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MEETING

STATE OF CALIFORNIA

INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING

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2ND FLOOR

COASTAL HEARING ROOM

SACRAMENTO, CALIFORNIA

TUESDAY, JULY 6, 2004

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Mr. Michael Papanian

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Ms. Toni Jimenez, Committee Secretary

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Ms. Carla Repucci

Mr. Scott Walker

Mr. Mike Wochnick

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APPEARANCES CONTINUED

ALSO PRESENT

Mr. Dan Augenstein, I EVA

Mr. Evan Edgar, California Refuse Removal Council

Mr. Chuck Helget, Allied Waste, BFI

Mr. Gary Liss, Gary Liss & Associates

Mr. Scott Smithline, Californians Against Waste

Mr. Marty Strouse, Sacramento Solid Waste

Mr. Wayne Tsuda, City of Los Angeles LEA

Mr. Chuck White, Waste Management

Mr. Ramin Yazdani, Yolo County Planning & Public Works

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1 PROCEEDINGS

2 CHAIRPERSON MARIN: It's 10 o'clock. So welcome,  
3 everybody to my first Board -- not Board meeting --  
4 Committee meeting of the Permitting and Enforcement  
5 Committee.

6 Would you please call the roll.

7 SECRETARY JIMENEZ: Mulé.

8 COMMITTEE MEMBER MULÉ: Here.

9 SECRETARY JIMENEZ: Papanian?

10 COMMITTEE MEMBER PAPANIAN: Here.

11 SECRETARY JIMENEZ: Marin?

12 CHAIRPERSON MARIN: Here.

13 Okay. We do have a quorum. All three of us are  
14 here. So that is awesome.

15 Do we have any ex partes to report?

16 COMMITTEE MEMBER MULÉ: None.

17 COMMITTEE MEMBER PAPANIAN: I'm up to date.

18 CHAIRPERSON MARIN: Okay. And so am I. Thank  
19 you.

20 The next item is the Deputy Director's report.

21 Howard, you have a few things to say?

22 DEPUTY DIRECTOR LEVENSON: Yes. Good morning,  
23 Madam Chair and Committee members. Howard Levenson with  
24 the Permitting and Enforcement Division.

25 I've got a number of items that I wanted to run

1 by you, give you some updates and some heads-up.

2 First of all, is Paso Robles landfill is  
3 requesting a temporary waiver. The city has requested a  
4 second 90-day extension to the emergency waiver that we  
5 granted -- that was granted by the EA in December  
6 following the San Simeon earthquake.

7 Unlike most emergency waivers which are issued by  
8 the LEAs, the Board was issued this one since we're the EA  
9 for that particular city.

10 Although not much earthquake debris was received  
11 in the landfill in past 90 days, the city has requested  
12 the extension because it is aware of scheduled demolition  
13 projects and anticipates a large amount of debris coming  
14 in to the landfill.

15 As required in our regulations, Executive  
16 Director Leary will have to report on the issuance of this  
17 waiver to the full Board next week. But I wanted to give  
18 you a heads-up on that.

19 Another landfill-related activity. I think a  
20 couple months ago Board Member Papanian requested that we  
21 provide a brief synopsis on an interesting development at  
22 Altamont landfill in Alameda County regarding community  
23 monitors. As a result of a lawsuit against the expansion  
24 of the landfill in 1999, a legal settlement was reached  
25 among the cities of Livermore and Pleasant, the

1 National -- NCRA, the Northern California Recycling  
2 Association, The Altamont landowners against rural  
3 mismanagement and Waste Management of Alameda County.

4           The settlement called for, among other things, a  
5 community monitor. This community monitor is supposed to  
6 be a technical expert or experts that will monitor all of  
7 Altamont landfill's compliance activities in environmental  
8 laws and regulations, and will advise the public and the  
9 cities of Livermore and Pleasanton about environmental and  
10 technical issues related to the landfill's operation.

11           When hired, the community monitor will inspect  
12 the landfill up to 12 times a year. And if he or she  
13 finds evidence of noncompliance, we'll be able to inspect  
14 the landfill additional times.

15           The monitor will also be able to accompany any  
16 authorized governmental or regulatory inspectors on their  
17 visits.

18           The settlement also established a community  
19 monitor committee. And one task of the committee is to  
20 actually hire the monitor. It's our understanding that  
21 the committee put out an RFP for proposals, with a final  
22 filing date of May 7th, last -- or two months ago, and  
23 that the committee has received two proposals and is  
24 currently evaluating them. So we will keep track of this  
25 and see how that goes and report back to you as we find

1 out any information.

2 I'd like to give you an update on what is  
3 happening with La Montana. Thanks to Scott and West and  
4 their crew and the contractors, we are proceeding with  
5 preparations for the project that was approved by the  
6 Board in June.

7 We did have a minor bum in the road at the end of  
8 June in that the property owner backed out at the last  
9 minute on providing us access to the site as was scheduled  
10 on June 24th. So staff and the contractor met outside the  
11 site with the city and they did make some progress in  
12 sketching out the project and investigating potential  
13 destinations for the material that's eventually taken  
14 offsite.

15 We have rescheduled access and arranged that  
16 through the city for tomorrow. So we'll be able to report  
17 through Mr. Leary at the Board meeting next week as to any  
18 progress this week.

19 We've filed the notice of exemption and we're  
20 continuing progress on preparation of a final workplan  
21 that would be presented to the community. But the  
22 critical date is still July 13th, when we have a court  
23 hearing -- not we, but there is a court hearing. And  
24 we'll update you I guess on the morning of the 14th as to  
25 whatever we find out about the hearing on the 13th.

1 CHAIRPERSON MARIN: Okay.

2 DEPUTY DIRECTOR LEVENSON: Also want to report  
3 another cleanup project. The Board managed clean up of  
4 the River Ranch Organics illegal disposal site, which is  
5 located in Riverside County near Corona and Norco. It is  
6 almost complete.

7 This is one of the top three sites that we  
8 identified in our February 2003 survey, what we called  
9 Crippen-like sites, large accumulations of material that  
10 had combustion potential. This was one of the top three.  
11 It had an estimated 100,000 cubic yards of stockpiled  
12 material that had already been subject to one previous  
13 fire.

14 This was approved by the Board in February as a  
15 Board-managed cleanup. And it's been a very difficult  
16 project for the solid waste cleanup program. One of the  
17 big problems was the identification of viable markets  
18 within Riverside County and the Inland Empire for the  
19 material, which was highly variable in nature and also  
20 contaminated -- much of it was contaminated.

21 However, we were successful in establishing a  
22 creative and relatively low cost diversion end use for  
23 most of this material. And, that is, it's going to be or  
24 is being used as engineered final cover foundation for the  
25 Milliken landfill final closure project in San Bernardino

1 County. Milliken landfill is the mound right near Ontario  
2 Airport.

3 As of this date, all combustible materials have  
4 been removed from the site, and we're anticipating final  
5 cleanup relatively soon.

6 The last thing that I want to mention as part of  
7 my report is the status of Gregory Canyon landfill. As  
8 you know, on Friday we received a letter from the operator  
9 waiving the time for the permit to be heard until August  
10 19th. And on the same day we received a letter from the  
11 LEA stating that they had no objections to that. So as of  
12 now that has been pulled from this month's calendar, and  
13 we will agendize it for August, unless something else  
14 changes in the interim.

15 That concludes my report, Madam Chair. I'd be  
16 happy to answer any questions.

17 CHAIRPERSON MARIN: Are there any questions for  
18 the Deputy Director?

19 None?

20 Okay. Thank you, Howard.

21 Let me just tell all of you a little bit of the  
22 rules of engagement here.

23 I never attended any other committee meeting, so  
24 I really don't know what the protocol was. So we're going  
25 to institute the new protocol here. It's going to be

1 very, very easy, very fast, painless hopefully.

2           One of the things that I would very, very much  
3 like to do is have the item come up. We will have the  
4 proponents of the measure and then the opponents of the  
5 measure, whatever's before us, after which -- after we  
6 listen to that, both sides, we will then ask our staff for  
7 a specific -- what are the options that we have. And then  
8 we'll deliberate and we will come to a conclusion.

9           And this is a committee meeting, so I will not be  
10 as stringent on the time that we are giving to any and all  
11 that wishes to speak. But please don't make it so long  
12 and big. Just let us know what your position is, and we  
13 will gladly read that very, very loud and clear. And  
14 we'll go from there.

15           I'm very excited about this particular committee.  
16 I think we have a great task before us. And we're going  
17 to be listening to the first item, which will now be Item  
18 C.

19           Howard.

20           DEPUTY DIRECTOR LEVENSON: Madam Chair, the Item  
21 C is a discussion and request for rulemaking direction to  
22 formally notice the proposed regulations for RCRA Subtitle  
23 D Program research, development, and demonstration  
24 permits.

25           Scott Walker will make a short presentation on

1 this. And then I'm sure there'll be some speakers on this  
2 one.

3 CHAIRPERSON MARIN: Okay. Scott, go for it.

4 MR. WALKER: Thank you. Scott Walker, Permitting  
5 and Enforcement Division.

6 The proposed regulations to start the formal  
7 rulemaking process would incorporate the recent U.S. EPA  
8 research, development, and demonstration final rule which  
9 was effective in April. This rule would allow for --  
10 approve Subtitle D Program states: To issue site specific  
11 variances from specific -- several specific Subtitle D  
12 criteria under specified conditions.

13 The intent of this rule is to foster innovative  
14 municipal solid waste landfill technologies such as  
15 bioreactors and also alternative final cover systems,  
16 which would be allowed under this -- potentially under  
17 this rule.

18 Staff recommended in May RD&D regulations to  
19 implement this rule to start the rulemaking process. The  
20 Board directed staff to bring back the regulations for  
21 consideration after conducting an initial informal  
22 workshop. This item implements the Board's direction for  
23 May.

24 The workshop was conducted June 28th, in an  
25 effort to identify any new changes that staff would see

1 recommending, but also really focused on trying to move  
2 towards consensus among stakeholders.

3           Also previously, last October the Permitting and  
4 Enforcement Committee conducted a public field trip and  
5 stakeholder workshop on the issue of bioreactor landfills,  
6 including discussion of the RD&D rule. And the RD&D rule  
7 discussions kind of centered around the bioreactor  
8 landfills which would control the addition of liquids to a  
9 landfill to accelerate and utilize the decomposition  
10 materials.

11           Stakeholders that were opposed to going forward  
12 with the rulemaking process, they raised three broad  
13 categories of issues. These categories include research  
14 protocols, design and operations limits, and also broader  
15 policy issues which include the impacts of landfills on  
16 composting.

17           Staff had discussed and responded to these issues  
18 at the May Board meeting, and we further discussed and  
19 focused on those at the June workshop.

20           With respect to the stakeholder -- some of the  
21 stakeholder comments critical of research protocols, I  
22 wanted to point out that there are proposed changes in the  
23 regulations in this item from the May version which would  
24 add some additional enforceable documentation basically to  
25 identify project research goals, environmental monitoring

1 contingency and mitigation measures specific to the  
2 project, and performance measures to determine to what  
3 extent the site is progressing to project goals and  
4 meeting public health and safety requirements. So those  
5 are some changes that we have that are incorporated in the  
6 item that were in responses to these comments.

7           Staff has evaluated some of the additional  
8 protocol issues: Design and operational limits and some  
9 of these broader policy issues concerning the impacts on  
10 composting and some of the other topics that were brought  
11 up. And we're not recommending further changes in the  
12 item at this time. I think we feel that it's appropriate  
13 to move forward with a formal rulemaking process where  
14 stakeholders would have the additional opportunity to  
15 formally comment and then for the Board to consider  
16 changes in the regs.

17           And, again, staff's prepared to discuss in more  
18 detail these issues and comments if the Committee so  
19 directs it.

20           I think, in addition, we'd like to bring up that  
21 some of these broader policy issues are beyond the scope  
22 and statutory authority for this rulemaking. And the  
23 Committee may decide to further explore some of these  
24 issues. I know that the Board and the Committee has been  
25 looking at some of these issues related to market impacts

1 of landfills on composting, et cetera. We've discussed  
2 these during the ADC regulations in follow-up. But there  
3 may be the opportunity on a separate track to further look  
4 into these.

5 So, in conclusion, staff recommends the direction  
6 to proceed with the formal rulemaking process and initiate  
7 the 45-day public comment period for the proposed  
8 regulations for RCRA Subtitle D Program research,  
9 development, and demonstration permits.

10 That concludes staff's presentation. I'd be  
11 happy to answer questions or in response to stakeholder  
12 testimony.

13 CHAIRPERSON MARIN: Thank you, Scott.

14 Unless the Committee has specific questions for  
15 staff, what we're going to do is just -- I know I have a  
16 couple of -- about four people here that wish to speak.  
17 If you want to speak on this item, please fill out a  
18 speaker -- a request to address the Board form and give it  
19 to Tony or Sue. And we will call you.

20 I am going to be calling the people in support of  
21 this item. And I'm going to have Chuck White go first,  
22 then Scott Smithline, then Don Augenstein, then Ramin  
23 Yazdani, and Evan Edgar at last. I will call you  
24 individually. But that way you know that you're next.

25 Chuck.

1           DEPUTY DIRECTOR LEVENSON: Madam Chair, while  
2 Chuck is coming up to the dais, I just wanted to note for  
3 the record that we have received a number of letters and  
4 E-mails in the last couple of days. I'm not sure I have  
5 the complete assortment. But we did receive letters on  
6 June 30th -- or dated June 30th from Californians Against  
7 Waste; letters dated July 2nd from Waste Management; and  
8 also an E-mail from Peter Anderson dated July 5th.

9           CHAIRPERSON MARIN: Okay. That will be on the  
10 record as well.

11           Mr. White.

12           MR. WHITE: Thank you.

13           Madam Chair, members of the Committee. Chuck  
14 White representing Waste Management.

15           Waste Management strongly supports moving these  
16 regulations forward to the Board for a 45-day public  
17 notice. We recognize you have the opportunity to make  
18 adjustments as a result of that 45-day comment, this is by  
19 no means a final action. But we would encourage you to  
20 get the so-called ball rolling to get this under -- for  
21 final consideration before the Board later this year.

22           There's a number of points I'd like to briefly  
23 summarize for your benefit.

24           Number 1 is the scope of the RD&D rule has  
25 already been substantially limited to what EPA originally

1 proposed sometime ago. They originally proposed to  
2 virtually open the entire Subtitle D regulation process up  
3 for modification through the RD&D process. They have  
4 substantially limited that in response to environmental  
5 concerns to only two narrow areas, liquid management in  
6 landfills and alternative cover designs.

7           Number 2, there's no substantial change to  
8 California standards as a result of this rule. All this  
9 is is an alternative approach to federal standards that  
10 were imposed upon the state back in 1993. And this simply  
11 provides a way to modify those standards very narrowly, as  
12 I indicated; but in no way, shape or form changes the  
13 basic performance standards here in California.

14           There's a number of environmental benefits, is my  
15 third point, particularly with the so-called bioengineered  
16 landfills, also known as bioreactors. Number one, they  
17 could enhance treatment and stabilization of the waste in  
18 landfills; it can result in more effective gas recovery  
19 and renewable energy production, treatment of landfill  
20 leachate to a more benign state, maximizing landfill air  
21 space utilization and reducing the need for new landfills;  
22 quicker transition to beneficial post-closure land use;  
23 and beneficial use of nonhazardous liquid waste that might  
24 be placed into the landfills.

25           In summary, there's a lot of substantial

1 environmental benefits to bioengineered landfills. And  
2 the RD&D rule would allow access to that.

3           We don't believe there's any conflict with  
4 organics diversion. The average waste stream is about 65  
5 percent organics. This is after a tremendously successful  
6 program of diverting low hanging fruit organics already.  
7 There's still more opportunities for organics diversion,  
8 primary food waste. But even if you were to divert 50  
9 percent of the food waste in the next couple of years,  
10 there's still going to be plenty of organic material  
11 available for an operation of bioengineered landfills.

12           Also a bioengineered landfill results in  
13 substantial reduction in gas emissions -- landfill gas  
14 emissions. Your typical landfill today may capture 75  
15 percent of the gas. We believe up to 90 percent or more  
16 landfill gas could be captured through a bioreactor  
17 through the result of a shorter collection time and a more  
18 concentrated collection timeframe.

19           There really is a need for RD&D projects. For  
20 example, what is the optimum application process and rate  
21 of liquids into a landfill to enhance the bioengineered  
22 process? Are there modifications that need to be made to  
23 leachate collection system and a startup of gas collection  
24 systems. All needs to be evaluated. And we think the  
25 RD&D rule is an excellent way to do this.

1           And, finally, my last point is, there really is  
2 not any additional need for additional standards at this  
3 time. There's nothing in the RD&D rule that waives any of  
4 the protections under Subtitle D, any of the performance  
5 standards of the State of California. In fact it actually  
6 enhances it because through an RD&D permit process you can  
7 have additional requirements imposed on your operation.  
8 In fact, the entire purpose of the RD&D rule is to  
9 determine if the rules need to be modified in some way,  
10 shape or form down the road, but once we have the  
11 information from conducting the RD&D permitting process.

12           So, in summary, I would like to urge you to move  
13 the process forward so we can get on with the RD&D  
14 permitting process, and we can try to make landfills a  
15 better deal here for California.

16           Thank you.

17           CHAIRPERSON MARIN: Thank you, Mr. White.

18           Are there any questions to this speaker?

19           Okay. Thank you.

20           One of the things that, as -- let me just remind  
21 the next speakers. One of the things that we know -- and  
22 the staff gave an ample discussion of what is it that  
23 we're attempting to do here. So be very narrow as to why  
24 this is a very good idea that we move forward with the  
25 rule making, so that we get the public input. And your

1 comments will actually be allowable, if you will, they  
2 actually go on record once we open this; and all the  
3 benefits, and for the opponents all of the disadvantages  
4 if you see it that way. But this -- speak in support of  
5 opening the 45-day period. Okay?

6 Let's see. Scott Smithline in support of this  
7 item.

8 MR. SMITHLINE: Madam Chair, Committee members,  
9 good morning.

10 We are in support of moving this agenda item  
11 forward. But we do want to share with you a couple of our  
12 concerns on this agenda item.

13 We really see these regulations as having two  
14 purposes. One is to allow the experimentation with these  
15 new wet cell technologies and other technologies to  
16 increase California's ability to manage solid waste.

17 We really see the second purpose as a tool to do  
18 research for the Board to enable the Board to make solid  
19 waste management decisions. And it's really on that  
20 second point that we're concerned and I'd like to make a  
21 couple brief comments.

22 We think the best way to approach this would be  
23 if the Board could ask: What information and on what  
24 issues are we going to need -- what information are we  
25 going to need, say, in five years to make these solid

1 waste management decisions? An then to step back and  
2 ensure that these regulations are requiring that that  
3 research be performed.

4           As it stands now, the protocols in the research  
5 is really left up to the permitting process. And we think  
6 that that could possibly lead to inconsistent and less  
7 valuable data as opposed to these requirements being up  
8 front in the regulations themselves.

9           The industry representatives have -- as well as  
10 the staff have told us that there are many environmental  
11 benefits that we can expect from these new technologies.

12           We think that these benefits as well as the risks  
13 need to be studied. We've suggested, and I'll suggest to  
14 you here, just a few ideas of a place that we think we  
15 could start by requiring as a minimum these items to be  
16 required as study items.

17           We think that these projects should have control  
18 cells that should be specifically for the research  
19 projects that have -- that are accepting the same feed  
20 stock, et cetera, that are really a true research control.  
21 We think there needs to be an analysis of the accumulation  
22 of toxics in the cells, effectiveness of gas recovery and  
23 energy recovery, change in post-closure, environmental  
24 risks, as well as a change in risks due to abandonment,  
25 changes in rates of biodegradation and, finally, the

1 effects on the organics market.

2           One of the concerns that we do have is that  
3 despite the fact that there's still a large percentage of  
4 organics in the waste stream, we're concerned that these  
5 technologies will be sited in areas that have ineffective  
6 organics management, because they're most effective when  
7 they have the most organics in them. So if they're sited  
8 in an area that has a poor organics management system,  
9 does that then create a barrier to improving organics  
10 diversion in that area? That's something that we'd be  
11 concerned.

12           So we think that requiring -- that these issues  
13 and protocols be required upfront in the regulations on  
14 some of these issues allows flexibility on a  
15 permit-per-permit basis because we know there's  
16 variability in these projects. We think that flexibility  
17 can be built in. And we think that if we do it this way,  
18 we'll really have accurate and consistent data to review  
19 down the road.

20           So thank you very much.

21           CHAIRPERSON MARIN: Thank you, Mr. Smithline.

22           Also supporting this item to go forward is Don  
23 Augenstein.

24           Hello.

25           MR. AUGENSTEIN: Hi. Thank you. I appreciate

1 the chance to speak.

2 My name's Don Augenstein, as you know, and I'm  
3 with a nonprofit environmental R&D organization. And I  
4 think bioreactors are a good thing. And I have worked on  
5 the Yolo County project for over 10 years, so you can see  
6 why I'm going to be a proponent.

7 And I'd like to comment on the proposed RD&D rule  
8 and urge that it go forward as soon as possible.

9 As to my qualifications, I've been working on  
10 this for about 30 years, and waste decomposition and  
11 climate science issues. And I'm a member of the -- I have  
12 served on the United Nations Intergovernmental Panel on  
13 Climate Change, expert working group on climate change and  
14 waste.

15 I know that you have received a number of letters  
16 that contain criticisms in various areas of landfills and  
17 particularly bioreactors. And I think that the letters  
18 that you have and the criticisms that you have received  
19 contain some misconceptions and they also contradict  
20 experience and field results.

21 With the time available I can only address one  
22 example case. And this is the claim that bioreactors will  
23 be because of rapid composition venting a great deal of  
24 methane into the atmosphere and thereby adversely  
25 affecting climate. And actually we're working -- we're

1 running a project for the sole purpose -- for the purpose  
2 of capturing maximum methane and using that methane to  
3 offset fossil fuel production. And it is a way of -- it  
4 is being run as a way to address climate, and it was  
5 funded as such by the United States Department of Energy  
6 and has been since 1998. And it had also been funded by  
7 the California Energy Commission for the same --  
8 essentially the same purposes, but predominantly energy.

9           There's not time to get into all of the other  
10 criticisms, but I would say that the criticisms about  
11 difficulties in liquid management, slope stability, waste  
12 liquefaction, containment and other aspects can be and are  
13 being addressed. And I think that we're showing that they  
14 can be dealt with.

15           There's also a perceived conflict of bioreactors  
16 with composting. And I note that we will have -- that we  
17 do compost the clean waste, the wastes that are, you know,  
18 practical to compost, and have a very good record on that.  
19 But we are going to have an inevitable remnant no matter  
20 what happens of this post-recycling, post-composting  
21 residual material. And this is just going to -- this is  
22 going to be there.

23           And it's a mixture of organics -- wood, tramp  
24 metals -- and very difficult to compost. And the material  
25 resulting from its composting, aerobic composting, a

1 classical composting is difficult to sell, and this is the  
2 material that goes to landfills.

3           And the bioreactor can take this material and  
4 get, as Chuck White said, the renewable energy, the waste  
5 volume reduction, landfill life extension, and basically  
6 get rid of a great deal of this material and recycle it  
7 into the economic mainstream as energy. And it can avoid  
8 the dry tomb process, the dry tomb phenomenon that I think  
9 we've showed unequivocally is there, and is a real worry  
10 for the future.

11           So I think that engineered bioreactor landfills  
12 deserve strong consideration, not just as a way to dispose  
13 of waste, but actually as a treatment process for these  
14 post-recycling residuals that we have. And for that  
15 reason I think that the RD&D rule should be issued as soon  
16 as possible for the 45-day comment period so that research  
17 can go on and demonstration projects such as ours can go  
18 on.

19           And that's all my comments. Thank you.

20           CHAIRPERSON MARIN: Thank you Mr. Augenstein.

21           The next one is Ramin Yazdani.

22           MR. YAZDANI: Good morning, Board members. Thank  
23 you for allowing me to speak this morning.

24           I'm Ramin Yazdani with Yolo County Planning and  
25 Public Works Department. I have come here to support the

1 bioreactor rulemaking.

2 I think the staff has done an excellent job of  
3 taking care of the technical issues. There was some  
4 comments made in some of the letters that were submitted  
5 to you. I've been involved since 1990 in bioreactors.  
6 And we build a control cell and enhanced cell. In  
7 addition to our projects there's been other projects, well  
8 documented. Mountain View Project is another case where  
9 they had control cells. And a lot of that data has been  
10 published and been reviewed by a lot of people that have  
11 expertise in this field. So I think from the technical  
12 standpoint, a lot of these have been looked at.

13 And I think the research and development rule is  
14 going to open up a door to expand beyond what has already  
15 been done and explore for different parts of the country,  
16 parts of California. It's not a new rule, because we keep  
17 forgetting that the rule already allows each a  
18 recirculation. There are hundreds of projects that has  
19 been documented by SWANA that are doing this type of  
20 technology. So it's nothing new. It's just an additional  
21 change in the rules such that additional liquids can be  
22 added. So that's really a difference between what's  
23 already happening and what the rule already allows.

24 I'm also an active SWANA member, SWANA Bioreactor  
25 Committee. And they have prepared a letter, which I think

1 has not been turned in. But there was a bioreactor  
2 committee meeting which happened in Monterey, and then a  
3 letter was put together. I'm not sure if staff has  
4 received that letter or not. But they are speaking not  
5 just for California but throughout the United States  
6 supporting that.

7           The other comment I want to make is that with the  
8 rule going into effect, it gives plenty of opportunity for  
9 the regulatory and the public to make comments. I don't  
10 think you should make it so tight in terms of what  
11 protocol should be covered in the rule because it makes it  
12 more difficult to change things for different parts of the  
13 country. You want to give that ability to regulatory,  
14 your staff. They should be the one to say, "Yes, we want  
15 more monitoring, less monitoring. We want more constraint  
16 in terms of engineering, design and practices and  
17 operation." So I think the rule already allows that.

18           I've made numerous comments on the subject of  
19 monitoring, operation based and on experience, what things  
20 to avoid. We've learned a lot from operating for the past  
21 10 years and how to operate the bioreactor.

22           The other issue is by doing the bioreactor we're  
23 not going to be diverting things that are already being  
24 removed from the landfill. We're not going to increase  
25 materials going to the landfill. Because if you take away

1 all the things that we are already recycling in addition  
2 to green waste and wood waste, all of those things, the  
3 bioreactor is still going to do an effective job of  
4 getting rid of the residual waste that's already there  
5 that cannot be recovered easily.

6           So it's not in conflict with composting. And in  
7 my opinion, I think it even should get credit for that.  
8 I've brought this up, but it's not politically right to  
9 say it, but I will say it. It needs to be looked at  
10 because it is saving resources. It resources oil that  
11 we're diverting. And we're producing more electricity,  
12 and California Energy Commission recognizes that.

13           And I thank you for your time. And I urge you to  
14 support this.

15           Thank you.

16           CHAIRPERSON MARIN: Thank you.

17           The next one is Evan Edgar, also supporting this.

18           MR. EDGAR: Madam Chair, Committee members. My  
19 name is Evan Edgar for the California Refuse Removal  
20 Council.

21           We have 15 landfills statewide and we support the  
22 regulations.

23           In reality these regulations are very narrow in  
24 scope for the role of the Water Board. This has been  
25 going on for years, bioreactor and recirculation of

1 leachate. And a lot has got to do with the Water Board  
2 regulations. And the Water Board will be having separate  
3 regulations on the technical aspects of site slopes in the  
4 liners. So we'll be watching that as well with a  
5 multi-media package.

6 Basically the Waste Board has a top and the  
7 operations and the Water Board has a bottom and the sides  
8 of this package. So with that in mind, we'll support it.  
9 It's good technology. I permitted the R&D project in 1990  
10 at Yolo County landfill when I was a site engineer. So  
11 it's been a good technology for the last 14 years. And  
12 support the regulations.

13 Thank you.

14 CHAIRPERSON MARIN: Thank you Mr. Edgar.

15 Chuck Helget.

16 MR. HELGET: Thank you, Madam Chair, members of  
17 the Committee.

18 Chuck Helget representing Allied Waste and BFI.  
19 And we're in strong support of the regs. I think enough  
20 has been said in support. And I won't burn up many more  
21 of your time.

22 Thank you.

23 CHAIRPERSON MARIN: Thank you very much.

24 Gary Liss. He's opposed to this.

25 Mr. Liss.

1 MR. LISS: Madam Chair, members of the Board, I'd  
2 just like to take the opportunity to speak to the RD&D  
3 regs.

4 I've been involved with the National Recycling  
5 Coalition Landfill Subcommittee for many years. I've been  
6 involved for over 20 years in overseeing landfills in  
7 different capacities.

8 My biggest concern, as we expressed to the  
9 federal government with the -- when they were promulgating  
10 this regulation is that there's no clear guidelines  
11 provided for these regulations to measure the performance  
12 of the systems that will be implemented. Your Landfill  
13 Siting -- Facility Siting Study, the Geosyntec report  
14 highlighted how California is operating more like a  
15 country as opposed to one of the other states in terms of  
16 the flexibility it provides in its regulations.

17 And in this RD&D area, we think that some of the  
18 other states would be a more appropriate model. And the  
19 reason for that is this is not a small change in tweaking  
20 little bits and pieces of the landfill situation. This is  
21 a whole tremendous new direction for the landfill  
22 industry. It's not minor in any matter, in any form, in  
23 any respect.

24 In the past, the California regulations and the  
25 federal regulations all assumed that we're going to have a

1 dry tomb landfill. Now we're talking about -- under RD&D  
2 most of the proposed projects are talking about a wet cell  
3 landfill. It's a whole new technology. It's one that the  
4 Board, together with the Water Board and the Air Board,  
5 should be working on developing guidelines that are  
6 specific, that will assure the public health and safety  
7 and environment are protected.

8 I'm working also with the Grassroots Recycling  
9 Network. We are concerned from that perspective. The  
10 Global Recycling Council is concerned. We sent you a  
11 letter from Sierra Club and many other groups that have  
12 concerns about this. We ask that rather than approach  
13 this by adopting it as an open-ended system, approach it  
14 more like you're doing with the conversion technologies.  
15 Do upfront life cycle assessment, do a -- this is the way  
16 you're approaching new technology in processing. You're  
17 saying for conversion technologies we are required by the  
18 Legislature to do life cycle assessment, a market impact  
19 assessment, an environmental impact assessment before  
20 developing the regulations.

21 We think the same thing should go here. This is  
22 a new technology just like the conversion technologies.  
23 And we think a comprehensive review by the Board and  
24 clear, specific performance standards by this Board the,  
25 Water Board, and the Air Board are most appropriate.

1 Thank you for your time.

2 CHAIRPERSON MARIN: Thank you.

3 Thank you for your comments?

4 Are there any comments from the Board members --  
5 from the Committee members rather?

6 Mr. Paparian.

7 COMMITTEE MEMBER PAPARIAN: Thank you, Madam  
8 Chair.

9 There are -- if you look at what the regulations  
10 are titled. We're not adopting a new permitting system  
11 per se. We're adopting something related to research,  
12 development, and demonstration projects. And, you know, I  
13 am concerned as I read the draft that we haven't perhaps  
14 put enough emphasis on the research and assuring that we  
15 get what we need to be able to evaluate whether to  
16 continue these sort of projects and whether to maybe  
17 modify, if necessary, how they might be permitted if  
18 they're permitted in the future.

19 So I'd ask the staff to go back and take a look  
20 at, you know, Mr. Smithline's comments, and Mr. Liss's  
21 comments I think included some suggestions about what  
22 ought to be really looked at in these things: Control  
23 cells, analysis of the toxics going in, effectiveness of  
24 the energy systems, effects on the organics market, and so  
25 forth. And, you know, that we also assure that whatever

1 research is done is done properly, we actually get results  
2 that are of value and of use from the research component  
3 of it.

4           Secondly, I know that in the Geosyntec study that  
5 was referenced there was discussion about how in other  
6 parts of the world pre-processing is required and how we  
7 ought to be looking at pre-processing in California. And  
8 I think that this offers us an opportunity, these RD&D  
9 rules, to look at pre-processing technologies so that --  
10 as the gentleman mentioned about residuals having no other  
11 place to go, so that we were only dealing in fact with the  
12 types of residuals or things that couldn't have a higher  
13 and better use through composting or through other means.

14           And then, third and finally, what -- I think  
15 initially it might make sense to limit the number of  
16 permits we put out there so that we can get some of the  
17 results so that we can take a look at those results and  
18 then decide how it should be modified or not modified or  
19 how it should be allowed in the future.

20           So those are the three suggestions I would have  
21 moving forward. And perhaps there might be a way to  
22 reserve some -- or add some sentences in the draft  
23 regulations to accommodate the concerns that I've raised  
24 by the time it comes to the Board next week.

25           CHAIRPERSON MARIN: Okay. Ms. Mulé.

1 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

2 And thank you for your comments, Mike. I think  
3 you've brought up some interesting issues.

4 I guess how I feel is that I just think that we  
5 should move forward with 45-day comment period to allow  
6 the public input. I mean I've been -- I went to the  
7 workshop last week, and I've been hearing all of these  
8 comments. And they're all -- a lot of good comments and  
9 concerns are coming out. But I think that it would be  
10 appropriate if those comments were a part of the 45-day  
11 comment period. So I'm going to support staff's  
12 recommendation to move forward with this.

13 CHAIRPERSON MARIN: Okay. If I understand  
14 correctly, Mr. Paparian, you're also supporting the going  
15 forward with the 45-day period, but you would like to have  
16 some of these questions be addressed during that 45-day  
17 period? Or did I misunderstand that?

18 COMMITTEE MEMBER PAPARIAN: I think to be fair to  
19 everybody in the 45-day period, if we were to put  
20 something in reserving space essentially for  
21 pre-processing and for a limit on the number of facilities  
22 that could get these permits initially, that would be the  
23 fair thing to do, so that people would be able to comment  
24 then on those ideas. And they could either be modified  
25 or, you know, if the Board so chooses later on, taken out.

1 But I think that if we don't include some of those things  
2 now, they're not in the universe of things being commented  
3 on within the proposed regulations.

4           And then I'm not sure -- on the research side of  
5 it maybe -- I think there is something on research in  
6 there. But, again, I'd like to see that a little bit  
7 strengthened. But I think those other two areas,  
8 pre-process and perhaps a limit on the number, are not  
9 there and therefore there may be some difficulties adding  
10 them later on into the regulations.

11           CHAIRPERSON MARIN: I understand.

12           Let me ask Howard. In other demonstration  
13 projects, when we have had other research and development  
14 projects, is a number, a limited number, is that part of  
15 the regulation, historically? Is this something that  
16 we're breaking ground or this is something -- this is a  
17 reasonable request that we would be not breaking ground  
18 on?

19           DEPUTY DIRECTOR LEVENSON: I'll let Scott answer  
20 first. And then I have a follow-up on that.

21           CHAIRPERSON MARIN: Okay.

22           MR. WALKER: One of the models we have is the  
23 Alternative Daily Cover Demonstration Project Program.  
24 And we've never limited the number of potential projects,  
25 whether they be research or alternatives. For us to limit

1 the number of permits, I'm not sure we've ever done that.  
2 We'd have to check back with Legal to see if there was any  
3 statutory authority to do that.

4 But, again, I'm not aware that we've ever limited  
5 the number of research-related projects like with ADC or  
6 limited the number of permits issued for some particular  
7 activity.

8 CHAIRPERSON MARIN: Okay. Legal, are you aware  
9 of any specific limits that been imposed before a  
10 regulation is put out for public comment?

11 STAFF COUNSEL BLEDSOE: Michael Bledsoe for the  
12 Legal Office.

13 Madam chair, no, we don't recall any such limits.  
14 Although at one point one of the members asked if that  
15 were a reasonable request or a reasonable thing to put in  
16 the regulations. And it certainly would be within your  
17 authority to do that.

18 CHAIRPERSON MARIN: Okay. Well, let's see,  
19 what's the wishes of the Committee?

20 You want to break ground, Mr. Papanian, here?

21 COMMITTEE MEMBER PAPANIAN: Yeah. I mean in some  
22 ways it's an awkward one because we're not voting on a  
23 resolution here. The staff is proposing to put this out  
24 for 45-day comments. But I think it's best and cleanest  
25 for the 45-day comment period to have the regulations at

1 least cover the potential universe of items that could  
2 ultimately be in the regulations. I think that's fairest  
3 to the stakeholders and it's a good way to then solicit  
4 and elicit comments on those topic areas. And then  
5 ultimately the staff can choose to not include it in their  
6 recommendation or to come back to the Board further  
7 guidance.

8 But I think if we don't have a couple of these  
9 things in there, they're not in the universe of things  
10 that are, you know, out there for public comment. And I  
11 think, you know, from a -- and I'm not sure if technically  
12 for the OAL perspective whether they should have been in  
13 there to begin with. But I think in terms of fairness to  
14 the participants, if we're going to ultimately enter into  
15 a discussion of someone limitations on permits and on  
16 pre-processing, it's fair to have that in the initial  
17 draft so people can look at that and comment on it.

18 CHAIRPERSON MARIN: Okay.

19 MR. WALKER: I think I'd like to -- I just wanted  
20 to quickly add, on the issue of pre-processing and some of  
21 the specifics --

22 CHAIRPERSON MARIN: Yeah, I was going to -- can I  
23 go like one item at a time? That way we don't have to  
24 come back to that.

25 Okay. So we will have -- without a specific

1 number, but have something on the rulemaking that there  
2 might be a possibility of a limited number of projects  
3 without specifying a number. Okay.

4 Now, on your next item which is the  
5 pre-processing.

6 Scott.

7 MR. WALKER: Pre-processing is an issue that we  
8 brought up with the stakeholders. And the researchers,  
9 the scientists and engineers that we talked to basically  
10 are not really -- they think that it might be something to  
11 look at on a site-specific basis on a particular project,  
12 but it's not something that would necessarily be  
13 appropriate on all projects.

14 And I also think that in the comment in the  
15 documentation portion we do have room to reevaluate and  
16 look at some of the ideas for inclusion of the specific  
17 topics to include in the documentation.

18 We've heard about control cells, we've heard  
19 about methane recovery, some of those topics. While at  
20 this point we're not specifically calling them out, we  
21 think that in the documentation portion of the regs  
22 there's opportunity for comment in those areas,  
23 consideration of those comments. But pre-processing is  
24 something that's not -- not something we'd probably  
25 suggest. Perhaps that some of the commenters might opine

1 on that. I know Ramin Yazdani has done some research in  
2 that area. So the Committee may want to, you know, ask  
3 him for follow-up on that. But that would be our  
4 conclusion.

5 COMMITTEE MEMBER PAPARIAN: Yeah, I mean it could  
6 come down to I think for a lot of the folks from the  
7 environmental community whether we have some sort of  
8 standard or not for what types of things can go into these  
9 facilities. There are other states that have, you know,  
10 Draconian green waste bans. You know, I'm not suggesting  
11 something like that. But I am suggesting that we do  
12 things to assure that what goes into these facilities  
13 doesn't have a higher and better use; it doesn't have, you  
14 know, a higher use through available composting or other  
15 recycling means. And I think that's consistent with the  
16 comments that Mr. Liss was bringing up as well.

17 CHAIRPERSON MARIN: Scott -- or Howard.

18 DEPUTY DIRECTOR LEVENSON: If it's the  
19 Committee's direction to put a placeholder on that, we  
20 certainly will. I would like to indicate that we'll have  
21 to talk to Legal Office about that as to whether we have  
22 statutory authority to even impose any condition like that  
23 on the materials that go into such a project.

24 CHAIRPERSON MARIN: So if the Legal Department  
25 says that we lack that, then that doesn't go into the

1 rulemaking, correct?

2 DEPUTY DIRECTOR LEVENSON: If the Committee  
3 agrees with that approach, yes.

4 CHAIRPERSON MARIN: Is there a problem with that?  
5 No.?

6 Okay. That's it?

7 COMMITTEE MEMBER PAPARIAN: Yeah.

8 CHAIRPERSON MARIN: Okay. Going once, going  
9 twice.

10 Call the roll on that please.

11 We don't need to call the roll? We're going to  
12 the Board?

13 COMMITTEE MEMBER PAPARIAN: We don't have a  
14 resolution.

15 CHAIRPERSON MARIN: We don't have a resolution.  
16 Okay.

17 So this is going to the Board meeting on this  
18 then? Just goes with --

19 DEPUTY DIRECTOR LEVENSON: I just want to make  
20 sure I clarify exactly what the Committee's directed,  
21 which is to put a placeholder in the -- between now and  
22 the Board meeting, to put a placeholder in regarding the  
23 number of projects?

24 CHAIRPERSON MARIN: Right.

25 DEPUTY DIRECTOR LEVENSON: Potential placeholder

1 regarding pre-processing and residuals, depending on  
2 discussions with Legal. And then we will also look at the  
3 language that we already have in two of the sections  
4 regarding research protocols regarding some of the other  
5 factors that have been mentioned.

6 CHAIRPERSON MARIN: Correct.

7 DEPUTY DIRECTOR LEVENSON: Okay. Thank you.

8 CHAIRPERSON MARIN: Okay. I'm getting ahead of  
9 myself here. This is wonderful.

10 The next item will be Item D on your agenda --  
11 no, Item -- yeah, D.

12 DEPUTY DIRECTOR LEVENSON: Item D. I just have  
13 to finish writing a note on Item C.

14 CHAIRPERSON MARIN: No shorthand, Howard.

15 (Thereupon an overhead presentation was  
16 Presented as follows.)

17 DEPUTY DIRECTOR LEVENSON: All right. Item D is  
18 really a follow-up to the Landfill Compliance Study. And  
19 it's entitled discussion of current planned regulatory and  
20 research activities related to landfill facilities,  
21 including potential follow-ups to the Landfill Compliance  
22 Study.

23 And I'll be presenting that item. Although  
24 Bobbie Garcia, who is the contract manager, and Rubia are  
25 in the audience to answer questions, along with Mike

1 Wochnick from P&E and others.

2           And really this is just an initial follow-up  
3 based on your discussion at the June Board meeting when  
4 you heard the contractor report. And staff indicated at  
5 that time that we would do at least a quick follow-up in  
6 July -- in July, and then we can do more formal items  
7 subsequently.

8           Now, I'm not going to read all these slides,  
9 don't worry, but just run through them quickly.

10                               --o0o--

11           DEPUTY DIRECTOR LEVENSON: You know, this  
12 landfill study is a major achievement. But it -- I want  
13 to place this in context, that it's only part of what the  
14 Board has done and continues to do on landfills and  
15 related activities. And this is all done in the context  
16 of the Board's Strategic Plan Goal 4, which, you know,  
17 concerns public health and safety and the environment.

18                               --o0o--

19           DEPUTY DIRECTOR LEVENSON: In P&E related to Goal  
20 4 we conduct an expanding set of activities every year  
21 related to environmental review of disposal and diversion  
22 facilities, the training and evaluation of LEAs, and site  
23 cleanup remediation as indicated on this slide. And this  
24 is becoming more and more complicated. We're getting more  
25 numbers of facilities and operations to deal with. We're

1 getting -- we have more categories of regulations to deal  
2 with. We have odor and other problems at diversion  
3 facilities. And we have more demand for cleanup of urban  
4 sites and trash-impacted storm water systems.

5 So the table is not getting lighter, to say the  
6 least.

7 --o0o--

8 DEPUTY DIRECTOR LEVENSON: We also in 2000 were  
9 audited by the Bureau of State Audits. And that was a  
10 lengthy audit and many, many activities were conducted by  
11 the Board after that. But it did focus on  
12 landfill-related issues.

13 And as you can see from this slide, we have in  
14 response to the audit done a number of things, including  
15 an item that you'll hear next month on the issue of  
16 landfill capacity in the solid waste facility application.  
17 We are just about ready to enter into the 45-day comment  
18 period on landfill gas violation policy. We adopted regs  
19 about a year and a half ago on enforcement policy that led  
20 to the temporary waiver situation and stipulated  
21 agreements. We now have AB 1497 passed last year that  
22 raised civil penalties and also did some other things that  
23 I'll talk about in a second. We also promulgated  
24 regulations that gave us more authority regarding closure  
25 plans. And then we also just recently approved the

1 planned fill loan program, the closure loan program,  
2 although there's no money in the budget for that yet.

3 --o0o--

4 DEPUTY DIRECTOR LEVENSON: There are a number of  
5 things that we are working on that kind of surround and  
6 maybe frame the Geosyntec report. We already are working  
7 on additional enforcement tools or at least looking at  
8 them.

9 And on CEQA rules, we have two LEA working groups  
10 that are looking at these. And they will be reporting  
11 back to you later this year.

12 I mentioned ed AB 1497. The two key things in AB  
13 1497 besides increased penalties are the requirement for  
14 public hearings, for revised permits, and also that the  
15 Board define what is a significant change for purposes of  
16 a permit revision. We are scoping those out, and we'll be  
17 reporting back to you in the fall in terms of our plan on  
18 how to deal with those regulatory requirements.

19 We're also bringing in a number of other  
20 permitting-related issues that have been on the table for  
21 a number of years but have not been resolved, such as:

22 Should we have a process for a modified permit  
23 that doesn't have to come to the Board?

24 What are our findings that we expect from the  
25 LEAs on CEQA?

1           What minimum information should be on a permit?  
2 You'll have a permit later today that does not have a  
3 traffic number. So is that something you want to address  
4 in regulation?

5           So all of that is a large regulatory package that  
6 we are trying to scope.

7                               --o0o--

8           DEPUTY DIRECTOR LEVENSON: Many, many other  
9 things that we're working on:

10           Post-closure maintenance issues.  
11           Rad waste. What's our rule on illegal dumping,  
12           What about fires and stored piles of materials?  
13 We're working with LEAs on that, and we'll be coming back  
14 to you on that.

15                               --o0o--

16           DEPUTY DIRECTOR LEVENSON: And then specifically  
17 related to landfills:

18           Of course we have the Yolo County bioreactor  
19 project and the RD&D rule that we just discussed.

20           We also have been working through -- with SWANA  
21 over the past four years on operator and inspector  
22 landfill training. And we'll be coming back to you in a  
23 couple months with some decisions for you to make  
24 regarding exactly what approach you want to take on that.

25           I mentioned the gas violation regs and

1 post-closure maintenance.

2 --o0o--

3 DEPUTY DIRECTOR LEVENSON: So having said all  
4 that as quickly as I could -- and obviously we could go  
5 into a lot of detail on any of those -- the Geosyntec  
6 report has many, many recommendation. And we will come  
7 back if you direct with a more formal item that lists them  
8 all out. But the primary ones -- most of them fall within  
9 the State Water Resources Control Board jurisdiction. And  
10 we have passed them on -- the recommendations on to the  
11 Water Board and are consulting with them.

12 For example, the first one of the primary  
13 recommendations was to incorporate subsurface landfill gas  
14 monitoring within water quality monitoring. And that's  
15 definitely a Water Board issues.

16 A second one, that is a Waste Board issue, is to  
17 require the same monitoring and control systems during the  
18 active phase of a landfill as are currently required  
19 during the post-closure phase. It's more stringent in the  
20 post-closure phase. As staff, we agree with that  
21 recommendation. One possibility besides opening up a  
22 totally new rulemaking is when the long-term gas violation  
23 regulations come back after the 45-day comment period, is  
24 to look at whether they could be incorporated into that  
25 regulatory package. We'll have to consult with Legal on

1 that. But it's a gas-related issue. It may be a  
2 possibility there, so that we could address that issue  
3 relatively quickly.

4 --o0o--

5 DEPUTY DIRECTOR LEVENSON: Requiring a buffer  
6 zone, that's another factor that is in the long-term gas  
7 violation regulations. And in those draft regulations  
8 there are additional controls that would be associated  
9 with buffer zones. That's clearly an area where we have  
10 to work with the Water Board, because just adding a buffer  
11 zone does not necessarily solve subsurface gas issues that  
12 are going into -- below the surface.

13 --o0o--

14 DEPUTY DIRECTOR LEVENSON: Again, that's kind of  
15 looking at monitoring explosive gases in the vadose zone,  
16 the area between surface -- land surface and the  
17 underlying ground water. That's pretty much a Water Board  
18 issue, but might be addressed in part by the issue of  
19 making the monitoring and control requirements the same in  
20 the active phase as during post-closure.

21 Another of the primary recommendations from  
22 Geosyntec was the annual winterization plan. Staff has no  
23 problems with that recommendation. It's something that  
24 enforcement agencies can already require. So whether we  
25 want to move forward on that, it's something we'll bring

1 back to you. It would probably require a separate  
2 rulemaking. I don't see an easy slot for piggybacking  
3 that on a current regulatory effort.

4           And then the last major recommendation -- and,  
5 again, there were many others that we'll list in an item  
6 for you -- was the issue of waste pre-processing, which  
7 just came back in the last item. Really in our opinion  
8 there's not an awful lot of information out there, which  
9 Geosyntec also concluded, on the impacts and costs. It  
10 certainly would be possible to monitor pre-processing  
11 projects. And in a sense this is really linked to much  
12 broader policy discussions that the Board may want to have  
13 in some other venue regarding bans, as Mr. Papanian  
14 mentioned, you know, Draconian bans that some states have  
15 had or what's the impacts on markets and what broader  
16 issues or policies does the Board want to pursue related  
17 to organics, markets and diversion.

18                                           --o0o--

19           DEPUTY DIRECTOR LEVENSON: Just a couple more  
20 slides. I do want to indicate -- I mentioned that we're  
21 working with LEAs on enforcement tools. This was a  
22 subject that was brought up at the Board meeting last  
23 month. We are looking at the certified uniform public  
24 agency model which has -- which is basically hazardous  
25 materials releases and accidents. They have some civil

1 administrative penalties that may be -- would be something  
2 the Board might want to look into. We may need  
3 legislation on that. But we'll be reporting back to that.

4 We will be researching looking at the internet  
5 and where we can find information on cases that have  
6 involved landfill penalties in other states and at least  
7 try to find out initially what was the cause for those  
8 violations, what was the penalty, and to see if that's a  
9 different tool than is something that we already have in  
10 California.

11 --o0o--

12 DEPUTY DIRECTOR LEVENSON: Somewhat related, but  
13 I did want to mention because there was a discussion at  
14 the Board meeting last month on the exceedance of permit  
15 terms and conditions for the stipulated agreement at  
16 Anderson landfill that was reported on by Mr. Leary, and  
17 we had a discussion about when those apply.

18 We did pass emergency regulations -- I mean  
19 regulations -- that phrasing up there is not quite right.  
20 We did pass regulations regarding temporary emergencies in  
21 2002. And we will work -- we will be working with Legal  
22 to bring an item on this to the Committee. We want to  
23 make sure that LEAs are indeed not allowing permitted  
24 facilities to exceed their terms and conditions unless  
25 they're through a stipulated agreement. And we'll bring



1 whether they're going to be -- to predict when they're  
2 going to stop functioning properly. So that maybe another  
3 contract concept that the Board wants to consider either  
4 this year or next year depending on the availability of  
5 discretionary dollars.

6 We are continuing our work on financial  
7 assurances and post-closure maintenance. We'll have a  
8 workshop or an item with the Committee later this year.

9 And another issue -- and I'm not sure, you know,  
10 how we'll proceed on this -- probably this is something  
11 that needs much further Board discussion, is how do we  
12 coordinate with other state agencies that are responsible  
13 for landfill regulations, and in light of 1220 and the  
14 ensuing regulatory framework that we work in? But we need  
15 to make sure that we have consistent and systematic  
16 monitoring and enforcement.

17 --o0o--

18 DEPUTY DIRECTOR LEVENSON: So, in conclusion, you  
19 know, our primary recommendations -- again, this is just  
20 kind of the initial follow-up -- is that:

21 We deal with the monitoring requirements for  
22 active sites versus post-closure. And we'll explore  
23 whether we can bring those in within the long-term gas  
24 regulations.

25 We will explore, you know, additional enforcement

1 tools.

2 We'll put in a contract concept for kind of  
3 long-term issues related to gas monitoring. Whether we  
4 have funds for that or not is another issue.

5 We'll keep working on the post-closure  
6 maintenance issues.

7 And we will continue working on the landfill  
8 operator and inspector training approaches, and then the  
9 RD&D rule as you just directed.

10 Again, there are other recommendations in the  
11 Geosyntec tech report. Most of those are Water Board  
12 related. But a few of them are Waste Board related, and  
13 we'll come back to you with more specifics on those.  
14 Probably in September if that's okay with the Committee.

15 With that I'll conclude my presentation. I just  
16 wanted to give you that kind of overview and context for  
17 how you consider the Geosyntec report.

18 CHAIRPERSON MARIN: Okay. I believe Mr. Paparian  
19 may have comments on this.

20 COMMITTEE MEMBER PAPARIAN: No.

21 CHAIRPERSON MARIN: No?

22 COMMITTEE MEMBER PAPARIAN: If you want me, I'm  
23 happy to go on and on.

24 (Laughter.)

25 COMMITTEE MEMBER PAPARIAN: And I think -- I mean

1 Howard's done a good job. I think we've had some  
2 discussions about how to look at some of the information  
3 from other states. And I think that Howard knows that  
4 I'll be taking a peak at the Internet to see what I can  
5 find. So it's a little challenge to make sure that --

6 DEPUTY DIRECTOR LEVENSON: Happy surfing for all  
7 of us.

8 CHAIRPERSON MARIN: Who can get to the Internet  
9 first.

10 Okay. We do have somebody that wants to comment  
11 on this.

12 Gary Liss.

13 Welcome again.

14 MR. LISS: Madam Chair, members of the Committee.  
15 Thank you again for the opportunity to speak here.

16 I did give you comments at the full Board meeting  
17 last month regarding this item. I'd Just like to  
18 highlight some items based on Mr. Levenson's presentation.

19 One of the key Geosyntec recommendations was that  
20 there be multiple prescriptions for baseliners based on  
21 site conditions. Mr. Levenson highlighted that that was  
22 probably one of the items that would be recommended for  
23 Water Board consideration.

24 I Just want to underscore how important that  
25 issue is. Many communities around the state are looking

1 for guidance and direction on whether double composite  
2 liners are appropriate or needed. And environmental  
3 community is pushing strongly for such double liners.

4           One of the items that Mr. Levenson talked about  
5 that I have a concern about is the pre-processing as noted  
6 in the last item by Mr. Papanian. This is an approach  
7 that is being pursued very actively around the world and  
8 particularly the -- in Europe. They call it mechanical  
9 biological treatment, MBT. There's a lot of data, a lot  
10 of analysis. I don't know why Geosyntec wasn't able to  
11 find that. And for Board not to have enough information  
12 to want to pursue that is a concern. Geosyntec  
13 specifically said it should be pursued. And it sounds  
14 like staff is not recommending pursuing that. And that's  
15 a concern to me.

16           As I highlighted at the full Board meeting,  
17 Halifax, Nova Scotia, I just heard a great presentation  
18 on, where they are pre-processing and have been for many  
19 years. And that was driven by the fact that more than  
20 half of the community had water wells. And in order to  
21 expand their landfill the community wanted to be assured  
22 that there would not be any contamination into those water  
23 wells.

24           Their approach was to pre-process, shred it all,  
25 leach material out, get the toxics out before putting

1 anything into the ground, and test it before you put it  
2 into the ground to make sure that it's inert. And I think  
3 pre-processing is clearly one of the top priorities that  
4 should be pursued by this Board, as Geosyntec recommended.  
5 And I urge you to give that some further discussion in  
6 this meeting this morning.

7           The other thing I wanted to underscore, that I  
8 mentioned at the Board meeting, is there were some  
9 assumptions made in the Geosyntec report as to what are  
10 the criteria for evaluating these technologies of  
11 landfills and the emerging technologies regarding  
12 landfills. And there was essentially two items of real  
13 concern:

14           One, the cost criteria. In my mind it seems  
15 innocuous to put down cost as an issue there. But what  
16 happens, which has happened a lot in the federal  
17 regulations, is that by establishing trying to keep it  
18 cost competitive with current systems, you're artificially  
19 keeping the costs down for the systems. And people --  
20 engineers make assumptions, therefore, based on that  
21 analysis and don't recommend safety factors that should  
22 otherwise -- or would otherwise be included.

23           Similarly, the focus in the Geosyntec report on  
24 immediate tangible benefits as a key criteria, again gives  
25 us a short-term view of landfilling when in fact one of

1 the most onerous and concerning issues about landfills is  
2 the long-term view and what happens not only during the  
3 post-closure period but after post-closure and what are  
4 going to be the financial implications? Who's going to  
5 pick up the tab? Are we going to have this generation of  
6 landfills be like the last generation of landfills, which  
7 all showed up -- many showed up on the superfund site as a  
8 liability for the public to pay their taxes?

9           Those are the key points.

10           I wanted to highlight the one last fact, to quote  
11 from the Geosyntec report, was on page 27 in the second  
12 attachment, where they said that one-third of California  
13 landfill sites have had water-related compliance issues.

14           Given the lack of other recommendations to  
15 address this, does that mean it's okay for one-third of  
16 California landfills to leak? What is success in the  
17 regulatory environment? It's a charge. I urge you to  
18 give serious consideration to -- not only in this  
19 deliberation, but in the discussion of enforcement tools  
20 to CEQA compliance and other issues.

21           The last tool that I would recommend that you  
22 consider that I had proposed at the RD&D hearings last  
23 week was independent community monitors. There's a  
24 precedent for conditions to be placed on either litigation  
25 settlement agreements as in Altamont pass or conditions of

1 permits as in L.A. where the owner-operators are required  
2 to fund third-party independent engineering consultants to  
3 represent the community and the environmental groups and  
4 the people that are impacted by the facilities. I urge  
5 that in your moving forward with recommendations you  
6 seriously consider recommending -- that the Waste Board  
7 consider as one of its contributions to the field that you  
8 push for independent community monitors being a condition  
9 of any solid waste facilities permit given in the future  
10 so that we have greater assurance that there's  
11 independence and objectively provided in the review of the  
12 facilities.

13 Thank you.

14 CHAIRPERSON MARIN: I have a question, Mr. Liss.

15 I understand that there is not enough information  
16 on the impacts and the cost of pre-processing. To your  
17 knowledge, do you have some of that information? Or is it  
18 nonexistent and that's why we cannot find it? Or do you  
19 have some information that we lack that will help us make  
20 that information more readily available to all of us?

21 MR. LISS: I have some information and contacts  
22 for other information, and be happy to provide that to you  
23 and staff to follow up.

24 CHAIRPERSON MARIN: Okay. Thank you. I would  
25 really appreciate that.

1           Okay. What's the pleasure of the Committee?

2           COMMITTEE MEMBER MULÉ: It's just an information  
3 item.

4           COMMITTEE MEMBER PAPARIAN: I mean I think --  
5 again, I think staff is doing a good job taking some of  
6 the comments from last month and taking some of the  
7 material that's been made available and starting to  
8 systematically go through it and come up with some ways to  
9 move forward. And so I think staff's doing a good job  
10 with this.

11          DEPUTY DIRECTOR LEVENSON: Okay. Thank you, Mr.  
12 Paparian. And we will plan on, if you so wish, to have a  
13 more formal item in September, which still will be I think  
14 short. It will list all the recommendations and whose  
15 jurisdiction it's within. And we'll also make sure that  
16 we address some of the comments that Mr. Liss has raised  
17 today.

18          CHAIRPERSON MARIN: Yeah, I am more concerned on  
19 the items that clearly are under the purview of the Water  
20 Board. As much as we would like to do something about  
21 that, if that is not within our purview, it needs to be  
22 addressed by the agency that has full jurisdiction over  
23 it. So that would be very, very good, Howard, if you can  
24 do that.

25          Any more comments? Okay.

1 All right. We'll move on to the next item then.

2 Howard.

3 DEPUTY DIRECTOR LEVENSON: Okay. The next item  
4 is Item --

5 CHAIRPERSON MARIN: -- E.

6 DEPUTY DIRECTOR LEVENSON: I can't read.

7 -- Item E, consideration of a revised Full Solid  
8 Waste Facilities Permit for the Grand Central Recycling  
9 and Transfer Station in Los Angeles County.

10 Suzanne Hambleton, who's the supervisor for that  
11 area, will be presenting the item.

12 CHAIRPERSON MARIN: Thank you.

13 MS. HAMBLETON: Good morning.

14 My name is Suzanne Hambleton. I'm presenting  
15 this item for Bill Marciniak out of our L.A. office, who  
16 wrote this agenda item, but could not be here today.

17 The Grand Central Recycling and Transfer Station  
18 is located in the City of Industry. The proposed permit  
19 will allow for a change in the name of the owner, from  
20 Industry Urban Development Agency to Grand Central  
21 Recycling and Transfers, Inc. It will allow for an  
22 increase in the maximum receipt of tonnage from 1500 tons  
23 per day to 5,000 tons per day. It will change the  
24 permitted acreage from 10 acres to 10.26 acres. It will  
25 increase the number of load checks to five per day. And

1 it will add four additional permit conditions.

2 The LEA and Board staff have determined that all  
3 the necessary findings have been made.

4 A final supplemental environmental impact report  
5 was prepared and certified for the project and a statement  
6 of overriding considerations was approved and adopted due  
7 to significant adverse unavoidable impacts to air quality.

8 At this time I just wanted to check in to see if  
9 you wanted to hear from stakeholders before I make my  
10 recommendation.

11 CHAIRPERSON MARIN: Is there anybody that wishes  
12 to speak for or against this project? I haven't seen any  
13 people.

14 So go ahead, make your recommendation.

15 MS. HAMBLETON: Staff recommends that the Board  
16 adopt Resolution 2004-188 and concur in the issuance of  
17 Solid Waste Facility Permit No. 19-A-A-1042.

18 CHAIRPERSON MARIN: Okay.

19 MS. HAMBLETON: I don't believe that we have the  
20 LEA from the County of Los Angeles in the audience today.

21 CHAIRPERSON MARIN: Okay. Mr. Papanian.

22 COMMITTEE MEMBER PAPANIAN: Yeah, Thank you,  
23 Madam Chair.

24 I actually -- I didn't visit the inside of the  
25 facility, but I drove by it about a week and a half ago.

1 And it's a decent location for this sort of facility. I  
2 drove by the nearest dwellings, and they were pretty far  
3 away. And they may be impacted by a lot of other things  
4 in the community. But an obvious impact from this  
5 facility just wasn't there.

6 I gather, Howard, that this is the permit that  
7 doesn't mention the traffic. I think that's -- I think  
8 we've seen this before with the County of Los Angeles,  
9 where they have a habit of not including the amount of  
10 trucks coming in and out of a facility.

11 And that's -- I don't fault this permit or  
12 permittee on that issue. That seems to be a policy of the  
13 county LEA. But I think it is something that we ought to  
14 look at in the future. I think that as traffic becomes  
15 more and more of a concern and the related air quality  
16 issues become more and more of a concern, it probably  
17 ought to be something we see in all the permits that come  
18 forward. So, again, you know, this permittee shouldn't  
19 be, you know, held to a different standard than others in  
20 the County of Los Angeles. I think it may be on our  
21 shoulders to give some direction to the LEAs throughout  
22 the state on traffic.

23 And I don't know how the other Committee members  
24 feel, but I would certainly like to see some consistency  
25 throughout the state on traffic issues.

1           But, again, this facility, this permit, you know,  
2 I don't have any problems with it as it stands.

3           CHAIRPERSON MARIN: So are you moving this item?  
4 Or it will go -- I want to know -- I have two things  
5 first.

6           Do you have a comment regarding this particular  
7 item?

8           COMMITTEE MEMBER MULÉ: No, I just wanted to  
9 agree with what Board Member Paparian had said regarding  
10 traffic. I did bring that up when we were briefed by  
11 staff on this issue. And, frankly, I was a little  
12 surprised that it wasn't included in the local LEA permit  
13 requirements.

14           So I do agree with Board Member Paparian that  
15 somehow we need to take that into consideration.

16           DEPUTY DIRECTOR LEVENSON: And that would be one  
17 of the kind of minimum information requirements that we  
18 can look at now. I just want to warn you that that  
19 regulatory effort is massive. And we'll be coming back to  
20 you with a plan for how to undertake that given how to  
21 split it up and how to deal with it.

22           CHAIRPERSON MARIN: We have not made that a  
23 requirement for a permit, that information. So we would  
24 be breaking new ground with this. And before we do that  
25 and get all excited about that, we need to know the

1 impacts of that, what this would take. And costs, not  
2 just to the Board itself, if there are any, but to other  
3 people if they need to have new studies or additional  
4 studies, who will bear the cost of all of that, you know.

5 I think that sometimes we need to be conscious of  
6 that, that while it would be really wonderful to have  
7 further information, we need to find out who is all going  
8 to bear the cost of providing that information.

9 DEPUTY DIRECTOR LEVENSON: I'm finding out in  
10 this particular items and L.A. County items in general,  
11 they always have a CEQA analysis that does have the --

12 CHAIRPERSON MARIN: So that should have been  
13 included? But that should already be included in that?

14 DEPUTY DIRECTOR LEVENSON: That is part of the  
15 item. They just choose not to include that number.

16 CHAIRPERSON MARIN: Not to disclose it. Okay.

17 DEPUTY DIRECTOR LEVENSON: It's disclosed and we  
18 actually have a number in the item, 894 vehicles. But  
19 they do not put it actually in the solid waste permit  
20 application. And that's their policy, that they feel that  
21 the daily tonnage limit will be the control that keeps the  
22 number of vehicles down --

23 CHAIRPERSON MARIN: Okay.

24 DEPUTY DIRECTOR LEVENSON: -- below that number.

25 So --

1 CHAIRPERSON MARIN: Do other LEAs include that  
2 information?

3 DEPUTY DIRECTOR LEVENSON: Most do. There are a  
4 few that do not. And just about every time we see that,  
5 it does get raised at the Committee or Board meeting. And  
6 so that is one of the 15 or 20 different conceptual ideas  
7 that we're looking at in this regulatory package --

8 CHAIRPERSON MARIN: Excellent.

9 DEPUTY DIRECTOR LEVENSON: -- public hearings and  
10 so on.

11 CHAIRPERSON MARIN: Good, good. I like that  
12 then.

13 DEPUTY DIRECTOR LEVENSON: We'll be having  
14 informal scoping meetings on those in the summer.

15 CHAIRPERSON MARIN: If it's available and --  
16 yeah, I like that.

17 Okay. Thank you.

18 Okay. Next item. Do we have a -- Okay. On this  
19 one we do have to move.

20 Mr. Papanian, is that your --

21 COMMITTEE MEMBER PAPANIAN: Sure. I'll go ahead  
22 and move resolution 2004-188, consideration of a revised  
23 Full Solid Waste Facilities Permit for the Grand Central  
24 Recycling and Transfer Station, Los Angeles County.

25 COMMITTEE MEMBER MULÉ: Second.

1 CHAIRPERSON MARIN: Okay. Moved and seconded.

2 Without objection that will be the pleasure of  
3 this Committee. And because there's three of us voting  
4 for it, it could go on a consent item.

5 DEPUTY DIRECTOR LEVENSON: I was going to ask if  
6 you wish to move this forward on consent.

7 CHAIRPERSON MARIN: Without objection -- yes.

8 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I  
9 might. The Board in the past has been reluctant to put  
10 permit items on consent because -- given its fundamental  
11 nature of Board activity. And I know that's -- it's my  
12 understanding at least at this moment the pleasure of the  
13 Chair to go ahead and take permits up at the Board in an  
14 abbreviated presentation because it represents -- you  
15 know, it now has the support of a full Committee. So  
16 we'll do a very abbreviated presentation and maybe -- and  
17 continue the Board tradition of not putting permits on a  
18 consent.

19 CHAIRPERSON MARIN: That's good with me then.

20 Perfect. We'll follow tradition.

21 Okay. The next item then.

22 DEPUTY DIRECTOR LEVENSON: That's fine.

23 And item 18 -- or it's Item --

24 CHAIRPERSON MARIN: -- F.

25 -- Item F. Thank you.

1           It's consideration of revised Full Solid Waste  
2 Facilities Permit for the Inland Empire Utilities Agency  
3 Composting Facility in San Bernardino County.

4           Diana Ohiosumua will be presenting this item.

5           MS. OHIOSUMUA: The Inland Empire Utility Agency  
6 Composting Facility is located in Chino. It is owned by  
7 Inland Empire Utility Agency.

8           The proposed permit will allow an increase in the  
9 traffic volume from 310 to 390 vehicle trips per day and  
10 to increase the maximum daily tonnage from 1,300 to 1,700  
11 tons per day. The acceptance of chicken processing,  
12 bedding, and litter and recycled newsprint, dewatered  
13 paper fibers.

14           The LEA and Board staff have determined that all  
15 the requirements have been met. And at this time staff  
16 would recommend an adoption of Permit Decision No.  
17 2004-190, concurrence in the issuance of the proposed  
18 Permit No. 36-A-A-0316.

19           Representatives from the San Bernardino County  
20 LEA and the operator are here to answer your questions.

21           That concludes staff's presentation.

22           CHAIRPERSON MARIN: Okay. Thank you.

23           Does the Committee have any questions? Mr.  
24 Paparian.

25           COMMITTEE MEMBER PAPARIAN: Yeah. Thank you,

1 Madam Chair. Just briefly.

2           And I have visited this facility also. They do  
3 very good work at that facility. In the agenda item,  
4 however, one thing caught my eye and, that is, that there  
5 were some issues -- there were some -- not issues. There  
6 were some statements regarding CEQA and categorical  
7 exemption within CEQA. This is on page 18-6. And what  
8 caught my eye was the statement that it is the independent  
9 judgment and recommendation of the P&I -- I assume that  
10 means P&E -- P&E staff that a categorical exemption is not  
11 required. And I don't disagree with that. But I would  
12 just ask that in the future -- I think that's a legal  
13 interpretation about the application of CEQA and  
14 recommendations related to whether CEQA applies or whether  
15 a categorical exemption applies and so forth. I'd rather  
16 see a recommendation from the Legal staff on that than the  
17 program staff. I think legal interpretations of CEQA can  
18 be very sensitive around here as we saw a couple months  
19 ago with a permit.

20           So, again, I don't want to fault this item at  
21 all. But I think in the future I would like to see the  
22 Legal staff be the ones to give the legal opinion about  
23 the application of CEQA.

24           CHAIRPERSON MARIN: Okay. That's a point well  
25 taken.

1 STAFF COUNSEL BLEDSOE: Thank you.

2 CHAIRPERSON MARIN: Staff.

3 STAFF COUNSEL BLEDSOE: Yes

4 CHAIRPERSON MARIN: All right.

5 DEPUTY DIRECTOR LEVENSON: Just, for the record,  
6 I will add that that -- when we say P&I Branch staff, they  
7 did do that in consultation with Legal. But we will make  
8 that more explicit in the future.

9 CHAIRPERSON MARIN: Yeah. Okay. That's good.  
10 Ms. Mulé.

11 COMMITTEE MEMBER MULÉ: I just wanted to make a  
12 motion.

13 CHAIRPERSON MARIN: Oh, make your motion.

14 COMMITTEE MEMBER MULÉ: Okay. I'd like to move  
15 to adopt Resolution 2004-190, consideration of a revised  
16 Solid Waste Facilities Permit for the Inland Empire  
17 Utilities Agency Composting Facility, San Bernardino  
18 County.

19 COMMITTEE MEMBER PAPARIAN: Second.

20 CHAIRPERSON MARIN: Moved and seconded.

21 And without objection, that will be the order.  
22 We get a -- oh, well, it won't go into consent. It will  
23 just -- it will be a unanimous vote.

24 Okay. Item No. G.

25 Howard.

1           DEPUTY DIRECTOR LEVENSON: Yeah, Item G is  
2 consideration of the scoring criteria and evaluation  
3 process for the Farm and Ranch Solid Waste cleanup and  
4 Abatement Grant Program for two years, Fiscal Year '04-'05  
5 and '05-'06.

6           And Carla Repucci from the Farm and Ranch Program  
7 will make that presentation.

8           CHAIRPERSON MARIN: Excellent.

9           MS. REPUCCI: Good morning, Madam Chair and  
10 Committee members. My name is Carla Repucci. And I will  
11 present Item G for the consideration of the scoring  
12 criteria and evaluation process for the Farm and Ranch  
13 Solid Waste Cleanup and Abatement Grant Program for Fiscal  
14 Year 2004-2005 and 2005-2006.

15           Approximately one million dollars are available  
16 each year for the Farm and Ranch Grant Program. The money  
17 comes from the Used Oil Fund, the Tire Fund, and the  
18 Integrated Waste Management account.

19           The purpose of the program is to clean up illegal  
20 disposal sites on farm and ranch property. In order to be  
21 eligible for clean up through this program, the property  
22 owner must certify that he or she did not authorize the  
23 deposition of the waste. A property owner eligible for  
24 clean up through this program is not required to pay back  
25 the funds.

1           Cities, counties, resource conservation  
2 districts, and native American tribes are eligible to  
3 apply for these funds on behalf of a property owner.  
4 Twelve farm and ranch grants were approved for fiscal year  
5 2003-2004, for a total of \$915,222. This was  
6 significantly higher than the previous fiscal year when  
7 eight grants for \$164,305 were awarded.

8           The purpose of this item before you today is to  
9 consider minor revisions to the scoring criteria for the  
10 Farm and Ranch Grant Program.

11           The current scoring criteria were approved by the  
12 Board in December of 2002 and were utilized for two fiscal  
13 years. The proposed changes would make minor wording and  
14 point changes to the general criteria; to give more  
15 emphasis to the need, workplan, and budget sections of the  
16 application; and give higher priority to sites that  
17 represent a greater threat to the environment and/or  
18 public health and safety; and restructure the program  
19 criteria points and add a new program criteria to give  
20 priority to those applicants that did not receive a Farm  
21 and Ranch Grant in the previous fiscal year.

22           This change will provide new applicants an  
23 advantage and help distribute funding to new areas.

24           Staff recommends the Board adopt Resolution  
25 2004-191, authorizing staff to use the revised scoring

1 criteria and evaluation process for the Farm and Ranch  
2 Solid Waste Cleanup and Abatement Grant Program.

3 I would be happy to answer any questions you  
4 might have.

5 CHAIRPERSON MARIN: Thank you, Carla.

6 What's the pleasure of the Committee? They want  
7 to move it.

8 Who's going to make the motion?

9 Ms. Mulé.

10 COMMITTEE MEMBER MULÉ: I would like to move  
11 adoption of Resolution 2004-191, consideration of the  
12 scoring criteria and evaluation process for the Farm and  
13 Ranch Solid Waste Cleanup and Abatement Grant Program for  
14 FY 2004-2005 and 2005-2006.

15 COMMITTEE MEMBER PAPARIAN: Second.

16 CHAIRPERSON MARIN: Mr. Paparian seconds it.

17 And that will be the pleasure of the Committee  
18 and on a unanimous vote.

19 Thank you.

20 Okay. The last item -- is that the last item?

21 EXECUTIVE DIRECTOR LEARY: Madam Chair --

22 COMMITTEE MEMBER PAPARIAN: We have one more.

23 EXECUTIVE DIRECTOR LEARY: -- if I might, do you  
24 mind if I put that issue on consent for this one?

25 CHAIRPERSON MARIN: Go ahead, do that.

1 (Laughter.)

2 EXECUTIVE DIRECTOR LEARY: Thank you.

3 CHAIRPERSON MARIN: This one does not need to --  
4 this is not a permit. That will be great.

5 And now the last one, Item H.

6 DEPUTY DIRECTOR LEVENSON: Okay. Our last item  
7 is consideration of new projects for the Solid Waste  
8 Disposal and Codisposal Site Cleanup Program.

9 Wes Mindermann will be making the presentation.  
10 He just a few -- just a couple slides to give you some  
11 context.

12 CHAIRPERSON MARIN: Excellent.

13 Wes.

14 MR. MINDERMANN: Good morning, Madam Chairman and  
15 members of the Committee.

16 For your consideration today we have three  
17 projects under the Solid Waste Disposal and Codisposal  
18 Site Cleanup Program. All of them are grants.

19 We have two matching grants for landfill gas  
20 system projects of \$750,000 each and one illegal disposal  
21 site cleanup grant for another half million dollars.

22 --o0o--

23 MR. MINDERMANN: Just briefly, the matching  
24 grants. One is to the Los Angeles Environmental Affairs  
25 Department for the landfill gas system improvements on the

1 Sheldon-Arleta landfill. The other matching grant is to  
2 the City of Sacramento for installation of a landfill gas  
3 control system at the Elvas Avenue Disposal Site.

4 --o0o--

5 MR. MINDERMANN: Our Illegal Disposal Site  
6 Cleanup Grant is to the City of Los Angeles. It's an  
7 illegal dumping control project. There's 25 high priority  
8 chronic dumping locations on public property in the city  
9 and also another 40 locations on public alleyways that the  
10 city's looking to clean up and implement some mitigation  
11 strategies to reduce illegal dumping on.

12 --o0o--

13 DEPUTY DIRECTOR LEVENSON: To conclude, staff  
14 have reviewed all the projects and scored them according  
15 to the grant scoring criteria approved by the Board. All  
16 the projects are eligible for funding. We're recommending  
17 the Board approve the project and adopt Resolution  
18 2004-193.

19 That concludes my presentation.

20 CHAIRPERSON MARIN: Thank you, Wes.

21 We do have a couple people that wish to address  
22 the Committee.

23 First is Marty Strouse from the City of  
24 Sacramento.

25 Please come forward.

1 And then Wayne Tsuda from the City of L.A. LEA.

2 Marty.

3 MR. STROUSE: For the record, my name's Marty  
4 Strouse, City of Sacramento Solid Waste Division. And  
5 just wanted to be here today to say thank you and thank  
6 you to your staff for all the help that they've given us  
7 in applying for this. And as the applicant, we obviously  
8 are in favor.

9 And if you have any questions, I'm here to  
10 answer.

11 CHAIRPERSON MARIN: Thank you.

12 Mr. Papanian.

13 COMMITTEE MEMBER PAPANIAN: Just a quick one.

14 In our agenda item it says that the city is a  
15 previous owner and operator. Was it a city dump?

16 MR. STROUSE: It was a municipal city landfill up  
17 until I believe about the mid-fifties. And at that point  
18 the city did give the land over to Saint Francis. It  
19 originally started off -- it's referred to as the old  
20 Elvas rock quarry. It was mined as a rock quarry, then  
21 filled in with green waste.

22 COMMITTEE MEMBER PAPANIAN: Okay. So then now  
23 there's a high school --

24 MR. STROUSE: There's Saint Francis now On the  
25 site.

1 COMMITTEE MEMBER PAPARIAN: And then Phoebe  
2 Hearst -- is Phoebe Hearst on top of it also or --

3 MR. STROUSE: The actual landfill itself at that  
4 point in time occupied an area that Saint Francis High  
5 School is on, and then another area where they mine the  
6 gravel under Phoebe Hearst, and then also the National  
7 Guard on Elvas.

8 COMMITTEE MEMBER PAPARIAN: Okay. Are you  
9 getting --

10 MR. STROUSE: The site that has the gas -- where  
11 the gas was detected and is above the five percent  
12 minimums is Saint Francis High School. The other sites  
13 there is no detection of gas.

14 COMMITTEE MEMBER PAPARIAN: Are they getting any  
15 gas readings inside any of the utilized spaces?

16 MR. STROUSE: They -- actually where it was found  
17 was when Saint Francis High School started its expansion  
18 process and started remodeling. And they did find the gas  
19 at that point. They are reading the monitoring and they  
20 are taking gas readings at this point, yes.

21 COMMITTEE MEMBER PAPARIAN: They found it inside  
22 buildings?

23 MR. STROUSE: Yes, inside the buildings.

24 COMMITTEE MEMBER PAPARIAN: Okay. Thank you.

25 CHAIRPERSON MARIN: Thank you.

1           Okay. Mr. Tsuda.

2           MR. TSUDA: Hello, Madam Chair and Committee  
3 members. Wayne Tsuda. I'm the Director of the City of  
4 L.A. LEA program. And I'm here to answer any questions  
5 concerning both of the grants.

6           I would like to acknowledge our thanks to Scott  
7 Walker and Wes Mindermann for their help in putting the  
8 application together. And I just want to highlight a  
9 couple of points on each of the grant applications.

10           The Sheldon-Arleta landfill was closed in 1974  
11 and has been laying idle ever since. This project  
12 recently has been undertaken by both our Brownfield  
13 program, our City Recreation and Parks, and our LEA  
14 program. So we -- it represents a holistic effort on the  
15 part of the city to revitalize that area of the community  
16 and to create six new soccer fields, two baseball  
17 diamonds, and a children's play area.

18           The site had been a problem in the past. One of  
19 the reasons for the problem is that by coincidence there's  
20 a Saint Francis Polytech High adjacent to the landfill.  
21 That is a Los Angeles Unified School District high school.  
22 And on the site, you know, the city trying to do things  
23 environmentally responsible, had a contract with a  
24 gas-to-energy company which limited the amount of water  
25 recharge that could be safely placed in the adjacent water

1 spreading grounds around the landfill because of the gas  
2 problems that might emanate both in the neighborhood,  
3 affecting residents, and the school site.

4           So shortly after we took over the LEA program,  
5 the Environmental Affairs Department, back in 1993, we  
6 recognized this problem. And there was an interagency  
7 kind of a technical committee formed to reduce the amount  
8 of water spreading so that the gas would not be a problem  
9 at the high school. And we have controlled it that way  
10 ever since.

11           But the quality of the gas has been going down,  
12 and the energy company has lost interest. The city  
13 purchased back the rights to the gas. And now we have to  
14 improve the gas system so we get the double benefit of  
15 being able to recharge the groundwater and protect the  
16 school and the residents against gas -- against excessive  
17 gas, and of course build the park.

18           So this is just a great project. We -- all of us  
19 in the city are eager to get started on it. Your staff,  
20 both Scott Walker and Wes, have been terrific on this  
21 project.

22           So, again, we are very anxious to get started.

23           I don't know if this is included in your package,  
24 but I do have letters -- a letter from the upper Los  
25 Angeles River area water master in support of the project,

1 kind of reinforcing the technical aspects of the project.

2 And I'd like to give that to you.

3           As far as the \$500,000 Illegal Dumping Grant is  
4 concerned, I just want you to know that our department did  
5 a full-out inquiry in every single council office. We  
6 have 15 council members in the City of L.A., and we  
7 solicited projects from all of them. And with very few  
8 exceptions we got projects in every council office. There  
9 are a few that actually didn't have any problems, which  
10 we're very happy for. But what you see before you are 25  
11 projects representing most of the city areas within L.A.  
12 About two-thirds of them are in south L.A. And so the  
13 illegal dumping is occurring there more often than any  
14 other place. And that's where the majority of the  
15 project's going.

16           There is a pretty significant enforcement element  
17 of this. We have city street use inspectors that are  
18 going to be paid by the grant to enforce illegal dumping  
19 that's occurring.

20           So we expect that through their efforts and the  
21 city attorney's efforts that illegal dumping will be  
22 curtailed.

23           CHAIRPERSON MARIN: Excellent.

24           MR. TSUDA: So it's not only a grant to clean up  
25 illegally dumped material, but to prevent it in the

1 future.

2 So any other questions, I'd be happy --

3 CHAIRPERSON MARIN: I think somebody wants to  
4 make a motion.

5 Ms. Mulé.

6 COMMITTEE MEMBER MULÉ: Thank you, Madam Chair.

7 I move for the adoption of Resolution 2004-193,  
8 consideration of new projects for the Solid Waste Disposal  
9 and Codisposal Site Cleanup PROGRAM.

10 COMMITTEE MEMBER PAPARIAN: Second.

11 CHAIRPERSON MARIN: Been moved and second, and  
12 with my vote that makes it unanimous.

13 And we're through. So we can go to lunch.

14 Are there any further questions, comments?

15 Mr. Leary, anything further?

16 EXECUTIVE DIRECTOR LEARY: If you'd like, Madam  
17 Chair, I could do a quick wrap up of the agenda and let  
18 you know what I would propose in consent. And then you  
19 could take -- or would you rather take that comment first?

20 CHAIRPERSON MARIN: Okay. He's going to move  
21 something that you want, huh? Okay, good.

22 EXECUTIVE DIRECTOR LEARY: We will -- of course  
23 Agenda Item B was pulled and will not be considered by the  
24 Board, the Gregory Canyon item.

25 Agenda Item C will go to the full Board because

1 of the modifications that will occur in those regulations  
2 between now and the Board meeting.

3           Agenda Item D was a committee-only discussion.  
4 It will not be discussed at the Board.

5           Agenda Item E enjoys -- a permit, and enjoys the  
6 support of this Committee. It will go to the Board in an  
7 abbreviated presentation. The same is true for Agenda  
8 Item F.

9           Agenda Item G will be proposed for consent.

10           And agenda item H, because it's fiscal, will be  
11 brought before the Board in a very abbreviated  
12 presentation. And it does enjoy the support of this  
13 Committee.

14           CHAIRPERSON MARIN: Those are all my comments.  
15 Okay.

16           Anybody else?

17           No.

18           Well, thank you very, very much. And we'll see  
19 you next month.

20           (Thereupon the California Integrated Waste  
21 Management Board, Permitting and Enforcement  
22 Committee meeting adjourned at 11:35 a.m.)

23

24

25

1 CERTIFICATE OF REPORTER

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

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

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

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 15th day of July, 2004.

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JAMES F. PETERS, CSR, RPR  
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