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STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
BOARD MEETING

JOE SERNA JR., CAL EPA BUILDING  
CENTRAL VALLEY AUDITORIUM  
1001 I STREET, SECOND FLOOR  
SACRAMENTO, CALIFORNIA

TUESDAY, APRIL 24, 2001

9:35 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair

DAN EATON

JOSE MEDINA

MICHAEL PAPARIAN

DAVID A. ROBERTI

STAFF PRESENT:

BONNIE BRUCE, Interim Executive Director

KARIN FISH, Chief Deputy Director

KATHRYN TOBIAS, Chief Legal Counsel

ELLIOT BLOCK, Legal Counsel

YVONNE VILLA, Board Secretary

DEBORAH MCKEE, Board Administrative Assistant

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1 P R O C E E D I N G S

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning.  
4 I'd like to call the meeting to order. I'd like to  
5 welcome everybody to our April meeting of the California  
6 Integrated Waste Management Board.

7 Would the secretary please call the roll?

8 BOARD SECRETARY VILLA: Eaton.

9 BOARD MEMBER EATON: Here.

10 BOARD SECRETARY VILLA: Jones.

11 (Not present.)

12 BOARD SECRETARY VILLA: Medina.

13 BOARD MEMBER MEDINA: Here.

14 BOARD SECRETARY VILLA: Papanian.

15 BOARD MEMBER PAPANIAN: Here.

16 BOARD SECRETARY VILLA: Roberti.

17 (No response.)

18 BOARD SECRETARY VILLA: Moulton-Patterson.

19 BOARD CHAIR MOULTON-PATTERSON: Here. Okay.

20 We have a quorum.

21 And I'd like to wish Mr. Jones well. Mr. Jones,  
22 this is the first meeting that he's ever missed as I  
23 understand, and he's very ill, and we really miss him,  
24 and we'll miss him today.

25 So if you could, Janine, let him know that he is

1 definitely missed, we would appreciate it.

2           At this time I'd like to ask you to turn off all  
3 your cell phones and pagers to avoid disrupting the  
4 meeting.

5           And before we begin the meeting, again I would  
6 like to make a few comments about California's recent  
7 energy challenge. We are faced with a time in which we  
8 must all pitch in to reduce consumption and improve our  
9 energy efficiency.

10           As you know, California continues to experience  
11 electrical shortages and rolling blackouts. The Governor  
12 and the leaders of the California legislature are working  
13 with utilities, energy generators, and consumer groups to  
14 forge a long-term solution to this problem.

15           In the short run, California, California's  
16 consumers and businesses must all work together to reduce  
17 electricity usage and use energy more efficiently. At  
18 the Waste Board we've implemented a plan to reduce  
19 consumption by a minimum of ten percent during critical  
20 power shortages. We're asking you, too, to flex your  
21 power.

22           To promote this message we've placed the flex  
23 your power message at the front of the auditorium. Given  
24 our commitment to conserve energy and reduce waste, we're  
25 also providing a limited numbers of copies of the agenda

1 items. They're located at the back of the room.

2 For those of you in the audience, there are  
3 speaker request forms on the back table. If you wish to  
4 address any item on the agenda, please fill out a slip  
5 with the specific item or items you plan to be  
6 addressing, and give it to Ms. Villa who's up here at the  
7 front, and she'll make sure we know of your wish to  
8 speak.

9 Lastly, there will be a closed session today at  
10 2:00 p.m. that we will need to take that time out of our  
11 public meeting. So when we break for lunch, if the  
12 public would plan on coming back around 2:30, I think  
13 we'll be through between 2:30 and 2:45.

14 Do any members have ex-partes? Mr. Eaton?

15 BOARD MEMBER EATON: I'm up to date.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you.

17 BOARD MEMBER EATON: Although I do understand,  
18 that's why I was on the phone, there are a number of 'em  
19 in my box that I have not seen that came in, per our  
20 process that came in last night which I haven't seen, and  
21 if I get to review those through the course of the day  
22 I'll report them at that time.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you. I'm  
24 also up to date. And if I haven't seen them then I can't  
25 report them, but when I see them I certainly will.

1 Mr. Medina.

2 BOARD MEMBER MEDINA: I'm up to date on my  
3 ex-partes.

4 BOARD CHAIR MOULTON-PATTERSON: Mr. Papanian.

5 BOARD MEMBER PAPANIAN: I'm up to date also.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you. I  
7 did want to mention that, as I mentioned at the briefing,  
8 we want to welcome Edna Walz from the Attorney General's  
9 office who will be joining us at our meetings and at our  
10 briefings.

11 And we really welcome you, Edna, and it's nice  
12 to see you here.

13 MS. WALZ: Thank you, it's a pleasure to be  
14 here.

15 BOARD CHAIR MOULTON-PATTERSON: First let me  
16 explain that the special recognition for Rick Best has  
17 been moved to our June agenda.

18 I'd also like to mention at this time that Jerry  
19 da Roca has had to resign from his position as solid  
20 waste manager for Glenn County due to illness. As Jerry  
21 has been an enthusiastic supporter and participant of  
22 Board programs and grants, we would really like to wish  
23 him well. And he has graciously shared knowledge with  
24 others and with the Board.

25 I would like to have the staff bring back a

1 resolution at our May meeting so we can appropriately  
2 recognize him and let him know that we appreciate the  
3 wonderful work that he's done over the years for solid  
4 waste management in California.

5 And I'd like to ask if Board members have  
6 reports. Mr. Eaton?

7 BOARD MEMBER EATON: Yes, Madam Chair, just two  
8 quick items. One, a couple of weeks ago with members of  
9 your staff as well as Mr. Paparian's staff I had the  
10 pleasure to go down and visit the East Bay Regional Park  
11 project which deals with a sort of children's camp in the  
12 East Bay in Livermore that will provide environmental  
13 education as well as some other kinds of services to  
14 children with serious as well as terminal illnesses.

15 And a number of, a couple of years ago we  
16 provided a grant to them of over \$200,000 to build or  
17 participate in the building of a dining hall. Those  
18 children built a green product, and we had the  
19 opportunity firsthand to see it in the construction  
20 phase. And it was not only was most impressive, but it  
21 also gave us an indication of the problems that they had  
22 to overcome in order to successfully construct a building  
23 out of certain products.

24 So while it was a great symbolic building, it  
25 also was one which was a learning center. And they have

1 invited both you and other Board members, I believe it's  
2 May 17th, and the date I'm not quite sure, but I think it  
3 is, to their grand opening down there. And I think it is  
4 well worth it.

5 It's in one of the more ideal locations, right  
6 outside of Livermore as you're on your way past Wente  
7 Brothers Wineries. And if you've ever been down there in  
8 that area, it's one of the most gorgeous areas in the  
9 East Bay.

10 So that was most informative. It's also nice to  
11 see that we can actually see a finished product and not  
12 something that's intangible, so I wanted to bring that  
13 up.

14 And the other is I also had the opportunity to  
15 go up to Ione. And for those of you who may not know  
16 where Ione is, it's up in the eastern foothills outside  
17 of Placerville and Amador County, where I guess later  
18 this month and next month we'll can taking up some energy  
19 issues which you referenced at the beginning, comments  
20 with Capital Power, and there may be an opportunity for  
21 us to look at converting tires to energy with, in  
22 contrast to the other facility where we have participated  
23 in the past but the engineering is different.

24 What they're asking of us is different. They're  
25 not asking for subsidies as far as we know, but it is a

1 project that we think is, you know, is well worth looking  
2 at and reviewing, and I would hope that each of you could  
3 go up and see it prior to the time that we take up the  
4 discussion item on energy.

5 I think it has some potential, but obviously all  
6 of these projects are complicated by the fact of the  
7 contractual obligations that must be worked out between  
8 themselves and DWR.

9 But in, this facility I think has great  
10 potential simply because it has the right kind of  
11 engineering which will limit the cost and provide the  
12 power as well.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
14 Eaton.

15 Mr. Medina.

16 BOARD MEMBER MEDINA: Thank you, Madam Chair.  
17 First, I'd like to say that I had an opportunity to  
18 attend the Recycled Product Trade Show, and it was an  
19 outstanding show. This is the second one. I thought  
20 that the first year was outstanding, and they certainly  
21 were able to improve over that. And I just want to  
22 commend Jerry Hart and the staff for all of the hard work  
23 that they did in putting the trade show together.

24 And I particularly enjoyed being able to give  
25 awards out to outstanding exhibits that were at the trade

1 show. So I look forward also to the one that will be  
2 taking place in Southern California.

3 Last week I had an opportunity to attend a  
4 meeting with Secretary Hickox with the Morongo Band of  
5 Cahuilla Indians regarding the greening of casinos and  
6 other buildings.

7 According to the Riverside newspaper, the tribes  
8 are expected to do more than two billion dollars worth of  
9 construction, and if we can get a portion of that for  
10 recycled content products, I think that it will  
11 significantly expand the market for recycled content  
12 products.

13 Representatives of the Morongo band that were  
14 there stated that they would be willing to be a model and  
15 sign a statement of principles for the use of recycled  
16 content materials.

17 We also had a discussion led by the secretary in  
18 regard to the development of alternative energy sources  
19 by the tribes.

20 Other meetings last week. I had an opportunity  
21 to meet with Assemblyman Cardenas regarding environmental  
22 justice and also Assemblyman Simitian regarding the use  
23 of rubberized asphalt.

24 And that concludes my report for today.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

1 Medina.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Thank you. I want to  
4 again thank the staff for their efforts around E-waste.  
5 Jeff Hunts and Terri Cronin, I see Jeff here, Terry I  
6 don't see yet, have been, you know, really doing an  
7 outstanding job developing an Internet resource on  
8 electronics waste. And I think we can actually show you  
9 the front page of it here.

10 It's really a fantastic job that they've done,  
11 and I encourage everybody to visit the website at  
12 [WWW.CIWMB.CA.GOV/ELECTRONICS](http://WWW.CIWMB.CA.GOV/ELECTRONICS).

13 Make sure to check out the calendar of events.  
14 There's a lot of upcoming workshops and conferences  
15 addressing E-waste issues.

16 I also want to thank the E-waste working group  
17 for responding to our stakeholder needs, and developing  
18 resources to address the challenges we face in managing  
19 electronics waste.

20 Last week Mark Kennedy of my staff and I  
21 attended the EPR II Take It Back conferences in  
22 Washington, D.C. along with Peggy Harris of the  
23 Department of Toxics Substances Control.

24 As I mentioned at our last meeting, Cal EPA has  
25 asked me to lead an effort with PTSC on product

1 stewardship for electronics product products.

2 At this meeting in D.C. coalitions of local and  
3 state Governments met with industry and other  
4 stakeholders such as environmental groups and E-waste  
5 recyclers and retailers to discuss voluntary agreement  
6 potentials for end of life management of electronic  
7 products.

8 Many of the details are still to be discussed  
9 and so forth, but the initiative is likely to focus on  
10 CRTs, that is T.V.'s and computer monitors, computers and  
11 their peripherals.

12 Our hope is to meet six times over the next year  
13 and develop an agreement that all the involved parties  
14 can support.

15 I thought the meeting went very well and I'm  
16 looking forward to working with the various groups from  
17 around the country on this electronics initiative. And  
18 I'll keep the Board informed of our progress.

19 I also during the past month had the opportunity  
20 to visit and participate in a number of activities. We  
21 visited the HMR facility in San Francisco. HMR  
22 specializes in a wide array of end of life overstocked or  
23 obsolete items in reclaiming value for reuse or  
24 recycling.

25 They also have a monitor crushing facility where

1 they actually crush monitors for ease of transport to a  
2 facility that ultimately melts them down.

3 We visited the NorCal San Francisco transfer  
4 station, quite an impressive facility.

5 I also attended the Recycled Product Trade Show,  
6 and I want to echo the comments of Board Member Medina.

7 And then I also attended a conference on the  
8 Road to Sustainability in California that was put on by  
9 Cal EPA and others.

10 At that conference we heard some interesting  
11 ideas from representatives of other states and other  
12 countries such as New Jersey, Oregon, and New York, and  
13 some representatives from New Zealand and the Netherlands  
14 discussed some of their efforts at planning for  
15 sustainability.

16 Finally I wanted to mention the environmental  
17 management system effort for the Cal EPA building which  
18 I'm going to be participating in, and Kit Cole from my  
19 office will be working on.

20 The effort is intended to build on the progress  
21 that's been made so far in making this building as green  
22 as possible.

23 Andrew Hurst deserves a lot of credit on the  
24 recycling end of that, and Theresa Parsley who oversaw  
25 the building in that also deserves a lot of the credit.

1           We'll be working to throw the net a little wider  
2 and look at such impacts as transportation to and from  
3 meetings, procurement, improvement in recycling efforts,  
4 and other items to further green Cal EPA.

5           Thank you.

6           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
7 you. And I might say that Mr. Paparian is modest. He is  
8 not only involved, he'll be heading up the EMS program  
9 for the entire Cal EPA, and we're really proud of that.  
10 And we really appreciate your leadership on that, Mr.  
11 Paparian.

12           BOARD MEMBER PAPARIAN: Thank you.

13           BOARD CHAIR MOULTON-PATTERSON: I would just  
14 like to briefly, first of all, start out our report with  
15 a big thank you to the people that put together the  
16 Recycled Trade Show, it was great. And to see the  
17 enthusiasm and involvement was just wonderful, and I echo  
18 everything that's been said. And I look forward to the  
19 one we're going to have down in Southern California.

20           I also want to say thank you to Ms. Bruce and  
21 all of the exec staff that went before the Senate Budget  
22 Committee, and Ms. Fish, Mr. Miller, Mr. Leery, the whole  
23 team, T.J. Ms. Jordan, a whole group of you went over  
24 there and really did an excellent job and we're really  
25 proud of you for representing us at this Senate Budget

1 Committee, and I'm sure you'll be talking about that  
2 during your report.

3           Also, I'd like to mention that we did have an  
4 agency-wide recognition led by Secretary Hickox in this  
5 room yesterday morning to recognize all of the people  
6 agency-wide that were instrumental in helping us to move  
7 into this building. We did recognize our group at a  
8 luncheon earlier, but I just want to say thank you again  
9 to everybody who made the move possible. There was just  
10 a lot of work involved.

11           Also, I visited Portland Cement in Colton. It  
12 was very interesting to see what they're doing with the  
13 tires out there, and I encourage members that haven't  
14 been there to go out and take a look. It was very, very  
15 interesting.

16           On March 28th, Keep California Beautiful, we had  
17 our kick-off in Sacramento with first lady Sharon Davis.

18           I gave a speech to GLASWMA, and Greater Los  
19 Angeles Solid Waste Management Association in the City of  
20 Commerce. A lot of the local independent haulers were  
21 there, and it was a real good cross-section of people.

22           I attended the Waste Expo in Chicago, and got a  
23 really good view of, on a lot of different areas, but  
24 they had great sessions on E-waste and on E-commerce, and  
25 just really got a good industry perspective. It was a

1 real eye-opener for me.

2 On April 6th I visited and saw in action the, a  
3 food scrap recycling program that they have out in Indian  
4 Wells at their new tennis complex.

5 And that's my report, and I'll turn it over to  
6 Ms. Bruce for your report.

7 INTERIM EXECUTIVE DIRECTOR BRUCE: Thank you so  
8 much. As you've all mentioned, the second annual  
9 Recycled Product Trade Show was really a success, and I'd  
10 just kind of like to highlight just a little bit about  
11 that for you.

12 With the number of exhibitor booths and the  
13 number of attendees increased from last year. We  
14 actually this year featured 138 booths. We had  
15 representatives from more than 120 companies, and  
16 approximately 1500 people attended.

17 As they were asked when they left to fill out an  
18 evaluation form, those evaluations are being reviewed  
19 presently, and we're getting rave reviews about what  
20 happened.

21 They also mentioned how much they enjoyed the  
22 opportunity to speak to the people that were  
23 representative, and got a lot of good ideas from just  
24 that one on one ability to converse.

25 The staff also had the opportunity to tour

1 various dignitaries through the trade show including  
2 General Services Director Barry Keen, and Department of  
3 Conservation Director Darrell Young.

4           There were unconfirmed rumors that Mickey Mouse  
5 might be in the audience but, in fact, it was really his  
6 representative, Donna Baker from Disneyland. She came  
7 with two of her staff people, and I had the opportunity  
8 to meet with her and talk with her, and they are so  
9 excited about what's coming forth and Disneyland being a  
10 partner for next year's trade show in Southern  
11 California.

12           The exhibitors were kept busy. They reported,  
13 and this is what their evaluations said, they said the  
14 traffic was very high, the shows generated lots of leads,  
15 and the event was extremely well organized.

16           And having spoken to our staff and realized what  
17 the afternoon before and the very early morning of  
18 happens in something of this magnitude, they deserve a  
19 lot of kudos now because they worked very, very hard.

20           Just a couple of other highlights that were  
21 mentioned on some of the evaluations were that, they were  
22 very complimentary of the food, and very much expressed  
23 interest in the hundred percent recycled paper products  
24 and the biodegradable utensils.

25           We had the opportunity to meet with this company

1 prior to the trade show and talking about the work that  
2 they did with the Olympics this year. Their product, if  
3 you were there for lunch and got to use the utensils, are  
4 made from corn starch product and are completely  
5 biodegradeable.

6 They all said that they're looking forward to  
7 attending next year, and they are hoping that many of the  
8 products will have an energy conservation emphasis.

9 Next show, next year's show is scheduled at  
10 Disneyland for April 4th and 5th. We're looking at a two  
11 day process so that we might even be able to do some  
12 breakout sessions when we're not having the opportunity  
13 to be in the hall.

14 I'd also like to acknowledge Jerry Hart and Judy  
15 Burns for their dedication for being able to put together  
16 such a successful trade show as well as the staff of our  
17 Public Affairs Office for their support in so many ways  
18 there.

19 Mr. Papanian mentioned about the electronic  
20 waste CRT issue, I just want to make a few extra comments  
21 in that area. First of all, to thank him and his office  
22 staff for the work that they have been involved in in the  
23 announcement that was made by Department of Toxics  
24 Substance Control on April 3rd.

25 They said that a letter from, they were

1 responding to a letter from the Materials for the Future  
2 Foundation clarifying what were the current laws  
3 regarding the proper management of discarded CRTs.

4           And essentially the department said that the  
5 computer monitors, televisions, and other electronic  
6 equipment containing CRTs must be handled as a hazardous  
7 waste because CRTs contain significant levels of lead as  
8 well as other toxic materials.

9           The department's determination has had a major  
10 impact on how CRT containing electronic devices have been  
11 handled traditionally in California.

12           And as Mr. Papanian has mentioned, there have  
13 been many meetings on how we will be working with the  
14 department and U.S. EPA to develop a new regulatory  
15 structure for the waste CRTs.

16           The budget hearing that Chair Moulton-Patterson  
17 mentioned did happen last week with the Senate. Tomorrow  
18 we will be before the Assembly. But I want to be sure  
19 that Board members as well as staff are aware that we  
20 felt we did have a positive outcome of our budget hearing  
21 last Thursday before Senate Budget Subcommittee number  
22 two.

23           With the exception of the tire program, our  
24 budget passed the committee without opposition.

25           We will be working with the Department of

1 Finance and the Legislative Analyst's Office to address  
2 questions related to the tire program, and will return to  
3 the Senate Subcommittee once that work is completed.

4 Senator Sher did ask that we return to the  
5 negotiating table with the two entities to work on that a  
6 little bit more.

7 I would like to mention that Senator Sher was  
8 extremely pleased when I was able to announce some of the  
9 work that we've been doing with SB 2202 and the 42  
10 percent of diversion rate that we are at. He publicly  
11 acknowledged that pleasure that he was feeling on that.

12 Also you mentioned in the, the Keep America  
13 Beautiful Month, this is the month of April, and it has  
14 been designated as Keep America Beautiful.

15 I'd just like to quote just briefly from the  
16 resolution. It says,

17 "California is the greatest state  
18 in the nation with our miles of  
19 pristine coast line and plants and  
20 animals that thrive in our unspoiled  
21 wilderness."

22 It is anticipated that over 55,000 volunteers  
23 will help clean neighborhoods, highways, beaches,  
24 recreational areas, trails, and parks. Our chair sits on  
25 the Keep America Beautiful Executive Board as well as

1 Trish Broddrick, and we would just encourage all of us,  
2 including myself there, to make sure that we do our part  
3 in trying to help keep America beautiful.

4 I would just then like to end as you're going  
5 into the agenda to just update all of us on what has been  
6 pulled and continued as well as the consent calendar if I  
7 might do that at this time.

8 Right now being pulled is number fourteen.

9 Early this morning I spoke with Mr. Schiavo, and  
10 all reports from number fifteen are in so, we will be  
11 pulling number fifteen.

12 Number 23, number 24, and number 41.

13 We have been asked to continue by the City of  
14 San Diego number five to June, number 27 to May.

15 And presently on our consent calendar we have  
16 number nine, number ten, number twelve, number thirteen,  
17 number seventeen, and number 42.

18 Number twenty was on but it has been asked to be  
19 removed from consent, and I'm removing it from consent.

20 Thank you very much.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you  
22 Ms. Bruce. Okay. On our, we'll go on on reports.

23 And number one is discussion of environmental  
24 educational program. We have an oral and visual  
25 presentation.

1 Ms. Broddrick, good morning.

2 MS. BRODDRICK: Good morning. Okay. Good  
3 morning, Madam Chair and Board members. I'm Trish  
4 Broddrick, I'm from the Office of Integrated Education.  
5 It's my pleasure to provide you this morning with a brief  
6 overview of the education program in light of the  
7 development of the new Office of Integrated Education.

8 The first thing I'd like to do is to give a  
9 brief historical overview of the education initiatives.

10 With 939 back in 1989, some companion  
11 legislation, SB 1322 was introduced and passed that  
12 requires the Board to work with the Department of  
13 Education to develop a K-12 education program to teach  
14 the concepts of integrated waste management. This  
15 mandate was very broad in its perspective, there were no  
16 specifics on how this should be implemented.

17 As a result, we convened two roundtables, one in  
18 Northern California and one in Southern California,  
19 inviting stakeholders to provide us with input on what  
20 they felt we should be focusing on, and giving us some  
21 direction so that we could develop the strategic plan.

22 The findings from these roundtables were  
23 primarily do not reinvent the wheel, there are  
24 information and very high quality resources already out  
25 there; please collect those resources, find some way to

1 evaluate them, and then to provide them to educators and  
2 to local government around the state, and preferably in  
3 languages in English and in other languages, especially  
4 Spanish.

5           So what we did at that point is we went to the  
6 Department of Education who were putting together some  
7 something called a Compendium Program. This curriculum  
8 Compendium Program targeted six different themes for the  
9 environment, and one happened to be waste.

10           So what we did, and it fits neatly in with our  
11 mandate to work with the California Department of  
12 Education, is that we provided technical staff, they  
13 provided instructional strategy experts.

14           We collected curricula from around the nation.  
15 We developed an assessment tool. And then we hired 24  
16 top California educators to apply this assessment tool to  
17 these curricula.

18           The findings and the results of this assessment  
19 are published in the Curriculum Compendium for Integrated  
20 Waste Management, and this was published in 1993. This  
21 is a handy tool that fits in neatly with the  
22 recommendations for the roundtable in that we did collect  
23 and evaluate and identify the top quality educational  
24 materials for educators, and provided those compendia to  
25 the educators.

1           However, this functions primarily as a catalog  
2 of information, and the teachers themselves can order  
3 whichever curricula that they feel fits neatly into their  
4 own programs.

5           But we wanted to go a step farther and we wanted  
6 to actually select, adapt, and adopt a curriculum that  
7 fits just California, and that we could help market in  
8 the state.

9           The top scoring curriculum in this compendium  
10 review process was "Closing the Loop," it was published  
11 by a non-profit organization out of Ohio. We contacted  
12 that publishing company, we worked with them, and we  
13 ended up purchasing the copyright.

14           And we adapted it to California's specific  
15 information, demographically in terms of technical data,  
16 and we worked with the Department of Education to hire  
17 consultants to upgrade some of the education and  
18 pedagogical strategies.

19           We field tested the California teachers and then  
20 we embarked on a strategic plan and a marketing plan to  
21 get this curriculum out in the hands of the teachers per  
22 a training process.

23           This curriculum was designed to be kindergarten  
24 through twelfth grade. However, we decided that one of  
25 the things that we needed to do is to develop some other

1 curricular materials. And those curricular materials  
2 would be focusing on secondary grade levels, primarily  
3 science, and we wanted an integrated curriculum program  
4 as well.

5 So working with the used oil expert staff here  
6 at the Waste Board, they had been receiving requests for  
7 block grants from local jurisdictions to develop  
8 curricula on used oil concepts.

9 We partnered with them and pulled an advisory  
10 team together and worked with the Department of Education  
11 and came up with the curriculum "Earth Resources." And  
12 "Earth Resources" is an environmental science program  
13 primarily designed for ninth and tenth grade students.

14 There is another curriculum we have adopted,  
15 it's called, "Project Learning Tree Municipal Solid  
16 Waste," and this is an integrated curriculum, so it fits  
17 neatly with middle school students as well as high school  
18 students.

19 Teacher training workshops continue to be our  
20 focus. Since 1996 to the present we have conducted  
21 approximately four hundred workshops. We have trained  
22 over 5,700 teachers in our curricula. And we have  
23 translated all of our curricula student workshop and  
24 pages that go to the parents and to the home in Spanish.

25 We have as a marketing tool pulled out selected

1 lessons and developed what we call samplers and use these  
2 as marketing tools.

3           These are a compilation of four lessons we hand  
4 out to teachers at conferences and to local government to  
5 help market these programs so that teachers get a taste  
6 or a sampling of our programs.

7           We also put these on the website so that  
8 educators and others who are looking for resource  
9 materials actually see what we have and can kind of  
10 preview a taste of what those lessons could be like, and  
11 hopefully order the curriculum and sign up for the  
12 teacher training workshops which we do provide free of  
13 charge.

14           We have, all of our curricula are correlated to  
15 state standards, to state frameworks. And this is not  
16 just in science, it's also in language art, social  
17 studies, and in math.

18           We have correlation documents which we provide  
19 at workshops to teachers. So those teachers who are  
20 under a tremendous amount of pressure to meet standards  
21 know that if they use our materials they are actually  
22 meeting the mandates.

23           The website has been highly developed and a lot  
24 of our resources material can be found on our website,  
25 and we have a lot of interest in that, in that Web

1 project.

2           We have a lot of major efforts and major  
3 projects for marketing. Outside of maintaining our  
4 curriculum and teacher training program we have a  
5 contract with the K-12 Alliance, which is funded by the  
6 National Science Foundation and is required or  
7 commissioned to implement science reform in California.

8           And one of their focuses is developing what they  
9 call Integrated Science Programs where they're  
10 integrating life science, earth science and physical  
11 sciences.

12           "Earth Resources," a case study oil, which is  
13 our environmental science program for high school  
14 students, fits neatly into this.

15           So we have a \$150,000 contract with the K-12  
16 Alliance where they will be training 54 teacher trainers  
17 and going out and training a minimum of 720 teachers in  
18 the curriculum.

19           We have the California Department of Education  
20 garden grants whereby we provide funding to the  
21 Department of Education. They in turn implement the  
22 grant program. But we have added a vermi composting and  
23 composting component, and also participate in the  
24 mandatory training of all teachers.

25           We have a border project which has been

1 exciting, and that border education program we're working  
2 with Cal EPA. We have a consultant who is developing a  
3 curriculum that is integrated in cross-media. We are  
4 field testing it down to Baja teachers, and we will be  
5 providing teacher training workshops to these teachers in  
6 the Baja region at the University of Baja this fall.

7 Board member Paparian had mentioned EMS. We are  
8 working with EPA on doing some pilot EMS or Environmental  
9 Management System programs for schools, all designed  
10 hopefully to integrate our diversion and our curriculum,  
11 and develop a footprint for the environment for all  
12 school campuses as well.

13 The California Science Teachers Association was  
14 interested in providing some scientific publications to  
15 middle school students where we're linking the science  
16 with and technology with literacy. As a result, we have  
17 a contract with them to provide case studies on real life  
18 waste management issues that have links to documentation  
19 and publications for our, from our technical staff.

20 We have partnered with top science experts in  
21 California, and partnered them with a technical expert  
22 here at the Board. And with these links and these  
23 publications, the students will be able to have the data  
24 and will be learning a lot about visual organizers,  
25 graphs and charts of that type, and will be solving real

1 life waste management issues.

2           There are also links in that website that will  
3 be providing lessons to teachers who will then be able to  
4 support the students in their decision-making.

5           There's the vermi project which is a interactive  
6 website, and that project will be profiled later after my  
7 presentation, so I will not provide additional  
8 information except to say that it is connected to  
9 "Closing the Loop."

10           "Closing the Loop" had been revised under Mr.  
11 Eaton's support, and "Closing the Loop" now has been  
12 broken down into two modules, K-3 and 4-6. As a result  
13 it fits nicely in with those grade levels. We're able  
14 then to focus in on elementary and to use our "Earth  
15 Resources" and our "Project Learning Tree Municipal Solid  
16 Waste" module just for secondary.

17           The Office of Integrated Education then is  
18 broken down into two very large responsibilities. As  
19 assistant director my job is to link out into all of the  
20 BDO's and develop a cross-media effort.

21           What we have discovered, our program has  
22 received a lot of attention. We've been very  
23 successful. Air Resources Board, Water Board, Toxics and  
24 others in Cal EPA then decided what they wanted to do was  
25 develop their own programs.

1           What we were finding was that we were going out  
2 to the same venues, we were, we had separate booths, we  
3 were competing against each other for resources and for  
4 teacher time and attention, and it seemed  
5 counterproductive, particularly when you consider that  
6 the environment is a system and all the elements of the  
7 environment are interconnected.

8           In addition, they were interested, the other  
9 media are interested in developing curricular materials,  
10 which meant there would be additional resources in  
11 developing curricula. We would be marketing these in the  
12 same venue, and teachers would have to choose between  
13 teaching waste management issues, air issues, water  
14 issues, and others.

15           As a result, we got a tremendous amount of  
16 result from our Board Chair and from Secretary Hickox to  
17 initiate an integrated approach to education. And so the  
18 Office of Integrated Education will have the  
19 responsibility of spearheading this collaborative effort.

20           Joanne Vorhies, the supervisor, will maintain  
21 management and control of the regional and the waste  
22 management specific projects, but will work very closely  
23 with me in assuring that whatever programs are developed  
24 at the Waste Management Board are consistent with the  
25 broader initiatives.

1           We have four regional staff. As a result of  
2   having regional staff, these four staff people become  
3   very closely connected to their local government  
4   contacts, get very intimately involved with the education  
5   associations and the county offices of education, they  
6   provide the teacher training workshops. And we do have a  
7   cadre of teacher trainers, but as you recognize, teachers  
8   who are teacher facilitators also are educators  
9   themselves, and as a result many times our own staff have  
10  to go out there and actually conduct the workshops  
11  themselves.

12           One thing I did want to mention is that there's  
13  been a tremendous amount of research by the state  
14  education and environment roundtable. It's a national  
15  non-profit association that has been funded by the  
16  Puchairable Trust. And it has done a tremendous amount  
17  of research proving that using the environment as a  
18  context for teaching and learning all subject areas  
19  results in higher performance on student tests.

20           And a side benefit as well is that the students  
21  who are using the strategy actually are more interested  
22  and connected, and attendance does go up.

23           We have a tremendous amount of networking and  
24  advisory committees that we are members of. You have a  
25  handout on all of these associations, I won't go into

1 each and every one of them. I invite you to peruse them,  
2 and if you have any interest in any or all of those  
3 above, I'd be happy to provide you with additional  
4 information.

5 One of them, however, that I would like to  
6 highlight is the environmentality. The California  
7 Environmental Education Interagency Network has been  
8 convening that now for about nine, ten years. And it's  
9 all of these state agencies under California EPA,  
10 Resources Agency, Department of Education; we meet  
11 monthly to make sure that we are collaborating.

12 And the highlight of that initiative is the  
13 environmentality project which is a partnership between  
14 the Walt Disney Company and that organization.

15 This year the grand prize winner of the project,  
16 and that's one of the large parts of this particular  
17 initiative is that the students themselves can initiate  
18 environmental actions in their community. And the grand  
19 prize winner is given a free trip to Disneyland, they are  
20 celebrated, they are provided with all of the support and  
21 recognition they deserve.

22 But the grand prize winner this year is from  
23 Ventura County, the school is From Cindy Valley, and they  
24 conducted a very, very extensive integrated waste waste  
25 management program, including composting and vermi

1 composting.

2           And it was just superb, not only in the student  
3 initiative, but the fact that the teacher herself aligned  
4 all of the activities to the education content standards,  
5 from language arts to math to science.

6           What I have for you today is a t-shirt on  
7 environmentalty that I'd like to provide to you. And of  
8 course it's made out of recycled soda bottles.

9           And the front page provides a brief description  
10 of what the class conducted and also delineates all of  
11 the content standards that the teacher was able to  
12 accomplish just by doing an environmental action project  
13 focusing on waste management.

14           At this point I'd like to invite questions, and  
15 if there are no questions on my presentation then I will  
16 hand it over to our IMB staff.

17           BOARD CHAIR MOULTON-PATTERSON: Questions from  
18 the Board? Mr. Papanian.

19           BOARD MEMBER PAPANIAN: I just wanted to comment  
20 that you're doing great work. This is some of the best  
21 and most important work that we do around here is  
22 providing the educational materials and support, and so I  
23 wanted to thank you for a good job.

24           MS. BRODRICK: I appreciate that. One of the  
25 things that we try to keep in mind is those students, for

1 instance, who are just doing the environmental project  
2 are in fifth grade, those are ten year olds and in just  
3 eight years they'll be voting.

4           And to get to these kids now and to, to let them  
5 understand, help them to understand what that, that they  
6 do and they can make a difference, to increase not only  
7 their awareness and their understanding and their  
8 knowledge base, but actually by applying what they've  
9 learned into their school and their community they feel  
10 empowered.

11           And these kids have made presentations to City  
12 Council members. They have been gone and they have been  
13 interviewed by media. They've been on television. And,  
14 they are educating the adults of today and showing us all  
15 what we should be doing.

16           And I just want to thank each and every one of  
17 you for the opportunity of what many of my colleagues say  
18 is the best job at the Board, and giving me an  
19 opportunity to do that.

20           And this is the grand prize winner this year.

21           BOARD CHAIR MOULTON-PATTERSON: Thank you.

22           MS. BRODDRICK: I'd like to introduce at this  
23 point then Doug Ralston from the Information Management  
24 Branch.

25           MR. RALSTON: Good morning. Madam Chair, Board

1 members. It's with a great deal of enthusiasm and a  
2 little excitement that I come before you today to talk  
3 about the vermi project.

4 One of the interesting aspects of working in the  
5 Board is being able to work --

6 BOARD CHAIR MOULTON-PATTERSON: We're not  
7 hearing you quite as well.

8 MR. RALSTON: How's that?

9 BOARD CHAIR MOULTON-PATTERSON: Better, thank  
10 you.

11 MR. RALSTON: Okay. One of the exciting things  
12 about working in the Board is being involved in a number  
13 of different projects and being able to get together with  
14 some very talented people to be able to put those  
15 projects to work and to actually come out the other end  
16 with a definable product that is useful to people.

17 Certainly the vermi project is one of the those  
18 in that category. For this information item I'd like to  
19 give a brief history of the project, a short description  
20 of our timeline in terms of the development, and then end  
21 with a preview, a fewsnippets of the game as it's been  
22 developed today.

23 We were charged last August with, that is we,  
24 the education branch and the Information Management  
25 Branch were challenged last August with putting together

1 an animated Web-based educational game.

2 The game was to be about the three R's with a  
3 focus on vermi composting. As Trish has just  
4 articulated, there's a number of initiatives, both with  
5 the California Department of Education and within the  
6 Board here that deal with vermi composting and IWM  
7 strategies.

8 When we sat down to talk about the game and what  
9 it would be about, we came up with a number of  
10 objectives. One, that it had to be a fun teaching game  
11 about the three R's in the context of what kids are used  
12 to looking at these days, both animation and Web-related  
13 things.

14 It was necessary to expand the Board's education  
15 presence on our website, and to reach more people, the  
16 kids, the casual users as well as the teacher, and  
17 leverage our existing technology infrastructure.

18 Third was to extend the existing "Closing the  
19 Loop" curriculum into the classroom and becoming a  
20 partner in that computer classroom of the 21st century.

21 With our ideas on what a game should be about  
22 and a conceptual story line, we convened a group of  
23 advisors from throughout the state, an advisory group  
24 consisting of primary and secondary science teachers,  
25 environmental instructors from non-profit groups, and

1 industry representatives engaged in outreach efforts.

2 We ran our ideas and approaches by them, and  
3 we're very gratified to have their support and insight on  
4 how we might put this project together and how it might  
5 be used both by teachers in the educational community as  
6 well as by the general public.

7 Basically the story line is pretty  
8 straightforward. It's based on concepts found within the  
9 "Closing the Loop" curriculum. The project setting was a  
10 school garden. The hose is an engaging character who  
11 greets us and sets the stage for what's to come in the  
12 game, and then proceeds to guide us through a series of  
13 lessons about the three R's with the focus on vermi  
14 composting. At the end the character comes back, and  
15 with all the characters we met along the way celebrates  
16 the knowledge that we've learned and helps us to put it  
17 to use.

18 The planning and design of the animated game  
19 began in September with a target audience of third  
20 grade. Though I think if our working team is any  
21 indication, the adults are going to enjoy this too.

22 Some of the project's success factors is that  
23 the game must hold the attention of children, and must do  
24 this a way that uses Web-based graphics, animation, and  
25 engaging story themes using those educational approaches.

1           It must be able to be used either with or  
2 without the CDL curriculum, so that the casual user  
3 coming to our site would be able to avail themselves and  
4 have some benefit from this particular game.

5           It had to have believable characters and  
6 engaging voices. And you'll hear some of those voices of  
7 the characters in a minute, in a little bit.

8           It had to meet all IMB technical standards, and  
9 incorporate streaming audio and streaming video that  
10 would be used within the Web-based project.

11           It had to be compatible with the computer  
12 equipment that might be found in the average school  
13 room. And this addresses a disparity, perhaps a great  
14 difference in the kinds of computer equipment that  
15 various school districts have.

16           In developing this, from a technical viewpoint  
17 what we were trying to do is provide the greatest  
18 audience we could, and so we're technically developing  
19 this so that there's not a huge load on memory or on  
20 modems so that we could address and provide access to  
21 this game by any number of schools and any equipment  
22 within the schools.

23           Finally, the product had to incorporate  
24 Department of Education standards for third grade for  
25 science, English, and mathematics, and also incorporate

1 an assessment tool to gauge the effectiveness of the  
2 game.

3           The presentation you're about to see is a first  
4 draft, a work in progress. Work that's been done to date  
5 represents completion of the story line, the story  
6 decision and logic flow, character development, scene  
7 development, script development, and the recruitment and  
8 recording of actors who did the actual voices.

9           And the two scenes that we're going to be  
10 showing today include the opening scene and the  
11 introductory scene.

12           During April, May, and June we'll be finishing  
13 up all of the character scenes, synchronizing the voices  
14 to the mouths of the characters, and do the final  
15 renderings.

16           In June and July we'll be field testing this  
17 game as year-round schools as well as at other public  
18 sites such as junior museums and children's museums  
19 throughout the state.

20           Our goal is to have Vermi the Worm, the project  
21 done and ready for the school year beginning in  
22 September, the traditional school year, with a formal  
23 introduction and premiere at the California Science  
24 Teachers conference in October. And I'm very pleased to  
25 say that we're right on target for meeting that goal.

1                   So without anymore background on that, let's  
2 jump into the game here.

3                   For our presentation today we've done some  
4 editing on the game so we can get through this in a  
5 timely manner. But if you were to open the game up and  
6 begin to see it, this is one of the first screens you  
7 would see. That little animal walking around the world  
8 is Vermi, and he's going to be our guide. Vermi is a  
9 character with a lot of spunk and a penchant for very bad  
10 jokes which you'll hear in a few minutes. Okay.

11                  To begin with we start from the solar system and  
12 zoom down to California. So you'll see the planets and  
13 some stars in the northern hemisphere as we go through  
14 this.

15                  Again, as I mentioned, we've been doing some  
16 editing on this, actually it's a much smoother transition  
17 in the actual game. But this is the point at which we  
18 meet Vermi, our guide and host for the game.

19                  And Vermi is going to take us to meet Trash Can,  
20 approximately one of seven to eight characters that we've  
21 developed for this game.

22                  And at that point he and Trash Can will talk a  
23 little bit and set the objective for the student as to  
24 what they're going to learn in this particular game.

25                  (Thereupon a video presentation was shown.)

1           MR. RALSTON: At this point in the game we set  
2 the stage for what it is we're going to learn about, and  
3 learn about three R's but also vermi composting. And  
4 Vermi would then instruct the student to get ready to go  
5 on a little adventure here through five, what we could  
6 call learning areas.

7           And we'll go through that today as we skip  
8 through these so that you can get an idea of what each of  
9 these areas is about and meet the character or a  
10 personality that's associated with each one of these  
11 sites.

12           We'll start first with the worm bin. And the  
13 worm bin is this one right here. And the worm bin the  
14 student learns about red worms and their habitat, and  
15 creates a checklist for developing their own virtual worm  
16 bin. Vermi is the host, and there's an optional activity  
17 to learn to be tested about, on the body parts of the  
18 worm, what we're going to call the bionic worm, and it's  
19 actually a magnifying glass that goes over the worm's  
20 body and Vermi talks and we show different parts of that.

21           So let's see what the character for worm bin is  
22 and hear a little bit about what Vermi has to say.

23           (Thereupon the video presentation was shown.)

24           MR. RALSTON: Vermi goes through this  
25 discussion at the beginning, and I think you need to also

1 realize that each one of these learning areas we're going  
2 to talk about have their own scenes that are in the  
3 process of being produced, and so this is going to be  
4 leading to more scenes within each of these areas.

5 So I just wanted to give you a sense of the  
6 learning area and then just the voice that goes with it.

7 We're going to go back to the garden area, and  
8 next we're going to visit the tool shed. Now the tool  
9 shed is where the kids, having made their checklist for  
10 what they need to build a worm bin, get some assistance  
11 from Hugh Hammer. And Hugh has a different voice as  
12 well, and walks them through the actual construction of  
13 their worm bin.

14 (Thereupon the video presentation was shown.)

15 MR. RALSTON: The tool shed will also have a  
16 number of scenes and actions the student has to take.  
17 For example, measuring the correct amount of water that  
18 goes in the worm bin, bringing out the amount of fluff  
19 paper that has to go in there, and the amount of food  
20 scraps. And there will be this dialogue between Hugh and  
21 the student as to how much is needed and how to make the  
22 worms happy in their new place.

23 The next place we're going to go to is Queenie  
24 Compost. And Queenie Compost tells us the difference  
25 between composting and vermi composting.

1 (Thereupon the video presentation was shown.)

2 MR. RALSTON: Queenie has a real distinctive  
3 voice, kind of sounds like Julia Childs. Our next stop  
4 is Sunny, Sunny Flower. And Sunny is the big Sunflower  
5 you see there in the garden.

6 We've learned about worms, we've learned about  
7 how to put a worm bin together, we've learned the  
8 benefits of composting, and now it's time to find out  
9 what the plants feel about composting.

10 In the Sunny Flower scene, Sunny talks about how  
11 her roots use it, but also the value of knowing how to  
12 run an experiment or how to prove a prediction. So this  
13 is the voice of Sunny Flower.

14 (Thereupon a video presentation was shown.)

15 MR. RALSTON: Yes, that's the valley girl. The  
16 last stop on our journey is back to the trash can and a  
17 game that will take place here where the student will  
18 have a number of objects they're going to have to decide  
19 whether to reduce or reuse or recycle. And the trash  
20 cans, the little snippet that we have here deals with  
21 that game.

22 (Thereupon a video presentation was shown.)

23 MR. RALSTON: When the student successfully gets  
24 all the right items in the right bins there's a party,  
25 and all the other characters come out and join that

1 student and being celebrating their new knowledge in  
2 being able to use it.

3 From this last section the student goes back to  
4 the main garden area and Vermi says goodbye, wishes them  
5 a good day, tells them to remember to do the three R's,  
6 to come back soon, and bring a friend.

7 This project has been really interesting, in not  
8 only the technologies that we've used, but also in  
9 thinking about new ways that we can deliver the Board's  
10 message using the current technologies.

11 When we come back to you in August you're going  
12 to see a much smoother and more full featured game. And  
13 as I said, we're shooting for September to roll this out.

14 I'd also at this point really like to  
15 acknowledge the team members on this. We've been working  
16 on this for about eight months now, and we're hitting the  
17 home stretch.

18 And so real briefly I'd like to introduce Olka  
19 Klymeyer -- excuse me, Olga. Olga is our educational  
20 consultant, she comes from the Lake Counties Public  
21 School District.

22 We have Richard Anders who is our sound  
23 consultant, he did all the recordings and the voices and  
24 the ambient noises you're hearing.

25 And then we have Andy Brooks who is our animator

1 and graphic person.

2 And then finally Becky Williams who has been  
3 keeping us all on the path here and keeping us headed  
4 toward that goal of rolling us out in September.

5 That concludes my presentation. I'd like to  
6 invite any questions or comments you may have.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
8 Ralston. It is really wonderful. Having been a third  
9 grade teacher at one time, I know the third graders are  
10 just going to love it, and I just can't congratulate you  
11 and your team enough.

12 And Ms. Broddrick, what you're doing, I know I  
13 speak for all of the Board members, is the most important  
14 thing we do here. We're really affecting the future and  
15 affecting children's attitudes. And thank you so much  
16 for this presentation.

17 Any other comments or presentation from Board  
18 mention?

19 Okay. At this time, Senator Roberti, do you  
20 have any ex partes or any reports that you would like to  
21 give?

22 BOARD MEMBER ROBERTI: Madam Chair, I don't  
23 think I have any ex-partes, I'm up to date.

24 And just very briefly on reports. I spoke to an  
25 excellent conference, Southern California Council on

1 Environmental Development, and it's, by the way, an  
2 excellent organization that keeps local government  
3 environmental officers informed, up to date on what we do  
4 and on what all they do on a coordinated basis. And I  
5 certainly recommend that organization to others to speak  
6 to and address.

7 I made a tour of closed landfills in the Los  
8 Angeles area which I thought was an interesting, and  
9 something I don't normally spend that much time on.  
10 We're usually discussing active landfills. But closed  
11 landfills in some ways are more hazardous, and actually  
12 of greater concern because they're not lined and they  
13 don't have the protective engineering. And I hope at  
14 some point we make that part of our studies as we  
15 proceed.

16 One violation at a closed landfill in my mind  
17 represents maybe twenty violations at an active landfill  
18 where our standards are much, much more stringent. So I  
19 just recommend that to the Board at future dates for  
20 future reference.

21 Like the other members of the Board, I was  
22 totally impressed and want to commend our staff on the  
23 Recycled Product Trade Show. It was fun. It was  
24 interesting. It was better than last year, and last year  
25 was very good. And so I hope it continues to get better

1 and better.

2 I enjoyed myself and I'm always amazed at the  
3 entrepreneurial imagination of people and what they do  
4 with waste.

5 This past week I represented the Board  
6 dedicating park improvements to the Ervin Magic Johnson  
7 park in Willow Grove near Watts in South Central Los  
8 Angeles. And they were delighted to have playground  
9 equipment made from our used tires. And not so much  
10 playground mats, which I informed them of, but of playing  
11 field cushioning which they have as well.

12 And it's a beautiful park, and it's nice to see  
13 that they're using our products and our grants to get  
14 those products for recreational purposes.

15 So that's what I did since the last meeting.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
17 Senator Roberti.

18 Mr. Papanian.

19 BOARD MEMBER PAPANIAN: Yeah, Madam Chair. I  
20 wanted to recognize a group of folks who are visiting  
21 with us today. There's a group from Belmont High School,  
22 some students and parents who are in Sacramento today,  
23 not only touring the Capitol, but taking a particular  
24 focus on environmental justice issues.

25 I understand they'll be meeting with some Cal

1 EPA officials later this morning on environmental  
2 justice. And I just want to welcome you.

3 And also I want to let you know that when I was  
4 a student at Van Nuys High School, also a part of the  
5 L.A. Unified School District, I had the opportunity to  
6 come to Sacramento, and it was one of the most  
7 inspirational things I did, and it actually helped shaped  
8 my interest in state policy and politics, and so I hope  
9 that your trip here inspires you as my trip when I was in  
10 high school inspired me.

11 We do have a, an environmental justice item on  
12 our agenda here, and I'm not sure if your schedule will  
13 allow you to be here when it comes up, but I want to  
14 assure you that environmental justice is something of  
15 major concern to this Board and Board Member Medina  
16 especially has been shepherding all our efforts in this  
17 area, and other Board members have shared our interest in  
18 environmental justice issues.

19 So welcome, and thank you for coming up to  
20 Sacramento.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
22 we welcome you very much.

23 And Senator Roberti, you'd like to speak?

24 BOARD MEMBER ROBERTI: Yes, Madam Chair. I want  
25 to join Member Papanian in welcoming the students and I

1 take it faculty and parents from Belmont. And I just  
2 have to say that when I was on the State Senate a long  
3 time ago, in the 1970s, as you know districts change and  
4 change and change, but in the seventies and early  
5 eighties I represented the area of Belmont High School,  
6 I've been to your school many times, when I suspect your  
7 parents were students.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
9 Senator Roberti. And we do welcome you and we hope, we'd  
10 love to have you stay as long as your schedule will  
11 permit.

12 I'm going to take the agenda slightly out the  
13 order right now. We're going to do number three, and  
14 then we will have a ten minute break. But this is one of  
15 the nicest parts of my job when we get to give a  
16 commendation.

17 And at this time I would like to read, I'm not  
18 going to read all of the whereases, but we're honoring  
19 Richard Hanson today on the occasion of his retirement.  
20 And I would like to present him with this in just a  
21 moment, but while I have the mike I would like to read a  
22 few whereases about Richard.

23 "Whereas Richard Hanson has  
24 supported the Board's effort in Los  
25 Angeles County as the Solid Waste

1 Management" Program Chief of the  
2 Division of Environmental Health, the  
3 county's LEA through forthright  
4 reviews and comments on Board policies  
5 and regulations, advocacy of local  
6 control and decisions, innovative  
7 approaches to the administration of  
8 the solid waste management laws and  
9 regulations that have served as models  
10 for other LEA jurisdictions;

11 "And whereas Richard Hanson has  
12 worked in public service for 32 years  
13 and has assured efficient delivery of  
14 environmental and public protection  
15 over solid waste services for Los  
16 Angeles County through statewide  
17 partnerships, participation in a  
18 number of professional associations,  
19 and early use and establishment of  
20 electronic databases to better perform  
21 LEA duties;

22 "And, whereas Richard Hanson  
23 served as chair of the Board sponsored  
24 Enforcement Advisory Council, and was  
25 instrumental in development of the EAC

1 structure and procedures that the EAC  
2 operates under today.

3 "Now therefore be it resolved that  
4 the California Integrated Waste  
5 Management Board does hereby commend  
6 Richard Hanson for his dedication and  
7 his efforts in contributing to the  
8 development of Los Angeles County's  
9 solid waste public and environmental  
10 health programs."

11 And I'd like to have Richard Hanson join me up  
12 here.

13 (APPLAUSE.)

14 MR. HANSON: I am aware that the genesis of this  
15 recognition came from the LEA community, but I'm fairly  
16 certain that it would have gone by silently without  
17 widespread staff support.

18 To me that is an indicator that a concept like  
19 Partnership 2000 is more than just a feel good  
20 distraction. It generates a process that results in a  
21 positive and superior product.

22 I know that at times individuals and communities  
23 who come together to design a horse might end up with a  
24 camel instead, but usually the cooperative approach not  
25 only provides a stimulus for us as individuals to be the

1 best we can be, but it also creates an environment where  
2 we together can be even better than that.

3 Thank you.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
5 Richard.

6 (APPLAUSE.)

7 BOARD CHAIR MOULTON-PATTERSON: At this time  
8 we'll take a ten minute break.

9 (Thereupon there was a brief recess.)

10 BOARD CHAIR MOULTON-PATTERSON: I'd like to  
11 call the meeting back to order please. Thank you.

12 Ex-partes. Mr. Eaton?

13 BOARD MEMBER EATON: None, thank you.

14 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina?

15 BOARD MEMBER MEDINA: To Jesse Cardenas with the  
16 Sierra Club, and Carl Sachella also with the Sierra Club,  
17 and Joe Montoya.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.

19 Mr. Paparian?

20 BOARD MEMBER PAPARIAN: I did speak with the  
21 Belmont High School group about environmental justice  
22 issues, as well as Jesse Cardenas and Carl Sachella from  
23 the Sierra Club.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you.

25 Senator Roberti?

1                   BOARD MEMBER ROBERTI: I spoke with the Belmont  
2 High School group on toxic waste.

3                   BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
4 I have none.

5                   BOARD MEMBER MEDINA: I also spoke with the  
6 Belmont High School group regarding environmental  
7 justice.

8                   BOARD CHAIR MOULTON-PATTERSON: Thank you.

9                   We'll move on now back to number two. Ms.  
10 Nauman.

11                  MS. NAUMAN: No, this one belongs to the Policy  
12 and Analysis Office.

13                  BOARD CHAIR MOULTON-PATTERSON: Excuse me, Ms.  
14 Packard.

15                  MS. PACKARD: Good morning, Madam Chair and  
16 Board members.

17                  We are here today to present agenda item two  
18 which is discussion of the status of landfill facility  
19 compliance study which is fiscal year '99/2000 contract  
20 number IWM-C9047.

21                  The purpose -- excuse me, my name is Rubia  
22 Packard with the policy office.

23                  The purpose of today's item is to provide Board  
24 members with an update on the status of the landfill  
25 facility compliance study.

1           As you may remember, the Board approved  
2   GeoSyntec Consultants as the contractor for the study at  
3   its May 23rd, 24th, 2000 meeting. The Board initiated  
4   the two year study in June of last year to have a  
5   complete cross-media assessment of municipal solid waste  
6   landfill performance, and to determine if current  
7   regulations effectively protect the environment for both  
8   the short and the long term.

9           Bobbie Garcia of the policy office has been the  
10   project manager for this study, and she will be providing  
11   you some background information on the study.

12           And then Jeff Dunn from GeoSyntec who is their  
13   project manager is here to make a presentation to you on  
14   the first part of the study.

15           BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
16   Packard.

17           MS. GARCIA: This is the two year study. It  
18   consists of two phases. The first phase is the  
19   comprehensive inventory that is looking at more than 240  
20   MSW landfills in California that have accepted waste  
21   since October 9th of 1993, which is when Subtitle D went  
22   into effect.

23           This includes looking at the physical features  
24   of the MSW landfill, such as their size and capacity, the  
25   waste types accepted, their setting, expansion history,

1 and the presence of sensitive receptors within proximity  
2 of each landfill.

3 The types of environmental protection systems in  
4 place, such as liner and gas control systems that are at  
5 the landfill, and then the compliance with environmental  
6 requirements such as groundwater monitoring and air  
7 regulations for stationary sources.

8 Phase two, which builds upon the information  
9 that's collected in phase one, is a regulatory assessment  
10 of more than fifty MSW landfills.

11 This phase, which consists of approximately  
12 forty open landfills that will be selected from the phase  
13 one part of the study; and then ten landfills that closed  
14 prior to 1993 to see some of the effects that happened  
15 over time at a closed landfill.

16 And in phase two we'll be looking at the  
17 effectiveness of current regulatory requirements and  
18 controlling environmental impacts, and that's going to be  
19 evaluated.

20 And then the second part will be to look for  
21 ways to improve the multimedia regulation of MSW  
22 landfills, which will include recommendations. And those  
23 recommendations will also look at evaluating MSW landfill  
24 regulations from selected states and countries, and then  
25 identifying emergent technologies that could improve the

1 regulation of landfills in California.

2 Phase one is estimated for completion by summer  
3 of 2001, and the second phase is due by May 15th, 2002.

4 We'd like to bring to your attention several  
5 significant features of the study. The first is that an  
6 important objective of the study is to have a complete  
7 picture of landfill performance today, that's looking at  
8 air and water impacts as well as gas and all other  
9 features at a landfill. It's going to be a snapshot of  
10 landfills at a particular moment in time.

11 A major emphasis of the study is to base  
12 findings on real data that is collected firsthand for  
13 regulators and operator's files.

14 The responsibility to collect the data rests  
15 with the contractor. We don't want any data that's  
16 extrapolated or theorized or any other device, what we  
17 want is to look at real numbers and how landfills are  
18 performing.

19 The information being collected on landfills is  
20 limited to those records that are required by regulators  
21 and are, hence, considered public information.

22 The study will produce eight deliverables; three  
23 deliverables for the first part, and then five for phase  
24 two.

25 To help ensure accuracy of the information

1 contained in each draft deliverable, all regulators,  
2 whether they be regional boards, the LEAs, or air  
3 districts, and then landfill owners and operators and any  
4 interested party will have an opportunity to review and  
5 comment on each draft deliverable as it becomes available  
6 from the contractor.

7 To facilitate getting the information out for  
8 review and comment, each draft deliverable will be posted  
9 as it becomes available on the Board's website which was  
10 up and running on the 18th of last week. This website  
11 also contains further information about the study.

12 Every comment received will be considered for  
13 possible incorporation into a draft deliverable.

14 Each deliverable will be brought before the  
15 Board for review and comment at our regularly monthly  
16 Board meeting prior to the deliverable being returned to  
17 GeoSyntec for final action.

18 And now I'm going to turn it over to Jeff Dunn  
19 who is the project manager who will now provide an update  
20 on the phase one portion of the study.

21 MR. DUNN: Thank you, Bobbie. Another one of  
22 these tall people who the microphone doesn't quite reach,  
23 I guess.

24 Thank you, and good morning members of the  
25 Board. Like Rubia and Bobbie have mentioned, I'm here to

1 give a status report on the project; basically where we  
2 are about ten months into the project, or approximately  
3 the halfway point and nearing the completion of phase  
4 one.

5 I guess we'll have to switch over to the mouse.  
6 Just a brief introduction. Phase one includes three of  
7 the eight tasks as shown here.

8 The initial task is a review and summary of  
9 regulations governing and pertaining to landfills.

10 Task two, which is the major portion of the work  
11 we're just now wrapping up, is the landfill data  
12 collection, out in the, actually in the field.

13 And then task three being a screening analysis  
14 of that data to develop preliminary evaluation and  
15 conclusions on the performance and compliance status of  
16 landfills in California, and preparing a summary report  
17 of phase one.

18 Looking at task one briefly, what we have done  
19 is compiled and are summarizing the regulations that  
20 govern landfills in California. State and federal  
21 regulations are, have been relatively easy to obtain  
22 through published sources, and then we've gone to look  
23 for what local regulations there may be by two sources;  
24 one is through the Air Pollution Control Districts  
25 throughout California, which of course are local

1 jurisdictions enforcing state driven regulations.

2           And then by the LEA offices. We contacted by  
3 telephone all of the LEAs to see what, if any,  
4 regulations or policies they may have in their  
5 jurisdiction.

6           We've also looked for a local element at  
7 conditional use permits. Most but not all landfills  
8 throughout the state have CUP's, and so we've selected a  
9 few of those to get a flavor of some of the variations in  
10 local regulations that are placed on landfills through  
11 that process.

12           What we're doing with the regulations as you can  
13 well imagine, there's quite a few of them, and we're  
14 going through and summarizing them in a tabular format  
15 with a short narrative report. We're grouping the  
16 regulations into topical areas.

17           And an example of some of these are those that  
18 govern siting of landfills, requirements and restrictions  
19 for siting, regulations related to groundwater, surface  
20 water, air quality, and a variety of different other  
21 areas.

22           Our findings, not at all surprisingly, we've  
23 confirmed that there are many regulations with impacts on  
24 landfills, that goes without saying. And we've actually  
25 limited our study to those that are directed more at

1 landfills.

2           For example, we're not looking at regulations  
3 that govern vehicle exhaust emissions for vehicles that  
4 are used at landfills, because to go to that level would  
5 expand the study to too large a level.

6           The local requirements we've found are by and  
7 large, with the exception of the air rules, are in the  
8 conditional use permits. We didn't find that there were  
9 really, really any LEA component to local policy and  
10 regulation.

11           And of course air regulations, not surprisingly,  
12 vary widely throughout the state, from very rigorous  
13 requirements with regard to air in the urban districts,  
14 particularly the Bay Area and south coast and some of the  
15 others in the central valley, and to very, what would  
16 appear initially to be lax regulation, but probably  
17 appropriate to air boards or air basins that are fairly  
18 low population and minimal impacts on air and fairly good  
19 air quality.

20           Getting into task two which was, is really the  
21 largest portion of phase one in terms of budget and  
22 effort. To start, off we developed a customized database  
23 to deal with all of the data we've collected on the  
24 landfills in phase one, and this will be adaptable to the  
25 detailed, further detailed data we'll collect in phase

1 two.

2 The database, and we've worked with the  
3 information technology staff from the integrated Waste  
4 Board. It's similar to and it's compatible with SWIS.  
5 But I want to make it clear that it's not intended as a  
6 substitute or a replacement for SWIS, and it doesn't drop  
7 right into SWIS, but it is, in terms of usability, has  
8 some compatibilities and similarities.

9 And as Bobbie Garcia mentioned, our review is a  
10 stand-alone snapshot of performance, particularly during  
11 phase one over a period of about five or six months that  
12 it took us to collect all this data.

13 And then we'll get a second slightly time  
14 shifted snapshot during phase two of about fifty  
15 landfills.

16 Now the data we've collected, and we've just  
17 finished collecting our data. Last week we received a  
18 large packet from the South Coast Air Quality Management  
19 District related to approximately fifty landfills in  
20 their jurisdiction. Otherwise we deployed into the field  
21 a number of one and two person field teams that made  
22 office visits or at least contacts by telephone to all of  
23 the regulatory offices in California.

24 We went to twelve Regional Water Quality Control  
25 Board offices. And I apologize to any Water Board staff

1 who might be here for the typo there.

2 We went to 69 LEA Offices throughout the state,  
3 37 APCD offices, and actually reviewed files on all the  
4 landfills we could find.

5 On average, within the scope and budget of the  
6 project, we had about five hours per landfill to cover  
7 three different offices that have jurisdiction on each  
8 landfill in the state. And in total, we collected  
9 information on 281 landfills.

10 Our findings to date. In terms of the numbers,  
11 we started out with a list of about 250 landfills that  
12 potentially had been operating since October of 1993 and  
13 receiving municipal solid waste.

14 We found that actually about 215 have received  
15 waste since that date. Most of those are still  
16 operating, some have undergone closure since 1993 or are  
17 in that process.

18 We found 23 that actually, while they were  
19 thought to potentially be operating, did not receive MSW  
20 after October of '93.

21 Now we also found some other small subsets. An  
22 example was we found three sites that were designated as  
23 class three sites under the current Title 27 criteria,  
24 but do not accept any municipal solid waste, so they're  
25 sort of a subset and typically, and receive typically

1 industrialized process waste typically.

2           We also found that most sites throughout the  
3 state have a mix of lined and unlined disposal areas. It  
4 wasn't a particularly surprising finding to us to date  
5 given the age of most of the landfills. And we also  
6 found that in terms of lining, the lining systems vary;  
7 some of them started to be the liners were implemented  
8 starting in the 1960s, and they've continually upgraded  
9 to now where we have by designation or requirement in  
10 sub-Federal rules in Subtitle D that we have composite  
11 lined landfills.

12           We only found a very limited number of fully  
13 lined, composite lined landfills, and those are basically  
14 a subset of sites that have come into existence basically  
15 in the 1990s.

16           I think there's, I don't have the total number  
17 with me today, but there's fewer than ten, and we  
18 anticipate we'll probably study that subgroup in totality  
19 in the phase two studies.

20           One of the things we're concerned about in terms  
21 of evaluating performance, and we have already seen this,  
22 is that when you have a site that has a variety of waste  
23 disposal units, some of which are lined, some of which  
24 are unlined, looking at the impacts and correlating the  
25 performance of lined and unlined areas to groundwater or

1 surface water impacts, becomes a little bit clouded in  
2 some cases.

3 Other findings related to the task two data  
4 collection are, we found basically the responses and the  
5 knowledge of the regulatory personnel was mixed. For the  
6 most part, most of the personnel we contacted were quite  
7 cooperative. There was some skepticism registered,  
8 usually verbally related to why this study is being done  
9 and what it might find.

10 We did not, we didn't have anybody we ran into  
11 that was quite the character of Vermi the Worm, some of  
12 their characters, but we did run into some interesting  
13 characters out in the offices, particularly in the  
14 northeastern portion of California, fairly rural, and  
15 regulatory staff that were quite relaxed in their  
16 demeanor, and also very, very cooperative, and had an  
17 awful lot of firsthand knowledge.

18 But the quality of the information we found,  
19 there is plenty of it. It's generally good. And we've  
20 been able to find an awful lot of information. What we  
21 did in our studies to maximize or attempt to maximize how  
22 much we were able to glean in the limited amount of time  
23 that we had available to us, our field teams were  
24 deployed with laptop computers and scanning equipment  
25 such that they could scan permits and reports and other

1 documents and electronically link those into our database  
2 and bring those back to the office for further review,  
3 and have them available to us.

4           The availability of information was mixed. We  
5 had some offices where staff provided a lot of hands-on  
6 assistance, were very, very cooperative.

7           Other offices, mainly in the urban areas where  
8 they get an awful lot of information requests, they have  
9 very formalized procedures, many of which were lessened  
10 for our review, but where we had to submit requests for  
11 specific information we wanted, and then the files would  
12 be pulled for us and so on. But generally we found kind  
13 of a mixed bag there.

14           The available data we're finding already in  
15 starting our analysis, the data has some limitations for  
16 evaluating landfill performance, at least in this initial  
17 study. And an example of this is in groundwater  
18 monitoring data.

19           We found that while every landfill in the state  
20 is required to periodically monitor groundwater, either  
21 on a quarterly or semiannual basis, and submit regular  
22 monitoring reports, we found a very wide range in terms  
23 of how that data is transmitted to the Regional Water  
24 Boards.

25           In some cases the data comes in and it's this

1 raw laboratory analysis reports with simply a cover  
2 letter that acts as a transmittal, and there's really no  
3 analysis of what the impact of the groundwater or impacts  
4 of the landfill might be on the groundwater at sites like  
5 that.

6           And we found in many cases that data is simply  
7 probably just going into files. Unless something is  
8 jumping out at staff as a groundwater impact it may or  
9 may not be followed up on.

10           In other cases we found that every quarter or  
11 every six months there's a detailed analysis report that  
12 has a lengthy narrative, and that analysis may include an  
13 executive summary that says specifically how that  
14 landfill is perceived or is found to be impacting or not  
15 impacting groundwater.

16           So when you have these wide disparities, we're  
17 working to try and determine how it is you evaluate  
18 performance when the data is just a wide range of how  
19 easy it is to work with.

20           Now task three which we're just getting into,  
21 the final task of the phase one work is, initially we're  
22 going to develop draft criteria for evaluating landfill  
23 performance -- that's another typo in the slides there.  
24 And we'll provide that as a draft to the Integrated Waste  
25 Management Board staff for their review and input. And

1 then develop our screening criteria, finalize our  
2 screening criteria.

3           At the same time we're going through and we're  
4 categorizing all the landfills that we've developed data  
5 on that were in the study in groupings, like Bobbie  
6 mentioned, their setting, the size of the landfill, types  
7 or quantities of waste they're receiving, lining or lack  
8 thereof, types of lining, climate factors in, sensitive  
9 receptors, and we're able to do this fairly efficiently  
10 in the database format.

11           Once we get through analyzing all the data, the  
12 results of the analysis will have conclusions and  
13 findings related to the current state of practice of how  
14 landfills are operated in California.

15           We'll also have findings related to the  
16 compliance status of those landfills in terms of the  
17 regulations that are on the books.

18           And we will be able to, hopefully at least on an  
19 initial basis, have conclusions and findings on the  
20 environmental performance with correlations to the  
21 landfill characteristics; for example, those sites that  
22 have landfill gas collection and treatment systems, how  
23 well are those operating as opposed to those sites that  
24 do not. Are there other landfill gas impacts that are  
25 occurring at those sites that do not? For those sites

1 that have lining, how well is groundwater and surface  
2 water being protected as opposed to those sites that are  
3 unlined or partially unlined?

4 And finally, we'll have a phase one report which  
5 will include all of the landfill data in our database,  
6 the analysis results of our evaluation, and then  
7 recommendations for the forty plus landfills, actually  
8 forty operating sites and approximately ten sites that  
9 have been closed for some period of time, to study in  
10 much more detail in phase two where we think for those  
11 sites, which we're going to choose ones that hopefully  
12 represent landfills throughout the State of California in  
13 different characteristics, and be able to get into much  
14 more detail on how performance correlates, how good  
15 performance is, and how well performance correlates to  
16 landfill characteristics and that sort of thing.

17 And with that, if there's any questions I'd be  
18 happy to answer any of those.

19 BOARD CHAIR MOULTON-PATTERSON: Questions? Mr.  
20 Eaton.

21 BOARD MEMBER EATON: Yes. You mentioned that  
22 the groundwater results come in varied form. Is the  
23 origin of the regulation with the Water Board or with our  
24 Board? And as to the lack of clarity or what you  
25 preliminarily found, you mentioned the fact that these

1 results come in various forms and may or may not include  
2 analysis preliminarily that you found.

3 MR. DUNN: Right.

4 BOARD MEMBER EATON: The requirement that the  
5 groundwater analysis or groundwater activity take place  
6 is a result of which regulation?

7 MR. DUNN: Well it's a result of two sets of  
8 regulation. First, there's a requirement within the  
9 federal requirements in Subtitle D that groundwater  
10 monitoring occur.

11 And then within Title 27S administered by the  
12 Regional Water Boards, this is where the state  
13 regulations are in force, they're in conformance or  
14 exceed the federal rules.

15 BOARD MEMBER EATON: So the operators may very  
16 well be complying with what they know only to be what  
17 they're required to do?

18 MR. DUNN: Yes.

19 BOARD MEMBER EATON: What I'm trying to get at  
20 is, and you're a reporter or at least your task one or  
21 phase one report will include recommendations as it  
22 relates to how these results can be better formatted, and  
23 also to be much more helpful in the sense as to whether  
24 or not there is a problem.

25 MR. DUNN: Well, our phase one report will have

1 at least initial findings, and then in our phase two  
2 report we actually have a formal subtask portion to  
3 evaluate and provide recommendations for changes that may  
4 need to be made to the regs, the regulations within  
5 California.

6 BOARD MEMBER EATON: I won't get overly  
7 dramatic, but it sounds like you could have the sort of  
8 situation, you could have like an Erin Brockovich, you  
9 could have all these results going into a local board and  
10 no one ever reading them or looking at them and knowing  
11 what they really mean.

12 MR. DUNN: Yeah, I think what we found is that  
13 that would be, you know, I think it's easy to jump to  
14 that potential conclusion.

15 What we found is I don't think the results are  
16 just coming in and being filed but, but the staff we  
17 found generally are working fairly hard, they're often  
18 stretched in terms of their staff resources, and there  
19 may be some cases where things are slipping through the  
20 cracks.

21 I mean I don't want to say that that's  
22 definitely the case, but there's certainly, that  
23 potential is there.

24 BOARD MEMBER EATON: Thank you.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

1 Eaton.

2 Any others questions?

3 Mr. Medina.

4 BOARD MEMBER MEDINA: Did I hear you say that  
5 there are less than ten landfills closed prior to 1993?

6 MR. DUNN: No, there's less than ten landfills  
7 that we found that are, basically have opened around the  
8 time of 1993 and are fully Subtitle D compliant landfills  
9 in terms of being composite lined.

10 There's quite a few others that, well in excess  
11 of ten that closed prior to 1993. When Subtitle D and  
12 the federal requirements came into effect in October of  
13 1993, one of the, I think secondary fallouts, whether it  
14 was intended or not I'm not positive but, was that a  
15 large number of landfills chose to close their doors  
16 rather than put out the expense or to comply with  
17 Subtitle D.

18 So I'm not sure of the exact number, but we're  
19 looking at a sample of those that closed of approximately  
20 ten, but it's well in excess of ten.

21 BOARD MEMBER MEDINA: And what criteria will be  
22 used to select the ten landfills closed prior to October,  
23 1993?

24 MS. GARCIA: That was done with Board staff and  
25 Water Board staff, and also talking with Air Board staff

1 and coming up with what they felt were landfills they  
2 wanted to have evaluated that had closed prior to 1993.  
3 And so then we have already provided that list to  
4 GeoSyntec.

5 BOARD MEMBER MEDINA: What are some of those, if  
6 you can recall them?

7 MS. GARCIA: I do have them. It's actually on  
8 our website because we have a listing of all landfills  
9 that are involved. Mission Canyon, units one, two, and  
10 three; then we have a Coastal Santa Clara Landfill in  
11 Ventura; Third Avenue in San Mateo; Adelanto in San  
12 Bernardino; Madrone in Santa Clara; Old Mt. Shasta Dump  
13 in Siskiyou; South Cholla or Cholla, I guess, in San  
14 Diego; Ballard Canyon in Santa Barbara; Coyote Canyon in  
15 Orange County; Buckeye in Shasta; and McCourtney in  
16 Nevada County.

17 And those were suggested primarily by Board  
18 staff and Water Board staff. It was just looking at  
19 landfills that we've known there's a history with them.

20 There's good data, that was another criteria.  
21 We didn't want to pick a closed landfill and there's not  
22 data that's going to give you any information.

23 So this was having data, knowing that there's  
24 areas that we do want to check on with those landfills,  
25 that was primarily what was used for selecting them.

1 BOARD MEMBER MEDINA: Okay. Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
3 Paparian.

4 BOARD MEMBER PAPARIAN: Yeah, a couple things.  
5 When you went over the local requirements, in Los Angeles  
6 I believe there's a requirement related to landfill gas  
7 at the boundary which is tighter now than our  
8 requirements, I just wanted to make sure that you caught  
9 that.

10 MR. DUNN: Yeah, that's in the South Coast Air  
11 District regulations, which we compiled regulations from  
12 all of the air districts throughout the state.

13 BOARD MEMBER PAPARIAN: Okay, good.

14 MR. DUNN: That's definitely in our regulations  
15 base.

16 BOARD MEMBER PAPARIAN: Okay. The other thing I  
17 wanted to mention, I was at a, I was visiting a landfill  
18 recently, and I noticed that GeoSyntec was one of the  
19 consultants on that landfill for operator, and presumably  
20 with all your expertise you're a consultant to a number  
21 of landfills throughout the state; how are we making sure  
22 that there's not a conflict there between, you know,  
23 looking intensively at somebody who's one of your  
24 clients, but yet meeting our needs for being as thorough  
25 as possible?

1 MS. GARCIA: That was, we thought of that, and  
2 that was definitely a concern. All of the people that  
3 bid for the contract had, you know, they also have  
4 contracts with other landfills; so in order to address  
5 the issue it was making the information open to everyone  
6 so that they can review the data, the operators can look  
7 and see what's being said, all of the regulators we're  
8 sending, this will be available. Every deliverable  
9 including the inventories will be available to the  
10 regional boards, the air districts, as well as the LEAs,  
11 operators, owners and Board staff. So, and then we have  
12 our cross-media team that we've been working with which  
13 is with air, water, and Waste Board, and also with LEAs.  
14 And that also is bringing in a group to look at it as  
15 well.

16 So we're trying to, by using openness and making  
17 the information available for comment, review and  
18 comment, we felt that that hopefully would deal with some  
19 of that problem.

20 I mean there's other issues just in having an  
21 individual who's very detailed and very energetic, a  
22 regulator could be doing that, they could be showing,  
23 they could be showing a landfill as having more problems  
24 when in reality it's just that this person is more  
25 energetic in looking at it.

1           Then you could have another regional Board or  
2 another LEA that's less energetic, so it might make a  
3 landfill look like it has more problems when in reality  
4 it doesn't.

5           So there's a lot of things we have to balance  
6 out all the way through this to make sure. Another  
7 example that came from some regional boards is that some  
8 regional boards may have a smaller budget, they have a  
9 smaller staff, and so they may not appear to be  
10 regulating the landfills as well, and so that shouldn't  
11 be held against them, so that was a concern with that.

12           So we're trying to get to the numbers and really  
13 understand what's going on with each landfill.

14           So I don't know if that answers your question,  
15 but --

16           BOARD MEMBER PAPARIAN: In terms of the forty  
17 that we, that are picked, who picks the forty?

18           MS. GARCIA: That would be GeoSyntec making a  
19 recommendation based on what they've seen so far, and  
20 bringing it back to the cross-media team we have which  
21 was the Water Board, Waste Board, and then the Air Board  
22 with the LEAs.

23           BOARD MEMBER PAPARIAN: Will we independently be  
24 thinking of what forty we like or just be reacting to  
25 their list of forty?

1 MS. GARCIA: It would be looking at what they  
2 have, and then also if there's some missing that we would  
3 like to switch out we could be doing that as well. You  
4 know, the Water Board may have recommendations as well  
5 that would be separate from GeoSyntec's.

6 BOARD MEMBER PAPARIAN: And you'll know at that  
7 point which ones are or have been clients of GeoSyntec?

8 MS. GARCIA: Oh, yeah, we have a list of, that  
9 was another thing earlier in the process is that we do  
10 have a list of all the landfills that they've had, been a  
11 consultant to.

12 BOARD MEMBER PAPARIAN: Okay. I don't want to  
13 imply anything about the integrity of GeoSyntec, but I  
14 just want to make sure that there's no appearance of an  
15 issue with conflict.

16 So I just encourage our staff to make sure that  
17 this process, you know, takes fully into account that  
18 there, you know, might be questions if issues arose with  
19 any of the clients.

20 MR. DUNN: What I can add to that to amplify it  
21 is that the clients we have throughout the state, both in  
22 the public and private sector, they're keenly interested  
23 in this study and have been tracking it; but thus far,  
24 they've been very cooperative.

25 And in fact, in the second phase, one of the

1 things we've found is that they're very interested in the  
2 data being accurate, and that nothing is compiled or  
3 reported that it's, just because it's in a regulatory  
4 file doesn't mean it's the right data. There are errors  
5 there.

6 And so that they are, they are following this  
7 and they want to be sure that, you know, things are  
8 reported in an even-handed manner.

9 And the other thing we've found is that there  
10 are a number of them, that while they're not volunteering  
11 their sites for a detailed study, they have indicated  
12 that they would be very happy to cooperate in making this  
13 information available at the landfill or at the regional  
14 office level.

15 BOARD MEMBER PAPARIAN: Well what then happened  
16 -- jumping on something you just said here. What would  
17 happen if there is some data in dispute? Suppose the  
18 data, suppose there's data that shows something in the  
19 groundwater and the operator feels that it's an anomaly,  
20 it's not what's really there, does that get reported or  
21 does that get pulled as something that's kind of in  
22 dispute?

23 MR. DUNN: We haven't yet crossed that bridge,  
24 but that's one thing we're wondering about is, you know,  
25 we've gone and we've looked at that data, there's

1 certainly the potential for, you know, data entry errors,  
2 there's simple typographical errors and that sort of  
3 thing.

4 But if the operators come forward and say that  
5 there's a, let's say a groundwater impact, that is  
6 information that's reported, and there would be hard data  
7 from laboratory analytical reports as a minimum.

8 There are a wide, large or very wide ranging way  
9 that groundwater data can be evaluated and interpreted  
10 and reported periodically, and so that it's not always  
11 black and white.

12 But we'll be working with Board staff in terms  
13 of rectifying or coming to our conclusion where we might  
14 get conflicts like that as they arise. Okay. But if you  
15 have data, even if someone disputes the data, but if the  
16 data comes from a lab then you would consider that as  
17 data to work with and analyze?

18 MR. DUNN: Yes.

19 BOARD MEMBER PAPARIAN: Okay. Thank you.

20 MR. DUNN: Yes.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you. My  
22 only question is may we, each of our Board offices have a  
23 copy of your Power Point presentation? We'd appreciate  
24 that.

25 MR. DUNN: We'll be happy to.

1 MS. PACKARD: We'll take care of that, I'm  
2 sorry. I meant to do that but I just forgot. I'll do  
3 that.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
5 your presentation. Thank you, Ms. Garcia and Ms.  
6 Packard. Anything else?

7 MS. PACKARD: Yes, just one last thing I just  
8 wanted to mention that we'll be coming back to you to  
9 make a presentation on task three as soon as that's  
10 complete.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you. That  
12 concludes our reports part of the agenda.

13 And moving on to the consent calendar; items  
14 number nine, ten, twelve, thirteen, seventeen, and 42  
15 have been placed on the consent agenda.

16 Would any board member wish to pull -- Mr.  
17 Eaton.

18 BOARD MEMBER EATON: Item seventeen.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Item  
20 seventeen pulled and put back on regular.

21 Any other Board members? Did you know if  
22 Senator Roberti had any to be pulled?

23 Thank you. With that, if I might have a motion  
24 to approve the consent calendar consisting of nine, ten,  
25 twelve, thirteen, and 42.

1           BOARD MEMBER MEDINA: Madam Chair, I'd like to  
2 move approval of the consent calendar nine, ten, twelve,  
3 thirteen --

4           BOARD CHAIR MOULTON-PATTERSON: And 42.

5           BOARD MEMBER MEDINA: -- and 42.

6           BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
7 motion by Mr. Medina.

8           BOARD MEMBER PAPARIAN: Second.

9           BOARD CHAIR MOULTON-PATTERSON: Seconded by Mr.  
10 Paparian to approve the consent calendar. Please call  
11 the roll.

12           BOARD SECRETARY VILLA: Eaton.

13           BOARD MEMBER EATON: Aye.

14           BOARD SECRETARY VILLA: Jones.

15           (Not present.)

16           BOARD SECRETARY VILLA: Medina.

17           BOARD MEMBER MEDINA: Aye.

18           BOARD SECRETARY VILLA: Paparian.

19           BOARD MEMBER PAPARIAN: Aye.

20           BOARD SECRETARY VILLA: Roberti.

21           (No response.)

22           BOARD SECRETARY VILLA: Moulton-Patterson.

23           BOARD CHAIR MOULTON-PATTERSON: Aye. We'll hold  
24 that roll open for Senator Roberti.

25           Okay. That takes us to our continued business

1 agenda items. Number four. Ms. Wohl.

2 MS. WOHL: Agenda item four is -- Patty Wohl,  
3 Waste Prevention and Market Development Division.

4 Agenda item four is continued from the March  
5 meeting. It's consideration of approval of cost shifting  
6 strategies for the biomass to energy industry, a Cal EPA  
7 report to the legislature AB 2273.

8 Howard Levenson will present.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you.

10 MR. LEVENSON: Good morning, Madam Chair and  
11 Board members.

12 BOARD CHAIR MOULTON-PATTERSON: Good morning.

13 MR. LEVENSON: It's still morning?

14 BOARD CHAIR MOULTON-PATTERSON: Yeah.

15 MR. LEVENSON: As you know, AB 2273 that was  
16 passed in 1998 ordered Cal EPA to provide periodic  
17 reports to the legislature on the status of cost shifting  
18 strategies for the biomass to energy industry.

19 The CIWMB prepared the first cost shifting  
20 report in 1999. The major action that we're seeking  
21 today is approval of the second report so that we can  
22 forward it to Cal EPA.

23 Last month I provided you with a presentation  
24 about the biomass to energy industry which was based on  
25 the draft report. And the Board continued the item to

1 this month with the direction to work with industry to  
2 obtain the latest information possible on current  
3 conditions and policy initiatives.

4 I did meet with or speak with on the phone with  
5 representatives of the industry several times earlier  
6 this month and last week as well.

7 So the agenda item attachment, the report itself  
8 incorporates the following changes from last month's  
9 draft report.

10 At the meeting last month we did provide a  
11 handout, written handout that had additional information  
12 regarding energy market prices and revenues and costs  
13 during the last half year, that's all been incorporated  
14 into this version.

15 We have a number of factual corrections and  
16 updates from the industry.

17 A new graph about the industry on page one.

18 And then per comments from Board Member Jones we  
19 put increased emphasis in the executive summary and the  
20 body of the report on the impacts of landfill diversion  
21 efforts if the biomass to energy infrastructure continues  
22 to decline as it has over the last few years.

23 I have no other recommendations from the  
24 industry to incorporate at this time, although we all  
25 know the energy situation is extremely dynamic, and not

1 all the issues associated with the biomass to energy  
2 issue have been resolved.

3 So we'll continue to monitor the situation in  
4 the future, but the report is, at this point is as up to  
5 date as we're able to make it.

6 So with that, we would recommend option number  
7 two and the adoption of Resolution 2001-69.

8 And with your approval we would then forward the  
9 report to Cal EPA within the next couple of days.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
11 Levenson. We do have a speaker. Jim Heminger,  
12 Environmental Services JPA.

13 MR. HEMINGER: Thank you. My name is Jim  
14 Heminger, I'm program director of the Environmental  
15 Services JPA which is a government association of 21  
16 rural counties. We weren't able to come to the last  
17 meeting in Pasadena, but several of the member counties  
18 did request that I come before the Board and express  
19 appreciation; one, in the report for recognizing that the  
20 ten percent diversion limit on biomass conversion is a  
21 potential impediment for a lot of the rural counties.

22 I did want to let the Board know, we did mention  
23 in correspondence that we submitted at the last meeting  
24 that we are actively supporting the bill AB 802, I  
25 believe, which would remove the ten percent limit on both

1 non-burn transformation and direct burn transformation.

2 And working with Waste Board staff and other  
3 folks on AB 939 working groups, this ten percent  
4 diversion is one of the topics we're rassing with.

5 We realize, particularly for the burn  
6 technology, that this is potentially a controversial  
7 issue, but I do want to, as I say, appreciate the  
8 acknowledgement of the issue in the report, and as it  
9 moves forward several of the rural counties, particularly  
10 in the foothills, would like the opportunity to be part  
11 of any discussions or actions on this.

12 Thank you.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you for  
14 commenting. Any questions or comments before we move?

15 Mr. Medina.

16 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
17 move Resolution 2001-69 that the Board hereby approves  
18 the status of cost shifting strategies for the biomass to  
19 energy industry, a Cal EPA report to the legislature, AB  
20 2273 report with specific modifications that reflect the  
21 most recent activities approved by the Governor and  
22 legislature, and direct staff to forward the report to  
23 the California Environmental Protection Agency.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
25 Medina. We have a motion by Mr. Medina, I'll second

1 that.

2 Please call the roll.

3 BOARD SECRETARY VILLA: Eaton.

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY VILLA: Medina.

6 BOARD MEMBER MEDINA: Aye.

7 BOARD SECRETARY VILLA: Paparian.

8 BOARD MEMBER PAPARIAN: Aye.

9 BOARD SECRETARY VILLA: Roberti.

10 BOARD MEMBER ROBERTI: Aye.

11 BOARD SECRETARY VILLA: Moulton-Patterson.

12 BOARD CHAIR MOULTON-PATTERSON: Aye.

13 And we held the vote open, Senator Roberti, did  
14 you wish to vote on the consent calendar?

15 BOARD MEMBER ROBERTI: Yes, aye.

16 BOARD CHAIR MOULTON-PATTERSON: Okay. Record  
17 aye, please, for Senator Roberti.

18 Okay. As Ms. Bruce said, item five has been  
19 continued to June at the request of the City of San Diego  
20 which leads us to number six, discussion of recent  
21 activities and future actions relative to the Board's  
22 role in environmental justice.

23 Ms. Packard.

24 MS. PACKARD: Good morning, Madam Chair and  
25 Board members. My name is Rubia Packard of the Policy

1 Office.

2 We are here today to present agenda item six,  
3 which is a discussion of recent activities and future  
4 actions relative to the Board's role in environmental  
5 justice. This agenda item was continued from the March  
6 meeting.

7 The item summarizes Board staff participation in  
8 the Cal EPA Environmental Justice Working Group  
9 established pursuant to SB 115; and also presents an  
10 approach to the Board for direction and discussion that  
11 would begin to address some key issues in the  
12 environmental justice area.

13 We will also present some information on the  
14 feasibility of conducting a study through a contractor to  
15 gather detailed data in a variety of areas related to  
16 solid waste facilities, and some information on the  
17 demographic data that is currently available.

18 You may recall that two statutes related to  
19 environmental justice were enacted last year, one was SB  
20 115 Solis, and the other was SB 89, Escutia.

21 SB 115 establishes a statewide definition for  
22 environmental justice, and requires Cal EPA to develop a  
23 model environmental justice mission statement for the  
24 Board's and departments within the agency.

25 Cal EPA established an internal working group to

1 do this, and developed a final draft of a model emissions  
2 statement as follows.

3            "To afford the highest respect and  
4            value to every individual and  
5            community, the Cal EPA and its Board's  
6            departments and offices shall conduct  
7            their public health and environmental  
8            protection programs, policies, and  
9            activities in a manner that is  
10           designed to promote equality, and  
11           afford fair treatment, full access,  
12           and full protection to all  
13           Californians, including low income and  
14           minority populations."

15           And now, that draft mission statement did go out  
16 to all of the Boards and departments for comment, and I  
17 understand that it will be going out externally as well.

18           Additionally, the internal working group  
19 developed seven program elements for use in developing  
20 BDO, Board, department, and office specific environmental  
21 justice plans. These are currently undergoing staff  
22 review and comment, and are intended to provide the  
23 Boards and departments with guidance in developing a  
24 strategy or plan, an individual strategy or plan for each  
25 Board and department.

1           Those areas, those seven program areas or  
2 program elements are providing communities easy and full  
3 access to information; soliciting community participation  
4 and decision-making; evaluating the current legal  
5 regulatory and policy frameworks; and addressing gaps in  
6 those frameworks; developing timely resolution processes;  
7 identifying and addressing data dumps; identifying  
8 options for implementing mitigation; and establishing  
9 training programs.

10           Cal EPA has indicated through the working group  
11 that their expectation is that the Boards and departments  
12 complete a draft of their individual program elements  
13 early this summer.

14           SB 89 more specifically requires Cal EPA not  
15 later than January 15th, 2002, to establish a working  
16 group consisting of the Secretary for Environmental  
17 Protection, the chairs of the Boards and departments, the  
18 directors of the Boards and departments; and this working  
19 group is to develop an interagency environmental justice  
20 strategy that addresses a variety of areas that include  
21 looking at data; criteria for identifying gaps in  
22 programs, policies, and activities; procedures to guide  
23 the development and implementation of intraagency  
24 environmental justice strategies; collecting and  
25 maintaining and analyzing data; and then assisting Cal

1 EPA in developing an intraagency environmental justice  
2 strategy. At this time that group has not been convened.

3 In terms of Board activities, we have  
4 established an internal to the Board working group to  
5 provide input into the Cal EPA process and to advise  
6 staff in preparing options for the Board as it examines  
7 environmental justice issues.

8 Lastly, the recent Auditor General's report  
9 recommended that the Board develop a proposal for  
10 incorporating environmental justice into its permitting  
11 process, and that we submit that proposal to Cal EPA for  
12 its approval.

13 If that proposal were approved, the Board should  
14 seek, then seek legislative authority to object to  
15 current proposals if environmental justice concerns  
16 exist, and also recommending that we track demographic  
17 information on the communities in which solid waste  
18 facilities are located and make this information  
19 available to the public.

20 In our response we indicated that we will  
21 continue working and participating with Cal EPA in those  
22 activities, and we would work on a correlation of solid  
23 waste facilities mapping and demographic information, and  
24 would provide further information in the reports that are  
25 required to the Auditor General's office.

1           In terms of key issues that we would like to  
2 discuss with you or get your input on today; we've  
3 identified several that we feel need to be addressed in  
4 order to move the Board forward in the environmental  
5 justice area.

6           Those include a definition of environmental  
7 justice impact; an examination of statutory and  
8 regulatory authority; development of criteria and  
9 requirements for each program area or activity to address  
10 impacts; data collection and display; stakeholder input;  
11 and then ultimately implementation of any environmental  
12 justice strategies adopted by the Board.

13           In order to address these key issues in a  
14 systematic manner that allows the Board's decision-making  
15 process to be based upon criteria authorized in statute  
16 and adopted in regulation, and to develop an effective  
17 and comprehensive environmental justice strategy, Board  
18 staff is recommending the following approach be taken.

19           That the Board adopt the definition or direct  
20 staff to use the definition that has been provided in  
21 statute in Government Code section 65040.12(c) of  
22 environmental justice which states as follows:

23                   "For purposes of this section,  
24                   "environmental justice" means the fair  
25                   treatment of people of all races,

1           cultures, and incomes, with respect to  
2           the development, adoption,  
3           implementation, and enforcement of  
4           environmental laws, regulations, and  
5           policies."

6           The Board should address additionally --  
7           additionally the Board should address the Cal EPA  
8           environmental justice mission statement as included above  
9           as part of the 2001 strategic plan that we are currently  
10          developing.

11           Staff recommends that the Board, that Board  
12          programs and activities be evaluated to identify areas of  
13          potential environmental justice impacts.

14           Board staff could -- excuse me. Board staff  
15          could analyze all areas of Board activities where  
16          environmental justice impacts could occur, and present  
17          this information to the Board for direction on area of  
18          initial focus.

19           The Board would determine where environmental  
20          justice should be addressed within the Board's areas of  
21          responsibility; for example, permitting of a solid waste  
22          disposal facility.

23           We recommend that we also identify and address  
24          gaps in statutory, regulatory authority as a result of  
25          that analysis.

1           We recommend that the Board determine what the  
2 information and data needs are, and identify gaps there.

3           And what we mean by is that is as part of the  
4 analysis in four and five above, Board staff would  
5 identify what information and data needs to be gathered  
6 and presented to the Board to support the decision-making  
7 process.

8           And then lastly, that we establish criteria in  
9 regulation defining environmental justice impacts  
10 relative to Board problems, and define the action that  
11 the Board would like to see taken relative to those  
12 impacts.

13           By adopting this recommended approach staff  
14 believes the Board will have the opportunity to develop a  
15 strategy that fully considers all aspects of the  
16 environmental justice issue, and the potential impacts of  
17 any mitigation measures or requirements, as well as  
18 incorporating both internal and external input.

19           We would also like to give you some information,  
20 and Julie Nauman, our Deputy Director for Permitting and  
21 Enforcement, will provide some additional information  
22 about the feasibility of doing some of the data  
23 collection. And John Sitts is also here to talk about  
24 that.

25           MS. NAUMAN: Thank you. Good morning, Board

1 members, Julie Nauman with the Permitting and Enforcement  
2 Division.

3           As you'll recall, at the February Board meeting  
4 Senator Roberti expressed his interest in the conduct of  
5 a broad-based study covering several aspects of  
6 environmental justice. And at the time Board gave staff  
7 direction to begin looking into the feasibility of  
8 conducting such a study, and to report back at your April  
9 meeting. So we've chosen to use this opportunity with  
10 this particular agenda item to provide that report back  
11 to you.

12           Just to refresh your memory, and for the benefit  
13 of the audience, let me just indicate to you from the  
14 transcript what the Senator's direction was to staff when  
15 he expressed his interest in such a study.

16           He said, in part:

17           "What we need on environmental  
18 justice is something more than  
19 mapping. In past conversations I did  
20 not want to have the impression given  
21 that we were just discussing mapping,  
22 but rather a complete analysis that  
23 deals with state, local, and private  
24 sites.

25           "The problems of transportation,

1 appearance, health problems as it  
2 relates to poor and minority areas,  
3 instances of inadequate or weak  
4 notice, employment conditions at the  
5 site; and as regard not only to  
6 employment but to health and safety  
7 records as well.

8 "A thorough history of how various  
9 sites were located or sited; how  
10 proposals of mitigation have taken  
11 place; what kind of input there have  
12 been from communities on mitigation;  
13 how successful that mitigation has  
14 been; and what beneficial uses have  
15 taken the place at the many locations  
16 where the waste management facilities  
17 have been in operation."

18 "Beneficial uses that have  
19 bestowed benefits, specifically of  
20 affected communities as well as to  
21 either special interests or to the  
22 general community.

23 "I would like a report back as to  
24 the feasibility of having an  
25 independent contractor on this

1 matter."

2 I'll skip a couple of other comments and just  
3 conclude by saying,

4 "I would like some proposals  
5 brought back to us as to what we could  
6 do for an independent look at this,  
7 for full consideration that anything  
8 we might do would be put out to full  
9 public, publicly noticed bidding  
10 process."

11 So with that direction what staff has done is  
12 discussed this direction with a number of entities,  
13 including some private consultants; some, there's  
14 actually an Environmental Justice Coordinator at U.S. EPA  
15 in region nine that is doing some work in this area.

16 I'm going to ask Mark de Bie who has been doing  
17 most of the research in this area to run through with you  
18 some of the suggestions and comments that we have  
19 received from those we have consulted with, and then  
20 we'll close with some suggested direction.

21 MR. de BIE: Thank you, Julie. Mark de Bie with  
22 the Permitting and Inspection Branch.

23 In addition to those individuals that Julie  
24 indicated, I have also made requests for input to  
25 entities such as the Rural Legal Assistance, Communities

1 for a Better Environment, and also the Golden Gate  
2 University Law Clinic that had, has had experience with  
3 environmental justice issues in the past.

4 We had, I hadn't yet received any responses back  
5 from them, but we did make an attempt to broaden the  
6 scope of entities that were contacted for input on the  
7 feasibility.

8 The input collected so far indicates that the  
9 cost and timeframes to do such a study would be dependent  
10 on things such as the number of locations to be studied.

11 The number of environmental indicators is key in  
12 determining the overall cost and timeframes, as well as  
13 the availability of data; whether or not existing data  
14 sources are used or if there's a need to collect new  
15 data.

16 Certainly it's pretty straightforward to take  
17 census data and overlay it with location data. But when  
18 you then include environmental indicators such as air  
19 quality or data relative to indicators such as numbers  
20 of, incidences of cancer of various types, it becomes  
21 quite problematic and quite expensive to get that data  
22 and then put it in a form that you could overlay it with  
23 location data or census data.

24 Also what was shared with me is some examples of  
25 the difficulty involved with using health co-factors in

1 making a connection between health effects and particular  
2 facilities becomes quite problematic in that there are so  
3 many things going on in and around a community, to zero  
4 in on, you know, the cause and effect of a particular  
5 facility, it's quite problematic.

6           On the other side, the individuals that I talked  
7 to thought that there is probably a large amount of data  
8 available through looking at documents associated with  
9 the CEQA process relative to impacts and mitigations and  
10 the success of those mitigations. So they were quite  
11 optimistic that sort of, the types of impacts and the  
12 mitigations that are utilized in the CEQA process could  
13 be quite easily accessed and incorporated into a study.

14           Other issues that they shared with me are, some  
15 of the items on the Senator's list are considered  
16 subjective; things like odors and aesthetics, and it  
17 would be problematic in dealing with those since it's  
18 hard to find measures relative to those kinds of things.  
19 So through, they thought that a lot of that information  
20 would have to be collected through interviews to deal  
21 with the perception versus the reality aspect of some of  
22 those indicators.

23           Also, concerns about the number of sites that  
24 would need to be looked at, and concerns relative to  
25 small sample size and the bias that could be associated

1 with that.

2           When asked about timeframes and amounts, most  
3 agree that we're looking at a range between 500,000,  
4 600,000 to a million dollars. And one consultant  
5 indicated that they saw this as a phased approach, and  
6 indicated that the first phase of data collection would  
7 be approximately a year or more, and the second phase of  
8 getting, selecting samples and doing the more  
9 comprehensive data collection may be an additional couple  
10 of years. So we're looking at a two to three year  
11 project on a statewide basis.

12           MS. NAUMAN: I think what our research and  
13 consultation with others has led us to conclude from the  
14 staff perspective is that this is a very major  
15 undertaking, and a study that is really beyond the  
16 capability of our current resources at the Board to be  
17 able to conduct in a timely manner.

18           I compare it somewhat to the landfill study that  
19 you just heard about that is being conducted by GeoSyntec  
20 as a multi-year phased project.

21           So, as you had asked for us to give you some  
22 feedback and suggestions, it would be my recommendation  
23 that if you choose to proceed with a study of this type,  
24 that you perhaps look for some resources by which we  
25 could bring on a contractor to even help in the initial

1 phase of kind of making the plan for the study.

2 I think there's a lot of work that needs to be  
3 done to just help scope out what might be able to be  
4 accomplished with the existing data sources and how we  
5 might be able to access or otherwise help develop the  
6 other data sources that we don't have available to us  
7 right now.

8 This really concludes this section of the  
9 presentation on environmental justice, and I'd like to  
10 turn it over to John Sitts who we've been working with  
11 very closely on the whole issue of mapping facilities and  
12 trying to use existing data sources and overlaying that  
13 with the facility information that we currently have  
14 available to us.

15 BOARD CHAIR MOULTON-PATTERSON: Before we go to  
16 Mr. Sitts I had a quick question of Mr. De Bie. You were  
17 talking about cancer risks geographically, and different  
18 chemicals and all that; have we coordinated with the  
19 Office of Environmental Health Hazards OEHH that's in  
20 this building?

21 MR. de BIE: I did chat with one individual in  
22 there about risk assessment and what information they  
23 have available to them, and they also shared the  
24 observation that it's very difficult to connect the dots  
25 with an, an effect of the facility that may have caused

1 the --

2 BOARD CHAIR MOULTON-PATTERSON: Okay. My  
3 thought is just, you know, to take advantage of some of  
4 their work. Thank you.

5 Okay, Mr. Sitts.

6 MR. SITTS: Thank you. Good morning, Chairman  
7 Moulton-Patterson and Board members. I'm John Sitts with  
8 the Office of Organizational Effectiveness.

9 Today my plan is to show you some possible  
10 approaches to, and computer tools to enhance access to  
11 environmental information.

12 Copies have been distributed and there are  
13 copies of the slides at the back of the room, but they're  
14 really more for reference later.

15 The presentation is trying to show the look and  
16 the feel of what, some things we could do on our  
17 website. This presentation should take only about ten  
18 minutes, but more importantly it should raise some things  
19 to think about, and some ideas on ways to approach  
20 environmental justice on our website.

21 Okay. The Board currently has a Web-based tool,  
22 waste stream profiles, that strives to provide concise  
23 and relevant information on our website.

24 While we could start from scratch and built a  
25 new tool for environmental justice, it makes a lot of

1 sense to kind of add onto this tool, and it will be a lot  
2 quicker.

3           While the last slide showed profiles as it  
4 exists now, all of the following visuals are conceptual  
5 mock-ups of what profiles could do if the Board directs  
6 staff to develop these ideas.

7           The final products will look different than the  
8 concepts because the data sources are evolving, census  
9 data for 2000 will be available later this year, and the  
10 technology is also evolving very quickly, particularly in  
11 the area of geographic information systems or GIS  
12 mapping.

13           The Board's Information Management Branch is  
14 very good at taking our concepts and building great tools  
15 from them, but they'll look a little different than what  
16 I'm about to show you.

17           So the first portion is, we could add map  
18 features to jurisdiction profiles. One example of a  
19 feature that we could add is shown here for the fictional  
20 city of Alpha. If we clicked, got -- the mouse back,  
21 good.

22           If we clicked on this -- technology is great  
23 sometimes.

24           No, it doesn't look like it's going to work for  
25 me.

1           Okay. If we clicked on the box next to the  
2 arrow up there for tribal lands, then what we would want  
3 to see is the tribal lands shown in relation to this  
4 landfill, the orange dot. And so that's the kind of  
5 thing that we could do. We could add features to the  
6 mapping capability. This is just one example.

7           We'd be very interested in other features that  
8 we could add that would help you evaluate environmental  
9 justice concerns.

10           Some issues have been or some concerns have been  
11 raised about providing Web-based tools because not  
12 everyone has a computer. But the recent briefing paper  
13 on environmental justice from the California Policy  
14 Research Center at UC Berkeley stated that despite the  
15 problems of uneven access to computer resources, computer  
16 based community mapping of hazard locations is an  
17 excellent way to orient community members. They also  
18 called specifically for demographic overlay maps at the  
19 census tract level.

20           Just to orient you, census tracts average about  
21 four thousand people, and they remain fairly constant  
22 from census to census, so there's not a lot of change  
23 between '90 and 2000 and such. You can get more detailed  
24 data, but that changes a lot between census at the block  
25 or block group level.

1           So we could add census tract demographics to the  
2 jurisdiction profile maps. And again we've got this map,  
3 and at the bottom there's a little box you could check  
4 that says add demographic information.

5           If you do that, what you'd get is a list of the  
6 demographic characteristics that you could look at.  
7 These are just examples.

8           The specific lists of demographic  
9 characteristics could include a variety of information  
10 collected in the 1990 census. As I said, 2000 census  
11 data will be available later this year, but there will be  
12 challenges in comparing the '90 census to the 2000  
13 census, and refining that 2000 census data.

14           But using the census data means that we don't  
15 have to independently collect and verify all of the  
16 demographic information, which would be quite a daunting  
17 task.

18           It would also allow us to rely on the census for  
19 the definition of categories of terms, and you would, you  
20 can see an example of that by up at the arrow we've got a  
21 link up here to, next to percent of persons below  
22 poverty. If you click to that it would take you to the  
23 U.S. Census Bureau page, and that would provide you with  
24 the definition that's commonly accepted.

25           And in this way we would not be reinventing the

1 wheel, and our results would be comparable and usable by  
2 others who rely on census data too.

3 Okay. Let's go back to the map. Okay. Well,  
4 let's look at one factor by clicking on the box for the  
5 percent of people below poverty, and we'll see what we  
6 would get. So if we check that box, and we get a map.

7 And the resulting map would show the census  
8 tracts in different shades of green depending on the  
9 level of poverty in each tract in this example. Tracts  
10 with a higher percentage of poverty are darker, and with  
11 a lower level of poverty are lighter as shown in the  
12 legend.

13 Now that shows you one characteristic at a  
14 time. What if you wanted to do a more wide comparison on  
15 those characteristics? Well, in that case what you'd  
16 want to do is click at the upper arrow next to identify,  
17 and then once you click on identify you could pick a  
18 census tract, let's say one with the orange landfill in  
19 it, and click on that tract.

20 And what we're looking at in this concept is  
21 that you'd see the information for the selected tract  
22 along with comparisons with the countywide and/or  
23 statewide averages.

24 It's important to point out that all of these  
25 approaches are just descriptive in nature, they're

1 basically we're talking about just the mapping part, they  
2 just show the selected characteristics without drawing  
3 conclusions about whether there is a lack of  
4 environmental justice or disproportionate impact on a  
5 sector of the population. In fact, impacts related to  
6 and potential impacts related to specific facilities  
7 aren't even addressed.

8           Unfortunately, there's not an environmental  
9 justice algorithym, a formula that finds all the relevant  
10 data and produces an index from one to a hundred. The  
11 issues are much too complex for that. And this is why  
12 the policy discussions and resulting decisions  
13 surrounding environmental justice are so important.  
14 Often how you ask the question can determine what the  
15 answer that you get is.

16           Up to this point we've really focused on  
17 communication from us the Government to individuals and  
18 communities. This next short section provides  
19 information, but its main goal is to foster more  
20 involvement in communication from individuals and  
21 communities to government agencies.

22           So in this section we're talking about, we could  
23 add local government and Board contacts in jurisdiction  
24 profiles to increase access to information processes and  
25 decisionmakers.

1           We already have a placeholder contacts tab in  
2 jurisdiction profiles. If it included local government  
3 contacts such as recycling coordinator and LEA,  
4 Californians could find out who the contact is at the  
5 local level and be heard early in the process. And,  
6 while the Board contacts on the right side would allow  
7 people to contact the appropriate staff here at the  
8 Board.

9           Providing links to e-mail addresses and Web  
10 sites would further simplify and encourage input. Okay.

11           As we move forward the complexities of  
12 environmental justice analyses will be discussed more,  
13 trust me. Such as, the many different ways to define  
14 impacts and the zones of impact and changes over distance  
15 and changes over time.

16           Which characteristics to consider and what to  
17 compare them to, and what data to use and what data  
18 sources to use. And most importantly and most difficult,  
19 how to do the analyses.

20           Because of this very real complexity, a one size  
21 fits all Web-based computer tool that does an  
22 instantaneous analysis is unlikely. I hate to admit that  
23 profiles can't solve all our problems, because I wish it  
24 could, but we can take some of the first steps.

25           And if the Board directed us to pursue these

1 concepts, our preliminary estimate is that these basic  
2 tools could be developed in about 90 to 120 days.

3 The concepts that we've discussed are not the  
4 solution, but they, they're a start. They could help  
5 address the need for better information sharing and  
6 communication so often cited as key issues in  
7 environmental justice discussions and studies.

8 And this again highlights the need for  
9 continuing to increase the data quality and accuracy, the  
10 need to fully integrate our databases, and the need to be  
11 the best stewards for the solid waste information that we  
12 collect and maintain for the citizens of California.

13 And staff looks forward to hearing your  
14 direction and questions, and that's it for me.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
16 you. Senator Roberti.

17 BOARD MEMBER ROBERTI: Yes, compiling, I guess,  
18 the census tract data is very, very good, at one point,  
19 however, and I'm sure this is, we're able to do this, it  
20 shouldn't just be the 2000 census because the justice  
21 aspect of it would lend itself to what was at the time  
22 the facility was constructed or whatnot, and we can paint  
23 ourselves a slightly different picture. But a great  
24 idea, I think it is a good way to go as far as data  
25 compilation.

1           MR. SITTS: We would start with actually the  
2 1990 census data since it's out and in a format that we  
3 can use, with the understanding that we'd also  
4 incorporate the 2000. And, you know, time series data is  
5 important, that's one of the reasons to look at the  
6 census tract level.

7           BOARD MEMBER ROBERTI: Right.

8           BOARD CHAIR MOULTON-PATTERSON: Ms. Packard, did  
9 you have, was there more of your presentation before I  
10 open it up to the Board?

11          MS. PACKARD: That concludes our presentation.  
12 If there are any questions -- or what we would really  
13 like to get today from the Board is some direction on  
14 where to focus our efforts, because this is going to be a  
15 big job.

16          BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
17 you.

18          Mr. Papanian.

19          BOARD MEMBER PAPANIAN: Yeah, in response to  
20 that I noted that you're going to try to get some  
21 stakeholder input, and I think that's important in  
22 developing the direction that we take.

23                 And one thing that I've been learning here is  
24 that we tend to set up stakeholder work groups to meet  
25 once or twice and then come back with some

1 recommendations from the work groups.

2 Now the stakeholders in this situation are, they  
3 go beyond our traditional stakeholders that we see here,  
4 but there is a, quite an active community interested in  
5 environmental justice issues.

6 Some of the organizations were already  
7 mentioned; Communities for a Better Environment,  
8 California Rural Legal Assistance. There are others such  
9 as the Environmental Health Coalition of San Diego and  
10 Mothers of East Los Angeles. Those are some of the  
11 groups in the Los Angeles area especially.

12 So what I was going to suggest is that a work  
13 group be set up with representation from these  
14 organizations that are interested in environmental  
15 justice issues. And given the geographic concentration  
16 in the Los Angeles area, my suggestion would be that a  
17 work group meeting be set up in Los Angeles to facilitate  
18 involvement and input from some of the stakeholders in  
19 the Los Angeles area and also in the Southern California  
20 area.

21 BOARD CHAIR MOULTON-PATTERSON: I think that's a  
22 really good suggestion. Thank you, Mr. Papanian.

23 Mr. Medina, and then Senator Roberti.

24 BOARD MEMBER MEDINA: Yes, I'd like to follow it  
25 up that a suggestion that Professor Manuel Pastor from UC

1 Berkeley be involved in forming these groups as he has  
2 written a definitive paper on environmental justice.

3 BOARD CHAIR MOULTON-PATTERSON: Great. Thank  
4 you.

5 BOARD MEMBER MEDINA: And also I just want to  
6 endorse the staff's approach to begin to address the  
7 environmental justice requirements as directed by Senate  
8 Bill 115 and Senate Bill 89.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
10 Medina.

11 Senator Roberti.

12 BOARD MEMBER ROBERTI: Yes, Madam Chair,  
13 basically along the lines of what Mr. Papanian and Mr.  
14 Medina have said, I would recommend that we give the  
15 widest possible notice to groups and individuals who are  
16 interested in the, either the environmental justice or  
17 the relationship of environmental justice to waste siting  
18 in particular. And so that we don't start our first  
19 meeting at least with a limitation in mind, but sort of a  
20 you all come kind of proposal.

21 And then at some point I would say that we would  
22 have to have a gatherer of the data, I myself tend to  
23 think that should be an independent contractor, but maybe  
24 we should, we probably should just see what we get on the  
25 first go round with this excellent idea that Mr. Papanian

1 has had for a sort of stakeholders meeting.

2           And that should also include, that should also  
3 include the people who operate the facilities, I mean  
4 they are stakeholders too, so it shouldn't be to their  
5 exclusion; but the problem that we generally have is that  
6 it's the only group that we talk to out of necessity  
7 because they have a vested economic interest in the  
8 things we do, and that's understandable. So I endorse  
9 that methodology.

10           On another point that came up earlier, and I  
11 can't remember now whether it was in his presentation, I  
12 don't think we're looking for absolute cause and effect,  
13 that's almost impossible, and you're going to have a  
14 thousand different opinions as to why you might have a  
15 health hazard.

16           I know when I was in the legislature one of the  
17 big issues was, one of the questions was why was the  
18 cancer rate so great in the city of McFarland.

19           But one thing we knew, it was a problem; second  
20 thing we knew is a policymaking Board such as the  
21 legislature, and such as this Board would be in this  
22 case, has to make a judgment call based on the data that  
23 they have before them, and conclusive connections are, we  
24 can probably argue until the next century as to, you  
25 know, what the cause and effect is.

1           So I just think that if we can really get just  
2 the base data so that the Board can make an intelligent  
3 judgment call. And hopefully we'll be right, I guess  
4 that's all we're looking. Well that's what I'm looking  
5 for.

6           BOARD CHAIR MOULTON-PATTERSON: Thank you,  
7 Senator Roberti.

8           Mr. Eaton.

9           BOARD MEMBER EATON: I just wanted to echo the  
10 sentiment of my fellow Board members, but I would like,  
11 just like not be so parochial and geographically precise  
12 with regard to stakeholders, I think it's a statewide  
13 issue and that's what we're governed by.

14           And especially if you look at the population  
15 trends that are taking place, unfortunately we have to  
16 look at not only what I think has taken place and how do  
17 we resolve and applying economic justice criteria issues  
18 or concerns with existing sites; that's a hard one given  
19 local zoning and stuff like that.

20           But with the census issue, look to what our  
21 population patterns are that are taking place, the  
22 central valley and other areas, and Northern California  
23 as well, and in other parts of Southern California, not  
24 just in the immediate basin, that's really where we'll be  
25 able to have an impact.

1           So I look at a bifurcated almost kind of  
2 approach, one where there's existing sort of  
3 environmental justice issues, and those are separate in  
4 the sense because the zoning has already been done. For  
5 instance, when we try, if we were to get a permit that  
6 said could we stop based upon environmental justice  
7 criteria? Someone may say, well, the zoning didn't  
8 permit us to site it over at X, so we have a different  
9 type of issue that's there. So I want to see a  
10 bifurcation, if possible, of issues based upon growth  
11 patterns as well.

12           I mean the main issue that's being asked right  
13 now of the census is why are there twice as many school  
14 children of Hispanic origin in the L.A. Unified School  
15 District and half the parents? And that just tells you  
16 the census was not done very well, and yet we know those  
17 individuals are there.

18           And so that kind of bifurcated approach will  
19 help us solve some of the issues that the census is not  
20 the end-all. It was a very poor census, I think, from my  
21 reading, as it related to the areas where environmental  
22 justice will really have to be applicable.

23           So I think if you look at it, it's important to  
24 look at the census, but also to go to the stakeholders up  
25 and around the state to find out where those, what

1 information they have where there was not good criteria  
2 established, the African American community, for  
3 instance, is another one which, where all parts, some  
4 offices closed early with the census.

5 So I think those are, by expanding the  
6 stakeholders you'll get a good pyramid and so forth of  
7 information.

8 Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
10 Eaton.

11 Mr. Paparian.

12 BOARD MEMBER PAPARIAN: Just one additional item  
13 for clarification. This item did not delve much into the  
14 audit recommendations regarding environmental justice.  
15 Are you planning to incorporate those into this work, or  
16 are we planning to see another item related to the  
17 audit's recommendations on environmental justice?

18 MS. NAUMAN: Mr. Paparian, I don't have the  
19 schedule in front of me, but our plan was to bring  
20 forward to you on a recommendation by recommendation  
21 basis items that you would examine the recommendations  
22 from the audit.

23 So we didn't incorporate it into this item, but  
24 we will be bringing items to you to discuss the two  
25 specific recommendations from the audit report which are

1 referenced in here; and that was to make environmental  
2 justice a basis for permitting actions; and secondarily,  
3 to develop and maintain a comprehensive database that we  
4 could make available to locals.

5 So we still intend to address those in the  
6 course of the next couple of months, and then we can  
7 incorporate it all.

8 BOARD MEMBER PAPARIAN: I encourage some  
9 simultaneous work there so that this effort that's  
10 described here considers those items that were in the  
11 audit report, you know, even before we have the full  
12 discussion of those findings at the Board level.

13 MS. NAUMAN: Okay. Thank you.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
15 Paparian. So we're giving clear direction to the staff  
16 at this time, it's the Board's, with all the comments  
17 that have been made, it's the Board's intent to move  
18 ahead with the eight step approach on page 6.3? That's  
19 my understanding. That's what I hear from the Board.  
20 And I hope that's clear enough direction.

21 Anything else?

22 MS. PACKARD: And then additionally what I heard  
23 was that we would continue to explore the possibility of  
24 using an independent contractor to help us both scope out  
25 the information and figure out what we're going to do in

1 the area of gathering data.

2 BOARD CHAIR MOULTON-PATTERSON: Correct, thank  
3 you.

4 BOARD MEMBER PAPARIAN: And development of a  
5 stakeholder process that goes beyond our traditional  
6 stakeholders and includes people who are interested in  
7 environmental justice issues.

8 MS. PACKARD: Right, the intent was to include  
9 that in one of those steps. It doesn't say broadly, but  
10 we did mention in there that we did want it to go out to  
11 all stakeholders, so we'll make sure we broaden it to  
12 include everyone that's been mentioned.

13 BOARD MEMBER ROBERTI: And when can you come  
14 back to us? Next week?

15 MS. PACKARD: That depends upon what you want  
16 when we come back. I think we need to sit down as a  
17 group, staff and executive staff, and figure out who's  
18 going to do what, what resources we need, what we're not  
19 going to be doing in order to accomplish all of this,  
20 etcetera, and so we need a little bit of time to scope  
21 that out. And then we'll let you know maybe a schedule  
22 of activities over the next year or so.

23 BOARD CHAIR MOULTON-PATTERSON: We appreciate  
24 that, and I think you can tell from the discussion this  
25 is very important to every single Board member, and so we

1 appreciate your work on it and your speed on this.

2 Thank you.

3 BOARD MEMBER MEDINA: I have one more.

4 BOARD CHAIR MOULTON-PATTERSON: Oh, excuse me.

5 BOARD MEMBER MEDINA: I have one further  
6 request. And that was in regard to recommendation number  
7 two, in adopting the general statutory definition, is  
8 that something that should be done through a formal vote  
9 of the Board, or is that something that we would adopt  
10 that definition?

11 MS. PACKARD: Well what we were asking there is  
12 that either you give us direction to rely upon that  
13 definition, of course it's in statute already, or the  
14 Board could adopt it formally.

15 I think it's kind of up to you how formally you  
16 want to make that direction.

17 BOARD MEMBER MEDINA: Madam Chair, I would move  
18 that we formally adopt that definition in terms of the  
19 definition.

20 BOARD CHAIR MOULTON-PATTERSON: Okay.

21 LEGAL COUNSEL TOBIAS: Madam Chair, this item is  
22 noticed as a discussion item, and so it probably is not  
23 appropriate at this time to be doing motions.

24 If the Board wants, the staff can certainly  
25 bring back an agenda item as soon as the Board directs.

1 But if we wanted to do that we probably should have  
2 noticed it as a consideration item. And we talked about  
3 it, and it was just one of those things that we guessed  
4 on the side of discussion, so it does limit, you know,  
5 being able to take an action.

6 BOARD CHAIR MOULTON-PATTERSON: I understand  
7 that, and I would like to it to be brought next month to  
8 have it, our definition officially adopted.

9 MS. PACKARD: We might at the same time be able  
10 to give you a general schedule as well, a general idea of  
11 some of the activities more specifically than what's in  
12 here right now, and some timeframes as well as  
13 information.

14 BOARD CHAIR MOULTON-PATTERSON: Is next month  
15 okay with you, Mr. Medina?

16 BOARD MEMBER MEDINA: Certainly.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
18 you. We are going to be taking our lunch break, but  
19 before we do I did want to mention that the applicant has  
20 asked that item number 25, which is consideration of a  
21 revised solid waste facility permit for the Western  
22 Regional Sanitary Landfill, Placer County, be continued  
23 until the June meeting.

24 So I wanted, in case there's anyone here I  
25 wanted you to know that that has been pulled or continued

1 at the request of the applicant.

2 Can we be back by 2:00 for our closed session?

3 Is that okay with all my fellow Board members? Okay.

4 So I would remind the audience that you're  
5 probably safe in coming back at 2:30, 2:45.

6 Thank you.

7 (Thereupon the luncheon recess was taken.)

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1 AFTERNOON SESSION

2 --oOo--

3 (Thereupon the closed session was held.)

4 BOARD CHAIR MOULTON-PATTERSON: I'd like to call  
5 the meeting back to order and I'd like to apologize,  
6 please -- oh, ex-partes.

7 Mr. Eaton.

8 BOARD MEMBER EATON: None to report.

9 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

10 BOARD MEMBER MEDINA: None to report.

11 BOARD CHAIR MOULTON-PATTERSON: Mr. Papanian.

12 BOARD MEMBER PAPANIAN: None.

13 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

14 BOARD MEMBER ROBERTI: None, no ex-partes.

15 BOARD CHAIR MOULTON-PATTERSON: And I have none.

16 We're on item number seven, and I'll, approval  
17 of completion of 1996 RPPC compliance agreements.

18 Ms. Wohl.

19 BOARD MEMBER ROBERTI: Madam Chair.

20 BOARD CHAIR MOULTON-PATTERSON: Oh, excuse me,  
21 Senator Roberti.

22 BOARD MEMBER ROBERTI: On the prior item, before  
23 we broke for lunch, on environmental justice, I don't  
24 think, I think we sort of broke without getting  
25 definitive when the staff was going to be coming back.

1 So could you do it like, would you do it, could you do it  
2 like next month with the proposal then we can sort of  
3 move on Mr. Paparian's idea, that will be part of your  
4 proposal, and then we can next move on Mr. Paparian's  
5 idea of the stakeholder seminar, sort of.

6 MS. PACKARD: When you say proposal -- I'm  
7 sorry, Rubia Packard with the Policy Office. When you  
8 say proposal, what I had, what we thought we were saying  
9 was that next month we would come back with an item,  
10 again as Mr. Medina requested, on the definition of  
11 environmental justice, and then also provide you with a  
12 proposed schedule for all of the items that we need to be  
13 working on, and when those might occur, and maybe even  
14 talk about resources and things like that.

15 BOARD MEMBER ROBERTI: Okay. That's fine.

16 MS. PACKARD: Is that what you're expecting?

17 BOARD MEMBER ROBERTI: Including the things that  
18 I have mentioned in the prior Board meetings I take it?

19 MS. PACKARD: As far as the data and so forth?

20 BOARD MEMBER ROBERTI: Yes.

21 MS. PACKARD: We'll talk a little bit about  
22 that.

23 BOARD MEMBER ROBERTI: And including Mr.  
24 Paparian's idea that I've become an apostle of, and that  
25 is that we have a stakeholder seminar with a statewide,

1 with the statewide agenda, but probably in Los Angeles.

2 MS. PACKARD: Right. And that was, all along  
3 that was part of the plan that was articulated in there  
4 was to get stakeholder input. Certainly we'd be happy to  
5 schedule that in Southern California as appropriate, but  
6 that was always part of what we were kind of intending to  
7 do was get stakeholder input in a variety of ways.

8 BOARD MEMBER ROBERTI: Very good.

9 MS. PACKARD: So that would be included. So  
10 what we would bring back to you would be more like a  
11 tentative plan with some, some more detailed action steps  
12 of when we might do different things, and a bit of a  
13 description of what those might be.

14 BOARD MEMBER ROBERTI: Very good, thank you.

15 MS. NAUMAN: And if I could just add onto that,  
16 this morning Mr. Papanian was asking questions on the  
17 audit items. And what we will be doing next month with  
18 respect to the audit is bringing you an item that is  
19 going to be the item that helps prepare the six month  
20 report.

21 As you'll recall, we had the sixty day report,  
22 the six month report then is due in early June. So we'll  
23 be bringing an item to you at the May meeting that will  
24 seek your direction on crafting that six month report.  
25 And in that we'll capture, as we were talking this

1 morning, whether, and I misspoke this morning, rather  
2 than bring back separate items on environmental justice,  
3 on the environmental justice recommendations that were in  
4 the audit report, those were referenced in the item this  
5 morning.

6 So we'll incorporate all of the direction you  
7 gave us today, plus the directions you give when we bring  
8 the item back that Rubia just described in May. And  
9 incorporate all of that into the six month report back to  
10 the auditors which will include all of the items of  
11 recommendation that you have addressed up to and  
12 including the May Board meeting.

13 So does that help to clarify how we'll be  
14 responding to the auditor on their environmental justice  
15 recommendations?

16 BOARD MEMBER ROBERTI: Yes.

17 BOARD MEMBER PAPARIAN: Let me just follow up on  
18 that. We had, a couple months ago, a matrix, you know,  
19 showing all the auditor's recommendations and when  
20 everything is going to come up.

21 MS. NAUMAN: Right.

22 BOARD MEMBER PAPARIAN: Are you saying, so I'm  
23 clear, are you saying that the item this morning  
24 incorporates those two recommendations, or are we going  
25 to talk about them at some other point too?

1           MS. NAUMAN: In essence, the item this morning  
2 incorporates those two recommendations, and we'll be  
3 discussing those further when we come back in May with  
4 the item that Rubia described.

5           So I will, I'm not suggesting to you that you  
6 will see two additional items for discussion, the  
7 auditor's recommendations, our effort was to incorporate  
8 all of that into this morning's discussion.

9           BOARD MEMBER PAPARIAN: Okay. Because I'm  
10 not --

11          MS. PACKARD: In terms of updating and reporting  
12 to you, not in terms of making a recommendation as to  
13 whether or not we do those things. That will come later  
14 and will require more analysis and discussion. Okay?

15          BOARD MEMBER PAPARIAN: Okay.

16          BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
17 you. We'll go on to Ms. Wohl and item seven.

18          MS. WOHL: Good afternoon, Madam Chair, Board  
19 members. Agenda item seven is consideration of approval  
20 of completion of 1996 rigid plastic packaging container  
21 compliance agreements. And John Nuffer will be  
22 presenting along, with Bill Orr and Deborah Borzelleri.

23          MR. NUFFER: Good afternoon, Madam Chair, Board  
24 members. This item presents the results of the Board's  
25 first RPPC compliance certification, and eight companies

1 were found to be out of compliance.

2 The Board fined one company \$20,000, and the  
3 Board signed compliance agreements with seven others.  
4 Five of those seven companies met the terms and  
5 conditions of their compliance agreements.

6 These were Dietzgen, LLC, Loctite Corporation,  
7 Masterchem Industries, 3M, and Pep Boys.

8 Two are not yet fully in compliance. Those are  
9 Pennzoil-Quaker State Corporation and the Toro Company.

10 Pennzoil-Quaker State is very close to  
11 compliance, reporting that 24.76 percent of the resin in  
12 all of its containers is post consumer. It is staff's  
13 recommendation that the Board extend Pennzoil's  
14 compliance agreement for another year. We believe the  
15 company can demonstrate compliance within a year based on  
16 its actions to date.

17 In Toro's case, some of its containers are in  
18 compliance and some are not. About 42 percent of Toro's  
19 containers hold four cycle engine oil and transmission  
20 fluid. The remaining 58 percent contain two cycle engine  
21 oil.

22 We believe the company can demonstrate -- excuse  
23 me. These lubricants are made for Toro's lawn mowers,  
24 weed eaters, and snow blowers.

25 For its containers that hold the four cycle

1 engine oil and transmission fluid, Toro agreed in its  
2 compliance agreement to either use ten percent less  
3 plastic overall, or to use 25 percent post consumer  
4 resin. If either of these turned out not to be feasible,  
5 then they would stop selling those products in  
6 California.

7           It turned out that the company was able to  
8 obtain new containers for its four cycle oil and  
9 transmission fluid that met the 25 percent post consumer  
10 resin consumer requirement.

11           For the two cycle engine oil containers, Toro  
12 agreed in its compliance agreement to test several post  
13 consumer resins that might tolerate long term exposure to  
14 the solvents in two cycle oil.

15           Toro previously put 25 percent post consumer  
16 resin in these containers back in 1995 in order to comply  
17 with the law, but took it out when the bottles began  
18 leaking on store shelves.

19           Toro conducted such testing when all the twenty  
20 ounce two cycle containers it tested failed using post  
21 consumer resin. If that occurred Toro agreed to cease  
22 offering two cycle oil for sale in California, or  
23 implement another solution deemed acceptable to the  
24 Board. And that's really the phrase you should note, "Or  
25 implement another solution deemed acceptable to the

1 Board." That's in their compliance agreement.

2 A representative from Toro and Toro's container  
3 supplier are here if you have questions about the  
4 testing, as well Edgar Rojas of our staff is also  
5 available.

6 Staff has been working with Toro to identify  
7 other solutions which might be acceptable to the Board.  
8 We've had a couple of meetings here in Sacramento, and  
9 numerous phone calls.

10 We asked Toro to explore using post consumer  
11 resin in other products; for example, using recycled  
12 plastic in the lawn mower housings. They explored that  
13 and we were told that that wasn't practical.

14 We also asked Toro to explore a new stronger  
15 resin in other solvents, which they did, and we were also  
16 told that those weren't cost effective alternatives.

17 So after much discussion, Toro sent a letter to  
18 the Board chair dated April 10th of this year in which it  
19 identified three practical options for marketing its two  
20 cycled oil.

21 These were, one, to continue using the current  
22 containers made from a hundred percent virgin resin. And  
23 we understand that totals about four hundred pounds of  
24 plastic in three to 5,000 containers.

25 Or number two, to use an ultra heavyweighted

1 container which would be 30 to 40 percent heavier than  
2 the existing containers, meaning they would put more  
3 virgin resin in the containers so that they could meet  
4 the 25 percent post consumer resin requirement.

5 Or three, they would cease selling two cycle oil  
6 in California.

7 Before I discuss staff's recommendation for Toro  
8 I'd like to explain the Board's options related to  
9 enforcement of all of the compliance agreements.

10 In the agenda item we have identified four  
11 options.

12 Option one is to consider a company has met the  
13 terms and conditions of its compliance agreement, and the  
14 Board would take no further enforcement action.

15 The second option, option two, is to schedule a  
16 public hearing.

17 Option three is to order additional actions or  
18 measures to ensure compliance.

19 And the fourth option is to take no further  
20 enforcement action and terminate a compliance agreement.

21 Staff is recommending option one which is  
22 consider a company has met the terms and conditions of  
23 its compliance agreement for the five companies that are  
24 now in compliance; in other words, Dietzgen, Loctite,  
25 Masterchem, 3M, and Pep Boys.

1           We're recommending option three for  
2 Pennzoil-Quaker State which would extend their compliance  
3 agreement another year so they have more time to meet the  
4 25 percent requirement, because they're very close as it  
5 is.

6           And finally, we're recommending option two for  
7 Toro which is to hold a public hearing. And the reason  
8 we recommended a public hearing is because that gives you  
9 maximum flexibility in your decision-making. It was not  
10 meant to be punitive.

11           A public hearing allows you to assess penalties  
12 or to take no further action, but it gives you a full  
13 range of options. It also provides a separate block of  
14 time to discuss and consider the issues involved.

15           However, you may make a decision here and now  
16 and adopt one of the other options listed on page 7-2 and  
17 7-3 on the agenda item, or other options that you might  
18 prefer.

19           I believe it would be Toro's desire to resolve  
20 this issue today, and it would help us from a staff  
21 perspective also.

22           Joe Newberg from the Toro Company is here along  
23 with their packaging, their container manufacturer, A.R  
24 packaging, Bruce Davidson. And I think Joe would like to  
25 make a brief presentation.

1           BOARD CHAIR MOULTON-PATTERSON: I have a speaker  
2 slip for him. I don't see any questions from the Board  
3 so we'll ask for Joe Newberg from the Toro Company.

4           MR. NEWBERG: Thank you. Good afternoon, Madam  
5 Chair, members of the Board.

6           Toro appreciates this opportunity to address the  
7 Board at this time on this somewhat difficult issue. We  
8 last appeared before you in October of 1999 relating to  
9 the compliance agreement that was being negotiated at  
10 that time between Toro and the Board. Toro signed that  
11 agreement the following month, November, and the Board  
12 then implemented the compliance agreement in January of  
13 2000.

14           Under that agreement, Toro was to convert all of  
15 its containers that fell under the Act to 25 percent PCR  
16 resin, which we did with one exception, that being our  
17 two cycle oil containers.

18           As has been pointed out, we had a history back  
19 in '95 of using 25 percent PCR resin in our two cycle oil  
20 containers, with the unfortunate results that they  
21 cracked and leaked on retail store shelves, and we  
22 quickly went back to using one hundred percent virgin  
23 resin in those containers.

24           I should explain to you that roughly fifty  
25 percent, over fifty percent of our volume nationally of

1 containers that fall under the Act is two cycle oil. So  
2 any sort of corporate averaging really was out of the  
3 question for us due to the high percentage of this rather  
4 unique application.

5 In addition, the volumes in the State of  
6 California have been falling in the last few years due to  
7 CARB requirements for emissions which make it, there are  
8 more stringent requirements on selling two cycle engines  
9 in the State of California.

10 At this point in time we estimate that our  
11 annual volume in covered containers with two cycle oil is  
12 between three and 5,000 per year. And this represents  
13 roughly four hundred pounds of plastic.

14 Under the compliance agreement then, Toro  
15 undertook a test program in early 2000 to determine  
16 whether or not we could develop an alternative resin that  
17 was cost effective to use in these containers.

18 We tested several different weights and  
19 different resins over an extensive four month accelerated  
20 test program. The unfortunate result was that all of the  
21 twenty ounce bottles in the test failed, they cracked and  
22 leaked. And at that point we discontinued the test and  
23 thought it best to collect ourselves and rediscuss the  
24 issue with your staff.

25 In June of this past year we met with the staff

1 to discuss those results. And the next logical step for  
2 the Toro Company was to go to an ultra heavyweighted  
3 bottle.

4 In the previous testing we had tested bottles  
5 that were roughly fifteen percent above the standard  
6 weight that we had been utilizing with virgin materials,  
7 these bottles had failed the test.

8 The next step would be to go to a heavier  
9 weighting of 30 to 40 percent above the standard weight.  
10 We were confident that this would work in this  
11 application, but didn't think it was necessarily the  
12 course that we should follow, because although it would  
13 satisfy the technical requirements of the statute, we'd  
14 just end up putting all of the recycled resin, in  
15 essence, of the bottles that we'd be producing, we'd be  
16 producing with virgin resin, and the additional 25  
17 percent PCR would be additional weight of plastic that  
18 would end up going into landfills in this state, plus the  
19 other 49 states that we distribute product in.

20 We felt that was counter to the intent of the  
21 statute, and in discussions with the staff they agreed  
22 with that.

23 We thought at that point that we ultimately  
24 should put this issue before the Board, and had another  
25 meeting in February of this year where we laid the

1     groundwork for this presentation today.

2             As has been pointed out, we feel at this point  
3     that we have three alternatives relating to two cycle  
4     oil.

5             One is to cease selling the oil in California,  
6     which we don't think is an acceptable alternative for the  
7     company or for our customers.

8             We can sell the oil in 30 to 40 percent  
9     heavyweighted bottles which will comply with the statute,  
10    but again we think is counter to the best interests of  
11    your recycling efforts.

12            Or third, we could continue to produce bottles  
13    made of virgin resin due to the technical difficulties  
14    raised by two cycle oil with its solids.

15            At this point I'd like to emphasize that Toro  
16    considers itself to be a very environmentally oriented  
17    company. In 1999 we received the Ventura County Waste  
18    Watch Award for a recycling program we implemented  
19    dealing with drip, agricultural type drip irrigation  
20    tape.

21            In 2000 we received California's RAP Award.

22            We've been a leader in developing recycling  
23    mowers that reduce the amount of clippings that go into  
24    landfills.

25            We're an industry leader in the use of

1 water-based solvents and adhesives, and the use of  
2 powdered paint which reduces the residual pollution from  
3 the manufacturing evolutions.

4 And we've qualified a great number of our  
5 products to use vegetable-based hydraulic oils in their  
6 hydraulic systems for many of our golf and commercial  
7 products which considerably lessens the impact of oil  
8 spills should the systems develop a leak.

9 Toro has fully cooperated with the staff in  
10 trying to work out a solution that makes sense amid some  
11 rather conflicting requirements.

12 And I might point out, the staff has been  
13 extremely courteous and helpful with us throughout this  
14 process.

15 Again, Toro could have complied with the  
16 regulations in the year 2000 with the heavyweighted  
17 bottle, but deferred to the staff's wishes to move  
18 forward and present this issue to the Board, which we're  
19 doing today.

20 We're anxious to hear the Board's desires on  
21 this matter, and at this point I would entertain any  
22 questions that you might have.

23 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
24 Newberg. We really appreciate you coming in and  
25 explaining all of this to us. And we recognize there are

1 so many good things that you've done in the environmental  
2 field.

3 Do we have some questions from the Board? Mr.  
4 Paparian.

5 BOARD MEMBER PAPARIAN: Yeah, I'm not sure --  
6 well first of all from our staff, we have on our list  
7 Pennzoil, for example, and I just want to be clear,  
8 they're able to use plastics in their oil?

9 MR. ORR: That is correct, in their oil  
10 containers and in their car wash containers, they have  
11 dozens of types of containers, but they're using  
12 postconsumer resin in those containers.

13 BOARD MEMBER PAPARIAN: Okay. And what I'm just  
14 curious about, is there some fundamental difference  
15 between the two cycle oil that, you know, that Toro is  
16 using as opposed to the regular oil that others are using  
17 that leads there to be a problem?

18 MR. NEWBERG: My understanding, and maybe John  
19 can confirm this, is that, is that Pennzoil is continuing  
20 to produce two cycle oil in virgin containers, but  
21 because it's such a small portion of their business  
22 they're able to comply with corporate averaging, is that  
23 correct.

24 MR. NUFFER: That's correct. Most of their  
25 containers are for four cycle engine oil and other car

1 wash type products.

2 BOARD MEMBER PAPARIAN: Okay. What's  
3 fundamental, so what is different about two cycle oil  
4 versus four cycle oil that, that leads to this type of  
5 problem?

6 MR. NEWBERG: Two cycle oil contains solvents  
7 which allows it to mix with gasoline which you need to do  
8 for efficient lubrication of the engine. And it's the  
9 solvents that are in the oil to promote that mixability  
10 that have a tendency to permeate and attack plastics, and  
11 they're much harder on PCR, make them, PCR is a little  
12 more brittle, less resilient, and as a result the oil  
13 bottles tend to panel in, develop stress cracks, and  
14 leaks.

15 BOARD MEMBER PAPARIAN: Thanks.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
17 other questions?

18 Mr. Medina.

19 BOARD MEMBER MEDINA: Yes, Madam Chair. I would  
20 like to move Resolutions 2001-109, -110, -111, -112, -114  
21 under option one, resolve that the Board has determined  
22 that the Dietzgen Company; Loctite Corporation;  
23 Masterchem Industries; Minnesota Mining and  
24 Manufacturing; the Pep Boys, Manny, Moe, and Jack of  
25 California; have met the terms and conditions of its RPPC

1 compliance agreements for 1996, and achieved compliance  
2 as required in the year 2000.

3 That for Resolution 113 for Pennzoil-Quaker  
4 State Company and all subsidiaries, we adopt option three  
5 which would order additional actions or measures to  
6 ensure compliance.

7 And that for resolution 2001-015 we adopt option  
8 four, that no further enforcement action be taken,  
9 compliance agreement terminated. Toro has taken every  
10 feasible measure to comply with the law but still has not  
11 yet achieved compliance.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
13 much, Mr. Medina. I'll second that.

14 Anything else from staff that -- is that  
15 clear --

16 MR. NUFFER: Yes.

17 BOARD CHAIR MOULTON-PATTERSON: -- before we  
18 take a vote?

19 Anything else?

20 BOARD MEMBER PAPARIAN: I want to be clear --

21 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina -- I  
22 mean Mr. Paparian.

23 BOARD MEMBER PAPARIAN: The staff recommendation  
24 on the Toro one is what?

25 MR. NUFFER: It was to hold a public hearing so

1 that you could discuss the issue. But if you decide, it  
2 appears like you're ready to make a decision now.

3 A public hearing would give you the option to  
4 discuss it further and consider fines and penalties or to  
5 take no further action.

6 BOARD MEMBER MEDINA: From my own perspective  
7 based on what I've heard today from the Toro  
8 representative, that I would go for option four.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
10 I would, before we vote I would like to suggest asking  
11 staff in waste prevention to bring an item forward by  
12 October before outlining the issues with the RPPC  
13 program, and make recommendations on changes to  
14 legislation, and also to issues within the Board's  
15 control to help clarify some of this.

16 Can we do that?

17 LEGAL COUNSEL TOBIAS: Madam Chair, if I may, I  
18 just want to make the distinction that one of the things  
19 that the, or what would be offered in that hearing if the  
20 Board were to go that way is also that the, that any  
21 company that's in that would be basically sworn in and  
22 would be testifying under oath.

23 So not that, I'm not necessarily recommending  
24 that for this particular situation, I'm just trying to  
25 draw the distinction of why we would be coming back for

1 that hearing is that it wouldn't necessarily only be for  
2 fines and penalties, but it would be basically putting  
3 those companies under oath to answer the questions on  
4 what they've done or the different situations.

5 So I just wanted to clarify that.

6 BOARD CHAIR MOULTON-PATTERSON: Thanks for  
7 pointing that out.

8 We have a motion by Mr. Medina, seconded by  
9 Moulton-Patterson, please call the roll.

10 BOARD MEMBER PAPARIAN: Can you separate the  
11 Toro item from the rest of those, and let us vote  
12 separately on the Toro item? My vote is different on the  
13 Toro item than it is on the rest, so if you could just  
14 have roll calls, I would appreciate it.

15 BOARD MEMBER MEDINA: Yes. Separating again the  
16 resolutions number 109, 110, 111, 112, 114, under option  
17 one. Specifically that the company met the terms and  
18 conditions and that no further enforcement action is  
19 required for Dietzgen Company; Loctite Corporation;  
20 Masterchem; Minnesota Mining and Manufacturing; and the  
21 Pep Boys, Manny, Moe, and Jack.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. And  
23 that's fine.

24 BOARD MEMBER PAPARIAN: You almost did it with a  
25 straight face.

1 BOARD MEMBER MEDINA: Yes.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
3 you. Could you call the roll, please?

4 BOARD SECRETARY VILLA: Eaton.

5 BOARD MEMBER EATON: Aye.

6 BOARD SECRETARY VILLA: Jones -- excuse me.

7 Medina.

8 BOARD MEMBER MEDINA: Aye.

9 BOARD SECRETARY VILLA: Paparian.

10 BOARD MEMBER PAPARIAN: Aye.

11 BOARD SECRETARY VILLA: Roberti.

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY VILLA: Moulton-Patterson.

14 BOARD CHAIR MOULTON-PATTERSON: Aye.

15 Mr. Medina.

16 BOARD MEMBER MEDINA: For Resolution 2001-113,  
17 option three, specifically to order additional action or  
18 measure to ensure compliance, and that is for the  
19 Pennzoil-Quaker State Company and all of its  
20 subsidiaries.

21 Please call the roll.

22 BOARD SECRETARY VILLA: Eaton.

23 BOARD MEMBER EATON: Aye.

24 BOARD SECRETARY VILLA: Medina.

25 BOARD MEMBER MEDINA: Aye.

1 BOARD SECRETARY VILLA: Paparian.

2 BOARD MEMBER PAPARIAN: Aye.

3 BOARD SECRETARY VILLA: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY VILLA: Moulton-Patterson.

6 BOARD CHAIR MOULTON-PATTERSON: Aye.

7 Mr. Medina.

8 BOARD MEMBER MEDINA: Resolution number

9 2001-115, option four for the Toro Company. That we take  
10 no further enforcement action, the compliance agreement  
11 is deemed terminated.

12 BOARD CHAIR MOULTON-PATTERSON: And that's  
13 revised, I'll second.

14 Please call the roll.

15 BOARD SECRETARY VILLA: Eaton.

16 BOARD MEMBER EATON: Aye.

17 BOARD SECRETARY VILLA: Medina.

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY VILLA: Paparian.

20 BOARD MEMBER PAPARIAN: For the reasons that  
21 counsel stated, no.

22 BOARD SECRETARY VILLA: Roberti.

23 BOARD MEMBER ROBERTI: Aye.

24 BOARD SECRETARY VILLA: Moulton-Patterson.

25 BOARD CHAIR MOULTON-PATTERSON: Aye. Motion's

1 passed, thank you.

2 Thank you for coming, Mr. Newberg.

3 Okay, item number eight.

4 MS. WOHL: Item number eight is consideration of  
5 approval of second cycle reuse assistance grant awards  
6 for fiscal year 2000/2001, BCP Number five. And Sara  
7 Weimer will present.

8 MS. WEIMER: Good afternoon, Madam Chair,  
9 members of the Board. Sara Weimer with the reuse  
10 assistance grants program in the Waste Prevention Market  
11 Developments Division.

12 This agenda item is for consideration of  
13 approval of the second cycle reuse assistance grant  
14 awards.

15 At the October 26th through 27th, 1999 meeting,  
16 the Board adopted Contract Concept Number 56, reuse  
17 assistance grants for \$150,000.

18 As part of the fiscal year 2000/2001 budget  
19 process, the Board secured \$250,000 from the integrated  
20 waste management account through BCP number five  
21 earmarked for administering a second cycle of reuse  
22 assistance grants.

23 At the December 12th through 13th, 2000 meeting,  
24 the Board adopted the scoring criteria and process for  
25 evaluating the cycle two grant applications.

1           The notice of funding availability was mailed on  
2   December 15th, 2000, to over 6,000 interested parties, as  
3   well as being available on our website.

4           Staff received a total of 26 grant applications  
5   by the final filing date. 23 grant proposals met the  
6   minimum scoring requirement of seventy points.

7           Staff is recommending the six highest scored  
8   proposals for funding. More than the available \$250,000  
9   would be necessary to fund the six top scoring projects;  
10   therefore, staff recommends fully funding the five top  
11   scoring projects, and partially funding the sixth.

12           Staff's funding recommendations are included in  
13   attachment two. And I would be happy to, for the record  
14   to describe those projects briefly.

15           Would you like me to do that?

16           BOARD CHAIR MOULTON-PATTERSON: Yes, please.

17           MS. WEIMER: The City of Arcata we are  
18   representing \$50,000. The grant funds would be used to  
19   expand an existing reuse facility, the non-profit Arcata  
20   community recycling center's reusables depot to salvage  
21   and reuse construction and demolition materials beyond  
22   its current capability.

23           Grant funds will also establish the reusables  
24   depot as a source of affordable building materials for  
25   residents of Arcata and surrounding Humboldt County.

1           We are recommending \$28,168 for the City of  
2 Lomita. This is a recommended partial funding due to  
3 limited funds.

4           The grant funds would be used to expand an  
5 existing program to provide services to the South Bay  
6 Area of Los Angeles County, partnering with the City of  
7 Rancho Palos Verdes, City of Torrance, and City of  
8 Redondo Beach.

9           This project will divert edible food not sold at  
10 restaurants, hotels, hospitals, and other establishments  
11 from landfills to Food Finders, a non-profit organization  
12 that will allocate this edible food to organizations that  
13 help meet the nutritional needs of impoverished persons.

14           We are recommending for the City of Los Angeles  
15 \$45,361. The grant funds would be used to perform  
16 outreach to the commercial sector to relieve local  
17 businesses of outdated office equipment, inventory  
18 surplus, and discontinued items which are still  
19 functional by directing them Los Angeles' non-profit  
20 reuse agencies who have a distribution network and  
21 infrastructure in place.

22           We are recommending \$48,352 for the Del Norte  
23 Solid Waste Management Authority. The grant funds would  
24 be used to provide the site planning, permitting and  
25 legal documents for a resource recovery park to be

1 co-located and concurrently developed with the Del Norte  
2 Transfer Station Materials Recovery Facility.

3           Additionally, this project will also support the  
4 procurement of an energy efficient refrigerator for a  
5 food bank program run by the local non-profit  
6 organization, the Community Assistance Network.

7           For Sacramento County we are recommending  
8 \$50,000. The grant funds would be used to establish a  
9 new Habitat for Humanity restore to serve the Sacramento  
10 area which should be entirely self-sufficient within  
11 eighteen months of operation.

12           And finally, we are recommending \$28,119 for the  
13 University of California at Berkeley to establish a  
14 materials exchange program on the University of  
15 California at Berkeley campus to be run by paid student  
16 interns.

17           And one of the proposed recipients, UC Berkeley,  
18 was here this morning at the Board meeting but did have  
19 to leave.

20           At the briefing last week a question was raised  
21 regarding whether or not the reuse assistance grants  
22 program is an ongoing program.

23           Staff looked into this further and it has been  
24 determined that the allocation is actually ongoing, which  
25 is good news because there are so many worthy

1 applications, and there has been a great interest in an  
2 additional cycle of grants.

3 And at this time I would like to invite any  
4 questions or comments you may have.

5 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

6 BOARD MEMBER ROBERTI: Yeah. I would just like  
7 to speak first. I'm very glad that this is an ongoing  
8 program, and just briefly that this program is, in  
9 effect, emphasizing the reuses at the top of our  
10 hierarchy, something that I think sometimes can be  
11 overlooked, and not so much by the Board but by the  
12 public with the emphasis on that wonderful word  
13 recycling.

14 So I'd like to make a motion, not to preclude  
15 any debate, but I would like to make the motion to move  
16 Resolution 2001-116 with the provision that any  
17 additional funds become available that we fund the  
18 balance of the Lomita's request, and after that we move  
19 down the list in order of ranking.

20 BOARD MEMBER MEDINA: Second.

21 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

22 BOARD MEMBER EATON: I have a couple of  
23 questions so if you would please hold off on that motion.

24 This really has to do with not what you  
25 presented or any disagreement with what's here, with what

1 is being funded, but rather a larger issue which  
2 basically is, it's my understanding that there are some  
3 complications with a couple of the applicants as it  
4 relates to an audit that we were informed of. And the  
5 question I'd like to find out is what does that mean if  
6 we award those.

7 But greater here, members, this is a classic  
8 example, from my perspective, where you were given the  
9 option -- you weren't given the option. We have  
10 \$250,000, and what you have in your binder is five or six  
11 projects. I asked yesterday for a list of projects that  
12 passed. There were a number of projects that passed that  
13 were very close in scoring.

14 If you remember, this is kind of reminiscent of  
15 what we went through with Santa Cruz and some of the  
16 others. And I think it's incumbent upon the executive  
17 staff to provide to the Board the option to be able to  
18 see that information as to what passed. Because if we  
19 have \$250,000, we could have easily divided up a portion  
20 and gone further down the list.

21 For instance, there's another issue in here with  
22 Santa Cruz that deals with computer and E-waste that  
23 scored 103, that was just one or two points under the  
24 other one.

25 And I'm saying I think it's incumbent upon us,

1 that we need to make that option and we need to see that  
2 information. We haven't seen that information. We would  
3 have never known what these other options may have been.

4 Because if we are going to get the \$250,000  
5 extra ongoing, then Senator Roberti we can even go  
6 further on down the list today and avoid having them to  
7 go out with a NOFA, or a notice of funds availability.

8 And I think that's the kind of key question that  
9 we can't do if we didn't have this information.

10 So I think from a policy standpoint from a Board  
11 that we do want to see what all of the eligible passing  
12 grades were so that we can go down the list. Because we  
13 can't leapfrog ahead and choose like the lower one over  
14 it, but we can fund those further down the list with  
15 limited funds, and we're not given that opportunity.

16 Look at your folder, look at your binder, you  
17 weren't even given that opportunity. And I think that  
18 that is just reprehensible because it is us who  
19 ultimately should decide those policy issues.

20 And that's, this is not relating, I'm voting for  
21 this, I don't find that any of the projects aren't  
22 worthy.

23 The other issue that I have is the one that  
24 involves the City of L A. That to me, I wonder if that  
25 is, is that part of L.A. Shares? And if it is, that's

1 good, because the other issue is that should we perhaps  
2 then also allow other non-public entities to participate  
3 in the grant fund? And that's all I'm saying.

4 I would hate to have to only be able to fund  
5 public grant programs because there's many private  
6 programs that we've funded in other ways. So if that's  
7 another policy issue is can we, under the new reuse  
8 money, eventually go to individual projects that might be  
9 worthy of it that may not have the backing of their local  
10 entity? And it would actually broaden the pool of  
11 applicants.

12 I don't care if it goes to L.A. Shares or if  
13 it's different or whatever, my point being is that if  
14 L.A. Shares had to go through their municipality in order  
15 to be able to access the funds, which is a very, very  
16 good program in my estimation, then we've created an  
17 unnecessary hurdle, and I don't know if that's the case.  
18 Because otherwise it's competing with L.A. Shares.

19 MS. WEIMER: Well the local public agencies are  
20 able to partner with either a non-profit organization or  
21 commercial businesses. So in the case of L.A. Shares,  
22 they are more than welcome to partner with the City of  
23 Los Angeles.

24 BOARD MEMBER EATON: But this would be competing  
25 with them.

1 MS. WEIMER: No, they would be partnering with  
2 the City of Los Angeles for one project. Is that what  
3 you mean?

4 BOARD MEMBER EATON: No.

5 \$0. WEIMER: Maybe I'm not understanding this.

6 MS. WOHL: I think he wants --

7 BOARD MEMBER EATON: It's a greater policy issue  
8 is what I'm trying to get at is that, and I'm trying to  
9 avoid the specifics, but I'm using an example that if  
10 this money is going to go to L.A. Shares, and that's who  
11 the contractor is, then are we as the Board creating an  
12 unnecessary hurdle by saying it can only go to a public  
13 entity during our grant program. That's all the point  
14 I'm saying from a greater policy standpoint. It has  
15 nothing to do with L.A. Shares, I use it only purely as  
16 an example.

17 But I think it is incumbent upon us to be able  
18 to have the information in our binder as to what were all  
19 the passing scores so that we can go down and we make the  
20 allocation. We, more times than not, get no  
21 recommendation, and when we do get a recommendation we  
22 only get a limited amount of information as to what's  
23 being recommended, while there may be other worthy  
24 programs out there.

25 This is, especially in light of the fact that we

1 have now gotten the good news that this program is going  
2 to continue hopefully, you know, each fiscal cycle, and  
3 therefore we can fund it.

4           And the question really today is had we had that  
5 information we may have been able to go down through the  
6 list, not only Lomita, but each and every one of them in  
7 time for the strategic plan, your E-waste. I mean if you  
8 go through and you look at the projects that had high  
9 passing scores, they're geographically distributed well;  
10 they are, I think, consistent to a large degree with our  
11 priorities; and yet we weren't even given the opportunity  
12 in our binders to see it.

13           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
14 Eaton.

15           Ms. Wohl, do you have any comments on that and  
16 can we have this in the future? I think --

17           MS. WOHL: Oh, sure, definitely. I think at a  
18 prior Board meeting there was some discussion about  
19 getting a summary of each of the projects, and I think we  
20 interpreted that to mean those that were going to be  
21 awarded. But we can go beyond that and do all that have  
22 passed that score so that you have some flexibility.

23           BOARD CHAIR MOULTON-PATTERSON: Thank you.

24           BOARD MEMBER EATON: But those weren't awarded  
25 in the sense that the NOFA sends they will be recommended

1 and the Board will approve, so we didn't even get that  
2 option, and that's my problem. We didn't, we as a Board  
3 didn't get that option, we were told here are your five,  
4 we had no information, there was no information at the  
5 briefing, there was no information, it wasn't until I  
6 went through and said, "Well what were the other passing  
7 scores?" There was probably other good, because I've  
8 been asked about it many, many times about the reuse, and  
9 I'm saying well hopefully we can get more money, and this  
10 would have been, the way we did with the other projects,  
11 where we've been able to divvy up the money on a  
12 worthwhile project.

13           So I think from a policy standpoint, I mean I'm  
14 just going to say that I would like, Madam Chair, to  
15 request the executive staff that anytime we have these we  
16 get a list of what passed, and what funds are available,  
17 and we make the decision ultimately as to what the  
18 allocation will be. I mean we may go along with staff's  
19 recommendation, and we may not, but I at least would like  
20 the information.

21           BOARD CHAIR MOULTON-PATTERSON: I agree, Mr.  
22 Eaton, and I think that will happen.

23           Thank you.

24           BOARD MEMBER PAPARIAN: Madam Chair.

25           BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

1           BOARD MEMBER PAPARIAN: Somewhat -- well I'm not  
2 sure if it's related or not. When I look through the  
3 award winners I notice a bit of a geographic inequity  
4 that concerns me, and that is that most of the funding is  
5 to Northern California. If, you look at the north coast  
6 north coast gets about a hundred thousand dollars. I  
7 love the north coast, I think they do great work up  
8 there, but I think a lot of the need for a lot of  
9 projects like this, like these in Southern California,  
10 that's certainly where the population is and that's  
11 certainly where the waste is being generated more than  
12 any other area of the state.

13           So I don't know if in the future whether it's  
14 possible to put a geographic overlay on how we distribute  
15 some of these funds, but I'd like to explore that  
16 possibility a little bit to assure that the funds are  
17 going in a geographically equitable way.

18           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
19 Paparian.

20           So we have a motion by Senator Roberti, did we  
21 get a second? Did you second that, Mr. Paparian?

22           BOARD MEMBER PAPARIAN: Yes.

23           BOARD CHAIR MOULTON-PATTERSON: Thank you very  
24 much.

25           MS. WEIMER: Thank you.

1           BOARD CHAIR MOULTON-PATTERSON: I don't see any  
2 other comments, so could you please call the roll?

3           INTERIM EXECUTIVE DIRECTOR BRUCE: Excuse me,  
4 could we have one comment from Legal on this issue?

5           BOARD CHAIR MOULTON-PATTERSON: Oh, excuse me,  
6 certainly.

7           LEGAL COUNSEL TOBIAS: Thank you. I just wanted  
8 to address Mr. Eaton's concern about, he raised the  
9 possibility that there were audits existing against a  
10 couple of these agencies. These are contingent accounts  
11 receivable, the audits have barely started on those, and  
12 so the way this works is we will finish the investigation  
13 on that, at such time as we found that after they went  
14 through the whole process and had a chance to appeal the  
15 findings if necessary, then once there is a final  
16 decision on that, then if there is an amount outstanding  
17 then they might have a problem in terms of being able to  
18 come under other grants or to be eligible for other  
19 grants.

20           The other point I would make on these grants is  
21 that generally the way that we've handled these is, and I  
22 know we've gone over this before, but just to remind the  
23 Board is that the criteria for these grants are set by  
24 the Board initially, and approved, and then sent to the  
25 staff, and then the staff ranks these.

1           So while I don't have any problem with the whole  
2 list coming back to the Board, the Board would still have  
3 to proceed in order of the ranking in terms of that  
4 funding. So I wanted to make that clear. And I'm not  
5 sure that's what you were saying but --

6           BOARD MEMBER EATON: Sure, there's no  
7 disagreement. You have to follow, if one score's higher  
8 and if there's a tie, but we at least ought to have, see  
9 that information.

10          LEGAL COUNSEL TOBIAS: Sure, and I don't think  
11 that's a problem.

12          The other thing I think we might want to address  
13 in the future is this issue of whether there would be a  
14 partial funding. In the past I think the only, and  
15 certainly the Board can correct me if this is not the  
16 case, but my recollection is is that the only time when  
17 we've funded part of a request, generally speaking, is  
18 when we've gotten to the end, such as in this case with  
19 the last applicant that we can fund where there's not  
20 going to be enough to fully fund that, and then we've  
21 generally gone to them and said, "Can you do something to  
22 the amount that's left?" And if not, then we go from  
23 there.

24          If it's being suggested that the Board might  
25 look at each of the grants in order and perhaps look at

1 funding only portions of that, then I think we should  
2 probably put that in our NOFA and in our criteria  
3 initially.

4 In this one, as I understand it, the way the  
5 NOFA comes across is that we basically said each  
6 applicant could obtain up to \$50,000, so the applications  
7 are essentially geared towards some program that would be  
8 funded for \$50,000.

9 I think if the Board wants to get into the, an  
10 approach where they're funding parts of it we should  
11 probably tell the grantees that so that their  
12 applications can be structured differently than coming in  
13 in one chunk.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
15 Tobias.

16 BOARD MEMBER PAPARIAN: Madam Chair, as long as  
17 we're going back and forth with some of these criteria  
18 possibilities, is it possible for us to put in a, maybe  
19 even in the NOFA something to the effect that we will  
20 look at geographic distribution, we will, it's our  
21 intention to fund some portions of Southern California,  
22 some portions of Northern California, or something like  
23 that?

24 LEGAL COUNSEL TOBIAS: Sure. I think if you  
25 want to do that, certainly we'd want to work on some of

1 the language which if we don't get enough from one area  
2 it would fall into the other, but I certainly think  
3 that's something we can work with if that's the Board's  
4 direction.

5 Again that's the most helpful at the onset of  
6 criteria.

7 BOARD MEMBER MEDINA: Madam Chair, somewhere in  
8 there you want language in regard to central California.  
9 I just wanted to say that I concurred wholeheartedly with  
10 Board Member Eaton, and that for a lot of the, anytime  
11 that, you know, any organization submits any proposal for  
12 funding, if they get a hundred percent of what they are  
13 requesting then they consider themselves fortunate.

14 So I think that I would like to see us act  
15 according to Mr. Eaton's recommendations in regard to  
16 having these come before us.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Medina. Okay. We have a motion on the floor by Senator  
19 Roberti, seconded by Mr. Papanian.

20 Please call the roll.

21 BOARD SECRETARY VILLA: Eaton.

22 BOARD MEMBER EATON: Aye.

23 BOARD SECRETARY VILLA: Medina.

24 BOARD MEMBER MEDINA: Aye.

25 BOARD SECRETARY VILLA: Papanian.

1 BOARD MEMBER PAPARIAN: Aye.

2 BOARD SECRETARY VILLA: Roberti.

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY VILLA: Moulton-Patterson.

5 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank you.

6 MS. WEIMER: Thank you.

7 BOARD CHAIR MOULTON-PATTERSON: And the other  
8 two items, nine and ten were on consent so we go to item  
9 number 11, Ms. Jordan.

10 MS. JORDAN: Yes. Good afternoon, Chair  
11 Moulton-Patterson and members of the Board. Terry Jordan  
12 with the Administration and Finance Division.

13 We'll be presenting agenda item number 11,  
14 discussion of IWMA fund status and projected revenues.  
15 Suzanne Blihovde of our Economic Forecasting Unit will  
16 present.

17 MS. BLIHOVDE: Good afternoon, Madam Chair,  
18 members of the Board. I'm Suzanne Blihovde with the  
19 Economic Research and Forecast Unit, part of the Admin  
20 and Finance Division.

21 This presentation will provide you with  
22 information related to the integrated waste management  
23 fee in perspective, its history and current status, and  
24 its loss of purchasing power since 1994 due to inflation.

25 Revenue projections for the IWMA account and

1 expenditure plans at status quo over the next two years.  
2 The nexus between the impact of inflation on the IWM fee,  
3 revenue projections, and expenditure plans on the Board's  
4 short-term and long-term decisions and directions.

5 Points for the Board to consider when developing  
6 the strategic plan. Copies of this Power Point  
7 presentation and related charts will be provided to the  
8 Board.

9 History of the IWM fee. Prior to 1993 the  
10 Board's solid waste programs were funded by two fees, the  
11 IWM fee and the solid waste disposal site cleanup and  
12 maintenance fee, or Eastin fee.

13 The IWM fee was initially set at fifty cents per  
14 ton in January, 1990, and although the Board had  
15 authority to raise the IWM fee to a dollar, it remained  
16 at 75 cents until 1994.

17 The Eastin fee was set each by the Board of  
18 Equalization based on the rate of disposal so that \$20  
19 million could be collected each year.

20 In 1993 the Eastin fee was 58 cents per ton.  
21 Combined the two feestotaled 1.33 per ton in 1993, with  
22 a ceiling of 1.58 per ton.

23 AB 1220 consolidated the two fees into a single  
24 IWM fee set at 1.34 per ton beginning in July, 1994 with  
25 a ceiling of 1.40 per ton. It has remained at 1.34 per

1 ton since July, 1994.

2 Public Resource Code 4800(B) gives the Board  
3 authority to raise the fee to an amount that is  
4 sufficient to generate revenues equivalent to the  
5 approved budget for that fiscal year, including a prudent  
6 reserve, but shall not exceed \$1.40 per ton.

7 So the IWM fee in perspective. This chart  
8 illustrates the current IWM fee, that's the middle line.

9 What the fee would need to be to keep up with  
10 inflation since fiscal year 1994-'95, the top line.

11 And what the inflationary impact has been on the  
12 fee in terms of purchasing power, and that's the bottom  
13 line.

14 Between fiscal year '94-'95 and this fiscal  
15 year, inflation in California, as measured for all  
16 consumers, has increased 16.2 percent. Inflation is  
17 projected to be 19.2 percent through fiscal year '01-'02,  
18 and 22.3 percent in fiscal year '02-'03.

19 To keep up with this level of inflation, the IWM  
20 fee would need to be 1.56 in this fiscal year, 1.60 in  
21 fiscal year '01-'02, and 1.64 in fiscal year '02-'03.

22 Because there has been no increase to the fee  
23 there has been a decline in the fee's purchasing power.  
24 The 1.34 per ton's fee is only 1.15 in terms of fiscal  
25 year '94-'95 dollars. It will be worth 1.12 per ton in

1 fiscal year '01-'02, and 1.10 per ton in fiscal year  
2 '02-'03.

3           Should the Board increase the fee to 1.40, this  
4 will result in a 4.5 percent increase to help offset the  
5 inflationary decrease in real value, but would still only  
6 raise the real value of the fee to 1.18 per ton next  
7 fiscal year, and then it declines again to 1.15 per ton  
8 in fiscal year '02-'03.

9           This chart shows the average landfill tipping  
10 fee in California from 1994 to 2000, that would be the  
11 top black line. It also shows the average tipping fee in  
12 1994 adjusted for inflation from '94 through 2000.

13           The average landfill tipping fee in California  
14 has kept pace with or exceeded inflation rates as  
15 measured by increases in the California CPI.

16           The average landfill tipping fee in California  
17 is \$35.14 according to the latest CIWMB phone survey.  
18 The IWM fee equals 3.8 percent of the average landfill  
19 tipping fee.

20           Raising the fee to 1.40 per ton would increase  
21 this percentage by only two-tenths of a percent to only  
22 four percent.

23           This chart shows the amount of solid waste  
24 disposed in landfills from 1990 to our current year of  
25 projections.

1           The amount of solid waste deposited in landfills  
2 reached its lowest level in '95-'96. Since then, the  
3 amount of solid waste being landfilled has continued to  
4 increase, with 36.3 million tons being landfilled in  
5 fiscal year '99-2000, and 37.4 million tons projected to  
6 be landfilled this fiscal year.

7           This chart shows actual available funds from  
8 fiscal year '94-'95 through '99/2000, and projected  
9 available funds for fiscal year 2000/2001, and 2001/2002.

10           In formulating these projections, staff reviewed  
11 available economic forecasts pertaining to California,  
12 including information from the Department of Finance and  
13 waste management corporations.

14           And the last two economic updates, March and  
15 April, 2001, provided by the Department of Finance,  
16 indicates that California is continuing to experience  
17 strong job growth with unemployment at its lowest rate  
18 since January, 1990.

19           Waste Connections, Incorporated, one of the  
20 fastest growing waste management corporations, indicated  
21 at an April 12th, 2001, stockholders meeting, that it did  
22 not feel the company would be impacted by the economy, in  
23 part because, one, volumes of solid waste were relatively  
24 unaffected by economic activity, they were more based on  
25 population trends;

1           And two, the western states are continuing to  
2 experience long-term demographic growth.

3           Given that, it's still unknown at this time  
4 whether the economic slow down and impacts of the energy  
5 crisis on California's economy will have a greater  
6 influence on solid waste trends than California's  
7 continuing population growth.

8           Consequently, projections for fiscal year '02,  
9 and '01-'02 and '02-'03 are based on a five year trend of  
10 annual tonnage, and adjusted downward by two standard  
11 estimates. The downward adjustments are made in order to  
12 provide a more conservative estimate.

13           The projected revenues do not include  
14 approximately \$1.5 million from potential revenues from  
15 inerts, currently exempted from the IWM fee. Although  
16 this exemption is scheduled to sunset January, 2002,  
17 there is legislation in process that could extend the  
18 exemption.

19           This chart compares IWMA expenditures versus  
20 available funds from fiscal year '94-'95 to fiscal year  
21 '02-'03.

22           In looking at the expenditures, I'd like to  
23 point out that the Board has maximized available dollars  
24 with programmatic progress and successes.

25           Some examples of the program successes are the

1 facility compliance loan program; increased loan  
2 participation with RMDZ; contracts and grants related to  
3 market sustainability, such as the R.V. trade show,  
4 landscape management partnership outreach projects, reuse  
5 initiative, green building and construction demolition  
6 projects, and school projects waste characterization  
7 study, and household hazardous waste local government  
8 infrastructure for collecting and recycling.

9           Also within these expenditures are over two  
10 million dollars in cost of living increases for IWMA  
11 staff since fiscal year '98-'99.

12           The Board absorbed these costs within the IWMA,  
13 unlike other agencies who receive their budget from the  
14 general fund who got their COLA's financed from the  
15 general fund.

16           Other administrative costs such as position  
17 upgrades, higher travel costs, increased facility costs,  
18 and other increases in operating expenses have also been  
19 absorbed within the IWMA.

20           The expenditures include several programs  
21 established under the direction of the Board that operate  
22 with no baseline budget, operating budget. These  
23 programs received redirected dollars to implement. And  
24 include Cal Max, Rap, and recycled content products trade  
25 show.

1           This chart shows revenues versus expenditure  
2 plans for fiscal year '99/2000 through fiscal year  
3 2002/2003 showing the balance available in the IWMA at  
4 the end of each fiscal year.

5           The IWM fee projections, as well as transfers  
6 out to farm and ranch and 2136 account impact available  
7 revenues. And we are currently spending at our full  
8 appropriation authority.

9           Except for fiscal year '99/2000, transfers are  
10 not considered for the RMDZ. The Board may be faced with  
11 the possibility of having to transfer enough IWM funds to  
12 RMDZ to sustain the AB 75 project recycle program in  
13 fiscal year 2002/2003 and this would have an impact on  
14 the Board's discretionary funding.

15           As you can tell from this chart, our target  
16 reserves are steadily decreasing, and we do not hit a ten  
17 percent reserve of expenditures. In fact, fiscal year  
18 2001/2002 is projected to have only a three percent  
19 reserve, while fiscal year 2002/2003 is 4.4 percent.

20           There we go. So what does this all mean? The  
21 IWM fee's purchasing power has been eroded by inflation.  
22 We are entering another era of economic uncertainty as it  
23 relates to projected revenue with the IWM fee.

24           Although the Board has been able to maximize  
25 programs from available dollars, reserves are not

1 sufficient to make major changes in how we do business.  
2 And the general fund is not available for budget change  
3 proposals because all general fund dollars are going to  
4 address energy needs.

5           Where can the Board go now? We can increase the  
6 IWM fee within the 1.40 limit authorized in statute. We  
7 can remain status quo. Or we can reprioritize and  
8 reorganize current Board functions.

9           If we increase the IWM fee, the advantages are  
10 we could potentially incrementally increase available  
11 revenue for the Board from \$375,000 to \$2.3 million  
12 depending on the amount of the increase.

13           It would provide a more secure revenue flow  
14 during economic slow downs.

15           It could also provide enough reserve to allow  
16 some transfer to the RMDZ program.

17           And it could provide funding for programs  
18 mentioned earlier with no baseline budget.

19           And it provides the Board with the greatest  
20 amount of flexibility to implement objectives of the new  
21 strategic plan without impacting existing programs.

22           Disadvantages of increasing the fee. There's a  
23 negative impact to fee payers.

24           And we would still need to submit BCP's for  
25 increased expenditures authority, and there's no

1 guarantee that increased expenditure authority would be  
2 approved.

3           If we remain status quo. The advantages.  
4 There's no increase to the fee payers.

5           The disadvantages. There's a potential loss in  
6 revenue stream should there be a decrease in revenues  
7 from the economic slow down.

8           And the programs with no baseline budget will  
9 continue to have to fight for available funding.

10           And there would be no funds available to  
11 transfer to the RMDZ program.

12           And it gives the Board no flexibility in  
13 implementing new programs in the strategic plan.

14           If we reprioritize and reorganize current Board  
15 functions, the advantages are, again, no increase to fee  
16 payers.

17           It provides flexibility to the Board in  
18 implementing new programs in the strategic plan.

19           And the disadvantages. Again, the potential  
20 loss in revenue during an economic slow down, and  
21 flexibility comes at a cost.

22           For example, you have to stop or reduce current  
23 programs, including grants, downsizing of staff, slowing  
24 down IT growth or reducing travel.

25           And I have one other chart to show you, the

1 incremental differences that would come from raising the  
2 fee. This is based on tonnage projection for fiscal year  
3 '01-'02 and '02-'03.

4 In fiscal year 2001/2002, a one cent increase  
5 would get you almost \$375,000.

6 A two cent increase gets you \$750,000.

7 A three cent increase gets you \$1.1 million.

8 Four cents, almost 1.5.

9 And so on up to six cents to 1.40 which gives  
10 you \$2.2 million.

11 In 2002/2003, those incremental increases range  
12 from \$384,000 to 2.3.

13 The bottom table shows you what the total  
14 revenue would be available from the fee each fiscal year  
15 at 1.34 for 2001/2002, 50.2 million; 51.4 in 2002/2003;  
16 with all the various incremental increases to the fee  
17 should that be what the Board considers doing.

18 And that ends my presentation. Any questions?

19 BOARD CHAIR MOULTON-PATTERSON: Senator Roberti.

20 BOARD MEMBER ROBERTI: I would hope that maybe  
21 staff could come back with a proposal so that the Board  
22 can be made aware of the effect on increasing the tipping  
23 fee with the economic slow down. Based on what the  
24 testimony has been, some of our programs, including RMDZ,  
25 appear to be threatened, which would be a terrible shame.

1           And we haven't increased the fee since 1994,  
2 even though at that time we were authorized to go to  
3 1.40. So we should look at it if we have to look at it.  
4 Inflation, even to keep pace with the inflation during  
5 that period of time.

6           So I would, I'd like, I don't know if the, what  
7 the exact procedure would be, but for staff, as soon as  
8 possible so that the Board can debate the matter as to  
9 whether there should be an increase or not, we have a  
10 formal proposal before us.

11           BOARD CHAIR MOULTON-PATTERSON: I agree. I  
12 would like to see if you come back with it, see something  
13 where we could dedicate this to the energy crisis, you  
14 know. And that could be with the RMDZ loans if they are  
15 energy projects or whatever. So if you could come back  
16 with that I would appreciate that.

17           Mr. Papanian.

18           BOARD MEMBER ROBERTI: And one other point.  
19 Staff could come back also with a discussion for us of  
20 proposals on what appears to be an increasing problem of  
21 out of state disposition from solid waste so that we lose  
22 the tipping fee.

23           I was informed this morning that the waste from  
24 the EPA building is out of state, so we don't even get a  
25 tipping fee on our own waste. It's, it's almost

1 ridiculous. So, you know.

2 BOARD CHAIR MOULTON-PATTERSON: Right, thank  
3 you.

4 Mr. Papanian.

5 BOARD MEMBER PAPANIAN: And when you come  
6 forward it would be helpful if we could get some  
7 background ahead of time on what you have, because these  
8 were all very informative slides, I think we'd all  
9 probably like to have a copy of all the material --

10 MS. BLIHVDE: It will be provided.

11 BOARD MEMBER PAPANIAN: -- that was presented  
12 today so we can ponder it.

13 Following up on the out of state waste issue  
14 actually, at one point I noticed that waste disposal was  
15 accelerating by almost 50 percent a year. In '97 it was  
16 about 400,000 tons going out of state; in '98 it was  
17 about, over 600,000 tons; and in '99 it was over a  
18 million tons that went out of state.

19 If you think of what the tipping fee lost is on  
20 a million tons, it's 1.3, four million dollars. So those  
21 are some pretty significant numbers that I think we need  
22 to consider in this process, and consider whether we want  
23 to revisit the idea of capturing some portion of the lost  
24 fees that are going along with the waste out of state.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you.

1 MS. JORDAN: We can bring back an item for  
2 consideration and discussion. I understand that the  
3 revised strategic plan is proposed to be brought forward  
4 in May, and it was our thought that once that has been  
5 reviewed by the Board, that the timeliness of looking at  
6 the potential for increasing the tipping fee or the  
7 possibilities, looking for the Board's direction with  
8 regards to the programs that you would look at funding if  
9 you were to increase or not.

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

11 BOARD MEMBER PAPARIAN: If I could just ask one  
12 more thing? I'm sorry.

13 BOARD CHAIR MOULTON-PATTERSON: Well Mr. Eaton  
14 was next.

15 BOARD MEMBER EATON: Go ahead.

16 BOARD CHAIR MOULTON-PATTERSON: Go ahead, he  
17 says. Go ahead.

18 BOARD MEMBER PAPARIAN: There was a suggestion  
19 of either or on seeking some additional fees or  
20 reprioritizing and reorganizing.

21 MS. BLIHOVDE: Or staying status quo.

22 BOARD MEMBER PAPARIAN: What was that?

23 MS. BLIHOVDE: Or staying status quo, as we're  
24 doing business now.

25 BOARD MEMBER PAPARIAN: Right. What I wanted to

1 suggest was that it's not necessarily an either or, we  
2 can reprioritize and reorganize regardless of whether the  
3 fee goes up. And I think in light of the information  
4 that we've now been given on the decreasing amount of  
5 discretionary funds that we have available to us, that we  
6 ought to take a very close look at some reprioritizing,  
7 and taking a close look at how we're spending our  
8 existing money to see if it's consistent with how we want  
9 it spent.

10 BOARD CHAIR MOULTON-PATTERSON: I agree. Mr.  
11 Eaton.

12 BOARD MEMBER EATON: Yes, just a couple of  
13 questions. With regard to your RMDZ comments, and I have  
14 good friends in that program who fought for some of the  
15 money, but I also believe it's a red herring, and I'd  
16 like for you to factor in an assumption.

17 My understanding is that we've authorized at  
18 least a preliminary investigation of the reselling of the  
19 loans, and that amounts to some twenty some million just  
20 for that program. So that frees up some other money that  
21 could be used for our revenues. And did you factor that  
22 in?

23 MS. BLIHOVDE: I'm going to let the budget staff  
24 answer that one.

25 BOARD MEMBER EATON: My guess is you didn't

1 factor that in, and if we want to get a full picture we  
2 ought to see, well refunding loans, because we might be  
3 able to use that money that you're talking about  
4 transferring, because I think it's kind of a red herring  
5 in the sense that there is going to be monies available  
6 in that RMDZ through the resale of the loans, and that  
7 may free up money for other programs that the Board may  
8 be interested in funding.

9           This has nothing to do with the increase or  
10 decrease in the fee or keeping it, but I want that  
11 assumption built in.

12           And the other assumption I'd like to be built in  
13 is that we have lost considerable amounts of revenue as a  
14 result of the inerts, and our forgiveness under SB 515  
15 for C&D and other kinds of things. We ought to have that  
16 assumption built in as well as to whether or not what  
17 revenues could be generated for those, because that will  
18 give us a full picture in addition because, to make us  
19 somewhat complete.

20           And I don't take a position on increasing or  
21 decreasing, but I want to see the full fiscal picture  
22 because those are things that will come up the year from  
23 now, and if there's an upturn in the economy then people  
24 say, well you don't need the C&D funds, but we may feel  
25 we do need them for that.

1           So those assumptions or projections might be  
2 helpful.

3           MS. JORDAN: Okay. Just to speak to those two  
4 issues. The RMDZ selling of loans was not factored in  
5 simply because it has not come before us yet. However,  
6 you know, it was mentioned in regards to the three  
7 permitted inert sites that there's a potential increase  
8 of fee or revenue, about 1.5 million, except there is  
9 that exemption currently and new legislation, so it would  
10 be, however that turns out could, you know, provide the  
11 additional 1.5 or not.

12           BOARD MEMBER EATON: Okay.

13           MS. BLIHOVDE: And my understanding on the  
14 selling of the RMDZ is it extends the life of the  
15 program, but not indefinitely. That it will come to an  
16 end if no transfers continue to be made.

17           BOARD MEMBER EATON: That's correct, so that  
18 there would be, the argument that we need to move money  
19 in there would even have less validity.

20           MS. BLIHOVDE: At this point in time.

21           BOARD MEMBER EATON: Yeah.

22           BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
23 you. So do you have all the direction of the Board?

24           MS. JORDAN: I believe we have the direction. I  
25 would like a to propose bringing it back in June. Is

1 that too late? That would be a month after the strategic  
2 plan is heard.

3 BOARD CHAIR MOULTON-PATTERSON: You know, I see  
4 your point but, you know, we're in such crisis here I,  
5 what is the Board's thought on that?

6 Senator Roberti.

7 BOARD MEMBER ROBERTI: On when it comes back to  
8 us?

9 BOARD CHAIR MOULTON-PATTERSON: Uh-huh.

10 MS. JORDAN: It would certainly also be a  
11 little difficult to pull all the information together and  
12 prepare it for May.

13 BOARD MEMBER ROBERTI: Probably I have to buy  
14 off on June, first because of the time constraint. And I  
15 think if we're discussing, I normally have no  
16 reservations at all what we discuss out of Sacramento,  
17 but I guess a fee increase is maybe the one thing that  
18 would be an exception.

19 BOARD CHAIR MOULTON-PATTERSON: That's true.

20 BOARD MEMBER ROBERTI: And maybe that is  
21 something that we should really discuss.

22 BOARD MEMBER EATON: You're not volunteering to  
23 take that on the road as a workshop, are you? I didn't  
24 think so.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. June.

1 MS. JORDAN: Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
3 you. We'll take a short break right now, five to ten  
4 minutes.

5 (Thereupon there was a brief recess.)

6 BOARD CHAIR MOULTON-PATTERSON: I'd like to  
7 call the meeting back to order.

8 Mr. Schiavo, let's see. Twelve and thirteen  
9 were on consent. Fourteen and fifteen have been pulled.

10 I guess that brings us to the discussion and  
11 status of the diversion study guide.

12 MR. SCHIAVO: Yes.

13 BOARD CHAIR MOULTON-PATTERSON: Number 16.

14 MR. SCHIAVO: Pat Schiavo, Diversion Planning  
15 and Local Assistance Division.

16 BOARD CHAIR MOULTON-PATTERSON: Or consideration  
17 of approval, excuse me.

18 MR. SCHIAVO: Okay.

19 BOARD CHAIR MOULTON-PATTERSON: Excuse me, I  
20 don't want to say just discussion.

21 MR. SCHIAVO: Yeah, this is consideration of  
22 approval of the diversion study guide, and Tabitha  
23 Willmon of the Office of Local Assistance will be making  
24 this presentation.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you.

1           MS. WILLMON: Good afternoon, Madam Chair and  
2 Board members. Again, I'm Tabitha Willmon of the Office  
3 of Local Assistance.

4           Today we are bringing a consideration item to  
5 you that addresses the revised diversion study guide and  
6 base year certification.

7           These documents reflect public feedback and the  
8 working group's recommendations regarding extrapolations,  
9 quantifying source reduction, and clarifying new base  
10 year information.

11           We will also be providing the legal office's  
12 response to questions brought up at the March 4th meeting  
13 regarding options for extrapolating and quantifying  
14 source reduction.

15           The Board has offered many venues for  
16 stakeholders to provide their comments on the guide and  
17 revised certification. For example, last month we  
18 brought forward a discussion item regarding the diversion  
19 study guide to solicit additional comments from  
20 stakeholders.

21           Also, the Board sent an e-mail to all  
22 jurisdictions informing them of this item, and again  
23 soliciting input.

24           Additionally, since the guide was first  
25 developed, Board staff have solicited public comment on

1 the guide on various occasions including regional  
2 workshops, posting it on the Board's website, sending a  
3 letter, and additional e-mails to stakeholders to solicit  
4 feedback.

5 At the March meeting staff presented an analysis  
6 of the new base years that indicated a pattern of  
7 discrepancies between those new base years that used  
8 extrapolation, and those that did not use extrapolation.

9 Within the guide is the revised base year  
10 certification form. This revised certification should  
11 provide many benefits to all parties involved in the new  
12 base year development and the approval process including.

13 Helping jurisdictions to organize data  
14 submittals, and providing them with the tool to evaluate  
15 the diversion programs.

16 Assisting Board staff in evaluating how a  
17 jurisdiction's diversion programs relate to the new  
18 diversion rate.

19 Identifying discrete diversion planes that may  
20 be questionable.

21 And increasing the level of detail to improve  
22 the clarity of new base year information presented to the  
23 Board.

24 This will more clearly explain how extrapolation  
25 was used, if it was, and also how the diversion

1 activities were quantified.

2 Approving the diversion study guide and  
3 certification provides the Board a mechanism for  
4 evaluating new base years, and does not preclude the  
5 Board from making a case by case evaluation of new base  
6 years.

7 At the March meeting the Board asked several  
8 questions regarding the proposed options for  
9 extrapolation and quantifying source reduction.

10 On page 16-11 of your agenda item, you will see  
11 that the proposed options for extrapolation include.

12 Eliminating the use of extrapolation to quantify  
13 non-residential diversion activities.

14 Increasing the confidence level to 95 percent  
15 for sample selection.

16 Basing the use of extrapolation on continued  
17 program implementation.

18 And allowing extrapolation that is supported  
19 with more detailed information.

20 The legal office's response to the first two  
21 options is that such a change cannot be made for the  
22 diversion study guide and would require new or revised  
23 regulations.

24 For the third option, because such a policy is  
25 not related to accuracy, there is no corresponding

1 statute that would authorize such an option.

2 Therefore, this option would require a change in  
3 legislation.

4 Regarding the fourth option, there are no legal  
5 issues.

6 In addition, the Board had questions on limiting  
7 source reduction quantification.

8 In response to these questions, setting a cap on  
9 the amount of total source reduction that could be  
10 claimed would also require regulations.

11 There were no legal concerns related to the  
12 option requiring justification for source reduction  
13 diversion greater than five percent.

14 And there were also no legal concerns on issue  
15 three which is to improve clarity of information for new  
16 base years submitted to the Board.

17 In conclusion, staff recommends the Board  
18 approve the diversion study guide and base year  
19 certification, and direct staff to bring forward for  
20 consideration requests for new base years accompanied by  
21 the recently revised certification.

22 This concludes my presentation. Are there any  
23 questions?

24 BOARD CHAIR MOULTON-PATTERSON: Board members.  
25 Mr. Paparian, we do have speakers, but if you --

1           BOARD MEMBER PAPARIAN: Well I'll reserve some  
2 of my comments until after I hear the speakers, but I  
3 just wanted to get on the record, I have trouble keeping  
4 track of all the letters I get from Ginger Bremberg, but  
5 I do have two letters before me dated April 19th, both of  
6 which relate to this item in one way or another. I  
7 believe I may have already ex partied these, but just in  
8 case I want to get it on the record. And I believe  
9 everybody else up here has copies of these two letters.

10           BOARD CHAIR MOULTON-PATTERSON: That's correct.  
11 Thank you for bringing that up.

12           BOARD MEMBER MEDINA: And I would like to ex  
13 parte the same letter also.

14           BOARD CHAIR MOULTON-PATTERSON: Okay.  
15 Regarding -- well I'll wait until after the speakers, I  
16 just want to get it clear for the record that this is a  
17 guide.

18           Okay. Michelle Leonard.

19           MS. LEONARD: Good afternoon, Madam Chair,  
20 members of the Board. My name is Michelle Leonard, I'm  
21 with SCS Engineers of Long Beach, California.

22           I'm here today representing a number of cities  
23 in the Southern California area who asked me to attend  
24 for them today as they could not spare the time away from  
25 their cities.

1           I'm here to support, strongly support the  
2 adoption of the diversion study guide. As many of you  
3 know, I did serve as a member of the working group, and I  
4 feel that the final product that you are considering  
5 today is a very strong, good document, and we do support  
6 your adoption of it.

7           The guide is just that, it is a guide and will  
8 be used by the jurisdictions as a tool along with many  
9 other tools to either revise their base year or to use  
10 for other types of generation studies.

11           I feel that the, the forms will enable the staff  
12 and the Board to review the data that's presented to  
13 them. It provides the opportunity for detail, for  
14 analysis. And as indicated in the staff's report, for  
15 review on a case by case basis.

16           The data that's asked for in the forms is data  
17 that we have collected for these new base year studies.  
18 It's not requiring us to generate any new data, it's just  
19 asking us to present the data in a format that will again  
20 provide easy review and approval by the Board and by the  
21 staff.

22           We need the document to be approved. It's  
23 almost May. We're starting to look at preparing annual  
24 reports, and we still have a lot of cities, particularly  
25 in Southern California, that are still on compliance

1 orders, that got caught in the new base year moratorium;  
2 and we need the direction. We need to be able to bring  
3 those new base years forward so that we can begin to  
4 prepare our annual reports and know where we are.

5 So I really urge you and encourage you to  
6 approve this document today. And if you have any  
7 questions or any concerns, I'd be glad to answer them.

8 Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
10 Leonard for your comments, and also for your  
11 participation in the group.

12 And again, I just want to emphasize that this is  
13 a guide, is that correct, Mr. Schiavo?

14 MR. SCHIAVO: Yes, it's a guide. And in the  
15 preface of the guide itself it talks about this is a tool  
16 not a policy document, so.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
18 Karen Coca from the City of Los Angeles.

19 MS. COCA: Hello. Good afternoon. It's nice to  
20 come visit you in Sacramento.

21 I'll be brief. I'd just like to ask that the  
22 Board move this item and adopt the diversion guide so  
23 that we can use it.

24 Thank you.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you.

1           Okay. Mr. Paparian -- oh, just a moment, we  
2 have another. Thank you, Ms. Villa.

3           Paul Ryan.

4           MR. RYAN: Madam chairman and Board members, I'm  
5 Paul Ryan with P.F. Ryan and Associates. I'm here today  
6 asking you to consider your support in moving the  
7 diversion study guide for approval.

8           I'm representing for this year 23 cities who've  
9 asked me to convey to the Board that we need this  
10 document to help us with our SB 1066 and also our annual  
11 report preparation this year.

12           This is a critical document for the success of  
13 all the cities in compliance with AB 939, and your  
14 assistance in this matter would be greatly appreciated.  
15 Thank you.

16           BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
17 Ryan, and thank you for your participation in the group.  
18 Mr. Mark White.

19           MR. WHITE: I don't want to be boring about  
20 this. My name is Mark White, and I'm with Pacific Waste  
21 Consulting Group. I have about six cities in Northern  
22 California that I'm representing today with regard to the  
23 diversion study guide.

24           We also have a couple of base years in the  
25 pipeline now that have, we have to go back and do a

1 little additional work on for the certification form.  
2 We're more than happy to do that. We want to see things  
3 move forward.

4 We have additional studies, at least six more  
5 that will be coming to you soon, so you can add some  
6 numbers to those that you showed earlier.

7 We see this guide as being a critical document  
8 to give assurance to cities to understand what they're  
9 getting into before they get into it. And we appreciate  
10 your efforts, and we really heartily encourage you to  
11 adopt it today.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
13 White.

14 Mr. Eaton.

15 BOARD MEMBER EATON: Refresh my recollection.  
16 When did we have the discussion on the legal ability to  
17 use extrapolation in the March meeting? I don't remember  
18 ever having raised that issue.

19 MR. SCHIAVO: I believe it was brought up by Mr.  
20 Paparian regarding tying programs to extrapolation, and  
21 as a result --

22 BOARD MEMBER EATON: That's the second one, but  
23 I'm talking about the one about the regulations where you  
24 have to adopt regulations. Because in all the workshops  
25 and all the time that we've spent, no one ever raised the

1 issue that we would have to go for a regulation to  
2 eliminate extrapolation.

3 MR. SCHIAVO: That's the first one?

4 BOARD MEMBER EATON: That's on page 16-12. What  
5 I do remember is that the last time we talked it was a  
6 chart that was showed that by using the extrapolation  
7 method, that it is so skewed as to not be accurate. And  
8 now I've got something before me legally that says, well,  
9 if you can't say it's not good because it all deals with  
10 accuracy. Well if it's not accurate and it skews things,  
11 then what we shouldn't do is include it in the guide at  
12 all and go for a regulation, and that should be the  
13 recommendation.

14 "The Board cannot eliminate the use of  
15 extrapolation." I don't remember that ever being told to  
16 us but I could have, I, you know, I sat in a number of  
17 the workshops and it was never told to me.

18 MR. BLOCK: Let me go ahead and jump in, Elliott  
19 block with the legal office.

20 You know, a lot of issues have been talked about  
21 extrapolation off and on through the various workshops  
22 and the like, excuse me, I'm a little close. But I don't  
23 know that the specific question of could the guide  
24 itself, which is what this is responding to, could we  
25 through the adoption of the diversion study guide do a

1 flat out elimination of the use of extrapolation. And  
2 that's what this analysis is responding to.

3 Because the guide, as has been discussed, is not  
4 a regulatory document, per se. It's not the vehicle that  
5 could be used to simply across the Board say  
6 extrapolation is not acceptable. And there was some  
7 discussion, I believe, at last month's meeting regarding,  
8 for instance, a number of cities, like large cities  
9 which, in fact, practically speaking would not be able to  
10 do diversion studies without some level of extrapolation.

11 So the issue becomes one of balancing, because  
12 there have been some inaccuracies that have been shown in  
13 terms of the studies that we've seen up until now,  
14 banning all of those or reviewing those on a case by case  
15 basis.

16 And what the guide and the accompanying  
17 certification do is provide a mechanism for the Board to,  
18 on a case by case basis, look at any diversion studies  
19 that are coming forward with extrapolation and asks those  
20 questions about are they accurate or not.

21 For instance, the numbers that you, the Board  
22 saw last month, for instance, showed, I think the studies  
23 on average without extrapolation showed about a 42  
24 percent diversion rate, which is consistent with the  
25 statewide numbers that those with extrapolation were, I

1 don't remember the number, but it was significantly  
2 higher.

3           On the other hand, if the Board on a case by  
4 case basis were to review one of these coming through,  
5 and the number, the diversion rate with an extrapolation  
6 method was not excessive, was, in fact, supported by the  
7 documentation, the Board might want the ability to  
8 approve that.

9           So that's the issue that was being responded to  
10 in the agenda item itself. It's that flat across the  
11 board ban versus setting up a method for the Board to  
12 review those.

13           And I did want to emphasize, and I know it was  
14 mentioned in the presentation that was made, approval of  
15 the guide does not, is not going to constitute approval  
16 of any particular diversion study that comes forward.  
17 And just for the record, I want to make that very clear  
18 that the Board, on any individual diversion study that  
19 comes forward, if those numbers don't look appropriate,  
20 they don't look accurate, frankly because they use  
21 extrapolation or not, the Board will have the ability,  
22 you know, based on the information, if it doesn't support  
23 that finding before them, to not approve any particular  
24 diversion study that comes forward.

25           BOARD CHAIR MOULTON-PATTERSON: Thank you. I'd

1 just like to say that I feel that our Board staff has  
2 worked very hard on this along with our stakeholders and  
3 Board members. It may not be perfect, but it's far more  
4 accurate than the original 1990 base years.

5 And I feel that we must move forward and begin  
6 taking new base years, if this is approved at the May  
7 meeting or at a special meeting, as there's forty  
8 in-house waiting for the guide to be approved. And some  
9 cannot be removed from compliance orders until the base  
10 year is updated.

11 And I'd also like staff, to request that staff,  
12 if this is adopted, that staff hold a workshop on how to  
13 use the guide for any jurisdiction or region that  
14 requests it. And hopefully we can get that information  
15 out to the jurisdictions.

16 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
17 move this item.

18 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
19 motion by Mr. Medina. Did you have a question before the  
20 motion or comments?

21 Okay. I'll second it to get the motion on the  
22 floor.

23 Mr. Papanian.

24 BOARD MEMBER PAPANIAN: Yeah, I had four quick  
25 things I wanted to bring up.

1           First of all, you went through the options and  
2 issues, and I wanted to flag the one on the bottom of  
3 page 16-13 which suggests that if a total source  
4 reduction is over five percent of total generation then  
5 the jurisdiction would have to justify and explain  
6 further how they got there.

7           I'd like to see that be part of what we do here  
8 so that, you know, we do pay that extra bit of scrutiny  
9 when there's that amount of source reduction.

10           Secondly, and we had this, we had this  
11 discussion in my office; when surveys are done of  
12 businesses, some businesses agree to participate in the  
13 survey, and some businesses don't, okay. And the  
14 question has come up, but what do you do with the  
15 businesses that don't?

16           And one way to look at them is to, a very  
17 conservative way to look at them would be to suggest that  
18 they have no recycling and no source reduction going on  
19 in their business, and you count them as part of the  
20 total numbers you're surveying, but count them as zero.

21           The other way is just to exclude them from the  
22 survey and keep going until you get the required number  
23 of people who actually do respond and do agree to be  
24 looked at by the folks doing the study.

25           And as I understand it, what the diversion guide

1 allows is that second option, that is that people who  
2 refuse to participate in the survey are simply excluded  
3 from it.

4 I'd like to revisit that at some point. I  
5 realize that today may not be the right time to revisit  
6 it, and I'd certainly like to hear some of Mr. Jones'  
7 input on that subject, but I would like to revisit that.

8 Because the more I think about it, the more I  
9 think that maybe those businesses should be counted as  
10 zero, so that it would take a more conservative approach  
11 rather than exclude it.

12 You look like you might want to respond to that?

13 MR. SCHIAVO: In the fourth work group meeting  
14 we had, we had some extensive discussion regarding what  
15 to do with those businesses that did not respond, and it  
16 was felt, and we had several statisticians, Steve Freitas  
17 and Keith Cobbs, both that were in our working group, and  
18 they expressed to us that they felt that it would  
19 adversely affect the accuracy of any kind of survey  
20 process if we automatically excluded or included those  
21 with that denied us access or denied whoever access into  
22 those businesses that, because you don't know what the  
23 reason is for not being allowed in the business.

24 So maybe they're overly busy or maybe they just  
25 didn't want anybody coming in and questioning them. That

1 may be the reason in some cases, and in other cases it  
2 may be just because they're not doing anything.

3 But we had a lot of discussion, and we felt that  
4 it was better to just preclude them and go on down the  
5 list.

6 BOARD MEMBER PAPARIAN: And again this may not  
7 be the time to go into it in much detail, but I worry  
8 about, say, one jurisdiction doing a really good job and  
9 95 percent participation of their businesses occurs; and  
10 another jurisdiction that is maybe a little sloppier and  
11 gets about only half their businesses participating. You  
12 can see the skewing that can happen as a result, and I am  
13 concerned about that. And maybe at a minimum we should  
14 have a guidance as to, you know, how many non-responders  
15 to allow to be excluded.

16 MR. SCHIAVO: I would like to add that in the  
17 certification form we also required that a jurisdiction  
18 submit to us the number of non-respondents and what they  
19 represented.

20 BOARD MEMBER PAPARIAN: Right.

21 MR. SCHIAVO: So we'll have that available to  
22 us.

23 BOARD MEMBER PAPARIAN: Right, we'll have that  
24 information available, but we don't know what to do with  
25 it.

1 MS. MORGAN: Mr. Paparian, also if I might add,  
2 within the guide the working group did include that, with  
3 the sampling selection, that it does allow, with the  
4 number, you know, when you go and select the number of  
5 samples that you'll take, it does set it up for a fifty  
6 percent response rate, which as I understand it allows  
7 for the 90 percent confidence level with five percent  
8 margin of error.

9 So there is that guidance within that particular  
10 appendices in the guide that the working group put  
11 forward. So we do have that to go by, that that's kind  
12 of the minimum in order for it to be statistically  
13 representative. And that's what the working group came  
14 up with, and primarily with the statisticians who worked  
15 on it.

16 BOARD MEMBER PAPARIAN: But again, I would like  
17 to revisit this issue sometime when Mr. Jones is  
18 available.

19 And the third thing that we also discussed was  
20 perhaps reserving the right to have Board staff or  
21 contractors go side by side in some randomly selected  
22 number of audits, just to make sure that we're coming up  
23 with the same kinds of numbers that some of the  
24 jurisdictions consultants are coming up with, and some of  
25 the individual businesses.

1           Again, I realize that would be a complicated  
2 thing to design here from the dais, but that's something  
3 I would like to spend some time with in the future,  
4 perhaps at the same time we talk about this other one  
5 that I just mentioned.

6           The fourth thing unrelated to this guide itself  
7 is we have an AB 75 diversion guide, and I just wanted to  
8 remind you that we need to update and bring that guide  
9 forward to make it consistent if we go forward with this  
10 guide, because I think there's some, if we go forward  
11 with this guide there will be some serious  
12 inconsistencies between the two that we'd want to resolve  
13 so that state agencies are operating under the same kind  
14 of guidance that the local governments are operating  
15 under.

16           So, I don't know. And back to, the one  
17 substantive thing that I wanted to deal with today was  
18 that option two at the bottom of page 16-13 for the  
19 additional scrutiny if source reduction is over five  
20 percent.

21           Does that need to be part of the motion or can  
22 that just be a sense of the Board?

23           MR. BLOCK: I --

24           BOARD CHAIR MOULTON-PATTERSON: We can add it,  
25 you know.

1           MR. BLOCK: I'm sorry, Elliott Block from Legal.  
2 I need to ask the question whether there's something that  
3 addresses that either in the form now or in the guide,  
4 and that would answer the question as to whether we need  
5 to separately say it in the resolution.

6           MR. SCHIAVO: We talk in terms of if there's  
7 certain levels, that if there's certain -- the way it's  
8 set up, the form is set up is that if you have unusually  
9 high source reduction, you need to express that in more  
10 detail than you normally would, so that's in the  
11 certification form.

12           And then, in addition, the Board can take that  
13 up on a case by case basis. We can also, if you'd like,  
14 we can incorporate that into a motion as well.

15           BOARD MEMBER PAPARIAN: Maybe you might just  
16 want to just put the specificity on the form of five  
17 percent rather than just unusually high I think is the  
18 word you were using.

19           MR. BLOCK: What I would suggest is the wording  
20 be sometimes along the lines of an unusually high amount,  
21 for example something over five percent. So again  
22 because we're not, it's not a regulatory document, per  
23 se, but we want to obviously give folks that are using  
24 the guide a sense of if your number is going to be over  
25 there, we're going to be asking these questions anyway,

1 so you might as well provide the information.

2 MR. SCHIAVO: Right.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
4 Papanian.

5 We have --

6 BOARD MEMBER EATON: Madam Chair, I also got the  
7 letter, it just was handed to me, from Ginger Bremberg.  
8 So before I vote I wanted to make sure that was on the  
9 record.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
11 Eaton, we have that on the record.

12 We have a motion on the floor to approve the  
13 diversion study guide which is Resolution 2001-87. And  
14 Senator Roberti asked that I leave the roll open on this.

15 Would you please call the roll?

16 BOARD SECRETARY VILLA: Eaton.

17 BOARD MEMBER EATON: No.

18 BOARD SECRETARY VILLA: Medina.

19 BOARD MEMBER MEDINA: Aye.

20 BOARD SECRETARY VILLA: Papanian.

21 BOARD MEMBER PAPANIAN: Aye.

22 BOARD SECRETARY VILLA: Moulton-Patterson.

23 BOARD CHAIR MOULTON-PATTERSON: Aye. Thank  
24 you, Mr. Schiavo, that completes your group.

25 And we'll move on to permits. LEA and facility

1 compliance, I'm looking around. There you are, Ms.

2 Nauman. And seventeen is not on consent now, so we'll  
3 start with seventeen.

4 MS. NAUMAN: Thank you. Good afternoon, Madam  
5 Chair and Board members, Julie Nauman, Permitting and  
6 Enforcement Division.

7 Item seventeen is consideration of approval to  
8 formally notice proposed regulations for the process of  
9 Board withdrawal of approval of local enforcement agency  
10 designations.

11 You may recall that we brought this item before  
12 you as a discussion item at this last Board meeting.

13 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, Ms.  
14 Nauman, I can't hear you very well.

15 MS. NAUMAN: Well I have a green light.

16 BOARD CHAIR MOULTON-PATTERSON: Maybe it's my  
17 hearing.

18 MS. NAUMAN: Is that better?

19 BOARD CHAIR MOULTON-PATTERSON: Thank you.

20 MS. NAUMAN: We did bring this item before you  
21 as a discussion item at your last meeting to familiarize  
22 you with the issues related to the set of regulations.  
23 What we're asking today is that you direct us to begin  
24 the formal 45 day review process to perpetuate this  
25 regulation package.

1           We have worked with stakeholder groups  
2 extensively on this. You may recall that there was  
3 limited testimony at the last Board meeting from an LEA  
4 representative. The items that were raised are listed on  
5 page 17-2.

6           We believe that we've resolved those concerns  
7 that were expressed at the Board meeting, and would  
8 respectfully request that you direct us to proceed with  
9 the formal process.

10           BOARD CHAIR MOULTON-PATTERSON: Thank you.

11           Mr. Eaton.

12           BOARD MEMBER EATON: Who participated in the  
13 roundtables? Just the LEAs and our staff?

14           MS. NAUMAN: For that part of the process.  
15 Roundtables are a forum where our Board staff meets on a  
16 regular basis with LEAs.

17           BOARD MEMBER EATON: I understand. But did we  
18 have any other input before being brought here from some  
19 of the others who may feel it was appropriate to comment  
20 on it?

21           MS. ANDERSON: Actually no, we had no other  
22 input except from the Board members besides asking  
23 questions.

24           BOARD MEMBER EATON: Do you know what was meant  
25 when the LEA mentioned prescriptive in the comment after

1 we last spoke?

2 MS. ANDERSON: Prescriptive means precise in  
3 this case. Where in the past we had no process and now  
4 we have a very step wise process, and that is what my  
5 sense is what is meant on this is that it's very  
6 prescriptive if this happens then.

7 BOARD MEMBER EATON: So are they for it or  
8 against it or just a general comment?

9 MS. ANDERSON: It was just a general comment,  
10 and we do receive those types of comments in these sorts  
11 of rulemakings.

12 BOARD MEMBER EATON: Thank you.

13 MS. NAUMAN: Okay.

14 BOARD CHAIR MOULTON-PATTERSON: Any other  
15 questions?

16 MS. NAUMAN: You don't have a resolution on  
17 this because we're just asking your direction to proceed,  
18 so that's all we need is your direction.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
20 you. Move on.

21 Okay, number eighteen.

22 MS. NAUMAN: Item eighteen is consideration of  
23 award of grants for the farm and ranch solid waste  
24 cleanup and abatement program.

25 BOARD CHAIR MOULTON-PATTERSON: Before we start

1 that, the roll is still open on item 16 for you, Senator  
2 Roberti, on adoption of the diversion study guide.

3 Ms. Villa, would you --

4 SECRETARY VILLA: Senator Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
7 you. Sorry to interrupt you.

8 MS. NAUMAN: That's okay, not at all.

9 Georgianne Turner of the Permitting and Enforcement  
10 Division will make the presentation.

11 MS. TURNER: Good afternoon. Can you hear me?

12 BOARD CHAIR MOULTON-PATTERSON: No.

13 MS. TURNER: Okay, sorry. Item eighteen is for  
14 consideration of four applications for the farm and ranch  
15 solid waste cleanup program, and staff have reviewed and  
16 recommend approval of these grants for Imperial County,  
17 Kings County, Amador County, and the City of Fontana for  
18 the third quarter of fiscal year 2000/2001.

19 The grant applicants are requesting a total of  
20 \$149,063.02 to clean up thirteen sites within these  
21 jurisdictions. To date, approximately \$375,000 in grants  
22 have been awarded to seventeen different jurisdictions  
23 for cleanup projects under this program. This award  
24 would bring that total up to \$525,000, funding 21  
25 different jurisdictions, and cleaning up 85 sites

1 throughout California.

2 Currently staff is working with fifteen  
3 potential applicants which are scheduled to apply for  
4 approximately \$500,000 within the next year.

5 Of those applicants, we're expecting six of them  
6 to come in, to come before the Board in June, and this  
7 would bring our total amount of money awarded under this  
8 program to over \$700,000.

9 I also want to take this opportunity to mention  
10 that there are two typos in the resolution. On the third  
11 whereas, the second line it should read, "Four  
12 applications" instead of five. And the last "be it  
13 resolved," Los Angeles County should be deleted.

14 The grant applications meet the eligibility  
15 requirement set forth in statute and, therefore, the  
16 Board staff recommend that the Board adopt Resolution  
17 2001-98.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
19 Medina.

20 BOARD MEMBER MEDINA: Madam Chair, I would like  
21 to move Resolution --

22 BOARD MEMBER EATON: Madam Chair, I have a  
23 question.

24 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, Mr.  
25 Eaton.

1                   BOARD MEMBER EATON: The City of Fontana is  
2 located in major urban area, what piece of property in  
3 the city of Fontana is a ranch or a farm? Is it out in  
4 the dairy area? Or is it because -- and, if so, under  
5 what qualification do they qualify under the farm and  
6 ranch program as opposed to 2136? I'm not saying it's  
7 not a valid site to be cleaned up, but why the farm and  
8 ranch versus 2136?

9                   MS. TURNER: Well it does sound a little odd, I  
10 have to agree. They qualify because the north part of  
11 their city is still designated for agricultural use, it's  
12 large properties, large acreage properties, and they are  
13 allowed to raise horses, and under our broad definition  
14 of agricultural use, that falls right within that.

15                   These sites have, are just, have been victims of  
16 illegal dumping, a lot of contracting dumping, and the  
17 code enforcement in the city has quite a bit of cleanup  
18 program, and this program will kind of help them clean up  
19 some larger sites that they couldn't get to.

20                   BOARD MEMBER EATON: So if I raise horses I can  
21 qualify under this program?

22                   MS. NAUMAN: I think that it really goes to the  
23 fairly broad definition that we have established in this  
24 program that really allows any properties that are used  
25 for or zoned for agricultural use to come under this

1 program. That's why.

2 BOARD MEMBER EATON: Okay.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
4 Eaton.

5 Mr. Medina.

6 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
7 move Resolution 2001-98. Resolve that the Board hereby  
8 approves the resulting score and funding recommendations  
9 of up to \$149,063.02 for grant applications from the City  
10 of Fontana, Imperial County, Kings County, and Amador  
11 County;

12 And hereby direct staff to develop and execute  
13 grant agreements with the following grant recipients for  
14 the corresponding amount:

15 That's Amador County, 10,000.

16 Kings County, 50,000.

17 Imperial County, 49,063.02.

18 And the City of Fontana for 40,000.

19 Total amount, 149,063.02.

20 BOARD MEMBER PAPARIAN: Second.

21 BOARD CHAIR MOULTON-PATTERSON: Thank you. We  
22 have a motion by Mr. Medina, seconded by Mr. Paparian.

23 Please call the roll.

24 BOARD SECRETARY VILLA: Eaton.

25 BOARD MEMBER EATON: Aye.

1 BOARD SECRETARY VILLA: Medina.

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY VILLA: Papanian.

4 BOARD MEMBER PAPANIAN: Aye.

5 BOARD SECRETARY VILLA: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY VILLA: Moulton-Patterson.

8 BOARD CHAIR MOULTON-PATTERSON: Aye.

9 BOARD MEMBER MEDINA: In regard to the last  
10 resolution, should I read the further resolve clause as  
11 well? There's a further resolve clause as well.

12 MR. BLOCK: Elliot Block from the Legal Office.  
13 You did mention in the motion the resolution itself, so  
14 you don't need to read that.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank  
16 you.

17 Sorry, we're just trying to figure out how late  
18 we're going to go tonight.

19 And I've lost my train of thought here. We're  
20 now on item 19.

21 MS. NAUMAN: Thank you, item 19 and item 20 are  
22 both related really to the same program and same  
23 objective.

24 Item 19 is consideration of approval of contract  
25 concept 73 for environmental services for landfill and

1 disposal site remediation for fiscal year 2000/2001 for  
2 Solid Waste Disposal Site Cleanup Trust Fund, it's  
3 actually where those funds are from.

4 And Wes Mindermann will be making the  
5 presentation, and then later you'll consider the scope of  
6 work.

7 MR. MINDERMANN: Good afternoon. The solid  
8 waste site cleanup program was enacted to remediate  
9 threats to public health and safety or the environment  
10 imposed by conditions at solid waste disposal sites where  
11 the responsible parties either cannot be identified, or  
12 is unwilling or unable to pay for the timely remediation.

13 In implementing the program the Board is  
14 authorized to expend funds directly for cleanup. The  
15 Board expends funds directly for cleanups through the use  
16 of two types of contracts:

17 One, solid waste engineering services contracts  
18 used for engineering support, site investigations, and  
19 construction management.

20 And two, environmental services contracts to  
21 perform Board managed landfill and disposal site  
22 remediations.

23 The program has utilized eight environmental  
24 services contractors to perform Board managed  
25 remediations since its inception in 1994, and retains two

1 contractors to ensure availability of equipment and labor  
2 to respond in a timely manner to projects anywhere within  
3 California.

4 Each current environmental services contract has  
5 approximately \$470,000 of unencumbered funds remaining  
6 for future projects, and will expire in May, 2002. These  
7 current contracts cannot be supplemented with additional  
8 funds and cannot be extended for time.

9 Due to the limited funding in the existing  
10 contracts, and the time required to obtain new  
11 contractors, staff recommend that the Board adopt  
12 Resolution number 2001-101, improving for two  
13 environmental services contracts under the solid waste  
14 site cleanup program.

15 That concludes my presentation, and I'd be happy  
16 to answer any questions.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
18 Paparian.

19 BOARD MEMBER PAPARIAN: I just wanted to  
20 understand a little more about the Solid Waste Disposal  
21 Site Trust Fund. Can you tell me how much is in the  
22 fund, how much is encumbered, and therefore how much will  
23 be left over after this item?

24 MR. WALKER: Scott Walker, Permitting and  
25 Enforcement Division.

1           Right now the trust fund has approximately \$5.5  
2 million available for new grants, loans, and contracts.  
3 There is another approximately \$900,000 in existing  
4 contracts for Board managed cleanups, so that's about  
5 \$6.5 million right now for new projects.

6           With the three million that would be encumbered  
7 upon the Board's consideration or approval when these  
8 contracts come back, there would be basically 3.5 million  
9 or 2.5 million available in addition.

10           And again, those contracts, this would take us  
11 out through, I believe, 2004, a two-year period for the  
12 Board managed complement.

13           In July we anticipate an appropriation of, based  
14 on the Governor's budget of \$5 million which is the  
15 annual appropriation. So that's additional.

16           So by the time these contracts come for  
17 consideration, if they're approved then there's on the  
18 order of approximately \$5 million, about seven and a half  
19 million dollars available for new projects.

20           We anticipate in June having a really pretty  
21 good chunk of projects. We don't know exactly how many  
22 and how much, but that's what we would have available  
23 from the trust fund.

24           BOARD MEMBER PAPARIAN: Okay. And you think  
25 over time we're going to spend this 2.5 plus the

1 additional five?

2 MR. WALKER: Right. Right now the program, this  
3 past fiscal year, traditionally it's matched the  
4 available funding. Previous to this fiscal year the  
5 program kind of slowed down a little and there was a  
6 little bit of an accumulation in the fund. And in  
7 addition, we're getting a lot more cost recovery and cost  
8 sharing that's coming into the funds building it up.

9 So we, we are on track for the fund this year,  
10 you know, exceeding the annual of \$5 million. And next  
11 year we anticipate a continued maintenance of that level  
12 based on the sites that we see potentially coming forward  
13 and that are being investigated right now.

14 BOARD MEMBER PAPARIAN: Is it pretty  
15 straightforward what ultimately gets funded from this, or  
16 is any additional policy guidance from the Board  
17 appropriate in this area?

18 MS. NAUMAN: Mr. Paparian, over the course of  
19 the last couple of years we've worked with the Board to  
20 establish program criteria, and then following that we  
21 established regulations for the program that do set out  
22 some priority and ranking for the sites.

23 We're also internally kind of tying this program  
24 as the cleanup link to the closed, illegal, and abandoned  
25 site program that also operates out of Scott's branch.

1 And in that program we're trying to take a more  
2 systematic approach to identifying and investigating  
3 closed, illegal, and abandoned sites.

4 We have a database, we have a list of sites, but  
5 our information on all of those sites is not complete.  
6 So through that program we're trying to increase our  
7 knowledge and understanding of the condition of those  
8 sites; move those sites through a strong enforcement  
9 program to try and get responsible parties to clean them  
10 up; and for those sites that remain problematic and meet  
11 the program criteria, we would then turn to 2136 as the  
12 funding source for the ultimate cleanup of those sites.

13 So with all of that activity we are anticipating  
14 that we will at some point, probably even over subscribe  
15 the program, but we're also fortunate in that there was a  
16 change in legislation under Mr. Eaton's leadership a  
17 couple of years ago that now allows the program to  
18 revolve so that the \$5 million that we get annually can  
19 grow over time with any cost recovery funds that come  
20 back into the program, we're not capped at \$5 million.  
21 The five million comes in and is added to the balance  
22 from the prior year.

23 BOARD MEMBER PAPARIAN: Right.

24 MS. NAUMAN: So we were actually very excited  
25 about the prospect of having additional funds available

1 in this program to clean up the larger sites that Scott  
2 has referred to, and to be able to work through this  
3 inventory that we're kind of working through.

4 BOARD MEMBER PAPARIAN: And these funds can also  
5 be used to help with closure?

6 MS. NAUMAN: No.

7 MR. WALKER: No, that is excluded under the  
8 regulation, closure and post closure is specifically  
9 excluded.

10 BOARD MEMBER PAPARIAN: Thanks.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you. Any  
12 others questions? Okay.

13 BOARD MEMBER MEDINA: Want me to move it?

14 BOARD CHAIR MOULTON-PATTERSON: Yes, please.

15 BOARD MEMBER PAPARIAN: I'd like to move  
16 Resolution 2001-101 approval of contract concept 73 for  
17 environmental services for landfill disposal site  
18 remediation FY 2000/2001 for the Solid Waste Disposal  
19 Site Cleanup Trust Fund.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. We have a  
21 motion by Mr. Paparian, seconded by Mr. Medina.

22 Please call the roll.

23 BOARD SECRETARY VILLA: Eaton.

24 BOARD MEMBER EATON: Aye.

25 BOARD SECRETARY VILLA: Medina.

1 BOARD MEMBER MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian.

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY VILLA: Roberti.

5 (No response.)

6 BOARD SECRETARY VILLA: Moulton-Patterson.

7 BOARD CHAIR MOULTON-PATTERSON: Aye. And we'll  
8 leave the roll open for Senator Roberti.

9 On number twenty, just for the audience  
10 information for the public and for our staff, it's our  
11 intention to do 20, 21, 22, and 26 this evening, and then  
12 we'll start back up with 28 tomorrow morning.

13 BOARD MEMBER PAPARIAN: Madam Chair, I don't  
14 mean to throw a wrench in this but a couple of those  
15 items have the appearance of being trickling landfills,  
16 and we have an item on the agenda related to the audit  
17 findings on trickling landfills. I wonder if it might be  
18 appropriate to talk about the audit findings on trickling  
19 landfills before we look at these landfills that appear  
20 to be trickling landfills.

21 BOARD CHAIR MOULTON-PATTERSON: 21 and 22?

22 BOARD MEMBER PAPARIAN: Yeah.

23 BOARD CHAIR MOULTON-PATTERSON: Would you like  
24 to do those tomorrow?

25 BOARD MEMBER PAPARIAN: I'd like to do them

1 after the audit discussion on trickling landfills.

2 BOARD CHAIR MOULTON-PATTERSON: That's fine with  
3 me. So we'll just see how far we can go. Well we still  
4 need to do twenty. So let's do twenty and go home.

5 MS. NAUMAN: Okay. This one should be quick.  
6 Twenty is consideration of approval of the scope of work  
7 for environmental services contracts for the landfill and  
8 disposal site remediation and solid waste cleanup  
9 programs. This is a companion to the item that you just  
10 considered.

11 MR. MINDERMANN: This item requests the Board  
12 consider and approve a scope of work and selection  
13 criteria for the two environmental service contracts  
14 previously approved in agenda item 19. The proposed  
15 scope of work is presented in attachment one of the  
16 agenda item and outlines the contract objectives, work to  
17 be performed, tasks, and the proposed contract timeframe.  
18 And is similar to scopes of work utilized for the  
19 previous eight remediation contracts entered into by the  
20 program since its inception in 1994.

21 The process used to award these contracts will  
22 be a request for qualifications. The RFQ process seems  
23 to determine the best qualified firm for the proposed  
24 type of work.

25 This process was discussed back in September in

1 front of the Board by the contracts unit, and the process  
2 that we're going to implement here is in accordance with  
3 the Board's direction based on that item.

4 The proposed selection criteria along with the  
5 relative weightings to be used in the evaluation of the  
6 contractors are specified in attachment two of your  
7 agenda item.

8 Staff recommend that the Board adopt Resolution  
9 2001-102 approving the contract scope of work and  
10 selection criteria.

11 And that concludes my presentation.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
13 Paparian, did you want to move this?

14 BOARD MEMBER PAPARIAN: Somebody brought this  
15 off consent, but I'm happy to move it.

16 BOARD CHAIR MOULTON-PATTERSON: Our Executive  
17 Director. You thought they should go together, is that  
18 correct?

19 INTERIM EXECUTIVE DIRECTOR BRUCE: That's  
20 correct. If it was on consent you would have approved  
21 the funding source before you approved the actual --

22 BOARD MEMBER PAPARIAN: Got it. I'd like to  
23 move resolution 2001-102, approval of the scope of work  
24 for environmental services contracts for landfill and  
25 disposal site remediations under the solid waste cleanup

1 program.

2 BOARD MEMBER MEDINA: Second.

3 BOARD CHAIR MOULTON-PATTERSON: Motion by Mr.  
4 Paparian, seconded by Mr. Medina.

5 Please call the roll.

6 BOARD SECRETARY VILLA: Eaton.

7 BOARD MEMBER EATON: Aye.

8 BOARD SECRETARY VILLA: Medina.

9 BOARD MEMBER MEDINA: Aye.

10 BOARD SECRETARY VILLA: Paparian.

11 BOARD MEMBER PAPARIAN: Aye.

12 BOARD SECRETARY VILLA: Roberti.

13 (No response.)

14 BOARD SECRETARY VILLA: Moulton-Patterson.

15 BOARD CHAIR MOULTON-PATTERSON: Aye. I will  
16 leave the roll open for Senator Roberti. Is there a  
17 speaker here for number 26? Is that what you're telling  
18 me? So we can go ahead if you'd like and we'll do number  
19 26 now.

20 Would that be okay with the Board members since  
21 we have someone who's been here all day? Okay.

22 Item number 26.

23 MS. NAUMAN: Item 26 is consideration of a  
24 revised solid waste for B&J Drop Box Sanitary Landfill in  
25 Solano County.

1           And Mark de Bie will present this item.

2           MR. de BIE: Thank you. Mark de Bie with the  
3 Permitting and Inspection Branch. This item, as Julie  
4 indicated, is for a revised permit for the B&J Drop Box  
5 facility that is owned by B&J Drop Box Corp. which is a  
6 NorCal Company.

7           The proposal is to increase the hours of  
8 operation to 24 hours per day, and increase the amount of  
9 the asbestos disposed to 2,500 tons per month, as well as  
10 an increase in the area in which asbestos will be  
11 disposed.

12           This item has been updated, and I believe copies  
13 were passed out to the Board members, and there are  
14 additional copies at the back of the room.

15           Much of those updates reflect Board staff  
16 findings -- oh, I see that the items are being passed out  
17 now.

18           Much of the updates to the item reflect Board  
19 staff's findings relative to state minimum standards and  
20 CEQA.

21           When the item was written, Board staff had not  
22 yet completed their inspection. A series of inspections  
23 have been completed. The first one indicated some  
24 problems with access and signage to the asbestos area,  
25 and the operator has corrected that, and that was noted

1 in a follow-up inspection. So the Board staff are now  
2 able to make a finding that the facility is in compliance  
3 with state minimum standards.

4 The other update to the item indicates that the  
5 CEQA process has been completed, the lead agency, which  
6 in this case was the local enforcement agency, has  
7 adopted a mitigated neg dec for this project as of April  
8 16th.

9 So as staff can now make those two findings  
10 relative to state minimum standards in CEQA, we now find  
11 that all of the findings can be made and, therefore,  
12 recommend that the Board concur in issuance of solid  
13 waste facility permit number 48-AA-0002.

14 And I see the representative from the operator  
15 is still here, but I think we missed out on having the  
16 LEA stick around. So they're here if you have any  
17 questions.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.  
19 Board questions? Comments on number 26? Okay.

20 Could I have a motion?

21 BOARD MEMBER MEDINA: I'd like -- Madam Chair,  
22 I'd like to move this item 2001-103. I'd like to move  
23 Resolution 2001-103 revised.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
25 I'll second that.

1                   And we'll leave the roll open for Senator  
2 Roberti. Please call the roll.  
3                   BOARD SECRETARY VILLA: Eaton.  
4                   BOARD MEMBER EATON: Aye.  
5                   BOARD SECRETARY VILLA: Medina.  
6                   BOARD MEMBER MEDINA: Aye.  
7                   BOARD SECRETARY VILLA: Paparian.  
8                   BOARD MEMBER PAPARIAN: Aye.  
9                   BOARD SECRETARY VILLA: Moulton-Patterson.  
10                  BOARD CHAIR MOULTON-PATTERSON: Aye. Okay. I  
11 think now we'll go home and we'll start up tomorrow at  
12 9:30.  
13                  (Thereupon the foregoing was discontinued at  
14 5:50 p.m.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, DORIS M. BAILEY, a Certified Shorthand Reporter and Registered Professional Reporter, in and for the State of California, do hereby certify that I am a disinterested person herein; that I reported the foregoing proceedings in shorthand writing; and thereafter caused my shorthand writing to be transcribed by computer.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand as a Certified Shorthand Reporter and Registered Professional Reporter on the 6th day of February, 2001.

Doris M. Bailey, CSR, RPR, CRR  
Certified Shorthand Reporter  
License Number 8751

