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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

SPECIAL WASTE AND MARKET DEVELOPMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

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1 PROCEEDINGS

2 CHAIRPERSON JONES: Good afternoon. We're going

3 to start our July meeting of the Special Waste and Market

4 Development Committee.

5 Mr. Paparian's Permitting and Enforcement

6 Committee went a little late, so he may be a half

7 minute -- no, he isn't. He's right behind me. Perfect

8 timing.

9 All right. Could you call the roll.

10 SECRETARY BAKULICH: Eaton?

11 COMMITTEE MEMBER EATON: Here.

12 SECRETARY BAKULICH: Paparian?

13 COMMITTEE MEMBER PAPARIAN: Here.

14 SECRETARY BAKULICH: Roberti?

15 COMMITTEE MEMBER ROBERTI: Here.

16 SECRETARY BAKULICH: Jones?

17 CHAIRPERSON JONES: Here.

18 Thanks.

19 Any members have any ex partes?

20 Mr. Eaton?

21 COMMITTEE MEMBER EATON: No, I'm up to date, I

22 believe.

23 CHAIRPERSON JONES: Mr. Paparian?

24 COMMITTEE MEMBER PAPARIAN: None.

25 CHAIRPERSON JONES: Senator Roberti?

1 COMMITTEE MEMBER ROBERTI: I guess I'll ex parte
2 this. Although it was just a very general conversation
3 with Secretary Winston Hickox on the role of stakeholder
4 development.
5 CHAIRPERSON JONES: Great.
6 Okay. And I am up to date.
7 We will now hear a report from Special Waste
8 Acting Deputy Director Shirley Willd-Wagner.
9 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Thank you.
10 Good afternoon, Chairman and Committee Members.
11 Very brief report here this afternoon.
12 The Tire Subsidy Workshop, I just wanted to
13 announce, has been scheduled for Thursday, August 15th, at
14 9:30. This is a report that was originally brought to the
15 Board back in April, performed by California State
16 University, Sacramento. And this will be a workshop that
17 has been noticed as a special workshop for the Board.
18 I believe you've all received copies of the
19 revised report. And let us know if you have any
20 particular questions before the date of the workshop.
21 CHAIRPERSON JONES: One comment. That workshop
22 is going to be here at this building?
23 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Yes, it is.
24 CHAIRPERSON JONES: Just for the sake of the
25 audience, Member Eaton and the other members of this

1 Committee all had agreed at the time to hold this hearing
2 down in southern California because there are so many
3 processors down there. But with the state of flux of the
4 budget and the fact that our employees would not be
5 getting reimbursed, we felt it was probably this time
6 better to do it up here so that they didn't incur those
7 kinds of costs. But I will guarantee you that the next
8 workshop that we're going to have has got to be down in
9 the southern California area because there are an awful
10 lot of interested stakeholders that we need to help cut
11 their travel plans. But I think all the members conceded
12 that this was an unusual circumstance. So, well, it
13 didn't follow directly.
14 COMMITTEE MEMBER PAPARIAN: When did you say that
15 was going to be again?
16 ACTING DEPUTY DIRECTOR WILLD-WAGNER: August
17 15th.
18 And thank you for mentioning that, Mr. Jones. We
19 would like to schedule the next one in southern
20 California.
21 Also, the oil allocation item where we award
22 contract -- or we discuss and allocate contract concepts
23 for the used oil fund for the year, we're bringing that
24 forward in September. And I just wanted to give you a
25 little update because usually we don't bring that forward

till about November. We're looking at moving that schedule up and will be bringing that in September. It will be another one of those items that I believe will go to this Committee and to the Budget and Administration Subcommittee also.

Okay. Moving into the agenda for today. The first item, which is Item B on the agenda, is consideration of the grant award for the Used Oil Recycling Block Grant Program for Fiscal Year 2002 and 3. This item will also be presented at the Budget and Administration Committee meeting on Wednesday. So it's coming to this Committee more for problematic and policy questions and then to the Budget Committee for the actual allocation.

Steve Hernandez, Supervisor in the Oil Branch, will make this presentation.

MR. HERNANDEZ: Good afternoon, Chairman Jones and Committee Members.

Before I get started I just wanted to alert you that we did make a few updates to the Attachments Number 1 and 2, which show the current numbers as of today that we have of grantees that have not provided reports and the reports that are outstanding for staff review. I expect to have that attachment revised item momentarily.

Item B is consideration of the grant award for

1 the Used Oil Recycling Block Grant Program for Fiscal Year
2 2002-2003.
3 Block grants are utilized for granting and
4 maintaining convenient collection opportunities and for
5 advertising and public education to promote used oil
6 recycling and reuse.
7 Local jurisdictions are encouraged to cooperate
8 and develop regional programs consistent with several
9 cities and/or counties to enhance efficiencies. Locals
10 are also encouraged to develop partnerships with private
11 and nonprofit or other governmental organizations to
12 leverage funds and resources.
13 The statute specifies that the greater of $10
14 million or half of the funds remaining in the used oil
15 recycling fund be allocated for block grants and
16 stipulates that the awards be calculated on a per capita
17 basis for each jurisdiction.
18 In addition, jurisdictions will receive funds
19 from the promotional and local assistance line items for
20 use oiled filter recycling activities.
21 This line item will also be utilized to
22 supplement the per capita award to provide for the minimum
23 funding of $5,000 for cities and $10,000 for counties.
24 Staff recommends the awarding of $16,243,832 to
25 eligible jurisdictions. This amount includes an

1 additional $5,002,000 based upon year-end accounting as
2 reported at the December 2001 Board meeting.
3 Applicants have been advised of this one-time
4 allocation, which is approximately an additional 12 cents
5 per capita. Therefore, this block grant cycle will
6 represent an allocation of approximately 43 cents per
7 capita -- 31 cents.
8 The Fiscal Year 2002-2003 block grant application
9 was mailed to potential grantees and posted on the Board's
10 web site in January of 2002.
11 As of today, 218 applications out of 252 possible
12 have been received, representing 86 and a half percent of
13 the State's population.
14 At the September 19th and 20th, 2000 Board
15 meeting the Board approved modifications to the grant term
16 and award process. Specifically, the Board approved
17 awarding the block grant annually for a three-year term.
18 The Board also authorized funding for jurisdictions that
19 submit a late application for a given grant cycle by
20 December 1st of the subject fiscal year.
21 The Board also directed the withholding of a
22 future block grant funding for grantees who do not comply
23 with semi-annual reporting requirements and/or owe the
24 Board money for previous block grants.
25 Presently, 30 grantees have not submitted

1 semi-annual grant reports. This is a reduction from 37,
2 as listed in the attachment, at the time the Committee
3 item was due.
4 Staff will continue to work with grantees to
5 obtain the reports, and we expect to have the number
6 reduced further by the Board meeting.
7 Staff continues to work on completing the review
8 of reports submitted and presently have 39 reports pending
9 staff approval. This total is also down from the 48
10 listed in the attachment at the time the Committee item
11 was due. We expect to have all of these reports reviewed
12 by the Board meeting. Additionally, no grantees owe the
13 Board funds for past used oil block grants.
14 In conclusion, staff recommends that used oil
15 block grants be awarded to the applicants listed in
16 Resolution Number 2002-360, Attachment 3, in the amount of
17 $16,243,832, conditioned on the following:
18 Number 1, submission of a complete application by
19 December 1st, 2002;
20 Number 2, approval of all previous submitted
21 semi-annual reports by dates specified by the Board; and
22 Number 3, submission and staff approval of all
23 past due semi-annual reports by a date to be specified by
24 the Board.
25 That concludes my presentation.

1 Are there any questions?
2 CHAIRPERSON JONES: Any questions from the
3 members?
4 Your second condition was that all the reports be
5 submitted by a date certain -- or a date determined by the
6 Board?
7 MR. HERNANDEZ: Correct.
8 CHAIRPERSON JONES: Have you guys determined that
9 date?
10 MR. HERNANDEZ: The reporting dates are February
11 15th and August 15th of each year.
12 CHAIRPERSON JONES: Okay. All right.
13 So you're not asking to change that?
14 Okay. I just wanted to make sure that that's the
15 way it was.
16 I have one quick question before I'll take a
17 motion. Under Los Angeles County you've got some cities
18 below, Rosemead, San Fernando, Hermosa. I see that
19 Hermosa, Rancho Palos Verdes, Santa Fe Springs, and
20 Torrance, which all say "Co-Operative." are getting their
21 own money on this grant.
22 Are they blending that money to enhance the
23 program? Is that the idea or --
24 MR. HERNANDEZ: Cooperative is so they can
25 allocate specific money for targeted or special public

education activities.

CHAIRPERSON JONES: Okay. I just want to make sure because they're in two places. So I don't want anybody thinking that they're getting anything.

Any questions, members?

Motion?

COMMITTEE MEMBER PAPARIAN: Mr. Chairman, I'll move Resolution 2002-360 related to the used oil recycling block grant program. I guess this would not be -- well, this would not be for consent until after the -- well, it wouldn't be for consent anyway.

COMMITTEE MEMBER ROBERTI: Second.

CHAIRPERSON JONES: We have a motion by Mr. Paparian, a second by Senator Roberti.

Would you call the roll.

SECRETARY BAKULICH: Eaton?

COMMITTEE MEMBER EATON: Aye.

SECRETARY BAKULICH: Paparian?

COMMITTEE MEMBER PAPARIAN: Aye.

SECRETARY BAKULICH: Roberti?

COMMITTEE MEMBER ROBERTI: Aye.

SECRETARY BAKULICH: Jones?

CHAIRPERSON JONES: Aye.

So this will go forward to the Budget Committee with a recommendation of 4-0 from Special Waste. And then

1 it will go on to the regular Board as a -- however the
2 Budget Committee wants to treat it.
3 All right. Thank you.
4 Item 13, whatever letter.
5 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Item C for
6 the Committee and Board Item 13 is consideration of
7 scoring criteria and evaluation process for the Local
8 Government Waste Tire Cleanup Grant Program for Fiscal
9 Year 2002-3.
10 And Bob Fujii will present this item.
11 MR. FUJII: Good afternoon, Members of the
12 Committee. Bob Fujii, Special Waste Division.
13 Before I begin I'd like to bring to your
14 attention a typo that's in the agenda item. It's under
15 the "Key Issues" section at the bottom of Page 13-2. It's
16 in the first sentence in the grant awards per site. The
17 amount I believe we have there is $50,000. It should be
18 $75,000.
19 Okay. In Committee Item C or Board Item 13 we
20 are presenting the proposed criteria evaluation process
21 for Fiscal Year 2002-2003, Local Government Waste Tire
22 Cleanup Grants. As you know, this program provides
23 funding to local governments for removal, transport, and
24 disposal of -- and reuse of waste tires from stock piles
25 statewide.

1 Over the life of this program the Board has
2 awarded 27 grants totaling more than $900,000. For Fiscal
3 Year 2002-2003, the Board allocated $1 million for this
4 program as contained in the five-year plan.
5 Just a little bit about the proposed scoring
6 criteria evaluation process. Back in June 2002 Board --
7 June 2000's Board meeting the Board approved new
8 standardized general review criteria in a competitive
9 grant -- competitive grant programs and a procedure for
10 presenting the criteria evaluation process.
11 For the most part, the criteria process had been
12 incorporated into this grant program. However, the local
13 waste tire cleanup grant program, as you probably all know
14 by now, has been consistently undersubscribed and,
15 therefore, not been very competitive over the last several
16 years.
17 During Fiscal Year 2001-2002 the Board only
18 awarded nine grants totaling just under $464,000. That's
19 about 50 percent of what was allocated, which is $1
20 million, last year.
21 The previous changes that we've tried with this
22 program had really only resulted in fairly minimal
23 success. So what we're proposing to do in this agenda
24 item is revise the scoring criteria evaluation process
25 in -- only use it if more applications are submitted than

1 we have funds available.

2 Hopefully, that would be something that would

3 stimulate this program a little more than it has in the

4 past.

5 The way this will work is that after the close of

6 the application period the Grants Administration Unit will

7 perform initial data entry and do completeness reviews on

8 each application, which is what they do currently now.

9 And then if scoring is necessary, in other words we get

10 more applicants than we have funds available, the program

11 staff will convene a review panel, score the grantees, and

12 choose a competitive scoring process that's described in

13 the item. Well, and then the panel members would then of

14 course do independent reviews, evaluate each proposal used

15 in the criteria shown in Attachment 1.

16 Proposals that then attain a minimum 95 out of

17 100 -- possible 135 points will be eligible for funding at

18 that point. Then these qualified proposals would be

19 ranked according to their score. Highest ranked proposals

20 would be presented to the Board for consideration of

21 funding. So that's how the competitive program will work.

22 Now, if the situation were to arise that we

23 didn't need -- in other words, we had more money than

24 applicants available, we would propose a noncompetitive

25 program. And so then the grant manager would just do a

1 cursory review of the applicants to assure that they've
2 met the minimum score of 95. And then these qualified
3 applicants would then be presented to the Board for
4 consideration of funding. So there would be no grant
5 evaluation process.
6 That's kind of it in a nutshell.
7 At this point, of the options available to the
8 Board we would recommend approval of Option 1, which is
9 adoption of resolution 2002-363, approving the scoring
10 criteria and evaluation process for this program for
11 Fiscal Year 2002-2003.
12 That concludes my presentation.
13 Any questions?
14 CHAIRPERSON JONES: Any questions from the
15 members?
16 Mr. Eaton.
17 COMMITTEE MEMBER EATON: Yes. So let me get this
18 straight. And I'd just like some input from our legal
19 counsel as well. I don't have a problem. I understand
20 why it's undersubscribed or whatever.
21 We are only approving the criteria in the event
22 that we have enough applicants that would compete for the
23 total pool of money. In the event that there are not
24 enough, so let's say you have 10 sites, which would be
25 roughly 750,000, there would be 250,000 left as a residue,

1 so to speak, or as the remainder of the pot. And as such,
2 if that would be the case, then there is no competitive
3 grant evaluation scoring according to this criteria; is
4 that correct?
5 MR. FUJII: That's correct.
6 COMMITTEE MEMBER EATON: Have we done that in the
7 past?
8 And the other issue that I have -- I don't have a
9 problem because I understand why. The question is: How
10 do we send out a NOFA? Does a NOFA go out as a
11 competitive grant? I mean, so we don't get ourselves kind
12 of caught between -- I don't have a problem. I fully
13 sympathize and what have you. So I'm not trying to get
14 there. I want to make sure what we do.
15 And the other issue I have is that if we do have
16 that problem, whether NOFA is or is not, this is a perfect
17 opportunity where, over the last two or three board
18 meetings we've had an applicant come in seeking funds --
19 and that was the California District Attorneys
20 Association -- would there be a way to use this residue to
21 encourage locals who may have a problem there.
22 They may not have applied, but there is a cleanup
23 based upon their activities as prosecutors where their
24 locals don't have any money or whatever, that we can tap
25 into this fund. And that was the whole idea, if you

1 remember, in the discussion that took place. I just
2 wanted to kind of find out what we know about it. I don't
3 have a problem with what you're trying to do. I just want
4 to make sure that we have done it properly.
5 CHIEF COUNSEL TOBIAS: Actually, I think those
6 are very good questions. And we have a couple questions
7 on this, too. So the Legal Office is still looking at
8 this. And the Committee could either go ahead and
9 consider it -- and I think the Committee should make its
10 recommendation, but perhaps subject to any Legal Office
11 review. If we come up with a problem, then we could come
12 back and you could pull it off consent, and we could brief
13 you on what the issues are. But we're still looking at
14 this.
15 So good questions.
16 CHAIRPERSON JONES: Mr. Paparian.
17 COMMITTEE MEMBER PAPARIAN: Yeah, kind of
18 following up a little bit further.
19 Under the existing process for grants, typically
20 there's an initial review to determine whether they
21 basically have applied for the grant that they're applying
22 for and that there's a complete application then to go
23 forward into the scoring process.
24 It's probably a little more complicated than
25 that, but that's basically -- is my understanding of what

1 happens.

2 And then the application will go into the scoring

3 process. When an application is scored, there's a certain

4 minimum score needed in order then to be ranked.

5 So in the process you've described, if there

6 aren't enough applications, one individual will make a

7 determination whether they go above the minimum score or

8 not. And, therefore, could they -- they could reject some

9 for going below the minimum score?

10 MR. FUJII: Correct.

11 COMMITTEE MEMBER PAPARIAN: Would that raise any

12 issues if that applicant objected to their rejection?

13 I guess I don't know if it's a question for you

14 or the Legal Office. But --

15 CHIEF COUNSEL TOBIAS: Just waiting to see if Mr.

16 Fujii had an answer to that.

17 We can look at that. I'd rather not just respond

18 off the cuff. I think that this proposal kind of is

19 something new. And while I do understand the need for it,

20 I think there's a couple questions that still need to be

21 answered here.

22 MR. FUJII: Right. One thing also to keep in

23 mind with this particular program, there hasn't been an

24 applicant that's been rejected to date. I mean, they've

25 all -- you know, this is a program where they're proposing

1 to take part, which is something that the Board wants them
2 to do. So in most cases, you know, their proposals are
3 fairly in line with what the criteria is, what it's about.
4 So it's not a situation where we're -- you know, one
5 proposal be drastically different from one to another.
6 And so -- not to say that that's not -- certainly a
7 possibility, but it's fairly unlikely that will happen.
8 COMMITTEE MEMBER PAPARIAN: I mean it would --
9 well, I probably need to wait for a response from the
10 Legal Office. But it seems to me appropriate that there
11 be a determination whether they meet some minimum level or
12 not, even though in the past everybody's met that minimum
13 level. In the future you don't know whether someone might
14 be there or not.
15 If we go forward along these lines, we may need
16 to clarify that -- in the resolution, because I'm reading
17 the resolution. I don't quite see that step of somebody
18 making a determination that they would meet the minimum
19 scoring criteria or not.
20 ACTING DEPUTY DIRECTOR WILLD-WAGNER: One thing
21 we could do is bring back -- discuss this further with
22 Legal and make sure we have those answers for presentation
23 again at the full board, perhaps even with a revised
24 resolution.
25 I think that you're right. You're only approving

1 the scoring criteria if there are more applicants than
2 there are dollars. So the next step is we still want your
3 buy-in on the process, the scoring process that we've
4 described in here, which would mean a noncompetitive
5 scoring process and designating the minimum qualifications
6 to determine whether or not they would receive a passing
7 score. So we could describe that a little bit more fully,
8 if you'd like, at the Board meeting and put into the
9 resolution.
10 CHAIRPERSON JONES: I understand what Mr.
11 Paparian's saying. But I think that if you get whatever
12 number, right, you get 5 -- 5 or 10, whatever, and the
13 dollars are less, if 95 is the minimum score, they're
14 going to get 95 basically relatively easily. I mean, it's
15 getting from 95 to 135 or 125, that's the tough part. And
16 a lot of this stuff is pretty much -- if you've turned
17 this in, you're going to get it, right?
18 MR. FUJII: Well --
19 CHAIRPERSON JONES: Go ahead.
20 MR. FUJII: That's right.
21 CHAIRPERSON JONES: Because I think this got kind
22 of a little bit explained like it was going to be kind of
23 haphazard. And the way the scoring is, the 95, it's
24 almost automatic. I mean, in one like this where they're
25 coming in and they're describing a project: What are they

1 going to do with the tires? How many are they going to
2 cleanup? What's the end use? So we should be okay. But
3 I mean I think you need to answer both members' questions.
4 But I want to have a follow-up on what Mr. Eaton was
5 saying.
6 And if I haven't interpreted it right, then I
7 need you to clarify, cause I like the idea. Are we saying
8 that this also ought to include local D.A. funding for
9 going after some bad actors in the jurisdiction to get
10 tires cleaned up on their own property or something like
11 that or -- I mean, when you tied it to the circuit
12 prosecutor, I could see a value in that because I -- that
13 was one of the things we had talked about when we did the
14 legislation and --
15 COMMITTEE MEMBER EATON: No, I mean -- I'm
16 just -- what I was saying is -- was pointing out is that
17 one of the reasons for my support of the program was is
18 that we have had undersubscribed programs, this being one
19 of them. And more importantly the whole issue and the
20 issues surrounding the legislation and the grant of money
21 to us by the Legislature and the Governor signing the bill
22 was that somehow we would get the locals more involved in
23 delegation of monies to them.
24 And what we've had struggle with over the years,
25 as you well know, and other board members, is the fact of

1 locals not really becoming engaged. And so I think this
2 is kind of an incentive. So what I was saying is that no
3 matter what took place with regard to a legal opinion, if
4 there are monies left over, is there a way to use this as
5 a pot for the D.A. to go in. In the event that there
6 isn't -- and I'm not trying to make it part of this
7 resolution or anything. I'm just looking at that as some
8 of the discussion that took place.
9 The issue that I had was is that if I'm an
10 applicant in local government, how do I apply? Do I apply
11 on a competitive basis? And then to be told that I don't
12 have to because -- or that -- and that's one of the legal
13 questions. So those are two separate issues.
14 I understand why you're trying to do it. I don't
15 have a problem with that. I just want to make sure that
16 we've got what we need.
17 CHAIRPERSON JONES: So we're talking about a
18 reallocation of unspent dollars and to go directly to --
19 COMMITTEE MEMBER EATON: That would essentially
20 be the case.
21 CHAIRPERSON JONES: I just didn't want to -- I
22 didn't want to go over that and not address it if that's
23 where you want to --
24 COMMITTEE MEMBER EATON: Hopefully, we'd never
25 have that. We'd have to find other monies. But history

1 has been such that it won't be.

2 CHAIRPERSON JONES: Absolutely. That would be a

3 nice problem.

4 Okay. So are there any other questions by the

5 members?

6 Do we want to have a motion on this and then

7 predicate it on a couple of answers from the attorneys?

8 COMMITTEE MEMBER ROBERTI: Just to add a point.

9 I just want to hear at the general meeting from the

10 attorneys as to priority of a staff member being able to

11 reject essentially, based on the amount of applications

12 that they would have, on criteria that are not necessarily

13 spelled out if you had a sufficient number of

14 applications.

15 CHAIRPERSON JONES: Let me ask a question then, a

16 follow-up. Is that -- because I think what the staff --

17 Senator, I'm hoping that what the staff is doing is saying

18 that they're not going to exclude anybody. I mean, if

19 there's enough that everybody has to be scored, it'll be

20 the panel like we did.

21 If it's undersubscribed, all they've got to do is

22 meet that threshold to be there. And what Mr. Fujii said,

23 so far nobody hasn't met that threshold.

24 So are you saying if they don't meet the

25 threshold, that would be -- then they would have to go

1 through another set of eyes to make sure they both agree
2 that they didn't get 95, because that's basically what the
3 process is?
4 COMMITTEE MEMBER ROBERTI: Yeah, if they didn't
5 meet the threshold, then I guess they would have
6 automatically been -- they would have been rejected even
7 if they went through the whole process.
8 CHAIRPERSON JONES: Exactly.
9 So maybe if it's less than 95, you have to have
10 another set of eyes looking at it to see if there's
11 concurrence.
12 COMMITTEE MEMBER PAPARIAN: Yeah, Mr. Chairman,
13 one other possible approach might be essentially to
14 have -- now, if you're undersubscribed, essentially you
15 have the panel of three get together and essentially score
16 them pass/fail, essentially score them, yes, they made
17 over the amount or, no, they don't.
18 MR. FUJII: Are you talking about a situation
19 where we do get one that's going to be rejected, it could
20 be in the panel where you do that or -- I guess --
21 COMMITTEE MEMBER PAPARIAN: No, I'm looking at it from
22 a different -- I'm just thinking that process-wise and
23 precedent-wise it may be better just to allow a panel to
24 pass/fail the things instead of an individual.
25 MR. FUJII: I see what you are getting at.

1 Instead of going through a full blown sworn in, it would
2 be more of a "did they meet the minimum or not"?
3 COMMITTEE MEMBER PAPARIAN: Yeah. And then you
4 also -- then you also don't run into the question of
5 whether somebody has passed something based on any bias
6 that they might or might not have. You'd have the several
7 sets of eyes either passing or falling.
8 COMMITTEE MEMBER ROBERTI: Mr. Chairman, I would
9 feel more comfortable myself with a panel.
10 CHAIRPERSON JONES: Doing all the scoring?
11 COMMITTEE MEMBER ROBERTI: Doing the scoring,
12 even if it's pass/fail, even if it is just to check out
13 what the threshold is.
14 CHAIRPERSON JONES: Are you ready to make the
15 motion?
16 COMMITTEE MEMBER ROBERTI: No. Yeah, I will make
17 the motion --
18 CHAIRPERSON JONES: Because I think that makes
19 sense. We will just have a panel score them.
20 COMMITTEE MEMBER ROBERTI: -- to move Resolution
21 2002-363, and that it be amended so that it be clear that
22 the scoring criteria include under all circumstances
23 evaluation by a panel.
24 CHAIRPERSON JONES: Okay. Do I have a second?
25 COMMITTEE MEMBER PAPARIAN: Second.

1 CHAIRPERSON JONES: Okay. The Senator's mic was
2 on. It was just tough to pick up. Not a problem.
3 I want to -- the Senator has moved the resolution
4 and said that all scoring will be done by a panel,
5 basically is what your version --
6 COMMITTEE MEMBER ROBERTI: Yes.
7 CHAIRPERSON JONES: And that was seconded by Mr.
8 Paparian.
9 Would you take the roll.
10 SECRETARY BAKULICH: Eaton?
11 COMMITTEE MEMBER EATON: Aye.
12 SECRETARY BAKULICH: Paparian?
13 COMMITTEE MEMBER PAPARIAN: Aye.
14 SECRETARY BAKULICH: Roberti?
15 COMMITTEE MEMBER ROBERTI: Aye.
16 SECRETARY BAKULICH: Jones?
17 CHAIRPERSON JONES: Aye.
18 This is criteria -- we've taken the legal
19 questions out of it basically with that motion, haven't
20 we?
21 COMMITTEE MEMBER EATON: No.
22 CHAIRPERSON JONES: No? We still have --
23 COMMITTEE MEMBER EATON: No, the issue is -- I
24 think what Mr. Paparian and Senator Roberti were doing was
25 that threshold -- you have two levels. You have threshold

1 and then you have the scoring. The issue is then, before
2 you even get to that, how do you send it out, competitive,
3 noncompetitive? So the legal issues, I think, are
4 contingent.
5 CHAIRPERSON JONES: Okay. Great.
6 CHIEF COUNSEL TOBIAS: The other way you could do
7 it is if there are not --
8 COMMITTEE MEMBER EATON: I like the legal
9 opinions.
10 Convince me.
11 CHIEF COUNSEL TOBIAS: Just trying to be
12 flexible.
13 If the Board wants to put it on the consent
14 calendar subject to some kind of issue that legal turns up
15 on it where you would have the Executive Director pull it,
16 you could do it that way, too. So it's up to you.
17 COMMITTEE MEMBER EATON: I'd kind of like to hear
18 the legal rationale for some of the questions there.
19 CHAIRPERSON JONES: We'll just hear it at the
20 Board.
21 COMMITTEE MEMBER EATON: Establish a public
22 record more than anything, quite honestly. I mean, I
23 think the Board -- at least the Committee is on record of
24 supporting the principle of what they're trying to do,
25 which is really how we go about navigating through those

1 waters.

2 CHAIRPERSON JONES: Can you make sure that as you

3 guys develop your opinion, that you check with the members

4 of this Committee and make sure we're not missing anything

5 at the time of the Board meeting and Mr. Fujii will be

6 kept in on the loop? Will that be okay with the members

7 to make sure that we're not missing anything.

8 Great. Thank you.

9 All right. Item D.

10 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Item D,

11 consideration of proposed applicant and project

12 eligibility, scoring criteria and evaluation process for

13 Fiscal Year 2002-3, for the Waste Tire Track and Other

14 Recreational Surfacing Grant Program. So it's another

15 scoring criteria eligibility item.

16 And at her first presentation is Elena Yates,

17 probably the newest member of the Special Waste Division,

18 but certainly not new to the Board.

19 MS. YATES: Good afternoon, Committee Chair,

20 Board Members. Elena Yates from the Waste Tire Diversion

21 Section of the Special Waste Division.

22 This presentation is for Committee Item D, agenda

23 Item 14, consideration of proposed applicant and project

24 eligibility, scoring criteria and evaluation process for

25 fiscal year 2002-2003, Waste Tire Track and Other

1 Recreational Surfacing Grant Program.

2 Attachment 1 presents the criteria for this grant

3 cycle.

4 The five-year plan approved by the Board at its

5 March 2001 meeting designated $1 million for each fiscal

6 year to fund the Waste Tire Track and Other Recreational

7 Surfacing grant program for each of the five fiscal years

8 beginning in fiscal year 2001-2002.

9 The Fiscal Year 2002-2003 program will be the

10 second cycle since the five-year plan was approved by the

11 Board.

12 In the Fiscal Year 2001-2002, the first cycle

13 under the five-year plan, the Board received 31 grant

14 applications requesting more than $2.3 million.

15 Twenty-five applicants were awarded totaling $1,949,289.

16 The purpose of this competitive grant program is

17 to assist in the development of markets for products

18 manufactured from California waste tires and to support

19 the diversion of waste tires from landfills and stock

20 piles, thus fulfilling the legislative requirements under

21 Public Resources code 42-889G.

22 In the five-year plan the Board allocated $1

23 million for this program for the Fiscal Year 2002-2003

24 grant cycle. Each applicant is eligible to receive a

25 maximum of $100,000, and is required by the Board to

1 provide and equal match of the grant amount requested.
2 If the applicant qualifies for extreme financial
3 hardship, the matching requirement may be reduced to 50
4 percent of the grant amount requested.
5 Upon approval by the Board, staff proposes that a
6 Notice of Funds Available, NOFA, for the Waste Tire Track
7 and Other Recreational Surfacing Grant Program be made
8 available on the Board's web site and be mailed to more
9 than 4,000 potential applicants in August 2002.
10 Proposed scoring criteria. As required by the
11 procedures for presenting the scoring criteria and
12 evaluation process to the Board, staff assigned a points
13 value to each category of the general review criteria and
14 proposed program criteria.
15 The criteria and points associated with each
16 section are as follows:
17 General criteria:
18 The need, 25 points.
19 Goals and objectives, 10 points.
20 Workplan, 5 points.
21 Evaluation, 5 points.
22 Budget, 10 points.
23 Application completeness, letters of support,
24 experience, et cetera, 5 points.
25 Evidence of recycled content purchasing

1 policy or directive, 15 points.
2 A total of 75 possible general criteria points.
3 Program criteria:
4 Recycling and sustainable program, 5 points.
5 Prior waste tire playground cover or track and
6 other recreational surfacing grant, 5 points,
7 in Fiscal Year '99-2000 and/or 2001-2002.
8 The cost per tire, estimated cost of California
9 tire diverted from the waste stream, 0 to 10
10 points.
11 Economic need, up to 5 points.
12 The grants proposal demonstrates the economic
13 need in the zip code area in which the project is located
14 based on the medium household income data from the U.S.
15 census.
16 A total possible program criteria points, 25.
17 Total possible score for a perfect application,
18 100 points.
19 Staff will evaluate the applications as set forth
20 in the November 2001 and June 2002 Board meeting as
21 follows, which will incorporate the use of three staff
22 members on a review panel and a gradation of scale points
23 used to score grant applications. Applicants with tie
24 scores exceeding funding availability will be brought
25 forward to the Board at the time of the awards are made in

1 the agenda item and distributed funds will be awarded
2 based on population percentages of southern and northern
3 California unless there are more passing applicants than
4 funding available.
5 Staff recommends that the Board adopt Resolution
6 Number 2002-361, directing staff to use the proposed
7 applicant and project eligibility, scoring criteria and
8 evaluation process for the Fiscal Year 2002-2003, Waste
9 Tire Track and Other Recreational Surfacing Grant Program.
10 That concludes my presentation.
11 CHAIRPERSON JONES: Questions by members?
12 Mr. Eaton.
13 COMMITTEE MEMBER EATON: Yeah, I just wanted to
14 kind of perhaps get a little discussion going here with
15 some of my colleagues on the Committee. Not to bring up
16 old wounds, but I brought up the issue of -- and I know
17 that, Senator Roberti, you have on many occasions tried to
18 get new applicants in cause it seems the same applicants
19 are always getting the awards.
20 But here is one of the issues which I was unable
21 to articulate at the previous Board meeting that I wanted
22 to point out to you. And I'm not sure, but if you look at
23 Page 14-10, it talks about prior waste tire cover or track
24 and other recreational surfacing grants. It just talks
25 about not being able to be awarded a grant.

1 One of the issues that I have was that if L.A.
2 Unified or San Francisco Unified or Sacramento Unified
3 applied, because that's how it would have to go, then only
4 one school from those districts could be eligible for
5 that. And then if one school got that in one of those
6 previous years, the whole district couldn't apply. And I
7 just think that that's unduly punitive. And so that's my
8 understanding of how it would work.
9 And so this was one of those examples where I was
10 just trying to -- I don't think that's what you were
11 intending. I understand. And maybe this time we have to
12 make a distinction where -- in this category where you
13 have the schools or the public entities there, that maybe
14 as opposed to saying that they haven't applied, but that
15 they have a maximum of X amount of money for a period of
16 time to be awarded that school district.
17 Because my understanding is that if someone from
18 L.A. Unified or Sacramento or San Francisco, any of the
19 large -- San Diego -- apply and someone in that area got
20 that, then they would be denied. And I don't think that's
21 what we have ever intended. And so I just -- that -- I
22 was not able to articulate the right program. I think
23 this is one of those where I don't think that's what you
24 intended. And maybe there's a way we cannot -- we can
25 still keep your principle in some of those grant programs.

1 But in these where we just don't adhere to it or --
2 somehow modify it. You know what I'm saying, Senator?
3 COMMITTEE MEMBER ROBERTI: I agree.
4 Is the grantee the school district?
5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
6 Yes, for this program it's district-wide. So
7 member Eaton is correct.
8 We could modify that to specify the grant
9 recipient be a different school within the district, so
10 that you'd still, you know, be able to award grants to
11 other schools.
12 COMMITTEE MEMBER ROBERTI: That would be fine
13 with me.
14 COMMITTEE MEMBER EATON: I just didn't want to
15 get penalized. But I know that's not what you intended.
16 COMMITTEE MEMBER PAPARIAN: I think another way
17 to do it might be just to change where it says "public
18 entity" and changing that to "facility" so that the
19 applicant would receive five points if the facility has
20 not been awarded.
21 COMMITTEE MEMBER EATON: I'm just trying not to
22 foreclose a large organization from coming in to apply.
23 However it works is fine with me.
24 COMMITTEE MEMBER PAPARIAN: In this situation I
25 agree with you.

1 CHAIRPERSON JONES: So they could just identify
2 the specific --
3 COMMITTEE MEMBER EATON: Well, it's a start,
4 isn't it.
5 CHAIRPERSON JONES: So they could identify the
6 specific school within a region.
7 COMMITTEE MEMBER ROBERTI: Yeah, I think
8 "facility" -- Member Paparian is right; "facility" I think
9 answers the problem.
10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 School facility. Then we could say a specific school
12 facility.
13 CHAIRPERSON JONES: That's fine with me. Okay.
14 So that will be changed.
15 On number -- is there any other questions?
16 I have a question on this.
17 On Item 8 where we talk about the estimated cost,
18 just for clarity's sake, they get about what, 12 pounds of
19 crumb out of a 32-pound tire or a 30-pound tire?
20 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
21 Correct.
22 CHAIRPERSON JONES: So we put in here that --
23 this is an item that can be messed with any way somebody
24 wants to mess with it. They can make their competitors
25 look like they are totally out to lunch with how much, you

1 know, it's costing per tire. So I think we need to have
2 an explanation that everybody agrees with and says that
3 this is based on a -- what are we saying a tire weighs,
4 30 --
5 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
6 Twenty pounds is how it's defined.
7 CHAIRPERSON JONES: -- 20 pounds a tire equals 12
8 pounds of crumb rubber per tire.
9 Does that work?
10 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
11 We can put that information in the application package
12 itself. It doesn't have to be right in the criteria.
13 CHAIRPERSON JONES: Right. It doesn't have to be
14 in the criteria. But it's one that can get played with,
15 so I think it's critical that you have that so that
16 everybody is doing the math from the same place.
17 Any other questions?
18 Senator?
19 Mr. Paparian?
20 COMMITTEE MEMBER EATON: I just want to make sure
21 that then in Number 8 on that same page, which is
22 estimated cost per California waste tire, do they break
23 out a situation wherein -- do we just get one number
24 generally? Because my understanding is that -- and I'm
25 trying to follow-up on this -- that we've had some recent

1 grantees that have gone -- once they've gotten this, gone
2 out and gotten non-california material, even though they
3 represented that they got California tires. But they
4 weren't misrepresenting anything in the fact that they
5 only had say 10,000 tires, but really what they're using
6 is 100,000 tires, and 90,000 came from out of state.
7 So how do we break that out so that, you know,
8 keeping with what we have intended and not, you know,
9 violate -- we're dealing with California tires here and
10 not, you know, getting out of the waste stream and not
11 another state's. How do we deal with that?
12 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
13 There's a requirement that any grant recipient spend funds
14 only on California tire rubber. And the way we accomplish
15 that is that the supplier has to certify that that crumb
16 that's provided is from California tires.
17 Now, it's not like we've got a little tracer on
18 each piece of particle. But if that processor, that crumb
19 producer has received -- and we have manifests we can
20 check -- sufficient California tires to equate to that
21 amount of crumb number, then we're satisfied with that.
22 COMMITTEE MEMBER EATON: Eventually our manifest
23 system, if it ever gets on line, will take care of that.
24 CHAIRPERSON JONES: And it's getting closer.
25 One of the things that Mr. Eaton was saying, and

1 it may be something you want to think about for this, is
2 estimated tonnage of crumb for the project, and then how
3 much is California; because I can see a scenario where
4 they use our dollars to buy California crumb and use their
5 matching dollars to buy Canadian crumb, which clearly
6 isn't going to work for us.
7 So what we ought to try to think about doing
8 is -- and it can be in the instructions, I think it could
9 be in the instructions, to estimate, you know, the
10 number -- total tonnage that the whole project is going to
11 do, and then how much of that is California rubber. And
12 then we're going to know, I mean would that get -- would
13 that --
14 COMMITTEE MEMBER EATON: I just -- with this
15 criteria, I think we just need to start holding people
16 accountable for getting stuff out of the waste from
17 California and not going other places, you know. I mean
18 it's tough enough to compete.
19 CHAIRPERSON JONES: Do you want to include that
20 in the criteria then, that part of it --
21 COMMITTEE MEMBER EATON: If you think it's going
22 to work.
23 CHAIRPERSON JONES: -- under 8?
24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:
25 The requirement for California tire rubber is a part of

1 the applications.

2 CHAIRPERSON JONES: So we can say what's the

3 total number?

4 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

5 And we can ask for that information, yes.

6 CHAIRPERSON JONES: Okay. Does that work?

7 All right. Any other questions?

8 All right.

9 COMMITTEE MEMBER EATON: I'll move that we adopt

10 Resolution 2002-361 with Mr. Jones' additional language

11 regarding California tires.

12 COMMITTEE MEMBER PAPARIAN: Second.

13 CHAIRPERSON JONES: We've got a motion.

14 COMMITTEE MEMBER PAPARIAN: And there would also

15 be the change of --

16 CHAIRPERSON JONES: The public entity issue on

17 the specific facility?

18 COMMITTEE MEMBER PAPARIAN: Right.

19 CHAIRPERSON JONES: Okay. We have a motion by

20 Mr. Eaton, seconded --

21 COMMITTEE MEMBER EATON: And then if you can

22 bring that back so that we can see that language, before

23 the consent calendar is taken up, so that each of the

24 members who made the suggestions are satisfied.

25 CHAIRPERSON JONES: Sure.

1 We've got a motion by Mr. Eaton and a second by
2 Mr. Paparian.
3 Would you call the roll.
4 SECRETARY BAKULICH: Eaton?
5 COMMITTEE MEMBER EATON: Aye.
6 SECRETARY BAKULICH: Paparian?
7 COMMITTEE MEMBER PAPARIAN: Aye.
8 SECRETARY BAKULICH: Roberti?
9 COMMITTEE MEMBER ROBERTI: Aye.
10 SECRETARY BAKULICH: Jones?
11 CHAIRPERSON JONES: Aye.
12 Is it your intent that we put this on consent?
13 And then when we see the -- if there's some problem with
14 the language, that we can --
15 COMMITTEE MEMBER EATON: No, just that I think
16 that Mr. Paparian has recommended some language, that
17 somehow new resolutions get out, that Mr. Leary can see
18 that we get them prior to the Board meeting. Sometimes we
19 don't get the revised resolutions until right at the Board
20 meeting. And just so that we can just see it so the
21 language in there -- I trust it will be there. Just nice
22 to look at it once in awhile, save us some problems.
23 It would have to be a revised one anyway since
24 we're voting on the consent calendar.
25 CHAIRPERSON JONES: Okay. So we'll have that

1 ahead of time. And, otherwise, it's going to be on the
2 consent unless we have a proposal.
3 All right. Item E.
4 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Item E is
5 consideration of approval of sites and additions for
6 remediation under the Waste Tire Stabilization and
7 Abatement Program.
8 And Gale Grisby will be making the presentation.
9 MS. GRISBY: Good afternoon.
10 Board staff is requesting approval of --
11 CHAIRPERSON JONES: Hit the button.
12 MS. GRISBY: There we go.
13 Board staff is requesting approval of one illegal
14 waste tire site for remediation under the Waste Tire
15 Stabilization and Abatement Program. And these sites are
16 the sites that we refer to as short-term remediation sites
17 in the five-year plan.
18 The site is located in Ventura County. And it is
19 an actively operating auto parts and salvage yard.
20 There's approximately 15,000 passenger tire equivalents at
21 this location.
22 This sight has been completely through the
23 enforcement process and an administrative complaint was
24 filed. The judge ordered a $20,000 fine against the
25 property owner. Our legal staff converted the fine into a

1 stipulated lien, and the lien has been recorded on the
2 property. There is a provision in the lien where if the
3 property owner were to clean the site or if the county
4 were to apply for a grant to clean the site, that fine
5 would then be reduced to $2,000.
6 We're requesting approval for the site. We
7 haven't seen any action on the part of the county to apply
8 for their grant. But as soon as we did put the item on
9 the agenda and draft our item, the county all of a sudden
10 said, "Okay, we're going to apply for a grant as soon as
11 the filing period opens." And in Agenda Item 13 the
12 criteria was discussed.
13 So we do anticipate the county filing an
14 application for a grant to go forward and remediate this
15 site. We will not take any remedial action until the
16 Board has had an opportunity to vote on that grant and
17 decide if the grant will be awarded or not. In case the
18 grant is not awarded, we will then move in and remediate
19 the site with our contractor.
20 At this time, staff is recommending adoption of
21 Resolution 2002-362, approving Chuck's Auto Parts and
22 Salvage for Board-managed cleanup.
23 CHAIRPERSON JONES: Okay. Any questions?
24 I have one.
25 Okay. You've got a lien on the property and a

1 judgment against this person for twenty grand. If we
2 clean it up, it's going to cost us thirty grand or
3 whatever it's going to cost.
4 But then that lien would stay in place?
5 MS. GRISBY: If we clean it, yes.
6 CHAIRPERSON JONES: If we clean it?
7 MS. GRISBY: Yes.
8 CHAIRPERSON JONES: If the county comes forward
9 and gets a grant, is that a 50-50 grant?
10 MS. GRISBY: No.
11 CHAIRPERSON JONES: It could be 100 percent. So
12 we could still pay thirty grand to have the county clean
13 it up?
14 MS. GRISBY: Yes.
15 CHAIRPERSON JONES: But then they're only going
16 to receive $2,000?
17 MS. GRISBY: The property owner would be required
18 to pay $2,000.
19 CHAIRPERSON JONES: So the property owner becomes
20 exonerated if we do a local grant?
21 MS. GRISBY: Yes.
22 CHAIRPERSON JONES: As opposed to if we do it,
23 they stand -- and they're the ones that created this
24 nuisance, right?
25 MS. GRISBY: Well, it's our understanding that

1 the auto parts and salvage yard had the tow for a county
2 code enforcement office. And so any vehicles that were
3 cited for tow, they called Chuck's, Chuck's came and
4 pulled the vehicles into the yard, pulled the tires off,
5 traded to stock pile. Chuck's was selected as the
6 contractor for the County back then based on a low bid
7 that was given.
8 CHAIRPERSON JONES: Well yeah, but -- well, he
9 pulled the tires off so he could smash the trucks and sell
10 it as scrap metal.
11 MS. GRISBY: That didn't happen either because
12 the cost of metal in that area went so low that the
13 vehicles are also sitting on the yard, too.
14 CHAIRPERSON JONES: Oh.
15 So the county gets a grant to clean up tires and
16 they're still going to have to clean up the metal and the
17 oil and all that good stuff?
18 MS. GRISBY: Yes.
19 The county seems to have some interest in this
20 property. And we haven't been able to figure out what
21 that interest is, but they're very interested in getting
22 the tires and the cars cleaned up.
23 CHAIRPERSON JONES: But we're only dealing with
24 the tires?
25 MS. GRISBY: We're only dealing with the tires

1 with this item.

2 CHAIRPERSON JONES: All right.

3 COMMITTEE MEMBER EATON: Let me ask the obvious

4 question then. If we've got a lien for 20 and it's

5 costing us 30, what am I missing about the $10,000 that's

6 in between? In other words, if it's going to cost the

7 County 30 and it's going to cost us 30 and we only got a

8 lien for 20, there seems to be a $10,000 gap that if we

9 decide to not do either the grant or this program that we

10 have against the property, why are we only getting 20 when

11 it really costs 30? I'm just --

12 MS. GRISBY: Well, the number of tires is

13 unknown. We estimate there are approximately 15,000 tires

14 there. And typically when we bring a site forward to you

15 requesting approval, we estimate our remediation cost to

16 be on the high side; we go $2 a tire. In reality it's

17 usually less than $2. And the subcontractor is determined

18 by a competitive bid process through our general

19 contractor. So to cover ourselves we ask for $30. Cost

20 may be less than that.

21 The $20,000 penalty was assessed by an

22 Administrative Law Judge several years ago before we put

23 any remediation costs together.

24 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:

25 Just as a point on that difference between a penalty and

1 cost recovery, when you go before the court, they may see
2 this as a case where they need to discipline the
3 individual, penalize them. But that they're not seeking
4 that direct cost recovery all the time. So the numbers
5 don't always equate.
6 But I would like to point out that we do have
7 sufficient funds, you know, to assist.
8 CHAIRPERSON JONES: No, I understand. I
9 understand.
10 Could we, if -- to follow up on Mr. Eaton, if
11 it's okay. I want to ask a follow-up.
12 COMMITTEE MEMBER EATON: Go ahead.
13 CHAIRPERSON JONES: If we did this cleanup and it
14 cost us $30,000, $35,000, $40,000, do we have a remedy to
15 go after cost recovery, over and above the 20 grand that
16 the order was -- that the order --
17 CHIEF COUNSEL TOBIAS: Yes.
18 CHAIRPERSON JONES: Yes, we do?
19 Okay. So if we do a Board-managed cleanup, we
20 can do cost recovery in excess of this penalty?
21 CHIEF COUNSEL TOBIAS: Yes. Although, as you
22 would guess, there may not be the resources there to do
23 that. But we can go after cost recovery once we've
24 expended the funds.
25 So Martha's correct. When we go to the Office of

1 Administrative Hearings, usually the first time that's a
2 penalty, not the cost recovery. And then if the Board
3 cleans it up, then we can go for cost recovery.
4 CHAIRPERSON JONES: Okay.
5 Any other questions?
6 Any motion?
7 COMMITTEE MEMBER EATON: Maybe we should use the
8 tires for the rubberized asphalt program.
9 CHAIRPERSON JONES: There you go.
10 COMMITTEE MEMBER EATON: Do they have one?
11 CHAIRPERSON JONES: Yeah. In Ventura County.
12 Yeah, cause this one is in Oxnard.
13 COMMITTEE MEMBER EATON: Well, that's Ventura
14 County.
15 CHAIRPERSON JONES: That's what I said.
16 COMMITTEE MEMBER EATON: No, you thought Oxnard
17 was different than Ventura.
18 CHAIRPERSON JONES: No, I said Ventura County.
19 COMMITTEE MEMBER EATON: You'd like to think so,
20 but they're not.
21 CHAIRPERSON JONES: I said Ventura County.
22 Okay. Motion?
23 COMMITTEE MEMBER PAPARIAN: I'll make the motion
24 to approve Resolution 2002-362.
25 CHAIRPERSON JONES: And I'll second.

1 MS. GRISBY: Thank you.
2 CHAIRPERSON JONES: We have a motion by Mr.
3 Paparian for adoption of Resolution 2002-362, and a second
4 by Jones.
5 Would you call the roll.
6 SECRETARY BAKULICH: Eaton.
7 COMMITTEE MEMBER EATON: Aye.
8 SECRETARY BAKULICH: Paparian?
9 COMMITTEE MEMBER PAPARIAN: Aye.
10 SECRETARY BAKULICH: Roberti?
11 CHAIRPERSON JONES: Jones.
12 Aye.
13 SECRETARY BAKULICH: Jones. Sorry.
14 CHAIRPERSON JONES: Roberti said --
15 COMMITTEE MEMBER EATON: I don't think this
16 should go out and get sent, however. I think the full
17 Board should hear one. We might want to have some ideas.
18 CHAIRPERSON JONES: That's fine. We can hear it,
19 all of us.
20 Roberti had to go take some stuff, and probably
21 won't rejoin us.
22 All right. Item Number 16, F.
23 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Item F will
24 be presented by the Policy Office and Rubia Packard.
25 ASSISTANT DIRECTOR PACKARD: Good afternoon,

1 Board Members. Rubia Packard with the Policy Office.
2 We're here today to present Agenda Item 16 from
3 the Board calendar and I guess it's -- and F today on the
4 Committee calendar.
5 This is a presentation of the Universal Waste
6 Management Options and Education Study, Fiscal Year
7 2001-2002. And this was Contract Concept Number
8 IWM-C0057.
9 Claudia Moore of the Policy Office staff will be
10 presenting an introduction. And then we will have the
11 contractors for the study from MGT, Tim Lynch and Karin
12 Bloomer here, to also present some of the information
13 collected in the study and some findings.
14 And then we can answer any questions if you have
15 them.
16 (Thereupon an overhead presentation was
17 presented as follows.)
18 MS. MOORE: Good afternoon.
19 Universal Waste Management Options and Education
20 Study. The purpose of today's item is to provide the
21 Board members with a final draft copy of the household
22 hazardous waste generation in California report on the
23 Universal Waste Management Options and Education Study.
24 --o0o--
25 MS. MOORE: The Board initiated the study to look

at local government, household collection infrastructure, programs needs, regarding specific household universal waste or u-waste to understand the following: The impact of the State's u-waste regulations that were finalized in February 2002; and householders' awareness and use of household hazardous waste collection events and facilities.

--o0o--

MS. MOORE: U-waste consists of specified post-user consumer items that are hazardous wastes and are present in significant volumes in the solid waste stream. The study focused on household generated u-waste items that were limited to fluorescent lamps, household batteries, and mercury thermostats.

--o0o--

MS. MOORE: The regulations prohibit disposal of these u-waste items by householders in the trash after February of 2006. And, therefore, must be diverted to household hazardous waste, collection events or facilities, or other handlers of u-waste.

--o0o--

MS. MOORE: However, the primary burden for funding the collection and processing of u-waste for householders falls on local government agencies.

--o0o--

1 MS. MOORE: So the study consisted of an
2 examination of Fiscal Year 2000-2001 capacity for
3 household hazardous waste programs to handle specific
4 types of u-waste. And also an examination of the current
5 cost to handle the specified u-waste and the cost of
6 handling the expected volume of u-waste in 2006.
7 --o0o.
8 Ms. MOORE: Surveys of fluorescent lamp, battery,
9 and thermostat manufacturers and/or trade associations
10 were sent out to assist in projecting 2006 u-waste
11 generated volumes.
12 Also a statewide survey of householders was done
13 to understand California's behavior relative to awareness
14 and participation in household hazardous waste collection
15 efforts.
16 --o0o--
17 MS. MOORE: The Board approved MGT of America as
18 the contractor for this study at its May 2001 Board
19 meeting.
20 --o0o--
21 MS. MOORE: Now, Tim Lynch from MGT of America,
22 who was the project manager for this study, will go over
23 some of the findings.
24 MS. BLOOMER: Thank you, Claudia.
25 Tim Lynch is the more obvious one over there.

1 I'm Karin Bloomer with MGT.

2 Claudia did a great job of explaining really the

3 purpose and methodology of this project. So in the

4 interests of time, if you don't mind, I will skip over the

5 first couple of pages in our presentation and skip to Page

6 5 and cut straight to the findings.

7 --o0o--

8 This shows you really the volume of universal

9 waste specific to these three u-waste types that were

10 collected in 2000-2001 versus those that are projected to

11 be generated and collected in 2006.

12 What we'd like to note is really the dramatic

13 increase between the current year collection and the

14 future collection. It's rather dramatic. You'll notice

15 that thermostats have no data. Tim will mention that

16 later under considerations. But there are some issues

17 around units of measurement that made it inaccurate for us

18 to sum those across the county respondents.

19 This is not a statewide picture. Throughout

20 these slides you'll see numbers that are associated with

21 the 32 survey respondents, over a 50 percent response

22 rate. So keep in mind this is not statewide.

23 --o0o--

24 MS. BLOOMER: The significant jumps in volume

25 that you just saw in the last slide are really due to at

1 least two primary factors. First, the report assumes that
2 all of the u-waste generated in 2006 will be collected by
3 HHW facilities and events. So, in essence, this is the
4 greatest impact scenario. It assumes that all of these
5 items sold in 2006 will cause a disposal of that same
6 item, and that 100 percent of that generated will be
7 collected by HHW facilities and events.
8 Secondly, current collections are very small in
9 comparison to current sales. So part of the reason you
10 see the significant jump is that the current percentage of
11 collections compared to sales is very small. Very little
12 is being collected today.
13 --o0o--
14 MS. BLOOMER: You'll see on the next slide how
15 significant that difference is between collection and
16 sales right now. Again, just looking at the 32
17 respondents of our survey, you'll see that today's
18 collections are less than half a percent of sales for
19 fluorescent lamps, just over half a percent for batteries.
20 And, again, thermostats because of units of measurement we
21 couldn't show you this comparison.
22 But again very little is being collected today.
23 Whereas, in 2006 based on the implementation of
24 regulations on householders, we're expecting this to
25 drastically rise.

1 --o0o--

2 MS. BLOOMER: Page 8. So converting these
3 volumes into cost, which is really the bottom line, what
4 does it cost today to handle the volume of these u-waste
5 types and what will it cost tomorrow? Well, as you can
6 imagine, the tremendous jump in collections is going to
7 precipitate tremendous costs. What you see here are the
8 32 respondents' reportings of their current costs
9 associated with their volume and the costs projected based
10 on the volumes that are suggested by 2006 sales.
11 So we asked respondents to provide us with their
12 current costs, what it would cost to meet the 2006 volume.
13 And then on the far right column, you'll see those added
14 together. These are current dollars; 2006 costs, but in
15 current dollars. If you project those to 2006 dollars,
16 with inflation, it's more like $46 million.
17 --o0o--
18 MS. BLOOMER: And then, finally, with the
19 householder survey, as Claudia mentioned, the Board was
20 interested in understanding householders current
21 understanding and behavior around household hazardous
22 waste and its disposal. What we found interesting was
23 that quite a few respondents were able to correctly
24 identify household hazardous waste, almost three-quarters
25 of the respondents. Four percent were aware of a specific

1 HHW event or facility.

2 And perhaps what's most interesting is that just

3 under a third have taken their waste to a facility or an

4 event. But the caveat to that last bullet is that the

5 survey didn't ask them with what frequency they take their

6 waste, whether it's a routine, whether this is a routine

7 behavior, or whether it was, you know, one time ten years

8 ago. So you need to kind of calibrate that response.

9 So what did we find? What do these findings mean

10 to us or what did we glean from doing this research?

11 Tim can present some of those to you now.

12 --o0o--

13 MR. LYNCH: So Karin shared a lot of the data

14 with you. And as we were collecting the data and doing

15 the surveys of the different entities, we discovered a lot

16 of nuances through the surveys, through personal

17 interviews, and through follow up.

18 One of the most surprising things that we learned

19 in conducting the study is that none of the local

20 government entities reported a capacity shortfall. So,

21 that is, none of them said to us, "We currently receive

22 more universal waste than we can handle." So nobody was

23 complaining that they were being overburdened by the

24 current collections of universal waste.

25 Obviously, part of the reason, you saw, is that

1 current collections are very low. Part of the reason is
2 also due to this idea of contracted capacity; and, that
3 is, survey respondents typically contract with haulers
4 either to operate their full operations or to simply haul
5 away their material.
6 And of the HHW facilities that responded to our
7 survey, many of them said, "We simply view this as the
8 process where collection increases, so does hauling. So
9 as soon as we fill a certain number of 55-gallon drums of
10 waste, we call the hauler and they come and take it away."
11 You can see this sort of system is driven a lot
12 by dollars, not by actual facility space. So come 2006,
13 as volumes drastically increase, the counties that
14 responded to our survey implicitly are saying, "We believe
15 that we'll have the money to continually fund these
16 pick-ups by the contracted haulers." That's an important
17 issue, because the increases are so drastic, it's
18 difficult to see where all that money might come from, $42
19 million, as we mentioned.
20 --o0o--
21 MR. LYNCH: If you turn to the next slide, you'll
22 also see that our survey or our study was limited to these
23 three specific waste types. So we looked at fluorescent
24 lamps, batteries, and thermostats. But, as you know,
25 there's a whole body of universal waste that impacts

capacity and handling ability of the different facilities. So, for example, one county responded to a survey by saying, "We're near our capacity right now in handling fluorescent tubes, but we're attempting to open a new facility that would handle anti-freeze batteries, oil and paint. If we can do that, we can shift a lot of our paint collections" -- which is a high volume item for them -- "we can shift a lot of our paint collections to the new ABOP facility, thus freeing more space for our fluorescent tubes."

Another example, as you heard actually from MGT about a year ago, is the new CRT disposal requirements and how that's affecting different capacity priorities and facilities determining what they're going to take and what they're going to take first, thus freeing up space.

So, in essence, what we're suggesting is that these three universal waste types should not be considered in isolation, that HHW facilities and events handle a whole host of materials and some of those decisions -- some of their decisions regarding those other materials may impact their ability to handle universal waste as well.

--o0o--

MR. LYNCH: The next series of bullets deal more with specific considerations that often have to do with

1 data collection and the way that the local agencies are
2 handling universal waste currently.
3 For example, lamp -- fluorescent lamp and battery
4 data does not get collected consistently across counties
5 and from the county to the State. So, for example, when
6 we were looking at fluorescent lamps, we saw them measured
7 in lineal feet, in pounds and in number of units. And
8 every time, obviously, that you convert those from one to
9 another, you can use rules of thumb, but some element of
10 error is introduced the more you convert.
11 Similarly, with batteries, we saw that most
12 everybody was using pounds. In fact, everybody was using
13 pounds to measure their batteries. But even going from
14 pounds at the county level to pounds at the State level,
15 it's unclear what's happening. For example, one county
16 reported to us that they collected 60 gallons of batteries
17 and that weighed 690 pounds. However, if you use the
18 conversion that's on the Board's Form 303, where they
19 recommend that one gallon of material weighs eight and a
20 half pounds, that same amount of waste, that same 60
21 gallons, would weigh 510 pounds.
22 So even going from pounds at the county level,
23 where they may be actually measuring it, to another
24 county, where they're using a conversion provided by the
25 Board, you may see some discrepancy of quite a large

1 amount.

2 Finally, as Karin alluded to earlier, thermostats

3 are not handled as a discrete waste type at the county

4 level. Many respondents told us that they simply deal

5 with mercury as a waste type. So trying to parse out

6 thermostats as a unique unit was difficult for them.

7 And that introduced measurement errors into our

8 study that made it difficult for us to roll up thermostat

9 data to the statewide level. In the report you'll see

10 we've provided you county-by-county snapshots of what

11 they're collecting and how they're measuring it. But the

12 important point is that the Board might need to consider

13 how they're measuring -- how they're asking counties to

14 measure their thermostats or how they're in turn

15 converting those measures into a common unit.

16 --o0o--

17 MR. LYNCH: Getting to the last slide. Another

18 problem in measurement has to do with counties' ability to

19 allocate costs. When we surveyed the facilities, we asked

20 them to provide us information not only by universal waste

21 type, but also by cost type. So we asked them to tell us

22 a little bit about their costs related to personnel,

23 equipment and materials, transportation and hauling,

24 recycling and disposal and those sorts of things, and how

25 they might and where they might increase over time and as

1 volumes increase. It proved to be a very difficult task
2 for the counties to do.
3 Again, we've provided individual snapshots for
4 you in the report. But that's the reason for this
5 presentation. And for the body of the report you'll see
6 everything rolled up to the statewide level. As you move
7 down in granularity, the accuracy becomes less so.
8 Finally, counties currently have minimal
9 experience in collecting some of these waste types. Half
10 of the counties we talked to have reported no thermostat
11 collections, a third have reported no fluorescent lamp
12 collections, and a handful have collected no battery
13 projections -- or collections.
14 So in order for them to predict the future, we're
15 asking -- you know, some of them don't have a basis in
16 which to do that. And, therefore, their predictions about
17 the future might be a little skewed. It also gives the
18 Board some insight as to the types of education that might
19 have to incur in the future. And perhaps at the county
20 level, they'll need to better understand what it takes to
21 process some of these materials.
22 And, finally, as Karin mentioned, our information
23 about the householders was limited to a very small survey.
24 And our understanding of their motivation, their awareness
25 of the new regulations and how they'll respond are unknown

1 at this point.

2 So we'll take any questions if you have them.

3 CHAIRPERSON JONES: Questions?

4 COMMITTEE MEMBER PAPARIAN: Yeah. Looking over

5 some of the county-by-county information, one of the

6 things -- well, a couple things that I noticed, one is

7 that a number of the counties you don't have in the data.

8 So that would argue that the actual costs are going to be

9 somewhat higher than this.

10 MR. LYNCH: Sure, sure. That's right.

11 COMMITTEE MEMBER PAPARIAN: And then some of the

12 counties -- some of the -- the numbers the counties are

13 using for their estimated costs, those were self-reported

14 numbers?

15 MR. LYNCH: That's right.

16 COMMITTEE MEMBER PAPARIAN: Okay. Because I did

17 notice some -- when I looked at the Los Angeles County

18 versus Orange County, it seems like Orange County's per

19 pound cost of dealing with some of this material was

20 noticeably less than others.

21 MR. LYNCH: Right.

22 COMMITTEE MEMBER PAPARIAN: Than Los Angeles.

23 MR. LYNCH: That's right, these are self-reported

24 costs. And, you know, part of the reason is the scope of

25 the study didn't allow for delving deeper into that. But

1 part of the reason also has to do with these measurements,
2 and each of them do things a little bit differently.
3 COMMITTEE MEMBER PAPARIAN: Okay. Is our staff
4 looking at some of these cost numbers at all or -- no.
5 Okay.
6 CHAIRPERSON JONES: Mr. Eaton.
7 COMMITTEE MEMBER EATON: The collection
8 facilities you talk about are only the HHW, correct?
9 MR. LYNCH: Right, their facilities and events.
10 COMMITTEE MEMBER EATON: So would it be a fair
11 statement to say -- and I'm looking at your findings of
12 household behavior where 72 percent of all the residents
13 correctly identified household hazardous waste, you know,
14 that kind of thing; which, by the way, is more than the
15 people who can tell you who the President of the United
16 States is. Really, seriously.
17 But what I'm interested in is that 31 percent of
18 all respondents have taken their waste to an HHW event or
19 facility. That means that there's 69 percent that aren't
20 taking it to HHW. So there's a whole body of -- a whole
21 body of material that's just still out there, correct,
22 that we haven't accounted for?
23 Because -- and that's not -- I'm not reflecting
24 on your study, but I'm just saying so the problem probably
25 is greater in a sense of these materials, right, because

1 they have MERFs -- I mean, that's what I'm trying to get
2 at is what is the problem facing us? So these numbers are
3 just for the facilities that have been fortunate enough to
4 either have someone bring them to them or have pulled it
5 out of the MERF? That's a basic?
6 MR. LYNCH: Right.
7 CHAIRPERSON JONES. Because I was going to ask a
8 question that goes to that.
9 Because when you say 31 percent of all
10 respondents have taken their waste to household hazardous
11 waste events, are you telling me that 31 percent of the
12 citizens of California utilize household hazardous waste
13 events? Or are you saying that of everybody you surveyed,
14 3 out of 10 said they went to this thing?
15 MR. LYNCH: It's a good point. The survey --
16 CHAIRPERSON JONES: It's a huge point, because it
17 distorts what really gets used. I mean, you know, to me,
18 when I saw that -- I'm looking for a number realistically
19 between 3 and 6 percent of the citizenry of California
20 uses these facilities.
21 MR. LYNCH: Right.
22 CHAIRPERSON JONES: That's not in this.
23 MR. LYNCH: So what it means is a couple of
24 things. The survey had a statistical error of plus or
25 minus 8.7 percent. Simply because of budgetary reasons,

1 we couldn't survey hundreds of Californians. So our
2 survey size was 128, leading us to an error of plus or
3 minus 8.7 percent. So that's -- around 30 percent, that
4 could be as low as, you know, 22ish and up as high as 40.
5 What it --
6 CHAIRPERSON JONES: Of those that you talked to,
7 not the citizenry.
8 MR. LYNCH: Well, the survey was designed to be
9 reflective of the entire population. So, again, with that
10 margin of error, it should reflect the citizenry at large.
11 But the other thing that I think confuses the
12 issue a little bit is, what it says is 31 percent of the
13 people -- 31 percent of the people have taken some waste
14 type to some facility ever. So, as Karin alluded to, it
15 doesn't indicate anything about their recency of when
16 they've done it, their frequency of -- how often they do
17 it, or the volumes they take. So if I've been to one once
18 in my life to drop off, you know, pesticides or something
19 when I moved, I'm counted in that 31 percent the same as
20 somebody who routinely goes with all of their household
21 hazardous waste.
22 ACTING DEPUTY DIRECTOR WILLD-WAGNER: Mr. Jones,
23 I'll just echo that you were correct on that. Our Form
24 303 surveys that we collect every year that show the
25 quantities of HHW collected indicate that between 4 and 6

1 percent of the population participate on any given annual
2 basis; about 4 to 6 percent of the population actually
3 participates, you know, in an active annual collection
4 event. But one time in their life -- again, they may have
5 said it.
6 CHAIRPERSON JONES: Right. And that's my point,
7 is that we're looking at, you know -- or not "we" or not
8 "me". It has been suggested that household hazardous
9 waste facilities can handle the universal waste stream.
10 And it amazes me that if only 3 percent of the population
11 have ever used a household hazardous facility on an annual
12 basis, how we think we're going to get the other 97
13 percent into these facilities.
14 I mean, that's the real crux of this issue. And
15 so when I see 31 percent, that leads me to believe on the
16 surface -- if I didn't have experience in this, that, in
17 fact, we were only dealing with some fraction -- you know,
18 two-thirds of the population that we had to really direct
19 our efforts to. But in actuality it's almost 100 percent
20 of the population. It makes our job and the likelihood of
21 success a lot different than what I see here in this
22 number.
23 MR. LYNCH: Right. Another way to consider it is
24 the relatively high rate of awareness versus the
25 relatively low rate of usage, whether it's 3 percent in a

1 given year versus -- or 30 percent over time, that the
2 number of people who are aware of facilities but don't
3 convert that into action, in either case the gap is very
4 high. And as you pointed out, that's I think the crux of
5 this.
6 CHAIRPERSON JONES: I had one other question.
7 Under your definition of batteries when you were
8 asking this question of different jurisdictions, how did
9 you define it?
10 MR. LYNCH: I think simply as household batteries
11 is how we referred to it.
12 CHAIRPERSON JONES: Okay.
13 MR. LYNCH: So it was non-car batteries. And we
14 did follow-up interviews I think with almost everyone.
15 CHAIRPERSON JONES: All right. Because that's
16 one of the most recycled things in the world, and it could
17 skew your number. I just didn't know how you had asked
18 the question.
19 Not to really, you know, go too crazy, but how
20 many of these jurisdictions had local facilities that had
21 mercury in it?
22 MR. LYNCH: I --
23 MS. BLOOMER: I'm sorry. That had mercury --
24 CHAIRPERSON JONES: Never mind. It's -- I mean,
25 we're doing a lot of stuff here, but we don't have a lot

1 of supporting data on other things, like pollution in the
2 ground. Because I'm scared with 97 percent. And I've
3 talked to people at DTSC that this stuff ends up in cans
4 before a garbage collector ever gets there, ever gets
5 there.
6 So we've got to -- you know, if we're going to
7 use this to help us base a strategy, we've got to make
8 sure that we really understand that the population is much
9 bigger. You know, because we're going to have to
10 change -- when the law was that you couldn't put more than
11 25 into a bin for the commercial buildings, every building
12 had 25 in each of its 5 bins. That's just the way it was
13 done.
14 So there will always be a way that they will deal
15 with that. And most of the time you don't know it as
16 collector till you dump the bin because that's when all
17 the dust ends up in the air because it's already been
18 broken.
19 So we've got to be, you know, really cognizant of
20 that.
21 Rubia.
22 ASSISTANT DIRECTOR PACKARD: Well, that's very
23 true, Mr. Jones. And for us this is just kind of the
24 beginning. You're right, that one of the reasons that we
25 try to collect some information around these three types

1 of universal waste is that it has been suggested that the
2 household hazardous waste collection events in the State
3 of California can just handle this waste in 2006, no
4 problem. You ban it. You send it to the household
5 hazardous waste collection events and they'll take care of
6 it. And what we were trying to do is get a handle on how
7 much actually goes there now, what does it cost, and what
8 it might cost in 2006.
9 And although these are worst-case scenarios
10 because we equated sales with generation and generation
11 with collection, it's a huge number, it's a huge number.
12 And we don't know exactly what's going to happen with
13 that. We have some limited influence and ability to help
14 with the problem, but we can't solve this problem. We,
15 the Board, don't have the money to throw $42 million at
16 the locals so that they can have enough capacity to
17 collect all this material and send it to what we hope are
18 authorized recyclers.
19 So this is just kind of the beginning of the
20 discussion of the problem now that we know that, yeah,
21 you're right, maybe household collection events are going
22 to be able to do this without any help whatsoever.
23 And the other half of the problem is the public
24 education problem. Even if you ban it in 2006, which has
25 been done, that doesn't mean that people are going to take

1 it where they're supposed to take it, whether it's a
2 household hazardous waste collection event or to a
3 recycler or whatever else we deem they can do with it.
4 It's going to, for many people, be put in the garbage.
5 They're going to crush the tubes and put it in their
6 garbage, just like you say. And so there's a huge
7 education component here that needs to be addressed as
8 well. And then enforcement also.
9 So it is just the beginning of the problem. And
10 we do need to work more closely with the Department of
11 Toxic Substances Control because they're the ones that
12 really regulate this waste.
13 CHAIRPERSON JONES: I think one thing that you're
14 going to have to do also is develop a way to survey --
15 like the CRTs now that aren't going, everybody I'm talking
16 to is -- they're collecting them off the sides of the
17 roads on the way to their landfills or transfer stations,
18 to where it's almost -- one guy said it was insane. He
19 says he's never seen so many in his life. I think we need
20 to start following up and getting that kind of data how
21 much is being illegally dumped, because clearly just the
22 ban doesn't get it done.
23 I'll turn it over to you, Mr. Paparian, in one
24 second.
25 If you look at 1657, it's no big deal. But if

1 you're going to publish this, it's --

2 ASSISTANT DIRECTOR PACKARD: Look at what? Which

3 one?

4 CHAIRPERSON JONES: 16-57. It's C-5 in your

5 thing.

6 It's Fiddymint Road, not Riddymint Road. It's no

7 big deal. Under Placer County, it's an F and not an R.

8 ASSISTANT DIRECTOR PACKARD: Right.

9 CHAIRPERSON JONES: It's an F, it's not an R. At

10 least then they'll know how to find it.

11 All right. Mr. Paparian.

12 COMMITTEE MEMBER PAPARIAN: Yeah, actually I'd

13 like to hear more about the illegal CRT dumping you're

14 hearing about. Cover that separately.

15 I think we -- I think this is just the beginning.

16 I think obviously we do have to work on this education

17 program and so forth that you're talking about. I am a

18 little bit reassured that it's not the same 3 to 5 percent

19 of people every year using the household hazardous waste

20 facilities; that even with, you know, the limited budgets

21 that have been out there for public education so far, that

22 it's not repeat customers over and over again but rather a

23 larger base in the population that have been touched by

24 the household hazardous waste programs.

25 So obviously we haven't even gotten a majority of

1 Californians involved in the programs yet. But with the
2 limited education programs we've had so far, we have been
3 able to get, if this information is accurate, somewhere
4 around a quarter to a third of the Californians to
5 participate at some point in the programs.
6 CHAIRPERSON JONES: Okay.
7 And I think that it can all -- I think you're
8 right. I think somebody's dropped off some oil somewhere,
9 somebody's dropped off some paint. But I think when you
10 look at these, because we operated them up and down the
11 state, it's the same names all the time. And we can't kid
12 ourselves that that's not part of it. I agree there's a
13 lot of people that use certain ABOPs as opposed to other
14 things. But it's annually, it's 3 percent. That means 97
15 don't use those years.
16 COMMITTEE MEMBER PAPARIAN: Yeah, but I mean --
17 I'm thinking myself. It's probably been three or four
18 years since I've been to one. It's not that I'm throwing
19 my household hazardous waste in the trash. I'm not. It's
20 just that -- you know, a matter of convenience. You know,
21 when I have enough, you know, that I consider it's
22 convenient for me to take it, I'll take it.
23 CHAIRPERSON JONES: Gotcha.
24 Any other questions?
25 All right. Thank you very much.

1 MR. LYNCH: Thank you.
2 CHAIRPERSON JONES: Now, this was for --
3 ASSISTANT DIRECTOR PACKARD: -- presentation to
4 the Board as well, at the Board meeting?
5 CHAIRPERSON JONES: Sure. No problem.
6 ASSISTANT DIRECTOR PACKARD: That was a question,
7 Mr. Jones.
8 CHAIRPERSON JONES: Gotcha. No, that's fine.
9 So we'll hear this at the Board meeting.
10 Do you want to take 10 minutes?
11 We're going to take a 10-minute -- okay.
12 Anything else on special waste folks and policy folks.
13 Good job.
14 We're going to take about a 10-minute break. And
15 when we come back, we will get the Waste Prevention and
16 Market Development Deputy Director's report and then we
17 have one -- we have two items. Okay?
18 Ten minutes.
19 (Thereupon a brief recess was taken.)
20 CHAIRPERSON JONES: Okay. We're going to
21 continue.
22 Now, we are on Agenda Item G.
23 Ms. Wohl.
24 DEPUTY DIRECTOR WOHL: Yes. Patty Wohl, Waste
25 Prevention and Market Development Division.

1 I have a couple of things I'd like to update the
2 Committee members on, starting with Sudden Oak Death
3 Disease.
4 As you know, staff has been meeting with the
5 California Department of Food and Ag. And recently they
6 asked us to provide them with the potential impact of the
7 proposed Sudden Oak Death Emergency Regulations. They're
8 looking at what they call harmonizing with the federal
9 regulations or the federal interim rule, which in our mind
10 is a little problematic. So we're feeling like the
11 industry leaders would not be willing to accept the Sudden
12 Oak Death host material if this went forward.
13 So we've agreed to work with them to kind of
14 bring the various parties together and start talking about
15 the interests related around collection, diversion, and
16 disposal of this material.
17 We're really wanting them to consider the
18 alternative treatment methods of using compost to solve
19 this problem. So we're hoping that they'll do, you know,
20 what we call partial harmonization or something where they
21 will in-kind look to mirroring the federal rule, but with
22 a note towards looking at these alternative methods. So
23 we're having regular conversations with them. And we're
24 hoping that we can have some impact on that obviously.
25 In addition, we're continuing to develop the

1 language with the UC Berkeley administrative staff for
2 that interagency agreement that expands the composting
3 trials on Sudden Oak Death host materials. So we're
4 moving forward on that.
5 I also wanted to give you an update on PR 1133.
6 Good news. We got our sole-source amendment contract
7 through. I believe we're the first to go through the new
8 sole-source process. So we were successful with that.
9 So now we're going to go through the
10 contract-letting process and begin -- or continue our work
11 with South Coast Air Quality Management District in
12 developing the rules. So we're moving forward on that.
13 And then, lastly, I just wanted to give you an
14 update on the plastics white paper workshop. As you know,
15 on June 24th and 25th, we had the plastic workshop held
16 here at Cal EPA. We had approximately 50 representatives
17 from the industry, recyclers, local government, and the
18 environmental community. We also had 19 internal staff
19 listening through the Board net and 11 from the outside.
20 So it was pretty well attended in that respect.
21 Written comments from stakeholders will be taken
22 until July 12th. So we're getting feedback. Then those
23 comments will be brought forward to the Board in a draft
24 report to be discussed at the September Committee meeting,
25 and then with a final report coming forward in November.

1 There was a new issue that came up regarding
2 floatable litter, especially polystyrene, fast-food cups
3 and containers. If you remember, that was part of this
4 plastics white-paper list, to have a focus on polystyrene
5 also. What they're seeing is that it's being washed
6 through the storm drain system and entering the rivers and
7 ocean.
8 So we will be looking at that. There's some --
9 we're hearing some costs from L.A. County and things like
10 that that are 1.1 billion or the L.A. River to up to 6
11 billion or more for these cleanups and things. So we're
12 going to add kind of a piece on that particular issue to
13 talk to the stakeholders about and see if we can come up
14 with some options to address that issue, too.
15 So that's it for my report.
16 CHAIRPERSON JONES: Okay. I want to just add one
17 thing. On the sole-source contract, that was with a --
18 that was an amendment to an existing contract with an
19 engineer or scientist, whatever he is, that has been
20 acknowledged by the South Coast Air District that he not
21 only does some testing for them, but he follows their
22 protocol and they're comfortable with it. And that was
23 why it was an amendment to already -- to augment completed
24 work already, right?
25 DEPUTY DIRECTOR WOHL: That's correct.

1 CHAIRPERSON JONES: Okay. Any questions?
2 All right. Go ahead, Ms. Wohl.
3 DEPUTY DIRECTOR WOHL: Okay. And then our first
4 item -- if you'll remember, this is a continued item from
5 last month -- the consideration of the Recycling Market
6 Development Revolving Loan Program application for
7 Kroeker, Inc.
8 Staff has paid the site a visit and they have
9 some information to report. And so I'll turn it over to
10 Jim La Tanner.
11 MR. LA TANNER: Good afternoon. Jim La Tanner,
12 Supervisor of the Recycling Market Development Revolving
13 Loan Program.
14 Committee agenda Item H, Board Item 1, presents
15 an RMDZ loan application for Kroeker, Inc. The item was
16 pulled at the last Board meeting because the guest speaker
17 had several concerns about the operation of the business.
18 Board staff, along with the LEA, visited the site
19 on July 3rd and performed an inspection. The guest
20 speaker had three primary concerns that we were able to
21 write down and probably try and address at this time.
22 One concern was that Kroeker does not have a
23 DOSH, Department of Safety and Health, registration for
24 each project. This has been determined that it is not
25 needed by Kroeker because the work is subbed out to a

1 subcontractor that's properly licensed and certified by
2 the San Joaquin Valley AQMD before Kroeker comes in and
3 tears down the building.
4 The second issue was that the San Joaquin Valley
5 AQMD was lax in their standards and Kroeker was able to
6 present certification on several of their projects that
7 they do obtain AQMD certification before any work is done.
8 The third allegation was a County of Fresno 1995
9 staff report when Kroeker applied for a use permit on 8.29
10 acres of the property. The entire site is 27 acres. The
11 entire site is zoned M3, heavy industrial. Board staff
12 and the LEA did inspect the site. They were in full
13 operation. They were chipping wood. They were separating
14 out construction materials and also chipping and grinding
15 concrete on the site.
16 We did not observe at that time any asbestos or
17 hazardous materials on the site, especially related to the
18 demolition pile that was on the property.
19 The CUP allows solid waste processing on 4.24
20 acres in the northwest portion of the property.
21 Technically, from staff's observations, it appears as
22 though that the wood waste sorting and grinding line is
23 outside of that 4.24 acres.
24 The portable concrete crusher is being operated
25 on an adjoining 7 acres, part of the 27, and does not need

1 a permit for temporary work.

2 A representative of Kroeker, Inc., Rodney

3 Ainsworth, is here today to answer any Board questions.

4 That concludes staff's presentation.

5 CHAIRPERSON JONES: Questions?

6 Okay.

7 COMMITTEE MEMBER EATON: I just have one.

8 How many hours' notice was given for the

9 inspection?

10 MR. LA TANNER: None.

11 COMMITTEE MEMBER EATON: Okay.

12 CHAIRPERSON JONES: Thank you.

13 We did follow your direction, and the other Board

14 members, and had a meeting. I know they had talked to Mr.

15 Bowen. And then we had a subsequent meeting about what

16 the thing was. And the whole deal was is keep this quiet

17 and go in there and look at it, where it was -- nobody had

18 any advance knowledge.

19 We've got two speakers' slips. The first one is

20 Mr. Don Bowen.

21 MR. BOWEN: Thank you, Gentlemen.

22 Like I say, my allegations were that asbestos and

23 stuff, under one percent has been hauled into that site.

24 I stand by that allegation. And I'll give -- by the end

25 of the week I will have the Board, certified under penalty

1 of perjury, a statement to that fact.

2 Also, what wasn't addressed was the Waste

3 Board -- or, excuse me -- what the Water Resources

4 Board -- the pile of soil that comes from Calcott, Inc. --

5 or Calcott Landfill site that was hauled there. And I'm

6 not exactly sure how many truckloads it is. And that will

7 be reflected in my statement to the Board under penalty of

8 perjury.

9 But like -- there are several other questions I

10 have. It's like -- the Fresno Health Department, I went

11 by there to pick up any copies of anything they had. And

12 all they had -- which also I was in there and they claimed

13 that there was no complaints ever -- including the copies

14 of the paperwork that I gave the Board there, it says

15 copies were sent both to Randy Reyes, which is a Health

16 Department official, and to the Board -- or to the

17 building -- or Fresno County -- Al Veas, the Fresno County

18 Planning Commissioner, about the soil that was there.

19 The fact that -- it will be very easy for the

20 Board to determine who's telling the truth here. Have

21 Kroeker tell the Board where the waste from Lemoore Naval

22 Air Station went to and did it contain under one percent

23 asbestos, as outlined -- I have the full building surveys

24 and I have the Air Pollution Control's surveys that were

25 taken on that material.

1 Kroeker does hire subcontractors to come in and
2 remove the material that is called regulated asbestos --
3 regulated asbestos from -- so he can get a demo permit and
4 stuff. But the buildings at Lemoore and other buildings
5 that I am keeping in reserve -- I'm not telling anybody
6 about them. So I have these in reserve and I can prove it
7 when the time comes.
8 The buildings were demolished with asbestos that
9 contained under one percent. And he knew that. And he
10 had the surveys at the same time that I did and
11 everything.
12 And if -- I used to watch your trucks go by. I
13 could see them coming back from Lemoore loaded, to my
14 house, going to his yard. And the fact that -- I know the
15 material went to his yard. But the Navy won't tell me it
16 did, and surely Kroeker won't tell me it did. But the
17 Board here has -- they can ask where that material went,
18 you know, where the demolition debris that -- where the
19 demolition debris from Lemoore Naval Air Station, the 276
20 housing units, and if it contained asbestos under one
21 percent.
22 And I have all the supportive paperwork. It does
23 contain less than one percent asbestos and it was hauled
24 to his yard. It's just a matter of -- if I'm standing up
25 here telling you something, somebody else is going to come

1 up and tell you something else. The Board can do that
2 very easily.
3 CHAIRPERSON JONES: Okay. But, Mr. Bowen, I
4 think that -- Mr. La Tanner said that when they checked
5 with the Health Department, they said that every job they
6 do they certify ahead of time by a certified asbestos
7 removal that it's been removed prior to demolition.
8 MR. BOWEN: It is. But if you'll check the
9 paperwork that I give you at the Oxnard meeting, you would
10 see that -- that Tri-states Restoration, which was
11 asbestos abatement contractor, said that certain amounts
12 of asbestos would be left in that material, and it was to
13 be disposed of as general construction debris. Instead of
14 disposing that as general construction debris and hauling
15 it to the dump, Kroeker hauled it to his yard and
16 processed it through his yard. And that's Navy record --
17 I have the public records to support that.
18 CHAIRPERSON JONES: Right. But wasn't that --
19 that was nonfriable asbestos. It --
20 MR. BOWEN: It was under one percent.
21 CHAIRPERSON JONES: But it was nonfriable.
22 MR. BOWEN: It depends. If it was run through a
23 wood chipper, it would become friable then.
24 CHAIRPERSON JONES: If it went through a chipper.
25 MR. BOWEN: Anything -- the definition of friable

1 in the federal standards is you can grind it --
2 CHAIRPERSON JONES: It's airborne, yeah.
3 MR. BOWEN: Yeah. But this was stucco, this was
4 sheet rock and everything. And the sheet rock he
5 processes, this is through for gypsum, and he grinds it
6 up. The stucco was repeatedly ground up and everything.
7 CHAIRPERSON JONES: Okay. And I don't think that
8 the Board doesn't believe you. I don't think you need to
9 give us a sworn affidavit that you're telling us the
10 truth. I think your allegations made sense. That's why
11 our staff went out and checked them out. But the
12 information, as I understand it, that's just been
13 delivered to this Board or to this Committee, is that the
14 staff was reassured by the local health department that in
15 fact all of those things have been done appropriately.
16 Is that accurate?
17 MR. BOWEN: May I -- I have one question.
18 Now, did you talk to Air Pollution or did you
19 talk to the Health Department?
20 CHAIRPERSON JONES: You have to come up, Mr. La
21 Tanner.
22 MR. BOWEN: Randy Reyes has told me personally
23 that he can't take any test out of there, he can't do
24 anything, you know. I understand --
25 MR. LA TANNER: On site was the County of Fresno

1 Human Service Division, Department of Community Health,
2 Environmental Health Systems. That's the LEA.
3 CHAIRPERSON JONES: Right.
4 MR. BOWEN: Who was that, Randy Reyes then or
5 Steve --
6 MR. LA TANNER: It was Daniel --
7 MR. BOWEN: Okay.
8 MR. LA TANNER: -- Daniel Becanter.
9 MR. BOWEN: Okay. I still contend that what I
10 say -- I understand what it says. But the Health
11 Department is giving me a completely different story. And
12 I understand that you have -- that me coming up here and
13 saying the Health Department is saying one -- two
14 different things. You have to believe the Health
15 Department by law. But, like I say, you can still end
16 this. Ask Kroeker if he hauled that material from Lemoore
17 to his yard and if it didn't contain less than one percent
18 asbestos.
19 Okay. Thank you.
20 CHAIRPERSON JONES: Thanks, Mr. Bowen.
21 Okay. Rodney Ainsworth please, from Kroeker.
22 MR. AINSWORTH: First of all, I'd like to thank
23 the Board for indulging all this mess.
24 On every instance that Mr. Bowen brought up
25 concerning Lemoore or the Calcott or any of those

1 allegations that were brought up, Kroeker was completely
2 absolved of any wrongdoing in any of those situations.
3 In Lemoore especially, every building that was
4 torn down had a release from San Joaquin Valley Air
5 Pollution Control District before we entered the project.
6 There were some issues on the subcontractor,
7 Tri-State. They subsequently had to come in and hand
8 scrub every piece of debris or concrete that had any
9 asbestos on them whatsoever.
10 We have a file about five inches thick.
11 CHAIRPERSON JONES: And they did that?
12 MR. AINSWORTH: They did that at their own
13 expense.
14 And we have letters from the Navy and from all
15 the agencies absolving us of anything to do with the
16 asbestos problem out there.
17 When it comes to the acreage that we're using the
18 CUP, the back northwest corner is designated as the area
19 we're supposed to be using for our C&D recycling
20 operation. We currently have the wood recycling operation
21 there. The only portion that is over on this part that is
22 not on the 4.26 is the actual processing equipment. The
23 stock pile, the areas that we work out of is all within
24 that boundary.
25 We are currently having a temporary crushing site

on the 7 acres to the south of the property. That is within a couple of days of being complete. All the rest of the acreage is being used by us in an M3 classification and perfectly within our bounds on the CUP.

Any questions?

CHAIRPERSON JONES: Any questions by the members?

All right. Thank you.

MR. AINSWORTH: We had all that information available to the LEA and the staff that came down to visit us. And we think we've -- like I said, we've got all the documentation for everything that you might have questions concerning.

CHAIRPERSON JONES: Right. No, we appreciate it. Mr. Bowen brought up some pretty good points in Oxnard, and we had to make sure that they were dealt with. Now, we've dealt with them.

MR. AINSWORTH: And these are like four-years old too, so I mean it's quite an old issue.

CHAIRPERSON JONES: Understood. All right.

If there's no questions, I'll take a motion.

COMMITTEE MEMBER EATON: I just recommend that we move it to the full Board with the recommendation that we heard it. And if you want to just -- no recommendation, recommendation and two paths or, you know, whatever, because I think the other Board members did have an

1 interest as well.

2 CHAIRPERSON JONES: Sure.

3 COMMITTEE MEMBER EATON: So I mean I --

4 CHAIRPERSON JONES: We can send it without a

5 recommendation or with a recommendation.

6 COMMITTEE MEMBER EATON: Mr. Paparian, any favor

7 one way or the other? I don't --

8 COMMITTEE MEMBER PAPARIAN: Yeah, I think it's

9 one that does not belong on the consent calendar. I think

10 that one witness indicated he might have some more

11 information later this week, if that -- you know, that

12 might sway us.

13 COMMITTEE MEMBER EATON: Well, let's -- should I

14 just move it to the full Board with a recommendation based

15 upon, you know, them having an opportunity to be heard

16 came into consideration?

17 CHAIRPERSON JONES: Sure.

18 All right. We'll move this without a

19 recommendation to the full Board.

20 COMMITTEE MEMBER EATON: Aye.

21 CHAIRPERSON JONES: All right. Item Number 11,

22 which is I.

23 DEPUTY DIRECTOR WOHL: Presentation of results of

24 the Third Annual Recycled Product Trade Show and

25 consideration of plans for future shows.

1 And Jerry Hart will present.

2 MR. HART: Good afternoon, Committee Members. My
3 name is Jerry Hart here to present Committee Item I, Board
4 Item number 11. It's kind of a two parter, part of a
5 presentation and the part of consideration.

6 Item title: Presentation of Results of the Third
7 Annual Recycled Product Trade Show and Consideration of
8 Plans for Future Shows.

9 So we do have a consideration item for you to
10 hopefully adopt and approve through Resolution Number
11 2002-415.

12 The item today, we hope to discuss some of the
13 results and some of the things we learned through the
14 Third Annual Recycled Product Trade Show held earlier in
15 April in Anaheim, and then kind of talk through some of
16 the issues that remain unsettled for not only this
17 upcoming show, but possibly future shows, and get more
18 direction on some of those issues.

19 The trade show has really become a real
20 significant part of what we do in the State Agency
21 Buy-Recycled Campaign and beyond, throughout the
22 Buy-Recycled Section. Clearly, the target audience for
23 most of our activities within the section and the trade
24 show are State agency folks. But we certainly get quite a
25 growing audience of local government agencies, buyers and

1 procurement officers and spec writers, product users,
2 management and, largely last year, for the first time I
3 think we really spent a lot of effort outreaching to the
4 private sector as well.
5 So we're expanding the audience that we're
6 reaching out to, not only within the Buy-Recycled Section,
7 but through the recycled product trade show.
8 The third annual show held in Disneyland Hotel in
9 Anaheim was again a really outstanding event. We had
10 pretty wide applause from all the folks involved,
11 including DGS, which is our partner in the trade show, and
12 Disney, which came on board providing a great deal of
13 sponsorship and participation in, not only hosting the
14 show, but providing a wide range of support.
15 We surveyed the exhibitors from that show, and
16 most of their responses reflected, you know, a pretty wide
17 acceptance and were pleased with the show.
18 We had -- 40 percent of the exhibitors were
19 return exhibitors. That's pretty much what we've seen in
20 the previous two shows. A vast majority of them liked the
21 venue. I mean, it was Disneyland in southern California.
22 Folks took advantage of that, I think coming ahead of time
23 to enjoy Disneyland and what they have to offer, as well
24 as staying over through the weekend.
25 There was a large number of folks that brought

1 family and kids to again combine the show with the
2 pleasures that Disneyland offers.
3 Again, as with all of the shows, I think the
4 strongest point that the exhibitors have made is their
5 satisfaction with the quality and the types and the titles
6 of people who are attending the show. Most of these folks
7 are buyers, are procurement officers, are spec writers,
8 are involved in decision-making processes. And this is --
9 you know, this is really our target audience. And I think
10 the exhibitors appreciate us getting the right people, the
11 people that they want to see, to the show.
12 And the way that the shows are designed to
13 maximize attendance on the floor, specifically not having
14 the workshops or conferences or breakout sessions that you
15 see at other events, bringing people off the trade show
16 floor. But we keep the drawings on the floor. We bring
17 the food to the floor. We have everything geared towards
18 keeping people on the trade show floor in front of the
19 exhibitors.
20 Surveys of the attendees again brought some
21 pretty strong comments. Again, the venue was a big hit
22 with folks. This show, being the first in southern
23 California, had a much stronger local government and
24 private sector flavor. Certainly, not nearly as many
25 State agency folks were there, but the numbers were picked

1 up by a strong attendance by local governments and the
2 private sector.
3 As with the exhibitors appreciating the quality
4 of the attendees, the attendees appreciated the quality of
5 the exhibitors. A lot of products are mainstream office
6 products and paper products. But there are certainly a
7 lot of products that aren't commonly recognized as
8 recycled content products, such as the carpet. Folks
9 think wool or natural fibers or what have you. They don't
10 think recycled content plastic resin. They don't think
11 clothing. They don't think blankets. Anti-freeze, some
12 of the compost products -- there's a lot of products that
13 people are seeing and hearing of suppliers for the first
14 time.
15 So not only do they have things reinforced by the
16 products that they have heard about and they have known
17 about and are aware of, but certainly there's a great
18 amount of education and products and suppliers that are
19 new to them.
20 Again, local government regional staff were a
21 large percentage of the audience. And a great number of
22 them identified that they would make efforts to purchase
23 recycled content products from our trade show vendors.
24 That's a huge point not only because the point of the show
25 is to increase recycled product purchasing; it helps to

1 have that reinforced that the attendees indicate that
2 they're willing to do that; but it also is a great
3 marketing tool to the exhibitors to hear from the
4 attendees that they are, in fact, willing and able to make
5 not only recycled content purchases but specifically from
6 those exhibiting at the show.
7 That's kind of the presentation-of-results part
8 of the item.
9 The rest of the item goes through a number of
10 issues that we'd like to have your feedback on as far as
11 making plans for the future shows.
12 This show, this last one in Anaheim, was the
13 first show that will be managed by the contractor,
14 Association Resource Center, in a three-year show that
15 allows us to have at least up to five shows managed by
16 ARC. So we have a three-year contract, multiple shows,
17 all lined up. We need to decide how many shows we want to
18 have, where we want to have them, when we want to have
19 them. And then we will come back to you and request the
20 funding part. So we have the contract for the trade show
21 management already in place.
22 What that does is allow us to have now a
23 year-round presence in marketing through the web site that
24 ARC maintains for us, linked obviously to our site; but
25 also maintains the links to all those local governments

1 and associations and organizations that helped us promote
2 the trade show, folks that we have an ongoing business
3 relationship through the SABRC and Buy-Recycled Section.
4 So now we're out there year-round. We just went through
5 the process of changing the third annual show to the
6 fourth annual show and, boom, we're out there and people
7 are already starting to hear and talk about ongoing shows.
8 With the contractor in place, we have already
9 turned our attention to exhibitor attendee brochures,
10 putting together our ideas, brainstorming, approving the
11 show, the surveys, the advertising, where we spend our
12 money, focusing extra attention on the marketing plan.
13 That is a big part of the contractor's responsibility as
14 well as staff's, to make sure that the show continues to
15 make progress towards being self-sustaining.
16 And we clearly have identified a sponsorship as
17 the big piece that is either going to get us there or it's
18 not.
19 We have distributed a budget breakdown to the
20 Board members earlier last week. That's not a part of
21 this item, but I just wanted to mention, make sure you got
22 it. If you didn't, we can get a copy to you or be happy
23 to answer questions.
24 COMMITTEE MEMBER PAPARIAN: I don't think I got
25 that.

1 MR. HART: Copies all around.

2 As I mentioned, sponsorship is probably the key
3 piece to the show becoming self-sustaining. We have had
4 Department of General Services as a partner for each show.
5 Last year they contributed $100,000, mostly in in-kind
6 services with printing and mailing and advertising
7 services through OSP. But nonetheless a fair amount of
8 that money also was hard cash paying for advertisements
9 and premiums.

10 Department of Conservation provided a fair amount
11 of in-kind services for marketing and doing follow-up
12 phone calls to the Chambers of Commerce and associations
13 that they have relationships with to try to promote
14 attendance for the show.

15 And then obviously Disney, not only in their role
16 as the host for the show, but providing tremendous staff
17 resources. They assisted us a great deal in the exhibitor
18 registration brochure and the ribbon-cutting ceremony and
19 the character appearances and the trade show hall and
20 workshops, so on and so forth.

21 Again, we're going to work very closely with the
22 contractor and with you folks to make sure that we keep
23 growing this sponsorship pool of funds towards becoming a
24 self-sustaining event.

25 This first show in Disney was the first southern

1 California show, and it brings in the question how often
2 we want to be in southern California, how often we want to
3 stay up here in northern California on our home court, and
4 whether we can go back and forth or doing multiple shows
5 per year.
6 Staff's recommendation is to have only one trade
7 show per year, mostly because I don't think we can handle
8 any more, staff or DGS in their level of funding and
9 certainly our sponsorship and our exhibitors being able to
10 attend and support two trade shows per year.
11 Through our surveys the exhibitors again have
12 indicated some hesitation whether they'd be able to or be
13 willing to support two trade shows a year. So our
14 recommendation is to do one a year, alternating between
15 northern and southern California.
16 DEPUTY DIRECTOR WOHL: And probably even more
17 specifically, alternating between southern California and
18 Sacramento, Sacramento being the ideal spot for us to get
19 the State agencies to walk in.
20 MR. HART: We also have a section of the item
21 which deals about the locations. We have had each of the
22 northern California shows at the convention center. We
23 feel because it is kind of Ground Zero Sacramento here for
24 a large population of State employees, that being the
25 target audience for much of what we do, it makes sense to

1 remain in the Sacramento area for the northern California
2 show, and alternate back and forth every other year.
3 The southern California venues offer a number of
4 options. Certainly, the population is such that there's a
5 couple areas you pretty much couldn't go wrong. Many of
6 them have adequate facilities, availabilities. You know,
7 again part of the benefit of having that long-term
8 contract is we can get these events further ahead on the
9 calendar, which increases the likelihood that the venues
10 are going to have an acceptable date for us, and of course
11 close to reasonable transportation.
12 Disney started out pretty roughly in our contract
13 negotiations. It took a hell of a long time to get the
14 thing agreed to by both parties. But having that done
15 again under our belt, Disney was a great spot, and
16 hopefully the rough spots have been smoothed out. We feel
17 since we've had that one under the belt, we've got the
18 contract in place, returning to Disneyland would be our
19 recommendation.
20 Coordinating with other events is an attempt to
21 increase attendance and kind of broaden the scope, the
22 base of the folks that we're outreaching to. Holding a
23 number of other Board-sponsored events prior to and
24 immediately following the trade show, organizing meetings
25 or workshops early in the morning or later in the

1 afternoon, in the evening, around the trade show hours, we
2 think would help increase attendance and expose a new
3 group or additional groups of people to the trade show.
4 One of the ideas that has been raised beyond just
5 the Board-sponsored events and Board-program-related
6 events are other organizations that deal either in
7 environmental issues and/or procurement issues. CAPPO
8 comes to mind, the California Association of Public
9 Procurement Officers.
10 DGS has a number of procurement-related
11 trainings, their CalPro series.
12 There's a number of other organizations, both
13 environmental and procurement, that we think we can
14 coordinate with.
15 Also CRRA has come up a number of times. They
16 have an annual conference fluctuating between northern and
17 southern California, targeting a related group. It seems
18 like coordinating those two events would be a benefit
19 possibly to both of us. Of course, there's a number of
20 issues that would need to be resolved, such as the impact
21 on CRRA's exhibit hall. They've got a pretty small group,
22 but it's a major revenue generator for them. You know, if
23 we were to coordinate our events, I imagine that would be
24 negatively impacted.
25 We'd also have to look far ahead on the calendar

1 to get our events coordinated. As they're going north and
2 south, we would intend to be going north and south as
3 well, and picking the same venues, picking the same
4 facility, sharing the revenue, all these kinds of timing
5 and scheduling kinds of things would need to be worked
6 out. But it is something to be considered and hopefully
7 pursued to a mutual benefit.
8 Finally, we have the number of days per show
9 issue. Another first for this past show in Anaheim was it
10 was our first two-day show, the 3rd and 4th of April.
11 The overall attendance was again very strong. We
12 had 1,200 attendees and we had another about 350 exhibitor
13 staff attending the show. For the first time in L.A.,
14 again we're very pleased with that.
15 The first day -- attendance of the first day was
16 really outstanding. I think everyone was pretty
17 overwhelmed. Certainly, the second day was slower, and
18 the afternoon of the second day was about a week long. It
19 just kind of drug on.
20 What we would like to do, what we're proposing is
21 to have another two-day show here in Sacramento, I think
22 give it a truer test of whether that's just too much or
23 not necessary. It played true down there that the second
24 day was more for a new -- an additional group of people to
25 attend as opposed to people spending parts or all of both

1 days there. I think it's just an additional opportunity
2 for folks to attend the show that might not otherwise be
3 able to if it's one day only. So we will propose to have
4 another two-day show here in Sacramento next April. And
5 then at that time we'll have a show in each section of the
6 State to kind of reevaluate that and see how it goes.
7 So that's the staff presentation. Again, we're,
8 Agenda Item 11, proposing that we alternate northern and
9 southern California with one day a year and propose
10 adoption of Resolution 2002-415.
11 CHAIRPERSON JONES: Thanks, Jerry. That was
12 brilliant.
13 Do we have --
14 COMMITTEE MEMBER EATON: Genius.
15 CHAIRPERSON JONES: Genius. I'm sorry, that was
16 genius, pure genius.
17 COMMITTEE MEMBER EATON: I would like to ask a
18 question?
19 CHAIRPERSON JONES: Sure, ask the genius a
20 question.
21 COMMITTEE MEMBER EATON: Do we have any dollar
22 amounts as to how many orders had been written as a result
23 of the show to the vendors or the exhibitors that were
24 there?
25 MR. HART: No.

1 COMMITTEE MEMBER EATON: Can we get that
2 information? Because that to me would seem to be -- that
3 if I'm writing orders based upon people coming to a trade
4 show, then I'm going to want to come back to either one or
5 two trade shows. So that to me is information that I
6 think is going to be helpful to us in the future. It's
7 hard to do -- to say, but if, you know, a State department
8 or a local government comes by and an order is written,
9 you know, or at least contacted, there's got to be some
10 way -- and that's how exhibitors work. If they're not
11 writing orders as the result of a trade show, they're
12 probably not going to the trade show in the future,
13 irrespective if it's north or south. So I think that's an
14 issue at some point that, you know, we need to get.
15 The other issue is with regard to the reducing --
16 one, I understand the exhibitors -- it makes it easier for
17 them going from two to one because they only have to show
18 up once a year and what have you. But you made a comment
19 that in the southern California one there was more local
20 government and private involvement, whereas in the
21 northern there was State government.
22 What was the split there? And wouldn't that
23 argue for the fact that you need to have two because you
24 want to get the State, which is subject to AB 75 and SABRC
25 regulations, and local government, which is trying to

1 compete for, you know, the marketing stuff? I'm just
2 trying to figure out a way -- I mean, I'm not -- haven't
3 made up my mind, but I'm looking at, you know, attendance.
4 And you're telling me that one venue
5 geographically improves a certain segment that we're
6 trying to reach another venue and geographically located
7 in a certain are improves another, you know, type of
8 sector that we're trying to reach. How do we then bridge
9 the gap so that one venue can reach both sectors?
10 MR. HART: Well, I don't think you can. I think
11 that -- I think it supports the argument of having a
12 southern California -- a show that goes between northern
13 and southern California as opposed to two shows or
14 multiple shows a year.
15 I think while we do get -- I believe last year's
16 show, the second show here in Sacramento, the audience was
17 about not quite 70 percent State government. The other 20
18 was local. And there was some feds and private sector.
19 But down here -- I don't have the breakout, Mr.
20 Eaton. But I would guess that the numbers were darn near
21 flip flopped, 60 percent local government, 30 percent
22 State, and maybe the balance primarily private sector with
23 a various small percent of the federal government.
24 So it's true that the two locations have a
25 different primary audience, but I think it supports more

1 the thought of fluctuating between northern and southern
2 California so we do get that large local government flavor
3 down there as opposed to primarily State flavor up here.
4 It doesn't mean that folks haven't come up from
5 southern California to attend the Sacramento show. That
6 we certainly draw a large number of folks from the Bay
7 Area up here because, you know, it's an hour or two. But
8 I think it supports more the notion of making sure we
9 don't just stay here and we offer a show every other year
10 down in the southern California area.
11 COMMITTEE MEMBER EATON: As opposed to two shows?
12 MR. HART: As opposed to two shows.
13 COMMITTEE MEMBER EATON: I understand the reason
14 for the two shows. But I'm looking at that's why the
15 orders -- who's writing orders, because in -- one, is it
16 just a day off to come over and cruise around the
17 convention center and not any orders be written to satisfy
18 SABRC where we have a venue which seems to get a lot of
19 local government and there are State agencies down in the
20 southern area where if they're writing orders, that's the
21 benefit of all of us to do market development. But I
22 just --
23 DEPUTY DIRECTOR WOHL: We do have a plan to
24 survey the exhibitors. We wanted to give them kind of two
25 or three months and then go back out and survey them and

1 say, "What kind of sales did you get? What kind of
2 response? Do you feel like you'd come back?" I think
3 most of our feeling on two shows a year is dollars,
4 resources to put towards it, our own staffing and whether
5 we can really manage two shows. It really is a huge work
6 load for, you know, a small staff that also has to do all
7 the State agency, you know, outreach portion.
8 So we're kind of driven by that, plus the fact
9 that the exhibitors are kind of held to saying, you know,
10 "Some of us are really small. We do like one show a year.
11 It is this show, but we only do one a year."
12 MR. HART: And also the large ones are going to
13 other shows. I mean, clearly they're not just coming to
14 ours. And we're, you know, still pretty small potatoes
15 compared to some of these larger events that they're going
16 to.
17 So even -- the dollars are stretched then even
18 for the big guys.
19 CHAIRPERSON JONES: Mr. Paparian.
20 COMMITTEE MEMBER PAPARIAN: Yeah, thank you. A
21 couple quick things.
22 Do we do any follow up with the attendees of the
23 shows, particularly those from State agencies?
24 MR. HART: As far as making purchases?
25 COMMITTEE MEMBER PAPARIAN: Well, it would seem

1 like the State agency employees who attend these shows
2 would be a prime audience for some follow up to help
3 encourage them to, you know, buy recycled or participate
4 in the AB 75 programs.
5 MR. HART: Well, we see the State agency folks
6 quite a bit through the SABRC. We have our buy-recycled
7 quarterly meetings. We have ongoing trainings and
8 workshops.
9 COMMITTEE MEMBER PAPARIAN: Do we do anything
10 like a mass E-mail to these folks ever or --
11 MR. HART: All the time. Yeah, all the time.
12 COMMITTEE MEMBER PAPARIAN: Including the people
13 who actually attended the trade shows?
14 MR. HART: Absolutely. Yeah, we have a pretty
15 significant E-mail list, and it's categorized by SABRC or
16 a local government or State agency. And one of those are
17 our trade show attendees. So if it's a new product or a
18 new supplier or a new contractor, DGS, you know, we send
19 that information out to those folks.
20 COMMITTEE MEMBER PAPARIAN: Yeah, this really
21 gets into a broader issue, and I haven't had a chance to
22 talk to you or Patty about this. But at the federal level
23 there's some periodical that goes to federal procurement
24 folks, targeting recycled products, environmental related
25 stuff, that we might want to, at some point, duplicate at

1 the State level. Talk about that separately.

2 In the resolution, the wording of the second to

3 the last "whereas" could be read to say that the southern

4 California show wasn't all that successful. I think what

5 we're hearing is that it was successful, but that the

6 second day of the show had the mixed results.

7 MR. HART: Absolutely.

8 COMMITTEE MEMBER PAPARIAN: So I would suggest

9 making that more specific. Rather than putting out there

10 that we think the show itself had mixed results, maybe

11 just say something like "Whereas, the second day of the

12 two-day show in southern California was of mixed results."

13 MR. HART: Gotcha.

14 COMMITTEE MEMBER PAPARIAN: That's all I have.

15 CHAIRPERSON JONES: Okay. I just had a couple of

16 things.

17 I think that because it was in Anaheim and the

18 fact that you got a lot of local government and a lot of

19 privates, maybe you ought to give it a little bit of

20 thought about maybe using San Jose or somewhere like that

21 that could attract some of the local government types that

22 may not come to Sacramento and may not want to come to

23 Sacramento.

24 And I agree with Patty Wohl. Vendors only have

25 so many dollars they can spend on these kind of shows.

1 But I'd like you to give some thought to -- as you get to
2 learn who these vendors are, they clearly -- there may be
3 an opportunity to within the whole group focus -- if
4 you're going to have a yearly show or whatever, you know,
5 is determined -- two areas, you know.
6 Now, there were people there that did anaerobic
7 digestion of organics. They were able to not only put out
8 a compost, but put out a liquid compost that has had
9 incredible results. If you had -- if you sold the idea to
10 vendors that those people that had certain types of
11 composting or those types of operations should take
12 advantage of this because you're going to dedicate part of
13 the mailing to end users of that material.
14 Where, you know, other than just the normal,
15 paper, paint, office furniture, all the types of things
16 that we see every year. But that you pick a couple of --
17 or think about a couple of categories that you can kind of
18 focus, you know, on where you can go out to privates as
19 well as the government agencies and make them aware that
20 there may be some opportunities for them, you may end up
21 picking two a year, you know, for the sake of argument,
22 one year it could be recycled -- you know, I mean recycled
23 content carpeting. So you'd be able to focus on the
24 design folks as well as DGS-type folks, people that have
25 to buy that; and then the other item may be the organics,

1 right? So you've got two -- so you can expand mailing
2 over and above what you're doing.
3 And if you ended up coming up with an idea where
4 you showed a pattern that you were going to highlight
5 certain types of activities, and then tied that into a
6 mailing or into a plan that you showed vendors that this
7 is what we're thinking about, these are types of things --
8 like this year we're going to do this, you wouldn't
9 exclude them, you'd say you're still going -- you know,
10 the mailing is still going to go to everybody, but we're
11 going to do a little bit more focus to try to get people
12 from users of -- or potential clients to come, it might be
13 something worth thinking about. Because an awful lot of
14 ongoing type events like this will take small little
15 focuses every year to try to attract a few more people.
16 I remember one year it was all street sweepers at
17 a solid waste convention, which we had never seen those
18 things. But it opened up a lot of thinking and it created
19 other markets for us to start looking at.
20 So, you know, we ought to be thinking about those
21 kinds of things and see how we can tie it in. And it's
22 got to be selective, and then not a whole lot because you
23 don't want to jeopardize the other people. But it would
24 be something worth thinking about, I would imagine.
25 But I think that the surveys of phone calls, you

1 know, do they think that they got a response that made it
2 worth their while to come back again, would be pretty
3 critical, you know.
4 MR. HART: Okay.
5 CHAIRPERSON JONES: What's our pleasure here,
6 folks?
7 COMMITTEE MEMBER PAPARIAN: I'll move adoption of
8 Resolution 2002-415 with the minor changes that I
9 suggested.
10 COMMITTEE MEMBER EATON: Second.
11 CHAIRPERSON JONES: We have a motion by Mr.
12 Paparian, a second by Mr. Eaton.
13 Could you call the roll.
14 SECRETARY BAKULICH: Eaton?
15 COMMITTEE MEMBER EATON: Aye.
16 SECRETARY BAKULICH: Paparian?
17 COMMITTEE MEMBER PAPARIAN: Aye.
18 SECRETARY BAKULICH: Jones?
19 BOARD MEMBER JONES: Aye.
20 Okay. What is the -- how does the Committee feel
21 about this? Do we want to put this -- do we want to hear
22 this item again at the Board meeting? Or are we going to
23 take the responsibility of actually giving direction from
24 this committee.
25 For me, I think we ought to leave it on consent.

1 COMMITTEE MEMBER EATON: That's fine with me.
2 CHAIRPERSON JONES: All right. We're going to
3 leave this on consent. I think we've given you direction.
4 COMMITTEE MEMBER EATON: It's not that we didn't
5 appreciate the presentation or anything like that.
6 CHAIRPERSON JONES: Well, no. That's what I'm
7 saying. You know, I figure these guys got other things to
8 do than make another presentation in front of the Board.
9 COMMITTEE MEMBER EATON: Absolutely.
10 CHAIRPERSON JONES: Thank you.
11 Does anybody from the public want to say
12 anything?
13 Really, nobody?
14 Okay. Thank you all. Nice job. Thank you,
15 members.
16 We're adjourned.
17 (Thereupon the California Integrated Waste
18 Management Board, Special Waste and Market
19 Development Committee concluded at 4:00 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:
5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Special Waste and Market Development Committee meeting was
8 reported in shorthand by me, James F. Peters, a Certified
9 Shorthand Reporter of the State of California, and
10 thereafter transcribed into typewriting.
11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.
14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 19th day of July, 2002.
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