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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

CENTRAL VALLEY AUDITORIUM

SACRAMENTO, CALIFORNIA

MONDAY, MAY 5, 2003

9:30 A.M.

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CERTIFIED SHORTHAND REPORTER
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Michael Papanian, Chairperson

Mr. Steven Jones

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Kathryn Tobias, Chief Counsel

Julie Nauman, Chief Deputy Director

Howard Levenson, Deputy Director

Mark de Bie

Tad Gebrehawariat

Keith Kennedy

Bill Marciniak

Wes Mindermann

Leslee Newton-Reed

Scott Walker

ALSO PRESENT

Dave Edwards, BFI

Patty Hunchy, LEA

Wade Hunter, North Valley Coalition

Ralph Kroy, Neighbor

Kelly Smith, North Valley Coalition

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON PAPARIAN: Good morning, everybody.
3 This is the Integrated Waste Management Board Permitting
4 and Enforcement Committee.

5 Mr. Washington got a little bit delayed coming
6 in. He should be here in a few minutes.

7 So, secretary, would you please call the roll for
8 a quorum.

9 SECRETARY KUMPULAINIEN: Jones?

10 COMMITTEE MEMBER JONES: Here.

11 SECRETARY KUMPULAINIEN: Peace?

12 COMMITTEE MEMBER PEACE: Here.

13 SECRETARY KUMPULAINIEN: Washington?

14 Paparian?

15 CHAIRPERSON PAPARIAN: Here.

16 As a reminder, if you could turn off your cell
17 phones and pagers so they don't interrupt us during the
18 meeting.

19 There are speaker slips in the back of the room.
20 If you'd like to speak on any item, fill out a speaker
21 slip and give it to Ms. Kumpulainen here in the front of
22 the room.

23 Any ex partes.

24 Mr. Jones.

25 COMMITTEE MEMBER JONES: No.

1 CHAIRPERSON PAPARIAN: Ms. Peace.

2 COMMITTEE MEMBER PEACE: Mine are up to date.

3 CHAIRPERSON PAPARIAN: And I gave a brief hello
4 to the group from Sunshine Canyon. Actually both sides at
5 Sunshine Canyon were sitting outside the room. Although I
6 didn't really speak to anybody before this meeting.

7 And I did also say hello to Chris Cazarian, who's
8 here for I believe it's Item D.

9 Other than that I'm up to date.

10 We've got a couple things to talk about before we
11 actually get into the agenda this morning.

12 First of all, I'm pleased to welcome Howard
13 Levenson. This is his first Permitting and Enforcement
14 Committee meeting as Deputy Director for Permitting and
15 Enforcement, although he's an old hand here at the Board.

16 Welcome, Howard.

17 Before Howard gets into his report, I think we
18 should thank Scott Walker. And I personally want to thank
19 Scott Walker for all of his hard work and diligence while
20 serving as Acting Director of the P&E Division.

21 My staff and I both really enjoyed working with
22 Scott. We appreciated his attention to detail, his
23 responsiveness to the concerns and issues that we raised.
24 And I know my staff will miss his 6:30 in the morning and
25 6:30 at night voice mails and phone calls explaining

1 things that we wanted some answers to. But we're going to
2 look forward to continuing to work with him on solid waste
3 issues as we go forward.

4 I know we're going to get to the Sunshine Canyon
5 item a little later in the agenda. But in case anyone's
6 listening in, I wanted to let everyone know right now what
7 the plan is for taking testimony at the Board meeting on
8 this item.

9 First of all, the Chair has decided to set the
10 Sunshine item for a time certain, 3 p.m. -- 3 p.m. on
11 Tuesday, the 13th. Additionally, we'll be taking
12 testimony from the community via videoteleconference.
13 Anyone who would like to provide testimony to the Board
14 from Los Angeles area can do so at the Metropolitan Water
15 District offices at 13100 Balboa Boulevard, Granada Hills.
16 This is about a mile and a half from the landfill and is
17 adjacent to the community where a number of the concerns
18 have been raised about the landfill.

19 Frank Simpson from the Board's Office Public
20 Affairs will be onsite at the Metropolitan Water District
21 office beginning about 9 a.m., and will be able to answer
22 any questions and assist the public -- anybody who intends
23 to participate via the videoteleconference. But, again,
24 the time certain time is 3 p.m. on Tuesday, the 13th.

25 Anything else before we start?

1 Mr. Jones.

2 COMMITTEE MEMBER JONES: No, I just -- I want to
3 also congratulate Scott for a great job for when he was
4 filling in. You did a very good job through an awful lot
5 of tough issues. And I appreciate the work that was done.
6 It was good work. So thanks.

7 CHAIRPERSON PAPARIAN: And, Mrs. Peace, anything?

8 COMMITTEE MEMBER PEACE: No. It just goes ditto
9 for me.

10 Thank you, Scott.

11 And congratulation, Howard.

12 CHAIRPERSON PAPARIAN: Oh one, more thing before
13 we jump into the agenda.

14 Starting next month we'll be having a new start
15 time for the P&E Committee. It will be 10:30 instead of
16 9:30 on Monday mornings. So unless there's anything
17 unusual, the regular time for starting the committee will
18 be 10:30 on Monday mornings.

19 Okay. Mr. Levenson, you're on.

20 We'll refrain from our normal hazing of new
21 deputy directors, at least for now.

22 DEPUTY DIRECTOR LEVENSON: I've been here too
23 long to be hazed I think.

24 Thanks, Mr. Paparian, and good morning, Board
25 members.

1 I also want to start off by acknowledging Scott,
2 even though you're already done so graciously. I think --
3 I do want to say that Scott's done a tremendous job over
4 the last ten months. He's really been doing double duty,
5 running his own branch and acting as Deputy Director.

6 Even before taking this position I always
7 considered Scott a great resource for the Board, and he's
8 going to continue to be that in his role as leading the
9 remediation programs.

10 I've gotten a lot of E-mails from CCDEH and LEAs
11 applauding Scott's work over the last ten months. And I
12 just want to tell him "thank you" and "well done."

13 A couple items I'd like to mention. First of
14 all, we have a workshop on May 8th -- Thursday, May 8th in
15 the Coastal hearing room. This is a staff-led workshop on
16 permitting, inspection, and enforcement issues. It's
17 going to start at 9 o'clock. And this will entail
18 detailed presentations by Permitting & Enforcement staff
19 on the various requirements and processes related to
20 permits, inspection, and enforcement. This is we hope is
21 an opportunity for Board members who attend and for
22 stakeholders to discuss issues and raise questions about
23 those processes. And that we can then come back to you
24 with items subsequently for further direction and
25 consideration.

1 We've coordinated with the legislative office to
2 extend invitations to key legislative staff as well as the
3 auditor's office. And we're hoping that some of those
4 folks will be there as well.

5 I will be forwarding you a lengthy PowerPoint
6 presentation on Wednesday. We're still trying to fine
7 tune it and make sure that it's all flowing smoothly.
8 There's lot of information in it. It's really a primer
9 on all these processes. So we look forward to the
10 workshop and to you and other Board members attending and
11 engaging in discussion on those issues.

12 Secondly I want to mention that we also have a
13 training workshop on schedule for May 22nd on illegal
14 dumping on tribal lands. We've had one session in this
15 series. It was conducted in April in Fresno, and that was
16 very well received. This session is going to be on the
17 Agua Caliente Tribal property down in Riverside. And it's
18 being held in conjunction with our contractor, the UCLA
19 School of Law, their tribal legal development clinic.

20 Lastly, I want to give you an update on the
21 Crippen situation, a little bit of detail on what's
22 happening with that.

23 As you know, Mr. Crippen did stipulate to the LEA
24 that he was responsible for removing the debris from the
25 site, but that he was unable to do so financially. So

1 we've been working with various entries to move forward on
2 cleanup of that site.

3 On March 13th, our sampling report concluded that
4 there was about 74,000 cubic yards of material remaining
5 on the site, but that it should not be classified as
6 hazardous material.

7 We've been working with the Central Valley
8 Regional Board and determined that the material can go to
9 a Class 3 lined landfill. Our staff estimates that
10 removing this material and disposing of it in the nearest
11 acceptable -- or the nearest disposal facility, which is
12 the American Avenue Landfill, will cost about \$1.2 million
13 for loading and hauling and about \$2.1 million for actual
14 disposal. To reduce the disposal costs we've been
15 pursuing options of using the debris as alternative daily
16 cover and waiving the disposal fees at the two nearest
17 facilities, the American Avenue Landfill and the City of
18 Clovis Landfill.

19 The City of Fresno, to assist with this, has
20 continued its local emergency condition, which will enable
21 us to -- gives us the possibility of using the material as
22 ADC under an emergency waiver of standards.

23 Of course this is going to cost a lot. And we've
24 also requested that the city provide a substantial
25 contribution to the final remediation of the site in terms

1 of funding or in-kind services. And on Friday -- late
2 Friday, the city manager sent a FAX indicating the city's
3 intent to provide in-kind assistance, including a truck,
4 labor, and generators, and its support for the county to
5 waive -- to accept the removed materials as ADC and waive
6 the tipping fees. And this could amount to about a \$2
7 million contribution in terms of the waiver of the tipping
8 fees.

9 We understand that Fresno County will be
10 considering this request as its May 13th Board of
11 Supervisors meeting. And so we'll be monitoring that
12 report back to you as soon as we find out. Depending on
13 the nature of that vote and our assessment of the overall
14 contribution of the city, we anticipate bringing a cleanup
15 item to you at the June Board meeting.

16 In the interim, the residual piles still do
17 contain combustible materials that do have potential for
18 fire. But as of Friday, in talking with staff on-site,
19 temperatures have not yet risen to 122 degrees, which is
20 our regulatory threshold for considering things active
21 composting, and certainly well below the levels that have
22 been seen -- the temperature levels that have been seen at
23 some others sites.

24 These piles are being monitored every other day
25 by the LEA, with assistance from program staff. And

1 response procedures are in place with various local and
2 state agencies to ensure suppression if anything -- any
3 fire does occur before the piles are removed.

4 We're also working with the legal office here to
5 determine whether there's any interim actions that need to
6 be taken until the piles are removed. I've asked staff to
7 give me a real quick assessment of the FAX letter that we
8 received from the city. And I'll forward that assessment
9 to you along with the FAX later today so you can see
10 what's at least been told to us so far.

11 And that's the end of my report.

12 If you have any questions, I'd be happy to answer
13 them.

14 CHAIRPERSON PAPARIAN: Any questions of Mr.
15 Levenson?

16 Mrs. Peace.

17 COMMITTEE MEMBER PEACE: So will the city get
18 diversion credit then for the Crippen's waste?

19 DEPUTY DIRECTOR LEVENSON: I'm sorry. I couldn't
20 hear you.

21 COMMITTEE MEMBER PEACE: Will the city be getting
22 diversion credit then for Crippen's waste?

23 DEPUTY DIRECTOR LEVENSON: I'll have to -- I'm
24 not sure how to -- Kathryn, you want to try and take a
25 crack at it?

1 MR. WALKER: Let me --

2 COMMITTEE MEMBER JONES: They've already gotten
3 diversion credit probably at the beginning.

4 DEPUTY DIRECTOR LEVENSON: I suppose they do.

5 MR. WALKER: Alternative daily cover is not
6 considered supposal. Now, we would coordinate work with
7 the Diversion, Planning, and Local Assistance Branch to
8 ensure that it's not double counted in terms of credit.

9 CHAIRPERSON PAPARIAN: I had a couple quick
10 questions on it.

11 My staff went and visited the site last week and,
12 among other things, told me that, you know, just by the
13 touch method, touching the pile, poking into it a little
14 bit, it's pretty warm. Howard, you mentioned it's not yet
15 100 -- what is it? -- 122 degrees. But it certainly
16 seemed to them a lot warmer than the ambient temperature.

17 What steps are being taken to deal with the
18 situation if it does flare up again? You know, if the
19 site catches on fire again, will we be able to quickly
20 respond? Or is there anything we can do to lessen the
21 possibility of it getting to a critical temperature?

22 DEPUTY DIRECTOR LEVENSON: Well, Wes will give
23 you an answer. But in looking -- just wanted to note that
24 in looking at an over -- aerial shot of the site, there's
25 not a lot of room to move the piles around and to make

1 them smaller. So that's one problem. We might cause more
2 problems if we start breaking up the piles. But we have
3 staff on site who's been taking temperature readings to
4 monitor that.

5 MR. MINDERMANN: Good morning, Mr. Chairman and
6 members of the Committee. My name is Wes Mindermann.

7 With respect to what's going on at the Crippen
8 site right now in terms of monitoring, the local
9 enforcement agency down there has increased their
10 inspection frequency to every other day. They've been
11 kind of doing that on a day-by-day basis, evaluating
12 whether or not they need to go out. They are monitoring
13 the temperature. They are also monitoring whether or not
14 carbon monoxide's being emitted from the site to ensure
15 that there's no subsurface fire.

16 With respect to a contingency plan, I believe
17 with all the agencies involved agree that the site --
18 given the conditions at the site right now, it's in the
19 most stable condition it could be put in. All the runoff
20 is contained. There's access to all areas of the pile.
21 If there was a fire to flare up again, we believe it could
22 be fought by the local resources. The water supply that
23 was used to fight the fire is still available at the site.

24 In terms of equipment from the Waste Board, if
25 they did make a call for heavy equipment, we have our

1 contractor, Irv Guinn Construction Company, an hour to the
2 south in Bakersfield. And we believe that we could get a
3 piece of equipment there within 12 to 24 hours if they did
4 make a call for a heavy piece of equipment.

5 So that kind of gives you an idea of what the
6 locals and what we have been doing from the program
7 standpoint in terms of monitoring the site.

8 CHAIRPERSON PAPARIAN: Is there much of a concern
9 about a possible flare up again or --

10 MR. MINDERMANN: I think there is a concern that
11 there could be a possible flare up. Our report indicated
12 that there's still 70 to 80 percent wood in that pile.
13 It's not just a pile of ash. There is combustible
14 material. However, we feel that risk is adequately
15 mitigated through the monitoring that we have ongoing
16 right now. And we feel that if there was a flare up, it
17 could be quickly addressed, and you would not have a
18 situation like you had when the fire first started back in
19 January.

20 CHAIRPERSON PAPARIAN: Thank you.

21 The record should note that Mr. Washington has
22 joined us.

23 Welcome, Mr. Washington.

24 COMMITTEE MEMBER WASHINGTON: Thank you.

25 CHAIRPERSON PAPARIAN: We're still on the Deputy

1 Director's report.

2 Did you have any ex partes you --

3 COMMITTEE MEMBER WASHINGTON: I have none.

4 CHAIRPERSON PAPARIAN: Okay. And we're just
5 finishing up on the Deputy Director's report. He told us
6 a little bit about the Crippen site. And a couple of us
7 had some questions about that.

8 You mentioned that they're monitoring for carbon
9 monoxide. As the site gets cleaned up, I just want to be
10 sure that the local public health and safety is taken into
11 account, you know, the environmental safety of the folks
12 around there. There was a lot of concern from local
13 residents about emissions as the site was burning. We
14 certainly want to avoid any concerns to the extent
15 possible about dust or anything else that might emerge as
16 the cleanup is happening.

17 MR. MINDERMANN: You know, those concerns are
18 understood. All those concerns would be addressed as part
19 of our contractor's workplan. If we were to go ahead with
20 the remediation of the site, the dust mitigation, odors,
21 fire suppression, would all be addressed as part of the
22 workplan of the contractor.

23 CHAIRPERSON PAPARIAN: Okay. Good.

24 Anything else? Anything else for Mr. Levenson.

25 Mr. Leary, did you have a report for us at all?

1 EXECUTIVE DIRECTOR LEARY: No.

2 CHAIRPERSON PAPARIAN: Before we jump into the
3 agenda, I wanted to -- Mr. Washington, this is your last
4 meeting, at least for now, on the P&E -- as a member of
5 the P&E Committee. We'll be making some changes -- the
6 Chairs made some changes in the Committee structure. So
7 I've certainly appreciated your participation. I think
8 you've helped provided a dose reality to some of the work
9 that we've been doing on the Committee. But we'll look
10 forward to working with you on the full Board on some of
11 these very same issues.

12 COMMITTEE MEMBER WASHINGTON: Thank you.

13 CHAIRPERSON PAPARIAN: Okay. Mr. Levenson.

14 DEPUTY DIRECTOR LEVENSON: Well, the first item
15 is consideration of new projects for the Solid Waste
16 Disposal and Codisposal Site Cleanup Program. That's also
17 Budget and Admin Committee Item B.

18 And presenting that will be Scott Walker and Wes
19 Mindermann.

20 MR. MINDERMANN: Good morning again, Mr. Chairman
21 and members of the Committee. My name is Wes Mindermann
22 of the Solid Waste Cleanup Program.

23 (Thereupon an overhead presentation was
24 Presented as follows.)

25 MR. MINDERMANN: Item 1 before you, which I

1 believe is Permitting and Enforcement Committee Item B, is
2 consideration of approval of new projects for the Solid
3 Waste Disposal and Codisposal Site Cleanup Program.

4 --o0o--

5 MR. MINDERMANN: There we go.

6 Okay. There we are.

7 Sorry about that.

8 Our first slide this morning presents a summary
9 of the projects that are proposed for approval by the
10 program. We have seven projects, totaling \$1.825 million.
11 Of that \$555,000 are proposed in grants and \$1.27 million
12 are proposed in Board-managed remediations.

13 My presentation this morning I'll go through a
14 brief description of each project and then summarize it at
15 the end.

16 --o0o--

17 MR. MINDERMANN: The first project up for
18 consideration is the City of Vallejo Illegal Disposal Site
19 Cleanup Grant. The City of Vallejo has responded to
20 the -- in the last year has responded to 1800 nuisance
21 dumping complaints. They've devoted 3,000 hours of city
22 staff time devoted to illegal dumping issues.

23 They've identified over 30 illegal disposal sites
24 within the city limits, all of which are on city property.
25 The city is requesting a grant to clean these sites up to

1 the tune of \$255,000. They estimate in-kind contributions
2 in terms of surveillance, monitoring, and ongoing
3 enforcement to total \$150,000.

4 Just to give you a little background, we have
5 been working with the City of Vallejo since late 2001 on
6 this proposal and are happy to bring it to the Board for
7 consideration today.

8 --o0o--

9 MR. MINDERMANN: The second site for
10 consideration is known as the Bird Land Illegal Disposal
11 Site down in Merced County.

12 This is a 12 acre illegal disposal site that was
13 operated by Mr. Ed Manuel Jr. as a private dump. It
14 contains over 2,000 yards of wood waste, 150 cubic yards
15 of treated wood waste, 400 cubic yards of gypsum board,
16 and various other materials.

17 The Merced County Public Health Department has
18 pursued enforcement against the estate of Mr. Manuel since
19 he recently passed away. They are requesting the Illegal
20 Disposal Site Cleanup Grant for \$300,000 to remediate the
21 site.

22 --o0o--

23 MR. MINDERMANN: I'm having a little trouble with
24 this. I apologize this morning.

25 The next site for your consideration is the

1 At this point the only thing we can say is the
2 most likely scenario to get these vehicles out is probably
3 to sky crane them out.

4 COMMITTEE MEMBER WASHINGTON: Wes, what are they
5 doing to prevent this from happening in the future?

6 MR. MINDERMANN: Well, I think what they're going
7 to do to prevent this from happening in the future is
8 probably to be a lot more aggressive on their enforcement
9 and patrol, that when vehicles do become disabled, they're
10 going to have to take immediate action to try and get them
11 out of there.

12 Again, it's a difficult situation. You have
13 people accessing the park through off-road vehicles. Some
14 of these vehicles, it has been purported to us, were
15 stolen and people take into the park for joyrides. But I
16 think the best scenario is quick enforcement against the
17 responsible party.

18 They have been trying to take VIN numbers and
19 identify previous owners. However, it has been reported
20 to us that they've had limited success because some of
21 these vehicles are so old that after a certain number of
22 years DMV, when they don't have current registrations,
23 cycles them off of their reports, assuming that they've
24 been salvaged or moved to another state.

25 So they have had limited success with that. We

1 will be trying to work with the Highway Patrol and maybe
2 the county vehicle abatement to see if we can have better
3 luck once we remove them.

4 But in terms of future actions, the best thing
5 they can do is increase their enforcement. You have to
6 realize though too, this is a 28,000 acre park. They have
7 two rangers assigned to this for duty. So due to their --

8 COMMITTEE MEMBER WASHINGTON: They need to close
9 half of the park down.

10 MR. MINDERMANN: I'll pass that recommendation
11 on.

12 (Laughter.)

13 --o0o--

14 MR. MINDERMANN: Here's another example of the
15 types of waste found throughout the State. This waste
16 here was probably left from previous operations before it
17 was acquired as a state park. You can see it's relatively
18 old and used as target practice for a number of years.
19 But we're also proposing on the material that we can get
20 to, removing it.

21 We estimate that project's probably going to cost
22 \$125,000. And, again, we're recommending a waiver of cost
23 recovery against the State Parks Department of Recreation.

24 --o0o--

25 MR. MINDERMANN: Our next site up for

1 consideration is the Sonoma Developmental Center upper
2 disposal area. This is located immediately to the west of
3 the Sonoma Developmental Center. You can see by the
4 overview here, the site is located in a rural area in a
5 watershed. As you look at this, you can see the site is
6 highlighted. If you look to your right downstream, you
7 can see Fern Lake, which is the water supply for the
8 developmental center hospital there.

9 This site was until recently was owned by the
10 Department of Developmental Services. It was transferred
11 as part of state surplus lands to the Department of Parks
12 and Recreation and now is part of Jack London State Park.

13 We're interested in cleaning it up because it
14 sits in a watershed that's used as a water supply. We've
15 been working with the Regional Water Quality Control Board
16 and the Department of Toxic Substances Control on this.

17 --o0o--

18 MR. MINDERMANN: As you can flip through, you can
19 see it's a heavily wooded area. On the right is the
20 disposal area. And this is the access road to the back of
21 it. You can see there the developmental center's attempt
22 at site security there.

23 --o0o--

24 MR. MINDERMANN: If you get down on the hill,
25 that's what it looks like. The Department at the

1 developmental center had two disposal areas. They worked
2 hard to clean up one. And they actually attempted to
3 clean up this site, but were unable to do so because of
4 the steep terrain. Right now because the land was
5 transferred to Department of Parks and Rec, as the land
6 owner they might be considered a responsible party. But
7 as they are a state agency and did not contribute to the
8 dumping and hold the land for public benefit, we are
9 recommending a waiver of cost recovery for them.

10 Department of Developmental Services had a budget
11 deficit of \$1.7 million for Fiscal Year 2001-2002. I've
12 been informed via letter that the deficit has now risen to
13 \$3.5 million for the current fiscal year. And the next
14 fiscal year does not look that great either. So they are
15 clearly unable. We're recommending a waiver of cost
16 recovery against the Department of Developmental Services
17 because they have transferred the land for public benefit,
18 which has a value, believe it or not, in Sonoma County, of
19 over \$20 million. The land value letter there is \$33,000
20 an acre.

21 And also that they have gone to extreme efforts
22 to clean up their other disposal site and tried to clean
23 this disposal site up.

24 --o0o--

25 MR. MINDERMAN: Here's another picture looking

1 up the slope at it. The sit was operated essentially from
2 1940 to 1960.

3 --o0o--

4 MR. MINDERMANN: Here's one of our more
5 interesting sites. This site was discovered as a result
6 of our recent efforts to identify Crippen-like sites
7 throughout California. It's known as the Ralco illegal
8 disposal site in San Luis Obispo County, and up until
9 early 2002 was operated as a recycling center.

10 Types of waste on the site include 1200 cubic
11 yards of wood waste, 500 cubic yards of trash and litter,
12 300 cubic yards of plastics, 240 cubic yards of glass, a
13 lot of recyclables. We've been requested by the LEA down
14 there to perform a Board-managed remediation on the site.

15 Here's another example of the type of material
16 there.

17 --o0o--

18 MR. MINDERMANN: We estimate the cost will be
19 \$225,000. We will pursue cost recovery against the
20 responsible party.

21 --o0o--

22 MR. MINDERMANN: Here is another site, the final
23 site, I believe, Site Number 7, The Bethencourt illegal
24 disposal site in Imperial County. It's a wood waste site,
25 and again was discovered as a result of our statewide

1 survey for Crippen-like C&D processing facilities.

2 We believe the cost is going to cost us \$260,000
3 to process and remove all the wood waste.

4 As an update here, this site is currently
5 undergoing an enforcement action. We had proposed it,
6 assuming that the enforcement action would not result in
7 the cleanup and that we would be asked to clean it up in
8 the near future.

9 At 9 o'clock this morning I got faxed a letter
10 from the owner, Mr. Carlos Bethencourt, stating that
11 the -- and I quote here -- "For the wood waste material
12 that has been -- starting on May 27th the processed
13 material will be removed and hauled to CalMac Energy,
14 Incorporated." So we are hopefully optimistic that this
15 site is going to get cleaned up by itself. But due to the
16 late nature of the information from the property owner, we
17 would request that the Board approve the site for a
18 Board-managed remediation. And if the owner does comply
19 with the notice and order, then we would not expend funds
20 and report back to the Board that the site has been
21 cleaned up. However, if the owner does fail to comply
22 with the notice and order, we would then move ahead with
23 the Board-managed cleanup.

24 --o0o--

25 MR. MINDERMAN: Here's another look at it. You

1 can see it's essentially a lot of wood waste and a very
2 dry area.

3 --o0o--

4 MR. MINDERMANN: Here again is the summary of the
5 sites. Two grants, five Board-managed proposals. We were
6 asking for a waiver of cost recovery from the California
7 Department of Parks and Recreation and the Department of
8 Developmental Services for work performed on their
9 projects.

10 --o0o--

11 MR. MINDERMANN: In summary, we're recommending
12 the Board approve the project as proposed and adopt
13 Resolution 2002-283.

14 That concludes my presentation. I'd be happy to
15 answer any questions.

16 CHAIRPERSON PAPARIAN: Any questions?

17 Mrs. Peace.

18 COMMITTEE MEMBER PEACE: West, on the Bethencourt
19 site, are we giving them a certain amount of time to get
20 this cleaned up before we go in and clean it up?

21 MR. MINDERMANN: That's right. The notice and
22 order does have some specific dates for, number 1, a fire
23 prevention plan and then, number 2, the clean up of the
24 site. I don't have those dates with me. But I believe
25 the compliance dates are sometime in July. So assuming

1 that the owner does not clean those sites up by that date,
2 that would be the time then we would move ahead with a
3 Board-managed cleanup, unless the LEA felt that the owner
4 was making a good-faith effort and just needed more time
5 to comply with the order.

6 And, also, program staff have agreed with that
7 notice and order and the conditions on the order.

8 COMMITTEE MEMBER PEACE: You're not worried about
9 this being like another Crippen site that could catch fire
10 before July?

11 MR. MINDERMANN: You know, that is the main
12 concern. It's located out in Niland, which is kind of
13 rural Imperial County. It doesn't have the population
14 density around it that I believe the Crippen site does.
15 However, you know, in our staff going out and looking at
16 the site, we noticed that there was not adequate fire
17 protection, there wasn't an adequate water source. So
18 there is the potential for that becoming another
19 Crippen-like fire.

20 But it looks like the owner's moving ahead. He
21 is working with the fire marshal in coming up with a plan.
22 He is trying to establish a water source to prevent fires.
23 It does appear, if the facts in his letter, his May 5th
24 letter, are correct, he is moving ahead with the clean up.
25 So, again, we're cautiously optimistic that this site is

1 going to clean itself up.

2 COMMITTEE MEMBER JONES: Mr. Chair.

3 CHAIRPERSON PAPARIAN: Mr. Jones.

4 COMMITTEE MEMBER JONES: The Ralco site -- I was
5 at the Ralco site last week. I was in San Luis Obispo on
6 a tour of all the landfills and MRFs down there.

7 The Ralco site is a good example of one of the
8 issues about enforcement. This was a site where the
9 operator continued to bid on contracts to recycle. And
10 when you look at this facility, it is an absolute
11 disaster. And nobody responded in a timely manner to deal
12 with it because he was, quote-unquote, a recycler, you
13 know. And I say that because I operated facilities that
14 were recycling; and I think I share an awful lot of
15 frustration from the industry when we talk about
16 enforcement and we talk about regulations, that when these
17 kinds of facilities are allowed to continue to operate, we
18 have a huge, huge flaw in our system.

19 So this needs to be an example I think of future
20 LEA workshops about, you know, how does a site that calls
21 themselves something that would be unregulated fit into
22 the regulatory scheme. This is going to cost us a lot
23 more money because there is anecdotal information that
24 there's hazardous waste on this site. So I think we need
25 to be prepared to uncover some ugly stuff.

1 But this is has got to be chronicled, I think
2 with pictures, and used as a part of LEA training to make
3 sure that people understand that these sites can't be
4 allowed. This is what frustrates legitimate operators,
5 when something like this is going to go, and now we're
6 going to spend 300 gland to clean it up. And yet this
7 operator was still able to bid on contracts up until just
8 months ago.

9 I don't know if this guy owned the land that he's
10 on. But I do know that the other piece of land that's
11 owned just got sold -- across the street. So even if we
12 wanted to attach, the decent piece of property has already
13 been sold, which isn't our fault. But somebody needs to
14 be talking to somebody about making sure that we're --
15 that an LEA is aware, if nothing else when that notice and
16 order is there that they put in, something so that they
17 can't be, you know, selling off their assets and the
18 stakeholders in California get stuck with the bill.

19 I mean I'm going to go along with all of these,
20 but Ralco's going to be a problem. If any of that
21 anecdotal information's right, we're going to find
22 hazardous waste on this site.

23 CHAIRPERSON PAPARIAN: Yeah, it actually looks
24 like there may be a television right there in the middle
25 of that picture. But I'm not quite sure if that's right

1 or not.

2 The other picture you showed of this site showed
3 a number of blue recycling bins. And while it's -- you
4 know, it's hard to tell from the picture, but it looks
5 like some of those might be in good condition.

6 Do we try to recover those and get them to maybe
7 small jurisdictions that need them or --

8 MR. MINDERMANN: Well, we are going to try and do
9 the best we can here to minimize our costs. This one's
10 kind of a head scratcher for program staff, at least
11 initially, because it's probably one of the first
12 recycling-- true recycling sites we have. There's a
13 number of vehicles. There's a lot of equipment. We may
14 try -- we're going to try and recycle as much as we can.
15 We may try to auction off some of it. At this point we're
16 not really sure how it's going to work. But we will do
17 the best we can.

18 CHAIRPERSON PAPARIAN: Can you go back to the
19 Lassen site, the picture you showed us of the Lassen site?

20 MR. MINDERMANN: Sure. Let's see here.

21 That's Red Rock.

22 Here we go. There's Lassen. There's one of the
23 photos, the earlier photo.

24 CHAIRPERSON. PAPARIAN: Probably actually that
25 one. Yeah, hold -- no, wait. Go back to that one. That

1 was the one.

2 It looks like -- I don't know if it's right or
3 not, but it looks like it could be part of a Public Works
4 project. Do you see the yellow line?

5 MR. MINDERMANN: That's right. Yeah, this could
6 have been generated as part of road operations over the
7 years. These were kind of legacy disposal sites. There's
8 not a lot of history on them. The park system has a lot
9 of turnover. But it could have been part of a Public
10 Works project. Most likely it probably was from within
11 the park system.

12 So, again, you know, we're looking at these as
13 legacy sites. We have an agreement to go in and work on
14 these various dump sites throughout the national parks in
15 California. And this is some that was proposed by the
16 national park system for us.

17 CHAIRPERSON PAPARIAN: Is this within the
18 national park, this one?

19 MR. MINDERMANN: It is.

20 CHAIRPERSON PAPARIAN: So it's possible it could
21 have been in one of their contractors or one of their
22 employees if it was a Public Works project.

23 MR. MINDERMANN: It may have been. Again, like I
24 said, these are legacy sites. There's not a lot of
25 history on them. A lot of this waste that was generated

1 was part of the national -- the operation of the national
2 park itself.

3 It's like I tell people, they find it hard to
4 believe, but there are actually burn dumps on the floor of
5 Yosemite Valley. And those were part of the operation of
6 the hotels and the concessions over the years.

7 So while, you know, the national park system
8 would be a responsible party, we do have an agreement to
9 match costs with them and feel that, you know, it's in the
10 public interest to do it.

11 CHAIRPERSON PAPARIAN: My last question was about
12 the Bethencourt site. You don't need to go to the
13 picture.

14 Is there any concern that if we allocate the
15 money here that the owner will have less of an incentive
16 to clean it up himself?

17 MR. MINDERMANN: I think the case is exactly the
18 opposite, Mr. Paparian. I think -- you know, I have been
19 in contact with the owner of the site or responsible party
20 of the site twice. And I think the threat of going in and
21 doing the Board-managed remediation and placing a lien on
22 that property is going to be the incentive to get that
23 site cleaned up, I hope.

24 CHAIRPERSON PAPARIAN: Okay. Good.

25 Any other questions?

1 COMMITTEE MEMBER PEACE: Just a general question.
2 What dictates whether it's a Board-managed
3 cleanup or if we just give the county the funds to do
4 their own cleanup?

5 MR. MINDERMANN: That's a good question. A lot
6 of it is what does the proponent of the project request to
7 do? Grants are made available to public entities. In
8 some of these cases a grant would be available, such as to
9 Red Rock Canyon State Park. They're the Department of
10 Parks and Recreation. However, it's really up to them and
11 us to evaluate whether or not they really have the
12 resources to manage a grant. And in most cases parties
13 request Board-managed remediations.

14 However, in some cases, like with the City of
15 Vallejo and Merced County on the Bird Land Disposal Site,
16 they request a grant because, you know, they have the
17 resources to manage that grant, do the contracting for
18 that grant. It is a cumbersome process to go out, manage
19 the grant in accordance with the requirements that we as
20 the Board put on them, and then also to do the contracting
21 out to do the cleanups, monitor those cleanups in addition
22 to your normal duties as a park ranger or park
23 administrator.

24 COMMITTEE MEMBER JONES: Mr. Chair.

25 CHAIRPERSON PAPARIAN: Mr. Jones.

1 COMMITTEE MEMBER JONES: The Bettencourt site
2 looked like it was -- that sign at the beginning, the
3 first slide -- he was charging to bring in that wood
4 waste. And he'd even upload the trucks for you, it looked
5 like.

6 MR. MINDERMANN: I believe you're talking above
7 the Bird Land.

8 COMMITTEE MEMBER JONES: Or the Bird Land.

9 MR. MINDERMANN: Yeah, he was. He actually
10 advertised in the local paper as a local dump.

11 COMMITTEE MEMBER JONES: Okay. I'm going to move
12 adoption of Resolution 2003-283, consideration of new
13 projects for the Solid Waste Disposal and Codisposal Site
14 Cleanup Program.

15 COMMITTEE MEMBER PEACE: Second.

16 CHAIRPERSON PAPARIAN: Okay. We have a motion
17 and a second.

18 Secretary, call the roll.

19 SECRETARY KUMPULAINIEN: Jones?

20 COMMITTEE MEMBER JONES: A.

21 SECRETARY KUMPULAINIEN: Peace?

22 COMMITTEE MEMBER PEACE: A.

23 SECRETARY KUMPULAINIEN: Washington?

24 COMMITTEE MEMBER WASHINGTON: Aye.

25 SECRETARY KUMPULAINIEN: Papanian?

1 CHAIRPERSON PAPARIAN: Aye.

2 And I think this would be a candidate for fiscal
3 consensus. It will also be going to the Budget and Admin
4 Committee.

5 COMMITTEE MEMBER WASHINGTON: Mr. Chair, if I
6 could pose a question to you or to Mr. Levenson in terms
7 of -- I'm just concerned, Wes, that people -- this whole
8 thing about legacy sites are starting to become like a
9 norm now. And I hope that we don't go down the road of
10 allowing everyone that we find something that's going on
11 that's illegal, they find out the term "illegal legacy"
12 could be used and perhaps free them from being responsible
13 for these sites.

14 I just want to make sure we don't get into this
15 thing of allowing everybody to come in and say, "Oh, this
16 is a legacy site. The stuff's been here since 1964." And
17 it has 1998 on the dates when you go out and look at some
18 of this stuff. So I just hope that we're careful about
19 doing that because I'm starting to hear it more often than
20 none that we're constantly saying legacy sites. And
21 that's just starting to concern me.

22 MR. MINDERMANN: And that is our concern also.
23 Like I said, we -- the way we view legacy sites are sites
24 that were operated in accordance with the regulations at
25 the time, and, you know, due to the current nature of the

1 conditions at the site are a threat to public health and
2 safety and the environment. I can say this: That none of
3 the sites at Lassen National Park or the Sonoma
4 Developmental Center would fit that -- as you described
5 it, that illegal disposal site category. But we're always
6 aware of that.

7 COMMITTEE MEMBER PEACE: Can I ask one more
8 general question? That there was \$8.5 million in a
9 cleanup fund, is that a year that's put into this Solid
10 Waste Cleanup Trust Fund?

11 MR. MINDERMAN: The amount that is put into the
12 Solid Waste Cleanup Trust Fund is subject to what's
13 approved by the Legislature and the Budget Act.
14 Historically, it's been \$5 million a year except for the
15 first year where it was started with \$8 million. I
16 believe my last slide I had an update on the trust fund,
17 if you'd like to go over that.

18 Here you can see -- and let me put my standard
19 disclaimer on this. This is the status of the Solid Waste
20 Cleanup Trust Fund. And I kind of call it the world
21 according to Wes. This is something I use to manage the
22 project -- or manage the program on a day-to-day basis on
23 numbers that are picked up from our budget office, our
24 accounting office, our contracting office.

25 You can see here that the fund balance on March

1 31st was about \$17 million. The amount we have available
2 for project is known as the unreserved balance, which sits
3 at right now at about 8.4 million. The other funds are
4 currently encumbered in contracts and grants that are
5 currently being utilized by grantees throughout the State.

6 Now, there's a little bit of a lag here on the
7 generation of this number. So as you move down you can
8 see encumbrances that we have approved early in the fiscal
9 year that probably are not in that \$8 million, which
10 includes the Crippen contract augmentation in February,
11 our consultant augmentation in March, our City of Vallejo
12 IDS grant if the Board does approve it this month, and our
13 Bird Land grant if the Board does approve it in this
14 month. So you can see that if we go forward with this
15 month, we will have about \$6.3 million available.

16 The next line below that you can see my proposed
17 encumbrances, which are new remediation contracts to
18 replace the existing remediation contracts in August of
19 this year, most likely. And that will be \$3 million.

20 So what I would say this shows you is probably
21 how we're going to head into next fiscal year. What it
22 doesn't show you is what may get approved by the
23 Legislature for the trust fund. I don't know what that
24 is. We have the May revise coming out. So -- I would
25 hope as program staff it would be \$5 million again this

1 fiscal year, but that remains to be seen.

2 The other thing that this -- the other thing that
3 this chart doesn't -- or this table does not show you is
4 what's known as prudent reserve. All of that \$3.3 million
5 will not be available. We have to maintain a certain
6 amount in the trust fund as a prudent reserve. And that
7 tends to flow between \$500,000 and \$1 million, I've been
8 told by the Budget Office.

9 So that's kind of where we are with the trust
10 fund right now, just to let you know how we're going to go
11 into next fiscal year.

12 COMMITTEE MEMBER PEACE: Thank you.

13 CHAIRPERSON PAPARIAN: Okay. Next item.

14 DEPUTY DIRECTOR LEVENSON: The second item, which
15 will again be presented by West Mindermann, is
16 consideration of grant agreement time extensions for the
17 City of Pomona and for the City of Oakland for Illegal
18 Disposal Site and Landfill Cleanup Remediation Grants, in
19 this 8th cycle.

20 Wes, if your voice is okay.

21 MR. MINDERMANN: Thank you again, Howard.

22 (Thereupon an overhead presentation was
23 Presented as follows.)

24 MR. MINDERMANN: This should be a fairly
25 straightforward item. We have two grants right now are

1 illegal disposal site cleanup grants, one with the City of
2 Oakland to clean up illegal disposal sites within their
3 jurisdiction and one with the City of Pomona to clean up
4 illegal disposal sites within their jurisdiction.

5 I thought it would be helpful before we got too
6 far into the discussion would be to show you what the
7 current status is.

8 --o0o--

9 MR. MINDERMANN: The City of Pomona grant was
10 awarded in June of 2001. The grant amount was a half a
11 million dollars. To date they've requested and approved
12 \$210,000, and they've got about \$290,000 to go.

13 The current expiration date is May 15th of this
14 month. They have requested a one-year extension to
15 complete the requirements of the grant. Program staff
16 have viewed that request and believe that they can get it
17 done. So we are recommending that that grant be extended
18 for one year.

19 --o0o--

20 MR. MINDERMANN: The City of Oakland grant is
21 virtually identical. It was awarded at the same time. It
22 was for slightly less money, \$499,000, give or take. The
23 amount requested -- the amount they have requested so far
24 is \$157,000, and they have a balance of \$342,000 left.

25 Again, the expiration date is May 15th. And the

1 Executive Director, has authority to grant extensions.

2 But I also understand these are, you know, fairly hefty
3 amounts.

4 But is it possible to just have the executive
5 director grant extensions in situations like this, or --

6 EXECUTIVE DIRECTOR LEARY: I don't believe so.

7 What comes to my mind, as you mentioned it, Board Member
8 Paparian, is my ability to grant extensions or grant the
9 PEP policy emergency regulations. I mean I have the sort
10 of authority to associate with that. I'm not -- well,
11 Wes, you know this program better than I do.

12 Does this ring a bell with you? It doesn't with
13 me.

14 MR. MINDERMANN: I do believe there were some --
15 in discussing the issue with the Legal and Grants
16 office -- I don't want to put words in their mouth. But I
17 think the issue with this grant, if I can move back
18 here -- and I'll go back to these deadlines.

19 You can see the approval date was in June of
20 2001, which was fiscal year 0001. Typically our grants
21 have a three-fiscal-year limitation, including the fiscal
22 year in which it's awarded. So what you have here is you
23 have two grants that we're proposing extending beyond the
24 three-fiscal-year limitation; and, therefore, we require
25 approval by the Board to do it.

1 CHAIRPERSON PAPARIAN: Mr. Washington, you had a
2 question?

3 COMMITTEE MEMBER WASHINGTON: When they apply for
4 this grant, do they -- how many sites are we talking about
5 in the Pomona site?

6 MR. MINDERMANN: I don't recall the exact number
7 of sites. I believe it was 30 to 50. They had proposed
8 some changes on the sites as they'd moved to clean some of
9 the areas up, and have had some success. They proposed
10 other areas to clean up.

11 So it's a significant number of sites in each
12 jurisdiction.

13 COMMITTEE MEMBER WASHINGTON: And I guess that's
14 the same with the Oakland, roughly around the same amount
15 of sites?

16 MR. MINDERMANN: That's correct.

17 COMMITTEE MEMBER WASHINGTON: Thirty to Fifty.

18 When they apply for these grants, was this
19 expiration date a part of the grant when they applied for
20 it?

21 MR. MINDERMANN: Yes, it was.

22 COMMITTEE MEMBER WASHINGTON: And I guess I'm
23 saying that because that just concerns me that when people
24 apply for these grants they know that they have a certain
25 amount of time to do this and to come back and ask for --

1 almost two year later for an extension. You know, just
2 raise some concerns. I mean I'll support it. But, you
3 know, I just think that that is ironic that they would
4 come back and ask for an extension after all almost two
5 years.

6 MR. MINDERMANN: Right. Mr. Washington, we're
7 very concerned about that as program staff also. We want
8 to see our grantees comply with all the provisions of the
9 agreement, which includes the deadline. The reasons that
10 were cited by the various grantees were, for example,
11 staffing turnovers; the events of September of 2001, due
12 to, you know, diverting of resources to deal with homeland
13 security. You know, their illegal dumping enforcement
14 program at that point took a back seat for a few months.
15 They have had some staffing changes. You know, we review
16 these requests. We --

17 COMMITTEE MEMBER WASHINGTON: I'm sorry. Is this
18 a matching grant?

19 MR. MINDERMANN: No, this is not a matching
20 grant. This is a --

21 COMMITTEE MEMBER WASHINGTON: So what does
22 September 11 have to do with?

23 MR. MINDERMANN: Well, it has to do -- again, as
24 I was discussing with Board Member Peace earlier, it has
25 to do with the resources to manage the grant. And those

1 are city resources. And they've had to make some changes.
2 They've had a -- for example, the City of Oakland has a
3 new supervisor that was appointed to the Illegal Dumping
4 Section. You know, we don't get these requests often. We
5 want our grantees to comply with all the terms of the
6 agreement. However, we have reviewed their requests and
7 feel that they can complete the grant if they're given a
8 one-year extension.

9 CHAIRPERSON PAPARIAN: Anything else? Keep going
10 if you have anything else.

11 COMMITTEE MEMBER WASHINGTON: No.

12 CHAIRPERSON PAPARIAN: Okay. Mr. Jones.

13 COMMITTEE MEMBER JONES: Mr. Chair, I'll move
14 adoption of Resolution 2003-284, consideration of grant
15 agreement time extensions for the City of Pomona and the
16 City of Oakland for the Illegal Disposal Site and landfill
17 Cleanup Remediation Grant, Cycle 8.

18 COMMITTEE MEMBER PEACE: Second.

19 CHAIRPERSON PAPARIAN: Okay. There's a motion
20 and a second.

21 Secretary, call the roll.

22 SECRETARY KUMPULAINIEN: Jones?

23 COMMITTEE MEMBER JONES: Aye.

24 SECRETARY KUMPULAINIEN: Peace?

25 COMMITTEE MEMBER PEACE: Aye.

1 SECRETARY KUMPULAINIEN: Washington?

2 COMMITTEE MEMBER WASHINGTON: Aye.

3 SECRETARY KUMPULAINIEN: Papanian?

4 CHAIRPERSON PAPANIAN: Aye.

5 And I think this would be another candidate for
6 fiscal consensus. It's also going to Budget and Admin
7 Committee.

8 DEPUTY DIRECTOR LEVENSON: Excuse me, Mr. Chair.

9 This one does not need to go to Budget And Admin
10 because the monies are already encumbered. So if we -- if
11 you consider consent on this, we'd appreciate it.

12 CHAIRPERSON PAPANIAN: Either consent or fiscal
13 consent, whichever one works, is fine.

14 EXECUTIVE DIRECTOR LEARY: Since it's only a time
15 extension, it could be on consent.

16 CHAIRPERSON PAPANIAN: Okay. Consent, it is.

17 The next item is the Tierra Verde composting
18 facility. My suggestion would be we take this item up and
19 then take a break after this item.

20 Go ahead, Mr. Levenson.

21 DEPUTY DIRECTOR LEVENSON: Okay. This is the
22 first of a series of four permit items before you today.
23 As you said, Mr. Chair, this is consideration of a revised
24 full solid waste facilities permit for composting facility
25 for the Tierra Verde --

1 COMMITTEE MEMBER JONES: Howard, could you pull
2 that a little closer.

3 DEPUTY DIRECTOR LEVENSON: Is that okay?

4 COMMITTEE MEMBER JONES: Yes.

5 DEPUTY DIRECTOR LEVENSON: Consideration of A
6 Revised full solid waste facilities permit (composting
7 facility) for the Tierra Verde Industries in Orange
8 County.

9 And Tad Gebrehawariat will be presenting this
10 item for you.

11 MR. GEBREHAWARIAT: Good morning.

12 The proposed revised permit is to allow the
13 following changes:

14 Increase the permitted composting area from 6 to
15 7 acres. Increase the permitted hours of operation from 7
16 a.m. to 4 p.m., Monday through Saturday -- that's
17 current -- to the new 5 a.m. to 10 p.m., 7 days per week.

18 The permit is also to increase the daily traffic
19 volume at the facility from 100 to 350 vehicles per day.

20 As well, the permit is to increase the permitted
21 maximum tonnage, from 420 tons per day to 10,500 tons per
22 week.

23 And the permit is also to allow the onsite sale
24 of final product in bulk form on a wholesale or retail
25 basis.

1 As we have presented in the table on page 4 of
2 the agenda item, all of the requirements for the proposed
3 revised permit have been met.

4 As we also discussed in the agenda item, there is
5 an outstanding violation of terms and conditions of the
6 permit. However, Board concurrence with the proposed
7 permit and its subsequent issuance by the LEA will correct
8 the violation.

9 Therefore, staff recommend that the Board adopt
10 Solid Waste Facility Permit Decision Number 2003-285,
11 concurring with the issuance of Solid Waste Facility
12 Permit Number 30-AB-0369.

13 Ms. Patricia Hunchy of the LEA and Mr. Chris
14 Cazarian and Mr. Chip Clements from the operation are here
15 to answer any questions you may have.

16 And this concludes staff presentation.

17 CHAIRPERSON PAPARIAN: Mr. Washington.

18 COMMITTEE MEMBER WASHINGTON: Did you say there
19 was no -- you say there was a violation?

20 MR. GEBREHAWARIAT: There is one in our -- when
21 we conducted a pre-permit inspection we found that the
22 facility operation had exceeded the terms and conditions
23 of the existing permit, so we called it a violation.

24 COMMITTEE MEMBER WASHINGTON: Is that the first
25 violation that occurred? On my page on the compliance

1 history it has no violations from '98 up until 2003.

2 MR. GEBREHAWARIAT: Well, that's actually an
3 error on our part.

4 COMMITTEE MEMBER WASHINGTON: It is?

5 MR. GEBREHAWARIAT: It's the LEA -- well, let me
6 correct this.

7 The LEA sees that it's not a violation, but we
8 say it's a violation and there's a reason for that. We
9 feel that the permit -- the 1995 permit was exceeded
10 because the tonnage that we found when we reviewed the
11 records were higher than what's allowed in the permit.
12 The facility is conducting the wholesale and retail sale
13 of products today, and that's a prohibition in the 1995
14 permit. And we saw that's also a violation of the terms
15 and conditions.

16 So in the write-up, you're right, that we missed
17 it, and it says correct. But we were actually looking at
18 the Swiss database and looking at the LEA's work. And we
19 should in fact have said one violation and identified that
20 it was on the basis of Board staff inspection.

21 COMMITTEE MEMBER WASHINGTON: Is that from '98 to
22 2003 or just 2003?

23 MR. GEBREHAWARIAT: I'm sorry?

24 COMMITTEE MEMBER WASHINGTON: The violation, is
25 it from -- because it said no violations from '98 to 2003.

1 Are we talking about --

2 MR. GEBREHAWARIAT: For the January through April
3 2003 there should have been one violation.

4 COMMITTEE MEMBER PEACE: Does this also mean
5 there are no violations of state minimum standards?

6 MR. GEBREHAWARIAT: There is no violation of the
7 state minimum standards at the facility. The operation
8 actually is very good.

9 CHAIRPERSON PAPARIAN: Any other questions?

10 COMMITTEE MEMBER JONES: I do.

11 CHAIRPERSON PAPARIAN: Mr. Jones.

12 COMMITTEE MEMBER JONES: What I'm hearing you say
13 is that the violation is that they're selling retail and
14 wholesale and that becomes a violation?

15 MR. GEBREHAWARIAT: In the 1995 permit for some
16 reason there is a language that prohibits that activity.
17 And in fact they do it and they've been doing it. We
18 don't understand why it's in the permit and --

19 COMMITTEE MEMBER JONES: Yeah, I mean how do you
20 operate a composting facility without one to sell the
21 material? I mean that's -- if that's the permit
22 violation, then that's pretty amazing. I mean that's what
23 a composting facility does. It makes a product to sell.

24 I mean --

25 CHAIRPERSON PAPARIAN: Yeah. I wonder if we want

1 to -- does the LEA want to respond to that at all?

2 COMMITTEE MEMBER JONES: They're saying it's not
3 a violation. So -- I mean I just --

4 CHAIRPERSON PAPARIAN: I understood. But we'll
5 just give the LEA the opportunity.

6 MS. HUNCHY: Patty Hunchy with The LEA.

7 That condition in the permit was put in there
8 under the conditional use permit. And if you notice in
9 the permit we're proposing today, we took that out,
10 because obviously that's not something that we should be
11 regulating. So the violation and the concern really was
12 the permitted tonnage that was originally worked out with
13 the operator.

14 COMMITTEE MEMBER JONES: Okay. Mr. Chair.

15 CHAIRPERSON PAPARIAN: Mr. Jones.

16 COMMITTEE MEMBER JONES: I do want to, before I
17 make this motion, acknowledge that Chris Cazarian and his
18 family, these were the folks when we did the PR 1193 air
19 testing of composting facilities that were so critical to
20 this Board and to this industry, to come up with data that
21 was valid as opposed to the seven year old data that was
22 being debated -- the Cazarrians offered their facility,
23 worked with our Board staff to come up with the data, and
24 went through us -- I mean went through having to deal with
25 us for I think about six or eight weeks while we

1 accumulated the data that was supported both by the South
2 Coast Air District and the Board and now is the basis for
3 new work at the South Coast trying to come up with proper
4 regulations. I did not want to let Chris leave without
5 letting him know that this Board really does appreciate
6 all the work at that site that he and his dad and brother
7 did for us. We appreciate it.

8 And with that, if there's no other questions,
9 I'll move adoption of Resolution 2003-285, consideration
10 of a revised full solid waste facility permit (composting
11 facility) for the Tierra Verde Industries in Orange
12 County.

13 COMMITTEE MEMBER WASHINGTON: Second.

14 CHAIRPERSON PAPARIAN: There's a motion and a
15 second.

16 Secretary, call the roll.

17 SECRETARY KUMPULAINIEN: Jones?

18 COMMITTEE MEMBER JONES: Aye.

19 SECRETARY KUMPULAINIEN: Peace?

20 COMMITTEE MEMBER PEACE: Aye.

21 SECRETARY KUMPULAINIEN: Washington?

22 COMMITTEE MEMBER WASHINGTON: Aye.

23 SECRETARY KUMPULAINIEN: Paparian?

24 CHAIRPERSON PAPARIAN: Aye.

25 And I think this would be a candidate for the

1 consent calendar.

2 So with that let's take a ten-minute break and
3 come back at 10 minutes to 11.

4 (Thereupon a recess was taken.)

5 CHAIRPERSON PAPARIAN: Okay. We'll get started
6 again.

7 Any ex partes?

8 Mr. Washington.

9 COMMITTEE MEMBER WASHINGTON: I have none.

10 CHAIRPERSON PAPARIAN: Mrs. Peace.

11 COMMITTEE MEMBER PEACE: I have none.

12 CHAIRPERSON PAPARIAN: Mr. Jones.

13 COMMITTEE MEMBER JONES: Chuck Helget and the
14 manager of the Sunshine Canyon facility.

15 CHAIRPERSON PAPARIAN: And I said hello to John
16 Cupps, to Chris Cazarian, and Chris Clements.

17 Okay. Mr. Levenson, next item.

18 DEPUTY DIRECTOR LEVENSON: Okay. We're ready to
19 move on to item F, which is consideration of a revised
20 full solid waste facilities permit (transfer/processing
21 station) for the Fallbrook Recycling and Transfer Station,
22 San Diego County.

23 And Tad will be giving that presentation as well.

24 MR. GEBREHAWARIAT: Good morning again.

25 The proposed revised permit is to allow the

1 following changes:

2 Increase the daily level of traffic at the
3 facility from 583 to 783 passenger car equivalents,
4 increase the permitted maximum daily tonnage from 400 to
5 500 tons per day, allow receipt of nonputrescible solid
6 waste hauled by the public, and green waste materials in
7 bunkers outside the tipping building field.

8 In the agenda staff presented three -- that there
9 were two outstanding issues relative to this item. One
10 issue had to do with the violation of the terms and
11 conditions of the permit that we found at the facility at
12 the time of the pre-permit inspection.

13 The other issue relates to the findings of the
14 nondisposal facility element, or NDFE.

15 With regards to the permit violation the LEA on
16 April 17th sent a copy of their monthly inspection report
17 and stated that the operation was now in compliance with
18 the terms and conditions of the existing permit. The LEA
19 reported that the operator decided to discontinue the
20 receipt of the green waste materials and nonputrescible
21 public loads in the outside bunkers until the proposed
22 permit has been concurred with by the Board and issued by
23 the LEA.

24 The matters of the NDFE are on the agenda to be
25 considered by the Board at the monthly meeting on May 13

1 and 14, 2003.

2 Therefore, staff recommend that the Board adopt
3 Solid Waste Facility Permit Decision Number 2003-286,
4 concurring with the issuance of Solid Waste Facility
5 Permit Number 37-AA-0923 provided that the Board approves
6 the NDFE at the monthly meeting in May before acting on
7 the proposed permit.

8 And I believe the NDFE agenda on for the Board is
9 Agenda Item Number 20.

10 Ms. Carie McNeal and Ms. Pam Raptis representing
11 the LEA and Mr. Jeff Richie representing EDCO Corporation
12 are here to answer any questions you may have.

13 And this concludes my presentation.

14 CHAIRPERSON PAPARIAN: Let me just clarify again.
15 We have the NDFE on the Board agenda, and it's your
16 recommendation that that be taken care of before we deal
17 with this permit, which is --

18 MR. GEBREHAWARIAT: That's correct.

19 CHAIRPERSON PAPARIAN: Okay. Any questions of
20 staff?

21 Mrs. Peace is just asking how do we deal with
22 that.

23 DEPUTY DIRECTOR LEVENSON: Mr. Paparian,
24 depending on whether or not Item 20 on the conformance
25 finding or the consideration of the NDFE is on concept or

1 not. If it's on the consent calendar, you would have
2 adopted it and we could then proceed with the item. If
3 not, we could just defer the item until after you hear
4 that NDFE item.

5 CHAIRPERSON PAPARIAN: Okay. Let's see how it
6 goes here right now. If this item winds up on the consent
7 item, I would suggest that would be contingent on the
8 other being on the consent agenda as well.

9 COMMITTEE MEMBER JONES: Mr. Chair.

10 CHAIRPERSON PAPARIAN: Mr. Jones.

11 COMMITTEE MEMBER JONES: The facility is on the
12 existing NDFE, correct?

13 MR. GEBREHAWARIAT: Apparently not. They had to
14 amend the NDFE to include the facility because the reason
15 they say -- our colleagues in the Office of Local
16 Assistance, is that previously the facility was not
17 required to be in the NDFE because it wasn't a disposal
18 site, nor was it a facility that as a condition of its
19 permit needed to recover at least five percent. So now,
20 they are having to amend the NDFE to include the facility.

21 COMMITTEE MEMBER JONES: Okay.

22 CHAIRPERSON PAPARIAN: Any other questions?

23 Mrs. Peace.

24 COMMITTEE MEMBER PEACE: Yes, I just want to say
25 that I did go down and toured the facility and I met with

1 the LEAs. I have really no problems with this. It's a
2 well run facility.

3 Just a point. Steve South from EDCO lobbied me
4 really hard on the 100 tons per day on the C&D, saying
5 that solid waste full permits were very easy to get, they
6 were not a problem. And I just thought it was very
7 interesting to learn from the LEA down at -- that
8 obtaining this permit revision for some relatively minor
9 changes has taken almost two years.

10 And with that I would like to move Resolution
11 Number 2003-286, consideration of a revised full solid
12 waste facilities permit (transfer/processing station) for
13 the Fallbrook Recycling and Transfer Station, San Diego
14 County.

15 COMMITTEE MEMBER JONES: Second.

16 CHAIRPERSON PAPARIAN: Okay. There's a motion
17 and a second.

18 Secretary, call the roll.

19 SECRETARY KUMPULAINIEN: Jones.

20 COMMITTEE MEMBER JONES: Aye.

21 SECRETARY KUMPULAINIEN: Peace.

22 COMMITTEE MEMBER PEACE: Aye.

23 SECRETARY KUMPULAINIEN: Washington?

24 COMMITTEE MEMBER WASHINGTON: Aye.

25 SECRETARY KUMPULAINIEN: Papanian?

1 CHAIRPERSON PAPARIAN: Aye.

2 And then again this will be a candidate for
3 consent provided the other is on consent and remains on
4 consent.

5 Next item.

6 DEPUTY DIRECTOR LEVENSON: Item G.

7 Item G is consideration of a revised full solid
8 waste facilities permit (disposal facility) for the Simi
9 Valley Landfill and Recycling Center, Ventura County.

10 And that will be presented by Leslee Newton-Reed.

11 MS. NEWTON-REED: Good morning.

12 The Simi Valley Landfill and Recycling Center is
13 owned and operated by Waste Management of California.

14 The following changes are proposed:

15 An expansion of a permitted area from 274 acres
16 to 297.5 acres, an expansion of a landfill footprint from
17 138 acres to 185.61 acres, an increase in the permitted
18 capacity from 23.7 million cubic yards to 43.5 million
19 cubic yards, an adjustment in the estimated closure date
20 from 2004 to 2022, an adjustment in the maximum elevation
21 from 1,110 feet MSL to 1,118 feet MSL, and an increase in
22 vehicle count from 806 vehicles per day to 822 vehicles
23 per day.

24 A supplemental environmental impact report was
25 prepared for this project.

1 Additional information is included in the revised
2 agenda item, specifically on conformance with state
3 minimum standards and the closure/post-closure maintenance
4 plan.

5 Board staff have determined that all requirements
6 have been met. Therefore, staff recommend the Board adopt
7 Resolution Number 2003-288, concurring with the issuance
8 of Solid Waste Facility Permit Number 56-AA-0007.

9 The operator and the LEA are here to answer your
10 questions.

11 This concludes staff's report.

12 CHAIRPERSON PAPARIAN: Any questions?

13 Mr. Washington, then Mrs. -- Mrs. Peace and then
14 Mr. Washington. Thank you.

15 COMMITTEE MEMBER PEACE: From what I understand,
16 we just got an update on the closure plan?

17 MS. NEWTON-REED: Yes.

18 COMMITTEE MEMBER PEACE: And now you have the
19 closure plan in place.

20 Is there anything that says that the public has
21 to be aware of the closure plan? Is there a public
22 notice? Is the public in on the closure plan at all?

23 MR. WALKER: Scott Walker, Permitting and
24 Enforcement Division.

25 The closure plan would be subject to the

1 notification, as would the rest of the permit. And so
2 normally that would be covered under -- because it's part
3 of the JTD, a part of the permit application.

4 The issue with the closure plan was that we
5 received the package, and in review the cost estimate for
6 closure was based on an alternative final cover system
7 that wasn't approved yet. We discussed this with the
8 Water Board, and they agreed that until such time that it
9 approved it should be based on a higher prescriptive cost
10 estimate. And the applicant was informed, and they were
11 cooperative. And they revised that cost estimate, and it
12 went from about \$7 million for closure to \$20 million for
13 closure.

14 COMMITTEE MEMBER PEACE: Really the public has no
15 say in how it will look when it's closed then?

16 MR. WALKER: Ultimately the public does have a
17 say because in a final closure plan which is due two years
18 prior to the anticipated date of closure, they're required
19 to submit a closure plan. And it's required to be
20 approved by the agency that is subject to the CEQA. And
21 so normally as part of the CEQA process that's where the
22 public's input is gathered on that final closure and what
23 they do with the closure.

24 Also, even in an operating landfill earlier in
25 its life when it goes through the CEQA process, as this

1 landfill did, under the CEQA the project description would
2 normally include a preliminary description of the closure,
3 what would be done, also the requirements and mitigation
4 measures. And in some cases early on the CEQA document
5 defines a much more, you know, detailed end use of the
6 site and involvement of the public. Sometimes that
7 occurs. Which we would encourage.

8 COMMITTEE MEMBER PEACE: Thank you.

9 CHAIRPERSON PAPARIAN: Mr. Washington.

10 COMMITTEE MEMBER WASHINGTON: I would venture to
11 say to Waste Management that they probably should go a
12 little further than just a CEQA process. I think
13 everybody knows how I feel about the CEQA process in terms
14 of closure. I think the community should know what the
15 procedures would be and that Waste Management certainly
16 has the ability from what I've seen what they've been able
17 to do with the Bradley Landfill situation to make the
18 community aware of their closure process and where they're
19 going in terms of doing so. So I believe they will do
20 that and go beyond just a CEQA process to let the
21 community know the process of closing.

22 Mr. Chair, I'd like to move adoption of
23 Resolution 2003-288 revised, consideration of a revised
24 full solid waste facility permit (disposal facility) for
25 the Simi Valley Landfill and Recycling Center in Ventura

1 County.

2 COMMITTEE MEMBER JONES: I'll second.

3 CHAIRPERSON PAPARIAN: Okay. There's a motion
4 and a second.

5 Before we go to the vote, I had a quick question.

6 I had heard that there might be some community
7 concern about this permit. Are we aware if there's any
8 community concern or not?

9 MS. NEWTON-REED: Yes, there is. Well, one
10 person has complained. And she went before the CUP and
11 the Board of Supervisors.

12 COMMITTEE MEMBER WASHINGTON: Can you speak into
13 the mike. I can't hear you.

14 MS. NEWTON-REED: She made her complaints known.
15 And they decided that there -- well, they listened to her,
16 but didn't think that she had -- well, I don't know -- I
17 don't want to say valid or valid complaints. But they
18 took that into consideration before they voted.

19 CHAIRPERSON PAPARIAN: Okay. And do we --

20 COMMITTEE MEMBER WASHINGTON: Anyone know -- I'm
21 sorry, Mr. Chair.

22 CHAIRPERSON PAPARIAN: No, go ahead, Mr.
23 Washington.

24 COMMITTEE MEMBER WASHINGTON: Anyone know what
25 her complaint was? What was her complaint?

1 MS. NEWTON-REED: It's --

2 MR. de BIE: Mark de Bie with Permitting
3 Inspection. It's in the item on page 6 under "Stakeholder
4 Impacts." Staff is indicating that the concerned citizen
5 brought up issues to the Planning Commission relative to
6 the view shed.

7 COMMITTEE MEMBER WASHINGTON: Oh, view shed.
8 Okay.

9 MR. de BIE: And I believe staff had made an
10 attempt to contact this individual to make her aware of
11 this hearing as well as the Board's hearing.

12 CHAIRPERSON PAPARIAN: But we have no indication
13 that members of the community are coming to the Board --
14 full Board meeting at this point?

15 MS. NEWTON-REED: No. She was sent an invitation
16 to this meeting.

17 CHAIRPERSON PAPARIAN: Okay. Anything else?

18 Okay. I think we're ready for the vote.

19 Go ahead and call the roll.

20 SECRETARY KUMPULAINIEN: Jones?

21 COMMITTEE MEMBER JONES: Aye.

22 SECRETARY KUMPULAINIEN: Peace?

23 COMMITTEE MEMBER PEACE: Aye.

24 SECRETARY KUMPULAINIEN: Washington?

25 COMMITTEE MEMBER WASHINGTON: Aye.

1 SECRETARY KUMPULAINIEN: Papanian?

2 CHAIRPERSON PAPANIAN: Aye.

3 I think this is again a candidate for consent.

4 However, as a courtesy, if someone from the community does
5 decide they want to come and participate in the Board
6 meeting, I'll pull it off of consent so that we can hear
7 their concerns. But at this point it would go on the
8 consent calendar.

9 MR. de BIE: Again, Mark de Bie with Permitting
10 Inspection.

11 Likewise, if staff gets any direct correspondence
12 or conversations with anyone from the community, we'll
13 bring that through channels and suggest that it be pulled
14 off consent too.

15 CHAIRPERSON PAPANIAN: Okay. Thank you.

16 Next item.

17 DEPUTY DIRECTOR LEVENSON: And the next item is
18 Item H, Sunshine Canyon. Consideration of a revised full
19 solid waste facilities permit (disposal facility) for the
20 Sunshine Canyon City Landfill Unit 2, Los Angeles County.

21 And Bill Marciniak will be making that
22 presentation.

23 MR. MARCINIAK: Good morning, Board members.

24 Sunshine Canyon City Landfill Unit 2 is located
25 in the City of Los Angeles at the intersection of Golden

1 State Freeway and Antelope Valley Freeway and is owned and
2 operated by Brown & Ferris Industries of California,
3 Incorporated.

4 The proposed permit will allow for Phase 1 of the
5 City Landfill Unit 2 and will have a gross airspace
6 capacity of 13,441,300 cubic yards, which will be placed
7 upon 84 acres within the 494-acre permitted boundary.

8 It will have a maximum elevation of 1830 feet and
9 an estimated site life of approximately five years.

10 Acceptance of a maximum of 5,500 tons per day or
11 30,000 tons per week will be allowed during the hours of 6
12 a.m. to 6 p.m. Monday through Friday and 7 a.m. to 2 p.m.
13 on Saturday.

14 The LEA has certified that the application
15 package is complete and correct and that the report of
16 facility information meets the requirements of the
17 California Code of Regulations. The LEA has determined
18 that the permit revision is supported by existing
19 California Environmental Quality Act analysis.

20 Board staff have also reviewed the proposed
21 permit and supporting documentation and found them to be
22 acceptable.

23 Since Sunshine Canyon City Landfill Unit 1 has
24 not been in operation since 1991 and Unit 2 has not been
25 permitted, staff did not perform a pre-permit inspection

1 of the facility. However, staff believe that if
2 operations are conducted as described in the JTD, it will
3 allow the facility to be in compliance with the state
4 minimum standards.

5 In conclusion, staff recommend that the Board
6 adopt Solid Waste Facility Permit Decision Number
7 2003-289, concurring with the issuance of Solid Waste
8 Facility Permit Number 19-AR-0002.

9 Dave Edwards of BFI and myself are available to
10 answer any questions you may have. However, prior to this
11 Scott Walker has some information on radioactive waste
12 that he'd like to share.

13 CHAIRPERSON PAPARIAN: Okay. Mr. Walker.

14 MR. WALKER: Thank you.

15 I've been asked to just give a brief summary of
16 the radioactive waste issue with respect to the Sunshine
17 Canyon Landfill permit.

18 As the Board heard last month with the Bradley
19 permit, this was a topic of quite a bit of interest. And
20 we brought the State Water Resources Control Board here to
21 come and speak to their sampling efforts statewide.

22 For Sunshine Canyon Landfill, this was one of the
23 landfills that the Water Board did test, 1 of 50 landfills
24 in the state. The groundwater results showed no
25 radioactivity above the maximum contaminant level drinking

1 water standards. There's very low levels of residual
2 natural-occurring radioactive materials, consistent with a
3 natural background radioactivity.

4 The leachate testing results did show detectable
5 radioactivity at concentrations consistent with other
6 landfills. And in this landfill, tritium was detected
7 above the maximum contaminant drinking water level, about
8 three times the maximum contaminant drinking water level.
9 It's similar to Puente Hills Landfill, a little bit higher
10 than Bradley. But that was the constituent -- the main
11 constituent.

12 The gross beta, which was of main concern for
13 Bradley, two results: One was just slightly above the MCL
14 and the other was below. And, again, you know, leachate
15 is not a source of drinking water. But this gives us a
16 level of comparison to understand the potential issue with
17 radioactivity.

18 The leachate from Sunshine Canyon is conveyed to
19 pipes and a sump, and it goes into an on-site treatment
20 plant. And then that effluent is discharged to the
21 sanitary sewer.

22 Couple things about tritium. It's a radioactive
23 isotope of hydrogen. It occurs very low with
24 concentrations naturally. But it's also commonly used in
25 self-luminous commercial products. And it's believed

1 that, similar to other landfills, that the source of
2 tritium is in these luminous exit signs that you see in
3 facilities. And this tritium is used to make it glow so
4 you can see it in the dark, and replaced more toxic
5 radium, which was used in the past.

6 We've confirmed with DHS staff that the leachate
7 management with respect to the tritium levels is fully in
8 compliance with the requirements of discharge limitations.
9 And also there are site-specific conditions in the permit
10 which prohibit the acceptance of radioactive waste and
11 also require radioactive detection monitors at the gate to
12 monitor all loads.

13 A pretty similar robust program to the Bradley
14 landfill. And so we have reviewed that, and also they
15 have incorporated those into their regular load checking
16 program. So we've reviewed that. And it's consistent
17 with the applicable industry guidelines and
18 recommendations.

19 We also -- the load checking aspects of
20 radioactive waste is a topic that we are as staff anxious,
21 as offered -- as desired by the Committee, to do some
22 future workshops and work on this issue more. And we're
23 right now working with the other agencies and coordinating
24 with Cal EPA Agency on at what point we could do that.

25 But we continue to work on it and provide

1 technical assistance in all the LEAs.

2 So that concludes my little part here. And I'd
3 be happy to answer any questions on that issue.

4 CHAIRPERSON PAPARIAN: Okay. Before we go to
5 questions and the -- we do have several witnesses -- I
6 wanted to reiterate what's going to happen here today.
7 Which is we're not planning to take a vote today. It's
8 going to come up at the full Board meeting next Tuesday --
9 or a week from tomorrow, the 13th, at a time certain, 3
10 p.m. And then in case anyone's listening in who didn't
11 hear the announcement earlier, there is going to be an
12 opportunity for testimony to be provided by a
13 videoteleconference hook-up.

14 The actual meeting will be taking place here in
15 this room in Sacramento. However, the videoteleconference
16 hook-up will be at the Metropolitan Water District offices
17 at 13100 Balboa Boulevard in Granada Hills. And, again,
18 the certain time for this is 3 p.m. on the 13th. However,
19 our staff will be available earlier in the day at that
20 facility in Granada Hills should anybody have any
21 questions about how that technically is going to work.
22 And so that they then have the opportunity when we hear it
23 here to provide their testimony by videoteleconference.

24 Are there any questions of Mr. Marciniak or Mr.
25 Walker before we hear from others?

1 Mrs. Peace.

2 COMMITTEE MEMBER PEACE: I just had a question on
3 the tritium that was found in the leachate. Where does
4 that come from? Is that naturally occurring? Where does
5 it come from?

6 MR. WALKER: Well, the tritium is used for
7 commercial products for luminescence and, in particular,
8 exit signs; like the exit signs you see used have tritium,
9 which is the decay ionizes and it causes the luminescence.

10 And so that we believe -- we're still working on
11 it with the other agencies, but that's the primary
12 commercial product. There's some other rarer type uses of
13 it, but it appears that that's where we're looking at as
14 an issue.

15 And the exit signs are prohibited from disposal
16 as municipal solid waste. And so evidently, you know,
17 it's something statewide that we're looking at to try to
18 see and to ensure that -- you know, that the luminescent
19 signs are going to their proper disposal, which is
20 essentially back to the manufacturer or as low level
21 radioactive waste.

22 CHAIRPERSON PAPARIAN: Okay. One of the things
23 that we wanted to do today was see if there were any
24 particular questions from Committee members that could be
25 addressed in the next week. So that when we come to the

1 full Board meeting, that those can be taken care of.

2 Now, late last week I, myself, attended the
3 Sunshine Canyon Community Advisory Committee; the
4 community advisory committee that exists related to the
5 facility focuses on the county side of the landfill. This
6 permit is for the city side of the landfill. Although
7 some issues were raised at that meeting that might apply
8 either way.

9 I also met with representatives of the North
10 Valley Coalition. I think some other members of this
11 Committee may have had meetings in the past with members
12 of the North Valley Coalition. And they've raised some
13 concerns. And I have as a result asked staff about some
14 of these concerns to see if we can get some of those
15 questions answered. I think staff may be prepared to
16 answer a couple of these. But if not, we can get them
17 answered next week.

18 One of the questions that came up was that if
19 there's a methane exceedance at the perimeter of the
20 county side, does that in some way affect the city-side
21 permit. The North Valley Coalition has suggested that
22 there are elevated levels of methane on the county side of
23 the landfill, some of which might violate state minimum
24 standards. But according to Larry Israel, who we heard
25 from at the Community Advisory Committee, the monitors on

1 the county side are not exceeding standards at the moment.

2 But in any event, what's the relationship between
3 what might be happening on the county side with regards to
4 methane to the city side permit?

5 MR. MARCINIAK: Mark seems to want to answer it,
6 but --

7 CHAIRPERSON PAPARIAN: And, again, if you're not
8 fully prepared to answer it, coming next week to answer it
9 is fine too.

10 MR. de BIE: Mark de Bie with Permitting
11 Inspection. If we can give you something initial at least
12 and see if that goes far enough. And if not, please let
13 us know and we'll give you more detail at the Board
14 meeting.

15 But, essentially, the county and city are being
16 proposed under two separate permits. They will be viewed
17 as two separate operating landfills. So all of the
18 requirements relative to landfill gas will apply to each
19 landfill separately and equally.

20 So the requirement to have adequate monitoring
21 system for each site will be applied to both. And those
22 monitoring wells will need to be and are identified in the
23 operating document, the JTD. So any exceedance in those
24 monitoring wells that are identified in the JTD will be
25 attributed to the site that has identified that well as

1 their monitoring well.

2 So wells that are within the county side that are
3 identified as county monitoring wells are associated with
4 county site and not necessarily the city site. Wells
5 associated with the city site will be, you know,
6 attributed to the city.

7 I'm not personally aware of any wells that are
8 shared by the county or city. We can fine tune that to
9 determine if that is the case. But essentially the
10 requirement is to have independent monitoring systems so
11 that any exceedance would be attributed to the appropriate
12 site.

13 Eventually if and when these sites do combine
14 into one, it will require additional permit action. And
15 then at that time they could share, you know, wells and
16 that sort of infrastructure. But until that time they're
17 to be operating independently and separately.

18 CHAIRPERSON PAPARIAN: Okay. One of the issues
19 that was raised to me was that some of the community
20 members believe that there is a conflict between the joint
21 technical document and the proposed city-side permit.
22 This raises two questions actually. One is, what happens
23 if one is in conflict with the other? And, secondly, has
24 staff reviewed this and found any inconsistencies between
25 the two?

1 MR. MARCINIAK: I only got four hours of sleep
2 last night because I was going over it detail by detail.
3 And I couldn't locate anything in particular. There may
4 be some misunderstanding on a wording of some things. But
5 if the community, North Valley, was to give us
6 specifics -- at the Board meeting the LEA is also going to
7 be present at that time, and they may provide their
8 interpretation of the way that the solid waste facility
9 permit reads in relation to the JTD at that time.

10 CHAIRPERSON PAPARIAN: Okay. So -- go ahead.

11 MR. de BIE: I believe that we did maybe see some
12 different way of describing the various ADC's between the
13 JTD and the permit. And I believe that recently an
14 amendment to the JTD was submitted that is part of this
15 permit action that helps bring them into consistency in
16 terms of how they're describing things.

17 Relative to your other part of the question about
18 what takes precedent is basically that whatever is more
19 stringent would override. So if the -- certainly the
20 permit is the first document. But if the JTD indicated in
21 the detail provided something that is construed to be more
22 stringent, then that would be the obligation of the
23 operator to follow that requirement. Sometimes the permit
24 is more general in how it describes certain parameters,
25 and then it's left to the JTD to give the details. So it

1 would be the operator's obligation to comply with those
2 detailed requirements in the JTD.

3 Certainly the permit takes precedent in terms of
4 limits and that sort of thing. So if there was an
5 inconsistency in the JTD in terms of a limit in terms
6 of -- I don't know -- operating hours and the permit had
7 something more stringent, then certainly the permit would
8 take precedence. So basically whatever's more stringent
9 would override the other.

10 CHAIRPERSON PAPARIAN: Okay. And then I think
11 you answered the question about a pre-permit inspection.
12 I think your answer was basically that it's not an
13 operating facility on the city side, so there's no
14 pre-permit inspection.

15 I had one other question though. And, that is,
16 part of the facility is -- part of the proposed facility
17 is going to go on top of a closed section of the city
18 landfill. And my understanding is it will be lined on --
19 there'll be a liner, you know, between the old landfill
20 and the new waste going in. The old landfill -- what
21 happens in terms of closure of the old landfill before the
22 liner goes on top of the closed portion of the landfill?

23 MR. MARCINIAK: The operator is in the audience,
24 Dave Edwards. He can answer more specifics on that.

25 But the permit essentially reads that to the

1 satisfaction of the LEA that the area that's to be --
2 waste-on-waste area is to be going -- it's to go through
3 closure according to closure plan, and then the liner put
4 on top or whatever. But before the liner's put on top, it
5 has to be to the satisfaction of the LEA before they can
6 put that liner there. It's a permit condition.

7 CHAIRPERSON PAPARIAN: Okay. Anything else
8 before we hear from the witnesses?

9 Okay. First why don't we go right to Mr.
10 Edwards. Dave Edwards representing BFI.

11 And Mr. Edwards did ask me if he should bring a
12 number of their witnesses today. And my suggestion to him
13 was to hold off for a longer presentation before the full
14 Board meeting when the action will actually be taken. So
15 that's why we only have him coming up at the moment.

16 MR. EDWARDS: All right. Thank you very much.

17 I'd like to thank the Committee for allowing us
18 the opportunity to come in and present the merits of our
19 project, which is City Landfill Extension Phase 1 of Unit
20 2.

21 (Thereupon an overhead presentation was
22 Presented as follows.)

23 MR. EDWARDS: Sunshine Canyon Landfill's been
24 a --

25 CHAIRPERSON PAPARIAN: Mr. Edwards, did you

1 identify yourself for the record?

2 MR. EDWARDS: I'm sorry.

3 CHAIRPERSON PAPARIAN: Go ahead.

4 MR. EDWARDS: Dave Edwards, Project Director for
5 BFI, Sunshine Canyon.

6 --o0o--

7 MR. EDWARDS: Sunshine Canyon Landfill has been
8 meeting the solid waste requirements of the City and
9 County of Los Angeles for over 45 years, beginning
10 operation in 1958.

11 --o0o--

12 MR. EDWARDS: The landfill is surrounded by
13 unincorporated areas to the north, east, and west, as well
14 as parklands to the north, east, and west. The
15 communities of Granada Hills and Silmar to the south and
16 east. And also industrial zone areas also to the south
17 and east.

18 --o0o--

19 MR. EDWARDS: In 1966 the City of L.A. granted a
20 zone variance for an expanded operation within Sunshine
21 Canyon on the city side. In 1978 BFI acquired Sunshine
22 Canyon Landfill. In 1991, landfilling operations ceased
23 in the city side of Sunshine Canyon when its 1966 zone
24 variance expired.

25 In 1993 the County of Los Angeles approved a

1 conditional-use permit, allowing landfilling operations on
2 the county side.

3 --o0o--

4 MR. EDWARDS: In 1996 landfilling operations
5 began on the county side.

6 In 1999 the City of Los Angeles gave the
7 necessary entitlements to BFI for the resumption of
8 landfilling back on the city side of Sunshine Canyon
9 Landfill.

10 --o0o--

11 MR. EDWARDS: It's always been envisioned that
12 Sunshine Canyon Landfill would operate as a combined
13 city-county landfill. First step in that process was the
14 development of the county landfill. The second step is
15 the development of Unit 2 of the city landfill. Shown
16 here is an outline of the subject landfill, Phase 1 of
17 Unit 2, within the 194 acres of Unit 2.

18 --o0o--

19 MR. EDWARDS: At full operations the anticipated
20 site life of Phase 1 is five years.

21 --o0o--

22 MR. EDWARDS: BFI is a strong supporter of
23 recycling programs and the need to be in compliance with
24 AB 939. As a result our operations also include recycling
25 programs for green waste, asphalt, recyclable --

1 residential recyclables and E-waste.

2 --o0o--

3 MR. EDWARDS: Sunshine Canyon Landfill is needed
4 to meet the disposal requirements of the County of Los
5 Angeles. Even today approximately 5,000 tons per day of
6 L.A. County waste is exported to other counties. Even
7 today Sunshine Canyon and Puente Hills Landfills both
8 reach daily capacity and close each day.

9 --o0o--

10 MR. EDWARDS: As a point of reference, over 6,000
11 tons per day of city waste goes into the county side of
12 Sunshine Canyon, displacing county-generated waste.

13 --o0o--

14 MR. EDWARDS: We feel that Sunshine Canyon
15 Landfill will be a better operating site due to the fact
16 that, unlike most landfills in California, we have a full
17 time inspector who monitors the operations during all
18 operating hours.

19 --o0o--

20 MR. EDWARDS: BFI always has the most strict
21 environmental safeguards to help meet or exceed the
22 federal, state, and local standards for solid waste
23 disposal, water quality, air quality, and seismic. And in
24 fact your Board has recommended approval of our solid
25 waste facilities permit application.

1 two revisions made to the draft solid waste facilities
2 permit before being forwarded to the state.

3 --o0o--

4 MR. EDWARDS: As Mr. Papanian mentioned, as part
5 of the county operations we have a community advisory
6 committee which began in 1997. To date we've had 46
7 meetings. And as I mentioned, there will be a new
8 committee, new and separate committee formed for the city
9 landfill.

10 --o0o--

11 MR. EDWARDS: As part of our community outreach
12 we also conduct tours and educations. In fact we've
13 conducted over 200 such tours and programs, which includes
14 the distribution of collateral materials in bilingual
15 format.

16 --o0o--

17 MR. EDWARDS: As part of our entitlements on both
18 the city and county side, we've donated nearly a thousand
19 acres of parkland, including Eason Bee Canyons and 80
20 acres of hiking trails. We've also established a million
21 dollar trust fund to go directly into the community
22 surrounding the landfill.

23 --o0o--

24 MR. EDWARDS: Other income coming from Sunshine
25 Canyon Landfill includes a 12 percent franchise fee, which

1 at full operation would mean \$7 million per year going
2 into the city, half of which will go into the community
3 directly around the landfill.

4 --o0o--

5 MR. EDWARDS: We ourselves support the
6 surrounding business groups, schools, as well as
7 charitable organizations, and also have received support
8 for the project from elected officials, business
9 community, residents, and also the environmental
10 community.

11 --o0o--

12 MR. EDWARDS: Briefly, in conclusion, Phase 1 of
13 Unit 2 is the second step in the development of the
14 combined city-county landfill. The project is critical in
15 meeting the waste disposal needs of the City and County of
16 Los Angeles. There has been broad-based business and
17 community support, and BFI solicited extensive community
18 input on our project.

19 --o0o--

20 MR. EDWARDS: The project is supported by two
21 certified EIR's, involving years of extensive public
22 review and comment.

23 Sunshine Canyon has given the community over
24 1,000 acres of open space and millions of dollars into the
25 city's general fund and to the local community.

1 MR. EDWARDS: Yes.

2 CHAIRPERSON PAPARIAN: Okay. Any other questions
3 for Mr. Edwards?

4 Okay. Thank you very much.

5 Next we have Wade Hunter from the North Valley
6 Coalition.

7 MR. HUNTER: Good morning. My name is Wade
8 Hunter. I am the President of the North Valley Coalition.

9 I'd like to thank the Board for providing the
10 teleconferencing facilities to the surrounding
11 communities. We really appreciate it. It's extremely
12 hard for the community to come and testify before you.

13 For myself I do have a somewhat lengthy statement
14 to read. It's sort of like our presentation, which would,
15 you know, be the equivalent of what Mr. Edwards presented,
16 to give you another point of view. And also a letter from
17 Mrs. Mary Edwards that I'd like to read into the record
18 also.

19 Mine starts off:

20 "Dear Committee members: It is important that
21 you understand to take into account the history of
22 Sunshine Canyon Landfill before making any decision or
23 recommendation here today."

24 And I notice that, you know, you have information
25 back that talks about background, and this is provided by

1 staff. But this is our view of what the history is.

2 "For the record, the city has had numerous
3 enforcement problems with the landfill, its owners, and
4 has previously taken legal action to prevent expansion
5 both in the City and in the County of Los Angeles.

6 "The Landfill started as an illegal dump back in
7 1956."

8 And, you know, watching when we started out these
9 proceedings today I saw the Board, you know, appropriating
10 money to clean up these illegal dumpsites. That's exactly
11 what ours was. But the answer in those days was not to
12 clean up the site, but to just to legalize it and turn it
13 into a dump since it already -- it was becoming one.

14 COMMITTEE MEMBER WASHINGTON: What happened to
15 the lawsuit?

16 MR. HUNTER: I will cover that -- I will come to
17 that point, if I may. Thank you.

18 COMMITTEE MEMBER WASHINGTON: Okay.

19 MR. HUNTER: "A zone variance was given to
20 legalize it. However, violations of the boundary caused
21 that owner to apply for a new variance in 1966. In
22 ignoring the residence living across the street who
23 complained of odors, dust, litter, the City of Los Angeles
24 in return promised a valuable recreation area. And
25 subsequently the dump was issued a new 25 year variance.

1 "BFI bought the property in 1978 and began taking
2 more trash than allowed by their permits. Their
3 violations also continued to include operating hours,
4 exceeding permitted height, destroying a part of
5 significant Ecological Area Number 20, destroying hundreds
6 of oak trees without a permit, allowing trash to encroach
7 upon the primary water course, and destroying portions of
8 federally protected wetlands.

9 "BFI was found guilty of causing conditions that
10 were materially detrimental to the surrounding community.
11 However, they subsequently refused to comply with
12 conditions of their permit when ordered by Fish and Game
13 to restore the water course and by the City of Los Angeles
14 Zoning Department to replace oaks, conduct a correct
15 boundary survey, remove buildings, conduct a health
16 survey, hire an inspector, and offer the land to the
17 Department of Parks and Recreation.

18 "When the dump closed in 1991, it had been open
19 for 33 years. And the residents eagerly looked forward to
20 its conversion to 'a valuable recreation area' as promised
21 by the Zoning Administration.

22 "However, in 1989, before the old landfill
23 closed, BFI went to the County of Los Angeles with a
24 proposal for the world's largest landfill of 215 million
25 tons in three phases. The county finally approved a 70

1 million ton landfill with a 17 million tons to start, that
2 opened in 1995-96, and which is the current county
3 landfill or Phase 1 of that mega-dump we're talking about.

4 "The county recognized that this county landfill
5 was 'materially detrimental to the community,' but based
6 its approval on 'overriding considerations,' using the now
7 discredited county 'timed crisis report.'

8 "The county, however, was not done with the City
9 of Los Angeles and conditioned their approval by requiring
10 that the city approve an expansion back into the city --
11 and that would be Phase 2 of that mega-dump -- or the
12 county would exclude all city trash. The city and the NVC
13 sued the county over its approval of the EIR, but that
14 suit was eventually lost.

15 "A number of years later the City of Los Angeles
16 opposed the road into the county landfill through the
17 city. And during a settlement agreement 'the no-trash
18 condition' was removed. But the city was still required
19 to expeditiously process BFI's request for expansion.

20 "In 1999 BFI has sought and gained by the
21 narrowest of margins city council approval, on an 8 to 7
22 vote, but only after hundreds of thousands of dollars were
23 contributed to campaign funds by BFI -- and BFI."

24 This is an important fact that you must not lose
25 site of. BFI is building a 215 ton mega-dump relying on a

1 multi-phased approach, even to the point they're
2 subphasing their Phase 2. And that's what you're
3 currently looking at. Their Phase 1 is going to take at
4 least two or three phases to complete Unit 2.

5 And what they're doing is they're relying on
6 incremental approval of the entire project and they're
7 avoiding addressing the cumulative impacts of this
8 project. As Mrs. Mary Edwards is always fond of saying,
9 it's like getting a housing development three houses at a
10 time. This is how it's being put through this process.
11 Everybody is looking at this and putting blinders on and
12 saying, "I can only look at this one little portion."
13 You're talking about two county landfills. That's what
14 you're -- you're saying the county landfill is separate --
15 excuse me -- the city is separate. But it's not. They're
16 all described expansions of the same landfill. These guys
17 are dancing backwards and forwards over an imaginary line
18 drawn in the canyon. And they're avoiding doing what
19 they're supposed to do.

20 You know, CEQA says that you're not -- I have no
21 idea what incremental approval is if this isn't
22 incremental approval. I have no idea. I can't define it.
23 I keep telling people -- I'm looking at little portions of
24 this being approved along the way, and somebody saying
25 it's not incremental approval. How can this be? We don't

1 look at the entire project and say, "This is what they're
2 doing and this is what we're seeking approval for." No,
3 we're doing it section at a time.

4 By the way, I don't mean to lecture the Board.
5 I'm sorry. It's a very emotional issue for the community.
6 And I realize these comments are kind of long, but this is
7 our only chance to speak to you before we get to the Board
8 other than the teleconference.

9 Most recently the county task force approved the
10 facility siting element, and they ignored their own
11 evaluation form, at first claiming they didn't know what
12 their job was. And when they were told, they said it
13 wasn't in their power to deny or make conditional
14 approvals, claiming that other agencies would have to do
15 it. Like yourself.

16 Under their own -- the task force, under their
17 Item C, which talks about protecting surface waters under
18 aqueducts and reservoirs heading, and Item D, which talks
19 about protecting ground water under major aquifer recharge
20 areas, the general criteria and the comments are all
21 inadequate, instead deferring to other reviewing agencies.

22 And as I stated earlier, this landfill was
23 started illegally. Nobody was looking for just the right
24 place that was hydrogeologically and environmentally
25 superior to any other place. It was just some fool

1 dumping trash illegally in one of the most seismically
2 active areas in all of southern California right next to
3 where we all get our water.

4 The water for 17 million people in the city of
5 Los Angeles and a large part of southern California is
6 treated and stored downstream and downwind less than a
7 mile southeast of the mouth of Sunshine Canyon. Only 400
8 feet from the entrance is the Los Angeles Aqueduct's
9 Balboa inlet tunnel. And it's a pipe that's cracked and
10 broken by earthquakes. And over it flows the groundwater
11 from the landfill.

12 If leachate ever enters the pipe, there is no
13 method for removing that leachate from the drinking water.
14 The surface waters from the landfill also enter the San
15 Fernando recharge basin in unlined sections of the county
16 flood control channel next to the Jensen Filtration Plant.
17 And there's a second section further up along the way
18 before it even enters Bull Creek that it's also going to
19 ground and entering the recharge area.

20 Additionally, the proposed city expansion wall
21 lined that they're proposing is not a double liner. And a
22 portion of it overlies a 25 million ton unlined city dump.
23 You know, experts acknowledge that chemicals can breach
24 the supposedly impervious clay underlayer in just a few
25 short years. Even then, all liners leak according to the

1 EPA and experts in the field. There are still Roman
2 landfills in Europe that are leaking leachate 2,000 years
3 later. There is only a 30-year post-close maintenance
4 period requirement for BFI. What then? Who's going to
5 protect the drinking water?

6 This Committee needs to stand up and be counted.
7 I mean you're throwing away the future for southern
8 Californians. I mean this is just not the right site for
9 a landfill.

10 In closing, we thought the Committee and the
11 Board should also take into consideration -- we have a
12 number of bulleted items. Again, I know I'm taking a long
13 time. I will try to condense these a little bit for you.
14 And I do have copies that I can submit to the Board.

15 We contend that because of finding conformance,
16 the siting element had not been made by the county task
17 force prior to April 17th, 2003, and that the LEA should
18 not have found the application complete in the first
19 place. It's an action which set in motion this Permitting
20 and Evaluation Committee's hearing today and the
21 subsequent review by the Integrated Waste Management Board
22 on the 13th and 14th.

23 So we believe it should never even have started
24 had they not had that siting conformance found before they
25 even started the process.

1 The Regional Water Quality Control Board and the
2 County Department of Health has found the JTD incomplete.

3 Further, a city council motion was introduced and
4 sent to committee. But the mayor -- quote, the mayor
5 directed the Department of Environmental Affairs to
6 withdraw its approval of the Sunshine Canyon Landfill
7 Expansion documents and request that the California
8 Integrated Waste Management Board return them to the city,
9 end of quote.

10 Also, for the record, the Granada Hills North
11 Neighborhood Council, or the GHNNC, which represents
12 28,000 stakeholders north of the 118 Freeway in the area
13 around the landfill, Congressman Brad Sherman, Assemblyman
14 Keith Richmond, and Mayor James Hahn have all come out
15 against granting a 404 permit for the U.S. Army Corps of
16 Engineers for removal of the last of the wetlands in the
17 city.

18 The joint technical document and the RDSI's have
19 no public notice or public comment period, at least none
20 that is being formally provided by the City of Los Angeles
21 Environmental Affairs Department, the local enforcement
22 agency, even though a public comment period is implied by
23 the Integrated Waste Management Board Regulation contained
24 in California Code of Regulations, which says the
25 acceptance of an SWFP application triggers a 55-day

1 period, plus mailing, during which the LEA shall mail to
2 the Integrated Waste Management Board any written public
3 comments received on a pending application. Subsequent
4 transmittal of the proposed permit, the LEA shall within
5 five days of receipt provide a copy of any additional
6 written public material to the Board.

7 How is the public to comment on a permit
8 application when the agency charged with its review fails
9 to notify the public?

10 It doesn't tell it of its preparation and then it
11 fails to provide any supporting documentation. You know,
12 the public is placed at a disadvantage even by this
13 Committee because it makes its recommendations before any
14 public input. I mean really -- I know you hold it here,
15 but in effect it's not in an area -- it's not where the
16 people live. And so it makes it extremely hard for us.
17 And, you know, BFI can afford to maintain lobbyists up
18 here. You know, we can't. People are not that rich in
19 the neighborhood that we can afford to keep people up here
20 all the time.

21 And, again, you basically rely solely on BFI's
22 input. I mean, you know, they present all the documents,
23 they have the lobbyists, et cetera. They work with your
24 staff. The public is afforded very little opportunity to
25 really get into this permitting process.

1 As part of that siting criteria -- and I'm going
2 back to that task force -- there's a lot of references
3 made to Los Angeles Zoning Ordinance 172933, which in turn
4 relies on T&Q conditions. These are conditions that need
5 to be satisfied. Under Q condition number B, conditions
6 on use, D3CC, it states that, quote, "evidence of
7 completion of the approved construction areas where new
8 waste will overlies portions of the inactive landfill, as
9 determined by the LEA for the inactive city landfill."
10 Well, you know, BFI will be unable to comply with the
11 section. Both cells A, B, and C overlies portions of the
12 inactive landfill, and closure should be completed before
13 these cells are constructed. The state observes
14 deficiencies in closure already, siting Sunshine Canyon
15 specifically. And then it makes a number of
16 recommendations regarding closure. And that you can find
17 on the Integrated Waste Management Board's limited
18 authority and weak oversight diminishes its ability to
19 protect public health document.

20 The entire area of expansion was part of the
21 operational area of the inactive city landfill now under
22 closure.

23 This area, while outside the footprint of the
24 buried waste, has been illegally used for cover, for
25 removal of a portion of SEA 20 without permits, trash

1 illegally buried outside of the permitted footprint,
2 removal of oak trees, the exceeding of the permitted
3 boundaries. And we believe this area must be considered
4 as landfilling operations will be closed before any
5 expansion begins as required by Ordinance 172933.

6 They fail to comply with other Q conditions.
7 Specifically they failed to test for landfill gases
8 required at Van Gogh Elementary School.

9 They've also failed to comply with T conditions.
10 They do not plan to construct sewer facilities for at
11 least ten years. I mean this especially important because
12 BFI's failed to include any mention of the fact that the
13 county line is torn and contaminating the underdrain
14 system in the county, requiring all water to be pumped to
15 a leachate treatment system that then dumps the water into
16 city sewers. This is a major omission from the
17 proponent's application, because the liner is something
18 that cannot be repaired. So either pumping will have to
19 continue ad infinitum or the contaminated waters from the
20 county will have to be introduced into the city
21 expansion's underdrain or leachate collection system.

22 The leachate treatment has already caused
23 problems in the residential areas to the south. We get
24 odors. There's been problems. AQMD's been out there.
25 Half hour after they do their release or whatever, the

1 odors are being then. AQMD can attest to that.

2 The application approval along with the joint
3 technical document has been used by the proponent to
4 expand the scope of the landfill operations without
5 benefit of the environmental impact report. For instance,
6 the plans to use alternate daily cover such as
7 contaminated soil and other shredder wastes that were not
8 discussed in the final SEIR.

9 While we understand that BFI has now agreed to
10 write out these ADC's, the specter of other ADC's such as
11 contaminated soil still remains.

12 Granada Hills is an extremely windy area located
13 in the Newhall Saugus Pass. That's one of the two passes
14 in the transverse ranges. And so we have these huge winds
15 that come through the Santa Ana's and things like that.
16 So anything that happens in the dump comes out to our
17 neighborhood.

18 BFI has plainly misrepresented City Council
19 Motion Item Number 8 by Nate Holden, which was when the
20 city was approving the landfill, and it was adopted in
21 November 17, 1999. That was, quote, "to impose a ten-year
22 cap on the operations of this landfill under the current
23 action." When BFI did their JTD, they characterized this
24 as just a ten-year review. That wasn't true. Their
25 operations were capped at ten years according to this

1 motion introduced and approved by Mr. Holden.

2 Anyway, that's the end of my letter. I'd just
3 say in closing, we respectfully ask that this Committee
4 not approve the revised full solid waste facilities permit
5 of Sunshine Canyon Landfill Unit 2. Or failing that,
6 recommend that it be returned to the LEA for additional
7 review or continue deliberations till all questions have
8 been fully addressed for rendering a decision. And it's
9 signed, "Sincerely, Wade Hunter, President NVC."

10 Thank you. And --

11 CHAIRPERSON PAPARIAN: Mr. Hunter, you mentioned
12 you have a letter also from Mary Edwards.

13 MR. HUNTER: Yes, I did. And, again, I do
14 apologize to the Board for taking so much of their time.
15 And I really appreciate you allowing us to read it. And
16 us this is a little shorter.

17 CHAIRPERSON PAPARIAN: I wonder if you have a
18 copy you could leave with us --

19 MR. HUNTER: Yes, I do. I have copies of both,
20 and I will submit --

21 CHAIRPERSON PAPARIAN: Yeah, in terms of Ms.
22 Edwards' letter, I think maybe if you'd just leave that
23 for us to look at, and we'll make it part of the record.

24 MR. HUNTER: Could I summarize it very quickly?
25 I can do that, if I may.

1 CHAIRPERSON PAPARIAN: Okay. Why don't you do
2 that.

3 COMMITTEE MEMBER WASHINGTON: Can you include the
4 lawsuit in your summary that you never mentioned?

5 MR. HUNTER: I'm sorry, sir?

6 COMMITTEE MEMBER WASHINGTON: The lawsuit.

7 MR. HUNTER: Well, I did mention the one lawsuit
8 with the city -- when the city and the NVC joined was a
9 loss. Currently there is still litigation continuing.
10 We're in the Court of appeals over the Neg Dec for
11 closure. So obviously there's still a problem hanging
12 over this landfill which you say is closing, there isn't a
13 problem. There really is litigation still pending on
14 this.

15 CHAIRPERSON PAPARIAN: Does that answer your
16 question about the litigation?

17 MR. HUNTER: Yeah, I'm sorry.

18 CHAIRPERSON PAPARIAN: Okay.

19 MR. HUNTER: I thought maybe the other one that I
20 was talking about -- there's been numerous litigation
21 undertaken over the years, and I wasn't quite sure which
22 one you were referring to.

23 Yeah, basically -- and summarizing again. This
24 was from Mrs. Mary Edwards. And it's just basically
25 asking you to protect the health and safety of the

1 neighborhood and the environment, enhancing recycling
2 programs. She has a heading here, "The Board procedures
3 that need to be changed or modified through policy or
4 legislation."

5 She has some bulleted items. Mainly to say that
6 covering the ADC's are really a problem for us. Another
7 bullet would be the Board's permit should be the last one
8 issued. The way this system works is that everybody's
9 issuing permits and you're in the middle of doing it and
10 not every permit's being granted. And this really should
11 be the last permit to the issued.

12 She also talks about -- just a second here. The
13 problems that we've had being able to, you know, speak
14 before these various agencies and committees and things,
15 and the fact that BFI can, you know, afford to maintain so
16 many lobbyists. And we're also troubled by the way that
17 the permits work as far as once permits are in there, they
18 can be easily modified without public input. And so very
19 concerned about LEA's deeming things non-significant and
20 then permitting changes.

21 And then she closes with some suggestions for the
22 Committee and Board recommendations to the LEA that we
23 have some additional materials be prohibited. Sewer
24 products not be limited to just to cleanings and floatable
25 scum brackets, but basically all sewer-type products be

1 eliminated.

2 And also the big point here for us is in addition
3 to the CAC, which would be the Citizens' Advisory
4 Committee for the city landfill, that the Granada Hills
5 Neighborhood Council and the Granada Hills North
6 Neighborhood Council, the GHNNC, and other interested
7 groups be notified of all operation and changes proposed
8 for the landfill that are not fully analyzed in the SEIR
9 and that affect the community.

10 And lastly, in order to enhance this permit she
11 requests the Committee recommend that the LEA -- that an
12 attempt should be made at least in the next ten days to
13 look for further safeguards to enhance the permit and
14 reflect the grave concerns of the public.

15 Thank you very much for your time. I do
16 appreciate it.

17 COMMITTEE MEMBER JONES: I have a question.

18 CHAIRPERSON PAPARIAN: Thank you.

19 Mr. Jones.

20 Mr. Hunter, I think Mr. Jones may have a question
21 for you.

22 MR. HUNTER: Yes, sir.

23 COMMITTEE MEMBER JONES: The proposed permit got
24 circulated. And it's my understanding that you guys got a
25 copy of it and it suggested a couple of changes.

1 MR. HUNTER: Yes, that's correct.

2 COMMITTEE MEMBER JONES: And those changes were
3 made, they were the latest addition to this, they were
4 actually to change the permit to reflect your concerns?

5 MR. HUNTER: There were some of them. Not all of
6 our concerns were addressed. Some of them. Two, in
7 particular, was auto-shredder waste that they tried to
8 introduce and contaminated sediment, which were never in
9 the environmental impact reports at all. Those two were
10 written out.

11 There are a number of other items that we're --
12 not yet contend have been settled.

13 COMMITTEE MEMBER JONES: Okay.

14 MR. HUNTER: Thank you.

15 CHAIRPERSON PAPARIAN: One more quick thing, Mr.
16 Hunter. I'm sorry.

17 Just to be clear for next week's meeting to
18 whoever might be listening in. In terms of providing the
19 remote feed for testimony, we did have a choice between a
20 facility that was very comfortable and large but several
21 miles away and a facility which was much more convenient
22 to the community, yet is going to be much less
23 comfortable. It's going to be smaller and not everybody
24 is going to fit in the room at one time. But we opted for
25 the one that was more convenient for the community. So

1 regardless of what people think about what we're up to,
2 there shouldn't be complaints about the size of the
3 facility where the remote testimony is going to be.

4 MR. HUNTER: No. In fact -- again, that's why I
5 was thanking the Board initially when I came up. We're
6 very familiar with the facility. We spent many a happy
7 hour over there too. It was just so much more convenient
8 to the community around there that any shortcomings, you
9 know, were far outweighed by its convenience. And, again,
10 we think that the Board has gone that extra step for us to
11 provide the teleconferencing, and we can overlook any
12 small problems. We think you're doing a good job. It's
13 just I think to the comments, and you may find that Mrs.
14 Edwards talks to, it's just really the process the way
15 it's set up. I mean you can't really deny a permit
16 under -- except special circumstances and things like
17 that.

18 It's just the system. And we know you guys have
19 got our best interests at heart and you will, you know, do
20 your best to make sure that the community and the waters
21 around are fully protected.

22 CHAIRPERSON PAPARIAN: Okay. Thank you, Mr.
23 Hunter.

24 Next we have Ralph Kroy.

25 And then as Mr. Kroy is coming up, we did get

1 distributed letters from the North Valley Coalition dated
2 May 5th and from Mary Edwards dated May 5th.

3 Mr. Kroy.

4 MR. KROY: Yes, my name is Ralph Kroy. I have my
5 testimony and the testimony of a Sal Sciortino, a
6 neighborhood, who was not able to make it to this meeting.
7 So I'd like to have the opportunity to read that into the
8 record.

9 And this will be Sal Sciortino.

10 CHAIRPERSON PAPARIAN: Mr. Kroy, could you try to
11 bring the microphone a little bit closer. I'm having a
12 little trouble hearing you.

13 Yeah, thank you.

14 MR. KROY: Okay. I guess I should be more like a
15 rock star, right, and have it in my mouth.

16 "I'm writing this in opposition on behalf of my 6
17 year and 11 year old granddaughters who live next to Van
18 Gogh Elementary School, which is one and a half miles from
19 Sunshine Canyon Landfill. Van Gogh School has 445
20 students."

21 There's a copy of the -- an aerial copy of the
22 area surrounding that I will submit.

23 "The Board's attention is directed to the
24 following information for its consideration and review.

25 "1) The State Auditor's report, December 2000.

1 Based on our analysis, we estimate that California has
2 sufficient landfill capacity for about 47 years" -- And it
3 says "see exhibit attached" -- "instead of the 15 years
4 identified by local governments.

5 "The California Integrated Waste Management Board
6 has policy that conflict with state laws and regulations
7 governing landfill activities. For example, the Board has
8 approved expansions for landfills even when the landfill
9 owners or operators were continually violating state
10 minimum standards such as committing long-term explosive
11 gas violations. (See exhibit attached.)

12 "Explosive gas control violations. Continuous
13 excessive levels of methane gas, CH₄ were reported in the
14 official solid waste facility inspection reports numbers
15 22 -- correction -- 23391, 20676, 20673, 20672, 26870, and
16 168666 from December 15th, 1999, through October 11, 2000.

17 "Note that explosive gas levels in excess of a
18 five percent lower explosive limit were measured at
19 Sunshine Canyon Landfill on all occasions (See exhibit
20 attached.)

21 "A Geosyntech consultant's report to Brown &
22 Ferris Industries (BFI) states: 'Based on the C and C₂CH₄
23 ratios the methane gas in subdrain monitoring points
24 P-211D samples in the first quarter of 2002 is
25 predominantly from landfill gas.' (A copy of page 1 of

1 the report entitled Evaluation of Methane Samples, et
2 cetera, is a attached.)

3 "BFI reports of special occurrences dated 1 May,
4 2001, confirmed that exceedance of methane limits at
5 Vadose Zone monitoring points P-201D, 15 to 18 percent as
6 CH₄, gas readings from P-206D were as high as 15 percent
7 methane with H₂S (hydrogen sulfide) reading over the scale
8 of the detector utilized. That's greater than 100 parts
9 per million.

10 "Further, hydrogen sulfide levels at P-206D
11 showed a level of 185 parts per million with a drag or two
12 and 28 percent CH₄ with a gem 500. (Copies of these
13 reports are attached.)

14 "Official inspections reports Number 20679,
15 22946, and 25594, from May 3rd, 2001, to February, 28th,
16 2003, are attached.

17 "It seems clear that excessive gas control is an
18 ongoing event at Sunshine Canyon Landfill. Remediation
19 and monitoring continue, but there has been no resolution.

20 "Hydrogen sulfide (H₂S) above 50 parts per
21 million causes unconsciousness and death. (Kaye H.
22 Kilburn, M.D, and Rafael H. Warshaw, Toxicology and
23 Industrial Health, Vol II.)

24 "Number 2, PP189-197, 1995 Princeton Scientific
25 Publishing Company." These are just background

1 information.

2 "The combination of hydrogen sulfide and methane
3 landfill gas at SCL represents a clear and present danger
4 of an explosion of cataclysmic proportions on endangering
5 the health of Granada Hills and the children at Van Gogh
6 Elementary School in close proximity."

7 Another item.

8 "Untreated medical waste violations. Untreated
9 medical waste including human body parts were dumped at
10 Sunshine Canyon Landfill during the period from May 17th,
11 2000, through August 21st, 2000." And there's additional
12 information here. "Since July 19 --

13 CHAIRPERSON PAPARIAN: Mr. Kroy -- or, I'm sorry.
14 Mr. Washington, go ahead.

15 COMMITTEE MEMBER WASHINGTON: Did you say body
16 parts?

17 THE WITNESS: Yes.

18 COMMITTEE MEMBER WASHINGTON: Were dumped there
19 from 2000 --

20 MR. KROY: "Untreated medical waste including
21 human body parts were dumped at Sunshine Canyon Landfill
22 during the period from May 17th, 2000, through August
23 21st, 2000."

24 CHAIRPERSON PAPARIAN: Mr. Kroy, you have a copy
25 of this letter to provide us, right?

1 MR. KROY: Yes, I'm going to submit too, yes.

2 And I'm almost done.

3 CHAIRPERSON PAPARIAN: Okay. Yeah, go ahead.

4 MR. KROY: I'm almost at the conclusion of this
5 one.

6 "A county supervisor committee member reports
7 untreated medical waste was accepted from May 16th, 2000,
8 through August 21st, 2000. (Copy attached.)

9 "Since July 1999 the management of SCL has 91
10 written violations or about 2 per month from the official
11 inspection reports." They have many, many violations.

12 I will submit this.

13 CHAIRPERSON PAPARIAN: Thank you.

14 MR. KROY: I would like to now read my comments.

15 CHAIRPERSON PAPARIAN: Okay.

16 MR. KROY: This is much more brief.

17 This is, reference: Opposition of permit
18 expansion.

19 "I'm writing this in opposition on behalf of
20 those who drink and use the water of the Los Angeles
21 Metropolitan Water District (Jensen Water Treatment
22 plant), approximately 17 million customers.

23 "The Jensen Water Treatment Plant is located
24 about 1/2 mile downstream from the Sunshine Canyon
25 Landfill. (Copy of the aerial map of the area is

1 attached.)

2 "The Board's attention is directed to the
3 following for consideration and review:

4 "The landfill is located in close proximity to
5 the following:

6 "1) The Jensen Metropolitan Water Treatment
7 Plant providing water to approximately 17 million
8 customers all over southern California;

9 "2) The Van Gogh Elementary School;

10 "3) Neighborhood of homes, families, and
11 children;

12 "4) O'Melveny Park, the second largest park in
13 Los Angeles;

14 "5) The busy 5 and 14 Freeway Interchange;

15 "6) One of California's most seismically active
16 areas; and

17 "7) The windy mountain pass that the 5 passes
18 through, connecting Los Angeles with cities to the north.

19 "Now the discussion here: The Landfill as
20 proposed will be one of the largest landfills in the
21 country, almost across the street, and over 200 feet above
22 the largest water treatment plant in the United States.

23 The pioneers who survived knew enough not to put the
24 outhouse near or above the drinking water. The water
25 treatment storage plant is located next to and below the

1 Metropolitan Water District Plant. The water storage is a
2 large open body of water that seagulls use after feeding
3 at the dump. The water is not treated again after use,
4 just chlorinated. We drink the water as delivered.

5 "The early Sunshine Canyon Landfill does not have
6 a liner. The newer parts do. However, all liners leak
7 eventually, per Ruckelshouse, former head of BFI, and also
8 Environmental Protection Agency.

9 "The landfill is in one of California's most
10 seismically active areas, as witnessed by the 1971 and
11 1994 earthquakes. The freeway interchange across the
12 street from the landfill, the 5 and the 14, was totally
13 destroyed in the 1971 earthquake. The mountain behind and
14 next to the landfill was pushed up about 18 inches in both
15 the 1971 and 1994 earthquakes. The expectation of a thin
16 plastic liner to survive this over the years is an extreme
17 stretch, bordering on negligent planning.

18 "The liners are now leaking. The question is now
19 when does the leachate get into the water supply? Will
20 this then be a new site for remediation?

21 "We're counting on your common sense and
22 intelligent analysis of this critical situation. Please
23 do not approve the Sunshine Canyon Landfill."

24 I also talked to Hal Burnsen, Councilmember of
25 the 12th district, and he also asked me to express his

1 opposition to the expansion.

2 And, again, I have to note, the landfill has been
3 sited for 91 violations to date.

4 Thank you.

5 CHAIRPERSON PAPARIAN: Thank you, Mr. Kroy.

6 Any questions?

7 Mrs. Peace.

8 COMMITTEE MEMBER PEACE: Mr. Kroy, did you and
9 Mr. Hunter have the opportunity to speak before the
10 city -- the city council on this expansion?

11 MR. KROY: Did I? Yes, I did. And while I was
12 speaking, I have pictures of some of the councilmembers
13 reading in newspapers. They weren't paying that much
14 attention to what the public was saying.

15 COMMITTEE MEMBER JONES: Mr. Chair.

16 CHAIRPERSON PAPARIAN: Mr. Jones.

17 COMMITTEE MEMBER JONES: Just a couple of issues.

18 I can appreciate things you're saying. I think
19 that -- I've toured this site, and I actually think it's
20 an incredibly well-run site. And maybe that's a bad thing
21 for me to say. But actually I think it's a good thing for
22 me to say when the public has concerns. And I know you've
23 been -- have you been on the site or have you been offered
24 tours of the site?

25 MR. KROY: I have been on the site.

1 COMMITTEE MEMBER JONES: And I think it's
2 important, for a couple of reasons, to talk about that.
3 They -- sometime down the road I guess they decided it was
4 important to put a full-time health inspector on that site
5 during its hours of operation. I'm sure the logic at the
6 time was to try to appease and make sure that the citizens
7 felt comfortable with the operation of the landfill.

8 Talking about 91 violations. And that could be
9 litter, it could be dust, it could be somebody didn't make
10 an entry. Over a long period of time when there was an
11 inspector on site every operating moment of that site,
12 that is an incredible track record.

13 I will tell you as an operator of a landfill that
14 winds come up, dust blows, litter happens. The one thing
15 that I saw when I went on that site when I was driving
16 across the ravine, I looked down the site to see if I
17 could see old paper, because that's the clearest way of
18 telling if somebody is really taking care of the
19 day-to-day operations of looking for litter and the types
20 of things that create problems. And I couldn't find a
21 piece of paper, which impressed the heck out of me because
22 it's not something you could just send somebody down. And
23 actually I took that site the day after the winds were
24 blowing pretty good, which really surprised me. But it
25 did say a lot about the operation of the landfill.

1 When you talk about the body parts that came into
2 the landfill, they weren't delivered by BFI, right? They
3 were --

4 MR. KROY: I have to look at the report again.

5 COMMITTEE MEMBER JONES: They were dropped off at
6 their facility.

7 MR. KROY: Yes.

8 COMMITTEE MEMBER JONES: And was it their
9 load-checking program that found them?

10 MR. KROY: I believe it was one of their -- I
11 believe it was one of their -- one of the companies -- a
12 company that worked for them or was assigned to them.

13 COMMITTEE MEMBER JONES: Do you believe that or
14 you know that to be true?

15 MR. KROY: I'd have to check the records. But
16 that is my understanding from the newspaper reports.

17 COMMITTEE MEMBER JONES: Oh, okay. Because --
18 and it's one of the things --

19 MR. KROY: I don't believe everything in the
20 newspapers either, by the way.

21 COMMITTEE MEMBER JONES: Right. It's one of the
22 things I wanted to bring up, and I don't care if the
23 operators talk about it. But it was an issue where, as I
24 understood -- because I called when I read the article. I
25 said, "What's going on?" Where somebody had delivered it,

1 they found it as part of their load checking and stopped
2 it. I think they actually -- did you guys ban the company
3 from -- or you did something with the company that was
4 making the delivery?

5 MR. EDWARDS: Yes. You want me to respond?

6 CHAIRPERSON PAPARIAN: You can step up -- why
7 don't you step up to the microphone over here if he has
8 a --

9 COMMITTEE MEMBER JONES: I just think it's
10 important, because it's an issue that would scare me too,
11 and I'd like to --

12 MR. KROY: Oh, yes.

13 CHAIRPERSON PAPARIAN: Okay. Why don't you
14 identify yourself again, Mr. Edwards.

15 MR. EDWARDS: Dave Edwards, Project Director for
16 Sunshine Canyon.

17 Mr. Jones, you are correct. We have an extensive
18 load-checking program at Sunshine Canyon Landfill.

19 You know, untreated medical waste is not accepted
20 at Sunshine Canyon Landfill. Our programs are set up to
21 make sure that those wastes are excluded from waste coming
22 in.

23 This particular incident was thoroughly
24 researched by L.A. County Environmental Affairs, and they
25 found that -- in fact that there was no body parts

1 disposed of at Sunshine Canyon and in a report commended
2 us on our load-checking program, our ability to detect
3 untreated medical wastes or treated medical wastes.

4 COMMITTEE MEMBER JONES: I appreciate that, Mr.
5 Chair, because it happened when my company took over a
6 landfill system. The person we sent to that site the
7 first day had red bags from the face to the gate before we
8 ever got there.

9 So, believe me, I appreciate the fact that it is
10 a concern. It's a concern to everybody, because, you
11 know -- especially the operator of a site because his
12 people have to work in that material. And if you've never
13 had to make a conversation, which I pray to God you never
14 do, to tell a young married couple that in fact they've
15 got to start getting tested because an employee got stuck
16 by a needle, not knowing where it came from, when they
17 were cleaning out the tracks of a landfill. And when you
18 do it more than once, it becomes a very serious issue.
19 When you do it in excess of six times, it becomes a
20 life-and-death issue. That's why I take it so seriously,
21 because I had to have those conversations.

22 But the facts have to be straight. And I
23 appreciate that you got it out of the newspaper, because
24 that's where I first saw it. And that's when I asked and
25 found out that it wasn't there.

1 And I only bring it up as a way to demonstrate
2 that we have a system in the State of California that's
3 been approved by the federal government on how we manage
4 landfills. People don't like them in their back yards.
5 We are charged, the Waste Board, with making sure that
6 every enforcement and environmentally sound practice is
7 put into place in the running of those landfills. And
8 when they are, we should commend them. And when they
9 aren't, we should slap them around as good as we can.

10 But I think that it's important to the
11 integrity -- because, you know what, even with all the
12 landfills in the L.A. area, you're still 5,000 tons short
13 a day in capacity. And I haven't seen anything down there
14 that shows me that those people are generating less waste.
15 So, you know, we have to make sure that permitted
16 facilities operate right. And I think every effort to let
17 the citizens know how well they're being run is incumbent
18 upon everybody, especially the people in my industry.

19 But I just wanted to clear that up because it
20 hurts -- it's not helpful when we all rely on newspaper
21 articles to determine the compliance of a landfill. And I
22 knew it's something different, and I just wanted to make
23 sure that we touched on that subject because that's
24 something that could scare people. And I just wanted to
25 handle that.

1 Thanks, Mr. Chair.

2 MR. KROY: May I make a comment.

3 I live downstream from the landfill, across the
4 street from Van Gogh elementary school. And I've had bank
5 statements from people in Beverly Hills blow into my
6 backyard, et cetera. It does blow. And the winds are
7 extremely strong there. And, yes, it's just the wrong
8 place for a landfill.

9 Thank you.

10 CHAIRPERSON PAPARIAN: Okay. Thank you, Mr.
11 Kroy.

12 We have one more witness and one more agenda
13 item.

14 Okay. Kelly Smith.

15 MR. SMITH: Mr. Chairman, Committee members.
16 Kelly Smith, and I'm representing North Valley Coalition.
17 And I'll try to brief so you can get to lunch.

18 But I can't resist the opportunity to point out
19 that with 93 violations being a good landfill, a well-run
20 landfill, what makes a bad landfill? And it's small
21 wonder that the State Auditor not to many years ago, about
22 the time that these violations started, pointed out the
23 lax enforcement of violations at landfills by this Board.

24 That said -- I want to focus on one aspect that
25 was touched on by Mr. Hunter, but I believe is the -- one

1 of the reasons anyway why this Board should reject
2 concurrence of this permit, and that is this: The LEA
3 failed to look at the Negative Declaration for the closure
4 of the landfill. Now, as we switch back and forth between
5 these landfills and what's before and what's after, it is
6 clear in the record that the old landfill has to be closed
7 before a new landfill can be stuck on top of it. I think
8 everybody understands that.

9 That old landfill was closed about ten years ago.
10 I want to make sure you understand it was closed by the
11 city because of the problems that the city found it
12 created downwind to the neighborhoods that are very close
13 to that landfill.

14 So it's been closed about ten years. It was
15 taking waste ten years ago. It still hasn't been closed.
16 A Neg Dec was adopted. It was challenged by the North
17 Valley Coalition. It's in appeal now. The LEA did not
18 look at that Negative Declaration. It cannot make a
19 finding that this permit is supported by that Negative
20 Declaration. And, thus, this permit should not concurred
21 with until that's done.

22 It also relates to the fact that the Board did
23 not do an inspection of this landfill before considering
24 the approval of the permits at this time.

25 It was only ten years ago that that landfill was

1 operating. You haven't even closed it yet, technically.
2 So it should be inspected to make sure that landfill gas
3 isn't generated at the perimeter of the old landfill. Ten
4 years later there could very likely be from an unlined
5 landfill, a closed -- or covered at that time, gas above
6 the explosive level at the perimeter of the old landfill
7 as well as the existing county landfill. So you should
8 take a look at that.

9 And, finally, related to the closure of the old
10 site, the Corps of Engineers is reviewing a 404 permit
11 that had been applied for but has not been approved yet.
12 And that is an example of the kind of modifications
13 depending on mitigation that's found for the disruption to
14 the wetlands at the old landfill. Those mitigations,
15 whether the replacement wildlife and trees and so forth
16 must be required on the site or not, is obviously going to
17 affect the design and the construction of a new landfill
18 on top of that site.

19 So this permit is well ahead of the process. And
20 to grant this permit now or to concur in this permit, to
21 issue this permit would be an improper procedure, it would
22 be an invalid procedure.

23 So we would -- I wanted to emphasize that it
24 should be rejected at this point or at least sent back to
25 the LEA with directions to modify it based on those facts.

1 Thank you.

2 CHAIRPERSON PAPARIAN: Okay. Any questions of
3 Mr. Smith?

4 Mrs. Peace.

5 COMMITTEE MEMBER PEACE: There is a full-time LEA
6 on this site. With all the questions that seem to be
7 brought up regarding violations and violations of state
8 minimum standards and the litigation of the Negative Dec,
9 I just would like to suggest that maybe the LEA should be
10 available to answer questions at the full Board meeting.

11 MR. de BIE: We can facilitate that.

12 And just to explain a little bit, there is a
13 full-time staff person on the county-side landfill
14 separately permitted. That's a county LEA. The city has
15 not been active. The city-side landfill has not been
16 active. And to my knowledge there is no full-time city
17 LEA at an inactive, basically closed, landfill. So all
18 the violations that have been alluded to I believe are
19 attributed to the county landfill and not to the city
20 landfill.

21 But we will facilitate the attendance of the city
22 LEA at the Board hearing.

23 COMMITTEE MEMBER PEACE: Thank you.

24 CHAIRPERSON PAPARIAN: Mr. de Bie, a number of
25 issues have been brought up by the last three witnesses.

1 And you've got their letters as well as -- I saw you
2 taking notes from Mr. Smith's testimony.

3 I'd be especially interested at the meeting next
4 week to any responses you might have to issues that were
5 brought up that relate to our jurisdiction over the
6 facility, that relate -- that are within our jurisdiction
7 over the facility. I think there are some issues that
8 might be more in the jurisdiction of the Regional Water
9 Board. But some issues that would -- if they were
10 correct, would be within our jurisdiction. So if you
11 could take a look at those and be ready to respond to
12 those issues and your responses, I would appreciate it.

13 MR. de BIE: We certainly will. Howard
14 anticipated that, and he's been whispering in my ear and
15 trying to figure out how long it might take. It looks
16 like a very extensive list to look through. So we will
17 endeavor to try to have a response together certainly
18 before the Board meeting when this comes up again,
19 hopefully by Monday at the latest.

20 CHAIRPERSON PAPARIAN: Okay. Any other questions
21 or issues about this permit that should be dealt with or
22 looked into before next week?

23 Mr. Jones.

24 BOARD MEMBER JONES: Mr. Chair, I just have a
25 question. I can appreciate the North Valley Coalition

1 bringing up a lot of issues. I haven't read the letters,
2 but I did obviously listen to all the testimony. And a
3 lot of the issues seemed to be issues that they are --
4 they're their issues, and other governing bodies don't
5 necessarily agree.

6 Is staff going to look at every one of the issues
7 that were brought up that -- or are they going to look at
8 the ones that -- you know, I mean it's a pretty long list.
9 And I'm just wondering what your direction is, because I
10 think there's got to be -- this thing has been approved
11 through every step of the process. And I'm not saying
12 circumvent it, but I think clearly it puts our staff in
13 kind of a tough position when we say respond to every
14 issue. And I don't know if that's what you meant.

15 CHAIRPERSON PAPARIAN: What I was trying to get
16 at is those issues within our responsibility and
17 jurisdiction. Some issues that were brought up I think
18 are in some other agency's jurisdiction. But -- and I'm
19 not asking the staff to respond to something that another
20 agency would appropriately have to respond to. But
21 certainly I am asking that staff respond to those issues
22 that are within the jurisdiction of the Integrated Waste
23 Management Board.

24 MR. de BIE: That's what we will focus on.
25 However, at times issues within another agency's

1 jurisdiction, depending on how it might go, may have an
2 impact on what we do.

3 For example, the case that Mr. Smith brought out
4 about the 404 permit and whether there's mitigations. You
5 know, we as staff can indicate, you know, that if it goes
6 a certain direction, what that might mean for the permit.
7 But we're not going to provide in-depth information about
8 404 permit process and that sort of thing.

9 CHAIRPERSON PAPARIAN: Yeah, that's fine.

10 Okay. Anything else on this item?

11 Okay. So this will come up time certain, 3
12 o'clock next Tuesday.

13 We have one more item on our agenda today.

14 DEPUTY DIRECTOR LEVENSON: Okay. Our final item,
15 Mr. Chair -- and I don't think it will take too long, I
16 hope, although it has taken long to get to this point --
17 is consideration of the adoption of a Negative Declaration
18 (State Clearinghouse No. 2003032128) and the proposed
19 regulations for the waste tire monofill regulations.

20 And Keith Kennedy is ready to give that
21 presentation.

22 MR. KENNEDY: Good afternoon, Committee members.

23 During the second 15-day public comment period
24 for the proposed waste tire monofill regulations, two
25 comment letters were received from the public and no

1 additional comment letters were received from industry
2 representatives.

3 The public correspondence raised concerns
4 regarding the removal of liner requirements and leachate
5 collection system for waste tire monofills.

6 Board staff in consultation with the State Water
7 Resources Control Board agreed to remove the language
8 pertaining to liner requirements and a leachate collection
9 system due to the fact that waste tires do not cause a
10 threat to water quality unless a waste tire fire was to
11 occur.

12 The proposed regulations do, however, require an
13 emergency containment system that limits the flow of any
14 contaminated liquids in the event of a fire.

15 The public correspondence also raised specific
16 concerns with the California asbestos monofill (CAM) in
17 Calaveras County.

18 I would like to reiterate to the Committee
19 members that these regulations as proposed do not
20 authorize the CAM facility to accept waste tires until the
21 facility applies for a permit to operate and meets all the
22 requirements of the California Environmental Protection
23 Act and the Board's permitting process including the
24 provisions of these regulations should they be adopted.

25 Board staff released for public review an initial

1 study and proposed Negative Declaration to support the
2 adoption of these regulations.

3 The initial study evaluated potential
4 environmental impacts associated with the implementation
5 of these proposed regulations. The initial study on
6 proposed Negative Declaration finds that these regulations
7 will not have a significant affect on the environment and
8 that an environmental impact report is, therefore, not
9 required under the provisions of CEQA.

10 No public or industry comments were received
11 regarding the initial study and the proposed Negative
12 Declaration.

13 In conclusion, staff recommends that the Board
14 adopt the Negative Declaration and proposed regulations
15 for forwarding to the Office of Administrative Law for
16 approval.

17 This concludes staff's presentation. I'd be
18 happy to answer any questions.

19 CHAIRPERSON PAPARIAN: Any questions before we
20 get to the motion?

21 I had just a couple quick things.

22 I think this would -- this would be one of the
23 regulations that we ought to look at in the context of our
24 follow-up to the C&D regs to see if there's a need to make
25 alterations to assure consistency in the type of things

1 that we're doing, like OSHA, cross training, inspection
2 frequencies, scales, that kind of thing.

3 I'm not suggesting in any way we hold up these
4 regulations. But I think if we go forward with analyzing
5 our other regulation packages, as I think it was the
6 Board's intention to do, this would be one of them as we
7 look forward.

8 And, Mrs. Peace, I think that was something that
9 you particularly wanted to have happen.

10 And then just -- I only seem to have one
11 resolution in my package. You have two resolutions, one
12 for the Neg Dec and one for the item itself, right?

13 MR. KENNEDY: That's correct.

14 CHAIRPERSON PAPARIAN: Okay. I don't know. Do
15 other members have -- do you have both resolutions?

16 COMMITTEE MEMBER JONES: I only have one.

17 CHAIRPERSON PAPARIAN: Okay. Well, let's -- the
18 one that I have is the Neg Dec. Why don't we take a
19 motion on that.

20 Mr. Jones.

21 COMMITTEE MEMBER JONES: I'll move adoption of
22 Resolution 2003-290, consideration of the adoption of a
23 Negative Declaration (Clearinghouse No. 2003032128) for
24 waste tire monofill regulations to show that the Board has
25 reviewed; that now, therefore, be resolved that the Board

1 has determined; and be it further resolved that the Board
2 adopts the negative Declaration.

3 CHAIRPERSON PAPARIAN: Okay. There's a motion.

4 COMMITTEE MEMBER WASHINGTON: Second.

5 CHAIRPERSON PAPARIAN: Seconded by Mr.
6 Washington.

7 Secretary, call the roll.

8 SECRETARY KUMPULAINIEN: Jones?

9 COMMITTEE MEMBER JONES: Aye.

10 SECRETARY KUMPULAINIEN: Peace?

11 COMMITTEE MEMBER PEACE: Aye.

12 SECRETARY KUMPULAINIEN: Washington?

13 COMMITTEE MEMBER WASHINGTON: Aye.

14 SECRETARY KUMPULAINIEN: Paparian?

15 CHAIRPERSON PAPARIAN: Aye.

16 Now, on a Negative Declaration, can that go on
17 consent, or should that be voted on by the full Board?

18 CHIEF COUNSEL TOBIAS: Needs to be voted on by
19 the Board.

20 CHAIRPERSON PAPARIAN: Okay. So this will go
21 forward with a -- on a 4-0 recommendation to the full
22 Board.

23 Now, the other resolution we don't seem to have
24 in front of us, which is I think number 292. None of us
25 seem to have it.

1 I think we're all -- there it is on the screen.

2 MR. de BIE: I'm told that it's in the system.

3 But for some reason it didn't make it to print in your
4 packets.

5 So it has been duly noted on the Board's website.

6 And you can see it on your screens there. It's two pages,

7 correct?

8 CHAIRPERSON PAPARIAN: Okay. So procedurally are
9 we okay voting on this resolution?

10 I'm just getting a "yes" nod from our counsel.

11 So are we making a motion.

12 Mr. Jones.

13 COMMITTEE MEMBER JONES: Question though.

14 Are there any "has" or "has nots" in this one?

15 Just roll it.

16 CHAIRPERSON PAPARIAN: Scroll down.

17 COMMITTEE MEMBER JONES: Okay. Go back, please?

18 Was it 292?

19 CHAIRPERSON PAPARIAN: Yes.

20 COMMITTEE MEMBER JONES: Yeah, I'll move adoption

21 of Resolution 2003-292, consideration of the adoption of

22 regulations for waste tire monofill regulations.

23 COMMITTEE MEMBER PEACE: Second.

24 CHAIRPERSON PAPARIAN: Okay. There's a motion

25 and a second.

1 Secretary, call the roll.

2 SECRETARY KUMPULAINIEN:

3 COMMITTEE MEMBER JONES: Aye.

4 SECRETARY KUMPULAINIEN: Peace?

5 COMMITTEE MEMBER PEACE: Aye.

6 SECRETARY KUMPULAINIEN: Washington?

7 COMMITTEE MEMBER WASHINGTON: Aye.

8 SECRETARY KUMPULAINIEN: Papanian?

9 CHAIRPERSON PAPANIAN: Aye.

10 Now, since the Neg Dec should be adopted before
11 the regulations are adopted, I think this should go
12 forward with them to the full Board, but with a 4-0
13 recommendation.

14 Is there anything else to come before the
15 Committee?

16 If not -- any public comment?

17 No public comment.

18 Meeting is adjourned.

19 (Thereupon the California Integrated Waste
20 Management Board, Permitting and Enforcement
21 Committee meeting adjourned at 12:30 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board,
7 Permitting and Enforcement Committee meeting was reported
8 in shorthand by me, James F. Peters, a Certified Shorthand
9 Reporter of the State of California, and thereafter
10 transcribed into typewriting.

11 I further certify that I am not of counsel or
12 attorney for any of the parties to said meeting nor in any
13 way interested in the outcome of said meeting.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 16th day of May, 2003.

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JAMES F. PETERS, CSR, RPR

24

Certified Shorthand Reporter

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