 at the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

17

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19 EXECUTED this 15th day of October, 2000.

20

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