Please note, these transcripts are not individually reviewed and approved for accuracy.

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, SEPTEMBER 17, 2002

9:35 A.M.

Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751

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
SAL CANNELLA
DAN EATON
STEVEN R. JONES
JOSE MEDINA
MICHAEL PAPARIAN

STAFF PRESENT:
MARK LEARY, Executive Director
KATHRYN TOBIAS, Chief Legal Counsel
ELLIOT BLOCK, Legal Counsel
DEBORAH MCKEE, Board Assistant
SHARON WADDELL, Board Secretary
EDNA WALZ, Office of Attorney General

--oOo--

I N D E X

	PAGE
Call to order	1
Roll Call	1
Opening Remarks	2
Reports & Presentations	3
Consent Agenda	19
Motion	20
Agenda Item 2	23
Agenda Item 10	27
Motion	32
Agenda Item 36	32
Motion	33
Agenda Item 37	38
Public Comments	62
Afternoon Session	105
Agenda Item 37 (Cont.)	106
Recommendation	125
Agenda Item 1	135
Chair Report - Special Waste Committee	147
Agenda Item 40	149
Motion	160
Agenda Item 41	162
Motion	162
Agenda Item 44	163
Motion	176
Agenda Item 47	177
Motion	178

I N D E X

	PAGE
Chair Report - Executive, Admin & Policy Committee	179
Agenda Item 50	181
Motion	183,184
Closing Remarks	187
Certificate of Certified Shorthand Reporter	189

--oOo--

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

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Welcome to the
4 September meeting of the California Integrated Waste
5 Management Board.
6 And I would like to, before we do the roll
7 call, make two announcements.
8 Of course we're very, very happy, many of you
9 were at the swearing in, to have Mr. Sal Cannella
10 joining us as a Board member.
11 And welcome Mr. Cannella, and we're glad to
12 have you. And I'm sure you'll find everyone very
13 helpful.
14 And also another announcement, we have our new
15 executive assistant, Sharon Waddell down here. And
16 Sharon, if you'll raise your hand? She's the very
17 important lady that if you would like to speak to the
18 Board you just give her a speaker slip. And there's
19 speaker slips in the back. We print a limited number of
20 copies because of we're doing our part to conserve
21 energy. And give them to Ms. Waddell and she will make
22 sure that we know of your wish to speak.
23 And with that, I'd like to have roll call.
24 BOARD SECRETARY WADDELL: Cannella?
25 BOARD MEMBER EATON: Present.

1 BOARD SECRETARY WADDELL: Eaton?
2 BOARD MEMBER EATON: Here. And thank God
3 there's finally a letter before mine.
4 BOARD SECRETARY WADDELL: Jones?
5 BOARD CHAIR JONES: Here.
6 BOARD SECRETARY WADDELL: Medina?
7 BOARD MEMBER MEDINA: Here.
8 BOARD SECRETARY WADDELL: Paparian?
9 BOARD MEMBER PAPARIAN: Here.
10 BOARD SECRETARY WADDELL: Moulton-Patterson?
11 BOARD CHAIR MOULTON-PATTERSON: Here. We do
12 have a quorum.
13 And at this time I'd like to ask everyone to
14 please turn off your cell phones and pagers or turn them
15 on the vibrator mode.
16 And also we will have ex-partes. I'm still
17 going to start with you, Mr. Eaton.
18 BOARD MEMBER EATON: Thank you, Madam Chair.
19 Just, I believe I'm up to date with those we got this
20 morning unless there's something we get when we were up
21 here.
22 Thank you.
23 MS. MOULTON-PATTERSON: Thank you, Mr. Eaton.
24 Mr. Jones, any ex-partes?
25 BOARD MEMBER EATON: George Larson, John Cupps,

1 and Alan Marshant on C&D regs.

2 And then I got, and oh, a letter that I got

3 CC'd on from Bill Arulian, the LEA from Kern County on

4 C&D.

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

6 Eaton.

7 Mr. Medina.

8 BOARD MEMBER MEDINA: I'm up to date with the

9 exception of one, a brief discussion with Chuck White on

10 the C&D regs.

11 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

12 BOARD MEMBER PAPARIAN: I'm up to date.

13 BOARD CHAIR MOULTON-PATTERSON: Mr. Cannella.

14 BOARD MEMBER CANNELLA: I'm up to date.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you. And

16 I'm up to date with the exception of a telephone call

17 with Mr. Tal Finney regarding one of our budget items.

18 And with that, Mr. Eaton, did you have a report

19 today?

20 BOARD MEMBER EATON: Yes, Madam Chair. First

21 of all, I'd also like to welcome Mr. Cannella, who I've

22 known for a number of years, far too many that would

23 show our age.

24 But I think that first and foremost, knowing

25 Sal throughout the years, he brings not only a sense of

1 integrity to the position today, but also positions he's
2 held in the past, but also a work ethic.
3 When Sal was first elected to the Assembly, one
4 of the issues we called the marginal districts, but you
5 never saw an individual work harder. In fact, he worked
6 harder than most of us who had to go down there and work
7 on his behalf.
8 And with that, because of his hard work and his
9 efforts, he was successful. And I think that he will
10 bring that same work ethic here today and in the future.
11 And we should be very fortunate, and I'm very happy.
12 And welcome aboard, Sal. I know that you'll do
13 not only a good job, but will raise the bar for all of
14 us trying to get there. So good luck.
15 Two other quick notes. First and foremost, I
16 did attend the LEA conference up in Squaw Valley, I
17 think many of you did.
18 The one session which was of particular
19 interest was the section by Don Dyer where they do some
20 of the local government grants and the delegation
21 there. And I think that went very, very well. There
22 was a large turnout.
23 So was the turnout for all of 'em, I think each
24 of you attended different ones. But that one was
25 particularly reassuring. And I think there will finally

1 be some interest hopefully with those monies.

2 And I think the staff did a great job in terms

3 of the right amount of humor as well as information to

4 get that program rolling, especially since we've changed

5 it substantially. So that was, I think, a great

6 benefit.

7 And also had the opportunity to go down to see

8 the expanded South San Francisco -- excuse me, I think

9 the mike is having problems -- the transfer station

10 which, as you well know, with the large influx of

11 housing that's gone down in there and some of the other

12 things, I think that's a great facility.

13 But one bit of note to me was the fact that

14 because it's so close to San Francisco International

15 Airport, you don't realize sometimes that they also

16 handle all of the trash that comes in on the

17 international flights.

18 And one of the most interesting was we

19 sometimes forget the health and safety factors as we

20 deal with landfills. But that operation there that, I

21 guess, in concert with the U.S. Department of

22 Agricultural which has to actually cook all of the trash

23 from all of the planes before it can even be disposed

24 was a really big reminder to all of us that one of the

25 reasons, first and foremost we hear for health and

1 safety, and sometimes we overlook that. And I thought
2 that facility just underscored the need for us to
3 continually go back and look at what our original charge
4 was.
5 And that's it, Madam Chair.
6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
7 Eaton.
8 Mr. Jones.
9 BOARD MEMBER JONES: Thanks, Madam Chair. I
10 also want to welcome Mr. Cannella to this Board. I
11 think that it's a great addition.
12 And I know he went spent a lot of time as the
13 supervisor on the solid waste task force, and having to
14 not only deal with the regulations that came down from
15 the state but having to vote on rate increases and
16 deciding things and all the fun stuff that goes a long
17 with elected office at the local level.
18 So I'm glad you're here, and I think you'll
19 enjoy it.
20 I had a few things. I did participate in a
21 rubberized asphalt workshop that is put on by our L.A.
22 Rubberized Asphalt Center. It was a well attended
23 event. They had engineers as well as foremen from local
24 governments there learning about the does and don't of
25 rubberized asphalt.

1 It's something that I was critical about with
2 L.A. not divulging who their people were going to be
3 that were going to be running that program, or L.A.
4 County.
5 And after spending an entire day with them, I
6 realize these people care about what they're doing and
7 they are obviously qualified, and have a good comfort
8 level.
9 These are important workshops. I think the
10 more the local people understand about rubberized
11 asphalt, the easier it's going to be to get it in place.
12 I also was at the LEA conference, shared a
13 podium with Mr. Paparian.
14 And yesterday an entertainment group of six
15 from Yugoslavia that, with the help of some folks from
16 P&E, Rubia Packard from the policy office. And we had
17 Mike Wochnick and Sharon Anderson from P&E. And we had
18 Jim Bennett from the Water Board. They wanted to talk
19 about landfills.
20 They're on a three week trip to the United
21 States. They've been in Milwaukee, they've been on the
22 east coast, they came out to Sacramento, they're on
23 their way to Houston.
24 We spent about two hours with them. They're
25 actually going to be spending time with the Water Board

1 on wastewater treatment issues. They're going to, I
2 think today they were supposed to spend some time with
3 DTSC yesterday, I don't know how that went. Not good I
4 think.
5 But anyway, it was informative because we take
6 for granted the dollars that we have available to us at
7 local, both at the local governments and our citizens,
8 to be able to put into place, the environmental
9 protections at a landfill or any kind of facility that
10 we just consider to be necessary.
11 They engineer 'em the right way it looks like,
12 but they may not have the money to operate 'em the right
13 way.
14 And so trying to understand what those long
15 term costs are going to be and be able to change
16 people's ways of thinking in a government that has been
17 under siege, in a country that's been under siege for so
18 long, it's a pretty Herculean task. But they're trying
19 very hard to learn as much as they can to bring it back
20 and try to be a responsible country to take care of
21 their issues.
22 And then this morning I gave the opening
23 remarks at the landfill, at the SWANA IWMB manager of
24 landfill operations training, 52 people in Sacramento at
25 the Hilton. A lot of Waste Board staff from the

1 inspection side, a lot of LEAs, which was good, and a
2 lot of operators.
3 And this is the third event since we've
4 commissioned this pilot study. And I think that
5 Darryl's going to start working on being able to show
6 some marketable results that, as these people are
7 learning more some of these violations and things are
8 going to be disappearing just because they've got the
9 knowledge that in some cases they didn't have before.
10 So it was a pretty good morning.
11 That's it.
12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
13 Jones. And thank you for all your work and leadership
14 on those issues.
15 Mr. Medina.
16 BOARD MEMBER MEDINA: Thank you, Madam Chair.
17 I'd also like to welcome Board member Cannella. I'm
18 always glad to have another representative here of local
19 government, and also another person who has the
20 background in labor.
21 And with that, I also attended the LEA
22 conference on August the 23rd and 24th. I spoke at the
23 conference and attended several very interesting
24 workshops.
25 One of the more interesting workshops had to do

1 with the farm and ranch program. Linda Weiss, the LEA
2 for Yuba County, provided some very interesting insights
3 into how the program is used and what we can do to
4 improve it.
5 Most recently I saw a news report on cleanups
6 in that area that feature Linda, and it was a very good
7 news report in regard to the issues that she's
8 confronting in that county.
9 Some of the improvements that were covered at
10 the conference are moving ahead legislatively, and
11 hopefully will give ranchers and farmers faced with
12 illegal disposal the opportunity to clean up their
13 project -- to clean up their property.
14 Also, I'd like to report that in August, at the
15 invitation of Ricardo Martinez, Assistant Secretary for
16 the Environmental Protection Agency, I met with a
17 representative of the North American Development Bank,
18 NAD Bank. The primary function of the NAD Bank is to
19 facilitate financing for the development, execution, and
20 operation of environmental infrastructure projects in
21 the U.S. Mexico border region.
22 Specifically we discussed the possibilities of
23 working together on waste management project development
24 issues along the Mexican border.
25 Q We were informed that the NAD Bank has

1 allocated funds for loans and grants to border
2 communities afflicted with integrated waste management
3 problems.
4 The types of assistance that they are able to
5 provide are direct grants, loans, and transitional
6 assistance for user fees directly related to the
7 planning and design of municipal solid waste projects.
8 We expect to be working closer with Cal EPA
9 regarding the availability of this money to address
10 municipal solid waste problems along the border region.
11 And that concludes my report.
12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
13 Medina.
14 Mr. Paparian.
15 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
16 I also welcome Mr. Cannella. I have found for
17 myself this has been one of the most exciting times
18 since I've in college, and I hope it's the same for
19 you. This is an enjoyable group to work with and a
20 great and committed staff to work with. I'm sure you'll
21 have a great time here.
22 The, some of the things that I was involved in
23 in the last few weeks. I also attended the LEA
24 conference. I gave a little talk at the opening on the
25 future of the Board, and using the strategic plan as a

1 tool. And also hopefully started a little bit of a
2 discussion on the role of enforcement in local
3 enforcement agencies. So I think maybe we might be
4 hearing some more about that in the coming months.
5 I also spoke with Mr. Jones at the panel on,
6 for the new LEAs, the new LEA orientation. And I
7 stopped counting at about twenty or twenty-five or so,
8 but there were quite a few new LEAs who were there and
9 actively participating in that session.
10 I also last week went to the National Recycling
11 Coalition annual conference in Austin, Texas, and
12 participated on two panels; one on top issues in the
13 recycling policy front, and another panel on effective
14 environmental procurement. And actually not only on
15 those panels but elsewhere our strategic plan got a lot
16 of very positive reviews and a lot of interest from
17 other states around the country.
18 I suspect we probably got quite a few more hits
19 on our website on the strategic plan based on the
20 interest that was there amongst officials from other
21 states.
22 In preparation for going down and speaking on
23 those two panels, several of the staff here really
24 helped out tremendously in putting together some
25 PowerPoint presentations and background material for me.

1 And I wanted to really express my thanks to them. Deb
2 Orrill who's helped me before on presentations. But
3 also I wanted to especially thank Roberta Kunisaki, I
4 know she's not here, but if you can make sure she gets
5 my strong thanks for her great work in putting together
6 a really nice PowerPoint presentation I could use. And
7 I know Bill Orr also helped on that one as well.
8 And then finally I wanted to thank the P&E
9 staff, Scott Walker, Bernie Vlach, and Sharon Anderson
10 for all the work they did on the committee workshop we
11 had a couple of weeks ago on landfill capacity.
12 We had a busy schedule at that P&E meeting but
13 were able to get to this workshop. And I think we got
14 some important information out there about the landfill
15 capacity issue and where we're going to be going with
16 that.
17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
18 Paparian.
19 Mr. Cannella, would you like to say a few
20 words?
21 BOARD MEMBER CANNELLA: Thank you, Madam Chair.
22 And first of all, thank you for the kind words
23 and the warm reception all of the Board members have
24 given to me this last couple of days. It's certainly
25 easier to start a new job when you have the support of

1 your colleagues, and I thank you very much for making me
2 feel welcome.
3 While not new to the issues, it's been a while,
4 and I'm looking forward to participating. I have spent
5 the last four or five days since my swearing in reading
6 the strategic plan to look at the goals and objectives
7 and the vision that has been put together by the staff
8 folks and all of you on the Board. And it's very
9 interesting, I'm eager to get started.
10 I spent part of that time familiarizing myself
11 with definitions, what different words mean to different
12 people. You know, it seems like when you talk to folks
13 you think you understand what they're talking about. So
14 it's been my attempt the last three weeks to make sure
15 that we're on the same page when we're talking about
16 words.
17 I'm looking forward to participating in this.
18 Fortunately Senator Roberti assembled an outstanding
19 staff which I've been able to inherit. They're keeping
20 me up to speed and helping me.
21 And I'm telling you, I'm really looking forward
22 to this. It's an outstanding organization with an
23 important mission, and I hope to be part of that.
24 BOARD CHAIR MOULTON-PATTERSON: Thank you.
25 BOARD MEMBER EATON: Madam Chair, I think that

1 was a request to volunteer for Mr. Cannella to be the
2 Board member that goes to the waste characterization
3 study when we go actually into the landfills and start
4 counting all the garbage. I thought I heard that but,
5 you know, if that is, I mean, I really thank you. I
6 mean --
7 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
8 Eaton.
9 My report just, I just wanted to highlight one
10 of my activities and, that I really enjoyed. I know not
11 everyone was able to attend, but I attended the East End
12 Dedication with Secretary Adams and State Superintendent
13 of schools Delaine Eastin.
14 It was really very gratifying to see that
15 beautiful new green building. And they were very
16 complimentary, Secretary Adams and Superintendent Eastin
17 were very complimentary of the guidance and support and
18 vision that the Waste Board employees and the Waste
19 Board has shown.
20 And they especially wanted to recognize, I'm
21 not sure if you were there, you might have been there,
22 Mr. Eaton, but they certainly thanked you for getting
23 the ball started on that.
24 And with that we have a very short video on
25 that dedication, is that right, Mr. Simpson? And I'd

1 like to just share this with you for those that weren't
2 able to attend.
3 (Thereupon a video presentation was shown.)
4 BOARD CHAIR MOULTON-PATTERSON: Thank you very
5 much, Mr. Simpson, that was great.
6 The Board will not be having a closed session
7 at this meeting unless I was given the wrong
8 information? Okay, just checking.
9 And with this I will turn it over to our
10 Executive Director, Mark Leary, for his report.
11 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
12 Chair. Good morning, good morning members.
13 Let me first and foremost start out with a warm
14 welcome from the four hundred and fifty or so staff here
15 at the Waste Board to Mr. Cannella. On behalf of them
16 we look forward to working with you and look forward to
17 getting you the best information we possibly can to help
18 you with your decision-making.
19 A couple of short items, Madam Chair and
20 members. First and foremost, as your Executive Director
21 I'm required under the Board's regulations to report to
22 you about the granting of any emergency waiver by a
23 local enforcement agency, and all determinations made
24 concerning that waiver.
25 Just to be clear, this type of waiver is

1 different than the one, this is the one for declared
2 emergencies only and not to be confused with the
3 stipulated agreements for unforeseeable circumstances.
4 On August 26th of this year, the LEA of the
5 County of San Diego received a request and granted an
6 emergency waiver to expand the hours of operation and
7 receipt of tonnage at the Ramona and Borrega Landfills
8 and the Ranchito Limited Volume Transfer Station.
9 The request and grant of the waiver was to
10 respond to an emergency proclamation by the county's
11 chief administrative officer, which was subsequently
12 ratified by the County Board of Supervisors, in response
13 to the Pines fire in the Julian area of the county. The
14 fire burned over 60,000 acres and destroyed 37 homes and
15 other structures.
16 The fire emergency was declared over on August
17 22nd, however the cleanup will continue for some time,
18 and the waiver was granted for ninety days, extending
19 until November 23rd of this year.
20 Secondly, I wanted to thank several of the
21 members for your positive comments about the LEA
22 conference. We too at the staff level felt that the
23 conference this month at Squaw Valley was a huge
24 success. We documented over 230 people in attendance at
25 the conference, and we're appreciative of the warm

1 response that we received from both the attendees, but
2 from each of the Board members.
3 The conference evaluations indicated the
4 attendees thought it was the best conference ever and
5 they can't wait for next year.
6 And then finally, on a personal note, after
7 today and for the rest of this week, I'll be attending
8 and presenting at the Environmental Innovations Summit
9 2002 in Arlington, Virginia. I'll be attending within
10 the conference track entitled, "Innovations in
11 Environmental Measurement," and the title of my
12 presentation is called, "Using the Internet to Share
13 Solid Waste Information and Environmental Performance
14 Measures."
15 In this way I hope to share the Board's, I
16 think, world-leading effort in terms of data, solid
17 waste information management, and the profile system,
18 and take advantage of this national forum to make this
19 presentation.
20 I'd like to publicly thank Assistant Director
21 John Sitts for putting that presentation together for
22 me.
23 And with that, I'd like to conclude my report.
24 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
25 Leary.

1 Any questions for Mr. Leary?
2 Okay. We're moving onto our agenda. Items 4,
3 29, 30, and 52 have been pulled from the agenda and will
4 not be heard at this meeting.
5 Item 38, 39, 43, and 51 will be continued to
6 the October Board meeting.
7 Items 42, 46, and 53 were heard at the
8 committee level only.
9 Items 3, 15, and 16 have been deleted from the
10 agenda.
11 And for the consent calendar we have item 2, 5
12 through 14, 17 through 21, 22 revised, 23 through 28,
13 31, 32 revised, 33 revised, 34, 35.
14 And 45A, Resolution 2002-474A, without Sisco
15 Systems, and 45B, Resolution 2002-474B with Sisco
16 Systems. And you're going to pull that off, Mr. Eaton,
17 or pull that portion?
18 BOARD MEMBER EATON: Yeah, we'll just withhold
19 that from the regular consent calendar. That would be
20 item 45, resolution 2002-474 in prens B.
21 BOARD CHAIR MOULTON-PATTERSON: Okay. Fine.
22 BOARD MEMBER EATON: And take it up separately.
23 BOARD CHAIR MOULTON-PATTERSON: So again that
24 was 45A, resolutions 2002-474A. And then 48 revised,
25 and 45 revised. These items have been proposed for the

1 consent agenda.

2 Any others that people would like to pull off?

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Madam Chair, I think I

5 heard you say item two, and I think at the briefing we

6 pulled that one off so that we would have a

7 presentation.

8 BOARD CHAIR MOULTON-PATTERSON: Would you like

9 to do the presentation first? It was my understanding

10 that we were going to go ahead and approve it and just

11 have a brief informational one. Whichever way you --

12 BOARD MEMBER PAPARIAN: That's fine as long as

13 we hear the presentation.

14 BOARD CHAIR MOULTON-PATTERSON: Right. Okay.

15 Is that okay with everyone? Okay.

16 Thank you, yes.

17 BOARD MEMBER EATON: Madam Chair, I'd like item

18 ten pulled from consent.

19 BOARD CHAIR MOULTON-PATTERSON: Item ten, okay.

20 Any others?

21 Okay. I'd like a motion for the consent

22 calendar as read with item 474B and 45 and item 10

23 deleted from my original reading.

24 BOARD MEMBER MEDINA: So moved.

25 BOARD CHAIR MOULTON-PATTERSON: Okay. We have

1 a motion by Mr. Medina.

2 BOARD MEMBER JONES: Second.

3 BOARD CHAIR MOULTON-PATTERSON: Seconded by Mr.

4 Jones.

5 Please call the roll.

6 BOARD SECRETARY WADDELL: Cannella?

7 BOARD MEMBER EATON: Aye.

8 BOARD SECRETARY WADDELL: Eaton?

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY WADDELL: Jones?

11 BOARD CHAIR JONES: Aye.

12 BOARD SECRETARY WADDELL: Medina?

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY WADDELL: Paparian?

15 BOARD MEMBER PAPARIAN: Aye.

16 BOARD SECRETARY WADDELL: Moulton-Patterson?

17 BOARD CHAIR MOULTON-PATTERSON: A. Now I'll

18 entertain a motion for resolution 2002-474B.

19 BOARD MEMBER MEDINA: So moved.

20 BOARD MEMBER JONES: Second.

21 BOARD MEMBER EATON: And Madam Chair, the

22 reason why, just is that there, as we from time to time

23 have a potential conflict of interest with stock

24 holdings and whatever, although I've been advised that

25 I'm probably under the limit, but just to be on the safe

1 side, as we all have, I will not be voting and I'll be
2 abstaining on this matter.
3 BOARD CHAIR MOULTON-PATTERSON: Thank you. So
4 we had a motion by Mr. Medina, seconded by Mr. Jones for
5 this item.
6 Please call the roll.
7 BOARD SECRETARY WADDELL: Cannella?
8 BOARD MEMBER EATON: Aye.
9 BOARD SECRETARY WADDELL: Eaton?
10 BOARD MEMBER EATON: Abstain.
11 BOARD SECRETARY WADDELL: Jones?
12 BOARD CHAIR JONES: Aye.
13 BOARD SECRETARY WADDELL: Medina?
14 BOARD MEMBER MEDINA: Aye.
15 BOARD SECRETARY WADDELL: Paparian?
16 BOARD MEMBER PAPARIAN: Aye.
17 BOARD SECRETARY WADDELL: Moulton-Patterson?
18 BOARD CHAIR MOULTON-PATTERSON: Aye.
19 BOARD MEMBER EATON: Madam Chair, there is one
20 other item which wasn't publicly noticed but I would
21 like to temporarily withhold consent, at least until I
22 have a little more information, and perhaps Mr. Paparian
23 would like to join me. And that's with the union of his
24 staff person Kit Cole and her husband to be. We are
25 still checking out, which I understand she'll be leaving

1 us at the end of the week, and perhaps, you know, until
2 we have a little further information, if we can just
3 kind of hold consent on that that would be greatly
4 appreciated.
5 (LAUGHTER.)
6 BOARD CHAIR MOULTON-PATTERSON: Very good, Mr.
7 Eaton.
8 Mr. Paparian.
9 BOARD MEMBER PAPARIAN: Some of us have
10 considered objections at the event, but we may need to
11 reconsider that.
12 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
13 you. Okay. Item one will be taken up at the end of the
14 permitting and enforcement section, we'll come to item
15 one.
16 Item two, although it was approved on consent,
17 because of our great interest in this law, SB 373, we
18 thought we'd have a very brief report on the
19 implementation thus far.
20 Mr. Schiavo.
21 MR. SCHIAVO: Good morning. Pat Schiavo of the
22 diversion, planning, and local assistance division.
23 SB 373 is landmark legislation in that it
24 recognizes the need to integrate education in the
25 classroom and hands-on diversion activities.

1 Regarding the diversion component, statute
2 requires the Board to develop models and tools, create
3 an outreach program, and by January 1st, 2004, evaluate
4 progress schools are making in implementing diversion
5 programs.
6 To meet these requirements, staff are
7 developing and providing access to such tools as case
8 studies, guides, transportation resources, and other
9 waste characterization data.
10 And staff is beginning the process of
11 developing workshops with interested parties to promote
12 our offerings. These will take place in springtime.
13 To be successful, this must be a closely
14 coordinated effort with key staff from the Board working
15 cooperatively. And staff is meeting regularly in order
16 to make this happen, and we want to make this as
17 seamless a rollout as we possibly can.
18 And as such, I'd like to now introduce Tricia
19 Broddrick who will now provide some additional
20 information regarding the program.
21 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
22 Schiavo.
23 MR. SCHIAVO: You're welcome.
24 MS. BRODDRICK: Good morning, I'm Trish
25 Broddrick, and I'm at the Office of Integrated

1 Environmental Education.

2 And I just want to let the Board know that this

3 is a culmination of about six months of planning with

4 multiple stakeholders. And I'd like to highlight about

5 four elements of the plan very quickly that will bring

6 you up to speed on the most important critical

7 components of the plan that you have just approved.

8 The first one is partners. Under this

9 legislation we are working very closely with and must

10 get approval from the California Department of

11 Education, the office of the Secretary of Education, and

12 probably, most importantly, the State Board of

13 Education.

14 And by gaining this approval, our program will

15 be the only environmental education program in the state

16 that is adopted and approved by the State Board of

17 Education, which provides us with multiple accesses to

18 school districts.

19 All of our programs will be aligned to

20 California content standards, and also with evaluation

21 instruments as well.

22 The second element is funding. We have $1.5

23 million in grants that comes from the Waste Management

24 Board. This doesn't sound like a lot of money, but in

25 the world of environmental education it's huge.

1 We are offering grants, $900,000 the first
2 year, and $600,000 the second year. And just as
3 importantly, we have been provided with over $540,000
4 from the State Consumer Services Agency, which is one of
5 our huge partners.
6 Their monies will be used to develop all of the
7 support and resource materials that will assist school
8 districts in meeting the objective of this legislation
9 which is to integrate environmental concepts into
10 existing curricula and textbooks, and to integrate
11 student learning, the student on-site action projects in
12 the realm not only of waste management, but in energy,
13 water, and air as well. So we are developing a very
14 systemic approach to the environment as well as
15 instruction.
16 And finally, I think one of the things that's
17 very critical about this bill and the plan and the
18 strategy we are imposing is that we have an additional
19 $81,000 that was approved by the Board to evaluate this
20 project from its inception to its conclusion, and will
21 assess the impact of our efforts on student learning,
22 use in California, assessment tests, that means the API
23 index scores. And also we'll be assessing the impact of
24 our programs on the resource management strategies at
25 the school site.

1 So if you have any questions I'd be happy to
2 answer them. I also want to thank the Board
3 tremendously for giving us this opportunity. And
4 particularly to Bonnie Bruce, Chair Moulton-Patterson's
5 advisor who has been with us every step of the way and
6 provided her guidance and leadership. It's been very
7 beneficial.
8 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
9 Broddrick.
10 Any questions? As Ms. Broddrick says, this has
11 been a real team effort. Mr. Schiavo, Ms. Broddrick,
12 her whole team, Ms. Bruce, Mark, Mr. Leary have all
13 worked very, very hard in pulling this together.
14 And I also want to note that Secretary Adams
15 and Mr. Sole of her office have been very helpful in
16 working with us, and just a lot of people. And we are
17 really proud of the efforts so far. So we thank you
18 again.
19 And with that we'll go to item number 10,
20 consideration of the application for an SB 1066 time
21 extension by the city of Hawaiian Gardens, Los Angeles
22 County.
23 Mr. Eaton.
24 BOARD MEMBER EATON: Yes, Madam Chair. Perhaps
25 this will speed it up. A couple of questions that I

1 have of staff, or if there is a representative here.
2 First and foremost, with regard to the schools
3 education curriculum, and I know we did a compliance
4 order and that compliance order mandated they do some
5 public education, but according to the staff comments it
6 was just presented at the local school administration.
7 So is that the end of it as a result of our
8 compliance, or is there an ongoing program that's not
9 mentioned here? And did the administration adopt it.
10 I mean if you look at it it just says it was
11 presented to local school administration and now we have
12 it as an existing program. A program to me, unless I'm
13 missing something, means that there's an ongoing
14 program, not just a presentation.
15 So could I get some clarification on that?
16 MR. MORALEZ: For the record, my name is Phil
17 Moralez, the branch manager for the state and local
18 assistance branch.
19 Board member Eaton, the reason there wasn't a
20 great extension comment on it is because it was an
21 ongoing existing program, and the school is, in fact,
22 using the program that was presented to it. It's an
23 ongoing program.
24 BOARD MEMBER EATON: Is that the school
25 district or one school?

1 MR. MORALEZ: In this case it's the schools
2 within the city. It's not a district-wide program. If
3 I'm not mistaken, it's within the schools within the
4 incorporated city.
5 BOARD MEMBER EATON: Okay. Then with regard to
6 the C&D, and members, I think you should pay close
7 attention because we're probably going to get more of
8 this if a piece of legislation actually goes into
9 effect.
10 But 22 percent of their 50 percent that
11 they're, or to reach the goal, 22 percent of that or 22
12 percent of the 50 percent is going to be reached by C&D
13 through a bump.
14 And what I, the question I have is if an
15 ordinance was passed in 1999, according to our staff
16 write-up, and the project took place in 2000, what did
17 the ordinance do to prevent that?
18 And also, according to the write-up, it implies
19 that somehow, because this was out of the local
20 jurisdiction's control; yet also within the same item it
21 talks about the jurisdiction had permit authority, an
22 ordinance was in effect, and that there were
23 authorizations.
24 So can someone explain to me why there was such
25 a large amount that went through an ordinance? Was it

1 in the local control? And also, where was it going that
2 it was counted as disposal? Was it one of the four
3 sites that's the subject of the Chavez bill?
4 MR. MORALEZ: That I don't have a specific
5 answer, I'd have to go back and check with staff on
6 that.
7 But in terms of meeting with the city,
8 initially they had discussed the inert issue as being
9 developed from a Caltrans project. They provided the
10 material, the information, and we checked into it.
11 As it turned out and the city admitted, that
12 this particular inert material came from a project that
13 was within their control, a permitted destruction and
14 reinnovation of a grocery store and a mini mall. And so
15 the permitting side from the city had apparently
16 overlooked the need where this material was going, and
17 so it kind of fell through the cracks within the city.
18 So what the city has done, and in meeting with
19 them, is that they are putting steps in to enforce the
20 ordinance within their own parameters. This particular
21 project was something that was under the city's control,
22 but it fell through the cracks.
23 And I do believe it went to a permitted site,
24 but I don't have that information in front of me, I'd
25 have to check with staff on that.

1 BOARD MEMBER EATON: Thank you.
2 That's all, Madam Chair.
3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
4 you. Any other questions on item 10?
5 BOARD MEMBER JONES: Madam Chair.
6 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
7 BOARD MEMBER EATON: It went to a permitted
8 site because that's the only way it could count.
9 MR. MORALEZ: That's correct.
10 BOARD MEMBER JONES: And at the committee
11 meeting I think we had asked the city if they had looked
12 at using our waiver method that we had put in place
13 prior to this. I don't know if that happened or not
14 but --
15 MR. MORALEZ: We did. And, Mr. Jones, in
16 meeting with the city we did mention that possibility
17 but they agreed that it was something they had errored
18 on their part, and that this would give them an
19 opportunity to put greater enforcement on that, on that
20 ordinance. And that was one of the reasons for the
21 extension as well.
22 BOARD MEMBER EATON: Okay. Because I know the
23 inert, the C&D obviously is a huge issue. But this one
24 city, like I said in the committee, has an administrator
25 that has worked really hard to try to make this stuff

1 work.

2 I'm going to move adoption of Resolution

3 2002-507 for the 1066 time extension for the City of

4 Hawaiian Gardens.

5 BOARD MEMBER MEDINA: Second.

6 BOARD CHAIR MOULTON-PATTERSON: We have a

7 motion by Mr. Jones, seconded by Mr. Medina to approve

8 an application for an SB 1066 time extension by the city

9 of Hawaiian Gardens, Los Angeles County.

10 Please call the roll.

11 BOARD SECRETARY WADDELL: Cannella?

12 BOARD MEMBER EATON: Aye.

13 BOARD SECRETARY WADDELL: Eaton?

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY WADDELL: Jones?

16 BOARD CHAIR JONES: Aye.

17 BOARD SECRETARY WADDELL: Medina?

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY WADDELL: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY WADDELL: Moulton-Patterson?

22 BOARD CHAIR MOULTON-PATTERSON: A. Okay.

23 That takes us to item 36.

24 MR. MINDERMANN: Good morning, Madam Chair and

25 members of the Board. My name is Wes Mindermann with

1 the Permitting and Enforcement Division.

2 Item 36, it was heard by the Permitting and

3 Enforcement Committee, and also the Budgets and

4 Administration Committee, and enjoys fiscal consensus

5 this morning, so I'll try to keep my presentation as

6 brief as possible.

7 A total of ten firms submitted statements of

8 qualifications in response to the Board's request for

9 qualifications for this engineering services contract.

10 Based on a review of the statements and

11 qualifications, the selection committee interviewed the

12 top five ranked firms, and selected Bryan A. Stirrat and

13 Associates, Incorporated as the most qualified firm for

14 this contract.

15 Therefore, staff recommend that the Board adopt

16 Resolution number 2002-424 awarding the contract to

17 Bryan A. Stirrat and Associates, Incorporated, with an

18 initial allocation of $500,000.

19 That concludes my presentation. I'd be happy

20 to answer any questions.

21 BOARD MEMBER EATON: Madam Chair.

22 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: I'll move adoption of

24 Resolution 2002-424 for the consideration of Bryan

25 Stirrat as the contractor for the engineering services

1 contract for the solid waste disposal and co-disposal
2 cleanup, contract number IWM-C2001.
3 BOARD MEMBER MEDINA: Second.
4 BOARD CHAIR MOULTON-PATTERSON: Motion by Mr.
5 Jones, seconded by Mr. Medina to approve Resolution
6 2002-424.
7 Please call the roll.
8 BOARD SECRETARY WADDELL: Cannella?
9 BOARD MEMBER EATON: Aye.
10 BOARD SECRETARY WADDELL: Eaton?
11 BOARD MEMBER EATON: Aye.
12 BOARD SECRETARY WADDELL: Jones?
13 BOARD CHAIR JONES: Aye.
14 BOARD SECRETARY WADDELL: Medina?
15 BOARD MEMBER MEDINA: Aye.
16 BOARD SECRETARY WADDELL: Paparian?
17 BOARD MEMBER PAPARIAN: Aye.
18 BOARD SECRETARY WADDELL: Moulton-Patterson?
19 BOARD CHAIR MOULTON-PATTERSON: Aye. Motion
20 approved.
21 Excuse me, Mr. Paparian, I meant to call on you
22 as chair of the P&E Committee before this item, but I
23 forgot. But I would like to call on you now to give
24 your report as chair.
25 BOARD MEMBER PAPARIAN: Okay. This might be a

1 good time to do it because I think we can lead into item
2 37 which I'm sure we'll have some interesting discussion
3 on.
4 BOARD CHAIR MOULTON-PATTERSON: Although I
5 don't have any speaker slips yet, huh?
6 Okay. Go ahead.
7 BOARD MEMBER PAPARIAN: Folks may want to start
8 getting their speaker slips in on that if they haven't
9 already.
10 BOARD CHAIR MOULTON-PATTERSON: Oh, yes, here
11 we go.
12 BOARD MEMBER PAPARIAN: We did at the committee
13 have five items for consent which we already dealt with
14 this morning, 31, 32, 33, 34, and 35. We just heard
15 item 36, 37 we'll get to into a second.
16 Item 38 was related to starting the process for
17 regulations for alternative daily cover. We continued
18 this item till October, and despite some comments in one
19 of the weekly newsletters that covers Cal EPA it wasn't
20 for anything, any reason other than we didn't have the
21 time to really look at it at the committee meeting, and
22 we wanted to give it the time it deserved. So we're
23 planning to look at that in October.
24 And then item number one on the report on
25 enforcement orders issued by LEAs since November, 2001,

1 I think we'll be doing that after item 37. We thought
2 that that would be something that would be of interest
3 to the whole Board, so we didn't hear that at all in the
4 committee, we forwarded it to the full Board.
5 On item 37, that's the C&D regs. And what's
6 before us today is a recommendation to put the regs out
7 for further comment. And we'll have some explanation
8 about how long that comment period is and how that's
9 going to work in a few minutes here.
10 This isn't the final decision today on the C&D
11 regs by any means, but rather an attempt to get the regs
12 out in some form so that we can get further comments,
13 digest those comments, and then take action on them.
14 It's, there are several issues that came out
15 that staff identified that are key issues of contention.
16 Perhaps the biggest one relates to the tonnages
17 that would be impacted by the regs. I think everybody
18 agrees that at a hundred tons, facilities will be
19 subject to a permit. But the question becomes, is it a
20 full permit or is it a registration permit?
21 And that's where some people will contend that
22 you need the full permit in order to assure that health,
23 safety, and environmental protection is adequately
24 protected.
25 Others will argue that the full permit is an

1 onerous burden on some of the smaller operators and it
2 will make it difficult for them to continue in business
3 if they have to get the full permit.
4 So what the committee recommended on a two one
5 vote, and I'm sure Mr. Jones can speak to why he
6 dissented on the recommendations, the committee
7 recommended going along with the staff recommendation on
8 this which was at 500 tons the full permit would kick
9 in.
10 What some argue is that the full permit should
11 kick in at a hundred tons. But under the staff
12 recommendation, at a hundred tons people would get a
13 registration permit. Once they had that registration
14 permit, all the regular inspections and other activities
15 associated with the permit would kick in. But obtaining
16 the permit would be in a different manner.
17 At the other end, as I mentioned before, there
18 are those who argued that you should have the
19 registration permit up to 750 tons because of the
20 difficulties and challenges in obtaining a full permit.
21 And they'll be able to speak for themselves.
22 But the general argument there is that it's
23 very difficult and very costly, according to some
24 individuals, to get the full permit, and for a small
25 operator that would be a significant burden on their

1 business.

2 So hopefully that gives a sense of what that

3 issue is between the hundred and the 500 tons. There

4 were three other issues, debris versus waste, C&D debris

5 defined by source, and the application of a two part

6 test.

7 And again, by a two one vote, the committee

8 went along with the staff recommendations. And there

9 was dissent from Mr. Jones on both of those votes, and

10 I'm sure he'll explain some of his concerns about that.

11 So I think with that, Madam Chair, I think the

12 staff has some presentation to make and can help explain

13 further what will happen from here in terms of comment

14 and revisions.

15 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank

16 you, Mr. Paparian.

17 We'll turn it over to Mr. Walker.

18 MR. WALKER: Thank you. Just a couple of

19 introductory comments to follow Mr. Paparian here before

20 I hand it off to Mark de Bie.

21 Basically the Board is in the midst of a formal

22 rulemaking process for phase one, proposed regulations

23 governing construction, demolition, and inert debris,

24 processing operations and facilities. A public hearing

25 on the initial formal comment period was conducted in

1 August.

2 Based on the Permitting and Enforcement

3 Committee's direction from the public hearing, staff

4 backed up a little bit and brought forth options and

5 recommendations for direction on the issues.

6 Resolution of these issues is required in order

7 for staff to bring back proposed changes to the

8 regulations for an additional comment period.

9 Comments received so far are basically split

10 into two main groups, as Board member Paparian had

11 indicated. One group believes the proposed regulations

12 do not go far enough in regulating these facilities and

13 operations, and the other group feels they go way too

14 far.

15 Based on staff's analysis, there are, four key

16 issues presented today characterize the significant

17 differences between these groups.

18 And staff's recommendations on these issues are

19 within a reasonable middle ground between the groups,

20 with a basis in strong protection of public health and

21 safety and the environment, and also consistency with

22 the Board's AB 939 diversion goals for this, which is a

23 major component of the waste stream.

24 With that, I will now hand off to Mark de Bie

25 who will provide staff presentation on the options for

1 the Board and staff's recommendations.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you.

3 MR. DE BIE: Thank you. Mark de Bie with

4 Permitting and Inspections.

5 Just to clarify further from Mr. Walker's

6 comments and Mr. Paparian's comments. We are, this item

7 is only seeking guidance from the Board on the four main

8 issues that have been brought to staff's attention

9 through the regulatory process so far.

10 Once staff has received direction from the

11 Board, we will then apply that to further revision to

12 the regulations. We will bring forward a revised

13 version of the regulations that incorporate the

14 direction from the Board to the Board, or actually to

15 the committee for discussion at that time, and

16 determination whether or not that particular version

17 should be noticed, and for how long it should be

18 noticed.

19 So there will not be any revision to the

20 regulations noticed on a basis of any action that the

21 Board takes today, it will be subject to additional

22 consideration at the committee level in the near future

23 hopefully.

24 Mr. Paparian I think very well described issue

25 number one, or A, and so I don't see a need to elaborate

1 further relative to issue A.

2 For the Board members to follow along, in your

3 agenda item 37 on page two and three is a summary of the

4 various issues. So when I refer to issue A, B, or C or

5 D you can see how it's included in the outline.

6 Beneath each of these issues are the various

7 options to address the issue that we as staff have

8 collected during the regulatory process from

9 stakeholders on both sides of the issue.

10 And then I will indicate the particular option

11 that staff is recommending today for the Board to give

12 direction on.

13 As Mr. Paparian indicated, issue A deals with

14 tonnage, and it is the threshold at which a construction

15 demolition processing facility would transition from a

16 registration level permit into a full permit -- excuse

17 me.

18 From a hundred to 500 the proposal would be

19 that they would be in the registration. Below a hundred

20 it would be a notification tier. Above 500 it would be

21 in the full tier.

22 As Mr. Paparian indicated, there are

23 stakeholders that indicated that the level should be

24 lower, more consistent with transfer station, MSW type

25 transfer station limits. Some have indicated it should

1 be higher or actually no limit at all.

2 Staff have, is recommending five hundred, which

3 is the current level that's in the official version of

4 the regs that was noticed for 45 days.

5 This number, in staff's assessment, is a level

6 that is appropriate for judging the threshold based on

7 public health, safety, and the environment, and it is a

8 number that is consistent with a conversion factor

9 between an equivalent volume of MSW and C&D. In other

10 words, MSW tends to be lighter, less dense than C&D.

11 500 is within the range that's equivalent to

12 approximately a hundred tons of MSW, and that's how the

13 number was developed.

14 I can entertain questions as we go through each

15 of these, or I could just go through all of them and

16 then be open to questions.

17 BOARD CHAIR MOULTON-PATTERSON: I think the

18 Board members will let me know if they have a question

19 as you go along.

20 MR. DE BIE: Very good, then I'll roll right

21 into issue D.

22 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton has a

23 question.

24 BOARD MEMBER EATON: I just have a procedural

25 question on your presentation. You mentioned that if we

1 give direction today or whatever, you'll go back and do
2 the revision, and then it will go back to the
3 appropriate committee, correct?
4 MR. DE BIE: Correct.
5 BOARD MEMBER EATON: And then will it come back
6 to the Board depending upon what the committee does?
7 MR. DE BIE: Depending on the committee's
8 decision, the committee has the option of deciding it
9 will come to the Board. What will be debated at the
10 committee will be --
11 BOARD MEMBER EATON: Hold it in committee? Or
12 are you saying send it out?
13 MR. DE BIE: So far the way that we have been
14 dealing with the regulatory packages is that the
15 committee does much of the initial work with the
16 regulatory package, including giving direction to the
17 staff to do noticing, 45 day, 15 day. Ultimately it
18 comes back to the Board for final approval, adoption.
19 So it will be up to the committee to determine
20 whether or not, direction to the staff to go out for an
21 additional comment period, and the length of that
22 comment period will be up to the committee.
23 BOARD MEMBER EATON: And that will not come
24 before the Board, that decision?
25 MR. DE BIE: Traditionally we haven't done

1 that, but we have a very short tradition here relative
2 to committees.
3 BOARD MEMBER EATON: Well I don't, but there
4 was a previous precedent and tradition for that
5 committee, so I'm, you know, I'd like at some point, and
6 this has nothing to do with this issue, but it does have
7 to do with the issue of committees and their authority
8 to usurp the Board as a whole that I would like because
9 there is precedent.
10 BOARD CHAIR MOULTON-PATTERSON: I think that's
11 a very good point. What was the previous --
12 BOARD CHAIR MOULTON-PATTERSON: Well the
13 previous thing is that no matter what committee it
14 always came back before the Board. And unfortunately it
15 has to be this issue because it's a contentious issue,
16 but I think --
17 BOARD CHAIR MOULTON-PATTERSON: No, I think
18 it's an important question.
19 BOARD MEMBER EATON: But for all of us Board
20 members, that somehow it adds protection for all of us
21 in packages to be able to do.
22 Yes, the committee does do the work, but that
23 is only to relieve the burden from the rest of us who
24 are doing the other work, and not just to go out and do
25 those kinds of things.

1 BOARD CHAIR MOULTON-PATTERSON: Ms. Tobias.
2 CHIEF LEGAL COUNSEL TOBIAS: May I add, I think
3 that we're kind of slightly talking about two different
4 parts of the same process.
5 I think in the previous committees when we did
6 have committees before, we were using the same process
7 where with these rulemaking packages a lot of the work
8 was done at the committee level in terms of the hearings
9 and working out some of the languages which then always
10 come forward to the Board.
11 I think what Mr. Eaton might be referring to as
12 well is that it's possible that if an item does get
13 stuck in a committee or isn't coming forward when the
14 Board wants to see it, under the Board procedures the
15 Board member has the ability to pull an item up to the
16 Board by requesting that through the chair.
17 So I think what we're doing is balancing that
18 need to have work done at the committee level so that,
19 you know, kind of the nitty gritty can be done, or the
20 language. But if a committee, you know, if the Board
21 perceives or a Board member perceives that something is
22 not coming forward, it can be pulled up. So --
23 BOARD CHAIR MOULTON-PATTERSON: Okay. Well I
24 think that's very important and I think we need to, you
25 know, say that loud and clear that the Board, any Board

1 member has the ability to have it brought up from
2 committee.
3 Is that my understanding?
4 CHIEF LEGAL COUNSEL TOBIAS: That is the
5 current procedures that the Board has.
6 BOARD CHAIR MOULTON-PATTERSON: Well I'm
7 comfortable with that. Is anyone not?
8 BOARD MEMBER EATON: Thank you, Madam Chair,
9 it's just a procedural question.
10 BOARD CHAIR MOULTON-PATTERSON: No, but I think
11 it's an important one.
12 Okay. Thank you. Continue.
13 MR. DE BIE: Okay. Issue B, as member Paparian
14 indicated, deals with the terminology that's being
15 applied to this unique waste stream.
16 By definition in these regulations C&D has been
17 defined to be very prescriptive to some extent. It is
18 defined as a material that is only from C&D waste sites
19 that is separate from any other waste that might be
20 generated at the C&D site, for example, employee
21 lunches; or if it's a, perhaps a building where there's
22 some renovation going on and there's, you know, more of
23 a waste stream that's coming out of that building, the
24 definition indicates that the C&D is just that material
25 that's coming from the construction or the renovation

1 activity and not from elsewhere in the building.
2 It also indicates it has a short list of
3 materials, by example of what is typically found in C&D.
4 It indicates that C&D material to qualify must have less
5 than one percent putrescibles in the material.
6 So it is a very prescriptive definition of a
7 waste stream, unique in its source. And because of that
8 reason, and again because of comment from stakeholders,
9 staff have included in these regulations the term debris
10 to refer to both C&D, mixed C&D materials as well as
11 Inert materials.
12 Some stakeholders have made an exception to
13 that, indicating that C&D is solid waste and should be
14 referred to as solid waste. Staff has no argument with
15 the fact that C&D is solid waste; in fact, the
16 definition does indicate it is an aspect of the solid
17 waste stream, it's just that it is a unique aspect of
18 it.
19 Some have indicated that debris is a better
20 term because of the unique nature of it and some
21 connotations associated with facilities handling waste
22 or solid waste.
23 The options you have are reflective of what
24 staff has recorded during the comment period, whether it
25 be to not utilize the term debris but utilize the term

1 waste instead, or continue utilizing debris or various
2 combinations.
3 Staff is again trying to find a middle ground
4 here, and is suggesting an option and, recommending an
5 option that would utilize both terms.
6 So in the definition for this material, this
7 waste stream, the definition would read, "C&D or
8 construction demolition waste for construction
9 demolition debris means," and then the rest of the
10 definition. Again within that definition it would
11 indicate that it is solid waste, currently it contains
12 that term.
13 So under the issue B and whether it's waste or
14 debris or what we call it, staff's, again,
15 recommendation is to utilize the terminology that
16 includes both terms.
17 Moving to issue C which is titled "Source
18 versus Nature," what staff has collected, again during
19 the comment period, is an indication, especially from
20 local enforcement agencies, that it would be very
21 difficult to determine the source of material entering
22 into a facility, especially when the nature of that
23 material is very, very similar to material generated at
24 a construction and demolition site.
25 We're talking about materials that may come in

1 in a bin and be source separated, lumber that may have
2 come from a lumber company, a furniture manufacturer.
3 We're talking about materials such as pallets that are
4 basically lumber materials that may be coming into a
5 facility and won't necessarily be, an LEA might not be
6 able to determine whether or not that particular pallet
7 came from a construction demolition facility or not,
8 since materials are received at C&D sites on pallets.
9 What this issue is, whether or not the
10 regulation should be modified to, in effect, allow
11 materials that are of a similar nature to C&D type
12 materials, lumber, metals, plastics, those sorts of
13 things, to also be received and processed at a
14 construction demolition processing facility.
15 So that a C&D facility as defined here would
16 also be allowed to receive lumber from other sources,
17 non-C&D sources.
18 If this is, if this modification is not
19 included in the regulations, basically C&D, sites or
20 operations as defined, could only receive construction
21 demolition materials from construction demolition
22 sources, they could not receive any other similar in
23 nature materials. If they did, they would not qualify
24 as a C&D processor and would, by default, be defined as
25 a transfer station and subject to the permitting as well

1 as the state minimum standard requirements for a MSW
2 transfer station.
3 Staff's recommendation. Because of the
4 enforcement issues that have been brought to our
5 attention as well as a recognition that materials that
6 are similar in nature to C&D could be processed and
7 transferred and recycled at a C&D site without really
8 any modification to operations, and without any
9 additional public health and safety, environmental
10 concerns; staff's recommendation would be do allow C&D
11 sites to also take in other waste materials from other
12 sources if they are, by definition, then we would need
13 to include a definition similar in nature to C&D.
14 The last issue, issue D, again comes from
15 comment that we've received and it, the comments
16 indicated that it would be appropriate to apply the
17 second part of the two part test to construction
18 demolition facilities.
19 The Board may recall that the second part of
20 the two part test is the ten percent threshold for
21 residual materials, materials that would be destined for
22 disposal coming out of a recycling facility.
23 It is currently used to further define or to
24 explain the term source separated or separated for reuse
25 to indicate that if a facility is receiving source

1 separated or separated for reuse materials but is, in
2 effect, transferring for disposal over ten percent of
3 that material, it could not qualify for a recycling
4 center and would be defined as a transfer station.
5 The comments that we've received indicate that
6 this same measure should be applied to a construction
7 demolition facility or operation.
8 In effect, it would indicate that to maintain
9 the status of a construction demolition operation or
10 facility, 90 percent of the material received would need
11 to be recycled in order to maintain the ten percent
12 residual or below ten percent residual going for
13 disposal.
14 Staff feel that the application of the second
15 part test to a solid waste facility, which a C&D
16 operation is, and therefore requiring a solid waste
17 facility to, in effect, recycle 90 percent of the
18 material, or change status into another kind of solid
19 waste facility is, would set a precedent and would not
20 be appropriate.
21 We feel that there are adequate safeguards
22 relative to public health, safety and environment
23 concerns utilizing the state minimum standards, storage
24 requirements, and the required plans that are submitted
25 to obtain a permit or do required details in terms of

1 how materials are going to be handled, as well as the
2 definition being very prescriptive to reduce the amount
3 of non-recyclable type material coming into a C&D
4 facility or operation.
5 So staff's recommendation is not to apply the
6 second part of the two part test to the C&D facilities
7 and operations.
8 So those are issues A through D, and staff is
9 available to answer any questions that the Board may
10 have.
11 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.
12 BOARD MEMBER EATON: Madam Chair. May I
13 ex-parte the two documents that we just received for
14 purposes of the Board --
15 BOARD CHAIR MOULTON-PATTERSON: Thank you.
16 BOARD MEMBER EATON: -- for all of us?
17 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
18 appreciate that.
19 BOARD MEMBER EATON: On behalf of all the Board
20 we received just a few minutes ago a letter from the
21 California Refuse Removal Council signed by a number of
22 signatories dated September 17th, 2002, regarding this
23 item.
24 And then also a letter dated September 16th,
25 2002, addressed to you, Madam Chair, from Steve

1 McCalley, M little C large C-A-L-L-E-Y from the County
2 of Kern.
3 I think that will make us current.
4 BOARD CHAIR MOULTON-PATTERSON: Thank you.
5 Thank you, Mr. de Bie.
6 Before I go to questions from Board members and
7 then we have a great deal of public comments, I'm going
8 to take a short ten minute break.
9 (Thereupon there was a brief recess.)
10 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton, any
11 ex-partes?
12 BOARD MEMBER EATON: No, Madam Chair.
13 BOARD CHAIR MOULTON-PATTERSON: Thank you.
14 Mr. Jones?
15 BOARD MEMBER JONES: With Chuck White on C&D.
16 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
17 have none to report at this time.
18 Mr. Medina?
19 BOARD MEMBER MEDINA: None to report.
20 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?
21 BOARD MEMBER PAPARIAN: None.
22 BOARD CHAIR MOULTON-PATTERSON: Mr. Cannella?
23 BOARD MEMBER CANNELLA: None to report.
24 BOARD CHAIR MOULTON-PATTERSON: Okay. So we
25 took a break in the middle of item 37.

1 Did any Board members have any questions before
2 I go to the public comments?
3 Mr. Cannella.
4 BOARD MEMBER CANNELLA: I do, Madam Chair. I
5 hope you all bear with me, but since this is my first
6 meeting I need to have some clarification of some stuff
7 so I know what we're talking about.
8 I would like to know, on item B when we talk
9 about the terms the reimbursed waste, what the net
10 result would be to local entities in the name change?
11 MR. DE BIE: Mark de Bie with permitting and
12 inspection.
13 Local entities meaning cities, counties?
14 BOARD MEMBER CANNELLA: Yes.
15 MR. DE BIE: Staff can only speculate on what
16 the general impact will be. We've asked stakeholders to
17 give us some specifics about what their concerns are in
18 the name. The response has just been generally, you
19 know, it's waste so call it waste.
20 But staff has a general understanding, perhaps
21 some of the speakers coming up later could add more
22 detail, is that certain agreements, either franchise or
23 contractual agreements between haulers and processors of
24 materials, be it waste or debris or other sorts, do use
25 definitive terms. Some of them refer to state

1 definitions, some do not. Some depend on state
2 definitions, some do not.
3 So a potential effect might be that a franchise
4 or a contract exists that uses the term waste. And if
5 the term was changed at the state level to debris, there
6 may be some question of whether that terminology and the
7 franchiser and the contract was referring to that same
8 type of material or not. And so it would potentially
9 cast a shadow on that agreement and entitlements
10 associated with that agreement.
11 It could work in the other way, there may be a
12 contractor and a franchise agreement that uses the term
13 debris, and if the term waste was used it may cast a
14 shadow on that.
15 It's staff's view with that understanding, and
16 that's a very high level generalized understanding, is
17 that potentially utilizing a definition that has both
18 terms in it would tend to be more neutral relative to
19 those local agreements.
20 BOARD MEMBER CANNELLA: So I understand you,
21 what you're saying is that with the franchise
22 agreements, if the terminology refers to the waste as
23 waste, that there's a potential that folks who are
24 hauling debris may not be able to bid on a contract for
25 hauling C&D because it's classified as waste as opposed

1 to debris?

2 MR. DE BIE: Again, yes, that's staff's

3 understanding based on the information that has been

4 shared with us, and it's limited, and there's some

5 speculation on staff's part relative to that. We had to

6 do a little bit of detective work.

7 We, specific contracts and agreements have not

8 been shared with staff so we can't verify that at all,

9 but we've tried to get as much information about the

10 basis of the concerns as we could.

11 BOARD MEMBER CANNELLA: Thank you.

12 MR. BLEDSOE: Madam Chair.

13 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

14 LEGAL COUNSEL BLEDSOE: May I clarify a comment

15 that was made? I just want to make it clear, Mr.

16 Cannella, that we have not and don't intend to do any

17 legal analysis of the franchise agreements of various

18 cities and counties and haulers. There may be lawyers

19 from the haulers who are here today who can respond

20 directly to that comment.

21 But it's the specific language of those

22 agreements is what would determine how any change in the

23 state regulations is reflected on the ground as a result

24 of those agreements.

25 BOARD MEMBER CANNELLA: I understand that, but

1 I'm just trying to get a handle on that if the legal
2 language does refer to a specific definition, then I'm
3 concerned that there may not be some competition for
4 being able to remove that waste because of what it's
5 called. And I'm just trying to get an understanding of
6 what this issue is in this agenda item.
7 MR. DE BIE: If I could, bear with us, point
8 out that in addition to the term, we are redefining
9 construction demolition waste entirely. There is an
10 existing definition that's a line or two, and as I
11 indicated previously, we're being very prescriptive in
12 terms of being very descriptive about what is C&D. So
13 on the whole we're changing the definition, not just the
14 terminology.
15 BOARD MEMBER JONES: Madam Chair.
16 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
17 BOARD MEMBER JONES: Another question for Mr.
18 de Bie.
19 In the existing law prior to looking at this
20 reg package, what is the C&D material referred to as?
21 MR. DE BIE: In section 17225.15 which is in
22 the, is addressed in these regulations, it recommends
23 modifying the existing definition of construction
24 demolition waste, construction demolition debris.
25 BOARD MEMBER JONES: So my question is,

1 existing law uses the term C&D waste.

2 BOARD MEMBER JONES: There's an existing

3 definition that includes that term, yes.

4 BOARD MEMBER JONES: Okay. So we're debating

5 this because we changed it from C&D waste to C&D debris?

6 MR. DE BIE: That is part of the debate, yes.

7 BOARD MEMBER JONES: So it's always been C&D

8 waste until today or until this series came forward?

9 MR. DE BIE: Right. The first time that this

10 change was included in this go-round. It had been

11 subject the previous time we attempted to revise these

12 regs, but the first time that it was included in this

13 go-round was when the version of the regulations were

14 put out for 45 day comment period.

15 BOARD MEMBER JONES: All right. So I guess

16 what I'm getting at is a follow-up question to Mr.

17 Cannella's because any franchise or, you know, the idea

18 of franchise agreements and contracts aren't really part

19 of what we do, but any of those agreements that have

20 been entered into before would have had to have relied

21 on our existing statutes, and our existing statutes call

22 this C&D waste, they don't call it C&D debris.

23 So I think that's important because when we're

24 looking at these four questions, three of 'em become an

25 issue when we try to accommodate changing the tonnage

1 limit. They go away basically when we're looking at the
2 tonnage issues and leave it C&D waste the way it's
3 always been.
4 So I think it's important because I helped lead
5 the charge to try to accommodate a more lax regulatory
6 oversight but, you know, it's like anything else, you
7 start talking about giving an inch and they start
8 talking about taking a mile.
9 So you know, I've obviously reversed my
10 position on that. But that's what drove it. And I'll
11 have more questions later, but I think it's important to
12 know that this stuff has always been called C&D waste
13 and has been in that definition. So anybody that has
14 entered into an agreement prior to these regulations
15 would have relied on the term C&D waste.
16 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
17 Jones.
18 Mr. Cannella, were you finished with your
19 questions at this time?
20 BOARD MEMBER CANNELLA: Yes.
21 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.
22 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
23 I wanted to just ask staff a couple of
24 questions. Just focusing on the main arguments on the
25 tonnage issues if you could respond to them.

1 On the one hand we have the folks who argue
2 that it's very onerous to get a full permit. It's very
3 costly and time consuming to get a full permit.
4 Do you have any response to that or even any
5 estimates of how costly or time consuming it might be to
6 get a permit if you were at, say, six hundred tons under
7 this scheme?
8 MR. DE BIE: Staff doesn't have any specific
9 analysis on total cost to get either a difference
10 between a full permit, standardized permit, or
11 registration permit. So we don't have any data, per se,
12 relative to that.
13 But certainly anecdotally the testimony that
14 staff has heard in various workshops is, indeed a full
15 permit does take longer and can take more money in order
16 to achieve.
17 It seems that the bulk of that time and expense
18 is at the local level, going through the local land use
19 process or whatever might be required to do that.
20 Certainly at the state level there is a
21 difference in terms of timeframes that the Board has to
22 review and approve a full permit, 60 days, standardized
23 is 30 days, and the Board has no review or approval
24 process over the registration. So there's a net savings
25 in time between registration and full permit, and that

1 may add up to some savings in cost.

2 But, you know, other than that, you know, staff

3 doesn't have anything concrete to share with the Board

4 relative to variation in costs other than testimony that

5 we've heard from stakeholders.

6 BOARD MEMBER PAPARIAN: Okay. Then on the

7 other side you have the argument that in the level

8 between a hundred and 500 tons, that there may be less

9 protection of environmental health, safety if you had a

10 registration permit versus going through the process and

11 getting the conditions associated with the full permit.

12 You have a brief response to that general

13 argument?

14 MR. DE BIE: Yes, brief response is that

15 whether registration or full, all of the operating

16 design requirements would be applicable. And I might

17 add that those requirements are very similar to, if not

18 exactly the same, as an MSW transfer station in terms of

19 controls on dust, odors, vectors, those sorts of things,

20 they're exactly the same.

21 The one feature that a full permit does have

22 is, that would maybe add up into additional protection,

23 would be the option for an LEA to include site specific

24 conditions on, in the permit for that facility as well

25 as additional review by the Board and their staff on

1 those permit documents.

2 So other than that, all other requirements are

3 exactly the same.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you.

5 Any other questions at this time?

6 Okay. We'll go to our public comments. We

7 have quite a few people that would like to speak on this

8 item, and I'd ask you to not speak over five minutes,

9 We have a new little gadget up here, and at,

10 when you have one minute left there will be a yellow

11 light blinking. You know, I hate to do this, but we

12 really, I know several of us have a luncheon meeting at

13 12:00 o'clock so we really want to try and get through

14 this.

15 With that, I'll start with Shane Gusman,

16 California Teamsters Public Affairs Council, and he'll

17 be followed by Sean Edgar.

18 MR. GUSMAN: Good morning, Madam Chair, members

19 of the Board. Shane Gusman on behalf of the Teamsters,

20 California Teamsters Public Affairs Council, and all of

21 our locals who work in this industry.

22 We have a concern with the issue that's been

23 identified as the most contentious issue, the tonnage

24 threshold for the full permit.

25 Our view is that the one hundred tons per day

1 threshold is the appropriate measure. We do not see
2 fault with the full permitting process. In fact, the
3 full permitting process is one of the insurance
4 mechanisms, so to speak, to guarantee that our members
5 and other workers working at these sites have some
6 health and safety protections. And I think staff just
7 mentioned the on-site conditions that a health
8 professional, environmental health professional can
9 place on the permit, that's the mechanism that protects
10 workers at the site, and we would just like to see that
11 that mechanism remain in place.
12 Thank you.
13 BOARD CHAIR MOULTON-PATTERSON: Thank you. And
14 as a former teamster myself, I appreciate you coming.
15 Sean Edgar followed by Kelly Astor.
16 MR. EDGAR: Good morning, Madam Chair and Board
17 members. Sean Edgar on behalf of the California Refuse
18 Removal Council. I will keep my comments brief.
19 From San Diego to near the Oregon border it's
20 our statewide experience of our member companies that
21 leads us to conclude that public health and safety is at
22 risk unless the Board enacts stringent regulations for
23 construction and demolition waste.
24 In addition, we strongly support the Board's
25 continued oversight of all solid waste to ensure that

1 proper management occurs, relevant fees are to be
2 collected, and improperly managed sites not continue to
3 scar the recycling efforts of our members.
4 This is not just an industry message that is
5 coming to you today. One of the letters that was
6 referenced from Kern County references their problems,
7 and it's unfortunate that Board item one is not being
8 heard before this item because we would see that there
9 are a variety of local sites that this Board, number
10 one, they're under notice and order now, causing
11 environmental harm, and this Board at some stage may be
12 asked to clean up those same sites under AB 2136.
13 However, please keep in mind in your discussion
14 of item number one what this really translates to.
15 Because when we talk about the A options, CRRC is in
16 support of option A2 requiring the hundred tons per day.
17 As was pointed out in the committee hearing, we
18 look at the scope and magnitude of a loosely regulated
19 site that would be able to, as an example, takes 500 or
20 750 tons into a site for up to thirty days before they'd
21 have to process. Do the math and you come up with an
22 awful lot of material that this Board may at some stage
23 be asked to clean up using public money.
24 We referenced the initial statement of reasons
25 for this regulatory effort, and we notice that staff has

1 used the word equivalent with regard to the risk that is
2 presented by construction demolition operations and MSW
3 processing operations.
4 That information is confirmed in the Kern
5 County letter dated September 16th that you have before
6 you, that their experience on a multiplicity of sites
7 leads to their conclusion that there are equivalent
8 risks. So please keep that in mind in your
9 consideration today.
10 One thing that I will stress with regard to
11 full permit versus registration permit, one item that
12 has come forward, and I appreciate Mr. Gusman's
13 comments, but also one item for this Board to keep in
14 mind is, as Kern County has noticed and as we have
15 stressed, is that a full permit tier allows the LEA to
16 place site specific conditions based on the needs of
17 that facility.
18 What we find is that, as an example, the LEA
19 under registration permit has no authority to collect
20 samples of material that's on site to determine the risk
21 to the public or risk to workers on that site.
22 A full permit, a full permit allows conditions
23 that the LEAs can enforce, and we don't find that in the
24 registration permit.
25 Furthermore, we believe that environmental

1 review, there is no requirement for environmental review
2 to be conducted for a registration tier solid waste
3 facilities permit.
4 As Mr. Medina noted about the AB 2136, that
5 there's a huge stockpiling issue that assumes, we cannot
6 assume that local control exists to address these
7 runaway sites.
8 And with regard to Mr. Medina's questions
9 pertaining to the solid waste facility permit process,
10 if a solid waste facility permit and CUP and CEQA are
11 very onerous, then maybe these folks should not be in
12 that business. If that's an onerous requirement to
13 protect the public health and safety, then we believe
14 that these folks should be fully required to go through
15 the land use approval process.
16 Moving very quickly. So we're in support of
17 item A2 of one hundred tons per day.
18 Moving very quickly, item B, Mr. Astor will
19 discuss that item.
20 With regard to option, the D options, we are in
21 full support of option D2 pertaining to the ten percent
22 residual requirement.
23 With regard to solid waste, we believe that
24 without a cap on the amount of residual, that unlimited
25 amounts of solid waste could be accepted at these

1 so-called construction and demolition operations.
2 The staff rationale that C&D debris is a
3 cleaner material we believe is flawed, and that simply
4 because a commingled waste stream is source separated
5 and it's less than one percent putrescible, it can be up
6 to 99 percent of non-recyclable solid waste.
7 And what we find is there are regulatory
8 signals to us, via AB 2136, of sites that have gotten
9 loose from this Board.
10 We find there are legislative signals with
11 regard to Senate Bill 1374 signed by the Governor on
12 September 12th of this year, that tell us that
13 maximization of the waste stream and diversion of that
14 waste stream is the intent of the legislature. And we
15 believe that without this Board sending the message that
16 there is a residual cap, what are we saying about the
17 requirement to recycle that?
18 Lastly, I will just add that on item number 10,
19 this Board evaluated an SB 1066 application that relied
20 heavily upon a C&D program. That is the underpinning of
21 a lot of local government's efforts to either stay over
22 the top or to get over the top with regard to the 50
23 percent requirement.
24 This is a critical waste stream, and these are
25 major impact facilities that are processing this waste

1 stream. So we appeal to your understanding and
2 appreciation of our comments. And we appreciate you
3 taking the time to listen.
4 And I'll be happy to answer any questions you
5 may have.
6 BOARD MEMBER PAPARIAN: Madam Chair.
7 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.
8 BOARD MEMBER PAPARIAN: I have a quick
9 question.
10 Mr. Edgar, you have been involved in a lot of
11 permitting issues for clients. And without fully
12 revealing the way you charge your clients, can you give
13 us your best estimate of what it would cost to, you
14 know, for someone to go through a full permitting
15 process?
16 MR. EDGAR: Certainly. Well, with regard to
17 the local, with regard to the environmental health
18 perspective or the local land use perspective?
19 BOARD MEMBER PAPARIAN: The whole shebang.
20 Somebody has a facility and they want to get a full
21 permit for it, it's a thousand ton a day, say, C&D
22 facility.
23 MR. EDGAR: Okay.
24 BOARD MEMBER PAPARIAN: An estimate of how much
25 it would cost them to go through the whole process.

1 MR. EDGAR: Through the chair, Mr. Paparian,
2 what I would assume, number one, I can speak
3 specifically toward the solid waste facility permit
4 process.
5 With regard to the local land use process,
6 that's something that should be gone through anyway, and
7 the only way we're going to confirm that is the Board
8 taking the action at a hundred tons.
9 But to answer the question specifically, a
10 local land use permit typically requires a site plan.
11 There are local planning fees, you know, and in my mind
12 it's, it could be as low as $5,000, maybe it's as high
13 as ten or $15,000 to achieve the local land use approval
14 that somebody should have anyway if they're operating a
15 major impact facility.
16 Moving from there towards the solid waste
17 facility process. At the stage where one of our clients
18 tenders a solid waste facility permit application, that
19 has a fee, typically it is a thousand to $1,500 attached
20 to that application that the LEA will receive the
21 application.
22 And then from that stage forward Board staff
23 handles the, there is no new expense on behalf of the
24 applicant for your staff to review it or to bring it
25 forward to a public meeting.

1 They may require some consultant work, and we
2 all know consultants work at different rates depending
3 on the level of, and also we don't know what the level
4 of intensity is going to be. But with regard to fees
5 and level of efforts and with regard to production of a
6 facility plan, that would be, in my mind, a two to
7 $5,000 document, worst case scenario a $5,000 document.
8 With regard to there may be a Water Board
9 approval that's required. However, all of these
10 approvals, the only new cost that we're looking at by
11 the Board's action today is the cost of preparing a
12 facility plan, which they should have anyway, and the
13 cost of the fee to the LEA to process the permit
14 application.
15 And in my professional opinion, that is an
16 exercise which is less than $7,000.
17 BOARD MEMBER PAPARIAN: Okay. Thank you.
18 BOARD CHAIR MOULTON-PATTERSON: Thank you.
19 BOARD MEMBER PAPARIAN: And I'd like, when
20 folks from the other end of the spectrum get up, I'd
21 like to hear if they have information that would suggest
22 it's different than that. Because there's been the
23 assertion in the past that it's up to a hundred thousand
24 dollars.
25 Thank you.

1 MR. EDGAR: Very good. Thank you.
2 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
3 BOARD MEMBER JONES: It's not really a question
4 for Mr. Eaton -- I mean for Mr. Edgar, but the issue
5 comes up. We've got certain sites throughout the state
6 that are going to, you know, depending on the local
7 perspective or whatever, could drive the costs up quite
8 a bit more. I mean it just depends.
9 But I think one thing that's key to your
10 question is that this debate amongst stakeholders has
11 been characterized as the haves and have nots. It's
12 been characterized as the people that have facilities or
13 that have franchises versus those who don't have
14 franchises.
15 What this is really about, it doesn't have
16 anything to do with franchises. It's those that are
17 regulated and those that are not regulated.
18 Because the ones that are making the argument
19 that about the haves are not regulated currently. So
20 the argument of how much does it cost to comply with
21 everybody else that is doing it under a permit almost
22 begs the question of why wouldn't we hold them to the
23 same standard?
24 I just bring it up because I thought it was
25 interesting the question, because we've got a regulated

1 community that right now is saying go to a hundred tons,
2 and we have a non-regulated community that says let us
3 do it at 750, and don't worry about what kind of
4 material it is, and we don't have to do a two part test.
5 But we don't want the expense of going through the
6 process, which means they can offer their services
7 cheaper than the regulated community that has site
8 specific locations on it.
9 So I needed to throw that in because I think
10 it's germane to the question that you just asked.
11 BOARD MEMBER PAPARIAN: Where I'm struggling,
12 Mr. Jones, is that I think there's an agreement here
13 that everybody at a hundred tons is regulated. It's a
14 question of between a hundred and 500 do you get
15 regulated under a registration permit or a full permit?
16 And what does that mean in terms of environmental health
17 and safety as well as some of the economic arguments
18 that have been made.
19 BOARD MEMBER JONES: Right. And I'll hold off
20 on that, but I made some of those arguments at the
21 committee.
22 BOARD MEMBER PAPARIAN: Yeah.
23 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
24 you. Kelly Astor followed by Charles White.
25 MR. ASTOR: Thank you, Madam Chair and members.

1 Kelly Astor also for the CRRC. I'm delighted to be
2 here, they don't let me up here very often to do this.
3 One of the reasons I'm here though, this is an
4 issue of singular importance to the folks that Sean,
5 Evan and I represent.
6 A couple of things. I spent a lot of time, as
7 many of you know, in the local level with franchise
8 agreements. Represent probably fifteen or twenty
9 rubbish companies, have interpreted and written in some
10 cases dozens of ordinances and franchise agreements.
11 And the comments made earlier I think were
12 accurate by Mr. Bledsoe. I think there will be impacts
13 to those agreements potentially by what you do here. I
14 don't know whether there's an intended consequence or
15 not.
16 But I can tell you that frequently those
17 agreements rely directly upon state definitional law.
18 And to the extent you're going to do anything that would
19 tweak that, that could have reverberations either way
20 depending on, regardless actually of which side of the
21 issue that you're on.
22 But those implications aren't often considered,
23 and perhaps they ought to be. I was advancing the idea
24 a week ago to try to get your consideration of this item
25 put over so that more of you would get site visits, and

1 I failed on that one, so we're here talking about it.
2 But if you want more time to actually look at what's in
3 these containers, and also to have somebody evaluate the
4 impacts locally, after reviewing some specimen
5 agreements, we can make the information available to
6 you.
7 Getting back to the more basic focus of my
8 remarks, a couple of things get lost here. I've been
9 involved in several of the workshops, some of the
10 hearings. I've participated as much in this as any
11 other Waste Board issue that I've been involved in.
12 I can tell you that there are a couple of
13 things that need to be reinforced because I don't think
14 they're getting through to some of those on staff,
15 although staff has worked hard and I don't mean to be on
16 the attack with them.
17 There's no barrier to entry here. This isn't
18 about whether somebody gets to do what they want to do.
19 The state has a system set up to allow them to do that.
20 They go get a full solid waste facility permit. Well
21 now a bunch of people, citing this false premise that
22 there's not enough recycling Unless they get to do it in
23 an unregulated or less regulated environment are
24 advancing this concept that there's a barrier to entry,
25 and I don't know how everybody else got their permit, we

1 can't get ours, you gotta change the standards.
2 It's a dangerous argument to make. And the
3 more important consideration is what would be the impact
4 of doing that? Aside from admitting them because they
5 lack the resources, capability, or justification to get
6 a full permit. Suppose you create the second one, where
7 does that leave everybody else? There's a certain
8 inherent fairness in that that seems to me for those
9 that actually toed the line, went through the process,
10 invested the money, and did it the right way.
11 And it's awfully awkward for me to be up here
12 making the environmental argument, I have to tell you,
13 but that's the case.
14 A lot of recycling is being done at our
15 facilities. Most of it in most counties has passed
16 through our facilities. And suddenly this premise is
17 that we're strangling recycling unless we just blow the
18 thing wide open.
19 They can do it now. They just need to go
20 secure -- we don't franchise process. On occasion there
21 are agreements linking a processing facility to
22 collection, but the barriers to entry, if there are any,
23 are an exclusive franchise environment which I defend.
24 That's a whole nother discussion. There's no barrier to
25 entry there. If you want to get into the business, you

1 do it. You don't do that by approaching the regulatory
2 body to change and rewrite the rules to suit your
3 convenience.
4 If you look into these containers, as I have,
5 as many of you have, there's no question but that there
6 is potentially threatening material in there.
7 Another awkward argument for a solid waste
8 lawyer to make, we handle really nasty stuff. We do.
9 And the stuff coming off these sites is often in forty
10 yard debris boxes, buried under the stuff you can see,
11 and short of doing a several hour examination of the
12 contents of a given box at a given site, which nobody is
13 set up to do, you're going to get bad things in there.
14 And so the idea that someone can have up to 500
15 or 750 tons per day of this material reaching their
16 site, which may not even have a pad on it, it could be
17 over dirt as far as I know, and they are store up to
18 thirty days worth of this stuff? This is thousands upon
19 thousands of tons of material. Because recycling is a
20 good thing for the environment we're going to risk the
21 environment this way.
22 Those are bad arguments in my judgment. Again,
23 they don't let me up here very often because I get a
24 little emotional.
25 But the fact of the matter is the other side

1 doesn't exist. There's holes all through its argument.
2 They may get what they want temporarily, I'm going to
3 fight 'em hard to make sure they don't, along with some
4 others that are like minded. But this is a bad idea.
5 You've got an infrastructure set up, it's in
6 place, a lot of people have done the same thing. Why
7 relax the standards? And it isn't impersonalized, by
8 the way, I've heard that too recently that somehow this
9 debate has been personalized.
10 Well I take it personally anytime one of my
11 clients franchises or facilities are threatened. But
12 beyond that it's an environmental issue for you, it's
13 not a competitive issue.
14 Please bear that in mind, and thank you very
15 much for your time.
16 BOARD CHAIR MOULTON-PATTERSON: Thank you.
17 Charles White followed by Kelly Ingalls.
18 MR. WHITE: Madam Chair and members of the
19 Board, Chuck White representing Waste Management.
20 First of all, I want to welcome Mr. Cannella to
21 the Board, we look forward to working with you, sir, in
22 your tenure with the Board.
23 With respect to the item at hand, I would like
24 to go over the four areas that the staff has identified
25 of issues for debate, issue A, issue B, issue C, and

1 issue D.

2 With respect to issue A, Waste Management urges

3 the Board to adopt a level of permitting under the

4 registration tier at a hundred or as close to a hundred

5 as you possibly can get.

6 We have really three reasons for urging you to

7 adopt a, the hundred ton level for a registration

8 permit.

9 Number one, a transfer station is currently in

10 the regulations required to operate under registration

11 only up to a hundred tons.

12 To the extent that C&D processing operations

13 deviate from this, you're likely to see some abuse and

14 confusion between the two types of facilities. The

15 closer you have to the same tonnage cap on both types of

16 operations, the less likely you are to see abuse.

17 And the second issue is your sister agency, the

18 Department of Toxics Control did an audit report of the

19 construction industry, which I entered into the record

20 as part of the 45 day comment period.

21 There's about seventy different kinds of

22 hazardous materials that are associated with

23 construction projects. And one of the report's

24 conclusions is that small operations generally do not

25 manage hazardous materials and wastes appropriately.

1 So, if anything, smaller operations we believe
2 would warrant -- and this is not Waste Management
3 talking, this is the, your sister agency DTSC -- smaller
4 operations warrant more scrutiny, not less.
5 And then finally, at the P&E Committee meeting
6 Mr. Jones raised, very eloquently I believe, the issue
7 of storage with respect to the thirty day limit which a
8 facility would be allowed to store materials.
9 At the one hundred ton per day level, that
10 would translate into 3,000 tons. And depending on the
11 density, that would be anywhere, it could fill this room
12 anywhere from ten to twenty feet deep of C&D commingled
13 C&D materials. It wouldn't quite fill the room, but it
14 would come close.
15 At three hundred tons per day you're talking
16 about 9,000 tons per month, we're talking about thirty
17 to sixty feet deep, which would more than exceed the
18 ceiling height of this room for storage.
19 At 500 we're talking about 15,000 tons per
20 month, or about two to three rooms would be required
21 potentially of this size to handle the C&D material that
22 would be generated.
23 At 750 we're talking about 22,500 tons per
24 month, or requiring almost three to five rooms of this
25 size to handle potentially the storage that would be

1 allowed under a registration permit.
2 We think certainly these higher numbers are
3 inappropriate for anything other than a full permit.
4 So again, we would urge you to be at a hundred
5 tons or as close to it as you possibly can get.
6 With respect to issue B, we believe the term
7 waste should be used, taking the term from the, the
8 definitions from the Public Resources Code. This Board
9 regulates solid waste, it doesn't indicate debris.
10 Waste should be used. It's a waste, it remains a waste
11 until it reenters the economic mainstream as a
12 substitute for a raw material. So we would urge you to
13 stay with the term waste.
14 The only material you're considering today that
15 might be appropriate for debris we believe is the clean
16 inert material, type A clean inert material which may be
17 appropriate to use the term debris. But otherwise we
18 would suggest waste.
19 With respect to topic C, the issue of source
20 versus nature, we, this area is very confusing and
21 requires a lot of discussion. The bottom line is we
22 would urge you not to include C&D like materials because
23 of what it means with respect to facilities handling
24 those materials.
25 We would like to have further discussions with

1 staff, but we disagree that C&D chipping and grinding
2 operations can't receive other types of chipping and
3 grinding material without being tripped into a transfer
4 station operation.
5 There's lots of chipping and grinding
6 operations in the state that handle just pallets and
7 that handle just wood furniture. Are all of these going
8 to be regulated as C&D like chipping and grinding
9 operations? This would vastly expand the scope of these
10 regulations which went out for 45 day public comment
11 period as just C&D regulations.
12 If you were to substantially expand the scope
13 of these regulations to include other types of
14 materials, we believe this could substantially, this
15 would trigger a new 45 day process.
16 We've been waiting eight to nine years for
17 these regulations to clarify whether C&D materials are
18 regulated. We urge you to proceed with these
19 regulations keeping the definition narrow with just C&D
20 regulations. Finish the job. If you feel that some
21 other C&D like materials or other materials need to be
22 incorporated down the road, start a new rulemaking
23 process for that, but don't reopen these or expand the
24 scope of these regulations. Let's just focus on C&D and
25 get it done and gone so that we can get on with our

1 business.

2 The final issue is with respect to the ten

3 percent residual. That issue really goes away if the

4 Board goes with the hundred ton limit for registration,

5 then there's no need to distinguish between the various

6 tiers using the ten percent test.

7 But the further the Board deviates from the

8 hundred ton per day limit under the registration tier,

9 the more there's a need for ensuring that a larger and

10 larger registration operation isn't handling material

11 just like a transfer station, and so then you need to

12 start talking about an additional percentage limit if

13 you deviate further from that ten percent.

14 So again, we would urge you to don't even worry

15 about the ten percent by just simply sticking close to

16 the hundred ton per day limit.

17 Thank you very much for the opportunity to

18 provide these comments, and we look forward to continue

19 to work with the Board.

20 BOARD CHAIR MOULTON-PATTERSON: Thank you.

21 Kelly Ingalls followed by Denise Delmatier.

22 MR. INGALLS: Good morning. I'm Kelly Ingalls

23 with the Construction Materials Recycling Association of

24 Southern California. And I'm here to speak to the

25 seemingly unpopular side of this issue, to speak to the

1 issue of recycling of construction and demolition
2 materials.
3 We're talking about what this is all about
4 today. I'll remind you and I did last time, the purpose
5 of this entire issue is, it is the Board's intent in
6 adopting this article to encourage the recycling and
7 reuse of C&D debris and inert debris that may otherwise
8 be disposed of in a solid waste facility. I think
9 that's what we're here for, and that's what I think our
10 entire issue is today, and not who has, the haves and
11 have nots.
12 I don't want to speak to each one of the four
13 items again. I think others are covering that very well
14 on the recycling side and industry side as well.
15 However, there are a few specific concerns I
16 would like to bring to your attention today that are of
17 concern to CMRA.
18 One is on the definition of putrescibles that I
19 think is a major issue as it is currently written. The
20 one percent limitation is in the definition and in other
21 parts of the regs.
22 What I've done is I've offered an expanded
23 definition, because in discussions with staff and with
24 the Board at the August 12th meeting, we were made to
25 feel that certain materials are not considered

1 putrescibles, such as lumber and carpeting and cardboard
2 and so on, because they're not rapidly, they do not
3 rapidly decompose.
4 So what I've done is I've taken your existing
5 definition, just been expanded to exclude certain items
6 from what is considered putrescible wastes. And they
7 are, for the purposes of the article, cardboard, wood,
8 carpeting, drywall, green waste, and similar
9 construction of demolition materials.
10 You can look at that, but that was my
11 understanding is that these are not what either staff or
12 the Board considers as putrescibles, and I would
13 certainly invite you to look at this definition and
14 discussion of putrescibles that we've developed. That's
15 issue number one for CMRA.
16 The second one I think is, in order of
17 importance, is the four part test that talks about CDI
18 recycling facilities where there is an issue that has to
19 do with separation at point of generation. That
20 materials have to be source separated into separate
21 containers and brought to recycling facilities.
22 That is not the reality of what happens with
23 most construction and demolition. Materials are not
24 always source separated, although they can be.
25 This limitation that is in the regs currently,

1 there is no commingling set forth following the
2 materials which is lumber and metal. Why just lumber
3 and metal? I'm trying to grasp the lodging of that.
4 Why wouldn't you also include drywall and cardboard and
5 other types of materials.
6 I'd like for that to be examined as to why
7 there's a limitation on that and remove that limitation,
8 because I think the materials that go into recycling
9 facilities do need to be commingled in some respect as
10 long as the first part test is observed and they are
11 separated from the waste stream. So the first part of
12 the four part test is a difficult thing.
13 The, in terms of support for the tonnage
14 limitations, the staff recommendation at 500 tons per
15 day is something that is certainly reasonable, however I
16 would say that going to 750 tons a day would be as
17 reasonable as well.
18 One of the things that has never been looked at
19 by this in this process, and I brought it up at the
20 meetings, the stakeholder meetings in Southern
21 California, is the issue of equipment that, this is the
22 good players and they have invested in $5 million worth
23 of equipment to process these materials.
24 They are able to process 750 tons a day. And
25 once they have done that and they've processed the

1 materials, then you have something that is an item that
2 is of value.
3 So we're suggesting that if mechanical
4 processing, staffing levels, adequate end markets are
5 there, financial assurances, and a good track record is
6 there, that there could be a good mechanism to allow up
7 to 750 tons a day.
8 I know this is going to be a very unpopular
9 position, but I think it's reasonable in speaking to
10 some of the facilities that made multimillion dollar
11 investments in equipment, and they can recycle.
12 One thing that is the good news part is in what
13 you have currently on the storage limits for asphalt and
14 concrete when it has to be processed, the six months
15 storage requirement seems to agree with road based
16 facilities that are part of our organization.
17 Give them six months to process the materials
18 and make it into a marketable material is something that
19 is certainly acceptable, as well as the eighteen months
20 in which materials have to be marketed. So we are in
21 agreement with something here, as well as other parts of
22 this. But I think that we need to look at the purpose,
23 the intent of what the Board is trying to do, and to
24 adhere to that.
25 And thank you for your time.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.
2 MR. INGALLS: Do you have any questions?
3 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
4 BOARD MEMBER JONES: Your members that spend
5 millions and millions of dollars for equipment, and I
6 know there's plenty of 'em out there so I don't quibble
7 with that.
8 MR. INGALLS: Yes.
9 BOARD MEMBER JONES: But what we're talking
10 about here is not limiting them using that equipment to
11 its fullest extent, I mean anybody that spends $2
12 million on a piece of equipment knows they have to have
13 a through-put that's going to probably exceed 750 tons a
14 day to be able to pay for it.
15 MR. INGALLS: Yes.
16 BOARD MEMBER JONES: So all that this is saying
17 is that hundred tons triggers the permit process. It
18 doesn't limit what any operator can do. I mean is that,
19 do your members understand that part?
20 MR. INGALLS: No.
21 BOARD MEMBER JONES: Okay.
22 MR. INGALLS: I wouldn't say I would be in
23 agreement with it, speaking on their behalf, for this
24 reason.
25 It is my understanding from, this goes back to

1998 when I came in the process with the City of Los Angeles, and I've been in the process, CMRA sends me up here whenever I want.

BOARD MEMBER JONES: Sure.

MR. INGALLS: Is that the intent of doing these tiered regs is to place different types of facilities into regulatory tiers that are appropriate for what they are doing, not to require everyone to have a full solid waste facility permit. You could have done that in 1998.

So the idea is that there are certain types of facilities that have the equipment, that have the staffing and made the investment, so they don't have need to have a full solid waste facility permit. They can legally operate.

If you're going to get all that mechanical sorting equipment out there and you're going to run it through, you're not going to be a bad player. And you're going to be able to, as long as you can market the material you're going to be able to produce an end product that is going to be able to take up that 500 or 750 tons a day.

BOARD MEMBER JONES: When your good player is done with their equipment, they put it on the market and somebody else buys it, it doesn't get junked. So from,

1 you know, that's, the threshold issue has a lot to do
2 with the historical data, and that's why I'm asking.
3 Because we've cleaned up enough sites in this,
4 and spent enough state money to clean up those sites
5 that not only had contracts with local jurisdictions,
6 but had contracts with hauling companies or whatever, we
7 were the ones that had to go and clean it up.
8 What I'm saying is that at the hundred ton
9 threshold, if we, if this Board deems that that is the
10 appropriate threshold to start, to have a full permit
11 which would allow site specific conditions, that doesn't
12 preclude any of your members from doing that permit,
13 right?
14 MR. INGALLS: It may if they're not able to go
15 through the public review process and get approval by
16 the community that says, "Oh, I don't want this landfill
17 over here."
18 I've heard from them enumerating all the issues
19 that they have that would be involved with a full solid
20 waste facilities permit. So yes, I believe it would be
21 a problem for them.
22 But one issue that I don't think I fully
23 understand, and maybe this is a final comment, is that
24 if there are all these bad players out there, and I've
25 certainly heard the testimony on that very clearly,

1 where's the quantitative data on them? Where are they?
2 I'm not saying they don't exist, but if someone
3 were to ask the question, where is the name and
4 addresses of all these facilities that are going to have
5 all this hazardous waste and all these cleanup sites?
6 Maybe it does exist, but I've never seen it.
7 And I don't really think I have a very full
8 understanding, you know, I've heard anecdotal things,
9 there's fifty sites up and down the state that are doing
10 a bad job. But if somebody from the AOL or the
11 Governor's office were to call you and ask you, "Where's
12 that list of the bad players?" Does anyone have it?
13 And --
14 BOARD MEMBER JONES: Actually we do. We've
15 had, there is a list that exists here.
16 But one of the things you just said, Madam
17 Chair, this will be the my last question. You said that
18 you've got some existing people that don't want to go
19 through permits because they're afraid with the public
20 scrutiny, they're afraid that they couldn't get through
21 public scrutiny. Isn't that, in fact, one of the issues
22 that we're charged with is to make sure that -- that's a
23 key statement on your part because if we leave it at
24 registration these facilities never go through CEQA.
25 If it goes to a full registration -- I mean if

1 it goes to a full permit at a hundred tons, it has to go
2 through CEQA, it's a requirement to go through CEQA.
3 Which means the public gets the opportunity to have a
4 say in what is in their local jurisdiction, just like
5 every other permitted, fully permitted facility in the
6 State of California.
7 MR. INGALLS: My answer to that is that I
8 thought the whole intent of doing the tiered regs is
9 because they're not all the same.
10 There are some facilities that are just doing
11 hand sorting of a hundred tons a day, or another
12 facility that is doing a couple hundred tons a day is
13 not the same thing as a facility that needs a full solid
14 waste facility permit.
15 I don't understand why there is a tiered
16 permitting system going into place to allow for
17 different types of materials -- different types of
18 facilities to be placed in different types of regulatory
19 tiers, and then you turn around and everyone has to have
20 a full solid waste facility permit. I don't understand
21 the logic and I've been on this since 1998.
22 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
23 Ingalls.
24 Denise Delmatier followed by Mark Aprea.
25 MS. DELMATIER: Madam Chair, members of the

1 Board, Denise Delmatier with Nor Cal Waste Systems.
2 I'm not going to reiterate all the testimony
3 before me, I'll make a couple of key points.
4 We do support the hundred ton per day
5 limitation. We believe that it provides no barrier of
6 entry. And in fact, we do know from your sister agency
7 that these materials do contain toxic, hazardous waste.
8 I fail to understand what, the hesitancy
9 amongst Board members to regulate hazardous, toxic
10 materials that we know to cause a pollution problem up
11 and down this state.
12 I fail to understand the hesitancy of this
13 regulatory agency to address those issues substantively
14 when we know we've had pollution problems, we know we've
15 had cleanup problems, and we know we're going to have
16 more.
17 A hundred tons per day provides a reasonable
18 threshold to address those constituents, those waste
19 constituents, not debris constituents.
20 On the waste versus debris issue, the statutes
21 clearly say, "Solid waste includes construction and
22 demolition wastes," not debris. We do not call this
23 agency the California Integrated Debris Management
24 Board, it is the Waste Management Board, that is your
25 statutory authority to regulate these materials. They

1 are wastes.

2 On the two part test, ten percent of 500, fifty

3 tons per day of garbage we would allow at these

4 facilities in a registration tier? No CEQA?

5 It's beyond me that this agency hesitates to

6 regulate. We know we're going to have cleanups down the

7 line. I urge this Board to adopt the hundred ton per

8 day, the two part test, and refer to these materials

9 appropriately under the statutes as waste.

10 Thank you.

11 BOARD CHAIR MOULTON-PATTERSON: Thank you.

12 Mark Aprea followed by Chuck Helget.

13 MR. APREA: Madam Chair, members of the Board,

14 Mark Aprea representing Republic Services.

15 First of all, I'd like to address the issue of

16 debris versus waste. As referenced by I think Chuck

17 White and Denise Delmatier, in the development of AB

18 939, the governing document of the Integrated Waste

19 Management Board, and in each and every subsequent year

20 the legislature has specifically provided that the

21 Integrated Waste Management Act regulates the issue of,

22 the issue of solid waste.

23 Furthermore, within the statute it provides

24 that and confers to local government their ability to

25 manage solid waste, not debris.

1 Our concern is that by injecting the issue of
2 debris, that we will be, in essence, engaging in a
3 seismic change as to what the Waste Board's jurisdiction
4 is, as well as what we allow or don't allow local
5 government to do.
6 The question I would pose is, if you go forward
7 with this, would there, in fact, be local control
8 capable of addressing these issues?
9 And furthermore, what would be the
10 ramifications of that?
11 Historically, I'm sitting back and listening to
12 the debate of this item both at this meeting and at
13 prior meetings. And this is so reminiscent of the
14 debate that occurred in the early 1990s when the
15 Integrated Waste Management Act was first being
16 implemented and the Board was first addressing these
17 issues. The same arguments on all sides related to the
18 regulation of material recovery facilities.
19 And the fact of the matter is that the debate
20 and the arguments haven't changed really one bit. But
21 the Board then and the Board should now address the
22 issue of ensuring that there is proper scrutiny in terms
23 of public health and safety as well as the environment.
24 And I think if you look at that as your guiding
25 light, you will err on the side of lower as opposed to a

1 higher threshold.

2 The third point is that Chuck White is

3 absolutely correct. The storage provisions in the

4 proposed regulations in essence would allow for three

5 days of disposal capacity at a large landfill in the

6 State of California.

7 You're looking at 22,500 day -- tons for a 30

8 day period.

9 If you're looking at a large landfill in this

10 state of 6,000 or more tons per day of disposal

11 capacity, imagine that. Would we, in essence, say to a

12 large landfill in this state that for three days we're

13 not going to regulate that waste? Of course you

14 wouldn't.

15 And as regards to the cost of permitting, we

16 all might agree that there, that the cost of permitting

17 is too high, but the issue isn't relegated or simply

18 focused in on this issue, the cost of permitting is

19 probably too high, whether it's for a material recovery

20 facility, a transfer station, a landfill, or for a C&D

21 facility.

22 We would urge that this Board look at

23 addressing or reducing the costs of permitting overall,

24 and not having that issue outweigh the environmental and

25 public health and safety concerns before the Board

1 today.

2 And therefore, we would urge that you adopt the

3 one hundred ton limit, that you not use the term debris,

4 and that you move forward with the recommendations made

5 by the folks at CRRC, NorCal, and ably by Mr. White for

6 Waste Management.

7 Thank you, Madam Chair.

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

9 Aprea.

10 Mr. Chuck Helget, and the last speaker is

11 Patrick Munoz.

12 MR. HELGET: Madam Chair and members of the

13 Board, Chuck Helget representing Allied Waste

14 Industries.

15 These regulations originated primarily because

16 of C&D type operations throughout the state that created

17 very real health and safety problems, and environmental

18 problems for local jurisdictions. Those problems

19 included numerous abandoned sites, some of which this

20 Board spent resources to clean up. We urge you to keep

21 this in mind as you move forward in your consideration

22 of these regulations. And we strongly urge you to

23 choose on the side of protection of the environment,

24 health, and safety.

25 I respectfully disagree with the comments made

1 by an earlier speaker regarding the fact that permitting
2 somehow prohibits recycling. This is not about
3 recycling. Permitted operations can and do recycle and
4 by requiring an appropriate level of permitting, you
5 don't prohibit recycling operations.
6 We respectfully urge you to stay with the term
7 waste in your consideration of these regulations. This
8 term is current law, as has been pointed out to you
9 earlier, and we believe the burden should be on those
10 who want to change it to give you justification, and so
11 far the justifications primarily that we have heard have
12 been cosmetic.
13 And finally, we urge you to adopt the one
14 hundred ton threshold as well for reasons that have
15 already been stated.
16 Thank you.
17 BOARD CHAIR MOULTON-PATTERSON: Thank you.
18 Patrick Munoz.
19 MR. MUNOZ: Good morning, and welcome Mr.
20 Cannella, it's nice to have you as part of this body as
21 well.
22 We're not talking about who wants to be
23 regulated versus who doesn't want to be regulated. The
24 whole point of this discussion is we're talking about
25 what the regulations are going to be. But Mr.

1 Paparian's comments were right on when he talked about
2 the real debate on the first issue is where is this
3 registration tier going to fall, if it's going to even
4 exist?
5 I've said this before to individuals and in
6 committee meetings, I'm biased, I admit that. I've got
7 a client whose interests I'm advocating. All the other
8 folks have a different view of this, or bias, too.
9 They're advocating their client's position.
10 The unbiased folks here are the people that you
11 pay, the staff. They're unbiased on this issue. And
12 what they have simply tried to do is to treat the C&D
13 industry, which is different, that's why we have
14 regulations for the C&D industry different than the MRF
15 transfer processing industry, the garbage industry.
16 All they've tried to do is to make a
17 conversion, to figure out how will it be that the two
18 industries are being treated the same, recognizing the
19 reality that the C&D material is denser and heavier than
20 the municipal solid waste.
21 Your staff, your unbiased staff today is
22 telling you that 500 tons per day makes that conversion
23 factor work, makes that an equal playing field to the
24 transfer processing operators.
25 Your same staff before a lot of political

1 pressure probably was placed on them also said that 750
2 tons per day was a fair conversion factor and did not
3 create health and safety issues. And added in language
4 in their most current proposed draft that you don't just
5 get one percent putrescible across the board, but if
6 that putrescible material creates a public nuisance then
7 you get less than one percent.
8 So they've come up with a manner to ensure that
9 this higher level that they were willing to recommend,
10 that the health and safety of the public is protected.
11 Listen to your staff, listen to what they were
12 doing objectively, don't listen to me, don't listen to
13 the other speakers. Look at what they're objectively
14 willing to recommend. They're not biased on this issue.
15 And we're not talking about any waste.
16 Remember, as Mr. de Bie said, we're talking about a very
17 restrictive definition. It can't be hazardous waste.
18 If there's hazardous waste in those loads, just like
19 when Mr. Astor's client gets a forty ton, or 40 cubic
20 yard rolloff at a MRF that's got hazardous waste in it,
21 we have to deal with it in appropriate ways. We can't
22 process it through, we can't accept it unless we go
23 through the proper regulatory scheme.
24 These are not going to be hazardous waste
25 disposal sites.

1 In terms of the definition, let me just, one
2 more point on item A. Obviously we support 750 tons a
3 day. At a minimum we'd like to see you say 1,500 tons
4 of type A inert a day, and 750 tons a day of mixed C&D
5 or at least 500 tons a day of mixed C&D if that's your
6 pleasure.
7 The reason being that if there are two distinct
8 locations on a site but only enough money to buy one
9 multimillion dollar processing machine, it is unclear on
10 how to appropriately interpret the regulations. Would
11 that be two different facilities or two different
12 operations or not? And we'd like to see you clarify
13 that it would be one operation instead of two
14 operations.
15 At a minimum we would ask that you approve the
16 500 ton per day limit that the majority of the committee
17 recommended and that your staff is currently
18 recommending.
19 Mr. Astor was very candid with you when he
20 stated that there will be an impact on the franchise
21 industry, the hauling industry, not the C&D industry, if
22 you change the definition.
23 It's because, yes, the term waste has always
24 been used, but we're not just talking about the label,
25 we're talking about the definition. The definition is

1 very important. Everybody has relied on that definition
2 for years. That definition is very, very broad. It
3 relates to what a hauler can haul.
4 Your role with these regulations is to come up
5 with regulations for what can be processed, which could
6 be very different. My client's hauling business could
7 pick up C&D waste from a construction site under the
8 current definition that might not be appropriate to go
9 to one of these C&D processing facilities.
10 My suggestion is that you use B4. B4 is the
11 only one of the alternatives that actually addresses the
12 problem. The problem is there's a current definition.
13 The current definition is of C&D waste.
14 I agree with Mr. Jones, leave that definition,
15 that's what we're talking about. But then when we start
16 talking about what it is that can go into these
17 facilities we need a different definition. Because, as
18 Mr. de Bie said, it's a more restrictive issue, it's a
19 more restrictive classification, subcategory of the
20 overall C&D waste stream, so let's have the two
21 definitions.
22 C&D waste as it's currently written that
23 everybody's relying on in the hauling industry that you
24 shouldn't be impacting. And then, within these
25 regulations, a definition of C&D debris or call it

1 widgets or call it moon dust, I don't care what you call
2 it, but make that definition be that material, that part
3 of the C&D waste stream that may go through these
4 facilities.
5 Then when you start talking about item C1 which
6 we fully support which was the majority's recommendation
7 at the committee, which is staff's recommendation, when
8 you start talking about C&D like debris, you're not
9 going to automatically somehow turn that into C&D waste,
10 it's not C&D waste, it's C&D like waste. Yet it could
11 still be C&D debris or whatever you want to label it,
12 it's that type of material that can go through one of
13 these facilities.
14 If you talk to your legal counsel, talk to Mr.
15 Bledsoe, he will tell you, he's told me this, that yes,
16 the definitional issue is a compromise as we heard
17 today, but to solve the issue, to really solve the
18 problem, B4 is the appropriate way to go.
19 With respect to item D, again we fully support
20 the staff's recommendation and the majority of the
21 committee's recommendation. We see no reason to apply
22 this ten percent cap. And I don't see Mr. Edgar up here
23 advocating a cap for MRF's which is a little ironic.
24 But remember, what we're talking about here is
25 taking the regulations that currently apply to the MRF

1 industry, and modifying them in an appropriate manner
2 for the C&D industry. There is no health and safety
3 reason to put that ten percent cap.
4 BOARD CHAIR MOULTON-PATTERSON: Please
5 conclude, you're over your time.
6 MR. MUNOZ: Thank you. A couple of very brief
7 points. Again, we've mentioned this before, we just
8 would like to see full Board support for the idea of a
9 grandfather clause or a grace period of some sort to
10 ensure that once these regulations are implemented that
11 those of us who have invested millions of dollars will
12 not be in a position to have to suddenly close our doors
13 for some period of time.
14 And if I can just answer Mr. Paparian's
15 question. If Mr. Edgar is willing to give contracts not
16 to exceed $15,000, he'll have more business than he can
17 handle, because I'll tell you right now, it's a hundred
18 to $200,000. We don't know if these regulations will be
19 adopted or not, so we're positioning ourselves to get a
20 permit if we have to, and we have a hundred thousand
21 dollars invested in that process so far.
22 Thank you.
23 BOARD CHAIR MOULTON-PATTERSON: Thank you. I
24 want to thank the speakers for keeping to the time
25 limit.

1 And at this point rather than start our Board
2 discussion, I'm going to call our lunch recess, and
3 we'll reconvene at 1:30.
4 (Thereupon the luncheon recess was taken.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 AFTERNOON SESSION

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: I'd like to

4 call our meeting back to order, please.

5 Okay. I'll start out with ex-partes this

6 time. On behalf of, for all the Board members, we have

7 a letter that just came in from Gary Liss, Rick Anthony,

8 Peter Anderson, J. Michael Hulls, and Sue Nelson urging

9 the Board in item 26, to approve item 26, well I guess

10 it's concept number 26 in item number fifty, state

11 forums on beyond 50 percent and getting to zero waste.

12 And they urge that we invest in our state's future by

13 allocating at least 30,000 to these activities.

14 And I'm ex-parteing this on behalf of all the

15 Board members.

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

17 COMMITTEE MEMBER EATON: None, Madam Chair.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you.

19 Mr. Jones?

20 COMMITTEE MEMBER JONES: I think just saying

21 goodbye to a whole group of people, Denise Delmatier,

22 Kelly, George, Mark on the way out of this place.

23 I can't think of any others.

24 BOARD CHAIR MOULTON-PATTERSON: Thank you.

25 Mr. Medina?

1 COMMITTEE MEMBER PAPARIAN: None to report.
2 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?
3 BOARD MEMBER PAPARIAN: I'm not sure if this
4 item was ex-parte'd before the break or not, but I have
5 a written material from, a two pager from the
6 Construction Materials Recycling Association of Southern
7 California.
8 BOARD CHAIR MOULTON-PATTERSON: That was
9 ex-parte'd.
10 BOARD MEMBER MEDINA: That was ex-parte'd,
11 okay. Other than that, I'm up to date.
12 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.
13 Cannella?
14 BOARD MEMBER CANNELLA: None to report, Madam
15 Chair.
16 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
17 you.
18 With that, I'll turn it back over to Scott
19 Walker.
20 MR. WALKER: Thank you. I'd just like to
21 briefly recap that this item is, we have recommended
22 options to address four key issues in the proposed
23 construction and demolition debris regulations that must
24 be resolved prior to us bringing back proposed changes
25 for consideration of additional comment periods.

1 And I'd like to just hand this off to Mark real
2 brief, Mark de Bie real brief to go over just some brief
3 response to some of the comments that you've heard,
4 followed by Elliot Block will just give a little
5 reminder of the rulemaking calendar process on this reg
6 package to remind you of our timeline.
7 BOARD CHAIR MOULTON-PATTERSON: Excuse me, Mr.
8 Walker, I'm really sorry to interrupt. Apparently
9 there's been a request by Sean Edgar to make a
10 correction real quickly to his comment, and I, before we
11 get into it I'll give him that opportunity.
12 Thank you.
13 MR. EDGAR: Thank you, Madam Chair and Board
14 members. Just very briefly, I just wanted to correct
15 the record. In my discussion in earlier testimony
16 discussing about the AB 2136 sites, Mr. Paparian had
17 mentioned that, about the committee and the committee
18 record, and I believe Mr. Cannella also had a question
19 about that, and I think I may have incorrectly
20 attributed the comments on 2136 to Mr. Medina. So I
21 just wanted to correct the record to that effect.
22 Thank you.
23 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
24 you. Okay.
25 Again, and I apologize, Mr. Walker and Mr. de

1 Bie.

2 MR. DE BIE: Okay. I think Scott officially

3 passed it onto me. Mark de Bie with permitting and

4 inspection.

5 As Mr. Walker indicated, I just wanted to take

6 some time to give you staff's take on some of the

7 testimony that you heard.

8 Much of what was presented to you was also

9 presented in formal comments during the 45 day comment

10 period as well as the committee. So much of what you've

11 heard today staff has heard several times in the past.

12 In fact, much of what you heard today staff utilized to

13 formulate their analysis that ultimately led up to the

14 various options that we're recommending as a resolution

15 to these issues. So would had much of the information

16 presented to you under advisement when we were coming up

17 with ways of addressing these issues.

18 There were, however, a couple of issues that

19 were brought up that were different enough from ones

20 that we've heard previously.

21 For example, the testimony that, from, and I

22 didn't catch the correct name, but the interested party

23 representing the Teamsters indicated that a full permit

24 would assist in some way in protecting worker health and

25 safety.

1 Because of some legislation, specifically AB
2 1220, it's very clear that the Board does not have
3 direct authority or responsibility to oversee worker
4 health and safety at solid waste facilities. We work in
5 conjunction with Cal OSHA in that regard. If we do see
6 issues, we are to refer those to Cal OSHA to address.
7 So an LEA taking unilateral action, either
8 through a permit condition or some other way to address
9 a worker health and safety issue would be inappropriate
10 with a full permit or without.
11 There was reference made to the Kern County
12 letter. Today was the first day that, the first time
13 that staff saw the Kern County letter from the Kern
14 County LEA. Just as context, we have had input from
15 LEAs on this issue on these regs from the very
16 beginning. And there is not common agreement among the
17 LEA community on the appropriate approach.
18 We've had comments from some LEAs indicating
19 that C&D processors should be outside the realm of the
20 Board's oversight, they should all be considered
21 recycling centers and not obligated to get any sort of
22 permit.
23 There are some, as evident by some testimony at
24 the committee, that saw a key need to have a higher
25 level of regulation relative to C&D sites. So they're

1 split.

2 Kern County brings up some interesting points

3 relative to what they found in sampling materials coming

4 off of a sort belt that, at least in their letter

5 indicates it's from a C&D processor, being high in

6 metals and other materials of concern.

7 Whether it had a full permit or registration

8 permit, the LEA would have the tools to address any

9 hazardous waste issues at the site through load checking

10 which would, in theory at least, reduce the amount of

11 materials that would end up through the processing

12 system.

13 And then I think Mr. Edgar might have mentioned

14 something about concerns about being able to sample

15 materials at a solid waste facility, if they didn't have

16 a full permit whether they would be able to sample.

17 Certainly the LEA in investigating a situation

18 is able to take samples at any time, whether they have a

19 full permit or not.

20 I think it might have been a slip of the tongue

21 that Mr. Edgar indicated that the LEA had sampled from

22 various sites, our reading of the letter indicates that

23 they just sampled one site, one large volume transfer

24 station.

25 There's been sort of, several speakers spoke

1 about the Board's role in cleanup of sites. And the
2 Board has cleaned up various illegal disposal sites
3 utilizing Board funds. Some of that might be
4 contributed to the fact that the regulatory framework
5 for those kinds of sites is not defined currently, it's
6 the role of these regs to define the role of the LEA and
7 the Board relative to that.
8 None of these sites in talking with Mr. Walker
9 and the other 2136 people could really be characterized
10 as sites that were primarily taking in C&D materials,
11 they were taking in a lot of materials, not making any
12 attempt to process them, but just illegally disposing of
13 them in many cases.
14 There were a number of sites that the Board has
15 been responsible in cleaning up, spending money, that
16 were indicating they were attempting to compost
17 material, and that, and that has occurred. But site
18 specifically, holding up a sign saying they're a C&D
19 processor and then the Board coming in and cleaning up,
20 we're not aware of that. Certainly it could be a
21 semantic issue about how you're defining these things.
22 But we are aware of illegal disposal sites and illegal
23 transfer stations that were potentially cleaned up.
24 And then relative to the storage issue, again
25 it's staff's position that with a full permit or without

1 a full permit, with a registration permit, there's
2 adequate controls to ensure that any amount of material
3 on site, be it a hundred tons or 22,500 tons, can be
4 addressed through the state minimum standards in
5 reducing the potential threat of, to public health,
6 safety, and the environment from vectors, dust, odors,
7 those sorts of things.
8 There are a number of plans that are required
9 to ensure that the piles are managed properly. And
10 they're, it's staff's opinion there's a number of
11 safeguards that would prevent piles from getting out of
12 hand and ultimately requiring Board cleanup if that was
13 the case. Certainly a responsible party would be
14 identified since they would be under some sort of
15 regulatory authority, needing some level of permit.
16 And just a last comment or a last comment about
17 -- last thought is currently at transfer stations, be
18 they registration, standardized, or full permit, do take
19 in a certain amount of C&D, do store the quantities of
20 processed C&D on site, and do have various levels of
21 requirement for size of those piles at those sites. The
22 same sort of system that's in place to address those
23 piles of transfer stations would be in place to address
24 these sites, these C&D sites.
25 So again, the same tools afforded to an LEA at

1 a transfer station to address salvage materials can be
2 utilized at C&D sites too.
3 So with that, that's staff's sort of take on
4 the last set of testimony. As Mr. Walker, I think
5 indicated, we asked Elliot Block to step up and indicate
6 to the Board what the next steps would be, if and when
7 the Board gives staff direction today.
8 Again, Board staff's recommendations on the
9 options to resolve these issues has not changed, we stay
10 firm on those. We think they are quite workable given
11 all of the testimony and all of the information that
12 Board staff has in front of them. So we seek guidance
13 from the Board relative to those options.
14 And Mr. Block will outline what the next steps
15 would be if and when we are given direction, so the
16 Board has a full context of their decision to date.
17 LEGAL COUNSEL BLOCK: Okay. I just need a
18 second to get something up on the screen here. Elliot
19 Block from the legal office.
20 Just very briefly, I've been asked to go over
21 essentially the framework of how the regulatory
22 timelines would work with this package depending, in
23 part, on what direction you might be giving to staff
24 when they come back, after your direction today when
25 they come back with some new proposed regulations,

1 depending what your direction is.

2 This package first went to public notice on May

3 31st of 2002. The 45 day comment period ended last

4 month, in August. And this month we're asking for

5 direction on the significant issues that we've been

6 discussing today.

7 Dependent on the direction that you give to

8 staff today, their plan is to come back at a subsequent

9 meeting with any changes that might be necessary for

10 your consideration for an additional comment period.

11 That next meeting, and staff will be coming

12 back, actually it will be the November P&E committee

13 meeting to start. Primarily because of the timelines

14 we're dealing with, the BAWDS system, I think the agenda

15 items are either due already or they're due by Friday.

16 So physically if there are changes that need to be made,

17 this can't get done in time for the October meeting.

18 At that November meeting, the standard and the

19 typical comment period for subsequent changes after a 45

20 day comment period is a fifteen day comment period.

21 That's a minimum that's set out in statute. The Board

22 can certainly voluntarily make that comment period

23 locker if they would like. But the minimum requirement

24 is fifteen days.

25 In theory, if a rulemaking package is changed

1 so significantly that the changes, that the new
2 regulations are outside the scope of the original
3 package, you'd actually have to essentially start again
4 with a new 45 day comment period.
5 None of the options that are being discussed
6 today, that have been discussed today, and the potential
7 options, thresholds and the like, are things that would
8 throw this out of the original scope of these
9 regulations. Moving the numbers up or down are still
10 within the context of the original rulemaking file.
11 So in terms of statutorily your minimum would
12 be the fifteen day comment period starting after the
13 November meeting. Again, in theory, the Board could
14 voluntarily make that longer.
15 If that next comment period ends up being a
16 fifteen day comment period, we're talking about coming
17 back to the committee and the Board for consideration,
18 potentially of adoption of those regulations at the
19 January meeting.
20 If you were to direct staff to make that
21 comment period longer, then potentially, depending on
22 how much longer you make 'em, let's say if you made it a
23 45 day comment period, we would be looking at coming
24 back in February.
25 In terms of the outside edges of the process,

1 the Board, as a practical matter, will need to be
2 adopting these regulations in March at the latest, and
3 that's because once the regulations are adopted by the
4 Board then there's some subsequent work that has to be
5 done by staff finalizing and putting in writing all the
6 responses to comments, pulling all the various documents
7 necessary for a rulemaking file.
8 Typically when you're dealing with a
9 substantial package, which I'm considering this one to
10 be, where there are a lot of issues, there's a lot of
11 comments, that basically takes about two months.
12 The outside absolute deadline of these
13 regulations is that they have to be adopted and
14 submitted to the Office of Administrative Law within one
15 year of the notice date, so by May 31st. So backing
16 that up, that's why I'm saying as a practical matter
17 these would need to be adopted by the March meeting to
18 allow that rulemaking file to be pulled together and to
19 be able to be submitted.
20 And then for those of you that work better off
21 with a more visual representation, this is just a
22 timeline without all the verbiage.
23 With that, if you had any questions about the
24 process I can answer those, or I'll turn it back to Mark
25 so you can give them some direction on some standard

1 issues.

2 BOARD CHAIR MOULTON-PATTERSON: Any questions

3 for Mr. Block?

4 Okay, Mr. de Bie.

5 MR. DE BIE: We're asking Deborah if she can

6 get the slide presentation that we had up and, so we can

7 give you also a visual here of the staff recommendations

8 in front of you.

9 Again, staff is at this time asking for

10 direction. And staff's recommended options for issue A

11 B, and C, D are in front of you now.

12 To reiterate, leave the current version of the

13 regs as they are at five hundred tons for the cutoff

14 between registration and full.

15 Add some flexibility to the definition to

16 include waste and debris.

17 Add some enforceability aspects to the regs by

18 indicating that material similar to C&D could also be

19 processed at a C&D site.

20 And not include the second part of the two part

21 test relative to CDI processing sites.

22 And with that, staff again is available to

23 answer any questions, and we seek your direction.

24 BOARD CHAIR MOULTON-PATTERSON: Okay.

25 Questions, comments, Board members?

1 Mr. Jones.

2 BOARD MEMBER JONES: I'm pretty amazed. There
3 was testimony earlier today about the tiers and why we
4 need to use tiers. Tiers were developed by this Board
5 prior to me ever getting here, and it was because there
6 used to be just one kind of permit that was the, there
7 was actually two kinds of permits, but one size fit all
8 type treatment.

9 And when we went into tiers we had a lot of the
10 same discussions we're having today when we came up with
11 transfer station tiers.

12 I go back to the statement earlier when I said
13 this is not about franchise versus non-franchise, this
14 is about regulated versus non-regulated.

15 And I do take exception to some of the staff
16 comments when they say that there is no difference
17 between a registration tier and a full solid waste
18 facility permit from the standpoint of an LEA. There is
19 an incredible difference.

20 An LEA can put standards in that talk about how
21 big piles are going to be, how they're going to be
22 spaced, what they're going to look like, how tall they
23 can be. None of those things are ever covered in state
24 minimum standards.

25 And I need to put this in context, because when

1 we started this thing in San Francisco I was willing to
2 go to a higher threshold for tonnage. I argued that
3 day. I've argued with people in the industry. But it
4 was very clear that there needed to be a concise, tight
5 definition, because in and of itself C&D, what a lot of
6 us look at as C&D, dirt, rock, gravel, wood, metal,
7 coming from a site don't pose that much of a risk.
8 And I warned every one of the Board members
9 that when we gave that definition and put it into some
10 proposed regs, if people that were real C&D processors
11 had a problem with that definition, it was because they
12 weren't real C&D operators. It's because they want to
13 do things other than C&D.
14 And it amazes me that we're going to say well,
15 it doesn't have to go to a two part test, it's okay. It
16 doesn't matter if there's more than ten percent
17 residual, it's okay. It doesn't matter that it's not
18 from a C&D site, it kind of looks like it, smells like
19 it, talks like it.
20 We had a guy in here today saying cardboard,
21 carpeting, grass, wood waste. That's not C&D. Honest
22 to God, folks, that's not C&D.
23 Why did I change my mind to go to a hundred
24 tons a day? Just like every other member of this Board,
25 we are here, and I know they all take this very

1 seriously, to protect public health and safety. I think
2 staff's been sold a bill of goods.
3 I've done this for 25 years and I've seen, you
4 can't tell me that these facilities that are on the
5 chronic, that are on the list that we're talking about
6 at the end of P&E today, didn't operate as C&D haulers.
7 They may have -- you may be able to say, well no, they
8 weren't really C&D haulers because they weren't hauling
9 C&D. That's the point. They portray themselves as
10 being something that they're not.
11 And I'm not saying don't let 'em operate. I'm
12 saying, God bless you, go out and operate and do all you
13 can. But at least give the LEAs the opportunity,
14 through a one hundred ton threshold, to put conditions
15 on a facility and level the playing field.
16 You want that group with an unspecified
17 definition of material type, without having to worry
18 about a residual, to compete with a group that is fully
19 permitted that lives by the law.
20 And I'll tell you one thing that really bothers
21 me about that. When I had to compete against those
22 facilities, which I did every day, and made phone calls
23 to people and said, "Go shut 'em down because they're
24 operating illegally," that never happened. They never
25 shut 'em down. I've told that story enough times.

1 But what really made me crazy is when they come
2 into one of our facilities and write us up for dust in
3 the corner, a piece of litter going down. You know why
4 they'd do that? Because they knew we'd comply real
5 fast. It was easy to have success.
6 Because when you deal with somebody that's got
7 a franchise or you deal with somebody that doesn't have
8 a franchise, that doesn't mean anything. Franchises are
9 contractual agreements between a local jurisdiction and
10 a hauler, and they only deal with collection. That's
11 all they deal with is collection. They don't deal with
12 processing.
13 This reg package deals with processing. And
14 anybody that wants to dismiss the idea that 22,500 tons
15 of material stored on site, break it down into
16 truckloads 120, 136, has got to go pay for it to take it
17 away, okay?
18 If you had a twenty ton, you know, if you can
19 haul twenty tons at a time, which would be a tractor
20 trailer, you'd be making 1,125 trips.
21 If you had to use a ten yard truck which could
22 only haul ten tons of material, you'd be obviously
23 making 2,250 trips. That's how much material could come
24 in and be stored on site under these regs without any
25 LEA site specific conditions. That's a mistake for this

1 Board to go down.

2 And I, and I am not speaking so much as the

3 industry. You recall who argued for a higher threshold,

4 I did. I argued for a higher threshold based on a

5 definition that everybody is willing to abandon. Or

6 people want to blow it out of the water. That's fine,

7 then I have to go back to how to protect, and my vote is

8 going to be at a hundred tons.

9 But remember what 1,125 truckloads is going to

10 look like. That's one month's accumulation under these

11 regs. For something that when they get to the newspaper

12 and they say was this permitted? Yeah, it was

13 permitted, it had a registration pier -- it had a

14 registration permit, not a full permit. That doesn't

15 make sense to me, it really doesn't.

16 A full permit does not preclude anybody from

17 doing business, it just says here's the rules and

18 regulations, here's how you're going to do it. It's not

19 about the haves and have-nots, it's about the regulated

20 and the non-regulated. And we cannot allow the

21 non-regulated to keep creating these problems.

22 Semantics aside, that facility in Placer

23 County that's on the enforcement list call themselves a

24 recycler and a C&D hauler. The ones in Kern County call

25 themselves recyclers and C&D haulers. I was a recycler.

1 I understand what recycling is, and it's not collecting
2 all the garbage in the world and calling myself
3 something else. It's collecting it and having a full
4 permit, and then managing it once it gets inside the
5 facility. That's what we're about. And that's what we
6 should stay true to. Because without that I think we
7 lose our credibility, I really do.
8 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
9 Jones.
10 Mr. Paparian.
11 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam
12 Chair.
13 This has been a very, very interesting and
14 enlightening process, but it's not the end of the line
15 for these regulations, as Mr. Block pointed out. The
16 regulations are going to come back to us, and I think we
17 will have another opportunity to visit this issue, and
18 certainly I for one want to take a very close look at
19 some of the information that's come forward to see
20 whether I remain comfortable with staff's
21 recommendation.
22 Staff has thought this through, they do have
23 what I view as some very good reasons for going forward
24 in the form that the proposal is now, and I would just
25 as soon do that. But also, you know, alert everybody

1 that I'd like to take another look at this over the next
2 couple of months as they're out for comment. I'd like
3 to look at the comments, and I'd like to see at the next
4 point that the regulations come back to the P&E
5 committee or to this Board whether it might make sense
6 to modify, particularly this five hundred number, to
7 something else.
8 If we do eliminate the registration tier, I
9 think it will be important for consistency to visit the
10 registration tiers elsewhere in our regulations.
11 If we wind up ultimately not having a
12 registration tier for this type of facility, it would
13 not make sense to me to have a registration tier for a
14 transfer and processing facility which may contain much
15 more in the way of putrescible waste than facilities
16 like the ones we're talking about here.
17 So in any event, I mean staff has worked hard
18 on this, I think they've come up with something that's
19 workable, they have been able to defend it very well.
20 But given the comments today I'd like to, as this
21 process goes forward, I'd like to take a look at this
22 myself. And I know we will have a chance to vote on
23 this again and change it if we decide that that's
24 appropriate when it comes back to us.
25 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.

1 Paparian.

2 It's my understanding that the committee did

3 recommend on a two one vote to accept the staff's

4 recommendation. And with that I --

5 BOARD MEMBER JONES: Madam Chair -- go ahead if

6 you were going to make a motion.

7 BOARD CHAIR MOULTON-PATTERSON: No, I'm not

8 going to make a motion.

9 BOARD MEMBER JONES: All right.

10 BOARD CHAIR MOULTON-PATTERSON: I'm going to

11 recommend that we move to the rulemaking process of the

12 proposed regulations, and have them come back to us at

13 the November meeting. And I think everyone will get a

14 chance to take a look at that, and that's the direction

15 I'd like to give.

16 Mr. Jones.

17 BOARD MEMBER JONES: Madam Chair. Could you

18 clarify? So we're not giving any direction, or are we

19 going to stay with what's staff's recommendation is?

20 BOARD CHAIR MOULTON-PATTERSON: I think it's

21 been on the record that the committee was in favor of

22 the staff recommendation at this time.

23 I, for one, think our staff's done an excellent

24 job and they've answered my questions. That doesn't

25 mean, you know, I'm not going to change my mind before

1 it comes back to us.

2 But I do think, I do want to thank staff, you

3 know, they've really been put out here and I think

4 they've done a good, unbiased job.

5 So I recommend that we move forward with the 45

6 days and that it be returned to us in November.

7 BOARD MEMBER JONES: I'd like to offer a

8 substitute motion.

9 BOARD CHAIR MOULTON-PATTERSON: Well, this

10 wasn't a motion, go ahead.

11 BOARD MEMBER JONES: Or a substitute

12 recommendation. Because it was a two to one vote, and

13 it was, it was two members and I was the dissenting

14 party. So since the whole Board is here I would like to

15 say that if, that I would have recommended to go with

16 option A2, which is one hundred tons.

17 B2, which is to keep it the same way that it is

18 in statute which is to call it what it is, waste.

19 C2 and D2 at the hundred tons really become a

20 moot issue. But if they're in there I'd say C2 would be

21 as is.

22 And D2 would be two part. Because we have

23 three member committees, our vote was two to one, I

24 think that I'm offering a substitute to that, that we

25 have a different recommendation and see if there's

1 support on the Board for that recommendation.

2 BOARD MEMBER EATON: It's fine with me if we

3 just bring the issue and see how the Board feels, how

4 about that?

5 BOARD CHAIR MOULTON-PATTERSON: Right. And we

6 have a minority report here, the staff's initial

7 recommendation, and so you'll bring it back to us in

8 November?

9 Is there anything else you need, Mr. Walker?

10 MR. WALKER: No, let me understand it. So we

11 will bring back in November proposed changes for fifteen

12 day comment based on staff's recommended options here

13 with the understanding that we may revisit them, the

14 Board certainly may revisit these?

15 BOARD CHAIR MOULTON-PATTERSON: That's my take

16 on it.

17 Any other comments?

18 BOARD MEMBER EATON: No, I just think that we

19 should just, that if it's staff direction, that the

20 staff direction may be based upon committee vote, but

21 it's really the Board that has to provide the direction,

22 it has to be a majority of the Board that provides that

23 direction. So I just did Mr. Jones second to see where

24 the Board is and then we can go from there.

25 So we really should take a vote on Mr. Jones'

1 substitute staff recommendation because if it is, turns
2 out that there's a majority for his or not, then that
3 would change the whole outcome.
4 BOARD CHAIR MOULTON-PATTERSON: Ms. Tobias, I
5 have a question. How can there be a substitute motion
6 when there was never a motion?
7 CHIEF LEGAL COUNSEL TOBIAS: Well I think
8 that's happening is that the reason that staff usually
9 lists the rulemaking items is that we don't always take
10 a vote on it because it's not a final action. What
11 happens, because you have this give and take during the
12 process, is that generally there's the sense of the
13 Board.
14 Whenever the Board needs to deal with a
15 difference of opinion and to find out where the Board
16 members stand on things, then of course the Board can
17 take a vote on anything if they're trying to decide, and
18 you can run a straw poll, whatever you want to do.
19 So I think, my understanding of what you were
20 trying to do is basically give that direction. There's
21 some counter directions, so I think, you know, if you're
22 going to translate that back in you could basically say
23 that, you know, your direction, you can turn that into a
24 motion if you wanted, you've got a substitute motion
25 that's received a second.

1 I think you can clarify, as the chair, and
2 basically say okay, I'll entertain a motion for
3 whatever, and basically try to get us back on track.
4 I think it's hard when we don't generally have
5 a motion on this, but it's certainly an okay place to
6 try to deal with a vote of the Board to get your sense
7 of direction if you want to.
8 You could also take a straw vote or you could
9 decide as chair that you have enough direction. Unless
10 there's a motion to change it that has enough votes to
11 do so, then you could go ahead with that direction.
12 BOARD CHAIR MOULTON-PATTERSON: Okay. So we
13 can go ahead with Mr. Jones' motion if you wish.
14 BOARD MEMBER PAPARIAN: Can I just, let me just
15 clarify?
16 BOARD CHAIR MOULTON-PATTERSON: Yes, Mr.
17 Paparian.
18 BOARD MEMBER PAPARIAN: The notice on this item
19 is as a discussion and request for direction so I'm not,
20 it might be -- given how this is framed I wonder if it
21 might be better rather than just to vote on one motion
22 or vote on another motion or whatever it might be, maybe
23 we should just declare ourselves. You know, do we want
24 to go with the staff recommended approach or the
25 alternative approach at this, at this point --

1 BOARD CHAIR MOULTON-PATTERSON: Rather than a
2 formal motion?
3 BOARD MEMBER PAPARIAN: -- for a 45 day --
4 yeah.
5 BOARD CHAIR MOULTON-PATTERSON: And I'll just
6 start it off at this point. I'm in agreement with the
7 staff recommendation, and that's not in, as I understand
8 it, concrete. If I change my mind in the meantime, but
9 at this point that is where I stand. Which -- Mr.
10 Paparian.
11 BOARD MEMBER PAPARIAN: Yeah. And obviously
12 that's where I stand also is to go forward with the
13 staff's proposal.
14 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.
15 BOARD MEMBER MEDINA: Yes. First let me say,
16 Madam Chair, that I am always inclined to follow the
17 chair's lead because I believe that the chair, by their
18 position, has certain standards bestowed on that chair
19 by the vote of the members when they elected that person
20 chair, so I'm always inclined to follow the lead of the
21 chair.
22 However, you know, I never sidestep any vote at
23 any time and, you know, you won't find me passing and
24 abstaining.
25 And again I have, on this particular issue and

1 on any issue I'm always inclined to base my vote on what
2 the Board members have to say and, just as important,
3 what the speakers have to say. So on any vote I always
4 like to listen to the last speaker on the vote.
5 My inclination on this one is to follow the
6 direction of the chair, and I think that's why we
7 elected you chair. Failing that, then if we have to go
8 to a vote then I would go for a vote, and at this
9 particular time I would follow the recommendation of the
10 chair.
11 BOARD CHAIR MOULTON-PATTERSON: Thank you.
12 Mr. Cannella.
13 BOARD MEMBER CANNELLA: Madam Chair, I also
14 would follow the recommendation of staff, but also the
15 committee's recommendation. It seems also that we're up
16 against a time constraint. We have a year from the time
17 it's noticed to complete it, any further delay would put
18 that in jeopardy, and so I'm prepared to cast a vote to
19 follow both the staff recommendation and your lead.
20 BOARD CHAIR MOULTON-PATTERSON: Thank you.
21 Any additional comments, Mr. Jones or Mr.
22 Eaton?
23 BOARD MEMBER EATON: No, I just will say that I
24 will oppose the direction to follow the staff, with no
25 disrespect to any other member, I don't believe that the

1 staff has fully set forth the options that are there,
2 and the idea to try and get a procedural advantage by
3 including the five hundred is not within the regulatory
4 framework, and that by substituting any of our
5 recommendations in one, two, three, or four, the issues
6 does not slow down the process, it just changes the
7 burden of proof to overcome that in the future.
8 So by, if we were to substitute any of the
9 options, whether it be in two or three or whatever,
10 would not slow down the process that Mr. Block laid out,
11 just for clarification purposes.
12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
13 Eaton.
14 BOARD MEMBER MEDINA: Again Madam chair.
15 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton -- I
16 mean Mr. Medina.
17 BOARD MEMBER MEDINA: Yeah, if we do go to a
18 vote on this, again having, based on the testimony of
19 the Board members and the public testimony here, I also,
20 if we're going to vote on specifics, then I am prepared
21 to vote on specifics item by item if we're going to make
22 any changes, and I will vote on those changes item by
23 item.
24 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
25 you.

1 BOARD MEMBER JONES: Madam Chair.

2 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: Thanks for the

4 opportunity. As the industry can see, as the one who's

5 done this for about 28 years, 25 years, I appreciate the

6 fact that I'm allowed to at least share real life

7 experiences instead of just theatric, theoretical,

8 anecdotal information. So I'll be prepared at the next

9 time.

10 But I just, I would hope that we don't go so

11 wed with, you know, I got no problems with staff, I

12 support 'em most of the time, but there's a reason that

13 this is a Board. If we were a department then we'd be

14 stuck with these things. And the fact that we're not a

15 department gives us the opportunity to put in our

16 expertise. And I have to say I am not convinced, and I

17 will be sure to be prepared with what this means.

18 I would just caution one thing. You want to go

19 fifteen days, you've said, one of your recommendations,

20 Mr. de Bie, is that we take C&D like material that needs

21 to be permitted or it can be taken at one of these

22 facilities. You need to explore that.

23 And if you can explore that in fifteen days,

24 cause what you've just included now is every chipper and

25 grinder in the State of California, every chipper and

1 grinder in the State of California now, in all
2 likelihood, is going to fall under these regulations,
3 just because of that one little piece.
4 So it's going to take you a little longer than
5 fifteen days to understand that and to fully grasp what
6 these are going to do, because you've just opened up the
7 regulatory scheme to every recycler in the State of
8 California as I see it. And if you haven't, you need to
9 prove it to me how you haven't.
10 Thanks.
11 BOARD CHAIR MOULTON-PATTERSON: Thank you. And
12 just for clarification, it's not a minimum, is it? I
13 mean we have, it's the November Board meeting, isn't
14 that correct?
15 MR. WALKER: Correct. And I think the
16 important thing to point out too is that, what we will
17 do now with these options, now we will craft specific
18 changes that the committee and Board will have the
19 opportunity to review.
20 With regard to the issue that Mr. Jones brought
21 up, that will have to be defined in the specific
22 regulations, the Board would have a chance to deliberate
23 on it based on these recommendations.
24 And then when we come there, the Board will
25 have the option to extend that comment period beyond

1 fifteen days if they feel like they need to.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you for

3 your patience with me.

4 Okay. With that, we will go on to item number

5 forty.

6 MR. WALKER: I think I'd like to just remind

7 the Chair, we're going to end the P&E, permitting

8 and Enforcement, with item one which is the --

9 BOARD CHAIR MOULTON-PATTERSON: Oh, I'm sorry,

10 I'm sorry. You're absolutely correct.

11 Item one.

12 MR. WALKER: Thank you. Item one is a report

13 to the Board on enforcement orders issued by local

14 enforcement agencies since November, 2001. This is an

15 information item. I have a couple of real brief

16 comments.

17 This item provides a periodic report to the

18 Board on LEA orders, enforcement orders specific to

19 facility compliance. This is a relatively new periodic

20 report, and the committee felt that this was a good idea

21 to present this for wider consumption to the full Board

22 for this month.

23 A primary function of the Board is to ensure

24 solid waste facility and site compliance with respect to

25 public health and safety and the environment. And

1 enforcement is a key tool in ensuring this compliance.
2 And the Board has a number of options or
3 initiatives that we're implementing right now with
4 regard to enhancing facility and site enforcement.
5 And rather than get into those in too much
6 detail, I'd just like to add that one of the key
7 initiatives have been implementation of our new
8 enforcement regulations that have been in effect for a
9 little over a year.
10 And this item basically reports on the results
11 of this implementation, specifically solid waste
12 facilities and facility related illegal disposal sites.
13 And we have several other enforcement related
14 programs that we report and update the Board on
15 separately, and this item covers that topic.
16 With that, I will hand it off to Mary Madison-
17 Johnson who will provide the staff presentation.
18 MS. MADISON-JOHNSON: Madam Chair and members,
19 as you know, the Board requested that we report on all
20 the enforcement orders that were issued by local
21 enforcement agencies. This will be the third report, as
22 we first provided that information in November of 2001
23 and again in April of 2002.
24 Today I'll be reporting on the one order that
25 was discussed in November that had not yet attained

1 compliance; nine orders that were discussed in April
2 that had not yet attained compliance; and ten orders
3 which were received between March 15 and July 12, 2002.
4 Additionally, although this item does not
5 include orders that were issued since July 12, I want to
6 discuss as part of the report the one order received
7 since then.
8 At this point I would like to ask the pleasure
9 of the Board, I could review each order or I could
10 provide an update to the information that has occurred
11 since the preparation of the agenda item.
12 Staff felt that perhaps Board Member Cannella
13 might find the full presentation more informative but,
14 you know, I'm seeking the pleasure of the Board.
15 BOARD CHAIR MOULTON-PATTERSON: Let's go ahead
16 with a full and abbreviated report, how's that?
17 MS. MADISON-JOHNSON: Okay, the full
18 abbreviated.
19 The one order outstanding from the report given
20 in November was Bisso Ranch in Sonoma County. The LEA
21 issued a cease and desist for the operation of an
22 illegal transfer processing station and disposal site.
23 After much effort the LEA requested Board assistance as
24 a Board managed cleanup.
25 The responsible party is in compliance with the

1 order to date.

2 Of the two orders issued between November 13,

3 2001 and March 15, 2002, two have come into compliance,

4 leaving still nine, nine as still outstanding.

5 Maxwell Transfer Station in Colusa. The LEA

6 issued a compliance order as the facility changed

7 operations without filing the required amendments to the

8 report of facility information.

9 That site has come into compliance and the

10 requirements have been met.

11 For Scotts San Joaquin County Regional Compost

12 Facility in San Joaquin County. The LEA issued a

13 compliance order for the facility operating outside the

14 terms and conditions for trafficking and not processing

15 yard trimmings within 72 hours.

16 The LEA has since informed Board staff that the

17 order has been complied with.

18 For San Nicholas Island Incinerator. The LEA

19 in Ventura County issued a cease and desist for

20 operation of an incinerator without a solid waste

21 facility permit.

22 Board -- LEA staff has informed the Board that

23 the owner and operator have complied with the order and

24 have ceased operation.

25 For Colusa County, Stonyford Landfill. The LEA

1 issued a compliance order for operating outside the
2 terms and conditions of the solid waste facility permit.
3 The LEA informed Board staff that the operator
4 is in compliance with the order as the operator
5 submitted an application package by the deadline of July
6 4th.
7 The LEA also informed us that they instructed
8 the operator to accept no more waste than the average of
9 3.5 tons per day.
10 Staff anticipate this permit revision will be
11 in front of the Board in, at the November agenda.
12 Fresno County, Sunset Waste Paper. The LEA
13 issued an order for operating without a solid waste
14 facility permit. The order limits the operator to not
15 accept any material that causes the residual
16 non-recyclable waste to increase above the current
17 reported levels.
18 The operator is working diligently in preparing
19 a solid waste facility permit application and associated
20 documents, the only outstanding issue that's getting the
21 site, for getting the site in conformance with ND, the
22 nondisposal facility element so that the conformance
23 finding be made.
24 An LEA report its due in November of 2003.
25 BOARD MEMBER PAPARIAN: Just a quick question

1 there.

2 MS. MADISON-JOHNSON: Yeah.

3 BOARD MEMBER PAPARIAN: That what you just

4 said, you expected, it's the last line of the

5 description on that item, "The Board staff expect a

6 report from the LEA regarding a status of the order by

7 November 24th, 2003." Do you mean 2002 or 2003?

8 MS. MADISON-JOHNSON: The deadline for the

9 LEA's response to us is thirty days past the final date

10 in the compliance order.

11 So without checking the order I presume, I

12 would have to check to make sure, but the order has a

13 deadline of October, 2003. If you would like for me I

14 could check that.

15 BOARD MEMBER PAPARIAN: Just to make sure I

16 understand. So it's like a final report on the status

17 of this, they're getting many updates presumably in

18 between?

19 MS. MADISON-JOHNSON: Yes, there will be many

20 updates in between. But the final, the regulation

21 requires that thirty days beyond the final deadline that

22 the LEA report to us.

23 BOARD MEMBER PAPARIAN: Okay. Thank you.

24 MR. WALKER: I was just going to add to Board

25 member Paparian, we will be coming back quarterly with

1 this update on enforcement orders to the committee, and
2 included will be this particular order, so we'll give
3 you even further updates.
4 MS. MADISON-JOHNSON: Okay. For Placer County,
5 Capital Recycling Center. The LEA issued a cease and
6 desist for operating without a solid waste facility
7 permit.
8 There's quite a history relating to this
9 facility. But in a nutshell, the LEA issued the cease
10 and desist order, and revoked an order issued in June,
11 on June 14th as the LEA had not followed the timelines
12 required in regulation for the issuance of the June
13 order.
14 We were informed in August that the LEA has
15 gone by the location three to four times since the first
16 of August. And during all instances, the operation has
17 remained closed and all equipment has been removed.
18 The operator has, however, appealed the latest
19 cease and desist order, and a hearing has been scheduled
20 with a local hearing panel for October 28th.
21 Evergreen Nursery, City of San Diego. The LEA
22 is operating outside the terms and conditions of its
23 solid waste facility permit.
24 The operator has made much progress towards
25 compliance. The LEA's August inspection report reflects

1 the violation has been corrected as the compost pile has
2 been reduced to less than 10,000 cubic yards. And today
3 we received a letter rescinding the order from the LEA.
4 Yolo County Environmental Reclaiming Solutions,
5 another one you might have a history of. It was issued,
6 a cease and desist or compliance order for violating the
7 solid waste facility permit conditions requiring
8 processing of material within ninety days.
9 A hearing was held on August 7th. During the
10 hearing it was stated that all, stated by the operator
11 and the LEA that all material has been processed, but
12 all but one point, or excuse me, one to 2,000 cubic feet
13 of material, cubic yards, excuse me.
14 There is still material on site in various
15 stages of composting, but no new material is being
16 received.
17 On September 4th the hearing panel rendered
18 their decision that there was insufficient evidence to
19 revoke the solid waste facility permit at this time.
20 The panel did order, however, that the operator
21 was to complete processing of the remaining material
22 within sixty days, and remain in complete compliance.
23 They stated that, if warranted, the LEA is to bring any
24 future compliance issue immediately to their attention.
25 Ten new orders have been received between March

1 15 and July 12th. Three of those orders have come into
2 compliance leaving seven outstanding.
3 The city of Pittsburgh LEA issued a compliance
4 order to the Recycling Center and Transfer Station for
5 operating a wood grinding operation without amending the
6 report of facility information.
7 That has since come into compliance.
8 The San Mateo County LEA issued a cease and
9 desist for Hillside Landfill for operation outside the
10 terms and conditions of the solid waste facility permit.
11 We have been informed by LEA staff that the
12 operation, that the cease and desist addressed has
13 ceased operation and that site is now in compliance.
14 The Yuba county LEA issued a compliance order
15 to Yuba Sutter Disposal Incorporated for operating
16 outside the terms and conditions, operating without a
17 permit, making a significant change, litter migrating
18 off-site, and a public dumping area.
19 We have been notified that the LEA has found
20 that site to be in compliance since that order was
21 issued.
22 In Amador County the LEA issued a compliance
23 order for Amador County Landfill operating outside the
24 terms and conditions of the solid waste facility permit.
25 On August 7 the LEA informed Board staff that

1 the operator is in compliance with the order.
2 An application for permit revision was accepted
3 by the LEA in early July. And Board staff anticipate
4 that the proposed permit will be scheduled for Board
5 consideration in November of this year.
6 Kern County, the LEA issued a cease and desist
7 for to Schweitzer Construction, Schweitzer Construction
8 for operating without a solid waste facilities permit.
9 In August the LEA informed staff that the
10 operator has removed the contaminated soil, wood waste,
11 and some of the C&D debris. There is still some source
12 separated material, wood, plastic, and metal on site to
13 recycle.
14 The operator has not submitted the report
15 verifying the volume of waste removed as the
16 contaminated soil had to be tested prior to disposal.
17 The operator is developing the report and the
18 LEA will amend the order to reflect new timelines.
19 For Mojave Rosamond Sanitary Landfill, the LEA
20 issued a compliance order for operating outside the
21 terms and conditions of a permit.
22 The LEA informed staff in August that the
23 operator had submitted the compliance schedule for
24 completion of the documents for permit processing.
25 The LEA will be sending a status report in

1 September.

2 Kern County LEA again issued a cease and desist

3 to Resource Renewal Technology for operating without a

4 solid waste facility permit.

5 The Board of Supervisors have appointed a local

6 hearing panel.

7 And on August 8th the CUP was revoked. The

8 operator appealed this decision. A hearing will be held

9 with the Board of Supervisors in October.

10 The LEA received an interim operational plan,

11 and the plan requires the operator to turn over the

12 material and does not allow any additional long-term

13 stockpiling of material on site.

14 The Riverside County LEA issued a cease and

15 desist to River Ranch Organics for operating without a

16 solid waste facility permit.

17 A hearing was held based on the operator's

18 appeal. The hearing panel issued a stipulated agreement

19 requiring an application for a permit.

20 The operator subsequently requested and the LEA

21 granted a ninety day extension to submit an application

22 because the operator owner will be selling the property

23 and a condition of sale is removal of all of the green

24 waste.

25 The San Diego LEA issued a cease and desist to

1 Miramar Wholesale Nurseries for operating without a
2 solid waste facility permit.
3 The LEA amended the cease and desist requiring
4 an application by November 29, 2002, to allow completion
5 of the NDFE amendment. It also requires the site to not
6 compost until a registration permit is issued. It
7 requires all on site material to be managed in
8 compliance with state minimum standards.
9 The Tehama County LEA issued an order, a
10 compliance order to the Red Bluff Landfill for operating
11 outside terms and conditions of its solid waste facility
12 permit and for landfill gas migration.
13 The operator is in compliance with the order,
14 and the LEA's report is due January 31, 2003.
15 Lastly, I wanted to report on a stipulated
16 order of compliance which was issued in July by the
17 Riverside County LEA to the Eden Hill Landfill for
18 litter violations.
19 It requires the operator to comply with the
20 litter requirements, and to follow a work plan entitled
21 Eden Hill Landfill Litter Control Work Plan dated July,
22 2002. And requires within six months from the date of
23 the order that the operator correct the litter
24 violation.
25 On August 8th the LEA informed Board staff that

1 about 50 percent of its off-site litter and 90 percent
2 of the on-site litter has been removed. Additional
3 litter fences, both portable and permanent, have been
4 installed.
5 That completes my presentation, and I'm
6 available to answer any questions.
7 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.
8 Madison-Johnson.
9 Any questions? Seeing none. Thank you very
10 much for a very good report.
11 Moving on to special waste, I'll call on
12 chairman Jones for his report.
13 BOARD MEMBER JONES: Special waste. On the
14 special waste side we heard five items.
15 We recommended allocations for consulting
16 professional services on one item, for used oil that's
17 been held over, I guess, or parts of it have been held
18 over.
19 We weren't able to hear a scope of work for an
20 environmental justice guidance to local government
21 because it had the wrong fiscal year on a noticing
22 issue. That's kind of interesting.
23 We are holding over until October our
24 rulemaking for the waste tire hauler registration
25 manifest, that's been moved to the October Board

1 meeting.

2 I will say that the Board, as I reported

3 earlier and discussed, the updated five year plan,

4 there's going to be a meeting in Sacramento on October

5 1st, one in Van Nuys on October 10th, and one in Concord

6 on October 17th to take input from stakeholders on the

7 five year plan. And as a result of that then we, you

8 know, we can start working on what's going to get

9 proposed to the Board.

10 We did put, we'll hear the item 41, the RAC

11 tech centers contracts come forward under fiscal

12 consensus.

13 And then under waste prevention we heard six

14 items, four of 'em were on consent.

15 The RMDZ program options are going to be

16 offered today as an agenda item. Obviously that's a

17 very important, that's a very important agenda item for

18 us because that's going to set the direction for our

19 Board and how we're going to be putting money back into

20 the recycling market development zones to create

21 markets.

22 And I think that's about it, Madam Chair.

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

24 Jones.

25 That takes us to item number forty.

1 BOARD MEMBER PAPARIAN: Madam Chair.
2 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.
3 BOARD MEMBER PAPARIAN: I just want to make
4 sure I'm clear so there's no confusion later on about
5 the tire workshops. Those, as I understand it, are
6 under the auspices of the special waste committee, and
7 my understanding is that after the workshops and with
8 whatever direction might or might not come from the
9 committee, staff will draft a revised five year tire
10 plan and then bring that revision, that document back to
11 the committee and back to the Board for a public review
12 and comment before it is actually finalized.
13 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
14 you. Item number forty.
15 MS. WILLD-WAGNER: Number 40, good afternoon,
16 Madam Chair and Board members. Shirley Willd-Wagner
17 with the Special Waste Division.
18 As Mr. Jones mentioned, item 40 was not heard
19 by the committee, it is a scope of work for an
20 environmental justice document for the local governments
21 in the used oil and household hazardous waste collection
22 programs fiscal year 2002-2003.
23 Today Matt McCarron will make his first
24 presentation to the Board. Matt was recently with the
25 Cal EPA permit assistance center, and the director of

1 the Northern California permit assistance center, now he
2 is with our division.
3 So I would like to introduce Matt to make this
4 presentation.
5 MR. MC CARRON: Good afternoon, Madam Chair and
6 Board members.
7 BOARD CHAIR MOULTON-PATTERSON: Good afternoon.
8 MR. MC CARRON: This scope of work is for an
9 environmental justice document for local governments for
10 used oil and household hazardous waste collection
11 programs.
12 It's intended to be a comprehensive study of
13 environmental justice practices related to used oil and
14 household hazardous waste programs design.
15 This scope is based on a contract concept
16 number 54 approved in November of 2001, maybe that's
17 where the confusion came from before.
18 What we're trying to do is determine two main
19 things; how is environmental justice incorporated in the
20 siting of facilities and incorporated into the local
21 program's efforts related to used oil and household
22 hazardous waste.
23 Secondly, we want to share the successful and
24 the non-effective local programs marketing designs that
25 have been tried so that future efforts can be as

1 effective as possible with the limited resources
2 available.
3 I'll go through the task. I do want to have, I
4 have one language change under section two, number five
5 there was a strikeout and a correction there, but we
6 want to add, "For minority communities" in that section.
7 And that will carry through to task number five as well.
8 Attachment number one is a pretty basic
9 standard approach by the Board to prepare the work plan.
10 And we also want to deliver the information on the
11 completed project in an interactive setting with the
12 local program managers when we've completed it.
13 Task two is identification and mapping of used
14 oil collection facilities, curbside collection programs,
15 recycle only, and household hazardous waste facilities.
16 This is baseline information to get a complete
17 picture of all the collection points. There are some
18 data gaps related to non-certified centers or drop-off
19 location service stations, marinas, household hazardous
20 waste, permanent facilities. Some of these permanent
21 facilities are not collection centers, certified
22 collection centers.
23 This will give us a complete picture of
24 everything that we're looking at as far as where people
25 can take used oil and have it disposed.

1 Some of this data resides in the county
2 programs, others with the Department of Toxic Substance
3 Control, and some of it with the local certified unified
4 program agency. So we want to bring this all into the
5 Board's information.
6 As well as collecting where these people are,
7 we want to know what kind of volumes each one of these
8 centers is actually collecting.
9 This will assist us with the targets for
10 success and failure of people's design, program design
11 efforts.
12 In task three we want to do a complete
13 demographic analysis of identified sites, so we want to
14 know who lives near all these collection centers. We'd
15 be looking at the top two minority populations based on
16 existing census tract information.
17 We hope to isolate enough classifications to
18 address many different population groups and how the
19 local program efforts worked to increase their
20 participation.
21 We want to identify the underserved
22 populations. So if there are places that don't have a
23 certified center, we want to know where they are.
24 In task four we want to survey local
25 jurisdictions to obtain information on how environmental

1 justice issues are addressed in the siting process.
2 Now, this is kind of a baseline and historical
3 in context. How does the local permitting process
4 recognize environmental justice issues in the project
5 scope or in the CEQA process, or does it at all?
6 We also want to know in the program design that
7 the local governments are using to implement their
8 outreach efforts, how they're trying to engage the
9 different existing minority populations and how these
10 communities, and how they, how they're going after them
11 to get them to participate, to let them know if these
12 efforts are available to them. We want to know what has
13 worked and what has failed.
14 Task five is kind of the meat and potatoes
15 here. This task will provide a cross check for our
16 efforts. We've identified where they are, we've
17 identified what the efforts are by these local programs
18 to local government's efforts to engage in minority
19 communities in participating in recycling used oil and
20 household hazardous waste.
21 Facility siting and permitting is similar for
22 all programs. There are some voluntary programs such as
23 the certified used oil collection centers. They do not
24 have any pre-disposed siting elements, because it's
25 basically you're volunteering to be a collection center,

so you already have your permits, you're already in business, you're volunteering to take oil. But with this we can identify where the populations that aren't being served.

There are some local programs that, if they're not covering specific communities we will be able to find out where they are, and then we can help these programs target those areas that aren't being served by collection centers.

We will also have a better understanding of how to market services to or increase the participation from the different communities.

The evaluation will come into this section of the pro and con, and we'll get recommendations on what to do to make things better.

One of the things that came out of the contract concept was can we use this study to apply to other programs? Because marketing a drop-off type service should contain the same essential elements and be applicable to tires, electronics, glass, plastic, or organic waste.

Also, we want to know what curbside programs are working in diverse or minority community areas.

And task six is a summary with all the deliverables related to this. And actually we intend to

1 pursue an interagency agreement or university contract
2 to execute this.
3 So, if there are any questions I'd be --
4 BOARD CHAIR MOULTON-PATTERSON: Thank you very
5 much.
6 Mr. Jones.
7 BOARD MEMBER JONES: Yeah. I mean I've had a,
8 I have had an interesting time trying to figure this one
9 out.
10 In task four when you talk about number two,
11 you're going to survey local jurisdictions to obtain
12 information on how environmental issues are addressed in
13 the siting process.
14 I mean I think that there needs to be an
15 understanding of what a waste oil collection facility is
16 and where it normally goes. These are normally at
17 existing auto supply stores?
18 MR. MC CARRON: Correct, some service station.
19 BOARD MEMBER JONES: They're at existing oil
20 change facilities, they're at permitted transfer
21 stations, they're at household hazardous waste
22 facilities, they're at fire stations. Have I missed --
23 maybe a public works yard. I don't know of any other
24 place that they are. So how, how is that task
25 relevant?

1 Because you're asking a jurisdiction to
2 determine or explain if environmental justice
3 considerations were put in, where this is an ancillary
4 function of an existing facility in most cases.
5 MR. MC CARRON: Correct.
6 BOARD MEMBER JONES: It's something that
7 somebody has volunteered to do or has decided that, you
8 know, it's an interesting program because you get 16
9 cents, you pay out 16 cents for every gallon that you
10 collect, you get 16 cents from the state, there's no
11 money in it for the guy that's filling out the paperwork
12 to be a certified center. I mean this is not a
13 windfall, the haves are not, you know, getting rich on
14 this because it's like a hundred in, a hundred out.
15 But yet, we're framing a question that makes it
16 sound like somehow these facilities may have been put in
17 areas where it disadvantages somebody. I don't
18 understand that.
19 MR. MC CARRON: Well we have kind of a two part
20 process. One, we have the existing facilities that
21 really don't need any existing or would never have to go
22 through a siting process to have the determination
23 whether there is any environmental justice impacts. So
24 we have this existing group.
25 And we have, we do have some new people that

1 are starting up facilities where they're combined
2 efforts, they're the recycle only facilities that
3 collect oil, they're currently being sited, a lot of the
4 new permitted household hazardous waste facilities also
5 collect oil, and they're going through a siting
6 process. So we're in the infrastructure development.
7 I know we've had some issues in the past and
8 permit delays for a lot of these permitted facilities,
9 trying to get them through the process from A to B is
10 taking longer than we anticipated so it stretched out
11 some of our grant commitments. So that's one area.
12 It's a very small part, I would think, of this
13 environmental justice siting issues. I think for us to
14 step back to find out if, to see if there is anybody
15 actually doing anything with environmental justice in
16 the local process, it would be nice to know if that
17 exists. I don't see that it is personally from my past
18 experience with the permit assistance centers, I don't
19 think it's being considered.
20 It's, they're more likely to run into a problem
21 of people in the neighborhood being concerned about a
22 facility going in as opposed to being required to
23 address it.
24 So I understand your point about the old
25 existing ancillary services that are going on, but there

are some new ones coming along. But I think the hope is if we identify where the existing ones are, we should also find out where people, if these centers are in places that aren't serving any of the minority populations. That's part of the background data to collect, I guess, for us.

BOARD MEMBER JONES: Yeah, I mean I think the bigger task is to figure out where the underserved are.

MR. MC CARRON: Right.

BOARD MEMBER JONES: And I don't care what color they are.

MR. MC CARRON: Sure.

BOARD MEMBER JONES: And serve 'em.

MR. MC CARRON: Right.

BOARD MEMBER JONES: But I worry when I see a question like that because it begs an answer. You know, you're asking a question, and I can go only go by what's written.

MR. MC CARRON: Right.

BOARD MEMBER JONES: You're saying, "What environmental justice considerations did you make when siting this?" In most cases the answer is going to be none, it never came up, it was an existing facility. You know what I'm saying?

MR. MC CARRON: Sure.

1 BOARD MEMBER JONES: You may create an issue
2 where one doesn't exist.
3 MR. MC CARRON: Well, we just want to know if
4 it's applicable to future site developments as well.
5 BOARD MEMBER JONES: How much was this one?
6 How much did this cost?
7 MS. WILLD-WAGNER: The full contract is
8 200,000.
9 BOARD MEMBER JONES: 200,000?
10 MS. WILLD-WAGNER: Yes. That's what was
11 approved last November.
12 BOARD MEMBER JONES: Gotcha.
13 BOARD CHAIR MOULTON-PATTERSON: Okay. Any
14 other comments?
15 Mr. Medina.
16 BOARD MEMBER MEDINA: Yes, Madam Chair, I'd
17 like to speak to this item.
18 As we are, because of the serious consideration
19 that's given to environmental justice across all state
20 agencies and departments, and because we have written
21 environmental justice into a lot of our statements, and
22 this is again another effort to provide leadership in
23 that area, and also this is an effort to provide
24 leadership in developing programs that can help minority
25 communities in California better address the goals of AB

1 939, the minorities in the waste stream study showed us
2 that we can increase diversion if we target our programs
3 better.
4 I think the city of La Mancha made that case
5 very clear. The study also shows that there are
6 programs that are working well. The statewide guidance
7 document will give local jurisdictions an opportunity to
8 maximize their resources, and I think at some point in
9 time we will need to go back and see how effectively a
10 number of these oil collection centers are working.
11 I've had reports of people that changed the oil
12 in their cars, taking it to oil collection centers at
13 different times, and the oil collection centers are
14 always full and can't take anymore oil.
15 So either they're doing an outstanding job or
16 they aren't, really aren't collecting oil.
17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.
18 Medina.
19 Okay. Thank you.
20 COMMITTEE MEMBER MEDINA: I'm prepared to move.
21 BOARD CHAIR MOULTON-PATTERSON: Would you,
22 please?
23 BOARD MEMBER MEDINA: Yeah. Madam Chair, at
24 this time I would like to move resolution 2002-471,
25 approval of a scope of work for an environmental justice

1 guidance document for local government used oil and
2 household hazardous waste collection programs, fiscal
3 year -- and what is the correct fiscal year just so I
4 have that right?
5 MS. WILLD-WAGNER: 2002-2003.
6 BOARD MEMBER MEDINA: 2002-2003 used oil
7 program, contract concept number 54.
8 BOARD CHAIR MOULTON-PATTERSON: Thank you.
9 BOARD MEMBER PAPARIAN: Second.
10 BOARD CHAIR MOULTON-PATTERSON: We have a
11 motion by Mr. Medina, seconded by Mr. Paparian to
12 approve Resolution 2002-471.
13 Please call the roll.
14 BOARD SECRETARY WADDELL: Cannella?
15 BOARD MEMBER EATON: Aye.
16 BOARD SECRETARY WADDELL: Eaton?
17 BOARD MEMBER EATON: Aye.
18 BOARD SECRETARY WADDELL: Jones?
19 BOARD CHAIR JONES: Aye.
20 BOARD SECRETARY WADDELL: Medina?
21 BOARD MEMBER MEDINA: Aye.
22 BOARD SECRETARY WADDELL: Paparian?
23 BOARD MEMBER PAPARIAN: Aye.
24 BOARD SECRETARY WADDELL: Moulton-Patterson?
25 BOARD CHAIR MOULTON-PATTERSON: Aye.

1 Okay. That brings us to 41.

2 MS. WILLD-WAGNER: Yes. Item 41 is

3 consideration of allocating fiscal year 2002-03 tire

4 funds for the evaluation of the Northern California and

5 Southern California rubberized asphalt concrete

6 technology centers contract.

7 This item was heard by both the Special Waste

8 Market Development Committee and the Budget and

9 Administration Committee, and it enjoys fiscal consensus

10 from both committees.

11 We would recommend passing Resolution 2002-472

12 Revised. If you'll note, the revised resolution does

13 identify that the funds would come from the Westley tire

14 fund site long term remediation projects allocation in

15 the five year plan.

16 Are there any questions?

17 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Madam Chair, I'm

19 prepared to move this item, Resolution 2002-472 Revised.

20 BOARD MEMBER MEDINA: Second.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. We have

22 a motion by Mr. Paparian, seconded by Mr. Medina to

23 approve Resolution 2002-472 Revised.

24 Please call the roll.

25 BOARD SECRETARY WADDELL: Cannella?

1 BOARD MEMBER EATON: Aye.
2 BOARD SECRETARY WADDELL: Eaton?
3 BOARD MEMBER EATON: Aye.
4 BOARD SECRETARY WADDELL: Jones?
5 BOARD CHAIR JONES: Aye.
6 BOARD SECRETARY WADDELL: Medina?
7 BOARD MEMBER MEDINA: Aye.
8 BOARD SECRETARY WADDELL: Paparian?
9 BOARD MEMBER PAPARIAN: Aye.
10 BOARD SECRETARY WADDELL: Moulton-Patterson?
11 BOARD CHAIR MOULTON-PATTERSON: Aye.
12 Okay. We're moving to waste prevention and
13 market development, and Mr. Jones has already given his
14 report on this. We have item 44.
15 Ms. Wohl.
16 MS. WOHL: Good afternoon, Madam Chair and
17 Board members.
18 Agenda item 44 was heard at the committee, and
19 the recommended options were given consensus, but
20 because of the high interest for the full Board we
21 wanted to bring it to this meeting for a full
22 discussion. The item is consideration of the recycling
23 market development regarding loan program leveraging and
24 Jim La Tanner will present.
25 MR. LA TANNER: Good morning, Board members,

1 Jim La Tanner, I supervise the recycling and market
2 development revolving loan program.
3 We have a PowerPoint presentation. Not to
4 detract from the length of the agenda item here. Is
5 there a way to get some more light on that maybe? No?
6 Okay.
7 Next slide, please. Okay. The purpose of this
8 agenda item presents staff's analysis of the Milken
9 Institute leveraging study which is one of the
10 attachments, and this also contains staff's
11 recommendations for direction on the leveraging options.
12 Oh, okay, I'll get it. Just a short summary as
13 to how we got to this point. In May, '96, there was a
14 Board meeting where staff presented an item. The Board
15 approved the sale of RMDZ loans to the Community
16 Reinvestment Fund. At that time we had sold seventeen
17 loans in the bulk sale, so we have a prior history of
18 that.
19 Subsequently, in the September, 2000 Board
20 meeting, there was a discussion of ways to leverage the
21 loan program. At that time in the agenda item was an
22 Excel spreadsheet showing the future decreasing amount
23 of funds available for any loans.
24 To identify further leveraging options, at the
25 February, 2001 Board meeting, the Board approved hiring

1 the Milken Institute to perform the leveraging study
2 that was subsequently presented in August, 2002 at the
3 Special Waste Market Development Committee.
4 In that Milken Institute leveraging study, it
5 basically came down to four more realistic feasible
6 types of ways to leverage the money. We're looking at
7 leveraging because currently the loan program makes
8 direct loans. If we leverage the money we use part of
9 the Boards funds and part of somebody else's funds and
10 you can increase the amount available.
11 In a short summary of what the four options
12 are, the first one is the new market tax credit. This
13 is a new Federal Treasury program that is still being
14 implemented.
15 The biggest unknown about this leveraging
16 option is how much the allocation of credits is going to
17 be from the Federal Treasury to individual taxpayers.
18 Which then leads to we don't know how many individual
19 taxpayers are going to make funds available to actually
20 invest in community financial entities. These loans
21 would have been made at market rate.
22 The second leveraging option is a combination
23 of equity equivalent and program related investments.
24 Under this strategy it's similar to new market tax
25 credit.

1 Community development financial institutions
2 make loans in local communities. Most of 'em don't make
3 loans to for profit businesses which is what the RMDZ
4 program is about. Also, there are not CDFIs in every
5 one of the forty zones and the loans are made at market
6 interest rate.
7 A more feasible leveraging option is a loan
8 guarantee program. This is administered by the
9 California Technology Trade and Commerce Agency in the
10 Office of Small Business. It originated back in 1968
11 and has been in existence every since, and is one of the
12 very successful programs.
13 Under that scenario Trade and Commerce puts
14 money in a small business expansion fund that is used as
15 a loan loss account to support bank loans. This
16 leverage factor, which is presented in one of the
17 subsequent Excel sheets, has a leverage factor of 16 to
18 one. For every one dollar that the Board would put into
19 this loan guarantee program, ultimately banks can make
20 $16 in loans.
21 The way I propose doing it, if feasible with
22 the FTC, is that there would be no cost to the Board,
23 the applicant would bear the cost of loan origination by
24 higher points than we currently charge, and those loans
25 are also made at market rates.

1 A fourth leveraging option is a loan sale.
2 This was looked at at the direction of the Board.
3 There's two ways to do a loan sale. An
4 individual loan sale is a program currently available
5 from the Community Reinvestment Fund where the Board
6 would approve a loan, much as we do now, except CRF
7 would fund the loan in its entirety, thus not using any
8 account funds.
9 A different type of loan sale is a bulk loan
10 sale, which is what we did back in '97, selling off a
11 bunch of loans up front, but taking a discount on 'em.
12 In both those scenarios the loans are made at market
13 rates.
14 If we ranked the six leveraging options of
15 which the Excel sheets are attached, I tried to compare
16 them in ranking 'em.
17 In staff's opinion, the most feasible
18 leveraging option is an individual loan sale. To
19 accomplish this we would have to go out to bid, find out
20 what companies out there want to borrow loans, I'm sure
21 there's more than just Community Reinvestment Fund, and
22 then go through a mathematical analysis and due
23 diligence process to find out exactly how much.
24 As proposed by CRF, this would make 89 million
25 available in loans from CRF itself, or whoever wants to

1 buy 'em, and make 45 million available in loans from the
2 RMDZ account during the next fifteen years. This gives
3 you a two to one leverage. The loans would be made at
4 market rate and the borrowers would pay the cost of
5 originating the loan.
6 The second most feasible option under staff's
7 opinion is a loan guarantee. The Excel projections are
8 projected out fifteen years. This would perhaps make a
9 186 million available in loans from banks, plus
10 11,255,000 available out of the RMDZ account, giving a
11 16 to one leverage ratio. Over that 15 years the Board
12 would invest 21 million, or pay 3.5 million per year for
13 six years.
14 A third option in ranking order is you do a
15 bulk sale and a fifteen year guarantee. The figures
16 come out the same.
17 What happens is with the RMDZ program we have
18 one asset, that's the outstanding loans. Whether you do
19 a bulk sale and collect all that money up front and take
20 a discount, or you don't sell the loans and just collect
21 it over the next fifteen years, you roughly end up with
22 the same amount of funds, other than a discount of a
23 million eight which is the cost of actually selling the
24 loans.
25 Option four is a bulk sale and just do a loan

1 guarantee for the first year, and preserve most of the
2 money to continue to make direct loans. This is less
3 feasible because if you only put 3.5 million in a loan
4 guarantee program you can only make 31 million. But the
5 Board would have a large amount of money up front during
6 the next several years, 38 million to lend out. This
7 would cost the Board approximately one million eight in
8 discount fee.
9 The fifth most feasible leveraging option is
10 you do a bulk sale, keep all the money, just continue to
11 make RMDZ loans as we have in the past.
12 It's not really a leveraging option because
13 there's no outside funds, but it would make 42 million
14 available for loans over the next fifteen years.
15 The sixth option is do anything in which case
16 there's no outside funds and the program only has
17 forty-three million five available for the next fifteen
18 years.
19 What staff has found is that the first most
20 feasible option is the loan guarantee because it allows
21 an outside investor to fund a hundred percent of the
22 loan at inception, an outside investor being a company
23 like CRF.
24 The second most feasible is a loan guarantee
25 for fifteen years. The loan would have to invest 3.5

1 million for six years for banks to make fifteen million
2 available per year.
3 The third one is the bulk sale and, the bulk
4 sale for fifteen year loan guarantees less money
5 available.
6 The fourth is a bulk sale and one year.
7 And the last is just a bulk sale for the loans.
8 What we've found on number seven, no leveraging
9 option shows a decline of funds for new RMDZ loans which
10 is attachment five.
11 In all of the scenarios there's a decline of
12 direct loans money available for RMDZ loans.
13 Staff's analysis and thoughts is that the new
14 market tax credit is not feasible at this time based on
15 resources and the Federal Treasury, not knowing how much
16 they're going to allocate and to whom and who's going to
17 make the money available.
18 And the least finding is the equity equivalent
19 and program related investments which is banks and
20 foundations making money available to community
21 development entities to make loans to recycling
22 companies.
23 Now I don't expect you to read this, but in the
24 attachments if you got the legal size color printout, we
25 show the math for the six leveraging options ranked in

1 order.

2 What staff's recommendation is that we're

3 looking for in this agenda item is pretty simple. We

4 want to go out to bid for both the bulk loan sale and an

5 individual loan sale, and see who's interested in buying

6 our loans and at what price are they willing to pay for

7 it. And then we'll come back to the Board with the

8 findings of those bids.

9 It may be determined, as per CRF, that we'll

10 have to take a discount if we want to sell bulk loans

11 or, as Milken has suggested, since the average interest

12 rate on the outstanding loans is 5.37 which is higher

13 than prime, Milken thinks we should be able to make a

14 profit. We don't have any source to really confirm that

15 so let's just go out to bid and see what the bids

16 actually say, and maybe we can get a good deal out

17 there.

18 We also want to go out to bid for an individual

19 loan sale and find out who's willing to buy loans on an

20 individual basis going forward. We know CRF has a very

21 good program in place that we haven't participated in,

22 but there may be other companies out there.

23 Item B, we're also looking for direction from

24 the Board to continue negotiations with the California

25 Technology, Trade, and Commerce Center loan guarantee

1 program to get the fine details of exactly how the loan
2 guarantee would actually work.
3 Most of that information is needed before the
4 legal office can actually tell us whether we have these
5 statutory and regulatory authority to leverage with the
6 loan guaranty program.
7 There are two ways to leverage with loan
8 guarantee; one is an interagency agreement with big
9 commerce, and the other is to make funds available
10 whether it remain in the subaccount or invest in the
11 financial development corporations.
12 And item B is simply continuing negotiations
13 and come back to the Board with a full agenda item with
14 all the details and the plan as to if we did it here's
15 how it would look.
16 And at that point I'd open it up to questions.
17 BOARD CHAIR MOULTON-PATTERSON: Thank you.
18 Questions?
19 Mr. Jones.
20 BOARD MEMBER JONES: Thanks, Madam Chair.
21 First, I think most of the members were here at
22 the item when we had the workshop. I promise I will, I
23 will make sure that Mr. Cannella gets an update of what
24 we're doing.
25 This fund, I think the one thing that you

1 didn't say is this fund or the statute that keeps this
2 program alive goes through --
3 MR. LA TANNER: July 1, 2006 is the sunset date
4 for the program.
5 BOARD MEMBER JONES: Okay. So if we can do
6 these things and show funding that's not going to have
7 to come from our IWMA account or something like that,
8 we're going to be able to keep this program alive, which
9 is going to put money back into businesses that can buy
10 recovered materials and make products out of it.
11 You guys did a good job. Milken did a good
12 job. I think the fact that you're going to explore
13 these issues and then come back to us.
14 I mean I'm prepared to move the resolution if
15 there aren't any questions.
16 BOARD MEMBER CANNELLA: I have one question.
17 In the report back to the Board on the different options
18 that would be available to leverage the funds to
19 increase the loan package, will there also be an
20 explanation of the responsibility of the Board to
21 guarantee loans to, if somebody forfeits, what our
22 obligation would be to take care of those obligations.
23 MR. LA TANNER: Yeah, I want to get all the
24 detail in it. What we are trying to do, we have a
25 meeting set, a tentative meeting set upon approval of

1 this item, with the regional corporations to draft
2 what's called an implementation plan, who, what, when,
3 where, how, and why, what underwriting guidelines,
4 terms, costs, etcetera. I want to know all the details
5 up front.
6 BOARD MEMBER CANNELLA: Okay. Thank you.
7 BOARD CHAIR MOULTON-PATTERSON: Mr. Medina.
8 BOARD MEMBER MEDINA: Yes, I did have one
9 question.
10 I know that by leveraging the funds we'll be
11 able to provide more loans to more applicants. The only
12 question I have is by leveraging the money out, what
13 impact, if any, will be on the loan applicants? Will
14 the interest rates remain the same? Will there be any
15 change in conditions?
16 MR. LA TANNER: In all of the leveraging
17 options the interest rate would be at current market
18 rates, perhaps set by the bank itself making the loan or
19 by the Community Reinvestment Fund or whoever's actually
20 buying the loans which is not what we're currently
21 doing.
22 Presently the loan program is doing interest
23 based on SMIF, the surplus money index fund, which is
24 currently 2.9 percent which has always been at the low
25 market rate, currently prime is 4.75.

1 As part of doing the loan, these two leveraging
2 options, staff would need to bring an agenda item back
3 to the Board proposing with appropriate stakeholder
4 input, increasing our interest rate to SMIF plus an
5 appropriate rate to make it market rates.
6 If our direct loan program remains at a below
7 market rate, none of the applicants are going to want
8 the leveraging options and we're just going to run out
9 of the funds. We have to be at least equal or at a
10 higher cost to make it more advantageous to use the
11 leveraging options.
12 There's actually very few, very little money
13 left available without any of the options that we'd run
14 out of money pretty soon, so we need to do something or
15 at least consider these leveraging options, and drive
16 the applicants towards those options.
17 If the Board subsequently later on approved two
18 options, then staff has the choice to decide, when an
19 application comes in, which is the most feasible option.
20 Generally 48 percent of our loans are to
21 existing companies that would meet the loan guarantee
22 program statutes if those borrowers were able to accept
23 market rates. Roughly 38 percent of the loans we have
24 made are to very bankable companies that we can sell the
25 loan for.

1 COMMITTEE MEMBER PAPARIAN: Thank you.
2 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
3 BOARD MEMBER JONES: Madam Chair, I'd like to
4 move adoption -- first I want to say you guys all did a
5 nice job -- Resolution 2002-473, consideration of the
6 recycling market development revolving loan program
7 leveraging options.
8 Now therefore be it resolved with, A, solicit
9 bids for bulk loan sale and individual loan sale, using
10 the appropriate contract method. The results will be
11 presented in an agenda item to the Board for
12 consideration of feasibility.
13 And then B, direct staff to evaluate the
14 legality and feasibility of the loan guarantee
15 leveraging strategy.
16 BOARD MEMBER MEDINA: Second.
17 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
18 a motion by Mr. Jones, seconded by Mr. Medina to approve
19 resolution 2002-473.
20 Please call the roll.
21 BOARD SECRETARY WADDELL: Cannella?
22 BOARD MEMBER EATON: Aye.
23 BOARD SECRETARY WADDELL: Eaton?
24 BOARD MEMBER EATON: Aye.
25 BOARD SECRETARY WADDELL: Jones?

1 BOARD CHAIR JONES: Aye.
2 BOARD SECRETARY WADDELL: Medina?
3 BOARD MEMBER MEDINA: Aye.
4 BOARD SECRETARY WADDELL: Paparian?
5 BOARD MEMBER PAPARIAN: Aye.
6 BOARD SECRETARY WADDELL: Moulton-Patterson?
7 BOARD CHAIR MOULTON-PATTERSON: Aye.
8 Okay, item 47. Thank you, Mr. La Tanner.
9 MS. WOHL: Yes, agenda item 47 was on consent
10 originally, but staff asked that this be pulled because
11 we have a minor change in one of the compliance
12 standings for Imperial Toy Corporation. So we'll just
13 give a brief overview of that change.
14 And Jan Howard will present.
15 MS. HOWARD: Good afternoon, Madam Chair and
16 Board members, Jan Howard with the plastics recycling
17 technology section.
18 And I want to update the Board on what was
19 approved at the committee to include the status of
20 Imperial Toy Corporation.
21 Staff has received all of the necessary
22 certification information, and I am pleased to inform
23 the Board that Imperial Toy has achieved compliance with
24 the rigid plastic packaging container law by source
25 reducing more than fifteen percent.

1 With the addition of Imperial Toy, in total the
2 companies that have achieved compliance under this item
3 have used more than 1.5 million pounds of post consumer
4 resin, and have reduced resin usage by more than one
5 point eight million pounds.
6 With that, staff recommends that the Board
7 adopt Resolutions 2002-475 through 2002-495, and
8 Resolution 2002-530.
9 This concludes my presentation. Does anybody
10 have any questions?
11 BOARD CHAIR MOULTON-PATTERSON: Thank you.
12 Mr. Medina.
13 BOARD MEMBER MEDINA: Madam Chair, I would like
14 to move Resolutions 2002-475 through 495, and also
15 Resolution 2002-530, reconsideration of direction to
16 schedule public hearing for Sierra Sign and Supply.
17 BOARD MEMBER CANNELLA: Second.
18 BOARD CHAIR MOULTON-PATTERSON: Okay. We have
19 a motion by Mr. Medina, seconded by Mr. Cannella.
20 Please call the roll.
21 BOARD SECRETARY WADDELL: Cannella?
22 BOARD MEMBER EATON: Aye.
23 BOARD SECRETARY WADDELL: Eaton?
24 BOARD MEMBER EATON: Aye.
25 BOARD SECRETARY WADDELL: Jones?

1 BOARD CHAIR JONES: Aye.
2 BOARD SECRETARY WADDELL: Medina?
3 BOARD MEMBER MEDINA: Aye.
4 BOARD SECRETARY WADDELL: Paparian?
5 BOARD MEMBER PAPARIAN: Aye.
6 BOARD SECRETARY WADDELL: Moulton-Patterson?
7 BOARD CHAIR MOULTON-PATTERSON: Aye.
8 Okay. Thank you.
9 Our last item is item fifty, and I will now
10 call on Mr. Medina who is chair of the budget committee
11 to report to us.
12 COMMITTEE MEMBER MEDINA: Thank you, Madam
13 Chair.
14 The Executive, Administration and Budget
15 Committee met last week and heard four of the six items
16 on the agenda.
17 The committee decided to postpone Board agenda
18 items 51, a report on waste reduction activities in the
19 Cal EPA headquarters building.
20 And number 39, allocations on consulting and
21 professional services concept for fiscal year 2002-2003
22 from the used oil fund to the October committee meeting
23 because of the shortness of our time, we were compressed
24 down to one hour.
25 And I want to say because of preparation of the

1 staff, they were able to get our business taken care of
2 in one hour, so thank you, Ms. Jordan.
3 We did hear agenda item fifty, consideration of
4 consulting and professional services concepts for fiscal
5 year 2002-2003 for an integrated waste management
6 account.
7 Unfortunately, as is usual, the IWMA account
8 had far more requests for funding than money that was
9 available. The total available was 872,000, we received
10 1.9 million requested, and of that 541,342 were
11 allocated to mandatory contracts, and 100,000 was
12 previously committed to green building, leaving us with
13 an amount of 230,675, again to fund more than 1.9
14 million requested for discretionary contract concepts.
15 As such, the committee had to take a hard look
16 at what we could do with the funds, and decided that the
17 most effective use of the funds would be to invest in
18 the effort to deal with the threats to organics
19 recycling in California, and the development of best
20 management practices for this industry.
21 And as you are all aware, we have been working
22 closely with the Air Resources Board to resolve some
23 serious concerns with composting.
24 As such, the Board committee fashioned a motion
25 to meet that need and to put some money into a few other

1 high priority projects.

2 Since the committee meeting, again given the

3 urgency and necessity of some of the, of some of the

4 needs, we have made some revisions.

5 We would like to revisit the motion that was

6 made, and then Ms. Jordan will provide a more complete

7 report on each of the agenda items, and specifically on

8 item fifty at the appropriate time.

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

10 Medina.

11 I'll turn it over to Ms. Jordan.

12 MS. JORDAN: Yes. Good afternoon, Madam Chair

13 and members of the Board. We may be last but we're not

14 least. Terry Jordan with the Administration and Finance

15 Division.

16 Agenda item fifty is consideration of

17 consulting of professional services concepts for fiscal

18 year 2002-2003 from the integrated waste management

19 account.

20 As you will note on the overhead, the committee

21 met last week, as Chair Medina said, on September 11th,

22 and made the recommendations noted in the third column,

23 and placed this item on fiscal consensus.

24 In addition, the committee gave staff direction

25 to explore other funding alternatives and return to the

1 Board at a future meeting on those funding proposals
2 that are outside of the IWMA fund.
3 In following the committee's direction and
4 evaluating the other fund sources which will be
5 presented at a Board meeting, staff determined that
6 there are some other funding alternatives for the IWMA
7 that will still meet the needs of the Board and better
8 align concepts with the appropriate fund sources.
9 At this time I would like to offer the Board
10 another proposal which is in column four on the overhead
11 chart. There are still five projects that are being
12 recommended, but there's a slight change.
13 The concepts that are being recommended are
14 concept seventeen, Threats to Organics Recycling for
15 103,175.
16 And concept thirty, Motion Picture and
17 Entertainment Industry Sustainability Project with UCLA
18 for 50,000.
19 Item or concept twenty, identification of
20 product stewardship opportunities for 20,000.
21 Concept 22, SABRC and EPP analysis of purchases
22 by Board's departments and offices of Cal EPA for
23 30,000.
24 25, Yosemite Closing the Loop Project for
25 27,500.

1 This equals 230,675.
2 And with that, if you have any questions, I'd
3 be happy to answer them.
4 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
5 BOARD MEMBER JONES: No, I think this makes
6 sense. One of the things that I need to let Shirley
7 know is that landfill operator training, and you can
8 tell Mark de Bie, needs to really have a focus on tires
9 because we're going to have to fund that out of the tire
10 fund, but we have issues with ADC, we have issues with
11 the proper handling of the tires at landfills, there are
12 huge, almost, almost two-thirds, half, two-thirds
13 probably end up in our landfills whether they be
14 processed or not. That needs to be the focus of our LEA
15 training so that we can use those funds.
16 So you're going to have to put something
17 together, because that allowed us the flexibility to
18 move some money around, okay?
19 MS. WILLD-WAGNER: Very well, we can do that.
20 Thank you.
21 BOARD CHAIR MOULTON-PATTERSON: Thank you.
22 Mr. Medina.
23 BOARD MEMBER MEDINA: Thank you, Madam Chair.
24 With that, I'd like to move Resolution
25 2002-470, approval of the consulting and professional

1 services concepts for fiscal year 2002-2003 from the
2 Integrated Waste Management Account.
3 BOARD CHAIR MOULTON-PATTERSON: I'll second
4 that.
5 And we have a motion by Mr. Medina, seconded by
6 Moulton-Patterson to approve Resolution 2002-470.
7 Please call the roll.
8 BOARD SECRETARY WADDELL: Cannella?
9 BOARD MEMBER EATON: Aye.
10 BOARD SECRETARY WADDELL: Eaton?
11 BOARD MEMBER EATON: Aye.
12 BOARD SECRETARY WADDELL: Jones?
13 BOARD CHAIR JONES: Aye.
14 BOARD SECRETARY WADDELL: Medina?
15 BOARD MEMBER MEDINA: Aye.
16 BOARD SECRETARY WADDELL: Paparian?
17 BOARD MEMBER PAPARIAN: Aye.
18 BOARD SECRETARY WADDELL: Moulton-Patterson?
19 BOARD CHAIR MOULTON-PATTERSON: Aye.
20 BOARD MEMBER JONES: Madam Chair.
21 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
22 BOARD MEMBER JONES: I apologize just, the
23 issue on organics, it has always, since we've started
24 down this track with Chuck Schmidt, who's doing the
25 testing because he's accredited by the South Coast

1 District, and we're doing a lot of stuff, we have been
2 giving that authority to our executive director to fight
3 through this process with DGS, get it done and all that
4 stuff, I'm asking if we can, this would be the third one
5 in a row on this specific item, you remember there were
6 some low dollar ones, where we delegated that authority
7 to the executive director so that we can move this thing
8 along, because there's tight time schedules.
9 Is there any objection to that on this one
10 issue?
11 BOARD CHAIR MOULTON-PATTERSON: No.
12 BOARD MEMBER JONES: Is that okay if it's part
13 of the motion, Mr. Medina, to include that direction
14 under that concept for organics?
15 COMMITTEE MEMBER PAPARIAN: Yes.
16 BOARD CHAIR MOULTON-PATTERSON: Yes, I think
17 everyone is in agreement.
18 BOARD MEMBER JONES: Is that okay then?
19 BOARD CHAIR MOULTON-PATTERSON: Mr. Eaton.
20 BOARD MEMBER EATON: Yeah, if that's all, Mr.
21 Jones?
22 BOARD MEMBER JONES: Yes, sir.
23 BOARD MEMBER EATON: Then I'd just like to ask
24 the committee members of the admin committee, first and
25 foremost, thank you for the reallocations. I think

1 under tight circumstances that's, you know, all you can
2 do.
3 But if perhaps we can request of staff, because
4 as you well know, now that most of you have been here
5 for one or two cycles of the fiscal year, that we
6 normally waited until April or May to see reallocations,
7 you know, where contracts cannot get completed for
8 whatever reason, rightly or wrongly, that maybe perhaps
9 maybe that the committee, the committee can hear in
10 February those contracts that have yet to be tied down,
11 and that will give the Board additional lead time for
12 additional monies out of the IWMA.
13 Traditionally we have always waited until
14 April, even sometimes May. But I'm just saying in this
15 situation where there are a lot of projects that were
16 competing in the small amount, roughly it was ten
17 percent that got funded, if I can remember, that may be
18 helpful in February to get an update on which of those
19 haven't been contractually tied down, because that will
20 free up the money to give you more of an opportunity to
21 be able to see that.
22 I just recommend early notice, if you think as
23 part of that that would be the actual way to go instead
24 of waiting until April or May where you may not have the
25 opportunity to complete the agreements.

1 BOARD CHAIR MOULTON-PATTERSON: Thank you.
2 Mr. Medina.
3 BOARD MEMBER MEDINA: I think Board member
4 Eaton's point is well taken, and we can certainly do
5 that.
6 BOARD CHAIR MOULTON-PATTERSON: Thank you.
7 BOARD MEMBER PAPARIAN: Madam Chair.
8 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian.
9 BOARD MEMBER PAPARIAN: And Ms. Jordan might
10 want to jump in, I thought we had an indication that we
11 might even see some monies before that time period,
12 December, January, is that possible?
13 MS. JORDAN: If monies become available. I'll
14 be meeting with each of you in the budget briefing so
15 you can see what our requirements are this year.
16 BOARD MEMBER PAPARIAN: Okay.
17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
18 you.
19 Are there any final public comments before we
20 adjourn?
21 BOARD MEMBER JONES: Madam Chair.
22 BOARD CHAIR MOULTON-PATTERSON: Mr. Jones.
23 BOARD MEMBER JONES: Just to inform the members
24 and those that are going to go to Sonoma, I received a
25 very interesting e-mail this morning from the woman that

1 runs the conservation district telling me that the
2 agenda that we had designed was unacceptable.
3 I called her back and told her that, in fact,
4 this was our committee meeting and that we would give
5 her time, but she was not running this meeting.
6 But I'm just letting you know ahead of time so
7 you didn't get that sideways with anybody.
8 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
9 you.
10 BOARD MEMBER PAPARIAN: Do we all have the
11 agenda? I may have it, I just haven't looked too much.
12 BOARD MEMBER JONES: They have it.
13 BOARD MEMBER PAPARIAN: Could we just make sure
14 that all the Board offices have the agenda and backup
15 materials?
16 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank
17 you, and this meeting is adjourned.
18 (Thereupon the foregoing was concluded
19 at 3:24 p.m.)
20
21
22
23
24
25

1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2

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 30th day of September,
17 2002.
18
19
20
21 Doris M. Bailey, CSR, RPR, CRR
Certified Shorthand Reporter
License Number 8751
22
23
24
25