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BOARD MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING

1001 I STREET

2ND FLOOR

CENTRAL VALLEY AUDITORIUM

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APPEARANCES CONTINUED

ALSO PRESENT

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Terry Leveille, TL & Associates

Pat Lucia, GeoSyntec

Mike Mohajer

Julie Ryan, GeoSyntec

Larry Sweetser, ESJPA

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PROCEEDINGS

CHAIRPERSON MOULTON-PATTERSON: Good morning, and welcome back to our April Board meeting.

We have a very full day today, and we're going to be having a lot of things out of order, so I ask for your patience.

And if you'll call the roll, Ms. Waddell.

SECRETARY WADDELL: Paparian?

BOARD MEMBER PAPARIAN: Here.

SECRETARY WADDELL: Peace?

BOARD MEMBER PEACE: Here.

SECRETARY WADDELL: Washington?

BOARD MEMBER WASHINGTON: Here.

SECRETARY WADDELL: Moulton-Patterson?

CHAIRPERSON MOULTON-PATTERSON: Here.

Ms. Peace, ex partes.

BOARD MEMBER PEACE: No. I'm up to date.

CHAIRPERSON MOULTON-PATTERSON: I'm up to date.

Mr. Paparian.

BOARD MEMBER PAPARIAN: Yes. I had several. Marianne Evashenk and Linda -- I'm not sure of her last name, from the Sjoberg Evashank Firm regarding the agenda item related to the RAC center evaluation. I met several of the GeoSyntec representatives who are here for the -- I think it's Item 24 on the report on landfill compliance.

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And then just meet and greet with Chuck Helget, with John Cupps, and with Steve Larson.

CHAIRPERSON MOULTON-PATTERSON: Okay. And Mr. Washington.

BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

Meet and greet with Chuck Helget, John Cupps, and Mike Mohajer.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

Ms. Peace, did you have an item that you wanted to address at this point?

BOARD MEMBER PEACE: Well, I'm still, I guess, not sure what we decided to do with Number 9, the SB 1066 good faith effort.

CHAIRPERSON MOULTON-PATTERSON: Mr. Leary -- did you want me to have Mr. Leary go first and then call on you?

BOARD MEMBER PEACE: Yeah. Let him go first.

CHAIRPERSON MOULTON-PATTERSON: Mr. Leary, can you give us an update on this very confusing second day?

EXECUTIVE DIRECTOR LEARY: Let me make the picture clear for all of us.

CHAIRPERSON MOULTON-PATTERSON: Okay.

EXECUTIVE DIRECTOR LEARY: Actually, we had some good discussions yesterday in regards to Agenda Items 9 and 14, and we had some good discussions in the twelve or

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so hours since we adjourned yesterday. But I don't know that we're quite ready to come back to the Board and resolve either of those items.

What we'd like to do, Madam Chair, with your blessing, is to continue Agenda Items 9 and 14 to next month, allow us to work on some of the issues that were raised, and come forward to the Board with those items in the May Board meeting.

But I understand there is some discussion continuing around Agenda Item 17, so I'll turn it back to the Board.

CHAIRPERSON MOULTON-PATTERSON: Right. Okay.

Ms. Peace.

BOARD MEMBER PEACE: On Agenda Item 17, out of respect for Senator Sher and my appointed authority, I'm asking this item be pulled. And we do still need to look at this, and we will be looking at this in the future.

I guess the concern I have about this is, on one hand, we have, you know, a Senator asking us to pull it. On the other hand, we have a report here from the Senate Advisory Commission on cost control in government, and one of their recommendations to us is, "In an effort to bring the controversy surrounding energy recovery from tires to the end, the Board should increase public awareness of the benefits of using waste tires for energy recovery as a way

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of diverting large numbers of waste tires away from landfills and stockpiles." So it's like we're damned if we do and we're damned if we don't.

You know, the Board and everyone here at the Board are very concerned about the environment, very concerned about the health of our children. We wouldn't be here if we weren't. I would like to know -- you know, I'm very concerned about our children's health. I would like to know why so many of my children's friends carry inhalers. You know, I don't think necessarily that's coming from burning tires. I would like to put to rest the fact, is burning tires safe or safer than burning coal? And I don't know what the opposition is afraid of to put that issue to rest.

So you know, I'd like maybe even go a step further. I mean, I don't know what they're so afraid of. Maybe we need to know is making charcoal and using your barbecue safer than burning tires? I mean, maybe using your barbecue is worse than using tires.

Maybe using your fireplace is worse than burning tires. Are you willing to go that far? Are you willing to say we shouldn't use our barbecues if we find out they're safer? Wouldn't you like to put to rest the fact that burning tires could be safer than burning coal? I think I would like to know that.

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We have a big tire problem here in the state. Maybe we'd like to push RAC. Yeah. Sure. We're over at the Legislature trying to push the use of RAC. If we could get the state to use a lot of tires in RAC, maybe we wouldn't have a tire problem. But who knows. Maybe somebody could say the emissions coming off of a RAC project are worse than burning tires in a cement kiln.

So I am looking to pull this item now. But I want to see the report discussed in the future.

CHAIRPERSON MOULTON-PATTERSON: So you're asking for it to be continued?

BOARD MEMBER PEACE: Yes.

CHAIRPERSON MOULTON-PATTERSON: Okay. And you know --

BOARD MEMBER PEACE: The other thing that concerns me on this same front is we have all these conversion technologies coming forward. And you hear from people, gosh, are conversion technologies just incinerators in disguise? Are we going to pull every item and not discuss when it comes to conversion technologies? These kinds of things concern me.

So for today, I'm asking that Number 17 be pulled. But this is probably not the end of it. I'd like to see it discussed in the future.

CHAIRPERSON MOULTON-PATTERSON: If I might

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request something. Could you possibly, as our Senate representative, meet with some of the Senators so we can know -- have an idea on their wishes so we can take that into consideration, and then we can put this back on?

BOARD MEMBER PEACE: Uh-huh. Sure.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you. I appreciate that commitment.

Mr. Leary, did you --

EXECUTIVE DIRECTOR LEARY: Yes, Madam Chairman. I neglected in my opening remarks to talk a little bit about the schedule for today. If I might make a suggestion to the Board, I think we're ready and able to present Agenda Item 24 first. We have our contractors from the Bay Area here, and they're ready to go.

And then there is some time sensitivity around Agenda Item 21. If I can get concurrence with Deputy Director Levenson, we still want to have that done this morning, Agenda Item 21.

DEPUTY DIRECTOR LEVENSON: If we can.

EXECUTIVE DIRECTOR LEARY: So if we can, okay.

So if we can go from 24 to 21, and then we can proceed back to 11 through the rest of the agenda.

CHAIRPERSON MOULTON-PATTERSON: Okay. Perhaps we'll get everything done this morning. I'm an optimist. Anyway, we will start with 24 and 21.

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But before we do, I did have a request for a very brief comment by Mr. Mohajer. Mr. Mohajer, if you'd like the come forward.

MR. MOHAJER: Good morning, Madam Chair, members of the Board.

The reason I came over here from the Conversion Technology Workshop is that I want to express my appreciation to all the staff, the Board staff, that did work on this. Being an old bureaucrat, I know the type of work they had to do to come up to some agreement with all the stakeholders. Not everything was to my agreement, but it most was.

So I want to thank Shirley Wagner, John Sitts, and Jeff, and my old, old friend from the old days, Bob Conheim, which goes back to the mid '80s. So that's my only purpose. And I appreciate for calling on me. And they really did an excellent job. Thank you.

CHAIRPERSON MOULTON-PATTERSON: It's nice to see you, Mr. Mohajer. Thank you.

Mr. Paparian.

BOARD MEMBER PAPARIAN: Yeah. I'll try to be real brief, but I feel like I should just briefly say something about this tire issue, since it's come up.

I think that a lot of us who have looked at this issue kind of know the general direction we would have

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gotten from the results of this study. It would have been more updated than some of the past studies. But generally, you can find some facilities where the air quality has improved in some, particularly with NOx, when you burn tires. You can find other facilities where it has not improved, and where it has actually caused some health problems or caused some pollutants, which could lead to health problems. And a lot of it has been dependent on how the facilities have operated and how they have taken care of the fuel source.

So I don't think that the OEHHA Study would have provided necessarily the definitive conclusion on the health issues. I think they would remain. I think that the evidence that I've seen points in both directions. And I think it would continue to point in both directions, but we would have a better understanding about why it points in both directions.

So I don't think that we're going to -- I don't think we should believe that the OEHHA Study would have led to the definitive conclusion, but I think it would have provided more information that would be useful in our evaluations.

CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. Paparian.

I'm getting lots of notes here about this agenda.

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My plan -- and if anyone has a different request, I'll consider it. But it's to go with 24 -- and please check me here, Mr. Leary. I know we went out of order yesterday, too. 24, 21, 11, 12, 13, 15, 20, 22, and 23.

I have a request here for 25 to be considered. Is there someone going to be gone? Okay. We'll take 25.

And let me read it one more time. We'll take 24, 21, 25, 11, 12, 13, 15, 20, 22, and 23. Is that correct? Okay. Okay.

Then we'll go right into Item Number 24, which is a Presentation and Discussion of the Draft Task 6 Report of the Landfill Facility Compliance Study.

And I believe Ms. Packard --

MS. PACKARD: Thank you, Madam Chair. Good morning, Board members. Rubia Packard with the Policy Office.

Today we're presenting for your discussion the Draft Task 6 Report of the Landfill Facility Compliance Study, which is a review of MSW landfill regulations from selected states and countries.

We have the contractors here today to go through their presentation on the study; Julie Ryan, who's the project engineer; and Pat Lucia, who's a principal with GeoSyntec Consultants. To start with, Bobbie Garcia from the Policy Office, who's been the project manager for us

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on this, will briefly review with you the work that was supposed to be done as part of the landfill study, and then we'll have the presentation from the contractors.

(Thereupon an overhead presentation was presented as follows.)

MS. GARCIA: I just quickly want to go over where we are with the study.

Phase 1 was the part of the study that assessed the environmental performance of MSW landfills across the environmental media.

Task 1, which is part of Phase 1, was the checklist of MSW regulations that are pertinent to environmental oversight of landfills. That was completed on April 11th, 2002.

Task 2, which was the large cross media inventory of the 224 MSW landfills, that was completed April 9th, 2003.

Task 3, which was the Phase 1 Report that summarizes all the results of the screening analysis that was performed on the inventory, which was done to better understand environmental performance at MSW landfills, that was completed and presented to the Board on October 15th, 2003.

The Phase 2 portion of the study, which is the one that is actually looking at the effectiveness of our

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MSW regulations. Under that we have -- let me switch the slide.

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MS. GARCIA: Under that, we have Task 4, which is the more in-depth look at 53 of the MSW landfills to better understand if their environmental performance is related to current regulation. That Task 4 will be presented at the same time as Task 5, and that's scheduled for the May 2004 Board meeting.

Task 5, that's the report that will summarize the results of the Task 4 analysis or the information that has been gathered to see the role the current regulations play with regard to compliance to better understand regulatory effectiveness.

And then Task 6, which is being presented today, which is the look at other states and countries and what they're doing with MSW regulation.

Task 7, which was the report on emerging technologies, looking at those that could possibly be used in California to improve the operation of California's landfills, that was completed and presented to the Board at its November 18th, 2003, meeting.

And the Task 8, which will summarize the results and also give some additional findings, that is scheduled for the June 2004 Board meeting.

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So unless you have any questions on what is coming ahead and what has already proceeded, I'm going to turn it over to Julie Ryan and Pat Lucia who are with GeoSyntec.

CHAIRPERSON MOULTON-PATTERSON: Thank you. We have no questions, Ms. Garcia, so we'll go right ahead.

(Thereupon an overhead presentation was presented as follows.)

MS. RYAN: Thank you, Madam Chairwoman. My name is Julie Ryan. I'm here today to present the results of the review of MSW -- to present the results of the review of the MSW landfill regulations from selected states and countries.

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MS. RYAN: Like I said, my name is Julie Ryan, and I perform the regulatory review and served as the task coordinator and primary author of the report. Michael Minch and Pat Lucia served as collaborators and reviewers for this report. It should be recognized the study was a collaborative effort between GeoSyntec and the rest of the study team. The study team, which consists of Bobbie Garcia, Ed Wosica, Joe Mello, Mike Watnick, Rinaldo Crooks also provided extensive input and assistance into the completion of this task.

But that said, the statements, conclusions, and

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recommendations that were contained in the report are those of the contractor, GeoSyntec.

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MS. RYAN: The primary goal of this Task 6 Report is to recommend elements of other states' and countries' regulations that, if applied in California, could possibly improve the regulation of the MSW landfills.

To do this, we reviewed existing regulations to identify the states and countries that will be the most relevant to this study. We identified eight states and five countries, and collected the regulations from these jurisdictions for review. In some cases it was difficult to gather the existing regulations due to language barriers or inaccessibility of the regulations. And in those cases, we relied more on information provided by experts from the different countries than on the regulations themselves.

During the review of the existing landfill regulations from the eight states and five countries, we identified those specific elements of the regulations that represented a significant difference from the California regulations. A detailed evaluation of those regulations was performed, and recommendations were developed. The evaluation and development of recommendations for this report was complicated, because each regulation has the

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potential to impact multiple media.

To help you in a review of the report, let me give you a brief overview of how the report is organized. The organization of the report is presented in Section 2.1 of the report.

Section 1 provides an executive summary of the findings of the report.

Section 2 presented the purpose and method for study of the report.

Section 3 presents the regulations from the eight states.

Section 4 presents a summary of the regulations from the five countries.

Section 5 provides a discussion of selected regulations.

And Section 6 provides our recommendations.

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MS. RYAN: This slide presents the eight states selected for evaluation in this study. The states were generally selected because they have specific characteristics, like New Mexico, which has a unique climate, or New York, which requires double liner systems for new waste containment units. The eight states reviewed in the study include Washington, New Mexico, Wisconsin, West Virginia, Pennsylvania, New Jersey,

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Delaware, and New York.

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MS. RYAN: This slide presents the five countries that were selected for evaluation. These countries were selected for a variety of reasons, including accessibility to the regulations and to provide a distribution of social, political, and geographical characteristics.

The countries selected for evaluation include, Brazil, South Africa, Japan, Australia, as well as the European Union. Australia has independent regulations for each state, rather than federal regulations for the whole country. So the regulations from the states of Victoria and New South Wales were included in the study.

The European Union, or EU, is set up similar to the United States with an umbrella set of regulations that governs the member countries, allowing more stringent regulations to be applied in individual countries. So this study focused on the EU directive, as well specific regulations from the United Kingdom and Germany.

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MS. RYAN: The study focused on environmental protection and how it would be impacted by design rather than operations and maintenance issues. So to simplify our review of the existing MSW landfill regulations, we developed this breakdown of logical topics by which to

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organize the regulations. All of the regulations we reviewed in this study fall under one of these topics. However, there were no state regulations identified for special handling of waste, and there were no country's regulations reviewed for groundwater monitoring. All the other topics are included in both the states' and countries' regulations.

A summary of the regulations that fall under each of these topics are presented in Section 3.2 of the report for the states and Section 4.2 of the report for the countries.

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MS. RYAN: This slide provides an example of how the existing regulations were presented in tabular form in the report. The presentation of the regulations for the states and countries were identical, except that the states' regulations were compared to the U.S. federal regulations, as well as California's regulations. This was done because the U.S. federal regulations represent the minimum allowable level of enforcement within the United States and provides a basis for comparing the other states. These tables were presented at the end of the report, and key items were discussed in Section 3 for the states and Section 4 for the countries.

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MS. RYAN: After reviewing all of the available regulations for the states and countries, a subset of individual regulations was identified for further review based on significant differences in either intent or detail to the California regulations.

For example, a significant difference of detail was identified in the New Mexico regulations with respect to a siting criteria for separation from groundwater. In New Mexico, the minimum allowable separation from groundwater is 100 feet, whereas in California it's 5 feet. So this regulation was selected for further evaluation of the potential impacts that adopting such a regulation could have on landfill siting in California.

In this way, we identified 19 regulations from the eight states and five regulations from the five countries that we felt warranted further review and consideration.

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MS. RYAN: To allow for a consistent evaluation of the 24 regulations, we developed this list of criteria for discussion of each of the regulations. The environmental protection benefit was evaluated based on conditions found in California. The potential costs and savings associated with implementing the regulation were identified. The potential for the regulation to affect

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design procedures and site operations was considered. We reviewed the cross media inventory that was developed for Task 2 of this Landfill Compliance Study, and we presented relevant information on existing California landfills in this report.

This process was used to help us develop recommendations on the individual regulations based on conditions that are actually found in California.

And lastly, we wanted to find out if any literature exists on the performance of each regulation. So we performed a literature review using the Internet.

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MS. RYAN: Now I'd like to walk through one of the more straightforward examples to give you an idea of how the individual regulations were evaluated in the report.

The example we're presenting is with regard to a requirement for processing or treating waste prior to disposal in an MSW landfill. The basis for this example is an EU requirement strictly limiting the volume of biodegradable waste that enters the landfill. This regulation is relatively new to the European Union and has been widely praised as a step towards sustainable landfilling.

When we talk about pre-processing, we're talking

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about mechanical, biological, or thermal pre-treatment. Some examples of this would be recycling, shredding, composting, anaerobic pre-treatment, or incineration, and details of these methods and others were discussed in the Task 7 Report of this study.

The environmental impacts of implementing a similar regulation in California are expected to be largely positive. By removing biodegradable components of the waste, we remove the potential for unanticipated releases to the environment.

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MS. RYAN: However, there are both positive and negative impacts on cost that would be expected from implementing a requirement for pre-processing. There can be high capitol costs associated with some treatment methods. There's a potential for increased waste handling costs, and byproducts of some of the processes may require treatment, such as liquid waste that would result from anaerobic pre-treatment.

Conversely, there's a potential source of revenue from the sale of byproducts, such as recycled materials, compost, or fly ash. In addition, pre-treatment reduces air space consumption and increases longevity of existing landfills. There also may be a potential for future savings in landfill gas control systems and groundwater

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remediation.

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MS. RYAN: With respect to design procedures, implementing a requirement for pre-processing waste may result in changes in the characteristics of MSW that enters the landfills. This may, in turn, require changes in procedures and methods of designing landfills. We have not identified specifically how the characteristics may change, but recognize that these changes should be considered during design. It should also be recognized that some of the methods for pre-processing are still in the development stages and should be designed on a site specific basis.

With respect to site operations, the addition of on-site waste processing facilities are expected to impact how waste is handled at the site.

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MS. RYAN: The cross media inventory was reviewed for pertinent information with respect to waste pre-processing. The number of sites which are currently implementing pre-processing technologies were identified. In this case, it's 5 of 224 existing MSW landfills.

The way in which the cross media inventory is referenced might be different for different regulations. This regulation would be applicable to all landfills, so

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we've identified where the pre-processing has been implemented this far. For other regulations, such as depth to groundwater regulation that I mentioned earlier, it was more appropriate to identify instead the number of landfills that would meet that criteria.

We also use the cross media inventory to identify how these sites are performing using the dependent environmental performance variables that were defined in conjunction with Task 3 of the Landfill Compliance Study. In this case, the information is statistically insignificant, because the data set is so small.

It should be recognized that the inventory is not all inclusive. In this case, we know that there are pre-processing facilities off site from landfills that were not captured in the data set.

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MS. RYAN: Lastly, we performed an Internet literature search. Several articles on this topic were identified, but only one was readily available to us for review. This article evaluates performance of the European Union pre-processing requirement under hypothetical scenarios, because the regulation is too new to reliably document the actual performance. The results of the study suggests that the regulation should perform as expected to reduce the volume of waste entering the

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landfill and to reduce uncontrolled emissions from landfill.

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MS. RYAN: So after performing this type of detailed evaluation for each of the 24 individual regulations, we developed recommendations for 22 of them. After further investigation, two of the regulations that had been originally selected for review were found to have similar enough intent to the California regulations as to not warrant a full evaluation or the development of recommendations for changes.

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MS. RYAN: Based on our review of the selected regulations, we compiled some general findings. The California regulations appear to be less specific than the regulations from the eight selected states. The California regulations appear to be similar to the five countries reviewed, in that they're all attempting to accommodate highly variable site conditions. And the California regulations appear to have found a balance between flexibility and specificity appropriate to the heterogeneity of the state.

Given that, we recommended six regulations for further consideration in California.

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MS. RYAN: First, we recommended that California consider adopting multiple prescriptions for base liner systems, a type of tiered structure based on site conditions. This type of structure is being implemented in South Africa where the prescriptive base liner for a new cell is defined based on landfill size, rainfall, and evaporation characteristics. More protective liners are required at large sites and wet areas than at small sites and in dry areas.

This type of system provides a structure under which site-specific conditions may be considered and gives more direction to the local agency in regulating their jurisdiction than do the current California regulations. This system could provide efficiency in the design and installation of liners, but could also be structured to require more protective systems if it's warranted.

If this type of system were developed for California, it should be recognized -- it should be designed to accommodate the site characteristics that would be encountered in the state.

In addition to landfill size, rainfall, and evaporation, a tiered structure could also consider population density, subsurface conditions, and proximity to useful groundwater in defining the appropriate base liner system for a site.

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Current trends in regulating California landfills have resulted in some sites be required to implement more protective liner systems than other sites with similar conditions in different jurisdictions. By developing a tiered structure of minimum base liner requirements, more guidance would be given to both regulators and to owners, which may result in more equal protection of the -- more equal application of the regulations across the state.

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MS. RYAN: Second, we have recommended that a standard be developed for defining the end of post-closure care. The existing regulations require that waste in the landfill no longer pose a threat to groundwater quality, public health and safety, and the environment. This requirement is somewhat ambiguous and not well defined. Other countries, such as Japan and Australia, defined the end of post-closure care based on physical criteria such as the results of environmental performance monitoring.

We're recommending that similar criteria be defined for release from post-closure care in California based on leachate quality, landfill gas generation, the results of groundwater monitoring, and the level of degradation of the waste mass. This would result in the end of post-closure being evaluated based on site-specific conditions, as it is now, but using an acquirable standard

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for all sites.

Additional research is required to define these physical criteria prior to changing the regulations. But more landfills in California are reaching the end of the post-closure care period, and this topic should be addressed.

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MS. RYAN: Third, we're recommending that a requirement for pre-processing waste be considered for California. As I mentioned earlier, this type of regulation has been recognized as a big step toward developing sustainable landfilling practices worldwide.

However, we acknowledge this type of regulation may be faced with hurdles specific to California, so that further evaluation should be performed to identify the technologies that could be implemented to meet the requirement to consider the social and physical constraints found within the state and to evaluate the level of benefit that is expected for the imposed cost. This evaluation should be performed before making any changes to the existing regulations.

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MS. RYAN: We also identified three other regulations that may be appropriate for consideration in California. These include a siting requirement that

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considers the distance to existing wetlands, a siting requirement that considers the proximity to water supply wells, and more restrictive landfill gas control requirement for explosive gasses at the property boundary. These three regulations were all more restrictive in other states than they are in California.

Prior to recommending any actual changes, a quantitative evaluation of the existing regulations should be performed. If the existing California regulations are sufficiently protective of the environment, then no changes to these would be recommended.

And I will take any questions.

CHAIRPERSON MOULTON-PATTERSON: Thank you very much.

I'll get my question screen on here.

Mr. Paparian.

BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

There are some very interesting recommendations in here. I especially appreciated some of the information about the pre-treatment efforts in Europe and so forth.

The one thing that, to me, was missing in this -- and I'm not sure if it's going to come elsewhere or not -- is the area where the Waste Board puts a lot of its effort in the programs related the landfills or the state minimum standards and adherence to the state minimum standards

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that we have in California. I know that other states do things differently.

I just pulled up some information about Pennsylvania where just last October they fined a landfill $1.37 million. And they put a lot of emphasis in Pennsylvania on issues of odor, dust, truck traffic going into landfills, and so forth, things that, if it was in California, would be in the state minimum standard and enforcement arena.

Are we going to get it in this compliance study information about things that would apply to our state minimum standards, things that other states are doing that if we were to adopt them, would we adopt them through state minimum standards, or things other states are doing with regards to enforcement we aren't doing?

MS. GARCIA: At this part of the study they didn't get into the compliance part of it. It was more focusing -- I think a lot of the study has been focusing on design, the features of the landfill itself, and then the compliance with that for California. When they went to look at other states and countries, it was to compare the same areas that we looked at in Task 2, which was the type of liners, does it have a gas control system in place, the setting, more of design of the landfill rather than -- it never really got involved with operation.

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Now, all of those are state minimum standards that they were looking at. And we did look at compliance in terms of -- and again, for grading of the slopes, gas, if they were out of compliance and gas control emissions or if they were out of compliance in terms of leachate, it would be of that nature. We didn't get into the area of dust control or anything of that nature.

As for other states, I don't think they were looking at that. I don't think that was the direction we were heading. It was more of looking at, do they require double liners and has that been more effective in New York to have double liners, and should California consider something like that. So --

BOARD MEMBER PAPARIAN: Again, for what we do -- I mean, our ongoing efforts are geared at ongoing compliance at the 170-odd landfills in California.

What would be really interesting to me would be to know are other states doing things differently. Are other states require -- I understand there are different requirements when you open the landfill and when you close the landfill. But during the ongoing operation, all those years in between, which is where we put most of our staff efforts and energy, can we get some of the information about what other states are doing differently and whether that might be applicable to California, both in terms of

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the standards they're using and the enforcement criteria and enforcement programs?

Can we get -- I mean, it is a Landfill Compliance Study. I was a little surprised it wasn't in this part of the study. I would hoped it would be somewhere in the Landfill Compliance Study we would have that information.

MS. GARCIA: I know for looking at other states and countries they did not look at like compliance by other states in terms of dust control or in compliance with any of it. They looked only at those specific features.

And even at that, it was a great -- I'm not going to say it's a problem with the landfill study. I'm going to say it's the issue of the landfill study is it's tremendous in size. It's a cross media study, and it's not only looking at the Waste Board end of it, it's looking at the Water Board and the air districts. And it's huge. And trying to just get down into all the design requirements going across media has been a very large undertaking.

And then when GeoSyntec went in and looked at other countries and states, again, it's a tremendous volume of information because you're not just looking at specific one part of management of the landfill. You're looking at the whole picture.

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And so we focused it down for looking -- and this is part of the actual contract. When we initiated the contract, we tried to keep it at a certain level and not get down into operating or into Cal OSHA requirements or employee safety and health. It focused basically on the development, design. And it would be ongoing operation in terms of groundwater monitoring, cover, daily cover, all the different units as you're adding and expanding to a landfill, if you're using a lined cell, if you're putting in groundwater monitoring wells. It would be things in that area. But it's just that you have to focus it to a point, because it was just so much to be looking at and trying to make sense of it.

BOARD MEMBER PAPARIAN: Again, I think what we deal with and what we hear the most concern about is the ongoing operation of a landfill. Are there going to be odor problems? Are there going to be emissions of some sort that might be of concern to a community? Is the truck traffic being handled in a certain way? Is there dust? And I know that different states regulate all these things different ways. In terms of compliance, you know, Landfill Compliance Study, to me, that's part of the compliance issue.

MS. GARCIA: Right. And in the contract, the scope of work that was developed for the contract,

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initially, it never got down to dust and the day to day operations, other than the groundwater monitoring, the air emission, the gas control, all of those things are day to day operations as well. That's what the study focused in on, not some of these other areas.

And odor could be related to it indirectly, because if you handle your waste properly, you may not have the odor problem. So directly looking at the design, looking at some of the things the study is looking at, it will help you in your day to day operations. But it didn't do the comparison of the day to day operations.

BOARD MEMBER PAPARIAN: In the stuff that you did look at, did we look at what happens if there's not compliance?

MS. GARCIA: That's what we've been looking at. The Task 2 inventory was looking at which landfills are in compliance with gas control, or are they having gas problems? Are they having leachate or drainage surface water? Those are the types of things that are in the inventory right now to show if they're having a compliance problem or if they're in corrective action with Water Board or in evaluation monitoring with the Water Board. Those are the areas they're looking at.

And then what Task 4 is going to do is take, knowing those landfills were identified as having these

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problems, what does that mean, and how does that relate to the regulations that we have? So an example would be if a landfill is having a lot of leachate problems, is that because the liner was installed incorrectly? So it's trying to find why the landfill is not in compliance.

BOARD MEMBER PAPARIAN: In terms of looking at other states, if another state sees a problem with compliance in one of those areas, did we look at what they do in response? Do they fine? Do they shut the landfill down? Do they have requirements? What type of requirements? How quickly do they require it to get into compliance?

MS. RYAN: We didn't do that detailed a study, for one reason. The Landfill Compliance Study framework is having us look in Task 2. It was collecting all that sort of information for all the landfills in California. And we're going into further detail now and looking at just that sort of information for the landfills in California.

In order for us to address how the other states and countries are responding to compliance issues, we would have had to develop the same sort of database for all of those states in order to produce a reliable result. And that was outside the scope of the contract.

BOARD MEMBER PAPARIAN: I'm not sure how that --

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to me, there's a huge, huge gap here in terms of a lot of the stuff we do in terms of the operation of ongoing landfills. That's what our whole LEA program is primarily geared towards. They deal with occasionally the opening of a new landfill and occasionally with the shutdown of a landfill. But most of what our LEAs are doing is the stuff in between.

And I mean, to me, it would be very instructive in terms of a compliance study to know how other states handle the ongoing compliance and enforcement. And if it's not in this study, maybe we need to have an additional study that would do that. Because I think in terms of what the Board has the power to do, it's in that area.

MR. LUCIA: I think that's a great question. I think, for example, if somebody in New York had been doing this study and that question had been raised and they asked, you know, what's the state of compliance in California and they came here three years ago, you couldn't have answered that question, because there was no single point that you could go to to look at that data.

I think California now is unique in the country in the sense that after the Task 2 database was put together, you can come to California and you can look at 220-something landfills and can look at all the issues

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you're raising, and you can answer those types of questions, other than the O&M type of questions.

But this type of study really is unique in this country and in the world, as far as we know, in collecting and understanding the state of compliance of landfills. And so I think it makes it very difficult to go to New York or New Jersey or Pennsylvania and anywhere and ask that and get that question answered.

BOARD MEMBER PAPARIAN: But again, what I'm looking for is what does New York or Pennsylvania do to assure their ongoing compliance? It looks like last October Pennsylvania fined a landfill $1.37 million, a single landfill, you know. Are other states emphasizing fines? Are they emphasizing, you know, other forms of getting landfills into compliance? And are they using different standards to judge whether they're in compliance? And could we benefit by some of the standards? Do we need better odor standards?

I don't know. Maybe we have the best in the country. But we're not getting that answer from the study. We're not getting the answer about whether we're the best or whether there is opportunities to change some of our state minimum standards. That's my frustration in looking at this.

MR. LUCIA: I think what we're getting is we can

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look across the country and around the world. We can compare the standards. We can look at our standards, and that's what this study does, it looks at our standards and it compares standards in other locations. And we've addressed some areas where we think the standards in California may not be as strict as in other locations.

Now, it's a different question than saying, you know, if you have a standard, how is it enforced, which is kind of what you're getting at. And what's the result of having that standard? And we can answer that question in California, because we have an enormous database on 224 sites. And so we can go into that database for any particular cross media area that you'd like to look at in more detail. But we can't at this moment go anywhere else in the world and ask and answer that same question, other than to do this study in other states and other locations.

So what we're left with at this point and sort of the evolution of regulations around the country and world is there's a whole series of standards that have been adopted, some more stringent, some less stringent. And each country and state has different levels of compliance with that, which are to a large degree unknown except for California.

BOARD MEMBER PAPARIAN: Again, we're selective -- my frustration is we were selective in which standards we

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compared to other states. It appears we didn't take our range of minimum standards and compare them to what's being done in other states. We didn't see what standards they have that we don't have. We took a subsection of our state minimum standards, those relating to opening and closing landfills, and we didn't take the in between.

I'm hoping that before we get the study done that we can figure out some way, even if it's quick matrixes, to look at other states, what they do in terms of state minimum standards and some of the areas that we have and what they do in terms of enforcement.

MS. GARCIA: I just want to reiterate, the scope of work for the landfill study that the contract is based on is dealing with that subset of state minimum standards. So the contract itself does not include looking at or beyond into some of these more operating state minimum standards.

CHAIRPERSON MOULTON-PATTERSON: Ms. Garcia, maybe this is something that our staff could look at quickly on the Internet or whatever.

I mean, I feel Mr. Paparian's frustration because we both vividly remember Senator Romero questioning us on fines in our confirmation hearing. It would be good to know what fines have been levied in other states at a comparison. And I don't think it would be that hard,

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maybe not in the scope of this. But maybe we can just look internally, because it's something I'm concerned about, too. And we certainly were called on the carpet about it.

So thank you.

Anything else, Mr. Paparian?

BOARD MEMBER PAPARIAN: No.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you very much.

And I promise you this is going to be the last change of the day, but Item 25 is a pretty short item so I think -- and someone came in especially on vacation to present this, so I think we'll go with Number 25. This is going to be presented by Joanne Vorhies, our Acting Director of Education and Environment.

Ms. Vorhies.

OFFICE OF EDUCATION AND THE ENVIRONMENT ACTING ASSISTANT DIRECTOR VORHIES: Thank you, Madam Chair, Board members. I'm Joanne Vorhies. I'm with the Office of Education.

And Item 25 is Consideration of the Grant Awards for the Unified Education Strategy Grant Program for Cycle Two Fiscal Year 2003/2004. And Becky Williams of my staff is here to present this item.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

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Good morning, Ms. Williams

MS. WILLIAMS: Good morning.

Thank you, Joanne.

Good morning, Madam Chair and Board members.

I'd like to begin by thanking you for accommodating our request to take this item out of order. I truly appreciate that.

This agenda item seeks your approval for Cycle Two funding for the grantees that you are currently participating in the Unified Education Strategy Grant Program. As you may recall, the Board approved the UES Grant Program as a two phase or two cycle program. It is designed to award the same grantees up to $38,000 of Cycle Two funding to implement Phase 2 of their programs.

A requirement of the grantees at the conclusion of Phase 1 was to submit an application which details what and how they plan to proceed with the work they began last summer. Of the 13 UES grantees that received Phase 1 funding, eight submitted plans which have been reviewed and accepted by their CIWMB grant managers.

The five who did not submit plans have chosen not to continue participating for various internal reasons, but all five grantees have been cooperative with our request to conduct exit interviews and to collect summary information and the deliverables they produce during Phase

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The grant managers and our primary consultants are confident we can continue to build strong relationships with the UES grantees wishing to participate in Phase 2. You can find the list of grantees on Page 2 of the agenda item.

With all the existing pressures on schools and districts, it is heartening to know that there are educators and administrators out there who want to promote environmental literacy with students. We urge you to accept our recommendation and approve Cycle Two funding for the UES grantees.

In conclusion, we look forward to returning in the future to the Board to provide you with an update on the progress we're making with the UES teams and possibly invite some of those team members to address the Board on what they've experienced through this program. Thank you for your time, and we would welcome any of your questions.

CHAIRPERSON MOULTON-PATTERSON: Thank you very much.

Ms. Peace.

BOARD MEMBER PEACE: The five grantees that dropped out, it didn't have anything to do with the program? They were all internal problems?

MS. WILLIAMS: That's what we've heard from them.

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We've received written letters and correspondence from them. Most of it is due to staff turnover, teachers moving to different grade levels, internal issues happening within their districts, new programs that they're having to implement, and competing priorities. So we've asked and investigated further with them, and it's not really anything related to the program itself.

BOARD MEMBER PEACE: Okay. If there are no further questions, I'd like to move Resolution Number 2004-93, Consideration of the Grand Awards for the Unified Education Strategy Grant Program for Cycle Two Fiscal Year 2003/2004.

BOARD MEMBER WASHINGTON: Second.

CHAIRPERSON MOULTON-PATTERSON: We have a motion by Ms. Peace, seconded by Mr. Washington to approve Resolution 2004-93.

And before we call the roll, I'd just like to say thank you. I know you've worked very hard on this, and it's very much appreciated.

Please call the roll.

SECRETARY WADDELL: Paparian?

BOARD MEMBER PAPARIAN: Aye.

SECRETARY WADDELL: Peace?

BOARD MEMBER PEACE: Aye.

SECRETARY WADDELL: Washington?

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BOARD MEMBER WASHINGTON: Aye.

SECRETARY WADDELL: Moulton-Patterson?

CHAIRPERSON MOULTON-PATTERSON: Aye.

Now we'll go to Item 21. Mr. Levenson, thank you for your patience.

DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

Good morning, Board members.

Item 21 is a Report on the Current Status of the C&D Debris Handling Regulations and the Activities Known to be Existing Prior to August 2003.

CHAIRPERSON MOULTON-PATTERSON: Okay. And I just want to say happy birthday a day late to Mr. de Bie.

Mr. de Bie, I wanted to wish you happy birthday yesterday, and I forgot. I hope you had a nice day here with the Board.

PERMITTING AND INSPECTION BRANCH MANAGER: I did.

CHAIRPERSON MOULTON-PATTERSON: Good.

DEPUTY DIRECTOR LEVENSON: Madam Chair and Board members, thank you for acknowledging Mark's birthday.

We're going to be reporting to you today on the status of implementation of the C&D and inert debris processing regulations which became effective on August 9th of last year.

To date, we have been busy primarily focused on

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initial implementation of the regulations. This has meant working with LEAs to provide guidance on the regs and on the associated permit and enforcement requirements in that regulatory package. As part of that, we've also attempted to glean some information from the LEAs about the impacts of the regulations on C&D business decisions.

We recognize that the information we have is limited for several reasons. First of all, we only know of 37 existing sites that were existing prior to August 2003. We feel there are more sites out there, but we need more information from LEAs and other sources about other activities so they can be checked out. Some of those might be transfer station permits, regardless of whether they were C&D regulations. But regardless, the info that we have is from an LEA perspective and not from a direct survey of businesses themselves. So we recognize that this is just preliminary information.

Mark is going to go ahead and review the information we have to date. Then we'd be happy to discuss with you whether any additional work is needed.

PERMITTING AND INSPECTION BRANCH MANAGER: Thank you, Howard.

Thank you, Madam Chair, for acknowledging yet another birthday.

I'll ask you to recall back to almost -- or over

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a year ago in April 2003 when the Board did adopt Phase 1. And at that time, the Board directed staff to come back with a report on the impact of the regs six months after the regs became in effect. As Howard indicated, that was in August of 2003. So we're right around six months here a little late coming to you with this report.

Prior to and after the regs came into effect, Board staff was working with LEAs in getting information out to them about the requirements in the regs. We actually did something that we don't usually do relative to reg development, but I think we'll do it in the future, is we downloaded almost all of the information we had, background information, descriptive information, Power Point presentations, lots and lots of information that we had developed on the C&D regs, and put it on a CD that we mailed to every LEA jurisdiction, indicated to them that there were additional CDs available they could pass out to operators for their benefit and use. And then also offered individualized training at the request of the LEAs on the C&D regs. This is just one of the things that staff did that was out of the usual relative to this reg package.

We interacted with the LEAs quite a bit in round tables, in terms of clarifying the information and the requirements in the regs. We also started a new process

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for C&D and also attached the compostable material regs into this process, where as questions came to staff and responses were developed, we captured those and put them through a review process which included legal review and our bit by bit posting the questions and responses on our web page as sort of a frequently asked question sort of thing, which is a unique thing for C&D and compostable materials. So that's just sort of recapping what staff has been doing since April and August of last year.

In the item, as Howard indicated, the current list contains 37 sites, and there are probably more. Occasionally when we're talking to LEAs or operators or consultants, they indicate they're aware of other sites. We ask them for specifics, and we usually don't get the specifics. But at least there's an indication that there probably are additional sites out there that aren't on this list.

But right now today we have 37. Of those 37, seven of them -- that were identified, again starting back in January 2003, seven of them have ceased operations. They are no longer operating. And the main reasons given by LEAs of why they believe they stopped operating is that there was inconsistency with their operation and the local land use requirements.

At least in a couple jurisdictions in which --

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that were interviewed, it was evident that when the LEA approaches an operator of a site and starts developing information about what they're doing and how they're doing and identifies them as a C&D processing site, they also share that information with their counterparts at the land use and code enforcement. When the code enforcement people or the land use people get that information, it moves up higher on their priority list in terms of determining whether or not it's consistent with land use.

And because of that process, many of these sites -- or many of the seven sites resulted in the land use people indicating that they shouldn't have been there because they're inconsistent with land use and should have gone to the land use and got that approval prior to operating.

So when that became evident, then you now have the LEA asking for compliance with these regulations, and then you have the land use entity asking for compliance with the land use requirements. And I think the combination of those resulted in some of these operators deciding to cease operations.

BOARD MEMBER PEACE: We're having some land use problems, because they're identified now like a waste facility, not a recycling facility?

PERMITTING AND INSPECTION BRANCH MANAGER: No.

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That wasn't the issue.

It was that no matter how they were identified by the state, they were inconsistent with local land use. And they weren't caught prior to this, because, for example, in one jurisdiction I was told that they have a backlog, a case load of over 6,000 complaints and issues relative to land use that they're slowly whittling away. So it was probably on that list somewhere, but they hadn't gotten to it yet. So these would have been people that started bringing in material, processing it, without getting the local land use approvals prior.

So seven have ceased. Thirty are still operating. Of those 30, LEAs indicate that 14 of them as of today have the approvals that are required, either notification or a permit, and 16 are still without their approvals, either notification or the permits.

And the reasons given by LEAs for that is incomplete submittals of the application materials or the notification materials, the fact that the sites are not identified currently in the NDFE for the host jurisdiction. The land use issues have been raised again, inconsistency with land use and the operator needing to work with the land use entity to get permission on that, as well as CEQA. And the CEQA plays in that some of these sites are in the process of working with the LEA are

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describing operations that are beyond what they're currently doing. So they're growing the operations, and those expansions haven't been reviewed in CEQA. So that's requiring additional CEQA review.

Board staff have discussed these various issues with LEAs, especially the land use issue, because at least in a couple scenarios, the LEAs have indicated they're holding up the solid waste facility permits waiting for some determination on the land use decision. And so we are working with LEAs to clarify the relationship between the solid waste facility permit process and the land use process, so that they can, you know, get past that and move forward in processing these permits.

When asked of the LEAs if there were any unique issues relative to the C&D regs in terms of, like, the requirement for scales or IIPP and the permit and that sort of thing, the LEAs indicated that those were not the issues that were holding up these facilities from getting the appropriate approvals.

BOARD MEMBER PEACE: Have you been asking these questions of LEAs? Have you asked these questions of the operators?

PERMITTING AND INSPECTION BRANCH MANAGER: Again, staff's focus has been working with the LEAs and getting the list and getting this information. We realize that to

really get the full picture, we really need to, you know, sit down with some operators, if not all of them, and interview them in depth about their ability to continue to comply with these regulations, as well as perhaps the effect of these regs on business plans or decisions they're making about growing their facilities, if there's something in the regs that are preventing them from growing so they move from one tier to the other.

We have not collected that data. And that is something that can be done. It would, in my view, involve some sort of survey or sitting down with operators and having a very detailed discussion with them to really fully understand that aspect. So far we've just worked with the LEAs to collect this information.

DEPUTY DIRECTOR LEVENSON: If I can just add on to that last comment. Based on my experiences with the composting infrastructure surveys that the Board has conducted in the past where we asked some similar questions of operators regarding impacts of regulations, it's possible but very difficult to get information about the impacts of regulations on business decisions that's really verifiable. But it is something we can ask.

However, I think that if we went down that path, this is probably a much broader survey. I think we wouldn't want to just look at the regulations in

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isolation. There are other factors that effect business decisions, such as markets and specs, collection programs, and so on. It's an issue in terms of what impacts business decision cuts across a lot of the divisions here, DPLA, Markets, P&E. So to undertake an operator survey like we did with the composting structure is a pretty big endeavor.

BOARD MEMBER PEACE: You don't think it's worth it to go through that big endeavor to --

DEPUTY DIRECTOR LEVENSON: It could very well be worth it. I just wanted to point out it is something we'd need to do some thinking about in terms of the cross divisional aspects and what factors to include in a survey like that. The compost infrastructure survey, we ended up with contracting two times I believe for about 50,000 each time. I'm not positive on that.

PERMITTING AND INSPECTION BRANCH MANAGER: So just to complete what -- sort of where we're at right now today with the information that we have, given that we don't have all the information that the Board may desire, is that we basically have 16 sites out there that are known C&D processing sites that don't have the appropriate approvals as yet. We understand that probably about four to five of those should have approvals within a month or so of their notifications.

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There's a few things that we can iron out with the LEAs to get them where they need to be. But there are going to be a number of sites that are currently operating, will continue to operate without the approvals necessary. And only two of those currently are under any sort of enforcement action by the LEAs.

So staff's intent is to work with the LEAs and the operators to get them through the approval process as quickly as possible, be sure the LEAs understand their responsibility relative to appropriate enforcement action, and if necessary, move the LEAs through the process where the lack of appropriate enforcement action can be addressed by the Board.

BOARD MEMBER PEACE: So of the 30 identified C&D facilities that are still in business, none of them have gotten their permits yet? You said 14 of them are having problems with the NDFEs and the CEQAs, and 16 still don't have approvals. So there really haven't --

PERMITTING AND INSPECTION BRANCH MANAGER: Fourteen have approvals. They're done.

BOARD MEMBER PEACE: Oh, they have.

PERMITTING AND INSPECTION BRANCH MANAGER: Fourteen are all done. And these are slightly different numbers than are in the item because they got updated recently. They're off by one. But 14 are complete.

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They're done. They have what they need. Sixteen --

BOARD MEMBER PEACE: And they've all gotten permits for C&D facility? Or have some of them gotten permits for having a transfer processing facility?

PERMITTING AND INSPECTION BRANCH MANAGER: Some were transfer processing, a decision that the LEA operator made to go that direction, as opposed to C&D. And the main reason was that they were handling non-C&D material and wanted to continue to handle non-C&D material, mostly brush compostable material. So in order to handle a compostable material waste stream and a C&D material waste stream, they needed to get a transfer station permit. Some were determined to be recycling centers. They qualified for the excluded tier. Some are notifications. Some are registration level.

BOARD MEMBER PEACE: Okay.

PERMITTING AND INSPECTION BRANCH MANAGER: So that completes staff's presentation. And we seek any direction the Board would like to give us relative to next steps.

We're, again, suggesting to continue working with the LEAs on getting these sites permitted. If enforcement is an issue, to bring them through the process. And we'll look for direction I think on if additional analysis, like we've characterized, is something the Board would like us

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to continue working one.

BOARD MEMBER PEACE: So you feel these regulations are supporting the recycling of C&D debris away from disposal? Have there been any creation of any new facilities? Do we have enough facilities out there to process all the C&D?

DEPUTY DIRECTOR LEVENSON: Ms. Peace, I think that's something that's premature for us to answer at this point. We've been focused on getting the existing known sites into compliance with the regulations. But that's what I was alluding to in terms of a broader survey of, you know, what impact it had on diversion? What tonnages are moving through these facilities? Are there other facilities out there that they're not aware of? What are the stumbling blocks to the development of C&D processing a facilities of one type or another? Are they regulatory barriers? Are they market barriers? Is it transportation costs? It's a broad suite of factors that may impact and vary by business to business.

So I think to get a more definitive answer to that question, we would have to do some kind of more sophisticated and -- cross media is the wrong word -- but cross divisional survey, and we haven't sat down and thought that out.

BOARD MEMBER PEACE: This C&D is such a large

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section of the waste stream. I think that it is important to know whether it's the regulations holding it back getting it processed or is it markets? What is it that we can help? What direction do we need to go to help get that C&D stuff out of the waste stream?

EXECUTIVE DIRECTOR LEARY: Madam Chair, if I may.

CHAIRPERSON MOULTON-PATTERSON: Yes.

EXECUTIVE DIRECTOR LEARY: Howard opens the door very nicely on following up on your comments, Member Peace, given the report I gave to the Board and the reaction that our diversion rate is to decline slightly in 2003. I think C&D is a large part of our waste stream that we've contemplated putting together a cross divisional effort focusing on all aspects of the management of C&D throughout California to focus on exactly that reason, the target of upping our diversion rates by seeing what we can do in regards to the management of C&D, study the marketplace from all perspectives, and see what we can do to affect it.

So I appreciate your comments. I think I find them very supportive of what we're envisioning launching here very soon, working with folks from our Diversion, Planning, Local Assistance, as well as Waste Prevention, Market Development, and P&E and do a cross divisional study.

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CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. Leary.

And certainly our direction would be to continue working with the LEAs for the next 60 days on any issues, and we would like you to report back to us and also schedule any public hearings as needed.

DEPUTY DIRECTOR LEVENSON: Thank you. We will follow up with those directions.

CHAIRPERSON MOULTON-PATTERSON: Thank you very much for the report.

Okay. I'd like to have about a ten-minute break right now.

(Thereupon a recess was taken.)

CHAIRPERSON MOULTON-PATTERSON: Mr. Washington, any ex partes?

BOARD MEMBER WASHINGTON: No, Madam. I'm up to date.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Mr. Paparian, any ex partes?

BOARD MEMBER PAPARIAN: I'm up to date.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

And I would like to acknowledge we received -- even though Item 17 has been pulled, we received a letter that I'll be distributing to all Board members from the West Valley Citizens Air Watch Group. So I would like the

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record to reflect that.

Ms. Peace.

BOARD MEMBER PEACE: I'm up to date.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

On to Number 11.

DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

Good morning, Board members.

Item 11 is Discussion and Request for Rule Making Direction on Noticing Revisions to the Proposed Regulations for Waste and Used Tire Hauler Administrative Civil Penalties for an Additional Comment Period for Consideration of Adoption of the Proposed Regulations for Waste and Used Tire Hauler Administrative and Civil Penalties.

Tom Micha will make the staff presentation.

MR. MICHA: Good morning, Madam Chair, and members of the Board. My name is Tom Micha.

The Board previously authorized staff to file with the Office of Administrative Law, or OAL, to go out for comment on changes amending the existing waste tire hauler registration and manifesting regulations. OAL published the notice for this rule making on January 30th of this year. A 45-day written comment period ended with a public hearing on March 19th.

Today staff is bringing before the Board one

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comment received during the comment period, as well as staff-recommended changes to the proposed regulations package.

The one comment stated that -- or one commentor stated he is opposed to any regulatory increase in the maximum penalties that can be assessed to waste tire haulers. And he sites a letter he received from the Board stating that as a registered hauler, he may be liable for up to $25,000 for violation of the manifesting requirements. The commentor believes that this amount is excessive for an honest mistake made in filling out the manifest forms.

Staff agrees that $25,000 is excessive for a mistake made -- an honest mistake made in filling out the manifest form. And that is why proposed Table 1 in Section 18464 indicates the first offense for a manifest violation is 100 to $500. The hauler would also have an opportunity to appeal any fine to an Administrative Law Judge. In addition, the maximum penalty of $25,000, is set in statute and not regulation. Therefore, the Board is not increasing the maximum penalty through regulation. To the contrary, the Board is limiting the penalty through proposed Table 1. Staff does not recommend changing the proposed regulations based on this comment.

Aside from this one comment, staff is

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recommending a few changes to the proposed regulations. These proposed changes are double underlined to distinguish them from the previous single underlined changes that were noticed for the 45-day comment period. Copies are available on the back table. Except for two changes, the others are nonsubstantive.

The addition of Subsection 18457(e) presented on page 3 of the agenda item is a first substantive change. This proposed subsection will prevent waste and used tire haulers, while prior enforcement actions against them resulted in denials, suspension, or revocation of their registration, from operating under another registered hauler. This will also apply to a driver responsible for disciplined registration.

The second substantive change is the proposed requirement in Section 18459.1(d) that every generator, hauler, and end-use facility display in a conspicuous location a Board-issued certificate with the tire program identification number for that business.

Staff recommends that the Board direct staff to circulate the proposed changes for an additional 15-day comment period. Staff will bring this matter back to the Board at its May meeting with a recommendation that the Board adopt the regulations, so long as no further substantive changes are required.

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That concludes staff's presentation.

CHAIRPERSON MOULTON-PATTERSON: Thank you very much.

We do have a public speaker, Terry Leveille, TL & Associates.

MR. LEVEILLE: Thank you, Madam Chair and Board members.

I'm here representing the Tire Retread Information Bureau. And just as an informative few comments, at one point we were looking at a different form of registration, essentially, or different forms of documentation from the traditional manifest system, and we still are. And at one point we had looked at possibly attaching some new provisions to these regulations.

Unfortunately, because of some lax oversight at the Department of Transportation, the federal, we found that anybody that applies for a retreaders number from the feds doesn't really -- isn't really subject to any kind of oversight. So it complicates our issue a little bit.

And with the help of your staff, who's been very supportive and very helpful, particularly Don Dier, we're looking at possibly inserting in some emergency regs that we've been given an indication would probably go into effect in the first of July or so that would incorporate basically the concerns that we had. And I just wanted to

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kind of clarify that for you if you had any questions. Thank you.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you, Terry. I don't see any questions.

May I have a motion?

BOARD MEMBER WASHINGTON: Madam Chair.

CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

BOARD MEMBER WASHINGTON: If there's no questions, I'd like to move adoption of Resolution 2004-94, Consideration of Adoption of the Proposed Regulations for the Waste and Used Tire Haulers Civil and Administrative Penalties.

BOARD MEMBER PAPARIAN: Second.

CHAIRPERSON MOULTON-PATTERSON: Motion by Mr. Washington, a second by Mr. Paparian to approve --

STAFF COUNSEL BRECKON: Excuse me, Madam Chair. Wendy Breckon.

We're not asking for adoption right now of the regs. As a title states, we're asking for direction to go out for a 15-day comment. Or if you didn't agree with the changes that we're proposing, that you would adopt the reg package as it was prior to the double underlining changes.

CHAIRPERSON MOULTON-PATTERSON: Sorry. I saw this resolution in there. Thank you. Then we'll go on with number 12.

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DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

Item 12 is Consideration of Scope of Work and Contractor for the 6th Waste Tire Management Conference, Tire Recycling Management Fund --

STAFF COUNSEL BRECKON: Excuse me. This is Wendy Breckon, again, Staff Counsel. So can I just have it clearly stated for the record that you directed staff to go out for 15-day comment, if that's what your direction is?

CHAIRPERSON MOULTON-PATTERSON: Yes. So directed.

DEPUTY DIRECTOR LEE: Item 12, Consideration of Scope of Work and Contractor for the 6th Waste Tire Management Conference, Tire Recycling Management Fund, Fiscal Year 2003/2004.

Diane Nordstrom will make the staff presentation.

MS. NORDSTROM: Good morning, Madam Chair and members of the Board.

Item 12 is the Consideration of the Scope of Work and Contractor for the 6th Waste Tire Management Conference. The Board previously allocated $100,000 for the 6th Waste Tire Management Conference at its May 2003 meeting in its approval of the second edition of the Five Year Plan for the Waste Tire Recycling Management Program.

The 6th Waste Tire Management Conference is

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proposed to be a two-and-a-half day conference held in the Southern California area in the spring of 2005. Because the Recycled Products Trade Show is being held at the same time in Ontario, California, Board staff is working together to combine the two events. Staff anticipates that approximately 200 people will be in attendance and an estimated 40 speakers will be presenting at this conference.

The intent of the conference is to provide an open forum for stakeholders to discuss waste tire management issues. The target audience will include waste tire generators, tire recyclers, tire recycling researchers, local governments, tire grant recipients, the Board, and Board staff.

The purpose of this contract is for the contractor to plan and administer together with Board staff the 6th Waste Tire Management Conference. Board staff is recommending this contract be awarded to CSUS because they have been our contractor for previous Tire Conferences, and staff has been pleased with their performance in fulfilling the requirements of this contract.

Staff recommends the adoption of Resolution 2004-95 for the scope of work and adoption of Resolution 2004-96 for the contractor for the 6th Waste Tire

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Management Conference Contract.

This concludes my presentation.

CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. Paparian.

BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

I had a few things on this.

I'm still not entirely comfortable with paying the amount of about $500 per participant in the conference. But I talked about that in the context of the Five Year Plan, and I think I lost on that issue, so I won't pursue it more here. But I think over time we do need to figure out what the cost benefit of some of this stuff is that we're doing. Five-hundred dollars per participant seems a little high to me.

In terms of the scope of work itself, I had a few suggestions. On page -- the second page of the scope of work in terms of soliciting speakers, one thing I noticed at the last conference -- this was a little bit better than the conference before that I was at. But I would like to see a little bit more diversity amongst the panelists in terms of the diversity of viewpoints.

So I would suggest in Task 3 that first line that they look not just at trade associations, trade publications, and local governments, but also expand that list to include environmental and other non-governmental

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organizations. So again, that we get a little more diversity of viewpoints among some of the panelists that they choose.

The list of items under Business and Market Development, the last bullet, social marketing and product stewardship, that ought to be two items. Those are two different concepts. You ought to take that and make it two bullets.

And this is more broad than just this scope. I know that you've got boiler plate language here on the written documents, the use of recycled content paper, and so forth. I think we may need to revisit that, not just for this scope of work, but for other scopes of work as well. I think we're using some dated concepts. The 30 percent post consumer was certainly state of the art a few years ago. But if you go to any copy machine in this building, we're using 100 percent post consumer right now. And I think we ought to be encouraging our contractors to be doing that. And not only that, we ought to be encouraging our contractors not to print items at all, but to do things electronically.

So I don't want to hold up this scope of work in trying to come up with a better boiler plate on the written documents, but I think that I do want to flag that so that next time we start getting scopes of work like

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this, we start having some improvement in what we're asking of our contractors for recycled content and then source reduction, not producing as much as they do.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Ms. Peace.

BOARD MEMBER PEACE: Yeah. I agree with Mr. Paparian that we should change that 30 percent to 100 percent. And also under the conference provisions where we say usable cups, plates, and utensils, I think we could also put in there reusable or compostable, since that is now available. And since we're talking later we are going to be asking for composting, that we should also be putting our boiler plate language that, you know, reusable or compostable plates and utensils.

Also under Task 3 where it says waste tire recycling technologies where we're talking about rubberized asphalt concrete, I would really like it stressed that they talk about noise reduction and the cost benefits of RAC. Can that be done?

MS. NORDSTROM: Yeah. I don't know if we want to get -- because each thing will have more detail for each subject. So I don't know if you want to specify it in the scope of work with the contractor --

BOARD MEMBER PEACE: How do you make sure they will be talking about the noise reduction?

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MS. NORDSTROM: The Board staff will be actually doing the agenda, so your input on the agenda would be very helpful.

BOARD MEMBER PEACE: Okay. And then I, too, with Mr. Paparian will be looking at this closer as we start reviewing the Five Year Plan, because I do want to make sure that, are we getting the $100,000 worth of benefit out of this only 200 people? That's something we'll be looking at. I don't have any other questions.

CHAIRPERSON MOULTON-PATTERSON: Mr. Lee, did you want to address that?

DEPUTY DIRECTOR LEE: Yeah. Thank you, Madam Chair. I think almost all the recommendations are legitimate, and we certainly can comply with.

Your comment, Mr. Paparian and Ms. Peace, with regards to involvement of, you know, a wider range of people, that's been our endeavor all along. I can, in fact, recollect our last conference, again, some of the speakers on -- at least one of the speakers on the environmental side who wasn't able to attend and give their scheduled presentation. So I don't think there's a lack of effort on staff's part, again, you know, to try and diversify, I think, the conference presentations. But we will increase our endeavors in this area. We understand your positions on this particular matter.

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With regards to some of the changes -- first of all, with regard to the overall value of the conference itself, it's been my personal observation this has been one of our most valuable venues for getting our message out, for getting together with stakeholders, for hearing where everybody is at on some of these major issues.

I think in past our efforts in this regard have been well received not only by the Board but also by the regulated community and stakeholders. We think when all of that is considered, it turns out to be what we consider a very cost effective use of funds. So we would hope that as we go through the Five Year Planning process that you would take that into consideration.

With regards to some of the standard contract provisions, again, I think I concur with Mr. Paparian, some of these appear to be somewhat dated. But my understanding is they are the current contract language. So I guess we will work with the appropriate admin departments to see what needs to be necessary to freshen those up a bit.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you. And I appreciate Mr. Paparian and Ms. Peace's comments, because I do believe that now is the time for the Board members to mention what they'd like to see in the agenda.

Isn't that correct, Mr. Leary?

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EXECUTIVE DIRECTOR LEARY: Always open to input, Madam Chair, certainly.

CHAIRPERSON MOULTON-PATTERSON: I just want to clarify that.

CHIEF COUNSEL CARTER: Madam Chair.

CHAIRPERSON MOULTON-PATTERSON: Yes.

CHIEF COUNSEL CARTER: Also to address Mr. Paparian and Ms. Peace's request, we can put in an updated provision in this scope of work with your direction here. We will work with the markets and provide what we feel is the most appropriate update language, rather than deferring it to future scopes.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Did you wish to make the motion, Mr. Paparian?

BOARD MEMBER PAPARIAN: With the changes we've discussed, a tinkering with a little bit of the language, with what counsel just suggested, we have two resolutions. I'll move first Resolution 2004-95 related to the scope of work for the 6th Waste Tire Management Conference.

BOARD MEMBER WASHINGTON: Second.

CHAIRPERSON MOULTON-PATTERSON: So did you include both of them or just one?

BOARD MEMBER PAPARIAN: One at a time.

CHAIRPERSON MOULTON-PATTERSON: We have a motion by Mr. Paparian, seconded by Mr. Washington to approve

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Resolution 2004-95.

Please without objection substitute the previous roll call.

And did you want to make that next one?

BOARD MEMBER PAPARIAN: The next one is 2004-96, which I'm moving, related to the Consideration of the Contractor for the 6th Waste Tire Management Conference.

BOARD MEMBER WASHINGTON: Second.

CHAIRPERSON MOULTON-PATTERSON: Motion by Mr. Paparian, again, and seconded by Mr. Washington for 2004-96.

Please substitute the previous roll call.

DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

Item 13 is Consideration of the Grant Awards for Senate Bill 1346, Rubberized Asphalt Concrete Grant Program for Fiscal Year 2003/2004 and Fiscal Year 2004/2005.

Nate Gauff will make the staff presentation.

MR. GAUFF: Good morning, Madam Chair and Board members. I'm Nate Gauff with the Special Waste Division.

This item is to consider the grand awards for the Senate Bill 1346 Rubberized Asphalt Concrete Grant Program. The Board allocated 1.1 million from Fiscal Year 03/04 and 1.2 million from Fiscal Year 04/05 towards this program.

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The Board approved the eligibility criteria evaluation process and ranking categories at the September meeting. Staff subsequently issued a NOFA and mailed that NOFA to over 650 interested jurisdictions. We received back -- I think in the agenda item it says 87 applications. We actually got 89, and that was due to a numbering error by the Grants Admin Unit when we entered in the applications.

Of those 89 applications, 70 were deemed eligible for consideration for funding, and that's the list in the Resolution. The total of the 70 applications comes to $1,189,480, of which we're recommending funding of 1.1 million from Fiscal Year 03/04, and the $89,048 from 04/05.

What we're planning to do with the remaining 04/05 funds is to put out another solicitation when funds become available after the budget act and offer another solicitation to local governments for this program to allocate -- or actually to give out the remaining funds.

Are there any questions?

CHAIRPERSON MOULTON-PATTERSON: I have a lot all at once.

Mr. Washington.

BOARD MEMBER WASHINGTON: Just a brief question.

Nate, on this second B list for the allocation

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for the 04/05, the City of Ontario $662, what are they going to do? It takes that much just to apply for the grant.

MR. GAUFF: Yeah. What happened, that was the cutoff of the 03/04 funds. If you look at the end of the 03/04 list on the A list, that same project number 44 is listed. And what it was is the project was an $8,000 project, and we had to split the funding. So they're going to get the full $8,000. The difference is they may get one check cut from 03/04 funds and one check cut from 04/05 funds.

BOARD MEMBER WASHINGTON: Okay. Thank you, Madam Chair.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Mr. Paparian.

BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

On that last item, that might be a good candidate if we have a few dollars left over in the reallocation just to make it easier.

This is fabulous. As I understand it, if you figured out how many tires we're recycling through this, it's about one-and-a-half million.

MR. GAUFF: It's not quite that many. It is over one million tires equivalence that would be recycled if all these grants are fully executed.

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BOARD MEMBER PAPARIAN: I think that's great. I think there's some real opportunities here. Mr. Myers in the audience hasn't had a chance to figure out what he's going to work on yet. But I think the Rubberized Asphalt Program offers limitless opportunities for seeking public attention to the good work we're doing and the good things that we can do through our recycling programs.

CHAIRPERSON MOULTON-PATTERSON: And it's very timely because we'll have a chance to tell Senator Kuehl about it tomorrow at the Senate hearing, if it's approved.

And Ms. Peace.

BOARD MEMBER PEACE: So you said there's over a million tires that are going to be recycled. So that's about a dollar a tire.

MR. GAUFF: Roughly.

BOARD MEMBER PEACE: Roughly a dollar a tire.

I was just curious, because when you compare these to how many tires, for the cost, are being used in resurfacing and that sort of thing, that seems a lot more cost effective.

I think we had a great response to this RAC Grant Program. And since we should try to stimulate the dying crumb rubber industry here in California by encouraging RAC, when we look to start the review of the Five Year Tire Plan, I think we should look in this area to do maybe

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some more allocation adjustments to reflect this need.

I've already talked to our Public Affairs Office to write an article that should be placed in every major newspaper, as well as the local newspaper of each grantee. And the article should include not only the cost benefits and safety benefits, but stress the noise reduction benefits of RAC. You know, they should have an article that says, gosh, you know, this resurfacing of the roads in our neighborhood are made possible by the Integrated Waste Management Board. But, community, you are so lucky because your roads are going to be so much quieter. And I think we need to stress that.

And when we send out, say, like the NOFAs for the second RAC grant cycle, we should also be putting in an article similar, say, to this one here extolling the benefits of RAC. When you send out the NOFAs to all the jurisdictions, do you ever do anything like that?

MR. GAUFF: Typically, we don't, because, you know, the Notice of Funds Available basically just lists the parameters of the program, you know, and that type of thing, deadlines, and the basic program information. We don't typically add a lot of extra information to the mailing.

BOARD MEMBER PEACE: You send them out to like 600 different, you know --

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MR. GAUFF: In addition to posting it on our website. So certainly some jurisdictions that I did talk to got the information from the website also.

BOARD MEMBER PEACE: At least you can put some links onto the website or something with these NOFAs. Like right here this article here says, "When asphalt rubber silenced the road noise on an Arizona freeway, the public demanded more." So maybe if they knew that this RAC was going to, you know, quiet the roads, you know, it would be that kind of a big benefit, that maybe they would more likely apply and want to look into the RAC grant more.

MR. GAUFF: Well, I'll tell you, I don't know if we want to tie it to the grants as much, but we are planning on bringing an item next month to the Board to talk about the Rubberized Asphalt Program options. And that may be a more appropriate time to discuss, you know, how to link these two together, if possible.

CHAIRPERSON MOULTON-PATTERSON: Well, I think it would be great to send that out with the grant application. You know, coming from a city and, you know, public works directors, they have to know an awful lot. But maybe they don't know in some little towns how great this is. I think it would be a great thing to do.

BOARD MEMBER PEACE: I do, too. I think in my

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community we have people complaining about the noise made by all the traffic running 24 hours a day to the new Indian casino down the street. They're trying to talk to our supervisors and putting up sound walls and this and that. If they knew they could resurface the road there with RAC, that might help solve the problem. I think they would be very interested. And hopefully by pushing the noise reduction benefit of RAC that the people of California, the public in California, like the public in Arizona, will demand it be used more.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

DEPUTY DIRECTOR LEE: Madam Chair, one question to follow up on Mr. Paparian's remarks. He mentioned about the possibility of reallocation for the Ontario situation. And looking at this -- and I'd like to address this to Nate as well so we can get a clarification. We have about, I think, $89,000 as part of this proposed resolution that would be using '04 money.

Nate, is there any kind of administrative advantage to proposing -- asking the Board to consider this as reallocation as opposed to using the 04/05 moneys for it?

MR. GAUFF: I think the advantage would be that if the $89,480 is done through reallocation, obviously that would give us a full 1.2 million to offer the next

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fiscal year and would most likely take away the possibility if something happened with the budget where those funds weren't available, these folks that submitted the applications on this first solicitation would certainly get funded, you know, without having to worry about whether the budget is passed or money is swept or anything like that for next year.

BOARD MEMBER PAPARIAN: Madam Chair, if I can just follow up. I know there is going to be a big menu of items for reallocation in the tire program. And you know, I don't think we can commit at this point to whether this would rise above other items or not.

The few hundreds dollars, I suspect, you could absorb pretty easily. The 80,000, I think we have to look at the bigger menu just to make sure we're consistent with our overall priorities for the program.

DEPUTY DIRECTOR LEE: I understand your concern. Like I said, I guess the language we were potentially suggesting for the Resolution would preserve the option of going to the reallocation. It wouldn't give any additional priority for these '04 potentially 04/05 projects.

BOARD MEMBER PAPARIAN: And we've done that with other tire-related grants in the last few months.

DEPUTY DIRECTOR LEE: I think some language could

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be proposed in that, if the Board is interested.

STAFF COUNSEL BRECKON: This is Wendy Breckon, Staff Counsel.

Perhaps we can revise the proposed resolution so it would say the B list -- I'm looking at the second page of the resolution. It would say, "The B list to be funded from the reallocation of 03/04 -- or FY 03/04 funds or FY 2004/2005 funds, should it become available."

BOARD MEMBER PAPARIAN: That sounds good. We're not committing to the reallocation yet until we get to the reallocation item. We're making that clear.

Do you want me to move it?

CHAIRPERSON MOULTON-PATTERSON: I think Cheryl wants to.

BOARD MEMBER PEACE: With that clarification, I will move Resolution 2004-97, Consideration of the Grant Awards for Senate Bill 1346 Rubberized Asphalt Concrete Grant Program for Fiscal Year 2003/2004.

BOARD MEMBER PAPARIAN: Second.

CHAIRPERSON MOULTON-PATTERSON: We have a motion by Ms. Peace, seconded by Mr. Paparian to approve Resolution 2004-97 with the notes that were read into the record.

Without objection, please substitute the previous roll call.

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And that brings us to Item 15.

DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

Item 15 is Consideration of Approval of the Evaluation of the Northern and Southern California Rubberized Asphalt Concrete Technology Centers Report, Fiscal Year 2002/2003, Contract Number IWMC 2025.

Nate Gauff will make the staff presentation.

MR. GAUFF: Good morning, once again.

This item is to present to you the evaluation report that was done on the Northern and Southern Rubberized Asphalt Concrete Technology Centers. This was as a result of a couple years ago we started this process with the allocation for the centers following the first Five Year Plan.

We had one start with trying to get a contractor, which we were unable to do. And subsequently on the second effort, we did secure a contractor which was Sjoberg Evashenk Consulting. They conducted their study of the centers. And Marianne Evashenk is here from Sjoberg Evashenk to give you a presentation on their results.

And what I would like to also remind the Board, as I mentioned earlier, is that this item is to look at just the report and the evaluation effort that went on. We are planning on presenting another item at the May

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Board meeting to talk more about the recommendations and the next steps for the rubberized program. But certainly any questions you would have on the evaluation effort are welcome.

I'll turn it over to Marianne Evashenk.

(Thereupon an overhead presentation was presented as follows.)

MS. EVASHENK: Good morning. Thank you for inviting me, Madam Chair, and members of the Board.

I'm Marianne Evashenk. I'm a partner with the consulting firm Sjoberg Evashenk. We've been working on this evaluation of the Northern and Southern California technology centers. This was a very interesting project. It involved a lot of different steps.

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MS. EVASHENK: But overall, it was, I think, satisfactory, and we had a wonderful time putting it together for you.

We were tasked to review the program performance of the Technology Centers, basically, an assessment of their activities, the results of their efforts, and their compliance with contract provisions. Generally, what we found was both centers complied mostly with the majority of the provisions of the contracts with the Board.

As you may remember, the contract with

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Los Angeles began around June of 1997. There's been a couple of amendments and another contract since then. And then the Northern California Center opened around January of 2000. We found that the staff in the center generally respond effectively to the inquiries -- it doesn't want to go.

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MS. EVASHENK: I have it on 100 percent recycled paper too.

We found that the centers respond effectively to inquiries from the public agencies, that they attend workshops. They make presentations and exhibit at trade shows. They also provide personalized consultation to local agencies as requested. We found they developed attractive and useful educational and informational materials, that they designed and implemented and maintain a RAC website. And they operate toll-free hotlines for inquiries into the program.

We also found -- we did a survey of -- actually went out to 900 local agencies. Unfortunately, we've now discovered that people do not open e-mails from people they don't know. So it has created a whole new dynamic in conducting surveys. And unfortunately, we didn't get nearly the response we were hoping for and we resorted back the sending faxes, which is extremely labor intensive

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and difficult. However, we believe our findings are still sound because they were overwhelming.

We found that about 92 percent of the people who responded to our survey knew about RAC. We found that about 40 percent of them had heard about the technology centers, but only 28 percent of them had a clue about what technology centers do. So what that tells us is that they're not marketing themselves well enough.

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MS. EVASHENK: We found that the centers generally work in a reactive mode. If there are inquiries, if they're asked to do something, they do an excellent job. The feedback that we got was that the people are very effective in their advice, that they're very professional, that they know their product. They know their industry. They're basically experts, but they work in reaction.

We found that neither center had developed an outreach program or protocol for a proactive RAC Program, that there is no plans, no maps to achieve certain goals. There is no -- there are no results or other things set out so they could achieve it. They were generally just doing what they needed to do under the contract provisions.

We also found that the incentive programs that

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were operated out of the Southern California Center were generally unknown and underutilized. As we could tell, 18 percent of the people who told us that they had undertaken RAC projects had utilized an incentive program. And there was a lot of money left in those programs.

We also found that while the centers possess expertise and experience in RAC use and in the industry itself, that the staff at the technology centers really devoted very little time to the RAC program. They're County employees. And they have County responsibilities and County jobs. And in Southern California we found they spent about 90 hours a month working on RAC center related activities. And in Northern California it was probably closer to ten hours a month.

Although the contract provisions provided that they have performance measures and provide reports on effectiveness, generally they didn't develop or track any of these measures. The reports that they give to the Board are basically labor related, number of labor hours committed and so forth. And sometimes there was anecdotal information in there related to a workshop they provided or a conference they had gone to or a call log.

We also found there's weak coordination and collaboration between the Northern and Southern California Centers. They have their own personality. They work

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fairly autonomous from one another. There was some information that they give out that is not necessarily uniform, or sending out in a unified message.

And there's very little coordination or collaboration between the centers and Caltrans. And Caltrans, we believe, that particularly with the new grant Caltrans has with the Board, there is a lot of opportunity to leverage and coordinate projects and availability of RAC statewide.

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MS. EVASHENK: The performance factors outside of the Center's controls we thought are worthy of mentioning. As you talked about in your last item, there's still a widespread perception that RAC is experimental than proven and more conventional concrete. We know that ton for ton it is, but that it can be applied in a lower volume, that it's quieter, that it has a longer life, and so forth. And we didn't perceive -- or the results of our evaluation didn't demonstrate that people really are grasping that.

We also found that there is a cost differential in the product between northern and southern regions that seems to be an obstacle for some of the local agencies. We've been told it's 25 to 38 percent higher in Northern California than Southern California. It's more available in Southern California. Seventy-two percent of the

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respondents who said they had RAC projects were in Southern California.

We are unclear on the effectiveness of the rebate programs or the incentive programs. We don't know if it's lack of publicity and the knowledge of the programs. We don't know if the rebate amounts hadn't been enough in the past, or we don't know if the project engineering certification requirements are an obstacle. Anecdotally, we were told all of those things, but there was no prevalent answer to that question.

And kind of on a side note, when we're talking about recycling tires in terms of the waste stream, we were also told that crumb rubber tire producers in the state use imported tires. Now if we didn't say it out loud, we felt like perhaps we weren't doing our job. But it was really outside the scope of our review.

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MS. EVASHENK: In conclusion, our report finds that the centers are reactive in nature, providing services requested, rather than on proactive basis, that the survey reveals that over the years the centers have developed valuable materials, particularly their handout materials, the brochures, the technical handbooks, and so forth were very well accepted and praised, and that they provided quality services when asked.

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But we believe that the current contractual organizational structure of imbedding the centers into the County operations, where the staff isn't dedicated is not working as intended, that we're not really getting the results we're after. The staff just aren't giving the time and attention to the centers that would allow them to be as successful as they possibly can. Now, you're also not paying for that, too. They're not charging hours that they're not putting in.

Overall, under the current structure, we believe the centers have limited effectiveness and are unlikely to meet your expectations for the program. So we have some recommendations.

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CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

BOARD MEMBER WASHINGTON: When she's finished.

MS. EVASHENK: We think there's some opportunities to consider the delivery of the program. For example, the centers, either one or both in operation, have developed some really great assets. They have a good website. They answer the phone. They have the toll free phone lines. They provide presentations at workshops. They will display at conferences. And they provide one on one advice and technical help as requested. But they're not a proactive group.

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So we're thinking why not take the best parts of the centers and maybe reduce the contract to them and let them do that area. And then perhaps either have the centers contract or have the Board contract for somebody full time to go out and develop a comprehensive strategic plan for delivering the services, for getting out, getting into the trenches, and talking to people at the local area agencies, and going to the trade groups and so forth and trying to really get a focused outcome-related program where they coordinate and maybe conduct demonstration projects.

We need some real successes -- or at least the exposure of the real successes so people know, like in your article, Madam, that RAC is quieter and that overall the project is cheaper, and that it's proven. It's not experimental, and that there's not a political risk of approving a job with RAC, rather than traditional or conventional concrete.

We believe this person can go out and build the partnerships with Caltrans and with the stakeholders and perhaps make the project more -- sorry -- the program more successful.

So that could either be done under the umbrella of a tec -- alternative, we could have the tech centers have limited term positions where they actually designate

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a person full time from their staff for a year. They have the opportunity to go back to their old county job or whatever, or that they hire a contractor or expert in to go out and do this program.

So we were thinking that a more effective way of delivering it would be to have somebody devoted to doing this full time, you know, full court press, and have the support of the existing assets that you've already developed in the tec center or centers. We don't know if there should be one or two.

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MS. EVASHENK: Further, we think that there's certain things that need to be done if the Board decides to keep the current structure. One is that the centers need a strategic plan. They need to have goals and objectives. They need to have something to work for. They need to have commitment to move forward. They need to report on those measures and what the impact of these activities are doing.

They need to have greater staff commitment in one way or another, because it's just not enough time. We have to be able -- to be able to make it effective, somebody has to be concentrating their efforts on it.

Thirdly, we thought there's some other opportunities for outreach. This can be done through the

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centers or though this expert. But we think there could be some electronic newsletters or some electronic updates that would go to the stakeholders whereby, you know, the news articles or the projects or whatever that come out will be fully distributed.

There's also some other opportunities related to working with Caltrans and leveraging their 12 district offices and their big projects perhaps by leveraging the materials and whatever with Caltrans, the smaller jurisdictions, particularly in Northern California, that have problems getting close enough to a RAC producer, and also having it affordable to them could be brought down. And that could be something that could be really important to the program.

So do you have any questions for me?

CHAIRPERSON MOULTON-PATTERSON: We have a number of questions, but I just want to say that was an excellent report. I learned a lot. And I'd certainly like to see us follow up on some of your suggestions. Thank you.

Mr. Washington was first.

BOARD MEMBER WASHINGTON: One question for you. In terms of your survey, you talked about the e-mail and fax. Were there any phone calls made?

MS. EVASHENK: Yes. And we actually had some in-person interviews as well. We had some very

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interesting interviews with the transportation and public works people.

One of the other areas that we feel like is kind of missing is the information that gets to the decision makers, the people with the purse strings, and this outreach needs to be concentrated not only in the public works sector, but also to the people who make the decisions relative to the budget of these projects. They need to understand what they're voting for and committing money to. I think if we ratcheted up that awareness to a little bit higher level, we might have a better success rate in having these projects approved with RAC than conventional concrete.

BOARD MEMBER WASHINGTON: Your failure with the e-mail is that people are just afraid to open up those e-mails?

MS. EVASHENK: You know what we had to do is start calling people and saying, you know, "We have sent you this twice. Why aren't you opening it?" They say, "Well, we don't open anything, especially from SEC Consulting," you know. So our lesson for the future is to have the Board send it out. It would be with their tag on it. We might have much better luck in having the item opened, because it's really easy to tabulate the results once we get through.

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We did develop a database of 900 stakeholders that have many e-mail addresses. Almost all of them -- I think 750 e-mail addresses, and 200, 250 faxes and phone numbers and so forth. And we have given that database to the Board and staff.

BOARD MEMBER WASHINGTON: Mr. Lee, this is the second or third time -- I'm trying to find out what is the problem. I mean, we sent them a letter from Senator Scutia as well as now. With the contract, they mentioned Caltrans. What's the problem we're facing with working with CalTrans in terms of our RAC situation?

DEPUTY DIRECTOR LEE: Well, Board Member Washington, I think at the last Board meeting I kind of elaborated or alluded to some of these issues.

You know, basically we've been working with CalTrans for a number of years now. We've given them various grants totaling millions of dollars, and I think that their performance on those has been spotty at best. We're not convinced our efforts are really making any inroads in changing the thinking over at Caltrans. We seem -- for the most part, they accept our money but still keep us at arm's length.

As I stated at the last Board meeting, I think what we need is more statutory impetus, more looking at mandates on Caltrans to utilize more RAC. I believe most

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of the technical considerations to a large degree have been addressed. Other states are satisfactorily utilizing the product. But as Assemblymen Levine in his proposed legislation 338, I think he's taking a hard look at this independently. And that's come to the same kinds of conclusions Board staff has. It's going to take more than us trying to push on them or give them more money to really effect their thinking.

And not only Caltrans. We need to make more of an effort to get out to the local Public Works Districts themselves. You know, we had hoped that our efforts were geared at Caltrans initially, because they set the example. They set a lot of prescriptive standards for paving in the state. So having them on board is very important.

But like I say, given the fact that, you know, their performance in that regard has been less than stellar, you know, we need to make some direct entreaties to these Public Work Departments, because they are, in fact, responsible for two-thirds of the paving that's done in the state.

So for all these reasons, we haven't been as successful with RAC as we need to be. And the staff agrees with remarks made by the Board earlier in our earlier items that RAC is -- we view this as one of the

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areas where there needs to be more emphasis and more cooperation from Caltrans.

BOARD MEMBER WASHINGTON: Thank you very much, Madam Chair.

I will take a look at the Levine legislation to see if we can get -- if that's the problem that they're having with Caltrans jumping in on this, then perhaps we should have been supporting some legislation that would mandate Caltrans' participation in this. Because it makes no sense to me we are constantly doing all these different programs with the RAC, and Caltrans is not helping out with this. This is absolutely absurd to me.

CHAIRPERSON MOULTON-PATTERSON: We're very supportive of the legislation, so anything anyone can do.

Mr. Paparian is next.

BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

Just to follow up on that. There isn't yet a director of CalTrans. But I know I'm acquainted with the new Business Transportation and Housing Agency Secretary, Sunne McPeak. And I'm hoping to help facilitate, maybe with Madam Chair, a meeting with the new Director once they're appointed with the Secretary hopefully. And I know the Secretary of CalEPA, Mr. Tamminen, has a very active interest in RAC specifically. So I think that there's a number of approaches we can make to Caltrans to

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try to get them moving in a more positive direction.

On the report itself, I know that staff was initially reluctant on this report. But I want to commend the staff for working well with the contractor. I want to echo the Chair's comments that this is just an outstanding report. This is the kind of stuff I love to see the caliber of product that we've seen in this report. And I think it provides us with an important road map to help us understand where the centers are at and what we can do to improve the work products of the centers. And I think hopefully it will be viewed in a very constructive way.

I think the centers have done very good work to date, and this will help us build on the good work and take it to the next level and take it to a point where we're able to more integrate the work of the centers into the overall programs that I think we need to pursue to assure the maximum use of RAC. So it's an excellent report.

I look forward to the staff's item next month about how we can move forward with implementation of this. And I think that -- I'm sure that as you put this together you'll probably see that there's a real interconnection between what's going on at the RAC centers, what we talked about a few minutes ago on the last agenda item, and with the other work that needs to be done to promote the use of

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RAC.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Ms. Peace.

BOARD MEMBER PEACE: I, as well, think this was an excellent report. All the recommendations make good sense to me.

What doesn't make sense to me is that they haven't been doing all these things already for $500,000 a year. And I can tell you that's another thing I'm going to be looking at when we review the Five Year Plan.

And another thing I want to say, on AB 33, the Lloyd Levine Bill, the RAC Bill, we do need to get behind that and we need to push that. But at this point it's still only requiring Caltrans to use 15 percent -- to use RAC in only 15 percent of their projects. And apparently CalTrans is saying they already do that. So we need to somehow get over there. And I've been over there, but we need to find a way to say 15 percent is not enough.

DEPUTY DIRECTOR LEE: In the last discussions that staff had with the Assemblyman Levine's office, there was some consideration of considering the higher mandate that would be phrased in over a number of years. I don't know if that has made its way into any formal revisions to the legislation. But I know the Assemblyman was thinking in that direction.

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BOARD MEMBER PAPARIAN: Madam Chair, we do have a Resolution to accept the report.

CHAIRPERSON MOULTON-PATTERSON: Yes. Would you like to move it?

BOARD MEMBER WASHINGTON: Excuse me, real quickly.

Mr. Paparian, I remember last year you asked for an audit of the RAC centers. Did that ever come to fruition?

BOARD MEMBER PAPARIAN: This is essentially it. I pushed initially for this -- the allocation for this money for this project.

BOARD MEMBER WASHINGTON: Okay. All right. Fine.

BOARD MEMBER PAPARIAN: This is the culmination.

CHAIRPERSON MOULTON-PATTERSON: Thanks for pushing.

BOARD MEMBER PAPARIAN: In the resolution that we have, you need to fill in the date. I don't know if you caught that, the last "whereas."

So I'd like to move Resolution 2004-99 related to the approval of the evaluation of the Northern and Southern Rubberized Asphalt Cement Technology Centers Report.

BOARD MEMBER WASHINGTON: Second.

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CHAIRPERSON MOULTON-PATTERSON: We have a motion by Mr. Paparian, seconded by Mr. Washington, to approve Resolution 2004-99.

Without objection, please substitute the previous roll call.

And, again, thank you for the excellent report.

BOARD MEMBER WASHINGTON: Madam Chair, just before you go to the other one -- and I apologize. Have you or will you be responding to Senator Escutia's concerns as it related to these items?

CHAIRPERSON MOULTON-PATTERSON: Absolutely. And we will be including some of those. Thank you. In fact, Mr. Lee --

DEPUTY DIRECTOR LEE: We are working on the response and --

CHAIRPERSON MOULTON-PATTERSON: I want to get that out.

DEPUTY DIRECTOR LEE: Yes, ma'am.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Okay. Now I want to confer with my colleagues right now. We only have three items left. Would you like to just keep going? Is that okay with you?

I know Ms. Peace had an appointment, but she said she can go.

So Items 20, 22, and 23. We're going to keep

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going.

Mr. Levenson.

DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

I think we can take care of these items in less than half an hour, perhaps faster. I'm not sure how much discussion there will be from the audience, though.

Item 20 is our Semi-Annual Update and Publication of the Inventory of Solid Waste Facilities Which Violate State Minimum Standards.

Leslie Newton-Reed is going to make the presentation. Leslie is having some voice problems. So if her voice fades, I'll chip in. We have other staff that can answer any specific questions.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

(Thereupon an overhead presentation was presented as follows.)

MS. NEWTON-REED: Good morning.

CHAIRPERSON MOULTON-PATTERSON: Good morning.

MS. NEWTON-REED: The Board is required by the Public Resources Code Section 44104 to maintain a list for all facilities that violate state minimum standards and publish it twice annually. This is an informational agenda item only, and no Board action is required.

Since the October update, three facilities were

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removed and two were added to the inventory list as shown in Attachment 1. Three of the sites are on the inventory for landfill gas violations as shown in the graph in Attachment 2. Details on each facility are in Attachment 3.

We would like to take this opportunity to update Board members on the inventory web page. Currently, the information on Attachment 1 is directly transferred as a static list on the web page. We have developed staff business practices for the inventory to make it more automated and have developed a proposed web page for displaying inventory information.

I want to thank Donnaye Palmer and Meirve Davey for creating this draft version of the web page.

May I direct your attention to the screen. From this page, you can choose either current inventory or historical inventory. And if we choose --

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MS. NEWTON-REED: -- the current inventory, it takes us to a page that looks very similar to Agenda Item Attachment 1, which is currently how the inventory appears on the web. For details on the facility, just click on the facility name. We will use City of Clovis for an example.

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MS. NEWTON-REED: This takes us to another page where specific information or the specific regulation for which the facility was placed on the web is listed. Although the information is static in these draft web pages, in the future, the information will be generated real time as the Swiss database is updated.

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MS. NEWTON-REED: The home page also an inactive link to historical inventory data. This search page is still under construction. We are considering a six-month time frame for the search and beginning the search date -- excuse me -- and the beginning search date not to proceed April 1st, 2003, to coincide with the time that the regulations became effective.

This concludes my presentation. Are there any questions?

BOARD MEMBER PEACE: I just have one question. In the item Coastal Material Recovery and Transfer Station in Los Angeles has not met the compliance deadline and that they're under an order which has been stayed. Is this another problem we're having with the AB 59, and how long has this been going on?

PERMITTING AND INSPECTION BRANCH MANAGER: Mark de Bie with Permitting and Inspection.

Yes, it is an issue relative to the state. There

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is a cease and desist order for the site, and the operator is appealing that order. So the order is stayed until that appeal can be heard and the issue resolved.

How long it's been going on? I want to say over a year, probably longer, but thereabouts.

BOARD MEMBER PEACE: So it's not that you're not trying to do anything about it. It's just that with the AB 59 process, there's just not much we can do.

PERMITTING AND INSPECTION BRANCH MANAGER: Right.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

Mr. Paparian, did you have comments?

BOARD MEMBER PAPARIAN: Just, you know, excellent work on putting together the website and making more information publicly accessible. We always appreciate that.

CHAIRPERSON MOULTON-PATTERSON: Thank you.

DEPUTY DIRECTOR LEVENSON: I'd like to follow up on that comment by indicating this is part of a broader effort that IMB and others are undertaking to put more enforcement and inspection related information up on the web page. So you'll see more of this in the future.

CHAIRPERSON MOULTON-PATTERSON: I think I've seen a big improvement on this. Thank you very much.

And thank you, with your voice. Appreciate it.

DEPUTY DIRECTOR LEVENSON: The next item is Item

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22. We have two regulatory packages left. And the first one is Item 22, which is the Public Hearing and Consideration of Adoption of the Proposed Amendments to Regulations for Local Enforcement Agency Certification Requirements for the Technical Expertise.

This will be a very short presentation by Gabe Aboushanab.

SUPERVISOR ABOUSHANAB: Good afternoon, Madam Chair and Board members. Gabe Aboushanab on the LEA Program Assistance and Evaluation Section.

As Howard mentioned, we're proposing a change to Section 18072 of the LEA cert regs. It, in essence, allows jurisdictions whose populations grow beyond 50,000 but does not exceed 80,000 to continue to use their LEA workload analysis to determine the staffing level.

And basically we've been before the Board in July. We were giving approval to have a formal rule making process under way, and we have done so. No comments were received during the 45-day comment period. And unless you have any questions about it --

CHAIRPERSON MOULTON-PATTERSON: Questions? I see none.

Mr. Washington, would you like to move this?

BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

I'd like to move adoption of Resolution 2004-88,

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Public Hearing and Consideration of Adoption of Proposed Amendments to the Regulations for the Local Enforcement Agency Certification Requirement for Technical Expertise.

BOARD MEMBER PEACE: Second.

CHAIRPERSON MOULTON-PATTERSON: We have a motion by Mr. Washington, seconded by Ms. Peace to approve Resolution 2004-88. Let's go ahead and call the roll on this one.

See what happens when the Board gets hungry.

We'll just substitute the previous roll call. I don't see any -- did you wish to speak?

MR. BELL: I'm going to give the next item.

CHAIRPERSON MOULTON-PATTERSON: We're rolling. Thank you. Okay. Thank you very much.

Number 23, our last item.

And we do have a speaker, so don't let me forget.

DEPUTY DIRECTOR LEVENSON: This is Item 23, which is a Discussion and Request For Rule Making Direction to Notice for 45-Day Comment Period the Proposed Regulations for Long Term Gas Violation.

This has been an item that's been before the Board many times, and we're coming to you seeking your approval to go out for 45-day comment.

And John Bell will be making the presentation for you.

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MR. BELL: Madam Chair and Board members, the Long Term Gas Violation Policy has been in effect for ten years now. In Item 23, this policy has been drafted as a proposed regulation. This policy allows the Board to concur with the solid waste facility permit revision, while at the same time having a long term gas violation in effect.

But the policy is extremely limited in scope. It only applies to sites that take longer than 90 days to correct the violation and sites that have no imminent threat from the gas.

Over the past ten years, the policy's only been applied 20 times at 20 facilities. When there is no imminent threat, allowing a landfill to operate with the landfill gas violation has, to date, created no known environmental or public health problems. For landfills under the policy, the in-place waste mass will continue to produce about the same levels of landfill gas at the property boundary, whether or not waste is accepted.

The draft regulation has been written to include more than just existing policy. At the P&E Committee's direction, staff has added the ten regulatory concepts that you see in Attachment 2 and a provision for civil administrative penalties.

Staff has held one informal public hearing on the

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draft regulation. The draft regulation you see before you in Attachment 3 contains changes that staff made based on comments received at that informal hearing.

The following changes were not made from comments received at the hearing. The draft regulation was left in sequential order in which the evaluation and implementation would occur. This shows how particular steps having responsible parties are related. If the regulations were, instead, arranged by operator, EA, and Board requirements as suggested by some reviews, that relationship is lost.

The draft regulation was left in Section 21685 of the existing regulations and not piecemealed throughout the regulations. This is because the regulation package only applies to Board permit concurrence on an extremely limited number of special case facilities with long term gas violations and not for all permitted sites.

Also, we believe that placing portions of this regulation throughout Title 27 would be confusing and disjointed. The requirement in Section 4 for the EA to make a determination that migrating gas does not constitute an imminent threat and substantial threat was left in the draft regulation because staff believes taking this requirement out would create a loophole, which could allow an EA never to consider the issue.

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Finally, in Section 7, Board staff was left in as the reviewer. This was directed by the Board in Regulatory Concept 6 in Attachment 2, and also a staff evaluation of the current status of the site is always needed to make an informed recommendation to the Board and permit concurrence.

So, in conclusion, staff asked that the Board direct us to formally notice the long term gas violation regulation. And I'd like to also mention that the Board has received a letter from the Rural Counties Environmental Services Joint Powers Authority in support of this regulation.

CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you very much.

And with that, I will call on Larry Sweetser from Rural Counties.

MR. SWEETSER: Larry Sweetser on behalf of the Rural Counties Environmental Services Joint Powers Authority. I'll be very brief.

Just letting you know one of our counties is -- all of our counties are definitely interested in this package. One, in particular, has had the benefit of it. Tehama County a few months ago did receive a permit from the Board, even though they had some gas issues. I think they're a model of trying to implement systems to control

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the gas. So we appreciate that.

I think staff has done a great job in addressing a lot of the concerns. We have a few more. But I think it's best to proceed with this package. Let's get it on the 45 days and go from there. So thank you very much.

CHAIRPERSON MOULTON-PATTERSON: Thank you very much, Larry.

Mr. Paparian.

BOARD MEMBER PAPARIAN: Yeah. Thank you, Madam Chair.

I think getting this thing into regulation, I think, is going to be important. I think there have been some questions. There's been some debate over whether this has been an underground regulation in the past or not. This will clearly make it an above ground regulation dealing with an underground issue.

As we move along, there will probably be some questions about the details of this. And I think it's going to be important to make sure the Board is informed about, you know, whether you're going in directions that one constituency is promoting and another constituency may have problems with. So we're clear as to what the decisions are and the policy decisions we are making as we move forward with the regulations.

DEPUTY DIRECTOR LEVENSON: We certainly will do

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that. When we get any of the comments, we will provide them to you and also summarize them in the agenda item that we bring to you after the 45-day comment period.

CHAIRPERSON MOULTON-PATTERSON: So you do have the direction to go ahead and notice it for the 45-day comment period.

Thank you.

Any final public comments?

Okay. This meeting is adjourned. Thank you very much.

(Thereupon the California Integrated Waste Management Board, Board of Administration adjourned at 12:12 p.m.)

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CERTIFICATE OF REPORTER

I, TIFFANY C. KRAFT, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing hearing was reported in shorthand by me, Tiffany C. Kraft, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of April, 2004.

TIFFANY C. KRAFT, CSR, RPR
Certified Shorthand Reporter
License No. 12277