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

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

TUESDAY, AUGUST 20, 2002

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

BOARD MEMBERS PRESENT:

LINDA MOULTON-PATTERSON, Chair
DAN EATON
STEVEN R. JONES
JOSE MEDINA
MICHAEL PAPARIAN
DAVID A. ROBERTI

STAFF PRESENT:

MARK LEARY, Executive Director
KATHRYN TOBIAS, Chief Legal Counsel
JULIE NAUMAN, Interim Chief Deputy Director
ELLIOT BLOCK, Legal Counsel
DEBORAH MCKEE, Board Assistant
YVONNE VILLA, Board Secretary
EDNA WALZ, Office of Attorney General

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

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Good morning,
4 and welcome to our August meeting of the California
5 Integrated Management Waste Board.

6 And I just would like to have the secretary
7 please call the roll.

8 BOARD SECRETARY VILLA: Eaton?

9 BOARD MEMBER EATON: Here.

10 BOARD SECRETARY VILLA: Jones?

11 BOARD MEMBER JONES: Here.

12 BOARD SECRETARY VILLA: Medina?

13 BOARD CHAIR MEDINA: Here.

14 BOARD SECRETARY VILLA: Papanian?

15 BOARD MEMBER PAPANIAN: Here.

16 BOARD SECRETARY VILLA: Roberti?

17 BOARD MEMBER ROBERTI: Here.

18 BOARD SECRETARY VILLA: Moulton-Patterson?

19 BOARD CHAIR MOULTON-PATTERSON: Here.

20 And I'd like everyone to rise and join me in
21 the pledge of allegiance.

22 (Thereupon the Pledge of Allegiance was
23 recited.)

24 BOARD CHAIR MOULTON-PATTERSON: Thank you very
25 much.

1 And we'll start with Mr. Eaton. Do you have
2 any ex-partes?

3 BOARD MEMBER EATON: I'm up to date, Madam
4 Chair. Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

6 BOARD MEMBER JONES: Up to date.

7 BOARD CHAIR MOULTON-PATTERSON: I'm up to date.
8 Mr. Medina.

9 BOARD MEMBER MEDINA: I'm up to date.

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Papanian.

11 BOARD MEMBER PAPANIAN: I'm up to date.

12 BOARD CHAIR MOULTON-PATTERSON: And Senator
13 Roberti.

14 BOARD MEMBER ROBERTI: I'm up to date. Thank
15 you.

16 BOARD CHAIR MOULTON-PATTERSON: Okay. And at
17 this time I, before we go into our opening remarks, I
18 just wanted to say a quick thing. We have a lot going
19 on today, but this is a sad day for our office because
20 Yvonne Villa, this is her last Board meeting, and she is
21 moving on to none other than the DOC.

22 But we wish Yvonne, this is a real opportunity
23 for her, and we just wish her the best. She's just been
24 invaluable to me and our entire office.

25 And Yvonne, you're going to be missed, but we

1 would never want to hold you back from an opportunity.
2 So thank you for all you've done for my office and for
3 the entire Board. We are really going to miss you, and
4 if everybody would join me in giving Yvonne a hand.

5 (APPLAUSE.)

6 BOARD CHAIR MOULTON-PATTERSON: Okay. And we
7 have a really, really special privilege today. And it
8 is just an honor to have Senator Sher here.

9 And Senator Sher, I would like to call you
10 forward, and we just appreciate so much you coming to
11 us. And I know you're coming for a very, very special
12 reason.

13 So would you join us?

14 SENATOR SHER: Well good morning, everyone.
15 It's my great pleasure to join this distinguished Waste
16 Management Board and members of the audience.

17 I am here to, it's my great pleasure and
18 privilege to honor one of your members for whom I have
19 the highest regard, my good friend and former colleague
20 in the state legislature, David Roberti.

21 David, you're going to desert us here and we're
22 sad about that. But I'm here on behalf of myself and my
23 colleagues in the State Senate to pay tribute, to do
24 something I think many times you have done in honoring
25 others, to present you with a resolution commending you

1 for your tremendous service to the State of California
2 in the legislature on this Board and otherwise.

3 And I'm just going to mention a few highlights
4 that are stated in this resolution. The resolution
5 points out, first, that you've set a number of records.
6 First for your twenty-eight years in the state
7 legislature, your thirteen years as President Pro Tem of
8 the leader of the Senate, those are records that will
9 never be equaled again. We think of you, David, as the,
10 kind of the Barry Bonds of the state legislature.

11 The resolution goes onto point out that while
12 you were in the legislature you were a leader in
13 championing many environmental issues, including the
14 phaseout of the ozone depleting CFC's, the reduction of
15 toxic materials and hazardous waste, protecting our
16 drinking water, and dealing with the offshore drilling
17 problem.

18 The resolution also points out that you were
19 instrumental in an issue that I was involved with,
20 Assembly Bill 939 which I authored, but which would
21 never have passed the legislature or been signed by the
22 Governor, David, without your direct involvement.

23 We know that that was quite a challenge during
24 a period where the legislature's majority was
25 democratic, but we, Governor Deukmejian, a Republican

1 Governor, but together, and only with your help, were we
2 able to enact that law which reconstituted this Board in
3 its present form.

4 On the Board, of course, you have been a leader
5 and a staunch supporter of many important initiatives.
6 And I'm particularly grateful to you for your leadership
7 on recognizing the importance of those who develop
8 products and packaging to be responsible for them, as
9 well as for the consumers who consume these products.

10 We have a little bill actually pending over in
11 the legislature now dealing with electronic wastes.
12 And, once again, David and other members of the Board
13 have been very helpful to me in moving that as far as it
14 has moved. We've got a week and a half to complete the
15 job.

16 David, we know you're going onto teach in
17 Southern California. We have a common bond there since
18 for many years I taught, and I know you're going to
19 enjoy teaching political science; and also reengaging in
20 your law practice, moving back to your original home.

21 And I can only say that for myself and my
22 colleagues and the State Senate, as well as the
23 Assembly, that we wish you well in those endeavors. We
24 know that you will never be finished with public service
25 because it's deeply ingrained in your character.

1 So as you go forward in about two weeks we wish
2 you the best. We're grateful for having known you and
3 for the help that you have given all of us, so we say
4 hail and fair well, David.

5 (APPLAUSE.)

6 BOARD MEMBER ROBERTI: Thank you very much,
7 Byron. I've received many resolutions in the course of
8 30-plus years, I hate to recount them all. But this one
9 touches me about as much as any could, that you would
10 come over.

11 And you are the father of the Waste Board, Mr.
12 Garbage, Mr. Garbage as we affectionately think of you.

13 SENATOR SHER: The grandfather.

14 BOARD MEMBER ROBERTI: No, the grandfather of
15 the Waste Board, truly you are. And therefore, to
16 receive the resolution from you is a, is a real
17 highlight, and one which I will never forget.

18 Just a couple of points. It's sort of
19 nostalgic for me today, because not only am I leaving
20 the Board, which I have enjoyed thoroughly, but this is
21 like 35 years in Sacramento, I'm selling my house and,
22 you know, I'm going to be a full-time resident of Los
23 Angeles. And my wife and I are saying we're going to
24 have to adjust, you know. It's been a marriage of 50
25 percent together, 50 percent apart. And so this is like

1 bachelors and bachelorettes, whatever the word is,
2 getting to know each other again.

3 Byron and I negotiated with Governor Deukmejian
4 939. For all of you who are interested in conflict of
5 interest, little did I know at that time that I was
6 going to be a member of the Board.

7 And we were busy negotiating terms, including
8 how much time some of Governor Deukmejian's probable
9 staff people were going to be having on the Board, and
10 they've served admirably on this Board.

11 This Board is truly one that has constituted
12 with a great staff to perform great deeds in reducing
13 California's waste. But nobody in the state deserves
14 the environmental award, the environmental kudos more
15 than Senator Sher.

16 When he was in the legislature he was in the
17 forefront of fighting for the environment, reducing
18 waste.

19 When people laughed about the issue, he
20 withstood the jeers and stayed steadfast.

21 And frankly, in so many ways, many of which we
22 don't even know, he protects this Board and its mission
23 in Sacramento. And I guess for that we thank you the
24 most.

25 So to receive this resolution from you is truly

1 touching and very meaningful and thank you very much.

2 (APPLAUSE.)

3 BOARD CHAIR MOULTON-PATTERSON: With that, I
4 understand that the Senator has really rolled up his
5 sleeves and pitched in since arriving at the Board.

6 In fact, we have a short video of some of his
7 volunteer work in Southern California. Let's take a
8 look.

9 (Thereupon there was a video presentation.)

10 (APPLAUSE.)

11 BOARD CHAIR MOULTON-PATTERSON: How long did
12 that tattoo last, Senator?

13 BOARD MEMBER ROBERTI: It lasted three
14 blithering weeks.

15 Jill Jones, I -- where is she? I don't know if
16 she's here. It was her big idea, and I want to be a
17 good sport, now how do I explain to my wife, who is
18 already going to have to get used to my living with her
19 more often, that I found this tattoo? It took three
20 weeks to take off.

21 So if you ever get a henna tattoo, and I don't
22 suggest that you run out and get one, plan on three
23 weeks.

24 BOARD CHAIR MOULTON-PATTERSON: Okay. Well
25 that was quite a good sport.

1 And I know all of the Board members wanted to
2 say a few things, and so we're going to do that now.

3 And I'm going to start with Mr. Eaton.

4 BOARD MEMBER EATON: Well, I too share that
5 sort of happy sad moment today, because I feel fortunate
6 that I've known David Roberti for a long, long time,
7 both from the early days of Los Angeles politics, and
8 somehow our roads were always criss crossing. And
9 finally we were able to join up on the same road because
10 there was an unspoken word that Assembly staff people
11 never really got the advantage of term limits overall.

12 But I think there's a couple of things, and I
13 would like to correct Senator Sher only on one point. I
14 think rather than Barry Bonds, we probably should have
15 named you the Los Angeles Dodgers knowing the sort of,
16 you know, bias towards the south. So you can insert
17 whoever you want with that.

18 But David, a lot of things can be said, but the
19 one thing is, whether it's a dot on the map or really a
20 place, wherever you've gone you've always left your
21 mark. And to me that is a sign of someone who really
22 has dedicated their life to furthering other people's
23 lives.

24 Whether or not you ever agreed with people all
25 the time, you always did try and did succeed, not only

1 tried but succeeded in moving that goal toward a common
2 road. And for that I think everyone who's ever known
3 you or come across you should owe you a bit of
4 gratitude.

5 So good luck.

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

8 Steve.

9 BOARD MEMBER JONES: Thank you, Linda. I have
10 a special affection for the Senator. We have been on
11 the opposite ends of an awful lot of issues, but somehow
12 he and I always seemed to figure out a way to make it
13 work, and I'm not going to quote him so I'll just leave
14 it at that time. But we did an awful lot of good work.

15 And sometimes it's hard to, for a lot of people
16 to imagine the conversations that he and I have had,
17 they are not always about garbage or recycling, they've
18 been about a whole lot of different things, and I think
19 the fact that I worked for a garbage company that was
20 all Italian for about 25 years he felt some kind of a
21 connection there.

22 If the chair would allow me, some issues that I
23 don't plan to go into came up, but I have a gift for the
24 Senator that I would like to present if it's okay?

25 BOARD CHAIR MOULTON-PATTERSON: Certainly.

1 BOARD MEMBER JONES: As the senior member of
2 this Board I have served with an awful lot of different,
3 different people, all of which I have truly enjoyed.

4 I have enjoyed immensely working with you,
5 because you challenge me and I think I challenge you.
6 And we both are hardheads. And for those of you who
7 don't know Italian, we're both testones. Testone is the
8 Genovasan word for a hardhead.

9 We, I went out with my team, who also has a lot
10 of respect for the Senator, and we got something a
11 little different than just sentiments. We got something
12 that we hope that you will find a place for. And
13 because sometimes we're put in a position so we can't
14 always say what we want, I was able to say what I wanted
15 on this.

16 And it says, "To my friend and colleague,
17 Senator David Roberti. I've enjoyed our four years
18 working together at the CIWMB. Best wishes, your
19 Friend, Steve Jones."

20 BOARD MEMBER ROBERTI: Thank you very much,
21 Steve.

22 BOARD MEMBER JONES: I also, so you remember
23 Jeannine, if you choose to use this as a candy dish,
24 believe me, he spent a lot of time down at our cubicle,
25 there is some candy that she went out and bought special

1 for you. But you can use this any way you like.

2 BOARD MEMBER ROBERTI: Thank you very much.

3 (APPLAUSE.)

4 BOARD MEMBER ROBERTI: Thank you very much. In
5 Genovase it's testone, and in my father's dialect,
6 Calabrese, it's testadura which means stubborn or
7 hardhead.

8 Thank you very much. And this is very, very
9 nice.

10 And to Jeannine, thank you for supplying me
11 with candy. If you want to send the bill for a thousand
12 dollars I'll try to pay it back.

13 So this is very, very touching, thank you.

14 Steve mentioned, I didn't know until I came on
15 the Board, well I knew a little bit but I didn't really
16 know the extent of it. In Southern California, as Mike
17 Paparian knows, Armenians dominate the trash and
18 disposal industry, but much to my surprise, in Northern
19 California the Italians dominate it. And a lot of other
20 people are involved too.

21 But it was just interesting, and it was
22 interesting how somebody with the name of Jones claims
23 any Italian antecedents. But I think his wife had
24 something to do with it.

25 Thank you.

1 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
2 Medina.

3 BOARD MEMBER MEDINA: Well Senator, it's been a
4 real pleasure working with you. As someone coming from
5 San Francisco where we have the highest regard for the
6 political process, I was once, there were these
7 billboards up on Highway 80 once that said, "John
8 Burton, a professional politician."

9 And so one of the reporters asked me, "How do
10 you react to that billboard?"

11 And I said, "Well, in San Francisco we don't
12 allow amateurs in the political process."

13 And so there was always a healthy dose of
14 respect and admiration for the Senator, because of his
15 many years of dedicated public service.

16 And so I just feel very privileged to have had
17 the opportunity to work with the Senator on this Board,
18 it's a very important Board, a very important
19 contribution to the environment, to public health. And
20 as a new Board member it was very helpful for me to have
21 served on this Board and to hear the Senator debate the
22 various aspects of public policies.

23 So I will miss you very much, Senator. And
24 thank you for everything that you've done for this
25 Board, and especially a thank you from me for having

1 been able to work with you. And I wish you all the
2 best.

3 The video should actually conclude, "And onto
4 the future for the Senator."

5 BOARD MEMBER ROBERTI: There you go.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
7 Medina.

8 Mr. Papanian.

9 BOARD MEMBER PAPANIAN: Thank you, Madam Chair.

10 What some folks here know about but most people
11 probably don't is that Senator Roberti actually helped
12 push me into the waste related area back around 1980
13 when he appointed me as a member of the State Hazardous
14 Waste Management Council, which at the time was looking
15 into issues involving landfills and incineration and
16 recycling of hazardous waste. At the time there was a
17 perception there was going to be a huge crisis of
18 capacity in dealing with hazardous waste. And we did
19 our job, we produced some really good recommendations
20 which were implemented.

21 What you probably don't know is the process in
22 between. John Cupps can attest to this a little bit.
23 We had to, it was necessary for us to take a couple of
24 trips to Europe in order to investigate what was going
25 on there, and --

1 BOARD MEMBER ROBERTI: The good old days.

2 BOARD MEMBER PAPARIAN: Yeah. And I'll tell
3 you about the Schnapps experience a little bit later.

4 During the, Senator Sher mentioned the
5 Deukmejian years. And in looking back from an
6 environmental perspective, the Deukmejian years in
7 comparison to the Wilson years I think were much better
8 environmentally, and I think the Senator had much to do
9 with that.

10 I watched and participated in major
11 environmental legislation getting through and getting
12 signed every year of the Deukmejian administration.
13 Some of it was Senator Roberti's legislation.

14 Senator Roberti authored legislation involving
15 hazardous waste source reduction. And there's a program
16 over at the Department of Toxic Substances Control today
17 that is there because of his legislation.

18 And he also, Senator Sher mentioned help get
19 through the AB 939 and numerous other environmental
20 bills dealing with the range of issues.

21 And I think it was his participation that
22 really forced a very reluctant Governor to do some
23 things that were quite precedent setting
24 environmentally.

25 You know, here on the Board I've very much

1 appreciated, I especially appreciated you being my left
2 flank, and helping make me look moderate at times in
3 some of the things that I've been trying to advocate
4 here. I'm going to miss that tremendously.

5 But you know, most of all I'm going to miss,
6 you know, the lessons I think I've learned here from you
7 in how you conduct yourself and how you look at the
8 issues, you know.

9 The, Senator Roberti's commitment, his passion,
10 and his integrity I think are things that I'm going to
11 miss tremendously, and I'm sure all of us are going to
12 miss here.

13 So I'm wishing you well in your future
14 endeavors and hoping that we'll all continue to be able
15 to work together in the future in some way.

16 BOARD MEMBER ROBERTI: Thank you very much.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
18 Papanian.

19 And I just wish I were Italian but my
20 grandchildren do call me Nona so that should count for
21 something, Senator.

22 I just agree so much with everything that's
23 been said. I have admired you for so many years. You
24 have made such a difference to women, children, the
25 environment.

1 I will never forget the tragedy in Stockton
2 where those children were murdered, and your courage in
3 that issue was just unbelievable. And I just, I think
4 the entire state will always be grateful for you for
5 that.

6 I appreciate you giving me five years on the
7 Coastal Commission. When no one thought I had a chance
8 to be appointed, the Senator believed in me, and it was
9 a great privilege to be on that Commission.

10 I am really going to miss you. I'm going to
11 miss your sense of humor most of all. I was so nervous
12 three years ago when I came up to this Board three years
13 this month, and my first meeting everyone was talking
14 about inerts, and I'd never really thought about inerts
15 before, and you really lowered my anxiety level when you
16 said, "Oh, yeah, the nerdy nerts."

17 You have been a role model, a mentor, and
18 you've made such a difference on this Board. And as
19 Mike said, your passion, your courage, your integrity,
20 those are all things we will never forget.

21 And we will be remembering your leadership when
22 we vote, and we will miss you greatly, Senator. Thank
23 you so much.

24 (APPLAUSE.)

25 BOARD CHAIR MOULTON-PATTERSON: If the Board

1 would join me, we'd like to present you -- this might be
2 a little anticlimatic --

3 BOARD MEMBER ROBERTI: Oh my. Oh my.

4 BOARD CHAIR MOULTON-PATTERSON: But we have a
5 resolution for you.

6 BOARD MEMBER ROBERTI: Very good. Very good.

7 BOARD CHAIR MOULTON-PATTERSON: And everything
8 is in here, your sense of humor, the difference you've
9 made, the leadership that you've shown.

10 And I'm not going to read every word of it, but
11 I'll tell you, this Board has really been richer for
12 Senator David Roberti's leadership, and we will miss you
13 greatly, Senator.

14 BOARD MEMBER ROBERTI: Thank you. I can only
15 smile so long.

16 I'll say a few comments. Well here, I'll sit
17 at the mike.

18 BOARD CHAIR MOULTON-PATTERSON: I'll sit it
19 here with your other one.

20 BOARD MEMBER ROBERTI: Thank you very much. To
21 my colleagues, I have enjoyed, as I said, immensely
22 working with you.

23 The only thing I've asked of Linda, because I
24 did appoint her to the Coastal Commission a number of
25 years ago, was recently if she could get her husband to

1 be a guest lecturer at my class at USC. So he did that
2 two times.

3 And so tell Jerry thank you very, very much. I
4 feel very fond not only of Linda, but of her husband
5 Jerry, who have been in the forefront of so many
6 battles.

7 Mind you, if you're a Democrat in Orange
8 County, you're in the forefront of many battles.

9 And Mike Papanian has made his mark as a
10 premiere environmentalist and a pragmatist, and I was
11 happy to appoint him as well to the Toxic Waste Task
12 Force. I didn't know they went to Europe, but every
13 once in a while you need a study trip, I guess.

14 Mike, you, from what I hear from rumors, and I
15 can't say what those rumors are, I think you are going
16 to be the left flank now so, so you better bone up on
17 that.

18 To Danny, Danny and I have been in politics.
19 Danny was a staffer, premiere political operative in the
20 Assembly for a long, long time while I was in the, while
21 I was a State Senator.

22 You'll be interested as I came off the airport
23 I ran into somebody they said, "Senator Roberti, nice to
24 see you, what are you doing here?"

25 I said, "I'm a member of the Waste Board," this

1 was just this last Sunday.

2 And he said, "Well I used to work for you and I
3 worked in campaigns." He said, "I was a volunteer in a
4 campaign in Norwalk for Senator Cecil Green," which
5 Danny worked on tremendously too.

6 Why I raise that is those were the days where
7 there were no campaign limitations and we spent just
8 about everything trying everything out.

9 And so I have, I have all these people I have
10 mentored that pop up every once in a while at the
11 strangest places, it makes you feel very good. But on
12 the other hand, it makes you realize that the gray hair
13 is for real.

14 I started in politics when I was 26 years old.
15 I was elected to the State Assembly at that time. I was
16 the youngest member of the Assembly, and I've been
17 around a long, long time.

18 I think one of the things that hit me the most
19 was one day in the 1980s I was reading a newspaper and
20 the paper didn't refer to me any longer as the youngest
21 or the rising star, it referred to me as the veteran
22 legislator. And that was sort of a startling thing.

23 So I've enjoyed working, I think the Governor
24 is wise in mixing the ideology of this Board. And
25 Steve, it's good to have a Republican on the Board,

1 maybe just one, but we can't get carried away, but maybe
2 one Republican, it's good to have a mix like that.

3 And this has been a fine Board. I've enjoyed
4 it.

5 And I have to make one other point. And that
6 is, I have over the years gotten a lot of legislation
7 passed, and I hope I've worked on a number of things
8 with this Board but, you know, I do it with staff.

9 No person does everything. And the test of
10 somebody who is effective is somebody who hires good
11 staff.

12 First, I want to commend the Board staff in
13 general. We have an excellent, dedicated Board staff
14 who care about their mission. You don't see that
15 everywhere. I mean, but on this Board people care about
16 their mission.

17 And I guess when we get the most excited or the
18 most upset with each other is we see our mission, how to
19 achieve that mission differently. But it's not that we
20 don't have the same goals.

21 And we are, we have a luxury of having members
22 of our staff that we work with every day, the Board
23 staff who care about this mission.

24 Now on my own personal staff I want to just
25 mention them because I think they've been terrific, and

1 my -- I don't know how we divide these titles.

2 I guess my advisor, there's an advisor and an
3 analyst, you know, I just know them by their first
4 names.

5 My advisor is Rick Dunn. Rick is, has worked
6 with me for a number of years, when I was in the
7 legislature, and he was the person who negotiated 939
8 with Byron's staff, Kit Lipper, and the Governor's
9 staff, Mike Frost. And he was my person who negotiated
10 939.

11 And Rick is a political par excellence, and I
12 think you need somebody like that on your staff every
13 once in a while.

14 My analyst, and I hope I didn't get these
15 backwards, my analyst is Bendan Blue. I didn't know
16 Bendan until I came on board. And I inherited Bendan
17 and kept her on the recommendation of former member
18 Chesbro, and a lot of other people, including the
19 Secretary of the senate Rules Committee who said, "You
20 know, she's great and you ought to give her a chance."

21 Well I didn't have anybody else who had that
22 expertise, and Bendan has just been dedicated, hard
23 working. I have learned a lot from her, and I hope
24 she's learned a lot from me.

25 And I always operate with staff on letting a

1 thousand flowers grow. Mao Tse Tung I think said that
2 too. But letting a thousand flowers grow because, you
3 know, if you let everybody do their thing, and you keep
4 it within some restraint, a lot of progress is made. If
5 things are too centralized then not too much progress is
6 made.

7 So anything I may have achieved through my
8 career has a lot to do with the fact that I know I have
9 hired good staff. That's one thing that I am very proud
10 of over the years. My secretaries, Donnell Duclo and
11 Sue Kumpulainien, have been wonderful.

12 Doing my schedule is an impossibility because I
13 cancel and change my schedule every ten minutes based on
14 what's come up or where I have to be. And I fly back
15 and forth between L.A. and Los Angeles just about every
16 week.

17 So they have been wonderful, they've been hard
18 working, I'm going to miss them tremendously. And I
19 probably will still be calling them more than anybody
20 because I never can find anything, and hopefully they
21 will know where my things are.

22 So I've enjoyed this, and thank you for giving
23 me this moment.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you.

25 (APPLAUSE.)

1 MR. MONTOYA: We'll miss your bleeding heart,
2 Senator.

3 BOARD MEMBER ROBERTI: Yes, that's my former
4 colleague, Joe Montoya, who always thought I was too
5 liberal.

6 (LAUGHTER.)

7 BOARD CHAIR MOULTON-PATTERSON: Thank you. And
8 I do think we need to get on with the meeting today.

9 With that, Mr. Eaton, do you have a report
10 today or anything you wanted to report on?

11 BOARD MEMBER EATON: No, Madam Chair, I think
12 in light of Senator Roberti we've reported all we can,
13 and I think that's good news.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you.

15 BOARD MEMBER EATON: Mr. Jones.

16 BOARD MEMBER JONES: Thanks, Madam Chair.

17 I'll leave the Monterey awards reception to you
18 because it was a great event, but I will say thank you
19 to all the staff.

20 Would you like me to give these two quick
21 committee reports now? Everything is on consent, or a
22 lot.

23 BOARD CHAIR MOULTON-PATTERSON: Yes, why don't
24 you just go ahead with that.

25 BOARD MEMBER JONES: Thanks, Madam Chair.

1 As the Chair of Special Waste, Waste
2 Prevention, and Market Development Committee, we met on
3 Monday, August 12th.

4 We heard seven items in Special Waste. It was
5 an exciting day. We are going to hear today the tire
6 manifest system discussion because we felt it needed the
7 time and it needed the entire Board to be able to take
8 advantage of that and have some dialogue.

9 We got a presentation from the Rubber
10 Manufacturing Association, I think seven members of the,
11 representing Bridgestone, Firestone, Michelin, Goodyear,
12 Continental, I think, and others, addressed the
13 committee to talk about different facets of tire
14 manufacturing and different options.

15 I know Mr. Paparian and myself, Mr. Eaton, I
16 think the Senator, challenged that group to become more
17 involved in California, and they accepted that challenge
18 and made an offer that they would work with us on
19 certain things. I think that's something every member
20 on this Board has really hoped to get.

21 We did have one item that we're going to hear,
22 waste tire cleanup grant. We changed that resolution
23 from two years to one year.

24 We have three items on consent, two on fiscal
25 consensus.

1 The other part of this day, and the reason I
2 called it exciting was because in waste prevention we
3 had a discussion of the leveraging options that were
4 developed by the Milliken Institute as well as
5 our staff.

6 This was a lively discussion talking about
7 options that are going to come in front of this Board,
8 and we'll see some kind of a, summary, probably next
9 month, I think -- I'm looking for a head to nod -- but I
10 think it's next month, where we will start to put a menu
11 together of what, some of the things that we could do.

12 And there is a potential here of taking limited
13 funds of ten or \$20 million and maybe leveraging that to
14 \$80 million. And I think that's exciting because that
15 will keep our RMDZ loan program active and vital.

16 We did have three items, loans basically, that
17 are going to be coming in front of the Board today with
18 fiscal consensus, they were unanimous.

19 And then briefly, Madam Chair. On Diversion
20 Planning and Local Assistance, that meeting was held
21 Tuesday the 13th with yourself, Mr. Medina, Mr. Eaton
22 and me.

23 We, that's always an exciting committee
24 meeting. We heard 28 items, two discussion items, one
25 on state agency facilities, annual report under AB 75,

1 and then another report of the jurisdictions that have
2 reserved the right to submit SB 1066 applications.

3 We have two, we have 26 items that went on
4 consent, and we have two items that will, that were
5 heard in committee and will go forward to the Board.

6 One is conformance findings for new and revised
7 permits. And that's an issue of the proposed C&D and
8 composting regs.

9 And one SB 1066 extension for San Benito County
10 that there were some questions that came from the
11 committee members that we weren't able to get answered,
12 and we think we're, hopefully we will be able to take
13 care of that today.

14 Other than that, Madam Chair, thank you very
15 much for that opportunity.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
17 Jones.

18 Mr. Medina.

19 BOARD MEMBER MEDINA: Thank you, Madam Chair.

20 And I've been working with Mr. Cal Finney,
21 director of policy and senior advisor to the Governor,
22 in regard to the increased use of rubberized asphalt.
23 This is in response to the concerns of the rubber
24 asphalt industry.

25 The chair and I met with the director of

1 CalTrans to bring industry concerns to the director's
2 attention. And so we are moving forward in regard to
3 this particular matter.

4 I've also been working with Mr. Finney in
5 regard to developing a program that involves
6 sustainability practices by the Los Angeles
7 entertainment industry. And in this regard I have been
8 assisted very ably by Patty Wohl and her staff.

9 And finally, while attending the CRRA
10 conference, I met a representative of the recycling
11 industry who was interested in providing recycled poker
12 chips and buckets to Indian gaming casinos. And so I
13 provided him with some information regarding the
14 manufacturers of those products so that they can get in
15 touch with them, and hopefully be able to provide the
16 raw material which is recycled plastic.

17 And that concludes my report, thanks.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
19 Medina.

20 Mr. Papanian.

21 BOARD MEMBER PAPANIAN: Thank you, Madam Chair.

22 In the interest of time I think I'll skip some
23 of my comments but, you know, I'll give my P&E report
24 right before we get into those items, there's a couple
25 things there I wanted to mention.

1 The only thing I will mention at this point, I
2 wanted, we dealt with a couple of regulation packages
3 that had some controversy with them, the organics
4 package and the C&D regs.

5 And I just wanted to thank the staff who's been
6 working on these things really hard. I know Julie
7 worked on 'em when she was at P&E, and Scott Walker,
8 Mark de Bie, and all the other staff who have been
9 working on these.

10 They get beat up a lot from us during the
11 development of the regs, and at times I can imagine it
12 feels like they're getting direction one way and then
13 subsequent direction; and at times I'm sure they're
14 feeling pretty beat up by a lot of the stakeholders, but
15 they do a remarkable job of, you know, going back and
16 doing what's necessary to work on these things and make
17 them right.

18 And I think that as we move forward on those
19 reg packages and certainly others that come before us,
20 they reflect a lot of the really good work the staff
21 does, even though it seems like they're not getting much
22 credit along the way.

23 So I wanted to give the staff a little bit of
24 credit for the work that they're putting into these
25 things.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 Senator Roberti.

3 BOARD MEMBER ROBERTI: Yes, Madam Chair. This
4 past month I had a site visit in the City of Los Angeles
5 with the Los Angeles Waste Board member Audriana
6 Ruvalcaba. And we visited L.A.'s waste collection site
7 for white waste, and big, big ticket items, and they
8 have an excellent program there.

9 And like many local governments, they're
10 looking for some help on funding. But they deserve it,
11 and we are, we are going to try and put our staff in
12 touch with the city which is really making a major
13 effort to do some cleanup.

14 I also attended, as I do occasionally, the Los
15 Angeles County Solid Waste Task Force. I see Mike
16 Mohajer in the audience. I have enjoyed over the past
17 number of months or years going occasionally to those
18 meetings because I think it's very important for us at
19 the state level to meet the locals on their turf and
20 their terrain where we understand what their issues are.

21 And we do send staff there, Mike Uselton --
22 Steve Uselton rather. But I think with all the various
23 task forces throughout the state where the locals do
24 gather together, especially on a regional basis, I have
25 found it productive, because we understand how they

1 feel, and the only way you can get the full gravity of
2 that is if you go on their terrain. You don't really
3 get that feeling if, always when they come here to talk
4 to us, because we're here two feet higher and it's just
5 a, it's just a different kind of presentation. And, you
6 know, you don't, you don't hear the gripes. And there
7 are some legitimate ones.

8 So I would recommend that for all the Board
9 members who are here now and are coming in the future
10 that they do a little bit of this, which will make our
11 roles that much more productive.

12 I spoke, as I think many of you did, but I
13 spoke a number of times with Global Green. And they're
14 interested that we push more the whole concept of
15 sustainable building.

16 And they are interested in a sustainable
17 building workshop and trade show, just as we do a market
18 trade show as we did this past year in Anaheim. And I
19 think the whole area of sustainable building is
20 something where everybody's who's in the business of
21 doing this, and I don't know what everybody else is
22 doing, and all those who can potentially gather their
23 forces and create a more sustainable environment where
24 we work together with people who conserve on energy,
25 people who conserve on water as well as we who are

1 trying to conserve on resources work together.

2 So I hope we at some point do have a trade show
3 in this area as well.

4 Now on another matter, Madam Chair. At first I
5 was, with some hesitation, wanting to revisit this
6 question. But under your wisdom, I might say, Madam
7 Chair, you have reorganized the Board.

8 And I might say I was very reluctant at first
9 when you decided to have the committee system. You put
10 the committee system through when I was on my little
11 venture to run for Los Angeles City Council so I wasn't
12 really a participant. So when I come back, lo and
13 behold we have this committee system constituted.

14 And I actually being very basically
15 conservative at heart, because I hate making changes in
16 the MO, was reluctant. And I was thinking, oh, no, it's
17 just going to be longer meetings, all of us talking
18 more, giving all of us forum to go longer.

19 Well it hasn't worked out that way. Actually
20 the committee system has produced a lot of dialogue. I
21 sit on two, Permitting chaired by Mike Papanian, Special
22 Waste by Steve Jones. We get a lot done. We talk the
23 issues out.

24 They take the place in part of the briefings,
25 which I really did like when I was first here, and they

1 diffuse authority.

2 And you, in order to have the Board functioning
3 better, was, we're not afraid to diffuse authority. And
4 you have done that through the institution of the vice
5 chairs and the institution of creating these committees
6 where the members just participate a little bit more in
7 depth.

8 So, therefore, I feel that I have the courage
9 and the reason to revisit the issue of the vice
10 chairmanship.

11 Authority on this Board is diffused. The
12 member, and knowing that I was going to be retiring at
13 the end of the year although I hadn't made it public, I
14 didn't push myself to assume a vice chairmanship. But
15 the members do exercise their intelligence, their
16 background, their knowledge, their experience, through
17 chairing the various subcommittees that we have on this
18 Board.

19 But there is one area where I think we are
20 still lacking, and we've got to work harder at it. And
21 I think we have a person who will singularly, would be
22 effective in this area.

23 If we look at all the people who participate on
24 our Board, the stakeholders, both from industry and
25 business, and the people from local government,

1 environmental issues, not just Waste Board issues,
2 attract middle class, Anglo America.

3 It's the way it's been for many, many years,
4 ever since I've been in the legislature, and we have to
5 try to make an attempt to bring all of California into
6 our purview, into our perspective.

7 Another area where we've been lacking, but I
8 think the Chair's elevation to her position as chair is
9 that we don't have any special position for local
10 government, although we have a number of people who have
11 local government backgrounds, including Madam Chair.

12 But there is one person I think who, not only
13 because of his dedication, his care, his forthrightness,
14 his hard work, is I think well suited to assume the
15 position of the vice chairmanship which, in effect, is
16 really honorary.

17 It's honorary because it's not provided for in
18 statute, but who because of his unique interest, pushing
19 affirmative action, pushing environmental justice, and
20 his own personal background, I think will help us send a
21 message that the issues that this Board is concerned
22 about and the people that we are concerned about run the
23 scope of California. And he comes from local government
24 too.

25 I would like to place in nomination, with the

1 full understanding that today, much more than six months
2 ago the, power on this Board is diffused among all six
3 members much more than it was, so we're talking about an
4 honorary position now, but an important symbolic
5 position. I would like to place in nomination the name
6 of Jose Medina.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you,
8 Senator. I'll second that.

9 I have not had a vice chair in the two years
10 that I've served, and at times it's been difficult. I
11 want to thank Jose, when my daughter had her baby early
12 and I had to miss the El Centro meeting, he did fill in
13 very ably and I appreciated that very much.

14 And I think, as the Senator said, Jose Medina
15 would make a great vice chair, and so I will second
16 that.

17 BOARD MEMBER EATON: Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

19 BOARD MEMBER EATON: May I be recognized?

20 BOARD CHAIR MOULTON-PATTERSON: Certainly.

21 BOARD MEMBER EATON: And before I speak I'd
22 like my comments to reflect that what I'm about to go
23 into has no reflection on the comments that Senator
24 Roberti has made or the second or Mr. Medina, who I
25 really don't have a problem with, whether it be an

1 honorary role as vice chair or an active role, and I
2 think it will be an active role, quite the contrary of
3 vice chairs.

4 But as one, with Senator Roberti leaving, and
5 one who has always prided himself on notice, and one who
6 has always prided himself on the ability to follow
7 precedent, I have to object to the fact that we're going
8 to take a vote on a vice chair without notice under
9 Begley-Keene.

10 And even in the absence of statute, and if that
11 is the basis by which our legal counsel is advising the
12 rest of the Board -- and is that the case?

13 BOARD CHAIR MOULTON-PATTERSON: Ms. Tobias?

14 CHIEF LEGAL COUNSEL TOBIAS: The Begley-Keene
15 Act requires that matters that come before the Board are
16 supposed to be noticed ten days in advance.

17 Because this is a matter of internal
18 administration I think that we've usually advised the
19 Board that it's best to go with the ten days notice, but
20 that it would not be required.

21 BOARD MEMBER EATON: You see, Madam Chair,
22 that's the point that I have is that even as early as
23 last year in July when the issue of the vice chair came
24 up, it was properly noticed. Now it was eventually
25 taken off calendar.

1 And every previous time that there had been a
2 vice chair, to my knowledge it has always been noticed.
3 So in the absence of statute, the Board, under Robert's
4 Rules of Order, must follow its precedent. And the
5 precedent has been to properly notice this item.

6 And I don't understand, quite frankly, why it
7 couldn't have been. It is nothing, I think we do need a
8 vice chair.

9 And in fact, if it was truly internal
10 administration, as our legal counsel asserts, then I
11 would ask that you, Madam Chair, do what you did with
12 committees, and you could have just appointed Mr. Medina
13 as chair. Because if that's really the key question.

14 But if we are going to take up a matter by
15 which we vote on a non-consideration internal item, it
16 doesn't square. We don't vote on a non-consideration
17 item, and you do not follow precedent.

18 So Mr. Medina, please don't take my objection
19 as an objection against you. But I think proper notice
20 in this situation should have been forthcoming. And I
21 hope that this is not going to be the precedent from
22 which we now go down that road on other matters, because
23 if it is it's a very slippery slope by which all of us
24 could be hurt by.

25 And therefore, I think that it is totally out

1 of order that we would even take up this. If you prefer
2 to just appoint and announce Mr. Medina as vice chair, I
3 think that is completely within what your legal counsel
4 has advised you.

5 But to take a vote I think is not proper, and
6 in keeping with both the Board precedent or what we need
7 to be doing at the Board.

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

10 Ms. Tobias, maybe you can advise me. I have no
11 problem with simply appointing Mr. Medina as vice chair
12 as I did the other, when we formed the committees.

13 But I also have been trying to schedule some
14 minor surgery, and so this could be considered an
15 emergency that arose after the printing of the agenda.
16 I might have to take off some days in September. And I
17 really want to have, if that happens I want to have a
18 vice chair.

19 Which would you think would be the best way to
20 do it?

21 I can do it either way and it, you know, we can
22 take a vote on it right now, or I can just appoint.

23 So if you could give me your best legal advice
24 on that, I would appreciate it.

25 CHIEF LEGAL COUNSEL TOBIAS: I think at this

1 point if you wanted to you could also schedule it for
2 another vote after you've appointed it. If you've got
3 surgery scheduled and there's a reason to do that you
4 may want to --

5 BOARD CHAIR MOULTON-PATTERSON: My point is
6 that the need to have this agenda item arose after the
7 printing of the agenda.

8 CHIEF LEGAL COUNSEL TOBIAS: Right.

9 BOARD CHAIR MOULTON-PATTERSON: So, you know,
10 we can either take a vote, or we can, I can simply
11 appoint.

12 Senator.

13 BOARD MEMBER ROBERTI: Well it's, when you get
14 two lawyers talking you get ten opinions, I guess.

15 On the question of Robert's Rules or precedent,
16 this is an internal item that the Board is involved in.
17 It was an honorary position, it is not statutory. And
18 the fact that a vote itself is not noticed frankly turns
19 notice on its head if we're saying but ah ha, on her own
20 it would be quite all right to accomplish the same thing
21 through a direct appointment. That even has less notice
22 to the public.

23 So I think if we're talking about the public
24 being properly involved here, I would say that a vote is
25 entirely proper.

1 If however, Madam Chair, you want to make the
2 appointment, that's fine with me. That's fine with me.

3 I think a vote on an item that is non-statutory
4 administrative procedure is quite proper. I would hate
5 for you to put it off till September, whatever you do,
6 for a very selfish reason, I would like to participate
7 and I won't be here. But whatever you want to do is
8 fine.

9 BOARD CHAIR MOULTON-PATTERSON: Okay.

10 BOARD MEMBER ROBERTI: But I think a vote is
11 entirely proper and probably gives a greater notice.
12 But you are the chair.

13 BOARD CHAIR MOULTON-PATTERSON: I will --

14 BOARD MEMBER ROBERTI: And --

15 BOARD CHAIR MOULTON-PATTERSON: With that,
16 Senator, we have a motion and we have a second.

17 Please call the roll for the selection of Jose
18 Medina as vice chair of this Board.

19 Please call the roll.

20 BOARD SECRETARY VILLA: Eaton.

21 BOARD MEMBER EATON: For purposes explained in
22 the public record, I'll be abstaining from this vote.

23 BOARD SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: (No response.)

25 BOARD SECRETARY VILLA: Medina?

1 BOARD CHAIR MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY VILLA: Moulton-Patterson?

7 BOARD CHAIR MOULTON-PATTERSON: Aye. Okay.

8 Thank you.

9 As far as reports, I'd like to report on a very
10 happy event, one that I've looked forward to for a long
11 time.

12 As many of you know, we were able to honor 162
13 jurisdictions at the California League of Cities in
14 Monterey. Board member Steve Jones joined me, and it
15 was a wonderful event, a lot of enthusiasm.

16 The cities were so appreciated -- appreciative
17 that their hard work and industry's hard work had been
18 recognized.

19 I just wanted to say a big thank you to all our
20 staff that worked so hard, Frank Simpson, your and Chris
21 Peck, Oscar Arriaga who was here earlier taking photos,
22 he designed the plaque that we presented these cities
23 with, it's beautiful. In fact, maybe next month or
24 sometime we can make sure we have one to show that it --
25 oh, well, okay, I won't steal, you can do that in your

1 report, Mr. Leary. Our own staff member designed this
2 very beautiful plaque.

3 And the DPLA staff just did a terrific job, not
4 just that night, however over all the last ten years,
5 eleven years.

6 And I think what really summed it up, we had so
7 many people that came up and wanted to have, I didn't
8 think anybody would want to, but they wanted to have
9 their picture taken with Mr. Jones and myself. So many
10 of the mayors and the council members.

11 And when they came up they said your staff is
12 so great, they have helped us so much over and over and
13 over again. And one gentleman said, "Rebecca Brown is
14 an angel. And she has helped us, she's made this
15 possible."

16 And I was so proud of our staff. I just can't
17 tell you. It just was a wonderful evening, I wish
18 everybody could have been there. I know there were some
19 schedule conflicts which is the reason other Board
20 members couldn't be there, but it was really terrific.

21 And some of the ones that hadn't quite made it
22 that were at the California League of Cities were
23 saying, "Boy, we really want to be up here." "We really
24 want to be recognized." And, "We're almost there."

25 So anyway, thank you, staff, for making the

1 evening possible. I really appreciate it very, very
2 much.

3 I also took the east end tour of our, with our
4 green building staff, and saw the Department of
5 Education. It's just phenomenal to see all of your
6 efforts.

7 And Mr. Eaton, certainly your, you were so
8 involved and Arnie Whitlong. And to see that all come
9 about was really exciting.

10 We met yesterday with Secretary Adams and she
11 asked that I invite everybody that can to come to the
12 dedication of the new headquarters building for the
13 California Department of Education. It's at 1430 N
14 Street. And that will be Wednesday, September 4th at
15 10:30 a.m. And I think they will be giving tours, and
16 it's really something to see, to see all of the
17 sustainability practices that have been integrated into
18 that building. So I would encourage you to go. That
19 was very exciting.

20 Lastly, the week before last I wanted to finish
21 my goal of visiting all 58 of the counties in
22 California, so I went to Plumas, to Lassen, and last but
23 not least, to Trinity.

24 And I'll tell you, it was a great experience to
25 me. Being from Los Angeles, I had no idea how sparsely

1 populated the rural areas up there are, some of the
2 problems that they face. I saw many of the facilities,
3 talked with many of the people that are involved in the
4 waste management.

5 And I really felt I had, came away with a
6 better understanding of the rural jurisdictions. So it
7 was really great that I could do that.

8 And that's the end of my report, and I'll turn
9 it over to Mr. Leary for his report.

10 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
11 Chair. Let me start by saying a number of positive
12 things were said about Board staff this morning, and on
13 behalf of all the staff I'd like to express my
14 appreciation and gratitude for those very positive
15 comments.

16 I too agree with the assessments made this
17 morning that we have a very talented staff who are doing
18 a terrific job.

19 And I'll piggyback on that accolade that you've
20 commented on, Madam Chair, in regards to the Monterey
21 event.

22 I, too, was very proud of the Board staff in
23 pulling that together. An evening conceived I think by
24 you, Madam Chair, but really implemented every step of
25 the way by Frank Simpson and his very talented public

1 affairs shop.

2 And on your cue, if we'd worked this out better
3 I would have gladly shown it off when you referred to
4 it. But maybe I can ask Julie to give me a hand here
5 and hold this up.

6 This is the award that we presented to the
7 jurisdictions, a Resources for the Future award. It's
8 amazing in the right light, and it was the right light
9 that evening in Monterey when we had spotlights on these
10 awards. But the reflection is beautiful. And much
11 credit to Oscar Arriaga in his design for that. And
12 again, a credit to all of our staff for pulling that
13 evening together.

14 I wanted to also comment that although one
15 hundred and however many jurisdictions did receive that
16 award that evening, we will have an award for every
17 jurisdiction who makes 50 percent or has a good faith
18 effort for the year 2000.

19 A couple other items that I will move through
20 quickly to get to the Board's external business. I
21 imagine our stakeholders are getting a little antsy here
22 this morning, they haven't had a chance to speak.

23 But over the next six years the L.A. Unified
24 School District will be building 139 new facilities to
25 accommodate their growing student population, and in the

1 process spend something like \$2.8 billion.

2 It's noteworthy that this, the largest school
3 district in the State of California, has made as part of
4 its effort an endorsement of the importance of
5 sustainability.

6 They have joined as a district the
7 Collaborative for High Performance Schools with the CHPS
8 program that we, as you all know, the Board is a part
9 of.

10 Subsequently, the district has developed a
11 score card which requires that all LAUSD projects
12 qualify as CHPS schools and certify that they meet the
13 CHPS criteria.

14 Initially the district has, will require each
15 project to divert 75 percent of its C&D waste from the
16 landfill. And we, of course, are working closely with
17 the district to make sure that that happens.

18 And then lastly, I wanted to comment that food
19 residuals continue to make up about 60 percent of the
20 California waste stream and are becoming the target of
21 an increasing number of local diversion efforts.

22 As the Board will recall, back in February the
23 Board approved a \$50,000 contract with CSU Sacramento to
24 develop a food diversion summit. The summit is now
25 scheduled for October 22nd and 23rd at the Sacramento

1 Hilton.

2 You will recall that the purpose of the summit
3 is to improve the efficiency of the management of food
4 products from generation to end use.

5 The summit will bring together representatives
6 from our major stakeholders. All levels of the state's
7 food management, infrastructure, generation, processing,
8 shipping and handling, as well as recovery and disposal
9 of food residuals.

10 We look forward to that very productive couple
11 of days. And we've already confirmed the former Air
12 Resources Board chair and now the president of the
13 California Restaurants Association, Mr. John Dunlap, to
14 be an important part of that food summit presentation.

15 And with that I will conclude my Executive
16 Director's report.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
18 Leary.

19 The Board will be holding a closed session
20 tomorrow, Wednesday, at 10:30 a.m. to discuss pending
21 litigation.

22 Also, if we go back to our agenda, item six has
23 been pulled and will not be heard at this meeting.

24 Item nine will be continued until the September
25 Board meeting.

1 Item 7, 8, 10, 14, 15, 24, 26, and 28 will not
2 be heard. These items were heard at the committee
3 level.

4 Items 2, 3, 4, 5, 19, 20, 21, 22, 23, 29
5 through 37, and 39 through 52 have been proposed for
6 consent agenda.

7 Would any Board member wish to pull any of the
8 items on consent?

9 (No response.)

10 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

11 BOARD MEMBER JONES: Madam Chair, I'll move
12 adoption of the consent calendar.

13 BOARD MEMBER MEDINA: Second.

14 BOARD CHAIR MOULTON-PATTERSON: Thank you. We
15 have a motion by Mr. Jones, seconded by Mr. Medina to
16 approve items 2, 3, 4, 5, 19, 20, 21, 22, 23, 29 through
17 37, and 39 through 52 on consent.

18 Please call the roll.

19 BOARD SECRETARY VILLA: Eaton?

20 BOARD MEMBER EATON: Aye.

21 BOARD SECRETARY VILLA: Jones?

22 BOARD MEMBER JONES: Aye.

23 BOARD SECRETARY VILLA: Medina?

24 BOARD CHAIR MEDINA: Aye.

25 BOARD SECRETARY VILLA: Papanian?

1 BOARD MEMBER PAPARIAN: Aye.

2 BOARD SECRETARY VILLA: Roberti?

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY VILLA: Moulton-Patterson?

5 BOARD CHAIR MOULTON-PATTERSON: Aye.

6 Okay. That takes us to our continued business
7 agenda items. And this is item, this item was heard in
8 committee and did receive committee consensus and Scott
9 Walker will present.

10 And we do have some speakers.

11 MR. SCHIAVO: Excuse me, Chair, but I believe
12 item number one -- I'll go ahead and give the
13 introduction, is consideration of an appropriate method
14 for making conformance findings for permits, new or
15 revised, that include multiple solid waste --

16 BOARD CHAIR MOULTON-PATTERSON: I'm sorry, Mr.
17 Schiavo, I read the wrong note here.

18 MR. SCHIAVO: That's okay.

19 BOARD CHAIR MOULTON-PATTERSON: Sorry, Mr.
20 Walker.

21 MR. SCHIAVO: We're adaptable. As they relate
22 to county-wide siting elements and non-disposal facility
23 elements.

24 And Catherine Cardozo will initiate this
25 presentation.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.

2 MS. CARDOZO: Good morning, Madam Chair and
3 Board members.

4 This item was first discussed at the July
5 Diversion, Planning, and Local Assistance Committee or
6 DPLA, and was continued to this month's DPLA committee
7 meeting. The committee's recommendation was that the
8 item be heard by the full Board.

9 The difference between the two committee
10 presentations was that at the August committee meeting a
11 discussion was included of how the Board's proposed
12 composting and construction and demolition regulations
13 would impact staff's previous recommendation.

14 Elliot Block will again be presenting the main
15 issues involved as well as staff's revised
16 recommendations.

17 LEGAL COUNSEL BLOCK: Good morning.

18 This item, as titled, is about making basic
19 conformance findings for multiple solid waste facilities
20 at the same site.

21 Very briefly as background, the basic
22 conformance finding requirement is located in Public
23 Resources Code 50001 and provides that a solid waste
24 facility cannot be established or expanded unless it is
25 either in the county-wide siting element or in the

1 non-disposal facility element.

2 The conformance requirement applies to the
3 permit concurrence process. In other words, an activity
4 that requires a, facility that requires a permit from
5 the Board is subject to the conformance finding
6 requirements.

7 Those solid waste operations that the Board
8 regulates but have been placed in essentially our
9 notification tier, did not require a permit, are not
10 subject to the conformance finding requirement.

11 In the past the Board has come across
12 situations where more than one solid waste facility is
13 located at the same site, and we have provided advice in
14 the past when there are two separate solid waste
15 facilities at the same site that the operator can choose
16 to either permit those separately or can put them into
17 one combined permit.

18 In terms of the item that's before you today,
19 in dealing with the situation where we have more than
20 one facility with one permit, and the primary example
21 we've been dealing with is a non-disposal facility like
22 a composting facility or on site at a landfill, is that
23 both facilities would have to be identified in the
24 appropriate planning element, either the siting element
25 for the landfill or the facility or the non-disposal

1 facility element if we're talking about a composting
2 facility or a MRF.

3 While statute doesn't expressly address this
4 position -- this issue, this recommendation fits within
5 the plain meaning of the statute which talks about
6 identifying the facility and the appropriate element.

7 And staff believes that this is appropriate
8 because without this requirement we could have a
9 situation where by combining two facilities in one
10 permit a site would be essentially escaping the
11 requirement for conformance findings for that second
12 facility.

13 As was mentioned, an issue came up after this
14 was first discussed at the committee meeting in July
15 relating to existing activities at landfill sites that
16 don't currently require a permit but may require a
17 permit in the future depending on the outcome of a
18 couple of regulatory packages that the Board is bringing
19 forward.

20 Primarily we're dealing with chipping and
21 grinding of compostable materials, primarily the green
22 material; which under the current proposed regulations
23 would require a registration permit if they're handling
24 more than 200 tons per day of material, and a full
25 permit if they're handling over 500 tons per day.

1 And the current version of the C&D regulations
2 would provide that if the C&D processing is occurring, a
3 registration permit would be required at one hundred ton
4 per day threshold, and a full permit at 750 ton per day
5 threshold.

6 So in response to this issue staff has provided
7 a recommendation. If you'd like to see all five bullets
8 on one page it's on the second page of the resolution, I
9 had to put them on two slides for the PowerPoint, it
10 takes too much room.

11 But basically is recommending that in addition
12 to the basic recommendation that if there are two
13 facilities at a site, they would both need to be
14 identified in the appropriate document. Where we're
15 dealing with a situation of an existing activity -- well
16 actually, probably the best way is just to go through
17 the five bullets. I was going to generalize it.

18 But basically interpret 5000 -- Public
19 Resources Code Section 50001 that when we're dealing
20 with a situation where there's a proposed solid waste
21 facility permit that includes an existing non-disposal
22 activity, such as chipping and grinding, C&D processing;

23 Where that disposal facility is identified in
24 the county-wide siting element;

25 Where the non-disposal facility activity that's

1 being added to the permit is being added because -- I'm
2 sorry, yes -- as a result of revision to the Board's
3 regulations, and not as a result of a change in the
4 activity; in other words, an increase in the size or the
5 like;

6 And that that existing non-disposal activity
7 was described within the disposal facilities report of
8 facility information as of today, if the Board were to
9 make the decision today, that those activities would not
10 require a separate identification in the non-disposal
11 facility element.

12 One thing I should emphasize, this came up at
13 the committee meeting. In a situation, and there are a
14 few of these around the state, where the existing, the
15 description of the disposal facility and the siting
16 element already includes a description of composting or
17 non-disposal activity, in some cases that's the case,
18 our recommendation would not require that an additional
19 amendment be made for concurrence on that.

20 We're simply talking about a situation where
21 neither document, either the siting element or the
22 non-disposal facility element contains a description of
23 the activity.

24 Now the Permitting and Enforcement staff,
25 Permitting and Inspection staff has done, since last

1 month, a fairly quick survey, very preliminary, of LEAs
2 around the state to try to get a sense of the scope of
3 what we're talking about would be included in this
4 grandfathering clause. So it's by no means final since
5 these numbers obviously could change as well depending
6 on the outcome of these two regulatory packages.

7 But they have discovered approximately 21
8 landfills that have some short of chipping and grinding
9 of either green material or construction and demolition
10 debris going on;

11 And 26 sites that have construction and
12 demolition processing going on. That actually is about
13 forty sites because some of them have more than one
14 going on.

15 And while I can't fit it on the overhead,
16 you've each been given a copy and there's copies on the
17 back table of the forty sites that have been identified
18 preliminarily as sites that might be affected by this
19 recommendation for the grandfathering clause.

20 Again, how exactly that plays out will depend
21 on what those regulations look like in the future.

22 And with that, I can answer any questions you
23 have or I can just stop.

24 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.

25 BOARD MEMBER EATON: Thank you, Madam Chair.

1 Since I was the one who voted to bring this to
2 the full Board, and now what I don't understand is,
3 quite frankly, why with the grandfathering clause, what
4 is the rush on this item?

5 I mean what I see is we don't have our
6 regulations settled yet. And in which case, at least in
7 some of your recommendations, things could change as a
8 result of those regulations, and then we just add more
9 confusion to the pot.

10 With grandfathering there's nothing that says
11 isn't it a fact that if someone is operating one of
12 these, you know, activities, they can actually increase
13 the size of that activity during this time, and then if
14 they're grandfathered in they wouldn't have to get a
15 permit.

16 LEGAL COUNSEL BLOCK: The purpose of one of the
17 bullets up there that essentially is trying to freeze
18 this in time based on the RFI as of today is to avoid
19 that.

20 In here if there is a non-disposal activity
21 going on at a landfill site, even if it doesn't require
22 a permit, it is supposed to be described in the report
23 of facility information. And so that document should
24 include a description of the size of that facility.

25 So, at least in concept, the way this

1 recommendation is set forth that shouldn't occur.

2 But I'll go ahead and ask Scott from Permitting
3 and Enforcement and Mark if they wanted to add some
4 additional comments on what those RFIs look like.

5 MR. DE BIE: Okay. Mark de Bie with Permitting
6 and Inspection.

7 As Elliot indicated, typically RFIs do describe
8 all the activities occurring at the landfill or other
9 facility, including activities that fall into these
10 categories, either chipping and grinding of compostable
11 materials or some sort of processing of C&D or inert
12 materials.

13 The degree of detail included in the RFIs does
14 vary somewhat; some have specific levels, tonnage levels
15 that are being processed per day. Some are more generic
16 in terms of, you know, material is processed on site, or
17 separated from the waste stream and processed on site
18 without any indication of specific amounts.

19 Typically the amounts are a subset of the total
20 amount going into the site, so there are conceivably
21 some limits in those cases.

22 But it does vary somewhat in terms of level of
23 detail of description of these various activities.

24 BOARD MEMBER EATON: But we could basically,
25 they could increase their activity or the amount that is

1 taking place, and then at the time the regulations come
2 up push to have that as part of the grandfathering,
3 another grandfathering simply by the fact that they've
4 been operating that way even though the regs have been
5 different.

6 What I'm trying to get at is I don't quite see
7 the purpose why we need this at this time. And it would
8 seem to be much more consistent with having the regs and
9 this particular item come together at the same time
10 because that way everyone sort of has the same, are on
11 the same page and we're not, you know, having some
12 facilities that are grandfathered in and some that
13 aren't.

14 MR. DE BIE: I can speak to the first point.
15 And certainly it's conceivable that some facility
16 operators could increase the level of activity and still
17 be within the parameters of their RFI and permit because
18 of the generic nature of the description.

19 There are some facilities that would not be
20 able to do that because of the details included in the
21 RFI or the permit without going through some amendment
22 to the RFI or a permit revision if there's a condition
23 in the permit, so there would be some variability in the
24 ability of an operator to increase.

25 Certainly when the regulations are in place

1 there would be a definitive definition of what is a
2 facility and, therefore, at the level of requiring any
3 permit, either separate or under one, and those that
4 would fall under a different category of operation.

5 So right now we can just speculate what those
6 levels might be and compare with what our understanding
7 of what's occurring at those facilities currently.

8 BOARD MEMBER EATON: Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

10 BOARD MEMBER JONES: Thanks, Madam Chair.

11 Just -- Elliot, this, this requirement to
12 include in the NDFE, if our reg package goes through and
13 say these facilities, these operations that are either
14 part of an ADC program or part of a recycling, chipping,
15 and grinding operation for feedstock to other
16 processors, or the C&D processing facility where it's
17 stockpiled and then ground up and used as foundation
18 material for a landfill or for some purpose.

19 What we're talking about is that when the regs
20 do go through, because of the limitations, that certain
21 of those operations with no change in the way they're
22 operating today, they would all require to get some
23 permit. They may fall into a permit depending upon the
24 tonnages that are going there, they'd have to go out and
25 get a permit as a facility, right?

1 LEGAL COUNSEL BLOCK: Correct.

2 BOARD MEMBER JONES: Okay. What we're talking
3 about is that identification in the NDFE, the inventory
4 of non-disposal facility elements that exist within a
5 county.

6 And I, I think what -- you know, because I'm
7 probably the creator of this discussion and this
8 confusion. I'm not, this grandfathering is not going to
9 allow those facilities to not get whatever the required
10 permits are.

11 What it's just going to do is say because it's
12 already been identified in a fully permitted landfill as
13 an ancillary operation, that it's not going to have to
14 go through the requirement of listing it in the NDFE.
15 It will have almost automatically have it listed in the
16 NDFE as a result of its existence if and when the those
17 regulations, but it doesn't, it doesn't lessen the
18 requirement that any of those facilities now get the
19 appropriate permit for whatever those ancillary
20 operations were, correct?

21 LEGAL COUNSEL BLOCK: That's correct. This
22 grandfathering clause is purely limited to the
23 conformance finding issue, and would not affect the
24 requirement to get a permit or revise the permit if that
25 would be the requirement from the regulation.

1 BOARD MEMBER JONES: So if some, and it is,
2 it's confusing. Because I didn't want anybody to get a
3 free ride on this thing.

4 It's just the idea that a fully permitted
5 facility will have already gone through CEQA, would have
6 identified these operations as part of the operation of
7 the landfill and, you know, these regs are just going to
8 add one more piece of bureaucracy and that's, you know,
9 having to go through a process to list it.

10 And the only reason I was comfortable with it
11 was that under the NDFE, if you read the statute, it
12 says that, you know, they can amend it every five years
13 for different operations. So, you know, six of one,
14 half dozen of the other.

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

17 We do have some speakers, Mike Mohajer, Los
18 Angeles County Public Works.

19 MR. MOHAJER: Good morning, Madam Chair,
20 Members of the Board.

21 Just a couple of seconds I want to congratulate
22 Senator Roberti for leaving Sacramento and joining us
23 down at the local government level in Los Angeles.

24 And I met Senator Roberti a few years ago, and
25 it truly has been a pleasure. And being born in a

1 foreign country and not knowing what the democracy is
2 all about and how the things are handled, it was just a
3 pleasure, that's all I can say.

4 And I'm certainly going to miss the Senator at
5 this Board. Truly he's represented the local
6 government, as you are.

7 And having said that, my issue about this item
8 is that, a little bit different because I do want to
9 talk about the siting element and the finding of
10 conformance that L.A. County has.

11 As the staff has indicated in their attachment
12 two, last, not last, over two years ago in August, 2000,
13 we requested, I requested at least to the rule of the
14 local task force in processing the finding of
15 conformance. And I was rather pleased that finally
16 after two years the response to my request was provided
17 in attachment in the Board package, even though we were
18 not provided with a direct response.

19 A couple of references I want to make in
20 attachment two. It makes a statement because the L.A.
21 County siting element has a finding of conformance for
22 the local task force, our task force wants to make sure
23 that if a facility is consistent with the requirement of
24 the siting element.

25 When the Waste Board approve a siting element,

1 the resolution indicated that they neither approve nor
2 disapprove the finding of conformance process that we
3 have.

4 And this issue has been going back and forth.
5 And as I said, I'm glad at least we got something in
6 writing back from the staff, even though it's an
7 attachment, but no direct response to L.A. County.

8 But having said that, on page two of that
9 attachment two, the last paragraph reads, this is,

10 "In addition to requiring
11 description of all existing
12 applicable disposal and
13 transformation facilities, the
14 Board's resolution required that a
15 county-wide siting element include
16 criteria that will be used in the
17 siting process for each facility.

18 "The element is also required
19 to describe process to be used to
20 conform, to confirm that these
21 criteria are used."

22 Then moving to page three in the middle of the
23 page, the first paragraph, the whole paragraph reads:

24 "The Los Angeles County-wide
25 siting element provides that a task

1 force shall review each proposed new
2 or expanded facility to determine if
3 it meets these requirements."

4 So having said that, so then my question comes
5 up, well how would the Waste Board and the local LEA
6 would be at least enforcing to what is stated over
7 here?

8 So I would appreciate if this issue is
9 addressed in a, sort of a writing form to our task force
10 and, because there have been instances that a landfill
11 proposal from L.A. County has come up before the Board,
12 as a matter of fact the last one that I raised the issue
13 that it did not have a finding of conformance from us.

14 And that is pretty critical for the city and
15 county is again having, everybody having input. And
16 even though it is a local process, but as the regulation
17 is called out over here, I would appreciate to have a
18 written response so we can move in regard to that.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you.

20 MR. MOHAJER: Any question I can answer?

21 BOARD CHAIR MOULTON-PATTERSON: So can we get a
22 response to Mr. Mohajer?

23 LEGAL COUNSEL BLOCK: Elliot Block again.
24 This is a different issue that he's raising today, I
25 think it is a little bit, well it's related to but it's

1 a little bit different than the issue we've been talking
2 about today.

3 But certainly I can work with Mr. Mohajer. I
4 think I need to get ahold of the original question he
5 may have asked because I'm not sure I have that, but I'm
6 sure he'll be more than willing to provide that.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
8 Block. If you'll follow up?

9 LEGAL COUNSEL BLOCK: Just before you go onto
10 the next speaker, if I can beg your indulgence.

11 One issue did, was raised as I sat down and I
12 wanted to clarify because the question was asked and I
13 actually think I didn't directly answer it regarding the
14 urgency of the item today.

15 And I was understanding that as the urgency of
16 the grandfathering clause issue and not necessarily the
17 basic recommendation about the requirement, if you will,
18 if you view this as a two part recommendation, the first
19 part.

20 The only thing I wanted to make sure to let you
21 know is we do apparently have some permits coming up in
22 the next six months that will have multiple facilities
23 that are currently where there are, is a non-disposal
24 facility on site at a landfill. So it's not affected by
25 the regulations, it's not the grandfathering issue,

1 where we're essentially looking for some direction on
2 how you want us to deal with the conformance finding for
3 those.

4 So at least as far as that part of the staff
5 recommendation, that's an issue that's coming up before
6 we'll be at a point where we're finalizing the regs
7 which is really related to the grandfathering issue.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
9 you.

10 We had some speakers that reserved their right
11 to speak but didn't necessarily want to speak.

12 Chuck Helget, Denise Delmatier, and Theresa
13 Dodge. And Theresa Dodge with the L.A. County
14 Sanitation Districts co-signed a letter dated 8/19 that
15 was sent to us, and she's available for clarification
16 and questions.

17 Denise, did you want to speak?

18 MS. DELMATIER: Madam Chair and members of the
19 Board, Denise Delmatier with NorCal Waste Systems.

20 Actually I wanted to make a little announcement
21 prior to testimony, and I apologize for not providing
22 this information to the Board members earlier, but this
23 has all happened very, very fast.

24 And dovetailing on the discussion about the
25 awards in Monterey and how well the staff has done and

1 the Board has done in promoting AB 939. As we speak the
2 national NBC affiliate, the Tom Brokaw Show, is in San
3 Francisco filming the Fantastic Three program, and we
4 are receiving national attention for that program. And
5 I thought the Board might want to know that.

6 And I think it's going to air Thursday night on
7 the Tom Brokaw Show. So I think it's something we can
8 all be proud of. We've all participated in promoting
9 this kind of program. And it's, unlike the city of New
10 York and doing away with programs, we're very proud and
11 appreciate the staff's participation and the Board's
12 participation in AB 939.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you so
14 much for letting us know. And we enjoyed hearing Mayor
15 Brown, Mayor Willie Brown yesterday at our management
16 forum, and he was talking about the Fantastic Three, and
17 that's great.

18 Thank you very much. Okay.

19 With that we, if we want to finish up this item
20 or if not we're going to have to take a quick break.

21 Does everybody have the revised resolution?
22 Okay. Do we -- Mr. Medina.

23 BOARD MEMBER MEDINA: Madam Chair, I would like
24 to move Resolution 2002-413 Revised, consideration of an
25 appropriate method for making conformance finding for

1 permits, new or revised, that included multiple solid
2 waste facilities as they relate to county-wide siting
3 elements and non-disposal facility elements.

4 BOARD CHAIR MOULTON-PATTERSON: Do we have a
5 second?

6 BOARD MEMBER JONES: I'll second it. I just --
7 Madam Chair.

8 BOARD CHAIR MOULTON-PATTERSON: Go right ahead.

9 BOARD MEMBER JONES: I have a question. I
10 think that the issue of the permit status, if this is
11 conformance, we have another issue which is permit
12 status when and if these regs get put through.

13 I just want to make Elliot, I think that some
14 of the issue Mr. Eaton brought up, if we grandfather
15 some of that stuff we're going to have a problem.

16 So not on this, but I just think we need to
17 make sure that that's at the top of the page to make
18 sure that we're not giving away more than what you and I
19 kind of worked on here to ensure.

20 LEGAL COUNSEL BLOCK: I can't speak directly
21 for the C&D regs because I haven't worked directly on
22 those, but I do know that the compostable material
23 regulations that you've now directed us to go out to,
24 for another fifteen day comment period, do have another
25 section that deals with existing facilities where

1 there's a change, and it provides for, essentially it's
2 a transition period, but it does require them at the end
3 of that transition period to have the appropriate
4 permit.

5 BOARD MEMBER JONES: Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
7 Jones.

8 Okay. We have a motion by Mr. Medina, seconded
9 by Mr. Jones to approve Resolution 2002-413 Revised.

10 Please call the roll.

11 BOARD SECRETARY VILLA: Eaton?

12 BOARD MEMBER EATON: No.

13 BOARD SECRETARY VILLA: Jones?

14 BOARD MEMBER JONES: Aye.

15 BOARD SECRETARY VILLA: Medina?

16 BOARD CHAIR MEDINA: Aye.

17 BOARD SECRETARY VILLA: Papanian?

18 BOARD MEMBER PAPANIAN: Aye.

19 BOARD SECRETARY VILLA: Roberti?

20 BOARD MEMBER ROBERTI: Aye.

21 BOARD SECRETARY VILLA: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: Aye. We'll

23 take a ten minute break.

24 (Thereupon there was a brief recess.)

25 BOARD CHAIR MOULTON-PATTERSON: Do you have in

1 ex-partes?

2 BOARD MEMBER EATON: No, Madam Chair.

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

5 Mr. Medina, any ex-partes?

6 BOARD MEMBER MEDINA: None to report.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you.

8 Mr. Papanian?

9 BOARD MEMBER PAPANIAN: None.

10 BOARD CHAIR MOULTON-PATTERSON: Senator
11 Roberti?

12 BOARD MEMBER ROBERTI: None.

13 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
14 you.

15 Even though everything has been approved on
16 permits, LEAs, and facility compliance, I'd like to call
17 on Mr. Papanian because he has some remarks, he's the
18 chair of that committee.

19 BOARD MEMBER PAPANIAN: Thank you, Madam Chair.

20 Just a couple quick things, and I mentioned
21 these at the briefing last week as well. And Mr. Walker
22 might want to jump in on this too.

23 We approved several items on consent this
24 morning, three, four, and five. Item six was pulled.
25 Items seven and eight draw particular attention.

1 Item seven was the organics regs, and that's
2 gone out for an additional fifteen day comment period.

3 Item eight is the C&D regs, and we are getting
4 additional input on those regs.

5 Staff is going to work with the stakeholders on
6 some of the issues and clarifications and is going to
7 likely come back in September.

8 Item nine, a report on local enforcement
9 agencies, enforcement orders was continued to September.

10 And item ten regarding the long term gas
11 violation policy, the committee gave direction to start
12 a regulatory process related to that.

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

15 BOARD MEMBER PAPARIAN: And I think, I don't
16 know if Mr. Walker might have something to add to that
17 too?

18 MR. WALKER: No, that's a good summary and I
19 have nothing to add.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you.
21 That brings us to Waste Prevention and Market
22 Development. Mr. Jones, Chair of that committee, has
23 already given his report.

24 I believe we have number 11 and 12 and 13 which
25 all received committee consensus.

1 Ms. Wohl.

2 MS. WOHL: Correct. Good morning, Madam Chair,
3 Board members. Patty Wohl, Waste Prevention and Market
4 Development Division.

5 As you mentioned, all three of our items are on
6 committee consensus. They were heard in both the
7 Special Waste and Market Development Committee, and the
8 Budget and Admin Committee. So I think basically
9 everyone has heard the full presentation.

10 Agenda item 11 is consideration of allocation
11 and a revised scope of work for the sustainable building
12 technical assistance service contract for fiscal year
13 2002-2003. This is in the amount of \$200,000, a hundred
14 thousand dollars from IWMA, and \$100,000 from tires.
15 The Board previously approved this scope of work.

16 We have made one minor change, I think really
17 to strengthen it, on page three of the scope of work
18 which is the bullet,

19 "Identify tire derived
20 applications in building
21 construction and develop a list of
22 potential products that could
23 utilize tire derived products."

24 So we think this could help in using tire
25 derived products in green buildings in the future.

1 So with that, staff recommends that the Board
2 approve option one, and adopt Resolution 2002-461.

3 A Thank you. Any questions? Okay. Can we have
4 a motion?

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Yeah, I'll move
7 Resolution 2002-461.

8 BOARD MEMBER MEDINA: Second.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
10 a motion by Mr. Paparian, second by Mr. Medina to
11 approve Resolution 2002-461.

12 Please call the roll.

13 BOARD SECRETARY VILLA: Eaton?

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY VILLA: Jones?

16 BOARD MEMBER JONES: (Not present.)

17 BOARD SECRETARY VILLA: Medina?

18 BOARD CHAIR MEDINA: Aye.

19 BOARD SECRETARY VILLA: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY VILLA: Roberti?

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY VILLA: Moulton-Patterson?

24 BOARD CHAIR MOULTON-PATTERSON: Aye.

25 Please leave the roll open for Mr. Jones when

1 he returns.

2 Okay, number twelve.

3 MS. WOHL: Agenda item twelve is consideration
4 of the recycling market development revolving loan
5 program, application for Work Training Center For The
6 Handicapped, Inc. This is in the amount of \$34,000 for
7 the purchase of equipment.

8 Staff recommends that the Board approve the
9 loan contained in Resolution 2002-460 to the Center in
10 the amount of \$34,000.

11 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
12 you.

13 Mr. Medina.

14 BOARD MEMBER MEDINA: Madam Chair, I'd like to
15 move Resolution 2002-460, consideration of the recycling
16 market development revolving loan program application
17 regarding Work Training Center For The Handicapped, Inc.

18 BOARD MEMBER PAPARIAN: Second.

19 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
20 a motion by Mr. Medina, seconded by Mr. Paparian to
21 approve Resolution 2002-460.

22 Without objection can we substitute the
23 previous roll call?

24 Okay. That brings us to number thirteen.

25 MS. WOHL: Agenda item thirteen is

1 consideration of the recycling market development
2 revolving loan program for Ability Counts, Inc.

3 And this is the in the loan amount of \$271,000
4 to purchase polymer grinding equipment and working
5 capital for the recycling of plastic hangers.

6 Staff recommends that the Board approve the
7 loan contained in Resolution 2002-459 to Ability Counts
8 in the amount of 271,000.

9 BOARD CHAIR MOULTON-PATTERSON: Okay. Any
10 questions?

11 Mr. Medina.

12 BOARD MEMBER MEDINA: Madam Chair, I'd like to
13 move Resolution 2002-459, the recycling market
14 development revolving loan program application for
15 Ability Counts, Inc. in the amount of \$271,000.

16 BOARD MEMBER PAPARIAN: Second.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
18 a motion by Mr. Medina, seconded by Mr. Paparian to
19 approve Resolution 2002-459.

20 Please call the roll.

21 BOARD SECRETARY VILLA: Eaton?

22 BOARD MEMBER EATON: Aye.

23 BOARD SECRETARY VILLA: Jones?

24 BOARD MEMBER JONES: Aye.

25 BOARD SECRETARY VILLA: Medina?

1 BOARD CHAIR MEDINA: Aye.

2 BOARD SECRETARY VILLA: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY VILLA: Roberti?

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY VILLA: Moulton-Patterson?

7 BOARD CHAIR MOULTON-PATTERSON: Aye.

8 Mr. Jones, we left the roll open for your vote
9 for number 11 and number 12.

10 BOARD MEMBER JONES: Thank you, Madam Chair.

11 Aye on 11.

12 Aye on 12.

13 BOARD CHAIR MOULTON-PATTERSON: Thank you.

14 Okay. Moving on to Special Waste, Mr. Jones
15 has already reported, so we have 16, 17, and 18 which
16 received committee consensus.

17 Ms. Willd-Wagner.

18 MS. WILLD-WAGNER: Yes, good morning, Madam
19 Chair and Board members. Shirley Willd-Wagner with the
20 Special Waste Division.

21 Item 16 will be presented here to the Board.

22 This is an update on the California Uniform Waste and
23 Used Tire Manifest System.

24 As you're aware, it's a very critical component
25 of SB 876, and staff from the Information Management

1 Branch has a presentation for you today kind of on the
2 background of the development of the tire manifest
3 system.

4 They've worked very closely with stakeholders
5 and staff in the waste tire branch to develop a system
6 that I think will really meet the intent of SB 876.

7 To introduce this and walk you through the
8 process, Gary Arstein-Kerslake of the Information
9 Management Branch.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.

11 Great.

12 Nice to see you, Gary.

13 MR. ARSTEIN-KERSLAKE: Good morning, Madam
14 Chair and Board members. Gary Arstein-Kerslake, Chief
15 Information Officer for the Integrated Waste Management
16 Board.

17 Doug Ralston and I are here today to provide a
18 status update on the technical implementation of the
19 waste tire management system.

20 The general order of our presentation will be
21 that we're going to provide a background related to SB
22 876 and the requirements.

23 We'll focus on the core components of the
24 technical implementation.

25 And then we'll close with a discussion of where

1 we are in the process, the next steps, and the timeline
2 on that.

3 And I will ask Doug to cover the overview on SB
4 876 and the first three items with regard to technical
5 implementation regarding the system requirements, the
6 system design, and the detail forms development.

7 I'll come back and cover the scanning, the
8 design and testing for that, the data design business
9 processes work flow, and the print alternatives and
10 electronic data transfer components.

11 And then Doug will close with the
12 communications plan and website, and timeline of the
13 next steps.

14 So Doug, with that.

15 MR. RALSTON: Madam Chair, Board members, my
16 name is Doug Ralston, I'm with the Information
17 Management Branch, and the project lead for the waste
18 tire manifest automated system.

19 It's a pleasure to be here today and to talk
20 about all the hard work that we've been doing over the
21 last year and a half to two years.

22 What I'd like to do is to start with a few
23 items on the background of the principal things that
24 came through SB 876, and then move through how the
25 automated system will address those specific

1 requirements.

2 As you see on the screen, SB 876 provided a
3 number of changes to the way that the State of
4 California, specifically the Board, will be doing
5 business in regulating haulers, generators, and end
6 users:

7 To increase the tire fee to one dollar.

8 Extended the fee to new car dealers and new
9 tire dealers and used tires.

10 Redefined waste tire.

11 Increased the funds for the waste tire
12 recycling and recovery.

13 Strengthened the enforcement through changes to
14 the waste tire hauler and waste tire facility permits.

15 Required the development of a five year plan.

16 And as part of that also stipulated that there
17 would be an automated waste tire manifest system to
18 reconcile various loads, not only for enforcement
19 purposes, but for, also to track the total volume of
20 tires within the State of California.

21 Based on the statutes, the regs, and the
22 business processes, these are some of the basic
23 components of what the system has to contain.

24 There must be a manifest and trip log form
25 completed for each load of tires. Load we're defining

1 as when the first tire goes on a truck to the time that
2 the tire comes off the truck, there has to be nothing on
3 at the beginning and there has to be nothing on at the
4 end.

5 In between what we're tracking is who's picking
6 up tires, where are they taking 'em, and who is
7 accepting them.

8 The manifest must include hauler information,
9 name, address, generator information, end use facility
10 information.

11 Tire load measurement, type of tires, the load
12 date, the origin of that load, and possible or intended
13 uses of the tires that are being picked up, if it's
14 known.

15 The bill requires that every generator, hauler,
16 and waste tire facility operator be required to submit a
17 legible copy of the manifest or the trip log to the
18 Board.

19 The legislation also stipulated that it could
20 be either paper or electronic format in the way that the
21 information is submitted. And Gary will speak to more
22 on the electronic format later in the presentation.

23 Bottom line, there had to be the ability to
24 match, reconcile, and audit manifest information so as
25 to account for loads and subtract for loads.

1 The objectives:

2 Ability to identify, for audit purposes, those
3 entities that failed to meet timely submission of
4 accurate manifest information.

5 The system has to have the capability to
6 generate random samples of submitted forms for audit
7 reviews.

8 There has to be the enforcement of PRC Section
9 42961.5 concerning waste and used tires, and the
10 increased compliance that goes with that.

11 It has to incorporate the existing waste tire
12 hauler registration system as a core component of the
13 overall system.

14 The Information Management Branch has been
15 looking at the proposed waste tire manifest system for
16 almost two years.

17 Looking back to the fall and early winter of
18 2000, we in IMB, along with program staff, began to look
19 at some of the key features of SB 876. And from an IT,
20 or information technology viewpoint, tried to determine
21 what might be the primary components and how might they
22 be automated.

23 After coming up through some initial analysis,
24 we began the actual documentation of that analysis
25 through a feasibility study report and the budget change

1 proposal process.

2 The feasibility study report went through the
3 Department of Information Technology at that time, and
4 then was subsequently approved by the Department of
5 Finance.

6 Together with the BCP, the automated system was
7 funded beginning in fiscal year last year.

8 In that time what we have done is to take the
9 analysis from the feasibility study and begin to put
10 meat on the bones as it were.

11 Last fall we began a series of meetings that
12 dealt with some of the key stakeholders. We had
13 prepared for them a proposed system, or at least a form
14 and an approach that we had decided would work. We
15 floated that out there for them for comment and for
16 review.

17 I think the thing to remember with this waste
18 tire manifest system and certainly the analysis is it
19 has been one of a development review comment,
20 development review comment with the key stakeholders up
21 and down the state from both the generator and the
22 hauler as well as from the end users.

23 Last fall, in October of last year we began the
24 actual focused meetings with the regulated community.
25 We had a meeting in California, here in Sacramento which

1 pulled representatives from the Bay Area as well as the
2 Central Valley and Northern California.

3 We have subsequently held a meeting in Southern
4 California with those same key representatives. Those
5 included folks from the hauler community, the
6 generators, end use facility operators, and from local
7 government.

8 Summaries of the meetings were met, or excuse
9 me, developed and put out on the website for public
10 review.

11 Subsequently we held public meetings, both in
12 Northern California and Southern California, taking the
13 information from the key stakeholders meeting and
14 turning that around and refining our process.

15 We had a very good turnout in both Northern and
16 Southern California, and learned a great deal in terms
17 of how they do business and the way that they do
18 business.

19 Likewise, a summary of the meeting and followup
20 issues were provided to participants and also placed on
21 our website for public review.

22 In addition, we've also taken the time to visit
23 a number of tire hauler, generators, and end users.
24 We've had the opportunity to sit down with them and ask
25 how do you do business in light of SB 876? And how

1 might SB 876 affect the way that you do business? And
2 where are we the same in terms of how we collect
3 information or the information that needs to be
4 collected?

5 We went on ride-alongs with drivers. We saw
6 how they worked with the actual client in the field,
7 looking at the interaction between the hauler, the
8 paperwork they filled out, and what the generator or the
9 end user was asked to give in that transaction.

10 Finally, we did a pilot testing of forms and
11 processes this last spring that involved a number of key
12 stakeholders, both in Northern and Southern California.
13 And that too was a success.

14 It proved a number of things. One is that the
15 approach that we're looking at fits a number of
16 different business processes, whether it's a very
17 sophisticated operation or one that may be more basic in
18 its approach.

19 It also showed that the scanning approach that
20 we had intended to use would function well in this
21 environment, and be able to both scan and capture data
22 from a high volume of users.

23 A summary of the basic analysis shows that the
24 approach that we are using meets the stated legislative
25 and programmatic requirements for closing the loop on

1 all parties.

2 It ensures the ability to accommodate all four
3 waste tire hauler scenarios or alternatives. And we'll
4 discuss those more in a minute.

5 It makes the process and procedure for form
6 completion by generator, hauler, and end user facility
7 the same regardless of the trip type.

8 And it develops forms that are standard, easy
9 to use, and lend themselves to high volume processing.

10 Some of the specific business points that came
11 out in the analysis were one form cannot meet the
12 statutory requirements in supporting the four basic
13 hauler types, and it can't meet the statutory
14 requirements and complexities of the various hauler
15 scenarios.

16 What I mean by that is there are different
17 variations on the theme for the various trip types, and
18 we'll talk about some of the complexities in a minute.

19 Rather, two forms are needed. One is for the
20 manifest, one is the manifest form for both pickup and
21 delivery, and the other is a trip log or a summary of
22 the places where the hauler stopped, picked up, or
23 delivered tires. Two forms to meet the requirements.

24 When you look at the type of trip types that
25 there are within the hauler community, and within this

1 particular business set of opportunities, we see that
2 there's a simple one to one picking up from the
3 generator, hauling it, and taking it to an end use
4 facility.

5 There's the multiple pickup, single delivery as
6 shown in number two.

7 There's a single pickup, multiple delivery
8 shown in number three.

9 And number four is multiple multiple, picking
10 it up basically from any number of sites, dropping off
11 during that course of that load at sites either to sell
12 tires or to dispose of tires, and then picking up
13 again. This is commonly referred to as a milk run.

14 One of the things that was very interesting
15 that came out of the public testimony and the key client
16 meetings was the variations on a theme that come through
17 the various hauler scenarios.

18 And I think that reflects the complexities that
19 businesses, the hauler community has, as well as the
20 generators in dealing with waste tires, and what the
21 Board is going to need to deal with in actually putting
22 a system out there that recovers that information.

23 When we looked at the different types of hauls
24 we found that there can be, for example, in number one,
25 a California generator, that could be a Pep Boys or a

1 Goodyear, through a registered hauler, but it may be
2 going to an out of country or out of state use.

3 There could be, as in number two, the common
4 carrier -- excuse me, out of state coming in via common
5 carrier for a California end use.

6 Likewise, in number three there could be a
7 California generator going through a common carrier out
8 of country or out of state use.

9 And then four, five, six, and seven as you see
10 here also are variations on a theme.

11 In some instances we heard that trailers were
12 being taken to Mexico filled with tires. Who fills out
13 the manifest in that way? How can we track that
14 information? When containers are picked up at the Board
15 of Long Beach at 2:00 o'clock in the morning, who's
16 supposed to be filling out the manifest for that, and
17 how do we approach that from an automated system point
18 of view?

19 You see there, through the seven different
20 scenarios something that we had to deal with in terms of
21 developing a system that would work in those
22 eventualities.

23 Kind of a big picture view of how this system
24 practically will work in the field. What we have is,
25 and what the legislation requires, what we have is the

1 hauler picking up from a generator.

2 The generator and hauler will both complete a
3 manifest form. We'll show the forms here in a few
4 minutes.

5 The hauler will fill out the top portion with
6 name, address, detail number. And the generator with
7 their information, including the number of tires, type
8 of tires, and the intended use.

9 Both will keep a copy of the manifest. And the
10 generator at that point will be mailing a copy of that
11 transaction back to the Board in a self-mailer.

12 The hauler will maintain a trip log. This log
13 says and keeps information on every stop and every
14 pickup that the hauler has made during that particular
15 load. For every stop and pickup, the hauler has to put
16 down how many tires were picked up, how many tires were
17 unloaded, and to whom did he unload those.

18 We keep track of this information via
19 cross-reference numbers on both the manifest and on the
20 trip logs. And that will become a little more apparent
21 as we go through the slides.

22 SB 876 requires that all forms be submitted no
23 less than quarterly. In talking with program staff,
24 there's the estimate of 150,000 loads yearly in
25 California. If we're to take the scenario of each party

1 contributing to a manifest or a trip log, that means
2 450,000 forms are possible for scanning or for
3 submission to the Waste Board.

4 In our efforts to automate this system or to
5 capture this information for the points I previously
6 illuminated, we needed to be able to both scan and
7 capture data off each form.

8 Consequently, the images of the form will be
9 available via automated retrieval by waste tire program
10 staff for reviewing manifests and any auditing and
11 enforcement they may be doing from that.

12 So really we're doing two things; capturing a
13 picture of that hard copy form, and capturing the data,
14 and then being able to relate those two should there be
15 a question.

16 The forms themselves will be optical character
17 read or OCR for short. What they will be doing is
18 scanning the manifest number and trip log number,
19 matching those up, and then being put into a database
20 from which they can be later recalled.

21 All the CIWMB identifiers will use a check sum
22 in the hauler log number and the manifest number. The
23 check sum is really a small formula that goes in and
24 tells us if a transposition of numbers has taken place
25 during any particular transaction.

1 For example, if I'm a hauler and I write out my
2 log number on the top of the manifest form in a
3 transaction with a generator, and I happen to transpose
4 the numbers when I put down my log number, the system
5 will catch that and flag that form as an error.

6 It's a way to increase the integrity of the
7 data, to try and catch errors up front. But this is a
8 somewhat sophisticated approach to try and make sure we
9 get the information accurate from the very beginning as
10 we go through the automated process.

11 All fields will have validation rules to the
12 extent possible to ensure high data integrity and
13 accuracy.

14 For example, if we're looking through and
15 scanning information from this form, putting it into a
16 database, and the data that we're scanning is beyond a
17 parameter that we've set, whether it be a numeric or
18 some sort of sequence, the scanning database software
19 will flag that particular form for review by one of the
20 waste tire program staff, and corrections made or at
21 least followed up on to ensure accurate information.

22 The Web based on-line form submission will be
23 part of this system. And that goes back to one of the
24 stipulations of the SB 876.

25 Let's take a look at the forms. Two forms are

1 to be developed, the Waste Tire Manifest Form, and then
2 the Used Waste Tire Trip Log Form to be completed by the
3 registered waste tire hauler.

4 And I believe you have handouts up there that
5 have a rendering or a copy of the manifest and the trip
6 log form.

7 The waste tire manifest form will be in two
8 parts, completed by the generator or the end use
9 facility operator.

10 If you're a generator, if you're a Pep Boys or
11 a Goodyear, you'll be filling this out along with the
12 tire hauler. You will fill out the bottom portion, the
13 tire hauler will fill out the top portion.

14 If you are a permitted facility accepting
15 information -- accepting information? -- or accepting
16 tires into your facility, you would be filling out the
17 bottom portion, and the tire hauler would be filling out
18 the top portion.

19 The information we're collecting from both the
20 beginning or the hauler -- excuse me, the generator and
21 the end use facility being the same information.

22 When we look at the top portion of the form,
23 what we see is in the upper right hand corner a manifest
24 number. This is a number for that particular
25 transaction between that hauler and that generator.

1 It's unique, it is not used anywhere else in the system,
2 nor will it be again.

3 The top portion shows the type of pickup that
4 they're doing or the type of load they're doing, whether
5 it's a pickup or delivery, and also shows whether it's
6 being imported or brought in from outside California or
7 outside the U.S.

8 Likewise for delivery, is it being exported out
9 of the state or even out of the country.

10 All our business name, including the hauler's
11 telephone number are included.

12 We have load date information and the log
13 number.

14 For the hauler, the hauler for each load will
15 fill out a trip log. That log will have a unique
16 number. That number goes here on this manifest form,
17 and it's one of those cross-referenced pieces that we
18 talked about earlier.

19 In addition, we'll have information on the
20 hauler's vehicle, the license plate number and the Decal
21 number, both of which are within our existing waste tire
22 hauler registration system.

23 If the load is exempt, you see a portion there
24 dealing with the type of exemption that can be checked
25 by the hauler so that they do meet the intent of AB 876,

1 and also for any enforcement that may be going on should
2 they be stopped by the CHP.

3 Finally, there's a signature line and print
4 line for the driver's signature and the date.

5 The bottom of the forms deals with the
6 generator or the end use facility. Tire program I.D.
7 is the first block of information you see in the upper
8 left-hand corner. In order to identify and to keep
9 track of all the regulated community within this
10 automated system, it became necessary to provide each
11 one with a unique number that would identify them to the
12 system.

13 For the waste tire haulers who already have a
14 number, that number will be incorporated and be their
15 tire program I.D. number. We're not making them keep
16 two numbers.

17 The generator will put in the load amount and
18 then the load type and how it's being measured. They
19 will also put in there the amounts of tires broken down
20 by tire type, and then the intended use. The business
21 name of the generator and their phone number, comment
22 area, which is shown in the bottom right-hand corner,
23 along with the signature line and the rep's signature as
24 well for printing.

25 Let's take a look at the log form. As I

1 mentioned, for each trip the hauler will need to fill
2 out a trip log form.

3 The log number in the upper right-hand corner
4 likewise is unique, it won't be used again, and is the
5 unique number for that particular load on that
6 particular day.

7 You see the detail number and the load date?
8 Again, this identifies the hauler to the automated
9 system based on our existing waste tire hauler
10 registration system, as well as having space there for
11 their name and their telephone number.

12 The lines that are shown below manifest number,
13 load type, and load amount indicate that each individual
14 stop or pickup or delivery that that particular hauler
15 made on that particular day for that particular load.

16 And what we're capturing here is the manifest
17 number from each transaction that they've had with the
18 generator or the end user.

19 Having that unique number identifies that
20 transaction to that particular load so that we can
21 reconcile then and begin to show, based on a sequence,
22 the generator's transaction with the hauler, the
23 hauler's transaction with the end use facility.

24 You see there the same kind of information,
25 pickup and delivery, load type, weight, load amount.

1 For CHP purposes and enforcement, this gives
2 the officer a very quick look at what's on the -- excuse
3 me, what's on the truck, and also an indication of
4 what -- excuse me, where the particular hauler has been.

5 As I mentioned earlier, the generator and
6 hauler on their transactions will each keep a copy. In
7 addition to this trip log, the hauler must have in his
8 position a copy of the manifest from the previous
9 transaction, whether it be through the hauler -- excuse
10 me, the generator or the end user. So those two things
11 together comprise the things that he needs to have in
12 his possession.

13 What we he needs to provide the Board is a copy
14 of his trip log that says here's where I went on this
15 particular day, and here's the manifest, here's the
16 transactions I participated in.

17 Those numbers, both in the log and from the
18 manifest begin our audit trail.

19 In putting together this approach with this
20 automated system, one of the things that we wanted to
21 make sure that we did was to test it early on in a field
22 setting. And we did this this last March.

23 We did it both in Northern California and in
24 Southern California. We provided the participants,
25 first part of March, with a full days of training as we

1 went through what the process is and how they were to
2 use these particular forms.

3 The objective in doing the field test, to find
4 out if we had any holes, to see what worked, to see what
5 didn't work, and to try to make this particular process
6 usable and have utility for the hauler, generator, and
7 end user.

8 You can see the participants and who they were
9 based on geographic locale.

10 And just a note on that, we picked those who
11 had expressed interest in the waste tire hauler manifest
12 system --excuse me, waste tire manifest system, as well
13 as those who were both, who could have been generator
14 and hauler or even end use within their particular
15 facilities, covering more than one role.

16 We wanted to go for folks that were in less
17 than a heavy urban area, but maybe be in the central
18 valley or maybe doing work in rural areas. So we tried
19 to get a good cross section of locales in which to test
20 that.

21 The field test results were that the business
22 processes and the relationships were validated for all
23 three of the regulated clients in this particular
24 automated system.

25 The forms we had to make a little more easy to

1 use and to understand. And I think it's noteworthy to
2 say since we began this analysis a year and a half, two
3 years ago, we have stripped a lot of information off the
4 form that we have come to see as being not essential or
5 strictly pertinent to a transaction, all with the idea
6 of, one, maintaining the integrity and the intent of SB
7 876 for auditability and accountability, while at the
8 same time attempting to make the process easy for the
9 regulated community to use.

10 We found that the haulers are really the key
11 entity in this whole process. They are the people who
12 are in between and who make a great deal of effort,
13 often to provide their generators or their pickup spots
14 with the necessary information for that generator to
15 participate.

16 They performed administrative services like
17 typing up or preparing invoices for them so that the
18 generators don't have to do that.

19 We also found that confidentiality among all
20 three parties as to their volumes, tires, locations,
21 loads was very, was extremely, was extremely important
22 to them.

23 In our test we approached two high volume
24 haulers, Golden By-products out of Merced, and Lakin out
25 of Santa Fe Springs, both of whom have automation

1 practices in place for routing, invoicing, and tracking
2 tire loads.

3 Routing is a key to the large business
4 operation, and is tied to a variety of business
5 processes such as their own accounts receivable,
6 accounts payable.

7 Large operations perform much administrative
8 paperwork, as I indicated, for generators in advance.
9 And wanted the ability to do pre-printing of the forms
10 that we're going to be requiring them to use, and trip
11 logs.

12 This speeds up the manifest form and trip log
13 pre-printing and routing process. And is also something
14 that we could do, I think from this end, to help make
15 the system more usable in that size of an operation.

16 But bottom line, the waste tire manifest system
17 approach as we're proposing it will work in any
18 circumstance, whether it's a very sophisticated
19 operation or whether it's a very small operation. The
20 format, the transfer of information, the submission of
21 information will work, and will be submitted in
22 generally the same way.

23 When we look at the big picture again, this
24 time with the various numbers involved in terms of the
25 manifest and the log numbers, you begin to see that

1 there is a cross-referencing between the hauler and the
2 generator.

3 If you look under manifest number, the pink
4 here shows that number of 258757. If you look in the
5 center block there you'll see pickup generator one,
6 258757, and the number of tires.

7 If you look on the hauler manifest side there
8 you'll see something in red, it's the log number, and
9 it's the log number for that particular load for that
10 particular day.

11 The manifest for the generator has the log
12 number such that the generator, if he wanted to know if
13 his load made it through, could use that manifest number
14 to check to find out if his load cleared, and was it
15 sent or disposed of at an appropriate facility.

16 The cross-referencing of numbers both on the
17 front end and then on the back end between the hauler
18 and the end user likewise supports that accountability
19 and that auditability of a particular load.

20 What this also shows is that it is common
21 practice for many haulers to pick up tires, and then as
22 they're going through their route to pull some tires for
23 resale, even as they're going through their pickups and
24 deliveries.

25 Consequently, you see there reflected that

1 while the hauler picked up eighty tires, forty from each
2 generator, he delivered them in a different amount to
3 end use facilities.

4 This is important because we have to be able to
5 account for an entire load, and being able to do that
6 such that we have the ability to see specifically how
7 many tires went to what individual end use facility.

8 It's not always going to be a neat pick up
9 forty, deliver forty, it's going to be very variation in
10 between. That's why two forms on this wouldn't work.

11 That's why we have the hauler trip log to be
12 able to show not only pickups and deliveries, but also
13 the number of tires delivered to what facilities.

14 You see also in this big picture view that each
15 of the participants in the process has to deliver or
16 send to the Board a copy of the transaction, whether
17 it's the manifest or the trip log. These are the forms
18 that will be scanned and accounted for, and the auditing
19 will be placed on them.

20 If I pull this up on the next slide you'll be
21 able to see it a bit more clearly. Manifest number ties
22 to the hauler's trip log, and his trip log ties to the
23 number on the manifest.

24 One of the questions that had came up initially
25 was, "What happens if somebody doesn't submit in this

1 chain of yours?"

2 Well what we've done here is try to show how,
3 in most instances, even if one or even two of the
4 parties don't submit we still have the information that
5 we can audit the load by.

6 The far right hand column says "Information
7 Loss." What that refers to is automated system. It
8 doesn't refer to waste tire program staff actually
9 picking up a document and following up from there, and
10 I'll explain that in just a second.

11 What you'll see in the top row where it says
12 sent by all three parties, that would be a clean load.
13 If you look on the second line, say that the generator
14 does not send in their document, the hauler and the end
15 user do, and from that two sets of forms we have enough
16 information to reconstruct the load, remembering that
17 the hauler has every place that he stopped and picked up
18 noted on that particular form.

19 If perhaps the hauler does not send in his
20 information, but we get the information from the
21 generator and end use, likewise we can reconstruct the
22 load.

23 Using the log number we can also then contact
24 the hauler to find out where his copy is and why it
25 wasn't submitted.

1 Likewise you see through the other variations
2 and combinations there what would be gained and what
3 would be lost from an automated system point of view if
4 they didn't submit.

5 When we say, for example, in the bottom one
6 where the generator and hauler both do not submit but
7 the end use does, we have a point to start there.

8 And while the automated system may see just the
9 one form being submitted, waste tire program staff have
10 the opportunity then to pick up from that particular
11 document that was sent in, put what the log number was,
12 and therefore the log number determine the hauler, and
13 then from the hauler figure out why and where the copy
14 of his trip log is such that the load can be recounted
15 or accounted for.

16 That's a brief overview of the basic system and
17 where we've been over the last year and a half to two
18 years. It's been a lot of work and we still have some
19 work ahead of us. But I think you can see that we put
20 considerable thought and analysis in how we can approach
21 this system that would be both cost efficient as well as
22 cost effective.

23 Gary will speak more to the scanning and to the
24 actual database and recovery through the scanning
25 process. But knowing this information as you do now, I

1 hope you can see some of the complexities of the waste
2 tire business perhaps in California.

3 Certainly we, this was an education for us, and
4 it's one that we see as a challenge and certainly
5 doable.

6 Gary.

7 MR. ARSTEIN-KERSLAKE: Thanks, Doug. I think
8 you can see from Doug's presentation here, he has
9 devoted a lot of energies to learning about how the
10 system works. And I believe while some people go to
11 sleep at night and count sheep, for Doug it's tires
12 getting loaded on a truck, I think.

13 So one of the other things on that last slide
14 that Doug showed when he showed the various options with
15 regard to form submittal, one of the things we're trying
16 to take into account for is we're trying to build the
17 system to be as flexible as possible, because we know in
18 the real world forms may get lost within the mailing
19 process, forms may get lost when they get them in the
20 mail and it doesn't get them in there.

21 We want to build a system where we have a
22 reasonable number of cross checks on it so that we can
23 reconstruct or make program-related decisions regarding
24 that information.

25 As an example, if one of the manifest forms

1 were to be lost, for instance, in the mail, and yet all
2 the other information about that load indicates for the
3 program division that the load is reconciled in the
4 sense that we're accounting for all those that got
5 loaded on and got then disposed of at an appropriate
6 facility, then they can make an administrative decision
7 to say we administratively accept this load as a
8 complete load even without actually having to receive
9 this final piece of paper.

10 Too, and also one of the other things in the
11 system too, there's reasonable levels with regard to cut
12 points on it with percentages accurate in the event that
13 it's a large load that may be based on tire counts.

14 If the total count near the end is off by one
15 or two tires, again that's the sort of thing that we
16 want to build the system so they can make the
17 administrative judgment to say, "That's pretty darn
18 accurate, we're going to accept that one."

19 So we can build cut points in there based upon
20 the criteria they provide to us with regard to the
21 flexibility in terms of the administrative followup on
22 the system.

23 Regarding the scanning system design here,
24 Doug's covered the system requirements and general
25 system design and forms development, and I want to talk

1 briefly about the scanning system, the data design
2 processes and work flow, and then the discussion of the
3 print alternatives and electronic submission
4 alternatives.

5 This is a complex system, I think you can see
6 that. There's complex business processes. When we
7 first started out we didn't fully appreciate that, but
8 following from our interviews from the folks that work
9 in the tire hauling business and the generators and end
10 users, we understand now that there are a lot of
11 variations on the theme, and the system needs to
12 accommodate that complexity, and at the same time be
13 administratively efficient.

14 The scanning system needs to allow for forms to
15 be submitted out of order in terms of a business
16 requirement there, because we know if it's a process
17 where we're using the mail, and in some cases some folks
18 will be very timely and in other cases others will delay
19 a little bit, and we also know that there's just
20 variations in the mail system normally.

21 So the system needs to accommodate things
22 coming in out of order.

23 It needs to allow for partial submissions, as
24 Doug had shown that, how we've got some cross checks in
25 the system with that.

1 And that we need to close the loop of
2 accountability so that there are automated audits that
3 are available.

4 For instance, if a trip log indicates that
5 we've got five pickups and deliveries, then we should
6 receive that many manifest forms for the load. So
7 that's a simple automated check for us.

8 If the combined amount of tires picked up on a
9 lot, the combined amount of tires picked up on a load
10 should equal the amount of tires then that are shown on
11 the dropoffs for the, or the deliveries for that load.

12 Incomplete and unreadable forms. Those forms
13 can be flagged for audit by staff. So the automated
14 system needs to accommodate all those things.

15 Quickly to recap what Doug had, Doug had shown
16 this slide earlier. The point here is that we have, we
17 are checking based on the manifest numbers.

18 The manifest numbers cross check to the trip
19 log. The trip log cross checks to the manifest. The
20 total tires, and then again from the automated system,
21 the total tires picked up should equal the total number
22 of tires delivered.

23 Everyone that is in the system should have a
24 program I.D. so we can flag that on the system too to
25 identify that they are a valid entity known in our

1 system.

2 The, a quick and brief comment regarding the
3 check sums, because you may not be familiar with that.
4 It's actually something that is used, it's somewhat
5 sophisticated but used a lot.

6 For instance, on your credit cards there is a
7 check sum number in your credit card stream there. We
8 don't think anything about it, we just enter our credit
9 card number at different times. But that has the value
10 then that that can be validated coming in, because I'm
11 sure you all have the experience when you give somebody
12 your phone number, talk to them over the phone and you
13 give them your phone number, they read it back to you
14 and they've transposed digits. That's precisely the
15 reason to have a check sum number in there, so you can
16 tell if that has occurred, and you can quickly flag
17 that.

18 The, so here this just briefly shows how we're
19 having sort of the cross validation, the linkage between
20 those different components.

21 This is a process flow that we've envisioned in
22 a very simple sense here. Over on the left you're
23 seeing the paper process where the manifest forms and
24 trip log forms are created in the field.

25 They are mailed to us on a pre-paid mailer

1 coming into a post office box that has been established
2 already and the account prepaid on that.

3 They then will be opened and scanned into a
4 scanning work station system.

5 That information then, there's two ways in
6 which we capture that information.

7 On the one hand we capture it just as a picture
8 so it's an image of it capturing, that effectively
9 captures the signature, and it will capture any other
10 marks that happen to be on there, accidental marks, but
11 the signature, it's a full picture of it.

12 The data goes through an OCR scanning where we
13 go through and do recognition on some of the information
14 on the form. And it actually is a relatively small
15 amount of information that we're capturing off the form,
16 and most of it is numeric information.

17 And as I indicated also, because we are, some
18 of that information is date field, so we can do
19 validation there.

20 Some of the information has got check sums on
21 it, so we can validate it right there.

22 So we think we're going to be able to get a
23 very high level of reliability on that.

24 That data, once it gets scanned in as data,
25 goes into a queue you might say where sort of

1 transactions get put in there for processing. Then we
2 apply business logic against that, and if everything
3 checks out it's going to go into our administrative
4 system you might say. If there's errors it goes into
5 another, gets flagged in a different way, and then we
6 have followup as appropriate on that.

7 At the bottom there you can see that we have
8 the reconciliation of the load information, that the
9 images then could be used there in the event that it is
10 flagged and needs followup by program area staff.

11 Enforcement actions. That information will be
12 available for enforcement actions in the event that we
13 have discrepancies, so they've got the image of the form
14 and they can then take that information, other
15 information for potential enforcement actions, various
16 administrative tasks, and reporting requirements too.

17 We're going to be able to take that information
18 from the tables, and we'll be able to generate, this is
19 for the perspective of understanding better the total
20 amount of tires generated in the state, and where that
21 generation occurs, etcetera, etcetera.

22 On the scanning prototype we have successfully
23 installed and tested the software and the equipment. As
24 Doug indicated, we have done the form design on this,
25 and have gone through quite a few iterations of that.

1 And we just today or yesterday got back the final forms
2 from Scantron that represent what is really ready to go
3 forward on the system.

4 The data capture, we were able to achieve or
5 are going to be able to achieve, we believe, 99 percent
6 plus accuracy.

7 And I think the key point here is that as you
8 start to get at a high percentage, things look very good
9 from an administrative perspective. And we could drop
10 down there a bit, say 97 percent accuracy, and still
11 have a pretty efficient system. As we drop lower than
12 that it takes a lot more administrative overhead, that's
13 why what we want to do is have that accuracy as high as
14 we possibly can.

15 The imaging piece on it, we pull that in as an
16 image, we transfer that to the database as I indicated.

17 And the system, the scanning system can run
18 quite fast. Its rated speed is greater than fifty pages
19 per minute. The, if you recall Doug's earlier numbers
20 on it, we anticipate not getting more than 2,000 forms
21 per day on average. Even if we batched those we still
22 think we could handle this fine within the context of
23 the current system.

24 To begin with we will be doing the scanning
25 in-house on this because we need to understand

1 specifically what some of the problems are that we're
2 dealing with here. We've designed it in such a way that
3 there could be flexibilities with regard to where the
4 actual functions are performed.

5 Forms design. I think we've touched on that,
6 okay.

7 High speed scanning.

8 The proof of concept we've conducted. We've
9 completed that. That's been a completed document that's
10 available on the website which Doug will talk about a
11 little later on.

12 And we also went, did an analysis at a detailed
13 level with regard to business processes and defining and
14 refining those business processes. And I'm going to
15 show you here high level, detailed entity relationship
16 diagrams and the system flows.

17 I'm just going to give you a quick
18 walk-through, and actually I'm not going to ask you to
19 read the small letters on that because I certainly
20 couldn't do that either.

21 But what I wanted to convey there, the entity
22 relationship diagram is the result of the analysis of
23 the requirements of the system and the linkages between
24 the system. So in a way that information that you show
25 there, that we have there is the information that we're

1 going to capture, and the lines connecting it are those
2 relationships or the linkages that we have to have, for
3 instance, between the manifest and other things. And
4 haulers who have a program I.D., for instance, and other
5 folks in the program I.D. --

6 BOARD CHAIR MOULTON-PATTERSON: Gary, if I
7 might interrupt for just a moment, this is so important
8 and such a fine presentation. I know that at least one
9 member has a meeting right now. About how much longer?
10 Because maybe we should come back and finish this after
11 lunch. I don't want to shortchange anyone.

12 MR. ARSTEIN-KERSLAKE: Would ten minutes be
13 okay?

14 BOARD CHAIR MOULTON-PATTERSON: Should we break
15 for lunch and finish this after?

16 I think we will go ahead and take a break
17 because I know there are lots of questions.

18 MR. ARSTEIN-KERSLAKE: Okay.

19 BOARD CHAIR MOULTON-PATTERSON: I did want, we
20 will meet time certain for the meeting at 2:30.

21 Senator Roberti is, there's a reception for
22 Senator Roberti between 1:30 and 2:30 in the first floor
23 training room, and all of you are, of course, invited.
24 And so I did want to announce that.

25 And again, I apologize to have to break in the

1 middle.

2 MR. ARSTEIN-KERSLAKE: Sure, no problem.

3 BOARD CHAIR MOULTON-PATTERSON: But if you
4 wouldn't mind coming back at 2:30, then we can have our
5 questions answered.

6 MR. ARSTEIN-KERSLAKE: Okay. Great.

7 BOARD CHAIR MOULTON-PATTERSON: Thank you so
8 much.

9 MR. ARSTEIN-KERSLAKE: Thank you.

10 (Thereupon the luncheon recess was taken.)

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1 AFTERNOON SESSION

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3 BOARD CHAIR MOULTON-PATTERSON: I think we can
4 go ahead and get started. We're still missing a few
5 members, but I think we can get started.

6 Mr. Eaton, do you have any ex-partes?

7 BOARD MEMBER EATON: No, just calories.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
9 Medina?

10 BOARD MEMBER MEDINA: Just George Larson.

11 BOARD CHAIR MOULTON-PATTERSON: Okay, Mr.
12 Papanian.

13 BOARD MEMBER PAPANIAN: Just a brief
14 conversation with John Cupps and with George Larson.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. And I
16 have none other than just saying hello to John Cupps and
17 Steve Maguin.

18 BOARD MEMBER EATON: I also said hello to Steve
19 Maguin, but it was subsequent to the vote.

20 BOARD CHAIR MOULTON-PATTERSON: Okay. Would
21 you like to continue? And I again apologize for having
22 to interrupt your presentation.

23 MR. ARSTEIN-KERSLAKE: Thank you. No problem
24 at all.

25 I realize there's a fair amount of detail

1 here. We're actually pretty close to the end on this.

2 And one of the things that I had left off with
3 earlier is we had that complicated design that was the
4 database design, and what that actually implemented was
5 the linkages between the forms. You might think between
6 the regulated industry that's the regulated entities
7 that are in the program. So those linkages are a very
8 real thing.

9 And I'm not going to go into details here other
10 than to show this is part of what we do with regard to
11 detailing, that the business rules that we have in terms
12 of requirements that these three things add up, and if
13 they don't add up can, you know, this action needs to be
14 taken. That is effectively what is shown here in this
15 process flow.

16 And I'm just conveying this just for the sake
17 of showing you that there's a lot of time that has been
18 spent trying to take this complex system and fully
19 develop all the logic on that so that as things come in
20 through the top and process down, to recover all the
21 different options and alternatives that are available
22 and end up with a system that's going to be effective
23 from the perspective of the folks that are going to be
24 administering the program here.

25 And this one is just on the paper manifest, and

1 it gets to the part, if you remember, that we had the
2 queue where the information went into and it got ready
3 for processing.

4 If you'd like to flip that one over, Doug. And
5 you can see there's lots in that one.

6 On the next page here is the logic one, and if
7 we're pulling that kind of information out of the queue
8 now and making decisions on it.

9 This all translates ultimately into what's
10 called pseudo code which then gets translated into the
11 actual computer code that will be the program that we'll
12 run.

13 And that's all that I have on the process logic
14 there and the data flow diagrams.

15 But what I would like to talk about now quickly
16 is the print alternative and electronic data transfer
17 options that we're moving forward on.

18 One of the things we found when we met with the
19 regulated community was that they, in many cases they
20 preferred to pre-print their forms. They currently are
21 pre-printing logs and pre-printing manifest forms.

22 We wanted to be able to provide that same
23 option for them in the new system. And so one of the
24 things actually, if you look at the design of the form,
25 we've modified that form to make it effective for them

1 to be able to feed that through the standard kind of
2 printer that they use for printing multiple print
3 copies.

4 Those are the sorts of printers we don't use
5 here, but it is the kind of, what's called an impact
6 printer, that prints through multi-part. That will
7 allow them then, if desired, to use our form for
8 pre-printing.

9 And even to the point, for instance, where we
10 would allow them to put, there's a comment area that we
11 have space we've left on the form, and that could be a
12 value for them that we found out in terms of some of the
13 information they'd like to put on the form for their
14 business needs. So it meets our business needs, meets
15 their business needs, and we've tested this.

16 We've also, one of the things we've done is
17 we've put in, we've created a small program that would
18 be sort of a template program that will also provide,
19 free of charge, for those folks that may not have that
20 level of automation, they can take that simple program
21 and use it for pre-printing the forms if they desire.
22 So it's sort of a template, they can take it and do
23 other things with it if they wish to, but it's a
24 template to allow them to pre-print the forms.

25 Now that would meet some of the needs. Some of

1 the organizations are really quite sophisticated with
2 regard to the business processes and automated
3 capabilities that they have in place right now, and we
4 have always envisioned, and it's in the statute, to have
5 the capability for electronic data transfer.

6 What we have done is we have basically moved up
7 the schedule on the electronic data transfer piece
8 because, and we are evaluating proof of concept on that
9 too.

10 One of the reasons that we've done that is that
11 we want to allow the capability for the data transfer.
12 The program elements that we have on that would be that
13 we would implement a pilot project for a relatively
14 small number of hauler participants to begin with on it;

15 We'd establish the criteria for who would be
16 engaged in that pilot project;

17 The electronic information would be submitted
18 to Integrated Waste in a format that's prescribed by
19 Integrated Waste.

20 But one of the things that is important about
21 this is that the folks that have more sophisticated
22 automated systems are capturing currently most of the
23 information that we have, that we require for the
24 manifest process for their own business needs. So
25 effectively we believe we can provide the opportunity

1 for them to give us the information in an alternate
2 format that would be actually more efficient for us and
3 for them.

4 The, and of course we still have to ensure the
5 auditability capabilities with the system.

6 The benefits would be improve data integrity
7 and timeliness, or the potential for it, certainly.

8 Because rather than going through a mailing schedule, we
9 actually get this data transmitted electronically.

10 It would reduce the paper processing and
11 mailers, and mailing on the part of the haulers.

12 It would reduce the administrative overhead on
13 our part. To the extent we can be successful with it it
14 means less paper processing, and paper means people
15 processing. Even though we've got a pretty
16 sophisticated automated system for scanning this in,
17 getting in an electronic format right off the bat meets
18 some of our goals with regard to reduce paper use and it
19 will be more efficient from an administrative
20 perspective.

21 And of course we want to work within the
22 existing business processes where possible for the
23 community affected. So that in the sense that if they
24 are, if they are capturing this information currently,
25 you know, as I indicated, we come up with an approach

1 such that they can then provide that information and the
2 other information they require to us in a secure
3 fashion, then I think it's mutually beneficial.

4 With that, I'd like to turn it back to Doug who
5 will talk about the communication plan and timeline.

6 MR. RALSTON: Thank you, Gary.

7 I'll go through the next piece of this which is
8 actually getting this information and the system out to
9 those who will be using it and who will be regulated by
10 it.

11 We have a communication plan that's been put
12 together, and this revolves around getting trainings to
13 all those of the regulated community, the generators,
14 haulers, and end users.

15 We'll also be inviting local government, those
16 with fleet operations such as school districts, to
17 participate in this training to know what their
18 responsibilities are under the SB 876 reporting.

19 We have plans to do training in Northern
20 California, perhaps Redding, Sacramento, the Bay Area,
21 several locations there; then in Southern California as
22 well as the lower or Southern San Joaquin.

23 We will be offering these venues or these
24 trainings in both English and in Spanish. We will
25 provide training materials in both English and in

1 Spanish.

2 And we will be able to provide focused training
3 for those special client groups or where the opportunity
4 arises for a specific group such as Les Schwab, for
5 example, offered to have us come out when we're ready to
6 implement this and speak to their Northern California
7 managers meeting that they have every quarter. We've
8 had other kinds of offers or suggestions as to how we
9 can better get the word out, particularly for those
10 members of the newly regulated community.

11 In looking at the training materials, there
12 will be a packet that we will provide during the course
13 of the training, as I've indicated, but also we want to
14 provide additional assist to the drivers.

15 The hauler driver is really kind of the key
16 person in this whole system and in this whole rollout.
17 And it's imperative that they understand what the
18 process is.

19 And in the time that I had to actually ride out
20 with some of the drivers for Tri C in West Sac, what
21 appeared to me a very useful tool would be their having
22 plasticized instructions, perhaps more graphic than
23 text, but also perhaps even a pocket guide that would
24 say in this instance this is who fills out the form and
25 who doesn't.

1 Those are some of the things that we're
2 investigating. We're also talking to industry, to some
3 of the haulers about what they would see as an
4 appropriate training guide, and something that would go
5 on with the driver to ensure that the program is
6 actually implemented exactly where it needs to be, which
7 is out in the field.

8 Training videos. We're looking at providing
9 two training videos, one in English and one in Spanish.
10 The industry asked for this. They indicated, such as
11 Golden By-products said, that they often hold meetings
12 for their generators, they being the hauler, holding
13 meetings for their generators, and would love to be able
14 to provide this kind of a service to them so that each
15 of the generators knows what their responsibilities are.
16 And they asked for something in Spanish since it's a
17 sizable population that they're dealing with here.

18 Also the CHP law enforcement video that would
19 take into account some of the changes of SB 876.

20 We've attempted to, in our communications, make
21 sure that the, what we are doing is known not only to
22 you as the decisionmakers but also to the regulated
23 public, but those special groups with whom we've had
24 dealings in the past.

25 We've had an Internet site that's shown up here

1 on the screen, and there are also some handouts in the
2 back that have this URL. This particular Internet site
3 gives a synopsis of where we are with this project,
4 where we've been, where we're at, and where we're going
5 to go. It talks about the proposed system as we've
6 defined it. It talks about some of the business
7 requirements as we've discovered them, and how we
8 implemented them within the system.

9 Within the CIWMB Boardnet or Intranet site, we
10 also have more project related materials that each of
11 the Board members have received a copy in terms of where
12 they are located on the Boardnet site.

13 Lastly, I'd like to show you the timeline that
14 we've got for this. Looking at the top, the regulations
15 have been drafted, as I understand, and will be coming
16 forward to you in the next month or so for your review.

17 I will let the program staff respond to any
18 questions you may have on the regulations, but we do
19 know that they are in draft form.

20 The application, the automated system
21 application design, which as I indicated earlier we
22 started really last year and will be finishing up in the
23 next two to three months. From that analysis and design
24 we've already begun work, and Gary's already talked
25 about it in terms of these flow charts you've seen over

1 here, on the major components in how we take in a great
2 volume of data, how we scan it, how we put it in the
3 database, and how we're going to reconcile. We're
4 beginning to build the automation, the codes to make
5 those things happen.

6 We are, hopefully we'll have a budget here in
7 the next few weeks and we'll be able to start making
8 some of this training materials available or at least
9 developing those for review prior to having the training
10 later this fall.

11 Application development goes through from
12 around the first part of November through the end of
13 March, first part of April. This system will be
14 substantially completed by that time.

15 Industry training. We're looking at, provided
16 we get the budget, we get the training materials and we
17 have the forms ready to print, we'll be, training will
18 begin around the first part to the middle part of
19 November with the actual deployment of forms around the
20 first of the year.

21 We will be doing some internal testing and some
22 proof of concept on electronic data transfer in the
23 spring with the transition and completion of this system
24 to the waste tire manifest program beginning the first
25 part of June, and then going through the fiscal year end

1 into late summer of next year.

2 So we're really within nine to ten months of
3 full deployment of this system and a production system.

4 That really ends the presentation. Gary and
5 I'd be happy to take any questions you may have.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you very
7 much. Questions?

8 Mr. Eaton.

9 BOARD MEMBER EATON: First let me just say that
10 I know how much work had to go into this, and it's a
11 really fine product, at least so far.

12 Just a couple of quick questions because
13 hopefully we will have an opportunity in the committee
14 to kind of explore some of the other issues when the
15 regs come through.

16 But I assume this is going to be a mandatory
17 system, correct?

18 MR. RALSTON: Yes.

19 BOARD MEMBER EATON: So how are we going to tie
20 this into licensing of haulers, facilities, and what
21 have you?

22 For instance, in the training that will be
23 mandatory that prior to the regs, will the regs have
24 prior to being able to get a license or an ability to
25 haul tires or an ability to use, will they have to at

1 least obtain the training and be proficient in this? I
2 mean is that contemplated? Or have you not even -- I
3 mean that would be one of the things that avoids the
4 problem with implementation.

5 As we all know it's always a problem with
6 implementation because everyone says, "I didn't know
7 about that. I didn't know about that." But if the regs
8 say that as a condition you have to at least, you know,
9 attend the training or, you know, when your license is
10 up for renewal, I think that tie is going to help all
11 are who are here and care about this from getting all of
12 these complaints and then getting barraged with, you
13 know, you know, sort of stories about how we couldn't
14 fill out the form or, you know, I didn't mean to lose
15 that 5000 tires but had I only known. And so I think,
16 have we even thought about that?

17 MR. RALSTON: Let me respond at least for a bit
18 of a second. We have thought about that. We have
19 thought about how we're going to get the word out to all
20 of these individuals who will be regulated or come under
21 the umbrella of SB 876.

22 We know who the hauler community is. We
23 already have them registered. One of the things that
24 we've been talking about in terms of getting the word
25 out and ensuring that they're there is to make specific

1 mailings and contacts to the hauler community, with the
2 idea that they need to attend, that's tied to their
3 registration, but there's something there, some carrot
4 to make them want to come there in order to participate
5 in this program.

6 But that's been something that we've talked
7 about from the IT side of things. I would defer to the
8 program side in terms of how they want to approach that
9 from the overall program emphasis.

10 One other thing I'd like to just mention. In
11 terms of the overall program, we have a whole new
12 regulated community here. That is new tire dealers, new
13 car dealers. In order to start to begin to figure out
14 how big our population is, we've got the DOE or Board of
15 Equalization fee, tire fee listing, okay, and we've
16 brought that in and we've made that as part of our
17 initial database, our big database from which we can
18 begin to get the word out to those folks.

19 There are approximately 11,000 individual's
20 names or business names on that BOE list. Some of them,
21 admittedly, were only one or two tires, but there were
22 also those who had, you know, 25 to 30,000 tires per
23 year, and we've really been focusing in on getting the
24 initial information from them.

25 One caveat from that, in looking through the

1 BOE list on those commercial businesses of 25,000 or
2 more, we saw like one entry for Sears. And it was back
3 in Illinois. Well that doesn't do too much for us when
4 we consider there's a Sears store selling and using used
5 tires, you know, up and down the state. So what we've
6 been doing is working with Keith Cambridge and his staff
7 in the waste tire program to actually contact the
8 corporate headquarters for each of these major chains to
9 get the physical locations so that we can put them in
10 our database.

11 So we're trying to look for those areas where
12 there may be holes in trying to determine who should be
13 involved, and trying to fill those holes with
14 appropriate data.

15 BOARD MEMBER EATON: Just two other quick
16 questions.

17 With regard to the actual sheets here that have
18 the number, the unique number, those of you, that's
19 probably, I'd say, at least four of you of my colleagues
20 up here that had at one point or another registered
21 voters in their life, and at one point in time we
22 actually had to be trained on how to do that. We
23 actually were issued as a registrar a certain, a series
24 of numbers. So in other words, if I took form one
25 through one hundred, that form was somehow tied to me.

1 Will these forms be tied to a particular individual.

2 For instance, where I see the scam that
3 possibly could take place is that if I'm assigned sheet
4 one to one hundred, there's no mistake that I'm
5 responsible for one through one hundred, it doesn't show
6 up that Joe Schmoie, I lent the form over to him, and it
7 shows up that he needed an extra form.

8 So would that be part of the situation where
9 each individual or however it's going to get these forms
10 will be assigned that series? And I know you can't get
11 there when you get further down the line, but at least
12 at the point of origin he or she would have --

13 MR. RALSTON: I'll let Gary talk about that
14 one.

15 MR. ARSTEIN-KERSLAKE: Yeah, I'll be happy to
16 address that one.

17 That is considered sort of from a design
18 perspective to be a controlled form then where you keep
19 track of who has the form.

20 One of the things from the design of the system
21 here, actually the thing we need is a unique identifier.
22 So that, and each one of the forms are unique
23 identified.

24 And the advantage is that in the event that
25 somebody, for one from an administrative perspective,

1 what we are really looking for is an accurate accounting
2 of the information. In fact, if we were to assign a
3 hundred forms to hauler, for instance, or to someone
4 else, and 25 of those forms got lost for some reason or
5 got stained or soiled somehow and were never used again,
6 that's okay, because we will ensure that we never have
7 duplicate numbers out there.

8 So it's okay that we have gaps in our number,
9 in our numbering scheme here. But the key element is
10 that we have a unique number on that. So in that case
11 that's one of the design elements of the system.

12 And even in the event that we go, we've even
13 considered this from an electronic submission
14 perspective how we can ensure uniqueness from the
15 individuals who will be providing us, or entities who
16 will be providing us electronic information.

17 BOARD MEMBER EATON: And one other quick
18 question. And the bottom line question is that at the
19 end of all this, will this system be in such, if I look
20 at the form here and I notice in one it says intended
21 use and that's optional.

22 MR. ARSTEIN-KERSLAKE: Ooh, that.

23 BOARD MEMBER EATON: And I understand why some
24 people may not know what the intended use happens to be.

25 But when the end of the year or when the five

1 year plan comes up and needs to be reviewed, if any one
2 of the members of this Board or staff gets to ask a
3 question, well how many tires in 2004 went to a
4 landfill, that you would be able to press a button in a
5 sophisticated system and up comes a number of twenty
6 million tires went to a landfill. Because that's really
7 the key. Or twenty million tires were, you know, went
8 to end users for beneficial use.

9 I mean that's really the key question by
10 pushing a button, you know what I mean? Year end report
11 based on this, it should be able to determine so that
12 you have one sheet that says, you know, because right
13 now we're told it's seven million that goes here and
14 eight million goes here, and that was kind of the
15 original thought.

16 MR. ARSTEIN-KERSLAKE: There will be a much
17 more complete accounting from this automated system.

18 As it turns out, given some of the complexities
19 that we've talked about here a little bit, is that some
20 of those tires are going out of state, some others are
21 going to be coming in from out of state, right, some
22 others are even going to go out of country. Some others
23 could theoretically be moved a couple of times within
24 the year too, right.

25 So, but we feel when we have moved through

1 those different scenarios, we are quite confident that
2 we are going to be able to capture that information down
3 to a pretty low level.

4 One of the things with this system is we are
5 going to aggregate data at the county level but, so that
6 you could ask the question to say what county, for
7 instance, has generated the greatest number of tires in
8 the state? You could probably also ask some questions
9 in terms of which county has ended up as the end use
10 point in the state? And look at county regional
11 differences, again to get a feeling.

12 It starts to get really complicated as you talk
13 about the flow of tires back and forth. But there will
14 be a lot of information in there. And so I'm not going
15 to commit and say just one button press, but we're going
16 to be able to have a lot of reporting capabilities out
17 of this system.

18 BOARD MEMBER EATON: Thank you, Madam Chair.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you.

20 Mr. Jones.

21 BOARD MEMBER JONES: Thanks, Madam Chair. Just
22 a couple of things.

23 One is a congratulations to both Gary and Doug
24 and their staff, as well as Martha and Keith and Don
25 Dyer, and all those folks that actually, you know, when

1 this process started we did not, and I'm sure they did
2 not envision that this would become as complicated as it
3 did.

4 When Doug Ralston talks about going on road
5 trips to figure out how tires move, he was actually the
6 guy that was throwing tires in the back of a trailer
7 which, again, I already had a lot of respect for him,
8 but I got even more respect for him.

9 There are issues that are going to have to be
10 worked out. I'm kind of surprised as to how many people
11 that had resisted this at the beginning are now kind of
12 seeing the benefit, and are working cooperatively as
13 well as offering a lot of options.

14 And there may be a day that we have a system in
15 this state that's fully computerized from the guy on the
16 truck that can do a UPS type accounting, to where there
17 won't be a whole lot of paper being transferred. It's
18 going to be a ways away, but it wouldn't happen without
19 this.

20 I'm not going to comment on any of the rest of
21 it. I just think you guys have done a great job, both
22 teams and, you know, we'll, as things come along I've
23 got all the faith in the world that you guys will get it
24 figured out.

25 MR. RALSTON: Thank you.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
2 Jones.

3 Any other questions or comments? Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

5 I just wanted to ask a couple of questions to
6 clarify.

7 If someone has a hauler registration exemption,
8 we've got four on here, agriculture and government and
9 so forth, they still have to produce this manifest even
10 though they're exempt from hauling registration plans,
11 is that right?

12 MR. ARSTEIN-KERSLAKE: Correct. Correct.

13 BOARD MEMBER PAPARIAN: Okay. How many parts
14 is the form? How many copies are produced when someone
15 fills one out?

16 MR. ARSTEIN-KERSLAKE: Well on average there
17 will be three copies on it. The top copy will be sent
18 to us. The hauler in that case, they would be keeping a
19 copy themselves even if they're an exempt hauler. A
20 generator they picked up the tires from would also be
21 getting a copy. So there's three copies in the
22 manifest.

23 If it's at a drop-off point or an end use
24 point, same kind of process, the top copy comes to us,
25 and the hauler keeps a copy, and the end user keeps a

1 copy.

2 BOARD MEMBER PAPARIAN: So at a tire dealer --

3 MR. ARSTEIN-KERSLAKE: Uh-huh.

4 BOARD MEMBER PAPARIAN: -- the form gets filled
5 out, the dealer signs, I think, at the bottom is it?

6 MR. ARSTEIN-KERSLAKE: Correct.

7 BOARD MEMBER PAPARIAN: Okay.

8 MR. ARSTEIN-KERSLAKE: Correct.

9 BOARD MEMBER PAPARIAN: And do all three parts
10 go with the driver at that point?

11 MR. ARSTEIN-KERSLAKE: No, actually the --

12 BOARD MEMBER PAPARIAN: They're separated and
13 the dealer sends in the top one?

14 MR. ARSTEIN-KERSLAKE: The dealer sends in the
15 top one. And the important part about that is the
16 accountability requirements.

17 So actually each party in the process or each
18 of the parties in the process theoretically has a part
19 for which they're accountable.

20 And so in that case when the generator then,
21 the tire storer then has responsibility to mail the top
22 one in a prepaid mailer, so it's really quite easy, a
23 prepaid mailer, and then submits that to us, they keep a
24 copy. They have a requirement to keep their copy for
25 three years, and the hauler has a copy too, so they have

1 a copy for three years.

2 They also have a copy from the perspective of
3 any kind of law enforcement. Were they to get pulled
4 over for an inspection by the CHP, they then would then
5 have copies of the manifest. They'd also have a trip
6 log too to substantiate the load that they have in their
7 vehicle.

8 BOARD MEMBER PAPARIAN: The dealer -- I'm
9 sorry, you may have just said this, I may have just
10 missed it.

11 BOARD MEMBER PAPARIAN: Does the dealer, the
12 dealer doesn't have a copy to keep?

13 MR. ARSTEIN-KERSLAKE: Yes, they do.

14 BOARD MEMBER PAPARIAN: They do?

15 MR. ARSTEIN-KERSLAKE: So the three copies, the
16 one copy comes to the Integrated Waste Management Board;
17 the dealer, the tire dealer in this case keeps a copy;
18 and the hauler keeps a copy.

19 BOARD MEMBER PAPARIAN: What about the end use
20 facility? What about the landfill site?

21 MR. ARSTEIN-KERSLAKE: At the end use then
22 there is, that same process goes through at the drop-off
23 point too in this case.

24 And the reason --

25 BOARD MEMBER PAPARIAN: So that's a new form.

1 MR. ARSTEIN-KERSLAKE: That's a new form.

2 BOARD MEMBER PAPARIAN: Okay. Got it. Okay.

3 Good.

4 MR. ARSTEIN-KERSLAKE: The reason that we have
5 to do this is that when we were originally envisioning
6 this we thought about the one to one. As it turns out
7 there is, you know, as Doug talked previously, there's a
8 lot of complexity in here.

9 And in some cases someone will pick up, they'll
10 stop at one place, pick up some tires, stop at another
11 place, pick up some tires, theoretically cull a few
12 tires out of that load and maybe drop them off at a used
13 tire place, right?

14 So in order to account, it's a little bit like
15 an accounts receivable, accounts payable process, that
16 at the end of the day everything needs to add up there.
17 But it is fairly complicated.

18 That way having the, having those forms
19 required for each drop-off point or pickup point enables
20 us to have the full accounting on it, and have each
21 party be able to fulfill their requirement with regard
22 to accountability, and ensure that we get the
23 information that we need for tracking the load, so to
24 speak.

25 BOARD MEMBER PAPARIAN: Okay. And then

1 ultimately our use for this is enforcement related, you
2 know, if things don't match up --

3 MR. ARSTEIN-KERSLAKE: Right.

4 BOARD MEMBER PAPARIAN: -- then ultimately we
5 might have to take an enforcement action.

6 MR. ARSTEIN-KERSLAKE: Right.

7 BOARD MEMBER PAPARIAN: I just wanted to
8 confirm that our attorneys, we have, you know, Russell
9 from the Attorney General's office, that they were
10 checked with to make sure the information is in the form
11 that's useful to them?

12 MR. ARSTEIN-KERSLAKE: Correct. Correct. We
13 have worked closely with the folks up in the legal
14 office, and the folks in the tire program also from the
15 enforcement piece to identify the information they would
16 need to take actions appropriately.

17 One of the things that the system will enable
18 us to do here actually is that, because we'll have quite
19 an array of information, we'll be able to identify those
20 places where it looks like there is an unusual under
21 reporting or over reporting compared to what might be
22 considered an average.

23 So rather than just the extreme cases where we
24 find that there has been illegal disposal of tires, and
25 try to track that back to try to figure out where that

1 occurred; this will also afford the opportunity for the
2 program folks to come through and do sort of a
3 predictive analysis and look and say who is, you know,
4 who is sort of consistently more than five percent over
5 the average of what we'd expect, or under the average
6 with regard to, you know, errors, shall we say, in terms
7 of what has been reported in the two different parts
8 with regard to the pick up and drop-off points for
9 instance.

10 BOARD MEMBER PAPARIAN: Well, on the
11 instructions on the back will it also include anything
12 about, you know, possible penalties for --

13 MR. ARSTEIN-KERSLAKE: I'm quite sure that
14 legal and tire program will have ample information in
15 there regarding the statute represented and the fact
16 that -- and I'm trying to think of currently the
17 statement that talks about the penalties.

18 I can't recall exactly on that, but Doug may be
19 able to address that.

20 BOARD MEMBER PAPARIAN: Sometimes that's a
21 useful educational tool.

22 MR. ARSTEIN-KERSLAKE: Yes.

23 BOARD MEMBER PAPARIAN: You don't have to go
24 into detail on it, but I think having, having something
25 there on the back that says, you know, failure to send

1 these forms in --

2 MR. RALSTON: What we'll have on each form, on
3 the manifest form where the hauler fills out the top and
4 the generator or end user fills out the bottom, at the
5 point where they sign, the hauler has to sign and the
6 generator has to sign, there are two statements;

7 One says I say, you know, under the penalty of
8 perjury, and it cites codes, etcetera.

9 The other is a claim of confidentiality for
10 that particular data.

11 So the one phrase dealing with under penalty of
12 perjury is what we have been using, and I think was on
13 the previous form or a current form for the waste tire
14 hauler registration system. And we have run that by
15 legal and that's where we have that statement.

16 BOARD MEMBER PAPARIAN: It might be --

17 CHIEF LEGAL COUNSEL TOBIAS: I think that's a
18 good point, Mr. Paparian, and we'll check whether we can
19 get that on the back. I agree that it's a good
20 enforcement tool.

21 So Doug's talking about, you know, working
22 towards enforcement with the penalty of perjury portion
23 on it, but I think the idea of having it on the back
24 with directions is a good one, so I'll look into that.

25 BOARD MEMBER PAPARIAN: Yeah, ultimately on the

1 front side you're holding the sort of lowest level
2 employee, the driver responsible, but the laws I think
3 go well beyond the driver to, you know, if they're being
4 instructed to fraudulently provide information, there's
5 others potentially subject to enforcement action.

6 CHIEF LEGAL COUNSEL TOBIAS: We'll work on
7 that.

8 BOARD MEMBER PAPARIAN: All right. Thank you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you. We
10 do have a speaker, George Larson, Lakin Tire.

11 MR. LARSON: Thank you, Madam Chair, members.

12 Lakin Tire, of course, as I've stated in the
13 past, is the largest waste tire hauler in California and
14 the in the United States with their other companies
15 across the country.

16 We handled about 11 million tires in 2001, none
17 of which, of course, were placed on a tire pile, were
18 successfully taken to either a repository or to an end
19 use.

20 Lakin has participated in this process, all
21 during the legislative hearing process where we were
22 very supportive of what was intended.

23 We're very supportive of the electronic
24 reporting requirements that ultimately came out in the
25 law.

1 We serve one hundred percent of the Sears Auto
2 Centers in California, so if you want the addresses of
3 where they are, we'd be glad to provide 'em to you. We
4 also do Costco, Goodyear, Goodrich, America's Tire,
5 about 90 percent of the retail tires from the major
6 chains are handled by Lakin.

7 If you were to aggregate the tires managed by
8 Lakin, and I feel comfortable talking about these other
9 companies, Total Tire Recycling, Janus Company, Golden
10 By-products, and Waste Recovery West, I think we handle
11 about probably 70 to 75 percent of the tires that are in
12 the active waste stream in California.

13 So I think each of these companies, and I've
14 discussed it with each of the representatives, we are
15 very anxious to make this manifest system work.

16 We did volunteer, we were one of the companies,
17 as was noted, in the preliminary work to try to test out
18 the system as it was first crafted. And I hope we were
19 able to participate and help to bring it to where it is
20 today. I certainly commend the work that's been done.
21 And we are committed to make this system work.

22 There is probably nothing more fundamental to
23 the success of AB 876 and all of the programs that you
24 manage related to waste tires, nothing more important
25 than accurate data collection, and that's why we

1 supported the electronic reporting which we feel is the
2 most accurate potential.

3 During the deliberations on the bill I was
4 unsuccessful in persuading Mr. Jones, Mr. Eaton, and
5 Senator Escutia of the merits of providing financial
6 assistance to companies like Lakin and other haulers to
7 be able to do the counter portion of this which will
8 have to be done at our company in order to have an
9 electronic reporting system that's consistent with what
10 you're going to be collecting.

11 I still believe today, and I'm here advocating
12 for your consideration of utilization on some of the
13 funds out of the tire fund to underwrite the cost of
14 local companies like Lakin, TTR, and any other company,
15 all of them, to be able to pay for the equipment
16 necessary to provide the most critical element, the
17 data.

18 The budget building process, as I'm familiar
19 with, is more than a year long process, so I was
20 assured, and correct me if I'm wrong, Mr. Jones, at the
21 time I failed in convincing the legislature to include
22 this as part of the law, I was assured that this type of
23 activity is something that under the interpretation of
24 the law would be something acceptable for the Board to
25 consider for utilization of those funds.

1 So for those who are in the budget building
2 process, I request that that at least come up for
3 discussion for future years funding.

4 Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
6 Lakin.

7 And again, on behalf of the Board we thank you,
8 Doug and Gary, for a great presentation.

9 Mr. Jones, did you have another comment?

10 BOARD MEMBER JONES: Just real quickly, Mr.
11 Larson's comments -- and that's okay, George, you don't
12 have to respond.

13 When the issue came up in, I don't know if it
14 was in committee or where it was, we did talk a little
15 bit about the idea that if we ever went fully electronic
16 or if we ever went to some kind of an electronic
17 gathering that would actually keep our costs down long
18 term, that we ought to explore the idea of being able to
19 provide through this, you know, whatever mechanisms were
20 available. Cause it could be, if the numbers worked
21 out, it could be a net decrease in cost for us to
22 eliminate all that paper. And that was clearly one of
23 the things that we had talked about. That was the
24 discussion.

25 I mean we're a long ways, we're a ways away

1 from there, but I think we've talked about it quite a
2 bit from its conception that there may be huge cost
3 savings for the state when we ever get to the point that
4 we can just start sending that.

5 So I wanted that to be, you know, that was
6 actually part of the discussions. Because if we could
7 show a net savings, it was going to be in the state's
8 best interest to invest those kinds of dollars, so --

9 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
10 Jones, for putting that on the record.

11 Mr. Papanian.

12 BOARD MEMBER PAPANIAN: You know, and I want to
13 also add that we're providing, we're going to be
14 providing a lot of services to the users of these that
15 often state agencies don't provide.

16 I heard the discussion of training and videos
17 and if I understood right we're paying the postage for
18 these things to come back.

19 Make sure Mr. Mohajer doesn't get ahold of
20 these envelopes, because it could break our budget if he
21 were to send his material in those envelopes.

22 But, you know, I think that we are being, you
23 know, accommodating and responsive to the needs. I
24 understand it is going to take some time for folks to
25 fill these out.

1 And I think, as Mr. Jones has pointed out, in
2 the past this thing has been, it's simplified to the
3 point where the ease of filling it out, you know, should
4 just make it very, very quick and easy to do. And again
5 to be able to just stick it in the mail with a postage
6 paid envelope I think will increase the ease of use of
7 this thing.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you.

9 Okay. That takes us to item seventeen.

10 MS. WILLD-WAGNER: Yes, good afternoon again,
11 Chair and Board.

12 Item 17 is consideration of the grant awards
13 for the household hazardous waste grant program, fiscal
14 year 2002-03.

15 This item was heard by the Special Waste,
16 Market Development Committee, as well as the Budget
17 Admin Committee.

18 We received 53 applications requesting over
19 \$9.3 million in applications. Unfortunately there's
20 only \$3 million to give away, so staff is recommending
21 the top fifteen applications be awarded in Resolution
22 2002-417.

23 If you have questions, staff is here to answer
24 them.

25 BOARD CHAIR MOULTON-PATTERSON: Thank you.

1 Mr. Medina.

2 BOARD MEMBER MEDINA: Madam chair, I'm prepared
3 to move Resolution 2002-417, the grant awards for the
4 household hazardous waste grant program for fiscal year
5 2002-2003, and all of the cities and counties that are
6 included in the back of the resolution.

7 BOARD MEMBER PAPARIAN: Second.

8 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
9 you. Motion by Mr. Medina, seconded by Mr. Paparian --
10 oh, excuse me, excuse me. We do have a speaker.

11 Mr. Mohajer.

12 MR. MOHAJER: Thank you, Madam Chair. For the
13 record my name is Mike Mohajer, and I'm receipting L.A.
14 County Public Works.

15 Responding to Mr. Paparian, this manifest
16 system that you're identifying only one type of waste,
17 which is only tires. You pretty well saw the whole
18 complexity of the system. So when it gets into L.A.
19 County we have several hundred haulers and the thousands
20 of contractors and general contractors, you can see the
21 complexity.

22 So my recommendation and response today was the
23 envelope that has the address and for staff on it, maybe
24 a similar type of system could be implemented for the
25 reporting system that would allow the operator and the

1 waste hauler would be directly submitting the data to
2 the state rather than to the local government.

3 So having said that, Madam Chair, in response
4 to this particular item, I think that the whole concept
5 of the household hazardous waste and the \$3 million
6 grant program is to protect public health and safety.
7 And then looking at it from, again, as a local
8 government point of view, L.A. County has a population
9 of approximately ten million, and needless to say, over
10 one-third of that \$3 million that is being allocated
11 today comes from L.A. County.

12 In return, looking at all the application, what
13 the L.A. County as a whole is getting is approximately
14 32,000 of the \$3 million.

15 So again, going back to the fairness, and
16 looking at the staff for protecting public health and
17 safety, I think it is not fair, it may be politically
18 correct but it still is not fair.

19 When you consider that L.A. County as a whole,
20 our health department is running about seven million,
21 \$700 million deficit, and you're talking about laying
22 off maybe about 5,000 employees come this coming October
23 potentially, and then you ask for \$150,000 to do an
24 E-waste and we get turned down, that is not, that's
25 basically really hurt.

1 So having said that, we are going to be, as you
2 know, we have the biggest household hazardous waste
3 program and the largest in the United States. We spend
4 about \$9 million, of which at least two million to give
5 to the City of L.A. for the haz mat program.

6 We are going to be expanding our household
7 hazardous waste program toward the latter part of this
8 fall where we will, we will be collecting E-waste on a
9 weekly basis as we move around throughout the county.
10 Collecting the E-waste would have resolved in cutting
11 the number of round up down from the 52 weeks maybe down
12 to 49 and that sort of thing.

13 So the 150,000 will not have gone a long way,
14 but having said that, hopefully one of these years, as I
15 come before you, after I retire I come before you, you
16 would address the issue of the fairness and not being a
17 hundred percent politically correct.

18 Thank you.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
20 Mohajer.

21 Okay. We had a motion by Mr. Medina, seconded
22 by Mr. Paparian, is that correct, Mr. Paparian?

23 BOARD MEMBER PAPARIAN: (Nodded head.)

24 BOARD CHAIR MOULTON-PATTERSON: To approve
25 Resolution 2002-417, the grant awards for the household

1 hazardous waste grant program.

2 Please call the roll.

3 BOARD SECRETARY VILLA: Eaton?

4 BOARD MEMBER EATON: Aye.

5 BOARD SECRETARY VILLA: Jones?

6 BOARD MEMBER JONES: Aye.

7 BOARD SECRETARY VILLA: Medina?

8 BOARD CHAIR MEDINA: Aye.

9 BOARD SECRETARY VILLA: Papanian?

10 BOARD MEMBER PAPANIAN: Aye.

11 BOARD SECRETARY VILLA: Roberti?

12 BOARD MEMBER ROBERTI: Aye.

13 BOARD SECRETARY VILLA: Moulton-Patterson?

14 BOARD CHAIR MOULTON-PATTERSON: Aye.

15 That takes us to number eighteen.

16 MS. WILLD-WAGNER: Item eighteen is the

17 consideration of the contractor for the comprehensive

18 assessment of the used oil and HHW program.

19 This is a contract concept where the funding
20 was approved and the scope of work back in May, and it's
21 taken us a little bit longer to bring the award. We did
22 really extensive research with other state agencies that
23 might be able to perform this assessment, and we also
24 interviewed several state agencies, and we're really
25 excited about this contract and implementation.

1 We're recommending the award of California
2 Polytechnic University San Luis Obispo, and that would
3 be in Resolution 2002-416.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you.
5 Mr. Medina.

6 BOARD MEMBER MEDINA: If there's no public
7 comment or any questions or comments by the Board
8 members, I would like to move Resolution 2002-416
9 Revised, consideration of contractor for comprehensive
10 assessment of the used oil household hazardous waste
11 program, contract fiscal year 2001-2002 used oil fund
12 contract concept, number 0-56.

13 BOARD MEMBER JONES: Second.

14 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
15 a motion by Mr. Medina, seconded by Mr. Jones to approve
16 Resolution 2002-416 Revised.

17 Please call the roll.

18 BOARD SECRETARY VILLA: Eaton?

19 BOARD MEMBER EATON: Aye.

20 BOARD SECRETARY VILLA: Jones?

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY VILLA: Medina?

23 BOARD CHAIR MEDINA: Aye.

24 BOARD SECRETARY VILLA: Papanian?

25 BOARD MEMBER PAPANIAN: Aye.

1 BOARD SECRETARY VILLA: Roberti?

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY VILLA: Moulton-Patterson?

4 BOARD CHAIR MOULTON-PATTERSON: Aye.

5 Although there's, all of the issues have been
6 approved in the executive, administrative, and policy
7 part of our agenda, Mr. Medina, did you wish to speak on
8 this as chair of that committee?

9 BOARD MEMBER MEDINA: Yes, Madam Chair, very
10 briefly. This month the Executive, Administration, and
11 Budget Committee heard agenda items 11, 12, 13, 17, 8
12 and 18, which have been forwarded on fiscal consensus to
13 the full Board.

14 These items were discussed at other committees
15 for content, and in the budget committee because of the
16 fiscal impact.

17 We also heard an overview of the equal
18 employment opportunity program that was provided by
19 Catherine Foreman, the Board's EEO officer.

20 Ms. Foreman informed the committee of her
21 duties and responsibilities and a history of the EEO
22 program.

23 I'd like to take this opportunity to commend
24 Ms. Foreman for a job well done, and at some time in the
25 future have her give a presentation to the Board.

1 The presentation by the EEO officer is intended
2 to be the first of future presentations by all of the
3 Board's executive and administrative program offices.
4 By doing this, the committee intends to increase the
5 interaction between the programs, Board members, and the
6 public.

7 And with that, I'll leave the rest of the
8 presentation to Ms. Terry Jordan, deputy director for
9 administration.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. And did
11 you wish to say anything, Ms. Jordan?

12 MS. JORDAN: Did I hear Mr. Medina talk about
13 item 23, that it was also on consent? I'm sorry, I
14 thought I heard 18 as being the last one.

15 BOARD CHAIR MOULTON-PATTERSON: No, we had said
16 that that had already been on consent.

17 MS. JORDAN: Okay. Thank you.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.

19 MS. JORDAN: Other than that, I don't have
20 anything.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Moving
22 right along to Diversion, Planning, and Local
23 Assistance. The chair of that committee, Mr. Jones, has
24 already given his report.

25 We have two final items, everything else has

1 been for the committee only or on consent.

2 We have number 27, and our last item will be
3 number 38.

4 MR. SCHIAVO: Okay.

5 BOARD CHAIR MOULTON-PATTERSON: Mr. Schiavo.

6 MR. SCHIAVO: Item number 27 is an update on
7 the status of the state agency and large state facility
8 annual report reviews under AB 75, and Trevor
9 O'Shaughnessy will be making this presentation.

10 MR. O'SHAUGHNESSY: Good afternoon, Chair and
11 members of the Board. My name is Trevor O'Shaughnessy
12 representing the State Organization of Facility
13 Assistance Section.

14 I'd like to provide a brief update as to the
15 implementation of AB 75. Handed to you has been an
16 update of the information of activity that the program
17 has been implementing. And briefly going over that.

18 The program has received 394 AB 75 annual
19 reports for the year 2001.

20 Partially completed has been 23.

21 And there are seven outstanding state agencies
22 that we have not heard anything in regard to AB 75.

23 With that, the Board staff has been
24 implementing a review of the submitted annual reports
25 and have completed a review of 120 annual reports to

1 date.

2 In doing and completing their reviews, they are
3 determining conformance and compliance with the Board's
4 direction as well as the statute and requirements.

5 They are looking at the weights that have been
6 provided by the state agencies and their reasonableness
7 as to their reporting, and comparing them to other state
8 agencies and activities going on throughout the State of
9 California.

10 And there's also been participation and working
11 with the State Controller's Office under the contract
12 approved by the Board.

13 The SCO has specifically been helping with the
14 review and field analysis of documentation for the
15 reported information on a certain selected population of
16 approximately forty state agencies. With that work
17 they're also helping prepare a final analysis, and
18 ultimately working with Board staff to develop training
19 tools which we anticipate going out if there's an
20 approved budget this winter.

21 That is a brief overview of what's going on
22 with the program. And staff is available to address any
23 questions you may have.

24 BOARD CHAIR MOULTON-PATTERSON: Okay.
25 Questions?

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

3 I want to just understand what, the annual
4 reports are, after the staff reviews them and determines
5 that they're okay, do we get a list of those similar to
6 the list we get on the, the list we got on the initial
7 AB 75 plans? We got a list, and then we could, if we
8 had questions about any of them we could pull them from
9 the list and have them come to the Board. Will we be
10 getting something similar here or --

11 MR. SCHIAVO: Yeah. We sent a memo around,
12 probably three or four weeks ago, I forget exactly the
13 date, which laid out -- and actually here's a copy.

14 It was, well, a couple of months ago, and it
15 laid out the process. The process was going to mirror
16 the plans, the planning process where you'll get a
17 listing. If you see something that grabs your attention
18 then we can go ahead and bring it to the full Board or
19 just convey our response to you another way.

20 MR. O'SHAUGHNESSY: Essentially it's a status
21 report update, so it would be a listing of the
22 facilities or the organizations that have reported,
23 their overall reported diversion for the year 2001, and
24 other pertinent information. Very similar to that that
25 was provided for the annual reports and the approval

1 process that was outlined at that point.

2 MR. SCHIAVO: And then the information is also
3 on the website as well.

4 BOARD MEMBER PAPARIAN: Okay. So this would be
5 before the reports were signed off on presumably because
6 we'll have a chance to look at them and --

7 MR. SCHIAVO: Right.

8 BOARD MEMBER PAPARIAN: All right. Let me just
9 ask that we have maybe three weeks to have the list just
10 to make sure, you know, to allow for holidays or
11 whatever else might be in there to just allow us a good
12 chance to look at those and determine whether or not we
13 have any questions about them or not. Now --

14 BOARD MEMBER EATON: Mr. Paparian, perhaps
15 maybe we should have, rather than three weeks, perhaps
16 maybe we should have them come to one of the committees
17 a month before. And that way they can give a report in
18 the committee, and then it would be noticed, and
19 therefore all of us, and I share your concerns about
20 just delegation. You know what I'm saying, how much
21 staggered?

22 It wouldn't be that same month, but if they
23 were going to do it in July it would come before a
24 committee in June so that at least there would be some
25 review or at least some notice for one of us to go.

1 BOARD MEMBER PAPARIAN: That might be a way to
2 do it as long as all the Board members have an
3 opportunity to --

4 BOARD MEMBER EATON: Yeah. I mean I'm happy to
5 share it, yeah.

6 BOARD MEMBER PAPARIAN: Yeah. If it's in an
7 agenda item so that all of the Board members can see it
8 if they have a question on any of 'em, yeah.

9 BOARD MEMBER EATON: Absolutely. In fact,
10 anyone who thinks it's important enough it can be before
11 a Board meeting actually is what I'd like, but I figure
12 in the interest of time.

13 MR. O'SHAUGHNESSY: If I could, just as a
14 reminder, and staff is more than willing and capable of
15 doing what you're requesting, but the annual reports
16 that have been submitted are specifically for the year
17 2001. The goal year of 25 percent isn't reported until
18 next year's annual report which is a statute requirement
19 of 25 percent.

20 So this is essentially just a status update as
21 to their program implementation and the overall efforts
22 to make sure that they are progressing forward to
23 achieve the mandates.

24 BOARD MEMBER PAPARIAN: Right. And it gives
25 us, I mean it gives us an opportunity to catch anything

1 that we have any serious questions about before they,
2 before they get into the goal year reporting.

3 And then, presumably, though, the goal year
4 reporting, is the intention to have that a similar
5 process, or a process more like the local government's
6 goal year reporting?

7 MR. SCHIAVO: Well, that would ultimately be
8 determined by the Board. We would bring forward to you
9 a process, and then have you approve whatever that
10 process, you know, whatever you want it to look like at
11 that time.

12 But we're about a year, you know, about a year
13 away from that now, so --

14 BOARD MEMBER PAPARIAN: Yeah. My inclination
15 would be to have a little extra scrutiny on the goal
16 year reports so that we're not in a situation where
17 we're requiring a certain level of scrutiny and approval
18 of local government goal year reports, and then a
19 different process, you know, a more streamlined process
20 for state agencies.

21 I don't want to be in a situation where we're
22 giving some sort of preferential treatment to state
23 agencies because they're state agencies.

24 BOARD CHAIR MOULTON-PATTERSON: Oh, yeah, I
25 certainly agree.

1 Any other comments?

2 BOARD MEMBER MEDINA: Madam Chair.

3 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.

4 BOARD MEMBER MEDINA: My question has to do
5 with over what period of time have the 128 annual
6 reports been completed? For example, one was the first
7 reports done and then the 128th report completed?

8 MR. O'SHAUGHNESSY: The first annual report
9 that staff completed was probably about a month after
10 they were received. And then the 128th one would have
11 been submitted to me yesterday for my review for, you
12 know, completion of consistency from the staff review
13 standpoint.

14 And, you know, that's why we are, we're
15 preparing the listing to come through Mark Leary to
16 yourselves following the original process, similar to
17 that of the annual report approval that was, or the
18 annual, the plan approval process that was implemented
19 originally.

20 BOARD MEMBER MEDINA: So when you say a month
21 after the first report was received, what month would
22 that be?

23 MR. O'SHAUGHNESSY: They were due April, so
24 approximately May.

25 BOARD MEMBER MEDINA: And we're currently, as I

1 can see, one-third of the way through the reports?

2 MR. O'SHAUGHNESSY: That is correct.

3 BOARD MEMBER MEDINA: When do you see the final
4 report being completed? Of the 394 that have been
5 received, when do you see the final report having been
6 reviewed and completed?

7 MR. O'SHAUGHNESSY: Staff is diligently working
8 to achieve total review, hopefully by November, so that
9 we're able to have everything up to date in the system
10 so that the electronic annual report process for 25
11 percent, or the April 1st, 2003, annual report will be
12 completely up to date. So everyone going into the
13 system will be able to adequately and accurately report
14 their status for the 25 percent achievement.

15 A lot of it is coming from the response of the
16 state agencies, and their lack of response, that kind of
17 slows staff down, but we are pushing hard.

18 Again, from the update standpoint, we had three
19 additional state agencies turn in their annual reports
20 from the committee meetings so, you know, that was just
21 a couple of weeks ago. Four additional plans or annual
22 reports were received, and that's from staff work
23 working with them to, you know, request and get full
24 compliance. But we are working both sides to hopefully
25 achieve everything by November, that's what our goal is.

1 MR. SCHIAVO: Yeah. I would, you know,
2 realistically I would think by the end of the calendar
3 year because some of this gets out of our control
4 because there's give and take in trying to clarify
5 questions.

6 And some jurisdictions, like Trevor just
7 mentioned, drag their feet, and there's not much we can
8 do on some of those. We go back and forth, and it's
9 usually a little bit longer than we planned. So
10 probably by the end of the calendar year.

11 BOARD MEMBER MEDINA: Are the uniforms pretty
12 much -- I mean are the reports pretty much uniform or do
13 they vary in terms of the content, form?

14 MR. O'SHAUGHNESSY: They're very uniform.
15 Through the assistance of the Information Management
16 Branch here at the Waste Management Board we've
17 developed an electronic reporting process of which to
18 date we've had one hundred percent use.

19 So therefore it's very uniform data, we're able
20 to generate reports as necessary directly from that.

21 In addition to that, it does expedite staff's
22 review.

23 The biggest portion or hurdle that we're
24 overcome is that the trainings and implementation of the
25 program started in the year 2000, we're in the calendar

1 year of 2002, and state service being what it is,
2 there's been a lot of turnover. So we're constantly
3 retraining individuals.

4 And at this point the annual reports were due
5 in April, and since that point alone there's been
6 attrition as well as replacement, so we're talking to
7 individuals that never even filled out the annual
8 report, and they're trying to find the backing
9 information to answer or to respond to staff questions.

10 MR. SCHIAVO: The one other thing is, again,
11 the format is exactly the same for all state agencies;
12 however, the results that we receive could be disparate.

13 We may be receiving information from, let's say
14 community colleges, for instance. The results that we
15 see from these community colleges could be quite a bit
16 different, and then we would have to go out and we'd
17 want to clarify, you know, the reasons for the
18 differences. And that's part of this whole process with
19 the State Controller's Office as well so that we can see
20 a little bit more consistency.

21 BOARD MEMBER MEDINA: So not all reports
22 require the same amount of time?

23 MR. SCHIAVO: The time and the content would
24 be, we'd request the same amount of information, but the
25 results we see may be quite a bit different, and we want

1 to find out more reasons as to why the results are so
2 different.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
4 you. Thank you, Mr. O'Shaughnessy.

5 That brings us to our last item, item 38, which
6 did receive committee consensus. However, San Benito
7 County wasn't present and some questions had come up.

8 Mr. Schiavo.

9 MR. SCHIAVO: Yeah. Consideration of the
10 application for an SB 1066 time extension by the San
11 Benito County Integrated Waste Management Regional
12 Agency in San Benito County.

13 There were several questions that were posed by
14 Board members, and it was thought to put this over to
15 the Board meeting because a representative from San
16 Benito was unavailable due to illness.

17 So she's here today, and Terri Edwards will go
18 ahead and start off with a brief presentation of the
19 item.

20 MS. EDWARDS: Good afternoon, Madam Chair and
21 Board members. The San Benito County Integrated Waste
22 Management Board Regional -- I mean Integrated Waste
23 Management Regional Agency has requested an extension
24 through July 1st, 2004.

25 The specific reasons the regional agency needs

1 a time extension are as follows:

2 The San Benito County Integrated Waste
3 Management Regional Agency requires more time to meet
4 the 50 percent diversion goal due to changes and delays
5 in the expansion of SRRE selected programs as a direct
6 result of having an inaccurate base year which had
7 produced a falsely high diversion rate.

8 The additional time is also necessary to
9 resolve issues surrounding contractual relationships for
10 refuse collection and landfill operation.

11 As the refuse collection contracts for the
12 jurisdictions within the regional agency have expired or
13 are about to expire, changes are being made to these
14 contracts to reflect pay as you throw program practices.

15 The County of San Benito anticipates either
16 contractual resolution with the landfill operator or
17 potential change in the landfill operator.

18 The programs listed in the plan of correction
19 are on page 38-3 of your binder. Some of the major
20 programs are:

- 21 Residential curbside collection.
- 22 Residential curbside collection of green waste.
- 23 Construction and demolition diversion.
- 24 Commercial on-site collection.
- 25 And green and wood waste grinding and mulching.

1 Additionally, a couple of questions were raised
2 at the committee meeting regarding the jurisdiction's
3 time extension.

4 With respect to the residential curbside
5 recycling contracts, the county implemented a pay as you
6 throw refuse collection program in 2002.

7 The city of Hollister will initiate
8 implementation of its pay as you throw refuse collection
9 program in November, 2002.

10 And the city of San Juan Bautista will be
11 implementing its pay as you throw refuse collection
12 program in July of 2003.

13 Board staff have reviewed the updated contracts
14 to date, and were able to confirm that the pay as you
15 throw provisions were included.

16 The regional agency's plan of correction
17 identifies an additional two percentage points of
18 diversion from this activity, which appears to be
19 reasonable.

20 The county is already seeing a diversion
21 increase as a result of implementing pay as you throw
22 principles in the county, and anticipate seeing this
23 trend continue with the adoption of a revised contract
24 from Hollister, and full implementation of this program
25 at San Juan Bautista.

1 Another question raised was the regional
2 agency's proposed expansion of their special waste, wood
3 waste materials program.

4 In a 1999 statewide study, it was found that a
5 little over half of the regional agency's waste comes
6 from organics. The non-residential percentage of this
7 area is 70 percent with a large industry base.

8 Given this, it seems reasonable to expect that
9 expansion of this program has the potential to generate
10 a considerable amount of diversion for the area. This
11 is a very good program for the regional agency to target
12 for additional diversion. This program should be fully
13 implemented by June, 2003.

14 The majority of the proposed programs are
15 scheduled for completion by December, 2003. The time
16 extension date of July 1st, 2004 will allow the
17 jurisdiction to see some of the impacts of these
18 programs on their diversion rate, and make adjustments
19 to these programs as they deem necessary.

20 Board staff has determined that the information
21 submitted in the application is adequately documented.

22 Based on this information, Board staff is
23 recommending that the Board approve the time extension
24 request for the regional agency.

25 Mandy Rose, the program director from the

1 regional agency, is present to answer any questions.

2 This concludes my presentation.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you very
4 much.

5 Did you have a question?

6 BOARD MEMBER JONES: Yes.

7 BOARD MEMBER ROBERTI: Madam Chair.

8 BOARD MEMBER JONES: Oh, go ahead. Go ahead.

9 BOARD CHAIR MOULTON-PATTERSON: You sure?

10 BOARD MEMBER JONES: He can ask it.

11 BOARD CHAIR MOULTON-PATTERSON: Senator
12 Roberti.

13 I thought you wanted to make a motion?

14 BOARD MEMBER JONES: Just a question and I'll
15 let you make a motion.

16 BOARD CHAIR MOULTON-PATTERSON: Okay, we'll
17 have just a quick question.

18 BOARD MEMBER EATON: We want to keep you around
19 a little bit longer.

20 BOARD MEMBER JONES: Yeah, we don't want you
21 leaving, you know, I mean --

22 This attachment that I see in my Board packet,
23 it's attachment one revised, it's a June 20th letter,
24 memo, that really, I don't know if this was in our
25 committee, was this in our committee agenda packet or is

1 this something new? I don't remember.

2 MR. SCHIAVO: It was revised so I'm not sure if
3 it was in there or not, I can't remember.

4 BOARD MEMBER JONES: Because what it does is it
5 talks about, it does a very, very good job under SB 1066
6 of listing each program and whether it's expanded or new
7 and then what their percentage --

8 MR. SCHIAVO: Oh, yeah, that was, that was
9 actually included. I thought you meant the first part
10 of it.

11 MS. EDWARDS: Yes.

12 BOARD MEMBER JONES: Okay. Cause there were a
13 couple of things. Is it -- it's my understanding that
14 the pay as you throw that they're talking about for
15 actual garbage, they think, how much do they think
16 they're going to be able to save? Is that the two --
17 well it's not two percent because that's the current,
18 that's the residential curbside. Cause really the pay
19 as you throw deals with the solid waste at the curb.

20 Have they determined any diversion that they
21 think they may be able to get just from that program?
22 Or is that like the basis for a whole lot of other
23 pieces?

24 MS. EDWARDS: I think that the jurisdiction
25 representative would like to speak to that.

1 MS. ROSE: Good afternoon. I'm Many Rose from
2 San Benito County Integrated Waste Management Regional
3 Agency.

4 And forgive me, Board member Jones, could you
5 repeat the question so I make sure I zero in on --

6 BOARD MEMBER JONES: In your application which
7 I think is a pretty good one that talks about,
8 describing each of the programs and what you think, you
9 know, whether or not it's a new or expanded program,
10 when do you think it's going to be completed, and what
11 you estimate this program enhancement is going to do,
12 you know, for diversion, your pay as you throw system
13 has got a lot to do with this request or it seemed to be
14 an awful lot when it came to our committee.

15 Those contracts evidently have been signed and
16 that process has started in Hollister and will start in
17 the other city pretty quickly, is that --

18 MS. ROSE: It started in January in the
19 unincorporated county, and will start in the city of
20 Hollister sometime November and December, and then in
21 San Juan the following six months.

22 BOARD MEMBER JONES: Okay. And how much do you
23 estimate that is going to have an impact on your overall
24 diversion?

25 MS. ROSE: I believe what we put down here is

1 the total diversion is about two percent. I mean I can
2 tell you that since we've started in the unincorporated
3 area of the county, we can document fourteen percent,
4 you know, less refuse to the landfill but, you know,
5 that's fourteen percent of the 30 percent of the
6 residential so --

7 BOARD MEMBER JONES: Sure. Sure. So two
8 percent overall?

9 MS. ROSE: Right. We were trying to be very
10 conservative with these numbers.

11 BOARD MEMBER JONES: Okay. Because it was a
12 pretty critical part, and it wasn't clear to me in that
13 meeting if those contract had been signed or what the
14 implementation date was going to be.

15 MS. ROSE: Sure.

16 BOARD MEMBER JONES: And we just needed to, or
17 I needed to know that, you know, from the standpoint of
18 trying to figure this out. That was my question.

19 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
20 Jones.

21 Mr. Eaton.

22 BOARD MEMBER EATON: And the other ones with,
23 the contracts with the hauler are in place. That was
24 the other open-ended question with regard to pay as you
25 go and making it mandatory, there were some issues

1 whether or not they were signed and were going to be
2 implemented.

3 MS. ROSE: Does there need to be some
4 clarification between residential and commercial? I
5 need to know because, again, the contracts for the
6 unincorporated area of the county were signed this last
7 December, the program implementation began in January of
8 this year. The city of Hollister is negotiating a
9 public hearing, that will take place September 3rd.
10 They expect implementation to begin in November or
11 December of this year.

12 BOARD MEMBER EATON: So that one is still not
13 completely signed off?

14 MS. ROSE: Correct.

15 BOARD MEMBER EATON: So we're trying to get
16 just what the status was for purposes of what we wanted
17 to maybe be included in the report and that kind of
18 thing.

19 MS. ROSE: Right. Which is why we obtained and
20 submitted to your staff letters from those jurisdictions
21 indicating what they were doing.

22 BOARD MEMBER EATON: Okay. Thank you.

23 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
24 you, Mr. Eaton.

25 Mr. Jones.

1 BOARD MEMBER JONES: Quick follow-up -- sorry,
2 quick follow-up, Madam Chair.

3 So when those contracts are done, just as
4 information you'll pass that onto your local assistance
5 person and they'll, she'll be able to pass it onto us.

6 MS. ROSE: Absolutely.

7 BOARD MEMBER JONES: What we try to do on this
8 SB 1066 is to make sure that you don't get out there so
9 far that you're left without options. And if we know
10 about it we can do anything we can to help.

11 MS. ROSE: Yeah. And if I may add, staff has
12 been great about assisting us in that direction. We
13 initially asked for three years because we thought, "Oh,
14 my God, how are we ever going to make it?"

15 And they said, no, no, no, you don't want to do
16 that, you know, take the shorter period of time because
17 if you need help we can be there to help you.

18 BOARD MEMBER JONES: Great, thank you.

19 Thanks, Madam Chair.

20 BOARD CHAIR MOULTON-PATTERSON: Mr. Papanian.

21 BOARD MEMBER PAPANIAN: Thank you, Madam Chair.

22 One of the things I noticed here, Mandy, is
23 that you're at 32 percent now. When you add up all your
24 numbers it's another eighteen percent, gets you right to
25 50 percent.

1 Looking at the numbers, some of it may be
2 conservative, hopefully they're conservative, because if
3 you miss on any you come out below 50 percent.

4 MS. ROSE: Right.

5 BOARD MEMBER PAPARIAN: So my message for you
6 to take back as that at least one Board member was
7 concerned that your numbers add up to, right to 50
8 percent, so that you are going to need to be aggressive
9 on all these things in order to be successful and make
10 it to the 50 percent.

11 MS. ROSE: I agree. And I think one of the
12 things we learned through our base year process is that
13 a lot of our diversion is pre-1990, so we are concerned
14 about making 50 percent.

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

17 BOARD MEMBER ROBERTI: Madam Chair, as my
18 parting shot to the Board I would like to move 2002 --
19 Resolution 2002-438.

20 BOARD MEMBER MEDINA: Second.

21 BOARD MEMBER JONES: Second.

22 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
23 a motion by Senator Roberti to approve Resolution
24 2002-438, it was seconded by Mr. Jones and Mr. Medina,
25 and I imagine the whole Board.

1 Please call the roll.

2 BOARD SECRETARY VILLA: Eaton?

3 BOARD MEMBER EATON: Aye.

4 BOARD SECRETARY VILLA: Jones?

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY VILLA: Medina?

7 BOARD CHAIR MEDINA: Aye.

8 BOARD SECRETARY VILLA: Papanian?

9 BOARD MEMBER PAPANIAN: Aye.

10 BOARD SECRETARY VILLA: Roberti?

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY VILLA: Moulton-Patterson?

13 BOARD CHAIR MOULTON-PATTERSON: Aye. Time

14 extension approved. Thank you.

15 MS. ROSE: Thank you.

16 BOARD CHAIR MOULTON-PATTERSON: I'd like to

17 remind the Board that we do have closed session tomorrow

18 at 10:30. I believe we'll let you know by e-mail where

19 it will be, which room it will be in.

20 BOARD MEMBER ROBERTI: At what time?

21 BOARD CHAIR MOULTON-PATTERSON: At 10:30

22 tomorrow.

23 And also I just want to wish Bonnie Bruce happy

24 anniversary on her 36th anniversary. This is the second

25 year running she's had to spend it with us.

1 (APPLAUSE.)

2 BOARD CHAIR MOULTON-PATTERSON: And this part
3 of the meeting is adjourned, we'll have closed session
4 tomorrow.

5 (Thereupon the foregoing was concluded
6 at 3:50 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

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3 I, DORIS M. BAILEY, a Certified Shorthand
4 Reporter and Registered Professional Reporter, in and
5 for the State of California, do hereby certify that I am
6 a disinterested person herein; that I reported the
7 foregoing proceedings in shorthand writing; and
8 thereafter caused my shorthand writing to be transcribed
9 by computer.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said proceedings, nor
12 in any way interested in the outcome of said
13 proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 as a Certified Shorthand Reporter and Registered
16 Professional Reporter on the 2nd day of September, 2002.

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